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Congressional Record

PROCEEDINGS AND DEBATES OF THE 81st CONGRESS, SECOND SESSION

SENATE

THURSDAY, SEPTEMBER 7, 1950

(Legislative day of Thursday, July 20, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, here at this noontide altar of devotion which our fathers builded and on which they cut deep with their founding faith the devout confession "In God we trust," we humbly bow with the deathless assurance that turns even tragedy into triumph: "The eternal God is our refuge, and underneath are the everlasting arms."

Facing the duties of demanding times in these mad and sad days, grant us sanity of mind and spirit and a glad hope which sees a shining ray far down the future's broadening way.

"Lord, in this hour of tumult,
Lord, in this night of fears,
Keep open, O keep open,
Our eyes, our hearts, our ears.
Not blindly, nor in hatred,
Lord, let us do our part;
Keep open, O keep open, dear Lord,
Our eyes, our minds, our hearts."

Amen.

THE JOURNAL

On request of Mr. GEORGE, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 6, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

LEAVE OF ABSENCE

Mr. GEORGE. Mr. President, the Senator from South Carolina [Mr. MAYBANK] has been appointed an adviser to the Secretary of the Treasury, in his capacity as United States Governor of the International Bank for Reconstruction and Development, attending the fifth annual meeting of the Board of Directors of the International Bank and the International Monetary Fund, meeting in Paris. I ask unanimous consent that the Senator from South Carolina be excused from attending sessions of the Senate for an indefinite period for the purpose of attending this meeting.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. LUCAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hendrickson	Malone
Benton	Hickenlooper	Martin
Brewster	Hill	Morse
Bricker	Hoey	Mundt
Bridges	Holland	Murray
Butler	Humphrey	O'Conor
Byrd	Hunt	O'Mahoney
Cain	Jenner	Robertson
Capehart	Johnson, Tex.	Russell
Chapman	Kefauver	Saltonstall
Connally	Kem	Schoeppel
Cordon	Kerr	Smith, Maine
Darby	Kilgore	Sparkman
Donnell	Knowland	Stennis
Douglas	Langer	Taft
Dworshak	Leahy	Taylor
Ecton	Lodge	Thomas, Okla.
Ellender	Long	Thomas, Utah
Ferguson	Lucas	Thye
Frear	McCarran	Tydings
Fulbright	McCarthy	Watkins
George	McClellan	Wherry
Gillette	McFarland	Wiley
Graham	McKellar	Williams
Green	McMahon	Withers
Gurney	Magnuson	Young

Mr. LUCAS. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from West Virginia [Mr. NEELY] are absent on public business.

The Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from New York [Mr. LEHMAN] is absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New York [Mr. IVES], the Senator from Colorado [Mr. MILLIKIN], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. GEORGE. Mr. President, I ask unanimous consent that Senators be permitted to submit petitions and memorials, introduce bills and joint resolutions, and present routine matters for the RECORD, without debate.

The VICE PRESIDENT. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GEORGE, from the Committee on Finance:

H. R. 5226. A bill to amend paragraph 207 of the Tariff Act of 1930; with amendments (Rept. No. 2511); and

H. R. 7891. A bill to amend section 3224 (b) of the Internal Revenue Code, relating to the transportation of narcotic drugs; without amendment (Rept. No. 2510).

By Mr. JOHNSON of Texas, from the Committee on Armed Services:

S. 4118. A bill to increase the appropriation authorization for the Air Engineering Development Center; without amendment (Rept. No. 2512).

By Mr. McCARRAN, from the Committee on the Judiciary, without amendment:

S. 3329. A bill for the relief of Kiyomi Kitamura (Rept. No. 2513);

S. 3430. A bill for the relief of Martina Arnaiz Zarandona (Sister Blanca Eugenia) (Rept. No. 2514);

S. 4072. A bill for the relief of Ella Stufka and her son (Rept. No. 2515);

S. 4074. A bill for the relief of Pamela Bentley (Rept. No. 2516);

S. 4111. A bill for the relief of Southern Fireproofing Co., of Cincinnati, Ohio (Rept. No. 2517);

H. R. 4365. A bill for the relief of Fe R. Dumaguing (Rept. No. 2518);

H. R. 5810. A bill relating to the furnishing of accommodations at Klamath Falls, Oreg., for the United States District Court for the District of Oregon (Rept. No. 2528);

H. R. 5941. A bill to incorporate the Military Chaplains Association of the United States of America (Rept. No. 2519);

H. R. 6528. A bill for the relief of the Western Chemical & Manufacturing Co. (Rept. No. 2520);

H. R. 6990. A bill for the relief of Christina Karamanos Demas and Antonia Karamanos Demas (Rept. No. 2521);

H. R. 7095. A bill for the relief of Rosette Selina Romano, a minor (Rept. No. 2522);

H. R. 7990. A bill to incorporate the American Society of International Law, and for other purposes (Rept. No. 2529); and

H. R. 9111. A bill to incorporate the United States Olympic Association (Rept. No. 2523).

By Mr. McCARRAN, from the Committee on the Judiciary, with an amendment:

S. 2099. A bill to reimburse the Stamey Construction Co. and/or the Oklahoma Paving Co., as their interests appear Rept. No. 2524);

S. 3484. A bill for the relief of Barbara Sugihara (Rept. No. 2525); and

H. R. 3012. A bill for the relief of the Wyoming National Bank of Wilkes-Barre (Rept. No. 2526).

By Mr. McCARRAN, from the Committee on the Judiciary, with amendments:

S. 3629. A bill for the relief of Joseph A. Myers, Hazel C. Myers, and Helen Myers (Rept. No. 2527).

INCLUSION OF COAST GUARD WITHIN PROVISIONS OF SELECTIVE SERVICE ACT—REPORT OF A COMMITTEE

Mr. SALTONSTALL. Mr. President, from the Committee on Armed Services, I report an original bill, to include the Coast Guard within the provisions of the Selective Service Act of 1948, and so forth, and I submit a report (No. 2530) thereon.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar.

The bill (S. 4136) to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard, reported by Mr. SALTONSTALL, was read twice by its title, and placed on the calendar.

ADDITIONAL REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL PERSONNEL IN EXECUTIVE BRANCH

Mr. BYRD. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit an additional report on civilian employment in the executive branch of the Federal Government for the month of July 1950, and in accordance with the practice of several years' standing, I request that it be printed in the body of the RECORD as a part of my remarks, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN THE EXECUTIVE BRANCH, JUNE–JULY 1950, AND PAY, MAY–JUNE 1950

NOTE WITH REFERENCE TO PERSONAL SERVICE EXPENDITURE FIGURES

It should be noted that the latest expenditure figures for personal service shown in table I of this report are for the month of June and that they are compared with personal service expenditure figures for the month of May, whereas the latest employment figures covered in this report are for the month of July and are compared with the month of June. This lag in personal service expenditure figures is necessary in order that actual expenditures may be reported.

(Figures in the following report are compiled from signed official personnel reports by the various agencies and departments of the Federal Government. Table I shows total personnel employed inside and outside continental United States, and pay, by agency. Table II shows personnel employed inside continental United States. Table III shows personnel employed outside continental United States. Table IV gives by agency the industrial workers employed by the Federal Government. For purposes of comparison, figures for the previous month are shown in adjoining columns.)

PERSONNEL AND PAY SUMMARY

(See table I)

According to monthly personnel reports for July 1950 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures:

Department or agency	Civilian personnel in executive branch			Payroll (in thousands of dollars) in executive branch		
	In July numbered—	In June numbered—	Increase (+) or decrease (−)	In June was—	In May was—	Increase (+) or decrease (−)
Total	1,985,139	1,968,400	+16,739	$562,767	$565,936	−$3,169
1. Agencies exclusive of National Military Establishment [1]	1,205,739	1,215,251	−9,512	347,910	352,801	−4,891
2. National Military Establishment	779,400	753,149	+26,251	214,857	213,135	+1,722
Within the National Military Establishment:						
Office of Secretary of Defense	1,759	1,750	+9	732	750	−18
Department of the Army	320,964	303,599	+17,365	86,760	80,837	+5,923
Department of the Air Force	156,737	154,453	+2,284	43,644	43,706	−62
Department of the Navy	299,940	293,347	+6,593	83,721	87,842	−4,121

[1] Includes temporary employees (enumerators, supervisors, and clerks) engaged in taking the Seventeenth Decennial Census as follows: June 12,450; July 8,403; a decrease of 4,047.

TABLE I.—*Consolidated table of Federal personnel inside and outside continental United States employed by the executive agencies during July 1950, and comparison with June 1950; and pay for June 1950 and comparison with May 1950*

Department or agency	Pay (in thousands of dollars)				Personnel			
	May	June	Increase	Decrease	June	July	Increase	Decrease
Executive departments (except National Military Establishment):								
Agriculture [2]	$22,845	$23,261	$416		[1] 87,326	85,464		1,862
Commerce [3] [4]	22,061	19,089		$2,972	60,772	56,169		4,603
Interior	18,123	18,761	638		65,698	65,551		147
Justice	10,149	9,450		699	26,552	26,717	165	
Labor	1,974	2,180	206		6,204	6,033		171
Post Office [2]	130,361	131,202	841		[1] 500,679	495,888		4,791
State	8,080	8,216	136		24,725	24,326		399
Treasury	30,510	29,790		720	88,324	87,586		738
Executive Office of the President:								
White House Office	135	143	8		313	327	14	
Bureau of the Budget	272	266		6	520	521	1	
Executive Mansion and Grounds	18	17		1	64	68	4	
National Security Council [5]	9	9			17	17		
National Security Resources Board	175	177	2		352	369	17	
Council of Economic Advisers	20	20			36	35		1
Commission on Renovation of the Executive Mansion	2	2			5	5		
Postwar agencies:								
Displaced Persons Commission	96	97	1		257	262	5	
Economic Cooperation Administration	1,596	1,688	92		4,805	4,663		142
Motor Carrier Claims Commission	12	11		1	19	20	1	
Office of the Housing Expediter	1,106	920		186	2,808	2,579		229
Philippine Alien Property Administration	12	45	33		79	57		22
Philippine War Damage Commission	197	326	129		493	506	13	
War Claims Commission	27	40	13		[1] 95	99	4	
Independent agencies:								
American Battle Monuments Commission	56	57	1		475	497	22	
Atomic Energy Commission	2,039	1,969		70	5,023	5,052	29	
Civil Aeronautics Board	282	265		17	629	620		9
Civil Service Commission	1,243	1,218		25	3,539	3,404		135
Export-Import Bank of Washington	68	65		3	130	129		1
Federal Communications Commission	541	538		3	1,286	1,276		10
Federal Deposit Insurance Corporation	420	402		18	1,068	1,067		1
Federal Mediation and Conciliation Service	198	188		10	336	327		9

[1] Revised on basis of later information.

[2] 4,209 employees from Post Office Department and 15 employees from Department of Agriculture transferred to General Services Administration on July 1, 1950, under Reorganization Plan No. 18.

[3] Exclusive of 630 seamen on the rolls of the Maritime Administration and their pay.

[4] Includes temporary employees (enumerators, supervisors, and clerks) engaged in taking the seventeenth decennial census as follows: June, 12,450; July. 8,403; a decrease of 4,047.

[5] Exclusive of personnel and pay of the Central Intelligence Agency.

TABLE I.—*Consolidated table of Federal personnel inside and outside continental United States employed by the executive agencies during July 1950, and comparison with June 1950; and pay for June 1950 and comparison with May 1950*—Continued

Department or agency	Pay (in thousands of dollars)				Personnel			
	May	June	Increase	Decrease	June	July	Increase	Decrease
Independent agencies—Continued								
Federal Power Commission	296	311	15		735	738	3	
Federal Security Agency [6]	10,180	10,358	178		33,761	32,970		791
Federal Trade Commission	308	304		4	642	646	4	
General Accounting Office	2,993	2,869		124	7,837	7,805		32
General Services Administration [2]	6,251	6,028		223	21,907	26,095	4,188	
Government Printing Office	2,581	2,524		57	7,028	7,115	87	
Housing and Home Finance Agency	4,931	4,801		130	13,600	13,673	73	
Indian Claims Commission	7	7			10	10		
Interstate Commerce Commission	906	860		46	2,112	2,087		25
National Advisory Committee for Aeronautics	2,575	2,486		89	7,513	7,446		67
National Capital Housing Authority	91	87		4	317	316		1
National Capital Park and Planning Commission	3	3			20	21	1	
National Capital Sesquicentennial Commission	17	24	7		125	233	108	
National Gallery of Art	89	87		2	322	331	9	
National Labor Relations Board	613	591		22	1,489	1,362		127
National Mediation Board	70	68		2	127	128	1	
Panama Canal	4,134	3,554		580	19,854	19,823		31
Railroad Retirement Board	730	705		25	2,276	2,297	21	
Reconstruction Finance Corporation	1,962	1,899		63	4,622	4,600		22
Securities and Exchange Commission	467	442		25	998	1,005	7	
Selective Service System	502	512	10		3,538	5,037	1,499	
Smithsonian Institution	187	192	5		577	554		23
Tariff Commission	107	110	3		219	218		1
Tax Court of the United States	61	65	4		124	121		3
Tennessee Valley Authority	4,126	4,229	103		13,923	14,006	83	
Veterans' Administration	55,987	54,382		1,605	188,946	187,468		1,478
Total, excluding National Military Establishment	352,801	347,910	2,841	7,732	1,215,251	1,205,739	6,359	15,871
Net decrease excluding National Military Establishment			4,891				9,512	
National Military Establishment:								
Office of the Secretary of Defense [7]	750	732		18	1,750	1,759	9	
Department of the Army:								
Inside continental United States	70,725	75,738	5,013		262,873	281,494	18,621	
Outside continental United States	10,112	11,022	910		40,726	39,470		1,256
Department of the Air Force:								
Inside continental United States	39,256	38,995		261	131,675	133,513	1,838	
Outside continental United States	4,450	4,649	199		22,778	23,224	446	
Department of the Navy:								
Inside continental United States	82,203	78,206		3,997	269,565	277,665	8,100	
Outside continental United States	5,639	5,515		124	23,782	22,275		1,507
Total, National Military Establishment	213,135	214,857	6,122	4,400	753,149	779,400	29,014	2,763
Net increase, National Military Establishment			1,722				26,251	
Grand total, including National Military Establishment	565,936	562,767	8,963	12,132	1,968,400	1,985,139	35,373	18,634
Net change, including National Military Establishment			3,169				16,739	

[2] 4,209 employees from Post Office Department and 15 employees from Department of Agriculture transferred to General Services Administration on July 1, 1950, under Reorganization Plan No. 18.

[6] Includes personnel and pay for Howard University and the Columbia Institute for the Deaf.

[7] Includes 18 employees assigned to North Atlantic Treaty Organization and 179 employees assigned to Munitions Board Cataloging Agency.

TABLE II.—*Federal personnel inside continental United States employed by executive agencies during July 1950 and comparison with June 1950*

Department or agency	June	July	Increase	Decrease
Executive departments (except National Military Establishment):				
Agriculture [2]	[1] 84,487	82,709		1,778
Commerce [3 4]	56,590	52,091		4,499
Interior	58,323	57,889		434
Justice	26,072	26,238	166	
Labor	6,098	5,928		170
Post Office [2]	[1] 498,771	494,028		4,743
State	8,705	8,737	32	
Treasury	87,552	86,812		740
Executive Office of the President:				
White House Office	313	327	14	
Bureau of the Budget	520	521	1	
Executive Mansion and Grounds	64	68	4	
National Security Council [5]	17	17		
National Security Resources Board	352	369	17	
Council of Economic Advisers	36	35		1
Commission on Renovation of the Executive Mansion	5	5		
Postwar agencies:				
Displaced Persons Commission	90	87		3
Economic Cooperation Administration	1,160	1,176	16	
Motor Carrier Claims Commission	19	20	1	
Office of the Housing Expediter	2,785	2,556		229
Philippine Alien Property Administration	2	2		
Philippine War Damage Commission	6	6		
War Claims Commission	[1] 95	99	4	
Independent agencies:				
American Battle Monuments Commission	17	17		
Atomic Energy Commission	5,019	5,048	29	
Civil Aeronautics Board	615	605		10
Civil Service Commission	3,534	3,400		134
Export-Import Bank of Washington	129	128		1
Federal Communications Commission	1,259	1,250		9
Federal Deposit Insurance Corporation	1,068	1,067		1
Federal Mediation and Conciliation Service	336	327		9
Federal Power Commission	735	738	3	
Federal Security Agency [6]	33,422	32,690		732
Federal Trade Commission	642	646	4	
General Accounting Office	7,837	7,805		32
General Services Administration [2]	21,888	26,031	4,143	
Government Printing Office	7,028	7,115	87	
Housing and Home Finance Agency	13,529	13,599	70	
Indian Claims Commission	10	10		
Interstate Commerce Commission	2,112	2,087		25
National Advisory Committee for Aeronautics	7,513	7,446		67
National Capital Housing Authority	317	316		1
National Capital Park and Planning Commission	20	21	1	
National Capital Sesquicentennial Commission	125	233	108	
National Gallery of Art	322	331	9	
National Labor Relations Board	1,474	1,348		126
National Mediation Board	127	128	1	
Panama Canal	624	627	3	
Railroad Retirement Board	2,276	2,297	21	
Reconstruction Finance Corporation	4,608	4,587		21
Securities and Exchange Commission	998	1,005	7	
Selective Service System	3,455	4,894	1,439	
Smithsonian Institution	571	548		23
Tariff Commission	219	218		1
Tax Court of the United States	124	121		3
Tennessee Valley Authority	13,923	14,006	83	
Veterans' Administration	187,394	185,970		1,424
Total, excluding National Military Establishment	1,155,332	1,146,379	6,263	15,216
Net decrease, excluding National Military Establishment			8,953	
National Military Establishment:				
Office of the Secretary of Defense	1,748	1,757	9	
Department of the Army	262,873	281,494	18,621	
Department of the Air Force	131,675	133,513	1,838	
Department of the Navy	269,565	277,665	8,100	
Total, National Military Establishment	665,861	694,429	28,568	
Net increase, National Military Establishment			28,568	
Grand total, including National Military Establishment	1,821,193	1,840,808	34,831	15,216
Net increase, including National Military Establishment			19,615	

[1] Revised on basis of later information.

[2] 4,209 employees from Post Office Department and 15 employees from Department of Agriculture transferred to General Services Administration on July 1, 1950, under Reorganization Plan No. 18.

[3] Includes temporary employees (enumerators, supervisors, and clerks) engaged in taking the seventeenth decennial census as follows: June, 12,211; July, 8,232; a decrease of 3,979.

[4] Exclusive of 630 seamen on the rolls of the Maritime Administration.

[5] Exclusive of personnel of the Central Intelligence Agency.

[6] Includes personnel for Howard University and the Columbia Institute for the Deaf.

TABLE III.—*Federal personnel outside continental United States employed by the executive agencies during July 1950 and comparison with June 1950*

Department or agency	June	July	Increase	Decrease
Executive departments (except National Military Establishment):				
Agriculture	2,839	2,755		84
Commerce [1]	4,182	4,078		104
Interior	7,375	7,662	287	
Justice	480	479		1
Labor	106	105		1
Post Office	1,908	1,860		48
State	16,020	15,589		431
Treasury	772	774	2	
Postwar agencies:				
Displaced Persons Commission	167	175	8	
Economic Cooperation Administration	3,645	3,487		158
Office of the Housing Expediter	23	23		
Philippine Alien Property Administration	77	55		22
Philippine War Damage Commission	487	500	13	
Independent agencies:				
American Battle Monuments Commission	458	480	22	
Atomic Energy Commission	4	4		
Civil Aeronautics Board	14	15	1	
Civil Service Commission	5	4		1
Export-Import Bank of Washington	1	1		
Federal Communications Commission	27	26		1
Federal Security Agency	339	280		59
General Services Administration	19	64	45	
Housing and Home Finance Agency	71	74	3	
National Labor Relations Board	15	14		1
Independent agencies—Continued				
Panama Canal	19,230	19,196		34
Reconstruction Finance Corporation	14	13		1
Selective Service System	83	143	60	
Smithsonian Institution	6	6		
Veterans' Administration	1,552	1,498		54
Total, excluding National Military Establishment	59,919	59,360	441	1,000
Net decrease, excluding National Military Establishment			559	
National Military Establishment:				
Office of the Secretary of Defense	2	2		
Department of the Army	40,726	39,470		1,256
Department of the Air Force	22,778	23,224	446	
Department of the Navy	23,782	22,275		1,507
Total, National Military Establishment	87,288	84,971	446	2,763
Net decrease, National Military Establishment			2,317	
Grand total, including National Military Establishment	147,207	144,331	887	3,763
Net decrease, including National Military Establishment			2,876	

[1] Includes temporary employees (enumerators, supervisors, and clerks) engaged in taking the seventeenth decennial census as follows: June, 239; July, 171; a decrease of 68.

TABLE IV.—*Industrial employees of the Federal Government inside and outside continental United States employed by executive agencies during July 1950 and comparison with June 1950*

Department or agency	June	July	Increase	Decrease
Executive departments (except National Military Establishment):				
Commerce	1,524	1,381		143
Interior	7,263	7,048		215
State	533	527		6
Treasury	8,181	8,170		11
Independent agencies:				
Atomic Energy Commission	140	142	2	
General Services Administration	81	68		13
Housing and Home Finance Agency	19	20	1	
Panama Canal	1,558	1,551		7
Smithsonian Institution	16	16		
Tennessee Valley Authority	7,478	7,555	77	
Total, excluding National Military Establishment	26,793	26,478	80	395
Net decrease, excluding National Military Establishment			315	
National Military Establishment:				
Department of the Army:				
Inside continental United States	133,276	146,275	12,999	
Outside continental United States	23,059	22,112		947
Department of the Air Force:				
Inside continental United States	74,534	75,440	906	
Outside continental United States	16,891	17,171	280	
Department of the Navy:				
Inside continental United States	175,991	182,684	6,693	
Outside continental United States	17,146	16,390		756
Total, National Military Establishment	440,897	460,072	20,878	1,703
Net increase, National Military Establishment			19,175	
Grand total, including National Military Establishment	467,690	486,550	20,958	2,098
Net increase, including National Military Establishment			18,860	

TABLE V.—*Federal employees assigned to mutual defense assistance program*

Department or agency	Civilian personnel			Payroll (in thousands)		
	In July numbered—	In June numbered—	Increase (+) or decrease (−)	In June was—	In May was—	Increase (+) or decrease (−)
Total	20,474	14,752	+5,722	$5,301	$4,266	+$1,035
State Department	192	137	+55	76	60	+16
Economic Cooperation Administration	5	7	−2	2	4	−2
Office of the Secretary of Defense	37	36	+1	20	15	+5
Department of the Army	16,566	11,037	+5,529	3,033	2,501	+532
Department of the Air Force	908	891	+17	1,412	979	+433
Department of the Navy	2,766	2,644	+122	758	707	+51

TABLE VI.—*Federal civilian employment—World War II peak compared with postwar low (in the executive branch)*

Departments or agencies	June 1945	February 1950	Increase (+) or decrease (−)
Total	3,737,896	1,951,968	−1,785,928
Post Office Department	378,849	513,192	+134,343
National Military Establishment	2,634,078	745,227	−1,888,851
Veterans' Administration	66,471	196,436	+129,965
Other departments and agencies	[1] 658,498	[2] 497,113	−161,385

[1] There were 59 other reporting departments and agencies in June 1945.

[2] There were 55 other reporting departments and agencies in February 1950.

STATEMENT BY SENATOR BYRD

In connection with the report I should like personally to observe that civilian employment in the Military Establishment increased 26,251 in the first month after the Korean outbreak; the total for July was 779,400 as compared with 753,149 in June.

Among the component agencies of the Military Establishment, civilian employment by the Department of the Army increased 17,365, by the Air Force increased 2,284, by the Navy increased 6,593, and by the Office of the Secretary of Defense increased 9.

The increase in civilian employment inside the United States by the Military Establishment totaled 28,568. This was offset by a decrease of 2,317 in the number of civilians employed outside the continental limits.

Of the net increase in the Military Establishment, 5,669 were detailed by the military agencies to civilian jobs in the mutual-defense assistance program.

These increases in civilian employment by the Military Establishment were recorded today from monthly personnel reports by the 60 reporting agencies and departments (including Army, Navy, and Air Force Departments and the Office of the Secretary of Defense) in the executive branch of the Federal Government and compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

Total civilian employment in the executive branch during July was reported at 1,985,139, an increase of 16,739 over the number of employees on the rolls in June. Employment by the civilian agencies decreased during the month by 9,512, to a July total of 1,205,739.

Principal decreases reported for the month were in the Veterans' Administration, the Federal Security Agency, and the Departments of Agriculture, Commerce, Post Office, and Treasury. Most of the decrease in the Commerce Department was accounted for in the expiration of temporary appointments for the seventeenth decennial census.

There were also notable net decreases totaling 2,876 in employment outside continental United States by both the civilian and the military agencies.

Of the 26,251 increase in the Military Establishment 19,175 were described as industrial employees, as distinguished from so-called white-collar personnel.

Incident to the outbreak of armed conflict in Korea, the records reveal that peak civilian employment in the executive branch during World War II reached 3,737,896 in June 1945. The postwar low of 1,951,968 was recorded in February 1950. In June 1950 the total was 1,968,400.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Utah:

S. 4132. A bill for the relief of Dr. Cheng Ye; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 4133. A bill for the relief of Dr. Fernand Van Den Branden to the Committee on the Judiciary.

By Mr. YOUNG:

S. 4134. A bill for the relief of Joubran A. Abou Joubran; to the Committee on the Judiciary.

By Mr. GURNEY:

S. 4135. A bill to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army; to the Committee on Armed Services.

(Mr. SALTONSTALL, from the Committee on Armed Services, reported an original bill (S. 4136) to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard, which was ordered to be placed on the calendar.)

By Mr. KEFAUVER:

S. 4137. A bill for the relief of Dorothy Kilmer; to the Committee on the Judiciary.

By Mr. LODGE:

S. J. Res. 204. Joint resolution granting the consent of Congress to any two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in providing for civilian defense; to the Committee on Armed Services.

ESTATE OF JAMES FRANCIS LINNANE

Mr. McMAHON submitted the following resolution (S. Res. 343), which was referred to the Committee on Rules and Administration:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to the estate of James Francis Linnane, late an employee of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

FUEL SUPPLIES IN NEW ENGLAND

Mr. BENTON. Mr. President, I submit for appropriate reference a resolution dealing with fuel shortages in New England, and I ask unanimous consent that a brief statement prepared by me be printed in the RECORD.

The VICE PRESIDENT. The resolution will be received and appropriately referred, and, without objection the statement will be printed in the RECORD. The Chair hears no objection.

The resolution (S. Res. 344) was referred to the Committee on Interstate and Foreign Commerce, as follows:

Resolved, That the Select Committee on Small Business, or any duly authorized subcommittee thereof, be authorized and directed to conduct a full and complete inquiry into the adequacy of fuel supplies in New England now and for the coming winter, particularly with reference to the needs of small and independent business.

SEC. 2. The committee shall report its findings, together with its recommendations for such legislation as it may deem advisable, to the Senate at the earliest practicable date but not later than December 15, 1950.

SEC. 3. For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof is authorized to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable, and is authorized, with the consent of the head of the department or agency concerned, to utilize the services, information, facilities, and personnel of any of the departments or agencies of the Federal Government. The expenses of the committee under this resolution, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The statement presented by Mr. BENTON is as follows:

STATEMENT OF SENATOR BENTON ON FUEL SHORTAGES IN NEW ENGLAND

Memory is oftentimes short. Three winters ago there gathered in the Senate Committee on Interstate and Foreign Commerce at the request of the capable junior Senator from New Hampshire [Mr. TOBEY] some New England public officials and a great number of representatives of petroleum producers and distributors. They met together to discuss what could be done to remedy the plight in which New England then found herself, caught in the midst of a severe winter without adequate fuel supplies. At that time much of the inadequacy was attributed to a dearth of iron pipe for use in petroleum production.

Last winter in New England was relatively mild and little was heard publicly of the problem. In fact, some petroleum companies even claimed that it was necessary for them to increase the price of gasoline to offset the decrease in income from the sale of fuel oil in this region.

But who can say what the coming winter in New England will bring in the way of severe weather? Who can predict that, in view of the uncertain international scene, we may not again be confronted with a shortage of pipe to operate oil wells, and a shortage of cars and tankers to transport the fuel to New England? Who would deny that any shortage of fuel supplies in New England this winter would mean not only discomfort and exhorbitant prices to home dwellers but also a serious barrier in the way of enabling New England, with its large reservoir of skilled labor, to contribute its essential part to the industrial production needed to assure the safety of our Nation?

I have recently returned from attending three forums for small and independent business which I sponsored in Connecticut. These forums achieved success beyond expectation in acquainting small and independent businessmen with Federal needs and procurement methods. But their benefits will be wiped out if these and other businessmen are not able to obtain at reasonable prices the fuel supplies they need for industrial production and if the efficiency of their management and employees is necessarily cut down because of a lack of adequate fuel supplies in their homes.

Immediate introduction of a supply of natural gas to New England would make the probabilities of a fuel shortage less acute. I urge that a decision on this problem be made soon enough to start the flow of natural gas into New England this winter.

With these thoughts in mind, I am submitting a resolution calling for an investigation of the adequacy of fuel supplies in New England and urging that appropriate precautionary steps be taken to avoid a shortage of fuel in New England during the coming winter.

SEATING OF COMMUNIST CHINA IN ORGANS OF UNITED NATIONS

Mr. TYDINGS (for himself and Mr. O'CONOR) submitted the following resolution (S. Res. 345), which was referred to the Committee on Foreign Relations:

Whereas the forces of freedom and democracy, bound together under the Charter of the United Nations, are engaged in bloody conflict against the forces of totalitarian aggression; and

Whereas by its constant intransigence and complete disregard for the provisions of the Charter of the United Nations and the fundamental principles of international law, Soviet Russia has continuously flouted the desires of the great majority of the member states of the United Nations and impeded the orderly operations of the organs of the United Nations; and

Whereas Communist China, an unlawful puppet and satellite of the Soviet Union, is seeking to be seated in the organs of the United Nations; and

Whereas if Communist China be seated in the organs of the United Nations an additional disrupting and unlawful influence would be added, serving to impede further the orderly processes designed to maintain peace in the world; and

Whereas it is the sense of the Senate of the United States that the seating of Communist China in any of the organs of the United Nations would constitute sanction by that body of acts of international piracy and brigandage which make mockery of the aims and purposes of the United Nations, its organs and its agencies; and

Whereas the Senate of the United States reaffirms its faith in the United Nations as a means of maintaining international peace and security: Therefore be it

Resolved, That the President is hereby requested to instruct the delegation of the United States to the United Nations, its organs, and agencies to take all possible appropriate steps to insure that representatives of Communist China not be seated in any of the organs or agencies of the United Nations.

Resolved further, That the President is hereby requested to instruct the United States representative in the Security Council to exercise the veto on any proposal to admit Communist China to membership in the United Nations.

Mr. O'CONOR subsequently said:

Mr. President, I have cosponsored with my colleague the senior Senator from Maryland [Mr. TYDINGS] a resolution requesting the President to direct the United States Delegate at the United Nations to use every means at his command, including the veto, to prevent the seating of representatives of the Chinese Communist regime.

Certainly no one who has followed Russia's course of aggression throughout the world, or its ruthless use of the veto in the United Nations to force its own ends, could be under any illusion as to what effect the admission of Chinese Communist delegates would have upon the United Nations.

In the functioning of the world organization it would tip the scales further on the side of Russia and its satellites, who, up to this time, have been able to block major attempts to bring about world peace and international justice.

Psychologically, likewise, it would be a blow to the prestige of the United Nations in that it would be an admission that force rather than international justice is governing the composition of that

body. By all the laws of justice and morality it is indefensible that a nation which has instigated revolution and been primarily responsible for the overthrow of an independent government should be permitted to set up a puppet government and practically force the admission of that clique to a world body dedicated to nonaggression and to peace.

It would be a world calamity if the United States did not use its prestige and its persuasive powers with the other nations to prevent such a tragic occurrence.

INTERNAL SECURITY ACT OF 1950—AMENDMENT

Mr. CONNALLY submitted an amendment intended to be proposed by him to the bill (S. 4037) to protect the internal security of the United States and for other purposes, which was ordered to lie on the table and to be printed.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Stephen E. Rice, of Florida, to be a judge of the Tax Court of the United States for the unexpired term of 12 years from June 2, 1944, vice William W. Arnold, resigned;

Charles I. Lafferty, of Atlantic City, N. J., to be comptroller of customs with headquarters at Philadelphia, Pa. (reappointment); and

Howard H. MacGowan, of Seattle, Wash., to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Wash. (reappointment).

By Mr. McCARRAN, from the Committee on the Judiciary:

Louis E. LeBlanc, of Louisiana, to be United States marshal for the western district of Louisiana.

By Mr. BYRD, from the Committee on Armed Services:

Ramon F. Marchante, and sundry other persons for appointment in the United States Air Force;

Vice Adm. Robert B. Carney, United States Navy, to have the grade, rank, pay, and allowances of an admiral while serving as commander in chief, United States naval forces, Eastern Atlantic and Mediterranean;

Admiral Richard L. Conolly, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as president, Naval War College;

Rear Adm. Matthias B. Gardner, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as commander, Second Fleet;

Lawrence E. Donegan, Jr., and sundry other persons for appointment in the Navy;

Stanhope C. Ring, Charles F. Coe, and Paul E. Pihl, officers of the Navy for temporary appointment to the grade of rear admiral;

Daniel N. Shockey and sundry other officers for permanent appointment in the Civil Engineer Corps of the Navy; and

William E. Riley, for permanent appointment to the grade of major general, in the Marine Corps; and

William S. Fellers, for permanent appointment to the grade of brigadier general, in the Marine Corps.

ADDRESS BY SENATOR KEM BEFORE STATE CONVENTION OF MISSOURI DEPARTMENT OF AMERICAN LEGION

[Mr. KEM asked and obtained leave to have printed in the RECORD an address entitled "Some of the Things We Must Do," delivered by him before the State convention of the Missouri Department, American Legion, at Kansas City, Mo., on September 3, 1950, which appears in the Appendix.]

GENOCIDE—EDITORIAL FROM GREENSBORO (N. C.) DAILY NEWS

[Mr. HOEY asked and obtained leave to have printed in the RECORD an editorial entitled "Genocide," published in the Greensboro (N. C.) Daily News on September 5, 1950, which appears in the Appendix.]

THE BOYS IN ROOM 1106—ARTICLE FROM MEDICAL ECONOMICS

[Mr. MUNDT asked and obtained leave to have printed in the RECORD an article entitled "The Boys in Room 1106," by Dr. R. B. Robins, published in the August issue of Medical Economics, which appears in the Appendix.]

TAXATION BY EMOTION—EDITORIAL FROM NEW YORK TIMES

[Mr. HOLLAND asked and obtained leave to have printed in the RECORD an editorial entitled "Taxation by Emotion," published in the New York Times of September 7, 1950, which appears in the Appendix.]

FREE AMERICANS RECEIVE AN EXCITING INVITATION FROM THE DOCTORS

[Mr. MUNDT asked and obtained leave to have printed in the RECORD an advertisement issued by the American Medical Association and published in the United States News and World Report, dealing with the achievements of our voluntary medical care system, which appears in the Appendix.]

GOVERNOR LEE, OF UTAH—ARTICLE FROM THE NEW LEADER

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an article relative to Governor Lee, of Utah, written by Mr. Gail Martin, from the New Leader, of July 8, 1950, which appears in the Appendix.]

A CHALLENGE TO AMERICA—ADDRESS BY SENATOR KERR

[Mr. CHAPMAN asked and obtained leave to have printed in the RECORD an address delivered by Senator KERR at the American Legion Convention, Department of Oklahoma, Oklahoma City, Okla., September 4, 1950, which appears in the Appendix.]

SOIL CONSERVATION AS EXEMPLIFIED BY JAMES G. SANFORD—ARTICLE BY TOM WALLACE

[Mr. CHAPMAN asked and obtained leave to have printed in the RECORD an article entitled "An Example of Soil Conservation," written by Tom Wallace and published in the Louisville Times, of Louisville, Ky., February 8, 1950, which appears in the Appendix.]

AIDING RUSSIA—EDITORIAL FROM THE WASHINGTON POST

[Mr. SALTONSTALL asked and obtained leave to have printed in the RECORD an editorial entitled "Aiding Russia," printed in the Washington Post of September 7, 1950, which appears in the Appendix.]

MEDAL HONORS CAROLINA HERO—ARTICLE FROM THE CHARLOTTE OBSERVER

[Mr. HOEY asked and obtained leave to have printed in the RECORD an article entitled "Medal Honors Carolina Hero," published in the Charlotte (N. C.) Observer, which appears in the Appendix.]

STATEMENTS BY SECRETARY OF THE INTERIOR CHAPMAN AND DELEGATE BARTLETT BEFORE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. O'MAHONEY. Mr. President, the Committee on Interior and Insular Affairs this morning held a hearing at which the Secretary of the Interior, the Honorable Oscar Chapman, and the Honorable E. L. BARTLETT, Delegate to the Congress from the Territory of Alaska, appeared. They testified under oath in response to certain allegations which were made in the Senate on Tuesday of this week, September 5. The subject is of such great public importance that I ask unanimous consent to have printed in the body of the RECORD the full text of the prepared statement made by Secretary Chapman, and I also ask unanimous consent to have printed in the body of the RECORD, following that statement, the similar statement made by Delegate BARTLETT.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF SECRETARY OF THE INTERIOR OSCAR L. CHAPMAN MADE BEFORE THE SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE SEPTEMBER 7, 1950, IN REPLY TO SENATOR ANDREW F. SCHOEPPEL, OF KANSAS

I deeply appreciate this opportunity to appear before your committee to reply to and refute the statements made on the Senate floor by Senator SCHOEPPEL, of Kansas, on September 5. Your action in giving me this opportunity to be heard will be applauded by all Americans, who, I am sure, resent, as I do, the tactics which have been resorted to in this case and in others where the cloak of congressional privilege has been used to blacken the reputations of men in official life.

The loose and malicious charges and insinuations made by Senator SCHOEPPEL against me and some of my associates are, in reality, a last-ditch attempt to block statehood for Alaska. The forces opposing statehood are attempting, through Senator SCHOEPPEL, to destroy my reputation by presenting as facts what are no more than naked untruths and vicious rumors. By innuendo and sly insinuation, they are attempting to suggest that my motives in advocating statehood for Alaska are sinister and evil.

Senator SCHOEPPEL'S statement, so far as it concerns me, can be dismissed as malicious and irresponsible.

What motivated such a statement by a Member of the Senate I leave to the judgment of that body. I am sure that the great majority of Americans will recognize the Senator's statement for what it really is—another instance of the use of the smear technique which has become the stock in trade of little men in high places. Propagandists for Soviet Russia are not the only ones who are skilled in the use of the "big lie."

I know that the members of this committee deplore, as I do, the fact that assaults on the patriotism and honesty of men in public life are becoming a routine technique of political attack.

I will not attempt in this statement to answer point by point the Senator's broadside. Most of the answers will be found in the public records of the Congress. Others will be found in the hearts and minds of the members of this committee.

In his statement the Senator stressed the appointment of one John Hampton Randolph Feltus as public relations counsel for the Alaska Statehood Committee. He alleges that Feltus represented the Republic of Poland and so registered with the proper authorities. I have no knowledge of Mr. Feltus' connections with the Republic of Poland nor do I have any but a passing knowledge of his retention as the public-relations counsel for the Alaska Statehood Committee. I had nothing to do with his appointment to the position with the Alaska Statehood Committee.

In fact, and regardless of Senator SCHOEPPEL'S statement to the contrary, the statehood committee was established by the Alaska Legislature. The money to carry on its work was properly appropriated by the legislature and the Governor of Alaska was authorized to appoint the members of the committee. This required no approval by the Secretary of the Interior.

The Alaska Legislature is a legally constituted body; it has ample authority to conduct certain types of Territorial business without consulting the Secretary of the Interior.

A major portion of the Senator's statement is devoted to Feltus and through a maladroit weaving together of names, dates, and incidents he sums up the Feltus phase of his attack in an entirely false statement which I will give here and I quote: "I have been advised that the deal was arranged between Oscar Chapman, Secretary, and Governor Gruening. I have this fact on hearsay evidence and I am sure that a full disclosure of the matter is required for the public welfare as well as for the men involved."

Despite Senator SCHOEPPEL'S willingness to accept hearsay evidence, I emphatically and without qualification state that there was no deal arranged. The Governor informed me that he was appointing a Mr. Feltus as a consultant to the statehood committee. I had no reason whatever to question the propriety of such an appointment by the Governor.

Among other accusations, the Senator charges that I have attempted to sabotage the Government's policy in Formosa because the Bureau of Reclamation refused to loan one of its engineers, William Gardner, to a private concern to work on an irrigation development in that country.

This is a fantastic fabrication. Mr. Gardner was sent by the Department of State to Formosa previously to make a survey of the water resources of that country. He returned to his duties in the Bureau after making his report to the State Department.

Later a private concern requested that Mr. Gardner be assigned to Formosa to assist the company in carrying out a contract which it had received from the Chinese Government.

The Department of State, the Bureau of Reclamation, and the private concern agreed upon an arrangement by which Mr. Gardner went to Formosa and at the same time protected his status as a Federal employee. Mr. Gardner is now in Formosa and has been there some time.

I now turn to Senator SCHOEPPEL'S references to my alleged connection with certain organizations. I shall dispose of these allegations briefly, frankly, and without equivocation.

1. I was never a member of the American League Against War and Fascism.

2. I have no recollection of sponsoring, and can find no record of having agreed to sponsor, a meeting in 1940 under the auspices of the Washington Chapter of the Descendants of the American Revolution (which, incidentally, has never been designated by the Attorney General of the United States as a subversive organization).

3. I was chairman of the committee on arrangements for a dinner which the Southern Conference for Human Welfare and others gave on April 3, 1945, in honor of the Honorable Hugo L. Black, Associate Justice of the Supreme Court. This organization has never been designated by the Attorney General as subversive, and, certainly, the former Senator and present Associate Justice Hugo L. Black cannot be accused of being a Red. One of the honorary vice chairmen of the dinner on April 3, 1945, was Vice President (now President) Harry S. Truman. The toastmaster was Senator (now Vice President) ALBEN W. BARKLEY, and the principal speaker was the Honorable Fred M. Vinson, now Chief Justice of the United States.

4. My name appeared for a time as a sponsor of the National Council of American-Soviet Friendship. However, in a letter dated November 12, 1946, I withdrew the permission for the use of my name in that connection. My action was taken more than a year prior to the designation of this organization as a Communist front by the Attorney General on November 24, 1947. It might be mentioned, in this connection, that the list of sponsors of the National Council of American-Soviet Friendship also included the names of many loyal Americans.

If Senator SCHOEPPEL had really been interested in getting the facts concerning my alleged connection with the organizations mentioned above, he could have obtained them easily by consulting the printed transcript of the testimony which I gave under oath on January 20, 1948, before a special subcommittee of the Committee on Education and Labor of the House of Representatives. The fact that all this material has been a matter of public record before the Congress for more than 2 years emphasizes the unfairness of Senator SCHOEPPEL'S attack.

Senator SCHOEPPEL dwells at great length on the form of the oath I took at the time of my induction as Under Secretary of the Interior on March 27, 1946. He says that there was stricken from the Standard Form No. 61A, which I signed on that occasion, an affidavit of nonaffiliation with subversive organizations.

Standard Form No. 61A in 1946 combined (1) an oath of office, complying with section 16 of title 5 of the United States Code; (2) an affidavit of nonpayment of consideration for the appointment, complying with section 21A of title 5 of the United States Code; and (3) an affidavit of nonaffiliation with any organization advocating the overthrow of the Government of the United States by force or violence, indicating prima facie compliance with section 9A of the Hatch Act and related provisions in appropriation acts which prohibited the use of appropriated funds to pay the salary of any Government employee advocating, or belonging to an organization that advocated, the overthrow of the Government by force or violence.

My induction as Under Secretary of the Interior was a ceremonial occasion conducted by the Honorable Wiley Rutledge, Associate Justice of the Supreme Court. It is customary in the Interior Department for the inductor on such an occasion merely to administer the oath of office, leaving any necessary affidavits to be taken privately by the appointee. In getting ready for the ceremony, therefore, the Office of Personnel of the Interior Department, as a matter of customary practice, prepared for Mr. Justice Rutledge's use a Standard Form No. 61A, which consisted only of the oath of office, lines being drawn through the remainder of the form. I took the oath of office before Mr. Justice Rutledge, and he and I duly executed the Standard Form No. 61A to that effect.

The affidavit of nonpayment of consideration for the appointment as Under Secretary was executed by me privately on March 29, 1946, before Floyd E. Dotson, Chief Clerk of the Department of the Interior. This affidavit was promptly filed with the General Accounting Office, as required by law.

I had previously, while serving as Assistant Secretary of the Interior, executed an affidavit of nonaffiliation with subversive organizations, for the purpose of establishing prima facie compliance with section 9A of the Hatch Act and the related provisions in appropriation acts. That affidavit was made on July 17, 1941, before C. C. Davison, notary public. It stated:

"That I do not advocate the overthrow of the Government of the United States by force or violence; that I am not a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am an employee of the Federal Government, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence."

It was not necessary to reexecute the affidavit quoted above until Congress included in section 7 of the Interior Department Appropriation Act for the fiscal year beginning July 1, 1946, a prohibition against the use of appropriated funds to pay the salary of any employee striking against the Government or belonging to an organization of Government employees asserting the right to strike against the Government. Because of the enactment of this provision, a departmental directive was issued by me as Acting Secretary on July 1, 1946, requiring all officers and employees of the Interior Department to execute, as a prerequisite to the receipt combining a statement of nonaffiliation with subversive organizations and a nonstrike statement. A photostatic copy of this directive is submitted.

I personally executed that affidavit on July 11, 1946, before Floyd E. Dotson, Chief Clerk of the Department. It stated that—

"I hereby certify that I have not contrary to section 7 of the Department of the Interior Appropriation Act of 1947, quoted on the reverse side hereof, engaged in a strike against the Government of the United States; that I am not a member of an organization of Government employees that asserts the right to strike against the Government of the United States; that I do not advocate and am not a member of an organization that advocates the overthrow of the Government of the United States by force or violence. I further certify that I have read and understand section 7 of the Department of the Interior Appropriation Act of 1947 and I will not violate its provisions. So help me God."

A photostatic copy of this affidavit is submitted.

Any man in public life must be prepared for attacks by political opponents. Many such attacks have been directed against me in the past. This one, however, far surpasses, in viciousness, in venality, and in utter falsity, any that has been made against me during my 17 years in the Department of the Interior.

If Senator SCHOEPPEL believes, as he states, that statehood should be granted to Alaska and Hawaii, he has taken a strange course in proving it. This rehashing of information that has been proven false, this raising of subversive ghosts, demonstrates that the Senator's real motive is political.

The Senator's statement is a wanton effort to besmirch the character and the good repute of men who are charged with important official responsibilities. If Senator SCHOEPPEL is sincere, why did he not stand up when my confirmation was under consideration by this committee on the floor of the Senate? Why did Senator SCHOEPPEL wait until the eve of the final vote on statehood for these Territories to attempt to block statehood by blackening my character? These are questions that can legitimately be asked today by men of good will who are striving for truth and justice.

When I appeared before this committee prior to my confirmation I told you that I did not expect to win any popularity contests as Secretary of the Interior. I had in mind then the natural opposition that would come from men who honestly differed with me on departmental policies for the development of the Nation's natural resources. This sort of opposition can be met, and in many instances these differences can be worked out.

When I testified before your committee in connection with my confirmation, I had no reason to believe that a Member of the Senate would rise later to accuse me of subversion because I have espoused statehood for Alaska and Hawaii.

In my opinion, Senator SCHOEPPEL's attack on me and on my associates signifies that the opponents of statehood for Alaska realize that their fight cannot be won on its merits. Accordingly, in their desperate efforts to block favorable action, they have resorted to this reprehensible campaign of scandal-mongering, insinuation, and slander. I am certain that the American people will see this campaign for exactly what it is. I am confident that the very extravagance of this attack will defeat the purposes of its perpetrators.

STATEMENT OF E. L. BARTLETT, DELEGATE TO CONGRESS FROM ALASKA, BEFORE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, THURSDAY, SEPTEMBER 7, 1950

Mr. Chairman and members of the committee, I am gratified at this opportunity given me to appear before your committee to answer charges made before the United States Senate September 5 by Senator SCHOEPPEL.

In ordinary circumstances I should not even bother to answer the allegations. But the circumstances are not ordinary. On the contrary, they are extraordinary. The fate of Alaska statehood may well be tied up with these accusations. Additionally, he who heard the speech or read it cannot have escaped the implication, pointed up by the declaration that no such suggestion was involved, that I might have been an unworthy trustee of public funds entrusted to my care.

I desire to mention three different subjects incorporated in Senator SCHOEPPEL's speech:

1. The employment of Randolph Feltus by the Alaska Statehood Committee.

2. An accounting of my stewardship of Alaska tax funds made available to me for use in connection with statehood.

3. References made to the statehood bill itself.

First, let me report to you that I am not a Communist. I am a Democrat. I have never been affiliated with any left-wing organizations.

It is probably a shortcoming that I do not keep detailed memoranda on every subject. Therefore, some of that which I have to tell you is recalled from a memory which may not function perfectly, and which is supported only by inadequate material in my files. That material reflects that Randolph Feltus first corresponded and offered his services in connection with statehood in 1946. Nothing was done then. In June 1949 he submitted a memorandum to Governor Gruening and me stating his qualifications for aiding the statehood cause. At that time I find that I recommended against the hiring of anyone. I had the feeling that the expenditure of Territorial funds would not have been appropriate in the House, of which the Delegate is an adjunct if not a Member.

Subsequently, and on March 3, 1950, the Alaska statehood bill was passed by the United States House of Representatives. Then it was further advanced legislatively than ever before. As an individual favoring statehood and as the Delegate in Congress bound to do what he could to carry out the wishes of the majority of Alaskans for statehood, I considered very carefully what should be done from that time on. Because of the unique Federal relationship existing with reference to a Territory and because he is alone as the representative of his people, the Delegate is always—and this has been particularly true during the last 3 or 4 years—swamped with work. I was willing to admit to myself or to anyone else that try as I might I should not be able to devote the time to statehood on the Senate side which the high importance of the subject deserved. I realized very well, since Alaska has been my home throughout my lifetime, that spending money for a lobbying activity, or call it what you will, might not meet with universal approbation in Alaska. I knew that would be particularly the case because some very heavy attacks were being launched in Alaska upon the administration, of which I am proud to call myself a part. Parenthetically, it might be said that those attacks have increased with geometrical velocity, and what has been done here this week is part of a pattern that, in my firm opinion, is entirely political in its origin.

The very day that the statehood bill passed the House, the Territorial Board of Administration released to the Alaska Statehood Committee $25,000 of the $80,000 which had been appropriated to the committee by the 1949 legislature. I quote here in full text the wire sent me by Governor Gruening on this subject:

"Board of administration unanimously voted to release $25,000 to statehood committee in $5,000 monthly installments beginning March 1. Warrant to be sent you. Suggest we confirm by telephone after bill's passage through House. I will be seeing majority of members of statehood committee here or contacting them by phone."

That wire has been quoted for two reasons. First, because it demonstrated that it was the intent of the board of administration that funds to carry on the statehood fight should be sent directly to me. Second, because it is pertinent to point out that the board of administration is entirely separate from the statehood committee and is made up principally of elected officials of the Territory of Alaska.

The allegation has been made that this money was released when other essential needs were not being met. I have no doubt that Governor Gruening and perhaps others more intimately familiar with what the board of administration did in releasing funds will desire to discuss this with the committee. But I should like to suggest that in the minds of the majority of Alaskans there is the fixed belief that few things are more important now than statehood. And I do not believe they would have had any objection at all if the Alaska Statehood Committee had spent the entire $80,000 appropriated if the committee in good conscience believed such expenditure would advance the statehood cause. After all, it must be remembered that prior to this time the government of Alaska had not spent $1 in this field. So I recommended that Mr. Feltus be retained. This was not, as has been alleged, a maneuver on the part of Secretary Chapman and Governor Gruening to accommodate Mr. Feltus. The executive committee of the Alaska Statehood Committee approved the arrangement. When Mr. Feltus submitted his memorandum in June 1949, he proposed that he be paid $3,000 per month and that to do a first-class job another $3,000 per month would have to be spent, making the total monthly expenditures $6,000.

When the agreement was entered into with Mr. Feltus it was that he should receive $1,500 per month, plus $500 per month for necessary out-of-pocket expenses, plus an additional $1,500 per month if the statehood bill were enacted into law. He became associated with the Alaska Statehood Committee on March 25, 1950. His services were terminated July 25, 1950. The agreement—which was verbal and nowhere expressed in any written understanding—was that he should be employed for a minimum of 5 months unless the Eighty-first Congress were to adjourn sooner but that if the congressional session extended beyond 5 months the statehood committee would not be required to employ him longer.

Mr. Feltus had, as I recall, told us of having worked for Colonial Airlines, Pan American World Airways, and the Indonesians. We made some inquiries about him in Washington and all responses were favorable. It so happened that Mr. George Sundborg, consultant for the Alaska Development Board, was in New York, and I called him on the telephone there and asked him if he would make inquiry in view of the fact that Randolph Feltus Associates had their offices at 128 East Fifty-sixth Street, New York 22, N. Y., to determine what the standing of the firm was. Mr. Sundborg reported back that he had contacted the Indonesian group and Mr. Feltus had been recommended most highly. Mr. Sundborg had, of course, nothing to do with the selection of Mr. Feltus.

Some time in July I was told that Mr. Feltus was in the employ of the Polish Ambassador to the United States. I immediately called the Department of Justice. The official with whom I talked confirmed this. I was told that Randolph Feltus registered in October 1946 as an agent for the Polish Ambassador as a public-relations counsel. This relationship was terminated on July 1, 1949. At the time of the termination Feltus was advising the Ambassador in a limited capacity on economic relationships with the United States, according to information furnished by Feltus to the Department of Justice. He was also registered as a public-relations consultant to Matthew Fox of the American-Indonesian Corp., which services were terminated in March 1950. In response to an inquiry from me, the Justice Department official said there was nothing highly unusual about reputable American individuals and firms doing business for iron-curtain countries. Nevertheless, I was concerned. I knew that statehood was having hard sledding at best and that something like this could only serve to damage its chances. When Mr. Feltus was next in Washington I asked him about this, and he gave me a detailed report of his services for the Polish Ambassador. I must say that Mr. Feltus had not advised me of his Polish connection at the time of his employment by the Alaska Statehood Committee or subsequently until the interview mentioned; by the same token he had never mentioned to me the fact that he was employed by the Netherlands Government, an employment which will scarcely be charged as being related in any way to communism. Mr. Feltus immediately said that if the statehood cause would be embarrassed in any fashion at all by his past services with the Polish Ambassador he would voluntarily withdraw. That offer was accepted and on July 25, 1950, Mr. Feltus ceased to have any part in the Alaska statehood movement. But I want to state here that because of the verbal agreement which had been entered into and which to my mind is no less binding than a written contract, Mr. Feltus was given one more check for $1,500 which gave him 5 months' employment with the Alaska Statehood Committee. Incidentally, it should be said here that although he was entitled to $500 for expenses monthly, Mr. Feltus received during the 4 months he was associated with the Alaska Statehood Committee only $500 for that purpose.

Here I want to state most emphatically that no one has ever brought any proof to me that Mr. Feltus is anything but a good American. I have talked with several people who knew him well in Louisiana, where his

ancestors settled in the early part of the nineteenth century, and all spoke of him highly and none has failed to mention that he thinks it is nonsensical to imply that Randolph Feltus is tainted with even the slightest bit of red.

Now I turn to a matter more personal.

In the course of his remarks Senator SCHOEPPEL had this to say, "Not for an instant would I have it implied that these moneys were paid to Mr. BARTLETT for his personal use as fees, and so forth." But the person hearing those remarks could without any great difficulty have implanted the idea that just possibly BARTLETT might have done something like that. I must admit, however, that the "so forth" opens such a wide vista that he who is suspicious would have unlimited latitude to guess what BARTLETT might have done with this money which came to him from the Territorial treasurer of Alaska through the Territorial auditor of Alaska. Both these officials, by the way, are members of the Board of Administration which voted to release funds to the Alaska Statehood Committee and to make them available to me by direct warrant. It was not necessary for Senator SCHOEPPEL to have reproduced and distributed photostats of those checks. They are matters of public record. There is nothing to be concealed in connection with their being sent or my receiving them. Senator SCHOEPPEL is entirely correct in his explanation that these Territorial checks were deposited in the Second National Bank of Washington. It is stated by Senator SCHOEPPEL that one of these checks dated July 18 in the sum of $3,000 was counterendorsed by Mary Lee Council. It is evident that whoever did Senator SCHOEPPEL's research for him went to considerable pains to discover that Miss Council is my secretary because in his speech the Senator said, "Mary Lee Council, who, according to the list of congressional secretaries, compiled by the Congressional Secretaries Club, is Mr. BARTLETT's personal secretary." It would have been even simpler to have obtained that information by phoning my office. I would have been as glad to admit that Miss Council is my secretary if anyone had called me about it as I am willing to admit that $15,000 in all has come to me in checks from the Territorial treasurer of Alaska and that these checks have been deposited in the Second National Bank of Washington, D. C.

There is nothing to hide in all this. All these transactions have been entirely aboveboard. If I desired to enter upon a life of crime I should imagine that easier ways could be found than misappropriation or misuse of Territorial funds. It so happens that I have what almost amounts to a phobia against personal spending of Government funds. In connection with statehood I think it would have been perfectly appropriate for me on a continual basis to have spent money sent to me by the Territorial treasurer through the medium of the Alaska Statehood Committee for luncheon meetings and for other purposes. Since I have been in Washington working on statehood I have spent a good many hundred dollars or perhaps even more than that for such purposes. But I have never spent one dollar of money which came to me from the Treasury of Alaska for any such purpose. Perhaps I have been too straightlaced in this, but, whether or no, the fact remains that I have leaned over backward so that no one could ever say that I was making any improper use of tax money. Let me add here, too, that to my knowledge Governor Gruening has spent probably more than he could afford to spend of his personal funds for lunches and for dinners during which he tried to enlist interest in statehood, but to my knowledge he, too, must be entirely exempt from any charge that he has spent public funds improperly.

Miss Council and I maintain the statehood account as a joint account. That was done principally so that if anything should have happened to me while Territorial money was on deposit in a Washington bank, Miss Council could have returned it to the treasurer of Alaska without difficulty and without delay. Miss Council has kept a very exact accounting of all receipts and expenditures. That book of accounts or, alternately, typewritten copies are available here for inspection by any member of the committee. Of the amount totaling $15,000 which has come to me from Alaska, there has been paid out to Randolph Feltus $8,000. The other expenses have amounted to $1,037.43. That is probably not an entirely accurate statement because there may be a few August bills still to come in. If so, they will not total more than $50 or $100. But as of this date $9,037.43 have been spent and there is on balance in the Second National Bank of Washington, D. C., to the credit of the Alaska Statehood Committee $5,962.57. It is just as simple as that. It will take anyone a maximum of 15 minutes to check our rather primitive but entirely accurate and factual bookkeeping system.

In conclusion, I consider it not only desirable but necessary to point out several glaring misstatements in Senator SCHOEPPEL's speech about statehood itself.

It is hinted, although not said, that an undesirable situation might have been created because "American Eskimos and Russian Eskimos paddle back and forth in their kayaks across the narrow straits of the Bering Sea." That is just not so. Historically there was always traffic from one mainland to the other. But several years ago the Russian Government forbade any trips to the Alaska coast by their Eskimos and similarly forbade our Eskimos from going to Siberia. As I recall, it was about 3 years ago that a group of Alaska Eskimos decided that since the war was over they would be welcomed in Siberia, and so they set forth for Asia. Upon arrival there they were promptly seized by Soviet officials and held prisoners for several weeks under almost intolerable conditions. There they were closely interrogated on Alaska defenses and the names and attitudes of Alaska officials. They told the Russians nothing and eventually were released. A very stirring account of this episode was written by a young Eskimo man who had gone to the University of Alaska. Not long ago he died of tuberculosis which, it is believed, was contracted while he was a Soviet prisoner. If anyone needed proof of the intense loyalty to our Government of these Alaska Eskimos it would be granted in shining fashion by reading of this narrative which discloses how the Eskimos from Alaska refused to give the Soviet officials any useful information at all. I have often said and I repeat here that no more intensely loyal and patriotic group of citizens lives under the American flag than our Alaska Eskimos. Almost every able-bodied male serves in the National Guard, and those who do not are only awaiting the establishment of more units. They performed yeoman service during World War II and we need to have no fear at all in testing the measure of their devotion to this Nation.

There is no point in anyone alleging that communism has a foothold or can gain a foothold in Alaska. The record is clear and complete on that score.

Referring to the Alaska Statehood Committee, Senator SCHOEPPEL said, "The Governor, in addition to hand-picking his own committee, was made an ex-officio member of the committee, along with Delegate to the United States Congress E. L. (BOB) BARTLETT, and his predecessor, Judge Anthony Dimond." This is rather a novel way to describe the appointive power of the Governor of Alaska. It is true that as chief executive officer of the Territory the Governor did nominate the members of the statehood committee. What Senator SCHOEPPEL failed to mention was that authority for such nomination was conferred upon the Governor by the Alaska Territorial Legislature, elected by the people of Alaska. Further, the nominations of these committee members were confirmed by the senate and house of representatives of the nineteenth legislature assembled in joint session. So Governor Gruening did not exercise any arbitrary or undue powers in appointing the committee. Who are the members of this committee? You should know. Those who were appointed and confirmed are among the most responsible citizens of Alaska. The president is Mr. Robert B. Atwood, editor and publisher of the Anchorage Daily Times and a civic leader. He is a Republican. The vice president is Mr. William L. Baker, editor and publisher of the Ketchikan (Alaska) Chronicle. I don't know whether Mr. Baker is a Republican or a Democrat. The secretary is Mrs. Mildred R. Hermann, of Juneau, one of Alaska's two women lawyers. Mrs. Hermann is a Republican. Another member is Mr. Victor C. Rivers, Anchorage engineer and architect and a member of the Territorial senate. He is a Democrat. Mr. Stanley J. McCutcheon is an Anchorage attorney, president of the Alaska Airlines and was speaker of the house in the last session of the legislature. Mr. McCutcheon is likewise a Democrat. Mr. Warren A. Taylor has served several terms in the Alaska Territorial Legislature and was a member of the nineteenth session of that legislature. He is a Democrat and an attorney resident in Fairbanks. Mr. Frank Peratrovich is a merchant of Klawock and is a member of the Territorial senate. His political affiliation is with the Democratic Party. Mr. Lee C. Bettinger is mayor of Kodiak and is a businessman in that community. He is one of the Republican members. Mr. Andrew Nerland lives in Fairbanks. A Republican, he stands high throughout Alaska as a senior citizen most of whose adult life has been spent in the Territory and who has achieved a large measure of success there. Still another Republican member is the Reverend Percy Ipalook, a Presbyterian minister, whose home is at Wales in the Second Judicial Division of Alaska. Another second division member is Mr. Howard Lyng, of Nome, a Democrat, who has mining interests outside Nome. Mr. Lyng is a member of the senate. He is national committeeman in Alaska for the Democratic Party. The three advisory members of the committee are Judge Anthony J. Dimond, Governor Bruening, and myself. They were not nominated or confirmed but under the terms of the legislative act creating the Alaska Statehood Committee are made ex-officio members.

Senator SCHOEPPEL elsewhere in his speech said that Governor Gruening is an employee of the Interior Department and said that I was also formerly an employee of the Interior Department as secretary to the Territory of Alaska. Governor Gruening is not an employee of the Interior Department. He is a presidential appointee confirmed by the United States Senate. While Secretary of Alaska, not Secretary to the Territory of Alaska, I, likewise, was a presidential appointee requiring Senate confirmation.

There is no need for me to point out to this committee which, after all, has reported a statehood bill to the Senate that Senator SCHOEPPEL is inaccurate in his statement that under statehood the Federal Government would continue to control salmon fishing, mining, lumbering, and fur trapping. The bill very specifically gives control over fish and wildlife to the new State. Lumbering would remain under the jurisdiction of the Federal Government on the public domain and in the national forests just as it does elsewhere but to no greater extent than elsewhere. And mining would be exactly in the

same status as in the States, except that Alaska would be the first State in history to receive on its admission lands containing minerals. The earlier States were specifically prohibited from obtaining grants of land mineral in character.

And there is no use for an elaborate statement here regarding the land conveyances to the new State. My impression is that the formula adopted by this committee, novel in concept, bold in scope, shattering of tradition, represents the best possible determination of this waxing problem.

I cannot help feeling that these charges which to my mind are reckless in their nature were inspired by political considerations and nothing more. No one is going to believe that Oscar Chapman is a Communist or anything but a true American and a great American. And no one is going to believe that the great Department of Government which he heads has been converted into an instrument for the bringing of the revolution. And those who know Assistant Secretaries Davidson and Warne are not going to believe they are guilty of any of the things charged by Senator SCHOEPPEL. And I want to be emphatic in stating that since 1939 I have been very closely associated with Governor Gruening and have found that he, like me, finds communism as abhorrent as fascism and equally opposed to the American way of life. The Alaska statehood cause is based upon the good old American desire for equality of citizenship, and it will not be turned aside by any attacks of this kind.

SCHOOL CONSTRUCTION—CONFERENCE REPORT

Mr. HUMPHREY. Mr. President, I submit a conference report on Senate bill 2317, to authorize grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs of school construction, and so forth, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The conference report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2317) to authorize grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs of school construction; and to authorize grants for emergency school construction to school districts overburdened with enrollments resulting from defense and other Federal activities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"TITLE I—SURVEYS AND STATE PLANS FOR SCHOOL CONSTRUCTION

"AUTHORIZATION OF APPROPRIATION

"SEC. 101. In order to assist the several States to inventory existing school facilities, to survey the need for the construction of additional facilities in relation to the distribution of school population, to develop State plans for school construction programs, and to study the adequacy of State and local resources available to meet school facilities requirements, there is hereby authorized to be appropriated the sum of $3,000,000, to remain available until expended. The sums appropriated pursuant to this section shall be used for making payments to States whose applications for funds for carrying out such purposes have been approved: *Provided*, That the making of grants under this title shall not in any way commit the Congress to authorize or appropriate funds to undertake the construction of any public works so planned.

"STATE APPLICATIONS

"SEC. 102. The Commissioner of Education shall approve any application for funds for carrying out the purposes of section 101 if such application—

"(1) designates the State educational agency (as defined in paragraph (13) of section 210) as the sole agency for carrying out such purposes;

"(2) provides for making an inventory and survey in accordance with section 101 containing information requested by the Commissioner, and for developing a State program in accordance with such section; and

"(3) provides that the State educational agency will make such reports, in such form, and containing such information as the Commissioner may from time to time reasonably require, and, to assure verification of such reports, give the Commissioner, upon request, access to the records upon which such information is based.

"ALLOTMENTS AND PAYMENTS TO STATES

"SEC. 103. (a) Of the sums appropriated pursuant to section 101, $150,000 shall be allotted by the Commissioner to the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands according to their respective needs and upon the basis of agreements made with their respective State educational agencies, and the remainder shall be allotted to the other States in the same proportions as that their respective school-age populations bear to the total school-age population of such other States; except that no such allotment to any State (other than the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall be less than $10,000. Within its allotment each State shall be entitled to receive an amount equal to 50 percent of its expenditures in carrying out the purposes of section 101 in accordance with its application.

"(b) The Commissioner shall from time to time estimate the sum to which each State will be entitled under this section during such ensuing period as he may determine, and shall thereupon certify to the Secretary of the Treasury the amount so estimated, reduced or increased, as the case may be, by any sum by which the Commissioner finds that his estimate for any prior period was greater or less than the amount to which the State was entitled for such period. The Secretary of the Treasury shall thereupon, prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Commissioner, the amount so certified.

"WITHHOLDING OF CERTIFICATION

"SEC. 104. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to a State educational agency, finds (1) that such State educational agency is not complying substantially with the provisions of this title or the terms and conditions of its application approved under this title, or (2) that any funds paid to such State educational agency under this title have been diverted from the purposes for which they had been allotted or paid, the Commissioner may forthwith notify the Secretary of the Treasury and such State educational agency that no further certification will be made under this title with respect to such agency until there is no longer any failure to comply or the diversion has been corrected or, if compliance or correction is impossible, until such State educational agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

"(b) The final refusal of the Commissioner to approve any application made under this title, and the Commissioner's final action under subsection (a) of this section, shall be subject to judicial review on the record, in the United States Court of Appeals for the circuit in which the State is located, in accordance with the provisions of the Administrative Procedure Act.

"ADMINISTRATION

"SEC. 105. (a) The Commissioner is authorized to delegate to any officer or employee of the Office of Education any of his functions under this title except the making of regulations.

"(b) There are hereby authorized to be appropriated for Federal administrative expenses such sums as may be necessary to carry out the provisions of this title.

"TITLE II—SCHOOL CONSTRUCTION IN FEDERALLY AFFECTED AREAS

"DECLARATION OF POLICY

"SECTION 201. In recognition of the impact which certain Federal activities have had on the school construction needs in the areas in which such Federal activities have been or are being carried on, the Congress hereby declares it to be the policy of the United States to bear the cost of constructing school facilities in such areas in the manner and to the extent provided in this title.

"PAYMENTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 202. (a) A local educational agency shall be eligible under this subsection for payment with respect to children who reside on Federal property with a parent employed on Federal property, if the estimated number of such children who will be in average daily attendance at the schools of such agency during the current fiscal year (as defined in paragraph (6) of section 210) is at least fifteen and is at least 5 per centum of the estimated number of all children who will be in average daily attendance at the schools of such agency during the current fiscal year. Each such local educational agency shall be entitled to receive an amount not to exceed such estimated number of children with respect to whom it is eligible for payment under this subsection, multiplied by 95 per centum of the average per pupil cost of constructing complete school facilities in the State in which the school district of such agency is situated.

"(b) A local educational agency of a State shall be eligible under this subsection for payment with respect to children who reside on Federal property, or who reside with a parent employed on Federal property part or all of which is situated in such State, if the estimated number of such children who will be in average daily attendance at the schools of such agency during the current fiscal year is at least fifteen and is at least 5 per centum of the estimated number of all children who will be in average daily attendance at the schools of such agency during the current fiscal year. Each such local educational agency shall be entitled to receive an amount not to exceed such estimated number of children with respect to whom it is eligible for payment under this subsection, multiplied by 70 per centum of the average per pupil cost of constructing complete school facilities in the State in which the school district of such agency is situated.

"(c) A local educational agency shall be eligible under this subsection for payment with respect to children whose attendance results from activities of the United States (carried on either directly or through a contractor) if, in the judgment of the Commissioner of Education—

"(1) the estimated number of such children who will be in average daily attendance at the schools of such agency during the current fiscal year is at least twenty and is at

least 10 per centum of the estimated number of all children who will be in average daily attendance at the schools of such agency during the current fiscal year; and

"(2) the construction of additional school facilities to take care of the children whose attendance results from such activities of the United States has imposed or will impose an undue financial burden on the taxing and borrowing authority of the agency.

Each such local educational agency shall be entitled to receive an amount no to exceed such estimated number of children with respect to whom it is eligible for payment under this subsection, multiplied by 45 per centum of the average per pupil cost of constructing complete school facilities in the State in which the school district of such agency is situated. In determining eligibility and maximum amounts of payment under this subsection, the Commissioner (A) shall take into account only activities of the United States carried on after June 30, 1939; and (B) shall not take into account activities of the United States carried on in connection with real property which has been excluded from the definition of Federal property by the last sentence of paragraph (1) of section 210.

"(d) If two or more of the first three subsections of this section apply to a child, the local educational agency shall elect which of such subsections shall apply to such child.

"(e) Notwithstanding the preceding provisions of this section, the total number of children for whom a local educational agency is entitled to receive payment under this title shall not exceed—

"(1) except where the determination of the maximum amount is based in whole or in part on entitlement under subsection (c), the estimated number of all children in average daily attendance at the schools of such agency during the current fiscal year, minus the number of all children in average daily attendance at the schools of such agency during the fiscal year ending June 30, 1939; and

"(2) where the determination of the maximum amount is based in whole or in part on entitlement under subsection (c), the estimated number of all children in average daily attendance at the schools of such agency during the current fiscal year, minus 110 per centum of the number of all children in average daily attendance at the schools of such agency during the fiscal year ending June 30, 1939.

"(f) Notwithstanding the provisions of the first three subsections of this section, where the average daily attendance at the schools of any local educational agency during the fiscal year ending June 30, 1939, exceeded 35,000—

"(1) such agency's percentage requirement for eligibility under subsection (a) or (b) shall be 10 per centum instead of 5 per centum, and its percentage requirement for eligibility under subsection (c) shall be 20 per centum instead of 10 per centum; and

"(2) in determining the maximum amount which such agency is entitled to receive under any such subsection, the agency shall be entitled to receive payment with respect to only so many of the estimated number of children whose attendance serves as the basis for eligibility under such subsection, as exceeds (A) in the case of subsection (a) or (b), 5 per centum of the estimated number of all children in average daily attendance at the schools of such agency during the current fiscal year, and (B) in the case of subsection (c), 10 per centum of such estimated number of all children so in average daily attendance.

"(g) (1) Where—

"(A) under any law other than a law relating to the disposal of surplus property, the United States constructed, or assisted in the construction of, school facilities in the school district of any local educational agency;

"(B) such construction was completed after June 30, 1939; and

"(C) either such agency has title to such school facilities, or, in the judgment of the Commissioner of Community Facilities Service, there is reasonable assurance that such agency will have the right to use such facilities for the remainder of the estimated usable life of such facilities,

then the Commissioner of Community Facilities Service, in accordance with regulations prescribed by him, shall determine the amount which equals the actual cost to the United States of constructing or assisting in the construction of such school facilities, minus (i) percentage depreciation applied to such cost for the period beginning with the completion of the construction of such facilities and ending on June 30, 1951 (the rate of such depreciation to be based on the estimated usable life of such school facilities for the school purposes of such agency), and (ii) so much of the actual cost to the United States of constructing or assisting in the construction of such facilities as has been recovered by the United States. The Commissioner of Community Facilities Service shall certify to the Commissioner of Education the amount so determined; and the Commissioner of Education shall reduce the maximum amount which such agency is otherwise entitled to receive under this section in accordance with such certification.

"(2) Where—

"(A) under the Act of October 14, 1940, entitled 'An Act to expedite the provision of housing in connection with national defense and for other purposes', as amended, the United States has prior to the enactment of this Act constructed school facilities in the school district of a local educational agency; and

"(B) such school facilities are available to such agency on the date this Act is enacted, the head of the Federal department or agency having custody of such facilities shall forthwith transfer to such local educational agency all right, title, and interest remaining in the United States in and to such facilities and the land being used in connection with the operation of such facilities.

"WHERE EFFECT OF FEDERAL ACTIVITIES WILL BE TEMPORARY

"SEC. 203. Notwithstanding the provisions of section 202, whenever the Commissioner determines that part or all of the attendance with respect to which any local educational agency is entitled to receive payment under such section will be of temporary duration only, such agency shall not be entitled to receive such payment with respect to the attendance so determined to be of temporary duration only. Instead, the Commissioner shall make available to such agency such temporary school facilities as may be necessary to take care of such attendance; except that he may, where the local educational agency gives assurance that adequate school facilities will be provided to take care of such attendance, pay (on such terms and conditions as he deems appropriate to carry out the purposes of this title) to such agency for use in constructing school facilities an amount equal to the amount which he estimates would be necessary to make available such temporary facilities.

"CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

"SEC. 204. In the case of children who reside on Federal property—

"(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

"(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make such arrangements for constructing or otherwise providing school facilities as may be necessary for the education of such children. To the maximum extent practicable school facilities provided under this section shall be comparable to the school facilities provided for children in comparable communities in the State. This section shall not apply (A) to children who reside on Federal property under the control of the Atomic Energy Commission, and (B) to Indian children attending Federally operated Indian schools. Whenever it will be necessary for the Commissioner to provide school facilities for children residing on Federal property under this section, no local educational agency shall be entitled to receive payment under section 202 with respect to the attendance of such children.

"APPLICATIONS

"SEC. 205. (a) No local educational agency shall be entitled to payment of any part of the maximum amount established for such agency by the formula contained in section 202 except upon application therefor submitted through the appropriate State educational agency and filed before July 1, 1952, with the Commissioner of Education in accordance with regulations prescribed by him. Any such application may either set forth a project for the construction of school facilities for such agency, in accordance with subsection (b), or may contain a request for a reimbursement payment, in accordance with subsection (c). The Commissioner of Education shall take final action with respect to the approval or disapproval of any such application within a reasonable time.

"(b) (1) Each application by a local educational agency setting forth a project for the construction of school facilities for such agency shall contain or be supported by—

"(A) a description of the project and the site therefor, preliminary drawings of the school facilities to be constructed thereon, and such other information relating to the project as may reasonably be required by the Commissioner;

"(B) assurance that such agency has or will have title to the site, or the right to construct upon such site school facilities as specified in the application and to maintain such school facilities on such site for a period of not less than 20 years after the completion of the construction;

"(C) assurance that such agency has legal authority to undertake the construction of the project and to finance any non-Federal share of the cost thereof as proposed, and assurance that adequate funds to defray any such non-Federal share will be available when needed;

"(D) assurance that such agency will cause work on the project to be commenced within a reasonable time and prosecuted to completion with reasonable diligence;

"(E) assurance that the rates of pay for laborers and mechanics engaged in the construction will be not less than the prevailing local wage rates for similar work as determined in accordance with Public Law Numbered 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended;

"(F) assurance that the school facilities of such agency will be available to the children for whose education contributions are provided in this title on the same terms, in accordance with the laws of the State in which the school district of such agency is situated, as they are available to other children in such school district; and

"(G) assurance that such agency will from time to time prior to the completion of the project submit such reports relating to the project as the Commissioner may reasonably require.

"(2) The Commissioner shall approve the application if he finds (A) that the proposed Federal share of the cost of the project does not exceed so much of the maximum amount which such agency is entitled to receive under section 202 as has not been expended or obligated for payment of the Federal share of the cost of projects of such agency theretofore approved, (B) that the requirements of paragraph (1) of this subsection have been met, and (C) after consultation with the State and local educational agency, that the project is not inconsistent with over-all State plans for the construction of school facilities.

"(c) (1) If, and only if, a local educational agency has provided (or, by reason of a project or projects under this title, will provide) adequate school facilities for the school children for whose education contributions are provided in this title, such agency may file an application containing a request for a reimbursement payment of so much of the maximum amount which such agency is entitled to receive under section 202 as has not been expended or obligated for payment of the Federal share of the cost of the projects of such agency under this title. Any such application shall also contain assurance that the school facilities of such agency will be available to such children on the same terms, in accordance with the laws of the State in which the school district of such agency is situated, as they are available to other children in such school district. In no event shall the reimbursement payment under this subsection exceed the amount expended from local sources since June 30, 1939, for the construction of the school facilities of the local educational agency.

"(2) The Commissioner shall approve any application of a local educational agency if he finds that the requirements of paragraph (1) of this subsection have been met.

"(d) No application under this title shall be disapproved in whole or in part until the Commissioner of Education has afforded the local educational agency reasonable notice and opportunity for hearing.

"CERTIFICATION AND PAYMENT

"SEC. 206. (a) Upon approving the application of any local educational agency under section 205 (b), the Commissioner of Education shall certify to the Secretary of the Treasury for payment to such agency an amount equal to 10 per centum of the Federal share of the cost of the project. After final drawings and specifications have been approved by the Commissioner of Education and the construction contract has been entered into, the Commissioner shall certify to the Secretary of the Treasury for payment to such agency, in accordance with regulations prescribed by him and at such times and in such installments as may be reasonable, the remainder of the Federal share of the cost of the project.

"(b) Upon approving the application of any local educational agency under section 205 (c), the Commissioner of Education shall certify to the Secretary of the Treasury for payment to such agency an amount equal to the maximum amount which such agency is entitled to receive under section 202 less any amount which such agency has received or will receive under subsection (a) of this section.

"(c) For each fiscal year the Commissioner of Education shall determine the portion of the funds appropriated to carry out the purposes of this title which shall be available for carrying out the provisions of sections 203 and 204. The remainder of such funds shall be available for making payments to local educational agencies for which applications have been approved under subsections (b) and (c) of section 205.

"(d) If the Commissioner of Education determines for any fiscal year that the funds which will be available therefor may not be sufficient to pay in full the amounts which all local educational agencies would otherwise be entitled to receive under applications approved under this title before the end of such year, he shall by regulations prescribe (1) a date or dates before which all applications for payments out of such funds shall be filed, and (2) the order in which the certifications required by subsections (a) and (b) of this section will be made. The order so prescribed shall be based on relative urgency of need and shall give applications under section 205 (b) priority over applications under section 205 (c).

"(e) The Secretary of the Treasury shall pay to each local educational agency in accordance with the certification of the Commissioner. Any funds paid to a local educational agency and not expended for the purposes for which paid shall be repaid to the Treasury of the United States.

"WITHHOLDING OF CERTIFICATION; APPEALS

"SEC. 207. (a) Whenever the Commissioner of Education, after reasonable notice and opportunity for hearing to a local educational agency, finds (1) that there is a substantial failure to comply with the drawings and specifications for the project, (2) that any funds paid to a local educational agency under this title have been diverted from the purposes for which paid, or (3) that any assurance given in an application is not being or cannot be carried out, the Commissioner may forthwith notify the Secretary of the Treasury and such agency that no further certification will be made under this title with respect to such agency until there is no longer any failure to comply or the diversion or default has been corrected or, if compliance or correction is impossible, until such agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

"(b) The final refusal of the Commissioner to approve part or all of any application under this title, and the Commissioner's final action under subsection (a) of this section, shall be subject to judicial review on the record, in the United States Court of Appeals for the circuit in which the local educational agency is located, in accordance with the provisions of the Administrative Procedure Act.

"ADMINISTRATION

"SEC. 208. (a) In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

"(b) The Commissioner of Education shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

"(c) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of receipts and disbursements.

"(d) With respect to compliance with and enforcement of the prevailing wage provisions of section 205 (b) (1) (E), the Secretary of Labor shall prescribe appropriate standards, regulations, and procedures, which shall be observed by the agencies administering such provisions, and shall cause to be made by the Department of Labor such investigations as he deems desirable.

"USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

"SEC. 209. (a) In carrying out his functions under this title, the Commissioner of Education may utilize the facilities and services of any Federal department or agency and may delegate the performance of any of his functions to any officer or employee of any Federal department or agency. The Commissioner of Education shall exercise the authority contained in the preceding sentence whenever such exercise will avoid the creation within the Office of Education of a staff and facilities which duplicate existing available staffs and facilities. Any such utilization or delegation shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

"(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may give rise to a need for the construction of school facilities, shall to the maximum extent practicable comply with requests of the Commissioner for information he may require in carrying out the purposes of this title.

"(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1951, and for each of the two succeeding fiscal years, such sums as may be necessary to carry out the provisions of this title, including the administration thereof. Sums so appropriated, other than sums appropriated for administration, shall remain available until expended. Not to exceed 10 per centum of the amount so appropriated for any fiscal year (exclusive of any sums appropriated for administration) may be used by the Commissioner, under regulations prescribed by him to make grants to local educational agencies eligible for payments under section 202, where (1) the application of such agencies would be approved under section 205 (b) but for the agencies' inability, unless aided by such grants, to finance the non-Federal share of the cost of the projects set forth in their applications, or (2) although the applications of such agencies have been approved, the projects covered by such applications could not, without such grants, be completed, because of flood, fire, or similar emergency affecting either the work on the projects or the agencies' ability to finance the non-Federal share of the cost of the projects. Such grants shall be in addition to the payments otherwise provided under this title, shall be made to those local educational agencies whose need for additional aid is the most urgent and acute, and insofar as practicable shall be made in the same manner and upon the same terms and conditions as such other payments.

"(d) Such portion of the appropriations of any other department or agency for the fiscal year ending June 30, 1951, as the Director of the Bureau of the Budget determines to be available for the same purposes as this title, shall, except to the extent necessary to carry out during such year contracts made prior to the enactment of this Act, be transferred to the Commissioner for use by him in carrying out such purposes.

"(e) No appropriation to any department or agency of the United States, other than an appropriation to carry out this title, shall be available during the period beginning July 1, 1951, and ending June 30, 1953, for the same purpose as this title; except that nothing in this subsection or in subsection (d) of this section shall affect the availability during such period of appropriations (1) for the construction of school facilities on Federal property under the control of the Atomic Energy Commission, (2) for the construction of school facilities which are to be Federally operated for Indian children, or (3) for the construction of school facilities under the Alaska Public Works Act, approved August 24, 1949.

"DEFINITIONS

"SEC. 210. For the purposes of this Act—

"(1) The term 'Federal property' means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by

the District of Columbia. Such term includes real property leased from the Secretary of the Army, Navy, or Air Force under section 805 of the National Housing Act, as amended, for the purpose of title VIII of such Act. Such term also includes real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States. Such term does not include (A) any real property used by the United States primarily for the provision of services to the local area in which such property is situated, (B) any real property used for a labor supply center, labor home, or labor camp for migratory farm workers, or (C) any low-rent housing project held under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the United States Housing Act of 1937, the Act of June 28, 1940 (Public Law 671 of the Seventy-sixth Congress), or any law amendatory of or supplementary to any of such Acts.

"(2) The term 'child' means any child who is within the age limits for which the applicable State provides free public education.

"(3) The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(4) The term 'free public education' means education which is provided at public expense and under public supervision and direction, and which is provided as elementary or secondary school education in the applicable State.

"(5) Average daily attendance shall be determined in accordance with State laws; except that, notwithstanding any other provision of this title, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this title the attendance of such child shall be held and considered—

"(A) if the two local educational agencies concerned so agree, and if such agreement is approved by the Commissioner, as attendance at a school of the local educational agency receiving such tuition payment;

"(B) in the absence of any such approved agreement, as attendance at a school of the local educational agency so making or contracting to make such tuition payment.

In any determination of average daily attendance, children who are not provided free public education (as defined in paragraph (4)) shall not be counted.

"(6) The term 'current fiscal year' means (A) with respect to an application approved before July 1, 1951, the fiscal year ending June 30, 1951, and (B) with respect to an application approved after June 30, 1951, the fiscal year ending June 30, 1952.

"(7) The average per pupil cost of constructing complete school facilities in the State in which the school district of a local educational agency is situated shall be determined by the Commissioner of Education on the basis of contracts entered into during the fiscal year preceding the fiscal year in which the application is approved. If the Commissioner finds that the information available for the State concerned for such preceding fiscal year is inadequate or not sufficiently representative, he shall determine such cost on the basis of such information as he has available and after consultation with the State educational agency.

"(8) Estimates of average daily attendance during a current fiscal year, and all other determinations with respect to eligibility and maximum amount of payment, shall be made as of the time of the approval of the application for which made, and shall be made on the basis of the best information available at the time of such approval.

"(9) The terms 'construct', 'constructing', and 'construction' include the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

"(10) The term 'school facilities' includes classrooms and related facilities; and initial equipment, machinery, and utilities necessary or appropriate for school purposes. Such term does not include athletic stadia, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public. Except as used in sections 203 and 204, such term does not include interests in land and offsite improvements.

"(11) School facilities shall be deemed adequate for a given number of children if, under applicable State standards, they are adequate for the full-time education of such number of children.

"(12) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

"(13) The term 'State educational agency' means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

"(14) The term 'State' means a State, Alaska, Hawaii, Puerto Rico, or the Virgin Islands; except that for the purposes of title I the term includes, in addition, the District of Columbia.

"(15) The terms 'Commissioner of Education' and 'Commissioner' mean the United States Commissioner of Education.

"(16) For the purposes of title I, the term 'school-age population' means that part of the population which is between the ages of five and seventeen, both inclusive, and the school-age population of the several States shall be determined on the basis of the most recent estimates certified by the Department of Commerce; and for such purposes the term 'school' means any elementary or secondary school which is tax-supported and publicly administered."

And the House agree to the same.

Amend the title so as to read: "An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes."

HUBERT H. HUMPHREY,
JAMES E. MURRAY,
LISTER HILL,
GEORGE D. AIKEN,
WAYNE MORSE,
Managers on the Part of the Senate.

GRAHAM A. BARDEN,
CLEVELAND M. BAILEY,
THOMAS H. BURKE,
SAMUEL K. MCCONNELL, JR.,
CARROLL D. KEARNS,
Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the conference report.

Mr. WHERRY. Mr. President, there is no objection to the immediate consideration of the report, but I should like to have a very brief explanation as to what the Senate receded from, if it did recede, what the House did, and what the effect of the report is on the bill as it was passed by the Senate.

Mr. HUMPHREY. Mr. President, I am very happy to comply with the request of the Senator, and I have a prepared statement which I can place in the RECORD.

Mr. WHERRY. The Senator can give his offhand observations as to the report, besides placing the statement in the RECORD.

Mr. HUMPHREY. I ask unanimous consent that the statement I have prepared giving a brief summary of Senate bill 2317 as it came out of conference be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, Mr. HUMPHREY'S statement was ordered to be printed in the RECORD, as follows:

BRIEF SUMMARY OF S. 2317 (CONFERENCE VERSION)

Purpose of the bill is to provide Federal funds for construction of critically needed school facilities in those school districts that have been seriously affected by activities of the Federal Government, and to provide Federal assistance to State departments of education for surveys and planning of State-wide school-construction programs.

The bill attempts to measure the extent to which the Federal Government has placed a financial burden on certain school districts, as follows:

1. Children living on nontaxable Federal property for which the school district receives no local taxes.

2. Children whose parents are employed on a nontaxable Federal project located in the same State for which the school district receives only part of the normal tax income.

3. A very large and sudden increase in school population in a district not associated directly with loss of tax revenue, but which is too great for the community to absorb with its own resources.

In order to be eligible for assistance, a school district must have a certain percentage of its school enrollment falling in one of the above categories. Federal allotments are based as follows:

Ninety-five percent of cost per child of constructing school facilities for each child in category 1 above; 70 percent for category 2; and 45 percent for the cost per child in category 3.

Provision also is made for assistance for impacts occurring in the future and for impacts that are of temporary duration.

The bill authorizes a 3-year construction program and the cost is estimated to be from $150,000,000 to $170,000,000. Responsibility for administration is placed in the Commissioner of Education and he is required to delegate those functions which his agency is not prepared to handle. This administrative pattern will avoid the necessity of creating a new Federal agency or bureau to administer this program, since the Office of Education is equipped to handle the educational functions and the community facilities service is equipped to handle engineering and construction functions.

It is estimated that there are from 500 to 600 school districts in the Nation eligible to receive this help.

Title I authorizes $3,000,000 to be allotted to States for making State-wide surveys of the need for additional school facilities of State and local resources to meet that need and for planning State-wide school construction programs. The money is to be allotted on the basis that the ratio of school-age population in each State bears to school-age population in the United States and is on a 50-50 matching basis.

Each of the past 2 years the President has recommended that action be taken by the

Congress to accomplish the purposes set forth in titles I and II of this bill.

Mr. HUMPHREY. Mr. President, the Senator from Nebraska, the minority leader, will recall that at the time the bill was before the Senate at the end of the last session, the distinguished senior Senator from Ohio [Mr. TAFT] and I joined in presenting the issue before the Senate.

The amendment which has been made by the House, and in which the Senate conferees concurred, sets out in detail the language which the Senate inserted in rather general terms as to the emergency construction provided for. The Senate bill would have given to the Office of Education almost unlimited authority for the use of whatever funds were appropriated under the law. The House Members believed that there should be a spelling out of the Federal responsibility in the federally affected areas. Therefore, three categories for emergency construction assistance are included:

First, where children are on a Federal reservation, where there is no possibility of any tax being paid to the locality.

Mr. WHERRY. That will take care of such a situation as there is in Nevada, where the locality is near the Hoover Dam, will it not?

Mr. HUMPHREY. Yes. The second is where there are children of parents who are employed on a nontaxable Federal project located in the same State for which the school district receives only a part of the normal tax income. That would apply, for example, to a case where the father and mother were employed on a Federal project and have a home in a non-Federal area, so the State loses all the taxes from the Federal industrial project.

The third instance is where there is a very large and sudden increase in school population in a district not associated directly with the loss of tax revenue, but which is too great for the community to absorb with its own resources. This would apply to a case where the International Harvester Co., for instance, erected a large plant and brought in 15,000 people, let us say, who live in emergency type dwellings. The tax revenue would be inadequate, and in that instance the Federal Government would pay up to 45 percent of the new facilities which it would be necessary to construct.

Mr. WHERRY. Let us consider a situation where the Department of the Interior, or the Army Engineers, go into a community and build a dam. The Government officials have their families there. In addition, the contractors have their families there. There is this sudden influx and increased numbers of students in the schools temporarily. Would such a situation come under the last provision mentioned, or would it be necessary for us to continue as we have been doing?

Mr. HUMPHREY. It comes under the last provision. We took particular care to include such a situation, because we know, for example, that in connection with the Missouri River development, the Garrison Dam and the Oahu Dam are being constructed, and thousands of employees may come there on a temporary basis. There is provision for the temporary employees.

Mr. WHERRY. Mr. President, I appreciate the answer the Senator has given, for the reason that for 2 or 3 years it has been very difficult to obtain any relief for the small towns which find themselves confronted with these large additions to their population. They have done the best they could to provide facilities. Some relief was afforded on a temporary basis, with the hope that some statute like the bill now being considered might be enacted, and special legislation not be required each time an appropriation was made.

Mr. HUMPHREY. This was gone into very carefully. Many of the projects were visited by members of the House committee, so that we had ample documentation, and the projects are coordinated through the Office of Education.

Mr. WHERRY. I thank the Senator for his explanation.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

COMMUNIST INVASION OF AGRICULTURE

Mr. BRIDGES. Mr. President, the Senate is considering a bill aimed at protecting America against the international Communist conspiracy. This bill represents long hours and weary months of exacting labor over a period of years. I believe those Members of the Congress who are chiefly responsible for the study and effort which this bill represents, deserve the commendation of their colleagues and the thanks of the American people.

The need for this legislation has existed for a long time. However, the American people are aware of this need today to a far greater degree than ever before. Our people can now see the brink of disaster to which the policy of coddling Communists has brought our Nation.

For the first time the whole picture of Communist influence in our society comes into sharp focus. Now we know why American foreign policy has been warped. Now we know why American domestic policy has tended toward the socialism of Karl Marx. Now we know how American labor has been misled by false friends.

These things the American people know. And the people call on Congress to enact this bill to help correct our policies. Today, I desire to discuss the influence of the Communist conspirators on another great segment of American society—our farmers.

Mr. President, my conviction that legislation such as S. 3409 is urgently needed was strengthened a few weeks ago when there came to my attention evidence showing a carefully planned Communist effort to infiltrate and take over one of our great farm organizations.

Mr. President, I have worked with farmers and farm organizations all my life. I think I know our American farmers—their capacity for toil, their desire for production and ever more production. I know their devotion to liberty and opportunity, to the principles that underlie our form of government. I know their rugged independence. I know their very occupation compels farmers to do their own thinking. I have always regarded our 11,000,000 farmers as the bulwark of our free institutions, because they, more possibly than any other group, know and value freedom.

The evidence of a determined Communist attempt to infiltrate and take over one of the farmers' major organizations, therefore, comes as a shock to me. I have caused further investigation to be made, and the evidence I have, not only confirms the Communist attempt, but also indicates that it has achieved considerable, if not complete, success.

I am going to present to the Senate, and the American people, a small part of that evidence today. I do so for two reasons:

First. Because I believe the evidence is an imperative argument in favor of the enactment of the legislation before us.

Second. Because I know that not one in a thousand of our American farmers has the slightest use for communism or its teachings of hate and violence.

I am sure that very few of the 450,000 members of the farm organization involved have any idea of what has been happening to their organization. The only way they can clean out and destroy this Communist influence is by knowing the facts. Therefore, I propose to put the facts on record.

FARMERS UNION THEIR TARGET

The farm organization to which I refer, Mr. President, is the Farmers Educational and Cooperative Union, better known as the Farmers Union. It is one of our three major farm organizations. The other two are the American Farm Bureau Federation and the National Grange. I am happy to report that I have no evidence of any attempt, let alone success, of Communist infiltration into either the Farm Bureau or the Grange.

Mr. President, today I intend to present facts for the consideration of the Senate, facts supported by documentary evidence. I do not want to burden the Senate with listening to all of these supporting documents in full, but I do want much of my evidence in the RECORD. I have therefore arranged them as exhibits, numbered in order, and I ask unanimous consent, Mr. President, that these exhibits, as I mention them in my address, be inserted in the RECORD in numerical sequence at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BRIDGES. Mr. President, I believe it could be said that my evidence will demonstrate that the leadership of the Farmers Union has attempted to turn that organization into a Communist front. I am not going to make that charge. I am going to let the evidence speak for itself. There are many honest and sincere people in the Farmers

Union. Many State leaders of unquestioned loyalty and integrity have, as I will show, fought fiercely against the element which would make the Farmers Union a front organization.

What is a Communist-front organization, or rather what is a front organization? What is meant by the word "front"? It is used in the sense which we in America have used the word in the phrase "false front." A front organization is something which has the appearance of being something else. Applied to totalitarian organizations, the word "front," means a mass organization, the membership of which subscribes to a set of wholly worth-while principles. It may be a labor union, a religious group, a fraternal organization, or a special interest group. In each case the Communists either organize it from scratch or infiltrate the top leadership in order to exert control over its actions and policies.

The Communists have had great success with fronts in the United States. Americans seem to have an urge to join organizations with a cause. Having joined, all too often, we are content merely to be members and pay dues, and "let George do it." We are glad to elect as a secretary a man who is willing to do the work. The Communists are willing to do the work.

HAL WARE, THE LEADER

Briefly, I will show the Senate today a very involved and complex plot. The evidence may be divided into five phases:

First. That the Communist Party claims it planned to infiltrate and take over the Farmers Union during the late 1930's.

Second. That this effort went forward under the direction of the late Hal Ware, son of the Communist "saint," Mother Bloor. A part of Ware's program was the organization within the Department of Agriculture of the Communist cell to which, Whittaker Chambers has testified, Lee Pressman, Nathan Witt, John Abt, Alger Hiss, Charles Kramer, and Victor Perlo belonged. Incidentally, Pressman admitted his membership in this group under oath last August 28.

Third. That the Communists have boasted repeatedly that they were successful in their efforts to control by infiltration the Farmers Union.

Fourth. That persons who are Communist sympathizers, or Communist coddlers occupy positions of great influence in the National and some State headquarters of the Farmers Union.

Fifth. That the Farmers Union so consistently espouses Communist causes, parrots Communist propaganda, and refuses to denounce Communists or their activities as to preclude the possibility of accident or coincidence.

My evidence falls into two categories. The first is the statements of known and admitted Communists, and the second is corroborating evidence from non-Communists connected with the farmers union and other sources.

As I indicated, this is a long story. It involves a complex plot. I cannot hope, within the limitation which time imposes, to bring all of my evidence to the attention of the Members of the Senate. However, the evidence which I shall present, I submit, is more than sufficient to indicate the need for enactment of the current legislation in order to cope with such conspiracies against our people, conspiracies carried forward behind a false front, and supported, I am confident, by good Americans who do not know the facts.

Let us begin with Hal Ware, who died 15 years ago. His work as a recruiting sergeant for, and a field marshal of, American traitors, will always be a blot on the pages of our history.

Ware was the son of Ella Reeve Bloor, "Mother Bloor," whom the Communists themselves acclaim as the first lady of the Communist Party, United States of America. A few years ago, Mother Bloor wrote her autobiography, We Are Many. Here are some of the things she said about her son, Hal:

> Hal made such an important contribution to the development of our work among farmers in America and to the upbuilding of the Soviet Union through his agricultural work there that I would like at this point to digress to talk about his work. * * *
>
> Hal's interest in agriculture began early. * * * Hal worked his farm during the summer to meet his college expenses. * * * He was already planning work among farmers, organizing them for socialism. * * * When the Communist Party was formed he became a charter member. He went right to the party with the problems of the farmer. As soon as the Russian Revolution occurred, Hal read everything he could lay his hands on about Russian agriculture. * * *

HE WORKED WITH LENIN

> About that time Lenin, needing material about farmers in America and unable to find it, wrote to the party in his clear, blunt manner, asking: "Have you no farmers in America?" Hal was asked what he could do about making a report. He said he would have to make an extensive survey of the country. * * * Hal started off on a 6-month trip. * * * When Hal returned, he prepared a detailed survey on migratory workers, types of agriculture, and conditions of the farmers of America, and a map showing distribution of types of farms, farm incomes, and so on. The survey and map were sent to Lenin. When I was in Moscow in 1921, Lenin wrote me a penciled note praising his work. * * *
>
> Back in New York, Hal was called in to advise on agricultural purchases for Russian famine relief. Hal saw the problem in bigger terms. He said, "Why not put the money into tractors and seed, grow food on the spot and at the same time help the Government's program of teaching the Russian peasants modern agriculture." This idea was accepted. Hal went to North Dakota and picked out nine husky sodbusters. Commissariat of Agriculture officials assigned them to rough, rolling country near Perm. For thousands of peasants in Perm that summer, this meant the beginning of collective farming.

These quotations, Mr. President, are those of a Communist mother expressing pride in her son for starting the Communist penetration of American agriculture.

What, Mr. President, has collective farming meant throughout the whole history of bolshevism? It has meant robbery by the government of the family farmer's crops, livestock, and land. It has meant exile, starvation, and murder. It was the cause of the monstrous planned famine of 1931, when the Bolshevik government actually starved to death 4,000,000 of its own family farmers for the crime of wanting to own their own land. This American, Hal Ware, was one of those who helped put this collectivization program into operation. Lenin thanked him for it, as Mother Bloor relates, in a message to Ware which was published in Pravda, the official newspaper of Communist Russia. Here is what Lenin said:

> Not a single kind of help has been for us so timely and important as the help shown by you.

HELPED SOVIETS' COLLECTIVE FARM PROGRAM

So Ware stayed on in Russia, helping the Bolshevik murderers, right down to the great famine itself. Then, as his mother tells us, he came home. She wrote:

> Hal gave 10 years of his life to the work in Soviet Russia. When it was clear that the cause of mechanized farming was won in the U. S. S. R., and that the Russian farmers, already collectivized, no longer needed him as much as the American farmers did, he came back to take charge of the party's agrarian work here.

We have learned since, Mr. President, some of the things which Mr. Ware's so-called agrarian work here involved. Whittaker Chambers has told us that it involved digging a tunnel for the Red underground beneath the United States Government.

His testimony has been corroborated in part by Elizabeth Bentley, and Lee Pressman. And the mouth of that tunnel opened in Henry Wallace's United States Department of Agriculture, where Alger Hiss, Lee Pressman, Nathan Witt, John Abt, Charles Kramer, Nathan Gregory Silvermaster, and others obtained their first Government employment.

Now let us turn to another man—one who, up to this time, is comparatively unknown. I believe the evidence will show, Mr. President, that he is one of Stalin's key agents on the North American continent. He stepped into Hal Ware's agrarian shoes after Ware died in 1935, and he has been filling them ever since. Incidentally, I note that the Communists were using the word "agrarian" before the State Department labeled the Chinese Communists "agrarian reformers."

LEM HARRIS, WARE'S SUCCESSOR

The man who stepped into Hal Ware's shoes was Lement C. Harris. He is one of those rich boys from Harvard University, like Corliss Lamont and Frederick Vanderbilt Field, who decided to spend papa's money toying with the unwitting proletariat.

Lem Harris boasts that he has been a Communist since the late 1920's. One Hundred Things You Should Know About Communism, a publication of the House Committee on Un-American Activities, lists him as a member of the Communist Party's National Committee and secretary of the party's national farm commission. The evidence of his direct connection with the U. S. S. R. is supplied by Harris himself.

In an article in Science and Society, published in the spring of 1946, Harris states that in 1929 he was "part of a team on a Soviet state farm which operated three combines." In the same article he asserts that he made "a survey of collective farms" in 1935.

Let us get back to Mother Bloor. She wrote in her book:

During the 1932 Presidential campaign, the big militant milk strike then going on in Iowa came up for discussion at a meeting of the Central Committee of the (Communist) Party in New York * * *. Feeling that something must be done by our party, I suggested that Hal should be sent out with me to Iowa * * *. After holding a big meeting in Des Moines, Hal, Rob Hall, who had joined us, and I drafted a set of resolutions.

The Rob Hall mentioned is the same Rob Hall who now is listed as Washington correspondent for the Daily Worker.

Now back to Mother Bloor again:

Hal, Rob Hall and I drove out to the park (in Sioux City) where 10,000 farmers were assembled. * * * I said: "I am national organizer of the United Farmers League of North Dakota and have brought greetings." * * * In about a minute the farmers were around me in a solid mass. * * * We halted before the Governor's Hotel and the farmers called out: "Send out your soldiers, we are ready." * * * By the end of 1932, our work among the farmers had broadened out to such an extent that we were able to hold a highly successful farmers emergency relief conference in Washington in December 1932. * * * My son, Hal, was asked to help call such a conference. * * * Working with Hal on the conference preparations were Lem Harris, Rob Hall. * * * and other active and intelligent young men. * * * The convention voted to organize the Farmers National Committee for Action. * * * We who were on the Farmers National Committee for Action's executive committee attended Farmers Holiday and Farmers Union State conventions as delegates. * * * One memorable occasion was at Lincoln, Nebr. Several of us had been made fraternal delegates. * * * among others Lem Harris who had * * * just returned from a visit to the U. S. S. R.

In November 1933 we held the second big FNCA conference in Chicago. * * * Here, with agricultural worker delegates present, we first brought vigorously to the fore the problems of agricultural workers. Our idea was to break down the antagonism between small farm owners and agricultural workers.

DONALD HENDERSON IN PLOT

Mr. President, the man who undertook to speak for agricultural workers at this Moscow-managed conference was Donald Henderson, self-admitted Communist and ally of Harry Bridges. Henderson at present is head of the Food and Tobacco Workers Union, which recently was driven out of the CIO. If any of the Senators care to examine it, I have here a photostat of the FNCA program in Chicago, which lists Henderson's name; and, as I previously stated, I have many other exhibits which I plan to introduce into the RECORD.

How important was the work of this Kremlin-coached squad of revolutionaries, who operated with such secret cunning among the unwitting and distressed farmers of the United States back in the 1930's? Here is one answer given by Admiral E. M. Zacharias, the man who predicted Pearl Harbor. Here is what Admiral Zacharias says in his recently published book, Behind Closed Doors, the Secret History of the Cold War:

Another secret textbook (used in Communist schools of revolution all over the world) is called the Organization of Revolutionary Strikes. Farmers' strikes in Iowa and Nebraska are described in great detail as the prototype for Bolshevik agitators.

So let us pause for a moment to add up what we have got already. The Communists themselves had been good enough to provide us with the evidence that their agents, Ware and Harris, were trained in Russia for their work in rural America. Ex-Communist Chambers and the man who says he is an ex-Communist, Pressman, have told us of Ware's work in establishing the Red underground here in Washington. Let us turn now to some other details of the Washington picture as it affects my story.

FARM RESEARCH, INC.

The Washington City Directory for 1935 lists Ware as an agricultural engineer connected with Farm Research, Inc. I have here a photostatic copy of the minutes of a meeting of the board of directors of Farm Research, Inc., a Communist-front organization, held on May 3, 1932, which shows that Lem Harris was an official of the outfit, along with Charles Garland, another rich boy who made himself famous—or infamous—by giving away papa's money to finance leftist causes. Since this document indicates that Charles Garland was secretary-treasurer of Farm Research, and since we know he was a man of wealth, I feel it reasonable to assume that Garland was the "angel" of Farm Research itself. At any rate, he was the founder of the American Fund for Public Service, also known as the Garland Fund, which was used to finance Communist fronts, and Farm Research, as I have shown, was the Washington office of Ware and Harris, two of Stalin's chief agents in American agriculture. Neither of the two ever made any bones about the fact that he was an avowed Communist. They revealed their traitorous connections because they were proud of their work.

Who else hung his hat on the Farm Research hook? The Washington City Directory, from 1936 until 1941, lists the name of Charles J. Coe. Who is he? Well, for one thing, he was, and still is, the editor of Facts for Farmers.

Mr. MCMAHON. Mr. President, will the Senator yield?

Mr. BRIDGES. I am glad to yield.

Mr. MCMAHON. I inquire if the majority leader, who is standing near the Senator from New Hampshire, can hear what is being said?

Mr. LUCAS. I may say it is a little difficult.

Mr. BRIDGES. I have a cold, and I may say I am not using my voice to its full extent today. I trust that if there is any inability on the part of Senators to hear what I am saying, they will kindly gather around.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. LUCAS. I may say that I never fail to read the Senator's remarks, even though I do not hear all that he says on the floor.

Mr. BRIDGES. I thank the Senator, and I return the compliment to the distinguished majority leader.

Mr. LUCAS. I thank the Senator.

The VICE PRESIDENT. The Senator from New Hampshire will proceed.

Mr. BRIDGES. This is the farm research publication which for more than a decade has been peddling the Communist Party line to the American rural press. Facts for Farmers is now published at 39 Courtland Street, New York City, hard by the dirt farms of Union Square.

Coe also has been a lecturer at the Communist Party's Jefferson School in New York. He was the organizer of the notorious American Peace Mobilization rally in New York City in April 1941. The American Peace Mobilization, as is well known, was one of the most effective Communist fronts ever put together in this country. Both the Jefferson School and the American Peace Mobilization have been cited as Communist fronts by the Attorney General.

Another member of Farm Research, listed in the city directory for 1939, is Robert Handschin. Incidentally, the address of Farm Research, Inc., at that time was 1343 H Street NW. Who is Robert Handschin? Wesley McCune, assistant to Secretary of Agriculture Charles Brannan, tells us about Handschin in his book, The Farm Bloc. According to McCune, Handschin was an active member of the Workers Alliance. The Workers Alliance, according to the House Committee on Un-American Activities, was the Communist front among the unemployed. The same committee also lists Handschin as a member of several organizations which have been officially and repeatedly listed as Communist fronts, including the Washington Book Shop, the Washington Committee for Aid to China, and the Washington Committee for Democratic Action.

Keep Farm Research in mind for a moment while we turn again to the Communist Party's own literature for some illumination. In June 1937, the party's official United States magazine published the following from the November 1936, proceedings of the Central Committee's plenum, according to the House Un-American Activities Committee:

COMMUNISTS ANNOUNCE PLANS

Every district of the party must work to have this (the official Communist) program become the property of the National Farmers Union, with special emphasis on making it the rallying point to isolate the Kennedy-Coughlin forces in the farmers union.

The Kennedy referred to here was Edward Kennedy, then secretary of the union. The Coughlin mentioned was, of course, the famous radio priest of the 1930's.

Here are further excerpts from the same proceedings of the Communist Central Committee:

In our mass work our main concentration must be to build the Farmers Union, to develop local, State, and National programs around which we can rally, and crystallize a firm progressive leadership. The first objective must be to defeat this group at the coming Farmers Union convention.

No doubt about their intentions. The Communist Party, the agents of the Marxist doctrine which says that no one can own one square foot of land, were out to capture an American farm organization. Their stated target, their objective, was the Farmers Union.

Labor Fact Book III, published by the Labor Research Association which, according to the House Un-American Activities Committee, was Communist dominated, describes the process of capture:

United Farmers League: In 1935, the members of the United Farmers League decided to merge their local organizations with those of other farm organizations. The Farmers League had been a very militant organization. * * * In some cases mergers of its locals were affected principally with the Farmers Union and the Farmers Holiday Association.

The United Farmers League, with headquarters in Chicago, Ill., was organized in 1926 as a federation of all farm organizations which support its class struggle program. * * * The league supports the program of the Farmers Committee for Action.

The United Farmers League was the outfit, in which, will be recalled, Mother Bloor served as a walking delegate back in the farm-strike days. The Farmers National Committee for Action was the front outfit set up and dominated by Hal Ware, Lem Harris, Donald Henderson & Co., according to what Mother Bloor tells us.

Labor Fact Book IV says that the Minnesota Farmers Holiday Association merged with the Minnesota Farmers Union, and that in South Dakota the State Holiday Association merged with the South Dakota Farmers Union.

The House committee quotes the Labor Fact Book as stating that in July 1936 the Sharecroppers Union, with delegates from Alabama, Mississippi, and Louisiana, decided to join the National Farmers Union.

"As a result of all these mergers and manipulations," the House committee reports, "the Communists, or progressives, as they called themselves, gained strength in the Farmers Union."

I now quote the statement of the Communist, official Communist monthly publication for May 1937, again reporting progress in the planned capture of the Farmers Union:

REDS CLAIM VICTORY

But now the picture is changed. The progressives are in control of the national board of the Farmers Union. The merging of the Sharecroppers Union in Alabama with the Farmers Union has strengthened both organizations.

The Communist says that "the progressives" are in control. We know what Communists mean when they use that term "progressives." They mean pro-Communists. Was their boast a true one? Who were these "progressives" anyhow?

Well, one of those elected to the national board of the Farmers Union in 1937, the "year of capture," according to the Communist, was James G. Patton, of Colorado, now president of the Farmers Union. Mrs. Gladys Talbott Edwards and her brother, Glenn Talbott, were among those chosen to restate Farmers Union principles. We shall hear more about that restatement as we go along and more about all three of the persons mentioned.

What was one of the first things the progressives did? Apparently, they, so far as Washington was concerned, moved into the Washington office of Farm Research, Inc., lock, stock, and barrel. I have here a press release, issued by Farm Research for the Farmers Union, pointing strongly to the fact that they shared joint offices. The release was written by M. W. Thatcher as chairman of the national legislative committee of the Farmers Union.

What else did the progressives do? The Washington city directory gives us another answer. They took Robert Handschin from the Farm Research payroll and put him on the Farmers Union payroll as the union's chief Washington representative. Handschin took the place of M. W. Thatcher. who went back home to Minnesota. Thatcher now is head of the Farmers Union grain cooperatives and known personally to quite a few Senators. The Farmers Union educational department, by the way, is supported largely by contributions from the Farmers Union grain co-ops.

I have previously identified Handschin as an active member of the Workers Alliance and other Communist fronts.

FARMERS UNION BEGINS FOLLOWING "THE LINE"

The House committee report, previously quoted, says:

The Farmers Union cooperated with Communist-front organizations after 1937. In 1938 the organization was represented at the Second World Youth Congress held at Vassar College. In 1937 it participated in the Michigan Conference for Protection of Civil Rights, at which the Communist Party was represented.

The House committee states that the Farmers Union was the only national farm organization which characterized World War II, in 1939 and 1940, when Russia was allied with Germany, as imperialistic, and also says that the Farmers Union opposed war credit to the belligerents.

According to the House report:

The Farmers Educational and Cooperative Union has been handsomely subsidized by the Robert Marshall Foundation. The monthly contribution to the Farmers Union from the Robert Marshall Foundation has been $7,500.

The Marshall Foundation, established under the will of the late Robert Marshall, Government employee and suspected Communist, has been identified before the Congress as the angel for numerous Communist fronts, including the American Youth Congress, Frontier Films, the Federated Press, National Federation for Constitutional Liberties, Southern Conference for Human Welfare, Southern School for Workers, and others.

I shall mention the Marshall Foundation later on. Before I do, I want to provide some more evidence from the Communists themselves to support their brazen assertion that their friends have infiltrated America's third largest farm organization.

The author of the article which I now quote was this fellow Lem Harris. In 1947 he wrote in the Communist magazine, New Masses:

The emergence of the Farmers Union today as the leader of rural progressivism is the result of a long process of development.

A long process of development. Back to the meetings of the Communist Party's Central Committee in 1937? Back to the training days of Ware and Harris in Russia? Back even to Lenin's own desk?

GLENN TALBOTT, HARRIS' FRIEND

Listen to what Harris had to say in 1947 about Glenn Talbott, president of the North Dakota Farmers Union, and chairman of the Farmers Union national executive committee. Harris says that at a Farmers Union conference:

Talbott added that because the union takes a progressive stand, there are those who ask if this is not a Communist position. Then he (Talbott) went on to explain the stand he has taken when anyone raises the Communist issue. He told of a convention of * * * ministers from eight States, who had invited him to address them. After his talk, he was asked several questions about communism in relation to the Farmers Union. Of special interest was his answer to a question as to whether there were any Communists in the North Dakota Farmers Union. To this he replied that he knew of at least three, who are personal friends of mine and good members of the Farmers Union. Under our constitution, if a person is a farmer, minister, or school teacher, he or she is welcome in the Farmers Union.

Here we have a known Communist, Lem Harris, praising a high official of the Farmers Union for stating that his organization in North Dakota has at least three Communist members, good members and personal friends of his. According to Harris, Talbott professed his friendship for Communists long after it became plain that the United States was engaged in a bitter cold war with Communist Russia.

Now let me introduce Senators to Archie Wright, president of the Northeastern Farmers Union. Two former Communists, testifying under oath, identified Wright as a Communist.

ARCHIE WRIGHT

Wright has admitted that he was a member of the International Workers of the World, the infamous "Wobblies" of the World War I era. Wright is a convicted draft dodger of World War I.

In 1944 the Farm Journal, well-known farm publication, printed an article by Robert C. McManus, of Hopewell, N. J., entitled Communist Beachhead in Agriculture. The article said flatly that Wright was a member of the Communist Party.

Wright sued the Farm Journal and McManus for libel, asking damages of $7,600,000. By a jury verdict, Wright lost the suit.

During the trial this high official of the Farmers Union admitted that he had said several times:

I am red as a rose, and proud of it.

He testified that he fought a resolution, presented to a New York dairy farmers union which he headed, which

sought to put the organization on record against communism.

Wright became formally affiliated with the Farmers Union in 1941, and prior to that time had led a violent dairy strike which followed the familiar Communist pattern of violence. For example, during his libel suit trial, it was testified that Wright directed a member of his union to burn the barn of a nonstriking dairy farmer.

Despite all the evidence against him, Wright still remains a high official of the Farmers Union. There is no public evidence that Mr. Patton, president of the Farmers Union, has ever questioned Wright's loyalty or integrity, much less moved to remove him from the backs of the farmers of the Northeast.

Patton may say that the members of the Northeastern Farmers Union choose their own president, but that should not prevent him from denouncing or repudiating Archie Wright. I might remind the Senate that the CIO had within its ranks organizations and officials who were accused of communism.

The top officials of the CIO not only objected to that situation, but ejected the Communist dominated unions from the CIO.

If he wanted to, President Patton could get rid of Archie Wright.

Instead of that, Mr. Patton has reserved his purges for those within the ranks of the Farmers Union who have fought communism. I shall have more to say about that later on.

There is much evidence to support the Communists' statements that they have infiltrated the Farmers Union. But none is more convincing, to my way of thinking, than the position of preeminence held by Archie Wright as president of the Northeastern Farmers Union.

WRIGHT ATTACKS ANTI-COMMUNIST BILL

Before I leave the subject of Archie Wright, let me tell about the Northeastern Union Farmer, Wright's newspaper, which still is peddling the Communist Party line. Wright, according to the masthead, is editor of this publication.

For example, in the September 1948, issue of the publication we find a long article attacking the Mundt-Nixon bill, which is almost identical with Senate bill 3409, now before the Senate. The article states:

> Read your newspaper and listen to your radio for entertainment only. At present people base their opinion on what they think is the factual and whole news about events. Newspapers and radio are the property of monopolistic interests and they serve monopoly only and always. They are consciously the cheese on the trap. When you feel yourself being drawn into any opinions or beliefs when reading the newspapers * * * resist.

The March 1948 convention of the National Farmers Union voted down an attempt to put the Union on record against communism.

The account of the meeting by the farm journal quotes Archie Wright as warning the delegates:

> If you write an anti-Communist plank, the union will die. Farmers Union is on trial for its life.

Wright comes out boldly in the April 1948 issue of the Northeastern Union Farmer. He purports to explain why condemnation of communism is self-destructive to any people's organization.

The article states:

> Briefly, communism and fascism are direct opposites. Fascism aims to subject the people to the dictates of big business. Communism aims, ultimately, at the complete elimination of economic exploitation of the people and to that end demands that the people take over and operate the means of production and distribution.
>
> And, since no slave class ever freed itself through its own efforts, it necessarily follows that the Communists must resist every effort to degrade the people and must support and endorse every bona fide effort of the people for better security, living, and educational standards. That is why every item in the program of every real farm and labor organization and every cooperative is duplicated in the program of the Communist Party.

Let me repeat the last sentence from the Northeastern Union Farmer, Archie Wright's newspaper:

> That is why every item in the program of every real farm and labor organization is duplicated in the program of the Communist Party.

This is blatant, unadulterated Communist propaganda. I am surprised that even the Northeastern Union Farmer, edited by Archie Wright, is so bold. I am surprised also that the top officials of the National Farmers Union have never denounced and repudiated such a statement.

As one would naturally expect, Wright has denounced the trials of Alger Hiss, Judith Coplon, and the trial of the 11 Communists in New York City. He called the latter trial "legal lynchings."

There is still more evidence of Communist infiltration into the Farmers Union.

GARDNER JACKSON'S LETTER

I have in my hand what purports to be a letter written by Gardner Jackson, former legislative representative of the Farmers Union in Washington, to President Patton of the Farmers Union in 1946.

Jackson is well known in Washington. He has been associated with many liberal and left-wing movements. He claims to have been one of the leaders in the effort to save Sacco and Vanzetti. He joined the United States Department of Agriculture soon after the advent of the New Deal and was ejected in the famed purge of the triple A by Chester Davis, former head of triple A and former War Food Administrator. Jackson is a former trustee of the Marshall Foundation.

In this letter, Jackson says, in effect, that he was fired from the National Farmers Union—he was an assistant to Patton—because of his "insistent, uncagey, and unsilenceable opposition to Communist infiltration to official positions of power of NFU."

At the Farmers Union national convention in 1946 Jackson led a floor fight for the adoption of a mildly anti-Communist resolution. He apparently won his fight only to have Patton say, in effect, that he intended to pay no attention to the resolution. Jackson was kicked out shortly afterward.

On the consent granted, at this point, I mark the Jackson letter as exhibit No. 1 to be inserted in the proper place in my remarks. I urge all the Senators to read it.

HARRIS AGENT FOR MARSHALL FUND

Jackson made other serious charges in his letter to Patton:

First. That Lem Harris, the Commie leader, visited Jim Patton in Denver several years before 1946 "to tell you (Patton) that of the total amount of money remaining in the Marshall Foundation the NFU would be allowed so much, and to ask you as president of the NFU how you wanted that sum spread over the ensuing few years—Lem Harris, not even a trustee of the foundation."

Second. That Patton had appointed Phil Reno, described by Jackson as a Communist or pro-Communist, "to your headquarters staff in Denver as political and labor relations official * * * at the behest of George Marshall and Lem Harris * * * in order to insure a continuing flow of money from the Marshall Foundation to the NFU."

Incidentally, Phil Reno is the Reno who is mentioned in the famous Adolf Berle memorandum, to which the administration paid no attention in 1939, as a member of the Communist Party. The memorandum, as many Senators know, was written after Whittaker Chambers visited Berle and told him about the Hal Ware spy ring.

George Marshall is a brother of the late Robert Marshall, founder of the Marshall Foundation. George Marshall has a lengthy record of participation in Communist-front organizations and has just completed a sentence for contempt of Congress for refusing to answer questions about his connections with the Communist Party.

The purported Jackson letter raises a number of interesting questions. How, if Jackson is correct, was the Communist, Lem Harris, able to dictate the disposition of funds from the Marshall Foundation to the NFU. I have already pointed out that the foundation was used primarily to finance Commie fronts. Harris, as Jackson points out, was not even a trustee of the foundation, and, so far as I know, never has belonged to the Farmers Union.

Why did Lem Harris attend Farmers Union conventions? Where did he get the influence he wielded within the union? Did he get support for Soviet Russia and adherence to the Russian policy line because he doled out funds to the Farmers Union? Remember that the Communists do not contribute funds or cooperate with other organizations for sentimental reasons.

I have spoken about the Jackson letter. I regard it as authentic. Now I wish to discuss another letter to President Patton from an ex-employee.

JAMES ELMORE'S DISMISSAL

James Elmore, former editor of the National Union Farmer, official publication of the FU, was fired by James Patton in September 1947 approximately 1 year after Jackson was fired.

In dismissing Elmore, Patton wrote him a letter in which he accused Elmore of promoting division of opinion within

the Farmers Union. In this connection, it is interesting to note that the reason given for many of the purges within the Communist Party is of promoting division of opinion, or in other words, of not following the party line.

Specifically, Elmore had printed in the September 1, 1947, issue of the National Farmers Union an article and cartoon critical of Soviet Russia.

On September 2, 1947, Archie Wright, northeastern official of the Farmers Union, wrote Patton a letter. It said:

DEAR JIM: I have read the current issue of the national paper with something like shock.

Anyone with journalistic experience recognizes these items on Russia as propaganda, not education, and propaganda in keeping with the present reactionary drive to war, and the destruction of all peoples' gains and organizations. The stuff was pure Hearst.

I hope this is nothing more than a case of concentration-camp horrors and that the correction will be prompt and strictly in accordance with the letter and spirit of the national program.

We know the nature of the correction called for by Wright. Elmore was fired—and promptly.

This incident affords still another illustration of the influence Wright and his ilk exercise on national policies of the Farmers Union.

There were other letters protesting the criticism of Soviet Russia in the Farmers Union paper.

On September 5, 1947, Mrs. Frances Leber, editor of the Eastern Union Farmer, who helped lead the fight against Gardner Jackson's anti-Communist resolution at the 1946 convention of the FU, wrote Elmore. She said she was shocked at the use of the anti-Russian cartoon and asked whether the Farmers Union was not placing itself in the same ranks with our most powerful enemies, in accepting the disruptive methods and helping them to pull the wool over the people's eyes.

Mrs. Mildred K. Stoltz, of Great Falls, Mont., director of FU education for Montana, also wrote Elmore. She said it was disgusting to find such biased and unfair articles in our national paper and charged that Elmore had acted as judge and jury by smearing one of the nations who is a member of the United Nations.

"Don't you," she asked, "feel that the controlled press does the job well enough? Have you found it necessary to aid and abet the company-controlled press?"

ELMORE'S LETTER TO PATTON

Elmore wrote a long letter to Patton in which he charged that he was fired because he reprinted the article and cartoon critical of Russia. He dismissed Patton's statement that he had promoted division in the FU by telling Patton:

For example, would you say that your statement in the May NUF telling Henry Wallace to keep up the good fight in Europe did not tend to divide our members into two or more groups with regard to international politics?

Here is one paragraph of what you said:

"Our more than 400,000 members are with you. We believe that most of the American people will be with you—despite the misrepresentation waged against you."

Does this not divide our members?

In addition, when you were in Europe when Henry Wallace spoke in Denver, your telegram to him was read to the audience. It would be revealing to see how FU members would vote in a poll to support Wallace's stand.

It will be recalled that Henry Wallace had been in Europe on his so-called peace mission; the mission by which he tried to stir up sentiment in favor of Russian appeasement.

Nevertheless, James G. Patton, president of the Farmers Union, was praising and encouraging Wallace at a time when the majority of Americans, including American liberals, saw clearly that Wallace was pursuing a pro-Russian course. As we all know, Wallace led the so-called Progressive Party in the last Presidential campaign and finally became the virtual captive of the Communists within the Progressive Party. But even Henry Wallace could not stomach Russian aggression in Korea.

Elmore reminded Patton that the latter had strongly opposed nazism, but charged that Patton consistently followed "a policy of excusing Russia at every opportunity; of subscribing to Henry Wallace's appeasement policy," and of imputing imperialistic motives to everything the United States did in the international fields.

May I ask—

Elmore wrote—

why one dictatorship was so threatening to western civilization and United States security while another was not?

It is—

Elmore said—

peculiar that Philip Murray, James Carey, and even Joe Curran in the labor movement have recognized the dangers of being sucked under by the Red-baiting bait. It is peculiar that these men, who are not reactionaries, see this danger and have acted on it, but that you do not see it. They have found there is only one way you can cooperate with Communists and that is their way.

It is peculiar that the South Dakota and Wisconsin conventions of last year clearly stated their positions on communism without suffering any dire consequences. In fact, Wisconsin membership has risen appreciably in the past year.

It is peculiar that the Farmers Union has had its most cordial and closest working relations with the farm-equipment workers, the packing-house workers, and the electrical union—all of them alleged pro-Communist unions.

FARMERS UNION APPEASEMENT POLICY

Yes; I am saying that there is no clear policy in the National Farmers Union, because you have, I think, been misled by the pro-Communist crowd. It adds up this way: FU had a traditional impartial policy of its own. But it has an actual partial policy of appeasing the PCA, pro-Communists, and fellow travelers, all of whom listen intently to Moscow.

Therefore you have been put in the unenviable position of having to maintain traditional FU policy as window dressing, while actual policy follows a pro-Communist collaborationist line.

I have read somewhat lengthy extracts from Elmore's letter to Patton, but the entire letter should be read and studied. The charges Elmore makes should be explained by the Farmers Union—if there is any other explanation than the one Elmore gives. I submit the Elmore letter, marked "Exhibit No. 2," to be inserted at the proper place in my remarks.

In view of all the furore about them, what were the cartoon and article which got Mr. Elmore fired? Both were reprinted from the St. Louis Post-Dispatch, certainly no reactionary paper. The cartoon was the work of Fitzpatrick, one of the country's outstanding cartoonists. It was headed "Russian cooperation" and showed a figure, the U. S. S. R., sitting at a table with a sign—labeled "No"—instead of a face. In view of Russia's record with the veto in the UN, I would say that the cartoon was fair enough.

The editorial said, in part, that—

Russia fosters inequalities of income and what amounts to a universal sales tax, bearing heavily on low-income people.

WILL PATTON ANSWER?

The fact of Elmore's dismissal and the letter he wrote Patton were made public. The St. Louis Post-Dispatch commented editorially on September 15, 1947:

Mr. Patton has replied to his discharged editor's accusation without satisfactorily answering it. Does Baldwin exercise an undue influence over Patton and through him on the NFU? Is the leadership of the NFU afraid of meeting head-on the issue of Communist expansion which is enslaving farmers in the satellite nations of Europe? Mr. Patton owes a straightforward answer to his friends.

The Baldwin referred to is C. B. "Beanie" Baldwin, former head of the Farm Security Administration and now one of the leaders of the so-called Progressive Party. Baldwin, it would appear, is a close friend of Jim Patton. "Beanie" Baldwin is an enthusiastic fronter. I have a list of nine outstanding cases in which, since 1944, he has defended Communist causes.

After leaving the Farmers Union, Elmore, in 1948, gave further vent to his feelings by preparing a manuscript which, so far as I know, was never published. He began this manuscript by referring to a classified advertisement which, he said, appeared in a Fort Morgan, Colo., newspaper as follows:

Wanted: One million honest, industrious farmers to join the Farmers Union and save it from the Communists who now control it.

Elmore wrote:

Evidently it was inserted by some alert Farmers Union member who knows that there is a Communist foot in the farmer's door. And he is trying valiantly to rescue his organization from the pro-Communists who cleverly operate behind the scenes.

The National Farmers Union, with 450,000 members, the third largest and most liberal of farm organizations, seems to have been invaded by Communist fronters. At least, there is little doubt that the organization is playing a cozy game of footsie with these fifth columnists, although the majority of its members do not realize it. * * *

It refused to adopt a plainly worded resolution condemning communism at its 1948 Denver convention by a vote of almost three to one.

Elmore then commented on the strong support shown for Wallace at the 1948

convention and commented that one disgusted delegate said he saw only two kinds of buttons on the lapels of delegates: "Wallace" and "Usher." The disgusted delegate said he was for "Usher."

The National Union Farmer—

Elmore wrote—

the group's monthly paper, now reads more like a camouflaged, carbon copy of the Communist Daily Worker than a farm paper.

A recent editorial churns with Communist-lie indignation about the Marshall plan, Truman doctrine, loyalty order, Chiang Kai-shek, conscription and preparedness, imperialism, and war. It asks whether it is not time to throw this kind of a Congress and administration out of office. And it implies that only Wallace's third party could give the United States the right kind of administration.

PATTON "DISCARDS ANTI-COMMUNISTS"

Whenever Patton can discreetly discard anti-Communists on his staff and replace them with fellow travelers he has done—

Elmore said—

The newest southpaw staff member is Angus MacDonald, fresh from the New Republic where he wrote a farm column for Editor Wallace. MacDonald has been assigned to the Washington office of the Farmers Union. * * * Patton's staff at Denver headquarters is now safely weighted in favor of the fellow travelers. About five or six of them can be counted on to parrot the party line, either innocently or intentionally.

Elmore said this "starry-eyed" staff was given time off in 1948 to greet pro-Communist Paul Robeson, when the latter arrived at Denver airport.

Incidentally, Angus MacDonald, a former employee of the USDA Soil Conservation Service, is still on the Washington staff of the Farmers Union and I wonder how many of the "starry-eyed" group referred to, still are serving at Denver headquarters.

Mr. President, I offer the manuscript prepared by Mr. Elmore as exhibit No. 3 to be inserted at the proper place in the RECORD.

Elmore mentioned the pro-Communist character of the material issued by the Farmers Union educational department. I have examined a number of publications from the education department and find that the material in them substantiates the Elmore charges. Frankly, I am amazed at the character of some of this material. I have samples of it and shall read them to the Senate. Senators can draw their own conclusions.

Since 1937—the year the Communists boast they infiltrated the Farmers Union—the FU educational department has been headed by Mrs. Gladys Talbott Edwards, sister of Glenn Talbott, president of the North Dakota FU.

MRS. GLADYS TALBOTT EDWARDS

Mrs. Edwards undoubtedly is one of the best known farm women leaders in the United States. She is active, aggressive, and her work is well financed. Most of the money for the educational department apparently comes from the savings of FU cooperatives.

In the Farmers Union Triangle, written by Mrs. Edwards in 1941 and published by the FU educational department, I find a statement attributed to Richard Joyce, who is identified in the publication as one who came up through the FU junior work to become a full-fledged FU member and worker. Joyce, trained and educated by the FU, is quoted as saying:

After watching and studying the chaos of my State, Nation, and world, I have become firmly convinced that our present order must be replaced by a new one * * * (for example, barbarism by feudalism; feudalism by capitalism) so now capitalism must be replaced by the cooperative order.

The Communists, as Senators know, speak frequently of the cooperative order and they still call their collective farms "cooperatives."

Another "junior" boy, Raymond Nowak, shows, according to Mrs. Edwards, a "keen understanding of conditions in agriculture." She quotes him as saying:

We know, as young people on the farms of America, that the famous agricultural ladder no longer works for us. There is no more hope for us to go from hired man to tenant and to owner. The rungs of the ladder are so filled with the older generation on the way down that there is no room for us to climb to the top.

In a 1945 publication, United We Stand, Mrs. Edwards raises a question as to whether the right kind of land policy is not one where the land is owned by the government "from which you lease it just as fishermen lease the fishing rights on the ocean."

THE LAST FRONTIER

An employee of Mrs. Edwards' education department, Stanley Vogt, wrote a booklet in 1948 called the Last Frontier, the fifth in a series of study units prepared for the Farmers Union junior members, the 16- to 21-age group.

I know little about Vogt, but from what he says, he sounds like another Archie Wright. In fact he writes about the purest distillation of Marxism I have seen.

Listen to some excerpts from Vogt's booklet:

During the war, when Russian soldiers were dying for the same cause that our boys did, it was patriotic to be for Russia.

At the end of VJ-day, the propaganda machines of big business, the press and radio, made a right about face. We had been told before that we could get along with Russia. Then we were told, with no warning, that Russia and communism were to be feared, that Russia was a menace to our security and to that of the whole world. At first people were confused. They had been caught unawares. But the lies, the exaggerations, the coloring of news stories, and the editorials by monopoly interests continued. They hammered away day after day with the big-lie technique.

And then the smear campaign began, and any leader, who was progressive in his ideas, was called Red, subversive, or un-American.

This Commie line was published by the Farmers Union in 1948, long after it became apparent that Russia had instituted a cold war against the United States. It was published long after it became apparent that Russia was pursuing an imperialistic course and had no regard for treaties or promises. It was published after we had disarmed, but while Russia continued to maintain the largest military force in the world. It was published after the testimony by Whittaker Chambers, Elizabeth Bentley, and others had revealed the existence and operations of Soviet spy rings in the United States and Canada—and after the American quisling, Alger Hiss, had been exposed.

(At this point Mr. BRIDGES yielded in turn to Mr. HICKENLOOPER, Mr. WILEY, and Mr. BENTON, who, respectively, addressed the Senate, and whose remarks, on request and by unanimous consent, were ordered to be printed in the RECORD at the conclusion of the speech of Mr. BRIDGES.)

Mr. BRIDGES. But, according to the Farmers Union department of education, the fault did not lie with Russia but with the United States.

CALLS AMERICAN SYSTEM VICIOUS

Mr. Vogt, who helps "educate" the young people within the Farmers Union, tells how the corporation and business interests have exploited the workers and farmers. In his pamphlet he pays his respects to the American system:

This is a vicious system that says, in effect, people are unimportant. It is called capitalism because the emphasis is on money—the building of capital—rather than the welfare of the people. It is called a profit system, or a competitive profit system.

Nothing is right in the United States, according to Mr. Vogt. I would suggest that all Members of the Senate read what he has to say. It represents the official viewpoint of the leadership of the Farmers Union.

"How do you know that?" someone may ask. Could not the pamphlet have slipped through unnoticed by the higher-ups? Not so. The Last Frontier has a foreword by Mrs. Edwards, who says:

This is a book not only for young people but for all those who need a handbook of facts for quick reference.

Surely, however, President Patton does not subscribe to these views, which religiously follow the Communist line. Let my colleagues set their minds at rest about that. We have proof that Mr. Patton is familiar with The Last Frontier. In his acknowledgments, published as a foreword with the booklet, Vogt says:

WITH PATTON-EDWARDS APPROVAL

My deep appreciation to National Farmers' Union President James G. Patton for his thorough reading of this text and his helpful criticism. He spent the better part of a night of his valuable time to read and then write in detail his suggestions.

Mrs. Edwards approves this booklet. Mr. Patton stayed up at night to read it and make helpful suggestions. But that is not all. The foreword states that this pamphlet is the textbook for the 1949 study topic of the Farmers Union: Building the Farmers Union.

What better evidence could there be that the leadership of the Farmers' Union has turned that organization into a Communist front?

In 1949 cash farm income totaled "$28,312,419,000, and was only a little less in 1948. Farm debt is low and farmers have had a series of prosperous years. But in the Winter Program Service for January, February, and March, 1949, published by the Farmers Union department of education, we find a poem entitled "Bankers' Advice to Farmers."

Let me quote you some verses:

Let us steer the Nation and you steer the plow.
Let all your ambition be milking the cow.
Content you will be with your long hours of toil
If you bury your nose and your mind in the soil. * * *

Now plow your fields deep while the sluggards sleep
And raise lots of dough for the bankers to keep.
The blessings of labor which you now enjoy
Are in store for your girl and your boy.

And now for a final word of advice from this optimistic poem published by the Farmers Union department of education:

CLERGY, FOUNDING FATHERS ATTACKED

Your press and your schools we have in our control.
Your lawyers and statesmen are bought with our gold.
Most sky-pilots serve us so faithfully too.
They say it's God's will what e'er happens to you.

I submit as exhibit No. 4 this entire poem distributed to our children by the Farmers Union department of education.

(See exhibit 4.)

I have here another interesting publication from the Farmers Union department of education. The author is Arlyne M. Plumb and the booklet is entitled "Citizen Farmer."

The author takes a very dim view of our founding fathers and our Constitution. To paraphrase her words, the uprising by the common people during the time of the Articles of Confederation frightened the wealthy merchants and landowners. So they sought a strong central government "to cope with these dangerous ideas the common people were developing, strong enough to keep the common people from getting additional power. A central government that could levy taxes to support a strong army. An army which would help the southern plantation owners should their slaves ever rise up against them."

There is more of the same in the pamphlet by Arlyne M. Plumb. I suggest that Senators read this interesting educational document.

Among the program services offered by the Farmers Union department of education in January 1947, was a discussion outline entitled "Corporation or Family Type Farming." It stated that the outline was taken from a pamphlet Small Farm and Big Farm, by Carey McWilliams, and that the McWilliams pamphlet was offered for sale by the Farmers Union for 25 cents each.

Carey McWilliams is a resident of Los Angeles, Calif., and is a well-known left winger who has often been charged with communism. He was a member of the national council of the American Peace Mobilization, a Communist-front organization.

Elmore, in his manuscript previously referred to, writes that Farmers Union members would be surprised if they were to stroll through the education department of their organization.

UNION SELLS RED PROPAGANDA

"They would find," he states, "shelves cluttered with literature praising and apologizing for the Soviet Union, all of which is sold (at a profit) to State educational units and all members."

For example, The Last Frontier lists as references for further reading, Dissent Becomes Disloyalty, by Abraham Pomerantz, reprinted from Reader's Scope, a Communist-front publication. Another reference is The American, by Howard Fast, frequently charged with following the Communist line.

What is the explanation for this state of affairs? Why does the leadership of the Farmers Union systematically issue this poisonous and pro-Communist material which attacks our institutions and seeks to persuade the youth of our country, and adults, too, that nothing is right with the United States of America?

President Patton and other Farmers Union leaders owe an explanation to Farmers Union members and to the country.

The pro-Communist trend within the Farmers Union has not gone unnoticed by all the membership. From 1937 on we find strife within the organization over communism.

Curiously enough—or perhaps it is not so curious, after all—when headquarters steps in, the action invariably is directed at the anti-Communists.

I have told about Gardner Jackson and James Elmore, and how both claimed they were fired for opposing communism.

MINNESOTA, MICHIGAN PURGED

After the 1937 convention, at which the progressives took over, the Minnesota and Michigan farmers unions were purged. Mrs. Edwards puts it this way:

In Minnesota and Michigan, the followers of E. H. Everson and E. E. Kennedy refused to conform to national regulations and the national board was forced to suspend their charters.

Later, under new leadership, both Michigan and Minnesota rejoined the Farmers Union.

There was a row in Nebraska and other States in 1946 over a proposed amendment to the Farmers Union constitution, which would allow the National Farmers Union to suspend State charters for, among other things, "an open stand against the adopted policy of the National Farmers Union."

The amendment carried.

FIGHTS IN MARYLAND, WISCONSIN, CALIFORNIA

One of the State organizations which raised questions about communism was Maryland, whose president was C. C. Walsh. Walsh says that he took the matter to Patton, but got nowhere. Maryland was in the eastern division of the Farmers Union. He was nominated as a board member of the eastern division at the 1944 meeting, but the Pennsylvania and New Jersey delegates voted him down. The withdrawal of Maryland followed.

In 1947 the Wisconsin Farmers Union fired Mr. and Mrs. Jack Witt from its staff because they would not say whether or not they were Communists. K. W. Hones, president of the Wisconsin Farmers Union, had some correspondence with Fay George Child, editor of the Maynard (Minn.) News about this action. Hones wrote:

I do not know whether or not Jack Witt is a party member, but I do know that when I let him out I received a letter from nearly every Communist in the Wisconsin Farmers Union, and besides some blistering editorials in the Communist magazines and newspapers.

The Maynard News said in its issue of October 28, 1949:

Like all liberal organizations, the Farmers Union has been infiltrated by Communists and subversive Socialists. Their number is not many, but their influence in the organization far exceeds their proportionate representation.

Incidentally, Ken Holmes, as I shall show, apparently has little standing or influence at national headquarters.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. HUMPHREY. Am I to understand by the statement of the Senator from New Hampshire that there is an accusation made that the National Farmers Union is a Communist-dominated organization?

Mr. BRIDGES. Yes. I shall be glad to discuss that question with the Senator after I have concluded my remarks. What I am saying here today is that there has been rather a successful attempt made to infiltrate the National Farmers Union and establish it as a Communist-front organization. I have backed up that statement by documentary proof which I think is as complete as any proof ever offered on the floor of the United States Senate.

Mr. HUMPHREY. Would it be the interpretation of the Senator that by the pending legislation, Senate bill 4037, under section 4 (a), the National Farmers Union would be required to file as a Communist-front organization?

Mr. BRIDGES. I do not know. That is a question for the courts. I am reciting the record of the Farmers Union. I am pointing out, of course, that there are many fine individuals who belong to the Farmers Union, individuals who are patriotic Americans. But I say that certain persons have infiltrated the National Farmers Union to the extent that the Communists have stated that the Communists can depend upon the National Farmers Union; thus establishing it as a Communist front. I will tell the Senator from Minnesota that these are not at all wild charges. Everything I say here I am documenting. I am placing the documentary evidence in the RECORD. I am making no charges involving everyone in the Farmers Union or every leader, but I am dealing with specific cases and individuals.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BRIDGES. Yes.

Mr. HUMPHREY. The Senator is aware, is he not, of the fact that the National Farmers Union has given fine, wholehearted support to the Marshall plan, to military assistance, to the North Atlantic Pact, all of which is in exact contradiction to the policy of the Communist Party, or any "commie," or any Communist-front organization? How does the Senator from New Hampshire reconcile the difference between the policy of the organization and its distinguished leader, Mr. Patton, and the statements he is now making?

Mr. BRIDGES. That is one of the things I should like to know. If the distinguished Senator will read some of the exhibits I have placed in the RECORD,

some of the articles from the Farmers Union publications which are praising Russia and the Soviet Union and people who are identified in this country as Communists, he will find it hard to understand how any organization can be so two-faced, or can be such a two-edged instrument. But such apparently is true. This is one of the things I should like to see looked into.

Mr. HUMPHREY. The Senator from Minnesota would like to make the comment that he is very familiar with the activities of the Farmers Union and its leadership in Minnesota, and very familiar with the activities of the Farmers Union and its leadership in South Dakota. The Senator from Minnesota is also very familiar with the activities of the Farmers Union and its leadership in the State of North Dakota. Those are three States where there is a considerable membership in the Farmers Union. There is no doubt that persons with whom the Senator and I would not agree—the Senator from New Hampshire would disagree with them and I would disagree with them—have worked their way at times into the ranks of the Farmers Union. But I want it made clear for the record that the Farmers Union of the State of Minnesota is a clean, fine, upstanding organization. I want the record made clear that the head of the Farmers Union in Minnesota is one of the most loyal, sincere, patriotic Americans I know. I want to make the record clear that the man who heads the Farmers Union in the State of South Dakota, one of my dearest and closest personal friends, a friend of my father, is one of the best Americans that ever lived and breathed. He served with distinction in the legislature of our State.

Mr. President, I think we have come to the situation in this country where it seems that simply because the "commies," who are an adroit, deceitful lot, are able to work their way into an organization, we brand the organization as a Communist-front organization.

The Farmers Union, and I speak of that only in the area in which I know it, and where I know its leadership, has stood for some very fine American programs.

While I know that in my State some individuals with Communist leanings worked their way into some of the locals of the Farmers Union, I am proud to report to the Senate, and to anyone else who wants to hear it, that the rank and file membership of the Farmers Union in the State of Minnesota has cleaned out anyone and everyone they even thought had a taint of communism. They have cleaned such persons out from positions of leadership, from positions of any responsibility. That is not only a matter of record in the Senate of the United States, but was testified to in hearings held in our State. Some of the finest, the most decent, the most upstanding citizens of our State that I can think of participated in that very creditable effort to make sure that the Farmers Union shall be freed from any such taint.

If the Senator from New Hampshire is merely saying that there are some Communists who have wormed their way into the Farmers Union in the past, I would not deny that such a statement is true. But I would say, as I think all will agree, that although Communists have wormed their way into the labor movement, although Communists have wormed their way into the Farmers Union and into other organizations, yet when the issue is drawn, and when the rank and file membership realize what is going on, they act with dispatch, as is illustrated by the CIO, with its brilliant record of anti-communism, as is illustrated by the A. F. of L., and as is illustrated by the record of the Farmers Union.

So, Mr. President, I would have to protest very definitely against any aspersions being cast upon the Farmers Union in my State, and I would resist and deny any statement or any insinuation that the farmers of western Minnesota who belong by the thousands to the National Farmers Union, are participants in the Communist movement. They are good, honest, upright Americans. They are Roman Catholics, they are Lutherans, they are members of other denominations, they are patriotic American citizens, and to call them members of the Communist movement is to me simply something that is incredible. If that is what happens in the Congress of the United States, then I say to the Congress of the United States that we are acting in a manner which is beneath our dignity, our responsibility, our fitness to hold public office.

Mr. BRIDGES. Mr. President, the Senator from Minnesota should be making this speech of mine, rather than I. In view of his statement I am sure he is in agreement with me. If the Senator will read my speech in the RECORD tomorrow, he will see that what I have said I have substantiated with documents. The Senator says that when the issue has been drawn the members of the Farmers Union have acted to clean out the Communist sympathizers. I say that, at least in the cases I cite, the Farmers Union has not drawn the issue, and has not kept out the "commies" or those who are sympathetic to the Communist cause.

I said at the beginning of my speach, and I repeat it to the Senator from Minnesota, who speaks so sincerely and forcefully about the Farmers Union, that I am making no over-all charge against the Farmers Union membership, because I know that most of its members, the great percentage of its members, throughout the country, are loyal Americans. But I am saying that their organization in certain instances, in certain districts, in certain sections, has been infiltrated, and that the "commies" themselves, as I have quoted them, speak of the Farmers Union as an effective "commie-front" organization.

Mr. HUMPHREY. I would only say to the Senator from New Hampshire that I for one will not rely upon the accuracy or integrity of any statement made by a Communist. The Communists lie, cheat, and steal. They are not even worth giving a respectable audience. Instead of listening to the testimony of a Communist in regard to who else is a Communist, I would prefer to listen to the testimony of a complete, unadulterated liar, because at least I would know what he was.

However, it seems that of late the general practice in the United States has been to wait until we find an alleged ex-Communist who says he has either repented or that he is about to repent, and then we let him put the finger on someone else, charging that person with being a Communist.

Such a procedure reminds me of a situation in which a person who recently had been convicted of almost all the crimes in the book, suddenly decided that he had to build up his stature again in the public esteem, so he went around talking about others who had sinned.

Mr. President, it is well known that Communists have ruined many persons in public life by saying that they, too, are Communists.

I believe that anyone who is at all familiar with the activities and fine qualities of the Farmers Union understands the intelligent and determined action taken by the great number of persons in that organization to clean any group, whether it be Communist, corruptionist, or what not, out of positions of public responsibility.

Although I know that in my State of Minnesota there were at one time a number of fellow travelers and Communists who had infiltrated into many an organization, I wish to point out, for the record, that in the past few years, because of the determined effort among the rank and file of the people, plus some good leadership by men in the grain-terminal organization, such as the head of that organization—I shall not mention any names—and other fine persons throughout my State, what has happened has been a complete cleaning and a complete change of leadership, so that the organization stands today with clean hands.

Mr. BRIDGES. Can the Senator explain the situation in 1950, when the question of offering an anti-Communist resolution came up at the national convention of the Farmers Union, at which time that idea was overwhelmingly defeated?

Mr. HUMPHREY. All I can say is that in our country there are many persons who do not believe in adopting such resolutions. The fever for such resolutions seems to be stronger in the Congress than in any other place in the United States. There are many organizations of fine, intelligent university people, for instance—among them some in my own university, the University of Minnesota, which is one of the finest universities in America—who refuse to have anything to do with such a thing as a non-Communist affidavit. However, no one can tell me that the president of that university or the board of trustees of that university are Communist infiltrated. Yet there are many universities in the United States whose heads say, "We do not have to prove that we are pure."

Mr. President, one of the basic principles of Anglo-Saxon law is that a man is innocent until he is proved guilty. Unfortunately, today there is a tendency

among some persons in the United States to require people to prove their innocence, or else they are considered guilty. It would be well for the Congress itself to return to the fundamental precept of Anglo-Saxon law that a man is innocent until he is proved guilty.

However, all too much has occurred recently along the other line—for instance, the recent unproved charges against the Secretary of the Interior. Mr. President, consider the damage which has been done to Secretary Chapman by those charges. What a pity it is that he should be subjected to such unproved charges. Newspaper headlines and articles all over America have carried the story that the Secretary of the Interior is accused of having Communist connections. I say it is disgusting and pathetic that an honorable body of this sort should permit resort to such procedures.

If there are some Communists around, we should not go to other Communists to find out about them; because if we do that, we shall find ourselves consulting some very unsavory characters. If there are Communists to be found in our country, and if they are not being found fast enough, let the FBI have the job of finding them. For our people to adopt the Dick Tracy concept that everyone must act as an FBI agent, will get us into trouble.

I say to the Senator from New Hampshire that in the desire to get rid of communism and Communists, a desire which I share, we should let the appropriate doctors perform the operation; this is no time to resort to any kind of quackery. This is a time for a scientific approach to the problem, rather than to have everyone attempt to fix things up.

Mr. BRIDGES. Mr. President, the National Farmers Union suspended the charter of the California Farmers Union in 1946. The Californians answered the action by stating: "We quit."

The 1946 action must be looked at in the light of developments dating back at least 3 years. On December 6, 1943, R. V. "Vince" Garrod, president of the California Union, made his annual report to his members.

In his 1943 report, President Garrod charged, in effect, that President Patton and other leaders at headquarters had participated in a plot with Carey McWilliams and other California left wingers to kick out Garrod and his followers.

Garrod said that the real objective of the 1943 meeting, held without his knowledge at the Biltmore Hotel in Los Angeles, and attended by Herb Rolph, national vice president of the FU, was:

> To capture and use the California Union as a front to the communistic groups of those organizations present; to further the principles as propounded by Earl Browder and other members of what can be styled the "Red network."

To put it in their own words:

> To work toward effecting concerted thought and action on the part of all liberal, radical, progressive, all forward-moving forces in America.

In any event, the California Union was kicked out by national headquarters.

Mr. President, I will insert the Garrod report at the proper place in the RECORD and label it "Exhibit 5."

It is strange that Patton and Denver headquarters of the Farmers Union get along so well with Archie Wright and his ilk, but have so much trouble with officials in the union who stand up for American principles.

IOWA FU BACKS STOCKHOLM "PEACE" PLEDGE

As another example of this strange situation, I should like to mention the Iowa Farmers Union. The president of that organization is F. W. "Fred" Stover. He has been, and still is, so far as I know, one of the leaders of the Communist-dominated Progressive Party.

I hold in my hand the June 17 issue of the Iowa Union Farmer. It contains a form to be filled out in furtherance of the "world peace pledge." What is this so-called peace movement? As the Senator from Iowa [Mr. GILLETTE] pointed out in the Senate on June 29, this so-called peace movement is a Communist-inspired propaganda move. The form printed in Mr. Stover's paper says:

> Over 100,000,000 people have already signed the petition proposed by the recent Stockholm session of the World Peace Congress urging the banning of the A-bomb and condemning as a war criminal the first government that uses this weapon.

Mr. Stover's paper urges that the "peace" form be filled out and mailed to the Farmers Union, Plaza Hotel, Des Moines, Iowa. Could there be any clearer evidence that the Iowa Farmers Union is following the Communist line?

Facts for Farmers, published by pro-Communist Farm Research, Inc., the creation of Communist Lem Harris, reports gleefully in April 1950 about the proceedings at the March 1950 annual convention of the Farmers Union in Denver:

> Though it had been reported that Ken Hones, swashbuckling leader of the Wisconsin delegation, was threatening to introduce an anti-Red resolution, which would have invited the FU to divide itself into warring factions, the delegates had no time for disruptive diversionary tactics. So cold-shouldered was the Hones proposal that it was not even submitted to the convention and the threatened explosion proved to be a dud. So much so that when the top executive committee was elected, Hones was pointedly dropped from the inner circle of policy makers.

Those who wish to get along in the Farmers Union should not fight communism.

NEBRASKA PRESIDENT OPPOSED BRANNAN

Chris Milius, Nebraska president, opposed the program adopted at the 1950 convention, including the Brannan farm plan, which the Farmers Union strongly endorses. He has managed to hang on to his job as president of the Nebraska Farmers Union.

No attention was paid to him, either. The Farm Journal's account of the meeting says that Milius and Hones were the forgotten men of the convention.

But the story of the Communist infiltration of the Farmers Union would not be complete without some mention of the close ties between the Farmers Union and the United States Department of Agriculture.

DEPARTMENT OF AGRICULTURE

All of us who have studied the Communist problem know that the party's efforts to infiltrate government were concentrated in the Department of Agriculture during the early years of Henry Wallace's tenure as Secretary. Whittaker Chambers, former Communist, and chief witness against Alger Hiss during the latter's perjury trials, told the House Un-American Activities Committee in 1948 that the late Harold Ware organized the Communist cell and espionage ring in the Department of Agriculture, which he said included Alger and Donald Hiss, Lee Pressman, John J. Abt, Nathan Witt, Henry Collins, Charles Krevitsky, alias Charles Kramer, and Victor Perlo.

All those named, except Donald Hiss and Perlo, are former employees of the Department. Lee Pressman, a few days ago, admitted his membership in the cell. He confirmed Chambers' statements about Ware.

There were a number of clashes between left- and right-wing groups in the Department during 1935, and Abt and Pressman left the Department. Rexford Guy Tugwell, a Henry Wallace supporter in 1948, remained, however, and was the first head of the Farm Resettlement Administration, established in 1935. Resettlement later became the Farm Security Administration, and was headed during World War II by C. B. ("Beanie") Baldwin, a leader of the Progressive Party, who refused to follow Wallace in his recent break with that outfit.

FARM SECURITY AND SILVERMASTER

The left-wingers remaining in the Department gravitated to the Farm Security Administration. Among those who worked in FSA were Witt, Nathan Gregory Silvermaster, Morton Kent, and William Ludwig Ullman, all of them with records of Communist-front or espionage activity.

Farm Security Administration was a controversial agency, frequently under attack in the Congress for its left-wing policies. But it has been the darling of the Farmers Union throughout most of its history. FSA has reciprocated by supporting the Farmers Union at every opportunity.

Just how strongly the Communist-infiltrated FSA supported the Farmers Union is shown by a letter written by Walter J. Maddock, State rural rehabilitation director of FSA, to his field officers on June 11, 1938, reading in part as follows:

> It has been strongly brought to my attention at different times and by several different people, that some of your county Farm Security supervisors consistently fail, and in some cases refuse, to patronize our Farmers Union oil companies.
>
> I agree that such a callous attitude would smack of disloyalty to the Farm Security Administration and would make such a supervisor ineligible to long continuation in such a position.
>
> If we have failed in some respects, we must take a renewed effort. If we find a few supervisors who cannot be rehabilitated as to the Farm Security philosophy, then, of course, it must be our duty to terminate their employment and fill their place with more capable administrators.

In other words, patronize the Farmers Union, or get out of FSA. That is

FSA report of the Farmers Union with a vengeance. Mr. President, I offer the full text of Mr. Maddock's letter to be printed in the RECORD as my exhibit No. 6.

FSA LAND POLICY

I have just two more items to give the Senate an idea of the objectives of the Farm Security Administration and the thinking of its key officials. I submit for the RECORD as my exhibit No. 7 a statement of Long Term Objectives of the Farm Security Administration, which was discussed at an FSA regional meeting in Columbus, Ohio, in 1941, and which FSA Director "Beanie" Baldwin subsequently indorsed in testimony before the Byrd committee on Non-Essential Expenditures.

Among the objectives of FSA listed were the subdividing of large farm holdings, a graduated system of land taxes to eliminate farms larger than single family sized farms, and acquisition by the Government of title to as much farm land as possible.

I believe that FSA, through assistance to underprivileged farmers, has done a great deal of good. But this has nothing to do with the pro-Communist leanings of some of its officials.

A top official of FSA was John Franklin Carter, who writes under the pen name of Jay Franklin. In 1932, before he was employed by FSA, Carter wrote a book entitled "What We Are About to Receive." I shall take time to read but one paragraph to the Senate, but anyone who wants to may read the entire chapter on farming:

> The farmer has arrogated to himself all virtue and all knowledge; he has planted prohibition in our vitals; he has voted against progress; against civilization; against the city; against science; against art. He has made and unmade Presidents in the image of Main Street; he has exhausted our soil as he will exhaust our Treasury if given half a chance. He is the great obstacle to human progress, the great threat to political stability. Sooner of later, we shall discover * * * that the landed proprietor, the kulak, is simply so much mud on the path of progress and must be swept aside if society is to advance.

And Carter, with these published views, was hired to tell the farmers what the beneficent FSA planned to do for them.

Mr. Carter or, in other words, Jay Franklin, in his book said:

> The farmer is a bad winner and rotten loser and deserves about as much sympathy as any other man who feels that it is the Government's duty to pay him for being kind enough to exist.

Not only was Mr. Carter employed by the FSA as one of its higher officials, but also he is reported to have been an administration ghost writer during the 1948 presidential campaign.

Mr. ANDERSON. Mr. President, will the Senator yield for a question?

Mr. BRIDGES. I yield.

Mr. ANDERSON. Is the Senator familiar with Mr. Carter's present occupation?

Mr. BRIDGES. No; except that he is a columnist.

Mr. ANDERSON. Is he? Is it not true that Governor Dewey hired him a few weeks ago, and put him on the payroll of the State of New York?

Mr. BRIDGES. I do not know whether he did or not.

Mr. ANDERSON. I think the Senator would be very much interested in finding out about that.

Mr. BRIDGES. I would have to check on it. I am not sure.

In passing it is interesting to note that Secretary of Agriculture Charles F. Brannan spent most of his time in the Department of Agriculture, prior to becoming Secretary, as an attorney in the Farm Security Administration. He won important promotions under "Beanie" Baldwin.

MR. BRANNAN JOINS FSA

Secretary Brannan joined the FSA in 1935, after practicing law in Denver. With FSA, he served succesively as assistant regional attorney, regional attorney, and regional director of FSA in Denver. He was named Assistant FSA Administrator in April 1944 and Assistant Secretary of Agriculture in June 1944. He became Secretary of Agriculture June 2, 1948. Outside of his experience with FSA, mostly on the legal side, he does not claim to have had any experience, or education, in agriculture.

Here is another very peculiar circumstance. The controversial Brannan farm plan was first proposed by Secretary Brannan to a joint meeting of the House and Senate Agriculture Committees on April 7, 1949. By a strange coincidence, just 3 days before, on April 4, 1949, the North Dakota Union Farmer, Glenn Talbott's newspaper, published a proposed farm program startlingly similar to the so-called Brannan plan. Like the Brannan plan, the Farmers Union plan proposed to give farmers 100 percent of a new—and higher—parity formula. It put emphasis on production payments, rather than price supports through loans, and the limitation of supports to the output of a family-sized farm.

Since then Archie Wright, of whom we have heard plenty, has said that the Brannan plan is the Farmers Union plan and has promised bigger plans to come in the future.

BRANNAN PLAN IS FARMERS UNION PLAN

Mr. President, I submit the Farmers Union plan of April 4, 1949, as published in the North Dakota Union Farmer, be placed in the RECORD as my Exhibit No. 8. It should be compared with Secretary Brannan's statement of his plan on April 7, 1949, to see how closely they are parallel. In fact, I think the Brannan plan could be called the Talbot plan, or the Harris plan—or possibly the Stalin plan.

Perhaps it is just a coincidence that the only major farm organization which supports the Brannan plan is the Farmers Union. But perhaps it would also be of value for the appropriate committee of the Senate to undertake an investigation to determine just how, and by whom, the Brannan plan originally was drafted.

A few days ago, Chairman Symington, of the National Security Resources Board, appointed an advisory committee——

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. HUMPHREY. Am I to understand that the Senator, by his logic and by these respective assertions, is identifying the Brannan plan as a Communist program?

Mr. BRIDGES. I said that the Brannan plan in many ways followed a line developed by some of the Commie-front organizations in this country. It in some way parallels that line.

Mr. HUMPHREY. Would the Senator, then, say that under the terms of Senate bill 4037, and particularly its criteria of a Communist-front organization, those who are in support of the Brannan plan are ipso facto sympathizers with, members of, or part of a Communist front?

Mr. BRIDGES. I would not go so far as that.

Mr. HUMPHREY. Then, what does the Senator mean?

Mr. BRIDGES. I mean that the Brannan plan, either by coincidence——

Mr. HUMPHREY. Oh. By coincidence.

Mr. BRIDGES. Or by design apparently originated with Secretary Brannan on a day when he testified before the Senate, when the plan had appeared not as the Brannan plan, but a Farmers Union plan in a Farmers Union newspaper. The plan had been discussed in other organizations and supported by those organizations before it became identified as the Brannan plan.

Mr. HUMPHREY. In other words, the Senator is saying that there is a strange similarity, but it is only coincidental; that it is something like certain members of the Government who oppose the Marshall plan and who are, ipso facto, following the Communist Party line by their opposition to the Marshall plan; or some Member of Congress opposing the North Atlantic Pact, who is following the line of the Communist Party. That is the kind of specious reasoning we have here. That kind of reasoning can destroy any organization or any person. I think we should examine these plans on their merits, and not upon their alleged parenthood.

I heard, for example, that FEPC is a Communist scheme. It so happens that the church to which I belong believes in FEPC, and it so happens that Communists do not believe in my church. So, therefore, I feel that that kind of specious reasoning ends where it belongs—in the garbage can. It is not good reasoning.

Mr. BRIDGES. Mr. President, as I was saying, a few days ago, Chairman Symington, of the National Security Resources Board, appointed an advisory board consisting of three public, three industry, three labor union, and three agriculture members. As the agriculture members he named James G. Patton, national president of the Farmers Union; Albert Goss, president of the Na-

tional Grange. But when it came to picking a representative of the largest farm organization, the American Farm Bureau Federation, Mr. Symington passed over its president, Allan Kline, and picked instead a Farm Bureau member from Ohio named D. Murray Lincoln, who incidentally had been at one time the favorite candidate of the CIO, ADA, and such groups for the Democratic nomination for Senator in Ohio to oppose the senior Senator from Ohio [Mr. TAFT]. Mr. Lincoln's selection is a direct slap by the administration at the Farm Bureau. Is this because the Farm Bureau has strongly opposed the Brannan plan?

WAS ALLAN KLINE SNUBBED?

Could it be that even in a matter involving national defense, the Department of Agriculture, headed by Secretary Brannan, saw to it that the Secretary's foe, Mr. Kline, a dirt farmer and a good one, got no recognition even though his organization is the largest in American agriculture? Is the Farmers Union, the recognized front of Communists working in agriculture, also the chosen farm organization of the administration? I believe the farmers and the public are entitled to the answers to these questions.

Mr. President, I believe the evidence I have submitted showing Communist infiltration of a major farm organization alone would justify passage of the proper legislation. That evidence shows conclusively that Communists did plan a campaign to infiltrate and take over the Farmers Union. It shows that, whether the Communists actually control the Farmers Union or not, that they exercise great influence in it and have succeeded to a considerable degree in their original purpose.

I have cited chapter and verse today. I have stayed away from charges. I have presented the evidence. This evidence shows that while the CIO has seen the light and purged its Communist unions, and that while even Henry Wallace got religion, that Archie Wright and his kind still are riding high in the Farmers Union. The FU department of education still is peddling the party line and promoting the subversive the Last Frontier.

Not only that, but the Communist peace pledge was published, endorsed, and promoted in the June 1950 issue of the Iowa Union Farmer.

GAETH AND DURR 1950 ADDITIONS

Not long ago Arthur Gaeth, former radio commentator for the United Electrical Workers Union, which was kicked out of the CIO because it was Communist dominated, was hired by the Farmers Union department of education. According to the National Union Farmer, of May 1950, he was chosen to represent the trainees at the NFU Training Institute, held at Red Rocks Camp, near Denver. Mrs. Gladys Talbott Edwards directed the training institute, at which the youth of our country were further indoctrinated. Among the speakers was President Patton.

Another speaker was Clifford Durr. Information in my possession, which I think is reliable, is that Mr. Durr recently has been hired by the auto insurance department of the Farmers Union.

Who is Clifford Durr? Many Senators will remember him. He is president of the National Lawyers Guild, which is on the subversive list of both the Attorney General of the United States and the House Committee on Un-American Activities. Justice Ferdinand Pecora and former Assistant Secretary of State A. A. Berle resigned from the Lawyers Guild, stating it was Communist dominated. Mr. Durr, however, carries the torch for this outfit, one of whose principal activities is to attack J. Edgar Hoover and the FBI.

Mr. Durr and his wife were leaders in Henry Wallace's Communist-dominated campaign for the Presidency. Mr. Durr has represented witnesses before committees of Congress and has advised them to refuse to state whether they were Communists.

Clifford Durr yields to few people, if any, in his list of Communist associations. Yet, according to my information, he has been hired by the Farmers Union within the last few weeks.

Mr. President, the leadership of the Farmers Union owes its members and the country an explanation of the facts I have cited today. The time has come to rid the Farmers Union, composed, for the most part, of fine and loyal Americans, of the evil and subversive forces within the organization.

Time and events have taught us that we cannot compromise or temporize with Communists.

EXHIBIT 1

COTULT, MASS., *August 3, 1946.*

JAMES G. PATTON,
President, the National Farmers Union, Denver, Colo.

DEAR JIM: When you wrote to me from Denver soon after the meeting of the new board and executive committee, I had already decided to sever my relations with you, Glenn Talbott, and the NFU, even though I consider the reasons you cite in your letter for asking such severance as childishly inadequate, just as I was sorely disappointed in Glenn's unresponsive evasiveness in his letter replying to the formal proposals for rescuing the NFU from its plight, which I laid before the chairman of the executive committee in writing.

You were aggrieved because I did not address my proposals to you as president and did not talk them over with you before presenting them. You thus betrayed a conspicuous unwillingness to face the realities of the action taken by the NFU convention at Topeka last March establishing the new, expanded board, and the new executive committee with powers formerly exercised by the office of the president—action confirmed by referendum among the membership of the NFU although by so disgracefully small a portion of that membership (scarcely 14 percent) that it emphasizes the woefully low ebb to which the membership has receded in concern over the conduct of the national administration of the organization. What is one forced to conclude when one sees that scarcely 14 percent of the membership of an organization responds to a referendum mail vote on a proposition to transform the administrative set-up of that organization? What must one think of the educational and leadership efforts of the national headquarters of such an organization?

You were further aggrieved because I did not talk these proposals of mine over with you while in Denver. By writing that in your letter to me your mind betrayed itself subject to the well-known psychological trick of forgetting things that are uncomfortable to remember. The dozens of conversations we had had prior to the Denver board meeting (and prior to the Topeka convention) about the dilemma you found yourself in over the conflict between your role as high-power, public-relations voice on the Washington and international policy fronts and your role as administrative and educational leader of a bunch of farmers ought to have made it seem sheer supererogation if I had talked with you in Denver.

Why, hell's bells, Jim, if you'll force your mind to go back over our conversations carefully, you'll remember that the final one we had just before you left Washington for the Denver board meeting was almost explicity what I set forth in my formal proposals to the executive committee. And what's more, you'll remember that you approved my proposed presentation as right and proper and in accord with the requirements of the situation—at least you voiced such approval with your lips and tongue.

Finally, in your letter you said that it would be administratively unwise to retain anyone on the NFU staff who already had enough resources to pay his own way or was able to obtain such resources. One can only deduce that the person to whom you write that administrative dictum is one in whom you have no confidence, in whose sincerity of motive concerning the NFU you no longer believe.

So, Jim, I was vastly relieved when, on your recent visit to Washington you reasserted your faith in my purposes and went so far as to ask me to carry on for the NFU on specific projects such as the FAO (including the forthcoming FAO meeting at Copenhagen in the role of NFU member of the United States delegation), the French farm boy enterprise and other French negotiations, the atomic energy problem, food for freedom, etc. You will recall that, chronologically, I had not seen your letter when we had our last face-to-face conversation because I had not burrowed through the quantity of mail Evie had piled up at home while I was away in Denver, Chicago, and up here. But I had already expressed my willingness to get off the payroll in my formal letter to the executive committee (much as I disliked being a pawn in a bargain to eliminate Phil Reno). Moreover, I had already concluded in conversations with Ben Stong, Russ Smith, Morrie Glenn, Gladys Edwards, Ole Oleson, and others regarding the Communists, and the power struggles among you, made it out of the question for me to lay plans for any further, protracted relationships.

I was anxious, however, to see through to a partial conclusion at least, various projects to which I have put my hand in the name of the NFU—particularly the ones I listed in the paragraph above. Consequently I was, as I say, greatly relieved when you volunteered the request, without prompting from me, that I carry through on those specific matters. Because of the unpredictable and rapid shifting of your attitudes and judgments over the past many months, I did not feel secure, however, in making plans for Dode, the family and myself for the next 2 or 3 months until I talked with you again following my conversation with Ursula Duffus at the State Department concerning NFW representation at the FAO Copenhagen meeting.

The vigor of your expression of intention to recommend to Glenn and the executive

committee that I continue on the above-mentioned projects and to fight with the full force of your mind and personality for that recommendation, including participation in the Copenhagen deliberations—that vigor of expression organ-voicing over the long-distance telephone wires from you in Denver to me in Washington gave me sufficient security to start making plans with Dode and the family.

I started formulating the reports you asked me to draft for you, with copies to Glenn, which you said you needed for purposes of conducting an effective fight with him and members of the executive committee in support of your recommendation—though why you felt the need of such reports on the various projects is beyond me because you have repeatedly heard from me in detail just what I am up to on them, why I felt morally obligated to see that further along the road, and why I consider them of importance to the family-type farming and other concepts of which you, Glenn, and the NFU, with the aid of Paul Sifton, Russ Smith, and some others of us behind the scenes, have been spokesmen in the public arena, though apparently not nearly enough among your own farmers and their neighbors.

On this background, Jim, how do you expect me to react to the telephone call I received here at Cotuit on Cape Cod yesterday from Russ Smith in the now-on-the-market Washington office? How can I feel good about what I can only interpret as a craven retreat from a position you so passionately and effusively stated to me hardly two weeks ago?

The executive committee, at whose next meeting you were going to make and fight for your recommendation regarding the projects and my relation thereto, has not even met yet as I write this (it does not meet 'till next Monday). And yet, according to Russ Smith's telephone report to me yesterday, in a phone conversation with him the day before from St. Paul, you told him that Glenn and you had decided (without reference to the other members of the executive committee) that I am too inflammatory an individual to represent the NFU at the FAO gathering because of what you and Glenn judge to be the opinion of the other United States farm organization representatives about me.

I would like to know the evidence on which you and Glenn base your judgment. Certainly it is not my unqualified opposition to the Communists—and opposition whose unreservedness you, Glenn, Ole Oleson, Gladys Edwards, Don Chapman, Russ Smith, Ed Yeomans, and, of course, Waldo McNutt and Archie Wright deplore along with the Communist Party's agricultural policy boys in this country, Lem Harris and Don Henderson, to say nothing of George Marshall, Merle Vincent, Jerry O'Connell, and Raphael Zon of the Marshall Foundation.

No, Jim, that reason you cited to Russ Smith as the basis for your decision will not bear examination. Surely you can't in your right senses consider me a more dissonant note among Ed O'Neal, Al Goss, and Homer Brinckley than you are. And Russ tells me, despite your eloquent promises to me, that you really wanted and intended to go to Copenhagen yourself.

Poor old Russ, who thinks I mess up my life and my objectives by not being cagey enough, was put in a hell of a position by your telephone call to him. I hand it to his sense of decent trust and friendship that he phoned to inform me of what had happened—something I might have expected of you following our last two conversations (and if I took the words of friendship in your last two letters literally) but which now at long last know I've always been an incurable romanticist and sentimentalist to expect.

Russ said he accepted the sudden assignment to go to Copenhagen in place of me because he thought it was what Glenn and Gladys Edwards and the others wanted, because they want you to stay out in the field awhile and see if you can help organize and educate some farmers so that the NFU utterances and operations at the Washington and national headquarters level will really amount to something more than a showy, intellectual and emotional facade.

Russ' embarrassment was obviously enhanced by the fact that he had earlier applauded with every show of earnestness the prospect of my representing the NFU in the FAO matters because of my months'-long negotiations and intimacy with the FAO people, the French agriculture crowd, the Indians, etc. His embarrassment was at its peak when he told me he did not argue with you about my position in the matter because he thought it would do no good and might bring about a result which neither he nor Glenn nor Gladys Edwards nor Ole Oleson would like.

Please do not interpret what I have been saying as moaning that I disapprove of Russ Smith's assignment to FAO affairs. I certainly do not, though I think my recent experiences and my temperament make me a more valuable representative at this particular stage of development in FAO. Russ, after all, was persuaded to join the NFU staff as much by me as by anyone else. He has an excellent mind, as I've often told you. I think he'll do a good job of representing the NFU at Copenhagen despite his too-great caution, as it seems to me. All the differences between him and me revolve around this obsession he has for caginess. These are not times for caginess. On the contrary, these times shout for moral and intellectual courage and integrity.

You will recall, and so will Glenn, that I began my remarks at the board meeting in Denver by expressing regret that Russ Smith was not present to hear me express pride in the part I played in bringing him into the NFU. I then diverged to take pokes at Phil Reno's immediately preceding boasting of his experience and titles with labor organizations, then spoke of the French farm boy's almost certainly fatal illness (of which I had learned that noon) and the symbolization involved in his fate as an individual in its reference to the NFU objectives, and then leapt into a tirade against people and organizations who felt the need of absolutes to lean upon and could not stand on their own feet, with asides about the Marshall Foundation and cracks at what I deemed to be your misinterpretation of foundation deliberations and intentions (at least the intentions of four of the trustees).

Glenn, in his unresponsive reply to my formal proposals, listed these remarks and my manner of delivering them (which he said clearly showed that I had been drinking too much and was not possessed of all my faculties) as one of the reasons for removing me from the payroll. Without consideration of the justice of his comments about which there is sharp difference of opinion, as I have learned subsequently, I cannot but feel sorely disappointed in Glenn for having included that as a reason in view of the circumstances.

He knew days before I made those remarks that I was slated to be knocked off the payroll. I had talked with him about Ole Oleson's session with me at your home the Saturday before the new board even met. He knew even before Ole propositioned me to step down without a fuss that Ole was going to make such a proposition because he and Ole had agreed upon it beforehand. And when I told him about the Ole talk the next day he naturally interposed no objections at all to Ole's suggestion.

So you will understand (and, I hope, so will he) why I am disappointed at him for trotting out a false reason for an action he had decided upon well in advance of the occasion which gave him the basis for fabricating the additional reason. I regret exceedingly having afforded Glenn whatever basis I did to use as a handle against me, though the end result would not have been changed one jot by a display of the greatest restraint on my part that evening before the board.

Now, Jim, you and Glenn (and the members of the executive committee and the board to whom I hope you will have your office transmit copies of this letter) may dismiss this long and detailed communication as merely the expression of one who is sore at being deprived of a pleasant and interesting junket to Copenhagen. Or you may even think it's an expression of soreness at being dropped from a payroll, though my agreement to that beforehand coupled with the modesty of my NFU stipend and the amount of long-distance telephoning I've done (and traveling) for NFU at my own expense (through the good luck of still having some money to use for such purposes) should make it difficult for you to entertain such thoughts.

Of course I'm not happy over being let down on the Copenhagen sessions, especially since I was planning to take Dode whose judgment, as you well know, I trust more than my own for the good and simple reason that it is better than mine. But it is not being deprived of the trip on NFU's behalf that eats me and makes me set down these many words.

No, Jim, it's the implication of that action by you and Glenn that stirs me up to type this epistle. The circumstantial evidence is strong that the real reason my proposal to the executive committee (entailing no expense to the organization as it faces the $45,000 deficit for the current year) was rejected, and the real reason you abandoned your commitments to me so quickly in St. Paul under the influence of strong-man Glenn is my insistent, uncagey, and unsilenceable opposition to Communist infiltration to official positions of power and influence in the NFU.

I don't have to remind you of the long and bitter struggles I have had with the Communist or pro-Communist trustees of the Marshall Foundation—George Marshall, Jerry O'Connell, Raphael Zon, and now Merle Vincent substituting for Army-involved Heber Blankenhorn—since 1939 to get the funds that made possible the expanded Washington operations of the NFU. I don't have to tell you that many of us understand your appointment of the pathetic Communist or pro-Communist boy, Phil Reno, to your headquarters staff in Denver as political and labor relations official was at the behest of George Marshall and Lem Harris, the Communist Party's avowed agricultural policy fellow, in order to insure a continuing flow of money from the Marshall Foundation to the NFU. I do not have to recall to your mind Lem Harris' visit to you in Denver a few years ago to tell you that of the total amount of money remaining in the Marshall Foundation the NFU would be allowed so much and to ask you as president of the NFU how you wanted that sum spread over the ensuing few years—Lem Harris, not a trustee of the foundation.

It's caused me deep sorrow over the past several years to watch your mind turn to the Communists in its desperate reach for the security it lost when it forsook the practical, day-to-day causes of the family-type farmers in the field and became enmeshed in the shackling web of limelight, power, and influence incident to the Washington and international environment where you've spent most of your time latterly. As you

know, I've made no bones about expressing to you my concern over this situation.

Two episodes at the Denver board meeting high lighted this desperate reach of your mind for security. The first was that paragraph in your report to the board in which you recommended doing by indirection what earlier in the report, with high, moral words, you had rejected doing directly in respect to the stipulations voted by four of the Marshall Foundation trustees (against any solitary opposition) to control use of further funds allotted NFU by the foundation and to control appointment of persons to be paid by those funds. Your recommendation to have a joint farmer-labor committee set up and have that committee ask for the funds rather than the NFU was a distressing performance, Jim. It was precisely what George Marshall and his Communist or pro-Communist colleagues wanted, and would have given them the power to select at least the labor members of the committee and, quite likely, the farmer members as well. I am glad the board turned down the recommendation.

The second episode was your appointment of a separate veterans committee within the NFU and your selection of Waldo McNutt, the New Jersey FU president, as its chairman. It was significant that you risked making this latter selection of the well-known Communist advocate only after putting your arm around the shoulders of the NFU education director, Gladys Edwards, and having a whispered consultation with her. I doubt whether it would have made any difference if I had told you beforehand of my conversation with NFU eastern division executive secretary, Ed Yeomans, after taking a group of French farm boys out to some of his poultry farmers at Freehold, N. J.

You will recall that later I did tell you of Ed Yeoman's working up a caucus in the New Jersey FU to depose McNutt as president, "not because he is a Communist but because he lacks personal integrity." You will remember that I reported my reply to Ed as having been, "Well, for God's sake, Ed, don't you realize that lack of personal integrity and being a Communist are virtually synonymous, that abandonment of personal integrity is part of the sworn technique of becoming a Communist?"

I think I also told you that Ed voiced deep concern over the strength of my feelings on Communists in the NFU and said that he wasn't building a big NFU organization in the East (helped along greatly, he explained, by the recent grain contract with M. W. Bill Thatcher, manager of the FU Grain Terminal Association) just to have it blown to pieces in a fractional fight induced by what he more than hinted was my obsession about Communists. I think I likewise told you of my alarm at Ed's informing me that his cooperative wholesale manager and the personnel thereof were elected for him by Lem Harris, the avowed Communist Party agricultural policy boy to whom I have referred several times above.

While speaking of Lem I should, for the sake of the record at least, repeat my conversation with him in the early morning hours of the last night of the Topeka convention when the delegates were sweating out their arguments over the proposed increase in dues, amendments to the charter, bylaws, constitution, etc. The conversation was at his invitation. In substance, Lem said to me, "Well, Pat, we didn't have enough troops to take you this time, but we will by the time the next convention rolls around." He was referring to the one significant floor fight of the convention over the international plank in the proposed program which came from my typewriter with the aid of Allen Haden and Morris Rosenthal. That fight was led by Waldo McNutt, seconded by the New Jersey educational director, Frances Lieber. You will remember the contest was over the phrasing calling for continued efforts to bring about greater democratization in the United Nations, to eliminate the veto, to achieve international control of atomic energy and to give ultimately more authority to the Assembly of UN than to the Security Council. Lem, with no reticence whatever, identified that fight as the touchstone conflict of the convention.

Recalling my long acquaintanceship with Lem (soon after his graduation from Harvard, when he changed his mind about going to divinity school and into the ministry and went into the Communist Party instead and started helping set up Farm Research, Inc., as his first assignment), I said to him, "Lem, you're an easy fellow to get along with because you've never concealed your Communist Party membership and your objectives. I feel I can trust you as a friend." To which Lem replied instantly with his characteristically disarming charm, "You better not, Pat, I'll cut your throat any time it serves our cause."

Numerous other conversations and experiences since I've been actively interested in the NFU (10 years), all going to the same issue, could be recorded. I'll content myself with only two or three more. The first of these is the several-hour discussion with that good wheat farmer from North Dakota, the president of the biggest business enterprise bearing the NFU's title, the FU Grain Terminal Association, Ole Oleson (middle initial L), the man whom Glenn is grooming as your successor when and if you, Jim, act upon your ambition to run for the United States Senate from Colorado. That discussion took place, with my daughter Deborah participating, while we were waiting for an early-morning plane to return Ole to St. Paul after he had taken part in a Nation-wide broadcast over Mutual with UNRRA Director General LaGuardia and FAO Director General Sir John Boyd Orr at a Food for Freedom conference in the National Press Club auditorium in Washington.

I thought I had made a dent in Ole's fervent insistence on the value of the Communists as the only worth-while action group left of center in the country during the discussion. And daughter Deborah thought I had, too. But when I had my session with Ole in your bedroom, Jim, the Saturday afternoon before the new and expanded board met at the Albany Hotel, his first words to me were, "Pat, you know, you and I can work well together if you'll get over one thing. You're crazy on this Communist business, absolutely crazy." I could see there was no point arguing further with him in the short time at our disposal, since he was impatient to cut our talk short so that he could leave with the even-more-impatient Waldo McNutt downstairs for another cocktail party and dinner arranged by the latter New Jersey farm leader (who became a farm leader after being, as a Youth Congress factotum, one of the loudest denouncers of FDR as a warmonger up to the time Hitler attacked the Soviet).

My object in putting down these various episodes in a letter to you, Jim, is to give you an outline of the background on which I now withdraw whatever support I might give or help get others to give to the NFU as long as its leadership entertains it current attitudes on the Communist issue. And when I say leadership I most emphatically include Glenn and his sister, Gladys Edwards, and the intelligent and philosophical Montana FU president, Don Chapman, as well as all the other State presidents and staff members who oppose a frank discussion and facing of the issue, even within the bosom of the organization and not for public consumption—all those, in short, who scream "Red-baiting" at the merest hint of raising the issue.

This is no easy decision for me to make. Next to the Sacco-Vanzetti case I have put more into the cause of the NFU since I met you in Denver in 1936 than into any other single cause. That has been because I believed in the ideas clustered around the central one of family ownership and operation of farms represented by the NFU, and because I believed in the NFU leadership. I still believe deeply in the ideas put together after much sweating by Obid Wyam, Fred Stover, Russ Smith, and the others for the program adopted by the Topeka convention. As you've heard me say again and again, greatly centralized ownership of land has always throughout history led to the rise of tyranny, the destruction of democratic processes and the eventual downfall of the society in which it occurs. Consider the rise and fall of the Roman Empire as an example.

But while retaining complete faith in the written program of the NFU, I have lost faith in the NFU leadership as it presently expresses itself. That leadership, confronted by the perplexities of a sorely-troubled world, by the organization's financial and administrative problems it has brought upon itself, and by its personal difficulties inside and outside the organization, appears to me to be bewitched by the siren song of salvation for humanity sung by the Communists. It seems almost zealously eager to grasp, for personal and organizational security, that political methodology which operates on the fatally destructive tenet that the end justifies any means. That method sets brother against brother, son against mother, and friend against friend. In the modern world it finds its most obvious expression in the police state.

This long letter, Jim, has been written without heat, anger, or animus. It has come from me in a spirit of profound regret and sorrow. I have no personal discomfort whatever at the accusation of Red-baiting, and so forth, thrown at me by Glenn, Gladys Edwards (and her able and disturbed protege, Juliette Fleischl) and the others. As I wrote to Glenn while in Denver, I've had a longer experience and over more years have tried harder to accommodate my efforts to the Communists (even after my first encounter with them in the early stages of the Sacco-Vanzetti case a quarter of a century ago taught me to despise them) than anyone connected with the NFU. You may not remember that the Sacco-Vanzetti case grew out of the Red raids of A. Mitchell Palmer after the last war. And the first stint I did in Washington after we moved there in 1930 was to write a chapter on The American Radical for the book, America as Americans See It, in which I talked of the trick in mass psychology of pinning the Red label on anyone differing with you—a trick employed by those counterparts of the Communists among the capitalists who, like the Communists, function on the tenet that the end justifies the means. The Communists and their misguided sympathizers now use "Red baiter" and "Fascist" in the same way the capitalists use "Red."

But circumstances and conditions have changed vastly since the Sacco-Vanzetti days and since our early days in Washington. I will no longer keep silent on what has become, in my judgment, an issue of major importance for the future of our children and people everywhere. Saturday afternoon, following the final session of the executive committee, I sat with NFU Vice President Herb Rolph, Oklahoma FU President Homer Duffy, and that pillar of strength within the NFU, C. E. Huff. Without exception they expressed worry over my attitude on this question. Huff said, "You're right about it,

Pat, but you're so earnest you frighten us." I expect and intend to go on being earnest.

In conclusion, Jim, I scarcely need say that there's no point in my transcribing the reports on the various projects you asked for. Dode wants me to turn the French farm boy project back to you or someone else right away. But I feel a moral obligation to see that they get shifted to the kind of farming each of them wants before doing so. Moreover, judging by the almost callous lack of concern shown by almost everyone in the NFU (except Don Chapman) for the success of this valuable but delicate experiment in practical, international collaboration, I dread to think of what might happen to that fine group of French boys. I've been writing each of the boys personal letters since I've been up here and also composed a letter to the parents of the Coucault boy, who died in New Jersey (copy enclosed) which Russ is releasing to the press in Washington early in the week.

I am truly sad that things are as they are in this NFU business because I would like to be in a position to explain to you and Glenn and the others just what meaning for the NFU organization and business enterprises some of the French negotiations have to which I have been a party. But I'm sure that both of you, Jim, and Glenn will understand why that's out of the question now. (If you're interested, you might ask Ernest Dean, Kansas FU president, with whom I discussed one aspect of these negotiations and their relation to Kansas FU membership and Howard Cowden.)

Yours sincerely,

GARDNER JACKSON.

P. S.—In addition to the copy to Glenn I'll probably be sending copies of this letter to some of the people mentioned in it, so please don't be surprised if you hear from them. I intend to send a copy to one NFU person barely mentioned in the letter. That's Ben Stong. Both you and Glenn know that I think he got the rawest and most unjust human-equation treatment of anyone at the Denver board meeting. The attempt was made to make him the scapegoat for the mess the NFU is in. It would have succeeded except for his highly intelligent and courageous resistance. Without him as editor of the national paper of the organization and as your assistant in the Denver national headquarters, matters would have taken a far worse turn for NFU during the past few years.

I neglected to say that your action in appointing the McNutt veterans committee seemed to me to be clearly against the consensus of the Topeka convention. It was certainly in opposition to the policy advocated by the American Veterans Committee.

EXHIBIT 2

SEPTEMBER 9, 1947.

MR. JAMES G. PATTON,
President, National Farmers Union,
Denver, Colo.

DEAR JIM: In your letter of September 3 you say that the September issue of the National Union Farmer "departs sharply from the policy" of the Farmers Union. You also say that "it departs from this policy deliberately, and with the idea in your mind of changing or defying the present policy."

You ask that I explain this departure. This is my explanation. Copies of this letter have been forwarded to all NFU board members.

Your impression of why I "departed deliberately from Farmers Union policy" is wrong. I neither was trying to change or defy that policy because only by guesswork did I know what it was.

My purpose was to try to get you and the board to clarify that policy.

This lack of clarity is even evidenced in your letter. You do not say just what it is in the September NUF that you disapprove. I have a good idea what it is, but why must you be so vague?

I shall not be vague. You specifically disapprove the cartoon on page 8 called Russian Cooperation, the article, Red Capitalists, Capitalist Reds, on page 5, and perhaps the news item on the same page with the headline "Co-op liberals on right path."

Now the question to be discussed and answered is: "What is the established policy of the Farmers Union?"

Your letter outlines some very vague principles briefly. You say, "We try our best to stand for sound policies instead of being against other groups or organizations or policies."

All this looks good on paper. It is fine sentiment, but very ambiguous policy. Certainly you know that to be for family farmers and the Farmers Union program we must be against corporate wealth and monopoly; that to be for people we must be against injustice and greed; that to be for the good we must be against the bad. I am sure that you know better than I do that those who are for everything are really for nothing.

There is another statement in your letter which both illustrates an ambiguity of policy and a marked discrepancy between what you preach and what you practice.

You say: "We will oppose any effort to divide the members of our organization into two or more groups, with regard to their national or international politics."

Frankly, this is a revelation to me. Your previous words and actions do not conform to this policy—or so it seems to me.

For example, would you say that your statement in the May NUF telling Henry Wallace to "keep up the good fight in Europe" did not tend to divide our members into two or more groups with regard to international politics?

Here is one paragraph of what you said:

"Our more than 400,000 members are with you. We believe most of the American people will be with you in time—despite the misrepresentation waged against you."

Does this not divide our members?

In addition, when you were in Europe when Henry Wallace spoke in Denver, your telegram to him was read to the audience. (It would be revealing to see how FU members would vote in a poll to support Wallace's stand.)

On many occasions you praised Franklin D. Roosevelt as a friend of the Farmers Union (which he was, of course). This, too, divided our members on national affairs.

Prior to September 1945 you were a member of the National Citizens Political Action Committee. You recall that there was much confusion and division among our members over this. You will also recall that you resigned from this group because, as you said, "I felt that many State leaders found it easy to spend all their time in a defensive attitude." (I wonder that you do not realize that many of our FU leaders now spend much time denying that we are communistic or fellow travelers?)

When you were a member of the Committee To Save America by Helping the Allies before December 7, 1941, don't you think that promoted a division of our members on international politics?

You were also a member of the National Policy Committee when it issued a little booklet called What Are We Fighting For? after a meeting June 21, 1941. I quote from that pamphlet:

"The Nazi system is confronted with the perennial dilemma that has faced all dictatorships ruling by violence; world power or downfall. It must extend the new order around the earth or face ultimate collapse."

Certainly this contributes to the confusion now, when you have pretty consistently followed a policy of excusing Russia at every opportunity; of subscribing to Henry Wallace's appeasement policy; of managing to impugn imperialistic motives for everything the United States does in the international field, but to excuse everything Russia does. May I ask why one dictatorship was so threatening to western civilization and United States security, while another is not?

Another factor which contributes to the confusion on FU policy is your tacit and sub rosa support of the Progressive Citizens of America, an alleged pro-Communist political action group, attempting to promote the third-party candidacy of Henry Wallace. This contrasts to your tacit and sub rosa opposition to the anti-Communist political action group, the Americans for Democratic Action. (Incidentally, it would be extremely interesting to have FU members choose between the two programs on the basis of facts. I would wager that they would side with ADA, since it follows the tradition of an indigenous American liberal movement rather than the pinko policies of the PCA.)

All this glaringly conflicts with a Statement of Liberalism made by Senator JAMES E. MURRAY May 23, 1947, and included in the CONGRESSIONAL RECORD Appendix, volume 93, part 11, on page A2459. You and 86 liberals signed this statement. I quote it in its entirety:

"STATEMENT OF LIBERALISM

"(Extension of remarks of Hon. JAMES E. MURRAY, of Montana, in the Senate of the United States, Friday, May 23 (legislative day of Monday, April 21), 1947)

"Mr. MURRAY. Mr. President, I ask unanimous consent to have included in the Appendix of the RECORD a statement made by 87 leading American liberals, setting forth what they consider to be a standard of political conduct for those who believe in liberalism or progressivism as a middle way between the extremes of reaction and communism—the true highway toward the fullest achievement of American democracy.

"This statement of liberalism accuses the American Communist Party and its sympathizers of an un-American lack of forthrightness, and announces the refusal to associate with American Communists as a proper and reasonable requirement for anyone who is to be of practical help to the cause of liberalism in the United States. The statement of these 87 liberal leaders draws a proper distinction between association with American Communists and their sympathizers, on the one hand, and, on the other, an objective attitude toward the problems of Russia and a hope for peaceful relations with that country. These liberal leaders point out that 'failure to reckon with the above distinction occasions the grave present-day plight of the liberal-progressive cause.'

"There being no objection, the statement was ordered to be printed in the RECORD, as follows:

" 'The future of our country and the world may easily turn on the preservation of a reasonable solidarity among those liberal and progressive Americans who today possess the balance of power in national affairs. Liberalism or progressivism, being a middle way between the extremes of reaction and communism, is subject to accusations from both extremes. It is important, therefore, to point out the sharp distinction which must be made between partiality for the American Communist Party and its sympathizers on the one hand and an objective attitude toward U. S. S. R. and a desire for friendly relations between our two countries on the other.

" 'The American Communist group—registered party members, together with their more or less unofficial adherents—has its

roots in a foreign land, and the record shows that it follows the behests of a foreign government. It carries on its activities and exerts its influence with an un-American lack of forthrightness. An announced refusal to associate politically, either as an individual or as a member of a group, with this American Communist entity, registers the conviction that the highest service to our own country and the world implies working wholly through American channels and so with unquestioned loyalty to our own people and their Government. It is not unreasonable therefore to expect that those with whom we associate politically so declare themselves. To deny this is intellectual escapism and may be politically disastrous.

" 'Contrariwise, it is unreasonable and against the public welfare to bring accusations against an American citizen either because he evidences interest in the U. S. S. R. and a measure of sympathy with some of the things going on there or criticizes certain current practices and attitudes in that country.

" 'The failure to reckon with the above distinction occasions the grave present-day plight of the liberal-progressive cause. Until this impasse is resolved, the partisan and nonpartisan forces which have increasingly guided the United States of America in recent years will remain divided and well nigh impotent.

" 'JAMES G. PATTON,
" '*President, Farmers Union.*' "

I think this is a good policy—a policy FU members would wholeheartedly approve. I think it draws a very neat but definite line between liberalism and communism. It certainly points out that present-day liberals are faced with a dilemma because of this confusion. In day-to-day policy you and many of your staff on the NFU are unwilling to recognize the seriousness of this problem. Yet you did sign this forthright statement, recognizing it.

(It is very interesting to note that when I showed parts of this statement to four members of your staff, without their knowing you had signed it, or who had written it, they agreed very definitely that it was not a statement of liberalism, and that it was to be condemned as both antiliberal and red-baiting.)

I do not think that my September NUF departs fundamentally from this statement of liberalism.

I do think that you and many of your staff do depart from this statement, and promote division among our members when you condemn the goose-stepping of the Nazis, but now condone the goose-stepping of the Soviets. * * * Condemned the ruthless gestapo of the Nazis, but condone the NKVD of Russia. * * * Condemn conscription in the United States, but condone Russia's conscription. * * * Condemn the United States press for not printing all the news, but condone the iron censorship in Russia, and suggest that NFU should soft-pedal unpleasant facts about Russia's undemocratic dictatorship. * * * Condemn the United States repeatedly for its admittedly inadequate efforts to cooperate in the United Nations and our circumvention of that agency in Greece and Turkey, but condone Russia's similar actions in Hungary, Poland, and elsewhere. * * * Condemn "name-calling" when communism or dictator Russia are the names called, but are ready to call out "fascist," "nationalist," "isolationist." * * * Condemn cooperation with reactionary groups in this country, such as NAM or the Chamber of Commerce, because we must "always cooperate on their terms or not at all," yet we are ready to cooperate with Communists and the fellow travelers, even though it should be pretty clear that they are just as uncompromising in demanding complete conformity to their Russian-dictated policy as these reactionary groups are.

Remember, I am not debating the question of whether this is wrong or right at this point. I am only asking whether such actions indicate a well-defined, impartial policy of the Farmers Union—and the Farmers Union alone? Will such incongruities create confusion in the minds of our members?

Of course, in a very general way the 1946 program of the Farmers Union establishes the policy to be followed by you. But the broad principles set down there allow you considerable latitude in meeting day-to-day events—as they naturally should. And so it is of little significance here to wave the 1946 program in the air and say that this is our one and only guide.

It might be well to point out here that on page 3 of the FU 1947 program the Farmers Union pledges itself to participate in such international agencies of the UNO as the FAO, ILO, IOE, the World Bank and others. Yet you condone or do not explain the fact that Russia has failed to participate in these agencies, or even explain why she hasn't done so.

It is reasonable for you and the NFU board to condemn United States meddling in Greece and Turkey to support undemocratic regimes there. But why not condemn the meddling of Russia in Hungary, Yugoslavia, and Poland too? Such concomitant actions would indicate that you condemn imperialism impartially.

I have heard members of your staff state that NFU shouldn't criticize Russia, because it would confuse our membership—because, ostensibly, we might create the impression that Russia wasn't perfect, which, in turn, might make the Communists and the fellow travelers pretty unhappy.

Does this mean that we stand for a sort of benevolent censorship of the news—a censorship similar to Russia's? Are we afraid to present the whole question and let members decide for themselves? Do we have so little faith in the judgment of our members that we are afraid to present unpleasant facts about communism, Russia, or Communists? Personally, I'm for letting people have the facts to judge for themselves.

I think the items you object to in the September NUF do just that. I must admit that perhaps the "NO" cartoon is on the extreme side. But I printed it because I wanted to point up this need for clarifying policy, and I thought that it would inspire the demand for such clarification better than a more moderate stratagem. I will also readily admit that my discretion in the matter is a very debatable point. But my thinking was directed toward bringing this critical matter of policy to a head.

(Both these items, I might point out parenthetically, are from the liberal St. Louis Post-Dispatch—not from the Hearst press, as Mr. Archie Wright suggests in his letter of objection.)

Now for the inevitable Red-baiting issue. This seems to be the best line of attack for Communists to quiet criticism of any action they or Russia take. I will admit that Red-baiting is a very real menace to the achievement of liberal reforms. But there is such a thing as carrying that line to a ridiculous extreme. I like to call it swallowing the Red-baiting bait. When you do this, you never utter a word derogatory to the American Communist Party, Russia, or ever intimate that there is little difference between a Fascist and a Communist dictatorship. (Of course the reactionaries throw out an all-or-nothing line too, but we are very wise to that one.)

It is peculiar that Philip Murray, James Carey, Walter Reuther, and even Joe Curran in the labor movement have recognized the dangers of being sucked under by this Red-baiting bait. It is peculiar that these men who are not reactionaries see this danger and have acted on it, but that you do not see it. They have found that there is only one way you cooperate with Communists, and that is their way. (Henry Wallace found that out in Madison Square Garden when he chose to omit parts of his prepared speech that were critical of Russia rather than endure the booing of his pro-Communist audience.)

It is peculiar that the South Dakota and Wisconsin conventions of last year passed resolutions clearly stating their positions on communism without suffering any dire consequences. In fact, Wisconsin membership has risen appreciably in the past year.

Is it peculiar that Farmers Union has had its most cordial and closest working relations with the farm equipment workers, the packinghouse workers, and the electrical union, all of them alleged pro-Communist unions?

Yes; I am saying that there is no clear policy in the National Farmers Union, because you have, I think, been misled by the pro-Communist crowd. It adds up this way: FU has a traditional impartial policy of its own. But it has an actual partial policy of appeasing the PCA, pro-Communists, and fellow travelers, all of whom listen intently to Moscow.

Therefore you have been put in the unenviable position of having to maintain traditional FU policy as window dressing, while actual policy follows a pro-Communist collaborationist line.

Agreement with the Communists is certainly to be expected, especially domestically. Americans for Democratic Action, the Progressive, PM, the Chicago Sun, and the St. Louis Post-Dispatch do this. But they do make it very plain that they have no faith in the aims and intentions of the American Communist Party or the integrity of Russia's dictators, all of which doesn't mean that they are for shooting the Communists or fighting Russia.

But NFU's continued and almost total agreement with the Communists and Russia is both confusing and suspicious to our members. They are rightfully confused and suspicious when we agree with the Communist Daily Worker more often than with any other newspaper in the United States. Most of this agreement is behind the scenes agreement, of course—the sub rosa policy of the NFU.

I cannot follow such a policy. I cannot stomach appeasing the American Communist Party and Russia, though I believe in being open-minded and fair with both. I believe in being both fair and firm. Such a policy will do more to avoid war than another tragic Chamberlain appeasement policy. I believe that the men in the Kremlin are realistic and coldly reasonable.

They deal in facts, and they face them intelligently. If we remain firm and strong, they are very unlikely to precipitate war. But if we are indecisive and weak, they will be more likely to bid for the world power, which they have many times said they would seek—for the "good of the people," of course.

I believe in a democratic liberalism with its roots in America—the kind of liberalism which Farmers Union has traditionally championed. The Non-Partisan League, the Farmers Alliance, the Populists and even the Bull Moosers were movements of that kind. This is not the kind of liberalism the pro-Communists chatter about, because to them any indigenous liberal movement is merely a vehicle to champion an international viewpoint that accords with what Moscow wants.

I think that a genuine American liberal movement, divorced from the Communist influence, has the only chance to stop an impending native fascism and the corporate state in the United States. But I think that such a liberalism is certainly doomed when

"it associates with American Communists," as the statement of liberalism you signed states so clearly.

I also think that you have a good chance to spearhead such a liberalism in America if you do not tolerate the subtle diversions of the fellow travelers, who have repeatedly demonstrated that the means justifies the end. That they will use any person or organization to further their own Moscow dictated policy—without regard for the essential welfare of people in America.

I believe that the great majority of Farmers Union members will wholeheartedly support a real American liberal movement. And I am equally sure they would oppose the present policy of playing footie with the Communists.

I know that they want the greatest emphasis put on building Farmers Union in membership, organization, and education. I think they agree with you that FU must have nothing to do with a narrow backyard view of world events—a myopic isolationist nationalism. But they know that FU with 400,000 members cannot be perpetually diverted from their fundamental goals by a top-heavy concern with international affairs—a save-the-worldism.

It is best for Farmers Union to know its limitations. It may seem wondrously heroic to be otherwise, but it is a Don Quixote heroism—the kind which Mrs. Roosevelt meant when she called Henry Wallace a poor Don Quixote sweeping over Europe fighting windmills. It is both a futile and fatal heroism.

As I've said before, and history will verify, politics is the art of the possible. To attempt the obviously impossible is meaningless political suicide, which bows with futile flourish to the reactionary opposition. Be daring by all means, but not foolhardy.

I am not setting myself up as an oracle. I know that you know these things from actual heart-breaking experience far better than I do. I only think that I must state my position in order to better clarify my actions and thinking on this matter, and to humbly remind you that I think you have been diverted from FU traditional policy in these extremely confusing and trying times, when liberalism is faced with critical decisions.

I have two last points:

First. I want to recall to your mind that when I wrote the discussion outline for the May 1947 Action Letter. I was mildly criticized by you and less mildly by others of the NFU staff, except Tony Dechant and Ben Stong. I was criticized among other things for saying that both Communists and Fascists are equally distasteful to the Farmers Union. You will recall that I then asked that the matter of policy on such things should be clarified. Mrs. Edwards agreed with me. So did you. But nothing more was said or done to do that.

I did not know it at the time, but my statements in that Action Letter were not as vigorously critical of communism as the Statement of Liberalism you signed in that same month. (Why wasn't that statement published, incidentally?)

Secondly, I want to emphasize that I have not here accused the members, staff, or anyone in the Farmers Union of being Communists. I personally know of no Communists in the Farmers Union, though I don't doubt that there are some. This is perfectly natural and right. But certainly it is a democratic farce for this very tiny minority to have its policy imposed on the great majority.

I simply say that the Farmers Union has been unwittingly (or otherwise) maneuvered into the camp with Communist fellow-travelers, as is evidenced by a policy that follows pretty closely their line. I also say that it is strangely coincidental or accidental that many staff members of the National Farmers Union do follow a line consistent with that laid down by the Communist Daily Worker—a line opposed to traditional FU policy.

Any attempt on your part to sidetrack this needed clarification of policy, by very obvious word juggling on the accusations made, can only be construed as evasion of the facts. For instance, "What is the established policy of the FU?" cannot be answered by (1) Family Farmers couldn't subscribe to communism (they don't; someone else sets the sub rosa policy) * * * (2) That FU's large Catholic membership's distaste for such policy prevents its being pro-Communist (certainly it does, but it doesn't have anything to do with what way FU leadership steers that policy) * * * (3) That you supported the war before Russia's entry, which was contrary to the pro-Communist line of the time; and that Farmers Union supported the British loan, while Russia opposed it.

Farmers Union hasn't been 100 percent pro-Communist lined, of course. But the trend, to my mind, is in that direction, with very little divergence.

I ask that FU folks be given the facts of policy straight from the shoulder. And then let them judge. Their decision is final.

My resignation as editor of the National Union Farmer is effective as soon as I can be relieved of my duties. And I hope that my seemingly unwarranted actions will in some way promote the growth and future of the Farmers Union.

I have tried to be as impartial and impersonal in this letter as possible. If I have failed, I am sorry.

Yours sincerely,

JAMES S. ELMORE,
Editor, National Union Farmer.

EXHIBIT 3

COMMUNIST FOOT IN THE FARMER'S DOOR

"Wanted: One million honest, industrious farmers to join the Farmers Union and save it from the Communists who now control it."

This courageous appeal actually appeared in the classified advertisements of a Fort Morgan, Colo., newspaper recently. Evidently it was inserted by some alert Farmers Union member who knows that there is a Communist foot in the farmer's door. And he is trying valiantly to rescue his organization from the pro-Communists who cleverly operate behind the scenes.

The National Farmers Union with 450,000 members, the third largest and most liberal of farm organizations, seems to have been invaded by Communist fronters. At least, there is little doubt that the organization is playing a cozy game of footie with these fifth columnists, although the majority of its members do not realize it.

Most people, and farmers particularly, think that labor unions and Hollywood soak up all Communists looking for window-dressing to front for their subversive activities. They will be shocked to learn that the Farmers Union, headed by James G. Patton, has done pretty well in this respect. If it has not soaked up actual Communists, it is obvious that it has absorbed many leaders and staff members who talk, write, and act like Communists. All of which suits Joe Stalin, who doesn't care whether you send him the red box top or a reasonable facsimile.

Actually the Farmers Union follows the Moscow line more faithfully than most labor unions, which have begun to crack down on the Communists. Men like Reuther, Murray, and even Joe Curran have slammed the Reds and Wallace's third party. But not the Farmers Educational and Cooperative Union of America, which is the full name of the National Farmers Union.

It refused to adopt a plainly worded resolution condemning communism at its 1948 Denver convention by a vote of almost three to one. Furthermore, there was an attempt to strike out any reference to "opposing totalitarianism in any form" in their program. This was engineered by the more blatantly pro-Communist crowd in the organization.

While Farmers Union traditionally does not endorse Presidential candidates, sentiment among many leaders and most staff members is strong for Wallace. The Iowa and New Jersey State groups openly endorsed the third party candidate in defiance of that tradition. Patton has said," Generally speaking I am a Henry Wallace man." He is lost in that fog, as Dwight MacDonald said Wallace was, created by the warm, liberal Gulf stream contacting the Soviet iceberg. When Wallace made his junket to Europe last year, Patton cheered him on with cablegrams of support and sympathy. Many members of the Farmers Union staff openly sported Wallace buttons at the last convention. (One disgusted delegate said that he saw only two kinds of buttons:" Wallace" and "Usher," and that he was for "Usher.")

The National Union Farmer, the group's monthly paper, now reads more like a camouflaged, carbon copy of the Communist Daily Worker than a farm paper. A recent editorial churns with Communist-like indignation about the Marshall plan, Truman doctrine and loyalty order, Chiang Kai-shek, conscription and preparedness, imperialism and war. It asks whether it is not time to throw this kind of Congress and administration out of office. And it implies that only Wallace's third party could give the United States the right kind of administration.

This is a suspicious Stalin hash for a farm pressure group to dish out. In the 1,300-word editorial there are less than 60 words devoted to agriculture, and these scold Congress for spending money to stop communism abroad instead of for conservation and reclamation at home.

In the same paper Patton holds forth on war and peace. "We are on the road to war," he writes. "We are spending less money to raise our children now than we are to manufacture weapons to kill them and us tomorrow." And he concludes with this sophomoric gem: "So it isn't a question whether to appease communism or stop communism now. It is the simple proposition of war and death."

This Molotov sauce sprinkled over the Stalin hash is enough to make even the most orthodox Communist drool with delight. Such reasoning is either stupid or it comes very close to treason. It asks that America appease Stalin for the sake of peace—peace at any price. It is typical Wallace talk—an oversimplified brand of squashy do-goodism. (Which reminds one of the definition of dictators with easy panaceas—the terrible simplifiers.)

Editor trouble plagued Patton until he acquired William Vincent, who faithfully echoes the party line. Vincent succeeded an editor who was forced to resign because he dared reprint an editorial and cartoon mildly critical of Russia. Both these items had been taken from the St. Louis Post-Dispatch, which commented editorially at the time that evidence indicated that Patton "has been influenced by C. B. (Beanie) Baldwin to adopt a pro-Communist course for the organization." Baldwin is executive director of the Progressive Citizens of America and masterminds the Wallace third-party drive. Patton has admitted that Baldwin "is a very good friend of mine."

A previous editor, Benton J. Stong, was crudely but quietly kicked upstairs to the Farmers Union Cooperative Insurances, where he would have little chance to air his anti-Communist ideas. Stong, who had also served as Patton's administrative assistant, was replaced in this job by pro-Communist Lee Fryer—PCA booster and Wallace worshipper.

Whenever Patton can discreetly discard anti-Communists on his staff and replace them with fellow travelers, he has done it. The newest southpaw staff member is Angus MacDonald, fresh from the New Republic, where he wrote a farm column for Editor

Wallace. MacDonald has been assigned to the Washington office of the Farmers Union. There he will work with one of the few remaining anti-Communist staff members—capable legislative secretary Russell Smith. Anti-Reds like Gardner Jackson and Paul Sifton have faded out of the Washington office for one reason or another, since Baldwin and the Wallace lovers took over the direction of Farmers Union policy. Patton's staff at Denver headquarters is now safely weighted in favor of the fellow travelers. About five out of six of them can be counted on to parrot the party line, either innocently or intentionally.

A few months ago this starry-eyed staff was given time off one afternoon so that they could greet pro-Communist Paul Robeson when he arrived at the Denver airport. Farmer members sweating in their fields would be hotter under their collars if they knew this.

They would also be red-faced if they knew that the now defunct Communist New Masses for October 1947 carried a lead article praising the Farmers Union cooperative movement and its leaders. It was written by a Lem Harris, who holds no position in the Farmers Union, but is conspicuous in hotel lobbies during conventions.

These farmer members would be surprised too if they were to stroll through the so-called education department of the Farmers Union. They would find shelves cluttered with literature praising and apologizing for the Soviet Union, all of which is sold (at a profit) to State educational units and all members. They would see over 25 copies of the Secret of Soviet Strength by Hewlett Johnson and other pro-Russia stuff by the same author; Communist Howard Fast's Freedom Road gets a big play; Elliott Roosevelt's Russian apology, As He Saw It, was pushed hard, until Elliott repudiated his bad company; and there are many others which fellow travelers follow as the gospel according to Marx. Most staff members get the "truth" about things from such pro-Communist publications as In Fact, Facts for Farmers, and Reader's Scope.

People often ask how a farm organization of average, well-to-do, Middle West farmers can possibly be fronting for Communists and fellow travelers. They say that it just isn't logical; farmers and communism don't mix any better than oil and water; the American farmer is the strongest citadel of old-fashioned, rugged individualism.

Actually all this is very true. There are fewer Communists among Farmers Union members than in any organization in the United States, except the National Association of Manufacturers and the DAR. Of course, this makes it a perfect blind for the subversive operations of Stalin's agents. Actually four factors make the Farmers Union a fertile field for infiltration.

1. Its history as an unstable liberal organization among farm groups. It has been a football for radical groups of both the left and right during the last 15 years.

Milo Reno, an Iowa Farmers Union president, wrecked that State's organization after he used it as the moving force behind his Farm Holiday Association in the early thirties. This violent movement against property rights gained Nation-wide attention.

In 1936 Farmers Union President Everson and Secretary Kennedy tried to throw the farm group's support to the radical Union Party; Congressman WILLIAM LEMKE was its Presidential candidate, Father Coughlin its backer. The attempt was unsuccessful, but the resulting squabble split the Farmers Union. One offshoot, the Farmers Guild, is now reputedly under the thumb of Gerald L. K. Smith. A placid era followed this split, and then in 1940 James G. Patton, of Colorado, became president; since that time the Farmers Union has slipped to the left.

2. Patton himself. He is personable, popular, and has fought hard for farmers. He was a favorite of Roosevelt among farm leaders. Most members and State officials have an unreasoning confidence in Patton as a man even when they lack confidence in what they call his "crackpot" ideas. They are apt to excuse him by naively asserting that "he is ahead of his times." Of course, this is crossroads nonsense. Most of the garbled utopianism he spouts is symptomatic of sophomore minds; it goes well as parlor talk, but not in practical politics.

Patton comes by his grandiose social ideals and reforms naturally. His father was an admirer of Gene Debs, for years the Socialist candidate for President, and he even joined a "cooperative colony" when he moved his family to Colorado from Kansas, where Patton was born. His son has always been burdened with a Marxian complex—that is, he believes that some form of socialism will inevitably be adopted in the United States. Generally he is discreet enough to expand on this theme only in private, but he did reveal his ideas in a left-handed manner in a United Press story in the Denver Rocky Mountain News of September 20, 1943. He charged that FDR had deserted "the little man," and he predicted that "the New Deal will be a tea-party affair compared with the government which will be demanded by most people in the postwar period."

But Patton's record up to VJ-day does not show that he followed the party line laid down in Moscow—at least, not consistently. In fact, he was one of the charter members of the Committee To Defend America by Aiding the Allies, which was so vehemently denounced by the Communists until Russia's entry into the war. But all this serves to confuse the picture, and it makes him an ideal front man for the pro-Communists. Since the war he has inadvertently, or otherwise, been a very pliable puppet in their unscrupulous hands.

Patton's policies are not outspoken enough in 4 of the 15 States claiming 90 percent of farmers-union members; they are generally approved in 4 more, and they are either mildly opposed or condoned for unity's sake in 6 States. Only 1 State organization, Nebraska, has threatened to withdraw from the National Farmers Union. So the left-wing element rightly feels that it has pretty clear sailing if only this line-up can be maintained.

3. Most Farmers Union members themselves are largely indifferent to both its activities and policies. They are dues-paying members because they have to be. That is, they must support the National Farmers Union if they belong to Farmers Union cooperatives, which range all the way from grocery stores to wheat elevators to insurance concerns. Therefore, belonging to the Farmers Union means dollars in the member's pocket despite the dues he must pay to maintain Patton and his staff.

This majority often grumbles about Patton, and even many of their own State officials, being radicals, but they continue to support them and their pro-Communist policies through their cooperative membership. (Many cooperatives have disgustedly severed relations with the Farmers Union, and therefore pay no dues.) In the end these farmers may find that they have contributed funds to an organization which, controlled as it is, threatens their way of life and endangers the security of their country. Totalitarianism thrives well in the fog of ignorance and indifference—twin foes of democracy. And this fog has settled pretty thickly over the Farmers Union.

4. The pro-Communist core in the Farmers Union has, oddly enough, been helped by those who throw around Communist charges without sense or discrimination. A large section of the American press must share responsibility for aiding pro-Communist infiltration in groups like the Farmers Union. Because they have heard the same old wolf cry for 15 years, both active and passive members refuse to believe pro-Communist charges. Roosevelt and TVA and soil conservation and even social security were called Communistic. So why get excited when their organization is accused of fronting for the fellow travelers?

Patton usually avoids answering pro-Communist charges. When he does, he soothes his alarmed members with a few stock replies. He may evade the issue with "anyone who tries to do anything for people is called a Communist"; or "the Farmers Union is neither pro-Russian nor anti-Russian, but pro-American"; or "we must concentrate on our positive, constructive program"; or "we refuse to divide our members on national or international politics"; or "let's not talk about communism and fascism; let us talk functionally—that is, about issues on their own merit."

Then he may hop a plane for Washington, where he testifies on everything from soil conservation to civil rights to foreign policy. He usually speaks there for his 450,000 members in the same way as would either Henry Wallace or William Z. Foster. This is the same man President Truman recently appointed (not yet confirmed by Congress) to the 12-man board of the ERP—a man who has been quoted as saying that the United States should act as a banker to all nations of the world, regardless of whether they were in the Russian orbit or not.

Yes, the wolf is in the flock, but there are too few Farmers Union members who realize it. Too few know that the Red foot is in the farmer's door. Labor organizations have learned that once the Communist foot is in the door, it isn't long before he is ready to throw you out of your house, if you don't ride the Moscow train.

"We are willing to travel on the same railroad track with those going our way," Patton declares when the similarity of Communist and Farmers Union policies is emphasized. Traveling on the same track with Communists is dangerous enough in itself, but sleeping with them in the same berth, as the Farmers Union has been doing, could be disastrous. Maybe Farmers Union members will learn this lesson before it is too late.

JAMES S. ELMORE.

EXHIBIT 4

[From Basic Economics, January, February, March, 1949, published by National Farmers Union Department of Education, Denver, Colo.]

BANKERS' ADVICE TO FARMERS

Let us steer the Nation and you steer the plow.
Let all your ambition be milking the cow.
Content you will be with your long hours of toil.
If you bury your nose and your mind in the soil.

Yes, we'll steer the Nation and you steer the plow.
Give careful attention to hog and to cow.
The glory of being called son of the soil
Is ample reward for your back-breaking toil.

Now plow your fields deep while the sluggard's asleep
And raise lots of dough for the bankers to keep;
The blessings of labor which you now enjoy
Are also in store for your girl and your boy.

And while you so patiently labor each day
You should not complain because farming won't pay.
You should be contented, each one in his place.
Best hopes for the future will brighten your days.

Unto them that have shall your earnings be be given.
The bankers acknowledge this promise from heaven.
You rubes should give thanks for your place in the sun;
We bankers are thankful for what we have won.

Your press and your schools we have in our control,
Your lawyers and statesmen are bought with our gold;
Most sky pilots serve us so faithfully too;
They say it's God's will what e'er happens to you.

EXHIBIT 5

ORGANIZATION

In regard to our own organization. I have attended as many of our Farmers Union meetings as possible; sorry I could not attend more. From all reports, I understand the National Union has gained very materially in membership. In percentages the California Union has kept in stride with the National. If the same interest continues, next year we should with this start make more advances.

In regard to increasing our membership, a very peculiar circumstance happened in this State last March 11. While in attendance at our national convention a year ago, National President James G. Patton promised to come to California in the month of February 1943 and see what could be done to increase our membership.

I did not hear any more about it until I received word that a very quiet conference had been held in the Biltmore Hotel in Los Angeles, presided over by Carey McWilliams, at which National Vice President Herb Rolph was present.

It was attended by representatives of the Peoples World, A. F. of L., Farm Security Administration, Sam Kalish, former WPA teacher of social subjects and later CIO educational director, and others.

Its stated objective was to remove all our present State officers, because we were not altogether in accord with those who are directing the National Farmers Union movement.

Its real objective was to capture and use the California union as a front by the communistic groups of those organizations present; to further the principles as propounded by Earl Browder and other members of what can be styled "The Red Network." To put it in their own words, "To work toward effecting concerted thought and action on the part of all liberal, radical, progressive, all forward-moving forces in America."

The method of doing this was to get the CIO and the A. F. of L. to contribute funds, the FSA to herd those who had received Federal funds and other Government assistance into the California Farmers Union and Mr. McWilliams, Sam Kalish, et al., to do the heavy brain work, which would be to have enough new members to outvote the present officers at this meeting.

As I stated to the press, "It would be worth $1,000,000 to some of the powers in the communistic movement, Farm Security Administration, and the CIO if they could gain control of the Farmers Union in this State."

I took up the matter with James G. Patton, our national president, and our State officers. His answer was, "We may disagree about policy and the best way to obtain Farmers Union objectives, but I certainly shall never attempt to deal any cards under the table." President Patton also wrote:

"Herb went to California because I was unable to go. We, of course, are interested in building the Farmers Union wherever we can properly do so, in cooperation with the State organization. I have always taken the position that such work had to be done in connection with and through existing State organizations. When Herb went to California, I assumed, of course, that he contacted you but when he returned to the Denver office, he advised me that he had attempted to get in touch with you but failed."

On March 12 I received a letter from Herb Rolph asking me to get in touch with the Western Cooperative Dairymen's Union. I appointed a special committee that met with them. We followed this up last June by asking them these questions:

Is it a corporation? If so, furnish copy of articles of incorporation and bylaws.

Is it an unincorporated association? If so furnish original data as to time and place of organization; name and address of organizers; copy of constitution and bylaws.

What are the dues of the union? Please refer to provision in the bylaws.

As at June 1, 1943, what is the number of members paid up and in good standing?

Give name and address of all such members who are paid up and in good standing.

Furnish copy of minutes of meeting wherein the officers were authorized to seek affiliation in the Farmers Union.

Is it contemplated that final action to affiliate will be by the members of the organization? If not, indicate what body is to take final action and refer to provision in the bylaws authorizing such body to bind members.

In the event the application is granted, is it contemplated to charter more than one local, and if so, give the number of locals desired and the location of each and the number of members expected in each local.

Does the organization consent to an investigation of its members to determine if all, and if not all, which of its members have the qualifications of membership in the Farmers Union?

Give name and address of every officer of the organization, together with a statement the office held by each, time and place of election, and a copy of the minutes of the meeting wherein the election was held.

Please give the foregoing data in writing with a statement signed by the president and by the secretary attesting to the correctness of the information.

We are still waiting for an answer.

In the meantime our capable State secretary, Mrs. Fred Talbot, had sent Herb Rolph a letter of inquiry as to the ethics of his visit. I believe our secretary has never received an answer.

In 1939, Carey McWilliams stated in his book, Glories in the Field, otherwise known as a mastery of misstatement, that the Simon Lubin Society was out to get me removed as your State president. He or they or both of them have been a long time getting started. I presume his action at the March 11 meeting was an attempted carryout of his statement.

EXHIBIT 6

UNITED STATES
DEPARTMENT OF AGRICULTURE,
FARM SECURITY ADMINISTRATION,
Bismarck, N. Dak., June 11, 1938.

Memorandum to: County and district rural rehabilitation supervisors, home-management supervisors.

From: Walter J. Maddock, State rural rehabilitation director.

Subject: Farmer-owned cooperatives.

In general we are very proud of the personnel and the work of our county supervisors. If one supervisor should fail in any way, it reflects upon the whole administration of Farm Security.

Being mindful of the necessity for constant alertness and the necessity of helping one another in keeping the proper vision of our responsibility, I am quoting a letter written to our regional director, Cal. A. Ward:

"Information has come to me that complaints have been registered with you as to the attitude of our county supervisors in North Dakota toward the farmer-owned cooperatives. I happen to have a copy of one such complaint sent to you from which I quote:

" 'It has been brought forcibly to my attention at different times and by several different people, that some of your county Farm Security supervisors consistently fail, and in some cases refuse, to patronize our Farmers Union oil companies. Perhaps this is not such a serious matter but in view of the fact that the United States Government is making available millions of dollars through Farm Security Administration in the rehabilitation program, a considerable part of which is to be used in building farmers' cooperatives—elevators, oil companies, creameries, and what have you—it does seem ridiculous that the Government will send these large sums of money out here for the purpose of helping to build these cooperatives and then pay a salary and expenses to their county supervisors and workers without at least intimating to them that wherever feasible, at least, their gasoline purchases should be made from cooperative oil companies.

" 'With several Farmers Union oil companies located in practically every county in North Dakota, it is somewhat embarrassing to us to insist to our people that Farm Security Administration is in reality the farmers' own set-up created for the purpose of helping farmers, preaching to them the philosophy of building and patronizing their own cooperatives as a part of the general rehabilitation program, telling them that the Farm Security Administration believes that cooperatives purchasing and selling are a sound part of the rehabilitation program, and then to have the continual example set before them of their local county administrator of Farm Security pulling up to the Standard Oil station, or any kind of a station, in a town where a Farmers Union Oil Co. is located.'

"We cannot contradict the expression of fact in the above quotation, but I am loathe to believe that there are many supervisors in North Dakota that are callous or indifferent to the efforts of the organized farmers in remedying his condition through cooperative control of his products.

"I agree that such a callous attitude would smack of disloyalty to the Farm Security Administration and would make such a supervisor ineligible to long continuation in such position. We have tried constantly to arouse in our farm supervisors a proper sense of responsibility in accepting leadership and preaching the philosophy of the Farm Security Administration both by example and precept.

"If we have failed in some respects, we must make a renewed effort. If we find a few supervisors who cannot be rehabilitated as to the Farm Security philosophy, then of course, it must be our duty to terminate their employment and fill their places with more capable administrators."

Yours very truly,

WALTER J. MADDOCK,
State Rural Rehabilitation Director.

EXHIBIT 7

[From joint committee, part 3, Reduction of Nonessential Federal Expenditures, February 6–27, 1942]

LONG-TIME TENURE OBJECTIVES

1. Bring about a more equitable adjustment of the population to the land. This will involve—

(a) Transferring surplus families from overpopulated areas, so that remaining families may become self-supporting.

(b) Creating economic farm units by combining units that are now too small to maintain a family on an acceptable level of living.

(c) Subdividing large holdings which are capable of supporting a large number of families on a satisfactory level of living.

(d) Reclaiming good agricultural land that is not now utilized or that can be rendered much more productive by irrigation, drainage, clearing, or otherwise.

2. Work toward controls designed to keep land prices and rentals consistent with use value as contrasted with speculative value. Possible safeguards against capitalization of earnings into increased land prices rather than into increased living standards for those who till the soil, include:

(a) Minimum rural housing standards.

(b) Minimum wages for agricultural workers.

(c) A graduated system of land taxes under which progressively higher taxes would be levied against units in excess of family type holdings.

(d) Homestead exemption laws drawn in such manner as to protect the family type farm. In other words, make the family type farm the unit to be exempted.

(e) Exercise of the rights of public domain as a means of securing the subdivision of large land holdings into family type farms. Compensate owners of such large holdings on the basis of earning-capacity values.

3. Seek an administration of all Federal benefit payments and subsidies which will facilitate the land-tenure objectives, herein set forth.

4. Reduce number of farm tenants in the United States from about 2,500,000 to about 1,000,000 during the next 40 or 50 years. This will mean converting tenants into owners at the rate of about 30,000 net per year, on the average.

5. Aim at security of tenure on family type farms capable of providing a present minimum in the poorer agricultural areas of at least $50 per year per person for cash living expenses over and above the farm contribution to family living, and over and above farm-operating and debt-retiring costs. The minimum cash income per person per year should be in excess of $50 in agricultural areas where present standards are above that level. In other words, living standards of low-income farm groups should be generally raised, not lowered.

6. Improve status of tenancy by changing over from short-term to long-term lease and by widespread adoption of written leases which will safeguard the interests of owners and renters and provide incentive for improving property under lease.

7. Expand cooperative farm leasing and purchasing associations as rapidly as experience justifies. See to it that low-income groups not well adapted to operation and management of independent farm units are included among those served by leasing co-ops.

8. Acquire Government title to as much land as possible. Retain land now held by the Government.

EXHIBIT 8

[From the Jamestown (N. Dak.) Union Farmer of April 4, 1950]

PRESIDENT GLENN TALBOTT OUTLINES FU 100 PERCENT PARITY FARM PROGRAM

This month, the Farmers Union Monthly Bulletin is devoted to the Farmers Union-sponsored 100 percent farm parity price program. It will probably be known as the Agricultural Production and Consumption Act of 1949. The bulletin has been sent to all local officers and action officials in North Dakota, and should serve as a guide for each local's meeting this month.

President Glenn Talbott, in his message to the local, has presented for the first time some of the basic ideas in back of the Farmers Union 100 percent of parity farm price program which shortly will be introduced in the Congress of the United States.

The philosophy embodied in this bill may well become the subject of a Nation-wide debate among the Nation's farm population. It spells out, for the first time, what a family type farm is—and for the first time in the history of America, it provides for prices equal to 100 percent of parity for all family farmers.

The success of the Farmers Union 100 percent of parity farm-price bill will depend upon the support it and the Farmers Union gets from grass-roots farmers. To get it enacted into law, Farmers Union members must study it and become completely acquainted with all of its provisions. FU members must also contact Congressmen, committee chairmen, the President of the United States, and the Secretary of Agriculture urging them to give special consideration to the FU 100 percent of parity proposal. Likewise FU members must accept added responsibility to keep the organization growing, because more Farmers Union members is the best evidence that farmers do want 100 percent of parity.

This month's president's message to the local, reprinted below, should be studied thoroughly by each member before his next local meeting. It should be read again at the meeting, and then followed by a general discussion. The local secretary should make notes of all unanswered questions and send them to the North Dakota Farmers Union, Jamestown, N. Dak.

President Talbott's message follows:

"Full parity of income for farm families of America. That has long been the goal of the Farmers Union. We have taken many steps toward that goal in the battles for farm legislation over the past score of years.

"Since the Eightieth Congress adopted a 60-percent parity program as a long-time farm policy we have been seeking to perfect a method of assuring 100-percent price parity for all family type farmers. Our endeavors, contrasted with those of other groups who try to justify 60-percent parity, have won wide support, both in and out of the Farmers Union.

"Now we are about ready for introduction of the Farmers Union 100-percent parity bill into Congress. It will probably be known as the Agricultural Production and Consumption Act of 1949. Various phases of this bill have been analyzed and discussed by Farmers Union leaders and others across the country, particularly at the National Leaders Conference in Denver last month. The final draft of this bill represents the thinking of many Farmers Union people and agricultural experts. It marks a new milestone in Farmers Union progress.

"Here are nine important principles embodied in this Farmers Union bill:

"1. It will, for the first time, make possible the voluntary adjustments in production emphasis between the surplus and the deficit crops.

"It will, in effect, designate all crops as basic and give family type farmers equal treatment in terms of parity prices, regardless of the crops produced.

"Heretofore, except for the wartime Steagall crops—which will receive no support after December 31, 1949, only six crops received price support. The effort has been to get farmers to shift from support crops to nonsupport crops. This has, and will continue to require, an increasing amount of regimentation. Equal treatment for all crops will make voluntary adjustment easy, limited only by soil, weather, equipment, etc.

"2. Incentive payments above parity will be authorized to be used when needed to quickly increase production of a crop in short supply, as with flax in 1947 and 1948.

"3. CCC is authorized to accumulate a reserve equal to one full year's production of all crops which can be stored.

"This will protect both producers and consumers against either surplus or famines.

"4. Reserves will be released whenever necessary to protect the public interest.

"5. An REA type of program is authorized to promote the information of membership cooperatives to build and operate storage and processing facilities wherever needed in the public interests. One-hundred-percent long-time loans at low interest rates will be available to such new co-ops, to existing co-ops, and to individual farmers for farm storage facilities. Also certain Government-owned storage or processing facilities may be acquired.

"6. It provides for a review immediately, and each 2 years hereafter, of the parity formula as it applies to all crops, and with particular reference to the weighting given to the various cost factors which make up the formula.

"7. It provides that full parity (100 percent) shall be made available for family-type farmers through a system of nonrecourse loans or purchase agreements on storable crops and through compensatory payments on the nonstorable commodities—that is, compensatory payments to family-type farmers will be the difference between full parity (100 percent) and average prices received by farmers computed by regions and not less often than monthly.

"8. It provides for lower supports for those operations larger than family-type farmers: Full parity (100 percent) on a family-type farmers volume of production—80 percent of parity for additional production equal to 50 percent of a family-type farmers volume—and 60 percent of parity for all additional production.

"9. And finally, it provides a formula for a family-type farm in terms of production volume for any one or any combination of crops, including livestock, poultry, or dairy products.

"A family-type farm would be 5,000 family farm-production units. Any farmer will be assured of full parity (100 percent) on all of his production up to 5,000 units—80 percent of parity on additional production up to 7,500 units and 60 percent on all production in excess of this figure.

"This is the way this formula is applied:

"We in this area are all familiar with wheat—let us say then that one family farm-production unit equals 1 bushel of wheat. If a single-crop farmer, he would receive full parity, whatever that may be from year to year, on 5,000 units or 5,000 bushels of wheat, or such part as he might produce for sale.

"The value of a family farm production of each commodity must be so calculated that 5,000 units of any commodity, at the parity price of that commodity, will have the same monetary value as 5,000 units of any other commodity. This will give complete flexibility of operation because it will be equally advantageous for a farmer to produce any commodity or any combination of commodities, limited only by his soil, weather, equipment, marketing facility availability, etc.

"Thus, on the basis of parity prices on January 15, with:

"Wheat at $2.19, 1 unit equals 1 bushel—5,000 units at parity price would equal $10,950.

"Corn at $1.59, 1 unit equals 1.377 bushels—5,000 units at parity price would equal $10,950.

"Oats at 99 cents, 1 unit equals 2.212 bushels—5,000 units at parity would equal $10,950.

"Barley at $1.54, 1 unit equal 1.423 bushels—5,000 units at parity price would equal $10,950.

"And so on through the entire list of farm commodities. You will readily see that such a formula provides, among other things, every incentive for increasing efficiency.

"You will have many questions; we shall seek to answer them in succeeding issues of the monthly Bulletin. Our ability to get the program outlined above hinges, in large

degree, on our membership strength and our financial ability to carry the fight.

"See that your dues check-offs come in promptly. Clean up your membership work among those who will not be checked off through our cooperatives.

"Hold your budget-fund party as quickly as roads and weather will permit and send proceeds promptly to National Farmers Union, 1555 Sherman Street, Denver, Colo. Until next month."

THE FARMERS UNION

Mr. WHERRY obtained the floor.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. LANGER. Mr. President, I now want to serve notice that at some time this afternoon, as soon as I can obtain the floor, I shall answer the speech made by the distinguished Senator from New Hampshire [Mr. BRIDGES], and I shall prove, Mr. President, that statement after statement involving the North Dakota Farmers Union is absolutely untrue. I believe I can also speak for the neighboring States of South Dakota and Minnesota. On the contrary, the leadership we have had in those three States, through the Farmers Union, has been that of outstanding, honest, loyal, patriotic men and women, and what they have accomplished out there is a marvel in connection with the helping of small farmers and small people all through those three States.

I might add that I know nothing regarding the Farmers Union in the northeastern part of the United States, but I am thoroughly familiar, and have been familiar almost from the time I could read, with the record of the Farmers Union in North Dakota and of the organizations which went into it. In my own town of Casselton, N. Dak., near which I was born, there was the headquarters of the old Society of Equity which eventually grew into the Farmers Union of North Dakota.

THE PRESIDENT'S LETTER TO GENERAL CATES, COMMANDANT OF THE UNITED STATES MARINE CORPS

During the delivery of Mr. BRIDGES' speech,

Mr. HICKENLOOPER. Mr. President, I wonder if the Senator from New Hampshire will yield to me, so I may make a unanimous-consent request to make a statement which will take approximately 3 minutes, and that the statement may be placed in the RECORD following the address by the Senator from New Hampshire.

Mr. BRIDGES. Mr. President, I yield to the Senator from Iowa if I may do so without losing the floor.

Mr. HICKENLOOPER. I include that in my unanimous-consent request, Mr. President.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). By unanimous consent, the request by the Senator from Iowa is agreed to. The Senator from Iowa is recognized.

Mr. HICKENLOOPER. Mr. President, yesterday evening President Truman delivered an apology to General Cates, commandant of the United States Marine Corps, for his "unfortunate choice of language" which he used in his letter of August 29 to Representative McDONOUGH concerning the Marine Corps. This apology was demanded by an incensed and aroused public opinion as a result of the "unfortunate choice of language" that had been used by the President in that letter.

I ask unanimous consent that the President's letter to General Cates, as published in the Washington Times-Herald of this date, be incorporated in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TEXT OF PRESIDENT TRUMAN'S LETTER TO MARINES' CHIEFTAIN

DEAR GENERAL CATES: I sincerely regret the unfortunate choice of language which I used in my letter of August 29 to Congressman McDONOUGH concerning the Marine Corps.

What I had in mind at the time this letter was written was the specific question raised by Mr. McDONOUGH, namely, the representation of the Marine Corps on the Joint Chiefs of Staff. I have been disturbed by the number of communications which have been brought to my attention proposing that the Marine Corps have such representation. I feel that inasmuch as the Marine Corps is by law an integral part of the Department of the Navy, it is already represented on the Joint Chiefs of Staff by the Chief of Naval Operations. That the Congress concurs in this point of view is evidenced by the fact that, in passing the National Security Act of 1947, and again in amending that act in 1949, the Congress considered the question of Marine Corps representation on the Joint Chiefs of Staff and did not provide for it.

CLEARS CORPS ITSELF

It is my feeling that many of the renewed pleas for such representation are the result of propaganda inspired by individuals who may not be aware of the best interests of our Defense Establishment as a whole, and it was this feeling which I was expressing to Mr. McDONOUGH. I am certain that the Marine Corps itself does not indulge in such propaganda.

I am profoundly aware of the magnificent history of the United States Marine Corps, and of the many heroic deeds of the Marines since the corps was established in 1775.

I personally learned of the splendid combat spirit of the Marines when the Fourth Marine Brigade of the Second Infantry Division fought in France in 1918.

On numerous occasions since I assumed office, I have stated my conviction that the Marine Corps has a vital role in our organization for national security and I will continue to support and maintain its identity.

KOREAN RECORD CITED

I regard the Marine Corps as a force available for use in any emergency, wherever or whenever necessary. When I spoke of the Marines as the "Navy's police force," I had in mind its immediate readiness, and the provision of the National Security Act which states that "the Marine Corps shall be organized, trained and equipped to provide fleet marine forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign."

The corps' ability to carry out whatever task may be assigned to it has been splendidly demonstrated many times in our history. It has again been shown by the immediate response of the Marine Corps to a call for duty in Korea.

Since marine ground and air forces have arrived in Korea I have received a daily report of their actions. The country may feel sure that the record of the marines now fighting there will add new laurels to the already illustrious record of the Marine Corps.

Sincerely yours,

HARRY S. TRUMAN.

Mr. HICKENLOOPER. Mr. President, in the President's letter of August 29 to Representative McDONOUGH he states—quote:

For your information the Marine Corps is the Navy's police force and as long as I am President that is what is will remain. They have a propaganda machine that is almost equal to Stalin's.

Anyone reading those two sentences must unavoidably have concluded that the President's reference to the propaganda machine was a reference to a propaganda machine of the Marine Corps.

In the President's letter to General Cates of yesterday he states—quote:

I have been disturbed by the number of communications which have been brought to my attention proposing that the Marine Corps have such representation.

He states further in this letter to General Cates, however, that—quote:

It is my feeling that many of the renewed pleas for such representation are the result of propaganda inspired by individuals who may not be aware of the best interests of our Defense Establishment as a whole, and it was this feeling which I was expressing to Mr. McDONOUGH. I am certain that the Marine Corps itself does not indulge in such propaganda.

The inescapable conclusion, therefore, from the language which the President uses in his letter to General Cates is that honest and sincere American citizens, including Members of Congress, who dare to write to the President urging more participation by the Chief of Staff of the Marine Corps in the high council of the Joint Chiefs of Staff are part and parcel of a dishonest, insidious, conspiratorial and corrupt propaganda machine that is almost equal to Stalin's.

Thus, the President while apologizing to the Marine Corps as an organization and giving it just and deserved recognition and praise, transfers the odium of comparison with Stalin's conspiratorial, corrupt and dishonest propaganda machine to American citizens, including Members of the Congress, who dare to exercise their constitutional right of petition.

I thank the Senator from New Hampshire.

Mr. KILGORE. Mr. President, will the Senator yield for a question at this point?

Mr. HICKENLOOPER. If I may do so without prejudicing the rights of the Senator from New Hampshire.

Mr. KILGORE. Mr. President, I do not wish to prejudice the rights of the Senator from New Hampshire, but I should like to ask a question of the Senator from Iowa.

The PRESIDING OFFICER. Is consent granted for the asking of a question

by the Senator from West Virginia of the Senator from Iowa? Without objection, consent is granted.

Mr. KILGORE. The Senator used the words "quote" and "unquote." I wish to ask him a question about that. I was a little bit disturbed over the quotes. I fear that possibly the Senator from Iowa was quoting from two different things at one time.

Mr. HICKENLOOPER. Every time I used the word "quote" and "unquote" they referred to direct quotations from the President's letter to General Cates or the President's letter to Representative McDONOUGH.

Mr. KILGORE. Very well. That is all I wanted to know.

Mr. HICKENLOOPER. I think that is perfectly clear as the language appears in the statement.

Mr. KILGORE. May I ask the Senator another question?

Mr. HICKENLOOPER. Yes.

Mr. KILGORE. Does the Senator from Iowa feel that there should be a representative of the Marine Corps on the Joint Chiefs of Staff?

Mr. HICKENLOOPER. I have not taken any position on that question. That is not the purpose of my statement made here today. I do take the position, however, that if the Senator from West Virginia feels that way, or the Senator from Iowa feels that way, or feels the other way, that there is not only a constitutional but a natural right to any citizen, whether he be a Member of Congress or not, so to express himself to the President of the United States, without being accused of being a member of "a propaganda machine that is almost equal to Stalin's."

Mr. KILGORE. Then the interpretation by the Senator from Iowa of the letter is that the accusation is made against the Representative, and not against the Marine Corps? Is that correct?

Mr. HICKENLOOPER. I think the letter speaks for itself, and the record speaks for itself. I think the accusation and the odium will have to apply wherever the American people feel that they will apply. I may have my own personal opinion. I think the President, as I said in my statement, has now transferred the odium of comparison with Stalin's propaganda machine from the Marine Corps, where it seemed to have originally been placed, to American citizens, including Members of Congress, who dare write to the President expressing their views on a matter with which he may be in disagreement.

Mr. KILGORE. Of course, that is the interpretation of the Senator from Iowa.

INTERNAL SECURITY ACT OF 1950

During the delivery of Mr. BRIDGES' speech,

Mr. WILEY. Mr. President, will the Senator yield, to permit me to propound a unanimous consent request?

Mr. BRIDGES. I yield for that purpose, if there is no objection, and if by doing so I shall not lose the floor.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Is there objection? The Chair hears none.

Mr. WILEY. Mr. President, my request is that I may be permitted to speak at this time on the pending bill, and that my remarks shall follow those of the Senator from New Hampshire.

Mr. BRIDGES. And that in that connection I shall not lose the floor?

Mr. WILEY. Yes. I so request, Mr. President.

The PRESIDING OFFICER. Is there objection to the request that the Senator from New Hampshire may yield to the Senator from Wisconsin, to permit the Senator from Wisconsin to speak at this time on the pending bill, without causing the Senator from New Hampshire to lose the floor? Without objection, consent is granted; and the Senator from Wisconsin is recognized.

Mr. WILEY. Mr. President, I feel that I am privileged to speak in this particular hall. I remember when we were here last. It is a hall of memories. Here great debates occurred. Webster and Hayne participated here in their momentous debate which made history.

Mr. President, I speak today in behalf of enactment of the proposed legislation sponsored by the distinguished senior Senator from Nevada [Mr. MCCARRAN]. This measure was reported from the Judiciary Committee, of which I have the honor to be a member.

As everyone knows, the bill has for its purpose the controling of subversive activity in the United States.

I believe this measure, with amendments, if they are found to be necessary, to be constitutional. In that respect, I wish to say that when we considered Senate bill 2311, known as the Mundt-Ferguson bill, which is now part of the McCarran bill—in committee, we were of the opinion it was constitutional.

Mr. KILGORE. Mr. President, will the Senator yield at this point for a question?

The PRESIDING OFFICER (Mr. LONG in the chair). Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. WILEY. I yield.

Mr. KILGORE. The measure now before us would be Senate bill 2311 if the amendment offered last evening by the Senator from South Dakota [Mr. MUNDT] were adopted.

However, is it not a fact that in drafting the McCarran bill, the Judiciary Committee struck out certain portions of Senate bill 2311 and added certain other portions of Senate bill 2311; and thus the McCarran bill would have to be modified as now is proposed to be done by means of the amendment offered by the Senator from South Dakota, in order to constitute Senate bill 2311?

Mr. WILEY. I meant to say that the McCarran bill contains substantially Senate bill 2311; as well as other provisions.

Mr. President, I wish to speak to the provisions of the pending bill, which were embodied in S. 2311. It has for its purpose the following:

(A) To make unlawful a conspiracy "to perform any act which would substantially contribute" to the establishment within the United States of a totalitarian dictatorship under foreign control.

(B) In view of its foreign-directed character, to require the Communist movement in the United States to operate in the open, rather than underground.

(C) To cut the threads which bind the international Communist conspiracy together, by restricting international travel of members of the American section of the world Communist movement.

(D) To protect the integrity of the Government itself by denying Government employment to members of the American section of the world Communist movement and by protecting the security secrets of the United States against agents of a foreign government or the Communist movement.

Thus the present bill incorporates two different and distinct statutory efforts: One directed to the prohibition and curtailment of subversive activities as such, and the other to require compulsory registration calculated to effect disclosure of the identity and propaganda of individual Communists, the Communist Party, and Communist-front organizations. There are those who may say, perhaps, that such a bill will drive the Communist movement underground, to the hindrance of the FBI and other law-enforcement agencies. That statement has been made. The bill, however, does not outlaw the Communist Party or make it illegal for a person to be a Communist. Instead, the bill merely compels registration and certain reasonable disclosures, and imposes certain other regulatory requirements. If these requirements and disclosures are not complied with, then such deliberate violations of the law will enable the FBI and other law-enforcement agencies to do what they largely now cannot do—proceed directly against these Communist violators. The bill thus will have the eventual effect of compelling the Communist movement to operate in the open.

Some people, undoubtedly well-meaning and sincere, have questioned the necessity for the enactment of a measure of this sort. See, for example, Chafee, the Registration of "Communist Front" Organizations in the Mundt-Nixon bill ((1950), 63 Harv. L. R. 1382). But it is no idle fancy of a distorted imagination that the disastrous consequences of the advances of communism, unless halted, will bring the same terror, oppression, and tyranny that the former forces of fascism would have imposed upon us. The American Communist, on the basis of his own teachings and his own statements, must be placed in the same category as the Silver Shirts, the now defunct German-American Bund, and other totalitarian groups. Instead of the emblematic shirt, or other such trappings, the American Communist is cloaked in stealth and intrigue. Just as common criminals seek the cover of darkness, so Communists, behind the protection of false fronts, carry on their sinister and vicious program, intent on robbing Americans of their heritage of freedom. Communism is a cold, harsh, and ruthless system which builds slowly

but inexorably to the day when our democratic government will be superseded by a godless, tyrannical, communistic dictatorship in the United States.

It was Abraham Lincoln who stated:

> As our case is new, so we must think anew and act anew. We must disenthrall ourselves, and then we will save our Nation.

That wisdom of Lincoln's simply means it is time for us to awake, to be alerted, not only to the world situation about which we are thinking, but to the perilous situation within our own country.

On another occasion, Lincoln said that our real danger is from within; he told us definitely that he felt that if this Government is ever overcome or ever destroyed, it will be overcome or destroyed from within.

Mr. President, we have been accustomed to thinking of communism in terms that have long since grown obsolete. We have been accustomed to thinking of it as merely another political party in our country, as merely a movement of a few, misguided idealists, to right wrongs which they feel exist. We have not recognized it as a new form of ancient slavery, a new form, more dynamic, more fanatic, more powerful than any force which has swept the globe since the days of Attila or of the Asiatic Khans.

We must disenthrall ourselves from obsolete and worn-out concepts.

Mr. President, let me digress here to say that I trust that is what those in our Defense Establishment are doing. Of course, the battle in Korea is not demonstrating anything new in warfare to us. In that battle we have not used new weapons. We do not know what might happen if we began to use the atomic bomb. I feel that there is a real need for us now to march ahead and really disenthrall ourselves and be adequate to meet the challenges of tomorrow, as well as those of today.

Mr. President, we must recognize that the entire lesson of recent history is:

(a) America must defend herself. How is she going to do it? She is now on the perimeter in Korea. She will have to give aid probably at other places than those already helped, if civilization's rampart against the onrush of communism is to be preserved.

(b) But while we are defending the perimeter, we must not allow the inner defenses to be sabotaged by traitors in our midst. We must not fail to be alerted to the need of modern defensive methods in America.

We have learned from Alger Hiss, from Klaus Fuchs, from Judith Coplon, from Elizabeth Bentley, from the Greenglasses, and others of their ilk, who have been "turned out of the woodwork" that every single Communist is an agent of a foreign ideology, and is sworn to the absolute destruction of America's institutions.

Mr. President, I sometimes think that in our haste, in our worry, and in our fear we become complicated in our thinking. Let us simplify our thinking.

What are America's institutions?

First. There is the Judaic-Christian religion, with its exalted principles, with its high morality, with its ideals of the dignity of man and of the sacredness of the individual, the fatherhood of God and brotherhood of human beings. How often do we give consideration to these religious concepts?

Second. There is the political concept, this constitutional Republic with its system of checks and balances, the most dynamic innovation in the way of political institutions on the face of the globe, the greatest that has ever risen in the history of mankind.

Third. There is the economic value, sometimes called the American system of free enterprise, of private initiative, of private profits, serving the public welfare through achieving one's personal gain. These institutions are the great heritage of the race. We are the custodians thereof. I pray God we will be adequate to preserve them.

The moral foundations, the political foundations, the economic foundations of the Republic are today in danger. It is ridiculous to contend that merely because there are only around 54,000 card-carrying Communists in the United States they do not constitute a "clear and present danger." We are told by the highest authorities, notably Mr. J. Edgar Hoover, the great Chief of the Federal Bureau of Investigation, that for every single card-carrying Communist there are 10 non-card-carrying Communists—fellow travelers ready, willing, and able to do the bidding of the Reds.

Moreover, sheer numbers do not make the difference. One single Klaus Fuchs—think of how he got by the British—one single man who is able to reveal the innermost secrets of the atomic bomb and the hydrogen bomb to the enemy is worth 10,000 or 100,000 men to the Communist cause.

We have seen throughout the last 17 years that every single disclosure up until the present day when Mr. Lee Pressman, former counsel of the CIO, testified—he refused to testify before—every single disclosure of Communist intrigue has been pooh-poohed, ridiculed, belittled, defamed as "just another red herring." Yes; Mr. Truman called the Alger Hiss accusations a red herring; but we have learned, and I trust he has learned, that the menace of communism is no laughing matter.

When the Communist organization was an insignificant group relying for its chief inspiration and support upon the comparatively weak Soviet Government of 15 or 20 years ago, it was felt that its activities could be safely ignored, that the free play of our democratic processes would ultimately cushion and vitiate its efforts. In 1950, however, we find this totalitarian bridgehead reaching into the labor movement, the Government, political parties, the press, radio and films, the schools and colleges, the churches, and social organizations. Its influence is far out of proportion to its membership, due to its discipline, its control of strategic posts in mass organizations, and its ties with the Soviet Government, which today enjoys unprecedented standing as a world power. In recent times the Soviet Government has repeatedly demonstrated its ability to transform hitherto insignificant Communist minorities into ruling parties. China, Rumania, Czechoslovakia, Hungary, Yugoslavia, Bulgaria, Poland, Estonia, Latvia, and Lithuania are familiar examples. Even in countries not under direct Soviet military occupation or control the former Communist minority is making an open bid for power, as in Belgium, Italy, France, and Denmark. Korea now furnishes us with a new and even more ominous example of the Soviet technique.

It has been said that the Soviet technique consists of three facets.

First. The penetration of its ideology and its "Malikisms." Parenthetically, I may say there is too much "Malikism" indulged in even in America. In this way communism has taken over hundreds of millions of people.

Second. When it was found impossible to proceed in that way in the case of Korea, because of the influence of the United Nations and because of America's help, which enabled the South Koreans to learn of the despicable Communist way of thinking and living, the Soviet used the second facet, which was the armed forces of one of its satellite countries, North Korea.

Third. The world is asking, When will Russia precipitate herself openly into the conflict and use her third facet—her war machine. We do not know. Those three facets of her operations are apparent to most people. But are they apparent to America? Are they apparent to the average citizens? We believe they are becoming apparent.

Then, Mr. President, we must remember that under the first item which I mentioned there is continuous penetration throughout the world, even in our own land. That is why the particular measure which we are today considering must have the earnest, honest consideration of this body. That is why we must see to it that a measure is enacted which has teeth. We must rise to the occasion. This is a new day in history. What was adequate yesterday is inadequate today.

To preserve the liberties which I have mentioned we must see to it that government—which is but the servant, thank God, still, of our people—is the instrumentality by which to prevent further penetration, and we must see to it that those, even American citizens, who go about seeking to disintegrate our great economy, our great political system, and our great religious concepts are prevented from doing so.

We cannot simply argue that "it can't happen here." Our own country is far from immune to the operations of the subversive and aggressive Communist movement. In the light of our own highly integrated and sensitive society, it is well within the bounds of practical possibility that if the present potentialities of the American Communist movement were fully mobilized for a supreme subversive effort in behalf of a foreign power, they could seriously dislocate our economic and social life and even the effectiveness of our Armed Forces.

There comes to my mind an incident which occurred about 6 weeks ago. In

talking with a small manufacturer in my State, who was also interested in a small plant in the East, he told me that on one occasion he attended a party at which one of the men got pretty well "pickled," and in the course of the conversation he said:

> When the time comes we are ready, all over America, in every plant in America. We have men who will see to it that each plant will stop its operations.

This drunken Communist spoke further, indicating that the men to whom he referred were in public utilities, manufacturing plants, plants producing munitions, and in shipbuilding plants. Then he ceased talking.

When the information was given to me I reported it to Mr. J. Edgar Hoover, and I understand that his agency has started to ascertain something about what this man knew.

Mr. President, on one occasion, a former President of the United States said, "The only thing we have to fear is fear itself." There is much wisdom in that statement, because fear congeals man's ability to reason, see, and foresee. The only thing we have to fear now is that we shall either become too complacent and smug, or that we shall become so fearful that we cannot think the problem through and be adequate to meet the challenge.

No less a person than Mr. Justice Jackson, concurring in part in *American Communications Association, C. I. O.* v. *Douds* ((1950) U. S. 18, L. W. 4298, 4308), has pointed out that "from information before the several congressional committees Congress could draw certain important conclusions as to the distinguishing characteristics of the Communist Party and its associates in America." These characteristics, Mr. Justice Jackson said, are: First, the goal of the Communist Party is to seize power of government by and for a minority rather than to acquire power through the vote of a free electorate; second, the Communist Party alone among American parties past or present is dominated and controlled by a foreign government; third, violent and undemocratic means are the calculated and indispensable methods to attain the Communist Party's goal; fourth, the Communist Party has sought to gain this leverage and hold on the American population by acquiring control of the labor movement; and fifth, every member of the Communist Party is an agent to execute the Communist program.

As to the Communist Party, Mr. Justice Jackson, describing it as a conspiratorial and revolutionary junta, said:

> It seeks not merely a change of administration, or of Congress, or reform legislation within the constitutional framework. Its program is not merely to socialize property more rapidly and extensively than the other parties are doing. While the difference between other parties in these matters is largely as to pace, the Communist's Party's difference is one of direction.
>
> The Communist program only begins with seizure of government, which then becomes a means to impose upon society an organization on principles fundamentally opposed to those presupposed by our Constitution. It purposes forcibly to recast our whole social and political structure after the Muscovite model of police-state dictatorship. It rejects the entire religious and cultural heritage of western civilization, as well as the American economic and political systems. This Communist movement is a belated counter-revolution to the American Revolution, designed to undo the Declaration of Independence, the Constitution, and our Bill of Rights, and overturn our system of free, representative self-government.

The constitutional aspects of this particular part of the bill have received considerable attention and discussion. But it has been concluded by competent commentators that such a bill, if properly drawn, can constitutionally withstand the challenge of communism. See Cohen and Fuchs, Communism's Challenge and the Constitution (1949) 34 Corn. L. Q. 352. As pointed out in Senate Report No. 1358, relating to S. 2311, the bill was carefully and conscientiously drawn to meet every possible legitimate constitutional objection and the report itself sets forth an extensive analysis of the constitutionality of the bill. See pages 16–29 of the Senate report. The conclusion there reached, and concurred in by others, such as Hon. Donald R. Richberg, Hon. John W. Davis, and the committee on the bill of rights of the American Bar Association (see pp. 30, 40–43 of the Senate report), is that the bill as now drawn is constitutional. In addition, the constitutionality of the bill nows finds strong support in *American Communications Association, C. I. O.* v. *Douds* ((1950), — U. S., —, 18 L. W. 4298), wherein the Supreme Court upheld the constitutionality of the non-Communist affidavit provision of section 9 (h) of the Labor Management Relations Act, 1947. In that case, in answer to questions involving the protections of the first amendment, the Court pointed out that although the first amendment provides that Congress shall make no law abridging the freedom of speech, press, or assembly, it has long been established that those freedoms themselves are dependent upon the power of constitutional government to survive. If it is to survive it must have power to protect itself against unlawful conduct and, under some circumstances, against incitements to commit unlawful acts. Freedom of speech thus does not comprehend the right to speak on any subject at any time. In answer to the contention that under *Schenck* v. *United States* ((1919), 249 U. S. 47), freedom of speech cannot be curtailed until there is a clear and present danger to national safety which authorizes Congress to act, the Court said:

> So far as the Schenk case itself is concerned, imminent danger of any substantive evil that Congress may prevent justifies the restriction of speech. Since that time this Court has decided that however great the likelihood that a substantive evil will result, restrictions on speech and press cannot be sustained unless the evil itself is "substantial" and "relatively serious," Brandeis, J., concurring in *Whitney* v. *California,* supra at 374, 377, or sometimes "extremely serious," *Bridges* v. *California* (314 U. S. 252, 263 (1941)). And it follows therefrom that even harmful conduct cannot justify restrictions upon speech unless substantial interests of society are at stake. But in suggesting that the substantive evil must be serious and substantial, it was never the intention of this Court to lay down an absolutist test measured in terms of danger to the Nation. When the effect of a statute or ordinance upon the exercise of first amendment freedoms is relatively small and the public interest to be protected is substantial, it is obvious that a rigid test requiring a showing of imminent danger to the security of the Nation is an absurdity. We recently dismissed for want of substantiality an appeal in which a church group contended that its first amendment rights were violated by a municipal zoning ordinance preventing the building of churches in certain residential areas. *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints* v. *Porterville* (338 U. S. 805 (1949)). And recent cases in this Court involving contempt by publication likewise have no meaning if imminent danger of national peril is the criterion.
>
> On the contrary, however, the right of the public to be protected from evils of conduct, even though first amendment rights of persons or groups are thereby in some manner infringed, has received frequent and consistent recognition by this Court.

In addition, the Court pointed out that legitimate attempts to protect the public, not from the remote possible effects of noxious ideologies, but from present excesses of direct, active conduct are not presumptively bad because they interfere with and, in some of their manifestations, restrain the exercise of first amendment rights. The Court declared that the Government's obligations "sometimes admit of limitations upon rights set out in the first amendment. We have never held that such freedoms are absolute. The reason is plain. As Chief Justice Hughes put it, 'Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses.'"

Moreover, it should be noted that the Supreme Court in this case declared that considerable deference would be given legislative determinations of the need for restrictions upon particular forms of conduct such as those here sought to be dealt with. The Court said that "even restrictions on particular kinds of utterances, if enacted by a legislature after appraisal of the need, come to this Court 'encased in the armor wrought by prior legislative determination.'" S. 2311 contains numerous findings establishing the legislative background and necessity for action. This is buttressed by the detailed statement in Senate Report No. 1358, pages 5 and 6.

In answer to the objection that S. 2311 probes into personal beliefs and that this is a forbidden area wherein the Government is powerless to tresspass—even for purposes of national security—reference may again be made to the Douds case, where the Supreme Court said:

> The public interest at stake in ascertaining one's beliefs cannot automatically be assigned at zero without consideration of the circumstances of the inquiry. It is admitted that beliefs are springs to action, it becomes highly relevant whether the person who is asked whether he believes in overthrow of the Government by force is a general with

500,000 men at his command or a village constable. To argue that because the latter may not be asked his beliefs the former must necessarily be exempt is to make a fetish of beliefs. The answer to the implication that if this statute is upheld "then the power of government over beliefs is as unlimited as its power over conduct and the way is open to force disclosure of attitudes on all manner of social, economic, moral, and political issues," is that the result does not follow "while this Court sits." The circumstances giving rise to the inquiry, then, are likewise factors to be weighed by the courts, giving due weight, of course, to the congressional judgment concerning the need. In short, the problem of balancing the conflicting individual and national interests involved is no different from the problem presented by proscriptions based upon political affiliations.

So, Mr. President, as I have stated, the situation is serious. It calls for a new evaluation of our obligations as Senators representing our constituents and a nation of 155,000,000 persons. It calls for recognition of the fact that America was never before in a similar critical position. It calls for recognition of the fact that, because of the ingenuity of man, the world has been substantially contracted. There are planes which will travel a thousand miles an hour. Only a few days ago I was at a camp and saw a man operate a mechanical plane and send it up into the air and through the means of a little mechanism at his breast he guided the plane. I saw it ascend a mile and I saw and heard guns shooting at it. The man on the ground guided the plane wherever he wanted it to go, simply by means of the little mechanism to which I have referred and he landed the plane, likewise.

We have been told that the Germans at end of war were ready to launch similar planes with bombs that could be controlled from a distance of 1,500 miles. These are but indications that the world in which we now live calls for broader horizons and greater wisdom, more adequacy.

In answer to criticisms that the bill is actually a bill of attainder or an ex post facto law punishing past acts, it should be pointed out that there is nothing in the bill which punishes for acts already committed or prescribes punishment without conviction through judicial proceedings. "A bill of attainder is a legislative act which inflicts punishment without judicial trial," *Cummings* v. *State of Missouri* ((1867) 71 U. S. 277, 323). An ex post facto law is "one which imposes a punishment for an act which was not punishable at the time it was committed, or a punishment in addition to that then prescribed," *Burgess* v. *Salmon* ((1878) 97 U. S. 381, 384). As in the Douds case, where a similar objection was made concerning the non-Communist affidavit requirement, "Here the intention is to forestall further dangerous acts; there is no one who may not, by a voluntary alteration of the loyalties which impel him to action, become" not within the scope of the bill. Consequently, as in the Douds case, it cannot be concluded that the bill is one of attainder or of ex post facto effect.

Much has been said, also, of guilt by association. Mr. President, I repeat that we cannot disregard the old saying, "A man is known by his bedfellows." We realize today that men must be more alert, more familiar with what is going on. There was a time when Russia was our ally, when we gave Russia some $12,000,000,000 of lend lease, and when we sat around the table with the Russians and talked with them. At that time we were naive. However, we were in a battle for our existence. We did not know that we had a traitor in our camp. We were asleep at the switch. Mr. President, that time has passed. The times have changed. Consequently the question of association has a terrific bearing. One owes to his immediate family, his wife and children, the responsibility of not associating with wrong characters. Certainly a citizen of our country, which has been called to leadership in the world, owes an obligation to his Government not to associate with the wrong guys, particularly when those guys stand for concepts and principles which are anti-American. He must dissociate himself from them.

A careful examination of the bill, with an open mind on the subject, will disclose that no individual is made guilty because of mere association with others. He must do something himself which is made unlawful. Even when he merely remains a member of a Communist political organization, if he does this knowing that the organization has not registered as required by law, he is thereby aiding the organization and its officers to keep secret the activities and membership of an organization which uses an unlawful secrecy as the means of establishing a totalitarian dictatorship under foreign control that is in aid of aggression against the United States. He is personally guilty of helping to conceal an unlawful conspiracy, and he is only guilty when he knows what he is doing. In the Douds case, Mr. Justice Jackson, concurring in part, pointed out that "there has recently entered the dialectic of politics a cliché used to condemn application of the conspiracy principle to Communists." He said:

> Guilt by association is an epithet frequently used and little explained, except that it is generally accompanied by another slogan, "Guilt is personal." Of course it is; but personal guilt may be incurred by joining a conspiracy. That act of association makes one responsible for the acts of others committed in pursuance of the association. It is wholly a question of the sufficiency of evidence of association to imply conspiracy. There is certainly sufficient evidence that all members owe allegiance to very [sic] detail of the Communist Party program and have assumed a duty actively to help execute it, so that Congress could, on familiar conspiracy principles, charge each member with responsibility for the goals and means of the party.

Justice Jackson was alerted to the danger. In America during the last two world wars we have lived in sort of glass houses. We went through the wars without damage to our factories, cities, or homes. However, we now recognize the fact that the clock has traveled well ahead from that time. Today we are in the age of the atom bomb. We are in an age of new weapons, which are so terrific that if we get into another world war America will be out on the front lines.

Under section 4 of the bill a determination of whether a particular act will substantially aid a Communist revolution rests first with the individual who works with a Communist organization. Since such an organization is not outlawed it is evident that mere educational propaganda, and campaigns for political reforms or to elect candidates to public offices, are not made unlawful. But, these are activities that can, and should, be carried on publicly, openly, and not secretly.

Hence, when Communists or fellow travelers undertake secret activities which create or foment disorder and lawlessness, or which bring about the paralysis of essential production or public services, or which hamper national defense, or which interfere arbitrarily with the performance of public duties by public officials, or which discredit the administration of justice or the conduct of foreign relations, then the fact that it is necessary to use secrecy, dishonesty, and treachery should provide ample warning to individuals that they, by their actions, may be rendering substantial aid to an unlawful project.

Mr. President, I should like to quote Donald H. Richberg. Here we have a man who has seen much of life. Apparently in the past he saw some virtue in leftist concepts which were preached 17 or 18 years ago. He has, however, like many others awakened to the menace of such thinking. Mr. President, now is the time to keep the ship on an even keel, and now is the time to sense the fact of imminent danger. I read what Donald Richberg said, as found in Senate Document No. 1358, at page 32:

> Clearly there is today an existing danger of a war with Russia. If not, why are we spending billions for defense against such a war?
>
> Clearly, there is today an existing danger of political strikes, domestic disorder, and vast public injuries, which have been and are being brought about by Communist intrigues, particularly in labor organizations. How can we distinguish between such revolutionary guerrilla warfare and lawful strikes for legitimate ends, as long as Communist plots and Communist plotters are protected by legalized secrecy?

Mr. President, let us go over that last sentence again, because here is a challenge to all of us:

> How can we distinguish between such revolutionary guerrilla warfare and lawful strikes for legitimate ends, as long as Communist plots and Communist plotters are protected by legalized secrecy?

Then he said:

> The Congress has the power and the duty to enact laws necessary and useful to thwart foreign aggression, and to expose and to destroy conspiracies against domestic law and order. The Constitution was expressly written in order "to insure domestic tranquillity" and "to provide for the common defense." It is not the function of the courts to reverse a reasoned judgment of the Congress as to when and where there is a clear and present danger threatening our Government and our institutions, from abroad or from within our borders. Whether the proposed laws are wise is a question properly to be debated.

Mr. President, we will debate that question on the floor of the Senate today and tomorrow, and perhaps longer. It is only a question of exercising judgment and foresight. When a house is on fire we know that means are justifiable which might not be otherwise.

I quote again:

It is not the function of the courts to reverse a reasoned judgment of the Congress as to when and where there is a clear and present danger.

Mr. President, is there anyone who knows better than we, who have heard the representatives of the State Department and the military leaders and the head of the Defense Department, that there is a clear and present danger? What is our conclusion? Are we not satisfied that there is not only a clear and present danger threatening us from without, but a clear and present danger threatening us from within? The pending bill is to take care of that clear and present danger from within.

Mr. Richberg continues:

The constitutionality of legislation reasonably adapted to prevent evils which the Congress has a right and duty to prevent, is not debatable.

Mr. President, all of these reasons I believe support my contention that the case against communism is as new as tomorrow morning's headlines; and so we must think anew and act anew with legislation such as I am suggesting today.

Fortunately, in recent times, America has been considerably awakened to the danger. This awakening is due in considerable part to the crusading of my colleague, the junior Senator from Wisconsin [Mr. McCARTHY]. He has given himself unflinchingly to the cause of alerting the American people. More than any single individual, he has spotlighted the case against the Red menace.

The administration, at least in the past, instead of allowing that spotlight to show up the Reds, has done its best to smash the spotlight in order that the Communists could continue their work in darkness, in Government agencies, in unions, in schools, in business, and elsewhere.

The time for action is now. Let those changes which may be necessary be made in the pending bill; but let not the bill be sabotaged, and let it not be vetoed by a President who may not be aware of the consequences of his actions.

CAMPAIGN OF TRUTH—LETTER FROM PRESIDENT TRUMAN

During the delivery of Mr. BRIDGES' speech,

Mr. BENTON. Mr. President, I ask unanimous consent that there be printed in the RECORD the letter which President Truman recently wrote the junior Senator from Vermont [Mr. FLANDERS] and released to the press. This is a very remarkable letter, dealing with the continuing problem of how we can combat Russian propaganda. It pleases me to point out that the President is seizing the leadership in this vast area of conflict we have ignored so long.

I, of course, am pleased that his letter calls attention to my Senate Resolution 243 calling for a Marshall plan of ideas—a campaign of truth against Communist propaganda.

President Truman not only indicates his full approval of what he terms the Benton resolution, but also points out that Secretary of State Dean Acheson supports it.

Mr. President, I only regret we are not moving faster in this crusade for peace and world security. We should exploit at once every medium of communication to push forward the ideas and ideals of democracy, and to show the peoples of the world that their interests are our interests.

President Truman points out in his letter that we should take advantage of the moving pictures, the radio, press, the exchange of persons programs, and should open up information centers and libraries abroad in order to create a better understanding of this Nation among foreign nations.

Mr. President, because this letter is such a fine document, I ask unanimous consent to insert it in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 30, 1950.

The President today sent the following letter to the Honorable RALPH E. FLANDERS, United States Senate:

"DEAR SENATOR FLANDERS: I have studied with interest the letter of August 18, signed by you and 27 other Senators, calling for 'total engagement of our psychological and spiritual forces.' It is gratifying to have this expression of support for the campaign of truth which we are now waging throughout the world.

"As you know, I have for many years consistently urged the expansion of our activities in the field of international information and education. The Voice of America, through its radio broadcasts, has produced concrete results in giving the facts about the United States to people all over the world. The Government's films, publications, libraries, overseas information centers, and exchange of persons activities have given the world a clearer understanding of this country's progress and ideals. Week by week, there is increasing evidence that our program for getting the truth to people on both sides of the iron curtain is successful and can be made even more successful.

"On April 20 of this year, I issued a public call for a greatly expanded campaign of truth. At that time, I stated:

" 'Because of the pressing need to increase our efforts along this line, I have directed the Secretary of State to plan a strengthened and more effective national effort to use the great power of truth in working for peace. This effort will require the imagination and energies of private individuals and groups throughout the country. We shall need to use fully all the private and governmental means that have proved successful so far and to discover and employ new ones * * *.

" 'We must make ourselves known as we really are—not as Communist propaganda pictures us. We must pool our efforts with those of the other free peoples in a sustained, intensified program to promote the cause of freedom against the propaganda of slavery. We must make ourselves heard round the world in a great campaign of truth.'

"The Secretary of State, in testifying on the Benton resolution, has also expressed the need for strengthening the information and educational exchange program.

"Fortunately, the Government has been able to draft for service in this campaign a number of outstanding men whose qualifications for the work have been widely hailed by the press and public. We are continuing to bring into the Government men with wide experience and vision who can lend new vigor to this important activity. With the cooperation of two distinguished advisory commissions, we are setting up panels of consultants in order to draw upon the ideas and energies of citizens and organizations outside the Government.

"The Advisory Commission on International Information, under the chairmanship of Mark Ethridge, publisher of the Louisville Courier-Journal has unselfishly spent many weeks studying our information operations in this country and abroad. The members of this commission have been of enormous assistance in bringing about steady improvement in this field.

"The Advisory Commission on Educational Exchange, under the chairmanship of Dr. Harvie Branscomb, chancelor of Vanderbilt University, has been of comparable assistance in improving the programs for exchange of persons, for overseas libraries and information centers, and related activities. Both of these commissions have reported to me that our operations have clearly demonstrated their worth to the American taxpayers, have steadily improved month by month, and are now in a position where large-scale expansion is both justified and urgently needed.

"For these reasons, I am glad to see that you and your colleagues agree that we need more funds and a great expansion of facilities. On July 13, I transmitted to the Congress an appropriation request for $89,000,000 to carry forward the campaign of truth. The House of Representatives has cut this amount to $65,655,850. This is far less than the amount needed to carry on the kind of campaign that you advocate. I trust that you, and the other Members of the Senate who signed the joint letter of August 18, will support the full amount of $89,000,000 necessary for the expansion of our education and information activities. The Senate can render a great service if it will see that the necessary funds are provided. At a time when the Kremlin is sparing no effort to spread the most flagrant lies about this country and our allies, we must forge ahead with this great and affirmative campaign. Truth must prevail throughout the world, if we are to have just and lasting peace.

"Very sincerely yours,

"HARRY S. TRUMAN."

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

Mr. WHERRY. Mr. President, it is the purpose of the junior Senator from Nebraska to speak in behalf of the amendment which has been offered in similar language by the distinguished Senator from Missouri [Mr. KEM], the distinguished Senator from Virginia [Mr. BYRD], and the junior Senator from Nebraska on prior occasions, which has to do with the shipping of strategic materials, or materials usable for the war effort, into Russia and the satellite countries under many appropriations and programs. This amendment provides that at the proper place in the bill the following language be inserted:

During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no part of the fund appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance)

to foreign countries, shall be used to provide economic or financial assistance to any country which exports, or permits the exportation to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea) of any article or commodity which the Secretary of Defense certifies to the Economic Cooperation Administration may be usable by, or which may be used in the manufacture of any article or commodity which may be useful to, the Armed Forces of the Union of Soviet Socialist Republics or such satellite countries; and it it hereby made the duty of the Secretary to so certify any such article or commodity.

Mr. President, before I continue with a discussion of the amendment, I should like to read a resolution which comes from Metropolitan Council, No. 11, of the CIO United Packinghouse Workers of America. The tide of public sentiment, which is running so strongly against Communist activities in the United States, is typically illustrated by a resolution adopted on August 24 by the Metropolitan Council, No. 11, of the CIO United Packinghouse Workers at Omaha, Nebr., who number more than 8,000 Omaha livestock packing employees in its membership.

This resolution was forwarded to me today by Edward Lang, president of the Council, and I ask unanimous consent that it be made a part of the RECORD in connection with the internal security legislation presently before us.

I read the resolution:

METROPOLITAN COUNCIL, NO. 11,
UNITED PACKINGHOUSE WORKERS
OF AMERICA,
Omaha, Nebr.

RESOLUTION ON COMMUNISM

Whereas communism and the tactics used by the Communist Party and its members is an insult to every patriotic citizen of America; and

Whereas the Communist Party and its members, through lies and sabotage, for the present, are attempting to undermine our form of government through the sale and distribution of un-American literature; and

Whereas they are now in the process of using the mail to distribute the Stockholm peace petitions here in Omaha, as well as in other cities of the Nation. The drive for signatures to this petition was started seriously here on July 24, and many innocent people, such as mothers of boys being called into the service, wives of men being recalled, fathers of men being called into the service, and other members of the families have received the petitions through the mail on that day and in their hopes for peace at any price to save their loved ones, may have been duped into acquiring signatures to these petitions, not realizing that in so doing they were sticking a knife into the backs of the boys fighting Communist aggression in Korea, and into the backs of their own country; and

Whereas the Communist paper, the Daily Worker, has, from its inception, done nothing but advocate the overthrow of our form of government through subterfuge, sabotage, and, if necessary, by force: Therefore be it

Resolved, That we petition the Council of the City of Omaha to draw up an ordinance prohibiting the sale and passing out of Communist literature; and be it further

Resolved, That we petition the State and National legislative bodies to formulate laws to the effect that will bar the distribution of Communist literature through the mails, the sale or passing out of such literature, and finally the outlawing of the Communist Party within our State and Nation's borders.

EDWARD T. LANG,
President.
[SEAL]
JOHN DOOLEY,
Recording Secretary.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. MALONE. I listened with great interest to the amendment which the Senator from Nebraska submitted, under which countries which are being economically assisted by the United States would be prevented from trading with Communist countries. I would assume that the amendment would cover the nations in Europe and the nations in Asia who are members of the United Nations, who are supposed to be our allies, and whom we are now helping. The assumption is correct, is it not?

Mr. WHERRY. Yes. I will say specifically the amendment restricts the export of strategic materials to Russia and the satellite nations, by any recipient of ECA funds or any other financial assistance, such as a loan. It would include a nation, for example, which received aid under the point 4 program.

Mr. MALONE. Or the Export-Import Bank.

Mr. WHERRY. If it is a lending agency, which makes loans throughout the world, it would come under the same prohibition.

Mr. MALONE. Can the Senator think of any goods which would come under the ban? Would ball-bearings, steel, and tools be included? They are obviously and directly used in manufacturing. Would clothing and food also be included?

Mr. WHERRY. If the Senator will permit me, I shall be glad to answer his questions as I go along. If I do not answer them as I continue with my remarks I shall be glad to have the Senator ask me questions from time to time. However, I am satisfied that I have the answers to his questions in the remarks which I should like to make at this time.

Mr. MALONE. I may not be on the floor throughout the Senator's address.

Mr. WHERRY. My remarks will not take very long to deliver.

Mr. MALONE. I should like to ask the Senator one more question, if he will yield.

Mr. WHERRY. If the Senator does not expect to remain on the floor, I will say now that the amendment provides for the Secretary of Defense to define what would constitute a strategic material, or a material which would be useful to the war effort. It is left entirely up to him. In view of the fact that the distinguished Senator from Nevada may not be on the floor during the course of my remarks, because I know he is extremely busy with committee work, I will say that the amendment provides for a definition. In addition, figures will be placed in the RECORD with respect to materials the exportation of which from the United States is now being barred on the ground of their strategic value, but which are being shipped from ECA countries to Russia and its satellite countries. In other words, they are shipping the identical articles which are barred from export from this country. A list of those materials will be included in my remarks. For the Senator's information, I will state that one of the big items is tools. I shall also quote a recent statement made by Winston Churchill that Great Britain has exported to Russia $2,000,000 worth of tools a month during the past year.

Mr. MALONE. Of course, while the amount of $2,000,000 a month may be minimized, the fact remains that the tools may be used in the manufacture of war equipment, and in that respect $2,000,000 worth of tools represents a considerable amount of tools.

Mr. WHERRY. Certainly. I do not know whether the Senator from Nevada was on the floor when a similar amendment was offered some time ago. The amendment was not so restrictive as my amendment. Under my amendment a definition of what constitutes a strategic material would be made by the Secretary of Defense. In that respect it goes beyond the previous amendment, which included the blanket statement "all useful material." That is the main difference between the two amendments. The Senator may recall that the Senator from Vermont [Mr. FLANDERS] asked the same question of the Senator from Missouri [Mr. KEM]. He asked the Senator from Missouri how many tools were being shipped, and the Senator from Missouri mentioned the figure for the last quarter. The Senator from Vermont, who has had a good deal of experience with industry, especially in machine tools, remarked that it was one example of an inanimate object being capable of reproducing itself. The Senator from Vermont went on to explain that with a small number of tools it is possible to make other tools, and then to multiply the process until it is possible to produce tanks, bazookas, and every other necessary implement of war.

Mr. MALONE. As, for instance, if we had one jet plane, it would be possible to produce other jet planes.

Mr. WHERRY. Yes.

Mr. MALONE. I am sure the Senator's amendment pursues the same objective as the Senator from Nevada had in mind on January 24 when he introduced a joint resolution, which is still buried in the Democratic Policy Committee, which would have stopped this activity.

Mr. WHERRY. It certainly is still in the committee, and I appreciate the Senator bringing that to my attention.

Mr. MALONE. I support the amendment.

Mr. WHERRY. I thank the Senator, and I say to him that any other Senator who would like to join in the amendment would certainly be acceptable as a cosponsor. I shall be glad to insert the name of the Senator on the amendment.

Mr. MALONE. I thank the Senator from Nebraska.

Mr. WHERRY. Senators from both sides of the aisle have asked the Senator from Missouri and me to offer an amendment, and this amendment has had much study in light of the debate which has proceeded on two or three previous amendments, and on the resolution the Senator from Nevada has offered.

Mr. MALONE. It should have been offered long before.

Mr. WHERRY. I agree with the Senator.

Mr. MARTIN. Mr. President, will the Senator yield?

Mr. WHERRY. I yield to the Senator from Pennsylvania.

Mr. MARTIN. I have been very much impressed with the strength and the breadth of the resolution adopted by the labor organization to which the Senator from Nebraska referred. How many members does it have?

Mr. WHERRY. I am satisfied there are 8,000. I think the number is quoted in the letter accompanying the resolution, and I have sent for it, and will state the number when I have it delivered to me.

I thank the Senator for asking me the question. I thought the number was stated in the resolution, and I thought I stated it, but if I did not, I am satisfied that the number is 8,000, or even more. These men are from South Omaha, in the great packing company yards, where the cattle are slaughtered and processed for consumption.

The Senator well knows that we receive many resolutions and letters, and to me the one I have referred to seems one of the most forceful arguments in favor of our doing what we should do, and what should have been done long ago, in the way of passing an internal security bill. When we receive forceful resolutions of this kind, coming from those in the great industrial centers, who know something about the work of sabotage by the Communist Party, I do not know what we, as Senators, are waiting for. We should pass an internal security bill without delay, accomplishing the purposes not only of the McCarran bill, but of the bill as I hope it will be amended by the addition of the Mundt-Ferguson amendment.

It seems to me the resolution is as forceful as anything any Senator might say on the subject. It comes from people in our own communities, from constituents, who are urging, first, that the Congress outlaw the distribution of Communist literature; urging that it outlaw the Communist Party; urging action which many Members of Congress have talked about through the months and the years. Certainly it is forceful, at this time, when the Congress is considering an internal security bill.

Mr. President, in answer to the question by my friend, the junior Senator from Pennsylvania [Mr. MARTIN], the resolution was adopted on August 24, by the Metropolitan Council No. 11 of the CIO United Packinghouse Workers at Omaha, Nebr., who number more than 8,000 Omaha livestock packing employees in its membership.

Today is September 7, and the resolution just arrived. While wonderful speeches about internal security can be made here in very eloquent terms, this language is straight from the shoulder, as we say in the Middle West. What these people want is relief, and they want it now. They want Congress to take action on an internal security bill.

I do not know what we are waiting for. Let us adopt the Mundt-Ferguson modification to the McCarran bill, and pass the bill unanimously.

Coming back, now, to the amendment offered by the junior Senator from Nebraska for himself, Senator KEM, and Senator BYRD, let me continue with my brief remarks.

Members of the Senate are quite familiar with the subject matter of the pending amendment, but the junior Senator from Nebraska would like to take a few minutes to explain differences between the pending amendment and the one that was voted upon on July 31, 1950.

It will be recalled that at that time the junior Senator from Nebraska and the junior Senator from Missouri proposed an amendment to the ECA appropriation. That amendment was designed to stop the flow of strategical war materials, such as machine tools, to Communist Russia and her satellites, including Communist China and Communist North Korea. The amendment lost by a vote of 33 to 39.

Certainly every Member of this body believes it is wrong to permit war-making materials to be exported to Russia and her Communist satellites, while our boys are fighting and dying on the battlefields of Korea to stop Communist aggression.

While there appeared to be no opposition to doing all we could to stop the transshipment of war-making materials to Soviet Russia and her Communist satellites, honest differences of opinion arose over the method. I am sure the distinguished junior Senator from Missouri will remember that very vividly. It was to meet this situation, and provide an effective procedure, that the July 31 amendment was revised for presentation to the pending bill.

This amendment, if adopted, is to become operative only—

During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations.

The amendment provides:

No part of the funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, shall be used to provide economic or financial assistance to any country which exports, or permits the exportation to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea) of any article or commodity which the Secretary of Defense certifies to the Economic Cooperation Administration may be usable by, or which may be used in the manufacture of any article or commodity which may be useful to, the armed forces of the Union of Soviet Socialist Republics or such satellite countries; and it is hereby made the duty of the Secretary to so certify any such article or commodity.

That is the language of the amendment. I think it is very clear, and speaks for itself.

Mr. President, it will be noticed that the prohibition applies only to aid given by the United States under the ECA, and other legislation to provide economic or financial assistance. This would cover any program, such as the so-called point 4 program, or other financial loans. Military assistance programs are specifically exempted from the provisions of the amendment.

Those Senators who joined with me in presenting this amendment are agreed, as I am, that it is unnecessary to involve purely military assistance programs, because the recipients of our munitions and military supplies are not likely to hand any of them to Soviet Russia or her Communist satellites.

We feel that there is no danger of the military chiefs of staff or military authorities of countries we are aiding militarily deliberately increasing their joint burden of defense by handing their potential enemies some of their weapons.

The amendment applies chiefly to the ECA participating countries. Surely it is decent and reasonable for the Congress to stipulate that when we provide funds for economic and financial rehabilitation of other countries they shall not at the same time export to Russia, or her so-called satellites, any materials that would be helpful to them in prosecuting the war against our own boys in Korea, and possibly elsewhere, if the Korean war spreads.

The point was made, during previous debates on this subject, that our former amendment was too indefinite in fixing authority and responsibility for enforcement of the amendment. It will be noticed that in my amendment the Secretary of Defense is charged with the duty of certifying to the ECA administrator the articles that the Secretary of Defense finds should be placed on the export prohibition list of recipient ECA countries, if they are to continue to receive help from the American taxpayers and the American people.

The Secretary of Defense is specifically charged with the duty of making up the list. That will be his job.

All kinds of arguments can be raised against adopting any kind of prohibitory amendment to this bill—and they have been made.

Months ago, when the junior Senator from Missouri and the junior Senator from Nebraska, began pointing out the leakage of war materials to Russia and her satellites, through countries that we are helping to support through ECA, we were told that we were treading upon a very delicate matter and that it required only the top-level handling in the executive branch.

The observation was made that, in modern warfare virtually every commodity is essential—from hairpins to baked beans.

Obviously, it is the intent of this amendment that a rule of reason be applied. It is not the purpose of the sponsors of this amendment to stop all trade between ECA countries and Russia, but it is the purpose, and the very definite purpose, to curtail as much as possible the exportation to Russia and her satellites of those materials that are definitely and obviously being imported to strengthen their war-making potential.

Machine tools, metals, minerals, electronics, electrical devices, barbed wire, and gasoline are some of the commodities that the Secretary of Defense undoubtedly would say to ECA countries, "You cannot ship them to prohibited areas and expect to continue to receive financial and economic aid from the United States while we are engaged in mortal combat with the Moscow-directed Communists of northern Korea."

Mr. KEM. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. WHERRY. I am glad to yield.

Mr. KEM. Are not the commodities the Senator has mentioned exactly the commodities which are now prohibited from export from the United States to Russia and the satellite countries under the law and regulations which are rigorously enforced by our own Department of Commerce?

Mr. WHERRY. I will say to the Senator that that is correct. What we are trying to do now is to prohibit the recipients of ECA funds from shipping the exact materials, if you please, and more if necessary, into the satellite countries and to Russia herself—the goods and the materials that American manufacturers are prohibited from sending from the United States of America. I shall place in the RECORD a list of such articles. The Senator from Missouri has already placed such a list in the RECORD in connection with prior speeches made by him. The Senator from Nebraska has also placed such a list in the RECORD on a previous occasion. Once again, however, I shall place a list of such articles in the RECORD, when I come to that particular point—the Senator has anticipated my doing so—to show the prohibitions on such shipments, by reason of the refusal of the Department of Commerce to license the shipment from the United States of such materials as the recipients of ECA funds are now shipping into the satellite countries and to Russia herself.

Mr. President, Members of this body will recall that Winston Churchill recently raised his voice in condemnation of the refusal of the British administration to stop exportation of machine tools, readily suitable for making and repairing tanks to Russia.

The Senator from Missouri knows that fact well. I believe he inserted into the RECORD the remarks made by Winston Churchill in which he condemned his own government for doing the very thing we are attempting to legislate against in the United States, so that we will not give aid to the enemy.

Members of this body, undoubtedly, have noticed the discussion upon this subject that has been raging in the press, both in this country and abroad, in recent days.

It is quite plain, to the mothers and fathers of the United States, how unfair it is to draft their boys to fight in Korea and God knows where else, while at the same time they read in the papers of shipments of war materials to Communist China and Russia.

This war in Korea is mighty serious, grim business, and cannot be relegated as a side issue to the carrying-on of business as usual, with the Communist imperialists.

It is a serious thing, and there is no telling to what points it might spread.

Members of this body, I am sure, so believe, and are just as eager as the junior Senator from Nebraska for a workable formula for stopping this leak of war-making goods to the enemy.

Our own Government has established a list of articles that cannot be exported by American citizens to Russia and her satellites.

This is found on page 10800 of the CONGRESSIONAL RECORD of July 21, 1950, where it was placed by the distinguished Senator from Missouri [Mr. KEM].

Mr. President, I ask unanimous consent that the list appearing in 1½ columns be printed in the RECORD at this point as a part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Partial list of exports from Belgium-Luxemburg during 1949 to Russia and satellite nations [1]

Item	Amount in dollars [2]	Amount in thousands of francs	Metric tons [3]
Arms (to Czechoslovakia)	6,040	302	----------
Iron, cast iron, and steel	19,782,840	989,142	151,749
Copper	11,028,820	551,441	23,523
Lead	1,583,160	79,158	4,836
Zinc	3,003,780	150,189	10,413
Tin	941,060	47,053	485
Other base metals and alloys	1,387,360	69,368	623
Boilers, machinery, mechanical apparatus, and appliances, and parts	7,937,880	396,894	6,273
Electrical machinery and apparatus, and articles for electrotechnical use, and parts	5,840,660	292,033	----------
Railway and tramway rolling stock and material	430,600	21,530	872
Optical, measuring, precision, and other instruments and apparatus	2,480	124	----------
Chemical products	1,709,540	85,477	8,573
Explosives, fireworks, matches, and other inflammable materials	1,447,960	72,398	2,014
Rubber and manufactures	942,600	47,130	1,355

[1] Complete list available in my office, including a breakdown of exports by importing country.
[2] Computation based on current exchange rate of 50 francs to the dollar.
[3] 1 metric ton is equal to 2,204.6 pounds.

Partial list of exports from United Kingdom during 1949 to Russia and satellite nations

Item	Amount in dollars [1]	Amount in thousands of pounds sterling	Quantity
Ball and roller bearings and parts	243,600	87	[2] 2,000
Iron, steel, and manufactures (total)	12,140,800	4,336	[3] 88,000
Steel bars and rods, not alloy	1,736,000	620	[3] 20,000
Bars and rods of alloy steel	504,000	180	[3] 1,000
Hoop and strip	422,800	151	[3] 3,000
Railway and tramway construction material	708,400	253	[3] 10,000
Barbed wire	420,000	150	[3] 3,000
Cable and rope (except insulated telephone and telegraph cable)	425,600	152	[3] 1,000
Nonferrous metals and manufactures (total)	4,062,800	1,451	----------
Aluminum and alloys	618,800	221	[4] 21,000
Brass and other alloys of copper, other than nickel alloys	1,142,400	408	[4] 63,000
Copper	694,400	248	[3] 1,000
Electrical goods and apparatus	6,806,800	2,431	----------
Machinery (total, excluding ball and roller bearings and parts)	45,172,400	16,133	[4] 867,000
Electric generators	11,986,800	4,281	[4] 181,000
Electrical machinery, other than motors and generators	2,864,400	1,023	[4] 46,000
Machine tools (metal-working) other than portable power tools	5,138,000	1,835	[4] 129,000
Vehicles (including locomotives, ships, and aircraft) (total)	13,361,600	4,772	----------
Rubber tires for motor vehicles, other than motorcycles and tricars	229,600	82	9,000
Chassis for motor vehicles, with engines	1,660,400	593	1,000

[1] Computation based on present exchange rate of $2.80 to the pound sterling.
[2] Hundredweight (112 pounds).
[3] Long tons.
[4] Hundredweight.

Partial list of exports from France during 1949 to Russia and satellite nations

Item	Amount in dollars [1]	Amount in thousands of francs	Metric tons
Chemicals:			
Inorganic	1,546,759	533,365	23,425
Organic	983,283	339,063	610
Rubber and rubber products	1,678,616	578,833	1,426
Steel-mill products, hot rolled, sheets and plates	4,198,881	1,447,890	41,696
Steel-mill products, cold rolled, tubular products, and wire	3,087,703	1,064,725	19,283
Aluminum, crude, and semimanufactures	369,245	127,326	815
Aluminum alloys	408,688	140,927	833
Lead and lead alloys	316,349	109,086	1,115
Metal manufactures	2,046,376	705,647	3,985
Machinery and apparatus	10,272,238	3,542,151	6,771
Machinery, electrical, and apparatus	2,015,239	694,910	525
Transportation equipment	8,281,011	2,855,521	7,913
Optical, surgical, scientific, and photographic instruments and apparatus	1,113,145	383,843	115

[1] Computation based on current exchange rate of 350 francs to the dollar.

Mr. WHERRY. Mr. President, I ask unanimous consent to have printed once again in the RECORD tables which appear

on page 11450 of the RECORD of August 1, 1950. It is a list of the exports of ECA participating countries to eastern Europe, which was previously inserted in the RECORD by the junior Senator from Nebraska.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Exports of ECA participating countries to eastern Europe, fourth quarter 1949 and first quarter 1950

[Thousands of dollars]

Commodity	Austria		Belgium/Luxemburg		Denmark		France		Greece		Germany		Iceland		Ireland	
	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter
Bread grains						18	0						0	0		
Oils and fats		(1)	259	687	(1)	2,620	7	(1)	3	6	253	(1)	0	0		(1)
Sugar				13			0						0	0		
Meat			48	2		284	5				2		0	0		
Milk products				5		233	0						0	0		
Tobacco						2	0		742	668			0	0		
Fish—fresh, frozen, or smoked, dried, canned						670							1,842	1,173		
Eggs						1	0						0	0		
Coarse grains						1,835	0						0	0		
Oilcakes, meal, other feeding stuffs						2	95						0	0		
Fertilizers	1,504		111	1,216			197				11		0	0		
Dyestuffs	2		198	388		55	0				889		0	0		
Raw materials for plastics	4		629	2		33	0				231		0	0		
Refined liquid fuels and products	0		11	22		12	88						0	0		
Raw materials for steel and iron products (pig iron and ferro-alloys)	661					5	2				1,858		0	0		
Crude and semifinished steel and hot finished steel and end products	6,979		2,549	791		53	3,099				3,825		0	0		
Raw wool			1,181	2,254		5	599				39		2	0		
Natural fibers (except cotton, wool)			1,149	1,779		48	29						0	0		
Artificial fibers, continuous filaments	167		1,305	1,184			358				24		0	0		
Softwood: Sawn timber except sleepers	514			1			0						0	0		
Pitprops	223						0						0	0		
Pulpwood							0						0	0		
Newsprint	347						0						0	0		
Other paper, board and wallboard			13	4		21	20				65		0	0		
Leather	568		29	66		1	149						0	0	1	
Generators, motors, electrical machinery	1,024		1,392	1,406		243	813				1,204		0	0		
Nonelectrical machinery	1,154		2,474	2,276		1,690	3,069				6,465		0	0		
Transportation equipment	865		976	192		83	2,863				2,255		0	0		
Manufactured leather (except fur)	1		13	14		4	3				13		0	0		
Zinc ore							0						0	0		
Anthracite and hard coal			101	154			0						0	0		
Coke (except petroleum coke)			581	108			0				1,770		0	0		
Brown coal briquettes							0						0	0		
Aluminum primary metal	134						0				16		0	0		
Copper metal, unwrought			502	920			0						0	0		
Lead primary metal			313	162			0				33		0	0		
Zinc primary metal			615	210			0				4		0	0		
Cotton fabrics							196						0	0		
Raw hides and skins (except 7140)							1						0	0		
Sulfur							0						0	0		
Tracklaying and wheel tractors							132						0	0		
Rubber manufactures							522						0	0		
Pulp	220												0	0		
All other commodities	9,426		5,627	5,746		4,400	9,484		803	557	7,879		122	316	46	
Grand total	23,793		20,077	19,603		12,318	21,731	18,694	1,548	1,231	26,836		1,966	1,489	47	

Commodity	Italy		Netherlands		Norway		Portugal		Sweden		Switzerland		Turkey		United Kingdom	
	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter
Bread grains									0	129					0	
Oils and fats	15	13	1,001	631	(1)	(1)			1,527	778	(1)	(1)	(1)	(1)	120	(1)
Sugar			862	72					0						0	
Meat		1							14	44					3	
Milk products		5	5	113					207	46					0	
Tobacco	1,245	932		1											8	
Fish—fresh, frozen, or smoked, dried, canned			453	568					998	382					862	
Eggs			7	11					39	128					0	
Coarse grains	7														0	
Oil cakes, meal, other feeding stuffs	104		7	78						0					0	
Fertilizers															34	
Dyestuffs	66	261							1	1					316	
Raw materials for plastics	17	30	168	126					34	58					283	
Refined liquid fuels and products	572	233	289	368					174	79					154	
Raw materials for steel and iron products (pig iron and ferro-alloys)	25	27	211	63					3,199	1,458					53	
Crude and semifinished steel and hot finished steel and end products	1,210	2,491	705	263					2,638	1,343					3,046	
Raw wool			0					56							386	
Natural fibers (except cotton, wool)	2,126	682	518	393					50	3					3	
Artificial fibers, continuous filaments	1,906	1,189							23	66					11	
Softwood: Sawn timber except sleepers										1						
Newsprint		36														
Other paper, board, and wallboard	82	50	13	1					388	491					20	
Leather			8	28											56	
Generators, motors, electrical machinery	2,117	3,979	752	1,007					3,144	2,525					4,749	
Nonelectrical machinery	7,213	6,741	290	592					7,962	8,690					8,980	
Transportation equipment	1,577	1,161	2,016	343					208	483					2,316	
Manufactured leather (except fur)		2	89	23					4	0					16	

1 Not available.

Exports of ECA participating countries to eastern Europe, fourth quarter 1949 and first quarter 1950—Continued

[Thousands of dollars]

Commodity	Italy		Netherlands		Norway		Portugal		Sweden		Switzerland		Turkey		United Kingdom	
	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter	1949, fourth quarter	1950, first quarter
Zinc ore	625	544							67	0					0	
Anthracite and hard coal															1,358	
Coke (except petroleum coke)			456	43											493	
Brown coal briquettes															0	
Aluminum primary metal															0	
Copper metal, unwrought															0	
Lead primary metal															0	
Zinc primary metal															0	
Cotton fabrics	283	387													680	
Raw hides and skins (except 7140)							2								0	
Sulfur	256	288													3	
Tracklaying and wheel tractors	125	635							56	39					717	
Rubber manufactures															809	
Pulp									421	733					0	
All other commodities	6,675	7,209	10,287	11,023			499	317	3,897	4,063					14,023	
Grand total	26,246	26,897	18,137	15,747	11,615	8,255	501	373	25,050	21,541	21,135	14,016	12,057	3,651	39,497	42,532

Source: Fiscal and Trade Policy Division.

Mr. WHERRY. Mr. President, if this matter were to be considered on a purely dollars-and-cents basis it would be nonsense to deprive our industries of the Russian market, while letting their competitors in Great Britain and the other countries take over that market. Is that not true? But this is not a dollars-and-cents proposition at all. This is a life-and-death matter. And there is no room for greed in this picture.

The longshoremen in New York City understand this situation very well, for they have flatly refused to unload shipments of furs and crab meat and other commodities into this country from Russia.

While that has nothing to do with this pending amendment, and is in no way affected by this amendment, it is mentioned merely to emphasize that the American people are alert.

As a matter of fact, the United States is reducing its trade to Russia to a trickle.

An Associated Press dispatch from Washington in the New York Herald Tribune for September 6, 1950, says:

> Shrinking trade between the United States and Soviet Russia now promises to dwindle to a $31,000,000 annual trickle by the end of this year.
>
> Commerce Department officials made that forecast today after President Truman reported last week the United States is pressing friendly countries to tighten upon strategic shipments to the Soviet bloc.

Further on the article says that trade between the United States and Russia has—

> dried up steadily since this country early in 1948 began halting shipments of machine tools and other things which might add to the Soviet war potential, and Moscow responded by cutting back its important exports of manganese and chrome to this country.
>
> The postwar peak was the $226,000,000 total for combined exports and imports in 1947. In order of dollar value, the important remaining imports from Russia are undressed furs, manganese, and chrome, such specialty goods as caviar, crab meat and sausage casings, cotton linters and waste, Turkish-type tobacco, pine needle and rose oils, flax, and pig bristles.

Mr. President, I ask unanimous consent to have the entire dispatch printed in the RECORD at this point as a part of my remarks.

There being no objection, the dispatch was ordered to be printed in the RECORD, as follows:

UNITED STATES REDUCING TRADE TO RUSSIA TO A TRICKLE—DROP TO $31,000,000 A YEAR FOR BOTH SIDES FORECAST; DOCK BOYCOTT MAY CUT IT

WASHINGTON, September 5.—Shrinking trade between the United States and Soviet Russia now promises to dwindle to a $31,000,000 annual trickle by the end of this year.

Commerce Department officials made that forecast today after President Truman reported last week the United States is pressing friendly countries to tighten up on strategic shipments to the Soviet bloc.

The trade flow may shrink even further if longshoremen persist in their refusal to unload such cargoes as Russian furs and crab meat. The Commerce Department estimate was based on export-import figures for the first half of this year, before the dock workers' boycott started at New York, Boston and other cities.

On this basis the outlook is for a fantastic 30-to-1 trade ratio in favor of Russia, with Soviet shipments to this country valued at $30,000,000 and only $1,000,000 worth of American goods being sent directly to the Soviet Union.

Already the exchange between the world's two most powerful countries is down below the level of trade between the United States and some small Latin-American nations.

It has dried up steadily since this country early in 1948 began halting shipments of machine tools and other things which might add to the Soviet war potential, and Moscow responded by cutting back its important exports of manganese and chrome to this country.

The postwar peak was the $226,000,000 total for combined exports and imports in 1947.

In order of dollar value, the important remaining imports from Russia are undressed furs, manganese and chrome, such specialty goods as caviar, crab meat and sausage casings, cotton linters and waste, Turkish-type tobacco, pine needle and rose oils, flax, and pig bristles.

Small shipments of chrome and manganese, which are indispensable in hardening certain types of steel, are still coming in. The 1950 total is expected to reach between 50,000 and 70,000 tons—a fraction of the imports of 3 years ago, when Russia was a major source of American supply. Since the cold war increased in intensity, the United States has shifted to other foreign sources.

Mr. WHERRY. Mr. President, it will be observed that the article says the President is—

> Pressing friendly countries to tighten up on strategic shipments to the Soviet bloc.

But it carried the phrase which has bobbed up all too frequently in our recent legislation, notably, in the recent Defense Production Act. I refer to the phrase "insofar as practicable."

Mr. President, at this point I wish to read in my remarks a provision of the basic ECA law. It is Public Law 472 of the Eightieth Congress, and I shall read from section 117 (d):

> The Administrator is directed to refuse delivery insofar as practicable to participating countries of commodities which go into the production of any commodity for delivery to any nonparticipating European country which commodity would be refused export licenses to those countries by the United States in the interest of national security—

And so forth. I read that, for the reason that the ECA Administrator has not interpreted that section of the law, as making the same prohibition against the shipment of such materials by the countries which are the recipients of ECA aid as the Secretary of Commerce has made against the shipment of such materials by American exporters. The Administrator of ECA has absolutely failed to deny ECA aid to those participating countries which ship strategic materials to Russia and her satellites, although he has the power to do so. Therefore, Mr. President, it is necessary for the Congress to amend this measure so as to require that the Secretary of Defense define what are strategic materials, and then make it mandatory that no country which is the recipient of ECA aid may export to the satellite countries or to Russia materials thus defined as being strategic materials.

Mr. KEM. Mr. President, will the Senator yield for a question?

Mr. WHERRY. I am glad to yield.

Mr. KEM. I should like to ask the Senator if the evidence is not clearly to the effect that unless something is done about this matter, the British shipments

to Russia will skyrocket between now and the end of 1951.

In that connection, I invite the attention of the distinguished Senator to the dispatch from London dated August 29, which the Senator placed in the CONGRESSIONAL RECORD on August 30, appearing at page 13814. I read from the dispatch:

The first orders for heavy machinery which the Soviet purchasing agents placed 2 years ago, just after the treaty was signed, are now just beginning to be completed, and the heavy shipments are about to begin.

Mr. WHERRY. I had reference to that. Of late, many articles on that subject have appeared in the press. Those articles show that there will be a definite tendency for the shipment of such materials to Russia or to the satellite countries to skyrocket unless some restriction is imposed.

In view of the statement made by the distinguished junior Senator from Missouri, in the course of which he quoted articles appearing in the press and articles by research workers, it is obvious that the shipments to which he has referred will continue to increase. Therefore, Mr. President, I say the sooner the United States Congress makes mandatory the imposition of such a prohibition, the better off the United States will be.

I have discussed at some length with the junior Senator from Missouri the advisability of offering this amendment to the pending internal security bill, for we did not want to bring in an extraneous matter. To my mind this legislative proposal is just as important as any provision of the bill as reported to the Senate. We are talking about stopping communism in the United States, and today we are trying to stop communism in Korea.

Why should we aid the enemy there by permitting them to receive, through the satellite countries, war-potential shipments from the ECA-recipient countries. These very materials will come back at our boys in the form of bullets, tanks, and guns.

Certainly, Mr. President, the place to incorporate such a provision is in the bill which is before the Senate at this time. I hope no Senator will oppose adding such an amendment. It is obvious that in our own interest and in order to provide for the safety of our own country, we must require the ECA countries to observe the same requirements which we make of our own industrialists, namely, not to ship war materials to Russia or to the satellite countries. What we ask in this connection, Mr. President, is only reasonable. It is only common sense in the administration of the ECA Act.

From time to time, Senators interested in this matter have made inquiries of the executive branch as to what they were doing to carry out the provisions of the ECA Act, and they have been told that the executive branch was working on that matter. But, Mr. President, as the Members of this body and as all the relatives and friends of the boys fighting in Korea can well see, the flow of war-making materials to the Soviet bloc continues. Inasmuch as the administration announces that it is in favor of putting an end to such shipments, certainly, Mr. President, action by this Congress in taking out the "if's," "but's," and "insofar as practicable" phrases, should be helpful in making a hard and fast rule to stop such shipments of strategic and war-making materials to Russia and the satellite countries.

Unless that is done, it is quite plain by now that little can be expected to avoid the possibility—in fact, the probability—that some of the war material that now is going to the Soviet bloc from countries that we are helping to support, through ECA, will come back at our troops in the form of bullets or tanks or wire entanglements or weapons.

Mr. President, there is no sound ground upon which the shipment or transshipment of strategic war materials to the Soviet bloc can be justified. I confidently believe that the Senate holds that view.

Here is an article which appeared in the Wall Street Journal on September 6, 1950:

ALLIES SHOULD BAR ALL MACHINE TOOLS FROM RUSSIA, SAYS BERNA—INDUSTRY SPOKESMAN ASSERTS ANY TYPE CAN BE USED FOR WAR-WEAPONS PRODUCTION

CLEVELAND.—Any machine tool can be used in armament building and therefore all types, not merely a select list, should be barred from Soviet-dominated countries by England and West Germany, Tell Berna, general manager of the National Machine Tool Builders' Association, declared here.

The reply of Prime Minister Attlee to Winston Churchill that England is not shipping machines of strategic importance to Russian-dominated countries, he said, either reveals an incredible ignorance of machine-tool uses or is a "political cover-up."

"You cannot say that a certain machine is to be used for tractors and therefore will not be used for tanks. All machine tools, of whatever category, have their place in production for war. Recognition of this basic premise is the only sound foundation for the determination of policy regarding sales to Russia and her satellites," said Mr. Berna.

"According to Mr. Attlee," said Mr. Berna, "exports of machine tools 'regarded as of key importance for strategic purposes' were stopped 18 months ago, except in the case of contracts already concluded before that date.

"The fact is that any engineer, for that matter any workman in a metalworking plant, knows that all machine tools, of whatever nature, are used in war production. The withholding of a few types of machines merely gives lip service to the problem. In fact, the types withheld can be built on the machines received."

But aside from these facts, he asked, "Why are British shipments of these very machines still continuing on contracts concluded prior to 18 months ago?"

"Two and a half years ago the United States Government stopped shipments of all types of American machine tools to Russia and satellite nations, even though these machines had been built in fulfillment of contracts concluded before that time," he declared. "Meanwhile, England continues to ship not only quantities of machine tools which Attlee says will not 'damage essential defense needs,' but in addition keeps right on supplying the Russians with machines of the very types which he himself states are 'regarded as of key importance for strategic purposes.'"

Here is an article which appeared in the New York Times for September 6, 1950. It came from Hong Kong. The headline says:

British bar fuel bound to Formosa—Hong Kong refuses clearance for United States aviation gasoline—Higher levels study ban.

Mr. President, I do not want to take the time to read the entire article, but I ask for its complete insertion in my remarks following the few lines that I expect to read. I read the following:

British authorities here have banned the shipment of 1,000 drums of United States aviation gasoline to Formosa. The Hong Kong government thus extended to Nationalist-held Formosa the same restrictions now being applied on the export of key strategic items to the Communist-held Chinese mainland, assuming a position of neutrality on this score notwithstanding the fact that United States cargo was involved.

The aviation gasoline had been scheduled to leave last Friday for Formosa aboard the Flying Dragon, Panamanian flag vessel, but the ship sailed without the gasoline because it was unable to get export clearance for the fuel cargo. Efforts are being made to reroute aviation gasoline through some other Far Eastern port to Formosa where users of the high octane fuel include United States military planes, the Chinese Nationalist Air Force, and the Civil Air Transport Co., commercial air line in which Maj. Gen. Claire L. Chennault, retired, plays a prominent part.

Mr. President, I ask unanimous consent that the remainder of the article be printed in the RECORD at this point as part of my remarks.

There being no objection, the remainder of the article was ordered to be printed in the RECORD, as follows:

According to reliable sources, the matter is being studied further on higher levels in both Washington and London. The action involves not only the shipment of gasoline but also such items as aviation spare parts.

Hong Kong government's refusal to clear aviation fuel for Formosa underlines the caution with which it is dealing with the Chinese Communists. Although London has recognized the Communist regime in Peiping, the latter has not grasped at the opportunity for full-fledged diplomatic relations with the British and the Hong Kong situation is still regarded here as delicate.

The Communists recently have been conducting an intensified propaganda campaign against the British in Hong Kong charging that British planes, ships, and soldiers have repeatedly overstepped colonial boundaries and intruded on the territory of China. The Communists also have accused British officials of beating up and humiliating Chinese Nationals in restricting immigration into Hong Kong, and persecuting Chinese residents by banning more than 30 people's organizations.

Meanwhile, various shipping concerns are taking steps to extend the colony's commercial dealings with the Communist mainland by reestablishing the Pearl River service between Hong Kong and Canton. During the past several days four coastal vessels have proceeded to Canton on trial runs. Communist purchasing agents still are active in Hong Kong and trade with China continues at a brisk rate.

The monthly statement of the Kowloon-Canton Railway released here today disclosed that the tonnage carried over its route in August was the highest for any monthly period since the end of the Japanese war. The railway formerly operated a through service between this colony and Canton. Since the Communists took over, south China passenger trains have been operating from both ends only as far as the border, but

freight trains sometimes make the through run.

The railway statement said goods and tonnage carried in August amounted to 35,193 tons. It listed the principal items sent to China as iron bars, galvanized iron wire, galvanized iron sheets, steel plates, iron hoops, machinery parts, crude rubber, rubber tires, medical supplies, auto parts, chemicals, and sugar. Goods that arrived by rail here, it added, consisted mainly of wood oil, beans, tea, hemp, bran, some pigs and poultry.

Mr. WHERRY. Taking the New York Times story at its face value, it raises many interesting questions, especially in view of the admonition of Gen. Douglas MacArthur that the United States make certain that Formosa never falls into the hands of an unfriendly power.

But more directly to the point on the matter involved in the pending amendment, the attention of the Senate is called to this part of the New York Times dispatch from Hong Kong:

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Attention is especially called to the report that the principal items sent to China—Communist Moscow directed, controlled, and dominated China—were iron bars, galvanized iron wire—could that be for barbed wire fences against our boys in Korea?—galvanized iron sheets, steel plates, iron hoops, machine parts, crude rubber, rubber tires, medical supplies, auto parts.

And what did the British get in return for supplying the Communist imperialists with war materials?

Why, the story says, they have received wood-oil, beans, tea, hemp, bran, some pigs and poultry.

Oh, how valuable these will be in the event the predatory bear decides to move on Europe.

Of course, Great Britain needs some pigs and poultry and other foods, but let us be sensible about this matter. It is time to fish or cut bait.

Mr. KEM. Mr. President, will the Senator yield for a question?

Mr. WHERRY. I am glad to yield.

Mr. KEM. Did not the British also receive from Russia crabmeat and furs, which the longshoremen's union in New York refused to permit to be landed in this country?

Mr. WHERRY. Yes. I referred to that earlier in my remarks. It is also directly in point here, and I am glad the Senator mentioned it again. But that was the point I made earlier in my speech. I showed that America was becoming alert to the situation. The prohibition should have been made, and the direction given a long time ago. As we are now about to close this session, the only other means I know, is for the Senate of the United States to make it mandatory that the responsibility be placed squarely upon the shoulders of the Secretary of Defense and upon the ECA Administrator, without "if's," "and's," or "insofar as practicable's."

Let the Secretary of Defense define what the strategic materials are. Then let the ECA Administrator prohibit the countries which are recipients of the American taxpayers' money from sending those products into Russia or her satellite countries. To me it is only common sense. The article I just read mentioned the sending of strategic materials into Communist China. Where do they get their barbed wire? The answer is, they get it from iron, from steel products, from materials of war. There it is—and all we get in exchange is a supply of poultry and pigs.

It is not the intention of the junior Senator from Nebraska to go over the whole field of international relationships and foreign policies, including the matter of ground forces for South Korea, to join the United States in carrying out the United Nations' directive, although that is a topic which should be discussed on the floor of the United States Senate.

But, it seems to the junior Senator from Nebraska that we can at least use common sense with our own money and our own resources, and see that they do not go to countries which, in turn, are supplying our enemy.

Regardless of the merits or demerits of building highways and irrigation projects and other long-range peacetime projects for British interests in Africa, or for French colonies, in parts of the world far remote from the predatory Russian bear, it seems to the junior Senator from Nebraska that the least we can do to guard our own American taxpayers' money is to see that our boys fighting and dying in Korea, and possibly threatened with the same fate in other parts of the world, do not have some of the war materials that are being transshipped into Russia and her unwilling satellites flown back to kill and maim them.

Who is there to say that the Congress has no right to say how the money that it appropriates shall be spent?

Congress has full power to do so, and it is its responsibility and duty to act and see that the objectives of the original ECA Act, the first authorization, are carried out. The Administrator has failed.

It was the plain intent of this Congress that the countries who were being supported by the American taxpayers should at least do the decent thing, and not pass along war materials to our potential enemies, even though these foreign countries may sympathize with the socialism of Russia and China, and even though they may approve of the manner in which the Moscow-directed Communists have seized control and domination of China, our long-time ally.

Historically, the foreign policy of the United States was basd upon equal justice to all. Our country stood for principles that were applied even-handedly everywhere, and our country has been respected because it has stood for what is right and fair. We have sought no territorial or other advantage in any part of the world. All we wanted was peace and fair dealing among nations.

Now, it seems, some of the great nations of the world do not care how countries are taken over, whether by outside fomented internal revolution or by direct aggression, such as occurred in China. Their only interest, it seems, is the money they can get out of the situation.

It is time that some of these matters be threshed out, and we find out where we stand, so that we may better prepare ourselves for come what may.

This is a responsibility the junior Senator from Nebraska belives this body has no intention of shirking.

Certainly the great body of public opinion in Great Britain that is represented by Winston Churchill will be gratified by adoption of this amendment. The last election in Great Britain indicates that Winston Churchill does represent a very substantial proportion of the population.

Mr. President, I have here an article from the New York Times of September 6, 1950, carrying the headline, "London Seeks End to Tools Exports; Ponders Puzzle of Halting War Potential for Soviet and Avoiding Welshing Taint." I ask unanimous consent to have this article inserted at this point in my remarks, and I wish to say, in commenting upon it, that the pending amendment offers a solution for the problem which the British feel confronts them.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LONDON SEEKS END TO TOOLS EXPORTS—PONDERS PUZZLE OF HALTING WAR POTENTIAL FOR SOVIET AND AVOIDING WELSHING TAINT

(By Raymond Daniell)

LONDON, September 5.—The British Government is seeking a way out of its more embarrassing contracts with the Soviet Union. These call for the delivery of machines and machine tools in payment for the timber and grain that the Russians have supplied already as their part of the bargain under the trade agreement of 1947.

In the light of the present international situation, these old contracts have become a political liability for the Labor Government. Not only is United States pressure being brought to bear to void them, but the Conservatives have seized upon the anomaly of this country's supplying potential war material to a potential enemy as a convenient stick with which to belabor the Labor Government.

It is quite evident that a change of policy is indicated, but what it is to be is still under discussion by the Cabinet. Two considerations are foremost in the Government's approach: First, it wants to get out of an embarrassing predicament at home and abroad;

second, it wants to do so in a nondiscriminatory way and in a fashion that will not look like welshing.

EMBARGO A POSSIBILITY

One suggestion that is receiving serious consideration is that Britain might declare that in the present circumstances, all that her factories produce is needed for home defense, and then requisition all machines and machine tools now in existence or in process of manufacture.

This would be in line with the policy adopted to prevent the flow of oil from Hong Kong to Communist China. There it was decided that the supplies on hand were only enough to meet the needs of the armed forces, and an effective embargo was thus established on exports.

Some consideration is being given to a plan for limiting all exports by license to friendly countries, but this presents the obvious difficulties of supervision and control of reshipment.

SHIFT IN TENSES SEEN AS CLUE

As first reading, Prime Minister Clement Attlee's speech of last Saturday seemed to preclude any drastic revision of policy regarding export to the Soviet Union. This policy has been far more liberal than that of the United States. It was forcefully affirmed afterward that such controls as existed for machine tools provided so many loopholes that machines suitable for boring heavy ordnance were still being exported.

However, those in the confidence of the Prime Minister say that almost unnoticeable changes in tense in the relevant parts of his radio speech should not be overlooked.

These changes are interesting and perhaps significant. On the subject of shipments already made, he said:

"These exports have not affected injuriously either our home or export requirements."

Then he switched to the present tense, saying:

"We are watching all these matters with close attention."

Next, he used the future tense:

"Moreover, we shall not allow such exports to damage essential defense needs."

Within that structure of changing tenses lies a justification of past performance and the possibility of a new policy, provided that a formula can be found that will preserve Britain's reputation as an honest trader and at the same time avoid a too obvious appearance of discrimination against any one nation or group of nations.

Mr. WHERRY. Mr. President, the junior Senator from Missouri, the senior Senator from Virginia, as well as the junior Senator from Nebraska, and other Senators, including the Senator from Nevada [Mr. MALONE], were consulted respecting this amendment. They are satisfied that it is workable and should be effective in maintaining consistency in our foreign policy, with its administration under a rule of reason. It should result in effectively closing leaks of war materials to our enemies in Korea and to potential enemies elsewhere. We should be glad to have other Senators, who care to, sponsor the amendment.

It will greatly improve the morale of our fighting forces in Korea, and of our people in prosecuting the war to a victorious conclusion.

Mr. President, I urge the adoption of the amendment. I am sure it is directed only in the right way and that, if it is administered with reason, it will place squarely upon the shoulders of the Secretary of Defense the responsibility for defining strategic materials useful to the enemy in prosecuting the war; it will make mandatory that the ECA Administrator deny economic assistance to those countries who ship such materials to Russia and her satellites.

Certainly, if we impose such prohibition and restriction upon exports from the United States we should make a similar prohibition against shipments to satellite countries by those countries receiving ECA funds paid for by the taxpayers of America.

Mr. KEM. Mr. President, I shall not detain the Senate very long in a discussion of the amendment which has been offered by the Senator from Nebraska on behalf of the Senator from Virginia [Mr. BYRD] and myself. I think the Senator from Nebraska has covered the subject very clearly, adequately, and well. I desire, however, to make a few remarks regarding the amendment.

WILL WE NEVER LEARN?

It was said of the French Royal House of Bourbon that it could never learn from experience. The present rulers of America seem to be the Bourbons of our time.

Some 10 years ago we were exporting substantial tonnages of iron and steel scrap to Japan. We did it at the instance of our own Government in accordance with its appeasement policy. Later we paid dearly for the mistake in the lives of the American boys who were blasted by this same iron and steel.

History repeats itself. Today we are repeating the follies of a decade ago. Through the Marshall plan countries we are arming Russia. But many of the mothers of America have not forgotten. Let me read from a letter received from Mrs. R. H. Daniel, whose address is 4308 Avondale Street, Dallas 5, Tex. I do not have the pleasure of Mrs. Daniel's acquaintance. Perhaps the senior Senator from Texas, the chairman of the Senate Committee on Foreign Relations, knows her. She writes as follows:

We mothers of our Nation haven't forgotten the mountains of scrap iron shipped to Japan to make bullets to kill our boys. Proclaim from the housetops until we can have honest, patriotic, awake statesmen, and now.

SITUATION IN GREAT BRITAIN

A few weeks ago we were dismayed when our boys in Korea were mowed down by Russian-made tanks that were clearly better than ours. We wondered how this could be. Now we know the answer.

On August 26 Winston Churchill declared that the British were turning out tools for the Russians suitable for the construction and repair of tanks. He said that Russian inspectors were admitted into the plant where this was going on. A day or so later, Joseph Greenwood, chairman and managing director of Craven Bros., Britain's second largest engineering firm, said his company will be tied up for many months fulfilling a £1,000,000 or a $2,800,000 order for Soviet Russia. For British firms, he said, "We cannot contribute so much as a split pin for 3 years."

In other words, Mr. President, they were so busy furnishing materials of war to Russia that they could not assist in the armament of their own country for 3 years. Unless something is done by Congress with reference to it, we shall contribute to the armament of Great Britain and to the economic rehabilitation of Great Britain by shipping millions and millions of dollars' worth of material at the expense of the American taxpayers.

On September 2 Prime Minister Attlee of Great Britain, in a fireside chat to the British people, said that Britain will not allow her sales of machine tools to Russia to damage her own defense needs.

That certainly is very reassuring, Mr President. But nowhere in his speech did he say that tools deliveries to Russia would be halted.

He later gave an interesting excuse for that situation. He said that the tool manufacturers of Great Britain were under contracts with Russia, and that those contracts had been made pursuant to an Anglo-Russian trade agreement.

That argument is pretty well answered in an editorial published today in the Washington Post, from which I shall quote only two or three sentences:

The most alarming aspect of the disclosures in regard to Anglo-Russian trade is the recent reluctance of the Labor Government to put a stop to these shipments for fear of being accused of reneging on this trade agreement with Russia. What an excuse, when Russian tanks may be killing British soldiers at this moment in Korea.

Russia's reaction certainly can be disregarded in view of the critical international situation.

Mr. President, the entire editorial is an excellent discussion of the situation, and I ask unanimous consent to have it printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AIDING RUSSIA

The unfavorable impression on American public opinion which was created by Mr. Churchill's charge that machine tools suitable for repair of tanks are being shipped to Russia has been heightened by Prime Minister Attlee's maladroit defense of the business. According to Mr. Attlee, exports of machine tools regarded as of key importance for strategic purposes were halted a year and a half ago, except in case of contracts already concluded before that date. However, as a spokesman for American machine-tool manufacturers explains, "all machine tools, of whatever nature, are used in war production * * * the types withheld can be built on the machines received." Moreover, the British are still shipping tools of high strategic value under contracts entered into before April 1948, and they also permit Russian inspectors to enter plants manufacturing these tools for the Soviet Union.

More than 2 years ago the United States stopped shipments of all types of American machine tools to Russia and her satellites. Since then this country has spent billions of dollars to assist the economic recovery of Great Britain and other western European countries, and is preparing to pour out additional billions to strengthen their defenses against Russian aggression. Consequently, when the British use scarce labor and raw materials to manufacture goods having military value for the use of a potential enemy, the United States has a right to protest.

The most alarming aspect of the disclosures in regard to Anglo-Russian trade is the patent reluctance of the Labor Government to put a stop to these shipments for fear of being accused of reneging on its trade agreement with Russia. What an excuse when Russian tanks may be killing British soldiers at this moment in Korea. Russia's reaction certainly can be disregarded in view of the critical international situation. And a country dependent on outside aid to strengthen its defenses should, as a matter of self-interest, either forego exports of strategic materials and equipment or else confine its exports of such goods to friendly nations. Since the Anglo-Russian trade deal was concluded, the world picture has undergone a transformation. Any government that continues to encourage trade expansion in these times for the sake of income, in disregard of political consequences, betrays "infirmity and disconnection of thought and action in shaping defense plans," to quote Mr. Churchill.

No doubt the Labor Government, prodded by American officials and under political attack on the home front, will take steps to halt machine-tool shipments to Russia, possibly by requisitioning them for home use. But that is a minor concession to public clamor, since Great Britain and her colonies export many other products that have high strategic value to Russia and her satellites. Unless trade in all such products ceases, Great Britain will unwittingly become an economic ally of the country against which the Atlantic Pact nations are arming for self-defense. What does the North Atlantic Treaty organization mean if the members of it cannot even develop a common policy on trade with aggressive Russia?

Mr. KEM. Prime Minister Attlee's fireside chat was delivered on September 2.

On September 5, Mr. Greenwood, in referring to Mr. Attlee's speech, said simply, "It was crazy to make the shipments."

I agree with Mr. Greenwood that it is crazy for Great Britain to be making these shipments to Russia, but it is more crazy for the United States under such circumstances to continue her gifts to Britain.

So much for the situation in Great Britain.

SITUATION IN FRANCE, ITALY, AND WEST GERMANY

Last week Tell Berna, manager of the Machine Tool Builders Association, charged that France, Italy, and West Germany, all of whom are receiving aid from the United States through its Economic Cooperation Administration, are shipping machine tools to Russia. "In Italy," he declared, "ECA helped to finance machine tool production on behalf of postwar rehabilitation. But today more manufacturers of lathes and vertical drilling machines are there than in the United States."

In other words, we have cooperated in rebuilding the machine tool industry in these countries until their production is greater than that of the United States. Then Mr. Berna asks the question: "Why? Is the Russian market the answer?"

The question is pertinent because the United States shut off shipments of American-built machines to Russia and her satellites 2½ years ago. Machine tool builders say they have discussed the flow of tools from the Marshall plan countries to the Soviet with the State and Commerce Departments, National Security Resources Board, and other agencies—without result. Apparently our Government is as complacent about these leaks to the Soviets as is Attlee's government in Great Britain.

WE MUST CORRECT OUR MISTAKES NOW

Undoubtedly the difficulty goes back to our relations with Russia when she was our ally in World War II, and to our failure in the postwar period to realize the true character of the present Government of Russia. Recently these mistakes have begun to be recognized. Their implications are appalling.

Just as we have reversed our policy of appeasement of Russia, we must now correct the mistakes we have made under the Marshall plan. We must have a definite policy with reference to giving military and other goods to countries who are shipping this material to Russia and her satellites.

The amendment offered by the Senator from Nebraska gives the Senate an opportunity to declare a sound and sensible policy.

But, Mr. President, the time is short.

THE FARMERS UNION

Mr. LANGER. Mr. President, as I said a few moments ago I want an opportunity to answer the remarks of the distinguished Senator from New Hampshire. I hold a copy of his address in my hand. By implication he has accused the leaders of the Farmers Union, not only nationally but in the States of North Dakota, South Dakota, and Montana, of being Communists, or with being members of Communist-front organizations, and he attacks the organization itself. That is not unexpected, Mr. President. Over a year ago the Farmers Union in North Dakota published a book entitled "Grass Roots." At the bottom of page 43 in the book we find an explanation of the attacks on the Farmers Union. The chapter is entitled "Postwar Reaction." It says:

The attack on the Farmers Union has taken many forms. Over the Nation as a whole it has been an attack on the alleged tax exemption of co-ops and a smear on co-ops and their leaders as being "Red."

In other words, Mr. President, call a man a Communist. If we do not like a man, or his ideas, call him a Red or a Communist. For example, if a man favors a State-owned bank, let us call him a Communist. If a man favors State-owned insurance, as we have it in my State, it is a good idea to call him a Red. In my own State, State-owned insurance has saved the people a hundred million dollars. Some persons do not like a State-owned cement plant. There is such a State-owned cement plant in South Dakota. The members of the legislature in South Dakota advocated it, and say it has been a great success. It is easy to call anyone who advocates a State-owned cement plant a Communist or a Red. The paragraph continues:

In Minnesota the attack has been centered on the Farmers Union Grain Terminal Association—and in North Dakota on our insurance activities. Whatever activity appears to be most susceptible to challenge is picked out in each situation, but there is no question but that the opposition seeks to curtail the whole Farmers' Union program—the particular issue or activity selected for attack is merely strategic.

Mr. President, the Farmers Union since its formation has been a mighty bulwark against monopoly which permitted "The Idle Rich to Wax Wealthy From the Toil of Others." Now, instead of the price of grain being controlled at 18 or 20 cents per bushel by the small coterie of capitalists known as the Minneapolis Grain Trust, the people of North Dakota through their formation of the Farmers Union are able to permit a market which allows a square price per bushel of grain to the farmer in the grass roots. The Union is assisted by many progressive owners of elevators, and particularly by the National Government itself. Because Dakota farmers had faith in the Farmers Union movement, they now have a string of elevators stretching across the great plains as concrete evidence of their achievements.

The Farmers Union is now called upon to enter into a great struggle to give the dirt farmer low-premium insurance. It is important that they supplement the work already done by the State of North Dakota in providing State-owned fire insurance on every public building, State-owned tornado insurance, and State-owned crop insurance.

We provided for crop insurance after no company in the world would write it. Not even Lloyds of London would write it. North Dakota now has crop insurance. Since no private company would write the insurance, I suppose it is to be called socialistic or communistic or by some other red name. Congress simply said, "If no private concern will do it, we will have our own Government do it."

Mr. President, it has been a glorious success. I noticed in the speech by the distinguished senior Senator from New Hampshire he very carefully attacked only the leaders, saying there were thousands of misled farmers. But I say the members of the Farmers Union are not the only ones who have been called upon by their leaders to have faith in their ideals. In Hebrews, eleventh chapter, first verse, we find these words:

Now faith is the substance of things hoped for, the evidence of things not seen.

In Matthew, seventeenth chapter, twentieth verse, it is said:

If ye have faith as a grain of mustard seed * * * nothing shall be impossible unto you.

My colleagues will remember that that text was written to an oppressed people, people who had been conquered by an alien race, a people whose lands had been confiscated, a people ruled over by judges and potentates who segregated them, taxed them without mercy and despised them. Yet they are told to have faith, and that if they maintain even so little as a mustard seed nothing shall be impossible. Some of those so addressed took heed and had faith and transmitted it down through the generations. Today that faith and that promise have borne fruit. The State of Israel is a reality and a democracy. The alien empire of oppression is today only a name in history books.

We are told that history repeats itself, that the fundamentals of centuries gone by are still the same today. The fight still goes on between good and evil, between the power of the oppressor and the weakness of the oppressed, between greedy organized monopoly and poor unorganized poverty, between right and wrong.

The people of North Dakota—and I believe it is true of people all over the Northwest—are especially aware of my text today. Compare the status of the Sioux Indians with that of the Hebrews to whom the biblical text was written, and wherein will we find any difference? The Sioux, a great people, free and independent, were conquered by an alien race, they surely had their lands confiscated, they assuredly were ruled over by alien judges and potentates, who segregated them on reservations, laid down and enforced segregating rules of conduct, and despised them.

Mr. President, today there is much talk of democracy, and as I listened to the speech of the distinguished senior Senator from New Hampshire I wondered why so many people in the United States could be so blind as not to realize that the program of the Farmers Union in the Northwest, and I believe the program of the Farmers Union as laid down at their national convention for 1950 and 1951 in Denver, Colo., on March 8, last, is one of the greatest bulwarks against communism.

Mr. President, I ask that at this point in my remarks there be printed the Farmers Union program adopted by the National Convention of the Farmers Union in Denver, Colo., in March last.

The PRESIDING OFFICER (Mr. LONG in the Chair). Is there objection?

There being no objection, the program was orderer to be printed in the RECORD, as follows:

FARMERS UNION PROGRAM FOR 1950–51 ADOPTED BY DELEGATES TO BIENNIAL CONVENTION, FARMERS EDUCATIONAL AND COOPERATIVE UNION OF AMERICA, DENVER, COLO., MARCH 8, 1950

Preamble

This, the mid-century convention of the National Farmers Union, finds inspiration in the past and hope in the future. Despite our own defeats and frustrations, we have moved steadily forward on the paths of Farmers Union achievement. Despite national errors and failures, our country has moved forward to many of the highest economic and social achievements in its history. Despite its follies and tragedies of the first half century, the world now has before it the opportunity for the achievement of well-being for all men far beyond anything dreamed prior to this century.

As individuals, as an organization, as a Nation, and as a world, the choice is still ours between creation and destruction, between life and death.

In the face of the fear that is abroad in the world today, we are encouraged by the achievements of our organization since our last convention, to move confidently ahead. In this, our program, we have marked the lines along which that advance is to be made. We pledge ourselves to work ceaselessly for the achievement of the goals toward which these lines lead.

I. FARMS AND FARMERS

The land belongs to all the people of the Nation. It should be used and tended for the greatest good of the greatest number both of those living and of those yet unborn. He who works the land today stands guard over it, not alone for his own children but for the children of all Americans.

We strive to make each acre of our soil a part of a blooming and prosperous countryside. That can only mean the building of an agriculture made up of family farms entrusted to the care of families happy and secure in their stewardship. Thus, can agriculture best serve democracy.

Income and prices

The Brannan Plan

The price- and income-support program put forward by the Secretary of Agriculture is a historic advance in agricultural policy-making because it grows out of and recognizes the great truth that each group in our society depends upon all the others and that governmental programs must serve fairly the needs of all groups. Its result, therefore, would be—

(a) To promote the production in abundance of those foods and fibers most needed by the Nation;

(b) To enable more people to obtain more of these products; and

(c) To safeguard the livelihood of those who produce them.

Farm-income formula

We regard as a progressive and needed step the adoption of the program's new minimum agricultural-income formula and the level of farm income which it establishes as assuring to farmers a desirable share of the national income.

Wide coverage of products

The Secretary's proposals also protect the growers of many products who now have no protection. All farmers will welcome this change.

Soil-conservation requirement

The requirement that farmers take reasonable care of the land in return for assurance of a stable income must be a part of any sound long-time farm program.

Production payments for perishables

We stand firmly for the principle of production payments advocated by the Secretary as a means both of maintaining a stable income to agriculture and of affording reasonable prices to consumers. Only through production payments can producers of perishables receive equitable treatment. We believe that such a system is readily workable and that not only will its cost be no more in dollars than that of other proposed programs, but that the public will get more for each dollar expended.

Family farm limits on support

Above all, the Secretary for the first time has laid before the American people a practical way of placing the power of Government on the side of the family farmer.

Commodity unit system

We commend him in the highest terms for his courage in asking Congress to adopt the commodity unit system whereby the often expressed wish of Congress to aid family farmers can be made a reality.

As agriculture slides ever more rapidly down the economic scale toward disaster, the need for action becomes imperative. We urge immediate adoption by Congress of the Secretary's proposal.

One Hundred Percent Parity Act of 1949

We commend the national officers of the Farmers Union for their vision and leadership in working out and presenting to Congress the One Hundred Percent of Parity Act of 1949.

One hundred percent support for family farm income

In particular we affirm our wholehearted support of the commodity unit system which would limit full income support to an appropriate and fair family farm income level.

Support for all commodities

Likewise we also affirm our support of this bill's insistence that the producer of any farm product be given equal treatment with the producer of any other farm product.

Secretary equalizes support levels

For the full and successful operation of these phases of a support program it is necessary that the Secretary of Agriculture be given the authority to make adjustments in support levels as between various commodities.

Extension of production payments to storables

Furthermore we mandate our officers to work for the adoption in such legislation of a production payment system that will apply to storable as well as perishable commodities, supplemented wherever necessary or desirable by the use of commodity loans, purchase agreements, direct purchases, or such other existing support devices as are available.

Advance notice of support level

Farmers need to know well in advance of crop seasons and breeding time, the return per unit which can be expected, and the production goal desired, regardless of the type of farm program under which they are operating.

Revise Production Controls

Throughout the development of national programs for agriculture, Congress has evaded its responsibility in the drafting of fair and just production control laws. We now demand that Congress correct these errors by the adoption of a law which will—

Minimum and graduated cuts for small farmers

(a) Establish a fair minimum to protect the small producers of any crop from having their income cut to intolerably low levels; and to provide that the reduction in acreage above such minimums to small farmers be on a graduated annual basis;

Production unit minimums instead of acreage allotment

(b) Provide that such minimums be expressed in terms of commodity units rather than acres in the operation of acreage allotment programs;

Marketing quotas for large operators

(c) Provide for the application of marketing quotas to large-scale operators who refuse to comply with production programs, so that they will not be able to disrupt those programs.

Crop Insurance

We continue our support of universal, level-premium insurance against all production hazards with automatic participation by all farmers sharing the benefits of such program.

A grass-roots program

For the successful operation of these programs we strongly advocate a thorough-going reorganization of the Department of Agriculture. Such a reorganization should be so designed as to build a direct channel of administrative and policy communication between farmers' committees at the grass roots and the Secretary of Agriculture in Washington.

Farm committee control

This channel should be the sole administrative line of action in the operation of the action programs of the Department, and all commodity, research, conservation, or other services should be purely advisory in character.

Production agreements

Along with this reorganization of the Department should go the establishment of a

strengthened and revised system of farmer committees which would have as a principal aim the fullest possible use and expansion of the production agreements so successfully used in recent years.

Coordination of farm programs

The farmers' committee system should be made more responsive to the needs of farmers. The function of the local committee should be so broadened as to include responsibility in its area for all action programs of the Department. In some instances there are statutory difficulties to this arrangement, as in the case of soil conservation district boards of supervisors. For purposes of coordination, farmers' committees should include members representative of the programs for which it has no statutory responsibility. The object is to give farmers one committee to deal with instead of many.

Farm agencies and farmers

To further this same objective, all Government agencies with which the farmer deals should be housed together, with an integrated office force so that the farmer may be referred directly to the agency dealing with his particular request.

Individual farm plan

We remain convinced that a permanent, sound national farm program must ultimately be built upon the use of the individual farm plan as the most satisfactory means of adjustment. In the light of that conviction we urge that improvements in the farm committee system be made with the view to the establishment of such a program.

Making use of abundance

Failure to solve the problem of distributing the abundance we can produce is a dangerous cancer in our economic body.

Ever-Normal Storehouse

We must end the waste of our substance that has cursed national farm programs from their beginning and today threatens their very existence. To that end, we propose the expansion of the ever normal storehouse into a comprehensive instrument for making full use of all food and fiber produced by American farmers. We advocate the building up and maintenance of strong and adequate reserves of every commodity which can be stored and the development of cooperative processing, refrigerating, and other services required to expand the coverage of the ever normal storehouse to commodities which it now cannot adequately handle.

REA-type storage program

As a first step in the attainment of this objective, we propose the establishment of a Nation-wide cooperative storage and processing system modeled along the lines of the cooperatives established by the Rural Electrification Administration.

We specifically recommend the administrative agency of such a program be instructed to make 100 percent facility loans to cooperatives for constructing or acquiring storage and processing facilities at proper and suitable locations.

We further recommend that Commodity Credit Corporation enter into storage agreements on grain storage facilities to extend over a much longer period of time than the present 3-year period, guaranteeing the use of not less than 75 percent of the total storage space in such facilities.

Storage for use—not for price control

We strongly urge that the ever-normal storehouse now, and in the future, not be operated as a price maintenance device, but as a medium for insuring the fullest possible use of the supplies accumulated in the granary.

Increasing consumption

The ever-normal storehouse should be supplemented by the use of all available practical devices for effective use of agriculture's tremendous productive capacity. Among these are—

(a) School-lunch programs;

(b) Direct distribution to private and public institutions;

(c) A food-allotment program that will insure low-income people receiving and consuming not less than a minimum standard of diet for health;

(d) Assistance to needy people abroad;

(e) Industrial use of surplus not needed for good nutrition here or abroad. This applies particularly to substandard foodstuffs; and

(f) Release of stored commodities as needed for export or for an improved diet and other domestic needs.

CCC marketing policy

We believe it is the function of the Commodity Credit Corporation to stabilize marketing of farm products. However, we urge that in acquiring, storing, and disposing of commodities through loans, purchases, sales, and otherwise, that the customary channels of trade be used, unless it is found these are inadequate. We recommend that preference be given cooperatives.

Cooperatives

The failure of regulatory efforts to control monopoly, which has made enormous gains in the war and postwar period, makes increasingly necessary the rapid expansion of cooperatives in America. This is required to provide a measure of protection to farmers and consumers from business administered prices and scarcities.

In the field of food processing and distribution, where the food industries have increased their take of the consumer's dollar from 44 cents to 54 cents since price control ended, cooperatives are particularly needed to narrow excessive margins. We hope that organized labor and other consumer groups will stimulate distribution cooperatives and work with a growing structure of farmer cooperatives to provide direct farmer-to-consumer processing and distribution systems which will serve as a yardstick by which to measure the justice of ever-widening margins in this field.

A moment when monopoly has reached a new high in America is no time to weaken cooperatives in any way. We shall oppose all efforts to impose an unconstitutional tax on the savings of cooperatives for patrons by classing them as corporate income. We oppose abandonment of the Federal Government's policy of a generation fostering farmer cooperatives, or disturbing the tiny income exemption given such cooperatives by subsection 12 of section 101 of the Internal Revenue Code as advocated by the National Tax Equality Association.

Research

We call for continued and expanded research to serve agriculture. We endorse the establishment of the proposed National Science Foundation. We demand that all findings of science and technology be adapted and made available to family farmers. We urge the Research and Marketing Administration undertake as a major project a study of the problems of distribution arising out of an economy of abundance.

A changing agriculture

Tremendous changes in the structure of agriculture must be faced in the years ahead. These changes may result in the destruction of all that is most valuable in farming as a way of life or they may lead to immeasurable strengthening of those values which we as Americans hold dearest. In this situation, there is no choice as to the course Farmers Union people must take. We must strive to see to it that the changes subtract from human suffering and add to human dignity.

Trends in agriculture

In the years immediately ahead, we face a major crisis in the relationship of people to the land. Unless the Nation takes drastic steps to preserve the family farm pattern in agriculture, this most desirable of American economic units will almost disappear in many areas. The crisis will be caused by a combination of factors. We fear that it will be necessary in the future agricultural programs to require drastic reductions in cultivated acreage of many crops. Along with these cuts will go a pressure for a shift from types of production employing numerous hand laborers to types of production requiring few. Mechanization and other forms of technological advance will displace other farm people. Concentration of the control of land in the hands of the few will add to this toll of displacement.

Meeting adjustment needs

These prospective adjustments can be turned to the advantage of the Nation and especially to the advantage of the family farmer if action is taken now to divert these trends from destructive to creative channels.

The kinds of action that must be taken should be aimed, on the one hand, at a sensible provision for the useful employment of human beings who otherwise will become charges of society, and, on the other hand, at the construction of an agriculture composed of economic family farm units that will yield the most prosperity to the most persons.

Conservation works program

We propose to meet the former problem by providing two major Federal programs. One of these would be the establishment of a Nation-wide conservation works program. Such a works program would offer employment at prevailing wage rates but at not less than the minimum wage to those persons in agriculture who are underemployed by reason of the conditions described above. Those employed in the conservation works program would supplement their earnings from farming by the performance of greatly needed conservation work either on their own farms or those of neighbors.

Retraining program

For those who face the prospect of total displacement from agriculture, we urge the establishment of a retraining program that would equip them for nonagricultural occupations. Such a program should seek both to enable these citizens to attain a better standard of living than they would attain without such training and to make them more valuable, more productive members of society.

Production adjustment loans

For those remaining in agriculture, the primary objective should be to establish them as family farm operators living on and working their own acreage. The first step in this adjustment must be the development of a new type of credit, in the form of production adjustment loans. These loans, made directly by the Federal Government at low rates of interest for a period of not less than 10 years, should be confined to the specific purpose of enabling farmers to shift from the production of less needed to more needed commodities. Wheat farmers in high-risk areas and cotton farmers, for example, under such a type of credit would be afforded the necessary capital and operating funds with which to shift into dairying, beef production, or other types of production now more urgently required by society.

Economic family farms

In addition, the Government should develop into a large-scale program the present obscure provisions of law authorizing farm-enlargement loans and it should establish a new program for the purchase of large farms as they come onto the market and the subdivision of those farms. The objective in each of these programs would be the establishment of as many economic family farm units as possible in as short a period as possible.

Graduated land tax

As a practical and realistic tool to discourage excessive land holdings and to encourage family-type farm ownership, we urge a graduated land tax.

Rented farms

If a farmer rents, it should be under a sound tenure system. This would include automatic renewal of leases, provision for adequate notice of termination, compensation to departing tenants for unused value of improvements to soil and buildings, and minimum standards of housing and improvements on leased farms.

Extension-Farm Bureau separation

Congress and the American people are given a distorted view of the desires and positions of farm people on legislative issues by the existence in agriculture of an organization which is heavily membered by businessmen and supplied a major portion of its farm members lists through work and pressures of employees of a Government agency.

Further payment of Federal funds to any State extension service should be forbidden until affirmative showing is made that all extension workers in the State are confining themselves to their public duties and are not doing Farm Bureau work and chores. Such misuse of public funds is wholly indefensible. The resulting limitation of extension service assistance to a small membership group instead of all farmers violates all democratic principles. The present session of Congress should enact necessary corrective legislation.

Farm credit

All existing sources of farm credit, both public and private are inadequate to serve the needs of a family farmer.

Farm Credit Needs

To promote sound economic family-type farm units, adequate low-cost, long-term variable payment credit facilities should be made available for purchase of land, sufficient modern machinery, and foundation herds, modern housing, conservation practices, production and marketing facilities. Loans should be made on noninflated values based on productiveness, for proven farming ability and good character, and where needed and desirable, at substantially full value. Such credit may be private, cooperative, Government insured or Government sponsored. But to be ample and make the program operative, Government must provide available funds to supplement other forms of credit when they fail to meet the needs.

Farmers Home Administration

We urge immediate expansion of the functions and operations of the Farmers Home Administration as the agency offering the model pattern of credit and application of credit for the welfare of family-type farm operation. We urge liberalization or removal of restrictions that at present severely limit its ability to serve the complete needs of qualified present and prospective family farm operators.

Farm Credit Administration

The Farm Credit Administration, amply financed, should be an essential supplement to other forms of credit. We will oppose all efforts to impair the effective functioning of the Farm Credit Administration and will seek vigorously to shape it toward more effective functioning in its field of activity.

Public appraisal services

Public appraisal services should be available for all types of credit.

II. EMPLOYMENT AND PRODUCTION

The Nation remains without an action program for full employment and production. The Employment Act of 1946 has made a healthy start in the right direction but it provides only the mechanism for planning. As the clouds darken on the economic horizon, it becomes increasingly clear that only action by the Federal Government can assure to business, labor, and agriculture the confidence that is essential to continued prosperity. The healthy functioning of a genuinely free enterprise system must remain our principal aim, and governmental action, however drastic, should have as its ultimate aim the strengthening of that system.

The Farmers Union view of the economic system

We believe in the preservation and strengthening of a genuinely free enterprise system which adapts itself continuously to the common good.

We believe in the encouragement of private enterprise, particularly small business, home, and family farm ownership.

We believe that cooperatives are an integral part of the free enterprise system and should be preserved and strengthened to perform those tasks which they can best accomplish, emphasizing that they too must serve the common good.

We believe that government should take whatever economic action is necessary in the performance of those tasks for the common good which cannot or are not being performed by private enterprise or by cooperatives.

The economic outlook

The most ominous sign for our economy is the decline in farm income, a decline which must be halted and replaced by an upward trend through the measures we have advocated elsewhere in this program. Other signs point unmistakably, however, to possible future trouble. Among these are the severe contraction of investment expenditures, the complex consequences of a great coal strike, the prospective decline in expenditure on foreign-aid programs, and the failure of business to use its tremendous profits of recent years either to increase wages and buying power of its workers or to reduce prices to buyers. None of these elements necessarily forecasts a major depression. Nevertheless, it is clear that early aggressive action by Government will be needed if full confidence is to be restored.

We firmly believe that such action should be aimed not only at averting immediate trouble, but at the establishment of a mechanism that will insure, so far as is humanly possible, continuous and expanding prosperity.

Reconstruction Finance Corporation

To that end, we call upon Congress to adopt such proposals as those put forward by officers of the Farmers Union last year for the conversion of the Reconstruction Finance Corporation into a gigantic instrument of national prosperity and stability. Through the system of loans proposed at that time, it would be possible for the Nation to make sure that annually, the rate of investment and construction expenditures remains at a level high enough, other things being equal, to insure full employment and production. That system also would correct steadily and rapidly the regional imbalance whereby much of the country, particularly in the South and West, pays tribute to the holders of capital concentrated in a small sections of the Nation. We are convinced that this imbalance contributes as much as any other factor to the recurrence of panics and depressions. Likewise, the loans that would be made under these proposals also would attack another creator of scarcity and depressions—monopoly. These loans should be made in a deliberate attempt to end concentration of controls in any line of industry or business.

Public works

In preparation for use as needed, a shelf of public works should be kept continuously available. Public-works construction should never be conducted haphazardly as a means of providing employment without regard to the necessity for the structures or to the order of priority in which they should be built. The maintenance of an adequate shelf of blueprints would avoid this.

Restraints on monopoly

The growth of monopoly has accelerated in the last decade. In addition to the proposals above, we demand that the Government wage relentless war through every means at its command against this growth. Actions under the Sherman and Clayton Acts should be more vigorously prosecuted. The Federal Trade Commission should press more vigorously toward the enforcement throughout industry of the laws against restraint of trade which it was established to enforce. Every agency of the Federal Government concerned with antitrust enforcement should be provided with greatly increased funds and personnel. Criminal penalties rather than mere fines should be invoked wherever possible to insure compliance.

We unreservedly condemn the attacks on the public interest by monopoly groups in recent years, particularly those in which these groups have brought pressure to bear on Congress to reverse, in effect, antitrust and related rulings of the Supreme Court. We note with satisfaction the Court's findings in the base-point pricing cases and reject any proposals for legislative action in this field. Similarly, we denounce the attempt of the oil interests to seize the tidelands reserves, an asset which clearly belongs to the people of the Nation.

Federal budget and taxes

Dominating the economic scene is the size of the Federal budget. We are persuaded that the matter of economy and of exact balance between income and outgo in the Federal budget is of far less importance than its management. Such reductions as are made in the budget should be primarily in military expenditure, not only for reasons of peace and international amity, but also because such expenditures are far less productive and of far less benefit to the economy than others made by the Federal Government. We approve the present method of carrying the national debt and strongly oppose the proposal to shift to the Federal Reserve Board the responsibility for the fixing of interest rates on public issues. Such a change would result in an increased interest rate which not only would greatly increase the burden of the debt, but would be especially injurious to farmers because it would inevitably raise the carrying charge of every farm debt and mortgage. Any such change, furthermore, would render increasingly difficult the correction of inequities in present tax laws as well as threatening the security and welfare programs of the Government because higher interest rates would increase the pressure for additional revenue and for cuts in essential services. We stand, on the contrary, for easing the taxing burdens of those in the lower brackets by increasing sharply the exemptions they now enjoy, and for the imposition of corporation taxes that would encourage the rapid distribution of earnings to stockholders.

Labor

Just as the income of farmers must be stabilized and safeguarded in the national interest, so must that of labor. Only if the buying power of these two great mass segments of the population is protected can the Nation expect to forge ahead in prosperity. We, therefore, urge that the power of the Government be invoked to insure that real collective bargaining be reinstated, expanded, and extended to every area of the country and to every line of industry. The first step in this process must be the repeal of the Taft-Hartley Act, a return to the provision of the National Labor Relations Act,

and the strengthening of the latter both legislatively and administratively. We call further for the extension of coverage of the minimum wage law to all laboring groups now excluded, and in particular, we seek its extension to include farm labor.

III. CIVIL LIBERTIES

In the fight for human freedom victory cannot be achieved at the expense of human freedom.

For the Bill of Rights

Perhaps the most alarming development since our last convention is the spread of fear and uncertainty among the people. The rising tension created by the so-called cold war and by the mysterious and frightening developments in technological warfare has been heightened by an increasingly severe attack of nerves in some quarters of Government. This trend must be reversed or we face years in which the traditional freedoms of America, embodied in and symbolized by the Bill of Rights, will be increasingly endangered.

We, therefore, feel deeply that both in Congress and the executive branch, sober good sense rather than hysteria should guide the actions of officials in any cases touching upon civil liberties. We call upon Congress to put an end to such un-American activities as the denial to witnesses of the traditional rights of accused persons, and such other practices as have carelessly endangered the reputations and careers of hundreds of American citizens.

The civil rights report

The provisions of the report of the President's Committee on Civil Rights which strengthen civil liberties should be put into full effect at the earliest possible date. The establishment in full vigor of these provisions already is long overdue.

We deplore the continuation in peacetime of so gigantic a Military Establishment as the United States now maintains. We take this position not only on economic grounds, but because the existence of so large a military class is always a threat to civil government. On the same grounds, we restate our opposition to universal military training and to further extension of the Selective Service System.

IV. PEOPLE AND RESOURCES

What we do with our resources will determine what we are as a Nation.

Soil and forest conservation

Reckless dissipation by the United States of irreplaceable natural resources continues at an alarming rate. We oppose emphatically this course and call upon Congress to act now to map a long-time program based upon the needs of the people and the life expectancy of these resources. The first step toward the creation of a wise national policy should be the establishment of an impartial commission of leaders in American life charged with the duty of recommending to Congress the precise measures to be undertaken to assure the use in the public interest of all remaining reserves of gas, oil, minerals, timber, and other related resources.

Finally, we urge the speeding up of action, private and public alike, to halt erosion and to rebuild the soil.

Resources development

There should be a thorough Nation-wide reorganization of the agencies of Government dealing with the conservation and development of resources in America.

We urge particularly two steps:

1. Transfer of the civil functions of the Corps of Army Engineers to the Department of Interior and merger of the Army functions there with those of the Bureau of Reclamation in a new development agency.

2. The creation of valley authorities, patterned after the Tennessee Valley Authority, in the major watersheds of the Nation. Currently, we advocate creation of the Columbia Valley Administration, and the Missouri Valley Authority. Others should follow. We favor the St. Lawrence seaway project.

We oppose further authorization of large new development projects by Congress until resources development agencies are reorganized and basic national policies, particularly in the water-resources field, are clarified. This can and should be done within a year. Agencies of government have now confessed that enormous wastes are inherent in the Pick-Sloan Missouri-basin plan because of short water supply. Action by Congress to assure priority for soil and forest conservation and basic replanning of water use in this basin program is imperative at the present session of Congress.

Resources inventory

The present Congress should order an extensive survey of the land and resources of America to provide data necessary to sound development planning. This should include a basic land inventory, water, mineral, forest, wildlife and energy resources surveys.

Fertilizer

Plant food in the United States is in short supply and excessively expensive. We favor Government development of phosphate production in the West and stimulation of production of all needed basic plant foods by use of liberal credit programs, construction and leasing or sale of plants, preferably to cooperatives, or other necessary measures. We urge vigorous action to end monopoly and price fixing in the existing fertilizer industry.

V. PARITY AND LIVING

Farmers must be full citizens of the cultural democracy as well as the political democracy.

Full citizenship for farmers

It is in the interest of all the people of the Nation and of our democracy itself to establish parity of living conditions for rural people. Farmers must have equality of opportunity and equality of services such as schools, medical programs, housing, roads, electricity, and telephone. Income parity alone is not the answer to the problem of parity of living for farmers. Of primary significance to farm people themselves and to the Nation as a whole, is the provision in rural areas of comprehensive, progressive and adequate educational opportunities and medical care. The existence of rural slums is not an economic matter alone, for it results annually in the addition to the population of millions of undereducated and unwell citizens. Rural areas furnish proportionately by far the greatest number of children. The Nation could advance its level of literacy and physical well-being more rapidly by ending the evils of ignorance and illness in agriculture.

Education

Federal aid to education

Adoption by Congress of a Federal aid to education bill is more urgently required with the passage of every year. We renew our insistence that Congress adopt this measure and include in it the authorization of very liberal funds. Improvement of school housing is still urgently needed. In part, this need has not been met because of faulty planning of construction program. We advocate additional effort, both Federal and local, to bring adequate school facilities within reach of every child. This can be achieved only by careful planning of future programs of school construction.

Rural education workshops

We advocate the holding of many rural education workshops, which will bring together community leaders, education leaders, and other people who can help to overcome the present school crisis. These workshops must develop ways and means to improve rural schools.

Financial aid to students

We believe that every young person has the right to the opportunity to a college or vocational school education. This opportunity must be made secure by a financial aid plan, similar to the present program for financial aid to World War II veterans.

Responsibility of Farmers Union locals

Farmers Union locals have the responsibility of leadership in improving rural schools. They should study the school situation in their local communities. They should take an active interest in local school board elections. Farmers Union members should prepare themselves to be qualified school board members, and should run for election to school boards.

Rural health

National health insurance

The overwhelming national interest in a healthy people makes it inevitable in this day that the Government move strongly and aggressively to bring adequate medical care to every citizen. We, therefore, reiterate our wholehearted endorsement and support of the national health insurance program proposed by President Truman soon after he took office. We believe firmly that this program will go far toward making Americans the healthiest of all peoples and that in so doing, it will not infringe in any way upon desirable doctor-patient relationships. We further believe that the system of financing, proposed for this program will be relatively modest in its demands upon the people, both as income earners and as taxpayers. We call upon Congress for immediate adoption of the program.

Expanded medical training

The national health insurance program, for its complete success, should be supplemented by other governmental actions. Notably, public aid is required to stimulate the training of sufficient doctors and nurses to meet the needs of the people. The medical profession is unable to meet the demands made upon it even now when care is woefully inadequate. With the expanded opportunities for care afforded by the health-insurance program, the need will become critical.

Medical cooperation

We commend those leaders in Government and in private life who have battled valiantly to obtain the enactment of such a program in the face of widespread misrepresentation, and we condemn the campaigns waged against such leaders by short-sighted groups. In particular, we condemn as unworthy of a great profession, flagrant, open activities of the American Medical Association in forcing its membership to contribute to a slush fund to be used to oppose the program. We call upon doctors themselves to repudiate such tactics and to lend their support to a great public undertaking. Without their cooperation, neither the President's program nor any other adequate national health program can be successful.

Voluntary health insurance

Pending the establishment of a national health insurance program, we approve of the work being done through voluntary association to improve medical care.

Hospital construction

We seek continued active promotion of the hospital construction program and the expansion of appropriations by Congress to carry on that program.

Public health

The splendid work of the public health service has been seriously limited by lack of

funds, and Congress should remedy this deficiency.

Hospital maintenance

It is urged that maintenance and operation funds be provided. Many hospitals are being built today without adequate provision for operation, and will be inefficient or fail unless public assistance is provided. Questions of financing, maintenance and operation of hospitals now in effect in Canada and other foreign countries might well be examined in developing such financial plans for this Nation.

Soils and health

There should immediately be adequately financed programs of research on the relationship of soils to health. Soil scientists have clearly demonstrated that animal and human ills, including degenerative diseases can be caused by deficient soils and factors passed from soils to vegetables to animals and to men. Our knowledge of this new field which offers possibilities for the prevention of many human ills is in its beginning. It should be developed as rapidly as science can do the job and made available to the public, regardless of any opposition from groups with a selfish interest in ill health.

Rural housing

We commend the rural-housing provisions of the National Housing Act passed last year. We urge Farm Home Administration to administer it liberally and urge Congress to appropriate sufficient funds to make possible the elimination of substandard rural housing as speedily as possible.

Roads

The Farmers Union urges the adoption of a road construction program to bring streamlined all-weather highways and roads to all family farms, through a coordinated system of Federal, State, county, and township roads. Federal aid should be increased to make this possible.

Rural Electrification Administration

Rural electrification is making magnificent strides toward our goal of a fully electrified rural America. With unemployment rising and economic activity declining, Congress can well increase loan authorizations for this program. Such authorizations should include ample generation and transmission fund loans to free REA systems of power supply shortages and provide them with facilities adequate to their prospective future growth. Planned construction of generating facilities by both the Government and private power companies is not keeping pace with power requirements in most areas and can well be stimulated by REA plants.

We oppose the distribution of equities or shares to REA patrons in any way which would make possible their acquisition and the control of an REA project by private interests.

The rural telephone program

The rural telephone program needs to be expanded rapidly. Liberal loan authorizations should be made by Congress to assure minimum delay in reaching farms with this essential service.

We urge the appropriation by Congress of a special fund for research by the Rural Electrification Administration. This research should be devoted to providing more economical equipment, engineering and methods of establishing rural communication facilities.

Recreation

A well-rounded rural life requires a provision of adequate recreational facilities. These include parks, playgrounds, day nurseries, well-furnished meeting halls, indoor and outdoor recreational opportunities and local noncommercialized recreation projects for all. Courses in recreation should be made available and required for all rural teachers. Similarly, opportunity for access to libraries, to training in arts and crafts, participation and enjoyment of dramatics should be broadened. We urge the adoption by Congress of a bill which would make a start on the provisions of a Nation-wide system of bookmobiles, or traveling libraries, that ultimately would make good books available to all farm people.

We advocate the expansion and strengthening of our system of State and national parks and forests.

Churches and rural life

The increased interest of various church groups in the family-type farm and in the improvement of rural life is most encouraging to us. Religious influence has a major role in the improvement of family farm living. The unique spiritual values of living on the land must be preserved.

Social security

Again we call upon Congress to adopt legislation broadening the coverage of the Social Security Act in strengthening its provisions. In particular, we advocate the extension of the act to include farmers and farm labor. As matters now stand, farmers are in a position of helping to foot the bill for benefits paid to many other groups under this law while receiving no benefit from it themselves.

VI. WORLD AFFAIRS

The big new bombs are making brothers of all men. The choice now lies between brotherhood in life, or brotherhood in death.

The United Nations

The United Nations remains the hope of the world. There is no reason to believe that any alternative to the UN could be equally successful in a confused and divided world. In the past 2 years, UN has moved forward slowly but steadily, despite the trend toward a division of the world into two warring camps. The UN, particularly through action by the General Assembly, has made notable advances. In the doubt and confusion of the world at large, these advances sometimes have been minimized. But, if they are viewed together in perspective, they afford great encouragement. The settlement of the Palestine issue, the successful fight of Indonesia for independence, the adoption of the Charter of Human Rights, and many other achievements prove this.

Independence for all peoples

American history and the best in our tradition urges us to sympathy for, and understanding of the aspirations of other peoples everywhere for freedom and independence. It is our strong conviction that our Government should reflect this attitude in its diplomacy.

The FAO moves forward

In the face of limited funds and lukewarm support in some quarters the technical agencies of the UN also have made progress. In particular, the Food and Agriculture Organizations has justified the faith of the Farmers Union in its value. We commend FAO for the vigor with which it has consistently sought to solve the basic dilemma of our society in which surplus foods and hungry people are allowed to coexist. We also applaud its progress in bringing information to the farmers of the world and its active leadership in developing the blueprints for the advancement of underdeveloped areas of the world.

The UN and world government

Despite this record of world progress, the pace of the advance remains too slow. We reaffirm our deep conviction that the United States has the greatest responsibility among the nations of the world for consistent cooperative action with the other nations, and for the abandonment of unilateral activity in world affairs. Our responsibility is greatest because our power and opportunities are greatest. We, therefore, urge that our Government take the lead in the speedy development of the UN into a constitutional world government of defined and limited power.

United Nations agencies

We further urge that more adequate funds be made available to the FAO, the International Labor Office, the UN Educational, Scientific, and Cultural Organization, and the World Health Organization. Additionally, we advocate a change in the charter of the International Bank for Reconstruction to convert it from an institution conducted on pure banking principles to an instrument for world reconstruction and improvement. Congress should ratify the charter of the International Trade Organization. Despite the fact that this document is not so strong as would be desirable, it represents a definite step toward a free international flow of goods and services. Again we endorse the Reciprocal Trade Agreement Act and urge that the removal and lowering of barriers to international trade be hastened.

Surplus food and hungry people

We approve strongly the action of our officers in working toward the adoption of the FAO proposal for an international commodity clearing house as a start toward the solution of the problem of making full use of the world's production of agricultural supplies. We believe firmly that the solution of this problem is basic to the solution of the world economic problem generally. We will not rest in our efforts to solve this problem.

World Farm Organization

We regard the past year of work of International Federation of Agricultural Producers and its last conference as the most successful in that organization's history and particularly approve its insistence to all governments that means must be found both to protect the income of the farmers of the world and to improve the living standards of all people everywhere.

The point 4 program

The proposal of the President for United States leadership working through UN channels, in the building up of the underdeveloped areas of the world offers the most hopeful alternative yet advanced to the continuation of a world tension that daily threatens the outbreak of the most frightful of all world wars. We regard this proposal, made in the President's inaugural address and now known as the point 4 program as a stroke of the highest statesmanship. To use President Truman's words, if this "bold new program" is really bold and really new, it can change the spiritual climate of the world within a few years. We endorse pending proposals to carry out such a program, with special emphasis on the need for working under the guidance of the UN. We regard these proposals as pitifully limited in comparison with the need, both from a selfish national economic point of view and from the point of view of the general welfare of all peoples. We are convinced that the United States should embark now upon such a program on a comprehensive scale. We urge the administration to press vigorously for the enactment by Congress of legislation that will authorize a program of this size and character.

Displaced persons

The United States should continue a generous policy on entry to displaced persons, and the administration of the law should be improved so that those entering are satisfactorily placed and given an adequate start in becoming citizens of a new country.

Atomic energy

The decision of United States to proceed with the production of the so-called hydrogen bomb has imposed upon this Nation a

moral burden and responsibility even heavier than that imposed by the manufacture and use of the first atomic bomb. The question whether these incredibly powerful sources of energy are to become instruments of race suicide or a means for the achievement of mankind's golden age is the one question that dominates the world today. It is clear that the future, not only of the United States but of all peoples hangs upon the answer to the question. We believe that disarmament in this respect and in all others must begin at once, and that the key to atomic disarmament lies in action through the UN for the destruction of all bombs, an end to further work of any kind in the development of these weapons, and the simultaneous imposition of a rigid control and inspection system.

On the other hand, we believe that the expenditures of even greater size than are now being made for all atomic research are more than justified for speeding up both pure and applied research into peacetime uses of atomic energy. Under no circumstances should the control of the fruits of such public research and development be allowed to fall into private hands.

VII. BUILDING FARMERS UNION

The National Farmers Union is approaching its golden anniversary—its half century birthday—as the recognized spokesman of family agriculture in the United States, vigorous, growing and true to its trust.

Founded in 1902, the Farmers Union attained a million members before World War I, declined in the war and postwar years, but was carried forward by men and women of determination and vision until a decade ago, when a resurgence occurred and Farmers Union again began to move forward and upward.

Today the Farmers Union membership is 250 percent of 10 years ago. Today Farmers Union Cooperative activities are many times those of 10 years ago. Today we have an established national educational program from the small beginning of a decade ago. Today Farmers Union legislative influence is at new high levels.

We are all custodians of this resurgent family farmer movement. The Farmers Union has redeveloped much, but great tasks lie ahead. In the 2 years remaining before our golden anniversary we must rapidly complete the foundations upon which our organization can attain full development in its second half century, leading agriculture in America to our goal of security for farm families on the land in an economy of abundance.

Organization

We challenge our membership to double member rolls by our golden jubilee convention in 1952. It can be done if all Farmers Union officers, leaders, and members, will truly exert themselves to the utmost to do the job.

The Farmers Union program today is known and endorsed by farmers throughout the land who await only the opportunity to become members. That opportunity can be extended directly by members among their neighbors. It can be extended to farmers in unorganized areas through our State and national organizations by making funds available, through regular membership and cooperative channels, and the budget fund.

We urge every State organization to conduct golden jubilee membership campaigns in 1950 and 1951. We direct the National Farmers Union to lead in such a campaign in territorial divisions and unorganized States to the fullest extent of its ability and resources.

Education

The year 1950 marks 20 years of junior and adult education in the Farmers Union. The purpose of the Farmers Union educational program is to make every farm man and woman an alert well-informed rural citizen. It is also our purpose to fit every farm youth for the responsibility of citizenship and to develop rural leaders among young and old.

Just as we believe in the family farm as the basis for our agriculture, so must we maintain our Farmers Union as a family organization with the entire family as active, working members.

We urge recognition of our youth as full voting members, participating in all phases of the organization. Serving as elected or action officials will keep up the interest of this group of members.

The national convention heartily endorses the following activities, now being carried on by our educational program:

1. Discussion and training in local meetings concerning the problems of family farmers.

2. Leadership and training and youth education through:

(a) Intensive study of vital subjects such as cooperatives and citizenship, for a whole year, in uniform study projects.

(b) Summer camps for young people, on both a State and national basis.

(c) Special conferences of leaders.

(d) Work and leadership in conventions.

(e) Workshops designed to explore such subjects as rural health and rural education.

3. The distribution of Farmers Union literature of many kinds on many subjects.

4. Visual education using charts, movies, and slides.

5. Action projects in writing, public speaking, and farm-family living.

6. Recreation and rural culture through attention to this important phase of local programs, and through developing leadership for group recreation.

7. Exchange of students, between rural groups and labor, minority and other groups; also other nations.

Award insurance

We especially commend the work done by the education department and insurance department in making insurance available to all juniors and reserves completing their Farmers' Union studies. This award insurance has stimulated much interest in the Farmers Union and has made it possible for many young people to carry insurance and become acquainted with this business activity of Farmers Union.

Training institute

We commend the cooperation between the National Farmers Union and its insurance companies in planning a coordinated program of insurance, organization, and education in a 4-months Farmers Union training institute.

This will consist of 1 month of training and studies at Farmers Union headquarters and 3 months training in the field. We urge the regional cooperatives and the State unions to give two types of support to this program: financial support through the provision of scholarships and by making jobs available at the end of the training period.

Grand Lake project

The National Farmers Union has acquired a tract of land in the Grand Lake area of the scenic Colorado Rocky Mountains.

We recommend that steps be taken through Farmers Education Foundation and such other means as are feasible, to develop this property into a recreation and vacation spot for Farmers Union members.

Cooperatives

A pattern for Farmers Union cooperatives, closely bound to the parent farm organization and supporting it, has been outlined in our 1948 and previous National Farmers Union programs. We readopt our past recommendations in regard to dues check-off, educational funds, and other practices and standards.

Every cooperative flying the Farmers Union banner should support the educational, legislative and cooperative promotional program of the Farmers Union as a matter of obligation for use of the name, as well to hasten attainment of the objectives of our total movement.

Farmers Union cooperatives should be closely integrated. Ties from local to regional level should extend to the national level, with local, State and regional cooperatives working together to achieve fully coordinated marketing programs reaching to consumers or their cooperatives, and national supply operations which will extend to the production of raw materials and manufacturing. The recent squeeze on independent and cooperative refineries by crude oil producers is only new proof that cooperatives must cover their whole field—from raw materials to farmer-consumer—to be safe from the depredations of monopolists.

We commend the wise and fruitful use which has been made of the National Farmers Union Service Corporation and membership activities. The establishment of cooperative services in connection with membership drives, which has been developed through National Farmers Union Service Corporation has proved successful and should be widely used. We recommend to all Farmers Union members who have funds to invest that they invest in the securities of this Farmers Union auxiliary organization. Their money will then earn not only normal monetary returns, but will also pay high dividends in the development of our movement.

We urge every member of the Farmers Union to patronize every Farmers Union activity available to him with every dollar of his patronage.

Political and legislative activity

Farmers Union legislative activity is increasingly fruitful. We have reaped rich returns from our investment in this field. The defeat of America's greatest trust—the telephone monopoly—in the last session of Congress was a seemingly impossible undertaking a few years ago. Yet it has been defeated and adequate communications are in sight for farm people.

The adoption of the Employment Act of 1946, establishing a new national full employment policy and responsibility, will be of inestimable value to the farm people of this Nation through all years to come. The adoption of this law was the direct result of Farmers Union initiative and activity. The fact that the pending proposals of the Secretary of Agriculture for income support and for strengthening of the family farm are being seriously considered and are moving toward adoption is a signal achievement worth many times our annual legislative expenditure.

Our vigorous espousal of family farmer legislative proposals and objectives is increasingly winning our organization attention, respect and support.

We recognize, however, that our legislative efforts must be fortified with political action. Family farming must be defended at the ballot box. Candidates must be judged, elected or defeated on a basis of their records in light of the Farmers Union program or our legislative efforts will be hampered.

We urge every Farmers Union member to study the records of all office seekers, without partisan or personal bias, and use their votes to advance the farmers union program through the election of favorable candidates.

Political information

We direct our organization, national, State, county and local, to continue and increase dissemination of such political information as voting records, to the end that our leg-

islative work be backed by millions of ballots.

In order that our membership as well as other citizens may be better informed as to their actions in Congress and in order that the legislative processes may be modernized, we advocate the installation of an electrical voting system in the National Legislature and the broadcasting by radio of its proceedings both on the floor and major committees.

Mr. LANGER. Mr. President, I shall mention some of the headlines. After the preamble we find:

1. Farms and farmers.

Here we have two paragraphs about farms and if the program advocated had been carried out in other nations, there would not have been all the revolutions which have occurred in foreign countries. I read:

The land belongs to all the people of the Nation. It should be used and tended for the greatest good of the greatest number both of those living and of those yet unborn. He who works the land today stands guard over it not alone for his own children but for the children of all Americans.

We strive to make each acre of our soil a part of a blooming and prosperous countryside. That can only mean the building of an agriculture made up of family farms and entrusted to the care of families happy and secure in its stewardship. Thus can agriculture best serve democracy.

Compare that with what I have seen in some other States, where one would see 70,000 acres owned by one corporation of a foreign country in one State that I went to. In State after State I found in a single ownership areas of land containing as many as half a million acres. I repeat, surely it was not the intention of the forefathers that such a condition should prevail in the case of fertile land, 40 or 80 or 100 or 160 acres or half a section of which can support a family and support it well, giving a family a good livelihood, giving the farmer, who may be a veteran, a chance to work and support his family.

I remember that during World War II we passed a law in North Dakota providing that any land belonging to a veteran that had been taken for taxes should not be sold until after the veteran's return, and such sales were held up. But if a veteran comes home in any of the large agricultural States and wants to buy a farm, and wants to buy machinery with which to farm his land, is it possible for him to do so, even under the very fine laws which have been passed in Washington by Congress?

In the first place, a good farm is worth fifty or one hundred or one hundred and fifty or two hundred dollars an acre. If a farmer wants to buy farm machinery, he will find that a good combine costs more than $5,000. Yet when once the farmers get together and organize, when fifty or a hundred veterans get together so that they can farm together and own a combine together, they are smeared and it is said they have joined the Farmers Union. By insinuation and innuendo this organization, the Farmers Union, is smeared as a Red organization.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. LANGER. I yield to the Senator from South Dakota.

Mr. MUNDT. The junior Senator from South Dakota was detained at a committee meeting, so did not hear the address of the Senator from New Hampshire, to which the Senator from North Dakota has been referring. Did the Senator from New Hampshire allege that the Farmers Union organization, or that certain Farmers Union leaders, were Communists?

Mr. LANGER. He stated that certain Farmers Union delegations were Communists, and he referred to them by name.

Mr. MUNDT. Did he mention the national leaders, or were they the leaders of certain State organizations?

Mr. LANGER. He mentioned both the national leaders and some of the State leaders.

Mr. MUNDT. The junior Senator from South Dakota is rather familiar with the activities of the Farmers Union in his own State of South Dakota. The last National Farmers Union leader I have ever known personally was Mr. Ed H. Everson, of St. Charles, located in my State of South Dakota. He was several times elected national president of the Farmers Union, and I can testify to the fact that he is a sturdy American, and does not have a Communist hair on his head.

I do not know personally any of the present national leaders of the Farmers Union. I know nothing about whether they are or are not connected with any Communist-front organizations or any Communist groups, but I can say, so far as the Farmers Union in my own State is concerned, I think I have known all the State presidents of the Farmers Union of South Dakota across the period of the last 15 years, perhaps, and they have been consistently a fine, representative group of South Dakota farmers.

It so happened that while the junior Senator from South Dakota was a Member of the House of Representatives he twice was opposed for election by Democratic candidates who were at the time, or had been State presidents of the South Dakota Farmers Union. One of them was Mr. Oscar Fosheim, of Howard, S. Dak., a loyal Democrat, and certainly not a Communist; a very fine citizen. We had a good, clean-cut campaign, and I was fortunate enough to be successful. I came out of the campaign with the same admiration for the loyalty of Mr. Fosheim as I had for him before.

A little later I was opposed in one of my campaigns for election by Mr. Emil Loriks, whom I believe the Senator from North Dakota knows, who had been the State secretary of the South Dakota Farmers Union, and was I believe once its State president. Mr. Loriks lives on a farm in Kingsbury County near Arlington and DeSmet in my State. I was also fortunate enough to defeat Mr. Loriks who ran as a Democrat. He has not a Communist hair on his head but is a good, loyal American; he is a fine farmer of our State and I am happy to consider both Mr. Loriks and his wife as personal friends.

I know the present head of the Farmers Union of South Dakota. His name is Paul Opsahl, and he too, I am sure, is a good American and does not have any Communist convictions or connections.

During the past few months the junior Senator from South Dakota has had occasion to answer a number of letters written by people of South Dakota inquiring as to whether or not the Farmers Union of our State might be communistic. As is my habit whenever I receive letters from any constituent inquiring about whether some official or individual is a Communist, or a disloyal agent, I try to get the information from the only official and adequate source available to the Members of the Senate and the House, and that is from the House Committee on Un-American Activities. I am happy to report that I have been advised the files of the House Committee on Un-American Activities disclose that there are no Communist records or connections of any kind listed against any of the leaders of the Farmers Union in South Dakota. I have been happy to so advise all those who have communicated with me about that matter.

The State Farmers Union in South Dakota has at times opposed positions taken by the junior Senator from South Dakota and has at times supported them. I have at times supported positions taken by the South Dakota State Farmers Union and I have at times opposed them. I know also that not only the leaders of the Farmers Union in South Dakota, but that assuredly the vast bulk of its membership, a tremendous majority of its membership I would say, an overwhelming percentage of it, is comprised of good loyal Americans. Even if some of the 30 Communists the FBI lists as living in South Dakota belong to the South Dakota Farmers Union it certainly does not indicate that a very high percentage of its membership are Communists. It would not be true, even if all 30 of them belonged to the Farmers Union. All 30 of them however cannot belong, because I happen to know who 5 of them are and none of those 5 happen to be members of the Farmers Union of South Dakota—they are not even remotely connected with our great farming industry.

I shall not attempt to comment on the national Farmers Union leadership, either to commend it or condemn it, because I know nothing about it from personal experience or observation or contact. I have never personally met or seen any of the present National Farmers Union leaders. I do know, however, the situation in my own State, and that our Farmers Union members there are loyal, hard working, patriotic, God-fearing men and women, and I would like to have what I know incorporated in the RECORD.

I thank the Senator from North Dakota for permitting me to make this statement on his time.

Mr. LANGER. I thank the distinguished Senator from South Dakota. The leadership he has mentioned in South Dakota is typical of that of North Dakota. I think the Farmers Union in my State has a larger membership, in relation to population, than the Farmers Union has in South Dakota. In fact

I am sure it has, because in North Dakota 37,000 families belong to the Farmers Union. J. Edgar Hoover says we have only 75 Communists in the State of North Dakota. The Farmers Union in North Dakota is an organization of 37,000 families. A speech like that given here today smearing the Farmers Union is, in my opinion, absolutely unfair and unjustified.

Mr. President, everything the distinguished Senator from South Dakota has said relative to the leadership of the Farmers Union in South Dakota is true of the leadership of the Farmers Union in North Dakota, in Montana, and in Minnesota. I know those leaders. One in North Dakota is Alec Lind, who has been a member of the State legislature, a senator. He is an outstanding citizen of our State. To say that he has the faintest slant toward communism is unfair and untrue.

I know the same thing is true of the president of the Farmers Union, Mr. Glenn Talbott. Mr. Talbott's father was a member of our legislature. Glenn is president of the Farmers Union and has been for years and years. He is an outstanding citizen of the State of North Dakota.

Now we come to the matter of the national president. The distinguished Senator from South Dakota says he does not know him.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. YOUNG. I wish to make a brief comment on the speech delivered by the Senator from New Hampshire [Mr. BRIDGES] today. I have not had an opportunity to see it or to read it. I have spent most of the day in hearings before the Appropriations Committee concerning the funds to meet the international crisis. From what I heard of the remarks made by the Senator from New Hampshire I certainly would have to take exception to most if not all. The fact that according to the FBI records we have only 70 known Communists in the whole State of North Dakota would indicate that this great organization, the Farmers Union, has probably fewer Communists in it than probably most any other big organization in the United States. The members of the Farmers Union of North Dakota are just as loyal as any people one can find anywhere.

I thank my distinguished colleague for yielding.

Mr. LANGER. I thank my distinguished colleague. I agree fully, completely, entirely, and unreservedly with every word he has uttered.

We come now to the national president, James G. Patton, who was mentioned by the Senator from New Hampshire. In April 1947 a meeting was held at St. Paul, Minn. I have a copy of the resolution adopted at that meeting by the National Farmers Union board of directors, composed of State presidents, not only the State presidents of Montana, North Dakota, and Minnesota, but all the State presidents of the National Farmers Union. Mr. Patton was one of them. I shall read the resolution. It might have been passed by the Sons of the American Revolution. The idea of calling any one of these men a Red or smearing him is, in my opinion, entirely unjustified. I read the resolution:

RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS, COMPOSED OF ALL STATE PRESIDENTS, OF THE NATIONAL FARMERS UNION, ASSEMBLED IN ST. PAUL, MINN., MARCH 23, 1947

Whereas American liberties, which millions of men have spent their blood and their lives to establish and defend are under widespread attack in the United States, and we are convinced that if the attack continues no race, no religious group, no political party, nor any fraternal, farm, labor, or commercial group will be safe from oppression, persecution, or destruction; and

Whereas our Government itself has launched a witch hunt through the Federal Bureau of Investigation, using standards of loyalty acceptable only to a politico-economic group which are inconsistent with the Constitution of the United States—a witch hunt which will inevitably result in besmirching, branding, penalizing, and oppressing many people who are guilty of nothing more than a Christian attitude toward other men; and

Whereas in the international field our Government also proposes to bypass the United Nations and to give support in various parts of the world where our cartelists have economic interests to undemocratic regimes which act in violation of every basic principle of democracy, for the purpose, we are convinced of supporting the creation of a corporate imperialism in the world more virulent and vicious than any colonial imperialism of the past; and

Whereas our Government proposes to use billions of American dollars to impose this new imperialism on the world while at home we are curtailing farm programs, and such programs as REA, school lunch, aid to disadvantaged family farmers, Federal aid of education, and development of natural resources, thus apparently preferring to force our Government's will on the American people and the world rather than to lift up democracy to a bright and shining goal for all peoples; and

Whereas farmers in America have proved repeatedly in the war that they prize their liberties and democracy above their very lives, and the Farmers Union—

Mind you, Mr. President, this is a resolution adopted by the national organization, one which has been attacked for 2 hours this afternoon on the floor of the Senate—

is committed to full support of the creation and use of the United Nations Organization as the only available democratic means to achieve and maintain world peace: Now, therefore, be it

Resolved, That the Board of Directors of the National Farmers Union hereby calls upon its national president and executive committee, its State and local organizations, and all its members, as well as churches—

Mr. President, it is a strange thing for them to call on the churches, if that organization is Communist—

fraternal, labor, commercial, and civic groups, other farm organizations, and all liberty-loving people to oppose with all constitutional means at their disposal these destructive violations of democratic rights at home and abroad, which are clearly a step toward national and world-wide corporate totalitarianism.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter written to me on April 1, 1947, by James G. Patton, president of the National Farmers' Union, transmitting these resolutions to me as a United States Senator.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FARMERS EDUCATIONAL AND COOPERATIVE UNION OF AMERICA,
Denver, Colo., April 1, 1947.

Senator WILLIAM LANGER,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: I am enclosing a mimeographed copy of a resolution on democratic liberties involving the proposed Communist hunt and our foreign policy, which was adopted by our State presidents, sitting as the National Farmers Union board of directors, at St. Paul, Minn., March 23.

Sincerely,

JAMES G. PATTON,
President, National Farmers Union.

Mr. LANGER. Mr. President, the James G. Patton who wrote that letter to me is the same James G. Patton who has been attacked here this afternoon as a Red.

Today there is much talk in high places about democracy and about the great battle now occurring between democracy and totalitarianism. Many of those who prate the loudest about democracy do not even know the fundamental meaning of the word, let alone try to practice it. Constitutional democracy in its theoretical state, Mr. President, and as the men who wrote our Declaration of Independence and our Constitution envisioned it, is the utopia of all forms of government yet known to man. It protects and aids the weak; it restrains and controls the strong. It proclaims that all men—red, white, yellow, brown, or black—are created equal and are entitled to equal rights and equal justice under the law. It gives to every adult citizen an equal voice in the selection of those who shall make the law, and, likewise, an equal voice in the selection of those who shall administer the law.

In short, Mr. President, the ideal constitutional democracy is the American way of life. Unless we believe in it wholeheartedly—not as it is today, but as it should be—unless we believe in democracy as it was originally created in this country by those who came to America to establish a new country, we shall fail of our purpose. If we carry out those original ideals, we shall have a great democracy in America.

Never before has our democracy been so seriously threatened, not by those from without, I repeat, but by those who, within our own country, cry the loudest about our democracy and about our American way of life, but actually attack it whenever it affects their profits.

Mr. President, I wish to impress upon the Members of the Senate in the strongest manner possible that our ideal democratic way of life is threatened whenever exploitation or injustice exists in our land. Our way of life is threatened whenever freedom of speech, freedom of the press, freedom of assembly, or freedom of worship is denied to any group in our land. Those are the threats which confront us today; those are the threats which are contained in the bill we are now considering.

Mr. President, I am proud of the fact that when the original Mundt-Nixon bill came before the Judiciary Committee, of

which I was a member at that time, all alone on that forenoon I had the fortitude to fight that bill in the committee. I offered amendments, and finally I submitted minority views. Those minority views were concurred in, later—within 48 hours, I believe—by four other members of the Judiciary Committee. I now ask unanimous consent to have those minority views printed at this point in the RECORD, as a part of my remarks.

There being no objection, the minority views—Report 1358, part 2—were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS (TO ACCOMPANY S. 2311)

This bill, if enacted, would constitute the greatest threat to American civil liberties since the alien and sedition laws of 1798. Like that bill, it is the product of hysteria and frantic, unthinking fear. Like that bill, it would strike at the very foundations of our democratic institutions—the right of the people to speak their minds, to hear every viewpoint on public questions, and to associate together freely to advance their common views. Like that bill, it merits the opposition of all who cherish liberty.

Under the guise of protecting our democratic institutions against an alleged threat of subversion from foreign agents who seek to overthrow our Government by coercive means, it is proposed to regiment the thinking of the American people and to impair or prevent the free exercise of constitutionally guaranteed freedom of speech and association.

It is proposed to confer on a politically appointed board vague and, therefore, unrestricted power to outlaw associations of citizens whose views and policies are considered by it to be dangerous. Under these vague powers trade-unions and other organizations which may seek to alter the status quo or oppose this or that governmental policy, by lawful means, with no evil intent, could be branded as traitorous agents of foreign governments or movements. Their members could be relegated to the position of second-class citizens—made subject to economic and social outlawry.

In the effort to avoid obliteration, voluntary associations of citizens would be compelled to conduct witch hunts to determine the views and associations of their members, to fear to express their views on any controversial questions, to encourage their members to spy and inform on each other.

It is proposed to punish as a crime mere membership in an organization which has failed to destroy itself by registering when ordered to do so, to make criminal the agreement to do any act, however innocent and lawful, which a court might find would substantially contribute to the establishment within the United States of a totalitarian dictatorship.

In the atmosphere created by this bill the American tradition of freedom could only stifle and die. That is why the trade-union movement represented by the AFL, the CIO, and the Brotherhood of Railroad Trainmen, has expressed its vigorous opposition to this bill. That is why the National Farmers' Union has opposed the principles which underlie this bill. That is why the National Association for the Advancement of Colored People and the American Jewish Congress have expressed their opposition to such a bill. That is why the American Civil Liberties Union and the National Lawyers Guild have opposed the bill. That is why the most distinguished constitutional lawyers, including those whose opinions were sought by the Senate Judiciary Committee, have said that the principles which underlie this bill are repugnant to the Constitution, which every Senator is sworn to uphold. These authorities include the late Charles Evans Hughes, Jr.; John W. Davis; Seth W. Richardson, Chairman of the Loyalty Review Board; and Zechariah Chafee, Jr., of Harvard.

What emergency can be pointed to as a possible justification for this departure from our constitutional principles which have served us so well for more than 150 years, and through two world wars? Ours is the strongest Government and Nation in the world. Does anyone seriously believe that it can have anything to fear from the continued exercise of constitutional rights by the people? Attempts to overthrow the Government, sabotage, espionage, treason, armed civilian groups, must be stopped, and proved foreign agents should be required to register. Any forcible resistance to law should be punished. Attempts to undermine the loyalty, discipline, or morale of the Armed Forces should be a crime. But all of these are now punishable as crimes, or required under existing law. This bill has no connection with any of these actual dangers, except perhaps sections 4 (b) and 4 (c), concerning the unauthorized disclosure of classified information, which have no proper place in this bill.

The political party which enacted the alien and sedition laws soon met the wrath of the people. That party was swept from the American scene at the first ensuing national election. I fervently hope that reason will prevail over hysteria in the Senate of the United States when the time comes to vote upon this measure. In that event, I am confident that Senate bill 2311 will suffer the resounding repudiation it deserves.

SECTION BY SECTION DISCUSSION OF THE BILL

Section 2. Necessity for legislation

This section makes it appear that the bill is directed solely at the Communist Party of the United States, without naming it. It amounts to a legislative finding that this party is an agent of Moscow and that it endeavors to overthrow our Government by conspiratorial and coercive tactics, and to set up a totalitarian dictatorship here under the control of Moscow. Since being a foreign agent without registering as such (and the Communist Party has not registered), or attempting to overthrow the Government by force (coercive tactics), are crimes, this section is a declaration of guilt by legislative fiat. Former Attorney General Tom Clark has said that "a statute which would define the nature and purposes of an organization or group by legislative fiat is likely to run afoul of the due process requirements. *Manley* v. *State of Georgia* (279 U. S. 1 (1929))." (Hearings on H. R. 5852, p. 424.) However obvious the truth of these proposed findings may seem to many Senators, it is a fact that the Communist Party has never been prosecuted for being a foreign agent without registering, or for attempting to overthrow our Government. Under our constitutional system people are presumed to be innocent until proven guilty before a court and jury according to due process of law.

Section 3. Definitions

Because these definitions must be considered with other criteria referred to in section 14 and they are connected with the registration sections (7 and 8) they will be discussed at a later point in this report.

Section 4 (a). Unlawful agreements

This section makes it a crime for any person—

"Knowingly to combine, conspire, or agree with any other person to perform an act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual. For purposes of this subsection, the term 'totalitarian dictatorship' means a form of government characterized by (1) the existence of a single political party, with such identity between such party and its policies and the Government and governmental policies of the country in which it exists as to render such party and the Government itself indistinguishable for all practical purposes, and (2) the forcible suppression of all opposition to such party."

This section requires proof of no overt act, or evil intent. All that need be found is an agreement to do some perfectly lawful and peaceful act which, in the opinion of a court, would, if the agreement were carried out, "substantially contribute" to the establishment of the described dictatorship. Who can say with definiteness where the boundaries lie of that vague phrase?

Would an unbalanced budget, compulsory health insurance, Federal low-rent housing, or the Brannan farm subsidy bill substantially contribute to the establishment of such a dictatorship? Some people seem to think so. What about the peaceful advocacy of socialism? In truth the answer is very much a matter of political judgment. But mere membership in or cooperation with the Communist Party, which by the "findings" in section 2 seeks to establish such a dictatorship, would seem to come clearly within the probable intent of this section, though the individual had done no unlawful act, or any act for that matter.

What is the precise meaning of the words "vested in, or exercised by or under the domination or control of"? I do not see how the average American can understand such vague or indefinite terms. But I know that it is an elementary principle of our Constitution that a criminal law which an ordinary citizen cannot be expected to understand violates the due-process clause. I also know that mere speech which is not uttered under such circumstances as to create an immediate and very serious clear and present danger to the state, or a mere peaceable assembly or association, cannot be punished consistently with the first amendment. Yet, it is clear that this section could strike at just such speech or assembly.

"A failure of a statute limiting freedom of expression to give fair notice of what acts will be punished and such a statute's inclusion of prohibitions against expressions, protected by the principles of the first amendment, violates an accused's rights under procedural due process and freedom of speech or press." *Winters* v. *New York* (383 U. S. 507 at pp. 509–510 (1948)).

Charles E. Hughes, Jr., discussing the corresponding section of H. R. 5852, said:

"Manifestly, this (the section) would include attempts to bring about such result by expression of opinions through speech or publication, or by participation in peaceable assemblies, designed to bring about changes in the Government through orderly processes of amendment to the Constitution. Statutes which spread as wide a net as that violate the first amendment." *Stromberg* v. *California* (283 U. S. 359 (1931)); *Herndon* v. *Lowry* (301 U. S. 242, 249–250, 255, 260–261 (1936)). See *Schneiderman* v. *United States* (320 U. S. 118, 137–138 (1943)).

"In addition, section 4 fails to meet the test of due process which requires that the definition of a crime must be sufficiently definite to be a dependable guide to the conduct of the individual and to the court and jury which passes upon his guilt or innocence. This is true of the critical terms * * * 'vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual' * * *" (p. 416 of hearing on H. R. 5852).

Referring to the same section Seth W. Richardson said:

"I am inclined to the view that before section 4 of the act can be deemed a proper exercise of the power of the Congress to protect the country against threatened danger,

the bill should provide that efforts to establish a totalitarian dictatorship must be accompanied by force and violence and by unconstitutional procedures." (P. 444 of hearings on H. R. 5852.)

Sections 4 (b) and 4 (c)

I have previously commented on these sections. If they were proposed as amendments to the Espionage Act, or separated from the rest of the bill, I should undoubtedly support them.

Sections 5 and 6

These sections make it a crime for a member of a Communist political organization which has registered or been ordered to do so to seek or hold nonelective office, or employment under the United States, or to seek or use a passport.

The major objection to these sections is that they apply the unconstitutional doctrine of guilt by association. People may be reduced to second-class citizenship for mere membership in a proscribed organization. The conduct or the views of the individual are irrelevant. But under our laws guilt is personal.

"Under our traditions beliefs are personal and not a matter of mere association, and that men in adhering to a political party or other organization notoriously do not subscribe unqualifiedly to all of its platforms or asserted principles." *Schneiderman* v. *United States* (320 U. S. 118 (1943), (p. 136)).

Sections 3 (3), 3 (4), 7, 8, 14 (e), and 14 (f), registration, etc.

Section 3 (3) defines a Communist political organization. The definition provided is vague indeed. We find such expressions as "some but not necessarily all, of the ordinary and visual characteristics of a political party." But how many are "some"? What are the ordinary and usual characteristics of a political party? The words "substantially dominated or controlled" are even more indefinite.

This definition is amplified and made much more indefinite by the criteria to be considered by the Subversive Activities Control Board in deciding which organizations must register as a Communist political organization, set forth in section 14 (e).

Each of the eight criteria mentioned begin with the words "the extent to which," but there is no indication of the extent that is to be deemed significant. There is no indication of the number of criteria, if more than one, that must be present to justify condemnation.

The first criterion refers to the organization's policies being carried out to effectuate the policies of the foreign government, followed by the vague terms "in which is vested, or under the domination or control of," and "direction and control of." It is not specified that there be any proof of intent to effectuate such policies of a foreign government. It is made clear that policies, another word for views, can be made the basis for branding an organization as a traitorous foreign agent whether or not these views have some connection with an effort or purpose to establish a dictatorship.

The second criterion refers directly to views and policies—the area of speech protected by the first amendment. The fact that there is an unspecified amount of similarity between its views and those of a foreign government is enough to condemn an organization, and this is true regardless of the irrelevance of those similarities to any purpose to establish a totalitarian dictatorship.

The third criterion refers to the extent to which it receives aid directly or indirectly from or at the direction of such foreign government. There is no indication whether the organization must know or have reason to believe that aid received indirectly from such source was so derived. Presumably if there are Communists in an organization, and they aid the group, and contribute funds, or pay dues, the organization could be condemned without ever doing anything which has any relation to a purpose or effort to establish a dictatorship. The whole organization could be condemned because an unspecified number of its members were or were believed to be Communists, and whether or not the organization knew they were Communists.

The fourth criterion refers to the extent to which it sends members abroad for instruction or training in the policies or tactics of the world Communist movement. It is not clear whether attendance at a public foreign international peace or scientific conference in which Communists took part would be enough to bring condemnation, or whether the purpose and intent must be to obtain instruction connected in some way with a purpose or effort to establish a totalitarian dictatorship.

The fifth criterion is substantially the same as the next preceding one, and subject to the same objections. It refers to the organization reporting to the foreign government, or its representatives. What is a report? Who is a representative? If an organization sends a representative to a public international conference wholly unrelated to a discussion of methods of establishing a dictatorship, and Communists take part, is the organization "reporting" under this section if the delegate expresses the organization's views?

The sixth criterion relates to the extent to which its principal leaders or a substantial number of members are subject to such foreign governments, etc. How many is a substantial number? What is the meaning of the words "subject to?" Obviously a minority of its members or leaders could condemn the whole organization because of their state of mind. This is true even if the organization has never done anything remotely connected with a purpose or effort to establish a dictatorship. The element of guilt by mere association is apparent.

The seventh criterion relates to the extent to which the organization keeps its membership, records, meetings, and information concerning it "secret" (another word for private), and resists efforts to obtain such information. There is no indication of whose efforts to secure information must be resisted. Keeping such records private certainly has no necessary connection with an illegal or nefarious purpose. All kinds of organizations do not publicize their closed meetings. Trade-unions engaged in organizational efforts undoubtedly keep their meetings secret in certain places hostile to union organization. In some places branches of the National Association for the Advancement of Colored People may keep their membership lists secret. Trade-unions generally have resisted disclosure of their membership lists. Minority groups which have been visited with hostility in their communities no doubt attempt to shield their members' identity. But this has no necessary connection with a purpose to establish a dictatorship.

The eighth criterion is substantially identical with the sixth criterion, the vague terms "subordinate allegiance" being similar to the words "subject to," and this criterion is open to the same objections.

Thus it is apparent that the vagueness of the definition in section 3 (3) infects, and is in turn infected by the vagueness in section 14 (e). Because of this vagueness the power of the Board would be arbitrary and unlimited. Any organization which seriously criticized the status quo could be branded as a Communist political organization, and thus destroyed. No organization could register as a traitorous agent of a foreign dictatorship seeking to establish a foreign controlled dictatorship here and could survive. Yet if it didn't register, its officers would face fantastic penalties of imprisonment. Moreover, absolutely nothing germane to the finding to be made by the Board need be proven.

Section 3 (4) defines a Communist-front organization as one under the control of a Communist political organization, or primarily operated for the purpose of giving aid and support to such an organization, or the world Communist movement. This definition is, therefore, dependent upon the vague definitions of a Communist political organization, and inherits all of that indefiniteness. In addition, the term "control" has no clear meaning. The aid given to such an organization may be wholly unconnected with the purpose of any Communist political organization to establish a totalitarian dictatorship. It may cooperate in such objectives as antidiscrimination—protection of civil rights or liberties—social-welfare legislation, and so forth.

The four criteria referred to in section 14 (f) as elements to be considered by the Board in determining which organizations must register as "Communist fronts" are on a par with the criteria in section 14 (e). They increase the vagueness rather than diminish it. There is no indication how many of the four criteria must be present. All of them begin with the words "the extent to which," without any indication of the extent which is to be deemed significant.

The first criterion relates to the number of persons active in the management, direction, or supervision, whether or not holding office therein, who are representatives of any Communist political organization or the world Communist movement. Again, a few individuals can condemn the whole group, even though the organization has done nothing objectionable, or related to a purpose or effort to establish a dictatorship. There is no suggestion that the organization or members as a whole must know of the representation or connection of the individuals mentioned. Who is a "representative"? What is required to fall within the term "active"?

The second criterion refers to the source from which an unspecified portion of its "support" is derived. This criterion is substantially identical with the third criterion of section 14 (e), and subject to the same objections.

The third criterion refers to the extent to which its resources or personnel are used to further the political objectives of a Communist political organization. Again, there is no requirement that the organization have any intent or purpose to further such objectives. There is no suggestion that the objectives furthered must be connected with a purpose or effort to establish a totalitarian dictatorship. The mere similarity of some political objectives would be enough to bring condemnation and destruction upon an organization.

The fourth criterion refers directly to the identity of some positions adopted by it on matters of policy with some policies adopted by a Communist political organization. The penalty for views held is here clearly expressed. There is no indication that these views must in some way be related to a purpose or effort to establish a totalitarian dictatorship.

Thus it must be said that here, too, an organization can be destroyed on the basis of vague and irrelevant standards, for the mere exercise of the constitutionally guaranteed rights of freedom of speech and association. On the basis of such standards, individuals can be blacklisted and their means of livelihood destroyed, their social relations disrupted. Over and above the penalties visited upon the organizations and individuals affected, is the far-reaching interference with the right of the people generally to hear every viewpoint, and the pervasive threat of denunciation which would be made to hang over every group of dissenters—and it has been said that we are a nation of dissenters.

These are the definitions upon the basis of which the registration provisions in sections 7 and 8 operate. They make the registration requirements the most dangerous and far-reaching abridgments of freedom of speech and association and of due process of law thus far seriously considered in the Senate of the United States, for they would permit the board, to be created under section 13, a mere politically appointed commission, operating according to loose administrative procedures, to dictate what organizations could continue to exist, what views could be propagated, and to deprive citizens of the ordinary rights of other citizens, on the basis of mere membership in a proscribed organization. Under our democratic system of government, no board or commission can or should be granted such a power to dictate political orthodoxy.

As Mr. Justice Jackson has said:

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *West Virginia State Board of Ed.* v. *Barnette* (310 U. S. 624 (1943)).

Indeed, the requirement of registration as a condition to the exercise of freedom of speech has been held to violate the Constitution.

"As a matter of principle a requirement of registration in order to make a public speech would seem generally incompatible with an exercise of the rights of free speech and free assembly. * * * If the exercise of the rights of free speech and free assembly cannot be made a crime, we do not think this can be accomplished by the device of requiring previous registration as a condition for exercising them and making such a condition the foundation for restraining in advance their exercise and for imposing a penalty for violating such a restraining order. So long as no more is involved than exercise of the rights of free speech and free assembly, it is immune to such a restriction." *Thomas* v. *Collins* (323 U. S. 516 (1945) at pp. 539-540).

It is no answer to the demonstration of persuasive vagueness in this bill, that it is believed that the Board will exercise good judgment, and use its power wisely.

"Proof of an abuse of power in the particular case has never been deemed a requisite for attack on the constitutionality of a statute purporting to license the dissemination of ideas—it is not merely the sporadic abuse of power by the censor but the persuasive threat inherent in its very existence that constitutes the danger to freedom of discussion." *Thornhill* v. *Alabama* (310 U. S. 88, 1940, at p. 97).

In this connection the statement of the Supreme Court in *Stromberg* v. *California* (283 U. S. 359 (1931)) is worthy of note:

"The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system. A statute which upon its face, and as authoritatively construed, is so vague and indefinite as to permit the punishment of the fair use of this opportunity is repugnant to the guaranty of liberty contained in the fourteenth amendment (at p. 369)."

Section 9. Keeping of registers, etc.

This section requires no comment.

Section 10. Membership in certain Communist political organizations

This section make it a crime (punishable by fine up to $5,000 and imprisonment up to 5 years) to remain a member of the Communist political organization if he knows that a final order is in effect requiring his organization to register and it has failed to do so after 30 days have elapsed. This is a pure case of guilt by association, and punishment for mere inaction. Since it is unlikely that any organization can register and exist, this section is intended either to guarantee its destruction, or to open many thousands of persons to criminal prosecution for no more than the exercise of their constitutionally guaranteed right of association. This section is obviously affected by all the constitutional infirmities of the registration sections.

Section 11. Use of the mails, etc.

This section makes it a crime for an organization required to register, or for any person acting for it, to mail anything in interstate or foreign commerce without labeling the wrapper "Disseminated by ———, a Communist organization," or to broadcast anything unless such broadcast is preceded by a similar announcement.

This section violates the first amendment prohibiting Congress from making any law abridging freedom of the speech or press because it requires opprobrious labeling intended to discourage reading or a hearing, without regard to the contents of the matter to be mailed or broadcast.

As Charles Evans Hughes, Jr., said, when discussing the corresponding provision of H. R. 5852:

"The publications and broadcasts which are thus required to be identified as Communist-inspired may be on any subject, however far removed from any international Communist objective or even any domestic Communist program. The language of many of the decisions of the Supreme Court supports the view that the concept of free speech contemplates that ideas and opinions should be judged solely on their merits. In the Thomas case (*Thomas* v. *Collins*, supra), Mr. Justice Jackson, in his concurring opinion, said (p. 545) that while the State is entitled to protect the public, through licensing, from those who seek for one purpose or another to obtain its money, "It cannot be the duty, because it is not the right of the State to protect the public against false doctrine" with respect to Communist-front organizations, which might, within the definition, exist chiefly for relief or other humanitarian purposes, the obligation to label themselves as 'Communists' organizations appears particularly onerous." (Hearings on H. R. 5852 at p. 419.)

Section 12. Denial of the deductions and exemptions

There is no comment on this section except that it is affected by the infirmities of the registration sections.

Sections 13 and 14. Subversive Activities Control Board, and proceedings before Board

Little need be added here to what has already been said regarding the extraordinary and unprecedented powers intended to be conferred on the Board. But the substitution of an administrative body for the duly constituted courts is undoubtedly a violation of due process. The destruction of organizations, and the severe penalties which can be visited upon their members are matters of vast importance both to those concerned, and to the democratic process which is the basis of our institutions. Where the smallest penal offense, or a suit over any substantial sum of money is involved, we have always assured a right of trial in the courts before a jury if desired. No less can be justified or permitted when so much more is at stake.

The Supreme Court has indicated that full due process of law before the courts is required in a case involving a lesser penalty than here. When the Congress adopted a statute to prohibit the employment of certain individuals who in its opinion had engaged in "subversive activities," that Court compared the penalty imposed to that administered for special types of odious and dangerous crimes, and declared that it was the intention of the Constitution "to safeguard the people of this country from punishment without trial by duly constituted courts." (*United States* v. *Lovett* (328 U. S. 303 at 316-217).)

Seth W. Richardson made a similar point when discussing the similar provisions of H. R. 5852. He said:

"The trial in a proper court, in the first instance, of the question of the guilt of the citizen, under whatever form the accusation may be made, is too important a step in the application of a penal statute to the citizen to be curtailed even by the allowance of full appeal rights. An appeal is not the same thing as the original trial, nor does it protect the rights of a defendant in an equal degree, particularly where the findings of the public prosecutor as to the facts might weigh heavily with the appellate court, since 'preponderance of the evidence' is always an indefinite term and depends largely upon the view, or possibly the indolence, of an appellate court * * * the duties of the Attorney General should be confined to the matter of registration, investigation, and prosecution, and that questions as to whether a particular organization is of such a character or activity as to justify registration should depend upon the judgment of a court of competent jurisdiction under a proper proceedings brought in such court by the Attorney General for such purpose." (Hearings on H. R. 5852, p. 446.)

Section 15. Judicial review

By this section a party aggrieved by any order entered by the Board may obtain a review in the Court of Appeals for the District of Columbia. But no evidence may be presented before that court, and the findings of the Board are conclusive if supported by a preponderance of the evidence. The comment of Mr. Richardson on the nature of this review, quoted above will not be repeated here. The appellate court must make its decision on the basis of the same vague standards used by the Board. Our courts were not established to pass judgment on ideas and associations, but only on the actions of men. For them now to begin the witch-hunting function could only serve to undermine the respect in which our courts are now generally held.

It is, moreover, a very inadequate remedy for most individuals and groups to oblige them to come from the place of their residence, perhaps in California, to Washington to seek this inadequate appeal.

Section 16. Penalties

By section 16 (a) (2) each day of failure to register is made a separate offense punishable by fines up to $5,000 and imprisonment up to 5 years. Other penalties are of a similar order. Thus the officer of an organization required to register has these alternatives: He can register, and thereby destroy his organization and subject his members to untold penalties, while placing himself in danger of life imprisonment for any omission of a necessary fact or misstatement. He cannot register and face imprisonment for life. He can resign and/or dissolve his organization. The alternative he will choose is perfectly obvious. The organization will cease to exist. It is, therefore, apparent that any claim that this is a disclosure bill is entirely erroneous. No one will register. Every group attacked would be forced to disappear. It is probable that only the Communist Party would continue to exist underground as it has done everywhere under every form of suppression. Many people believe that it would grow more powerful under those conditions.

For the foregoing reasons, among others, this bill should be emphatically rejected.

WILLIAM LANGER.

Mr. LANGER. Mr. President, later on, when I made a motion to recommit

the original Murdt-Nixon bill—which is called the Mundt-Ferguson bill, this year—that motion was defeated in the committee by only one vote, as I recall; I think the vote in the committee was 4 to 5, on the question of adopting that motion, according to my recollection. The other members of the committee were absent at that time.

Mr. President, again I say that our American way of life is threatened whenever freedom of speech, freedom of the press, freedom of assembly, or freedom of worship is denied any group of persons in our land. Those are the threats which confront us today, and that is the challenge we must meet. To meet that challenge requires faith in our American democracy, faith in the substance of things hoped for. Everyone of us who is a real American hopes for an ideal American democracy in which to live out his years. If that hope is denied us, we still hope that our children may enjoy that great and glorious privilege.

Mr. President, I want to refer again to the book, entitled "Grass Roots." It is really the story of the North Dakota Farmers Union. I believe what happened in the State of North Dakota is symbolic of what happened in Minnesota, South Dakota, and Montana—I know it is. I feel sure that after Senators have carefully gone over the resolutions adopted at Denver, Colo., by the convention of the Farmers Educational and Cooperative Union, which I read a few moments ago, they will agree with me that what took place in those Western States is taking place, or has taken place, throughout the United States.

Mr. President, the Farmers Union is not merely a fly-by-night organization. The organization has grown up through decades. It has involved a prolonged fight. The opposition has never quit, and it is not quitting today. The speeches which are given here are broadcast throughout the Nation. I can hear the radios now saying, "The leaders of the Farmers Union are a bunch of Reds and Communists."

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LANGER. I am glad to yield to my distinguished colleague from Minnesota.

Mr. HUMPHREY. At this point I think it would be fitting and appropriate if the Senator from Minnesota were to call to the attention of the Senate and to the attention of the Senator from North Dakota—I am sure he has already read this statement—the statement of the president of the Farmers Union, Mr. James G. Patton, which appeared in the official publication, the National Union Farmer. It is a statement pertaining to the Korean war. Fellow travelers, Commies, and members of the Communist Party and Communist-front organizations do not support the United Nations in the Korean war. Communists and fellow travelers do not support the American action in the Korean war. Yet here is a statement on the front page of the August issue of the National Union Farmer, the Farmers Union national publication, in which the leader of this organization, Mr. James G. Patton, comes out 100 percent four-square for the United Nations resolution and for the action of our country. That, I may say, is what one would expect an honorable American citizen to do. Listen to these words:

> Our country is involved in a war not of its choice or making. The United Nations declared against the North Korean aggressors, trained and agitated into waging war on South Korea by Russia. The United Nations appealed to its members to resist aggression. The United States is the principal supplier of men and materials.
>
> * * * * *
>
> We are now involved in war. Our men are facing trained and armed aggressors and some are dying on the fields of battle under the banners of the United Nations. It is a basic concept in the United Nations Charter that peace will exist only when armed aggression is outlawed and is thereafter defeated if madmen shall anywhere resort to it. To this we gave our pledge and will of course give our support.

The last paragraph by Mr. Patton reads:

> Let Russia show her good faith by really joining the United Nations and putting an end to the walk-outs. Let her join the Food and Agricultural Organization and the International Wheat Agreement. Let her rejoin the World Health Organization. In all instances but the World Health Organization she has refused to cooperate, without walking out, in the original formation of those organizations. If she will join in building these devices for bettering the welfare of people and in turn join the United Nations in stopping aggression everywhere, then there can be hope for lasting peace.
>
> Fraternally,
>
> JAMES G. PATTON.

I ask, in all conscience, in all honor, how in the name of common sense can anyone get up on the floor of the Senate and brand a man like Mr. Patton a fellow traveler or as one being duped by the Communists, or his organization as being a Communist-front organization? To be sure, as the Senator from North Dakota well knows, people who are Communists have in the past worked their way into the Farmers Union, into the A. F. of L., into the CIO—yes, into the chamber of commerce, into the National Manufacturers Association, and into the churches. But I think it is a real testimonial to the Farmers Union that, in State after State, the rank-and-file membership has risen upon its feet and has cleaned out these rascals, wherever they have been identified.

I think it is also important to note that if irresponsible talk goes on continuously in the Congress of the United States, branding this group and that group, and this person and that person as a Communist or a fellow traveler, soon we are going to destroy the respect or regard which the people may have for the Congress of the United States.

If the Senator will permit me, referring to subversives, I should like to know who is undermining the Government of the United States. Is it not subversive for Members of the Congress continuously to brand honorable American citizens as being Communists? Is it not undermining the confidence of the American people in their Government to have men elected to office, or men in responsible positions, continuously brand someone in the Government as a Communist? I submit that the irresponsible charges which have been made in the Eighty-first Congress, second session, have done more to undermine the faith of the American people in representative government than the Communist Party will ever be able to do.

The American people do not like the Communist Party—they hate it, as they justly should. They do not like frauds, and they do not like deceitful people. But I submit that there is hysteria in this country which has been generated by irresponsible, unfounded charges, and which has spread throughout the land, until today, when I go back to my State, or when any Senator goes back to his State, people ask again and again, "Is not Acheson a Communist?" I suppose now they will be asking, "Is not Mr. Chapman a Communist?" Soon they will be asking whether someone else is not a Communist. This is the way to breed disregard for law. This is the way to break down the institutions of law and order. All one has to do is continuously harass and continuously shout irresponsible charges against men in Government, and ultimately democratic government will grow weak from the disunity in our people and the distrust of our officials.

I submit that this Congress has done a very great deal to undermine the confidence of the people of America in representative government. It is a tragedy, it is a shame, and it is about time that Congress started acting as a responsible body. It is about time that the Senate floor became a forum for responsible action and for statesmenlike statements given in the spirit of democracy and understanding, rather than having the Senate become a forum for every kind of foolish, ridiculous, unfounded charge that can be made.

Today, I thought I heard that Mr. Brannan was following the Communist Party line. Two days ago it was Mr. Chapman. A few weeks ago, it was Mr. Acheson. No one knows where this may stop. This is beyond my understanding of democracy, and frankly it makes a man very unhappy. I believe it an honor to be elected to the Senate. I did not think there could be any finer body in the world to which one could come. But I must say in all candor that I have heard more irresponsible, foolish statements on the floor of the Senate about the character and the loyalty of American citizens than I have heard anywhere else in America. It is cheap politics, irresponsible politics, and it is beneath the dignity of democratic citizenship.

I, for one, deplore and resent it. If this country is going to become the victim of hysteria by this kind of talk, then indeed Russia has won her fight. She has driven us half crazy, fighting and accusing one another, by all kinds of rumor, innuendo, and irresponsible talk. I repeat, where the problem of communism exists in this country, intelligent, alert American citizens can meet it as they have done in the CIO, as they have done in the Farmers Union, as they have done in organization after organization. If we cannot meet it in that way, we have a Justice Department, we have an

FBI, and that Department of Justice and that FBI are capable of ferreting out these evil men. It takes time really to catch a dangerous man. Very seldom does a synthetic G-man get hold of anyone.

I submit that the Department of Justice has done much to protect the rights of the people. It has relentlessly tracked down the Communists. I also submit that the CIO, for example, has done more to clean out "commies" from responsible positions in American industry than have all the employers put together. After all, the employers hire these persons. Let us not forget that. The employers permitted them to be hired, and the CIO takes them into the union. The CIO has had the courage to kick out Communists and put the badge of disloyalty on them. The Farmers Union in my State has had that same courage, as the Senator from North Dakota knows.

Mr. President, when I heard charges made against the new president of the Farmers Union, Mr. Wiseth, it made me sick to think that this man has to stand up in his home community and hear someone say "I heard a man say in Congress that your organization is a Communist organization." That is ridiculous. It is more than that—it is pitiful and pathetic. Let us put the label on the people who deserve it. If a man is a murderer or an arsonist, let us get the facts. If someone has repented, if someone has changed his way, if some organization has cleaned house, let us praise rather than abuse.

The charges of the Senator from New Hampshire are nothing more than warmed-over dried biscuits—the same old accusations coming out again and again in an effort to frighten the American people.

Mr. President, I heard read on the floor of the Senate a letter from the packinghouse workers. Only a couple of years ago this union was called a Communist-front organization. Now the packinghouse workers have presented a petition which has been inserted in the RECORD.

The American people are alive to the Communist problem. They are not going to be taken into the Communist conspiracy unless we destroy faith in one another. We are doing a great deal to destroy the faith of the American people and in the American Government. Here is the sinister evil of this decade. It is about time that we stood up and recognized that we have a great way of life and a great government. We should be asking the American people to believe in their Government, not to disbelieve in it; to rally around the Government rather than be constantly pointing the finger of suspicion at it. If Senators on one side of the aisle can point the finger of suspicion at a man in the Democratic administration, then when the other party gets into power, Senators on this side of the aisle can point their fingers. Such a process will ruin the American political system. It will undermine the prestige and strength of free institutions.

I say, in all reverence, may God spare this Nation if this program of accusation and smear continues to go on. It is the lowest level of political activity. It is beneath the honor and dignity of representative Government.

I have long wanted to make this comment, because it has been heavy on my heart, and I thank the Senator from North Dakota for giving me an opportunity to say it.

Mr. LANGER. Mr. President, I believe the best way for me to show what a fine, strong, patriotic organization the Farmers Union is, is to give some of its history, to tell the Senate what it stands for, what it has accomplished, what its future plans are. I think the Farmers Union is active in practically all the 48 States. I know more about the situation in North Dakota, the State in which I was born. I am familiar with the organization in that State from the day it began, and I shall take that State as an example.

Let me read now from Grass Roots:

> Nineteen hundred and forty-seven marked the twentieth anniversary of the chartering of the North Dakota Farmers Union as a division of the Farmers Educational and Cooperative Union of America. What changes that score of years have brought to the world and to the farmer. The Farmers Union has had a significant part in bringing about some of those changes.

Perhaps, Mr. President, that is one reason for this continuous sniping at the Farmers Union and for the continuous attacks made on it.

They have brought about some of the changes, one of which is the reduction in margins in the cost of petroleum products and the development of a great cooperative grain-marketing system. In other areas the union has influenced changes in the whole field of farm legislation.

During those 20 years farming itself has gone through a veritable revolution. It has been mechanized. In 1927 the tractor was just coming into its own. In 1947 the change from a horse economy to a tractor economy had been completed, and with that change there have come other new machinery, new methods, improved seeds, and better animal breeding.

Mr. President, I invite the attention of the Senate to what the Senator from New Hampshire [Mr. BRIDGES] said with reference to collective farming. The Senator from New Hampshire asks:

> What, Mr. President, has collective farming meant throughout the whole history of bolshevism?

Does not the Senator know who is responsible for collective farming in Russia? Does he not know that the man was selected by the House of Morgan—John J. Raskob, of General Motors? Representatives of the House of Morgan went to the great State of Montana, and in World War I, near Hardin, Mont., they leased thousands upon thousands of acres of Indian lands. They bought some for the home place. Then they looked all over the United States to get a man who could operate the farm. They picked out a man by the name of Tom Campbell. After the war was over whom did Russia hire to put over its collective farming? It hired the same man that the House of Morgan and John J. Raskob, of General Motors, had hired—Tom Campbell. He was hired simply to go to Russia and improve conditions in agriculture there. He is the same man whom England hired during the last World War when England said, "We have a lot of idle land, and even though this is an island, we want it to be more productive." They hired the same Tom Campbell. Campbell went to Russia, and he advised the Russians how they could make their country more productive. Some of the peasants there had only 3 or 4 acres. They were doing their work by hand. Mr. Campbell advised the Russian Government to make a study of soil. He said, "In some parts of this country it may be more profitable to raise wheat than to raise oats, barley, or rye, and in another part of the country it may be more profitable to raise rye than it would be to raise barley, oats, or wheat."

He said, "Instead of a farmer having a 320-acre tract or section in one crop, put part of it in wheat, part of it in rye, and part of it in oats."

Mr. Campbell, through the shrewd brain he had, because he is one of the great agriculturists of this country, said: "If you have a large tract, put a lot of tractors on it, and produce oats over here, and over there produce only wheat." The farmers had to cooperate. There was nothing optional about it. In other words, a farmer could take it or leave it.

Mr. Campbell made seven trips to Russia. He went to see Herbert Hoover, and he gave some good advice. At the time when we had soup kitchens stretching all over our country during the depression, and when Russia wanted to buy $2,000,000,000 worth of farm machinery, Mr. Campbell advised Mr. Hoover to sell Russia farm machinery. Herbert Hoover said no. His refusal did not bother Russia. They merely went to other countries, and got their $2,000,000,000 worth of farm machinery. It gave the people in other countries employment, while our country had unemployment all over the land. In some States more than half the people were unemployed. Talk about Communists and Reds. Talk about Communists when a man is hungry, and when millions and millions of our men could not get work to support their families.

The junior Senator from Minnesota [Mr. HUMPHREY] a few moments ago stated the truth of the situation. He gave as good an answer as can be given to what was said by the senior Senator from New Hampshire [Mr. BRIDGES]. When they do not want to mention their own record they like to point their finger at someone holding office at the present time and try to blame him. But, Mr. President, I say that one of the great bulwarks against communism is the family-sized farm, which the Farmers Union has stood for since it was formed. A man who owns his own little home in the city, village, or town, or one who owns his own little farm, in my opinion represents the greatest bulwark we can have against communism. That is what the Farmers Union has fought for from

the day of its inception, and I can prove it.

I turn to page 10 of "Grass Roots":

In going over the early reports of the Farmers Union in North Dakota not so many years ago, one will find practically no reference to family-type farming. One does find that the basic objective the Union sought was to give farmers more control of their products so that they could realize more income, a fairer share of our national wealth. But the stability of the family-type farm was taken for granted; a few, indeed, foresaw the threat of another type of farming displacing families on the land.

Truly enough, when organization work for the Farmers Union began in North Dakota in 1926, farmers had suffered much from the deflation that had come on the heels of the boom after World War I. Many had lost their farms and their savings in banks which had gone broke. They saw the rest of the Nation glorying in the era of Coolidge prosperity, while farm prices slumped and the cost of what they had bought remained high. They had seen their first efforts at cooperation smashed by the concerted effort of the powerfully organized grain trade. They had seen their political revolt, which had started out so successfully in 1916 to bring a new day in North Dakota, watered down and soothed over as professional politicians infiltrated and split the organization the farmers had built.

In 1926 farmers of North Dakota—at least a few thousand of them—were ready to try one more organization, to be convinced once again to unite in a cooperative effort to better their lot.

Mr. President, what was our problem?

It is well to remind ourselves of some of the major problems we have faced and the proposals we made to meet them.

Mr. President, I wish particularly to call to the attention of the Senate the fact that these are the same principles which the Senator from New Hampshire stated were communistic. Talk about Communists. Here is what the Farmers Union stands for. This is the organization which it is attempted to smear. It stands for—

1. Marketing: The problem of getting a price for the grain, livestock, and other commodities we produce.

2. Buying: The problem of getting the most value for the things we have to buy to operate our farms and our farm homes.

3. Land ownership and tenure: The problem of gaining more security on the land as owners or as tenants.

4. Credit and finance: The problem of securing adequate credit at a cost which will not make the debt load of a farmer a millstone around his neck.

They might add, and around the neck of his wife and around the necks of their children. Is that communistic?

5. Taxation—

Mind you, this is the program—

5. Taxation: The problem of securing a tax policy which will secure the services that we want from the States and subdivisions and which will equitably distribute the load so as to promote a sound family-type farm economy.

Is that communistic? Two or three days ago we witnessed the junior Senator from Minnesota, the junior Senator from Illinois, and some of the rest of us, fighting for an excess-profits tax. There is not a Senator who is not familiar with the desperate fight which took place in this Nation to get enacted even an income-tax law, to make the rich and the powerful and the strong pay their just share. The junior Senator from Minnesota defined the formula very well when he said that all we want is to have people pay taxes according to their ability to pay.

Plank 5 of the Farmers Union program stands four-square for that. Is it communism to say that those who make a great deal of money should pay their fair share of the taxes?

6. Conservation—

Is that communistic?

The problem of the proper utilization of our land and water resources.

The Farmers Union has stood for the St. Lawrence waterway. If that is communism, then Herbert Hoover was a Communist, Theodore Roosevelt was a Communist, Harding was a Communist, Taft was a Communist, Coolidge was a Communist, Eleanor Roosevelt is a Communist, and Truman is a Communist, because they have all endorsed it.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LANGER. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Is it not entirely possible that had we spent a little more time working on the St. Lawrence waterway program, which may be needed to save the Nation if we should become involved in war with Communist Russia, instead of running around sniping and snooping like amateur detectives, we would have had the St. Lawence waterway, and the great Midwest and the great industrial East would have benefited from the transportation and the hydroelectric power that would have been made available? Instead of that, what have we been doing? The waterway bill is still in committee, and although millions of people want that bill to come to the floor of the Senate, we spend 25 percent or 15 percent of our time talking about the Secretary of State, or the Secretary of the Interior, or the Secretary of Agriculture, or listening to accusations and wild charges against Mr. Jessup or somebody else, trying to prove that they are undermining the country. The day may well soon be upon us when we will need the St. Lawrence water transportation route to bring the ore from Labrador to the great factories of Cleveland, Pittsburgh, and Chicago, and to take the grain and ore from the Midwest, from North Dakota, South Dakota, Minnesota, Wisconsin, and all the other great Midwestern and Western States, to the factories and the processing plants.

But here we are going around on some kind of spy hunt, looking for somebody we cannot find, when we could be passing legislation designed to strengthen America. The people have been waiting for years for the creation of the St. Lawrence waterway. Some day we are going to wake up and wonder why it was not constructed, and then all this talk will not sound so good. As a matter of fact, the charges and half truths will sound very hollow.

Mr. LANGER. If we had built the St. Lawrence waterway 10 years ago we would not have the present boxcar shortage.

Mr. HUMPHREY. At this very time in Duluth, Minn., in a shipyard that is about ready to be opened by the Federal Government, for the building of ships for the Nation, the big inside plant has in it 37,000 bushels of wheat, and they cannot start making a ship until they get boxcars in order to get the wheat out of that inside plant. That is the kind of planning that is going on. I submit that if somebody would spend more time getting constructive legislation through, instead of trying to get a headline about the Reds, we would be much further along on the program of resisting totalitarian power, and getting rid of communism.

Mr. LANGER. This is plank No. 7:

Farm-family living: The problems of education, formal and informal, health, housing, roads, electrification, and the other things that will improve rural living.

Mr. President, I see sitting here the distinguished Senator from South Dakota, and I know he will bear me out in what I am saying. Less than 5 months ago, at a public hearing in South Dakota, the Governor was speaking about power control, and one of the leading editors rose and said that rural electrification was communistic—not even socialistic, but communistic.

I looked at that report from the Associated Press, and I could not believe my eyes.

We come to plank 7, as I have said:

Farm-family living: The problems of education * * *, health, housing, roads, electrification, and the other things that will improve rural living.

8. Relations with others: The problems that affect community and national life, relations with labor, with business, with various minority groups, with educational, civic, religious, or other organizations, which may share specific goals with us.

Improving the relations of labor with business was something we should have attended to in this country long ago. Whenever a strike takes place, both sides lose.

9. International affairs: The problems of world trade as they affect the farmer, and, even more important, the problem of creating a peaceable community of nations without which all of our other efforts are doomed by recurring wars.

Is it communistic to wipe out war?

Other—and better classifications—might be made. A few activities of the Farmers Union may not fit under any of these classes. Whatever value such a grouping may have in appraising Farmers Union development, we may be sure that nobody in the union had any such category of objectives in mind.

The pioneers in the building of the union did, however, have an idea and a vision of an organization of farm people who would unite to work together to solve whatever problems concerned farmers as a group.

With a crusading zeal which spread to ever-increasing numbers, the idea and vision was transformed into dynamic reality which made the Farmers Union what it is today in North Dakota.

Mr. President, what was the situation before we had a Farmers Union in North Dakota? When I mention North Dakota, I might as well mention Minnesota and the other States. I have here the record.

History does not begin on a certain date. Even the history of an organiza-

tion begins before it is organized. The record of the past 4 years is built on the events of the 20 years before. This is particularly true of the North Dakota Farmers Union.

The National Farmers Union—officially the Farmers Educational Union of America—had been organized in Texas in 1902. A division had been chartered in North Dakota in 1912 and had flourished for a few years in certain areas of the State, but this early organization had no direct influence in the building of the present North Dakota Farmers Union.

Rather, the direct antecedents in the chain of events that gave rise to the birth of the Farmers Union in 1926 centered in the struggle of the North Dakota farmers against a vicious—

I want to repeat that word—

a vicious system of grain marketing. Under it farmers were literally robbed by the organized grain trade at the terminal market.

Listen to this, Mr. President. I am sorry the Senator from New Hampshire is not here. I wish he were in his seat so he could listen while I read the next paragraph.

So bad were conditions in 1906—

So badly were the farmers of North Dakota being robbed—

that the North Dakota Bankers' Association—

Mr. President, the bankers' association, and surely they are not Communists—

appointed a committee to investigate the marketing practices at Duluth and the Twin Cities to see if the growing discontent among the farmers was justified. They found that screenings taken out of the wheat averaged three-fourths of a pound per bushel, much less than the dockage taken from the farmer.

This committee, a committee of bankers, Mr. President, found that—

Besides paying freight on the dockage, the farmer received none of the $8 a ton which the grain merchants were paid for the screenings. Often grain was bought from the farmer at grades lower than its actual worth, even in its unprocessed state.

This committee of bankers reported further, Mr. President:

The shipper must accept the inspection rules and customs which have been forced upon him by the powerful combination of elevator and railway interests and the eastern miller must take the grain that is offered to him by the Grain Trust, so-called, and not in the condition as to mixing that he wants it.

That is a banker speaking, Mr. President. That is a committee of the North Dakota Bankers Association speaking, Mr. President.

One of the reasons why the Grain Trust was able to enforce its rules was the law which the Minneapolis Chamber of Commerce (now called the Minneapolis Grain Exchange) secured from the legislature in 1883, which gave it the power of a court by making its awards in disputes among members enforceable by district court—even though the proceedings were secret and could not be appealed.

Mr. President, every once in awhile when one goes out campaigning he meets a farmer or a town man, usually a town man, who fights progressive moves, and says, "You cannot better your conditions by electing some politician or some demagogue"—whatever name he may want to choose to call an individual who is leading the fight—"you cannot change progress by passing some law. You cannot legislate prosperity." That is what one is told. Here we have a typical example, Mr. President. I hope every Progressive writes it down in his book that the committee of bankers found that one of the reasons why the Grain Trust was able to enforce its rules was the law which the Minneapolis Chamber of Commerce secured from the Legislature of Minnesota which gave the Minneapolis Chamber of Commerce the power of a court by making its awards and disputes among members enforceable by district courts even though the proceedings were secret and could not be appealed.

In 1908 the Interstate Commerce Commission conducted an investigation of the grain trade, which revealed shocking frauds, by which it was exploiting the farmer.

Mr. President, we now come to another phase of this matter, one with which I am intimately and personally acquainted. I was born on a farm near the little town of Casselton. There is an equity exchange there. We did not get men without education to head it. My father was a member of that organization. They looked around for a good man and they got a graduate of a university, John M. Anderson, to head it. They got a man in Minnesota named George Loftus, and they also got a man from Minnesota by the name of James M. Manahan, a former Member of Congress, a man so good that they tried to get rid of him by jerrymandering him out of his congressional district. What did those farmers in North Dakota, who, according to the committee of the North Dakota Bankers' Association, were being robbed, do? And what happened to their project?

First protest of the farmers themselves came in 1907, when the American Society of Equity * * * organized in the first district, comprising North and South Dakota and Minnesota. Its primary object was to form a wheat pool—to hold wheat off the market until it reached a dollar a bushel. Thirty million bushels were signed up in the dollar-wheat campaign. But the withholding plan failed. Every other effort of leaders to strike, by keeping their commodities off the market until prices rose, had also failed.

In 1908 the equity leaders in Minneapolis took a sounder approach.

Mr. President, I was there.

They determined to organize a terminal marketing cooperative and set $50,000 as the goal for capital stock subscriptions. In 3 years' time, however, only $14,000 was actually raised—not as much as the sum ofttimes raised in a single community, in recent years, to establish a local Farmers Union elevator.

O Mr. President, it was a great fight, and we had strong opposition, as I shall show.

But with the meager capital, the Equity Cooperative Exchange was established in Fargo, N. Dak., February 17, 1911. (Later its headquarters were moved to St. Paul.)

What happened?

The Minneapolis Chamber of Commerce, under its rules, would not admit a cooperative to membership—

It was quite simple, was it not, Mr. President?—

a situation not finally corrected until 1935 when Congress, as a result of a vigorous Farmers Union campaign led by M. W. Thatcher, adopted the Commodity Exchange Act.

Mr. HUMPHREY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. LANGER. I yield.

Mr. HUMPHREY. When the Senator from North Dakota speaks of the Farmers Union Grain Terminal Association and of Mr. M. W. Thatcher, the Senator is speaking of one of the most successful cooperative enterprises in the entire United States. Its office is in the Midway district, in St. Paul, Minn. I have visited it many times, and I have attended their meetings and conventions. Mr. Thatcher, the general manager of that great cooperative terminal association, has saved literally millions of dollars for the farmers and has helped stabilize a great grain market for the benefit of the producers, as well as the consumers.

This is that kind of program which was under attack in the Senate earlier this afternoon, and it is that kind of program which has been accused by one Member of the Senate of being subverted by and under the domination of fellow travelers, and dupes, and Communist stooges who, it is claimed, have infiltrated their way into the Farmers Union organization.

Mr. President, I extend a most cordial invitation to every Member of this body to take a trip to St. Paul, Minn., and visit the Farmers Union Grain Terminal Association. If Senators will do so, they will find there an enterprise which is operated as efficiently as General Motors or the du Pont Co., and they will find that the Grain Terminal Association has a management which is just as capable as is the management of any other organization in America. They will find further that the farmers come there from practically all the States in the Midwest, including Montana, Minnesota, North Dakota, and South Dakota, send their grain in ever-increasing quantities. They are proud of their cooperative.

I do not think any farmer in the State of Minnesota would raise his voice against this fine organization. In fact, today the Farmers Union Grain Terminal Association has a seat on the Grain Exchange. I have been there many times. The representative of the Farmers Union Grain Terminal Association is on the selling floor there, buying and selling, along with the private grain traders. That has been the situation since the law of 1935.

Mr. LANGER. Mr. President, let me say to the Senator from Minnesota that I have before me a condensed statement of the financial condition as at May

31, 1948, of the Farmers Union Grain Terminal Association, and I now wish to read it into the RECORD:

Farmers Union Grain Terminal Association—Condensed statement of financial condition as at May 31, 1948

Cash with banks	$4,557,886.82
Government bonds—amortized value	5,137,109.75
Receivable and accruals, less reserve	7,095,759.94
Inventories	2,922,157.91
Total current assets	19,712,914.42
Noncurrent assets, covering margin deposits, stock in cooperatives, contracts receivable, not receivable for stock, etc	2,093,019.47
Fixed and deferred assets (mostly land, buildings, machinery, and equipment) less depreciation	5,739,339.96
Total assets	27,545,273.85
Current liabilities	10,215,611.10
Noncurrent liabilities and current reserves	317,349.42
Members' net worth:	
Common stock	5,133.00
Preferred stock	14,716,984.55
Preferred stock credits	516,913.74
Permanent surplus	1,773,282.04
Total liabilities and net worth	27,545,273.85
Summary of financial condition:	
Net current assets	$9,497,303.32
Net noncurrent assets	1,775,670.05
Net fixed assets	5,739,339.96
Your GTA net worth	17,012,313.33

Mr. President, that is the kind of organization about which my friend the distinguished Senator from Minnesota [Mr. HUMPHREY] has been talking.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. HUMPHREY. I have read the Grain Terminal Association's paper, the Farmers Union Herald, which is published in my State. It also goes into the State of North Dakota. In that paper I have seen laudatory comments about the Senator from North Dakota [Mr. LANGER], the Senator from North Dakota [Mr. YOUNG], my colleague the senior Senator from Minnesota [Mr. THYE], and the Governor of the State of Minnesota. I attended the last convention of the Farmers Union Grain Terminal Association. I wish to say now for the CONGRESSIONAL RECORD that every session of that convention was opened with prayer. That does not occur in the case of a Communist organization.

Not only that, but the Governor of my State was not only an honored guest but the principal speaker; and he praised to the high heavens the work of the Farmers Union Grain Terminal Association, as he justly should do. He has a host of friends in that organization.

I have heard the head of that organization say many kind things about the Governor of Minnesota, who is of another political party than mine.

I attended that convention and I saw there farmers from every State in the Midwest.

I wish to say with all the vehemence and all the vigor at my command that anyone who calls the members of that organization Communists is guilty of gross irresponsibility. It is about time that such nonsense was stopped in the Senate of the United States, Mr. President.

Mr. LANGER. Mr. President, let me call the attention of my distinguished friend the junior Senator from Minnesota to the fact that at two of those annual meetings, one of which my distinguished friend attended, the chief speaker was the Senator from the State of Vermont [Mr. AIKEN]. Anyone who said that a man like the Senator from Vermont [Mr. AIKEN] has a single Communist hair in his head of course would be known to every Member of this body as being an abject liar and a scoundrel.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. HUMPHREY. As a matter of fact, I have heard many, many times in my State most laudatory statements about the addresses and speeches made by the Senator from Vermont; and I have heard many of the leaders of the Farmers Union and of the Farmers Union Grain Terminal Association praise the splendid work he has done. He is loved in our State for the work he does; in fact, he is a very popular man among our farm population, as he justly should be.

Again, Mr. President, that is only a further testimonial in support of what we have been saying, namely, that irresponsible charges of the sort we heard in the Senate earlier this afternoon do not apply to our section of the country. The Senator from New Hampshire may know of Communists in other sections of the Nation; but when he begins to accuse the Farmers Union, in my part of the country, of being Communist-dominated, he has a scrap on his hands, because, just as the Senator from North Dakota knows them, so do I know them; they are not strangers to us. We honor them and respect their work.

I repeat that that farmers' organization represents plain people who are sincere, hard-working, good Americans. Americans who build churches and support them, Americans who send their children to Sunday school, Americans who build and keep up their homes and pay off their debts and, as the Senator from North Dakota has said, want to have family-sized farms. They do not like corporate farming and absentee ownership. The people in our part of the country want to own their own land and take care of their own land.

I wish to point out for the RECORD that there is not a Communist anywhere who believes in private ownership or the private holding of land or in family land ownership.

However, the people of Minnesota and the members of the Farmers Union and the members of the Farmers Union Grain Elevator Association do believe in the private ownership of land and in family land ownership, and they have dedicated their lives to that belief.

Mr. LANGER. Mr. President, my sentiments have been well expressed by the Senator from Minnesota.

I now ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the full Eleventh Annual Report to the 100,000 members of the Farmers Union Grain Terminal Association, made by Mr. Thatcher and his associates, as of December 13, 1948.

There being no objection, the annual report was ordered to be printed in the RECORD, as follows:

FARMERS UNION GRAIN TERMINAL ASSOCIATION—ELEVENTH ANNUAL REPORT, 1948

"The farmer is so placed in the economic system that both as a producer and consumer he deals with business concerns which are in a position to make the terms of the traffic, which it is for him to take or leave. Therefore the margin of benefit that comes to him for his work is commonly at a minimum."—Thorstein Veblen.

The heritage of free men is the land. The land has always been bountiful, but the American farmer has rarely been prosperous. Statistics are tedious, but they tell the story. Down through the years the farmer has mostly been on the short end of the bargain. Chance brought him occasional periods of seeming profit; rather just enough of the real thing to give the farmer courage for renewed effort.

It always has been the same story; brief periods of inflation, generally accompanied by the curse of war. Farm prices are stimulated by these twin afflictions. In such periods the farmer expands his operations. He adds to his acres. Then comes the inevitable deflation. Everything goes down but mortgages.

Depression and hopelessness generally settle on the farmer long before they are felt by other groups. And they stay with him the longest. From 1864 to 1897, except for two years, the swing of farm prices was constantly downward. Then came 23 years of zig-zags, the brief inflation—prosperity of World War I—followed by the sharp drop of the early 1920's. Agriculture stayed bankrupt for 15 years before the farmer had a chance to get back on his feet.

This story of the American farmer, and his struggle for a better life for himself and his family, also is the story of all the farmers of the Northwest. Here the span of history was compressed into 50 years. Just a hundred years ago the entire Northwest was without government. It was a little over a half-century ago that Montana, North and South Dakota were admitted to statehood.

This is how young we are: there still are farmers living who remember when their plows bit into the virgin sod and turned the first black dirt on the prairie grass. This is how rich the land is: it produced in such abundance that it built the railroads and the wealth of the towns and cities.

The homestead, the sod hut, herds of buffalo, vast expanses of prairie grass, hopes inspired by the land, these are things still within the memory of many. Adventuresome pioneers settled on the fertile lands. The land produced in great abundance. But the farmer rarely prospered. It was not his conflict with the climate or the soils that baffled the farmer. What he could not understand at first were the business and political evils that preyed on the producers. The farmer was faced with obstacles in selling his grain.

When the Northwest was settled, the farmers turned naturally to wheat. The tremendous production caused prices of farm products to go down. In the wake of abundant production came low prices, hard times, and unrest on the land. The farmer fought unscrupulous politicians, grasping land speculators; he joined organizations to keep bankers, brokers, and middlemen within bounds, and to control the railroads.

Farm prices went down. But marketing margins failed to narrow. The farmer's re-

sentment grew against the trusts. It flared up at the dominance of the organized grain markets and commodity exchanges. The usurious rates of money lenders made debt seem eternal.

These were the conditions of 50 years ago. Some abuses had been corrected, but the worst still existed. What was the farmer to do? Alone, he could not correct the evils of a business system that said to him, "Take it or leave it."

But the farmer has always, in the very nature of his business, found he had to work with others to get his job done. He works with his neighbors in such informal cooperative tasks as spraying, silo filling, threshing rings, barn-raising bees. From the very beginning, from the time he first settled on the land, the farmer engaged in many kinds of cooperative effort on the farm.

Nevertheless, it has never been easy for the farmer to cooperate in attempts to solve his marketing problems. When he started, the farmer was not familiar with the markets. He was attacked as an interloper when he joined together in associations to sell his grain. In spite of all these difficulties, the hard times forced him to keep trying.

It was just a half century ago that the first serious effort to organize grain cooperatives started in the Northwest. It was not a revolt. The wheat farmer is obstinately loyal to the whole system of law and order. All he asked was for the right to own the land he farmed, to have a home and hold it. For this he was willing to suffer privation and undergo untold hardships.

But the farmer also has his strong sense of justice. He sustained reverses and failures with a stoic courage. That is the great tradition handed down by these early settlers. That is the heritage that today's farmers—the sons and grandsons, the daughters and granddaughters, of these pioneers—still cherish.

That, also, is the heritage of the Farmers Union Grain Terminal Association. The seed of cooperative effort, planted fifty years ago on the prairies, has flourished and returned the fruits of the farmer's labor a hundredfold. This great farmers' grain cooperative is firmly rooted in the early history of the Northwest. It is part of the farmer's struggle for economic independence.

The lesson taught by the hard experience of a half century is that the farmer has learned he must plow the furrow straight, sow wisely, to reap the full harvest.

THE CHALLENGE

Wheat is a world symbol. Not only does it represent food for hundreds of millions of people, but it is also symbolic of economic conditions, political stability, and, particularly, of democracy.

As far as the eye can see the land is ripe with wheat. Wheat 's the basic crop in this rich Northwest. The prosperity of all is affected by the yield and price of wheat. There is mining and forestry and commerce and industry, and other kinds of farming, too. But their prosperity hinges on wheat.

It is the same in other parts of the country, as it is in the spring wheat area. Wheat is one of the most important products of American agriculture. Its economy is contagious. When wheat farmers suffer from oversupply, or poor outlets or low prices, their ills are catching. They spread first to the main streets of the villages and trading communities, and then to the financial and industrial centers.

That is why the welfare of wheat farmers is a matter of national concern. Businessmen, as well as farmers, must understand the problems of this basic crop. A way must be found to maintain a stable economy for the wheat farmer.

Ways must be devised to store wheat and keep it in condition, to provide a method of orderly distribution, to maintain a fair price. There must be a balance between effective demand and supply to achieve this stability. It is no simple thing to do. But it must be done.

In the Northwest 150,000 grain farmers look to their local cooperatives and Farmers Union Grain Terminal Association to lay the foundation for such a far-reaching program. These farmers, living in the Dakotas, Montana, and Minnesota, have with their patronage savings been able to build country elevators and terminals and create a remarkable marketing organization.

But the farmer who looks into the future and recalls the experiences of the past 50 years knows that his cooperative and his Farmers Union Grain Terminal Association have a much greater task before them than just marketing grain.

Competition is the life of trade, so it is said. But the farmer has often found competition is not a very dependable medium for lowering marketing costs and increasing the producer's share of the market dollar.

The farmer knows that even if the operation of huge corporations or monopolies in the distribution of farm products do cause economies of operation, still there is no assurance that such gains would be passed on to the farmers in the form of higher prices or to consumers in the form of lower prices. Fifty years ago the farmer had his experience with the monopoly of the local independent or line elevator.

The farmer knows that he must produce in abundance for his own prosperity and for the Nation's prosperity. He knows the whole future of this country and its people is bound up in its capacity for using and increasing productivity. He understands this about the land.

It is the problem of the market place, however, that still challenges him. The farmer's struggle does not end with the harvest. Often it has scarcely begun. How can the farmer move the grain to market and sell it at a fair price? That is the challenge that faces the farmer as he starts his bushels on their cooperative trip to market.

FARMERS ELEVATOR

The market is the farmer's problem. Good fortune graces the grain farmer now. But too often he is confronted with low returns, wide marketing margins. Those are marketing problems that only the farmer must solve for himself.

The great bulk of grain which is marketed in the United States is handled through country elevators and warehouses. It is estimated that about 70 percent of the grain shipped by country elevators goes to terminal markets—places that receive more than a thousand cars of grain annually. That means that the problem of farm marketing is the problem of country and terminal marketing.

The average farmer is a small-scale producer. His farming unit may be efficient, but unfortunately efficiency in production does not assure efficiency in marketing and distribution. That means that the farmer, in order to have something to say about grades and premiums and prices, must have a way of getting mass distribution for his grain, and the grain of other independent, small production units. The cooperative country elevator came into being as the farmer's first step toward improving a complex marketing problem at the local level.

The setting up of a local cooperative elevator is a serious undertaking that calls for hard work and cash on the barrel head. It must begin at the grass roots with an understanding of what a cooperative means. The strength of a cooperative must be in its people.

When a farmer learns that he gets only 25 to 50 cents of the consumer's dollar, he comes to the conclusion that the existing system of marketing must be at fault somewhere. It is almost certain that the farmer's neighbors and friends believe the same thing.

The next thing he does is to look about for a way to correct the fault. He finds that the way to begin is through cooperation. Through his cooperative elevator—once it is operating—he expects to lower the costs of distribution, improve production, tie together production and marketing operations, reduce wastes, do away with expensive duplication of marketing agencies, and be able to start distributing his grain in a systematic manner.

When these marketing reforms are put into practice by the cooperative elevator, the farmer feels he has a better opportunity to compete in the markets on an equal basis with the buyers. It is true that times have changed. The farmer of today is better informed than his father before him, but it was not so long ago when the farmer was the frequent victim of shrewd and well-informed grain buyers.

What else could be expected in a country market transaction when the uninformed farmer went up against a well-informed buyer?

These transactions were proof to the farmer that his distrust of those remote and unfamiliar big city operators was justified. He may never have been inside a grain exchange, but he knew that on the same day and in the same market there often were wide variances in the price of his grain. He saw no reason why the price of his grain should bobble from hour to hour on the market blackboards. He refused to accept a marketing system which made millionaires out of speculators, and showed little regard for the prices the farmer got, as something infallible and eternal.

GRAIN MARKETS

There was a time, not so long ago, when the farmer could not go into the grain exchanges to sell his wheat. The big trading pits were barred to him. It took a Government law to open the doors to the market place. Now the farmer is free to sell his own grain. He can be represented in all the grain exchanges by cooperatives of his own choice. In the Northwest the Farmers Union Grain Terminal Association markets the grain of 150,000 members on the trading floors in Minneapolis and Duluth.

There are private grain traders who still resist the right of the farmer to advance his cooperative from a country elevator to a terminal selling agency. In the past grain traders frequently took active steps to slow the growth of these regional cooperatives and to curb their activities. Many grain merchants, whose business came from farmers' cooperative elevators, were strongest in opposing the farmers' regional cooperatives.

They raised slush funds, passed resolutions condemning farmers' selling associations, and used other similar means to prevent the efforts of the farmer to market his own grain. Such organized resistance is evidence that private traders recognize that in cooperatives farmers have a powerful voice in the markets.

Why do some grain traders object to Farmers Union Grain Terminal Association? One reason is that GTA exerts a different competitive force in the grain markets than that of the usual grain dealer. This difference is summed up in the cooperative concept that it should return to the farmers all it can, while a private dealer pays only as much as competition forces him to.

That does not mean that cooperatives are competitors of all private business. Many firms know that cooperatives are their most dependable sources of raw materials. That is one reason why some merchants in terminal markets who depend on local cooperatives for their livelihood, approve of local cooperation as sound but condemn cooperation beyond that point as unsound.

The real test of Farmers Union Grain Terminal Association or any other cooperative is its economic soundness. It must

prove its ability to improve conditions in the distributive system for farm products.

Here is what the farmer is up against in a market, when he must depend on outside organizations to do his selling:

One of the first lessons that a merchant learns, if he is to stay in business, is that price wars in a commercial sense are ruinous. It is not necessary to enter into formal agreements. But somehow prices to be paid or charged assume a high degree of similarity in a given market. As a result of this leveling out of retail prices every effort is made to widen the marketing margin by lowering prices paid to farmers.

It's true that competition keeps their prices uniform, but competition is not the easy-working, price-lifting force for producers—or the price-lowering force for consumers—that the classical economists say it is. There is too much that goes on between the time the grain leaves the farm until it is in the hands of the ultimate consumer.

The 150,000 farmers who own Farmers Union Grain Terminal Association, ask for no special privilege or concession that is not accorded to other commercial organizations. Laws which legalize cooperatives do not grant special concessions. All the farmer asks is the same fair treatment granted to others.

GTA TERMINALS

The combines begin to roll across the Oklahoma and Texas Panhandle wheat fields in May and June. By late October the last of the harvests is finished in the northern spring wheat States. As these harvest brigades move from one wheat region to the next a torrent of wheat pours in on the markets.

Storage must be found for a billion bushels of grain. At the peak of the harvest wheat is hard pressed to find a home. Most of the wheat reaches the various terminal markets in a matter of weeks. Where can it be stored? Homeless wheat sells at a discount because the buyers have their way. Farmers are forced to sell rather than pile it on the ground.

Years ago farmers found that it was not enough for their local cooperative elevators to just be receivers of grain or their regional cooperative elevators to just be sellers of wheat. They saw terminal operators skim the market, buying cheap and selling high. Farmers wanted their regional cooperatives to store the wheat and other grain as it poured in during the harvest and prices were low. To be of greater service to farmers the regionals had to take the wheat and merchandise it for them through the year.

That is why Farmers Union Grain Terminal Association operates eight terminal and subterminal elevators. These houses are strategically located in Minneapolis, St. Paul, and Rush City, Minn.; Superior, Wis.; Sioux City, Iowa; Lewistown and Shelby, Mont.; and Spokane, Wash. They have a total storage capacity of nearly 11,000,000 bushels. But many times this amount of grain is moved through these elevators each year.

The money that was needed to build these terminal elevators was provided by farmers out of their patronage savings. Not only have these terminal elevators given the farmers larger savings but they have helped to provide better service, which means better market prices.

The question that farmers must soon decide is whether or not their cooperatives have all the storage space they need to do the job that is expected of them. Farmers Union Grain Terminal Association is committed to a program of agricultural abundance.

The present marketing system is becoming obsolete. It is not geared to existing production methods. There is not enough available storage space to even properly handle the year-to-year movement of crops, to say nothing of stockpiling wheat and corn. The Government estimates that between 200,000,000 and 300,000,000 bushels more of storage space must be built in the near future.

What is the answer? Members of Farmers Union Grain Terminal Association regard this problem as a cooperative responsibility. Directors and management already have carefully studied the storage requirements of the Northwest, both as to terminal and local needs.

The farmers can look today with pride on the huge terminal elevators that they cooperatively own. These cooperative elevators are the result of more than 50 years of effort. They are symbols to thousands of farmers of the enduring strength of cooperative principles that were developed in the long struggle to gain a place in the markets.

But farmers will look with even greater pride when the blueprints are unrolled and the program is launched to build a better marketing system for the future. This will make it possible for more and more bushels to make the trip from farm to processor GTA the co-op way.

LAND AND SECURITY

Only a free and prosperous agriculture permits a Nation to live freely and prosperously. And a free and prosperous agriculture means the small, independent farmer who works his land alone, with the help of his wife, his children, and his machines. The way he works and lives, and raises his family, is part of the fabric of American democracy.

It has been the independent farmer, working his own land, who has contributed so abundantly to the prosperity of America and the needs of Europe. His is no frenzied desire for riches. He is a man full of humanity and decency and understanding, slow to anger but long to remember.

His work has fed and clothed this Nation well. As his reward, he wishes to share in the good things that America can furnish to her people. Oris V. Wells, the head of the Bureau of Agricultural Economics in the Department of Agriculture, expressed it well:

"The central issue in the farm price field is not whether farmers have support prices, or Government payments, or what not; rather, it is whether or not farmers can find ways of working together which will allow them to exercise equal bargaining strength with other segments of our extremely complex and complicated economic world. It was an endeavor to find an answer to this issue which led farmers into their farm supply and marketing cooperatives, into farm organizations, and into such farm programs as those provided for in the Soil Conservation Act of 1937 and the Agricultural Adjustment Act of 1938."

The following information prepared by the Bureau of Agricultural Economics, Division of Statistical and Historical Research, is worthy of careful study:

Per capita income and expenditures, United States, 1929–47

Year	National income	Disposable personal income	Personal consumer expenditures	Retail food expenditures	Percentage of expenditures for food
1929	$718	$677	$647	$162	25.0
1930	609	599	575	147	25.6
1931	475	508	494	119	24.1
1932	334	383	394	91	23.1
1933	315	360	369	87	23.6
1934	384	408	411	96	23.4
1935	447	456	442	107	24.2
1936	505	516	488	118	24.2
1937	571	552	521	127	24.4
1938	519	505	497	120	24.1
1939	554	536	516	120	23.3
1940	616	573	546	128	23.4
1941	779	691	618	149	24.1
1942	1,013	863	674	185	27.4
1943	1,233	964	744	212	28.5
1944	1,321	1,054	807	228	28.3
1945	1,302	1,070	880	249	28.3
1946	1,270	1,127	1,044	298	28.5
1947	1,406	1,206	1,144	335	29.3

The independent farmer has made headway in his endeavor to strengthen his bargaining power in the markets. In this connection, the table above shows that in spite of the general belief that farmers have become extremely rich, and that the people of the United States are spending tremendous amounts of money for food, the truth is that people today are spending only six percent more of their total personal consumer expenditures for food than they did in the depths of the depression.

The independent farmer knows that the cornerstone of prosperity on the farm is abundant production, fair prices and good care of the land.

In America, the goal of the farmer is to build cooperation for better living and conservation for better land. That will provide abundance and plenty for all.

This is how Farmers Union Grain Terminal Association operates. It is owned by 150,000 farmers in the Northwest. It is a voluntary association of farmers who have found a practical way to market their grain together. Any farmer can belong merely by shipping his grain through his local cooperative to GTA.

Most of these farmers live in Minnesota, the Dakotas and Montana, but there are some in Iowa, Idaho, Washington, and Oregon. Since this is their business, they have the say as to how it should be run. But it is impossible to bring 150,000 farmers together once a year to carry on their business.

That is why these farmers entrust this responsibility to delegates. Any stockholder can take part in these business meetings, but nearly all of the delegates are elected by people who know them—by stockholders at the annual meetings of their local cooperative elevators.

For the past few years more than 3,000 people have attended these annual meetings in St. Paul.

But 3,000 delegates cannot leave their farms a dozen times a year to run their business. So at the annual meeting, the delegates elect directors. There are 11 directors. All of them must be farmers.

The full board of directors meets at least once a month. The reason for this is that in a marketing cooperative the size of Farmers Union Grain Terminal Association, the best results are obtained when all available facts are collected, properly interpreted and quickly passed on to all who may benefit from the information.

The management of the vast cooperative enterprise, is entrusted to General Manager M. W. Thatcher, who has been identified with the cooperative movement in the Northwest for 34 years. It is his responsibility to guide the cooperative along the course charted by the stockholders and to give leadership to the cooperative movement.

The administrative and marketing operations of Farmers Union Grain Terminal Association are centered in the GTA building, midway between St. Paul and Minneapolis. The modern, three-story structure is the latest word in office efficiency.

There are 400 employes in the building, carrying on the cooperative work for grain farmers of the Northwest. In their daily routine the ideals and principles of cooperative technique continue to serve the public interest. Many of the employees are sons and daughters of farmers who are members of GTA.

The GTA building was dedicated at the stockholders' meeting on December 11, 1946.

In 2 years thousands of farmers have visited their GTA headquarters, learned how terminal marketing operations are carried on.

Businessmen marvel at the efficiency which makes it possible to handle more than 100 million bushels of grain a year with such promptness and dispatch, and at the same time to keep a running account of the patronage earnings of 150,000 farmers.

THE BALANCE SHEET OF THE UNITED STATES FARMER, 1948

How well off are American farmers today? Let's forget the extremes, the individual cases of wealth or poverty, and measure up the whole agricultural economy. The balance sheet of American farmers for 1948 is an amazing story.

The farmers are better off today than they have been for a long time. During the past 8 years they have managed to reduce their debts and to accumulate financial assets. They have strengthened their cooperatives.

But how does the farmer share in the Nation's income? Our national income for 1948 is about $212,000,000,000. According to the Government's Bureau of Agricultural Economics, gross farm income—which includes cash receipts from farm marketing, Government payments, value of products consumed in farm households and rental value of farm houses—is about $34,600,000,000. Compare this to corporation earnings of $35,600,000,000 in net profits before taxes in 1948.

The real net income of people actually on farms is about $19,000,000,000 for 1948. That's 9.2 percent of the national income for that year. It represents a drop of 0.5 percent from 1947, when the farmers' net income—after culling out rents and interest going to people not on farms—was 9.7 percent of the national income.

Now let's look at the farmers' physical plants. All through the war, and in the years since, nonresidential farm construction has lagged far behind industrial and public utility construction. That means that the farmers' physical plants are running down.

Let's examine some of the high points of the American farmers' balance sheet for 1948. Assets are $122,100,000,000, compared to $54,000,000,000 in 1940. But this $68,000,000,000 increase includes $49,000,000,000 inflation of inventory valuations due to higher prices, $17,000,000,000 more in financial assets, $2,000,000,000 physical increase in inventories.

The financial position of farmers is insecure. It could deteriorate rapidly when the crest of this inflation passes—as it will—because the fortunes of farmers are particularly sensitive to price changes. That is why so many farmers are bothered.

But farmers who own Farmers Union Grain Terminal Association believe there are certain ways by which they can preserve their generally solvent position. Some of these ways are explained by General Manager M. W. Thatcher and officers of GTA in the following pages. They suggest what farm organizations and cooperatives can do to help farmers build better the co-op way.

THE ELEVENTH ANNUAL REPORT OF THE GENERAL MANAGER TO THE STOCKHOLDERS, DECEMBER 13, 1948

FOREWORD

The demands of a changing world give a new urgency to our cooperative movement. Time is on our side, but we cannot waste it. We must make the most of the tremendous opportunities that are before us. To do this, we must recognize that a cooperative is only as great as it is useful. Its real measure of usefulness is not resources or size. Rather it is its usefulness to people.

We mut profit from what history teaches. The development of agriculture in the Northwest has been a constant struggle between those who have and those who want. It is the story of the farmers' efforts to find a place in the sun.

That is why, as general manager of Farmers Union Grain Terminal Association, I am prefacing my regular annual business report to the stockholders with a review of the developments of cooperative grain marketing in the spring-wheat areas of Minnesota, the two Dakotas, and Montana.

This review, I hope, will help to remind us of our beginning. How was it possible for an unorganized and hard-pressed people to challenge and conquer an entrenched adversary, with wealth, power, and all the weapons of economic warfare at their command? It was the stubborn courage of a few, whose fighting hearts refused to surrender when everything seemed lost, who finally won against great odds. That is the story that we must remember, and must tell over and over again.

The history of grain marketing in the Northwest begins in the early 1880's. The Minnesota Legislature had granted a charter, vested with extraordinary powers, to the Minneapolis and Duluth grain exchanges. Thus the grain markets became a law unto themselves. Too often the rulers were high-handed in their actions, indifferent to the needs of the people on the land.

Down through the years charges were made time without number in the legislatures of Minnesota, the Dakotas, and Montana that these special marketing powers had been tremendously misused. Many of the charges were of extremely serious nature. They could not go unheeded forever.

The piling up of 50 years of complaints and charges had their culmination in a lengthy and thorough investigation of the activities of the Minneapolis Chamber of Commerce. The hearings were conducted by the United States Government through the Federal Trade Commission. The full report, together with a cease-and-desist order against the Minneapolis Grain Exchange was rendered in 1923. (Federal Trade Commission, Docket No. 694).

In essence, these findings show how the Minneapolis Grain Exchange spread false and misleading information; how its officers conspired to defeat the farmers' efforts to market their grain through their Equity Cooperative Exchange; how its tactics were intended to injure the cooperative, particularly by filing unfounded suits, and causing other damage and embarrassment to the cooperative.

The Federal Trade Commission report speaks for itself. It is mentioned here to remind you that cooperative grain marketing at the terminals is not a new venture, and that the present achievements are the result of a long and difficult route. Actually, what happened 25 years ago offers a background for understanding the machinations of the past several years, when every effort was made to destroy the usefulness of your Farmers Union Grain Terminal Association in the market places.

When we review what has happened over the past 50 to 75 years, we find that early period of grain marketing in the Northwest also was the period of settlement and homesteading. Millions of acres of farm land were given to the railroads. Warehouses took a healthy toll for handling grain. The grades, dockage, and margins on grain were liberal. Banks collected usurious interest charges and commissions.

Fortunes were accumulated. Many came out of the sweat and toil of farm families on the prairies. These fortunes were tax free; they were accumulated before anyone knew anything about income taxes. It was against this kind of exploitation that the farmers revolted. They were compelled, as a means of economic survival, to sell their grain themselves.

This was the start of cooperative grain marketing. All that the farmers wanted was to get a fair price for their grain, and thus to increase their share of the ultimate price realized for their products. They wanted to correct the abuses that they felt kept them on the edge of bankruptcy. They believed the way to do this was to organize cooperative elevator associations in their communities. This was very noticeable after the turn of the century.

The farmers had to overcome almost insurmountable difficulties. But they progressed. Finally, they were accepted as part of the business community. But farmers soon realized that as important as the gains in the local community were, they had to go at least one step further to successfully market their products.

In 1907, farmers representing a group of local cooperative elevators formed the Equity Cooperative Exchange as their own terminal market sales agency. Sixteen years later, on March 10, 1923, the Equity went into voluntary receivership, largely as a result of unscrupulous and unfounded attacks made against it. But by 1925 the Farmers Union Terminal Association was formed with some of these same local cooperative elevators as key members. It grew rapidly. In 1929 it become a part of Farmers National Grain Corporation, a national grain marketing organization created by the Federal Farm Board under the Agricultural Marketing Act of 1929.

This ambitious effort by the Federal Government, however, did not achieve its goal. When Farmers National Grain Corp. ceased operations on May 31, 1938, farmers from 121 local cooperative associations were determined to have their own regional cooperative in the terminal markets. On June 1, 1938, these associations transferred their accounts to the logical heir, Farmers Union Grain Terminal Association.

With $30,000 in the preferred stock, a capital loan of $300,000 from the Central Bank for Cooperatives, and the support of thousands of farmers, Farmers Union Grain Terminal Association started marketing grain cooperatively for these farmers on June 1, 1938.

Several sections from the articles of incorporation of GTA illustrate the purpose for which it was created by the farmers of the Northwest. Section 2, article I, states:

"The purpose of this association shall be to market the agricultural products of its members and patrons, and to procure supplies and equipment, and to perform any and all services for its members and patrons. All its activities shall be conducted strictly upon the cooperative plan and on a nonprofit basis. The association shall not engage in any activity with a view to any gain or profit for its own account; and no financial gain or profit shall accrue or be paid to any member solely by reason of his membership in this association."

Section 5, also of article I, states:

"Limitations: This association shall not market the products of nonmembers in an amount the value of which exceeds the value of the products marketed for members. It shall not purchase supplies and equipment for nonmembers in an amount the value of which exceeds the value of the supplies and equipment purchased for members. It shall not purchase supplies and equipment for persons who are neither members nor producers of agricultural products in an amount the value of which exceeds 15 percent of all its purchases. Business done for the United States or any of its agencies shall be disregarded as determining the limitations imposed by this section."

Article IV, section 2, subsection (c), states significantly:

"No dividends, interest, or other income or financial gain or profit shall be declared or paid on any shares of capital stock or otherwise result to any stockholder solely by reason of his or its ownership of such stock. All increase or increment, if any, in the assets of this association, resulting otherwise than from payment to the association of the par value of shares of its capital stock for the issuance thereof, shall belong to and be held for its patrons in proportion to their patronage."

We cite the above so that you may be clear as to the purpose of this long effort of Northwest farmers to improve their own situation.

CAPITALIZATION AND CONTROL

GTA is a capital stock corporation organized under the cooperative laws of Minnesota. It is owned by approximately 500 cooperative elevator associations and approximately 4,000 individual farmers, nearly all living in Minnesota, North and South Dakota, and Montana.

GTA has two classes of stock, common and preferred. The common stock has a par value of $1 per share and has exclusive voting power. The preferred stock has a par value of $25 per share. No dividends are or may be paid upon such stock. As of May 31, 1948 (the end of our fiscal year), there were outstanding in par value:

Common stock shares	$5,133.00
Preferred stock shares	14,716,984.55
Part paid shares of preferred stock	516,913.74

The Minnesota cooperative law requires us to place in a permanent reserve 10 percent of our annual savings until the reserve equals 50 percent of our outstanding capital stock. That reserve, all of which is allocated to the patrons who contributed it, on May 31, 1948, was $1,773,282.04. The total members' and patrons' equity on that date was $17,012,313.33.

With the exception of about $967,000, all of the capital of GTA has been created by patrons' reinvestment of their patronage refunds. That part of the capital which does not consist of reinvested patronage refunds represents preferred stock sold to members. All of our patronage refunds have been distributed as shares of preferred stock and credit certificates (the latter issued when a refund cannot be divided into even parts of preferred shares). Patronage refunds are paid to members and nonmember patrons on the same basis and without discrimination.

The affairs of the corporation are managed by a board of directors of eleven farmers. The annual meeting of the stockholders is held in St. Paul in December of each year. Cooperative association members are represented by delegates. There is no proxy voting.

Delegates are chosen by the local member cooperative elevator associations. Neither the management nor the directors of GTA has any voice or control in the selection of the delegates and members who attend the annual meeting. These delegates come great distances at substantial expense to attend their annual meeting.

The GTA has no subsidiary corporations. It makes a profit not for itself but for its members and patrons whose agent it is in all its operations, as the Supreme Court of Minnesota ruled in 1947.

THIRTY-FOUR YEARS

Your general manager is proud that he has been actively identified with progressive farm and cooperative causes for 34 years. During all this time we have had the counsel and help of two men: T. C. Croll, who is in charge of developing and expanding the cooperative business in the country, and T. F. O'Neill, who directs the day-by-day operations of the business in St. Paul. There is no other instance, so far as we know, where 3 men have been so closely associated and identified for so long a time in the cooperative movement.

All through these years the cooperatives have had their ups and downs, but at no time were the gains so near to being destroyed as in the past 3 years. To keep the record clear, I'd like to recount our experiences.

As a public accountant, in 1914–15, we helped the Equity Cooperative Exchange successfully defend itself against a receivership action started by the attorney general of North Dakota. The lawsuit disclosed the machinations of the secretary of the Minneapolis Chamber of Commerce, now the Minneapolis Grain Exchange, and the North Dakota attorney general. That was our baptism of fire, our first understanding of what the cooperatives were up against, and the lengths to which some people and organizations would go to destroy them. We also saw how, as a result of years of constant attack, discrimination by banks and the grain exchanges, the Equity was finally compelled to file a voluntary petition for bankruptcy in 1923. Out of the remains of the Equity your general manager was given the responsibility of salvaging enough with which to start a new regional cooperative grain-marketing association, Farmers Union Terminal Association.

When the Equity fell, we were aware that it had withstood the direct frontal attacks, but its members were victim of the more subtle propaganda of half-truths and lies spread against it. We recognized that information and education had to be an important part in the building of any cooperative organization. In addition, we felt, a cooperative had to be identified with a grassroots farm organization that really spoke for its members.

With all that in mind, we accepted the responsibility of acting as chairman of a Farmers Union executive committee in 1925. Together with A. W. Ricker and C. C. Talbott, we started in that year to build a Farmers Union organization in North Dakota, Montana, Minnesota, and Wisconsin. There were a lot of headaches, plenty of hard work, and moments of discouragement. But the work had its reward. These State units of the Farmers Union are now flourishing educational organizations and a strong bulwark for the entire cooperative movement in the Northwest.

In 1932, in the depths of the depression, your general manager resigned from the old Farmers Union Terminal Association to become a "lobbyist" for grain cooperatives and the Farmers Union in Washington, D. C. We were in Washington during those dramatic 6 years when a new chapter was being written in the history of American agriculture.

When we arrived in Washington, we found a helpless, floundering Congress, bankrupt of ideas and hope. In 1933, a new administration had been given a mandate by the people to start building something better. Pressing for "legislative parity" for farmers in a "legislated economy," we either initiated or cooperated in bringing about the enactment of many far-reaching farm laws. These laws are the first real group of Federal statutes and appropriation measures designed to bring parity of income to the farmers. Some of these laws provided:

1. Price supports and the ever-normal granary;
2. The first wheat program with its "benefit payments";
3. Crop insurance;
4. Banks for cooperatives;
5. Banks for farm mortgages;
6. Interest rate reductions on Federal Land Bank mortgages;
7. Commodities Exchange Act, to protect cooperatives and minimize gambling in farm commodities;
8. Appropriations for Resettlement Administration and Farm Security Administration which, in our area,

(a) Provided monthly grant payments to help keep farmers on the farms during the depression. Forty percent of the farmers in the Dakotas and Montana received monthly grants during the depression.

(b) Helped needy but worthy farmers acquire farms.

(c) Helped farmers set up local cooperatives.

9. Support prices for grain;

10. Permanent legislation to protect farmers' income.

In 1938, your general manager was asked by the leaders of your farm organizations to return to the Northwest to set up and assume the management of the Farmers Union Grain Terminal Association. We accepted and have served in that capacity ever since.

When we took over the responsibilities of guiding an infant cooperative through its first dangerous years, we thought that most of our efforts would be confined to business. But from the time we started our new duties on June 1, 1938, we ran head-on into a conspiracy of opposition. The intensity of the economic battle has increased with each passing year.

The opposition took to litigation, propaganda, and political pressure. Let us review what has happened during the past 36 months. We mentioned earlier in this foreword that all through the years some segments of the grain trade have constantly sought to embroil the farmers' cooperatives in legal entanglements. The purpose of all these costly litigations was to create doubt among farmers by casting suspicion on the operations of their cooperative elevators. But not once has the grain trade won a case against our cooperatives.

Space does not permit a full review of these legal joustings. There was the famous Elevator M case. That began as an attempt by the grain trade to make farmers believe that their regional grain cooperative was engaged in illegal and dishonest grain handling. It ended up by forcing spokesmen for the grain trade to take the witness stand to defend their own acts. There were efforts made to disqualify the cooperatives from carrying on their business in a manner authorized by the Minnesota Legislature.

But for sheer persistence, nothing equals the manner in which the adversaries of Farmers' Union Grain Terminal Association have carried on during these three past years. The flimsiness of the charges and the utter weakness of their case is borne out by the fact that they were roundly whipped in every instance.

Why, then, did the grain trade press what, even to them, must have seemed a hopeless campaign against your GTA? Now the reason is obvious. There was much more to the battle than first caught the eye. These legal skirmishes were part of a much larger conspiracy against cooperatives that led directly to the Halls of Congress.

The campaign which was aimed directly at your GTA—but which, if it had been successful, would have pulled other cooperatives down with it—began in 1946 when the Minnesota Railroad and Warehouse Commission was prevailed on to issue an order to show cause why the Farmers Union Grain Terminal Association should not cease buying consigned grain. Although this matter had been thrice disposed of, the Commission declared that it felt the practice was a violation of a statute of Minnesota. That statute forbids a commission merchant from acting as both buyer and seller of the same grain.

When the case came up for a hearing, two elevators in the country asked to intervene. They alleged they were in competition with Farmers Union Grain Terminal Association and wanted the practice stopped. The Minnesota Railroad and Warehouse Commission had its trial. It issued its order forbidding Farmers Union Grain Terminal Association from continuing the practice.

So, Farmers Union Grain Terminal Association appealed the Minnesota commission's order to the District Court of Ramsey County. That stayed the commission's order until the court had an opportunity to hear the case and rule. When the matter reached the district court, more intervenors showed up. This time these intervenors were commission merchants in Minneapolis and members

of the grain exchange. The court refused to let them intervene.

While this appeal was pending, a test case was started to speed the case along. A cooperative elevator affiliated with your GTA asked the district court to forbid Farmers Union Grain Terminal Association from continuing the practice of buying consigned grain because the practice might be in violation of the Minnesota statute. In this case, too, applications to intervene were made by the grain-commission merchants from Minneapolis who were members of the grain exchange. Again their applications were denied.

The district court ruled favorably in behalf of Farmers Union Grain Terminal Association. So an appeal was made to the Minnesota Supreme Court. The supreme court heard all parties, even the grain-commission merchants who wanted to become intervenors. Everyone had his say.

The Minnesota Supreme Court ruled on February 13, 1947, that the Farmers Union Grain Terminal Association had every legal right to buy consigned grain, and was not violating any State laws.

The Minnesota Supreme Court, in constructing the law upon which its unanimous decision was based, outlined the nature of Farmers Union Grain Terminal Association in very simple language. It made it clear that the whole contention of the grain traders was wrong. It also made clear the fundamental nature of a cooperative such as Farmers Union Grain Terminal Association. One paragraph is worth repeating:

"The defendant"—that's Farmers Union Grain Terminal Association—"is engaged in the business of marketing grain for its members and patrons on a cooperative, nonprofit basis. All of its so-called savings belong to and are distributed to its members and patrons on a patronage basis without discrimination between members and nonmembers. It makes no profits of its own. The patrons are entitled to receive all financial benefits of the defendant's activities. In handling the grain of its patrons, the defendant is in reality a selling agency. In order-business transactions the buyer, if he resells, is entitled to all the profits of the deal. The seller has received all he is entitled to. If a cooperative is a so-called buyer of the agricultural products of its patrons, the profits made in the resale inure to the seller, not to the association. The buyer and seller in this kind of a transaction occupy a different status from that of the ordinary buyer and seller. The association is in reality merely a selling agency."

There you have clearly pointed out in the language of the highest court in Minnesota the legal difference between a cooperative and the ordinary business corporation owned by shareholders to whom the profits of the corporate transaction go. There you also have the real reason why Farmers Union Grain Terminal Association is so bitterly opposed by its competitors. It's all a matter of where the profits go.

But even these reverses did not end the hopes of the grain trade. The summer of 1947 wore on. Everything was quiet until on September 12, 1947, the Minneapolis Grain Exchange started a suit in the Federal district court against Farmers Union Grain Terminal Association. It was the same thing all over again. The Minneapolis Grain Exchange said that it wanted a declaratory judgment from the court to decide whether Farmers Union Frain Terminal Association, in buying consigned grain, was violating a rule of the grain exchange.

The rules of the grain exchange are substantially like the statute on which the Supreme Court of Minnesota had ruled favorably to Farmers Union Grain Terminal Association on February 14, 1947. The general effect of the exchange's rules is to forbid members of the grain exchange from acting both as receiver and buyer of the same grain. But this similarity did not seem to make any difference to the grain exchange.

The Minnesota Supreme Court, in referring to the statute on cooperative marketing, and judging from the paragraph that I have just referred to, had set the matter to rest. But the grain exchange now was asking the Federal court to decide whether the practice violated the rules of the exchange.

Lawyers for Farmers Union Grain Terminal Association promptly made a motion to dismiss the case because the matter did not belong in Federal court but should ge before the Commodities Exchange Commission, which forbids grain exchanges from discriminating against cooperatives. That is the way the Federal court so ruled on December 31, 1947. It suggested that the grain exchange first go before the Commodities Exchange Commission. The grain exchange has not found it wise to do so.

So, here is what we have: the original petitions against Farmers Union Grain Terminal Association; the Minnesota Railroad and Warehouse Commission proceedings; the test in the Minnesota District Court; then the test before the Minnesota Supreme Court; finally the same case bobbing up again in Federal court. You had grain exchange members seeking to intervene throughout.

Defeated in every legal battle, the grain trade has tried to use propaganda and politics to destroy or cripple cooperatives. On the propaganda front our adversaries have made use of the notorious so-called National Tax Equality Association. This organization was created 5 years ago, largely through the efforts and money of the grain trade.

Its attack on cooperatives has been both unscrupulous and dishonest. It has charged that cooperatives are tax dodgers, socialistic, and monopolistic. It has preyed on the fears of Main Street merchants for moral support while receiving substantial financial aid from large corporations. We have given our members a detailed, running report of the activities of the NTEA in our Farmers Union Herald and GTA Digest and on our radio broadcasts.

In August of 1947, the chairman of the NTEA board, and a Minneapolis grain dealer, was so confident that the NTEA campaign against cooperatives would be successful that he made a strong appeal for more funds—increased 10 times in 5 years—and declared that 1949 must be the year of decision.

That confidence was based on a number of things, particularly the unhealthy influence that the grain trade seemed to have with the Eightieth Congress. Several congressional committees were extremely partisan to the NTEA program. Several bills had been introduced in the Congress of the United States—particularly one by Senator WILLIAMS—which would have put cooperatives out of competition by imposing punitive restrictions. The farmers' credit agencies and such institutions as the Central Bank for Cooperatives, were in danger of being put out of business.

The NTEA had its greatest day in Congress when the House Ways and Means Committee held its hearings on cooperative taxation. This was a repetition of the preview hearings held by the House Small Business Subcommittee, in which much of the evidence was stacked against cooperatives.

The fact that the chairman of these two committees, as well as a number of the members, have been returned to private lives is encouraging to us. But in 1947 and 1948 the outlook was grim. There was every reason for the grain trade and NTEA to boast that the political complexion is favorable. They expected it to favor them for the next 4 years, and they made their plans accordingly.

The Minneapolis Grain Exchange, among other grain organizations, paid former Congressman Roger Slaughter of Missouri, whom the Federal Government has since indicted as a lobbyist. It is generally believed that representing the grain traders, Slaughter was successful in having the Eightieth Congress do two things: one was to bar civilian agencies of the Federal Government from engaging in grain exports, thus letting down the bars to such international grain operators as Bunge, Continental and Laval; the other was to cripple the Commodity Credit Corporation grain storage program, thus denying farmers adequate storage and forcing them to sell grain on the market during harvest in such quantities that the prices went below the Government support level because it could not be stored.

On November 4, President Truman, in a memorandum to Paul Hoffman, head of European Recovery Program, rescinded the order giving the foreign grain business to the big exporters. The Minneapolis grain traders have lamented in the newspaper headlines.

The grain trade also had its field day in helping to pigeonhole the International Wheat Agreement twice, once at the regular session of the Eightieth Congress and again at the special session.

Such a vicious campaign, in which the truth is cynically distorted to serve the purpose of the propagandists for the anticooperative forces, must be met head-on. Your Farmers Union Grain Terminal Association has never hedged, appeased, or compromised on the right of farmers to engage in business for themselves.

Twenty-five years have passed since farmers of the Northwest began to rebuild their present regional grain cooperative system. The rapid growth of Farmers Union Grain Terminal Association during the past 10 years has made it necessary for us to give careful attention to a department of public relations.

The GTA Digest, the Farmers Union Herald, and the Co-op Grain Quarterly are prepared and published by this department. The Herald is owned by the patrons of GTA, the Farmers Union Central Exchange, and Farmers Union Livestock Association, which share in the operating costs. In addition to these publications, your organization sponsors a daily noontime radio program of information and comment over a network of six stations in Minnesota and the Dakotas. It also provides daily grain-market reports five times daily over six radio stations.

I want to mention, at this time, the importance of the Herald, because it goes to every patron of Farmers Union Grain Terminal Association, as well as members of the Farmers Union Livestock and Central Exchange. We are free to speak out in the Herald, and to print the facts, just as we are in the other publications and over the radio. We are able to do this because there are no pressures or influences exerted by advertisers or other outside groups. The patrons of these Farmers Union cooperatives are the only ones who dictate policy.

The public-relations work furnishes the strongest weapons that cooperative patrons have to fight their battles.

The cost of bringing this information to the people is sizable. Unlike merchandising grain, there is no tangible way of measuring the importance of this department to our cooperative. But I do know that it is as valuable a department as we have. It pleases the management that the board of directors has always enthusiastically supported the work carried on by this department by unanimous vote.

That's the history of the grain traders—just a 3-year briefing of their main acts. It shows what they have done on the legal, the propaganda, and the political fronts to "protect the profits of the free-enterprise system." No wonder farmers want co-ops. When they know the history of the grain trade they believe that there is no protection except to build a better marketing system for themselves. That is what they have

done in Farmers Union Grain Terminal Association.

The purpose of this foreword is to forewarn our people. If we should ever forget the sacrifices and heroism of the pioneers who started these cooperatives, or permit ourselves to become soft with prosperity, we are in danger of losing not only all that we have worked for but the heritage of a half century.

My confidence that we are on the right road is that an informed, intelligent membership has no fear of change, is ready to meet the challenge. The strength of Farmers Union Grain Terminal Association, its true greatness, continues to be its usefulness to the people of the Northwest.

Farmers Union Grain Terminal Association—condensed statement of financial condition as at May 31, 1948

Cash with banks	$4,557,886.82
Government bonds—amortized value	5,137,109.75
Receivable and accruals—less reserve	7,095,759.94
Inventories	2,922,157.91
Total current assets	19,712,914.42
Noncurrent assets—covering margin deposits, stock in cooperatives, contracts receivables, notes receivable for stock, etc	2,093,019.47
Fixed and deferred assets—(mostly land, buildings, machinery and equipment) less depreciation	5,739,339.96
Total assets	27,545,273.85
Current liabilities	10,215,611.10
Noncurrent liabilities and current reserves	317,349.42
Members' net worth:	
Common stock	5,133.00
Preferred stock	14,716,984.57
Preferred stock credits	516,913.74
Permanent surplus	1,773,282.04
Total liabilities and net worth	27,545,273.85

SUMMARY OF FINANCIAL CONDITION

Net current assets	$9,497,303.32
Net noncurrent assets	1,775,670.05
Net fixed assets	5,739,339.96
Your GTA net worth	17,012,313.33

ELEVENTH ANNUAL REPORT

Our foreword briefly sets forth the story of the grain farmer's struggle. We traced his efforts to make a success of his business of farming, his struggle to have a voice in the marketing of his grain by building cooperatives. We also brought up to date the farmer's conflict with the private grain trade.

There have been advances, especially in the field of cooperative grain marketing. But the fight of the years gone by is still the fight of today. What is encouraging is the attitude of the thinking, progressive grain farmers who make up the cooperative family known as Farmers Union Grain Terminal Association.

The pioneering era may be said to be over in American agriculture. But the spirit of the pioneer-farmers goes marching on. They are finding new ways to carry on their business. They are showing both vitality and imagination in the struggle against the private grain interests. Your Farmers Union Grain Terminal Association was forged out of this struggle. The foreword demonstrates how your Farmers Union Grain Terminal Association has helped to secure many of these agricultural gains.

Therefore, your directors and management have two responsibilities in this annual report. First, to report the general operations of this cooperative for the fiscal year ending May 31, 1948. We shall touch only on the main points, leaving the more detailed report to be covered in the annual statement by secretary-treasurer A. E. Kathan, a member of the board of directors. Second, to report on the continuing struggle by farmers to gain economic security and social well-being in their business.

OPERATING RESULTS

We know of no other type of business in the United States, cooperative or private, which operates on such a small margin of sales as your GTA. Many of the large institutions in the field of processing and distribution take a gross profit from their sales of 3 or 4 or 5 percent. Some show a considerably higher percentage of sales taken as gross profit.

In the case of GTA, the following percentages therefore become most interesting:

	Percent
Sales and services	100.00
Cost on sales	99.03
Savings on sales and services	.97

These savings are the result of many services: Income from interest charged for financing farmers' cooperative elevator associations; auditing, bookkeeping; commissions from grain sales; grain merchandising; line elevator operations; storage and handling charges for grain at terminal and subterminal elevators operated by GTA; operating a flour mill; grain operations at branch offices. From such savings are deducted the interest paid for temporary borrowings of large operating funds; general expenses; property maintenance; and reserves for losses on accounts receivable, and depreciation of property.

SAVINGS FOR THE YEAR

Because of the small percent of sales taken for margins of the business, the savings are limited, yet these savings amount to $3,517,043.37. This is approximately a million dollars less than the savings a year ago. The difference is due to the tremendous savings on flaxseed a year ago when ceiling prices were lifted. We arranged to accumulate, a year ago, a substantial inventory of flaxseed while we were engaged in helping remove the flaxseed ceiling which was so unfairly held against the flaxseed growers in the fall of 1946. When that extraordinary saving on flaxseed is excluded from the previous year's business, our past year's savings were larger than any previous year in the history of GTA.

The volume of grain we handled would have been much larger except for the continuation of the discriminatory order of the Interstate Commerce Commission dealing with the distribution of boxcars to country elevators. We hope that this year we will yet be able to correct that car order No. 144 issued by the Interstate Commerce Commission. This order favors the country elevator with a small normal handle of grain and discriminates against the elevator which normally has had a large handle of grain. Of course, these are mostly farmers cooperatives.

This year's savings, after deducting for operating expenses, depreciation, reserve for doubtful accounts, and 5 percent for educational funds, amounted to $3,517,043.37. These savings were distributed to our patrons according to their patronage on the following per bushel basis:

	Cents per bushel
Wheat	3.64
Durum	3.64
Flax	2.97
Rye	2.09
Barley	1.87
Oats	1.10
Corn	1.30
Soybeans	1.99

All the payments made by the farmers' elevator associations to GTA during the fiscal year for services covering interest, commissions for selling grain, auditing, bookkeeping, etc., were a little more than half of the total patronage savings for the year. This means that the savings in the total operations of GTA returned in patronage dividends are far in excess of all the payments made by farmers and their cooperatives to their GTA for services. In other words, the farmers and their grain cooperatives, through their GTA, enjoy not only a complete refund for all service charges they pay, but also enjoy refunds as a result of other savings in the many operations of GTA. It must occur to anyone, then to ask why in the world some farmers and their grain cooperatives pay service charges to competitors of GTA when such competitors never return a dime of the service charges to farmers and their grain cooperatives.

As to your general financial structure, the balance sheet shows that at the end of the fiscal year May 31, 1948, you had net quick surplus current assets of close to $10,000,000. That represents your foundation of current capital or the equity capital which stands as the base for your borrowing from the banks. Of course, this net financial position must be increased because your business is going to increase. If the business should increase faster than this current equity capital increases, then you would be called upon as farmers to invest more capital to bring the equity capital up to where it is needed for your total financial requirements. For every million dollars that the farmers put into this equity capital, $3,000,000 may be borrowed from the private banks.

The amount of your investment, less depreciation, in your fixed assets covering real estate, buildings, etc., was a little more than $5,700,000 at the end of your fiscal year. These properties, because of inflation, would cost at least $15,000,000 to replace. That may become a serious problem for you to consider in the years ahead. These properties are wearing out. The old rate of reserve for depreciation which we set up each year would not be enough to provide the funds needed in the depreciation account to rebuild the facilities that one day must be replaced at present inflated construction costs. This is true in the whole grain business. Terminal elevators now operated by us or our competitors cannot be replaced if the present costs of operation and the present public terminal elevator rates remain as they now are. That means that eventually the service charges at public terminal elevators will have to be high enough so that eventually properties will be replaced by somebody. That is a serious problem that lies ahead in the whole field of grain marketing, both for us and our competitors.

IMPLEMENTING SERVICES

The departments and institutions which have been set up by GTA are all important in effectively implementing the marketing problems of the farmers.

The Terminal Agency, Inc., is a general insurance agency. It has direct relations with the Nation's largest insurance companies. Under State law, this insurance agency cannot be operated as a cooperative. Therefore, it operates as a private-profit corporation and pays income taxes to the State of Minnesota and the Federal Government. It provides an important and needed service to cooperative elevators in the field of insurance. It is important that GTA has all the insurance it needs to cope with the hazards of conducting its business in the fields of fire, casualty, and fidelity. It is equally important that our affiliated cooperative elevators are fully protected in all these needed fields of insurance and services. That is why it is important that GTA

and its affiliated cooperative elevators have a general insurance agency that is devoted entirely to protective service in all the fields of operations where insurance is required. The Terminal Agency, Inc., has grown from a small agency to one that as of November 27, 1948, had open insurance protection, as follows:

Buildings	$23,973,000
Inventories	144,204,000
Bonds	8,454,000
Miscellaneous	4,500,000
Total	181,131,000

Now, of course, the Terminal Agency collects large sums in commissions at established legal commission rates. After paying all expenses and income taxes, the net profits that are left belong to the Grain Terminal Foundation, which is a charitable trust.

In the recent acquisition of 38 lumber yards by our Great Plains Supply Co., we also acquired two lumber wholesale houses at Minot, N. Dak., and Havre, Mont. The lumber yards we acquired for our Great Plains Supply Co. were formerly operated by Midwest Lumber Co. The wholesale houses, largely owned by the same people, were operated as the Minot Builders Supply Co. Because the Minot Builders Supply Co. deals with many private lumber yards in the Northwest, it does not lend itself to becoming a farmer's cooperative. Therefore, all of the capital stock of the Minot Builders Supply Co., Inc., which is the new company, is owned by the Grain Terminal Foundation. After the profits of the Minot Builders Supply Co., Inc., over and above State and Federal income taxes, become sufficient to pay for the cost of that company's assets, all profits will go to the Grain Terminal Foundation.

The wholesale house, which is now controlled by the Grain Terminal Foundation, will supply a substantial amount of merchandise needed by the 117 local cooperative lumber yards. GTA also buys some of its supplies from the Great Plains Supply Co. for the repair and maintenance of its elevators.

The Great Plains Supply Co., with its recent acquisition of local lumber yards from the Midwest Lumber Co. (35 yards in North Dakota and 3 in Montana) now operates 117 retail lumber yards in Nebraska, Iowa, Minnesota, South Dakota, North Dakota, and Montana, on a cooperative basis. It started with nothing on May 1, 1943, except the debts for the 35 yards which were taken over from the old St. Anthony & Dakota Elevator Co. at that time. Five years later, on May 31, 1948, it had a net worth owned by the patrons of nearly $1,500,000.

The Farmers Union Grain & Supply Co., which GTA sponsored at the urgent request of the farmers in northern North Dakota and northern Montana, started from scratch 6 years ago. It renders a needed service in the field of feed, seed, as well as other services, including weed destruction. By the summer of 1948 it had acquired a net worth of over $530,000, in addition to rendering many needed and useful services to farmers in the area it serves. It does a substantial business in seed, as well as carrying on a large bean operation at Billings, Mont., where the farmers lacked marketing service for their beans. Their institutions, the Terminal Agency, Inc., the Great Plains Supply Co., the Minot Builders Supply Co., Inc., and the Farmers Union Grain & Supply Co., conceivably have a great future for expansion and usefulness. For whatever the future may tell, so far we may summarize the cooperative institutions which we have fostered, financed, and managed, as follows:

As at May 31, 1948, GTA net worth	$17,012,313.33
As at May 31, 1948, Great Plains Supply Co. net worth	1,470,770.76
As at May 31, 1948, Farmers Union Grain & Supply Co. net worth	532,418.41
Total net worth of our three institutions	19,015,502.50

These institutions have carried on operations with results which are very encouraging to all of us in such a short period of years. The acceptance and use made of them by farmers is evidence that these institutions were needed and wanted by the farmers. Their growth and their present financial position suggest the great field of opportunity that lies ahead for farmers if they will but patronize their own institutions.

All of these institutions set aside 5 percent of their net savings for State organizations of the Farmers Union. The distribution of the 5 percent educational funds is made on the basis of the volume of business in the several Farmers Union States. The educational funds in the hands of the State units of the Farmers Union are used to carry on organization, support legislative work, and promote the expansion and usefulness of these cooperatives among their members. That is teamwork. Both GTA and the Farmers Union in their fields of activity thus implement the development and growth of each other.

COOPERATIVE ELEVATOR MANAGERS

When GTA started marketing grain cooperatively, 90 percent of the managers of farmers' cooperative grain elevators were of the old school. Most of them were on an intimate basis with private grain commission merchants, and favored them with the business from their cooperative elevators.

How could more farmers' cooperative elevators be induced to ship to GTA instead of to the friendly commission merchant? In such situations the Farmers Union has been helpful. Where the Farmers Union is strong, the farmers gradually learn how to divert their business from the private grain commission merchant to GTA. It is a slow but effective process.

The immediate job for GTA, however, is one of educating and training of managers. GTA each year conducts a school to train competent managers. These young men are taught the important aspects of managing a farmer's elevator. Invariably they get a complete understanding of our philosophy of service and eagerly await their appointment as manager of a farmers' elevator. When they are placed at an elevator, these young managers tell the board of directors of their local grain cooperative why they believe the shipments should be marketed cooperatively. There is no doubt but that we will ultimately attain the cooperative goal, through farmers who belong to the Farmers Union or other farm organizations, together with the attitude and determination of the friendly managers. They will help build GTA to the place where it is the controlling factor in the field of marketing the farmers' grain in this area.

The large portion of country business handled by GTA represents grain consigned to be sold on a commission basis. However, there are millions of bushels of grain which are not handled on a commission basis. At our branch offices in Great Falls, Mont., and Sioux City, Iowa, the grain is bought outright from the farmers and their grain cooperatives and is merchandised by GTA rather than sold on a commission basis. On such grains, of course, GTA assumes all market risks.

At this point you will be interested in knowing that in the twin cities of Minneapolis and St. Paul and the twin ports of Duluth and Superior are to be found practically the last vestiges in the United States of grain marketed on a commission basis. In other great market places, such as at Amarillo, Tex.; Enid, Okla.; Hutchinson, Kans.; Kansas City, Mo.; St. Louis, Mo.; Chicago, Ill.; Ogden, Utah; Portland, Oreg.; Spokane, Wash.; Denver, Colo.; Great Falls, Mont.; Sioux City, Iowa; Omaha, Nebr.; Columbus, Ohio; and Indianapolis, Ind., there is only a small amount of grain consigned to be sold on a commission basis.

The old system of selling such a large portion of the grain on a commission basis in the Northwest rather than on a straight merchandising basis is due to long-established practices. In the Twin Cities and the twin ports farmers' cooperative elevators and independent elevators have received a service from grain commission merchants. The country elevator operations are financed by commission merchants.

This operating credit is extended to farmers' elevators and independent elevator operators because these country elevator operators do not have enough capital and credit to carry on their grain business independent of credit extended by grain commission merchants.

The grain exchanges in Minneapolis and Duluth, through their boards of directors, establish rules of marketing conduct and practice. These rules protect the grain commission merchants in two important respects. First, the rules, which the commission merchants help to establish, require all commission merchants who finance country elevator accounts to pay a specific uniform rate of interest to country accounts for credit balances and charge a uniform interest rate against country accounts for debit balances. At present, the interest credit rate given by the commission companies is 1 percent and the debit interest rate is 4 percent. This is a spread of 3 percent interest in favor of the grain commission merchant. To the extent that grain commission merchants have substantial credit balances for country accounts on which 1 percent is paid, the grain commission merchant is permitted to loan those credit balances back to country accounts with debit balances and charge a rate of 4 percent. Your GTA is required to engage in the same practice under the rules of these grain exchanges of which GTA is a member.

In the case of "adversary" grain commission merchants, our competitors keep this profit in interest. In the case of GTA, any profits that are earned by financing at these rates are credited into the savings for the year and prorated back as part of the patronage refunds.

Second. The rules of the grain exchanges also establish the rates of commissions that grain commission merchants must charge. This is required of GTA also. Interestingly enough, these commission rates have a floor price and a ceiling price. Generally, the private grain trade has condemned the Federal Government for setting ceiling prices and for providing floor prices on farm commodities. What they call socialism and Government interference with private enterprise is just good business for the grain commission merchants when they make the rules.

The commission merchant's floor price on wheat for illustration is 1½ cents a bushel. Even if wheat went to 25 cents a bushel, the commission merchant would still collect that support price of 1½ cents a bushel. If, however, the Minneapolis or Duluth price on wheat should go above $1.50 a bushel, the commission merchant takes 1 percent of the proceeds until it goes as high as 2½ cents

a bushel. The grain commission merchant therefore enjoys a floor price of 1½ cents a bushel commission and a ceiling price of 2½ cents a bushel on wheat. In the case of flaxseed the range is a support price of 2½ cents a bushel and a ceiling price of 3½ cents a bushel. It varies on the other grains and seeds.

TERMINAL ELEVATORS

As you know, we operate terminal elevators in Minneapolis and St. Paul, Minn., and Superior, Wis. These three houses have a combined capacity of about 8,000,000 bushels. We also have large elevators at Spokane, Wash., Shelby and Lewistown, Mont., Rush City, Minn., and Sioux City, Iowa, the last of which was acquired this year.

During marketing periods when grain prices fall to the floor prices supported by Government loans, your management is confronted with difficult problems. In this current marketing year, as you know, wheat prices in Minneapolis were for a time below the Federal Government support prices. Your management became convinced that a tremendous amount of wheat would be put under Government loan. The terminal elevators which we operate in Minneapolis and St. Paul, Minn., and Superior, Wis., are known as public elevators.

In operating public elevators we are required by law to accept any grain offered to us for storage. Thus, the grain commission merchants who are not operating public terminal elevators could ask for this space in your cooperative terminal elevators to store wheat for their accounts. That would leave you farmers in the position of having your cooperatively operated public terminals filled with competitors' wheat for Federal-loan purposes while your own wheat had no place to go. There was only one thing GTA could do. To prevent such a situation from arising, we wrote a letter to all of our affiliated farmers' cooperative elevators and offered them the opportunity of contracting a specific amount of space in these cooperative public terminal elevators. In that way your management could say to anyone else: "No; we cannot take your wheat for storage because the space has been contracted for by our affiliated shippers."

When we made this offer to our affiliated cooperative elevators they not only contracted for all available space, but so much more that your GTA was required to acquire additional space in other public terminal elevators. The contract your GTA made with these public terminal elevators was a specific contract.

The price of wheat began to rise. Then, as a result, much less wheat was offered for storage than we had anticipated. When we were certain that our shippers were protected on storage space, it became apparent that some had contracted for more space than they needed. We recognized that these shippers might be severely penalized for trying to protect their operations by contracting for space which they probably were not going to use. This would prove to be a substantial loss to some of the country affiliates.

When this situation became clear to your management we notified all of our affiliated accounts that had contracted for space that we were willing to cancel their contracts. Some country affiliates took advantage of our effort to be helpful. We were pleased to cancel their contracts, although, of course, your GTA has sustained this loss in the amount of income and savings that we will have for this year.

If we could have foreseen what conditions would ultimately be like, we would have been in a position to do what we wanted—to buy heavily early in the year when the wheat consignments were selling below the loan price. If we had followed this course, GTA would have shown tremendous savings for its patrons on such wheat purchases.

Primarily, however, your GTA, as a cooperative, is interested in marketing services that protect the farmers and their cooperative elevators. That is the reason GTA was created. It was not created merely to accumulate savings, but to help in every way possible to get a fair price for the farmers in the market. It is apparent, therefore, that GTA can and does render valuable services in the field of marketing even though there may be no savings to report at the end of the year.

We never know from year to year what the conditions may be for marketing the crop. Our first responsibility is to try to appraise those marketing conditions, and to establish policies which will best serve the interests of the farmer's marketing of his grain.

GENERAL FINANCIAL POSITION

In contrast to other years, when grain prices were generally far below what they had been in the last 2 years, the problem of financing our country affiliates has at times this year been stupendous. This has been true not only because of the extraordinarily larger amount of credit that must be extended by GTA to country affiliates in order to carry high-priced inventories in country elevators but likewise it is true in furnishing credit to our country affiliates who have enlarged their country elevator facilities at these extremely inflated prices today.

You are all aware that construction costs have almost gone beyond the limit of anyone who cares to risk capital on these high-priced construction jobs.

SERVICE IN FINANCIAL STRENGTH

I want to give you another illustration of what can bob up in a hurry to test the financial strength of your cooperative marketing organization.

As you farmers know, the Federal Government had a support price of $6 per bushel for flaxseed. The Federal Government entered into a contract with the flaxseed crushers guaranteeing them a support price on the linseed oil they extracted from flaxseed. This contract, however, did not cover the linseed meal extracted from flaxseed. As you know, the linseed meal price this fall took a big drop. The result was that the crushers had a support price on linseed oil but none on linseed meal. On a given Friday afternoon the flaxseed crushers went on "strike." That is, they stopped buying. The Federal Government's Commodity Credit Corporation was not prepared for this strike. There were huge amounts of flaxseed in transit to the market. GTA was caught with 1,500 cars of flaxseed looking for a price of $6 a bushel. There was no support price on flaxseed the next morning except that the Government had said there was a support price of $6 a bushel on flaxseed. But, effectively, there is no support price on anything unless there is a way to get the money.

There was hysteria in the market place. Your management was confronted with the job of protecting both the shipper and GTA with this $6 price. We did not hesitate. We telephoned to the Secretary of Agriculture of the United States, the Honorable Charles F. Brannan. He advised us to pay the $6 price in the market while the Department of Agriculture and the Commodity Credit Corporation were trying to find a way to protect your cooperative. From the time that we went into the market to support flaxseed at $6 until it was able to get its money back from the Federal Government's Commodity Credit Corporation, your GTA had millions of dollars tied up in flaxseed. When the situation finally cleared up your cooperative came out with a loss of only a few thousand dollars in demurrage charges. These demurrage charges arose out of the fact that we could not unload the flaxseed at our elevators as fast as shippers were pouring it in at the $6 price.

Instead of hesitating at the critical moment—which could have broken the flax market—your cooperative went on the radio and told the farmers to ship their flaxseed to us. GTA would protect the price. We got a lot of new business. We doubt if any receiver of flaxseed ever received as much flaxseed in one marketing year as we received on this crop.

Without commenting on what our competitors did in this situation, we feel that GTA rendered a great service to the farmers who produced and marketed flaxseed this year.

BANKING CREDIT

For the past few years we have had some Twin City bankers call on us, seeking an opportunity to lend money to GTA in its operations. We continued, however, to borrow all of our credit from the Government's Central Bank for Cooperatives. Down through the past 10 years, we have borrowed in excess of $250,000,000 from the Central Bank for Cooperatives. Every note has been paid in full at or before maturity date. The Federal Government's Central Bank for Cooperatives has always made a profit from its loans. The profits from such borrowings by GTA are part of the contributions to the present large surplus now owned by the Federal Government's Central Bank for Cooperatives.

It is important at this point in the report to put the public straight with reference to a notorious lie repeated again, and again, and again by the National Tax Equality Association. The National Tax Equality Association, as you know, wants to destroy cooperatives because it says they are socialistic. During the past few years it has repeatedly stated that your GTA, like many other cooperatives, enjoys a pipeline into the United States Treasury and thus has benefited by loose credit at interest costs less than is paid by GTA's competitors, such as private grain merchants who contribute generously to the National Tax Equality Association. That is NTEA hokum. Here are the facts.

A year ago, seeing the attitude exhibited by the Eightieth Congress toward cooperatives and Federal farm credit agencies, and fearing this trend might be continued into 1949 and 1950, we took prompt steps to develop new credit sources for your GTA. We had been offered credit by private banks at slightly lower rates of interest than we have been paying to the Government's Central Bank for Cooperatives. Last summer, bankers from New York, Chicago, St. Paul, and Minneapolis met with your management at the GTA offices in St. Paul. We went through GTA's operations from A to Z. We furnished these bankers with operating statements for the last several years. After hours of discussion, these bankers offered not only to take over the line of credit which GTA had enjoyed with the Central Bank for Cooperatives but also offered millions more in credit if we needed it.

We finally completed a loan agreement with the Bankers Trust Co. of New York, N. Y.; the Continental Illinois National Bank and Trust Co. of Chicago, Ill.; the Northwestern National Bank of Minneapolis, Minneapolis, Minn.; the First National Bank of St. Paul; the Empire National Bank and Trust Co. of St. Paul, and the American National Bank of St. Paul. They offered to extend open lines of credit to us, which in your language means loans without security. That is how much they respect the financial integrity of your GTA.

But the pay-off on the repeated NTEA lie about co-op favoritism at the hands of the Government is this: Your management insisted and these banks granted your GTA credit at the prime rate. Prime rate means the lowest rate of interest for which credit is extended by these banks to any borrower in the United States except the United States Government. The United States Government gets money from banks on what is known as short-term certificates of indebtedness at a rate of interest lower than the prime rate. Outside of these Government

certificates of indebtedness, your GTA enjoys as low a rate of interest as is paid by the best borrowers in the United States.

In contrast to what NTEA says about your GTA and other cooperatives having Government favoritism, the fact is that we are now borrowing money from private banks at an interest rate 1 percent lower than we can get the credit from the Central Bank for Cooperatives. At present the prime rate is 2 percent.

We had these private credit arrangements completed before the flaxseed market crisis. The heavy flaxseed movement made it necessary for us to borrow more money than we had anticipated we would need during the crop year. We explained by telephone to the New York and Chicago banks that an unusual situation had arisen. These banks promptly increased GTA's credit line by millions of dollars to meet the temporary problem. Further they did not demand notes from GTA, but charged extra millions of dollars on open account and billed us at the end of the month for the earned interest.

We have reason for taking so much time to discuss this particular phase of our financing. We want you to know that, because of your good judgment in the years past, you permitted your GTA to retain the savings in hand for future usefulness, instead of demanding cash at the end of the year in cash patronage dividends. You decided to take preferred stock instead of cash.

The preferred stock is your evidence of ownership in GTA. It is worth 100 cents on the dollar. That is proven regularly. When farmers quit farming your board of directors promptly orders such preferred stock to be retired by cash payment. Because you left your savings in here in the form of cash you provided your GTA with a marvelous financial statement. It has millions of dollars in net current surplus as equity capital. This enables your GTA to borrow all the millions necessary to meet your marketing problems in the country and at the terminal market.

If you stockholders had not followed this recommendation of your board of directors and management, we could not have successfully provided your regular financing needs for operating your country elevators and to meet marketing problems at the terminal market so clearly demonstrated in the case of the flaxseed upset. You should know that these bankers marvel at the sound financial set-up structure and by-laws of your GTA.

These bankers believe your institution was marvelously conceived and is admirably constituted to meet your every need in the field of finance.

These bankers do not lend money to your GTA because they are philanthropic toward cooperatives. As a matter of fact, it is surprising how little some of them know about cooperatives. But for your comfort and satisfaction and to help your future conduct as stockholders, permit your management to impress on your minds that you were exceedingly wise through the years to build this strong financial structure which has been able to serve your every need, even through inflation. The willingness of private bankers to lend such millions of dollars without any hesitation is a measure of their confidence in GTA's ability to repay the loans. It also is the evidence of your wisdom as stockholders, the wisdom of your directors down through the years.

Your management has frequently been criticized by your competitors because it advocated issuing preferred stock instead of paying cash. They have repeatedly ridiculed its value, saying preferred-stock certificates issued by GTA were just something with which to paper the office of your local grain cooperative.

MARKETING CONTROL

The National Tax Equality Association has tried to do a job on GTA's repeated statement that it seeks to be the important factor in the marketing of the farmers' grain. They not only say that we are socialistic but also that we are monopolistic. We are not monopolistic, and as for being socialistic the chairman of the NTEA board of directors was obliged to admit that there was no basis for the charge when he was questioned before the powerful House Ways and Means Committee in Washington a year ago.

Now, what do we mean by being the controlling factor? If GTA had control of 75 percent of the marketing just in this Northwest area we could not control the futures prices of wheat. But we would be an effective day-by-day influence on premiums and discounts—make no mistake about that. So far as a base price is concerned, the only power in the United States to affect base price is the strong arm of the Federal Government. The device is support prices. A lot of you farmers registered your conviction about price supports when you voted last November 2. Within our organization your general manager has long been a vigorous advocate of strong price supports because he knows that price support can control the size of your pay check for farming. If the support price is 60 percent of parity, then your pay check is 60 percent. We don't like that any more than you do.

THE FUTURES MARKET

Your management is vigorously opposed, as most of you know, to speculators playing with the futures prices of your grain. So far as monopoly is concerned, your GTA directors and manager hope to see the day when the futures market such as we have today for wheat in the United States will be as inactive as futures markets in Liverpool, England. If you will recall, in years gone by, the futures prices of wheat in Chicago and Minneapolis were affected by the prices at which wheat traded on the Liverpool, England, Exchange. Because of what has happened in the last 8 years in world affairs, the Liverpool Exchange is as dead as a dodo. I have been informed that the Liverpool Exchange floor is now used for storage. This might serve as an omen to the grain exchanges in the United States that their future usefulness will be controlled by their future conduct.

We are members of the grain exchanges and we believe these exchanges serve a useful purpose by providing a place for buyers and sellers to meet. We also believe in proper rules to enforce proper conduct—but we emphasize the word "proper." If the NTEA or the private grain trade wishes to call farmers' co-ops a monopoly, we have this to say: We want sound and effective floor prices for the farmer's commodities as a support for his future economic security, and we want the great bulk of the farmer's grain handled cooperatively right to the processor so that the farmer is fully protected in premiums and discounts and rates for service charges. Furthermore, we want the bulk of the grain handled cooperatively so that the savings in the field of marketing the farmer's products go to him and not to intervenors. We want to see a stabilization of prices in the field of support price, premiums, and discounts. This would prove to be no disadvantage to any processor. As a matter of fact, it should be to his advantage to be able to buy his supplies in a market where there is stability in the price of raw materials.

There is no futures market for railroad rates, commission rates, bread prices, meat prices, fruit prices; there is no futures market even for barley or durum wheat. The theory that there is a futures market to protect the country in buying grain in too many cases is just so much "bosh." The changes in the market place that really bother our country operators are in the field of wheat premiums. There is no way to hedge wheat premiums. A severe decline in wheat premiums can cause a farmers' cooperative elevator heavy losses. There is no available hedging against this sort of risk. If we had a hedging system whereby the distant futures were sufficiently above the day-by-day futures in which grain is traded to cover the cost to the country elevator for carrying the grain in the country, then, we would gladly agree under such circumstances that there was a sound hedging market for contract grades of grain—but not premiums.

In the case of corn and oats, there are some advantages in hedging, but with the other commodities only the pretense of a futures market is there for hedging purposes.

When May wheat futures is 7 cents a bushel lower than December wheat futures—what is your opinion of the value of the vaunted hedging insurance for the country buyer and the farmer owning wheat still unsold by the end of December?

EMPLOYEES

The attitude of the directors and stockholders toward the employees has enabled the management to develop a high degree of employee services. They are faithful and loyal people who look forward to security of continuation of their employment with these growing cooperatives. Because the report of your president covers this quite fully, there is no need for further comment from the management except to say that all employees are deeply grateful for the concern of the stockholders and directors for their happiness and security.

DURUM MILL

A word should be said about our one processing plant, which is a durum flour mill at Rush City, Minn. This flour mill continues to be very useful to the producers of durum wheat. Because we have a large supply of durum shipped to GTA for marketing, there are at times great advantages to our durum shipper to be found where we are confronted with a soft durum market for good milling durum, at which time we have the opportunity to pay the full market value for that milling durum and divert it to your own durum mill for further handling.

COMPETITION

As previously mentioned in this report, competition is keen, and as far as the grain commission merchants are concerned, they are fighting for survival. We also have competition from a part of the independent and line elevators in the country. Some of these line elevators are operated by people who are also in the milling business. Those people in the field of processing and operating country elevators are naturally alert to procuring the supplies they want and need for their processing operations. That character of competition we do not mind because it is desirable when it helps prices and reduces marketing margins.

We feel that the Grain Terminal Association, with its line of elevators and country affiliates, has made a great contribution to this competition we refer to, all to the general betterment for the farmers' local price. It will be all right with Grain Terminal Association if competition becomes keener and we operate even with the board, with no savings to show in that field. If Grain Terminal Association has no savings in that field, that means our competitors also have less savings. That is all to the benefit of the producers who welcome that sort of competition. This being true, there is further evidence of the need of your own Grain Terminal Association in the field of cooperative marketing on an even much larger scale than it now enjoys.

As you know, your Grain Terminal Association cannot handle the business of privately operated country elevators because, under the cooperative laws which gave us our charter and operating rights, Grain Terminal Association is limited to handling only that grain which comes from farmer-producers. Therefore, the future growth of Grain Terminal Association must lie with the willingness of local farmers' cooperative elevators to favor Grain Terminal Association with

their business and also the farmers to organize and establish local cooperative grain elevators where none now exist. That is all a part of the required technique to carry on the kind of economic war we have with the private grain trade.

So far as we know, we are experiencing no difficulties with processors, that is, those who mill wheat, crush flaxseed, malt barley, or buy grain for processing feed. We believe that the large processors have generally recognized the farmers' right to cooperatively market their grain up to the door of the processor, and understand the whole program for which Grain Terminal Association and the Farmers Union stands is that the farmers be paid a fair price for their produce that will give them parity of income with the other groups in the whole economy of this Nation. Surely it requires no great amount of research on the part of anyone to learn that the terrible cost of living, which is borne by consumers, does not arise from the fact that farmers are paid excessively for the raw material. The processors, bakeries, the butcher shop, wholesale houses, and all are the ones to account to the consumers of this country for the prices that are presently paid by the consumers for the finished products of farm produce.

It has been our hope that with the tremendous expansion in cooperative marketing, together with fair support prices from the Federal Government to protect farm prices, that it would not be necessary for the farmers to go into the field of processing and further distribution. If the processors will join the farmers in this respect, then it will be the responsibility of consumers to deal with others than farmers as regards prices, which to them seem unbearably too high.

NATIONAL FEDERATION OF GRAIN COOPERATIVES

We want to call your attention again to the importance of the National Federation of Grain Cooperatives, which is composed of the following institutions:

The Farm Bureau Cooperative Association, Inc., Columbus, Ohio.

The Farmers Cooperative Commission Co., Hutchinson Kans.

Farmers Grain and Bean Association, Denver, Colo.

Farmers Grain Cooperative, Ogden, Utah.

Farmers Grain Dealers Association of Iowa, Des Moines, Iowa.

Farmers Union Grain Terminal Association, St. Paul, Minn.

Farmers Union Jobbing Association, Kansas City, Mo.

Illinois Grain Corp., Chicago, Ill.

Illinois Grain Terminals Co., Chicago, Ill.

Indiana Grain Co-operative, Inc., Indianapolis, Ind.

M. F. A. Milling Co., Springfield, Mo.

Michigan Elevator Exchange, Lansing, Mich.

North Pacific Grain Growers, Inc., Portland, Oreg.

Producers Grain Corp., Amarillo, Tex.

Union Equity Cooperative Exchange, Enid, Okla.

Westcentral Cooperative Grain Co., Omaha, Nebr.

We have had the honor of serving as its president since it was organized in 1939. It has grown into an effective national force. It maintains a full staff in Washington, headed by Mr. Roy F. Hendrickson, a veteran on Washington's agricultural front.

The federation's Washington office works with all farm groups. Some members of the federation are affiliated with the Farm Bureau, some with the Grange or Farmers Union, and some with no farm organization at all. But regardless of their affiliations, all members realize that the cooperatives' real responsibility on the local, regional, and national level is to work together for a better income for farm families.

The farmers who patronize their local cooperative grain elevator, which, in turn, patronizes any of the federation's regional cooperatives, such as GTA, are doing their marketing through a local institution with national influence. Any problems of regional or national importance which affect grain farmers move from the local level through GTA to the Washington office, where the proper Government agency is contacted. The gains so far achieved for grain farmers through GTA far exceed anything known in the history of grain marketing.

SMALL-BUSINESS MEN

We want to say a word to the small-business men on Main Street who have unwittingly supported such institutions as the National Tax Equality Association. In contrast to the policy makers in the National Tax Equality Association, who go out to the country level and operate at a profit, which profits they take into the cities and none of which ever returns, GTA has this comment: Such earnings as GTA makes on its members in the form of benefits and savings go back into the pockets of the local farmer and thus it increases the amount in the pocket of a farmer which he spends on Main Street, often in the business of the very man who contributes to the National Tax Equality Association.

Further, GTA, with the Farmers Union, is constantly looking for better prices and parity of income for the farmers back of Main Street, thus making a great contribution to the farmers who become better customers of the business people and professional people on Main Street. One day the so-called small-business man on Main Street will learn this truth and will then have as red a face for his unwitting expenditures against his own best interests as the pollsters acquired on November 3 of this year.

LOOKING AHEAD

We want to commend the vision, courage, labor, and unity shown by you stockholders and other patrons of GTA in your determination to build this kind of service for the people of the land. An examination of this annual report shows where you have come from and how you have grown in 10 years. The result of your understanding is shown in the following comparison of your GTA cooperative services with those of your adversaries.

COMPARISON AND CONTRAST

A democratic capitalism can survive only if it is divested of monopoly and permitted to function in a free economy.

Your cooperative GTA	How it works	Private corporation
With the membership.	Control	With investment stockholders.
1 man, 1 vote	Voting	Investment shares.
People-patrons' control.	Voting difference.	Majority stock controls.
To serve people; stabilize prices.	Purpose	To make profits; to exploit prices.
To those who furnish the business—producer and consumer patrons.	Profits	To investors who are neither producer nor consumer patrons.
A fair distribution of profit to the people who produce and consume.	Economic result.	Tendency toward further concentration of capital and property.
A diffusion of national income to the people—does not reduce the national income but serves to stabilize the processes of production and consumption toward a constant level of prosperity. This increases the strength and confidence in our democracy and way of life.	National welfare.	Concentration of profits in fewer hands lessens the annual income to the many resulting in "boom and bust" prosperity. This decreases people's hopes, aspirations, and confidence in our democracy and way of life.
Brotherhood responsibility.		Accumulate profits.

WHERE DO WE GO FROM HERE?

We have reported to you where we have come from and where we were at the end of the last fiscal year, May 31, 1948. As a matter of fact, all thinking people in the United States and the world are wondering: "Where do we go from here?" Because of lack of planning and lack of courage, the simple truth is that we do not know where we are going from here. Even the people of the United Nations do not know where we go from here. While it is true that most of the important decisions are in the hands of other people, we all have a responsibility to do what we can whether as individuals or institutions. There is much that our farm organization and our cooperatives can and should do.

There are two outstanding things that we can do within GTA that ought to engage our attention during this stockholders' meeting. First, how do we increase our business, and second, how do we increase our financial structure to take care of that business? We have one of two choices to make. We can try to stand still, be complacent and shrink, or we can determine to understand the problems that lie ahead of us and go forward.

The character of the people who compose GTA, its local cooperative elevator associations, its farm organization, its GTA board of directors, and all of its employees is such that they have but one understanding: It is the determination to go forward.

In GTA there are two peoples with a common purpose: Those who produce for the market and the employees from the local elevator up through GTA who handle the products in the field of marketing. At the local level, out there on the battleground, it is the responsibility of every Farmers Union local, every local board of directors, and every manager of the local grain cooperative to tell the story of GTA, its purposes and accomplishment, in order to bring the volume through the cooperative channel. There is also the job of providing the financial structure which is the tool of distribution.

Adequate financial structure is as important in the field of marketing as the farm machinery is to put in the seed and harvest the crop. No farmer would think of operating a section of land with one horse and a plow. The wheat farmer with a section of land is combine minded. He must have the same understanding of his cooperative marketing institutions. In this advanced age, no longer can you have a "horse and plow" country elevator. It must have adequate size, modern equipment, in order to meet the local problem of marketing. It must have an adequate base financial structure as part of the requirement of financing the cooperative business from the farmer to the processor.

GTA must have commensurate size to move its finances out there at the local level to furnish the required operating capital not owned by the farmers in their local cooperative. GTA must have the facilities in the form of line houses and subterminals and terminals so that it can properly handle the supply of the grain which is now so quickly harvested and made available to the market place.

The annual supply of grain is used over a 12-month period, but too much is marketed in a short time. Of course, to get the most out of the grain in the form of price there must be an orderly storage of the grain on the farm, at the local elevator, and at the subterminals and terminals. As we envision the period of the next 5 years, we believe that the line elevator department should be doubled to help provide the services and volume necessary to a proper base operation of the terminal elevators. Grain accumulated in the line elevators is intelligently marketed to and through the terminals. Our experts know when it is best to ship barley or wheat or any other commodity. In the

case of the line, the local managers are told when to ship, and they ship.

In the case of the local cooperatives, we only advise what should be shipped. The local manager and board make their own decision, which is proper. But more and more the local cooperative elevator associations and boards and managers respect our advice and cooperate closely with better net results for the local cooperative elevator associations.

Immediately in the next few years we need to double the elevator capacity of the big Superior terminal. A large St. Paul river house is needed to specialize in the handling of barley. A large elevator is needed at Grand Forks especially devoted to handling of durum wheat. A more substantial terminal elevator is needed at Sioux City to handle distribution at that marketing point for grain out of Iowa, Minnesota, and South Dakota. We estimate the cost of these several terminals at $10,000,000.

Last year your management suggested that we attempt to raise $10,000,000 from farmers in the Northwest by offering 3-percent notes to run 20 years, but subject to call within 5 years. The stockholders approved a resolution in support of that suggestion. As you will recall, during the year we have said and done nothing to promote that $10,000,000 program, and for a very good reason.

Right at the time of our stockholders' meeting a year ago the Farmers Union Livestock Association immediately went out on a program to raise a large sum of money through the sale of stock and notes to take over a string of rendering plants. Soon thereafter the stockholders of the Farmers Union Central Exchange, Inc., adopted a program to raise a substantial amount of capital to help them in their field of acquisition of increased petroleum supplies. We felt that our two Farmers Union institutions just referred to had more immediate need of capital than GTA, and it would be more acceptable to our stockholders and patrons if we yielded temporarily some time for them to carry out their financial programs.

All we can do is to suggest and, if the stockholders fail to understand our advice or do not agree with us, then we will just go on lackadaisically as we have and trust to the elements. We are encouraged to believe from what the Secretary of Agriculture has told us, and by general statements made by President Truman, that the Federal Government is going to concern itself about new storage construction to improve the marketing of grain. We sincerely hope that under proper auspices and policy that the new Federal administration will intelligently deal with this problem.

We know of no magic whereby adequate facilities for grain marketing can be made available to farmers. It may be necessary for the farmers to take some of their capital and invest in facilities as an extended arm of their farming. It is just as important as having a combine if farmers are to have due regard for the ultimate cash they receive for their work in producing and marketing their grain. We hope the stockholders, by appropriate resolution, will support our announced program to enlarge our terminal elevator at Superior, building an adequate terminal elevator at Grand Forks, one at St. Paul, and putting a substantial addition to our elevator at Sioux City as a minimum of a construction program in the immediate years ahead.

Conceivably, the Federal Government could engage upon a program of constructing modern elevators to meet the growing requirements of our consumer needs in the United States and the demands abroad. There is one thing in this report our competitors will like to read. That is our notice to the present administration that we will join with any and all groups to keep the Federal Government out of directly operating in the field of farm marketing and distribution. We are asking the Government to first engage upon an engineering job to determine where and what kind of facilities should be built to meet the prospective needs of production and distribution that the Government believes are needed to meet the requirements of domestic and world consumption; and that in that determination the farmers and their cooperatives should be carefully consulted; and that any such project of construction by the Federal Government should be of the REA type which puts the instrumentalities of distribution in the hands of the producers who need them and on a self-liquidating basis so that the Government will suffer no loss.

There is only one way to expand, and that is to move into action and do it. There is the countryside; there are the people on it; there is the volume of grain. You know how to provide the financial tools for marketing, as we explained. Do you want to do this marketing job right in your lifetime, or say you had a nice experience with GTA, but maybe the kids will do better? I know your answer. It is the answer of all of us. We will go forward and do the job in our lifetime.

CONCLUSION

The experiences of the past several years as well as the opportunities that lie ahead make it imperative that we continue to work with all farm groups to build a stronger cooperative program. We have a responsibility to contribute contructive leadership that leads to sound farm group action. Your association was built and is supported by farmers representing all groups of opinion. The measure of their support is their approval of our practices. The programs and achievements of Farmers Union Grain Terminal Association are the best reasons for the continued support of all farmers.

Your GTA has made a name for itself among the Nation's cooperatives. Its progress is watched and its achievements discussed. Even its competitors are impressed with its growth. But the real achievement of GTA must be measured by what it does to make farming more stable and secure.

Your Farmers Union Grain Terminal Association has been able to do more than any farmer individually because it speaks for 150,000 grain producers who are its owners. It represents the combined strength of these farmers on important commodity issues that affect their daily operations.

It was the organized strength of these farmers, and their singleness of purpose, that abolished the worst of the grain warehousing and grain marketing abuses. The demands of organized farmers made it possible to secure a farm security administration and a mortgage moratorium when such things were needed. Then, the organized efforts of farmers helped to bring into being such needed programs as crop insurance, crop loans, and support prices.

All of these achievements were possible because you people recognized the power of cooperative effort. You are on the march. Your fight now is to continue support prices, to get adequate storage for your grain, to build a better marketing system. These are implements that you are using for the purpose of helping to make your lives better and more secure on the farm.

Your work has just begun when you walk out of this convention hall. You are the leaders in your communities. Yours is the responsibility to educate, to inform, and to direct. To the extent that you fail to live up to your responsibilities, to that extent your association is deprived of that power and influence so essential in the life of a strong, militant organization.

It is true that everything is not as we wish today. We see big business entrenched in high places, with its plans well laid to control the national economy. That is the story of aluminum, steel, rubber. But once the people are told the truth, and once they are organized, American democracy will be safe. The voice of the people—in the mines and factories and the offices and the farms—must be heard.

In all plans for the future there is the hope that eventually the control of marketing will be in the hands of farmers who produce man's basic requirements of food and fiber. Some there are who may doubt that such a hope can be realized.

My convictions today are even firmer than when I talked to the Farmers Union national convention in 1942. They are borne out by what has happened in recent months. What I said 6 years ago bears repeating again:

"The voice of the people has been heard in the land. The new hopes also bring new responsibilities. In the next 2 years the people will decide what they can do for themselves in building a more secure economy. That is the sobering challenge that comes in a time of victory. Although we have won an important battle, we have not yet won the economic war."

As the voice of progressive agriculture speaks out, it calls for the support of all farm organizations and cooperatives to help shape a long-time program to give American farmers economic security. To that end GTA has become a moral force as well as a business influence in the market places.

You have shown by what already has been accomplished that cooperation can shape business to serve the people's welfare. This spirit of fair play is setting a new standard of business ethics which benefits both producer and consumer.

A great opportunity is ahead for all of us. We must make the most of it. The spirit of cooperative enterprise is still in its infancy, but its influence is widespread.

We value cooperation for what it already has done. But that is not enough. Its value will diminish unless its higher aims are fully realized. Let us resolve to join with all the progressive forces and move forward to build better—the cooperative way.

M. W. THATCHER.

THE PRESIDENT'S STATEMENT

"Opportunity," it is said, "knocks but once." Fortunately for the human race, most of the old sayings are not wholly true. In recent weeks we have seen another opportunity come to the people on this land—yes, to the people on the land. The people have given themselves another opportunity to build in America a better way of living, a more secure, peaceful and abundant life for themselves and their children. They emphatically rejected the record of the Eightieth Congress for its policies of tax relief for the rich, for its failure to cope with the problems of housing, health, education, and price stabilization, and for its attacks on the ever-normal granary, on the international wheat agreement, on farm cooperatives, on labor, and on the constitutional rights of people to think and speak with freedom. The people made opportunity for progress knock again by selectively defeating the Senators and Representatives who symbolized the forces of reaction which were determined to put a halt to the onward march of the common man. The progressive forces of America have a new climate in which to work.

For family farmers, the opportunity is greater than ever before to achieve the goal of parity of living for farm families on the land, toward which the Farmers Union has been striving for the past 20 years. Our opportunity to establish fundamental legislation for a sound land policy during the next 2 years is greater even than the eventful first hundred days of the New Deal. For one thing, we have an infinitely better idea of what must be done to achieve parity of living for family farmers than we did in 1933. For another, we have a stronger Farmers Union undergirded by great cooperatives like

the Farmers Union Grain Terminal Association and its affiliates. A third factor that gives family farmers a real opportunity is a Secretary of Agriculture of courage, ability, and understanding. The past record of the Honorable Charles F. Brannan proves he has a fundamental belief in the future of family-type agriculture.

The new opportunity has come unexpectedly—it came as a shocking surprise to the pollsters, the press, the reactionary propagandists, and the profiteers—but the people demonstrated again that when the issues are sharpened, they know what they want and choose with a fine sense of discrimination.

The forces which were confident of destroying price supports, restoring unbridled speculation in world commodity markets, and emasculating our cooperatives have now sustained a severe defeat. We were on the defensive, but now we have the chance to take the offensive.

We must not, however, underestimate the strength of reaction. Let us not be lulled into a sense of false security. This may be our last opportunity. The same forces that spearheaded the drive against the international wheat agreement and sabotaged the Commodity Credit Corporation—the private grain trade and allied reactionary interests—are now prepared to spend any amount of energy and money in a drive to divert, to undermine, to sabotage, and finally to defeat the determined efforts of progressive farmers to build a sound long-range program. They know that if we—the people, particularly farm people—take full advantage of our opportunity it may be the last chance of the forces of monopoly and special privilege to dictate the marketing and distribution system in this Nation. These forces, if ever again in control, may not trust the people with the free choice of the ballot and the free choice of patronage.

To make the most of our opportunity we must use the vehicles of democracy we have built. One of the most important vehicles of democratic action at our disposal is our Farmers Union Grain Terminal Association. I have been speaking of the revitalization of the people's march toward progress on the political front, but, of course, that is only one of the sectors of the battleground against reaction. It is an important sector for the 150,000 farmer members of GTA and for GTA itself, for the kind of grain market we have depends to a large degree on legislative action under which we must operate.

This may be a somewhat unorthodox beginning to the seventh annual report I am privileged to make to you as president of the Farmers Union Grain Terminal Association. Our secretary-treasurer, Mr. A. E. Kathan, will make a full accounting to you on our financial status and our general manager, Mr. M. W. Thatcher, will report in detail on our operating policies and results. My report, therefore, must cover the general policies and progress of GTA and outline for your acceptance or rejection the future direction of our association. As an approach to that subject, I would like to quote our good friend from Canada, Mr. W. J. (Bill) Parker, president of the Manitoba Pool Elevators, who says, "Cooperation is a social, an economic, and an ethical ideal."

In reporting to you on the progress and policies of GTA, the purely economic cannot be separated from the social and the ethical. Therein lies the difference between a cooperative enterprise like the Farmers Union Grain Terminal Association and a private corporation. Our balance sheet is important. We point with justifiable pride to the fact that in 10 years to May 31, 1948, GTA has grown from a net worth of $30,000 to a net worth of over $17,000,000. Yet our balance sheet is not the pursuit of profit only; it provides the means, the vehicle, the tools for serving its members and serving the whole community for the common good. Any cooperative is unworthy of its name unless it challenges the system that produces poverty and abundance; unless it challenges the basis of the system—self-interest; unless it challenges its incentive—the pursuit of profit only; unless it challenges its methods—the economic war we miscall competition and the exploitation of producers and consumers alike; unless it deplores the results—riches at one end of the social scale and poverty at the other.

Let us measure the vision and accomplishments of GTA, or any other cooperative to which we belong, by the yardstick of our Canadian friend Bill Parker, when he said, "Against self-interest, cooperators place the common good; against the profit motive, the motive of service for mutual advantage; against the competitive method; they urge working together and sharing together; against the extremes of wealth and poverty, they work for an order of social justice with extremes of neither wealth nor poverty."

How can GTA best serve the common good? What more do we need to provide service for mutual advantage? How does GTA promote working together and sharing together? How can GTA contribute to social betterment?

For grain farmers perhaps the greatest threat to the common good is the decline in grain prices since December 1947. Since last we met, wheat has dropped nearly 28 percent, oats came down 49 percent in a few short months, barley nearly 50 percent, corn about 55 percent, and so on and on. We are reminded of the collapse of agriculture after World War I. According to the yearbook of the Department of Agriculture for 1921, "During the latter half of 1920 the average price in the United States of the 10 leading crops dropped 57 percent and by May 1921 was only one-third of that of the preceding June."

Many of you suffered the loss of your farms and homes during the period following World War I. Most of us looked back upon those days with dread and were fearful that the experience would be repeated. Today, however, there are some deciding factors in our favor. Then we did not have a Farmers Union in this area. We did not have a GTA. The private grain trade had almost succeeded in destroying regional cooperative marketing with its attacks on the old Equity Grain Exchange. In 1921 we did not have an organization of 150,000 farmer patrons, with nearly 600 cooperative elevators, all affiliated with hundreds of thousands of other farmers in a militant farm organization, the National Farmers Union. We have come a long way in cooperation and farm organization, but the private grain trade has apparently learned nothing—as witnessed by their drive against the farm price-support program and the international wheat agreement.

Prices have not fallen as far as they did in 1920 chiefly for one reason—the price-support program. Who fought the floor prices and who fought to improve and continue them? Let us look at the record.

The mechanism of support price is the storage loan and purchase program of the Commodity Credit Corporation. This device, or method, was first proposed by the Farmers Union. The private grain trade fought the farm program embodied in the 1938 Farm Act, and when the Commodity Credit Corporation was set up, the grain trade then attempted to restrict storage loans to grain stored in public elevators only. The Farmers Union was also instrumental in raising the loan rate from 52 percent to 75 percent—and later to 85 percent and 90 percent—of parity, in having the Commodity Credit Corporation transferred from the Reconstruction Finance Corporation to the Department of Agriculture, and in getting price-floor guaranties in the wartime Stabilization Act.

The record of the Farmers Union and GTA on price supports is clear. It is reasonable to suppose that the grain market debacle of the twenties would have been repeated but for price supports.

Where do we find the grain trade? The Northwest Miller, an influential organ of the milling industry, says, "Price supports are insupportable in principle."

Looking at the record, why should any farmers' elevator company ship to an old-line commission company that fights the entire price-support program? If you can answer that question, perhaps we can understand why some cooperative elevators still ship to commission companies, which use the profits from that grain to finance the National Tax Equality Association's fight against cooperatives. The latest blast by the NTEA should prove conclusively to all that no cooperative is exempt from its drive, be it a large regional like GTA or a small cooperative elevator anywhere in the country.

In the years to come we are going to need the export market for the 185,000,000 bushels annually which the international wheat agreement would have assured us. At the behest of the grain trade the Eightieth Congress refused to ratify the wheat agreement, so after 15 years of negotiations which resulted in 36 nations signing the agreement, we have no assurance of a foreign market for our surplus wheat. All three of the major farm organizations advocated ratification; the Department of Agriculture and the State Department advanced strong reasons for it. But the grain trade opposed and won.

The international wheat agreement should be renegotiated and ratified. The Eightieth Congress, as you know, pigeonholed this important effort on the part of the nations of the world to stabilize the international wheat trade. We are encouraged by the fact that both President Truman and Secretary Brannan are recommending that an international wheat agreement be negotiated and passed by the Eighty-first Congress.

The glaring contrast between the system that operates solely in self-interest and the cooperative system for the common good is again shown by the restrictions passed by the Eightieth Congress, again due to the influence of the private grain trade lobby, which forbids the Commodity Credit Corporation to lease, buy, or build additional storage facilities needed in its price operations. Many farmers have been forced to sell their grain this fall below the loan rate because of this provision.

Naturally, GTA will join with the Farmers Union and other forces in demanding repeal of this ban on Commodity Credit Corporation's acquiring storage facilities, so that it can effectively maintain our loan position at all times.

To serve the common good, a cooperative must provide service for mutual advantage. Since its beginning, GTA has marshaled its resources to provide the physical facilities and the personnel to market the grain of the growers to their best advantage. Good crops and favorable margins gained through expert handling have enabled us to build rapidly, but our physical facilities for handling your grain to best advantage need rounding out. In the past year we purchased a 385,000-bushel terminal at Sioux City, Iowa. Plans being developed by your board of directors and management call for the building of a large terminal at Grand Forks, N. Dak., and a big expansion in capacity at our Superior, Wis., elevator as soon as construction, supplies and costs will allow. These plants also include the building later of subterminals at strategic points throughout our entire territory. If farmers are to control the marketing of their grain, they must have permanent, ample storage facilities on the farm, at the local elevator and in the terminal markets to keep grain until it is wanted and to put it in the condition required by the processor.

The future expansion and effectiveness of GTA depends largely upon getting new accounts and greater volume. If we could double our volume, we would be well on our way toward stabilizing the premiums and discounts according to the true value of the grain. Our operations today have a very definite influence upon the markets, but when the big percentage of grain produced in this area is shipped to us, the service that GTA can render for the mutual advantage of its members will be greatly increased. You, as farmer patrons of GTA, can do much to bring about a better understanding of the issues by farmers in communities where the farmers' cooperative elevator does not ship to us. Show your patronage-dividend-refund record to the doubter. It is very convincing. Building Farmers Union locals in communities surrounding those elevators is a most effective means of developing understanding of the whole program of which GTA is such a living part. Our size and accomplishments today do not mean that we have arrived; we have merely built the machine with which to begin the real job.

Cooperatives urge working together and sharing together, rather than the economic warfare called competition. Much of our agricultural policy is based on the competitive ideal that pits one farmer against the other in a race of production. Such a contest can only result in the "factory in the field" and corporation type of agriculture without any consideration for the long-time political, economic, and social values to the Nation. Believing that the long-time interest of this country rests upon the survival and prosperity of the family-type farms of America, GTA will use its full influence on farm policies and legislation to protect the family farmers in any acreage reduction and benefit payments. We stand positively for farm prices of at least 90 percent of parity and will not accept the concept that farmers should be penalized for abundant production by being forced to accept 60 percent of parity. I challenge the two farm organizations that have adopted the principle of the 60-percent parity formula to control production to show why farmers should receive less than 100-percent parity prices for their social contribution of plenty, when other segments of the society have their income based upon the 100 percent of parity ratio.

The fourth and final measure of a cooperative is that they work for an order of social betterment with the extremes of neither wealth nor poverty. We work for social betterment as we create a distribution system which spreads wealth rather than concentrates it. We also work for social betterment as we create an understanding of basic economies among people. The additional work, which the several State Farmers Unions are able to carry out because of educational funds paid by GTA, brings dividends of future understanding that cannot be measured.

Besides paying educational funds, GTA has developed a public relations program that brings the truth to the people of the Northwest as they get it nowhere else. I refer to our daily radio program, the Co-op Grain Quarterly edited by our staff for the National Federation of Grain Cooperatives, the GTA Digest for managers and directors of elevators, and the Farmers Union Herald owned jointly by GTA, the Farmers Union Central Exchange, and the Farmers Union Livestock Association. Rather, you own it, you and the hundreds of thousands of farmers who own these three regionals. The Farmers Union Herald owes no allegiance to any other owners or to any advertisers. Therefore it is free to tell you the facts about our economy and the forces that control it.

Together with the other Farmers Union publications, the Herald is doing an increasingly effective job in bringing to the farmers of the Northwest the story of what the cooperatives are doing for them and what the monopolies are doing to them. Our radio program and other publications contribute much to the general knowledge of grain marketing, of cooperation, and of the farmers problems; but in our opinion, a well-edited Herald is our most effective means of bringing the whole story of the Farmers Union cooperative activities to the farmers.

A cooperative must at all times operate efficiently as a business to best serve its members. It must render service to its patrons equal or better than that of its competitors. Its direction must be in the interest of those it serves and must be susceptible to the needs of its patrons. These objectives cannot be achieved unless the cooperative has good management and efficient personnel. The stockholders of GTA have recognized this and have by unanimous action accorded the employees: Security for the future by a retirement policy; security in their jobs through collective bargaining; and security for their families through health and life insurance. We are proud of our employees, from those at the bottom to those at the top of the scale. Loyalty and application to duty can come only when our employees recognize and know that the principles for which we stand are applied also to those who are charged with the everyday job of serving us and our interests. We point with pride to the efficiency of GTA, and I wish to give full credit to our employees who have all helped to make our success possible.

At this point I want to pay tribute to the man who has done more than anyone to make GTA what it is today. The Farmers Union Grain Terminal Association has not only become a great marketing organization, but it stands out in this Nation as a symbol of hope for justice and security for the farm families on the land. This could not have come about but for exceptional management. At the helm, guiding GTA with vision, courage, and honesty all through the years was M. W. (Bill) Thatcher. His philosophy is of the finest, his business and management ability without peer, and his loyalty to the Farmers Union as a whole is unquestioned. The best of management, highly efficient employees, and the loyalty and support of our patrons are the primary assets that are reflected in every phase of GTA's operations.

During the remainder of this annual meeting you will hear detailed reports of GTA's many activities. We are proud of the advances we have made. We are confident that we will meet any operating problems that may come in the future, just as we have met them in the past. Above all, we are proud to be a part of a militant movement of farm people—the Farmers Educational and Cooperative Union of America—dedicated not to self-interest, but to the common good; not to the profit motive, but to service for mutual advantage; not to warring competition, but to working together; not to poverty and plenty, but to an order of social betterment and economic abundance for all.

OLE L. OLSON,
President.

SECRETARY-TREASURER'S STATEMENT

It is again my honor to present the annual statement of the treasurer to the stockholders of the Farmers Union Grain Terminal Association. I shall only present the essential high lights of our association's operations for the tenth fiscal year ended May 31, 1948. The management will give you a detailed report covering the association's financial condition, history, and its operating results.

You are well aware of our record of continued growth. Farmers Union Grain Terminal Association began business June 1, 1938, with a paid-in capital of $30,000, a capital loan of $300,000 from Farm Credit Administration, and a $900,000 line of credit from the Central Bank for Cooperatives. GTA closed its first year of operations on May 31, 1939, with a net worth of $344,000 and savings for that year of $144,000. A little over 17,000,000 bushels of grain were handled.

The association now has a net worth of over $17,000,000. The savings for the year ended May 31, 1948, were $3,517,043.37, and the volume of grain handled was approximately 126,000,000 bushels.

Now, the statements I have just made are practically the same as I made a year ago. It is important for the record that we keep making reference to this historical growth of our great GTA.

As farmers, we take pride in this cooperative's accomplishment. We have at last established ourselves firmly in the field of marketing and distribution. Even though that success has been phenomenal, I am still concerned about our financial condition. Do we have ample capital to finance our constantly expanding business? Do we have sufficient liquid assets and are we freezing too much of our capital?

Your board of directors and the management keep watching this financial position of your association at every board meeting. Your board usually meets each month except November. That one we pass up because it is so close to the stockholders' meeting which is held the forepart of December.

Several years ago, we all became convinced that, with the cooperation of the stockholders, we would, so far as possible, establish a sound financial position where our net liquid assets would always be a safe financial base for the tremendous borrowings which necessarily GTA must secure in order to help carry the tremendous financial requirements of each local cooperative farmers' elevator affiliated with us.

As you will observe, by looking at the printed balance sheet, which shows the condensed statement of the financial condition as at May 31, 1948, our net current assets were getting up close to $10,000,000. The remaining part of our net worth, somewhat in excess of $7,000,000, is represented by noncurrent assets which are described in the report, a little over $2,000,000, and our fixed assets, mostly in land, buildings, machinery, and equipment, less depreciation, at a little over $5,700,000.

To give you the exact dollars and cents of our net worth and how it is divided into the different groups of assets, they are as follows:

Net current assets	$9,497,303.32
Net noncurrent assets	1,775,670.05
Net fixed assets	5,739,339.96
Your GTA net worth	17,012,313.33

We have been asked the question: Why does GTA invest so heavily in Government bonds, and wouldn't it be all right to use those funds to retire preferred stock? Well, of course, the answer is absolutely "No." If we liquidated those bonds, it would little more than cut our net current assets in two. Then we would have only half as much in net current assets, and then we would have only half as much base capital for borrowing funds, and that means we could borrow only half as much as we borrowed during the peak season of the grain movement. That would mean that we would be unable to borrow as much money from the banks to carry the local elevators through the heavy crop movement, and that wouldn't be as much as the local elevators require in financing at that time.

Well, since it is necessary to have as much net current assets as we have for our financial base for borrowing, and, since our seasons of the year when the borrowings are light and our cash on hand is heavy, it was the judgment of your board and management that $5,000,000 should be invested in Government bonds. Therefore, during the period

of time when borrowings are light, these funds are working for GTA by earning interest on the bonds. That means the capital does not lie dead in banks. When the time comes to borrow money again, these bonds, of course, represent the highest grade of collateral that can be offered to banks. So your money is always at work, either out in the country to the local co-ops helping them move the crop or lying in the vault drawing interest from the United States Government.

Since the management has somewhat in detail covered the experience of GTA during this last year in arranging for credit with private banks in the Twin Cities and Chicago and New York, I have only this comment to make. The matter of policy of making this change and its long-time effect on the interest of the farmers in grain marketing was before your board of directors for many months. Of course, we were reluctant to take any of our borrowings out of the Central Bank for Cooperatives, from which we had always received our credit. Finally, it was our unanimous judgment that this policy should be adopted but with the proviso that we continue to borrow some of our funds from the Central Bank for Cooperatives which keeps that channel of credit always alive so we could have that source of credit to meet any unusual contingency which might arise. You will also be glad to be informed that this policy met with the full approval of the officers of the Central Bank for Cooperatives in Washington, D. C. Our experience to date in this new field of financing with private banks has proven to be most satisfactory to date.

I want to repeat what we said a year ago. Some of you may not be aware of how serious it would be for our association to have its borrowings restricted in the peak of the grain movement. This could, in some instances, cause serious repercussions out in the country. Sound finance is the lifeblood of any business. Failure to obtain adequate credit has in the past ruined a number of solvent institutions. Our association has an enviable record of financial stability. Our rating in Dun & Bradstreet is the highest accorded to any corporation. It is AA-1.

Because we were able to bring together loyal and understanding farmers and a capable and efficient staff of employees, we have grown from a small cooperative commission firm, with its limited opportunties, into big business. In this instance, however, it is big business by farmers alone. It is a cooperative implementation of their farming operations. Its purpose is to serve our farmers and to advance their economic interest rather than make profits.

It is important for every patron to be aware of the need for making our association bigger and stronger. This requires more capital. It should require that every penny saved be reinvested for your protection in the market place. It should make certain that its funds are available to meet the economical and political attacks which most certainly will be intensified against the co-ops in the months and years ahead.

I make this most encouraging report to you stockholders here in behalf of the board of directors. It is with great pride that I submit this report of our growth and financial stability. At the same time I would like to sound a warning. The success we have already achieved should not lead us to neglect our responsibilities. We must maintain our strong financial position and keep it commensurate with our growing operational needs.

In conclusion I would like to emphasize again that our association, unlike a private profit business, is so constituted that it can grow to any size that its members wish, consistent with giving them the maximum service and the greatest savings. This requires hard work, wise management, sound financing, and the continued support and patronage of members.

We are entering upon a new business era. Business is confronted with many new and complicated problems. The pattern of cooperative progress was laid down long ago. What we must do is to adapt that pattern to changing conditions. Following that course, we cannot fail. Our reward will be success which is beyond even our fondest dreams. Every member has a voice in helping to make that decision. It is our responsibility to do it cooperatively so that the greatest number benefit from our work.

By A. E. KATHAN,
Secretary-Treasurer.

Mr. LANGER. Mr. President, I wish to refer further to the Equity Exchange, and tell the Senate what happened to it. I now read further from the book Grass Roots:

Thus—

Because of the rule of the Minneapolis Chamber of Commerce not to admit any cooperative—

the early terminal marketing association had to pay commissions to a private grain merchant who did hold membership in the Minneapolis Chamber of Commerce.

Local farmers' elevators had been built in various communities of North Dakota, but they had been, with a few exceptions, promoted by private commission companies as a means of channeling grain into their hands. These companies fought efforts of the Equity to induce cooperative elevators to ship to a cooperative market. (Likewise today Ben McCabe of the National Tax Equality Association, and other commission merchants, will go to almost any length to prevent a local farmers' elevator from transferring its account to the Farmers Union Grain Terminal Association.)

The fight of the old Equity was a battle every inch of the way—a fight that only a warrior of the caliber of George S. Lofthus, manager of the Equity Exchange, could lead. He battled to build volume. He persuaded the Minnesota House of Representatives to investigate the Minneapolis grain trade only to have the Minnesota Senate vote to probe the Equity. He went to Washington to get the elder LaFollette to force the railroads (who had joined with the Minneapolis Chamber of Commerce to put Equity out of business) to handle Equity cars and transfer them to lines serving the small mills who would buy Equity grain. (The elevators in Minneapolis refused to store Equity grain, the banks refused the Equity credit.) Denied a seat on the Minneapolis grain exchange, Lofthus organized the St. Paul Grain Exchange.

Only the jealousy of St. Paul, goaded at Minneapolis' success in obtaining the Federal Reserve bank, saved the day for Equity. In 1914 the St. Paul Commercial Club offered the Equity a free site on the river to build a terminal elevator, plus $30,000 subscription in stock, and promised bank credit. As the outcome of this offer, in 1920 a $300,000 terminal elevator facility was erected, owned by the farmers of the Northwest, paid for by the sale of stock to farmers. It is still operated by the Farmers Union Grain Terminal Association, on lease from Farm Credit Administration, which took it over during the hard times of the thirties.

This struggle to obtain terminal facilities at the terminal market, without which the farmers' cooperative effort would forever be at the mercy of the grain trade, was the theme of a continuing battle out here in North Dakota.

First, it was proposed that the State should erect and own one or more terminal elevators in Wisconsin or Minnesota, which would receive and handle the grain of any shipper. Such a proposal was put in the form of a constitutional amendment, twice approved by the legislature, and in 1912, approved by a 3-to-1 majority of the voters of the State. Again in 1914, a second amendment permitting erection of State-owned terminal facilities within North Dakota was adopted by a similar 3-to-1 margin.

But the legislature did nothing about the mandate of the people. When a delegation of farmers met at the capitol at Bismarck in February 1915 to petition the legislature to build an elevator they were met with the retort, "Go home and slop your hogs." (Twenty-five years later, with the strength of many years' experience and greater numbers, 5,000 farmers went to Bismarck to protest threatened repeal of the Anticorporation Farming Act. Members of the legislature then treated them courteously—if not all warmly.)

The Minneapolis Chamber of Commerce was not content, however, in fixing enough legislators to defeat a State-owned terminal; it tried to get the charter of the Equity Cooperative Exchange revoked, on the grounds it was bankrupt.

The proceedings against Equity were tried in Fargo District Court in the early summer of 1915, before a courtroom packed with farmers, members of Equity. Finally, August 1916, the judge dismissed the case and found Equity solvent. It was a complete victory for the farmers.

The facts of the case are recorded in the findings of the Federal Trade Commission, docket 694, which in 1923 ordered the organized grain trade, the Minneapolis Chamber of Commerce, to forever cease and desist from interfering with, injuring, destroying the business or the reputation of the Equity Cooperative Exchange or the St. Paul Grain Exchange.

These facts showed that the Minneapolis grain trade had paid the costs and attorney's fees in a series of suits. These culminated in an action by the North Dakota attorney general seeking to have the Equity Cooperative Exchange adjudged bankrupt, a receiver appointed, and its charter annulled. The attorney for the private grain trade was made an assistant attorney general. Thus political and economic chicanery went hand in hand.

Much of the evidence upon which the Equity was judged solvent was the technical testimony of a young auditor, Myron William Thatcher. It was his baptism of fire working upon behalf of the farmer—and M. W. (Bill) has been in the fight ever since.

The Federal Trade Commission cease and desist order in 1923 came too late. Despite the fact that the number of stockholders had increased from about 7,000 in 1917 to about 17,500 in 1922 (says the FTC report), the continued abuse and relentless attacks caused no end of trouble, expense, and embarrassment, undermining confidence and credit. The Equity was forced into operating receivership in 1923, with three receivers being appointed: James Manahan, George Lambert, and Carl Somers. The first two were friendly, but Somers proved to be otherwise.

The marketing of grain was not halted, but was carried on until the Farmers Union Terminal Association was organized in 1926.

Mr. President, the Farmers Union not only deals in grain, but, in North Dakota, it also deals in Equity livestock—swine, cattle, and sheep. I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the chapter on Equity livestock.

There being no objection, the chapter was ordered to be printed in the RECORD, as follows:

EQUITY LIVESTOCK

In 1916 the stockholders of the Equity Exchange organized a cooperative livestock

commission company in St. Paul to market the second most important commodity produced by farmers of North Dakota. In 1922 it was sold to the Iowa Farmers Union and reorganized under the laws of that State as a nonstock, nonprofit membership cooperative, the Farmers Union Livestock Commisssion Co. Later it was to become a key activity of the Northwest Farmers Union group.

Out of the experience with Equity, the farmers who participated—and that included only a small percentage of all the farmers in North Dakota—learned some valuable organization lessons.

They learned the tactics of the opposition was not to attack them directly but to divide and conquer. The Society of Equity was all right, said the North Dakota dailies of the day, but the Equity Cooperative Exchange was bad. In other words, the idea of cooperative marketing was perfectly all right as long as it is not put into practice.

"The Tribune is in sympathy with the efforts of the farmer to secure a more open market at terminal points, but under the present leadership, they will never get out of the wilderness into the promised land" commented one daily.

It was ever thus—pretend to favor the farmer but attack the leaders who are attempting to actually do something.

The Society of Equity itself had declined out in the communities even before the Equity Exchange succumbed—because it was a farm organization without a continued educational program. Its activity was centered almost entirely around cooperative grain marketing—doubtless the greatest need of the North Dakota farmer, but certainly not the only thing he needed to solve all his problems. Without the understanding and loyalty gained through discussing his problems with his neighbors, his cooperative marketing attempts could not withstand his attackers.

Mr. LANGER. Mr. President, now we come to the politics involved. In this book there is a chapter entitled "Political Revolt." I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, that chapter.

There being no objection, the chapter was ordered to be printed in the RECORD, as follows:

POLITICAL REVOLT

Early in the fight the close alliance between political action and marketing problems was manifest. The kicking around the farmers received at the capitals in Bismarck and St. Paul stirred the embers of indignation that burst into flame when the power of organizing genius came along to form the Nonpartisan League.

If ever a political revolt of farmers was justified, the whirlwind that swept the Nonpartisan League into complete power in 1916 was just retribution to the corrupt and reactionary political machines of that day. Many farmers thought, however, that all of their problems would be solved by such political action.

Always, however, there are those who see a chance to use political organizations as a means of advancing their own selfish interests and of bending its program, no matter how nobly conceived, into other ends. The Nonpartisan League was no exception. Although most of its original program was adopted, it brought no millennium to the farmers. As the years went by dissensions arose, professional politicians infiltrated, and the objectives were watered down or diverted to other ends. The league survived as a political factor in the State, but farmers learned that political action alone would not solve their problems.

After the disastrous and planned deflation of 1920 it became increasingly apparent that the disaster which faced farmers could not be solved by building cooperative facilities at terminal points or by State legislative programs. The country-bank failures and resulting foreclosures, the collapse of farm prices and resulting ruin of farmers, came directly as a result of decisions made in Washington and New York. International trade policies were increasingly affecting the prices the North Dakota farmer received for his wheat.

Throughout the Farm Belt came a rising ferment. In 1925 the National Farmers Union was persuaded by Milo Reno, president of the then large and militant Iowa Farmers Union, to call a conference of all Midwest farm organizations and cooperatives. This meeting at Des Moines in May 1925 was the beginning of the Corn Belt Federation, which focused national attention on the serious plight of the farmers, who universally agreed something had to be done.

Out of the discussions at this meeting came the demand for raising domestic prices above world prices to be later embodied in the McNary-Haugen bill.

Mr. LANGER. Mr. President, we now come to an article entitled "The Producers Alliance," appearing on pages 24 to 27, inclusive. I ask unanimous consent that the article be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRODUCERS ALLIANCE

The Des Moines meeting was also significant because it brought Bill Thatcher, and two leaders of the Northwest Producers Alliance—C. C. Talbott and A. W. Ricker—into contact with the leaders of the National Farmers Union. That was the beginning of the three-way merger which was to produce a strong Farmers Union in North Dakota.

The Northwest Producers Alliance had been started in 1924 by some of the Nonpartisan League leaders who had seen their hopes of solving farmers' ills through political power falter. A. C. Townley, perennial promoter that he was, stirred enthusiastic audiences with proposals for a farm organization with power to strike by withholding farm products from market until their price demands were met.

An economic program, however, means long hard years of organizational and educational work. Townley soon tired of the less exciting pace than the spontaneous political revolt he had organized into the Nonpartisan League a few years before. He asked A. W. Ricker, a progressive editor of St. Paul with a long record of battling for progressive causes, to take over as manager of the Producers Alliance in addition to editing the Farmers Market Guide.

Ricker recognized that if a farm organization were to endure farmers must be organized into local community groups which could meet often, discuss, and act. Mass meetings were not enough. So he sent a crew of organizers into South Dakota to organize township locals. Later they expanded into North Dakota.

In their first North Dakota county—Dickey—they discovered C. C. Talbott, a natural born leader, whose own battle against a marketing system which periodically crushed farmers to the earth, had already made him outstanding in the League and in his local farmers' elevator company.

The economic program of the Alliance appealed to Charley Talbott.

"This kind of a program is what I have been looking for, for many years," he said after the first "sodbuster" meeting in the township. The next day he started out organizing his neighbors—a task he never ceased until his death in 1937.

At the Corn Belt conference in Des Moines the Alliance leaders arranged to attend the national convention of the Farmers Union which was to be held at Mitchell, S. Dak., that fall (1925). Members of the Alliance's national committee recommended to the 50,000 members enrolled in the organization that they merge with the Farmers Union. The welcome from the union was far from unanimous. The South Dakota delegation opposed it because it had fewer members in the State than the Alliance. The Nebraska delegation opposed it because the Alliance held to a program of "collective bargaining" for farmers rather than the building of cooperatives. An overwhelming majority of Alliance members who voted in the referendum, however, favored merging with the Farmers Union.

In the meantime, the Equity had begun to work closely with the Producers' Alliance. Thatcher, who had become the leader in the grain fight after the death of George Loftus in 1916, saw that a cooperative business activity would have a very difficult time unless it was closely affiliated with an organization of farmers which reached into the local communities and which had a broad interest in all farm problems. He saw the Farmers Union as the only organization, national in scope, which had a program similar to that of the Equity.

After the Corn Belt conference he urged other leaders in the Equity to consider a merger with the Alliance and with the Farmers Union.

On January 14, 1926, Equity stockholders and Alliance members held separate conventions on the same day in Fargo. Both appointed merger committees to meet with a committee appointed by the board of the National Farmers Union.

On the following day a thousand farmers unanimously adopted the merger resolution submitted by the joint committee. The National Farmers Union board designated Thatcher, Ricker, and Talbott as the Northwest organizing committee and gave them its blessing, plus $500 in cash, with which to organize North Dakota and Minnesota. (Many a county Farmers Union today spends that much money every year in organizing work.)

If, however, those who made up the new organization lacked in cash, they knew what they wanted. As one speaker at the Fargo meeting said:

"We have realized for some time the necessity of organization for the purpose of supporting your marketing activities. * * * The mother of your marketing organization was the little local out at the crossroads.

"You let that local die.

"When you got into trouble and needed help you looked around and you found that you had forgotten to keep in existence the thing that had made you."

Thus the Farmers Union was born in North Dakota out of the experience of years of struggle with the recognition that the basis of any organization to help farmers must be the farmers themselves, informed and active in their own community.

Mr. LANGER. Mr. President, we now come to Chapter 3, Building the Union. I ask that the article contained in that chapter, entitled "The Farmers Union Terminal Association," beginning on page 31 and ending with the first paragraph on page 33, be printed in the RECORD at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FARMERS UNION TERMINAL ASSOCIATION

In terms of actual volume of commodities handled, the record of the regional activities was not very significant. During the crop year ending in 1926 the Terminal handled

only a million bushels of grain. (In 1946 its successor, Farmers Union Grain Terminal Association, handled 130,000,000 bushels.)

It was significant, however, that the farmers had any terminal marketing facilities left at all. The Equity stockholders who, after the receivership of the Equity Exchange, started another cooperative, the Farmers Union Terminal Association, must have had unbounded faith in cooperation to again try to overcome the boycott of Minneapolis grain traders and the reverses which caused many of the farmers elevators elsewhere to fail.

Much of the time of Thatcher and Talbott was taken up with personal calls on farmers who had unpaid claims against the old Equity, persuading them to transfer the claims to the Terminal and take preferred stock as security. Those claims have all been paid in full, with interest. The last payments in 1942, brought the payments to 127 percent of the original claims.

In 1927 and 1928, the volume of the Farmers Union Terminal Association jumped tremendously—to 8,000,000 bushels in 1927 and 17,000,000 bushels in 1928.

The reason can be summed up in two words—protein and organization.

Ever since Dr. Ladd, president of the North Dakota Agricultural College and later United States Senator, had proven by laboratory test that North Dakota's hard spring wheat had superior milling qualities—which varied greatly according to season and areas—farmers knew what commission men and millers had kept secret from them a long time—that their wheat would ofttimes command a premium above card price.

That superiority, and therefore the premium, depend upon the percentage of protein content. But getting the protein premium on the market place was another matter. Protein tests could not be made at the local elevator. By the time they had been made at the terminal market, the wheat belonged to somebody else.

So in 1927 and 1928 the terminal and the whole Farmers Union conducted the "baking powder can campaign." Farmers were urged to send samples to the Terminal for testing. Then they were told how much of a premium their wheat was worth. The premium for protein ran as much as 42 cents above card price. Farmers who shipped to the terminal would often receive $200 a car more than offered by the local grain buyer.

If the cooperative elevator refused to ship to the Farmers Union—and a great many of them did—Farmers Union members would order a car on a siding and shovel in their wheat. This shoveling paid at 42 cents a bushel. Some Farmers Union locals bought loaders which somewhat eased the job.

Through the crusading columns of the Farmers Union Herald, and by word of mouth of the organizers and the members, thousands were urged to send in their grain. After a couple of years, of course, other grain buyers began to pay farmers premiums based on protein content, so the cash inducement to ship to Farmers Union was not so great. Whenever cooperatives cut margins or improve marketing practices, the old-line profit-seeking business has been forced to follow suit. This is the hidden dividends that go to cooperators and noncooperators alike.

Mr. LANGER. Mr. President, in chapter 3 there is also an article on pages 33 and 34 entitled "The Farmers Union Livestock Commission." I ask unanimous consent that this article be printed in full at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FARMERS UNION LIVESTOCK COMMISSION

The Farmers Union Livestock Commission Co., which had been taken over by the Iowa Farmers Union from the Equity, again made a strong bid for livestock from North Dakota. It was the "big" regional of that day, although small in comparison with our cooperatives today. It lent the Terminal what little operating capital the grain regional used. It underwrote the organizing campaign in North Dakota, often pledging its anticipated commissions.

The financial shoestring upon which the Farmers Union was started in the Northwest is almost unbelievable today, when net worth of our regionals runs into millions. Loyalty and understanding, not financial resources, were the foundation upon which our movement was built.

Charles D. Egley had become the manager of the livestock house, ownership of which was soon to be transferred from the Iowa Farmers Union to the Northwest States. Egley, ever a crusader for economic understanding and cooperation, spent a great deal of time in North Dakota doing organizing work in addition to the financial support given by the commissions. (Because organizers received the $5 initiation fee then charged in addition to the dues, they were supposed to be self-financing. When they took promissory notes, however, the Livestock Commission bought them, and in many instances was left holding the bag.)

The livestock commission itself had been bailed out a few years earlier by the Iowa Farmers Union, when that organization paid $30,000 debts of the Equity and renamed it. But not much Iowa stock went to the St. Paul market. The commission had been forced to build its own building when denied office space in the stockyards building.

However, when the union came into the Northwest, the Farmers Union Livestock Commission began to boom, jumping from ninth to third place among all of the commission firms operating on the South St. Paul market, and in the following years it reached the top.

Mr. LANGER. Mr. President, I now come, in the same chapter, to an article entitled "The Farmers Union Exchange," beginning on page 34 and ending at the bottom of page 35. I ask unanimous consent that this article be printed in the RECORD as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FARMERS UNION EXCHANGE

The third of the Farmers Union regionals, the exchange, was fostered by the Farmers Union Terminal. In June 1927, to accommodate the locals which were pooling orders for various supplies—salt, twine, coffee, and so forth—the terminal board voted to set aside $1,000 and a desk where terminal employees could handle these orders after hours without extra pay.

Although the purchasing of supplies was considered of minor importance compared to marketing, the savings a local could make on a carload of coal or twine or an order of fruit loomed large.

The order department of the terminal, which had been incorporated as the Farmers Union Exchange in 1927, made a contract with the North Dakota State Penitentiary to handle its twine, which had been boycotted by the regular dealers.

With Farmers Union locals handling twine, the price dropped drastically. From $3 to $12 were clipped from the dealers' profit.

The exchange made contracts with a leading salt manufacturer, with a coal company, and with a coffee blender. The biggest boost to cooperative purchasing, however, was when the Farmers Union discovered oil—discovered amazing margins that were being taken. Oil was a necessity of the new tractor age. At first the exchange shipped only barrels of lubricating oil, but the margins were so high, folks began to wonder about other petroleum products. Attempts were made by a few local groups to make quantity discount contracts with old-line petroleum distributors, but pressure from the major companies induced the distributors to cancel these contracts before they actually were put into effect.

One of the organizers in North Dakota was familiar with the growth of petroleum cooperatives in Minnesota, the first of which started at Cottonwood in 1923. (The Farmers Union elevator at Hazelton, in Emmons County, N. Dak., organized before 1916 when the first North Dakota Farmers Union had operated in a limited area, had begun handling petroleum products in 1921.) This organizer suggested that the Farmers Union build bulk oil plants as a means of quickly raising a large amount of money for organizational activities.

The first Farmers Union cooperative oil company was started at Jamestown in 1927. Lisbon organized another cooperative soon after. By 1929, 20 oil companies had been organized and the exchange was in the petroleum business in a large way.

Mr. LANGER. Mr. President, I come now to an article contained in the same chapter, entitled "Early Insurance Activity," and another article following it entitled "The First Convention," both of which I ask to have printed in the RECORD at this point in my remarks. They appear on pages 36, 37, and part of page 38.

There being no objection, the two articles were ordered to be printed in the RECORD, as follows:

EARLY INSURANCE ACTIVITY

In addition to the marketing of wheat and livestock and the purchasing of farm supplies, the cooperative program of the early Farmers Union organizers had a fourth phase, the control of credit. This was to be accomplished by building reserves in the cooperatives and also through the building of life and property insurance programs. The Iowa Farmers Union had organized mutual life and property insurance companies a few years before, and these were brought into North Dakota. Through purchase of Farmers Union insurance farmers could build up reserves which would be invested in farm mortgages. Unfortunately the zeal of some of the salesmen exceeded their business judgment. Farm property was insured for more than it was worth, and the mortgages placed by the life insurance company were at inflated values. Often notes were accepted as premium payments. When the depression came both companies had to be reorganized. The life company became an ordinary stock company, sound enough, but under the domination of those uninterested—and even antagonistic—to the program of the Farmers Union. Likewise the fire insurance company continued to sell insurance in Iowa, but not in North Dakota.

No mention was made of credit unions as a means of enabling farmers to build financial reserves; credit unions did not come into the picture until more than 10 years later.

The theory of building our own insurance program to meet all of the insurance needs of farmers was sound. For insurance companies, particularly life insurance companies, are indeed the reservoirs which furnish the finance for most of industry. It took a second start, however, in insurance as in grain and other activities, to establish a sound insurance program. That story must wait, however, until we come closer to the present.

THE FIRST CONVENTION

While this cooperative development was going along hand in hand with the organi-

zation of locals and county unions all over North Dakota, the State union was taking shape.

The charter of the North Dakota Farmers Union was presented at the first State convention in Jamestown, November 4 and 5, 1927. In spite of the early November storm the eve of the convention, 500 farmers packed the Elks hall to hear National President Charles S. Barrett, Thatcher, Egley, Ricker, and others. Charles C. Talbott was elected president, and the board appointed E. E. Greene, who as fieldman for the Equity had done yeoman work in straightening out the claims of Equity shippers, as secretary. Jamestown was designated by the board as State headquarters, although the State office consisted of the dining room of the Greene home. Very few women are in evidence in the first convention picture and no young people.

The resolutions were short but potent, endorsing the McNary-Haugen bill and the Farmers Union business activities and their "ultimate goal of securing cost of production through centralized collective marketing and conservation of credit, thus creating bargaining power."

Other resolutions called for a cooperative bank law, and the teaching of marketing, particularly cooperative marketing, in the high schools and colleges and condemned the statement of Rex E. Willard, then marketing economist at the NDAC, in which he said that if farmers could get $1.05 for their wheat they would make a profit.

One woman did speak on the program. The Farmers Union Herald said, at the very end of its convention story, "Mrs. G. T. Edwards of Jamestown discussed the work in the local unions and urged farmers to stick to their organization."

This was the first appearance of Mrs. Gladys Talbott Edwards on any Farmers Union Convention platform. She was nominated as director, the only woman to be so nominated, but declined because her father had been nominated.

(The first bylaws did provide, however, that women and minors over 16 years of age, could become members without payment of dues.)

However, if the women and young folks were not very prominent at the first convention, in the months that followed the importance of having the women participate in local meetings was stressed.

"When you organize the men, organize the women. If you fall down on the job of organizing the women you are licked at the start," is the advice in setting up locals printed more than once in the Herald.

Another bit of advice, made in January 1929 has proven sound to this day.

"We shudder every time a local is set up in town. Too many pool halls, moving-picture shows, etc. The local should meet out in the country where there are no distractions."

Mr. LANGER. Mr. President, in the same chapter, chapter 3, we come now to an article entitled "Farm Relief Legislation." Here we had the farmers starving, Mr. President. This was after the McNary-Haugen bill had been vetoed. I ask unanimous consent that the entire article, beginning on page 38 and ending at the bottom of page 41, be printed in the RECORD at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARM RELIEF LEGISLATION

Farmers Union development in the Northwest went forward as part of a larger agricultural scene in which the battle cry of farmers throughout the land was farm relief and the McNary-Haugen bill.

We have already seen that the Corn Belt Conference brought the farm leaders of North Dakota into contact with the Farmers Union leaders. The Corn Belt Federation, which continued to function until the creation of the Farm Board under Hoover, was composed of practically all of the farm groups of the Middle West.

Whatever disagreements the Farm Bureau, Farmers Union, and various cooperatives had, in the Corn Belt Federation they all united in support of the McNary-Haugen plan.

Actually at least three farm relief bills were introduced into Congress bearing the names of Senator McNary of Oregon and Represenative Haugen of Iowa, each quite different. The first was proposed in 1923, before the Corn Belt Conference in 1925, while the second and third versions were passed by Congress in 1927 and 1928, respectively. Both were vetoed by President Coolidge.

In simple terms, this is the reasoning behind these first farm relief proposals. Farmers were going broke because they were not getting cost of production for what they produced. Through tariffs, American industry was assured cost of production for what it produced and sold. Farmers, however, had to buy at the protected, domestic price, but had to sell at the unprotected world price. The tariff on farm products—42 cents on wheat, for instance—did them no good because they had a surplus to sell on the world market and the world market set the price for the domestic sales as well.

The McNary-Haugen plan had as its goal making the tariff on farm commodities effective, i. e., raise the domestic price of wheat above the world market by approximately 42 cents a bushel. Essential features of the NcNary-Haugen bill were (1) a Government body to deal with the surplus problem; (2) a Government advance of $400,000,000 to start a revolving fund; (3) this revolving fund would enable the Government board to buy and take the surplus off the market and hence create an American price level for home consumption; (4) the equalization fee enabled the board to assess the loss on the surplus to all growers.

It was estimated at that time by the Farmers Union that the price of wheat would be advanced approximately 40 cents a bushel, with a loss of 10 cents a bushel to be assessed on the entire crop.

This was the first concrete proposal for a two-price system for the American farmer, a higher price for domestic consumption and a lower price for agricultural commodities abroad. In the years that were to follow, many variations in a two-price plan were to be proposed, and some of the features in the McNary-Haugen bill were to be put into practice.

As we look back upon the McNary-Haugen bill (out of the experience of the farm board and AAA) we can see the plan was inadequate. It provided no means of shifting production from surplus crops to more needed crops, but on the contrary, would encourage greater production of wheat and cotton. The mechanics of assessing and collecting a penalty on producers would have been difficult and unpopular to administer, and the McNary-Haugen bill, like the programs that were to follow, assumed that all the farmer needed was price. Total farm income and the growing disparity between the big producer and the family-type farmer were ignored. The effect on international trade and the policies of other nations of dumping of American farm products on the world market for whatever it would bring was not considered at all.

Yet the McNary-Haugen bill was a big step forward for the American farmer. If it had been given a trial by Coolidge instead of a veto, its weaknesses would have undoubtedly become apparent; but out of the experience agriculture might have developed a workable program without going quite so low as it did in the early thirties.

The main battle was over the equalization fee—without this device Coolidge might have accepted the plan, for then it became essentially the program adopted under the Federal Farm Board by Hoover.

One of the secondary battles was between farm organizations as to the type of marketing organization the Federal Government should help promote.

One of the specified objectives of the McNary-Haugen bill was to assist farmers to build their own marketing machinery so strong that they would control the market themselves.

Some leaders favored the Government setting up new contract cooperatives like wheat pools, egg and poultry pools, potato pools, and other commodity pools that had come and gone the decade previously. Under the pool plan promoted in the early twenties by an high-powered organizer named Aaron Shapiro, farmers contracted to deliver their entire production to the pool. This contract was enforceable by law. If the producer sold anywhere else the pool could collect damages from him.

Farmers Union cooperatives operated, and still operate, on a voluntary basis. Union leaders conceded that the marketing contract might be sound in principle if the farmers understood it, and if there were first established a local organization where they could acquire understanding of their problems and the machinery of joint action. But farmers had no confidence in the pool idea after the failure of so many pools started by high-powered organizers. Even in Canada, where the wheat pool was successful, the contract idea was abandoned. The Farmers Union, therefore, worked for provisions in the McNary-Haugen bill that would enable existing farm organizations and cooperatives to have a voice in choosing the members of the Government body which would deal with the surplus problem.

With the veto of the McNary-Haugen bill, the Farmers Union and other organizations in the Corn Belt Federation sought to present their case to the 1928 nominating conventions of the two parties in hopes of getting a satisfactory farm plank and a satisfactory candidate. Governor Lowden of Illinois had championed the McNary-Haugen bill and was the favorite of the farm belt for the Republican convention.

Scores of North Dakota Farmers Union members joined the cavalcade of a thousand farmers from 16 States which descended on the Republican convention at Kansas City that June. Although the Resolutions committee heard the farmers' committee, (which included C. C. Talbott) and the farmers paraded the streets and button-holed delegations, they did not get very far. Herbert Hoover was nominated and the farm plank fell short of the McNary-Haugen demands. But those who attended still remember how, barred from entering the convention hall by police, they marched around the building with a funeral dirge.

Only a small committee went on to the Democratic convention at Houston, where a little more satisfactory farm relief plank was adopted.

Hoover, however, was elected over Al Smith, and upon his inauguration he called a special session of Congress for the express purpose of enacting farm legislation. With the passage of the Farm Marketing Act began a new chapter in the history of agriculture, which was to greatly affect the course of the Farmers Union and its cooperatives in the northwest.

Mr. LANGER. Mr. President, we come now to chapter 4, entitled "The Collapse." It refers to the first State legislation in North Dakota. I ask that the article appearing on pages 45, 46, and

a part of 47, entitled "First State Legislation," be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRST STATE LEGISLATION

Early in 1926, over a year before the Farm Board was created, the Farmers Union had been successful in persuading the North Dakota Legislature to enact a farm storage law. It provided for the inspection of grain stored on farms and issuance of warehouse receipts, upon which loans could be made. In other words, it extended to the farmer the same privilege of using farm-stored grain as collateral as if it were stored in a public warehouse.

Incidentally, this was the first piece of State legislation sponsored by the North Dakota Farmers Union. A similar law was enacted in Montana.

These farm storage laws were heralded as great accomplishments in the march toward orderly marketing. The exchange put on a big campaign to sell steel grain bins to farmers. But the State farm storage laws failed to produce the revolution in grain marketing predicted for them.

The Farmers Union Terminal, through arrangements with the Intermediate Credit Bank and with private commercial banks, was prepared to make loans on farm-stored grain, but the State law providing for inspection and insurance proved too cumbersome to administer. Ninety percent of the first thousand applications for farm storage inspection were returned as incomplete or inaccurate. The grain commissioner for one reason or another simply couldn't get around to do the inspecting for all who wanted to borrow on stored grain. And when the bottom fell clear out of the wheat market something more drastic than orderly marketing had to be applied.

Farm storage, however, was and is sound. The Farmers Union-sponsored program was the forerunner of an ever-normal granary program which did work a few years later because it was a part of the whole AAA. Under it the Federal agency which loaned the money, Commodity Credit Corporation, was equipped to dispose of the wheat outside of commercial channels or keep it until the market rose to the loan price.

At the very beginning the Farm Board made loans to regional cooperatives on wheat held by them, not on the basis of the market price, but on what it thought the grain ought to be worth. Here again we find the assumption that if farmers can hold their grain long enough they will get a fair price for it.

At the beginning of the thirties, however, there was more wheat in the world than people could buy (but perhaps not more than they could use). The Farm Board soon discontinued this practice of loans on estimated value as the world price continued to fall, but did make loans based on the market price.

The Farm Board and Farmers National were under constant attack by the enemies of farm cooperatives, who hated to see the Federal Government actively encouraging farmers to organize and market cooperatively. (This was under the Republican-Hoover administration, before the Democrat New Deal, we would remind you.) Dissension arose among the leaders of the various wheat marketing groups which made up Farmers National, as might be expected among those who had developed quite different methods in different areas as to operating policy.

Mr. LANGER. Mr. President, we come now to what was known throughout the United States as the Elevator M case, appearing on pages 47 and 48 of the volume Grass Roots. I ask unanimous consent that the article be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ELEVATOR M CASE

Enemies of cooperative grain marketing have always been on the alert to discredit the Farmers Union marketing operations. When the Farmers Union Terminal Association sold its physical facilities to Farmers National in 1931, a State senator from Minneapolis, supported by the Minneapolis Chamber of Commerce, charged that the terminal was defrauding the taxpayers and the farmers by selling to the Farmers National as No. 1 wheat, which actually graded No. 2.

This was the famous Elevator M case in which Governor Floyd B. Osborn, after 2 months of hearings dismissed all the charges against the Farmers Union and the Minnesota Railroad and Warehouse Commission. The miracle of Elevator M by which No. 2 grade becomes No. 1, was simply the age-old practice of grain buyers—cleaning and mixing batches of grain of varying grade to obtain the proper weight and moisture content, so the combined batch would meet the standard of the higher grade. When the old-line grain men did this, the extra margins went into their own pockets, but when the cooperatives did it, the additional value which the improved grade brought was returned in patronage refunds to the producers.

But the attack on the Farmers Union made good newspaper copy—until it was discovered that two employees, who testified that grade samples had been tampered with, were former employees of the Minneapolis Chamber of Commerce, planted in the Farmers Union to discredit it. They had done the tampering.

One of the charges—that the cooperative marketing agency violated the Minnesota law by charging a commission on grain bought for its own account, was to be brought up several times by the private grain trade—the latest being brought before the Railroad and Warehouse Commission in 1945, and taken to the Supreme Court in 1946. Here for the first time this charge was subjected to legal scrutiny and dismissed.

In 1931, Gov. Floyd B. Olson speedily dismissed this charge. The law specifically exempts cooperatives from this provision of the law regulating grain commission merchants. The 1947 Supreme Court ruling upheld this reasoning of Governor Olson and at least two Minnesota attorneys general after him.

Mr. LANGER. Mr. President, in the same chapter, beginning on page 48 and ending on page 50, is an article entitled "Building Farmers Union Oil Companies," which I ask to have printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUILDING FARMERS UNION OIL COMPANIES

While the Farmers Union grain program was becoming a part of the first Nationwide attack on the farmers' marketing problems, the Farmers Union purchasing cooperatives were growing by leaps and bounds.

When Farmers Union folks discovered amazing margins in retail distribution of gasoline and petroleum products—from 8 to 14 cents a gallon on gas—local Farmers Union oil companies could not be formed fast enough. These savings farmers pocketed at the end of the season would pay for their investment in stock in a year or two.

Up until this time January 1929, the exchange had sold most of its merchandise through Farmers Union locals, which had pooled orders for members. Bulk stations for handling gasoline, tractor fuel, and oil, however, required bulk tanks, trucks, a manager, and a regular business set-up. Stock had to be sold to provide the capital.

The exchange wisely decided that uniform accounting, uniform bylaws, including payment of 5 percent of earnings to the Farmers Union as an educational fund, and a contract with the exchange, were among the requisites for building a sound program.

The exchange, in turn, made contracts with independent refiners to supply the local co-ops, paying the exchange a small brokerage fee. At the start the oil program was considered only a small part of the exchange business, but petroleum products soon grew to be, by far, the major merchandise handled. Even in 1929 the Farmers Union Herald predicted that some day Farmers Union members would get oil from their own wells, refined in their own refineries. This wild prophecy came true when the exchange did bring in its first producing well in 1945.

In 1929 20 Farmers Union oil companies were started. The results of some of them were phenomenal. These co-ops did not have the superservice stations and farm supply stores they have now. A model T truck, a bulk plant, and maybe a small office and a couple of pumps somewhere on a back street—that was the predominant set-up. But they did have a margin from 8 to 12 cents a gallon, or even more in some isolated areas, between the tank-car cost and the prevailing retail price.

In a season's operation some of the new co-ops made savings greater than the capital subscribed to purchase the bulk tanks and equipment. The first company to start under contract with the exchange—Minot Farmers Union Oil Co., made over $11,000 in less than 7 months' operation. Williston, which started March 25, 1930, 15 days after Minot, made $10,000 in 8 months of operation.

Mr. LANGER. Mr. President, we come next to an article entitled "Beginnings of Junior Work," beginning on page 50 and ending near the top of page 52. I ask unanimous consent that this article be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEGINNINGS OF JUNIOR WORK

Developments that loom as most spectacular at the time, however, do not always contribute the most to the permanent growth of a cause. The Farm Board days are all but forgotten, except as the lessons learned were embodied in subsequent farm programs. The early building of successful cooperative purchasing has been surpassed many times in subsequent years.

During the years 1929, 1930, and 1931 other foundations were being laid that seemed insignificant at the time. We refer to junior work, the training of youth to assume its responsibility in the union. Without such an educational program, the North Dakota Farmers Union would undoubtedly be following the footsteps of other farm organizations and cooperatives which literally died of old age with the generation which started them.

In the September 1929 Farmers Union Herald appeared the prize-winning essay on Why My Daddy Should Belong to the Farmers Union, by Viola Davy, a Ward County junior. Although from the start, the Farmers Union bylaws designated youth from 16 to 21 as juniors, with all rights of membership and no dues, this essay contest was the first recognition given to the young people. In 1930 the headquarters local in Jamestown offered prizes in an essay contest sponsored by the Farmers Union Herald for junior members on the subject, Why I Believe in the Farmers Union. Mrs. Edwards, who

had been writing features in the Herald, conducted the contest.

Such was the beginning of junior work. At the 1930 State convention in Minot the first junior program was presented. At the national convention in November 1930 a group of women made plans for a study topic and national essay contest. In December the State board authorized Mrs. Gladys Talbott Edwards to prepare a monthly bulletin on program suggestions to be mimeographed and sent to all locals. In January 1931 she began editing a page for juniors in the Farmers Union Herald.

When the union started it was thought that if a local could survive the first year, it was on its way to success. Such, however, was not the case. By 1928 all except a few counties in the southwest part of the State had been covered by organizers. But the organizing crews had to go back to some locals and even to some counties to do reorganization work. In later years leaders were to say that if given a choice of wiping out everything the Farmers Union had built except one thing—the co-ops, the legislative program, or the locals—they would choose to keep the locals. For with active locals we could rebuild everything else, but without them, the co-ops, no matter how large; or the legislation, no matter how good, could not adequately serve the changing needs of farmers.

Pooling orders and hearing speeches did not prove enough to hold a local together. The women were urged to participate, but when they did come, they too often stayed in the kitchen. In some State unions, the women had formed auxiliaries, which met at different times from the regular local. In North Dakota, however, auxiliaries were never encouraged because it was felt the Farmers Union was a family organization in which all should participate together. The locals that had programs in which youngsters took part had no trouble getting a crowd, including all of the members of the family. Thus the activities for the juniors had a double purpose; first, to get them to take an interest in the efforts of the union to better the plight of farmers and second, through them to provide programs that would bring the whole neighborhood to the local meetings.

Mr. LANGER. Mr. President, we now come to an article entitled "The Drought Relief Program," beginning on page 52 and ending on page 54. I was Governor of North Dakota at the particular time referred to in this article, and shortly thereafter. The entire question of drought relief was being considered. I ask that the article entitled "The Drought Relief Program" be printed in the RECORD at this point in my remarks, and also the article which follows it on page 54, entitled "Organizational Progress."

There being no objection, the two articles were ordered to be printed in the RECORD, as follows:

THE DROUGHT RELIEF PROGRAM

"Don't Faint When You Read These Prices"—that is the headline blazoned in red in the October 1930 Herald. This phrase was written by the manager on the market blackboard of the Sanish Farmers Union elevator, Tom Nielson (now GTA fieldman)—when he put down 56 cents as the price for No. 1 dark northern wheat. The time was coming, only 2 years later, when 17 cents was the price paid for top grade in Mountrail County.

It was well that farmers did not know in the fall of 1930 that the worst was yet to come. It looked like they had hit bottom; not only had the price of grain dropped to less than the cost of harvesting crops, but crops were also poor. Drought had struck a part of the Great Plains area including western North Dakota in 1930. President Charles C. Talbott met with other farm organization representatives at the White House in August on drought relief. President Hoover's program was to make loans for livestock feed. The farmers still had credit. The Farmers Union was the first agency to recognize the need for drought assistance.

In June of 1931, A. W. Ricker, editor of the Farmers Union Herald, took a trip through northwestern North Dakota and northeastern Montana, speaking at picnics. As a result of this trip Mr. Ricker wrote an article for the July Herald designed to shock the public to the plight of this parched territory. Even at that time it was apparent to the Farmers Union editor that the people of that area would require hundreds of carloads of potatoes, vegetables, flour, and clothing to get through the fall and winter.

He told of neighbors who had nothing left to eat except flour and the two or three eggs the hens were still laying daily. With cream 17 cents a pound and eggs 8 cents a dozen, what little produce they did get would not buy groceries.

As a result of these articles, Farmers Union members in other States—Minnesota, Iowa, Wisconsin, Nebraska, Idaho, and the eastern part of the Dakotas—gathered clothing, potatoes, vegetables, and fruits to send to their stricken brothers. The help of the churches was enlisted. Over a hundred cars were shipped, some through the Red Cross so as to get free freight, but on other shipments employees of the Farmers Union Business Activities and the State office donated 10 percent of their salaries and more to pay freight. Many of the farmers in the drought area did not want to dispose of their cars and radios to qualify for Red Cross aid even though they had no food.

This relief was granted to members of the Farmers Union and nonmembers alike, but two additional aids were made available to union members—$25,000 worth of turkey feed was loaned to farmers on the conditions that they market their turkeys cooperatively.

Milling machinery was sent to Williston and set up to grind whole-wheat flour for distribution among Farmers Union members through their locals. The Farmers Union Terminal Association, the Farmers Union Central Exchange, the Farmers Union Livestock Commission all spent $45,000 of their earnings, shipping in enough wheat for 15,000 barrels of flour. In charge of this small mill was a young man named Glenn Talbott.

Naturally the fact that Farmers Union locals had free flour to distribute encouraged farmers to join—but more important than that was the demonstration of the spirit of helpfulness and the broader values of the cooperative effort. The relief which the Farmers Union put into the drought area has proven the best investment that the business activities have made—not merely in added volume but, more important, in the development of a loyal and understanding membership that is leading the march toward building economic democracy.

It was this material assistance in time of need that prompted the Williston Chamber of Commerce to send the following wire to the Farmers Union convention in 1931:

"You are answering the prayer 'Give us this day our daily bread' in the spirit of the Lord, which gives evidence of splendid magnanimous leadership whose hearts are not lost in greed and selfishness. You are not asking others to do it but you are setting an example for others to follow. We hail and salute you."

Finally other agencies were aroused. The Red Cross made surveys that showed conditions were worse than first pictured. The State governments which had first said that the counties could care for themselves, saw the magnitude of the task. Finally, the Federal Government stepped into the picture with the various types of farm relief and drought aid.

When the Government agencies began to accept the responsibility to see that none should starve, the task of the Farmers Union ceased to be one of distributing aid to become one of making known the needs and wants of the farmers, at Bismarck and in Washington—in shaping remedial farm legislation and forever watching its administration. More than that, however, the union bolstered the fagging morale of the heartbroken people who year after year saw their labors go to naught in the onslaught of nature's drought and man's depression. The union gave them hope, a means through which they could discuss their problems together and then make their organized voice heard—a school where necessity taught them that they must cooperate and showed them the only ray of hope on the dust-blown horizon of their meager lives. Government relief at its very best is not conducive to maintaining the morale and self-respecting spirit of those who must accept it.

ORGANIZATIONAL PROGRESS

It was during those days of drought and collapse that the Farmers Union took to the air regularly with radio broadcasts. At every State convention since 1929 the principal addresses were broadcast, but in 1931 the North Dakota Farmers Union began a weekly 15-minute broadcast over KFYR, Bismarck, every Monday evening. C. C. Talbott, or some of the leaders from St. Paul, drove the 200-mile round trip from Jamestown to Bismarck many a Monday evening to give the people an account of what was happening in drought relief, or what was happening at Washington. At other times the vice president, Walter Maddock, or some other leader, already in Bismarck, spoke on the program.

Through the years the radio program has been a uniting force within the union, informing members and nonmembers quickly on the issues of the day. Today with a full-time staff and a daily program, it contributes much to effective activity.

At the 1931 convention at Bismarck the Northwest legislative fund was started. Because of the heavy cares President Talbott had carried, fighting for desperate farmers' needs, one delegate proposed that the convention raise a fund to send him out of the State for a vacation for a couple of months. Talbott stated that if they wanted to raise any money he would use it to better advantage than traveling in Europe, that he would take a "vacation" in Washington while Congress was in session and try to put over the Farmers Union program. In quick order over $500 was raised—with drought and 60-cent wheat, that represented a lot of money.

Talbott had been in Washington before, and contributions had been made for legislative work of the old Corn Belt committee—but this was the beginning of the Northwest Farmers Union legislative fund, raised annually to send and keep the Northwest Legislative Committee in Washington as often and as long as needed. In 1940 the Northwest legislative fund became the national budget fund. Farmers Union locals and cooperatives all over the country contribute to the maintenance of a full-time office and staff in Washington and other activities the national dues will not cover. North Dakota still provides the largest share of contributions.

In early years of the union names of members who failed to pay their dues were not removed from the records. Thus in 1929 we find out of a membership listed as 26,763, only 14,642 paid dues and were in good standing.

Mr. LANGER. Mr. President, I ask that chapter V, entitled "The Bottom,"

including articles entitled "State Legislation," "Birth of the New Deal," "Federal Farm Aids," "Aid in Building Co-ops," "Other Progress," and "Progress in Junior Work," beginning on page 57 and ending on page 69, be printed at this point in my remarks.

There being no objection, the chapter was ordered to be printed in the RECORD, as follows:

V. THE BOTTOM

Drastic situations demand drastic actions. The crisis in 1932 made the times which the farmer thought were hard look good by comparison. The nearest this Nation ever came to revolution was manifest in the Farm Belt that year.

Low prices and drought in many sections (though the State as a whole had a good crop in 1932) brought many problems, but the biggest one was debt. It was debt that was forcing farmers off their farms and taking away their stock, their machinery, and even their household goods.

STATE LEGISLATION

The Farmers Union sponsored three initiated measures at the primaries that year—one eventually prohibiting corporation farming, another outlawing crop mortgages, and a third providing a moratorium on all farm debts for 3 years.

The biggest fight was over the moratorium, which at that time was indeed a radical proposal. It was defeated in the primary election, and again in the fall, both by narrow margins, but it was only a few months until a moratorium on farm evictions because of nonpayment of debt was instituted first by gubernatorial proclamation and then by State legislation. Its constitutionality was eventually upheld by the Supreme Court of the United States.

As in the case of loans on farm-stored wheat, the first Farmers Union attempt to secure a moratorium failed, but the principles later succeeded.

A year or so later Congress passed the Frazier-Lemke Moratorium Act, which gave farmers a special form of bankruptcy under which they could have 5 years to pay their debts on the basis of a scaled-down agreement reached with their creditors.

Later this procedure was made the basis for solicitation by racketeering lawyers, but in the thirties it aided many farmers to keep their homes.

As early as 1929 and 1930 farmers began to think about the threat of corporation farming. They saw Tom Campbell, of Montana, backed by Wall Street money, lease thousands of acres and hire migratory workers a couple of months out of the year to put in and harvest a wheat crop with big machinery. They saw land companies being formed in Kansas, one of which employed 12 men to farm an area that formerly supported 53 farm families. (One of these companies, Wheat Farming Corp., issued more than $2,400,000 capital stock to over a thousand purchasers, who recovered less than 10 cents on the dollar when its receivership was finally wound up in 1946.)

Farmers also saw insurance companies, banks, and other companies acquiring title to North Dakota farms by the thousands. The Farmers Union initiated a law requiring corporations to dispose of their land holdings 10 years after passage of the act, or 10 years after acquiring the land. The measure was adopted, but not until 9 years had passed was much heard about it. During the legislative session of 1941, however, the last chance of repeal before it became effective, 5,000 farmers marched to the State capitol and through their protests prevented otherwise certain repeal. The act was challenged in the courts, but was upheld in the State supreme court and in the United States Supreme Court. Although this law has not proven the solution to the problem of factory-type farming, it stands as a beacon light of warning against the encroachment of family-type farms by the corporations.

The ban on crop mortgages, as well as the law passed in 1937 prohibiting deficiency judgments, did much to curb the vicious practice of machinery dealers and others overselling the farmers and then taking away whatever he could acquire. Repeated attempts to repeal the antideficiency judgment law have failed, despite the fact that rulings by the Federal land bank have kept it from making loans in North Dakota because it cannot take deficiency judgments.

Negative legislation was not enough in 1932 however. The Farmers Union gave its backing to the Farm Holiday Association, which spread throughout the Midwest. It took direct action, persuading farmers to take a holiday from sending farm products to market and the sheriffs to take a holiday from executing foreclosures. The farmers' strike did not produce a rise in prices, but the demonstrations of farmers did vividly focus attention on the militant mood of farmers in their desperation. The Farm Holiday Association was more successful in getting foreclosures and eviction proceedings stopped or "persuading" would-be bidders not to bid at foreclosure sales than in withholding products from market.

BIRTH OF THE NEW DEAL

The year 1932 was also election year—and a change was a foregone conclusion. Candidate Roosevelt had promised farmers that if their organizations would get together on a farm program he would support it. While supporters and opponents of the Federal Farm Board still argued its merits they generally agreed that something more drastic than appeals to voluntarily curtail production was needed. The domestic allotment plan was the most popular proposal then talked. Under it, each farmer would be alloted his share of the production which could be sold on the domestic market, provided he would agree to cut his acreage.

March 4, 1933 marked the beginning of a new chapter in the Nation's history. That was the day President Roosevelt was inaugurated and declared the bank holiday, closing all banks in order to stop the runs that were causing banks to succumb like flies. On that same day in Bismarck, the State legislature began its final "day," which lasted the better part of a week, struggling to pare appropriations still further. The legislators took time out to listen to a Communist-led demonstration of farmers demanding relief by direct action.

These were perilous days in the spring of 1933. The new President called Congress into immediate session for the express purpose of adopting a farm program. While all farm organizations had agreed on the general program which was to result in the Agricultural Adjustment Act, the Farmers Union in the Northwest States led the fight for the domestic allotment, benefit payments, and processing tax features of the act as finally adopted. The act included amendments prohibiting delivery of grain on which storage tickets had been made, protection for premiums for protein content, and providing for advances in benefit payments against farm-stored wheat.

At the insistence of the Farmers Union, bonus payments to allotment signers were made on the basis of acreage seed rather than harvested acreage. That meant farmers who suffered crop failure in 1933—and that included most of them—would at least receive allotment checks. This was the first step toward crop insurance, very limited indeed, but recognition of a principle.

During the same emergency session in the spring of 1933, the Farmers Union intensified its fight for debt adjustment and refinancing. Instead of the 1½ percent interest sought under Senator Frazier's bill permitting the issuance of money based on farm mortgages the Government took over, we got the Farm Credit Act which permitted the Federal land bank to take over the bulk of farm mortgages. Thus the private loaning agencies were bailed out. Interest rates to farmers were reduced from the prevailing 6 percent to 4½ percent.

Throughout this period the fine dust of drought and crop failure filtered into every thought and every act of the farmers. AAA and foreclosure moratoriums were designed to deal with the price depression. They could not produce crops. Rains failed to come year after year. The black blizzards of dust storm blew tons of the finest topsoil away forever. Grasshoppers and rust took whatever grain did grow.

In 1931 and 1932, when the Farmers Union provided drought relief in a few counties and the Federal Government finally began making feed and seed loans (mortgaging the barnyards, of course), we thought we had reached our limit. But by 1933 farmers could not even provide collateral for feed and seed loans. The drought had spread throughout the Middle West. In 1934, it was even worse. Not even Russian thistles grew that year.

This was the era when the eastern writers visited the State and wrote about the Dust Bowl and the return of the great American desert. The Fargo Forum reprinted a picture of the steer's skull on the prairie, which eastern papers said had been the site of the State capitol building. The Forum proved it was a fake, but plenty of farmers could tell eastern writers that cattle had starved to death and that post-mortems showed their stomachs filled with dirt.

Farmers Union officials these days were busy indeed, fighting to get just a little more for the farmers.

FEDERAL FARM AIDS

President C. C. Talbott and other members of the Northwest Legislative Committee were often in Washington, pleading for this administrative ruling or that—waiver of renewals on seed and feed loans, feed loans for turkeys, a processing tax on rye, and many others. Sometimes they accomplished part of what they were after, often they failed. Thatcher was in the National Capital all of the time, as Washington representative of the Farmers National Grain Corp.—so the Farmers Union was constantly in touch with the rapid developments.

When it became apparent in 1934 that many cattle would starve, the Farmers Union committee supported a bill which appropriated funds for the purchase of a surplus cattle, but only three-fifths as much as the Farmers Union asked for was finally appropriated. Consequently farmers were paid from $12 to $20 per head. Of this the farmer got $6. The rest went to the mortgage holder. There was much criticism of the program, but had not the Farmers Union been on the job, there would have been no program at all.

A more far-reaching program of farm relief was the Resettlement Administration, organized in 1934. Its purpose, as its name implied, was to assist farmers with land which had dried out or been blown out, to reestablish themselves on more productive farms. Loans were also to be made to help farmers get the equipment and stock they needed to make a go of the farm they already lived on. Before the loaning program really got under way, the Resettlement Administration was given the tremendous job of distributing the monthly relief grant checks. These checks were the only thing between thousands of North Dakota farmers and starvation. In some counties, at one time, 85 percent of the farmers were receiving relief grants.

Because Rural Resettlement Administration experimented with cooperative farming

and because it was headed by a man who had been a university professor, it was bitterly attacked from the very start.

The Farmers Union had vigorously supported the program of Resettlement Administration from the beginning, and several of its leaders were given the responsibility of administering its program. E. E. Greene, State secretary, went to Lincoln, Nebr., to work with Cal Ward, who left the presidency of the Kansas Farmers Union to become its regional administrator.

In the years to come the Farmers Union—and the union alone—was to save Resettlement more than once. Indeed, in one instance Resettlement could be saved only by changing its name to Farm Security Administration. The story of that move should wait for a later chapter, which will include something of the achievements of FSA in enabling submerger farmers to become good, self-sustaining farm operators, contributing their full share to producing food.

AID IN BUILDING COOPERATIVES

Besides assisting individual farmers on their own farms, Resettlement Administration early recognized that one of the best ways to help destitute farmers was to help them build marketing machinery that would give them more for what they produced—cooperative marketing. Out of its experience with turkey marketing, the Farmers Union believed that the development of poultry raising in northwestern North Dakota and northeastern Montana would do much to give that drought-stricken area another source of income.

The first cooperative loan made by Resettlement Administration was to the Farmers Union Cooperative Association, organized at Williston and Minot to provide complete poultry service—hatchery, feed mixing and distribution, egg-marketing facilities, and poultry-processing facilities. In this first venture of its kind mistakes were made. The two plants, one purchased at Williston and one built at Minot, were too large to start with, designed to serve 30,000 farmers. Experts were brought in from the outside to manage the plants who did not prove as capable as they should. But the biggest reason for the lack of success was the continued crop failures which made it impossible to produce the volume and size of the investment demanded.

And yet out of the struggle of the years that followed came the very successful Farmers Union Grain & Supply Co. Frozen food lockers and seed distribution (including the purchase of one of the largest private seed houses in the Northwest) were added. The Farmers Union Grain Terminal Association supplied the capital with which to pay off the Government loan, capital soon repaid out of earnings. The Federal Government lost some money, but no more than on many of its loans to private banks and corporations. And out of this experience it learned better ways to make loans to individual farmers to build their cooperatives. And farmers of North Dakota and Montana got their cooperative poultry plant that added hundreds of thousands of dollars to their incomes.

Commercial balanced rations and purebred flocks of chickens were almost unheard of in this area until the Farmers Union came into the picture.

The Farmers Union entered the turkey-marketing business in 1931 when the first turkey-marketing pools were established, but the man from Chicago placed in charge of selling the birds when they arrived on the market place proved to be a better promoter than a turkey salesman. When the birds arrived they were green struck, having been improperly cooled.

The following year, however, Federal grading of turkeys was introduced to the Chicago poultry market by the Farmers Union. Despite the fiasco of the first year and the headaches turkey marketing caused in years since, the Farmers Union turkey-marketing program has saved untold thousands of dollars to all turkey growers in the State, whether they ever marketed a bird through the Farmers Union or not. Within 2 years turkey growers throughout the State found buyers' margins reduced, free picking and "dividends" or "second payments" offered by old-line companies, express rates reduced sharply, and weight qualifications eliminated entirely. Where Farmers Union turkey pools operated, all buyers paid 7 or 8 cents a pound more than in towns only 20 miles away where there was no co-op competition.

OTHER PROGRESS

Volume of Farmers Union elevators and livestock shipping associations continued to decline, because farmers were not producing as much grain and livestock. But they were still planting with hope, using seed loans and relief checks. That meant they were using gasoline and oil. So the volume of the purchasing co-ops, the Farmers Union Oil Companies continued to grow. By 1932 the Farmers Union Oil Companies became the second largest distributor in the State, a position it has held ever since. (Standard Oil, in first place, has several times as many outlets as the 114 local Farmers Union oil cooperatives.) In 1932 the central exchange directors began to talk about building an oil compounding plant to make further savings and to make possible absolute control of the quality. In October 1934 work was started on the first central exchange building at South St. Paul, which embodied not only the oil-blending plant but also a warehouse and offices. At the time it was completed the exchange building was considered a great achievement, but it was outgrown in a few short years. The two additions made since that time make the original part of the present structure quite small, but that is an old story in the Farmers Union. Growth has been faster than anybody believed possible.

A notable development in 1935 was the introduction of the co-op tractor, which was several years ahead in design. It was made for National Cooperatives, Inc., a federation of a number of regional consumer wholesales.

In October 1935 the public stockyards at West Fargo opened with the Farmers Union Livestock Commission Co., one of the leading commission firms operating there. The bringing of the competitive livestock market into North Dakota meant that the packing house at West Fargo (which you will recall was built by the farmers in the old Equity movement and sold to Armour) would have to compete with buyers from the East.

Although the $3.50 for Farmers Union dues was spent for the children's shoes or for flour in too many farm families these trying days, the educational program of the Union kept growing. Several thousand—between five and eight thousand in the years 1932 through 1935—paid their dues "out of their heads, not out of their pockets" as the elder Talbott often put it. Once he borrowed on his life-insurance policy to pay office expenses. When the State board decided that there was not enough money to continue junior work, the assistant secretary, Mrs. Mary Greene offered to share her salary with the State junior leader, Mrs. Gladys Edwards. Somehow the way was found to keep the work of the union going, although salary checks were ofttimes months overdue, and not very big or numerous either.

In 1933 arrangements were made with the Capital Publishing Co. of Bismarck to publish a weekly page of Farmers Union information for adults and juniors in the ready-print syndicate which was used by over 50 weekly papers of the State. The weekly radio program, of course, gave another opportunity for the North Dakota Farmers Union to present vital issues to nonmembers as well as members.

Although the Farmers Union Herald was widely circulated, State and local activities of the union were becoming so numerous that a State paper was needed. The junior department had mimeographed lessons and sent them out and out of them had come a mimeographed paper, Union Junior. Finally, in April 1934 the first issue of the North Dakota Union Farmer, a semimonthly publication, came off the press, with all members of the staff—President, Talbott, Secretary Greene, Mrs. Greene, and Mrs. Edwards helping edit it.

PROGRESS IN JUNIOR WORK

Nineteen hundred and thirty-four was notable for another reason too—the first Farmers Union junior camp was held at Spiritwood Lake. Although 1934 was a drought year, it managed to rain and blow during the 5 nights and 4 days during the camp session. But despite the blowing down of tents and other inconveniences the 98 juniors and 30 leaders and staff members demonstrated the worth-whileness of getting together for concentrated study and fun. Later that summer a similar camp was held in eastern Montana for western North Dakota and Montana juniors.

In 1934, too, the junior department added a field worker, Mary Jo Weiler, herself a junior of Ransom County. Miss Weiler had the year previous, been the winner of a 4-minute speech contest at the State convention. Four-minute speeches were suggested by President Talbott after he had been given just 4 minutes to state the case for farmers to a Republican national convention platform committee. He decided that Farmers Union young people should be trained to express themselves concisely. In 1935, after it was decided that competitive contests were hardly in keeping with the cooperative ideal, the 4-minute speech was made the basis of the minuteman project. Here achievement based on satisfactory presentation of several speeches, rather than competition with others, is the basis of award.

One of the problems which faced farm youth was their inability to continue their education beyond the eighth grade. There are always many farm boys and girls who cannot go to high school, but in the hard times of the thirties, the percentage was higher than usual. Mrs. Jerome Evanson, then living on a Nelson County farm and county junior leader, proposed at the 1934 State convention that State-financed high-school correspondence courses be offered through the FDAC. That proposal was adopted as a resolution and a bill was drafted by the Farmers Union and submitted to the 1935 session of the State legislature, which, after some revision, adopted it. Where able, pupils were to keep on attending the rural school after completing the eighth grade so their correspondence work might be supervised by the teacher.

The correspondence study work has been a boon to handicapped pupils who could not go to high school. It has helped small high schools enlarge the number of courses of study they offered. The primary reason for its enactment was the fact that thousands of pupils could not afford to pay room and board in town or for gasoline to get to town even if they could be spared from home. And, of course, during these years, few farmers could afford to hire help, even though it was available for $15 or $20 a month, plus board and room. In 1946–47, 3,007 students completed 6,731 courses in the division of supervised study.

Another step forward in education was taken when the first Farmers Union college local was organized at the North Dakota Agricultural College by Farmers Union students. Besides giving these farm youths continued contact with their organization while going to college, the college local has proven very valuable in presenting the views

of the State's farm organization at the agricultural college.

Topics for junior work in these years included World Peace and Men and Machines and Money and Credit. The national junior advisory committee, made up of the State leaders, chose subjects on which material was readily available, because they had no funds to prepare strictly Farmers Union material as today. Nevertheless, the junior work during these and later years was laying foundations. It was sometimes called the paper-doll department. In 1912, however, one high Farmers Union official told a group of leaders debating educational funds from the regionals that "the paper-doll department poured the concrete foundation under the great regional cooperatives of the Northwest."

Mr. LANGER. Mr. President, we come now to chapter VI, entitled "The Transition," starting with January 6, 1936. I ask that that chapter, which includes articles entitled "State Legislation" and "Cooperative Education," the chapter beginning on page 71 and ending on page 81, be printed in the RECORD, at this point in my remarks.

There being no objection, the chapter was ordered to be printed in the RECORD, as follows:

VI. THE TRANSITION

January 6, 1936, was an important date for the farmers of the Nation. On that day the United States Supreme Court, by a vote of 6 to 3, declared the AAA, with its processing tax, unconstitutional.

All the gains, practically, made by farmers since 1933 were wiped out by the decision of the court. The storm had been brewing for many months. The millers, the processors, the textile manufacturers, and the packers had, of course, fought the program since its passage. They particularly fought the processing tax which they collected and passed on to the consumer. It was the processing tax which financed the payment of a billion and a half dollars to farmers in two and a half years. But the court had decided tax was levied on all consumers for the benefit of a certain group of producers and therefore unconstitutional as class legislation.

What the food and cotton processors had failed to accomplish in Congress they had succeeded through the courts. The May previous, 4500 farmers from 36 States had marched on Washington for the biggest farmers' demonstration the Nation's capital had seen, in support of the AAA program financed by processing taxes, with marketing quotas to restrict production where necessary. C. C. Talbott and other Farmers Union leaders from the Northwest were there, although the then officials of the National Farmers Union fought the AAA just as they had the Federal Farm Board.

The State Farmers Unions represented on the Northwest legislative committee, however, supported the AAA as they had the Federal Farm Board. They assumed this was the best they could obtain, while working for additional amendments and new legislation.

Indeed, in the late winter and spring of 1935 the Northwest legislative committee spent nearly 3 months in Washington, meeting almost daily with Members of Congress and with officials of the Department of Agriculture.

They sought an application of the AAA program to rye, barley, and flax as well as several corrective amendments to strengthen cooperative marketing and give producers the full benefits intended. The court decision knocked out the whole law before any of the amendments could be adopted. A workable dairy program was also the subject of much discussion and investigation.

As is always the case, a good share of the legislative work consisted in fighting off bad legislation and in improving administration of laws that were intended to help. For instance, by requiring farmers to give new mortgages on everything they had to get new seed and feed loans in 1935, field administrators made it impossible for merchants to extend credit for other needed purchases. When the Farmers Union took up that in Washington with the proper officials, that practice was stopped.

The northwest group worked with National Farmers Union officials on two major proposals—the Frazier-Lemke refinance bill and various cost-of-production bills. The Frazier-Lemke refinance bill proposed making loans to farmers at 1½ percent interest and 1½ percent amortization of principal. The Government was to get the money by printing additional currency. Though this bill was up before several sessions, it was finally brought to a vote in the House in May 1937, and defeated.

This refinancing bill should not be confused with the Frazier-Lemke Moratorium Act, the amendment to the bankruptcy law, which was first passed in 1934, declared unconstitutional in the Supreme Court in 1935 and again passed in a form meeting the Court's objection. This act was finally declared constitutional by the Supreme Court in 1937, after lower courts had again thrown it out.

The other proposal came before Congress in several forms—a bill to guarantee farmers cost of production by fixing the price of farm products by law. Out of the administrative experience gained under AAA, it later became apparent that outright price fixing would require a degree of regimentation and control beyond what the farmers and the rest of the Nation were willing to accept. The battle over cost of production was destined to become a heated one within the Farmers Union the next 2 or 3 years.

To replace the AAA's processing tax and production-control features declared unconstitutional by the Supreme Court, Congress hastily enacted the soil conservation bill which proposed payments out of the Federal Treasury to farmers in return for preservation and improvement of the soil—including planting more soil-building crops and less soil-depleting crops, as well as practicing other soil-conserving practices. The soil-depleting crops were, of course, the crops of which there was a surplus—wheat, corn, cotton, etc. About the same total funds were paid to the farmers. They came out of general appropriations, instead of from processing taxes which were added directly to the prices consumers paid. But the new law satisfied the Court's objection to special taxes for the special benefit of a special group.

Soil conservation was provided for as a minor objective under the original AAA, but after the Supreme Court upset it became the prime objective of the new program. Of course, in the first years of soil conservation, it ofttimes seemed as though getting the benefits into the hands of the farmers was more important than the actual benefits to the soil.

But each year more and more emphasis was placed on performance of building and saving the soil because drought years demonstrated that the Nation could ill-afford to lose this irreplaceable natural resource.

At the request of the administration, the Farmers Union participated in a conference of all farm organizations in Washington, called to consider measures to replace the AAA. The stop-gap bill as it was passed, however, was the work of the Department of Agriculture. The farm leaders were scarcely consulted.

While the Farmers Union worked with other farm groups on soil conservation legislation, it alone can take sole credit for pushing through another bill during 1936. That is the Commodity Exchange Act, which, among other things, prohibits any commodity exchange from discriminating against any cooperative marketing agency by withholding membership or the privilege to buy and sell on the floor of the exchange. Passage of this act ended a fight of farmers of a quarter century to secure the right of their cooperatives to trade where actual market prices were made. We have seen that one of the greatest obstacles to the success of the Equity Exchange was its denial of membership in the Minneapolis Chamber of Commerce by the private grain trade. Bill Thatcher had been in the fight in those days, and when he went to Washington he began to work for Federal legislation which would compel private grain traders to allow competition from farmer-owned marketing agencies. It took him 4 years, backed by letters and resolutions by Farmers Union folks back home, to convert enough Senators and Representatives to carry the bill through.

The Commodity Exchange Act carried other important provisions, too, eliminating various fraudulent practices, curbing speculation in foodstuffs, and putting the commodity exchanges "in a goldfish bowl," so to speak. There farmers and the public could see what was going on in the public markets, where the prices of grain, cotton, butter, eggs, potatoes, and so forth, were determined. The commission merchants and private dealers cried that the bill would ruin them and close the commodity exchange—but 11 years later they are still operating, even though they are not quite as good gambling dens as they once were.

At the same session, 1936, the House, as it was often to do in later years, failed to make any appropriations for caring for destitute farmers through the Rural Resettlement and Rehabilitation Administration. And the Farmers Union representatives in Washington, as in years to come, persuaded the Senate to insert appropriations for the only agency designed to help the down-and-out farmer, who could not qualify for a loan from Farm Credit Administration. At the beginning of 1937, the Resettlement Administration was transferred to the Department of Agriculture from the Works Projects Administration. A little later its name was changed to Farm Security Administration, which, as Henry Wallace then said, was a much more accurate description of its purpose and function. When legislation was adopted in 1946 making the agency permanent, rather than a creature of executive order, the name was again changed to Farmers Home Administration.

The third measure supported by the Farmers Union was a law imposing higher tariff levies on importation of foreign oil and fats competing with flax and domestic oils.

Throughout the 3 or 4 years of the New Deal farm program, the Farmers Union had been talking about crop insurance—some protection for the farmer in years of crop failure. The benefit payments, which were paid whether the crop matured or not, gave a small measure of protection against crop failure. Perhaps because of the experience with State hail insurance in North Dakota, Farmers Union people in the Northwest were more enthusiastic about real crop insurance, whereby a farmer might pay a premium based on his historic yield and receive in return protection against all hazards up to 75 percent of his normal yield. When the premium and the claims were made payable in wheat instead of a fixed sum of cash, the crop insurance program became even more attractive.

Early in 1937 the time had come to move, and the legislative energies of the Farmers Union was thrown behind the drive to enact the Crop Insurance Act in Congress. It passed the Senate, but was not finally adopt-

ed until 1938 as part of the new Agricultural Adjustment Act. After its enactment, weaknesses and defects appeared in its administration—as is so often the case with good legislation. The Farmers Union sought to correct these defects by amendment, but before that could be accomplished an economy-minded Congress refused appropriations for the Crop Insurance Corporation on the ground that the administrative costs and loss benefits exceeded the premium income. Since no private insurance company could possibly offer this kind of insurance, the Farmers Union held that the administrative expense should be borne out of the Treasury as a part of the total program for a healthy agriculture. In 1943 crop insurance was revived and extended to several other crops, on an experimental basis, in addition to wheat and cotton. The individual contracts offered, however, were somewhat less liberal than the original crop insurance program.

During this period the Farmers Union was also concerned with the Supreme Court fight, precipitated by President Roosevelt's request that the Court be enlarged and some of the older justices retired. This was the issue which split the liberal forces right in two, but the Farmers Union leadership in the Northwest was united in supporting the President's demand that the Court be modernized. The way it had thrown out the AAA, the first Frazier-Lemke moratorium bill, and other progressive legislation had made the Supreme Court, as it existed then, another obstacle to farmers' attempts to secure badly needed relief.

STATE LEGISLATION

At the State level, the legislative work of the Farmers Union was centered on enacting a law prohibiting deficiency judgments, another providing the teaching of cooperative marketing in high schools, and a third making military training optional instead of compulsory at the university and agricultural colleges. The antideficiency judgment law did away with the nefarious practice of mortgage holders not only foreclosing the mortgaged property, but also taking a judgment if the foreclosed property did not sell for the amount of the debt. (In a period of deflation, often the judgment put the debtor under bondage the rest of his life.) Under the new law, it was up to the money lender not to lend more than the collateral was worth. If prices declined so much the property was not worth the debt against it, the creditor should share the loss with the debtor. This law has been bitterly attacked at practically every session since 1937, ostensibly because Federal land bank officials ruled that the land bank could make no loans under it. But the interests who sought its repeal would never be content simply with exempting Federal agencies from its provisions. They want a return to deficiency judgments. While they have not yet mustered the strength in the legislature for its repeal, they still have hopes.

In 1937 a constitutional amendment permitting a graduated land tax and homestead exemption passed the lower House but was defeated in the Senate.

COOPERATIVE EDUCATION

Although legislative developments in Washington and Bismarck were highly significant during this period, increasing attention was being given to cooperative education. Farmers Union elevators and oil companies had been started primarily because of the desperate need to increase income and decrease costs, even the few cents patronage dividend returned to the farmers. Good Farmers Union folks knew, of course, that these dividends would not alone save the farmer, although it must be reluctantly admitted that many farmers patronized Farmers Union oil companies and Farmers Union elevators solely for the nice dividend check they received at the end of the year.

Even those who recognized, however, that cooperation was more than a method of saving money and no clear-cut conception of the philosophical basis of the whole cooperative movement. But more and more the Farmers Union began to recognize itself as part of a world-wide movement ending its first century, which had as its objective nothing short of the transformation of the whole economic system.

Articles appeared in the Farmers Union press about the cooperative developments of Denmark, Sweden, Norway, and Great Britain.

Consumer cooperatives throughout the United States were beginning to aggressively publicize their philosophy and activities. It was in 1936 that Toyohiko Kagawa, Japanese evangelist and cooperative leader, made his famous tour of the United States, arousing church people to the ethical values of cooperation and stimulating cooperators to a broader outlook. He spoke to many audiences that included Farmers Union people throughout the Middle West, including Fargo and Jamestown.

In January 1936 the Farmers Union education service was set up at Jamestown, with Mrs. Edwards as director, to serve the State unions of Montana, North Dakota, Minnesota, and Wisconsin. The education service, financed by the Northwest business activities, prepared material, sold literature, and assisted in conducting conferences and camps for the four States doing what none of them could do alone. Out of the education service of these States—came the present National Farmers Union education service, with its many benefits to all Farmers Union State organizations in junior and adult education.

One of the initial projects of the education service was the first Cooperative Institute in January 1936 where 27 students, including two from Wisconsin and one from Montana, spent a month together studying the cooperative movement. Among that group are several who are now active county and cooperative officials or in full-time Farmers Union work, including Richard C. Joyce, director of cooperatives; Mamie Roos, assistant State junior leader; and Guy Knobel, manager of the Billings branch of the Farmers Union Livestock Commission Co.

Joining in sponsorship with the Farmers Union education service was the Northern States Cooperative League, an educational federation of consumer cooperatives in the Northwest States affiliated with Central Cooperative Wholesale at Minneapolis and the Farmers Union Central Exchange. The Northern States League was later disbanded as each wholesale developed its own educational programs.

During this institute and the other 4-week cooperative institutes which were held, up until the beginning of the war, particular stress was placed on the consumer cooperative philosophy. We are all consumers. When we organize as consumers to supply ourselves with what we need we are laying the basis for a system, where abundance for all replaces a system where various producer groups clash with each other, to secure the biggest share of what is produced. While a consumer-oriented society is undoubtedly the goal toward which an economy of abundance must move, we still live in a scarcity-economy where the class interest of each producer group—farmers, workers, industrialists, etc., must be protected if each is to survive. For that reason the Farmers Union program has been looked upon with less than enthusiastic approval by the consumer cooperative purists who are primarily idealists. Nevertheless, in the actual building of cooperatives serving consumer needs, the Farmers Union in North Dakota can match any group in North America.

In January 1936, Dick Joyce, then working in the LaMoure Farmers Union Oil Co., but soon to become assistant State secretary, appeared on the town meeting of the air broadcast from New York City. He received his invitation to fly to New York (expenses paid) as a result of a letter he had written commenting on one of the earlier broadcasts.

Indeed, North Dakota Farmers Union juniors and adults received recognition by several outside organizations. They participated in the antiwar congress and other peace movements. Two juniors, Arthur Link and Walter Fiedler, both to become county presidents and cooperative officials, were given scholarships to Brookwood Labor College and Henry Richardson and Myrtle Book 10-week scholarships to Ashland Folk School. Others attended various sessions of the American Youth Congress.

Sale of "peace bonds" and securing of pledges not to participate in war, were part of the antiwar activities in which the Farmers Union actively participated, particularly the juniors. This was the period, too, when an antiwar speaker was refused access to the North Dakota Agricultural College campus at the behest of American Legion officials, and his meeting, sponsored by several Fargo ministers and agricultural college students, was held across the street at the YMCA building. The speaker was Waldo McNutt, now president of the eastern division of the Farmers Union.

Several changes were made in the State office personnel. Morris Erickson, youthful school teacher from Williams County, took E. E. Greene's place as State secretary when Mr. Greene went to Lincoln with Resettlement Administration. Dick Joyce replaced Mrs. Greene as assistant secretary. Mary Jo Weiler became junior leader when Mrs. Edwards became director of the education service.

It was in 1936 when Bertram Fowler's new book, Consumer Cooperation in America, Democracy's Way Out, first popular survey of co-ops throughout the country, had this to say about the educational program of the North Dakota Farmers Union:

"Within the Farmers Union movement in North Dakota there is a real educational program for youth. In the townships all over the State the children are being brought together and educated along cooperative lines. These children are trained to think for themselves. And they are ready to think, this generation of boys and girls who have watched their homes and lands slip away from them as an economy based on profit-making shaved the farm income thinner and thinner. These children of North Dakota are being raised on cooperation. The Farmers Union has worked out a plan of education by which the children are trained to sell the idea of cooperation to their parents. They are trained in basic economics and drilled in the cooperative philosophy. As a result, these youngsters are being heard from in community gatherings. They know their economics and are not backward in stating what they think and know. The program of youth education is pushing the cooperative organization of North Dakota faster than any other single factor."

In the development of cooperatives this period was one of expansion into new fields. At Casselton the first co-op cold-storage locker plant, indeed the first frozen-food locker system in the State, was organized. Farmers Union stores were established at Embden and Alice, also in Cass County. These eastern North Dakota communities could secure "Co-op" brand groceries from the Central Cooperative Wholesale at Superior, Wis., at prices which could match competition, but freight rates made it practically prohibitive for most of the State to be supplied by the Superior or Twin City sources of co-op goods. Thus development of cooperatives stores was slow.

At Devils Lake work on the Farmers Union creamery was begun with the aid of a loan from the Resettlement Administration. At Williston the Farmers Union Oil Co. offered full garage services, including an agency for a medium-price car. Because most of its members wanted a lower-priced car, the agency was discontinued a little later, but repair service is still maintained.

Mr. LANGER. Mr. President, we now come to chapter VII, entitled "Change and Growth," which deals partly with E. H. Everson, of South Dakota, who is president of the Farmers Union. He is the man who was mentioned by the junior Senator from South Dakota [Mr. MUNDT] a while ago. I ask unanimous consent that that chapter, including the article entitled "Farm Act of 1938," the article entitled "Income Certificate Proposal," an article entitled "The Battle for Debt Adjustment," and other articles, entitled "Other Legislative Action," "State Legislative Action," "Cooperation," "Ten-Year Savings in Oil," "Spectacular Growth in Grain Marketing," "Turkey Marketing," "A Sound Insurance Program," "Credit Unions," and "Education and Organization," be printed at this point in my remarks.

There being no objection, the chapter was ordered to be printed in the RECORD, as follows:

VII. CHANGE AND GROWTH

Movements built around the dynamic leadership of a man sometimes decline when that individual passes from the scene. That was true in Iowa when the membership of the Farmers Union became a mere shadow of itself after the death of Milo Reno, and in Kansas after the death of John Trombull.

Thus when C. C. Talbott succumbed on April 8, 1937, following an auto accident 10 days earlier, many Farmers Union members felt that the cause for which he literally gave his life would be lost. Widely called Charley, he had been the first and only president of the North Dakota Farmers Union. There were other outstanding leaders in the Northwest and potential leaders in North Dakota, but C. C. was the sparkplug which had given the union its tremendous drive, all out of proportion to its size.

The elder Talbott was fatally injured in an automobile accident which occurred en route to Bismarck to make one of his frequent radio talks, this one upholding the President's plan to reorganize the Supreme Court. Had his health been as vigorous as when he had begun the grueling grind and tremendous strain of the militant battle of farm organization work, he might have recovered.

Truly, however, C. C. Talbott's death proved the statement in the Farmers Union creed that the union is greater than any man in it.

The times demanded that the Farmers Union go forward; and the union was prepared for its era of greatest expansion—in membership, in cooperation, in legislative influence, and in building greater understanding.

The union was prepared because a foundation of understanding had been laid. In the locals and through the camps and other educational projects, enough members had gained the conception of the kind of organization that was needed to carry on in a period of reaction. Without the educational program it is doubtful that any new leader, however competent, could have maintained the effectiveness and unity of the union after the loss of a leader who led as vigorously as C. C. Talbott.

In that education program we include junior work. We would not imply that the juniors were responsible for an effective organization although they did their share. You cannot bring understanding to young people, however, without the older ones in the local sharing it as well. The leaders who led the juniors, in particular, were themselves learning.

Alex Lind, as vice president, became acting president and served from April to October when Glenn J. Talbott was elected president by the State convention. Lind refused to be considered for the post. Glenn, son of Charles, had been a fieldman for the Farmers Union Terminal Association and had already made a name for himself in North Dakota and in other States as a speaker and as a clear thinker on farm problems.

During the few months of Lind's administration the chief problem was the inadequacy of relief in the western half of the State where the drought still persisted, and the vicious policy of seed loan collection which left nothing for farmers to live on where there was a crop. Lind called a meeting of Midwest Farmers Union State presidents at Aberdeen and out of the demands for more drought relief voiced at that conference, came a change for the better.

During these days the National Farmers Union was undergoing an upheaval that was eventually to result in a more united national farm organization than for many years. At the 1936 convention, National Secretary E. E. Kennedy, supporter of the Coughlin-Lemke Union Party, was ousted by one vote and C. C. Talbot elected to the national board. (He had been on the national board before but had retired when the forces opposed to cooperatives and to working with Federal farm programs gained complete control of the National.) In 1937 the victory of the pro-cooperative forces was completed with the election of John Vesecky of Kansas to succeed E. H. Everson of South Dakota as president.

Meantime Morris Erickson was appointed to fill the place of Charles Talbott on the national board. He was probably the youngest man ever to sit on the National Farmers Union board, being but 27 at the time.

The National Farmers Union was still a loose federation of State organizations, each pretty much with its own program. But at least a start had been made toward building a national voice which could speak for Farmers Union members everywhere. It took the war years and the adoption of the new constitution in 1946 to weld the Farmers Union into a truly united union of farmers, instead of a federation of State groups.

During the 3 years of Mr. Vesecky's presidency, the National Union slowly regained the prestige it had lost during the years it had been torn by internal dissension over farm policy and the Coughlin-Lemke political demagoguery. The National organization has always lacked finance, but with only 25 cent dues, President Vesecky and his board could scarcely maintain a secretarial staff. On the national board were such dynamic young men as Morris Erickson, Emil Loriks, and Jim Patton. Lack of finance did not deter leaders like them from making big plans for the union. Morris was succeeded on his untimely death on the national board by Glenn Talbott. Later Ole L. Olson was elected a member from North Dakota.

When Patton was elected national president to succeed Vesecky in the fall of 1940, the National Farmers Union had a progressive, clear-cut program and had come a long ways toward being recognized as the liberal spokesman for the independent, small commercial family-type farmer.

Under Patton's aggressive, friendly leadership, the National Farmers Union gained new recognition from new quarters. Organized labor—to whom farmer-labor cooperation had largely been talk—began to see that working relations with the Farmers Union were worth cultivating. The same was true with other progressive groups—church, welfare, and educational—who worked with the Farmers Union in "areas of agreement." The revitalization of the National Farmers Union came not a whit too soon, for World War II was to bring new and difficult problems. The standing of the union increased, by reason of its integrity and devotion to the welfare of the whole Nation, far beyond its numerical strength. Had this not been so, the wartime history of the small farmer, and, indeed, of our domestic economy, might have been quite different.

One of the reasons for the favorable reputation the National Farmers Union gained in the Nation's affairs was the staff of the Washington office. It was never more than three or four, besides the stenographic help, and much of the time was only one. That one was, and is, Russell Smith, recognized as one of the top agricultural economists in the country. He was connected with the Bureau of Agricultural Economics prior to becoming legislative representative for the Farmers Union.

With the establishment of the National Farmers Union Washington office, the work of the Northwest Legislative Committee was taken over by the national union. The Northwest legislative fund, which had played so important a role in financing the wheat farmers' battles in Washington, became the National Farmers Union budget or expansion fund. Farmers of North Dakota and other States of the Northwest and their co-ops continued to contribute generously to this fund, for they realize that many of the farmers' problems in these States cannot be solved unless farmers over the entire Nation are organized.

FARM ACT OF 1938

Until 1938, practically all Federal farm legislation had been adopted on an emergency basis, designed first to alleviate the crisis of 1933 and then to replace the invalidated act in 1936. In 1937 work was begun on what was hoped would be a permanent farm program that would assure farmers a just share of the national income and provide a method for adjusting production to effective demand.

Secretary Wallace called a conference of farm leaders in Washington February 8, 1937. Here the general principles were approved of what was to become the Agricultural Adjustment Act of 1938, including the principles of an ever-normal granary, commodity loans, continuation of soil conservation, marketing quotas and agreements (where surpluses existed and where a majority of farmers wanted them), benefit payments for diversion of crops, and crop insurance.

Not all of the farm organizations and farm Congressmen were as enthusiastic about crop insurance as was the Farmers Union in the Northwest. It took all the political know-how Thatcher and other members of the Northwest Farmers Union Legislative Committee possessed to get wheat yield insurance written into the farm bill in the Senate. It had been defeated in the House, and skillful maneuvering was required to get the crop insurance provisions accepted by the conference committee.

Working with the northwest group on provisions of the new bill relating to wheat, were Farmers Union and other organization representatives from other wheat States. These forces called themselves the Wheat Conservation Conference.

In the fall of 1937, a subcommittee of the Senate Agricultural Committee held a series of hearings throughout the wheat growing States of the Midwest and Pacific Northwest. Opinion was sharply divided on two issues—whether or not there should be a compulsory crop and marketing control program, and whether there should be a minimum fixed price by legal enactment.

At Grand Forks, a few weeks after becoming president, Glenn Talbott presented testi-

mony outlining the method by which the ever-normal granary could operate to provide a minimum floor price without the regimentation outright price fixing entailed.

He proposed that storage loans be made on a percentage of parity or fair-exchange value (instead of on a guess as to what the market should be under the old farm board). Further he proposed the organization of a Federal surplus disposal corporation which would take over the grain if the market price did not reach the storage loan value and dispose of it in such a way that it did not upset the domestic market—either for export, for relief, or for feed.

The Commodity Credit Corporation, with its storage loans, which came out of Talbott's proposal, had proved to be one of the most effective devices in the whole farm program. It was authorized to make loans between 52 percent and 75 percent (later 85 percent) of parity under the 1938 Farm Act. To begin with, CCC made loans at the lower level It was never intended that the loan price alone should give the farmer parity, but that, in addition to parity and soil conservation and benefit payments, it would bring parity.

The size of the payments, however, depended on the annual appropriations made by Congress. That was, perhaps, the biggest weakness of the 1938 Farm Act. The Farmers Union had worked hard for a special tax on wheat products earmarked for payments to wheat farmers. True, the original processing tax had been declared unconstitutional, but the Supreme Court was now taking a more liberal trend. A law could undoubtedly be drafted which would meet the objections of the original AAA decision.

As usual, the new farm law was considerably less than the Farmers Union wanted. But it did contain the beginnings of crop insurance, although there were still many a battle to be fought over its administration and to improve its basic legislation. The new bill provided for commodity loans and the Commodity Credit Corporation. Its soil-conservation provisions were good. It provided marketing quotas on all farmers when two-thirds of them had voted for marketing quotas. Such referendums were to be held after the Department of Agriculture had determined the carryovers and prospective yields made a sizable surplus probable.

So the Farmers Union cooperated with the Government agencies in putting the new program into effect—and at the same time plugged all the harder for better legislation.

INCOME CERTIFICATE PROPOSAL

The income-certificate plan was the proposal made to achieve parity or cost of production, whichever was higher, on wheat, cotton, and other staples on which there was an exportable surplus. The 1938 Farm Act promised partial parity—if and when Congress made the necessary appropriations. The income-certificate plan proposed the mechanism by which parity could be assured year in and year out. It was the lineal descendant of the McNary-Haugen equalization fee, the export debenture, and domestic allotment plan—all of which were designed to provide a two-price system for the farmer—an American price for the bulk of production domestically consumed and the world price for what was exported.

Under the income certificate plan, introduced in Congress in 1939, wheat income certificates would be issued each year to participating farmers for his share of 500,000,000 bushels, normally used domestically, and 100,000,000 bushels exported. The value of the certificates were to be determined annually by a board composed of Government appointed representatives of farmers and consumers, being the difference between parity and the expected average price. Farmers were to be paid for the certificates on proof of compliance with his wheat acreage allotment. Processors would be required to buy the certificates at the rate of six bushels in certificates for every five bushels of wheat, and the funds thus paid would consitute a pool out of which farmers would be paid. The requirement that processors buy six certificates for 5 bushels was an ingenious device whereby the sixth bushel could go into the export market at the world price and the farmer would still receive a parity price for it.

Had not the European war increased the demand for wheat in 1940 and 1941, the income certificate plan would have certainly received serious consideration from Congress. Under conditions that prevailed in the postwar world there are two objections to the income certificate plan as originally contemplated. (1) Parity, as it is presently computed, is an inadequate measure of fair exchange value. (2) Dumping of exportable surpluses on the world market at whatever price they will bring will be frowned upon as detrimental to our international trade policy. The kind of program we have for wheat must depend somewhat on the kind of international machinery is set up to adjust trade between wheat-exporting and wheat-consuming nations. Nevertheless, we will undoubtedly need a wheat program when the world gets back to a normal production basis and the program devised then will probably be built on the income certificate plan, just as it was formulated out of earlier plans.

THE BATTLE FOR DEBT ADJUSTMENT

The other big legislative campaign in which the Farmers Union engaged in the pre-war years was the drive for its debt adjustment bill. In some ways the debt adjustment fight elicited more response than the income certificate campaign, because debt was a present threat, while the price of wheat was a future hope.

Ever since the initiated moratorium bill of 1932 and the Frazier-Lemke refinancing bill, the Farmers Union had been working for a scale-down of debts in keeping with the decline in land values and commodity prices. Farmers who had contracted a debt in the twenties found they had to pay the price of 2, 3, and 4 bushels of wheat for every bushel's worth of money they had borrowed. There was nothing fair about that.

The Frazier-Lemke refinance bill, with its provisions for printing money to pay off creditors, failed to pass. The Frazier-Lemke Moratorium or Bankruptcy Act could give a farmer whose assets nearly equaled his debts a breathing spell, but it could not force creditors to scale down debts. Thus the farmer who was hopelessly in debt could get no relief. This was proven when a Federal judge at Fargo threw out the petitions of a number of farmers because their assets were such a small proportion of their debts that they could not hope to pay out at the end of 3 years.

Greatest offender in foreclosing was the Federal land bank, which had bailed out private lenders and the Bank of North Dakota to such a degree in the early thirties that it was by far the biggest mortgage holder.

In 1936 part of the program of the northwest legislative committee was the adjustment of debts owed any Federal agency. This plank was included in the 1937 National Farmers Union program and amplified in 1938 with a protest against current collection and foreclosure policies. The 1937 program also recommended that all debts the farmers owed Federal agencies be consolidated into one agency. This agency was to have authority to adjust and refinance according to the productive ability of the farm.

During 1938, Thatcher, on behalf of the northwest committee, discussed the problem on several occasions with President Roosevelt. On April 25, 1939, President Roosevelt transferred Farm Credit Administration, which included the Federal Land Bank System, to the Department of Agriculture. Wholesale foreclosures by the land banks were stopped.

With this encouragement, the Farmers Union set about drafting a real debt adjustment bill. President John Vesecky appointed Thatcher, Talbott, and K. W. Hones, Wisconsin president, to do the actual drafting. Senator Wheeler introduced the bill within 6 weeks after FCA had been transferred to the Department of Agriculture.

The bill provided that when the Federal land bank foreclosed on a farm its loan would be paid off by the Federal Farm Mortgage Corporation (to protect private investors who held land-bank bonds). Then the farmer would be given 5 years moratorium during which the productive capacity of his farm would be determined. If the mortgage was greater than the farm would pay out over a long term of years, provision was made for scaling down the debt to what the farm could reasonably be expected to produce. In any event provision was made for amortization over a longer time with variable payment, so the debtor would not lose his farm during a series of bad years and could pay ahead in a series of good years. Living expenses were to be considered in determining the farmer's ability to pay.

The bill did not come to a vote because Congress was in a bitter controversy over neutrality legislation in the summer of 1939, but late in that summer Wheeler attached its provisions to the so-called lending-spending bill. It was accepted by the Senate by a 74-to-8 vote, but the whole bill was shelved in the House by the Rules Committee. In September, however, the Farm Credit Administration declared a halt to foreclosures on Federal land-bank loans.

In the spring of 1940 Senator Wheeler introduced an improved farmers' debt-adjustment bill, and the National Farmers Union legislative committee (which had replaced the Northwest Committee) went to Washington to press the fight vigorously. By this time the opposition to debt adjustment was aroused. The American Bankers Association backed by the Farm Bureau and the Grange, supported by the Gillette bill, which would have reorganized Farm Credit Administration by taking it out of the Department of Agriculture and placing it under a bipartisan board. Although the Farm Bureau had worked with other farm organizations on Federal Farm legislation until about 1938, it was now pursuing a course designed to weaken the action agencies within the Department of Agriculture and to strengthen the Extension Service, which it controlled in many States.

But joining with Farmers Union officials from 21 States, however, were representatives of other regional cooperatives, not connected with the Farmers Union.

The revised debt adjustment bill was termed by Talbott as the finest piece of legislation for farmers ever written. In addition to the provisions of the original draft, it provided for a straight 3-percent interest rate, with no stock subscription or additional fees required; Government guaranty of farm-loan bonds; debt adjustment by farmer committees; a chance to lease a foreclosed farm for 5 years and buy it back on an amortization plan covering up to 40 years, and a chance for original owners to buy back farms already foreclosed, if on the market, at the same terms.

Responding to a call for support from the country, special local meetings were held March 15, 1940, and over 50,000 letters were written from North Dakota to Members of Congress and to the President in support of the debt adjustment bill. Senators and Representatives had never received such mail as this. Such a response would never have occurred, without a keen desire and without understanding of how to work together to focus attention on the issue. Here again

the whole educational program of the union proved its worth.

But that was not all. On April 27, the greatest gathering of farmers in the history of the United States met in St. Paul to hear Secretary of Agriculture Henry Wallace pledge his support to the Farmers Union debt adjustment bill—21,000 farmers from 20 States. It was a Farmers Union-sponsored show, but the farmers who literally swamped facilities of the Twin Cities came from every farm organization and from no farm organization.

Just as victory seemed assured, Hitler invaded the low countries and Congress postponed consideration of all domestic reforms. As farm prices rose and good crops returned, the pressure of debt lessened for those not already put through the wringer. They were able to pay off or reduce their mortgages. Others who had lost their farms went to jobs in war plants; some lucky enough to rent farms, have, in recent years, been able to make down payments. Nevertheless in the years to come, family-type agriculture will need a sound credit system whereby farmers may purchase their farms with the knowledge that, if they take care of it, their land will not be taken away in years of adversity. We will then need legislation embodying the principles of the debt adjustment bill.

In tracing the complete story of the debt-adjustment bill we have passed over other important developments in the Farmers Union between 1937 and 1940.

OTHER LEGISLATIVE ACTION

On the national legislative front, the Farmers Union was successful on several scores, each very important for the farmers involved.

In 1938 the Tenant Purchase Section of Farm Security Administration, provided under the Bankhead Jones Act, began operations in three North Dakota counties and a few tenants started on the road to farm ownership with FSA loans. In following years the TP program was extended to other counties, but there never were enough funds to accommodate all tenants who wanted loans.

In 1939 the Farmers Union was successful in getting rules of the crop insurance program changed whereby the premiums could be deducted from parity payments, if the farmer could not pay them in advance. That year also, when the cover crop used with flax dried out, the Farmers Union secured a change in the rulings under soil conservation so these payments would be made if the cover crop had been planted. And of course, there was another battle to get appropriations from Congress to finance parity payments and the commodity loan program.

Among other chores the Farmers Union undertook in 1940 in the improving of crop insurance were securing recognition of protien premiums in determining wheat yield insurance benefits. It secured the right to put any loss payments under CCC loan (which was then higher than the market price). The Crop Insurance Corporation paid such loss on the date selected by the farmer in cash rather than in warehouse receipts.

STATE LEGISLATIVE ACTION

Having failed to get a constitutional amendment permitting a graduated land tax through the State legislature, the Farmers Union, according to recommendations of the State convention, initiated a graduated land tax amendment for the voters to pass upon at the fall election of 1940.

To round out the land tax reform another constitutional amendment was proposed permitting the exemption of homesteads, wholly or in part from taxation, and an initiated measure classifying property for tax purposes according to the use and rate of depreciation. This measure was designed to counter the bad effects of the 50-percent tax base sponsored by the North Dakota Taxpayers Association in 1932.

This was the first of several battles which the North Dakota Farmers Union undertook on the tax question. Although defeated in each election, the margin of defeat has decreased each time, as the tax educational campaign of the Union acquaints more and more people with the realities of taxation.

At the 1939 session of the State legislature, the Farmers Union successfully opposed attempts to emasculate the antideficiency judgment law, although the amendment was defeated in the senate by only one vote. The gas tax exemption law on fuel used for agricultural purposes was passed, replacing the tax-refund system. A cooperative division was created under the department of agriculture and labor, the first such State agency to compile data helpful to cooperatives. Increased appropriations permitted reestablishment of substations of the North Dakota Agricultural College experiment stations, by providing funds to match all available Federal appropriations.

COOPERATION

While the Farmers Union was most active on the legislative front between 1937 and 1940, it was by no means neglecting the other phases of the organization. Indeed, except for the spectacular expansion of cooperative activity and membership growth during this period, the vigorous influences the Farmers Union was able to exert on legislative decision would have been impossible. Conversely, building of cooperative grain marketing so rapidly would have been impossible had not the Commodity Exchange Act protected cooperatives on the terminal market, and had not Farm Security Administration been created to help low-income farmers improve their lot by making them loans to participate in cooperative marketing.

TEN-YEAR SAVINGS IN OIL

In 1938 the Farmers Union oil-cooperative program was 10 years old. Because of the succession of poor crop years, the marketing cooperatives had not made the spectacular growth of the oil companies. In 1938 a survey was conducted by the State office to determine the cash benefits farmers and other petroleum users had derived from the Farmers Union Oil Cos. of North Dakota. By this time there were 98 such cooperatives in the State. Ninety percent of them were included in the statistical survey. The findings were astounding, both as to visible savings of nearly $2,000,000 which patrons received directly because they did business with themselves and as to the much larger invisible dividends—totaling $15,000,000. All petroleum users shared this as the result of reduced margins between the tank car and the farmers tractor tank.

According to the records of the petroleum industry itself the margin in 1931 was 6.72 cents on a gallon, but the Farmers Union had already been in the petroleum business for 3 years. The records of the first Farmers Union Oil Cooperative showed that the margins were at least 10 cents a gallon, and at some places 14 cents or more. By 1937 average margins had dropped to 3½ cents a gallon, again according to the National Petroleum Association. Applying the difference between 10 cents and the actual average margin each year to the total gallonage of gasoline (as recorded by the oil-inspection division of the State regulatory department), the total savings to all gasoline consumers in North Dakota was $45,000,000. In States where cooperative competition did not exist margins remained high. By 1938 Farmers Union cooperatives accounted for 15 percent of the sales in the State. Farmers Union oil companies during that period—although many were less than 10 years old—had made net savings of nearly $2,000,000. Of this approximately one and one-half million dollars had been returned in patronage refunds, either in cash or in stock. Three-fourths of the capital to operate these cooperatives had come from earnings, and less than one-fourth actually paid in. Under the revolving plan now in general use all stock payments are eventually retired in cash. Of the remainder of the savings, $185,000 had gone into permanent surplus, over $125,000 as interest on stock, and $65,000 was paid as an educational fund to the State and county unions to teach and promote cooperation.

The average savings made by all FU oil co-ops during these 10 years 1927–37 was a little more than 8 cents on every dollar of sales. These companies, of course, sold lubricating oil, some tires and batteries and a few other items during these years, but the big bulk of the volume was gasoline.

Because margins on handling gasoline had come down steadily until the difference between the wholesale cost and the retail price would not leave much after the expenses of operating a bulk plant, trucks, etc., it was assumed both by cooperators and by old-line dealers that patronage refunds would decline and eventually disappear. That has not happened.

Margins on gasoline have not declined appreciably since 1938, although the volume handled by the Farmers Union co-ops has increased tremendously. Perhaps a more substantial reason for continued payment of sizable patronage refunds has been the increasing volume of what were considered side lines—farm machinery, electrical appliances (in great demand because of extension of REA), and many miscellaneous farm and household supplies.

The Farmers Union Central Exchange was a member of National Cooperatives, Inc., a buying federation of a number of cooperative wholesalers, which made contracts with leading producers of tires, batteries, electrical appliances, canned goods and other items under the co-op label according to specification.

The co-op tractor, however, was built by a smaller group of cooperative wholesalers first at Battle Creek, Mich., and later at a Government-built factory at Arthurdale, Md. Because of the large volume required to keep the production line in operation and the distance from the market, production did not prove satisfactory and the project was later moved to Shelbyville, Ind., where the farm cooperative wholesales took over an existing small machinery plant. The co-op tractor is now being assembled at the exchange's own plant in St. Paul, while other farm machinery is being made at Shelbyville.

While the central exchange was joining with other cooperative organizations to provide new lines of farm supplies, the local cooperatives were moving from "down by the railroad tracks" to modern facilities on the main highway. These buildings were a combination service station and farm-supply store. At the start of the oil program any kind of equipment and facilities would do because almost the sole purpose was to get petroleum products from the tank cars to the farm. By the late thirties farmers were demanding the best of service from their own organization.

SPECTACULAR GROWTH IN GRAIN MARKETING

Even more spectacular than the growth of cooperative purchasing in the years before 1938 was the revitalization of Farmers' Union grain-marketing activities, in the years following. Since 1931 the Farmers Union Terminal Association had been largely a promotional organizations, since the Farmers National Grain Corp. did the marketing of grain. Besides the succession of bad years which few local co-op elevators could withstand, farmers had a different feeling toward Farmers National, which although cooperative, had been Government-sponsored, than toward their regional set-up for which they had fought so hard. By 1937 Farmers

National had taken over many local houses on which it had made loans. In some cases it leased facilities to a local association, in others the elevators were put up for sale to the highest bidder.

Late in 1937 the members of the Farmers National (regional grain organizations) decided to liquidate that organization and go back to grain marketing on a regional basis, federating the regionals for joint action on national issues rather than for carrying on business.

M. W. Thatcher presented a plan for giving terminal grain marketing another start in the Northwest to President Roosevelt early in 1938. As agreed by the President, Farm Credit Administration would make an operating loan of $300,000 to a new association, the Farmers Union Grain Terminal Association, which was to take over the business, assets, and liabilities of the Farmers Union Terminal Association. Additionally, FCA would extend a line of credit of $900,000 to finance the grain from the time it was purchased until it was sold. The initial preferred stock of the association was $30,000, furnished by the Farmers Union Central Exchange. Just as the exchange had been started by a loan from the old terminal association, now the start in grain marketing was made possible by the assistance of the exchange. The operating loan of $300,000 was paid within 15 months.

An integral part of the plan was assistance to low-income farmers to participate in rehabilitating the capital structure of existing local elevator companies which had suffered during the drought and in organizing new Farmers Union elevators. This assistance was to be in the form of loans to individual farmers by Farm Security Administration for purchase of stock in the local elevator and for purchase of a share of preferred stock in the Farmers Union Grain Terminal Association.

On June 1, 1938, the Farmers Union Grain Terminal started operation with the same staff that had operated the Twin Cities office of Farmers National Grain Corp. In its first season it handled 17,000,000 bushels of grain and jumped its net worth from $30,000 to $344,000, and the second year ending May 31, 1940, 25,000,000 bushels were handled, with net savings of $202,000. The net worth has reached three quarters of a million dollars. Of course, this does not sound very big compared with the present net worth of over $15,000,000, annual volume running well over 125,000,000 bushels, and annual savings of two and three million dollars. Nevertheless, the volume the second year exceeded that of the biggest year of the old Farmers Union Terminal Association.

Happily the building of GTA coincided with a period of good crops. Nevertheless, without the determination of 100,000 farmers in the spring-wheat area to control their own marketing and without the management ability of M. W. Thatcher and his staff, gained through a score of years in the farmers' battle with the private grain trade, bumper crops alone could never result in such spectacular results.

In 1939 and 1940, 65 new Farmers Union elevators were set up, and several others assisted in increasing their capital, with the aid of loans to individual farmers through FSA. Originally the cooperative section of FSA had made loans directly to a cooperative, as to the Williston-Minot Farmers Union Co-op Association, but experience showed that the best way was to make a loan for purchase of stock directly to the farmers, repayable in five annual installments. Few farmers had to repay their loans in cash, however, because their patronage refunds more than took care of their obligation. Indeed, in many instances the elevator association paid off FSA long before the 5 years were up.

Naturally FSA aid to low-income farmers (which included practically all of them in 1938 and 1939) aroused the opposition of private grain interests, creamery centralizers, and other businesses. FSA was barred from making such loans in 1940 by Congress. The co-op loan provision was restored in 1941 for a year, but by this time farmers were better able to finance their own cooperative developments. Besides, after a couple of good crops, elevator owners who were glad to get the depreciated value of their physical plants in 1939 and 1938 would not sell except at much higher plices. Today at a number of points farmers have subscribed all or most of the capital to buy out an elevator or build a new one. Source of credit for the remainder has been the Bank for Cooperatives or the North Dakota Central Credit Union.

In addition to the elevators and several Farmers Union oil companies, Farmers Union creameries at Dickinson, Portland, and Grand Forks were started with FSA assistance.

Cooperative stores were started at Hettinger, Regent, Forbes, and Maddock in 1938, and at Mandan and Williston in 1939.

TURKEY MARKETING

The same issue of the North Dakota Union Farmer early in 1938 which announced the return of grain marketing to regionals also announced two other steps in widening the service of cooperatives, organization of Great Northern Cooperatives, Inc., and organization of a National Farmers Union life-insurance program.

The Great Northern Turkey Cooperatives, Inc., was built out of the Farmers Union Turkey Marketing Association and local turkey marketing cooperatives in Minnesota, South Dakota, and Nebraska. Because these groups were not affiliated with the Farmers Union and because one purpose was to establish a brand name which consumers in the East would recognize and call for, Great Northern as a name descriptive of the superior quality of northern grown birds was selected rather than Farmers Union. It is however, one of the regional organizations endorsed by the North Dakota Farmers Union bylaws.

The first year pools were established at eight points, mainly in connection with Farmers Union creameries.

A SOUND INSURANCE PROGRAM

Cooperative insurance is important to farmers for two reasons. Profit margins in old-line companies are very high—in fact the purchaser of insurance protection is exploited more than in almost any line. Second, if farmers are to gain control of their marketing system they must build pools of finance, and insurance is one of the greatest concentrators of wealth in the Nation. Forty-nine leading insurance companies in 1938 owned 11 percent of the Federal debt, 10 percent of all State debt, 23 percent of all railway bonds, 22 percent of all utility debt, 15 percent of industrial debt, and 11 percent of all farm mortgages.

As indicated before, in the earliest days of the North Dakota Farmers Union purchase of life insurance and property insurance had been through Iowa farmers union companies as part of the program. Because of the depression the Farmers Union Mutual Life Insurance Co. of Iowa had been reorganized as a regular stock company with a management antagonistic to the program of the Farmers Union. The North Dakota Farmers Union, of course, withdrew its support from the Iowa company. The property company became involved in similar difficulty, because it had accepted notes in payment of premiums and because insurance was written on poor risks and had overinsured risks. The North Dakota Farmers Union took over the North Dakota business of the Iowa company, and numerous individuals contributed money out of their own pockets to settle loss claims.

In Colorado, however, the Farmers Union had developed a cooperative insurance program, including property insurance and death benefits, over a 25-year period. About 1937, James G. Patton, then secretary of the Colorado Farmers Union, began to discuss the possibilities of a national Farmers Union life-insurance program with various North Dakota leaders.

Out of that discussion came the organization of National Union Security Association. The name has since been changed to "National Farmers Union Life Association." NFULA is a legal reserve, fraternal association chartered under fraternal laws of Colorado with cooperative by-laws which set up the machinery of organization so that it functions on the same pattern as the local, State, and national Farmers Union.

In 1938 the NDFU State board organized the Farmers Union Service Association as the State agency to manage insurance sales in the State, including the life program, and later automobile and fire insurance. Morris Erickson was placed in charge of FUSA and Dick Joyce was named State secretary.

Developing a volume of life-insurance sales proved to be a longer process than building volume in grain and oil because the benefits were not as immediate and tangible. Nevertheless, by offering lower cost types of protection than old-line companies featured, particularly county group, family group, and term insurance, the Farmers Union gave the only protection thousands of North Dakota families had.

CREDIT UNIONS

Closely related to insurance as a means of mobilizing finance cooperatively are credit unions. In some areas, notably Nova Scotia, credit unions preceded the development of other cooperatives, because they are a means of building capital and because a credit union is one of the easiest cooperatives to organize. It requires no facilities and starts with but a few dollars. In North Dakota, however, credit unions were a later development. The Federal Credit Union Act was passed in 1934. An excellent State law under which credit unions could be chartered was adopted in 1935.

First Farmers Union credit union in the State was organized in the spring of 1939 at Williston when the board of the oil co-op decided that a credit union would be the answer to the big credit problem that threatened to wreck the company. The board members, then and there, emptied their pockets and put $17 into the credit union to start it off. About the same time Federal credit unions were organized among farmers union groups at Valley City and Jamestown, with the assistance of Government fieldmen in the credit union section. Later Credit Union National Association sent members of its staff into North Dakota to give a great deal of assistance because North Dakota was to be the pattern for the development of rural credit unions over the United States.

In 1939 a dozen credit unions had been formed among Farmers Union groups and in 1940 another 20 were started. Many of these which started with a few dollars now have assets running into tens and hundreds of thousands of dollars. They have provided farmers with finance for many of their short term loan requirements.

EDUCATION AND ORGANIZATION

Such advances in cooperative development and legislative activity required a revitalized growth in membership building and membership understanding. Since the beginning of the thirties the dues-paying membership had fluctuated between 7,000 and 9,000. Several county organizations had fallen by the wayside.

In 1938 the State board, led by the energetic young president, Glenn J. Talbott, determined to make the building of membership the number one business of the union.

A crew of young organizers, most of whom had attended the 1938 session of the Cooperative Institute, went into Sargent County in

the spring of 1938 to rebuild the farmers union there. It was a tough job. Oftimes an organizer would have to spend 2 or 3 hours sitting on a wagon tongue with a farmer answering all the objections he had to the Farmers Union. And oftimes a deal about a cow, for which the farmer thought the livestock commission should have gotten another 50 cents, was a bigger obstacle than anything in the whole Farmers Union program.

This was the first use of the organizing crew since 1931. Dick Joyce, as the crew manager, spoke at a meeting in each township, after an organizer had spent several days visiting with and signing up the farmers of the township. Such a method was slow, and it was expensive.

If membership was to grow, the Farmers Union members themselves had to get their neighbors to join. That was the basis for a big mass membership drive in June 1938, kicked off with a State-wide radio program.

When the end of the fiscal year rolled around in the fall, the membership had increased a third—34 percent to be exact—and the dues-paying roll topped 10,000. That year North Dakota won banners at the national convention—both for the biggest membership gain and the biggest percentage gain.

In 1939 the gain was 14 percent, bringing the membership to nearly 12,000, and in 1940 another membership gain was registered. The Farmers Union in North Dakota was off dead center in its drive to enroll a majority of North Dakota farmers in its ranks. Counties reorganized in 1939 included Grand Forks, Walsh, Mercer, Golden Valley, Dickey, Logan, McIntosh, Divide, Griggs, and Steele. More members meant greater efforts to build understanding. Many new members did not know a great deal about the total Farmers Union program. They did know it was a live organization which helped farmers get through organization what they could not get by themselves.

The idea that a farmer had to be educated to be a good Farmers Union member before he joined had resulted in slow growth. Now the idea was that membership in the Farmers Union was like paying tuition to attend school. Education came later.

With the expansion of membership came the need for greatly expanding facilities for bringing understanding to both the new members and to the leadership. The first addition to the staff, in 1938, to edit the North Dakota Union Farmer and handle publicity, was a newspaperman (the author of this present history). More time was used and more stations hooked up for the Farmers Union radio programs.

Enrollment in the cooperative institutes, in the winters of 1938, 1939, 1940, and 1941, increased. These were still 4-week courses. (Farmers had more time in the winter in those poorer years.) Such institutes furnished a corps of hundreds of members who not only had some understanding of fundamentals, but also who were united with close ties of fellowship.

Likewise the camp program expanded. Some of the counties began to hold camps, particularly for the younger members, the reserves. A State camp for local and county leaders was held in 1937. In 1936 the first all-State camp was held in the Black Hills.

In the earlier years Mary Jo Weiler (later to become Mrs. Walter Uphoff) had been junior fieldworker when Mrs. Edwards was State junior leader. In 1938 Norma Osmon (later to become Mrs. Walter Fiedler) was the first fieldworker in the new pattern of educational activities for adults as well as for juniors. County schools were held in practically every county, to which local officers came to spend a day learning more about the Farmers Union program. North Dakota is a big State for one fieldworker—or even two, as when Susanna Olson and Florence Nordstrom, a couple of years later, shared the fieldwork between them.

The pattern, however, was successful. Women fieldworkers could accomplish a great deal to improve local activity by getting recreation started and by interesting women and junior members in taking an active part in the programs. When from 5 to 15 women fieldworkers were employed, they were able to spend a day or two in practically every local with local officers and with the juniors and their leader. In the new locals they followed up the organizers by visiting in the farm kitchens to acquaint the women with the objectives and methods of the Farmers Union. When the whole family understands what the union is trying to help farm families to do to help themselves, father is much more likely to remain an active union member.

In 1940 another step was taken toward building an informed leadership. County officers came to Jamestown for a week's conference. They had been meeting as the County Councillors Association prior to each State convention, but a few hours listening to reports and debating policy did not develop the kind of solidarity the county officers' conferences have. Here county officers and directors really get acquainted with each other. They listen to speakers present facts, so that when they discuss an issue they understand the language. Without this common understanding, the same words may carry entirely different meanings. Fellowship, of course, is one of the most important outcomes of singing together, eating together, and playing together. Mutual confidence is essential to any form of cooperation.

When the war made it impossible to continue the 4-week cooperative institute, similar 5-day conferences were tried for local officers and members. They have been so successful they are being continued—five or six each winter. So many more can attend then for the longer period.

As the result of all of these camps and conferences, literally thousands of Farmers Union members have had the opportunity to receive a wealth of inspiration and information on the problems farmers face and what their organization is trying to do about it and fellowship with neighbors from all over the State. When Farmers Union folks go to a State convention they are not among strangers.

After Charles C. Talbott died in 1937, gifts began to pour in for a suitable memorial. In deciding what kind of a memorial would be most fitting—one which would advance the cause for which he died, the State board decided upon a folk school—a co-op center where North Dakota young people could come to prepare themselves as farmers versed in farm economics as well as farm science and as cooperative employees.

Out of the funds raised for the Talbott memorial, a 20-acre park site was purchased on the edge of Jamestown and dedicated as the Talbott Memorial Park at the convention in 1940. The same convention raised the dues to $4, with 45 cents of the increase going into a special building fund.

Because of the on-coming of the war, however, building of a co-op center which would require a full time folk school staff had to be postponed. The building fund was used for construction of the present State office building, but plans for the establishment of a Farmers Union folk school will be brought to fruition when the time is ripe.

In 1939 Mrs. Mary Jo Weiler Uphoff resigned as State director of junior education to join her husband in Wisconsin, and Mrs. Jerome Evanson was selected by the board to take her place. Mrs. Evanson had been Nelson County junior leader, as well as county secretary, and knew from experience what it was to go through the wringer and lose a farm.

Mr. LANGER. Mr. President, we come now to chapter 8, entitled "The War Years," a record of the Farmers Union during the war years. Included in the chapter are the following articles: Wartime Problems, March of 5,000, Battle for FSA Continuance, Manpower and Other Emergencies, Campaign for MVA, Growth in Membership, Life Insurance Program, and Purchase of St. Anthony Line and Oil Refineries. I ask that chapter 8 be printed in full, commencing at page 113 and ending on page 141.

There being no objection, the chapter was ordered to be printed in the RECORD, as follows:

VIII. THE WAR YEARS

"There is so much to do and so little time to do it." That was the feeling of many Farmers Union folks as expressed by one county president after he attended the officers conference in January 1941. The European war was pressing down on Americans with increasing force. Before the year was out the conflagration was to strike full force at Pearl Harbor.

Those who attended the 1941 stockholders' meetings in St. Paul will never forget how the livestock meeting listened to President Roosevelt's message asking for a declaration of war the morning of December 8. A sense of uncertainty about the future prevailed throughout all the deliberations that week.

What total war would mean to farmers and their farm organizations could not be seen. The First World War had wiped out the first Farmers Union in North Dakota. While cooperatives had been started in large numbers over the United States during and immediately after the First World War, many had succumbed during the post-war deflation. Those which survived received serious setbacks. Farmers, themselves, had enjoyed a short boom, only to pay for it many times over in 1920 and 1921.

No one knew if American democracy could fight a total war with totalitarian powers without itself becoming totalitarian, suppressing the very freedom for which it fought. Indeed, some Farmers Union leaders wondered if its activities might not be curtailed and prohibited as being dangerously liberal in a wartime economy.

They also recognized that in this crisis farmers would need a strong and militant organization, and that such an organization could be very effective in helping successfully prosecute the war. Therefore the only course for the Farmers Union to take was to launch out on an aggressive campaign to enroll more members and to carry on as vigorous a program as possible.

It was recognized that little fundamental legislation could be expected when Congress was concerned with one emergency after another. But there was existing legislation to be protected, and the way various wartime programs affecting farmers were administered was highly important. If many new cooperatives could not be built during this period, existing cooperatives could seek to expand their service in whatever lines were available to them and prepare for whatever postwar storms were to come.

STATE LEGISLATION

The 1941 session of the State legislature was definitely of a conservative turn. It was the last session before the 10-year grace period offered to corporations owning land under the Anticorporation Farming Act. Many of the corporations had made no attempt to dispose of their land in the belief that the legislature would repeal the act before it became effective. Thus the pressure for repeal was terrific and if it succeeded, the antideficiency judgment law was next on the list.

Recognizing the situation, the county officers conference planned a mass demonstration in Bismarck if the occasion arose.

Cooperative Institute students made detailed arrangements. On Saturday, February 3, word went out from the State office that hearings on house bill 80, the repealer, would be held by the senate affairs committee the following Monday, and unless several legislators changed their position it would pass. They had been told that Alex Lind, legislative representative, Glenn Talbott, and other Farmers Union leaders did not speak for the rank and file of members—that the farmers themselves were not concerned. But when 5,000 folks came to Bismarck on Monday the attitude changed. In the morning groups visited with legislators from their own communities; in the afternoon the largest committee hearing ever held in North Dakota was conducted in the World War Memorial Building—a joint meeting of the senate and house State affairs committees, before a joint session of the entire house and senate membership and the crowd of more than 5,000 farmers who packed the World War Memorial Building to the roof. One leading daily attributed the large crowd to the desire of farmers to have a winter outing, but a more reasonable explanation is that it was the result of the understanding in the Farmers Union developed through its educational program over a period of years. Alex Lind, former State senator, has been recognized as one of the most honest and respected lobbyists at each session since 1939, but without the intelligent backing of the membership, his effectiveness would be greatly diminished.

The repeal of the Anticorporation Farming Acts was defeated and the antideficiency judgment law repeal was never brought up. The constitutionality of the ban on corporation farming was brought to the courts, and in 1942 upheld by the State supreme court, in a unanimous decision, and the United States Supreme Court refused to intervene in 1945.

Whenever legislators declare that any stand taken by Farmers Union conventions and pressed by Farmers Union leaders is not representative of the desires of the membership, they should be reminded of the famous "march of the 5,000."

The antideficiency judgment law was again up for repeal in the 1943 session of the legislature and again defeated. This session also saw the defeat of an attempt to pass the mildest form of a farm tenure bill, which would have protected tenants from being evicted on less than 90 days' notice. The Farmers Union program supported a new farm tenure system which would protect both tenant and landowner by a written contract which would cover such things as soil conservation, disposition of improvements made by tenants, upkeep of buildings, division of crops, and adequate notice—but the legislature was unwilling to require tenants or landlords to give more than 45 days' notice of moving or to move, respectively.

Also defeated was the truck bill, which would have permitted larger oil transports and other trucks to haul the supplies so badly needed by farmers in their food-production efforts. Finally, in August of that year, when the inability of the war-pressed railroads to haul in sufficient tank cars to provide the fuel needed for the bumper harvest threatened the crop, the Governor used the emergency powers granted to him and an advisory board, to lift some of the restrictions on highway transportation. In 1945 a reasonably satisfactory law governing the weight and length of trucks was passed. It finally removed the State-line barrier which North Dakota had set up against modern truck transport and which the Farmers Union had opposed for many years.

The only major accomplishment of the 1943 legislative session, as far as Farmers Union objectives were concerned, was the constitutional amendment proposing a 4-mill levy for a permanent State school equalization fund. This proposed amendment was turned down by the voters in the 1944 election, just as the major accomplishment of the 1945 legislative session, the 75 percent tax base, was turned down by the voters in June 1946.

In every election campaign on tax reform in which the Farmers Union has engaged, the vote has been light and the margin of defeat narrow enough to encourage continuation of the fight for a tax policy which would force out-of-State property holders to assume their share of taxes and to favor the family-type farm operator above the factory-type operator. In June 1942 the union campaigned for the same proposals for classification of property for tax purposes, and for a graduated land tax as in November of 1940. Though the citizens committee carried on an extensive campaign against the measures, the margin of defeat was much less than 1940.

ON THE NATIONAL FRONT

If not much progress was made in a State legislation during the war period, accomplishments on the national legislative front related largely to wartime emergency legislation and to administrative rulings rather than to fundamental agricultural legislation. This is not to say that the accomplishments of the Farmers Union in Washington were small. Indeed, the national legislative office has never been more active, nor gained such recognition of the Farmers Union's devotion to the common welfare as during the war years.

The battle, however, was for the things the farmers needed to produce the food to win the war and write the peace—adequate manpower, gasoline, tires, and farm machinery, support prices and subsidies to assist in shifting to war vital crops, a stabilized economy which would hold the line clear across the board—prices, wages, profits, salaries, and rents. The Farmers Union was always found on the side which would be for the good of the Nation, rather than among the "gimme" boys (which often included the so-called farm block), who were primarily concerned with using the emergency to push up prices to the limit, regardless of the consequences.

Some progress was made, however, in clarifying the basic issues facing the future of the American farmer.

In the spring of 1941, Farmers Union leaders met with officials of the Federal land bank and worked out a revised version of the FU debt-adjustment bill, which seemed so near enactment after the St. Paul mass meeting of the year previous. The FCA officials met with Farm Bureau and Grange leaders shortly thereafter and rewrote the bill in a form unacceptable to the Farmers Union.

This marked the beginning of the fight over the reorganization of Farm Credit Administration and other agencies extending credit to farmers. The Farm Bureau and the Grange wanted Farm Security Administration abolished and its lending activities transferred to an independent FCA governed by a bipartisan board. Such a set-up would most assuredly be strictly a commercial-type lending institution. Indeed, the American Bankers Association favored such a move as a means of wrecking the Government-sponsored farm-credit program, which had brought interest rates down considerably since 1932. Increased crops and prices in the war years reduced the pressure for debt adjustment, but FCA interest rates remained at 4 and 4½ percent. For a few years, however, Congress made appropriations so that the farmers actually paid 3½ percent.

The Farmers Union, of course, opposed and continues to oppose, taking FCA out of the Department of Agriculture, where its activities can be coordinated with other agricultural programs. The Farmers Union battled all through the war for bigger appropriations for the Farm Security Administration to enable more underemployed farmers, particularly in the South, to acquire the equipment and technical assistance to increase production so badly needed. The record of the FSA clients, a small fraction of those should have been helped, prove beyond a doubt the worth of the FSA program. These farmers increased their output far beyond the average.

Nevertheless, one of the biggest fights before Congress each year was over FSA appropriations. In the House, where the agricultural bloc is dominated to a large degree by the Farm Bureau, appropriations were curtailed or omitted. Then the Senate, where the Farmers Union had a little more influence among agricultural Members, would restore the appropriations.

There would probably be a compromise between the amounts appropriated by both Houses. The sharpest battle over FSA occurred in 1942, when the Farmers Union was joined by the major labor, church, and consumer groups in the Nation, and by the Ohio Farm Bureau in opposing the American Farm Bureau Federation in its efforts to cripple FSA. Passage of the act, creating the Farmers Home Administration, in 1946 to replace FSA was the final victory to create a permanent agency to help rehabilitate disadvantaged farm families. Now the fight becomes one of getting adequate appropriations for the agency.

Joined in with the battle over FSA was the proposal that Commodity Credit Corporation be permitted to sell some of the wheat it had acquired for needed livestock feed at less than parity price. The Farmers Union supported this proposal because the increase in meat and dairy production was more needed at the time than the wheat.

In every issue that came up during this period of converting agriculture to war the viewpoints of the big factory-type commercial farmer and the family-type farmer were joined in conflict. The farm bloc argued for no ceilings on farm products, or none less than 110 percent of parity, for revising farm parity price upward, for freezing farm labor in the counties where it lived regardless of whether or not there was a surplus (as there was throughout the plantation South).

The Farmers Union, however, early in the war declared for a complete stabilization program—ceilings and supports on farm products at full parity, and ceilings on all other prices, profits, rents, and interests, including a maximum income after taxes of $25,000 to any individual. This stabilization program, of course, was never fully put into operation and that is one reason why price control broke down in the months following VJ-day.

ANALYSIS OF FARM PROBLEM

In testimony before the Senate Agricultural Committee in the spring of 1942, President Talbott declared that agricultural programs had been adopted down through the years without any determination by Congress of what kind of a land policy the Nation should adopt—what type of farming—family, corporate, State, or cooperative—should be encouraged by that land policy. He called for a joint congressional investigation to determine an over-all Federal policy. Such a resolution was introduced, but with the attention of Congress directed wholly to the war-caused emergencies, it never came to a vote.

Talbott listed six major phases of the farm problem. They are:

1. Bad distribution of total agricultural income among the farm families within agriculture.

2. Inequitable distribution of agricultural income as between farm commodities.

3. Lack of coordination in relationship between cost of credit, size of debt load, and farm income.

4. Inadequate percentage of total national income going to agriculture.

5. The inadequate diet of 45,000,000 low-income families in the United States and the problem of acreage shifts from certain surplus crops to many deficit crops, and

6. The problem of rural population pressure occasioned between exhaustion of new lands for homestead and the fact that our industrial structure has ceased to expand and provide new jobs for farm boys and girls not needed in the operation of the farm plant.

WAR EMERGENCIES

During the war years much of the work of the Farmers Union in Washington was with administrative officials of the various permanent and emergency agencies set up rather than with Congress. Time and again Talbott, Patton, Thatcher, and other leaders went to Washington, or called officials on the telephone, to battle for action or modification of action from Selective Service, the War Manpower Commission, the Office of Defense Transportation, the Office of Price Administration. Only through such action farmers could get at least the minimum of manpower, machinery, tires, gasoline, and other things they needed to maintain their heroic production record.

The value of the Farmers Union in assisting in the war effort by keeping members informed of the various programs of conservation, salvage, bond sales, inflation control, and production was recognized by the Government in various ways, such as giving its field staff C gasoline rations.

Farmers Union members were asked to serve on various committees and boards at the county, State, and national levels. Patton was a member of the powerful Economic Stabilization Committee; Mrs. Edwards served on the Women's Advisory Committee to the War Manpower Commission; and Talbott served on the Selective Service State Appeal Board as well as being called to Washington for consultation.

As for specific accomplishments, the Farmers Union, through GTA, took several actions to boost flax production and prices, beginning in 1941, when it secured a loan rate of $1.85 a bushel. The next year it secured the pegged price of $2.40, followed by the nonrecourse loan program of 1943, and the $5 per acre payment in 1945. Complaints were made each year in the way the programs were administered, for administrators have a way of interpreting programs in a different way from what farmers believed to be intended. Nevertheless, the Farmers Union efforts on the flax program brought many millions of dollars added income to North Dakota farmers. Likewise, when there was much sprout-damaged wheat and durum in 1942 and 1943, the Farmers Union arranged to have the Government purchase damaged grain from the co-ops at a floor price.

Right at the beginning of harvest in 1942 an order came out diverting all tank cars to the east coast. North Dakota had no pipelines and inadequate highway transports. Such an order spelled calamity to the North Dakota farmer. President Talbott phoned the Washington office of the Farmers Union. After hurried consultations with Petroleum Administrator Ickes, the order was amended to permit use of tank cars in this area for agricultural purposes. This is one example of many where the Farmers Union took prompt action to meet emergency situations which occurred because some agency failed to recognize that if farmers were to deliver the food so necessary, sometimes their needs required equal or greater priority than the military needs.

The manpower problem was, of, course, most acute. The rural population pressure which Talbott had mentioned as one of the six basic farm problems was exactly reversed. War industries and selective service drained the manpower. In time it was recognized that it was as important to keep essential men on the farm as to put them in the Army. But the political pressure of the southern farm bloc was so great that farm workers were frozen to their jobs and to their counties (except on permission of the county agent) whether there was year-round work on the farms or not. In the South the plantation operators wanted a surplus of help so that during the few months of cotton cultivating and picking, they would have plenty of workers who would work for a pitifully small wage. Some of these workers, as well as many from Mexico, were finally brought up to the harvest fields of the North, where they learned what fair wages and fair living standards for American farm families really meant.

When it was learned in the fall of 1943 that North Dakota was one of the four States which had not qualified for the emergency maternal and infant care benefits for families of servicemen, the Farmers Union State convention went on record with a strong resolution. This was followed up with a vigorous campaign which finally brought the EMIC program into the State. Under this program, the Federal Government would pay established hospital and physicians' fees in maternity cases of wives of servicemen, provided that the State medical and hospital associations accepted the plan and met certain minimum requirements.

In North Dakota the medical association had failed to accept the plan because it did not permit the doctor to charge what he pleased in each individual case. Some of the hospitals found it difficult to meet the minimum standards. After the Farmers Union, through Mrs. Evanson, had pressed for acceptance of the EMIC in North Dakota, conferences between Federal officials and representatives of the medical and hospital professions ironed out the difficulties. As a result, wives of North Dakota servicemen, whether Farmers Union members or not, received the benefits intended by Congress.

The Farmers Union supported the stabilization program of price and wage control throughout the war. Indeed, the day before President Roosevelt first called for a hold-the-line policy late in August 1942, the National Farmers Union Board, meeting in Jamestown, called for just such a stabilization program.

A year earlier, in August 1941, the board and several State officials called for control of prices, profits, wages, rents, and incomes "clear across the board." The following December the National Farmers Union proposed a program to increase crop production 30 percent by an expenditure of two and a third billion dollars—the cost of 18 days prosecution of the war. The funds would be used to give FSA-type aid to all the farmers who could increase production, without additional labor, if they had more stock, machinery, land, and know-how to shift to the crops needed most. The plan was widely lauded, but was not seriously considered by Congress.

Rather than participating in the prevalent criticism of the wartime measures taken by the Government, the Farmers Union often took the position that the administration was not bold enough—that it yielded to pressure groups and was afraid to impose the equality of sacrifice to speed victory and help write the peace. Was one example of the timidity which threatened to destroy chances of lasting peace the failure to stockpile food to feed a starving postwar world because of fear of a price-depressing surplus by the food-processing industry and unthinking resistance to strict food rationing. On April 9, 1945, President Talbott launched the famous "red point collection campaign" in a radio broadcast, which brought voluntary contributions of three-quarters of a million red ration points, as convincing proof that people were willing to give up some of their food in order to prevent starvation.

A year later, after food had been too hastily derationed, the administration finally admitted that there was too little grain to meet both the relief needs and normal domestic demand. The Farmers Union proposed the "wheat certificate plan" by which farmers who delivered their wheat for famine relief could assure themselves of any increase in price up to March 1947. It appealed for deliveries of wheat in a mercy wheat drive. The certificate plan, however, never had the opportunity to prove that it would induce farmers to deliver the wheat, because the 30-cent bonus, which caused so much resentment, was offered, presumably, at the behest of the big, factory-type wheat growers.

THE MVA FIGHT

Another important issue came to the fore as the war neared its end. Repeated destructive floods on the lower Missouri River in 1942 and 1943 aroused that section to the need of developing adequate control projects. In the upper Missouri Valley the people had long dreamed of diverting the excess water to restore Devils Lake and other streams and lakes and to provide irrigation. It soon became apparent that development of the water resources of the Missouri Basin would be one of the great public-works projects of the postwar era.

At the 1943 State convention, the NDFU suggested that this development be patterned after the Tennessee Valley Authority. The following spring, when it became apparent the Army engineers and Bureau of Reclamation were in bitter conflict over the use of the available water, the National Farmers Union began a vigorous campaign for developing a Missouri Valley Authority which would make one plan for one river valley, developing all of the potential resources of the basin for irrigation, flood control, power, navigation, recreation, and other uses. Talbott was named chairman of the Regional Resources Planning Committee. He later met with President Truman at the White House and received assurances that the President would back MVA. Because of the strong MVA sentiment in the valley, the Reclamation Bureau and Army engineers got together on a compromise plan, which, while far short of a real integrated MVA, is an advance over their original proposals. Thus the fight for an MVA has accomplished something already, although it will continue. Through an unusual parliamentary procedure in the 1945 session of Congress the bill creating an MVA was referred to three committees, only two of which held hearings. An improved version was introduced in 1947, but no hearings were held on it the first session.

ORGANIZATION GROWTH

Although though thus far we have considered the legislative, or public affairs, side of the Farmers Union triangle to the exclusion of the others during this period, actually, of course, progress in one phase of the Farmers Union program is closely bound up with all of the other activities. The Farmers Union could not have made its influence on public affairs felt so much except that it was growing in numbers and understanding. Organization and educational activity both stimulated cooperative development and was made possible because Farmers Union cooperatives supported the total program with educational funds. Conversely, more farmers joined the Farmers Union because it took an active, progressive stand on the issues of the day that considered the common good of all, and hence the permanent good of agriculture, rather than narrow, and therefore temporary, class interest.

After the first organizing work over the State by paid organizing crews, the dues-paying membership had been stabilized

around seven to nine thousand, up until 1938. Various methods of organizing had brought the membership over 15,000 in 1941. In the fall of 1941, the first State-wide membership drive was launched with the purpose of asking every farmer in the State to join. Members and nonmembers in every county and every township were selected as keymen to canvass every township, according to plans outlined at county-wide mass meetings. Six State organizers helped the various county boards conduct this every-farmer canvass. As a result of this coordinated State-wide drive, the dues-paying membership jumped to 21,507, an increase of more than 6,000 over 1940.

Here was proof that farmers would join the Farmers Union if they were asked. Too often it had been thought that it was necessary for a farmer to thoroughly understand the Farmers Union program and answer all of his questions before he would become a member. Here, however, keymen who were not even members went out and enrolled their neighbors in unorganized territory. The Farmers Union had attained such a reputation that folks were willing to join and learn of its various activities after they became members.

Through similar mass organizing techniques in the following years, with Martin Byrne as director of organization, the membership was built up to over 30,000 dues-paying members in 1945, representing almost half the farm families in the State. By 1945 an active county organization was functioning in every one of the 53 counties in the State.

In the spring of 1942 State boards and officials from the various State unions, and the national union staff, met for a 10-day conference in Arkansas. This conference marked the beginning of a greater unity than had ever been achieved among the State unions of the Farmers Union. Instead of a loose federation of State organizations, each pursuing its own course, the National Farmers Union was on its way to be truly a national union of progressive farmers who worked together for common ends.

It was at this meeting that the State board decided to purchase and remodel a warehouse for the present State office building. It was evident that the proposed co-op center and folk school on the C. C. Talbott Memorial Park site was a wartime casualty, because there would not be enough students to maintain a school staff, which would hold a succession of courses, lasting from a few days to 2 or 3 months each. The need for facilities for an expanding State office was very pressing. Thus the present facilities for offices and conferences were acquired. The growth of activities little dreamed of 4 years ago has crowded these facilities that the board thought had ample room to take care of 10 or 20 years of expansion.

Greater membership—particularly the large number of new members who had come into the union with only a general idea of the wide scope of its activities, meant a greatly intensified educational program. Through the years it had become evident that the locals which stayed active were those in which the women and young people were most active. For this reason a number of young women were employed as educational field workers—5 in 1943 had increased to 11 in 1944. While they assisted in all phases of the Farmers Union activity among the locals and counties in their respective districts, their main emphasis is on junior work and developing locals as family centers of discussion, entertainment, and recreation.

Organization work requires a different technique from educational work. In 1943 six full-time organizers were added to the staff. Besides organizing new locals and assisting in membership drives in old locals, these organizers also worked with the cooperatives, particularly with the newer Farmers Union elevators, in putting the check-off provision of the bylaws into effect. In some instances they assisted Farmers Union members in a community to switch their local farmers' elevator from an old-line commission firm to Farmers Union GTA. This type of activity became so successful that in 1946 the county unions pooled a large part of their financial resources with the State union to employ 12 to 18 fieldmen, each covering from 2 to 4 counties.

The annual budget of the NDFU increased at a more rapid rate than the membership, thanks to the growing number of cooperatives which paid educational funds. It was this increased budget which made possible the expansion of the staff. Of course, all of this increased activity required up-to-date procedures for the smooth operation of the State office. The administrative problems were particularly acute during the war when rationing and shortages made normal functioning of the work impossible.

A. L. Hellebust, who succeeded R. C. Joyce as State secretary in 1943 when the latter went into the army, had charge of this administrative work. Hellebust, another junior grown-up had been active in the NDAC co-op house and Farmers Union local. In earlier years the State secretary had done everything from editing the paper to managing an organizing crew, but the detail of devising and supervising office procedures of an organization with over 70,000 names on its membership rolls and over 50 on its payroll is a big administrative job.

The actual day-to-day operations of the office and the accounting is under the direction of Howard Cunningham, head accountant and office manager.

COOPERATIVE EXPANSION

By 1940 the success of the Farmers Union cooperatives was apparent to all, although many had misgivings as to what effect the unsettled conditions of wartime would have upon them. Some thought that Government controls and rationing would be used to hamper co-ops in favor of private traders. Perhaps a few businessmen who served on Government boards used their power to discriminate against the co-ops in allocation of supplies. Farmers Union cooperatives however, were such an important part of the distribution system in these northwest States, that the war agencies were glad to make full use of them. For instance, Farmers Union Oil Co. managers gave patrons such assistance in securing tire and gasoline rations—because in a cooperative the member-owners are accustomed to rely on their manager for information and service.

As a matter of fact, the period from 1940 to 1946, saw unprecedented expansion of Farmers Union cooperatives. In spite of shortages in many lines of commodities, lack of manpower, and other hardships the volume and savings of both local cooperatives and the regionals increased and additional facilities purchased.

The very success of the Farmers Union cooperatives brought new problems. Was the only purpose of the co-op to pay back savings to the farmer, or was it to be used as a tool by which farmers organized their economic strength to break monopoly and to promote legislative action on the entire Farmers Union program? Was the purpose of cooperative education by the Farmers Union itself merely to increase the volume of the Farmers Union co-ops, or was it to aid farmers to understand cooperation in its broad sense of working together for the common welfare of farmers and of other groups? These were questions being discussed during this period. More and more cooperatives, including all of the regionals, paid 5 percent of their net savings each year to the North Dakota Farmers Union as educational funds.

Educational funds from local cooperatives are divided 50-50 between the State union and the county union where the cooperative is located. The regionals' education funds are divided among the State unions of the area in proportion to the volume of business originating in each State. The pressure of the times was answering the question as to the purpose of cooperative education. Unless peoples' organizations supported democratic action on all fronts, democratic institutions, including cooperatives, would be harassed, weakened, and finally broken.

LIFE INSURANCE

Insurance service was a new field that outgrew its "struggle stage" during this period. The death of Morris Erickson in the spring of 1940, when the Farmers Union Service Association was just getting started, had been a real blow to the program.

Arnold M. Snortland became executive secretary of this State agency owned by the NDFU in the fall of that year. The first major activity was the sale of the county collection group plan of insurance.

In 1942 as part of the membership drive, the NDFU agreed to pay the first 6 months' premium for every family which joined. Since the first 6 months' premium or more of any life insurance policy goes for the sales cost, the State office was reimbursed by the FU Service Association, the State sales agency. Purpose of the group term insurance, in which the benefits decline with advancing age, was to provide a minimum protection at low cost which every farm family could carry in bad times and good. Each farmer should then carry other types of life insurance, all of which are provided in his own legal reserve fraternal cooperative company, according to the needs of his family and his ability to pay.

In addition to these types of life insurance, the National Union Security Association, (now the National Farmers Union Life Association) pioneered with a patronage group insurance policy for cooperatives, whereby patrons were automatically insured in an amount according to their patronage.

Latest addition to the services of NFULA is the triangle plan of hospital, accident, and burial protection. This local group plan is being widely accepted by locals throughout the organized State unions and is proving a membership builder in unorganized States.

The reason why the Farmers Union legal reserve fraternal life insurance company did not bear the Farmers Union name until 1946 brings up a stormy episode in the organization history. It will be recalled that when the North Dakota Farmers Union was organized the insurance program of the Iowa Farmers Union was brought into the State. In the depression of the early thirties, however, its mutual life insurance company got into difficulties because it held too many mortgages made when land values were high. It was necessary to reorganize as a stock company in order to get a loan from the Reconstruction Finance Corporation. The new management fought the program of the Farmers Union at every turn.

Naturally the North Dakota Farmers Union ceased to support the company, but it continued to do business. What is more, the insurance commissioner, Oscar Erickson, came to be on such friendly terms with the Iowa firm that he harassed the new company set up by the NFU at every turn. In fact, during his impeachment trial he admitted that the Iowa company had promised him a job when he retired as insurance commissioner. His attacks on the National Union Security Association included making public a preliminary report in violation of law. So the association brought a $25,000 damage suit against him. He died, however, in 1945 before the suit was brought to trial.

A little later the Farmers Union Life Insurance Co. of Des Moines, Iowa, failed in its attempt to control the Iowa Farmers Union, in which the progressive forces had won a

clear-cut victory, and by mutual agreement it dropped the word "union" from its name.

This opened the way for the official National Farmers Union association to put Farmers Union in its name, a step it had not taken before because of fear of confusion with the Iowa company.

FARMERS UNION MUTUAL INSURANCE CO.

The value of a cooperative life insurance program was soon to be demonstrated in building the total Farmers Union program. The NDFU, when it embarked on its building program, secured a first mortgage loan from the insurance company, since repaid out of the 45 cents per member dues which annually goes into the FU building fund. The life insurance association has also made loans to the Minot Farmers Union Creamery when it bought out the Equity plant there, and has first mortgage loans on other co-op property. Thus the premiums Farmers Union members pay to their own insurance company helps them to build their cooperatives.

By 1946, the insurance activities of the Farmers Union had grown so fast that a new building was erected to house the insurance offices. Because radio station KSJB, which went to 5,000-watt power in 1946, needed new studios and no adequate building was available in Jamestown, the top floor of the new building was leased to the station.

Life and health insurance, however, is only one phase of a complete insurance protection for farmers. For many years North Dakota Farmers Union members wanted a property insurance company of their own. The various county mutuals did not serve all the State, and few of them offered windstorm protection at all. None of them actively supported the total Farmers Union program.

The 1943 State convention authorized the State board to proceed with the organization of the Farmers Union Mutual Insurance Co. Thirty thousand dollars for the surplus account of the new company was raised through 5-year loans to the State organization from individuals, co-ops, and county organizations, although the law only requires $10,000. Under the bylaws, the Farmers Union Mutual has its annual meeting at the State convention and delegates are elected by locals. The insurance board has thus far been the same persons as the State board and there is every indication to believe that this practice will be continued.

The growth of the property insurance program in 3 years has been phenomenal. It has gotten off to a much faster start than the life insurance, because farmers are accustomed to buying property insurance, but they must be sold life insurance.

The third insurance service is automobile insurance—an essential protection in this mechanized age. Since the FUSA began automobile policies were written through a carrier with the understanding that when enough volume was attained the Farmers Union would organize its own company. This dream was realized in 1945, when the National Farmers Union Automobile & Casualty Co. was incorporated. Auto insurance requires even greater reserves than life or property insurance, and here again the original capital was furnished by loyal Farmers Union members and co-ops, the largest share coming from North Dakota. This capital will be retired as one share of common stock is sold to each policyholder, when he takes his first policy. By September 1947 nearly a third of the original capital had been taken over by the policyholders.

CREDIT UNIONS

While mentioning the insurance development, we should not forget the other side of cooperative finance—credit unions.

Between 1939 and 1942 some 30 credit unions were organized among Farmers Union groups. The growth of most of them was remarkable, of a few phenomenal. By 1944, for example, the Williston Credit Union had accumulated over a half million dollars in the savings of McKenzie and Williams County farmers, a large part of which it had loaned back to those who needed it and to the various cooperatives in the community.

Or Flasher, where, with a much smaller trade territory, the credit union accumulated savings of over $150,000 in 5 years, and took the place of a country bank in this bankless town.

Since 1942 the emphasis has been on strengthening the credit unions established, rather than organizing a large number of new ones.

Another important step forward in controlling finance through cooperative effort was the establishment of the North Dakota Central Credit Union in 1942, with membership open to credit unions and other cooperatives. Here is a place where all co-ops can deposit funds not immediately needed and borrow when needed. The Central Credit Union has been particularly helpful in assisting several new cooperatives to start and helping credit unions to meet the seasonal peak for farm loans.

Although it seemed difficult, if not impossible, to start new cooperatives, particularly co-op stores, in wartime, no less than a dozen stores were established between 1941 and 1945. In 1941 a group of cooperative stores in northwestern North Dakota and northeastern Montana organized the Northwest Co-op Wholesale, and in the following year the Farmers Union Central Exchange established a grocery department and took over the activities of the embryo wholesale.

Most spectacular, however, during this period was the expansion of the farmers union regional cooperatives. Good crops and good prices, of course, had much to do with the building of volume of the Farmers Union Grain Terminal Association, the Farmers Union Central Exchange, and the Farmers Union Livestock Commission Co. But also responsible was the aggressive spirit with which the stockholders, directors, and management of these regionals seized the opportunity for expanded service.

FARMERS UNION GTA

In 1941 the Farmers Union Grain Terminal Association built the 4,500,000-bushel terminal elevator on the head of the Lakes at Superior, Wis., a half-million subterminal at Shelby, Mont., and a three-quarter million bushel subterminal at Lewistown, Mont. Later terminal facilities were leased at Spokane, Wash., so that wheat growers in the western area could be shipped either to the western or eastern seaboard as occasion demanded. The building program, at a total cost of nearly $2,000,000, indeed seemed like an ambitious undertaking, which would take 10 years to pay for at the 1941 rate of net margins. But within 3 years the net margin for 1944 alone was much more than the cost of the terminals.

The private grain trade came in for the shock of its life one morning in April 1943 when it was announced that GTA had purchased all the property of the 57-year-old St. Anthony & Dakota Elevator Co., including 138 country line elevators and 38 lumber yards. For 57 years these line elevators had made good profits off their patrons, but in the fifty-eighth year they began to return their net margins to the farmers. In 1945, for instance, the return on line operations was nearly 4 cents a bushel on wheat in addition to the 2 cents on terminal operations. The latter patronage refund, as in the case of all GTA members, was paid in stock which is retired on a revolving basis, while the savings made on local operation were paid in cash.

Small lines of elevators and lumberyards have been purchased since 1943 but a number of line houses have been sold to local Farmers Union elevator companies. At present 143 houses at 107 points are being operated in the line department including 86 in North Dakota.

The lumber and coal yards acquired, 77 in all, are operated by a subsidiary of GTA, the Farmers Lumber and Supply Co., with savings being credited to patrons on a cooperative basis.

GTA, during this period, also purchased one of the largest durum flour mills in the country at Rush City, Minn., Thus the durum growers own their own processing plant.

Farmers Union GTA Mills, Inc., is a subsidiary manufacturing feeds at a plant in Minneapolis.

Another affiliate cooperative which received financial and management assistance from GTA is the Farmers Union Grain and Supply Co., which paid off the FSA loans on the Williston and Minot poultry and feed set-ups and took over the operation of the hatchery, poultry marketing facilities, and feed and seed services in western North Dakota and eastern Montana. It also purchased bean marketing facilities at Billings, Mont.

In the 3 years of operation the Farmer Union Grain and Supply has purchased a three-story warehouse and the long established Valker-Christenson seed house in Minot and erected a feed mill and plant addition at Williston at a cost of $70,000.

INTO OIL PRODUCTION

Expansion of the Farmers Union Central Exchange into the ownership of refineries and oil fields has paralleled the GTA growth. After discussions covering several years, at the 1942 annual meeting of the exchange, the board was authorized to acquire a refinery in Montana. In February 1943 it purchased the largest refinery at Laurel, Mont., for a million dollars. Although Farmers Union folks believed the exchange had assumed a big undertaking for 1 year, in June it participated with four other regional cooperatives in purchasing the $5,000,000 Globe Refinery at McPherson, Kans., and the pipeline to Council Bluffs, Iowa. Most of the fuels for oil companies in Wisconsin, Minnesota, and the eastern half of the Dakotas had come from the Globe Refinery. It was learned that the Globe was for sale. If the exchange had not acted promptly in concert with the other cooperatives, this source of supply would have been cut off.

Both purchases proved very fortunate in giving the exchange and its owner-users a certain source of supply during the period of wartime shortages and in saving gasoline users many additional dollars. In the 15 years Farmers Union oil companies had been distributing the gasoline from these and other refineries they paid for these facilities many times over. Now they purchased them—and owned them debt-free—in a comparative few months. Savings for 1943 were double those of any previous year although the savings from the refineries included only part of the year. Savings for 1944 were up 65 percent, hitting over a million and a quarter dollars, and in 1945 jumped to practically $2,000,000. The volume of sales jumped a little over $8,000,000 in 1942 to over $12,000,000 in 1944 and $13,000,000 in 1945. In 1946, when supplies became more available, the total volume shot up to more than $20,000,000, with combined net savings nearly $2,000,000.

Not all of the savings, of course, came from the refinery operations for the exchange had added other lines of farm and household supplies. Petroleum products, however, were still the major item. A recent study shows that the savings made by wholesaling gasoline cooperatively is a quarter of a cent on a gallon, with refining bringing another three-quarters of a cent, and production another cent.

Since margins have already been squeezed at retail and wholesale levels, additional savings must be made in operating refineries and oil wells. Savings equal or greater

than those made by the average local oil cooperative are possible by producing, refining, and distributing our own oil. Of course, these savings must provide the capital for developing and operating the refineries, oil wells, and other cooperatively owned production facilities. It is a well-established practice among Farmers Union regionals—and local co-ops, too, to pay dividends in stock and then retire the stock only when there is ample capital on hand. Thus the F. U. Central Exchange did not retire any of its stock until 1944, and by 1946 it had retired all stock issued prior to 1937 for cash.

The addition to the main plant which had more than doubled the warehouse capacity and office space in 1940, had been outgrown so that by 1946 it was necessary to double the size of the entire building again.

Like the State office facilities and so many local Farmers Union co-ops, it seems impossible to build facilities that are not outgrown in a few short years.

LIVESTOCK MARKETING

Growth of cooperative marketing of livestock by the Farmers Union was not so fast. The Farmers Union Livestock Commission Co. entered the Billings market, when the public stockyards were established there in 1941, just as it had at West Fargo in 1935.

As the livestock population returned to the prairies after the drought changes were occurring which greatly affected the commission business on the public market. Packers were increasingly buying direct through buyers scattered over the country. Sales rings were springing up which gave the impression of competitive buying, even though scalpers eventually had to take the slaughter stock bought to the same public market to sell.

Truck shipments were replacing rail shipments over most of the State. This destroyed many of the rail shipping associations, which had been the means of building volume in earlier years. Some Farmers Union shipping associations bought their own trucks and continued in operation. Various experiments were undertaken. At Minot federated shipping association gathers the stock over a large area; at Williston a Farmers Union sales ring provides feeder buyers and order buyers a source of stock, while the slaughter stock is shipped on to the Farmers Union Livestock Commission Co.

Out of these varied experiences and the wartime necessity of conserving transportation facilities the county-wide Farmers Union shipping associations were started in 1944 and today there are more than 33 such associations in North Dakota alone. Here the county Farmers Union boards of directors contract with individual truckers to haul for the association. Both the truckers and the Farmers Union build up their volume through the advertising, the Farmers Union radio market reports, and the use of Farmers Union cooperatives as listing points.

At the end of 1945 Marvin A. Evenson succeeded Chas. D. Egley as manager of the Farmers Union Livestock Commission Co. and began to put into effect policies adopted by the board and stockholders. These look to the time when the Farmers Union livestock sales agency will do more than merely sell on commission. These policies aim at acquiring processing facilities. As the first step in its expansion program, the livestock agency took over the Farmers Union firm at Chicago at the request of the Iowa Farmers Union stockholders, thus giving service to Iowa farmers. It arranged to supply a cooperative packing plant at Detroit with hogs. It took steps looking toward a feeder service where livestock raisers in Montana and North Dakota will be placed in direct contact with livestock feeders in the corn belt. It purchased its first processing plant, a rendering works at La Crosse, Wis.

While the regionals were growing local Farmers Union co-ops were making remarkable progress during the war years. The good crops and favorable prices accounted for the good showing of Farmers Union elevators, but the growth of Farmers Union oil companies when they could not get many of the supplies normally handled was less understandable. Clearly more farmers were giving more patronage to Farmers Union cooperatives as a result of the growth of the entire organization. In return more cooperatives checked off dues and paid educational funds to further increase the size and effectiveness of the union.

New cooperatives were organized each year, a few oil cooperatives and elevator associations, and several co-op stores. Indeed, between 1941 and 1946 the number of cooperative stores practically doubled, jumping from about 12 to 29. In many instances a community would have been left without a store had not Farmers Union members organized a cooperative. Some of the stores, like Mandan and Williston, started a year or two earlier, moved into modern supermarkets. Difficulty in securing personnel and groceries made operating a young co-op store even more of a struggle than usual, but all of the Farmers Union stores that were started are now on the road to success. The Farmers Union Central Exchange established a grocery department in 1942, taking over the Northwest Cooperative Wholesale (an organization formed the year before by several co-op stores in northeastern Montana and northwestern North Dakota). Although the inability of a new wholesale to get all the groceries it wanted prevented the exchange from encouraging the organization of many new co-op stores, it did service those that were organized.

Several of the stores, as well as some of the creameries and other co-ops, established c'd-storage locker plants.

Mr. LANGER. Mr. President, we come next to chapter 9, entitled "Postwar Reaction," dealing with the NTEA anti-co-op campaign, the 1947 legislature's anti-Farmers Union drive, the proposed family-farm program, the subject of health and education, and the status of co-op development, which I ask to have printed in the RECORD at this point in my remarks.

There being no objection, the chapter was ordered to be printed in the RECORD, as follows:

IX. POSTWAR REACTION

After the shooting stops, an era of confusion and reaction sets in. That was the case after World War I, and it is the case after World War II. All of the unity of purpose and hopes for a better future which inspire wartime sacrifice apparently disappears in selfish bickering as individuals, economic groups and nations.

Perhaps it is the war-weariness of people—the desire to throw off restraints. Perhaps the continuation of apparent prosperity stimulated by wartime and postwar shots of inflation, lull the people into a false sense of security. At any rate, the forces of reaction and monopoly-enterprise have taken over, largely by default of the nonvoting voters and by the effectiveness of the barrage of propaganda against all progressive groups and ideas.

Thus far farmers and their co-ops have fared better than organized labor—whose New Deal gains have been pretty thoroughly wiped out. The campaign against the cooperative movement, and the Farmers Union in particular, however, has been greatly intensified the past 2 years.

The attack has taken many forms. Over the Nation as a whole it has been an attack on the alleged tax exemption of co-ops and a smear on co-ops and their leaders as being Red. In Minnesota the attack has been centered on the Farmers Union Grain Terminal Association—and in North Dakota on our insurance activities. Whatever activity appears to be most susceptible to challenge is picked out in each situation, but there is no question but that the opposition seeks to curtail the whole Farmers Union program—the particular issue or activity selected for attack is merely strategic.

In one sense, the magnitude of the attack is a tribute to the effectiveness of the union and its cooperatives. Throughout the history of the farmers' movement in the Northwest, we have seen repeated efforts to snipe at it, but never as well organized or thorough as the present one.

The Farmers Union kept growing, in spite of all the opposition. The spectacular success of GTA is, of course, a direct threat to the profits enjoyed by the Minneapolis commission merchants ever since the opening up of the spring wheat area. It is not surprising, therefore, that the National Tax Equality Association, a Nation-wide organization of businessmen dedicated to crippling and destroying cooperatives, had its beginnings in the Twin Cities and that its head is a private grain merchant of Minneapolis. Originally called the League for Protection of Private Enterprise when it was organized in the fall of 1943, the anti-co-op group decided to conduct its campaign on the question of taxation of cooperatives. It changed its name to more publicity-wise National Tax Equality Association. Although it had conducted an elaborate and expensive campaign among businessmen and legislators the past 3 years, it has not harmed cooperative growth. Indeed, its campaign had educated many cooperative members, and others, as to why cooperatives do not pay income tax on patronage refunds, which are not income to the co-op but which belong to the patrons.

A more serious attack on Farmers Union activity was the effort of the private grain trade to have the license of GTA revoked and thus put it out of the grain-buying business. Several Minnesota attorneys general have held that Minnesota's cooperative law permitting a cooperative association to buy members' products takes precedence over the law forbidding commission firms from buying their own account. But the question had never been decided in the courts. When a politician by the name of Ray P. Chase found he could not halt GTA by writing smearing pamphlets and bringing suits in his own name, he ran for the Minnesota Railroad and Warehouse Commission and was elected in 1944. After the commission had parried around for months with charges and hearings, one of GTA's member elevator associations brought friendly suit against GTA, in order to get a court ruling.

Then for the first time in over 30 years of cooperative grain marketing, private grain commission firms entered the battle in their own name. Sixteen of them filed briefs in the case as intervenors. The district court which had enjoined the railroad and warehouse commission from enforcing the order requiring GTA to stop buying grain consigned to it. On February 14, 1947, the Minnesota Supreme Court upheld the contention of GTA, the district court, and the attorneys general. GTA has won one of its greatest victories for the right of farmers to cooperate as far as they desired in the handling of their own grain.

The private grain merchants continue to wage publicity campaigns against GTA, undoubtedly hoping to push a law through the Minnesota Legislature repealing the right of a co-op to buy from its members. In the fall of 1947, they went to the Federal court in an attempt to have it declare that GTA must abide by rules set up by the Minneapolis Grain Exchange. All commodity exchanges have always exempted co-ops from the rule that a member firm cannot sell and buy the same commodity.

So much interest has been generated over the question of taxing co-ops that in the spring of 1947 all of the major networks carried forums or debates on the question. From these discussions it was apparent that taxing co-op dividends was a secondary issue. The main one was how to curb coperative development which threatened to curtail the profits enjoyed under the old way of doing business. It was not small co-ops which were opposed. Only when they became effective were they "bad."

THE 1947 LEGISLATURE

The battle against the Farmers Union and its co-ops was a hot one in the 1947 session of the State legislature. It proved to be under the most reactionary control since 1916. There is no question but that the conservative forces planned to curtail the strength of the union. Two of the three bills over which the battle raged were specifically directed against Farmers Union insurance companies, and the third against all co-ops. In fact leaders of the opposition openly boasted that they were out to get the union. They had not counted on the pressure of the folks back home to change some votes in the house.

The third bill was directed at all co-ops. It would have applied the State corporation income tax to any patronage refunds not paid in cash. The purpose, of course, was to prevent a co-op using the savings for expansion or to strengthen the financial structure. Practically all FU co-ops in the State have been built to their present strength by paying part of the refunds in stock.

We have seen how the late Oscar Erickson would not renew license of the National Farmers Union Life Association because of his friendship to the officials of a rival firm. When Otto Krueger was appointed to succeed him as State insurance commissioner, Farmers Union officials had hopes the controversy would be settled. But, however, after months of delay it became apparent that the State insurance department was stalling. The reason was revealed with the introduction of the infamous senate bill 51. This bill, among other things, provided for the automatic termination of fraternal insurance licenses annually. Under present law, a fraternal insurance company can continue to do business even if its license is not renewed until and unless that license is revoked for cause. In that case the insurance company may appeal to the courts. That is just what has happened after senate bill 51 was defeated in the house after passing the senate. The commissioner finally revoked the license of NFULA, and the company has appealed to the courts.

The insurance commissioner, however, had told the senate committee earlier that he wanted Senate bill 51 so he could put the Farmers Union life-insurance program out of the State without having to show cause. The reason why he made such a request was made very evident by the very flimsy charges brought out in the Senate investigation. The unfriendly committee, itself, in its report found nothing materially wrong with the company. It is doing business in 14 other States without any difficulty.

Commissioner Erickson's opposition had been based largely on personal grounds, but the present attack was that of the old-line stock-insurance companies, in conjunction with the private grain trade, the major oil companies, and other business interests who feared competition of Farmers Union co-ops.

The majority leadership included insurance brokers, corporation lawyers, and other business spokesmen. They were frank in their opposition to the Farmers Union. They wanted President Talbott and others to keep out of Bismarck and to refrain from telling the membership so it could let the representatives hear from back home. The alternative was $1,000,000 worth of bad publicity.

Farmers Union folks do not scare at such intimidation. They have nothing to hide from investigations. The hearings became quite ridiculous, particularly, when the chairman attempted to read something sinister in a cartoon showing the State in the grip of a hand (which represented monopoly interests).

One aspect of the investigation was not so funny. It was a senate resolution giving the right to the committee to seize any papers, files, or property of the Farmers Union or any other corporation or individual for any purpose. Hitler's Gestapo never had any more authority than that.

The avowed purpose was to secure the mailing list of the Farmers Union to use for political purposes by the conservative faction. When Glenn Talbott said he would go to jail rather than produce the mailing list, this fascistic attempt was dropped. North Dakota has never witnessed a more flagrant attempted violation of civil liberties than this.

Third of the anti-Farmers Union trio of bills would require mutual-insurance companies to maintain 100 percent of premiums in reserve. (Because mutuals are assessable, most States require 40 or 50 percent in reserves.) This requirement would make it almost impossible for a new company to operate (because it must pay expenses out of premiums). The only new mutual in the State is the Farmers Union Mutual Insurance Co. It, too, was defeated by a narrow margin. The State insurance commissioner went ahead, however, and imposed a regulation which, in result, has the same effect.

FARMERS UNION PROGRESSIVE ALLIANCE

One of the direct results of the legislative battle was the formation of the Farmers Union Progressive Alliance, to work for candidates on any ticket who will support the Farmers Union program and to work against candidates who oppose the program.

This sharp break with the tradition that the Farmers Union did not endorse candidates was decided upon at a meeting of several hundred county and co-op directors in June of 1947. They decided against affiliating with any faction or party, or starting one of their own, but they will work for and against candidates.

Quentin Burdick, a progressive young attorney, who has served as counsel for the NDFU and its insurance enterprises, was named executive director of the Farmers' Union Progressive Alliance. He is well known throughout the State for his progressive political outlook.

Cooperatives cannot remain politically neutral when they are being politically attacked. Neither can the Farmers' Union be neutral toward legislators and officials who consistently oppose its entire program. The preservation of the family-type farm and co-ops which assist farm families cannot be secured by legislation alone, but certainly unfavorable legislation can destroy both.

NATIONAL LEGISLATION

This is true of Federal as well as State legislation. The anti co-op forces are laying the groundwork for a drive to subject patronage refunds to Federal income tax before they are paid out—as well as in the hands of patrons.

A large share of legislation which comes before Congress, both good and bad, affects farmers directly or indirectly because farmers are citizens. The Farmers' Union is concerned with all these issues—full employment, international trade, minimum wage, housing, health, river resource development, etc.

Specifically, however, one of the primary legislative objectives of the Farmers Union is the adoption of a sound farm policy, based not upon scarcity through production control, but upon the over-all needs of our economy for food and fiber to be supplied in the main by family-type farmers.

PROPOSED FAMILY-FARM ACT

During the war progress on basic farm legislation was suspended, but Farmers Union people continued to explore possibilities of a farm program which would undergird stable farm prices and maintain the traditional family-type pattern of American agriculture. Thatcher proposed a National Agricultural Relations Act under which elected representatives of farmers would collectively bargain with buyers for fair prices. Additional refinements were added to form the plan embodied in the proposed Family Farming Act.

This proposal, advanced by the Farmers Union, was the only plan presented at the general hearings of the House Agricultural Committee in the spring of 1947 by any farm group. By that time it was apparent that the old AAA program was doomed. The Farmers Union proposal would extend the democratic machinery of the farmer-elected AAA committees—community, county, State, and national—as a means of setting production goals, negotiating levels at which prices will be supported, and formulating voluntary individual farm plans for each farmer's protection. Such plans provide for soil conservation and production goals which will fit into the national goal.

A full analysis of the bill would be impossible in this brief history, but the proposed family farm act deals with most of the six major phases outlined by Mr. Talbott in his testimony in 1941. It provides for stabilizing agricultural income by increasing both domestic and world markets. It guarantees a minimum annual income for farm families by providing a soil conservation works program to supplement income from farming. Over the years it provided for the enlargement of too-small family farm units with low-cost, long-term credit. It provides for a food-allotment plan which will assure every family in America a decent diet for maintenance of health and thus greatly increase the consumption of most farm products. Throughout the interest of the family-type farmer is specifically advanced.

Of course, the problem of rural population pressure cannot be solved on the farm alone. A full employment, full production, and full consumption economy is necessary to provide opportunity for all to work either on or off the farm. Indeed, no farm program will work unless there is a high level of production and consumption in America, and even throughout the world. The proposal of the Farmers Union in its farm family bill is geared to a full-employment economy in the United States. Therefore, we cannot be content to secure its passage alone, but must also support every measure which will promote the well-being of all the people.

THE TRIPS TO TVA

Scarcely less important to the Farmers Union is the bill to create a Missouri Valley Authority. Because Congress has appropriated funds with which to proceed with certain projects under the so-called Pick-Sloan plan, opponents of the MVA call it a dead issue. The people of the Missouri Valley, however, are not going to be contented with a series of unrelated projects (which is what the Pick-Sloan plan actually is) when they learn how far short of full development these projects provide.

Farmers Union people are learning what full development of the water resources of an entire valley really means. Nearly 200 of them have learned first hand by visits to the TVA in May and June of 1947. They were awarded the trip as rewards for work in the membership drive in the fall and winter of 1946. In 1945 the State presidents

and national officers had visited TVA and what they say so impressed those from North Dakota, Glenn Talbott and Vice President Ole L. Olson, that they wanted more folks to see TVA.

When the 1947 membership drive was launched, with transportation to TVA offered to all securing 75 members, the staff did not expect that so many would qualify. (From one to three names were drawn from each country in addition to those who had earned trips). The job of arranging transportation and tours for so many people proved to be a greater job than anticipated, but the tours proved to be worth all the effort, both to those who earned the trip and to the State organization.

From the standpoint of membership a net gain of several thousand members was realized. The slogan "Its 35 in '47" meaning 35,000 dues-paying members neared realization. This represents 35,000 families, an estimated total of over 90,000, counting men, women, and young people of 16 or over.

EXPANDED SERVICES OF STATE UNION

With the growing membership and growing financial resources, new departments with specialized personnel were created. One of the first of these was the Department of Traffic and Tax Research with Elmer W. Cart in charge. Farmers are very much aware of their tax problems. We have seen that the NDFU has sponsored various tax measures down through the years, and will continue to do so. A tax expert can provide the technical data on which sound tax programs can be built. Freight rates, however, are more remote to the average farmer because he pays them indirectly. They are doubly important because he bears the transportation costs on what he buys as well as on what he sells. Freight rate structure is a highly technical and complicated field. On behalf of the Farmers Union, Mr. Cart appears in various cases before the Interstate Commerce Commission, and other regulatory bodies to argue for the interests of the North Dakota farmer. Among important cases on which he has worked are the Western case, which removed higher discriminatory rates from the West and South, the request of the railroads for general rate increases (opposed by the Farmers Union) and the Wool case. In this last case more equitable rates from the Great Plains States in comparison to rates on imports and exports are being sought.

The educational department of the Union was divided into the junior work and the Department of Education. Mrs. Lulu Evanson became director of the latter in 1946. Mrs. Susanna Olson Shroyer became State Junior Leader. When Mrs. Shroyer left to make her home on the farm, Florence Nordstrom became acting State leader with Mamie Roos as assistant.

HEALTH WORKSHOP

Among the important projects in adult education in which Mrs. Evanson's department is concerned is developing a health program to meet the needs of rural people. The need in this State for better facilities, for better distribution of doctors, for better methods of payment for medical care is generally admitted.

South Dakota has similar problems. The NDFU and SDFU, together with the labor organizations of the two States, joined in sponsoring a health workshop at Jamestown in the fall of 1946. Experts were invited from various Federal agencies concerned with various phases of public health to serve as consultants. More came than were anticipated, for they were interested in listening to lay people discuss their health problems. For 2 days lay people, about 75 men and women, discussed the needs and the possible improvement in public health, in safety and sanitation, in securing facilities and personnel, and improving methods of paying for medical care.

It was the last-named subject which drew the fire of the North Dakota Medical Association. The secretary of the association went to Washington and testified that Federal employees were using Federal funds to indoctrinate the workshop in favor of socialized medicine. The Farmers Union, as well as the CIO and the AFL, had long been on record in favor of the national health program. President Truman had endorsed it. So it scarcely could be called indoctrination, when Federal employees discussed its merits when requested to do so by workshop participants.

OUR SCHOOLS

Public education has been a topic in which the Farmers Union has long been vitally concerned. The problem of adequate rural schools has long been a serious one. It grew worse during the war as teachers left for better-paying jobs elsewhere. The Farmers Union has favored a tax base which would raise sufficient revenue to maintain good schools, although finance is not the only problem of education in North Dakota.

The teaching profession in a State as predominantly rural as North Dakota needs the active support of organized farmers if it is to improve education. In the fall of 1946 the NDFU added Edward W. Butler as public-education specialist to work with the teachers, from the University faculty to the rural school teachers, on a program of common interest.

The State convention in the fall of 1946 adopted comprehensive proposals for educational reform, many of which were in harmony with a similar program adopted by the North Dakota Education Association. Some parts of it were enacted into law in the 1947 session, particularly relating to teacher tenure and improvements in the teachers' retirement plan. The most important single item, equalization of school finances among the poorer and richer school districts, was shunted aside in a purely political maneuver. The outcome of the school reorganization act remains to be seen, although the act contains safeguards for rural people which would not have been there except for Farmers Union efforts. Supported both by the NDFU and NDEA, 13 of the 19 resolutions adopted at the 1946 convention became a part of 35 good school laws passed by the 1947 legislature.

INFORMATION AND PUBLICITY

Use of the radio was expanded in the spring of 1946 with a half-hour program of news and views, music and variety at 7:30 each weekday morning over KSJB. This addition to the 5-minute commentary at noon and the Monday evening hookup of four stations. G. Heutzenroeder, or Heutz as he is easier remembered, is director of this department with Don Mortwedt as his assistant.

In addition to news about Farmers Union activities the daily radio program proves particularly valuable in informing members and nonmembers when a special issue is up. This is indicated by what happened when the motor vehicle registrar wrongly classified farm truck license application. A local from Montrail County reported that license fees for farm trucks had been increased as much as 700 percent. It was assumed that an error in reclassification has been made. But when it was reported on the radio, a flood of similar complaints poured in. It was apparent that a large number of farm trucks in various parts of the State had been reclassified—though it appeared too many to be merely an accident. As a result of the campaign of exposure, hundreds of farmers secured refunds and thousands of others saved from repaying the higher fees. Incidentally the registrar was shifted to another State department.

Bob Dugan, who had operated a paper of his own at Lidgerwood, became editor of the North Dakota Union Farmer as well as director of political information, in January of 1946.

The former editor, author of this history, became special writer, preparing discussion material, leaflets, and other aids to help members analyze and understand various phases of the Farmers Union program.

THE ACTION PROGRAM

Maintaining effective interest and activity in the Farmers Union locals has always been a matter of concern. Much thought and experimentation has been directed toward developing a pattern which would work. Out of the experience in this and other States has evolved the action program—appointment of action officials to take responsibility for specific phases of the local's activities. These appointed officials, together with the elected officials, constitute the action group of the local, which is to present various topics for discussion and action.

To assist the action group the State office published the monthly bulletin, which contains a discussion on a timely topic each month, together with specific suggestions for action by the various action officials. The action group includes president, vice president, secretary, program director, junior leader, organization secretary, legislative secretary, cooperative secretary, veterans' secretary, and recreation director.

Expansion of the staff into specialized departments has meant some of the older staff members have been given more limited range of duty. For example, upon his return from the Army Dick Joyce was made director of the department of cooperatives.

Although the NDFU has always attempted to assist groups organizing co-ops on bylaws and other problems and to furnish help to existing co-ops, the establishment of this department enables Mr. Joyce to be of much greater assistance. One of the most important tasks of this department is the assembling of statistical information and other data concerning all cooperatives affiliated with the Farmers Union. In years to come this data will afford a measuring rod of progress. Mr. Joyce is also managing director of the North Dakota Credit Union League, most of whose members are credit unions serving Farmers Union members. He is also treasurer of the North Dakota Central Credit Union, the pool of credit-union and cooperative finance, which is helping build all types of cooperatives through furnishing loan capital.

John Hillerson is assistant managing director, receiving his on-the-job training under the Veterans' Administration.

Milton Holtan, upon his return from the Army, was made assistant to the president in charge of field work. Martin Byrne also was made assistant to the president to relieve Mr. Talbott of much of the administrative work which increases as the organization grows larger.

COOPERATIVE DEVELOPMENT

For a summary of the extent of cooperative development in the Farmers Union, the following statement taken from the first special co-op edition of the North Dakota Union Farmer, for October 1946 is most revealing: "North Dakota farmers who patronized Farmers Union cooperatives this last year are richer by over $5,500,000 in 1946. But they are many millions of dollars richer than that when you consider the millions in assets and net worth that they have piled up over a period of years—as represented by the hundreds of fine oil stations, huge elevators, attractive stores, creameries, produce and feed and seed plants, to say nothing of their share in building the gigantic Farmers

Union Grain Terminal Association, the ever-growing Farmers Union Central Grain Exchange, and the Farmers Union Livestock Commission, which obviously is on the verge of its biggest period of expansion.

"The total business that is now being done by Farmers Union cooperatives, in all phases, makes it one of the biggest single economic units in the State. The Farmers Union cooperatives have become one of the dominating commercial factors in North Dakota.

"The ramifications of the Farmers Union and its related cooperatives in this State have been felt for many years. Early in the movement oil cooperatives forced a narrowing of profit margins which resulted in invisible savings of millons of dollars to all people, not merely to the farmers alone who led the fight single-handedly. Ruthless manipulation of the grain market which had been practiced for decades and which had cost Northwest grain farmers millions of dollars every year, ceased to a great degree with the advent of local grain cooperatives, and almost entirely in these later years as GTA became a dominant force in the Northwest grain trade.

"More than that, cooperatives in North Dakota have added greatly to the earning power, the permanent wealth and stability of the farmers, as the savings which accrued to the farmers by doing business with themselves remained in North Dakota and were not taken out of the State by large corporations."

Here are some astounding figures as compiled by the North Dakota Union Farmer:

"One hundred and forty-three Farmers Union elevators handled over 55,000,000 bushels of grain in 1945, not including the St. Anthony & Dakota line.

"One hundred and forty-three Farmers Union elevators have total assets of over $10,380,000 at the end of their current fiscal year.

"One hundred and forty-three Farmers Union elevators had local net savings of over $2,000,000 which does not include over $1,870,000 which was turned back to North Dakota farmers as savings from operations of GTA and the St. Anthony & Dakota line.

"One hundred and one Farmers Union oil companies did a total business last year of over $10,000,000.

"One hundred and one Farmers Union oil companies have total assets of over $5,000,000.

"One hundred and one Farmers Union oil companies earned their patrons over $1,080,000 last year.

"Eleven miscellaneous cooperatives such as creameries and stores, etc., which reported, made savings exceeding $113,000.

"The average volume of business of Farmers Union oil companies was $100,000 and the average savings approximately $9,000.

"The average volume of grain handled by the Farmers Union elevators was 400,000 and the average savings about $18,000. The largest Farmers Union elevator handled over 1,750,000 bushels last year."

When the reports of the current year are published in the North Dakota Union Farmer Co-op edition this year, these totals will be even bigger. More new oil cooperatives and elevators started in 1947 than for several years past. Apparently cooperatives thrive on opposition.

Mr. LANGER. Mr. President, we come now to chapter 10, entitled "The Future," beginning on page 161, and ending on page 169. I ask to have this chapter printed in full at this point in my remarks.

There being no objection, the chapter was ordered to be printed in the RECORD, as follows:

X. THE FUTURE

The grass roots have grown deep the past 20 years. The Farmers Union has been rooted in North Dakota during these years of change—revolutionary changes in agriculture itself and even more stupendous changes in the world at large. Its roots have spread into every county and almost every township.

Deep roots, anchored in the understanding and the faith of people on the land, will be needed to resist the scorching fires and earth-tearing cyclones that seem destined to sweep through the world in the years ahead.

Security on the land and a decent standard of living through sharing of abundant production—that is still our goal. But who is there who will be so rash as to say that our goal is any nearer than it seemed to be 20 years ago?

Yes, we have won victories for farmers. We have built cooperatives—magnificent ones—to serve our needs, and save us thousands of dollars. Farmers, these war years and after, have enjoyed crops and an income more adequate than for many, many years.

Who is there who will say that farm families can enjoy a decent standard of living for long when half the world starves? Or when our economic life falls increasingly into the hands of monopoly interests which profit through scarcity? Or when technological change, unless directed, can throw thousands of families off the land to make way for corporatized, ruthless "factories in the field?"

In the years ahead, we must deal with changes in agriculture. The full significance of new methods, new machinery, improved plant and animal husbandry have been clouded by the abnormal demand during the war and postwar years. We must see that this technological advance is utilized to benefit the independent American farmer, not destroy him. We must pay increasing attention to adequate housing, adequate health care, and adequate education for rural people.

Beyond strictly agricultural matters, however, we as organized farm people must concern ourselves with all of the momentous issues which determine the kind of world we live in. The threat of totalitarianism, either of the right or the left; monopoly and imperialism wherever practiced; cultivation of prejudice and hatred against any class, race, or creed; callous indifference or frenzied propaganda; the suppression of liberty anywhere—all of these can reach into the farm home and destroy its security.

Of all the accomplishments of the Farmers Union—education, legislative, and cooperative—perhaps the greatest is that it has brought to an increasing number of people an awareness of the world about them. Our farming operations do not end with line fences; we must watch and understand the world's horizon. Dark and stormy days are indicated ahead.

It may seem inconsistent at a time when prices are at record levels for livestock and grain, that we should be so alarmed about the farmers' future. Yet we believe our fears are justified. It is only the unthinking farmer—the unorganized farmer—who is content to bask in the sunshine of temporary prosperity. Every threat to democracy is a threat to the security of the family farmers. The informed farmer knows that farming operations are part of a complex, complicated world. He can no longer be concerned merely with the particular commodities he grows.

Lofthus, Manahan, Thatcher, Ricker, and the elder Talbott faced a marketing system which despoiled the farmers for private greed, but they did not face the threat of an atomic bomb, or a world grown so small that political manipulations in the Middle East are used to create shortages of gasoline in the Middle West. They did not face the concentrated monopoly when 200 of the largest corporations control two-thirds of the industrial capacity of the Nation. In 1916 and 1926 they did not face a race between democracy and fascism. In those days the permanence of the democratic way of life was taken for granted; today democracy itself hangs in the balance.

To be more specific, we might review the basic issues with which the Farmers Union has been concerned down through the years and see just where we stand. (These are the same issues listed in chapter 1.)

1. Marketing: We in the Farmers Union have built strong marketing co-ops in grain and livestock, although the major portion of both grain and livestock still go to the old-line private-profit commission merchants.

While we have been building our marketing cooperatives, the food-processing industry—meat packing, flour milling, food processing—has concentrated in the hands of fewer and fewer monopolies. Organized farmers must, in the next decade or two, break through the monopoly barrier to trade with organized consumers, if they are to receive a fair share of the consumer's food dollar.

2. Buying: The concentration of monopoly in manufacturing industries had grown much faster than have all purchasing and consumer cooperatives. All cooperative assets cannot match the assets of one single corporation—General Motors. We see the postwar spectacle of production of many manufacturing items we need being so controlled that manufacturers cut output to boost profits rather than cutting prices to meet competition. Instead of abundance that wartime production records proved possible, we have scarcity for profit. The Farmers Union and other people's organizations have a tremendous task to use both cooperation and legislation to break monopoly and provide the abundance of goods and services we can have.

3. Land ownership and tenure: Land prices remain at inflationary levels. While some farmers appear to be more secure in their ownership, it is difficult for younger farm boys to get started. Moreover, the security of family-type farmers is very uncertain. Even in North Dakota we are seeing big-scale, factory-type farm operators—particularly in the potato area—dispossessing scores of families. The more we do to stabilize price levels the greater the incentive for large-scale operation, unless we also give specific protection to family-type operation. The question of big farmer versus small farmer will be decided in the next score of years.

Where farms are rented, adequate provision must be made for conserving the soil, for decent housing and reasonable security for the farm family. The Farmers Union must prepare to meet this challenge.

4. Credit and finance: Wartime conditions have lessened the debt pressure. Many farmers have retired a large share of their mortgages. Yet the mortgage debt again is rising. When farm prices decline, payment of debts contracted now may put a new crop of farmers through the wringer. So much greater capital is required to operate a farm with modern machinery and modern methods, low-cost, long-term credit facilities—private, cooperative, and Government, are needed. We need the kind of a credit system that will enable a young farmer to start out with the equipment and resources needed for modern farming without having a millstone of almost certain default hung around his neck. That means provisions which will see the farmer through the years of crop failure, when he cannot pay on his loan, and still provide a living for his family.

5. Taxation: If family-type farmers are to survive, they must work for a wise tax policy. Absentee property owners, utilities, and landlords ever seek to curtail community public services so their taxes will be reduced. They try to shift property taxes to sales and indirect taxes. On the Federal as well as the State level they seek to lower income-tax

rates in the higher brackets and put the burden of paying for the huge war debt upon the lower-income consumers. Any taxes which reduce purchasing power of the people hurts the farmer. The same forces seek to impose double taxes on cooperative earnings, in order to limit and destroy the effectiveness of the people's movement.

In the years ahead we face a show-down as to whether we are to have a tax policy which is to serve the people and limit the concentration of land and wealth, or whether the needy will be taxed to help the greedy.

6. Conservation: Everybody gives lip service to the necessity of conserving our soil and water resources. Yet we have far to go before we fully utilize our natural resources for the benefit of all the people of this and succeeding generations.

In North Dakota, as in other States of the Great Plains area, our water resources in the Missouri Basin are potentially one of our greatest assets for irrigation, power, and navigation. And yet we find politicians in high places giving our water away for downstream navigation by supporting the Pick plan. This plan would seal off the Dakotas from river navigation by huge earthen dams and would provide only a fraction of the power and irrigation possible if the water was dammed nearer its source. Naturally, railroad and private power interests are at the forefront in the campaign against maximum power and navigation potentials. The battle for full employment of the Missouri Basin, through a unified TVA-type agency, will be a major issue for the Farmers Union the next decade.

Family-type farm operators, secure on the land, have the greatest stake in maintaining the fertility of the soil. "Sidewalk farmers," corporation farming, and other factory-type operation can make bigger profits by "mining" the soil and abandoning it. One of the big jobs ahead for organized farm families is to secure a national land policy which will effectively discourage that kind of agriculture. Such a land policy will reimburse farm families for values they create for the whole country through proper soil conservation.

7. Farm family living: In the 20 years during which the Farmers Union has been functioning in North Dakota, living conditions on the farm have actually deteriorated. Standards of rural teachers and rural schools have declined. The country doctor has aged or passed on. Few younger doctors have come into rural areas. Little building of farm homes has been undertaken, and, in many instances, housing facilities have deteriorated below the levels of decency. There are reasons why educational, health, and housing facilities have worsened the past two decades—depression and war.

Although there has been considerable road building and rural electrification, much remains to be done before electricity, modern plumbing, and all-weather roads are available to every farm.

Improvement to rural living standards offers a tremendous challenge for organized farm families to plan and act boldly. Of necessity it will require collective action in the community, State, and Nation to develop the kind of education, health, and community facilities which farm people are entitled to and which they need to be good citizens.

8. Relations with others: The world grows smaller through shrinking space and time and through greater interchange of ideas and commodities. Tensions between different economic groups, or among racial, political, national, or religious groups become more dangerous. Likewise cooperation among various groups become more fruitful. The Farmers Union has always been friendly toward organized labor, but in the years ahead we must put our friendship on the solid basis of working together for mutual ends—if farmers and workers alike are to survive as freemen. Likewise, if democracy is to continue, discrimination against minority groups must be eliminated. Farmers themselves constitute a minority. We must work with other democratic forces—labor, church, educational, civic, business—to achieve good for all people in a free society.

9. International affairs: With the atomic bomb, and even more terrible weapons, hanging over civilization, threats to peace are threats to the survival of mankind itself. Without the development of a peaceable community of nations under law and order there is no future for farmers or anybody else. Fortunately, the building of such a world means international trade which will create markets for most American farmers. (Some of them, like the wool growers, may have to face temporary adjustments but in the long run expanding world trade will benefit American farmers.)

The road to permanent peace will be perilous. Even now the idea that a third world war is inevitable is accepted in high places. If the Farmers Union is to play a part in making an enduring peace possible, it must take positions that are unpopular. It must combat the propaganda mills of press and radio with basic education.

Perilous indeed are international relations in the years ahead. The American farmer must be concerned with what is happening in the world. Through organization he can have a voice in making the fateful decisions in the year ahead.

The future is the challenge of the unknown. What we do know is that the problems we face are even greater than the problems of 20 years ago. What do we have that the Farmers Union did not have when it started then?

We have an organization—35,000 families, 70,000 individual members strong. That is not members enough. All the farmers in North Dakota are not enough. We must help to organize the farmers of other States, until our union speaks for at least a million. We have learned how to get members—the planning, the cooperative effort, the follow-through, the funds, the enthusiasm which mass organizing drives require. We can use that experience to enroll more members in North Dakota and all over America.

We have an educational program. This is our most prized possession, for out of understanding comes action. Our Farmers Union locals, armed with facts supplied by our own press, radio, and educational department, are people's university where all farm people may discuss, and plan, and act. For the younger people, Juniors and Reserves, the Farmers Union teaches basic economic and social facts so they will be capable of wrestling with the problems farmers must face. We teach cooperation in play; we teach it in work. Take away the educational program of the Farmers Union, and sooner or later, all activities of the Union will falter. Unless we build for the future, we build in vain.

Out of understanding we have built cooperatives. They are large and successful in terms of mobilizing farmers' economic resources to fight farmers' battles. They are still small, however, in terms of their power to break monopoly controls on the market place.

Finally we have a legislative program. The Farmers Union has a reputation for integrity. It would be demagoguery to say that legislation can be a cure-all for farmers. And yet, if family farmers are to be protected in a complex economy, made more complex by political pressures, they must have laws which help them. The Farmers Union speaks on behalf of farm families for legislation which will promote the general welfare.

These are the implements which we have developed to meet our problems—membership, education, cooperatives, and legislation. What we can accomplish for the farm families depends upon how well we use them. These are live tools we have fashioned; they grow with use. Actually, they are ourselves—organized to do specific jobs.

The jobs ahead the next score of years are big. We will need big instruments to accomplish them. How well the Farmers Union succeeds, depends in some measure—large or small—on what each members does.

The future is ours. It depends on us. Our organization and our cooperatives deserve no future except as they advance the welfare of farm people.

We may be proud of the Farmers Union, but that is not important. What is important is the well-being of families on the land, growing children who will be the grass roots in what, we hope, will be a greener, more beautiful world.

Through working with our fellow men, we can use the tools we have fashioned to make it so.

Mr. LANGER. Mr. President, I ask unanimous consent that the report entitled "Record Year for GTA Is Reviewed by M. W. Thatcher," which appears in the Farmers Union Herald for December 19, 1947, be printed at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

RECORD YEAR FOR GTA IS REVIEWED BY M. W. THATCHER

(Following is the annual report of M. W. Thatcher, general manager, made to the stockholders at their tenth annual meeting at the Hctel Lowry, St. Paul, December 8, 1947:)

We shall now consider the year's business which ended May 31, 1947. In so doing we refer you to the condensed balance sheet and summary on this page.

The margin in percent taken by GTA is unusually small when compared with other types of cooperative business or with those institutions operating for self-profit.

Operating results

	Percent
Sales and services	100.0
Cost of sales	98.4
Net savings	1.6

These savings are the result of many services—income from interest charged for financing farmers' cooperative elevator associations, auditing, bookkeeping, commissions from grain sales, grain merchandising, line elevator operations, storage and handling charges for grain at terminal and subterminal elevators operated by GTA, operating a flour mill, grain operations at branch offices, From such savings are deducted the interest paid for temporary borrowings of large operating funds, general expenses, property maintenance, and reserves for losses on accounts receivable, and depreciation of property.

SAVINGS FOR THE YEAR

From the standpoint of net operating results and net savings, the season ending May 31, 1947, was the best year in the history of Farmers Union Grain Terminal Association. The number of bushels cooperatively marketed in the country and shipped to GTA, however, was down from a year ago.

The volume would have been larger than a year ago except for the railroad situation. Some of the farmers' country elevators would have doubled their volume if they could have been assured of equitable treatment in distribution of boxcars. The amount of country business GTA handles at the terminal markets, of course, depends on how much grain is handled by country affiliated cooperative elevator asociations.

Cooperative elevators were mostly the victims, while independent and line elevator operators were beneficiaries of the arbitrary and misunderstood Car Order No. 144, issued by the Interstate Commerce Commission.

Because the order favored elevators with a small normal handle and discriminated against large handlers which are mostly cooperatives, the farmers who were unable to deliver their grain to their country elevator because of the order are more aware of the injustice of the order than we are at the terminal market.

The one hope for cooperative elevators is that one day there will be enough boxcars. Then farmers will be able to give all their patronage to their cooperative elevators. When this occurs, we are confident that with normal crops, GTA will increase its volume considerably.

Grain marketing conditions, going out from under OPA controls and back into a free market, were very unstable. In the fall of 1946, as many country elevator managers recall, much of the country grain was sold "to arrive" at tremendous discounts under the current terminal market price.

Some of GTA's adversaries advised farmers' cooperative elevators doing business with them to sell grain "to arrive" as a hedging proposition. The GTA grain salesmen did not believe this was advisable. Time has proved that they were right.

As a result, I am sure if a comparative statement were made of the prices received by farmers' cooperative elevators doing business with GTA with those who did business with our adversaries, we would find a tremendous advantage in price per bushel among cooperative elevator associations who did their business with GTA.

The operations of GTA for the past fiscal year showed savings in the amount of $4,626,743.84, which is substantially larger than GTA ever had before. After proper distribution of all the savings and the proper allocation of expenses, reserves for accounts receivable and financed country elevator accounts, and finally, after deduction of 5 percent for educational funds, the distribution of savings per bushel was as follows:

	Cents per bushel
Wheat	4.34
Durum	4.34
Flax	23.63
Rye	7.01
Barley	2.38
Oats	1.05
Corn	2.78
Soybeans	2.20

All the payments made by the farmers' elevator associations to GTA during the past fiscal year for services—interest, commissions for selling grain, auditing, bookkeeping, etc.—were less than one-half of GTA's net savings for the year. Therefore, GTA patronage dividends to the farmers are about twice as much as all service charges paid to GTA by their local elevator associations.

The most outstanding operation for the past fiscal year was the handling of flaxseed early in the fall of 1946. Shortly before the Northwest flaxseed crop began to move to market we learned that Argentina linseed oil was being imported into the United States at a price which would have reflected $6 a bushel to Northwest farmers at a time when the ceiling price was $4 a bushel.

We also learned that there was no ceiling on linoleum, a product which uses a tremendous amount of linseed oil. With a ceiling on American flaxseed, but no ceiling on linoleum, and American buyers paying a high price for imported linseed oil, American flax producers were victims of a fast squeeze play.

We made strong and indignant protests to the Government agencies responsible for this inequitable price situation. Our personal feelings were stirred to anger when we learned that some buyers were in the country offering "special inducements" to farmers and country elevator operators for flax under the $4 ceiling price, and holding the seed in anticipation of a "big killing" should price controls be removed. We pressed our demands on Washington that something be done to correct the intolerable condition. The situation was finally corrected, after too long a delay, by removal of the flaxseed ceiling of $4 a bushel at Minneapolis.

In the meantime, aware of how the farmers were being "fleeced" by selling their flaxseed at the ceiling price of $4, we ordered GTA to stop selling all flaxseed consigned to it. Rather than sell it at the ceiling price, GTA bought the flaxseed and stored it. We did that because we were confident that if GTA held the flaxseed, it could make a tremendous saving for the flaxseed patrons, instead of permitting the buyers to profit, when the $4 ceiling was removed. We recall that on 1 day GTA bought $1,300,000 worth of flaxseed from country shippers.

As a result, GTA made over a million dollars for its flaxseed patrons in the increased sale price, which quickly reached $7 a bushel. The adversaries of GTA, who were busy buying all the flaxseed they could at the ceiling price, of course, "exploited" farmers out of millions of dollars. GTA at least saved over a million dollars for its flaxseed producers. This "windfall" saving in flaxseed, of course, was prorated over all the bushels of flaxseed that were received during the past fiscal year. That distribution accounts for the unusually large patronage dividend all flaxseed producers received for the year ending May 31, 1947. You can see how unfortunate it is that the farmers of the Northwest have not had a big, strong regional grain-marketing cooperative on the market place for the past 60 years.

GENERAL FINANCIAL POSITION

Elsewhere in this report there will be more detailed information about GTA's financial situation, but now we want to comment on two important aspects:

1. No one realized at the end of the last fiscal year, while wheat ceilings were around $1.76 a bushel, that the price of wheat and other grain and seeds would go up as high as they have. When the country elevators fill up with expensive cash grain that cannot be moved for lack of boxcars, there is a strain on local financial operations. Country cooperative elevator associations are not capitalized to fill storage space full of high-priced cash grain. Therefore, most of these country cooperative elevator associations look to their terminal marketing agency for the additional finances required. GTA, of course, has substantial finances on hand so that it can serve the needs of these farmers and their country elevators. If the stockholders of GTA had not had vision and sound business sense from the beginning to reinvest their savings in the capital structure of GTA, financing of the country accounts would have broken down. But, because our stockholders did look ahead with vision and sound business judgment, most of GTA's savings were reinvested in its capital structure. For that reason there was enough operating capital to serve the unusual financial requirements out in the country.

2. The other aspect we wish to mention is that some of the Nation's largest banks are now seeking to do business with GTA, and are offering terms of credit and rates of interest more favorable than those we receive from the Farm Credit Administration's banks for cooperatives. Not until January 1947 had GTA ever borrowed from any source other than the United States Government's Banks for Cooperatives. In January, however, we used $5,000,000 in Government bonds owned by GTA as collateral to borrow $4,750,000 from two private banks, one in St. Paul and the other in Chicago. We pay an interest rate of 1¼ percent on these borrowings, while the bonds, offered as collateral, yielded GTA 2⅓ percent interest. We collect twice as much on the Government bonds in collateral position as we pay out in interest on the money we borrowed. This sort of financing helps reduce interest costs, which benefits all our shippers. We charge the farmers' elevators whom we finance 4 percent interest per annum on their balances. We are required to charge this rate under the rules of the Minneapolis Grain Exchange and the Duluth Board of Trade. Such savings at GTA makes between what it is required to charge and what it pays for the money it borrows, of course, is included in the annual savings of GTA, and is allocated to patrons in the form of a patronage dividend.

The general financial condition of GTA was much stronger on May 31, 1947, than ever before. The net day-by-day operating capital was increased to $7,000,000. That represents the difference between quick assets on hand against demand obligations. The fixed investment in property accounts went up nearly $500,000. This arises from the fact that the new GTA office building, garage, and laboratory is a substantial increase in capital invested in property. From that amount there is a deduction for the sale of the lumber yards to the Farmers Lumber & Supply Co. and the sale of facilities to the Farmers Union Grain & Supply Co. To put these two cooperatives on an independent basis, GTA leased them these facilities. These two cooperatives finally acquired sufficient net worth so that GTA was able to sell the facilities to them at cost, taking mortgage notes for unpaid balances.

In previous years the annual statement of your GTA was a consolidated balance sheet of GTA, Farmers Lumber & Supply Co., and the Farmers Union Grain & Supply Co. During the past fiscal year the properties, previously stated, were sold to these two independent cooperatives and the preferred stock held by them in GTA was retired. These two cooperatives, the Farmers Lumber & Supply Co. and the Farmers Union Grain & Supply Co., are now on their own. Their financial statements are no longer consolidated with GTA.

The financial statement you read this year covers only the GTA operations. If the savings of those two other cooperatives were included in a consolidated balance sheet, as has been done prior to this fiscal year, the financial statement for GTA would show a net worth in excess of $15,000,000 instead of $14,000,000.

GENERAL REMARKS

It is important that you stockholders know that we have tremendously increased the operating efficiency of GTA by bringing more than 350 GTA office employees in the Twin Cities under one roof in a new office building. These employees had been scattered in several locations in the Twin Cities. Many were not acquainted with employees outside their own department and had little or no knowledge of the broad scope of operations being carried on by GTA for the grain producers.

The working conditions in the new office building are as ideal as it is possible to make them. The building was planned for the personal comfort of employees as well as general business efficiency. They have the use of their own barber shop, ladies' services, and cafeteria, as well as the storage and service facilities of a garage. The laboratory, research department, and grain sampling offices are located in the garage for safety and convenience.

Our employees are much more valuable to GTA today because they have a better understanding of the cooperative principle through working more closely together and understanding the purpose and function of the different departments and their relationship to each other. Opportunity for advancement encourages employees to make the most of their positions, and promotion is made on the basis of merit.

It should be mentioned that GTA built these office facilities at a cost much lower than they are today. But even if your board of directors had decided that it would have been more desirable to rent office space rather than build GTA's own headquarters, no facil-

ities were available in the Twin Cities that were suitable or adequate to decently house all of GTA's home office employees.

While we have fixed investments (less depreciation) in real estate, facilities, buildings, etc., listed as amounting to $4,755,312.41, actually those properties could not be replaced today for less than $10,000,000. If your property had been disposed of at present market prices, the GTA financial statement for May 31, 1947, would have shown a net worth in excess of $20,000,000.

GTA's board of directors, with the unanimous approval of the stockholders, thoughtfully provided a pension plan for employees. The plan is no guaranty for security, but does provide some protection against the day of retirement. The employees are appreciative of this consideration for their welfare. Each employee also is covered by life insurance at no expense to himself.

Furthering this program of employee-relations, the board of directors created the Grain Terminal Foundation. Characterized in legal language as a charitable foundation, it operates in trust. In this case, the trust is the welfare of people employed by GTA or engaged in activities related to it. The foundation has acquired all the capital stock of the Terminal Agency, Inc.

The Terminal Agency, Inc., is a general insurance agency. It writes policies for our institutions and country cooperative elevator associations which cover all types of insurance, such as fire, tornado, casualty, etc.

GTA places all of its insurance business with The Terminal Agency, Inc., and more than half of the local cooperative associations doing business with GTA do likewise. The Terminal Agency, Inc., under the law, is a private-profit corporation. After paying its operating expenses, all taxes, including income taxes to the State of Minnesota and the Federal Government, it is able to declare a dividend to the Grain Terminal Foundation. The Grain Terminal Foundation, similar to thousands of other charitable foundations, is not subject to State or Federal income tax, but all funds must be handled in trust for charitable purposes.

To illustrate how the Grain Terminal Foundation may operate, let us take what could be a typical case: The manager of a farmers' elevator who has given years of loyal service is finally unable to work, either because of an injury, or sickness, or because of age. This case is first reviewed and approved by the board of trustees of the foundation, and provision is made for making available to the manager a lump cash settlement, or monthly or annual payments.

It is the hope of your general manager and the board of directors that as time goes on the Grain Terminal Foundation will be able to accumulate a large enough trust fund so that it will be able to provide additional social security for all employees of affiliated cooperatives who need it. That is its direction, and that is its purpose.

Your general manager and many of his associates are frequently called upon to attend and address meetings and conventions. We try to attend as many as we can without taking away from the time necessary to carry on GTA's business operations. We make every effort to attend the Farmers Union State conventions in the Northwest and take part in their programs.

We have been called upon many times to discuss the cooperative issue raised by the so-called National Tax Equality Association. We have spoken to many groups and in many States on this subject. Last month we appeared before the House Ways and Means Committee in behalf of the cooperatives. It was both a pleasure and an honor to finally have the privilege of meeting and addressing the powerful House Ways and Means Committee in Washington on this important subject of taxing cooperatives.

It would take volumes to give in detail all the important matters concerning your GTA, and what actually is involved in the building of your own regional grain cooperative. This report is concerned only with the more important matters which require your consideration at this annual stockholders' meeting.

All of you are aware, I am sure, that it is necessary for your entire organization to be constantly alert to meet the constant attacks of your adversaries. You farmers are not waging war on anyone, you are just minding your own business when you build GTA. But the fight is constantly being pressed by your adversaries.

The grain traders who fight you know what is at stake. GTA is taking away from the private grain commission merchants, operators of line elevator systems, and independent grain elevator operators the grain business in the country. The fight is over profits. These grain firms are not satisfied with the income they now get. They want more. Some firms have accumulated fortunes, and believe they are entitled to go on accumulating as they have in past years, with no regard for the rights of farmers to sell their own grain through their own organizations.

Thus, this vicious, often unscrupulous, fight finds the entire pack of adversaries attacking your GTA at the same time, because it is the major threat to their future business and future profits. It is for you to decide whether your savings belong to you, or whether you should liquidate your GTA so your savings can go back in the private-profit tills of the private grain commission merchants and operators of line elevator systems.

The large processors of grain are not a part of this fight, at least they are not actively a part so far as we know. They appear to have accepted the cooperative system as part of our economy. The heads of several of the largest institutions have frankly told your general manager and others that farmers have learned how to run their marketing business, and have a perfect right to do it. These executives also declare that they like to have their mills and processing plants do business with GTA because we have a large supply and a wide variety of grain to offer, which makes their buying an easier task.

FARMERS UNION

GTA and many other Farmers Union cooperatives support State Farmers Union organizations by paying a percentage of the annual net savings to these State organizations as expenses for helping to carry on cooperative educational work in its broadest aspect, and thus to meet with truth the propaganda of misinformation spread by the opposition in the country. I know of no expense paid by GTA which returns so much to GTA as the expenditure made to the State organizations of the Farmers Union.

This is particularly true in North Dakota, South Dakota, and Montana. In Minnesota it has been difficult to build the membership because in addition to the opposition of private business there has been obstruction by some farm organizations and cooperatives, but we are growing in Minnesota. This is particularly true in the growing number of farmers' grain elevators that are marketing through your GTA. To those members of the Farm Bureau and the Grange who recognize the purpose and value of your GTA and support it, we want at this time to express our deep sense of gratitude.

Condensed balance sheet and operating results as at May 31, 1947

Cash with banks	$5,021,801.15
Government bonds [1]	5,143,839.98
Receivable and accruals—less reserve	5,030,861.85
Inventories	3,096,530.59
Total current assets	18,293,033.57
Noncurrent assets—covering margin deposits, stock in cooperatives, contracts receivable, notes receivable for stock, etc	2,207,730.51

Footnote at end of table.

Fixed and deferred assets (mostly land, buildings, machinery, and equipment), less depreciation	$4,854,344.48
Total assets	25,355,108.56
Current liabilities	11,184,393.27
Noncurrent liabilities and current reserves	93,519.21
Members' net worth:	
Common stock	4,794.00
Preferred stock	7,914,500.00
Preferred stock credits	539,245.68
Permanent surplus	955,396.01
Savings for year	[2] 4,663,260.39
Total liabilities and net worth	25,355,108.56

BALANCE SHEET SUMMARY

Net current assets	$7,108,640.30
Net noncurrent assets	2,114,211.30
Net fixed assets	4,854,344.48
Your GTA net worth	14,077,196.08

The results from your operations for the year ended May 31 can be simply stated as follows:

Sales and service	$289,446,186.32
Cost of sales	284,819,442.48
Net operating margins	4,626,743.84
Add miscellaneous adjustments, prior years	36,516.55
Total savings allocated to patrons	[2] 4,663,260.39

[1] Market value Government bonds May 31, 1947, $5,195,000.

[2] All amounts taken from annual report prepared by Strand & Roe, certified public accountants, Minneapolis, Minn.

Mr. LANGER. Mr. President, I ask unanimous consent that the article entitled "Record Savings of $4,663,260 Reported to GTA Stockholders" may be printed in full in the RECORD, at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RECORD SAVINGS OF $4,663,260 REPORTED TO GTA STOCKHOLDERS—FARMERS' CASH BACKS FULSA

"We shall probably never see anything like it again as long as we live," was John Bollinger's description of the annual meeting of the Farmers Union Live Stock Association held at the Lowry Hotel December 11 and 12. Bollinger, reelected to the presidency of the board of directors, was referring mostly to the afternoon session on Thursday when the main order of business was the expansion program.

One hundred and twenty-five thousand dollars in new capital was raised in a little over an hour from a group of patrons of the Farmers Union Live Stock Association, many of whom had already invested in the expansion program previously.

Other high lights of the first day's session were the report of the general manager, M. A. Evenson, and an address by Dr. Conrad Taeuber, head of the livestock statistical department of the United Nations Food and Agriculture Organization. Reports of these addresses as well as other speeches will be covered in the next issue of the Farmers Union Herald.

On Friday, reports of the branch managers, Harvey Braaten, West Fargo; Guy Knobel, Billings; and Glen Long, Chicago, started off the day. C. H. "Andy" Lockrem, production manager of the FULSA, gave his report following the branch managers' reports.

Lyle Cooper, research director of the United Packinghouse Workers of America (CIO), and editor of the Meat of It, addressed the delegates on the afternoon of the second day. Most of the afternoon session on Friday was given over to new business.

One of the most important matters of business was the changing of the name from Farmers Union Live Stock Commission Company to Farmers Union Live Stock Association to cover the work into broader fields of livestock marketing and processing.

The group also authorized the increased capitalization, provided for a permanent sinking fund of 10 percent of the net earnings of the processing plants to retire preferred stock in case the investors become hardship cases.

Provision was also made for devising a bonus plan whereby employees could have some share in the earnings of their cooperative. A permanent bonus policy for employees will be discussed at the annual meeting next year.

They also went on record to continue to expand and develop the Farmers Union Herald. It was the feeling of the patrons of the Farmers Union Live Stock Association that the Herald deserves the loyal support of every member of cooperatives.

NET WORTH PLACED AT FOURTEEN MILLION

A record total savings allocated to patrons of $4,663,260 for the fiscal year ending May 31, 1947, was reported to stockholders of Farmers Union Grain Terminal Association at their tenth annual meeting at Hotel Lowry, St. Paul, Minn., December 8 to 10.

The report made by M. W. Thatcher, general manager, at the opening session of the 3-day convention, was listened to with great interest by the 3,000 Northwest grain producers and co-op elevator managers in attendance. Thatcher's report characterized the year as the greatest in the history of the Northwest grain marketing cooperative.

Net worth of Farmers Union Grain Terminal Association now stands at $14,077,196.

This year's stockholders' meeting was the largest ever held, actual registrations being above the 2,300 mark for delegates, stockholders, elevator managers, and visitors. Family attendance and others attending brought the total attendance at most of the sessions to well over the 3,000 figure. The annual dinner, held at the St. Paul municipal auditorium, brought a total of about 3,500 together.

This great throng was served in cafeteria style by one of the Northwest's largest caterers and by 7:30 had finished with dinner, which was eaten at long rows of tables which filled the main floor.

Featuring the exhibits at the convention was that prepared by the United States Soil Conservation Service of the Department of Agriculture.

Throughout the stockholders' meeting, both press and radio showed great interest in this outstanding meeting of Northwest agricultural producers.

Many of the main guest speakers, such as Senator George D. Aiken, the Rt. Rev. Msgr. L. G. Liguitti, Dr. Hugh H. Bennett, and James F. Turner, were interviewed by both press and radio and the story of the convention was prominently displayed in both newspapers and over the air during the 3 days.

For nearly 1,000 visiting women attending the convention there was a dinner and style show the first evening.

The annual dinner at the auditorium took place on Tuesday evening and on Wednesday evening open house was held at the GTA general offices in St. Paul, with supper being served there. Although some of the people had already departed for home, more than 2,500 visited the general offices.

Mr. LANGER. Mr. President, I also ask unanimous consent that the article headed "Aiken calls for tax on NTEA cash," appearing in the Farmers Union Herald of December 17, 1947, may be printed in full in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIKEN CALLS FOR TAX ON NTEA CASH

A demand that "Congress should require the National Tax Equality Association and other power-seeking class organizations which are leading the attack on cooperatives to make full and open financial reports, and to pay taxes on their enormous incomes" was made by Senator GEORGE D. AIKEN, Vermont Republican, speaking before GTA delegates, stockholders, and visitors at the annual dinner December 9 in the St. Paul municipal auditorium.

AIKEN'S address, broadcast over Northwest radio stations, vigorously defended the right of farmers to "carry on their own business" through cooperative marketing and buying. He said that the American farmer, more than any other group, is influencing and shaping the Nation's economic and political destiny in this critical period of history.

The St. Paul auditorium was packed to capacity to hear Senator AIKEN speak. He was introduced by M. W. Thatcher, general manager of GTA.

"Hunger," AIKEN said, "is the great breeder of revolution, the great destroyer of liberty. Many nations today are on the verge of political and econmic chaos. Only relief from the fear of hunger and famine can avert catastrophe. The American farmer offers the only hope for providing that emergency relief.

"Yet there is a vigorous and vicious campaign constantly being conducted to put the farmer in the false light of being willing to feed Europe only because it means money and profits.

"There are monopoly-seeking elements of industry and commerce that, in their lust for power or money, are determined to break the strength of organized agriculture at any cost, by any means.

"If those groups which constantly wage war on American farmers are not curbed, but should succeed in their selfish objectives, the food production of our Nation will be seriously impaired.

"Farmers are familiar with the attempts of the opposition to hamstring or destroy cooperative institutions in the last session of Congress. It is certain that these enemies of cooperatives will make other attempts to place a noose around the necks of cooperatives.

"We must protect the farmer's right to organize and to conduct his affairs cooperatively at all costs. Keep agriculture strong and healthy and the United States will retain its position of international leadership.

"Through organization we remain strong. We can beat off the efforts of those who would reduce our farmers to a dependency level."

Mr. LANGER. Mr. President, the distinguished Senator from Minnesota a short time ago referred to the Farmers Union Herald. He read some of the articles. I ask unanimous consent that the article entitled "Thatcher Reports Grain Co-op Now Worth $17,000,000," which appeared in the Farmers Union Herald, published at St. Paul, Minn., on December 24, 1948, may be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THATCHER REPORTS GRAIN CO-OP NOW WORTH $17,000,000

Two great Farmers Union co-op stockholders' meetings have opened a new chapter in the long fight for farm price stability.

Meeting in the Hotel St. Paul, St. Paul, Minn., December 13 through 17, stockholders and delegates of Farmers Union Grain Terminal Association and Farmers Union Livestock Association have decided to stand for 100 percent of parity. The weight of the two regional co-ops and the Farmers Union representing more than 200,000 Northwest farm families will be thrown into the battle to get a support price program "nothing short of full parity" in the Eighty-first Congress.

Action by the GTA stockholders and delegates was taken in a resolution which overrode the appeal that Senator GEORGE D. AIKEN, of Vermont, co-author of the Hope-Aiken flexible farm price act, had made before the meeting the night before. Under the bill, the flexible supports could be lowered from the present 90 percent to 60 percent parity if surpluses grew too big.

The delegates by their action, calling for "100 percent of parity price," made it clear that the parity formula itself should be made over, and that the new price program should be backed up by a big expansion of co-op and farm storage for national security and welfare.

Operations of the grain cooperatives in the spring wheat States for the past fiscal year have been excellent, General Manager M. W. Thatcher told delegates. He reported that the farmers' grain marketing operations in the big markets earned them net savings of $3,517,043, bringing the cooperative's net worth to more than $17,000,000.

The Grain Terminal Association, Thatcher reported, has added a terminal elevator, a 385,000-bushel house at Sioux City, to its operations. Present terminal and subterminal storage space operated by the grain cooperative now is more than 10,500,000 bushels.

Expansion plans for the future include doubling the 4,500,000-bushel capacity of the Superior, Wis., elevator, erecting a St. Paul river terminal to handle barley, and building a terminal at Grand Forks, N. Dak., to specialize in durum.

Thatcher, however, said that earnings alone do not reflect the importance of cooperatives to the farmers' living. His views were reflected in the resolution calling for 100 percent of parity prices, coupled with decent living standards, including adequate health protection, good housing, and reasonable education opportunities for farm children.

Delegates also heard Secretary of Agriculture Charles F. Brannan call for a strong parity price program as an economic imperative and essential to the general welfare.

Brannan said that "I shall fight with all my strength any notion that farmers must lead the way to a lower scale of purchasing power."

Brannan and AIKEN addressed nearly 4,000 assembled at the St. Paul Municipal Auditorium for the annual dinner. The addresses were rebroadcast over a GTA radio network.

United States Senator GEORGE D. AIKEN from Vermont voiced a strong plea for his flexible support program. He explained how his program holds supports at 90 percent of parity until 1950, then allows them to slide to a 60-percent minimum if surpluses grow large.

Ole L. Olson, GTA president, said that farmers should refuse to accept the concept

that farmers should be penalized for abundant production by being forced to take 60 percent of parity.

Thatcher said he respected AIKEN's ability and the work he has done for farmers, but "either he doesn't understand his bill, or else I don't understand it. If another man works overtime, he gets time and one-half. But if a farmer overproduces, under the Hope-Aiken bill we have now, he gets half-time."

James G. Patton, National Farmers Union president, and Glenn J. Talbott, North Dakota Farmers Union president, told the delegates that their organizations would stand for "nothing less than full parity for American farmers." This stand puts the Farmers Union on the one hand and the National Farm Bureau and National Grange on the other hand at direct odds over the parity program.

What could happen to farmers under the Eightieth Congress Hope-Aiken bill was explained by Roy F. Hendrickson, Washington representative for the National Federation of Grain Cooperatives, of which GTA is a member.

Hendrickson said that a typical Northwest wheat farmer in 1948, with 4,000 bushels to sell, could put it under loan and get $1.80 a bushel for it—the national support price of $2, minus freight, handling, and loan charges. His income for the year would be $7,200. In 1953, the farmer could get as little as $3,084, if he took out a loan on 4,000 bushels of wheat.

Two warnings that the National Tax Equality Association, which is attacking the co-ops, hasn't given up in its drive to cripple cooperatives, were given farmers at the meeting. The first came from James E. Wells, Jr., general manager of the Farmers Union Livestock Association.

He told the cooperators not to "be tricked into revolving any of GTA's capital until economic conditions justify it, and until enough elevators and facilities have been built to handle the great grain storage program that must be put into operation in the next few years."

Wilfred E. Rumble, GTA general counsel, gave the second warning when he said that the fight against cooperatives, instead of being over after the election, is getting a fresh start.

The GTA delegates also heard operating reports by Assistant General Managers T. C. Croll and T. F. O'Neill, and heads of the cooperative's business departments.

The 100 percent of parity resolution passed by the GTA stockholders was 1 of 12 unanimously adopted. Other resolutions called for cooperative control of banks for cooperatives, a program to build adequate grain storage facilities with REA type loans from CCC, a new international wheat agreement, recognition that the real aim of NTEA is to injure cooperatives, and a 100-percent patronage goal, in which all cooperatives would participate fully.

The 3-day session, largest of its kind in the Nation, closed with the election of 4 directors on the 11-man board. Ervin Schumacher, Drayton, N. Dak., was elected to succeed Elling Knutson, Edmore, N. Dak., who has served on the GTA board since its organization. President Ole L. Olson, Buxton, N. Dak.; Ole S. Gunderson, Power, Mont.; and Bennie M. Brandt, Roseau, Minn., were reelected for 3-year terms.

Mr. LANGER. Mr. President, from the Farmers Union Herald of December 24, 1948, I ask that the condensation of the annual report of Mr. Thatcher, general manager of the Farmers Union Grain Terminal Association, together with the financial statement appearing on page 4, be printed in full in the RECORD at this point. The article is entitled "GTA Co-op Savings for Year Are Set at $3,517,043."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GTA CO-OP SAVINGS FOR YEAR ARE SET AT $3,517,043

(The following is a slight condensation of the annual report of M. W. Thatcher, general manager, Farmers Union Grain Terminal Association, presented to the eleventh annual stockholders' meeting, Hotel St. Paul, St. Paul, Minn., December 13, 1948.)

We know of no other type of business in the United States, cooperative or private, which operates on such a small margin of sales as your GTA. Many of the large institutions in the field of processing and distribution take a gross profit from their sales of 3 or 4 or 5 percent. Some show a considerably higher percentage of sales taken as gross profit.

In the case of GTA, the following percentages therefore become most interesting:

	Percent
Sales and services	100.00
Cost of sales	99.03
Savings on sales and services	.97

These savings are the result of many services: Income from interest charged for financing farmers' cooperative elevator associations; auditing, bookkeeping; commissions from grain sales; grain merchandising; line elevator operations; storage and handling charges for grain at terminal and subterminal elevators operated by GTA; operating a flour mill; grain operations at branch offices.

SAVINGS FOR THE YEAR

Because of the small percent of sales taken for margins of the business, the savings are limited, yet these savings amount to $3,517,043.37. This is approximately a million dollars less than the savings a year ago. The difference is due to the tremendous savings on flaxseed a year ago when ceiling prices were lifted. We arranged to accumulate, a year ago, a substantial inventory of flaxseed while we were engaged in helping remove the flaxseed ceiling which was so unfairly held against the flaxseed growers in the fall of 1946. When that extraordinary saving on flaxseed is excluded from the previous year's business our past year's savings were larger than any previous year in the history of GTA.

The volume of grain we handled would have been much larger except for the continuation of the discriminatory order of the Interstate Commerce Commission dealing with the distribution of boxcars to country elevators. We hope that this year we will yet be able to correct that car order No. 144 issued by the Interstate Commerce Commission. This order favors the country elevator with a small normal handle of grain and discriminates against the elevator which normally has had a large handle of grain. Of course, these are mostly farmers' cooperatives.

This year's savings, after deducting for operating expenses, depreciation, reserve for doubtful accounts, and 5 percent for educational fund amounted to $3,517,043.37. These savings were distributed to our patrons according to their patronage on the following per bushel basis:

	Cents per bushel
Wheat	3.64
Durum	3.64
Flax	2.97
Rye	2.09
Barley	1.87
Oats	1.10
Corn	1.30
Soybeans	1.99

All the payments made by the farmers' elevator associations to GTA during the fiscal year for services covering interest, commissions for selling grain, auditing, bookkeeping, etc., were a little more than half of the total patronage savings for the year. This means that the savings in the total operations of GTA returned in patronage dividends are far in excess of all the payments made by farmers and their cooperatives to their GTA for services. In other words, the farmers and their grain cooperatives, through their GTA, enjoy not only a complete refund for all service charges they pay, but also enjoy refunds as a result of other savings in the many operations of GTA.

It must occur to anyone, then, to ask why in the world some farmers and their grain cooperatives pay service charges to competitors of GTA when such competitors never return a dime of the service charges to farmers and their grain cooperatives.

As to your general financial structure, the balance sheet shows that at the end of the fiscal year, May 31, 1948, you had net quick surplus current assets of close to $10,000,000. That represents your foundation of current capital or the equity capital which stands as the base for your borrowing from the banks. Of course, this net financial position must be increased because your business is going to increase. If the business should increase faster than this current equity capital increases, then you would be called upon as farmers to invest more capital to bring the equity capital up to where it is needed for your total financial requirements. For every million dollars that the farmers put into this equity capital, $3,000,000 may be borrowed from the private banks.

The amount of your investment, less depreciation, in your fixed assets covering real estate, buildings, and so forth, was a little more than $5,700,000 at the end of your fiscal year. These properties, because of inflation, would cost at least $15,000,000 to replace. That may become a serious problem for you to consider in the years ahead. These properties are wearing out. The old rate of reserve for depreciation which we set up each year would not be enough to provide the funds needed in the depreciation account to rebuild the facilities that one day must be replaced at the present inflated construction costs. This is true in the whole grain business. Terminal elevators now operated by us or our competitors cannot be replaced if the present costs of operation and the present public terminal elevator rates remain as they now are. That means that eventually the service charges at public terminal elevators will have to be high enough so that eventually properties will be replaced by somebody. That is a serious problem that lies ahead in the whole field of grain marketing, both for us and our competitors.

IMPLEMENTING SERVICES

The departments and institutions which have been set up by GTA are all important in effectively implementing the marketing problems of the farmers.

The Terminal Agency, Inc., is a general insurance agency. It has direct relations with the Nation's largest insurance companies. Under State law, this insurance agency cannot be operated as a cooperative. Therefore, it operates as a private-profit corporation and pays income taxes to the State of Minnesota and the Federal Government. It provides an important and needed service to cooperative elevators in the field of insurance. It is important that GTA has all the insurance it needs to cope with the hazards of conducting its business in the fields of fire, casualty, and fidelity. It is equally important that our affiliated cooperative elevators are fully protected in all these needed fields of insurance and services.

That is why it is important that GTA and its affiliated cooperative elevators have a general insurance agency that is devoted entirely to protective service in all the fields of operations where insurance is required. The Terminal Agency, Inc. has grown from a small agency to one that as of November 27, 1948, had open insurance protection as follows:

Buildings	$23,973,000
Inventories	144,204,000
Bonds	8,454,000
Miscellaneous	4,500,000
Total	181,131,000

Now, of course, the Terminal Agency collects large sums in commissions at established legal commission rates. After paying all expenses and income taxes, the net profits that are left belong to the Grain Terminal Foundation which is a charitable trust.

In the recent acquisition of 38 lumber yards by our Great Plains Supply Co., we also acquired two lumber wholesale houses at Minot, N. Dak., and Havre, Mont. The lumber yards we acquired for our Great Plains Supply Co. were formerly operated by Midwest Lumber Co. The wholesale houses, largely owned by the same people, were operated as the Minot Builders Supply Co. Because the Minot Builders Supply Co. deals with many private lumber yards in the Northwest, it does not lend itself to becoming a farmer's cooperative. Therefore, all of the capital stock of the Minot Builders Supply Co., Inc., which is the new company, is owned by the Grain Terminal Foundation. After the profits of the Minot Builders Supply Co., Inc., over and above State and Federal income taxes, become sufficient to pay for the cost of that company's assets, all profits will go to the Grain Terminal Foundation.

The wholesale house, which is now controlled by the Grain Terminal Foundation, will supply a substantial amount of merchandise needed by the 117 local cooperative lumber yards. GTA also buys some of its supplies from the Great Plains Supply Co. for the repair and maintenance of its elevators.

The Great Plains Supply Co., with its recent acquisition of local lumber yards from the Midwest Lumber Co. (35 yards in North Dakota and 3 in Montana) now operates 117 retail lumber yards in Nebraska, Iowa, Minnesota, South Dakota, North Dakota, and Montana, on a cooperative basis. It started with nothing on May 1, 1943, except the debts for the 35 yards which were taken over from the old St. Anthony & Dakota Elevator Co. at that time. Five years later, on May 31, 1948, it had a net worth owned by the patrons of nearly $1,500,000.

The Farmers Union Grain and Supply Co., which GTA sponsored at the urgent request of the farmers in Northern North Dakota and northern Montana, started from scratch 6 years ago. It renders a needed service in the field of feed, seed, as well as other services, including weed destruction. By the summer of 1948 it had acquired a net worth of over $530,000, in addition to rendering many needed and useful services to farmers in the area it serves. It does a substantial business in seed, as well as carrying on a large bean operation at Billings, Mont., where the farmers lacked marketing service for their beans. These institutions, The Terminal Agency, Inc., The Great Plains Supply Co., the Minot Builders Supply Co., Inc., and the Farmers Union Grain and Supply Co., conceivably have a great future for expansion and usefulness. For whatever the future may tell, so far we may summarize the cooperative institutions which we fostered, financed, and managed, as follows:

As at May 31, 1948, GTA net worth	$17,012,313.33
As at May 31, 1948, Great Plains Supply Co. net worth	1,470,770.76
As at May 31, 1948, Farmers Union Grain and Supply Co. net worth	532,418.41
Total net worth of our three institutions	19,015,502.50

These institutions have carried on operations with results which are very encouraging to all of us in such a short period of years. The acceptance and use made of them by farmers is evidence that these institutions were needed and wanted by the farmers.

All of these institutions set aside 5 percent of their net savings for State organizations of the Farmers Union. The distribution of the 5 percent educational fund is made on the basis of the volume of business in the several Farmers Union States. The educational funds in the hands of the State units of the Farmers Union are used to carry on organization, support legislative work, and promote the expansion and usefulness of these cooperatives among their members. That is teamwork. Both GTA and the Farmers Union in their fields of activity thus implement the development and growth of each other.

The large portion of country business handled by GTA represents grain consigned to be sold on a commission basis. However, there are millions of bushels of grain which are not handled on a commission basis. At our branch offices in Great Falls, Mont., and Sioux City, Iowa, the grain is bought outright from the farmers and their grain cooperatives and is merchandised by GTA rather than sold on a commission basis. On such grains, of course, GTA assumes all market risks.

At this point, you will be interested in knowing that in the Twin Cities of Minneapolis and St. Paul and the twin ports of Duluth and Superior are to be found practically the last vestiges in the United States of grain marketed on a commission basis. In other great market places, such as at Amarillo, Tex.; Enid, Okla.; Hutchinson, Kans.; Kansas City, Mo.; St. Louis, Mo.; Chicago, Ill.; Ogden, Utah; Portland, Oreg.; Spokane, Wash.; Denver, Colo.; Great Falls, Mont.; Sioux City, Iowa; Omaha, Nebr.; Columbus, Ohio; and Indianapolis, Ind., there is only a small amount of grain consigned to be sold on a commission basis.

The old system of selling such a large portion of the grain on a commission basis in the Northwest rather than on a straight merchandising basis is due to long-established practices. In the Twin Cities and the twin ports farmers' cooperative elevators and independent elevators have received a "service" from grain commission merchants. The country elevator operations are financed by commission merchants.

This operating credit is extended to farmers' elevators and independent elevator operators because these country elevator operators do not have enough capital and credit to carry on their grain business independent of credit extended by grain commission merchants.

The grain exchanges in Minneapolis and Duluth, through their boards of directors, establish rules of marketing conduct and practice. These rules protect the grain commission merchants in two important respects. First, the rules, which the commission merchants help to establish, require all commission merchants who finance country elevator accounts to pay a specific uniform rate of interest to country accounts for credit balances and charge a uniform interest rate against country accounts for debit balances. At present, the interest credit rate given by the commission companies is 1 percent and the debit interest rate is 4 percent. This is a spread of 3 percent interest in favor of the grain commission merchant. To the extent that grain commission merchants have substantial credit balances for country accounts on which 1 percent is paid, the grain commission merchant is permitted to loan those credit balances back to country accounts with debit balances and charge a rate of 4 percent. Your GTA is required to engage in the same practice under the rules of these grain exchanges of which GTA is a member.

In the case of "adversary" grain commission merchants, our competitors keep this profit in interest. In the case of GTA, any profits that are earned by financing at these rates are credited into the savings for the year and prorated back as part of the patronage refunds.

Second, the rules of the grain exchanges also establish the rates of commissions that grain commission merchants must charge. This is required of GTA also. Interestingly enough, these commission rates have a floor price and a ceiling price. Generally, the private grain trade has condemned the Federal Government for setting ceiling prices and for providing floor prices on farm commodities. What they call "socialism" and "Government interference with private enterprise" is just good business for the grain commission merchants when they make the rules.

The commission merchant's floor price on wheat, for illustration, is 1½ cents a bushel. Even if wheat went to 25 cents a bushel, the commission merchant would still collect that support price of 1½ cents a bushel. If, however, the Minneapolis or Duluth price on wheat should go above $1.50 a bushel, the commission merchant takes 1 percent of the proceeds until it goes as high as 2½ cents a bushel. The grain commission merchant therefore enjoys a floor price of 1½ cents a bushel commission and a ceiling price of 2½ cents a bushel on wheat. In the case of flaxseed the range is a support price of 2½ cents a bushel and a ceiling price of 3½ cents a bushel. It varies on the other grains and seeds.

TERMINAL ELEVATORS

As you know, we operate terminal elevators in Minneapolis and St. Paul, Minn., and Superior, Wis. These three houses have a combined capacity of about 8,000,000 bushels. We also have large elevators at Spokane, Wash., Shelby and Lewistown, Mont., Rush City, Minn., and Sioux City, Iowa, the last of which was acquired this year.

During marketing periods when grain prices fall to the floor prices supported by Government loans, your management is confronted with difficult problems. In this current marketing year, as you know, wheat prices in Minneapolis were for a time below the Federal Government support prices. Your management became convinced that a tremendous amount of wheat would be put under Government loan. The terminal elevators which we operate in Minneapolis and St. Paul, Minn., and Superior, Wis., are known as public elevators.

In operating public elevators we are required by law to accept any grain offered to us for storage. Thus the grain commission merchants who are not operating public terminal elevators could ask for this space in your cooperative terminal elevators to store wheat for their accounts. That would leave you farmers in the position of having your cooperatively operated public terminals filled with competitors' wheat for Federal loan purposes while your own wheat had no place to go. There was only one thing GTA could do.

To prevent such a situation from arising we wrote a letter to all of our affiliated farmers' cooperative elevators and offered them the opportunity of contracting a specific amount of space in these cooperative public terminal elevators. In that way your management could say to anyone else: "No; we cannot take your wheat for storage because the space has been contracted for by our affiliated shippers."

When we made this offer to our affiliated cooperative elevators they not only contracted for all available space but so much more that your GTA was required to acquire additional space in other public terminal elevators. The contract your GTA made with these public terminal elevators was a specific contract.

The price of wheat began to rise. Then as a result much less wheat was offered for storage than we had anticipated. When we were certain that our shippers were protected on storage space it became apparent that some had contracted for more space than they needed. We recognized that these shippers might be severely penalized for trying to protect their operations by contracting for space which they probably were not going to use. This would prove to be a substantial loss to some of the country affiliates.

When this situation became clear to your management, we notified all of our affiliated accounts that had contracted for space that we were willing to cancel their contracts. Some country affiliates took advantage of our effort to be helpful. We were pleased to cancel their contracts, although, of course, your GTA has sustained this loss in the amount of income and savings that we will have for this year.

If we could have foreseen what conditions would ultimately be like, we would have been in a position to do what we wanted—to buy heavily early in the year when the wheat consignments were selling below the loan price. If we had followed this course, GTA would have shown tremendous savings for its patrons on such wheat purchases.

Primarily, however, your GTA, as a cooperative, is interested in marketing services that protect the farmers and their cooperative elevators. That is the reason GTA was created. It was not created merely to accumulate savings, but to help in every way possible to get a fair price for the farmers in the market. It is apparent, therefore, that GTA can and does render valuable services in the field of marketing even though there may be no savings to report at the end of the year.

We never know from year to year what the conditions may be for marketing the crop. Our first responsibility is to try to appraise those marketing conditions, and to establish policies which will best serve the interests of the farmer's marketing of his grain.

GENERAL FINANCIAL POSITION

In contrast to other years, when grain prices were generally far below what they had been in the last 2 years, the problem of financing our country affiliates has at times this year been stupendous. This has been true not only because of the extraordinarily larger amount of credit that must be extended by GTA to country affiliates in order to carry high-priced inventories in country elevators but likewise it is true in furnishing credit to our country affiliates who have enlarged their country elevator facilities at these extremely inflated prices today.

You are all aware that construction costs have almost gone beyond the limit of anyone who cares to risk capital on these high-priced construction jobs.

SERVICE IN FINANCIAL STRENGTH

I want to give you another illustration of what can bob up in a hurry to test the financial strength of your cooperative marketing organization.

As you farmers know, the Federal Government had a support price of $6 per bushel for flaxseed. The Federal Government entered into a contract with the flax seed crushers guaranteeing them a support price on the linseed oil they extracted from flax seed. This contract, however, did not cover the linseed meal extracted from flaxseed. As you know, the linseed meal price this fall took a big drop. The result was that the crushers had a support price on linseed oil but none on linseed meal. On a given Friday afternoon the flaxseed crushers went on strike. That is, they stopped buying. The Federal Government's Commodity Credit Corporation was not prepared for this strike. There were huge amounts of flaxseed in transit to the market. GTA was caught with 1,500 cars of flaxseed looking for a price of $6 a bushel. There was no support price on flaxseed the next morning except that the Government had said there was a support price of $6 a bushel on flaxseed. But, effectively, there is no support price on anything unless there is a way to get the money.

There was hysteria in the market place. Your management was confronted with the job of protecting both the shipper and GTA with this $6 price. We did not hesitate. We telephoned to the Secretary of Agriculture of the United States, the Honorable Charles F. Brannan. He advised us to pay the $6 price in the market while the Department of Agriculture and the Commodity Credit Corporation were trying to find a way to protect your cooperative. From the time that we went into the market to support flaxseed at $6 until it was able to get its money back from the Federal Government's Commodity Credit Corporation, your GTA had millions of dollars tied up in flaxseed. When the situation finally cleared up your cooperative came out with a loss of only a few thousand dollars in demurrage charges. These demurrage charges arose out of the fact that we could not unload the flaxseed at our elevators as fast as shippers were pouring it in at the $6 price.

Instead of hesitating at the critical moment—which could have broken the flax market—your cooperative went on the radio and told the farmers to ship their flaxseed to us. GTA would protect the price. We got a lot of new business. We doubt if any receiver of flaxseed ever received as much flaxseed in one marketing year as we received on this crop.

Without commenting on what our competitors did in this situation, we feel that GTA rendered a great service to the farmers who produced and marketed flaxseed this year.

BANKING CREDIT

For the past few years we have had some Twin City bankers call on us, seeking an opportunity to lend money to GTA in its operations. We continued, however, to borrow all of our credit from the Government's Central Bank for Cooperatives. Down through the past 10 years, we have borrowed in excess of $250,000,000 from the Central Bank for Cooperatives. Every note has been paid in full at or before maturity date. The Federal Government's Central Bank for Cooperatives has always made a profit from its loans. The profits from such borrowings by GTA are part of the contributions to the present large surplus now owned by the Federal Government's Central Bank for Cooperatives.

It is important at this point in the report to put the public straight with reference to a notorious lie repeated again, and again, and again by the National Tax Equality Association. The National Tax Equality Association, as you know, wants to destroy cooperatives because it says they are socialistic. During the past few years it has repeatedly stated that your GTA, like many other cooperatives, enjoys a pipeline into the United States Treasury and thus has benefited by loose credit at interest costs less than is paid by GTA's competitors, such as private grain merchants who contribute generously to the National Tax Equality Association. That is NTEA hokum. Here are the facts:

A year ago, seeing the attitude exhibited by the Eightieth Congress toward cooperatives and Federal farm credit agencies, and fearing this trend might be continued into 1949 and 1950, we took prompt steps to develop new credit sources for your GTA. We had been offered credit by private banks at slightly lower rates of interest than we have been paying to the Government's Central Bank for Cooperatives. Last summer, bankers from New York, Chicago, St. Paul, and Minneapolis met with your management at the GTA offices in St. Paul. We went through GTA's operations from A to Z. We furnished these bankers with operating statements for the last several years.

After hours of discussion, these bankers offered not only to take over the line of credit which GTA had enjoyed with the Central Bank for Cooperatives but also offered millions more in credit if we needed it.

We finally completed a loan agreement with the Bankers Trust Co. of New York, N. Y.; the Continental Illinois National Bank and Trust Co. of Chicago, Ill.; the Northwestern National Bank of Minneapolis, Minneapolis, Minn.; the First National Bank of St. Paul; the Empire National Bank & Trust Co. of St. Paul, and the American National Bank of St. Paul. They offered to extend open lines of credit to us, which in your language means loans without security. That is how much they respect the financial integrity of your GTA.

But the payoff on the repeated NTEA lie about co-op favoritism at the hands of the Government is this: Your management insisted and these banks granted your GTA credit at the prime rate. Prime rate means the lowest rate of interest for which credit is extended by these banks to any borrower in the United States except the United States Government.

We have reason for taking so much time to discuss this particular phase of our financing. We want you to know that, because of your good judgment in the years past, you permitted your GTA to retain the savings in hand for further usefulness, instead of demanding cash at the end of the year in cash patronage dividends. You decided to take preferred stock instead of cash.

The preferred stock is your evidence of ownership in GTA. It is worth 100 cents on the dollar. That is proven regularly. When farmers quit farming, your board of directors promptly orders such preferred stock to be retired by cash payment. Because you left your savings in here in the form of cash, you provided your GTA with a marvelous financial statement. It has millions of dollars in net current surplus as equity capital. This enables your GTA to borrow all the millions necessary to meet your marketing problems in the country at the terminal market.

If you stockholders had not followed this recommendation of your board of directors and management, we could not have successfully provided your regular financing needs for operating your country elevators and to meet marketing problems at the terminal so clearly demonstrated in the case of the flaxseed upset. You should know that these bankers marvel at the sound financial set-up, structure, and bylaws of your GTA.

MARKETING CONTROL

The National Tax Equality Association has tried to do a job on GTA's repeated statement that it seeks to be the important factor in the marketing of the farmers' grain. They not only say that we are "socialistic"

but also that we are "monopolistic." We are not "monopolistic," and as for being "socialistic" the chairman of the NTEA board of directors was obliged to admit that there was no basis for the charge when he was questioned before the powerful House Ways and Means Committee in Washington a year ago.

Now, what do we mean by being the controlling factor? If GTA had control of 75 percent of the marketing just in this Northwest area, we could not control the futures prices of wheat. But we would be an effective day by day influence on premiums and discounts—make no mistake about that. So far as a base price is concerned, the only power in the United States to affect base price is the strong arm of the Federal Government. The device is support prices. A lot of you farmers registered your conviction about price supports when you voted last November 2. Within our organization, your general manager has long been a vigorous advocate of strong price supports because he knows that price support can control the size of your pay check for farming. If the support price is 60 percent of parity then your pay check is 60 percent. We don't like that any more than you do.

Your management is vigorously opposed, as most of you know, to speculators playing with the future prices of your grain. So far as monopoly is concerned, your GTA directors and manager hope to see the day when the futures market such as we have today for wheat in the United States will be as inactive as futures markets in Liverpool, England.

If you will recall, in years gone by, the futures prices of wheat in Chicago and Minneapolis were affected by the prices at which wheat traded on the Liverpool, England, exchange. Because of what has happened in the last 8 years in world affairs, the Liverpool exchange is as dead as a dodo. I have been informed that the Liverpool Exchange floor is now used for storage. This might serve as an omen to the grain exchanges in the United States that their future usefulness will be controlled by their future conduct.

We are members of the grain exchanges and we believe these exchanges serve a useful purpose by providing a place for buyers and sellers to meet. We also believe in proper rules to enforce proper conduct—but we emphasize the word "proper." If the NTEA or the private grain trade wishes to call farmers' co-ops a monopoly, we have this to say: We want sound and effective floor prices for the farmer's commodities as a support for his future economic security, and we want the great bulk of the farmer's grain handled cooperatively right to the processor so that the farmer is fully protected in premiums and discounts and rates for service charges. Furthermore, we want the bulk of the grain handled cooperatively so that the savings in the field of marketing the farmer's products go to him and not to intervenors. We want to see a stabilization of prices in the field of support price, premiums, and discounts. This would prove to be no disadvantage to any processor. As a matter of fact it should be to his advantage to be able to buy his supplies in a market where there is stability in the price of raw materials.

THE FUTURES MARKET

There is no futures market for railroad rates, commission rates, bread prices, meat prices, fruit prices; there is no futures market even for barley or durum wheat. The theory that there is a futures market to protect the country in buying grain in too many cases is just so much "bosh." The changes in the market place that really bother our country operators are in the field of wheat premiums. There is no way to hedge wheat premiums. A severe decline in wheat premiums can cause a farmers' cooperative elevator heavy losses. There is no available hedging against this sort of risk. If we had a hedging system whereby the distant futures were sufficiently above the day by day futures in which grain is traded to cover the cost to the country elevator for carrying the grain in the country, then, we would gladly agree under such circumstances that there was a sound hedging market for contract grades of grain—but not premiums.

In the case of corn and oats, there are some advantages in hedging, but with the other commodities only the pretense of a futures market is there for hedging purposes.

When May wheat futures is 7 cents a bushel lower than December wheat futures—what is your opinion of the value of the vaunted hedging insurance for the country buyer and the farmer owning wheat still unsold by the end of December?

EMPLOYEES

The attitude of the directors and stockholders toward the employees has enabled the management to develop a high degree of employee services. They are faithful and loyal people who look forward to security of continuation of their employment with these growing cooperatives. Because the report of your president covers this quite fully, there is no need for further comment from the management except to say that all employees are deeply grateful for the concern of the stockholders and directors for their happiness and security.

DURUM MILL

A word should be said about our one processing plant which is a durum flour mill at Rush City, Minn. This flour mill continues to be very useful to the producers of durum wheat. Because we have a large supply of durum shipped to GTA for marketing, there are at times great advantages to our durum shipper to be found where we are confronted with a soft durum market for good milling durum, at which time we have the opportunity to pay the full market value for that milling durum and divert it to your own durum mill for further handling.

As you know, your Grain Terminal Association cannot handle the business of privately operated country elevators because, under the cooperative laws which gave us our charter and operating rights, Grain Terminal Association is limited to handling only that grain which comes from farmer-producers. Therefore, the future growth of Grain Terminal Association must lie with the willingness of local farmers' cooperative elevators to favor Grain Terminal Association with their business and also the farmers to organize and establish local cooperative grain elevators where none now exist. That is all a part of the required technique to carry on the kind of economic war we have with the private grain trade.

So far as we know, we are experiencing no difficulties with processors, that is, those who mill wheat, crush flaxseed, malt barley, or buy grain for processing feed. We believe that the large processors have generally recognized the farmers' right to cooperatively market their grain up to the door of the processor; and understand the whole program for which Grain Terminal Association and the Farmers Union stand is that the farmers be paid a fair price for their produce that will give them parity of income with the other groups in the whole economy of this Nation. Surely, it requires no great amount of research on the part of anyone to learn that the terrible cost of living, which is borne by consumers, does not arise from the fact that farmers are paid excessively for the raw material. The processors, bakeries, the butcher shop, wholesale houses, and all are the ones to account to the consumers of this country for the prices that are presently paid by the consumers for the finished products of farm produce.

It has been our hope that with tremendous expansion in cooperative marketing, together with fair support prices from the Federal Government to protect farm prices, that it would not be necessary for the farmers to go into the field of processing and further distribution. If the processors will join the farmers in this respect then it will be the responsibility of consumers to deal with others than farmers as regards prices, which to them seem unbearably too high.

NATIONAL FEDERATION OF GRAIN COOPERATIVES

We want to call your attention again to the importance of the National Federation of Grain Cooperatives, which is composed of the following institutions:

The Farm Bureau Cooperative Association, Inc., Columbus, Ohio.

The Farmers Cooperative Commission Co., Hutchinson, Kans.

Farmers Grain and Bean Association, Denver, Colo.

Farmers Grain Cooperative, Ogden, Utah.

Farmers Grain Dealers Association of Iowa, Des Moines, Iowa.

Farmers Union Grain Terminal Association, St. Paul, Minn.

Farmers Union Jobbing Association, Kansas City, Mo.

Illinois Grain Corp., Chicago, Ill.

Illinois Grain Terminal Co., Chicago, Ill.

Indiana Grain Cooperatives, Inc., Indianapolis, Ind.

M. F. A. Milling Co., Springfield, Mo.

Michigan Elevator Exchange, Lansing, Mich.

North Pacific Grain Growers, Inc., Portland, Oreg.

Producers Grain Corp., Amarillo, Tex.

Union Equity Cooperative Exchange, Enid, Okla.

Westcentral Cooperative Grain Co., Omaha, Nebr.

We have had the honor of serving as its president since it was organized in 1939. It has grown into an effective national force. It maintains a full staff in Washington, headed by Mr. Roy F. Hendrickson, a veteran on Washington's agricultural front.

The federation's Washington office works with all farm groups. Some members of the federation are affiliated with the Farm Bureau, some with the Grange or Farmers Union, and some with no farm organization at all. But regardless of their affiliations, all members realize that the cooperatives' real responsibility on the local, regional and national level is to work together for a better income for farm families.

SMALL-BUSINESS MEN

We want to say a word to the small-business men on Main Street who have unwittingly supported such institutions as the National Tax Equality Association, in contrast to the policy makers in the National Tax Equality Association, who go out to the country level and operate at a profit, which profits they take into the cities and none of which ever returns, GTA has this comment: Such earnings as GTA makes on its members in the form of benefits and savings go back into the pockets of the local farmer and thus it increases the amount in the pocket of a farmer which he spends on Main Street, often in the business of the very man who contributes to the National Tax Equality Association.

Further, GTA, with the Farmers Union, is constantly looking for better prices and parity of income for the farmers back of Main Street, thus making a great contribution to the farmers who become better customers of the business people and professional people on Main Street. One day the so-called small-business man on Main Street will learn this truth and will then have as red a face for his unwitting expenditures against his own

best interests as the pollsters acquired on November 3 of this year.

WHERE DO WE GO FROM HERE?

We have reported to you where we have come from and where we were at the end of the last fiscal year, May 31, 1948. As a matter of fact, all thinking people in the United States and the world are wondering: "Where do we go from here?" Because of lack of planning and lack of courage, the simple truth is that we do not know where we are going from here. Even the people of the United Nations do not know where we go from here. While it is true that most of the important decisions are in the hands of other people, we all have a responsibility to do what we can whether as individuals or as institutions. There is much that our farm organizations and our cooperatives can and should do.

There are two outstanding things that we can do within GTA that ought to engage our attention during this stockholders' meeting. First, how do we increase our business, and, second, how do we increase our financial structure to take care of that business?

In GTA there are two peoples with a common purpose: those who produce for the market and the employees from the local elevator up through GTA who handle the products in the field of marketing. At the local level, out there on the battleground it is the responsibility of every Farmers Union local, every local board of directors, and every manager of the local grain cooperative to tell the story of GTA, its purposes and accomplishment in order to bring the volume through the cooperative channel. There is also the job of providing the financial structure which is the tool of distribution.

Adequate financial structure is as important in the field of marketing as the farm machinery is to put in the seed and harvest the crop. No farmer would think of operating a section of land with one horse and a plow. The wheat farmer with a section of land is combine-minded. He must have the same understanding of his cooperative marketing institutions. In this advanced age, no longer can you have a "horse and plow" country elevator. It must have adequate size, modern equipment, in order to meet the local problem of marketing. It must have an adequate base financial structure as part of the requirement of financing the cooperative business from the farmer to the processor.

GTA must have commensurate size to move its finances out there at the local level to furnish the required operating capital not owned by the farmers in their local cooperative. GTA must have the facilities in the form of line houses and subterminals and terminals so that it can properly handle the grain which is now so quickly harvested and made available to the market place.

The annual supply of grain is used over a 12-month period, but too much is marketed in a short time. Of course, to get the most out of the grain in the form of price there must be an orderly storage of the grain on the farm, at the local elevator, and at the subterminal and terminals. As we envision the period of the next 5 years, we believe that the line elevator department should be doubled to help provide the services and volume necessary to a proper base operation of the terminal elevators. Grain accumulated in the line elevators is intelligently marketed to and through the terminals. Our experts know when it is best to ship barley or wheat or any other commodity. In the case of the line, the local managers are told when to ship, and they ship.

In the case of the local cooperatives, we only advise what should be shipped. The local manager and board make their own decision, which is proper. But more and more the local cooperative elevator associations and boards and managers respect our advice and cooperate closely with better net results for the local cooperative elevator associations.

Immediately in the next few years we need to double the elevator capacity of the big Superior terminal. A large St. Paul river house is needed to specialize in the handling of barley. A large elevator is needed at Grand Forks especially devoted to handling of durum wheat. A more substantial terminal elevator is needed at Sioux City to handle distribution at that marketing point for grain out of Iowa, Minnesota, and South Dakota. We estimate the cost of these several terminals at $10,000,000.

Last year your management suggested that we attempt to raise $10,000,000 from farmers in the Northwest by offering 3-percent notes to run 20 years but subject to call within 5 years. The stockholders approved a resolution in support of that suggestion. As you will recall, during the year we have said and done nothing to promote that $10,000,000 program, and for a very good reason.

Right at the time of our stockholders' meeting a year ago, the Farmers Union Livestock Association immediately went out on a program to raise a large sum of money through the sale of stock and notes to take over a string of rendering plants. Soon thereafter, the stockholders of the Farmers Union Central Exchange, Inc., adopted a program to raise a substantial amount of capital to help them in their field of acquisition of increased petroleum supplies. We felt that our two Farmers Union institutions just referred to had more immediate need of capital than GTA, and it would be more acceptable to our stockholders and patrons if we yielded temporarily some time for them to carry out their financial programs.

We are encouraged to believe from what the Secretary of Agriculture has told us, and by general statements made by President Truman, that the Federal Government is going to concern itself about new storage construction to improve the marketing of grain. We sincerely hope that under proper auspices and policy that the new Federal Administration will intelligently deal with this problem.

Conceivably, the Federal Government could engage upon a program of constructing modern elevators to meet the growing requirements of our consumer needs in the United States and the demands abroad.

There is one thing in this report our competitors will like to read. That is our notice to the present Administration that we will join with any and all groups to keep the Federal Government out of directly operating in the field of farm marketing and distribution.

We are asking the Government to first engage upon an engineering job to determine where and what kind of facilities should be built to meet the prospective needs of production and distribution that the Government believes are needed to meet the requirements of domestic and world consumption; and that in that determination the farmers and their cooperatives should be carefully consulted; and that any such project of construction by the Federal Government should be of the REA type which puts the instrumentalities of distribution in the hands of the producers who need them and on a self-liquidating basis so that the Government will suffer no loss.

CONCLUSION

The experiences of the past several years, as well as the opportunities that lie ahead make it imperative that we continue to work with all farm groups to build a stronger cooperative program. We have a responsibility to contribute constructive leadership that leads to sound farm group action. Your association was built and is supported by farmers representing all groups of opinion. The measure of their support is their approval of our practices. The programs and achievements of Farmers Union Grain Terminal Association are the best reasons for the continued support of all farmers.

Your GTA has made a name for itself among the Nation's cooperatives. Its progress is watched and its achievements discussed. Even its competitors are impressed with its growth. But the real achievement of GTA must be measured by what it does to help make farming more stable and secure.

Your Farmers Union Grain Terminal Association has been able to do more than any farmer individually because it speaks for 150,000 grain producers who are its owners. It represents the combined strength of these farmers on important commodity issues that effect their daily operations.

It was the organized strength of these farmers, and their singleness of purpose, that abolished the worst of the grain warehousing and grain marketing abuses. The demands of organized farmers made it possible to secure a Farm Security Administration and a mortgage moratorium when such things were needed. Then, the organized efforts of farmers helped to bring into being such needed programs as crop insurance, crop loans, and support prices.

All of these achievements were possible because you people recognized the power of cooperative effort. You are on the march. Your fight now is to continue support prices, to get adequate storage for your grain, to build a better marketing system. These are implements that you are using for the purpose of helping to make your lives better and more secure on the farm.

Your work has just begun when you walk out of this convention hall. You are the leaders in your communities. Yours is the responsibility to educate, to inform and to direct. To the extent that you fail to live up to your responsibilities, to that extent your association is deprived of that power and influence so essential in the life of a strong, militant organization.

It is true that everything is not as we wish today. We see big business entrenched in high places, with its plans well laid to control the national economy. That is the story of aluminum, steel, rubber. But once the people are told the truth, and once they are organized, American democracy will be safe. The voice of the people—in the mines and factories and the offices and the farms—must be heard.

In all plans for the future there is the hope that eventually the control of marketing will be in the hands of farmers who produce man's basic requirements of food and fiber. Some there are who may doubt that such a hope can be realized.

My convictions today are even firmer than when I talked to the Farmers Union national convention in 1942. They are borne out by what has happened in recent months. What I said 6 years ago bears repeating again:

"The voice of the people has been heard in the land. The new hopes also bring new responsibilities. In the next 2 years the people will decide what they can do for themselves in building a more secure economy. That is the sobering challenge that comes in a time of victory. Although we have won an important battle, we have not yet won the economic war."

As the voice of progressive agriculture speaks out, it calls for the support of all farm organizations and cooperatives to help shape a long-time program to give American farmers economic security. To that end GTA has become a moral force as well as a business influence in the market places.

We value cooperation for what it already has done. But that is not enough. Its value will diminish unless its higher aims are fully realized. Let us resolve to join with all the progressive forces and move forward to build better—the cooperative way.

Farmers Union Grain Terminal Association—Condensed statement of financial condition as at May 31, 1948

Cash with banks	$4,557,886.82
Government bonds—amortized value	5,137,109.75
Receivable and accruals—less reserve	7,095,759.94
Inventories	2,922,157.91
Total current assets	19,712,914.42
Noncurrent assets—covering margin deposits, stock in cooperatives, contracts receivables, notes receivable for stock, etc	2,093,019.47
Fixed and deferred assets—(mostly land, buildings, machinery, and equipment) less depreciation	5,739,339.96
Total assets	27,545,273.85
Current liabilities	10,215,611.10
Noncurrent liabilities and current reserves	317,349.42
Members' net worth:	
Common stock	5,133.00
Preferred stock	14,716,984.55
Preferred stock credits	516,913.74
Permanent surplus	1,773,282.04
Total liabilities and net worth	27,545,273.85

SUMMARY OF FINANCIAL CONDITION

Net current assets	$9,497,303.32
Net noncurrent assets	1,775,670.05
Net fixed assets	5,739,339.96
Your GTA net worth	17,012,313.33

All amounts taken from annual report prepared by Strand & Roe, certified public accountants, Minneapolis, Minn.

Mr. LANGER. Mr. President, I ask unanimous consent that the entire article, a part of which was read by the distinguished Senator from Minnesota [Mr. HUMPHREY], dealing with the Korean war, by James G. Patton, president of the National Farmers Union, may be printed in full at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A STATEMENT TO FARMERS UNION MEMBERS

(By James G. Patton, president, National Farmers Union)

Our country is involved in a war not of its choice or making. The United Nations declared against the North Korean aggressors, trained and agitated into waging war on South Korea by Russia. The United Nations appealed to its members to resist aggression. The United States is the principal supplier of men and materials.

Farmers Union aided in promoting the idea of the United Nations. We participated, through our Government, at San Francisco in setting it up. Neither our conventions nor our directors and officers have ever wavered in our support of the United Nations. On the contrary, we have constantly sought to strengthen it by urging our Government to use this world body in all international matters instead of resorting to unilateral action. We have urged that foreign economic aid be administered through the UN. We opposed the Atlantic Pact because it was regional and would, in our opinion, tend to weaken the United Nations. We have sought at every point to strengthen the nonmilitary, economic, and social agencies of the United Nations. I am sure we will continue to do so.

We in the Farmers Union have earnestly sought ways to peace. We have openly criticized our Government's foreign representatives wherever they have made common cause with economic or political royalists and with supporters of the status quo. We have condemned the support or encouragement of governments anywhere which did not faithfully represent the rights and interests of the governed.

But it is quite another thing to withdraw or withhold support of the United Nations at every point of disagreement. And it is an evil thing to follow such withdrawal with the fomenting of armed aggression where the only need was for free and open elctions by the people. The errors of our own Government and its representatives in Korea, or elsewhere, provide no justification for Russia's actions nor for a war of aggression. If the United Nations is to have significance on the world scene, it had no choice but to act in fulfillment of its character and purpose and to call upon its members for armed resistance to armed aggression. The fateful die is cast.

We are now involved in war. Our men are facing trained and armed aggressors and some are dying on the fields of battle under the banners of the United Nations. It is a basic concept in the United Nations Charter that peace will exist only when armed aggression is outlawed and is thereafter defeated if madmen shall anywhere resort to it. To this we gave our pledge and will of course give our support.

But in supporting armed resistance to armed aggression we must also intensify our demands that the civil aspects of the United Nations be expanded and used as fully as its police aspects. We and other members of the United Nations must move rapidly to mobilize all-out production so that we can provide strong United Nations military force and at the same time provide the technical know-how and economic goods and services with which to help the people of the underdeveloped countries of the world win a peaceful, social, and economic evolution for personal and economic freedom which cannot be won by war.

Let all the countries of the world join through the United Nations to build a strong food and agriculture organization, a world food board which will stabilize production and consumption and aid in feeding the hungry and starving. A world health organization which can bring health to untold millions; a world development corporation with sufficient cooperation and backing that it will effectively build for the equality of mankind everywhere. The real struggle must be for freedom from military, economic, and social aggression. Aggressors, whether they be military, economic, or social, must be stopped.

Let Russia show her good faith by really joining the United Nations and putting an end to the walkouts. Let her join the food and agriculture organization and the international wheat agreement. Let her rejoin the world health organization. In all instances but the world health organization she has refused to cooperate, without walking out, in the original formation of these organizations. If she will join in building these devices for bettering the welfare of people and in turn join the United Nations in stopping aggression everywhere, then there can be hope for lasting peace.

Fraternally,

JAMES G. PATTON.

Mr. LANGER. Mr. President, I agree with the distinguished Senator from Minnesota that any man who had any inclination toward communism at all would not have made such a statement to the Farmers Union members as that which was made by James G. Patton. It is a remarkable and patriotic statement, Mr. President. It is just as patriotic as is any statement ever made by any Senator, including the Senator from New Hampshire, at any time or at any place.

Mr. President, I have placed in the RECORD, so far, the report of Mr. Thatcher for 1948. I now ask unanimous consent that there be printed in the RECORD at this point in my remarks an article entitled "Thatcher Opens Grass-Roots Drive for New Farm Program," which appears in the Farmers Union Herald of May 23, 1949.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THATCHER OPENS GRASS-ROOTS DRIVE FOR NEW FARM PROGRAM—SOUTH DAKOTA FARMERS FLOCK TO RALLIES—200,000 SOUGHT AS ACTIVE WORKERS TO CAMPAIGN FOR LONG-RANGE AGRICULTURAL PLAN—STRONG PROTESTS REGISTERED AGAINST 60 PERCENTERS AMONG FARM BUREAU TOP LEADERSHIP

Northwest farmers are all out for Agriculture Secretary Brannan's new farm program. A drive to recruit more than 200,000 as active workers for the new program is under way as part of the grass-roots campaign by Farmers Union Grain Terminal Association and Farmers Union. The drive got under way with meetings and radio talks in South Dakota in mid-May. Many farmers drove more than 100 miles to hear the talks and take part in the farm price campaign.

The grass-roots campaign was opened with two talks by M. W. Thatcher, general manager of GTA, before several thousand farmers at Aberdeen and Alexandria, S. Dak. Other talks were given by Robert Handschin, GTA research director, at Mobridge, Spearfish, Philip, Watertown, Huron, Viborg and Dallas.

Officers and members of the Farmers Union sponsored the meetings.

The meetings touched off a grass-roots protest against Farm Bureau leaders who are urging farmers to support the 60-percent of parity farm act which goes into effect in 1950. Strong opposition was expressed toward the 60-percent farm leaders and the stand that the big city newspapers have taken on the farm issue. Many farmers offered to become active worker for the new farm program following the South Dakota meetings.

Thatcher, in his talks to the South Dakota farmers and Main Street people, compared the so-called Eightieth Congress 60-percent-parity farm act and the provisions of the Brannan new farm program.

The Eightieth Congress farm act will go into effect in 1950 unless repealed. That is the farm bill that starts whittling prices on farm products.

"There's no group in the United States except the farmer who is being asked to settle his economy on 60 cents on the dollar," Thatcher said. "Why the rest of the Nation should expect farmers to be happy to get 60 cents on the dollar is something I can't understand. When farmers get 60 cents, who gets the other 40 cents?"

Abundant production under the Eightieth Congress farm law means that farmers will get a price trimming, Thatcher said.

That is something that is hard to explain, he said, why we are supposed to have prosperity with shortages, tough times with surpluses.

Assailing the champions of scarcity production as destroyers of our democracy, Thatcher said that if we are going to have an economic system that really works for all the people and not just a few, then the same economic laws that apply to labor and industry and finance must apply to farmers.

The new farm program, Thatcher told his audiences, is the first serious effort to make the farm economy fit the whole national pattern, so that the health and general welfare of the Nation is considered, as well as the economic plight of the farmers.

Outlining the merits of the new farm program, Thatcher took steps to explode the synthetic charges that have been hurled against it. He said the charge of regimentation and socialism that is made against the program is deliberately dishonest because it is no different than the restrictions that are imposed by the Eightieth Congress Aiken Farm Act. He said the charges that it will cost too much are mere guesses, and what we should decide is what will it cost the Nation, in terms of health as well as wealth, if there is no sound farm program. He scoffed at the fears raised that this is a subsidy.

Thatcher said what pleased him most about the new farm program are the efforts being made to (1) discourage farm factories or giant corporation farms; (2) and to encourage food prices within reach of the mass of consumers.

Under the plan proposed by Secretary of Agriculture Brannan, the principle of scarcity production would be abandoned.

Farmers would be encouraged to produce as abundantly as they can. They would be asked to raise a lot more meat and dairy products and fruits and vegetables.

The prices of these products would sell for what they could on the open market. The difference between the market price and the parity level would be made up by payments to the farmers. The theory is that consumers would benefit from the consequent lower food prices.

"Limiting the support-price guaranties to farmers up to $25,000 of gross income, or some other agreed-upon figure, would discourage the superoperator, who is a real threat to family-type farmers," Thatcher said. "Where the supports should stop is a matter of debate, but certainly we don't want any payments of $250,000 going out to a cattle baron or a huge sugar corporation, under the pretext that these payments are helping farmers."

Actually, the limit of support that a farmer could receive would, over a period of time, break up many of the corporation farms and bring them back into the family-sized farms. These farms, Thatcher said, are the real strength of American democracy.

Mr. LANGER. Mr. President, during the speech delivered by the Senator from New Hampshire, he took occasion to attack the Brannan plan. He seemed to intimate that any man who is in favor of the Brannan plan is a Communist. I can only say that I have been in a great many States and have found hundreds of thousands of farmers who are in favor of the Brannan plan.

I have here an article entitled "Brannan Plan Is Seen as Law by Next Year." I ask unanimous consent that this article, which appears in the Farmers Union Herald of May 23, 1949, be printed in full in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRANNAN PLAN IS SEEN AS LAW BY NEXT YEAR

If the Brannan plan is to become law this session, Members of Congress will have to whiz through committee work. Time is a big factor.

Conflict between the House and Senate committees is another. The House wants the permanent farm program passed now, but the Senate is holding back.

Washington officials are expressing the opinion that the Brannan plan will become law in 1950—but that there will be modifications as to costs and methods.

Need for the Brannan plan will be so great next year that the program will be adopted without difficulty. That's the way the analysts see it.

Trouble in the form of huge surpluses, nose-diving market prices, and reduced outlets will force Congress to take decisive action next year.

Public opinion is expected to play a part in getting the farm program put into law. And so far, the public isn't convinced that the crisis hour is here.

USDA officials complain of general public indifference at present to falling farm prices. Also the public, aided by the city press, isn't taken with the idea of a farm program based on subsidies.

During the hearings on the plan, potato kings came to District of Columbia and asked members of the committee why the Government couldn't get out of the potato business, and let the law of supply and demand have full reign.

Livestock associations, representing the cattle kings, also turned thumbs down on the plan. Milk producers want a support program separate from the others. And some farm organizations aren't going along.

These are some of the opponents of the plan as it is now proposed. Whether these same people will accept the plan with modifications remains to be seen.

The farm picture isn't completely black, however. There is talk of trying out the Brannan plan by permitting direct payments to producers to support hog prices.

Briefly, the trial program on pigs seems certain because statisticians have proven that the plan will save Government money.

Hog prices have dropped and are expected to dive further when fall marketings start. To support the price of hogs at $16.50 per hundredweight, the Government would have to buy dressed pork and place it in cold storage. Cost of this operation would run to $230,000,000—assuming hog marketings of 20,000,000 pounds and necessary purchases of 1,000,000,000 pounds by USDA.

But—if the Government paid farmers the difference between a market price of $15.50 (also assumed) and the "income support standard price" of $17.50—based on the same marketings and purchases of 10 percent of the pig crop, the cost would be about $40,000,000. This is a low figure as compared with $230,000,000 for purchases of dressed pork.

The Brannan plan has to buck same elements that oppose any kind of a planned economy or programs that anticipate future problems.

Stressed in Congress will be the fact that price supports must be tied in with crop adjustments. And farm members will also point out that a subsidy by any other name—loans, purchases, or direct payments—is still a subsidy if the money comes from taxes. In other words, a subsidy isn't to be treated as Public Horror No. 1.

The near-record wheat crop forecast for this year has USDA officials talking about marketing quotas and acreage allotments.

USDA would like wheat acreage cut more than a fifth in 1950—and quotas could get this cut.

Economists now agree that there is a business slump since farm prices and some industrial prices continue to fall and others to soften.

Farmers face further recession, say the economists, as large crops are harvested and market prices go down.

Cash receipts from farmer's marketings for the first 4 months of 1949 totaled less than year. Quantity of products marketed was up but prices were down.

No action has been taken as yet by the Senate on the International Wheat Agreement. At last report, no hearing dates had been set by the Foreign Relations Subcommittee.

Administrative provisions of the pact go into effect July 1 if accepted by all nations. Operating sections of the agreement are to go into effect not later than September 1.

Mr. LANGER. Mr. President, during the past few days the entire boxcar situation has been considered. One of the reasons why we have a boxcar shortage is the fact that the Government is not moving its crop. To show that the Farmers Union, which has been attacked as communistic, constantly studies the matter of price insurance, I ask unanimous consent that the article on that subject which appears in the Farmers Union Herald for April 1, 1949, be printed in full at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRICE, STORAGE—PROBLEMS DISCUSSED BY BRANNAN AND TOP USDA OFFICIALS WITH GRAIN CO-OP GROUP IN WASHINGTON

A parade of high Government officials, leading off with Secretary of Agriculture Charles E. Brannan, discussed Federal farm price and farm storage policies with members of the National Federation of Grain Cooperatives in Washington, March 17 and 18.

Goal of the administration's farm program is to stabilize farm income at a fair level with the rest of the Nation's population, Secretary Brannan said. He said that the farm bill will be ready for Congress early in April.

Congressman STEPHEN PACE of Georgia, a member of the House Agriculture Committee who is leading the fight against the low flexible price supports, predicted that this Congress would strengthen price supports.

Senators LANGER and YOUNG of North Dakota pledged their support for strong farm parity legislation at the federation's dinner meeting before which PACE spoke.

M. W. Thatcher, general manager of GTA and president of the federation, was chairman of the 2-day session. The federation is composed of 16 regional grain cooperatives, representing nearly 1,000,000 farmers. These cooperatives handle 500,000,000 bushels of grain annually.

Thatcher, in his talk, made it clear he spoke only for GTA, but had strong support from other regional members when he cracked hard at the idea that "farmers should meekly accept the idea that they have been getting too much, are only entitled to small share of the national income," and should gladly settle for cut-rate support prices.

Thatcher spent considerable time, following the federation meeting, with officials in the Department of Agriculture, reviewing developments on the farm price, farm storage, and farm-credit fronts.

GTA representatives at the federation meeting included board members August Dahme, Walter Blume, Bennie Brandt, and Virgil Gregg, as well as men from the grain department, the radio and publicity departments.

Federation members realized that any farm program would collapse unless food could be properly stored and handled. They have been pressing for enactment of legislation to permit farmers and their cooperatives to build additional elevators on a self-liquidating basis with Government aid.

There is reason to believe that such a program will be approved by Congress.

Among the other speakers at the 2-day meeting were William McArthur, Chief of the Government's Commodity Credit Grain Division, who discussed grain requirements and storage rates; Oris V. Wells, Chief of the Bureau of Agricultural Economics, who

gave an off-the-record review of parity concepts and the farm-price outlook; D. A. Fitzgerald, in charge of the ECA Food Division; Gov. I. V. Duggan of Farm Credit Administration, and Robert Farrington, acting commissioner of the Central Bank for Cooperatives.

Mr. LANGER. Mr. President, in the same issue of the Farmers Union Herald there is an editorial entitled "A Farmer Looks at Parity." I ask unanimous consent that the editorial may be printed in full at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A FARMER LOOKS AT PARITY

(By Gilbert Nelson, Renville, Minn., farm operator)

(The following is an answer by a farmer to a city newspaper editor's attack on full parity price support for farm products. Since this letter, sent to us without solicitation by its author, represents our views and is so ably written we publish it herewith in lieu of our regular editorials.)

In the Minneapolis Star of March 24 and the Sunday Tribune of March 27 Arthur Upgren again tries to convince the farmer that he, the farmer, is something less than a 100 percent citizen.

His first column complains about an article in the GTA Digest. There an exposure was made of industry's plan to shift part of its payrolls onto the back of the farmer by depressing agricultural prices below parity. Upgren reveals a rather illogical bias by suggesting that the farmer, by opposing 60 percent of parity, is also bound to oppose any downward adjustment from the unusual and short-lived postwar highs.

We are not going to be impaled on the horns of Upgren's dilemma. We do not expect a guaranty of 14 percent of parity; we will not accept 60 percent; we demand the altogether reasonable alternative of 100-percent parity. The word "parity" is defined as equality. By its very inherent meaning, the word does not lend itself to any percentage figure other than 100 percent. Anything less is a libel on Noah Webster and a fraud on the American farmer.

Upgren belittles the "last ounce" of full parity. Forty percent is a pretty big "last ounce," considering the fact that it includes all of the farmer's wages and a good portion of his out-of-pocket expenses.

Upgren's arguments are numerous, if faulty. He suggests that farmers should accept a lower price because their per-man productivity is increasing. Increased productivity has resulted from longer workdays, due to labor shortages; use of more expensive methods and machinery; and introduction of better yielding, and, consequently, more soil depleting, crop varieties. If the farmer is not to enjoy the fruits of his increased productivity, then who is? Upgren does not say. The GTA Digest does say—the factory owner.

Upgren also suggests that flexible supports may stay at 90 percent under the present law. I fear he overestimates the credulity of working farmers. Long experience with Government in agriculture leads us to believe that "flexible" supports will be flexible only one way—down—and all the way down. Most proponents of the present law conceal the fact that it provides for only 75 percent supports for a "normal" crop as well as the fact that the parity base itself will be cut 12 to 22 percent on major crops.

This has been accomplished by dropping the 1909–14 base, and substituting the average price for the last 10 years. This gerrymander will include years of depression and wartime controls that work to the disadvantage of the farmers. Likewise—Upgren tries to confuse with the arbitrary selection of unrepresentative base years, and the use of price indexes without corresponding data on cost of production.

Upgren tries to play the factory worker off against the farmer. Because the factory worker does not get a "parity" unemployment benefit, the farmer should not be entitled to a fair price for the product of his labor. We do not believe that two wrongs make a right; nor do we appreciate being made a party to a divide-and-rule philosophy. A guaranteed decent standard of living for city workers would insure, more than anything else, a healthy farm prosperity.

As adjuncts to 100 percent parity, Upgren resurrects the bogeymen of "control" and "regimentation." Control implies planning, and planning is a fundamental necessity in our complex modern world. The alternative to planning is anarchy. Regimentation is a danger only if working farmers surrender their inalienable right to do their own planning. Planning by farmers for farmers is not regimentation. It is the highest expression of the democratic process.

In his second column Upgren says that "net farm income has increased more rapidly since 1939 than any other group except corporate profits." Another way to say the same thing is that corporate profits have increased faster than the income of either farmers or city workers. This obvious fact is no argument against guaranteeing the farmer a decent wage through decent prices. He still takes all of the risks inherent in nature—drought, flood, hail, insects, and a host of others.

Upgren compares net farm income with net corporate profits. But net farm income is figured before computing the operators' wages and income taxes. Corporate profits are figured after payment of huge salaries to many owner-executives and after income taxes. A tremendous portion of wartime and postwar corporation profits have been concealed in hidden items such as excessive charges to depreciation and other reserves, gifts or near gifts of buildings and equipment from the Government, tax rebates, and the like.

He also compares net income per farm with industrial wages and cost of living. Again he leaves out of consideration the facts that farms are averaging bigger, huge corporation farms are included, the farmers are working longer hours and using more family help, and increased investment in farm machinery creates a heavy interest factor which cannot be included as wages.

Another absurdity on his graph shows industrial wages increasing more rapidly than the cost of living since 1945. Ask any city worker or housewife, and they will tell you the extent of this falsehood. It is no secret that the average worker has had to spend most of his wartime savings, as well as all of his wages, to keep up with skyrocketing living costs. Since 1940 factory workers have increased per man productivity by 25 percent, but are getting paid 20 percent less in terms of buying power per unit produced. By the same standards that he applies to farmers, Upgren would consider this fair also.

He admits to a "common resolve that farmers shall not be exposed to demand and supply conditions which are so disastrous." He admits that these conditions produced farm prices at 55 percent of parity in 1932. His implied solution is to retain the present bill which guarantees only 60 percent of a degraded parity—actually less than the abomination of 1932.

Mr. LANGER. Mr. President, I have another article entitled "Cooperation—The Bond of Brotherhood." It is a clergyman's viewpoint. The clergyman is Dr. L. S. Imm. I ask unanimous consent that the editorial may be printed in full at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COOPERATION—THE BOND OF BROTHERHOOD—CLERGYMAN'S VIEWPOINT

(By Dr. L. S. Imm)

Several weeks ago, I drove some distance out into the country. Along the way I struck up an acquaintanceship with a farmer. I drove on his place a total stranger to him. He proved to be the friendly and sociable type. Tinkering around on his tractor and plow in preparation for spring plowing, he seemed to want to talk.

We soon found that we had something in common: We both felt cooperatives were necessary to stabilize and promote agriculture.

"Take away or cripple the cooperatives, and the farmer will be taken for a ride again. Look what has happened to farm prices this last year," he said in effect.

His thought went back to the early thirties. He told me what had happened to him and his neighbors during the depression. "If there would be enough cooperatives, the chances of something like that happening again would be much less," he said.

My new acquaintance said he was for cooperatives, not only because they have become a necessity for producer and consumer, but also because they were a good thing for the community as a whole, for schools, churches, the professional man and the businessman on Main Street.

He is right. The more cooperative in its business structure a community is, the more flourishing is its life. It has a bearing on its cultural, social, religious, and civic life. Everybody contributes and everybody benefits in proportion to his contribution. Working together for the common good creates interest and stimulates joint action. It develops a bond of brotherhood to give the principle of the Golden Rule a chance for practical expression.

Economic cooperation is by far more than just another way of doing busines. If that were all, its possibilities would be limited and its merits questionable. Little would it matter whether or not it grew.

It is a way of life to better the lot of the common man. It rests on a solid foundation because it is reinforced with the moral precepts of the Nazarene Carpenter. That makes it brotherhood economics. It glories on service, not in the accumulation of dollars and cents for their own sake. That is a point worth remembering. It constitutes the sinews of the cooperative movement.

If the dollar ever becomes the pivot of the cooperative movement, it will have lost its soul. That is the trouble with laissez-faire (uncontrolled) capitalism today. It accounts for the many evils that have followed in its wake. It is a potential breeding ground for totalitarianism which is foreign to the best concepts of what the family, home, school, and the church ought to be in a free society.

Mr. LANGER. Mr. President, the distinguished Senator from New Hampshire stated in his speech something with reference to there being three Communists in the organization. I do not know of any law which provides that a Communist cannot join a cooperative organization.

Mr. President, there appears in the Farmers Union Herald for March 12, 1948, an article entitled "Record Central Exchange Meet Opens—Attendance Expected To Hit 2,500." So, out of 2,500 persons attending the meet there were 3 Communists. I am not sure about that. I invite attention to the fact that

there are 37,000 members of the Farmers Union in North Dakota.

I ask unanimous consent that the article to which I have just referred be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RECORD CENTRAL EXCHANGE MEET OPENS—ATTENDANCE EXPECTED TO HIT 2,500

As this issue of Farmers Union Herald goes to press, it is apparent that all records for attendance will be broken when delegates and visitors convene Monday at the Lowry Hotel in St. Paul, Minn., for the seventeenth annual meeting of the Farmers Union Central Exchange. It is expected that from 2,000 to 2,500 people will be present.

The meeting Monday will be called to order by President Leo Doheny, followed by appointment of members of various committees and the reading of the minutes of the last annual meeting by William E. Sanderson, secretary. Doheny will follow with his annual report, after which there will be remarks by other officers and the directors.

Immediately after the convention is called to order in the afternoon, E. A. Syftestad, general manager, will give the financial statement and his annual report.

At 3:30 p. m. a forum will be held, to be addressed by the presidents of the State organizations of North Dakota, South Dakota, Minnesota, Wisconsin, and Montana.

Tuesday morning will be devoted entirely to a discussion by the delegates of problems in connection with the operation of the exchange and affiliated cooperatives. All department managers of the exchange will be present to answer questions or participate in the discussions. At 11:30 the meeting will be recessed to permit the States to caucus for nomination of directors.

First on the program for the afternoon is the election of directors, to be followed at 3 o'clock by a tour to the Northwest Cooperative Mills and the Farmers Union Grain Terminal Association office building. Special busses will carry delegates and visitors to the two places.

Wednesday morning will be devoted to a tour of the recently enlarged main plant of the Farmers Union Central Exchange at the city limits on the highway to South St. Paul. Special busses will leave the Lowry Hotel every 45 minutes between 8 o'clock and 10:15. Returning busses will arrive at the Lowry Hotel at 12 noon.

On the Wednesday afternoon program are W. E. Rumble, FUCE general counsel, and Dr. O. B. Jessness, chief, division of agricultural economics, University of Minnesota. Action will be taken on the resolutions and amendments to the articles of incorporation.

The Farmers Union Cooperative Credit Association will meet Thursday morning and the Farmers Union Accounting Service, Inc., in the afternoon.

Tuesday evening the annual ladies' dinner at the Lowry Hotel will be held, with a style show and an address by Mrs. Lois P. Hatton, style editor of the St. Paul Pioneer Press-Dispatch. Short talks will be given by the State educational directors and by Mrs. Gladys Talbott Edwards, national educational director.

The managers' banquet will be held the same evening at St. Paul Hotel.

The annual banquet will be held Wednesday evening. Jerry Voorhis, executive secretary of the Cooperative League of the United States of America, will be the guest speaker.

The convention will close with the annual dance Thursday night.

Mr. LANGER. Mr. President, to show how North Dakota towns have Farmers Union locals, I have here an article which gives a record of some of the towns, including Makoti, N. Dak.; Mandan, N. Dak.; Lankin, N. Dak.; and many others. It shows the amount of money they have made. I might say, Mr. President, that it is very rarely that one of them fails.

I ask unanimous consent to have printed in the RECORD the article to which I have referred, showing the uniformity of the profits of this organization which the distinguished Senator from New Hampshire says is communistic. As a matter of fact, so far as I know, not a single member is communistic. Every member, so far as I know, is a God-fearing, Christian gentleman. These men are working together in order to market their grain cooperatively, to save what money they can, and to fight the Grain Trust. The record shows that they have been successful in that endeavor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Farmers Union Herald of October 3, 1947]

RECORD OF SAVINGS AND SERVICE MARKS YEAR FOR FARMERS' CO-OP ELEVATORS

NORTH DAKOTA

Makoti, N. Dak., Farmers Cooperative Elevator Co. ended a successful fiscal year June 30 with net savings of $49,925. Over $46,000 was paid out in cash dividends. The report was given nearly 100 patrons and stockholders at the annual meeting July 12. Fieldman Thomas Nielson represented GTA at the meeting. The audit report showed total assets of $146,738 for the co-op. On the board of directors Ben Staflin was elected to succeed John Braaten. E. J. Hovda was also elected a director. Other members are Andor Anderson, J. B. Jenson, and B. H. Janz. All are Makoti residents. The elevator manager is Arnold T. Skarsgaard.

Mandan, N. Dak., Farmers Union Grain Association held its first annual meeting July 11. Highlights of the meeting were a review of the organization's beginning and a report on construction of the elevator. Fieldman Edward A. Vasichek explained GTA's terminal operations and the value and importance of marketing grain cooperatively all the way to the final market. The entire temporary board of directors was elected. It consists of L. F. Zander, president; Otto Hagerott, vice president; Earl Schauss, secretary-treasurer; Elias Ellison and Ted Hagerott, directors, all of Mandan; John Covlin, who has a record of successful management of cooperative grain elevators, is operating the Mandan elevator.

Lankin, N. Dak., Farmers Union Elevator Co. completed a successful fiscal year June 6, and at the anual meeting July 11 reported to 100 patrons and stockholders a net saving of $29,791 and a grain handle of 286,890 bushels. The audit report, read and explained by GTA fieldman A. T. Hilden, showed total assets of $180,404, and total patrons' and stockholders' equity of $99,862. The year's savings were distributed on the basis of 9 cents a bushel on wheat, 6 cents on durum, 29 cents on flax, 7 cents on barley, 5 cents on oats and 12 percent on merchandise. The success of this cooperative enterprise is shown by the fact that it began business in 1939 with $9,400 borrowed capital. Hilden explained the cooperative facility expansion program proposed by GTA, pointing out that it is aimed at building cooperation into a dominant factor in the markets, working for fair and stabilized prices. On the board of directors of the Lankin elevator are Joseph Kratochvil, Lankin, president; John Novak, Lankin, vice president; A. E. Erickson, Lankin, secretary; Oliver Ruzicka, Lankin; B. C. Bergerson, Park River; Oliver Gustafson, Adams; and A. A. Trovatten, Park River; directors. The capable manager is T. J. Sobolik.

Kramer, N. Dak., Equity Elevator Co. ended a successful year with net savings of $38,979, and a grain handle of 441,200 bushels of grain. The audit report was read and explained to 150 patrons and stockholders at the annual meeting July 14 by GTA fieldman Thomas Nielson. A veteran cooperator, Fred G. Bartz, who had served on the board since 1906, was honored at the meeting. Nielson spoke to the farmer-patrons, explaining a program GTA has proposed to expand and build up local and regional cooperative marketing facilities. The program, he said, aims at making cooperation the dominant and controlling factor in the market places. Elected to the board of directors were Erick Neumann and Albert Brandt, directors. Other members are Justin S. Evenson, president; Herman Kaeding, vice president; Delbert Volbrecht, secretary-treasurer; all of Kramer. Manager E. F. Trotter was complimented for his operation of the elevator during the past successful year.

Hensel, N. Dak., Farmers Union Elevator Co., managed by Charles Weed, reported to nearly 100 patrons and stockholders at the annual meeting June 19 a net saving for the past fiscal year of $28,921. The co-op handled 392,938 bushels of grain. This was the elevator's eighth annual meeting. Savings were distributed in cash, 5 cents on wheat and durum, 4 cents on oats and barley, 15 cents on flax, 5 cents on rye and 5 percent on merchandise. The audit report was read and analyzed by GTA fieldman W. G. Webber. It showed total assets of $188,976, and a total patrons' and stockholders' equity of $73,059. On the board of directors, Wilson Greenwood, vice president, and C. I. Gudmundson, director, were reelected. Albert Johnson was elected a director to replace Albert Widme. Other members are Louis Hillman, president; William Selheim, secretary; Alex Lawonn and B. H. Busse, directors, all of Hensel with the exception of Hillman and Gudmundson of Mountain.

Glenburn, N. Dak., Farmers Union Elevator Co. ended the past fiscal year with net savings of $16,040 and a grain volume of 336,400 bushels, according to the audit report read and analyzed by elevator president W. R. Blume. He also spoke on the facility expansion program GTA has proposed to build cooperative marketing into the most influential factor on the markets. Stockholders voted to support the program. H. B. Johnson, Deering, director, was reelected to the board of directors. Other members are W. R. Blume, Glenburn, president; John O. Simonieg, Minot, vice president; Bennie O. Dahl, Glenburn, secretary-treasurer; Harry Christopher, Minot, director. This successful cooperative is managed by Rudy F. Lee.

Bowbells, N. Dak., Farmers Union Cooperative Association held its annual meeting July 15. The audit report, read and analyzed by GTA fieldman A. T. Hilden, showed a handle of 251,503 bushels and a net saving for the past fiscal year of $28,472. Total patrons' and stockholders' equity in the cooperative is $106,095. Hilden talked on the terminal marketing operations of GTA, and the plan that has been proposed to expand both local and terminal cooperative marketing facilities. Stockholders voted to support this program of expansion. On the board of directors are Gunther Harms, president; Tom Jacobson, vice president; Nick Ackerman, Ernie Hass, and Jake Gagnum, directors, all of Bowbells. Operations of this elevator are under the able manager J. B. Walleen.

Clifford, N. Dak., Farmers Cooperative Elevator Co. reported to patrons and stockholders at the annual meeting August 9 a net saving for the past year of $14,316. The audit report, read and explained by GTA fieldman L. Oppegaard, showed a handle for the year of 226,855 bushels of grain. The Clifford cooperative has a working capital of $34,000 and a net worth of $63,087. GTA fieldman A. T. Hilden spoke on the expansion program proposed to build up cooperative grain marketing facilities in the Northwest until they are dominant in the market place. New directors on the board of the elevator are Jens Lomerud and Mark Lofland. Other members are Conrad Rygg, Clarence Anderson, T. Brandburg, Algot Nelson, and John Ness. Manager of the cooperative is Ember Brovik.

Scranton, N. Dak., Equity Exchange reported an outstanding year to over 200 patrons and stockholders at the annual meeting July 26. Net earnings for the past fiscal year were $217,038. The elevator department showed a handle of 1,021,903 bushels of grain and merchandise sales of $140,000. Oil department sales were $230,626, with a saving of $38,060. In the store, sales were $106,536, with savings of $7,674. Total savings were distributed on the basis of 13½ cents on wheat, 13 cents on barley, 8 cents on oats, 33 cents on flax, 30 cents on rye, 10 percent on merchandise through the elevator, 13 percent on oil department business, and 5 percent on store sales. The Scranton elevator has 416 member stockholders. Net worth is $125,617, and total assets $516,023. GTA was represented at the meeting by Fieldman L. E. Jacobson. On the board of directors, Herb Brown was elected a director succeeding M. Torpen. Other members are C. H. Ensign, president; Ben Reimer, vice president; L. K. Morland, secretary-treasurer; and Howard Flatz, director, all of Scranton. The successful operations of this cooperative are managed by Sam Elenbaum, elevator; E. I. Butler, oil; and L. Hildestad, store.

Agate, N. Dak., Farmers Cooperative Elevator Co. paid patronage dividends of 11 cents a bushel on wheat and durum, 10 cents on barley, 13 cents on oats, and 73 cents on flax from its net savings of $38,478, realized through cooperative marketing during the past fiscal year. The audit report was given by William L. Larson, Agate, president of the elevator, at the annual meeting June 16. It showed a grain handle of 325,000 bushels, and total assets of $245,085. Nearly 100 patrons and stockholders attended the meeting and heard Larson and GTA Fieldman W. G. Webber speak on operations of the terminal marketing co-op. Webber told about the program GTA has proposed to build and strengthen local and regional grain-marketing cooperatives, until cooperation is the dominant factor in the markets. Other speakers discussed marketing, organization, and education problems of farmers. The elevator is competently managed by Oswald Egeland.

Northwood, N. Dak., Equity Elevator Co. ended the past fiscal year with savings of $70,593, over 100 patrons and stockholders learned at the annual meeting July 12. It handled 809,200 bushels of grain. The cooperative has total assets of $252,496. Fieldman Raymond J. Douglas, representing GTA, talked on cooperative grain marketing and the need for a sound, stable agricultural program. On the board of directors are A. J. Offerdahl, president; B. S. Draxton, vice president; C. T. Ulbuy, secretary; Gilbert Gunderson, treasurer; Albert Onsager, Albert Gielsheim, and Ben Uglem, directors, all of Northwood. Manager of the elevator is William Lee.

Sherwood, N. Dak., Farmers Union Elevator Co., which has a new cement grain structure in operation, reported net savings for the past fiscal year of $16,852 to 150 patrons and stockholders at the annual meeting July 10. The audit report, read and explained by GTA Fieldman Thomas Nielson, also showed a grain handle of 314,000 bushels. The co-op has total assets of $224,472. Nielson told farmer-patrons at the meeting about the program GTA has proposed to build up local and terminal cooperative grain-marketing facilities in the Northwest. He said cooperation should expand until it is the most influential factor in the markets, working for fair and stable agricultural prices. On the board of directors, Bert Shaver of Norma, president, and Elmer Strand of Tolley, vice president, were reelected. Other members are Alvin Nelson, secretary-treasurer; W. J. Rusch and Peter B. Swanson, directors, all of Sherwood. The elevator is capably managed by Walter Abrahamson.

Gardner, N. Dak., Farmer Elevator Co. heard an audit report this year showing a handle of 179,215 bushels of grain and a gross earning of $15,513. The annual meeting was held July 30. Repairs totaling $4,800 were charged off, and a net savings for the year of $3,822 after deduction of all expenses was reported. GTA was represented at the meeting by Fieldman Raymond J. Douglas. The board of directors for the coming year consists of Frank A. Colwell, president; Harry Knutson, vice president; Bennie Nedrebo, secretary-treasurer; R. H. Waitzel and E. W. Burley, directors, all of Gardner. Manager of the elevator is Selmer Engen.

Ray, N. Dak., Farmers Union Elevator Co., opearting elevators at Ray and Temple, held its annual meeting June 27. Savings at the Ray elevator were $20,958, and grain volume 362,099 bushels. At Temple volume was 112,037 bushels and savings $6,937. In addition to operating other co-op enterprises at Ray, the cooperative is building an elevator at Wheelock. At the meeting 1942 savings approximating $10,000 were paid out in cash. Assets over liabilities are $42,918, and patrons' and stockholders' equity is in excess of $200,000. GTA Fieldman G. E. Broe read and discussed the audit report, and emphasized necessity of farmers adopting a program leading to stable agricultural prices. He told about the program GTA has proposed to build co-op grain marketing facilities in the Northwest until they are strong enough to bring about these stable prices. On the board of directors of the Ray co-op are Iver Solberg, president; R. Earl Delaney, vice president; Carl M. Hodenfield, secretary-treasurer; Joe Daniels and B. R. Thompson, directors—all of Ray. The Ray elevator is managed by Orion E. Drager, and the Temple elevator by Orville M. Olson.

Selfridge, N. Dak., Farmers Union Elevator Co. reported the past fiscal year's operations to patrons and stockholders at the annual meeting July 10. The audit report, read and analyzed by GTA Fieldman E. A. Vasichek, showed net savings of $14,153 and grain volume of 263,000 bushels. The cooperative's total assets are $61,136, and total patrons' and stockholders' equity, $31,846. Lewis Meisel and Henry Geigle were reelected to the board of directors. New members are Christ Goehring, George Schaeffer, and Harry Whipple. Meisel is president; Schaeffer, vice president; Goehring, secretary-treasurer; Whipple and Geigle, directors. All are Selfridge residents. Manager of the elevator is Otto Bruning.

Bucyrus, N. Dak., Farmers' Equity Association held its annual meeting July 12, reporting to patrons and stockholders a net saving for the past fiscal year of $16,697, and a grain volume handled of 173,572 bushels. The audit report was read and analyzed by GTA fieldman E. A. Vasichek. He spoke on GTA's proposed program for building up cooperative grain marketing facilities, and stockholders adopted a resolution approving and supporting the program. The board of directors was reelected. President is C. E. Striker; vice president, Arthur Hoffman; secretary-treasurer, E. A. Stafne; directors, George Ehlers and P. N. Stedge. The elevator is capably managed by Raymond A. Honeyman.

Parshall, N. Dak., Farmers' Union Cooperative Elevator Co. had over 100 patrons and stockholders at its annual meeting July 18. It reported net savings for the past year of $39,863. Grain volume amounted to 542,389 bushels. The cooperative has total assets of $396,088, and a total patrons' and stockholders' equity of $179,357. GTA was represented by Fieldman Thomas Nielson, who read and explained the audit report. He told about the program GTA has proposed to build up cooperative grain marketing facilities, local and terminal, until they are the dominant, controlling force in the market place. George Jordet, for 31 years secretary-treasurer of the cooperative, was again elected to the board of directors. Ed May was elected director. Other members are A. C. Torgerson, president; Albert Moerke, vice president; J. R. Binkley, Olaf Olson, Hans Monson, directors, all of Parshall, with the exception of Moerke of Van Hook. Operations of this successful cooperative are under F. W. Ahlgren.

Larimore, N. Dak., Farmers' Union Grain Co. held its annual meeting July 8. It reported to patrons and stockholders a net saving for the past fiscal year of $1,635 and a grain volume of 47,300 bushels. Ole Olson, GTA director, and Fieldmen Fred Groninger and W. G. Webber were present at the meeting. Groninger read and explained the audit. He discussed prices and the future of agriculture, emphasizing the need for stability in markets and prices. Olson told about the aims and purposes of GTA, and the plan it has proposed for building cooperative marketing into the dominant and controlling market force. The Larimore elevator's board of directors consists of Robert E. Lee, president; Charles Ouradnik, secretary; R. Walter Olson, C. O. Haugen, Marvin Nelson, E. Peterson, Joe Jahna, and Ben Tangen, directors. The elevator is managed by Spurgeon Buckingham.

McCanna, N. Dak., Farmers Union Exchange, a cooperative with total assets of $157,155, reported to patrons and stockholders at the annual meeting July 28 a net savings for the past fiscal year of $36,269. Patrons' and stockholders' equity is $98.046. Grain volume for the year amounted to 236,659 bushels. The audit report was read and discussed by GTA fieldman W. G. Webber. He told about the program GTA has proposed to expand cooperative grain marketing facilities. Stockholders voted approval of the program. Andrew Vien, of Niagara; and James Erickson, of Fordville, directors, were relected to the board of directors. Other members are E. M. Peterson, McCanna, president; Miller Engh, Niagara, vice president; John Kyllo, McCanna, secretary. O. M. Eidem is the competent manager of this elevator.

Forbes, N. Dak., Equity Exchange ended the past fiscal year with net savings of $35,590, and a grain volume of 259,300 bushels, patrons and stockholders learned at the annual meeting July 19. The audit report showed total assets $178,773, and a total net worth of $118,999. Fieldman Ray Douglas, representing GTA, spoke on the growing value to farmers of cooperatives, and the need for a sound, stable agricultural program. On the board of directors are William Wachter, president; J. J. Wageman, vice president; A. S. Marshall, secretary-treasurer; James Brown and J. E. Merkel, directors; all of Forbes. The elevator is under the capable management of G. J. Bohle.

Kulm, N. Dak., Farmers Cooperative Elevator Co. had net savings during the past fiscal year of $22,240, and a grain handle of 307,125 bushels, patrons and stockholders learned at the annual meeting July 23. The audit report was given by GTA fieldmen L. M. Oppegaard and Lyle Fugle. It showed total

assets of $103,025. They told about the program GTA has proposed to construct new cooperative grain-marketing facilities in the Northwest, and expand until cooperation is a dominant factor in grain marketing. Two new directors were elected on the board. They are Edwin Malm and Fred Vogle. Other members were reelected. They are Victor Ogren, president, William Staeck, vice president; Gottlieb Hartman, secretary; Helmuth Hillie, Solomon Hildebrand, directors; all of Kulm. Clarance Guthmueller is manager.

Fonda, N. Dak., Farmers Grain Co., at its annual meeting June 17 reported to patrons and stockholders a net saving for the past fiscal year of $36,763, and a grain volume of 206,805 bushels. A. W. Aamodt, fieldman for GTA, read and explained the audit report, and told about the regional cooperative's progress in marketing facilities all through the Northwest, building cooperative marketing into a dominant place on the market. Reelected to the board of directors were Fred Dubay, Alex Kraft, and Matt Hagen. Dubay is president, Kraft and Hagen directors. Others members are Chris Foss, vice president; R. Holem, secretary-treasurer; Gerhart Lund and Henry Boucher, directors; all of Rolette. New manager of this elevator is Paul Rutherford.

Dickinson, N. Dak., Farmers Cooperative Union Elevator Co. completed its most successful year June 30, and at the annual meeting July 26 over 100 patrons and stockholders heard an audit report of $71,206 in net savings. The cooperative handled 382,903 bushels of grain. Its total assets are $150,684. Of this elevator's net earnings during the past fiscal year, $16,400 came from GTA, the result of carrying cooperative grain marketing all the way up through the terminal level. It is one of the hundreds of Northwest cooperative elevators building additional savings and services by applying cooperative principles and farmer ownership of marketing facilities all the way to the final market. GTA was represented at the meeting by fieldman Lawrence Jacobson. Stockholders voted a resolution supporting the cooperative facility expansion program proposed by GTA. Manager of the Dickinson elevator, Fred Esslinger, was honored at the meeting for his long service in that position. He is beginning his thirtieth year of service. On the board of directors, Joe V. Ridl and John Frenzel were reelected. Other members are Joe Frenzel, Joe Kovash, Joe M. Miller, Joe Stroh and Frank Miller. The board will reorganize and elect officials at a later date.

Power Lake, N. Dak., Farmers Equity Elevator Co., in an area which suffered crop damage last season, came through with a grain handle of 164,000 bushels and a net saving of $14,391. After deductions, cooperative grain marketing will return to farmers of the area dividends totaling $11,940. The audit report was analyzed by GTA fieldman C. G. Tofte. He pointed out the accomplishments of the cooperative and its farmer-patrons through their cooperative marketing of grain. Millard Tande and Lawrence Nelson were reelected to the board of directors. Tande was then elected president. Other members of the board are Carl Breding, vice president; J. N. Mollet, secretary-treasurer; Ole Bjerkness, Albert Peterson, Jacob Boyd, directors; all of Powers Lake. The manager of the cooperative is Philip Peterson.

Antler, N. Dak., Cooperative Grain Co. reported a very successful year to patrons and stockholders at the annual meeting July 19. Net savings for the year were $23,251, and grain volume handled 276,311 bushels. GTA Fieldman Thomas Nielson read and explained the audit report. He then discussed the plan GTA has proposed to build up and expand cooperative grain marketing facilities to a point where the influence of cooperative marketing is dominant in the market places. Reelected to the board of directors were F. J. Artz, director, and Harold Artz, secretary-treasurer. Other members are Ed Backhaus, president; Arthur Felland, vice president; Axel Nelson, George Larson, Oscar Holluf, directors. All are from Antler with the exception of Nelson, of Mohall. The capable manager of the elevator is Hans J. Hansen.

Corinth, N. Dak., Farmers Elevator Co. met July 2 with President Ole Gunderson presiding. The audit report showed a net saving for the past fiscal year of $1,200 and a grain volume of 109,870 bushels. At the meeting savings for the 1944–45 season were paid out in cash. Fieldman G. E. Broe, representing GTA, outlined the plan proposed to expand cooperative grain marketing and make it a dominant factor in bringing stabilized grain prices. The plan was supported by stockholders. On the board Gunderson was reelected as president. He has served on the board since 1918. Other members are Andrew Ring, vice president; Peter Binde, secretary-treasurer; Claude Christensen, Gilbert Dalke, Orville Satern, and Tom Fredrickson, directors, all of Corinth. The elevator is managed by Henry O. Holgerson.

Crosby, N. Dak., Farmers Union Elevator Co. held its annual meeting July 10. The audit report, read and analyzed by GTA Fieldman G. E. Broe, showed $53,226 in savings for the past fiscal year, of which $13,000 was paid out in cash. Grain handled totaled 490,155 bushels. Broe told about the program GTA has proposed to expand co-op grain marketing facilities in the Northwest until cooperative marketing becomes a dominant factor. The plan was indorsed by stockholders. Crosby now has one of the most modern country grain marketing and cleaning facilities in North Dakota. The entire board of directors was reelected at the meeting. Members are R. W. Redlin, president; Luther M. Gilbertson, vice president; Lloyd Bummer, secretary-treasurer; Andrew Holm and John N. Jacobson, directors, all of Crosby. Capable management under Norman Bjella is helping to make the elevator a success.

Trenton, N. Dak., Farmers' Union Elevator Co. reported to patrons and stockholders a net saving for the past fiscal year of $3,558 at the annual meeting July 12. The audit report, read and analyzed by GTA fieldman G. E. Broe, also showed a grain handle of 108,600 bushels. Improvements costing $16,000 had recently been made on the elevator, and stockholders voted to put this year's savings into a reserve account. Broe explained the plan proposed by GTA to expand cooperative grain marketing facilities throughout the Northwest, and stockholders approved this plan to make cooperative marketing the dominant force in the markets. Members of the board of directors of the Trenton elevator are G. B. Southard, president; Dwight Houston, vice president; Fritz T. Martin, secretary-treasurer; John Irwin and John Osterland, directors, all of Trenton with the exception of Southard of Williston. The elevator is capably managed by Dwight R. Gilbert.

Alamo, N. Dak., Farmers Cooperative Co. had a dollar sales volume of all commodities handled during the past fiscal year of over $1,000,000, nearly 250 patrons and stockholders learned at the annual meeting July 11. Net savings for the year were $43,740, allocated on the basis of 5 cents per bushel on wheat, barley, and oats, 18 percent on bulk plant sales, 5 percent on merchandise sales. The elevator handled 420,728 bushels of grain. Seventy-five percent of the savings were paid out in cash. Among speakers at the meeting was GTA fieldman G. E. Broe. He told about the program GTA has proposed to build large and extensive cooperative grain marketing facilities in the Northwest, a program approved by the Alamo stockholders. The board of directors for the coming year consists of Ervin Lohse, president; A. L. Huss, vice president; Roy Hagen, secretary-treasurer; Elmer Sogard, Berger Helstad, Jorgen Simle, and Claude Christianson, directors, all of Alamo with the exception of Christianson of Corinth. Manager of the cooperative is Harold O. Scarr.

Grenora, N. Dak., Farmers Elevator Co. realized net savings during the past fiscal year of $43,307, patrons and stockholders were informed at the annual meeting July 5. Of this, $35,021 was paid out in cash. The elevator has patrons' and stockholders' equity exceeding $125,000. It handled during the past year, 494,970 bushels of grain. During the past 25 years it has handled 7,496,608 bushels of grain and has saved for its farmer patrons $293,960. Fieldman G. E. Broe, representing GTA, told about the expansion program proposed to help farmers influence the markets and bring about more stable prices through cooperative action. Members of the board of this elevator are John E. Peterson, president; Ed Kilbride, vice president; Arthur Eliassen, secretary-treasurer; Andrew Dahl, Clarence Poling, Oscar Anderson, and Peter C. Jensen, directors, all of Grenora with the exception of Dahl of Dagmar. Operations are under the capable management of D. Comford, assisted by Art Anderson.

Lunds Valley, N. Dak., Farmers Elevator Co. ended the past fiscal year with a net saving of $15,227, patrons and stockholders learned at the annual meeting July 8. The co-op handled 145,971 bushels of grain and had merchandise sales of $10,971. GTA was represented at the meeting by fieldman, G. E. Broe, who spoke on cooperative grain marketing and plans for extending co-op facilities. On the board of directors are Clifford Olson, White Earth, president; Archie Borg, Lostwood, vice president; Hardus Paulson, Lostwood, secretary; Lars Enerson, Stanley, treasurer; Henry L. Kragness, Lostwood, director. Manager of the Lunds Valley Cooperative is C. L. Swedlund.

Williston, N. Dak., Farmers Union Elevator Association, centered in one of the "cooperatingest" areas in the country, saved $97,071 for its patrons and stockholders during the past fiscal year. The report of these savings was made to over 250 patrons and stockholders at the annual meeting July 12. Cash dividends paid out for the year's operations amounted to $82,500. Grain handled was 695,677 bushels. Main speaker for the meeting was Alex Lind of Williston, a GTA director. He discussed GTA's proposal for expanding cooperative grain-marketing facilities, and emphasized the importance of making co-op marketing a dominating factor in the market place. Stockholders pledged their patronage and support to GTA. All directors were reelected for the coming year. They are: G. F. Lindvig, president; Casper Sylte, vice president; Nels Berger, secretary-treasurer; Iver Aafedt and Mike Farroh, directors, all of Williston, with the exception of Sylte, of Marmon. Continued success of the Williston elevator is aided by the capable management of James Covlin.

Watford City, N. Dak., Farmers Cooperative Elevator Co. paid out $28,000 in cash dividends at its annual meeting July 19. Over 125 patrons and stockholders at the meeting heard the audit report of net savings for the past fiscal year of $32,882, realized on merchandise sales of $14,792 and a grain volume of 362,271 bushels. GTA fieldman, G. E. Broe, spoke, pointing out the increased services and savings realized from marketing grain cooperatively all the way through the terminal level. He told about the program GTA has proposed to expand these cooperative grain-marketing facilities. The board of directors consists of Einar Dahl, president; Erick Nordeng, vice president; Tom Lofthus, secretary; David Wherley, treasurer, and Fred Peterson, director, all of Watford City. Business of this cooperative is competently handled by manager, T. C. Evenson.

Rawson, N. Dak., Cooperative Elevator Co., at its annual meeting July 21, attended by nearly 200 persons, reported to patrons and stockholders a net saving for the past fiscal

year of $36,475. Of the 1945 and 1946 savings, approximately $25,000 was paid out in cash. The year's business volume included 196,156 bushels of wheat, 1,560 of durum, 3,920 flax, 4,392 oats, and 11,580 bushels of barley. Elevator merchandise sales were $4,137 and oil sales $34,747. The audit report was read and analyzed by GTA Fieldman G. E. Broe, who briefly explained the proposed program to expand cooperative grain marketing facilities. This program was approved by stockholders. Members of the board of directors are J. C. Ditsworth, Williston, president; Paul S. Berge, Rawson, vice president; Otto Stenseth, Rawson, secretary-treasurer; Albert Sanders, Rawson; Tom Oakland, Alexander, both directors. John Covlin, for many years manager of the successful Rawson cooperative, resigned. The new manager is William Syverson.

Lostwood, N. Dak., Farmers Elevator Co., through its cooperative operations during the past fiscal year realized net savings of $7,751. This figure was reported to patrons and stockholders at the annual meeting August 2. The elevator handled 86,492 bushels of grain. Merchandise sales were $3,403. It has a net worth of $13,569. This successful cooperative is managed by Joe Evenson. GTA was represented at the annual meeting by Fieldman G. E. Broe. Reelected on the board of directors for the coming year are John J. Nelson, president, and Earl S. Reynolds, secretary-treasurer. Other members are Frank Lindberg, vice president; William Kuster, Carl M. Nelson, Bennie Thorvig, and Hugo Erickson, directors. All are Lostwood residents with the exception of Kuster and Carl Nelson of Stanley.

SOUTH DAKOTA

Mina, S. Dak., Equity Exchange, held its annual meeting June 27. It reported to over 100 patrons and stockholders a net saving for the past fiscal year of $23,740. The elevator handled 300,000 bushels of grain. Cash dividends of 6 cents a bushel on grain and 12 percent on merchandise were paid out. GTA was represented at the meeting by Fieldman George Ross. On the board of directors, J. L. Schwab was elected to replace Joe Schwab as director. Other members are H. C. Cunningham, president; C. J. C. Boulias, secretary; Ted Grote and I. A. Hanson, directors, all of Mina. Herb Lindeman has become manager of the elevator during the past year, replacing C. L. Caldwell.

Duxbury, S. Dak., Cooperative Elevator Co. held its annual meeting June 20. Under the capable management of Cecil Danielson, the co-op during the last fiscal year had savings of $9,256. Grain handled amounted to 129,610 bushels. GTA was represented at the meeting by Fieldman E. H. Emerson and George J. Ross. On the board of directors are Dalton Thelin, Mansfield, president; Ed Morgan, Mellette, vice president; Paul Wischbach, Warner, secretary; Frederick Wischbach, Warner; and N. Barge, Mellette, directors.

Zell, S. Dak., Farmers Elevator Co. held its annual meeting June 14, reporting to 175 patrons and stockholders a net saving for the past fiscal year of $28,022. The cooperative handles machinery and oil in addition to grain. E. H. Emerson, fieldman representing GTA, told about operations of the regional cooperative, and the proposed expansion program to build co-op grain marketing into a dominating factor in the market. On the board of directors are W. H. Preston, president; R. C. Orth, vice president; Russell Harr, secretary; George Anderson; F. A. Muellenberg, and Joseph Puettman, directors, all of Zell. The elevator is managed by Frank J. Jungwirth.

Lake Preston, S. Dak., Cooperative Association met July 19, reporting to patrons and stockholders a net saving for the past fiscal year of $17,627. The co-op handled 310,865 bushels of grain. Grain handling has been seriously hampered by the failure of railroads to furnish boxcars to move wheat to market. GTA Fieldman Archie T. Erickson discussed the boxcar shortage, and told about GTA's program to make local and regional cooperative grain marketing systems the dominant and controlling voice in the market place. Stockholders passed a resolution supporting the program. New directors elected at the meeting were Arthur E. Casper and John G. Nelson, replacing Alfred Thompson and Albert Weink. Other members are Ed Walker, president; Axel Jensen, vice president; Ed Smith, secretary. The elevator is competently managed by Ted Rabenberg.

Barnard, S. Dak., Cooperative Association had net savings for the last fiscal year of $11,037, and a grain volume handled of 193,263 bushels. Patrons and stockholders heard this audit report of their elevator at the annual meeting June 26. Among speakers at the meeting was E. H. Emerson, GTA fieldman. He spoke on the ideals and value of cooperation, both in additional services and money saved. He told about the expansion program of cooperative grain-marketing facilities that has been proposed by GTA. On the board of directors for the coming year are Henry Forsting, Columbia, president; Marvin Ham, Frederick, secretary; Earl McColloch, Westport; Martin Lein, Columbia; and Lawrence Keeler, Barnard, directors. Ed Heis is the competent manager of the Barnard cooperative.

Pierpont, S. Dak., Cooperative Grain Co. at its annual meeting June 18 reported to over 200 patrons and stockholders a net saving for the past fiscal year of $37,490. The co-op now has total assets of $108,000. In addition to over 304,000 bushels of grain, the elevator handled merchandise. August Dahme, director of GTA, attended the meeting. Also present was Fieldman E. H. Emerson. On the board of directors for the coming year are J. G. Emstad, president; J. H. Aadland, vice president; K. W. Johnson, secretary-treasurer; John Tastad, George Holler, Chris Hanson, and Carl Rye, directors, all of Pierpont. This successful cooperative elevator is managed by Frank Roberts.

Mr. LANGER. Mr. President, finally I ask unanimous consent to have printed as a part of my remarks an editorial entitled "Country Editor Speaks," published in the Farmers Union Herald on June 5, 1950, which deals with the matter of cooperatives quite fully.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COUNTRY EDITOR SPEAKS

Day in and day out the drive goes on. Big city newspapers try to turn their readers against farmers. The Hearst chain of sensation-mongering papers pictures the farmer as a fat boy lighting a cigar with a dollar bill while driving the poor city people under a heavy ox yoke.

That's the kind of stuff millions of people in our big cities are being fed in their newspapers. It's exactly the kind of tripe the Minneapolis newspaper monopoly is feeding to its captive readers.

Not having any other daily newspaper (the competition was all wiped out by the Cowles family which came up from Des Moines after gobbling up all the competition down there) the Minneapolis people have no way of getting the truth.

Now publishers of big city newspapers sometimes are the least informed of all people. They sit in their paneled offices passing judgment on all kinds of matters that concern the general run of people. They dine at the plushiest clubs. They play golf at the select country clubs and bridge and canasta with the society set. They hardly ever rub elbows with John Doe, citizen. So when they attempt to set us all straight on the issues of the day they have some very fuzzy, if not completely warped, ideas. This is especially true when they attempt to deal with farm co-ops and farm programs.

Many people who live and work on the soil long ago gave up paying any attention to big city papers' editorials. But country newspaper editors who are a good deal closer to the people because they rub elbows with them day in and day out, are now concerned about the effort to turn city people against their country cousins. One of these is Clifford W. Bouvette, editor of the Kittson County (Minn.) Enterprise. Bouvette recently wrote to the editor of the Minneapolis newspaper monopoly. Here is what he wrote:

"From time to time you have given vent to a feeling of great concern over the prospect of Congress enacting legislation along Brannan plan lines or to any other legislation that might lean that way. You have called it regimentation of the farm, you have referred to it as socialistic.

"I wish you could have lived in the Red River Valley not only during the depression but during any segment of time you wish to choose since 1900 up to 1933, excepting war years or those years previous to or just after a war while we yet coasted upon the prosperity these wars brought us. Had you lived here during these times I think your attitude would be different.

"Supposing your newspaper found it simply impossible to sell advertising space; supposing times grew hard and so many people stopped taking your paper that your circulation was cut to its lowest ebb, what would you do? You would cut your expenses at every point possible, wouldn't you—you would control expenditures by trying to keep them consistent with income.

"How many times in the past can you recall when United States Steel or General Motors laid off thousands of men and curtailed production? How many months out of certain years in the past were the Ford Motor plants in the Twin Cities closed?

"Why was this done? Simply because sales were not healthy and it would be poor business to keep on manufacturing at a loss and at the same time flood the markets with cars which would sell at prices below actual cost of production. When business does these things, you call it able management but when the farmers try to do it you call it socialism.

"I have been associated with this paper (the Kittson County Enterprise, it has been in our family for nearly 68 years) for 36 years and its successful operation is in direct relationship with the returns these farms gather each fall. We are right down to grass roots here because we feel the impact of low prices instantly. All through my life I have never known a time wherein farmers were in healthy financial condition except just previous to wars, or during war years, or a few years following wars before the momentum of war had died down or following the election of the late President Roosevelt when his farm program took hold of things and by subsidization gave us fair prices.

"This continued until the approach of World War II when once again a war economy took the place of subsidization and since then again we have enjoyed Government controls. Without these controls we would have gone into a land depression. How any thinking man can deny this is beyond me.

"You call Brannan-plan legisislation subsidization of the farmer. Brannan's plan provides for curtailed acreage just as the original Roosevelt plan called for. This plan was a sharp departure from anything the American farmer ever knew.

"Under the old triple-A arrangement, the farmers held elections in each township to determine as to whether or not they desired to embrace the plan another year. If they elected to adopt the plan, they also elected their own county board, consisting of actual farmers to direct it and each year each

farmer's lands were measured and he was permitted to plant a certain number of acres of each kind of grain and no more—just exactly the same procedure used by the boards of directors of scores of American manufacturers in an effort to safeguard the price of their products.

"It would be a pleasure could we folks in the rural areas find a champion of our cause among the metropolitan press of our State, rather than newspapers that try to link us with the Soviet Union by referring to our attempts to stabilize our farms upon a fair basis as socialistic plus the regimentation of a Hitler."

Mr. LANGER. Mr. President, in conclusion I should like to say that I am not at all surprised by the attack on cooperatives. We have been expecting it for a ling time. It is all part of the same old fight with which we are familiar. My grandfather faced it, my father faced it in North Dakota, and I have faced it. In our State we initiated a measure to build terminal elevators, to be constructed by the State. In 1911 we carried it by a vote of 3 to 1. Under our constitution we had to pass it twice. In 1913 we carried it by a vote of 4 to 1. Politicians, controlled by big business, ignored the vote entirely, even though the people had voted for it 3 to 1 on one occasion and 4 to 1 on another occasion. The legislature ignored it, and the Governor ignored it. We therefore organized the Nonpartisan League to carry out the will of the people. In carrying out the will of the people in our State we have been very successful. I say that the big newspapers do not dare print the amount of profits and the success that has been had by various banks and insurance industries operated by the State of North Dakota, by the State-owned elevators, or by the bonding fund. As a matter of fact, only a short time ago a Senator stood on the floor and said that he understood they had all been wiped out. He was ignorant of their great success. That is because the big newspapers do not dare print the story of the great success which the Nonpartisan League program has been in our State.

ORDER FOR RECESS

Mr. LUCAS. Mr. President, I ask unanimous consent that when the Senate concludes its business tonight it stand in recess until 12 o'clock noon tomorrow.

Mr. MUNDT. Reserving the right to object, I wonder if any schedule has been worked out regarding the pending bill.

Mr. LUCAS. It has. As soon as we can get a quorum I intend to announce it, either at that time, or the first thing in the morning.

Mr. MUNDT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMEDIATE REPORT ON SURPLUS PROPERTY AND RUBBER

Mr. HUMPHREY. Mr. President, in reading the RECORD it was brought to my attention that a special subcommittee of the Committee on Armed Services, appointed under authority of Senate Resolution 93, had released an interim report on surplus property and rubber. The report was released as of yesterday.

Mr. President, I think every Member of the Senate should be extremely grateful for the splendid work of this subcommittee. I have had an opportunity to read the report. In fact, I read every page of it last evening, and I have reread much of it today. The fact that the subcommittee is on the job and doing a methodical and unemotional job will mean much for the well-being and preparedness of our country. It will also properly warn certain agencies of our Government that Congress will not tolerate any inefficiency or lackadaisical attitude on their part during the prosecution of the war, or in stockpiling of strategic and critical materials, which are so essential for the strengthening of our armed services. Mr. President, I wish to commend the committee for its report. All too often we fail to commend subcommittees and committees for the good work they do. I also wish to recommend to all of my colleagues a very careful study of the interim report on the vital subject matter of surplus property, how it has been disposed of, and what is happening now. I also recommend that Senators read what the committee says with respect to rubber stockpiling, which is so essential. The report indicates that there is still much to be done in the field of stockpiling. It indicates that some people in our Government do not yet realize that it is a very serious problem. It also indicates that certain officers in the executive branch of our Government had better know where our surplus property is. For example, synthetic rubber in one process of its manufacture is made out of alcohol. The report indicates quite definitely that while on the one hand Government representatives were saying they could not open up any more synthetic-rubber plants because they did not have any alcohol plants, on the other hand alcohol-processing plants were standing idle in Omaha and Kansas City, and were about to be sold for a few cents on the dollar to private concerns. Then what happened? Because the subcommittee was on the job, the chairman got in touch with the appropriate agencies and, as we know, there has been a change of plans. Instead of the alcohol-producing plants being sold to distilleries or other private industry, they will be converted into alcohol-producing plants for the purpose of supplying the synthetic-rubber plants.

Mr. President, I wish particularly to commend the able chairman of the committee, the junior Senator from Texas [Mr. JOHNSON], I wish to commend every member of the subcommittee, but particularly the chairman, because he is responsible for leadership.

We have many standby plants into which the Government has put millions of dollars. I know it will be a big job to make certain that equipment is properly used. I know the committee will continue to do its work. I know it is not out to get headlines. I have seen very little in the press with reference to the report. It is not out to make anybody look either good or bad. It is dedicated to protecting the public welfare and the public interest. I believe the American people expect that of the Congress. I submit that the kind of job which is being carried on by the subcommittee will do a great deal to save lives, save dollars, protect the budget, protect the appropriations which we make for national defense, and at the same time increase our strength and productivity. As one Senator I wish to pay tribute to the chairman of the committee and give my humble thanks for the splendid job the committee is doing.

I desire now, Mr. President, to refer to another subject.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

Mr. HUMPHREY. Mr. President, in recent weeks the United Nations has produced a most significant scientific document relating to our democratic creed. I refer to the statement released under the auspices of the United Nations Scientific and Cultural Organization setting forth the most authoritative scientific facts with regard to the problem of race. The statement was drafted and subscribed to by a number of the world's outstanding anthropological and sociological experts. This statement proves conclusively again once and for all the basic Judaic-Christian concept of human brotherhood expressed politically in the democratic truth of human equality.

I ask unanimous consent that the statement be printed in the body of the RECORD at this point followed by a list of the experts who subscribe to it.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY EXPERTS ON RACE PROBLEMS

1. Scientists have reached general agreement in recognizing that mankind is one: that all men belong to the same species, Homo sapiens. It is further generally agreed among scientists that all men are probably derived from the same common stock; and that such differences as exist between different groups of mankind are due to the operation of evolutionary factors of differentiation such as isolation, the drift and random fixation of the material particles which control heredity (the genes), changes in the structure of these particles, hybridization, and natural selection. In these ways groups have arisen of varying stability and degree of differentiation which have been classified in different ways for different purposes.

2. From the biological standpoint, the species Homo sapiens is made up of a number of populations, each one of which differs from the others in the frequency of one or more genes. Such genes, responsible for the hereditary differences between men, are always few when compared to the whole genetic constitution of man and to the vast number of genes common to all human beings regardless of the population to which they belong. This means that the likenesses among men are far greater than their differences.

3. A race, from the biological standpoint, may therefore be defined as one of the group of populations constituting the species Homo sapiens. These populations are capable of interbreeding with one another but, by virtue of the isolating barriers which in the past kept them more or less separated, exhibit certain physical differences as a result of their somewhat different biological histories. These represent variations, as it were, on a common theme.

4. In short, the term "race" designates a group or population characterized by some

concentrations, relative as to frequency and distribution, of hereditary particles (genes) or physical characters, which appear, fluctuate, and often disappear in the course of time by reason of geographic and/or cultural isolation. The varying manifestations of these traits in different populations are perceived in different ways by each group. What is perceived is largely preconceived, so that each group arbitrarily tends to misinterpret the variability which occurs as a fundamental difference which separates that group from all others.

5. These are scientific facts. Unfortunately, however, when most people use the term "race" they do not do so in the sense above defined. To most people, a race is any group of people whom they choose to describe as a race. Thus, many national, religious, geographic, linguistic, or cultural groups have, in such loose usage, been called "race," when obviously Americans are not a race, nor are Englishmen, nor Frenchmen, nor any other national group. Catholics, Protestants, Moslems, and Jews are not races, nor are groups who speak English or any other language thereby definable as a race; people who live in Iceland or England or India are not races; nor are people who are culturally Turkish or Chinese or the like thereby describable as races.

6. National, religious, geographic, linguistic, and cultural groups do not necessarily coincide with racial groups: and the cultural traits of such groups have no demonstrated genetic connection with racial traits. Because serious errors of this kind are habitually committed when the term "race" is used in popular parlance, it would be better when speaking of human races to drop the term "race" altogether and speak of ethnic groups.

7. Now what has the scientist to say about the groups of mankind which may be recognized at the present time? Human races can be and have been differently classified by different anthropologists, but at the present time most anthropologists agree in classifying the greater part of present-day mankind into three major divisions, as follows: The mongoloid division, the Negroid division, the Caucasoid division. The biological processes which the classifier has here embalmed, as it were, are dynamic, not static. These divisions were not the same in the past as they are at present, and there is every reason to believe that they will change in the future.

8. Many subgroups or ethnic groups within these divisions have been described. There is no general agreement upon their number, and in any event most ethnic groups have not yet been either studied or described by the physical anthropologists.

9. Whatever classification the anthropologist makes of man, he never includes mental characteristics as part of those classifications. It is now generally recognized that intelligence tests do not in themselves enable us to differentiate safely between what is due to innate capacity and what is the result of environmental influences, training, and education. Wherever it has been possible to make allowances for differences in environmental opportunities, the tests have shown essential similarity in mental characters among all human groups. In short, given similar degrees of cultural opportunity to realize their potentialities, the average achievement of the members of each ethnic group is about the same. The scientific investigations of recent years fully support the dictum of Confucius (551–478 B. C.) "Men's natures are alike; it is their habits that carry them far apart."

10. The scientific material available to us at present does not justify the conclusion that inherited genetic differences are a major factor in producing the differences between the cultures and cultural achievements of different peoples or groups. It does indicate, however, that the history of the cultural experience which each group has undergone is the major factor in explaining such differences. The one trait which above all others has been at a premium in the evolution of men's natural characters has been educability, plasticity. This is a trait which all human beings possess. It is, indeed, a species character of homo sapiens.

11. So far as temperament is concerned, there is no definite evidence that there exist inborn differences between human groups. There is evidence that whatever group differences of the kind there might be are greatly overridden by the individual differences, and by the differences springing from environmental factors.

12. As for personality and character, these may be considered raceless. In every human group a rich variety of personality and character types will be found, and there is no reason for believing that any human group is richer than any other in these respects.

13. With respect to race mixture, the evidence points unequivocally to the fact that this has been going on from the earliest times. Indeed, one of the chief processes of race formation and race extinction or absorption is by means of hybridization between races or ethnic groups. Furthermore, no convincing evidence has been adduced that race mixture of itself produces biologically bad effects. Statements that human hybrids frequently show undesirable traits, both physically and mentally, physical disharmonies and mental degeneracies, are not supported by the facts. There is, therefore, no biological justification for prohibiting intermarriage between persons of different ethnic groups.

14. The biological fact of race and the myth of race should be distinguished. For all practical social purposes race is not so much a biological phenomenon as a social myth. The myth of race has created an enormous amount of human and social damage. In recent years it has taken a heavy toll in human lives and caused untold suffering. It still prevents the normal development of millions of human beings and deprives civilization of the effective cooperation of productive minds. The biological differences between ethnic groups should be disregarded from the standpoint of social acceptance and social action. The unity of mankind from both the biological and social viewpoints is the main thing. To recognize this and to act accordingly is the first requirement of modern man. It is but to recognize what a great biologist wrote in 1875: "As man advances in civilization, and small tribes are united into larger communities, the simplest reason would tell each individual that he ought to extend his social instincts and sympathies to all the members of the same nation, though personally unknown to him. This point being once reached, there is only an artificial barrier to prevent his sympathies extending to the men of all nations and races." These are the words of Charles Darwin in the Descent of Man (2d ed., 1875, pp. 187–188). And, indeed, the whole of human history shows that a cooperative spirit is not only natural to men, but more deeply rooted than any self-seeking tendencies. If this were not so we should not see the growth of integration and organization of his communities which the centuries and the millennia plainly exhibit.

15. We now have to consider the bearing of these statements on the problem of human equality. It must be asserted with the utmost emphasis that equality as an ethical principle in no way depends upon the assertion that human beings are in fact equal in endowment. Obviously, individuals in all ethnic groups vary greatly among themselves in endowment. Nevertheless, the characteristics in which human groups differ from one another are often exaggerated and used as a basis for questioning the validity of equality in the ethical sense. For this purpose we have thought it worth while to set out in a formal manner what is at present scientifically established concerning individual and group differences.

(1) In matters of race, the only characteristics which anthropologists can effectively use as a basis for classifications are physical and physiological.

(2) According to present knowledge there is no proof that the groups of mankind differ in their innate mental characteristics, whether in respect of intelligence or temperament. The scientific evidence indicates that the range of mental capacities in all ethnic groups is much the same.

(3) Historical and sociological studies support the view that genetic differences are not of importance in determining the social and cultural differences between different groups of homo sapiens, and that the social and cultural changes in different groups have, in the main, been independent of changes in inborn constitution. Vast social changes have occurred which were not in any way connected with changes in racial type.

(4) There is no evidence that race mixture as such produces bad results from the biological point of view. The social results of race mixture whether for good or ill are to be traced to social factors.

(5) All normal human beings are capable of learning to share in a common life, to understand the nature of mutual service and reciprocity, and to respect social obligations and contracts. Such biological differences as exist between members of different ethnic groups have no relevance to problems of social and political organization, moral life and communication between human beings.

Lastly, biological studies lend support to the ethic of universal brotherhood; for man is born with drives toward cooperation, and unless these drives are satisfied, men and nations alike fall ill. Man is born a social being who can reach his fullest development only through interaction with his fellows. The denial at any point of this social bond between men and man brings with it disintegration. In this sense, every man is his brother's keeper. For every man is a piece of the continent, a part of the main, because he is involved in mankind.

Original statement drafted at Unesco House, Paris, by the following experts:

Prof. Ernest Beaglehole, New Zealand.
Prof. Juan Comas, Mexico.
Prof. L. A. Costa Pinto, Brazil.
Prof. Franklin Frazier, United States.
Prof. Morris Ginsberg, United Kingdom.
Dr. Humayun Kabir, India.
Prof. Claude Levi-Strauss, France.
Prof. Ashley Montagu, United States (Rapporteur).

Text revised by Prof. Ashley Montagu, after criticisms submitted by Profs. Hadley Cantril, E. G. Conklin, Gunnar Dahlberg, Theodosius Dobzhansky, L. C. Dunn, Donald Hager, Julian S. Huxley, Otto Klineberg, Wilbert Moore, H. J. Muller, Gunnar Myrdal, Joseph Needham.

OPPOSITION TO COMMUNISM BY AMERICANS FOR DEMOCRATIC ACTION

Mr. HUMPHREY. Mr. President, in view of the fact that the activities of Americans for Democratic Action, an organization of which I was proud to be national chairman and of which I am now proud to be national vice chairman, has in the past come to the attention of the Senate, I think it will be of particular interest for the Senate to become acquainted with a statement recently issued by this organization making clear its firm opposition to communism and its dedication to democratic principles. The national chairman of Americans for Democratic Action is Mr. Francis Biddle,

former Attorney General of the United States.

I ask unanimous consent that this statement be inserted in the body of the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADA'S OPPOSITION TO COMMUNISM

It is obvious that ADA will be an issue in many political campaigns this year. The technique of trying to prove ADA is "red" will receive a thorough work-out in 1950.

Anyone at least partially informed about ADA knows that it is antitotalitarian, that it accepts neither Communists nor Fascists as members, and that it has a record since birth of stern opposition to Communist duplicity at home and Communist aggression abroad.

Unfortunately this knowledge about ADA is not universal; even more regrettably, the reactionaries have stepped up their campaign of misrepresentation about ADA.

To aid liberal candidates in setting the record straight on ADA and to enable them to take the offensive on the real issues, the facts on ADA and communism have been assembled and are here presented.

In policy, platform, and performance ADA has opposed the Communists on all the important issues of our time: aid to Greece and Turkey, the Marshall plan, Henry Wallace and the Progressive Party, point 4, the North Atlantic Pact, the military aid program, atomic energy control, Korea. ADA's anticommunism has not been confined to mere opposition to the Communist line; ADA has exposed Communist machinations within political movements, has kept them out of civil rights mobilizations and other liberal gatherings, and has revealed the hidden purposes in Communist propaganda.

The record is buttressed by the Communists' own words:

Soon after ADA was formed, the Daily Worker said: "The real aim of ADA's behind-the-scenes leaders is to win liberal backing for an imperialist foreign policy, or at least to so paralyze and divide the liberal movement so it cannot effectively oppose such a policy * * * It is not at all surprising that the ADA * * * adopted a foreign policy plank Sunday which endorsed Truman's plan for aggression in the Near East." (April 2, 1947.)

When ADA published in 1947 its foreign-policy pamphlet entitled "Toward Total Peace," the Daily Worker labeled it "an elaborate apology for the world policy of United States big business."

This pamphlet and other ADA literature solidly supported the Marshall plan. Commenting on an ADA newspaper ad (The Comintern's Challenge to Liberals), Daily Worker columnist Rob F. Hall said, October 27, 1947: "In essence it is an apology or defense of the Marshall plan and a spiteful, churlish attack on all who oppose it. The crux of the Marshall plan is the rebuilding of a strong, industrial Germany."

On March 23, 1948, the Daily Worker called ADA the imperialist' fifth column inside the liberal and labor movement which pitches its note on support for Truman's foreign policies.

"The ADA would like to convince us that the clever demagogy of Acheson means a departure from the familiar pattern of imperialism in the Far East," said the Daily Worker on January 16, 1950, "but the imperialist objectives remain and they will be pursued, in a number of forms, even more desperately in the future than in the past."

On some domestic issues (civil rights, rent control, civil liberties, for example) the Communists have taken public positions on the same side as liberals. But ADA has consistently made clear the duplicious character of the Communists' support of these issues; as slaves to the Kremlin policy, which is one of trying to discredit American democracy and to encourage economic depression, the Communists obviously were not sincere in their support of democratic measures for individual freedom and security.

The Communist domination of the Henry Wallace Progressive Party was exposed by ADA when the Wallaceites held their first convention in Philadelphia in 1948. ADA executive secretary James Loeb, Jr., appeared before the platform committee (just as ADA appeared before the Republican and Democratic convention platform committee) and challenged the Wallaceites to endorse the European Recovery Program and the United States proposals for atomic energy control, to renounce the double standard of political morality by first dropping their opposition to liberal congressional candidates and then making clear their opposition to dictatorship everywhere; to offer sympathy and support to European democrats in their struggle against totalitarianism, and to declare their independence of communism.

Loeb was denounced by Rex Tugwell, platform committee chairman, who branded the ADA statement as insincere, hypocritical, and immaterial. Mention of ADA in the keynote address drew the loudest boos of the convention, which of course took none of the stands ADA had challenged it to take.

During the course of the campaign ADA published several well-documenated pamphlets exposing the Communist influence on the Wallace movement.

One of the biggest thorns in the side of the Communists is Arthur M. Schlesinger, Jr., Pulitzer Prize winner, Harvard history professor, an ADA founder, and currently a national vice chairman of ADA. In 1949 Schlesinger published a book, "The Vital Center," pointing out the need for militant opposition to totalitarianism of both right and left and the encouragement of the democratic middle.

The Communists reacted immediately and typically. The Daily Worker of September 14, 1949, called Schlesinger "Wall Street's top new mediocrity," and said he was making a "racket" of anticommunism and engaging in "deliberate and callous lying." Earlier (March 28, 1947) Schlesinger had drawn the Daily Worker wrath for "traveling around the country trying to sell the red-baiting ADA to unsuspecing liberals."

A good job of wrecking Communist influence within a political party was done in 1947–48 by the ADA in Minnesota, where the left-wingers had taken over the Democratic-Farm-Labor Party. Leaders in this fight were HUBERT H. HUMPHREY, then mayor of Minneapolis, now United States Senator from Minnesota, and national chairman of ADA in 1949–50; and Mrs. Eugenie Anderson, an ADA founder who is now United States Ambassador to Denmark. Commenting on this recently (April 16, 1950), the St. Paul Pioneer Press said editorially: "The Minnesota ADA laid the groundwork of throwing the Elmer Benson-Henry Wallace faction out of control of the DFL (Democratic-Farm-Labor Party), something which organized labor had failed to do."

When the Progressive Party met in its 1950 convention in Chicago, ADA again was on hand to expose the Communist influence. ADA National Director Charles M. LaFollette issued a statement charging that the PP's "milktoast criticism of Russian foreign policy" was engineered as "an allowable deviation to trap the unwary" by the same Communist party-liners who had controlled the party since birth. It was at this convention that Paul Robeson was reported (New York Post, January 19, 1950) to have referred contemptuously to a PP backslider as "nothing more than an ADAer."

Another Communist hero is VITO MARCANTONIO, the party-line Member of Congress from New York City. MARCANTONIO is being opposed this November by a coalition candidate agreed on by the Democratic, Republican, and Liberal Parties. Enraged by this development, MARCANTONIO referred to ADA, which was active in arranging the coalition against him, as a "sinister group" (New York Times, June 21, 1950).

At the conclusion of ADA's third national convention in Washington on April 2, 1950, the Daily Worker said ADA had "played the game of Truman and MCCARTHY (which is to say, of Wall Street) by parroting the administration's fabrications against the U. S. S. R. and the new democracies of eastern Europe."

From the beginning of ADA, the moderate and well-informed newspapers were aware of ADA's antitotalitarianism, and said so:

"Americans for Democratic Action is giving new vitality, new sharpness, new persuasiveness to American liberalism," wrote Roscoe Drummond, chief of the Christian Science Monitor's Washington bureau, a few short months after ADA's founding. "One reason this group of American liberals is able to speak with increasing force and command increasing respect is that it has freed itself totally from Communist influences. It isn't suffering from a split personality—from trying to appease totalitarianism from the left and fight totalitarianism from the right."

At about the same time the St. Louis Post-Dispatch said in an editorial: "The kind of intelligence which the ADA stands for should help the United States realize that mankind does not need to make the bleak choice between communism and reaction."

Even the little Union City (Tenn.) Messenger knows the truth about ADA; it described it (April 4, 1950) as "staunchly anti-Communist," with its "chief appeal to liberals who reject communism as the answer to mankind's ills."

Of Students for Democratic Action, ADA's collegiate affiliate, the Christian Science Monitor reported July 25, 1949, that SDA was "mobilizing to outmaneuver them (Communist groups and their fellow travelers on college campuses)."

"ADA did the Nation a big favor," the New York Post said (Sept. 14, 1949) "by debunking the so-called liberalism of Henry Wallace and exposing his Communist tie-ups."

THE READER'S DIGEST

Mr. HUMPHREY. Mr. President, if I may take a little more of the time of the Senate—and I have done quite a little of that today—I desire to make a few comments on an address which was made recently, under date of August 16, by the distinguished junior Senator from Oregon [Mr. MORSE], when he presented to the Senate certain facts with regard to the Reader's Digest. I have had this material in my hands for a long time, and never got around to presenting it, but I read the remarkable address and speech of the Senator from Oregon with a great deal of interest, and again I wish to say that I admire him more and more for his courage, his forthrightness, for his ability to bring out the facts, and to demonstrate what the facts mean as they pertain to a particular Government program.

Mr. President, as I have said, on August 16 the distinguished junior Senator from Oregon presented to the Senate certain facts with regard to the Reader's Digest, with particular reference to an article attacking the Columbia Valley Authority which appeared in that magazine's August issue. The Senator from Oregon called for an investigation of the Reader's Digest by the House Committee on Lobbying. I wish to express my appreciation to the Senator from Oregon for

the public service he performed in bringing this matter to the attention of the Senate and to the attention of the American people.

For purposes of completing the record, I wish to take this opportunity of bringing certain additional facts to the attention of the Senate which support the contention of the Senator from Oregon that the Reader's Digest is not an objective journal at all, but is rather a publication with a definite point of view and a clear and undeniable bias.

On March 6, 1950, Mr. President, I wrote a letter to Mr. DeWitt Wallace, editor of the Reader's Digest. I know Mr. Wallace. His father, Mr. John Wallace, was president of Macalester College, in St. Paul, where I was a professor. I was a professor under the so-called Byron Foundation Fund, which was set up by DeWitt Wallace, of the Reader's Digest, so having worked under the fund, and having been paid out of the fund, has in no way affected my point of view as to the objectivity or lack of objectivity of the Reader's Digest.

As I said, I wrote a letter to Mr. DeWitt Wallace, and I ask unanimous consent that the letter be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 6, 1950.

Mr. DEWITT WALLACE,
Editor, the Reader's Digest,
Pleasantville, N. Y.

DEAR SIR: Mr. John T. Flynn's book, The Road Ahead, contains some serious misrepresentations about the organization Americans for Democratic Action, of which I am national chairman. The fact that you have republished pages from that book in your February issue has spread those misrepresentations to some 9,000,000 additional persons.

Mr. Flynn's article as published by you places considerable emphasis on freedom. In the interest of safeguarding that freedom which Mr. Flynn correctly describes as an integral part of the traditional American system, I ask you for the opportunity to publish a reply by Americans for Democratic Action answering the charges and the innuendoes contained in Mr. Flynn's article.

The reply which I suggest can be made by me, by former Congressman Charles LaFollette who is now national director of Americans for Democratic Action, or by Arthur Schlesinger, Pulitzer prize winner, author, and a member of the national Americans for Democratic Action board.

I look forward to your reply. I believe that in the interest of fairness and public responsibility you should be willing to print such a reply in your April issue.

Sincerely yours,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, I wrote this letter because I felt certain in my own mind that an article which appeared in its February issue had misrepresented very seriously and very dangerously a respected political position in the United States—the liberal position.

The February issue of the Reader's Digest had printed a digest by Mr. John T. Flynn, The Road Ahead, a book which has become the new bible for the reactionary and monopoly interests in America. It has been described by my good friend and brilliant young Pulitzer prize winner and historian, Mr. Arthur Schlesinger, Jr., as a "stuck whistle of disaster." The article included some serious misrepresentations about Americans for Democratic Action, an organization of which I was then national chairman, and of which I am now national vice president.

In view of the fact that these serious misrepresentations were spread, through the medium of the Reader's Digest, to some 9,000,000 persons and were circulated to millions of Spanish and Portuguese people, as well as to a large Danish, Finnish, Swedish, and Arabic population, I felt it perfectly proper that the editor of the Reader's Digest should afford me the opportunity to present facts to refute the misrepresentations in Mr. Flynn's article. It seemed particularly appropriate that this be done in view of the fact that Mr. Flynn's thesis was based on his fear that a liberal program in America would destroy freedom. Since free exchange of ideas and a full presentation of facts is an essential attribute of any free society, I considered it perfectly proper that in the interests of maintaining freedom and the traditional American system I would be given an opportunity to answer the charges and the innuendoes contained in Mr. Flynn's article.

I was particularly incensed about Mr. Flynn's article because I considered it to be a great disservice to the cause of democracy. He associated the social and economic welfare measures of the New Deal and the Fair Deal with socialism and then, by distorting further the meaning of the term "socialism," associated that term with communism. I deplore the campaign in American politics to besmirch the character of fine Americans, thoroughly devoted to the principles of democracy, by tainting them irresponsibly with the red brush of communism. I particularly deplore any attempt which by implication associates the economic planned economy systems of our allies in Norway, Sweden, Denmark, and Great Britain with our common enemy, totalitarian communism. I felt that in these two respects, Flynn's book and the article digested in the Reader's Digest were a disservice to the cause of democracy, intelligent political direction, and fair play.

On March 9 I received a reply to my letter to Mr. DeWitt Wallace. It was a disappointing letter I received from Mr. Wallace, and expressed no willingness to print a reply. I ask unanimous consent that this letter be printed in the body of the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

READER'S DIGEST,
Pleasantville, N. Y., March 9, 1950.

The Honorable HUBERT H. HUMPHREY,
National Chairman,
Americans for Democratic Action,
Washington, D. C.

DEAR SENATOR HUMPHREY: In your letter of March 6 you state that Mr. John T. Flynn's book, The Road Ahead, contains some serious misrepresentations about Americans for Democratic Action, the organization of which you are national chairman. You do not make clear, however, whether these alleged misrepresentations were included in the Digest condensation of the book.

If any of the statements which you consider misleading appeared in the Digest's version of Mr. Flynn's book, I will appreciate your giving me exact quotes of the text. Also, I will appreciate a brief factual statement in which you make clear why you consider these statements to be misrepresentations.

Sincerely,

DEWITT WALLACE.

Mr. HUMPHREY. Mr. President, on March 27 I replied to Mr. Wallace's letter. I ask unanimous consent that my reply be printed at this point in the body of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 27, 1950.

Mr. DEWITT WALLACE,
Editor, The Reader's Digest,
Pleasantville, N. Y.

DEAR MR. WALLACE: Thank you very much for your letter of March 9 in which you indicate an interest in my letter of March 6 but do not state whether you would be willing to print a reply by me to Mr. Flynn's article as it appeared in your February issue.

The misrepresentations to which I object were included in the Reader's Digest condensation of Mr. Flynn's book. You will find them specifically if you will refer to page 11 of your February issue, although the attack against Americans for Democratic Action permeates the whole article as it appears in your magazine.

With regard to your further request for a more detailed statement by me as to the nature of the misrepresentations, I should be happy to send such a statement to you if I can have assurance that it will appear in your magazine. I certainly hope I may receive that assurance, and I want to state again that I believe you should be willing to print such a reply in the interest of fairness and public responsibility. It is on that assumption that I write this letter to you rather than make use of the other avenues which are open to me.

Sincerely yours,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, in this letter I referred more specifically to that part of Mr. Flynn's article with which I took issue. I again asked for an opportunity to reply in his publication.

Mr. President, I now bring to the attention of the Senate the reply from Mr. DeWitt Wallace, dated April 3, and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE READER'S DIGEST,
Pleasantville, N. Y., April 3, 1950.

The Honorable HUBERT H. HUMPHREY,
National Chairman,
Americans for Democratic Action,
Washington, D. C.

DEAR SENATOR HUMPHREY: Would you commit yourself in advance to vote for a bill of whose contents you knew nothing whatsoever?

I asked you for a factual statement of any alleged misrepresentations of Americans for Democratic Action that appeared in the Digest's condensation of John T. Flynn's book, The Road Ahead. I can assure you that any

statement of this kind from you will receive our most careful and complete consideration.

Sincerely yours,

DEWITT WALLACE.

Mr. HUMPHREY. Mr. President, by this time, I must admit that I began to resent the dodging and the refusal by the editor, Mr. DeWitt Wallace, to face the facts. Nevertheless, on April 17, rather than prolong the unproductive exchange of letters between Mr. Wallace and myself, I wrote a lengthy letter explaining my position in more detail and again asked him for an opportunity to publish an article in his pages to correct the misrepresentations in Mr. Flynn's article. I ask unanimous consent that this letter be printed in the body of the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 17, 1950.

Mr. DEWITT WALLACE,
The Reader's Digest,
Pleasantville, N. Y.

DEAR MR. WALLACE: Thank you very much for your letter of April 3. I fully appreciate your position, but I think you also ought to appreciate mine.

You ask for the "alleged" misrepresentations of Americans for Democratic Action in your condensation of Mr. Flynn's book. To attempt to reply to your question is rather like grappling with the fog. To identify Americans for Democratic Action with national planning, as you do on page 11, and then to identify national planning, as a most dangerous enemy of our form of government, as you do on page 2, is clearly misrepresentation. As former national chairman of Americans for Democratic Action, I am by implication associated in the minds of your readers with a group accused of being an enemy of our form of government. It is therefore perfectly reasonable for me to resent the reference and to ask for an opportunity to reply.

It appears to me that as a responsible journal which had a hand in disseminating Mr. Flynn's views, you should be willing to print a reply which takes issue with Mr. Flynn's allegations and presents its point of view to your readers. We who are associated with Americans for Democratic Action believe that our program is in the best interests of our Government.

Mr. Flynn tells your readers that ADA is the spearhead and central planning and propaganda machine of the National Socialist Economic Planners in this country. Mr. Flynn has capitalized his label. You and I know that the term "National Socialist" suggests the Nazi Government of Germany, to any who are versed in history. This is a serious charge and has serious implications. It is particularly serious coming from a man who was a leader in the America First movement and who used his energies to frustrate the defense of world democracy against Nazi Germany. While Mr. Flynn advanced views which in my opinion would have helped national socialism to prevail all over the world the leaders of Americans for Democratic Action whom he criticizes were in the forefront of those opposing and fighting nazism. I regret that I must bring this past history into focus at this stage, but Mr. Flynn in advancing his reckless and vituperous charges, must assume the responsibility for bring this issue into the open. I would suggest that you bear a similar responsibility.

To me Mr. Flynn's most dangerous misrepresentation is his flat assertion that there is an identity between national planning, socialism, and communism. He states as a corollary "that there is no need to make a fine point of the distinction between Communists and Socialist planners" (p. 12). I am not a Socialist, nor is Americans for Democratic Action a Socialist organization. In addition to making that point, however, in a reply, it is necessary also to bring to the attention of your readers that to identify socialism with communism is to repudiate the European Social Democrats who remain in the front line of our battle against the Communist menace. To associate even by implication Mr. Ernst Reuter, the heroic mayor of Berlin, with communism is to fly in the face of the fact that he, more than any single individual in Germany, was most responsible for cooperating with the Allied airlift which dealt such a severe blow to the Soviet Union in the cold war. I consider Mr. Flynn's comments to be an unprincipled distortion of the truth.

The facts of political life today are clear in support of the proposition that the Social Democrats are the most determined opponents of communism in Europe. In my opinion, it is pronouncements such as those that emanate from Mr. Flynn which advance the cause of communism. This may seem like an extreme statement to you, and yet I can defend it. I consider the willful and irresponsible association of anti-Communists with Communists to be dangerous in that it confuses the issue of anti-communism and hence lends support to the Communist movement. It is in countries of extreme reaction, like Russia and China, where communism has scored its greatest triumphs, not in countries with democratic planning, such as Sweden, Norway, Denmark, and Great Britain.

I have stated that Americans for Democratic Action is not and never has been committed to the program of socialism. That is true. To us the overriding problem of our day is the necessity to combine the interests of the general welfare with those principles of individual liberty so inherently a part of our tradition. I would suggest to you that both interests are in essence part of our tradition and are recognized in our Constitution. These two basic demands in American society must be reconciled. In this connection I quote for you the pertinent passage from the statement of the principles reaffirmed by Americans for Democratic Action at its most recent third annual convention this month:

"It is our conviction that bread and freedom are ultimately interdependent. Our program is directed toward this one goal: A society in which each individual enjoys the highest degree of liberty compatible with justice and economic security for his fellows. * * *

"Opposed to this spirit have always been the wealth and power of the organized forces of reaction which have found their most virulent expression at home and abroad in fascism. Today the democratic idea is equally and, in the international sphere, more immediately threatened by the Communist forces that reject democratic values of truth, justice, and freedom in the interests of a police state. Those who believe in the democratic spirit must devote their energies to an organization of their own and must work through it. Americans for Democratic Action is such an organization."

It is my sincere belief, Mr. Wallace, that only one either totally ignorant of Americans for Democratic Action and its aims or one who, for his own purpose, willfully distorts the truth, could find in the record of our organization or in its statement of principles any identity of interest at all with the Communist movement. I feel, therefore, perfectly within my rights and fully justified in asking for an opportunity to reply to Mr. Flynn's columns. I do hope that you will agree with my request.

I also want to make it clear that I am not writing this letter for purposes of publication and do not want it published. I am writing this letter to you personally as editor of the Reader's Digest and as a preliminary to an article which I wish to write for publication in your pages.

Sincerely yours,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, I again wish to make clear that the only request I made was to correct the facts with specific regard to the organization with which I am associated, Americans for Democratic Action. Mr. Wallace's reply of May 1, which I now ask to be printed in the body of the RECORD, ended our exchange and leads me at this time to bring this matter to the attention of the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE READER'S DIGEST,
Pleasantville, N. Y., May 1, 1950.

The Honorable HUBERT H. HUMPHREY,
United States Senate,
Washington, D. C.

DEAR SENATOR HUMPHREY: I have given your letter the most careful consideration, and I have asked several of my associates to read it, too. None of us has been able to see how the particular ground you propose to cover could result in an article of sufficiently wide popular interest to give us editorial justification for running it.

You write that to attempt to prepare a factual statement of any alleged misrepresentations of Americans for Democratic Action in our condensation of Mr. Flynn's book "is rather like grappling with the fog." That feeling is reflected throughout your letter. And it adds to the difficulties, from an editorial viewpoint, of the piece you propose to write. Any article which would have to deal so largely with implications and interpretations could hardly have that simple, down-to-the-ground reader interest which a mass circulation magazine must continually strive for.

Thank you for writing me so fully.

Sincerely yours,

DEWITT WALLACE.

Mr. HUMPHREY. Mr. President, I also ask that an editorial which appeared in the ADA World, the official publication of Americans for Democratic Action, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POOR DIGESTION

In turning down ADA's request for space to reply to John T. Flynn's The Road Ahead, Editor DeWitt Wallace, of the Reader's Digest, told Senator HUMPHREY he was "unable to see how the particular ground you propose to cover could result in an article of sufficiently wide popular interest to give us editorial justification for running it." The particular ground was, of course, ADA's refutation of Flynn's wild misrepresentation and innuendoes.

Articles of "wide popular interest" do sell magazines, there's no doubt about it. (We think the Digest underestimates the possibility that ADA's side of the story would interest its readers. It might even have been interesting enough to shake the readers' confidence in the Digest's infallibility.) It is worth noting, however, that the standard of "wide popular interest" is the only one Wallace mentions. Nothing is said, for example, about public responsibility, fair play, or truth. What consideration do these values get in Pleasantville?

This is not the first time Flynn and the Reader's Digest have teamed up to spread

their reactionary propaganda. In December 1947 they tried to do a job on the Tennessee Valley Authority in a Digest article entitled "The Hidden Red Ink in TVA's Books." Flynn based his piece on a General Accounting Office recommendation that certain charges be entered in TVA's power accounts. He (but not the GAO) accused TVA of dishonesty for not having done so, failing to record that the GAO accountants who made the recommendation acknowledged that Congress would have to amend the TVA Act to permit such bookkeeping. Flynn totally ignored the statements in the GAO audit report that TVA's accounts were generally "well conceived, supervised and maintained," that TVA should be "commended as one of the foremost government corporations in the use of accounting in management," and that none of its fiscal transactions had been made without authority of law.

We hope the 9,000,000 individuals who read the Digest each month know what they are getting. In the words of an editorialist in The Nation, it is "not merely piety and hints for self-improvement, but propaganda and brass knuckles."

Mr. HUMPHREY. Mr. President, as I read Mr. Wallace's most recent letter to me, I am forced to conclude that the editor of the Reader's Digest stated that he will correct misrepresentations in the articles he publishes only if to do so would add to his circulation possibilities for his magazine or if he thinks those corrections will be read.

We have here, Mr. President, a pattern—a pattern first brought to the attention of the Senate, I believe, by Senator Guffy, of Pennsylvania, referring to an article which appeared in 1944. It is a pattern which has been traced by the junior Senator from Oregon [Mr. MORSE] and by the senior Senator from Montana [Mr. MURRAY] on the floor of the Senate on August 16—a pattern of bias and misrepresentation.

Let me cite another example of this pattern. In reprinting the digest of the article by Mr. Flynn in its February issue, the Reader's Digest printed a number of quotations from reviews of Mr. Flynn's book. Those quotations included one from a review in the New York Times by Dr. Karl Schriftgiesser. The magazine quoted Dr. Schriftgiesser as saying that Mr. Flynn's book was one of the "two most important books about the contemporary scene that we will have this year." I charge this to be a misrepresentation and an expression of bias, because the excerpt used by the Reader's Digest deliberately failed to include Dr. Schriftgiesser's explanation in the very same paragraph of his review that the two books were important only because "they are the latest and most extreme manifestations of an endemic hysteria presently affecting a considerable segment of our society."

The Senator from Oregon in his statement said:

> I have in my hands evidence which demands immediate investigation to determine whether Reader's Digest has not secretly conspired with powerful business interests to discredit governmental institutions and defame governmental administrators acting under authority of this and other Congresses.

I join in that demand.

In connection with the materials brought to the attention of the Senate by the junior Senator from Oregon, we must take note of another misrepresenting technique used by the Reader's Digest. In the article of August 1950 issue to which the junior Senator from Oregon objected, signed by Leslie R. Miller, former Governor of Wyoming, Dr. Paul J. Raver, Administrator of the Bonneville Power Administration, is referred to as a Socialist. The Senator from Oregon has already amply proven the fact that Dr. Raver is not a Socialist. Even more interesting, however, is the fact that Mr. Miller did not call Dr. Raver a Socialist in his article.

How, then, did the reference enter into the article as it appeared in the Reader's Digest? I am indebted to the Trainman News, official weekly publication of the Brotherhood of Railroad Trainmen, for the explanation. In its issue of July 31, 1950, the Trainman News reports that Alfred S. Dashiell, managing editor of the Reader's Digest, was asked to tell how it happened. This is what he said:

> In editing, we often use the summarizing phrases. That phrase which said Raver was a Socialist did not appear in the original script by Miller, but it was inserted on the strength of the article's content.

There we have it: call a man a Socialist, even if he is not, if it helps the reader to reach the conclusion you want him to reach.

Mr. President, I have no desire nor intent to infringe on the Reader's Digest right to print anything it wants. Freedom of the press is a sacred and valuable freedom. I cherish that freedom, and I will fight for the right of John T. Flynn and DeWitt Wallace to attack me or the ideals which I hold dear. But I think it is equally important, Mr. President, to make it clear what kind of weapon they are using. It is the weapon of innuendo, misrepresentation, character assassination, and falsehood, carefully concealed in the cloak of infallibility and transparent objectivity.

I now conclude, Mr. President, with the hope that those responsible for the education of the children of America in the public schools and high schools undertake a serious study of the Reader's Digest and its activities. If it is to be read by the people of America, let its bias be understood. Let us take away from it the cloak of objectivity and expose its basic interest. The people of America should not be victimized by a propaganda institution.

Mr. President, as I said, I was moved to make these comments after having read and reread the brilliant remarks on the part of the distinguished junior Senator from Oregon [Mr. MORSE] and the remarks of the distinguished senior Senator from Montana [Mr. MURRAY]. I know of no man in the Senate who is more fearless, and, let me say, better prepared when he takes the floor to present facts and objective information, than the Senator from Oregon. While he himself has not been an exponent as I understand, of the present kind of legislation relating to CVA, that is neither here nor there. What is important, Mr. President, is that the junior Senator from Oregon has the courage and the sense of integrity to be able properly to analyze material as to its bias, its prejudice, its objectivity, or its lack of objectivity. I believe he performed a real service, and the sort of service which is needed.

Every man, when he picks up a newspaper and looks at the editorial column, knows that what is written there represents the point of view of the editor. One may not like what the editor writes, but the editor has a perfect right to write it. Everyone knows when he picks up an edition of a labor publication that he is getting the particular point of view as the laboring man sees it. If he gets hold of a journal of a particular fraternal order or a particular religious group he knows that somehow or other it is going to carry the view and the opinion of that particular group.

But the American people have been led to believe the Reader's Digest was just a sampling of the objective, pure, unadulterated truth all through the literature of America. It has done a good job of advertising. I commend it for the very wonderful job of advertising it has done. The publication is of a handy size. It is trimmed to fit the pocket and apparently it is trimmed to fit the mind. All that the various Senators whom I previously named have done is simply to demonstrate to the American people that the Reader's Digest is just another magazine. I do not encourage or discourage anyone from reading it. It should be sold on its own merits. But no one should look upon it as giving out a statement of truth and fact. It should be regarded as giving out a statement of opinion. This magazine has its point of view. It represents a conservative anti-New Deal point of view.

I think there is no better demonstration than was brought out by these two particular issues: The issue that pertained to the digest of Mr. Flynn's book, and the issue which pertained to the CVA, the one that was so adequately discussed by the Senator from Oregon.

THE PRESIDENT'S LETTERS TO COMMANDANT NIXON AND GEN. CLIFTON B. CATES

Mr. DOUGLAS. Mr. President, there has been some discussion on the floor of the Senate of the letter concerning the Marine Corps which the President wrote on August 29 to Representative MCDONOUGH, which letter was printed in the CONGRESSIONAL RECORD. Two days ago it was my privilege to take the floor of the Senate and to say that in my judgment, if the President dictated that letter, it was done under extreme pressure of work, and that it in no sense represented his permanent feelings concerning the Marine Corps.

Mr. President, I now ask unanimous consent that there be inserted in the CONGRESSIONAL RECORD at this point in my remarks the letters which the President addressed yesterday to Mr. Clay Nixon, the commandant of the Marine Corps League, and to Gen. Clifton B. Cates, of the Marine Corps itself.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MY DEAR MR. NIXON: I am concerned over the situation which has arisen because of the publishing of my letter of August 29 to Representative MCDONOUGH.

I have this date addressed a letter to the Commandant of the Marine Corps, a copy of which I am enclosing.

I should be happy to have you read my letter to the members of your organization.

Sincerely yours,

HARRY S. TRUMAN.

DEAR GENERAL CATES: I sincerely regret the unfortunate choice of language which I used in my letter of August 29 to Congressman MCDONOUGH concerning the Marine Corps.

What I had in mind at the time this letter was written was the specific question raised by Mr. MCDONOUGH, namely the representation of the Marine Corps on the Joint Chiefs of Staff. I have been disturbed by the number of communications which have been brought to my attention proposing that the Marine Corps have such representation. I feel that, inasmuch as the Marine Corps is by law an integral part of the Department of the Navy, it is already represented on the Joint Chiefs of Staff by the Chief of Naval Operations. That the Congress concurs in this point of view is evidenced by the fact that, in passing the National Security Act of 1947, and again in amending that act in 1949, the Congress considered the question of Marine Corps representation on the Joint Chiefs of Staff and did not provide for it. It is my feeling that many of the renewed pleas for such representation are the result of propaganda inspired by individuals who may not be aware of the best interests of our Defense Establishment as a whole, and it was this feeling which I was expressing to Mr. MCDONOUGH. I am certain that the Marine Corps itself does not indulge in such propaganda.

I am profoundly aware of the magnificent history of the United States Marine Corps, and of the many heroic deeds of the marines since the corps was established in 1775. I personally learned of the splendid combat spirit of the marines when the Fourth Marine Brigade of the Second Infantry Division fought in France in 1918.

On numerous occasions since I assumed office, I have stated my conviction that the Marine Corps has a vital role in our organization for national security and I will continue to support and maintain its identity.

I regard the Marine Corps as a force available for use in any emergency, wherever or whenever necessary. When I spoke of the Marines as the "Navy's police force," I had in mind its immediate readiness, and the provision of the National Security Act which states that "The Marine Corps shall be organized, trained, and equipped to provide fleet marine forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign."

The corps' ability to carry out whatever task may be assigned to it has been splendidly demonstrated many times in our history. It has again been shown by the immediate response of the Marine Corps to a call for duty in Korea. Since Marine ground and air forces have arrived in Korea I have received a daily report of their actions. The country may feel sure that the record of the Marines now fighting there will add new laurels to the already illustrious record of the Marine Corps.

Sincerely yours,

HARRY S. TRUMAN.

Mr. DOUGLAS. Mr. President, I also ask unanimous consent that there be inserted in the RECORD at this point, as a part of my remarks, an article from this afternoon's edition of the Washington Daily News entitled, "With Personal Visit Harry Charms Irate Marines Off High Horse."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WITH PERSONAL VISIT HARRY CHARMS IRATE MARINES OFF HIGH HORSE

President Truman called unexpectedly today on Marines in convention at the Statler here and told them he hopes there never will be any "misunderstanding" between them again.

Mr. Truman yesterday apologized to the Marines for his "unfortunate choice of language" in describing them as the "Navy's police force."

Today he made an unscheduled visit to the convention of the Marine Corps League here.

HE WINS THEM

Delegates who only yesterday were shouting criticism of the President were applauding supporters today. The Chief Executive barged in unexpectedly, accompanied by Gen. Clifton B. Cates, commandant of the Marine Corps.

"We in the Marine Corps admire courage, especially personal courage," said Gen. Cates as he introduced the President to the cheering delegates.

Mr. Truman, grinning and waving his hands, charmed the once-angry league members with his opening remarks: "You succeeded in enticing me over here."

WANTS PEACE

The President went on in a homey way that there are incidents sometimes that appear to be "almost the end of the world when they happen, but they turn out in the end to be good for all concerned."

Then turning to the more serious side, he said that the thing he wanted most was "a unified effort for peace."

The President said this effort seemed approaching consummation until June 25 when the North Koreans invaded the South Korean republic.

APPLAUSE

Speaking slowly, Mr. Truman said he then faced the decision of supporting the United Nations or "backing out and surrendering."

"You know what the decision was because I don't think any other way," he said.

"I hope this organization will support the President of the United States in his effort to get peace in the world."

The applause this time was deafening.

NO MISUNDERSTANDING

The President then added he wanted the members of the Marine Corps League to be aware that there are many unjustified attacks being made today on men in public office and that most of these attacks finally settle on him.

The President then concluded:

"I hope from now on there will be no misunderstanding between us."

The 40,000-member Marine Corps League already had accepted Mr. Truman's public apology yesterday for calling the Leathernecks a Navy "police force" with a "propaganda machine almost equal to Stalin's."

"FUMBLER"

But convention leaders had predicted that the 1,000 delegates would approve demands that the President fire Secretary of State Dean Acheson and Defense Secretary Louis Johnson.

After Mr. Truman's surprise visit there was speculation that he might also have soothed that troubled point.

The resolutions committee was to recommend ouster resolutions on grounds Mr. Acheson had been too kind to pro-Reds and Mr. Johnson is a "proven fumbler."

Mr. DOUGLAS. Mr. President, I think Commandant Nixon was correct in his statement that this incident is now closed, and I would add that "all is quiet along the Potomac."

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

Mr. MCCARRAN. Mr. President, inasmuch as I intend to propound a proposal for a unanimous-consent agreement, I think it is best at this time to suggest the absence of a quorum.

Mr. LUCAS. Will the Senator withhold the suggestion for a moment?

Mr. MCCARRAN. Yes.

Mr. LUCAS. I have talked to several Senators about the matter. I do not believe a unanimous-consent agreement can be obtained tonight. It is all right, however, for the Senator to suggest the absence of a quorum.

Mr. MCCARRAN. I am ready to let the record be made. I suggest the absence of a quorum.

Mr. LUCAS. I also am ready to let it be made.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Hickenlooper	Martin
Benton	Hill	Morse
Bricker	Hoey	Mundt
Bridges	Holland	Murray
Butler	Humphrey	O'Conor
Byrd	Hunt	O'Mahoney
Cain	Jenner	Robertson
Capehart	Johnson, Tex.	Russell
Chapman	Kefauver	Saltonstall
Connally	Kem	Schoeppel
Cordon	Kerr	Smith, Maine
Darby	Kilgore	Sparkman
Donnell	Knowland	Stennis
Douglas	Langer	Taft
Dworshak	Leahy	Taylor
Ecton	Lodge	Thomas, Okla.
Ellender	Long	Thomas, Utah
Ferguson	Lucas	Thye
Frear	McCarran	Tydings
Fulbright	McCarthy	Watkins
George	McClellan	Wherry
Gillette	McFarland	Wiley
Graham	McKellar	Williams
Green	McMahon	Withers
Gurney	Magnuson	Young
Hendrickson	Malone	

The PRESIDING OFFICER (Mr. LONG in the chair). A quorum is present. The Senator from Nevada is recognized.

Mr. MCCARRAN. Mr. President, yesterday I offered a suggestion of a unanimous-consent agreement to vote today on the bill, and later on I amended it so as to provide for a vote tomorrow. I again offer the suggestion that we may get together in a unanimous-consent agreement to vote at 5 o'clock tomorrow on the bill and all amendments thereto.

Mr. DOUGLAS. Reserving the right to object, I have been studying the various versions which have been finally

embodied as sections 1 to 17 in the McCarran bill. Over a period of weeks I have been trying to prepare a speech on the subject. In my judgment, it would take about 4 hours to deliver the speech. I do not know whether Senators will listen for that long a time, but I think it is important for the RECORD that the speech be made. So I shall try, with such poor ability as I possess, to analyze what the so-called McCarran bill does, to indicate what the Kilgore bill does, to make a comparison between the two, and to indicate my preference for the Kilgore bill. That will take at least 4 hours. If I am subjected to questioning, I do not know when I shall conclude. So tomorrow as a time to vote on the bill would be unsatisfactory to me.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. CAPEHART. Mr. President, I ask unanimous consent that the 4-hour speech which the able Senator from Illinois has prepared be printed in the body of the RECORD. He says he does not expect Senators to listen to it.

Mr. LUCAS. Mr. President, there is a unanimous-consent request pending already.

Mr. WHERRY. Mr. President, may I ask the distinguished Senator from Illinois [Mr. DOUGLAS] whether he objects?

Mr. DOUGLAS. I said I would object to an agreement to vote tomorrow on the bill.

Mr. McCARRAN. Mr. President, may we try to get a unanimous-consent agreement to vote at some convenient hour on next Monday? Would there be any objection to that? Let me suggest 5 o'clock on Monday.

Mr. KILGORE. Reserving the right to object, I should like to address an inquiry to the majority leader. Does the majority leader contemplate a session of the Senate on Saturday?

Mr. LUCAS. No. There will no session on Saturday.

Mr. KILGORE. The reason why I ask the question is that I know the Senator from Minnesota [Mr. HUMPHREY] has some remarks that will cover a couple of hours, and I should like some time on the matter myself. I question whether we could get through in a day.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. LUCAS. I had hoped that we might finish all the important measures by Saturday of this week. Every Senator knows that the House of Representatives has taken a 10-day recess. Every Senator knows that the conferees on the very important tax bill have not as yet met. As I understand, the conferees on the part of the House have not yet been appointed. Consequently, it will take probably all next week before we get any answer from the conferees on the very important tax measure. Under those circumstances, a number of Senators requested that we not hold a Saturday session of the Senate. There is no point in holding a Saturday session if Senators are going to be out of town. Unless we have important business to transact and can get an agreement to vote on a measure, Senators will not remain on the floor on Saturday. We simply cannot get a quorum. So let us not deceive ourselves about holding a session on Saturday. I have tried it in the past, and it does not work. If we were able to finish, and every Senator knew it, it would be a different proposition. I certainly hope that next week, even though we may have to hold some night sessions, we can finish up by Saturday night.

Mr. McCARRAN. Mr. President, not to appear critical, I think we can probably get as many Senators on Saturday as have been present this afternoon or yesterday afternoon.

Mr. LUCAS. I was only giving my viewpoint in connection with the situation. I can understand the desire of Senators who are interested in a particular bill to have a day fixed for a vote upon it, but those who are not interested in it always find some excuse not to vote tomorrow or the next day. It is perfectly all right with me, so far as I am personally concerned, that a vote be taken tomorrow. I certainly would not object to it. I am ready to vote on the bill. But there are other Senators who are not ready to vote and who have speeches to make with reference to the bill. It is an important measure, and we are not going to be hurried along if Senators do not so desire. The Senator from West Virginia [Mr. KILGORE] has a statement to make, as does the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Illinois [Mr. DOUGLAS]. I may have some remarks to make on the measure. I have not said much about the bill, but I may have some things to say before its consideration is concluded. I desire to have some time on it.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WHERRY. Mr. President, in view of the observation made by the distinguished majority leader that it is very difficult to keep the membership in session on Saturday unless an agreement to vote has been entered into, I will say that I agree. I want to be helpful, but in view of the fact that many Senators on this side of the aisle felt that the work of the Senate would be completed by Saturday night and had made engagements for next week, would it be possible in order to accommodate Senators, including the distinguished Senator from Illinois, to agree on a time on Saturday to vote, running through tomorrow, tomorrow night, Saturday, and Saturday night, if necessary, in order to get a vote?

I make that inquiry only because of the fact that, as the distinguished majority leader has said, we realize that in approaching the closing of the session it was the intention that the bill would be voted upon by the end of the week. I am suggesting to the distinguished Senator from Nevada—and I would not do it unless it met with the approval of the majority leader—that, possibly, by carrying on tomorrow, tomorrow night, and Saturday, and at some time reaching an agreement to vote, we can finish completely at that time.

I say that in a constructive way. I hope it may have favorable consideration.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. LUCAS. Mr. President, the Senator from Nebraska, regardless of what Senators may have thought about completing our work this week, well knows that we cannot finish this week.

Mr. THYE. We were told 2 weeks ago that we fully expected to complete the work of the Senate this Saturday. Quite a number of us had made commitments. I was committed to speak in Minnesota on Saturday afternoon and Sunday afternoon. However, in view of the fact that we were told 2 weeks ago that we expected to complete the work of the Senate by this Saturday I canceled the engagements I had made. Now we find that we will drag our feet on Saturday. I would be perfectly happy if I could work on Saturday. I have work to do.

Mr. President, in view of the fact that many of us have canceled our speaking engagements for this week end, I hope the majority leader will permit the Senate to remain in session so that we may complete the making of speeches that must be made before we are ready to vote on the measure. I ask it in all sincerity, because I have canceled a speaking engagement, and I know of other Senators who did likewise.

Mr. LUCAS. Mr. President, as the result of statement made by the Senator from Minnesota I must say that it shows that one must never try to suggest any day with respect to a recess or adjournment. In other words, when one goes along or tries to go along with a program he will always be up against some unexpected obstacle, in which event he will be criticized because he had previously advised certain Senators that he had hoped to be able to recess at a certain time.

So far as next Saturday night is concerned, I withdraw the statement I previously made. I do not know whether we will be able to get away a week from Saturday. I doubt that we will be able to do so. At any rate, I shall not make any promises with respect to it. Therefore, no one on either side of the aisle will find it necessary to cancel engagements.

The statement which the Senator from Illinois made 3 weeks ago was made in good faith. I tried to convince the leadership of the House of Representatives not to take a recess now but to stay in session so that the conferees on the tax bill could meet and therefore we could probably finish our work this week. I was not successful in my attempt. The House does what it wants to do, as we do what we want to do. However, Mr. President, I make the statement now for the benefit of the RECORD, because I shall not stand here as the majority leader and be condemned by the minority party for having failed to be able to get away this Saturday night. I will not take it on the chin next Saturday if we cannot get away then, as I am taking it now.

Mr. THYE and Mr. McFARLAND addressed the Chair.

Mr. McCARRAN. I first yield to the Senator from Arizona.

Mr. McFARLAND. Yesterday, before the Senate recessed, when I was acting as the majority leader, I said when the announcement as to concluding the session was made by the distinguished majority leader it was thought the House would stay in session. It was not the fault of the distinguished majority leader at all that we could not get away by tomorrow evening. Personally I see no reason for holding a night session when we know we will not be able to accomplish anything. I have discussed the matter with Senators on both sides of the aisle, and I say to the distinguished Senator from Nevada that I think the earliest possible time at which we can get a unanimous-consent agreement to start the voting process is at 1 o'clock on Tuesday of next week. I hope such an agreement may be entered into. If it is proposed, I am sure it will go through. I say that because I have talked to Members of the Senate on both sides of the aisle. Let us enter into such an agreement, and then we can go home.

Mr. McCARRAN. Mr. President, I now yield to the Senator from Minnesota.

Mr. THYE. Mr. President, I wish to assure the very able majority leader that my remarks were not pointed at his chin. I made my remarks with all sincerity, only asking, inasmuch as many of us are inclined to work on Saturday and had canceled speaking engagements, that the Senate work on Saturday. We are eager to have a session on Saturday, so that some speeches may be made on the pending measure, and thus assist the majority leader in expediting the work of the Senate. It is for that reason that I offered my remarks. I am willing to work and I hope we shall have the opportunity to work on Saturday.

Mr. SALTONSTALL and Mr. ROBERTSON addressed the Chair.

Mr. McCARRAN. Before I yield to the Senator from Virginia, let me say I hope we may be able to work on Saturday. I suggested to the majority leader that we work on Saturday. It seems to me that we could have as many Senators on the floor on Saturday as we have had this afternoon.

Mr. LUCAS. Mr. President, if the Senator from Nevada will yield, I suggest that he propose his unanimous-consent request.

Mr. McCARRAN. I first yield to the Senator from Virginia.

Mr. ROBERTSON. The Senator from Nevada knows very well that I am in favor of his bill, and I want to see action taken on it. He knows that yesterday I suggested we could work at night, as our distinguished majority leader had indicated previously. However, in view of the discussion had here, I hope the distinguished Senator from Nevada will accept the suggestion made by the distinguished Senator from Arizona [Mr. McFARLAND] that he modify his request so as to provide for a vote at 1 o'clock on next Tuesday.

Mr. McFARLAND. To start the vote at 1 o'clock on Tuesday.

Mr. ROBERTSON. Yesterday when I was suggesting that we have a night session I was hopeful that the supplemental $16,000,000,000 appropriation bill, in connection with which we have had new budget estimates which were not considered or included by the House, would be ready for action by Monday. We now know that is an impossibility. So far as I know we cannot consider the appropriation bill before Wednesday of next week. To do so the committee will probably have to sit on Saturday afternoon and possibly at night.

Mr. President, I also understand that those who intend to propose amendments to the pending bill feel they would not have adequate opportunity to discuss the amendments if we were to start to vote on the bill before Monday. Therefore, Mr. President, under the circumstances I hope very much that the distinguished Senator from Nevada will accept the suggestion made to him that he propose a unanimous-consent agreement to vote on the bill and all amendments to it commencing at 1 o'clock on Tuesday.

Mr. McCARRAN. I may say to the Senator from Virginia that I have had an intimation that Tuesday would not be satisfactory.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. SALTONSTALL. I simply wish to say—and I address my remarks particularly to the majority leader—that I believe it is the responsibility of the majority leader to be as definite with the 95 other Senators as he can possibly be. I applaud him for making definite statements, even though he cannot always for some reason or other keep them. As one Member of the Senate, I am ready to work on Saturday. I sincerely hope that we will work on Saturday. I hope that we will complete this session as soon as possible. I believe it is for the best interests of Members of the Senate and the country as a whole to do so. I do not think the majority leader should feel sensitive of the fact that certain things have not gone the way he had hoped they would go. I hope and trust that he will be as definite as he can with Members of the Senate. I think it is his responsibility and his privilege, and it helps us to be able to make our plans, even though we may later have to change them. I sincerely hope that we may work on Saturday.

Mr. McCARRAN. Would it not be possible to go on with a discussion of the bill tomorrow and on Saturday and then vote on it on Monday?

Mr. LUCAS. I have no objection to voting on it tomorrow, so far as I am personally concerned, and I want the RECORD to show my position. The majority leader is not holding up any legislation. However, some Members on this side of the aisle, as my colleague [Mr. DOUGLAS] so well said a moment ago, desire to analyze all phases of the internal-security measures. He himself expects that it will probably take him at least 4 hours to do so. That is practically all one afternoon. I think, if he desires to do it, he should have that opportunity and other Senators also want an opportunity to speak. So far as I am personally concerned, my remarks will be confined probably to half an hour or an hour, and I could vote tomorrow or the next day.

I do not want anyone saying that the majority leader is holding up legislation. If there is anyone who desires to get back to the hustings any more than the majority leader, I should like to know who he is. The Senator from Illinois is not holding up legislation, and keeping Senators from voting on the bill, or considering it. I am only one Senator, and other Senators have their rights. If they object, of course that is all there is to it.

Mr. McCARRAN. They do not object. I have not heard anyone objecting to working on Saturday.

Mr. LUCAS. It is perfectly all right with me if Senators want to work on Saturday, but that is up to some of the Senators.

Mr. McFARLAND. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. McFARLAND. I plead with the distinguished Senator in charge of the bill, and the majority leader and the minority leader, that there is no need of working when it does not do any good. Everyone knows that we cannot get through this session until the House gets back, and until certain business is transacted.

Mr. McCARRAN. Are we going to keep this bill dragging along until that time?

Mr. McFARLAND. I was pleading with the Senator that he provide in his unanimous-consent request for a vote on Tuesday. I do not see how any Senator could object to that length of time intervening. We could go ahead and work day and night, but what good would it do us if we are not to get through with the session any way?

There is certain rest that even a Senator should have. I hope the Senate will recognize that. Of course, if we could have gotten through with the session the coming Saturday, it would have been wonderful, but we know we are not going to do that. I do not see why we cannot enter into a unanimous-consent agreement for a vote on Tuesday. I know there is objection to voting on Monday.

Mr. McCARRAN. I am going to make the suggestion now that the unanimous-consent agreement be entered into for a vote on Monday at 5 o'clock, or any convenient hour.

Mr. WHERRY. Mr. President, would not the distinguished Senator from Nevada make a request for a vote on Saturday, some time Saturday night? That would be the quickest way to find out whether we can have a Saturday session.

Mr. McCARRAN. I am ready to vote tonight, if necessary.

Mr. WHERRY. I did not mean that. The majority leader and I agreed that unless there were an agreement entered into to vote on Saturday sometime, there would be justification for going over to Monday or Tuesday. In order to make the determination, I wish the Senator would make a request for a vote on the bill at some hour Saturday, or Friday. If there is objection, I will go along day by day through the week.

Mr. McCARRAN. I make the suggestion as to Saturday. Is there objection to a unanimous-consent agreement for a vote on Saturday?

Mr. KILGORE. Mr. President, I would feel constrained to object, and do object, to a vote on Saturday. In the first place, I do not believe there will be a representative number of Senators present.

SEVERAL SENATORS. They will be here.

Mr. KILGORE. I have heard such suggestions made, that Senators will be here, and I have come to the Senate on Saturday when there was barely a quorum present. For that reason I would not want to agree to a vote on Saturday. As to Monday, I think the idea of starting to vote at 5 o'clock, unless we are to have a night session, will get us nowhere. It would not be any better than starting at 1 o'clock Tuesday.

Mr. McCARRAN. My idea was to give more time.

Mr. KILGORE. That would give 5 hours of debate on Monday. The only question is whether it is advantageous to start voting at 5 o'clock in the evening.

Mr. McCARRAN. Does the Senator object to a vote on Saturday?

Mr. KILGORE. I object to Saturday.

Mr. McCARRAN. I make the suggestion now for Monday, at a convenient hour; I do not care what the hour is.

Mr. CAPEHART. Mr. President, I would object to any hour on Tuesday except 1 o'clock.

The PRESIDING OFFICER. The Senator is asking whether there would be an objection to voting on Monday.

Mr. CAPEHART. I would object to Monday, but would agree to a vote at 1 o'clock on Tuesday.

Mr. McCARRAN. May we have an agreement to vote on Tuesday at a convenient hour, say 1 o'clock, to start voting on the bill and all amendments thereto?

The PRESIDING OFFICER. Will the Senator state his unanimous-consent request?

Mr. McCARRAN. I will have to read it.

The PRESIDING OFFICER. The clerk will read it, if the Senator desires.

Mr. McCARRAN. Very well.

Mr. LUCAS. Let us have order while the request is being read.

The PRESIDING OFFICER. The Senate will be in order. The clerk will read.

The legislative clerk read as follows:

Ordered, That on the calendar day of Tuesday, September 12, 1950, at the hour of 1 o'clock p. m., the Senate proceed to vote, under the limitation of debate hereinafter provided, upon any amendment or motion (including appeals) that may be pending or that may thereafter be proposed to the bill (S. 4037) to protect the internal security of the United States, and for other purposes, and upon the final passage of the said bill: *Provided*, (1) That after said hour of 1 o'clock p. m., debate upon any amendment or motion (including appeals), and upon the bill itself shall be limited to not exceeding 10 minutes, to be equally divided and controlled, respectively, by the mover of any such amendment or motion and the chairman of the Committee on the Judiciary [Mr. McCARRAN]; (2) That no amendment or motion that is not germane to the subject matter of the said bill shall be in order; and (3) That no further vote on any amendment or motion shall be had on said bill prior to said hour of 1 o'clock p. m. on tomorrow.

Ordered further, That the time between 12:30 o'clock p. m. and 1 o'clock p. m. on said day of Tuesday, September 12, 1950, shall be equally divided and controlled, respectively, by Mr. McCARRAN and Mr. KILGORE.

Ordered further, That in the event of the passage of the said bill (S. 4037), the Senate shall, without debate, proceed to consider the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes (Cal. No. 2502); That it be deemed to be amended by striking out all after the enacting clause and inserting in lieu thereof the text of S. 4037, as amended; That the engrossment of the amendment and third reading of said bill be deemed to be ordered, and a vote immediately taken on the final passage of the House bill, as amended; and that, if passed, the title shall be appropriately amended and the proceedings on the passage of S. 4037 be vacated and the said bill be postponed indefinitely.

Mr. LUCAS. Mr. President, will the clerk please read the last paragraph again?

The legislative clerk read as follows:

Ordered further, That in the event of the passage of the said bill (S. 4037), the Senate shall, without debate, proceed to consider the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes (Calendar No. 2502); That it be deemed to be amended by striking out all after the enacting clause and inserting in lieu thereof the text of S. 4037, as amended; That the engrossment of the amendment and third reading of said bill be deemed to be ordered, and a vote immediately taken on the final passage of the House bill, as amended; and that, if passed, the title shall be appropriately amended and the proceedings on the passage of S. 4037 be vacated and the said bill be postponed indefinitely.

Mr. LUCAS. Mr. President, I have not seen this unanimous-consent request before, and I should like to ask why the House bill is brought into the request, as has been done. This is very unusual.

Mr. McCARRAN. It was my idea that the proceedings could be set out, because the House bill has passed the House and is on the Senate table. It has not been sent to a committee. Being on the table, we can strike out all after the enacting clause and insert the language of the bill as passed by the Senate.

Mr. LUCAS. I am not going to agree to that part of the request. That phase of it will have to be stricken out, because we do not do that in our unanimous-consent requests. It is the first one I have heard of this kind. It is a little unusual, and I am not going to agree to that part of it.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHERRY. We might not always have agreed to it in unanimous-consent agreements, but it follows the exact mechanics we would have to follow. I think we did this in the case of a recent bill.

The PRESIDING OFFICER. The Chair is advised that that procedure——

Mr. WHERRY. May I conclude my observation?

The PRESIDING OFFICER. The Senator will proceed.

Mr. WHERRY. It would expedite business and carry out the theory of having only 10 minutes' time on an amendment, 5 on a side, and then the substitution of the House bill under the Senate title. Otherwise we might have long debate on the House bill when it comes up.

Mr. McCARRAN. Mr. President, I am advised that we have followed the proposed procedure in times past.

The PRESIDING OFFICER. The Chair would advise the Senate that this procedure was followed in the case of the ECA bill when it was passed by the Senate.

Mr. LUCAS. Of course, it may have been followed a number of times. I do not remember the ECA unanimous-consent agreement. This unanimous-consent agreement is rather long, and was not submitted to the majority leader for his consideration at all. That is one of the reasons why I objected to it. I think that with respect to unanimous-consent agreements, at least an opportunity should be given to the majority leader to look at them before they are submitted to the Senate. It says that with all due deference to the distinguished Senator from Nevada, the chairman of the Committee on the Judiciary. I think I am entitled to look at such unanimous-consent agreements as a matter of protection to the majority on this side of the aisle.

Mr. McCARRAN. I am entirely in agreement with that statement. I supposed the agreement had been submitted to the majority leader. It was drafted, I think, by the legislative clerk or perhaps by the Parliamentarian. I supposed it had been submitted to the majority leader.

Mr. LUCAS. I had not seen it at all. But I am going to withdraw my objection to it.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WHERRY. I do not want to quarrel over technical matters, but the unanimous-consent agreement was read in detail when it was presented yesterday. It is in the RECORD. I am satisfied, if the majority leader will bear with me, that there is not anything in the last two paragraphs that in any way would change the mechanics of a procedure of this kind.

Mr. LUCAS. I have withdrawn my objection.

The PRESIDING OFFICER (Mr. LONG in the chair). The objection has been withdrawn. Is there objection to the unanimous-consent agreement?

Mr. KILGORE. Mr. President, reserving the right to object, at this time I should like to ask the Senator from Nevada if the agreement could be amended to permit 30 minutes for debate on the amendment in the nature of a substitute. If only 5 minutes is given to each side there cannot be much discussion on the substitute. I agree to the proposal for 5 minutes on each side on other matters, but as to the substitute, which is a major amendment, I believe we should have 30 minutes, that is 15 minutes to

each side. Is that agreeable to the Senator from Nevada.

Mr. McCARRAN. That would be agreeable to me.

Mr. WHERRY. Mr. President, that is on the one amendment which is in the nature of a substitute, the so-called Kilgore substitute, which will be offered to the McCarran bill, I suppose, after it has been amended.

Mr. McCARRAN. Let me say that if my recollection is correct, there are now two substitutes.

Mr. WHERRY. That is what I wanted to have identified.

Mr. McCARRAN. There are two substitutes which have been presented by the Senator from West Virginia.

Mr. KILGORE. I may say there are not two substitutes on file. One measure was drafted as an amendment in the nature of a substitute. One was drafted as a bill, and has been sent to the desk for appropriate reference, with the idea that it will be withdrawn after action on the substitute will be had. The measure was filed in two forms, but there are not two amendments. The two measures are identical in language.

Mr. McCARRAN. The substitute to which the Senator refers——

Mr. KILGORE. The substitute to which I refer is the amendment in the nature of a substitute for Senate bill 4037. The other measure contains the same language, but is a bill.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. DONNELL. I should like to address an inquiry to the Senator from Nevada. It happens that in our State there is a State convention—I think there is one of each party, but I know there is one of the Republican Party—to be held on next Tuesday. I have a certain duty to perform there which I feel is obligatory upon me to perform. At least I have accepted the invitation to be present, and I think I should go through with it. The inquiry I desire to propound to the Senator is whether or not he would be willing to change his request so as to provide for a vote on Wednesday, rather than Tuesday.

Mr. McCARRAN. Would there be any objection from any Senator if the date is set as Wednesday? I want to accommodate the Senator from Missouri, of whom I am very fond.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield..

Mr. MUNDT. I believe the Senator from South Dakota would have to object to deferring action so long as to next Wednesday. We started out by trying to get action tomorrow, and then Saturday, and then Monday. There may be a legitimate desire on the part of Senators to meet engagements they have obligated themselves to meet, but the measure before us is a tremendously important one from the standpoint of the menace of communism to the Nation. We are considering this measure at a time when we are in war, and we should proceed to the consideration of amendments and the bill as soon as possible. I do not think we should waste time from now until next Wednesday by not considering amendments and the bill until that time. We have been debating the bill since the beginning of this week. If it is proposed to wait until after next Tuesday to take action, I shall have to object. Let us take action, catch as catch can, by majority vote.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. HUMPHREY. Reserving the right to object, I should like to ask the Senator a question. The unanimous request, as I understand, provides for 10 minutes on each amendment, that is 5 minutes on a side. The 10 minutes is to be divided, 5 minutes to each side, the time to be controlled by the chairman of the committee, and the mover of an amendment. There is a belief among some of us that several amendments would require a little more time. I wonder if we can provide for 10 minutes for each side on each amendment. I do not think we will use that amount of time. I mean 10 minutes on each side. Frankly I think some of the amendments can be disposed of sooner.

Mr. McCARRAN. That is after a certain time.

Mr. HUMPHREY. That after 1 o'clock on Tuesday, yes, we provide for 10 minutes on each side. I agree with the request that was made by the Senator from West Virginia. But I believe the agreement should be modified to provide for 10 minutes on each side.

Mr. McCARRAN. Mr. President, I ask that the portion of the agreement in question be read.

The legislative clerk read as follows:

Provided, (1) That after said hour of 1 o'clock p. m., debate upon any amendment or motion (including appeals), and upon the bill itself shall be limited to not exceeding 10 minutes, to be equally divided and controlled, respectively, by the mover of any such amendment or motion and the chairman of the Committee on the Judiciary [Mr. McCARRAN].

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. HUMPHREY. My question is: Would the Senator from Nevada be willing to modify that portion of the unanimous consent request so as to provide 10 minutes to each side, rather than 10 minutes to be divided, 5 minutes on each side? For example, one of the amendments is rather a large one, which could not be handled in that period of time. I think it is pretty clear we are not going to have too many Members present while debating it.

Mr. McCARRAN. So far as I am concerned, I would be glad to agree to that.

Mr. HUMPHREY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Nevada modifies his amendment to provide 10 minutes to each side.

Mr. McCARRAN. I do not think that extension of time, however, should be abused. Some amendments would not take so much time as that. There may be some amendments, however, that would take that length of time.

Mr. HUMPHREY. I agree with the Senator. There are several of us on this side who believe two or three amendments would require as much time as 10 minutes on a side. We would restrict ourselves on other amendments.

Mr. McCARRAN. I think that is fair. I agree to that.

Mr. WHERRY. Mr. President, reserving the right to object, since there has been a modification, I should like to have that, as well as the previous modification read.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

Provided, (1) That after said hour of 1 o'clock p. m. debate upon any amendment or motion (including appeals), and upon the bill itself shall be limited to not exceeding 20 minutes, to be equally divided and controlled, respectively, by the mover of any such amendment or motion and the chairman of the Committee on the Judiciary [Mr. McCARRAN].

* * * * *

(4) That debate on the amendment in the nature of a substitute to be proposed by the Senator from West Virginia [Mr. KILGORE] shall be limited to 30 minutes, to be equally divided between the Senator from West Virginia [Mr. KILGORE] and the Senator from Nevada [Mr. McCARRAN].

Mr. WHERRY. Mr. President, reserving the right to object, I have no objection to the request that 30 minutes be devoted to the substitute. I think that is proper. It is a major amendment. It is a substitute for the whole bill. But if we are going to limit debate and secure a vote on the bill—and there may be many other amendments presented—I do not believe the Senator from Minnesota ought to ask for 20 minutes on each amendment. The reason I say that is because in the time from now until next Tuesday we can discuss any amendment we want to that might be offered. The idea is to limit debate so we will finally secure a vote on the measure on Tuesday afternoon. If 20 minutes to an amendment is allowed, and then there is a yea and nay vote on the amendment, the first thing we know it will take the major part of an hour to have an amendment acted upon. I do not want to cut anyone off. But it seems to me that the Senator should not ask for 20 minutes on each amendment. I do not complain about allotting more time on the substitute.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. HUMPHREY. I wish to say to my friend, the distinguished minority leader, that in the spirit of higgling and jiggling in the good old Yankee tradition, why should we not agree to allow 7½ minutes to each side on the amendments? [Laughter.] The reason I make that suggestion is that it is perfectly obvious that a large number of Senators will not be on the floor of the Senate when some Senators discuss some of the pertinent provisions of this bill. When we are to vote on such important proposed legislation, I believe that at least two or three important amendments—I know of two—should be debated for that long; we would like to have 7½ minutes

for each side to debate those amendments. I assure the Senator that there will not be any abuse of the time allotted.

Mr. WHERRY. Mr. President, if the Senator will yield——

Mr. McCARRAN. I yield.

Mr. WHERRY. Let me say that I did not mean to suggest that there would be any abuse of the time allotted. If the Senate feels that the agreement should provide for 7½ minutes for each side on the amendments, I certainly would not wish to quarrel about that with the distinguished Senator from Minnesota. If it is agreeable to the other Members of the Senate to have such a provision of time made, then the agreement would provide for a total of 15 minutes on each amendment, with 7½ minutes to be available to each side, to both the proponents and the opponents.

The PRESIDING OFFICER. Does the Senator from Nevada so modify his request?

Mr. McCARRAN. Certainly; that will be satisfactory to me. I so modify the request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request as thus modified? The Chair hears none, and it is so ordered.

The unanimous-consent agreement as entered into is as follows:

Ordered, That on the calendar day of Tuesday, September 12, 1950, at the hour of 1 o'clock p. m., the Senate proceed to vote, under the limitation of debate hereinafter provided, upon any amendment or motion (including appeals) that may be pending or that may thereafter be proposed to the bill (S. 4037) to protect the internal security of the United States, and for other purposes, and upon the final passage of the said bill. *Provided,* (1) That after said hour of 1 o'clock p. m., debate upon any amendment or motion (including appeals), and upon the bill itself shal be limited to not exceeding 15 minutes, to be equally divided and controlled, respectively, by the mover of any such amendment or motion and the chairman of the Committee on the Judiciary [Mr. McCARRAN]; (2) that no amendment or motion that is not germane to the subject matter of the said bill shall be in order; (3) that no further vote on any amendment or motion shall be had on said bill prior to said hour of 1 o'clock p. m.; and (4) that debate on the amendment in the nature of a substitute to be proposed by the Senator from West Virginia [Mr. KILGORE] shall be limited to 30 minutes, to be equally divided between the Senator from West Virginia [Mr. KILGORE] and the Senator from Nevada [Mr. McCARRAN].

Ordered further, That the time between 12:30 o'clock p. m. and 1 o'clock p. m. on said day of Tuesday, September 12, 1950, shall be equally divided and controlled, repectively, by Mr. McCARRAN and Mr. KILGORE.

Ordered further, That in the event of the passage of the said bill (S. 4037), the Senate shall, without debate, proceed to consider the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes (Calendar No. 2502); that it be deemed to be amended by striking out all after the enacting clause and inserting in lieu thereof the text of S. 4037, as amended; that the engrossment of the amendment and third reading of said bill be deemed to be ordered, that a vote be immediately taken on the final passage of the House bill, as amended; and that, if passed, the title shall be appropriately amended, the proceedings on the passage of S. 4037 be vacated and the said bill be postponed indefinitely.

Mr. McCARRAN. Mr. President, it is now understood that the vote on this bill is to be taken on next Tuesday. Is that correct?

Mr. HUMPHREY. That is my understanding.

The PRESIDING OFFICER. The Chair so understands.

LEGISLATIVE PROGRAM

Mr. LUCAS. Mr. President, before Senators leave, I should like to make an announcement which I think is very important.

Following the disposition of the pending business, the McCarran internal security bill, there will be a call of the calendar from the beginning. If the following bills cannot be passed during the call of the calendar, motions will be made to take them up following the call of the calendar.

Calendar No. 2263, S. 3295, a bill amending the Railway Labor Act.

Calendar No. 1916, H. R. 3419, a bill amending the Merchant Ship Sales Act.

Calendar No. 1837, S. 3109 or Calendar No. 2378, H. R. 8847, bills aiding the development of American shipping on the Great Lakes.

Calendar No. 2489, H. R. 7940, a bill providing financial assistance for local educational agencies in areas affected by Federal activities.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHERRY. I think every Senator should be interested in this announcement, because, as I understand, the majority leader has already stated that inasmuch as on Tuesday the Senate will vote on the internal security bill, the calendar will be called on the following day, Wednesday.

Mr. LUCAS. That is correct.

Mr. WHERRY. I further understand that the announcement also is that if the bills the Senator from Illinois is now reading by title are not passed during the call of the calendar, he intends to move to take them up following the call of the calendar. I think the Senate should note this information.

Mr. LUCAS. Yes.

Mr. WHERRY. I appreciate that announcement; and I think there should be order in the Senate, so that all Senators will be able to hear this important announcement.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TAFT. What about the $16,000,000,000 appropriation bill?

Mr. LUCAS. I will come to that in just a moment.

Calendar No. 1940, S. 3727, a bill to authorize certain construction at Griffis Air Force Base.

Calendar No. 1156, H. R. 5731, a bill to discharge a fiduciary obligation to Iran.

Mr. President, following the disposition of those bills, motions will be made to take up the Alaska statehood bill and the Hawaii statehood bill.

Whenever the supplemental appropriation bill, House bill 9526, containing national defense items, is reported, in view of its importance it will be called up immediately and passed as soon as possible.

There are, of course, to be certain conference reports, including the conference report on the tax bill. Those matters are privileged, and can be called up at any time.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. McCARRAN. There is a matter to which I should like to invite the attention of the majority leader, namely, the veto message on the extension of the Lucas bill.

Mr. LUCAS. Yes.

Mr. McCARRAN. It is a privileged matter, and I shall try to bring it up immediately following the conclusion of action on the internal security bill.

Mr. LUCAS. The Senator will have that right, of course, because that matter is privileged.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHERRY. I should like to ask a question. First, if the supplemental appropriation bill is reported prior to the call of the calendar, for example, would the Senator from Illinois then move to have the Senate take up the supplemental appropriation bill prior to the call of the calendar?

Mr. LUCAS. That would be more or less up to the chairman of the Appropriations Committee.

Mr. WHERRY. Whenever the appropriation bill is reported, the Senator intends to have it taken up, regardless of what business may then be pending; is that correct?

Mr. LUCAS. That is correct.

Mr. WHERRY. Does the Senator expect to have, if necessary, a Saturday session a week from this Saturday? I do not wish to have the Senator to make a definite commitment; but I should like to know whether it is the intention to have a Saturday session a week from this Saturday, in the event such a session is necessary in order to complete the work of the Senate.

Of course, the Senator may wish to withhold comment on that matter.

Mr. LUCAS. I should like very much, of course, I say to my friend the Senator from Nebraska, to have the work of the Senate completed a week from Saturday, and I hope it will be possible to do so. However, I simply cannot anticipate, and I am not going to make any commitments on that score—as I have tried to before, in the utmost good faith—and then be charged with "running out on the deal," so to speak.

I hope that is done; and certainly the Senator from Nebraska knows that I am desirous of getting away as soon as possible.

Mr. WHERRY. A week from Saturday?

Mr. LUCAS. Yes.

Mr. WHERRY. Then I understand it is now the intention to conclude the work of the Senate, if possible—let us put it

that way—by a week from Saturday. Is that correct?

Mr. LUCAS. I am not going to make any definite commitment on that matter.

Mr. WHERRY. Will there be a Saturday session this Saturday, in view of the unanimous-consent agreement for the Senate to vote on Tuesday on the internal security bill?

Mr. LUCAS. I should think perhaps there will be, in view of the calendar we have, because we shall not finish action on the internal security bill until Tuesday, probably late in the day; and probably on Wednesday we shall take all day on the calendar.

Mr. WHERRY. I meant this Saturday.

Mr. LUCAS. No; there will be none this Saturday.

Mr. WHERRY. There will be no session this Saturday?

Mr. LUCAS. That is correct.

Mr. WHERRY. I thank the Senator very much for the information.

Mr. McCARRAN. Mr. President, I should like to ask a question of the distinguished and able majority leader, if he will yield to me.

Mr. LUCAS. I yield.

Mr. McCARRAN. My understanding is—and I inquire if I am correct in so understanding—that the bills mentioned by the distinguished Senator from Illinois are to be taken up on the consent calendar.

Mr. LUCAS. That is correct; we shall have a call of the calendar from the beginning to the end; and it is my hope that some of the bills listed by me—those to which there has been objection by only one Senator, for instance—may be passed during the call of the calendar. However, I am serving notice on all Senators that if those bills are not passed during the call of the consent calendar, then immediately following the call of the calendar motions will be made to consider those bills.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. DWORSHAK. Do I correctly understand, then, that the target day for the recess is Saturday, September 16?

Mr. LUCAS. I should hope that we shall be able to get away by that time; but we had a "target date" for this Saturday, as I said several weeks ago, and now we find that we cannot comply with that timetable, upon which we had more or less agreed.

So that matter is speculative. The Senator from Idaho knows as well as I do that I desire to get away from Washington as quickly as the Senator from Idaho does. Both of us have campaigns, and we want to get back home. As a matter of fact, I am being criticized for going home when I am able to do so; and I am also being criticized for remaining in Washington.

I hope the Senator from Missouri [Mr. DONNELL], when he goes home next Tuesday, will not be criticized as I have been when I go home to make a speech. When I do so, I am criticized by one of my very friendly newspapers in the State of Illinois; and when I remain here in Washington I am criticized by my people in Illinois for not coming back home.

I hope the Senator from Missouri does not meet that fate. I like him very much, and I hope he receives the reception that is due him in Missouri.

Mr. DONNELL. Mr. President, I greatly appreciate that expression by the distinguished majority leader.

Mr. DWORSHAK. Mr. President, those of us who live several thousand miles from the Capital find it difficult to fly home over a week end, as is done by Senators who live only several hundred miles from the Capital. In other words, it is difficult for us to know when we shall be able to accept invitations to attend meetings, including business meetings; and I really mean business meetings. That situation is a distinct disadvantage to those of us who live in rather far-distant places.

So I hope we can expedite the business of the Senate by working on Saturday, and not merely go along in a haphazard manner, as some Senators believe we might do by remaining in session for the entire year, so long as it is possible for them to fly home over week ends.

I hope it is possible to expedite the business of the Senate so that some of us can get home and can take care of our official business.

Mr. LUCAS. I agree with the Senator. It is most unfortunate that the Senator from Idaho resides so far from the Capital. If he lived nearer, I am sure that would take care of the situation. It would be very helpful to him, in that respect, if he were elected to the Senate from a State not so far removed from Washington.

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHERRY. The distinguished senior Senator from Nebraska [Mr. BUTLER] wanted to make a few remarks on the pending bill. I ask unanimous consent that his statement, together with a letter from Metropolitan Council No. 11 of the United Packinghouse Workers of America, enclosing a resolution on communism, be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. LUCAS. I have no objection to it. I am sure it will be a real contribution to the RECORD.

There being no objection, Mr. BUTLER's statement and the letter and accompanying resolution were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BUTLER

PASS ANTICOMMUNIST LEGISLATION NOW

Mr. President, I very much hope that the Senate will pass this so-called security legislation promptly and overwhelmingly. This bill will give us at last an effective means of taking action against the Communist conspiracy in our midst. It will expose the Communist Party for what it is—a criminal conspiracy to overthrow our Government—and force all Communists and Communist-front organizations to reveal themselves or else be subject to prosecution and thrown into jail where they belong.

This bill is long overdue. As long as 4 years ago, in 1946 when I was campaigning for reelection to the Senate, I discussed the Communist danger in many speeches throughout Nebraska, and I came to realize at that time how deeply concerned the people of my State were about this Communist threat. I pledged myself to fight against communism in whatever shape or form it might appear. Unfortunately, high officials of this administration at that time were not equally concerned about the problem.

It is not so long ago that President Truman himself referred to the investigation of this Communist conspiracy as a red herring. Since that time, we have had the conviction of Alger Hiss, the discovery by the British Government of the espionage that was conducted by Dr. Fuchs, one of their top atomic scientists, the discovery by the FBI of a long string of Communist spies in this country, and many other cases that prove conclusively just how serious this danger is.

Now, at last, the President has admitted the need for legislation to control communism, and I believe it is long past due.

I am reminded of the complacent attitude that I met with when I first went to Hawaii to investigate communism there in connection with the statehood question. At that time my efforts were sneered at, and I was told that communism in the islands was not a problem, that there were only a few Communists, and that they had no influence. When I filed my report, Communist Penetration of the Hawaiian Islands, I named names; I charged that the one big union in Hawaii, the ILWU—Harry Bridges' union—was controlled by Communists, and that through it they controlled the shipping, sugar, and pineapple industries of the islands. I charged that this Communist-led ILWU had secured almost a strangle hold on the Democratic Party organization in Hawaii.

Nothing was done about my charges for some time. Finally, last spring the House Committee on Un-American Activities made a special investigation there. They discovered that many of the top leaders of the ILWU were Communists, and 39 residents of Hawaii have been cited for contempt of Congress and are to be prosecuted because they refused to swear under oath that they were not and had not been members of the Communist Party.

Since its return, the House Committee on Un-American Activities has realized that there is still more to be done in Hawaii and that a subcommittee may return to the islands very soon to further pursue its investigations of communism in Hawaii. I was delighted at that news, and I very much hope the subcommittee will uncover completely the infiltration of the Communist Party in the unions, its attempts to control the Democratic Party machinery, its control of local government subdivisions of the Territory, and other public and civic institutions there.

Mr. President, it does not make much difference whether the bill that will be passed is called the Mundt-Nixon, the Mundt-Ferguson, or the McCarran bill. The basic principles of all three are very similar, and all aim at exposing communism and the Communists and bringing them out into the open where we can deal with them. I shall support this bill wholeheartedly, and I very much hope that as soon as it is passed the Department of Justice will take vigorous action to use it against this conspiracy in our midst.

Mr. President, I ask that a letter and an accompanying resolution be inserted in the RECORD at this point as indicative of the loyalty of certain labor organizations in Nebraska.

(The letter and accompanying resolution are as follows:)

METROPOLITAN COUNCIL NO. 11,
UNITED PACKINGHOUSE WORKERS OF AMERICA,
Omaha, Nebr., August 31, 1950.

Senator HUGH BUTLER,
Washington, D. C.

DEAR SIR: Enclosed you will find resolution passed unanimously by the delegates to Metropolitan Council No. 11, UPWA-CIO at a meeting held on August 24, 1950.

The delegates represent the packinghouse and stockyard workers in the city of Omaha, Nebr., numbering about 8,000 workers in the industry.

Respectfully,

EDW. T. LANG,
President, Metropolitan Council No. 11, UPWA-CIO.

"RESOLUTION ON COMMUNISM

"Whereas communism and the tactics used by the Communist Party and its members is an insult to every patriotic citizen of America; and

"Whereas the Communist Party and its members through lies and sabotage, for the present are attempting to undermine our form of government through the sale and distribution of un-American literature; and

"Whereas they are now in the process of using the mail to distribute the Stockholm peace petitions here in Omaha, as well as in other cities of the Nation. The drive for signatures to this petition was started seriously here on July 24 and many innocent people such as mothers of boys being called into the service, wives of men being recalled, fathers of men being called into the service, and other members of the families have received the petitions through the mail on that day and in their hopes for peace at any price to save their loved ones, may have been duped into acquiring signatures to these petitions. Not realizing that in so doing they were sticking a knife into the backs of the boys fighting Communist aggression in Korea, and into the backs of their own country; and

"Whereas the Communist paper, the Daily Worker, has from its inception done nothing but advocate the overthrow of our form of government through subterfuge, sabotage, and if necessary by force: Therefore be it

"*Resolved*, That we petition the council of the city of Omaha, to draw up an ordinance prohibiting the sale and passing out of Communist literature; and be it further

"*Resolved*, That we petition the council of National legislative bodies to formulate laws to the effect that will bar the distribution of Communist literature through the mails, the sale or passing out of such literature and finally the outlawing of the Communist Party within our State and Nation's borders.

"EDW. T. LANG,
"*President.*
"JOHN DOOLEY,
"*Recording Secretary.*"

RECESS

Mr. LUCAS. Mr. President, pursuant to the order previously entered, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 41 minutes p. m.) the Senate took a recess until tomorrow, Friday, September 8, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 7 (legislative day of July 20), 1950:

MOTOR CARRIER CLAIMS COMMISSION

William Randolph Carpenter, of Kansas, to be a member of the Motor Carrier Claims Commission.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for appointment and promotion in the Regular Corps of the Public Health Service:

To be assistant pharmacists (equivalent to the Army rank of first lieutenant), effective date of acceptance

Philbrook H. Knight
Boris J. Osheroff

To be assistant scientists (equivalent to the Army rank of first lieutenant), effective date of acceptance

Jerome L. Singer
William L. Jenkins

Assistant nurse officer to be senior assistant nurse officer (equivalent to the Army rank of captain)

Margaret M. Sweeney

SENATE

FRIDAY, SEPTEMBER 8, 1950

(Legislative day of Thursday, July 20, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Lord God Almighty, who amidst the shifting sands of time standest sure, like men who turn from dusty toil to crystal streams of cleansing and refreshment, so we lift our soiled faces to Thee from the perplexities and imperfections which crowd the common days. As we pause in reverent silence, let this high place of governance become the audience chamber of Thy presence.

Because there is no final solution of the world's ills save as it springs from the hearts of men, we pray for ourselves. Create in us clean hearts, O God, and renew a right spirit within us. Lead us in the paths of righteousness for Thy name's sake. Amen.

THE JOURNAL

On request of Mr. MCCARRAN, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 7, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 7, 1950, the President had approved and signed the following acts:

S. 456. An act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia;

S. 986. An act for the relief of Carlos Riggenbach;

S. 2484. An act to authorize the Secretary of Commerce to provide war risk and certain marine and liability insurance;

S. 2633. An act to give effect to the Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna, signed at Mexico City January 25, 1949, by the United States of America and the United Mexican States, and the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, by the United States of America and the Republic of Costa Rica, and for other purposes;

S. 3094. An act for the relief of Miriam Rosenblum;

S. 3107. An act for the relief of Boleslaw H. Drobinski, his wife, Marjorie, and his daughter, Janina; and

S. 3724. An act for the relief of Maria Sulikowska Forbes.

LEAVES OF ABSENCE

On his own request, and by unanimous consent, Mr. THOMAS of Utah was excused from attendance on the sessions of the Senate from Monday, September 11, indefinitely.

On his own request, and by unanimous consent, Mr. DONNELL was excused from attendance on the sessions of the Senate Monday, Tuesday, and Wednesday next, September 11, 12, and 13.

CALL OF THE ROLL

Mr. MCCARRAN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hill	Millikin
Bricker	Hoey	Morse
Bridges	Holland	Mundt
Butler	Humphrey	Murray
Byrd	Hunt	O'Conor
Cain	Ives	O'Mahoney
Capehart	Jenner	Robertson
Chapman	Johnson, Tex.	Russell
Chavez	Kefauver	Saltonstall
Connally	Kem	Schoeppel
Cordon	Kerr	Smith, Maine
Darby	Kilgore	Sparkman
Donnell	Knowland	Stennis
Douglas	Langer	Taft
Dworshak	Leahy	Taylor
Ecton	Lehman	Thomas, Okla.
Ellender	Lodge	Thomas, Utah
Ferguson	Long	Thye
Frear	Lucas	Tydings
Fulbright	McCarran	Watkins
George	McCarthy	Wherry
Gillette	McClellan	Wiley
Graham	McFarland	Williams
Green	McKellar	Withers
Gurney	Magnuson	Young
Hendrickson	Malone	
Hickenlooper	Martin	

Mr. LUCAS. I announce that the Senators from Connecticut [Mr. BENTON and Mr. MCMAHON], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from West Virginia [Mr. NEELY] are absent on public business.

The Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The PRESIDENT pro tempore. A quorum is present.

EFFECTS OF STRIKES IN THE SODA-ASH INDUSTRY

Mr. WILEY. Mr. President, on many occasions I have pointed out on the Senate floor how a single strike in a single key industry can cripple practically an entire nation because it involves some crucial material in short supply. For several weeks now I have been receiving urgent and well-justified telegrams from numerous Wisconsin industries pointing out that the strike in the soda-ash industry is causing tremendous difficulties.

Immediately upon receipt of the first of these telegrams, I got in touch with Director Cyrus Ching of the National Mediation Service in order to impress upon him my strongest possible recommendation that he do everything that was within his power to bring the strike to an immediate conclusion.

For years now certain irresponsible labor bosses have been criticizing our Nation's labor statutes as too strong. Actually, we in the Congress know that the labor law now on the books is actually too weak, in that it fails sufficiently to protect the public welfare, the welfare of 150,000,000 Americans. It must, therefore, be strengthened. On Tuesday, November 7, people of the United States will go to the polls in order to show whether they believe men who support the Taft-Hartley law shall be retained in public office or whether they feel that the labor bosses should be supported in their attempted purge of these men who have insisted on protecting the public welfare. I am confident of the people's support of legislators who insist on protecting the American public.

As an illustration of the need for stronger labor statutes, I have in my hand several of the telegrams on the current alkali strike which I have received from my constituents. The first one is from the executive director of the Milwaukee Association of Commerce, a distinguished business leader, Mr. Ray H. Weisbrod. A second is from one of the many very fine companies of my State, O. M. Richter & Sons, of Manitowoc, pointing out the soda ash strike harms the entire food industry, which is dependent upon the manufacture of glass. A third corroborative telegram is from Mr. L. J. Kelly, president of the Green Bay Food Co. I have still other telegrams and letters, one of which is from the Clyman Canning Co., of Clyman, Wis. In this letter, Mr. N. J. Low advised of the critical problem that he was facing in attempting to can beets with an insufficient supply of glass jars. This one company packs approximately 500,000 cases of beets in glass jars, and obviously a strike which cuts its supply of jars not only damages the company and its employees, but all of the beet growers and all of the individuals dependent on the industry.

Surely there are ways out of the present difficulty other than a terribly damaging strike such as this. Surely in this twentieth century the American people can find a fair, peaceful solution to industrial difficulties which can spare us these horrible strike ravages.

I ask unanimous consent that there be printed at this point in the body of the CONGRESSIONAL RECORD four of the representative telegrams, including a message from the Whiting-Plover Paper Co., of Stevens Point, Wis., showing how paper mills have also been affected.

There being no objection the telegrams were ordered to be printed in the RECORD, as follows:

MILWAUKEE, WIS., *September 7, 1950.*

Hon. ALEXANDER WILEY,
United States Senator from Wisconsin, Senate Office Building, Washington, D. C.:

This association of 3,000 Milwaukee businessmen is extremely alarmed by crippling effects on American economy due to prolonged and paralyzing strikes in soda-ash industry. Practically every major line of manufacturing in United States is threatened with shut-downs and enforced unemployment unless production of soda ash is resumed at once. Milwaukee industry urges you to take all possible action immediately to resolve this critical situation and to take whatever militant and aggressive steps are necessary to help break up this impasse demoralizing our Nation.

RAY H. WEISBROD,
Executive Director, Milwaukee Association of Commerce.

MANITOWOC, WIS., *August 14, 1950.*

Senator ALEXANDER WILEY,
Washington, D. C.:

Deliveries of soda ash to glass bottle manufacturers severely curtailed because of strikes at plants of the producers. Food industry dependent upon glass particularly at this time of the year and we hope that Washington will use its influence in having plants resume production. Regards.

M. RICHTER SONS CO.,
O. A. RICHTER.

GREEN BAY, WIS., *August 11, 1950.*

Hon. ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.:

Our glass suppliers curtailing shipments of glass containers because of strike in soda-ash industry. Critical situation developing fast. Our industry as well as other food industries will be unable to complete packs if soda-ash strikes are allowed to continue. We urge you to do whatever you can to expedite settlement.

L. J. KELLY,
President, Green Bay Food Co.

STEVENS POINT, WIS., *September 7, 1950.*

Senator ALEXANDER WILEY,
United States Senate Office Building, Washington, D. C.:

As result UMW's District 50 strike, 85 percent of production of soda ash eliminated. This cripples many industries vital to Nation's health and safety. Example: Government Printing Office requiring paper but mills will be unable to furnish without soda ash. Our suppliers struck and we will have to cease production paper in about 1 week. Respectfully suggest immediate action to eliminate Lewis stranglehold on our country.

THOMAS LEECH,
Vice President, Whiting-Plover Paper Co.

TRANSACTION OF ROUTINE BUSINESS

Mr. McCARRAN. Mr. President, I ask unanimous consent that Senators be permitted to submit petitions and memorials, introduce bills and joint resolutions, and present routine matters for the RECORD, without speeches and without debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred, as indicated:

REPORT ON CLAIM OF MERRITT-CHAPMAN & SCOTT CORP.

A letter from the Acting Secretary of the Treasury, reporting, pursuant to law, on the settlement of the claim of the Merritt-Chapman & Scott Corp., as owner of the salvage vessel *Cable,* for services and assistance rendered the United States Coast Guard Cutter *Mocoma;* to the Committee on the Judiciary.

REPORT ON FINANCIAL ASSISTANCE TO PUBLIC-SCHOOL DISTRICTS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on financial assistance to public-school districts, by the Bureau of Reclamation (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE, UNITED STATES AND MEXICO

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on cooperation of the United States with Mexico in the control and eradication of foot-and-mouth disease, for the month of July 1950 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF COMMERCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on tort claims paid by the Department, during the fiscal year 1950 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF BOARD OF ACTUARIES OF CIVIL SERVICE RETIREMENT AND DISABILITY FUND

A letter from the Chairman of the United States Civil Service Commission, transmitting, pursuant to law, a report of the Board of Actuaries of the Civil Service Retirement and Disability Fund, for the fiscal year ended June 30, 1949 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ON CONSERVATION OF CRITICAL MATERIALS

A letter from the Administrator of General Services Administration, Washington, D. C., transmitting, pursuant to the President's directive of July 26, 1950, a report on conservation of critical materials (with accompanying papers); to the Committee on Expenditures in the Executive Departments.

PETITIONS

Petitions were laid before the Senate, and referred as indicated:

By the PRESIDENT pro tempore:

A telegram in the nature of a petition from the Los Angeles (Calif.) Osteopathic Society, signed by Dr. Frank G. Nolan, chairman, military affairs committee, relating to

the clarification of classification of osteopaths in Senate bill 4029, to amend the Selective Service Act of 1948, and for other purposes; to the Committee on Armed Services.

A resolution adopted by the American Soybean Association, at Springfield, Ill., expressing appreciation for the removal of restrictions on oleomargarine; to the Committee on Finance.

Two resolutions adopted by the Blackfeet Tribe of the Blackfeet Indian Reservation, relating to pending legislation before the Congress affecting certain Indians; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Supreme Council of the Knights of Columbus, assembled in the city of New York, N. Y., relating to communism in America; to the Committee on the Judiciary.

The petition of Maude Cosford, of Detroit, Mich., praying for the enactment of legislation providing statehood for Alaska (with an accompanying paper); ordered to lie on the table.

PRICE CONTROLS—RESOLUTION OF NEBRASKA CORN BELT LIVESTOCK FEEDERS ASSOCIATION

Mr. BUTLER. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted a few days ago by the Nebraska Corn Belt Livestock Feeders Association, in convention assembled, relating to price controls.

There being no objection, the resolution was referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it resolved, That we, the Nebraska Corn Belt Livestock Feeders Association, do respectfully call to the attention of the people of this Nation:

1. Sheep and lamb numbers, which supply not only meat, but the vastly important wool needed by the fighting forces, are terribly low—the direct result of price controls prevailing during World War II.

2. Steer numbers, which provide about 70 percent of the beef of the Nation, and a large proportion of the total meat supply of the Nation, are only about 70 percent of normal—the direct result of price controls prevailing during World War II.

3. That since free prices have come, definite steps have been taken to get back to normal production, with the result that there is now and has been meat of all varieties for sale in the butcher shops of the Nation.

4. That gradually the supplies are being built up, so that meat prices over the year have been gradually trending down.

5. That if the prices are permitted to remain free, then not only will there be continued production of ample supplies of meat, so that it will be available to all people, but that the price of meat will return to its normal place in the general price scale.

6. But we are warning that history can be expected to repeat and scarcity in the meat markets, black markets with unsanitary conditions for the small available supplies, and general chaos and confusion will inevitably be the result of reimposition of price controls.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. BYRD, from the Committee on Armed Services:

H. R. 8671. A bill to authorize and provide for the maintenance and operation of the Panama Canal by the present corporate adjunct of the Panama Canal, as renamed; to reconstitute the agency charged with the civil government of the Canal Zone, and for other purposes; with amendments (Rept. No. 2531).

By Mr. GURNEY, from the Committee on Armed Services:

S. 4135. A bill to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army; without amendment (Rept. No. 2532).

By Mr. CHAPMAN, from the Committee on Armed Services:

S. 4088. A bill to amend section 61 of the National Defense Act, as amended (32 U. S. C. 194), for the purpose of providing authority to the several States, Territories, the District of Columbia, Puerto Rico, Virgin Islands, and the Canal Zone to organize military forces and to provide for pay and allowances, travel, arms, ammunition, uniforms, equipment, medical, and other military supplies as deemed necessary to enable such forces to execute their internal security missions within or without their respective States and Territories, and for other purposes; with amendments (Rept. No. 2533).

COMMONWEALTH PARLIAMENTARY ASSOCIATION COMMITTEE

Mr. GREEN. Mr. President, as chairman pro tempore of the Committee on Rules and Administration, I report favorably without amendment Senate Concurrent Resolution 105, submitted by the Senator from Utah [Mr. THOMAS] on September 1, 1950, and ask for its immediate consideration.

The PRESIDENT pro tempore. The Clerk will read the concurrent resolution.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Vice President and the Speaker of the House of Representatives are authorized to appoint four Members of the Senate and four Members of the House of Representatives, respectively, to attend the next general meeting of the Commonwealth Parliamentary Association to be held in Australia or New Zealand and to designate the chairmen of the delegations from each of the Houses to be present at such meeting. The expenses incurred by the members of the delegations and staff appointed for the purpose of carrying out this concurrent resolution shall not exceed $10,000 for each of the delegations and shall be reimbursed to them from the contingent fund of the House of which they are Members, upon submission of vouchers approved by the chairman of the delegation of which they are members.

Mr. GREEN. Mr. President, this concurrent resolution is in the usual form, similar measures have been adopted in former times, and it follows the precedent.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. KNOWLAND:

S. 4138. A bill to authorize the Secretary of the Army to grant to the Southern California Edison Co. an easement and right-of-way for electric transmission line purposes in the Santa Fe flood control basin and the San Gabriel River improvement, Calif.; to the Committee on Armed Services.

(Mr. DOUGLAS (for himself and Mr. HUMPHREY) introduced Senate bill 4139, to create, and assign duties to, the office of the Assistant Secretary of the Navy for the Marine Corps, to fix the personnel strength of the United States Marine Corps, and to make the Commandant of the Marine Corps a permanent member of the Joint Chiefs of Staff, which was referred to the Committee on Armed Services, and appears under a separate heading.)

By Mr. KNOWLAND (for himself, Mr. BRIDGES, Mr. SALTONSTALL, Mr. O'CONOR, Mr. JOHNSON of Texas, and Mr. CHAPMAN):

S. 4140. A bill to amend the act of September 16, 1942, as amended, so as to facilitate voting by members of the Armed Forces and certain others, absent from their places of residence; to the Committee on Rules and Administration.

MARGERY OAKES OYSTER

Mr. TYDINGS submitted the following resolution (S. Res. 346), which was referred to the Committee on Rules and Administration:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Margery Oakes Oyster, widow of Richard W. Oyster, late an employee of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INTERNAL SECURITY ACT OF 1950—MODIFICATION OF AN AMENDMENT

Mr. ELLENDER. Mr. President, a few days ago I submitted an amendment to the pending bill. I wish to modify the amendment in the following manner: On page 1, line 4, to change the section number to "SEC. 32" instead of "SEC. 33," and to change the number of the succeeding section to "SEC. 33" instead of "SEC. 32."

The PRESIDENT pro tempore. Without objection, it is so ordered.

A TRIBUTE TO THE NATIONAL GUARD BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him in tribute to the National Guard, which appears in the Appendix.]

GOVERNMENT BY TREATY—ADDRESS BY WILLIAM H. FITZPATRICK

[Mr. ELLENDER asked and obtained leave to have printed in the RECORD an address entitled "Government by Treaty," delivered by William H. Fitzpatrick, editor, New Orleans States, at the Young Men's Business Club meeting held in New Orleans, La., on July 12, 1950, and published in the August 1, 1950, edition of the publication Vital Speeches of the Day, which appears in the Appendix.]

TRIBUTE TO WILKES COUNTY, N. C.—LETTER FROM THE WILKES CHAMBER OF COMMERCE

[Mr. HOEY asked and obtained leave to have printed in the RECORD a letter from the Wilkes Chamber of Commerce, Inc., of North Wilkesboro, N. C., relating to an article in the American magazine entitled "Millions in Moonshine," by Vance Packard, which appears in the Appendix.]

SYMBOLS OF IMMORTALITY—POEM BY JAMES P. McGOVERN

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a poem entitled "Symbols of Immortality," by James Patrick McGovern, of Washington, D. C., which appears in the Appendix.]

ADDRESS BY ARCHBISHOP CUSHING TO ANCIENT ORDER OF HIBERNIANS

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD an address delivered by Archbishop Cushing, of Boston, before the Sixty-fifth Biennial National Convention of the Ancient Order of Hibernians, on August 3, 1950, which appears in the Appendix.]

HOW WE CAN LICK STALIN—ARTICLE BY BRIG. GEN. BONNER FELLERS, UNITED STATES ARMY (RETIRED)

[Mr. JENNER asked and obtained leave to have printed in the RECORD an article entitled "How We Can Lick Stalin," by Brig. Gen. Bonner Fellers, United States Army, retired, published in the September 16, 1950, issue of Collier's magazine, which appears in the Appendix.]

THE STATEHOOD BILLS—EDITORIAL FROM THE NEW YORK TIMES

[Mr. ANDERSON asked and obtained leave to have printed in the RECORD an editorial entitled "The Statehood Bills," published in the New York Times of September 8, 1950, which appears in the Appendix.]

CONFEDERATE MEMORIAL AT WEST POINT

Mr. ROBERTSON. Mr. President, I desire to read a letter and to make a 30-second comment on it.

For 7 years I served on the board of visitors of the Virginia Military Institute, and for the past 2 years I have been a member of the Board of Visitors of the United States Military Academy at West Point. We have modeled VMI after the United States Military Academy, and I am happy that some refer to it as the West Point of the South.

At the June meeting of the VMI board, we adopted a resolution instructing the superintendent of the VMI to communicate with the superintendent of the Military Academy at West Point concerning some memorial at West Point for the distinguished graduates of West Point who served in the Confederate Army during the War Between the States. I had observed at West Point numerous monuments and memorials to those who served in the Union Army. The following is the reply received from the superintendent of the Military Academy at West Point:

OFFICE OF THE SUPERINTENDENT,
UNITED STATES MILITARY ACADEMY,
West Point, N. Y., July 7, 1950.

Maj. Gen. R. J. MARSHALL,
Viriginia Military Institute,
Lexington, Va.

DEAR GENERAL MARSHALL: I have your letter of July 5 with regard to congressional authorization for the memorialization of graduates of West Point who served in the Confederate Army.

We have a project at present to unveil a portrait of General Lee, in his Confederate uniform, during our sesquicentennial year of 1952. Certain of the alumni have this project in hand, and I trust that we can bring it to a most satisfactory conclusion.

With regard to your basic proposal of some type of memorialization for all graduates who served in the Confederate Army, I will get the advice of our permanent memorialization board, and will communicate with you later.

Assuring you of my pleasure in hearing from you again, I am

Yours very sincerely,

BRYANT E. MOORE,
Major General, Superintendent.

The Nation will be pleased to learn of this memorial to the great Confederate leader. It would likewise applaud a memorial to his right arm, Stonewall Jackson, who, like Lee, was an honor graduate of West Point.

INTERNAL SECURITY ACT OF 1950

Mr. LEHMAN. Mr. President, I have today received from Mr. William Green, president of the American Federation of Labor, a brief but cogent telegram from this highly patriotic organization expressing its opposition to the McCarran bill and the Mundt-Ferguson bill. The opposition of the A. F. of L. is expressed for exactly the same reasons I described in a speech on the Senate floor last Tuesday. I ask unanimous consent that this telegram be included in the body of the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *September 7, 1950.*

Hon. HERBERT H. LEHMAN,
United States Senate:

The officers and members of the American Federation of Labor are opposed to Senate bill 4037 by Senator MCCARRAN and the Mundt-Nixon-Ferguson-Johnston legislation. Our opposition is based upon two facts. First if either of said measures became law it would serve to drive Communists underground and make it more difficult to deal with them. Second interpretation of these measures by the courts may provide that free democratic labor organizations such as the American Federation of Labor would be subjected to some of the provisions of these acts. Because of these implications we call upon our friends in Congress to vote against the adoption of these measures.

WM. GREEN,
President, American Federation of Labor.

Mr. LEHMAN. Mr. President, I have also received a letter from the New York chapter of the anti-Communist Americans for Democratic Action organization expressing its opposition to S. 4037 and its support of S. 4061. I ask unanimous consent to insert this letter in the body of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICANS FOR DEMOCRATIC ACTION,
New York, N. Y., September 5, 1950.

Senator HERBERT H. LEHMAN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR LEHMAN: May I put the New York Chapter of Americans for Democratic Action on record as opposing the McCarran antisubversive bill. I am sure that you agree with us that this kind of repressive legislation is neither democratic nor effective, but gives full support to the kind of witch hunt that may precede other police state measures.

Our organization, of course, recognizes that it is the duty of Congress to be concerned with the problem of the Communist threat to our national security. However, we are firmly convinced that the passage of a bill which infringes on liberties in direct violation of the Bill of Rights is no answer to that threat.

We hope that we are affirming your position when we ask you to support S. 4061—the administration antisubversive measure—instead. We believe that is a more effective and rational approach to the situation.

With all good wishes to you, I am,

Sincerely,

EVELYN DUBROW,
Executive Director.

Mr. LEHMAN. Finally, Mr. President, I should like to call to the attention of the Senate the very excellent editorial printed in this morning's Washington Post comparing the McCarran and Mundt-Ferguson bills with the Kilgore amendment—of which I am happy to be a cosponsor—providing for detention of potential spies and saboteurs in times of emergency. I ask unanimous consent that this editorial be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DETENTION BILL

A fresh approach to the Communist problem has been proposed by a group of administration Senators as an alternative to the McCarran bill. It is legislation of a most drastic character, never before enacted or even seriously contemplated in the United States. There is a grave danger, we think, in drafting and adopting such a law hurriedly without patient hearings and searching debate. Nevertheless, the proposal seems to us markedly preferable to the McCarran measure. It is at once more realistc, strikes more effectively at dangerously disloyal persons and is more consonant with American traditions of individual freedom.

We have stated our objections to the McCarran bill on a number of occasions. It seems to us to deal with an imagined rather than a real threat to internal security. It would penalize men for their opinions and their associations—for mere membership in the Communist Party or in Communist-front organizations—on the premise, apparently, that their propaganda threatens to subvert the devotion of Americans to their own institutions. The terms under which it would do this seem to us so vague and embracive as to jeopardize fundamental civil rights. And, finally, we think it would help rather than hurt the Communists by blurring the distinction between them and loyal Americans who may have associated with them or expressed opinions paralleling theirs. It is a clumsy unenforceable, blunderbuss piece of legislation.

The measure proposed as a substitute would cope, as the President has recommended, with existing threats of espionage and sabotage and, at the same time, with a real danger that has not yet arisen to the United States but that must be reckoned a serious contingency. It proposes a method of dealing with Communists and other foreign agents who might attempt or plan to commit espionage or sabotage in case of war or grave national emergency. To prevent these threats to internal security, it provides for internment of such persons by the Attorney General with a procedure for hearings, appeal to a board of detention review, and a right of petition to a Federal court of appeals. Membership in the Communist Party subsequent to January 1, 1949, would be among the factors to be weighed in determining reasonable ground for detention.

It can scarcely be doubted that in case of war persons dangerous to internal security should—and would—be picked up at once by the FBI, whether specific legislation authorized the precaution or not. The proposed bill sets what appear to be reasonable standards for arrest and a satisfactory mechanism for review of cases in which arrest is unjustified. Thus it seems to us preferable to an arbitrary exercise of executive authority. Internal security would require the arrest of active Communist Party leaders and gauleiters; this would adequately blunt the party as a tool of a foreign government without any attempt to intern the entire rank and file. We think the proposed bil' aims at an intelligently selective internment in the real interest of security and not

at indiscriminate punishment of persons for the mere holding of disloyal or odious opinions.

There is no use blinking at the fact that this bill contemplates the creation of concentration camps and that these are repugnant to American values. It is unprecedented legislation. But it is contrived to deal with an unprecedented situation as were the detentions of such men as the Fascist leader Sir Oswald Mosley in liberty-loving Britain when the Second World War broke out. The United States has never before had to deal with a small yet highly organized body of its own citizens deliberately serving a hostile, aggressive foreign country. It has never before had to deal with a situation which does not constitute war in the conventional sense but which entails a conflict involving nothing less than national survival. This ugly situation, however, should not be made a pretext for hurried, hysterical legislation imperiling our own best national traditions. We urge upon the Senate the most sober caution in trespassing upon the freedoms which are the wellsprings of American security. But adjustment to reality is the essence of statesmanship. The Senate must deal now with the substance and not with the shadows of the danger confronting it.

PROPOSAL TO INCLUDE HOUSE BILL 2734 TO AMEND THE CLAYTON ACT AMONG BILLS TO BE CONSIDERED BY THE SENATE

Mr. KEFAUVER. Mr. President, I wish to call to the attention of the Senate, to the majority leader, and to the democratic policy committee, the fact that House bill 2734, Calendar 1777, which is a bill to plug a loophole in section 7 of the Clayton Act, has been passed by the House, that full hearings have been had on the bill in the Senate committee, and that it is now on the calendar. It was reported by the distinguished Senator from Maryland [Mr. O'CONOR]. The bill has been before the Congress for a long time. I very much hope that the majority leader and the policy committee will place it on the program for consideration before the session ends.

Mr. WHERRY. Mr. President, will the Senator from Massachusetts yield so I may make an observation in connection with what the Senator from Tennessee has said?

Mr. LODGE. I yield.

Mr. WHERRY. Last night we were advised by the majority leader of the bills that would be brought up for consideration in the event they were not passed on the call of the Consent Calendar. The bill referred to by the Senator from Tennessee is not among those. In view of the fact that the majority leader made announcement with respect to what bills would be taken up before the session ends, I suggest that the distinguished Senator from Tennessee consult with the majority leader. In view of the announcement made by the majority leader it is our understanding now that the only bills to be brought before the Senate for consideration are the ones he listed to be taken up if they were not passed on the call of the Consent Calendar. Of course, if the bill in question is passed on the call of the Consent Calendar the Senator from Tennessee would have no occasion to worry about it.

The distinguished majority leader, before the session closed yesterday, made an announcement relative to the program he expected the Senate to act upon before the present session ends, and he said that if possible the Senate would adjourn a week from tomorrow. He definitely stated that there would be a call of the calendar, and that if certain bills which he listed were not passed on the call of the calendar he would move to take them up. The bill referred to by the Senator from Tennessee is not among the bills appearing on that list.

Of course, any Senator can move to bring up for consideration any bill he wants to have brought up, but the bill in question is not among those on the program presented by the majority leader. The Senate has been advised of the bills which will be brought up for consideration. If the Senator from Tennessee wishes to have the bill he mentioned included in the list, I hope he will consult with the majority leader, and that an announcement to the effect that it will be included be made to the Senate, because we are depending on the announcements made by the majority leader.

Mr. KEFAUVER. Mr. President, House bill 2734 was reported by the Committee on the Judiciary of the Senate, by the Senator from Maryland [Mr. O'CONOR], after very extensive hearings had been had, and an excellent report has been prepared by the chairman of the subcommittee, the Senator from Maryland. I may say that some weeks ago the majority leader stated that if time permitted he hoped the bill could be considered. I do not think the bill can be passed on the call of the Unanimous-Consent Calendar, because the distinguished Senator from Missouri [Mr. DONNELL] desires to speak on the bill at some length. I do not think a great deal of time will be consumed in considering the bill. I shall speak to the majority leader again about the matter. The majority leader had tentatively placed it on the program about 6 weeks ago, as I recall.

Mr. DONNELL. Mr. President, will the Senator from Massachusetts yield?

Mr. LODGE. I have a speech which will take only about 10 minutes. If the Senator from Missouri desires to make a speech on the subject of the bill referred to by the Senator from Tennessee, I shall proceed with my speech so as to get it out of the way.

Mr. DONNELL. Mr. President, I wish only to ask a question.

Mr. LODGE. Very well. I yield.

Mr. DONNELL. The Senator from Tennessee referred to the Senator from Missouri. When he spoke of the bill, I did not hear the number of it. Is the Senator referring to House bill 2734?

Mr. KEFAUVER. Yes; that is the number of the bill.

Mr. DONNELL. I doubtless shall want to be heard in opposition to that bill.

STATE OF THE NATION'S MILITARY PREPAREDNESS

Mr. LODGE. Mr. President, once again I should like to submit to the Senate certain facts concerning our military preparedness effort. The statement which I have prepared should not take more than 10 minutes to deliver. I appreciate the courtesy of Senators in giving me this opportunity early in the day to make this statement, particularly the courtesy of the Senator from Illinois [Mr. DOUGLAS], who has kindly allowed me to precede him in speaking at this time.

Mr. President, in World War II, the Allies had a total of 90 divisions on the western front. Of this number, 61 were American divisions, 18 were from the British Empire, 10 were French, and 1 was Polish. This makes a ratio of 61 United States divisions to 29 foreign divisions, or slightly more than 2 to 1.

It is commonly stated in the press that 60 divisions actually on station in good locations in the eastern end of the non-Communist part of Europe, supported by adequate tactical aviation, and backed by still more divisions which could be in action within 6 weeks, could decisively stand off a Soviet aggressor. If the United States were to contribute 20 of these initial divisions, the ratio of United States troops to European troops would be far more favorable to us than was the case in World War II. It would be the difference between a ratio of 1 to 3 versus the ratio of 2 to 1 which existed in World War II.

Insofar as United States vital interests in Europe are concerned, there are, broadly speaking, three possibilities. One is a complete sweep over the whole of Europe, leaving us virtually alone in the world with a new and bloodier fight across the beaches as our only hope. The second possibility is that European troops would hold a small beachhead long enough for our Army to arrive and to undertake the costly breakout and war of liberation. The third possibility is that we have enough troops in Europe at all times so that, with European troops, we are able to prevent the Soviets from ever getting started. This is infinitely the cheapest of the three possibilities—notably, insofar as our precious manpower is concerned. This argument for sending United States troops to Europe can, therefore, be summed up by the old question: "Eventually, why not now?"—"now" being a much better time to do it than "eventually."

There is another argument which is decisive. It is that European troops will fight harder if the United States Army is there, too. This may surprise those who see Europe's 200,000,000 population, which is larger than ours, and who exclaim: "There are more of them than there are of us. Let them hold the line until we get there."

But this viewpoint is gravely fallacious since it ignores the fact that the 200,000,000 peoples of Europe are divided into a series of water-tight compartments and, both literally and figuratively, do not even speak the same language. Moreover, every man fights better when he thinks he has a good chance to win. Every man knows also that his chance of winning is greater if he is part of a large unified allied force, instead of merely being part of a small national army.

Furthermore, the Europeans are not only divided; most of them are seriously weakened by the ravages of World War

II; and of course nations such as Spain are weakened by their own dreadful civil wars. In that respect, they are like a man who has been sick, and who has just been allowed by his doctor to sit up in a chair for a few hours a day. In a few days, he will be allowed to walk around the room; in a few months he will be able to run and climb—but, let us not forget that a few weeks ago he was at death's door. Until he can run and climb, we must carry a substantial part of the initial load—or else the patient will never get well at all. Until the free nations of western Europe have, with our help, built an army, it will probably not be practical to work out the vitally necessary arrangements so that the Germans can bear their share of European defense. There is a necessary order which has to be followed in this evolution.

It was proven in combat in World War II—notably in the Colmar pocket—that the presence of United States troops in the same sector with European troops noticeably increased the will to win of the European armies. The greater the fighting stamina of the European soldier, the more of the load of combat he will carry, and the lighter becomes the load of combat which is carried by the American soldier. When the presence of our soldiers increases the fighting qualities of our European allies, we actually do ourselves a favor by having our troops in Europe where they will do us the most good.

Mr. THYE. Mr. President, will the Senator mind having an interruption, or would he prefer not to be interrupted?

Mr. LODGE. No; I do not mind at all. I yield.

Mr. THYE. The question occurs to me, first, what percentage of the troops of the United States would then be on the European Continent?

Mr. LODGE. I am coming to that point in a moment.

Mr. THYE. Then I shall wait until the Senator reaches it.

Another question I have in mind is this: Would this force be recognized as a United Nations military force, or would it be recognized specifically as a United States military force?

Mr. LODGE. It would be an Atlantic Pact military force, which, of course, would be formed subject to the regional-defense provisions of the United Nations Charter; but it would not be a United Nations' force in the sense that the force in Korea today is a United Nations' force, because this force would not be sent in response to an aggression. This force would not be sent in the spirit of sitting back and waiting until we are punched in the nose—which was the situation in Korea. This force would be sent in the hope that the war would never start; but this movement would be made under the Atlantic Pact.

Mr. THYE. While the Senator has been proposing this military strength on the European Continent, the question arose in my mind, What area of the European Continent would our troops be in? I ask that question because we could not move in and literally take over a military camp in France or we could not move in and literally take over a military camp in Italy unless, first, we were invited and, second, unless we were a part, as the Senator has said, of an Atlantic Pact force or of the United Nations' policing army.

Mr. LODGE. I think there would be no difficulty at all about our being invited. I think there is no more welcome guest in Europe today than the United States Army. I think there would be no trouble at all about that, for nothing could happen which would give a greater increase in confidence and optimism and help in restoring the Europeans to a condition of strength. So there would be no trouble about the invitation. When it comes to the location of course, the farther east the troops are in the free part of Europe, the better. That is the quick answer to that question.

For some reason which is not clear to me, the western border of the Russian zone of Germany was drawn so as to include in the Russian zone some of the very finest military positions in Germany. So I understand that we would be deprived of the utilization of some of the very finest military locations in Germany.

However, I think, in general, the farther to the east the Atlantic Pact force would be, the better.

Please let it be understood that I am speaking only for myself. I do not know any military secrets, so I cannot possibly give any away. Let us have that fact clearly in mind at the outset.

Mr. THYE. Mr. President, I wish to say to the very able Senator from Massachusetts that I am in accord, and I simply wish to get all the information I can possibly obtain on the question, because we cannot simply sit back and wait for something to occur. We must meet the situation and we must show military strength or a military posture which will have such an effect upon our enemy that the enemy will not attempt to start another fire at some other point, either on the European continent or in the Near East.

So I am in full accord. I am simply trying to get further information.

Mr. LODGE. Yes; the Senator from Minnesota is one of the close students of this question, as I have been able to find out in discussing this matter with him both in private and on the floor of the Senate. He recognizes that we must not merely sit back, like a flock of sitting ducks, and wait for those fellows to pick us off, but that we must regain the initiative and take the lead and run our kind of foreign policy the way we think it ought to be run, on our time schedule, and not have our foreign policy determined for us by the Soviet Union. The Senator from Minnesota realizes that very well. He also realizes the basic truth that if we become strong enough quickly enough, we can avoid world war III. But we shall never avoid it by talking big and then doing little.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. TAFT. When the Senator refers to positions in the line, I take it he refers to the western line of the Russian zone in Germany. Is that correct?

Mr. LODGE. That is correct.

Mr. TAFT. It was so drawn as to give the Russians all the best military positions in Germany, was it not?

Mr. LODGE. Some of the best.

Mr. TAFT. Some of the best?

Mr. LODGE. That is correct.

Mr. TAFT. Where was that done?

Mr. LODGE. When was that line drawn, does the Senator mean?

Mr. TAFT. I mean, how was that agreement reached, and where? Was it at Yalta, first?

Mr. LODGE. I do not know how that line was drawn. That, I do not know. But I have had it explained to me by many professional soldiers of undoubted competence, that a physical map of Europe will disclose that the Harz Forest, the Thuringian Wood, and various other places which, from Napoleon's time, and doubtless before, have been recognized as strategic locations in central Europe. The line is drawn so as to include those places in the Russian area.

When I speak of American troops—and I want to underline this point—I include aliens who, under the legislation which we have passed, may serve in the United States Army, and who would form units which would constitute fire power under the American flag. In other words, we are not limited to our own troops and to the troops of the free nations and to the troops of Germany but also should accept the help of the millions of anti-Communist young men who are in effect stateless today and whose heart is in this struggle just as much as ours is. We should have the imagination to take advantage of that.

Now, to make the computation which the Senator from Minnesota asked me to make, if the 60 divisions of Europe of which the newspapers speak are to be actually on station in 2 years and if the United States is to contribute 20 of these divisions this means that in the first year we will have to contribute 10. So I ask Senators to fix in their minds 10 divisions. To this figure must be added the divisions which are required for Korea. Here the newspapers speak of 16 Northern Korean divisions as having been already identified. In the recently published volume of the United States Army history in the Lorraine sector, which came out last week, the statement is made that the Third Army—that is the Patton army—outnumbered the German units in front of it by a ratio of 2½ to 1 and that in the air the Allies outnumbered the Germans by more than 10 to 1. Yet, it took months of hard and bitter fighting to win the victory in spite of that great American advantage. A ratio of 2 to 1 in Korea means that at least 32 divisions would be required if we are actually to break out from the beachhead in Korea—assuming that the North Koreans fight like Germans. The experts are unanimously in agreement that they do not think such a large number will be necessary. They presume that the North Koreans will not fight like Germans, and that we shall

not need to have 32 divisions to do the job. Very well. So let us assume, then, that only 15 American divisions are required to dispose of 16 North Korean divisions. This number must still be added to 10 for Europe and to 5 divisions which we must keep as an uncommitted reserve in the United States to meet any number of unpleasant possibilities in other parts of the world, which other Senators can imagine as well as I do. All one needs to do is to go anywhere in the world, and he can imagine the possibilities. This adds up to 30 divisions which, even after allowance for all favorable factors is made, does not look too big when compared with the 175 divisions of the Soviet Union.

Yet all that we plan to have by June 30, 1951, is 18 divisions, which is 6 more than we have now, or an increase of only about 200,000 men in the Army.

All that we have in the way of a Presidential announcement is that there must be 3,000,000 men in the Armed Forces as a whole, which would be a good start if we are to have them all by June 30, 1951. But the President's message carefully did not specify the year by which these 3,000,000 men would have to be in the service.

And Congress, the body of which we are Members, has not even amended the Selective Service Act so as to make possible the procurement of enough manpower for a 3,000,000-man armed force. Present law still effectively limits us to a total not exceeding 2,500,000 men, regardless of certain gestures to the contrary. We have taken off the numerical limit, but actually the law was never designed to yield more than 2,500,000 men, and the best experts I can find think that it will not.

These are unpleasant facts. But they are facts and should be faced. Congress should not go home until we have at least done our part here on Capitol Hill. This is our chance to prevent world war III and to organize a lasting peace. There may never be another chance. Time is precious. It is running out fast.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. WHERRY. The distinguished Senator has stated that in order to provide these additional divisions we should amend the Selective Service Act and raise the salient of men available. Does the Senator mean that it will take a ceiling of 3,000,000 under the Selective Service Act to provide the number of divisions he states will be necessary—30 divisions, is it not, or 32?

Mr. LODGE. If we are to have 30 divisions, it would require an increase in the Army, the Navy, and the Air Force, which would bring us up to almost 3,000,000 men.

Mr. WHERRY. I desire to ask the Senator a question in regard to something which he stated in the forepart of his remarks. I did not want to disturb him then, because he was making a very concrete statement. I appreciate very much the information he has given. But the Senator stated that there would be the utilization of the troops of Germany.

Mr. LODGE. I said I thought there should be.

Mr. WHERRY. Yes; that is what I mean—there should be.

Mr. LODGE. Yes.

Mr. WHERRY. Does the Senator have any information as to whether the administration intends that the manpower in Germany shall be used to facilitate increasing the divisions on the western front?

Mr. LODGE. I have no idea what the administration plans. I cannot speak for the administration. But I think that all the best, most competent students of the problem think that the Germans should be enabled to bear their share of the common defense, on an equal basis—not on a dominating basis—and that that should take place after the Franco, British, America, and so on, force is established. So in a very real sense the bringing of Germany into the picture depends on doing these other things first.

Mr. WHERRY. Mr. President, will the Senator yield for another question?

Mr. LODGE. Yes, indeed.

Mr. WHERRY. The Senator has given a comparison as to the number of men needed on the western front in World War II, compared to the strength of the German Army, and has further compared it with what will be needed on the front, in comparison with the North Korean Army. Does that comparison take into consideration any manpower to be sent to Korea by the United Nations, in addition to United States troops?

Mr. LODGE. Yes; it does. Once again, I am merely speaking for myself. I do not know any secrets, and I am merely reading the paper and then figuring it.

Mr. WHERRY. That is all I am doing.

Mr. LODGE. I want that made clear, because, if by chance I should make a personal guess which corresponded to some figure that somebody had given, it would be purely coincidental. It would be like the statement that is made at the beginning of a novel, that "any resemblance to any real characters is purely coincidental and unintentional." I should hope that perhaps we would get two divisions, or the equivalent of two divisions of troops from United Nations members, say 30,000 men. We may get three or four divisions of South Koreans, and that would all add up to the 15 or 16 divisions, assuming that most of the experts are correct that we can resolve the Korean problem with 16 divisions.

Mr. WHERRY. Mr. President, will the Senator yield for a further question?

Mr. LODGE. I yield.

Mr. WHERRY. I am intensely interested in what the United Nations is to do further in the Korean war. We have been told, in the Appropriations Committee and other places, that, with respect to United Nations action, troops are being sent, that a great long list of offers have been made. Does the Senator know whether or not there are any foot soldiers in Korea now, except the 1,500 British soldiers of the Highland Division who are now at the front, and who I think number about 1,500?

Mr. LODGE. I understand that they are there. The British troops came from Hong Kong, and there are others on the way. Possibly some have arrived today; I do not know.

Mr. WHERRY. There is one other thing about which I should like to inquire. Our appropriations this year will exceed $60,000,000,000, and if the supplemental appropriation bill is enacted, they may run to $61,000,000,000 or $62,000,000,000. Of course the bill carries the military appropriations. I am not at all sure what percentage is for defense. The Senator from Wyoming [Mr. O'MAHONEY] said it was 71 percent. I do not know how he figured, and I do not know that I would agree with that figure. But, taking it as a premise, if it takes $61,000,000,000 or $62,000,000,000 to get six more divisions, how much does the Senator from Massachusetts feel would be necessary to raise our Army to 30 divisions?

Mr. LODGE. The $61,000,000,000 includes the Navy and the Air Force.

Mr. WHERRY. Yes; that is the total appropriation. But if we figure 71 percent, it would be in the neighborhood of $40,000,000,000 for the national defense, whether it be the Navy, Army, or Air Corps. I did not mean to argue about whether 71 percent applied, but if the Administration can produce only six more divisions with appropriations of in the neighborhood of $61,000,000,000 or $62,000,000,000, and we have to appropriate also for domestic purposes, I wondered how much the Senator felt the appropriation would be in order to have 30 divisions. I am not sure that we can get more than six divisions out of $61,000,000,000 or $62,000,000,000, but at that rate it is something which the Administration should consider. I should like to see provided with the money being appropriated this year, more manpower than simply six divisions.

Mr. LODGE. The Senator has put his finger on the spot. It is a question of more manpower. At the present time we are trying to get by by having the burden carried by a few Americans, a very small number, who are being asked to make altogether too much of a sacrifice. I am not speaking only about the men who are there, but about the National Guard veterans, the Army Reserve veterans, and the Marine Corps Reserve veterans. There is not a Senator in this Chamber who does not know of very pitiful cases in his own State of men who were at Iwo Jima or in Normandy or in the Pacific fighting, who were in service for 3 years, who have wives and small children, and who are getting a call on Tuesday and, on Wednesday, are on their way. That is drafting married men, and drafting them with a vengeance. If this is a national effort, which I think it is; if it is a struggle for existence, which I think it is, then it is very unfair to make the burden rest on only a few Americans. If it is a local police action, that is something else. But we had the word of the majority leader, last week, when he agreed with me that it is a struggle for existence. I hope his viewpoint will be espoused by many other persons who adhere to the party now in power.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. DWORSHAK. We read in the newspapers daily that about 60 percent of the men who are called are being rejected for mental or physical reasons. How would the Senator from Massachusetts recruit the hundreds of thousands of men who would be sent to serve in Europe? Would he take veterans of World War II? Would he take married men and send them to serve in Europe while there are millions of men reportedly unemployed in France and other countries of Europe? Does the Senator think we can build up the morale of this country by taking men from their families and from essential industries and sending them to serve in Europe?

Mr. LODGE. No. I do not think the Senator was present when I spoke about that aspect of it. I think the Europeans should furnish the utmost self-help. I think there should be no limit placed on the military effort of the Europeans. I should be opposed to sending one man to Europe unless there were an army there, not a mere promise, but actually military units in uniform standing there. That must come first. I think it is to our advantage, then, to send troops over there. I had just finished saying that I did not think the World War II veterans should carry the whole load of this effort. We should spread it out, possibly, throughout the whole population and make whatever changes are necessary in our manpower procurement, so that men who are too young to have been in World War II will get accelerated training and do their share. I think, in addition to the free European nations, Germany must be integrated into the effort. I think an enormous job should be done on which the surface has not even been scratched insofar as the non-Communist nations are concerned.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. KNOWLAND. Does not the Senator agree that it is very unfortunate that 70 days after the outbreak of an overt, undenied aggression in Korea, up to the very hour we meet here, the only ground forces fighting in Korea are United States troops, South Koreans, and 1,500 of the British contingent which came from Hong Kong? To the best of my knowledge and belief, and I think I am accurate, there are no other ground forces in Korea at the present time. The newspapers yesterday indicated that the French had finally agreed to send approximately 1,500 troops. It is true that there has been an offer by the Government of the Republic of China of some 33,000 troops which, for reasons believed by the administration to be ample, this Government turned down. They were offered, but were not accepted. There have been, as I say, no other troops actually on the ground.

The Government of India, representing a great nation with a large population and a considerable army, which is now in process of trying to work out an appeasement with the Chinese Communists, has offered only some ambulance units. I think the Senator will agree with me that militant communism will not be stopped, either in Korea, in Europe, in the Middle East, in southeast Asia, or any other place, with some ambulance units, and that unless the other nations are willing to accept their full share of the responsibility, we shall not be able to meet this threat in Europe or in Asia.

Mr. LODGE. I think the Senator from California has made a very wise observation. To me the whole basis of successful foreign policy has got to be mutuality—we do things for them and they do things for us. If I did not think that, I would not have supported the measures I have supported. I think I was right in supporting them. Certainly the Senator is correct in saying that we are not going to win any battles with ambulances.

It so happens that I served right next to an Indian division during the war, and they are very good troops indeed. If we could have some Indian troops in Korea, it would be most helpful. I hope that within a short time there will be in Korea more troops from European nations and from other nations than are there today. I said earlier in my remarks that I was hoping there would be 30,000 more or less of them before we got through.

Mr. KNOWLAND. But will not the Senator agree that after the outbreak has happened in Korea and 70 days have passed, unless some prompt steps are taken to awaken the other nations in the United Nations or in the North Atlantic alliance to the serious urgency of the situation, if we wait another 60 or 70 days, in the event of aggression in Europe, the area may be overrun before they make up their minds that they must supply troops to stand up against Russian divisions?

Mr. LODGE. The Senator is completely right. The whole burden of my argument is that in Europe we should profit by the dreadful mistake which has been made in Korea, and we should have troops ready, in being, in the line, and in good position, and they should be there all the time. If that is done, a conflict may never get started. The Senator is quite right, that there will be no time to wait 70 days, and there will be no time to wait even 7 days. If we are in sufficient strength, I think we can prevent the disaster from ever happening.

Mr. President, that is all I care to say, and I yield the floor.

Mr. WHERRY. Mr. President, before the Senator yields the floor, may I ask one question?

Mr. LODGE. Yes.

Mr. WHERRY. Does the Senator know anything about the strength of our allies, the so-called Atlantic Pact countries? I do not want the Senator to answer the question if to do so means he must reveal confidential information. However, I understand that France is asking for five divisions of American soldiers.

Mr. LODGE. I read in the press that the French are to supply a substantial number of divisions. At the present time, as Winston Churchill said, western Europe is relatively weaker than South Korea was at the time of the attack. I think there is no doubt, as I told a French friend of mine, "If you will have the divisions there, you will get the weapons from us. In fact, if you have the divisions, you will get the weapons much quicker than if you do not have the divisions. You would get them much faster than if you expect us to send the weapons first, and have them placed in warehouses until you have the men in uniform."

Mr. WHERRY. I wanted to get the judgment of the Senator from Massachusetts. In other words, they are expected to make the first step. If they make the initial step, and get the divisions organized, we will furnish the manpower that should be furnished.

Mr. LODGE. Let me say that I do not think we should send a single man to Europe except on the basis of a firm commitment by the nations of western Europe to put a very much larger number of men actually into the field.

Mr. President I yield the floor. I thank the distinguished Senator from Illinois for his courtesy.

PROPOSED LEGISLATION TO STRENGTHEN THE MARINE CORPS

Mr. DOUGLAS. Mr. President, before I turn to a discussion of the so-called McCarran internal security bill I should like to introduce a bill on behalf of myself and the Senator from Minnesota [Mr. HUMPHREY] concerning the United States Marine Corps and to make a brief statement about it. An identical bill is being introduced in the House of Representatives by Representative MANSFIELD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, the Senator from Illinois may proceed. The Chair hears no objection.

The bill (S. 4139) to create, and assign duties to, the office of the Assistant Secretary of the Navy for the Marine Corps, to fix the personnel strength of the United States Marine Corps, and to make the Commandant of the Marine Corps a permanent member of the Joint Chiefs of Staff, introduced by Mr. DOUGLAS (for himself and Mr. HUMPHREY), was read twice by its title, and referred to the Committee on Armed Services.

Mr. DOUGLAS. Mr. President, yesterday the President of the United States demonstrated his courage and honesty by acknowledging a grievous mistake he made in connection with the United States Marine Corps.

The courage of the President is such as to warrant the admiration of all reasonable men. However, had he been less courageous or less honest, it might well be that the Marine Corps would have been irreparably damaged and increased strength given to the constant attacks aimed at destroying it as a combat unit.

Accordingly I feel it necessary to introduce the bill. In brief, the bill would prescribe for the Marine Corps a strength of 300,000 men, with four combat divisions and four allied air wings. On the organizational side it would provide for an Assistant Secretary of the Navy in charge of Marine Corps matters, and would give to the Commandant of the Marine Corps permanent status as a

member of the combined Joint Chiefs of Staff.

Mr. THYE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. THYE. I am very happy to hear the very able Senator from Illinois, a former marine, one who not only gave credit to the Nation he represented, but also to the Marine Corps of which he was a member, speak as he does, and advocate that the Marine Corps be recognized as a military unit, with the honor, glory, and prestige of membership within the Military Establishment, its commandant to be recognized as of equal rank and having equal opportunity in planning the strategic action of the military force of which he is the head, in the event we are faced with a conflict such as is now going on in Korea. I am happy to hear the Senator say what he has said. I am not a marine, but I recognize the glorious pages of history which the marines have written in the life of our Nation, and I believe they are entitled to be so recognized as the able junior Senator from Illinois is advocating. The Senator has my full support.

Mr. DOUGLAS. I thank the able Senator from Minnesota.

Throughout its history since its founding in 1777, the Marine Corps has consistently been harassed by those who would abolish it as a fighting unit, and yet the record it established during time of war invariably demonstrates its effectiveness as a combat unit.

The Korean difficulties have again brought home the need for maintaining a quick striking force. I do not see how anyone can question the fact that we would now be in a much better position in Korea had we kept the Marine Corps more fully manned and equipped.

Furthermore, despite the not-so-subtle attacks on them by those who would make them into guard units, or confine them to directing ship-to-shore movements in charge of working parties, and who are moving in that direction by starving them for funds and cutting down their combat strength, the Marines have given a magnificent account of themselves in Korea.

The bill which Representative MANSFIELD and I are introducing is aimed at preventing the mistakes of the past to reoccur in the future. By establishing an Assistant Secretary of the Navy for the Marine Corps, giving them four full-strength combat divisions and air wings, setting their personnel at not less than 300,000, and giving them representation on the Joint Chiefs of Staff, the Marines will be better able to voice their needs. We will be assured of having a Marine Corps with the strength to carry out their duties. We will then have an effective fighting force capable of quick mobilization and immediate movement to troubled areas.

I think our experience with the Joint Chiefs of Staff has indicated that excellent as these men are, patriotic as they are, competent as they are, they are not supporters of the Marine Corps, and they would not like to see the Marine Corps exist as a separate fighting unit.

If we should become involved in war with Russia we will certainly need a strong Marine Corps. If we do not, there will still be trouble spots such as Korea popping up. We should be capable of handling these trouble spots with dispatch if we are to maintain our position of world leadership. The Marines, because of their ability to move quickly without the red tape of a massive organization, are the best way of doing it.

If a major war develops, we will need the quick moving Marine Corps to fight a staying action until the country can get completely mobilized.

There is no question about the Army, Air Force, and Navy generally being patriotic and effective fighting forces. We do not disparage these sister branches of the armed services. All we are asking is that the Marine Corps have the strength and representation they need to carry out their only desire—to fight effectively for their country which is resisting aggression.

We will guarantee that we can produce more fighting men for every $100,000 given to us, that we will operate with less cost and less overhead, and that we are willing to take heavier casualties than any other branch of the service. It is on that willingness that I plead with the Senate and the country not to permit the planners of the Pentagon to strangle the Marines.

Mr. President, I shall not take any more time of the Senate on this matter, but in order to have the RECORD somewhat more complete, I ask unanimous consent to insert at this point in my remarks, a statement I have prepared on this bill.

There being no objection, the statement was ordered printed, as follows:

STATEMENT BY SENATOR DOUGLAS ON HIS BILL TO STRENGTHEN THE MARINE CORPS

There is good and valid reason to believe that without the statutory safeguards provided by Congress through such legislation as I have just introduced, this Nation might well be denied the services of its Marine Corps. There is a long history of attacks against the corps. They can easily be documented by anyone interested enough to inquire into the matter. The motivation for these attacks is in itself interesting but it is not particularly pertinent to the problem we face today. The significant thing is that there have long been and there are today strong forces at work which have as their aim the elimination of the Marine Corps as a fighting element in our defense structure.

These attacks started a very long time ago. In 1932–33 the Marine Corps almost passed out of existence. It was saved from extinction—and a great loss to the Nation was averted by an aroused Congress.

Since the close of World War II the attacks have been more determined, more prolonged, and much more adroitly prosecuted. These attacks did not attempt to eliminate the Marine Corps as such. It was recognized that the American people would never stand for this after the magnificent record which the corps had just established in 4 years of combat. These attacks proposed to divest it of its combat functions—to reduce a once proud fighting outfit to a mere guard detachment. In this latter status, it could be no source of irritation—could perform no deeds of service to this country which by comparison might embarrass someone else.

The attacks took the form of manipulation of the National Security Act in its formative stage and prior to its enactment. It was proposed that this legislation specifically omit any assignment of roles and missions to the various services. Had this device been successful, the result would have been clear. By administrative action the Marine Corps could have been divested of all but its most perfunctory and insignificant duties. Once this was done it would have been only logical to reduce the corps to a size and status commensurate with these menial tasks. Once again Congress was alert to the dangers. Fortunately for the Corps—fortunately for this country and its security—Congress insisted that roles and missions be specifically spelled out for all the services, including the Marine Corps. Section 206 (c) of this act is the present-day charter of the Marine Corps. I say to you in all seriousness that had it not been for the statutory safeguards in this legislation there would be no Marines fighting in Korea today.

In the spring of 1948 came the Key West agreement which was to be the amplification of the National Security Act of 1947. In developing this agreement by the Joint Chiefs of Staff a most serious attempt was made to circumscribe the activities of the corps. The full details of this are known only to the principals but there is sufficient public information to support the conviction that here again the Marine Corps was almost scuttled. The late James Forrestal is reported to have turned this argument into an agreement which at least permitted the Marine Corps to carry on—if admittedly under some difficulty.

In August 1949 the amendments to the National Security Act were enacted into law. This legislation reaffirmed the roles and missions of the services and specifically prohibited their transfer by any agency other than Congress. With this in mind, it is startling to learn from the Commandant of the Marine Corps' testimony in October before the House Armed Services Committee that within a matter of a few weeks an authoritative proposal was made which had the practical effect of transferring to the Army the Marine Corps' all important amphibious mission—the mission on which the corps has for years depended as its life blood. The details of this proposal are still hidden behind the cloak of a confidential stamp but General Cates' testimony makes it very clear that here once again was a seriously considered proposition, the reduction of the Marine Corps to a state of impotency. After the revelation of even these few details to public scrutiny, nothing more was heard of the plan.

In the way of administrative procedures designed to eliminate the corps as a fighting arm, it is worth noting that the original plans of the Defense Department for fiscal year 1951 provided for only 6 infantry battalions and 12 squadrons of marine tactical aviation. It is not difficult to estimate the limits that would have been set for 1952, 1953, and 1954 had not the Korean war intervened. Apparently some people realized that it was not necessary to kill off the Marine Corps; the result could be achieved by "starving it to death."

These attacks will continue. They may take different form but they will continue undiminished in severity or extent of purpose unless positive action is taken by this Congress. The best evidence is to look at the record as it has been taken from the various appropriation bills and hearings before the Congress.

When the war with Japan ended in August 1945 there were a total of 486,000 marines organized into six war-strength divisions, appropriate formations of marine aviation,

and the necessary supporting elements for both ground and air.

A period of demobilization followed, of course, as did for all services. Look at the way the Marine Corps was cut back:

	Enlisted only
June 30, 1946	141,000
June 30, 1947	84,700
June 30, 1948	76,800
June 30, 1949	77,000
June 30, 1950	66,000

At the beginning of fiscal year 1950 the marines had 77,000 men. In its combat formation it had a total of 11 infantry battalions and 23 squadrons of marine aviation.

At this time the corps was told that by the beginning of fiscal year 1951 it could have no more than 62,000 regular enlisted marines and that its combat formations would be limited to 6 battalions and 12 aviation squadrons. This is a cut of almost 50 percent in fighting potential.

The Marine Corps appealed this decision and finally gained the concession that it could have more combat units provided they could be formed with the men and money already allocated. By the most stringent economy the Marine Corps was able to maintain 8 battalions and 16 squadrons. These were the combat units which the Marine Corps could muster when the war started in Korea in June.

Since that time all the services have started an expansion. The latest announced proposal for the Marine Corps is for 160,000 formed into 2 marine divisions and 18 aircraft squadrons. But we have learned our lesson, and that is why I am introducing this bill.

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

Mr. DOUGLAS. Mr. President, I should like to address myself to the internal security bill, S. 4037, which is known as the McCarran bill.

As Members of Congress and the country proceed to discuss the bill, which is perhaps the most important bill dealing with civil liberties we have ever had before us. All thinking persons feel the tug of two separate sets of values, namely, security and freedom.

In the long run, these values reinforce each other. We need our country to be secure in order that we may be internally free.

It was Abraham Lincoln, I think, who said he was saving the country in order that he might then save the Constitution. Similarly, although this is not often appreciated, true security is ultimately created by freedom and liberty. For under freedom, government is based upon mutual assent and not upon force imposed from above and consequently it is at once more lasting and can resist greater external and internal shocks. It is largely because of this combination of security and freedom, of liberty and union, as Daniel Webster referred to it, that our country has grown great in moral and in physical power and today is the unquestioned leader of the world.

BASIC PROBLEM IS TO HARMONIZE FREEDOM AND SECURITY

But while both these principles ultimately help each other and the people of the Nation, there are frequently times when they seem to come in conflict and when the problem of how to combine them is very perplexing. There are some who in the name of security would have us abandon freedom while there are others who in their zeal for liberty would disregard the needs for security.

The American people made a conscious choice in believing that liberty gave them the best chance for both personal development and national security when they forced the adoption of the Bill of Rights or the first 10 amendments to the Constitution. Milton and Locke had already argued both eloquently and well for these principles and 60 years later John Stuart Mill was to develop them further. But it was our own George Mason, James Madison, and Thomas Jefferson who put into New World terms the passionate desire of farmers, mechanics, professional men, yes, and the women, too, for liberty and to restrain tyrannical governments from invading the basic freedoms of men.

We are all acquainted with the provisions of the Bill of Rights but it is well for us to remind ourselves about their concrete nature; namely, Congress is neither to establish a state church nor to forbid people from freely exercising their religious choices. It shall not abridge the right of people to assemble peacefully and to petition their government. Life, liberty, and property are not to be taken arbitrarily or without due process of law.

The people are to be secure in their homes and persons against unreasonable searches and seizures by the police. Men are not to be arrested without a warrant, cannot be held to answer for a capital crime unless they have been indicted by a grand jury, shall enjoy the right to a speedy and public trial, where the accused must be informed of the charges against them and have the right to counsel, to confront the witnesses and to produce witnesses of their own. Excessive bail is not to be required nor cruel and unusual punishments inflicted.

Those are the details of the Bill of Rights, which of course is not merely in our National Constitution, but has been incorporated in most of the State constitutions as well.

THE SPIRIT AND FAITH BEHIND THE BILL OF RIGHTS

The fundamental spirit and faith behind the Bill of Rights is simple yet profound.

First. It is based upon the belief that men if given a chance to weigh the facts will in the long run be able to separate truth from error and to arrive at approximately correct conclusions and choices. Many ideas which were unpopular at a given moment have ultimately proved to have great value. I can only mention amongst these the theory that the earth moves around the sun, that there is an evolutionary process going on throughout the animal and vegetable kingdoms, that many diseases are disseminated by the spreading of bacteria, that matter is convertible into energy, and in the world of social relations that "all men have unalienable rights to life, liberty, and the pursuit of happiness." All these ideas when first advanced were bitterly disliked.

We now mention the names of Bruno, Kepler, Copernicus, Darwin, Pasteur, Einstein, Jefferson, and they are hallowed by the vindication which time has brought to them, but in the beginning these men were unpopular, and there were many who would have suppressed them, and stopped them from advancing their ideas. Efforts were made to suppress their ideas. Had this been done, the world would have suffered. After hard struggles these ideas first came to be tolerated and then in the competition of the market established their truth.

It does not, of course, follow that because virtually all beneficial movements and ideas have been originally unpopular that all unpopular ideas and movements are therefore ultimately beneficial. This does not follow at all. The number of wrong and perverted theories which have been unpopular has on the contrary probably been far greater than those which were finally beneficent. While to be great is to be misunderstood, it does not follow, either in logic or in life, that to be misunderstood is necessarily to be great.

But what these examples should do for us is to make us very chary about trying to exterminate ideas by force. It is always just possible that the idea to which we violently object may be true and helpful. If we crush it out we destroy its chance to prove its worth and we shut ourselves and our descendants off from any possible benefits which may come. Of course, we do not believe the new idea has any merit, but there is always the chance that it may.

Second. Furthermore, ideas are seldom either all good or all bad. There is likely to be at least a grain of truth in doctrines which are otherwise false. If they are completely suppressed, the true is thrown out along with the false. If the idea is allowed to be stated and is then examined, what is of value can then be separated from the false and incorporated into our life. The kernel of truth which lies in the mass of chaff is retained and taken over.

FREEDOM OF IDEAS BASIC TO DEMOCRACY

It is in large part because of this basic willingness of Americans to tolerate and to examine new ideas that we owe both our material and our spiritual progress. This is notably and admittedly the case in the field of mechanical inventions and business methods in which we lead the world. But it is also true in the field of political ideas. We were the first in the modern world to make the great experiment of popular government on a large scale. We are the true inventors of federalism. The people of other countries, such as the Swiss and the Australians, have built on our example. We have built up the most extensive and the best system of free popular education in the world, extending from the kindergarten to the university; we are giving the most scientific aid to agriculture of any country and we are harnessing great rivers in the service of man. Never in the history of the world have so many different kinds of people, with such widely differing racial and cultural backgrounds lived together on

such terms of mutual respect. Of course we still have great problems and defects, but never have a great people made such progress in so short a time. We are now furnishing the major driving power for the ideal of a peaceful world cooperating under the rule of law.

A large part of the credit for this must go to the experimental and questioning type of mind which our American institutions have encouraged and which has both created and been formed by the spirit of our Bill of Rights.

FREEDOM OF DISCUSSION PROMOTES PROGRESS AND PREVENTS STAGNATION

Third. But the case for freedom of discussion goes even deeper. Although the predominant opinion may be completely true and the heretical theory absolutely false, it is better for orthodoxy to be challenged than for it to be passively accepted without questioning or examination. For truths which are not examined are not sufficiently understood and valued. It is in the conflict of ideas and under stress that men find out for themselves the bedrock truths. It is only in that way that the steel of their lives is hardened, if I may use that expression. From having been mere platitudes, these truths become fundamental realities to which one can tie.

It is for this reason perhaps that some religious groups have used the device of the "devil's advocate" so that truth might shine forth more clearly because of the opposition of error. When men have the chance to compare doctrines, if the choices are fairly presented, it is the faith of one who is a Democrat, with a small "d," and, we hope, a Christian, men will overwhelmingly tend to choose correctly and in choosing they will know the reasons for their choice. The better way of action will be more firmly fixed in their minds and hearts and men will hold to it more firmly through adversity and discouragement than they would had their previous adherence been only nominal. This is what Milton meant when he wrote:

> I cannot praise a fugitive and cloistered virtue, unexercised and unbreathed, that never sallies out and sees her adversary but slinks out of the race, when that immortal garland is to be run for and that not without dust and heat * * * And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter?

It was in this same spirit that Jefferson spoke, from this very building I believe, when on assuming the Presidency in 1801, in that great reconciling first inaugural, he said of his extreme Federalist opponents, who had maligned him and many of whom wanted to dissolve the Republic and set up a monarchy:

> If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.

FREEDOM MAKES PEOPLE MORALLY BETTER

Fourth. But there is yet a stronger reason for tolerance and freedom of discussion. It is the basic argument for democracy itself, namely, that it makes people better. The moral life is one of choices. The man who never has to make decisions is neither interesting nor truly moral. It is the supreme merit of democracy that by making men and women voters and participants in public affairs it forces them to consider public issues, to make up their minds about them, and, finally, to choose. These very acts make them better men and women with broader interests than they would otherwise have in a police state where the decisions would be made by the few on top with the functions of the many limited only to those outlined in the slogan of Mussolini, "To believe, to obey, and to fight."

Thus opening the range of rational choice improves people and develops their qualities of reason and spiritual understanding. Narrowing that range by suppression deprives people of the chance for development. Characters like ideas are sharpened and toughened by conflict and choice. And true liberty provides just such opportunities which suppression takes away.

Thus far I have pointed out the philosophical and broadly ethical grounds behind our Bill of Rights. But these great principles are also practical and prudent. If the passing majority of the moment throws the leaders of the minority into prison and suppresses their doctrines, then the minority will believe that the only way they can take power is by violent revolution. If they are successful, they will then naturally seek to revenge themselves on their former oppressors and will in turn imprison or execute them.

Under such a system there is a melancholy succession of plots and counterplots, of revolutions, and of savage retaliations. Those who take the sword perish by the sword. From the palace of the ruler to the dungeon of the political prisoner is but a short and frequently traversed step. And since those in power are always fearful of being overthrown, they are tempted and frequently yield to the temptation of putting their rivals out of the way. That is why the executioner's ax, the hangman's noose, and the firing squad have always been instruments of tyranny until recently, when even more deadly and terrible forms of execution and torture have been devised and practiced in the police states.

THE ALTERNATIVE TO FREEDOM IS REVOLUTION AND INSTABILITY

One has only to think of the melancholy history of the later days of the Roman Empire, as set forth by Gibbon in his Decline and Fall of the Roman Empire, the succession of palace revolutions, the new emperors taking power, proceeding to put to death their prospective rivals, and the new emperors in turn being ousted by other revolutions of the palace guard, this succession occurring during decade after decade of revolution because there was fundamental oppression.

Last summer I was reading a little-known book by Machiavelli, The History of Florence, in which Machiavelli described the changes of power within that beautiful Italian city in the Middle Ages. That was the story of Florence; family after family being ousted; one family being in power, or one group being in power, putting into prison or executing those out of power; new coalitions forming against them, and the existing family thrown out, exiled, or executed.

If we examine the history of the other city-states of the Middle Ages, as, for example, characterized in Sismondi's History of Italian Cities, or in the various histories of existing Italian cities, such as Schevill's History of Siena or his recent history of Lucca, we find there the same story over and over and over again.

And in England, which is now the cradle of individual liberty, from 1200 to 1690 or perhaps 1750, England was characterized by the same series of incessant struggles. The great and melancholy soliloquy which Shakespeare puts into the mouth of Richard II well describes the fate of rulers:

> For God's sake, let us sit upon the ground and tell sad stories of the death of kings.

It was not until democracy and toleration came to England with the liberal movement that the Government of England became stable.

But in a democrary which provides for peaceful change, those in temporary power know that if they are turned out by the voters, they can depart in safety and with honor. They therefore tolerate minority and allow it full opportunity to convince the people on the assurance that the minority will not attempt to take power by forcible revolution and if the present minority is successful at the polls will allow the defeated possessors of power to go into opposition with safety and honor the same set of conditions.

RECENT CHANGES IN POLITICAL POWER IN THE UNITED STATES

Let us state the facts about the political changes in this country during the last 20 years. Twenty years ago we were in a business depression. The President of the United States, Mr. Herbert Hoover, was at the head of a great political party which, with intermittent exceptions, had dominated the affairs of this country almost since the Civil War. Opposition arose to that party and, I believe, justifiable opposition. But be it said to the credit of Mr. Hoover, he did not try to put the opposition down by force. He permitted the election of 1932 to take place, and in that election he was swept out of power and his party was swept out of power, just as the Democratic Party had been swept out of power in the election of 1860. Mr. Hoover's feelings were undoubtedly bruised, and it is true that he was unpopular in the country at that time. But the new administration, in turn, did not exorcise its past opponents; it did not throw them into dungeons. It allowed them complete liberty, including complete liberty to spread their ideas. It allowed the newspapers of the country, which were almost overwhelmingly against it, to carry on a campaign of agitation and propaganda to oust the Democratic Party and to restore the Republican Party to power.

Mr. President, time has moved in many strange ways. In the years during which

Mr. Hoover has been out of office, I think he has become an even better man than he was when he was in office; and we have the spectacle that a man who had been completely repudiated at the polls, now is regarded with honor by the people of the United States; he is regarded with honor by those of us who sit on this side of the aisle, as well as by those who sit on the other side of the aisle.

I hope our friends will be as charitable—and I believe they will be—with those of my party when the time comes for us to be displaced; and I am fairly certain that this charity will eventually happen, because the tradition of American fair play is rather deep among the members of both parties.

It is because both major parties have in the main honorably observed these conditions that we Americans have been able to maintain the high degree of political freedom which we now enjoy. In the Senate, although we frequently get into somewhat heated disputes, on the whole the level of courtesy is high and on the whole the level of tolerance is high; and out of the clash of ideas I think all of us moderate our points of view somewhat, so that the final result is much better than the measure with which one party or the other may start out. Prudence and political ethics combine, therefore, to make the system of democracy one which permits peaceful change and which proves all things—in the words of the Bible—and holds fast to that which is good.

THE PROBLEM OF ACCORDING RIGHTS TO THOSE WHO WOULD DESTROY THEM IS NOT QUITE THE SAME

But, Mr. President, the principles of freedom which have become the guiding standards of American life require that its citizens and its participants shall also observe the rules of the game. Since society grants them the right to advance unpopular ideas, and permits them to triumph politically if their arguments win sufficient converts, there is a reciprocal obligation upon the minority of the moment to confine its activities solely within legal bounds, and to abandon any attempt to take power by force. The minority cannot expect to have it both ways. It cannot claim the right of spreading its views and of taking power peacefully if it wins a majority of the votes, and at the same time kick overboard the rules of the game if it loses at the polls and in defeat resorts to revolution. It cannot play a "heads I win, tails you lose" game.

Such a minority may be tolerated by the majority because the latter may believe that less trouble will be caused by tolerating than by suppressing them or because the majority has a firm faith that merciful and generous treatment will ultimately change the spirit of most of the members of the revoluntionary minority and win them over to the cause of peace. But the minority cannot rightly claim for themselves the privileges of peaceful political action if it is not willing to abide by the rules of the game and if it will not practice itself that which it asks the stronger to observe, namely to abstain from force and to permit change to occur through peaceful political channels.

As I was reading over that paragraph in my remarks this morning, before I came to the Senate Chamber, a verse from Walt Whitman came to my mind, one which bears on this same point. Walt Whitman is, after all, the great poet of democracy. He said:

I will not ask for myself anything which others cannot have on the same terms.

Mr. President, that is a very good commandment for us to follow in a democracy. When we are out of power we should not ask of society or of Government anything that we are not willing to accord when we are in power. We should not ask others to do what we are not willing to perform ourselves. To the degree that we do make such requests, we are parasitical upon the very principles of tolerance discussion and democracy to which we may give lip service; and if we continue our double standard long enough, we break down that system.

RIGHT OF FREE SPEECH IS NOT ABSOLUTE, BUT RELATIVE

It is also true that it has always been held that the right of free speech and of a free press is not absolute. It is relative.

As Justice Holmes, that noble defender of liberty, once observed in a famous case, "No one has the right to cry 'fire' in a crowded theater." When the national safety is gravely threatened, then society has always recognized that agitation which might incite people to act later in a way which would seriously weaken the country may be restrained. Thus, during the Civil War, when the southern armies were close to Washington, there were hundreds of thousands, perhaps millions, of southern sympathizers in the North, with an organized underground fifth column in the form of the Knights of the Golden Circle.

If any Senator wishes to read a good chronicle of that period, let him read George Fort Milton's book, Lincoln's Fifth Column. In my State of Illinois, the State of the great majority leader of the Senate, there was a Copperhead plot to free the Confederate prisoners in Fort Douglas, on Twenty-second Street, in Chicago, and to have the Copperheads join with those prisoners to take the Midwest out of the Union, to unite it with the South, and to let New England go, because it was said that New England was the cause of all the trouble. It is extraordinary that that attempt nearly succeeded, but it was caught in time. The commanding general of the Chicago military district—I believe it was General Burnside—seized the Copperhead leaders, threw them into prison before they started their overt incitement to revolt, and kept them in escrow, so to speak, until the danger had passed.

LINCOLN'S DESIRE FOR LIBERTY TEMPERED DURING CIVIL WAR

In those circumstances, Lincoln, who was as devout a believer in civil liberties as, I suppose, any public man we have ever had, had thousands of prosouthern advocates in the North thrown into prison, and he refused to honor writs of habeas corpus which were issued by the Chief Justice of the United States himself to release them. So, as Senators know, a somewhat peculiar problem existed in that connection, because in the beginning of the war a majority of the members of the Supreme Court of the United States were southern sympathizers, and they were rather free about issuing writs of habeas corpus. Chief Justice Taney, whose bust looks down upon us here in this Chamber, on my left, issued a number of writs of habeas corpus which Lincoln and Stanton uniformly refused to recognize. On the floor of the Senate Chamber in which we were formerly meeting, and to which the Senate moved from this Chamber in 1859, a great predecessor of the senior Senator from Illinois, Lyman Trumbull, would rise on the floor of the Senate over and over again and, although a loyal Republican, would attack the policy of President Lincoln in not honoring those writs of habeas corpus. Lyman Trumbull insisted that the constitutional guaranties of freedom should be observed in civil war, as they had been observed in times of peace. He is a man whose noble record is not sufficiently realized or understood by the modern generation, but I know he has been an inspiration both to the senior Senator from Illinois [Mr. LUCAS] and to me and, I believe, to many others.

Lincoln's generals arrested a Democratic leader in Ohio, Mr. Clement L. Vallandigham, who was making fiery speeches against the Civil War. The authorities had had some trouble with Vallandigham. He was a hot potato, if I may use the expression. The authorities did not know what to do with him. They did not want to keep him in prison, because that would make him a martyr. They did not want to release him, because he would then carry on his work of agitation. So Lincoln, as Senators will recall, in a happy moment turned him over to the South, and said, "Let the South have him." When protest was made to Lincoln about his having been rough in dealing with Vallandigham, he made a very interesting reply. He said, "Must I shoot a simple soldier boy who deserts while I must not touch a hair of a wily agitator who induces him to desert?"

STRONG STEPS MUST SOMETIMES BE TAKEN

The question of whether these actions of Lincoln's were constitutional was constantly being raised, as I have said, during the Civil War. But the Supreme Court finally abstained from passing on the question while the shooting war was in progress and the Nation was in peril. The cases were before the Supreme Court, but the Supreme Court did not give an opinion. Only after the war was over, only after the danger abated, did the Supreme Court, in the latter part of 1866, in the famous Milligan case, declare that Lincoln's exercise of war powers was unconstitutional, that he should not have done what he did and that the Constitution prevailed in periods of war as well as in periods of peace.

Another great citizen of Illinois and a Justice of the Supreme Court, David Davis, could say that it was unconscionable to keep men in jail during the war without trial, but he said it after the war—not during the war. As a wit has

put it, "During the Civil War, the President acted to save the Union. After the war was over, then the Supreme Court saved the Constitution."

In recent times, the minority opinion of Justices Holmes and Brandeis in the Schenck case (*Schenck* v. *U. S.*, 249 U. S. 47 (1919)) has come to be accepted as sound law and practice. It declared that freedom of speech could be abridged, even by legislative action, only if there was a clear and present danger. While admitting that these two standards were difficult of measurement, that there was a distinct zone of uncertainty within which the principles of freedom should be favored, and the bias in their judgment should be in favor of freedom, both these justices believed that if there were in fact a clear and present danger, then Congress, if not the President, had the power to suspend the constitutional guaranties which I have cited.

"CLEAR AND PRESENT DANGER"

Mr. President, let me dwell for a moment on this point. It is sometimes said that Brandeis and Holmes stood for the principle of unlimited freedom of speech, free from all executive and free from all legislative restraint. That is not true. They said the overwhelming presumption was in favor of freedom, that it should be the normal and standard law of life, but that if there were to be a danger which was both real and present, then freedom might be abridged in order to preserve security.

(At this point, Mr. DOUGLAS yielded to Mr. WHERRY, who offered an amendment to the pending bill and spoke briefly thereon. On request of Mr. WHERRY his remarks and the amendment were ordered to be printed in the RECORD at the conclusion of Mr. DOUGLAS' speech.)

Mr. DOUGLAS. Mr. President, while I was very glad to yield to the able Senator from Nebraska, in order to develop my thought as clearly as possible I shall be compelled not to yield until I finish my formal statement, at the end of which I shall be very glad to subject myself to any questions which any Senator may have. I have found that if I yield to one Senator, I must yield to every other Senator, and frequently the logic of a statement is lost.

CONSPIRACY ACT OF 1861

We should further recognize that we already have the Conspiracy Act of 1861 on the statute books, as well as the Smith Act of 1940. The first, passed shortly after the first Battle of Bull Run, declared in part:

> That if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or the destroy by force, the Government of the United States, or to levy war against the United States, or to oppose by force the authority of the Government of the United States; or by force to prevent, hinder, or delay the execution of any law of the United States * * * each and every person so offending shall be guilty of a high crime, and upon conviction thereof * * * shall be punished by a fine of not less than $500 and not more than $5,000; or by imprisonment, with or without hard labor, as the court shall determine, for a period not less than 6 months nor greater than 6 years, or by both such fine and imprisonment.

As we all know, the criminal statutes were revised in 1948. In the revised Criminal Statutes as approved in 1948, this provision now reads as follows:

> If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $5,000 or imprisoned not more than 6 years, or both.

THE SMITH ACT

Then in 1940 the so-called Smith Act was passed to guard against danger from Fascist and Communist sources. In its revised form in the United States Criminal Code it reads as follows:

> Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the Government of the United States or the Government of any State, Territory, District, or possession thereof, or the Government of any political subdivisions therein, by force or violence, or by the assassination of any officer of such Government; or
>
> Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or
>
> Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—
>
> Shall be fined not more than $10,000 or imprisoned not more than 10 years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the 5 years next following his conviction.

It was under the Smith law that the Trotskyite group was convicted during World War II and the 11 Communist leaders were indicted and convicted in New York City. This conviction has recently been upheld by the Second Circuit Court, in which Judge Learned Hand, the celebrated jurist, rendered a notable opinion.

Mr. President, I ask unanimous consent that there be included in the RECORD at the conclusion of my remarks an excerpt from the opinion of Judge Hand giving the basic reasons upon which he upheld the conviction.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. I hope—and I invite the attention of the Senator from Michigan [Mr. FERGUSON] to this statement of mine—that the decision of Judge Hand will also be upheld by the Supreme Court; but even if this should happen, there would still be great doubt as to whether the precedent established in the case of the leaders would apply to the rank and file of the Communist Party.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. No. I regret to say that I do not want to yield as I go along.

It is clear that we already have two very strong statutes which can apply in time of war. By reason of the act of 1861 and of the Smith Act of 1940, the Government is not defenseless, at any rate.

PROBLEMS CREATED BY THE COMMUNIST PARTY

It is in the light of these considerations that we should examine the problems created by the activities of the Communist Party.

In the first place there can be no doubt of the fact that this group is a revolutionary party. In fact, it openly boasts that it is. The Communists will use peaceful political methods when these seem desirable, but ultimately they are ready to use force to take over the Government. One infers, indeed, that the Communists use open political argument merely for its propaganda value and to recruit members whom it can then draw into its inner apparatus.

Secondly, it is clear that the Communist Party is under the control of the Russian Communist Party and will implicitly follow its orders.

This has been abundantly demonstrated. There is not a single instance where in a conflict of interests between the United States and Russia, the Communist Party has taken a stand in favor of American interests. They have uniformly and invariably taken the side of Russia.

Now it is possible that American policy has been in error on some occasions, although I personally believe that it has been 99.44 percent correct. But it is inconceivable that it has been wrong all the time. And yet that is precisely the position which the Communist Party has taken. The slavish support of Russian policy down to the most minute detail is in itself proof of the complete subservience of the Communist Party to the interests of Russia. No act of aggression on the part of Russia is too bald or too vicious for the American Communist Party to defend. The spread of the ice-cap of tyranny over eastern Europe has been praised, the rape of Hungary and Czechoslovakia applauded, and the infamous invasion of South Korea defended.

Former Communists have revealed that as a matter of fact Russian agents are sent to this country to direct the policy of the party and of its organs. This was the job of Gerhart Eisler, for example, and we know that there were others before and probably since. These men are under orders from Moscow, which they in turn impose upon the American branch of the party.

The Communist Party in this country is therefore not self-directing, but is Russian controlled. It is in effect a foreign army operating upon American soil.

COMMUNIST PARTY IS A CONSPIRATORIAL BODY

In the third place, it should be recognized that the Communist Party is only partially a political organization. It is also and perhaps to an even greater extent a conspiratorial body. If we were to be involved in hostilities with Russia

or even with a major satellite, most of the members of the Communist Party would certainly try to obstruct our war effort in one way or another, and a large proportion of them would undoubtedly be ready to engage in the most crippling and desperate acts of sabotage.

They would also engage in spying. In fact, sabotage and espionage are the chief dangers which the Communist Party creates. There is no possibility that they can win even a small fraction of the American people to their way of thinking or even get an appreciable foothold in our Government. Nor can front parties which they control, ever win any real popular support. The election of 1948 proved that.

In the Progressive Party in 1948 there were undoubtedly many perfectly well-meaning people. In fact, we know that the candidates for President and Vice President of the Progressive Party in 1948 were well-meaning and decent people. However, the control of the Progressive Party was in the hands of the Communists. Nevertheless, and despite the attractiveness of the bait which was spread before them, the American public refused to go for that party, and it got less than a million votes. It received only a little more than 2 percent of the total votes cast.

In my State of Illinois the party did its best to defeat me for the United States Senate. I welcomed their opposition. I welcomed the fact that they were opposing me. We had a very clear battle right down the line. They were isolationists. I suppose I was what might be termed loosely an interventionist. We disagreed on many other issues as well. Incidentally, Mr. President, their support dwindled and dwindled as the months went by. I think I had something to do with killing the Progressive Party in the State of Illinois by taking its support away from it.

SABOTAGE AND ESPIONAGE ARE THE REAL DANGERS; NOT PROPAGANDA

It is not propaganda or political agitation which we need fear. It is potential sabotage and espionage which are instead the real dangers. We all know that there are critical points and plants whose destruction or impairment would be a major blow and we are all aware of the danger of bacteriological and atomic destruction. If the Communists had it in their power to hurt us in this fashion, we can be certain that few of them, at least within the inner circle, would be restrained by inner scruples from committing such acts.

While this danger has been reduced by the resolute action taken by the CIO in expelling Communist-led unions from their ranks and in taking over the representation of labor in many plants formerly under Communist domination, there is still some danger of sabotage inside given plants. Also there is a danger that apparently innocent strikes called ostensibly for economic reasons may be promoted by the Communists for political reasons.

I think there is good reason to suspect that many strikes in the winter and spring of 1941 were instituted in order to prevent the flow of war materials to Great Britain. It is not denied that there may have sometimes been economic reasons as well, but in reality the political reasons were dominant. In addition, there are the nonindustrial dangers to water supplies and communication centers from general sabotage. The Communist Party members are potential spies as well as saboteurs.

COMMUNISTS WOULD USE LIBERTY TO DESTROY LIBERTY

Finally, while the Communist Party insists that it must be accorded full civil liberties by others while it is in a minority, it makes no secret of the fact that it would not accord such liberties to others once it were to obtain power. Following the doctrines of Lenin and the example of Russia, the Communist Party of this country believes in the one-party monolithic state. No opposing party is tolerated in Communist countries. The press, radio, schools, and churches are controlled, and can only advocate or teach what the dominant group in the state permits. Men can be and are arrested without a warrant, held indefinitely without either bail or the right of habeas corpus, sentenced without a trial, and worked to death in labor camps.

There are millions of Russians who have dared to think for themselves, who have been transported to the labor camps and then killed off by underfeeding and overwork. Even within the Communist Party itself there is no democracy. The decisions are made by the leaders and not by the rank and file. If any member of the party gets even slightly out of line, he is relentlessly purged from the party and punished in the same cruel fashion as non-Communists or anti-Communists.

On every count, therefore, the Communist Party and its members violate every rule which a political party should observe in a democracy. They will use the political machinery of free elections only so long as it suits them—namely, while they are in a hopeless minority—but would resort to revolution if they could get power that way. Although claiming full civil liberties for themselves, they would suppress the civil liberties of others were they ever to take power.

Professing to be an American party, they are, in reality, Russian dominated and operated in the interests of that country rather than in the interest of ours. They not only carry on political agitation but are also organized to carry on spying and sabotage which would weaken our military resistance to the aggressions practiced by Russia and her satellite puppet states. The Communists as such are, therefore, not ethically entitled to the democratic rights which they claim, for no one can demand as a right for himself that which he is not willing to grant to others. It is, indeed, solely for a democracy to decide for itself what steps are best and most prudent in dealing with the Communists. To do this properly, we should consider what are the real and what are the false dangers, how the real dangers may best be guarded against, and at the same time not to weaken the American practice and tradition of liberty and fair play.

AMERICAN PEOPLE WILL NOT BE CONFUSED BY COMMUNIST PROPAGANDA

Where does the real danger from the American Communists lie? The danger is from potential sabotage and espionage, not from propaganda. The Communists will not be able to get any appreciable number of votes either operating directly or through satellite parties. Nor will they be able to confuse Americans with their propaganda. The American people have become convinced that Russia is an aggressive power, and they know that we, on the contrary, have sought and still seek peace with honor but without appeasement. We should not be afraid of Communist propaganda. Neither is there any danger of a Communist revolution in this country. But as I have said, there is good reason to fear Communist spying and sabotage.

According to the tests imposed by Justice Holmes, the danger of such sabotage and espionage is certainly clear. It may not be immediately present, but it is certainly close to being so and it has been getting ever closer and closer during these last 2 years. It is not enough to punish acts of sabotage after they have occurred. In a day of atomic and possibly bacteriological warfare that may be too late. Crucial damage may already have been done. It is necessary therefore to take precautionary steps to prevent such sabotage from occurring.

The need for preventive action is real and should not be ignored. It should be recognized and faced. The need for preventive action is real, as I have said, but we are presented with a tremendous problem of democracy, namely, how to prevent sabotage and spying while at the same time to protect not only the democratic rights but the practical necessity for free discussion.

That is one of the most gigantic and difficult problems ever laid before a democracy. Our views as to how to meet the problem may differ. My views differ from those of many other Senators, but I am sure they are acting in the belief that they are moving in the best interests of America. We are trying to reconcile freedom and security, and we have to make adjustments in order to bring about a reconciliation of these two necessary elements.

I give full credit to the intentions of the proponents of the proposed legislation. As I have said, I do not believe the pending bill provides what its sponsors seek, but I do not attack the motives or the high purposes of those with whose views I differ.

WHAT THE M'CARRAN BILL SEEKS TO DO

A. THE COMPONENT ELEMENTS OF THE M'CARRAN BILL (S. 4037)

It is in the light of this context that we should now examine S. 4037, or the McCarran bill, which is now the pending order of business before the Senate. This bill amounts to 81 pages, and it consolidates no less than seven other measures by laying them end to end. The first bill included is S. 2311, or the so-called Mundt-Ferguson-Nixon bill which is taken over almost verbatim, with a few verbal changes, but in the main it is that bill. This forms the first 39 pages

and the first 17 sections of the McCarran bill. Any discussion of the Mundt-Ferguson bill, therefore, also applies to this part of the present bill.

Then come the four so-called security measures, proposed by the administration and introduced by Senator MAGNUSON and others, which with a few changes—and there are a few changes—form sections 18 to 21, inclusive, and part of section 23. These provide for, first, greater protection for defense installations and against the revealing of confidential information; second, extending the statute of limitations in the case of the betrayal of such information from the present space of 3 years to 10 years; third, requiring the registration of those who have received training in sabotage from a foreign government or a foreign political party; and fourth, additional supervision over deportable aliens. I shall not have much to say about these four bills, but in my judgment they are completely necessary. They add a very appreciable measure of security.

Sections 22 to 32, inclusive—pages 45 to 80—include the rather stringent bill governing immigration which has already been passed by the Senate but not by the House. Finally, section 33 is the bill to prevent picketing of the courts which has been on the Consent Calendar of the Senate for some time but which has not yet passed.

The most controversial sections of the bill are, of course, the first 17, or the so-called Mundt-Ferguson-Nixon bill. These deserve a careful analysis, and that I shall attempt to make. Later Senators who may address the Senate will discuss the immigration provisions of the bill, but I shall not attempt to do so.

B. THE MAIN PROVISIONS AND PURPOSES OF SECTIONS 1 TO 17 OF THE M'CARRAN BILL (S. 4037) OR MUNDT-FERGUSON-NIXON BILL

The McCarran bill—section 7, pages 15 to 17—requires that within 30 days from the time an organization is finally—and I emphasize the word "finally"—adjudged to be "Communist controlled," or, in Mundt-Ferguson terminology, a "Communist political organization," it must register and file a statement giving the names of both its officers and all its members and those who have been members and officers during the 12 months prior to that date, and the date in question is the date of the issuance of the final order.

The McCarran bill uses the term "Communist controlled organization," while the Mundt-Ferguson bill says "Communist political organization." The two are identical, so far as the provisions of the bill are concerned. I shall try to use the term "Communist controlled organization," because that is the phraseology before us, but if I lapse at any time into "Communist political organization," it will be understood that I am speaking about the same thing.

Organizations which are finally adjudged "Communist fronts" must also register within 30 days thereafter the names of their then present officers and those who have held office during the preceding year, but need not list the names of their rank-and-file members.

Both sets of organizations, namely, "Communist controlled" or "Communist political" and "Communist front," are, however, required to report in full the sources and amounts of their receipts and the details of their expenditures—sections 7 (a), 7 (b), 7 (c), 7 (d), pages 14 to 16. After the initial report is made, of either members or officers, or officers alone, further and similar reports are to be made annually—section 7 (e), page 17. All literature and correspondence coming from any one of either sets of organizations must be stamped—section 11, page 22—"disseminated by ————, a Communist organization." Radio and television programs must be similarly identified. Members of Communist controlled or Communist political organizations are to be denied passports and cannot hold any nonelective positions under the United States. If they are candidates for office, they must declare their affiliation. There can be no income-tax deductions for gifts to Communist-front organizations. This last provision is, however, already in effect for organizations listed as subversive by the Attorney General.

If after a final order is issued and upheld, and I again emphasize the word "final," officers of Communist-controlled—that is, Communist political organizations—do not register either themselves or their members, or if the officers of so-called Communist-front organizations also do not comply with the requirements within 30 days, they are to be sentenced to not less than 2 and not more than 5 years in prison for each day of failure to report—section 16 (a), page 37. An individual who is actually at the time of final reporting or has been within the preceding year an actual member of a Communist-controlled or Communist political organization but whose name has not been listed by that organization as a member has a positive obligation to come forward and report himself within 60 days from the time at which he became aware or knew that he was not so registered—section 8, page 19. If he fails to do so, he likewise can be punished by from 2 to 5 years of imprisonment for each day of failure to report.

SECTION 4 (A)

In addition, there is a provision in section 4 (a) pages 10–11, which I should like to have all Senators consult, which seems to lie somewhat apart from the main current of the bill but which may be of tremendous significance. This is the provision making it "unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in or exercised by or under the control of any foreign government, foreign organization, or foreign individual."

This is a direct criminal sanction applied against individuals and carrying with it in case of conviction a prison sentence of up to 10 years—section 4 (d), page 12. It will be noted, however, that there is no definition of nor elaboration upon what the term "substantially contributes" really means and this omission will be referred to later in my speech.

The labeling and registering features of the act are to be administered in the first instance by the Attorney General but with the right of appeal to a Board for the Control of Subversive Activities. This Board is to consist of three members who serve staggered terms and whose organizations and procedures are roughly comparable to those of the Federal Trade Commission, the National Labor Relations Board, and so forth. They can hold hearings through examiners whose finding are then reviewed by the full Board. The Board has the power of subpena and can summon witnesses.

I think I should say in fairness that I believe the drafters of the bill have tried conscientiously to follow the procedures which are laid down for most administrative tribunals. The methods and procedures outlined are similar to those prescribed under the Administrative Procedures Act, and which have become standard operating procedures, if we may use that military term, for most governmental administrations. I want to pay tribute to the framers of the legislation on that point.

It is apparently believed by the sponsors of the bill that it will compel the disclosure of the identity of Communists and of Communist-front organizations and that once this is done, public opinion will do the rest. Disclosure and identification rather than direct outlawing are therefore the chief avowed weapons used. Possibly because of a fear or belief, however, and I consider it to be a well-founded belief, that the Communist organizations or members will not comply with the provisions of the act, very severe penalties are imposed for its violation. Thus a failure by as little as a month to report after there was a final obligation to do so, would be punished by a prison sentence of from 60 to 150 years—that is, at the rate of 2 years' imprisonment for each day of failure to report. There is, therefore, probably an indirect penal provision which can be used under this bill in the same fashion that income-tax evasion and the transportation across State lines of stolen automobiles have been used to trap gangsters who were really guilty of more heinous offenses.

It should not be forgotten, however, that section 4 (a) provides direct and heavy penalties for those who "substantially contribute" to a Communist dictatorship. I do not believe in attributing improper motives to my colleagues because I know they are very good men. I shall not go so far as to call this section a "sleeper"—it is in the front part of the bill—but I believe it is proper to say that it is somewhat apart from the main sequence of topics.

There is a very important distinction, Mr. President, in this bill which it takes some time to discover. I spent some days on the bill before I discovered the distinction. If I had been an eminent lawyer, such as the junior Senator from Colorado [Mr. MILLIKIN] and the junior Senator from Missouri [Mr. DONNELL], whom I see present in the audience, I

probably would have discovered it earlier. But being of a nonlegal type of mind it took me a longer time to discover it, but finally it became evident to me.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I regret the able Senator from Colorado was not present earlier when I said that I had developed a closely integrated line of argument, and if I were to yield once I should be obliged to yield further, and the full force of my presentation would be lost. I desire to complete my presentation, at the end of which, let the heavy artillery roar.

Mr. MILLIKIN. I cannot but accede to the request of the Senator from Illinois to indulge himself in the luxury of talking to himself.

Mr. DOUGLAS. Mr. President, in parliamentary parlance that is what is known as the delayed punch, of which the Senator from Colorado is our greatest master, and heavyweight champion.

THE DISTINCTION BETWEEN CLASSIFYING AN ORGANIZATION AND THE REGISTRATION OF INDIVIDUALS

In appraising the relative effectiveness of this bill, we must be careful to understand the exact procedures and standards which it provides. The first and primary distinction in the bill which must be understood is the difference between, first, the steps and standards involved in deciding whether or not an organization is either Communist-controlled—that is, Communist political—or a Communist-front organization and, second, the actual registration of the members and officers of the Communist-controlled organizations and of the so-called Communist fronts.

It is difficult to draw these distinctions because these two questions are treated in a virtually parallel fashion throughout the text of the bill and most of the individual sections when considered separately apply to both. That is, a given section will deal with the classification of an organization and also with the registration of an individual. So will the next section, and so on. The two seem to go together as tandem partners throughout the whole extent of the bill. The first conclusion one would reach is that as the bill is drawn the two in real life will also go together in tandem fashion; that they would be partners in time, so to speak; that they would follow a parallel course and would be handled simultaneously and that the same steps would be applied at the same time both to the adjudication of whether or not an organization was of the type indicated and whether or not given persons were members of that organization.

But a closer reading of the bill shows that this is not so. Instead the obligation to register and report goes into effect only after—and I emphasize the words "only after"—there has been a final legal determination that the organization in question is either Communist controlled or a Communist front.

This is clearly shown in sections 7 (a), 7 (b), 7 (c); section 10; section 16 (a), and so forth, which speak of the obligation to register after a final order of the Board has been issued.

SECTION 6 (A)

I now read some sections of the bill. I read section 6 (a):

SEC. 6. (a) When an organization is registered, or there is in effect a final order of the Board requiring an organization to register, as a Communist-controlled organization, it shall be unlawful for any member of such organization, with knowledge that such organization is so registered or that such order has become final—

(1) to make application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States; or

(2) to use or attempt to use any such passport.

I now see one of the able authors of the bill, the junior Senator from South Dakota [Mr. MUNDT] on the floor, and I call his attention to the fact that in section 6 (a) the denial of the application for a passport can only be made after final order of the Board is issued requiring the organization to register.

SECTION 7

Section 7 (a) is as follows:

SEC. 7. (a) Each Communist-controlled organization (including any organization required, by a final order of the Board, to register as a Communist-controlled organization) shall, within the time specified in subsection (c) of this section, register with the Attorney General, on a form prescribed by him by regulations, as a Communist-controlled organization.

I now read section 7 (b):

(b) Each Communist-front organization (including any organization required, by a final order of the Board, to register as a Communist-front organization) shall, within the time specified in subsection (c) of this section, register with the Attorney General, on a form prescribed by him by regulations, as a Communist-front organization.

I shall now read section 7 (c), paragraph (3), and I should like to inform my good friend from South Dakota that I will return to 7 (c) (1) in a minute, but for the moment I am speaking of 7 (c) (3).

(3) in the case of an organization which by a final order of the Board is required to register, within 30 days after such order becomes final.

SECTION 10

I shall now read section 10:

SEC. 10. It shall be unlawful for any individual to become or remain a member of any organization if he knows that (1) there is in effect a final order of the Board requiring such organization to register under section 7 of this act as a Communist-controlled organization, (2) more than 30 days have elapsed since such order became final, and (3) such organization is not registered under section 7 of this act as a Communist-controlled organization.

SECTION 16

Section 16 (a) is as follows:

SEC. 16. (a) If there is in effect with respect to any organization or individual a final order of the Board requiring registration under section 7 or section 8 of this act—

And so forth. I think these citations abundantly demonstrate that the obligation to register only occurs after a final order of the Board has been issued declaring an organization to be either Communist-controlled or a Communist-front organization. The term "final order" is used again and again.

REGISTRATION CAN BE POSTPONED

An administrative process is laid out under the act, starting with the charges made by the Attorney General, to the hearings and decisions of the Board, to the final adjudication of the courts, before an order of the Board becomes final. To be sure, if the party which is charged fails to reply to the charges and tentative findings of the Attorney General before the Board, for instance, if it virtually confesses guilt, by not making a reply in opposition or in denial, there will then be an obligation for it to register within a stated period of time. Similarly if the defendant does not take an appeal to the courts from an adverse ruling of the Board, there will be a similar obligation to register. But as long as an organization insists that it is not Communist-controlled or a Communist front, and carries its appeal upward through the successive steps of the administrative and legal processes, there is no final order and hence no obligation to register.

I am aware that the provisions of section 7 (c) (1), page 15, of the bill, and I ask the very able junior Senator from South Dakota [Mr. MUNDT] to turn to that section, will probably be cited to argue that there is an obligation to register at an earlier time. This section reads:

The registration required by subsection (a) or (b) shall be made—(1) in the case of an organization which is a Communist-controlled organization or a Communist-front organization on the date of the enactment of this act, within 30 days after such date.

But what organization, however guilty, would voluntarily come forward and declare itself to be a Communist-controlled or Communist-front organization? Modern pirates do not openly fly the skull and crossbones, and robbers and safeblowers do not openly proclaim their profession.

COMMUNISTS WILL NOT ALWAYS OPENLY PROCLAIM THEIR MEMBERSHIP

There was one humorous variant of that practice, in the case of the yacht of J. P. Morgan. Mr. Morgan, who had a rich sense of humor, named his yacht *The Corsair*; and when he was at sea on his yacht, he flew the skull and crossbones, and the yacht was painted black. That was a humorous byplay of his, although I am sure that if he had been haled into court, he would not have said he was a pirate—and I do not believe that, according to the standards of his time, he was a pirate. That is the only case of that sort I have ever known. I got a great thrill, some years ago, out of seeing the old *Corsair* as it sailed out of Noumea in New Caledonia in the Pacific; and, for some reason, the black color had not been altered; the yacht was still painted black. I suppose that was in memory of auld lang syne.

As I have said—and I do not wish to repeat this aphorism too often—modern pirates do not openly fly the skull and crossbones, and robbers and safeblowers do not openly proclaim their profession. Virtually everyone would proclaim his innocence, and the cases would be fought to the degree that the financial resources permitted. Even the Communist Party

might well deny that it was a Communist organization. After all, there is nothing we would put beyond those people, and such a Communist organization might transform itself ostensibly into a discussion or educational group. The long-drawn-out trial before Judge Medina gives some indication of the lengths to which actual Communists will go to use every possible maneuver and subterfuge to dodge the law.

Mr. President, I think I have indicated, therefore, the importance of distinguishing between the classification of an organization and the registration of individuals, and have shown that the organization must be so classified and labeled before the individuals can proceed to be registered. Of course, a great deal of time would be consumed in that process. I emphasize that point now, because it is vital.

Mr. LONG. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. DOUGLAS. Mr. President, there is no one to whom I would more willingly yield than to the Senator from Louisiana. However, it so happens that I have previously been requested to yield; and in order to preserve the continuity of my remarks, I have been forced to decline to yield to the gracious questions of the Senator from Michigan and the Senator from Colorado. So, of course, I cannot play favorites.

Mr. LONG. Of course, the junior Senator from Louisana would not expect such favors.

THE PROCEDURE IN ADJUDGING WHETHER OR NOT AN ORGANIZATION IS COMMUNIST CONTROLLED OR A COMMUNIST FRONT

Mr. DOUGLAS. Mr. President, I come now to the procedure in adjudging whether or not an organization is Communist controlled or a Communist front.

If the Attorney General believes an organization is either a Communist political organization or a Communist-front organization he shall file a bill with a subversive activities control board, and with the organization affected asking that such organization be required to register—section 14 (a).

This Board, which, as I have said, is to be composed of three persons appointed by the President, will then hold hearings on the case and make a ruling. In determining whether an organization is a Communist political organization or a Communist-controlled organization, it is stated that the Board shall take into consideration eight criteria. Perhaps we should call them eight stigmata. There are also four criteria to be taken into consideration in judging whether an organization is a Communist front. Let us turn to the eight criteria which are set up (sec. 14 (e)) to determine whether an organization is Communist controlled.

These are to be found on pages 28, 29, and 30 of the bill.

Let me say to the able junior Senator from South Dakota that for the sake of saving time, I shall abridge the presentation of these criteria; but I shall appreciate it if he will follow my remarks closely. If by any chance I give an incorrect interpretation, I think it will be no violation of the previous pledge I have made if I yield to him, to permit him to set me right.

THE EIGHT CRITERIA FOR DETERMINING WHETHER AN ORGANIZATION IS A COMMUNIST POLITICAL ORGANIZATION OR A COMMUNIST-CONTROLLED ORGANIZATION

Mr. President, each one of the eight criteria begins with the phrase "The extent to which," and then various standards are set forth.

I now read the various criteria:

First. The extent to which its policies and activities are under the direction of the foreign Communist political organization or government which controls the world Communist movement.

Second. The extent to which its views and policies do not deviate from those of the foreign Communist government or organization.

Third. The extent to which it receives financial or other aid from such foreign Communist government or organization.

Fourth. The extent to which it sends members or representatives to any foreign country for training in Communist principles, and the policies, tactics, and so forth, of the world Communist movement.

Fifth. The extent to which it reports to such foreign Communist government and organization.

Sixth. The extent to which the leaders and a substantial number of members are under the disciplinary control of such foreign Communist government or organization.

Seventh. The extent to which the organization conceals the identity of its members and the degree of secrecy in its meetings and operations.

Eighth. The extent to which the principal leaders and a substantial number of members are primarily loyal to such foreign Communist government or organization rather than to the United States.

I should like to say for the RECORD that I think those standards have been rather carefully worked out. I think the drafters of this measure have in this respect done a rather good job. There is a certain vaguencss which applies to these standards, particularly on this score. I refer to the use of the phrase "the extent to which," without saying to what extent or what for.

Furthermore, the various criteria are joined by semicolons, without the use of the conjunction "or." The result is that we cannot tell whether they are additive or not, whether it is necessary to have all of them considered by the Board in determining whether an organization is a "Communist-controlled organization," or whether the Board shall take into consideration only one or several of them.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield, under the circumstances I have previously mentioned.

Mr. MUNDT. I am asking the Senator to yield, only in order that I may make a statement for the sake of the accuracy of the RECORD.

I call attention to the conjunction "and" appearing in line 4, at the top of page 30. At that point, after due care and careful planning, we inserted the conjunction "and", whereas the preceding criteria are separated only by semicolons. Certainly the great grammarian from the University of Chicago will recognize that in that respect, all eight comprise a single sentence.

Mr. DOUGLAS. However, beginning on page 28, where we find the words "the Board shall take into consideration", there follow the various criteria, one, two, three, four, five, six, seven——

Mr. MUNDT. And eight.

Mr. DOUGLAS. But it is not certain whether the Board will be required to take all of them into consideration, or only one or several.

Mr. MUNDT. We specifically wrote all eight into one sentence, separating each of the first seven by semicolons, and placing the conjunction "and" between the seventh criterion and the eighth criterion, so there can be no question at all that any or all of them may be included in that connection.

Mr. DOUGLAS. That is a very valuable contribution to the legislative history of the bill, and I thank the Senator. I merely say, forecasting what I am going to say in the future, that I noticed no such word in connection with the four criteria advanced for so-called "Communist-front" organizations. In checking over the matter, however, I must beg the Senator's pardon. I will accept a correction at that point.

Mr. MUNDT. Yes. Merely to keep the record straight, if I may, the same language occurred. That was done specifically, and I recognize that it is important to the legislation.

Mr. DOUGLAS. Yes. I thank the Senator from South Dakota. I think this has been a very important contribution to the legislative history at this time, which may have judicial effect, if we should be unfortunate enough to enact this bill and if the courts should pass upon it.

Mr. MUNDT. Mr. President, if the Senator will yield further, in this same connection, I simply want to make it clear that I have refrained from asking the Senator to yield on other points.

Mr. DOUGLAS. That is true.

Mr. MUNDT. I have understood the Senator did not want to be interrupted.

Mr. DOUGLAS. The Senator from South Dakota has been very courteous.

In addition to those eight criteria of Communist "political" or "controlled" organizations, there are two further definitions given in section 3 (3), page 7; namely, that a Communist "political" or "controlled" organization is one which is (a) "substantially dominated or controlled by the foreign government or * * * political organization controlling the world Communist movement," and (b) which "uprates primarily to advance the objectives of such world Communist movement."

CRITERIA FOR DETERMINING COMMUNIST-FRONT ORGANIZATIONS

Turning now to the criteria and definitions which are to be applied to Commu-

nist-front organizations—section 14 (b), pages 30–31; section 3 (4), pages 7–8—the criteria or stigmata to be borne in mind are:

First. The extent to which persons active in the direction of the organization in question are also active in the direction of outright Communist-controlled organizations and of the Communist movement as such.

Second. The extent to which the organization in question is financed or supported by a Communist political or controlled organization, a Communist foreign government, or by the world Communist movement.

Third. The extent to which the funds, resources, and personnel of the organization are used to help promote the political objectives of any Communist-controlled organization, Communist foreign government, or the world Communist movement.

Fourth. The extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-controlled organization, Communist foreign government, or the world Communist movement.

Then there are two further definitions of a so-called "Communist front," which are given in section 3 (pp. 7–8); namely, that it is (a) under the control of a Communist controlled or Communist political organization—and I call attention again to the fact that the word joining these two, on line 5, page 8, is "or," that it is (a) under the control of a Communist controlled or Communist political organization—"or" (b) "is primarily operated for the purpose of giving aid and support to a Communist-controlled organization, a Communist foreign Government, or the world Communist movement."

CRITERION FOR DETERMINING A "COMMUNIST-FRONT ORGANIZATION" BROADER THAN THAT FOR DETERMINING A "COMMUNIST-CONTROLLED ORGANIZATION"

Since the word "or" is used between these definitions instead of the word "and" which is used in the previous definitions of a "Communist-controlled (political) organization" it is clear that it is not necessary that an organization should be characterized by both of these standards in order to be so labeled but that it would be sufficient for it to be characterized by only one, in view of the fact that the term "or" is used. In this respect, therefore, the dragnet of definitions is actually broader for the labeling of "Communist front" organizations than it is for the outright "Communist political" or "Communist controlled" organizations, where it is necessary that both definitions be satisfied.

The junior Senator from South Dakota has just made a valuable grammatical point, and one which, very frankly, had previously escaped my observation in the study of the bill. I know the Senator from South Dakota was a very able teacher of rhetoric and college professor and therefore he belonged to the same general profession as that of the Senator from Illinois. I would expect this great skill on the part of the junior Senator from South Dakota, and it is possible that the point which he has mentioned may easily change some interpretations which would otherwise be placed upon the proposed act.

I do not think, however, it is sufficiently definite, even with semicolons used and the word "and," following the last criterion, to indicate that, in the words of the junior Senator from South Dakota, it will be necessary that all of the criteria must be present before the organization is so adjudged. I think we are making very valuable legislative history here, but the Supreme Court, has of course, ruled that legislative history is only secondary to the content of the bill itself, and that it merely throws light upon the interpretation, but does not in itself constitute a binding interpretation.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield, subject to the same understanding.

Mr. MUNDT. I understand. Does the Senator have a copy of the bill before him?

Mr. DOUGLAS. I do.

Mr. MUNDT. On page 30 of the so-called omnibus version of the bill, which is Senate bill 4037, in the listing of these criteria, the Senator will notice that on line 10 the sentence begins with the words "In determining whether any organization" and runs down to line 8, on page 31, where it ends with a period, and that in that area the words are connected either by the repeated use of the conjunction "and" or by semicolons. Similarly, on page 28, in dealing with the criteria, the sentence begins, on line 18, "In determining whether any organization is a Communist-controlled organization," and the sentence runs on, connected with semicolons, and continues clear over to page 30, line 9, where it ends with a period. In order to make doubly certain, the committee deliberately and with careful forethought connected criterion 7 and criterion 8 with the conjunction "and." Surely any Supreme Court is well aware of grammatical construction and recognizes that everything within a sentence is a part of the sentence, and that it has no right to take portions of a sentence and separate them from other portions. I think that is an important piece of legislative history to have clearly before us, so we can debate the bill authentically.

Mr. DOUGLAS. I should like to ascertain whether it is explicitly stated that an organization must possess all these characteristics, or even that it must possess a majority of them, in order to be so labeled. In default of such precise and definite statement which I do not find, I think the fact that all these criteria are included in one sentence, and that there is the conjunction "and" connecting the penultimate criterion with the final criterion, would not be a sufficient safeguard.

I do, however, thank the Senator from South Dakota for pointing this matter out. It would still seem to me quite possible for an organization to be so branded upon its being adjudged to possess any one of the criteria.

Furthermore, although this may perhaps be inevitable in a measure of this character, there is no precise definition in section 14b (pp. 30–31) of the degree to which a given criterion or characteristic must be present in order to justify a finding that the organization is so tainted with a given stigma as to justify branding. Each criterion begins with the phrase "the extent to which."

TERM "EXTENT TO WHICH" IS VAGUE

If the members of the Senate will turn to pages 30 and 31 of the McCarran bill, they will find that the Board is to consider in each case the "extent to which" each of the four criteria or characteristics are present. But no definition is given to what extent, or how much of a given taint an organization must possess before it is labeled and branded.

I have not heard the eminent Senator from South Dakota compare his bill with the Pure Food and Drugs Act, but I suppose that analogy could be used. Its proponents might say it is an attempt to separate the tainted meat from the good meat and to label the contents of the organization.

We have worked out good standards in candling eggs to separate the rotten from the good and in classifying the good, in turn, into grades of strictly fresh, fresh, good, and cooking eggs. But in the much more important field of human character and association, where the damage from improper labeling is much greater, this bill provides no definite standards. The feelings of an egg are not injured if it is labeled as rotten, nor is much damage done if a good or cooking egg is branded at less than its true worth. But irreparable damage may be done if a human being or an association is labeled incorrectly. This danger, as I have implied, is much greater in the case of organizations where the decision is to be made as to whether or not it is to be labeled a Communist front. For there the twilight zone is greater and the standards contained in the bill are extremely indefinite.

PROCESS OF DETERMINING A COMMUNIST ORGANIZATION A LONG ONE

We have thus far merely traced the process by which an organization is adjudged to be a Communist-controlled—political—organization or a Communist-front organization by the Attorney General's Office and by the Board for the Control of Subversive Activities.

I may say that with the Board of Control of Subversive Activities we may expect investigations, preliminary hearings, trials before a trial examiner, findings of a trial examiner, objections submitted to the decisions of the trial examiner, the submission of findings to the board itself, and the final decision of the board. This will be the administrative process inside the Board of Control of Subversive Activities, and as we have learned from the National Labor Relations Board and the Federal Trade Commission, it will be a long, drawn-out affair.

LONG COURT LITIGATION WOULD FOLLOW A LONG PERIOD OF ADMINISTRATIVE PROCESS

But if the Board rules against an organization, it also has the legal right to appeal within the span of 60 days to

the United States Circuit Court of Appeals in the District of Columbia. The appeal is limited to that court. I think that is a wise decision. The court, however, in passing upon the case is to treat the findings of the board "if supported by the preponderance of the evidence" as conclusive.

If either party applies to the court for permission to produce additional evidence and can prove that it is material to the case, the court may then order the board to take this evidence into account. The board will then have to hold another hearing and may modify its findings in the light of any new facts which are brought out.

The decision of the court of appeals may in turn be appealed on certiorari to the United States Supreme Court which may take jurisdiction upon special decision.

It is thus apparent that there will be a long and time-consuming process before an organization is finally legally branded as Communist controlled or Communist front and before the stamp "unclean" is put upon its hide, so to speak.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. In the earlier part of my remarks I said I should like to have a chance to complete my formal remarks, and then to subject myself to questions. I yielded to the Senator from South Dakota [Mr. MUNDT] merely to check up on some verbal construction.

ADMINISTRATIVE PROCESSES COMBINED WITH COURT LITIGATION COULD TAKE A LONG TIME INDEED

The steps run from the Attorney General to the Board of Control of Subversive Activities to the Circuit Court and then possibly to the Supreme Court itself. For if the circuit court's order is appealed it will not become final until the Supreme Court either refuses to take jurisdiction or affirmatively upholds the ruling of the board (section 15 (b), pp. 36–37). As I read section 16 (a), page 37, only then can an officer or individual be punished for failure legally to register or to report. Up to that time, as long as the case is kept in the administrative process or in the courts, no legal penalties can be inflicted for failure to register or report. Of course during that time, the case will be tried not only before the board and the courts but also in the newspapers, and a tremendous amount of publicity will develop.

Those are the steps which will be taken in going through the first phase of the process, namely, in deciding whether or not an organization is Communist controlled or is a Communist front, until the final order is issued, and not until 30 days thereafter, as a matter of fact, in some cases, 60 days thereafter, will there be an obligation upon individual members to be registered. We have not yet begun to trace the process by which we will register the Communists.

THE QUESTION OF REGISTERING INDIVIDUAL MEMBERS AND OFFICERS

After the long process of appeal has been exhausted and a final order issued or upheld declaring that an organization is Communist controlled or a Communist front, or if the group has given up the battle at an earlier stage, then and only then will there be a legal obligation for the officers to register members and officers in the manner prescribed.

If the officers refuse to do so within 30 days, then they can be imprisoned. If a Communist-controlled organization refuses to register after such a final order then there is an obligation upon members to resign from the organization under penalty of imprisonment for failure so to do—section 10, page 21.

The legal problems dealing with the responsibility of the individual member and the methods of registering him are, however, difficult and cumbersome. Let us assume, for example, that the group which has been finally and legally branded as a Communist-controlled organization does not register any or does not register many of its members.

I think it is quite probable that most of the Communist organizations will not register any or will not register many of their members.

Then there is, as has been stated, a legal obligation for the real members or those who have been members during the preceding year to come forward and register with the Attorney General within 60 days after the member has obtained such knowledge—section 8, page 19—under penalty of at least 2 years of imprisonment for each day that he illegally fails to report.

But the hitch in this section lies in the fact that this is only an obligation after he has obtained such knowledge. It will be hard to prove when a man definitely became aware that an organization was legally declared to be Communist controlled and still more difficult to prove that he knew he had not been listed as a member and that there was an attendant legal obligation upon him which he had failed to fulfill. Certainly it would be hard to establish any specific date upon which a man acquired such knowledge.

LITIGATION BEGINS ALL OVER AGAIN WHEN COMMUNIST POLITICAL ORGANIZATION MEMBERS REFUSE TO REGISTER

In the main then, except for the unlikely prospect that the Communist-controlled or Communist political organizations voluntarily come forward and register their real members or that the real members who may not be listed by the organizations, voluntarily come forward and hit the sawdust trail—barring, I say, these two very unlikely possibilities, it will be the task of the Department of Justice to prove that given men are or recently have been members of the Communist-controlled organization.

Now the Government has to begin all over again. It has gone through the procedure in the case of the organizations. Now it must go through the whole procedure again in the case of individuals to see whether they are members of the organizations. The Department will have to file charges against an individual so suspected and notify him of these charges. A hearing will then be held, probably before trial examiners of the Subversive Activies Control Board and then after reviewing the petition, evidence and examiners' findings, the Board will render a finding. But this finding can then be appealed to the Court of Appeals of the District of Columbia and from thence on certiorari to the United States Supreme Court itself.

Similarly, if those who were listed as members by the Communist-controlled organization deny that charge after having been notified by the Attorney General, then there will be another prolonged process of trials and appeals. The Board will hold its hearing, once again through trial examiners, findings will be made and this plus the evidence will be reviewed by the Board, which will ultimately make its decision. Here again appeals can be taken to the courts, first to the Court of Appeals for the District of Columbia and from thence to the Supreme Court. A further long delay in legally identifying members is therefore heaped on top of the original delay in legally labelling organizations.

FIRST THE ORGANIZATION, THEN THE MEMBERS, THEN NEW ORGANIZATIONS

I wish the Senator from South Dakota were in the Chamber, because I do not like to say things behind his back. In other words, the administrative process set up under the Mundt-Ferguson and McCarran bills is like an exaggerated form of the old game of parchesi or going to Jerusalem under which, when the Government after many and long-delayed trials has finally established that an organization is Communist controlled it has to go back to the very beginning and go through the same process once again to prove that a given individual is a member.

In the meantime to complicate and delay matters still further, the Communist-controlled organizations can resort to various artful dodges, changes of pace, and disguises which can make the task of the Government even more difficult. For example, since it will take a long time for the Government legally to establish the fact that an organization is Communist controlled, somewhere along the line all the members can resign and withdraw.

There is some indication that this may be going on now.

If they have done so more than a year before the final order is put into effect, there will be no personal obligation upon them to register and the legal case against them will therefore fall to the ground.

Moreover as one organization is on the point of being discredited, it can be disbanded and another one formed. Then, in this game of hide and seek or blind man's bluff the Government will have to go through the process again and again of trying to identify those organizations where the Communists actually are. This is a favorite trick of the Communists.

COMMUNIST ORGANIZATIONS CAN STYMIE ACTION BY CHANGING THEIR NAMES

As a matter of fact, it is an often-used trick of the Communists. Thus, during the war, the Communist Party was disbanded to become the Communist Political Association, only to be revived after the Duclos letter of 1945. Similarly, other Communist-controlled or Communist-front organizations such as the League Against War and Fascism have

changed their names several times. It will be impossible under the McCarran and Mundt-Ferguson bills to cope with these quicksilver changes.

To use an undeserved political analogy—because these chaps do not deserve to have good poetry wasted on them—modeled on the famous poem of Oliver Wendell Holmes, The Chambered Nautilus, it will periodically be moving from its shell but instead of building "more stately mansions" for its soul, it will ever be seeking deeper and more elusive bombproof shelters. The poor Department of Justice will be forced to chase an ever-disappearing group and there is every prospect that the chase will be ineffective and will appear somewhat ludicrous. The hare will always be ahead and will be going into new holes, and the bloodhounds will have a difficult time digging it out.

AFTER ALL THIS, THERE WILL BE THE FURTHER DELAY OF CRIMINAL PROSECUTION

There is one final and crowning delay which the Mundt-Ferguson and McCarran bills heap on top of all this. That is that when all this double or possibly triple or quadruple rigamarole has been completed at the end of many years, then and only then can the prosecution of individuals for failure to register proceed. Here again there will have to be indictments, trials, appeals, with the trial process prolonged by the delaying tactics of the Communist lawyers. It will be further years before actual punishment can be meted out.

I think that this analysis, which I believe will be found to be accurate, shows how ineffective the proposed bill will be for actually catching Communists. They will still be at large and can carry out their sabotage and espionage. The United States will still be in danger of having its water supplies contaminated, its bridges blown up, and its industrial potential impaired. The danger will still be there. The Communists will be at large. The only thing that will happen will be a continuous series of newspaper stories and a press uproar which may be turned to the political advantage of a particular party. Which, I will not say.

There is one other point. Those who have been unjustly listed as members by the Communist-controlled organizations will have had their names in the newspapers from the time their case really hits the Subversive Activities Control Board. Even though ultimately cleared, their names and reputations will in the meantime have suffered irreparable damage.

Mr. President, I think that is one of the real objections to the bill. Perhaps it is the second real objection to the bill.

WHAT IS WRONG WITH THE M'CARRAN (MUNDT-FERGUSON-NIXON) BILL?

I have given a detailed analysis of the bill. Let us now ask ourselves, "What is wrong with it?" I should like to indicate four things that I think are wrong with it. It has, in my opinion, four main faults:

First. It is so clumsy in operation and will create such protracted delays that it will be ineffective in detaining or exposing Communists or in protecting the country against sabotage and espionage.

Second. It can easily lead to the indiscriminate smearing of innocent persons.

Third. It can be used to label innocent and basically patriotic organizations as Communist fronts; and

Fourth. Under the vague terms of section 4 (a), innocent persons can be heavily punished on the ground that they have substantially contributed to establishing a totalitarian dictatorship.

Let us take up each of these points in turn:

It is so clumsy in operation and will create such protracted delays that it will be ineffective in detaining or exposing Communists or in protecting the country against sabotage and espionage.

We have shown in our analysis of the proposal that there would be a long, drawn-out process before a Communist-controlled organization could be ordered to register. How long this might be can be seen from the experience with cases before the National Labor Relations Board. There several years commonly elapse between the time when a complaint is brought and a court decision is finally rendered upon the finding of the Labor Relations Board.

I have before me some figures which I should like to give at this point in my remarks, and I shall later ask that they be inserted as an exhibit to my remarks. We have had compiled from the records of the National Labor Relations Board the average length of time it takes a case to go through the Board. We have taken an average of all the 1949 cases: namely those decided in that year. We show how long it took the cases to be processed before they were finally passed upon by the Board. I should like to give the figures.

EXAMPLES OF DELAY BEFORE EFFECTIVE ACTION CAN BE TAKEN

It took 186 days on the average from the filing of the charge to the issuance of the complaint. The figures I give are all average figures. It took 38 days from the filing of the complaint to the close of the hearing. It took 89 days from the close of the hearing to the intermediate report of the trial examiner. It took 151 days from the intermediate report to the decision of the Board. The total average time consumed from the filing of the charge to the Board's decision was 464 days, or about 15½ months, on the average.

However, this is only the beginning, because this merely represents the administrative process. On top of that we have superimposed the legal processes. We have taken 11 cases, because we did not have the time to take all the cases. We have taken the most recent National Labor Relations Board case which was decided in each circuit court, and after the name of each case we have indicated the time consumed in the legal process:

District Court Circuit: Gould and Preisner case, 16 months, 18 days.

First Circuit: Brown & Sharpe case, 6 months, 15 days.

Second Circuit: Vermont American case, 14 months, 2 days.

Third Circuit: Kenametal case, 18 months, 25 days.

Fourth Circuit: Highland Park case, 12 months.

Fifth Circuit: International Rice Milling case, 12 months, 1 day.

Sixth Circuit: Kentucky Utilities case, 26 months, 29 days.

Seventh Circuit: Superior Engraving case, 13 months, 2 days.

Eighth Circuit: Minnesota Mining case, 12 months.

Ninth Circuit: Flothill Packing and others, 40 months, 6 days.

Tenth Circuit: Classen-Hodgson case, 17 months, 24 days.

The average of these cases was 17½ months. If we add this time onto the 15½ months, it makes a total of 33 months, or approximately 3 years. I estimate that it would take at least 2 or 3 years before a case of identification and classification could go through the administrative and legal processes so far as circuit court opinions are concerned.

It must be borne in mind that we are now still in the Circuit Court of Appeals. If a case goes up to the Supreme Court, of course it will take much longer.

I have before me a record of how long it takes to handle a case from the time the Board issues its order to the time the Supreme Court renders its decision. I have listed four of the most recent Labor Relations Board cases which have been decided by the Supreme Court:

Pool Manufacturing case, 44 months, 19 days; Mexia case, 22 months, 13 days; Inland Steel case, 23 months, 26 days; Colgate-Palmolive-Peet case, 39 months.

Average, 32½ months.

The record of cases before the Federal Trade Commission will, I believe, show an even greater delay. Thus the first case against the basing-point system was begun in 1919 but the system was not finally outlawed until 1948. That was a matter of 29 years.

The 32½ months, if added to the 15½ months, would come to 48 months, or 4 years, if the case went to the Supreme Court. We can be certain that Communist lawyers would try to prolong the process as long as they could.

My friends, it seems clear that it would be 2, 3, or 4 years before a final order could be obtained that an organization was Communist-controlled or a Communist-front organization, if the order met with a determined opposition.

THREE OR FOUR YEARS' DELAY IS ONLY THE BEGINNING

It is most conservative to estimate that at least two and probably three years would elapse before a final order compelling registration could take effect. This seems to be the opinion of the minority on the Judiciary Committee in its report on the McCarran bill, page 9. The minority report was signed by the Senator from West Virginia [Mr. KILGORE], the Senator from North Carolina [Mr. GRAHAM], and the Senator from North Dakota [Mr. LANGER]. But this is merely a beginning, as I pointed out. There would be an almost equal length of time in determining whether a given individual was or was not a member—that is, if he had the resources with which to fight the case—and hence, whether he should be registered. That is a duplicate administrative and legal process.

After from 3 to 4 years there would be a publication of names by the Attorney General's office but no definite and final finding as to fact would be made until 4 to 6 years had passed.

Then there would be a further additional space of time before convictions of the guilty for failure to register would be rendered and upheld, because there would have to be trials.

Thus if the Communists sought to balk the law at every turn and to take advantage of its many loopholes, there would be an interval of from 6 to 12 years before any of them could be put in prison and at least half that time before even the names of the men could be published. Indeed, if the artful dodges which have been mentioned before, such as mass resignations, the dissolving of old organizations and the creation of new ones, are employed, as we may expect them to be, then it is quite possible that the bill, if enacted, will never be able to catch up with the fast changing and shifting organizational forms which the Communists will employ.

During all this time, the Communists will be at large. They can carry on their activities and can plot and execute acts of sabotage which can only be punished, so far as the McCarran bill is concerned, after they occur and after the damage has been done. The Mundt-Ferguson features of the McCarran bill are, therefore, totally ineffective for the purposes of security in the crucial years which lie ahead.

It is these years, 4, 6, 8 years immediately ahead, which are crucial. In that period is where the real danger lies, that is the present danger, the immediate danger. This danger will not be met by the possibility of putting the Communists in jail, at the end of 8 years. The need is to protect our military installations, our bridges, our water supplies, and our factories now and in the near future. That the Mundt-Ferguson bill totally fails to do. I wish the Senator from South Dakota were on the floor as I make these remarks to underline the bills shortcomings.

The bill, therefore, would not accomplish the first of the two fundamental principles which should guide our actions. Namely, the provision of national security.

Some may say, "granted that the bill won't do any good, nevertheless what harm will it do. If it won't do any harm, let's pass it. There is popular clamor for it anyway."

The answer to this is a double one. In the first place, harm will be done by passing this bill since it will lessen the demand for an adequate security bill. It will fill a place which should be filled by a proper security measure and hence will weaken our true preparation against sabotage and espionage. In the second place, there are several great and positive evils which the bill would in all probability create.

THE M'CARRAN BILL CAN EASILY LEAD TO THE SMEARING OF INNOCENT PERSONS

My second objection to the McCarran bill, or the Mundt-Ferguson features of the bill, is that it can easily lead to the smearing of innocent persons.

Thus it is quite possible that some Communist-controlled organizations will file a false list of members. In order to confuse the situation and to get the anti-Communists fighting with each other, and to create a screen behind which it is difficult to find the real Communists, some local units could file as members men and women who were actually non-Communists or vigorous anti-Communists.

This may quite possibly happen. If it did, then the Attorney General's office would notify the person so listed (sec. 7 (g), p. 18). The individual would be given a chance to deny the charge, and if he did the Attorney General would then conduct an investigation to determine the truth or falsity of the contention. If the man were cleared, the name of the individual would be eliminated from the registration statement. If the Attorney General did not clear the accused or did not strike his name within 5 months, the man would have the right of appeal to the Board.

Notice this next proviso, however; it is very important. The name of the individual could be made public within 30 days after his petition and argument had been denied—section 9 (b), pages 20 to 21—and hence before the Board had passed upon it. In fact, his name would have to be publicly revealed before the Board, because the Board would be holding open proceedings.

Since a man's good name is his most precious possession, the damage would be done even though he were ultimately to be cleared. A man's patriotism is like a woman's honor, it is sullied by even being questioned or talked about. A stain is put upon it by being questioned which cannot be completely removed, no matter how devoted a man may be.

I know it will be said in reply to all this, "Well, we can trust the Attorney General." So we can trust the present Attorney General, our former colleague, Howard McGrath, who has a high sense of personal honor and a keen feeling for civil liberties, which he has demonstrated. But we have had Attorney Generals in the past who could not be so trusted, and we may have them again.

There have been Attorney Generals who have turned the Department of Justice into a den of corruption, and who have used the weapons and powers of the Attorney General's office to malign and threaten innocent citizens. I need not mention the names. At least one of them is known in infamy in American history.

If we were ever again to have such a man in the Attorney General's office, we can picture the damage which might be done. A Communist political association could be induced to name as a member for the register a political opponent, whether outside or inside the dominant political party. The Attorney General could refuse to clear him. In due course his name would be published and his career and reputation ruined.

In this way, Republicans, if dominant, could smear leading Democrats, or the Democrats, if politically on top, could do the same thing to the Republicans. Each in turn could punish dissidents within their party or personal rivals of the Attorney General. We could have a reign of terror by prejudiced and insidious informers, abetted by the person or persons who controlled the office of Attorney General. This is not a fantastic danger. It is quite possible that it may happen if the McCarran bill becomes law. The events of the past year have shown that it could happen here.

M'CARRAN BILL COULD BE USED TO SMEAR INNOCENT AND BASICALLY PATRIOTIC ORGANIZATIONS BY BRANDING THEM AS COMMUNIST FRONTS

My third objection to the McCarran bill, or the Mundt-Ferguson features of the McCarran bill, is that it could be used to smear innocent and basically patriotic organizations by branding them as Communist fronts.

It will be remembered that the criteria or distinguishing characteristics of the Communist fronts are very loosely defined.

It would apparently be possible under section 14 (b), pages 30–31, for an organization to be branded a Communist front if the positions it took over a given period of time did not deviate from those of the Communist Party or the world Communist movement. No mention is made of the period of time over which such an identity of policies is to be studied.

The eminent junior Senator from New York [Mr. LEHMAN] has pointed out in his able speech to what great abuses this might lead. Consider for a moment how certain eminent and highly patriotic gentlemen of the opposition—and I desire to emphasize this—have in recent years opposed the Marshall plan, ECA, the North Atlantic Pact, and arms aid to Europe and have opposed economic aid to Korea. While I believe them to be mistaken, I am confident that they have done all this from highly conscientious motives as have the propaganda organizations to which they have belonged.

It just so happens, however, that the Communists have followed a similar line on these very matters. It would be possible under the McCarran bill, therefore, for an injudicious Attorney General and a Subversive Activities Control Board to list an organization of such men as a Communist front, even though it were in reality innocent. And the grammatical construction of the junior Senator from South Dakota [Mr. MUNDT] might not be a sufficient protection in such a case.

DIFFICULTY IN APPLYING CRITERIA

Similarly, organizations which were isolationist between August 22, 1939, and June 21, 1941, when Soviet Russia was allied with Nazi Germany could be accused of pursuing an identical foreign policy with that of the Communist Party during this time. But it would be as unjust to brand all such groups as Communist fronts, as it was to label the prewar interventionist organizations as such because the Communist Party pursued such a policy before the Hitler-Stalin pact of August 1939 and after the German invasion of Russia in June 1941.

And yet all this could happen under the terms of section 15 (b), particularly if the group in control of the Attorney General's office and the Subversive Activities Control Board were either biased or unscrupulous.

I know that the junior Senator from South Dakota will make an appeal to the fact that there were semicolons connecting the criteria, with the word "and" separating the penultimate criterion from the ultimate; but I do not want the liberty and the reputations of citizens of this country to hang on semicolons.

THE COMMUNIST TACTICS

The difficulty would be particularly great so far as domestic issues are concerned. This has been well pointed out by the junior Senator from New York [Mr. LEHMAN] and the junior Senator from Minnesota [Mr. HUMPHREY]. For the Communists love to appear to push issues which will benefit the low-income groups among workers, farmers, and white-collar folk. They are vociferous in supporting measures to help the Negroes and immigrants. They do not do this from any real concern for these people. They do it for its propaganda value in the effort to convince the underdogs that they—the Communists—have the best interests of all these people at heart. They do it in the hope that they will gain members and influence which they can use for their ultimate purposes.

Mr. President, the Communists do not take up these causes because they have any real concern for the people for whom they claim to be working. They work for these causes because of their propaganda value. They work for them because they want to convince the underdogs that the Communists really care for them and that nobody else does care for them. They do it in the hope that they can gain members, whom they can then use for antidemocratic purposes.

That confuses many people. The Communists do not want the FEPC to succeed, because it would take a talking point away from them. The Communists do not want to see short hours and high wages, because then they would not secure as many members among the working people. The Communists do not want adequate farm cooperatives, because adequate farm cooperatives give to the farmers a method of having private property, ownership in land, and of enjoying the possibility of the marketing of their crops cooperatively, in a peaceful, profitable, and democratic way.

COMMUNISTS ADVOCATE SOCIAL REFORM FOR PROPAGANDA PURPOSES

The Communists do not want the abolition of the poll tax. That would take away some of their stock in trade.

They say they want these reforms; but they do not really want them, and they would actually like to prevent such things from happening. That is one reason why they try to stick around liberals and liberal movements and why they pop up at the most inopportune moments. They know that if they are present at such times, some good person on the other side will say, "See, this is a Communist measure. Let us reject it." Then it is defeated. Then the Communists will say, "See you cannot get reforms under the present democratic system. Join us, and we will obtain reforms for you."

They want to spread this thesis throughout the country, and use and smear the democratic liberal movement in order that they may discredit those who are working for reforms. They therefore work to prevent the reforms from coming about. That is their game. They are saboteurs of progressive legislation.. They do not want it.

These Communist tactics are something that a good many very decent conservatives do not understand. They think the "commies" want these things. No, they are not so good as that. Do not give them the credit for having such good intentions.. That is not their purpose at all. Their purpose is to convince people that we cannot get progressive reform within the system of political democracy. That is their purpose. I am continually struck by the way a great many fine conservatives play into the Communists' hands by getting themselves intellectually confused on the subject.

COMMUNISTS DO NOT REALLY WANT SOUND SOCIAL LEGISLATION PASSED

The Communists would be deeply disappointed if these causes were to succeed because this would deprive them of grievances and of talking points against the existing order. But they keep on agitating, hoping that their immediate and avowed concerns will not succeed, and as I have said, frequently seeing to it that they do not succeed. And always they seek to infiltrate existing and decent societies in the effort to take them over.

I have said the Communists work for a fair employment practices law. That is true. That has caused some very honest, decent people to brand the whole effort for FEPC as Communist inspired and directed. I have heard such comments as that on the floor of the Senate from some who I am sure believed it.

Similarly the Communists pretend to be interested in what helps labor. They agitate for wage increases and for increased pensions. They go to union meetings and try to take over union management and policies. They are active when strikes are on.

It is a common occurrence therefore for unions to be called communistic—how often we have heard that—even when like the A. F. of L. unions, the United Automobile Workers—CIO (and A. F. of L. also), the United Steel Workers, the Textile Workers Union, the Amalgamated Clothing Workers, and many others, they are actually fighting against basic Communist policies.

STRONG ANTICOMMUNIST ORGANIZATIONS MAY BE BRANDED

As a matter of fact, I think the strongest force against Communists in this country are not the Union League Clubs, not the New York Stock Exchange, not the Metropolitan Club in Washington—not many Communists belong to those organizations—but the trade unions, which have set themselves now virtually unanimously against Communists, who are opposing communism amongst those who might be tempted to become Communists. Yet labor unions, the overwhelming majority of which are fighting the Communists, are very commonly, in the rough and tumble of life, branded as Communists. Because the unions are advocating some of the same policies which the Communists are advocating, and because some Communists may be trying to "bore from within" given unions, it would surely be a mistake to label such groups as "Communist fronts." Yet precisely this might be done under the McCarran bill.

Similarly the fact that some farm organizations favor consumer subsidies and production payments and foster cooperatives, might be used as grounds for labeling them as "Communist fronts." Perhaps it is true that in some farm organizations there may be a few Communists, but they are as basically—"basically," I said—American and non-Communist as apple pie.

Some persons may say, "What is the difference? What harm does it do to have an organization charged with being a Communist-front organization?"

Let us show what harm it will do, Mr. President. Once charged with being a Communist front, an organization, however noble its aims, has its effectiveness impaired and its reputation ruined. These who are members, even if not officially listed by the Attorney General—of course, it is true that the members of Communist-front organizations would not be officially listed, but nevertheless their membership is generally known—are looked at askance by their friends and neighbors and are suspect. In order to protect themselves and to remove as much of the stigma as possible, most men will resign and get out of the organization. Others will refuse to help lest they be branded. Thus an organization whose aims are primarily beneficent and non-Communist can be completely discredited and its usefulness destroyed under the McCarran bill. Needed social reforms will be defeated because they have been advocated by the organization in question. The cause of true reform will be set back.

This lesson has been learned so well by certain groups that they do not try to argue with their opponents, but instead try to discredit them by smearing them as Communists. I think there was an eminent lawyer in my State who once said "If you have a good case, argue it; but if you do not have a good case, attack the opposing attorney." That is what is very commonly done, of course. The McCarran bill would create a field day for such efforts of indiscriminate smearing. What we have heard on the floor of the Senate during the past year would be nothing, as compared to the smearing which would occur all over the country once the floodgates were opened wide.

Mr. President, I come now to the fourth objection I have to the McCarran bill.

4. UNDER VAGUE TERMS OF SECTION 4 (A), INNOCENT PERSONS CAN BE SERIOUSLY DAMAGED ON GROUND THEY "SUBSTANTIALLY CONTRIBUTED" TO ESTABLISHMENT OF TOTALITARIAN DICTATORSHIP

The vague provisions of section 4 (a) would permit individuals to be unjustly singled out for punishment on the ground that they have agreed to perform

an act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship. Attention has already been directed to the vagueness of the phrase "substantially contribute." It does not read "directly and predominantly contribute." It merely says "substantially." The alleged effect might be indirect and less than major, but the vague language still could be used to send a man to prison for a period of up to 10 years (sec. 4 (d)).

Let us take a concrete example. There are some people who charge—and I believe they are sincere in so doing—that the Brannan plan for agriculture and the Ewing plan for health insurance are Communist devices and steps toward the establishment of a totalitarian dictatorship. I happen to be opposed to these plans, and I would think it unfortunate to adopt either of them. As a matter of fact, I am not in the good graces of certain persons and groups because I oppose the Ewing plan as going altogether too far, and because I have very serious qualifications in my mind in regard to the Brannan plan. However, I certainly do not think that the proponents or the major supporters of these plans are either Communists or within a thousand miles of becoming such. They certainly do not want to establish a totalitarian dictatorship in this country. Yet they might be charged with precisely that and sentenced for it under section 4 (a) of the McCarran bill, if it were to become law.

We have all heard various measures denounced on and off the floor of this Senate as steps toward the establishment of a totalitarian dictatorship. The able and eminent men who have made those charges must have believed them, or else they would never have been made. They were not talking for fun. They must believe it when they say that this measure or that measure will lead to a totalitarian dictatorship.

It is quite possible that similarly minded men might ultimately be placed in charge of the administration of this act. If they were, we might have a large section of the political leaders of the country, including a majority of the present Members of the Senate in prison. I suppose there are some people who would welcome such a development, but it would hardly be a contribution to national unity, however much pleasure it might give to the spectators.

Mr. President, I have now stated why I believe the McCarran bill is fundamentally bad. First, it will cause such great delay and will create such a cumbersome administrative process that the procedure under it will be dragged out for years; and in the meantime the real Communists will be at large, and the danger of sabotage and espionage will continue.

In the second place, it can easily lead to the smearing of innocent persons.

Third, it can lead to the labeling of absolutely good organizations as Communist fronts.

Fourth, under the provisions of section 4 (d), innocent persons can be heavily punished on the ground that they are "substantially contributing" to the establishment of a totalitarian dictatorship.

THE KILGORE BILL

Mr. President, there is a better bill before the Senate and the country, namely, the Kilgore bill, otherwise known as the Kilgore amendment in the nature of a substitute, or Senate bill 4130.

The provisions of Senate bill 4061, the original administration bill, make up title I of the new or substitute bill. They are generally understood, for the bill was introduced 3 weeks ago by the senior Senator from Washington [Mr. MAGNUSON], whom I see now on the floor of the Senate; and that bill was accompanied by a message from the President. The new bill, S. 4130, includes these sensible measures from S. 4061, for tightening the Espionage Act of 1917, for registration of persons instructed in intelligence services of foreign countries—unless in Government service or for research—for protection of defense installations, and for additional supervision over deportable aliens.

GENERAL PURPOSES OF EMERGENCY DETENTION PROVISIONS

The new bill introduced by the Senator from West Virginia [Mr. KILGORE] for himself, the junior Senator from Illinois [Mr. DOUGLAS], the junior Senator from Minnesota [Mr. HUMPHREY], the junior Senator from New York [Mr. LEHMAN], the junior Senator from North Carolina [Mr. GRAHAM], the junior Senator from Tennessee [Mr. KEFAUVER], and the junior Senator from Connecticut [Mr. BENTON]—most of them I admit being junior Senators, but still they are Members of the United States Senate—includes in title II important additional protections against the real dangers to the Nation's security, the dangers of espionage and sabotage, and it also includes clauses carefully designed to protect essential freedoms in the operation of these security procedures.

As one of its cosponsors, I want to summarize briefly what this title II does. By its provisions, in a time of extreme emergency, which is carefully defined, the President, through the Attorney General or other designated officers, may detain those persons as to whom there is reasonable ground to believe that they may commit espionage or sabotage.

The prosecution of those who engage in espionage or sabotage is already possible under the criminal law. But such protections, coming after the criminal acts, may be much too late to stop the disclosure of vital information to an enemy or much too late to prevent the destruction of facilities essential to our national defense. Emergency detention is, therefore, authorized by title II of this bill in circumstances where the national security is clearly at stake.

The findings and policy declarations summarize the dangers to the Nation from Communist totalitarian dictatorships and their agents in this country. They also emphasize the key role of espionage and sabotage in the methods used to destroy free nations. The findings declare that in view of the wide distribution over the Nation of the facilities essential to our national defense, the free movement of persons likely to commit espionage or sabotage would in an emergency be a clear and present danger to our peace and safety.

DECLARATION OF INTERNAL SECURITY EMERGENCY

The detention powers conferred by the Kilgore bill may be exercised only if the President has proclaimed an internal security emergency. The bill authorizes him to do this in the event one of the following four things occurs: First, invasion or imminent invasion of territory of the United States; second, declaration of war by the United States; third, insurrection in aid of a foreign enemy; or, fourth, declaration of an internal security emergency by concurrent resolution of the Congress. But the bill also requires that prior to his proclamation, the President himself finds that proclaiming the emergency is essential to defense and safety of the Nation. In other words, in the event there is neither war, invasion, nor insurrection, the security emergency can only be declared by the joint agreement of (a) both Houses of Congress, plus (b) the President.

The bill thus makes it clear that the powers granted may be exercised only in extreme emergencies, such as war or its virtual equivalent or a period, approaching war, which has not yet become an actual war.

If an emergency is proclaimed, the bill authorizes the President, acting through the Attorney General or other designated officers, to apprehend and detain persons he finds there is reasonable ground to believe may engage in or conspire with others to engage in acts of espionage or sabotage.

PROCEDURES FOR APPREHENSION AND DETENTION

Under this new bill, in time of such emergency, the Attorney General or other designated officers issues a warrant for the apprehension and an order for the detention of each person as to whom he finds there is reasonable ground to believe such person may commit espionage or sabotage. Such persons are served with the warrant by officers designated by the Attorney General and will be detained in places and under regulations prescribed by him.

The bill thus authorizes swift action to protect the country against major risks in a time of real emergency.

I cannot emphasize too strongly the rapid and effective action that is thus authorized immediately, in contrast to the delayed and incomplete protection, which would require years to fulfill in other pending measures.

REVIEW PROCEDURES

The review procedures in title II are also prompt and comprehensive. First, the bill directs that within 48 hours, or as soon thereafter as possible, the person detained shall be accorded a hearing before a preliminary hearing officer. This officer is directed to (a) advise him of his legal rights and the grounds of detention; (b) record any information or objections of the detainee and receive any further written evidence he may wish to file, and (c) make a report to the Attorney General with recommendations in respect to the detention order. While the results of these preliminary hearings are only advisory in character,

they give a prompt initial check upon the adequacy of the grounds for detention.

Secondly, the Attorney General is directed to receive any additional information the detainee later wishes to file, and the Attorney General may revoke the detention order at any time if he finds there is no reasonable ground to continue it.

A third administrative protection is afforded in the provision of the bill that the Attorney General shall appoint an Inspector of Detention to review all phases of the program and make recommendations.

A fourth safeguard is supplied by the clause calling for bimonthly reports by the Attorney General to the Congress and the President, and a further and a fifth provision directs the chairmen of the Judiciary Committees of the House and Senate to establish subcommittees to carry out in respect to this detention program the continuing watchdog functions delegated to the committees by the Legislative Reorganization Act of 1946. In other words, Congress is going to be able to inspect the detention centers. It is not like the German system, in which there was no agency of the legislature to keep watch. We shall have representatives of both of the political parties going through the detention centers, reviewing the program, and making certain that equity and justice are being observed.

REVIEW BY BOARD

A more formal, independent, and quasi-judicial review is next provided before a Board of Detention Review, which the President is authorized to establish. Its nine members are to be appointed with the advice and consent of the Senate. It is permitted to act in panels of three or more members and to utilize hearing examiners to conduct hearings. Under procedures much like those of other Federal boards, it is empowered to review orders of detention upon petition of any detainee, to determine whether there was reasonable ground for the detention, to confirm, modify or revoke orders of detention, and to hear and determine claims for indemnification for loss of income by detainees apprehended and detained without reasonable ground.

The bill requires that detainees be afforded full opportunity to be represented by counsel at the preliminary hearing and before the Board or any court. The Attorney General is required to furnish to the detainee as full particulars of the evidence against him as possible. The requirement is subject, however—and this should be frankly noted—to the limitation that the Attorney General may not be required to disclose the identity or evidence of Government agents when it would be dangerous to national security and safety to do so, and he is also authorized to present such "semiclassified" information in closed sessions of the Board hearings.

That limitation is absolutely necessary. I think, as Mr. Hoover said, the FBI has many undercover men inside the Communist movement, and if their identity were to be disclosed, it would do away with their usefulness. It is, I grant, a difficult problem that is created here, and there are certain conflicts which have to be resolved. In this case we have resolved the particular conflict, in view of the desperate situation, in favor of security.

The bill thus makes provision for the fullest possible disclosure of charges to the detainee to permit him to prepare and present his case, but at the same time recognizes the paramount interests of national security in connection with certain classes of evidence.

The bill also sets up certain guide lines or standards for the assistance of the Attorney General and Board of Review in determining reasonable ground. They are authorized to consider evidence of the following—and I should like to point out that these are merely things which are to be considered: First, that the detainee has knowledge of or gave or received instruction or assignment in the espionage, counterespionage, or sabotage service of (a) a government or political party of a foreign country, (b) the Communist Party of the United States, or (c) of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States and substitute a foreign-controlled totalitarian dictatorship—unless in government service or research. It is necessary to put that provision in, which goes beyond party member saboteurs and spies, because in this country the dangerous saboteurs and spies in all probability are not members of the American Communist Party and cannot be reached, therefore, by mere membership lists of the Communist Party. In fact, it is probable that their most dangerous operatives and hidden operatives are not members of the Communist Party, whose names never appear in the newspapers and who take no public part in its work, but who are underneath the surface, and can therefore cause a great amount of trouble. So we have included that; second, past acts of espionage or sabotage; third, activity in espionage or sabotage operations of, or holding at any time after January 1, 1949, of membership in, the Communist Party of the United States, or in any other such organization; and finally, fourth, other acts of the same degree of gravity demonstrating reasonable grounds to conclude that such person may commit espionage or sabotage.

From my discussions with the senior Senator from West Virginia I know that the intention of these clauses is not to make mandatory the detention of everyone who conceivably falls within one of the foregoing descriptions, or to prevent the detention of all who do not fit one of these first three descriptions. While standards are thus set forth, some flexibility and discretion must be and is left with the Attorney General.

I may say in this connection that Mr. J. Edgar Hoover testified some months ago that there were approximately 50,000 members of the Communist Party in this country. I understand that yesterday he testified before an Appropriations Committee of Congress that in the event of war he could lay his hands overnight upon 12,000 dangerous persons. He thus indicated that he thought the dangerous group within the Communist Party was an inner nucleus, and that not every member was necessarily dangerous, but that about one-fourth, or possibly one-fifth of the total were really dangerous.

So that membership in the Communist Party of itself, would not necessarily be ground for retaining people in the detention centers under the Kilgore bill. It would, however, indicate a high degree of presumption that they might commit acts of sabotage and espionage. It would be possible for the Attorney General, in his discretion, to pick them up and then to sift them inside the camps, separating the more dangerous, whom they would put on ice, so to speak, and the nondangerous, whom they would let out.

JUDICIAL REVIEW

Finally, the bill provides for court review upon the filing of a petition within 60 days after service of the Board order. If the Attorney General appeals an order revoking the order of detention, his appeal may, upon his request, operate to stay the order of the Board for the detainee's release.

Thus all of the proceedings are made subject to the ultimate tests of judicial review, and the requirements of due process of law have been carefully incorporated in the bill.

CRIMINAL PROVISIONS

To assist in the effective administration of the detention program, three criminal sections have been included, making it a crime (a) to resist or escape from apprehension or detention (they have to have that); (b) to procure or assist the resistance or escape of another, and (c) to interfere with the members and officers of the Board of Review.

TERMINATION OF DETENTION

The detention instituted by this bill may be terminated by any one of the following methods: (1) a Presidential proclamation or congressional resolution ending the state of emergency.

Let me emphasize that it takes both Congress and the Executive to declare a state of emergency, but it takes only one of these two to declare that the state of emergency is ended. The President can terminate the state of emergency by his own action. Congress, by concurrent resolution, can terminate it. But short of war, invasion, imminent invasion, or insurrection, it takes both Congress and the President to get in and only one to get out.

That is done in order to prevent the emergency from being fastened upon the country prematurely or permanently. As a matter of fact, title 2 of the Kilgore bill is to run for only 3 years. It will have to be renewed by an act of Congress, signed by the Executive, if it is to go beyond that period of time, and so lapse of time may end the state of emergency. When a state of emergency is declared ended, the people in detention are automatically released; second, there may also be an individual order of release by the Attorney General; third, an order of release by the Board of Detention Review; or, fourth, a court order of release. This last point emphasizes the need for keeping our courts independent.

Furthermore, as I have said, the powers granted in title II cease to be effective 3 years after enactment unless continued in effect by joint resolution of Congress.

BASIC APPROACH AND PRECEDENTS

The Kilgore bill in my opinion is based upon a more realistic analysis of the real dangers to our country than are the other pending, so-called security measures.

As the Washington Post said in its editorial of August 31, 1950:

The United States is not in danger from Communist ideas. Those who fear that the American people will be subverted by the party's propaganda in favor of a despotic, alien system are men who have themselves lost faith in the good sense of the people and in the vitality of American institutions. Espionage and sabotage are real dangers to be dealt with through realistic precautions. Subversion is a neurotic nightmare—as evidenced by the puny and steadily diminishing size of the Communist Party. Internal security can be best achieved by distinguishing between substance and shadows.

In this connection, Mr. President, I should like to include in the RECORD at this point in my remarks the full text of the editorial from which I have just quoted. I ask unanimous consent that this may be done.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REGISTRATION FARCE

The Subversive Activities Control and Communist Registration Act adopted by the House of Representatives on Tuesday ignores the real dangers of espionage and sabotage confronting this Nation and aims instead at something shadowy, to wit, subversion. Its stated purpose is to protect the United States. Yet it affords none of the protections against espionage and sabotage recommended by the President; it makes no provision for the safeguarding of military installations and bases, nor even for the supervision of deportable aliens. It is based on the assumption that Communist ideas and Communist propaganda are likely to turn the devotion of Americans from their own traditions, institutions, and values. Proceeding on this assumption, the bill provides for an elaborate arrangement—essentially the same as that previously established by the Mundt-Nixon bill—under which an administrative tribunal would designate organizations as Communist-action groups and Communist-front groups; these groups and all their members would be registered with the Government and subjected to a number of disabilities; and any publicity emanating from them would have to be labeled as coming from a Communist organization.

These are limitations on the freedom of association and freedom of expression which Americans have traditionally enjoyed. If they genuinely served to protect internal security, they might well be warranted. But their contribution to security is precisely nil. As Attorney General J. Howard McGrath put it in a letter to Senator SCOTT W. LUCAS commenting on similar provisions of the McCarran bill, they will be "completely ineffective to accomplish their purpose." Indeed they are extremely likely to frustrate that purpose by driving the whole network of Communist groups underground.

One trouble with trying to compile a handy official roster of all Communist groups and their members is that a satisfactory definition of terms is impossible. The definitions presented in the bill passed by the House are so vague that they might easily be applied to many organizations guilty of nothing more than a loyal opposition to Government policies or to prevailing popular opinion. Moreover, the character of any group, as well as its membership, is liable to constant change. The attempt to require any group to register as Communist would involve interminable administrative hearings and litigation. Mr. McGrath was quite right in pointing out that when, finally, an organization is required to register, it will in all probability dissolve itself, then reappear with a new name and new officers. The official list would be perpetually out of date—quite apart from the danger that it would inflict serious injuries on innocent groups and individuals.

Insofar as the bill can be credited with keeping registered Communists out of Government positions and defense production plants, it merely duplicates safeguards that are already in force. Communists and Communist sympathizers are currently excluded from Federal employment and from factories handling vital defense contracts by the loyalty program and the security risk system; they are also denied passports; and their organizations no longer enjoy tax exemption benefits. Registration is simply a more complex, clumsy, and inequitable way to achieve the same results.

The United States is not in danger from Communist ideas. Those who fear that the American people will be subverted by the party's propaganda in favor of a despotic, alien system are men who have themselves lost faith in the good sense of the people and in the vitality of American institutions. Espionage and sabotage are real dangers to be dealt with through realistic precautions. Subversion is a neurotic nightmare—as evidenced by the puny and steadily diminishing size of the Communist party. Internal security can be best achieved by distinguishing between substance and shadows.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point in my remarks another editorial which appeared this morning in the Washington Post. It gives a very careful analysis of the substitute bill, the so-called Kilgore bill. It does not "go overboard" in support of the bill. It emphasizes some of the difficulties and dangers which were also in the minds of those who drafted it. It says:

It is legislation of a most drastic character, never before enacted or even seriously contemplated in the United States. There is grave danger, we think, in drafting and adopting such a law hurriedly without patient hearings and searching debate. * * * Nevertheless, the proposal seems to us markedly preferable to the McCarran measure. It is at once more realistic, strikes more effectively at dangerous disloyal persons, and is more consonant with American traditions of individual freedom.

It goes on to speak of the McCarran bill, saying:

It is a clumsy, unenforceable, blunderbuss piece of legislation.

The measure proposed as a substitute—

The Kilgore bill, which I am now discussing—

would cope, as the President has recommended, with existing threats of espionage and sabotage, and, at the same time, with a real danger that has not yet arisen to the United States, but that must be reckoned a serious contingency. It proposes a method of dealings with Communists and other foreign agents who might attempt or plan to commit espionage or sabotage in case of war or grave national emergency. To prevent these threats to internal security, it provides for internment of such persons by the Attorney General with a procedure for hearings, appeal to a board of detention review, and a right of petition to a Federal court of appeals. Membership in the Communist Party subsequent to January 1, 1949—

And we go back to that time to catch the fellows who may have resigned for reasons of convenience rather than from conviction—

would be among the factors to be weighed in determining reasonable ground for detention.

It would not necessarily be conclusive evidence, but it would be substantial evidence. The editorial goes on to say:

It can scarcely be doubted that in case of war persons dangerous to internal security should—and would—be picked up at once by the FBI, whether specific legislation authorized the precaution or not. The proposed bill sets what appear to be reasonable standards for arrest and a satisfactory mechanism for a review of cases in which arrest is unjustified. Internal security would require the arrest of active Communist Party leaders and gauleiters; this would adequately blunt the party as a tool of a foreign government without any attempt to intern the entire rank and file. We think the proposed bill aims at an intelligently selective internment in the real interest of security and not indiscriminate punishment of persons for the mere holding of disloyal or odious opinions.

There is no use blinking at the fact that this bill contemplates the creation of concentration camps and that these are repugnant to American values.

I know the term "concentration camp" has been bandied about. I would call such camps detention centers. During the war, in the case of the Japanese, they were called relocation centers. But they would be as far removed from the German and Russian concentration camps as daylight is from darkness.

The editorial goes on to say:

It is unprecedented legislation.

But I want to point out that never before in the history of this country have we had a large group of organized men owing allegiance to a foreign power and with the danger of their committing sabotage and espionage. We have never before had that situation.

I continue reading from the editorial:

But is is contrived to deal with an unprecedented situation as worthy detentions of such men as the Fascist leader Sir Oswald Mosley in liberty-loving Britain when the Second World War broke out. The United States has never before had to deal with a small yet highly organized body of its own citizens deliberately serving a hostile, aggressive, foreign country. It has never before had to deal with a situation which does not constitute war in the conventional sense, but which entails a conflict involving nothing less than national survival. This ugly situation, however, should not be made a pretext for hurried, hysterical legislation imperiling our own best national traditions. We urge upon the Senate the most sober caution in trespassing upon the freedoms which are the wellsprings of American security.

I may say, Mr. President, that is one of the reasons why some of us would not agree yesterday to the attempt to jam a vote through this afternoon before the Senate and the public could have an opportunity to discuss the subject.

The editorial goes on to say:

But adjustment to reality is the essence of statemanship. The Senate must deal now with the substance and not with the shadows of the danger confronting it.

I ask that the entire editorial may be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DETENTION BILL

A fresh approach to the Communist problem has been proposed by a group of administration Senators as an alternative to the McCarran bill. It is legislation of a most drastic character, never before enacted or even seriously contemplated in the United States. There is a grave danger, we think, in drafting and adopting such a law hurriedly without patient hearings and searching debate. Nevertheless, the proposal seems to us markedly preferable to the McCarran measure. It is at once more realistic, strikes more effectively at dangerously disloyal persons and is more consonant with American traditions of individual freedom.

We have stated our objections to the McCarran bill on a number of occasions. It seems to us to deal with an imagined rather than a real threat to internal security. It would penalize men for their opinions and their associations—for mere membership in the Communist Party or in Communist-front organizations—on the premise, apparently, that their propaganda threatens to subvert the devotion of Americans to their own institutions. The terms under which it would do this seem to us so vague and embracive as to jeopardize fundamental civil rights. And, finally, we think it would help rather than hurt the Communists by blurring the distinction between them and loyal Americans who may have associated with them or expressed opinions paralleling theirs. It is a clumsy, unenforceable, blunderbuss piece of legislation.

The measure proposed as a substitute would cope, as the President has recommended, with existing threats of espionage and sabotage and, at the same time, with a real danger that has not yet arisen to the United States but that must be reckoned a serious contingency. It proposes a method of dealing with Communists and other foreign agents who might attempt or plan to commit espionage or sabotage in case of war or grave national emergency. To prevent these threats to internal security, it provides for internment of such persons by the Attorney General with a procedure for hearings, appeal to a board of detention review and a right of petition to a Federal court of appeals. Membership in the Communist Party subsequent to January 1, 1949, would be among the factors to be weighed in determining "reasonable ground" for detention.

It can scarcely be doubted that in case of war persons dangerous to internal security should—and would—be picked up at once by the FBI, whether specific legislation authorized the precaution or not. The proposed bill sets what appears to be reasonable standards for arrest and a satisfactory mechanism for review of cases in which arrest is unjustified. Thus it seems to us preferable to an arbitrary exercise of executive authority. Internal security would require the arrest of active Communist Party leaders and gauleiters; this would adequately blunt the party as a tool of a foreign government without any attempt to intern the entire rank and file. We think the proposed bill aims at an intelligently selective internment in the real interest of security and not at indiscriminate punishment of persons for the mere holding of disloyal or odious opinions.

There is no use blinking at the fact that this bill contemplates the creation of concentration camps and that these are repugnant to American values. It is unprecedented legislation. But it is contrived to deal with an unprecedented situation as were the detentions of such men as the Fascist leader Sir Oswald Mosley in liberty-loving Britain when the Second World War broke out. The United States has never before had to deal with a small yet highly organized body of its own citizens deliberately serving a hostile, aggressive foreign country. It has never before had to deal with a situation which does not constitute war in the conventional sense but which entails a conflict involving nothing less than national survival. This ugly situation, however, should not be made a pretext for hurried, hysterical legislation imperiling our own best national traditions. We urge upon the Senate the most sober caution in trespassing upon the freedoms which are the wellsprings of American security. But adjustment to reality is the essence of statesmanship. The Senate must deal now with the substance and not with the shadows of the danger confronting it.

Mr. DOUGLAS. Mr. President, it is to the substance of the danger not to the shadow that the Kilgore bill addresses itself.

Recognizing the part that espionage and sabotage play in developing fatal weaknesses within, this bill deals directly and swiftly with these dangers.

Perceiving that Communist agents derive their greatest effectiveness from the "fifth columns" by which they accomplish their espionage and sabotage, the bill fortifies our action for counter-espionage and countersabotage.

The bill is based upon an understanding that criminal punishment after the act is, in a time of great emergency, an insufficient protection against disclosures and destruction that may take a heavy toll in lives and defense facilities.

It affords the President, the Attorney General, and other officers of the Government effective, new powers to defend our security against real dangers and strengthens their hands to meet the worst eventuality. The detention program will also be a most important corollary to the actions of the President and Secretary of Defense in prescribing security regulations for defense areas as provided in title I.

Mr. President, at this point in my remarks I wish to include the first section of an article appearing in this morning's Washington Post, coming from the Associated Press, and covering the statements which Mr. Hoover made, to which I have referred. I ask unanimous consent that the first section of this article be included at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN CASE OF WAR FBI IS READY TO ARREST 12,000 REDS

The FBI has tagged 12,000 most dangerous Communists and is ready to seize them in case of war with Russia, J. Edgar Hoover is reported to have told Senators yesterday.

Hoover, FBI Director, went before a Senate appropriations subcommittee in closed session to tell why he needs $6,000,000 more for agents and other workers.

Senators quoted Hoover as saying he wants to be able to keep careful tab on dangerous Reds; so close a watch as to put these people to bed at night and get them up in the morning.

Hoover said half the 12,000 are American citizens, many of them native-born. This complicates the problem.

The Director was quoted as saying it would be up to the Justice Department to decide whether the American Reds could be arrested immediately, along with the aliens.

CHECKING ON 50,000 REDS

Senators said the FBI has been keeping a check on 50,000 known Communists.

Mr. DOUGLAS. At the same time, the bill is replete with protections for individual rights, safeguards against administrative abuse, and thorough and continuing review of the entire program.

PRECEDENTS IN PRIOR GOVERNMENT ACTION

It is worth while to recall that there are some precedents for this type of protection for national security. The executive orders and related statutes under which Japanese-Americans and certain others were removed from defense areas on both our coasts in World War II are an example. The laws, dating back to 1798, and the orders under which enemy aliens have been interned in this country, are another. And the British Government during World War II in the act of Parliament of August 24, 1939—the Emergency Powers Act—and Defense Regulation No. 18B utilized detention procedures under which Sir Oswald Mosley and others regarded as highly dangerous were detained.

The Parliament passed an enabling act, and the Government through orders in council, promulgated an order to detain those suspected to be dangerous to the national security. Around 1,500 persons in Great Britain were detained, including Sir Oswald Mosley. I think that on the same day that there was peace with Japan, the British revoked the order in council which put the program into effect, and released the detainees, thus indicating that the traditional liberties had not been destroyed by this wartime measure, that it had been used for the emergency, and that it had not had the effect of destroying British liberties.

I want to say that we should observe similar restraint in this country when the emergency is over. This is strong medicine, which we should take to guard ourselves against sabotage and espionage, but we should not take it a minute longer than is absolutely necessary and only when the President and Congress agree it is necessary to take it for our internal security or when the other conditions stated in the bill are fulfilled. When the war is over we should do away with it immediately.

While the experience with these programs was not uniformly satisfactory, the present bill has been drafted with an eye to their shortcomings and with a realization that in case of the outbreak or imminent outbreak of a global struggle for existence, the arsenal of democracy cannot be left without such an essential weapon for its defense.

Again I wish to point out that during the Civil War someone said to Lincoln, "You are violating the Constitution." Lincoln replied, "We must save the Union in order that the Constitution may endure."

JUDICIAL DECLARATIONS

The words of some of the Justices of the Supreme Court, while not decisive on the legal point raised by this bill, are nevertheless instructive as we explore the proper constitutional grounds for our action.

In this connection I feel very modest as I see at least two eminent attorneys on the floor of the Senate. I refer to the eminent junior Senator from Colorado [Mr. MILLIKIN] and the senior Senator from Ohio [Mr. TAFT]. I hope the Senator from Ohio will not leave before I pay tribute to his legal ability. I am sorry, Mr. President, I did not mean to exclude the minority whip, the eminent Senator from Massachusetts [Mr. SALTONSTALL], who has just entered.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I announced earlier that I would not yield. However, I shall be happy to yield for a facetious remark.

Mr. SALTONSTALL. I appreciate that the Senator from Illinois feels that under force he must include me in the same class with the Senator from Ohio and the Senator from Colorado.

Mr. DOUGLAS. It was merely a disclaimer of legal experience and learning on my part, because I feel very humble in the presence of two, and now three, eminent attorneys.

I should like to refer, if I may to an opinion rendered by Justice Stone, in order to indicate the degree to which a government may be permitted to use security measures in wartime. I refer to the opinion of Justice Stone in *Hirabayashi* v. *United States* (320 U. S. 81) which upheld the curfew restrictions in west coast military areas.

Mr. President, I ask unanimous consent that relevant quotations from the opinion of Justice Stone on pages 93 and 99 of 320 United States reports may be printed in the RECORD at this point as part of my remarks.

There being no objection, the sections of the opinion were ordered to be printed in the RECORD, as follows:

The war power of the National Government is "the power to wage war successfully." See Charles Evans Hughes, War Powers Under the Constitution, 42 A. B. A. Rep. 232, 238. It extends to every matter and activity so related to war as substantially to affect its conduct and progress. The power is not restricted to the winning of victories in the field and the repulse of enemy forces. It embraces every phase of the national defense, including the protection of war materials and the members of the Armed Forces from injury and from the dangers which attend the rise, prosecution, and progress of war. (*Prize Cases*, supra; *Miller* v. *United State* (11 Wall. 268, 303–14); *Stewart* v. *Kahn* (11 Wall. 493, 506–7); *Selective Draft Law Cases* (245 U. S. 366); *McKinley* v. *United States* (249 U. S. 397); *United States* v. *Macintosh* (283 U. S. 605, 622–23).) Since the Constitution commits to the Executive and to Congress the exercise of the war power in all the vicissitudes and conditions of warfare, it has necessarily given them wide scope for the exercise of judgment and discretion in determining the nature and extent of the threatened injury or danger and in the selection of the means for resisting it.

* * * * *

Appellant does not deny that, given the danger, a curfew was an appropriate measure against sabotage. It is an obvious protection against the perpetration of sabotage most readily committed during the hours of darkness. If it was an appropriate exercise of the war power its validity is not impaired because it has restricted the citizen's liberty. Like every military control of the population of a dangerous zone in wartime, it necessarily involves some infringement of individual liberty, just as does the police establishment of fire lines during a fire, or the confinement of people to their homes during an air raid alarm—neither of which could be thought to be an infringement of constitutional right. Like them, the validity of the restraints of the curfew order depend on all the conditions which obtain at the time the curfew is imposed and which support the order imposing it (p. 99).

Mr. DOUGLAS. Mr. Justice Douglas, concurring in the same case stated—page 107:

But where the peril is great and the time is short, temporary treatment on a group basis may be the only practicable expedient whatever the ultimate percentage of those who are detained for cause. Nor should the military be required to wait until espionage or sabotage becomes effective before it moves.

Justice Murphy, perhaps the greatest defender of civil liberties ever to sit on the Supreme Court of the United States, also declared—page 113:

Modern war does not always wait for the observance of procedural requirements that are considered essential and appropriate under normal conditions. Accordingly I think that the military arm, confronted with the peril of imminent enemy attack and acting under the authority conferred by the Congress, made an allowable judgment at the time the curfew restriction was imposed.

In *Korematsu* v. *United States* (323 U. S. 214), upholding a removal order, Justice Black stated for the Court—pages 219–220:

We upheld the exclusion order as of the time it was made and when the petitioner violated it. (Cf. *Chastleton Corp.* v. *Sinclair* (264 U. S. 543, 547); *Block* v. *Hirsh* (256 U. S. 135, 154–155).) In doing so, we are not unmindful of the hardships imposed by it upon a large group of American citizens. (Cf. *Ex Parte Kawato*, 317 U. S. 69, 73.) But hardships are part of war, and war is an aggregation of hardships. All citizens alike, both in and out of uniform, feel the impact of war in greater or lesser measure. Citizenship has its responsibilities as well as its privileges, and in time of war the burden is always heavier. Compulsory exclusion of large groups of citizens from their homes, except under circumstances of direct emergency and peril, is inconsistent with our basic government institutions. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger.

We all know that Justice Black is one of the great defenders of civil liberties, and that he is a worthy inheritor of the tradition of Holmes and Brandeis, and one of the noblest justices who ever sat on the Supreme Court.

I should like to come back for a moment to Justice Stone's opinion in the *Hirabayashi* case which upheld the exercise of the executive power to prevent sabotage, even though it involved some restriction on individual liberties. He said:

Appellant does not deny that, given the danger, a curfew was an appropriate measure against sabotage. It is an obvious protection against the perpetration of sabotage most readily committed during the hours of darkness. If it was an appropriate exercise of the war power its validity is not impaired because it has restricted the citizen's liberty. Like every military control of the population of a dangerous zone in war time, it necessarily involves some infringement of individual liberty, just as does the police establishment of fire lines during a fire, or the confinement of people to their homes during an air raid alarm—neither of which could be thought to be an infringement of constitutional right. Like them, the validity of the restraints of the curfew order depend on all the conditions which obtain at the time the curfew is imposed and which support the order imposing it.

In *Ex parte Endo* (323 U. S. 273), which ordered the release of the detainee because her loyalty was fully conceded, Justice Douglas stated—page 302:

If we assume (as we do) that the original evacuation was justified, its lawful character was derived from the fact that it was an espionage and sabotage measure, not that there was community hostility to this group of American citizens. The evacuation program rested explicitly on the former ground not on the latter as the underlying legislation shows. The authority to detain a citizen or to grant him a conditional release as protection against espionage or sabotage is exhausted at least when his loyalty is conceded. If we held that the authority to detain continued thereafter, we would transform an espionage or sabotage measure into something else.

ADVANTAGES OF KILGORE BILL

Finally, the advantages of the substitute proposal for detention in an emergency should be obvious to all who have reviewed its purposes and procedures and have compared them with the protective provisions of the McCarran bill.

The substitute bill, as I have said before, strikes at real dangers to security, at potential espionage and sabotage, and it permits the President and Attorney General to act without delays, instead of shadow-boxing for years on end to brand as dangerous an organization which may thereupon disband and reform its ranks under another banner.

Mr. President, I have shown that under the National Labor Relations Board it takes 464 days, on the average, between the filing of a charge and the decision of the Board; or 15½ months; that it takes 17½ months, in addition, for the case to go through the court of appeals; and that if a case is appealed to the Supreme Court, it takes another 15 months. So, if these cases are hard-fought, as we may expect they will be, it will take 3 or 4 years before it will be possible to get a final order that an organization is a Communist-front or a Communist-controlled body, and by that time they may have changed their name, and the organization may have disappeared. Even if we did identify the Communist-controlled organization, we would have to start all over and get the individuals registered, and that could take 3 or 4 years.

Then, when a person is found guilty by an administrative ruling, or it is found that he should have been registered when he was not, it may be necessary to try him in court, and that can take 2 or 3 years more. In the mean-

time, the emergency will be over and, in the meantime, the damage will have been done.

The delays under the Mundt-Ferguson-McCarran bill will probably be even greater than under the National Labor Relations Board. The NLRB has only a few hundred cases in a year, but if there are 50,000 Communists, and large numbers of Communist organizations and Communist-front organizations, the administrative boards and the courts will be full of these cases for years to come. Mind you, Mr. President, the only court which can pass on these cases is the Court of Appeals for the District of Columbia. That is the bottleneck through which legal cases will go, and instead of having 11 judges on that court, we may have to appoint a hundred judges.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I have refused to yield to other Senators, and while I would really like to yield to the Senator from West Virginia, I am nearly through, and I cannot play favorites.

Mr. KILGORE. Will the Senator yield for a question before taking his seat?

Mr. DOUGLAS. I certainly will.

Mr. President, the new bill deals with definite, clearly understood dangers, not with a vague, heterogeneous combination of real and fancied subversive threats.

The operation of the substitute bill, namely the Kilgore bill, is more like that of the rifle, while the McCarran bill resembles the blunderbuss, which shoots off in so many directions at once that it is hard to tell whether it will hit real or only imaginary enemies. And when it does hit them, it is not clear whether it will hurt them more than it does the government that fires the gun and feels the recoil.

The substitute bill, the Kilgore bill, gives the President and Attorney General the positive assistance of statutory authority for our essential job, with procedures clearly understood and to a lesser degree previously employed, in alien enemy internment and war relocation cases. The McCarran bill loads the Department of Justice with new registration procedures that are cumbersome, lengthy and unworkable. Without claiming to be an expert in espionage or counterespionage, I cannot see how the McCarran bill will avoid making more difficult the all-important counterespionage and detection work of the Department of Justice and the FBI.

Those who are expert in these matters apparently have the same opinion. Surely the conclusions of the Attorney General, our former colleague, are entitled to great weight in this discussion. He has the primary and special responsibility for law enforcement and for the civil, as contrasted with the military, protection of public peace and safety. Under him the efficient operations of the FBI are administered. Yet he has advised the Senate that the registration provisions of the McCarran bill would be "completely ineffective to accomplish their purpose," that the "net result of these procedures will be meager in contrast with the staggering and perhaps futile enforcement burden which would be placed on the Department of Justice." He even indicates that the result will probably be to make surveillance of the Communist Party increasingly difficult.

The New York Times, in an editorial of August 22, 1950, makes the same point and further declares that the language of the McCarran bill in section 4 is so vague "that it seems to us that it could be used to impose restraints on freedom such as the American people have not known in 150 years."

I ask unanimous consent that this editorial from the New York Times be included in full at this point in the RECORD.

The PRESIDING OFFICER (Mr. GRAHAM in the chair). Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ANTI-COMMUNIST BILLS

The Senate now has before it three distinct and rival measures dealing with subversive activities of Communists and their sympathizers. These are: the Mundt-Ferguson bill (S. 2311), the McCarran omnibus bill (S. 4037) and the administration bill (S. 4061). The first two differ fundamentally from the third in that the former impose general sanctions against Communists and Communist-fronters while the latter, correcting some specific defects of existing law, reflects the view that sweeping legislation would be unnecessary, ineffective, and dangerous. We are inclined to think that, on the whole, the administration viewpoint is the correct one at the present time. We believe that close scrutiny of the Mundt-Ferguson and McCarran bills will show why this is so.

The measures have as one of their two principal joint features a provision making it a crime to conspire to perform any act that would substantially contribute to formation in the United States of a totalitarian dictatorship under foreign control. This language is so vague that it seems to us it could be used to impose restraints on freedom such as the American people have not known in 150 years. In any case, it would seem advisable before passing legislation of this type at least to await the final decision of the Supreme Court on the Smith Act, which prohibits conspiracy to advocate the forcible overthrow of the Government, and which has already been used to convict 11 leaders of the Communist Party.

The other principal joint feature of the Mundt-Ferguson and McCarran bills is the registration requirement they would impose on all Communists and on Communist-front organizations. The danger here is that the registration provisions might be used to destroy incipient political parties or even existing organizations advocating unpopular causes which may or may not be on the Communist fringe. This in our opinion approaches too closely to a possible regimentation of the American political structure along more or less orthodox party lines.

The primary objective of this legislation, and one with which we emphatically agree, is to render the Communists harmless, to destroy whatever potentialties they might have of forcibly overthrowing the American Government. But would these registration provisions accomplish that purpose? Those Communists and Communist sympathizers who would register are already known to the authorities and those who are not would doubtless remain underground. It is quite possible, in fact, that the whole party would be driven underground by this legislation, in which case it might become considerably more dangerous than it is at present.

In addition to the provisions already discussed, the McCarran bill contains in entirety a drastic and senseless immigration measure that has already passed the Senate (S. 1832) but which, as we have said before, is fundamentally antidemocratic. It contains other sections of lesser importance, some of which are, in fact, included in the administration bill. These involve a tightening of espionage, registration, military security and deportation laws.

In considering all of this anti-Communist legislation it must be remembered that the primary Communist danger to the United States comes from an imperialist aggressive world power—Soviet Russia. A secondary danger comes from agents of that power who may be found principally (but by no means exclusively) within the American Communist Party and its controlled organizations. There is virtually no danger from the Communists as a domestic political party. In what Justice Holmes has called "the competition of the market," the Communists have been able to win virtually no office of national importance. It is in the area of espionage, sabotage, and subversion that we have to fear the Communists inside this country. But it is precisely in these fields that we have ample legislation (subject to minor improvement) such as the treason, espionage, sabotage, naturalization, and registration laws, as well as the loyalty program for Government employees and various administrative regulations to boot.

Is it wise, then, to adopt legislation which is couched in language so broad that it could seriously infringe upon individual liberty, which could set a precedent for interference with the traditional freedom of political parties or political organization, which as a practical matter might defeat its own purpose and which at the present time is not necessary for the defense of our institutions? The freedoms of the American political system have cost too much in centuries of blood, sweat, and tears to be discarded or even endangered just because we want to take action against a contemptible and puny band of misguided zealots within our borders. When and if they become a threat to public order, then will be the time to move against them. Meanwhile, we urge the American people not to strike out in blind fear or fury, thereby undermining, as President Truman has said, "the very internal security they seek to protect." To do so might give us an emotional satisfaction. But there would not be one Communist less in the country.

Mr. DOUGLAS. Mr. President, if it is asserted that the Executive may be empowered under the Constitution to institute a detention program anyway, I can only repeat that it is far better to give it explicit authority to act, so that we know what it can do—and enact along with that authority the essential safeguards for individual freedom which are in the due-process provisions of this bill.

I believe, therefore, that a careful analysis of all these measures must reveal that the new Kilgore bill offers a greater measure of real security for the Nation against communism and greater safeguards for individual freedom, while the McCarran bill imperils basic freedoms and provides only illusory protections for the safety and peace of the country.

CONCLUSION

What we are seeking is to combine the maximum of security and liberty. The McCarran bill would give us little or no security and would violate the principles of liberty. It would tend to tear the

country apart and to prevent people of differing faiths from cooperating fully to defeat communism. It would tend to divide us at a time when we need to be united.

The Kilgore substitute on the other hand would give us maximum security with the least possible danger to liberty. Mr. J. Edgar Hoover, the head of the FBI, has just testified that in case of war with Russia, 12,000 dangerous Communists in the country who might be expected to commit sabotage and espionage could be locked up over night. The McCarran bill would not give him any authority to take such essential action. The Kilgore substitute would clear the way for this to be done before a formal declaration of war by a concurrent resolution of Congress and proclamation by the President.

And yet the Kilgore bill would make the least possible inroads upon liberty. There would still be full freedom of discussion. Men would not be penalized for their ideas. Differences of opinion would not only be tolerated, but welcomed. But the dangerous actors would be taken out of circulation during an emergency and the country would be protected.

It is for these reasons that I believe the Kilgore substitute is preferable to the McCarran bill on virtually every score and why it should be adopted in place of the bill now before us.

Mr. President, that completes my formal remarks. I shall now be glad to yield for questions.

Mr. KILGORE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. GRAHAM in the chair). Does the Senator from Illinois yield to the Senator from West Virginia?

Mr. DOUGLAS. I yield.

Mr. KILGORE. I wonder if the Senator from Illinois touched on the procedural dangers of the provision for registration? In other words, it must be realized that under the registration provision the United States Government must proceed in a criminal action in the Federal courts against those who fail to register, which means that the case must be proved, not by a preponderance of the evidence, but beyond a reasonable doubt. In addition to that, it would be necessary for the Government, in such a case, to introduce proof of membership in the party beyond a reasonable doubt.

Yesterday the Senator from South Dakota [Mr. MUNDT] admitted that the leaders among the subversive movements would not register. Therefore it would be necessary to get the records from the files of the FBI in order to prove that they were Communists. I call attention to the Coplon case, in which it was necessary to use seven undercover agents to show that Miss Coplon was working with a Communist against the interests of the Government. Let us assume we would have to use two agents in each case, and they began their work simultaneously on persons in the Northwest, in the Middle West, and the Southwest. That would completely hamstring the undercover activities of our own FBI from that time on. Is that not true?

Mr. DOUGLAS. The Senator from West Virginia is completely correct. I probably should have treated that matter more completely than I did. I made the point that in a criminal trial it is necessary to produce, not a preponderance of evidence, but evidence to prove beyond a reasonable doubt, and to do that it would be necessary to produce the undercover operatives, whose identity would then be disclosed, and whose future usefulness would be destroyed. That procedure would not need to be used under the program proposed by the eminent Senator from West Virginia.

Mr. KILGORE. Mr. President, I wish to ask the Senator another question. He is no doubt aware that in the registration procedure of the McCarran bill the burden is on the United States, not only to bring the action but to push it to conclusion. Whereas under the proposal contained in the substitute, the burden is upon the man charged with being a subversive, to perfect his appeal in order to secure affirmative action in his favor. That would tend to expedite the whole procedure, whereas the provisions of the McCarran bill would tend to slow up the procedure.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to my colleague. But I would first like to say, in response to the Senator from West Virginia that he is correct. I would not accept this principle except when dealing with potential saboteurs and spies.

Mr. LUCAS. I should like to have the Senator elaborate a little upon one phase of the Mundt bill. As I understand, the undercover FBI agents would be compelled, under the Mundt-Ferguson bill, to register. Is that not true?

Mr. DOUGLAS. If they were members; yes, that is correct.

Mr. LUCAS. Well, whether they were members or not. If they are assuming membership in the Communist Party for the purpose of doing undercover work every FBI man who is now doing such undercover work would have to register as a Communist in order to do the kind of work he is now doing?

Mr. DOUGLAS. That is completely correct.

Mr. LUCAS. It seems to me that is compelling a man to go a long, long way. Of course if he did not register as a Communist and proceeded to act like a Communist somebody would arrest him because he was a Communist, or at least because he assumed he was a Communist. Under those circumstances the FBI methods would be disclosed to the public and the country.

Mr. DOUGLAS. We might very well have such a situation, and probably would, in that the Attorney General would be forced to prosecute his own undercover agents under the provisions of the Mundt-McCarran bill. The Government would also be forcing employees to do that for which they would or could be prosecuted.

Mr. HUMPHREY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LEHMAN in the chair). Does the Senator from Illinois yield to the Senator from Minnesota?

Mr. DOUGLAS. I am glad to yield to the Senator from Minnesota.

Mr. HUMPHREY. I have been listening to the very able and splendid remarks of the Senator from Illinois as he has discussed what would be the actual operation of the provisions of the so-called Mundt-Ferguson bill, which is a part of the general bill proposed by the chairman of the Committee on the Judiciary. I notice in the Senator's speech he made this statement:

> The obligation to register and report goes into effect only after—

And the words "only after" are underlined—

> There has been final legal determination that the organization in question is either Communist-controlled or a Communist front.

Mr. DOUGLAS. That is correct.

Mr. HUMPHREY. Just an observation and then a question. It has been pretty well sold to the country that the registration provision in the bill is but a simple, gentlemanly, normal device which will expose to 150,000,000 Americans that there are so many Communists in the United States, and tell where they live, who they are, and what their names are, and their date of birth will be obtained, as well as the names of the members of their family, and so forth. The Senator from Illinois has today pointed out the story which is being sold to the American people. If I understand the Senator correctly it is his opinion—is it not—that before the Communist Party itself would have to register it could have the benefit of every single administrative and legal process that we have under the entire law of this country?

Mr. DOUGLAS. That is absolutely true. From the time the charge would be made the steps would be that the Communist Party would be notified, the hearings would be held before the trial examiners of the Subversive Control Activities Board, reports would be made, the evidence would be reviewed, the Board would make its final decision, appeal could be taken to the circuit court, and from the circuit court to the Supreme Court, and all along the line there could be delaying actions so that years could go by before there was even a final order compelling the Communist Party to register.

Mr. HUMPHREY. And is it not true that all during this time every single Communist, little and big, vicious and semivicious, would be at large?

Mr. DOUGLAS. Not only at loose and at large, but unidentified.

Mr. HUMPHREY. Running around the country and being motivated even more than ever to do his dirty work and his sabotage?

Mr. DOUGLAS. That is correct.

Mr. HUMPHREY. How do we get this message out to the American people? How do we expose this fraud and this hoax? This registration provision is nothing more nor less than some sort of a political palliative.

It is a sort of political opium to put the American people into a sort of swoon.

The Senator from Illinois has gone further into the subject of Communist-front organizations——

Mr. DOUGLAS. Mr. President, let me say here that the Senator from Minnesota, with his great energy and brilliance, sometimes uses strong terms with which the Senator from Illinois, with his slower nature, does not exactly agree. I would be reluctant to say that the pending bill is a hoax, because that would imply that it was designed as such. However, I think the proponents of the bill have deluded themselves. I had hoped they would come on the floor of the Senate while I was speaking this afternoon, so that I could clear up some of the confusion and could refer to what the Senator from Minnesota has called a hoax. However, they seem to have been off the floor most of the time while I was speaking. I hope they will return. I will buy each one of them a lunch and will provide a bottle of ginger ale for each one of them, if they will return, so that I shall have a chance to explain the bill to them.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Illinois yield to the Senator from Minnesota?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I believe the effect would not be as intended, but eventually would result in impressing the American people with the fact that it is a measure which is incompetent, ineffective, and does not provide any protection for our national security.

Mr. DOUGLAS. That is correct. It would be something like depending on popguns when one is in a war, or something like having shells loaded with wadding paper, instead of with good shrapnel.

Mr. THYE. Mr. President, will the Senator yield?

Mr. LEHMAN. Mr. President——

Mr. HUMPHREY. Mr. President, will the Senator——

Mr. DOUGLAS. Mr. President, the able and distinguished senior Senator from Minnesota [Mr. THYE] is on the floor, and is asking me to yield. I think I must yield to him first, so as to let the opposition get in on this discussion, because the senior Senator from Minnesota is a very charming gentleman, and he should not be excluded.

Mr. THYE. Mr. President, I believe the able junior Senator from Illinois referred to the fact that the authors of the bill known as the Mundt-Ferguson bill, and also the authors of the McCarran bill, are off the floor of the Senate at this time. Did I correctly understand the Senator from Illinois?

Mr. DOUGLAS. Yes.

Mr. THYE. Let me explain that I have been left to serve as acting minority leader while those very able gentlemen are in a Republican policy conference.

So if the Senator from Illinois will excuse them while they are transacting a little official business in connection with the responsibility of the minority party, I am sure they will return here and probably will be prepared to answer some of the statements which have been made in regard to the proposed legislation.

Mr. DOUGLAS. I meant no reflection on them by what I said.

Mr. THYE. I simply wish to be sure that those who read the CONGRESSIONAL RECORD will not assume that all other Senators had become frightened and had left the floor of the Senate.

Mr. DOUGLAS. I did not mean to imply that. I simply regretted their absence. I am very glad the senior Senator from Minnesota has made that statement.

Mr. LEHMAN. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. I yield.

Mr. LEHMAN. I wish to say that after talking with a great many persons, my impression is exactly that which has been stated by the Senator from Illinois [Mr. DOUGLAS] and the Senator from Minnesota [Mr. HUMPHREY], namely, that many persons have been led into believing that the pending measure is simply a registration device which would be easier to administer and would result in catching all the Communists and/or potential Communists.

Let me ask a question, please: Is it not a fact that it has been shown by the declarations of various law-enforcement officers that from the time when action would first be taken, under the provisions of the pending measure, in connection with charging a person with being a member of the Communist Party or with being a member of a Communist-front organization, several years—possibly as many as 4 years—would elapse before a final determination of that issue would be made by the Supreme Court; but in the meantime such persons would be at large, without supervision, and would be able to do whatever they wished to do?

Mr. DOUGLAS. Yes. In fact, there would be two or three tiers of delays. There would be the delay which would occur while the Board or other administrative agency was determining whether the organization was a Communist organization of a Communist-front organization. That might require 3 or 4 years. Then there would be the delay which would be caused while the administrative agency was determining whether the particular person was a member or was not a member of that organization. That delay might take another 3 or 4 years. Then there would be the delays incident to the trial of individuals.

Mr. LEHMAN. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. LEHMAN. In support of the statement made by the Senator from Illinois that the real Communists would simply fail to register, and could not be forced to register, and would be outside the control of the law-enforcement officials, is it not a fact that there would be every reason why a real Communist should not register—because if he did register, would not he make himself liable to incrimination under the Smith Act?

Mr. DOUGLAS. Certainly.

Mr. LEHMAN. So he would be virtually pleading guilty of a penal offense; would he not?

Mr. DOUGLAS. Yes; the real leaders would be.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LUCAS. Does my colleague agree with me that this bill really is designed to catch headlines, instead of to catch spies and saboteurs?

Mr. DOUGLAS. I do not say it is so designed, but I think that would be its effect. I think it would lead to a continuous uproar of publicity, and would have the adverse effect of frightening innocent people. Instead of giving tangible results along the line which is desired, it would simply result in smearing innocent persons and innocent organizations and in dividing the country, whereas we need to be united.

Mr. LUCAS. In other words, as the Senator has said, the hard core of the Communist group would go further underground, as a result of the enactment of this bill; and the Communist-front organizations or those which are said to be Communist fronts—although perhaps many of their members do not know too much about the hard core of Communists who are underneath—would go out of business overnight; but the group who really control such organizations, and who would do the sabotage and the spying and the espionage in the United States, would go further underground; and it would be very difficult to root them out, under the provisions of the bill which would require them to register. Does my colleague agree?

Mr. DOUGLAS. Certainly. The McCarran bill will provide no real means of getting such persons out into the open, whereas the Kilgore bill provides for apprehending them in time of emergency and detaining them, humanely, not because they are spreading ideas, but because they are potential saboteurs and spies. That difference is very important.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I am sure the Senator knows that at one time, in Canada—in 1936, I believe—the Communist Party was outlawed.

Mr. DOUGLAS. That is correct.

Mr. HUMPHREY. Later on, because the Communist Party grew by such leaps and bounds, even though it had been outlawed, the Canadian Government permitted the Communist Party to become a legal party again.

Subsequently—in 1940—the Communist Party was again outlawed. Once more the record indicates, as I recall, that there was a tremendous growth in the Communist Party in Canada.

My question is this: The proponents of the McCarran bill, or of the Mundt-Ferguson bill aspects of it, do not want to outlaw the Communist Party, and that is why they resort to the technique of registration. However, is it not true that if the Communist Party and its members refused to register—as would most likely be the case; at least, its most active members and its most vicious

members and officials certainly would refuse to register—then for all practical purposes the effect of enactment of the McCarran bill would be to outlaw the Communist Party, insofar as concerns the question of determining who are the real Communists?

Would not that be a rather back-door entrance or procedure which would have the same effect as outlawing the Communist Party?

Mr. DOUGLAS. Yes; but it would take a long time.

Mr. HUMPHREY. That is the point.

Mr. DOUGLAS. First, there would have to be a determination of what organizations, are Communist or Communist fronts, then there would have to be a determination as to what persons are members of those organizations; and then there would have to be the criminal trials of persons or organizations refusing to register.

My objection is not to putting Communists where they cannot do any harm. When the times are dangerous, that is what should be done to dangerous Communists. But my objection is to the long process which would be required under the pending bill; whereas under the Kilgore bill, such persons could be put into internment, where they would be treated humanely, but where they would be kept as long as an emergency existed.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. Is not that the point? Certainly there is no argument on the floor of the Senate as to whether we need anti-Communist legislation.

Mr. DOUGLAS. That is correct; I do not think there is any argument as to that. Nevertheless, an effort is being made—I shall not say it is made by Senators, but it is made by some of the press—to try to show that we are opposing the enactment of anti-Communist legislation. However, that is not a fact. We believe that the Kilgore bill is a much better anti-Communist bill than is the McCarran bill; but, in addition, the Kilgore bill will result in preserving to a much greater degree the civil liberties of the people of the United States. Of equally great importance, it will effectively protect the country from sabotage and spies, whereas the McCarran bill will not.

Mr. HUMPHREY. In other words, we are arguing over the means of doing the job; does the Senator agree with that statement?

Mr. DOUGLAS. Yes; that is correct.

Mr. HUMPHREY. The job we have in mind is the protection of the national security of the United States.

Mr. DOUGLAS. And also to preserve as much individual liberty as we can preserve.

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. That is correct.

Mr. HUMPHREY. Under the Kilgore bill, the procedures—even in the case of those whom we have a reasonable right to believe would commit acts of espionage or sabotage—would be such that those persons would have all the rights of due process of law and of trial and of hearings——

Mr. DOUGLAS. And of appeal to the courts.

Mr. HUMPHREY. Yes; and that would apply even to those whom we have reasonable grounds for believing that they would commit overt acts of sabotage or would commit treasonable acts against the United States.

Mr. DOUGLAS. That is correct. The others could continue to carry on propaganda, because, as I have said, as long as the propaganda is peaceful, we do not fear it.

Mr. HUMPHREY. I desire to ask the Senator this question: Did he find anything in section 4 (a) of that provision of the Mundt-Ferguson bill, or of the McCarran bill, which in any way gives any protection to an innocent person who may be accused of being a member of a Communist-front organization, that is, for example, after the Communist-front organization itself has refused to register, and the question has finally been brought to a legal determination, and the membership is called upon?

Mr. DOUGLAS. As the Senator from Minnesota well knows, section 4 (a) reads as follows:

> It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual.

The term used there is "substantially contribute."

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Then, section 4 (d) provides a penalty of imprisonment for not more than 10 years, for anyone who is guilty. So, depending upon what courts and juries would hold to be a "substantial contribution" to the cause of totalitarian dictatorship, such a person can be sent to prison for 10 years.

My whole argument is that these terms have been used loosely, and have been bandied about, so that many people believe that the Brannan plan, compulsory health insurance legislation, farm cooperatives, and FEPC could be steps toward a totalitarian dictatorship, consequently, in a period of high emotional excitement, it would be possible that well-meaning people might be tried, convicted, and sentenced on the basis of beliefs which were not at all dangerous.

Mr. KILGORE. Mr. President, will the Senator yield for a question at this point?

Mr. DOUGLAS. I am glad to yield.

Mr. KILGORE. Thus far I have not heard much said about section 2 of the McCarran bill, which provision is also a part of the so-called Mundt-Ferguson bill. Section 2 is quite as much a part of that bill as any other part. Yet, yesterday and day before yesterday I heard certain statements made in the course of debate which would indicate that it was not a part of the bill. Section 2, as the Senator well knows, states:

> As a result of evidence adduced before various committees of the Senate and House of Representatives, Congress hereby finds that—
>
> (1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide Communist political organization.

It goes on further to say that persons who engage in that movement virtually renounce their citizenship and become subject to the domination of a power which is undisclosed in the bill.

What I want to point out is the fact that a little further on, section 2, speaking of Communist political organizations—which is what a man or woman in the United States would have to register as belonging to—says that—

> Although such Communist political organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, instead of through the democratic processes of a free elective system.

So that a man who registers as a member of such an organization virtually admits the fact stated in section 2. Proceeding further, there is reference to Communist fronts, which are placed in exactly the same category. So, in the event the bill passes, anyone who so registers pleads guilty to conspiracy to overthrow the Government of the United States, based upon the finding of the Congress referred to in section 2 of the bill. Does the Senator believe that people would register under those circumstances? Some people may have the idea that it is like the annual political registration of Democrats and Republicans, Prohibitionists, and others, for a political election. If the bill should pass, certain individuals would face coercive registration; is that not so?

Mr. DOUGLAS. That is correct.

Mr. KILGORE. So that the act of registering would automatically make an individual, should we say, a traitor, or a potential traitor, would it not?

Mr. DOUGLAS. Quite so.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LEHMAN. I think the Senator will agree with me that there is no more patriotic organization to be found anywhere in this country than the American Federation of Labor, will he not?

Mr. DOUGLAS. That is correct. The American Federation of Labor, as a matter of fact, is one of the strongest forces against communism in the United States.

Mr. LEHMAN. I was going to ask that question. I think the Senator will agree with me that there is no organization in the country which has fought more valiantly or more successfully against communism than the American Federation of Labor.

Mr. DOUGLAS. That is correct.

Mr. LEHMAN. In order to show the extent to which the provisions of the

Mundt-Ferguson bill and the McCarran bill would go in creating fear of persecution on the part of patriotic, reputable, responsible American organizations, I desire to read the telegram which I have received from William Green, president of the American Federation of Labor. It is addressed to me.

Mr. DOUGLAS. I shall be very glad to have it read.

Mr. LEHMAN. The telegram reads as follows:

> The officers and members of the American Federation of Labor are opposed to Senate bill 4037 by Senator McCARRAN and the Mundt-Nixon-Ferguson-Johnson legislation. Our opposition is based upon two facts; first, if either of said measures became law it would serve to drive Communists underground and make them more difficult to deal with; second, interpretation of these measures by the courts may provide that free democratic labor organizations such as the American Federation of Labor would be subjected to some of the provisions of these acts. Because of these implications we call upon our friends in Congress to vote against the adoption of these measures.

Mr. President, here is a man, patriotic to the *n*th degree, representing an organization which has always been patriotic and vigorous in the fight against communism, who says the danger of these things, as he sees the danger, is that perfectly innocent patriotic men may be smeared and may be subjected to the penalties which are provided in these bills.

I think it is something certainly which the people in the country, including my colleagues in the Senate, should carefully consider, and it should give them pause in any action they may propose to take. I want to say again as I have said before that I think these measures are among the most important that any Congress of the United States has considered in the past 50 years, and I believe that the implications and results of the passage of these bills would be vicious in the extreme.

Mr. DOUGLAS. I thank the Senator from New York. As everyone knows, William Green has fought the Communist movement throughout his life. I suppose no man in the United States has been more violently attacked by the Communist press, both in this country and abroad, than William Green. His character, his reputation, and his patriotism, are unimpeachable.

Mr. President, unless there are further questions, I yield the floor.

Mr. HUMPHREY. Mr. President, I did want to ask the Senator a further question; will he yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I should like to ask the Senator for a few more words of explanation about the section which pertains to Communist-front organizations, because I believe that is the one which concerns a number of people in view of the criteria which are established for the determination of what is a Communist-front organization. I recognize the word "substantially" for whatever it may mean.

Mr. DOUGLAS. The word "substantially" is used in connection with section 4 (a), and Communist-front organizations are treated in section 14 (f), on pages 30 and 31.

Mr. HUMPHREY. Did I correctly understand the Senator to say that if an organization ultimately, after months and months and months of litigation, appeal, and what have you, is determined to be a Communist-front organization, it is then mandatory that its membership be registered?

Mr. DOUGLAS. No. Its officers must be registered.

Mr. HUMPHREY. Its officers must be registered?

Mr. DOUGLAS. That is correct.

Mr. HUMPHREY. I want to have that made clear.

Mr. DOUGLAS. They must also file a financial statement. But the members are not required to register. That is what is supposed to distinguish the treatment of the "Communist-front" from the "Communist-controlled" organization. In the case of the Communist-controlled organizations, both members and officers are supposed to register. In the case of the Communist-front organization, only the officers are required to register. But the point is that the members will be known by their activities.

Mr. HUMPHREY. Is it the feeling of the Senator from Illinois that the names of membership of the organization will become a sort of public property?

Mr. DOUGLAS. The names of the sponsors will be. A very large list of such sponsors has been compiled by various organizations and which are brought out on any and all occasions, especially in election years.

Mr. HUMPHREY. How does the Senator differentiate between Communist-controlled and Communist-front organizations? I have read the section of the bill which tries to explain the difference. The two terms go along through the bill almost parallel.

Mr. DOUGLAS. I would say that the theory is that a Communist-controlled organization is a central organization, and a Communist-front organization is a satellite, so to speak. The latter would include many persons who are not Communists, but the Communist-controlled organization would be able to direct the policies and furnish some of the finances.

Mr. HUMPHREY. I have read several articles appearing in the New York Times and other newspapers saying that the Communists are beginning to compile their own register, are having a new purge within the party, and are getting a selective kind of register. Apparently some persons are being selected out. Is there anything in the bill which would protect a large number of people, who were never members of the Communist Party, but whose names might be put in this register, from having to submit to questions?

Mr. DOUGLAS. No. That is one of the dangers.

Mr. HUMPHREY. Is there any protection they would have, except to deny it?

Mr. DOUGLAS. There would be this protection, that if the Attorney General found they were not members, their names would not be published, but if he declared that they were members, the names would be published approximately 30 days after the finding of the Attorney General. So, even if they were ultimately cleared, they would be publicly listed and irreparable damage would be done to their reputations.

Mr. HUMPHREY. I recall that some years ago I was sent a subscription to a magazine which I considered to be a thoroughly un-American publication. I wrote and urged that my name be taken off the list, but it kept on coming, and I still cannot get rid of the magazine. Is there any reason in the world why the party could not send out cards, keeping duplicates in the office, and say that a man is a member of the Communist Party? The man may disavow and disown and "holler" to the ceiling about it, but they have the cards and can come before the Attorney General and exhibit the card naming that man as a member of the party, and it would be said, "That is right; he is a Communist; here is the card." What could be done in such a case?

Mr. DOUGLAS. I do not think anything could be done at least as far as protecting his reputation is concerned.

Mr. HUMPHREY. Unless there were a full hearing, at which character witnesses could testify, and unless volumes of evidence were presented, and then, after 60 days, possibly it could be proved that the man was not a Communist.

Mr. DOUGLAS. In the meantime, the damage would have been done. Such cases are in reality tried not merely in the courts, before administrative tribunals, but before the public. The sponsors of the bill do not quite seem to realize—I hope it is because they do not realize—that men can be legally cleared and yet publicly damaged.

Mr. HUMPHREY. Have there not been such cases within the past year?

Mr. DOUGLAS. I believe there have been some cases.

Mr. HUMPHREY. How about Dr. Jessup? I have been asked the question, "Is Dr. Jessup really a Communist?" I have even heard comments about the Federal Council of Churches because of a book written by Mr. John T. Flynn. He produced what he called evidence that if one is for the Brannan plan, the Ewing health plan, or for some of the Government power projects, he is socialistic.

Mr. DOUGLAS. I might say that I have a sneaking fondness for Mr. Flynn. I have known him personally for many years and I have never wanted to join in any denunciation of John T. Flynn. I do not like his last book, but I have always thought he was a very charming Irishman, and I like him. Fifteen years ago he was a fighting liberal, and that memory always lingers in my mind. When anything derogatory is said about him, I have to rise and express my fondness for him and I do so now.

Mr. HUMPHREY. I know that he is also fond of the Senator from Illinois. But let us take the case of John Doe, who says that if one is for this or for that he

is for socialism, and socialism is neo-communism. That means some kind of a new brand of communism. Is it not entirely possible that such an organization or persons can be identified as having followed a program that would lead to totalitarian dictatorship?

Mr. DOUGLAS. On the ground that it has "substantially contributed."

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. FERGUSON. I should like to ask the Senator whether what is provided for under the internment section of the Kilgore bill is a crime.

Mr. DOUGLAS. No; it is not a crime.

Mr. FERGUSON. What is it?

Mr. DOUGLAS. In the case of danger to the security of the United States——

Mr. FERGUSON. It provides for punishment, does it not?

Mr. DOUGLAS. No; it does not. It provides for detention. There is no criminal punishment in the major provisions of title 2. We did not accuse the Japanese or the conscientious objectors during World War II of any crime. But we detained a great many of them.

Mr. FERGUSON. What is the difference between detention and imprisonment?

Mr. DOUGLAS. There is a great deal of difference.

Mr. FERGUSON. What is the difference?

Mr. DOUGLAS. The worst part of imprisonment is the blot upon the name which comes from conviction for a crime. Defamation of character is worse than detention. That is something which it seems to be very difficult for certain persons to understand. Defamation is really more injurious than is detention.

Mr. FERGUSON. Let us keep to the subject. What is the difference between detention and imprisonment?

Mr. DOUGLAS. There is a great deal of difference. In the first place, there is physically a difference. The internment camps and relocation centers have not been the same as Alcatraz.

Mr. FERGUSON. What about cases of false imprisonment, where a person is detained and considered to be imprisoned.

Mr. DOUGLAS. Detention is one element of imprisonment, but it is not the exclusive characteristic of imprisonment. Imprisonment would involve a very different type of detention, and, in addition, would involve a defamation and a stigma upon the character which detention does not leave.

Mr. FERGUSON. As I understand the Kilgore bill, it provides that the Attorney General can provide a place of confinement.

Mr. DOUGLAS. Subject to inspection by a joint congressional committee, a watchdog committee. I should like to put the Senator from Michigan on that committee. I have never seen a Senator who was more of a watchdog than is the Senator from Michigan. I am sure he would do a good job.

Mr. FERGUSON. I am very anxious to know how the Senator distinguishes between imprisonment and detention. Under the law, a crime is committed when a person violates some regulation of a properly constituted authority, such as a legislative body. A man may be either imprisoned, fined, or both. In this case it is provided that if a man was a member of the Communist Party in 1949, the Attorney General could take him into custody.

Mr. DOUGLAS. Will the Senator permit me to interrupt him in order to reply?

Mr. FERGUSON. Certainly.

Mr. DOUGLAS. A man's membership in the Communist Party is not ipso facto the conclusive reason for his being detained. It is one thing which can be taken into account. The Senator asked what the difference was between detention and imprisonment. I would say the difference is that imprisonment is meted out to those who commit crimes while detention is the holding of a group of people, some of whom we have reason to believe would commit a crime if not held. But detaining a person is not to accuse him of a crime and is not punishment for a crime as is imprisonment. I should like to ask whether the detention of enemy aliens was equivalent to imprisonment?

Mr. FERGUSON. We are going to place alien enemies——

Mr. DOUGLAS. I mean in the last war.

Mr. FERGUSON. They were interned under an old act passed before 1800.

Mr. DOUGLAS. It was passed in 1798.

Mr. FERGUSON. But alien enemies are in an entirely different category from citizens. Once an alien is in this country, his conduct is not that which is prescribed for a citizen. We have the right of deportation and various other procedures which apply to enemy aliens but do not apply to a citizen.

Mr. DOUGLAS. Even if the statute is old and the ground for apprehension is different, the internment is real. The detention is complete. And yet we do not claim it is imprisonment. What would the Senator say of the detention of Japanese-Americans during the war, 70,000 of whom were American citizens?

That detention was carried out merely on the basis of race and nationality, whereas the detention provided for in the Kilgore bill would be carried out, not on the basis of race or nationality but on the basis of demonstrated actions likely to lead to acts of espionage or sabotage.

Mr. FERGUSON. Does the Senator appreciate that what was done there was an entirely different matter? We had a territory which was declared to be a military area. Those Japanese-Americans were excluded from that military zone and relocated in special centers.

Mr. DOUGLAS. I should like to observe that in our struggle with communism in a "security emergency" the whole United States virtually becomes a military area.

Mr. FERGUSON. The Senator's bill does not provide that the country shall be declared a military area. Does the Senator realize that one of the Japanese-Americans in the so-called relocation center who made application for a writ of habeas corpus had her writ granted, and the Supreme Court ruled she could not be kept in camp? In setting up the relocation centers an attempt was made to follow a legally fictitious procedure of barring people from certain areas but allowing them to go up into camps voluntarily.

Mr. DOUGLAS. May I reply to the Senator's question?

Mr. FERGUSON. Certainly.

Mr. DOUGLAS. Is the Senator aware of the fact that in the case to which he refers, involving a Japanese woman, she was freed because it was found that she was loyal? Because it was found that she was loyal a writ of habeas corpus was granted. If there had been a finding that she was not loyal, the writ would not have been granted. I believe such an inference may well be drawn from the opinion of Justice Douglas in that case. I believe the Senator from Michigan should study the case more closely.

Mr. FERGUSON. I have studied it closely. I am very familiar with the wording of the opinion. The opinion reveals clearly that because she was loyal the Court did not find it necessary to proceed to any further decision as to whether she could be detained or imprisoned. I find no decisions that sanction an imprisonment under the circumstances prescribed in the Senator's bill. In an Indiana case, Ex parte Milligan, a civilian was tried before a military court and sentenced to death, and the Supreme Court, in an opinion which establishes the sanctity of habeas corpus in this country, ruled out that action.

Mr. DOUGLAS. I am sorry that the Senator was not on the floor when I began my address.

Mr. FERGUSON. I did not think the Senator from Illinois would yield for questions.

Mr. DOUGLAS. That is correct. However, I had hoped that the Senator would be here so that he could hear my arguments. At that time I pointed out that in the Milligan case the Supreme Court did not hand down its opinion until a year and a half after the war was over.

Mr. FERGUSON. They handed down their opinion in no uncertain terms.

Mr. DOUGLAS. But after the war was over.

Mr. FERGUSON. They said what the law was.

Mr. DOUGLAS. They had the case under consideration during the war, but they kept it in cold storage. They only decided it after the emergency was over.

Mr. FERGUSON. It is not necessary to have a war going on to bring into effect the provisions of the Senator's bill.

Mr. DOUGLAS. That is true, because we may be faced with a period of seriously threatened espionage and sabotage prior to a formal declaration of war.

Mr. FERGUSON. It is not necessary to have a formal declaration of war for the proposed legislation to be applied.

Mr. DOUGLAS. That is correct.

Mr. FERGUSON. It would not be said that we were actually at war when this took place.

Mr. DOUGLAS. It could occur when a state of emergency was proclaimed (a) by concurrent resolution of both Houses of Congress and (b) by proclamation of

the President. Both conditions (a) and (b) must be present.

Mr. FERGUSON. There are three other possible triggers that might set the machinery of the bill in motion instead of the (a) you mention. The bill speaks of "invasion or imminent invasion" of a possession.

Mr. DOUGLAS. Yes.

Mr. FERGUSON. Would we not be in danger of imminent invasion in the island of Guam?

Mr. DOUGLAS. By the island of Guam? No; I do not believe so.

Mr. FERGUSON. Of the island of Guam.

Mr. DOUGLAS. The Senator means an invasion of the island of Guam. No; I do not think necessarily so.

Mr. FERGUSON. In that respect what would the Senator think of the island of Okinawa?

Mr. DOUGLAS. It may be possible to establish a greater danger with respect to Okinawa.

Mr. FERGUSON. It could be applied by proclamation of the President.

Mr. DOUGLAS. Not to the mainland.

Mr. FERGUSON. The Kilgore bill does not say "mainland." It says: "Invasion or imminent invasion of the territory of the United States or its possessions."

Mr. DOUGLAS. If the Russians invaded Okinawa, it would be a clear indication that they meant business against the United States, and the President would be authorized, if he found the stated dangers, to declare an emergency.

Mr. FERGUSON. The bill does not say so.

Mr. DOUGLAS. If they meant business against the United States——

Mr. FERGUSON. It does not say so.

Mr. DOUGLAS. May I finish?

Mr. FERGUSON. It says: "Imminent invasion."

Mr. DOUGLAS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Illinois has the floor. Does the Senator from Illinois yield for a question?

Mr. DOUGLAS. I will be glad to yield if I am permitted to make a reply to questions.

Mr. FERGUSON. I should like to ask the Senator a question.

Mr. DOUGLAS. Will the Senator state his question?

Mr. FERGUSON. My question is related to line 16, at page 25 of the so-called Kilgore substitute. It says: "Invasion or imminent invasion of the territory of the United States or its possessions." Is there not some danger that North Korean troops, having some ships, could be considered as presenting a danger of "imminent invasion" of Okinawa?

Mr. DOUGLAS. I refer my good friend the Senator from Michigan to the words beginning at line 21:

> And if, in addition, the President shall find that the proclamation of such an emergency is essential to the preservation, protection, and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an internal security emergency.

In other words, there must be both an invasion and a proclamation by the President.

Mr. FERGUSON. That is correct. But I am speaking of an imminent invasion, which also may be a condition of a Presidential proclamation of an "internal security emergency."

Mr. DOUGLAS. Yes.

Mr. FERGUSON. Does the Senator believe that today the President could invoke this measure if it were in effect?

Mr. DOUGLAS. I would think possibly not.

Mr. FERGUSON. Why not?

Mr. DOUGLAS. Unless he has military information which the rest of us do not have.

Mr. FERGUSON. Suppose he claims he has such information. Suppose he says, "The existnece of the fleet of junks in the possession of North Koreans constitutes an imminent danger of invasion of one of our islands," and therefore he wants to invoke this section of the bill, here on the mainland. The bill does not say he must invoke it only against people on the island or that Russia, for example, must have already taken possession of the island.

Mr. DOUGLAS. No. The bill would give him discretion in the event of such "imminent invasion" to declare such a state of emergency.

Mr. KILGORE. Mr. President, will the Senator from Illinois yield so that I may ask a question of the Senator from Michigan, without the Senator from Illinois losing his right to the floor?

Mr. DOUGLAS. I shall be glad to do so.

The PRESIDING OFFICER. Does the Senator from Illinois make such a request?

Mr. DOUGLAS. I do.

Mr. FERGUSON. I shall not object.

The PRESIDING OFFICER. Hearing no objection, the Senator from West Virginia may proceed.

Mr. KILGORE. I should like to get from the Senator from Michigan his judicial definition of the term "imminent danger."

Mr. FERGUSON. The Senator from West Virginia has sometimes referred to the indefiniteness of the bill introduced by the Senator from Nevada. Now I think the term "imminent danger" could be defined by the President, in his own judgment, when he feels an imminent danger to exist. I should think that he would judiciously determine there was a probability of invasion, an impending danger and not a mere possibility. In such a case it could be said that imminent danger exists. But I see in the Kilgore bill no check upon the President's discretion.

I would say that under this bill, today, the President of the United States could say that imminent danger existed. I think if we went out to Okinawa tonight we would find a state of alertness on the island, that the island's defenses were alerted, in anticipation that anything could happen on Okinawa because a shipload of Koreans could land and blow up a gas tank, perhaps, or any part of our supply sources there. With considerable plausibility, I think it might therefore be said that there exists imminent danger of an invasion of the island. I might say that I have had conversations with some military men about the danger of an invasion even of Japan at the present time. They tell me they realize that grave danger exists of an invasion of Japan. I should now like to ask a question of the Senator from West Virginia, if I may.

Mr. KILGORE. Mr. President, before the question is asked, I may say that I had unanimous consent to ask a question.

Mr. FERGUSON. Very well.

Mr. KILGORE. I expect an answer.

The PRESIDING OFFICER. Consent was granted to the Senator from West Virginia to address a question to the Senator from Michigan.

Mr. KILGORE. I asked the Senator for his judicial definition of the words "imminent danger."

Mr. FERGUSON. I tried to give my answer to the Senator.

Mr. KILGORE. I could not understand that the Senator gave a judicial definition.

Mr. FERGUSON. That is not the fault of the Senator from Michigan.

Mr. KILGORE. If a man owns a shotgun there is imminent danger he might shoot somebody, that is, some people might say there was imminent danger. But it has not been so construed by the courts. It is generally considered by the courts, and by people of judicial minds, that "imminent danger" means overt acts and conditions which indicate that there is a probability, a strong probability, that something will be done.

Mr. FERGUSON. The Senator from Michigan does not agree with the Senator from West Virginia.

Mr. KILGORE. I do not care to become involved in a discussion of private conferences with military personnel about top secrets and things of that kind. I was merely seeking the definition. One can always refer to such things, but I think that we, as Members of the Senate, should confine ourselves to the reactions of a reasonable man. If there are things wrong with the bill which should be amended, I think the Senator from Michigan could well make the necessary corrective amendments.

Mr. FERGUSON. The difficulty the Senator from Michigan finds in replying to the Senator's question is that he is too familiar with the Constitution of the United States, the heritage of the people of the United States, and the history of the United States to square the internment section of the bill with our traditions. I have gone over the ideals we have as Americans. By properly constituted law we have prohibited a person from taking a step to commit a crime, where one is in position to do it, intending to do it, and is intercepted. That is held to be an attempt to commit a crime. But that is as far as we have ever gone. We have never gone so far as to go down into the recesses of a man's mind, into his thoughts, and say that because he had the thought of committing a crime we were going to make it a crime and were going to mete out punishment—whether it is called imprisonment, detention, or anything else—we just have not gone that far in the United States.

We fought the Revolutionary War because we did not believe in the British system, and our forefathers were very careful to provide in the fifth amendment that a citizen should be protected against deprivation of life, liberty or property except by due process of law, and in the sixth amendment that in all criminal prosecutions a man shall have the right of speedy and public trial by a jury of his peers, and the right of counsel and to confront the witnesses against him and summon witnesses in his own behalf. The provision in the concentration camp section of the bill we are discussing is the first of its kind that I have ever seen, and I believe it to be a grievous departure from those basic guaranties of liberty which are in the Constitution.

I desire to do all I can to help against the Communists or any other subversive element, but I have to square my own conscience with the historical background of the Anglo-Saxons, and particularly with our traditions here in the United States, and with the written Constitution of the United States.

Mr. KILGORE. Mr. President, will the Senator answer a question?

Mr. FERGUSON. I have been trying to answer the Senator's question.

Mr. KILGORE. Then the Senator's objection is on the ground of the provision for interment under any circumstances. Is that correct?

Mr. FERGUSON. No, not under any circumstances. I remember well that when in the Committee on the Judiciary, we were trying to provide for the lawful deportation of an alien, which is in an entirely different category, the Senator from West Virginia rose in righteous wrath and said, "You cannot detain a man without some kind of a trial." The Senator from Michigan was one of the first to agree and to say, "Let us make it a crime to remain in this country willfully after a legal deportation order. Let us try the man before a jury, a jury of his peers, in a legally constituted court, before we sentence him." We changed the bill to that effect.

Mr. KILGORE. I still am endeavoring to get an answer to my question.

Mr. FERGUSON. I am trying to answer the question.

Mr. KILGORE. I desire to go a little further. Is not the principal objection to the feature of the bill having to do with internment?

Mr. FERGUSON. Yes; internment is all that is in that feature or title of the bill. The difficulty with it is——

Mr. KILGORE. Wait a moment.

Mr. FERGUSON. My objection to that section is that it reminds me of the Constitution of the Soviet Union. Let me read from a comment on that document in reply to the question.

Mr. KILGORE. I have not been a deep student of the Constitution of the Soviet Union.

Mr. FERGUSON. The Senator from Michigan has taken occasion to study it. The Soviet Constitution of 1936 contains an elaborate bill of rights, including the right of personal inviolability. "The citizens of the U. S. S. R.," reads article 127—and this is the pertinent section—"are guaranteed the inviolability of person. No person may be placed under arrest except by decision of the court." If the article ended here, it would be equivalent to western habeas corpus provisions. Even then, its significance might well be marred by the fact that the Soviet courts are not independent in the same sense as western courts, judges being either appointed by the Communist government or elected under the general clauses of the constitution that give the Communist Party the decisive influence in the nomination of candidates.

Yet article 127 does not end there. It states that—

> no person may be placed under arrest except by the decision of the court—

And I want to underscore these next words—

> except by the decision of the court or with the sanction of a State attorney.

That is exactly what this internment provision does. It permits a person to be imprisoned upon the sanction of a State attorney. It does not even say by the decision of the court.

Mr. DOUGLAS. Mr. President, may I ask the Senator if he is reading from the Columbia Law Review for June 1950?

Mr. FERGUSON. Yes.

Mr. DOUGLAS. I am glad that the source has been identified. I want the Senator to turn to page 67. Will the Senator check me?

Mr. FERGUSON. I do not need to, because the Senator will read it correctly.

Mr. DOUGLAS. It reads:

> The Supreme Court confirmed the constitutionality, first of the curfew order, and later—over the dissent of Justices Roberts, Murphy, and Jackson—of the exclusion order as well, although the latter had left the excluded persons no choice but that of entering assembly and relocation centers. The majority based its opinion on the powers of President and Congress "to wage war successfully." The great significance of the decision is to be found, not in its recognition that in wartime it may become necessary to limit the freedom of dangerous citizens—that had already been recognized by article I, section 9, of the Constitution—but in the fact that the Commander in Chief was considered entitled to do so without a previous suspension of habeas corpus.

And a little further on the author declares:

> It must be frankly admitted that, in the United States as in Great Britain, the principle of habeas corpus has not prevailed against the detention of persons designated as dangerous by the executive branch of the Government.

And the Senator will find in other sections of the same article references to the experience of other countries, like France and imperial Germany, which long preceded the Russian action about which he has read.

I commend those other parts of the article to the Senator.

Mr. FERGUSON. I am familiar with that reference to the Japanese-American civil rights cases we touched upon earlier in our discussion. They, and the dissents, deserve very careful study. In particular the third decision, in the Endo case, should be studied. The first of the decisions did confirm the curfew regulations. A military territory was designated. Congress passed a statute making it illegal to violate any of the orders of the President or the military authorities in that district, and what they did was to take a man into court and try him for a crime, the crime of violating those orders or regulations. But they did give him a trial before a jury of his peers. There was nothing wrong with that procedure. There is no complaint against that kind of law.

Mr. DOUGLAS. They did a great deal more with the Japanese-Americans than merely take them into court. In effect, they were confined to relocation centers in mountainous portions of the country.

Mr. FERGUSON. In answer to that I wish to say that the only person I know of who made complaint about such a matter was one Mitsuye Endo, and when she made an application for a writ of habeas corpus it was granted on the ground that there was no authority to keep her in prison, or under detention.

Mr. DOUGLAS. I beg the Senator's pardon. I believe he unintentionally misstated the Endo case. She was granted her freedom on the ground that it had been demonstrated that she was loyal, and it having been demonstrated that she was loyal, she should not be detained.

I should like to point out to the Senator that under the Kilgore bill there is provision for judicial review, so a hearing can be ordered for any person who has been improperly detained.

Mr. FERGUSON. It would certainly be a violation of the fifth and sixth amendments of the Constitution to do otherwise. In the Endo case there was a trial by jury.

Mr. DOUGLAS. What I am speaking of is not a crime and therefore it is not required under the Constitution that there be a trial by jury.

Mr. FERGUSON. That then involves the protections of due process under the fifth amendment. The Senator and I differ with respect to what is a criminal prosecution. If I am put in prison by fiat and kept there for a day or a year, or until Congress, by passing an act, lets me out, or the President of the United States lets me out, I should certainly feel that I was wrongfully kept in prison.

Mr. DOUGLAS. Mr. President, a point of order. I have the floor.

Mr. FERGUSON. I would feel that I was improperly imprisoned if it were necessary to have a special bill passed in order that I could be freed from jail. I will have something more to say later, Mr. President, on that point.

Mr. President, may I have the floor in my own right?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. MORSE. Mr. President, a point of order.

Mr. FERGUSON. I have the floor.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. MORSE. Has the Senator from Illinois yielded the floor?

Mr. DOUGLAS. I have not yielded.

The PRESIDING OFFICER. The Chair was under a misapprehension.

Mr. FERGUSON. The Senator from Michigan thought the Senator from Illinois had yielded the floor.

Mr. DOUGLAS. I was not aware that I had yielded the floor at all.

The PRESIDING OFFICER. The Chair misunderstood the action of the Senator from Illinois. The point of order is sustained.

Mr. FERGUSON. I will relinquish the floor on that condition. I misunderstood the Senator.

Mr. DOUGLAS. Mr. President, the question raised by the Senator from Michigan is very important. It is true that we would expand the discretionary powers of the President. Whenever we expand the discretionary powers of the President we create the possibility of an abuse in the use of those powers. There can be no doubt about that. But we are faced with a situation which requires some added exercise of power, because there is a real peril before us. The Kilgore bill grants that power, but accompanies it with vital safeguards.

I have been trying all afternoon to say that the real peril before us is not from propaganda, but from potential sabotage and espionage. Before there is a state of war we could have espionage, and we could have sabotage. We do not know what has been happening to some of the ships in the Canadian Navy and merchant marine, or some of the ships in the British Navy, but there have been a rather large number of cases in which certain ships have been put out of commission. It is possible that acts of sabotage are being committed.

Similarly, we are moving into this curious period—and it is a very difficult period for liberties I grant—in which ininstead of having a sharp distinction between war and peace we have twilight zones of hostility. We know that the Communist Party during that period would try to weaken its potential opponents. I think if they feel by the beating of the drums that war is close, or that hostilities are close, before the war actually occurs there may be serious acts of sabotage committed by them which could gravely cripple us.

The difficulty now is that for the first time since the French Revolution—although probably to some degree the same was true with respect to the Nazis—but really for the first time since the French Revolution we have conspiratorial, revolutionary groups of men inside a country who really owe their allegiance to a foreign country, and who therefore might commit physical acts, such as the blowing up of bridges, the destruction of vital centers, the poisoning of water supplies, and even atomic explosions in advance of any overt and hostile action by the military forces of Russia. All this might occur. If it did it would be irreparable. In the face of that situation are we to say we have no power to proceed?

The theory of the Kilgore bill is that if a state of emergency actually exists, and Congress and the President so define it, then we are to have temporary powers of internment—but only temporary powers of internment. We will put these people, in slang parlance, on "ice," so they will not do any damage during this period. If the emergency subsides, it can be declared to have ended either by joint resolution of the Congress or by proclamation of the President. Then the emergency authorizing the use of the powers granted in the bill is terminated, and the person is free.

Or there can be individual examinations, leading to release from detention, not merely by administrative officers and tribunals, but with ultimate appeals to the courts. So if the Attorney General, or the Board of Detention Review, or the courts order a man to be freed, he will be free. But temporary detaining powers are provided during this period to administrative authority to safeguard us from peril.

I can understand the revulsion on the part of the Senator from Michigan. It does him credit. No one wants to have detention camps. But we are faced with the difficult problem of trying to combine freedom with security, and what we say is that the bill which the Senator from Michigan puts forward will not give us security, but it will interfere with freedom of thought, whereas our bill will give security, and yet provide the least interference with liberty. That is the issue between us.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. FERGUSON. The Senator from Michigan has spent a great deal of time on this matter. He agrees wholeheartedly with the Senator respecting the fundamental principles of protection for our great Republic. That concern accounts for the considerable labor that he has put in on the so-called Mundt-Ferguson-Johnston bill, as a means of providing such protection, in view of the great conspiracy against our Republic. But while there has been much effort to protest against that conspiracy there has been even more effort and labor to afford that protection by preserving the basic freedoms which are so dear to us.

One of the greatest difficulties is that the Senator from Michigan has long practiced law, has been on the bench such a long time that he has developed an acute consciousness with respect to the fundamental rights of our people. The Senator from Michigan has worked hard on this matter. The bill which he sponsors has at times been criticized as being too weak, giving too many rights to the defendant. But the Senator from Michigan wanted to make positive that he was within the Constitution at all points. I have never known of a man being held to be guilty of a crime simply because he has the tools with which to commit a crime.

Mr. DOUGLAS. I can only repeat what I have said before on this point. The Kilgore bill in title 2 does not provide for detention as a punishment for a crime. It provides for this form of internment to prevent—and I emphasize, prevent—the commission of crimes that would be highly dangerous to the Nation's security.

There are precedents in our law for such detention, even though no crime has been actually committed—in the internment procedures for enemy aliens and in the detention procedures applied to persons removed from critical areas during World War II. We are suggesting that the careful use of such power, to protect the Nation from real security and under safeguards, should now be authorized.

Mr. HOLLAND. Mr. President, I should like to address a question or two to the Senator from Illinois if permitted to do so.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Illinois yield to the Senator from Florida?

Mr. DOUGLAS. Certainly.

Mr. HOLLAND. The Senator from Florida has listened all afternoon to the able address of the Senator from Illinois and he has three or four questions on points on which he is completely unsatisfied by the able address of the Senator from Illinois. I address this question in all seriousness to the Senator from Illinois, and I hope he will give ear to it. It seems to me, from the address of the Senator this afternoon, that the program which he favors offers a remedy which exists only in time of imminent danger of war, or after the declaration of war.

Mr. DOUGLAS. Either in time of war, or possibly also, in time of imminent danger if Congress and the President so declare.

Mr. HOLLAND. Then I am in agreement with the Senator from Illinois, because it has seemed, this afternoon, that the Senator from Illinois has offered a remedy, namely, a concentration-camp technique——

Mr. DOUGLAS. A detention center.

Mr. HOLLAND. Well, a detention center or whatever the Senator from Illinois may wish to call it—applicable however, only after imminent danger, to be determined by the President——

Mr. DOUGLAS. And Congress.

Mr. HOLLAND. Yes; and Congress—threatens the Nation or after a proclamation of war.

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. If I have correctly understood the Senator from Illinois, he has objected strenuously to the whole registration procedure, as proposed, because he says it would not work.

Mr. DOUGLAS. That is one of the reasons, namely, it would not work to prevent sabotage and espionage.

Mr. HOLLAND. And the Senator also says that the registration procedure would not be successful because of the long delays, extending over many years. Is that correct?

Mr. DOUGLAS. That is right.

Mr. HOLLAND. I have further understood the Senator from Illinois to say that there would be no registration; and, therefore, the Senator has said, in effect, that the Communists would be running around unknown and unidentified.

Mr. DOUGLAS. Yes; relatively so.

Mr. HOLLAND. I should like to know whether there is anything in the program advocated by the Senator from Illinois which would tend to meet that problem, namely, the problem caused by having Communists running around in the United States, unidentified, up to the

time of imminent danger or up to the time of a proclamation of war.

Mr. DOUGLAS. Let me say that apparently the identity of the 12,000 Communists whom Mr. Hoover regards as dangerous is known to the FBI; and I have understood—although I have not read the entire text of his remarks—that Mr. Hoover is familiar with the entire membership of the Communist Party, some 50,000 persons. However, it would be another matter to demonstrate such proof of membership to the courts.

My point is that that information is available to the persons who need it to protect our security, the FBI; and in a period of real national emergency, under the provisions of the Kilgore bill, that information could be used as the basis of proceeding administratively to intern persons who might be dangerous to the national security.

However, I say that the registration provision included in the Mundt-Ferguson bill or in the McCarran bill, would take a great deal of time to administer; and in the meantime, even though a national emergency existed, there would be no weapons with which to deal with it.

Mr. HOLLAND. Let me ask my second question, then: Does the Senator from Illinois have any objection to the purpose of the registration provision of the McCarran bill and the Mundt-Ferguson bill, which would bring into the open and into public knowledge the membership of the Communist Party and of Communist-controlled organizations and of Communist-front organizations?

Mr. DOUGLAS. So far as Communist-controlled organizations are concerned, I certainly have no objection to having the identity of Communists known. I certainly hope the Senator from Florida is not trying to imply that I want to conceal their identity. That is not my desire at all.

I simply say the pending measure will make that difficult. Moreover, it would be possible for the Communists to file false lists of their members or to prepare false lists of their members, and thus for the Attorney General to proceed on that basis, thereby resulting in the smearing of innocent persons. How could we tell whether the lists prepared by the Communists were authentic and correct? We would have to take the word of the most unreliable and the most "tricky" groups in the population.

Mr. HOLLAND. Is there anything in the present law which would prevent the Communists from preparing false lists, in stating or charging who were their members?

Mr. DOUGLAS. No; I do not suppose there is.

Mr. HOLLAND. Then the law the Senator from Illinois is proposing would not create any greater assurance than would the measure now pending that accurate and correct lists would be prepared under such circumstances; does the Senator agree?

Mr. DOUGLAS. At the present time there is no obligation for the Communists to state who are their members; but under the provisions of the McCarran bill there would be such an obligation. However, there would be no assurance that the Communists would make truthful reports in that connection.

Mr. HOLLAND. The Senator from Illinois is not under the impression that the enactment of the McCarran bill would enlarge the mendaciousness of the Communists, is he?

Mr. DOUGLAS. No; but it would allow their present mendaciousness to have full scope and to inflict more damage.

Mr. HOLLAND. Does not the Senator from Illinois think that the purpose of the registration provisions of the pending measure—namely, the bringing of the membership of such organizations out into the open—would be substantially accomplished as well by the pendency of proceedings against such persons and by public knowledge of the persons against whom the proceedings were pending, as would be the case if the registration was actually completed?

Mr. DOUGLAS. Perhaps I did not make my position clear. I tried to point out that the process provided under the McCarran bill would take a long time, even before there was a final order compelling an organization to register its members. So there would be delay, to begin with; and then there would be the possibility of the preparation of false membership lists, and so forth. Furthermore, there would also be the quarrel as to what really are Communist-front organizations. There would be all those delays.

Mr. HOLLAND. But in the meantime, does the Senator from Illinois agree, the fact that proceedings had been brought against certain named organizations and certain named individuals would be public knowledge, and therefore that purpose of the McCarran bill and of the Mundt-Ferguson bill would be accomplished?

Mr. DOUGLAS. There would be proceedings which would be brought against the named organizations, and those proceedings would continue over a period of years. It is true that there would be such proceedings.

I have always felt that probably it is a good thing that the Attorney General has prepared his list of so-called "subversive organizations." In other words, we now have such a list, which I believe includes approximately 150 organizations. Some of the organizations may have been improperly listed, but on the whole I think that listing was a good thing.

However, before there could really be actual registration under the McCarran bill, it would be necessary to go through the long process of deciding which organizations would be required to list their members, and there would be long delays in that connection. Therefore, if security is the purpose and the aim, the pending measure would not provide security.

Mr. MUNDT. Mr. President, will the Senator yield at this point?

Mr. DOUGLAS. I am glad to yield to the Senator from South Dakota.

Mr. HOLLAND. Mr. President, I have not quite concluded my questions, let me say to the Senator.

Mr. MUNDT. I do not wish to make more than one or two comments at this point, in connection with the questions the Senator from Florida has asked.

Mr. DOUGLAS. I yield.

Mr. MUNDT. My comments are in reference to the law.

I think the Senator from Florida has made a very interesting point in regard to false registration. Under existing law, nothing stops the Communists from making false registrations or false listings of any kind, as all of us have agreed.

I simply wish to call the attention of both Senators to page 38, section 16, paragraph (b) (1), of the Mundt-Ferguson provisions which specifically provides against false registration, and makes each false registration a separate crime, and makes the penalty cumulative. So in the pending measure we have a better safeguard for innocent persons, once this measure becomes law, than we ever have had before.

Mr. DOUGLAS. I thank the Senator, but I am sure he does not believe this would be a serious deterrent if the Communists believed it would be to their advantage to raise a dust cloud.

Mr. MUNDT. It would be a tremendous deterrent, because this provision could result in putting them in jail for as long as 50 or 60 years; and even a Communist would not like to be put in jail for that long.

Mr. DOUGLAS. But in view of the possible delays, that provision would not be effective until 10 or 15 years had passed.

Mr. MUNDT. It could be effective within a few months, a maximum of 8 months to be exact. With the first effective features becoming operative in 60 days.

Mr. DOUGLAS. If the Senator will consult exhibit II of my remarks in the RECORD tomorrow, he will see that the administrative and legal processes often take years to complete.

Mr. HOLLAND. Mr. President, does the Senator from Illinois believe that the McCarran bill or the Mundt-Ferguson bill would provide a better safeguard against the possibility that innocent persons would be charged with being Communists or with being members of Communist-front organizations, than do the present laws and the present uncontrolled practice of the Attorney General of simply issuing lists, without having available any procedure at all for the protection of the individuals or the organizations named in those lists?

Mr. DOUGLAS. Does the Senator refer to lists made by the Government?

Mr. HOLLAND. Yes, by the Attorney General.

Mr. DOUGLAS. No; I do not. I think the stigma resulting from the error of making a false accusation would be far greater under the Mundt-Ferguson provisions than is possible at the present time.

Mr. HOLLAND. The Senator from Illinois thinks, does he, that with a formal law on the statute books, the public would pay much greater attention to the naming of a person or an organization as being Communist, than would be the

case under the present rather indiscriminate practice?

Mr. DOUGLAS. Under the McCarran bill there would be a prolonged and public series of suits before administrative tribunals and the courts which would keep the whole country in an uproar for years, whereas under the present practice there is one administrative listing and that is all.

Mr. HOLLAND. My next question is this: I noticed that upon a question propounded by the senior Senator from Illinois and responded to by the junior Senator from Illinois, this fact was brought out: it was feared that the Communist-front and Communist-controlled organizations, if charged under the McCarran bill with the responsibility for registration, would simply protract and prolong the proceedings, and they would go out of business or melt away before the matter was ever brought to a head. Is that correct?

Mr. DOUGLAS. Not exactly. Such an instance might occur, but I think it was made clear that the Communist-controlled organization could change its name as has been done in the past, in order to prevent the registration of members. As the Senator from Florida is well aware, it is unnecessary for individual members of a so-called Communist-front organization to register under the Mundt-Ferguson aspects of the McCarran bill. So the real danger, to which I referred, is the fear that the Communist-controlled organization, or the Communist-political organization, would change its name, or would lose members by tactical but not conscientious resignations. So there would be no obligation to register; that is a fact.

Mr. HOLLAND. As a matter of fact, if the result were to be as indicated by the question and answer, that the Communist-front and the Communist-controlled organizations would go out of existence and be abandoned, then that objective of the legislation would be attained, would it not?

Mr. DOUGLAS. Not at all. The vital group would not go out of existence, only its name would change. That is the reason I used the analogy of the chambered nautilus. They would move from one shell to another, but the vital force would continue.

Mr. HOLLAND. Does not the Senator think that the present cloak of respectability would be lost, and that the Communists would be actually confined to the "hard core" of Communists referred to several times in the exchange between the Senator and his senior colleague?

Mr. DOUGLAS. Will the Senator restate the question?

Mr. HOLLAND. I will restate it. Does not the Senator think that if the Communist-front and Communist-controlled organizations go out of existence during the pendency of proceedings——

Mr. DOUGLAS. I was saying that it is primarily the Communist-controlled organizations which would disappear, and those with new names would take their place.

Mr. HOLLAND. Does not the Senator think that the disappearance of those organizations would tend to withdraw from the Communists any present cloak of respectability which they have?

Mr. DOUGLAS. No; because they could assume a new name.

Mr. HOLLAND. And that it would leave them to the activities of the "hard core" of Communists, who were referred to several times in the colloquy between the Senator and his colleague?

Mr. DOUGLAS. I think that probably this colloquy illustrates the complexity of the matter. I would say that apparently, according to Mr. Hoover, what we have in an inner Communist Party organization, which has an inner "hard core" of determined revolutionaries. Then, within the Communist Party, there is a wrapper, so to speak, of those who are Communists, but who probably are not potential saboteurs. There would then be various other ramifying circles.

What I am trying to say is that the real danger to the United States is with the "inner hard core." If what we want to do is to punish the outer extremities, let Senators go ahead and do that. But I think the real danger to the United States is from this inner "hard core," who are potential saboteurs and spies. Mr. Hoover says there are 12,000 of them. In my judgment, if we had a period of national emergency—and I think it is pretty close to being a period of national emergency now—the best thing the country could do would be to "put them on ice," so to speak, treating them nicely, but to take them out of circulation so that they could not commit acts of sabotage or spying.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I am glad to yield.

Mr. HOLLAND. If the Senator will permit me to make just one observation before I sit down, I should like to do so. He has been very patient, and I appreciate his patience. It seems to me that the program sponsored by the Senator from Illinois, at least insofar as the junior Senator from Florida is concerned, fails completely to satisfy in two regards: First, it does not propose to bring into existence any program whatever up until the time that imminent danger threatens the Nation, insofar as bringing the Communists out into the open or offering any opprobrium or public disgrace to Communists, Communist fronts, or Communist-controlled organizations. The junior Senator from Florida thinks that is a real defect of the program of the Senator from Illinois. Second——

Mr. DOUGLAS. May I reply to that, first, or does the Senator prefer to complete his question?

Mr. HOLLAND. The Senator may reply to that, first, if he desires to do so.

Mr. DOUGLAS. I should say my whole thesis has been that the real danger to the United States is sabotage and spying, which does not come into play until we approach a period of emergency. The danger is not propaganda, which can be allowed to operate, and which will not have much effect, anyway. The danger is that of sabotage and espionage. And the crucial thing is that the FBI should know who these dangerous persons are so that they can be thwarted.

Mr. HOLLAND. The Senator from Florida is in thorough agreement that sabotage and espionage should be proceeded against, and should be feared. But he is not at all of the conclusion which apparently is entertained by the Senator from Illinois, that at the present time we should simply set still and wait.

Mr. DOUGLAS. No; I am proposing that we take far more decisive action than is provided under the McCarran bill.

Mr. HOLLAND. But he feels that the approach attempted by these two bills is salutary and is demanded in the public interest. He has listened with a great deal of hopefulness, in the belief that there would be something in the program sponsored by the Senator and so ably discussed by him, which would meet this problem as to how to deal with the Communists between now and the time that a state of emergency may be created.

The second observation the Senator from Florida will make, if permitted to do so, is that, it seems to the Senator from Florida, that a second hopeless defect in the program sponsored by the Senator so ably is this, that there is nothing in it which tends to make the Communist hard core shed and lose the benefit of the Communist-front and Communist-controlled organizations, which up to this time have given it its greatest encouragement and publicity, its sole cloak of respectability, and which, in the admission of the Senator from Illinois, as the Senator from Florida has understood his colloquy with his distinguished colleague, would be, to a large measure at least, disbanded and done away with in the course of proceedings brought against them.

So, in closing, and again voicing his appreciation of the patience of the Senator, it would seem to the Senator from Florida that the program of the Senator from Illinois and his associates begins too late, covers too little territory, does not satisfy the demands of the hour, makes no approach to the immediate problem, and in effect would have us sit still and wait with folded hands until there was imminent danger upon the Nation. It is, in the opinion of the junior Senator from Florida, exactly wrong to do that, and completely necessary to bring about an approach to the problem which comes before the house begins to burn. I thank the Senator from Illinois.

Mr. DOUGLAS. I will merely say in reply to the statement of the junior Senator from Florida, which is interesting, that I should like to have his statements read in comparison with the concluding paragraphs of my own speech, in which I said that the Mundt-Ferguson features of the McCarran bill would not really be operative for a long period of time, that they would not act in the emergency, that they would not provide security, but that they might, by indiscriminate smearing, inhibit discussion, and that while a Communist organization might disappear, it will spring up again under a new name. I know the Senator is opposed to indiscriminate smearing, but I am not quite certain that he fully realizes the danger.

Mr. HOLLAND. He is. If the Senator will yield for a moment——

Mr. DOUGLAS. I should like to finish first, and then I will yield again.

Mr. HOLLAND. The Senator from Florida would like to make it very clear that his aversion to indiscriminate smearing goes a good deal further than as indicated by the Senator from Illinois, because he has no patience or sympathy with it whatever. Neither the Senator from Illinois nor any other Senator has ever heard any word come from the Senator from Florida which indicated any patience with indiscriminate smearing. He has exactly the same aversion to that as does his friend, the Senator from Illinois. But he does feel in the two points mentioned, the program of the Senator from Illinois waits too late, waits too long, brings too little hope of results, and he implores the Senator from Illinois to consider adding something to his program which meets the immediate situation and meets as well what he believes to be the expectation of the public that this Congress will not adjourn without having set up some machinery——

Mr. DOUGLAS. I should like to see the Kilgore bill passed. I think I have demonstrated my reasons for preferring it over the McCarran bill in my main speech.

Mr. HOLLAND. Without having set up some machinery to do away with the threat of communism, before the actual imminence of war brings about concentration-camp methods such as those embraced in the Kilgore bill.

Mr. DOUGLAS. I may say that I should like to get action, and that is why I think the Kilgore bill should be passed. It is not a means of delaying action, it is a means of enabling us to deal with the situation. If the Kilgore bill were passed, I am inclined to think that I, as one Member of the Congress, would favor a declaration of a state of internal security emergency, so far as I am concerned. Personally, my vote would go to giving the President the power to issue a proclamation and to take action which would put these people where they belong, out of circulation.

So I hope the Senator from Florida will not think that either I or the cosponsors of the bill are trying to delay matters. I was struck with the fact that the Senator from Michigan [Mr. FERGUSON] said we were doing too much, and the Senator from Florida says we are doing too little. It reminds me of the old saying:

> Either too young or too old, either too hot or too cold.

Mr. HOLLAND. Does the Senator from Florida correctly understand his friend to say that in the event of the passage of the Kilgore bill we are to anticipate the immediate declaration of an emergency by the President, under which a detention camp may be set up?

Mr. DOUGLAS. Not at all.

Mr. HOLLAND. At what stage?

Mr. DOUGLAS. I said that, as one Member of the Senate, I would be inclined to vote to permit the President to issue a proclamation and take appropriate action in the light of all the information at his command. That is my feeling as of the present moment.

Mr. HOLLAND. To clarify that statement, if the Senator from Illinois will yield for one more question, does he mean, by his last remark, that he feels the conditions and requirements of internal security now existing do, in his opinion, justify the immediate application of the provisions of the Kilgore bill, in its detention-camp provisions?

Mr. DOUGLAS. No; but I say that if the war in Korea develops further, if there is activity by the Chinese Communists on the side of the Korean Communists, and if Russia takes an effective part, such a situation may arise as to indicate great danger of sabotage from Communists inside this country. I should like to see the President equipped with power to deal with such a situation. The Senator was apparently saying just now that I was doing something too rapidly, while just a moment ago he was saying I was too slow. In one breath he said I was doing too much, and in the next that I was doing too little. He cannot have it both ways.

Mr. HOLLAND. The Senator from Florida has known the Senator from Illinois too long to attempt to push him in any direction, but it seemed to the Senator from Florida that the Senator from Illinois was blowing hot and cold. Judging from the last remark of the Senator, he is almost to the point where he wants to now set up a detention camp.

Mr. DOUGLAS. No. The Senator from Illinois has been considering and studying carefully the provisions of the bill. First, the Senator from Florida looks at me from one direction and then from another direction, and he does not have a complete sense of the relativity of motion.

Mr. HOLLAND. Admitting that it is difficult for anyone to observe the gyrations of the Senator from Illinois——

Mr. DOUGLAS. Is that a kind word?

Mr. HOLLAND. I think so. I meant it as such. I simply want to observe that if the Senator from Illinois has come around now to the point where he thinks an emergency is upon us, or so nearly upon us that he thinks quite forceful action is required, perhaps the Senator is not so far from the position of the Senator from Florida as the Senator from Florida had feared up to the last few minutes.

Mr. DOUGLAS. I think that is probably true. In view of the Senator's last remark, I shall therefore count on the vote of the Senator from Florida.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I have been going since 6 o'clock this morning without anything to eat. It is now 6 o'clock this evening, and I am a little fatigued.

Mr. KILGORE. I should like to get over a point which I think the Senator from Florida would be interested in hearing. It was brought out that the chief records we have in order to obtain registration are in the FBI. Is it not a fact that once our reserves are committed we cannot go very much further?

Mr. DOUGLAS. That is correct.

Mr. KILGORE. The records of the FBI are the reserves to safeguard this country in the event a critical situation shall arise. If it is necessary to commit those reserves and thereby to take a complete course of action in finding out who are Communists, and possibly not finding all of them, we have then lost one of our principal safeguards against sabotage and espionage in the event of war.

Mr. DOUGLAS. That is correct. The Senator from West Virginia made this point earlier in the debate this afternoon, but it is so important that it needs to be emphasized. The ultimate sanction under the McCarran bill is in the courts. In the court the records of the FBI have to be introduced. That will immediately expose to public scrutiny the operators of the FBI and will impair the value of the FBI as a guard against actual sabotage in a period of emergency.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I was interested in the comment of the Senator from West Virginia. The Senator from Florida was present when the point was made. I invite the attention of the Senator from West Virginia who was once a soldier, and, I believe, is still a good soldier, to the fact that the commander has power to decide when his reserve shall be thrown in, and it is not the feeling of the Senator from Florida that any successful commander would throw in all his reserves in the beginning. The beauty of the whole program would be a matter to be determined at the proper time when, how, and by what degrees the information now available was disclosed. So that the Senator from Florida does not feel at all that it would be necessary to play out the whole hand of the FBI at this time. The Senator from Florida feels that when the appropriate officers have full knowledge that certain persons are Communists, they would be thoroughly justified in bringing that fact out in the open, and the proper and important objectives of the registration bill would, in almost all respects, be subserved by the mere pendency of the proceeding, whether or not those charged with the responsibility of enforcing the law would call in their reserves, as the Senator has so colorfully stated. I thoroughly agree that it would be foolish to throw in all our reserves, but I would also remind the Senator of something which he has apparently forgotten, and that is that those representing the United States would be the ones to determine when the reserves would be thrown in, when the FBI thinks they should be made available, and in what degree. The Attorney General would be the complete captain in that regard, and should remain in that position.

Mr. DOUGLAS. Does the Senator from West Virginia wish to reply to that comment?

Mr. KILGORE. That is the very point, Mr. President. The Congress, by forcing registration, takes the control of the Reserves out of the hands of the Commander in Chief. In the old days

the Russian commissars told the commanding officer what his decision should be. Congress, as commissar, would tell the commanding officer, "You will have to throw in your reserves in in order to register these people." If the reserves are thrown in, I feel that we shall be putting the Executive in a very bad position.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I have studied the McCarran bill very carefully and I find no words in it that would force the hand of the FBI. In my opinion, those who would control the administration of the law would be foolish indeed to play all their cards in the beginning.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. KILGORE. I should like to ask the Senator from Florida how he expects to accomplish complete registration unless he thinks the Communists are coming galloping in to put their names on the dotted line.

Mr. DOUGLAS. Mr. President, before I yield the floor, I should like to make one final statement which is more or less of a reply to the general inquiries addressed to me by the Senator from Florida.

The Senator would imply that we are completely helpless at the present time and have no legislation whatever on the subject. This is not true. We have the Conspiracy Act of 1861 on the books. We have the Smith Act on the books. Eleven Communist leaders have been convicted under the Smith Act, and their conviction has been appealed from the United States Court of Appeals in New York and the case is on its way to the Supreme Court. There probably will not be a long delay in the decision of the case, and I confidently hope the decision of the appellate court will be upheld.

In the meantime, certainly we could act under the Smith Act and take in more leaders. Probably the definition is sufficiently broad to take in most of the hard-core Communists. Mr. J. Edgar Hoover has said that in the event of war he can put his hands immediately on the 12,000 Communists who are the most dangerous, and possibly on a total of 55,000 Communists.

I should like to point out that we have many statutes in addition to the Conspiracy Act and the Smith Act. We have the Foreign Agents Registration Act, the Immigration Act, the treason statute, the peacetime espionage laws, and the laws relating to sabotaging of utilities. In addition to that, we have the Government loyalty program, and so on.

Therefore, the idea that we are helpless is not true. Furthermore, we have a very effective counterespionage organization in the FBI which I think has done an admirable job in protecting our security without endangering our liberties. We should not impair its operations by imposing the McCarran bill upon it.

Mr. HOLLAND. If the Senator will yield further, I may say that I agree with him that we have some protection against some aspects of the problem. However, we do not have the machinery necessary to bring Communists out into the open so that they may be known to the public. I may say further that exactly the same objections which the Senator has argued and urged so earnestly with respect to the slowness and delays of courts in the event the McCarran bill were enacted applies equally to the laws which he has listed. The same argument applied in a very great degree to the trial of the 11 Communists in New York, which was a most disgraceful exhibition, the like of which I have not seen in all the years that I have practiced law.

Mr. DOUGLAS. I agree with the Senator from Florida that the New York Communist trial was disgraceful in the way the Communist defendants and their lawyers misbehaved themselves. A bad precedent had been set by the defendants in the sedition trials during the war of alleged pro-Nazis and anti-Semites. But the Communists outdid even that group in their misbehavior.

Mr. HOLLAND. A great majority of us in the Senate have been very eager to do away with some of those abuses. For instance, we have tried to eliminate the picketing of courts.

Mr. DOUGLAS. I join with the Senator in that respect.

Mr. HOLLAND. I am very glad to hear that the Senator from Illinois joins us in that respect, but at least one Senator who is apparently interested in the Kilgore substitute measure and who signed the minority report on the pending measure, has been opposed to the passage of the antipicketing bill, and has expressed his opposition to it when it has come up from time to time on the Consent Calendar. So far as the Senator from Florida is concerned, the point he is making now is that the very objection so eloquently urged by the Senator from Illinois this afternoon in referring to the delays, slowness, and unenforceability which he believes to be inherent in the McCarran and the Mundt-Ferguson bills, if they were enacted into law, applies equally to the laws which he has listed, and applies in the same way to the trial of the 11 Communists, and the Senator from Florida would like to make it very clear that he believes the time has come when we should take steps now to bring these Communists out into the open. The Senator from Florida is eager to see a strengthening of the program sponsored by the Senator from Illinois [Mr. DOUGLAS], the Senator from West Virginia [Mr. KILGORE], and the Senator from Minnesota [Mr. HUMPHREY], because, in the humble opinion of the Senator from Florida, it is hopelessly defective in the two particulars he has mentioned, namely, it does not propose to do a single thing to add to the machinery now in existence until an imminent national danger exists; and secondly, it does not propose to do a single thing to remove the cloak of respectability now surrounding the hard core of Communists in the way of Communist-front and Communist-controlled organizations.

The Senator from Florida would respectfully request the Senator from Illinois to see if he cannot get his own consent to add to his program, which begins at a time in the far future, something which would make it applicable now to the pressing problem, with respect to which millions of people in our country are exercised and feel that Congress should do something now to bring out into the open these pernicious groups of subversives who are gnawing at the heart of our Nation.

Mr. DOUGLAS. Do I infer that the Senator now favors the Kilgore measure, but wants something added to it?

Mr. HOLLAND. I would say, if the Senator is asking the question, that in the event he adds the Kilgore measure to the other applicable features of the pending measure, I feel it might make an excellent additional feature. I am reluctant to have to say it, but it seems to me that the Senator has closed his eyes entirely to the fact that a present, pressing problem is upon us, and he offers as a substitute to meet that present pressing problem, something which begins to operate sometime in the distant future and as to which, if I may say it respectfully, there is much greater doubt as to its soundness from constitutional standards than there is as to the soundness of the proposed McCarran and Mundt-Ferguson bills.

Mr. HUMPHREY and Mr. KILGORE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and, if so, to whom?

Mr. KILGORE. May I make a correction of the RECORD?

Mr. DOUGLAS. Yes.

Mr. KILGORE. May I ask the Senator from Florida whether I correctly understood him to say that the sponsors of the Kilgore bill had been blocking the passage of the antipicketing bill?

Mr. HOLLAND. I will let the record show who has blocked the antipicketing bill.

Mr. KILGORE. I checked with the sponsors of this bill yesterday. As a matter of fact all Senators who sponsor the Kilgore bill favor the passage of the antipicketing bill. I want the record to be straight in that regard. I do not want a charge lodged against the sponsors of the substitute bill which is not correct.

Mr. HOLLAND. The Senator from Florida saw the objector when the measure was reached on the recent call of the calendar. That objector was one of the signers of the minority report on the pending bill. The Senator from Florida is perfectly willing to accept the statement of the Senator from West Virginia with reference to himself. If other Senators wish to make similar statements they may do so.

Mr. HUMPHREY. I should like to make my position on the antipicketing bill clear on the record. I have never believed in picketing the courts, and at all times I will support legislation which will do away with what I consider to be an interference with judicial processes and the independence of the judiciary. As a matter of fact, I think it is very important that our courts be without taint or any duress upon them.

If I may make one further observation, the Senator from Florida apparently has the attitude or opinion that something in the pending bill would expedite the procedures of law which were used, for example, in the most recent case in New York. As a matter of fact, there is

nothing in the bill which would do anything to strengthen the act under which those prosecutions took place.

Mr. HOLLAND. It is not necessary for the Senator to make that explanation. The Senator from Florida is quite familiar with the provisions of the pending measure.

Mr. DOUGLAS. Mr. President, I have yielded to the Senator from Minnesota.

The PRESIDING OFFICER. Perhaps the Chair will have to enforce the rules. Does the Senator from Illinois yield for anything but a question?

Mr. DOUGLAS. I yield for a question.

Mr. HUMPHREY. I should like to make an observation, provided the Senator from Illinois does not lose the floor.

Mr. DOUGLAS. I am glad to have the Senator do so.

The PRESIDING OFFICER. Is there objection?

Mr. FERGUSON. Reserving the right to object, how long will the observation be?

Mr. HUMPHREY. Not long, because I must leave very shortly.

Mr. FERGUSON. How long will the Senator's observation take?

Mr. HUMPHREY. Not over 3 or 4 minutes.

Mr. FERGUSON. I have no objection.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota may proceed.

Mr. HUMPHREY. The observation which the Senator from Minnesota wishes to make is that the 11 Communists who were brought to the bar of justice in recent months were brought to the bar of justice under the terms of the Smith Act. As the Senator from Illinois appropriately pointed out the verdict has been upheld by the Circuit Court of Appeals, and apparently will be upheld, we trust, by the Supreme Court. I wish to point out also that there is nothing in the pending bill which would have helped one iota to bring these 11 Communists to the bar of justice. These 11 men were known to be Communists. They did not have to register. Everyone knew they were Communists. They were brought into court by action of the Government under the terms of existing law, which fact is sometimes cast aside by the general public. I was happy to hear the Senator from Illinois point out that we have a number of laws on the statute books, and the fact that S. 4061, the Kilgore bill, would strengthen many of these laws. I think it is very important to have it quite clear that the provisions in the McCarran bill which have been discussed today by the Senator from Illinois would do nothing, positively nothing, to strengthen the existing laws insofar as the prosecution of Communists is concerned. If it worked properly it would register Communists. The Senator from South Dakota and other Senators have stated that the Attorney General already has the names of Communists. The Director of the Federal Bureau of Investigation says he can go out now and pick up 12,000 he considers to be dangerous. The Attorney General says the Department has the names of more than 50,000 Communists. They got them by their processes of counterespionage.

The best way in the world to destroy the effectiveness of the laws under which they operate; the best way in the world to destroy the effectiveness of counterespionage which the FBI uses, is to put this kind of provision for registration on the books, and have the Communists start changing their names and locations, and moving into the underground.

I am not going to say that the registration provision is obnoxious. I say it will not do what it is supposed to do. More than that, those entrusted with the enforcement of law in this country have not asked for it. The Attorney General, who was one of the most honored Members of this body, one of the most vehement anti-Communists in this country, has not been before the Congress asking for registration legislation.

In conclusion let me say that the substitute provision which has been prepared by some of us and is sponsored by the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. DOUGLAS], and other Senators, is a measure designed to do just two things, first, in case of a threat to our national security, to enable us to take into custody those who would do the damage; second, to protect the American people in their basic rights and privileges and immunities as citizens.

It is my considered judgment that when there is a threat of an imminent invasion, or there is an invasion, or insurrection, or a war, or a declaration of an internal-security emergency, that is the time when Americans want to act with despatch. It appears to me that some of the Members of the Senate do not understand, or apparently are without information as to the subtleties of the Communists. They are not going to wait until we go to war before they go to war. They will go to war anytime.

The measure which we have will make it possible for the President and Congress to take action, and prompt action, and the Senator from Illinois has proved beyond the shadow of a doubt that it is not possible to force registration which will take effect for at least 2 or 3 or 4 years, 2 years at the minimum, and 3 or 4 years possibly, if cases are dragged out. That is the only effective way of getting the Communists in jail. If we want to put them in jail for their dirty work, we will have to wait for the legal steps to be completed. There is no one who can prove that that is not so.

Mr. DOUGLAS. Mr. President, I ask unanimous consent to insert at the close of my remarks, exhibits I and II.

There being no objection, the exhibits were ordered printed at the conclusion of the remarks.

Mr. DOUGLAS. I yield the floor.

EXHIBIT I

OPINION OF JUDGE LEARNED HAND

(*U. S.* v. *Eugene Dennis et al.*, U. S. Court of Appeals, 2d Circuit, October Term, 1949, decided August 1, 1950, pp. 1629–1637.)

From this wearisome analysis of the decisions of the Supreme Court it has appeared, as we indicated at the outset, that to deprive an utterance of the protection of the amendment it is not always enough that the purpose of the utterer may include stirring up his hearers to illegal conduct—at least, when the utterance is political. The same utterance may be unprotected, if it be a bare appeal to action, which the amendment will cover if it be accompanied by, or incorporated into, utterances addressed to the understanding, and seeking to persuade. The phrase, "clear and present danger," has come to be used as a shorthand statement of those among such mixed or compounded utterances which the amendment does not protect. Yet it is not a vade mecum; indeed, from its very words it could not be. It is a way to describe a penumbra of occasions, even the outskirts of which are indefinable, but within which, as is so often the case, the courts must find their way as they can. In each case they must ask whether the gravity of the evil, discounted by its improbability, justifies such invasion of free speech as is necessary to avoid danger. We have purposely substituted "improbability" for "remoteness" because that must be the right interpretation. Given the same probability, it would be wholly irrational to condone future evils which we should prevent if they were immediate; that could be reconciled only by an indifference to those who come after us. It is only because a substantial intervening period between the utterance and its realization may check its effect and that, as we have said, was the rationale of the concurrence in *Whitney* v. *California*, *supra* (274 U. S. 357, 372). We can never forecast with certainty; all prophecy is a guess, but the reliability of a guess decreases with the length of the future which it seeks to penetrate. In application of such a standard courts may strike a wrong balance; they may repress utterance they should allow; but that is a responsibility that they cannot avoid. Abdication is as much a failure of duty, as indifference is a failure to protect primal rights.

In the case at bar the defense seems to us to kick the beam. One may reasonably think it wiser in the long run to let an unhappy, bitter outcast vent his venom before any crowds he can muster and in any terms that he wishes, be they as ferocious as he will; one may trust that his patent impotence will be a foil to anything he may propose. Indeed, it is a measure of the confidence of a society in its own stability that it suffers such fustian to go unchecked. Here we are faced with something very different. The American Communist Party, of which the defendants are the controlling spirits, is a highly articulated, well-contrived, far-spread organization, numbering thousands of adherents, rigidly and ruthlessly disciplined, many of whom are infused with a passionate Utopian faith that it is to redeem mankind. It has its founder, its apostles, its sacred texts—perhaps even its martyrs. It seeks converts far and wide by an extensive system of schooling, demanding of all an inflexible doctrinal orthodoxy. The violent capture of all existing government is one article of the creed of that faith, which abjures the possibility of success by lawful means. That article, which is a commonplace among initiates, is a part of the homiletics for novitiates, although, so far as conveniently it can be, it is covered by an innocent terminology, designed to prevent its disclosure. Our democracy, like any other, must meet that faith and that creed on the merits, or it will perish; and we must not flinch at the challenge. Nevertheless, we may insist that the rules of the game be observed, and the rules confine the conflict to weapons drawn from the universe of discourse. The advocacy of violence may, or may not, fail; but in neither case can there be any right to use it. Revolutions are often right, but a right of revolution is a contradiction in terms, for a society which acknowledged it, could not stop at tolerating conspiracies to overthrow us, and the only one,

is how long a government, having discovered such a conspiracy, must wait. When does the conspiracy become a present danger? The jury has found that the conspirators will strike as soon as success seems possible, and obviously, no one in his senses would strike sooner. Meanwhile they claim the constitutional privilege of going on indoctrinating their pupils, preparing increasing numbers to pledge themselves to the crusade, and awaiting the moment when we may be so far extended by foreign engagements, so far divided in counsel, or so far in industrial or financial straits, that the chance seems worth trying. That position presupposes that the amendment assures them freedom for all preparatory steps and in the end the choice of initiative, dependent upon that moment when they believe us, who must await the blow, to be worst prepared to receive it.

We need not say that even so thoroughly planned and so extensive a confederation would be a "present danger" at all times and in all circumstances; the question is how imminent: that is, how probable of execution—it was in the summer of 1948, when the indictment was found. We must not close our eyes to our position in the world at that time. By far the most powerful of all the European nations had been a convert to communism for over 30 years; its leaders were the most devoted and potent proponents of the faith; no such movement in Europe of east to west had arisen since Islam. Moreover, in most of west Europe there were important political Communist factions, always agitating to increase their power; and the defendants were acting in close concert with the movement. The status quo, hastily contrived in 1945, was showing strains and tensions, not originally expected. Save for the unexpected success of the airlift, Britain, France, and ourselves would have been forced out of Berlin, contrary to our understanding of the convention by which we were there. We had become the object of invective upon invective; we were continuously charged with aggressive designs against other nations; our efforts to reestablish their economic stability were repeatedly set down as a scheme to enslave them; we had been singled out as the chief enemy of the faith; we were the eventually doomed, but the still formidable, protagonist of that decadent system which it was to supplant.

Any border fray, any diplomatic incident, any difference in construction of the modus vivendi—such as the Berlin blockade we have just mentioned—might prove a spark in the tinderbox, and lead to war. We do not understand how one could ask for a more probable danger, unless we must wait till the actual eve of hostilities. The only justification which can be suggested is that in spite of their efforts to make their purposes, so far as they can consistently with the spread of the gospel, discussion, and publicity may so weaken their power that it will have ceased to be dangerous when the moment may come. That may be a proper enough antidote in ordinary times and for less redoubtable combinations; but certainly it does not apply to this one. Corruptio optimi pessima. True, we must not forget our own faith; we must be sensitive to the dangers that lurk in any choice; but choose we must, and we shall be silly dupes if we forget that again and again in the past 30 years, just such preparations in other countries have aided to supplant existing governments when the time was ripe. Nothing short of a revived doctrine of laissez faire, which would have amazed even the Manchester School at its apogee, can fail to realize that such a conspiracy creates a danger of the utmost gravity and of enough probability to justify its suppression. We hold that it is a danger clear and present.

However, although for the foregoing reasons we agree with the eighth circuit *Dunne* v. *United States* (138 Fed. (2) 137)) that the Smith Act is constitutional, so limited, it does not follow that as matter of interpretation it may be so limited, or that the judge was justified in charging the jury that they need only find the defendants meant to use violence "as speedily as circumstances would permit it" (the overthrow or destruction of the government) "to be achieved."

The words of the act are unconditional and forbid advocacy of teaching of such a violent overthrow at any time and by any one, weak or strong; literally, they make criminal the fulminations of a half crazy zealot on a soap box, calling for an immediate march upon Washington. Therefore, the defendants argue that, if the act is to be limited as it must be to be valid, Congress must limit it, and further, that if it were so limited, it would become too vague to serve as a definition of crime. We think not. Section 40 of the original act (54 Stat. at L. 676) provided by a not uncommon clause, not only that "if any provision" were "held invalid, the remainder of the act" should not be affected; but also that, if "the application thereof to any person or circumstance is held invalid * * * the application * * * to other persons or circumstances" should not be affected. Even when there is no separability clause of any kind, the doctrine of *United States* v. *Reese* (92 U. S. 214) does not always apply; the Supreme Court has often limited general words in a statute so as to make it constitutional (*The Abby Dodge* (223 U. S. 166), *Nash* v. *United States* (229 U. S. 373), *United States* v. *Walter* (263 U. S. 15), *National Labor Relations Board* v. *Jones & Laughlin Steel Corp.* (301 U. S. 1), *American Power Company* v. *Securities and Exchange Commission* (329 U. S. 90)), although in such cases a court must hazard the inference that Congress would have enacted the statute in the limited form, if it had known that in its broad scope it would be unconstitutional. We have no such problem here, because there can be no doubt as to the intent; Congress has explicitly declared that it wished the words to govern all cases which they constitutionally could. Nor do we think that, so limited, the act becomes too vague to stand up, which is the only challenge on the score of vagueness that deserves discussion. In the first place, it is to be observed that it would have been impracticable to provide against the evil and yet to define the forbidden conduct more definitely. True, one might have added in section 2 (a) (1) after the word "teach" the clause: "when that constitutes a clear and present danger"; and in section 2 (a) (3) the same clause after the words "help to organize." But that would not have helped to define the forbidden conduct; for, not only are those words imprecise in themselves, and were never intended to be otherwise; but as we have seen, they presuppose balancing the repression necessary to avoid the evil, against the evil itself, discounted by the improbability of its occurrence. That is a test in whose application the utmost differences of opinion have constantly arisen, even in the Supreme Court. Obviously it would be impossible to draft a statute which should attempt to prescribe a rule for each occasion; and it follows, as we have said, either that the act is definite enough as it stands, or that it is practically impossible to deal with such conduct in general terms. Such a consideration is relevant in judging the constitutionality of any statute. *United States* v. *Petrillo* (332 U. S. 1, 7).

There is an added reason leading to the same result. Both section 2 (a) (1) and section 2 (a) (3) make advocacy and teaching of revolution criminal only when it is with a specific intent—the intent to do so by "force or violence." Obviously one cannot teach or advocate the use of violence without specifically intending to bring about its use; a fortiori must that be true, if one organizes a group so to teach. All discussion as to the use of the word "willfully" in the alternative in section 2 (a) (1) is therefore irrelevant; the sections carry their own specific intent, and that intent violates the accepted mores of our society, which always discountenance resort to violence as a means of political change. When a statute is direct against conduct which offends accepted moral standards, and particularly when the moral offense is heinous, ambiguities do not count against its validity as much as they do when the proscribed conduct has no ethical significance, as, for instance, when it is only an economic regulation, *United States* v. *L. Cohen Grocery Co.* (225 U. S. 81). Thus, in *Gorin* v. *United States* (312 U. S. 19), a conviction was affirmed under a statute which punished making copies of "anything connected with the national defense," or "relating to" it, because the statute was limited to cases where the forbidden act was done "for the purpose of obtaining information * * * with intent or reason to believe that the information to be obtained is to be used to the injury of the United States." Those words, the court said, required "those prosecuted to have acted in bad faith," which was "sufficiently definite to apprise the public of prohibited activities" (p. 28). Again, in *United States* v. *Ragen*, (314 U. S. 513), although the crime depended upon whether the accused paid more than "reasonable" commissions, the statute was held valid because it was limited to deductions, made "willfully." "That such acts of bad faith are not beyond the ready comprehension either of persons affected by the act, or of juries called upon to determine violations, need not be elaborated." "A mind intent upon willful evasion is inconsistent with surprised innocence" (p. 524). This is a rational exception to the doctrine that the words of a statute must not be too vague to guide those who wish to conform to it; it means that, though the forbidden conduct be itself defined in ambiguous terms, the ambiguity will be cleared up, if the statute adds as a condition that the conduct is criminal only in case the accused knows that what he intends is wrong. To apply the doctrine to such persons would only serve to relieve them of the risk of incorrectly guessing the right meaning of the words, when engaged in an undertaking that they know to be wrong. In the case at bar the doctrine would mean that those, who set in train of execution an elaborate scheme of violent revolution, will escape because the literal meaning of the words cover others, too insignificant to be noticed.

The defendants have no standing as vicarious champions of such offenders. We hold the Smith Act to be constitutional, as the judge construed it; and that evidence supported the verdict of the jury.

EXHIBIT II

LENGTH OF TIME NECESSARY TO PROCESS NLRB CASES

TIME TAKEN IN ADMINISTRATIVE PROCESS (1949 AVERAGE)

	Days
Filing of charge to issuance of complaint	186
Complaint to close of hearing	38
Close of hearing to intermediate report of trial examiner	89
Intermediate report to Board decision	151
Total from filing of charge to Board decision	464

TIME TAKEN FROM BOARD DECISION TO CIRCUIT COURT DECISION (MOST RECENT NLRB CASES DECIDED BY EACH CIRCUIT COURT)

District of Columbia circuit: Gould and Preisner case, 16 months and 18 days.

First circuit: Brown and Sharp case, 6 months and 15 days.

Second circuit: Vermont American case, 14 months and 2 days.

Third circuit: Kenametal case, 18 months and 25 days.
Fourth circuit: Highland Park case, 12 months.
Fifth circuit: International Rice Milling case, 12 months and 1 day.
Sixth circuit: Kentucky Utilities case, 26 months and 29 days.
Seventh circuit: Superior Engraving case, 13 months and 2 days.
Eighth circuit: Minnesota Mining case, 12 months.
Ninth circuit: Flothill Packing and others, 40 months and 6 days.
Tenth circuit: Classen-Hodgson case, 17 months and 24 days.
Average, 17½ months.

TIME TAKEN FROM BOARD DECISION TO SUPREME COURT DECISION (4 MOST RECENT NLRB CASES DECIDED BY SUPREME COURT)

Pool Manufacturing case, 44 months and 19 days.
Mexia case, 22 months and 13 days.
Inland Steel case, 23 months and 26 days.
Colgate-Palmolive-Peet case, 39 months.
Average, 32½ months.

AMENDMENT TO S. 4037

During the delivery of Mr. DOUGLAS' speech,

Mr. WHERRY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. DOUGLAS. Mr. President, I will not yield for a question, and I should have said that at the beginning of my speech. I should like to make this speech now, if I may, because I have tried to develop a rather closely integrated treatment, and interruptions will destroy the effect. But I shall be glad to yield for questions at the end of my speech. I shall also be willing to accommodate my dear friend from Nebraska, who is always so friendly on the floor, by yielding for an insertion in the RECORD.

Mr. WHERRY. I thank the Senator.

The PRESIDING OFFICER. Without objection, the Senator from Illinois yields to the Senator from Nebraska.

Mr. WHERRY. I thank the distinguished Senator, and I assure him that I appreciate his reference to the junior Senator from Nebraska, and his statement that he is always willing to accommodate him. I was going to ask the distinguished Senator whether, in the course of his remarks, at any time, he might yield for unanimous consent agreements regarding insertions in the RECORD. I should deeply appreciate that.

Mr. DOUGLAS. Yes; I shall be glad to do that, with the understanding that the insertions appear at the end of my remarks.

Mr. WHERRY. Mr. President, I now ask that this interruption and the remarks of the junior Senator from Nebraska be placed at the end of the distinguished Senator's speech, in order not to break its continuity.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHERRY. Mr. President, the distinguished Senator from Missouri [Mr. KEM], the distinguished Senator from Virginia [Mr. BYRD], and the Senator from Nebraska offered an amendment to the pending bill, which has been printed. After consultation on the part of the sponsors of the amendment, and with those who might be called upon to administer the provision if and when the amendment is adopted, the sponsors are now sending to the desk an amendment which modifies the former amendment administratively. To this modified amendment the name of the Senator from Nevada [Mr. MALONE] has been added as one of the sponsors.

It is in the nature of a perfecting amendment, and should remove all arguments—I hope that it will—about the administration of the amendment. The purpose of the amendment is exactly the same. So, Mr. President, I should like to ask that the amendment be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. WHERRY. As I have stated, this amendment has been perfected after conferences with other Senators—for the purpose of making it more workable—from an administrative standpoint; and for the purpose of spelling out two effects which, I believe, and which I have stated were implicit in the amendment as originally introduced, but concerning which there has been some doubt.

In the first place, I want it definitely understood, and I have stated that this amendment is not an effort to terminate the Economic Cooperation Administration program in Europe.

Some questions have been raised as to whether the standard in this amendment was so broad that the net effect of the amendment would simply be to stop all ECA.

The revised amendment, makes it perfectly clear that this is not the case by defining the articles or commodities which come under the amendment that may not be shipped to Russia or her satellite countries, as those having military purposes.

We want to stop the shipment to Russia or any of her satellite countries of any articles or commodities having any possible strategical value to the Armed Forces of the Union of Soviet Socialist Republics or her satellites; and that is what this revised amendment will do.

Another question that was raised about the amendment as originally introduced, was whether it would result in halting the housekeeping functions of the ECA mission in a country to which ECA aid was suspended by reason of the operation of the amendment; and whether the clerks and stenographers and other employees, in such a mission, could be paid during the period such aid was stopped.

In its revised form, the amendment makes it clear that such housekeeping functions and the payment of such salaries could be continued, and that it is only the aid or assistance which would flow to the foreign country which would be stopped through the operation of this amendment.

In discussing the amendment, as originally introduced, I have said several times that it was anticipated that a rule of reason would be followed in certifying the articles or commodities which must not be shipped to Russia or her satellite countries.

The amendment, as modified, spells this out so there could be no question about it.

I thank the distinguished Senator from Illinois for yielding. This is a clarifying amendment, and at the proper time I shall call it up for consideration in the debate on the pending bill.

I send the amendment to the desk. I should have liked to have it read, but I did not want to impose on the time of the Senator from Illinois, and I shall not request that it be read unless the Senator would like to yield another minute. If so, I should like to have it read at this point.

Mr. DOUGLAS. I am always glad to oblige.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, the amendment will be read for the information of the Senate.

The CHIEF CLERK. At the appropriate place in the bill it is proposed to insert the following:

During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), any article or commodity which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration may be usable by, or may be used in the manufacture of any article or commodity which may be useful to, the armed forces of the Union of Soviet Socialist Republics or such satellite countries for military purposes; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity having possible strategic value to the armed forces of the Union of Soviet Socialist Republics or such satellite countries which he finds to be of the nature or class described.

Mr. WHERRY. Mr. President, I thank the Senator from Illinois for permitting the amendment to be read. Its reading nullifies the request which I made that it be printed in the RECORD. I ask, once again, that the proceedings in connection with the amendment be placed at the close of the remarks of the Senator from Illinois.

ONE HUNDREDTH ANNIVERSARY OF THE ADMISSION OF CALIFORNIA INTO THE UNION

During the delivery of Mr. DOUGLAS' address the following occurred:

Mr. KNOWLAND. Mr. President, I must attend a meeting of the Committee on Appropriations, and I wonder if the Senator from Illinois would yield for me to make a unanimous-consent request, with the understanding that he not lose the floor and that what I have to say appear at the end of his remarks.

Mr. DOUGLAS. Certainly.

Mr. KNOWLAND. The only reason I ask it is that tomorrow is the one hundredth anniversary of California's ad-

mission into statehood, and I wanted to put into the RECORD certain material, inasmuch as we shall not be in session tomorrow.

Mr. DOUGLAS. I think it would be a great calamity if the one hundredth anniversary of California's admission into the Union were not commemorated by fitting passages in the CONGRESSIONAL RECORD.

Mr. KNOWLAND. I thank the Senator from Illinois. First of all, I should like to read a message from the President of the United States, dated August 31, 1950, addressed to the chairman of the California Centennial Commission:

THE WHITE HOUSE,
Washington, August 31, 1950.

J. R. KNOWLAND, Esq.,
Chairman, California Centennial Commission, Ferry Building, San Francisco, Calif.

DEAR MR. KNOWLAND: The century which has elapsed since California came into the Union as a full-fledged State has been one of the most remarkable periods in our history.

California has borne a full and honorable part in the life of the Nation through all the changes and vicissitudes of the past 10 decades. Richly endowed with natural resources, the genius of the intrepid pioneers and their successors has doubled those resources through courage, vision, and unremitting industry.

With a glorious and romantic past as a background, California is destined to go forward to ever greater achievements in the years that lie ahead. That is my confident hope and my message to all the citizens as the State enters its second century.

Very sincerely yours,

HARRY S. TRUMAN.

Mr. President, I should like to have printed as part of my remarks excerpts from the Messages and Papers of the Presidents. First I should like to quote from the message of James K. Polk to the House of Representatives, dated July 24, 1848, appearing at pages 599 and 600:

Although none of the future cities on our coast of California may ever rival the city of New York in wealth, population, and business, yet that important cities will grow up on the magnificent harbors of that coast, with a rapidly increasing commerce and population, and yielding a large revenue, would seem to be certain. By the possession of the safe and capacious harbors on the California coast we shall have great advantages in securing the rich commerce of the East, and shall thus obtain for our products new and increased markets and greatly enlarge our coasting and foreign trade, as well as augment our tonnage and revenue.

These great advantages, far more than the simple value of the public lands in the ceded territory, constitute our indemnity for the past.

JAMES K. POLK.

Mr. President, I also ask to have inserted as part of the RECORD the language from the message of President Zachary Taylor, which appears on page 18 of volume V of the Messages and Papers of the Presidents, as follows:

No civil government having been provided by Congress for California, the people of that Territory, impelled by the necessities of their political condition, recently met in convention for the purpose of forming a constitution and State government, which the latest advices give me reason to suppose has been accomplished; and it is believed they will shortly apply for the admission of California into the Union as a sovereign State. Should such be the case, and should their constitution be conformable to the requisitions of the Constitution of the United States, I recommend their application to the favorable consideration of Congress.

I also ask to have inserted the message appearing on page 32 of the same volume, addressed to the Senate of the United States under date of February 13, 1850, as follows:

I transmit herewith to the Senate, for the information of that body, an authenticated copy of the constitution of California, received by me from the Honorable William M. Gwyn.

(Signed) Z. TAYLOR.

Mr. President, I wish to call attention to the fact that on September 9, 1850, California's first United States Senators presented themselves and took the oath of office and assumed their obligations as Senators, representing at that time the newest State in the Union. Those two men were John C. Fremont and William M. Gwin, both of whom took a leading part in the early history of the State.

On the hundredth anniversary of the admission of California I think it proper we should be meeting in this historic Chamber, because it was here that the legislation admitting California into the Union was passed, and California took her place among the States of the Union. The census of 1950 shows California now second only to New York in population. Great changes have taken place since President Polk's message of July 24, 1848.

I thank the Senator from Illinois for his courtesy in yielding to me.

YOUR FIRST RETREAT IS AWFUL THING—ARTICLE BY JIM G. LUCAS

During the delivery of Mr. DOUGLAS' speech,

Mr. KNOWLAND. Mr. President, will the Senator from Illinois yield to me for a unanimous consent request, without losing his right to the floor and with the understanding that my brief remarks will appear at the end of his statement?

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Illinois yield for that purpose?

Mr. DOUGLAS. I yield.

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, as a part of my remarks, an article entitled "Your First Retreat Is Awful Thing," written by the able war correspondent, Jim G. Lucas, of the Scripps-Howard staff, now in Korea, which appeared on the front page of yesterday's edition of the Washington Daily News. I call it to the attention of all Members of the Senate, because I believe it is a very significant article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUR FIRST RETREAT IS AWFUL THING

(By JIM G. LUCAS)

TAEGU, September 6.—They say you can get used to it and maybe you can but this much I know—a man's first retreat is an awful thing.

Here you are a part of the greatest Nation on earth and suddenly you're running away, running from a nation which didn't exist 5 years ago when you won the biggest war in history. You are running away from something you don't see but something which is so powerful and threatening you can't even stop to think; running from something which will smash in your face with a rifle butt and shoot you with your hands tied behind your back; running away because you're told to; because you and that great country behind you aren't strong enough to stay.

It's not pretty, even though the old timers who have retreated many times since June 25 take it in their stride. It's not pretty, even though they assure you the Commies may not arrive for another 3 days. It's not pretty because you've never retreated before, because in the last war we only knew one direction—ahead.

You'll get away all right. Never worry about that. That patch on your left shoulder says United Nations War Correspondent and makes you a minor grade VIP (very important person). You'll get a seat on an outgoing plane if you can get to the airfield, or they'll make room for you on the train to Pusan. If worst comes to worst someone will move over and give you a seat in one of the convoys.

With any kind of break your hide is safe for a while at least. Many of the others can't, but you can get away to Japan. But how long can you stay there? A couple of years perhaps? Only to run away again? And where will you run the next time? That's the $64 question. Retreat how long and how far?

Will you keep running all the way back to San Francisco? To Denver? To Albuquerque, El Paso, Fort Worth, Houston, Cleveland, Washington, or New York? Can you stop there? Or must you keep on running from this faceless something on the other side of Taegu?

And what about those who watch you run? What about those silent little people who stand in little puddles of humanity and see everything you do; who hear the shouted tumult and confusion that can't be avoided when those who thought they were secure at noon are told to start running at 4 p. m.? What are they thinking about the proud Americans who took over their rice paddies and started building barracks and mess halls only to run away and leave them before they were finished. Some, of course, will welcome and become part of the thing you're running from. But what about those who cast their lot with you? The Korean police who guarded the press billet and Kim, the boy who, for $1 a week, washed your clothes, made your cot, and brewed your coffee when you came back from the front? Where will they run?

Running away in the rain isn't good for a man inside. It's no longer an impersonal thing you read about in the newspapers, hear on your radio, or, as I did only a few weeks back, watch complacently and with much tongue clucking on a television set.

It's you, Jim Lucas, first lieutenant in the Marine Corps Reserve and Scripps-Howard writer, running for your life, running a little harder than anyone else because this is your first time and you're not sure whether it's the real thing or a false alarm; running and hoping desperately you don't look the fool and coward you feel.

I can also tell you this—you want to know the reason. You promise yourself you'll find out when you get home—not for a news story or an editorial but because you want to know who did this to you and who made it necessary for you to run for your life.

Mr. KNOWLAND. I wish to thank the Senator from Illinois for having yielded to me.

Mr. DOUGLAS. It is always a pleasure to be of service to the Senator from California. He himself is very gracious, and by his example tries to make others somewhat like him.

ORDER FOR RECESS TO MONDAY

Mr. McFARLAND. Mr. President, will the Senator yield, to permit me to propound a unanimous-consent request?

Mr. DOUGLAS. I yield.

Mr. McFARLAND. I ask unanimous consent that when the Senate concludes its business for today, it stand in recess until Monday next, at 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNAL REVENUE ACT OF 1950—CHANGE IN CONFEREE

Mr. TAFT. Mr. President, I ask unanimous consent that I be relieved as a conferee on the tax bill, and that the Chair appoint a conferee in my place.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Chair appoints as a conferee on the part of the Senate on the bill (H. R. 8920) to reduce excise taxes, and for other purposes, the senior Senator from Nebraska [Mr. BUTLER], in place of the senior Senator from Ohio [Mr. TAFT], excused.

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

Mr. FERGUSON obtained the floor.

Mr. HOLLAND. Mr. President, will the Senator from Michigan yield me 3 minutes?

Mr. FERGUSON. I yield, if I can do so without losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Florida may proceed.

Mr. HOLLAND. I thank the Senator from Michigan. First, I express my regret to the distinguished Presiding Officer and the Senator from Minnesota and the Senator from Illinois for my interruption of a moment ago. The reason for the interruption was the statement by the Senator from Minnesota which indicated that he thought that the Senator from Florida did not understand that there was nothing in the pending legislation which strengthened or affected the enforcement of the Smith Act. The junior Senator from Florida understands that situation clearly, and the only reason why the Smith Act and the prosecution of the 11 Communists came into the discussion at all was because it was brought in by the Senator from Illinois in his statement of a few minutes ago.

The Senator from Florida was making it clear only that, in his judgment, the machinery under the various existing laws falls far short of being adequate. With reference to that particular act, the Smith Act, the Senator from Florida commented that the pending proposal to prevent picketing of the courts was one measure which would make the Smith Act much more effective.

Mr. President, in closing I might say that it seems to the Senator from Florida that the sponsors of the Kilgore substitute ask the Senate to close its eyes entirely to the seriousness of the pending problem existing in the minds of millions of people in our Nation and existing in our own minds if we will only open our minds to that problem, which is this: We know from what the Attorney General has announced that there is a list of some 50,000 Communists known to our law-enforcement officers, and that 12,000 of them are regarded as dangerous. The people of this Nation feel that there should be some legal way provided by which that group can be brought out into the open. They do not feel they should be left in the position of nursing rattlesnakes in their breasts, of perhaps having Communists as their next-door neighbors, without having some chance of finding out who they are, who constitute this terrible cancer, this terrible threat directed at the very heart of our national security.

Before closing, I merely wish to reiterate the point I made twice before, which I do not believe can be answered, namely, that even though it may take some time in the obstinate, obdurate cases to bring them to an end, the very fact that the proceedings are brought will give public notice to citizens of the fact that here are persons believed by our highest law-enforcement officers to be Communists, and that very fact will tend in large degree to solve the problem which is disturbing our people, and rightly so.

Mr. FERGUSON. Mr. President, the Senator from Michigan was in the Chamber while the Senator from Illinois was making his earlier remarks and asked him to yield, but the Senator felt that he did not care to yield then, and I fully understand his desire, since he was making a long speech. I have since taken a copy of his prepared address, and I wish to make a few remarks in reply to some of the questions he raised in his speech, so that the RECORD may be clear.

Before proceeding, however, I want to say that I have greatly appreciated the remarks of the distinguished Senator from Florida because I think he has hit the nail right on the head. He sees and he has said that what the substitute offered by the Senator from West Virginia [Mr. KILGORE] and others would do would be to foster communism in America until some future day when we would round up and put those in jail whom the Department of Justice desired to put in jail.

Mr. President, America is not accustomed to acting by fiat or decree. America believes in equal justice under law. America believes in the theory of law and order—that we must enforce the law of the land. That is the great heritage of America. In my observations around the world I have found that the great distinction between America and other countries is that here we live under law instead of living under men.

Mr. President, as an example I have read from the Constitution of the Soviet Republic that no one can be imprisoned there except under the order of the court—or under the order of a state attorney. Now who was one of the great Russian state attorneys? Vishinsky.

Mr. President, members of the Judiciary Committee and others have spent a great amount of time on this question of internal security. We have been deeply engaged in studies of how to provide internal security protection, while keeping within the structure of the institutions of our great Republic and within its spirit and practices. The result is that we now have before us the bill known as the McCarran omnibus bill. The first part of that bill incorporates what is known as the Mundt-Ferguson-Johnston bill.

The distinguished Senator from Nevada is conscious every moment of the day, as are other members of the Committee on the Judiciary of which he is chairman, that we, as members of that committee, are charged with being real guardians of the institutions and the fundamental rights of the American people under a written Constitution. While we want to stamp out this Communist conspiracy, Mr. President, we do not, prior to stamping it out, want to destroy the Constitution and the liberties of the land in which we live.

I read from the statement made by the Senator from Illinois [Mr. DOUGLAS]. He spoke of the Mundt-Ferguson bill, as incorporated in the McCarran bill. First he said:

> (1) It is so clumsy in operation and will create such protracted delays, that it will be ineffective in detaining or exposing Communists or in protecting the country against sabotage and espionage.

My answer to that can be made in a few words. If we are going to give individuals or organizations an opportunity to protect themselves against unjust or unwarranted accusations we must anticipate certain delays which are inherent in our concepts of Anglo-American justice and a republican form of government.

In analyzing the effectiveness of the Mundt-Ferguson bill, however, it should be borne in mind that notwithstanding all the appeals and time allowed for such appeals, a final and binding order requiring the registration of a Communist political organization can be entered within 8 months.

Moreover, it should be noted that after 2 months the signal flags are up, as the tentative order is issued and appeals are begun. Sabotage and espionage by individuals or under the cover of organizations which have been made parties to registration proceedings cannot be easy when those warning flags are flying.

Mr. President, if there is no will to do otherwise, any case can be drawn through the courts for years and years and years. I wonder if there are any Senators who oppose the bill today who would wipe out all the antitrust laws on the theory that it takes a long time to get one of the antitrust cases finally adjudicated. I should like to see any Senators rise and say, "Because of delays in the administration of justice I want to wipe out such and such a criminal law."

In 1942 we passed the Voorhis law which required the Communist Party to register—not the members, but just the party, and to this very day, in 1950, the Attorney General's office has done nothing about it. The difficulty we find in respect to the whole matter is that the present administration wants to do by itself and at its own option, then by fiat and by decree, those things that the Committee on the Judiciary and the law-abiding citizens and the American peo-

ple want done by mandate of law. Just think of doing all that is proposed to be done under the Kilgore bill—selecting by fiat an individual the Government wants to put in prison. I will have something to say later about the concentration-camp section of the substitute measure, I understand, claim administration blessing for it and there is significance in their claim, for the bill clearly fits into the pattern of legislation which the administration approves, with great powers to be wielded on a discretionary basis.

The second question raised by the Senator from Illinois, to which I want to reply is as follows:

It can easily lead to the indiscriminate smearing of innocent persons.

Mr. President, it has been said on the floor of the Senate that in case of registration there would be nothing to stop Communists from registering a United States Senator or a judge or anyone else, as being a Communist. There is absolutely nothing to such a contention, or to the statement today by the Senator from Illinois that Communist organizations can file false membership lists.

How is such a thing prevented? We specifically prohibit any false statement in a registration statement. We provide for a penalty of not less than $2,000 fine and not less than 2 years and and not more than 5 years in prison for each such violation. There is no way I know of in America whereby we can keep a man from doing something that is illegal, except by enacting a law against the doing of such a thing, and providing punishment by fine or by putting him in jail for violation of the law. In this land in which we live we would not behead a man on the guillotine if he were to register as a Communist a Senator or any other person who was not a Communist. That is not the way we do things in America. But in our bill we have taken effective steps to prevent such false and malicious mislabeling.

The fact is that the Senator from Illinois [Mr. DOUGLAS] wants to have his cake and eat it too. His first criticism is that in effect there are too many safeguards in the Mundt-Ferguson bill and that it is therefore too slow. His second is that there are insufficient safeguards. We believe we have weighed both factors and have a happy and effective medium.

It is absolutely in error to state that some Communist-controlled organizations can file a false list of members. As I have said, the bill specifically provides a severe penalty for false statements in registration. The penalty for each false statement is imprisonment of 2 to 5 years, or $2,000 to $5,000 fine, and each false statement is a separate offense.

Actually, this provision increases safeguards against indiscriminate smearing of individuals, which can be done now with complete immunity, as the Communists did when they sought to identify Duke Ellington as a Communist through a false statement that he had signed the Stockholm Peace Petition.

Mr. President, we are going to put some teeth in the law so we can cope with these criminals who would do such a thing. It is an earnest determination to protect the individual. In short, this is the very first time any real penalty has ever been provided for smearing or falsely labeling an individual as being a Communist.

The next thing the Senator from Illinois said——

Mr. MUNDT. Mr. President, will the Senator from Michigan yield to me before he leaves that point so I may document by another very interesting witness the very significant point he has just brought up, a point incidentally which has escaped the attention of many people in the country and many Senators?

Mr. FERGUSON. I yield.

Mr. MUNDT. I sincerely hope the press reports of this debate carry clearly the very pertinent information that the so-called Mundt-Ferguson features of the bill before us provide for the first time in a Federal statute a provision with very severe penalties against falsely listing or labeling anybody as a Communist. It gives complete protection against that kind of indiscriminate smearing, protection which is not now afforded by the laws on the statute books. Let me point out how important that is. I hold in my hand a statement made by Josh White, one of the great colored artists of the United States. I desire to read certain portions of it because I think the people of the country should realize what goes on now and what would be stopped under the provisions referred to by the junior Senator from Michigan as a part of the Mundt-Ferguson provision. Josh White says:

I have never knowingly belonged to or supported any organization designed to overthrow the Government of the United States. But I did on many occasions appear at benefits and rallies which I was led to believe were for worth-while causes. I did not even suspect that some of them were Communist inspired. I did on some occasions sign petitions against lynching or poll tax or other evils.

Dozens of other artists of all races and colors, I have no doubt, have also given their names and talent and time under the innocent impression that they were on the side of charity and equality.

I have a great admiration for Mr. Robeson as an actor and great singer, and if what I read in the papers is true, I feel sad over the help he's been giving to people who despise America. He has a right to his opinions, but when he or anybody, pretends to talk for a whole race, he's kidding himself. His statement that Negroes would not fight for their country, against Soviet Russia or any other enemy, is both wrong and an insult. Because, I stand ready to fight Russia or any enemy of America.

The next portion of his statement, Mr. President, is almost a tear-jerking portion, for in it he points out the need for legislation requiring the identification and exposure of the Communist-front organizations, and to prevent the false listing of innocent citizens by the supporters of the Communist cause.

Says this great artist, Josh White, in describing how he grew up and acquired ability in the profession of music, and eventually became an artist, and got his first great role in the play "John Henry"—

Anyhow, after "John Henry" I was pretty well launched. I made two albums: The Chain Gang album by "Josh White and His Carolinians" and another by myself called "Southern Exposure." Gradually I began to rise in my profession.

At that point, I suppose, my name began to have some value for publicity purposes, to attract a crowd and raise money. All kinds of invitations came to me, and when they sounded right, I was happy to accept. Many times, between my professional shows, I'd go to perform where my only reward was the belief that I was helping some good cause. When I received invitations from men I trusted, or groups with fine-sounding titles—

And what a clever device it is for the Communists to use fine-sounding titles—and how easy it seems to be for them to delude many Americans—

and lists of prominent citizens on their letterheads, asking for my time or signature, I gladly agreed.

Note this, Mr. President, Josh White says:

Looking back, I just wish someone had told me. Many of the organizations were genuine. Some others, as I learned the hard way, were phony, false-face, political rackets, exploiting my eagerness to fight injustice. I didn't become aware of this, however, until about 1947.

I was in California at the time. In the newspapers I came across a list of committees and organizations which the Attorney General had just labeled "subversive." And I was horrified to learn that a number of them were organizations for whom I had performed in the course of years, without knowing their character.

It was an awful blow. I realized that I had been played for a sucker. There I was, a devoted American who had let himself be used.

I discussed the situation with my manager, Mary Chase, who took over my affairs in 1947. She was as distressed as myself. We decided to check on those invitations for benefits and rallies. More than that, we made contact with a New York newspaperman, Howard Rushmore, who knows a lot about the Communist rackets and could give us some guidance. Despite this, as I have discovered recently, I was again taken in or had my name used, without my permission, several times by the disguises.

Mr. President, what better evidence could the Senate or the country have of the need for requiring the registration and identification and disclosure of Communists and Communist organizations than the plea of this man, Josh White, for some kind of protection for himself and for other innocent persons against such deception and such use by the Communists.

Mr. White continues, as follows:

My entertainment for these subversive groups was innocent on my part, and is far in the past. I am concerned, however, for my wife and children. The very notion that their father and husband is partial to communism has come to them as a shock. I want to reassure them on this score, in the open and without question.

Mr. President, I think it should be clear to everyone who studies these bills that there is not a single word or sentence in the Kilgore substitute which would give protection to a great, patriotic colored artist like Josh White. Unless

we enact the provisions of the Mundt-Ferguson proposal which do require the registration of Communists and their organizations, and thus disclose and identify them, we shall continue to have innocent persons dragged in, against their will, and without their knowledge, to form a part of the great conspiratorial Communist racket in America.

I thank the Senator for yielding to me.

Mr. FERGUSON. How true is what the Senator from South Dakota has said, Mr. President. How true it is that such innocent persons as the Negro artist to whom the Senator from South Dakota has referred, cannot be protected under the present provisions of law, because the Attorney General has said that he cannot disclose his secret lists.

So, Mr. President, I say, in short, that the pending measure will provide, for the first time, a real penalty for smearing or falsely labeling innocent persons as Communists. I say that all innocent persons in the respective States will have such protection, by means of the registration required under this bill.

The Senator from Illinois [Mr. DOUGLAS] has used, as his third point, his statement that the finding by the Board, as provided for under the pending measure, could be used to label as Communists, or as Communist-front organizations, innocent and basically patriotic individuals and organizations.

Mr. President, the Senator from Illinois should realize that under the provisions of this measure an individual or an organization can be branded—to use the term he used—only on the basis of a finding by a bipartisan board and by a sustaining of those findings, upon appeal to the highest courts of the land.

The provisions in this measure for proceedings before the Board, assure the individual, or the organization, the right to have an open hearing, to employ counsel, and to make a rebuttal, and those same proceedings are of course provided in the course of taking an appeal to the higher courts, which is provided. Those proceedings should be contrasted, incidentally, to the present procedures under the loyalty program, whereby the Attorney General may list subversive organizations, without their having the right of defense, hearing, or appeal.

Mr. President, when I think about those whose hearts are bleeding for the rights of the individual, for civil rights, and then when we even find those same persons wanting to wipe out every vestige of the great heritage of America—the right to have a trial before a jury, when charged with any crime—I am astounded. My astonishment is made greater by the fact that these same people are in the forefront in protesting against the registration features of the McCarran bill. And I am further astonished when they say those registration features are unnecessary because the Department of Justice is already doing a similar job. To keep the record clear we should contrast the procedures whereunder the Attorney General at present lists subversive organizations with the registration provisions in the McCarran bill. Presently, persons or organizations may be branded by the Attorney General's lists without the privilege of having their status determined by a bipartisan board whose members will be bound by the provisions of procedural law and by the subsequent right of appeal to the courts as is provided by the Mundt-Ferguson or McCarran bill.

I am emphasizing, Mr. President, that with great conscientiousness the pending measure seeks to provide for all the safeguards known to the Anglo-American judicial system to protect the rights of all persons. I wish that its opponents might be equally consistent in their professed devotion to the civil rights of all individuals.

As his fourth point, the Senator from Illinois [Mr. DOUGLAS] complains of the vagueness of section 4 (a) of the Mundt-Ferguson bill, and says that innocent persons would be heavily punished, on the ground that they had substantially contributed to the establishment of a totalitarian dictatorship. But in his bill of complaint the Senator from Illinois has omitted the two most important elements contained in the text of section 4 (a) of the McCarran or Mundt-Ferguson bill.

I have seen that portion of the bill cited many times in newspaper columns, using the very language the Senator from Illinois has used. They do not wish to quote the entire sentence, however, because that portion of the bill has an entirely different meaning when the entire sentence is quoted. However, they wish to make it indefinite. Mr. President, I am willing to debate this measure on its merits, but I should like to have the entire provision cited.

The Senator from Illinois, complaining of the vagueness of section 4 of the Mundt-Ferguson bill, has not given the complete text of that section. He has omitted two of the most important elements—the factor of conspiracy and the fact that totalitarian dictatorship, which is sought to be protected against, must be by or under the domination or control of a foreign government, foreign organization, or foreign individual. What I have just read was not much longer than what the Senator from Illinois cited, but it has elements in it that were omitted, which are very vital and very important.

The fact is that this section is very careful to spell out the specific and numerous elements of the crime which is prohibited. Contrary to the emphasis placed by the Senator from Illinois upon individuals, this section would prevent no person, no matter whom, as an individual, from expounding any doctrine whatsoever.

He could go upon a soap box or onto a street corner or anywhere else and expound any doctrine he might desire, the same as he could in the halls of the Senate of the United States, with absolute immunity so far as this law is concerned. As for groups of individuals, it would not touch any group engaged in philosophical speculation on any subject or doctrine, or activity of that nature, provided they did not enter into the prohibited element of a conspiracy to perform effective acts which are prohibited. That is a very important and very vital detail of the section, which has been overlooked by the Senator from Illinois.

Moreover, section 4 (a) as a criminal statute must be read in the light of the fundamental guaranties of the Constitution. Before any person ever were found guilty under this section he would have to be prosecuted in a criminal court. A criminal grand jury would have to indict him. The court would have to arraign him. He would have a trial, according to his own desire, either before a jury of his peers or before a judge.

The proof of his guilt would have to be established, as to every element including particularly that of conspiracy or combination, beyond a reasonable doubt. And then we hear the Senator from Illinois, in his speech, say that under the vague terms of section 4 (a) "innocent persons can be heavily punished on the ground that they have substantially contributed to establishing a totalitarian dictatorship."

Mr. President, I am not going to undertake today to answer today's speech by the Senator from Illinois, which consisted of some 27 prepared pages, with an annex, beyond this rebuttal to his four complaints against the features of the McCarran bill of which I was an original sponsor.

Mr. MUNDT. Mr. President, before the Senator concludes, will he yield for a question?

Mr. FERGUSON. I am glad to yield.

Mr. MUNDT. During the long months that I have been privileged to be associated with the distinguished junior Senator from Michigan in connection with the pending legislation, I have come increasingly to have a profound respect for his judicial capacity and his great knowledge of the law, especially constitutional law. I have listened to his very forceful and convincing replies to the four charges leveled against this bill by the junior Senator from Illinois, and especially I have listened to him as he pointed out, on the fourth point, that under the provisions of the Mundt-Ferguson bill the constitutional safeguards of all citizens are protected. I wonder whether the Senator would briefly compare those safeguards and those protections to the civil rights of citizens with the startling program suggested by the Kilgore bill of establishing concentration camps, into which people might be put without the benefit of trial, but merely by Executive fiat and, as I understand, simply by an assumption on the part of the Attorney General, or an assumption on the part of the President that the individual might be thinking about engaging in espionage or sabotage.

Mr. FERGUSON. I shall try to do that in just a moment, in as short a time as possible.

Mr. MUNDT. I thank the Senator.

Mr. FERGUSON. The Mundt-Ferguson-Johnston provisions of the omnibus bill introduced by the Senator from Nevada do not propose, outside of section 4 (a) which has been discussed, to make illegal any act prior to its requirements of registration. After registration, it provides that those who are registered cannot do certain specific acts, and of course, it makes illegal any failure

to comply with registration requirements. We therefore eliminate all ex post facto questions.

Section 4 (a) was the subject of the most intense study and deliberation for many hours and many days. In it, we say, for instance, that there must be a conspiracy to commit an act which would substantially aid in the establishment of a totalitarian government under control or domination of a foreign power, foreign government, or foreign organization. There must be an overt act. In other words, we say that under this law, a man would have to commit an act before he could be prosecuted, and we then provide for every safeguard, including the right to be tried by a jury of his peers, in a criminal court, with the right of appeal.

What do we find, on the other hand, in the Kilgore bill? We find it provides that upon the happening of an event—in other words, of imminent peril of any of our possessions being invaded—the President could enter an order, and out to the highways and byways would go, not the Attorney General, not the FBI, but anyone named by the President of the United States. And what could such a person do? He could round up thousands and thousands of people, without trial, without hearing, without the right of appeal, and he could put them into a concentration camp. I think that anyone who, during World War II, was in Germany and saw the concentration camps of Germany, in which men did not have the right of trial, he would understand what I am talking about.

I remember Pastor Niemöller telling me that after he received a trial before a judge, two officers came up behind him. He was still in the court room, when they tapped him on the shoulder and said, "Come on." And for the next 4 years he laid in a concentration camp in Germany. Oh, my fellow Senators, that illustrates the meaning of the right to a trial. The judge had just said to him, "You have served 8 months in prison. I would have given you 8 months for what you said, but, under the circumstances, I am going to let you go." Immediately thereafter came the tap on the shoulder, and Pastor Niemöller went to prison.

Is it any wonder that we have doubts—not about the FBI, not about the Attorney General, but about anyone whom the President of the United States might appoint to go out into the highways and byways, to say, merely on the basis of an affidavit or probable cause, "Come on, let's go to the concentration camp?" The nature of the concentration camp is to be determined solely by the Attorney General.

What evidence there might be in the files favorable to the man could never be obtained by him. Probable cause? This bill we are talking about, the omnibus bill, the McCarran bill, the bill containing the Mundt-Ferguson-Johnston section, says it must be proved that the man committed the act, and the act must be described, and it must be proved that he committed it beyond a reasonable doubt. Imagine, Mr. President, you or yours serving in a concentration camp because there was probable cause, without your ability to ascertain what the evidence of probable cause was.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. I am glad to yield.

Mr. MUNDT. I am exceedingly happy that the Senator from Michigan pointed out this rather surprising section, which is to me a completely terrifying and un-American section, which would establish as the administrator of these concentration camps, someone whom the authors of the Kilgore bill call an "inspector of detention." I think a much better and more appropriate name could be "gauleiter of concentration camps." But anyway, this inspector of detention, as they call him, is given vast powers, which would be delegated to him by the Attorney General, who would have them delegated to him by the President, who would have them delegated to him in turn by the Congress.

I recall, as does the Senator from Michigan, visiting Germany in the closing days of the war, and shortly thereafter. I saw the concentration camp at Dachau. I saw people who were gathered up and put in jail, exactly as it is proposed to gather them up and put them in jail under the "inspector of detention" called for in the Kilgore bill. I think the last man who ever held the professional title of "gauleiter of detention camps," or "inspector of concentration camps," was a man convicted at Nuremberg, who has been sentenced properly by the international court to long years of imprisonment for doing in Nazi Germany precisely what the Kilgore bill would authorize a man to do in this country—lock up his fellow citizens, native-born, without a trial or a charge, because some gauleiter of the Government decides that perhaps, in his mind, he is thinking about engaging in espionage.

While I sincerely welcome the support of the Kilgore group in trying to do something about communism, I say to Members of the Senate, let us not tear the Constitution to shreds; let us not out-Hitler Hitler; let us not out-Stalin Stalin; let us not establish concentration camps in America and deprive American citizens of their freedom without some kind of charge against them or some kind of court process. Nine members of the board would be appointed, nine members of the special review board, and each one is given the power of a political gauleiter. Each one can sentence his fellow citizens to jail or to imprisonment in concentration camps. We must certainly approach the matter in a more constitutional and statesmanlike manner than that proposed by the Kilgore substitute.

I appreciate the fact that the Senator from Michigan has invited attention to what I consider to be the most awesome aspects of the concentration-camp portion of the bill, which would establish an inspector of detention, with vast powers down through the chain series of delegated authorities provided in the substitute measure.

Mr. FERGUSON. Mr. President, this is something that touches the Senator from Michigan very deeply. His life's work has been the law. He believes in America, in the Constitution and the institutions of America. He sees clearly the danger of the Communist conspiracy, and most sincerely he would like to help. He can see that if we do not have a registration law so that the people of the United States can know who the Communists are and who the heads of the Communists are, we might have some trouble.

But, Mr. President, if we come to that time we are going to be fighting Communists in fox holes in other lands. We must have a law that will enable us to fight them here. I know that in the great State of Michigan, if a man is registered as a Communist, and war breaks out, the people of that great State are not going to allow him to be in a place where he can commit sabotage and espionage. People who are not espionage agents are not going to be delivering to him weapons and other things.

The sixth amendment for which our forefathers fought in the Revolutionary War provides that in a criminal trial a person must be indicted and tried by a jury of his peers. He cannot be arrested falsely.

In the matter of detention, if a man is locked in a room and made to feel that he cannot come out, he is being detained; he is being imprisoned, and the laws against false imprisonment apply. The fifth amendment says no one shall be deprived of his liberty without due process of law.

Instead of issuing a warrant for a man's arrest, instead of following due process, are we going to section 127 of the Russian Constitution which cynically provides inviolability of the person except by decision of the court or with the sanction of a state's attorney?

That is exactly what the "concentration-camp" bill would provide. It not only allows the Attorney General as the Nation's principal legal officer to do it, but it goes a step further and provides that anyone whom the President of the United States appoints can make this determination. It may be said that a great Cabinet officer of the United States would not put anyone in jail under such a law, but I say to Members of the Senate that under our constitutional oath we cannot give that power to anyone except in compliance with the fifth and sixth amendments to the Constitution of the United States.

I did not think the time would ever come, Mr. President, when we would have to rise upon the floor of the Senate and defend the Constitution of the United States. I realize there was a period, through which we have just gone, when people were compelled to apologize because they believed in the Constitution.

Today I am really puzzled. I have served with some of the Members on the Judiciary Committee. They have been very particular about complying with the Constitution. Some have said we were going too far with just a registration bill. But I have not heard a voice raised against the registration of lobbyists either in the States or here. No one will raise his voice about lobbyists in the halls of Congress. If registration is so

terrible, so blackening, there must be a reason.

I have not been able to fathom why all the propaganda, why all the protest, even to the point where it was difficult to get the bill called up from the calendar because it has a registration feature in it. Did we have that difficulty in connection with the registration of lobbyists? We might have thought that the great interests, the trusts, the great wealth of the Nation would not like to have it known who had been in Washington and being paid to influence legislation. We would have expected that. But I would not have expected such a thing as a concerted effort to keep us from registering the Kremlin's agents. Yet we have seen such an effort, and we are still confronted by it. Why? That is a question that ought to be answered.

Yet we have heard it said that we should give authority to the Attorney General to throw these people into jail without trial rather than register their names. Why the opposition to registration? Is it because some men in key positions in various communities are actually Communists? Is it possible that such men are behind this propaganda, because they do not want to be registered as Communists? Is that the reason? Is it because some of our political parties are infiltrated with these agents of Moscow, that they do not want them to be registered as Communists? I doubt those are the reasons, but certainly there is an effort to protect someone or some group who cannot stand the scrutiny which the registration of Communists, Communist agents, and Communist-front organizations affords, and when no reason is given it is not difficult to enlarge upon possibilities.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. I shall be glad to yield in a moment.

Is there anyone here who feels that Lee Pressman told the truth before the Un-American Activities Committee? I do not. I do not think he came close to telling the truth. I was called up the night before he appeared before the committee and asked what I had to say about it. I said I hoped and prayed that Lee Pressman would disclose to America all his activities, come clean, and make a clean breast of it before the American people.

The next day my hopes had fallen. I saw that he did not come clean. He did not tell a thousandth part of the truth. Is it because there is so much of the truth left untold that registration is so bitterly opposed? Are there so many others who should be exposed and would be exposed by a registration statute that it is not wanted?

I really plead with my fellow Senators to look at this thing. Let us look at the position we are in. Let us try to analyze it. Let us try to do what is right in this case. How could this bill hurt anyone who is honest and is not a Stalin agent?

I cannot understand it. Perhaps some day someone will have the wisdom to get on the floor of the Senate and penetrate the minds of men to the point that he can say why they did not want to register.

Now I yield to the Senator from South Dakota.

Mr. MUNDT. At the time I asked the Senator to yield he was expressing his quandary about the fact that those who objected to the so-called Mundt-Ferguson provisions of the omnibus bill because it permitted the Attorney General, operating through a bipartisan subversive control board, to compel certain people to register, had in turn offered a measure which would permit the Attorney General without appeal to a control board to put people in jail without trial and without a charge being made against them.

Mr. FERGUSON. Does not that puzzle the Senator from South Dakota?

Mr. MUNDT. It is indeed puzzling to me. Let me point out that it goes further than the Senator from Michigan has indicated. The Kilgore substitute, which is offered as an amendment to S. 4037 is only about a day and a half old, because it popped up the day before yesterday while I was in the midst of making my remarks, and I yielded for the purpose of having it introduced. It was introduced by the Senator from West Virginia [Mr. KILGORE] for himself and in behalf of the junior Senator from Illinois [Mr. DOUGLAS], the junior Senator from Minnesota [Mr. HUMPHREY], the junior Senator from New York [Mr. LEHMAN], the junior Senator from North Carolina [Mr. GRAHAM], the junior Senator from Tennessee [Mr. KEFAUVER], and the junior Senator from Connecticut [Mr. BENTON]. I notice the names of the senior Senator from Illinois [Mr. LUCAS], and the junior Senator from Pennsylvania [Mr. MYERS], which were on the preceding form of the bill, are strangely, eloquently, and, in my opinion, gratifyingly missing from this latest version of the substitute bill.

No one questions the good reputations of these eminent Senators, some of whom proclaim themselves as being liberals, and others of whom have been proclaimed as liberals from other sources. I wonder if every one of the Senators has carefully read what he has helped to introduce and has tried to square this Kilgore substitute in his conscience with the idea that he has been considering himself a liberal in the field of American public life. Let us take the Review Board section. It appears at page 31 of the Kilgore-Dougl -Humphrey-Kefauver-Benton substitute:

SEC. 105 (a). The President is hereby authorized to establish a Detention Review Board * * * which shall consist of nine members appointed by the President by and with the advice and consent of the Senate.

I call attention to the fact, Mr. President, that this is purely a partisan, political board. It does not say, as we say in the Mundt-Ferguson bill, that a bipartisan board shall be established. Here is a purely political board. Here we would have nine active politicians selected by the President, who could persecute members of the opposition party or recalcitrant obstructionists—perhaps the Dixiecrats—within their own. Some Fair Dealer might decide that perhaps Republicans are trying to engage in sabotage or espionage. I do not know. It does not say. The Attorney General shall have power delegated to him by the President to put fellow citizens, native-born Americans, in concentration camps, according to this language in the substitute.

Let us look at page 34:

The Board may, by one or more of its members, or by such examiners or agents as it may designate, conduct any hearing necessary to its functions in any part of the United States.

Mr. President, that creates a swarm of Gestapo agents in this country, a whole swarm of unknown politicians, to travel around the country locking up in concentration camps, without charges and without a trial, anyone whom they may dislike or who, they may think, is contemplating sabotage. Mr. President, I am not exaggerating. Let me quote specifically from the language of the Kilgore substitute bill, so that the next speaker, if he cares to do so, can comment upon it, because he should be more conversant with the bill than am I. I read from page 34, section 109, of the Kilgore-Douglas-Humphrey-Kefauver-Benton substitute which they propose in lieu of the Mundt-Ferguson provisions:

It should be remembered that one man is the board, because the definition says:

The Board may, by one or more of its members or by such examiners or agents as it may designate, conduct any hearing necessary to its functions in any part of the United States.

So we would have 9, perhaps 90, and, if jobs are really scarce, perhaps 900 or 9,000 Gestapo agents traveling around America—and I quote from their substitute—

(1) to review upon petition of any detainee any order of detention issued by the Attorney General.

That is his appeal. Some obscure political agent reviews it and says, "No." Perhaps by that time they will be saying, in Gestapo language, "Nein, nein," or as a Communist agent would say, "Nyet, nyet." On the other hand perhaps they may be still American enough just to say, "No, no."

The second thing they can do is—

(2) to determine whether there is a reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage.

These traveling clairvoyants will hold the hearings and finger carefully the crystal ball to determine whether any man being interrogated might conceivably be thinking about engaging in espionage or sabotage.

Mr. FERGUSON. That would be thought control.

Mr. MUNDT. It would be worse than thought control. It would be control by clairvoyants. Every spiritualist in Washington would have to resign his present job and reregister under this Gestapo board, because certainly it will be necessary to have all the people who can read tea leaves, stroke the crystal ball, read the wrinkles in a man's head or the lines on his palm, operating as agents in order to determine what goes

on inside the people's minds so these "thought policemen" will know whom to lock up in their big new concentration camps.

This strange traveling horde of Gestapo agents could do it. Anyone of them could do it. This would become the era of "every man a dictator" insofar as these new Government gauleiters are concerned. Let me read on:

(3) To issue orders confirming, modifying, or revoking any such order of detention.

They can confirm, modify, or revoke. The poor fellow snatched up in the middle of the night, awakened by the knock on the door that Europeans have come to fear from their state police, is pulled out of bed by these American state policemen and thrown into a concentration camp. He can some days later have one of these traveling agents listen to him, who can tell him, "Sorry, old man, you stay in jail. The Constitution does not do you any good anymore."

Again I read from this startling substitute:

To hear and determine any claim made by any detainee pursuant to this paragraph for indemnification for loss of income.

Our colleagues are good fellows, and they realize that if they lock a citizen up they may have to indemnify him. I wonder if all the printing presses in the country printing money and working 24 hours a day could produce enough thousand-dollar bills to indemnify the citizens of America who rightfully would have a claim against their Government if they were to be locked up by Gestapo agents such as those provided in this proposed substitute bill.

The courts are going to say, very rightfully, that a man who is taken from his farm, or from his fishing smack when the fishing season is on, or from his business, or from his profession is entitled to indemnification. This certainly is a way to spend the Government money faster than anything the Fair Dealers have ever thought of before. This will get rid of it in bales. It will really require a long shift to take care of peddling out the dollars to people who are going to claim indemnification because a little political agent of the Government locked them up in the concentration camps of America.

Mr. President, I mention this only because the Senator said the Attorney General could do that, and that is true, but the nine gestapo chiefs could also do it, and each of them could appoint as many parasitical appointees as he desired, and they would all be appointed by a political board, without any bipartisan balance or restraint.

I think Senators should consider very seriously before they come to a vote which would authorize that which I believe they will realize comes so near to tyranny that I hope its sponsors will modify it so that the people of America will not even have to read in the RECORD that such legislation was considered by the Senate, under the great Constitution of the United States.

Mr. McCARRAN and Mr. KILGORE addressed the Chair.

Mr. FERGUSON. I yield to the Senator from Nevada.

Mr. McCARRAN. I thought the Senator was going to yield the floor.

Mr. FERGUSON. I am going to yield the floor. Does the Senator from West Virginia desire to ask a question?

Mr. KILGORE. I wish to ask unanimous consent to ask the Senator from South Dakota a question.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and consent is given.

Mr. KILGORE. I wonder if the Senator from South Dakota remembers the speech recently delivered by him in which he defined the substitute as a "milk toast" substitute because of its very softness, and I wonder if the Senator from South Dakota has changed his mind.

Mr. MUNDT. Mr. President, if the Senator will permit, I stated before he came on the floor that I had discussed 2 days ago a milk-toast substitute for our proposal, and that in the middle of my speech I yielded to my distinguished friend, the Senator from West Virginia, to pop this substitute into the hopper during my speech, so obviously I did not then have the chance to read this later version of the bills which have been tumbling down from the White House like Niagara in the past 2 weeks.

Mr. KILGORE. Mr. President, I should like to have the RECORD corrected, because, I will say to the Senator from South Dakota, when he says this bill tumbled down from the White House——

Mr. FERGUSON. Is it not an administration bill?

Mr. KILGORE. Let me state to the Senator——

The PRESIDING OFFICER. The Senator from West Virginia was given consent to address a question to the Senator from South Dakota.

Mr. FERGUSON. I will ask unanimous consent that I may ask a question.

The PRESIDING OFFICER. The Senator from West Virginia may proceed.

Mr. FERGUSON. Will the Senator from West Virginia yield so that I may ask him to answer the question?

Mr. KILGORE. No; I will answer the question without being asked. I desire to correct the RECORD because the Senator from South Dakota has jumped to a conclusion, as is sometimes done, in stating that the substitute offered by the Senator from West Virginia on behalf of himself and my colleagues came tumbling down from the White House. It did not come tumbling down from the White House. The White House or the White House staff had nothing to do with the drafting of it. It is true that it contains some features of the bill introduced by the Senator from Washington [Mr. MAGNUSON], but it is not in any sense of the word an administration bill.

Mr. MUNDT. It was the bill introduced by the Senator from Washington [Mr. MAGNUSON] to which I was referring as the "milk-toast, mollycoddle" bill.

Mr. KILGORE. Let me say to the Senator that it cannot be called an administration bill except insofar as it conforms to the message of the President, because it was drafted on Capitol Hill, and was not sent down by the President or by the Department of Justice or anything of the kind. It is an interpretation of what the Senator from Washington thought the President's message contained.

Mr. McCARRAN. Mr. President, continuing the thought which has been so ably expressed by the Senator from Michigan and the Senator from South Dakota, let me say that one of the most potent ways of destroying valuable legislation is to insert in it somewhere along the line something which on the very first test will cause it to be held unconstitutional. Of course the substitute could not be regarded in any other light, under the decision law of America and under our constitutional provisions, than an unconstitutional law. If it is adopted and becomes a part of the pending bill, I believe that any court reviewing the statute would almost immediately declare it to be unconstitutional.

Mr. KILGORE. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. KILGORE. Does the Senator infer that the substitute was intentionally offered to make the bill unconstitutional?

Mr. McCARRAN. I did not say that. I say there is no better way of destroying a valuable law.

Mr. KILGORE. I did not want a misunderstanding in the RECORD.

Mr. McCARRAN. I say there is no better way of destroying a valuable law than to insert somewhere along the line an unconstitutional provision.

Mr. President, because of the intensive lobbying and propaganda campaign which is being waged by the Department of State against that segment of the bill, S. 4037, which is designed to strengthen the administration of the laws relating to the issuances of visas and passports, I am obliged to make a few comments so that the Senators will not form in their minds an erroneous preconception of this segment of the bill.

My comments are further prompted by the fact that this segment of the bill is vital if we are to accomplish our objectives of protecting the internal security of the United States. Although we may write sound internal-security legislation, unless we also strengthen the administration of the law we shall have accomplished nothing.

Mr. President, during the course of the hearings which were conducted by a special Subcommittee of the Committee on the Judiciary, the chief of the Visa Division of the Department of State revealed an alarming situation with reference to the issuance of visas to aliens who are definite threats to the security of the United States. He testified that in every single case in which the visa division had disapproved a visa application on security grounds involving an official of a foreign government or an affiliate of an international organization the case had been approved by some other division in the Department of State and that these security-risk cases were running at the rate of about 10 a month. It was further revealed that the Passport Division and Visa Division of the Department of State were precluded from direct contact with the Federal Bureau of

Investigation and other security agencies of the Government and that the only intelligence information which was available to these divisions is filtered through intermediate offices of the Department.

During the debate on the Senate bill 4037, I shall discuss extensively this situation and I shall reveal the facts respecting a number of subversive cases which have been approved under this present system, but in passing, may I say that the chief of the visa division when he testified could not recall a single case in which a visa had been refused on security grounds to an alien who had a diplomatic passport, notwithstanding the fact that 160,000 diplomatic visas have been issued since 1933.

Mr. President, this segment of the bill against which the Department of State is at this moment waging a campaign by buttonholing the Senators in the corridors, by telephone calls, and the like, does just this and nothing more: It creates in the Department of State a Bureau of Passports and Visas to be headed by a Director with rank and compensation not less than that of an Assistant Secretary of State. The Director shall have not less than 10 years' experience in the Foreign Service of the United States and shall be appointed by the President, by and with the advice and consent of the Senate. He would have statutory authority to maintain direct and continuous liaison with the internal security officers of the Government. Thus, the Director would have the same relationship to the Secretary of the State that the Director of the Federal Bureau of Investigation and the Commissioner of Immigration and Naturalization now have to the Attorney General. We would have some fixation of responsibility in the matter of issuance of visas and we would attempt to eliminate the monkey business which has so freely occurred in the past in the issuance of visas. At the present time, the Chief of the Visa Division of the Department of State has little more responsibility and authority than an office boy in the Department.

His decisions are subject to the whims of the heads of the various political and economic desks within the Department, and we are unable to hold any one individual responsible for the situation whereby aliens who are a definite threat to the security of the United States have been and are being freely admitted into the United States.

I invite the attention of the Senate to two typical illustrations of the confusion and lack of fixation of responsibility under the present system as it affects the Visa Division of the Department of State.

The first illustration is the situation which our subcommittee has been trying to correct with reference to the loose screening procedures in the admission into the United States of aliens from Cuba. The subcommittee learned some time ago that notwithstanding the law which requires that all aliens who seek admission into the United States must be documented, the Department of State, over the protests of the Visa Division, waived documentation for aliens coming to the United States from Cuba who presumably are Cuban nationals and who enter ostensibly for periods up to 29 days.

The subcommittee made an investigation of this situation and after discovering that Communist agents were being admitted into the United States under this loose procedure, the subcommittee called for corrective action. After considerable insistence by the subcommittee the State Department finally agreed to reinstitute the visa system, but the Chief of the Visa Division did not even know that the State Department had reached this decision until he read about it in the newspaper, in a press release which had been issued by one of the other divisions in the Department of State.

The second illustration of this situation about which I have been speaking pertains to the rules and regulations of this Government with reference to affiliates of international organizations. Under the Headquarters Site Agreement, which was passed by the Congress and signed by the President some 3 years ago, our Government reserved the right to prescribe restrictions on the movements in the United States of certain alien affiliates of international organizations. But until this day the Visa Division of the Department of State has not been able to procure the approval of the other divisions in the Department of State of the rules and regulations which have been drafted governing this situation.

If it were not so serious, Mr. President, it would be amusing to reflect on the arguments which the representatives of the Department of State are making to the Senators in opposition to this segment of the bill. They speak of "functional coordination within the Department" and other vague terms which they feel are acceptable in opposition to this segment of the bill. They contend that the Visa Division must be under the thumb of the political and economic divisions of the Department so that the security interest of this country may be weighed in the balance against the economic and political policy phases of our foreign relations.

I may say in passing, Mr. President, that the Hoover Commission recommended that the Visa Division functions should be transferred from the State Department to the Department of Justice.

I submit, Mr. President, that this structural change which would be provided by the bill is sound in that the Director of the Bureau of Passports and Visas would have no other allegiance except to enforce the laws enacted by the Congress relating to passports and visas which are of extreme importance to the security of the United States. I may suggest in concluding these remarks, Mr. President, that when the Senators are approached with requests to oppose this segment of the bill they ask these questions:

First. Has there been a single security case, under the present system, which has been disapproved by the Visa Division which has not subsequently been approved by other divisions of the Department of State?

Second. Has there been a single visa application under the present system involving an affiliate of an international organization or an official of a foreign government which has been declined on security grounds?

And then ask this question: Have you seen the security files on those aliens who have been admitted into the United States as affiliates of international organizations or officials of foreign governments and who are at this minute endangering the security of the United States?

I say, Mr. President, that if this segment of the bill is not maintained as part of our internal-security legislation, we might just as well suspend our efforts to sever the pipeline of Communist infiltration into the United States.

Mr. President, there is another phase of the subject I desire to discuss, even at this late hour. In connection with debate on this bill, some mention has been made of hysteria. Among the charges, direct and indirect, stated and implied, which were heard on the floor of the Senate last Tuesday were some which, while they may not have been the product of hysteria, were at least sufficiently extravagant to merit some comment.

One such charge was that S. 4037 contains provisions which will endanger our national security. Significantly, the provisions referred to were not identified. It would be interesting if the able Senator from New York would attempt to point out the specific provisions which he thinks will endanger our national security, and tell us why he thinks so.

Another rather startling averment was that top Communist planners would warmly welcome the passage of Senate bill 2311 or Senate bill 4037. That probably emanated from the same type of thinking which led the Washington Post to say that the reason the Communists are opposing this bill so vigorously is that they want it enacted.

It was arresting to hear the Senator from New York declare on Tuesday that—

> The Smith Act * * * makes membership in the Communist Party prima facie evidence of criminal intent.

His statement in this regard was used as the major premise for a syllogism of which the conclusion was that—

> Hence, the only operative provisions of the Mundt-Ferguson bill are completely unnecessary.

I am not sure the syllogism would be logically sound, even if the major premise were true; but, of course, the statement about the Smith Act making membership in the Communist Party prima facie evidence of criminal intent simply has no foundation in fact.

Perhaps it should be said, in fairness to the Senator from New York, that there is no reason to believe he intended to make a misstatement. There is no evidence of record that the Senator ever read the Smith Act. Of course, in order to make a statement like the one he made a man must not have read Judge Medina's scholarly charge to the jury, in which he specifically pointed out that the Communist membership or affiliation of the 11 defendants was not in controversy, was not a part of the charged offense, and should not be considered by the jury. I really think the Senator

from New York is more to be pitied than blamed.

One of the things the Senator from New York said on Tuesday was that—

> Most of the provisions of the Mundt-Ferguson bill, and also those contained in the McCarran omnibus bill, not only are unwise and unnecessary, but are inimical and prejudicial to our national security and to the very purposes which the supporters of this proposed legislation have in mind.

Naturally, I do not agree with the Senator in his expressed view as to the wisdom and necessity of this bill, and I most emphatically disagree with the statement that the provisions of this bill are inimical and prejudicial to our national security; but those are matters on which, I suppose, the Senator is entitled to voice an opinion, either his own, or any other opinion which he cares to adopt. But there is another point to the statement I have just quoted, in connection with which the Senator went too far. Mr. President, I am one of the supporters of this proposed legislation. I want to say for the record, Mr. President, as one of the supporters of this bill, that there is absolutely nothing in this bill inimical or prejudicial to any of the purposes which I have in mind in urging its adoption, and that I had no purpose in mind not involved in preserving and protecting the national security of the United States.

At another point in his discourse on Tuesday, the Senator from New York said that—

> The Mundt-Ferguson bill and the McCarran omnibus bill contain many of the worst features of the Reconstruction Act approved after the Civil War.

I do not know what Reconstruction Act the Senator refers to. There were five Reconstruction Acts. However, I am sure the Senator's statement is more than slightly unjustified by the facts. I really believe that, having made this statement, the Senator from New York should attempt to justify it by pointing out whatever features of the particular Reconstruction Act he had in mind, are to be found in the Mundt-Ferguson bill and the McCarran bill. I anticipate that he may have some difficulty in doing so. The Reconstruction Acts dealt with matters entirely different from those dealt with in Senate bill 2311 and in Senate bill 4037. The first Reconstruction Act was a basic, general, organic act, dividing what had been the Rebel States into military districts, and providing for interim military government.

The second Reconstruction Act laid down the conditions under which local governments could be set up in those States. That act had a registration provision; but lest I mislead the Senator from New York and cause him to look first at this provision in seeking some feature of a reconstruction act which he can point to as being contained also in the Mundt-Ferguson and McCarran bills. I hasten to point out that the registration under that Reconstruction Act was a registration of male citizens over 21 years old entitled to vote. That registration provision was, at the time, considered by many persons to be a very bad provision, because the clause governing eligibility for registration operated to make voters out of the Negroes; but I feel sure that is not a bad provision in the opinion of the Senator from New York; and so I assume he will have to look further for a provision which will meet the specifications of his charge. At any rate, of course, neither the Mundt-Ferguson bill nor the McCarran bill has anything to do with registration for voting, or with extending the franchise to or withholding it from any segment of the population.

The third Reconstruction Act simply clarified the first such act, removing any doubt that the former legal governments of the affected States were completely ousted and succeeded by the military governments set up under the first Reconstruction Act.

Incidentally, the first three Reconstruction Acts were vetoed by President Johnson, and were passed over his veto.

The fourth Reconstruction Act, in some degree similar to the second, concerned elections, and laid down rules as to what should constitute a majority and who might vote. That act was signed by the President.

The fifth Reconstruction Act concerned only the State of Georgia, and made numerous provisions respecting the establishment of a civil government in that State and the election of a general assembly. That act was passed during President Grant's administration, and was signed by him.

Mr. President, I do not presume to have made either a deep or a recent study of the Reconstruction Acts; and it may be that the Senator from New York, in his careful and painstaking research upon these statutes, has come across some features of one of them which reminded him in some way of some provisions of the Mundt-Ferguson bill and the McCarran bill. I do hope that the Senator from New York will give us the benefit of his findings in this regard. Certainly, his statement that the Mundt-Ferguson bill and the McCarran omnibus bill contain many of the worst features of the Reconstruction Act approved after the Civil War is entirely too provocative to be left hanging in midair, so to speak, without clarification or substantiation.

Mr. President, a little earlier I mentioned hysteria; but so far I have not quoted anything the Senator from New York said which necessarily presupposed a condition of hysteria as a factor in its utterance. I am not sure that is true of the statement the Senator made that if this bill is passed—

> The enforcement agencies will have to go through the mails, look into every letter and every piece of literature to see from what kind of organization it emanates. Privacy of the mails will be gone. And an army of snoopers will necessarily be let loose to pry into the personal and private affairs of all our citizens.

That statement is just a little more than mere gross exaggeration. It seems to connote at least some measure of hysteria in the thinking which it reflects—if it does reflect thinking.

Here is something else the Senator from New York said which simply must be challenged, in the interest of accuracy. He said:

> The Mundt-Ferguson bill and the McCarran bill go much, much further than requiring a Communist or Communist-front group to register. For example, there is the sedition section. This is the section which, out of hand, makes it a penal offense to be a Communist or to be a Fascist.

Mr. President, if there were in the bill a section which would do that, I suppose the Senator would have the right to call it the sedition section even though sedition involves the utterance or publication of statements against the Government. However, the fact is, Mr. President, there is no such section in the Mundt-Ferguson bill. There is no such section in the McCarran bill. I do not know what the Senator was talking about. Just so the RECORD may be clear, I hope the Senator will identify the particular section he referred to as "the sedition section," and that he will read it into the RECORD, or have it inserted. That is important, of course—because merely citing some section number will not prove whether the Senator was right.

Now, here is something else the Senator from New York said Tuesday:

> Communists, of course, would obviously be indictable and subject to imprisonment under the provisions of section 4 (a). Yet, at the same time, they are required to register as Communists under the terms of section 8 of the same bill. In other words, one section requires them to register, and another section puts them in jail for registering. This is not legislation; it is a parody on legislation.

Those were harsh words, Mr. President.

In order to get the full flavor of just how extravagant—I shall not say hysterical—that statement is, it is necessary to look at the provisions of section 4 (a). Section 4 (a) provides:

> It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual.

Mr. President, subsection 4 (f) provides as follows:

> Neither the holding of office nor membership in any Communist organization by any person shall constitute a violation of subsection (a) or subsection (c) of this section. The fact of the registration of any person under section 7 or section 8 of this act as an officer or member of any Communist organization shall not be received in evidence against such person in any prosecution for any alleged violation of subsection (a) or subsection (c) of this section.

Of course, it is necessary to read the entire section. I hope the Senator from New York may find time to read it, and then I hope he may see fit to tell the Senate whether he still thinks Communists, as such, would obviously be indictable and subject to imprisonment under section 4 (a).

Mr. President, I do not think it is necessary to proceed any further with these reminiscences of Tuesday's address by the Senator from New York.

But I do not want to deprive my colleagues of the enjoyment which I experienced from a few gems of expression, contained in the remarks of the Senator from New York, to which I have not yet alluded. I shall merely record them, with a minimum of comment, and leave to my colleagues the joy of contemplating them at leisure.

Early in the course of his address, the Senator from New York said:

> I know that a great deal of thought has gone into the drafting of the Mundt-Ferguson bill. Proponents of the bill argue that it is, in its present form, perfectly constitutional. I am not a lawyer, but I disagree completely.

Later on, the Senator from New York voiced three legal conclusions, with which I disagree, but which deserve careful preservation and identity with their authorship. These three conclusions were:

First. A relief organization sending aid to private individuals in Yugoslavia would be properly classifiable as an organization "primarily operated for the purpose of giving aid and support to a Communist-controlled organization, a Communist foreign government, or the world Communist movement."

Second. A church organization collecting funds for food shipments to individuals in Communist-controlled China or Poland would be properly classifiable as an organization "primarily operated for the purpose of giving aid and support to a Communist-controlled organization, a Communist foreign government, or the world Communist movement."

Third. The organization CARE might be properly classifiable as an organization "primarily operated for the purpose of giving aid and support to a Communist-controlled organization, a Communist foreign government, or the world Communist movement."

Mr. President, I cannot resist one comment on those three conclusions. It should not take a lawyer, nor even a law student, to see the absurdity of those statements. It should be apparent to anyone who understands plain English.

In closing, Mr. President, let me quote just two more statements made Tuesday by the Senator from New York, both of which strike me as rather priceless. The Senator said:

> Mr. President, other members of the Senate are much better qualified than I to analyze this legislation in its basic legal aspects. I shall not attempt to do so save to submit that the Mundt-Ferguson and McCarran bills seem to me to violate very clearly the first, fifth, and eighth amendments to the Constitution.

That is what he said. And, later, he said:

> Mr. President, I have spoken at great length. Yes I have not even begun to cover the field.

Mr. President, I yield the floor.

Mr. GRAHAM. Mr. President, the hour is late. It is approximately 2 hours past what we call in the South "supper time."

INTRODUCTION

Mr. President, in modern times millions of people left the Old World to build new homes in America where they could have freedom of worship, assembly, expression, enterprise and their own representative general assemblies. In the last quarter of the eighteenth century approximately 3,000,000 of these people declared themselves to be the free and independent United States of America, framed the Federal Constitution, adopted the Bill of Rights, and charted a new course for human freedom in the world. Through the ideas, struggles, and programs of the people under the leadership of such Presidents as Washington and Adams, Jefferson and Jackson, Lincoln and Theodore Roosevelt, Wilson and Franklin D. Roosevelt, the people have achieved a dynamic balance of local and Federal power, a progressive synthesis of individual liberty, equal opportunity and social security, increasingly inclusive of all the people.

In the American dream and in the faith and words of the fathers of the Republic was the challenge that there should be raised in the New World a standard to which the oppressed of the earth and all who loved freedom and peace could repair. Under that standard a war was fought which freed the slaves, reunited the States across a continent for a higher destiny in a world in need of a larger federation of nations for freedom and peace. The American dream and the faith of the people in the Federal Union of States were enlarged under the international standard raised on the shores of Lake Geneva in the historic Swiss Republic whose federation of the people of three separate nationalities has long been an example to the different peoples of the earth. This international standard, lowered for a time at Geneva, was raised again with promise of new heights at Lake Success and at the beginning of Forty-second Street on the banks of the East River where converge the hopes of the free peoples for a new world still in the womb of time.

PRESENT BACKGROUND OF THE NEED OF INTERNATIONAL SECURITY

Against the hopes of the American dream of human liberty and equal opportunity and against the faith of free peoples in the international organization for justice and peace on earth, there has risen the mighty power of the Communist totalitarian dictatorship for the domination of the world. The President of the United States standing in a great tradition and speaking courageously for the peaceful, productive and hopeful people of America, has drawn the lines of freedom and peace against the aggressions and designs for world dominion of the Communist police state.

In the confusion between the designs of dictators for war and the yearnings of the people for peace, amid disillusionment and hope, and confronted with the problems of internal security against subversion and international security against aggression, we need again and again to remind ourselves of what is in the minds and the hearts of the people.

COMPARISON OF ATTITUDES OF AMERICAN AND SOVIET GOVERNMENTS

The American people, with all their differences and all their faults, have the basic hopes of a common faith. The American people fervently desire freedom and peace for themselves and all the people on earth. With all their hatred of the totalitarian dictatorship, they yearn for peace with the great but tragically misled Russian people. They covet no land, intend no aggression, and want no war. With faith in their own ideas and way of life, they would have ideas free in the peaceful struggle between ideas in the world's free market place of ideas without any tyranny over the bodies, the minds, and the spirit of men. This freedom of the people to choose their ideas, their institutions, and their ways of life, is part of the heritage and hope of the human pilgrimage toward freedom, justice, and peace on earth. In the people's passion for peace the Government of the United States has gone far in its efforts for cooperation with the Government of the Soviet Union both during and after the Second World War.

After the First World War the United States renounced the League of Nations and failed the hopes of mankind. After the Second World War the Soviet Union has obstructed the United Nations and has failed the humane hopes of the peoples of the world. We are not unaware that our American democracy and the other democracies have their faults, frustrations, and injustices for which they are answerable to the God of history as part of the sins of the democratic world, in which, with humility of mind and contrition of heart, we must all share.

Yet, it is written in the record which we now recapitulate that the Soviet Union, instead of continuing the allied cooperation which won the war and could have won—and yet could win—the peace, disrupted this international cooperation; obstructed the purposes and possibilities of the United Nations; withdrew in isolation behind the iron curtain; broke the pledges for the self-determination of peoples; crushed civil liberties and the freedom of people to organize in churches, parliaments, corporations, labor unions, and cooperative societies; made more absolute the totalitarian dictatorship based on the oligarchy in the Kremlin, which draws its monopoly of power from one small political party which has liquidated all opposition; held many more millions of dissenters, political prisoners, and laborers in concentration camps and in enforced bondage in 1950 than there were slaves in the Southern States in 1861; subjugated little nations by force, or threats of force; carried on internal subversions against the integrity and freedom of all nations; picked off nations, one by one, and locked them behind the iron curtain of the police state; carried on sabotage of European recovery; made war on religion; blockaded Berlin; and in the midst of the worldwide fear of atomic bombs and the world-wide hopes for peace, rejected the United Nations' plan for the international control of atomic power.

SIX FACTS STAND OUT

Above all our own faults and frustrations, above all the charges and countercharges, six facts stand out for inform-

ing those peoples of the earth whose minds have not been twisted with misinformation and hate, which from behind the iron curtain day after day through the months and years, fill the air waves and the ears of the peoples of the world.

First. Instead of continuing the cooperation of the allied nations in winning the war, the Soviet Union deliberately obstructed the purposes and procedures of the United Nations for winning the peace.

Second. The United States, with the stupendous capacity for war production and the mightiest fighting power, quickly reconverted for peaceful production most of its industrial war plants and demobilized most of its fighting forces while the Soviet Union kept its war plants in heavy production and its armies mobilized in larger forces than the combined armies of America and western Europe.

Third. The United States, with its then monopoly of atomic bombs, supported, and the Soviet Union blocked, the plan of the United Nations for the international control and inspection of atomic power for the potential production of the good life for all instead of for the destruction of much of the life on the earth.

Fourth. The United States supported, and the Soviet Union blocked, the holding of free elections under the United Nations for the self-determination of all the Korean people in one independent and united Republic of Korea.

Fifth. The United States supports and the Soviet Union seeks to block the policies of the United Nations for repelling the aggression by Communist North Korea against the Republic of South Korea.

Sixth. Instead of keeping its promise to stop the subversions of international communism against the internal security of the United States and other free peoples, the Soviet dictatorship, through its control of international communism, continues its conspiracies and subversions against human freedom in all lands.

THE M'CARRAN BILL, S. 4037

These conspiracies and subversions of international communism in the United States confront us in the Senate today with the responsibility of providing stronger measures for the protection of our internal security. Every member of the Senate, I am sure, is for stronger and more effective safeguards of our national safety. The McCarran bill, S. 4037, and the Magnuson bill, S. 4061, both have the patriotic purpose of safeguarding the internal security of the United States. The issue is now joined in this debate as to which of the two bills more securely protects our country against the conspiracies and subversions of international communism.

In the discussion of the two bills already made in the last several days by the able proponents of the two bills, we have come to grips with their basic provisions. Let us analyze first the main provisions of the McCarran bill, and the Mundt-Ferguson provisions which are the heart of much of the bill.

SECTION 4 (A)

The provision in section 4 (a) makes it unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship by, for, and under foreign control. Since this provision is without the condition of the use of force and violence, it is in violation of the first amendment of the Constitution. Chief Justice Charles E. Hughes in Stromberg against California handed down the decision for the United States Supreme Court that it is lawful for a person to advocate—therefore to agree with another person to advocate—the most extreme political change by peaceful means. Even if the force and violence were proved to meet the requirement of the Smith Act, though not the requirement of the McCarran bill, the McCarran bill requires proof of foreign control which is not required by the Smith Act. However, the main consideration regarding section 4 (a) is the fact that by not including as a condition the use of force and violence as an essential part of the act prohibited, the section 4 (a) itself is prohibited by one of the main provisions of our constitutional Bill of Rights. Either it is unconstitutional or it is no more than the Smith Act except that section 4 (a) requires proof of foreign control. The difficulty of proving foreign control, not required in the Smith Act but required in section 4 (a), makes the Smith Act more effective than section 4 (a) in protecting the national security.

SECTION 14 (E) AND (F)

We are all in sympathy with the purpose of section 14 (e) and (f) in requiring disclosure of information by Communist-controlled and Communist-front organizations. I am personally in favor of Congress considering the values of simple disclosure of the officers, directors, sources of income, and disbursements by all organizations which seek to influence public opinion. I take it that the provisions of the Hatch Act and the Corrupt Practices Act apply equally to the Communist Party as to all other parties. There are sound public reasons for requiring more not less information about Communist organizations. Such disclosures could not only be a protection to countless loyal Americans who join organizations presumably devoted to humane causes but also a protection to the American public at large which makes choices in supporting with public opinion causes presented as being in the public interest.

The eight criteria set forth in section 14 (e) and (f) to be used as a basis for requiring the registration of Communist-controlled and Communist-front organizations seem to us to be sound except for four considerations. These four objections are the second and seventh criteria in 14 (e), the fourth criteria in 14 (b), and the indefiniteness of the phrase "shall take into consideration the extent which." Our objections do not lie against the first, third, fourth, fifth, sixth, and eighth criteria in 14 (e) and the first, second, and third criteria in 14 (f). Our objections lie against criteria No. 2 and No. 7 in 14 (e) and criteria No. 4 in 14 (f).

Regarding the seventh criteria set up for the determination of an organization as Communist-controlled, the Board is not required to find that each of the seven criteria exists but needs only to take into consideration the extent to which any of the seven criteria is present. In section 14 (e) 2 and 14 (f) 4 the Board is required to take into consideration the extent to which the organization's views and policies do not deviate from a foreign totalitarian government or a foreign totalitarian organization. Suppose the purpose of an American organization was exclusively limited in policies and views to opposition to two things, the Truman doctrine and the military-assistance plan. Suppose the only two policies, which the organization has and the only views which the organization has expressed do not to any extent deviate from the Communist Party line or a foreign government. In time of great national fears and popular anxiety this nondeviation might be the basis for the determination of a pacifist organization as a Communist-controlled or Communist-front organization.

In section 14 (e) 7 the extent to which an organization has a policy of secrecy regarding its membership, records, and operations may be the basis for determining the organization to be Communist-controlled in spite of the warning of Mr. John W. Davis and Mr. Seth Richardson that such secrecy might in no way be connected with a Communist organization or a foreign government or any subversive activity. Mr. John W. Davis, in addition, says that the phrase "the extent to which" should be changed to read "whether or not" to be in line with the constitutional objection to vagueness in a criminal statute.

On the basis of section 4 (a); on the basis of the second and seventh criteria of 14 (e) and the fourth criteria of 14 (f); and on the basis of the indefinite meaning of the phrase "shall take into consideration the extent to which" the Attorney General has expressed the fear that the bill would impose its sanctions upon the freedom of speech and the press on both subjects protected by the first amendment to the Constitution by both prior restraint and subsequent punishment.

Prof. Zechariah Chafee, of Harvard University, one of America's most eminent authorities on civil liberties as a dynamic force for human freedom and human progress, in an analysis of the bill has expressed the fear that a board with powers based on such broad and indefinite language might classify as Communist an organization which agitated for economic and social progress. Under alternative criteria the broad scope of some indefinite language it is not inconceivable that some board might honestly agree with some highly organized interests and powerful propaganda, that movements in the interests of the general welfare, wider availability

of medical care, broader rights of minorities, and larger participation of industrial workers and farmers in our economic society had their origins under the control of a foreign totalitarian government and would substantially contribute to the establishment of a totalitarian dictatorship in the United States. This is improbable but not impossible. There have been stranger development in the use of laws passed for one purpose being used for other purposes especially if the language is indefinite and the criteria are alternative in series.

RESULTS NOT COMMENSURATE WITH LENGTH OF TIME REQUIRED FOR FINAL DETERMINATION

The provisions of the bill will not bring the results intended or justified by such long drawn out procedures. It has been estimated that a case of resistance will take 2 or 3 years for the elaborate administrative and, if appealed, the judicial procedures to reach a final determination in the Supreme Court. It must be noted that in accordance with section 15 (b) (4) that the order of the board shall become final upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court. The final order is not final until 10 days after the mandate of the Court. It is not a crime not to register until after the final order of the Court upholding the final order of the board. Before the expiration of the 10 days required for the final mandate of the Court to go into effect, the worst of such organizations instead of registering would likely dissolve, and either go underground, or reappear for apparently another purpose under a different name but really to carry on its nefarious schemes. Then, the elaborate round of procedures will begin all over again.

The omnibus bill includes also S. 595, S. 1832, S. 3069, and parts of H. R. 10, which we leave for analysis by others.

THE MAGNUSON BILL

The Magnuson bill stands on the Smith bill as preferable to section 4 (a) of the Mundt-Ferguson part of the McCarran bill; reaffirms the laws against treason, sabotage, and subversion; strengthens security laws in need of more strength; proposes some new laws against sabotage and espionage; and takes account of the present threefold security program of the Government. While doing all these things the Magnuson bill has no criteria in alternative series with indefinite language introducing the criteria which, together with section 4 (a), it is held by some constitutional lawyers of high repute, run counter to the constitutional principles of the Bill of Rights, now a basic part of our historic Americanism.

PRESENT LAWS FOR SECURITY

The Magnuson bill stands on the 27 laws now on the statute books, and in addition to the constitutional definition of treason in article III, section 3, includes, among others, the Conspiracy Act of 1861 and the Supplementary Act of 1867, the Espionage Act of 1917, the Alien Registration Act of 1940, which itself includes the Smith Act.

THE SMITH ACT

The Magnuson bill reaffirms the Smith Act as competent to cope with those dangers to our internal security against which the McCarran bill is directed. It was under the Smith Act that the 11 American Communist leaders were fairly tried and convicted. This act prohibits the advocacy or teaching or the conspiracy to advocate or teach the overthrow of the Government of the United States by force and violence. The influential position and the strategic power of these top leaders of international communism in America made their advocacies and conspiracies, in the midst of the cold war, to overthrow the Government by force and violence, it has been held a clear and present danger to the security of the United States. This act and these convictions were upheld by the United States Circuit Court of Appeals in an opinion written by Judge Learned Hand, long eminent for legal learning and long known for his guardianship of the American Bill of Rights. The Smith Act imposes no prior restraints upon or subsequent punishment for the advocacy of any idea or program through the peaceful processes of the ballot box, the acts of the Congress, and amendments to the Constitution.

S. 595

The Magnuson bill proposes the enactment of S. 595 which, as H. R. 4703, has already passed the House by an overwhelming majority. The omnibus bill also includes S. 595 but without the vital provision retained in both the House bill and the Magnuson bill both of which would give the President the power in a national emergency to extend the provision of the original S. 595 and H. R. 4703 "to such property and places as the President may designate in the interest of national security." The Magnuson bill also has additional provisions regarding deportable aliens needed in the interest of national security.

THE PRESENT SECURITY PROGRAM

The Magnuson bill reenforces the present loyalty and security program of the Government. After trial, error, and experience with the internal subversions of international communism, the Loyalty Review Board, the Interdepartmental Intelligence Committee, the Security Section of the Criminal Division of the Department of Justice, and the Federal Bureau of Investigation, are working in effective cooperation. The Loyalty Review Board is presided over by Chairman Seth Richardson and other representative and distinguished Americans. The Interdepartmental Intelligence Committee is composed of high-calibered representatives of the Army, Navy, Air Corps, and the FBI. The Security Section of the Department of Justice have on the job, night and day, a group of highly competent and experienced intelligence officers and professional counter-espionage agents who can cope with the toughest and most skilled spies and saboteurs in the world. The FBI is headed by Mr. J. Edgar Hoover who, with administrative ability and experience, directs an organization high in morale and alert and able to cope with the needs of national security. The Magnuson bill reaffirms the values of the old and recent laws, proposes needed new laws and expresses its faith in the now well-coordinated program of loyalty and security, all of which together will be more effective without the introduction of a well-intentioned new system whose elaborate procedures of registration, hearings, appeals, and reviews may complicate more than it will strengthen the security program of the Nation.

THE BEST WAYS TO DEFEAT COMMUNISM

In this the most critical time for freedom in the world may our America be strong in industrial, agricultural, military, and moral power, in internal security, national defense and in her leadership, through the United Nations, for international cooperation with all the free peoples of the earth. Let us without stint back up the brave young men in Korea with their backs to the sea and their faces to a foe backed up by a totalitarian dictatorship reaching across two continents. Let us stand for the freedom and self-determination of big and little people, in east and west, in their fight against fascism, communism, and imperialism anywhere. While we hold and strengthen the lines to the utmost in this crisis, we must realize that ideas in the free minds and democratic faith in the hearts of the people, are more powerful and enduring than bombs. The best way, for the long hard pull, to fight godless international communism, which would engulf the world under the unresting tides of its uneasy tyranny, is to have faith in God against whose moral sovereignty the most powerful dictatorship will break to pieces; to hate tyranny and injustice; and to love people everywhere; and yet be ready and determined to fight for human freedom and international cooperation against the most powerful and monstrous tyrannies organized in our time to subjugate the bodies, minds, and spirit of all men to the ruthless will of the totalitarian police state.

The best way to preserve internal security and human freedom and to fight international communism is to make America so free in its basic liberties, so democratic in its equal opportunities, and so deeply spiritual in its meaning to all Americans that America will become for all our people such a land of freedom and opportunity, loyalty and love, and, for the world, such an example of human freedom, social justice, and international cooperation for peace, that the American story will reach through the iron curtain and to people everywhere on this earth with the hopes of freedom and peace. May we ourselves, in this desperate hour despite darkening setbacks, take courage in the sunrise of the new day in the Philippines, Indonesia, India, Pakistan, Palestine, and the Near East, and in many lands in both hemispheres.

Through faith in God and love of people the light of liberty will yet shine through the iron curtain of men's minds. The warmth of human brotherhood will yet melt away the iron curtain of men's hearts. The people's hope of freedom and peace still fly their flags high in the Western World and across the eastern

seas, where people of all faiths, races, colors, and nations, look up in prayer to the God of us all for one free and federated world neighborhood of human brotherhood, we pray God in our time.

TRIBUTE TO THOMAS F. MURPHY

Mr. MUNDT. Mr. President, I should like to say a word in support and praise of a good Democrat, one who is, I think, universally admired thoughout America, and one who has not been receiving the acclaim to which he is entitled. I do this only because I have been following in the press for more than a week the fact that this very worthy public servant is about to leave Government employment, but since no member of his own party has as yet risen on either floor of the Congress to praise him, I want to say a few words in high tribute to a man whom I consider to be one of the great public servants of this country and one who has rendered the cause of freedom a most distinguished service.

I refer to Thomas F. Murphy, assistant United States attorney. It will be remembered, I think, by most people in America that Mr. Murphy was the assistant United States attorney who overcame very serious difficulties and odds and successfully prosecuted the case resulting in the conviction of Alger Hiss.

Several days ago, I clipped from the New York Journal-American, on August 27, an article appearing in section 3, written by Mr. Howard Rushmore, under the heading "Hiss' Nemesis To Quit Post," with the subheading "Murphy, Ignored After He Won Case, Takes Firm's Bid."

The first sentence reads as follows:

Thomas F. Murphy will resign the day after he argues the Alger Hiss case before the appeals court in October, it was learned yesterday.

Mr. President, I ask unanimous consent that the entire news story be printed at this point in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HISS' NEMESIS TO QUIT POST—MURPHY, IGNORED AFTER HE WON CASE, TAKES FIRM'S BID

(By Howard Rushmore)

Thomas F. Murphy will resign the day after he argues the Alger Hiss case before the Appeals Court in October, it was learned yesterday.

Murphy, head of the criminal division of the United States attorney's office here, will return to private practice in one of the law firms that have offered him a sum many times his annual salary.

Behind this resignation is the story of a public servant who has gone through months of political punishment because he carried out his oath of office.

By virtue of his service in office and his conviction of Hiss as a perjuror, Murphy was in line for several jobs.

SIDETRACKED ON CASES

But he was overlooked and forgotten.

Acknowledged as an expert on Communist espionage, the broad-shouldered prosecutor has not once appeared in court actions growing out of the Klaus Fuchs-Harry Gold spy ring revelations.

Other cases dealing with Communist espionage and perjury are now being processed in the United States courthouse, but the head of the criminal division has not been asked to take part.

His friends say Murphy's punishment stems directly from his vigorous prosecution of Hiss, the former White House confidant who was convicted last January on two counts of perjury.

ASSAILED JUSTICE

Murphy's sense of legal ethics was outraged in the first Hiss trial by the appearance of Supreme Court Justice Felix Frankfurter.

He lashed into Frankfurter when the latter appeared to testify as a character witness for Hiss.

In both trials, Murphy refused to spare the political rod and many a New Dealer winced at his cold, objective revelations of Soviet espionage within the prewar Roosevelt administration.

DIDN'T GET BENCH POST

After the conviction of Hiss, Murphy was in line for a Federal judgeship.

The resignation of Federal Judge Rifkind set the stage for such an appointment.

But it was Miles Lane, not Tom Murphy, who got the job.

Mr. MUNDT. I was shocked and saddened when I read that a week ago in the New York Journal-American, but I said nothing about it to the Senate at that time, in the hope that it perhaps was just one of the rumor stories one sometimes reads in the press. I see now, however, that the New York Journal-American, as it frequently does, scored a scoop on its sister newspapers in New York City, because yesterday the New York Times and the New York Herald Tribune contained stories reiterating the fact that Mr. Thomas F. Murphy was about to resign his position with the Government. Both stories stressed the disappointment Mr. Murphy has experienced over the cold shoulder this administration has turned to his distinguished service in the fight against communism in America.

The first story is from the New York Herald Tribune, the heading of which reads, "Hiss prosecutor is resigning; political slight may be reason." It is a bylined story by Milton Lewis, and carries about the same purport as the initial story appearing in the New York Journal-American about a week prior to the story by Milton Lewis.

I ask unanimous consent, Mr. President, to have printed at this point in my remarks that news story, in full.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HISS PROSECUTOR IS RESIGNING; POLITICAL SLIGHT MAY BE REASON

(By Milton Lewis)

Thomas F. Murphy, assistant United States attorney who successfully prosecuted Alger Hiss on perjury charges, will resign his post next month, immediately after he argues against the Hiss appeal.

Mr. Murphy, who heads the criminal division in the southern district, is quitting the $9,400-a-year job for several reasons. While he would not comment on his leaving to go into private practice, Mr. Murphy is known to feel he was slighted politically after he won the Hiss conviction.

Mr. Murphy, who is 44, has a perfect record in his 8 years on the United States attorney's staff. He has never lost a case or appeal. He had hoped to be a Federal judge, United States attorney, or at least chief assistant United States attorney. Mr. Murphy, who has said that he has never been inside a political club house, and United States Attorney Irving H. Saypol have not been on friendly terms.

It is expected that Mr. Murphy will formally hand in his resignation within the next week to Mr. Saypol, who was at the Democratic State convention yesterday in Rochester. Mr. Saypol succeeded John F. X. McGohey as United States attorney and appointed Myles J. Lane as his chief assistant. Mr. McGohey, who prosecuted the 11 Communist leaders, is now a United States district court judge.

Mr. Murphy, who won the conviction against Hiss last January, after the first trial ended in a hung jury, was congratulated personally by President Truman for his work on the case. Hiss was found guilty of perjury in denying he had passed State Department documents to Whittaker Chambers, self-admitted Communist courier.

It was reported that when Mr. Murphy called on President Truman, the question of a Federal judgeship arose. President Truman was reported to have told Mr. Murphy, "Tom, if you came from Missouri, I'd take care of you like that. But you're from New York and you'll have to see Fitzpatrick"—Paul Fitzpatrick, Democratic State chairman at the time.

Mr. Murphy declined to comment on that reported conversation.

Mr. Murphy's name was mentioned several months ago as a possible candidate to run against Representative VITO MARCANTONIO, who is up for reelection in the Eighteenth Congressional District.

Nothing developed either from an invitation extended to Mr. Murphy to be chief counsel to the current Senate Crime Investigating Committee. He offered to take it, according to close friends, on condition that if evidence were dug up against any one—regardless of who it might be—no political pressure would be brought. But that was the last Mr. Murphy heard about the invitation.

Since July Mr. Murphy has been working exclusively on the Hiss appeal, which is slated for October 2 in United States Court of Appeals, but may not come up until a few days later. Immediately thereafter Mr. Murphy will quit to go into private practice. It is known that he has received lucrative offers from at least three law firms.

Mr. Murphy, born in Manhattan, was graduated from Georgetown College in 1927 with a bachelor of arts degree and from Fordham Law School in 1930. He then entered private practice and was associated with Representative Walter A. Lynch, of the Bronx, Democratic aspirant for governor.

Mr. Murphy and his wife, the former Miss Anne Tamny, live at 138 East Thirty-sixth Street. They have been married 11 years. They have no children. Mr. Murphy is a brother of Johnny Murphy, former New York Yankee pitcher.

Mr. MUNDT. Mr. President, in reading the New York Times yesterday, which contains "all the news that is fit to print," according to its masthead—and I think that is substantially correct, although in this case it was printing an item of history more than an item of news. Since the New York Journal-American had been there first with the "mostest" words, I found it carries this story, demonstrating that it does cover all the news:

Murphy will resign after the Hiss appeal; reported chagrined by lack of promotion.

I ask unanimous consent that this news story may appear at this point in the RECORD, as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MURPHY WILL RESIGN AFTER THE HISS APPEAL; REPORTED CHAGRINED BY LACK OF PROMOTION

Thomas F. Murphy, who successfully prosecuted Alger Hiss, former State Department official, for perjury, will resign as an assistant United States attorney the day the Hiss appeal is finished, early in October.

The 45-year-old prosecutor, who has been in charge of the Criminal Division since 1944, will enter private practice. He has turned down several offers to join large Wall Street law firms. In the 8 years that Mr. Murphy has been associated with the United States attorney's office he has never lost a case or an appeal.

Close associates said yesterday that Mr. Murphy had been chagrined because he had been overlooked for promotion, despite his record as a prosecutor. After Hiss' conviction, Mr. Murphy was personally congratulated at the White House by President Truman.

However, the President, intimates said, offered him no hope for promotion because Mr. Murphy did not have the political backing of Paul Fitzpatrick, Democratic State chairman. A lifelong Democrat, Mr. Murphy has never belonged to any political club.

Several months ago, Senator ESTES D. KEFAUVER, Democrat, of Tennessee, asked Mr. Murphy to become counsel to the Senate Committee Investigating Crime. Mr. Murphy, it was said, agreed to take the position on condition that no political pressure would be used to avoid prosecution. Mr. Murphy's associates reported that Senator KEFAUVER agreed. However, the appointment was given to another.

Since July Mr. Murphy has been devoting his time to the Hiss appeal. He has not been called upon to handle any of the important Russian atomic spy cases now before the court.

As Chief of the Criminal Division, the 6-foot 4-inch lawyer was in charge of prosecution of all Federal criminal cases in the southern district of New York, the largest prosecution office in the country.

A graduate of Georgetown College in 1927 and Fordham University Law School in 1930, Mr. Murphy was at one time associated in the law firm of which Representative WALTER A. LYNCH, of the Bronx, Democratic candidate for Governor, was a partner.

Mr. Murphy lives with his wife, the former Anne Tamny, at 138 East Thirty-sixth Street.

Mr. MUNDT. Mr. President, I shall not detain the Senate very long. If the hour were not so late, however, I should like to deliver myself of quite a eulogy of Mr. Murphy. I speak words of support for him without solicitation, because I have never met him; I have never received any communications from him, but I have watched and admired his activities from afar. One thing that I like about this fighting Irishman by the name of Murphy is the fact that he demonstrated in the Hiss trial the capacity of growth. He started the first trial by a sort of faux pas, as the French would say. He had set up a rather insurmountable hurdle for himself in his statement to the court about what he was going to prove. But after that point he manfully proceeded to attempt to prove it, and I think his summation in the first Hiss trial is long going to be studied by students of law and jurisprudence in America as being one of the greatest summaries ever given by a lawyer in a criminal case.

Unfortunately, because of the strange conduct of the trial by Judge Kauffman, the Government attorney simply did not have a chance. He was unable to bring in his witnesses, he was unable to present his evidence, he was confronted by the fact that Justices of the Supreme Court were marching into the courtroom and Judge Kauffman was leaning over the judge's bench to shake hands with them and greet them like old college classmates attending a home coming. It was quite difficult for Mr. Murphy to continue with the prosecution of Hiss, but he did it, and his summation, as I say, was one of those things of which poets might well write and minstrels sing.

The first trial resulted in a hung jury. Men made of less stern stuff might have desisted. Murphy certainly had not received much encouragement from his administration up to that time. He had not received much encouragement up to that time from anyone in the administration, because up until that time they had been calling the whole affair "a red herring." They had been putting hurdle after hurdle in the path of the House Committee on Un-American Activities, and I happen to be very familiar with the size and power and scope of the hurdles, because I was acting chairman of the House committee which had handled the case of Alger Hiss. In spite of that, Tom Murphy persisted, and announced immediately, before he had a chance to communicate with Washington, after the jury was hung in the first case, that he would try it again. The fat was in the fire then. The Attorney General then had to try the case again or repudiate this very fine and determined attorney. This time an impartial judge instead of a protagonist for the defendant presided at the trial. This time we had the kind of judge of whom we are proud in America, and most judges measure up to that fine distinguished quality, whether they are Republican or Democratic judges.

Tom Murphy went to trial again, and he demonstrated quickly in the second trial what he had learned from the mistakes he had made in the first case. He did not overplay, he did not overstate. He carefully marshaled his witnesses. He demonstrated that he had literally devoted night and day, holidays, Saturday afternoons, and Sundays studying the details of the Hiss betrayal before he presented the second case. He demonstrated the same courage in the second case that he had demonstrated in the first case, when he dared to ask embarrassing questions of the Justice of the United States Supreme Court, who for some bizarre reason had taken off his judicial robes and gone up to New York to testify about his friendship for Alger Hiss and why he considered him a loyal citizen.

Many young struggling attorneys, Mr. President, would have been hesitant to interrogate a Justice of our Supreme Court, even though he found him in such unjudicial and unusual environment. But not Tom Murphy. He treated Justice Frankfurter as though he were just another Joe American walking into a criminal court as a character witness. That is the way he deserved to be treated, because it was in that capacity that he came to court. He asked Frankfurter some very penetrating and some very embarrassing questions, which the Supreme Court Justice ducked and dodged as best he could, but still he came off a poor second best.

In the second trial Mr. Tom Murphy continued with his Irish wit and with great patriotic zeal to pound toward the verdict which he thought was just. He continued throughout the second case to illustrate the study he had devoted to the case, which probably is going down in American history, along with that of Benedict Arnold, as one of the strangest, one of the most historic, one of the most unusual, one of the most significant and interesting examples of espionage and treachery that this young Republic has had come across its pages of history since the beginning of our national existence.

The second summation even surpassed the first one. Not only will students in law colleges and universities study the first summation, but they will also study the second summation, in which Tom Murphy combined judicial learning and great psychological prowess and skill with the wit of the Irish replete with memorable examples of interesting and devastating barbs of wit, which scuttled and annihilated most of the ponderous argument which had been pontificated by the attorneys for the defense. Tom Murphy won that case.

I like Tom Murphy because he stayed in there and won. He was pretty much of a one-man ball team. I like the fact that each of these three news stories repeats the point that Tom Murphy is not going to quit even though he feels he has been slighted by the administration, even though he feels, as each of these three articles indicates, that perhaps he is being punished a little by the administration for his enthusiasm and his zest, and, perhaps, Mr. President, his success in convicting a man who was so close to and so high in the administration. Tom Murphy is not quitting. He said he is staying to finish the case, because it is now being appealed. I am confident he will see it through successfully.

He will see it through to whatever courts it is taken until it is ultimately adjudicated.

Mr. President, I could not resist the temptation to say something in behalf of Tom Murphy. I believe that a good Democrat like a good Republican should be publicly praised and publicly rewarded for diligence and courage. I sincerely regret that neither the President nor any other important administration Democrat has spoken up with words of praise for Mr. Murphy. It is unfortunate to read in these three great New York newspapers that this young Irish attorney now has to give up his Government career because he sees no future in it for him.

I do not know the answer, but certainly it is legitimate to ask the question whether Tom Murphy's future in Government service has been cut short be-

cause he was so caustic and so courageous when he asked the Chief Justice of the Supreme Court those embarrassing questions, when he testified in behalf of Alger Hiss? Certainly the Chief Justice of the Supreme Court is a close confidant of the White House and a constant counsellor of Secretary of State Dean Acheson.

Mr. KILGORE. Mr. President, will the Senator yield at that point?

Mr. MUNDT. Yes.

Mr. KILGORE. The Senator has referred to the Chief Justice of the Supreme Court. Then he referred to Justice Frankfurter. Is he speaking of the Chief Justice of the Supreme Court or of Justice Frankfurter?

Mr. MUNDT. The Senator is absolutely correct. I did not mean the Chief Justice. I meant Justice Frankfurter.

Mr. KILGORE. I hope the Senator will correct his statement, because I know Fred Vinson very well, and I did not think he was a witness at the trial.

Mr. MUNDT. I also know Chief Justice Fred Vinson very well, and I know that there are not enough mules in his home State of Kentucky to drag Fred Vinson into a criminal court to testify in any case, and more especially for a man who has a record like Alger Hiss. I thank the Senator for calling that to my attention. I do not allege that is the reason why Tom Murphy is being given what in South Dakota would be called the old heave-ho.

On the other hand, I do not suppose it helped Murphy to get a promotion in the Department of Justice, and certainly he does not think so, or he would not be quitting. Neither do I know whether it was because of the very correct indignation he demonstrated to the manner in which Judge Kauffman conducted the first Hiss trial. Perhaps that has discouraged Tom Murphy from continuing in Government service. Perhaps it has. Perhaps it has not. Certainly we could not criticize this young Irishman too much for being a little irritated when Judge Kauffman tried to protect the defendant instead of giving him what we want in every American court, which is a fair trial.

Mr. KILGORE. Mr. President, will the Senator yield for another question?

Mr. MUNDT. Surely.

Mr. KILGORE. I should like to call the Senator's attention to the fact that no person may ignore a subpena. I do not know whether the appearance of the Justices of the Supreme Court was voluntary. However, I merely wish to make the observation that no one is exempt from complying with a subpena in any criminal prosecution.

Mr. MUNDT. I think the Senator will find upon examination of the record, with which I was very familiar for a long time——

Mr. KILGORE. I asked that question because I do not know what the record shows.

Mr. MUNDT. The Senator is correct, because the courtesy was extended to the Justices of inquiring whether they would want to testify. The Justices were interrogated in advance as to whether or not they would serve as character witnesses and be willing to appear. Two of them did. I do not wish to mention the second one because it seems to be generally recognized that he did so reluctantly and apologetically, not because of any real desire to participate in that type of trial or to associate himself with Alger Hiss. Nor do I allege that Tom Murphy is being punished by those who control his destiny while he works for the Government because of the attitude of Justice Frankfurter or Judge Kauffman. I simply mention the fact that it is distressing to come to know that we should lose from the Government service a man of that type after his great, courageous service. We recently lost another fine Assistant Attorney General, this time through no fault of anyone so far as I know. He was a fine young Irish attorney from this city. He had brought about the conviction of Harry Bridges. We cannot afford to lose these men. In the case of Mr. Donohue, who secured the conviction of Harry Bridges, his resignation was purely voluntary, because he has a very lucrative practice in the city of Washington, and he did not resign because of any discrimination against him by his superiors.

In the case of Tom Murphy it is because he feels the doors of opportunity were being closed on him, and I think it is indeed lamentable that we cannot continue in public service men of that high caliber.

Mr. President, that is all I have to say. It is not the general practice of the junior Senator from South Dakota to eulogize Democrats, good or bad, especially in an election year, but when a Democrat with a great record like Tom Murphy's is about to leave the public service, I am one ordinary American citizen who wishes him good luck and Godspeed, and who desires to congratulate him on work exceedingly well done.

Mr. McCARRAN. Mr. President, in line with the remarks of the able Senator from South Dakota, I might say that Tom Murphy did not need reward for what he did. The Nation honors him, and the great service he rendered to his country placed him far above any reward he could receive at the hands of anyone.

The PRESIDING OFFICER. What is the pleasure of the Senate?

EXECUTIVE SESSION

Mr. McCARRAN. Mr. President, I move that the Senate proceed to the consideration of executive business, for the consideration of nominations on the calendar, beginning with the new reports.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. HOLLAND in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Norman Armour, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary to Venezuela, which was referred to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. McKELLAR (for Mr. JOHNSTON of South Carolina) from the Committee on Post Office and Civil Service:

Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the calendar.

REAR ADM. JERAULD WRIGHT

The Chief Clerk read the nomination of Rear Adm. Jerauld Wright, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as commander, Amphibious Force, Atlantic Fleet.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

TAX COURT OF THE UNITED STATES

The Chief Clerk read the nomination of Stephen E. Rice, of Florida, to be judge of the Tax Court of the United States.

The PRESIDING OFFICER (Mr. HOLLAND). May the Chair ask the Senate if it will depart from custom long enough to allow the present Presiding Officer to make a brief remark with reference to Judge Rice?

Mr. McCARRAN. Mr. President, I am sure that is agreeable to all Senators.

The PRESIDING OFFICER. Judge Rice, as the Senate knows, has been serving most capably as Legislative Counsel of the Senate. It happens that he is a native of my State, a resident of the city of Appalachicola, Fla., with a distinguished record not only as a lawyer, but in the naval service during the war, in which he was seriously wounded at the Battle of Kwajalein, retiring afterward with the rank of captain, United States Navy. He is a graduate of the United States Naval Academy and a law graduate of Columbia University Law School.

We Floridians regard Judge Rice as one of our finest citizens, and I wish to say for my colleague and myself that we are delighted indeed to see him receive this well-merited appointment.

By way of personal comment, I think that the Senate should know also that the honored father of this new and distinguished judge served with me as a member of the so-called little cabinet of Florida while I had the honor to serve as Governor of Florida, and I know that Judge Rice comes from one of the most highly respected families of our State. I am sure he will reflect great credit and honor upon his State, his court, and himself, in serving as a judge of the Tax Court of the United States.

Mr. McCARRAN. Mr. President, I join with the Presiding Officer in the remarks he has just made. The Senate of the United States will long remember Mr. Rice for his ability, his courtesy, and his efficiency, in assisting us in many, many ways. We regret that we must lose him. We rejoice in his promotion. We hope it is only one step toward further promotions of which he is so justly deserving.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES MARSHAL

The Chief Clerk read the nomination of Louis E. LeBlanc to be United States marshal for the western district of Louisiana.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COMPTROLLER OF CUSTOMS

The Chief Clerk read the nomination of Charles I. Lafferty to be comptroller of customs with headquarters at Philadelphia, Pa.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTOR OF CUSTOMS

The Chief Clerk read the nomination of Howard H. MacGowan to be collector of customs for district No. 30, with headquarters at Seattle, Wash.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the Air Force.

Mr. McCARRAN. Mr. President, I ask unanimous consent that the Air Force nominations be confirmed en bloc.

Mr. MUNDT. There is no objection.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

The PRESIDING OFFICER. Is there objection to confirming the naval nominations en bloc?

Mr. MUNDT. I have no objection.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the Marine Corps.

Mr. McCARRAN. I ask unanimous consent that the nominations be confirmed en bloc.

Mr. MUNDT. I have no objection.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

RECESS TO MONDAY

Mr. McCARRAN. Mr. President, I move that the Senate take a recess until Monday next at 12 o'clock noon.

The motion was agreed to.

The PRESIDING OFFICER. Under the unanimous consent agreement heretofore entered into, the Senate will stand in recess until Monday at 12 o'clock.

Thereupon (at 8 o'clock and 14 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, September 11, 1950, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate September 8 (legislative day of July 20), 1950:

DIPLOMATIC AND FOREIGN SERVICE

Norman Armour, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 8 (legislative day of July 20), 1950:

IN THE NAVY

Rear Adm. Jerauld Wright, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as commander, Amphibious Force, Atlantic Fleet.

TAX COURT OF THE UNITED STATES

Stephen E. Rice, of Florida, to be a judge of the Tax Court of the United States for the unexpired term of 12 years from June 2, 1944.

UNITED STATES MARSHAL

Louis E. LeBlanc, to be United States marshal for the western district of Louisiana.

COMPTROLLER OF CUSTOMS

Charles I. Lafferty, to be comptroller of customs with headquarters at Philadelphia, Pa.

COLLECTOR OF CUSTOMS

Howard H. MacGowan, to be collector of customs for customs collection, district No. 30, with headquarters at Seattle, Wash.

UNITED STATES AIR FORCE

The following-named persons for appointment in the United States Air Force in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force:

To be major (medical)

Ramon F. Marchante.

To be captains (medical)

James L. Borders, AO1745310.
Michael P. Mandarino, O1725046.
Alonzo C. Tenney.
Douglas B. Wilson, AO1716942.

To be captain (dental)

Carl E. Weber, AO1755813.

To be first lieutenants (dental)

Emanuel A. Carbonaro, AO965561.
Roy L. Mueller, AO1906150.

To be first lieutenant (chaplain)

Roy M. Terry, AO478833.

The following-named persons for appointment in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenants

Nelson Allen, AO732694.
Eugene L. Blanck, AO1895493.
Richard A. Brown, AO822369.
William M. Burch II, AO697817.
Norman F. Carroll, O567601.
Donald C. Dickson, Jr., AO426821.
Eugene C. Frazier, AO763990.
Bernard E. Frizzle, AO427855.
Robert N. Giaimo, O1997399.
Morris J. Greenspun, AO1584297.
William D. Harlow, AO584408.
William A. Harmon, AO355469.
Horace M. Kean.
Albert R. Kuehl, AO438009.
Hugh J. Lacey, Jr., AO926572.
David H. R. Loughrie, AO821306.
Gene S. Martin, O516506.
Carl W. Milzer, AO778895.
Francis P. Murray, AO361393.
Harvey G. Odenbrett, 124433 United States Naval Reserve.
Daniel O'Leary, O1302700.
Leonard W. Pipkin, Jr., AO2056666.
Norman O. Ranz, AO2046412.
Leonard Reiss, AO863222.
Sydney Saxon, 298207 United States Naval Reserve.
Leland C. Shepard, Jr., AO801708.
Earl A. Snyder, AO374292.

The following-named persons in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force:

To be second lieutenants

James O. Alderman, AO877624.
John S. Allison, AO802692.
Joseph D. Bailey, AO527693.
Herman W. Baker, AO867411.
George W. Barnes, Jr., AO777054.
Robert M. Behr, AO666610.
Charles B. Blanding, AO791324.
Franklin D. Blanton, AO669962.
Alpha R. Bond, AO874544.
Earl L. Bozeman, AO560674.
Edward J. Brisick, AO2043127.
Charles L. Brown, AO802713.
Wilton L. Colvin, AO2077205.
Frank E. Cox, AO716631.
Willis A. Cude, Jr., AO880692.
George R. Cummings, AO761895.
Henry E. Davis, AO767504.
Howard S. Davis, AO812554.
Thomas M. Esmond, AO662765.
Charles M. Evans, AO724010.
James M. Fielder, AO561005.
Max E. Frazier, AO439389.
Lowell W. Frederick, AO721687.
Frederick H. Gautschi, Jr., AO769417.
Richard F. B. Gimmi, Jr., AO808481.
Joseph P. Gleason, AO806433.
Elmer K. Goodnight, AO761075.
John W. Goodrich, AO812573.
Verne D. Hale, AO813369.
Vincent F. Hamant, AO703001.
Brian T. Hastings, AO696365.
Cliff C. Hatcher III, AO743243.
Pat N. Hinson, AO661762.
William S. Holman, AO872445.
George M. Hubbard, AO587849.
James T. Jones, AO2060300.
Jam W. Kelly, AO861196.
William E. Kemerling, AO725743.
Welton R. King, AO775393.
Clyde H. Knapp, Jr., AO452631.
Albert R. Kondall, AO2063642.
Robert P. Kutarnia, AO1644511.
Roland E. Lee, AO2062829.
Bobby R. McClure, AO2099003.
Albert S. Martin, AO707715.
Jon T. Matsuo, AO1847256.
Donald W. MacLeod, AO1051665.
Sidney H. Miller, AO685693.
William P. Miller, Jr., AO745141.
Jackie N. Moore, AO811952.
Ollege B. Morrison, AO855512.
James T. Murphy, AO435978.
Eugene A. Novak, AO683050.
John F. Overstreet, Jr., AO929962.
Russell S. Paulnock, AO807868.
Harry A. Paynter, AO679111.
Glenn H. Pierce, AO685718.
William E. Quinlan, AO566474.
William C. Rawson, AO820058.
Ernest L. Reid, AO416349.
Edwin E. Ruoff, AO799647.
Paul G. Schauwecker, AO683327.
Samuel P. Schmehl, AO953993.
Earl M. Schmidt, AO816803.
Sam E. Sheffield, AO448070.
Chester J. Shusta, AO768846.
James C. Smith, AO728755.
Edwin F. Sweeney, AO792652.
Nicholas Tony, AO936384.
Charles B. Wilson, AO466508.
Warren S. Woirol, AO808330.

The following-named distinguished aviation cadets for appointment in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force:

To be second lieutenants

James A. Adams, Jr.
Lloyd P. Anna
Richard D. Brewer
James O. Carson
Thorvald W. Christiansen
Ralph P. Clark
John J. Davey
Kenneth N. Dennerlein
William M. Fetzer
Eugene Frye
James K. Gleoggler
Robert B. Helle

Robert H. Kulaas
Crawford P. Livesay, Jr.
Ralph John Maglione, Jr.
Horace F. Martin, Jr.
James F. Nuchols
Robert E. Prince
George R. Reinker
Wallace N. Robinson, III
Robert A. Wilke
William L. Youman

Subject to physical qualification and subject to designation as distinguished military graduates, the following-named distinguished military students of the senior division, Reserve Officers' Training Corps, for appointment in the grade indicated with dates of rank to be determined by the Secretary of the Air Force:

To be second lieutenants

Milton C. Chapman, Jr.
Baird M. Martin
Avie J. Rainwater, Jr.

APPOINTMENTS

Vice Adm. Robert B. Carney, United States Navy, to have the grade, rank, pay, and allowances of an admiral while serving as commander in chief, United States naval forces, Eastern Atlantic and Mediterranean.

Admiral Richard L. Conolly, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as president, Naval War College.

Rear Adm. Matthias B. Gardner, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as commander, Second Fleet.

TEMPORARY APPOINTMENTS TO THE GRADE OF REAR ADMIRAL

Charles F. Coe
Paul E. Pihl
Stanhope C. Ring

PERMANENT APPOINTMENTS

To be lieutenants (junior grade) in the Civil Engineer Corps

Robert H. P. Dunn
Wesley D. Ennis
John C. Hufft
Walter M. Johnson, Jr.
William E. Monaghan
Daniel N. Shockey
Richard C. Williams
Thomas C. Williams

Lawrence E. Donegan, Junior (Naval Reserve Officers Training Corps), to be an ensign in the Navy from the 2d day of June 1950.

John H. Gallion (Naval Reserve Officers Training Corps) to be an ensign in the Navy from the 2d day of June 1950, in lieu of ensign in the Supply Corps of the Navy as previously nominated and confirmed.

Richard K. Loeffler (civilian college graduate) to be a lieutenant (junior grade) in the Medical Corps of the Navy.

The following-named (civilian college graduates) to be lieutenants (junior grade) in the Dental Corps of the Navy:

Perry C. Alexander
Edward R. Fowler, Jr.

The following-named to be ensigns in the Nurse Corps of the Navy:

Lois C. Boleyn
Doris J. Carlson
Mary F. Morgan
Anne M. Sheridan

The following-named officer to the grade indicated in the line of the Navy (special duty officer):

Commander

Thomas F. Ryan

The following-named officer to the grade indicated in the Medical Corps of the Navy:

Lieutenant

Clifford R. Hall

The following-named officers to the grades indicated in the Nurse Corps of the Navy:

Lieutenants

Helen E. Fable
Emily C. Fowler
Marguerite C. McAreavy
Dorothy E. Powers

Lieutenant (junior grade)

Thelma F. Maxwell

IN THE MARINE CORPS

PERMANENT APPOINTMENTS

William S. Fellers, brigadier general.
William E. Riley, major general.

HOUSE OF REPRESENTATIVES

FRIDAY, SEPTEMBER 8, 1950

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. WALTER.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

God of all majesty and holiness, who art far beyond the compass of the reasonings and understanding of our finite minds, we rejoice that Thou art always within reach of sincere and simple faith and of the humble spirit and contrite heart.

We thank Thee for the gift of this new day. Help us to banish every thought, silence every word, and refrain from every act that might mar its glory and beauty.

Inspire us with a longing for that blessed day of freedom when men shall beat their swords into ploughshares and their spears into pruning hooks and nations shall learn war no more.

Hear us in the name of the Prince of Peace. Amen.

The Journal of the proceedings of Tuesday, September 5, 1950, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McDaniel, its enrolling clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 4384. An act to provide for the appointment of female doctors and specialists in the Medical Department of the Army, and for other purposes.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S Con. Res. 106. Concurrent resolution authorizing certain changes in the enrollment of S. 2822, amending the Federal Deposit Insurance Act.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2317) entitled "An act to authorize grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs of school construction; and to authorize grants for emergency school construction to school districts overburdened with enrollments resulting from defense and other Federal activities, and for other purposes."

COMMUNICATION FROM THE CLERK

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House, which was read:

SEPTEMBER 6, 1950.

The honorable the SPEAKER, HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith a sealed envelope from the President of the United States, addressed to the Speaker of the House of Representatives of the United States, received in the office of the Clerk at 6:10 p. m. on September 6, 1950.

The message informed the House that the bill (H. R. 7916) to authorize and direct the Secretary of the Interior to execute an oil and gas lease on a certain tract of land in Park County, Wyo., having been presented to the President on July 31, 1950, for his approval, and not having been returned by him to the House of Representatives where it originated, within the time prescribed by the Constitution of the United States, did on August 12, 1950, become law without his approval.

The message further informed the House that the President had, on the dates noted, approved and signed bills and joint resolutions of the House as set forth in the accompanying lists.

Very truly yours,

RALPH R. ROBERTS,
Clerk of the House of Representatives.

By H. H. MORRIS.

On August 29, 1950:

H. R. 133. An act to amend section 2 of the act approved June 20, 1936, entitled "An act to extend the benefits of the Adams Act, the Purnell Act, and the Capper-Ketcham Act to the Territory of Alaska," and for other purposes; and

H. R. 4775. An act for the relief of Harold L. Corzett, commander, United States Naval Reserve.

On August 30, 1950:

H. J. Res. 518. Joint resolution authorizing the printing and binding of a revised edition of Cannon's Procedure in the House of Representatives and providing that the same shall be subject to copyright by the author;

H. R. 6221. An act to authorize the sale of certain public lands in Alaska to the This-Side-of-Heaven Children's Home for use as a children's home;

H. R. 6417. An act for the relief of Mrs. Frieda Gray (formerly Frieda Putman);

H. R. 6449. An act for the relief of Mrs. L. M. Cox and Mrs. M. R. Nickle; and

H. R. 7677. An act to provide for perfecting the title of the State of Nebraska to certain property heretofore known as the Genoa Indian School.

On August 31, 1950:

H. R. 6586. An act for the relief of Stamatie Amersonis; and

H. R. 7146. An act to amend section 3 of the act entitled "An act to provide for the disposal of materials on the public lands of the United States," so as to provide that moneys received from the disposal of material from reserved school section lands in Alaska shall be credited to the Territory.

On September 1, 1950:

H. R. 5984. An act to approve Joint Resolution 12 enacted by the Legislature of the Territory of Hawaii on the regular session of 1949, relating to the granting of land patents in fee simple to certain lessees under homestead leases;

H. R. 7641. An act to direct the Secretary of the Interior to convey certain land in the District of Columbia to the New York Avenue Presbyterian Church;

H. R. 8417. An act to amend part II of the Interstate Commerce Act, with respect to the regulation of motor carriers engaged in commerce to and from the Territories and possessions of the United States;

H. J. Res. 497. Joint resolution excluding from gross estate of a nonresident alien

works of art on loan to the trustees of the National Gallery of Art;

H. R. 4657. An act for the relief of J. R. Fleming & Co.; and

H. R. 6209. An act to authorize the commutation of the annual appropriation for fulfilling various treaties with the Choctaw Nation of Indians in Oklahoma, and for other purposes.

On September 2, 1950:

H. R. 3304. An act for the relief of Jose Cotto Santiago;

H. R. 4954. An act for the relief of Jacob F. Hutt and Anderson E. Humphrey;

H. R. 6442. An act for the relief of Mrs. Martha Reid;

H. R. 6578. An act for the relief of Mrs. Gunnborg Janzon Hamilton;

H. R. 9134. An act to amend section 4311, Revised Statutes (46 U. S. C. 251);

H. R. 7921. An act for the relief of Eva T. Ross; and

H. J. Res. 537. Joint resolution making emergency appropriations for the fiscal year 1951, and for other purposes.

On September 5, 1950:

H. R. 1611. An act for the relief of Walter E. Miller;

H. R. 8619. An act to amend the act entitled "An act to establish a Department of Medicine and Surgery in the Veterans' Administration," approved January 3, 1946, to provide for the appointment of dental specialists, and for other purposes;

H. R. 210. An act to authorize the conveyance of a portion of the United States military reservation at Fort Schuyler, N. Y., to the State of New York for use as a maritime school, and for other purposes;

H. R. 1585. An act for the relief of Leilah begum Alaoui Mullin;

H. R. 1616. An act for the relief of S. L. Ayres & Co., Inc.;

H. R. 3278. An act to amend section 22 (d) (6) (A) of the Internal Revenue Code, relating to involuntary liquidation and replacement of inventory;

H. R. 3921. An act for the relief of Nicholas C. Hadjipateras, Pipitsa N. Hadjipateras, and Costas N. Hadjipateras;

H. R. 5523. An act for the relief of Fred I. Massengill;

H. R. 6312. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon a certain claim of Joseph Lundborg and others against the United States;

H. R. 6339. An act to authorize a preliminary examination and investigation to determine the feasibility and advisability of constructing a multi-purpose tunnel through the Laguna Mountains in San Diego County, Calif.;

H. R. 6386. An act for the relief of Amos Chen, a native of Jamaica, British West Indies;

H. R. 6463. An act for the relief of Mrs. Shikaju Nakashima;

H. R. 6707. An act for the relief of Sirius Proestopoulos;

H. R. 7012. An act for the relief of Anna Ellero and Clara Ellero;

H. R. 7262. An act for the relief of Cornelius VerSluis;

H. R. 7297. An act for the relief of Ignas Malcius;

H. R. 7370. An act for the relief of Kiyoko S. Barr and Harue Barr;

H. R. 7613. An act for the relief of Mrs. Miyako Horikoshi Spaulding and Mabel Miya Spaulding;

H. R. 7814. An act for the relief of Stella Matutina Kazuko Yamazaki;

H. R. 7919. An act for the relief of Mrs. Yukiko Yoshii French and her son;

H. R. 8009. An act for the relief of Enrica Gianoli;

H. R. 8069. An act for the relief of Mrs. Michiko Kohga Brooks;

H. R. 8073. An act for the relief of Kimiko Iso and her minor daughter, Midori;

H. R. 8134. An act for the relief of Elona Schwietza and her son;

H. R. 8153. An act for the relief of Chiyoko Akashi;

H. R. 8315. An act for the relief of Joseph F. Gallagher;

H. R. 8423. An act for the relief of Yuriko Mizumoto;

H. R. 8473. An act for the relief of Kimiko Tomita;

H. R. 8477. An act for the relief of Marcel Rene de Romanett;

H. R. 8558. An act for the relief of Kimiko Yamaguchi;

H. R. 8584. An act for the relief of Mrs. Tokie Sato Keating, Terry Yoichi Keating, and Betty Jean Keating;

H. R. 8684. An act for the relief of Mrs. Yumiko Kawai Misanin and her daughter, Maria Mari Misanin;

H. R. 8740. An act for the relief of Erika Kuhn;

H. R. 8741. An act for the relief of Mrs. Nonuke Yonashire Martin and Gerald Philip Martin;

H. R. 8742. An act for the relief of Mrs. Tokiko Amano Roloson;

H. R. 8751. An act for the relief of Mrs. Yoshiko Ogiso Peterson;

H. R. 8794. An act for the relief of Mrs. Eiko Yoshizawa Lendrum and Charles Robert Lendrum, Jr.;

H. R. 8795. An act for the relief of Benjamin Paglinaman;

H. R. 8824. An act for the relief of Tokuko Murayama;

H. R. 8826. An act for the relief of Yaeko Nakakima;

H. R. 8918. An act for the relief of Mary Rynik Baran;

H. R. 8956. An act for the relief of Mrs. Claude Morita and Rodney Morita;

H. R. 3132. An act for the relief of Sergio and Mara Lamberti;

H. R. 6052. An act for the relief of John M. Vick; and

H. R. 8061. An act for the relief of Mrs. Yuki Sugimoto Murphy and David Murphy.

On September 6, 1950:

H. R. 1874. An act for the relief of John W. Mahoney, Charles Sorenson, Charles A. Stewart, and Stanley Thiffault;

H. R. 4014. An act for the relief of Maria Hoffman;

H. R. 4142. An act for the relief of Ralph D. Kinney;

H. R. 4800. An act to direct the Secretary of Agriculture to convey certain mineral interests, and for other purposes;

H. R. 6223. An act to record the lawful admission to the United States for permanent residence of James Ermini;

H. R. 7840. An act to provide for the refund of certain estate taxes;

H. R. 8772. An act for the relief of Ah-Kim Wong; and

H. R. 8935. An act for the relief of Mrs. Jaye Kurusu Maddox.

On September 6, 1950 (5:40 p. m.):

H. R. 7786. An act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—GREATER SECURITY FOR VETERANS OF SPANISH-AMERICAN WAR (H. DOC. NO. 700)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States which was read by the Clerk:

To the House of Representatives:

I am returning herewith, without my approval, H. R. 6217, Eighty-first Congress, "An act to provide greater security for veterans of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, in the granting of out-patient treatment by the Veterans' Administration."

The bill would require the Government to provide to all veterans of the Spanish-American War group out-patient treatment on the same basis as is now provided only to those war veterans who have service-connected disabilities. This would be accomplished by enacting into law the presumption that every veteran of the Spanish-American War group who applies to the Veterans' Administration for out-patient treatment shall be deemed to have incurred his disease or disability as a direct result of military or naval service in line of duty.

It has been stated by those supporting the legislation that such a measure is necessary because inadequate medical records have prevented veterans of the Spanish-American War group from establishing that their disabilities are service-connected. The real issue presented by this bill is not adequacy of medical records. Liberal standards have been and are used for determining service-connection of disabilities and for determining eligibility for veterans' benefits. The presence or absence of formal medical records does not necessarily control the decision as to eligibility. The plain fact is that these veterans have reached an age where, regardless of their military service, physical disabilities are common and the costs of medical care are, in consequence, higher than at earlier ages. The same is true, of course, of all other citizens who have reached a comparable age. The conclusive presumption of fact to be established by this bill would be largely fictional.

The veterans of the Spanish-American War group have already been very liberally recompensed for their service through pensions for non-service-connected disability and for age. The rates paid to them are higher and the conditions more liberal than for veterans of later wars. Practically all veterans of this group are now eligible on an unqualified basis for pensions of $90 a month. In addition, of course, veterans of the Spanish-American War group are provided hospital and medical care on the same basis as are all other veterans. They are entitled to free hospital care and medical care on an in-patient and out-patient basis, without restriction, for service-incurred or service-aggravated disease or injuries. A Spanish-American War veteran also is eligible, as are other veterans, for free non-service-connected hospital and medical care, but only if a Veterans' Administration hospital bed is available and if the veteran states he is unable to pay for the service.

H. R. 6217 would impose a drastic requirement on the Government. It would make it mandatory for the Government to provide free medical care without any qualification to a group of veterans for non-service-connected disabilities declared by statute to be service-connected. This is a step which would be extremely unwise for us to take. It would require us to expand the medical organization in the Veterans' Administration to provide extra services at a

time when the country's medical resources are already strained to the point that has made it necessary to ask for legislation to induct medical personnel into the Armed Forces under Selective Service.

This bill would also set a most undesirable precedent for the future. By making a material exception in the case of veterans of the Spanish-American War group in the matter of out-patient treatment, the legislation discriminates against veterans of other wars. I have no doubt that demands would be forthcoming for the passage of similar legislation for other groups in succession. The size and cost of such programs must not be lightly set aside. For example, I am informed that as of June 30, 1950, there were approximately 118,000 living veterans of the Spanish-American War group, and that their average age is over 70 years. While the number of such veterans will decrease steadily, the approximately 26,000 living World War I veterans 70 years of age and over will increase until the year 1970. At that time there will be 1,300,000 World War I veterans in this age category. Finally, the number of World War II veterans which can be expected to attain this age is four or five times as great as from the World War I group. Thus, by following the precedent of this bill, we would eventually be providing a guarantee of free medical services through the Veterans' Administration for all veterans. When we consider that the cost of outpatient medical care for service-connected disabilities alone already exceeds $100,000,000 annually, the cost implications of an ever-widening program are apparent.

As I have stated before, the primary purpose of our veterans' benefit programs should be to provide only for the special and unique needs arising directly from military service. All other new or additional benefits for veterans should be provided through general social security, health, and educational programs available to all the people, including veterans.

In view of the foregoing considerations, I am withholding my approval of H. R. 6217.

HARRY S. TRUMAN.

THE WHITE HOUSE, *September 6, 1950.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and without objection the bill and message ordered printed.

Without objection, further consideration of the bill will be postponed until Thursday, September 14.

There was no objection.

AMENDING FEDERAL DEPOSIT INSURANCE ACT

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until 12 o'clock midnight tonight to file a conference report on the bill (S. 2822), to amend the Federal Deposit Insurance Act—United States Code, title 12, section 264.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

EXCISE-TAX REDUCTION

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8920) to reduce excise taxes, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. EBERHARTER. Reserving the right to object, Mr. Speaker——

Mr. PRIEST. Mr. Speaker, I demand the regular order.

Mr. EBERHARTER. I object to the unanimous-consent request, Mr. Speaker.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 5 minutes p. m.) the House, under its previous order, adjourned until Monday, September 11, 1950, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1662. A letter from the Secretary of the Army, transmitting a draft of a proposed bill entitled "A bill for the relief of Dr. Fernand Van Den Branden"; to the Committee on the Judiciary.

1663. A letter from the Secretary of Commerce, transmitting a report of all claims paid by the Department of Commerce during fiscal year 1950 under part 2 of the Federal Tort Claims Act, pursuant to section 404 of the Federal Tort Claims Act (title 4 of Public Law 601, 79th Cong.); to the Committee on the Judiciary.

1664. A letter from the Chairman, United States Civil Service Commission, transmitting the Twenty-ninth Annual Report of the Board of Actuaries of the Civil Service Retirement and Disability Fund, for the fiscal year ended June 30, 1949, pursuant to section 16 of the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

1665. A letter from the Assistant Secretary of the Interior, transmitting a report of cooperative agreements executed by the Bureau of Reclamation and various school districts during the fiscal year 1950 covering assistance payments for educational services and for expansion of educational facilities, pursuant to the act of June 29, 1948 (62 Stat. 1108; 43 U. S. C., 1946 ed., supp. II, secs. 385a, 385b); to the Committee on Public Lands.

1666. A letter from the Assistant Secretary of the Treasury, transmitting a report to the Congress showing settlements which are made under Public Law 207, Eighty-first Congress, in excess of the amount of $3,000; to the Committee on Merchant Marine and Fisheries.

1667. A letter from the Assistant Secretary of Agriculture, transmitting the report on cooperation of the United States with Mexico in the control and eradication of foot-and-mouth disease for the month of July 1950, pursuant to Public Law 8, Eightieth Congress; to the Committee on Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee of conference. S. 2822. An act to amend the Federal Deposit Insurance Act (U. S. C., title 12, sec. 264); without amendment (Rept. No. 3049). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MANSFIELD:

H. R. 9623. A bill to create, and assign duties to, the office of Assistant Secretary of the Navy for the Marine Corps, to fix the personnel strength of the United States Marine Corps, and to make the Commandant of the Marine Corps a permanent member of the Joint Chiefs of Staff; to the Committee on Armed Services.

H. R. 9624. A bill to provide for flood-control improvements on the Middle Fork of the Flathead River in the vicinity of Belton, Mont.; to the Committee on Public Works.

By Mr. BRYSON:

H. R. 9625. A bill to reduce absenteeism, conserve manpower, and spread production of materials necessary for the security of the United States; to the Committee on the Judiciary.

By Mr. HART:

H. R. 9626. A bill authorizing the Secretary of Commerce to purchase the vessels *Mariposa* and *Monterey;* to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVENPORT:

H. R. 9627. A bill for the relief of Tomas Reiss; to the Committee on the Judiciary.

By Mr. DONOHUE:

H. R. 9628. A bill for the relief of Carl M. Campbell, James R. White, and Frederick J. Powers; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2358. By the SPEAKER: Petition of Mrs. Tymie T. Fulford and others, Enterprise, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

2359. Also, petition of J. C. Walker and others, Jacksonville, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

2360. Also, petition of Joel C. Miller and others, Miami, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

2361. Also, petition of J. F. Anstett and others, Orlando, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

2362. Also, petition of Homer M. Mohr and others, St. Petersburg, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

2363. Also, petition of Edward T. Dussault, attorney, Mission irrigation district, Missoula, Mont., relative to a request to the Congress by the people of the Mission irrigation district pertaining to the operation and maintenance of the Flathead irrigation project, Montana; to the Committee on Public Lands.

SENATE

MONDAY, SEPTEMBER 11, 1950

(Legislative day of Thursday, July 20, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, we come with grateful and penitent hearts to this wayside altar of prayer as together we face the demanding concerns of another week. In this historic Chamber, we thank Thee for memories of stalwart patriots who in turbulent days maintained their souls in faith and came forth more than conquerors. Beget in us, their successors in the service of the commonwealth, the secret of their strength. And in these days, let us not be affrighted.

To our Nation and to ourselves, grant inner steadfastness that the rage of men may not shake. We pray for those institutions that seek the growth of character, for our families, our schools and our churches. Give us courage in the midst of fear, faith in the midst of doubt, love in the midst of hatred and hope in the midst of despair. Build Thou our interior strength, and grant that we may be among those who stand in the evil day and, having done all, still stand. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 8, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On September 8, 1950:

S. 858. An act for the relief of Mrs. Sanford Pruitt;

S. 1913. An act for the relief of Adelaide Giovanna Summa;

S. 2047. An act for the relief of Marie C. Araujo, also known as Marie Conceipaco de Brito;

S. 2948. An act to authorize the sale of certain land allotted to Clara Whitesell, Standing Rock allottee No. 915;

S. 3367. An act for the relief of the law firm of Hunt, Hill, & Betts;

S. 3426. An act to authorize the admission into the United States of an alien possessing special skill, namely, Gerhard Zahn, and his wife;

S. 3546. An act to extend the act of June 6, 1933 (48 Stat. 113), as amended, to Puerto Rico and the Virgin Islands, and for other purposes;

S. 3659. An act to amend title IV of the District of Columbia Revenue Act of 1937, as amended, so as to provide for the issuance of dealers' identification tags for use on trailers, to provide for the revocation and suspension of dealers' registration and identification tags, to change the fee for dealers' identification tags, to provide for the issuance of special use identification tags, and for other purposes;

S. 4071. An act to provide allowances for dependents of enlisted members of the uniformed services, to suspend certain provisions of the Career Compensation Act of 1949, and for other purposes; and

S. J. Res. 163. Joint resolution to designate the reservoir above the Baldhill Dam in North Dakota as Lake Ashtabula.

On September 9, 1950:

S. 665. An act for the relief of Margaret D. Scott;

S. 868. An act to provide for the dissemination of technological, scientific, and engineering information to American business and industry, and for other purposes;

S. 1838. An act to amend title 28 of the United States Code relating to fees of United States marshals;

S. 3995. An act to amend the Civil Aeronautics Act of 1938, as amended, to authorize the Civil Aeronautics Board and the Secretary of Commerce to undertake security measures relative to the regulation and control of air commerce, and for other purposes; and

S. 4029. An act to amend the Selective Service Act of 1948, as amended, so as to provide for special registration, classification, and induction of certain medical, dental, and allied specialist categories, and for other purposes.

LEAVE OF ABSENCE

On request of Mr. MUNDT, and by unanimous consent, Mr. AIKEN was excused from attendance on the sessions of the Senate during this week.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MCFARLAND, and by unanimous consent, the Subcommittee on Labor-Management Relations of the Committee on Labor and Public Welfare was authorized to meet during the sessions of the Senate today and tomorrow.

On request of Mr. MCFARLAND, and by unanimous consent, the Committee on Interior and Insular Affairs was authorized to meet during the session of the Senate today.

CALL OF THE ROLL

Mr. MCFARLAND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	George	Kilgore
Benton	Gillette	Knowland
Bricker	Graham	Langer
Butler	Green	Leahy
Cain	Gurney	Lehman
Chapman	Hendrickson	Long
Chavez	Hill	Lucas
Connally	Holland	McCarran
Cordon	Humphrey	McCarthy
Darby	Hunt	McClellan
Douglas	Ives	McFarland
Dworshak	Jenner	McKellar
Ecton	Johnson, Tex.	Magnuson
Ellender	Kefauver	Malone
Ferguson	Kem	Millikin
Fulbright	Kerr	Morse
Mundt	Schoeppel	Watkins
Murray	Smith, Maine	Wherry
Neely	Sparkman	Wiley
O'Conor	Taylor	Williams
O'Mahoney	Thomas, Okla.	Withers
Russell	Thye	Young
Saltonstall	Tydings	

Mr. MCFARLAND. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from Delaware [Mr. FREAR], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. HOEY], the Senator from Colorado [Mr. JOHNSON] the Senator from South Carolina [Mr. JOHNSTON], the Senator from Connecticut [Mr. MCMAHON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Mississippi [Mr. STENNIS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Pennsylvania [Mr. MARTIN] are absent on official business.

The Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Massachusetts [Mr. LODGE] and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The PRESIDENT pro tempore. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. HUMPHREY obtained the floor.

Mr. GRAHAM. Mr. President, will the Senator yield?

Mr. HUMPHREY. I shall be glad to yield to the Senator from North Carolina and other Senators for the purpose of transacting routine business, provided I do not lose my right to the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred, as indicated:

REPORT ON ASSISTANCE TO SMALL BUSINESS

A letter from the Secretary of Defense, transmitting, pursuant to law, a report of the Department of Defense relating to assistance to small business (with an accompanying report); to the Committee on Armed Services.

REPORT OF FEDERAL NATIONAL MORTGAGE ASSOCIATION

A letter from the Acting Federal Housing Commissioner, transmitting, pursuant to law, a report of the activities of the Federal National Mortgage Association, for the period January 1 through June 30, 1950 (with an accompanying report); to the Committee on Banking and Currency.

PETITION

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the Alpha Iota Sorority at its international convention in San Francisco, Calif., relating to the use of surplus food to feed starving people in the world, which was referred to the Committee on Agriculture and Forestry.

NATIONAL PREPAREDNESS—RESOLUTION OF DEPARTMENT OF MARYLAND, THE AMERICAN LEGION

Mr. O'CONOR. Mr. President, I believe it can be said with complete assurance that no group among our American citizenry has devoted itself more conscientiously or more consistently to the cause of adequate national preparedness than have the members of the American Legion.

Even in the midst of the wave of disarmament thinking which swept over the country following on the heels of World War I, the American Legion was one of the very few national organizations which saw the danger of such a national state of mind and devoted its efforts to convincing our people and our legislators that in strength lay the road to peace.

At the annual convention of the American Legion, Department of Maryland, in Baltimore, recently, ably presided over by Department Commander Kenneth R. Hammer, a formal resolution was adopted setting forth a seven-point program for the peace and security of our Government and our people. It is a program worthy of the deepest consideration and I send it to the desk for appropriate reference and ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

Whereas the American Legion has, since its inception, advocated and supported a strong national defense; and has through its manifold programs attempted to instill into the hearts and minds of the American people a true sense of patriotism; and does now reiterate and reaffirm its continued dedication to these purposes; and

Whereas the armed invasion of South Korea by the forces of communistic North Korea on June 25, 1950, has created an ever-increasing danger to the peace and security of the world; and

Whereas the entry of the United States of America into the said conflict, to combat this overt act of aggression on the part of communism has caused our Government and our people grave concern over the possible outbreak of another world conflict; and

Whereas the foregoing requires of the American people a firm and definite plan of action to meet this crisis: Therefore be it

Resolved, That the American Legion, Department of Maryland, in convention assembled, at Baltimore, Md., this 18th day of August 1950, does hereby state the following seven-point program and does hereby pledge the manpower and resources at the disposal of the American Legion to the fulfillment of this plan for the protection and the security of the Government of the United States of America and its people:

1. We endorse the action taken by the leaders of our Government and the United Nations Organization in this crucial hour and again advocate an adequate defense of the United States of America. We do now reiterate and renew our demand for passage of Federal legislation which will secure a permanent program of universal military training, placing the obligation of military service on all citizens of proper age equally to the end that our Nation will always in the future be better prepared to defend itself and our institutions.

2. We demand that the Congress of the United States now perfect all plans for instant application when necessary to draft all manpower—military and civilian, industry and capital—for successfully combating acts of aggression against this Nation and the free peoples of the world.

3. We pledge our unqualified support, full cooperation, and active participation to the State and Federal Governments toward the setting up of an adequate civilian defense program for the protection of our people.

4. We do now condemn, as selfish and unpatriotic, the practice of hoarding and will exert our efforts to discourage it wherever encountered.

5. We advocate that the Congress now empower the President of the United States to institute price controls and rationing of foodstuffs, commodities, and all necessities when necessary to assure an equitable distribution or division of the available supply.

6. We reiterate and renew our demand for the immediate passage by the Congress of the Mundt-Ferguson-Johnson bill, providing for the control of subversive activities and the registration of all subversive individuals and groups. We express our contempt for Communists and all those who abuse the freedoms, rights, and privileges afforded by our constitutional Government in their efforts to undermine those same freedoms, rights, and privileges. We feel that the penalties for such action are totally inadequate.

7. We assure the fighting men of this country and their dependents that the American Legion will in the future, as it has in the past, advocate and prosecute all just claims arising from their service and sacrifice; and be it further

Resolved, That a copy of this resolution be forwarded to the national convention of the American Legion for consideration at its convention of 1950 at Los Angeles, and that copies be also promptly forwarded to the President of the United States, the Governor of the State of Maryland, and to each member of the Maryland delegation in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCARRAN, from the Committee on the Judiciary, without amendment:

S. 3307. A bill for the relief of Colvin Bernard Meik (Rept. No. 2534);

H. R. 483. A bill to extend the time limit within which certain suits in admiralty may be brought against the United States (Rept. No. 2535);

H. R. 1503. A bill for the relief of George Washington (Rept. No. 2536);

H. R. 6020. A bill for the relief of Richard H. Sears (Rept. No. 2546);

H. R. 7114. A bill for the relief of John Joseph Griffin (Rept. No. 2537);

H. R. 8337. A bill for the relief of William A. Hogan (Rept. No. 2538);

H. R. 8362. A bill for the relief of Barnard Croft (Rept. No. 2539);

H. R. 8687. A bill for the relief of Angelo Messina (Rept. No. 2540);

H. A. 8780. A bill for the relief of Leila M. Dodd (Rept. No. 2541); and

H. R. 9144. A bill for the relief of Mrs. Olga Kowalik and Czeslawa Kowalik (Rept. No. 2542).

By Mr. McCARRAN, from the Committee on the Judiciary, with an amendment:

S. 3091. A bill for the relief of Master Stanley (Zachne) Hiller (Rept. No. 2543); and

S. 3452. A bill for the relief of George W. Purdy (Rept. No. 2544).

By Mr. McCARRAN, from the Committee on the Judiciary, with amendments:

S. 1528. A bill for the relief of Elmer Beller (Rept. No. 2545).

By Mr. LEHMAN, from the Committee on Interior and Insular Affairs:

H. R. 7709. A bill to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluff, Fla.; with amendments (Rept. No. 2547).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs:

S. 3398. A bill to authorize the exchange of certain land for purposes of the Colonial National Historical Park, and for other purposes; without amendment (Rept. No. 2548);

S. 3706. A bill to amend the act of May 28, 1926 (44 Stat. 670), entitled "An act granting public lands to the county of Kern, Calif., for public park purposes"; without amendment (Rept. No. 2549);

H. R. 3274. A bill to provide for the conveyance of certain historic properties to the State of Georgia, and for other purposes; without amendment (Rept. No. 2550);

H. R. 6537. A bill to provide funds for cooperation with the Territorial school authorities of Nome, Alaska, in the construction, extension, improvement, and equipment of school facilities, to be available to both native and nonnative children; without amendment (Rept. No. 2551);

H. R. 6640. A bill to amend an act entitled "An act relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas," approved August 7, 1946, and for other purposes; without amendment (Rept. No. 2552);

H. R. 6986. A bill relating to the acquisition and addition of certain lands to Fort Frederica National Monument, in the State of Georgia, and for other purposes; without amendment (Rept. No. 2553); and

H. J. Res. 519. Joint resolution to permit the National Grange to erect a marker on Federal land in the District of Columbia; without amendment (Rept. No. 2554).

By Mr. ECTON, from the Committee on Interior and Insular Affairs:

S. 3519. A bill authorizing the Secretary of the Interior to issue a patent in fee to James Chester Stevens; with an amendment (Rept. No. 2555).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. IVES:

S. 4141. A bill for the relief of Sadako Kawamura Lawton; and

S. 4142. A bill for the relief of Malka Kotler; to the Committee on the Judiciary.

(Mr. HENDRICKSON introduced Senate bill 4143, for the relief of Miss Kwangnyeng Chu, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

MISS KWANGNYENG CHU

Mr. HENDRICKSON. Mr. President, I introduce for appropriate reference a bill for the relief of Miss Kwangnyeng Chu, and I ask unanimous consent that the bill, together with a letter from B. Harrison Decker, minister of St. Paul's Methodist Church, of Ocean Grove, N. J., regarding Miss Chu be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, the bill and letter will be printed in the RECORD, as requested by the Senator from New Jersey. The Chair hears no objection.

The bill (S. 4143) for the relief of Miss Kwangnyeng Chu, introduced by Mr. HENDRICKSON, was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That, in the administration of the immigration and naturalizations laws, Miss Kwangnyeng Chu, of Neptune, N. J., who entered the United States on a visitor's visa, shall be held and considered to have been lawfully admitted to the United States for permanent residence, upon payment of the required head tax and visa fee.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The letter presented by Mr. HENDRICKSON is as follows:

ST. PAUL'S METHODIST CHURCH,
Ocean Grove, N. J., September 2, 1950.

Hon. ROBERT C. HENDRICKSON,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR HENDRICKSON: Thank you for your very kind letter of August 29. I hasten to answer the five questions that you asked me concerning Miss Kwangnyeng Chu.

1. Miss Chu, when the Russians came to North Korea, where her home was located, went to South Korea and while in South Korea was invited to visit Dr. Rosetta Hall in America. Dr. Hall is now a retired medical missionary living in the Bancroft-Taylor Rest Home in Ocean Grove. Miss Chu had worked with Dr. Hall in Korea. Dr. Hall was a medical missionary of the Methodist Church and established several hospitals in Korea during her lifetime practice there. Miss Chu sailed on the ship *Jeff Davis* and landed in Seattle, Wash., on November 7, 1949. She came on to New York City and from thence to Ocean Grove to visit Dr. Hall. Miss Chu was on a 3 months' passport, which since has been extended. The passport was issued in Korea and dated September 15, 1949.

2 and 3. Miss Chu is now a nurse's aide at Fitkin Memorial Hospital, Neptune, N. J., and is self-supporting. She is a graduate of High Medical School in Tokyo, Japan, in massage and is now doing such work in Fitkin Hospital.

4. Miss Chu is not engaged in any activity, political or otherwise, injurious to the American public interest. She is a high-class Christian Korean and is a member, and has been for many years, of the Methodist Church. Her experience with the oppression of the Russian Communists in North Korea gives her a very definite conviction concerning the evils of such a political system.

5. Miss Chu has never been convicted of an offense under any Federal or State law.

I hope that these answers will make it plain to you, Senator, that Miss Chu would be a decided asset to our citizenship. Both parents of Miss Chu were Koreans. She was born in 1895, and by Korean standards is considered too old to work, and therefore would have great difficulty in supporting herself in Korea under the present unsettled conditions.

Before we go too far with this, I would like to make some inquiry as to the amount of head tax and visa fee required. While Miss Chu has given every evidence of discharging every obligation, financial and otherwise, I am not sure that any large amount would be available for her at this juncture. Miss Chu has borrowed some money and has been very faithful in meeting payments on the money borrowed. The superintendent of the Fitkin Memorial Hospital speaks very highly of her work and has assured us that she would be engaged there for a long time.

I, too, am sorry that I could not get this matter to you earlier, but it was not brought to my attenion as a critical matter until the day that I wrote you. I have also communicated with Representative AUCHINCLOSS concerning the matter and I am enclosing a copy of a letter I have written him today in answer to one from him.

With all kindest personal regards, I remain,
Very sincerely yours,
B. HARRISON DECKER.

PRINTING OF DOCUMENT ENTITLED "LOW-INCOME FAMILIES AND ECONOMIC STABILITY"

Mr. O'MAHONEY submitted the following resolution (S. Res. 347), which was referred to the Committee on Rules and Administration:

Resolved, That the committee print entitled "Low-Income Families and Economic Stability" printed for the use of the Joint Committee on the Economic Report, be printed with illustrations as a Senate document.

PRINTING OF DOCUMENT ENTITLED "FACTORS AFFECTING VOLUME AND STABILITY OF PRIVATE INVESTMENT"

Mr. O'MAHONEY submitted the following resolution (S. Res. 348), which was referred to the Committee on Rules and Administration:

Resolved, That the committee print of the Joint Committee on Economic Report, entitled "Factors Affecting Volume and Stability of Private Investment" be printed as a Senate document.

INTERNAL SECURITY ACT OF 1950—AMENDMENTS

Mr. O'CONOR submitted an amendment intended to be proposed by him to the bill (S. 4037) to protect the internal security of the United States, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. O'MAHONEY submitted amendments intended to be proposed by him to Senate bill 4037, supra, which were ordered to lie on the table and to be printed.

SUMMARY OF PRINCIPAL PROVISIONS OF SOCIAL SECURITY ACT AMENDMENTS OF 1950

[Mr. LEHMAN asked and obtained leave to have printed in the RECORD a summary of the principal provisions of the Social Security Act amendments of 1950, prepared by Wilbur J. Cohen, technical adviser to the Commissioner of the Social Security Administration, which appears in the Appendix.]

IMMORTAL WORDS OF FAMOUS AMERICANS

[Mr. LUCAS asked and obtained leave to have printed in the RECORD a compilation entitled "Immortal Words of Famous Americans," which appears in the Appendix.]

REDS THREATEN TO LIQUIDATE 700,000 KOREAN CHRISTIANS—ARTICLE FROM CATHOLIC STANDARD AND TIMES

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD an article entitled, "Reds Ready To Liquidate 700,000 Korean Christians," published in the Catholic Standard and Times on September 1, 1950, which appears in the Appendix.]

THE PRESIDENT AND THE MARINE CORPS—ARTICLE BY CONSTANTINE BROWN

[Mr. McCARTHY asked and obtained leave to have printed in the RECORD an article relating to the President's intentions toward the Marine Corps, written by Constantine Brown, and published in the Washington Evening Star for September 6, 1950, which appears in the Appendix.]

ADDRESS BY MATTHEW WOLL BEFORE AMERICAN FEDERATION OF TEACHERS CONVENTION

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an address at the convention of the American Federation of Teachers, Detroit, Mich., by Matthew Woll, vice president and chairman of the Committee on Education of the American Federation of Labor, which appears in the Appendix.]

OUR INNER DEFENSES—EDITORIAL FROM THE CHATTANOOGA (TENN.) TIMES

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an editorial entitled "Our Inner Defenses," published in the Chattanooga Times of August 21, 1950, which appears in the Appendix.]

APPOINTMENT OF MORRIS A. SHENKER TO DEMOCRATIC FINANCE COMMITTEE

Mr. WILEY. Mr. President, I have been urging for a long time that the Senate Crime Committee investigate every sort of tie-up between shady politics at any level and illegitimate businesses. I believe that the appointment to the Democratic Finance Committee of an attorney representing racing-wire services and other gambling interests is a shocking indictment of present conditions. I have issued a statement today on this matter, and I ask unanimous consent that it be printed at this point in the body of the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

WILEY DENOUNCES NAMING OF GAMBLERS' LAWYER TO DEMOCRATIC FINANCE COMMITTEE—URGES CRIME COMMITTEE TO ACCENT PROBE OF POLITICS' TIE-UP WITH CRIME

The Senate Crime Committee ought to look into the outrageous naming to the Democratic Finance Committee of Morris A. Shenker, Missouri attorney for some of the largest gambling interests in America.

The appointment of this attorney is a shocking indication of: (a) The complete callousness on the part of Democratic Party officials—their complete disinterest in sifting out undesirable individuals and/or; (b) the fact that some Democratic higher-ups think they can get away with anything—with appointments so brazen that a few decades ago, they would have turned the stomach of the average voter.

Shenker's appointment to help raise party funds is symptomatic of a decline in political morality, a sinking of elementary standards of political decency, a breakdown of moral values.

His appointment is no accident, no freak, no coincidence. The news broke at the very time our Senate Crime Committee was questioning three gangsters—convicted extortionists—who were paroled in 1947 after serving 3½ years of a 10-year term. These vicious men were paroled thanks in part to the efforts of a St. Louis attorney—Paul Dillon—who, while in Washington, awaiting to appear before the parole board for the gangsters, was entertained at the White House by President Truman.

Apparently, having friends in Kansas City and St. Louis is a major condition to success in certain fields of law.

An attorney has a perfect right to defend any type of clients he pleases. But he does not have any right to interject a gambling tie-up in any way, shape, or form into National, State, or local politics.

I have been insisting, and will continue to insist, that our Senate Crime Committee explore all the ramifications of this tie-up between shady politics and sub-rosa businesses. The committee might well ask to what extent Shenker has used, is using, or expects to use, his party connections on behalf of his clients. Even if he never did so use those connections, his very presence on the Democratic finance committee might possibly make some law-enforcement officials hesitate about full prosecution of Shenker's clients for fear that some party higher-ups might be offended.

It should be noted that Shenker is a former member of the State Democratic committee and was a 1948 national convention delegate.

To appoint a man with his type of clients is an insult to the millions of honest voters who support the Democratic Party or any other party. I would be just as critical of such an appointment if it had been made by a Republican auspice.

Mr. Shenker might be eased out now that his appointment has been exposed, but the fact that he was ever appointed in the first place will not be forgotten by the American people.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3555) defining and regulating the practice of the profession of engineering and creating a Board of Registration for Professional Engineers in the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3921) to provide for the temporary appointment of referees in bankruptcy, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7881) to amend sections 675 and 676 of the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, regulating the disposal of dead human bodies in the District of Columbia.

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

Mr. HUMPHREY. Mr. President, I wish to direct my remarks to the pending bill, Senate bill 4037, the bill introduced by the Senator from Nevada [Mr. McCARRAN]. I also wish to address a portion of my remarks toward the amendment in the nature of a substitute which has been offered by the Senator from West Virginia [Mr. KILGORE] and other Senators who joined with him as cosponsors.

Mr. President, about 2 days ago the New York Times published an editorial warning the United States Senate. It said:

> Congress owes it to itself, and to the Nation, not to be frightened into passage of ill-considered, sweeping laws such as S. 4037, which can do deep and permanent injury to our most treasured traditions.

Mr. President, as I have indicated, that is a quotation from a New York Times editorial.

On Tuesday, September 5, the Washington Post editorialized:

> The McCarran bill, which comes up for consideration in the Senate today, is as dangerous to the national security it pretends to protect as to the American tradition of personal freedom it utterly ignores.

I rise at this time to discuss the McCarran bill and the other internal security measures which await action by the Senate. Mr. President, I urge the Senate and I appeal to it to rise above the clamor, the hysteria, and the tensions of this time, and once again demonstrate to freedom-loving people all over the world that this body is the wisest and the most deliberative body in the world.

The problem of internal security is one of the most serious which our Nation has ever faced. Americans are unanimous in their understanding that the international totalitarian menace we face calls for drastic internal security measures to protect our Nation and our people from internal communistic sabotage, espionage, and subversion. I point out again, Mr. President, this is what our legislation should be directed to. It should be directed toward sabotage, espionage, and subversion.

There is no debate as to this issue, there is no argument as to the need for corrective legislation. The debate is over the manner and means of the legislation, and not as to its purpose or its objective. We are divided in the Senate and the country only as to details and the nature of the legislation we need to meet the internal threat. Let us therefore, in the interest of national unity and our own national welfare throw narrow partisan considerations to the wind and resist the temptation of political advantage and political expediency as we discuss the bills now pending on the floor of the Senate.

Let us understand that it is internal security we seek, not headlines. We are interested in protecting the Nation and catching the Communists. We are not interested in protecting the politician and catching the headlines.

The question is not whether to enact anti-Communist legislation. The question is which of the pending measures is the most effective anti-Communist measure designed to protect our democratic institutions. And that is the only question.

The issue is not whether or not we are for anti-Communist legislation. The issue is whether or not we are for a particular bill that would protect the country, protect the national security, protect us from espionage, from treason, from sabotage, and subversion. That is the issue. I submit that those of us who have joined as co-sponsors of the Kilgore substitute have had in mind but one purpose, and that is the enactment of legislation which will protect the security of our country in an hour of crisis and at the same time protect the liberties of our people.

My purpose in rising to speak today is to urge support for Senate bill 4130, introduced by the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. DOUGLAS], the Senator from New York [Mr. LEHMAN], the Senator from North Carolina [Mr. GRAHAM], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Connecticut [Mr. BENTON] and myself. This bill would enact the Internal Security Act of 1950 and the Emergency Detention Act of 1950. My purpose is to warn the Senate that the McCarran bill, while it is seriously designed to stop Communists, will, in reality, not effectively stop the Communist menace; and while failing in that objective it may well seriously and drastically injure the basic safeguards and the traditional liberties which have made our Nation the freest and most democratic in the world.

Mr. President, all of us can agree that all good Americans are anti-Communists. I myself detest communism—its degradation and its hypocrisy. To me, it is the composite of all evil that power-crazed men have been able to conceive. I detest communism with my whole heart and my whole soul; but I do not assume for a moment, as some persons unfortunately do, that a man is a patriotic American just because he is anti-Communist. The un-American Ku Klux Klan, the Silver Shirts, and the Christian Front all have been bitter anti-Communist. Hitler and Mussolini were anti-Communists, too; in fact, that was their stock in trade. No, Mr. President; the test of a man's American patriotism is only partly related to his anti-Communist feelings. It is equally important that he be devoted to the principles of American democracy, to freedom, to equal opportunity for all our people, to the rights of the individual, as well as the rights of the state.

In his August 8 message to Congress on the whole subject of internal security and the Communist menace—and I believe it was one of the great messages of

our generation—President Truman set forth standards which internal-security legislation should meet. I wish to remind the Senate at this time that the recommendations contained in that message have been before the Congress for 2 years. Yet, it is at this late hour that we come to grips with the recommendations of the President and the recommendations of the Department of Justice and of the Federal Bureau of Investigation. Proposed anti-Communist legislation has been before several Congresses. It has been a favorite "whipping boy." It has caught more headlines than sticky flypaper catches flies. It is only at this late hour that we find ourselves faced with a bill which is more than one bill; it is an omnibus affair, a catch-all, several bills under one title.

Mark my words, Mr. President, there has been little attention given to and little or no discussion of the many titles of the omnibus bill. All the immigration procedures and all the naturalization procedures, for example, set forth in Senate bill 4037, have as yet hardly been commented upon; and yet here we are about to enact legislation in one of the most vital fields in our American life, namely, the protection of our internal security and the protection of our civil rights and liberties. It is incredible that we should move precipitately along this path without making a careful analysis of such proposed legislation and without scrutinizing it line by line. Legislation on this subject, if ill-conceived, can do irreparable damage. Carefully drawn legislation on this subject, containing the proper safeguards, and working toward the proper objectives, can do great good.

In his message of August 8, President Truman indicated standards which legislation on this subject should meet. I repeat that those standards have been before the Congress for 2 years. It is not that the President or the Department of Justice has been derelict or negligent; but we in the Congress have not come to grips with the kind of thoughtful, systematic legislation which we should have prepared after very careful and detailed study.

What did the President say about proper legislation on this subject? He said it must adequately balance the need for protecting our country from its internal enemies against the need for safeguarding the individual rights of our citizens.

Mr. President, the history of America is filled with hysterical, tumultuous moments of this kind, when our people have lost their sense of balance and have been pushed toward the precipice of dangerous legislation.

I shall introduce into the RECORD a complete analysis of the alien and sedition laws. I would remind those who sponsor the proposed legislation now before the Senate of what happened to those who sponsored the alien and sedition laws. It was upon the failure of the alien and sedition laws, because of their extreme nature, that the Federalists Party died, and those who were the sponsors of those laws met an untimely political demise.

So, Mr. President, as I said a moment ago, in his August 8 message to Congress, President Truman stated that proper legislation on this subject must adequately balance the need for protecting our country from its internal enemies, against the need for safeguarding the individual rights of our citizens. This is the dilemma of all free countries today, and it has been the historic dilemma of all free countries in every age, namely, how best to assure the preservation of order and security without destroying the freedoms whose loss would make everything else meaningless.

This is the problem which in a smaller sense we face in connection with labor-management disputes and every time a prolonged strike occurs. In other words, we must determine how to preserve the orderly fabric of society and at the same time preserve the right of men to have an opportunity to express themselves, even in overt ways.

Mr. President, I recognize that this problem is not an easy one to solve. It is not something which can be solved by Fourth of July speeches or by flag waving or by headlines. It can be solved only by quiet, careful study on the part of the people of the country who are most expert in dealing with this subject.

The security of our country is not something which can be preserved by means of 10-cent pamphlets or grandiose, hit-and-miss legislation. The security of our country requires careful, detailed, systematic, scientific study by men with a long background of experience in dealing with sabotage, espionage, and subversive activities. In other words, that study should be made by the men who are in the Federal Bureau of Investigation and the men who are in the Department of Justice.

I appeal to this body to remember that one of its most distinguished former Members, a man who is known for his devoted American patriotism, for his allegiance to democratic principles, and for his unqualified anti-Communist feelings and actions, our former colleague, Howard McGrath, who now is the distinguished Attorney General of the United States, has appealed to this body—and in a moment I shall submit for the RECORD his letter to the distinguished majority leader—not to take the Government of the United States down the path of Senate bill 4037, but to proceed with more caution and more care such as proposed under the terms of the bill or some of the features of the bill which has been sponsored by those of us who have submitted an amendment in the nature of a substitute.

Mr. President, can anyone say that the distinguished Attorney General of this country is not aware of the threat of communism? Can anyone produce evidence to show that the Federal Bureau of Investigation has asked for such sweeping legislation as embodied in S. 4037. Is there any statement to be found anywhere that the Director of the Federal Bureau of Investigation, who is equipped by training, by background, and by experience to deal effectively with this subject, has asked for this kind of sweeping legislation?

As a matter of fact, Mr. President, there is no such evidence. To the contrary, there is evidence from all over America that many responsible persons are asking the Senate of the United States not to lose its sense of good judgment, not to be caught up in the hysteria of the moment, but to show the kind of greatness of which the American people are made, the kind of hard stuff and substance which make up the American character. We do not need to be rushed pell-mell into this kind of legislation.

The solution of our problem is not to be found in easy miracles or formulas, but is to be found in the preparation of legislation based on the recommendations of men who are experts in dealing with espionage, sabotage, and subversion, and then by squaring their research against the basic requirements of a free country, which wishes to remain free. The bill S. 4130 (the Kilgore substitute) was drafted in exactly that way. It was based on a study of more than a year by the top counter espionage and security experts of the country. And I want the American people to know that the measure which I am co-sponsoring, the measure which was recommended by the President, was not a fly-by-night excursion into the realm of anti-Communist legislation, but is the thoughtful product of the best counter espionage brains and experts in America, men who have devoted a lifetime to this work.

The security experts of our Government, notably the FBI and the military intelligence services, have made their contribution to Senate bill 4130. Our substitute proposal was drafted with the advice and assistance of these experts, and it was drafted with an equal regard for the protection of the individual rights of our people against a tyrannical and despotic government and its police.

S. 4130 is a tough bill. In fact, it is much tougher than the cream-puff special which we are supposed to be voting upon. S. 4130 will protect the national security. S. 4130 will take care of the Communist menace; it will do it with dispatch and efficiency and with due protection of individual rights.

I again say that S. 4130 is a tough bill. It is a hard-hitting bill. It is designed to strike hammer blows against Communist or any other kind of sabotage. I repeat, it is designed to deliver hammer blows, when the hammer blows are needed, against Communist or any other kind of sabotage, espionage, or subversion in this country. Teddy Roosevelt, it will be remembered, used to say, "Speak softly and carry a big stick." The substitute proposal that we offer is that kind of bill. It is designed to catch spies. It is designed to catch saboteurs—the termites in our midst—not the headlines, not the votes.

S. 4130 has the same quiet, competent look as the average special agent of the FBI. He does not have to go around the country saying, "Look at me—I will protect you. I am from the FBI." Did anyone ever see an FBI agent doing that, swashbuckling up and down the highways and byways and avenues and streets. No. They are the

most polite, courteous, careful, methodical people one will ever meet, quietly going their way, gentlemen in every manner, but carrying the big stick and able to deliver the hammer blows against subversion and sabotage when the need is present. Our substitute measure speaks softly, I repeat, and carries the big stick, and it hits the bull's-eye, and it does not spatter buckshot all over the landscape.

The McCarran bill, which is before the Senate, S. 4037, is based upon the premise, not of strategic bombing, not upon the premise of being able to catch those who are guilty, but upon the premise of the spray-gun method of spraying the entire American political landscape, with the hope that in the process of so doing someone may be caught. I repeat, what we need today is pin-point legislation that hits the bull's-eye and does not spatter buckshot all over the landscape.

One of the most important problems we face in attempting to prevent internal subversion in the United States by the Communists is the need to prevent Communist activities from going underground. Experts in the Department of Justice, the Federal Bureau of Investigation, and all other phases of our Intelligence service, have made it clear that today they have a pretty good idea of who each and every Communist in America is.

Let me digress there for a moment. On the floor of the Senate here only 2 or 3 days ago newspaper stories were brought to our attention in which the head of the FBI, Mr. J. Edgar Hoover, said that the FBI wanted to have additional manpower so that they could keep track of every dangerous Communist and saboteur in this country from the time he got up in the morning until he got up the next morning. He said they were prepared to pick up 12,000 dangerous Communists. I ask the Senate in all honor, in all sincerity, what is the need of a registration bill that will result in the registration not of the dangerous ones, but of the Commie phonies that the Communist organizations list, when the FBI already has in its records, in its files, the names, addresses, location, occupation, and background and other information affecting about 55,000 members of the Communist Party, and when the FBI Director before the Appropriations Committees of the Senate and House has testified that the FBI could pick up tomorrow morning more than 12,000 of the dangerous Communists who would commit sabotage today.

I ask in all honesty, what good would it do to have a registration requirement that would give these Commie phonies the opportunity to use the legal processes of our courts and the protection of the Administrative Procedures Act to delay their registration for from 2 to 4 years while they go underground?

No man in America who knows anything about his Government will dare stand up on the floor of the Senate or of the House and say that the Federal Bureau of Investigation does not know where the dangerous Communists are. The FBI has their records, and the FBI knows how to pick them up.

The position of the junior Senator from Minnesota is that if the FBI does not have enough trained manpower to do this job, then, for goodness sake, let us give the FBI the necessary funds for recruiting the manpower it needs. I do not believe there is a Senator or a Member of the House of Representatives who could even catch a Communist, or would know how. This is a job that must be done by experts. I have said repeatedly that I, for one, never was very much of a believer in Junior Dick Tracy methods or the junior police badge. I happen to believe that the detection of subversives and of the saboteurs and of traitors is a job for experts.

I oppose any effort that may be made in America looking toward the organization of any vigilante group of self-appointed protectors of the internal security of the United States. No one ever knows where that might stop. I remind the Congress that we have had examples of such procedure in this country. We have had people who wanted to go all-out and require every Catholic to register. Let it be driven home to the minds of the American people that less than a hundred years ago legislation was proposed, but forward by the Know Nothing Party, which would have required the registration of every Catholic, just as it is proposed today to require the registration of every Communist. Mr. President, if such monkey business is started, there will be no end to it. May I with equal candor say that 120 years ago legislation was proposed to require every Mason to register and to drive the Masons from public life. Mr. President, when people get themselves involved in this sort of thing there is no end to it. My friends, if we are going to register anyone who tries to formulate public opinion, let us register everyone, everywhere, because once we start to discredit the procedure of registration it can be utilized by the demagogue and by the power-crazed politician and can be employed to break down the fabric of free society.

The history of America is filled with this sort of thing. But, thank God, wise, conservative minds have prevailed, and we have not been led down the path of destruction. But I desire to make it quite clear, so that every God-loving person in America may understand, that once we start this kind of business it cannot be long, and it will not be long, before any group in America may be singled out for restrictive and repressive action. Someone will say, "I don't like that outfit; let's make them register."

We have instances of that, too, in America. There have been bills introduced in the House of Representatives, mind you, to brand B'nai B'rith as a subversive organization. I remind Senators that there have been bills introduced and there have been speeches made on the floor of the Senate against the National Association for the Advancement of Colored People as a Communist-front and as a subversive organization. There have been speeches on the floor of the Senate placing the CIO in that category, and only 3 or 4 days ago in the Senate there was a very long and irresponsible speech branding the Farmers' Union as a Communist outfit, dominated and infiltrated by Communists. Its policies, said the speaker, were following the line of the Communist Party. I should like to ask the Senate of the United States if it wants a subversive-control board that will brand the Farmers' Union as a Communist organization? I do not. I want to catch the Communists and protect the innocent persons. I want a control board to control those who would in some way undermine the internal security of the country, but not to control those who merely have ideas. Every once in a while in this day and age it seems that if a man has ideas he is a dangerous person. Someone has said that if our ideas are orthodox we do not need to worry. But the question arises, What is an orthodox idea? Perhaps the best thing is to have no ideas, neither orthodox nor unorthodox. But that would be a tragedy if it should become a pattern for America.

Mr. President, I make the charge that the McCarran bill, particularly sections 1 to 17, would drive the Communist Party and its members underground. I submit that every responsible public official charged with protecting the national security should realize that if the Communist Party goes any further underground than it is now, it will become an evermore difficult problem.

The charges which are being made by the Senator from Minnesota are not charges that other persons do not make. The New York Times, on Wednesday, September 6, 1950, contained an editorial entitled "Listen, Look, and Stop." It turned the old catch phrase around a little bit—stop, look, and listen. The editorial points out the danger of this bill and what could happen in terms of driving the Communist Party underground

The Washington Post, on Tuesday, September 5, published an editorial entitled "Blunderbuss." The editorial is a very thought-provoking one. It says, for example, the following:

> The McCarran bill provides, in addition, an elaborate, unworkable arrangement for registering and punishing everyone who may be designated a Communist or a Communist sympathizer. The effect of this is to make more difficult the real job of catching spies and saboteurs.
>
> Counterespionage and countersabotage call for precision techniques. They demand a pinpoint selection of targets and sharpshooting accuracy in hitting them. The McCarran bill proposes to go at the task with a blunderbuss. It would hit loyal and disloyal persons almost indiscriminately on the off chance that there might be some spies or saboteurs among them. But the fact of the matter is that the Communist Party and the Communist-front organizations at which this antiquated weapon is aimed are not likely to include actual foreign agents. Such agents are not interested in ideology or propaganda, and they do not advertise their dangerous missions by becoming members of suspect groups. The FBI can be counted on to isolate them and deal with them effectively—but not if its manpower and energies have to be devoted to rounding up large numbers of Communists and of loyal but misguided Americans who have been duped into associating with Communists.

I repeat, Mr. President, we simply cannot have the FBI trying to get people to register when it should be trying to protect the national security and to round

up the dangerous saboteur, traitor, and subversive who would really threaten the national security.

Mr. President, I ask unanimous consent that the two editorials which I have mentioned, from the New York Times and the Washington Post, be included in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times of September 6, 1950]

LISTEN, LOOK, AND STOP

Proponents of the McCarran antisubversive bill, which the Senate is now debating, are reported to expect that not more than a dozen votes will be cast against it. If this prediction should prove to be true, we can only believe that not many more than a dozen Senators will have read the text of the measure before voting upon it. For it is hard to believe that any thoughtful Member of Congress who loves freedom, liberty, and democracy as much as he hates communism could support this bill once he has a clear understanding of its contents.

The McCarran bill (S. 4037) is only the worst of a number of antisubversive measures now up for consideration. It is all-inclusive, embracing as it does the contents of five separate bills (plus a few new proposals) which deal with everything from registration of Communists to establishment of a new passport and visa bureau in the Department of State. To be sure, some of the provisions of this omnibus bill are desirable, strengthening as they do the existing laws against espionage and violation of military security. But it would be a perversion of the legislative process if the need for this additional protection against specific acts were used as a cloak for the introduciton of drastic restrictions, as far-reaching as they are unnecessary, on the basic rights of all Americans. And this we believe is what the McCarran bill (and, for that matter, the less-inclusive Mundt-Ferguson and Wood bills) could do, potentially.

The stated objectives of these measures are, of course, the objectives of all of us who want democracy to live and to prosper. In addition to stopping the aggression of Communist imperialism, we want to neutralize the power to do harm of the Communists within our gates. But surely the way to succeed in this purpose is not to impose such curbs of freedom of speech and press and political association as to render suspect all but the most orthodox, the most conformist. That is not the way democracy grew to its present strength and that is not the way democracy will survive.

As we have stated previously, it is our view that the language of these bills is so broad as to be dangerous, the registration provisions self-defeating, the immigration proposals antidemocratic, and the restrictions on foreign diplomats unnecessary. In their desire, which we share, to do everything possible to defend the security of the United States, neither Congress nor the public should automatically approve every measure that is labeled "antisubversive." What is subversion to Senator MCCARRAN may not be subversion to President Truman, FBI Director Hoover, or Attorney General McGrath. Perhaps that is one reason why the Justice Department has opposed the McCarran bill. In any case, Congress owes it to itself and to the Nation not to be frightened into passage of ill-considered, sweeping laws such as S. 4037, which can do deep and permanent injury to our most treasured institutions.

[From the Washington Post of September 5, 1950]

BLUNDERBUSS

The McCarran bill, which comes up for consideration in the Senate today, is as dangerous to the national security it pretends to protect as to the American tradition of personal freedom it utterly ignores. In the present crucial situation, the country needs tough, realistic measures to prevent spying and sabotage by professional foreign agents. The President has asked Congress to enact such measures; his recommendations are embodied in the Magnuson bill and are included also in the McCarran bill. But the McCarran bill provides, in addition, an elaborate, unworkable arrangement for registering and punishing everyone who may be designated a Communist or a Communist sympathizer. The effect of this is to make more difficult the real job of catching spies and saboteurs.

Counterespionage and countersabotage call for precision techniques. They demand a pinpoint selection of targets and sharp-shooting accuracy in hitting them. The McCarran bill proposes to go at the task with a blunderbuss. It would hit loyal and disloyal persons almost indiscriminately on the off chance that there might be some spies or saboteurs among them. But the fact of the matter is that the Communist Party and the Communist-front organizations at which this antiquated weapon is aimed are not likely to include actual foreign agents. Such agents are not interested in ideology or propaganda, and they do not advertise their dangerous missions by becoming members of suspect groups. The FBI can be counted on to isolate them and deal with them effectively, but not if its manpower and energies have to be devoted to rounding up large numbers of Communists and of loyal but misguided Americans who have been duped into associating with Communists.

The McCarran bill has a hyperpatriotic gloss that gives it a spurious appeal because it seems to hit the Communists hard. In point of fact, however, it would give the now virtually impotent Communist Party a tremendous lift. By striking at the Communist fronts, it would strike at many innocent persons who have merely exercised traditional American rights of association. And it would force these persons into alliance with the Communists in championing American freedoms. There are clear indications that this is precisely what the Communist Party hopes for. The tactics with which it has opposed the McCarran bill are tactics deliberately designed to get it enacted.

There are momentous issues at stake in the Senate debate that will begin today. The House vote on the somewhat similar Wood bill last week reveals how rapidly hysteria has run. We hope that the Senate, in considering the protection of Amercan security, will weigh the great values that have been the historic source of that security. It is human freedom that we are striving to make secure. The defense of freedom is surely not to be found in its destruction.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that at this point in my remarks there may be printed in the RECORD an editorial entitled "Preventing Sabotage," published in the Washington Post of August 23, 1950.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PREVENTING SABOTAGE

One virtue of the President's message to Congress on internal security is that it put first things first and concentrated on real and imminent as distinct from imaginary and potential dangers. In our view, the most pressing of the problems on which the President asked for legislative action is the protection of national-defense installations from sabotage. These installations are so vital to national security and so obviously enticing a target to enemy agents that the utmost care in safeguarding them must be reckoned the first order of business in promoting the country's safety.

What the President seeks in this connection is a law similar to one which was in effect during the war but which expired in 1947. It would authorize the Secretary of Defense to promulgate, with the President's approval, regulations for the protection of airports, harbors, bases, laboratories, and other property or places in the custody of the National Military Establishment against the dangers of injury by accident or sabotage. In case of war or national emergency, such regulations could be extended to all property and places designated by the President in the interest of national security and would govern, among other things, admission or exclusion of persons. Violation of these regulations would be punishable under the terms of the Magnuson bill, introduced to carry out the President's security message, by a $5,000 fine or a year's imprisonment, or both.

Such regulations make no intrusion upon personal liberties. They are aimed only at the prevention of overt acts inimical to the country's safety. There is no objection to them, so far as we know, from any responsible source; authorization to issue them is provided in the McCarran bill as well as in the Magnuson bill. Since they constitute an elementary precaution about which there is no controversy, it would be wise, in our opinion, to deal with them in a separate piece of legislation which can be enacted speedily without the conflict bound to rage over other features of the McCarran and Magnuson bills.

The outposts of American defense are perhaps especially in need of the most rigorous security precautions. For it is these that an enemy would be most eager to cripple by sabotage before launching any frontal attack. They constitute at once the perimeter of protection for the country and at the same time the primary sources of the counteroffensive with which the United States would respond to any attack. No rational safeguard of these ramparts should be neglected. Congress should respond at least to this facet of the President's appeal without hesitation or delay.

Mr. HUMPHREY. Mr. President, this editorial is a masterpiece. It describes the President's message, but it also brings to our attention what this newspaper believes to be some of the essential requirements of effective internal security legislation. I commend the reading of this editorial to every Member of the Senate.

Mr. President, I ask unanimous consent that at this point in my remarks there be printed in the RECORD an editorial from the New York Times of August 22, entitled "The Anti-Communist Bills."

I want to read just one passage from the editorial:

Is it wise, then, to adopt legislation which is couched in language so broad that it could seriously infringe upon individual liberty, which could set a precedent for interference with the traditional freedom of political parties or political organization which as a practical matter might defeat its own purpose and which at the present time is not necessary for the defense of our institutions? The freedoms of the American political system have cost too much in centuries of blood, sweat, and tears to be discarded or even endangered just because we want to take action against a contemptible and puny band of misguided zealots within our borders. When and if they become a threat to public order, then will be the time to move against them. Meanwhile, we urge the American people not to strike out in blind fear or fury, thereby undermining, as President Truman has said, the very internal security they seek to protect. To do so might give us an

emotional satisfaction. But there would not be one Communist less in the country.

Mr. President, the New York Times is quite a responsible newspaper. It is considered to be a middle-of-the-road American newspaper with a good degree of enlightened, constructive, responsible direction.

I ask that the entire editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ANTI-COMMUNIST BILLS

The Senate now has before it three distinct and rival measures dealing with subversive activities of Communists and their sympathizers. These are: the Mundt-Ferguson bill (S. 2311), the McCarran omnibus bill (S. 4037), and the administration bill (S. 4061). The first two differ fundamentally from the third in that the former impose general sanctions against Communists and Communist-fronters, while the latter, correcting some specific defects of existing law, reflects the view that sweeping legislation would be "unnecessary, ineffective, and dangerous." We are inclined to think that, on the whole, the administration viewpoint is the correct one at the present time. We believe that close scrutiny of the Mundt-Ferguson and McCarran bills will show why this is so.

These measures have as one of their two principal joint features a provision making it a crime to conspire to perform any act that would "substantially contribute" to formation in the United States of a totalitarian dictatorship under foreign control. This language is so vague that it seems to us it could be used to impose restraints on freedom such as the American people have not known in 150 years. In any case, it would seem advisable before passing legislation of this type at least to await the final decision of the Supreme Court on the Smith Act, which prohibits conspiracy to advocate the forcible overthrow of the Government, and which has already been used to convict 11 leaders of the Communist Party.

The other principal joint feature of the Mundt-Ferguson and McCarran bills is the registration requirement they would impose on all Communists and on Communist-front organizations. The danger here is that the registration provisions might be used to destroy incipient political parties or even existing organizations advocatng unpopular causes which may or may not be on the Communist fringe. This in our opinion approaches too closely to a possible regimentation of the American political structure along more or less orthodox party lines.

The primary objective of this legislation, and one with which we emphatically agree, is to render the Communists harmless, to destroy whatever potentialities they might have of forcibly overthrowing the American Government. But would these registration provisions accomplish that purpose? Those Communists and Communist sympathizers who would register are already known to the authorities and those who are not would doubtless remain underground. It is quite possible, in fact, that the whole party would be driven underground by this legislation, in which case it might become considerably more dangerous than it is at present.

In addition to the provisions already discussed, the McCarran bill contains in entirety a drastic and senseless immigration measure that has already passed the Senate (S. 1832) but which, as we have said before, is fundamentally antidemocratic. It contains other sections of lesser importance, some of which are, in fact, included in the administration bill. These involve a tightening of espionage, registration, military security, and deportation laws.

In considering all of this anti-Communist legislation it must be remembered that the primary Communist danger to the United States comes from an imperialist aggressive world power—Soviet Russia. A secondary danger comes from agents of that power who may be found principally (but by no means exclusively) within the American Communist Party and its controlled organizations. There is virtually no danger from the Communists as a domestic political party. In what Justice Holmes has called "the competition of the market," the Communists have been able to win virtually no office of national importance. It is in the area of espionage, sabotage, and subversion that we have to fear the Communists inside this country. But it is precisely in these fields that we have ample legislation (subject to minor improvement) such as the treason, espionage, sabotage, naturalization, and registration laws, as well as the loyalty program for Government employees and various administrative regulations to boot.

Is it wise, then, to adopt legislation which is couched in language so broad that it could seriously infringe upon individual liberty, which could set a precedent for interference with the traditional freedom of political parties or political organization, which as a practical matter might defeat its own purpose and which at the present time is not necessary for the defense of our institutions? The freedoms of the American political system have cost too much in centuries of blood, sweat, and tears to be discarded or even endangered just because we want to take action against a contemptible and puny band of misguided zealots within our borders. When and if they become a threat to public order, then will be the time to move against them. Meanwhile, we urge the American people not to strike out in blind fear or fury, thereby undermining, as President Truman has said, "the very internal security they seek to protect." To do so might give us an emotional satisfaction. But there would not be one Communist less in the country.

Mr. MURRAY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. NEELY in the chair). Does the Senator from Minnesota yield to the Senator from Montana?

Mr. HUMPHREY. I would rather wait until the end of my remarks. Then I shall be more than glad to yield. I hope the Senator from Montana will remain with us so that we can discuss the bill in more detail.

Mr. President, I make the charge that the McCarran bill would practically drive the Communist Party and its members underground. I submit that the newspaper reports of what has been going on in New York City, where the Communist Party is beginning to manage its own registration, are a clear indication of what is happening. The moment the Woods bill passed the House of Representatives, the Communist Party went through a new purge. What is the purpose of it? To keep the innocuous persons, the dupes, the less intelligent, in the foreground and on the registration list, but the people who are going to do the dirty work are being advised to join churches and schools and to do everything they can to purify themselves.

Ten Mundt-Ferguson bills would never have caused Edith Coplon to register. It would not have caused Alger Hiss to register. Those persons had to be dug up by the Federal Bureau of Investigation. The fact that they were engaged in the dirty work which they were doing indicated that they were key persons in the Communist conspiracy. It took months, yes, it took years, to get the evidence on them. FBI agents went into the Communist Party. Imagine going up and down the country trying to prove that someone is a Communist. What is going to happen to the whole counter-espionage system? What is going to happen to the men and women of the FBI who have to work within the Communist organization to get the facts on the Communists, and who will have to expose themselves? One cannot prove a man is a Communist merely by hearsay. The courts of the land have ruled on that point. Once we have proved a man is a member of the Communist Party, under the Smith Act, under which the 11 Communists in New York were tried, we have also proved that they are willing to overthrow the Government by violence and by force.

We can rest assured that the Communists are not going to register the dangerous ones. The clever ones and the trained ones are not going to register; they are not going to rush forth and say, "Mr. Attorney General, I want to register." They are not going to do that. They will go further and further underground.

The evidence is that every time the Communist Party has been outlawed it has grown by leaps and bounds, in country after country. Our sister country, Canada, found out that fact, to her sorrow.

The Communist Party in this country has been moving underground for sometime, but in past weeks since it became a likelihood as a result of the Korean crisis that legislation like the Mundt-Ferguson and McCarran bills would be passed, the most dangerous members of the party have feverishly accelerated their efforts to go underground, to give themselves cover, to disguise their connection with the Communist Party or any Communist organization.

I ask anyone to produce evidence to the contrary of what I am saying. I ask any member of the Government to produce evidence to the contrary—to produce evidence that the Communist Party is not going underground if we pass this kind of legislation. Of course it will go underground. The FBI reports it is going underground now. The agents who have been attending the New York meetings have reported it is going underground. The FBI has stated that it is becoming more and more difficult for them to deal with the Communists. So, apparently, the way it is intended that we help the FBI is to make each one of its agents a sort of rover, who would rove around the country trying to get someone registered, when he ought to be checking up on dangerous subversives and saboteurs.

These are not suppositions. These are facts which have been reported in the newspapers by competent observers and are contained in the most recent report of the FBI. The Communist Party is transferring and shuffling its leaders; it is destroying its records; it is advising its members to join respectable organizations, such as churches and nursing schools, to mention two actual

examples. Persons prominently identified with the party are making haste to publicly repudiate it.

Mr. President, I do not like the confessions which are being made by Communist stooges, who are suddenly becoming great character witnesses. I do not trust them.

In short, the active pendency of this futile legislation, much less its enactment, has already done serious damage to our counterespionage operations by making it increasingly more difficult for the FBI to follow the activities of the Communist Party, its leaders, and its most dangerous members.

In support of this contention that the Communists are moving underground, I present for the body of the RECORD at this point an article appearing in the Washington Evening Star on Wednesday, August 23, under the headline "Reds ready to go underground, order members not to register," and a second article from the New York Times for Friday, September 1, 1950, indicating very clearly that the Communist Party in America is preparing to move underground.

The PRESIDING OFFICER. Without objection, it is so ordered.

The articles are as follows:

[From the Washington Evening Star of August 23, 1950]

REDS READY TO GO UNDERGROUND, ORDER MEMBERS NOT TO REGISTER

(By Martin Arundel)

NEW YORK, August 23.—Communist Party bosses officially have ordered party members not to register with any Government agency—in the event legislation is enacted requiring them to do so—on pain of expulsion from the party. They have, in effect, announced that the party machinery is going underground in the near future.

Both ukases were the highlights of a meeting of about 600 trusted comrades here last Sunday night, to bid farewell to 10 prison-bound party chiefs convicted of conspiracy to teach and advocate overthrow of the Government by force and violence. Admittance to the meeting was by invitation only, according to Daily Worker advertisements.

A person who attended the meeting described it as perfunctory, saying the majority of comrades looked worried and listless. The person accounted for some of the apathy to a flock of candid-camera addicts who were snapping shots all over the place and to the possibility that Government agents had recording devices placed at Manhattan Center, where the gathering was held.

According to this source, a message from ailing William Z. Foster, party chairman, evoked the meeting's greatest enthusiasm. Read by National Secretary Gus Hall, Foster's message is reported to have urged the comrades to live up to the great things expected of us by comrades all over the world, by carrying out our Bolshevik tasks, regardless of the obstacles the Government places before us."

(Foster evidently was referring to a secret Pravda article which said the American party would play a major role in the world revolution.)

The remainder of Foster's message, the source said, was full of trite Communist clichés and exhortations for the comrades to go out and die for Stalin.

Though all speakers shouted defiance of Government attempts to register Communists, National Secretary Hall, who, along with the nine other leaders, expects to be in Federal prison within days is understood to have delivered the specific order for the comrades not to register.

"It is the duty of every loyal Communist," Hall is reported to have said, "absolutely to ignore any Federal, State, or local law that requires Communists to register. It would be a grievous breach of party discipline for a member to register, which would call for automatic expulsion from the party."

Organization Secretary Henry Winston is said to have announced the party's imminent transfer from open to surreptitious activity. According to the source, Winston boasted that the FBI and other police bureaus will discover that "our party is very well equipped to carry on its work in spite of legal repressions, arrests of leading comrades, and the stool pigeons within the party feeding them information," Winston gave no details.

Since the party has been threatened with legal suppression, there's been considerable speculation as to the organizational form the Communist underground will assume, how it will operate, and what its principal immediate objectives will be.

One usually well-informed source believes the American party has perfected an underground organization patterned after the Frech Maquis, which effectively resisted Nazi occupation in World War II by sabotage and by printing and circulating anti-Nazi propaganda. The Maquis generally worked in small groups, between 5 and 10, whose leader received his directives from a higher body, which was supersecret.

[From the New York Times of September 1, 1950]

COMMUNISTS SPEED OWN REGISTRATION—30-DAY DEADLINE BY WINSTON SEEN INDICATION OF PURGE BEFORE WOOD BILL IS LAW

Henry Winston, national organizational secretary of the Communist Party, set a 30-day deadline yesterday for the completion of the party's own registration of members, before the Wood bill becomes law.

The Wood bill was passed by the House of Representatives Tuesday by a vote of 354 to 20. Introduced by Representative JOHN S. WOOD, of Georgia, chairman of the House Committee on Un-American Activities, the bill requires the Communist Party to register and list all its members, and report on all their activities. It also requires officers of Communist "front" organizations to register.

In Washington committee members indicated suspicion the party registration was an attempt to obstruct the proposed new law.

Winston, one of the party's eleven leaders convicted last year of conspiracy to advocate violent overthrow of the Government, but out on bail pending completion of appeal procedure, was quoted in yesterday's Daily Worker, the party's propaganda organ.

He said the annual registration of party members has been going on for some weeks "to safeguard the welfare and liberties" of party members and others who share their views for "peace" and against "fascism." In view of the quick progress of the Wood bill, he said, the party's registration must now be rushed in completion.

PARTY SEEN GOING UNDERGROUND

To those familiar with Communist terminology, Winston's statement indicated the party was planning to go entirely or almost entirely underground after the Wood bill was enacted into law. It also is believed to indicate the party is preparing a "cover" for secret Communists, is conducting or getting ready for a purge of "unreliables" and is consolidating the "hard core" of party "activists" for whatever may lie ahead.

The statement called for a "qualitative strengthening" of the party's work and "higher standards of membership."

Winston used "Aesopian" language, or Communist double-talk, as it was called by Federal Judge Harold R. Medina in last year's Communist trial, to call on members to work more intensively for class war in this country. He urged them to stir up labor troubles, fight this country's foreign policy, and collaborate with the Soviet Union for peace."

In an apparent allusion to recent defections from party ranks, he said anyone could join or leave the party voluntarily.

"Only those who have been registered by the party in the current registration," he added, "will carry the great honor that goes with membership in the Communist Party."

Mr. HUMPHREY. Mr. President, there is one other very serious danger in the McCarran bill. It would provide the Communists with a cover which would effectively serve to confuse the American people, injure a great many innocent and patriotic Americans, and at the same time thus allow a great many Communists an immunity which they do not deserve. The bill, by loosely attempting to define a Communist-front organization, would cast a loose net over millions of persons who at some time in their lives innocently belonged to organizations which the bill would indict. It would do this by associating together Communists with crack-pots, sincere though misguided idealists, and honest liberals.

Let us not forget that even some Members of this distinguished body—and I speak not necessarily of liberals but of conservative Republican United States Senators—have occasionally given their sponsorship in good faith to Communist-front organizations which piously espouse worthy causes favored by millions of Americans. In fact, Mr. President, I have in my hand an article from Look magazine for August 1, 1950, on page 67 of which there is a picture of one of the leaders of the Republican side of the aisle in earnest and friendly conversation at an American Youth Congress rally with Earl Browder, the head of the Communist Party.

The presence of respected Members of the Senate in the company of Earl Browder could be made to look extremely bad, although I am certain no evil intent was involved, and I am more than convinced that it was but an effort on the part of one of our distinguished Members to present a particular point of view to an organization which he did not know was a Communist-front organization.

This whole situation is highlighted by a letter of Bishop Oxnam of the Methodist Church which appears in the August 29, 1950, issue of Look magazine. This letter is in support of a proposal that a private organization be established which would be equipped to give individuals reliable, factual, and objective information about subversive organizations of the extreme left and the extreme right. Bishop Oxnam states:

* * * Scores of times I have been asked to lend my name to organizations that have appeared to be of real value. As a rule, some of the best citizens of the United States were on the list. It takes time for an individual to note the other names that appear on all of these fellow-traveler organizations and thus be in a position not to lend his name to anything subversive, directly or indirectly.

To lump together in one bill for the purpose of registration, the Communist Party with many innocent Americans is, in my judgment, designed to result in confusion, which will be of invaluable assistance to the Communist Party of America.

Mr. President, it had been my intention to go through the series of registration steps which would be required under the McCarran bill, but my distinguished colleague and friend the Senator from Illinois [Mr. DOUGLAS] gave a 5-hour discussion on this portion of the bill on Friday. He dealt with the registration of Communist politically controlled organizations and Communist-front organizations. I submit that the testimony which we have from the Department of Justice and the facts which the Senator from Illinois presented on Friday indicate beyond a shadow of doubt that before we shall ever be able to get a Communist political organization registered, it will take 2 years, and it may take as long as 4 years, because they would have every single right of appeal. They could take their appeal to the highest court of the land. When all the organizations have been registered, we would be forced to start all over again with the individual members. That would mean delay, delay, and delay.

In the meantime, what would happen? In the meantime, these men would be out raising money, becoming martyrs, and going around fooling many innocent people by saying to them, "We are being accused of being Communists, when we are not Communists at all." All during this time not a single Communist would be in jail.

I heard the distinguished Senator from South Dakota [Mr. MUNDT] say that if the Communists did not register, they would go to jail, and I recall hearing him say that that is where they ought to be. If that is where the Senator from South Dakota thinks the Communists ought to be, I would suggest that he vote for the substitute bill, because under it that is where they would go in case of a national emergency. They would be put into internment camps. I submit that under the registration procedures and provisions of the McCarran bill, sections 1 through 17, not a single Communist could be put in jail until it is legally possible to require this organization or that organization to register. Past administrative procedure indicates how long it would take to do so. We have had the experience with the National Labor Relations Board, as the Senator from Illinois pointed out. He indicated how long it would take to get a case finally disposed of. Mark my words, Members of the Senate, there would be hundreds and hundreds of these cases, not dozens. It would mean a great deal of work, a great deal of time-consuming effort, and delay upon delay. I shall go into some more detail on this particular aspect of the bill.

Our internal security today requires competent and effective counterintelligence. Counterintelligence means the measures we take to prevent espionage, sabotage, and subversive activities. Our bill is designed to serve this end. It was written and sponsored by professionals in the field responsible for our counter-intelligence operations.

Now let me direct my remarks a little more to the substitute which we have before us. I said it was written and sponsored by professionals in the field responsible for our counter-intelligence operations. In the last analysis the effectiveness of our defense in this or any other kind of espionage, sabotage or subversion depends upon the quality, intelligence and competence of our security forces—the FBI and the Military Intelligence Services. We can and have given them many administratively effective weapons to use.

In 1948, in his famous radio debate with a distinguished citizen from my State, Governor Dewey of New York said there were 27 laws on the books designed to effectively control Communist activity. I have not counted those statutes myself, but I am content to take the Governor's figures, although there have been a few additional bills passed since he cited that figure.

Aside from the Espionage Act of 1917, the toughest of these statutes is undoubtedly the Smith Act which became law in 1940. Under this act, 11 leading Communist leaders in the United States were convicted in October 1949 for conspiring to advocate the overthrow of this Government by force and violence and for conspiring to form an organization—the Communist Party of the United States—for the same purpose.

On August 1, 1950, in an historic decision handed down by Judge Learned Hand, one of the Nation's most highly respected jurists, the United States Court of Appeals for the Second Circuit unanimously confirmed this conviction. The Government's ability to deal with Communist subversion has been greatly strengthened by this decision.

It is my understanding that the senior Senator from West Virginia is placing the text of that decision in the body of the RECORD, and I urge Members of the Senate to study it carefully.

It is clear that the Government now has the power under the Smith Act to proceed aganist the dangerous Communist leaders in this country as fast as the evidence against their Communist affiliations and activities is available—and a great deal is already in the hands of the FBI—and to indict and convict them and put them behind bars. S. 4130, our substitute, would give our Military Intelligence Services the additional weapons that they need.

It would give them security measures to assist them in protecting vital places and installations. It would give them control measures to help them watch and supervise the movements and activities of especially dangerous persons. It would give them judicial measures reducing the Government's burden of proof in espionage cases and more than tripling the period of danger for the espionage suspect, whether he be rightly or wrongly suspected.

On August 17, I joined as a cosponsor, with the Senator from Washington [Mr. MAGNUSON], the Senator from Illinois [Mr. LUCAS], the Senator from Pennsylvania [Mr. MYERS], the Senator from West Virginia [Mr. KILGORE], the Senator from Tennessee [Mr. KEFAUVER], the Senator from North Carolina [Mr. GRAHAM], the Senator from Rhode Island [Mr. GREEN], the Senator from Illinois [Mr. DOUGLAS], and the Senator from New York [Mr. LEHMAN] of S. 4061. This measure has been consolidated into the Kilgore substitute, S. 4130. It is title I of the substitute proposal. The provisions of S. 4061 represent the recommendations of the President and the Department of Justice. The Kilgore amendment, S. 4130, includes all of S. 4061 plus the emergency detention provisions embodied in title II.

Now, Mr. President, let me discuss in some detail the provisions of S. 4061 or title I of the Kilgore substitute. This part of the substitute measure is designed to meet the internal security needs of the United States. The security of our Nation today faces an unusual threat from world totalitarian movements and from those individuals and associations in the United States which support those movements. It is essential that we act accurate and swiftly to meet this threat and yet we must not act so broadly as to restrict our liberties unnecessarily and thus defeat our own ends of preserving democracy here at home.

We must remember that we already have legal and effective ways of defending ourselves against treason, espionage, sabotage, and other acts which aid to overthrow our Government by force or violence. Our treason laws make it a crime for anyone to give aid and comfort to our enemies or to conceal knowledge with regard to treasonable acts. Our espionage laws make it a crime to in any way impair the national defense of our country through documents or similar materials with intent or reason to believe that they are to be used against the interests of our country. Our sabotage laws make it a crime for anyone intentionally to injure or attempt to injure our national-defense operations. We also have laws against conspiracy against our Nation.

More specifically, and in addition to these laws, the following statutes are now in operation:

First. The Smith Act: Under this statute any person active in the Communist movement or a member of the Communist Party can be prosecuted. The decision of the court of appeals, second circuit, has cleared the way for the successful enforcement of this act.

Second. The Nationality Act: Under this act any person can today be denied citizenship who at any time within 10 years has advocated the revolutionary doctrines of the Communist movement. It is the view of the Immigration and Naturalization Service that this law is adequate to meet our security needs.

Third. The Immigration Act: Under this law any undesirable alien can today be excluded from the United States. The deportation provisions of this act need improvement and this bill will attain that result.

Fourth. The Foreign Agents Registration Act: Under this act any person or

organization acting as an agent of a foreign government must register with the Attorney General. This law would also be broadened by this bill.

In addition to these laws, our Government has already established, through administrative practice, the regulations which deny passports to Communists and others in the interests of national security; which prevent subversive organizations from receiving tax exemptions; and which deny contributors to those organizations the right to deduct those contributions from income under our internal revenue laws.

Proof of the effectiveness of these laws to date is our unusually successful record against spies and the fact that we have been able to convict 11 of the most important leaders of the Communist Party.

With the new international crisis, however, the Justice Department, at the suggestion of the President and in cooperation with all the law enforcement agencies of our Government, reexamined our internal security laws and has made suggestions for strengthening them. The bill which we introduced (S. 4061), puts those recommendations into effect. It is important that these defects be removed, and I will so urge on the floor of the Senate.

The bill would strengthen our existing laws in the following respects:

First. A person unlawfully in possession of vital information, can be prosecuted, although the Government has not made a demand upon him for the information. Under our present laws, a demand must first be made before such a person can be prosecuted for willfully retaining such information.

Second. A person entrusted with vital information can now be prosecuted if, through gross negligence, he permits such information to be removed from its proper place of custody, or be delivered to anyone, in violation of his trust. This provision is retained, but in addition a person would also be liable for punishment under this bill if he has knowledge that such information has been illegally removed from its proper place of custody, or delivered to anyone, in violation of his trust, and fails to report promptly this fact to his superior officer.

Third. The statute of limitations on all acts of espionage and acts of unlawful negligence endangering our security would be increased from 3 to 10 years.

Fourth. Persons who have knowledge of, or have received instruction in, the espionage, counterespionage, or sabotage tactics of a foreign country, or of a foreign political party, subject to certain exceptions, would be required to register under the Foreign Agents' Registration Act. The exceptions cover innocent knowledge. Under existing law, a person trained by a foreign government for the purpose of espionage or sabotage is immune from prosecution, unless there is substantial evidence of overt acts violating our espionage laws. This provision would enable the Government to prosecute potential saboteurs before they commit any acts of espionage or sabotage.

Fifth. Penalties of $5,000 and imprisonment for not more than 1 year are provided in cases where persons wilfully violate regulations of the Secretary of Defense designed for the security of our military facilities. Such regulations must be approved by the President. A similar law formerly in effect expired on June 30, 1947. In time of national emergency the President, under this proposed bill could extend the protection of this section to nonmilitary facilities and property.

In addition, our bill permits the Attorney General to exercise supervision over aliens subject to deportation and requires aliens to report their whereabouts and activities at regular intervals. It would also exercise greater control over aliens subject to deportation.

I realize that the issue of internal supervision unfortunately has become the subject of political controversy. It is my strong opinion, however, that politics has no place where the safety and security of our Nation is concerned. Our task is to protect our Nation and also to protect the fundamental Bill of Rights which is the foundation stone of our democracy. I therefore sincerely hope that the bill which I cosponsor will be passed. It is my opinion that it is superior to the other bills which have been discussed in the Congress in recent years in that it will not drive the Communists and our other internal enemies into the underground where the FBI and other law enforcement agencies cannot observe and control them. The American way is to regulate them and to defeat them through vigilance and dedication to democratic ideals. We all know the most effective way to combat communism, whether at home or abroad, is to create a healthy society in which every American is satisfied with his lot and anxious to defend his liberties.

Today we in America are engaged in a fight with communism all over the world. Ours is a battle of ideas and not merely a battle of arms. Our greatest strength is to have renewed faith in our American democracy. We must reject totalitarianism, not only abroad but at home, and we must therefore reject totalitarian methods which weaken our Nation internally and weaken our ability to demonstrate the superiority of democracy to the peoples of the world.

Mr. President, I desire to draw a comparison. Here is the McCarran bill, S. 4037, with its registration procedures. There has yet to be introduced any evidence that it will be possible to have any Communists registered under the procedures or provisions of that bill in less than 2 years. No one denies that those charged will certainly have a right to all the administrative appeals and procedures provided. No one denies them the right to all the court procedures and appeals, and no one denies there will be busy attorneys having a field day defending Communists with all the tricks of the game.

After all, remember that Al Capone got by for years. There were all kinds of laws on the books against what he was doing. The American people knew what kind of a character Al Capone was. But he had smart attorneys, and he had the advantage of due process of law, which is a fundamental part of our system, and it took years before we could get him. Then we got him on a charge of income-tax evasion.

I submit that if there is a clear danger to the national security and to the internal security of America, what we want is not a program for the benefit of Communist-defending attorneys, but we want the program that will result in the internment of those characters who in any way threaten the internal security of our country.

On its face, to the general public, it looks as if the McCarran bill, or the Mundt-Ferguson portions of it will secure the registration of every Communist, and that if they are registered, we will know who they are, what they are, and where they are, and it is implied that under the Kilgore substitute that will not be the result, that none of them will be registered, and we will not know who they are.

Mr. President, what are the facts? The facts are that the FBI already knows who the Communists are. They have already 12,000 listed, and if they need more money to enable them to watch the dangerous ones, they can come to Congress and get additional funds. It cannot be said we do not have them registered, if we are appropriating money to watch those who are already card checked.

So there would result a duplication of effort under the McCarran bill, because the FBI already has the names, and what would be accomplished at the worst, would be to prevent the FBI doing anything effective, because those charged would have all the legal procedures of the courts and of the administrative tribunals to which to resort.

Let us assume that the Kilgore substitute was enacted, and we were attacked; let us assume there was a revolt; let us assume that the Congress passed a concurrent resolution and the President proclaimed that there was a threat to our internal security. What would we do? We would pick up the 12,000 dangerous Communists and put them in internment camps, and protect the safety of the country at once.

I submit that if these Communists are as dangerous as they have been portrayed to be—and I believe them to be very dangerous—I want them removed from the normal scene of American life, and taken into custody.

I should like to have someone produce evidence that anyone or any organization would be registered, under the McCarran bill, in less than 2 years. How is it to be done? What will happen in this country in 2 years God only knows. The international situation is so grave that we should not be going around with some kind of a pig-in-the-poke proposition hoping we are going to get someone to register who will not register.

Why try to fool the American people? They have been led to believe we do not know who the Communists are. I read an article recently in Look magazine which set forth State by State how many Communists are living in the States of the Union, so many in New York, so many in Massachusetts, so many in Montana, so many in South Dakota, so many in North Dakota, so many in Cali-

fornia. They are all listed. How is that information obtained? It is obtained by the Federal Bureau of Investigation. The McCarran bill says, "We do not want only the FBI to have the list; we want it, too."

The FBI is supposed to protect the internal security of the United States. The FBI has told everybody in America, even the Communists themselves, that it knows what they are doing. The Director of the FBI came before the committes of Congress, and is getting additional appropriations on the basis of the record the Bureau has and his statement that he will have to pick up 12,000 dangerous Communists immediately in case of emergency.

What would be the result of the registration? Look magazine, has already told the people of my State, from FBI records, how many Communists there are in that State. Why do we need this new registration provision? Is it going to protect anybody? Is there any evidence that it is going to reveal anything we do not know? Are we going to find some new subversives, some new saboteurs, because they will walk up and say, "The Congress of the United States has said we must register"? I want to be around when they come up and say, "Congress has said we must register, and we are here to register."

Mr. President, the McCarran bill, designed, as I am sure it was, in all sincerity, to protect the national security, would not do anything that is not now being done, and odne much more effectively.

For example, the Voorhis act requires that if an organization is political and is foreign controlled, it has to register, Have such organizations registered? Try to prove one is foreign controlled. Mr. President, you and I know the Communist Party is foreign controlled. You and I knew Al Capone was a thief and a robber, but we could never prove it. There are rules of evidence. It was necessary to get Al Capone on a charge of income-tax evasion, and that was the least of his crimes. How is one going to prove under section 4 (a) of the McCarran bill whether a Communist organization is foreign controlled? If one can prove it is foreign-controlled, one still does not need that section of the bill, because the Smith act could be made use of, since obviously, if the organization is foreign-controlled, it would mean that those composing it were subversives and traitors.

Mr. President, what I am trying to point out is that the American people have been told that here is something new in this McCarran bill, here is something to protect their liberties, here is something that will protect the internal security, whereas, when one begins to analyze it, it is found that it actually is not going to protect anyone. I make the point that sections 1 to 17 of the McCarran bill will keep the courts of America busier than they have ever been before; it will keep the attorneys of of America busier than they ever have been before; those sections will keep the American people confused day in and day out when reading in the headlines that some persons who were supposed to register would not register. If people who are obliged to register must be forced to do so, we have the Voorhis act on the statute books to accomplish that purpose.

The Department of Justice says, "It may be common knowledge that the Communist Party is foreign controlled, but it is another thing to prove it is so controlled." In America we act in conformity with the law. We expect proof to be presented when a charge is made. I hope Americans will always continue to demand the presentation of proof of charges which are made. I hope we will always abide by the rules of evidence, and that we will never jump over the traces and say, "Well, we believe that fellow is guilty. We may not be able to prove that he is guilty, but we believe he is, so let him be hanged."

Just as important, Mr. President, title II of our bill, the Kilgore bill, in a time of national emergency, would do with the Communists and other dangerous subversives of the country what the American people want done with them—namely, intern them for the safety and the welfare of America.

By the way, we do not have any foolish restriction in our bill providing that it must be proved that a Communist organization is foreign controlled. We do not say that. We say that if the members of the organization commit acts of espionage, if they adhere to the program of trying to overthrow our Government by force and violence, or if they are conducting espionage because of their affiliation with the Communist Party, we reserve for our Government the right to protect itself and to intern such people.

That is not true with respect to Senate bill 4037. Let me read section 4 (a):

SEC. 4. (a) It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual.

In other words, it is apparently all right to have a dictatorship to overthrow the Government by violence provided it is not delivered to some foreign agent, provided it is not under the direction of some foreign power. I do not like dictatorship even if it is of domestic vintage. I do not like traitors, even though they say they are native-born Americans, who never have been outside of Podunk County.

Title 2 of the substitute bill, S. 4130, would protect the safety and welfare of America. It would do so without endangering the basic civil liberties of the American people, and it would do so within the framework of the traditions of this land of liberty.

It would be well for us at this time to recall American history and our experience with the alien and sedition laws of 1798. Let us not forget that these were the laws that the Federalist Party tried to use to destroy the Jeffersonian Party, but fortunately succeeded only in destroying itself. The alien and sedition laws were shortly wiped from the book, and the party which sponsored them disappeared from the American scene.

At this point, Mr. President, I ask unanimous consent to have printed in the body of the RECORD a memorandum dealing with the Alien and Sedition Acts of 1798.

The PRESIDING OFFICER (Mr. KEFAUVER in the chair). Without objection, it is so ordered.

The memorandum is as follows:

THE ALIEN AND SEDITION ACTS OF 1798

I. BACKGROUND OF THE ACTS

The four statutes which have become known as the Alien and Sedition Acts were passed by Congress in June and July 1798. Their enactment resulted from the struggle between the Federalist Party (the precursor of the present Republican Party) and the Republican Party (the original name of the present Democratic Party), as well as from the conflict between French and British sympathizers.

The French Government had been irritated by the Jay treaty between the United States and Great Britain. For that and other reasons we were rapidly drifting toward a state of war with France. The publication by this Government of the insulting treatment American representatives had received in Paris and the high-handed attitude of French diplomats toward the United States served to unify the American people and give support to war preparations.

The Federalist leaders, moreover, for many years had smarted under the bitter criticism of the Republican minority in Congress and the denunciations of the Republican press, which was largely edited by foreigners, and had resented the efforts of French propagandists to embroil the United States with England. Some of the Federalists had been opposed to the heavy influx of Irish immigrants, hostile to England, who were aligning themselves with the Republican Party. The crisis in the form of a probable war with France (which, of course, never took place) seemed to the Federalists to provide both excuse and occasion for rough treatment of their various enemies.

To meet this apparent crisis, the four laws here under consideration were passed in spite of strenuous Republican opposition.

II. THE ACTS THEMSELVES

The four statutes in the order enacted were as follows:

(a) The Naturalization Act: This act extended the minimum period which must be spent in the United States before citizenship could be conferred from 5 to 14 years. It also provided for the registration both of aliens already in the United States and of those who might subsequently arrive. The temper of the times can be judged from the fact that amendments were offered, although not adopted, to provide that birth in this country alone should entitle persons to citizenship and to bar aliens who had not yet acquired citizenship from ever holding any United States office. This act was repealed in 1802.

(b) The Alien Act: This act authorized the President to order the departure of all aliens whom in his discretion he should judge dangerous to the peace and safety of the United States. Aliens convicted of disobeying such orders were to be imprisoned for not to exceed 3 years and thereafter barred from acquiring citizenship. The only recourse of an alien ordered out of the country was to attempt to prove to the President's satisfaction that no injury or damage to the United States would result from his continued residence here. If convinced, the President might then grant him a license to remain, and as a condition prerequisite to

such license might require him to give bond for good behavior. The act, by its terms, was limited to 2 years' duration and was not renewed when it expired in 1800.

(c) The Enemy Alien Act: This act provided that when the President issued a proclamation of the existence of war with any foreign nation all the male subjects of that nation over 14 years of age who were in the United States and had not been naturalized should be liable to arrest and imprisonment, or deportation, as enemy aliens. The President was authorized to issue rules and regulations governing the disposition of such aliens. This act was generally regarded as less drastic than the others. It contained no time limitation for expiration and was not repealed. It remains in effect today (amended to cover females as well as males), and constituted the basis for regulations concerning enemy aliens which were issued during World Wars I and II.

(d) The Sedition Act: This was the most drastic of the four statutes.

The principal provision of the act penalized the publication of any false, scandalous, or malicious writing against the Government of the United States, the Congress, or the President, with intent to defame or bring them into disrepute, or to stir up hatred against them, or to incite sedition, or to aid any hostile designs of any foreign government against the United States. The penalty was a fine up to $2,000 and imprisonment up to 2 years.

The act also penalized conspiracies to oppose any Government measures directed by proper authority or to impede the operation of any United States law, or to prevent any Federal official from performing his duty. The penalty for these offenses was a fine up to $5,000 and imprisonment for not less than 6 months nor more than 5 years. A person accused under the act was allowed as a defense to prove the truth of writings alleged to be seditious and the jury was made the judge of both the law and the facts. The act provided for its own expiration in 1801, and it was not extended.

Even more drastic provisions were contained in the original bill which became the Sedition Act, but these were eliminated during its passage through Congress. One such provision declared that every Frenchman was an enemy to the United States and to give him aid or comfort was treason punishable by death. Another provided that any person who justified France or defamed the Government of the United States should suffer punishment by imprisonment or fine. These provisions, however, were too drastic for the more far-sighted Federalist leaders, including Alexander Hamilton, who feared that some of them might result in civil war.

III. ENFORCEMENT OF THE ACTS

The Sedition Act was the only one of the four measures which was immediately actively enforced.

The Naturalization Act was repealed in 1802. Hence, it never really became operative. Little attempt was made to enforce the Alien Act, and it expired in 2 years and was not renewed. The Enemy Alien Act by its terms was not operative except in time of war, and (despite the foreboding signs) we did not go to war with France. As indicated above, however, the act remained in effect as a not unreasonable wartime measure and became the basis of enemy alien regulation in World Wars I and II.

The Sedition Act was another matter. The indignation and alarm of the Republicans about this measure was fully justified. The first prosecution under this act was against a Republican Member of Congress, running for reelection, and all subsequent victims convicted were Republicans. The cases were tried before unsympathetic Federalist judges and juries. In the minds of some of the judges, it appears loyalty to the Federal Government and to the Federalist Party tended to merge and become identical. Their charges to juries consisted not merely of exposition of the law, but of the principles of the Federalist Party as well. In many instances, the method of selecting jurors was such that Federalists exclusively were called to serve in the trials of Republican offenders. About 25 persons were arrested for sedition under the act, at least 15 of them indicted, and 10 convicted.

Perhaps the most interesting case was that of Matthew Lyon, a Member of Congress who had charged President Adams with continually grasping for power and having an unbounded thirst for rediculous pomp, foolish adulation, and selfish avarice. He published a letter from another man which referred to "the bullying speech of your President, and stupid answer of your Senate * * * We wondered that the answer of both Houses had not been an order to send him to a madhouse. Instead of this the Senate has echoed the speech with more servility than ever George III experienced from either House of Parliament." Lyon was indicted for sedition and convicted. Imprisoned for 4 months and fined $1,000, he was handled in a contemptuous and brutal manner and thrown into a filthy jail. The experience made him a Republican martyr. He was reelected to Congress while in jail and returned in triumph to resume his seat in the House, where a resolution to unseat him was carried by a majority but not the necessary two-thirds.

Another case was that of James Callender, a Richmond editor who had violently attacked President Adams and his administration. He was brought to trial in the Federal Circuit Court in Virginia under Supreme Court Justice Samuel Chase. According to Beveridge in his Life of John Marshall, Justice Chase abused Callender's counsel and intimidated witnesses in a scandalous manner. Callender was convicted.

The constitutionality of the Sedition Act was sustained in the lower Federal courts and by three Supreme Court Justices sitting in circuit, but the question never came to the Supreme Court.

IV. POLITICAL REPERCUSSIONS

The Alien and Sedition Acts enraged Republicans all over the country, which was natural, since they were directed primarily against Republicans and French sympathizers.

Republican leaders, however, saw in them not merely a menace to their freedom to criticize the Federalist administration, but also a vulnerable chink in the Federalist armor. They rightly believed that the Federalists had gone too far and they took full advantage of their opportunity.

Jefferson and Madison attacked these laws in the famous Kentucky and Virginia resolutions adopted by the legislatures of those two States, which declared the acts invalid and asserted the right of the States to check such encroachment on their powers by the Federal Government. Jefferson was handicapped in his campaign against the acts by the fact that he was then Vice President and thus felt himself restrained from openly campaigning against Federalists policies. Secretly, however, he led the campaign.

The Republican propaganda against these measures was a major factor in the defeat of the Federalists in the 1800 election, when Jefferson was elected President. The Republican Party was to remain in power uninterruptedly for 40 years. Concerted efforts were made in Congress to repeal these acts but two of them remained in force until they expired by their own terms, the Alien Act in 1800 and the Sedition Act in 1801. The Naturalization Act was repealed in 1802. The unobjectionable Enemy Alien Act is still in effect, although applicable only in time of war.

Jefferson promptly released everyone convicted under the Sedition Act because "I considered, and now consider, that law to be a nullity, as absolute and as palpable as if Congress had ordered us to fall down and worship a golden image."

Many years later—in some cases as much as 50 years after the event—Congress remitted the fines which had been imposed.

The whole episode of the Alien and Sedition Acts burned itself indelibly into the American mind and tradition. In stirring up hostility against the enforcement of such measures, they probably helped to preserve civil liberties during the years ahead.

It became accepted doctrine that freedom of speech and of the press is beyond the reach of peacetime regulation by Congress, and that it includes the right to full and free political criticism. The sharp punishment meted out to the party which enacted these unpopular measures was not forgotten by responsible party leaders, for it was not until the First World War that Congress again imposed restrictions upon freedom of speech and publication.

Mr. HUMPHREY. This experience, Mr. President, conclusively proves that the American people in their earnest desire to protect themselves against subversives, have an equally earnest desire to maintain the Bill of Rights and our human freedom.

I also think it is appropriate at this time to remind the Senate of our American experience with regard to witch hunting and hysteria, and I ask unanimous consent that a study of this subject which I have in my hand be incorporated in the body of the RECORD at this point.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

A STUDY OF WITCH HUNTING AND HYSTERIA IN THE UNITED STATES

(Preface)

History is filled with examples of temporary mob excitement, stirred by false or exaggerated charges, resulting in injury to innocent people. On various occasions down through the years, mass hysteria has gripped the populace for temporary periods, resulting in a witch hunt. There is a common pattern in the development of this hysteria. Usually, it takes root in an atmosphere of war, severe economic crisis, or a threat of either; insecurity is a fruitful breeding ground for such a movement. In such an atmosphere, demagogues or other unprincipled individuals can more easily stir up emotional and irrational fear. Charges are hurled indiscriminately to an extent that they are directed at palpably innocent individuals. Frequently, some of the precious civil rights for which men have fought centuries to establish are thrown to the winds in the wild effort to make some of the charges stick. The demagogues play upon ignorance and superstition in an attempt to inflame mob excitement. In the name of a false type of patriotism, individuals or ideas are attacked as foreign. Racial, religious, and class animosities are stirred up in an effort to add fuel to the flames. Frequently, smear attacks are directed against individuals who are the staunchest advocates of liberal and progressive principles; in this way, the opponents of such principles endeavor to undermine public support of liberalism.

It is the purpose of this study to investigate and report on several examples of mass hysteria and witch hunting in American history, and to analyze the causes and symptoms of each outbreak. This may furnish some clues to ways and means of identifying such movements in the future, as well as helping to treat these problems dispassion-

ately and in keeping with the spirit of our free institutions.

Such a study is vital at the present time, when the free peoples of the world have come to look to the United States as the champion of freedom and liberalism. Obviously, we must reject any move to foist totalitarianism upon us at home while we fight it abroad. If we wish to retain the confidence of free peoples, we must continue to set an example in our daily lives by deed as well as by word. We must be on guard against those who would have us carry on a degenerating witch hunt, particularly in these critical times.

I. WITCHCRAFT IN SALEM, MASS., 1692

A. Background

The famous Salem witchcraft "delusion" was a startling demonstration of the way in which mob hysteria can deprive the individual of common justice and also have serious consequences for innocent people. The number of actual executions—20—was small in comparison with the mass murder of Jews by the Nazis. Nevertheless, there were some of the same elements of primitive violence involved on a localized scale.

The early settlers had a deep-seated fear of having their villages attacked by the Indians.

There were several other unsettling factors which made the community of Salem more susceptible to the type of hysteria which followed. The colony had recently lost its original charter. Land titles had been issued under the charter, and these titles had been invalidated by the revoking of the charter.

Communication with Boston was very bad. Lawlessness along the coast, in the form of hostile privateering, was increasing. The new governor of Massachusetts, Sir William Phips, was generally regarded as incompetent and did little to suppress privateering. Taxation in this period was unusually burdensome. There were few large estates or wealthy people to carry the load, so that it fell with crushing weight on the struggling small settlers.

At that time a certain credence was placed in witches, demons, and other variations of Satan's evil devices. The threat of the devil was a popular theme for use against wavering members of congregations.

B. The immediate causes of the hysteria

Rev. Samuel Parris, the minister of Salem Village, had two slaves in his household, John Indian and his wife, Tituba, whom Reverend Parris had brought with him from the Barbados. The younger girls of the community, including Reverend Parris' daughter, Betty, soon discovered that Tituba had a fascinating grasp of the art of fortune-telling, the secrets of which she was willing to pass on to eager young listeners.

Of course, the elders of the village would have frowned on these secret sessions with Tituba, had they known about them, so the youngsters were in mortal fear of being discovered doing something they felt was wrong. But at the same time they developed an intense craving for more information about the unknown. This conflict was bound to have an effect on those who were unstable emotionally. Gradually the young girls began to exhibit disturbing symptoms, such as weeping, daydreaming, incoherent speech, and, in more serious cases, convulsions.

Dr. William Griggs was called in to examine the malady, and he tried to diagnose it. Unable to discover what was wrong, he finally concluded that these girls were influenced by an evil spirit.

C. The hysteria grips Salem

Induced to name their tormentors, the girls soon implicated Tiuba and several others. Court was set up at the corner of North and Essex Streets, Salem, to hear charges.

Charges, countercharges, and widespread name-calling followed as the excitement mounted to a fever pitch. The number of bewitched girls and the number of accused witches both increased rapidly as time went on. In some cases, individuals were accused because of petty feuds or jealousies. Many were accused on the basis of special evidence—i. e., the afflicted person claimed that the shape of the accused had cast its spell. Needless to say, such evidence was difficult to refute. At each denial by the accused in the courtroom, the afflicted girls would scream or fall into convulsions—convincing most people present that this was indeed proof of witchcraft.

The plague of hysteria swept through Salem, and no individual seemed entirely safe from accusation. It was impossible to tell where the finger of suspicion would fall next, for some of the most respected citizens of the community were accused and hustled off to prison on the flimsiest evidence. The overwrought populace even reached up into Maine to drag back and hang Rev. George Burroughs, who 10 years before had been Salem's pastor and whose spectral shape was accused of witchcraft. All in all, 19 persons from Salem—mostly women—were hanged on Gallows Hill and one was pressed to death—all in response to the demands of the accusers and the vigilance of Reverend Parris in trying to drive out the devil.

D. Conclusions

In the fall of 1692, the hysteria passed its peak and started to decline. When the accusations touched more and more people close to the very prosecutors and ministers themselves, the populace was shocked into a realization that the community was slowly committing suicide.

In subsequent years, many of the accusers and prosecutors publicly confessed their error for the part they had played in the witchcraft hysteria. Property was restored to the heirs of those who had been murdered by hysteria, and their names were publicly cleared. The witch hunt was forgotten, but the same type of hysteria cropped up in later years in emotional name-calling and accusations which injured innocent people.

II. ALIEN AND SEDITION ACTS, 1798–1800

A. Background

The Alien and Sedition Acts were launched during a period when this country was gripped by war hysteria. There had been a great deal of diplomatic friction with France, which originally stemmed from French irritation at the Jay Treaty between the United States and Great Britain. There followed a period of French confiscation of American vessels engaged in trade with England, and attacks by French privateers on American commerce in the West Indies. When an American diplomatic mission was sent to France the American representatives were insulted, and it was even suggested that they might bribe French individuals in order to work out the difficulties between France and the United States. This incident was known as the XYZ Affair, because President Adams in his public report on the mission referred to the French individuals as X, Y, and Z. The news of this brazen treatment naturally incensed American opinion against France and preparations for war were commenced. An undeclared naval war was actually carried out against France.

These events unfolded only a few years after the French Revolution. The ideals of liberty, equality, and fraternity enunciated during the French Revolution appealed to the Democratic-minded Jeffersonians, while the aristocratic-minded Federalists looked on the French Revolution as an example of mob madness.

Riding on the crest of a wave of anti-French feeling in 1798, the Federalists decided to take additional steps to crush the Jeffersonian opposition in advance of the midterm congressional elections. French and Irish immigrants had a habit of lining up overwhelmingly against the Federalists in elections, so steps were taken to curb alien influence; additional measures were taken to choke off other domestic political opposition to the Federalists.

B. Brief of the Alien and Sedition Acts

1. The Naturalization Act: This act extended the minimum period which must be spent in the United States before citizenship could be conferred from 5 to 14 years. It also provided for the registration both of aliens already in the United States and of those who might subsequently arrive. The temper of the times can be judged from the fact that amendments were offered, although not adopted, to provide that birth in this country alone should entitled persons to citizenship and to bar aliens who had not yet acquired citizenship from holding any United States office. This act was repealed in 1802.

2. The Alien Act: This act authorized the President to order the departure of all aliens whom in his discretion he should judge dangerous to the peace and safety of the United States. Aliens convicted of disobeying such orders were to be imprisoned for not to exceed 3 years and thereafter barred from acquiring citizenship. The only recourse of an alien ordered out of the country was to attempt to prove to the President's satisfaction that no injury or damage to the United States would result from his continued residence here. If convinced, the President might then grant him a license to remain, and as a condition prerequisite to such license might require him to give bond for good behavior. The act, by its terms, was limited to 2 years' duration and was not renewed when it expired in 1800.

3. The Enemy Alien Act: This act provided that when the President issued a proclamation of the existence of war with any foreign nation, all the male subjects of that nation over 14 years of age who were in the United States and had not been naturalized should be liable to arrest and imprisonment, or deportation, as enemy aliens. The President was authorized to issue rules and regulations governing the disposition of such aliens. This act was generally regarded as less drastic than the others. It contained no time limitation for expiration and was not repealed. It remains in effect today (amended to cover females as well as males), and constituted the basis for regulations concerning enemy aliens which were issued during World Wars I and II.

4. The Sedition Act: This was the most drastic of the four statutes.

The Sedition Act was directed against persons who uttered or published "false, scandalous, and malicious writings against the Government of the United States, or either House of the Congress * * * or the President, with intent to defame the said Government * * * or to bring them into contempt or disrepute; or to excite against them * * * the hatred of the good people of the United States, or to stir up sedition in the United States, or to excite any unlawful combination therein for opposing or restricting any law."

The penalty was a fine of up to $2,000 and imprisonment up to 2 years.

The act also penalized conspiracies to oppose any Government measures directed by proper authority or to impede the operation of any United States law, or to prevent any Federal official from performing his duty. The penalty for these offenses was a fine up to $5,000 and imprisonment for not less than 6 months nor more than 5 years. A person accused under the act was allowed as a defense to prove the truth of writings alleged to be seditious and the jury was made the judge of both the law and the facts. The act provided for its own expiration in 1801, and it was not extended.

Even more drastic provisions were contained in the original bill which became the Sedition Act, but these were eliminated during its passage through Congress. One such provision declared that every Frenchman was an enemy to the United States and to give him aid or comfort was treason punishable by death. Another provided that any person who justified France or defamed the Government of the United States should suffer punishment by imprisonment or fine. These provisions, however, were too drastic for the more far-sighted Federalist leaders, including Alexander Hamilton, who feared that some of them might result in civil war.

C. Prosecutions under the Alien and Sedition Acts

President Adams never actually invoked the Alien Act to deport individuals by Executive decree, but proceedings were instituted against several aliens of Irish and French birth, and later dropped when the accused persons left this country voluntarily or pledged to leave. In addition, two shiploads of Frenchmen left the United States in anticipation of being forced out in an unfriendly fashion.

The prosecutions made under the Sedition Act were against Jeffersonian Republican newspapers, against prominent individuals who espoused that political cause, and against a few individuals of minor importance whose activities offended the Federalists. It was more than coincidence that all the prosecutions were against those who were unfriendly toward President Adams and the Federalist Party, and there was no attempt to proceed against any newspaper or individual who criticized Vice President Jefferson with an equal or greater degree of calumny.

One of the main targets for the attacks was the Aurora, a Philadelphia Republican newspaper which was one of the most influential supporters of Jefferson. Benjamin Franklin Bache, the editor of the Aurora, was actually arrested 3 weeks before the Sedition Act became law. Bache died before he could be brought to trial. Three other newspapers were attacked through their proprietors, editors, or chief writers: The Examiner (Richmond), the Argus (New York), and the Independent Chronicle (Boston).

Perhaps the most interesting case was that of Matthew Lyon, a Member of Congress, who published the Scourge of Aristocracy, a paper which criticized the Federalists. Lyon referred to President Adams' "continual grasp for power," and his "unbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice." Congressman Lyon was tried in Rutland, Vt., and was sentenced to 4 months in jail and fined $1,000. The Federalist judge who sentenced him stated in court: "Matthew Lyon, as a member of the Federal Legislature you must be well acquainted with the mischiefs which flow from the unlicensed abuse of Government."

Although there was a fairly respectable jail at Rutland, where the trial had been held, Lyon was forced at pistol point to ride through the wilderness 40 miles to Vergennes, Vt., where he was thrust into a filthy little cell without stove or adequate sanitation. His imprisonment stirred the populance, and he was reelected to Congress by 4,576 to 2,444 for his nearest competitor. Although Lyon was allowed to take his seat, reprisals were taken against his supporters and sympathizers.

Rev. John C. Ogden was arrested and thrown into jail in Litchfield, Conn., ostensibly for debt, although significantly he had carried a petition for Lyon's release to the capital. This, however, was not a prosecution which came directly under the Sedition Act, as was the case with Anthony Haswell. Haswell, the editor of the Vermont Gazette, had published an appeal for funds to pay Lyon's fine, had referred to the Vergennes jail as a loathsome prison, and had closed his article by accusing the administration of appointing Tories to office. Maswell had served in Washington's army and narrowly escaped death in the Battle of Monmouth. For his "seditious" statement he was tried and sentenced to 2 months in jail.

Dr. Thomas Cooper, a physician and scientist and later president of South Carolina College, paid a fine of $400 and spent 6 months in prison for publishing a "seditious" article which criticized the Adams administration. Dr. Cooper was so bold as to state that when President Adams took office he "was hardly in the infancy of political mistake, even those who doubted his capacity thought well of his intentions * * * nor had he yet interfered, as President of the United States, to influence the decision of a court of justice."

This article also charged Adams with having established a permanent Navy and borrowing money at 8 percent interest. Judge Samuel Chase, in one of his typically partisan charges to the jury, pointed out that there were only two ways of destroying the republic—through the introduction of luxury, and through the licentiousness of the press. Judge Chase noted that "the latter is more slow but more sure." He added, "I cannot suppress my feeling at this gross attack on the President," and virtually directed a guilty verdict.

Still another case brought to trial under the Sedition Act concerned James Thomas Callender, who had published numerous criticisms of the Adams administration in his pamphlet the Prospect Before Us. Callender attacked Adams in connection with the French war hysteria and the Navy. Judge Chase also presided at Callender's trial, held in Richmond, Va., and again openly displayed his Federalist prejudices. Judge Chase forced Callender's counsel to withdraw from the courtroom, and the judge's charge to the jury was a model of partisan pleading. Needless to say, Callender was convicted and given a jail sentence.

In the early spring of 1800, a petition for the repeal of the Sedition Law was prepared and circulated. It was a powerful and vituperative petition. In Otsego County, N. Y., signatures for the petition were solicited by Jedekiah Peck, a kindly, eccentric itinerant, whose main occupation was preaching the gospel and surveying. But even Peck could not escape the wrath of the Federalists, and the Sedition Act itself was invoked against him. A grand jury was empaneled in New York and a bench warrant sworn out for his arrest. Dragged from his bed at midnight, and manacled like a dangerous criminal, Peck was started on the 200-mile journey down to New York. The case backfired for the Federalists, however, for the roads were bad and the journey so slow that the news of his arrest spread ahead of him, and sympathetic crowds cheered him at many villages along the way. By illustrating the Federalist conception of liberty, Peck actually turned popular opinion against the repressive measures of the Federalists.

D. Conclusions

As with the Salem witchcraft prosecutions, those sentenced under the Sedition Act (or in most cases their survivors) received monetary restitution in later years.

The ill-fated attempt of the Federalists to snuff out opposition by crushing the liberty of the people resulted in an overwhelming defeat for the Federalists in the election of 1800. Never again did the Federalists regain power. Unfortunately, however, the type of hysteria and witch-hunting which the Federalists sponsored did not die with the election of 1800.

III. ANTIMASONRY, 1826–1840

A. Background

The anti-Masonic movement was directed against the Masonic Order, on the grounds that there were evils inherent in the secrecy and rituals of Masonry. As with other witch hunts, it is difficult to reduce the rationale of the movement to cold logic; it was a form of antireligious hysteria, similar in nature to the many anti-Catholic movements in the years which followed.

Peculiarly enough anti-Masonry was launched during a period of liberalism in politics, when Jacksonian democracy was in full bloom. More and more classes of people were being extended the right to vote, the rights of labor were being gradually recognized, and social and humanitarian reforms were receiving support. These stirrings of liberalism bred reactions from propertied interests, scared by the spread of economic and political democracy. The political strength of the anti-Masonic movement was absorbed and cultivated by the opponents of Andrew Jackson, who tried in vain to ride to political victory on the hysteria and prejudice of this intolerant movement.

Political leaders in rural areas in the North—particularly in New York and Pennsylvania,—whipped up the emotional fervor of antimasonry in an attempt to get enough votes to offset the Jacksonian Democrats. Behind the scenes, financial encouragement to the anti-Masons was given by those who felt that Andrew Jackson and his party represented a threat to the interests of the wealthy.

B. The movement is launched

The anti-Masonic movement was touched off in 1826 by the disappearance of a bricklayer named William Morgan, a Mason of Batavia, N. Y., who had fallen into disrepute with his lodge. Morgan had threatened to publish a book revealing the innermost secrets of the Masonic Order, and his sudden disappearance raised suspicion that the Masons had murdered him in order to protect their secrets. The incident touched off a wave of anti-Masonic hysteria. In the press, from the pulpit, and on the political hustings, emotional attacks on the Masons were delivered.

Among the newspapers concentrating on anti-Masonry were 45 weeklies and one daily in New York State, and 55 weekly papers in Pennsylvania. It was not long before the Masons were being accused of an infinite variety of crimes, ranging from sacrilege and profaning the Holy Scripture to sexual excesses, organized murder, and plotting against the liberties of the people. Suspected Masons were boycotted, insulted, and maltreated. Shopkeepers, doctors, lawyers, and others lost patronage unless they could prove that they were opposed to all secret societies.

C. Anti-Masonry in politics

The Anti-Masonic Party was organized in 1827, with its greatest strength centered in Rochester, N. Y. A number of prominent New York and Pennsylvania politicians—such as William H. Seward, Thurlow Weed, and Thaddeus Stevens—capitalized on the feeling and joined the party.

During the presidential campaign of 1828, the opponents of Andrew Jackson tried to take advantage of the fact that Jackson was known to be a Mason. President John Quincy Adams ridiculed Masonry's "childish pageantry and the mock solemnity of its processions." He categorically stated in a letter, quoted for publication, "* * * I am not, never was, and never shall be a Freemason." In later years, after he left the presidency, John Quincy Adams suggested that "good wholesome penalties of fine and imprisonment" should be imposed on persons refusing to disown the Masonic Order. Dan-

iel Webster also denounced the Masonic Order and demanded that its secret oaths be prohibited by law.

In 1832, the Anti-Masonic Party ran its own Presidential candidate, William Wirt, of Maryland, who won seven electoral votes in Vermont, and received wide support in New York, Pennsylvania, Ohio, and a few other States. Pennsylvania and Vermont elected anti-Masonic governors.

D. Conclusions

It was natural that this movement caused heavy decreases in the strength of the Masonic Order. One account reports that "lodges by scores and hundreds went down before the torrent and were swept away. In the State of New York alone upward of 400 lodges, or two-thirds of the craft, became extinct."

More serious, of course, was the spirit of intolerance and persecution engendered by the anti-Masonic movement. Politicians stirred up the hysteria in an effort to get votes, using anti-Masonry as an issue because they did not have any genuine issues to espouse. When the anti-Masonic movement started to die down, the politicians who had supported it for purposes of expediency soon went over to the Whig Party.

By 1840, organized anti-Masonry was dead. The hate and intolerance which it had engendered, however, were not. They were merely channeled in another direction, and the fanatics soon found a new cause of intolerance in the Know-Nothing Movement.

IV. KNOW-NOTHING MOVEMENT, 1840–56

A. Background

The so-called Know-Nothing Movement was primarily directed against Catholics and immigrants in the period prior to the Civil War. It was a native American phenomenon, characterized by a super-nationalistic feeling, hatred of certain minority groups, and secrecy of code and operation. The name derived from the fact that members who were questioned about the organization usually replied "I know nothing." In later years, the political supporters of the movement succeeded in getting on the ballot in many States as the American Party.

Although the American Indian is probably the only native American, some individuals have always imagined that immigration is a menace to American institutions. The country was warned that "in welcoming what seems to be the oppressed of other lands we may really be taking an adder into our bosom." In 1830, there were about 400,000 foreign-born in this country, out of a total population of 13,000,000. But during the period between 1830 and 1850, there were 2,500,000 immigrants—who made up one-quarter of our increase in population during that period. Between 1847 and 1856, covering the years of the Irish potato famine and the revolution in Germany, over 3,000,000 immigrants arrived in this country, or over twice the number arriving in the previous 70 years.

The immigrants settled in huge numbers in large urban areas, where many of them joined city political machines. The Know-Nothing Movement started as a protest against the influence of these immigrants. It was directed against the Germans in Cincinnati and St. Louis, the Scandinavians in Wisconsin and Minnesota, and the Irish in the east. Primarily, however, it was directed against the Catholics. All who joined were pledged to vote only for natives, to press for the enactment of a 21-year probationary period preceding naturalization, and to combat the Catholic Church.

The prejudice against the Catholics was stirred up by books and pamphlets, speeches and sermons, and the same pattern developed as in the anti-Masonic movement. The background was laid by declarations that the Pope was scheming to set up a Catholic state in America. Samuel F. B. Morse, inventor of the telegraph, condemned popery and urged that immigration restrictions be imposed so that "no foreigner who comes into this country after the law is passed shall ever be entitled to the right of suffrage." Wild rumors spread about what went on behind the walls of Catholic missions and convents. Mob hysteria broke out into overt attacks on Catholics—such as the burning and pillaging of the Ursuline Convent at Charlestown, Mass.; riots in Boston; the tarring and feathering of Catholic priests; the wrecking of a Catholic Church in Manchester, N. H.; and riots against Catholic workers on the Baltimore & Ohio Railroad and on the Chesapeake and Ohio Canal. All of these mob actions were a prelude to the more widely organized political activities of the anti-Catholics.

B. The Know-Nothing Movement enters politics

At first, the Know-Nothing Movement was localized in its scope and influence. It depended for its support on a dozen or more propaganda or pressure agencies formed ostensibly to keep the country safe for Protestant Americanism, the more notable of them being the Order of United Americans, the United American Mechanics, the United Sons of America and the Order of the Star Spangled Banner. The Native American Party unsuccessfully ran Samuel F. B. Morse for mayor of New York in 1834, but the American Republican Party elected James Harper, the book publisher, as Mayor of New York in 1844.

In 1845, the Native American Party held its first national convention in Philadelphia, and delegates from 14 States were sent to the convention. In the years following, the Party gained in political strength and in 1854 the Know-Nothings captured control of the Massachusetts legislature and came close to winning the State elections in New York.

C. Evil effects of the Know-Nothing Movement

As the Know-Nothing Movement developed, there were many evidences of its evil effects. In Massachusetts, the Know-Nothing legislature appointed a traveling committee to seek out in the Catholic convents and seminaries some examples of "high living" or "papist plotting." The investigation was clownish from start to finish, and produced nothing.

In other sectors, there were more serious manifestations of the anti-Catholic hysteria. There were cases reported in both Maine and Massachusetts of Catholic children being flogged or expelled from school for refusing to study the Protestant Bible. In the Kensington and Southwark riots in the Philadelphia area in 1844, at least 13 persons were killed and many others injured in clashes between native Americans and Irish Catholics. Philadelphia was also torn by rioting in 1844 over Native American insistence that the Protestant version of the Bible be used exclusively in the public schools. Bloodshed and destruction of property resulted from these riots, and it was necessary to call out the militia three times to stop the lawlessness.

D. The decline of Know-Nothingism

In the summer of 1855, a national convention of the American Party was held; the southern members secured control of the convention and passed proslavery resolutions. This naturally caused a decline in northern support for the Know-Nothing Movement, and the American Party entered the 1856 campaign hopelessly split over the slavery issue.

On February 18, 1856, the Grand Council of the Know-Nothing Order met in Philadelphia and nominated former President Millard Fillmore, who was also nominated by the nearly defunct Whig Party as its candidate for President. By this time, most anti-Democratic northerners had swung over to support the new Republican Party. Fillmore carried only one State, Maryland, in the 1856 campaign.

E. Conclusions

Despite the political decline of the Know-Nothing movement, the spirit of intolerance was not completely erased. Know-Nothingism foreshadowed later political and social movements which displayed the same unfortunate religious or racial bigotry, hysteria, and witch-hunting.

V. RECONSTRUCTION AND THE KU KLUX KLAN, 1865–77

A. Background

In the pre-Civil War days, the defenders of slavery in the South frequently went to extreme length to protect the status quo. There was very little academic freedom when it came to the issue of slavery, and few teachers were allowed to discuss slavery except in terms of praise. Several Southern State legislatures passed laws suppressing the freedom of the press. The circulation of anti-slavery publications was penalized.

The bitterness engendered by the slavery controversy, and the military and economic struggle of the Civil War, laid the basis for a new hysteria during the days of reconstruction following the Civil War. The war left devastation in its wake, and the economic and social organization of the South was taxed further by the sudden freeing of 4,000,000 former slaves, many of whom found themselves without homes or means of livelihood. Recovery of the South's shattered economy was delayed by lawless marauders who plundered the countryside. The State legislatures in the South began to take drastic steps to guard against anarchy. They enacted black codes to guard against vagrancy, and passed forced labor statues which in many cases reduced the Negro to conditions close to slavery itself.

B. the beginnings of reconstruction

With characteristic foresight, President Lincoln began to plan for the reconstruction of the South while the war was still in progress. He wisely planned to make the reentry of the Southern States to the Union as painless as possible, and tried to lay the basis for the economic recovery of the South. The so-called radicals in Congress fought Lincoln's reconstruction plans from the start, and after Licoln's assassination the radicals imposed punitive measures of vengeance on the prostrate South. Led by the vindictive Thaddeus Stevens, the radicals carved up the South into military districts, ruled by military commanders, supplanted civil by military courts, purged the State legislatures and maintained an army of occupation. Carpetbaggers moved in from the North and exploited the defeated people of the South.

When President Andrew Johnson tried to carry out the milder reconstruction policies originally started by Lincoln, the House of Representatives voted in 1868 to impeach Johnson and his conviction failed by only one vote in the Senate.

As reconstruction proceeded, it became more corrupt and degenerate in nature. In such a situation, the South was stirred to take strong measures of retaliation and repression, primarily designed to prevent Negro voting and influence. These southern measures were in most cases extralegal in character and inspired by the hysteria which often accompanies the persecution of minority groups

C. The Ku Klux Klan

The Ku Klux Klan, organized in 1866, derived its name from the Greek "Kuklos," meaning a band or circle. It was originally a social organization whose members wore sheets and pillow cases for their initiation.

It was soon discovered that this garb struck terror among Negroes, and the Ku Klux Klan rapidly advanced from a purely social group to an organization with a political purpose. In 1867 the various units of the Klan were organized into the "invisible empire of the South," and carried on a virtual reign of terror against Negroes and carpetbaggers. Aided by other secret societies, like the "Knights of the White Camelia," the Klan broke up hostile gatherings of Negroes, terrorized Negroes so they did not dare to exercise their right to vote, ran out of town objectionable reconstruction officials, and took the law in its own hands in many instances—all in the name of white supremacy.

D. Conclusions

Officially, the Ku Klux Klan disbanded in 1869. But the reign of vigilantes continued unabated in the South for some years, using lawless means to "keep the Negro in his place," and in particular to prevent him from exercising his lawful right to vote.

After some years, the reign of terror was ended in the South. But deep scars remained. Furthermore, the Ku Klux Klan did not die, but experienced a revival in the 1920's when its hooded terror was used against Catholics and Jews, as well as Negroes.

VI. POST-WORLD WAR I HYSTERIA, 1919–29

A. Background

The nationalistic fervor stirred by war has often been used as a cloak by those whose real interest is the suppression of minority rights. War necessitates unity of action, and a form of regimented control of the economy, in order to defeat a common enemy; under these circumstances, various false patriots also use war as an excuse to crush civil liberties and impose a dictatorship over men's minds. These false patriots have in many instances been successful because many people, for reasons of patriotism, are less vigilant in the protection of our historic liberties while a war is being fought.

During World War I, the hatred of German-Americans and symbols of Germany was widespread—in fact, far more bitter than during World War II. German music and evidences of German culture in this country were banned, teaching of the German language was in many cases suspended in the schools, sauerkraut was renamed "liberty cabbage," and there were other more serious discriminations against German-American individuals. Academic freedom was curtailed in the name of aggressive Americanism. The Governor of Iowa directed that nothing but the English language be used in church services, and ruled "* * * Let those who cannot speak or understand the English language conduct their religious worship in their homes."

Wild rumors were spread about pro-German plots to poison water supply, sabotage the flow of munitions, and disrupt the life of communities.

In the postwar period, some of the same hysteria which prevailed during the war was carried over into the next decade. There was a full-fleged Red scare and a witch hunt directed against radicals and suspected radicals. The hysteria extended to the persecution of minority groups by the revived Ku Klux Klan.

A brief, sharp depression followed the end of the war; jobs were scarce and returning veterans became disillusioned. A wave of strikes broke out, climaxed by a general strike in the steel industry. Several years before, the Bolsheviks had seized power in Russia, and much of the blame for labor disorders was laid at the door of Communists in this country. Unquestionably, some of the strikes and violence connected with labor unrest had its origin in the revolutionary IWW and other radical organizations more concerned with overthrowing capitalism than improving the immediate lot of the workingman. This fact was used by many people as the excuse for a general and undiscriminating condemnation of organized labor and those who supported liberal views on other public questions.

B. The red scare

In 1919 and 1920, Attorney General A. Mitchell Palmer sanctioned a series of raids on radical meetings, and arrested over 6,000 persons. Many individuals were placed under arrest without warrant, hauled off to jail, and in many instances held incommunicado or without bail, and subjected to the "third degree." A number of the aliens seized in these raids were torn away from their families and summarily deported.

The war against "Reds" was extended to cover Socialists. Congress twice denied Victor Berger his seat in the House of Representatives, to which he had been lawfully elected by the people of Milwaukee. Five Socialists elected to the New York State Assembly were denied their seats by the assembly. A number of State legislative committees, like the Lusk Committee in New York, instigated witch-hunts against "radical" teachers, demanded loyalty oaths, and formed committees of inquiry to investigate the opinions of teachers. In Massachusetts, the teachers in one community were threatened with dismissal for expressing sympathy with a union organizer who had been driven out of town by a mob.

C. The resurgence of the Ku Klux Klan

In the atmosphere of 200-percent Americanism which followed the war, intolerance cropped up in ugly ways. The Ku Klux Klan, which had been active in the South during Reconstruction days, experienced a great revival in the 1920's. In the earlier period the Klan had directed its base prejudice against Negroes; in the 1920's this prejudice was directed also at Jews and Catholics.

The Klan carried out its violent and extralegal program to keep the Negro "in his place," and to terrorize other minority groups. The secret rituals of the Klan, its fancy titles and gaudy robes somehow appealed to the instincts of certain types of people, and the membership rolls boomed. The movement spread into the Middle West, Pennsylvania, eastern Massachusetts, and soon began to throw its weight around in State and national politics. By 1924, the Klan boasted 4,000,000 members, and a few years afterward reached a peak of 6,000,000. The Klan elected a number of public officials in Ohio, Indiana, California, and Oregon. The Klan played an instrumental part in supporting the passage of the restrictive Immigration Act of 1924.

Far more serious, however, were the violent and extra-legal activities in which the Klan engaged to keep the Negro "in his place" and to terrorize other minority groups. Boycotts were quietly instituted against Jews, and discrimination was carried out through exclusion from hotels and resorts, quotas at institutions of higher learning, etc. The Catholics were attacked through two vicious publications, "The Menace," and "The American Standard," which printed vile stories of misconduct in Catholic convents, and contained charges that it was really the Catholics who had assassinated Lincoln, Garfield, and McKinley. The more active program of the Klan consisted of night rides, burning crosses to threaten individuals or groups, and beatings or destruction of property in more extreme cases.

D. Conclusions

The tactics of the Klan in the twenties furnished the closest approach this country has ever had to a Fascist movement. Fortunately, the common sense of the American people soon began to tire of the alarms sounded by these self-constituted defenders of "White Protestantism." With the coming of the great depression in 1929, the people had more serious things to think about and the membership of the Klan dwindled rapidly. In some sections of the South, attempts were made to revive the Klan after World War II, but only in isolated local instances did the Klan build up even a fraction of its former strength.

VII. CONCLUDING OBSERVATIONS

There have been periods in our history when witch hunts and hysteria have violated fundamental liberties which mankind has struggled for centuries to secure. At times the Government itself has fallen victim to this hysteria and has taken repressive measures which have interfered with time-honored rights like freedom of the press and freedom of speech. At other times, dominant groups in various communities have encouraged bigotry and ridden roughshod over the rights of minority groups.

Fortunately, these periods of hysteria have been temporary in nature, and in the long run reason has prevailed. The American system has been strengthened in various ways so that it has been able to withstand the clamoring of prejudice and preserve freedom. Foremost among these elements of strength is the Bill of Rights. Not only does the Bill of Rights protect against Federal infringement of freedom of worship, freedom of speech, freedom of the press, and other basic rights, but it shines as a beacon of inspiration in the struggle to preserve civil liberties.

The exercise of the freedoms guaranteed in the Bill of Rights serves to counteract the effects of hysteria. Had there been good communications in the days of the Salem witchcraft episode, the hysteria might have been dispelled earlier. The immortal English poet, John Milton, in his plea to Parliament in favor of the liberty of unlicensed printing, concluded as follows: "Above all liberties, give me the liberty to know, to utter, to argue freely according to conscience." Milton urged that truth and falsehood be allowed to grapple without restraint, for "whoever knew truth put to the worse in a free and open encounter?"

Still another bulwark against hysteria is the system of American education, which has not produced indoctrinated automatons, but individuals who will think for themselves, independently. In order to preserve the spirit of free inquiry which American education encourages, academic freedom must be protected. The teachers' loyalty oath demanded in some localities does not seem on the surface to be dangerous. But a loyalty oath serves no useful purpose; teachers bent on disloyalty would not hesitate at perjury in order to accomplish their goal. Furthermore, there are positive reasons why it is undesirable to drive teachers toward conformity. As expressed by Prof. Henry Steele Commager, conformity "creates an atmosphere in which teachers find safety not in orthodox ideas—for they will never know surely just which ideas are orthodox—but in no ideas. In the end we will get a generation of children taught by teachers who are afraid of ideas."

The suspicion which some sources direct against teachers or students who may take an unusual interest in Soviet Russia or communism presents an acute problem when colleges are attempting to encourage independent thought and original investigation. Dean Wilbur J. Bender, of Harvard University, has stated this problem in a brilliant fashion:

"The world is full of dangerous ideas, and we are both naive and stupid if we believe that the way to prepare intelligent young men to face the world is to try to protect them from such ideas while they are in college. Four years in an insulated nursery will produce gullible innocents, not tough-minded realists who know what they be-

lieve because they have faced the enemies of their beliefs."

One of the reasons for the great strength of democracy is that it encourages free discussion. The free interchange of ideas has resulted in the development of domestic policies which have forged an American economy which is the strongest in the world. During World War II, the free interchange of ideas, as contrasted with the strait-jacket conformity in the Nazi system, helped us gain the victory on the battlefield. In peace or in war, the freedom of a democracy produces strength; conformity stultifies and inevitably provides the seeds for disintegration.

Free discussion is likewise one of the safeguards against hysteria. Witch hunts will arise despite free discussion, but in a free country it is scarcely possible to descend to the depth of degradation of the Nazi concentration camps and the Communist slave-labor camps. Furthermore, the freedoms in a democracy help to bring the period of hysteria to a close as reason triumphs.

New ideas, new inventions, and new concepts of how to develop our national economy have spurred American progress since colonial days. The whole pattern of colonization was that the progressive and dissenters came over here, leaving behind in the Old World the conservatives and conformists. There were sharp contrasts in temperament and outlook between the colonies and the mother country, out of which the Declaration of Independence was forged. This critical spirit has been part of the very fabric of the American tradition, and has served to make this Nation the greatest in the world. By demanding that the critical spirit be suppressed, hysteria is one of the greatest enemies of American progress.

The Bill of Rights established a tradition of nonconformity. Subsequent generations of Americans have cherished and nurtured this tradition. Yet there are still many who adhere to the principle expressed in this couplet:

"Come weal, come woe,
My status is Quo."

The stanch defenders of the status quo are those who would clamp drastic government restrictions on free discussion and the free interchange of ideas.

During periods when the Nation is threatened, it becomes necessary to strengthen internal security in order to meet new developments. This became necessary in the early 1940's in order to resist the rise of nazism. It is necessary now in order to protect against the threat of communism, which is aimed at overthrowing democratic governments everywhere. By using armed aggression and intimidation, the Communist movement has attempted to subjugate free nations. It has also attempted to work internally, within nations, through Communist political parties, and infiltration of private organizations, with an aim to weakening democratic governments. Of course, by far the greater of these dangers comes from the use of armed forces. Nevertheless, all free nations must be vigilant to protect against espionage, sabotage, and other subversive activities by Communist groups.

In order to prevent the internal success of communism, democracies have discovered that the most powerful antidote to communism is a virile government which can fulfill the needs of all classes of people. In this country, communism has had few internal successes, and has always polled an infinitesimal percentage of the popular vote in elections. In addition, the Communist attempts to capture private organizations through infiltration have been beaten back. This has been notably true in the case of labor unions, which the Communists have made a particularly strong drive to capture. By the use of democratic processes, labor union leaders have been able to defeat these underhanded tactics of the Communists, or else to drive Communists into isolated organizations where they can be clearly identified.

How may we reach and render harmless all Communists or other groups which advocate the violent overthrow of our Government? In so doing, we must avoid threatening liberal minorities, or violating those liberties whose preservation is fundamental to the American system. Where necessary, laws against espionage, sabotage and treason must be tightened, particularly in view of the world-wide threat of armed aggression which the Communist movement presents. These laws must be designed and enforced in accordance with the time-honored principles of due process of law, and not by other means which are inimical to the American tradition. To overstep the boundaries of reason in the enactment and enforcement of such legislation is to destroy the very security we are trying to protect. Violations of the Bill of Rights in prosecuting Communists are the first step in touching off the hysteria of a witch hunt.

The study of witch hunts of the past demonstrates that the instigators of such movements frequently whip up prejudice and hysteria in the name of patriotism. Wrapping themselves in the American flag, they then proceed to violate the most sacred traditions for which the flag stands. This recalls to mind George Washington's warning in his Farewell Address "to guard against the impostures of pretended patriotism."

History also demonstrates that witch hunts frequently arise during times of national stress—during economic depression, war or the threat of war, and the period immediately following a war. During such periods, it is even more essential that we recall the maxim that "eternal vigilance is the price of liberty."

The cause of freedom both at home and abroad is damaged when a great country yields to hysteria. The way for us to spread democracy is to practice it ourselves.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "Iron Curtain (U. S.)" published in the Washington Post of August 19, 1950.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IRON CURTAIN (U. S.)

The omnibus antisubversion bill which is Senator MCCARRAN's riposte to the omnibus measure suggested by the President is a symptom of hysteria. Senator MCCARRAN is himself exercised over the entry of Communists and totalitarians generally, and would bar them from our shores, and it is this part of the omnibus bill, now reported out by the Senate Judiciary Committee, that is his particular contribution. Thus, with one sweep, the Embassy of Yugoslavia might as well shut up shop, because its staff could not be recruited, and comings and goings would be impossible.

The theory animating the McCarran part of the omnibus bill is that all Communists coming here intend to operate in a manner prejudical to American interests. As a blanket proposition this is not correct, as in the case, for instance, of the Yugoslav Communists. Would that we could learn that not all Communists are Stalinists. But, accepting McCarran's brain wave, what happens to our relations with the United Nations? Under section 5 of the antisubversion bill only "the designated principal resident representative of a foreign-government member of an international organization" enjoying immunity would seem to be exempted. That would prevent men from all iron curtain countries from coming to this country either to represent their countries or to work for the United Nations. But the most ironical note about the McCarran measure is that the ban would mean the exclusion of Spanish Falangists. Senator MCCARRAN successfully spearheaded the $100,000,000 loan to Spain through the Senate; now, after this handout he turns around, and keeps the Falangists out of the country.

This about-face—unintentional, of course—is accomplished by the provision barring aliens who are members of "the Communist or other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state; any section, subsidiary, branch, affiliate, or subdivision of any such association or party; or the direct predecessors or successors of any such association by what name such group or organization may have used, may now bear, or many hereafter adopt."

What Senator MCCARRAN means by "totalitarian" is spelled out:

"The terms "totalitarian dictatorship" and "totalitarianism" mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the Government constitute an indistinguishable unit, and (B) the forcible suppression of all opposition to such party."

No administrator, clearly, would have any option but to apply exclusion to Falangists—and, incidentally, Peronists. Hysteria, indeed. One doubts whether the Judiciary Committee members pondered the implications of the McCarran bill when they reported it. They would do well first to turn to the President's suggestions, where the wheat is separated from the chaff of the half dozen antisubversion measures before Congress, and then to provide the State Department with more flexibility in treatment of former Communists seeking entrance for they may be valuable in the struggle against our present enemies. Senator MCCARRAN would increase our enemies instead of coping with them—indeed, his is a variant of the buckshot approach to the world situation which is driving us headlong into general war and alienating our actual and potential allies.

Mr. HUMPHREY. Mr. President, I also seek unanimous consent to have printed in the RECORD at this point an editorial entitled "Controlling Communists," published in the St. Paul Pioneer Press of September 9, 1950.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONTROLLING COMMUNISTS

The problem of obtaining legislation which will assure this country adequate protection against Communist intrigue, but which will not be so general in nature as to endanger ordinary civil liberties, has been an issue for debate these past several years. Now the Senate is considering a sweeping anti-Communist bill passed by the House, and events on the Senate floor suggest strongly that the McCarran-Mundt-Ferguson bill needs considerable clarification.

It is evident that new legislation is needed. Laws presently in force do not give this country sufficient means to handle subversive activities. The Government needs a freer hand to deal with known Communists, potential saboteurs, and alien agents. We have seen enough of the treacherous activities of international communism to know that its advocates are part and parcel of a world-wide plot to destroy the free way of life.

The Communist Party, as an integral part of the Stalinist movement, has no claim to

legal protection. It is not a political party in any American sense, for its members owe their first allegiance to the Kremlin's program for subjugation of the free world. Congress would be remiss if it did not provide legal means for the Government to take Communists into custody in time of emergency. By Communists we mean those persons properly identified as members of the international Communist movement.

The sponsors of the House-approved bill get into difficulties when they include provisions dealing with "Communist-front organizations." All such groups would be required to register along with Communist Party members, and all of their members would be barred from holding a job in the Government or in a defense plant.

The trouble comes in establishing the identity of these organizations under such broadly written provisions. What makes an organized group a Communist front? And are non-Communist members of groups containing some Communists automatically to be found guilty by association?

On the Senate floor this week Senator SCHOEPPEL, of Kansas, attacked Interior Secretary Oscar Chapman on this "guilt-by-association" issue. As a result, some persons in Bellingham, Wash., promptly withdrew an invitation they had extended to Chapman to speak there. But when the Cabinet member had an opportunity to answer, it developed that Senator SCHOEPPEL had spoken on the basis of material collected by an assistant, and had not checked his facts personally. After listening to Chapman, the Senator told reporters he had no doubt of Chapman's loyalty.

In the same vein, Senator BRIDGES, of New Hampshire, decided to put the Farmers Union in the Communist-front class. Three other Republican Senators—LANGER and YOUNG, of North Dakota, and MUNDT, of South Dakota, and Democrat HUMPHREY, of Minnesota—rose to dispute the reckless extent of Senator BRIDGES' charges, insofar as their States were concerned. In Minnesota, for example, the Farmers Union only recently fought out a left-right issue, and replaced the incumbent State president with a man from the conservative faction. Senator BRIDGES overlooked that.

Calling a man a Communist is deadly serious business, and in our present national temper, great damage can be done by mere suggestion—a fact some persons in public life must come to learn. Congress needs to produce a bill which will give this country full protection against international communism, but which will at the same time be free of unworkable and dangerous provisions which would encourage needless witch-hunting. This is a large order, but Congress should take time to try to fill it.

Mr. HUMPHREY. I also ask unanimous consent, Mr. President, to have printed in the RECORD at this point an editorial entitled "Reckless Accusations," published in the Minneapolis Tribune of September 9, 1950.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RECKLESS ACCUSATIONS

Just because a Member of Congress cannot be held legally responsible for false, defamatory charges he makes in Congress is no warrant for making such charges recklessly. The immunity enjoyed by Members of Congress is a public trust to be exercised conscientiously—not a license to be abused on the chance that it may make political capital.

Several Members of Congress need to become aware of that. Had they been more scrupulous in the discharge of their civic responsibilities they would not now look so cheap—and their intended victims would have been spared unnecessary pain and expense.

Senator SCHOEPPEL (Republican, Kansas), Senator MCCARTHY (Republican, Wisconsin), and Senator BRIDGES (Republican, New Hampshire) launched their charges about Communist ties against individuals and organizations without bothering to personally assure themselves of the truth of such charges. Somebody told them something that looked like a headline and they rushed out to grab it. They got the headlines all right but each soon found that he had said things he couldn't prove.

SCHOEPPEL had the decency to admit that he has changed his original opinion of Secretary of the Interior Oscar Chapman's Communist ties. The Kansas solon had merely been an undiscriminating mouthpiece for an assistant who is a candidate for Congress and himself probably was a mouthpiece for some other propagandist.

When the charges of Chapman's Communist ties were brought to the attention of the Tribune's Washington bureau it confronted Chapman with them before putting them into print. It intended to give the Secretary of the Interior a chance to say what he had to say at the time the charges were published—if publication should take place. SCHOEPPEL beat the gun.

A Senator interested in justice to both the Nation and the individual would likewise have confronted a Cabinet officer under suspicion before making public the charges. If the man couldn't dispel the suspicion there would still have been plenty of time to air the charges and drive the suspect out of the Government.

In Chapman's case, however, such a move would have made no headlines. For SCHOEPPEL would have learned that Chapman had signed loyalty affidavits in 1941, 1946, 1947, and 1949. He would have learned why there had been a deletion of the loyalty provision on one copy of the affidavit which it was proposed that SCHOEPPEL should expose as evidence of Chapman's questionable loyalty. SCHOEPPEL's ghost writer was in a position to know of the other oaths and didn't play fair with SCHOEPPEL or Chapman in getting the Kansan to make charges and insinuations which could be refuted so effectively.

Likewise Senator MCCARTHY could have easily ascertained that Owen Lattimore never exercised the influence in the State Department or served Russia in the ways MCCARTHY irresponsibly said he did. But the Wisconsin Senator knew he couldn't be held accountable for what he said and took a chance on making some people remember his false charges without knowing they were later disproved.

Likewise Senator BRIDGES could have asked his Republican colleagues from the Dakotas and other States in which the Farmers Union is active about the charges of Communist infiltration before accusing that organization. The reactions of Senators MUNDT (Republican, South Dakota), YOUNG (Republican, North Dakota), and LANGER (Republican, North Dakota), after BRIDGES talked would have been the same if consulted before the talk. That would have deprived BRIDGES of a headline but would have been better for the reputation of BRIDGES and the Senate.

Such reckless accusations have other bad consequences. They are a shameful injustice to those falsely accused. They make it harder to deal effectively with genuine subversives.

Mr. HUMPHREY. Mr. President, I want to take the liberty at this time to read a letter dated August 26, 1950, which has come to my attention. The letter is addressed to Hon. SCOTT W. LUCAS, United States Senate, Washington, D. C., and is signed by J. Howard McGrath, Attorney General. I shall read this letter because it makes a lot of sense. It is as follows:

MY DEAR SENATOR: I am writing to you concerning S. 4037, known as the McCarran bill, which will shortly be considered by the Senate.

Mr. President, I want my friend, the Senator from South Dakota [Mr. MUNDT] to listen with keen attention to this letter from the Attorney General, because I believe the Attorney General has a pretty good insight into internal security laws, and would be the first to make any recommendation needed to protect the well-being of our country. So I call to the attention of the Senator from South Dakota, if I can have his attention, to this letter. I trust he will listen while I read the letter from the Attorney General. I repeat:

MY DEAR SENATOR: I am writing to you concerning S. 4037, known as the McCarran bill, which will shortly be considered by the Senate.

As you know, Sections 18, 19, 20, 21, and 23 of that bill generally embody the President's recommendations for strengthening existing laws with respect to national security. Sections 18–21 are derived from S. 595 (the internal security bill proposed by the executive branch) which as H. R. 4703 has already passed the House of Representatives by an overwhelming vote. These sections considerably broaden and tighten up the espionage laws, extend the statute of limitations under the espionage laws from 3 to 10 years, extend the Foreign Agents Registration Act to cover persons with foreign training in espionage and sabotage, and give to the Secretary of Defense broad powers to issue regulations protecting defense installations from sabotage.

The provisions which I have described conform to the President's recommendations except in one important respect. Section 21 of S. 4037 (the McCarran bill) omits a provision of S. 595, as passed by the House, which would have authorized the President, in time of war or national emergency, to extend the antisabotage provisions of that section "to such property and places as the President may designate * * * in the interest of national security." The restoration of this provision would serve the important purpose of enabling the President to provide for the exclusion from any industries or facilities relating to the national security of any persons suspected of a purpose to engage in sabotage or espionage. You will note that H. R. 9490 (another version of the Mundt-Ferguson provision) as recently reported by the House Committee on Un-American Activities, provides for the exclusion from employment in defense plants designated by the Secretary of National Defense of any person who is a member of a Communist controlled or Communist-front organization registered or required to register under what is Section 7 of S. 4037 (the McCarran bill). As I shall point out, these registration provisions will not be operative for a considerable time, if any.

I digress. The chief law enforcement officer of the United States, one of the most capable and experienced public officials in this country, a man of good reputation, of sound judgment, a competent attorney—what does he say:

These registration provisions will not be operative for a considerable time, if ever. What is needed is authority to take preventive action against the specific danger of sabotage without prolonged legal proceedings.

Mr. President, I digress again to say that title II of the Kilgore substitute will

provide authority for the taking of preventive action of that sort, in case of national emergency or threat to internal security, so that we shall have ready and available at such times adequate machinery or means for moving with dispatch.

The Attorney General then says in his letter:

The authority requested by the President, and which I hope will be restored in S. 4037, will provide the tools for this necessary job.

Section 23 of the McCarran bill is derived from H. R. 10 (the Hobbs bill), and deals with the problem arising out of the fact that many aliens under final orders of deportation cannot actually be deported because no other country will receive them. Section 23, in accordance with the President's recommendation, provides the Attorney General with new powers of supervision over such aliens which in my judgment will be sufficient to cope with the problem. As you know, the President in his recent message to the Congress, strongly opposed any provision for the indefinite detention of such aliens. I should also like to add that in my opinion the provision for criminal penalties recommended by the President, and set forth in section 7 of S. 4061, will be more enforceable than the corresponding paragraph (c) of section 23 of S. 4037 (the McCarran bill), and I urge that it be substituted for the latter provision.

With these changes, sections 18 through 21, and section 23 of S. 4037 (the McCarran bill) will embody all of the recommendations of the Interdepartmental Intelligence Committee, consisting of representatives of the military intelligence services and the Federal Bureau of Investigation.

Mr. President, I digress again to say that sections 18 through 21 and section 23 of S. 4037, which the Attorney General says will embody all the recommendations of the Interdepartmental Intelligence Committee, will thus contain the recommendations of those who are supposed to know about protecting our internal security. All the recommendations of that committee are to be found in sections 18 through 21 and section 23 of S. 4037.

The Attorney General further says:

If enacted into law, they will provide the additional weapons which we need to deal with fifth-column tactics, while leaving intact our constitutional liberties.

Mr. President, I am reading from the letter of the Attorney General of the United States. I submit that his character is undefiled, his reputation is without blemish, and he will yield to no man in his anti-Communist attitudes and his anti-Communist efforts and work.

I read further from his letter to the majority leader:

Sections 1 through 17 of S. 4037 embody the provisions of S. 2311, better known as the Mundt-Ferguson-Johnston bill. Since I am sure that you are familiar with the constitutional problems posed by these provisions, I shall only state that in my judgment they will be completely ineffective to accomplish their purpose.

Mr. President, if there ever was a time when we need to have full radio coverage in America, it is at this hour, so that all our people may listen to every word the Attorney General of the United States says in regard to this measure, for the Attorney General has the entire confidence of the American people. He has served his State with great honor and distinction, and he has also served this body with great honor and distinction. He is truly a great American.

He further says, in his letter to the Senator from Illinois:

They—

Referring to the provisions of the Mundt-Ferguson-Johnston bill—

will be ineffective because the registration provisions, upon which most of the other provisions are hinged, will not apply to any Communist organization until after prolonged administration and judicial proceedings. When, finally, an organization is required to register, it will in all probability dissolve itself, then reappear with a new name and new officers.

Mr. President, let me ask my colleagues, How can we enable the American people to know the nature of this problem? The other day my friend the Senator from Illinois [Mr. DOUGLAS] said that my language was a little strong when I said that I felt that the provisions of this proposed legislation might be interpreted as a hoax and a fraud. I did not mean that in an unkindly way, toward its sponsors, or toward the committee; but in this matter which is so extremely important, Mr. President, to whom are we to listen, to whom are we, as inexperienced laymen, to look for guidance and good judgment? This is a serious piece of legislation, relating to a very serious problem. Should we not give at least some credence to or have some regard for or pay some respect to the words of our Attorney General and the words of the Interdepartmental Intelligence Committee, which represents the military intelligence service and the Federal Bureau of Investigation? As the Attorney General has said:

They—

Speaking of the provisions of the Mundt-Ferguson-Johnston bill—

will be ineffective because the registration provisions, upon which most of the other provisions are hinged, will not apply to any Communist organization until after prolonged administrative and judicial proceedings.

Mr. President, let me digress briefly again. Last week the distinguished junior Senator from Illinois [Mr. DOUGLAS] gave a clear, concise, and forthright presentation in regard to the administrative delays and the time element involved in connection with the provisions of the McCarran omnibus bill; and he pointed out, without any fear of successful contradiction, that while all that would be occurring, the Communist rascals would be loose and would be gaining friends, because they would be able to pose as martyrs. After all, Mr. President, all one has to do in this country to make friends and gain sympathy is to be able to claim that he is being persecuted, that he is a martyr, for the American people seem to love the underdog or anyone who is being harassed.

Let me direct my remarks for a moment to the many accusations which have been made on this floor against Communists or alleged Communists. I wish to say that the accusations which have been made in the Senate against honored and respected citizens of the United States of America have done more to strengthen the Communist movement in America than anything the Communist political party will ever be able to do. Mr. Jessup has been accused of being a Communist or of having Communist leanings or Communist affiliations; and the Secretary of the Interior, Mr. Chapman, has been accused of having been fooled or duped by means of some sort of supposedly Communist deal. Mr. President, what do you think happens among the people of the country when some respected FBI agent or internal security officer says to someone, "You are a Communist." The reply probably is, "Oh, yes; and so was Jessup, and so is the CIO, and so is this person or that person."

It is obvious that a certain number of foolish accusations will serve to cover up for all the sins and activities of the real Communists. The Communist Party has lived off the foolish blunders of self-styled patriots who have pointed the finger of communism at innocent people.

Mr. President, as I pointed out, the Attorney General says in his letter to the majority leader:

When, finally, an organization is required to register, it will in all probability dissolve itself,—

In other words, it will be a matter of first you have it and then you do not; it will be a disappearing act—

then reappear with a new name and new officers. Even if this registration process could be made effective, most of the penalties which would be imposed upon registered organizations and their members would be superfluous in that they are already applied under existing law. Communists and fellow travelers are already excluded and removed from Federal employment under the President's Loyalty Program. The State Department denies passports to Communists,—

In other words, Mr. President, the State Department put Mr. Browder in jail, and denied Paul Robeson a passport—

and the Bureau of Internal Revenue withholds tax exemptions and deductions from subversive organizations and their contributors—and all this without going through the cumbersome procedures of the Mundt-Ferguson provisions.

In other words, Mr. President, under the Mundt-Ferguson-Johnston provisions, a person who registers as a Communist will not be able to obtain a Government job. However, under present law a Communist or a person who is disloyal to the Government of the United States is unable to obtain a Government job. So it is obvious that enactment of the Mundt-Ferguson-Johnston bill is not needed in order to take care of that situation.

I continue reading from the letter of the Attorney General to the Senator from Illinois [Mr. LUCAS]:

Thus, the new result of these procedures will be meager in contrast with the staggering and perhaps futile enforcement burden which would be placed upon the Department of Justice.

In that respect the Attorney General was speaking of the registration procedures proposed by the Mundt-Ferguson-Johnston bill.

Mr. President, if the Senate and the American people want to find out how serious a problem of enforcement a certain legislative proposal will present, to whom do they go to obtain that information? If there is a bill pertaining to the work and responsibilities of the Department of Justice, do we ask a man who is running a drill press whether the proposed law can be enforced? Do we ask someone who has only a cursory knowledge of the enforcement problems? No, Mr. President; the Congress rightly goes to the Department of Justice and asks the officials of that Department, "How much manpower will be required to enforce this proposed law, and can it be enforced? What are the problems pertaining to the enforcement of this proposed law?"

Can a particular law be enforced? What are the problems of enforcement pertaining to this particular bill or particular law? What does the Attorney General say in reference to the McCarran bill? I read:

Thus, the new result of these procedures will be meager in contrast with the staggering and perhaps futile enforcement burden which would be placed upon the Department of Justice.

Also, I wish to point out that section 22 of the McCarran bill, embodying the objectives of S. 1832, would change the laws governing the exclusion and deportation of aliens in respects that will probably create serious problems in the conduct of our foreign relations. I trust that these proposed changes will receive the most careful consideration.

Finally, it must be assumed that these provisions will have the effect of hastening the present tendency of the Communist Party to go underground.

I digress for a moment. Many charges have been made here that the Communist Party would be more prone, more apt, to go underground under the provisions of S. 4037. I have also heard countercharges that the Communist Party would not go underground, that the purpose of S. 4037—and I believe this to be the purpose of its authors and sponsors—is to bring the Communist Party and its members out into the light of day. But here is the Attorney General of the United States, here is the man who has command of the Federal Bureau of Investigation; here is a man who is with the Interdepartmental Intelligence Committee. And what does he say? A man whose nomination was confirmed unanimously by the Senate, a man who at the time was a member of the Senate—what does he say?

Finally, it must be assumed that these provisions will have the effect of hastening the present tendency of the Communist Party to go underground. In this connection, I wish to call your attention to a paragraph contained in the Department's report to the Judiciary Committee of the Senate on an earlier form of this legislation:

"Outlawing of the Communist Party appears to this Department to be unwise, even if doubts as to the constitutionality of such a step were removed. Outlawing would materially increase the Department's problem of law enforcement. Whereas the Communist Party, to some extent, now operates on the surface, if this bill becomes law it will be forced underground, where surveillance of its activities will become increasingly difficult. Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation of this Department, in his testimony before the House Un-American Activities Committee in March 1947, admonished that he "would hate to see a group that does not deserve to be in the category of martyrs have the self-pity that they would at once invoke if they were made martyrs by some restrictive legislation that might later be declared unconstitutional."

Mr. President, let me quote those words again. I am quoting from the testimony of J. Edgar Hoover before the House Un-American Activities Committee, in March 1947, in which he admonished that he "would hate to see a group that does not deserve to be in the category of martyrs have the self-pity that they would at once invoke if they were made martyrs by some restrictive legislation that might later be declared unconstitutional."

The Attorney General continues:

The present world situation requires the prompt enactment of practical and constitutional legislation which will give to the Department of Justice adequate weapons to deal with the precise dangers which we face, while preserving our traditions of personal liberty. We in the Department favor the general purpose of this type of legislation, but we do not feel that there is time enough remaining for novel experiments in law enforcement over a period of years, with doubtful, meager, and inadequate results.

Yours sincerely,

J. HOWARD MCGRATH,
Attorney General.

Mr. President, I ask that the full body of this letter be incorporated in the RECORD, so there may be no misunderstanding as to its words or terminology.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 26, 1950.

Hon. SCOTT W. LUCAS,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: I am writing to you concerning S. 4037, known as the McCarran bill, which will shortly be considered by the Senate.

As you know, sections 18, 19, 20, 21, and 23 of that bill generally embody the President's recommendations for strengthening existing laws with respect to national security. Sections 18–21 are derived from S. 595 (the internal security bill proposed by the executive branch) which as H. R. 4703 has already passed the House of Representatives by an overwhelming vote. These sections considerably broaden and tighten up the espionage laws, extend the statute of limitations under the espionage laws from 3 to 10 years, extend the Foreign Agents Registration Act to cover persons with foreign training in espionage or sabotage, and give to the Secretary of Defense broad powers to issue regulations protecting defense installations from sabotage.

The provisions which I have described conform to the President's recommendations except in one important respect. Section 21 of S. 4037 (the McCarran bill) omits a provision of S. 595, as passed by the House, which would have authorized the President, in time of war or national emergency, to extend the antisabotage provisions of that section "to such property and places as the President may designate * * * in the interest of national security." The restoration of this provision would serve the important purpose of enabling the President to provide for the exclusion from any industries or facilities relating to the national security of any persons suspected of a purpose to engage in sabotage or espionage. You will note that H. R. 9490 (another version of the Mundt-Ferguson provisions) as recently reported by the House Committee on Un-American Activities, provides for the exclusion from employment in "defense plants" designated by the Secretary of National Defense of any person who is a member of a Communist-controlled or Communist-front organization registered or required to register under what is section 7 of S. 4037 (the McCarran bill). As I shall point out, these registration provisions will not be operative for a considerable time, if ever. What is needed is authority to take preventive action against the specific danger of sabotage without prolonged legal proceedings. The authority requested by the President, and which I hope will be restored in S. 4037, will provide the tools for this necessary job.

Section 23 of the McCarran bill is derived from H. R. 10 (the Hobbs bill) and deals with the problem arising out of the fact that many aliens under final orders of deportation cannot actually be deported because no other country will receive them. Section 23, in accordance with the President's recommendation, provides the Attorney General with new powers of supervision over such aliens which in my judgment will be sufficient to cope with the problem. As you know, the President in his recent message to the Congress strongly opposed any provision for the indefinite detention of such aliens. I should also like to add that in my opinion the provision for criminal penalties recommended by the President, and set forth in Section 7 of S. 4061 will be more enforceable than the corresponding paragraph (c) of section 23 of S. 4037 (the McCarran bill) and I urge that it be substituted for the latter provision.

With these changes, sections 18 through 21 and section 23 of S. 4037 (the McCarran bill) will embody all of the recommendations of the Interdepartmental Intelligence Committee, consisting of representatives of the military intelligence services and the Federal Bureau of Investigation. If enacted into law, they will provide the additional weapons which we need to deal with fifth-column tactics, while leaving intact our constitutional liberties.

Sections 1 through 17 of S. 4037 embody the provisions of S. 2311, better known as the Mundt-Ferguson-Johnston bill. Since I am sure that you are familiar with the constitutional problems posed by these provisions, I shall only state that in my judgment they will be completely ineffective to accomplish their purpose. They will be ineffective because the registration provisions, upon which most of the other provisions are hinged, will not apply to any Communist organization until after prolonged administrative and judicial proceedings. When, finally, an organization is required to register, it will in all probability dissolve itself, then reappear with a new name and new officers. Even if this registration process could be made effective, most of the penalties which would be imposed upon registered organizations and their members would be superfluous in that they are already applied under existing law. Communists and fellow travelers are already excluded and removed from Federal employment under the President's loyalty program, the State Department denies passports to Communists, and the Bureau of Internal Revenue withholds tax exemptions and deductions from subversive organizations and their contributors—and all this without going through the cumbersome procedures of the Mundt-Ferguson provisions. Thus, the new result of these procedures will be meager in con-

trast with the staggering and perhaps futile enforcement burden which would be placed upon the Department of Justice.

Also, I wish to point out that section 22 of the McCarran bill, embodying the objectives of S. 1832, would change the laws governing the exclusion and deportation of aliens in respects that will probably create serious problems in the conduct of our foreign relations. I trust that these proposed changes will receive the most careful consideration.

Finally, it must be assumed that these provisions will have the effect of hastening the present tendency of the Communist Party to go underground. In this connection, I wish to call your attention to a paragraph contained in the Department's report to the Judiciary Committee of the Senate on an earlier form of this legislation:

"Outlawing of the Communist Party appears to this Department to be unwise, even if doubts as to the constitutionality of such a step were removed. Outlawing would materially increase the Department's problem of law enforcement. Whereas the Communist Party, to some extent, now operates on the surface, if this bill becomes law it will be forced underground where surveillance of its activities will become increasingly difficult. Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation of this Department, in his testimony before the House Un-American Activities Committee in March 1947, admonished that he "would hate to see a group that does not deserve to be in the category of martyrs have the self-pity that they would at once invoke if they were made martyrs by some restrictive legislation that might later be declared unconstitutional."

The present world situation requires the prompt enactment of practical and constitutional legislation which will give to the Department of Justice adequate weapons to deal with the precise dangers which we face, while preserving our traditions of personal liberty. We in the Department favor the general purpose of this type of legislation, but we do not feel that there is time enough remaining for novel experiments in law enforcement over a period of years, with doubtful, meager, and inadequate results.

Yours sincerely,

J. HOWARD MCGRATH,
Attorney General.

Mr. HUMPHREY. Mr. President, I have with me a complete study of the constitutional and practical aspects of the Mundt-Ferguson-Johnston titles or provisions of the McCarran bill. This constitutional study was made of that portion of S. 4037, sections 1 through 17, commonly known as the Mundt-Ferguson provisions. I ask that this study of the constitutional and practical aspects of S. 4037, covering the basic provisions of sections 1 through 17 of the McCarran bill, be incorporated into the RECORD, so that we may at least have some idea as to the cases which have been cited by witnesses in testimony before the Judiciary Committee and by other persons who have made observations on the nature of the pending legislation.

Mr. HOLLAND. Reserving the right to object, would the Senator mind stating for the RECORD who prepared this legal brief?

Mr. HUMPHREY. It was prepared with the aid of the Justice Department.

Mr. HOLLAND. I think that should appear.

Mr. HUMPHREY. Yes; I am very happy that the legal brief can be placed in the RECORD. It represents considerable research and will shed light on some of the constitutional problems involved in this measure.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Mr. President, I submit for the RECORD a review of the constitutional and practical aspects of certain sections of S. 4037, the McCarran bill.

This memorandum discusses serious constitutional questions presented by S. 4037, sections 1 through 17, together with the great practical obstacles to its effective administration. The conclusion is that S. 4037 is almost certainly unconstitutional in some respects and will be entirely ineffective to achieve its purposes.

The general purpose of S. 4037 is to control and impede Communist activity in the United States by a combination of disclosure and prohibitory requirements to be enforced by criminal penalties. This general purpose does not in itself create any constitutional problem. It is well established that Communists seek to establish by force a Communist dictatorship in the United States, as well as in other countries; and that American Communists, like the Communists of other countries, are the fifth-column agents of the Soviet Union in such matters as propaganda, espionage, and sabotage. These aspects of communism have been recognized by our courts in decisions that the first amendment does not protect Communists from being singled out for special treatment under carefully drafted statutes. Thus, in *C. I. O.* v. *Douds* (339 U. S. 382), the Supreme Court upheld the validity of the anti-Communist affidavit provisions of section 9 (h) of the Labor Management Relations Act which were designed to exclude Communists from positions of labor-union leadership. Also, in *United States* v. *Dennis*, the Court of Appeals for the Second Circuit recently held that the first amendment did not prevent the conviction of 11 Communist leaders for conspiring to advocate, and to organize the Communist Party of the United States to advocate, the overthrow of the Government by force and violence.

These decisions make it clear that the United States can protect itself internally against communism and other totalitarian political movements, by legislation carefully limited to the area of danger. Thus, it cannot be asserted that the first amendment's guaranty of freedom of speech, press, and assembly precludes any and all legislation directed against communism. It would seem, therefore, that it cannot be said that S. 4037 as a whole would be invalid under the first amendment. On the other hand, it would be a great mistake to assume that these decisions confer an entirely free hand in dealing with communism; to the contrary, any such legislation must respect specific provisions of the Constitution as interpreted by the courts.

This memorandum deals with the constitutionality and enforceability of particular provisions of S. 4037. It also discusses the extent to which the present bill meets the serious constitutional criticism leveled at the predecessor bill, H. R. 5852, Eightieth Congress, second session, by Messrs. Charles Evans Hughes, Jr. (since deceased), John W. Davis, and Seth W. Richardson, whose views appear in the 1948 hearings on that bill before the Senate Committee on the Judiciary.

THE REGISTRATION PROVISIONS

The principal features of S. 4037 are its disclosure provisions, consisting of registration and annual reporting requirements designed to force into the wholesome light of the market place of public opinion Communist political organizations (obviously and primarily meaning the Communist Party of the United States) and Communist-front organizations.[1] Although such registration requirements constitute a prior restraint upon freedom of utterance normally prohibited by the first amendment, *Thomas* v. *Collins* (323 U. S. 516), it seems that not all prior restraints are invalid. Thus, in *Bryant* v. *Zimmerman* (278 U. S. 63), the Supreme Court upheld the validity of a New York statute, aimed largely at the Ku Klux Klan, requiring the registration of oath-bound societies other than ordinary fraternal and benevolent orders. Nevertheless, there must be a strong justification for any such registration requirements, for the general rule is clear—that a man cannot be required to obtain a license or permit to say things protected by the first amendment any more than he can be punished after he has said them. As the Supreme Court put it in *Thomas* v. *Collins, supra,* at page 540:

"If the exercise of the rights of free speech and free assembly cannot be made a crime, we do not think this can be accomplished by the device of requiring previous registration as a condition for exercising them and making such a condition the foundation for restraining in advance their exercise and for imposing a penalty for violating such a restraining order. So long as no more is involved than exercise of the rights of free speech and free assembly, it is immune to such a restriction. * * * We think a requirement that one must register before he undertakes to make a public speech to enlist support for a lawful movement is quite incompatible with the requirements of the First Amendment."

It is assumed in this memorandum that the facts and circumstances recited in the legislative findings (sec. 2) would justify, as a general proposition, the imposition of registration requirements.

Section 7 of S. 4037 would require Communist political organizations and Communist-front organizations to register and to file annual reports with the Attorney General. These registration statements and reports would include detailed data as to income and expenditures. In addition, Communist political organizations would be required to file current membership lists, while section 8 requires a member of such an organization which has registered to register himself as such with the Attorney General if the organization omits his name from the list which it filed with the Attorney General.

Where an organization does not register, and the Attorney General has reason to believe that it should register, he is to commence a proceeding before the Subversive

[1] Section 3 (3), (4), and (5) of S. 4037 contains the following definitions: "(3) The term 'Communist political organization' means any organization in the United States having some, but not necessarily all, of the ordinary and usual characteristics of a political party, which (A) is substantially dominated or controlled by the foreign government or foreign governmental or political organization controlling the world Communist movement referred to in section 2, and (B) operates primarily to advance the objectives of such world Communist movement, as set forth in section 2 of this act; (4) the term 'Communist-front organization' means any organization in the United States (other than a Communist political organization and other than a lawfully organized political party which is not a Communist political organization) which (A) is under the control of a Communist political organization, or (B) is primarily operated for the purpose of giving aid and support to a Communist political organization, a Communist foreign government, or the world Communist movement referred to in section 2; (5) the term 'Communist organization' means a Communist political organization or a Communist-front organization."

Activities Control Board (established by section 13) to require it to register. After a formal proceeding to be conducted in accordance with the Administrative Procedure Act, the Board may order the organization to register. Section 14 (e) and (f) sets forth criteria to be applied by the Board in determining whether an organization is a Communist political organization or a Communist-front organization. The Board's order is subject to review by the Court of Appeals for the District of Columbia and, on certiorari, by the Supreme Court, and the Board's order shall be final is supported by the preponderance of the evidence.

But S. 4037 is more than a registration or disclosure statute. In addition, it imposes various penalties upon registered organizations (and organizations finally required to register). Thus, it excludes from Government service, and denies passports to, all members of Communist political organizations; also, it requires both Communist political organizations and Communist-front organizations to label all of their publications and their wrappers "Disseminated by ——— a Communist organization," and their radio programs must be identified in similar fashion. In addition, contributors to either type of organization are denied deductions of such contributions for income-tax purposes and the organizations themselves are denied income-tax exemption under section 101 of the Internal Revenue Code. It is not intended to criticize any of these penalty provisions as such, but it must be emphasized that they make the registration provisions more than mere disclosure provisions—and that this has legal and practical consequences.

Since registration (or a finally determined obligation to register) invokes these sanctions against organizations and their members, section 14 (e) and (f) provides detailed standards or criteria to be applied by the Subversive Activities Control Board in determining whether an organization is a Communist political organization or a Communist-front organization. It would seem that in view of the consequences of registration such standards are necessary and that opportunity for hearing is required. At the same time, the draftsmen were faced with another real problem—and that was to provide standards or criteria flexible enough to cope with the mendacity and chicanery with which Communists cloak their true purposes and activities. To meet this problem in the bill which was passed by the House 2 years ago (H. R. 5832, 80th Cong., 2d sess., sec. 3 (3) and (4)), it was provided that the Attorney General (instead of a board as in the present bill) should make these determinations by the following formula: "having regard to some or all of the following considerations," followed by a series of criteria or standards each of which was prefaced by the words "the extent to which"; applying those criteria, the Attorney General was to determine "it is reasonable to conclude" that the particular organization is a Communist political organization or a Communist-front organization.

For convenience, these provisions of H. R. 5852 are set forth as follows:

"The term 'Communist political organization' means any organization in the United States having some, but not necessarily all, of the ordinary and usual characteristics of a political party, with respect to which, having regard to some or all of the following considerations:

"(A) the extent and nature of its activities, including the expression of views and policies,

"(B) the extent to which its policies are formulated and carried out and its activities performed, pursuant to directives or to effectuate the policies, of the foreign government or foreign governmental or political organization in which is vested, or under the domination or control of which is exercised, the direction and control of the world Communist movement referred to in section 2 of this act,

"(C) the extent to which its views and policies are the same as those of such foreign government or foreign organization,

"(D) the extent to which it supports or advocates the basic principles and tactics of communism as expounded by Marx and Lenin,

"(E) the extent to which it receives financial or other aid, directly or indirectly, from or at the direction of such foreign government or foreign organization,

"(F) the extent to which it sends members or representatives to any foreign country for instruction or training in the principles, policies, strategy, or tactics of such world Communist movement,

"(G) the extent to which it reports to such foreign government or foreign organization or to its representatives,

"(H) the extent to which its members or leaders are subject to or recognize the disciplinary power of such foreign government or foreign organization or its representatives,

"(I) the extent to which (i) it fails to disclose, or resists efforts to obtain information as to, its membership (by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method); (ii) its members refuse to acknowledge membership therein; (iii) it fails to disclose, or resists efforts to obtain information as to, records other than membership lists; (iv) its meetings are secret; and (v) it otherwise operates on a secret basis, and

"(J) the extent to which its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization,

it is reasonable to conclude that it is under the control of such foreign government or foreign governmental or political organization.

"(4) The term "Communist-front organization" means any organization in the United States (other than a Communist political organization and other than an organization having substantially all the ordinary and usual characteristics of a political party) with respect to which, having regard to some or all of the following considerations:

"(A) the identity of the persons who are active in its management, direction, or supervision, whether or not holding office therein,

"(B) the sources from which an important part of its support, financial or otherwise, is derived,

"(C) the use made by it of its funds, resources, or personnel, and

"(D) the position taken or advanced by it from time to time on matters of policy, it is reasonable to conclude (i) that it is under the control of a Communist political organization, or (ii) that it is primarily operated for the purpose of giving aid and support to a Communist political organization, a Communist foreign government, or the world Communist movement referred to in section 2, or (iii) that its views and policies are in general adopted and advanced because such views or policies are those of a Communist political organization, a Communist foreign government or such world Communist movement."

During the 1948 hearings before the Senate Committee on the Judiciary, Messrs. Hughes, Davis, and Richardson condemned these standards as unconstitutionally vague.

Mr. Hughes' opinion on this point was as follows (Hearings, ibid., pp. 417–418):

"In my judgment, the definitions in section 3 of the organizations against which, or against the members of which, the above sections are directed, are permeated with even greater vagueness and ambiguity than are those of section 4.

"The term 'Communist political organization' is defined to mean any organization having some, but not necessarily all of the ordinary and usual characteristics of a political party, with respect to which, having regard to 10 described considerations, it is reasonable to conclude that it is under the control of such foreign government or foreign governmental or political organization—this last reference being to the foreign government or foreign governmental or political organization in which is vested, or under the domination or control of which is exercised, the direction and control of the world Communist movement referred to in section 2. How many and which ones of the ordinary and usual characteristics of a political party are enough, under the 'some but not necessarily all' phrase, to satisfy the first requisite of the definition? With respect to the subsequently stated 10 considerations, again only some of them need be regarded. They include (A) the extent and nature of its activities, including the expression of views and policies; (C) the extent to which its views and policies are the same as those of such foreign government or foreign oranization; (D) the extent to which it supports or advocates the basic principles and tactics of communism as expounded by Marx and Lenin; (I) the extent to which it resorts to secrecy regarding its membership, records, and meetings; and (J) the extent to which its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization. What kind of activities and what kinds of views and policies are to be given controlling weight under (A)? Which of the views and policies of the foreign government are to be determinative of the correspondence of views and policies of the organization in question? Which of the principles and tactics of communism as expounded by Marx and Lenin are to be regarded as basic? And what proportion of the members of the questioned organization must subordinate their allegiance to the foreign organization to call for the classification of the organization as Communist?

"A Communist-front organization is defined as meaning one other than a Communist political organization and other than an organization having substantially all the ordinary and usual characteristics of a political party, with respect to which, having regard to some or all of four enumerated considerations, it is reasonable to conclude either that (i) it is under the control of a Communist political organization, or (ii) primarily operated for the purpose of giving aid and support to such an oranization or to a Communist foreign government or the world Communist movement, or (iii) that its views and policies are in general adopted and advanced because they are those of such organization, government, or movement. In addition to the difficulties introduced by the word 'because,' there are included among the considerations which may control classification (A) the identity of the persons who are active in its management, direction, or supervision, whether or not holding office therein, and (D) the position taken or advanced by it from time to time on matters of policy. What is the test of being active in the case of persons who are members but not officers? On what subjects are positions 'taken or advanced' to be deemed significant? And what are 'matters of policy'? It is no answer to say that these uncertainties are resolved by reference to (i), (ii), and (iii), above referred to, because these refer to control by, aid and support to, and views or policies of a Communist-political organization, and we are thus brought back to the vagueness of the definition of that term, which has already been discussed."

Mr. Davis' similar opinion was as follows (hearings, ibid., pp. 420–421):

"Without pausing to consider such constitutional questions as are raised by the general frame of the bill or others which might appear in the course of its attempted enforcement, I am constrained to think that because of its indefiniteness and uncertainty the bill fails to meet the constitutional requirement of due process. It is a highly penal statute of a character concerning which the Supreme Court has but recently said: 'The standards of certainty in statutes punishing for offenses is higher than in those depending primarily upon civil sanction for enforcement. The crime "must be defined with appropriate definiteness."' *Winters* v. *New York*, decided March 29, 1948 (338 U. S. 507, 515).

"In this opinion the Court goes on to say (pp. 515–516): 'There must be ascertainable standards of guilt. Men of common intelligence cannot be required to guess at the meaning of the enactment. The vagueness may be from uncertainty in regard to persons within the scope of the act, * * * or in regard to the applicable tests to ascertain guilt.'

"These principles are, I believe, of universal acceptance in all American courts.

"Let me point out some portions of the bill which seem to me plainly inadequate to meet this test. Section 3 purports to define the persons and organizations at which the bill is aimed. These definitions are the pivots of the bill. It is built around them, with the exception perhaps of sections 4 and 5 to which I shall later allude. It would seem to be clear that if the definitions are themselves vague and uncertain, that uncertainty must vitiate the act throughout. Paragraph (3) of section 3 defines the term 'Communist political organization' as meaning 'any organization in the United States having some, but not necessarily all, of the ordinary and usual characteristics of a political party, with respect to which, having regard to some or all of the following considerations * * * it is reasonable to conclude that it is under the control of such foreign government or foreign governmental or political organization.' There is nothing here or later to indicate what are the 'ordinary and usual characteristics of a political party' or which of the 'considerations' are included within the language 'some, but not necessarily all.'

"In a praiseworthy effort, however, to attain greater certainty in this regard the paragraph goes on to state certain considerations (A) to (J), some or all of which are to be regarded. Obviously it is not contemplated that all of these considerations must coincide. Any one of them is apparently to have equal weight with any other, and standing alone or in conjunction with any other is to furnish sufficient "reason to conclude" that the organization under inquiry is of the objectionable character. Do these several criteria furnish sufficient standards for such a decision? It may be said that among them those lettered (B), (E), (G), (H), and (J) have some relation to an ultimate conclusion that the organization is under foreign control. But what is there in (C) 'title extent to which its views and policies are the same as those of such foreign government or foreign organization,' or (D) 'the extent to which it supports or advocates the basic principles and tactics of communism as expounded by Marx and Lenin (which basic principles and tactics are to be gathered, one may suppose, only by an exhaustive study of the writings of those persons)', or (I), the extent to which it resorts to secrecy as to its membership, records, meetings, etc.—what is there, it may be asked, in any of these criteria forming per se a legal basis for the conclusion of foreign control?

"Or take the introductory phrase itself as used throughout—'the extent to which, etc.'—what are the limits which these words envisage? To how great an extent, how customary a practice, how definite pervasive, or continuous a policy? There would seem to be no room here for the application of any doctrine of de minimis. But assume, if you will, that the organization contains some members, or even some leaders (who (as under clause (H) recognize the 'disciplinary power of such foreign government' or (as under clause (J)) 'consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization,' how many or what proportion of such individuals are to be held sufficient to color the entire organization? What is to be the status of a dissenting member, a minority of members, or even a majority who do not hold such views? Are they and the organization to be condemned on the principle of noscitur a socius, i. e., guilt by association?

"When under paragraph (4) of section 3 the effort is made to define a Communist-front organization a similar format is adopted, but attains, it seems to me, no greater certainty in the final result. Regard is to be had to '(A) the identity of the persons who are active in its management, direction, or supervision, whether or not holding office therein.' The question at once arises what degree of activity or what number of identifiable persons are necessary to stamp the organization. Passing (B) and (C) we come to (D) 'the position taken or advanced by it from time to time on matters of policy.' This general language seems to add nothing to the attempted definition. I repeat, that unless these definitions have an ascertainable legal content their use throughout the remainder of the act must render it unenforceable."

Mr. Richardson's opinion was as follows (Hearings, ibid. pp. 444–445):

"In addition to the criticisms just offered, I think it is doubtful whether the legal standard adopted by the act upon which the conclusion that a Communist political organization or a Communist-front organization exists, is sufficiently definite to authorize or support the penalties ultimately imposed. In determining whether a Communist political organization exists, and in relation to the test activities recited in the statute, the act offers the measure of its conclusion by the phrase 'it is reasonable to conclude' that foreign control exists. I am not at all satisfied that the phrase 'it is reasonable to conclude' is of sufficient definiteness or precision to warrant its use in determining a question upon the determination of which severe penalties are to be imposed. It is not impossible to conceive that upon a given state of facts it might be reasonable to conclude in the affirmative and at the same time equally reasonable to conclude in the negative. The bill proposes to deprive citizens of important legal rights and I am very doubtful whether it is either wise, just, or legal to do so upon proof of facts only to the extent of establishing a reasonable conclusion relating to such facts.

"A further basis for criticism with respect to this all-important point of the establishment of the existence of a Communist political organization or a Communist-front organization, is that the act is not entirely clear in determining how and by whom such reasonable conclusion shall be reached. The phrase 'having regard to some or all of the following considerations,' followed by the recital of 10 activities indentified in the act, leaves the measure of the envelopment of the particular organization in any of the activities noted, to depend largely upon the particular cast of mind of whatever person the bill proposes shall reach the conclusion.

"A further criticism is that although the purpose of the 10 activities recited in the bill seems to be to establish foreign control I think it is doubtful whether activities (a), (c), (d), and (i) are necessarily relevant in the establishment of such conclusion. In other words, on their face these four activities do not necessarily have relevance to the question of foreign control, yet, according to the bill, these may be the activities from which the final conclusion is to be drawn."

In an attempt to meet these criticisms, section 14 (e) and (f) of S. 4037 lays down the following criteria to be applied by the Board in determining whether an organization is a Communist-political organization or a Communist-front organization within the definitions of section 3 (3) and (4):

"In determining whether any organization is a Communist political organization," the Board shall take into consideration—

"(1) the extent to which its policies are formulated and carried out and its activities performed, pursuant to directives or to effectuate the policies of the foreign government or foreign governmental or political organization in which is vested, or under the domination or control of which is exercised, the direction and control of the world Communist movement referred to in section 2 of this act;

"(2) the extent to which its views and policies do not deviate from those of such foreign government or foreign organization;

"(3) the extent to which it receives financial or other aid, directly or indirectly, from or at the direction of such foreign government or foreign organization;

"(4) the extent to which it sends members or representatives to any foreign country for instruction or training in the principles, policies, strategy, or tactics of such world Communist movement;

"(5) the extent to which it reports to such foreign government or foreign organization or to its representatives;

"(6) the extent to which its principal leaders or a substantial number of its members are subject to or recognize the disciplinary power of such foreign government or foreign organization or its representatives.

"(7) the extent to which (i) it fails to disclose, or resists efforts to obtain information as to, its membership (by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method), (ii) its members refuse to acknowledge membership therein; (iii) it fails to disclose, or resists efforts to obtain information as to, records other than membership lists; (iv) its meetings are secret; and (v) it otherwise operates on a secret basis; and

"(8) the extent to which its principal leaders or a substantial number of its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or organization.

"(f) In determining whether any organization is a 'Communist-front organization,' the Board shall take into consideration—

"(1) the extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives of, any Communist political organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(2) the extent to which its support, financial or otherwise, is derived from any Communist political organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(3) the extent to which its funds, resources, or personnel are used to further or promote the political objectives of any Communist political organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(4) the extent to which the positions taken or advanced by it from time to time

on matters of policy do not deviate from those of any Communist political organization, Communist foreign government, or the world Communist movement referred to in section 2."

It would seem that the redrafted criteria do not meet the constitutional criticism of Messrs. Hughes, Davis, and Richardson. The core of their criticism of H. R. 5852 related to the words "having regard to some or all of the following considerations," referring to criteria each of which began with the words "the extent to which," to be applied by the Attorney General in determining whether "it is reasonable to conclude," etc. It is difficult to find any appreciably greater definiteness in the provisions of S. 4037 that in determining whether any organization is a Communist political organization or Communist front organization, "the Board shall take into consideration the extent to which" the enumerated factors are present. Thus, there remains the essence of their objectives—that the Board is free to determine solely from a certain amount of secrecy within the scope of paragraph (7) of section 14 (e) that an organization is a Communist political organization—although, as Mr. Davis and Mr. Richardson pointed out, this element of secrecy is far from being decisively relevant on the issue of foreign control which is the heart of the definition of a Communist political organization in section 3 (3).

Similarly, section 14 (f) apparently leaves the Board free to classify as a Communist-front organization any organization which is promoting any political objective which is also being promoted by any Communist political organization or Communist foreign government (i. e., the Communist Party of the United States or the Soviet Union). It seems clear, therefore, that the Board could base such a determination upon the fact that an organization opposed United States policy in Korea or favored a prohibition against the use of atomic weapons—since such views coincide with those of the Communist Party and the Soviet Union.

If Messrs. Hughes, Davis, and Richardson are correct in their views, then the registration requirements based upon the standards of section 14 (e) and (f) are invalid. However, other considerations must be taken into account. To begin with, the registration requirements cannot be regarded as vague in the sense that organizations are left uncertain as to the obligation to register; this is because no one can be punished for failure to register until the Board has issued a final order requiring an organization to register. This circumstance sufficiently distinguishes these registration provisions from a direct criminal prohibition such as was involved in *Winters* v. *New York* (338 U. S. 507).

The standards of section 14 (e) and (f) constitute a sufficient guide for the administrative action if measured by the standards upheld in recent economic regulation statutes such as the Emergency Price Control Act of 1942 (*Yakus* v. *United States* (321 U. S. 414)). Also, the standards might be adequate for a simple disclosure requirement. However, a separate question is whether the standards are so broad that they impose the sanctions of the bill upon the exercise of the freedoms of speech, press, and assembly on subjects protected by the first amendment against both prior restraint and subsequent punishment. As noted above, S. 4037 uniquely combines registration requirements with various penalties applicable to registered organizations and their members. To use an earlier example, suppose an organization advocates a ban on the use of atomic weapons. Such advocacy may embody genuine religious convictions and reflect the highest moral values of our civilization. On the other hand, in view of the history of the Communist-inspired Stockholm resolution and in the light of recent events, it is not unreasonable to require disclosure of the activities of an organization advocating a policy which is also favored by the Soviet Union and its Communist allies everywhere. Thus, even a simple registration requirement requires affirmative justification to take it out of the general rule against prior restraints, and it is assumed that such justification exists. However, the first-amendment problem may be more difficult here since, in addition to registering, the organization advocating a ban on the use of atomic weapons might be required to label its publications as "Disseminated by ———, a Communist organization," and be deprived of its tax exemption. It will not be attempted in this memorandum to resolve this novel question as to the adequacy of the standards of section 14. Much depends upon the precise form in which such questions are presented to the courts, and the separability clause in section 18 might save the statute despite possible applications which would violate the first amendment. See opinion by Judge Learned Hand in *United States* v. *Dennis, et al.* (C. A. 2, August 1, 1950).

Assuming for the sake of argument that Messrs. Hughes, Davis, and Richardson were wrong,[2] and that the registration requirements of S. 2311 are constitutional, it is entirely clear that these registration provisions are completely impracticable in that they cannot be enforced within any reasonable period of time. The practical problem is this: While section 16 provides criminal penalties for failure to register under sections 7 and 8, those sections are not self-executing. Failure to register is not punishable until the Subversive Activities Control Board (created by section 13) has issued a final order requiring a particular organization or individual to register. Such an order may be issued by the Board only after a formal administrative hearing in accordance with section 14 and the Administrative Procedure Act. Such a Board order is subject to review by the Court of Appeals for the District of Columbia and, upon certiorari, by the Supreme Court, and the Board's order is to be sustained if supported by the preponderance of the evidence. In these administrative proceedings before the proposed Subversive Activities Control Board, the Department of Justice would be required to prove that a particular organization was a Communist political organization, as defined in section 3 (3), or a Communist-front organization as defined in section 3 (4). Only a reading of the various criteria set forth in section 14 (e) and (f) can indicate the extremely wide range of evidence which would be relevant in such a hearing. Since the Board must take into consideration all of the enumerated factors, an organization must be allowed to introduce evidence relating the existence or nonexistence of all such factors. Prolonged trials and hearings, such as the trial last year before Judge Medina, have taken place on the relatively narrow issue of advocating the overthrow of the Government by force and violence. We must face the fact that none of the organizations with which we are really concerned will register voluntarily under S. 2311. No one registered under the Voorhees Act, and the leaders of the Communist Party of the United States have publicly announced that they will not register under S. 2311. The real Communist and Communist-front organizations will exhaust all possibilities of hearing and judicial review.

It is conservative to estimate that if S. 4037 becomes law, at least 2 years would be required to obtain a final order requiring an organization to register or exposing it and its officers to criminal penalties for failure to register. It is also important to note that none of the provisions of S. 2311 dealing with exclusion from Federal employment (sec. 5), denial of passports (sec. 6), labeling of publications and radio broadcasts (sec. 11), and denial of tax exemptions and deductions (sec. 12), become applicable to an organization and its members until it has registered or there is a final order of the Board requiring it to register. In brief, there would be ceated a Subversive Activities Control Board and its staff, together with a prosecuting staff within the Department of Justice, which would labor for at least 2 years before any of the objectives of the bill could be accomplished. And even then, if the real Communist organizations still fail to register, as they probably will, the net result of 2 years work will be a series of criminal prosecutions for failure to register and, allowing for appeals, no one would actually be fined or imprisoned for about 4 years after the enactment of S. 2311.

It would seem to be obvious that any measures taken with respect to communism and other totalitarian movements must be capable of more rapid enforcement than this. Also, it is relevant to consider what would be accomplished by this long procedure, and by the new agency and the additional personnel required to administer it.

1. The exclusion from the Government service of members of Communist political organizations. But this is already being accomplished by the President's loyalty program which is now before the Supreme Court. It may be assumed that carefully planted espionage agents will not be caught by a registration statute. Under Executive Order 9835, membership in a Communist organization is a factor which may be considered in making such a determination of disloyalty. It is possible that a provision automatically disqualifying members of a Communist political organization from Federal employment would encounter more constitutional difficulty than would the less rigid, but in practice equally effective, provisions of Executive Order 9835. The argument for invalidity would be that it involved "guilt by association" in that the individual member would be penalized because of the policies of the organization without regard to his personal views. However, the approbrium attached to "guilt by association" as applied to Communists in *Schneiderman* v. *United States*, (320 U. S. 118), might well be ignored by the courts today in the light of intervening events. See opinion by Justice Jackson concurring in part in *CIO* v. *Douds, supra*. In any event, S. 4037 presents this issue more directly than does Executive Order 9835, and unnecessarily so in the absence of proof that the President's loyalty program is inadequate.

2. The denial of passports to members of Communist political organizations. But this can be done under the existing discretionary powers of the Secretary of State (22 U. S. C. 211a), as evidenced by the recent denial or cancellation of a passport of Paul Robeson. Fraud in obtaining a passport may be punished as in the case of Earl Browder.

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[2] In Mr. Davis' letter of February 10, 1950, discussing S, 2311, he discussed section 14 (e) as follows: "As a matter of draftsmanship, I question a phrase employed in section 14 (e) of the bill, page 27, printed copy. The Board is directed to take into consideration the "extent to which" etc. The use of this phrase implies, does it not, that the attention of the Board is to be directed, not to the performance of specific acts but to their spread or frequency. Would it not improve the definiteness of the criteria if they read, for instance, (1) whether its policies are formulated, etc., etc.? The substitution of the word "whether" for "the extent to which" might be worth consideration by your committee."

(It should also be noted that Mr. Donald Richberg, in a letter dated June 6, 1949, advised the Senate Committee on the Judiciary that in his opinion what is now S. 2311 is entirely constitutional. See hearings before Senate Judiciary Subcommittee on S. 1194 and S. 1196, 81st Cong., 1st sess., p. 217.)

3. To require pursuant to section 11, that the literature distributed by Communist political organizations and Communist-front organizations, and the wrappers or containers of such literature, be marked "Disseminated by ———, a Communist organization." It is clear that this labeling requirement, as well as the corresponding provisions applicable to radio programs of such organizations, presents a novel constitutional question as to whether this constitutes invalid prior restraint upon the exercise of first amendment freedoms. It should be noted that the labeling requirements of section 11 apply to all publications and broadcasts of such organizations regardless of their content. It is the identity of the sender, not what it says, that is controlling. Thus, it applies to utterances on subjects protected by the first amendment, and which may have no relation to the purposes of S. 2311. It was established in *Thomas* v. *Collins* (323 U. S. 516) that a registration requirement, a prior restraint, could not be required as a condition to making utterances which could not be published because protected by the first amendment. And see *Grosjean* v. *American Press Co.* (297 U. S. 23); *Near* v. *Minnesota* (283 U. S. 697). It is possible that these labelling requirements constitute a prior restraint. The term "Communist" is opprobrious; in fact our courts have held that a false accusation that a person is a Communist is defamatory per se. *Remington* v. *Bentley* (88 F. Supp. 166 (S. D. N. Y.)); *Mencher* v. *Chesley* (297 N. Y. 94; note, 50 Col. L. R. 526). Further, the fact that section 11 requires both the publication and the wrapper to be so labeled does more than inform the recipient concerning the sender; it will discourage him from receiving the publication no matter what its subject matter. See Cohen and Fuchs, Communism's Challenge and the Constitution (34 Corn. L. Q. (1948) 182, 212). Not all prior restraints are invalid. *Donaldson* v. *Read Magazine* (333 U. S. 178 (postal fraud orders)). But in the Read Magazine case, the Supreme Court indicated that important constitutional questions were avoided by limiting the ban on the delivery of mail and the cashing of money orders to the fraudulent puzzle contest, as opposed to applying the ban to all mail addressed to the publication. So here, because the labeling requirements apply to all publications, no matter how innocent or meritorious, of an organization, it is entirely possible that section 11 would be held invalid as a too broad prior restraint on publication. The 1948 hearings (p. 419) contain a similar suggestion by Mr. Charles Evans Hughes, Jr. It should be noted that a similar labeling requirement in the Foreign Agents Registration Act (22 U. S. C. 611) avoided or at least minimized this first amendment problem in that it was limited to political propaganda as defined in that act. Finally, it may be assumed that new organizations could readily be created to distribute such literature in place of the organizations made subject to section 11 after long proceedings.

4. When an organization is registered, or finally required to register, as either a Communist political organization or as a Communist front organization, section 12 of S. 4037 provides (a) that contributions to such organizations cannot be used by the donors as deductions for income tax purposes and (b) such organizations are not entitled to exemption from income tax under section 101 of the Internal Revenue Code. This provision appears to be unnecessary. Since February 1948, the Bureau of Internal Revenue has denied such deductions and exemptions with respect to organizations listed by the Attorney General under Executive Order No. 9835, the loyalty order. Examples of such denials by the Bureau are the International Workers Order, the Joint Anti-Fascist Refugee Committee, and the National Council of American-Soviet Friendship.

In summary, of the penalties to be imposed upon registered organizations and their members, three are being applied under existing law, and the fourth may be unconstitutional.

SECTION 8 AND SELF-INCRIMINATION

Section 8 requires a member of a Communist political organization which has registered to register himself as such with the Attorney General if the organization omits his name from the membership list which it filed with the Attorney General. It is assumed that this was intended as a check upon the completeness of the membership list filed by the organization. However, insofar as section 8 would require a member of the Communist Party to register himself as such, it presumably violates the command of the fifth amendment that "no person * * * shall be compelled in any criminal case to be a witness against himself."[3]

Self-incrimination problems are created not only by the prohibition of section 4 (a), but also by the fact that the Smith Act makes criminal membership or affiliation with knowledge of its purposes in any organization which advocates or teaches the overthrow or destruction of any American government by force or violence. It is like requiring thieves to register as such.

In view of the definition of Communist political association in section 3 (3), which incorporates the totalitarian objectives of communism as set forth in section 2, it could scarcely be denied that requiring a man to identify himself as a member of such an organization would tend to incriminate him under the prohibition of section 4 (a) against conspiring, etc., to perform any act which would substantially contribute to the establishment of totalitarian dictatorship under foreign control. Since section 8 was not in H. R. 5852, it was not commented upon by the distinguished lawyers whose views were obtained by the Senate Committee on the Judiciary in 1948. However, in Mr. Davis' letter of February 10, 1950, he commented:

"Would mere membership in a Communist political organization which is duly registered or required to register, constitute an act such as section 4 (a) proscribes? If so, is there not inherent contradiction between these sections, and might not a person called on to register as a member claim that he would involuntarily incriminate himself by so doing?"

S.4037 attempts to meet the problem pointed out by Mr. Davis by providing, in section 4 (f) that:

"Neither the holding of office nor membership in any Communist organization by any person shall constitute a violation of subsection (a) or subsection (c) of this section. The fact of the registration of any person under section 7 or section 8 of this act as an officer or member of any Communist organization shall not be received in evidence against such person in any prosecution for any alleged violation of subsection (a) or subsection (c) of this section."

It is clear that this provision is an inadequate substitute for the constitutional privilege against self-incrimination. *Counselman* v. *Hitchcock* (142 U. S. 547) stands for the proposition that incriminating testimony may be compelled only in exchange for complete immunity from prosecution on the matters to which the testimony relates—and that a provision which merely provides that the compelled testimony may not be used against the witness is insufficient. The further provision of section 4 (f) that neither the holding of office or membership in a Communist organization shall constitute a violation of section 4 (a) is also insufficient because compelled disclosure of membership could be a lead to other evidence of violation of section 4 (a). And, of course, section 4 (f) does not even purport to avoid self-incrimination in relation to the membership clause of the Smith Act.

It should also be noted that the report of the Senate Committee on the Judiciary (S. Rept. 1358) on S. 4037 cites *Shapiro* v. *United States* (335 U. S. 1 (1948)) for the proposition that the individual registration requirements of section 8 do not involve self-incrimination. In the Shapiro case the defendant was required by subpena duces tecum to produce various business records which he was required to keep by OPA regulations. In rejecting his claim of self-incrimination, the Supreme Court, in a 5-to-4 decision, held that the privilege did not extend to records required to be kept as incident to a scheme of Government regulation. Presumably, the Shapiro case must be read in that context, and thus is no authority for the proposal that Communists can be required to register as such under a statute which, in section 4 (a), is obviously intended to result in criminal prosecution of Communists.

It is well established that compelled testimony need not occur during a criminal proceeding against the witness (*Counselman* v. *Hitchcock*, supra). It seems to have been accepted that while a criminal must at least file an income-tax return, he cannot be required to disclose incriminating information in the return (*United States* v. *Sullivan*, 274 U. S. 259; *Shushan* v. *United States*, 117 F. 2d 110 (C. A. 5), certiorari denied, 313 U. S. 574, rehearing denied, 314 U. S. 706). So here required registration may be the occasion of compulsory self-incrimination. It is believed, therefore, that the registration requirements of section 8 are unconstitutional as involving compulsory self-incrimination with respect to section 4 (a) and the Smith Act.

SECTION 4 (A) IS UNCONSTITUTIONAL, IMPRACTICAL, AND UNNECESSARY

First, section 4 (a) of S. 4037 is clearly unconstitutional. Section 4 (a) provides that—

"It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship; the direction and control of which is to be vested in, or exercised by, or under the domination or control of, any foreign government, foreign organization, or foreign individual."

The vagueness in the phrase "to perform any act which would substantially contribute to the establishment," may be cured by the use of the qualifying word "knowingly." *C. I. O.* v. *Douds* (339 U. S. 382). However, section 4 (a) prohibits all action which would substantially contribute to establishment of a totalitarian dictatorship. Yet it is clear, as Messrs. Hughes and Richardson pointed out, that everyone is free to advocate even the most extreme changes in our form of government by the process of constitutional amendment (Hearings, ibid., pp. 416, 444). *Stromberg* v. *California* (283 U. S. 359) stands for the proposition that a statute which on its face permits the punishment of such advocacy or action, violates the first amendment. Section 4 (a) is therefore unconstitutional because its prohibition is not limited to the use of force or other unconstitutional means.

Secondly, it must be emphasized that section 4 (a) would be extremely difficult to enforce, as shown by a comparison with the

[3] As the report of the Senate Committee on the Judiciary, S. Rept. 1358, 81st Cong., 2d sess., p. 21, states, *United States* v. *White* ((1944) 322 U. S. 694), probably means that an organization such as the Communist Party can be required to file a list of its members without violating the purely personal privilege of its members against self-incrimination.

Smith Act under which the 11 Communist leaders were convicted. The Smith Act prohibits advocating and teaching, and conspiracy to advocate and teach, the overthrow or destruction of the American Government by force and violence; also it prohibits organizing, or conspiring to organize, a society to so teach and advocate, and membership in such a society with knowledge of its purposes is prohibited. Thus the basic factual issue in a prosecution under the Smith Act is whether individuals or a society advocate or teach the violent overthrow of American governments. This issue is somewhat equivalent, in terms of evidence problems, to the prohibition of section 4 (a) of the bill of conspiring, etc., "to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship." It is well known that in Federal legal proceedings relating to communism it has been difficult to obtain evidence that the Communist Party advocates the use of violence to achieve its program. However, section 4 (a) of the present bill would compound the difficulty by also requiring proof that the Communist Party is foreign controlled. It would be extremely difficult to prove beyond a reasonable doubt in a criminal proceeding that at a particular time the Communist Party was foreign controlled. The party's tactics of mendacity and secrecy are specifically designed to make such matters of common knowledge difficult to prove. If the Smith Act is finally held to be valid, then there is no necessity for section 4 (a) of the bill which would be much more difficult to enforce.

SUMMARY

Although the organization registration requirements of S. 4037 may be valid, they cannot be effectively enforced within any reasonable period of time. All of the purposes of the registration requirements are being achieved under existing law except (1) the labeling requirements of section 11, which present serious and novel questions under the first amendment; and (2) obtaining information through the filing of registration statements and annual reports, a somewhat optimistic result to expect from a movement whose leaders are on the way to jail and which has already operated in considerable part underground. The individual registration requirements of section 8 are probably invalid as violating the prohibition of the fifth amendment against compulsory self-incrimination. Section 4 (a) is invalid under the rule of *Stromberg* v. *California, supra,* in that it is not limited to the use of unconstitutional means. If it were so limited, it would add nothing to the Smith Act and would be much more difficult to enforce.

Mr. HUMPHREY. Mr. President, I have a letter from the Congress of Industrial Organizations, dated September 7, 1950, signed by Nathan E. Cowan, director of the CIO legislative department, enclosing copy of a resolution on internal security and civil liberties, which was adopted by the Congress of Industrial Organizations. I read portions of this resolution:

The Congress of Industrial Organizations stands four-square behind the American Government in its determination to preserve our democratic way of life and to resist to the utmost Soviet aggression. The Communist challenge must be met and turned back, whether that challenge takes the form of armed attack, espionage or sabotage, or traitorous fifth column activity within our own country. The Congress of Industrial Organizations supports every necessary step to prevent espionage, sabotage, or subversive activity.

We in America must be ever zealous to protect our democratic liberties not only against totalitarian foes without or within, but against unnecessary or unwarranted governmental restraints. In forging weapons to resist a foreign police state and the alien and totalitarian ideology which is its tool, we must take care that we do not ourselves irreparably damage the very democracy for which we fight. The problem was well stated by President Truman in his recent message to Congress on internal security, in which he said:

"We face today, as we have always faced in time of international tension, the question of how to keep our freedom secure against internal as well as external attack, without at the same time unduly limiting individual rights and liberties."

Moreover, the battle against totalitarian aggression must be fought with ideas as well as armies. It will not do to prate of democracy to our Allies abroad unless we preserve and strengthen it at home. To quote again from the President's message:

"It would be tragic in the highest degree if we were to frighten ourselves into destroying those very liberties which are the basis of our moral leadership in the struggle for peace.

"I am determined that the United States shall be secure. I am equally determined that we shall keep our historic liberties.

"Success in achieving both these objectives is of exceptional importance in the present period of international tension. For by our actions, we must maintain the United States as a strong, free people, confident in our liberties, and moving forward with other free peoples to oppose aggression and to build a just peace for all mankind."

The plain fact is—

Says the CIO, now:

The plain fact is that measures such as the Mundt-Ferguson bill and the McCarran (S. 2311) and Wood (H. R. 9490) bills which incorporate its provisions, do not add one single iota to our immediate defenses against Communist espionage, sabotage, or subversive activity. They are thus useless against the real menace. And they would subject freedom of thought, speech, and belief to restriction and regulation by a Federal board. It would drive the Communist Party completely underground and give it an undeserved halo of martyrdom. As the President further stated in his message—

Then, Mr. President, I ask that a quotation from the President's message be inserted in the RECORD at this point, as it is printed in this particular resolution.

There being no objection, the excerpt from the President's message was ordered to be printed in the RECORD, as follows:

Such measures would not only infringe on the Bill of Rights and the basic liberties of our people; they would also undermine the very internal security they seek to protect.

Laws forbidding dissent do not prevent subversive activities; they merely drive them into more secret and more dangerous channels. Police states are not secure; their history is marked by successive purges, and growing concentration camps, as their governments strike out blindly in fear of violent revolt. Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.

This kind of proposed legislation is dangerous because, in attempting to proscribe for groups such as the Communists, certain activities that are perfectly proper for everyone else, such legislation would spread a legal dragnet sufficiently broad to permit the prosecution of people who are entirely innocent or merely misguided. As far as the real conspirators against our institutions are concerned, such legislation would merely have the effect of driving them further underground and making it more difficult to reach them. Furthermore, if such legislation were held unconstitutional, as it well might be, it would make martyrs out of our worst enemies and created public sympathy for them.

Mr. HUMPHREY. The resolution reads further as follows:

Now, therefore, be it resolved that—

The Congress of Industrial Organizations endorse the principles laid down by President Truman in his Internal Security Message, and commends the President for the guidance and leadership give to the Nation on this important issue at this critical time.

The CIO urges that the Congress adopt legislation which will effectively and immediately deal with the problems of espionage and sabotage in the spirit of the President's message. Specifically, the CIO supports the enactment of that portion of Senate bill 4061 (that is, sections 3–6, inclusive) which embodies the recommendations of the President with regard to tightening existing laws dealing with espionage, sabotage, and subversive activity.

Mr. President, I ask that this resolution be incorporated at this point in my remarks, as a statement of the position of one of the great labor organizations of this country. The reference to S. 4061 should be considered as referring to title I of the Kilgore substitute, S. 4130. Title I of the Kilgore measure includes all of the provisions of S. 4061.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON INTERNAL SECURITY AND CIVIL LIBERTIES

The Congress of Industrial Organizations stands foursquare behind the American Government in its determination to preserve our democratic way of life and to resist to the utmost Soviet aggression. The Communist challenge must be met and turned back, whether that challenge takes the form of armed attack, espionage or sabotage, or traitorous fifth-column activity within our own country. The Congress of Industrial Organizations supports every necessary step to prevent espionage, sabotage, or subversive activity.

We in America must be ever zealous to protect our democratic liberties, not only against totalitarian foes without or within but against unnecessary or unwarranted governmental restraints. In forging weapons to resist a foreign police state and the alien and totalitarian ideology which is its tool, we must take care that we do not ourselves irreparably damage the very democracy for which we fight. The problem was well stated by President Truman in his recent message to Congress on internal security, in which he said:

"We face today, as we have always faced in time of international tension, the question of how to keep our freedom secure against internal as well as external attack, without at the same time unduly limiting individual rights and liberties."

Moreover, the battle against totalitarian aggression must be fought with ideas, as well as armies. It will do not to prate of democracy to our allies abroad unless we preserve and strengthen it at home. To quote again from the President's message:

"It would be tragic in the highest degree if we were to frighten ourselves into destroying those very liberties which are the basis

of our moral leadership in the struggle for peace.

"I am determined that the United States shall be secure. I am equally determined that we shall keep our historic liberties.

"Success in achieving both these objectives is of exceptional importance in the present period of international tension, for by our actions we must maintain the United States as a strong, free people, confident in our liberties, and moving forward with other free peoples to oppose aggression and to build a just peace for all mankind."

The plain fact is that measures such as the Mundt-Ferguson bill and the McCarran (S. 2311) and Wood (H. R. 9490) bills which incorporate its provisions, do not add one single iota to our immediate defenses against Communist espionage, sabotage or subversive activity. They are thus useless against the real menace. And they would subject freedom of thought, speech and belief to restriction and regulation by a Federal board. It would drive the Communist Party completely underground and give it an undeserved halo of martyrdom. As the President further stated in his message:

"Such measures would not only infringe on the Bill of Rights and the basic liberties of our people; they would also undermine the very internal security they seek to protect.

"Laws forbidding dissent do not prevent subversive activities; they merely drive them into more secret and more dangerous channels. Police states are not secure; their history is marked by successive purges, and growing concentration camps, as their governments strike out blindly in fear of violent revolt. Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.

"This kind of proposed legislation is dangerous because, in attempting to proscribe, for groups such as the Communists, certain activities that are perfectly proper for everyone else, such legislation would spread a legal dragnet sufficiently broad to permit the prosecution of people who are entirely innocent or merely misguided. As far as the real conspirators against our institution are concerned, such legislation would merely have the effect of driving them further underground and making it more difficult to reach them. Furthermore, if such legislation were held unconstitutional as it well might be, it would make martyrs out of our worst enemies and create public sympathy for them": Now, therefore, be it

The Congress of Industrial Organizations endorses the principles laid down by President Truman in his internal security message, and commends the President for the guidance and leadership given to the Nation on this important issue at this critical time.

The CIO urges that the Congress adopt legislation which will effectively and immediately deal with the problems of espionage and sabotage in the spirit of the President's message. Specifically, the CIO supports the enactment of that portion of Senate bill 4061 (that is, sections 3–6, inclusive) which embodies the recommendations of the President with regard to tightening existing laws dealing with espionage, sabotage, and subversive activity.

However, Senate bill 4061, in some respects, goes beyond the recommendations of the President, and seems unnecessarily repressive of the rights of aliens. For example, the courts, not the Attorney General, should decide whether an alien is to be admitted to bail pending deportation proceedings, which may go on for years. Again, whether undeportable aliens are to be jailed, or required to submit to medical or psychiatric examination, should be decided by the courts, not the Attorney General. The CIO urges that these provisions be liberalized.

The Congress of Industrial Organizations declares its opposition to the McCarran bill, to the Mundt-Ferguson bill, and to the Wood bill. These bills are completely ineffective as immediate measures against spies and saboteurs. Their present effect will be to undermine our democracy and to create a threat to freedom of thought, speech, and belief. They are aids to Communist propaganda throughout the world rather than effective measures against Communist espionage. Many of the features of these bills have been declared by the Attorney General to be of dubious constitutionality, and certainly they transgress the spirit of the Bill of Rights which we seek to defend against communism.

The CIO urges the Senate and House of Representatives to enact legislation in the spirit of the President's message and to defeat the McCarran, the Mundt-Ferguson, and the Wood bills.

Mr. HUMPHREY. Mr. President, I think it is a fair statement that the CIO has done one of the most effective jobs in cleaning out Communist agents and sympathizers from its ranks that has been done by any organization in America. It made the fight at great sacrifice, and it has shown great courage and determination. I, for one, wish to pay public tribute to the president of that organization as a great American, a deeply religious man, and a thorough patriot—Mr. Philip Murray. He has shown great leadership. I pay tribute to Mr. William Green of the American Federation of Labor, a man of great stature and devoted patriotism, a man of sincere convictions. Such men have made great contributions to America because of their patriotic service and devotion to democratic principles.

I should also point out that these great organizations, the CIO, the AFL, the machinists, the teamsters, the railroad brotherhoods, and many others have contributed thousands and thousands of dollars to the creation of a free world-trade union movement. As we all know, a former organization became a Communist-dominated outfit, and it was because of the AFL and the CIO in the United States, along with the British Trade Unions that we were able to break it up. Recently in London a great worldwide free trade movement was organized. I think it can be stated frankly for the RECORD that had it not been for the anti-Communist forces in France, that nation might today be a Communist-controlled country. But for the Roman Catholic Church and the free-labor movement in Italy, that nation might have become a Communist-dominated country. These organizations have a record not only of words, but of deeds, and I want to pay tribute to their sacrifices and to their courage. I think their resolutions are that much more effective and meaningful because of their history in fighting the Communist menace.

Mr. President, I want briefly to analyze, paragraph by paragraph, some of the features of the pending McCarran bill and to show that a number of provisions of that bill (S. 4037) are already on the statute books and do not need to be reenacted.

At this point in the RECORD, Mr. President, I should like to incorporate an analysis of existing laws relating to national security and their recent enforcement. It contains, for example, quotations from the United States Code, and laws pertaining to treason, seditious conspiracy, advocating overthrow of the Government, activities affecting the armed forces, registration of foreign agents, present public laws on sabotage, on espionage, on perjury and the making of false statements. All these things are some indication of what Governor Dewey was talking about when he said there were already 27 laws on the books directed toward the protection of our internal security. The analysis deals also with the exclusion and deportation of aliens, Government employment, passports, and tax deductions and exemptions of subversive groups.

Mr. President, I do not think it is necessary for me to read all this analysis, and I ask that it be incorporated in the body of the RECORD at this point in my remarks, so that it may be noted that we do have a substantial body of present law relating to internal security. The recommendations of the President, which are incorporated in the Kilgore substitute measure, will strengthen the present laws.

This is an analysis which I have prepared in reference to the bills under consideration.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF EXISTING LAWS RELATING TO THE NATIONAL SECURITY AND THEIR RECENT ENFORCEMENT

TREASON

18 U. S. C. 2381, embodying a constitutional definition of treason (art. III, sec. 3), provides that "whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason * * *." Since the beginning of World War II, successful prosecutions for treason have been had in the cases of Douglas Chandler (see 171 F. 2d 921, certiorari denied 336 U. S. 918), Robert Best, Mildred Gillars (Axis Sally), Ida D'Aquino Toguri (Tokyo Rose), Martin James Monti, Herbert Burgman, and Tomoya Kawakita. Ezra Pound was declared insane and was not brought to trial.

SEDITIOUS CONSPIRACY

18 U. S. C. 2384 provides that—

"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $5,000 or imprisoned not more than 6 years, or both."

ADVOCATING OVERTHROW OF THE GOVERNMENT

18 U. S. C. 2385 (the Smith Act or Alien Registration Act of 1940) prohibits advocating and teaching, or organizing a society or group to advocate and teach, the overthrow or destruction of any government in the United States by force or violence, or conspiracies or attempts to do either of these

things. In *Dunne* v. *United States* (138 F. 2d 137; certiorari denied, 320 U. S. 790; rehearing denied, 320 U. S. 814, 815), the Smith Act was applied to convict 18 leaders of the Socialist Workers' Party (Trotskyite Communists). More recently in *United States* v. *Dennis, et al.*, 11 leaders of the Communist Party of the United States were convicted on a charge of conspiracy to advocate and teach the overthrow and destruction of the Government of the United States by force and violence, and to organize the Communist Party of the United States to so teach and advocate. On August 1, 1950, the Court of Appeals for the Second Circuit affirmed this conviction and upheld the validity of the Smith Act, as the Court of Appeals for the Eight Circuit had done in the Dunne case.

ACTIVITIES AFFECTING THE ARMED FORCES

18 U. S. C. 2387 provides that—

"(a) Whoever, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States:

"(1) advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

"(2) distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States—

"Shall be fined not more than $10,000 or imprisoned not more than 10 years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the 5 years next following his conviction.

"(b) For the purposes of this section, the term "military or naval forces of the United States" includes the Army of the United States, the Navy, Marine Corps, Coast Guard, Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve of the United States; and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel."

18 U. S. C. 2388 provides that—

"(a) Whoever, when the United States is at war, willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or

"Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service or the United States, or attempts to do so—

"Shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

"(b) If two or more persons conspire to violate subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in said subsection (a).

"(c) Whoever harbors or conceals any person whom he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this section, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"(d) This section shall apply within the admiralty and maritime jurisdiction of the United States, and on the high seas, as well as within the United States."

The case of William Dudley Pelley illustrates the application of 18 U. S. C. 2388. *United States* v. *Pelley* (132 F. 2d 170 (App. D. C.), certiorari denied 318 U. S. 764, rehearing denied 318 U. S. 801).

REGISTRATION OF FOREIGN AGENTS

22 U. S. C. 611, et seq. (the Foreign Agents Registration Act) provides for the registration with the Attorney General of agents of foreign principals and for the labeling of political propaganda (as defined in the statute) disseminated by such foreign agents. An important successful prosecution under this statute was that of George Sylvester Viereck. *Viereck* v. *United States* (139 F. 2d 849, certiorari denied, 321 U. S. 794). More recently, Amtorg Trading Corp. plead nolo contendere to a charge of failure to register, and thereafter registered.

SABOTAGE

18 U. S. C. 2151–2156 contains detailed criminal provisions relating to sabotage. The absence of prosecutions under this statute reflects the fact that there have been no known successful attempts at sabotage in recent years.

ESPIONAGE

18 U. S. C. ch. 37 deals with espionage. While these statutes need tightening up in the respects requested by the President, they are being currently employed to prosecute Harry Gold and others who worked with the spy Fuchs. Previously, convictions were obtained against Judith Coplon and Valentine Gubitchev.

PERJURY AND THE MAKING OF FALSE STATEMENTS

18 U. S. C. 1621 provides that:

"Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than 5 years, or both."

18 U. S. C. 1001 provides that:

"Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

The applicability of these statutes to Communist and other totalitarian threats to the security of the United States may not be readily apparent. However, it must be understood that these are powerful weapons against the secrecy and mendacity which are the necessary cloaks of subversive activity. For example, the recent successful prosecutions of Alger Hiss and Harry Bridges were based upon the perjury statute. Carl Marzani was convicted under 18 U. S. C. 1001 for falsely stating to his superiors in the Government service that he had never been a Communist. *Marzani* v. *United States* (168 F. 2d 133, affirmed and reaffirmed, 335 U. S. 895, 336 U. S. 922).

Under a similar false statement provision in the passport statute (now 18 U. S. C. 1542), the Communist leader Earl Browder was convicted of making false statements to obtain a passport. *Browder* v. *United States* (312 U. S. 335).

EXCLUSION AND DEPORTATION OF ALIENS

8 U. S. C. 137 and 155 generally provide for the exclusion or deportation from the United States of aliens who advocate or teach the overthrow by force and violence of the Government of the United States. Such advocacy at any time after entry requires the deportation of an alien. During the years 1947–50, approximately 200 Communists were excluded at the borders and seaports. Two hundred and twenty-one deportation cases based on such charges against Communists are now in process. There are outstanding orders for the deportation of about 150 Communists; the difficulty in finding a country that will accept them led to the President's request for special surveillance powers.

GOVERNMENT EMPLOYMENT

Executive Order 9835 of March 21, 1947, which is based in part upon section 9A of the Hatch Act, provides a comprehensive program for excluding and removing from the Federal civil service any person as to whom "reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States." Among the factors to be considered in making such loyalty determinations is—

"Membership in, affiliation with, or sympathetic association with any foreign or domestic organization, association, movement, group, or combination of persons, designated by the Attorney General as totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means."

Pursuant to Executive order, the Attorney General has designated 159 organizations as totalitarian, Fascist, Communist, or subversive, etc. The results of this program as of June 30, 1950, may be summarized in part as follows: more than 2,000,000 employees were checked by the Federal Bureau of Investigation; full field investigations were had in about 12,000 cases. One hundred and twenty-eight incumbent employees were dismissed and 102 applicants and conditional appointees were excluded from Federal employment.

The validity of the loyalty program has been sustained in the lower Federal courts and is presently before the Supreme Court in three cases.

Existing Federal statutes confer powers of summary discharge upon the Atomic Energy Commission, the Department of State, and National Defense. In addition, H. R. 7439, now pending before the President, would extend such powers to certain other agencies of the Federal Government.

PASSPORTS

22 U. S. C. 211 confers upon the Secretary of State discretionary authority to issue passports. This power may be and is used to deny passports in the interests of the United States. A recent example is the denial or cancellation of a passport to Paul Robeson.

TAX DEDUCTIONS AND EXEMPTIONS OF SUBVERSIVE GROUPS

In the administration of the tax laws, the Commissioner of Internal Revenue denies exemption from income tax under section 101 of the Internal Revenue Code to subversive organizations, and denies allowance of deductions in tax returns for contributions made to such organizations. The International Workers Order, the Joint Anti-Fascist Refugee Committee, and the National Council of American-Soviet Friendship are examples of organizations which have been denied such exemptions and deductions.

Mr. HUMPHREY. Mr. President, the substitute measure which has been presented by the Senator from West Virginia [Mr. KILGORE] and other Senators has two titles, as I have previously stated. Title II is the emergency detention title, and title I incorporates the recommendations of the bill (S. 4061) introduced by the Senator from Illinois [Mr. LUCAS],

the Senator from Washington [Mr. MAGNUSON], and other Senators, which have now been included in both the McCarran bill and the Kilgore substitute to strengthen certain existing laws. The Kilgore substitute, which includes the President's recommendations, is embodied in Senate bill 4061 provides that persons who have knowledge of or who have received instructions in espionage, counterespionage, or sabotage tactics from any foreign country or a foreign political party, subject to certain exceptions, are required to register under the Foreign Agents Registration Act. The exceptions cover innocent knowledge and cases sanctioned by the intelligence authorities in the interest of security.

The Kilgore substitute, title I, prohibits Government employees from becoming members of any organization advocating the overthrow of the Government. This provision, together with Executive Order 9835, establishing membership in a Communist organization as a factor in determining loyalty, and the annual clause in appropriation bills denying the use of appropriated funds for the pay of any Communist, completes a loyalty program denying Government employment to Communists.

The McCarran bill has a feature denying any Government employment to any person who has registered or is a member of a registered organization which is a Communist-controlled or a Communist-front organization.

I submit, Mr. President, that the existing law, plus the recommendations made by the President, which have been incorporated in the Kilgore substitute and which appear also in some parts of the McCarran bill, gives adequate protection.

Provisions of law dealing with the issuance of passports are to be found in 22 United States Code 211, 299. They give to the Secretary of State discretion to deny passports to Communists and others in the interest of national security.

I think it should be pointed out that the Secretary of State has exercised that power, and the provisions of the Kilgore substitute merely strengthen his power and make the law much more definite.

Since February 1948 the Bureau of Internal Revenue has denied deductions and exemptions with respect to organizations listed by the Attorney General under the loyalty program. Examples of such denials by the Bureau are the International Workers Order, the Joint Anti-Fascist Refugee Committee, and the National Council of American-Soviet Friendship.

The McCarran bill contains a specific legislative provision denying all tax deductions for contributions made to any organization registered under this act, and the organization itself will not be eligible for tax-exemptions as a nonprofit organization.

The Bureau of Internal Revenue since February 1948 has been denying deductions and exemptions with respect to organizations listed by the Attorney General under the loyalty program, and the recommendations in the Kilgore substitute would tighten them and make them iron clad.

Under the McCarran bill, any individual who was a member of a registered Communist political organization, but whose name was omitted by the officers of that organization, must himself register with the district attorney, or he may be fined or imprisoned.

The prosecution of members of the Communist Party attained by these provisions may be carried out under the Smith Act, under which the 11 Communist leaders have already been convicted.

In other words, the Smith Act is the power or the source that would be used to obtain convictions of those who are in any way guilty of conspiring to overthrow the Government of the United States.

Mr. President, there is a great deal of new proposed law in the Kilgore substitute which would strengthen the Espionage and Sabotage Acts. That is the portion of the bill which seems to me to be of basic importance to the security of our country. For example, under espionage the following conduct would be punishable by a fine of up to $10,000, imprisonment for not more than 10 years, or both:

First. Persons entering upon or flying over any facility related to national defense for the purpose of obtaining information respecting national defense with intent or reason to believe that the information is to be used to the injury of the United States or to the advantage of any foreign nation. Any person who otherwise obtains such information with similar purposes is subject to such punishment.

Second. A person unlawfully in possession of vital information who has reason to believe that it could be used to the injury of the United States who willfully retains it, or willfully communicates it, or attempts to communicate it, to any improper person.

Third. A person entrusted with vital information who, through gross negligence permits it to be removed from proper custody or who has knowledge that such information has been illegally removed and fails to report promptly this act to his superior officer.

The statute of limitations applicable to the acts listed above and also applicable to harboring and concealing persons guilty of such acts and to conduct involving communications or attempted communications with a foreign country, is extended from 3 to 10 years.

Persons who have knowledge of or have received instructions in the espionage, counterespionage, or sabotage tactics of a foreign country or of a foreign political party, subject to certain exceptions, are required to register under the Foreign Agents Registration Act. The exceptions cover innocent knowledge and cases sanctioned by the intelligence authorities in the interest of security.

The whole program which I am now discussing is a result of interdepartmental intelligence committee recommendations. Without going into further detail I simply wish to point out that the provisions of the McCarran bill which are designed to strengthen our sabotage, espionage, and deportation laws, as well as the provisions dealing with Government employment, and subversive organizations are already covered by existing law and would be covered under the terms of the Kilgore substitute.

Mr. President, I should like to incorporate into the RECORD a few statements which have direct reference to some very splendid people. I have before me a letter dated August 31, addressed to me by John L. Stauffer, bishop, Virginia Mennonite Conference; Wilmer S. Shelly, president, Eastern District Conference of the General Conference of Mennonites of North America; Noah G. Good, secretary, Lancaster Mennonite Conference Peace Problems Committee; J. Harold Sherk, executive secretary peace section, Mennonite Central Committee; and William T. Snyder, director, Mennonite aid section of Mennonite Central Committee.

The letter deals particularly with the revision of the Naturalization Act and with the provisions in the McCarran bill which have to do with the oath of allegiance. I am sure that we wish to give due regard and due consideration to the religious beliefs and religious practices of sincere and conscientious religious people. The tradition of America has been one of great respect for the sincere religious convictions of people, whether from other lands or people in our own country, who because of their religious and conscientious convictions at times are unwilling and in fact cannot, because of their moral code, make certain commitments and certain statements which others would feel free to make.

I ask that the letter be incorporated in the RECORD as part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *August 31, 9150.*

HON. HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HUMPHREY: We, the representatives of the Friends Committee on National Legislation, the Brethren Service Commission, and the Mennonite Central Committee, wish to call your attention to a change in the naturalization oath provided for in the McCarran bill, S. 4037. It is our belief that the present oath is adequate and should remain unchanged.

We refer to section 30 which would amend the Nationality Act of 1940, as amended, requiring one taking an oath either to "agree to bear arms if required by law" or to "perform noncombatant service in the Armed Forces of the United States when required by law."

Adoption of this change in the naturalization oath would mean that any person who because of religious training and belief feels he cannot conscientiously participate in military service would be excluded from the possibility of naturalization as an American citizen.

The three faiths of which the signers of this letter are a part have encouraged their members to be careful and productive citizens of this country, and we believe that a contribution has been made to the good of our country even though many members have not been able to bear arms in its behalf. It is our feeling therefore, that the willingness to bear arms should not be the sole criterion on which naturalization should be based.

The oath as it now stands says, "to support and defend the Constitution and the

laws of the United States against all enemies foreign and domestic." This provision is adequate to protect the United States against subversive elements which might apply for citizenship if adequate investigation is made.

The requirement to agree to bear arms or to do noncombatant service seems irrelevant for every citizen is required to obey the law or accept the consequences. In a recent opinion of the United States Supreme Court, February 20, 1950, the Court said that the right of United States citizenship should not be destroyed solely on the ground that a person, because of religious conviction and belief, could not shoulder a gun in time of war when there is sufficient evidence that such a person is willing to aid his country in other ways in an emergency.

We realize that S. 4037 is basically an internal security bill and is aimed at subversive elements in our country. It is hard to believe that such a change in the naturalization oath could have any effect upon this problem for those who would conspire against our country would not hesitate to take this revised oath. It is only those who are motivated on a high moral plane who would, because of moral and religious principles, refuse to take such an oath. Is it the desire of Congress to prevent people of high moral and religious principles from coming to our country?

By adopting this provision it seems to us that the United States would be reversing its time-honored position of recognizing the right of freedom of religious belief. We hope that you, as a member of the Senate, will assist in the elimination of this provision, allowing the naturalization oath to stand as it is.

Attached to this letter are excerpts from a statement previously prepared by the Mennonite Central Committee on this subject which we believe would give you further information on this matter.

Sincerely,

J. HAROLD SHERK,
Executive Secretary, Peace Section, Mennonite Central Committee.
C. LLOYD BAILEY,
Associate Secretary, Friends Committee on National Legislation.
W. HARLOW ROW,
Executive Secretary, Brethren Service Commission.

EXCERPTS FROM A STATEMENT BY THE MENNONITE CENTRAL COMMITTEE SUBMITTED TO THE IMMIGRATION AND NATURALIZATION SERVICE, CONCERNING PROPOSED CHANGES IN THE NATURALIZATION OATH

This delegation, representing the larger constituent bodies of the Mennonite Central Committee, comes to you with a deep concern.

The Mennonite people of the United States have deeply appreciated the provision which has been made by our Government for the recognition of those who, because of religious training and belief, cannot conscientiously serve as members of the Armed Forces. This conviction concerning military service, founded on the teaching and example of Christ, has been held by Mennonites throughout their history. The recognition of this conviction, as held by our people and many others, was well-expressed by the Selective Service Act of 1948, Deferment and Exemptions, section 6 (j):

"Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation."

We teach loyalty to our country and obedience to duly constituted authority, but with the conviction that "we ought to obey God rather than men" in any matter where the law of the state is in conflict with our understanding of the divine law. We are ready to give our country and humanity at large any sacrificial service that is consistent with our religious principles. This was demonstrated during World War II by 4,665 of our young men who served the country in work of national importance through civilian public service, in forestry, agriculture, mental hospitals, and as "guinea pigs" in medical research. Since the end of the war and continuing currently the Mennonite Church has been conducting a program for the relief of human need around the world.

During the 400 years of our history, Mennonites at times found themselves in difficulty with various governments because of our convictions on military service, and have repeatedly been subjected to persecution, even to death. Through the invitation of William Penn, founder of the State of Pennsylvania, the first Mennonite settlers came to this country in 1683, finding here the religious liberty which had been denied them in their native lands. In the more than 250 years since, thousands of others have found haven here, and we believe have proved their worth as citizens.

Legislation recently introduced in the Senate has caused us deep concern because of its possible effect on the eligibility for naturalization of persons of our faith who may desire to become United States citizens. We refer particularly to S. 3455, section 336. This measure as we understand it, would require military service, either combatant or noncombatant, of any applicant for citizenship and would disqualify members of the Mennonite church from receiving citizenship.

We are persuaded that our position is not incompatible with the highest requirements that our Government should expect from those who petition for citizenship.

We earnestly request, therefore, to retain in the naturalization laws and regulations provision whereby persons who cannot serve in the Military Establishment either as combatants or noncombatants because of religious training and belief, may nevertheless, if otherwise qualified, be granted citizenship.

Respectfully submitted.

JOHN L. STAUFFER,
Bishop, Virginia Mennonite Conference.
WILMER S. SHELLY,
President, Eastern District Conference of the General Conference of Mennonites of North America.
NOAH G. GOOD,
Secretary, Lancaster Mennonite Conference, Peace Problems Committee.
J. HAROLD SHERK,
Executive Secretary, Peace Section, Mennonite Central Committee.
WILLIAM T. SNYDER,
Director, Mennonite Aid Section of Mennonite Central Committee.

Mr. HUMPHREY. Mr. President, I have before me a joint statement on the national security legislation, which I ask to have incorporated in the RECORD at this point as part of my remarks.

There being no objection, the joint statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT ON THE NATIONAL SECURITY LEGISLATION NOW PENDING BEFORE THE CONGRESS

The undersigned officers of organizations, conscious of the need for adequate internal security measures, united in their opposition to all totalitarian political movements, and committed to the preservation of the democratic way of life at home and abroad, are unalterably opposed to the McCarran (S. 4037), Mundt-Ferguson (S. 2311), and Wood (H. R. 9490) bills pending before the Congress. We urge that legislation in the spirit of the President's message of August 8 on national security be substituted for these measures. The Magnuson and Celler bills (S. 4061 and H. R. 9502) are such an approach to the problem, and although some of the undersigned have objections to some of their provisions, we consider them clearly preferable to the McCarran and Mundt-Ferguson proposals.

The McCarran, Mundt-Ferguson, and Wood bills are indiscriminately repressive measures, ostensibly written to meet the Communist threat to our national security, but they will not do that job. They jeopardize the rights of individuals and of organizations which not only are not subversive but are dedicated in principles and program to the fight against communism. They represent a hysterical approach to a serious national problem which can only be met through an understanding of the nature of the Communist movement in this country and a faithful adherence to the basic principles of the Bill of Rights.

The Magnuson and Celler bills would be more adequate to protect the country against threats while maintaining confirmity to traditional American guaranties of individual freedom. We most earnestly hope that the Congress will not endorse totalitarian methods to fight totalitarian dangers.

Dr. Ralph E. Himstead, General Secretary, American Association of University Professors; Ernest Angell, Chairman of the Board, and Patrick Murphy Malin, Director, American Civil Liberties Union; James Loeb, Jr., Executive Secretary, Americans for Democratic Action; John Slawson, Executive Director, American Jewish Committee; Isaac Toubin, Acting Director, American Jewish Congress; Elmer W. Henderson, Director, American Council on Human Rights; Dr. Merrill E. Bush, American Unitarian Association; Michael Straight, Chairman, American Veterans Committee; Benjamin R. Epstein, Executive Director, Anti-Defamation League of B'nai B'rith; Jack Wasserman, Legislative Representative, Association of Immigration and Nationality Lawyers; Frank S. Ketcham, Counsel, Council for Social Action, Congregational Christian Churches; Wallace J. Campbell, Director, Washington Office, Cooperative League of the U. S. A.; Jacob Patt, Executive Director, Jewish Labor Committee; Ben Kaufman, Executive Director, Jewish War Veterans of the United States of America; E. Raymond Wilson, Executive Director, Friends Committee on National Legislation; A. J. Hayes, International President, International Association of Machinists; H. L. Mitchell, President, National Farm Labor Union, A. F. of L.; Isaiah M. Minkoff, Executive Director, National Community Relations Advisory Council; Mrs. Joseph L. Willen, Chairman, Committee on Education and Social Welfare, National Council of Jewish Women; Emanuel Berlatsky, President, National Association of Jewish Center Workers; Mrs. Theodore O. Wedel, Chairman, Department of Christian Social Relations, United Council of Church Women; Maurice N. Eisendrath, President, Union of American Hebrew Congregations.

Mr. HUMPHREY. Mr. President, I should like to read certain portions of the statement:

The undersigned officers of organizations conscious of the need for adequate internal security measures, united in their opposition

to all totalitarian political movements, and committed to the preservation of the democratic way of life at home and abroad, are unalterably opposed to the McCarran (S. 4037), Mundt-Ferguson (S. 2311) and Wood (H. R. 9490) bills pending before the Congress. We urge that legislation in the spirit of the President's message of August 8 on national security be substituted for these measures. The Magnuson and Celler bills (S. 4061 and H. R. 9502) are such an approach to the problem, and although some of the undersigned have objections to some of their provisions, we consider them clearly preferable to the McCarran and Mundt-Ferguson proposals.

The McCarran, Mundt-Ferguson and Wood bills are indiscriminately repressive measures, ostensibly written to meet the Communist threat to our national security, but they will not do that job. They jeopardize the rights of individuals and of organizations which not only are not subversive but are dedicated in principles and program to the fight against communism. They represent a hysterical approach to a serious national problem which can only be met through an understanding of the nature of the Communist movement in this country and a faithful adherence to the basic principles of the Bill of Rights.

The Magnuson and Celler bills would be more adequate to protect the country against threats while maintaining confirmity to traditional American guarantees of individual freedom. We most earnestly hope that the Congress will not endorse totalitarian methods to fight totalitarian dangers.

The message is signed by Dr. Ralph E. Himstead, general secretary, American Association of University Professors; Ernest Angell, chairman of the board, and Patrick Murphy Malin, director, American Civil Liberties Union; James Loeb, Jr., executive secretary, Americans for Democratic Action; John Slawson, executive director, American Jewish Committee; Isaac Toubin, acting director, American Jewish Congress; Elmer W. Henderson, director, American Council on Human Rights; Dr. Merrill E. Bush, American Unitarian Association; Michael Straight, chairman, American Veterans Committee; Benjamin R. Epstein, executive director, Anti-Defamation League of B'nai B'rith; Jack Wasserman, legislative representative, Association of Immigration and Nationality Lawyers; Frank S. Ketcham, counsel, Council for Social Action, Congregational Christian Churches; and many others.

To sum up my arguments against the pending measure, I wish to stress a few points.

First I refer to the registration provision. I do not say that the registration provisions per se are evil, or that they are foreign to our Nation, because we have many laws which require registration of certain organizations, and certain types of people. However, I say the registration provisions are ineffective. I believe that before proponents of this type of legislation can properly present such legislation to the Congress and hope to receive support they must answer the argument made by the Senator from Illinois [Mr. DOUGLAS].

The Senator from Illinois [Mr. DOUGLAS] by a careful, detailed analysis, by citing facts, by giving his observations, pointed out that under the registration provisions of the McCarran bill it might take anywhere from 2 to 4 years before a Communist-front organization or a Communist-controlled organization would be registered, and that in the meantime the Communists would be at large. I submit that it is the responsibility of the proponents of the bill to answer that charge without any doubt being left in the minds of those who may listen to the answer, or who may read it.

I also want the proponents of the McCarran bill to answer the Attorney General. I want them to disprove the charge of the Attorney General that the proposed legislation would be ineffective. I want them to refute, by conscientious, legitimate argument, the remark of the Attorney General that the Mundt-Ferguson portions of the McCarran bill would complicate, and in fact, burden the law-enforcement facilities of the Federal Bureau of Investigation, in other words, burden them to such a point that they would not be able adequately to protect the internal security.

I placed in the RECORD the letter of the Attorney General to the majority leader. I ask the proponents of the McCarran bill to answer it, to answer it point by point, not by saying, "We need Communist-control legislation."

I want the proponents of the McCarran bill, and those who sponsor it, to point out how we would catch a Communist under it. I want them to relate the registration provisions to the menace of international communism in this country. I want them to point out how they would prove that the Communist Party is foreign-controlled. I want them to answer why they exclude organizations which may be domestic organizations. As I have said, dictatorship, whether it comes from within or without, is repulsive to me.

Why is there any reason for the proponents of the McCarran bill to believe anyone would register under the McCarran bill when the Communists refuse to register under the Voorhis Act? It seems to me that is the most ample answer.

More than that, I wish to say, on the positive side, that our country has not been derelict in its responsibility, nor is our Government. We have all kinds of law enforcement. We have much of it. We have laws on the books, and I shall enumerate some of them.

First. The Smith Act: Under this statute any person active in the Communist movement or a member of the Communist Party can be prosecuted. The decision of the Court of Appeals, Second Circuit, has cleared the way for the successful enforcement of this act.

Second. The Nationality Act: Under this act any person can today be denied citizenship who at any time within 10 years has advocated the revolutionary doctrines of the Communist movement. It is the view of the Immigration and Naturalization Service that this law is adequate to meet our security needs.

Third. The Immigration Act: Under this law any undesirable alien can today be excluded from the United States. The deportation provisions of this act need improvement and this bill will attain that result.

Fourth. The Foreign Agents Registration Act: Under this act any person or organization acting as an agent of a foreign government must register with the Attorney General, and the Kilgore substitute, which we advance, would broaden these provisions and strengthen them.

In addition to these there are the following acts:

First. The treason statute.

Second. The peacetime espionage laws.

Third. Law relating to sabotage of utilities and premises relating to the national defense.

Fourth. The loyalty program.

Title I of the Kilgore substitute, which embodies the President's recommendations, provides as follows:

This bill recognizes certain existing administrative practices including the denial of passports to Communists and others in the interest of national security; the practices of the Bureau of Internal Revenue in denying exemptions from taxation to certain organizations determined by the Attorney General to be subversive and the denial of income deductions for contributors to such organizations and the prosecutions for purjury under the United States Code.

This bill then proceeds to amend existing laws in order to strengthen the internal security of the United States.

ANALYSIS OF BILL AND COMPARISON WITH PRESIDENT'S MESSAGE

The President in his message stated:

First, I recommend that the Congress remedy certain defects in the present law concerning espionage, the registration of foreign agents, and the security of national defense installations, by clarifying and making more definite certain language in the espionage laws, by providing an extended statute of limitations, for peacetime espionage, by requiring persons who have received instructions from a foreign government or political party in espionage or subversive tactics to register under the Foreign Agents Registration Act, and by giving broader authority than now exists for the President to establish security regulations concerning the protection of military bases and other national defense installations.

These recommendations are all carried out in certain sections. In general, these sections of the bill amend our existing laws in the following respects:

First. A person unlawfully in possession of vital information can be prosecuted, although the Government has not made a demand upon him for the information. Under our present laws, a demand must first be made before such a person can be prosecuted for willfully retaining such information.

Second. A person entrusted with vital information can now be prosecuted if, through gross negligence, he permits such information to be removed from its proper place of custody, or be delivered to anyone, in violation of his trust. This provision is retained, but, in addition, a person would also be liable for punishment under this bill if he has knowledge that such information has been illegally removed from its proper place of custody, or delivered to anyone, in violation of his trust, and fails to

report promptly this fact to his superior officer.

Third. The statute of limitations on all acts of espionage and acts of unlawful negligence endangering our security would be increased from 3 to 10 years.

Fourth. Persons who have knowledge of, or have received instruction in, the espionage, counterespionage, or sabotage tactics of a foreign country, or of a foreign political party, subject to certain exceptions, would be required to register under the Foreign Agents Registration Act—the exceptions cover innocent knowledge. Under existing law, a person trained by a foreign government for the purpose of espionage or sabotage is immune from prosecution, unless there is substantial evidence of overt acts violating our espionage laws. This provision would enable the Government to prosecute potential saboteurs before they commit any acts of espionage or sabotage.

Fifth. Penalties of $5,000 and imprisonment for not more than 1 year are provided in cases where persons willfully violate regulations of the Secretary of Defense designed for the security of our military facilities. Such regulations must be approved by the President. A similar law formerly in effect expired on June 30, 1947. In time of national emergency the President, under this proposed bill, could extend the protection of this section to nonmilitary facilities and property.

BROADENING THE DEPORTATION LAWS

The President in his message stated:

Second. I recommend that Congress enact legislation permitting the Attorney General to exercise supervision over aliens subject to deportation and to require them, under the sanction of criminal penalties, to report their whereabouts and activities at regular intervals. In a number of cases, aliens under deportation orders cannot be deported because no other country will accept them. A bill pending before the Congress would permit the Attorney General in certain cases to detain such aliens in his custody for indefinite periods of time—not pursuant to a conviction for crime but on the basis of an administrative determination. Such action would be repugnant to our traditions, and it should not be authorized. Present law, however, is inadequate to permit the proper supervision of deportable aliens, and should be strengthened as I have indicated.

The Kilgore substitute carries out these recommendations of the President.

BACKGROUND AND ANALYSIS

Under the Immigration Act of 1917, the Attorney General is authorized to deport aliens who have violated the immigration laws of the United States. Deportation proceedings under the laws may be entered against aliens (1) who have engaged in subversive activities, (2) who have committed criminal offenses, (3) who have violated the narcotics laws, (4) who have committed immoral acts, (5) or who may prove to be public charges.

FACILITATING DEPORTATIONS

Section 20 of the Immigration Act authorizes the Attorney General to deport an alien to the country from which he embarked for the United States, to the country of which he is a subject or a citizen, or to the country of his birth. This section has been interpreted as requiring the Attorney General to attempt deportation to the countries in the order of their listing in the Immigration Act. This has resulted in considerable unnecessary delay in those cases where arrangements might be made without difficulty with the last-named country.

These difficulties in the way of deporting an alien would be corrected by a section of this bill which would amend section 20 of the Immigration Act by authorizing the Attorney General to deport an alien, to the country specified by the alien. If that country is unwilling to accept him, the Attorney General may at his discretion and without priority of order deport the alien to the country where he embarked for the United States, or to the country in which he formally resided, or to the countries of his citizenship or birth. If he cannot be sent to any of these places, then he may be sent to any country that will accept him, which is not permissible under existing law.

DETAINING AND SUPERVISING DEPORTABLE ALIENS

The Federal courts are divided as to the right of the Attorney General to keep an alien in custody for the full period during which deportation proceedings are pending against him.

The latest court decisions support the view that the Attorney General may detain the alien during this period.

Upon the issuance of a warrant of deportation, the Attorney General has authority to place the alien in custody for deportation. However, in practice it frequently occurs that long delays in arranging with a foreign country to accept the alien ensues. It some times has taken as long as a year or even more to make the necessary arrangements with a foreign country. The Attorney General under existing laws has no express power either to detain the alien or to supervise his activities during this long period.

After the alien has been taken into custody following the warrant of deportation, he may resort to a Federal court for a writ of habeas corpus asking that he be placed at liberty during the period prior to his actual deportation. The courts in some cases have held that the Attorney General cannot hold the alien in custody for a period longer than 2 or 3 months after the issuance of the warrant of deportation. Other courts have held that the alien may be retained in custody for a longer period.

In all cases the courts have decided that the due-process clause of the Constitution prevents indefinite custody of the alien by the Attorney General without express statutory authority.

There may be a constitutional question as to whether such a person could be indefinitely detained even with statutory authority, under normal conditions. It was this point which the President raised in his message when he opposed indefinite detention.

This bill carries out the President's recommendations by adding the following provisions to the Immigration Act.

The Attorney General is authorized to continue in custody, or release under bond, or on conditional parole any alien against whom deportation proceedings are pending. This provision in the bill clarifies the decisions of the courts which were split on the question of the Attorney General's right to detain aliens during this period.

The Attorney General is also authorized to either detain, release on conditional parole, or under bond any alien against whom a warrant of deportation has been issued, for a period of 6 months thereafter. This provision will have the effect of denying the alien the privilege of asking for liberty through a writ of habeas corpus during this 6 months' period as he might do under the present law.

The Attorney General is also authorized to supervise the activities of aliens indefinitely while they await deportation. This supervision consists of:

First. Appearing from time to time before an officer designated by the Attorney General for identification.

Second. Submitting if necessary to medical and psychiatric examination.

Third. Giving information under oath as to his circumstances, habits, associations, and activities and conforming to reasonable written restrictions prescribed by the Attorney General.

Any alien failing to comply with these requirements will be guilty of a criminal offense and may be imprisoned or fined.

It is believed that the Attorney General should have clear authority under his supervisory powers in the case of aliens endangering our security.

A provision has been included expressly authorizing the Attorney General to exclude certain dangerous aliens from areas vital to our national security. It is believed that this provision will considerably strengthen the supervisory power of the Attorney General and at the same time meet the President's objection to indefinite detentions.

Mr. President, besides taking every recommendation of the Interdepartmental Committee on Intelligence, which represents military-intelligence services and the FBI, we have added in the Kilgore substitute another significant title. In fact, I say very candidly that that title was so strong, and it seemed so powerful, that I hesitated to join in supporting it. But I recognize that we are not living in a peaceful world, and that when there is a real menace to our internal security we must be able to act with speed and certainty.

Therefore, those of us who join in support of the Kilgore substitute placed title 2 in the substitute, which provides an emergency interim detention system, so that on the occasion of rebellion or insurrection, on the occasion of invasion or impending invasion, war or the declaration of war, or a concurrent resolution of Congress and a declaration of emergency by the President, the Federal Bureau of Investigation or the Attorney General could put into internment men or women who are known to be dangerous to our country in that they would commit acts of espionage or sabotage. I submit there is nothing in the McCarran bill that would provide for such. Under that bill we would attempt to register

people, even though the Attorney General says it would take from 2 to 4 years to get them registered. But S. 4130, the Kilgore substitute, would register those who are to be registered, the dangerous ones, and it would intern those who would commit acts of sabotage. I submit that we are striking hammer blows in behalf of internal security, and I submit that the McCarran bill works the spray-gun method of spraying all over, hoping somehow or other that the political insecticide used will kill something. It is an ineffective piece of legislation.

Mr. President, I must say that there is so much to the McCarran bill that it is unfair for anyone to say it is all ineffective. There are many parts of the McCarran bill that are good. I direct my remarks especially to sections 1 to 17. I also direct some remarks to portions of the bill as it pertains to immigration. But primarily I refer to sections 1 to 17. It is an omnibus bill. It includes many pieces of legislation, and I think that is bad practice. I do not think it is good to have a bill come before us which covers four or five different subjects when it deals with such precious things as human liberty, human freedom, the right of a man's citizenship, the nature of his oath of allegiance, and other things included in the terms of the bill.

I hope that the Senate of the United States will proceed with caution. I hope it will proceed with wisdom and the statesmanship for which it is so well known and honored. I hope it will remember the lessons of the past. I hope it will remember that time and again in our national history there have been occasions when men desired that other men be put away. I remind this body, and I remind every American citizen, that it was less than 100 years ago that a political party tried to do to the Catholic Church what the McCarran bill would now do to the Communist Party, namely, require all Catholics to register. I remind this body that a hundred and thirty years ago a political party tried to do to the Masonic Order what the McCarran bill would try to do to the Communist Party.

I remind Senators that neither one of those proposals was effective, and this proposal will not be effective either. The Communist conspiracy, with its evil intent and design, should not be compared to the good works of religious organizations and religious bodies, but we do have people who lose their sense of judgment in hysteria; we do have people who are anti-Catholic; we do have people who are anti-Masons; we do have people who are anti-Jewish; we do have people who are anti-Negroes; we have people who are anti-this and anti-that. Once the floodgates of discriminatory legislation are opened, God save America.

What we ought to be concerned with is the internal security of America and the protection of human liberty and human rights. I submit that, viewing the problem in that light, we should rely only on the testimony of experts; we should rely only on the testimony of men trained in the field. I have yet to hear one expert, one man who is responsible for the internal security of the United States, who has come before Congress and recommended Senate bill 4037. I have been trying to find out who did recommend it. I have read the testimony of noted lawyers, such as Charles Evans Hughes, Jr., and John W. Davis, who have doubts as to its constitutionality. They believe it may be in violation of the fifth amendment, which provides that a man shall not be required to testify against himself. Yet if the Communist Party fails to register a person, that person is required to come forward and register himself; yet if he registers himself as an active member of the Communist Party, and the Communist Party is employed by a foreign government, ipso facto he is liable to prosecution under the Smith Act. There is language in the bill that would try to set that law aside, or at least to modify it. But when we go all through it, what do we have in the provisions of the McCarran bill? We have litigation upon litigation; we have a ceaseless, endless process of trying to find people who have not registered.

In the meantime the Federal Bureau of Investigation, which is charged with the real protection of the internal security of the country, is off trying to apprehend the people who cannot and who will not register or who have refused to register. The record has been filled with testimony to the effect that the Communist Party is beginnnig to go further underground; that it is reorganizing itself; that it is doing away with some of its old records—cleaning house, so to speak. It is telling its most competent, most alert, and most insidious members to become respectable, to join good things, to sponsor good causes. Now, it is going to be necessary to prove that these people are Communists, and that requires a great deal of time.

I remind the Senate that the men and the women who are involved with the enforcement of these laws are not here urging that Senate bill 4037 be passed. In fact they are protesting against it and other similar measures.

The substitute measure takes every recommendation that has been made by the President and the Department of Justice, and incorporates it in the body of the substitute. Besides that, the substitute says that there may be a day in the not too far distant future when this country may be faced with a dire emergency, when bombers may be flying over us, when there is an impending invasion, and then what would the McCarran bill do? It would say, "You nasty fellows, come forward and register, because maybe we are going to have a war." Would that help? Before they came to Washington to register they would perhaps stop off and drop a few bombs en route.

What the Kilgore bill would do is what we know ought to be done. It would provide that these scoundrels would be picked up and put where they properly belong, in internment camps. The Federal Bureau of Investigation has the names of 55,000 members of the Communist Party. Why do we need another list? Why do we need another red book? Is some Member of the Senate going to pin a badge on himself and become a self-appointed FBI man? The FBI knows where these people are. J. Edgar Hoover came before the Appropriations Committee and said he needed $6,000,000 more to hire agents so as to keep track of 12,000 really dangerous Communists. And he said, "I can pick them up like that"—snapping his fingers. We provide in our substitute the way to pick them up.

We give them protection by way of appeal, but we pick them up first. And when their appeal is pending they do not get out. But when provision is made only for registration they get themselves a good attorney and no one is put in jail, no one is being taken care of except the attorney, who is being taken care of with handsome fees while he keeps these people out and away from the registration books. Maybe after 2 or 3 years they will be put in jail. But that does not protect the internal security of the United States.

More than that, when attempt is made to begin to identify what is a Communist-front organization, I am afraid it will be necessary to go a long way, particularly on the basis of the criteria which are established. It has been said on this floor, and it needs to be said again, that on the basis of some of the criteria as to what shall constitute a Communist-front organization, a great many very good groups could find themselves in serious trouble. There is no particular standard by which we measure these criteria and their effect, and determine what shall be controlling. There are several items listed as to what units of measurement shall be used so as to determine when an organization is a Communist-front organization or when it is not a Communist-front organization. One of those is the extent to which the political policy of an organization does not deviate from that of a Communist-controlled organization.

Have Senators thought of the possibility that the Communist Party may adopt the Republican platform sometime? They are not beneath doing so. They change their party name, they change their color, they change their program, they change their policy more often than it is alleged a woman changes her mind. There is no reason in the world why the Communist Party cannot reorganize itself and say, "We will follow the provisions contained in the political platform of the Republican Party of 1948. We think that is a pretty good program for the Communist Party." Or they can do the same thing with the platform of the Democratic Party. Then there will be a real question to determine as to how little the platform of one or the other of the two political parties deviated from the platform of the Communist Party.

Some people may say that such a statement is ridiculous. Is it ridiculous? On June 20, 1941, the Communist Party was saying "The Yanks are not coming." On June 22 they said, "The Yanks are not coming too late." That was in June of 1941. They changed their minds in a hurry. And if they believe it to be to their advantage to change their minds all at once, to change their political policy, or the printed statement, or the printed word, to be synonymous with that of the Democratic or Republican

Party, do not think they will not do so if they think they can disrupt this proposed legislation, which some may think is foolproof.

More than that, as has been pointed out on the floor of the Senate, the Communist Party and its international movement, the Cominform, in the case of two or three pieces of legislation for which the American Government has been responsible, has hated it with all the hate it could command, and has villified it. What are those pieces of legislation?

One piece of legislation is the ECA or Marshall plan. Another is the North Atlantic Pact. Another is the military assistance program. Another is the Voice of America. Still another is the point 4 program. There are five of them. The Communist Party has poured out millions upon millions of dollars and it has used thousands and thousands of hours over the radio, and it has used unbelievable numbers of volumes of publications to prove to the world that these programs were no good, that they were imperialistic, that they were warlike, that they represent an effort of America to dominate the world.

Mr. President, you and I know that there is an honest difference of opinion in American public life over some of these legislative proposals, over some of these enactments of our Government. There are men of deep convictions who do not believe in military assistance. I happen to believe in military assistance. There are men of deep and sincere convictions who do not believe in the Marshall plan, and some of them are on the floor of the Senate. I happen to believe in the Marshall plan. They vote their way and I vote my way. There are men of deep convictions who do not believe we ought to be spending money on the Voice of America. I believe we should do so; indeed, I believe we should spend for that purpose much more than we are spending. There are some Members of the Senate who do not believe in the point 4 program, and they express their disbelief by their votes. I believe in the point 4 program, and I express my belief in it by my vote.

I submit that if ever there is applied to the Members of Congress as a unit of measurement how Members of Congress have adhered from the Communist line, the voting record of Members of Congress in regard to the point 4 program, ECA, or military assistance, the result will look rather bad for the Senate and the House of Representatives. You and I know, Mr. President, that such a unit of measurement would be a foolish one. You and I know that such a unit of measurement would represent, perhaps, only a small portion of the total units of measurement which should be applied. On the other hand, I do not know how the subversives board would weight that particular unit of measurement. However, it would have some influence, perhaps some controlling influence, under the terms of the McCarran bill.

So, Mr. President, my plea to the Senate is that we enact legislation which will catch Communists, protect the national security, and at the same time safeguard our basic civil liberties. Let us enact legislation which will pinpoint its effects and hit the bull's-eye, rather than spread out all over the landscape. Let us enact legislation which will be effective in protecting the national security. Let us not be moved by a desire to pass merely some kind of a bill.

Mr. President, earlier in this session I have heard the eloquent pleas of the chairmen of other committees in regard to other proposed legislation. They have pleaded with the Senate, "Let us not go too far, for the Congress will be in session in January 1951, and at that time the Congress can enact further legislation on this subject." I have heard a number of eloquent pleas of that sort, and they have had a moving effect upon me. We heard such a plea in regard to the tax bill, when the chairman of the Finance Committee told us that any action we might take on the tax bill at this time would be only an interim step, and that in the coming session we could handle the whole subject in a more systematic and thorough fashion. The Senate listened to that plea by the chairman of the committee, and acted in accordance with his request.

So, Mr. President, in regard to the proposed legislation now before the Senate, I submit that we should not become overly enthusiastic or move too precipitately.

A short time ago we had before us a bill known as the Mundt-Ferguson-Johnston bill. Now we have Senate bill 4037, which includes half a dozen bills. I venture to say, without attempting to impugn the intelligence or the integrity of anyone in the United States Government, that there are very few people either in our Government or in the United States as a whole who know what is in that bill. I have received numerous telegrams from various persons who ask me to support the bill. In many cases, in response to their telegrams, I have spoken to them and have asked them, "Do you know what is in the bill?"

They say, "Yes, it is an anti-Communist bill, and we want anti-Communist legislation to be enacted."

I reply, "Yes, so do I; but do you know what is in the bill? Do you know the meaning of the various provisions and titles of the bill?"

They reply, "No, but we do not want Communists running around, either in the country or in our Government."

Of course, Mr. President, they have reason to say that, for who does want Communists running around in our country or in our Government? I wish we did not have any Communists here.

However, when I ask those persons, "How do you think we will get the Communists to register, and how long do you think it will take to register them?" they have no idea about that.

Of course, they assume that the Communists will register, because all normal, decent Americans would register when told that they should register. Similarly, all good, decent Americans assume that the definition of a Communist organization would be easy to apply.

Yet I was shocked into a realization of what such a provision could mean when I heard the Senator from New Hampshire [Mr. BRIDGES] speak on the floor of the Senate the other day about the Farmers Union. I wish to remind every Member of the Senate who comes from a farm State that if it can be stated on the floor of the United States Senate with the certainty and the positiveness with which it was stated by the Senator from New Hampshire, that the Farmers Union is a Communist-infiltrated organization, then let us watch out, so far as the passage of such proposed legislation as this is concerned. I think there are approximately 400,000 members of the Farmers Union. They are as good, decent citizens of the United States as any who have ever breathed a breath in this country. To be sure, there have been some Communists among them, for the Communists have not missed a trick; they have infiltrated into chambers of commerce and churches and labor organizations and parent-teacher associations. They have not missed any opportunity along such lines. The only way to handle them is, not by means of a law, but by means of alerting the patriotic citizens of the United States and getting the patriotic citizens to outwork and outmaneuver and outvote the Communists, and ultimately to kick them out of positions of leadership in such organizations. That has happened in virtually every State in the United States.

Yet I asked the Senator from New Hampshire questions about that matter. I asked him, "Is the Senator saying that the Farmers Union has been following the policy of the Communist Party?"

The Senator from New Hampshire replied, "Yes, it is in the record." Then, Mr. President, what is the meaning of the section of this bill which defines a Communist organization? Does it mean that the Farmers Union will be classified as a Communist-front or as a suborganization?

In that connection, what will happen as a result of some of the statements I have heard about other organizations? I have heard some persons say they think the B'nai B'rith is a bad, subversive, Communist-infiltrated organization. However, I do not think so. I think that organization is one of America's finest organizations. But who will determine that, under the provisions of the proposed law which is now being considered by the Senate?

Mr. President, it is very strange to me that Members of Congress who have always been worried about increasing executive power, Members of Congress who have always been worried about giving the President so much power or about giving the executive branch of the Government too much power, Members of the Congress who, time in and time out, have fought every piece of proposed legislation which would put too much power in the hands of the Executive, now are advocating that the Congress give the Attorney General of the United States and the executive department of the Government more power than has ever before been given an executive agency in the entire history of the United States. Under the pending measure it is proposed that a board, to be under the

President, shall be given the power to determine the nature of any organization in our country—in short, to outdo King Solomon in passing judgment—to determine whether this or that organization is a Communist-front organization.

Mr. President, let me remind the Senate that whenever such a judgment is made, some terrible thing may happen; some innocent man may lose his good name. Perhaps the Members of Congress have not worried very much about that matter, lately. Perhaps I am a little cynical. It seems that it does not matter very much, nowadays, whether a man loses his good name. Nowadays we worry more about whether a man is making a dollar, rather than whether he is to preserve his good reputation or whether there will be freedom of intellect and freedom to maintain the American ideals. More good names have been hurt, more good souls have been blemished, by irresponsible remarks made by persons in the Government of the United States in the last year than in the past 20 years of our history. We have gotten into a bad habit in that respect, Mr. President. I am worried that that habit will crystallize by means of the pending legislation. I am worried that a pattern of that sort will thus be established, as a result of charges and countercharges, without any basis in fact. I am worried that such a pattern is being developed, and that sooner or later, by means of the use of the label "Communist-front organization," some persons in our Government or in our political life will kill off or will attempt to kill off proposals which they do not like.

Mr. President, let all of us remember that such a tactic is a two-edged sword; if once a precedent is established for the use of such a procedure to strike down the opposition to certain congressional policies or purposes, eventually we may find such a procedure being used by an executive agency or by the Executive himself to strike down certain other opposition. You and I know, Mr. President, that the present President of the United States or the present Attorney General would use with moderation the legislation now proposed, if it ever were enacted over the President's veto—and I think the possibility of Presidential veto is one which all of us must keep in mind. Of course the President has not yet had an opportunity to veto the bill, because the Congress has not yet passed it; but we should consider the possibility of a veto.

However, if such legislation were enacted, I am sure the present President of the United States would use it with moderation. On the other hand, we cannot predict what the future may hold. We know that at some future time a future Attorney General might use such legislation to serve vicious purposes, for we have not always had the office of the Attorney General occupied by a man of good character. I make that remark without mentioning any names, but certainly it has not been so long ago that we were confronted with such a situation. I remember the hysteria, too, of the 1920's, when the Attorney General's office was used; and, after we got through with the hysteria of the 1920's, we went into the corruption of the 1922–24 period in the Attorney General's office. Under the McCarran bill a vast amount of power would be given to the Attorney General's office and to a subversives board appointed by a President to determine whether one's thoughts, his policy, his attitudes, were such as to deviate from the Communist Party line. What is the amount of deviation? This is a practice followed by the "commies," and it is shocking. This is what these rascals themselves do. This is the way they bring about their purges. Do Senators know what they do? They have a book, and they say, "Now, let's see, there are some people here who are deviating from the pure Stalinist-Leninist position," and they start cutting off the deviates, those who do not quite adhere to what the last edict of Josef Stalin may be. They have cleaned out, through such purges, thousands upon thousands of people.

We have a bill before us which says that the question of what is a Communist-front organization shall be decided, on the basis of certain criteria. One of those criteria has to do with how much one may slip, how close he may be to the Communist political line, and whether he deviates from it.

For example, the Communist Party stands for rent control. How about all of us who believe in rent control? How about the tenants' association in my State, which has but one purpose, namely, rent control? The tenants' association in Minnesota numbers thousands of members, and it has but one purpose—rent control. One plank in the Communist Party political platform is rent control. Does that make the tenants' association in my State a Communist organization? We have, for example, organizations such as the Quakers, or Friends, who believe in disarmament, who believe we ought not to use the atomic bomb, and that we ought not to go to war. They are peaceful people. Sometimes their words sound like propaganda used by the Communist fronts and Communist-controlled organizations. I think all decent citizens know that among the Quakers, or Friends, are some of the most God-loving and God-respecting people the world has ever known. They are wonderful people. Would that we had more people like them. I am afraid they might have trouble under this type of legislation, and I am inclined to believe they think they will have. That is why they send letters to Senators. Let no one ever tell me they are a subversive group. They are not at all subversive.

Yes, Mr. President, there are many organizations that are worried. Organizations such as the American Federation of Labor and the Congress of Industrial Organization and the International Machinists are worried. They are afraid this legislation may be turned against them. I know that the author of this legislation, the members of this committee, and those who are expecting to vote for the McCarran bill would never want it to be turned on the groups I have mentioned. They would be the first to protest. But I also remind them that when a bill is enacted and becomes a public law, it can be used, it can be interpreted, and it can be applied. It can sometimes be applied with a vicious spirit, and it may well be applied in that way in an hour of crisis or in an hour of hysteria.

Mr. President, I appeal to this body to take a few moments out for meditation. I ask the Members of the Senate to search their own souls and consciences. I ask them to think about what they are doing, before they vote for this bill. I know this is an uphill fight. I frankly do not think we have a chance. I have said that again and again. I do not think there are enough votes here against the bill S. 4037 even to make these efforts worth while. But I will say now, though I have no background as a prophet, that the Congress of the United States will regret the day that it ever passes S. 4037. It will prove to be one of the darkest pages in American history. This is the most far-reaching legislation which has ever been proposed in the Congress, and before it ever passes, I ask Senators to consider the religious organizations, the political organizations, the fraternal organizations, and to search their souls and ask themselves whether they want to police all America.

Let Senators ask themselves whether men and women who represent some of the finest charitable, religious, and political groups in America, groups that are protesting against this legislation, are wrong. Let Senators ask themselves whether they think those organizations are wrong. I cannot believe that testimony of the kind which has been offered against this bill can be ignored. I ask every Member of the Senate to call the Attorney General, a man in whom Senators believe, and ask him what he thinks about this bill. I ask Senators to call people who have dedicated their lives to civil liberties, and ask them what they think about this bill. I ask Senators to call the pastors of their churches. I ask them to search deeply into the background of American history to see whether there is any precedent for legislation of this kind. If Senators can come forward with the answer that there is, then I shall say I am wrong.

I want to be on record as being right for the long run. I know it is not going to be popular to vote against this bill. I am going to be unpopular. I should rather be unpopular, voting against this bill, than to be popular voting for it, and rue the day a few years from now. If hysteria ever grips America, if this proposal ever becomes a vehicle for the passions of dissension and disunity and bigotry and intolerance, may God help America, for a bill such as this makes it legal for the executive branch to strike down opposition. If that ever happens, if we lose our sense of judgment to a greater extent than apparently we have already lost it, we are going to be in trouble.

Mr. President, the Communists have us half crazy already. They are beginning to win the war without even firing a shot. They have caused American after American to be suspicious of his next door neighbor. They now have this country in such a position that one hardly dares to have a new idea for fear

someone will brand him as being unorthodox or subversive. It is getting so that one does not even dare associate with people lest, if he does, he may wake up some morning to find out that he has been a member of an organization which has now been branded as subversive. If that does not happen, he will be fearful that some member of the Congress will be upon the floor of the Congress attacking his character. That is why it is becoming difficult to get good men to come to Washington to enter the public service. Why men in public office take punishment of this kind is more than I can understand. Why men of the caliber of Mr. Jessup continue to serve I shall never be able to understand. I admire their restraint, but I may say that I would be a man of lesser courage, believe me. How men like Mr. Acheson can endure the heartache he has suffered I shall never know. How the Secretary of the Interior can continue to serve I shall never know. Sometimes one wonders. It must be because of a great desire for public service. There must be an unselfish motivation. One simply does not have to take the kind of punishment that some people give here. I am afraid that once this bill is passed a great deal more of it will be dished out. I am afraid that American politics will degenerate to the point where persons will be charged with being unorthodox or subversive because they have a different idea from what somebody else has.

What is needed is another Jefferson to set this country right. What we need now is somebody who will stand up and fight with all the courage he can possibly command for the basic American liberties, and we need to maintain a sense of calm and of poise and of conviction, and then we need to know that in the hour of crisis, in case we are under the impact of war, in case our country finds itself threatened from within and from without, we can act with dispatch. No nation can deny its rights to defend itself. No nation can live if it does not maintain for itself the right to protect itself from enemies from within and from without. I submit that the Kilgore substitute does that job. Oh, that is risky business, too. Title II is riskier than I should like—certainly it is. We are dealing with a subtle outfit and with a deceitful, a moral force—not immoral, or they have no morals, but with an amoral outfit.

I appeal to the Senate of the United States to vote down S. 4037, or, if not to vote it down, to vote for that portion known as the Kilgore substitute, as a substitute for sections 1 through 17. If we do that, I think we would have a reasonably good bill. It would go further than I should like to have it to go, but one needs to learn, and does learn, that compromise is the art of legislation. There are compromises we can all make so long as we do not compromise away our basic principles.

I yield the floor.

Mr. HOLLAND. Mr. President, before the Senator yields the floor, will he yield for questions?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. I should like to address three or four questions to the Senator; but may I say as a preface to my questions that no one listening to the address of the Senator from Minnesota could be doubtful for a moment of his high intentions and sincere objectives. So that my questions will be based upon my complete understanding that his objectives are excellent.

Mr. HUMPHREY. I wish to thank the Senator for that statement.

Mr. HOLLAND. My first question is this: I noted that in his argument today the Senator from Minnesota reiterated strongly the position taken by the distinguished junior Senator from Illinois [Mr. DOUGLAS] on Friday to the effect that one of his principal reasons for opposing the registration provisions of the bill was his feeling that those provisions would be ineffective.

Mr. HUMPHREY. That is correct.

Mr. HOLLAND. In the long-delayed litigation or long-continued proceedings which I believe the Senator said would be from 2 to 4 years and which would prevent the realization of the objectives of registration.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. Not at the moment.

I note that the so-called Kilgore bill, of which the Senator is a joint introducer, itself includes a registration provision which has been defended by the Senator from Minnesota and which is contained in subparagraph (5) of subsection (a) of section 5 of the proposed Kilgore substitute. The registration provision to which I have just referred and which is contained in the Kilgore bill is much more restricted in its application, in that it would apply, at least, as the Senator from Florida understands it, simply to require the registration of skilled members of the Communist Party or other trained——

Mr. HUMPHREY. Foreign agents.

Mr. HOLLAND. Foreign agents trained in espionage, counterespionage, or sabotage service or subversive tactics of a government of a foreign country, or a foreign political party.

Mr. HUMPHREY. That is correct.

Mr. HOLLAND. I understand that provision would require the registration of highly trained agents or members or employees of the Communist Party or others representing a foreign country or a foreign political party comparable to the Soviet Government or the Communist Party. My question is this: What reason does the Senator have for feeling that the registration provision listed in his bill, which he defends, would be any more effective or any less apt to call for long delays, than would the registration provision in the so-called McCarran bill or the Mundt-Ferguson-Johnston bill? I would be interested to know why the Senator feels that registration is good when contained in his bill, and would be effective as contained there, but is bad in the McCarran bill and the Mundt-Ferguson-Johnston bill, and would be ineffective as there contained?

Mr. HUMPHREY. First of all, there is a great deal of difference, as the Senator from Florida well knows. The registration provision in the Kilgore substitute and also in the Lucas-Magnuson bill is a registration to implement the Foreign Agents Act. In other words, in the case of men and women who are representatives of a foreign power, who have been trained by a foreign power, and who are pretty well known by the FBI because of their particular kind of work and their particular background, registration is provided, as the Senator says, for those skilled, trained operatives. They do not have to go before a subversive board. They just register. If they do not register, the Attorney General prosecutes them.

The Senator asked me, "What is the difference?" The McCarran bill would require that we go into every little county in the country to compel them to register. Mr. Hoover says that out of some 50,000 there are approximately 12,000 who are dangerous. The McCarran bill would make it necessary to trace down the remaining 38,000.

Mr. KERR. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. KERR. Does the Senator regard it as a known fact or a probable conclusion that there is any such thing as a little bit of communism?

Mr. HUMPHREY. I regard it as a fact that there are some Communists who are not as capable as others. Some are less intelligent than others; some are less effective than others.

I want to say to the Senator from Florida that there is a great deal of difference. The Foreign Agents Registration Act has been on the books and has been operative and has worked with some success. The purpose is to expand it somewhat, or limit it to a particular group of persons. It is not so comprehensive as the McCarran provisions would be, and, also, it does not provide for the hearings, delays, and reviews provided for in the McCarran bill.

That is my answer.

Mr. HOLLAND. Would it be correct to say that the Senator feels that the registration provisions of the Kilgore bill, applicable to the most serious potential offenders, would be effective as contained in that bill, whereas the registration of Communist-front and Communist-controlled organizations, and of the members of Communist-controlled organizations, as specified and required by the McCarran bill, would be ineffective?

Mr. HUMPHREY. That would be a pretty good analysis of the situation.

I would simply say that the Foreign Agents Registration Act is strengthened by the provisions of the Kilgore bill. It provides that the Attorney General can take immediate action. It does not provide that there shall be delays because of reviews and appeals. It is also directed toward a limited number of persons specifically defined.

The McCarran bill is directed toward the membership of Communist-controlled organizations. The membership may be 50,000, 100,000, or 200,000. There has been difficulty in trying to get people to register under the Foreign Agents Act. Certainly there will be difficulty in getting them to register under the McCarran bill. I thought I heard the Senator from Michigan [Mr. FERGUSON] say a day or two ago that under the Voorhis Act there had been no registration.

Mr. HOLLAND. Does the Senator from Florida correctly understand that the Senator from Minnesota complains

Mr. WATKINS. The court upheld the military order which declared the area a military area, did it not?

Mr. FERGUSON. Yes; and prosecution was had under the curfew law. I would have no objection to that kind of law.

Mr. WATKINS. The Senator does not believe, does he, that such situation applies in this case?

Mr. FERGUSON. No; I do not.

Mr. WATKINS. It is something entirely different.

Mr. FERGUSON. It is something entirely different.

Mr. WATKINS. The Senator believes, does he not, that it is something new to American jurisprudence?

Mr. FERGUSON. It is something new to American jurisprudence.

It is my purpose, however, to direct myself toward answering the questions that have been raised and may be raised with respect to the Mundt-Ferguson-Johnston section of the McCarran omnibus bill.

The principal feature and the security technique employed in that portion of the bill, as every Senator knows, is to require the registration of Communists and Communist-front organizations.

On Friday I took the floor to answer certain objections to this technique, as well as to other features of the bill, which has been raised by the junior Senator from Illinois. In so doing I laid great stress on the extensive study and conscientious labor which had been devoted to writing a provision that would afford effective security while preserving constitutional rights. In particular I placed emphasis on the details that go to make up the safeguards in the bill, and on the balance between what is merely expedient and what is fundamentally sound.

Today I wish to address myself to certain other objections to the registration features of this bill, raised by the junior Senator from North Carolina in his remarks at the end of the session last Friday.

Speaking of those features, the Senator from North Carolina stated that "we are all in sympathy with requiring disclosure of information by Communist-controlled and Communist-front organizations." He proceeded, however, to enumerate certain objections which he had, as follows: First, to the second and seventh criteria in section 14 (e) of the bill; second, to the fourth criterion in section 14 (f) of the bill; third, to the "indefiniteness" of the phrase "the extent to which" as it appears in introducing each of the criteria in section 14 (e) and (f); and, fourth, the "indefiniteness" of the phrase "it is reasonable to conclude."

Since the phrase "it is reasonable to conclude" does not appear in the text of either the Mundt-Ferguson-Johnston section of the bill as reported or in the McCarran omnibus bill, it is not necessary to consider the fourth objection, and I believe the Senator from North Carolina today withdrew that from his statement, so that it would appear correctly in the RECORD.

The first and second objections may be answered jointly in discussing the meaning of all the criteria which appear in the bill.

We are speaking of the criteria which appear for purposes of identifying a Communist political organization in section 14 (e) and for purposes of identifying a Communist-front organization under section 14 (f).

At the outset it will be helpful to review certain other provisions in the text of the bill which have a bearing upon an explanation of these criteria.

As a matter of fact, it is a failure to view the bill as a whole, but through mere piecemeal analysis of the sections referred to, that is the basis of error in the first two objections stated by the Senator from North Carolina.

The bill requires the registration of Communist political organizations, with their full membership, and of Communist-front organizations, with their officers. Barring the special provisions in section 4 (a), the whole of the bill flows from those registration requirements. Once the registration requirements are complied with, and outside the provisions of section 4, certain limitations are placed on the activities of the Communists, although none whatsoever are placed on members of Communist-front organizations.

All terms used in the legislation are provided with certain definitions which appear in section 3 of the bill. We are now concerned with two.

Section 3, paragraph 3, provides:

The term Communist political organization means any organization in the United States having some, but not necessarily all, of the ordinary and usual characteristics of a political party, which (a) is substantially dominated by the foreign government or foreign governmental or political organization controlling the world Communist movement referred to in section 2, and (b) operates primarily to advance the objectives of such world Communist movement, as set forth in section 2 of this act.

Section 3, paragraph 4, provides:

The term Communist-front organization means any organization in the United States (other than a Communist political organization and other than a lawfully organized political party which is not a Communist political organization) which (a) is under the control of a Communist political organization, or (b) is operated primarily—

I underscore the word "primarily"—

for the purpose of giving aid and support to a Communist political organization, a Communist foreign government, or the world Communist movement referred to in section 2.

These then, are the organizations which must be registered, and these are the controlling or ultimate definitions.

As is familiar to all students of the law, such definitions are not absolutes. Controversy may be expected as to their application. To umpire such disputes the bill creates a bipartisan Subversive Activities Control Board.

The duties of this Board are specified in section 13 (e) of the bill, "to determine whether any organization is a Communist political organization within the meaning of paragraph 3 of section 3 of this act, or a Communist-front organization within the meaning of paragraph 4 of section 3 of this act."

Section 14 of the bill then establishes certain procedure which the Board must follow. Section 14 (e) and section 14 (f) set forth certain criteria which the Board "shall take into consideration" in making its determinations under section 13 (e).

These criteria, then, are among the Board's guides. Among these criteria are certain to which the Senator from North Carolina takes exception. I cannot believe, however, that it is the criteria themselves to which the Senator objects. He could hardly deny that it is characteristic of the Communist Party in the United States that its views and policies do not deviate from those of the foreign government or foreign organization which directs the world Communist movement. That is criterion 2 under section 14 (e), against which his objections rest.

Nor would anyone deny that it is characteristic of a Communist-front organization that its positions on matters of policy do not deviate from those of the Communist Party, from Communist foreign governments, or the world Communist movement. That is criterion 4 under section 14 (f), to which objection was also made.

Likewise it would not be denied that the characteristics of secret meetings and secret membership specified in criterion 7 of section 14 (e) were common to the Communist Party.

What I think the Senator does not wish to see—and I join him in that desire—is that any one of those criteria should be used alone or in itself to label any organization as Communist.

For instance, because a fraternal order such as the Masons, or the Knights of Columbus, has certain secret rituals, that should not be sufficient to catalog it as Communist. Nor should any other organization—and there was some rather loose talk on this floor recently about the UAW—be so labeled, even though it were perfectly described by the criterion under subsection 7 of section 14 (e).

The fact that an organization advocates certain things that are coincidentally advocated by the Communists likewise should not be sufficient in itself to catalog it under criterion 2 of section 14 (e) as Communist or under criteria 4 of 14 (f) as Communist front.

If that were true, I, who favor civil rights measures, would stand to be labeled as a Communist or Communist sympathizer, and I never expect that to happen. Or both the Republican and Democratic Parties, whose platforms contain many planks for social reform that are likewise espoused by the Communists, would be liable to registration as Communist fronts. Even without the specific exemption in the definition of section 3 paragraph 4, that most certainly is not contemplated.

The Senator from North Carolina, as I have said, has fallen into the all-too-frequent error of piecemeal analysis of this legislation. He concedes that his objection is based on a false premise when he states that—

The Board is not required to find that each of the seven (actually there are eight)

Mr. WATKINS. Is it done under the Board which orders the person into the camp?

Mr. FERGUSON. No, the Board does not order a person into the camp. The Attorney General, or someone named by him, puts the person into the camp.

Mr. THYE. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. THYE. Who would have the appointing authority as to the Board?

Mr. FERGUSON. The President, with the consent of the Senate.

Mr. THYE. Would it be required that the members of the Board be members of two different political parties?

Mr. FERGUSON. No. There would be nine members of the Board.

Mr. THYE. Are they to be confirmed by the Members of the Senate?

Mr. FERGUSON. Yes.

Mr. THYE. But could they be all of the same political faith?

Mr. FERGUSON. They could be.

Mr. THYE. It would be an easy matter for a sort of dictatorship to rise in this country under those circumstances, because any individual who differed politically from them could be confined.

Mr. FERGUSON. Yes. There is no standard established except that the Attorney General, or the man named by the President, has reasonable grounds to believe that a person may commit sabotage or espionage.

Mr. WATKINS. Mr. President, will the Senator yield further?

Mr. FERGUSON. I yield.

Mr. WATKINS. Does the Senator understand that the courts will have any jurisdiction to entertain a writ of habeas corpus?

Mr. FERGUSON. I take it that it is the intention to abolish the writ of habeas corpus. I, for one, believe that the Constitution does not allow the writ of habeas corpus to be suspended upon a specific order.

Mr. WATKINS. Is it the Senator's judgment, in his construction of the bill, that it actually suspends the writ of habeas corpus?

Mr. FERGUSON. The intention is to suspend the writ.

Mr. WATKINS. Would it not also appear to indicate that the intent is to restrict the application of the bill entirely to times of war or the times mentioned in the Constitution, when the writ of habeas corpus would not be applicable?

Mr. FERGUSON. No; I do not think so.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MUNDT. I am sure the Senator from Michigan, great constitutional lawyer that he is, is aware of the provision contained in section 9, article I, of the United States Constitution, which reads as follows:

> The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Is it not correct to say that the Kilgore substitute proposes to go far outside these two categories of danger by proposing to suspend the writ of habeas corpus in times of peace when there is no rebellion and when there is no invasion?

Mr. FERGUSON. That is correct.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield for a question.

Mr. WATKINS. It would go that far when there was a threat of invasion, or when the President found there was a threat of invasion.

Mr. FERGUSON. Yes.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MUNDT. The President need not find there was a threat of invasion. He need find only that there was a threat to the internal security of our country, which is obviously outside the purview intended by the fathers of the Constitution, because they spelled out specifically that the writ of habeas corpus should be suspended only in case of rebellion or invasion. The Kilgore substitute sets up other categories of conditions for suspending that constitutional guaranty.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield for a question.

Mr. WATKINS. The Senator being a lawyer and a judge of great experience, does he have an opinion as to whether or not it is within the purview of the Constitution to have such a board appointed or to enact a law with provisions permitting a board of this kind to review such cases?

Mr. FERGUSON. No. I am of the opinion that this is an attempt in the case of a criminal law to go a step further than has ever been done in the history of America, for it is not proposed to try a man for a crime or an attempt to commit a crime, but to try him for his capacity to commit a crime.

Mr. WATKINS. Without any intent or overt act?

Mr. FERGUSON. That is correct. Therefore, to get around the Constitution, which says no man can be imprisoned except under certain conditions, after indictment and judicial trial before a jury of his peers, the attempt here is to incarcerate him first. The man would be arrested and kept in custody on the ground that the Attorney General, or someone whom the President appoints, had determined there was reasonable ground to believe that he might engage in, or might conspire with others to engage in, acts of espionage or sabotage. In that situation, he would be deprived of his liberty and trial by jury. As the Senator from New York has said, he would be put in jail and he would be registered. In other words, he would be in jail and he would then try to get out of jail by proving to the Board that he should not be in jail. If he could prove to the Board that he should not be in jail, the Board would release him.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. WATKINS. As a matter of fact, a person under those circumstances would still have the right to a writ of habeas corpus to determine whether he was or was not unlawfully detained, would he not? In other words, he would be entitled to the writ under all circumstances excepting those named in the Constitution.

Mr. FERGUSON. I would say that notwithstanding the provisions of the bill, he could not be deprived of the right of a writ of habeas corpus. However, I am also reminded of the man who called up his lawyer and gave him a set of facts. He said to his lawyer, "Based on the set of facts I have given you can a man be put in jail?"

The lawyer said, "No."

The client said, "Well, I am now talking to you from jail. I am in jail."

It is not an easy thing for a man who has been put in prison to get a writ of habeas corpus and get out.

Mr. WATKINS. As I understand, the Senator is contending that we should not enact a law which puts a man in a position where he is forced to get a writ of habeas corpus, or that we should not place a man in a position where he must obtain such a writ.

Mr. FERGUSON. That is correct. We should always try to follow normal channels of prosecution in accordance with the Constitution and the fifth and sixth amendments.

Mr. WATKINS. Mr. President, may I ask the Senator another question?

Mr. FERGUSON. I yield for a question.

Mr. WATKINS. If the substitute were confined strictly to the exceptions mentioned in the Constitution with respect to the suspension of the writ of habeas corpus, would the Senator feel the substitute would be a proper act if passed?

Mr. FERGUSON. No; not even then.

Mr. WATKINS. What reasons would the Senator have for that conclusion? As I understand, during time of war the power exists to intern. As a matter of fact, the President and governors have the right to intern citizens.

Mr. FERGUSON. In a military area.

Mr. WATKINS. Would not the whole United States be a military area for that purpose if we were at war?

Mr. FERGUSON. If it were a military area; yes. However, as was held in the Milligin case, even though we were at war the Army had no right to try a man in Indiana because there were no battles being fought or any fighting going on in Indiana.

In the last war a certain area on the Pacific coast was declared a military area because of a threat of an attack from Japan. It was determined that certain people could not remain in that area. A curfew was also imposed, which was held to be perfectly legal. Moreover, the authorities offered internment in certain camps, and the persons involved voluntarily went to those camps. One Japanese woman, who was American-born, was released from the camp on a writ of habeas corpus, because the court said there was no evidence that she was disloyal, and no reason had been shown why she should be confined in such a camp.

Mr. KEFAUVER. I should like to ask the Senator to yield for an observation, for about 2 minutes, on a matter that I was anxious to present, because it was in reply to something that was in the newspapers this morning, if the Senator may yield without losing the floor.

Mr. FERGUSON. Mr. President, I will yield, if I may do so, without losing the floor.

Mr. WHERRY. Mr. President, I am going to object to any farming out of the time. I sat here when there was an attempt made by the Senator from Washington to farm out the time, and objection was made. This is no disrespect to to the Senator from Tennessee. He knows that I would take the same position if it were a request by any other Senator. If the Senator from Michigan cares to yield to the Senator from Tennessee, the Senator could obtain the floor in that manner.

Mr. FERGUSON. I decline to yield except for a question.

Mr. KEFAUVER. Mr. President, will the Senator from Michigan yield for the purpose of enabling me to offer certain amendments to the pending bill, which I desire to have lie on the table and be printed?

Mr. FERGUSON. I have no objection to yielding, provided I do not lose the floor, to the Senator's sending to the desk his amendments.

Mr. KEFAUVER. Mr. President, I send to the desk three amendments to the pending bill, which I desire to have lie on the table and be printed.

The PRESIDING OFFICER. Without objection, the amendments will be received, printed, and lie on the table.

Mr. FERGUSON. Mr. President, as a coauthor and cosponsor of the so-called Mundt-Ferguson-Johnston bill, which has provoked the greatest controversy in consideration of the pending internal security legislation, I feel keenly the need to keep the record straight with respect to that portion of the omnibus bill, both for the benefit of Senators who will pass upon it and for future students of its legislative history if it should reach a court for decision.

It is perhaps unavoidable that I should comment upon the proposed substitute bill offered by the Senator from West Virginia. I feel that while pursuing a worthy objective, which is the control of Communist sabotage and espionage, its concentration-camp technique has no place in American traditions and I can find no justification for it in American constitutional law.

Mr. President, the junior Senator from New York [Mr. LEHMAN] today sent to the desk a statement and asked that it be included in the RECORD, as if he had made the statement on the floor. I have looked over a copy of it. It is dated September 11, 1950, and in it I find an amazing statement. It criticizes the registration of Communists and Communist-front organizations, and then it goes on to say:

> The individuals concerned would not be asked to register—

The Senator is speaking about the Kilgore bill, of which the junior Senator from New York is a cosponsor. After he has criticized the registration provision of the McCarran bill, he says:

> The individuals concerned would not be asked to register. The FBI would register them, but they would have full authority to prove that they are not what the FBI says they are, but while they are in the process of proving it they would be kept under detention, under surveillance, but out of harm's way.

Mr. President, that is an attempt for the first time to change the entire history of American jurisprudence. I have never before heard of the introduction of a bill proposing to take from a defendant or from one who was incarcerated or put into a concentration camp his constitutional right and to place upon him the burden of proving that he should not be detained. Under the Kilgore bill while he is proving his case he would be in the concentration camp. The Senators who are sponsoring that bill are the Senators who are objecting to the registration of Communists and providing criteria and a standard. Nowhere in the concentration-camp bill do I find any criteria set forth except what the President's agent would do. I should never have thought it possible to find such a statement, that no man would be asked to register, that the FBI would register him. While he would have an opportunity to prove that he was not what the FBI said he was, he would be behind bars or in a concentration camp.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. WATKINS. Who made that statement?

Mr. FERGUSON. The junior Senator from New York [Mr. LEHMAN].

Mr. WATKINS. Is that a statement which he made to the Senate?

Mr. FERGUSON. He handed it in as a statement as if made on the floor of the Senate of the United States. On tomorrow we shall be asked to vote for the substitute to make it the law of the land.

I asked the Senator from West Virginia [Mr. KILGORE] a few days ago, for I was anxious to know, whether the Kilgore bill is the administration bill. He said it was not the administration bill. So I take it it is the bill of the sponsors.

I shall take no further time to answer the remarks which the Senator from New York made in criticism of the pending bill. He wants a substitute bill which would change the entire history of our jurisprudence and would keep a man in prison and provide that if he could prove he should be released, he would be released, but he would be kept detained until he proved that he should be released.

Mr. WATKINS. It does not take away his basic right to a trial and to have the evidence brought against him, does it?

Mr. FERGUSON. The whole basic principle is changed and altered to allow the authorities to incarcerate a man because of what they suspect he might do in the future.

Mr. WATKINS. Do I correctly understand that the substitute bill would make it possible in time of peace to do that? I heard some comment about it, and I am wondering about it.

Mr. FERGUSON. It makes it possible in time of peace under the circumstances set forth in the Kilgore bill. It could be put into effect if there is an invasion or an imminent threat of invasion to the territory of the United States or its possessions. I do not think there is any doubt that it could be put into effect today, because it could be said that there is imminent danger of invasion of Okinawa.

Mr. WATKINS. Is the time it shall go into effect left to the judgment of the President?

Mr. FERGUSON. In the event of any one of the following contingencies:

> (1) invasion or imminent invasion of the territory of the United States or its possessions,
>
> (2) declaration of war by Congress,
>
> (3) insurrection within the United States in aid of a foreign enemy, or
>
> (4) declaration of an "internal security emergency" by concurrent resolution of the Congress.

Then the President could put it into effect. As a matter of fact, the bill provides that the Board which is to be established could act immediately without any declaration, other than by the President of the United States. It also provides that the Attorney General may appoint the inspector of detention. That is a new title in the United States of America.

This is, in effect, the blueprint of a dictator in America. It is the first blueprint that I have ever seen of a dictator for America, because it provides for the appointment of an inspector of detention.

Mr. WATKINS. What does that mean? Does it mean that a person is detained under some order of arrest by the military forces?

Mr. FERGUSON. No; the military forces have nothing to do with it.

Mr. WATKINS. Who would detain these persons?

Mr. FERGUSON. The President would have the Attorney General, or anyone he might name, act to determine who should go into the detention camp.

Mr. WATKINS. Is that the process of determining who shall be interned?

Mr. FERGUSON. The bill provides that the Attorney General shall appoint an inspector of detention and such assistants as may be necessary to review the purposes of any detention program in operation and to report to the Attorney General his findings or recommendations at regular intervals, not less than bimonthly, or from time to time upon request of the Attorney General. It also provides that such report of the inspector of detention shall be included in the bimonthly report of the Attorney General to the President or to the Congress.

Mr. WATKINS. Would the only power he would have be to inspect and to report?

Mr. FERGUSON. That is correct.

Mr. WATKINS. He would not have any power to entertain proceedings to defer action as to any interned person, would he?

Mr. FERGUSON. No; that is done under a review board.

time, we free people have had one conference after another; but few, if any, decisions leading to a unified and integrated force for the Western World have been taken. Since that time, 2 years ago, the east has quietly but steadily been increasing its military preponderance in every military field.

Tenth. Confer again and again with Sweden in an effort to include her considerable potential within the resources of the west.

Eleventh. While these steps are being taken, should those in authority consider some or all of them to be valid, I hope, speaking only as an American, that my Nation will make up its collective mind to be known in the future for its performance, rather than for its promises. I think that continued references, by people highly placed, both in and out of our Government, to secret weapons and push-button warfare, and tanks on the drawing boards, are damaging and dangerous, as far as we and our friends and enemies are concerned. Every such reference is read by everybody, at home and abroad. Because of such references, we have too often in recent years been kicking the other fellow with our bare feet. This conduct does not hurt or injure anybody but ourselves. It is likely to hurt us badly.

I wonder whether Senators know that the most serious criticism of all of us back home which I got from those who serve us in the army of occupation in western Germany was this: "Too many people at home talk too much about things we do not have and about the things we hope to get a couple of years from now." Every American GI one would meet in western Europe, in those two great fighting divisions, said, "Please quit talking to us about the better tanks you are going to give us to compete with the enemy a couple of years from now. What we now have is not as good as the other fellow has." They all said the same thing: "Please quit it. When we need something give it to us if you can, but do not tell us of things for which we must wait a couple of years. We only know what we have to fight with today. We derive small satisfaction from what you tell us we may get some day."

Mr. THYE. Mr. President, will the Senator yield?

Mr. CAIN. I yield.

Mr. THYE. What did the Secretary of Defense, Mr. Louis Johnson, reply when the Senator made that statement to him?

Mr. CAIN. If I remember correctly, talking generally in conversation with the Secretary recently, and some of his staff, I said: "Mr. Johnson, I think we ought to be very careful about comments coming out of the Defense Establishment and out of the State Department, as well as statements coming from manufacturers generally, concerning new and secret weapons." His answer was, "I could not agree with you more."

Mr. THYE. I thank the Senator.

Mr. CAIN. It seems to me, Mr. President, in rapidly drawing to a conclusion, that America stands today as Great Britain stood on February 1, 1793, when France declared war on Britain and Holland. On that very day, by a strange coincidence, William Pitt was speaking in the House of Commons, and this is what he said:

> They will not accept, under the name of liberty, any model of government but that which is comfortable to their own opinions and ideas; and all men must learn from the mouth of their cannon the propagation of their system. * * * They have stated that they would organize every country by a disorganizing principle; and afterward they tell you all this is done by the will of the people. And then comes this plain question, "What is the will of the people?" It is the power of the French. This has given a more fatal blow to the liberties of mankind than any they have suffered, even from the boldest attempts of the most aspiring monarchs.
>
> Therefore, England must face the issue, unless we wish to stand by, and to suffer state after state to be subverted under the power of France, we must now declare our firm resolution effectually to oppose those principles of ambition and aggrandisement which have for their object the destruction of England, of Europe, and of the world. If France is really desirous of maintaining friendship and peace with England, she must show herself disposed to renounce her views of aggression and aggrandisement, and to confine herself within her own territory without insulting other governments, without disturbing their tranquility, without violating their rights. And unless she consents to these terms, whatever may be our wishes for peace, the final issue must be war.

America hopes, and ought to believe, Mr. President, as the Senator from Washington believes, that we can so guide ourselves and so work with our allies that any differences, however, difficult, may be resolved short of war.

Mr. President, this very long statement is but a labor of love and devotion from one American to his country. The Senator from Washington has spoken the truth as he understands it to be. He hopes he has overstated the need for decisions and action, but he believes that he has spoken with restraint and within the confines of fact. He does trust that others will promptly check his findings and take the steps which are necessary to work out the prevailing differences between East and West short of war. I have done what I could to offer one man's opinion.

As T. S. Eliot once wrote:

> The best of a bad job is all any of us can make of it,
> Except, of course, the saints.

Mr. FERGUSON, Mr. WHERRY, Mr. McCARRAN, and Mr. KEFAUVER addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized, he having been the first to address the Chair.

Mr. WHERRY. Mr. President, will the Senator from Washington yield for a question?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. FERGUSON. I shall be glad to yield.

Mr. WHERRY. Mr. President, does the Chair mean that the Senator from Washington has been taken off his feet, when he had not even left the speaker's stand?

The PRESIDING OFFICER. Yes, the Senator from Washington had yielded the floor.

Mr. FERGUSON. I shall be glad to yield, to enable the Senator from Nebraska to ask questions of the Senator from Washington.

Mr. WHERRY. Mr. President, I understood that the distinguished Senator from Washington did not want to be questioned during his speech. I was told that in the beginning. One or two Senators asked him questions. I should like very much to question the Senator about certain phases of his report. But, of course, if he is taken off the floor, because the Senator from Nebraska did not act more promptly, though I think I was very prompt, I shall have to forego the privilege. I should like to say, however, that I think the report made by the Senator from Washington is most enlightening. I think the Senator deserves commendation by every Member of the Senate upon the information and enlightenment which he has brought to the Senate this afternoon. It has taken him altogether nearly 4 hours to deliver this report. The information he has given us is such that I feel that Senators who did not hear him should be certain to read his report in the RECORD. It certainly bears out some of the statements, observations, and judgments of other Senators who have expressed themselves on the floor of the Senate during the past 5 years. Especially is that true in reference to what the Senator has said about Spain and Germany and the North Atlantic countries, what is to be done over there with the manpower they have, and what we should do with the manpower we have, and what commitments should be made. I certainly should have liked to question the Senator on a number of the observations he made, in order that I might get his judgment more fully regarding certain phases of the report.

ORDER FOR RECESS UNTIL 12 O'CLOCK NOON TOMORROW

Mr. LONG. Mr. President, will the Senator from Michigan yield to me to present a unanimous-consent request?

Mr. FERGUSON. I yield, if I may do so without losing the floor.

The PRESIDING OFFICER (Mr. GRAHAM in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that when the Senate completes its business of today it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. FERGUSON. For what purpose?

Mr. KILGORE. Mr. President will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. CAIN. I should like to finish before I yield.

Mr. KILGORE. I was just following the Senator's statement and wondered if the Senator was in favor then of universal military training?

Mr. CAIN. All I can say is that the Senator from Washington has for several years been in favor of universal military training. He is conclusively in opposition to any steps being taken by the Congress at this time to adopt universal military training, because the crying need of the world is for fighting soldiers, and the function of universal military training is to prepare men against the time when they can be called into an emergency. We presently are in the emergency, and unless we think we can do all things at the same time, which naturally we cannot do, we must restrict our efforts to the building of combat divisions rather than universal military training.

Mr. KILGORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. CAIN. I should prefer not to yield.

Mr. KILGORE. I am following the same line of questions, because, frankly, I am somewhat in accord with the Senator from Washington. I want to get the Senator's sentiments on this subject. As the Senator knows, for a great number of years most of the European countries, in fact all except England, have adopted the plan that all young men must give at least 1 year of military service. I ask the Senator from Washington if he favors that system, which would in itself, of course, give to us a large standing ground force in addition to the necessary air and naval force which we now have?

Mr. CAIN. The only answer I can give to the Senator from West Virginia or to any other Senator at this time is that from my point of view, before I am going to give any more consideration to the question at all, the Atlantic Pact nations, through their council of ministers, and the council of deputies, and their defense planners must lay down their concept of the size of the army, the navy, and the air corps which, in their opinion, is required realistically to defend the Western World. When that plan is before us, then, and not until then, as I see it, we can argue the merits of the plan as a plan. If I were to attempt to answer the question just posed to me by the Senator from West Virginia, I would have to do so either working in a vacuum or on the assumption that the United States was going to attempt to protect the Western World.

Mr. KILGORE. The Senator from Washington may preface his statements on the theory that what he has suggested should first be carried out by means of the fulfillment of the necessary requisites of an all-out defense by the various nations, by means of action by the Joint Chiefs of Staff, and so forth. If they were then to recommend such a plan, I am wondering whether we as a nation should conform, realizing that, whereas the French pay only a few cents a day for the services of a soldier, the British pay a shilling a day, and other nations pay only a few cents a day, the United States pays its soldiers a minimum of $75 a month. Under the circumstances, can the United States afford to maintain the necessary ground forces?

Mr. CAIN. I could answer the Senator only by saying that I am terrifically concerned and interested, as is he, and as are most other Americans, in the preparation of a plan against which we can make some realistic observations. Our great trouble tonight is that there is no plan.

Fifth. An over-all additional military production plan must be adopted and set in motion. If the United States and other western European nations are to group themselves together as a team, they must begin to act as a team. Every nation must agree to do what that nation is best equipped to do, nothing more and nothing less. Without adopting such a plan, I want the Senate to believe that it will soon become impossible—I would not say this if I did not believe it to be true—for America to carry out its military equipment and supply commitments all over the world.

Sixth. An over-all commander must be appointed. No plan, however brilliantly conceived, will be effective unless someone is given the authority to make decisions. It has been said in recent days that such a commander should not be an American. Those who advance this contention seem to believe that our allied partners would not do their jobs, but would leave the big job up to us, if the supreme commander was an American. I could not disagree more strongly. The nations of Europe are the first to state that they would find it impossible to take orders from a European. Europe will look to America for leadership in the days ahead, as Europe has looked to America for dollars in days gone by. The over-all commander must, in my view, be an American; and he ought to be appointed without any unnecessary delay of any kind. This commander and his allied staff will not by any means possess all the authority which will be required to restore a military balance of power. The commander, however, would be able to lay proposals before the several governments concerned. He could initiate a personnel study to determine the many obsolete personnel laws and policies. He could point out that the present-day conscript system of Europe will never provide a satisfactory European defense establishment. He could insist that pay and other incentives must be established, if a competent noncommissioned officer corps is to be established within the armies of Europe. Without competent NCO's, there is no army. The commander could with one stroke of a pen eliminate half of the duplicating and overlapping committees which are presently building a defense structure out of paper, rather than from men and weapons.

Unless the two plans referred to are adopted and an over-all commander selected, the Senator from Washington is of the considered opinion that an integrated collective-security force within the North Atlantic community could not be fashioned in 100 years. When we consider the committee approach which is presently being employed by the allied nations, and when we compare it with the cohesion and the unified approach which exist today in the east, the conclusion of other Senators can be little different than my own.

Seventh. Reach an agreement among all allied nations to cover the western line which the Western World is prepared to defend. There is an amazing uncertainty among some nations in Europe as to where the Western World expects first to resist an aggressor should that become necessary. If we have a line to defend, then we can logically agree to create as many secondary lines of defense as seem to be advisable. If we agree on where we are to start resisting any aggressor, it ought then to be reasonably easy to solve and relate the Iberian Peninsula to the whole picture.

Eighth. Restore Germany to a position where it can become a nation in its own right. Practically every authority alive believes that western Europe cannot be defended in the absence of a strong Germany. Let Germany first prepare to defend herself internally, and then according to my view, a majority of the Germans will wish to assist in defending the west.

Ninth. Work out a plan which will adequately defend the eastern and western flanks of Europe. When the factors of space, time, and geography are considered, one must be convinced that Greece and Turkey and Spain must be related to any western Europe security system.

In the face of obvious political and military considerations, priority ought to go from Turkey to Greece to Spain. If it is completely necessary for America to re-equip the MDAP title I and title II countries, it becomes imperatively important to include every one of these nations in a multilateral defense agreement; and then, if we wish to guard and protect our monumental investment, we must relate Spain to the whole enterprise, or else the house of cards we shall have constructed will probably collapse and impose disaster on the Western World. We ought to approach these big considerations as though we had no time left. We must recognize that the unbalance as between the west and the east is today larger than it was 2 years ago when Czechoslovakia fell. I was not aware of that fact before I took my recent trip. In spite of the monumental dollar contributions we are making, we are losing ground as of the present time. That is not a happy situation to contemplate.

By the way of emphasis, Mr. President, let me repeat that as of today, the unbalance as between the West and the East is larger than it was 2 years ago when Czechoslovakia fell. Since that

were necessary for combat in the Russian situation.

Mr. CAIN. I thank the Senator.

In the frankest possible language, which the Foreign Minister respected, I asked him what sort of sense this made. I told him that from my point of view all of the free world was involved in Korea and that we must first win that war conclusively, and with help from everybody, before serious consideration could be given to a larger American force in Europe. I suggested that regardless of Indochina and regardless of the power of communism in France that France must offer her share to Korea. He wrote this and other things down and promised only to lay my observations before the President.

The Senator from Washington is a very junior Member of the Senate of the United States. He has less influence, prestige, and power to offer than do many of his colleagues. Even so, the Senator from Washington, as a Member of the Senate, was able to make some progress with the Korean question while overseas. What he was able to do others among us here in the Senate and within the administration can do better, if they only will. Late though the hour is, it is not too late for affirmative ground-force participation by every free member of the United Nations. In whatever fashion is required let us make this very clear to the foreign ministers at their meeting this month.

After the Senator from Washington had visited all of the Atlantic Pact nations, he thought it time to send a cable and prayer to the Secretary of State, with a copy to the Secretary of Defense. I think this cable belongs in this statement. I trust that every American will read and think about its logic. Any American who had been in my place would have sent the same cable or an even more illuminating one. This cable, under date of August 11, reads:

After conferring with responsible persons in all of the MDAP title I and II nations, I am completely distressed that so few ground troops have been committed to Korea. With no desire to embarrass your difficult labor, I want to make an observation and suggestion. People everywhere believe their country ought to offer ground force aid to Korea. Governments are hesitant for many reasons but primarily because your representatives have apparently not been instructed to urge assistance in positive fashion. It is my firm belief that every nation would make a political commitment for token ground forces if your agents encourage them to do so. This would be particularly true should you let it be known that General MacArthur, after consultation with government concerned, would determine if the offer should be accepted. I am convinced that this approach would find favor everywhere. People understand that if they fail to offer to help America now in name of United Nations, that America may be unable to help them should trouble break out elsewhere after the Korean war on the ground has been won alone and by an exhausted America. Europe has no defense establishment worthy of the name, but I know of no nation which is incapable of making a reasonable and worth-while ground force contribution. Because these contributions are lacking after weeks of war, the Russians are employing devastating European propaganda against us. Your representatives abroad are splendid and respected and they will secure the commitments so imperatively required if our national policy will give them the green light to go ahead. Europe looks to America for direction in this question and thus far that leadership has been lacking.

Under date of August 16 I received an encouraging reply from the Secretary of State. I shall not offer this response because it was sent to me as a secret message. I can say, however, that the Secretary of State and the Secretary of Defense shared my view and were taking steps to result in action.

What appears to have been the reluctance on the part of our administration to instruct American representatives abroad concerning what is required in Korea is understandable. America is but a part of the United Nations. It could naturally be assumed that the United Nations Secretary-General would urge and keep on urging ground-force participation by member nations. This has not been done, at least in any effective way. My contention is that the United Nations must begin to benefit from a more positive leadership on the part of the United States.

The fact remains that the Senator from Washington was deeply disturbed by finding such a lack of leadership in evidence throughout a good part of the Western World. He can only hope that the steps for action which were not being taken some weeks ago are already in motion.

Mr. President, on his way home from Europe, the Senator from Washington sought:

K. To reach some rational conclusion concerning the likelihood or possibility of avoiding world war III.

Mr. President, if we assume, and there is no other assumption to make, that time runs in our favor, the Senator from Washington believes, he really believes, that world war III can be avoided. He can only offer his own opinion to cover the actions which must be taken in an effort to avoid the world conflagration which is presently, because of what we are not doing, a likelihood.

The Senator from Washington will list his recommendations in what he believes to be approximately their order of importance.

First. Win the war in Korea in the quickest possible time and with as much help as can be offered on the ground, in the air, and on the water by every free nation in the United Nations. Every nation has something to offer. The greatest victory that can come out of the war in Korea is for all of the world to know that the United Nations, working together, put out the fire of aggression. Until the United Nations are flying every member nation's flag in Korea everything else must be secondary and most other things are meaningless.

Second. Begin the time, money, and labor effort involved in restoring a balance of power as between the Western World and the east. It is my view that the east will probably attack if the west continues to remain so far out of balance.

Third. Recognize that security cannot be purchased through the instrument of American dollars alone. Douglas MacArthur recently said, "There is no security; there is only opportunity." If we hope to restore a balance of power by strengthening the West, we must understand that we shall become no stronger than the weakest link or nation in our defense structure. We must believe, for it is the truth, that every Western World nation is presently in a position to do much more for itself than it has attempted to accomplish in recent years. Through American aid of one kind or another, the Western World is much better off than most people believe. This Western World can stand on its own feet. Each nation within it can make the sacrifices which are to be required in restoring a reasonable balance of power. From this time on the Western World is more in need of American leadership than it is of American dollars.

Fourth. An over-all defense establishment plan must be agreed to by the North Atlantic community nations. This plan must define—

(a) The military strength required to defend western Europe; and

(b) What, in detailed terms, each nation must contribute to the plan.

How many divisions do Senators think western Europe ought to possess? The French Defense Minister concludes casually that 34 divisions are necessary. Gen. Pierre Billotte, of the same nation, has concluded that western Europe must arm and maintain 75 divisions by the end of 1952. A Member of the Senate recently announced that he thought America ought to have 30 divisions, with 10 of these to be stationed in Europe. Another Senator stated that he was in support of this opinion. Other prominent Americans and Europeans have advanced other figures. The point is that no individual is going to render a verdict. The nations collectively who have the job to do must agree on what must be done. Until a decision on the military requirements questions has been reached, every nation involved will waste time, resources and money.

Speaking only for himself, the Senator from Washington would not think of sending additional divisions to western Europe today unless they were being sent in accordance with a general plan which would tell him how many divisions every other nation was going to contribute, and when. If we ever, as Americans, get ourselves into the point of view that we and we alone can provide enough divisions to save the world from catastrophe, we shall have lost every sense of balance and proportion we ever had. If we had the manpower, we would be winning the war in Korea more rapidly. We have not dollars enough, we have not weapons enough, we have not manpower enough to have a ghost of a chance in western Europe unless and until every other nation digs down deep into its human and material resources and adds to a defense plan of which we are but a part. If the defense ministers meeting in New York tomorrow or the next day make no other contribution, if they will settle down and determine to decide how many divisions are required to defend Europe, they shall have made a fine contribution to the future chances of all of us living, let alone being happy in our living.

very sharp individual, and wanted to know if I could offer any suggestions. Our American Ambassador as of Sunday, July 23, had had no instructions concerning ground troops for Korea. He had received no instructions from home and did not know what was actually wanted or needed. In passing, Mr. President, I believe it to be so that as of that date, July 23, probably no American Ambassador or Minister had been instructed by his Government concerning the vital need for seeking ground troops for Korea.

The story moves rapidly. It was agreed that an effort would be made to set up a meeting on Monday, to be attended by those who could help to make a decision. The President of Turkey and the Prime Minister were both away from Ankara but their presence was not needed until agreement had been reached by some of those on a slightly lower level of influence and authority.

During the course of Monday the Senator from Washington met all of those with whom he expected to do business in early evening. They were charming, considerate, and courteous.

The meeting began at 6 p. m., and continued until a decision was reached 2 hours later.

There is nothing personal about this recitation, but it must be personalized to give evidence of what must be done by others if we are to save our world. At least the Senator from Washington thinks so.

The Senator from Washington, as a representative of his fellow Senators, many thousands of miles from home, presented the case for Turkey joining with other nations in the Korean war. Our Ambassador could say little, for he was not a free agent, and the chief of our military mission did not, for logical reasons, wish to involve himself in a political discussion.

One could sense that the Turks in this meeting were sympathetic to doing something. There were reasons on the surface, however, that would justify the Turks being slow about doing anything. The Turks opened the book and let us see the reasons. These were largely the Soviet troop dispositions just off the northern shores of the Black Sea. If anybody has a right these days to be concerned about where they sit under the shadow of an overwhelming military force it is the Turks. After showing us their weaknesses they said they wanted to listen to every possible reason for justification for committing troops to Korea. The Senator from Washington advanced seven reasons:

First. Loyalty to the United Nations. If that instrument is to live and achieve any of its laudable ambitions it must be actively supported in Korea.

Second. Appreciation to the United States, as a people and as a government. America has helped Turkey to become self-contained and a real factor in the Western World. Turkey can only prove the depth of its gratefulness for this assistance by joining hands with America in Korea.

Third. A ground force contribution by Turkey will improve its chances for membership in the Atlantic Pact or in some comparable defensive alliance. The Senator from Washington was very positive about this. He told the Turks that if they got out in front they would certainly have something to bargain with.

The Senator from Washington likewise made it very clear to the Turks that he, the Senator from Washington, had no authority. I merely suggested to them, "You want to get yourselves into such a strong and reasonable position that others will not easily or readily be able to deny your application for membership in the Atlantic Pact. If you offer and commit ground troops and others do not, you will have earned the right by your sacrifice and contribution to serious consideration and affirmative action by every member nation of the Atlantic Pact. I would urge you not to submit to a 'No' in the future from others who have contributed less than yourselves to a common cause. I assume, of course, that you will shortly commit ground troops to Korea." At the moment it was not certain that the Turks were going to give anything.

Fourth. Participation by Turkey would add to Turkey's prestige in the eyes of the world. One of Turkey's few remaining liabilities is that too many nations and people continue to think of Turkey as the Oriental empire she was in the past.

Fifth. Participation by Turkey would tell the world that the new Turkish Government was equipped and prepared to take firm action in the face of any great emergency.

Sixth. If Turkey joined the United Nations effort in Korea every other nation might follow suit. A positive decision by Turkey stood a good chance of sparking and electrifying those many nations which were lagging by the wayside.

Seventh. War is a rotten business but you can only learn, I suggested to the Turks, about war by fighting in a war. If Turkey participated in the Korean conflict Turkey would determine how effective her reorganized and modernized army had become.

At 7:55 the Foreign Minister said that he would recommend to the President and his Cabinet that a self-contained regimental combat team be sent to Korea. An hour and 55 minutes after we sat down in a closed room. The Defense Minister, who had not opened his mouth, then said, "I associate myself completely with the position just announced by the Foreign Minister."

The General Staff representatives said nothing during the conference but one of them, during the latter part of the conference, wrote these words on the top of a cigarette box—for he spoke and wrote English—and slid it across the table to me, "It will be the greatest crime in Turkish history if this opportunity to live or die with the Western World is avoided." Oh, what a declaration of gallantry and faith that was, and they not even a member of the Atlantic Pact.

It is one thing to talk about a positive decision and something else again to nail it down. The Foreign Minister said that he would do his best to have the Cabinet reach some decision before the Senator from Washington left Turkey on Wednesday. His action turned out to be as good as his intentions. On Monday night by phone he conferred with the President and the Foreign Minister and they agreed to an emergency Cabinet meeting the next day in Ankara.

In this file on my desk there are a number of Turkish newspapers which relate this story in fuller form, and those among my colleagues who speak Turkish are certainly welcome to look at the press stories.

On Tuesday the Ambassador and the Chief of our military mission took me away to Istanbul. That night the Ambassador and a number of us who were his dinner guests, were sitting on his open porch, just quietly waiting and about 11 o'clock the phone rang and the Foreign Minister said, "The regimental combat team will join the United Nations in Korea just as soon as the supply and other arrangements can be made."

The Senator from Washington, Mr. President, has told this story only because there is something important about it. Turkey contributed a regimental combat team to Korea, because some American—and it happened to be the Senator from Washington—bothered to help in selling the idea of the urgent need for participation by every member nation in the United Nations.

Korea is a long way from everywhere. Nations and people can academically think of the need for participating in Korea but decisions must be driven for.

What is everybody's business is generally nobody's business. Wherever I went I found that nearly everybody was willing to leave Korea up to somebody else. It was only when somebody was selling the need for participating in concrete form was anything being done.

Permit me to offer another example. On August 5, the Senator from Washington spent more than an hour with Jules Mock, the French Defense Minister. He talked with me about the need for America sending more divisions to the continent. He was very certain about it. At the same time he gave me the usual reasons why France was not in a position to send ground forces to Korea.

Mr. KILGORE. Mr. President——

The PRESIDING OFFICER (Mr. GRAHAM in the chair). Does the Senator from Washington yield to the Senator from West Virginia?

Mr. CAIN. Certainly.

Mr. KILGORE. May I ask the Senator from Washington when it was he received his information about Turkey deciding to send a combat team to the Korean theater?

Mr. CAIN. It was Tuesday, the 25th.

Mr. KILGORE. Of what month?

Mr. CAIN. The 25th of July.

Mr. KILGORE. From whom was that information received?

Mr. CAIN. From the Turkish officials. I received it first by way of an intended commitment on Monday, the 24th of July, from the Foreign Minister and the Defense Minister.

Mr. KILGORE. I will say to the Senator from Washington that in December 1948, the Senator from West Virginia was told by representatives of our Government that Turkey was perfectly willing to furnish whatever troops

Germans can belong. In my opinion he will be interested in belonging to no army unless he can be considered as an equal on political and economic fronts. The western German of 1950 is not interested in being a mercenary for anybody, and I can not find it in my American heart to blame him for this attitude.

Many in western Europe fear the German. I do not think this fear is justifiable or reasonable. Some Frenchmen fear the German because of what began in 1914 and in 1939. My own realistic view is that the French and other nations among the Allies, including ourselves, let the Germans, led by Hitler, have an advantage they were not entitled to. The Allies, which include the United States, could have stopped or crushed Hitler long before he sought to conquer the world. Regardless of what the Allies may wish to do they will be unable to keep western Germany part free and part slave in perpetuity.

One fact stands out today. If we want western Germany to make a contribution to the defense of western Europe we must permit and encourage western Germany to become a nation in the full sense of that word. The allied nations are in no position to continue to suppress the energies and capabilities of Western Germany if we expect Western Germany to help us.

The only thing the Western World can place its reliance on is time, and quite a lot of that. If we want Germany to help us we had better promptly remove every shackle from Germany and while she is trying to reestablish a nation we have more than enough to keep us busy in putting the house of the Allies in order.

I can make no other recommendation, for there is no other recommendation to make. If we want Germany to go with us, it must be on German terms. If we expect Germany to go with us while she remains in semibondage and a vassal, I think we are guilty of fooling ourselves in an unwarranted fashion. I do not think Germany will go with us on those terms.

Western Germany either wants to remain at peace or she wants to win. As of now there is nothing she can do to defend herself or to help us.

Mr. President, the Senator from Washington has been more worried and concerned by the war in Korea since it began on Saturday, June 24, 1950, than with any and all other questions put together. It has seemed obvious to him since the beginning of that war that our future and that of the Western World will be determined by what happens and takes place in Korea. Because of this feeling, the Senator from Washington sought while in Europe and the Near East:

J. To find out if Western Europe and the Near East can provide ground troops for Korea and what is holding them up should these troops be available.

From the moment the North Koreans crossed the thirty-eighth parallel, the Senator from Washington believed that the crisis between East and West was moving in the direction of being resolved. He knew then and knows now that unless all of the free western nations rise to the challenge, that the West stands a good chance of being badly defeated. The verdict has not yet been rendered but the decision is in the making.

The only people I found anywhere in the whole of Europe who can speak of Korea without blushing are the Spaniards. They have known and said for several years that Korea was going to be a bloody battlefield, but no one paid any attention to their warnings.

During the war in Korea, Spain has editorially raised some pointed questions about the prophesies which that backward state called Spain made several years ago. They have concluded by saying this in their own words:

> It is not necessary or proper to ask questions, in the fullness of deeds done, or to cry over spilled milk. The Communist invasion has become infinitely stronger and potent than could have been expected. The United States has with rapidity and energy tried to put out the fire, but can the elephant ever win over an army of ants?

We in America had better start thinking about phrases like that.

> Even the trains in the Orient stop when the railways are passed over by a plague of locusts. The United States can send 50,000, 100,000, or 100,000 more men in ships and planes at great economic sacrifice and blood. But where is Europe, that it is not seen in Korea. The delegates of Europe in the UN condemn the invasion of the North Koreans but it was the United States who furnished blood and money. Europe, with speeches at Strasbourg and in editorials on better paper, in better ink, turned out words, and words, and words. Korea is very near now to Europe. So is the other side of the Rhine. But Europe has her arms crossed watching the United States take the heavy blows.

Mr. President, this is strong language, but not too strong to be repeated on the floor of the United States Senate, because there is a measure of truth in what has been said. After talking with a number of nations in the Western World, I can only draw the conclusion that most of them have not yet recognized the true nature of the conflict in Korea. I think that many of us in our country do not recognize tonight what is going on. If we had, we would have insisted and every other free nation in the United Nations would already be committed in Korea.

The Senator from Washington thinks there is still time, though not much time left, in which to unify and solidify the forces of the free nations against the aggressor in Korea.

Everywhere the Senator from Washington went, he urged the nations he visited to hurry ground force contributions out to Korea, and he was astonished by the answers he got, both from the representatives of the nations in question and from some of the Americans who represent us abroad.

The Senator from Washington must tell this story, because the story must be told by someone. The story in itself ought to cause all of the free peoples of the world to sit down and determine what we are trying to do.

Every country I visited had a telegram from the Secretary General of the United Nations by the time I got there. This telegram, or telegrams, which I did not see, was an invitation to take part in the Korean war. Perhaps the telegram was lacking in force or clarity, but the telegram was making no impression on anybody in July and August. By the time I got to France, in August, it had been publicly announced that France did not plan to send ground troops to Korea at the present. Fortunately, France has since changed its mind. I personally talked with a Foreign Minister in late August, to have him tell me that his nation did not want to be embarrassed by sending a small force, so they had decided not to send any force at all. The Prime Minister of an Atlantic Pact nation, one of our allies, said that. Against that kind of observation I would doubt that anyone would say what the capacity of western Europe was to defend itself. If anyone wishes me to do it I could probably quote word for word from the conversations I had with foreign officials in Europe.

On my first swing around the circuit, for I visited most of the nations more than once, only Great Britain was moving strongly toward a ground force participation decision. The date of my visit there was during the first week in August.

As the Senator from Washington went everywhere and got only reasons why a given nation could not afford to take part in Korea, he was horrified, not so much as an American, but as a free citizen of our western civilization. There was to his mind a shocking lack of awareness concerning the nature of the conflagration in Korea. If anyone wishes to pin me down, I can probably quote word for word the conversations I had with foreign officials overseas.

We cannot waste time in crying over what has not been done since late June, but we can pray to high heaven in hope that the foreign ministers when they meet in New York this week will determine upon a policy of action that will make of the war in Korea in fact what it presently is mostly in name—a United Nations undertaking.

He travels fastest, Mr. President, who travels alone but in the absence of a secretariat or entourage the unimpeded traveler must recognize that a dull pencil is far better than the most accurate memory. Under date of Sunday, July 23, my diary says this:

"Tomorrow could well be a day of some importance." It was.

The decision concerning what Turkey ought to do about the war in Korea was reached by a handful of men on Monday, July 24, behind closed doors in a small room in Ankara. Those present were the Foreign Turkish Minister, the Defense Minister, the Chief of Staff of the Turkish General Staff, the Deputy Chief of Staff, the four Assistant Chiefs of Staff, the American Ambassador, the Chief of the American Military Mission, and the Senator from Washington. No one else.

On the Saturday previous the Foreign Minister had suggested to the American Ambassador that the latter confer the first of the week with the Deputy Foreign Minister about the Trygve Lie invitation to take part in the Korean war.

On Sunday the Ambassador told me of this conversation, within 30 minutes of my arrival, for the Ambassador was a

This is not fatal, however, because the Spanish army has no intention of going anywhere. Spain is governed by a dictator, but not by a dictator who seeks to impose his will upon the United States or upon anyone else. That dictator in Spain is not causing us any trouble of that character. Spain wants to be able to protect itself, whatever its form of government. The Spanish Army is designed to resist an aggressor. Though it lacks modern equipment and weapons, it is courageous and tough. It, as in the case of the Turks, has no fear of anything. It could become a first-rate instrument for peace, if it had some good equipment to work with and some friends who wanted to help in modernizing the Spanish Military Establishment.

I am not familiar with the reasons which caused him to make the decision, but the Spanish generalissimo withstood every demand made by Hitler to march across Spain in the early part of the war. It is good, merely as one Member of this body, to rise and say a word for the cause of Spain. The course of history might have been changed to our detriment had Franco opened up the floodgates at the Pyrenees and let the Germans move in force across Gibraltar to the continent of Africa.

Because of this many an American citizen will remain grateful to Spain as long as he lives. All during the war Spain opened her arms to our aviators who escaped after being shot down over occupied France and elsewhere. These Americans found a warm and comfortable welcome in Spain. They were nursed and fed; they were rested and had their wounds healed; they were given the chance to return to the Allied side to fight again for the preservation of freedom. Spain did these things for America and did them always over the strongest possible protest of the Germans.

These are two of the things we ought to think about as we evaluate the Spanish question.

Spain really wants to work, in my opinion, with America and the Western World. How we could benefit from her help in Korea today. Maybe we will find it possible and very reasonable to look in her direction for help tomorrow.

Mr. President, while abroad the Senator from Washington attempted:

H. To determine what contributions to the defense plan of western Europe might be reasonably expected from Germany.

I do not profess to be an authority on the subject and the question is extremely difficult to answer.

My own best feeling is that the allies must first permit Western Germany to reestablish all of the responsibility involved in self-government before we can expect Western Germany to contribute in any substantial way to the defense of western Europe.

Before we can ask for very much we must permit Western Germany to take all of the steps required to protect itself against a continuing possibility of civil war.

Most of those in authority agree that Eastern Germany has equipped and is training a built-up and so-called police force which numbers not less than 50,000 members. So far as I was able to determine there is no such internal security force of any comparable size in western Germany. The German advantage is about 10 to 1. If this eastern German police force invaded western Germany tomorrow American troops would find themselves committed because of an inability of Western Germany to protect itself. The need for granting Western Germany whatever permission and help is necessary for this self-defense is so positive that any additional comment is unnecessary.

The western German does not know what he wants to do. He is ever conscious of the fact that in his lifetime he and his nation have made two great mistakes. If this German can help it he has no intention of being on a losing side again.

The German policy of the Big Three has been a cause for argument since shortly after World War II ended. That policy, it seems to me, was worked out as a compromise to the so-called Morgenthau approach. As a result Western Germany today is neither a self-contained nation nor is it a truly conquered country to be occupied by force.

As I understand it we went to war to rid the world of Hitler and the Nazi party. If this was our objective, we satisfied it quite some time ago. We did not, however, restore Western Germany to the status of a nation after this mission had been completed. Because of an understandable fear of a recreated Germany we have maintained her in some sort of semi-bondage.

Our present trouble is, I think, a direct result of not accepting one of two alternatives shortly after the conclusion of World War II. The first of these was to do to Germany what Rome did to Carthage. History tells us that Carthage was never heard from again.

The second alternative was to reestablish a new nation in the quickest possible time. This we have continued to hesitate about doing.

Until all of Germany or at least Western Germany becomes a nation again it will have no purpose. Until it has a purpose we must not expect Western Germany to make any sizable contribution to the defense of western Europe.

As recently as a year ago the United States, Great Britain, and France worked out an agreement with Chancelor Adenauer's government, "to prevent the re-creation of armed forces of any kind." Now, less than a year later, the Foreign Ministers are meeting in New York probably to discuss the kind and size of the armed forces contribution to be provided by Western Germany.

I consider the German to be a very intelligent and resourceful fellow but I do not think it is possible for him to change, as quickly as we would have him change in a year's time. He has no more than accepted a decision not to be rearmed than it is being suggested that he must rearm. Who do we think he is? How much of an acrobat do we consider him to be?

For more than 5 years we have been telling the German that most of his ills have resulted from the military might of Germany in the past. Millions of Germans have accepted this premise. They are the same Germans who are now being asked not to believe a word of it.

The United States and its partners have themselves in a fix. We and our Allies are thinking about getting help from Germany because we are frightened. We have no strength in western Europe. All that the Senator from Washington is saying is, "Be realistic and quit expecting help where we have no right to expect it at this time."

For the better part of 5 years the Allies have been dismantling Germany's capacity for building a military establishment. Though many a German thought it the wrong thing to do, he was required to submit to the practice. Now we are about to ask him to build up overnight what it has taken us some years to tear down.

As we appear to be thinking about the reestablishing of an armed force in Germany, I think it is so that some German industrial plants are still scheduled to be dismantled. Having no desire to embarrass anyone in western Europe, I did not press my inquiry on this question very far. I think, however, that some committee of the Senate will be interested, and I take for granted that the question will be under discussion by the Foreign Ministers this month.

Mr. President, if you were a German, what would you think? How would you act? What would you decide to do? Even if you understood and wanted to resist the onrush of Communist aggression, what would you agree to do at this time? I think you would say there is very little you could do at the moment.

Have you ever thought, Mr. President, of the reaction in western Germany to our present involvement in Korea? I have in recent weeks, and it goes like this: Korea has convinced the western German that the United States intends to stop aggression anywhere, if it can. There is no doubt about this. The German now knows that America means what we have said for a long time.

He looks at us with a real fervor of respect. The trouble in the German's mind lies, however, with whether the United States can carry out its good intentions.

As sometimes happens, the United States had oversold its product in Western Germany. Because of what the United States did during the latter stages of World War II in Germany, and because of what America accomplished through the airlift to Berlin, the western Germans became convinced that America could do anything. In addition to the war and the airlift, the western German has been reading for a long time about our secret weapons and about the push-button war of the future. The western German believed the things he read and now, because of Korea, he does not know what to believe. He is really "up in the air."

The western German knows what we have and pretty generally what the Soviet has. He has no reason to feel reassured with this knowledge in hand.

Mr. President, there is talk about a European army to which the western

particular word for America, I would be glad to deliver it. This is what he requested me to say:

If America, and others, too, are thinking about working out some mutually beneficial agreement with Spain, then that action ought to be taken soon. Should trouble come before an agreement has been reached, it will be a little late to talk of friendship and a little futile to discuss new weapons.

In Portugal, the Prime Minister said he had nothing to say which was not already known in high places in this country and abroad. He merely wanted to restate his own feeling about the Spanish question.

I am now referring to Dr. Salazar, a very unusual person. We call him a benevolent dictator. I suppose we call Franco a ruthless dictator. Both of them are very interesting.

At any rate, Dr. Salazar said he thought that those who continued to refuse to understand the need for having Spain as a working partner in the Western World were suffering from a curious kind of pathological madness and insanity. That is what he actually said; those were his words. I think the phrase he used is a very provocative one. We were at his place in the country, and I sat at a desk across from him. He smiled and said, "It is a curious kind of pathological insanity. It has nothing to do with sense, logic, or intelligence. Otherwise normally intelligent people have simply lost their minds. You would think the Western World just wanted to jump off the cliff and destroy itself." He chuckled a little and said there was nothing he could do about it. He said that the fall of Czechoslovakia ought to have made it pregnantly clear what was afoot. Bear in mind that Portugal is a member of the Atlantic Pact. That was one of our Atlantic Pact allies suggesting to me that the leadership within that pact was overlooking a few good bets. Her Prime Minister continues to be of the opinion that in our own most selfish interest—that is what he said it was; he said we should do these things for our selfish self-interest, that we should quit, for a change, letting other people tell us how we are going to live in the future—we ought to have reached an understanding with Spain several years ago. He hopes that late as the hour is, the question will be faced up to and a solution found.

The Iberian Peninsula can be said to be the extreme right wing of the Western World. There are reasons for this, even though we people who benefit from total freedom do not approve of the result. This is something I had not known, or had forgotten by the time I had reached Portugal. Portugal renounced its monarchy in 1910. During the next 16 years there were 47 changes in government and 8 presidents—a curious circumstance, because the President of Portugal is elected by the people for a term of 7 years; but Portugal has had 8 presidents, each elected for a 7-year term, in 16 years.

The present Prime Minister, Dr. Salazar, began his work in 1926. He embarked on a program to provide his people, 50 percent of whom remain illiterate to this day—and he is working as hard as he can to improve that situation—with food, roads, and power. From beginning at the bottom of the barrel in 1926, great things have been accomplished by Portugal. By comparison with our standard of living, which we take for granted, Portugal has just begun. What this Nation would have done if faced by such obstacles as confronted Dr. Salazer, I would not guess. I am certain, however, that we would obviously not have the freedoms we enjoy today.

In the Spanish Civil War, more than a million Spaniards lost their lives. Brothers killed brothers. Families were separated, never to be joined again. Towns and villages were consumed and have not yet been rebuilt. As time goes, that was only the day before yesterday. The one thing the average Spaniard does not want is another civil war. Individual liberty does not live freely in an atmosphere like the one existing in Spain these days. It will be quite some time before Spain is willing to take a chance on or be able to afford the way of life all of us have enjoyed and have taken for granted since the day we were born.

Nearly every American knows that the United Nations passed a resolution in 1946 which resulted in the withdrawal of Ambassadors and Ministers to Spain. As I recall, the United States did not approve of this action as a means of political pressure. Our State Department thought it was a mistake in departure from established principle. But the resolution passed, and we have not had an Ambassador in Spain since that time. What a lot of Americans do not know is that we have an Embassy staff in Spain. That is why I have put this comment in this paragraph. I think most Senators know about this, but I think many Americans do not realize that we have any contact of any sort with Spain today. This staff is not a small one. It consists of some 80 Americans and scores of Spanish employees. The staff is headed by a chargé d'affaires, and a very good one. His great weakness, through no fault of his own, is that he has no contact with the Spanish Head of State. I think it has been about 3 years since the No. 1 American in Spain has talked with the No. 1 Spaniard. As things stand, we are spending a lot of money in Spain without receiving a full return from that investment.

It ought to be said in passing that 15 nations have quietly returned their Ambassadors or Ministers to Spain since the UN resolution of 1946. You just don't know how strange this world is until you travel through it.

I have been told by a good many people in this country that there is no real need for seeking an understanding with Spain at this time, because in the event of war, we would automatically occupy the country to take advantage of its war potential. I would not recommend this course of action. Despite the fact that almost every Spaniard wants to be our friend there is hardly a Spaniard who would fail to resist a forced occupation by us or by anyone else. One of the main reasons why Napoleon lost the peninsula war was that he underrated the capacity of the Spaniards for resisting an aggressor. Before that war was over, Napoleon and his marshals were using most of their armies to protect their lines of communication. Rather than acknowledge the French invader of more than a century ago, the Spaniard preferred to have his lands ravaged, his house and cattle burned, his wife raped and his children butchered before his eyes. No Frenchman was safe. Their every convoy needed a powerful escort. Every village and town had to be garrisoned. The French were driven to disperse their forces even to maintain order and protect their supplies. I do not know how many individual Spaniards I talked to, who said to me, "Senator, there is much in common between us Spaniards and you Americans, and we only hope we can work out an agreement as friends. We want you as friends. But, Senator, do not be mistaken. We are an impoverished country. We have to grow blood out of rocks in order to live. Nobody helps us, and we are not asking for a great deal of help. But, if trouble comes, you Americans must come as friends, for if you do not, we shall do everything in our power to keep you from coming as enemies." Mr. President, to every Spaniard who told me that story, I replied. "I could not agree with you more. If anyone, including the United States, ever tries to put a foot on Spanish soil without having an agreement so to do, I wish you well in trying to kill him before he gets on this land, even though the Senator from Washington, who has become your friend, may be among those who would have to do it in compliance with the orders of the day."

Let us talk for a moment about the Spanish Army. Senators want to know what it is. I think the Senator from Nebraska earlier asked, "How many men have they got under arms? How many men could they put under arms? How good are they?" This is my opinion. The present day Spanish Army is a sight, and not a very good one. There are some 300,000 men in uniform. A fair guess is that some 22 divisions are in being. The discouraging aspect about all of this manpower is that its equipment largely belongs to a bygone age. It consists of a conglomeration of German, Italian, French and Russian weapons. The divisions possess few tanks, almost no antitank rifles, archaic artillery and little transport. The Spanish Army of today would break down after a few miles on the road or march.

I learned a very significant and very unusual fact about the Spanish Army. It happens that the Spanish soldiers have not been on maneuvers as an army for several years. Each year the high command sends out orders to the units. "On M-day we march. Remain in the field and in bivouac and on maneuvers for x number of days." But each year, for some years, within a week of those intended army maneuvers, a countermanding order has been sent to the field, because Spain has not had enough gasoline, for example, to put its limited transport on the road, and not enough money to replace the ammunition which would be consumed in the maneuvers.

The Iberian Peninsula has an area of 230,994 square miles, which are divided between Portugal (35,490) and Spain (195,504). Portugal has a population approximating 8,500,000 and Spain has a population approximating 27,000,000. Portugal is a member of the Atlantic Pact and Spain is not. I urge all Senators to study a map and determine if the smaller country can play its part in any defensive arrangement without working hand in glove with the larger country.

In a conference I had with the Secretary of State on Saturday last, I said that I would do all in my power from this time on as an American and as a Senator to work for the restoration of Spain to a working relationship with the rest of the western world. I told him there was no other course to pursue if one was determined to live in the uncertain world of tomorrow.

I deeply hope that many other Senators and many more Americans will go as soon as they can to visit Spain so as to know her people. I know of no human beings on the average who are more hardy, sober, honest, and industrious. I have never known a people who thought it less important to speak out for themselves. A Spaniard has an astonishing indifference to the opinion of others. He wants to be liked, and he wants you to be his friend, but as a nation he will not try to merchandise his virtues. It is a signal characteristic of the Spanish people with which I have been totally unfamiliar. They have not the slightest interest in whether one thinks well or ill of them. They say, "We want to have others as our friends, but we leave it up to others to judge for themselves." Without question, in my own experience, the Spaniard is the most self-reliant and independent person, in that respect, of all peoples I have ever known.

After being in Spain I consider its greatest resource not to be the airfields which may be needed so badly or the Pyrenees behind which great installations could be established and from which greater countercharges might be launched, great as these advantages are, but the Spanish people. We can call them extremely strange, moody, and mercurial, but we must recognize them as being good.

I would have Senators believe that the Spaniard is willing to be the warmest possible friend or the bitterest possible enemy. In this day when we seek friends, rather than enemies, we must, if we have not lost our sanity and reason, look for a way to work out a friendly relationship with Spain.

Perhaps this is impossible of achievement. It may be that the prejudices will remain stronger politically than are the obvious virtues which Spain wishes to offer us.

So far as I know, the fundamental case against Spain is that Generalissimo Franco is a sinister character and an anachronism, who should be done away, as were Hitler and Mussolini, before the United States and other western world nations can reach an understanding with the Spanish people. It seems impossible to me that we can achieve this objective by continuing to boycott and cut Spain off from the rest of the world. The one certain way to maintain and continue a strong dictatorship in Spain is to continue the policies which we and our allied friends have carried out against Spain in recent years. Like every other American, I hope that our kind of individual liberties and freedom will become part and parcel of the Spanish way of life, but this is a decision and development which must be made and reached by the Spanish people as a nation. It cannot be accomplished by us.

The Senator from Washington wants to do business with Spain for many reasons. He thinks we shall continue to live in a fool's paradise if we continue to believe that western Europe can be defended without the Pyrenees. He wants to do business with Spain because he thinks that is the Christian thing to do. The Senator from Washington is a Protestant and comes from a Protestant family which was established in America several centuries ago. As a Protestant, the Senator from Washington calls it an un-Christian act to continue to boycott millions of men, women, and children because of political and emotional religious prejudices.

In a letter under date of January 18, 1950, to the chairman of the Senate Foreign Relations Committee, the Secretary of State said, in discussing the Spanish question, "Spain is a part of western Europe which should not be permanently isolated from normal relations in that area." What does this reference by the Secretary of State mean? I do not know. It obviously means that the United States is prepared to vote for a resolution in the General Assembly which will leave members free to send an ambassador or minister to Spain, if they choose. It probably does not mean that our Government would be willing to go further than to return an American ambassador to Spain. If it means this and nothing more, it means, as far as working out a real relationship with Spain goes, absolutely nothing.

When I talked with the Secretary of State last Saturday—because I thought it was the serious, considerate thing to do, and it was a conversation of real benefit to me—about my support for doing business with Spain, he wanted to know what reaction I had received from Great Britain and France. I told him that such reactions were strongly in opposition to doing any business, except commercial business, with Spain. One thing is certain, and this thing I told the Secretary, that despite a terrific reluctance on the part of Great Britain and France to look with favor on a political or military agreement with Spain, both of these nations and every other nation too, carries on any business with Spain that promises to turn a quick dollar. I can understand why the socialistic government of France and the Labor government of Great Britain are not happy about Spain. Our own American labor leaders are opposed to Franco and the present Spanish Government because labor in Spain is not permitted to organize or bargain collectively. All of us are opposed to this restriction. What, however, can any of us do to improve the situation by continuing to boycott Spain? We can characterize the present Spanish Government as being, in our view, extremely reactionary. We do not like this but is the Spanish regime likely to be overthrown through our continuing boycott—our continuance in cutting it off from the rest of the world?

Obviously, no such result will come about from our present conduct.

The French, and I can understand this, still suffer bitterly from their memory of the World War II German occupation. The French believe that any defensive alliance between Spain, and particularly the United States, is evidence that France will not be protected by her allies in the event of another war. France wants to make as certain as she can make certain—and I would feel this way, were I a Frenchman—that a serious attempt will be made to stop the aggressor to the east of French borders. No one will argue with this hope; and all among us, if required, will do our level best to see that it comes true. I argue with the French and British on the grounds of simple logic. In the event of another war, there would be no desire on the part of the allies to withdraw behind the Pyrenees unless there was a positive need for doing so. If, however, Europe was overrun, can anyone tell me where the allies could mount a major counterblow, if not in Spain? Do we Americans remember how long it took the Allies to get back on the Continent in World War II? It took more than two long years to train and mount and attempt the risk. It turned out to be a successful risk; but from the beginning, it was a gigantic one. I am not qualified to judge the character and nature of any future war; but I take it to be the simple truth, and I want to state it as such to any American who cares to think about it, that it would be much more simple to start again, in the event of major ground reverses, from a land base rather than from across some channel or sea.

My own feeling is that our Secretary of State recognizes these observations as being true. I can recognize the difficult fix which I think he is in. He is trying to do business harmoniously with other Governments, while trying at the same time to adequately defend the best interests of America. He must try to jump in several ways at the same time. The Senator from Washington is solely concerned with how America, preferably in the company of its allies, can live in the future.

We ought to do business with Spain because it is truly the western flank of the Mediterranean Sea. If the time comes when all of the western allies work out, if there is time, a defense agreement with Turkey and Spain, then any likely aggressor will think more than once before he seeks to occupy its shores.

While on the Iberian Peninsula, I was pleased by an opportunity to confer with both the Prime Minister of Portugal and the Spanish Head of State. They have a nonaggression pact between them. They know the Iberian Peninsula is indivisible. The Generalissimo in Spain endeavored to sell me nothing. I used more than an hour in asking him questions. At the conclusion of that conversation, I suggested that if he had any

prepared to stand together in the event of serious trouble.

The United States was helping Turkey in a military way long before the MDAP was activated. As a result Turkey is much better prepared in many ways than are many of the Atlantic Pact nations. The purpose of our military participation in Turkey was to help in creating a reasonably small, hard-hitting, balanced, effective peacetime establishment which (a) can be quickly brought to and maintained at full war strength and (b) will be capable of meeting and holding an aggressor for a sufficient length of time to permit the mobilization of the full military power of the country. Because of competent leadership in Turkey and that fine leadership which was provided by us, the Turks are beginning to attain the objective. As of the moment, however, the training program of the military establishment is lagging behind the equipment program and the existing units are not entirely capable of effectively maintaining and operating the modern military equipment now available. I consider it to be a fact that the United States has already given to Turkey more pieces of automotive equipment than the Turks are able to provide drivers for. For quite some time to come Turkey will continue to be more in need of training than of equipment. There are two ways in which the United States could help Turkey more than we are doing at this moment. We could double our highly effective military mission, for this would provide additional training personnel, and we ought to make absolutely certain that our Chief of the Military Mission is given the power to determine the equipment delivery schedule. The Turkish situation is an example of why it is impossible to buy security with just dollars. How much of the MDAP supplemental appropriation is ear-marked for Turkey I do not know but the Chief of the Military Mission is the best qualified person to determine how much equipment can be effectively maintained and operated by the Turkish military establishment at any given time.

The case for including Greece in the Atlantic Pact or a comparable defensive arrangement is likewise a strong one and perhaps there is a greater urgency involved. Where Turkey benefits from a national unity and political stability Greece is troubled by a lack of political stability. Greece would probably solve her political internal problems more rapidly if she were joined more closely with other nations in the western world.

Piled on top of Greece is a powder keg of the first dimension. This consists of the Balkan States. At the moment Yugoslavia is trying to determine what it wants to become in the future. All of us are watching to see what its answer will turn out to be. It is a Communist state, but not joined with the Soviet Union as are Hungary, Rumania, Bulgaria, and Albania. These are acknowledged satellite states. They are not unprepared for conflict. I think it reasonably accurate to state—and Senators might want to put this information on the maps in their offices—that Bulgaria has 11 divisions; Albania 4 divisions; Rumania 14 divisions; and Hungary 2 divisions. Some Russian divisions are stationed in both Hungary and Rumania.

Yugoslavia is said to have about 34 divisions in the field.

All of this means that if any real trouble erupted from within the Balkan States Greece would be powerless if she had to resist an aggressor by herself.

If Greece were joined to Turkey and with every other nation in the Atlantic Pact the story might be something else again. At least Greece would know that it would not be required for her to go it alone, an impossible situation.

It will take leadership of a high order to get Greece and Turkey and then Iran to work in harmony and together but this task must be undertaken and accomplished before we get through. How is this to be initiated other than through the Atlantic Pact or direct, as between Greece, Turkey, Iran, and the United States?

I did not see very much of the Greek Army but I liked what I saw and what I was told about it. The army is small, with a total force approximating 126,000. It is hard-hitting, brave, and well trained. This acknowledgment is by way of compliment to our American Military Mission, to Marshal Papagos, and to the leaders within the Greek Military Establishment. Our military representatives in Greece maintain that the Greek soldier will follow his artillery and mortar fire at a closer distance than any other soldier they have ever seen. This indicates that the Greek is a top-flight fighter and all of us can afford to welcome more of this kind these days.

The Greeks had no effective military establishment several years ago. It looked then as though the Communist guerrillas would take over all the land. Hard-headed decisions were required and they were made by Marshal Papagos from the day he took over as commander in chief. I would urge my associates in the Senate that if and when they next go to Greece they make it their business to try to meet that very interesting soldier. His first order was to remove 2 lieutenant generals, 15 major generals, 35 brigadier generals, and scores of full colonels from the active list. As a result of this and other needed and hard-headed action taken by the marshal there is no water today in the stock of the Greek Army. I wonder how many other armies can say as much?

The Greek Army suffers from a lack of modern equipment. It will be benefited materially when large numbers of additional noncommissioned officers have been trained.

The Greeks have few factories in which spare parts are manufactured and this is a major, and will be a continuing obstacle.

What has been a blessing to Atlantic Pact nations has been in part a detriment to the Greek Military Establishment. When Greece and Turkey were the only nations being provided with American equipment requisitions were filled in rapid fashion. It takes a much longer time today for Greece to secure what our military mission thinks it ought to have. This is another example, however, of the scope of the commitments America is trying to make good. It is much more difficult and expensive for us to supply everybody than it was in 1947 when our equipment deliveries were pretty much restricted to Greece and Turkey.

The Greeks are tied to the United States by acts of mutual friendship which run back through the years. We can best utilize this relationship, I think, by molding Greece into our over-all defense plan for the Western World. Greece would be a very valuable asset to have on our side if a volcano exploded in and around the Mediterranean Sea.

The Greek navy is small but mobile and very well led. It earned a good reputation in World War II which gives promise of a greater efficiency and effectiveness in the future.

If Greece is not made a member of the Atlantic Pact or of some comparable arrangement and if the United States does not work out a written military agreement with Greece what can we expect from Greece when trouble comes? By herself Greece is nothing. As a member of a unified team she would be important out of all proportion to her size and power.

Mr. President, on Saturday, September 9, the Senator from Washington conferred with the Secretary of State and members of his staff and laid before them the substance of this statement though I neglected to discuss with the Secretary the question of ground troops for Korea. I simply forgot to do it.

Mr. President, the Senator from Washington had one extremely unusual and fruitful experience abroad. He went:

(G) To visit and learn as much as possible about the Iberian Peninsula, which includes both Portugal and Spain.

Like most Americans, all I knew about the Iberian Peninsula had come from American and European prejudices, for I had never been there. I went with an open mind, because of my conviction based on looking at a map that it would be very difficult to work out an effective defense plan for western Europe without including the geography and resources of the Iberian Peninsula. How deeply grateful I am that I was given an opportunity to reach a considered judgment on the ground.

After spending almost two weeks in Spain and Portugal, I took away with me the considered conviction that, if the East and the West come some day to grips in a war for survival, it will be completely impossible—not reasonably difficult or hard, but completely impossible—to defend Western Europe without utilizing the geography, the manpower, and all the resources to be found in every nook and cranny of the Iberian Peninsula. I am grateful for the chance to say this as an American, because I believe it to be so.

I do not want to be a party to seeing any of my people some day in the future die unnecessarily if an agreement has not been worked out with a piece of real estate and with some worth-while people which might lead to survival rather than to death.

to his Nation. Many of us recall with embarrassment and some shame the way in which our great armies disintegrated and went to pieces after the fighting was over in World War II. That was the period when everybody wanted everyone to get out of uniform at the earliest possible moment. There were a few men with long heads who thought we ought first to work out an understanding with Russia, but nobody bothered to listen to them. That was the day when the American appeaser had himself a field day. He not only caused our armies to be demobilized overnight, but he encouraged a breakdown in discipline and practically encouraged enlisted personnel to refuse to obey orders from their superiors. That was a time when American military personnel paraded as pickets on the streets of German cities and demanded to be sent home.

General Huebner changed all that. He restored discipline and caused every man in the army of occupation to work for and earn a new sense of pride and self-respect. General Huebner is a great Army officer and a far greater American. The finest heritage he left behind was that in time of trouble every man and woman in the European command will be anxious and ready to do their part.

When you witness a review these days in Heidelberg the soldiers who march by are seldom combat personnel. They are cooks and clerks, WACs and medics. They carry a gun like any combat soldier and they will stand up against an enemy as though they had been trained to be one.

The Senator from Washington, like many an American these days, feels pretty sick at times because of the sad fix the world and his country is in, but he raises his hat in gratitude to what has been and is now being accomplished by the officers and troops in western Germany. It can truly be said that no group of people anywhere are more alive to their responsibilities and more determined to carry them out.

Mr. President, the next subject the Senator from Washington did what he could to study was this:

F. To examine into all reasons which might justify the inclusion within the Atlantic Pact or within some comparable military alliance of Greece and Turkey.

The war in Korea has convinced everybody involved and the watching world that you cannot win a battle if your flanks are long exposed. Nobody has run over us in Korea, but they have run around us time after time.

To my mind there is reason to include Greece and Turkey in the Atlantic Pact or in some other defensive alliance because they represent the eastern flanks of the Mediterranean Sea.

During World War II both Hitler and Churchill continued to press Turkey into the war on one side or the other. Turkey just sat tight. The war might well have been concluded much sooner if Turkey had committed herself to the Allied side.

If we can help it Turkey must not be permitted to remain neutral in a future war. She is our friend, her sympathies lie with the West, and she ought to be firmly on our side in either peace or war.

Should war break out in the near future there is no certainty I know of that Turkey would join the Allies. It is certain that Turkey is determined to resist any invader, but this is a far different thing from Turkey committing herself to join with a group of allies in resisting aggression.

Turkey needs us and we need Turkey.

There are three great things which Turkey presently possesses and which certain other nations I could mention do not possess. They are (a) pride; (b) a determination and willingness to fight; and (c) terrain.

Behind these assets and upon these assets as a foundation, there is an Army of about 22 divisions in being. Who else among our friends in the North Atlantic Pact has anything comparable to offer?

Since 1947 the United States has been helping Turkey with economic aid and military assistance. We have spent a lot of time and money in assisting the Turks to modernize their defense establishment and to strengthen their economic position. The Turks fully appreciate what we have done for their country, but they would appreciate it the more if the United States and other Atlantic Pact nations would consider Turkey to be an equal partner in the Western World.

We ought to find a way in which to join Turkey with the Atlantic Pact or through a bilateral military and political agreement between us and the Turks because Turkey wants to join all of her resources and capabilities with ours.

Turkey feels that she is being treated as a stepchild, and it looks about that way to me.

Turkey ought to become a member of some political military agreement because she would become a stabilizing influence as between Greece, Turkey, and Iran.

If there is any present understanding or sympathy between these three nations I do not know what it is. I am inclined to believe that they have thus far had few, if any, conversations concerning what joint action they might take if trouble came in the Near East. Should Turkey be joined with our other Allied partners in a defensive alliance she, with our encouragement, would be much more inclined to grapple with the difficult and delicate political problems which surround us and her.

Turkey ought to be a full partner of ours and our allies because Turkey knows no fear of the Soviet Union. Mr. President, is it not wonderful to be able to say that about a group of people? On the whole, the United States knows no fear, but within the United States we have thousands of people who are full of fear about the Soviet Union. Turkey has been at war periodically with Russia for some 600 years. Millions of Turks have been living for generations in Russia. I think it is probably so that more Turks are living today in Russia than reside in Turkey. Though there is no contact these days between the Turkish Turk and the Russian Turk, the possibilities for these peoples, who share the same blood, joining together in the event of a conflict, are very promising.

Should no military-political agreement be reached with Turkey and if the Turks did nothing in the event that Russia decided to move in the direction of Iran and the Suez Canal, where, may I ask, would the rest of us be?

On Labor Day the President of the United States said: "One great obstacle in the way of peace is the Communist movement." Where, may I ask, can a nation be found who stands out against communism as does Turkey? There is no communism in Turkey today, nor will there be for as long as it is known to be a Russian product.

I do not know how many Turks said to me about communism, "Senator, we are having social troubles, and so on. We have the ingredients in which communism gets along pretty well in many places. If communism belonged to some South American country, we might buy a part of it, but, Senator, it is a Russian product, and there is not going to be any communism, as a Russian product, in Turkey, now or ever." It is good to have business with people who have no fear, and certainly the Turks have no fear of something which frightens many of our people.

I think it fair to say that Turkey, in recent years, has done more for itself in supporting and building a western way of life than any other nation in the world. In consequence Turkey is both sensitive about and proud of her accomplishments. She considers that she has come of age. This means to her that she has a right to work and fight with others for the preservation of western civilization. She is beginning to feel, and feel strongly—I do not like that feeling, as a Member of this body—that the Atlantic pact nations do not consider her yet to be an equal.

All things considered Turkey has done a magnificent job in earning her place as a full partner among free nations. She had less reason to support the war in Korea than most nations; but has any other nation, outside of South Korea and the United States, done more or as much? Though her ground force contribution has not yet been committed to action in Korea it will soon take its place on the front line.

The Turks and our Secretary of State have been holding conversations concerning Turkey's request to be admitted to the Atlantic Pact. The Secretary has said that he has some sympathy for the Turkish position. I hope the Secretary will make a much firmer recommendation in the very near future. He ought, I think, to recommend Turkish membership to the Council of Foreign Ministers when they gather shortly in New York. If there is no disposition on the part of the foreign ministers to take action soon, I hope that my country will work out a positive political-military agreement with Turkey. Should there be reasons why this should not be done our administration ought so to advise the American people. As just an average American I would sleep much sounder at night if I knew that we and the Turks were

only three were on duty 10 days ago. German civilian doctors are attached to our combat divisions abroad and they are giving good service. In the event of trouble now would these doctors enter action with us? Maybe yes, maybe no. I personally doubt it, because I try to think from their point of view. The German is a very intelligent individual. Most Germans have been soldiers. They know what we actually possess. It would be a very unusual individual who would volunteer to take, from his viewpoint, a totally unnecessary risk if some one should blow the whistle tomorrow.

The Senator from Washington knows that he is right in his evaluation of these two great American divisions; and if Time magazine or any other public media has any doubts about their readiness for combat, I would urge them to confer with the commanders in the field. These commanders have no secrets. They will let any responsible person see anything that person wants to see. In this time of international crises, no American has a right to be inaccurate if the accurate information is available to him.

The Senator from Washington ran across a bit of interesting editorializing for which there was no possible excuse. This editorial appeared in the New York Daily News of August 15 and did some harm overseas where we should not do harm. I want the Senate to read and think about the editorial, and then I hope you will consider what the facts in the case really were. I am not interested in criticizing the press or anybody else for criticism's sake. I am only suggesting that there is too much loose and unsupported talk on the part of too many people. Unless we can speak the truth and be objectively fair at home, how can we expect the results we look for in others?

Here is the editorial:

Last Friday Winston Churchill made a speech at Strasbourg. * * * His main point was that Soviet Russia is preparing to attack western Europe. * * * The Churchill speech was broadcast, as delivered, by the United States Army European command's radio system. It was to have been rebroadcast Friday evening for occupation soldiers who couldn't hear it the first time. Our European command headquarters at Heidelberg, however, canceled the replay, on the plea that Mr. Churchill's remarks were "too warlike" for our precious boys. Well, what the hell? Are our soldiers supposed not to know there is such a thing as war? Are they to be kept ignorant of the biggest issue in today's world communism versus democracy? When a top-flight statesman discusses this issue as he sees it, what license has any brass hat to cut his comments off from men who will be in the thick of battle if the issue comes to a show-down? Apparently the silly season is in full swing in Germany, with some United States high officer or officers badly affected. Hadn't whoever issued that Churchill-muzzling order better be called home for a rest and a briefing on such American ideas of free speech and free discussion?

That appeared in the New York Daily News of August 15 and was read, to my knowledge, by many Americans serving in the army of occupation overseas.

The Senator from Washington checked the allegation offered in the editorial, and here are the facts about the question:

Mr. Churchill's remarks in Strasbourg Friday, August 11, were broadcast over American forces network facilities as a live broadcast when the address was delivered. It was the consensus of American opinion in Germany that rebroadcast over American Forces Network, which, of course, has a listening audience including both west and east zone Germans, could have unduly emphasized the speech, giving an appearance of official United States endorsement. However, not only were transcriptions made for use in information and education programs for military personnel but the speech was quoted verbatim in the August 14 issue of the Stars and Stripes.

Mr. President, a man gets ready for combat in many ways. In a limited theater such as western Germany, every man or woman in uniform must be prepared to fight. Aside from two American divisions in western Germany there are thousands of American military personnel. These men and women fill a variety of assignments, all of them vital to the occupation for as long as they are in Germany. They attend a military lecture and question course at least once a week. These courses are designed to make the soldier's mission understandable. As a result of these courses a large majority of our military personnel are informed and in support of the occupation, and of the possible fighting consequences. When I think about the editorial comment just offered, which inferred that our European command is attempting to keep our personnel from being informed, I am conscious of the steps that command is constantly taking to keep every American in Germany informed about what is going on around him and in far places. I do hope the editorial writer will consider the listing of topics which are discussed weekly by our military personnel in western Germany. If a man or woman is not informed as a result of these discussions it is because an individual is not equipped to understand the English language.

Mr. President, I ask unanimous consent that the list be printed in the RECORD at this point as part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ON THE OCCUPATION MISSION

United States Proposals for a Peaceful Germany.
Review of the Occupation Mission.
German Constitutional Milestones.
Mission and Objectives of the United States Occupation of Germany.
German Organizations.
The American Soldier and the Occupation.
German Constitutional Liberties.
German Liberties.
Architects for Peace.

ON THE SERVICEMEN'S BEHAVIOR IN EUCOM

Separating the Sheep From the Wolves.
The German Railway Police.
World Food Crisis and Germany.
Answering the German.
Think on This Thing.
Colonel Bourbon and the Soldier.
The Future of Europe.
Are You a Good Traveler?
Innocents Abroad.

GERMAN YOUTH

Progress Report on the Youth Program.
Accent on German Youth.
Youth Programs That Are Winning the Peace.
Yesterday's Children.
Tomorrow's Leaders.
Two Years of GYA.
A Clean State for German Classrooms.
A Guarantee for Tomorrow.

DP

A Problem in Humanity.
Displaced Persons.

OCCUPATION PROGRESS

Two Years After VE-Day.
Three Years After VE-Day.
Four Years After VE-Day.
Five Years of Occupation.
Progress in Germany.
We Have Opened a Window.
Germany Goes to Market.
Bizonia.
Denazification.
The Ruhr.
Germany Pays Its Way.
The Big Three and Western Germany.
The German Press.
Birth of a Republic.

SIDELIGHTS ON POSTWAR GERMANS

Buergermeister.
A Day With a Rhine River Captain.
A Day in a Spruchkammer Court.
A Day With a German Lawyer.

GENERAL INFORMATION ON GERMANY

The Trouble With the Germans.
German History and German People.
Cultural Growth of Germany.
Germany's Rivers.
Cities in the US Zone.
Germany's Farmers.

CURRENT TOPICS

The Big Three in Western Germany.
Communism in the USSR.
Our Stand in Korea.

Mr. CAIN. Mr. President, the Senator from Washington has bothered to list all of these titles because of his feeling that the mothers and fathers and families of our service personnel abroad would like to know what their sons and daughters are doing.

Mr. President, I want to say a good word about the Negro troops in Germany. Their development and progress since the close of World War II is nothing short of phenomenal. They have been given an opportunity to advance on the basis of their individual abilities and talent. They have taken full advantage of this opportunity. They are recognized as being among the best troops we have today in western Germany. In Heidelberg, the headquarters of our European command, there is a Negro honor guard. It is the envy and pride of the entire command. I saw them, not once, but several times, and every time I saw them I heard officers with many years of professional training behind them say that they had never seen anything to compare with the excellence and precision of this honor guard.

The Senator from Washington has mentioned but few names in the body of this statement, but this colored honor guard required an exception. It was authorized and supported by Lt. Gen. Clarence R. Huebner, who has but recently been relieved of his duties as commanding general of our troops in western Germany to retire after a lifetime of service

for temporary promotions to grades more than one grade above their permanent grade.

3. Many Regular officers, 35 years of age, with 6 to 8 years' service as temporary major and now in permanent grade of captain cannot be considered for promotion to temporary lieutenant colonel; while, reservists promoted to major at the same time now have lieutenant colonel Reserve grades, and sufficient time in grade to be considered for promotion to colonel.

4. The number of years time in grade required for a Reserve officer to be eligible for promotion is based on the actual calendar years and gives as much credit for the year spent in the Reserve while employed in civilian pursuits with only drill nights and 2 weeks active duty, as it does for the Reserve on extended active duty who is daily performing his military duty.

5. The newly commissioned Reserve officer with no extended active duty and the World War II Reserve officer who reverted to civilian status in 1945 or 1946 will normally, under present promotion criteria, be able to reach the grade of colonel several years before the Regular officer who is on continuous active duty.

6. Prior to World War II, Army Reserve officers had little or no incentive to remain in the Reserve and therefore frequent promotions were their only reward. Even then promotions were not as rapid as today. Now the Reserve officer is paid for each drill he attends, receiving a full day's pay for 2 hours at night. He has a uniform allowance which is payable under liberal provisions. He also has retirement benefits at age 60 with a liberal retirement pay considering the small amount of service to the Government. With satisfactory service he is sure of remaining in the active Reserve, for he need not go before periodic selection boards for elimination consideration as is required for regular officers.

7. Following World War II the Army selected for integration into the regular officer corps the more efficient wartime officers and has been giving direct regular Army commissions to the outstanding ROTC graduates. The other wartime officers and ROTC graduates have been commissioned in the Reserve. In the event of another emergency today or in the future which will require the call to active duty of all Reserve personnel, it will invariably be found that under the present policies the Reserves are in higher grades than their contemporaries who were accepted for regular commissions.

Recommended actions:

1. Immediate temporary action: Revoke all terminal leave promotions except when the officer has served in the higher grade during World War II and was reduced during the cut-back program. This will give them the same grades they earned during the war and place them on the same level with the average Regular officer who is still serving in the highest grade he earned during World War II.

2. Long-range action: (a) Readjust all permanent Reserve commissions, using the age and length-of-service factors in much the same manner as was used in determining the permanent regular grade for integrated officers.

(b) After adjustment of the present Reserve officers and in the future for all newly commissioned Reserve officers, assign the Reserves a running mate in the Regular Officer Corps. Reserves to retain this assigned running mate as long as he completes a minimum of Reserve training each year (i. e., 50 points and 2 weeks' active-duty training). Failure to complete minimum training to drop him back 1 year to seek a new running mate.

(c) Reserves to be considered for promotion at the same time as their running mate. Pass-over by the Reserve selection board to be treated in the same manner as for the Regular, and after second pass-over elimination of the Reserve to be mandatory.

(d) In order to put sufficient force to this long-range action, legislation should be obtained to support such administrative procedures. The great expenditure of public funds for Reserve drill pay, uniforms, and retirement warrants strong action to see that only the fully qualified and deserving personnel are retained. This will also increase the prestige of the Reserve officer personnel and avoid placing an unreasonable burden on the taxpayers by placing on the retired list only those who have fully earned the right thereto.

FOOTNOTE.—The above discussion is in general equally applicable to National Guard officers and "Recommended Actions" should apply to them as well as the Reserve, if we are to maintain a healthy and efficient National Guard. The establishment of a common commission for Reserve and National Guard officers will permit the placing of the most competent officers in the most critical units.

Mr. CAIN. Mr. President, while abroad the Senator from Washington sought:

E. To determine the combat readiness of the American troops in western Europe.

I could not be more pleased than by having this opportunity to speak the highest possible word of praise about the combat readiness, morale, and singleness of purpose of the American Army, Navy, and Air Force personnel who guard our thin line in western Germany. If they are not ready to undertake an action at a moment's notice, then we have no military personnel anywhere which are prepared for battle. I talked with officers of all grades, with NCO's, with enlisted men. I watched them at work and at play. I studied them everywhere and they are ready to fully live up to their mission within the confines of their admittedly limited capacity. We do not have much in the way of military capacity abroad, but what we have is good and comforting.

In the foreign news section of Time magazine of August 7, 1950, there is this reference to our Military Establishment abroad:

Against this formidable Russian force, the West can muster little indeed. Western Germany has no troops; France might put three divisions in the field; Great Britain's strength in occupied Germany is now probably not more than two divisions. The United States has one under-strength division and four to five housekeeping and constabulary regiments scattered from one end of its zone to the other.

Mr. President, without prejudice to Time magazine, let me say that this reference is both inaccurate and misleading. Because all of us, Senators, editorial writers, news writers, and those who formulate public opinion in one way or another, know we have very little, we ought to be careful to be very accurate in talking about what we do have.

The First United States Infantry Division is up to strength with one exception. It possesses the best America has in officers, troops, and equipment. Its only mission is to be ready to grapple with any trouble which might come. Its training is geared to its mission. The only things the division does not possess are things which America does not have.

The United States Constabulary is actually a reinforced combat division. It has more men, more vehicles, and more fire power than the ordinary combat division.

When the Constabulary was created shortly after the close of World War II, it was given three missions to perform. They were:

(a) Border security.
(b) Internal security.
(c) Combat readiness.

The Constabulary no longer concerns itself with internal security. This duty has been taken over by German police units and by American service units.

The Constabulary is responsible for border security as a part of its mission to be battle-ready at any time. The Constabulary is probably the keenest and most vigilant eye we possess in all the world. It patrols our borders by car, foot, air, and through observation posts manned 24 hours a day and 7 days a week.

Both the First Division and the Constabulary are justifiably proud of their readiness. They understand the odds they face, but they want America to know that they are ready, with one exception, and prepared to face up to these odds at any moment.

If these divisions and their commanders and those who command them all in the European theater could write their own ticket, they would presently ask for three things they do not have.

They would requisition better and heavier tanks. The only answer to a tank is a better and more powerful tank. Our best bazooka, the 3.5, is an effective but defensive weapon. I sometimes think of it as being a weapon of desperation. Good bazookas are very useful, but better tanks carry a much better answer.

We can discuss such matters frankly because the opposition is completely aware of what we do and do not possess. A professional military man knows what a military weapon can and cannot do. His life depends upon his knowledge of his, and the enemies, weapons. In the last war we had more tanks than the other fellow, but we never had a tank which could individually compete with his. That happens to be a fact. I have never heard anybody say that the American tank of the last war was as good as the tanks possessed by our then ally, Russia. Most military men tell me that we have a truly competitive tank on the drawing boards. The wish of our military in Germany will not be fulfilled until those tanks on the drawing boards become tanks to fight with.

Ground troops everywhere always want as much tactical air support as they can get. Difficult as the Korean operation now is it would be much more difficult were it not for the fighter aircraft which gives support to men on the ground. It goes without telling that tactical aircraft are required these days in greater numbers than are presently in evidence.

Our American divisions abroad will take off the moment anybody blows the whistle. I wonder what they will use for doctors if they take off tomorrow. In years gone by a lot of money was spent in educating doctors at Government expenses but can anyone tell me where they are? Let somebody else check this fact if they think I am wrong, but against an authorized strength of 29 surgeons for the constabulary in Germany

assignments of the Reserve officer in the event of a full or total mobilization.

I have endeavored to commit the problem, possible courses of action, and some recommendations to paper. It is likely that the Department of Defense will wish to consider these views, and I should think that the Senate Armed Services Committee, as well as the citizen who pays the bills, will find them provocative.

This Reserve officer problem is an interesting one to think about. It came about because of what must have been our national conviction a few short years ago that the possibility of war would never again be before us in our lifetime. This problem indicates how very little any of us can prejudge the future.

I ask unanimous consent that the report in question be printed at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Problem: To obtain the immediate and efficient utilization of Reserve officer personnel in a national emergency at a reasonable cost to the taxpayer with the minimum morale problem for the majority of the Armed Forces personnel.

(a) Immediate utilization requires a proportionate number of officers in each grade so that units can be formed with full officer complement as soon after M-day as possible.

(b) Efficient utilization requires each officer to be fully qualified to perform and accept the responsibilities of his grade and position.

(c) Reasonable cost entails paying the wage of the grade held, only, to those who are able to satisfactorily perform the duties of that grade.

(d) Morale problem requires consideration of all persons in the Regular, Reserve, or citizen army, and granting grades based primarily on proven ability and then considering length of service.

Background: 1. The one incident which makes solution of the problem difficult was the terminal leave promotions. This incident attacks all four points of the problem in the following way:

(a) By the end of World War II the expanded Army had through experience found the proper proportion of officers needed in each grade. They had also found that proper balance would not contemplate the rapid promotion of all officers without serious unexpected losses in the senior grades. However, immediately after World War II, a large number of AUS officers were given one grade promotion in the Reserve based primarily on length of service in grade. This resulted in a seriously overgraded Reserve which could not be immediately utilized because their grades would not be in proportion to the officer grades required for the units needed.

(b) These terminal-leave promotions also impaired the efficiency of the Reserve officers. Many officers during World War II reached the highest grade they were capable of serving in and there performed an excellent job. However, commanders would not recommend them for promotion because they had reached their individual peak. The terminal-leave promotions which were basically on length of service in grade and secondly on an average of their efficiency rating permitted promotion of a very high percentage of all non-Regular officers. The majority of these officers had never served in positions calling for their new grade and in many cases were not qualified to fill such positions. Therefore, today, we cannot expect efficient service from the majority of these officers if called to duty in their higher grades.

(c) The Reserve now has thousands of officers with war experience which experience is needed in another emergency. World War II also taught us that the taxpayer dollars to be properly expended required a careful view to establish in units only such officer grades as were necessary based on the responsibility of the position. To utilize to the maximum the war experience of our Reserves will mean calling them into service with their terminal-leave-promotion grades and thus give us an overgraded Army with an unreasonable cost to the taxpayer.

(d) Calling of large numbers of Reserve personnel to duty in their terminal-leave grades will create a morale problem, since commanders will not have confidence in their ability to perform the duties of their grade; troops will be hesitant to follow officers serving in grades they have not proven they can fill; fellow officers will know of their limitation and many Regulars and Reserves who remained on active duty will then be junior to reservists who had served under them during World War II and who since the war have been in civilian life with only a minimum of military training.

2. A second incident which must be considered in the problem, particularly as it affects efficiency and morale, was the loss of grade by Regular officers:

(a) Pre-World War II Regular officers who had been promoted during the war based on their proven ability found themselves demoted in 1946 at least one grade unless they were very senior in permanent grade. At present they have no claim to their old grade nor does their long seniority in temporary grade make them eligible for present temporary promotion.

(b) The newly integrated Regular officers had in many cases held higher temporary or Reserve grades but lost such when given Regular appointments. Since the integration program was competitive and efficiency was a primary consideration, we must assume that they were better officers than those who failed in their try for Regular status. Yet the Reserves who failed in most cases now have higher Reserve grades based on terminal leave promotions and in an emergency will become senior to both types of Regular officer.

Examples: 1. Here we will consider three typical officers assigned to a combat regiment as it ended the war in Europe in 1945. The regimental commander, a Regular Army colonel from the West Point class of 1934. The regimental executive, a lieutenant colonel, Reserve, who was initially commissioned in the Reserve in 1938 and promoted to lieutenant colonel in 1943, a battalion commander, also a lieutenant colonel, AUS, who entered OCS in 1941 and became a lieutenant colonel in 1944.

In 1946 both Reserve officers apply for RA, and the same year, the regimental commander is reduced to the grade of lieutenant colonel. In 1947, both Reserve officers are given Reserve commissions as colonel and shortly thereafter the regimental executive is integrated into the Regular Army and loses his Reserve colonel rating. The battalion commander who failed the integration tests reverted to civilian status and for the next 3 years attends 30 drills per year and 2 weeks camp per year. Each of the 2 weeks' camp in the grade of colonel.

In 1950, with an emergency, he returns to duty as a colonel. Since our expansion is slow and since we have many Reserve officers in high grades to step into the vacancies in the new units the two Regular officers may remain junior to this officer for some time and actually be assigned to the same regiment with new positions. The full-time duty from 1947 to 1950 for the Regulars would not give them the opportunity to advance on their proven ability as against the Reserve who failed integration and had limited active duty during the past 3 years.

2. A second example considers three Reserve lieutenant colonels who in 1946 applied for integration. Lieutenant Colonel "A" ranks from January 1943; Lieutenant Colonel "B" ranks from Ocotber 1943; Lieutenant Colonel "C" ranks from January 1944. In 1947 all are given the Reserve rank of colonel and remain on active duty as lieutenant colonels. Lieutenant Colonel "A" is given a Regular commission in July 1947 while the other two are notified of their failure to qualify. In February 1950 Lieutenant Colonel "C" is relieved from active duty under phase II. In July 1950, Lieutenant Colonel "C" has 2 weeks active duty training as a colonel.

In a national emergency Colonel "C" is called to active duty as a colonel with 2 weeks seniority. Lieutenant Colonel "B" no longer volunteers for duty as a lieutenant colonel and therefore moves into his Reserve grade of colonel. Lieutenant Colonel "A" who because of age is only a permanent major is not considered for temporary promotion to colonel. Thus we see the officer released under phase II, for low efficiency as a lieutenant colonel, becoming the senior of the three, while the senior in temporary grade and the only one to successfully qualify for Regular status is the junior not only in date of rank, but actually one grade lower.

Possible course of action: In an emergency all persons with war service or military training are needed.

1. We can call all reserves to active duty in their present Reserve grade.

This will not fill our requirements since we would then be overgraded. The cost to the taxpayer would be prohibitive and the efficiency of units would be doubtful since senior officers would not of necessity be of proven ability for their grade. The morale of the Regular officer personnel would be lowered.

2. In addition to one, we could give one grade promotion to all Regulars.

Although this may raise the morale of the Regulars it would add more cost to the taxpayer—not improve efficiency and not make units immediately available for duty with officers of the proper grade.

3. Not call reservists to duty who had terminal leave promotions.

This would reduce the available Reserves by a large percent and deny us the use of combat experienced officers who had been capable in the grade in which serving at the end of World War II.

4. Withdraw all terminal leave promotions from Reserve personnel.

This would give the Army sufficient Reserve officers to officer, at the proper grades, an army equal in size to that in being at the end of World War II. Each position would be filled with an officer capable of performing the duty of his grade by virtue of his past experience in that grade. Would also permit promotion based on proven ability for all the Regular, Reserve and civilian army personnel on an equal basis. Although many reservists realize this terminal leave grade was a gift, this action would create a morale problem unless proper press releases were made by the Department.

Additional facts: 1. During World War II many young inductees went to OCS and after being commissioned were assigned to new units. In many cases these officers were promoted to captain with from 12 to 18 months' service. With terminal leave promotions they at least have the grade of major and in many cases that of lieutenant colonel. Thus we find thousands of field grade Reserve officers under the age of 30, many now being considered for reserve promotions.

2. Regular officers both West Pointers and integrated officers have since World War II been considered for promotion based mainly on permanent grades. There are no permanent field grade officers below the age of 30. At present, Regular officers are not considered

Everybody involved is aware of these shortcomings, and the time is here when somebody had better do something about it. This is but a word of encouragement to speed up the understandings which must be reached.

Up to this time there has been an unwarranted timidity on the part of some nations about the program. I know of one of our Ambassadors—some of the Senators know him; he is an excellent officer, a very fine American—who was exceedingly excited when he got a highly placed foreign official to agree to have his picture taken with some of the newly arrived American equipment. The official held out for some time. He resisted the invitation because he thought the picture might excite some Communists. He gave me the impression of one who was anxious to rearm his country without letting anyone know anything about it.

There are nations, of course, which send every possible student to school, which encourages us to give them more and more training and more thorough inspections, and which have a full appreciation for the joint nature of the undertaking. The big point is that no nation has any right to do anything else. Our big concern is to be concerned with the weakest link in our program.

I shall use one simple example of the futility which results from overcentralization. The Senator from Washington told the Secretary of State recently that he was going to use this example. The Secretary had no objection, since he knows some of the headaches and obstacles and mistakes connected with this program. Do Senators know that, if an American Ambassador overseas should want a clerk for his military mission, he would be required to come to the State Department for authority, clear across the sea? Mr. President, I want you to trace the time, the transactions, the cost in getting one CAF–2, two CAF–4's, and one CAF–3, all of whom were in the authorized T. O.—that is table of organization—of one of our military missions. The story in cable form actually went like this:

Ambassador to State (please), State to Ambassador (wait), Ambassador to Defense (O. K. on the four clerks), Defense to Army (O. K. on four clerks), D/A to Heidelberg (facts distorted in all the handling so D/A says O. K. one CF–5 and two CAF–3's—which means three out of four items wrong), Heidelberg to D/A to put them straight, Heidelberg to D/A again to give ETA as per order, D/A passes to Defense, Defense to State, State cables Ambassador that four clerks will arrive such and such a time—but they were several weeks late.

The clerks in question, by the way, were sitting quietly in Heidelberg while the cables were hurtling back and forth across the water. Heidelberg is but a good bicycle ride from where the clerks eventually went to work.

In the beginning of any large program many mistakes are quite naturally made. The one I have just stated is, I hope, an exceptional one. Perhaps such a cumbersome procedure has been eliminated. I would urge the committee having a prime jurisdiction to determine what the present-day situation is. With reference to the example I have used the only impression I received was that one Ambassador and the Chief of a Military Mission were being placed in a role of order clerks and messenger boys.

One thing we ought to bear in mind is that we have never previously initiated a program, so far as I know, where there was this interlocking relationship between the State and Defense Departments. In the past the Department of State has generally concerned itself with policy and the Department of Defense with operations. The example just used will indicate a reason for some prevailing duplication and confusion. When the MDAP was first designed our primary consideration remained with economic recovery abroad. Today we must or ought to be thinking more about defense preparations. I think some appropriate committee of the Senate ought to determine if we are following procedures best designed to recognize this new emphasis.

There was part of a reason for this top-heavy and strangling centralization when the program began. We wanted to make absolutely certain in this country that we did nothing which would upset anybody abroad. We wanted to make certain that nobody went abroad to a military mission who was not approved by a foreign government. Because of our own timidity, we have had a tendency to carry red tape too far. While the above request for some clerks was being processed back and forth across the ocean, the chief of the military mission concerned was pecking out his reports and correspondence with two fingers. A joint committee from the State and Defense Departments should be able to see that this does not happen again.

What I have been saying is not something you find in a Senate report; nor will it be found in testimony offered to a Senate committee. It is that sort of information which can only be uncovered in the field.

It seems to me that once the chief of a diplomatic or military mission has been given a table of organization he ought to be able to draw against it at will.

As a result of visiting every military mission I uncovered a problem of real concern to the personnel of those missions. I sent the Secretary of Defense a cable about the matter, and I have been advised that the decision to cancel the special per diem allowances has been set aside in favor of further study. To show what the question was and what some of those splendid people who represent us overseas are faced with, I ask unanimous consent to have the cable inserted in the RECORD at this point in my remarks.

There being no objection, the cablegram was ordered to be printed in the RECORD, as follows:

For Secretary of Defense Louis Johnson, personal from Senator HARRY P. CAIN: "During my visits to the various military assistance advisory groups title I countries and to JAMAG I have encountered a problem which is causing personnel of those activities much concern and which will have a serious and detrimental effect on their welfare, viz, the proposed cancellation of special per diem allowances effective August 31. This termination of allowances will result in a financial hardship to your personnel, as, for example, those committed to long-term leases which frequently are required, and will have an adverse and critical effect on morale. Some of the factors requiring an additional allowance over and above regular pay and allowances plus station allowances are as follows: (a) Long periods of hotel residence is necessary until housing becomes available; (b) occupancy of houses on short-term leases, necessitating frequent removals to hotels for additional periods and storage of household effects until housing on a long-term basis can be arranged; (c) the necessity for placing children in private schools due to lack of adequate public-school facilities; (d) lack of Uncle Sugar medical facilities; (e) in most cases personnel who are required to travel on MDAP TDY suffer a financial loss. Extensive travel within each country and by certain personnel between countries is mandatory to properly carry out the military aid program. For example, an individual ordered to ZI on TDY from London loses $3.75 station allowance plus $3 or $4 special per diem and in return receives $7 travel per diem. It can be seen that personnel must bear expense of living in hotel and at same time maintain household at duty station. I strongly recommend that no action toward discontinuing special per diem allowances be taken until such time as the allowance question can be completely studied and an evaluation can be made of the increased living costs required of these personnel to meet their obligations and to attempt to maintain a standard of living comparable to that available to them in the ZI. From my observation it appears that the only satisfactory long-term solution is the establishment of a "vouchered maintenance allowance," which will require legislative action.

CAIN.

Mr. CAIN. I trust that the Department of Defense will submit its findings on this question when they are available. If the special per diem allowance is to be eliminated, every Senator ought to know why in order that he can answer his correspondence intelligently, and if the allowance is to be continued, all of us ought to be fully aware of the reasons which support such a need. My limited research indicated a continuing and strong need for the allowances.

Many an American probably wonders if the United States will get its money's worth from our investment in MDAP. I feel this way about it: Were a strong enemy to move within 2 years against western Europe, the investment would probably be a total loss. Because of our commitments to the North Atlantic community and because of our determination to work in close concert with our friends abroad, the investment is a justifiable risk, providing, and only providing, that we recognize the obvious weaknesses in the current program and take steps, preferably through agreements with our Atlantic Pact partners, to correct them.

Mr. President, the fourth assignment the Senator from Washington took to Europe was this:

D. To inspect Reserve activities of the Army in the European command.

Aside from being able to state that Reserve personnel on extended active duty are efficiently performing their duties, my study of the question was largely restricted to one subject. I thought quite a lot about the role and

very long to equip and supply the military establishments of the Atlantic community. Nobody speaks very much about the problem of spare parts; but on the basis of what I saw, I feel that unless Western Europe gets "cracking," we will spend so much money in several years to provide spare parts for the American equipment under order and in prospect that we will have no money left with which to send additional military equipment to our friends abroad.

I would say to the foreign ministers at their coming meeting this week, in New York, I believe it is to be, that everybody would be well advised to stop almost everything we are doing now in favor of reaching decisions on these basic and fundamental questions. When we have determined what each nation is to do with reference to both military establishments and military production we will surely discover that some of what we are doing is unnecessary and very wasteful. One of the big jobs before us all is to find a way through which to get bigger, better, and more efficient results from our spending. We need to do this, because it is just good common sense; and we must achieve this end, because our opponent is developing faster than we are today, and is spending less to do it.

Some very able people, both at home and abroad, have been growling because such a small percentage of the 1950 equipment and supplies have been delivered overseas. On the contrary, I think this has truly been a blessing in disguise. It is one thing to receive equipment and quite another thing to understand how to use, maintain, and repair it. If we are not careful, and if we send too much equipment abroad too rapidly, we run the chance of establishing the greatest junk yard ever known to man.

The United States Army in Germany is running a number of very excellent schools. Foreign students are going to American training schools. This is all to the good; but if we have any intention of accelerating the rate of equipment deliveries to Europe and of spending more than $5,000,000,000 for equipment in the next several years, we must establish many more schools and must see that many more foreign students are in attendance.

I went, I think, to almost every training school in Germany. The students had been carefully hand-picked, and they were unanimous in their enthusiasm for the opportunity of being taught how to maintain and repair American equipment. I found, however—some Senators will think this interesting, and others will think it surprising—that some nations, our allies, were not providing the number of students either to schools in Germany or the United States which had been allocated to them. Some of these nations, our allies, thought they could not afford to send the students, though most of the cost is being borne by us; and some nations had the mistaken idea that their technicians were qualified to handle reasonably well any equipment they were to receive. Our American representatives who are responsible for the program know of this weakness and where it comes from, and steps must be taken to correct it. There is nothing that a single Member of the Senate of the United States can do about it. Probably the Foreign Ministers, or their council of deputies, are the best qualified to lay down a directive that any nation which is being supplied by the United States must fill every student allocation it gets.

Another weakness in the program, for which there is a ready solution, is this: Some countries are reluctant to permit our MDAP missions to have the American technical personnel it needs to do its work. Senators will not be inclined to believe this example, but I wish to assure the Senate that it is true: One country I know of—and I visited that country—has been sitting on a request for permission to bring in 10 additional technicians for more than 4 months. In that country, as of the time I was there, the mission was only 50 percent up to the strength authorized for it when the MDAP program was established. The Ambassador in that country has done everything he could think of to get that country to approve the request. That country had taken the position that more personnel would not be required until more equipment had been received. How very unrealistic and political that position is. The men are required to prepare the country to take care of our American equipment when it arrives. In part, at least, I was not able to see what happens to the equipment and its spare parts which the Congress, by its votes, and all the American people, by their money, are providing. I could only see through the eyes of our American military representatives abroad and they were being given an inadequate opportunity to use their own eyes. Here we have a good example of a blind spot in our great effort to help our European friends help themselves.

In another country, and a large one too, the technicians of our mission are permitted to process equipment deliveries at dockside and follow that equipment to distribution depots. Up to the time I left that country, no American had been permitted to follow the equipment to the field units which would use it. There have been endless conversations to resolve this obstacle to progress and achievement, but no affirmative action has yet been taken. I sat as a member of the several committees which helped design the mutual defense assistance program. I voted for that program. However, I am the only member of that joint committee and the only Member of the Senate who has seen with his own eyes the things which are not being done to make that program live up to the expectations the Senate had for it.

Every military mission is charged with a heavy and important responsibility for making certain that our equipment is not diverted to purposes for which it was not intended. That is set forth in the committee report. The mission is responsible to us at home for the way in which the equipment is assembled, used, maintained, repaired, and operated. Unless every military mission is not only permitted but encouraged to follow the equipment to its end use, the equipment will be abused and wasted. In this respect the program is being operated abroad as though we had all the time in the world.

Up to this time, every military mission has been instructed to move with care and caution, using the power of suggestion as the chief means for getting results. This is my evaluation of the situation.

On the average, the American military missions are getting about 50 percent of the results they and all of us, here at home, and those abroad, as well, are entitled to. If there was no urgency in the matter, there might be some justification for leaning over backward in an effort never to step on anybody's toes. At a time, however, when the free world stands actually on the brink of collective suicide, there is no possible justification for any conduct or any obstacle which keeps all of us from rebuilding our defensive household in the greatest possible hurry.

Since my return, I have suggested to the Secretary of Defense that some consideration be given to increasing the officer rank of those who represent the Defense Department and all of us in the military missions overseas. The chiefs of missions are mostly two-star generals. The heads of sections are mostly full colonels. To my mind, there is some reason to think the MDAP program would move more rapidly if these officer assignments were moved up one grade. For the most part, most of those who serve us overseas are doing business with counterpart officers who outrank them. This may seem unimportant to the uninitiated, but it really is important. It is particularly so during a period when there is no over-all plan and no over-all commander. I remember in the last war when the British invariably provided an officer with rank commensurate with his responsibility. That this system served the British well, goes without saying. In this connection let me restate my own evaluation of the general and flag officers and section chief officers who operate our military missions. They are competent, hard-hitting, intelligent professionals of the highest order. Should any or all among them be given a temporary higher rank, they would fill that new capacity as well as they are living up to their present responsibilities.

The basic problem, however, can be easily resolved by reaching an understanding among the heads of state. They are certain to give the required authority if the matter is brought firmly to their attention.

I have already suggested that the MDAP program is too centralized. I think it ought to be decentralized as soon as possible. Every chief of mission ought to be given the authority to control equipment deliveries. He ought to be in a position never to deliver a piece of equipment unless he is permitted to see how that equipment will be used and until he is satisfied that the unit for which it is intended is qualified to maintain and use it properly. No business firm in the world would ever order a piece of unusual equipment without demanding that it be installed and watched for a time by the producer.

For the 1950 program we appropriated to begin with $1,314,010,000. Is there not a supplemental request before the Appropriations Committee now for $4,000,000,000?

I hope that my reflections on this subject are reasonable and pretty accurate because I am one of the few, if not the only American, certainly from the Congress, who has ever had the opportunity to visit every American military mission in western Europe and in Greece and Turkey.

Mr. WATKINS. Mr. President, is the Senator willing to yield now, or has he announced that he did not desire to yield until he has completed his statement?

Mr. CAIN. I should prefer to be permitted to continue, if I may. The Senator from Washington, however, is very anxious to answer questions. If the Senator from Utah can wait, I should appreciate it.

Because many an American is not familiar with the program I ought first to say this about it. The Mutual Defense Assistance Act of 1949, enacted into law on October 6, 1949, authorizes a comprehensive and coordinated program of military assistance to certain friendly nations. These countries are grouped according to the titles of the act as follows:

Title I: Belgium-Luxemburg, Denmark, France, Italy, the Netherlands, Norway, the United Kingdom.

Title II: Greece and Turkey.

I did not visit the title III countries, which are Iran, Korea, and the Philippines.

The President assigned authority for direction of the program to the Secretary of State but stipulated that he worked closely and continuously with the Department of Defense and the Economic Cooperation Administration. Based on the President's instructions, the activities and functions involved in executing the program have been broadly distributed among the three major participating agencies both in Washington and in the field.

The chief of the diplomatic mission is responsible for the implementation of the program in the country to which he is accredited and for coordinating its economic, political, and military aspects. He is aided by a special assistant for mutual defense assistance, an ECA special assistant, and a military adviser.

The latter, a carefully selected general or flag officer, has as his staff a Military Assistance Advisory Group (MAAG), composed of an army, a navy, and an air force section. Upon them devolves the responsibility to see that the material requested is realistic to the actual needs of the country, is properly programed and requisitioned, is effectively transported, stored, and handled, that the necessary training is provided to insure its correct assembly, use, maintenance, repair, and operation, and that the equipment is not diverted to purposes for which it was not intended.

The intention of the enabling legislation was to see that the military assistance furnished to other countries would be used to promote an integrated defense of the North Atlantic area and to facilitate the development of defense plans by the Council and Defense Committee established under the North Atlantic Treaty.

The material called for by the program comes from three sources:

(a) Excess stocks not requiring replacement.

(b) Items from reserve stocks which will be replaced in United States stocks from new procurement.

(c) Items procured from new manufacture, specifically for the recipient country.

The mutual defense-assistance program has three phases: The material program, the additional military-production program, and the training program.

The total amount involved in the 1950 program was $1,314,010,000. The Appropriations Committee is presently taking action on a supplemental request in the sum of $4,000,000,000.

In having visited each of the military missions, I want to say that all of the officers and enlisted personnel have been carefully selected and are doing a first-rate job.

Because the required bilateral agreements between American and each of the countries in the program were not signed and then approved by the President until late in January of 1950, the first substantial allocation of funds for supply action was not made until February of 1950. This means that through June of 1950 not more than 2 percent of the equipment and supplies included in the 1950 appropriation was actually delivered to the recipient country. The pipelines are now relatively full, and deliveries are being made at a much faster and more substantial rate.

It must be said that the assistance furnished up to date has not been used to promote an integrated defense of the North Atlantic area so far as I could see. Up to this time we have simply given equipment to individual countries. Until the defense committee has designed an over-all defense plan and it has been approved by higher authority, we shall simply continue working on a bilateral basis with as many individual countries as share in the program. This was not the intention of the Congress which designed the legislation or of the administration which recommended it.

Up to this time, so far as I know, the equipment delivered abroad has not resulted in creating a single additional fighting unit. We have no other objective than that of helping others to prepare themselves to fight if required. Any procedure that does not assist this objective must be made over or junked.

Two things are imperatively required if the mutual defense assistance program is to be effective and among other virtues give the American taxpayer a run for his money.

(a) An over-all defense plan must be agreed to. This plan must set forth the total Air, Ground, and Navy strength which is required for the defense of the North Atlanic community and it must designate the contributions to be made in each of these fields by each of the countries involved. In the absence of such a plan we shall continue to be extravagant, to waste precious time and to be ineffective.

(b) An over-all plan for additional military production must be agreed to. What we are presently doing is to encourage every country to think up every conceivable project it can. Many of these submitted projects which come to us for financial assistance are naturally turned down. We think some of them will not work, that others are not required, that others are being done by somebody else. These submitted projects are cleared first by the chief of the military mission and then sent to London for study and processing to the United States. In this country, because of the fantastic paper work involved, months often go by before a positive or negative decision is reached. As I understand, any submitted project, regardless of the size of the financial assistance requested, must come to the United States for action. This procedure is presently causing some of our allies to wonder if we know what we are doing.

In encouraging everybody, in the absence of an agreed upon military production plan, to do anything they can think of doing we are running an unnecessary risk of having too many nations doing the same thing.

We simply will not develop an integrated collective security force in the North Atlantic community by encouraging the members to do anything they want in the way in which they want to do it. If a military production plan is agreed to there will certainly come out of it some practical kind of a weapons evaluation board. If the French have a bazooka which is recognized as being the best of its kind why should the Dutch, for example, be encouraged or permitted to manufacture a similar, but inferior, weapon.

When such an additional military production plan has been agreed to every nation will be working against an understandable blueprint. Forty percent of Italy's productive capacity is standing idle today and her unemployed represent a charge against state charity. A way must be found to put these idle facilities and this idle manpower to work.

Europe will agree to the adoption of such a plan. Its adoption will save time, money, and effort. In the absence of a plan for any considerable period of time every country will manufacture what it chooses, there will be a duplication of weapons and equipment all along the line and these individual developments will be so firmly entrenched by the time a plan is agreed to by the planners that most of the nations will refuse to accept it.

I think that had it not been for Korea, such a plan would have remained in the talking stage for years. Because of Korea there is a disposition on the part of our friends abroad to work together. That is a very good sign. I am told that a military production plan is now under serious consideration by the representatives of the nations concerned. If this be true then what is needed is action and that real soon.

America must do all it can to insist upon the adoption of a production plan because America cannot continue for

gins in Europe. I do not know how well we are going to handle any trouble, but I wish to say that we shall not be surprised. When I discuss the combat readiness of our American divisions in Europe I shall point out why their awareness will give notice of any flanking movement on the other side of the water.

I have said, because I had to say it, that Western Europe is not possessed of any capacity of any kind for waging a major war today. From what I have said you can draw your own conclusions concerning how ready Western Europe will be a year from now and several years from now. I hope that the foreign ministers will make some decisions in New York this month which will materially speed up Western Europe's hope—it is nothing more than that—to be able to defend itself. If those decisions are taken I think that some real progress will be made in 12 months' time. Two years from now we ought to begin to be in a position to protect the north Atlantic community. My assumption is based on the assumption that the foreign ministers will authorize somebody to say "Yes." The most flagrant weakness we have today is that everybody can say no and almost nobody, in an operational sense, can say yes. Czechoslovakia capitulated in 1948. Since that time the Western World has talked endlessly but where are the forces in being? If trouble comes, victory will be decided with fire power and not with words.

Mr. President, most Americans who think about the question have their own convictions concerning whether the peoples of western Europe will or will not attempt to resist an invader. The Senator from Washington spent both time and thought in searching for an answer that might be considered to be reliable. As part of his mission he sought:

B. To determine the willingness and moral stamina of the peoples of western Europe to resist an aggressor today, a year from now or several years from now.

Before I forget it, though the observation has nothing to do with Western Europe per se, my own conviction, after visiting all of the nations of western Europe and those which border on the northern coast of the Mediterranean Sea, is that only Turkey and Spain are prepared without argument, in terms of determination and a will to resist or fight, to wage war today. This feeling runs deep in me and I do hope that other Senators and other Americans will soon go abroad to see how right or wrong they believe this observation to be.

The question of whether the peoples of western Europe will or will not fight must be judged against some time schedule.

It is my considered judgment that the heart and hope of most of the peoples of western Europe is strong and healthy. To me there is every good reason to believe that the western Europeans will fight if or when they have reason to believe that anything of consequence will be achieved by fighting. It would be unreasonable for anyone to expect the western Europeans to fight unless the western European defenses offer hope of halting an invasion or at least inflicting serious casualties on an invader. The people who live in western Europe are individual, average, normal human beings, such as we are.

If war broke out tomorrow in western Europe the average western European, if we expected him to fight, would be required to do so by using his hands and sling shots against an aggressor who would be fully equipped with every modern-day weapon of war.

I think that if war broke out now millions of western Europeans would do the only thing they could do. They would sit tight and endeavor to make whatever terms were possible with the invader. If we put ourselves in their shoes I strongly doubt if we could recommend any other solution.

I am satisfied that the peoples of western Europe know what to expect if they were overrun from the east today. They are conscious that millions of human beings would become slaves for the rest of their lives. They take for granted that scores of thousands of their leaders, in every political, military, professional, and business field, would be liquidated and exterminated. They know that life itself would become meaningless and futile.

They likewise know, however, that regardless of the known consequences, it is impossible to resist aggressive force without defensive power.

The average western European has a knowledge of and no use for communism. With the exception of France, Italy, and parts of Belgium, communism as an acceptable religion is neither serious nor fatal in western Europe, from my viewpoint. The average European wants no part of communism.

Generally speaking the willingness of the peoples of western Europe to resist an invader will go hand in hand with their ability to stop the invader at the frontiers of what we call the free world.

I know that most of us are more concerned with the heart and moral stamina of France than with any other question. We are concerned with good cause. It seems to me that all of us must help France to save itself and I hope that this can be done. My reasons for wanting to help France are several but the first reason is a very selfish and a very American one. I am an American who wants to live in the world of tomorrow and this hope can be greatly strengthened through a strong France. If France disintegrates and becomes helpless as a strong factor in a western European defense plan, then there can be no plan, and we might as well face the fact that a future war would be waged in part on the North American Continent.

When all of the circumstances are considered we must acknowledge the progress which has been made by France. This progress can give us no feeling of assurance today but certainly it has been moving in the right direction.

Like a prize fighter who has been knocked down from a series of pile-driver blows France has come up off the floor and is still in the ring. I must not forget that France in recent years thought she had the greatest army on earth and we considered her to be the greatest military power in being. This military machine was defeated and humiliated and the collapse of the French armies caused most Frenchmen to lose confidence in themselves as individuals, in each other, and in their leaders.

During the First World War France was responsible for 700 out of 800 kilometers on the battle lines. France gave much of its leadership and future potential brain power to death in that conflict. Twice in this century France has made sacrifices which are almost unbelievable. France is still making sacrifices of a terrifying sort. As one example, France has spent more on her war in Indochina than she has received from the Marshall plan.

France has more Communists than most of the other western European nations put together. I think one-third of the seats in the national legislative body are filled by Communists. How many of these, and those who vote the Communist ticket, are Stalinites, or just French domestic Communists, I do not know. All I know is that France has many French leaders and many more French citizens who are part and parcel of our western way of life and these men and women believe they can restore France to its past days of stability and power if given time.

Mr. President, the Senator from Washington would not bet 5 cents on France if trouble began tomorrow. I want to think that I can bet much more several years from now.

To my mind France must be considered as the great question mark for quite a long time in Europe. Because we are committed to western Europe we must take advantage of every opportunity to assist and encourage France in every way. Unless the United States is willing to do this, and keep on doing it, we would be well advised as a Nation to get out of Europe completely, and get out soon. France is determined to create 15 army divisions but she and we know that this is not enough. The French Defense Minister, a well-trained soldier in his own right, believes that there must be a minimum of 34 divisions on the Continent. The additional 19 divisions, if this plan is adopted, must come from the United States and Great Britain and the other Atlantic Pact nations. If and when a real defense plan for western Europe has been agreed to and insisted upon, my best feeling is that France will do everything in her power to do her part.

As of today the desire of the peoples of western Europe to resist an aggressor is certainly much better and stronger than is the capacity of Western Europe to contain or stop an aggressor. This means to me that the peoples of western Europe will stand up to an aggressor and use their weapons well when those weapons are made available to them. As of now good intentions are almost meaningless in themselves because there is nothing with which to work.

Mr. President, the third step in the mission which the Senator from Washington attempted to carry out—I think Senators will find it of interest—was this:

C. To study the military defense assistance program in the Atlantic Pact nations and in Greece and Turkey.

was crushed, and a determination to live and fight was replaced with the gloom and despair of disillusionment. France has made a great and often glowing contribution to the history of the world. Her soldiers, when competently and gallantly led, have been among the best in the world. Her greatest weakness in the last war was that almost everybody was suspicious and distrustful of everybody else. The scars resulting from the last war are by no means healed. France presently possesses great patriots and also those who will stab France and the free world in the back whenever they are given the chance. My view is that France will restore herself to full stature as a free and powerful nation, but this will take quite a lot of time. For years the French have waged a bloody and expensive war in Indochina. I wonder if most people really know how expensive this war has been. Certainly I had not known of it until I spent about a week on this trip looking for facts in France. The French Defense Minister told me that Indochina was consuming every year more than a full graduating class from the French military counterpart of our West Point. This means that France is losing professional war college graduates faster than she can educate and produce them. The flower of the French Army, officers and noncoms and enlisted personnel, is now, as it has been for a long time, struggling in Indochina. The French Army of occupation in Germany, as a consequence, largely consists of conscript recruits and reserve officers who use what is left after the best equipment and leadership and manpower has been sent abroad.

I personally spent some time in the field with French and American troops as they were joined together on maneuvers. I think the Senator from New Jersey [Mr. HENDRICKSON], a splendid soldier of the last war in his own right, would have had an equally interesting time had he had this experience.

The French brought about 50 tanks to take part in the problem. Significantly the problem was purely a defensive withdrawal in character. One must relate a problem to his mission and a look at a map of western Europe will tell plainly why withdrawal problems are the proper order for any day. The French tanks referred to ran out of gas on their arrival. Without the American gasoline which was daily provided those tanks would be so much excess and useless baggage, and there would have been no maneuvers. The French soldiers wore American helmets, French helmets, and berets, because apparently there were not enough helmets to go around. The side-arms were mostly relics of the last war and had been captured on some battlefield a decade ago. I respect the Frenchman's ability to fight, but anyone's ability is determined in part by what he has to fight with. France has the better part of 5 divisions in being or on paper, but they are not to be found in combat readiness in western Europe.

Great Britain is not a geographical part of western Europe, but she would be automatically joined at the beginning of any conflict. Great Britain has a great Navy and a splendid Air Force. We can all be thankful for this but we look without finding any British combat ground divisions—and I said "combat divisions"—in western Europe. There is evidence that Great Britain recognizes the probable tragedy in her ground force weakness. Some British leaders have recently advocated creating more divisions and by legislation providing higher pay and incentives. These things Britain hopes to accomplish in the future. They have not been accomplished since 1945.

America is presently a part of western Germany, not geographically but in fact. We have American troops in western Germany, and if they are committed to action the resources of America must back them up. If war broke out in western Europe today how many additional American divisions could we promptly commit to the conflict, and where would they come from? We have generally been told in this country that before the Korean war began the United States Army consisted of some 10 divisions. Two of those are now in Germany, others are in Korea, some constitute the strategic reserve at home, and steps are being taken to create and activate additional divisions. On several occasions I read in the Stars and Stripes overseas that some Americans and a great many Europeans were advocating a far greater American troop strength in western Europe. This can only be done the hard way by spending time, effort, and money. This could not be done today even if our very survival depended on its accomplishment. When people talk today of increasing American forces in Europe they must first recognize and satisfy General MacArthur's twice-repeated world-wide plea—and not a plea to the United States—for additional Korean ground-force participation.

When we talk of the capacity to wage war in western Europe or anywhere else it becomes the more involved as we consider all of the many cost factors. In World War II, for example, we had some five and a half million men in uniform and produced 89 divisions. The Germans out of a comparable manpower pool constructed some 300 divisions. The Russian infantry division has an authorized strength of about 11,000 men. Our infantry divisions, when fully ready for combat, have a total personnel strength of about 19,000. On a daily basis it takes about 10 pounds of supplies in an American division to every pound required by a similar Russian unit. Every man in a front-line Russian division is backed up by two or three administrative, service, and supply personnel. Every front-line soldier America employs is backed up by six or seven others. These are very tough questions we must begin to think realistically about at home if there is any likelihood that the West is to meet the East in a fight to the finish. The MDAP nations spent about $20,000,000,000 last year and maintain today about three and a half million men under arms or in uniform. We are faced with this knowledge and with the tragic result that fighting divisions are conspicuous by their absence in the Western World.

On Friday, July 28, Winston Churchill said to the House of Commons:

> It looks as if there is at present no effective defense in western Europe beyond the channel.

He thought the Western Union Powers could muster but 12 divisions, including two American divisions now in Germany.

Mr. Churchill said "muster" divisions. He did not say combat divisions in being. For myself I found odds and ends of troops and units all over western Europe. As one who is charged with my fellow Senators with the obligation of writing legislation, what did I find in my 8 weeks abroad?

I found only two combat ready divisions, and both of these were American. When Senators recapitulate what I have just been saying they will come up with the same conclusion. If they doubt my evaluation, I would urge them to get out of their chairs now and take a look for themselves.

The United Nations war in Korea has been going on for 2 months, and 99-plus percent of the ground-force effort has been put forth by American and South Korean troops. Our allies in western Europe have failed to contribute ground troops to that conflict for only two reasons. They either do not possess those troops or they have seen fit not to commit their troops. I do not like to think about the consequences which may probably result from either reason. Later on I shall try to support my contention that every nation could be making a larger contribution to Korea than it is doing, but despite this assumption I must say that Western Europe has almost nothing to fight with were a large-scale war to burst forth now.

There is little point in discussing what I think Russia has in eastern Germany and environs but perhaps a word or two is in order. Against what we do not have, Russia has 6 armies, 33 divisions, all of which with the exception of 4 are armored or mechanized, more than 100 submarines in the Baltic, and several thousand combat aircraft. I believe the divisions to be about 70 percent up to strength. It is my feeling that they could be made battle-ready in a week's time and that several score of additional combat divisions could be made available in 30 days' or 6 weeks' time. There is no evidence that these Russian units are preparing for action today. We ought to be conscious that the Russian armies have the capacity for waging war in a hurry. We ought to be thankful that no such prospect appears in sight. During my time in Europe the Russians were taking part in their annual maneuvers, just to the east of some of our frontiers. On several occasions I went up into an observation post just to look across the border to see what was going on. I think about 50,000 men were engaged in those maneuvers, and still are. There must have been something comparable going on when the Northern Koreans executed a turning movement and crossed the thirty-eighth parallel. That appeared to come as a great surprise to those in authority in Korea. The best news I have at the moment is that we shall not be surprised if any trouble be-

which I read in Oslo on July 27, under the title of "For Whom the Bell Tolls." With reference to Korea and other things, the editorial said this:

Denmark's defense is still in such a condition that we cannot spare troops for a remote theater of war but will only be able in a distant future to report that she is in a position to hold her own small part of the democratic front. It is not sufficient merely to regret this. To us, as to the whole of the democratic world, the defense problem has become an urgent matter. We must make our effort now, and make it here. We have recently received large contingents of modern American weapons. But where are the men to operate them? Some officers have attended courses in the United States of America, but this will not suffice. The rank and file of the home guard is being extended—but where are the weapons for the members? Maneuvers are taking place—but can anyone state with a clear conscience that every man knows where he belongs and what his obligations are, should a catastrophe occur tomorrow. Do we understand what is at stake? Do we, whose participation in the great struggle will apparently in the first round be confined to making sacrifices to the common defense, understand that the Americans in Korea are fighting and dying, also for us? Peace is impossible, so long as only dictatorships are only powerful. Security is only achieved when every person, the soldier at the front and the civilian at his desk—yields not only that which is expected of him, but as much as he is possibly able to do. The front, at which the Americans fight must also be defended in Denmark. And for this reason, you should not ask, "For Whom the Bell Tolls." It tolls for you.

Norway, a nation of 3,000,000 fine people, and after more than a century of neutrality and peace, saw 2 months of fighting in World War II. During the latter part of the winter of 1939–40 the western powers, especially France, were occupied with plans for cutting off the German-Swedish ore transports in Norwegian territorial waters. On March 28, 1940, the Allied War Council decided to send a sharp note to Norway, to be followed a couple of days later by the mining of the Norwegian Leads so as to force the German ships to come out into the open sea where they could be attacked by the Allied Navy. Small landing forces were equipped—a few hundred men all told—which was to occupy Narvik and other Norwegian ports, these troops having embarked in England on April 7, 1940. How many persons recall this bit of history?

At this time, however, a German operation—to occupy both Norway and Denmark—prepared independently of the Allied plans, was undertaken. Both the Allies and the Germans were going to occupy Norway, but the Germans arrived first.

On April 2 the first German ships got under way. Six divisions were assigned, consisting of 90,000 men, and the greater part of the German Navy and heavy Air Force was employed.

This German attack came upon Norway as a complete surprise. Norway did not believe, nor did the Allies, that such a large-scale attack was possible. This operation was the first large-scale strategic attack in World War II. It is largely for that reason that I mention it historically.

Norway had been so preoccupied with proclaiming her neutrality, as she had successfully done in 1914, that she was totally unprepared and surprised by the inevitable conquest of her country.

In terms of contributing to a war today, Norway has nothing much to offer aside from a new spirit, forged in the fires of the German occupation, to resist an invader whoever he might be.

Korea has caused Norway to think more seriously about the need for establishing a stronger and larger Army, Navy, and Air Force. Before Korea, Norway was supporting the mutual defense assistance program with understandable political concern and some reluctance. If war broke out tomorrow Norway could not commit a single combat division to action.

The Netherlands, with a population of about 10,000,000, is doing a constructive job with what it has to work with, but Holland needs more time to recover from World War II and from the heavy losses which have been encountered in Indonesia since the last war. The Netherlands actually knows very little about war. The Dutch had remained neutral for more than a hundred years before World War II. They thought they could remain neutral in that one. Holland on the whole is still surprised and shocked because it found it impossible to avoid the conflict. Having nothing else to do the Dutch gave up in 5 days. Most of the officers in the present Dutch army spent most of the last war in German prison camps. These men have had no war experience. Holland wants to ready itself for any future conflict. There is a lot she must learn about modern weapons, training, and military procedure. As of now she has nothing to contribute to a war which might begin tomorrow.

In these three fine member nations of the Atlantic Pact there is not to be found a single fighting combat ready division.

Italy stands forth as an interesting situation. It is a large country in population but a very small one in terms of potential military effectiveness. The Italian peace treaty provides that its Army shall consist of not more than 250,000, its Navy not more than 25,000, and 67,000 tons afloat, and its air force of no more than 25,000. In the light of political uncertainties and disturbances in Italy this total peace-treaty strength can only be characterized as an internal security force. At the present time the Italian Army mostly represents so many men in uniform. Anyone would be fairly accurate in referring to these bodies as constituting a police force. If Italy could presently commit a single self-contained combat division I would be completely surprised. Italy's situation is the more distressing because on paper it has been given the assignment of being the eastern flank of western Europe and the Mediterranean Sea. The assumption appears to be that the Mediterranean can be protected by establishing its eastern flank in the middle of the sea. That this situation is perilous and the assignment an impossible one is a modest understatement.

Belgium lasted 18 days in World War II. A very large number of her officers and men spent most of the war in prisoner-of-war camps. She presently has about 60,000 men under arms. My own estimate is that, judged against American military efficiency standards, the present Belgian Army carries an effectiveness rating of 20 percent, its air force would be at 50 percent, and its navy at 80 percent. In order to play a real part in any future conflict the conscript period for the Belgian Army must be lengthened, incentives must be provided to secure and maintain a competent and much larger NCO corps and training of a modern character must be established. The essential training and legislative reforms which are imperatively required can come only from the highest political level. That the Belgian Army is obviously short in self-contained units today is proven by the fact that no Belgian contribution has yet been sent to the war in Korea.

Luxemburg requires only a sentence or two. It has a battalion under arms today. It hopes to build that up to brigade strength. Luxemburg can but contribute one small unit to be trained and fought with either the Belgian or French Army.

Portugal did not participate in the last war. Portugal is another member of the Atlantic Pact, one of our allies, thank goodness, because we need as many allies these days as we can get. It acted more as a center through which passed displaced persons and refugees from all over the world than anything else. The United States has found Portugal attractive in recent years because of the strategic islands which lie off her west coast. Portugal is a member of the Atlantic Pact but has not as yet become a part of MDAP. This country and Portugal are presently working out an agreement to result in Portugal receiving arms and equipment from America. Not even a rifle has thus far gone to Portugal. Portugal has some 30,000 men in army uniforms, more planes than pilots, some reasonably good if small vessels in her coastwise patrol navy, pay which is inadequate to secure the right kind of navy ratings and army noncommissioned officers. The army of Portugal has for years been more political than military in character. Its mission has been that of maintaining order at home rather than that of being an effective fighting force. The present-day junior officers are keen and ambitious. With some political encouragement, and if a MAAG chief is selected who is completely acceptable to the temperament of Portugal I think that in due time Portugal can create a hard-hitting defense force. The Portugese are sensitive but sturdy people. History tells us that on occasions they have fought well. Wellington used them to great advantage in the Peninsular War. When we look at Portugal some years from now I think we will find something. Portugal has no fighting force to contribute to the Atlantic Pact today.

France was knocked out of World War II in about 6 weeks' time. A large part of her military potential was premeditatively destroyed during the German occupation. For other than military reasons the spirit of millions of Frenchmen

few people are aware of its definition or meaning.

I did my best to define what I thought America wanted to do in its relationship with the rest of the world. This is what I said in substance:

The people of the United States desire to live at peace within themselves and with the people of all other nations. They seek neither additional territory nor power to impose their will on other people. They ask only to be left undisturbed in the conduct of their own affairs and they have no wish to force their ideas or form of government on others. They are opposed to the extension or imposition of any system of government by force. They desire free and full exchange of information, ideas, and goods between all nations. They believe the United Nations Organization is the best existing medium for accomplishing these desires and preserving peace throughout the world. They will support the United Nations fully in its efforts to attain these ends.

Now, Mr. President, the Senator from Washington will offer his considered answer to the first question posed in his mission. That question is:

A. To determine the capacity of western Europe to wage war today or a year from now or several years from now.

Mr. President, in suggesting to you what I think the capacity of western Europe is at this time to wage war I shall try my best to be reasonable, factual, and objective. Everybody is concerned with the answer to this question. As America is presently heavily committed in Korea, it would be largely up to western Europe to defend itself if war broke out today. This Europe could not do.

Even though it would be largely up to western Europe to defend itself today if war broke out, the United States would be committed with what it presently has in western Europe from the first shot. I wonder if every American is fully conscious of this fact. Every American ought to have the fact brought home to him with strong and continuing clarity, 7 days a week.

In World War I and in World War II America was permitted to utilize several years of time in preparing for war, and in resolving political differences, while our American allies were doing the fighting. For as long a time as one can peer into the future, America will never again benefit from this luxury. The Atlantic Pact states that an attack against one member is an attack against all members. Our great national mission and purpose remains that of avoiding war. Our relationship with other nations means that should war come we are in it from the outset. Because we could not hide from this fact even though we tried we must be ever guided by the knowledge that we strive to be first in peace while knowing that we must be first in war.

I doubt whether in all of history that opposing forces have been so far out of balance. In the 5 years since World War II came to an end one of the forces, Russia and her satellites, have maintained their armies in the field while continuing to manufacture large numbers of modern aircraft, tanks, and weapons of all kinds. The other force, America and her allies, in this period not only largely demobilized their field armies but, until recently, their collective output of war weapons has been infinitesimal when compared to Soviet Russia. From a strictly military estimate of the situation there is no western Europe capacity for waging war, in September 1950. If any Senator thinks me wrong, let him go and take a look for himself.

Let us consider the facts. What does western Europe actually consist of as far as America is concerned? That is to say, who would be brought into the conflict if war broke out now. To whom could we look to do the fighting? Here they are: Denmark, Norway, the Netherlands, Belgium, Luxemburg, Italy, France, Portugal, and Great Britain.

Unfortunately, when we speak of possible military operations in western Europe, we have no right to think that the resources and troops and weapons of Sweden are on the Allied side. Sweden is not a member of the Atlantic Pact, though her sympathies lie with the West and though she probably is better able to offer something to a conflict or to protect herself than is any other nation we do business with, with the possible exception of Great Britain. Sweden shudders in her boots. Those within Sweden who advocate joining the Atlantic Pact are told by others in Sweden that to do so would result in Russia occupying Finland and thus jeopardize the security of Sweden. I talked with as many Swedes as I could and asked them when we of the western world might expect Sweden to join hands with us in a common effort. The answer was substantially and invariably the same: "Sweden wants to belong with her friends of the West but thinks it will not be advisable to do so until the West has established at least 40 divisions on the continent." I think this answer is realistic and understandable, but as an American who, among a great many others, may have to go out before long to do something about it, I hold the answer to be untenable.

Sweden was a neutral in the two world wars of this century. It goes without saying that Sweden will not be able to maintain this neutrality in the event of another world war. I can only urge the administration—and I do so with utmost respect—through the State Department and in concert with the governments of our allies to reexamine the obvious wisdom and the possibility of encouraging Sweden to reach a decision to become a part of our common effort. The Atlantic Pact nations need Sweden and Sweden needs them. Before it is over, I know Sweden is going to need us.

If was began tomorrow western Germany could hardly be considered to be a part of western Europe. Fighting would take place in western Germany, because the Americans, the British, the French, and the Belgians would be instantly committed, but western Germany in itself would have no soldiers or weapons or contributions to offer. Western Germany remains in 1950 an occupied land. It can only do what it is permitted to do by the occupying powers and those powers up to this time have thought it proper to continue western Germany as a vacuum. If war began tomorrow my best guess is that most Germans would logically take to their cellars and stay there. Many have said that is precisely what they would do.

Most Americans know of the fine achievements accomplished in Greece and Turkey as a result in part of American assistance. Both of these nations have armies and divisions in being but we would not expect them to be committed in western Europe should war break out tomorrow. Neither Turkey nor Greece belong to the Atlantic Pact whose members consider that an attack against one member shall be resisted by all members. The United States in fact has no political or military agreements that I know of with either Greece or Turkey. We are trying to help each of these nations help itself but there is no written understanding that these nations will come to America's help should that be required.

Spain is a large part of the Iberian Peninsula and a definite geographical part of western Europe, but her resources and manpower are presently unavailable in the event of the outbreak of war. As things now stand, Spain is actually an obstacle to utilizing the limited resources of western Europe. Portugal lies just to the west of Spain and Portugal's first line of defense happens to be the Pyrenees which run from east to west across Spain's northern frontier. It is difficult for me to see how Portugal might defend its first line of defense if Spain refused to grant permission. Should the time ever come when we and our allies determine to think more of strategic military considerations—if the time ever comes when we begin to talk about one question only—Are we going to live?—if we would then talk less about political expediency, prejudice, and ambition, Spain would become important and vital and serviceable in the defense of western Europe. As of the moment, however, Spain is destined to sit quietly by should war break out in western Europe.

Denmark, Norway, and the Netherlands are three of the splendid nations in the Atlantic Pact. The three nations possess a total population of approximately 17,000,000. Collectively, these three nations have not been involved in a major war for about 350 years. They are our allies. We welcome them. We need them. But the important question so far as the United States is concerned is, What have they to offer?

In World War II Denmark was occupied by the Germans without committing a single soldier against the aggressor. Denmark was bled white by the invader. Denmark had been unprepared militarily and psychologically for war. She thought she could remain neutral but the occupation taught her differently. Because of the occupation Denmark offers to the Atlantic pact the only weapon she presently possesses, a high sense of morality. She has no army, a small but potential defensive striking power in her air force, and a limited but well-led navy consisting of small seacoast patrol vessels.

I am aware of these limitations, but some in Denmark—the home of many great people—are likewise aware of what their nation does not have. I will offer several sentences from an editorial

High General Staff; Portugal: Prime Minister, Chief of Naval Operations, Chief, Army, Navy, Air Forces, Director of Army War College, Assistant Deputy Chief of Army General Staff.

Mr. CAIN. Mr. President, in addition to the persons and titles listed there were scores of officials, both military and civil, and in every grade, who gladly assisted the Senator from Washington in the pursuit of his studies. I want to personalize and emphasize the fact that every possible courtesy, consideration, and service was extended to the Senator from Washington who traveled in the name of the Senate of the United States as well as in his own name as an individual Member of the Senate.

Even though the Senator from Washington is often a serious critic of the administration, he wishes to highly compliment the character and capacity of most of the representatives of the State Department with whom he came in contact overseas. He thought the Ambassadors were particularly competent and keenly aware of the dangers which are so obviously in evidence on every hand. Ambassadors and ministers, like military leaders, do their best to carry out the orders which come to them from higher authority at home. Though the Senator from Washington is in serious doubt concerning what the foreign policy of his Government is, he draws a plain line of distinction between the lack of a firm and understandable foreign policy and the effectiveness and abilities of those abroad who are doing a splendid job in representing America.

Perhaps because she is the only lady representative I met abroad, and because she is managing the smallest diplomatic post in a very large way, I enjoy acknowledging the fine things being accomplished by Mrs. Perle Mesta, our Minister to Luxemburg. She is deservedly a favorite with all of the American GI's in the European command. Her monthly open houses are becoming renowned in song and tribute. Mrs. Mesta is well thought of and highly regarded by the Europeans both in and out of Luxemburg. In her person and through her conduct and character, she is selling the good qualities of America to thousands who have never visited our shores. Our only point of disagreement was that she thought she did not like Spain. I almost got her to promise that she would first visit Spain before assuming in opposition to Spain a rigid position from which she could not retreat in the future. My guess is that her curiosity has been aroused, and that she will shortly take steps to satisfy it.

Mr. President, in recent months every Member of the Senate has received scores of complicated and difficult questions from his constituents. Every Senator has been sorely perplexed by his own questions. I think that most Members of the Senate and most Americans have the same present-day questions in mind. Most of these questions concern themselves with what are we really doing or attempting to do in western Europe and elsewhere. The Senator from Washington wrote his own check list of questions to guide his thinking as he recently attempted to carry out his stated mission while overseas. He looked for answers to these questions everywhere he went, in hope that he could come out with some logical conclusion before this statement has been concluded. He will list these questions at this point in his remarks. Elsewhere in the statement some of the answers will be provided. He will gladly provide other answers which may be available, as best he can, to anyone at any time.

First. What are we fighting: (a) Russia or (b) communism or (c) both?

Second. If (a), what are the limits of Russian expansion beyond which real fighting is contemplated? Must such expansion be military or only an extension of influence? Do the present geographical boundaries of Russia and her present satellites constitute the final unopposed limits?

Third. If (b), are we fighting communism everywhere, whatever its form or origin? If so, what are we doing in Yugoslavia? Are we fighting communism only when imposed by Russian dictation, or are we fighting dictatorship everywhere in any form? If the latter, what are we doing about dictatorships in Portugal, in South America, and in Spain?

Fourth. If (c), what progress are we making? Is Russia retreating anywhere? Is Russian policy giving any evidence of weakness? Are the Russian people or their leaders showing signs of nervous jitters? Are we? Are the numbers of actual Communists decreasing? Are people outside of the United States abandoning communism because of dollar aid or because of a desire for our way of life? Do they seem grateful for our aid, and do they welcome our suggestions as to their policies, economic or otherwise?

Fifth. Are dollars the only present barrier to communism in Europe? Will communistic forces reappear in strength if dollars are not provided? Can we provide dollars indefinitely? If no, what are we to use when they run out?

I should say parenthetically that I am just an American, as is every other Member of this body. If all Senators had been where I have been in recent weeks, I think all Members of the Senate would have the same very deep interest in the questions I am propounding as I proceed at this time.

Sixth. Is Russia terrified or disturbed or even displeased by our ECA efforts? Does Russia really resent our economic efforts, or does she consider them as another step toward capitalism's final self-destruction? Does Russia mind our depleting our resources or overspending our income? Is our expenditure of ERP billions making the western European people less fearful of Russia?

Seventh. Does the Atlantic Pact actually strengthen the security of the United States, or does it increase our commitments and create further demands on our resources and reserves? Can we rely on any last-ditch defense in Europe? If so, where, by whom, and with what? Let me say parenthetically that I went to every place where there were said to be potential forces which might stand with the United States in the event of World War III. Are the people of western Europe reassured, or comforted, by the prospect of our waging war in Europe to defend them against Russia?

Eighth. Are the people of west Germany prepared to die in defense of the Bonn government? Are west Germans different from east Germans, or are they all just Germans? Is any German willing to die to preserve our type of democracy?

Ninth. Does the Russian policy seem to be one of continuing or creating disturbance, unrest, confusion, and fear throughout the world? If so, is it having any success? Is it a long-term policy? If so, why should it require any change in the present situation? Does it require any immediate military move by Russia?

Tenth. Does Russia require the enormous military forces we claim she possesses? Why? Do we really know what forces she possesses or how much she actually spends on them? Do we assist her to create fear and confusion by our constant and frantic proclamations of overwhelming Russian military strength?

Eleventh. Can we expect the Russian people to reject a regime or leadership, whether we like it or not, that has carried them from chaos, revolution, and ruin to a position of dominant world power? Are they likely to become suddenly imbued with American ideas of democracy and freedom?

Twelfth. Are the Russians in terror of our announced atomic-weapon strength? Is our insistence on their acceptance of the Baruch doctrine for atomic-weapon control realistic? Is there any basis for international control of anything, except the basis of good faith? Do we believe Russia shows any evidence of good faith as we know it?

Thirteenth. Is our foreign policy a matter of daily expedients, or is it based on a clear, cold analysis of our own strengths, weaknessses, and practical possibilities?

Fourteenth. Have our people a clear understanding of our foreign policy? Has anyone?

Mr. President, I wish to stop for a moent to reflect on question No. 14. I encountered few persons abroad, either Americans or foreign friends or foreign enemies—and I saw a great many of the latter—who had any positive understanding of our foreign policy. To them it was one thing in one place and something else in another place. As I constantly asked others to tell me what our United States foreign policy is, they invariably turned the question to ask me what it was. I had to tell them that I was as uncertain as they were about a clear-cut definition, but I gave them my own understanding of what I thought our foreign policy ought to be. Perhaps the Senator from Washington is wrong in his concept. Perhaps he is partly wrong and partly right. In any event he feels, as do tens of thousands overseas, that a restatement of our American foreign policy ought to be broadcast from every housetop throughout the world. If I assume that our Nation has a clear-cut and positive foreign policy I am on very sound ground in stating that too

MDAP countries will be of great value to your associates on the Armed Services Committee, and ultimately, to the American people. I look forward with great interest to receiving a copy of your report to your committee and to the Senate on the material you have gathered here in Europe and on the conclusions and recommendations you have reached. I hope our paths may cross again; and the world being in the situation it is in, that's very likely.

Those who represent America abroad want to draw much closer to those who represent the people of America at home, as we in this body do. Those abroad want us from home to understand their mission, their responsibilities, their requirements and needs. This can only be accomplished by going to where a foreign problem exists. It cannot be done from here.

The Senator from Washington had four capacities to fill when he took off 2 months ago. He mentions this as a background against which he will answer any questions, from any source.

The Senator from Washington went in his own right as a Member of the United States Senate. I do not know of any greater right.

The Senator from Washington went as a representative of the chairman of the Senate Armed Services Committee, who wrote in part as follows:

While overseas, would it be convenient for you as a member of the committee to inquire into some of the facts about the delivery of equipment to North Atlantic Treaty countries? It would undoubtedly be most helpful to our Members if you could give us some first-hand information on this subject.

The Senator from Washington went as a representative of the Secretary of Defense, who wrote in part to the commander in chief, European command:

Senator HARRY P. CAIN will represent the Executive for Reserve and ROTC affairs at ceremonies at Bastogne, Belgium, on July 16, 1950, and upon completion of that duty will inspect the Reserve activities of the Army in the European Command.

I have advised Senator CAIN that you will be of every assistance to him during his stay in Europe and that in addition you will arrange to have him briefed on the military assistance programs for western Europe and appropriate subjects related thereto, as well as planning an itinerary for his visit to the various Military Assistance Advisory Groups in western Europe.

The Secretary of Defense wrote comparable letters to the commanding officers of our American military missions in Greece and Turkey.

The Senator from Washington went as an officer, for a period of 15 days, of the Army of the United States. His orders read in part:

Colonel CAIN will immediately on arrival, as his first official act, report to the theater commander, informing the latter of the purpose of his visit. As practicable during his visit and in all cases on completion thereof Colonel CAIN will report to the theater commander the nature and findings resulting from his visit and the substance of any report he intends to make to the Department of the Army or to the office from which he is sent. In all reports made as a result of this temporary duty, a positive statement that the foregoing instructions have been carried out will be included.

The Senator from Washington now states that on his arrival in Europe he conferred with the theater commander and reported to him again on August 29, shortly before departing for the United States. The views of the Senator from Washington as they are to be expressed in this statement to the Senate are the same views he discussed with the European theater commander.

The source of his authority has been outlined by the Senator from Washington because of his desire to make it clear that he traveled in several capacities and that he has endeavored to satisfy the responsibilities imposed upon him by each one of his four directives.

On Tuesday, September 5, the Senator from Washington conferred with the Secretary of Defense, and members of his staff, and laid before them the nature of this statement.

Because of the several capacities in which he traveled the Senator from Washington had the following mission before him at all times—I take it for granted that every American, that every Member of the United States Senate, would, on a comparable trip, have had before him 24 hours of every day a comparable check list called a mission.

A. To determine the capacity of western Europe to wage war today or a year from now or several years from now.

B. To determine the willingness and moral stamina of the peoples of western Europe to resist an aggressor today, a year from now or several years from now.

C. To study the military-defense assistance program in the Atlantic Pact nations and in Greece and Turkey.

D. To inspect Reserve activities of the Army in the European command.

E. To determine the combat readiness of the American troops in western Europe.

F. To examine into all reasons which might justify the inclusion within the Atlantic Pact or within some comparable military alliance of Greece and Turkey. They are not members now.

G. To visit and learn as much as possible about the Iberian Peninsula, which includes both Portugal and Spain.

H. To determine what contributions to the defense plan of western Europe might be reasonably expected from Germany.

I. To determine if there are prevailing conditions in western Europe comparable to those circumstances which led to the surprising and unexpected outbreak of the war in Korea.

J. To find out if western Europe can provide ground forces for Korea and what is holding them up should these troops be available.

K. To reach some rational conclusion concerning the likelihood or possibility of avoiding world war III.

In order to carry out this mission the Senator from Washington visited the following-named countries: Germany, Belgium, Luxemburg, Italy, Greece, Turkey, Denmark, Norway, the Netherlands, Great Britain, France, Spain, Portugal, Iceland, Australia, and the Free Territory of Trieste.

In an effort reasonably to fulfill his mission the Senator from Washington benefited from the advice, experience, and observations of the following American and foreign officials and persons.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a list of the persons to whom I have just referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

The United States Diplomatic Corps.

The Ambassadors of Belgium, Italy, Turkey, Norway, The Netherlands, Great Britain, France, and Portugal.

The Ministers of Luxemburg and Greece.

The Chargé d'Affairs of Spain and Denmark.

The United States High Commissioner, Germany: Mr. Charles M. Spofford, chairman, Council of Deputies; Mr. John Sherman Cooper, special adviser to the Secretary of State.

United States military leaders: Gen. Thomas T. Handy, commander in chief, European Command; Lt. Gen. Clarence R. Huebner, commanding general (retiring) United States Army, Europe; Lt. Gen. Manton S. Eddy, commanding general, United States Army, Europe; Lt. Gen. John K. Cannon, commanding general, United States Air Forces in Europe; Maj. Gen. Daniel Noce, Chief of Staff, European Command; Maj. Gen. John E. Dalquist, commanding general, First Infantry Division; Maj. Gen. Isaac D. White, commanding general, United States Constabulary; Rear Adm. John Wilkes, United States Navy, commander, United States Naval Forces, Germany; Maj. Gen. William M. Hoge, commanding general, Trieste United States troops; Lt. Gen. Geoffery Keyes, commanding general, United States forces, Austria, United States High Commissioner, Austria; Admiral Richard L. Connoly, United States Navy, commander in chief, Northeastern Atlantic and Mediterranean Fleets; Maj. Gen. A. Franklin Kibler, director, Joint American Military Advisory Group; Maj. Gen. Reuben E. Jenkins, chief, Joint United States Military Advisory Group and Planning Group in Greece; Maj. Gen. Horace L. McBride, chief, Joint American Mission for Aid to Turkey (retiring); Maj. Gen. William H. Arnold (successor to General McBride) above; Vice Adm. J. J. Ballentine, United States Navy, commander, Sixth Task Fleet; Lt. Col. John L. Schaefer, AGC chief, Military Personnel Branch, Headquarters European Command; Maj. Gen. Paul G. Kendall, deputy commander, United States Forces, Austria.

Chiefs, military assistance advisory groups in western Europe—Belgium, Luxemburg: Brig. Gen. C. T. Lanham, United States Army; Denmark: Brig. Gen. Ralph A. Snavely, United States Air Force; France: Maj. Gen. G. J. Richards, United States Army; Italy: Brig. Gen. H. N. Swartzkopf, United States Army; the Netherlands: Rear Adm. Emmet E. Forrestel, United States Navy; Norway: Rear Adm. Ralph E. Jennings, United States Navy; United Kingdom: Maj. Gen. Leon Johnson, United States Air Force, also commanding general, United States Third Air Division.

Foreign diplomatic and military representatives—Turkey: Minister of Foreign Affairs, Minister of National Defense, Chief of General Staff, Deputy Chief of General Staff, Commander of Ground Forces, Commander of Naval Forces, Commander of Air Forces, Chiefs of G–I, II, III, IV, General Staff Corps; Greece: Prime Minister, Inspector General, Chief, Air Staff, Army Chief of Staff, Defense Minister; France: Minister of Defense; The Netherlands: Minister of Defense; Spain: Chief of State, Minister of Foreign Affairs, Director General of Foreign Policy, Chief of Air Staff, Director General of Internal Affairs, Chief of Army Central Staff, Chief of

Mr. WHERRY. Mr. President, will the Senator yield further?

Mr. CAIN. Certainly.

Mr. WHERRY. Mr. President, I feel that the report of the Senator from Washington is of great interest. I do not know whether there has recently been a quorum call.

The PRESIDING OFFICER. The Chair will state that there has not been a quorum call.

Mr. WHERRY. I should like to ask if the Senator from Washington desires to proceed without a quorum call. I am sure Senators would like to have the information contained in the report of the Senator from Washington.

Mr. CAIN. If the Senator will permit me to personalize the answer to his question, I should like to say that there may be, among the observations to be made, some of considerable concern and interest not only to Members of the Senate, but to American citizens generally. Furthermore, if the suggestion of the absence of a quorum is made, the Senator from Washington should like, for a purely personal reason, to be off the floor for the next few minutes.

Mr. WHERRY. Mr. President, I should like to ask the distinguished Senator from Washington if he will yield that I may suggest the absence of a quorum, providing it does not prejudice his right to the floor.

Mr. CAIN. If that may be permitted, I should like very much to yield on that basis.

Mr. WHERRY. Mr. President, I ask unanimous consent that the Senator may yield in order that I may suggest the absence of a quorum, without the Senator losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Holland	Millikin
Benton	Humphrey	Morse
Bricker	Hunt	Mundt
Butler	Ives	Murray
Cain	Jenner	Neely
Chapman	Johnson, Tex.	O'Conor
Chavez	Kefauver	O'Mahoney
Connally	Kem	Russell
Cordon	Kerr	Saltonstall
Darby	Kilgore	Schoeppel
Douglas	Knowland	Smith, Maine
Dworshak	Langer	Sparkman
Ecton	Leahy	Taylor
Ellender	Lehman	Thomas, Okla.
Ferguson	Long	Thye
Fulbright	Lucas	Tydings
George	McCarran	Watkins
Gillette	McCarthy	Wherry
Graham	McClellan	Wiley
Green	McFarland	Williams
Gurney	McKellar	Withers
Hendrickson	Magnuson	Young
Hill	Malone	

The PRESIDING OFFICER (Mr. YOUNG in the chair). A quorum is present.

REPORT BY SENATOR CAIN ON HIS TRIP TO EUROPE

Mr. CAIN. Mr. President, the junior Senator from Washington has been absent from the Senate for some weeks on a study of conditions in portions of the Western World and wishes now to offer his findings and suggestions to the Senate and the Nation. The Senator from Washington left Washington, D. C., on July 11 and returned on September 3.

Mr. President, I hope and believe that I can be of some reasonable service to the Senate as it considers the heavy and troublesome problems of the strange and frightening world in which we live. I shall do my best to relate what I have seen and to say only what I believe to be so. If in the telling, some among us and throughout the Nation become alarmed or upset or in doubt about the future, it will only be because the facts justify those reactions. For my part I am satisfied that we can find a constructive and positive antidote and answer to every one of the large weaknesses which surround America today on every front.

During my weeks in Europe and the Near East I said but little for publication. Even my office seldom knew where I was. Because of this the question of what the Senator from Washington was doing abroad while the Senate remained in session has been raised by a number of my friends. I can think of no question which is more logical or fair. I want to provide an understandable reason right now.

On Friday, June 2, 1950, the President of the United States said in a press-radio conference here in Washington, D. C., that he thought the world was closer to permanent peace than at any time since 1945. He emphasized this feeling by calling attention to a speech he made on May 9 in Laramie, Wyo. In that speech, the President said that more understanding, alertness, and determination were needed to combat the challenge of Russia.

Several short weeks later, on June 24, the combat divisions of northern Korea crossed the thirty-eighth parallel and American ground forces, in concert with air and naval units, found themselves shortly engaged in what the President insistently characterized as being a police action. On June 30 the President said to the Nation "We are not at war." I will make mention of the fact again that since the Korean police action became a full-scale war General MacArthur has twice publicly pled with the rest of the Western World for ground forces.

On Friday, June 23, the day before the war broke out in Korea, the distinguished chairman of the Senate Foreign Relations Committee had this to say in urging the passage of S. 3809, a bill to amend the National Defense Assistance Act of 1949:

> Last July our occupation forces withdrew and the people of Korea must now be able to protect themselves. Under this bill, the bill which is now the pending business, the President can extend Korea the kind of military aid it needs to preserve internal security and to deter possible aggression from the north.

As the Senator from Washington took part in that debate on S. 3809, and as he thought about the President's considered comment only several weeks before that the prospects for permanent peace were very good, and then several weeks later that he thought the fighting in Korea amounted not to war, which it obviously was from the day it began, but merely a police action, the Senator from Washington began to understand how very little he and other Senators and the President of the United States actually knew about what was going on in far places throughout the world. I decided during the debate on S. 3809 to have a look throughout some other regions of the world for myself. I wanted to find out, if I could, whether the outbreak of warfare in Korea was but a logical feint which could logically be followed by a major attack in Western Europe or the Near East. I was deeply distressed by the feeling that the Senate was working in a vacuum. It became very clear to me that the Senate was designing legislation on the strength of testimony offered by everybody but Senators. I imagine that many a Senator feels today as the Senator from Washington felt 2 months ago. Though the Senator from Washington can now offer no easy panacea he at least has developed some convictions concerning what America and its allies must do, and do soon, if the United States is to insure our safety for the years which lie immediately ahead.

Before going further, and on the strength of what I think I learned abroad, I urgently recommend that the Senate of the United States create some sort of a series of branch offices wherever America is committed or wherever our national interests lie. Until this Nation knows where it is going and until we know how our resources and assistance are being used by our friends abroad, agents of the Senate ought to be constantly on the road. Unless we see fit to abdicate our responsibility to the Nation we had better place ourselves in a position where we can advise the Nation of the facts of life. I am a very junior Member of the Senate but I am now possessed of information which my senior colleagues do not have because I went and got it. I wish that someone senior to myself had taken my place in recent weeks because the authority and prestige which goes with seniority in this body might more rapidly accomplish the many steps which I think must be taken if we are properly to protect ourselves and to live. I am prepared to vote today or at any other time to encourage and insist that some from among us, of either or both parties, take to the road and stay on it for the single purpose of advising the Senate and the Nation of how we at home can best supplement and back up the actions of our own people and of our allies on far-flung fronts throughout the world. Such representation would improve our effectiveness in a substantial way. Of that I am certain.

This kind of traveling Senate representation would be appreciated by our countrymen who serve abroad in a multitude of capacities these days. On my return I found on my desk a letter from an American general officer who heads the American Military Mission in a western European country. In part he said:

> I feel confident that the information you dug out during your grueling visit to the

he knows, that request was not objected to.

The PRESIDING OFFICER. Thus far it has not been objected to.

Mr. CAIN. The majority leader, who requested that the Senator from Washington yield to him 45 minutes was, if I understood correctly, the Senator who demanded the regular order. The inquiry I would make is, what is the parliamentary situation?

The PRESIDING OFFICER. The ruling of the Chair is that the regular order is the question of agreeing to the unanimous-consent request made by the Senator from Washington.

Mr. McCARRAN. Mr. President, I withdraw my request of the Senator from Washington that he yield me 30 minutes. I can see that it is going to lead to confusion, which I think is unnecessary and, really, unworthy. There is today on the Presiding Officer's desk a list of those who have requested opportunity to be heard. First on that list is the Senator from Washington, who is followed on the list by the Senator from Michigan. The Senator from Michigan is to be followed by the Senator from Nevada. I am entirely content to withdraw my request, though I am grateful to the Senator from Washington for his courtesy.

Mr. CAIN. Mr. President, I may say to the Senator from Nevada that I consider him to be both very considerate and very thoughtful.

Mr. KILGORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. CAIN. I yield.

Mr. KILGORE. As I understood the unanimous-consent request made by the Senator from Washington, it is not a request which can be withdrawn upon the request of another Senator. It seems to me that the Senate must act upon the unanimous-consent request of the Senator from Washington, and that it is not a question of its being withdrawn by another Member of this august body. I ask for a ruling by the Chair.

The PRESIDING OFFICER. The Chair rules that the Senator from Nevada may withdraw his request.

Mr. CAIN. Mr. President, the junior Senator from Washington has been absent from the Senate——

Mr. KILGORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia for a parliamentary inquiry?

Mr. CAIN. I am pleased to yield.

Mr. KILGORE. I thank the distinguished Senator from Washington, and also the Presiding Officer. I understood that the unanimous-consent request was made by the Senator from Washington. That still left a unanimous-consent request that he be followed by the Senator from Illinois and by the Senator from West Virginia. Do I correctly understand that the Senator from Washington intends to proceed at this time and will complete his remarks without interruption for other unanimous-consent requests, or what will the procedure be?

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that the Senator from Illinois and the Senator from West Virginia may make separate unanimous-consent requests.

Mr. CAIN. Mr. President, the Senator from Washington understood a few moments ago that the distinguished majority leader demanded the regular order. That, obviously, was within his right. The effect of that, as the Chair informed the Senate, was that the unanimous-consent request offered previously by the Senator from Washington was nullified. The Senator from Washington desires once again, and only for the purpose of attempting to accommodate the wishes of some of his friends on the other side, to ask unanimous consent that he may yield to the Senator from Nevada for 30 minutes; that, following that, the Senator from Washington may yield to the Senator from Illinois any part of 45 minutes which he wanted, a few moments ago, and which he presumably still wants; and that, following the remarks, if any, made by the distinguished majority leader, the Senator from Washington be permitted to yield up to 45 minutes to the Senator from West Virginia. If that unanimous consent request can be acted on one way or the other, the Senate will be informed, and the Senator from Washington will either be able to proceed or to return at a given hour for the purpose of proceeding.

The PRESIDING OFFICER. Does the Senator from Illinois make such unanimous-consent request?

Mr. LUCAS. I withdraw my request.

The PRESIDING OFFICER. The Senator from Illinois has withdrawn his request.

Mr. KILGORE. Reserving the right to object, it seems to me from the colloquy which took place that the Senator from Nevada [Mr. McCARRAN] stated—though I could not clearly hear the statement to the Senator from Washington—that at the end of 30 minutes he would renew his request for unanimous consent.

Mr. McCARRAN. No.

Mr. KILGORE. May I inquire whether that is correct, or whether the Senator from Nevada expects, following the speech by the Senator from Washington, to then take the floor for whatever length of time he may deem necessary.

Mr. McCARRAN. Mr. President, I observe that there is on the desk before the Presiding Officer a list of Senators whom the Presiding Officer has agreed to recognize. That is not an unfamiliar practice. The Senator from Washington, I understand, now has the floor under that arrangement.

The PRESIDING OFFICER. That is correct.

Mr. McCARRAN. Under that arrangement, the Senator from Michigan would follow the Senator from Washington, and the Senator from Nevada would follow the Senator from Michigan. I withdraw my request, until the Senator from Washington has concluded.

Mr. LUCAS. Mr. President, will the Senator from Washington yield?

Mr. CAIN. I yield.

Mr. LUCAS. I do not want the statement of the Senator from Nevada to go unchallenged, regarding a list which is on the desk of the Presiding Officer. The present occupant of the chair, or whoever may be presiding at a given time, may recognize anyone he desires to, under the rules of the Senate. That is one of the things that we have complained about from time to time; that is, the making of a list to lie on the Presiding Officer's desk, and then denying some Senator the right to speak who ought to speak, if he is on the floor and is able to obtain recognition. I suppose the list would probably be followed, but I do not want the statement to go unchallenged that that is done under the rules of the Senate.

Mr. McCARRAN. No one said it was.

Mr. LUCAS. Mr. President, the Senator from Nevada is now preparing a way for certain speeches to take place on the floor of the Senate, in line with the list on the Presiding Officer's desk. I merely want to say that is not the rule, and that it should not be followed.

The PRESIDING OFFICER. The Chair will state that the list was prepared before the present occupant of the chair assumed the chair. So that all Senators may know the names which are on the list, they are the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. CAIN], the Senator from Michigan [Mr. FERGUSON], the Senator from Nevada [Mr. McCARRAN]. Then there were added the names of the Senator from West Virginia [Mr. KILGORE], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from New York [Mr. LEHMAN].

It is within the province of the Chair to recognize Senators, but the Chair wants all Senators to know that this list was on the desk when the present occupant of the chair took the chair to relieve the former Presiding Officer. The Senator from Washington has the floor, not only because his name is on the list, but because he was the first Senator to rise and be recognized.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. CAIN. Certainly.

Mr. WHERRY. Mr. President, I should like to propound a question to the majority leader, without prejudicing the rights of the Senator from Washington. Inasmuch as the distinguished Senator from Washington is about to make a statement of some length, which I understand is a report on his visit to Europe, does the majority leader contemplate holding a night session?

Mr. LUCAS. The Senator from Washington indicated a moment ago that it would take him at least 3 hours to conclude his speech. That would take us to 8 o'clock. Obviously, we shall hold a night session, because the Senator from Michigan [Mr. FERGUSON], the Senator from Nevada [Mr. McCARRAN], and other Senators desire to speak on the pending measure. We cannot get away before 8 or 9 o'clock this evening.

Communists and against those who would cripple the Constitution in a vain effort to curtail the activities of those whom they deem to be Communists.

ORDER OF BUSINESS

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. CAIN. I yield, provided that I may do so without losing my right to the floor.

Mr. McCARRAN. Mr. President, some time ago I spoke to the Senator from Washington, saying that my remarks probably would take at least 30 minutes. Again I would advise the Senator of that fact, if he is of the mind to yield to me for that length of time.

Mr. CAIN. Mr. President, I shall be very pleased to yield to the Senator from Nevada for a stated period of time, if I am permitted to do so without losing my right to the floor.

Mr. KILGORE. Mr. President, I shall object to anything of that kind, because I asked the Senator from Washington a question, on the floor of the Senate, and was informed that he would speak next, and would insist upon the floor.

Inasmuch as only a very limited amount of time is available for the discussion of the internal-security bill, I felt at that time that it was improper to have extraneous discussions occur until after the discussion of the pending measure has been concluded.

So I would object to any unanimous consent of that sort.

Mr. McCARRAN. Mr. President, my discussion will be strictly on the pending question; and I do not intend to engage in a discussion of an extraneous subject.

The Senator from Washington knew that; and when I asked him if he would yield to me for about 30 minutes I anticipated that my discussion of the pending measure would require that length of time.

Mr. CAIN. Mr. President, I should like to say to the Senator from West Virginia that I told the Senator from Nevada that certainly I would yield 30 minutes to him, for the reason that he wished to speak directly to the pending question. So I told him I would yield to him if by so doing I would not lose my right to the floor.

Mr. KILGORE. Mr. President, let me say that I intend to speak directly to the pending question; but if I am compelled to wait it may be that I shall not be able to obtain the floor before the vote is taken early tomorrow, under the unanimous-consent agreement.

So I think the proposal that a Senator yield for any such length of time is in violation of the ethics of the Senate.

Is unanimous consent requested in that connection?

Mr. CAIN. Mr. President, I ask unanimous consent that I be permitted to yield to the Senator from Nevada for 30 minutes, without causing me to lose my right to the floor.

Mr. KILGORE. Mr. President, reserving the right to object, let me say that it seems to me we shall be establishing a bad precedent if we make any such arrangement.

Since I have been a Member of the Senate it has been customary for Senators to yield the floor for short periods of time. However, it would be rather novel for a Senator to yield the floor for 30 minutes or longer. Such an arrangement would enable one Senator to control the floor for a period perhaps extending up to days, in which case he might yield for periods of 1 hour or 45 minutes, and then for additional lengths of time, including 5, 10, 15, 20, or 30 minutes, as the debate proceeded.

It seems to me that it would be rather unfair to other Senators to permit the floor to be dominated by one Senator under such an arrangement.

Mr. CAIN. Mr. President, I think my distinguished colleague, the Senator from West Virginia, is mistaken, for I have requested unanimous consent that I be permitted to yield some time to the Senator from Nevada. If any Senator takes exception to such a request, no such agreement will be reached.

Mr. LUCAS. Mr. President, reserving the right to object, will the Senator from Washington yield 45 minutes to me, after he yields 30 minutes to the Senator from Nevada, because I have some remarks to make on the pending question.

Mr. CAIN. Mr. President, I now ask unanimous consent that I be permitted to yield 30 minutes to the Senator from Nevada and any portion of time up to 45 minutes to the Senator from Illinois, according to the time the distinguished majority leader may wish to have, in order that at the end of that 1 hour and 15 minutes, after having tried to satisfy as many of my friends as possible, I may speak to a subject which is not the pending question, but is the question of whether the United States and its allies have any conceivable chance of living in the world of tomorrow, on the strength of what their assets are today, around the world.

Mr. President, I have made the unanimous-consent request in order to accommodate both my friend, the majority leader, the distinguished Senator from Illinois, on the one hand, and my friend, the Senator from Nevada, on the other.

Mr. KILGORE. Mr. President, still reserving the right to object——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. CAIN. I yield if I may.

Mr. KILGORE. Still reserving the right to object, Mr. President, I wish to ask the Senator from Washington whether, at the conclusion of the remarks to be made by the majority leader, the Senator from Washington will yield 45 minutes to me, to permit me to make the remarks which I wish to make on the pending question? I ask the Senator whether he will include such a provision as a part of his unanimous-consent request.

Mr. CAIN. Mr. President, in an effort—and that effort now has, in this instance, gone far enough—to accommodate Senators, I amend the unanimous-consent request in order to accommodate the wish just expressed by the Senator from West Virginia. That will mean that I shall have, without much argument, and because I seek to accommodate those who make such requests, agreed to yield 30 minutes to the Senator from Nevada, 45 minutes to the Senator from Illinois, and an additional 45 minutes to the Senator from West Virginia.

Mr. McCARRAN. Mr. President, let me inquire of the Senator from Washington how long he thinks his remarks will take.

Mr. CAIN. As best I can tell—because I have not had an opportunity yet to read the remarks which I finished dictating this morning—it will take the better part of 3 hours.

I am perfectly willing, on one understanding—namely, that the Senate work tonight—to accommodate the wish of any Senator who has any remarks to make, after which I would enjoy saying what I have in mind to offer for the consideration of my colleagues.

Mr. FERGUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Michigan?

Mr. CAIN. I am pleased to yield to my friend, the Senator from Michigan.

Mr. FERGUSON. After we have thus divided up the time, as to which it is indicated that there may be no objection, I should like to inquire whether we shall continue on into the night. I ask that question because I should like to obtain recognition today, so that I may make some remarks on the pending question, and so that I may do so before the Senate begins to vote on that question tomorrow, under the previous unanimous-consent agreement.

Mr. LUCAS. I demand the regular order.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. THYE. Mr. President, I believe that the unanimous-consent request made by the able Senator from Washington should be given sincere consideration. If the unanimous-consent agreement is entered into, it will cover the time between now and 7 o'clock only. The Senator from Washington could then proceed to talk until no later than 10 o'clock this evening, if he took only 3 hours for his speech. As acting minority leader, I may say I believe that the majority leader should not object to that. I believe we should have a night session. It was announced last week that we were going to have night sessions this week in an effort to complete the work. I believe that the speeches which will be made by the Senator from Nevada, the Senator from West Virginia, and the Senator from Illinois, the majority leader, are in order, as they relate to the business before the Senate. The Senator from Washington now has the floor. For that reason, I believe that the unanimous-consent agreement should be approved.

Mr. CAIN. Mr. President, a parliamentary inquiry.

Mr. McCARRAN. Mr. President, if I may suggest——

Mr. CAIN. Mr. President, will the Senator permit me to propound a parliamentary inquiry first?

Mr. McCARRAN. Certainly.

Mr. CAIN. The Senator from Washington knows only that he submitted a unanimous-consent request. So far as

TEMPORARY ASSIGNMENT OF REFEREES IN BANKRUPTCY—CONFERENCE REPORT

Mr. GRAHAM submitted the following conference report, which was considered by unanimous consent, and agreed to:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3921) to provide for the temporary assignment of referees in bankruptcy, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

FRANK P. GRAHAM,
ESTES KEFAUVER,
FORREST C. DONNELL,
Managers on the Part of the Senate.

SAM HOBBS,
J. FRANK WILSON,
CHAUNCEY W. REED,
Managers on the Part of the House.

INTERNAL SECURITY AND INTERNMENT BILL

Mr. CAIN obtained the floor.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. CAIN. I yield.

Mr. LEHMAN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement prepared by me on Senate bill 4130, the internal security and internment bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR LEHMAN ON S. 4130, THE INTERNAL SECURITY AND INTERNMENT BILL

Mr. President, I rise again in support of the Kilgore bill, S. 4130, a bill for the prevention of illegal and anti-American activities by Communists or other subversives. I am one of the sponsors of this legislation. I hope that the Senate will approve it.

Our bill, Mr. President, strikes at the very heart of the Soviet-inspired threat to our internal security. This is a bill with teeth in it. But this bill is so drawn that it will not bite large numbers of innocent Americans and patriotic groups of Americans. Our bill has safeguards in it. After it becomes law, it will still require affirmative action by both Congress and the President to set the internment and detention machinery into operation. This bill then reposes the responsibility for the execution of the necessary measures in the hands of the man elected by the American people, the President of the United States.

It does not, as the Mundt-Ferguson and the McCarran bills do, set up an administrative board beyond the control of either the President, the Congress, or even of the people, with powers to punish and destroy the very essence of our way of life, the very essence of our democracy.

This bill, S. 4130, Mr. President, is not a blunderbuss. It does not fire grapeshot in the general direction of the American people in the hope of winging a few Communists, as the Mundt-Ferguson bill does. This bill, S. 4130, is aimed straight at the real dangers which our country faces. This bill would control the real threats to our security—at times when our security is really threatened.

The Communists are really afraid of S. 4130. Look in the pages of the Daily Worker if you want to see which bill the Communists fear most. This bill would really prevent the Communists from committing acts of sabotage or carrying on espionage in times of internal danger. Together with the provisions of S. 4061, the administration's internal-security bill, which are included in title I of our bill, this measure, S. 4130, would lock the door against Communist subversion. It would dovetail with the plans and designs of the FBI for the protection of our internal security. This is the kind of a law the FBI would welcome. It would not require the FBI to show its hand, to disclose its sources, and to neutralize its effectiveness before the day comes when the FBI may need to show its hand and act to protect the very life of our Nation. This bill is a real security bill—a real anti-Communist bill.

The Kilgore internal-security and internment bill, of which I am proud to be one of the authors, is a simple and straightforward bill. Title I contains the provisions to plug up the loopholes in existing laws against sabotage and espionage and provides for detention of aliens who might be a threat to our security. Title II contains the new internment and detention provisions.

What do we do under the terms of title II? In times of internal danger, we would round up those whom the FBI knows to be Communists and threats to the national security, and put them under detention and surveillance. The individuals concerned would not be asked to register. The FBI would register them. But they would have full opportunity to prove that they are not what the FBI says they are. But while they are in the process of proving it, they would be kept under detention, under surveillance, and out of harm's way. This is essential for the national security—for the preservation of the very life of our Nation.

This is not police-state legislation. This is national-survival legislation. The powers set forth in this bill are limited in time. They are subject to court review. The standards by which the President of the United States is to be guided in determining who is to be taken into protective custody are carefully drawn. This is not a net in which any individual or organization who has unorthodox thoughts or beliefs can be caught, as is the machinery set up by the Mundt-Ferguson bill. This is not thought-policing. No deductions can be taken by any official from the fact of an individual's support or lack of support of certain causes. This is not guilt by thought association.

The standards and definitions—four in number—describing which individuals are to be apprehended are very clearly set forth in this legislation. The four parts of the definition can easily be applied, and the authority for the application and execution is placed squarely upon the President of the United States. He will, of course, rely upon the intelligence agencies of the Government for the information. But his is the responsibility for determining what individuals, on the basis of the standards set forth in this legislation, actually are threats to the national security in times of internal danger.

We have surrounded the grant of authority with many safeguards. The constitutional liberties inherent in the Constitution must be protected. Americans must be free to debate and discuss the issues of the day. Views must not be penalized. But acts of sabotage and espionage must be forestalled and prevented.

We have inserted in this legislation provision whereby persons wrongfully detained will receive indemnity from the Government. The Government will be required to pay for the injury inflicted and the damage suffered. This is a risk which the Government and the Nation must cheerfully bear if we are to guard the national security.

I do not think, as I said on this floor very recently, that the views of Communists represent any threat to us. I do think that their subversive activities might very well imperil our national security.

By acts of sabotage and espionage, in times of crisis, they could cripple our entire economy. Our national economy is so thoroughly mechanized and so dependent upon transport, communications, electric power, and supplies of certain strategic materials, that a relatively few determined and utterly unscrupulous men might do us great national harm.

The Mundt-Ferguson plan, on the other hand, designed to skirt constitutional barriers, fools no one and accomplishes nothing. It would require certain individuals and organizations to register. The sponsors of the Mundt-Ferguson plan say that this bill is designed to require Communists and Communist-front organizations to register, and then to prosecute those who do not register. That is what the sponsors say. But that isn't what the Mundt-Ferguson bill says. That isn't what the Mundt-Ferguson bill would do if it became law. I know what a Communist is. But the Mundt-Ferguson bill is not sure. Its definitions are so broad as to be meaningless. The only thing the Mundt-Ferguson scheme would do would be to trap large numbers of loyal Americans in its net, while the real fish, the Communists, would escape. During all the debate on this question there has been no indication that what I have here said is untrue.

I take little comfort, Mr. President, from the assurances of the Senator from South Dakota and the Senator from Michigan and the Senator from Nevada that the Mundt-Ferguson provisions will not be used to indict and condemn innocent men and women and to place under the shadow of shame and treason patriotic organizations devoted to public purposes of which two members of the Subversive Activities Board might happen to disapprove and to consider Communist-inspired.

These gentlemen, the sponsors of this legislation, will not administer the law. They cannot give any binding assurances as to how this law will be interpreted. All I can see is the language of their bill. And that language is clearly subject to the gravest and most dangerous misuse in almost every section and paragraph of that legislation.

Mr. President, in matters like internal security, as in matters of external security, foreign relations, and national defense, we must rely on the officials who have the responsibility and the information and the sources of information. This Congress would not attempt to set up a board and give that board the power to determine who are our external enemies and to wage war against them. Yet that is what the Mundt-Ferguson bill does with our internal enemies.

In our antisabotage bill, we give to the President, with the concurrence of the Congress, the authority to move against persons who might, in time of crisis, wage internal war against us. We give him the directions to implement the power he already has, under the Constitution. We lay down a policy. We do not abdicate our authority to set a policy, and give it to a subversive activities board.

Who can tell, in this swiftly changing scene of ours, who are to be judged threats to our internal security 5 or 10 years from now? Do we want to give the power for that determination to an administrative board? No, let Congress keep that power. We keep that power in our bill by setting its term at 3 years. Three years from now Congress must again review this situation and decide what measures are necessary under the conditions then existing. And as far as the proclamation of the emergency is concerned, Congress can, at any time, by concurrent resolution, terminate that emergency. Thus, we retain our authority and our control of this situation.

Mr. President, let us not mortgage the liberties of our people far into the unforeseeable future to satisfy the desire of some few of us to place the brand of shame on an unlimited number of our fellow citizens. Let us safeguard our liberties both against

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. FERGUSON. Does not the Senator realize that under the provisions of section 4 (a), to which the Senator was referring, there would have to be a conspiracy to commit an act which would be of substantial aid in the creation in the United States of a totalitarian form of government, and that membership in such an organization would not be regarded as such a conspiracy?

Mr. HUMPHREY. Let me point out that membership in an organization which was held to be in the control of a foreign power could be regarded as a specific act itself, and the Senator from Michigan is a good enough lawyer to know that. The Senator knows that one who identifies himself as a member of an organization which is under the domination of a foreign power is at that moment a traitor and involved in espionage. That matter was debated at length before the Senator's committee.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. KILGORE. Is it not a fact that under subsection 6 of section 2 of Senate bill 4037, the Congress would declare that, as a matter of fact, based on information discovered as a result of the making of an investigation, the political organization, speaking of the local Communist organization was established, under the statement contained in subsection 6 of section 2, for the following purpose:

(6) The political organization so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship.

That is a congressional declaration, as set forth in the bill.

Mr. HUMPHREY. Yes; it is a finding of fact that the Communist Party is dedicated to the overthrow of the established government in the United States.

Mr. KILGORE. And it is upon that finding that the proposed legislation is based; is it not?

Mr. HUMPHREY. That is correct.

Mr. President, I yield the floor.

CHART COMPARING PENAL PROVISIONS OF MUNDT BILL AND WOOD BILL

Mr. O'CONOR. Mr. President, I ask unanimous consent to insert in the RECORD a chart comparing the penal provisions of the McCarran bill (S. 4037) and the Wood bill (H. R. 9490) which I prepared in response to inquiries from the senior Senator from Georgia [Mr. GEORGE] and from other Senators.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Comparison between penalties provided by S. 4037 (McCarran bill) and H. R. 9490 (Wood bill)[1]

	S. 4037	H. R. 9490
Acts punishable	Sec. 4, making unlawful conspiring or agreeing to perform acts substantially contributing to the establishment of a totalitarian dictatorship in the United States when direction or control is to be vested in or exercised by or under the dominion or control of a foreign government, organization, or individual (4A); communication of classified information by Federal employee to member or officer of Communist organization or agent or representative of foreign government, except under special circumstances (4B); receipt or attempt to obtain classified information by member or officer of Communist organization or agent or representative of foreign government (4C).	Sec. 4, similar to S. 4037, does not include conspiracy or agreement to establish totalitarian dictatorship.
Punishment provided	Fine of not more than $10,000 and/or 10 years imprisonment; ineligible to hold office or place of honor, profit, or trust created by Constitution or laws of United States (10-year statute of limitations).	Same punishment, except for ineligibility to hold public office, etc. (10-year statute of limitations except that prosecution may be commenced within 10 years after such person has ceased to be employed by Federal Government).
Acts punishable	Sec. 5, making it unlawful for persons who are members of a registered organization or one which has been ordered to register by a final order of the Subversive Activities Control Board (if they have knowledge of registration or requirement to register) to seek or accept office or employment under the United States without disclosing membership, or to hold nonelective office under the United States (5a); prohibiting officer or employee of the United States to appoint or employ such persons if he knows of membership in proscribed organizations (5b).	Sec. 5 substantially similar to S. 4037; adds additional features with respect to contributing funds or services to proscribed organization, and seeking or obtaining employment in defense plants if fact of membership is concealed, or engaging in any employment in a defense plant.
Punishment provided	For each violation, fine of not less than $2,000, nor more than $5,000, and/or imprisonment for not less than 2 years nor more than 5 years.	For each violation, fine of not more than $10,000 and/or imprisonment for not more than 5 years.
Acts punishable	Sec. 6, making it unlawful for members of registered organizations or organizations required to register, with knowledge thereof, to apply for passport or renewal of passport or attempt to use such passport (62); making it unlawful for officer or employee of the United States to issue or renew the passport of any person known or believed to be a member of such organizations (6b).	Sec. 6 substantially similar to S. 4037; does not include prohibition with respect to officer or employee of the United States issuing passport.
Punishment provided	For each violation, fine of not less than $2,000, nor more than $5,000, and/or imprisonment for not less than 2 years nor more than 5 years.	For each violation, fine of not more than $10,000 and/or imprisonment for not more than 5 years.
Acts punishable	Sec. 7, requiring Communist-controlled or Communist-front organizations to register (including any organization required by final order of Subversive Activities Control Board) to register (within required time) and on prescribed form; and requiring submission of officers, membership lists, accounting for funds and notification of members of their listing by the Attorney General.	Sec. 7, substantially similar to S. 4037.
Punishment provided	Sec. 8, requiring members of Communist-controlled organizations, registered or required to register, to register personally if name has been omitted from membership list filed with Attorney General, to be done 60 days after knowledge of the registration requirement and omission of name.	Sec. 8, substantially similar to S. 4037.
Do	Sec. 16	Sec. 15.
	If final order of Subversive Activities Control Board is in effect, requiring registration under secs. 7 or 8—	Same as S. 4037. (Sec. 16.)
	For failure of organization to register under section 7, fine of not less than $2,000 nor more than $5,000 for each offense [16 (a) (1)].	For failure of organization to register under sec. 7, fine of not more than $10,000 [15 (a) (1)].
	For failure of individuals to register on behalf of organization under sec. 7 and for failure of individuals to comply with sec. 8, fine of not less than $2,000 nor more than $5,000 and/or imprisonment for not less than 2 years nor more than 5 years—each day of failure to register constitutes separate offense [16 (a) (2)].	For failure of individuals to register under sec. 8 and for failure of individuals to comply with sec. 8, fine of not more than $10,000 and/or imprisonment for not more than 5 years [15 (a) (2)].
	For willfully making false statements or omitting to state required facts, for each offense, fine of not less than $2,000 nor more than $5,000, and/or imprisonment of not less than 2 years nor more than 5 years—if willful false statement or omission constitutes separate offense (16 (b)).	For willfully making false statements or omitting to state required facts, for each offense fine of not more than $10,000 and/or imprisonment for not more than 5 years (15 (b)).
Acts punishable	Sec. 10, making it unlawful for any individual to become or remain a member of any organization with respect to which he knows there is in effect a final order of the Subversive Activities Control Board requiring the organization to register under sec. 7, more than 30 days have elapsed since the order became final, and such organization is not registered.	No similar provision in H. R. 9490.
Punishment provided	For each violation, fine of not less than $2,000 nor more than $5,000 and/or imprisonment for not less than 2 years nor more than 5 years (16 (c)).	
Acts punishable	Sec. 11, denies use of mails and instrumentalities of interstate commerce to all Communist-controlled organizations, registered or required to register by final order of Subversive Activities Control Board, unless every publication, container, envelope or broadcast is labeled and carries statement that it is disseminated by a Communist organization and carries the name of the organization.	Sec. 10, substantially similar to sec. 11 of S. 4037.
Punishment provided	Organizations violating sec. 11, for each violation, fine of not less than $2,000 nor more than $5,000. Individuals violating sec. 11, for each violation, fine of not less than $2,000 nor more than $5,000 and/or imprisonment for not less than 2 years nor more than 5 years.	Organizations violating sec. 10, for each violation, fine of not more than $10,000. Individuals violating sec. 10, for each violation, fine of not more than $10,000 and/or imprisonment for not more than 5 years.
Denial of privileges	Sec. 12, denies Federal income-tax deductions for contributions to organizations registered or required to be registered and denies such organizations exemption from Federal income tax laws.	Sec. 11, substantially identical with sec. 12 of S. 4037.

[1] Does not include entire McCarran bill. Reference is made only to those provisions which were formerly in the Mundt-Ferguson-Johnston bill.

The Senator from South Dakota is a wise and intelligent man. He knows that the only way to get the Commies is to dig them out, to root them out, as we have had to do in every case we have had before the courts. Mr. President, I repeat, we could have had 65 McCarran bills enacted or 150 Mundt-Ferguson bills enacted, and still would never have had Alger Hiss registered. He was not registered. We could have had all those bills enacted and still would not have had Gold registered, who was sneaking around with important scientific material. The same is true with respect to Fuchs and Judy Coplon. No, in order to get the goods on Judy Coplon it was necessary to have FBI men working all the time on that case.

As to the matter of concentration camps, let me make it clear that the criteria for interment of the Communists or of any subversives is pretty well established: invasion, war, insurrection, rebellion, declaration of an internal security emergency. That states very plainly that if this country was under the impact of an invasion by the Soviet Union, if this country had rebellion within it that was fostered and fomented by subversive elements, of course the country would defend itself. Lincoln made it clear he was going to protect the Nation in its time of great danger. We have set up the criteria under which, and the system whereby, the Government can act to defend itself.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MUNDT. The Senator from Minnesota mentioned Alger Hiss. He said that we could have enacted 150 Mundt-Ferguson bills, and we still would not have had any better means of convicting Alger Hiss. I should like to point out that had we had but one Mundt-Ferguson bill enacted we would have had a much better means of both deterring and convicting him. In the first place, I agree with the Senator from Minnesota that Alger Hiss probably would have violated the law and would not have registered. On the other hand, since the FBI knew of his Communist background, as it did, having that information in the files, but not having the basis to proceed against him in the law until the House Un-American Activities Committee had shown the full espionage crime of which he was guilty, at least the Attorney General would have been in a position way many long years ago to have made his name public, as he would have been compelled to do under the terms of the bill. The Attorney General would have been compelled to have made his name public 30 days after the passage of the bill. I believe the State Department then would have taken action on its own initiative to have gotten rid of Alger Hiss. Section 4 (b) of the measure would have made a separate crime this business in which he engaged, whereby he took State Department documents and gave them to Whittaker Chambers. That provision of the bill would have made such action a crime.

Mr. HUMPHREY. Such a provision is a part of the substitute bill, too.

Mr. MUNDT. In the third place, I should like to point out that the statute of limitations would have been extended to 10 years so he could have been convicted on the basis of his original crime instead of being convicted for perjury.

Mr. HUMPHREY. Senate bill 4061 also would extend the statute of limitations to 10 years.

Mr. MUNDT. I am not denying that.

Mr. HUMPHREY. Mr. President, an effort is being made to make it appear as if there are no laws to protect us against these evil Communists. As a matter of fact, those who have been caught were caught without there being in effect the provisions of the pending bill or of the Mundt-Ferguson bill.

Mr. MUNDT. They were caught because they committed perjury.

Mr. HUMPHREY. All the Senator from Minnesota is saying is that Senate bill 4061, the Kilgore substitute and the Magnuson-Lucas bill, also provide for an extension from 3 to 10 years of the statute of limitations. So what the Senator from South Dakota is proposing is nothing new. That is a recommendation by the Department of Justice. The Senator knows that other recommendations were made by the Department of Justice, all of which have been incorporated in the Kilgore bill, and incorporated in the Lucas-Magnuson bill.

What the Senator from Minnesota is saying is that regardless of the registration provision, whether it is contained in the law or whether it is not, the Government still would not have caught any more Communists than it has already caught, because the Communists are caught through the work of experts who have had hard practical experience. The Communists are caught by men who are trained to do that work, and not by legislators.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MUNDT. Again referring precisely to the point which the Mundt-Ferguson bill stresses, in the case of a man like Alger Hiss, unless we are willing to assume, which neither the Senator from Minnesota nor I are willing to do, that the attorney general would be indifferent to the safety and welfare of this country, unless we are willing to assume, which neither the Senator from Minnesota nor I are willing to assume, that the then attorney general, Mr. Tom Clark, would not have acted on the information obtained by the FBI, and not have listed the name of Alger Hiss, Alger Hiss' name would have been put on the list 30 days after the passage of the measure, and he could not have secretly continued his espionage, his subversive, his nefarious activities, because he would have then been known as a Communist.

Mr. HUMPHREY. I am not an expert on the subject of Alger Hiss or Whittaker Chambers. I accept the decision of the court. I believe in the judicial processes of this country. I am not going to make any complaint about the processes of the courts. All I know is that merely at that time to have accused Alger Hiss or anybody else of being a Communist, would not have made him one, even though he was later proved to be one. The fact is he would not have lost his job, he would not have been dismissed. The fact is that he would have remained in the same situation he was in, until the last day, until his name was placed on the list. The Senator from South Dakota is assuming that if someone makes an accusation, that is the end of the matter. There is nothing in the bill which would end the matter at all.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. FERGUSON. Is it the Senator's opinion that Mr. Hiss would not have lost his job in the State Department had the Attorney General filed a petition before a control board alleging that in fact he was a Communist?

Mr. HUMPHREY. If the Attorney General had done that, yes. But the Attorney General first would have had to have all the information which he believed was necessary to file to support such a petition. The Senator from Minnesota is not going to discuss the Hiss matter. I am not a Communist-trapper specialist. I know there are some in the United States who know all about how the Communists work. They do not, however, seem to know that the Communist Party is unwilling to expose itself, to list its members. They do not seem to be able to understand that the Communists will not, like decent citizens, register and announce "We are Communists." They do not seem to be able to understand that a Communist organization will not do as a decent organization will do, and register. Under the terms of the bill, if a Communist walks up and registers, he then admits that he is registering as a Communist; or, if a Communist organization registers, it admits that it is a politically controlled organization dictated to by a foreign power. The minute a Communist does so, he provides evidence against himself which puts him under the impact of the Smith Act, and he is in trouble.

Mr. FERGUSON. Mr. President, will the Senator yield further?

Mr. HUMPHREY. I yield.

Mr. FERGUSON. Does the Senator know that in the case against the 11 Communists Judge Medina, in his charge to the jury respecting the Smith Act, said just the opposite, and that mere membership in the Communist Party did not make a man guilty under the Smith Act? Has the Senator read that statement?

Mr. HUMPHREY. Yes. I am perfectly familiar with it. But the Senator from Minnesota is also familiar with the fact that under section 4 (a) of the McCarran bill, if a member of a Communist organization registers as a Communist, he provides evidence against himself. If he walks up and says, "I am not registered, therefore I must register because I am a member of this Communist organization," a legal doubt is raised. In fact, Charles Evans Hughes, Jr., and John W. Davis have expressed legal doubt as to whether this provision of the bill would not be a violation of the fifth amendment, under which a man does not have to testify against himself, without at least obtaining some kind of immunity. However, his registration would be equivalent to testimony; and under the interpretation of very prominent attorneys, it could be that he could be prosecuted under the Smith Act.

what the Communists want. I may be wrong about the situation, but that is what I think will come about.

Mr. MUNDT. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from South Dakota.

Mr. MUNDT. I ask unanimous consent to proceed for not to exceed 2 minutes, so that I may reply to the colloquy which has just taken place.

Mr. HUMPHREY. Does the Senator have more questions to ask, because, if not, I am ready to relinquish the floor?

Mr. MUNDT. I do not want the floor in my own right; I wish the Senator would keep the floor for a few minutes.

Mr. HUMPHREY. I shall be glad to do so.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. MUNDT. I believe we should discuss the point raised by the distinguished majority leader, the Senator from Illinois, and by the author of the substitute, the Senator from West Virginia [Mr. KILGORE], about section 14, because apparently there is some misunderstanding about the manner in which the procedures would be followed.

It is quite correct, as was pointed out by the Senator from West Virginia, that the mere fact that the Attorney General lists a person with the Board as a Communist does not prove that he is a Communist. But it is also very true that the fact that he has listed such a man as a Communist before the Subversive Control Board alerts Americans immediately to the fact that in the mind of the Attorney General the man is a Communist. So, as the Senator from Florida has pointed out, so far as our security is concerned, so far as a Government employee is concerned, so far as a board of regents of a faculty is concerned, or so far as a front organization is concerned, if the Attorney General lists an organization as a Communist-front organization, or identifies an individual as a Communist who should register that is the important point.

The question has been raised by the Senator from West Virginia, the Senator from Illinois and the Senator from Minnesota, I believe, that perhaps the Attorney General might inadvertently list an innocent man, who is not a Communist, and who, through the mechanics provided, could later definitely establish his innocence. Of course, there is always the possibility of that. But the same Senators who are worrying about the fact that the Attorney General might make an honest mistake and improperly list the name of a man before the subversive activity control board, have brought in a substitute which would afford the same Attorney General, on the basis of identically the same evidence, from precisely the same source, the opportunity to clamp a man in a concentration camp without a trial. If anyone is worrying about the Attorney General going too far, he is worrying about it at the wrong stage and on the wrong bill because a man still has the benefit of a hearing in public before the board, and procedure in the court under the Mundt-Ferguson provisions whereas the poor fellow in a concentration camp is there, and inevitably smeared for life by the fact that he was considered by the Attorney General as so dangerous to the Government as to be put in a concentration camp under provisions of the Kilgore substitute.

There is another aspect of the argument of the Senator from Illinois, namely, that the judicial procedure might be bogged down by the filing of a great number of petitions. I wish to say, first of all, that long before the time ensued that would bring in operation of the mechanics of the act, the heads of the Communist Party would be called in for failure to list, or for having listed members erroneously.

I should like to point out, in the second place, that most of the cases would be disposed of by the Subversive Activities Board. It is just those which would be carried up on the highest appeal court which would ultimately get into the judicial process. In that case they could be handled in many instances in precisely the same way in which we handled the indictments of the 11 Communists. In other words, the petition for one and the finding as to one would be applicable to the eleven.

Mr. LUCAS. Mr. President——

Mr. HUMPHREY. I first desire to reply very briefly to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator declines to yield at present.

Mr. HUMPHREY. I shall yield in a moment.

The Senator from South Dakota is prone to make rather positive and definite statements as to what the intent or purpose is of particular measures, and I suppose we all are when we get into debate.

I understood the Senator from South Dakota to say that those of us sponsoring the Kilgore substitute were worried about giving the Attorney General the power even to declare that someone was a Communist, or that a Communist-front organization existed, and name it, for fear we might injure some innocent person.

I then understood him to say that the same persons who are unwilling to give that power to the Attorney General are willing to give the Attorney General the power to clamp into the first concentration camp in America men who may be innocent, or not innocent.

Mr. MUNDT. Men he thought were guilty.

Mr. HUMPHREY. Men he thought were guilty; I appreciate the correction.

Let us take a look at that. First, we are not objecting so much to the fact that the Attorney General may occasionally make a mistake by listing the wrong person. The sponsors of the Kilgore substitute have been working apparently under a misapprehension. We were working under the assumption that we were to enact an internal security bill to protect the security of the country. Now we find that we are working on a registration bill, which has nothing to do with the internal security of the country, one providing merely for getting names and telephone numbers and occupations of people.

What we are complaining about in the proposed procedure is that it will never be possible to get the Communists registered in time to be of any particular help. We assume we are in an international situation which is rather critical. We assume it may be necessary for our country to take some very dramatic action on occasion, to be able to maintain the peace and our free way of living, or even our country.

We assume that if that is the case, and if the Communist Party is found to fit the description of it as contained in Senate bill 4037—and I think the description is an accurate description; it surely does not go any further than I would want to go—if the Communist Party is as bad as that, there should be some kind of internal security legislation that would do more than provide a sort of merry-go-round to see if it is possible to get someone registered. Even after we get them registered, we have not anything more than we already have. That is what is bothering those of us sponsoring the Kilgore substitute. We already have the Communists listed in the Federal Bureau of Investigation. The Senator from South Dakota has said that repeatedly, and every other man of reason and good sense says it, because it is true. We already know where the dangerous cases are. So, why in the world do we need another registration, which can be used simply for martyrdom, which can be used to enable the Communists or Communist organizations to raise havoc with the entire security of our country.

By the way, before a conviction can be had, it will be necessary to produce persons who will testify they were present at a meeting where the man accused was in attendance, that they sat alongside of him, that they heard him say so and so. Who will these people be? They will be the kind of people who had to be produced in the Coplon trial, and it was said that because of the evidence which had to be brought out in that trial the work of the FBI was set back several years, and it would take them several years to build up the internal security system they had provided.

Our complaint primarily about the registration of the Communist-controlled organization is that we would never get around to completing the work of registering the Communists; that we would play right into their hands. We already have a registration that is more effective than we will secure under the bill, because enactment of the bill will result in driving the Commies further and further underground. I want the proponents of the legislation to come up and explain how wrong the New York Times story is, how wrong the Washington Star story is, how wrong the United Press and Associated Press stories are about the Commies going further and further underground as a result of the threat of passage of the proposed legislation. I want the proponents of the McCarran bill to disprove the statement on the part of the FBI that ever since the passage of the Wood bill the Communist Party has been reorganizing itself so as to be able to keep from registering its membership and registering its officers—the key people in the Communist Party.

organizations or shall register themselves, and that the Department of Justice shall compel the registration in case they do not register. That is the question I wanted to raise in this argument in order to clarify the situation raised by the Senator from South Dakota.

Mr. HUMPHREY. I think that is a very good question, because I am convinced that some supporters of the proposed legislation are somewhat in doubt as to what the purpose of it would be. Recently I heard a Senator say that we ought to have these names made available. The point of view of the Senator from South Dakota is that the names shall be made public. The Senator from West Virginia has raised a very legitimate and proper question. It is to the effect that the Department of Justice shall require the registration of the respective organizations, but not necessarily make them public at all.

Mr. MUNDT. Will the Senator yield?

Mr. HUMPHREY. I merely point out that the Department of Justice already has a list of what it considers to be Communist-front or Communist-controlled organizations, which are not only pro-Communist but some of whom are pro-Fascist. Therefore it seems to me there would be a bit of duplication of effort. If I thought the registration procedures would produce any better results, it would be a point in favor of the bill.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. HUMPHREY. In a moment. I do not think there is any evidence which indicates that it would be any easier to get the names or do any better job in knowing who the Communists or other subversives were. I now yield to the Senator from South Dakota.

Mr. MUNDT. I think we should discuss actually what is in the bill. Apparently the Senator from West Virginia has not had his attention called to section 14 of the bill. It is section 14 in S. 4037, and it is also section 14 in the Mundt-Ferguson bill. If I may, I should like to read the section, because I know we wish to discuss only what is in the bill and not what someone alleges is in the bill.

Mr. HUMPHREY. We read it only a few moments ago.

Mr. MUNDT. We read it before the Senator from West Virginia came into the Chamber. Section 14 reads:

SEC. 14. (a) Whenever the Attorney General shall have reason to believe that any organization which has not registered under subsection (a) or subsection (b) of section 7 of this act is in fact an organization of a kind required to be registered under such subsection, or that any individual who has not registered under section 8 of this act is in fact required to register under such section, he shall file with the Board and serve upon such organization or individual a petition for an order requiring such organization or individual to register pursuant to such subsection or section, as the case may be.

That petition by the Attorney General brings the whole matter out into public. It was on that premise on which I addressed my question to the Senator from Minnesota.

Mr. HUMPHREY. That was my understanding.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. First, I wish to reply to the Senator from South Dakota. That was my understanding.

Mr. MUNDT. The Senator from West Virginia had a different understanding.

Mr. HUMPHREY. The Senator from Florida had the same understanding.

Mr. MUNDT. I read the section in order to straighten out the Senator from West Virginia, who apparently did not have the same understanding.

Mr. KILGORE. Inasmuch as the Senator's statement affects my alleged intelligence, if any, I ask unanimous consent to make a statement to the Senator from South Dakota without the Senator from Minnesota losing the floor.

The PRESIDING OFFICER. Is there objection? If not, the Senator from West Virginia may proceed.

Mr. KILGORE. I may say to the distinguished Senator from South Dakota that I fully understood the provisions of the bill when I made the statement. The Senator from South Dakota must realize that the bill contains no provision under which the Attorney General or any Government department can simply say, "Thou art a Communist," and thereby make a man a Communist. There is an implication that the Attorney General shall file a petition with the appropriate board and that hearings shall be had thereon; and if after hearings and appeal to the courts, and so on and so forth, the courts find a man to be a Communist, he is a Communist. So the registration is not facilitated by this procedure.

If the Senator from South Dakota would be willing to amend the first 17 sections so as to provide that the people carried on the roster of the Department of Justice are judged to be Communists—and I believe we are aiming at the same point—the ends that have been argued would be attained. However, the mere filing of the petition does not find the man to be a Communist or that an organization is a Communist-front organization. It would be the same, in other words, as the finding of an indictment or the issuance of an information in Federal court, in which something is charged, but which must later be proved. That is the point that has been worrying the Senator from West Virginia and his colleagues. We would just be starting in when such a petition were filed. We may wreck ourselves. I fully understand the section. That is the section that worries me. I do not think the Senator from South Dakota would say that a finding by the head of any bureau of our Government would automatically brand a man a Communist.

It seems to me we are arguing at cross purposes on this bill. We must realize that difficulties are inherent in the registration of a man and finding a man to be a Communist, or that an organization is a Communist-front organization. I think we must recognize that fact. I think we should confine our argument for the remainder of the day, which will be extremely limited, to the point that the mere filing of the petition does not necessarily prove a person to be a Communist, but that all the necessary steps must be taken to establish that fact and get a court finding thereon before it can be accepted.

Mr. LUCAS and Mr. MUNDT addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. HUMPHREY. I first yield to the distinguished majority leader.

Mr. LUCAS. With respect to the filing of a petition by the Attorney General, assuming the correctness of the report that there are some 54,000 Communists in the United States who are more or less of the hardened type and are underground, and that J. Edgar Hoover knows of 54,000 Communists of that type, under the section which the Senator from South Dakota read it would be necessary for the Attorney General to file 54,000 petitions, assuming that the people referred to did not register, which, of course, they will not do. Does the Senator understand that to be the fact?

Mr. HUMPHREY. That is after an organization has been legally proved to be a Communist-controlled organization.

Mr. LUCAS. That is correct. That is after the first 2 years have expired, if it takes that long for the courts to make the decision as to whether or not they are Communist-front organizations or whether a person belongs to a Communist organization.

Mr. HUMPHREY. That is correct.

Mr. LUCAS. I have reference to the fact that it would be difficult to determine where such hardened Communists belonged. I refer to the crowd that works under cover. That crowd would not say anything about the kind of organizations they belong to. Yet that would be the hard core of the crowd who would be performing the sabotage and espionage.

What worries me about the bill is that if the Attorney General is compelled to file 54,000 petitions, assuming that he has to do that, and he is compelled to carry those cases through the courts—and I undertake to say, from what I have seen of the Communist activities, that is exactly what he would have to do, because each and every case will have to stand on its own bottom, and it will have to be proved whether or not the fellow was a Communist——

Mr. HUMPHREY. That is correct.

Mr. LUCAS. What I fear——

The PRESIDING OFFICER. Is there a question coming?

Mr. HUMPHREY. The Senator from Illinois is about to ask a question.

Mr. LUCAS. I am sorry if I am taking a little advantage of the rule. The observation I want finally to make is that what I fear more than anything about the bill is the ultimate breakdown of the judicial system of the country as a result of the enactment of the bill, assuming 54,000 petitions will have to be filed by the Attorney General, every one of which, I guarantee, will have to be brought before the courts finally. I can see nothing which would tend more strongly to break down our judicial system than would such a procedure as that. It would result, in my opinion, in chaos and confusion, which is exactly

The minute we have one registered, two more will spring up. I am afraid that will be our difficulty.

Mr. DOUGLAS. There will be a process of dodging.

Mr. HUMPHREY. That is correct. There will be multiplying and splitting off. The minute we get organization A registered as a Communist-front organization, there is no reason at all why certain of its members cannot split off and form another organization over here, and the FBI will be trying to follow it up.

Mr. DOUGLAS. They will be Communist-controlled organizations.

Mr. HUMPHREY. The Senator was not present when I read a letter from the Attorney General. He stated that that is one of his worries, that just about the time we get ready to register the Communists, after all legal processes have been gone through, and we get them right up to the registration line, they will disappear. All at once they will call themselves The Daffodil Society, dedicated to some alleged worthy enterprise. There will be new officers, a new constitution, and new bylaws, but they will be doing the same old dirty work. Anyone who knows anything about the Communist Party must be aware that they will do exactly that. They disappeared during the war. They met in convention and said they were no longer a political party. They changed as rapidly as it was humanly possible to change.

Mr. DOUGLAS. So that the Senator from Minnesota definitely says that their propaganda should be met with truth, but that espionage and sabotage should be met by law and by locking them up.

Mr. HUMPHREY. Traitorous acts must feel the full impact of the law; there can be no doubt of that. I submit that we cannot have laws which will outlaw the lies and the propaganda of the Communists, no matter how much we may register them.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MUNDT. I hesitate to intrude myself into this rather enchanting revival of the "Absolutely, Mr. Gallagher; Positively, Mr. Shean," dialog of the days when Flo Ziegfeld was in his prime. But I wanted to ask a few questions——

Mr. HUMPHREY. I want the Senator to know that he is not an unwelcome guest in our act. I think this trilogy should lend some new interest to the program.

Mr. MUNDT. The Senator from Minnesota has dwelt at great length, as has his associate, the Senator from Illinois, on the vast amount of time it will take before the final legal processes shall culminate in connection with the registration provision. I should like to ask the Senator from Minnesota, however, whether he does not agree with the very interesting observation made by the Senator from Florida [Mr. HOLLAND] that, to all intents and purposes, the practical benefits of the registration section will begin to operate at the end of 30 days.

Mr. HUMPHREY. No; I do not agree to that at all.

Mr. MUNDT. Because at that time——

Mr. HUMPHREY. Wait a moment. The Senator asks me a question. At the end of 30 days is when we shall start to get into trouble.

Mr. MUNDT. I had not finished my question.

Mr. HUMPHREY. Oh. There are two questions.

Mr. MUNDT. The Senator jumped at the first part of the question. I wonder if he does not agree that the benefits would start at the end of 30 days because at that time the public would have been alerted as to who the Communists are and who the Communist-front organizations are, so they will not after that time be employing them in strategic places or joining their front organizations?

Mr. HUMPHREY. The Senator is simply saying that at the end of 30 days Americans are going to know there is a Communist problem. They already know that. The Senator from South Dakota has alerted them; in fact, they have been possibly overalerted. Now the Senator is saying that at the end of 30 days, because someone says "This is a Communist-front organization," the American people will know it is a Communist-front organization.

Mr. MUNDT. The Attorney General will say that.

Mr. HUMPHREY. Yes. He will say, "This group is a Communist-front organization." That is where the greatest damage will come in.

Mr. FERGUSON. What damage?

Mr. HUMPHREY. I am now speaking to the Senator from South Dakota. I just provoked a rather energetic response from the Senator from Michigan. I have noticed in these debates that it takes at least 2 or 3 hours to rouse the energy of Senators to make the kind of response which I just received. The Senator from Michigan, out of order, has said, "What damage?" or "What is wrong?"

Mr. KILGORE. Mr. President, I insist that the Senator from Michigan was out of order. I protest at this time against these out-of-order questions. It has been going on during the debate, and I think it should be restrained by the Chair. When a Senator has the floor it is only fair to other Members of the Senate that the speaker yield for a question before the question is put into the RECORD.

Mr. MUNDT. Mr. President, I do not believe the Senator from Minnesota yielded for an observation.

Mr. KILGORE. My statement did not apply to the Senator from South Dakota.

The PRESIDING OFFICER. The only Senator who has had the floor, so far, has been the Senator from Illinois [Mr. DOUGLAS], who was recognized by the Chair. Then the Chair recognized the Senator from Minnesota, and only he has the floor.

Mr. HUMPHREY. For the purpose of asking questions.

The PRESIDING OFFICER. No other questions have been in order.

Mr. HUMPHREY. Mr. President, let me get back to the Senator from South Dakota. He asked me if I thought that after 30 days the objectives and purposes of the proposed law would become effective and the good purposes of the law would be under way. It is my view that, instead of that, the Government would be chasing and tracking down alleged Communist-controlled or Communist-front organizations. It may be a little more difficult to find the alleged Communist-front organizations than it would be to find the Communist-controlled organizations. I have heard no one refute the elaborately documented statement of the Senator from Illinois [Mr. DOUGLAS] as to the time that would be involved. But the Senator from South Dakota says that at least the people will know. That is what has been wrong about all this monkey business. The people are always knowing something that no one can prove. The people heard a few days ago that Oscar Chapman supposedly had some Communist leanings and that Mr. Jessup supposedly had some Communist leanings. I am opposed to that kind of nonsense.

Mr. KILGORE. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. Let me first yield to the Senator from South Dakota for a moment.

Mr. MUNDT. The Senator from Minnesota fails to point out in his answer that the only person who will make the names public is the Attorney General, on the basis of evidence which, of course, he secures in large part from the FBI.

Mr. HUMPHREY. Yes.

Mr. MUNDT. Certainly, if the Senator from Minnesota is willing to trust the Attorney General to take action which would scuttle the Constitution by placing persons in concentration camps, he should surely be willing to let the same man list publicly the names of Communists.

Mr. HUMPHREY. The Senator from Minnesota has not stated that he believes the bill which he is cosponsoring short-cuts the Constitution and establishes concentration camps. Let us get down to cases.

Mr. KILGORE. Mr. President, will the Senator yield for a question on that point?

Mr. HUMPHREY. I yield.

Mr. KILGORE. I should like to ask the Senator from Minnesota if it is his interpretation of the pending bill that the Department of Justice shall list publicly in the press, for the benefit of the people, the names of all Communists in the United States, and all Communist-front organizations under the terms of Senate bill 4037, or is it not his understanding that the Department of Justice shall require the registration of those organizations under the bill.

To me that is a big difference. I think we are proceeding with the naive idea that some things will happen. If the intent and purpose of S. 4037 is for the Department of Justice to register the names of individual Communists, that is one thing; but the Senator from Minnesota must realize that the Department of Justice has already published the names of what they have found to be Communist-front organizations. Is that not the fact?

Mr. HUMPHREY. That is correct.

Mr. KILGORE. As I have interpreted the bill—and I may be extremely dense—the purpose of the bill is that these people shall either be registered by their

estimate as I can—that there will be at least several years of litigation and appeals, and all the possible tricks their lawyers could devise to stop and delay final decision as to whether an organization is Communist-controlled, and, after that has been decided, if it were decided to be Communist-controlled, then to follow it through on the individual members, because they are not going to come up and register of their own volition.

Mr. DOUGLAS. And after that must come the criminal prosecution?

Mr. HUMPHREY. And only after that, the criminal prosecutions can be brought. Then, I may say that, insofar as the individuals are concerned, in the meantime, they would be at large. They could commit, as the Senator from Illinois says, acts of sabotage of all kinds. There would be no protection of the internal security, and the only time and the only manner in which they could be proceeded against under the terms of the McCarran bill would be for an act of sabotage.

Mr. DOUGLAS. And under the statute.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. HUMPHREY. Not at this moment.

I may also say that the substitute bill which is proposed would strengthen the sabotage and espionage statute, and would strengthen the hands of the Attorney General in the control over aliens and deportation cases, and would also strengthen many of the provisions of the Nationality Act and other acts, and, at the same time, referring to title II, in a moment of critical emergency in which the peace and security of our country were really threatened, we could act under the terms of title II with dispatch.

Mr. DOUGLAS. Whereas, supposing we were in a period close to war but in a position where the President did not have war powers——

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. But where acts of sabotage might be committed in anticipation of war by Communist agents, the McCarran bill, in itself, would furnish no weapons of protection.

Mr. HUMPHREY. Not that I can see within the bill.

Mr. DOUGLAS. And crippling acts of sabotage might be committed, and there would be no restraint so far as the McCarran-Mundt-Nixon bill is concerned.

Mr. HUMPHREY. Not a bit—no restraint whatever, except that they could be registered.

Mr. DOUGLAS. Whereas, under the Kilgore bill, as a state of emergency prior to war developed, if, by joint action of Congress and the President such emergency were declared, it would then be possible for the Attorney General's office and for the FBI to take these dangerous characters into custody, to treat them humanely, but to put them where they would not do damage.

Mr. HUMPHREY. That is correct. It is my observation that the Director of the FBI would prefer to do that, because I read at least in the newspaper of his testimony before the Appropriations Committee, where he was asking for an additional $6,000,000, because he said he wanted a sufficient number of agents, enough trained manpower to be able to grab up on a moment's notice some 12,000 people whom he thought were dangerous to the internal security. We provide the procedure for the protection of the rights of these people, and at the same time for the protection of our internal security, and if anyone is retained for a period of time unlawfully, he may be freed by the appeal process, which is permitted.

Mr. MUNDT and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield, and, if so, to whom?

Mr. HUMPHREY. I will follow through with one at a time. I yield to the Senator from Illinois.

Mr. DOUGLAS. I should like to say to my good friend from South Dakota that I did not interrupt the Senator from Florida when he was addressing a series of questions to the Senator from Minnesota. So I hope the Senator from South Dakota will pardon me if I pursue this line of questions for a time.

Is it not true, however, that while existing statutes may give the President power to make emergency arrests after war has been declared, he has no such power before war has been declared, or at least before a state of war exists?

Mr. HUMPHREY. That may be. That is my understanding. I think that is the law.

Mr. DOUGLAS. But a great deal of damage might be done by the Communists prior to an existing state of war, by the commission of acts of sabotage?

Mr. HUMPHREY. We might expect that. In fact, I think, it is very well to expect that if the Soviet Union were to launch an attack on this country, we would have a seige of sabotage and subversive activities prior to any such attack. I think we could reasonably expect that.

Mr. DOUGLAS. At present, we do not have legal sanctions which would enable the Government to protect itself against such acts. Is not that true?

Mr. HUMPHREY. That is my understanding of the law.

Mr. DOUGLAS. But the Kilgore substitute, or bill, would enable the Government, once a state of internal security emergency were declared prior to the existence of a state of war, to take these people out of circulation and put them where they would not do damage?

Mr. HUMPHREY. That is its purpose, and it is for that reason that I think it is directed fundamentally toward the protection of our internal security, while on the other hand the Senate bill 4037 does not meet that immediate or impending emergency or danger.

Mr. DOUGLAS. And while it gives to those detained the right not only of an administrative hearing, but also the right of appeal to the courts, it differs from the procedure now, where a man is arrested and is out on bail, in that he is in custody during the period of appeal.

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. And therefore, while he may ultimately be either found guilty or not guilty, yet in the intervening period he is where he cannot do damage. Is not that true?

Mr. HUMPHREY. That is my interpretation of the bill, and that is the express wording of the proposed substitute, as presented by the Senator from Illinois and the Senator from West Virginia.

Mr. DOUGLAS. So that it is the feeling of the Senator from Minnesota that if the purpose is to prevent espionage and sabotage, the Kilgore substitute is the one which really would be effective, and that the so-called Mundt-Nixon-Ferguson bill would be ineffective?

Mr. HUMPHREY. That is correct. I may say that one of the purposes of the McCarran-Mundt-Ferguson bill, as it appears to me particularly the provisions pertaining to Communist-front organizations, is not to prevent acts of sabotage but to prevent what we might call acts of ideas, acts of information, acts of misinformation. I know that Communist-front organizations spew out a great amount of nonsense. They get out propaganda. But I submit we ought to be able to meet such propaganda by truth on our own ground. If we are going to spend millions of dollars to meet Russian propaganda in Europe by radio, we surely ought to be able to meet Communist propaganda at home by the exchange of ideas and the presentation of truth.

I do not think anyone has any evidence up to date which would lead us to believe that any of the Commie-front outfits, which may be found, perhaps, in every State, have committed acts of sabotage. No; they do not commit acts of physical sabotage. What they do is pervert the mind; that is true. They distort the facts. They lie about particular legislative proposals or particular programs. But the answer to that kind of program—the answer to that sort of organization—is not outlawing them as such, or even registering them as such. The answer is to beat them down with truth and with fact; to expose them by the lack of merit of their argument; and that can be done, as it has been done all over the United States. It is being done in organization after organization.

I think one of the best examples is the CIO, in the terms of what it has done in many of its unions. They did not need any Federal registration act in order to do a little housecleaning. The housecleaning was done on the basis of very practical policies—on the basis of the fact that certain CIO officials were unwilling to go along with programs which had been adopted in convention and which were considered to be sound—and certain other officials were following a line which was perfectly obvious as being the Communist Party line. So the CIO cleaned house. It has done more for American public life and for American free institutions by doing what it has done through its own effort than could possibly be done by passing this measure, S. 4037.

It will be recalled that we passed a law prohibiting the sale of intoxicating liquors, but people did not abide by it. We are now trying to pass a law to register all the Communist-front organizations. They are not going to abide by it.

only with complaints by the unions. However, under the McCarran bill, the Board would be dealing with the question of individual registrations.

Mr. DOUGLAS. No; I have not yet come to that point; I was referring to the length of time required before there would be a final determination as to whether an organization was (a) Communist-controlled or (b) a Communist-front organization.

Mr. HUMPHREY. Yes; and there would be a very large number of such cases.

Mr. DOUGLAS. Yes; because it would be necessary not only to handle all the ordinary current cases which would later develop but also to handle the large number of cases necessary to get the system under way.

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. Thereafter, if the Board found by its final order that a certain organization was Communist-controlled, and if its finding was upheld by the courts, it would then be necessary—but only then—to compel the registration of the individual members of the organization; but by that time there would have been the considerable delay which we have been discussing, perhaps amounting to as much as 4 to 4½ years.

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. If the organizations concerned did not then voluntarily list their members, would not the Department of Justice be compelled to produce the lists of supposed members from the FBI files?

Mr. HUMPHREY. I suppose so.

Mr. DOUGLAS. And there would be 55,000 persons thus listed; would there not?

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. So charges would be brought against at least 55,000 persons, in that connection; is that correct?

Mr. HUMPHREY. We know, according to Mr. Hoover's testimony, that charges would be bought against 12,000.

Mr. DOUGLAS. But on the basis of the information we already have, charges could be brought against 55,000 persons; is that not correct?

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. Probably those persons would deny the charges; and would fight back. Is that not correct?

Mr. HUMPHREY. I am sure they would.

Mr. DOUGLAS. So the Board would have thousands of cases, at least up to a maximum of 55,000; and would not a great deal of time be required for the Board to make its findings in all those cases?

Mr. HUMPHREY. Certainly. Each individual case would have to be made the subject of a hearing, and would have to be carefully examined. Up to that point there would merely be an allegation that a particular person was a member of such an organization; and the fact of his membership would have to be proved.

In that connection, the counterintelligence service might break down, for in order to prove that John Smith was a member of such an organization, it would be necessary to produce witnesses, and the result might be to destroy completely the counterintelligence system.

Mr. DOUGLAS. Because the FBI men would have to testify publicly, in that event and hence their identity would be uncovered; is that correct?

Mr. HUMPHREY. Indeed so.

Mr. DOUGLAS. So the 55,000 individual cases would create a great burden of work for the Board; and even though the Board hired large numbers of trial examiners, each individual case would have to be reviewed by the Board, would it not?

Mr. HUMPHREY. Yes. Before that was done, a thorough investigation would have to be made of each of the trial examiners; and that process would require a great deal of time.

Mr. DOUGLAS. But even after such a force were built up, that force would have to hear thousands of cases, and then those cases would have to go before the Board, and the Board would have to pass upon each of them. Is that correct?

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. So, in the opinion of the Senator from Minnesota, would the delays involved in dealing with the cases of individual members of such organizations be greater than the delays involved in dealing with the organizations themselves?

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. So instead of having an average delay of 464 days from the time of the filing of the charge against the individual member to the time of the final decision by the Board, in the case of the 55,000 cases of individual members or alleged members the delay might be considerably greater, might it not?

Mr. HUMPHREY. Certainly. In terms of the total volume of work, the Board would be confronted with a much greater burden of work. The aggregate volume would be much greater than the aggregate volume of work involved in connection with the consideration by the Board of charges against such organizations.

Mr. DOUGLAS. And then appeals would be taken to the circuit court, would they not?

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. Under the McCarran bill, all such appeals would be handled, for the sake of uniformity, by the Circuit Court of Appeals for the District of Columbia; is that correct?

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. Of course, the purpose—that of obtaining uniform rulings—is a very worthy one.

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. So there would be thousands of cases coming before the Circuit Court of Appeals for the District of Columbia, would there not?

Mr. HUMPHREY. Yes; and that court certainly would be overworked.

Mr. DOUGLAS. I believe there are 11 judges on that court today. Would not the result of the addition of such a great volume of work be a demand for the appointment to that court of a considerable number of additional judges, perhaps several hundred more?

Mr. HUMPHREY. Certainly. I do not know the exact number; but if the cases thus coming to that court were to be handled with reasonable dispatch, it would be necessary for a great number of additional judges to be appointed to that court.

Mr. DOUGLAS. So it certainly would take several more years before that court would reach a finding that a particular person was a member of such an organization, unless he admitted his membership in it at the first. Is that true, in the opinion of the Senator from Minnesota?

Mr. HUMPHREY. Certainly it would be.

Mr. DOUGLAS. And a period of years would elapse before such individual members would be required to register, would it?

Mr. HUMPHREY. Yes. And in order to prove that particular persons were members of such organizations, no doubt it would be necessary to produce evidence against alleged member after alleged membership; and that process might very well result in weakening the entire program of internal security.

Mr. DOUGLAS. And in the meantime those persons would be at large, would they not?

Mr. HUMPHREY. Yes; they would be at large, free to come or go, perhaps not even out on bail, for they would simply be under an allegation of such membership; that is all.

Mr. DOUGLAS. The criminal trials could follow on top of this.

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. And these could take a still longer period of time?

Mr. HUMPHREY. The processes of the courts are exceedingly fine, and I want them always to be that way, but they are not always so quick.

Mr. DOUGLAS. I believe the phrase is:

> Though the mills of God grind slowly,
> Yet they grind exceeding small.

Mr. HUMPHREY. That is correct. I should expect them to, because individual rights are at stake.

Mr. DOUGLAS. And in the meantime, we Members are vitally concerned with our international relations with Russia and the rest of the world.

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Soviet Russia would continue to be a threat and these people would be at large. The more dangerous of them might commit acts of sabotage.

Mr. HUMPHREY. They could, very easily.

Mr. DOUGLAS. They would not be punished under the McCarran bill for sabotage.

Mr. HUMPHREY. No.

Mr. DOUGLAS. They could only be punished for actual acts, and punished on the basis of the facts.

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Does this measure therefore seem to the Senator to be an effective protection against sabotage or espionage?

Mr. HUMPHREY. I want to say to the Senator from Illinois that, following his explanation of Friday last, I find myself becoming ever more convinced of the ineffectiveness of the provisions of the McCarran bill, particularly the first 17 sections, which pertain to protecting the internal security. It means to me—and I want to be as conservative in my

rostrum when the time comes and name two or three persons who are members of the FBI, or who belong to the Department of Justice, or who are counterintelligence experts, who are capable and experienced in the field of espionage and counterintelligence, who say "We need the kind of sweeping legislation embraced in the pending bill."

Mr. DOUGLAS addressed the Chair.

Mr. HOLLAND. Mr. President, I have one more question, which will conclude my questioning.

Mr. HUMPHREY. I yield further to the Senator from Florida.

Mr. HOLLAND. The Senator from Minnesota has just said that he does not know of any objection to bringing out to public knowledge the Communist-controlled and Communist-front organizations prior to the time of imminent danger or proclamation of war. I am asking him why his bill does not contain any provision whatsoever to accomplish that end?

Mr. HUMPHREY. Because it is being accomplished. Does not the Senator from Florida know that there is a Communist Party? Does not the Senator from Florida read the New York Times to find out that Mr. Winston is the secretary of the Communist Party? Do we have to send everyone a private letter every Tuesday to tell who the members of the Communist Party are? Does not the Senator know that there are already a number of Communist-front organizations listed by the Attorney General? Does he not know that any citizen can write to the Attorney General for that list? Of course, every Senator knows that. No matter what we may call it, the Communist Party may change its color, its odor, and its design, but it is still the Communist Party, and the American people know there is a Communist Party.

The Senator from Florida is trying to say to the Senator from Minnesota that we ought to have a list of their membership. I submit that the only way we can secure a list of their membership is by digging them out. The minute an effort is made to do so in the manner now proposed it will become more and more difficult to secure their names. I know and every other Senator knows that those in this country who are considered to be dangerous and subversive are already listed. It will not do any good to have someone in Jacksonville, Fla., or Minneapolis, Minn., know that there is another Communist living in Iowa. That is not going to protect our internal security. Those who ought to know who the Communists are, are those who are capable of protecting the American people.

Why not have a list of all the murderers—they are not nice people—why not have a list of all the thieves, or a list of all the arsonists, or a list of all the sex maniacs, and all the other criminals. Why do we not ask for a list of them? The reason is because we cannot get a list of them, and we are not going to be able to secure a list of all the Communists either. These people must be dug out. The only way to get a list of the potential murderers in a city is to assign a great number of detectives to go forth, bring people in and inquire whether they murdered somebody on last Tuesday or are planning to murder somebody next Wednesday. We are not going to have any better luck in the case of the members of the Communist Party.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. I should like to ask the able Senator from Minnesota whether he will examine section 14 (a), on pages 25 and 26. As the basis for the question which I should like to ask, I wish to inquire whether section 14 (a) and 14 (b) and 14 (c), and so forth, and including section 15, I believe, speak of requiring organizations to register and of requiring individual members of those organizations to register?

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. However, in fact, there would be no obligation upon the individual members to register until after the organizations were found by "final order" to be or admitted themselves to be Communist-controlled; is that true?

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. So the first step would be to charge an organization with being (a) Communist-controlled or (b) a Communist-front organization. Is that correct?

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. If that charge were not admitted, the case would go before the Subversive Activities Control Board, would it not?

Mr. HUMPHREY. Yes; that would be the first step.

Mr. DOUGLAS. Until there was a final decision by that Board, there would be no obligation upon the members of the organization to register or no obligation upon the officers of the organization to make a financial report. Is that correct?

Mr. HUMPHREY. Yes; and that situation would extend all the way along the line.

Mr. DOUGLAS. Yes.

Mr. HUMPHREY. Not until the time came that there was a final finding that the organization was either Communist-controlled or a Communist-front organization, would there be an obligation upon the individual members of the organization to register.

Mr. DOUGLAS. Yes; not until that decision finally was reached.

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. I know that the Senator from Minnesota has been a careful student of the National Labor Relations Board and of its procedures.

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Is there not a considerable amount of time between the making of the initial charge in a National Labor Relations Board case and the time of handing down the final finding by the Board that there has been an unfair labor practice?

Mr. HUMPHREY. As a matter of fact, both the trade-unions and management have complained that it is an almost interminable period of time, all the way from 1 or 2 months to 18 months. I know of one unfair labor practices case where the time reqired was 18 months.

Mr. DOUGLAS. On last Friday, I read into the RECORD a statement of the average length of time taken between the filing of charges and the reaching of a final finding by the National Labor Relations Board in the cases decided in 1949. As stated in the RECORD at that time, the average was 464 days, or something over 15 months.

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. Is it the judgment of the junior Senator from Minnesota that in past years that has been approximately the average length of time required?

Mr. HUMPHREY. Yes. In fact, as the Senator from Illinois well knows, there has been considerable complaint because of the length of time required in proceedings before the Board.

Mr. DOUGLAS. In addition, as the Senator has pointed out, there is the time required by the judicial review by the courts in considering whether or not the Board's decisions are correct.

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Could not we anticipate that the Communist-controlled organizations would take appeals from the decisions of the Board to the courts?

Mr. HUMPHREY. I am sure we could expect them to do so, just as the case in New York is being appealed to the courts.

Mr. DOUGLAS. Can the Senator from Minnesota say what has been the average length of time between the findings by the National Labor Relations Board and the decisions by the circuit court of appeals?

Mr. HUMPHREY. I am not positive, but it seems to me it amounts to approximately a year, at a minimum.

Mr. DOUGLAS. On Friday last, as shown at page 14433 of the CONGRESSIONAL RECORD, I read into the RECORD a statement of the length of time in the last cases decided in the Eleventh Circuit Court of Appeals, and the average was 17½ months.

Mr. HUMPHREY. In other words, approximately a year and a half.

Mr. DOUGLAS. Yes. So when that average time is superimposed upon the original figure of time taken before the Board of 15 months, we arrive at a total delay amounting to approximately 33 months.

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. And if the case subsequently were taken to the Supreme Court of the United States, there would be a still further delay, would there not?

Mr. HUMPHREY. Yes.

Mr. DOUGLAS. In the four labor cases most recently decided by the Supreme Court, the time which elapsed from the date of the decision by the Board to the time of the decision by the Supreme Court of the United States was about 33 months, on the average. Therefore, the total time required would be approximately 4 years.

Cannot we anticipate that the number of cases handled under this bill would be much greater than the number of cases handled under the procedures of the National Labor Relations Board?

Mr. HUMPHREY. Yes. In fact, I think it is reasonable to expect a much larger number of cases under the provisions of the pending bill, because the cases before the National Labor Relations Board did not deal with individual members of the unions, as such, but dealt

ney General, and which will make public knowledge of the names of hundreds and perhaps thousands—and we hope there will be a complete disclosure, but that would be too much to hope for in the beginning—of those individuals who are members of the Communist Party. What objection can the Senator have to the making of that information public for the protection of our security—and that is exactly what is sought—in the way outlined by the junior Senator from Florida?

Mr. HUMPHREY. Let me reply in this manner: I think it would be better to ask, What good is it going to do? First, a man does not get a job with the Federal Government unless he is investigated. So the desire is to have another list. There is a list already. The list has been mentioned by the authors and sponsors of the bill on radio programs, in debate, and in testimony. There is a list already in the Federal Bureau of Investigation.

Mr. HOLLAND. On that point—is that list public?

Mr. HUMPHREY. Why does it need to be public?

Mr. HOLLAND. How can those who have secret or semisecret information know to whom it is safe to talk, when they know there are 50,000 Communists around, and they do not even know the Communist-front organizations?

Mr. HUMPHREY. There are supposed to be fifty-thousand-odd Communists running around in a country of 150,000,000 people. J. Edgar Hoover has testified that 12,000 whom he considers to be dangerous he would have to pick up. We provide the means by which he can pick them up, and do a thorough job of picking them up. The McCarran bill does not provide that means. The bill in effect says: "We will get a list of the dangerous ones, and let Aunt Nellie do something about it"—as if she can do anything about it. If they do not register, that is the only time anything can be done about them, if they can be caught.

I trust that every Senator has his office staff checked before he hires anybody. I do. I trust that the armed services do not appoint persons to key positions, as commanding officers, unless they are checked by the Federal Bureau of Investigation. To be sure, if there are exposed to the American people only the names of the Communists, the harm that would do basically would be to set a precedent. Once the names of the Communists are given out, there would next be given a list of the names of the Socialists, a list of the names of the Prohibitionists—because there are many people who do not like the Prohibitionist—and the next thing would be to meet the requirement for a list of the names of the Unitarians, then the Republicans, and then the Democrats—we will save the long list to the last.

All I am saying is that the McCarran bill produces nothing in terms of internal security. If it is desired to bring up for consideration a bill providing for the registration of every group in America that has anything to do with the formulation of public opinion or that has any political ax to grind, or any political program—if anyone wants to bring before the Senate a total registration bill, we will debate it on its merits.

But what is the purpose of the pending bill? The stated purpose is to protect the internal security of the country. How can the internal security be protected merely by securing a duplicate list of everyone who is supposed to be a Communist, while it may be necessary to wait 2 or 3 years even to obtain such a list? The Senator has not yet disproved the fact that there seems to be considerable doubt that such a list could be obtained, or that it would take less than 2 or 3 or 4 years to obtain it.

Now we come to the Communist-front organizations. Everyone knows that a great deal of trouble has resulted from the fact that the Attorney General lists Communist-front organizations. Thousands of people have had their reputations damaged by that sort of activity. What good does that do for internal security? The program advanced by those who sponsor the substitute bill is a much more effective one. Under it anyone engaged in treasonable work, subversive activity, sabotage, or any kind of violence would have the full impact of the law brought down upon him.

Mr. HOLLAND. When?

Mr. HUMPHREY. The Kilgore substitute established definite criteria. The detention procedures may be invoked when there is danger of imminent invasion, a declaration of war, a declaration of internal security emergency by adoption of concurrent resolutions of the two Houses, and by proclamation of the President.

Mr. HOLLAND. Between now and then what is proposed to be done to bring out any information at all concerning Communist or Communist-front or Communist-controlled organizations?

Mr. HUMPHREY. Let me say to the Senator from Florida that all the provisions from 1 to 17 in the McCarran bill would never have caught Judy Coplon, never would have gotten Alger Hiss, never would have gotten Fuchs or Gold, and never would have resulted in conviction of the 11 Communists who were convicted in New York. There is not a single thing in the first 17 sections of the bill that would have done a thing to protect the internal security. The main thing it would do would be to enable it to be said that an anti-Communist statute is on the books. The bill, if it had been the law, would not have caught anybody, it would not have brought anybody into court, because these insidious characters would not register. Under the bill they would have to be picked out, just as the dangerous ones have had to be picked out heretofore. Weeks and weeks of the most careful work on the part of the FBI would be necessary. It would require a great number of agents trained to find those who are insidious. Someone who puts himself up as the secretary of the party is a front man. Someone who is known in your community, Mr. President, or in someone else's community as a Communist is identified. But it is the man who does not identify himself who is the dangerous one.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. Am I to understand—and I want the Senator to be specific, if he can, in answering this question—that the Senator and those associated with him feel, therefore, that there is no sound or necessary objective in causing to be brought into the open the names of Communist-front, Communist-controlled organizations, or of Communist individuals, short of the time when imminent danger of war comes to our Nation?

Mr. HUMPHREY. No, that is not the position at all, and the Senator from Florida very well knows it. He has no right or prerogative to put words into other Senator's mouths. The position of the Senator from Minnesota and of the junior Senator from Illinois [Mr. DOUGLAS] and other Senators who have joined in sponsoring the substitute is first of all that sections 1 to 17 of the McCarran bill are inoperative and ineffective. That position is supported and buttressed by the statement of the Attorney General. I think those most prominent in the field of counterespionage work support the contention that the first 17 provisions do not guarantee or insure internal security. More than that, it is the position, at least of the Senator from Minnesota, that when we know who are the dangerous people and whom it is necessary to pick up and to watch over, that work should be done through the Federal Burau of Investigation and the Department of Justice. The McCarran bill provides months and months of procedural appeals, and affords every opportunity for Communist-front organizations to dissolve, to reorganize, to assume new names and select new officers and continue on. As the Attorney General pointed out in his letter to the majority leader, which I read into the RECORD a while ago, at about the time we might think we had the goods on these Communists and they would register their organization, they would dissolve, change their names, elect new officers, or they would simply disappear.

I do not know why anyone should be unwilling to take the word of the Attorney General. Does anyone believe that the Attorney General is incompetent? Does anyone believe that he does not have information that others do not have. Does anyone believe that the Attorney General of the United States would be willing to endanger the internal security of the United States? Does anyone believe he would make recommendations which would be other than for the good of the country? Do not Senators believe that he and the Director of the FBI perhaps have a little more information about how to control subversives than someone who serves on a congressional committee? At least that is supposed to be their job. We are supposed to be legislators. It appears that some of us want to change badges and to become FBI agents.

Mr. President, I say it is about time that we give credit and respect to the recommendations and the observations which are made by the competent, experienced, trained people in the field. I should like to have some Senator who is a proponent of the bill march up to the

custody. If he is not a dangerous Communist, his name has been brought out before the American public as a Communist. What good does it do?

Mr. HOLLAND. Will the Senator permit me to answer the question?

Mr. HUMPHREY. It is a rhetorical question.

The PRESIDING OFFICER (Mr. GRAHAM in the chair). Does the Senator from Minnesota yield for a question?

Mr. HUMPHREY. Not at this time. If the organization is dangerous, or if the person is dangerous, the Federal Bureau of Investigation is already alerted. It appears that we have forgotten the main body in our country which is charged with the enforcement of internal-security laws. It is the FBI. We seem to put aside the fact that the FBI has records—and I may say thousands upon thousands of records—on persons who in any way would be a threat to the internal security of our country. It seems to me the best way to protect the internal security of the United States is to equip our law-enforcement agencies with the trained manpower which they need to keep better control and better records, and to maintain better surveillance over dangerous people who would be offenders against our internal security. I cannot see how we would get any more persons registered under the McCarran bill than we have listed now by the FBI. I should like someone to explain to me how many more people would register under the McCarran bill than are listed in the files of the FBI or are known to the Attorney General and the FBI under existing law. They seem to have a pretty good record.

Mr. HOLLAND. Mr. President, answering the rhetorical question of the Senator from Minnesota, the Senator from Florida would merely say, as the predicate for his next question, that in his judgment a very sound public objective, and an objective which is embodied in the McCarran and the Mundt-Ferguson-Johnston bills, is accomplished by bringing specific names out into the open, in what amounts to prosecuting action, under the filing by the Attorney General of a petition in the cases where, as stated in the bill, he has reason to believe that any organization which is not registered under subsection (a) and subsection (b) of section 7 of this act, is in fact an organization of a kind required to be registered—that is, Communist-controlled or Communist-front—or that a person is an individual who is not registered under section 8 of this act, when he is in fact required to be.

It is the opinion of the Senator from Florida that most of the objectives which the Senator from Florida thinks are extremely sound, as far as registration alone is concerned, would be accomplished by the very fact of the filing of the petitions. The Senator from Florida feels that such petitions, so filed, would be much more carefully selected and more soundly based on facts showing Communist activities than the kind of charges now being resorted to; that is, lists gotten out from legislative committees which have no legal responsibility or answerability, or informal lists issued by the Attorney General, or charges ofttimes irresponsible, made on the floor of either House of Congress, or in the legislative halls of the legislatures of the 48 States.

It is the feeling of the Senator from Florida that the proceeding provided for in the McCarran bill is vastly safer than the informal, hit and miss, completely unfair, indiscriminate smear tactics which too often are followed now, and will replace those tactics with something that is formal and sound and legal; that the sound objectives of the bill will in a large measure be accomplished when the petitions are actually filed, because they will certainly give clear public notice that the Attorney General of the United States is so impressed by the strength of the case against the organization against which he is proceeding, or the individual whom he is naming, that he, under his oath to support and defend the Constitution of the United States and to protect the civil rights of citizens of the United States, has come to the conclusion that his duty to the public has required him to disclose the facts and charges by proceeding before the court.

I should like to hear the Senator's reaction to that suggestion, because to my mind it is crystal clear that a great many of the sound objectives of the registration requirements of the bill will be subserved by proceedings taken under the provisions which we have just mentioned, of section 14 of the McCarran bill. What is the Senator's opinion as to that?

Mr. HUMPHREYS. I shall try to give the Senator a frank and honest answer as I see the situation.

I feel that the Senator has made a very good point in terms of the procedure which is required to establish what is a Communist-front or a Communist-controlled organization. It appears that the Senator from Florida and the Senator from Minnesota have apparently a different idea about the purpose of the proposed legislation. I thought that the bill was for the protection of our internal security. I feel that the purpose of S. 4037 is not to tell the man down the street that his next-door neighbor is a Communist, because he may have lived next door to him for 20 years and not known he was a Communist. I thought the purpose of the bill was to see to it that there was no espionage, no subversion, no sabotage, in other words, anything that would seriously threaten the well-being and safety of the United States.

If that is the purpose of the bill, and if the FBI and the Department of Justice presently have the lists of those they consider to be the dangerous, and if the testimony of the Director of the FBI is that he could take care of 12,000 of these fellows overnight, if he were given the necessary manpower, I cannot see the good of a registration proceeding which may take from 2 to 3 to 4 years before it would be possible to get the Communists registered. After they are registered, what do we have? We have merely another book, another document. What good is it? We are not going to register anyone, apparently, who is not already known.

Mr. HOLLAND, Mr. FERGUSON, and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield, and if so, to whom?

Mr. HUMPHREY. I shall yield to the Senator from Florida, and then I shall be glad to yield to the Senator from Michigan [Mr. FERGUSON], because he is one of the authors of the bill, and there are many things which should be interpreted and clarified.

Mr. HOLLAND. The Senator from Florida is not one of the authors of the measure, but he does feel that there is great value in the registration provision, and his understanding of that value lies, in great part, in the fact that registration will communicate to the public knowledge as to who comprise the organizations, and the individuals who are known to be Communists.

Mr. HUMPHREY. What good will it all do, after that is done?

Mr. HOLLAND. I am glad the Senator asked the question. There are more than 2,000,000 employees of the Federal Government. A large number of them are employed by the various defense establishments. Many of them have to do with matters which are secret, or in part secret. There are, in addition, hundreds of thousands of men in the Armed Forces. There are people working for various servants of the public, such as Senators, Members of the House, and the like, who, because of that work, come into possession of information which is valuable to the enemy. There are thousands of people working for defense industries.

It seems to me that a very real and a very great objective, particularly in this time, is accomplished by giving the public knowledge of the fact that people who belong to a certain organization are not to be trusted because the organization itself is Communist-front or Communist-controlled. When the list is made available by the filing of a petition, in the case of individuals, if these individuals as named are not trustworthy, but are to be avoided and are not to have discussed with them matters that do affect the safety of our men in Korea, or the safety of our men who may be called to service on any other front, there is a tremendous public objective which would be subserved by bringing these names into public notice.

Mr. HUMPHREY. Will the Senator permit me to make a reply?

Mr. HOLLAND. I am trying to get to the question. To save my soul I cannot see, therefore, why the Senator and those other good Americans—and he is one—who insist upon the enactment of nothing that will bring into the open the names of the members and the names of the organizations which are Communist—do object to the bringing of those names into the open. I do not see how they can object to the giving of information to the public in this field. I should like to have the thinking of the Senator. What possible objection does he have to a course of action which will make public knowledge of the names of the Communist-front and Communist-controlled organizations from the very day the petitions are filed by the Attor-

of the provisions for registration in the McCarran bill, in part, because they permit of greater security for the individuals charged with the responsibility of registering than do the provisions of subparagraph (5) of subsection (A) of section 5 of the Kilgore bill?

Mr. HUMPHREY. No. I think the Senator hears wrongly. The Senator from Minnesota is simply saying that the registration provisions of the McCarran bill will not do what they are supposed to do. Someone wants someone to be registered. Apparently, we cannot do anything about it. Under the provisions of the McCarran bill, the only thing we can do, if a person does not register, after he has exhausted all his process of law, is to put him in jail. I assume the result will be that they are not going to register, and we shall get them in jail. Then, I ask the Senator, what are we going to do with them?

Mr. HOLLAND. Does not the Senator feel that it is a sound and patriotic objective to bring about the disclosure of the names of organizations which are Communist-front or Communist-controlled organizations, and the names of individuals who are Communists? Is there not a sound public objective there?

Mr. HUMPHREY. I may say to my friend that of course that is a sound objective. It is also a sound objective that we all love each other, and that we all go to church on Sunday, and we could pass laws intended to compel us to love everyone, or to go to church, but they would be ineffective. It is a very sound objective that Communists be registered. Well and good. But they are not going to register. If we want the names of the Communists, why do we not pass a resolution asking the Attorney General to publish in the newspapers the names of persons listed by the FBI? Why try to register them a second time? J. Edgar Hoover has come up before Congress and told committees of Congress time after time that he has in his files the names of the dangerous Communists of this country. Only last week he said he had the names of the 12,000 persons whom he could pick up on a moment's notice if he had an additional appropriation of $6,000,000. If the Senator wants the people back home to know the names of the card-carrying Communists and persons who are not card-carrying Communists, I suggest that a law be passed which would require the head of the FBI to divulge to all and sundry people in the United States the names of all persons he has in his FBI files. However, what good would it do? Are we trying to protect the internal security of our country, or are we out to expose some names? What good would it do? That is what I should like to know.

Mr. HOLLAND. Mr. President, as a predicate for my next question, I should like to say that at least in the opinion of the Senator from Florida there is sound public objective in disclosing the names of Communist-front and Communist-controlled organizations, and in the disclosure of the names of as many Communists as it is possible to disclose. Likewise, in the opinion of the Senator from Florida, it is much sounder to get such a disclosure through a procedure which would permit organizations and individuals to be heard, as is proposed under the McCarran bill, than simply ordering the Attorney General by resolution of Congress, as is suggested by the Senator from Minnesota, to publish the names of some fifty-thousand-odd Communists who we understand are disclosed by his files to be such without giving anyone recourse to being heard.

Mr. HUMPHREY. In reply the Senator from Minnesota would say that he appreciates the solicitous attitude of the Senator from Florida, and his concern in this matter. However, I also appreciate the fact that he ignores reality and that he is not pointing out how he would get the Communists to register. The Senator from Florida evidently is proceeding on the assumption that he is talking about good Baptists, Methodists, Congregationalists, Unitarians, or Catholics, who would march up and say, "We are members of the faith. We will put our names on the rolls." I should like to have the Senator from Florida or any other Senator tell me how it would be possible to get a Communist to march up and say, "Look at me, I am a Communist. I am a member of the Communist Party, which under the terms of the definition here proposed is a foreign-controlled outfit, and I know that under the Smith Act I can be prosecuted." I cannot imagine any Communist walking up and making himself available under those circumstances. As a matter of fact, it takes a first-class, trained FBI man to find a Communist. The assumption upon which this legislation is drawn is that a Communist would walk up and say, "Register me. I am a coming voter. I am of age." That does not work with Communists. I think the best evidence we have is that already the American press, which certainly is not a Communist press—not even a Fair Deal press—is reporting to the American people that the Communist Party has begun to destroy its records and has begun to go underground. They have held meetings at which FBI agents were in attendance, and the FBI reports it will be more difficult to keep up with them. We proceed on the assumption that we will be able to register them. It seems to me, Mr. President, the burden of proof is on the proponents of the bill to tell us how we would go about registering them.

Mr. HOLLAND. Will the Senator yield for another question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Florida?

Mr. HUMPHREY. Yes.

Mr. HOLLAND. I should like to invite the attention of the Senator from Minnesota to section 14 of the McCarran bill, in which it is specifically provided:

> Whenever the Attorney General shall have reason to believe that any organization which has not registered under subsection (a) or subsection (b) of section 7 of this act—

That covers Communist-front and Communist-controlled organizations—

> is in fact an organization of a kind required to be registered under such subsection, or that any individual who has not registered under section 8 of this act is in fact required to register in such section, he shall file with the board and serve upon such organization or individual a petition—

And so forth.

Mr. HUMPHREY. That is correct.

Mr. HOLLAND. This would indicate that the authors of the bill had no idea that everyone would comply, and therefore vested in the chief law-enforcement officer of the Nation authority to proceed by filing a petition in cases where he felt the organization was clearly demonstrable as being a Communist-front or Communist-controlled organization. My question is: Does not the Senator think, when the Attorney General proceeded under the provision, thus giving an accused organization an opportunity to be heard, and not be deprived of such opportunity, as would be the case in simply publishing such a list, that the most salutary purposes of the registration feature of the McCarran bill, as well as of the Mundt-Ferguson-Johnston bill, would be accomplished by the very knowledge of the public that the Attorney General would not proceed except in cases which he felt had been so strongly established and which were so completely defensible that he could properly charge publicly that such organizations or individuals, as the case may be, were Communist? Does not the Senator think that under this provision—irrespective of whether an organization would come in voluntarily to register, or whether individuals would come in after their organization had been found to be a Communist-controlled organization—most of the good, sound, and patriotic objectives—and the Senator has already stated that to bring out into the open the names of the organizations and individuals would be a good and wholesome objective—would be carried out and realized by such action on the part of the Attorney General?

Mr. HUMPHREY. No; I do not. First of all, I think what would be realized would be prolonged litigation. Under section 14 the Attorney General shall, whenever he has "reason to believe that any organization which has not registered under subsection (a) or subsection (b) of section 7 of this act is in fact an organization of a kind required to be registered, or that any individual who has not registered under section 8 of this act is in fact required to register under this section, he shall file with the Board and serve upon such organization or individual a petition for an order requiring such organization or individual to register pursuant to such subsection or section, as the case may be."

What does that start? The Senator from Florida knows as well as I do—because he is an attorney and I am not an attorney—that it would simply start a long procedure before the Board. First there would be a hearing or trial before a hearing examiner. Something would be brought before the Board. After the Board made its ruling the case could be appealed to the Circuit Court of Appeals. From the Circuit Court of Appeals it could be appealed to the Supreme Court of the United States. In the meantime, no one is registered. If it involves a dangerous Communist. he is not under

criteria exists but needs only to take into consideration the extent to which any of the seven criteria is present.

The fact is simply that this statement is not true.

It can be refuted by the conjunctive nature of the criteria which a reading of the bill itself reveals. It is revealed by the use of the word "and" between the seventh and eighth criteria in section 14 (e). It is revealed by the use of the word "and" between each of the four criteria in section 14 (f).

Some confusion may have arisen from the fact that the conjunction is repeated throughout section 14 (f) and used only once in the preceding subsection. If so, it is no more than an inconsistency of style. It arose, as a matter of fact, from an overabundance of zeal which prompted the drafters to make absolutely certain that no single criteria listed in section 14 (f) would be considered sufficient in itself to label an organization as a Communist front.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MUNDT. Is it not also a fact that in grammatical construction the significance is precisely the same whether or not the conjunction "and" is repeated after each semicolon?

Mr. FERGUSON. Exactly.

Mr. MUNDT. And that in both instances just referred to by the Senator from Michigan, the entire set of criteria in each case are part of a single sentence?

Mr. FERGUSON. That is true.

Mr. MUNDT. And is it not a well-established principle of jurisprudence that no court in the land is going to take a single sentence and decide that it will apply a part of it without applying the other part of it?

Mr. FERGUSON. Yes.

Mr. MUNDT. So must not anyone trying to interpret the significance of the act and the intent of Congress realize that he must consider all the criteria in each case?

Mr. FERGUSON. That is correct.

Mr. MUNDT. It seems to me there should be no further confusion on the part of Senators on that score, because it is as simple as the earliest principle of sentence structure which a boy learns in grammar school.

Mr. FERGUSON. That is true. But I feel that I should spend a part of the evening in setting it out on the record, in the manner in which I would do it, for instance, if I were engaged in presenting an argument before an appellate court upon this point, on the construction of the statute.

Mr. MUNDT. I may say, Mr. President, that I think the junior Senator from Michigan is serving a very useful purpose in doing that, because tomorrow the debate will be tightly limited as to time. I think we should discuss the pertinent features of the bill and not stray off into the land of make-believe and fantasy in discussing things which are not a part of the text of the bill.

Mr. FERGUSON. Yes.

Mr. President, I submit without fear of contradiction that the legal effect of the conjunctive style employed in the two subsections is identical.

The positive and governing fact is that the specified criteria are not absolute nor the ultimate, either individually or even collectively. They are not to be followed slavishly. They simply enumerate the types of evidence which the Board must receive and consider as guides in reaching its ultimate decision.

The ultimate decision will be reached on all the evidence received by the Board. That includes the rebuttal evidence which is carefully provided for.

The ultimate fact to be determined, as set forth in section 13 (e), is whether an organization is of the sort defined in section 3, and therefore should be registered.

Now it is altogether possible that someone may entertain objections on the grounds of indefiniteness in the definitions set forth in section 3, since they represent the ultimate fact to be determined.

But everyone who has knowledge of the law knows that there is no absolute definition in the law. An ultimate standard is established by the law, as it is established by the definitions of section 3. We speak likewise in the law of "negligence" and contributory negligence, for instance, but nowhere does the law purport to give them absolute meaning.

Likewise we make unlawful certain monopolistic practices, but because a monopoly has no precise meaning we do not seek to repeal or nullify the antitrust laws.

Whenever we establish ultimates in the law, as we consistently do whether they be negligence, monopoly, or a definition of a Communist organization, we anticipate questions to arise as to whether in operation of the law the ultimate has been arrived at. When such questions arise it is the practice under our judicial process to delegate a responsibility to certain legal tribunals, to determine the full facts in the light of all circumstances and in accordance with all available evidence.

It is precisely this procedure which we follow in the present bill.

In making its determination of the ultimate fact as to whether an organization is one which is required to register, the Board must do what any tribunal must do under our legal system.

That is, it must weigh all the evidence of record and reach its conclusion on the basis of each evidenciary factor presented in proof or in denial.

Moreover, in acting under the provisions of the bill the Board must be particularly careful that its ultimate conclusion is supported by solid evidence. This is so because of the provisions for appeal to the highest courts of the land. Specifically section 15 (a) of the bill provides that to be sustained on judicial review the record must contain a showing to satisfy the appellate court that the conclusion is supported by the preponderance of evidence.

Not just a scintilla of evidence will suffice, nor will mere substantial evidence support the Board in its findings. It must be the preponderance of evidence, as contained in the full record.

I have dwelled at length and in detail upon the judicial processes that provide the answers to the first two objections of the Senator from North Carolina. I have done so because I wish again to stress the importance we have attached to those processes, and the reliance we have placed upon them in writing the Mundt-Ferguson-Johnston features of the McCarran omnibus bill.

Mr. GRAHAM. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. LONG in the chair). Does the Senator from Michigan yield to the Senator from North Carolina?

Mr. FERGUSON. I yield for a question.

Mr. GRAHAM. I can be specific about what troubles me. I appreciate the fact that the Senator has gone into the matter in detail.

Suppose we take two of the criteria of the eight in section 14 (e). Let us say two is the extent to which the views and policies of an organization do not deviate from those of a foreign government or a foreign organization. I think it is very important to be clear on that point. Let us suppose an organization was formed, as I said in my statement—and I will repeat the exact illustration—to oppose the Truman doctrine and the military-assistance plan, and that it had no other authority than to oppose them. Let us assume its policies, its views, were confined to opposition to those two things. Then suppose this organization also—I am opposed to secrecy—engaged in procedures of secrecy. Then we would have an organization which did not deviate from the Communist line, and had secret procedures, and yet could be a religious or pacifist organization. What troubles me is that in the pending measure it is provided in section 14 (e):

The Board shall take into consideration—

And then, under the list of eight criteria, there are criterion 2 and criterion 7, both of which begin with the words—

the extent to which——

Mr. FERGUSON. Yes.

Mr. GRAHAM. As the Senator from Michigan recalls, I previously said that my objection does not lie to criteria Nos. 1, 3, 4, 5, 6, and 8, but only against criteria 2 and 7.

Mr. FERGUSON. However, under the situation the Senator from North Carolina suggests as an example, if he or I were acting as the Board, either of us would have to find that the circumstances of the case would not warrant arriving at the ultimate conclusion, which is the definition of a Communist-front organization, as under criterion No. 3. The Board would be required to use those criteria to arrive at the ultimate, which is a finding that such an organization, in order to come within the definition provided in the bill, is a Communist-front organization.

Mr. GRAHAM. Suppose the Board, being a human institution, suspected—incorrectly, but sincerely—that the organization was a Communist organization; but suppose the Board could not

prove the existence of the other six criteria, and thus fell back on these two. Under the rather broad language used in the bill, namely—

The Board shall take into consideration—
* * * * * *
the extent to which—

The Board could sincerely take into consideration the extent to which the activities of the organization came within two criteria I have mentioned—No. 2 and No. 7—even though the Board was not able to show that the activities of the organization brought it within the other six criteria. In such case, the Board might say, "We cannot obtain evidence as to the other six, in the case of this organization, although we suspect the organization in that connection. However, we can obtain evidence to convict the organization on the grounds of these two criteria."

Mr. FERGUSON. But the Supreme Court would say that the Board had to prove that by a preponderance of the evidence; and such a case would simply lack the elements to bring it within the ultimate, namely, the definition of a Communist-front organization.

Mr. GRAHAM. Does the Senator from Michigan understand my point?

Mr. FERGUSON. Yes. I wish to assure the Senator from North Carolina that under the circumstances he has mentioned, no organization of that sort would be adjudged by the Board to be a Communist-front organization, just as I said that the fact that I might favor the enactment by Congress of a measure which might be sponsored by a Communist group, would not bring me within the definition provided in this bill. Even in the case of a measure objected to or opposed by the Communists, the question would be the extent to which I followed the Communist Party line. Of course, if I followed the Communist Party line in that respect and in all other respects, so that my actions came within the requirements of all the criteria mentioned at this point in the bill, the Board then could say, "He is a Communist."

However, the question would be the extent to which I followed the Communist Party line.

Mr. GRAHAM. Let us assume that the organization to which I have referred corresponded with the Communist Party line only on those two points; but let us suppose, also, that it was, in fact, a Christian, pacifist organization.

Mr. FERGUSON. In such event, it could not possibly be found to be a Communist-front organization, because it would simply be outside that realm.

Mr. MUNDT. Mr. President, will the Senator yield, to permit me to make an observation which I think may be helpful to the Senator from North Carolina?

Mr. FERGUSON. Yes.

Mr. MUNDT. I think perhaps this comment will be helpful to the Senator from North Carolina, inasmuch as he is disturbed about the language used in criterion No. 2. Let me point out that there is a very interesting evolutionary background, with which the Senator from Michigan is familiar, in regard to how we happened to use the words "the extent to which its views and policies do not deviate," and so forth. Let me say that the drafting committee and Prof. Donald Richberg, of the University of Virginia, and numbers of other persons of high legal accomplishments, who worked on the language, in polishing up these criteria gave a great deal of attention to these points. For several weeks we considered using the language:

To the extent to which its views and policies conform with those—

And so forth. Then we said among ourselves, "Perhaps that language is too loose. Perhaps it would place too great a burden on the organization. The test really should be whether the organization deviates at all. It might be that good pacifist Christian organizations might conform in many respects or might have many attributes similar to those of Communist organizations; but sooner or later those good Christian organizations will reach the point where they deviate from communism."

That is why we use the word "deviate"—so as to make doubly sure and doubly clear that this bill will not result in catching any innocent organizations.

Mr. FERGUSON. We do not want to catch any innocent organizations.

Mr. GRAHAM. Mr. President, will the Senator from Michigan yield further, to permit me to ask a question of the Senator from South Dakota?

Mr. FERGUSON. Certainly.

Mr. GRAHAM. Suppose the organization were authorized to have policies and opinions on only the two subjects I have mentioned, and, therefore, in view of those limitations, suppose it did not deviate from the Communist Party line. Of course, I realize that if the members of such an organization were quizzed personally, it no doubt would be found that they did deviate in many respects. Nevertheless, let us suppose, as a possible situation, that such an organization by its charter was limited to taking stands and having policies and views on only those two subjects.

Mr. MUNDT. Which two?

Mr. GRAHAM. The Military Assistance Pact and the Truman Doctrine. Suppose the organization was against both of them.

Mr. MUNDT. Will the Senator from Michigan yield to me, to permit me to reply?

Mr. FERGUSON. Certainly.

Mr. MUNDT. That would throw the organization completely outside the purview of this language of the bill, because the bill provides that the matter to be considered is the extent to which the organization deviates from the views and policies of a foreign government or a foreign organization; and both the foreign government—namely, Russia—and the foreign organization—namely, International Communism—have views and policies on a great many other issues. So, in the case of the supposed organization to which the Senator from North Carolina has referred, its views in deviation would be as long as a bamboo fishpole; and no court could find that there was no deviation between an organization which shared the Communist viewpoint on only two questions and the Communist Party, which has viewpoints on many other issues and matters, so in the examples suggested by the Senator from North Carolina those good and innocent organizations could not be required to register.

Mr. GRAHAM. But suppose the organization by its charter could take a position on only those two matters.

Mr. MUNDT. Then by its silence it would deviate from the Communist Party in regard to all the rest of the issues on which the Communist Party takes a stand. It would not be found Communist by a preponderance of the evidence.

Mr. GRAHAM. Mr. President, let me say that I shall have to leave rather soon. As the Senators now present are aware, I presided over the Senate from about 2 o'clock this afternoon until only a short time ago; and it is now nearly 10 p. m. Of course, I shall stay here as long as it is necessary that I remain. I think it is important that a clarification of this matter be made.

I realize that those who have drafted this measure have had many troubles and difficulties; I realized that when I saw that they had eliminated subdivisions (a) and (c) and (d), as I recall, from the former list of criteria. I assume that change was made because those who drafted the bill came to find, in the process of revision, that such criteria were likely to work an injustice.

So I point out that the two criteria to which I have referred—namely, Nos. 2 and 7—are the only ones which continue to constitute stumbling blocks to me. I favor the remainder of the eight criteria; but these two bother me.

I simply wish to state that in times of national anxiety, people, and sometimes even boards, may impute to others certain things not warranted by the facts. After all, boards are made up of human beings, and boards are human institutions. Sometimes when acting under a certain law they will do things which are not intended to be done under the law.

All of us remember the alien and sedition laws, although I do not compare them with this measure, except to point out that the alien and sedition laws were passed with one purpose in mind, but were used in other ways. Therefore, I wish to have us be on guard, in order to make sure that a measure we enact now does not lend itself to misuse in time of national anxiety.

Of course, the alien and sedition laws were passed at the time of the fear of having Jacobinism infiltrate into the United States of America. We are familiar with the instances in which those laws were misused. Of course, a number of persons in various parts of the United States were tried under a misuse of those laws. I realize that I am digressing somewhat and I appreciate the indulgence of Senators.

I wish to inquire whether the Senators who sponsor this measure think there is any chance that if it is enacted, there will be a possibility of a similar misuse, remembering that under the alien and sedition laws a number of persons were tried and were put in jail for sub-

scribing to the principles expounded by Thomas Jefferson? That is the way those laws were used by the administration then in power.

Mr. FERGUSON. Mr. President, in reply, let me say that there is no possibility that such a situation would develop under this measure. Because of the care with which the criteria to which we have been referring have been drafted, the possibility of a situation similar to the one the Senator from North Carolina has mentioned simply does not exist.

However, I would fear that the substitute now proposed by other Senators could, if enacted, be used for a purpose entirely different from the congressional intent in that connection, because under the language of the substitute, a certain person is to be appointed and is to determine, upon probable cause, whether other persons are to be confined. That would allow a wide range, a full horizon of discretion.

Mr. GRAHAM. As a matter of fact, under the Kilgore substitute, the writ of habeas corpus under the Constitution could not be suspended.

Mr. FERGUSON. I am glad the Senator agrees with me.

Mr. GRAHAM. That is, except in two cases—invasion or——

Mr. FERGUSON. Insurrection.

Mr. GRAHAM. Insurrection. I may say, though I am not trying to think constructively for the United States Supreme Court, that the Supreme Court in this modern age might construe a war as invasion, because, with push-button war, an enemy could pretty soon start an invasion.

There is one other illustration of the misuse of the alien and sedition laws, if I may interject it at this point.

Mr. FERGUSON. I yield for that purpose.

Mr. GRAHAM. The Senator will remember that in the third volume, I think it was, of Beveridge's Life of John Marshall, he pointed out a man whom he called Jared Peck. His name was Mr. Jedadiah Peck—a man who circulated a petition for the abolition of the alien and sedition law. He was indicted and put in jail for seeking the abolition of the alien and sedition law.

Mr. FERGUSON. Of course, that law has been a lesson to us. No one would want to return to it. I thank the Senator.

I can say again at this point that it is because I can find no trace whatsoever of any similar concern for those judicial processes that have protected and fertilized American institutions to their flowering that I object so strenuously to the concentration camp section of the substitute bill, of which the Senator from North Carolina is a sponsor, together with each of the others who has spoken against the omnibus bill in the course of the present debate.

I can repeat that I only wish those who oppose this registration statute, no matter how misplaced their concern for the rights of indiviuals may be in expressing their opposition, could have been consistent in their approach to the substitute bill, of which the Senator from North Carolina is, of course, a cosponsor.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. Mr. President, I ask unanimous consent that I may yield to the Senator from South Dakota to enable him to ask a question of the Senator from North Carolina, without my losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. I think the colloquy which the Senator from North Carolina has had with the junior Senator from Michigan has been very helpful to bring out the purpose of these criteria, the manner in which they were decided upon, the evolutionary process by which they were tightened up to deal with the term "deviation" instead of "conform." I am wondering, while we are on the subject of criteria, whether the Senator from North Carolina will agree with the Senator from South Dakota that he would have a much greater feeling of assurance about the appropriate administration of legislation which does include what he has referred to as being carefully devised criteria as against the Kilgore substitute, in which there are no criteria except that, as the Attorney General may feel that someone is thinking about committing a crime, in which case he can put him under detention.

Mr. GRAHAM. Let me say that I think at least we have these criteria. May I have permission of the Senator from Michigan to reply to the able Senator from South Dakota?

Mr. FERGUSON. I yield for the purpose of an answer, on the same condition.

Mr. GRAHAM. Let us start with the fact, first, that the writ of habeas corpus, by the express language of the Constitution, cannot be suspended except in case of rebellion or invasion, and perhaps constructively in some future Supreme Court decisions, in case of war. There is a fourth situation that is envisaged in the Kilgore substitute bill, namely, an internal security emergency. But that emergency can be declared only by the Congress and the President.

Mr. FERGUSON. That is correct.

Mr. GRAHAM. But it can be ended by either the Congress or the President.

Mr. FERGUSON. No. There are two cases in which that can be done by the President alone, with two in which it can be done by the President and the Congress acting together. I am sorry, but I take the bill itself and read the language of section 102:

In the event of any one of the following—

(1) Invasion, or imminent invasion of the territory of the United States or its possessions—

Congress is not involved in that, at all.

(3) Insurrection within the United States in aid of a foreign country—

There is another case in which Congress has no part at all. In either of those two instances, the President could act alone.

In these two, Congress is involved:

(2) Declaration of war by Congress;

(4) Declaration of an internal security emergency by concurrent resolution of Congress.

Mr. GRAHAM. Perhaps I could not make myself clear, but that is the constitutional provision, applied to (1), (2), and perhaps constructively (3). Now, with regard to the internal security emergency, I am trying to emphasize to the Senator from Michigan, it is then that it takes the concurrent resolutions and the President to declare the internal security emergency. I say both of them are required to declare an emergency. Either one of them may end it.

Mr. MUNDT. The Senator has not touched on my question about the criteria. The Senator will recall the question was——

Mr. GRAHAM. I may say that any suppression of human liberty or repression of human liberty disturbs me, whether it is in this bill or in some other bill. I merely start that way. I spent a good deal of my life, if I may say so modestly, fighting for civil liberty for human beings—Catholics, Jews, Negroes, and other minority groups.

So I start, and I think every American has misgivings about any law which interferes with civil liberties. But the thing—and I struggle over this, as the Senator may imagine—which caused me to go along with the Senator from West Virginia [Mr. KILGORE] and the Senator from Illinois [Mr. DOUGLAS]—as the Senator knows, they worked this out in days and nights of agony of soul, really—is that we are in a new age and there exists an international conspiracy which not only engages in aggression but which also engages in international subversion. We are living in such a world—a different world from that of 1887 or even of 1861—in which such a dynamic mechanical framework is flung around this earth that a depression here, or a local war there, is caught up on what might be called the wires of the world, and involves the whole world. So, it is possible to get into a national emergency even more threatening than an invasion would have been 100 years ago.

Mr. MUNDT. If I could bring the discussion back to the subject of the criteria——

Mr. GRAHAM. Yes.

Mr. MUNDT. I have a profound respect for the distinguished Senator from North Carolina as to what he considers to be a liberal. Everybody in America thinks or considers himself to be some kind of liberal, and it is a very difficult thing to define. I am sure the Senator recognizes that.

Mr. GRAHAM. Let me say here that I have never tagged myself as anything. I have had myself tagged, simply because I have been forced against the wall in connection with a minority group. I tried to stand up and fight for it. I therefore was tagged, and sometimes smeared. I do not tag myself. I tag myself merely as a simple American.

Mr. MUNDT. I may say that the junior Senator from South Dakota in his first two campaigns for office tagged himself as a "liberal Republican." At that time I discovered that the tag "liberal" was misused by a great many people, sometimes miscalling themselves liberals. Since that time I have been willing to settle for "Republican." Will the Senator agree with me that it is a

mark of liberalism in the field of political science to have government by law, with regulations, prohibitions, and privileges spelled out by law, rather than to have them made available at the option of individual men? The Mundt-Ferguson provisions are written into law, into criteria, and one of the big deficiencies I see in the Kilgore bill is that all the criteria, there, are completely within the mind of the Attorney General of the hour. Does the Senator agree with me that that is moving away from the concept of liberalism which is historically correct?

Mr. GRAHAM. There are these protections: The Attorney General, who is an officer sworn to defend the Constitution, is on the job; the board looks into the case to take action in the premises; and then there is an appeal to the courts for judicial review.

Mr. MUNDT. But no advance and specified criteria.

Mr. GRAHAM. The threat of sabotage and espionage, those dangers to the security of the United States.

Mr. MUNDT. Would the Senator be inclined to respond to my question, philosophical though it may have been in its nature, that, generally speaking, we approach liberalism in the field of politics when we restrict ourselves to government by law instead of government by edict and by the option of men.

Mr. GRAHAM. That is correct. Let us take Abraham Lincoln——

Mr. FERGUSON. He suspended the writ of habeas corpus, of which I have never been proud.

Mr. GRAHAM. Does the Senator know how many persons he put in jail? It is in the record that 13,000 persons were put in jail, not counting those put into naval or military prisons. It has been estimated by some persons that there were 38,000 placed in jail. Let us say that the number was somewhere between 13,000 and 38,000 persons. Abraham Lincoln, the great champion of human rights and human freedom, the liberator of the slaves, and a great liberal, if we may tag him in that way, because of an emergency, used his Executive powers in order to save the Union. He said he must save the Union in order to save the Constitution. He was looking to the safety of the country. He did not have criteria.

Mr. FERGUSON. He did have criteria.

Mr. GRAHAM. Not spelled out in any law.

Mr. FERGUSON. He had the criterion of insurrection.

Mr. MUNDT. The Constitution gives a President that power in case of rebellion or insurrection.

Mr. GRAHAM. I thank the Senator from Michigan and the Senator from South Dakota for permitting me to participate in this discussion. I hope we have helped to clarify some of the criteria.

Mr. FERGUSON. Mr. President, the same fundamental misconceptions of the Mundt-Ferguson-Johnston bill, or of the judicial process, which lie behind the first two objections of the Senator from North Carolina may account for his third objection.

He voices an objection to the use of the phrase "the extent to which," as it is used to preface the various criteria which the Board will take into consideration in making its determinations. The term is called "vague" and "indefinite."

It need only be repeated from the discussion of the criteria themselves, that the Board must weigh each element of evidence in reaching its decisions. The phrase "the extent to which" is a guide in that direction.

I am very familiar with the suggestion of Mr. John W. Davis, which was cited in his objection by the Senator from North Carolina as a preferable alternative. The alternative was to substitute the words "whether or not."

That suggestion was made by Mr. Davis to the Judiciary Committee as a possible contribution to "draftsmanship," in his words. Like each of Mr. Davis' suggestions, for we drew heavily upon his knowledge of the law and opinion, this particular suggestion was weighed carefully by the committee.

It was our considered opinion in conclusion that the words "whether or not" were an absolute, and took no recognition of degrees. For instance, "whether or not" I have voted for civil-rights legislation, which is a Communist objective, could conceivably label as a follower of the Communist Party line. But "the extent to which" my votes follow the Communist line directs an appraisal to the sum or to the whole of my voting record and would make clear there was no real parallel.

Because it was our earnest desire, as I have sought to emphasize in my earlier remarks, to have ultimate decisions reached in the full spirit of the judicial process, upon the sum and not a part of the record, we advisedly adopted the phrase "the extent to which."

Mr. President, I wish to comment briefly on two other arguments that have been employed against the Mundt-Ferguson-Johnston bill, and then in conclusion to make an appeal to those who have expressed their opposition in the name of liberalism.

The first of these arguments can be disposed of briefly. It was stated here the other day that because some organizations would register and others would not, the former should not be inconvenienced.

Mr. President, I heard the junior Senator from Minnesota [Mr. HUMPHREY] today stand upon the floor and raise a serious objection to the bill on the ground that the Communist Party would not register. I wonder for whom we make criminal laws. It is for those who will not obey. If everyone obeyed ethics and always did the proper things, we should not be compelled to pass criminal laws. We passed a registration law in Michigan relating to those having possession, without disclosing the fact, of revolvers or pistols in that State. There were those who said, "Why have such a law? The crooks will not register." The purpose of the law was to prosecute crooks for not registering their weapons. If guns were registered and a bullet was found, it could be determined, by ballistics tests, what gun had fired the bullet. The registration law was a good one. Who would say that because people would refuse to register, we should not pass such a law? Did any Senator raise his voice in this Chamber when we passed the lobbying registration law, and say that the large corporations of America would never register their lobbyists? I wonder what the Senator from Minnesota would have said if some Senator had raised his voice upon the floor of the Senate when we were considering that law, and said, "We should not pass this law, because the big corporations of America will not register under it." Would he have said, "You cannot pass such a law, because it will take 4 years to prosecute the big corporations"? Would he say the antitrust laws should not have been passed because some of the cases would require 13 years to prosecute, as has been the case?

I have never heard anyone use the argument that because people say they will not obey a law it should not be passed. One of the reasons why I am anxious to have this bill passed is because Gates and Foster sat across the table in the Judiciary Committee and said that if such a law were passed they would not live up to it. One of the things I hope I may live to see is the placing of those two men in a penitentiary, to serve time for disobeying the law. When a man says, defiantly, "If you pass that law I shall not live up to it," that is the time to pass such a law. That man represents a group of persons. They can defy the law if they will, but I want them to know that the United States of America is stronger than Moscow and that they will go to jail or the penitentiary for a violation of the law of the land, after a fair and just trial under our jury system and the Constitution of the United States. It is the slogan of the Daily Worker: "We will not obey this law." Then it is stated on the floor of the Senate, "Do not pass this bill. These people are telling us in advance that they are not going to obey the law. Do not vote for this bill. Some of these people will string it along for 2 years or 4 years."

Mr. President, there is only one organization that would be registered as the Communist Party. It is one organization. I say if the FBI has not the evidence now or cannot obtain it in a short time or within a period of from 15 to 30 days to convince any board or the people of the United States of America that there is a Communist Party and it is controlled by a foreign power, then we have not properly obtained the evidence, and it is not being properly presented. The President of the United States, in his message to Congress only a few weeks ago, said it was controlled. The substitute bill says it is controlled. We say it is controlled. Is there any doubt that it is controlled? Why cannot we prove it? I say, Mr. President, where there is a will there will be a way.

We come back to the first of these arguments.

This is to say that because gangsters will not comply, we should have no firearm registration statutes, or that because there are always traffic law violators we should have no traffic laws.

Put in that form the argument is reduced to its absurdity. It is fundamental in our society that even though law-abiding citizens are sometimes inconvenienced we must have laws for the protection of the whole of society.

The argument is worthy of reply only because it provides an opportunity to stress again the protective purposes of this legislation.

The second argument is an elaboration of the first. From the numerous times it has been used I take it to be now the principal argument against the bill—the final outpost of resistance.

This is the argument that a registration requirement will be ineffective because it will merely drive the Communists underground.

I submit what we all know to be a fact. That is, that the Communist movement, or at least that portion of it which is most dangerous and therefore that which we primarily seek to expose and bring forth to the light of accountability, is already underground. It went underground in 1922 in Bridgman, Mich., and it has been underground ever since. What we are trying to do is bring it out in the open. As I have said so many times before, this legislation for the first time gives us a legal and effective means of sending our investigating forces into the underground, where the really dangerous Communists dwell.

Now I am familiar with the fact that the FBI is presently conducting surveillances of the Communist movement. I have great admiration for J. Edgar Hoover and for his purposes, because he is perhaps the most unrelenting foe of communism in this country, and most certainly he recognized its threat long before anyone else in our national administration would see it or admit it. He was preaching against it when others were saying it was nothing but a mere red herring. I have also heard the argument that this registration statute would limit the FBI's usefulness if it must use its investigative files as a basis for prosecutions.

What sort of argument is that? What are police investigations for, except by a Gestapo, if they are not to be used as the basis of prosecutions. Why do they seek evidence if it is not to be used against those who are committing unlawful acts?

I must admit that despite all the respect I have for J. Edgar Hoover and the integrity of his organization I hold great fears for any circumstance which makes for a practice of criminal investigations without legal purpose or exact legal authority. Misused or misplaced, that is the most dangerous sort of practice.

But the registration requirements of the bill will give the FBI specific legal authority and purpose for its surveillances in the Communist underground.

Having the confidence that I do in J. Edgar Hoover and in the abilities of all his men, I have absolutely no fear that armed with such purpose and authority they will have any difficulty in piercing and exposing that underworld.

Now, Mr. President, I want to conclude, as I have said, with an appeal to the liberals of America. I take no stock in the common use of that term and the gratuitous use of its tags and labels. I do know, however, that there are many people of firm conscience who sincerely aspire to a philosophy of political liberalism. It is to them that I speak as what I would call the genuine liberals.

The primary purpose of Communist registration, of course, is to protect the public at large against innocent collaboration with communism and against its treachery. The means is identification on legally constituted standards. That identification should have a special appeal to the genuine liberals.

Every student of the liberal movement in this country knows that it has suffered from two directions. First has been the fear that a liberal or progressive movement may be corrupted by the Communists, through infiltration. Second has been the fear of individuals that by participating in a movement which is merely unpopular he may be exposed to unfair or unjust branding as a Communist or Communist sympathizer.

There is nothing that offends my sense of justice more than the unfair and indiscriminate use of the word Communist as an epithet. And it is an epithet. Our courts have in effect held that a false allegation of communism is a defamation of character. The term is so universally unpopular that it is no longer used exclusively by the reactionary right. Even the left now uses a variant of the term to describe something with which it disagrees as "aiding Moscow."

All that is so much nonsense, of course, and the American public knows it. How to pin the lie on such terms is another matter, however.

The registration technique provides a device for that purpose.

Any person required to register as a Communist or any organization required to register as a Communist front is ipso facto just that.

By the same token any person or organization not required to register is prima facie not a Communist or a Communist front.

It is as simple as that. The sheep are to be separated from the goats. No longer can there be dupes. No longer can there be malicious false labelings. No longer will it be possible to say that there is no tribunal to which a person can go for hearing or vindication. The mechanics of the registration provisions make possible such vindication.

If the organization with which an individual is associated is such as to require registration, and he retains his membership, his character is publicly established and known to be willfully assumed.

If the individual belongs to no organization which is required to register, he is rightfully absolved of all the humiliation and harrassment that may otherwise be unjustly heaped upon him.

That black and white feature which follows from the Mundt-Ferguson-Johnston bill should have its appeal to every individual who seeks some order in the confusion of current political philosophies, or protection from their extremes. It is just as clear as black ink on white paper.

It should have even greater appeal to the genuine and sincere liberals who have seen their purposes thwarted by the uncertainties and suspicions that have persistently lurked in the gray shadows which lie beyond liberalism, in which the Communists have romped at will.

Mr. McCARRAN obtained the floor.

Mr. KILGORE. Mr. President, will the Senator from Nevada yield to me to send to the desk amendments to my amendment in the nature of a substitute for S. 4037, and ask that they be printed and lie on the table?

Mr. McCARRAN. I yield for that purpose.

The PRESIDING OFFICER. Without objection, the amendments will be received, printed, and lie on the table.

Mr. KILGORE. Mr. President, because of the lateness of the hour——

The PRESIDING OFFICER. Does the Senator from Nevada yield further?

Mr. McCARRAN. I yield.

Mr. KILGORE. And because of the fact that the Senator from Nevada desires to speak, I ask unanimous consent that the remarks which I have prepared to deliver tonight be included in the body of the RECORD as though delivered, provided there is no objection.

Let me say at this point that there is nothing in these remarks that is of a personal nature. They consist merely of comments on the law now existing and the amendments as proposed. My remarks chiefly go to the question of registration, but also refer to the question of the amendments proposed to existing law.

In order to save time tonight, I ask unanimous consent that my remarks be printed in the body of the RECORD at this point, as though delivered, and prior to the address of the Senator from Nevada.

Mr. McCARRAN. I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. WHERRY. Mr. President, if the distinguished Senator from West Virginia means that his address is to be printed as a statement in the body of the RECORD——

Mr. FERGUSON. No. The Senator means the address is to be printed as if delivered.

Mr. WHERRY. That cannot be done.

Mr. KILGORE. Then I shall remain here and deliver it.

Mr. WHERRY. What the Senator asks would mean that the address would be printed in type as large as if delivered. That is not in accordance with the rules of the Senate, and to my knowledge has not been permitted by unanimous consent. I would do anything anyone could possibly do for the distinguished Senator from West Virginia, and I have no objection to the statement being put in the body of the RECORD.

Mr. KILGORE. It was done last week in order to save the time of making a speech. Frankly, I would much rather deliver the address. In order to save time, I offer it for the RECORD as if delivered. As I said before, there is contained in the remarks no attack. It is merely a legal analysis. If the Senator from Nebraska, the minority leader, wishes to

object to its going in, under those terms, I will remain here and deliver the speech. It may take until some time tomorrow morning or the next afternoon.

Mr. McCARRAN. I do not know whether the Senator from Nebraska was present, but by unanimous consent Friday evening the Senator from North Carolina [Mr. GRAHAM] was permitted to insert his speech in full as though he had delivered it.

Mr. WHERRY. If I had been present, I would have objected. That is not according to the rules of the Senate, and it has not been the practice. Unanimous consent has been requested time and time again for this procedure, and if we are to establish a precedent that a Senator can have printed in the RECORD speeches as if they were delivered on the floor of the Senate, the body of the RECORD will simply be cluttered up with insertions, which I am satisfied the Senator from West Virginia himself does not want done. I know he does not want that done. He does not have to use the word "statement," but may ask that his remarks be printed in the body of the RECORD.

Mr. KILGORE. If the distinguished minority leader would like to remain here while I read this speech I am perfectly willing to read it. The only thing I am trying to do is to save the time of the Senate and to save myself the necessity of asking for a quorum at this late hour.

The PRESIDING OFFICER. Objection is heard.

Mr. KILGORE. Had it not been done before, I would not have presented the request this evening. Last week when a speech was offered by the Senator from North Carolina for printing in the RECORD, I suggested to him that it not be done. Since it was agreed upon at that time, I think it only fair, inasmuch as we have a limited time for debate, and will vote tomorrow at 1 o'clock, as the Senate well knows, having from 12:30 until 1 o'clock for debate, as the Presiding Officer can see this address could not be delivered unless we sit here until tomorrow morning, and I think it only fair that I be granted the treatment that was accorded another Senator last week.

Mr. WHERRY. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield to the Senator from Nebraska.

Mr. KILGORE. I am not trying to establish a precedent.

Mr. WHERRY. I was not on the floor of the Senate when the Senator from North Carolina asked permission Friday, or I would have objected to it. So there is no disposition on the part of the junior Senator from Nebraska to decide who should or who should not insert speeches in the RECORD as if delivered. I appeal to the Senator from West Virginia not to insist on this request. If such a practice were followed, I am satisfied he himself will agree that it would not be right. I cannot see any difference, anyway, between inserting the remarks as a statement and as if they were delivered. Everything will be in the RECORD, and that applies especially if it is a legal analysis. There is no Member of the Senate I would rather accommodate than the Senator from West Virginia, but I am attempting to carry out the rules of the Senate, and I wish he would not make this request, because I know he himself does not want such a practice started in the Senate. I appeal to him not to ask for the permission.

Mr. KILGORE. Mr. President, with all due respect to the Senator from Nebraska, and all other Senators, I ask the Senator from Nebraska if he will join with me in being consistent in connection with such matters. Last week I insisted upon the rule to which he refers being followed, but because of the attitude of Senators on the side of the aisle on which the Senator from Nebraska is seated, I had to retreat from the stand which I had then taken. If the minority leader will agree with me that in the future he will take the position he now assumes, and will join me——

Mr. WHERRY. I certainly will.

Mr. KILGORE. I am perfectly willing to offer what I have prepared as a statement for the RECORD.

Mr. WHERRY. That is fine.

Mr. KILGORE. Rather than as a speech delivered on the floor. But I insist that we be consistent in this matter, and not have agreements which are inconsistent with what has been done.

Mr. WHERRY. Mr. President, I appreciate what the Senator has said. I say now that if I had been on the floor of the Senate when the Senator from North Carolina asked that his remarks be put in as a speech delivered, I would have objected. I believe the Senator from West Virginia knows, I certainly hope he does, that I carry out what I say I will do, and I say to him that I will join with him and object, so long as I am a Member of the Senate, to any Senator inserting in the RECORD remarks to appear as though they were delivered on the floor of the Senate.

The PRESIDING OFFICER. At this point the Chair refers to page A-6766 of the daily RECORD of September 8, 1950, where there is a reference title 44, section 181, of the Code of Laws of the United States, which states as a law of the United States that matters included in the RECORD, unless read, cannot be printed except as a statement in a different size type. Therefore, even if there were unanimous consent, it would be against the law of the United States to permit such a statement to be printed as though it were delivered. It cannot be done by unanimous consent.

Mr. KILGORE. Without meaning to interrupt the Presiding Officer, let me ask whether or not the Presiding Officer has checked the RECORD of Friday.

The PRESIDING OFFICER. It is possible that some speech might have been printed as if delivered without the printer knowing that it was not actually delivered, but if the printer had knowledge of the fact that the statement was not actually delivered on the Senate floor, the law would require him to print it as if it had been put in as a statement.

Mr. KILGORE. Mr. President, I ask unanimous consent to have my remarks printed in the body of the RECORD as my statement in explanation of the amendments offered by me to the amendment in the nature of a substitute for Senate bill 4037, and an explanation also of my opposition to certain features of Senate bill 4037, although I may agree, and I do agree, with certain features.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR KILGORE

Mr. President, I rise to speak in opposition to S. 4037. On August 28, 1950, I filed minority views on this legislation along with the Senator from North Carolina, Mr. GRAHAM, and the Senator from North Dakota, Mr. LANGER. In this minority report I endeavored to point out that the provisions of this bill, S. 4037, largely relate to the great issue of how the Nation can protect itself against Communist aggression and subversion while preserving the constitutional liberties under which we have grown strong and free. History will judge us, as it judged the authors of the Sedition Act of 1798, by how we solve today this recurring problem of a free society.

The bill consists of the following segments:

1. Sections 1 through 17 consist of the provisions of S. 2311, often referred to as the Mundt-Ferguson-Johnston bill;

2. Sections 18 through 21 and 23 embody the President's recommendations relating to internal security;

3. Section 22 consists of some extremely complicated amendments to the alien exclusion and deportation statutes which present some delicate problems in the conduct of foreign relations;

4. Sections 24 through 30 would amend in numerous respects the substantive law and procedure governing naturalization and denaturalization.

5. Section 31 would create within the Department of State a semiautonomous Bureau of Passports and Visas.

I have offered certain amendments which would delete or substantially change certain sections of S. 4037, which I believe to be unworkable, impractical, and ineffective.

At this time, Mr. President, I wish to discuss the reasons why I favor deleting sections 2 through 17 of the bill, that is the so-called Mundt-Ferguson-Johnston provisions taken almost verbatim from S. 2311. I support the amendment, not only because those sections present the serious constitutional problems described in the minority report, but because I believe I can demonstrate that they are unnecessary and futile.

The general purpose of these provisions is to control and impede Communist activity in the United States. We are all agreed with that purpose. But I want every Senator to know that these sections 2 to 17 will accomplish none of that purpose.

I shall discuss separately the prohibition of section 4 (a) and the registration requirements. They are entirely separate, except to the extent that the registration requirements involve compulsory self-incrimination under section 4 (a).

SECTION 4

Section 4 (a) of the bill provides that—

"It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual."

The term "totalitarian dictatorship" is defined in section 3 (13) as a system of government characterized by (a) the existence

of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (b) the forcible suppression of all opposition to such party.

Section 4 (a) is unconstitutional. It should be noted that section 4 (a) thus prohibits all action which would substantially contribute to establishment of a totalitarian dictatorship. Nothing in the section or in the definition of "totalitarian dictatorship" limits its prohibition to the use of force, as does the Smith Act. Yet it is clear, as Messrs. Charles Evans Hughes, Jr., and Seth Richardson pointed out during the Senate hearings in 1948 on the Mundt-Nixon bill, that everyone is free to advocate even the most extreme changes in our form of government by the process of constitutional amendment. Indeed, that is clear from the fact that the Constitution provides for its own amendment. *Stromberg* v. *California* (283 U. S. 359), stands for the proposition that a statute which on its face permits the punishment of such advocacy or action, violates the first amendment. Section 4 (a) is therefore clearly unconstitutional because its prohibition is not limited to the use of force or other unconstitutional means. And if the courts construed it as so limited, then it would add nothing to the Smith Act.

Section 4 (a) is impractical. Secondly, it must be emphasized that section 4 (a) would be extremely difficult to enforce, as shown by a comparison with the Smith Act under which the 11 Communist leaders were convicted. The Smith Act prohibits advocating and teaching, and conspiracy to advocate and teach, the overthrow or destruction of the American Government by force and violence; also, it prohibits organizing, or conspiring to organize, a society to so teach and advocate, and membership in such a society with knowledge of its purposes is prohibited. Thus, the basic factual issue in a prosecution under the Smith Act is whether individuals or a society advocate or teach the violent overthrow of American Government. This issue is somewhat equivalent, in terms of evidence problems, to the prohibition of section 4 (a) of the bill of conspiring, etc., "to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship." It is well known that in Federal legal proceedings relating to communism it has been difficult to obtain evidence that the Communist Party advocates the use of violence to achieve its program. However, section 4 (a) of the present bill would compound the difficulty by also requiring proof that the Communist Party is foreign-controlled. It would be extremely difficult to prove beyond a reasonable doubt in a criminal proceeding that at a particular time the Communist Party was foreign-controlled. The party's tactics of mendacity and secrecy are specifically designed to make such matters of common knowledge difficult to prove. If the Smith Act is finally held to be valid, as the court of appeals for the second circuit has held it to be, then there is no necessity for section 4 (a) of the bill, which would be much more difficult to enforce.

THE REGISTRATION PROVISIONS

It is the registration requirements of sections 1 to 17 that have attracted the most attention. Many people have been intrigued with the idea that all Communists and allied organizations should register themselves and disclose all of their activities. I will demonstrate that this is a naive, dangerous, and completely impractical proposal.

Section 7 of the bill would require Communist-controlled organizations and Communist-front organizations to register and to file annual reports with the Attorney General. These registration statements and reports would include detailed data as to income and expenditures. In addition, Communist-controlled organizations would be required to file current membership lists, while section 8 requires a member of such an organization which has registered to register himself as such with the Attorney General if the organization omits his name from the list which it files with the Attorney General.

Where an organization does not register, and the Attorney General has reason to believe that it should register, he is to commence a proceeding before the Subversive Activities Control Board (established by sec. 13) to require it to register. After a formal proceeding to be conducted in accordance with the Administrative Procedure Act, the Board may order the organization to register. Section 14 (e) and (f) sets forth criteria to be applied by the Board in determining whether an organization is a Communist-controlled organization or a Communist-front organization. The Board's order is subject to review by the Court of Appeals for the District of Columbia and, on certiorari, by the Supreme Court, and the Board's order shall be final if supported by the preponderance of the evidence.

But this is more than a registration or disclosure requirement. In addition, it imposes various penalties upon registered organizations (and organizations finally required to register). Thus, it excludes from Government service, and denies passports to, all members of Communist-controlled organizations; also, it requires both Communist-controlled organizations and Communist-front organizations to label all of their publications and their wrappers "Disseminated by ——— a Communist organization," and their radio programs must be identified in similar fashion. In addition, contributors to either type of organization are denied deductions of such contributions for income-tax purposes and the organizations themselves are denied income-tax exemption under section 101 of the Internal Revenue Code. Finally, section 22 requires the deportation and exclusion of, and the denial of naturalization to, aliens who are members of or affiliated with such organizations. We do not at this point criticize any of these penalty provisions as such, but we emphasize that they make the registration provisions more than mere disclosure provisions and that this has legal and practical consequences.

Since registration (or a finally determined obligation to register) invokes these sanctions against organizations and their members, section 14 (e) (f) provides detailed standards or criteria to be applied by the Subversives Activities Control Board in determining whether an organization is a Communist-controlled organization or a Communist-front organization. We believe that in view of the consequences of registration such standards are necessary and that opportunity for hearing is required. At the same time, the draftsmen were faced with another real problem—and that was to provide standards or criteria flexible enough to cope with the mendacity and chicanery with which Communists cloak their true purposes and activities. To meet this problem in the bill which was passed by the House 2 years ago (H. R. 5832, 80th Cong., 2d sess., sec. 3 (3) and (4)), it was provided that the Attorney General (instead of a board as in the present bill) should make these determinations by the following formula: "having regard to some or all of the following considerations," followed by a series of criteria or standards each of which was prefaced by the words "the extent to which"; applying those criteria, the Attorney General was to determine "it is reasonable to conclude" that the particular organization is a Communist-controlled organization or a Communist-front organization. Generally speaking, these criteria in H. R. 5832 were the same as those in section 14 (e) and (f) of the present bill, at pages 28–31.

During the 1948 hearings before the Senate Committee on the Judiciary on H. R. 5832, Messrs. Charles Evans Hughes, Jr., John W. Davis, and Seth W. Richardson condemned these standards to be applied by the Board as unconstitutionally vague. The standards in section 14 (e) and (f) of the present bill have been slightly redrafted, but they clearly do not meet the criticism of these distinguished lawyers. The core of their criticism of H. R. 5852 related to the words "having regard to some or all of the following considerations," referring to criteria each of which began with the words "the extent to which," to be applied by the Attorney General in determining whether "it is reasonable to conclude," etc. It is difficult to find any appreciably greater definiteness in the provision of section 14 of the present bill that in determining whether any organization is a Communist-controlled organization or Communist-front organization, "the Board shall take into consideration the extent to which" the enumerated factors are present. Thus, there remains the essence of their objections—that the Board is free to determine solely from a certain amount of secrecy within the scope of paragraph (7) of section 14 (e) that an organization is a Communist-controlled organization—although, as Mr. Davis and Mr. Richardson pointed out, this element of secrecy is far from being decisively relevant on the issue of foreign control which is the heart of the definition of a Communist political organization in section 3 (3).

Similarly, section 14 (f) apparently leaves the Board free to classify as a Communist-front organization any organization which is promoting any political objective which is also being promoted by any Communist-controlled organization or Communist foreign government (i. e., the Communist Party of the United States or the Soviet Union). It seems clear, therefore, that the Board could base such a determination upon the fact that an organization opposed United States policy in Korea or favored a prohibition against the use of atomic weapons—since such views coincide with those of the Communist Party and the Soviet Union.

Thus, if Messrs. Hughes, Davis, and Richardson were correct in their views, then the registration requirements based upon the standards of section 14 (e) and (f) are invalid.

In any event, it is this great discretionary power to be vested in a Subversive Activities Control Board that is so dangerous to freedom of speech and press. An organization which espouses one or two unpopular issues which happen to coincide with a part of the Communist Party line can be ruined by public and official classification as a Communist organization. There are people who are quick to take advantage of a time of national concern to brand as Communist or Red those who advocate, for example, minority causes which Communists also support for purposes of disruption. Never before have we given to any administrative officer powers of censorship capable of such terrible abuse.

The above considerations would apply even if sections 1 to 17 were simple disclosure requirements. But they are much more than disclosure requirements—they are designed to smash the organizations subjected to the disclosure requirements. We cannot say too often that this bill is not confined to the Communist Party; it can be applied to any organization which the Board may determine, by flexible and alternative standards, and possibly in a period of hysteria, is a Communist-front organization. This portion of the bill uniquely combines registration requirements with various penalties applicable to registered organizations and their members. For example, suppose an organization

advocates a ban on the use of atomic weapons. Such advocacy may embody genuine religious convictions and reflect the highest moral values of our civilization. On the other hand, in view of the history of the Communist-inspired Stockholm resolution and in the light of recent events, it is not unreasonable to require disclosure of the activities of an organization advocating a policy which is also favored by the Soviet Union and its Communist allies everywhere. Thus, even a simple registration requirement requires affirmative justification to take it out of the general rule against prior restraints, and it is assumed that such justification exists. However, the danger to freedom is greater, the first-amendment problem correspondingly more difficult here since, in addition to registering, the organization advocating a ban on the use of atomic weapons might be required to label its publications as "Disseminated by ———, a Communist organization," and be deprived of its tax exemption.

However, assuming that the registration requirements of S. 2311 are constitutional, it is entirely clear that they are completely impracticable in that they cannot be enforced within any reasonable period of time. If these registration provisions could really be effective in achieving their purpoe, perhaps we should take our chances on the constitutional questions. The practical problem is this: While section 16 provides criminal penalties for failure to register under sections 7 and 8, those sections are not self-executing. Failure to register is not punishable until the Subversive Activities Control Board (created by sec. 13) has issued a final order requiring a particular organization or individual to register. Such an order may be issued by the Board only after a formal administrative hearing in accordance with section 14 and the Administrative Procedure Act. Such a Board order is subject to review by the Court of Appeals for the District of Columbia and, upon certiorari, by the Supreme Court, and the Board's order is to be sustained if supported by the preponderance of the evidence. In these administrative proceedings before the proposed Subversive Activities Control Board, the Department of Justice would be required to prove that a particular organization was a Communist-controlled organization, as defined in section 3 (3), or a Communist-front organization as defined in section 3 (4). Only a reading of the various criteria set forth in section 14 (e) and (f) can indicate the extremely wide range of evidence which would be relevant in such a hearing. Since the Board must take into consideration all of the enumerated factors, an organization must be allowed to introduce evidence relating the existence or nonexistence of all such factors. Prolonged trials and hearings, such as the trial last year before Judge Medina, have taken place on the relatively narrow issue of advocating the overthrow of the Government by force and violence. We must face the fact that none of the organizations with which we are really concerned will register voluntarily under S. 4037. No one registered under the Voorhees Act, and the leaders of the Communist Party of the United States have publicly announced that they will not register under S. 4037. The real Communist-controlled and Communist-front organizations will exhaust all possibilities of hearing and judicial review.

It is conservative to estimate that if S. 4037 becomes law at least 2 years would be required to obtain a final order requiring an organization to register or exposing it and its officers to criminal penalties for failure to register. It is also important to note that none of the provisions of S. 4037 dealing with exclusion from Federal employment (sec. 5), denial of passports (sec. 6), labeling of publications and radio broadcasts (sec. 11), and denial of tax exemptions and deductions (sec. 12) become applicable to an organization and its members until it has registered or there is a final order of the Board requiring it to register. In brief, there would be created a Subversive Activities Control Board and its staff, together with a prosecuting staff within the Department of Justice, which would labor for at least 2 years before any of the objectives of the bill could be accomplished. And even then, if the real Communist organizations still fail to register, as they probably will, the net result of 2 years' work will be a series of criminal prosecutions for failure to register, and, allowing for appeals, no one would actually be fined or imprisoned for about 4 years after the enactment of S. 2311. Actually, we would not even get to the point of actual registrations in compliance with the bill or of actual punishment for failure to comply. For each organization finally required to register will simply dissolve, reconstitute itself with a new name and new officers as window dressing, and the dreary process must begin anew. Let everyone who is concerned about the real menace of communism be aware that this bill will accomplish only two things—(1) enrich the lawyers who defend Communists and their allies and (2) harass the unfortunate Department of Justice which must try to enforce it. This bill presents easy possibilities for evasion. Just as the Communist Party of Canada changed itself to the Labor Progressive Party, so the American Communist Party can change its name as often as may be necessary to avoid compliance with this bill.

THE SANCTIONS INCIDENT TO REGISTRATION

Even if we assume that these registration provisions are practical, in the sense that within 2 or 3 years they can be applied to the Communist Party and a few other organizations, what will be accomplished?

Section 5 would exclude from the Government service members of Communist political organizations registered or finally required to register under the bill. But Communists and fellow travelers are already excluded from the Federal service under the President's loyalty program—and without going through several years of legal proceedings. Again, I do not understand the utility of this provision in the light of the bill which Congress has just passed extending the power of summary discharge for security reasons to most of the Executive branch of the Government.

Section 6 would deny passports to members of Communist political organizations. But this is already done under existing law without legal proceedings, as evidenced by the recent denial of a passport to Paul Robeson. Fraud in obtaining a passport may be punished under existing law, as in the case of Earl Browder. Again I ask, who are we fooling that this accomplishes anything new?

Section 12 provides when an organization is registered as a Communist-controlled organization or as a Communist-front organization, it shall not be entitled to exemption from income tax under section 101 of the Internal Revenue Code, and contributions to such organization cannot be used by the donors as deductions for income-tax purposes. I can only say that this provision is unnecessary. Since February 1948, the Bureau of Internal Revenue has denied such deductions and exemptions with respect to organizations listed by the Attorney General under Executive Order No. 9835, the loyalty order. Example of such denials by the Bureau are the International Workers Order, the Joint Anti-Fascist Refugee Committee, and the National Council of American-Soviet Friendship. Again, I say let us not pretend that this provision accomplishes any new result.

Now what else would be accomplished by these registration requirements? It is contemplated that they will bring about the disclosure of much information concerning the organizations, and that the organizations would be required to label all of their publications "Disseminated by ———, a Communist organization". I call attention to the simple fact that no real Communist organization is going to register voluntarily under this bill, any more than they did under the Voorhis Act. So years of legal proceedings must take place before they are finally required to register. And at that point, as I have already stated, the organizations will simply dissolve and appear in a new form, and the Attorney General and the Board can begin again. Again I say, let us oppose aggressive and subversive communism, but let us not deceive ourselves that these registration provisions can be effective.

SECTION 8 AND SELF-INCRIMINATION

Finally, I wish to call attention to the fact that section 8 obviously involves compulsory self-incrimination in violation of the Fifth Amendment. Section 8 requires a member of a Communist-controlled organization which has registered to register himself as such with the Attorney General if the organization omits his name from the membership list which it filed with the Attorney General. It is assumed that this was intended as a check upon the completeness of the membership list filed by the organization. However, insofar as section 8 would require a member of the Communist Party to register himself as such, it presumably violates the command of the fifth amendment that "no person * * * shall be compelled in any criminal case to be a witness against himself."[1] Self-incrimination problems are created not only by the prohibition of section 4 (a), but also by the fact that the Smith Act makes criminal membership or affiliation with knowledge of its purposes in any organization which advocates or teaches the overthrow or destruction of any American Government by force or violence. It is like requiring thieves to register as such.

In view of the definition of Communist-controlled association in section 3 (3), which incorporates the totalitarian objectives of communism as set forth in section 2, it could scarcely be denied that requiring a man to identify himself as a member of such an organization would tend to incriminate him under the prohibition of section 4 (a) against conspiring, etc., to perform any act which would substantially contribute to the establishment of totalitarian dictatorship under foreign control. Since section 8 was not in H. R. 5852, it was not commented upon by the distinguished lawyers whose views were obtained by the Senate Committee on the Judiciary in 1948. However, in Mr. Davis' letter of February 10, 1950, he commented:

"Would mere membership in a Communist political organization which is duly registered or required to register, constitute an act such as section 4 (a) proscribes? If so, is there not inherent contradiction between these sections and might not a person called on to register as a member claim that he would involuntarily incriminate himself by so doing?"

S. 2311 attempts to meet the problem pointed out by Mr. Davis by providing, in section 4 (f) that—

"Neither the holding of office nor membership in any Communist organiaztion by any person shall constitute a violation of subsection (a) or subsection (c) of this section. The fact of the registration of any person under section 7 or section 8 of this act as an

[1] As the report of the Senate Committee on the Judiciary, S. Rept. 1358, 81st Cong., 2d sess., p. 21, states, *United States* v. *White* (1944), 322 U. S. 694, probably means that an organization such as the Communist Party can be required to file a list of its members without violating the purely personal privilege of its members against self-incrimination.

officer or member of any Communist organization shall not be received in evidence against such person in any prosecution for any alleged violation of subsection (a) or subsection (c) of this section."

It is clear that this provision is an inadequate substitute for the constitutional privilege against self-incrimination. *Counselman* v. *Hitchcock* (142 U. S. 547) stands for the proposition that incriminating testimony may be compelled only in exchange for complete immunity from prosecution on the matters to which the testimony relates—and that a provision which merely provides that the compelled testimony may not be used against the witness is insufficient. The further provision of section 4 (f) that neither the holding of office or membership in a Communist organization shall constitute a violation of section 4 (a) is also insufficient because compelled disclosure of membership could be a lead to other evidence of violation of section 4 (a). And, of course, section 4 (f) does not even purport to avoid self-incrimination in relation to the membership clause of the Smith Act.

It should also be noted that the report of the Senate Committee on the Judiciary (S. Rept. 1358) on S. 2311 cites *Shapiro* v. *United States* (335 U. S. 1 (1948)) for the proposition that the individual registration requirements of section 8 do not involve self-incrimination. In the Shapiro case the defendant was required by subpena duces tecum to produce various business records which he was required to keep by OPA regulations. In rejecting his claim of self-incrimination the Supreme Court, in a 5-to-4 decision, held that the privilege did not extend to records required to be kept as incident to a scheme of Government regulation. Presumably the Shapiro case must be read in that context and thus is no authority for the proposal that Communists can be required to register as such under a statute which, in section 4 (a), is obviously intended to result in criminal prosecution of Communists.

It is well established that compelled testimony need not occur during a criminal proceeding against the witness. *Counselman* v. *Hitchcock*, supra. It seems to have been accepted that while a criminal must at least file an income-tax return, he cannot be required to disclose incriminating information in the return. *United States* v. *Sullivan* (274 U. S. 259); *Shushan* v. *United States* (117 F. 2d 110 (C. A. 5)), certiorari denied (313 U. S. 574), rehearing denied (314 U. S. 706). So, here, required registration may be the occasion of compulsory self-incrimination. I think it is clear, therefore, that the registration requirements of section 8 are unconstitutional as involving compulsory self-incirimnation with respect to section 4 (a) and the Smith Act.

SUMMARY

In brief, let us, without hysteria and with an eye on the facts, consider what sections 2–17, the Mundt-Ferguson provisions, will accomplish. Section 4 (a) is unconstitutional. It is more difficult to enforce than the Smith Act. It is superfluous in the light of the Smith Act.

The registration provisions are impracticable and unenforceable. I invite any Senator to explain how these provisions can be enforced effectively and within a reasonable time. And even if they could be enforced, most of the results or consequences of registration are already being accomplished under existing law.

Finally, the individual registration requirements of section 8 are clearly unconstitutional as involving compulsory self-incrimination in violation of the fifth amendment.

These provisions can accomplish nothing but danger to the civil liberties of the American people. They will not check Communist fifth-column tactics. Because they are completely ineffective, I hope that the Senate will reject them.

Mr. President, I now wish to invite to the attention of the Senate certain observations on sections 18 through 21 and 23. These sections embody the recommendations of President Truman relating to internal security.

I include at this point in the RECORD the President's message which was sent to the Senate and the House of Representatives on August 8, 1950:

"To the Congress of the United States:

"I am presenting to the Congress certain considerations concerning the steps we need to take to preserve our basic liberties and to protect the internal security of the United States in this period of increasing international difficulty and danger. We face today, as we have always faced in time of international tension, the question of how to keep our freedom secure against internal as well as external attack, without at the same time unduly limiting individual rights and liberties.

"Throughout our history as a Nation, our people have always—and properly—been wary of Government action which limited personal liberty. At the time our Constitution was being debated, there was considerable fear that it did not properly safeguard the exercise of individual freedom. As a result, the first 10 amendments to the Constitution—the Bill of Rights—were adopted, in order to make sure that the Federal Government would not infringe upon the free exercise of religion, freedom of speech, freedom of the press, the right of peaceable assembly, and the other basic rights which are essential in a free society. The Bill of Rights was then, and remains today, a stirring embodiment of our democratic ideals—an inspiration to free men everywhere and to those who would be free.

"At the same time, the Bill of Rights was not intended to prevent the Government from maintaining our Nation's integrity against subversion or attack. For example, the right of the people to keep and bear arms, which is guaranteed in the Bill of Rights, obviously gives no license for the building up of an armed revolutionary movement within our borders.

"Accordingly, the Government has enacted laws from time to time against espionage, sabotage, and other internal threats to our national safety. Each of these laws necessarily places some restrictions on individual liberty, for the protection of the Nation.

"It has always been difficult to draw the line between restrictions which are proper because they are necessary for internal security and restrictions which are improper because they violate the spirit or the letter of the Constitution. It is clear that on certain occasions that line has been overstepped.

"Soon after our Government began functioning under the Constitution, there was enacted, in 1798, the group of legislative acts known as the alien and sedition laws. These laws were ostensibly designed to prevent activities which would undermine the Nation's safety and independence. But in fact they were broad enough—and were used—to imprison many leading citizens, including a Member of Congress, who expressed disagreement with the policies of the administration then in office.

"The alien and sedition laws were so repugnant to the free spirit of our people that they played an important part in the disappearance of the Federalist Party, which sponsored them, and the objectionable features of these laws were shortly repealed or allowed to expire. That experience taught us a great lesson: that extreme and arbitrary security measures strike at the very heart of our free society, and that we must be eternally vigilant against those who would undermine freedom in the name of security.

"Since the time of the alien and sedition laws, there have been recurrent periods—especially in wartime—when the safety of our Nation has been in danger. Each of these occasions has confronted us with a new set of conditions, to which we have had to adjust our internal security laws and procedures.

"At the same time, each of these periods of danger has been seized on by those who, in good faith or bad, would severely limit the freedom of our people in a misguided attempt to gain greater security. As we look back now, we can see that there have been certain times when we have, to some extent, repudiated our own ideals of freedom in an excess of zeal for our safety. Nevertheless, it is a tribute to the strong faith and common sense of our people that we have never for long been misled by the hysterical cries of those who would suppress our constitutional freedoms.

"The present period is one of the times in which it has been necessary to adjust our security measures to new circumstances. The particular danger which we have had to meet has been created by the rise of totalitarianism—first the totalitarianism of the right, and now that of the left.

"Today, we face most acutely the threat of the Communist movement, international in scope, directed from a central source, and committed to the overthrow of democratic institutions throughout the world.

"The major danger from the Communist movement lies in its use of armed force and the threat of aggression through which it is trying to establish its control over free nations. To meet this danger, we are working vigorously with other free nations to build a strong and effective common defense.

"Communist imperialism also seeks to weaken and overthrow free nations by working within their borders.

"Through their own political parties, and by trying to make alliances with non-Communist political groups, the Communists attempt to gain political power. The best defense against this aspect of the Communist threat is a vigorous, functioning democracy which succeeds in meeting the needs of its people. A vigilant people, who exercise their democratic rights to keep their government active in the interests of all, can defeat the efforts of Communists to attain electoral power.

"In the United States, the Communist Party has never received more than a minute portion of the national vote. The good sense of the American people, and their faith in democracy, have utterly rejected the false political appeal of communism.

"As a part of their campaign to weaken free nations from within, the Communists try to infiltrate and gain control of the most vital citizens' organizations such as unions, associations of veterans, business groups, and charitable, educational, and political societies. In this country, these attempts have—with few exceptions—been successfully thwarted by the common sense and hard work of the members of those organizations, who have defeated the Communists through democratic processes, or forced them into isolated groups which are clearly and definitely identified as Communist-controlled.

"The success of our labor union members and leaders in exposing and eliminating Communists who had managed to gain positions of authority in the labor movement is particularly noteworthy. This demonstrates that open and public democratic processes provide the most effective way to prevent Communists from dominating the activities and policies of private groups in our country.

"If the Communists confined their activities in this country to the open and public channels of the democratic process, we would have little concern about them. But they do not so limit their activities. Instead, to serve the ends of a foreign power, they engage in espionage, sabotage, and other acts subversive of our national safety.

"To protect us against activities such as these, we must rely primarily upon Government action. We must have effective internal security measures to prevent acts which threaten our national safety.

"These measures must be accurately devised to meet real dangers. They must not be so broad as to restrict our liberty unnecessarily, for that would defeat our own ends. Unwise or excessive security measures can strike at the freedom and dignity of the individual which are the very foundation of our society—and the defense of which is the whole purpose of our security measures.

"In considering the laws that are needed to protect our internal security against Communist activities, we should remember that we already have tested legal defenses against treason, espionage, sabotage, and other acts looking toward the overthrow of our Government by force or violence. Strong laws exist on the statute books, a number of them enacted or strengthened in recent years, under which we have proceeded and are proceeding vigorously against such crimes.

"The treason laws make it a crime for anyone owing allegiance to the United States to levy war against his country, to give aid and comfort to its enemies, or to conceal knowledge concerning treasonable activities.

"The espionage laws make it a crime to gather, give, receive, or transmit documents or similar materials concerning the national defense of the United States with intent or reason to believe that they are to be used against the interest of the United States. Furthermore, these laws make it a crime for anyone who has national defense information to communicate it to any person not entitled to receive it.

"The sabotage laws make it a crime for anyone, with intent to interfere with the national defense, to attempt to injure or destroy any material, premises, or utilities which are important to the national defense.

"There are other laws which make it a crime for two or more persons to 'conspire to overthrow, put down, or to destroy by force the Government of the United States * * * or by force to prevent, hinder, or delay the execution of any law of the United States.' There are also laws which make it a crime to advocate or teach the overthrow of the United States Government, or any State or local government, by force or violence, to organize any group for that purpose, or to be a member of such a group, knowing its purpose. In 1948, 11 of the most important leaders of the Communist Party in this country were indicted under these laws. After a long trial, all were convicted, and their conviction was affirmed by an appellate court on August 1, 1950.

"In addition to the criminal laws outlined above, there is a set of laws governing immigration, naturalization, and travel between our country and others. These laws permit the Government to exclude or deport any alien from this country who may be dangerous to our internal security, and to forbid or to regulate the travel abroad of United States citizens who may be engaged in subversive activity.

"The laws I have been describing apply to private citizens and groups. A special set of laws and procedures applies to Government employees. Here our purpose is to exclude or remove from Government service persons who may be disloyal, even though they have committed no crime, and to keep from positions of importance persons who cannot be trusted to maintain security regulations, even though they may be loyal citizens and satisfactory employees in all other respects.

"More than 3 years ago, the executive branch revised and improved its procedures for dealing with questions of employee loyalty and security. These new procedures have proved effective in protecting the Government against disloyal persons and persons whose employment constitutes a security risk.

"The various laws and procedures I have outlined make up a strong set of legal safeguards against acts by individuals and groups which strike at the internal security of the United States.

"Over the last few years, we have successfully prosecuted several hundred cases in the courts under existing internal security laws. In this process we have obtained a great deal of experience in the application of these laws. We have discovered a few defects, some of them minor and others of greater importance, in some of the existing statutes. In view of the situation which confronts us, it is important that these defects be remedied. At this time, therefore, I wish to recommend that the Congress enact certain legislation before the close of the present session.

"First, I recommend that the Congress remedy certain defects in the present laws concerning espionage, the registration of foreign agents, and the security of national defense installations, by clarifying and making more definite certain language in the espionage laws, by providing an extended statute of limitations (in place of the present 3-year statute) for peacetime espionage, by requiring persons who have received instruction from a foreign government or political party in espionage or subversive tactics to register under the Foreign Agents Registration Act, and by giving broader authority than now exists for the President to establish security regulations concerning the protection of military bases and other national defense installations.

"Second, I recommend that the Congress enact legislation permitting the Attorney General to exercise supervision over aliens subject to deportation and to require them, under the sanction of criminal penalties, to report their whereabouts and activities at regular intervals. In a number of cases, aliens under deportation orders cannot be deported because no other country will accept them. A bill pending before the Congress would permit the Attorney General in certain cases to detain such aliens in his custody for indefinite periods of time—not pursuant to a conviction for crime but on the basis of an administrative determination. Such action would be repugnant to our traditions, and it should not be authorized. Present law, however, is inadequate to permit proper supervision of deportable aliens, and should be strengthened as I have indicated.

"Under the leadership of the National Security Council, the agencies of the Government which administer our internal security laws are keeping these laws under constant study to determine whether further changes are required to provide adequate protection. If it does appear that further improvements in these laws are needed, I shall recommend them to the Congress.

"By building upon the framework now provided by our basic laws against subversive activities, we can provide effective protection against acts which threaten violence to our Government or to our institutions, and we can do this without violating the fundamental principles of our Constitution.

"Nevertheless, there are some people who wish us to enact laws which would seriously damage the right of free speech and which could be used not only against subversive groups but against other groups engaged in political or other activities which were not generally popular. Such measures would not only infringe on the Bill of Rights and the basic liberties of our people; they would also undermine the very internal security they seek to protect.

"Laws forbidding dissent do not prevent subversive activities; they merely drive them into more secret and more dangerous channels. Police states are not secure; their history is marked by successive purges, and growing concentration camps, as their governments strike out blindly in fear of violent revolt. Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.

"We must, therefore, be on our guard against extremists who urge us to adopt police-state measures. Such persons advocate breaking down the guaranties of the Bill of Rights in order to get at the Communists. They forget that if the Bill of Rights were to be broken down, all groups, even the most conservative, would be in danger from the arbitrary power of government.

"Legislation is now pending before the Congress which is so broad and vague in its terms as to endanger the freedoms of speech, press, and assembly protected by the first amendment. Some of the proposed measures would, in effect, impose severe penalties for normal political activities on the part of certain groups, including Communists and Communist Party line followers. This kind of legislation is unnecessary, ineffective, and dangerous.

"It is unnecessary because groups such as the Communists cannot accomplish their evil purposes in this country through normal political activity. They will be repudiated by the people as they have always been.

"It is ineffective because it does not get at the real dangers from the Communists in this country. These dangers come, not from normal political activity, but from espionage, sabotage, and the building up of an organization dedicated to the destruction of our Goverment by violent means—against all of which we already have laws.

"This kind of proposed legislation is dangerous because, in attempting to proscribe, for groups such as the Communists, certain activities that are perfectly proper for everyone else, such legislation would spread a legal dragnet sufficiently broad to permit the prosecution of people who are entirely innocent or merely misguided. As far as the real conspirators against our institutions are concerned, such legislation would merely have the effect of driving them further underground and making it more difficult to reach them. Furthermore, if such legislation were held unconstitutional, as it well might be, it would make martyrs out of our worst enemies and create public sympathy for them.

"Extreme proposals of this type reflect the widespread public concern about communism which most of our people feel today. In some communities, this concern has resulted in the enactment of unnecessary or unconstitutional laws or ordinances designed to suppress subversive activity.

"We must not be swept away by a wave of hysteria.

"It is natural, perhaps, to think that we can wipe out the dangers which confront us by passing a law. But we cannot get rid of communism just by passing a law. We must, of course, have effective legal defenses, but the principal protection of a free society against subversion is an alert and responsible citizenry dedicated to the advancement of freedom through democratic means.

"This is the way to build real security for our country—and every citizen can help. Everyone in public life has a responsibility to conduct himself so as to reinforce and not undermine our internal security and our basic freedoms. Our press and radio have the same responsibility. Private groups of all kinds, and citizens in their daily work and in their homes, are equally concerned with the question of protecting our liberties and our national security. We must all act soberly and carefully, in keeping with

our great traditions. This is important not only to our own country, but to the success of the cause of freedom in the world.

"Throughout the world, communism is seeking to discredit our system of constitutional liberties. The Communists know that the leadership and good will which our Nation enjoys arise in great measure from the fact that men here have the blessings of liberty. Conequently, the propaganda of communism is devoted to a bitter and unceasing attempt to blacken and distort our national character and our way of life.

"This propaganda is a formidable threat to the unity of the free nations in working for peace. The best answer to it is not words but deeds. We must demonstrate that we are a country in which men can live together and advance together as a free society. This alone can prove the falseness of the Communist attack. It would be tragic in the highest degree if we were to frighten ourselves into destroying those very liberties which are the basis of our moral leadership in the struggle for peace.

"I am determined that the United States shall be secure. I am equally determined that we shall keep our historic liberties.

"Success in achieving both these objectives if of exceptional importance in the present period of international tension. For by our actions, we must maintain the United States as a strong, free people, confident in our liberties, and moving forward with other free peoples to oppose aggression and to build a just peace for all mankind.

"HARRY S. TRUMAN.

"THE WHITE HOUSE, *August 8, 1950.*"

Mr. President, before continuing with my remarks on sections 18 through 21 and 23, I include at this point in the RECORD a letter written by the Honorable J. Howard McGrath, Attorney General, to the senior Senator from Illinois [Mr. LUCAS] concerning S. 4037:

AUGUST 26, 1950.

Hon. SCOTT W. LUCAS,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: I am writing to you concerning S. 4037, known as the McCarran bill, which will shortly be considered by the Senate.

As you know, sections 18, 19, 20, 21, and 23 of that bill generally embody the President's recommendations for strengthening existing laws with respect to national security. Sections 18–21 are derived from S. 595 (the internal security bill proposed by the executive branch) which as H. R. 4703 has already passed the House of Representatives by an overwhelming vote. These sections considerably broaden and tighten up the espionage laws, extend the statute of limitations under the espionage laws from 3 to 10 years, extend the Foreign Agents Registration Act to cover persons with foreign training in espionage or sabotage, and give to the Secretary of Defense broad powers to issue regulations protecting defense installations from sabotage.

The provisions which I have described conform to the President's recommendations except in one important respect. Section 21 of of S. 4037 (the McCarran bill) omits a provision of S. 595, as passed by the House, which would have authorized the President, in time of war or national emergency, to extend the antisabotage provisions of that section "to such property and places as the President may designate * * * in the interest of national security." The restoration of this provision would serve the important purpose of enabling the President to provide for the exclusion from any industries or facilities relating to the national security of any persons suspected of a purpose to engage in sabotage or espionage. You will note that H. R. 9490 (another version of the Mundt-Ferguson provisions) as recently reported by the House Committee on Un-American Activities, provides for the exclusion from employment in "defense plants" designated by the Secretary of National Defense of any person who is a member of a Communist-controlled or Communist-front organization registered or required to register under what is section 7 of S. 4037 (the McCarran bill). As I shall point out, these registration provisions will not be operative for a considerable time, if ever. What is needed is authority to take preventive action against the specific danger of sabotage without prolonged legal proceedings. The authority requested by the President, and which I hope will be restored in S. 4037, will provide the tools for this necessary job.

Section 23 of the McCarran bill is derived from H. R. 10 (the Hobbs bill) and deals with the problem arising out of the fact that many aliens under final orders of deportation cannot actually be deported because no other country will receive them. Section 23, in accordance with the President's recommendation, provides the Attorney General with new powers of supervision over such aliens which in my judgment will be sufficient to cope with the problem. As you know, the President in his recent message to the Congress strongly opposed any provision for the indefinite detention of such aliens. I should also like to add that in my opinion the provision for criminal penalties recommended by the President, and set forth in section 7 of S. 4061 will be more enforceable than the corresponding paragraph (c) of section 23 of S. 4037 (the McCarran bill) and I urge that it be substituted for the latter provision.

With these changes, sections 18 through 21 and section 23 of S. 4037 (the McCarran bill) will embody all of the recommendations of the Interdepartmental Intelligence Committee consisting of representatives of the military intelligence services and the Federal Bureau of Investigation. If enacted into law, they will provide the additional weapons which we need to deal with fifth column tactics, while leaving intact our constitutional liberties.

Sections 1 through 17 of S. 4037 embody the provisions of S. 2311, better known as the Mundt-Ferguson-Johnston bill. Since I am sure that you are familiar with the constitutional problems posed by these provisions, I shall only state that in my judgment they will be completely ineffective to accomplish their purpose. They will be ineffective because the registration provisions, upon which most of the other provisions are hinged, will not apply to any Communist organization until after prolonged administrative and judicial proceedings. When, finally, an organization is required to register, it will in all probability dissolve itself, then reappear with a new name and new officers. Even if this registration process could be made effective, most of the penalties which would be imposed upon registered organizations and their members would be superfluous in that they are already applied under existing law. Communists and fellow travelers are already excluded and removed from Federal employment under the President's loyalty program, the State Department denies passports to Communists, and the Bureau of Internal Revenue withholds tax exemptions and deductions from subversive organizations and their contributors—and all this without going through the cumbersome procedures of the Mundt-Ferguson provisions. Thus, the net result of these procedures will be meager in contrast with the staggering and perhaps futile enforcement burden which would be placed upon the Department of Justice.

Also, I wish to point out that section 22 of the McCarran bill, embodying the objectives of S. 1832, would change the laws governing the exclusion and deportation of aliens in respects that will probably create serious problems in the conduct of our foreign relations. I trust that these proposed changes will receive the most careful consideration.

Finally, it must be assumed that these provisions will have the effect of hastening the present tendency of the Communist Party to go underground. In this connection, I wish to call your attention to a paragraph contained in the Department's report to the Judiciary Committee of the Senate on an earlier form of this legislation.

"Outlawing of the Communist Party appears to this Department to be unwise, even if doubts as to the constitutionality of such a step were removed. Outlawing would materially increase the Department's problem of law enforcement. Whereas the Communist Party, to some extent, now operates on the surface, if this bill becomes law it will be forced underground where surveillance of its activities will become increasingly difficult. Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation of this Department, in his testimony before the House Un-American Activities Committee in March 1947, admonished that he would hate to see a group that does not deserve to be in the category of martyrs have the self-pity that they would at once invoke if they were made martyrs by some restrictive legislation that might later be declared unconstitutional'."

The present world situation requires the prompt enactment of practical and constitutional legislation which will give to the Department of Justice adequate weapons to deal with the precise dangers which we face, while preserving our traditions of personal liberty. We in the Department favor the general purpose of this type of legislation, but we do not feel that there is time enough remaining for novel experiments in law enforcement over a period of years, with doubtful, meager, and inadequate results.

Yours sincerely,

J. HOWARD MCGRATH,
Attorney General.

Mr. President, I have offered an amendment to section 21 to add a new paragraph (c). The purpose is as follows:

Section 21 generally empowers the Secretary of National Defense or any military commander designated by him to promulgate regulations or orders for the protection or security of various military installations, including "the ingress thereto or egress or removal of persons therefrom." This provision would permit the exclusion from such installations of any person suspected of a purpose to commit sabtage or espionage. This provision is derived from S. 595. However, it omits a provision of S. 595 as passed by the House of Representatives which would have authorized the President, in time of war or national emergency, to extend the antisabotage provisions of the section "to such property and places as the President may designate in the interest of national security." My amendment would restore this provision to serve the important purpose of enabling the President to provide for the exclusion from any industries or facilities relating to the national security of any persons suspected of a purpose to engage in such activities as sabotage. I call attention to the fact that H. R. 9490 (another version of the Mundt-Ferguson provisions) as passed by the House of Representatives on August 29, provides for the exclusion from employment in "defense plants" designated by the Secretary of National Defense of any person who is a member of a Communist-controlled or Communist-front organization registered or required to register under what is section 7 of the McCarran bill. It has already been pointed out that these registration provisions will not be operative for several years, if ever. What is needed is authority to take preventative action against the specific danger of sabotage without prolonged legal proceedings under the registration provisions of the bill. This is another example of the

futility of attempting to accomplish the precise things which really need to be done through sweeping registration provisions enforceable, if at all, only in prolonged legal proceedings. The authority requested by the President, and embodied in my amendment, can be exercised swiftly to deal with this particular problem and I urge that it be restored to the bill.

Mr. President, certain amendments have been offered to section 23 on page 60. My purpose in supporting these amendments is as follows:

Section 23, which is derived from H. R. 10, has already dropped the provision of H. R. 10 which would have authorized the Attorney General to detain indefinitely aliens subject to orders of deportation but who could not actually be deported because no country would receive them. It is proposed to delete the words "and detention" on line 11 of page 60 because they are no longer relevant in view of the present form of the bill.

The proposed amendment to line 22 and 23 of page 60 is, as it is proposed, to give the Attorney General a flexible power to designate the officer before whom such aliens must appear. In security cases, it might be desirable to require an alien to report to some official other than an officer of the Immigration and Naturalization Service. This change is also consistent with the recent reorganization plan relating to the Department of Justice which vests the functions of the Department in the Attorney General rather than in particular subordinated.

Mr. President, I have offered another amendment to section 23 on pages 61 to 63.

The purpose of this amendment is to substitute a simple penalty provision for the complicated penalty provisions contained in paragraphs (b) and (c) of the bill as presently written. It seems clear that the present paragraph (c) is simply an indirect attempt to provide for that indefinite detention of aliens which is so abhorrent to our traditions of due process. In any event, the problems of proving that an alien had connived or taken any other action designed to prevent or hamper his departure might well make such provisions worthless in practice.

Mr. President, there are two other major sections of S. 4037, the so-called catch-all subversives bill which I believe should be eliminated from this bill in the interest of good, workable legislation.

First, I shall discuss section 25, and give reasons why I believe it should be deleted from the pending bill.

Section 25 would amend section 305 of the Nationality Act (8 U. S. C. 705) in significant respects. It would prohibit the naturalization of any alien who is or has been within the preceding 10 years either (1) a member of or affiliated with any Communist-controlled organization registered or required to be registered under section 7, or (2) an advocate of, or a member of, an organization advocating the economic and governmental doctrines of any form of totalitarianism. In effect, this would deny citizenship to any alien who within the preceding 10 years had been a member of the Communist Party of the United States, or, for example, a supporter of the Franco government in Spain.

It is further provided that any alien who is or has been within 10 years a member of a Communist-front organization registered or required to register under section 7 shall be presumed to be a person not attached to the principles of the Constitution and not well disposed to the good order and happiness of the United States, and unless he rebuts this presumption he shall not be naturalized. It is further provided that this shall not apply to any member of a Communist-front organization who completely terminates his membership or affiliation with it within 3 months from the date on which it is registered or required to register under section 7. I assume that this proviso was intended also to apply to those aliens who have so terminated their connection before that date, and I urge that the section be amended to so provide explicitly.

Section 25 would add an entirely new provision to the effect that if any person who becomes naturalized after January 1, 1951, shall become a member of or affiliated with a Communist-controlled organization or a member of a Communist-front organization made subject to section 7, it shall be considered prima facie evidence that he was not attached to the principles of the Constitution nor well disposed toward the United States at the time of naturalization and, in the absence of countervailing evidence, it shall be sufficient for the revocation of his citizenship. This presents an important question of whether naturalized citizens can or should be deprived of rights of association and expression which even this bill allows to other citizens. Again, it would be one thing to base such a presumption for denaturalization upon membership in the Communist Party itself; however, I urge that the precious gift of American citizenship should not be revocable, even presumptively, merely upon the basis of membership in an organization found to be a Communist-front organization by administrative officers applying the loose and equivocal standards of section 14 of the bill.

In any event, the naturalization provisions just discussed would remain academic while the proposed Subversive Activities Control Board and the Department of Justice struggle through several years of administrative and judicial proceedings seeking to subject organizations to the registration provisions of section 7.

The other section of S. 4037 which I believe should be eliminated is section 28.

Mr. President, section 28 would provide that an employee of the Immigration and Naturalization Service must conduct a personal investigation of each applicant for naturalization in the vicinity of his places of residence and employment for the preceding 5 years. I am advised that last year there were about 70,000 naturalizations, and the Service considered it necessary to conduct such neighborhood investigations in about 5 percent of the cases. It may be that such investigations are desirable in all cases, but if it is required, then the Service will need many additional employees or the naturalization process will be seriously delayed.

Section 28 also contains the very unique provision that when the recommendation of the Immigration Service employee designated to conduct the preliminary examination upon a petition for naturalization, differs from the recommendation of the Commissioner of Immigration, his superior, the recommendations of both such employee and the Commissioner shall be submitted to the Naturalization Court. This requirement is clearly inconsistent with good administration. It would seem to be obvious that the Immigration Service can develop a uniform administrative policy with respect to naturalization only if the views of the Service are embodied in a single recommendation which reflects both the views of the individual investigator and the over-all policy of the Service. No good purpose can be served by trying to put a subordinate officer of the Service against his superior in the proceedings in the Naturalization Court.

Mr. President, from some of the discussion of this proposed legislation, one who did not know the facts might assume that this great Nation is defenseless against subversives, that we now have no laws to deal with them. I should like to review briefly the laws which we have dealing with treason, seditious conspiracy, advocating the overthrow of the Government, activities affecting the Armed Forces, the registration of foreign agents, sabotage, espionage, perjury, and making false statements, the exclusion and deportation of aliens who advocate or teach the overthrow of the Government, the removal of any disloyal Government employees, and laws in regard to passports and denial of tax deductions and exemptions of subversive groups. And I will give examples of the effective enforcement of these laws.

TREASON

18 U. S. C. 2381, embodying a constitutional definition of treason (art. III, sec. 3), provides that "whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason * * *." Since the beginning of World War II, successful prosecutions for treason have been had in the cases of Douglas Chandler (see. 171 F. 2d 921, certiorari denied, 336 U. S. 918), Robert Best, Mildred Gillars (Axis Sally), Ida D'Aquino Toguri (Tokyo Rose), Martin James Monti, Herbert Burgman, and Tomoya Kawakita. Ezra Pound was declared insane and was not brought to trial.

SEDITIOUS CONSPIRACY

18 U. S. C. 2384 provides that:

"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $5,000 or imprisoned not more than 6 years, or both."

ADVOCATING OVERTHROW OF THE GOVERNMENT

18 U. S. C. 2385 (the Smith Act or Alien Registration Act of 1940) prohibits advocating and teaching, or organizing a society or group to advocate and teach, the overthrow or destruction of any government in the United States by force or violence, or conspiracies or attempts to do either of these things. In *Dunne* v. *United States* (138 F. 2d 137, certiorari denied 320 U. S. 790 rehearing denied 320 U. S. 814, 815), the Smith Act was applied to convict 18 leaders of the Socialist Workers' Party (Trotskyite Communists). More recently, in *United States* v. *Dennis, et al.*, 11 leaders of the Communist Party of the United States were convicted on a charge of conspiracy to advocate and teach the overthrow and destruction of the Government of the United States by force and violence, and to organize the Communist Party of the United States to so teach and advocate. On August 1, 1950, the Court of Appeals for the Second Circuit affirmed this conviction and upheld the validity of the Smith Act, as the Court of Appeals for the Eighth Circuit had done in the *Dunne* case.

ACTIVITIES AFFECTING THE ARMED FORCES

18 U. S. C. 2387 provides that:

"(a) Whoever, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States:

"(1) advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

"(2) distributes or attempts to distribute any written or printed matter which advises, counsel, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States—

"Shall be fined not more than $10,000 or imprisoned not more than 10 years, or both, and shall be ineligible for employment by the United States or any department or

agency thereof, for the 5 years next following his conviction.

"(b) For the purposes of this section, the term 'military or naval forces of the United States' includes the Army of the United States, the Navy, Marine Corps, Coast Guard, Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve of the United States; and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel."

18 U. S. C. 2388 provides that:

"(a) Whoever, when the United States is at war, willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or

"Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service of the United States, or attempts to do so—

"Shall be fined no more than $10,000 or imprisoned not more than 20 years, or both.

"(b) If two or more persons conspire to violate subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in said subsection (a).

"(c) Whoever harbors or conceals any person whom he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this section, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"(d) This section shall apply within the admiralty and maritime jurisdiction of the United States, and on the high seas, as well as within the United States."

The case of William Dudley Pelley illustrates the application of 18 U. S. C. 2388. *United States* v. *Pelley* (132 F. 2d 170 (App. D. C.), certiorari denied 318 U. S. 764, rehearing denied 318 U. S. 801).

REGISTRATION OF FOREIGN AGENTS

22 U. S. C. 611, et seq. (the Foreign Agents Registration Act), provides for the registration with the Attorney General of agents of foreign principals and for the labeling of political propaganda (as defined in the statute) disseminated by such foreign agents. An important successful prosecution under this statute was that of George Sylvester Viereck. *Viereck* v. *United States* (139 F. 2d 849, certiorari denied 321 U. S. 794). More recently, Amtorg Trading Corp. pled nolo contendre to a charge of failure to register, and thereafter registered.

SABOTAGE

18 U. S. C. 2151–2156 contains detailed criminal provisions relative to sabotage. The absence of prosecution under this statute reflects that there have been no known successful attempts at sabotage in recent years.

ESPIONAGE

18 U. S. C. ch. 37 deals with espionage. While these statutes need tightening up in the respects requested by the President, they are being currently employed to prosecute Harry Gold and others who worked with spy Fuchs. Previously convictions were obtained against Judith Coplon and Valentine Gubitchev.

PERJURY AND THE MAKING OF FALSE STATEMENTS

18 U. S. C. 1621 provides that:

"Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than 5 years, or both."

18 U. S. C. 1001 provides that:

"Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

The applicability of these statutes to Communist and other totalitarian threats to the security of the United States may not be readily apparent. However, it must be understood that these are powerful weapons against the secrecy and mendacity which are the necessary cloaks of subversive activity For example the recent successful prosecutions of Alger Hiss and Harry Bridges were based upon the perjury statute. Carl Marzani was convicted under 18 U. S. C. 1001 for falsely stating to his superiors in the Government service that he had never been a Communist. *Marzani* v. *United States* (168 F. 2d 133, affirmed and reaffirmed 335 U. S. 895, 336, U. S. 922.)

Under a similar false statement provision in the passport statute (now 18 U. S. C. 1542), the Communist leader Earl Browder was convicted of making false statements to obtain a passport. *Browder* v. *United States* (312 U. S. 335.)

EXCLUSION AND DEPORTATION OF ALIENS

8 U. S. C. 137 and 155 generally provide for the exclusion or deportation from the United States of aliens who advocate or teach the overthrow by force and violence of the Government of the United States. Such advocacy at any time after entry requires the deportation of an alien. During the years 1947–50, approximately 200 Communists were excluded at the borders and seaports. 221 deportation cases based on such charges against Communists are now in process. There are outstanding orders for the deportation of about 150 Communists; the difficulty in finding a country that will accept them led to the President's request for special surveillance powers.

GOVERNMENT EMPLOYMENT

Executive Order 9835 of March 21, 1947, which is based in part upon section 9A of the Hatch Act, provides a comprehensive program for excluding and removing from the Federal civil service any person as to whom "reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States." Among the factors to be considered in making such loyalty determinations is:

"Membership in, affiliated with or sympathetic association with any foreign or domestic organization, association, movement, group or combination of persons, designated by the Attorney General as totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means."

Pursuant to Executive order, the Attorney General has designated 159 organizations as totalitarian, Fascist, Communist, or subversive, etc. The results of this program as of June 30, 1950, may be summarized in part as follows: More than 2,000,000 employees were checked by the Federal Bureau of Investigation; full field investigations were had in about 12,000 cases. One hundred and twenty-eight incumbent employees were dismissed and 102 applicants and conditional appointees were excluded from Federal employment.

The validity of the loyalty program has been sustained in the lower Federal courts and is presently before the Supreme Court in three cases.

Existing Federal statutes confer powers of summary discharge upon the Atomic Energy Commission, the Departments of State and National Defense. In addition, H. R. 7439, now pending before the President, would extend such powers to certain other agencies of the Federal Government.

PASSPORTS

22 U. S. C. 211 confers upon the Secretary of State discretionary authority to issue passports. This power may be and is used to deny passports in the interests of the United States. A recent example is the denial or cancellation of a passport to Paul Robeson.

TAX DEDUCTIONS AND EXEMPTIONS OF SUBVERSIVE GROUPS

In the administration of the tax laws the Commissioner of Internal Revenue denies exemption from income tax under section 101 of the Internal Revenue Code to subversive organizations and denies allowances of deductions in tax returns for contributions made to such organizations. The International Workers Order, the Joint Anti-Fascist Refugee Committee, and the National Council of American-Soviet Friendship are examples of organizations which have been denied such exemptions and deductions.

Mr. President, the substitute bill reaffirms the policy embodied in these existing statutes and provides for their strengthening in a number of respects in accordance with the recommendations of the President and the departments and agencies which are directly charged with the responsibility for internal security functions.

The substitute bill provides for a fine of $10,000 or imprisonment for 10 years or both, for one who gathers or transmits information relating to the national defense with intent or reason to believe that the information is to be used to the injury of the United States or to the advantage of any foreign nation; or who negligently permits the removal of information, or knows of the illegal removal of information and fails to make a prompt report, or who conspires to violate these provisions.

The substitute bill strengthens the existing laws by extending the statute of limitations on espionage and defense information cases to 10 years, and provides that in the case involving a violation by any officer, agent or employee of the United States, the statute shall not begin to run so long as he holds the position held at the time the offense was committed. And the substitute bill provides that nothing in it shall be construed to impose any limitation in the case of offenses punishable by death.

The substitute bill strengthens existing laws by providing for the registration of any person who has knowledge of, or has received instruction or assignment in, the espionage counterespionage, or sabotage service or subversive tactics of a government of a foreign country or a foreign political party; and provides that failure to register shall be a continuing offense regardless of any statute of limitation.

The substitute bill strengthens the existing laws by providing fine or imprisonment or both for the violation of any security regulation which is promulgated by the Secretary of Defense and approved by the President for the protection or security of military or naval aircraft, airports, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other equipment;

and provides for the extension of this section by a proclamation by the President in time of war to any property or places which may be designated in the interest of national security.

The substitute bill provides for the strengthening of existing laws by facilitating the deportation of aliens by the Attorney General, and provides a fine of $10,000 or imprisonment for 5 years or both for violation of this section of the bill or for any person who counsels, aids, advises, abets, or encourages any alien not to comply with the requirements imposed by this section of the bill.

In addition to these provisions for the strengthening of existing laws, the substitute bill provides a carefully worked out procedure for swift, direct, effective action against subversives whenever a national emergency requires it. The procedure is simple and clear cut. It is set forth in title 2 of the substitute bill.

Title 2 of the substitute bill first states the finding of Congress that (1) there exists a world Communist movement which in its origins, its development, and its present practice is a world-wide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental or otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide Communist political organization.

It sets forth the further findings of Congress that (2) the establishment of a totalitarian dictatorship in any country results in the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

(3) The system of government known as totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by an identity between such party and its policies and the government and governmental policies of the country in which it exists, such identity being so close that the party and the government itself are for all practical purposes indistinguishable.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, including the United States, political organizations which are acknowledged by such Communist dictatorship as being constituent elements of the world Communist movement; and such political organizations are not free and independent organizations, but are mere sections of a single world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The political organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist political organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the traditional Communist methods referred to above, and in accordance with carefully conceived plans, already caused the establishment in numerous foreign countries, against the will of the people of those countries, of ruthless Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

(10) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(11) The experience of many countries in World War II and thereafter with so-called fifth columns which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

(12) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, imminent invasion, war, insurrection in aid of a foreign enemy or other extreme emergency, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

(13) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

(14) The detention of persons who there is reasonable ground to believe may commit or conspire with others to commit espionage or sabotage is, in such a time of emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect, and defend the Constitution, the Government, and the people of the United States.

The substitute bill authorizes the President to make a public proclamation of the existence of an internal-security emergency in the event of one of the following: (1) Invasion or imminent invasion of the territory of the United States or its possessions; (2) declaration of war by Congress; (3) insurrection with the United States in aid of a foreign enemy; or (4) declaration of an internal-security emergency by concurrent resolution of the Congress; and if the President finds that the proclamation of such an emergency is essential to the preservation, protection, and defense of the Constitution and to the common defense and safety of the territory and people of the United States.

Whenever there shall be in existence such an emergency, the President, acting through the Attorney General or such other officer or officers of the United States as the President may by his proclamation designate, is authorized to apprehend and by order detain each person as to whom he, the Attorney General or such other officer so designated, finds that there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in acts of espionage or of sabotage.

Any person so detained shall be released from such emergency detention upon (1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress; (2) an order of release issued by the Attorney General; (3) a final order of release after hearing by the Board of Detention Review, established by the bill; or (4) a final order of release by a United States court after review of the action of the Board of Detention Review.

The Attorney General, or such officer or officers of the Government as he may designate, are authorized during such emergency to execute in writing and to issue—

(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage; and

(2) an order for the detention of such person for the duration of such emergency.

Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

(b) Warrants for the apprehension of persons ordered detained under this title shall be served, apprehension of such persons shall be made, and orders for the detention of such persons shall be executed by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension and a copy of the order for detention shall be furnished to any person apprehended under this title at the request of such person.

Persons apprehended shall be confined in such places of detention as may be pre-

scribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

Within 48 hours after apprehension, or as soon thereafter as provision for it may be made, each detainee shall be accorded a preliminary hearing before a preliminary hearing officer designated by the Attorney General, who shall—

(1) Advise the detainee of his legal rights and of the grounds on which his detention was ordered;

(2) Record any information offered or objections made by such detainee, and within 7 days after the preliminary hearing receive any additional written evidence or representations such detainee may wish to file with the Attorney General; and

(3) Prepare and transmit to the Attorney General or such other officer as may be designated by him, a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether the order for the detention of such person shall be continued in effect or revoked. Preliminary hearings officers may be appointed at such places and in such numbers as the Attorney General deems necessary for the expeditious consideration of detainees' cases.

The Attorney General, or such other officers as he may designate, shall upon request of any detainee receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee may engage in, or may conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order of any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity.

In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court and the detainee to the fullest extent possible the evidence supporting his finding of reasonable ground in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States. He is also authorized to prosecute appeals from orders of the Board of Detention Review or of any court which modify or revoke any order under which any person is detained, and to petition for the suspension of the execution of any such order of modification or revocation pending final disposition of any appeal taken therefrom to any court of competent jurisdiction (in the case of an order of the Board) or to any higher court (in the case of an order of a court).

The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary or desirable to promote its effective administration.

Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this act. The Attorney General shall appoint an Inspector of Detention, and such assistants as may be necessary, to review all phases of any detention program in operation and to report to the Attorney General his findings and recommendations at regular intervals (no less often than bimonthly) and from time to time upon request of the Attorney General. Such reports of the Inspector of Detention shall be included in each bimonthly report of the Attorney General to the President and the Congress.

DETENTION REVIEW BOARD

The President is authorized to establish a Detention Review Board which shall consist of nine members, appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of 1 year each, 3 for terms of 2 years each, and three for terms of 3 years each, but their successors shall be appointed for terms of 3 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board and of all pending appeals in the courts from orders of the Board, the President is authorized in his discretion to dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

Each member of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretry, and such attorneys, regional examiners, and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

The Board shall have power to:

(1) To review upon petition of any detainee any order of detention issued by the Attorney General;

(2) To determine whether there is reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage;

(3) To issue orders confirming, modifying, or revoking any such order of detention; and

(4) To hear and determine any claim made by any detainee for indemnification for loss of income by such detainee resulting from detention without reasonable grounds, as shown by the issuance of a final order of the Board or of a court revoking such detention order. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

Whenever a petition for review of an order for detention issued by the Attorney General or for indemnification shall have been filed with the Board by any detainee or any person who has been a detainee, in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the detainee and the Attorney General at a place therein fixed, not less than 15 days after the serving of said notice. Such hearing may be conducted by any member, officer, regional examiner or other agent (hereinafter referred to as "hearing examiners") designated by the Board.

In any case arising from a petition for review of an order for detention issued by the Attorney General, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

Any member of the Board shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board, or any hearing examiner conducting any hearing authorized by this title. Any hearing examiner may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt.

Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify and present witnesses on his behalf.

In any proceeding before the Board under this title the rules of evidence, prevailing in

courts of law or equity, shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any evidence of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

In deciding the question of the existence of reasonable ground to believe a person might engage in or conspire with others to engage in espionage or sabotage, the Attorney General and the Board of Detention Review are authorized to consider evidence of the following:

(1) That the detainee or possible detainee has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, unless such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or unless, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned.

(2) Any past act or acts of espionage or sabotage committed by such person against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States, and any investigations made of such person in the past which serve to indicate probable complicity of such person in any such acts of espionage or sabotage.

(3) Activity in the espionage or sabotage operations of or the holding at any time after January 1, 1949, of membership in the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government.

(4) Any other evidence of conduct of the same degree of gravity as that set forth demonstrating reasonable grounds to conclude that such person may engage in, or conspire with others to engage in, espionage or sabotage.

ORDERS OF THE BOARD

If upon all the testimony taken in any proceeding for the review of any order of detention issued by the Attorney General, the Board shall determine that there is not reasonable ground to believe that the detainee in question might engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking his order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody.

If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity.

If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee may engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

Until a transcript of the record in a case shall have been filed in a court, as provided, the Board may, at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

JUDICIAL REVIEW

Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement.

In the case of any order of the Board modifying or revoking any order of detention issued by the Attorney General, or granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order.

Any party entitled to judicial review or enforcement shall be entitled to receive such review in the United States court of appeals for the circuit wherein the petitioner is detained or resides, or in the United States Court of Appeals for the District of Columbia, by filing in such court within 60 days from the date of service upon the aggrieved party of such order if the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of 60 days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwitn served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered (except for evidence received in closed session, as authorized) the findings and order of the Board. In the case of a petition for enforcement the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by evidence, shall be conclusive.

If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

The commencement of proceedings by the Attorney General for judicial review under this section shall, if he so requests, operate as a stay of the Board's order.

Any order of the Board shall become final—

(1) Upon the expiration of the time allowed for filing a petition for review or enforcement, if no such petition has been duly filed within such time; or

(2) Upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

(3) Upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

(4) Upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

CRIMINAL PROVISIONS

Whoever, being named in a warrant or order of detention as one as to whom there is reasonable ground to believe that he may engage in, or conspire with others to engage in, espionage or sabotage, or being under detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title or shall escape, attempt to escape, or conspire with others to escape from detention ordered and instituted, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Whoever knowingly—

(a) Advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person may engage in or conspire with others to engage in espionage or sabotage; or

(b) Advises, aids, assists, or procures the escape from detention of any person so named; or

(c) Aids, relieves, transports, harbors, conceals, shelters, protects or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such detention; or

(d) Attempts to commit or conspires with any other person to commit any of these acts, shall be fined not more than $10,000, or imprisoned not more than 10 years, or both.

Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

REVIEW BY CONGRESS

The chairmen of the Judiciary Committees of the Senate and of the House of Representatives shall establish subcommittees of their respective committees to carry out in respect to the operation of this title the duties imposed on their committees by the Legislative Reorganization Act of 1946.

DEFINITION

For the purposes of this title, the term "espionage" means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this act, and the term "sabotage" means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this act.

TERMINATION

Unless contained in effect longer by joint resolution of the Congress, the provisions of this title shall cease to be effective on a date 3 years after the date of enactment of this title, but the termination of this title shall not affect any criminal prosecution heretofore instituted or any conviction heretofore obtained on the basis of any act or omission occurring prior to such date of termination.

For the convenience of the Senate I should like to present in outline from the emergency provisions of the substitute bill which I have just detailed:

EMERGENCY PROVISIONS OUTLINED

Emergency character: Powers can be employed if—

(a) One of the following occurs:

(1) Invasion or imminent invasion of territory of United States;

(2) Declaration of war by United States;

(3) Insurrection in United States in aid of foreign powers; or

(4) Declaration of "internal security emergency" by Congress; and

(b) President finds that declaration of "internal security emergency" is essential.

Procedure:

(a) Apprehension and detention:

(1) President proclaims "internal security emergency."

(2) Attorney General or other officer designated by President is authorized to apprehend and detain persons who there is reasonable ground to believe may engage in, or conspire with others to engage in, espionage or sabotage.

(3) Attorney General issues warrant for apprehension and order for detention.

(4) Officers designated by Attorney General serve warrant, apprehend person and detain him in places prescribed by Attorney General.

(b) Administrative review:

(1) Within 48 hours, or as soon thereafter as possible, detainee shall be accorded preliminary hearing before preliminary hearing officer, who shall advise him of legal rights and grounds of detention; record any information or objections of detainee and receive additional written evidence; make report to Attorney General with recommendations.

(2) Attorney General shall receive additional informa[illegible]ion and may revoke detention at any ti[illegible]ion if further evidence shall show no reasonable ground.

(3) Attorney General shall appoint an Inspector of Dentention to report bimonthly on all phases of program.

(4) Attorney General shall make bimonthly report to the President and the Congress.

(c) Quasi-judicial review:

(1) By a Board of Detention Review (nine persons) to be established by the President, with advice and consent of Senate. Board may utilize hearing examiners and may also act through panels of three.

(2) Board is authorized to review orders of detention, determine whether there was reasonable ground, confirm, modify or revoke orders, and hear claims for indemnification for loss of income by detainees apprehended and detained without reasonable ground.

(3) Detainee shall be afforded opportunity to be represented by counsel—before preliminary-hearing officer, Board, and court—and Attorney General shall advise detainee fully on evidence against him (subject to right of Attorney General (a) to hold back evidence of officers and agents of the Government disclosure of which would endanger security and (b) to offer such evidence in closed session only).

(4) In deciding questions of "reasonable ground" Attorney General and Board may consider:

(a) that detainee has knowledge of or gave or received instruction in espionage or counterespionage or sabotage service or government or political party of a foreign country; Communist Party of United States; other organizations or political parties which seek to overthrow or destroy the Government of the United States and substitute a foreign-controlled totalitarian dictatorship.

(b) Past acts of espionage or sabotage.

(c) Activity in espionage or sabotage operations of, or holding at any time after January 1, 1949, of membership in Communist Party of United States.

(d) Other acts of same degree of gravity demonstrating reasonable ground to show person may commit espionage or sabotage.

(e) Judicial review by United States Court of Appeals on petition filed in 60 days.

(f) Legislative review by subcommittees of Judiciary Committees of House and Senate.

Criminal provisions: To escape from detention or resist apprehension; to procure, assist, etc., escape; to interfere with Board officers.

Termination of detention: By Presidential proclamation or concurrent resolution of Congress ending "internal security emergency"; by order of release by Attorney General; by order of Board of Detention Review revoking order of detention; by order of court revoking order of detention.

Temination of powers: Unless continued by joint resolution of Congress this emergency legislation would expire 3 years after date of enactment. Termination, however, would not affect any criminal prosecution theretofore instituted or any conviction theretofore obtained on basis of any act or omission occurring prior to such termination.

Mr. McCARRAN. Mr. President, I rise now to discuss the bill S. 4130, sometimes referred to as the "concentration camp" substitute for the McCarran-Mundt-Ferguson bill, S. 4037.

This is the second amendment in the nature of a substitute for S. 4037, which has been credited to the Senator from West Virginia [Mr. KILGORE]. The first such amendment constituted the text of the bill S. 4061.

The new "concentration camp" substitute contains two titles. The first title appears to be identical with the provisions of the earlier substitute, and identical with S. 4061. The second title of the new substitute, and of S. 4130, is the title which has caused it to be referred to as the "concentration camp" substitute. The provisions of this second title, are new proposals, except for certain findings of fact and declarations of purpose which are borrowed from the McCarran bill and the Mundt-Ferguson bill.

Mr. President, I want to stress these facts so they will be clear in the minds of all Senators. This latest substitute offered for printing by the Senator from West Virginia on behalf of himself and certain other equally distinguished Members of this body, contains two titles. The first title is the same as S. 4061 and the previous substitute offered by the Senator from West Virginia. The second title is new material.

It is clear, therefore, that this new substitute, just like the previous substitute proposed by the Senator from West Virginia, omits a large number of the provisions which are to be found in S. 4037. Therefore, it is perfectly clear that a motion to amend S. 4037 by substituting this language will accomplish all the results which would be accomplished by a motion to strike from S. 4037 those provisions of the bill which are omitted from this substitute.

In other words, by accepting this substitute, the Senate will get rid of all the provisions of S. 4037, the McCarran bill, which are not included in the substitute.

The provisions which the Senate could get rid of in this way include all the provisions which were incorporated from S. 2311, the Mundt-Ferguson bill, prohibiting certain overt acts designed to destroy our democratic institutions, and requiring the registration of Communist organizations so as to bring them out into the open.

Adoption of the substitute would also eliminate from the bill the provisions which were incorporated from S. 1832, which would strengthen our immigration laws so as to provide for the exclusion and expulsion of subversives. At that point let me remind the Senate that S. 1832 has already passed this body unanimously.

Adoption of the Kilgore substitute would also eliminate from the bill those several provisions of S. 4037 which are designed to preclude naturalization of subversives.

Finally, adoption of the Kilgore substitute would eliminate from the bill those provisions of S. 4037 which were designed to strengthen the administration of the law by creating in the Department of State a Bureau of Passports and Visas with authority to maintain liaison with the security agencies of this Government.

Title I of the Kilgore concentration-camp substitute would retain only two of the principal provisions of S. 4037, and would retain these provisions in watered-down form. The first provision of S. 4037 which is incorporated in title I of the concentration-camp substitute are those changes in the espionage laws which were incorporated in S. 4037 from the bill S. 595, which has been on the Senate Calendar for more than 18

months. However, the substitute expressly prohibits prosecution under certain provisions of the bill which relate to espionage and sabotage, except under the express direction of the Attorney General. To state this same truth in another way, under the provisions of the Kilgore substitute, any Attorney General could prevent, at his discretion, any prosecution for espionage or sabotage—and he could do it by simple inaction because no one else would be authorized to move without his express direction.

The second provision of title I of the Kilgore "concentration camp" substitute, which is taken from S. 4037, includes some of the language which was incorporated in the McCarran bill from H. R. 10, the Hobbs bill. These provisions provide for the supervision and detention of deportable aliens. The Kilgore substitute incorporates all of these provisions with the exception of the provisions which makes it an offense for subversives and criminals, who are deportable, willfully to fail to depart from the United States, subject to normal court trial.

We see, then, that if the Senate should adopt this second substitute proposed by the Senator from West Virginia [Mr. KILGORE]—this "concentration camp" substitute—the effect will be to eliminate from the bill all these provisions which I have enumerated, and the motion to adopt the substitute will be just as effective in eliminating these provisions as an outright motion to strike them from the bill.

Now, Mr. President, for a little while I should like to discuss title II of this newly proposed substitute.

This is the "concentration camp" title, which in the language of its sponsors is referred to as the Emergency Detention Act of 1950.

This title, Mr. President, is one of the most startling products of legislative draftsmanship which has ever been printed under the sponsorship of a United States Senator. It is a workable blueprint for the establishment of the dictatorship of the proletariat in the United States; but it is not workable under any of the accepted standards of Americanism which include preservation of the fundamental freedoms guaranteed in the Bill of Rights.

Mr. President, the time available since this "concentration camp" substitute was introduced has not permitted a careful analysis of it, nor has that time been long enough for the sort of study which any good lawyer would feel he had to make before he gave a formal opinion on a constitutional question. Therefore, Mr. President, I shall divide my comments on this bill into two parts: Opinion, and statements of facts; and I frankly admit to my colleagues that the opinions I shall express are, in the vernacular of the legal profession, "horseback opinions." That does not mean, Mr. President, that I have any doubt whatsoever about the correctness of these opinions. It only means that the opinions will not be documented with quotations from more eminent legal authorities, nor footnoted by citations. I am completely confident, Mr. President, that if given the time, I could document these opionions, and provide the citations. I am completely confident, Mr. President, that the bench and the bar of this Nation, after a study of this bill, would concur in these opinions. I do not expect to have them challenged by any lawyer worthy of the name; but I offer them, at the moment, only as the personal opinions of the senior Senator from Nevada, the chairman of the Judiciary Committee of the Senate.

First, I believe the proposals in title II of this "concentration camp" substitute are unconstitutional in several respects.

This proposed Emergency Detention Act would violate the fourth amendment of the Constitution, which protects the right of the people to be secure against unreasonable seizures.

If anyone should attempt to argue that section 104 of this "concentration camp" title satisfies the requirements of the fourth amendment to the Constitution, he will brand himself as one who does not understand the Constitution, but also as one who does not understand the proposed substitute; for although section 104 of the substitute purports to limit the issuance of warrants to cases in which there is probable cause, section 103 of the substitute permits apprehension and detention without any warrant at all.

This proposed Emergency Detention Act violates the fifth amendment to the Constitution because it contains provisions for depriving persons of liberty without due process of law.

This proposed Emergency Detention Act violates the sixth amendment to the Constitution, since it would deny the accused a speedy and public trial, deny him a trial by jury, deny him the privilege of being confronted by the witnesses against him, and fails to provide him with the right of compulsory process for obtaining witnesses in his favor.

This proposed Emergency Detention Act is probably in violation of the thirteenth amendment, if it is to be construed that the incarceration provided for in the case of detainees is involuntary servitude. I question whether mere detention could be so construed; but if the Board should issue any regulations requiring detainees to occupy themselves in any useful way, that would be involuntary servitude.

I think there may be other ways in which the proposed Emergency Detention Act is unconstitutional; but I should want to examine it a little further to be sure. For instance, I believe this proposed act provides for putting persons in jeopardy more than once in the same offense; but I should want to study that question more in detail before expressing myself positively about it.

In any event, there is no doubt in my mind that this proposed Emergency Detention Act as it stands is unconstitutional in more than one respect.

That concludes the statement of opinion, which I promised the Senate I would label as such. Now, let me proceed to some statements of fact about the provisions of this concentration camp title.

Senators who have the bill before them may wish to turn to page 19, where the title begins, and follow along as the discussion proceeds.

The findings of fact and declaration of purpose, which constitute section 101 of this concentration camp title, are taken from the McCarran bill and the Mundt-Ferguson bill, in both of which they appear. Beginning with line 14, on page 19, and down to line 24, on page 20, these provisions are identical with provisions to be found in both the Mundt-Ferguson and the McCarran bill. In line 24, on page 20, the substitute includes four words which do not appear in the comparable paragraph of the Mundt-Ferguson and McCarran bills. These words are the words: "including the United States." I am not sure what particular purpose the addition of these words serves, but it does not seem to be an objectionable addition.

Continuing, we find that the language of the substitute is identical with language to be found in the McCarran bill and the Mundt-Ferguson bill, until we get to line 20, on page 21. Here, in the substitute, appears the phrase "and especially by the use of espionage and sabotage." This phrase does not appear in the comparable provision of the McCarran bill and the Mundt-Ferguson bill.

Continuing, we find again that the language used in the substitute is identical with language to be found in the McCarran bill and the Mundt-Ferguson bill, until we get to the last line on page 22, where we find this concluding phrase: "And which in this country are directed against the safety and peace of the United States."

I see no necessity for this additional language; but I see no objection to it, either.

From line 3, on page 23, down to and including line 14, on the same page, we find in the substitute language which is identical with language which is in both the McCarran and the Mundt-Ferguson bills. Then, beginning with line 15, on page 23, we find new language in the substitute.

So that it will not escape the notice of Senators, let me point out that this substitute, in its numbered "findings of fact," eliminates certain findings which are to be found in the McCarran bill and in the Mundt-Ferguson bill. The findings so eliminated are those respecting Communist-front organizations, respecting the importance to communism of freedom to travel, respecting the degree of control over the Communist network in the United States which is exercised by foreign agents; respecting the presence in the United States of deportable aliens, and the fact that some of these deportable aliens are in the subversive, criminal, and immoral classes; and the finding that "one device for infiltration by Communists is by procuring naturalization for disloyal aliens who use their citizenship as a badge for admission into the fabric of our society."

The new language contained in section 101 of this "concentration camp" title, beginning with line 15, on page 23, and continuing through line 11, on page 25, obviously is designed to provide a background for upholding the constitutionality of the subsequent provisions of the substitute.

Now let me proceed to a rather hurried analysis of some of the provisions of this

proposed Emergency Detention Act. Necessarily, this analysis will not be detailed; but I assure my colleagues that it will be factual. I do not propose, in this connection, to express opinions; I shall merely state facts which Senators may confirm for themselves by looking at the bill.

In the provisions respecting declaration of an internal security emergency, which provisions begin with line 13, on page 25, the President is given the absolute power to decide that no such emergency shall ever exist, and, therefore, that the provisions of this bill shall never be called into effect.

The section in question lists four numbered events, any one of which would give the President the right to find that the proclamation of an internal security emergency is essential; but the President is not under any circumstances required to make such a finding. Therefore, it is clear that unless the President should desire to call the provisions of this bill into effect, they could not and would not be made effective.

Subsection (b) of section 102, in lines 4 to 7, on page 26, gives the President the right, by proclamation, to terminate an internal security emergency, once it shall have been declared. The same subsection gives Congress a similar right, to be exercised by concurrent resolution. Thus, while it would take affirmative approving action by the President to effectuate a desire of the Congress, no matter how implemented, to put the provisions of the proposed Emergency Detention Act into effect, either the President alone, or Congress alone, could terminate an internal security emergency.

On page 26, at the end of line 14, and at the beginning of line 15, Senators will find the words "as to whom he"; and in lines 16, 17, and 18, the words "finds that there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage."

This is a very important provision, because the "he" referred to is not the Attorney General, but any person referred to as the Attorney General, which includes, according to the language in lines 10, 11, and 12, on page 26, either the Attorney General or "such other officer or officers of the United States as the President may by his proclamation designate."

Therefore, wherever in the bill the words "Attorney General" are used, Senators must remember that this does not mean the Attorney General of the United States, but that the phrase "Attorney General" has been made a definition of art, and that it means any officer or officers of the United States whom the President may have designated. In other words, the President could designate all officers of the Army above the rank of corporal to exercise these powers, or he could appoint a whole new group of officers and designate them to exercise these powers; he might even designate a commisar for each city in the country, or for each county, or for each State, and designate those commisars to exercise these powers—all the powers which, by the provisions of this substitute, are granted to or are to be exercised by "the Attorney General."

Now, what is the power given to any such person, so designated, by section 103 of the bill? Subsection (a) of this section, which appears on page 26, says that any one of these officers so designated is authorized to apprehend and by order detain any person when he, the officer doing the apprehending or detaining, finds that there is reasonable ground to believe that such person may engage in, or may conspire with others, to engage in acts of espionage or sabotage.

He does not have to prove that there is reasonable ground; all he has to do is "find" that there is reasonable ground. Obviously, if he believes that any person may engage in, or may conspire with others to engage in, acts of espionage or sabotage, then he is going to find that there is reasonable ground for such belief.

It is going to be possible to apprehend and detain a great many people under a provision like that.

Now, how do those who have been detained go about getting loose?

Under the provisions of subsection (b), beginning on line 19, page 26, they are to be released upon the happening of any one of four contingencies: First, the termination of the emergency by proclamation of the President or by concurrent resolution of the Congress; second, under an order of release issued by the Attorney General; third, under a final order of release after hearing by the Board of Detention Review; or fourth, under a final order of release by a United States court after review of the action of the Board of Detention.

Significantly no mention is made there of habeas corpus. That means I must stop stating facts, for a moment, and express an opinion. It is my opinion that the writ of habeas corpus would still lie in the case of any person so detained; but I must admit the possibility that a court might construe this proposed act as granting exclusive remedies under the four numbered clauses referred to, and on that basis might deny a writ. Also in the case of a Presidential order suspending the writ of habeas corpus—as President Lincoln once did—it appears that the remedies referred to would then be exclusive.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. FERGUSON. I am glad the Senator has expressed himself as feeling that this is a matter of law, and that the writ of habeas corpus would not be suspended. But does not the Senator feel, after reading the bill, that it would indicate an attempt to suspend the writ, but that it could not be done under the Constitution?

Mr. McCARRAN. That is what I have tried to bring out. They have attempted to evade the Constitution. But I still adhere to the view that the constitutional provision would prevail.

Mr. FERGUSON. I am glad to have the Senator's agreement on that.

Mr. McCARRAN. Mr. President, I felt I should express an opinion on that point. I now return to the bare statement of facts.

Of the four numbered contingencies under which a detainee would be released, none are within the power of the detainee himself, and none are outside the power of the President and other authorities administering the law, to prevent, except in the case of the termination of an emergency by concurrent resolution of the Congress.

Thus, the termination of an emergency by proclamation of the President is within the sole control of the President. An order of release by the Attorney General is within the sole control of the Attorney General. A final order of release after hearing by the Board of Detention Review can be eliminated as a basis for release by an appeal filed by the Attorney General; and a final order of release by a United States court can be prevented from operating as a basis for actual release by the filing of a petition for certiorari and recourse to the procedure set out in subparagraph (d) on page 45, under which the Board would take the case back for an additional hearing, or for the making of new findings, and thus start the whole procedure of judicial review all over again.

Now, if Senators will look at the provisions of section 104, on page 27, they will find authority for anyone designated by the President to issue certain warrants and orders. Lest any Senator should fall into the error of thinking that this is the exclusive authority granted with respect to apprehension and detention of persons under this bill, look back for a moment to section 103, under which apprehension and detention is authorized of any person with respect to whom the apprehending and detaining officer "finds that there is reasonable ground" and so forth; nothing is said there about warrants, or probable cause, or supporting oaths, or affirmations. Coming back to section 104, we find that a warrant may be issued for the apprehension of each person "as to whom there is reasonable ground to believe," and so forth; thus, the standard is not even the same in the two sections. The warrants are to be issued only when there actually is reasonable ground to believe that the person to be apprehended may engage in, or may conspire with others to engage in, acts of espionage or sabotage; but under section 103, the apprehension and detention is authorized with respect to any person as to whom the apprehending and detaining officer himself finds that there is such reasonable ground. Under section 104, a court could pass upon the question of whether there actually was reasonable ground. Under section 103, all a court could pass upon is whether the apprehending and detaining officer found that there was reasonable ground.

It will be noted that in neither section 103 nor section 104 is there any provision for a hearing or for a trial or for the introduction of any evidence in advance of the apprehension and detention.

Now, turn to page 28. Subsection (c), beginning in line 7, is the section providing for the establishment of concentration camps. This section does not

require the establishment of concentration camps, but it clearly would authorize the establishment of such camps.

Subsection (d), beginning at line 13 on page 28, purports to be a provision requiring a preliminary hearing. Actually, what is provided is not a hearing at all. All that this subsection requires is that the detainee shall be brought before a "preliminary hearing officer" designated by the Attorney General—there is no definition of "preliminary hearing officer" in the bill, so presumably that means any person whom the Attorney General designates—and that the detainee be there advised of his legal rights and of the grounds on which his detention was ordered. The preliminary hearing officer must also record any information offered or objections made by the detainee, and must receive any additional written evidence or representations the detainee may wish to file with the Attorney General within 7 days thereafter; and the preliminary hearing officer must prepare and transmit to the Attorney General, or to some other officer designated by the Attorney General, a report setting forth the result of the preliminary hearing.

Now, remember that where I have used the phrase "Attorney General," it actually means any officer designated by the President; thus, we do not know by whom this "preliminary hearing officer" may be designated, or whom he will have to report to. Anyway he must file a report with someone, but he does not have to file it with the detainee, and he does not have to include in his report any of the information offered, or objections made by the detainee. He is only required to record those; in filing his report, he is required only to set forth the result of such preliminary hearing together with his recommendations with respect to the question of whether the order for the detention of such person shall be continued in effect or revoked.

That procedure is just like calling a man in and saying "Have you any last words before we take you out and shoot you?" The people who are going to conduct these hearings are called, in the proposed legislation, preliminary hearing officers. But they are not, by definition, or by virtue of their duties, hearing officers at all; they are really little commissars; and it is interesting to note the provision on page 29, beginning with line 6, that these little commissars "may be appointed at such places and in such numbers as the Attorney General deems necessary for the expeditious considering of detainee cases."

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. FERGUSON. They certainly could not be classed as magistrates, could they?

Mr. McCARRAN. In no sense of the word.

Mr. FERGUSON. Before whom we understand persons have the right to appear on preliminary hearings.

Mr. McCARRAN. That provision and that conception of justice are entirely lost sight of in this proceeding.

Senators should remember that where I used the phrase "Attorney General" there, this proposed legislation means any officer or officers designated by the President.

Subsection (e), beginning with line 10 on page 29, requires the Attorney General—or whoever is acting under the authority which that title confers, as used in this bill—shall upon request of any detainee receive additional information. Significantly, it does not require that any information be given to the detainee.

Then this subsection provides what is in effect a complete pardon power in the Attorney General, by authorizing the Attorney General to revoke a detention order, whether it is only his own order, or a final order of the Board, or a final court order. Remember at all times, when I use the phrase "Attorney General," it means any officer designated by the President.

What this means is that if a detention order should be overuled by the Board, and appealed by the Attorney General to the court, and overruled by the court, and the Attorney General should then apply for certiorari, he could in the interim—or at any other stage in the proceedings—release the detainee from custody. After that, no court would have anything to act upon, and no board would have anything to act upon, and the case would be moot. Then, as soon as the court or the board had affirmatively taken notice of that fact, the detainee could be reapprehended and reincarcerated, and the whole procedure could start all over again.

Getting over on to page 30, in subsection (f), we find the provision which lets the prosecuting authority appeal from a verdict of acquittal. This is the sentence beginning toward the end of line 11 on page 30. Let me read it:

He—

And remember, now, that "he" means any officer designated by the President—

is also authorized to prosecute appeals from orders of the Board of Detention Review or of any courts which modify or revoke any order under which any person is detained, and to petition for the suspension of the execution of any such order of modification or revocation pending final disposition of any appeal taken therefrom to any court of competent jurisdiction (in the case of an order of the Board) or to any higher court (in the case of an order of the court).

Mr. FERGUSON. Mr. President, will the Senator yield further?

Mr. McCARRAN. I yield.

Mr. FERGUSON. There is no provision at all in the substitute bill for bond while the appeal is being conducted, is there?

Mr. McCARRAN. None that I can find.

Mr. FERGUSON. I have been unable to find any provision for bond. It is unusual to allow the State to appeal under our proceedings.

Mr. McCARRAN. It is exceedingly unusual, expecially where a verdict of acquittal is involved.

That means that if the Attorney General issues an order of detention, and the detainee appeals to the Board, and the Board orders the order of detention revoked, the Attorney General can appeal the Board's decision, and while the appeal is carried forward the detainee remains in a concentration camp.

The provision of subsection (g) on page 30, beginning with line 20, seems very simple until we recall that by definition, the phrase "Attorney General" does not mean the Attorney General of the United States but means either the Attorney General of the United States or such other officer or officers as the President may designate. When we recall that fact, this subsection (g) on page 30 raises the question of just who is going to prescribe regulations.

Now, let us move along to page 31 and look at section 105, which begins on line 13 of that page. This section authorizes the President to establish a detention review board. The significant fact is that it does not require the establishment of such a board. The President could establish such a board in advance of a declaration of internal security emergency; or he could declare an internal security emergency without creating a detention review board. In the event an emergency should be declared, and the President should fail to establish a detention review board, all of the provisions of the proposed legislation respecting appeals to such board would be inoperative, and the only chance a detainee would have to get loose, before the termination of the declared emergency, would be through a writ of habeas corpus.

Mr. FERGUSON. In other words, there is no provision that the President is compelled to establish such a board. There is merely authority to provide it, and if it is not provided, the detainee would have to remain in the concentration camp without any appeal.

Mr. McCARRAN. And all the processes which relate to it would be of no avail.

Passing on to page 33, we find an interesting provision in subsection (b) beginning on line 19 of that page. This subsection provides for payment of the expenses of a board on vouchers approved by the board. The section fails to state to whom the vouchers are to be presented, or out of what fund they are to be paid. The section does not authorize any appropriation. It does not provide any limitation on the amount which may be expended by a board as expenses. If this section is operative at all, which may be questionable, it undoubtedly would amount to a blank check.

Section 108 of the proposed legislation, beginning with line 6 on page 34, gives the board quasi-legislative functions, in addition to the quasi-judicial functions already imposed upon it.

This section mentions the Administrative Procedure Act, and would require the making, amendment, and rescinding of rules and regulations, by the Board, to be in the manner prescribed by the Administrative Procedure Act; although none of the other provisions of the bill contains any requirement for compliance with the Administrative Procedure Act, and, in fact, a great many of the provisions of the bill are completely at variance with the Administrative Procedure Act, and directly in derogation of the Administrative Procedure Act.

The next section, section 109, beginning on line 11 on page 34, concerns powers of the Board. If Senators will look at the fourth numbered subparagraph of this section, beginning with line 21, they will find that the Board is to perform the functions of a claims commission, as well as the other quasi-judicial and quasi legislative functions previously imposed upon it.

The claims which it is proposed will be heard under this subparagraph are not all claims resulting from detention, nor even all claims resulting from detention pursuant to this title without reasonable grounds, but only claims resulting from detention, without reasonable grounds, as shown by the issuance of a final order of the Board or of the court revoking such detention order. If the Attorney General had himself ordered the detainee released, in advance of the issuance of a final order of the Board, a final order of the Board would not issue in that case, and thus the detainee would not be an eligible claimant under this subparagraph.

Turning to page 35, we find subsection (b), beginning on line 7, which appears to provide for hearings upon petitions by detainees or ex-detainees. This subsection does not require that a hearing be held at any particular time or within any particular period of time, the only limitation being that such hearings shall be held not less than 15 days after the serving of notice upon the detainee and the Attorney General. There is not even in this subsection, any requirement for reasonableness in the time of serving notice, or fixing the time for the hearing, or any requirement of avoiding unreasonable delay in that regard.

The last sentence of this subsection provides, in effect, for the conducting of a hearing by anybody the board designates for the purpose. This same sentence also contains the formal definition of the phrase "hearing examiners," and Senators will, I trust, remember, in their consideration of this bill, that under this definition the phrase "hearing examiner" means anybody designed by the Board to conduct a hearing.

This use of the defined phrase would operate to take the hearings held under this section completely out from under the Administrative Procedure Act respecting the appointment of hearing officers.

Subsection (c), beginning with line 19 on page 35, requires that the detainee be informed of the grounds on which his detention was instituted, and furnished with full particulars of the evidence, including the identity of informants, subject to the limitation that the attorney general may not be required to furnish information, the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

In other words, if the Attorney General is willing to say that he thinks it would be dangerous to national safety and security to divulge the information, he may withhold from the detainee any information or particulars with respect to the evidence against him, the identity of the informants against him, or the grounds on which his detention was instituted.

Subsection (d), on page 36, in lines 10 and 11, gives any hearing examiner authority to administer oaths, examine witnesses, and receive evidence. Since "hearing examiner," as used in this proposed legislation, is defined to mean anyone designated by the Board to hold a hearing, this a fairly broad grant of power.

If Senators will turn now to page 38, and read the paragraph No. 3 beginning in line 5, they will find the requirement that the several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board. That is the only provision in this proposed legislation designed to give the Board access to information in the security files of the executive agencies; and Senators will note that this subparagraph requires such information to be furnished only "when directed by the President." It is a fact, I think, that any such information would be furnished by any Government department or agency, when directed by the President, without any such specific legislative requirement.

If Senators will read a little further along on this page, in subsection (f), beginning on line 10, they will find a requirement that detainees be afforded full opportunity to be represented by counsel at the preliminary hearing, and at all stages of the detention review proceedings, and that he—the detainee—shall have the right at hearings of the Board to testify and present witnesses on his behalf.

It is significant that this subsection does not give the detainee the right to present witnesses on his behalf at the so-called preliminary hearing; and nowhere else in this title is such a right given. This subsection (f) on page 38 also fails to give the detainee any right to compel the attendance of witnesses in his behalf; and since the detainee will be one who is in custody, presumably in a concentration camp, the right to "present witnesses" without any right to compel the attendance of witnesses is a somewhat insubstantial right, at best.

The next subsection, being subsection (g) beginning at line 16 on page 38, merits reading aloud:

> In any proceeding before the Board under this title the rules of evidence, prevailing in courts of law or equity, shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any evidence of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. FERGUSON. In other words, the board could sit in star-chamber proceedings without the detainee being present?

Mr. McCARRAN. Even a star chamber was better than this proposed procedure.

Mr. FERGUSON. They could proceed to hear the testimony without regard to any rules of evidence, could accept hearsay evidence in any degree, and pass on it without the detainee's knowing anything about it.

Mr. McCARRAN. That is correct. That is the situation which is created by this section. The substitute bill is a gem when it comes to forgetting that we have a constitutional form of government. We are confronted with this peculiar language. At the same time, our bill, S. 4037, the Mundt-Ferguson-Johnston bill, has been the subject of crossfire attack as being unconstiutional. How the sponsors of the substitute can rise and declare that any other bill is unconstitutional is more than I can understand.

Senators will not, I think, need to have that provision explained to them; but I cannot resist the temptation to point out that this subsection means the board may sit in star chamber session, in the absence of the detainee, and receive secret evidence from the prosecutor which will never be made public or communicated to the detainee in any way, yet upon which the board may act to determine that the detainee should be held in custody.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. MUNDT. I wonder if the Senator is not impressed, as I am, by the fact that the sponsors of the so-called substitute, containing this strange language, are the same Senators who have occupied hours of the time of the Senate complaining that we would give the subversives board too much authority by providing for public hearings and preserving our judicial processes.

Mr. McCARRAN. Yes; I have listened to them.

Subsection (h), beginning on page 39, lists a number of things which the Attorney General—the multiform "Attorney General" defined in this bill—and the Board of Detention Review are authorized to consider. These can be passed over rather rapidly, since the fact is that they are not exclusive, either mutually exclusive or exclusive of other factors; and therefore are not particularly important except as they may authorize consideration of some evidence which would not otherwise be admissible.

The subparagraph numbered (3), on page 40, may come within this category, since it appears to authorize consideration of evidence of the mere holding of membership in the Communist Party of the United States, after January 1, 1949, as a basis for ordering continued confinement of a detainee.

Section 110 (a), beginning on page 41, requires the Review Board, if it finds a detention order of the Attorney General to be illegal, to issue an order of its own revoking the Attorney General's order and requiring that the detainee be released from custody. The Board is required to serve this order upon the Attorney General. It is not required to

serve the order upon the detainee. This is interesting in view of the fact that under section 111, which begins on page 43, and which covers the right of judicial review, there is a provision that any petitioner aggrieved by the failure or refusal of the Attorney General to obey an order of the Board shall be entitled to judicial enforcement; but over on page 44, in lines 4, 5, and 6, we find a provision that in the case of a petition for the enforcement of a Board order, the petitioner shall have a period of 60 days after the Board order has become final within which to file the petition for judicial enforcement.

So that if the Board issued an order requiring the Attorney General to release a specified detainee, the detainee would have 60 days within which to file a petition for judicial enforcement, in the event the Attorney General fails to release him; but if the Attorney General fails to release him, and nobody told him about the order—and no one is required to tell him, under this proposed legislation—then the time within which the detainee might file his petition for judicial enforcement would have passed, and he would be without remedy, and the Attorney General could continue to hold him illegally and in violation of the order of the Board unless he could secure his release on a writ of habeas corpus.

In subsection (b) of section 111, beginning at line 16 on page 43, is another provision permitting the Government to appeal from a decision of the Board amounting to an acquittal. This says that if the Board issues any order modifying or revoking any order of detention issued by the Attorney General, the Attorney General may have judicial review of the order; and meantime, of course, the detainee would stay in custody.

Over on page 44, beginning with line 13, will be found a provision respecting the record which the Board is to file in court in the case of an appeal; and in lines 18 and 19, evidence received by the Board in closed session is specifically exempted from the transcript. Thus, the reviewing court is to be denied access to the evidence, if any, which the Attorney General presented before the Board in a star chamber session and in the absence of the detainee, even though such evidence may have been the basis for the Board's final decision.

Over on page 45 of the bill, in lines 16 and 17, appears language which is rather clever if it was intentionally phrased. The first time one reads it, it looks like a restatement of the Administrative Procedure Act rule with regard to evidence—for the Administrative Procedure Act requirement that decisions be supported by reliable probative and substantial evidence has been interpreted by the courts to mean that the evidence supporting a finding must be substantial in the light of the whole record. This language in lines 16 and 17 on page 45 uses the phrase "on the record considered as a whole." But this is actually not a restatement of the Administrative Procedure Act rule, but a provision embodying the old "scintilla" rule; and what it means is that if a court can find anything in the whole record, no matter how small a bit of evidence, to support the finding of the Board in any respect, on a question of fact, then the court must sustain the finding of the Board.

Section 112, beginning on page 46, contains certain criminal provisions. They provide a penalty of $1,000 fine or imprisonment for not more than 1 year, or both, for resisting or evading apprehension or escaping or attempting to escape from detention under this title; and a maximum penalty of $10,000 fine or imprisonment up to 10 years, or both, for advising, aiding, or assisting evasion of apprehension, or escape or attempted escape, or for assisting an escapee or an evader.

This has not been, Mr. President, a thorough analysis of the Kilgore "concentration camp" substitute. I have only been hitting the high spots, and I have not gone into any proposition exhaustively. What I have said constitutes only headnotes for the exhaustive brief which could be written on this proposed legislation.

Except where I labeled my statements as opinion, Mr. President, I have been reciting facts. If anyone challenges that statement, or any statement I have made today, the RECORD will show what I said, and the challenger is at liberty either to express his own opinion, or, if he wishes to attempt it, to put into the RECORD what he believes to be evidence that the facts are not as I have stated them. I am perfectly willing to let the Members of this body, and those who may read the RECORD in the future, judge for themselves concerning the accuracy of my statements.

I cannot believe, Mr. President, that the Senate of the United States, or any substantial number of the Members of this body, will vote for this proposal. I shall be very much surprised if all of those whose names appear on the amendment actually cast their votes for it. But, Mr. President, that is a matter for each Senator to settle with his own conscience. I say only this: I do not believe any Senator dares to vote for this substitute without reading it, and I do not believe any Senator will vote for it without reading it—and if any Senator reads it and then wants to vote for it, that is a decision which he has a right to make, concerning which he cannot be challenged on the floor of this body, and for which he should have to answer only to his own constituents.

For my own part, I shall vote against the substitute if it is offered.

Now, Mr. President, I come to another phase of the bill. I dislike intensely to hold the Senate longer, but in view of the fact that the time will be limited tomorrow, I feel that I must touch upon this point again, although I referred to it to some extent the other evening.

Mr. President, during the course of my principal address to the Senate which I delivered some few days ago with reference to the bill S. 4037, to protect the internal security of the United States, I discussed the principal provisions of the bill and the facts which prompted the incorporation of those provisions in the bill.

Thereafter, a day or so later, because of the intensive propaganda campaign which is being waged by the Department of State against one segment of the bill, I felt compelled to elaborate on that particular segment of the bill which is designed to strengthen the administration of the law insofar as it relates to the issuance of visas and passports. I now note that an amendment has been offered which would strike from the bill this segment which is designed to strengthen the administration of the law insofar as it relates to the issuance of visas and passports.

Because of the importance of this segment of the bill, I now invite the attention of the Senate to excerpts from the testimony of officials of the Department of State who testified before the Immigration Subcommittee.

Here is an excerpt from the testimony before the Immigration Subcommittee of Mr. John E. Peurifoy, who until recently was Assistant Secretary of State—page 337 of the printed hearings:

QUESTION. Does the Department have a recollection of any case in the course of the last 5 years where a visa has been withheld from a person applying as an affiliate of an international organization, or as an affiliate of a foreign government, upon the basis of security reports transmitted to the Department?

Mr. PEURIFOY. I believe I have the answer to that question in subsequent correspondence.

QUESTION. You can answer that now, if you wish.

Mr. PEURIFOY. I have no recollection of any such case.

Here is the testimony before the subcommittee of Mr. L'Heureux, who is Chief of the Visa Division—page 338 of the printed hearings:

QUESTION. Before we proceed with the letter, is it the testimony of the Department that, to the recollection of its officials who are testifying here today, a visa has not been refused on the basis of security reports to a single individual applying either as an affiliate of a foreign government or as an affiliate of an international organization?

Mr. L'HEUREUX. As far as I know, that is true.

QUESTION. You are now head of the Visa Division of the Department of State, are you not?

Mr. L'HEUREUX. I am in charge of the Visa Division and have been since September 1947.

Continuing on page 342 of the hearings, Mr. L'Heureux further testified as follows:

QUESTION. How many of that kind of reports have you sent up to somebody in a given period?

Mr. L'HEUREUX. They would include all the cases that I have mentioned, the average of eight a month, possibly, from the field.

QUESTION. Would all of those go up to a higher official?

Mr. L'HEUREUX. Not necessarily to a higher official, but it would be to a political desk.

QUESTION. Would all of the 8 a month go to this so-called political desk?

Mr. L'HEUREUX. That is true.

QUESTION. How many of those had what you would call adverse reports?

Mr. L'HEUREUX. They would all have adverse reports.

Continuing on page 343 of the hearings, Mr. L'Heureux further testified as follows:

QUESTION. Mr. L'Heureux, this adverse information is information in addition to

membership in the Communist Party or affiliation with a Communist organization, is it not?

Mr. L'HEUREUX. That is right. That is merely on the basis we would refuse the person if he were not an official, over and above the fact that he is a Communist.

Continuing on page 348 of the hearings, Mr. L'Heureux further testified as follows:

QUESTION. Is it not true that 1 month with another there are anywhere from 5 to 10 of which you do not approve, which you send on to a higher echelon, where they are approved?

Mr. L'HEUREUX. That is true.

QUESTION. That is what I wanted to get. In every instance that you have had that category where you have not approved of them, they have gone to a higher echelon and have there been approved; is that right?

Mr. L'HEUREUX. That is true.

Under date of June 27, 1949, I addressed a letter to the Honorable John E. Peurifoy, who was then Deputy Under Secretary of the Department of State, in which letter the following question appears—page 368 of the printed hearings:

QUESTION. In how many cases in the course of the last 5 years has a visa been withheld from a person applying for a visa as an affiliate of an international organization or as an affiliate of a foreign government, in which the Department of State had received reports, confirmed or unconfirmed, indicating that such person may have been engaged in subversive activity prior to the filing of the application for the visa? The term "subversive activity" as used in this question denotes activity of a subversive nature in addition to membership in the Communist Party. If it is impracticable for you to transmit to me the specific number of such cases, I should be obliged if you will transmit to me the best available estimate of the number of such cases.

Under date of July 11, 1949, I received a response from Mr. Peurifoy, as follows—page 369 of the printed hearings:

ANSWER. The Department has no recollection of any case, in the course of the last 5 years, where a visa has been withheld from a person applying as an affiliate of an international organization or an affiliate of a foreign government, upon the basis of subversive activities of the nature referred to in your letter.

Mr. President, in my principal address I presented to the Senate a résumé of the facts on a number of typical cases of aliens who have entered the United States over the course of the last few years with diplomatic passports. It is inconceivable that any sane American would contend that these aliens do not constitute a definite threat to the security of the United States, and yet, Mr. President, under the present system of administration, these aliens and hundreds like them are being freely admitted into the United States over the protest of the Visa Division of the Department of State on the theory that we must do so in order to avoid giving offense to Communist Russia.

Mr. President, the segment of the bill against which the State Department is waging a campaign of propaganda does just this and nothing more: It creates in the Department of State a Bureau of Passports and Visas to be headed by a director with rank and compensation not less than that of an Assistant Secretary of State. The Director shall have not less than 10 years' experience in the Foreign Service of the United States and shall be appointed by the President, by and with the advice and consent of the Senate. He would have statutory authority to maintain direct and continuous liason with the internal security officers of the Government. Thus, the Director would have the same relationship to the Secretary of State that the Director of the Federal Bureau of Investigation and the Commissioner of Immigration and Naturalization now have to the Attorney General.

I hope and trust, Mr. President, that the Senate will not strike this segment of the bill from our internal-security legislation.

EXECUTIVE SESSION

Mr. LONG. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. GRAHAM) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Arnold Raum, of Massachusetts, to be a judge of the Tax Court of the United States.

By Mr. McCARRAN, from the Committee on the Judiciary:

William Randolph Carpenter, of Kansas, to be a member of the Motor Carrier Claims Commission;

Maurice Sapienza, of Hawaii, to be judge, third circuit, circuit courts, Territory of Hawaii, vice Martin Pence, term expired;

Gerald R. Corbett, of Hawaii, to be sixth judge of the first circuit, circuit courts, Territory of Hawaii. (He is now serving in this post under an appointment which expired July 31, 1950.);

Jon Wiig, of Hawaii, to be fifth judge, first circuit, circuit courts, Territory of Hawaii, vice John A. Matthewman, term expired; and

Louis LeBaron, of Hawaii, to be associate justice of the supreme court, Territory of Hawaii. (He is now serving in this post under an appointment which expired July 9, 1950.)

The PRESIDING OFFICER. If there be no further reports of committees the clerk will state the nominations on the calendar under "New report."

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. LONG. Mr. President, I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the Executive Calendar.

RECESS

Mr. LONG. In accordance with the order heretofore entered, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 11 o'clock and 29 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Tuesday, September 12, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 11 (legislative day of July 20) 1950:

COLLECTOR OF INTERNAL REVENUE

Harold A. Lockhart, of Kansas City, Mo., to be collector of internal revenue for the sixth district of Missouri, in place of Carl K. Connell, resigned.

COLLECTOR OF CUSTOMS

Charles M. Johnson, of Burgaw, N. C., to be collector of customs for customs collection district No. 15, with headquarters at Wilmington, N. C., in place of John Bright Hill.

IN THE COAST GUARD

The following-named person to be a lieutenant (junior grade) in the United States Coast Guard:

Samuel R. Early

The following-named person to be a chief machinist in the United States Coast Guard:

Ellif H. Tobiason

The following-named person to be a chief pay clerk in the United States Coast Guard:

James T. Sandwich

The following-named person to be a chief pharmacist in the United States Coast Guard:

John J. Harbart

IN THE COAST AND GEODETIC SURVEY

The following-named officers of the Coast and Geodetic Survey for appointment to the grades indicated, subject to qualification therefor as provided by law:

To be ensigns

Arthur R. Benton, Jr.	Roger F. Lanier
David F. Romero	Paul O. Reimer, Jr.
Joseph A. Roulier	John B. Watkins, Jr.
Eugene A. Taylor	Jack E. Guth
William D. Barbee	James D. Hodges
Robert A. Parker	Robert G. Arnold
Herbert R. Lippold	Ray B. Johnson
Curtis W. Mooney	Bruce E. Greene

IN THE NAVY

Vice Adm. Russell S. Berkey, United States Navy, when retired, to be placed on the retired list with the rank of vice admiral.

Vice Adm. Donald B. Beary, United States Navy, when retired, to be placed on the retired list with the rank of vice admiral.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Richard E. Strawbridge, Vernon, Ala., in place of J. T. Maddox, retired.

CALIFORNIA

Bernice T. Murphy, Wilmington, Calif., in place of E. A. Murphy, deceased.

COLORADO

Ernest L. Craven, La Salle, Colo., in place of E. C. Norris, retired.

James W. Stuart, Pritchett, Colo., in place of J. W. Stuart, resigned.

CONNECTICUT

Wilfred J. Frechette, Plainfield, Conn., in place of J. A. Leahy, retired.

FLORIDA

Norman S. Boyle, Lake Alfred, Fla., in place of G. W. Shelton, retired.

Robert W. Prater, Jr., Uleta, Fla., in place of J. F. Potts, resigned.

GEORGIA

Carroll E. Toole, Garfield, Ga., in place of R. J. Walsh, retired.

James D. Kilpatrick, Quitman, Ga., in place of E. T. Williams, retired.

IDAHO

Willis J. Lyman, Rexburg, Idaho, in place of G. A. Hoopes, deceased.

ILLINOIS

Nola G. Lee, Xenia, Ill., in place of L. E. Goff, transferred.

INDIANA

James Neugebauer, Gary, Ind., in place of W. J. O'Donnell, deceased.

Amel Siebe, Lynnville, Ind., in place of L. A. Madden, transferred.

LOUISIANA

Edwin J. Pierce, Westwego, La., in place of L. B. Parrino, resigned.

MARYLAND

Dorothy E. Sasscer, Cheltenham, Md., in place of M. P. Efort, resigned.

MICHIGAN

Irma B. Hogan, Linden, Mich., in place of J. E. Dooley, declined.

Ralph B. Baker, Ovid, Mich., in place of J. H. Robson, Jr., removed.

MINNESOTA

Catherine T. Merrill, Glencoe, Minn., in place of H. L. Peters, transferred.

Viola B. Pederson, Holloway, Minn., in place of O. L. Bahl, transferred.

MONTANA

Ralph L. Benjamin, Shelby, Mont., in place of G. M. Cox, resigned.

NEBRASKA

Ora F. Stegeman, Chappell, Nebr., in place of W. E. McCaulley, resigned.

Augusta M. Martin, Stamford, Nebr., in place of B. L. Baughan, deceased.

NEW YORK

Frank R. Cougevan, Canandaigua, N. Y., in place of A. J. Linehan, resigned.

NORTH CAROLINA

John P. Betts, Beaufort, N. C., in place of W. H. Taylor, retired.

George W. Cooper, Jr., Clemmons, N. C., in place of Birdie Allen, retired.

Wilbur B. Lane, Pinnacle, N. C., in place of S. P. Covington, transferred.

NORTH DAKOTA

Anadine A. Ensor, Belcourt, N. Dak., in place of I. C. Hogue, retired.

Edward J. Sondag, Sykeston, N. Dak., in place of Lena Kremer, retired.

OHIO

George R. Spencer, Fredericksburg, Ohio, in place of J. Z. Lytle, transferred.

Luther C. Brokate, Fremont, Ohio, in place of F. J. Daubel, retired.

Marjorie G. Liff, Harrisburg, Ohio, in place of M. L. Smith, resigned.

Ralph C. Scott, Londonderry, Ohio, in place of H. R. Poole, transferred.

Marion C. Schleinhege, Lucasville, Ohio, in place of J. C. Violet, transferred.

Grover P. Wires, Tontogany, Ohio, in place of A. F. Sautter, retired.

OKLAHOMA

Alphonse A. Bourassa, Minco, Okla., in place of C. E. Halley, transferred.

OREGON

John E. Ferrell, Brownsville, Oreg., in place of H. L. Straley, transferred.

Ermine K. Gentle, Monmouth, Oreg., in place of O. L. Groves, transferred.

PENNSYLVANIA

Dale W. Salsgiver, Kelly Station, Pa., in place of Guido Donati, removed.

Thomas H. McMahon, Rosemont, Pa., in place of A. A. Connelly, deceased.

Charles L. Johnston, Waynesboro, Pa., in place of W. A. Thompson, resigned.

SOUTH DAKOTA

Charles S. Adams, Burke, S. Dak., in place of M. E. Smith, transferred.

TEXAS

Aubrey Lee Davee, Brady, Tex., in place of I. J. Burns, removed.

Lucile Fairman, Goldthwaite, Tex., in place of M. Y. Stokes, Jr., transferred.

J. Smith Cluck, Leander, Tex., in place of J. O. McBride, transferred.

Hulan P. Armstrong, Menard, Tex., in place of Perry Hartgraves, resigned.

UTAH

Percy W. Seay, Magna, Utah, in place of D. H. Wilkin, removed.

VERMONT

Richard M. Bradford, Putney, Vt., in place of William Harbutt, resigned.

WASHINGTON

Louise E. Metzler, Snoqualmie Falls, Wash., in place of P. B. Burrill, retired.

WISCONSIN

Richard E. Graichen, Coloma, Wis., in place of H. A. Parkin, retired.

Norman W. Helgoe, Durand, Wis., in place of A. C. Smith, removed.

Leora C. Zeiger, Lake Beulah, Wis., in place of L. F. Mengert, removed.

WYOMING

Leslie H. Luedtke, Dubois, Wyo., in place of W. H. Watson, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 11 (legislative day of July 20), 1950:

POSTMASTERS

ARIZONA

Margaret H. Connor, Clarkdale.
Fred E. Morris, Coolidge.
Elbert A. Frick., Jr., Lupton.

ARKANSAS

Frank E. Denson, Fountain Hill.
Alfred Wade Bishop, Lincoln.
Elmer Peter Blanton, Marked Tree.

COLORADO

Hollie B. Wade, Calhan.
Frank A. Pomponio, Denver.
Clarence F. Matthews, Ordway.
Harley N. Beery, Sterling.

CONNECTICUT

William G. Adams, Canton.
Leonard S. Appell, New Britain.
John J. Berger, New Milford.

ILLINOIS

Michael J. Gallo, Benld.
Elwood J. Ellis, Bismarck.
Charles N. Fisher, Carlyle.
Alois N. Modaff, Geneva.
Alvin E. Young, Hanover.
Albert T. Oswald, Springfield.
Richard L. Fisher, Villa Grove.

INDIANA

Karl R. Oster, Corunna.
Jacob L. Kincaid, Jamestown.
Sara B. Brammer, Mount Summit.
Charles E. Pendry, Rising Sun.

KENTUCKY

Anna K. Rice, Ghent.
Joseph M. Tong, Lyndon.
William Arthur Scott, Springfield.

MINNESOTA

Ray F. Schisler, Worthington.

NEW HAMPSHIRE

Bernard E. Robie, Kingston.
Charles H. Dalton, West Lebanon.

NEW YORK

Rolan E. Rice, Holland.
Robert J. Conklin, Richfield Springs.

NORTH CAROLINA

Leon C. Frederick, Ca-Vel.
Linville L. Hendren, Elkin.
Howard E. Moricle, Reidsville.
Leonard S. Daniel, Warrenton.

OREGON

Harold T. Lay, Enterprise.

PENNSYLVANIA

John P. Rumancik, Crucible.
David M. Barnhart, Stoystown.

SOUTH DAKOTA

Joseph E. Jiran, Bristol.
Wallace J. Schiferl, Davis.
Frank M. Brooks, Florence.
Vincent W. Hanrahan, Lemmon.

VERMONT

George H. Huban, Middlebury.
Angelo G. Restivo, Richford.

WASHINGTON

Donald W. Fern, Maple Valley.
Daniel G. Donovan, Monroe.
William R. Allhands, Sedro Woolley.

WEST VIRGINIA

Herman Taylor, Hopemont.
Lillie M. King, Switchback.
Vaughn L. Fleming, Wallace.
Benjamin L. Frye, Wardensville.
Robert J. Stoetzer, Wellsburg.
Robert W. Curry, White Sulphur Springs.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 11, 1950

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, our Heavenly Father, from whom cometh our help and strength for this day, inspire and equip us with those capacities and abilities with which to meet all our obligations and opportunities.

Grant that in our search for world peace and a nobler civilization all the citizens of our beloved country may be ready to yield themselves to the stern demands and disciplines of that quest.

Help us to see more vividly that, if this quest for peace is ever to become a glorious conquest then we must have the spirit of devotion, self-denial, and sacrifice, each giving according to ability and all with equal fidelity.

Show us how we may conquer and banish forever the tyrannies of war. Transform our hearts and illumine our minds by the spirit of the Prince of Peace and may we follow Him in faith, humility, and courage.

Hear us in His name. Amen.

The Journal of the proceedings of Friday, September 8, 1950, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 105. Concurrent resolution authorizing the appointment of a committee

to attend the general meeting of the Commonwealth Parliamentary Association to be held in Australia or New Zealand.

SPECIAL ORDER GRANTED

Mr. KILDAY asked and was given permission to address the House for 15 minutes today following the legislative program and any special orders heretofore entered.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

SEPTEMBER 11, 1950.

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith two sealed enevelopes from the President of the United States, addressed to the Speaker of the House of Representatives of the United States, received in the office of the Clerk at 10:40 a. m., on September 9, 1950.

The message informed the House that the President had, on the dates noted, approved and signed bills of the House as set forth in the accompanying lists.

Very truly yours,

RALPH R. ROBERTS,
Clerk of the House of Representatives.

On September 7, 1950:

H. R. 1586. An act for the relief of Harold E. Trautwein;

H. R. 2887. An act to amend the Architects' Registration Act for the District of Columbia in order to safeguard life, health, and property, and to promote the public welfare;

H. R. 4221. An act for the relief of Patricia Joyce Dunn;

H. R. 6343. An act relating to customs duties on articles coming into the United States from the Virgin Islands;

H. R. 6804. An act for the relief of certain Italian aliens;

H. R. 7265. An act to provide for the conduct of a periodic census of governments;

H. R. 7447. An act to amend the Tariff Act of 1930, as amended, with respect to sound-recording materials for use in connection with moving-picture exhibits;

H. R. 7941. An act to amend and supplement the Federal-aid Road Act, approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes; and

H. R. 8219. An act for the relief of Tadeusz Herka.

On September 8, 1950:

H. R. 3919. An act for the relief of John S. Steber;

H. R. 6832. An act for the relief of Choko Nishida;

H. R. 7454. An act for the relief of Robert C. Watters, Mrs. Martha L. Watters, C. E. Nivens, E. O. Nivens, and the estate of J. W. Gillum, deceased;

H. R. 8726. An act to amend the Tariff Act of 1930 to exempt from duty sound recordings for news broadcasts and in connection with moving-picture news reels; and

H. R. 9176. An act to establish a system of priorities and allocations for materials and facilities, authorize the requisitioning thereof, provide financial assistance for expansion of productive capacity and supply, provide for price and wage stabilization, provide for the settlement of labor disputes, strengthen controls over credit, and by these measures facilitate the production of goods and services necessary for the national security, and for other purposes.

UNIVERSAL CORP., JAMES STEWART CORP., AND JAMES STEWART & CO., INC.—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, the enrolled bill (H. R. 6095) for the relief of Universal Corp., James Stewart Corp., and James Stewart & Co., Inc.

The bill confers jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claims of Universal Corp., a subcontractor, James Stewart Corp., prime contractor, and James Stewart & Co., Inc., a parent company, for alleged damages arising out of the performance of certain contracts with the Navy Department for the construction of naval hospital facilities at Houston, Tex., during World War II. Section 2 of the bill provides that suit upon such claim shall be brought within 1 year after the date of enactment of the act and that proceedings for the determination of the claim, appeals from and payment of, any judgment thereon shall be in the same manner as in the case of claims under which such court has jurisdiction under section 1491 of title 28 of the United States Code. The bill further provides that passage of the act shall not be construed as an inference of liability on the part of the United States and that any recovery shall be limited to out-of-pocket losses.

It appears that the contracts in question were for the construction of naval hospital facilities at Houston, Tex., and were awarded in March and April of 1945. They were completed in November and December of 1946. Due to difficulties in the procurement of materials and labor, completion of the contracts was not effected until approximately 10 months after the dates set, but the contractors were given an extension of the performance date, which relieved them from penalties for late performance. It appears to be contended that the inability to acquire material and equipment under the priority system which prevailed during the contract period caused substantial losses to the contractors.

However, insofar as the prime contractor and subcontractor are concerned, there already exists a judicial remedy for breach of contract under section 1491 of title 28 of the United States Code, under which the Court of Claims possesses jurisdiction to entertain suits predicated on Government contracts. It is and has been for a number of years standard practice for the Court of Claims to entertain suits brought by prime contractors with the United States for and to the use of subcontractors where the subcontractor has been injured through a dereliction of the Government and where the prime contractor is obligated to reimburse the subcontractor therefor (*Asheville Construction Co. to the use of Grantsville Construction Co., subcontractor*, v. *United States*, 110 Ct. Cls. 459; cf. *Algernon Blair* v. *United States*, 321 U. S. 730). Since the period within which a suit might be brought by the James Stewart Corp. in its own behalf or to the use of the Universal Corp. has not expired and will not expire for some time, there is no need for enactment of this legislation, insofar as they may have claims for breach of contract. The reason for inclusion of the parent company in the bill as a claimant is not clear, as its connection with the contracts is not indicated.

It is to be noted that the bill provides for suit against the United States for alleged damages arising out of the performance of the contracts. It may be that the contention will be made, in the event of suit under this legislation, that the act creates a special cause of action not now authorized by law, as the contract actions permitted under the Tucker Act are for the breach of the contract and not for damages arising out of the performance of the contract. In any event, the language of the bill is not clear in this respect.

It is true that the bill contains the proviso "That the passage of this act shall not be construed as an inference of liability on the part of the United States." In view of the provisions of the bill permitting the parent company to sue and those with regard to a cause of action for damages "arising out of the performance of contracts" as well as the provision for recovery of "out-of-pocket losses" it may be that the proper interpretation of this proviso is that there is to be no inference that the plaintiffs did suffer damages arising out of the performance of the contracts which were made up of "out-of-pocket losses." In other words, the proviso may be interpreted so as merely to require the proof of loss and not, as it appears on its face to require, that a cause of action be established which is recognized under existing law. In any event, the language of the bill in this respect is so ambiguous that on that ground alone it should not be approved.

The purpose of the limitation contained in section 2 of the bill that any recovery be confined to out-of-pocket losses is not clear. If it is intended to mean that claimants should recover all out-of-pocket losses suffered in the performance of these contracts, whether or not such losses were directly traceable to the Government's fault, the limitation is clearly unfair to the Government and to the countless other contractors who have lost money on contracts not as the result of breaches on the part of the Government. If it is intended to limit claimants' recovery in damages, directly traceable to the Government's fault, merely to out-of-pocket losses, it is equally unfair to claimants since it restricts them within narrower limits than prevailing law and current practice permit.

In view of these considerations, I am constrained to withhold my approval from the bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, *September 9, 1950.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and accompanying message will be referred to the Committee on the Judiciary and ordered to be printed.

There was no objection.

AMENDING THE NATIONALITY ACT OF 1940, AS AMENDED—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, House Joint Resolution 238, to amend the Nationality Act of 1940, as amended.

When first introduced in the Congress this resolution provided that the right to become a naturalized citizen of the United States should not be denied or abridged because of race. This was one of the recommendations which I made to the Congress in the civil-rights program submitted more than 2 years ago. This proposal has received wide bipartisan support. It represents a positive response by the United States to a proper demand of justice and human brotherhood. By this means we can give concrete assurance to the peoples of Asia that no resident of the United States will fail to qualify for citizenship solely because of racial origin.

This provision remains as section 1 of the resolution. Unfortunately, the Congress has added a second section, with a different purpose. This new section is supposed to strengthen our naturalization laws by inserting new and specific prohibitions against citizenship for aliens who owe allegiance to present forms of communism and other totalitarian philosophies.

The existing prohibitions in our naturalization laws were intended to exclude from citizenship those who overtly subscribe to the overthrow of our Government by force or violence. In section 2 of this resolution the Congress has attempted, by the use of much new language, to reach persons who may covertly seek to overthrow this Government, through their association with Communist-front and similar organizations. However, the language of this second section is so vague and ill-defined that no one can tell what it may mean or how it may be applied. The result might be to weaken our naturalization laws rather than strengthen them. The result might also be to jeopardize the basic rights of our naturalized citizens and other persons legitimately admitted to the United States.

In my judgment, it would be impossible to administer this act without creating a twilight species of second-class citizens, persons who could be deprived of citizenship on technical grounds, through their ignorance or lack of judgment. If an individual should, at any time within 5 years after naturalization, become affiliated with a proscribed organization, this resolution would specifically make his act prima facie evidence of lack of attachment to the principles of the Constitution of the United States. It would place upon him the requirement of presenting countervailing evidence to prevent the revocation of his citizenship.

This resolution does not even stop with creating second-class citizens. Where newly naturalized citizens or legally admitted aliens are concerned, it could be used to destroy the right of free speech and the freedom to follow intellectual pursuits without fear of retaliation from a vengeful government.

These provisions will inevitably produce great uncertainty and confusion in administration. This becomes evident when it is recognized, as it must be, that the resolution fails to define its terms and establishes absolutely no ascertainable standards for their application. Not only is this in violation of our traditional concepts of what laws should do, it also makes it impossible to determine in advance what procedures will be used to prosecute alleged violation of the law. I cannot approve a measure which has these deficiencies.

Our Government will remain dedicated to protecting the freedom, basic rights, and inherent dignity of the individual. We shall not adopt prohibitory and punitive statutes without being absolutely sure that the proposed laws are not a greater threat than the things against which they would provide protection. This is particularly true in the present case since we already have strong laws protecting us against the naturalization of subversive persons. It has not been demonstrated that these laws are inadequate. We should not forget or become afraid to assert our belief that eternal vigilance is the price of liberty.

I urge that the Congress reconsider this resolution at once, reenacting it in such form as to preserve section 1 and to remove those ill-advised provisions in section 2, which seek to strengthen the Nationality Act of 1940 but which actually weaken and confuse it. At a time when the United Nations' forces are fighting gallantly to uphold the principles of freedom and democracy in Korea, it would be unworthy of our tradition if we continue now to deny the right of citizenship to American residents of Asiatic origin.

HARRY S. TRUMAN.

THE WHITE HOUSE, *September 9, 1950.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the joint resolution and the message will be ordered printed.

There was no objection.

The SPEAKER. Without objection, further consideration of the message will be postponed until Thursday, September 14, 1950.

There was no objection.

ADJOURNMENT OVER

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of this week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SPECIAL ORDERS GRANTED

Mr. DAVIS of Georgia asked and was given permission to address the House for 20 minutes on Wednesday next following the legislative program of the day and any special orders heretofore entered.

Mr. REED of New York asked and was given permission to address the House for 20 minutes on Wednesday next following any special orders heretofore entered.

Mr. MASON asked and was given permission to address the House for 20 minutes on Wednesday next following any special orders heretofore entered.

Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 5 minutes today, following any special orders heretofore entered.

REVENUE ACT OF 1950

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8920) to reduce excise taxes, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. YOUNG. Mr. Speaker, I object.

Mr. DOUGHTON. Will the gentleman withhold his objection?

The SPEAKER. Does the gentleman object to the bill's going to conference?

Mr. YOUNG. Mr. Speaker, I am going to object. I can give my reasons if it is desired.

Mr. DOUGHTON. Mr. Speaker, the gentleman declines even to withhold his objection in order that the chairman of the committee can make a statement, so he can take the responsibility.

The SPEAKER. The gentleman from Ohio objects.

TEMPORARY APPOINTMENT OF REFEREES IN BANKRUPTCY

Mr. HOBBS. Mr. Speaker, I call up the conference report on the bill (S. 3921) to provide for the temporary appointment of referees in bankruptcy, and for other purposes; and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that the reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3037)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3921) to provide for the temporary assignment of referees in bankruptcy, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

SAM HOBBS,
J. FRANK WILSON,
CHAUNCEY W. REED,
Managers on the Part of the House.

FRANK P. GRAHAM,
ESTES KEFAUVER,
FORREST C. DONNELL,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3921) to provide for the temporary appointment of referees in bankruptcy, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment substituted the language of H. R. 9171, as agreed to by the House, for the language of the Senate bill.

As passed by the Senate, S. 3921 provided for the appointment of temporary referees in bankruptcy in the event of a vacancy, or whenever a referee is temporarily absent or unable because of illness or for other reasons to act. It would give the authority to make the appointment to the judge or chief judge of the district with the approval of the Director of the Administrative Office of the United States Courts as to the necessity therefor.

The House amendment simplifies the existing law by placing the power of temporary designations and assignments of referees within the district in the chief judge of the district instead of requiring action by a majority of the judges. Assignments from one district to another within the same circuit would be made by the chief judge of the circuit upon presentation of a certificate of necessity by the judge or chief judge of the district wherein the need arises instead of requiring action by the entire judicial council of the circuit, and assignments between circuits would be made by the Chief Justice of the United States upon presentation of a certificate of necessity by the chief judge of the circuit in which the need arises instead of requiring action by the entire Judicial Conference of the United States. By making more flexible the procedure in assigning referees within districts, from one district to another within the same circuit, and between circuits, it was considered the purpose could be accomplished without the appointment of additional referees. The Senate recedes.

SAM HOBBS,
J. FRANK WILSON,
CHAUNCEY W. REED,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDING SECTIONS 675 AND 676 OF THE DISTRICT OF COLUMBIA CODE OF LAW

Mr. McMILLAN of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7881) to amend sections 675 and 676 of the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, regulating the disposal of dead human bodies in the District of Columbia, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That sections 675, 675 (a), and 676 of the act entitled 'An act to establish a Code of Law for the District of Columbia,' approved March 3, 1901 (31 Stat. 1296), as amended, are hereby repealed and the following substituted therefor:

" 'SECS. 675 and 676. It shall be unlawful to remove, transport, inter, disinter, or otherwise dispose of the dead body, or any part thereof, of any human being, except upon a permit, duly issued by the Health Officer of the District of Columbia, or such other person or persons as the Commissioners of the District of Columbia shall designate, upon such terms and conditions as the Commissioners may specify. Any violation hereof shall be subject to the penalties contained in section 684 of this subchapter.'

"SEC. 2. This act shall take effect 60 days after enactment."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROFESSIONAL ENGINEERS' REGISTRATION ACT

Mr. McMILLAN of South Carolina. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3555) defining and regulating the practice of the profession of engineering and creating a Board of Registration for Professional Engineers in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc.,

SECTION 1. Short title: This act shall be known and may be cited as the "Professional Engineers' Registration Act."

SEC. 2. Definitions: As used in this act—

(a) The term "practice of engineering" shall mean the performance of any professional service or creative work requiring engineering education, training and experience, and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with the utilization of the forces, energies, and materials of nature in the development, production, and functioning of engineering processes, apparatus, machines, equipment, facilities, structures, works, or utitlities, or any combinations or aggregations thereof employed in or devoted to public or private enterprises or uses. The term "practice of engineering" comprehends the practice of those branches of engineering, the pursuit of any of which affects the safety of life, health or property, or the public welfare. Said practice includes the doing of such architectural work as is incidental to the practice of engineering.

(b) The term "professional engineer" shall mean a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, customarily acquired by a prolonged course of specialized intellectual instruction and study and practical experience, is qualified to engage in the practice of engineering as attested by his certificate of registration as a professional engineer.

(c) The term "engineer-in-training" shall mean a candidate for registration as a professional engineer who has been granted a certificate as an engineer-in-training after successfully passing the first stage of the prescribed examination in fundamental engineering subjects, and who, upon completion of the requisite years of training and experience in engineering under the supervision of a professional engineer or similarly qualified engineer and satisfactory to the Board, shall be eligible for the second stage of the prescribed examination for registration as a professional engineer.

(d) The term "responsible charge" shall mean such degree of competence and accountability gained by education, training, and experience in engineering of a grade and character sufficient to qualify an individual to engage personally and independently in and be entrusted with the work involved in the practice of engineering.

(e) The term "institution" shall mean a school, college, university, department of a university, or other educational institution granting baccalaureate degrees in engineering, reputable, and in good standing in accordance with the rules prescribed by the Board.

(f) The term "Board" shall mean the District of Columbia Board of Registration for Professional Engineers.

(g) The term "Commissioners" shall mean the Board of Commissioners of the District of Columbia.

SEC. 3. Practice of engineering declared to be subject of regulation: In order to safeguard life, health, and property and promote the public welfare, the practice of engineering in the District of Columbia is hereby declared to be subject to regulation in the public interest. It is further declared to be a matter of public interest and concern that the profession of engineering merit and receive the confidence of the public and that only qualified persons be permitted to engage in the practice of engineering. All provisions of this act relating to the practice of engineering shall be construed in accordance with this declaration of policy.

SEC. 4. Practice of engineering without registration prohibited: Any person engaged in or offering to engage in the practice of engineering in the District of Columbia shall submit evidence that he is qualified to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to engage or offer to engage in the practice of engineering in the District of Columbia, or by verbal claim, sign, advertisement, letterhead, card, or in any other way, represent himself to be a professional engineer, or through the use of the title including the word engineer or words of like import, or any other title, imply that he is a professional engineer, unless such person is registered under the provisions of this act.

SEC. 5. Board of Registration; appointment of members; qualifications; terms; removal of members: There is hereby created the District of Columbia Board of Registration for Professional Engineers, whose duty it shall be to administer the provisions of this act. The Board shall consist of five members who shall be appointed by the Commissioners. Each appointment to the first Board

shall be from a list of three eligibles submitted by the representative organizations of the engineering profession in the District of Columbia. A person to be eligible for appointment to the Board shall be a citizen of the United States, shall have been engaged in the practice of engineering for 12 or more years, of which at least 5 shall have been in responsible charge of important engineering work, and at the time of appointment shall have been actively engaged in the practice of engineering in the District of Columbia for a period of at least 5 years next preceding this appointment. The Board shall at all times include one representative for each of the chemical, civil, electrical, and mechanical branches of engineering. The members of the first Board shall be appointed within 3 months after the effective date of this act to serve for the following terms: One member for 1 year, one member for 2 years, one member for 3 years, one member for 4 years, and one member for 5 years from the date of their appointment, or until their successors are duly appointed and qualified. Each member of the Board shall receive a certificate of his appointment from the Commissioners, and before beginning his term of office shall file with the Secretary of the Board of Commissioners his written oath for the faithful discharge of his official duty. Each member of the Board first appointed hereunder shall be registered as a professional engineer under this act. On the expiration of the term of any member of the Board, the Commissioner shall appoint for a term of 5 years a professional engineer to take the place of the member whose term on said Board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified. The Commissioners may remove any member of the Board for incompetency, misconduct, neglect of duty, or for any sufficient cause. An appointment to fill an unexpired term of the Board shall be made within 3 months after the vacancy occurs, and shall be for the period of such unexpired term.

SEC. 6. Compensation of members of Board: Each member of the Board shall be entitled to receive such reasonable compensation for his services as may be determined by the Commissioners not to exceed $25 per day for each day he may be actually engaged upon business pertaining to his official duties as such Board member.

SEC. 7. Board meetings and organizations: The Board shall hold a meeting within 10 days after its members are first appointed and thereafter shall hold at least two regular meetings each year. The Board shall elect annually from its members at least the following officers: A Chairman and a secretary-treasurer. A quorum of the Board shall consist of not less than three members, and no action shall be taken without three members in accord.

SEC. 8. General powers of Board: The Board shall have power:

(a) Approval of institutions: To investigate and to approve those institutions that provide and maintain satisfactory standards for the education of students desiring to engage in the practice of engineering.

(b) Registration of professional engineers: To register as a professional engineer any person of good character and repute who is a citizen of the United States, at least 25 years of age, and who speaks and writes the English language, if such person—

(1) holds a license or certificate of registration to engage in the practice of engineering issued to him by proper authority of a State or Territory of the United States in which the requirements and qualifications for obtaining such license or registration are reasonably equivalent in the opinion of the Board to the standards set forth in this act. A person may be registered under this subdivision without examination; or

(2) holds a certificate of qualification issued by the National Bureau of Engineering Registration of the National Council of State Boards of Engineering Examiners: *Provided, however,* That the requirements and qualifications of said body for obtaining such certificate are reasonably equivalent, in the opinion of the Board, to the standards set forth in this act. A person may be registered under the provisions of this subdivision without examination; or

(3) has had four or more years' experience in engineering work of a grade or character satisfactory to the Board, and indicating that he is qualified to assume responsible charge of the work involved in the practice of engineering and either holds a certificate as an engineer-in-training issued to him by the Board or by proper authority of a State or Territory in which the requirements and qualifications of said bodies for obtaining such certificate are reasonably equivalent, in the opinion of the Board, to the standards set forth in this act, or is a graduate in engineering from an institution having a course in engineering of four or more years, and who, in either event, successfully passes a written, or written and oral, examination prescribed by the Board of engineering subjects. In the case of the examination of an engineer-in-training, his examination shall be directed and limited to those matters which will test the applicant's ability to apply the principles of engineering to the actual practice of engineering. In the case of an applicant who is not an engineer-in-training, the examination shall be for the purpose of testing the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences, and those matters which will test the applicant's ability to apply the principles of engineering to the actual practice of engineering; or

(4) has completed an approved secondary-school course of study or equivalent and has had 12 or more years of combined education and experience in engineering of a grade and character satisfactory to the Board and indicating that he is qualified to assume responsible charge of the work involved in the practice of engineering, and who successfully passes a written, or written and oral, examination prescribed by the Board for the purpose of testing the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences, and those matters which will test the applicant's ability to apply the principles of engineering to the actual practice of engineering; or

(5) submits evidence that he is an engineer of established and recognized standing in the engineering profession and that he has been lawfully engaged in the practice of engineering for 12 or more years, of which at least 5 years shall have been in responsible charge of important engineering work of a grade and character satisfactory to the Board. A person may be registered under this subdivision without examination; or

(6) submits evidence that he was a resident of the District of Columbia, or that he was engaged in the practice of engineering in the District of Columbia, prior to the date this act was approved and for 1 year immediately preceding the date of his application, and submits evidence of experience in engineering, of a grade and character satisfactory to the Board, indicating that he is qualified to assume responsible charge of the work involved in the practice of engineering. Registration shall not be granted under the provisions of this subdivision unless the application therefor is filed with the Board wthin 1 year after the date of enactment of this act. A person may be registered under this subdivision without examination.

The requirement of this subsection of residence or practice of engineering in the District of Columbia for 1 year immediately preceding the date of application shall not be applied to applicants who were on active duty in the Armed Forces of the United States during such year, and who entered on such duty after October 16, 1940, but any such applicant for license under this subsection must have been a resident or engaged in the practice of engineering in the District of Columbia for at least 1 year prior to the effective date of this act.

(c) Certification of engineers-in-training: To provide for and to regulate the certification and to certify as an engineer-in-training any person of good character and repute who is a citizen of the United States, at least 21 years of age or has graduated from an institution, and who speaks and writes the English language, if such person—

(1) is a graduate in engineering from an institution having a course in engineering of four or more years and who successfully passes a written, or written and oral, examination prescribed by the Board for the purpose of testing the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences. A person may be certified as an engineer-in-training under this subdivision without a written, or written and oral, examination: *Provided, however,* That the application therefor is filed with the Board within 1 year after enactment of this act; or

(2) has completed an approved secondary-school course of study or equivalent, and has had eight or more years of combined education, training, and experience in engineering, of a grade and character satisfactory to the Board, and who successfully passes a written, or written and oral, examination prescribed by the Board for the purpose of testing the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences.

(d) Registration of noncitizen professional engineers: To register as a professional engineer any person who is not a citizen of the United States, who is of good character and repute, at least 25 years of age, and speaks and writes the English language, if such person submits evidence, of a grade and character satisfactory to the Board, that he is an engineer of established and recognized standing in the profession of engineering in his own country, and who submits certification as to character and qualifications from at least two professional engineers of the District of Columbia. Such registration shall entitle the holder to engage in the practice of engineering only for the duration of and in connection with a specific project for which it was granted, and shall be subject to annual renewal and to suspension or revocation as registration granted as otherwise provided in this act. Engineers to whom such temporary registration has been granted shall be separately listed in the roster.

(e) Application form: To require all candidates for registration as professional engineers to file with the secretary-treasurer of the Board a written application on a prescribed form and accompanied by the required fee. Such application shall contain statements made under oath, showing the applicant's education, detailed summary of his experience in engineering work, and the general field or fields of engineering in which he has his principal activity, and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering training and experience.

(f) Investigation of applications; determination of qualification and competency of applicants: To investigate the allegations contained in any application for registration as a professional engineer in order to determine the truth of such allegations, and to determine the competency of any person applying for a registration to assume responsible charge of the work involved in the practice of engineering, such competency to be determined by the grade and character of

the engineering work actually performed. Any person having the necessary qualifications prescribed in this act to entitle him to registration or certification shall be eligible therefor, although he may not be practicing his profession at the time of making his application. Evaluation of experience in engineering shall be based upon the applicant's knowledge of the fundamental engineering subjects, which shall be broad in scope and of a nature to develop and mature the applicant's engineering knowledge and judgment. In considering the qualifications of an applicant who has graduated in engineering from an approved institution; each year, but not exceeding 2 years, of successful postgraduate study in engineering, and each scholastic year, in excess of 4, of an approved 5- or 6-year engineering curriculum, and each year of teaching engineering subjects, in an approved institution may be considered as equivalent to 1 year of experience in engineering. In considering the qualifications of an applicant who is an undergraduate in engineering, or who has graduated in a curriculum other than engineering, from an approved institution; each equivalent year of approved engineering education, as determined by evaluation by the Board of the educational records submitted, may be considered as equivalent to 2 years of combined education and experience in engineering. Experience in engineering gained under the supervision of a professional engineer or similarly qualified engineer, and experience in engineering gained subsequent to the attaining of an equivalent of the minimum requirements for certification as an engineer-in-training, of a grade and character satisfactory to the Board, shall be given full credit. In any case when the evidence presented in the application does not appear to the Board conclusive nor warranting the issuance of a certificate of registration or a certificate as engineer-in-training without examination, the applicant may be required to present further evidence for the consideration of the Board, and may also be required to pass an oral or written examination, or both, as the Board may determine. Whenever the Board determines otherwise than by examination that an applicant has not produced sufficient evidence to show that he is competent to assume responsible charge of the work involved in the practice of engineering, and shall refuse to examine or to register such applicant, it shall set forth in writing its findings and the reasons for its conclusions, and furnish a copy thereof to the applicant.

(g) Examinations: To prescribe the scope, manner, time, and place for the examination of applicants for registration as professional engineers, to provide for the conduct of and to conduct such examinations, and to make written reports of such examinations. The prescribed examinations shall be written, or written and oral, and designed to permit an applicant for registration as a professional engineer to take the examination in two stages. The first stage of the examination shall be designed to test the applicant's knowledge of fundamental engineering subjects, including mathematics, physical and applied sciences, properties of materials, and the principles of engineering design. Satisfactory passing of this portion of the examination shall constitute a credit for the life of the applicant or until he is registered as a professional engineer. The second stage of the examination shall be designed to test the applicant's ability to apply the principles of engineering to the actual practice of engineering in the field of engineering in which he has indicated his principal activity. An applicant failing to pass an examination may apply for reexamination at the expiration of 6 months and will be reexamined upon payment of the prescribed fee.

(h) Certificate of registration; form and execution; expiration; duplicate certificate; biennial renewal of registration; renewal fee; penalty for delayed renewal: To issue a certificate of registration and a pocket registration card to each professional engineer granted registration under the provisions of this act. The certificate of registration shall authorize the registrant to practice as a professional engineer, show the full name of the registrant, have a serial number, and be signed by the members of the Board under the seal of the Board. The pocket registration card issued with the certificate shall show the full name and registration number of the registrant, state that the person named therein has been granted registration to practice as a professional engineer for the period ending on the 31st day of October in the second year of the then current biennial registration renewal period, and be signed by the chairman and the secretary-treasurer of the Board; to provide for and regulate the renewal of registration of professional engineers registered under this act. On or before the 1st day of August 1952, and biennially thereafter, the secretary-treasurer of the Board shall mail to every professional engineer registered under this act a blank application for biennial renewal of registration, addressing such application to the last known post-office address. Upon receipt of such application blank, a registrant shall execute and return the application for his biennial registration renewal card to the Board together with the biennial registration renewal fee of $2. Upon receipt of such application and renewal fee the Board shall issue a pocket registration renewal card which shall show the full name and registration number of the registrant, be signed by the chairman and secretary-treasurer of the Board, and state that the person named therein has been granted registration to practice as a professional engineer for the period beginning November 1 in the year of issue and expiring on the 31st day of October in the second year following. Application shall be made biennially on or before the 1st day of November, and if not so made an additional fee of $1 for each 30 days' delay before the 1st day of November, and up to the 1st day of March following shall be added to the current biennial registration renewal fee to be paid upon renewal; to issue a duplicate certificate of registration to replace a certificate lost, destroyed, or mutilated, subject to the rules of the Board, and upon payment of the prescribed fee. The issuance of a certificate of registration by the Board shall be presumptive evidence in all courts and places that the person named therein is entitled to all the rights and privileges of a registered professional engineer while said certificate remains unsuspended, unrevoked or unexpired.

(i) Certificate of registration to a noncitizen; form and execution; expiration; renewal of registration; renewal fee: To issue a special certificate of registration and pocket registration card to every noncitizen professional engineer granted registration under the provisions of this act. The special certificate of registration shall authorize the registrant to practice as a professional engineer in connection with a specific project, show the full name of the registrant, have a registration number, and be signed by the members of the Board under the seal of the Board. The special pocket registration card issued with such certificate shall show the full name and registration number of the registrant, state that the person named therein has been granted temporary registration to practice as a professional engineer, state the specific project in connection with which the special registration is granted, the period for which it is granted, not to exceed 1 year from the date of issue, and be signed by the chairman and secretary-treasurer of the Board. Temporary registration may be renewed at the discretion of the Board for periods not in excess of 1 year upon application therefor and payment of the annual renewal fee.

(j) Certificate as engineer-in-training: To prescribe and to issue a certificate, attested by its seal and signed by the members of the Board, to any applicant who in the opinion of the Board has satisfactorily met all the requirements of this act for certification as an engineer-in-training.

(k) Roster of registrants: To keep a roster of all professional engineers registered under this act, showing the registrant's name, place of business or employment, registration number, and the general field or fields of engineering in which registrant qualified to practice, and a roster of engineers-in-training certified under this act. These rosters, together with other information deemed to be of interest to the engineering profession, shall be published in booklet form by the Board on the 1st day of March of each even year, beginning with 1952, or as soon thereafter as practicable. The Board shall also, upon the 1st day of March of each odd year, beginning with 1953, or as soon thereafter as practicable, publish a supplemental roster of all registered professional engineers and certified engineers-in-training. Such published rosters shall contain at the beginning thereof the words: "Each professional engineer receiving this roster is requested to report to the Board the names and addresses of any persons known to be engaged in the practice of engineering in the District of Columbia whose names do not appear in this roster. The names of persons giving such information shall not be divulged." Copies of these rosters shall be mailed or otherwise sent to each registered professional engineer and engineer-in-training and be furnished to other persons upon request.

(l) Official seal; minutes and records: To adopt and have an official seal, and to keep minutes and records of all its transactions and proceedings, and a complete record of the credentials of each applicant and registrant. A transcript of an entry in such minutes and records, certified by the secretary-treasurer under the seal of the Board, shall be prima facie evidence of the original entry in such minutes and records.

(m) Member of National Council of State Boards of Engineering Examiners; dues: To become a member of the National Council of State Boards of Engineering Examiners and to pay such dues as said council shall establish, and to send a delegate to the annual meeting of said council and to defray his reasonable and necessary expenses.

(n) Administrative rules and regulations; employees: To adopt, amend, rescind, promulgate, and enforce such administrative rules and regulations not inconsistent with this act as are deemed necessary and proper by the Board to carry into effect the powers conferred by this act. To employ such clerical or other assistants as are necessary for the proper performance of its duties. The regular annual employees of the Board shall, for the purpose of laws relating to compensation, classification, retirement, and leave, be employees of the District of Columbia. The Board may at its discretion fix and change from time to time, without reference to the Classification Act of 1949, the compensation of employees of the Board employed on a temporary or part-time basis.

(o) Enforcement of laws; investigations; attendance of witnesses; production of books and papers; subpena procedure; witness fees: To enforce the provisions of this act, to investigate for unauthorized and unlawful practice, to employ such persons as it may deem necessary to assist in the investigations and prosecutions incident to enforcement, to require the attendance of witnesses and the production of books and papers, and to require such witnesses to testify as to any and all matters within its jurisdiction. The

Chairman and secretary-treasurer of the Board shall have power to issue subpenas, and each shall have authority to administer oaths. Upon the failure of any person to attend as a witness when duly subpenaed, or to produce documents when duly directed by said Board, the Board shall have power to refer the said matter to any justice of the United States District Court for the District of Columbia, who may order the attendance of such witness, or the production of such documents, or require the said witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such documents, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpena issued or to testify in a case pending before said court. Witnesses who have been subpenaed by the Board, and who testify if called upon, shall be paid the same fees that are paid witnesses in the United States District Court for the District of Columbia.

(p) Refusal, suspension, and revocation of certificates: To refuse to issue a certificate to any person, or to suspend or revoke the certificate of registration of any professional engineer or the certification of any engineer-in-training issued hereunder if such person—

(1) has been convicted of a felony;

(2) has been found guilty of deceit, misrepresentation, violation of contract, fraud, or gross incompetency, in his practice;

(3) has been found guilty of fraud or deceit in obtaining his registration or certification;

(4) has aided or abetted any person in the violation of any provision of this act;

(5) has violated any provision of this act;

(6) has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane.

(q) Reissuance of revoked certificates: To reconsider the application of any person whose application has been refused or to reissue a certificate of registration to any professional engineer or a certification to any engineer-in-training whose certificate has been revoked for reasons the Board deems sufficient, upon payment of the prescribed fee for such reissuance.

SEC. 9. Complaints; hearings; proceedings; appeals: (a) The Board may upon its own motion, and shall upon the sworn complaint in writing of any person setting forth charges which would constitute grounds for refusal, suspension, or revocation of a certificate, as set forth in section 8 (p) of this act, investigate the acts of any person holding or claiming to hold a certificate. All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within 3 months after the date on which they shall have been filed.

(b) The Board shall, at least 30 days prior to the date set for the hearing, notify the accused in writing, of any charges made, and shall afford him an opportunity to be heard in person or by counsel in reference thereto. Such notice may be served by its delivery personally to the accused licensee by the United States marshal in the manner prescribed for service of original process in the United States District Court for the District of Columbia, or by mailing it by registered mail with return receipt demanded, to the place of business last theretofore specified by the accused in his last notification to the Board. At the time and place fixed in the notice, the Board shall proceed to hearing of the charges and both the accused and the complainant shall be accorded ample opportunity to present in person or by counsel, such testimony, evidence, and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time and shall give notice in writing to all parties in interest of the date and hour to which the hearing has been continued, and the place at which it is to be held.

(c) The Board shall preserve a complete record of all proceedings at the hearing of any case wherein a certificate is refused, revoked, or suspended. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, and the orders of the Board shall be the record of such proceedings. The Board shall furnish a transcript of such record at cost to any person interested in such hearing.

(d) If, after completion of the hearing, the Board shall be of the opinion that the accused is guilty of the charges, or any of them, the Board shall issue an order refusing, suspending, or revoking the certificate. Such order shall be served upon the accused person either personally or by mailing it by registered mail to the address specified by the accused person in his last notification to the Board.

(e) Any person aggrieved by the action of the Board in refusing, suspending, or revoking a registration or certification or by any other action of the Board, which is alleged to be improper, unreasonable, or unlawful may appeal from such action of the Board to the United States District Court for the District of Columbia.

(f) Appeals from suspension or revocation of registration and certification must be taken within 30 days after such refusal, suspension, or revocation. In the case of appeals from other actions of the Board, the appeal may be taken at any time by the person aggrieved by such action. No such action shall act as supersedeas unless specially allowed by the court.

(g) Proceedings shall be conducted according to the Rules of Civil Procedure for the United States District Courts and the appeal shall be heard by the judge or judges of the court without a jury. The court shall affirm the decision of the Board, unless it shall find the same is in violation of the constitution rights of the appellant, or is not in accordance with law, or was made upon unlawful procedure, or that any finding of fact made by the Board and necessary to support its adjudication is not supported by substantial evidence. If the adjudication of the Board is not affirmed the court may set aside or modify it in whole or in part, or may remand the proceedings to the Board for further disposition in accordance with the order of the court.

(h) Either party may appeal from the decision of the United States District Court for the District of Columbia to the United States Court of Appeals for the District of Columbia circuit. Any appeal on behalf of the Board may be filed without bond. The decree of the United States Court of Appeals shall be final and conclusive.

SEC. 10. Exemptions: Nothing in this act shall be construed to affect or prevent the following:

(a) The practice of engineering by any person who, within 1 year after the enactment of this act, has filed with the Board an application for registration under this act. This exemption shall continue only for such time as the Board may require for consideration of said application.

(b) The practice of engineering for not exceeding 30 days in the aggregate in one calendar year by a nonresident not having a place of business in the District of Columbia, if such person is licensed or registered to engage in the practice of engineering in a State or Territory in which the requirements and qualifications for obtaining a license or registration are reasonably equivalent to those specified in this act.

(c) The practice of engineering for more than 30 days by a nonresident not having a place of business in the District of Columbia, or by a person who has recently become a resident of or has recently entered the practice of engineering in the District of Columbia, and who has filed with the Board an application for registration, if such person is registered or licensed to engage in the practice of engineering in a State or Territory in which the requirements and qualifications for obtaining a license or registration are reasonably equivalent to those specified in this act. Such practice shall be permitted only for such time as the Board requires for the consideration of the application.

(d) The performance of engineering work by any person who acts under the supervision of a professional engineer, or by an employee of a person lawfully engaged in the practice of engineering, and who, in either event, does not assume responsible charge of design or supervision.

(e) The practice of engineering as a consultant, officer, or employee of the Government of the United States or the government of the District of Columbia while engaged solely in such practice for said governments.

(f) The practice of any other legally recognized profession.

(g) The practice of engineering exclusively as an officer or employee of a public-utility corporation (act Mar. 4, 1914, 37 Stat. 974, ch. 150, sec. 8, par. 1) by rendering to such corporation such service in connection with its facilities and property which are subject to supervision with respect to safety and security thereof by the Public Utilities Commission of the District of Columbia and so long as such person is thus actually and exclusively employed and no longer: *Provided, however,* That each such public-utility corporation shall employ at least one registered professional engineer who shall be in responsible charge of such engineering work.

(h) The practice of architecture by a person authorized to use the title of architect or registered architect under the provisions of the Architect's Registration Act, approved December 13, 1924, and as amended, and his doing such engineering work as is incidental to his architectural work.

(i) The construction or alteration of a building that does not cover over 1,000 square feet of ground area and does not have a height of over 20 feet to the uppermost ceiling, or two habitable floors above a basement.

(j) The execution of construction work as a contractor, or the superintendence of such construction work as a foreman or superintendent, or the work performed as a salesman of engineering equipment or apparatus.

(k) The operation or maintenance of boilers, machinery, or equipment when the operators are duly licensed under the provisions of the act of Congress entitled "An act to regulate steam engineers in the District of Columbia," approved February 28, 1887, as amended.

(l) The usual supervision of construction or installation of equipment within a plant under his immediate supervision by a person ordinarily designated as supervising engineer or chief engineer of power.

SEC. 11. Seal of registrants: (a) Each person registered under this act may obtain a seal of a design authorized by the Board which shall bear the registrant's name and registeration number, the legend "Registered Professional Engineer," and such other words or figures as the Board may deem necessary. Such seal, or a facsimile imprint of same, shall be stamped on all plans, specifications, and reports by the registrant responsible for the accuracy and adequacy of such plans, specifications, and reports, when filed with public authorities.

(b) It shall be unlawful for a registered engineer to affix or permit his seal to be affixed to any plans, specifications, or drawings for which he does not assume full responsibility for the adequacy and accuracy thereof.

(c) It shall be unlawful for any person to use such seal during the period the registration of the holder thereof is expired, suspended, or revoked, or to use a seal of any design not approved by the Board.

SEC. 12. Display of certificate of registration: Whoever engages in the practice of engineering shall keep displayed in a conspicuous place in his established place of business the certificate of registration granted him under this act, and evidence of current renewal.

SEC. 13. Fees; payment of expenses; audit: Each application for registration as a professional engineer shall be accompanied by the appropriate prescribed application fee and the registration fee. A person desiring certification as an engineer-in-training shall pay the prescribed application fee for such certification with his application and shall pay the additional application fee and the registration fee upon filing his application for registration as a professional engineer.

Should the Board deny the issuance of a certificate of registration to any applicant, the registration fee deposited with the application shall be refunded.

The amount of the fees prescribed in this act is that fixed by the following schedule:

(a) The application fee for professional engineer with first- and second-stage examination is $20.

(b) The application fee for professional engineer without examination is $10.

(c) The application fee for engineer-in-training with examination is $7.50.

(d) The application fee for engineer-in-training without examination is $5.

(e) The application fee for professional engineer with second-stage examination is $12.50.

(f) The fee for reexamination shall be determined by the Board not to exceed $10.

(g) The registration fee for professional engineer is $5.

(h) The biennial registration renewal fee for professional engineer is $2.

(i) The fee for reissuance of a revoked certificate of engineer-in-training is $7.50.

(j) The fee for reissuance of a revoked registration certificate is $20.

(k) The fee for issuance of a duplicate certificate of registration is $5.

(l) The penalty for delinquence is $1 for each month after the date upon which the biennial renewal fee became due: *Provided, however,* That the total shall not exceed $4.

The secretary-treasurer of the Board shall receive and account for all money derived from the provisions of this act and shall keep such money in a separate fund to be known as professional engineers' fund, such fund to be disbursed only by the secretary-treasurer, upon itemized vouchers approved by the Chairman and attested by the secretary-treasurer of the Board. The secretary-treasurer shall furnish bond for the faithful discharge of his duties, in such form and amount as the Commissioners shall require. The premium on such bond shall be regarded as a proper and necessary expense of the Board. The secretary-treasurer of the Board shall receive such salary as the Commissioners shall determine, in addition to the compensation provided for in section 6. The Board may make expenditures from this fund for any purpose which, in the opinion of the Board, is reasonably necessary for the proper performance of its duties under this act: *Provided, however,* That such expenditures shall in no event exceed the total of receipts. It shall be the duty of the Auditor of the District of Columbia to audit annually the accounts of the Board and make a report thereof to the Commissioners. For the purpose of performance of such duty, the Auditor shall have free access to the books of account, records, and papers of the Board.

SEC. 14. Penalties: Whoever shall engage or offer to engage in the practice of engineering without being registered, or exempted, as provided in this act, or by verbal claim, sign, letterhead, card, or in any other way represent himself to be a professional engineer or through the use of any title including the word "engineer" or words of like import, or any other title, imply that he is a professional engineer without being registered as provided in this act, or shall present or attempt to use as his own the registration certificate of another, or shall give any false or forged evidence of any kind to the Board, or to any member thereof, in order to obtain registration as a professional engineer, or shall use any suspended or revoked registration, or shall otherwise violate the laws relating to the practice of engineering, shall be guilty of a misdemeanor and shall be punishable by a fine of not more than $500 or imprisonment for not more than 1 year, or both.

SEC. 15. Prosecutions: (a) All violations of laws relating to the practice of engineering in the District of Columbia shall be prosecuted in the municipal court for the District of Columbia by the corporation counsel. The corporation counsel shall render such other legal services as may from time to time be required by the Board.

(b) The Superintendent of the Metropolitan Police Department shall detail such members of his force as may be necessary to assist the Board in the investigations and prosecutions incident to the enforcement of this act.

(c) The corporation counsel is hereby authorized to apply for relief by injunction to restrain a person from the commission of any act which is prohibited by this act. In such proceedings it shall not be necessary for the corporation counsel to allege or prove either that an adequate remedy at law does not exist, or that substantial and irreparable damage would result from the continued violation thereof.

SEC. 16. Annual report: The Board shall submit an annual report to the Commissioners on the first Monday in August, containing a statement of moneys received and disbursed and a summary of its official acts during the next preceding fiscal year, and recommendations for such further legislation relating to the practice of engineering as may be necessary in the public interest.

SEC. 17. Saving clause: If any section or sections, clause or clauses, of this act, or any regulations promulgated thereunder, be declared unconstitutional or invalid, that shall not invalidate any other sections or clauses of this act, or any other regulations promulgated thereunder.

SEC. 18. Repeal of conflicting legislation: All laws or parts of laws and regulations promulgated thereunder in conflict with the provisions of this act shall be, and the same are hereby, repealed.

SEC. 19. This act shall take effect upon the expiration of the ninetieth day after the date of its enactment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. WHITAKER asked and was given permission to extend his remarks and include an editorial written by Mr. UNDERWOOD.

Mr. PRICE (at the request of Mr. KARSTEN) was given permission to extend his remarks in three instances and include extraneous material.

Mr. WHITE of California asked and was given permission to extend his remarks and include an editorial.

Mr. HESELTON asked and was given permission to extend his remarks and include extraneous matter.

Mr. MASON asked and was given permission to extend his remarks.

Mr. BURDICK asked and was given permission to extend his remarks with reference to veterans' legislation.

Mr. MORTON (at the request of Mr. D'EWART) was given permission to extend his remarks.

Mr. D'EWART asked and was given permission to extend his remarks.

Mr. WOLVERTON asked and was given permission to extend his remarks and include extraneous matter.

Mr. EDWIN ARTHUR HALL asked and was given permission to extend his remarks.

Mr. ENGLE of California asked and was given permission to extend his remarks and include extraneous matter.

The SPEAKER. Under previous order of the House, the gentleman from Indiana [Mr. JACOBS] is recognized for 40 minutes.

WESTBROOK PEGLER

Mr. JACOBS. Mr. Speaker, on August 14, 1950, a Westbrook Pegler column was published in the Indianapolis Star under the heading "Westbrook Pegler says he cannot forget what JACOBS did to him."

I am not thin-skinned about what my journalistic friends say about me. I have always felt it was up to me to straighten the record if they twisted it. That is why I am on the floor today, to correct two misapprehensions which Westbrook Pegler attempted to create in his column. I will admit that he did not say in that column that I am now making money practicing law based upon my position in Congress. No; he did not say that. He practiced the old art of deceiving without technically lying, and he obviously tried to leave that false impression, without technically stating it as a fact. The truth is I am not practicing law at all. My entire time is devoted to my official duties from which I derive all current income, except from investments which I do not even manage. I have not time.

But before I reach that point, I would like to talk about Westbrook Pegler himself. Then I will come back to this column. Westbrook Pegler has been a columnist for a good many years. He has advised the American people in rather strange ways.

I have here in my hand now a photostatic copy of the New York World Telegram for December 13, 1933. It has a column by Westbrook Pegler in which he defends the gentle art of lynching. I will read the first paragraph:

> As one of the rabble, I would admit that I said "Fine. That is swell" when the papers came out that recent day telling of the lynching of the two men who killed the young fellow in California; and I have not changed my mind yet for all the storm of right-mindedness which has blown up since.

Those words advocating lynching were from the pen and acid bottle of Westbrook Pegler in 1933.

To illustrate the further mental gyrations this gentleman has gone through, I have in my hand the photostatic copy of a page from the Communist Daily Worker of June 19, 1936. There in the

center column you see the photograph of the great journalist, Westbrook Pegler. Let us see what he said among other things. Now, remember, he is talking to the Commies back in 1936:

Fascist tendencies are popping up anywhere and I do not want to pull any punches on that stuff.

He went on:

I am against Fascism in any garb they put it. Nazism probably is the most malignant form and despotism in any shape. You can take that any way you want to.

He continued:

Because that includes the despotism of your Raskobs, your DuPonts, Hearsts, and who have you. I am not a Communist and I am not for communism—

He said—

but this idea of forming a Farm Labor Party to put through real social legislation and progressive policies in government is a good thing.

That is Westbrook Pegler speaking in the Communist Daily Worker on June 19, 1936.

Now, let us continue. We have heard much recently about Communist front organizations. Let us observe the contribution this great man Pegler has made to the idea of a front organization for Communists.

Reading from the same story in the Daily Worker Pegler says:

Call it any name you want to, People's Party, American Party, Progressive Party, or Farm Labor; but go ahead and form one.

That is what he told the Commies in 1936. And if you doubt that, there is a photostatic copy of the page which you may read. Now continue following his mental metamorphosis: On June 21, 1949, in the Washington Times-Herald, Mr. Pegler had this to say:

There may never be any way discovered to equalize the individual worker with the soulless corporation short of outright fascism.

On the 15th of September 1949 he published a column in the Indianapolis Star which reads as follows:

Westbrook Pegler says we should have old-fashioned vigilantes.

Dear hearts and gentle people!

Now, I want to comment on his complaint about what I did to him. The truth of the matter is I did nothing to him. On June 16, 1949, there appeared in the Washington Times-Herald a column by Mr. Pegler in which he said:

Mr. JACOBS, of Indianapolis, does not need to waste another dollar of money investigating. The story is all in the evil record amassed by these three southern gentlemen and for more sordid details and embellishments JACOBS need only ask me.

What was that in reference to? As most of you know, I was chairman of a subcommittee investigating undemocratic practices in labor unions. We had conducted an investigation of the International Pressmen's Union, as a result of which we disclosed that the deceased president of that union had misappropriated close to a million dollars from the treasury of that international union. I had felt for some time that I understood how these mechanisms often worked within such organizations. I have long since advocated legislation that would protect the individual member when he protested abuses within his union. I advocated it to Members of the Seventy-ninth Congress and again in the Eightieth Congress, which passed the Taft-Hartley law but ignored this approach to that problem. Our committee held hearings last year on the Taft-Hartley law. You will find the record of my examination of every witness who appeared and who should have had knowledge of this problem. Finally, this subcommittee was set up, and I was appointed chairman. I conducted these hearings. The truth of the matter is Mr. Pegler comes forth and makes this statement in the Washington Times-Herald as of June 16, 1949, and it was called to my attention. He boasted that he had all the information we needed.

Now, of course, if I had not subpenaed him before the committee he would still be harping on my failure to do so. He would, with righteous indignation and time without end, remind you that I had refused to accept his offer to help the subcommittee with information. Since I did subpena him before the committee he tried to make something else out of it. Therefore, I am going to refer to his appearance before this committee. I say to you that I did not do anything to him. If anything was done to him he did it to himself.

When he appeared before the subcommittee, and this is from the record, I asked him this question:

Mr. JACOBS. Mr. Pegler, according to the Times-Herald, on June 16, 1949, you are reported as having written:

"Mr. JACOBS, of Indianapolis, doesn't need to waste another dollar of our money investigating. The story is all in the evil record amassed by those three southern gentlemen and for more sordid details and embellishments JACOBS need only ask me."

Do you acknowledge authorship of that?

Mr. PEGLER. I do; yes.

Mr. JACOBS. You have the undivided attention of this committee. Proceed.

I am not going to say how well he did or how poorly he did, but I am going to call as witnesses his fellow journalists who were present and who heard him, and I will let them give testimony as to whether or not he had a great treasure of information as he said he had and how well he did toward helping us.

Let us call the Washington Star. Here is the headline:

Pegler hurls epithets from stand, but fails to satisfy hearing. Uses "thief," "murderer" at House labor probe; balks at giving names.

Now, from the Washington Star story is this quotation:

Mr. Pegler testified for an hour and a half and gave the committee largely a rehash of some of the cases involving misdeeds of union leaders which over recent years have been printed in his columns.

Now, let us call the New York Herald Tribune. Here is the headline:

Inquiry finds Pegler's data on unions hazy.

Mr. Pegler is quoted in the story as saying, and he did say, after having made this boast and after having had the subpena for a week or two, he said—and here is the exact quote:

I will have to go back and make some more preparation.

Let us go out to the Middle West and pick up the Louisville Courier-Journal and see what that paper had to say about Pegler's effort at enlightening the subcommittee:

By the time the committee recessed at noon, virtually everybody at the hearing had realized Pegler had pulled a HICKENLOOPER.

Seldom has a cannon cracker gone off with such a pf-f-t. He upheld his boast of a "great treasure of information" even less than Senator HICKENLOOPER did his charge of "incredible mismanagement" against the Atomic Commission.

The man who can roar so loud in print mumbled his words. The man who is generally conceded to be one of the most articulate writers of our day talked in a rambling and incoherent fashion. The man who seems so bellicose to millions of readers was as mild as a sucking dove.

His suitcase—presumably the source of some of his treasure of information—turned out to contain mostly old Pegler columns and union constitutions.

Even the Indianapolis Star, which has never supported me and carries his column, wrote editorially:

ANDY takes round 1.

I do not know how I took round 1. I just sat there and let him knock himself out.

The Indianapolis Star said:

Pegler revealed nothing new.

The only newspaper in the United States that I know of that took a little different view of the matter was the Fort Wayne News Sentinel. Now, the Fort Wayne News Sentinel generally comes out on time. Once in a while it is a little late because they cannot go to press until they read the Chicago Tribune. The Fort Wayne News Sentinel had this to say editorially at the time Mr. Pegler was called before the committee:

A. JACOBS has forgotten all about such a thing as discretion being the better part of valor, and has decided to take on the brilliant columnist and scorching debater, Westbrook Pegler.

For Pegler it will be—just another one of those things. For JACOBS—a blistering baptism of fire the like of which no rookie Congressman has experienced.

Now, after the newspapers had reported what occurred, as I just read, the Fort Wayne News Sentinel comes out editorially and says:

Mr. Pegler is rightfully resentful of the treatment accorded him by the Hoosier Congressman.

The only treatment I accorded him, which he is still complaining about, was that we called him before the committee to give the testimony and the information which he himself said he had. If we had not done so we would be blistered today for having ignored his offer.

Now I take up the column that occasioned these remarks in the first place. Of course, everyone in my district knows that when I was elected to Congress I closed my law office. I had good reasons for doing so. Every man is the keeper of his own conscience. He knows what

he thinks he should do, and I know from experience and observation how easy it is to camouflage a bribe and make it look like a lawyer's fee. For that reason I felt that I should not be connected with the law practice in any way. And I am not.

It was not very long after I came down here until I saw how wise that decision was, because that little law office that I occupied back there for 21 years before I was elected to Congress was rented by a firm of lawyers. They were new men who came in and took over my office. Because of the fact that I had been in that office people figured, "Well, that is still Jacobs' office." These lawyers were offered business that I had never heard of before and of course never would have heard of if I had not been elected to Congress. It took some pretty straight talk to make them understand that I was not connected with that law office, my name was not on the door, and I had nothing to do with it. Pegler knows that that is the truth, as does every lawyer and most people in the Eleventh Indiana District.

Just to give you an idea about this fellow Pegler, when he came up before this subcommittee he testified that he had no connection or contact directly or indirectly with William L. Hutcheson, who is president of the United Brotherhood of Carpenters and Joiners Union of America. Yet within a matter of a day or two a Pegler column appeared—and the column must have been written at the time he made that statement. In it he said, and many of you read it, that I had earned $300,000 in 2 years practicing law. That is one place where I wish the man's statement had been true. Unfortunately, for me it is not true, but it is very significant under circumstances I will relate. It is very significant, when I tell you a little incident in connection with that story.

I did a good deal of lawing with Big Bill Hutcheson. I was there practicing law, and I turned him over the barrel a couple of times, and always came out pretty well. Large Bill does not like me. He is my neighbor out in Indianapolis. We live in the same general neighborhood. But we did a good deal of lawsuiting, and Bill was not pleased with results. So Bill figured that he might be able to scratch up some skeleton in a tucked-away closet, and he hired a firm of detectives over here in Washington to investigate me.

Understand, I am just a Hoosier lawyer out in Indianapolis, born and raised in Indiana. For the fee he paid them I would have been glad to write him an autobiography and write it accurately, too. Nevertheless, he hired a firm of detectives from Washington, D. C., to investigate me.

One day I got a call from the bank. They said there were some private eyes over there, trying to get some information, and they wanted to know what to do about it. I said, "Just feed them something, it does not make any difference. Just tell them anything." We agreed we would tell these private detectives that I had banked $300,000 in the last 2 years. I wanted to make it look good. It was none of their business, anyway. So we agreed to do that, and apparently they did so at the bank.

I am not going to tell how I got hold of it, but I heard of that detective's report later. It faithfully reported my supposed affluence. Of course it is awful that I made a fee, for I am only a Democrat. Bill had lawyers all across the country, lots of them, including the great Charles Tuttle, of New York. He tasted the dust also. He also talks too much. We took some depositions one time and big Bill had so many lawyers that when we got through I got up and said, "Gentlemen, I know of no meeting of the American Bar Association I have enjoyed more than I have this." Most of these lawyers enjoyed the joke. But not Mr. Tuttle. You see he did not think the other fellows were lawyers—that is compared to him. But anyway the private eyes reported to big Bill very faithfully the "baloney" that we had fed them. I gradually forgot the mysterious $300,000 as you do a pleasant dream.

The next time I learned that I had made the $300,000 in 2 years was from a Westbrook Pegler column, who just a few days before, and obviously after he had written the column, had sworn that he had no contact whatever with Bill Hutcheson. Of course it is very obvious that he did not tell the truth, because he would not have hit that false figure by chance.

There are just two examples of his technique that I want to bring to your attention. He kicks this $80,000 fee around again. We have talked about that before. It was not $80,000, it was $65,500, and I think I earned it more dearly than I did many other fees that I received. However, that is my private business. And my clients were well satisfied, not only the officers but the rank and file.

As I have said, most of us believe in private initiative, and I had some initiative and I worked at it when I was practicing law.

But Pegler goes on to comment that I had said I had quit practicing law when I came to the Congress. Then he said, and you can see this is the art of deceiving without lying; he does not say that my statement is not the truth, oh, no, but he intends to plant that in the mind of the reader by saying, "Had I known as much then as I know now I would have gone right ahead and loaded the record." Of course, he might as well have said to the people that, "This statement of JACOBS is false."

I got a big return on this column when it was published. There was one man in my district who sent it to me and asked me what about it. I think all the rest of them knew that it was not true. But here is the next example of the technique. All of you gentlemen who are Members of Congress have had experience on committees. There are people who appear before committees who think they have been wronged. Ofttimes they are unable to distinguish between the functioning of a congressional committee and the obligations and duties of a court. Time after time as this committee sat we had to explain to witnesses that we had no power to give them redress, that we were only investigating for the purpose of getting information, to enlighten us on legislation.

When Mr. Pegler came down to testify there was a lady who appeared. I do not know whether he brought her or whether she just chanced to be there.

I think he brought her because he said she just chanced to be there. But that is neither here nor there. It is not important. She had had an argument with her union over a $21 assessment which she said was illegally levied. It did present a legislative question. Under the Federal law as it exists today the assessment was not illegal, but it did present a legislative question, in prospect. She gave us the whole story on this assessment, all the information there was. We listened to her through all the details.

Then she said she wanted her $21 back. Well, I explained to her, as I stated a moment ago, the functions of a legislative committee. I explained to her that we could give her no redress whatever. But she did not understand it. I do not say that she lacked intelligence, but the fact is she just did not understand what I was trying to explain to her, and she still insisted that she wanted her $21 back. I began to think it might pay me to give her the $21 so that we could go ahead with the hearing.

I did explain to her, with language as simply as I could in several different ways that we could not do anything for her—that she was helping us and giving us information. And no person other than Pegler would say I did not treat her patiently and kindly. That is the whole story, as the record will disclose. We told witness after witness that we could not do anything for them, because it was our duty to do what we were doing but we were not a court and had no power to redress wrongs. I suppose I wrote a thousand letters telling people the same thing. But here is what Pegler has to say about it:

> I tested them with one case. A woman got up and squealed on Dave Dubinsky's union, and gave all the details.

At least that demonstrates that we listened to the evidence. We heard all the evidence.

The column reads further as follows:

> That case later proved to be perfect when she went to the small claims court in New York and licked Dubinsky and his high-priced lawyers and made them pay back the money which the union had withheld. But JACOBS gave her the brush-off, which convinced me that he was not interested in protecting the so-called little people.

Now, listen to what he has to say:

> During this kangaroo court you might have thought I was on trial.

Now, the truth of the matter is that all this happened exactly as I have told you. I had to explain to the woman that we could not do anything for her, and so far as Pegler being on trial is concerned, if he was on trial, he put himself on trial. He was given every opportunity to tell everything that he knew, and I am just saying what the press said; that he did not tell anything; that he was a dud; a fact

which is becoming pretty common knowledge.

Now, there are two of the techniques of this fellow Pegler. It is some of the technique of a lot of journalists. You remember the other day I put in the RECORD an analysis of the columns and broadcasts of Pegler, Pearson, Winchell, and Fulton Lewis, Jr. You remember one of my colleagues from Indiana registered temporary objection, and then withdrew his objection. So the Indianapolis Star, a great newspaper in my district, came out with an editorial entitled "Congressional Appendicitis," and it recommends, and I just want to pass this recommendation on to you gentlemen because you may want to follow it, that we abolish the Appendix of the RECORD. They are mild in their criticism. They do not say anything too bad about me. They say I only did what almost every other Member of Congress does, and it just ought to be cut out.

Well, now, let me tell you something. Recently the Indianapolis Star wrote an editorial and put it on the front page of the paper. It was two columns wide and the full length of the front page. They sent that to every Member of Congress from Indiana as well as to the Senators. How many times do you think that was duplicated in the Appendix of the RECORD? There are some who curry favor with the Star, you know, so each one of those folks stuck that editorial in the RECORD. This Star editorial did not say a word about that. No objections. But JACOBS did not put that editorial in the RECORD. I will tell you that right now. But I addressed myself to the people back home on the radio, and I told them what I thought about the editorial. The publisher is a good friend of mine. It makes no difference to me. I told him the last time that I was home, talking to him about this thing: "I just want you to know one thing. I am strictly impartial. I will scrap with you and your two daily newspapers as quick as I will scrap with the Shopping News."

No; there was nothing said about that Star editorial being duplicated in the RECORD.

I pride myself some on being attacked by certain journalists. The proudest item I have was when I was attacked early this year by the Daily Worker itself. I got a photostatic copy of that paper because I did not want it to fade out. I want to keep it. But at least I try to be reasonably considerate.

As most of you know, I have always had a friendly feeling toward labor and organized labor, but when any organization—I do not care whether it is a corporation or whether it is a union, or what it may be—when any organization acquires sufficient power that it can crush the individual, then I think it is subject to some restraint—some fair and reasonable restraint. That is the kind of legislation I was working on. This is a strange thing. The members of the Labor Committee know I have been working on that kind of legislation as pertains to unions. Incidentally, gentlemen, I had correspondence and conversations with a Senator in the Seventy-ninth Congress. I recommended such legislation; and I also corresponded with the Committee on Labor in the Eightieth Congress, which constructed the Taft-Hartley Act. I am not a Johnny-come-lately on the thing. I have been for it for years. But when I try to construct such legislation, who is it that makes the most bitter attack on me? It is Fulton Lewis, Jr., and Westbrook Pegler. Maybe they think they will be put out of work if we should correct some of the evils out of which they have made fortunes. But it is a strange thing indeed that this fellow Pegler who for years has been making fortunes pecking out two-fingered drivel, salable only in the market places of hate and directing this drivel at the abuses in the labor unions, should attack me, the first man, so far as I know, who has ever served in the Congress of the United States who has taken the particular approach that I have to protect the little fellow who is a member of the union. That is to insure that he may exercise his right of free speech and voice in union affairs, and not be tossed out of the union on his ear. I wonder why that is? I did not do anything to Westbrook Pegler. Maybe I have here today—I hope I have. I hope I have disclosed to some extent his technique of how he attempts to deceive the public without engaging in technical falsehood. But I did not do anything to him; if Westbrook Pegler had any quarrel his quarrel was with humanity, or perhaps with the Creator of all of us who did not give human nature perfection. After all, he seems to be annoyed and vexed with humanity, and he seems to think that the Lord did a mighty bum job in creating every human being on earth except Pegler.

I did not have any quarrel with the News Sentinel, nor Pegler, nor Fulton Lewis. I was just trying to do my job as best I could, only to be beset by this fellow Fulton Lewis, Jr., who, incidentally, gives full-page ads in papers endorsing liquor, the drinking of whiskey, this great Christian gentleman trying to encourage the young people of this country to drink whisky. You know he switched to Calvert and became "a man of distinction," or extinction. And he encourages people to drink whisky and claims to be a Christian. Shades of Dr. Jekyll and Mr. Hyde. As I told him last year he might do better if he would switch to a little truth serum once in a while. I said he would not bungle his words on his broadcast if he would switch to drinking water instead of Old Crow; and if he is not careful he will be eating crow as a steady diet. The people are getting wise to him.

But these men like Pegler, and Fulton Lewis, and Drew Pearson, if they were interested in trying to correct some of these evils out of which they have made fortunes, they would not hate someone who has been trying to devise remedies; they would not have time for hatred; they would be too occupied with the complex problems that confront us today in an industrial age.

And I will say this, that after Pegler had talked before our subcommittee he went on for about 7 minutes reading that script that he had brought down to the committee, and when he finished he ran down like an 8-day clock in a haunted house; he looked up and he said he was ready for some questions. I said for him to proceed in his own way, and he immediately bogged down because he did not have anything to say. But after he had mumbled around during a portion of the afternoon I asked him what remedy he suggested for the evils in unionism. He looked surprised; a sort of a vacant look came over his face.

He had that look on his face that I always imagined the lawyer had when he told the story about the great lawsuit he had tried. This lawyer said it was a whopping lawsuit; he said, "It took 30 days for us to put in the evidence." He said, "My argument to the jury lasted for 16 hours, and the judge's charge to the jury took 5 hours, and the jury was out three days before they returned their verdict." He stopped, and his companion asked: "Well, what did they do to your client?" He said: "What? Oh, my client. Oh, him. Well," he said "they hung him; but I did make them hesitate." When Pegler had got through and said all that he had to say—which according to his fellow journalists was about nothing—and I asked him: "What would you suggest by way of remedy?", he had that look on his face that the lawyer had when they asked him what they did with his client. He had never even thought about it. In fact he probably thought it would be terrible if we did find a remedy. That would put him halfway on unemployment, with only the job of kicking at F. D. R.'s tombstone.

Now, that is the truth of the matter. Mr. Speaker, I regret imposing on your time in making this statement. But I think it is about time that some of these people who become so adept at the art of deceiving without lying have the veil they draw around themselves punctured and whipped away so that we may see them in their true light. I am happy, Mr. Speaker, to have this RECORD disclose the mental gyrations that this man Pegler's mind has gone through in past years in arriving at some of the conclusions that he prints today: First, a defense and advocacy of lynching, then advising the Communist Party to start out under another name, as a Communist-front party; and, finally, an outright advocacy of fascism and old-fashioned vigilantes. Who was the great journalist who referred to his beautiful mansion, I mean Pegler's beautiful mansion, as "the house that venom built". He certainly was right. If men of the ability of Westbrook Pegler and these other fellows had the welfare of their country at heart, they would be happy to present the facts as they are, they would give some study to what a proper remedy within the framework of our Government would be without resorting to lynching, old-fashioned vigilantes, and camouflaged or outright fascism. As of today Westbrook Pegler typifies the school of fascism, in this country—he is the patron saint of everything ugly, mean, low and cruel that America stands against. Westbrook Pegler typifies it. And by "fascism," what do I mean? I mean by "fascism," if I understand it correctly, a political propaganda by which there is an appeal to those who have been suc-

cessful and who have acquired some power by way of the possession of wealth and saying to them, as I understand it, that their power will remain unrestrained; they may use it to crush out competition from the little fellow. As against this is the iniquitous philosophy of the Communists who offer to those to whom they appeal, to cut up and divide everything that has been created by the efforts of others regardless of whether or not the individual has contributed anything to the creation of such wealth; or whether he has ever demonstrated his capacity to discharge the responsibility of ownership and management. We had to fight the Second World War against the extreme Rightists, the Fascists, the Nazis, and while we did it, the Commies came forward singing hosannahs. They wanted to help. They infiltrated into our Government. We have had to go through a delousing process to get shut of them.

As we approach this next stage of history, Mr. Speaker, in which we are going to have to resist the other extremes, or the imperialism of communism, let us watch ourselves very closely; let us see if we can ward off some of the infiltration of the other gang. They are going to be there hammering away at our gates. This man Pegler is going to be there daily in a lot of newspapers throughout this country. In that way, and because of our current enemies, he is dangerous. I maintain that every man who discloses the iniquitous and vicious technique that is employed by these angels of hate—of whom Pegler is the archangel—every man that can contribute to jerking down the veil so that he can be seen in his true light, is rendering a service to his country. That is why I took this time today. So far as I am personally concerned I can take care of myself in the district I represent. But the people should be shown this man Pegler in his true light.

The SPEAKER. The time of the gentleman from Indiana has expired.

EXCESS-PROFITS TAX LEGISLATION

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I call the attention of the Members of the House to the fact that it is highly important that H. R. 8920, the revenue bill, be enacted into law as early as possible. In the case of individuals one-fourth of the increase in tax applies to 1950 and withholding begins on October 1, 1950. The Bureau of Internal Revenue is preparing forms, tables and instructions required to put this act into effect. Any delay in the enactment of this law may cause us to lose 1 month of badly needed revenue.

Mr. Speaker, I do not believe that this revenue should be jeopardized on account of those who believe that something might be done about an excess profits tax. I am as much in favor of an excess profits tax as any man in this House, and have been all along, but we have to deal with this matter practically. There is no chance of getting an excess profits tax bill through the Congress. The Senate is against it, the Secretary of the Treasury is against it, the President is against it and our staff of the Joint Committee on Internal Revenue says that we do not have time to write a workable excess profits tax, one that the committee and the Congress can be responsible for, before the end of the session. Therefore, it is very important and essential for the revenues of the country that are so badly needed at this time that the bill go to conference, and that conferees be appointed to meet with conferees of the Senate in order that we might work out the differences between the two Houses and agree upon an interim measure that will raise this revenue that we need.

I trust that my good friends who are holding up this matter will see the futility of delaying this bill, which involves revenues that the country seriously needs at this time, when nothing on earth can possibly be accomplished before the adjournment of the Congress except delay of the collection of this revenue.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, it had not been my intention to say anything on this subject today, but when the chairman of the Committee on Ways and Means takes the floor and indicates his interest in having a tax law passed immediately, of course I feel it necessary to state my position with respect to the present measure.

Mr. Speaker, I have the highest regard and respect for my distinguished colleague from North Carolina. He is very generally, I may say, correct in any position he takes; however, I know, as a matter of fact, that the people of this country will resent the failure of this Congress to tackle the problem of enacting an excess-profits-tax law now. These corporations are making excess profits right now and they should be taxed now. The present tax bill which it is sought to refer to conference, provides for increasing the income tax on individuals making less than $5,000 a year by 20 percent. Those people are being squeezed between spiraling prices and the lessening of their take-home pay. I do not think it is in the interest of this country to do this, unless at this time an excess profits tax is imposed to prevent war profiteering.

In order to prevent inflation, in order to do the fair thing, I think the Congress should stay in session. I am certain that with the experience we had in the operation of the excess-profits-tax law during the Second World War and thereafter for a few years we can draw up a workable excess-profits-tax law in 2 or 3 weeks and do the fair thing by the people of this country insofar as raising the revenue to pay for this emergency is concerned.

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. YOUNG. Mr. Speaker, I concur in the remarks made by my colleague on the Committee on Ways and Means, the gentleman from Pennsylvania. Certainly, Mr. Speaker, we on that committee, who hold our chairman in the highest regard, admiration, and affection, do not wish to appear to be obstructionist in any degree whatever. However, may I repeat the statement made by the President of the United States in his radio talk to the people of America just last Saturday night. The President said this:

> I believe the Congress should enact further tax legislation as soon as possible. Among other things, this should include a just and fair excess profits tax, which will recapture excess profits made since the start of the Communist aggression in Korea.

It is my view that as soon as possible is right now, and that this Congress should pass an excess-profits tax against the abnormal profits of our corporations. These excess profits result from war orders on a big scale and we should recapture this by taxation.

Mr. DOUGHTON. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from North Carolina.

Mr. DOUGHTON. The gentleman, being a distinguished and able member of the Committee on Ways and Means and familiar with parliamentary procedure, I am sure understands that the excess-profits tax has not been included in either the House bill or the Senate amendments, and therefore, would not be in conference. Consequently, it could not be dealt with. What we are trying to do is send this bill to conference. If we have an excess-profits tax, it will necessarily have to start anew in a new bill. Not having been in either the House bill or the Senate amendment, it would not be in conference and could not be acted on in this legislation. I think the gentleman knows that.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. The chairman of our committee is bringing up a parliamentary question. I say this, in answer to his suggestion, that Members of this body and the people of the United States want the House of Representatives to be able to express themselves by their vote as to whether or not they want an excess-profits tax now. When the other body, Mr. Speaker, takes upon itself the initiation of taxation which is quite drastic in its nature and terms, why should not the Members of this House have an opportunity to express their wishes with respect to proposed new tax, when it is our constitutional right and prerogative to initiate any and all tax legislation.

Mr. YOUNG. The Senate struck out much of our bill and wrote an entirely new bill. We propose to offer an amendment to it. An excess-profits tax enacted now will help distribute the tremendous cost of national defense fairly.

There is nothing complicated about this situation. We should adopt an excess-profits tax now, not next year.

Mr. DOUGHTON. That would have to come in an entirely new bill. The gentleman knows that.

PERMISSION TO ADDRESS THE HOUSE

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore (Mr. WALTER). Is there objection to the request of the gentleman from Texas?

There was no objection.

[Mr. RAYBURN addressed the House. His remarks appear in the Appendix.]

CIVIL DEFENSE

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CANFIELD. Mr. Speaker, it was originally intended that civil defense in the District of Columbia would be a model for the Nation. However, we have no real civil defense here in the District at this time due in part to the failure of Congress to appropriate adequate funds. Meanwhile, the State of New York is not awaiting action here in Washington but is doing a timely job for civil defense under the direction of Gen. Lucius D. Clay.

I read just a few paragraphs from a lead story in the New York Herald Tribune of today:

The New York State Civil Defense Commission yesterday issued its fourth set of instructions to local civil-defense directors on the evacuation of injured and homeless persons from an atom-bombed area.

Taking into consideration an estimated 80,000 injured persons and "hundreds of thousands of homeless" in the event of an atomic disaster in New York City, the announcement, issued by Gen. Lucius D. Clay, commission chairman, outlines plans employing intermediary evacuation stations and the assistance of adjoining communities.

Col. Lawrence Wilkinson, director of the defense commission, in a letter accompanying the instructions asked local directors to issue identification cards to all defense personnel and to ask for loyalty oaths before issuing the cards.

For medical relief local directors are instructed to establish strategically located supply and assignment depots. From these depots doctors and workers could be assigned to set up primary medical-aid posts close to the center of destruction.

This article will only serve to bewilder further the people of the District of Columbia who are at a loss to understand the recent action of the House in slashing to $30,000 the request of the District Commissioners for $290,000 to start implementing a civil-defense program here. Some dispute the claim that New York City is target No. 1. They read of the concern of the House in appropriating funds for the leaking roof housing the elephants at the Washington Zoo. Who are more expendable, elephants or people, they ask. Realistically, they contend "it's later than you think."

I repeat what I have said so many times before. Time is of the essence. Let us get busy and discharge our responsibilities both to the people and our institutions here.

EXCESS-PROFITS TAX LEGISLATION

Mr. BURNSIDE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a letter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

MR. BURNSIDE. Mr. Speaker, during the recent recess I attended two county homecomings in my district in West Virginia. I want to express my appreciation of the value of such gatherings and to say that I learned much from talks with folks attending them. I think that at times like these when distress and strain over world conditions occupies so much of our time and thinking it is well for us to reevaluate the importance of home ties and friendships. After all these are the things upon which the patriotism of our country are built. The spirit at these gatherings is much like that at Christmas time. Folks try for a few moments to cease worrying about external things, hark back to the pleasures of their childhood and renew and strengthen neighborhood ties. I hope that in the trying days we may be facing that we will find time to continue these "homey" and spiritual things.

Mr. Speaker, I found folks at home abreast if not ahead of us here in their willingness to face, not only with courage but with determination, the sacrifices and hardships that may be required for the good of our country and the world. I found the people ready to accept increased taxation, curtailment of luxuries and "tightening of belts." They went all-out preparedness and are prepared to pay for it. However, they do not want corporations or individuals accumulating great wealth while they, the people, are making these sacrifices. They think that everyone should share in whatever the cost of victory may be.

Mr. Speaker, I found not one person who did not strongly approve of an immediate excess-profits tax. It was indeed good to know that folks in my district so strongly approve of my petition for such a tax. While the little man is prepared to pay, from a very limited income, he does not want to see some becoming rich while others make the sacrifices.

Mr. Speaker, I wish to include in my remarks a letter I received from a constituent:

HUNTINGTON, W. VA., *September 8, 1950.*
Congressman M. G. BURNSIDE,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN: I am a veteran of World War II with combat record, of which I am proud. I am married, the father of a child with another one due next month. Two months ago, I bought a home on which I am making monthly payments. I still owe for my furniture. My salary on the job I have is not much, but I can get by my living and payments. I belong to the Naval Reserve and on September 15 I am ordered to report for active duty. You are wrong, this is not a howl, I am perfectly willing to return to service. I am not willing that other people become rich while I am going broke. I am not willing to become a down and outer while somebody else becomes a millionaire from profits they make out of the war while I am making less than a hundred dollars a month. If you will give me just one good reason why I should be satisfied to have this happen I will shut up. I do not believe you can but I expect you to try.

Very truly,

HERBERT BLAINE.

Mr. Speaker, I appeal to any Member of this House to give me "one good reason" I can give this boy. I sincerely hope it will be the pleasure of this House to pass and soon—an excess-profits tax.

The SPEAKER pro tempore (Mr. SHELLEY). Under previous order of the House, the gentleman from Texas [Mr. KILDAY] is recognized for 15 minutes.

REQUIREMENTS FOR INDUCTION INTO THE MILITARY SERVICE

Mr. KILDAY. Mr. Speaker, recently Gen. Lewis B. Hershey, Director of the Selective Service, has been quoted by the press as stating that approximately 60 percent of the persons sent to the Army for final physical examination under the Selective Service Act have been disqualified and rejected on the basis of the mental tests given by the Army to those who were called for induction into the service.

I do not know whether the General has been adequately or accurately quoted by the press in that regard.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. SHORT. General Hershey himself testified before our committee that approximately 60 percent were rejected.

Mr. KILDAY. That is, on the basis of the mental tests.

Mr. SHORT. Which makes us in this country more illiterate and ignorant than the Koreans.

Mr. KILDAY. That is correct. That is the point I was going to make. The general so testified before our committee. Some 2 weeks ago I saw and heard him on television when he was interviewed with reference to rejection by the Army of those persons presented by the Selective Service System for induction. He then left me with the impression he had stated that approximately 60 percent were being rejected by the Army solely as a result of the mental test, or as it was known, the General Classification test.

Before our committee the general also stated that those who gave these tests took the position that a man could not purposely fail the test. He stated he felt whether a man passed or not might somewhat be based upon his motivation—whether he was anxious to enter the service or anxious to remain out, and stated that while those giving the test took the position that it could not be failed deliberately, that he had greater confidence in the ingenuity of the American people.

Over the week end the general was quoted as having made an address to

the same effect to an organization here in Washington.

When this matter came up some time ago before our committee, frankly I was shocked at the idea that 60 percent of those presented for induction were being disqualified on the basis of a mental test, and I called upon the Assistant Chief of Staff for Personnel and Administration to give me the situation as it exists.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. COX. If that rule is adhered to, then my part of the country is going to have to furnish all of the fighting men.

Mr. KILDAY. Being a Texan, I do not agree with you that Georgia is going to furnish them all.

Mr. Speaker, those of us who were here in the beginning of the Selective Training and Service Act, and throughout the existence of the 1940 law, recall the great confusion which existed in the country because of the conflicting statements with reference to selective service persons being inducted, as to their qualifications, and what not. We are just now beginning a program of induction, and I take this time for the purpose of attempting to straighten out this particular matter, at its inception in the hope that in the future we will not have what we had during the administration of the 1940 law.

In the first place, under the 1940 law, the Selective Service System, through its local boards, gave a preliminary physical examination to the persons who were to be called up for induction. The inductees then went to the military service branch which was to use them, which gave them another physical examination. In many instances the men had closed out their affairs and had gone to the induction center when the draft board held them to be qualified, only to find that the service held them to be disqualified and the man was returned probably after already having quit his job, closed his home, or sold his business or what not.

Section 4 of the Selective Service Act of 1948 authorizes the Secretary of Defense to prescribe physical and mental standards for determining final acceptability for induction, subject only to the limitation to section 4 (c) that the minimum passing requirements on the GCT be fixed at 70 points.

That is the only place in the law where we describe either the mental or physical qualifications of persons entering the service. That was done because in 1948 there was complaint that the services were requiring such a high score that many were being rejected.

On August 9, 1948, the Secretary of Defense fixed the physical and mental standards for induction, prescribing that individuals must attain a "C" or higher physical profile on their physical examination and a score of 70 or higher on the R–5 or R–6 forms of the GCT test measuring mental capacity to absorb military training.

On November 10, 1949, the Personnel Policy Board, OSD, directed that a uniform mental measurement test, known as the Armed Forces Qualification Test, or AFQT, be utilized for uniform determination of all mental capacity to determine eligibility for entry into any of the Armed Forces by enlistment or induction. Thus, the AFQT test, a general classification test measuring mental capacity, substantially similar to the R-test forms of the GCT, was placed in use for induction purposes.

The physical standards represented by the minimum "C" physical profile are stated by Maj. Gen. R. W. Bliss, the Surgeon General of the Army, to be substantially the same as those in effect during World War II. General Bliss further stated:

> These standards are somewhat less strict in respect to neuropsychiatric defects. Generally, the only tightening of these standards has been in the dental requirements, in that a registrant now needs a minimum of 16 teeth in proper occlusion to be acceptable. However, he will be accepted if his missing teeth have been replaced by suitable dentures or bridges.

The mental standards represented by 70 GCT are above the minimum mental standards of World War II. However, World War II inductions were based upon a different concept of mental acceptability under which illiterates and marginal literates were inducted, provided they had sufficient mental capacity to be trained to read and write and to render some service under extensive specialized educational training programs administered in the service. The use of any written test naturally results in the rejection of illiterates or marginal literates, as well as individuals with low mental capacity, based on the presumption that the services cannot undertake at this point to administer specialized educational training or accept individuals who will render such limited type of service.

I believe the physical qualifications now are practically the same as they were during the war, except as to the dental qualifications. During the war there were enough dentists on duty in the armed services to provide dentures and eliminate the dental defects so that we are not requiring a higher physical condition now than we required during the war.

The present mental standards expectably will reject approximately 13 percent of any normal group such as were available for induction at the end of World War II. Current induction regulations call for the acceptance of any individual who has successfully completed 12 or more years of schooling, notwithstanding his mental test results. So a high school graduate is taken even though he attempts to fail the qualification tests. Induction officers are authorized to accept for induction any individual suspected of deliberately failing the mental test to evade service.

What is the situation with reference to the numbers and percentages rejected? The Surgeon General of the Army was charged by the Secretary of Defense in 1948 with the maintenance of all statistics pertaining to rejections and acceptances for induction into the Armed Forces. Statistics are compiled from reports on such examined registrant on which is noted acceptance or rejection and the reasons for rejection. The Surgeon General has completed compilation of a report on those preinduction examinations conducted in the month of July—the first month of such examinations under the 1950 extension of the Selective Service Act. This report shows that 12,281 individuals were given preinduction examinations in July. Of this number 5,129 or 41.8 percent were found acceptable for induction; 7,152 or 58.2 percent were found unacceptable for induction.

The 58.2 percent rejections in July are classified as follows:

	Percent
Administrative reasons solely	0.9
Mental (AFQT test) reasons solely	15.2
Neuropsychiatric reasons solely	6.0
Physical reasons solely	26.8
Multiple reasons (combination of mental and physical)	9.3
Total	58.2

These factors are to be noted in connection with the 15.2 percent rejections in July solely for mental capacity reasons:

Unusually high rejection rates are to be expected in the first periods of induction since local boards were required to forward first for examination those registrants in the older age groups before they became 26 and thus escape liability for induction under the present Selective Service law. The old age groups called for in the present early stages of induction have been twice subjected to induction processes, During World War II and in 1948. Individuals accepted during either of these earlier induction runs are generally no longer liable for service under the present law and are not therefore being examined in the present induction. The balance of these older age groups now being examined therefore contain many individuals who for one reason or another were deferred in past inductions or who were previously rejected. These same factors also result in higher rejections for physical and neuropsychiatric reasons.

A man who is now about 26 years of age, at the time the shooting stopped in 1945, had already been subject to induction for a period of 2 or 3 years, and if he had served he is not now subject to induction. So, for a period of 2 or 3 years prior to the end of the fighting he was not acceptable for induction either because of the mental test or his physical qualifications so that we now come to a period of 7 to 8 years that the man has been subject to induction and has not been inducted. He has always had some disqualification.

It is proper that men who are about to become 26, should be called first, because under the law once he becomes 26 he would be no longer liable for service.

Mr. COX. Mr. Speaker, will the gentleman yield to me again for a question?

Mr. KILDAY. I yield to the gentleman from Georgia.

Mr. COX. The gentleman is the best informed man in the House on the subject he is discussing; he has a greater storehouse of information on the subject than any man I know anything about, and I trust that his statement will be made sufficiently complete to carry all of the information that the public wants, because it is sufficiently important to justify me in having his statement printed for distribution among Members of the House that they may in turn use as they see fit.

Mr. KILDAY. I thank the gentleman.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. I am just wondering whether the situation is such that we will have to have additional legislation to make more men available or whether the law is sufficient at it now stands.

Mr. KILDAY. I do not know just what the gentleman is referring to, but the point I want to make clear is that 60 percent of those called for induction are not being rejected because of failure to pass the required mental examination which is given, but that only 15.2 percent have been rejected for that reason. The group that has been examined is one that has been examined many times before and not held qualified for induction. I do not know of any legislation necessary to meet this situation.

My purpose is to make the true situation known to the people and to the Congress.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. SHORT. The gentleman from Texas, of course, has very clearly and ably confined himself to the existing law. There is no doubt that we shall be able to broaden the base for the purpose of increasing the age of enlistments, and even to take some married men, and that is likely to happen even before we get out of the year, or at least the first thing in January. It all depends on the military situation.

Mr. KILDAY. These same groups have been tapped by the vigorous enlistment campaigns of all the Armed Forces drawing off individuals in the higher mental brackets. This voluntary enlistment drain further preselects the population available for induction and thus increases the proportion of remaining individuals in the lower mental brackets. This in turn increases the rejection rates over the 13 percent which the score of 70 the general classification test is supposed to predict.

General Bliss has especially cautioned that this 41.8 percent acceptance rate should by no means be taken as representative of the health of the general American population. It is believed that a significant increase will occur when the younger and less depleted age groups are reached.

As we move to the lower age groups those which have not been heretofore examined and rejected, the percentage of those passing the test will be increased.

I sincerely hope we will not get into the situation which has existed in the past and to which I referred earlier of having conflicting statements and alarming statements brought to the attention of the people through testimony before committees, through addresses, lectures, and programs on the radio and television, to the end we will be spared that confusion in the period in which we now find ourselves.

REVENUE ACT OF 1950

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8920) to reduce excise taxes, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. EBERHARTER. Mr. Speaker, reserving the right to object, I made a personal promise to several Members of this House that I would object, because of their interest in the excess-profits tax matter, to the unanimous consent request which I knew would be made today. Those Members will be present on Wednesday. Because of the fact that I made that personal promise, and also because I feel that the conferees who will be appointed already know they are going to be appointed and they can meet informally and proceed to work out what they intend to do in conference, I must, in all conscience, object.

The SPEAKER. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 5 minutes.

CIVILIAN DEFENSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, during the recess I was in my district, and everywhere in my district and in the State people are asking what they can do regarding civilian defense. They feel that no plan is being presently evolved for civilian defense. They are receiving no information regarding civilian defense and they feel very much alarmed and disturbed about it. They have asked me to press for the passage of a bill that I introduced which would create a Department of Civilian Defense with one head which can coordinate the matter of civilian defense all over the United States.

There would be created a permanent department, such as the American Red Cross, one that would week after week, month after month, and year after year, give out explanations to the people all over the country and in the different States as to what can be done regarding civilian defense.

The people of my district feel very strongly, Mr. Speaker, about this matter, and I hope there can be a department created, one agency with one head, with one responsibility, that can give information, helpful information, to the people in case of an attack.

Mr. CANFIELD. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from New Jersey.

Mr. CANFIELD. I think the gentlewoman from Massachusetts will agree with me that the action of the House reducing the requested funds of the District of Columbia Commissioners from $290,000 to $30,000 for civilian defense in the Nation's Capital has not been well received by the people in the various districts.

Mrs. ROGERS of Massachusetts. I found that to be true. I know what a great fight the gentleman has made for having a strong civilian defense. The people feel they are sending their sons, their husbands and their fathers to war, to fight for their country, and they feel they and their children should be protected in the United States in case of an atomic bomb attack.

Mr. CANFIELD. I believe the gentlewoman from Massachusetts represents a young man who has taken a very firm stand on this issue. I refer to Harold Russell, of Watertown, Mass.

Mrs. ROGERS of Massachusetts. Yes.

Mr. CANFIELD. He is head of the AMVETS up there.

Mrs. ROGERS of Massachusetts. Yes, and I am delighted to see that they have re-elected him for a second term as national commander. We in Massachusetts are very proud of him. He is one of my constituents and one of the finest young veterans in this country. He gave both his hands for us, but he has never let that retard his work. Whereever possible he has done just as much, and I think more than if he had not had this disability. He realizes what it means to be very seriously injured.

Mr. Speaker, I would like to ask if any member of the Armed Services Committee is present, and I see one here, if he is satisfied that the supplies are going forward to the front in Korea as they should? I have had numerous inquiries from people in my district regarding the failure of supplies getting to Korea. They have heard from their sons and their sons have begged that the supplies be speeded to Korea. They know they have been sent there without adequate and necessary equipment.

They know the distance is great, but they believe they were inexcusably unprepared. I agree with them thoroughly. Can anyone on the Committee on Armed Services give me any information along that line? I know they have daily meetings, I think both morning and afternoon.

We should insist that those supplies be speeded. If they are not manufactured, they should be manufactured at once. Everyone should sacrifice in order to have those supplies ready and sent to the men who are wounded and are dying for us in Korea.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. GILMER (at the request of Mr. STIGLER) from September 12, indefinitely, on account of official business.

EXTENSION OF REMARKS

Mr. WHITE of Idaho asked and was given permission to extend his remarks and include an article entitled "The Lure of Socialism" which is estimated by the Public Printer to cost $266.50.

Mr. JUDD asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. SHORT asked and was given permission to extend his remarks and include two newspaper articles.

Mr. McGREGOR asked and was given permission to extend his remarks.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 31 minutes p. m.), under its previous order, the House adjourned until Wednesday, September 13, 1950, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the XXIV, executive communications were taken from the Speaker's table and referred as follows:

1668. A letter from the Secretary of Defense, transmitting a report of the actions taken by the Department of Defense to carry out the intent of the Congress that small business be afforded an opportunity to participate in military procurement, pursuant to section 632, Public Law 434, Eighty-first Congress; to the Committee on Armed Services.

1669. A letter from the Acting Federal Housing Commissioner, transmitting a report prepared by the Federal National Mortgage Association on its activities during the period January 1, 1950, through June 30, 1950, pursuant to section 306 of title III of the National Housing Act, as amended by Public Law 864, Eightieth Congress, approved July 1, 1948; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ENGLE: Committee on Public Lands. H. R. 8821. A bill authorizing payment to certain States amounts withheld from grazing fees on public lands; without amendment (Rept. No. 3050). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON: Committee on Merchant Marine and Fisheries. S. 2477. An act to amend title 14, United States Code, so as to equalize pay and retirement benefits of a certain class of commissioned officers of the Coast Guard; without amendment (Rept. No. 3051). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON: Committee on Merchant Marine and Fisheries. S. 3123. An act to amend section 5 of the act of February 26, 1944, entitled "An act to give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes"; without amendment (Rept. No. 3052). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FALLON:

H. R. 9629. A bill to establish the United States Marine Corps as a separate branch of the Armed Forces, to create the Department of the Marine Corps, and for other purposes; to the Committee on Armed Services.

H. R. 9630. A bill to provide for the establishment of a United States Marine Corps Academy; to the Committee on Armed Services.

By Mr. McCARTHY:

H. R. 9631. A bill relating to the promotion to regular employees of certain substitute postal employees in the field service of the Post Office Department who are veterans of World War II; to the Committee on Post Office and Civil Service.

By Mr. WHITE of California:

H. R. 9632. A bill to authorize the Secretary of the Interior to undertake the North Fork Kings River development, California, as an integral part of the Central Valley project, and for other purposes; to the Committee on Public Lands.

By Mr. HOBBS:

H. R. 9633. A bill to amend the Federal Tort Claims Act; to the Committee on the Judiciary.

By Mr. FALLON:

H. Res. 841. Resolution opposing the seating of Communist China in organs of the United Nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of New York:

H. R. 9634. A bill for the relief of Albertha Y. M. Arrindall; to the Committee on the Judiciary.

By Mr. HESELTON:

H. R. 9635. A bill for the relief of Sarah A. Davies; to the Committee on the Judiciary.

By Mr. MOULDER:

H. R. 9636. A bill for the relief of Mrs. Margaret Page Harris; to the Committee on the Judiciary.

By Mr. TAYLOR:

H. R. 9637. A bill authorizing the admission of Charles I. Hupman to the United States Naval Academy; to the Committee on Armed Services.

By Mr. WALTER:

H. R. 9638. A bill for the relief of Dr. Guiseppe Mazzone; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2364. By the SPEAKER. Petition of Mr. George M. Strayer, secretary, American Soybean Association, Hudson, Iowa, requesting that they be placed on record as urging ECA to give early and serious attention to the possibilities of placing soy flour in its proper and important place in the program; to the Committee on Agriculture.

2365. Also, petition of Minnie F. Barber and others, St. Cloud, Fla., requesting passage of House bills 2135, and 2136, known as the Townsend plan; to the Committee on Ways and Means.

2366. Also, petition of Mrs. Mervin Henry and others, Orlando Townsend Club No. 2, Winter Park, Fla., requesting passage of House bills 2135, and 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

TUESDAY, SEPTEMBER 12, 1950

(Legislative day of Thursday, July 20, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, whose power is unsearchable and whose judgments are a great deep, we would quiet our hearts in Thy presence; we would be still and know that Thou art God. We come as citizens of the world acknowledging our oneness with all humanity, humbling ourselves in penitence for our boastful pride, confessing our share in the evil that has brought confusion and ruin on the earth and praying for an ordered society of nations that shall give substance and hope to man's dream of brotherhood. O Thou who hast so made this world that whatsoever man sows he reaps, beget in us that holy fear of Thee which is the beginning of wisdom, that we may amend our ways and choose life, not death, the blessing, not the curse. So minister to our needs that as we take up our tasks we shall see life steadily and see it whole and discern in it Thy purpose for us and for our fellows. In the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. McFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 11, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

CALL OF THE ROLL

Mr. McFARLAND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Graham	Lehman
Benton	Green	Lodge
Bricker	Gurney	Long
Butler	Hendrickson	Lucas
Byrd	Hickenlooper	McCarran
Cain	Hill	McCarthy
Chapman	Hoey	McClellan
Chavez	Holland	McFarland
Connally	Humphrey	McKellar
Cordon	Hunt	McMahon
Darby	Ives	Magnuson
Douglas	Jenner	Malone
Dworshak	Johnson, Tex.	Martin
Ecton	Kefauver	Millikin
Ellender	Kem	Morse
Ferguson	Kerr	Mundt
Frear	Kilgore	Murray
Fulbright	Knowland	Neely
George	Langer	O'Conor
Gillette	Leahy	O'Mahoney

Robertson	Taylor	Wherry
Russell	Thomas, Okla.	Wiley
Schoeppel	Thye	Williams
Smith, Maine	Tydings	Young
Sparkman	Watkins	

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Mississippi [Mr. STENNIS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The Senator from Ohio [Mr. TAFT] is necessarily absent.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is detained on official business.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. McFARLAND. Mr. President, I ask unanimous consent that Senators be permitted to submit petitions and memorials, introduce bills and joint resolutions, and present routine matters for the RECORD without debate and without speeches.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letters, which were referred, as indicated:

SUPPLEMENTAL ESTIMATES, FEDERAL SECURITY AGENCY (S. DOC. NO. 228)

A communication from the President of the United States, transmitting supplemental estimates of appropriation, in the amount of $25,190,000, fiscal year 1951, for the Federal Security Agency (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

GRANTING OF APPLICATION FOR PERMANENT RESIDENCE TO HALINA BILMANIS

A letter from the Acting Attorney General, transmitting, pursuant to law, a copy of the order of the Commissioner of the Immigration and Naturalization Service granting the application for permanent residence of Halina Bilmanis (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, his twelfth quarterly report on export control (with an accompanying report); to the Committee on Banking and Currency.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON of South Carolina and Mr. LANGER members of the committee on the part of the Senate.

PETITION

The VICE PRESIDENT laid before the Senate a resolution adopted at the sixty-fifth biennial national convention of the Ladies' Auxiliary, Ancient Order of Hibernians of America, in Boston, Mass., renewing their declaration of allegiance to the Constitution of the United States, and so forth, which was referred to the Committee on Foreign Relations.

COMMUNISM—RESOLUTION OF LOCAL NO. 8, UNITED PACKINGHOUSE WORKERS OF AMERICA, OMAHA, NEBR.

Mr. BUTLER. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by local No. 8, United Packinghouse Workers of America, at a meeting in Omaha, on September 8, 1950, relating to communism. This resolution is indicative of the patriotic attitude of labor unions in Nebraska.

There being no objection, the resolution was referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

Whereas communism and the tactics used by the Communist Party and its members is an insult to every patriotic citizen of America; and

Whereas the Communist Party and its members through lies and sabotage, for the present are attempting to undermine our form of government through the sale and distribution of un-American literature; and

Whereas they are now in the process of using the mail to distribute the Stockholm peace petitions here in Omaha, as well as in other cities of the Nation. The drive for signatures to this petition was started seriously here on July 24 and many innocent people such as mothers of boys being called into the service, wives of men being recalled, fathers of men being called into the service and other members of the families have received the petitions through the mail on that day and in their hopes for peace at any price to save their loved ones, may have been duped into acquiring signatures to these petitions. Not realizing that in so doing they were sticking a knife into the backs of the boys fighting Communist aggression in Korea, and into the backs of their own country; and

Whereas the Communist paper, the Daily Worker, has from its inception done nothing but advocate the overthrow of our form of government through subterfuge, sabotage and if necessary by force: Therefore be it

Resolved, That we petition the council of the city of Omaha, to draw up an ordinance prohibiting the sale and passing out of Communist literature, and be it further

Resolved, That we petition the State and national legislative bodies to formulate laws to the effect that will bar the distribution of Communist literature through the mails, the sale or passing out of such literature and finally the outlawing of the Communist Party within our State and Nation's borders.

NELS PETERSEN,
President, Local 8.

REPORT OF A COMMITTEE

Mr. CONNALLY, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 511) providing for recognition and endorsement of the Inter-American Cultural and Trade Center, reported it without amendment, and submitted a report (No. 2556) thereon.

TRIBAL OWNERSHIP OF CERTAIN LANDS UPON THE COLVILLE INDIAN RESERVATION, WASH.—MINORITY VIEWS (PT. 2 OF REPT. NO. 826)

Mr. BUTLER, as a member of the Committee on Interior and Insular Affairs, submitted his minority views on the bill (H. R. 2432) restoring to tribal ownership certain lands upon the Colville Indian Reservation, Wash., and for other purposes, which were ordered to be printed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAYLOR:

S. 4144. A bill for the relief of Olga Carrazzi; to the Committee on the Judiciary.

(Mr. BENTON (for himself, Mr. SPARKMAN, Mr. MCMAHON, and Mr. CAPEHART) introduced Senate bill 4145, to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes, which was read twice by its title, and ordered to lie on the table.)

REPLY TO ATTACK ON FARMERS UNION

Mr. MURRAY. Mr. President, a few days ago a slashing attack was made on the floor of the Senate against the National Farmers Union and its officers by the distinguished senior Senator from New Hampshire. At that time I was engaged in conducting a hearing on the labor-management relations in the American telephone industry, and was

therefore unable at the moment to express my surprise and dismay at the attack made by the Senator from New Hampshire on a great American farm organization—an organization comprised of honest, hard-working farm people whose only desire and aim is to foster and protect the democratic institutions of this country.

The theme of the Senator's attack on the Farmers Union seems to be that the Farmers Union is a Communist-front organization and its officers are fellow travelers actively connected up with the Communist movement in this country. This, of course, is a complete falsehood and a slander of thousands of fine, patriotic citizens of my State who belong to this splendid organization of farmers. The National Farmers Union in Montana has given fine, wholehearted support to every program for improving the economic conditions of the farmers of my State and for the welfare of the people of Montana as a whole.

For long years Montana had been the victim of exploitation by the big interests of the United States through the tariff system and through the monopolistic practices which had developed in our capitalistic system, which had brought the farmers of Montana to the verge of bankruptcy. The policies and the programs of the Farmers Union were designed to rescue our State from the effect of these conditions. Its program was to sponsor the small, family-sized farm and protect the farmers from exploitation through the manipulation of farm prices, which for years had created for them a precarious livelihood.

It sponsored the national programs of reclamation, power development, rural electrification, and all other national farm programs for the improvement of the economic life of American farmers and the national welfare. The Farmers Union in Montana is one of the most popular and patriotic organizations ever set up in my State, and its officers and members comprise a body of citizens whose integrity and patriotism and support of American institutions can never be questioned.

Mr. President, there seems to be a broad political movement on foot in this country to attack every liberal, democratic organization which has been set up for the purpose of improving the economic welfare of our people. This trend is demonstrated by the several attacks being made on the floor of the Senate by leaders of the Republican Party against distinguished Government officials. The purpose seems to be to confuse the American people in regard to the loyalty and patriotism of members of the Government in regard to national programs for the benefit of the American people.

The VICE PRESIDENT. The Chair inquires whether the Senator from Montana is delivering an address, because the order for the transactions of routine business provides that routine insertions be made without speeches or debate.

Mr. MURRAY. I thought I would be allowed to proceed for 5 minutes.

The VICE PRESIDENT. No; there is no rule with respect to that. We have only 5 minutes more until the time is divided.

Mr. MURRAY. Mr. President, I ask to have inserted in the RECORD at this point several editorials, columns, and press dispatches dealing with this subject which go to show how utterly without foundation is this program of the National Republican Party to smear decent, patriotic citizens and organizations in our country.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post of September 11, 1950]

FARM UNION CHARGE IS DENIED

An assertion by Senator BRIDGES, Republican, of New Hampshire, that Communists appear to have taken over the Farmers Union was promptly denied yesterday by the farm organization.

Senator BRIDGES told the Senate Thursday that Communists often have boasted that they had been successful in their efforts to take over the organization.

In Washington, the organization issued a statement in the names of President James G. Patton, calling Senator BRIDGES' charges a lie and saying "it is significant that the smear was mouthed from the immunity of the Senate floor." Senators cannot be sued for anything they say on the floor.

Senator HUMPHREY, Democrat, of Minnesota, replied to Senator BRIDGES, too. He called the speech cheap politics and said it contained "warmed-over biscuits, same old junk, same old bunk."

In citing examples of what he said was pro-Communist activity by the Farmers Union, BRIDGES mentioned the Iowa Farmers Union.

He said the president of the Iowa group is F. W. (Fred) Stover and identified him as one of the leaders of the Communist-dominated Progressive Party.

Moreover, BRIDGES said the June 17 issue of the Iowa Union Farmer, which he described as "Mr. Stover's paper," carried an appeal for signatures to the Stockholm peace petition. That petition, BRIDGES said, is a Communist-inspired propaganda move.

[From the Washington Star of September 11, 1950]

SCHOEPPEL HARPOONED—CHAPMAN ROUTS ACCUSER IN SENATE; RED CHARGES SMELL FISHY (SALMON)

(By Doris Fleeson)

When Senator SCHOEPPEL entered the caucus room to hear Secretary of the Interior Chapman answer the Schoeppel imputations of treason against him, photographers asked the Kansas Republican to sit down by the Secretary and pose for pictures.

Senator SCHOEPPEL, attracting attention for the first time in 2 years in Washington, obliged with a big smile and commented to the man he had defamed: "This is one thing we agree on anyway."

"We agree on only one thing, Senator," Secretary Chapman retorted, "which is that this is the first time you ever saw or talked to me."

HARPOONS ACCUSER

An angry man, the Secretary then launched an offensive which not only demolished the jerry-built Schoeppel case but put the Senator so thoroughly on the defensive that his Republican colleagues are now apologizing for him. Mr. Chapman, normally so agreeable, harpooned his accuser repeatedly, finally daring him to change places and repeat under oath but without congressional immunity the speech he had made on the Senate floor. Senator SCHOEPPEL did not move nor speak.

The coup de grace was administered by Secretary of the Senate Biffle. He testified that Senators, including, of course, Mr. SCHOEPPEL, took the ceremonial oath in public and signed the loyalty oath separately, exactly as Secretary Chapman did. Senator SCHOEPPEL had made much of Chapman's being sworn in in this manner, hinting it made him blood brother to Alger Hiss.

A strong fishy odor, salmon to be exact, surrounds the sorry episode. Statehood for Alaska and Hawaii is near, thanks to the devoted efforts of Mr. Chapman among others. Their bitterest opposition has come from the Alaska salmon industry. All other arguments having failed, the charge of communism against statehood advocates is now being tried.

The Chapman attack was conspicuously not planned—indeed it could not have been—on a reclamation State Senator. These, together with their constituents, know Chapman's work and character. Such a Senator could be hurt at home or by Chapman's withdrawal of confidence in him.

CHAGRIN PUT BLUNTLY

Why did Senator SCHOEPPEL buy such a pup? Perhaps he thought he would help his party, a la MCCARTHY. Perhaps he only wanted some of that publicity which seems to come so easily to some politicians, including his very junior colleague, Senator DARBY, who is here briefly by appointment. But Senator DARBY had already won many friends as national committeeman and is besides so human, fair, and agreeable a person that Republicans have long tried to draft him as national chairman.

One Republican put his political chagrin bluntly: Neither Senators MCCARTHY nor SCHOEPPEL had anything, he said, but Senator MCCARTHY had caught on, anyway, and now Senator SCHOEPPEL has diminished MCCARTHY's effect.

One thing Senator SCHOEPPEL did prove: The big-lie technique is not for sissies. The Kansan had approximately the same amount and nature of proof as Senator MCCARTHY but kept insisting he wasn't really charging anything and he crumpled under determined attack.

Reporters, by this time connoisseurs of character assassination, decided they preferred Senator MCCARTHY. "He's a bad actor and doesn't try to hide it," one explained. "SCHOEPPEL insists upon being sanctimonious about it."

They were also counting on their fingers: 7 weeks until election and seven Cabinet officers to go. Who's next?

[From the Washington Post of September 11, 1950]

GUILT BY INTERROGATION

In his attack on the loyalty of Secretary of the Interior Chapman the other day, Senator SCHOEPPEL maintained a pretense that he was making no accusations, but was merely asking questions. His questions were answered by the Secretary fully and forthrightly and with documentation at a hearing Thursday morning. Will the Senator now make suitable amends for an error and an injustice which he committed either consciously or unconsciously?

One consequence of his error is an Associated Press report from Bellingham, Wash., that an invitation extended to the Secretary to speak at an international boundary peace arch celebration on September 22 has been canceled because his record had been questioned by a Member of the Senate. It

happens that this story is a fabrication. The invitation was declined by Mr. Chapman on August 26 because of the press of other engagements. Apparently an attempt is under way to make political capital of Senator SCHOEPPEL'S questions. Does Senator SCHOEPPEL want to lend himself to this attempt?

In the overheated atmosphere of today, the mere questioning of a Federal official's loyalty can be extremely damaging—even when, as in this case, the questioning is patently capricious and unwarranted. The technique of imputing guilt by accusation has now been made familiar by Senator MCCARTHY; perhaps Senator SCHOEPPEL has discovered a refinement—the imputation of guilt by interrogation. It could have even more disastrous effects upon national unity. The Senator can, of course, repair the injustice for which he was responsible by acknowledging that it was founded upon error.

[From the Washington Evening Star of September 8, 1950]

THE CASE AGAINST MR. CHAPMAN

"I have before me a memorandum covering a check of the personnel records, files and publications of the Committee on Un-American Activities dated May 3, 1950, which shows that as early as August 1938—at the time that Alger Hiss was secretly purloining state secrets for Russia—Oscar Chapman, then Assistant Secretary of the Interior, was a member of the American League Against War and Fascism. This outfit has been officially branded as a simon pure and unchallenged transmission belt of the Communist Party in America."

The above is a direct and representative quotation from the speech by Senator SCHOEPPEL, Republican, of Kansas, attacking the Secretary of the Interior.

At the outset, the Kansas Senator had said that he was not charging anyone with disloyalty, with treasonable acts, or with perjury. Then he proceeded, by a process of innuendo, to link Mr. Chapman and some of his associates in the Interior Department with one or all of these offenses.

This procedure would have been questionable enough if the basis of Senator SCHOEPPEL'S case has been new. Even in that event, before making such an attack on a Cabinet member, one would think that, at least, he would have asked Mr. Chapman for an explanation. But the Senator was dealing with old stuff. In 1948 a House committee headed by Republican Representative HOFFMAN, of Michigan, a zealous foe of communism in all forms and guises, had gone into the same complaints against Mr. Chapman. The latter appeared before the House committee, under oath, and denied or explained all of the accusations to Mr. HOFFMAN'S satisfaction—as he did in a repeat performance yesterday before Senator O'MAHONEY'S committee.

In consequence, there is nothing left of Senator SCHOEPPEL'S case. It has simply collapsed. All that remains is the question as to why a Senator who has not been given to flighty sensationalism would pull such a fantastic boner. At first blush, the inclination is to seek a motive in partisan politics. It is hard to credit this, however, since even a casual investigation would have shown the Republicans that the attack would blow up in their faces. Another possibility has been mentioned by Senator MURRAY. He suggests that the United States, at the rate it is going, "is gradually becoming one grand transmogrified lunatic asylum." A few more "exposés" like this one, and we will have to start building asylums on every street corner.

[From the New York Times of September 10, 1950]

GOP HEADS REFUSE TO BACK SCHOEPPEL—TAFT, CHIEF OF POLICY UNIT, SAYS IT DISAVOWS RESPONSIBILITY ON CHAPMAN ACCUSATION

WASHINGTON, September 9.—The Senate Republican Policy Committee refused today to back Senator ANDREW F. SCHOEPPEL, Republican, of Kansas, in his charges of Communist activity in the Interior Department.

Senator ROBERT A. TAFT, Republican, of Ohio, chairman of the group, told reporters "the policy committee disavows all responsibility for Senator SCHOEPPEL'S charges."

The announcement emphasized the concern with which Republican leaders viewed Mr. SCHOEPPEL'S accusation that Secretary of the Interior Oscar L. Chapman had "a strong and close personal alliance" with the Soviet Russian cause.

The Republican National Committee issued a statement yesterday saying that it had had no advance knowledge of Mr. SCHOEPPEL'S accusation.

Mr. SCHOEPPEL himself has conceded, after hearing a sharp reply from Mr. Chapman, that his own language may have been "a little strong."

In his attack, delivered in a Senate speech Tuesday, Mr. SCHOEPPEL also had charged Communist infiltration into leadership of the fight for Alaskan statehood. Several of those he accused have made documented denials, and the others are awaiting their turns to make similar denials at an official Senate inquiry.

GOP WORRY SAID TO MOUNT

Republican worry was said to have mounted when Mr. SCHOEPPEL yesterday told the Senate Interior Committee investigating his charges that he was marshaling new documents and wanted to call his own witnesses to back up his story.

Senator JOSEPH C. O'MAHONEY, Democrat, of Wyoming, chairman of the committee, said the requests would be granted.

Mr. TAFT told reporters that Mr. SCHOEPPEL had consulted with none of the GOP leaders who constituted the policy committee, and that the group had nothing to do with his fight.

"I hope Senator SCHOEPPEL knows what he's doing," said another Republican leader, declining to be identified. "My advice would have been to accuse nobody of anything unless you have ironclad proof."

At a public hearing yesterday, Randolph Feltus, former publicity man for the Alaskan Statehood Committee, denied Mr. SCHOEPPEL'S charges that he was or is an "agent of the Kremlin via Warsaw." He said he was not a Communist, knows no Russians, and that Mr. SCHOEPPEL'S charges were "ridiculous."

WORK FOR POLAND INVOLVED

Mr. SCHOEPPEL contended that Mr. Feltus must have been an agent for the Kremlin because he did public-relations work here for Communist Poland.

Mr. Feltus retorted that he did nothing disloyal, and that while he was retained as public-relations man for the Polish Embassy here he also wrote a letter in 1948 which 26 Republican Senators—Mr. SCHOEPPEL being one of them—signed and sent to the White House urging that the United States back Indonesia's fight with the Netherlands.

He suggested that "guilt by association" was something that could "cut both ways."

Mr. SCHOEPPEL remained silent through the testimony, then asked for the right to bolster his case.

The Senator declined to tell reporters whom he planned to call as witnesses, or what documents he was readying, except that one witness would be his administrative assistant, Frank T. Bow. Mr. Bow is a Republican candidate for Congress in Ohio, and the man who dug up most of the information, Mr. SCHOEPPEL said, on which his charges were based.

Mr. MURRAY. Mr. President, I also ask to have inserted in the RECORD a telegram which I have just received from Mr. James G. Patton, of the Farmers Union, in regard to the charges made by the Senator from New Hampshire against his organization.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DENVER, COLO., *September 10, 1950.*

Senator MURRAY,
Senate Office Building,
Washington, D. C.:

In order that you may have it at the earliest possible moment for whatever use you can make of it, I am wiring you, as follows, the text of a resolution just adopted by the board of directors of the National Farmers Union:

"Senator BRIDGES' attack in the Senate on the National Farmers Union has done a disservice to the cause of truth and decency by resorting to the tactics made infamous by totalitarian dictators in Italy, Germany, and Russia. His assignment to such a role in the Washington drama of terrorism and deception obviously was made because he has no Farmers Union members in his State, and therefore he can safely pretend to bravery in his name-calling. Few will envy him the responsibility he has accepted for this unsavory attack on the second oldest farm organization in the United States, an organization whose basic political philosophy has its roots deep in the American soil and in the fundamental principles of democracy.

"The speed with which fellow Senators repudiated the charges made by BRIDGES is clear indication of the lack of foundation for the statements.

"As every honest observer knows, the Farmers Union is not communistic and is not a Communist-front organization. Farmers Union officials on many occasions have denounced communism as well as other forms of totalitarianism. For example, on July 29, an official statement of the president, approved by the executive committee, charged the North Korean aggressors had been trained and agitated into waging war on South Korea by Russia.

"We, the democratically elected presidents of State Farmers Union organizations, constituting the board of directors of the National Farmers Union, and representing more than 400,000 farm people, support and approve that declaration.

"The Farmers Union will not be diverted in its determination to follow the course it has pursued for 48 years, that of fighting for the interests of family farmers, who represent the bulwark of democracy in this great Nation. We will not be muzzled by such use of fear techniques of dictatorship.

"We are for the freedom and dignity of the individual citizen, and we will continue to oppose any hysteria-spawned legislation that threatens that freedom and dignity.

"We are for the independent-family farm operator, and we will continue to fight for the Brannan farm program and any other legislation that we regard as aiding family farmers.

"We are for a healthy nation, and we will continue to fight for a national health-insurance program.

"We are for the strengthening of such instruments of true democracy as farmer cooperatives, and we will continue to fight the monopolies that seek to tear down these instruments.

"We are for genuine international collaboration to build a peaceful and prosperous world, and we will continue to support wholeheartedly the United Nations.

"We herewith rededicate ourselves to the ideals of our organization and pledge ourselves to answer any and all attacks by building a Farmers Union increasingly more effective for the strengthening of democracy."

JAMES G. PATTON.

THE FARMERS UNION—TELEGRAM FROM JAMES G. PATTON

Mr. MORSE. Mr. President, I have received a telegram from Mr. James G. Patton, president of the Farmers Union, and I ask to have it incorporated in the body of the RECORD as part of my remarks.

Let me say that I think that when an organization like the Farmers Union is attacked on the floor of the Senate, some Senators should be willing to be the spokesmen through whom the Farmers Union can reply. In my opinion Mr. Patton's telegram is an adequate reply to the attack which was made upon the Farmers Union the other day in the Senate. I think the attack on the Farmers Union was unjustified. So far as the Farmers Union in the State of Oregon is concerned, there was no basis for the attack made by the Senator from New Hampshire [Mr. BRIDGES].

In my opinion, Mr. Patton, the president of the Farmers Union, is as loyal a citizen as there is in the United States, and Mr. Ronald Jones, the president of the Farmers Union in Oregon, is a fine patriotic citizen. I deplore the growing tendency in the Senate to use the floor of the Senate as a forum for accusing fellow citizens of disloyalty to their Government and offering not a scintilla of proof in support of such charges. Trial by accusation and placing the burden of proof on those accused to prove their innocence is not compatible with basic principles of American justice. Once such accusations as those which have been made against the Farmers Union are spoken on the floor of the Senate great damage is done to the officers of that union because many people will assume the charges are true because some Senator made them on the floor of the Senate. I am glad to offer Mr. Patton's telegram as a reply to the unfortunate remarks of the Senator from New Hampshire [Mr. BRIDGES].

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DENVER, COLO., *September 10, 1950.*

Senator MORSE,
Senate Office Building,
Washington, D. C.:

In order that you may have it at the earliest possible moment for whatever use you can make of it, I am wiring you, as follows, the text of a resolution just adopted by the board of directors of the National Farmers Union:

"Senator BRIDGES' attack in the Senate on the National Farmers Union has done a disservice to the cause of truth and decency by resorting to the tactics made infamous by totalitarian dictators in Italy, Germany, and Russia. His assignment to such a role in the Washington drama of terrorism and deception obviously was made because he has no Farmers Union members in his State, and therefore he can safely pretend to bravery in his name calling. Few will envy him the responsibility he has accepted for this unsavory attack on the second oldest farm organization in the United States, an organization whose basic political philosophy has its roots deep in the American soil and in the fundamental principles of democracy.

"The speed with which fellow Senators repudiated the charges made by BRIDGES is clear indication of the lack of foundation for the statements.

"As every honest observer knows, the Farmers Union is not communistic and is not a Communist-front organization. Farmers Union officials on many occasions have denounced communism as well as other forms of totalitarianism. For example, on July 29 an official statement of the president, approved by the executive committee, charged the North Korean aggressors had been trained and agitated into waging war on South Korea by Russia.

"We, the democratically elected presidents of State Farmers Union organizations, constituting the board of directors of the National Farmers Union, and representing more than 400,000 farm people, support and approve that declaration.

"The Farmers Union will not be diverted in its determination to follow the course it has pursued for 48 years, that of fighting for the interests of family farmers, who represent the bulwark of democracy in this great Nation. We will not be muzzled by such use of fear techniques of dictatorship.

"We are for the freedom and dignity of the individual citizen, and we will continue to oppose any hysteria-spawned legislation that threatens that freedom and dignity.

"We are for the independent family farm operator, and we will continue to fight for the Brannan farm program and any other legislation that we regard as aiding family farmers.

"We are for a healthy nation, and we will continue to fight for a national health insurance program.

"We are for the strengthening of such instruments of true democracy as farmer cooperatives, and we will continue to fight the monopolies that seek to tear down these instruments.

"We are for genuine international collaboration to build a peaceful and prosperous world, and we will continue to support wholeheartedly the United Nations.

"We herewith rededicate ourselves to the ideals of our organization and pledge ourselves to answer any and all attacks by building a Farmers Union increasingly more effective for the strengthening of democracy."

JAMES G. PATTON.

THE FARMERS UNION

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD two telegrams from James G. Patton, president of the National Farmers Union.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

DENVER, COLO., *September 9, 1950.*

Hon. HUBERT HUMPHREY,
United States Senator,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HUMPHREY: My sincere thanks for effectively answering the malicious attack of Senator BRIDGES upon this 48-year-old farm organization. This attempted smear of the good name of an organization democratically participated in and controlled by its 400,000 voting members on America's farms should react to the discredit of Senator BRIDGES and of those whose tool and agent he was. This was a malicious attempt to injure many hundreds of farmer cooperatives whose operations improve the security and standard of living in rural America. It was an attack upon the moral and ethical convictions of thousands of Catholics and adherents of other religious faiths, Republicans and Democrats who, as farmers on the land, find in the Farmers Union a common ground and a strength for their common good. Not the Farmers Union but this attack is un-American. The national board, composed of all State Farmers Union presidents, is in regular session and will issue a statement on the BRIDGES attack. Shall mail you copy.

Respectfully,

JAMES G. PATTON,
President, National Farmers Union.

DENVER, COLO., *September 10, 1950.*

Senator HUMPHREY,
Senate Office Building,
Washington, D. C.:

In order that you may have it at the earliest possible moment for whatever use you can make of it, I am wiring you, as follows, the text of a resolution just adopted by the board of directors of the National Farmers Union:

"Senator BRIDGES' attack in the Senate on the National Farmers Union has done a disservice to the cause of truth and decency by resorting to the tactics made infamous by totalitarian dictators in Italy, Germany, and Russia. His assignment to such a role in the Washington drama of terrorism and deception obviously was made because he has no Farmers Union members in his State, and therefore he can safely pretend to bravery in his name-calling. Few will envy him the responsibility he has accepted for this unsavory attack on the second oldest farm organization in the United States, an organization whose basic political philosophy has its roots deep in the American soil and in the fundamental principles of democracy.

"The speed with which fellow Senators repudiated the charges made by BRIDGES is clear indication of the lack of foundation for the statements.

"As every honest observer knows, the Farmers Union is not communistic and is not a Communist-front organization. Farmers Union officials on many occasions have denounced communism as well as other forms of totalitarianism. For example, on July 29, an official statement of the president, approved by the executive committee, charged the North Korean aggressors had been trained and agitated into waging war on South Korea by Russia.

"We, the democratically elected presidents of State Farmers Union organizations, constituting the board of directors of the National Farmers Union, and representing more than 400,000 farm people, support and approve that declaration.

"The Farmers Union will not be diverted in its determination to follow the course it has pursued for 48 years, that of fighting for the interests of family farmers, who represent the bulwark of democracy in this great Nation. We will not be muzzled by such use of fear techniques of dictatorship.

"We are for the freedom and dignity of the individual citizens, and we will continue to oppose any hysteria-spawned legislation that threatens that freedom and dignity.

"We are for the independent family farm operator, and we will continue to fight for the Brannan farm program and any other legislation that we regard as aiding family farmers.

"We are for a healthy nation, and we will continue to fight for a national health insurance program.

"We are for the strengthening of such instruments of true democracy as farmer cooperatives, and we will continue to fight the monopolies that seek to tear down these instruments.

"We are for genuine international collaboration to build a peaceful and prosperous world, and we will continue to support wholeheartedly the United Nations.

"We herewith rededicate ourselves to the ideals of our organization and pledge ourselves to answer any and all attacks by building a Farmers Union increasingly more effective for the strengthening of democracy."

JAMES G. PATTON.

FIELD DAY AT THE FARM OF HERBERT BRUCE THOMSON, AT FOREST, VA.—ADDRESS BY SENATOR BYRD

[Mr. BYRD asked and obtained leave to have printed in the RECORD an address delivered by him at the field day at the farm of Mr. Herbert Bruce Thomson, Forest, Va., which appears in the Appendix.]

RESIGNATION OF MORRIS SHENKER FROM DEMOCRATIC NATIONAL FINANCE COMMITTEE

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him relative to the resignation of Morris Shenker from the Democratic National Finance Committee, which appears in the Appendix.]

THE SUNKEN BATTLESHIP "ARIZONA"—ARTICLE FROM THE DENVER KIWANIAN

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an article with respect to the sunken battleship *Arizona*, published in the Denver Kiwanian, which appears in the Appendix.]

UNITED STATES POLICIES CONFUSE EUROPE—ARTICLE BY KARL H. VON WIEGAND

[Mr. LANGER asked and obtained leave to have printed in the RECORD an article entitled "United States Policies Confuse Europe," written by Karl H. Von Wiegand, and published in the San Francisco Examiner on September 3, 1950, which appears in the Appendix.]

"TO MALIK" IS TO LIE—ARTICLE BY DEWEY L. FLEMING

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD an article entitled "'To Malik,' Voice Tells World, Means Violent Repeated Lying," written by Dewey L. Fleming and published in the Baltimore Sun August 26, 1950, which appears in the Appendix.]

DEMOCRATIC FUNCTIONS OF LABOR—EDITORIAL FROM THE EUGENE (OREG.) REGISTER-GUARD

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "Democratic Functions of Labor," published in the Eugene (Oreg.) Register-Guard of September 4, 1950, which appears in the Appendix.]

HOW THE PUBLIC WAS DELUDED—EDITORIAL RESEARCH REPORTS

[Mr. MORSE asked and obtained leave to have printed in the RECORD an article entitled "How the Public Was Deluded," by Editorial Research Reports, published in the Portland Oregonian of August 13, 1950, which appears in the Appendix.]

WHY UNITED STATES BEARS BRUNT—ARTICLE FROM THE CHRISTIAN SCIENCE MONITOR

[Mr. MORSE asked and obtained leave to have printed in the RECORD an article entitled "Why United States Bears Brunt," published in the Christian Science Monitor of Wednesday, September 6, 1950, which appears in the Appendix.]

WHY WERE WE DECEIVED—EDITORIAL FROM THE PORTLAND OREGONIAN

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "Why Were We Deceived," published in the Portland Oregonian of August 12, 1950, which appears in the Appendix.]

TAX LOOPHOLES

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD an article entitled "Senate Unit Is Wall Street Santa," from the September 4 issue of Trainman News, which appears in the Appendix.]

UNITED STATES RACE BIAS COST

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD an article entitled "United States Race Bias Cost Is Put at Billions," written by Edmond J. Bartness and published in the New York Times of September 8, 1950, which appears in the Appendix.]

IRRESPONSIBLE YEARS—EDITORIAL FROM THE WASHINGTON EVENING STAR

[Mr. McCARTHY asked and obtained leave to have printed in the RECORD an editorial entitled "Irresponsible Years," published in the Washington Evening Star of September 12, 1950, which appears in the Appendix.]

FREEDOM FIGHTS BACK—ARTICLE FROM THE CHRISTIAN SCIENCE MONITOR

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD as part of my remarks an article entitled "Freedom Fights Back," by Volney D. Hurd, chief of the Paris News Bureau of the Christian Science Monitor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREEDOM FIGHTS BACK—COMMUNISTS LOSE GRIP IN FRANCE

(By Volney D. Hurd)

PARIS.—The Fourth Republic came into being with "built-in communism."

This is the fundamental point to remember when weighing the role of France today. Add to this the fact that built-in communism found itself with a rich field for its kind of nourishment—a France weakened and impoverished physically, morally, and spiritually by two wars and 4 years of Nazi occupation—and the remarkable thing is that France is making as much effort as it is to start fighting back.

Communists in France even had an added advantage—they played a strong role in the resistance movement against the Nazis. Actually, they had been for the Germans before the latter invaded Russia. The Communist daily paper L'Humanité has the doubtful honor of being the only paper which continued to be published under the Nazis in its original form—and still is published today.

JOINED FORCES IN COMMON STRUGGLE

But what these French Communists were fighting for really was communism's international imperialist objectives. The real Marxist follows the dictates of the Kremlin with fanatical vigor. Thus when Hitler attacked Russia, the Communists suddenly found themselves on the same side as the patriotic French—who had long been opposing the Germans.

In that common struggle everyone joined forces. The Communists did a fine job, the kind expected from hard-boiled revolutionaries, long trained in secret operations. The French found themselves admiring these hard-hitting undercover men—and letting down their mental barriers.

When the liberation came the Communists were the first to rush in and seize arms—which they stockpiled immediately as a future arsenal, to be used against the French Government, many believed. They were ready to help the Government get started, too. The French in their emotional letdown after the liberation were easy victims for skillful Communist maneuvering. Their patriotism had been touched deeply by the Communist fighters. Communism still was just a minor political party in France. Let us give them equality they have earned and let them into the Government, the French people reasoned.

So the Communists began to play a major role from the first. When the Fourth Republic was formed, they had a strong voice in writing its constitution—as usual, taking care that it looked legal but was built to serve Communist ends. When they got into the government, they appeared to play a straight role. This was built-in communism.

But what they did was to put into permanent civil service positions so many thousands of Communists that even today, with all the efforts made by non-Communist governments to get rid of such persons, the bureaucracy is shot through with them.

When the Communists, who felt they were strongly entrenched, pulled a walkout while Socialist Paul Ramadier was premier, they made their first big misstep. M. Ramadier quickly closed the door on them—and they never have been back in the government since. But since they had so infiltrated the government, it is not hard to see how they built up a following of some 30 percent of the French voters with promises and handouts. They also infiltrated French working life everywhere, both in the city and country. From these vantage spots they have played the Kremlin game well.

But slowly the French have come to see what communism is. When the Communist trade-union organization called two big general strikes 2 years in succession, the government did not crack down with a heavy hand. It would have meant riots, with useful martyrs for the Communists and public indignation against the police.

Instead, the strikes were "contained" and gently pushed and shoved and slowed down in a sort of elastic defense. This served two purposes. It not only prevented martyrdom and antipolice feeling, but it made the issue last long enough to greatly discomfort the common man. It also let him see for himself what force really was operating.

Twice in succession it happened—and then the strike was finished as a useful weapon. When Moscow ordered open opposition to the landing of American arms, the game was up. The French Communist Party no longer could pose as a friend of France.

PAPERS LOSE HALF OF CIRCULATION

Today the major Communist newspapers have lost more than half their circulation. The smaller ones have gone out of business. The party membership rolls have gone away down. So has the Communist labor union's influence.

Thanks to Marshall plan aid, France has managed to hold its own economically. This aid likewise has reduced the number of dissatisfied Frenchmen on whom communism can build its power. Now the situation is at the point where the Pleven government can prepare to crack down on Communists. It has the strong hand of Jules Moch, who handled the two general strikes and now is minister of defense. Practically speaking, M. Moch also has the vital Ministry of Interior as well.

Perhaps there is a connection between all this and the demand by 80 French Communists deputies for visas for themselves and families to spend vacations this year behind the iron curtain.

TRIBUTE TO SENATOR VANDENBERG

Mr. WILEY. Mr. President, as the days of the second session of the Eighty-first Congress draw to a close, I should like to take but a few moments of the Senate to voice what I am sure are the feelings of every last Member of this august body concerning one of our dear colleagues who unfortunately has not been with us in recent months. I refer, of course, to the distinguished senior Senator from Michigan [Mr. VANDENBERG].

The very mention of the name of this great statesman is all the tribute that is necessary to him. The name "Vandenberg" has come to signify the very finest in American public life.

During these recent weeks, when American foreign policy has experienced a particular crisis, we have felt more keenly than perhaps ever before the fact that unfortunately his health has not been such as to enable him to be with us. We have indeed felt him, however, to be with us in spirit, helping to guide us; particularly in the Senate Foreign Relations Committee. There is barely a passing day in which one of us does not remark publicly or among ourselves how we wish "Van" were with us in person to help us meet the great challenge to our country.

ARTHUR VANDENBERG has set standards of leadership which every single one of us in this Chamber would indeed like to follow.

As this second session draws to a close, therefore, I would not let this opportunity pass without rising to speak the prayer in the hearts of all of us that our great associate may return to this Chamber, his health restored. In the loss of his dear wife he has experienced a sad blow, and his unfortunate illness has further added to his personal burden.

But we here in this Chamber send to Van our warmest greetings, our sincerest hopes that the sorrows of the past will be replaced by a brighter tomorrow, so that he can resume his magnificent role in foreign and domestic policy.

THE TRAGIC RAILROAD WRECK INVOLVING THE TWENTY-EIGHTH (PENNSYLVANIA) DIVISION

Mr. MARTIN. Mr. President, I rise with a heavy heart to refer briefly to the railroad wreck which yesterday struck such a heavy blow at the famous Twenty-eighth Division in which I served for many years.

The wreck cost the lives of 33 soldier-sons of Pennsylvania and brought serious injury to many others. Only a few hours earlier they had bid good-by to their loved ones as they entrained for service in our country's cause. Only a few days ago the Twenty-eighth Division had been federalized, the largest National Guard unit to be called into active service since Communist aggression in Korea plunged us into war.

The heaviest casualties were borne by Battery B of the One Hundred and Ninth Field Artillery, from Wilkes-Barre, in the anthracite region of my State.

Mr. President, the One Hundred and Ninth Field Artillery is one of the oldest and proudest military outfits in the United States. Its history dates back to the Revolutionary War, when it gave three companies to the Continental Army and served under General Washington's command at Brandywine and Germantown. It fought in the Battle of Wyoming which preceded the Wyoming massacre in 1778.

In the Mexican War this historic outfit saw combat service at Vera Cruz and Cerro Gordo, and in the Civil War it fought for the preservation of the Union at Chancellorsville, Gettysburg, the Wilderness, Spottsylvania, and Petersburg.

It was designated as the Ninth Pennsylvania Volunteer Infantry in the Spanish-American War, and became the Third Pennsylvania Field Artillery during its service on the Mexican border.

The organization became the One Hundred and Ninth Field Artillery of the Twenty-eighth Division in World War I and covered itself with glory in every campaign in which the division was engaged.

In World War II the heroic fighting qualities of the One Hundred and Ninth Field Artillery added new honors to its distinguished record.

Mr. President, I know that every American is saddened by the heavy burden of tragedy and grief brought to the families of the boys who died in the wreck.

The disaster brings the war closer to every one of us and should strengthen our determination to mobilize all our material and spiritual resources in the cause of freedom.

As individual citizens we must dedicate all our energies to the service of our country. We must abandon all thought of personal gain or advantage. We must be prepared for patriotic sacrifice.

Mr. President, in the crisis confronting our Nation selfishness is sabotage—profiteering is treason.

In this war for the survival of the American Republic halfway measures can only bring us to disaster. We must have the strongest military power that can be assembled by ourselves and our allies of the United Nations, with universal military service as the great reservoir of trained manpower.

We must have a strong economy at home in order to sustain the cost of war, as far as possible, on a pay-as-you-go basis.

We must prevent inflation by sound fiscal policies and by imposing effective restrictions on the use of credit.

We must destroy the influence of communism in our midst by the enactment and strict enforcement of strong restrictive laws against the enemies of our form of government.

And, furthermore, we must be strong morally and spiritually, living in righteousness, as an example to all the world of our faith in God and submission to the divine will as we strive for peace and freedom, based on justice, tolerance, and brotherhood.

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

The VICE PRESIDENT. The hour of 12:30 having arrived, under the unanimous-consent agreement, the time between now and 1 o'clock is divided equally between the proponents and the opponents, to be controlled by the Senator from Nevada [Mr. MCCARRAN] and the Senator from West Virginia [Mr. KILGORE].

The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. MUNDT], for himself, the Senator from Michigan [Mr. FERGUSON], and the Senator from South Carolina [Mr. JOHNSTON].

Mr. MCCARRAN. Mr. President, I yield 7½ minutes to the Senator from South Dakota [Mr. MUNDT], to speak on his amendment.

The VICE PRESIDENT. The Senator from South Dakota is recognized for 7½ minutes.

Mr. MUNDT. Mr. President, the amendment which is now at the desk, I believe, is completely noncontroversial, and probably will not necessitate a discussion by me for 7½ minutes, or a long discussion by its opponents, if any.

Mr. MCCARRAN. Mr. President, if the Senator will yield, let me say, as I have said before, that insofar as it is within the power of the senior Senator from Nevada to do so, he will accept the amendment.

Mr. MUNDT. Yes. I may say, by way of just a word of explanation, that the amendment would simply make the first 17 sections of the so-called McCarran omnibus bill conform exactly—word for word, and paragraph for paragraph—with Senate bill 2311, the original text of the Mundt-Ferguson bill. I think it is the understanding of all Senators that that was to be done by our pending amendment. This was agreed to during the passage of the Maybank civilian production bill at the time our amendment in the nature of a rider was withdrawn.

I thus see no reason for detaining the Senate by discussing the amendment now, unless there is some opposition.

The VICE PRESIDENT. Under the unanimous-consent agreement, there cannot be any vote until 1 o'clock.

Mr. MUNDT. Mr. President, I shall be happy to discuss the bill generally, of course.

Mr. KILGORE. Mr. President, if the Senator will yield, let me say that I should like to have the Senator explain the exact changes which will be made by the amendment in the McCarran omnibus bill.

Mr. MUNDT. I shall be happy to do so.

Mr. President, the changes which will be made by the amendment are slight in character, although a casual glance at the amendment would seem to indicate that it would make rather numerous changes.

The first change, which is on page 2, in line 12, is simply a correction in the spelling of the word "totalitarian," inasmuch as a typographical error now appears in the bill in regard to the spelling of that word. The amendment will merely make the spelling of the word conform to the ordinary dictionary spelling.

The next change which will be made by the amendment is on page 5, beginning in line 24, where we have added definitions which make the bill inclusive

enough to include definitions for the McCarran phases of the proposed legislation. Consequently the amendment calls for renumbering the sections, so that the numerical references will be correct and exact.

The third change is on page 7, in line 17. That is a change which Senators will notice is repeated on page 8, in lines 1, 2, 3, 4, 5, 6, 7, and 10, and at various places thereafter—rather frequently, in fact. The amendment merely involves the following: Under the McCarran bill the term "Communist Party" is defined as a "Communist-controlled organization." In the original text of Senate bill 2311, the so-called Mundt-Ferguson-Johnston bill, such an organization was referred to as a "Communist political organization." So, in order to return the language of the McCarran omnibus bill to the original text of the Mundt-Ferguson-Johnston bill, it is necessary to change those words, not only on page 7, in line 17, but also, of course, everywhere else in the bill where that title for such an organization appears. So the entire series of changes—the first being on page 7, in line 17, and the last one of that sort being on page 64, in line 23—merely involves the changing of the word "Communist-controlled" to "Communist political," so as to make the phrase read "Communist political organization" wherever it appears.

The fourth change which will be made by the amendment is on page 11, in line 2, namely, to insert a sentence which was deleted from S. 2311 when the original McCarran omnibus bill was drafted. That sentence is a criterion to be used as a part of section 4 (a). I shall read the original criterion thus to be added again to the bill:

> For purposes of this subsection, the term "totalitarian dictatorship" means a form of government, characterized by (1) the existence of a single political party, with such identity between such party and its policies and the government and governmental policies of the country in which it exists as to render such party and the government itself indistinguishable for all practical purposes, and (2) the forcible suppression of all opposition to such party.

As I say, that addition provides, in section 4 (a), that the original criterion found in the text of the Mundt-Ferguson-Johnston bill is to be used by the courts and by the administrator in determining the type of foreign government or the type of foreign-government organization which is considered to be referred to in the section of the bill dealing with the conspiratorial attitude of Communists within our midst.

On page 11, in line 6, there is another change, very minor in character, which is made on the basis of a discussion which was held on the floor of the Senate in the course of a colloquy between the Senator from Tennessee [Mr. KEFAUVER] and myself. Senators will note that the amendment will change the McCarran bill on page 11, in line 6, by adding the word "major" after the word "in", so as to make the bill at that point read: "or in major part by the United States."

That portion of the bill deals with the stock of a corporation which is held by the United States Government, and provides that it must be a major portion of the stock.

On page 11, in line 11, after the word "organization", the amendment would insert the words "as defined in paragraph (5) of section 3 of this act."

That insertion again will be made in order to bring the language of the McCarran omnibus bill back into complete conformity with the language of Senate bill 2311, the so-called Mundt-Ferguson bill.

The next change which will be made by the amendment is on page 11, in line 22. That change is exactly the same as the one just referred to, and is being made because the same phraseology appears at that point in the bill as appears in line 11, on the same page.

The next change which will be made by the amendment is on page 20, in line 25, namely, after the word "individual", to insert the words "until 6 months shall have elapsed after receipt of such request by the Attorney General, or."

The McCarran omnibus bill failed to include that language, which was contained in Senate bill 2311. Therefore, the amendment will reestablish that particular language, in order to keep the McCarran omnibus bill in complete conformity with the original text of the Mundt-Ferguson bill (S. 2311).

The next change which will be made by the amendment is on page 21, in line 3, at which point it is proposed to strike out the period and to add—

> , whichever is earlier.

Inasmuch as those words appeared in the original text of Senate bill 2311, but were omitted from the text of the McCarran omnibus bill, the amendment would insert them at the point indicated.

The next change which would be made by our amendment is on page 25, in line 18, after the word "necessary", to insert the words "and appropriate." That is a comparatively meaningless addition, which is made simply to make good our statement that Members of the Senate would be given an opportunity to know precisely what they were voting on, because this amendment will bring the first 17 sections of the McCarran omnibus bill into complete and total conformity, word for word, with the text of the Mundt-Ferguson-Johnston bill (S. 2311).

That is done because Senate bill 2311 is the bill on which the Senate Judiciary Committee reported favorably by a vote of 12 to 1; Senate bill 2311 is the bill which has been considered by the American Bar Association in two of its conventions, and has been reported on favorably by that organization; Senate bill 2311 is the bill which was considered by the American Legion National Convention and was reported on favorably by that organization; Senate bill 2311 is the exact language of the bill which was considered and reported on favorably by the Veterans of Foreign Wars National Convention.

Mr. President, the final change which will be made by the amendment is on page 7, in line 18, after the word "States", to insert "having some, but not necessarily all, of the ordinary and usual characteristics of a political party."

Those words also appear in Senate bill 2311.

The VICE PRESIDENT. The time of the Senator from South Dakota has expired.

The Senator from West Virginia is recognized.

Mr. KILGORE. Mr. President, I agreed to yield 10 minutes to the majority leader, the distinguished senior Senator from Illinois [Mr. LUCAS]. I now yield to him.

LEGISLATIVE PROGRAM

Mr. LUCAS. Mr. President, I desire to address the Senate for a few moments with respect to the order of business for the remainder of the week.

Senators will recall that last week I advised the Senate that after the disposition of the measure now pending we shall proceed, tomorrow, to have a call of the calendar. There are certain bills which the policy committee has agreed to have the Senate consider, either by means of unanimous consent or by motion, following the disposition of the calendar, in the event those bills fail to pass during the call of the calendar.

It is my hope that the conferees on the tax bill will make progress soon. Whatever happens this afternoon with respect to the internal-security bill which we now are considering, it is my hope that the conferees will get together as speedily as possible.

It is also my hope that we shall be able to take up, as speedily as possible, the deficiency appropriation bill dealing with certain defense matters.

What the Senator from Illinois is now doing is to tell the Senate that we hope we may be able to get away from Washington by Saturday night. I do not say that we shall, but if we can work with a sufficient amount of speed and without too much controversy about some of the matters in conference—and we can also probably hold night sessions, if necessary—I am sure we may be able to complete the work and then either adjourn, recess, or take some action which will at least get us away from the Capital for a while.

I may say to the minority leader that tomorrow I hope I may be able to discuss with him and other Senators on his side of the aisle the entire question of what should be done with respect to whether we adjourn or take a recess, and when.

I wanted to make that announcement now, so that if Senators have any questions to ask, I might have an opportunity to answer them.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. LUCAS. I yield.

Mr. WHERRY. I should like to ask the distinguished majority leader whether the list of legislative matters which he proposes to bring up by motion is the same list that he submitted recently? Has anything been added to the list, or is it the same?

Mr. LUCAS. It is the same list.

Mr. WHERRY. I thank the majority leader. I also wish to state that the minority will be glad to cooperate with respect to any meeting which the ma-

jority leader may call regarding an adjournment, as to when we may adjourn, and as to the type of resolution which should be submitted to the Senate.

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

Mr. LUCAS. Mr. President, how much time have I remaining?

The VICE PRESIDENT. The Senator has 4 minutes left.

Mr. LUCAS. Mr. President, at the proper time, I shall, along with other Senators, offer an amendment to the pending bill, to strike out sections 2 to 17, inclusive, and insert in lieu thereof title 2 of the Kilgore-Douglas bill, which deals with the detention of subversive individuals. I merely wish to say a word about that amendment now, because I shall have but 7½ minutes in which to discuss it when we finally offer the amendment.

I should like to advise the Senate and the country that there is no individual in America who is more strongly opposed to the Communist philosophy and to all the hideous things for which the Communists stand than is the Senator from Illinois. For the record, I should like to say that since 1920, and especially since 1926, when I became department commander of the American Legion in Illinois, I have at all times attempted to be more than vigilant in my work against the Communist propaganda which has spread its poisonous tentacles throughout the world. I am convinced that the pending bill does not provide for the doing of the kind of job that ought to be done with respect to the dangerous characters who are in America today, from the standpoint of sabotage and espionage, in the event of an emergency. In other words, I have taken the position that the McCarran anti-Communist bill now before the Senate does not go far enough. I have stated openly, and I today repeat, that in my judgment the bill would not accomplish the task which would need to be done in case an emergency arose, but would still leave dangerous individuals who are unalterably opposed to our form of government in a position to carry on their devilish work of sabotage and espionage.

It is a rather strange coincidence to find members of Communist groups in the United States appearing before congressional committees, resorting to the courts, using the Constitution of the United States as a cloak or shield to protect what they call their basic American rights, when, at the same time, if the same individuals who use the Constitution as a shield had the opportunity they would destroy the Constitution overnight. Yet, under the precedents, the traditions, and the court decisions of this country, those people have a right to claim the privileges and immunities of the Constitution.

Mr. President, I favor a bill stronger than the so-called registration features which are found in the McCarran anti-Communist bill. One may call it a police-state measure, or whatever else he may desire. But, Mr. President, you and I know what happened in the last war, when this Government, under the orders of the military, picked up one Japanese after another and moved him from the west coast into the interior of our country.

The McCarran bill, Mr. President, is a futile thing as it stands. On the other hand, the Kilgore bill would lay down the rules in advance, with respect to the detention of individuals who would sabotage the country in any and every way possible, if opportunity were given them to do so. The registration features of the McCarran bill would, in my opinion, do nothing other than confuse the public, create a high degree of chaos, and give the Communist group a weapon to further their traitorous acts. This bill, we can be sure, will drive them further underground, as the hard core of the Communist group now operating in America will never register. I am firmly convinced that the registration bill is entirely inadequate, and that it will not do what needs to be done.

One may talk about concentration camps, one may talk about the Kilgore proposal as being one to create a police state, if he desires; but when we are dealing with a Communist group such as the one we know exists in this country, a group which we have seen in operation as the result of a few trials which have taken place, there is nothing too drastic, so far as the Senator from Illinois is concerned, in order to meet that situation.

The VICE PRESIDENT. The Chair understands that the Senator from West Virginia has yielded the other 5 minutes to the Senator from Illinois.

Mr. KILGORE. That is correct.

The VICE PRESIDENT. The Senator from Illinois.

Mr. LUCAS. Mr. President, what do we say about the Communists, with respect to Russia? We say that the Communists in Russia know only one thing so far as respecting this or any other country is concerned; and that is force. In other words, it is necessary that we meet force with force, in order to convince those who are now in the dominant position in Russia to make them understand that we mean business. The Kilgore bill applies the same principles. The only thing the Communists in America will understand is a most stringent law, one which says to the Attorney General of the United States that, under certain conditions laid down in the Douglas-Kilgore bill, he can detain these individuals overnight.

What will the average American say if he is asked the question, Under the conditions which exist and which are laid down in the Kilgore-Douglas bill, do you, Mr. American, want a registration bill which absolutely does nothing, so far as effectively dealing with subversive activities, or do you want enacted a law which will provide for the detention of an individual who is a recognized Communist, to the end that he will be unable to destroy plants, railroads, and other American property, through espionage and sabotage in an emergency?

So far as the Senator from Illinois is concerned, there is no law that can be strong enough adequately to take care of this type of individual who has taken an oath to overthrow, by an overt act, the Government of the United States by force and by violence. An individual who would take that kind of an oath is a traitor to his country. He should not be shielded by any kind of law that merely makes him register. If he does register, what is the penalty? It has been said over and over again that it will be 2 years before we find out whether he has registered, and another 2 years before we can finally convict him. I want a law, Mr. President, that will give the Attorney General and the Government of the United States the power to pick up overnight, these culprits, these individuals who do not believe in our form of Government, who are traitors to our country, who work 24 hours a day in attempting to devise ways and means to destroy the basic principles of America, and who take their orders from the Kremlin in Moscow. Yet, Mr. President, in a crisis of this kind, when our boys are dying in Korea in fighting the Communist crowd there, we are asked to pass a bill which would merely compel them to register. Everyone knows the northern Koreans are being led by Moscow. There can be no doubt about that in the mind of any person. Yet, Mr. President, we are asked to pass a bill which merely says, "Boys, you have got to register. If you do not register, we shall fine you." It amounts merely to a slap on the wrist. It will take 4 years before we can find out whether we can put such a person in jail if he fails to register I want something that will take hold of him, Mr. President, when the emergency rises, as is set forth in this amendment.

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

Mr. McCARRAN. Mr. President, I think the remainder of the time is mine. Am I correct?

The VICE PRESIDENT. The Senator has 7½ minutes.

Mr. McCARRAN. Mr. President, the word went out yesterday and the day before that Communists will not register, and that it does not mean anything if they do register. A similar statement could have been made when we were passing the bill to compel lobbyists to register. It could have been said that they would not register because the large corporations which maintain lobbyists in Washington would see to it that they did not register. When the committee was holding hearings, we were told that Communists would not comply with the law. So, Mr. President, I want to see whether they will comply with a law of this country, or whether they will flout it.

As I pointed out yesterday, there are two sections of this proposed amendment which concern themselves with apprehension and detention. Section 104 deals with warrants and purports to limit the issuance of warrants to cases in which there is probable cause. But section 103 permits apprehension and detention without any warrant at all. Section 103, in subsection (a), on page 26, provides that any officer designated

by the President to have such authority may apprehend and detain any person when he, the officer doing the apprehending or detaining, finds that there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage.

The man doing the apprehending does not have to prove that there is reasonable ground; all he has to do is "find" that there is reasonable ground. And remember, in this substitute, the phrase "attorney general" is artificially defined, and does not mean the Attorney General of the United States, but means any officer or officers of the United States whom the President may have designated. Those are the people who, under section 103 of this proposed amendment, could apprehend and detain any person whom they "find" may engage in espionage or sabotage.

Mr. President, as I said yesterday, it is going to be possible to apprehend and detain a great many people, if a provision like that is made the law of the land.

Contrasting section 104 of this substitute with section 103, Senators will find that, whereas the warrants to be issued under section 104 are to be issued only for the apprehension of persons "as to whom there is reasonable ground to believe," and so forth, the apprehensions and detentions under section 103 may affect any person as to whom the apprehending and detaining officer himself finds that there is such reasonable ground. Thus, under section 104, a court could pass upon the question of whether there actually was reasonable ground. But under section 103, all that a court could pass upon is whether the apprehending and detaining officer found that there was reasonable ground.

There is a section of this substitute which purports to provide for preliminary hearings. It uses the phrase "preliminary hearing." But what does it mean by hearing? By the definition of the concentration camp substitute itself, a preliminary hearing means that the person who has been detained is to be brought in and advised of his legal rights and of the grounds on which his detention was ordered. The officer before whom he is brought is required to "record any information offered or objections made by such detainee"; but it is perfectly clear that there is no expectation the detainee will be released, no matter what information or objections he offers, because the same sentence provides that within 7 days after the preliminary hearing the so-called hearing officer shall receive any additional written evidence or representations the detainee may wish to file. Clearly, it is expected, for a certainty, that the detainee will still be in a concentration camp at least 7 days after the so-called preliminary hearing. Actually, he will be there a good deal longer than that.

Anyway, under the procedure provided in this proposed amendment, the detainee is brought in before what is called a preliminary hearing officer—actually, a sort of little commissar, since the bill provides no standards for preliminary hearing officers and authorizes the appointment of as many of them as the Attorney General may deem necessary—and after the detainee has been brought in before one of these little commissars, he is told of his legal rights, if any, and of the grounds on which his detention was ordered—not the details of the charges against him; oh, no, only the grounds on which his detention was ordered—and then if he offers any information or makes any objections, the little commissar makes a record of that; and then the detainee is taken back to the concentration camp.

Is any opportunity provided to him to present witnesses in his behalf? Oh, no. Is any opportunity presented to him to be confronted by his accusers? Oh, no.

Is any opportunity given him to even hear any witnesses against him, much less cross-question such witnesses? Oh, no. In another part of the substitute, there is a provision that the detainee shall be afforded full opportunity to be represented by counsel at this so-called preliminary hearing. But there is no provision that he shall have the right to have counsel assigned, if for any reason he is unable to procure his own counsel.

Now, Mr. President, because there is not time to go into the question of this concentration camp substitute in detail, let us skip over to subsection (g) of section 109. This subsection appears on page 38 of the bill S. 4130 and starts on the same page of the printed substitute.

This subsection reads as follows:

In any proceeding before the Board under this title the rules of evidence, prevailing in courts of law or equity shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any evidence of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

The VICE PRESIDENT. The time of the Senator from Nevada has expired. All time has expired under the agreement.

The pending question is the amendment offered by the Senator from South Dakota. However, inasmuch as a committee amendment went over, probably the Chair would be justified in having that amendment voted on first.

Mr. LUCAS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Douglas	Gurney
Benton	Dworshak	Hendrickson
Bricker	Ecton	Hickenlooper
Butler	Ellender	Hill
Byrd	Ferguson	Hoey
Cain	Frear	Holland
Chapman	Fulbright	Humphrey
Chavez	George	Hunt
Connally	Gillette	Ives
Cordon	Graham	Jenner
Darby	Green	Johnson, Tex.
Kefauver	McFarland	Russell
Kem	McKellar	Schoeppel
Kerr	McMahon	Smith, Maine
Kilgore	Magnuson	Sparkman
Knowland	Malone	Taylor
Langer	Martin	Thomas, Okla.
Leahy	Millikin	Thye
Lehman	Morse	Tydings
Lodge	Mundt	Watkins
Long	Murray	Wherry
Lucas	Neely	Wiley
McCarran	O'Conor	Williams
McCarthy	O'Mahoney	Young
McClellan	Robertson	

The VICE PRESIDENT. A quorum is present.

The Senator from Louisiana is recognized for 7½ minutes. Does the Senator wish to have his amendment stated?

Mr. ELLENDER. Yes.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 80, in lieu of the language proposed to be stricken out beginning with line 21 and extending through line 20 on page 81 it is proposed to insert the following:

SEC. 32. (a) Chapter 73 of title 18, United States Code, is amended by inserting, immediately following section 1506 of such chapter, a new section, to be designated as section 1507, and to read as follows:

"§ 1507. Picketing or parading.

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt."

(b) The analysis of such chapter is amended by inserting, immediately after and underneath item 1506, as contained in such analysis, the following new item:

"1507. Picketing or parading."

Mr. ELLENDER. Mr. President, the pending amendment, previously reported by the Senate Judiciary Committee as Senate bill 1681, Calendar No. 740, and which is now being substituted for the language originally used in the McCarran bill, prohibits the picketing of United States courts, such as has occurred on many occasions in recent years. More specifically, it adds a new section to the United States Code to prevent picketing or parading in or near a court building or a building or residence occupied by a judge, juror, witness, or court officer, for the purpose and with the intent of influencing such persons.

Its enactment will prevent the exercise of undue influence by picketing crowds, use of sound trucks and the like, on the United States courts, and will permit the persuasion of a court to remain in the courtroom and in the hands of authorized counsel, where it should by all means remain if we are to have respect for our judiciary system. Presently, the power of United States courts to deal with such offenses as picketing and parading is contained in provisions of the United States Code relating to contempt "in their pres-

ence or so near thereto as to obstruct justice," and in the Code sections making it an offense to corruptly or by threats of force, or by threatening letter or commotion "influence, obstruct, or impede the due administration of justice." Cases arising under present laws are usually initiated by the presiding judge of the court affected.

This legislation will not only serve to clarify and make more definite the authority of United States courts to punish a person unlawfully picketing or parading in or near either the court, or a building or residence of a judge, juror, witness, or court officer, but it will make it a crime for one to engage in such activities, so that the offender can be prosecuted in an orderly manner and in the same way as violators of other criminal laws, and it will also provide for fine and imprisonment for its violation.

Differing from the bill passed by the House in that it requires the establishment of the intent of interfering with the administration of justice, of the intent of influencing judges and others in the discharge of their duties, this amendment also prohibits picketing or parading, not only near a court or building occupied by a judge, juror, witness, or court officer but also in or near his residence. Further, this bill prohibits the use of sound trucks or similar devices for the purposes described. Penalties for violation are fixed at not more than $5,000 or imprisonment for not more than 1 year, or both. The language of this amendment has been revised and refined from that of a bill originally presented by me and reported by the Judiciary Committee of the Senate. It has the emphatic approval of the American Bar Association as well as many State bar associations.

Finally, a provision specifies that nothing in the proposed code section shall interfere with or prevent the exercise of any court's power to punish for contempt.

The practice of picketing courts is of recent origin, and apparently has been employed almost solely in connection with proceedings involving alleged Communist Party members and sympathizers. During the recent trial of Communist Party leaders before Judge Medina of the Federal district court in New York City, newspapers reported picketing conducted by large crowds outside the court building; similar occurrences took place at the Federal district court in Los Angeles last winter during contempt proceedings arising out of an investigation of Communist Party activities. Large crowds paraded around and picketed the Federal Building, carrying signs, passing out literature, and surging into the building in large numbers, overcrowding the court room and corridors to the extent that persons with legitimate business in the court had extreme difficulty in transacting it. In addition, the residence of the judge was picketed. When the Los Angeles case was argued on appeal in the court of appeals in San Francisco, a sound truck was employed outside the building and created sufficient noise to harass and obstruct the proceedings that were before the court. It is readily apparent that such activities, if allowed to proceed without restraint, will not only detract from the dignity of our judicial proceedings but will ultimately result in the derogation of justice.

The passage of this amendment will serve, in a measure, to prevent some of the disturbances that have attracted national prominence over the past year or so. Mr. President, we can read on courthouses throughout the length and breadth of our country that ours is a government of law and not of men. But we cannot adhere to these noble sentiments so long as we permit the continuation of tactics recently perpetrated against our Federal judiciary. Admittedly, these demonstrations before our United States courts and judges' homes are designed to bring public opinion to bear on the judge himself, on the jury, or on the court attachés entrusted with the administrative details of officiating at the court.

If we are to keep our national judiciary on the high plane it has enjoyed since the founding of this country, we must restrain these disgraceful practices, adopted by persons and groups who would undermine our country by first undermining our judiciary.

Traditionally, the judicial branch of our government is the most hallowed in the minds of our people. The ill winds of political vicissitude may change the legislative or the executive branch, but by the very tenure of appointment—the lifetime of the officeholders in our constitutional courts—the framers of the Constitution decreed that our judges be farthest removed from the temporal influences of political life.

Mr. President, let us by the adoption of this amendment strengthen our judiciary system against encroachment by persons who would destroy our entire form of government. Our judiciary is the cornerstone of good government and just government; by the adoption of this amendment we will preserve unimpeded its efficient and effective administration.

Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Florida [Mr. HOLLAND] be added as one of the sponsors of the amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McCARRAN. Mr. President, the amendment offered by the able Senator from Louisiana was stricken from the bill by the Committee on the Judiciary, not that the Committee on the Judiciary did not favor the provisions of the amendment, because the committee had almost unanimously, lacking one vote of being unanimous, I believe, adopted identical language in a separate bill.

Mr. President, the Committee on the Judiciary struck the amendment from the bill because we thought it was not in keeping with the tenor and objectives of the particular measure now before the Senate. However, so far as the chairman of the committee is concerned, I shall vote for the amendment.

The amendment embodies the provisions of the Senate bill, S. 1681, which was reported favorably by the Committee on the Judiciary and is now on the Senate Calendar.

Mr. President, in the recent past we have witnessed the technique of the Communist Party in picketing the Federal courts. If this practice continues unchecked, it cannot help but bring about a disruption for law and constitutional government under law. The essence of the Federal judiciary has been the impartiality and independence under which it functions in the orderly administration of justice, but this impartiality and independence is today seriously threatened.

The facts as revealed to the Committee on the Judiciary are that in some instances the number of pickets which have been employed by the Communist Party in the picketing of Federal courts has ranged from 300 to 750 in such cities as San Francisco, Los Angeles, and New York; that the participants carried picket signs, distributed literature, and overcrowded the corridors and courtrooms of the court buildings. It was further developed in the testimony before the committee that the picketing was accomplished by loud chanting of slogans and that in one case in San Francisco a sound truck was employed outside the building which created so much noise that it seriously impaired those inside the courtroom in hearing the testimony.

Mr. President, the Congress not only possesses the constitutional power but is charged with the constitutional duty to protect all agencies of the Federal Government including courts, their officers and all persons whose attendance is necessary in the proceedings of these courts. The Congress has seen fit to exercise this power by conferring upon the courts the power to punish for contempt but there is serious question as to whether or not the power to punish for contempt is broad enough to cover the new technique of mass picketing.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. ELLENDER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment offered by the Senator from South Dakota [Mr. MUNDT], which has been previously reported and discussed.

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. McCARRAN. Mr. President, I wish to call up amendments lettered A, B, C, D, E, F, and G, which can be considered en bloc, because they are merely perfecting amendments.

The VICE PRESIDENT. Without objection, the amendments will be considered en bloc, and the clerk will state the amendments.

The LEGISLATIVE CLERK. On page 39, line 15, after the word "office", it is proposed to insert "research laboratory or station."

On page 39, line 22, after the word "stored", to insert the following: "or are the subject of research or development."

On page 44, line 25, after the word "Defense", to insert the following: "or by the Director of the National Advisory Committee for Aeronautics."

On page 45, line 8, after the word "agency", insert the following: "or of the National Advisory Committee for Aeronautics or any officer or employee thereof."

On page 45, lines 5 and 6, to strike out the words "National Military Establishment" and to insert in lieu thereof "Department of Defense."

On page 45, line 7, to strike out the word "Establishment" and to insert "Department."

On page 45, line 8, to delete the following: "Establishment."

On page 71, line 25, to strike out the word "hearing" and to substitute in lieu thereof the word "examination."

On page 73, line 10, to strike out the word "shall" and to substitute in lieu thereof the word "may."

On page 75, line 22, between the word "arms" and the word "by", to insert the following: "or the performance of noncombatant service in the Armed Forces of the United States."

On page 76, line 14, after the word "States", to insert the following: "or perform noncombatant service in the Armed Forces of the United States."

On page 77, lines 1 and 2, to strike out the following: "that I will perform noncombatant service in the Armed Forces of the United States when required by law;".

On page 79, lines 20 and 23, to strike out the word "internal."

Mr. McCARRAN. These are all perfecting amendments, Mr. President. I do not care to take up the time of the Senate in explaining them.

The VICE PRESIDENT. The question is on agreeing to the amendments offered by the Senator from Nevada [Mr. McCARRAN] en bloc.

The amendments were agreed to.

Mr. McCARRAN. Mr. President, I offer one more perfecting amendment which I ask to have stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 63, line 22, after "Sec. 24" it is proposed to insert "(a)"; on page 64, line 8, strike "Sec. 2" and insert in lieu thereof "(b)"; on page 64, line 10, insert a comma after the word "alien"; on page 64, line 11 insert a comma after the word "alien", and on page 64, line 13, strike the words "to be."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I send forward an amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 26, line 6, it is proposed to insert the following new sentence:

Each such petition shall be verified under oath, and shall contain a full and complete statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such order.

The VICE PRESIDENT. The Senator from Wyoming is recognized for 7½ minutes.

Mr. O'MAHONEY. Mr. President, an examination of section 14 (a) will reveal that whenever the Attorney General has reason to believe that an organization which has not registered but should register, or when any individual who has not registered under section 8 is in fact required to register, he shall file with the board a petition, and thereupon the machinery of action begins to run. My amendment adds a new sentence. It is designed to protect the rights of individuals by requiring that each such petition shall be verified under oath, and shall contain a full and complete statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such an order.

The reason I offer the amendment, Mr. President, is that knowing, as we do, the subtlety with which Communists operate, and their purposes of sowing confusion, it might easily be that a Communist organization might give the names of innocent persons as alleged members. The petition which the Attorney General may file does not require a statement of probable cause. It has been long our system that no person shall be held to answer for an offense without either an indictment or an information, and it seems to me there can be no objection to requiring the Attorney General, when he files a petition, to verify it and give the statement of his reasons. I feel that that was the intention of the committee, Mr. President.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. FERGUSON. Does not the Senator feel that it goes too far to require the Attorney General to file a full and complete statement of the facts?

Mr. O'MAHONEY. Yes; I think the Senator is quite right. I would be quite willing to drop the words "full and complete", and have it read "a statement of the facts upon which", and so forth.

Mr. FERGUSON. Yes, because his proof may vary, and may be much stronger than he would want to state.

Mr. O'MAHONEY. Yes.

The VICE PRESIDENT. The Senator from Wyoming has modified his amendment by striking out the words "full and complete."

Mr. FERGUSON. I see no objection to the amendment with those words stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] as modified.

The amendment, as modified, was agreed to.

Mr. McFARLAND. Mr. President, I send to the desk an amendment which I ask to have stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 58, line 16, it is proposed to strike out the period after the word "Act" and insert a colon and the following proviso: *"Provided,* That no fine or refund nor any expense incident to detention or deportation as provided in this act shall be assessed against or required of any owners of vessels or transportation lines for bringing into or deporting from the United States any alien, if, at the time of such alien's foreign embarkation, he held an unexpired visa, issued by a United States consul."

The VICE PRESIDENT. The Senator from Arizona is recognized for 7½ minutes.

Mr. McFARLAND. Mr. President, it will be noted that on page 58, and particularly at line 11, it is provided:

And the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation lines by which such aliens respectively came.

The amendment simply provides that when an alien has a valid visa to come to this country, the transportation line would not be liable for his return passage. I do not think the amendment needs any further explanation. It is merely a matter of fairness. When a person has a legal right to come to this country the transportation line should not be required to take him back at its expense. A statement of the amendment itself I believe would satisfy any objection that might be raised to it. I hope the distinguished Senator from Nevada will accept the amendment.

Mr. McCARRAN. Mr. President, this has been a matter of considerable study. The proposition cuts right across at least 20 of our immigration laws. So far as the principle is concerned, I am entirely willing to accept it, but the language, it seems to me, must be worked out satisfactorily. I am willing to take the amendment to conference and work it out there. I think the language of the amendment at present is not in keeping with its spirit or intent.

The VICE PRESIDENT. The question is on agreeing to amendment offered by the Senator from Arizona [Mr. McFARLAND].

The amendment was agreed to.

Mr. LUCAS. Mr. President, on behalf of the Senator from Pennsylvania [Mr. MYERS], the Senator from Washington [Mr. MAGNUSON], the Senator from New Mexico [Mr. ANDERSON], the Senator from Connecticut [Mr. McMAHON], the Senator from New York [Mr. LEHMAN], the Senator from Connecticut [Mr. BENTON], and myself, I offer an amendment and ask that it be stated.

The VICE PRESIDENT. The amendment is a long one. Does the Senator wish to have it stated in full?

Mr. LUCAS. No; I do not.

The VICE PRESIDENT. Let the amendment be stated for identification.

The LEGISLATIVE CLERK. On behalf of himself, Mr. MYERS, Mr. MAGNUSON, Mr. ANDERSON, Mr. McMAHON, Mr. LEHMAN, and Mr. BENTON, Mr. LUCAS offers an amendment on page 1, beginning with line 11, to strike out all down to and including line 3, on page 39, and insert in lieu thereof the following:

Title I—Emergency Detention.

The amendment, in full, offered by Mr. LUCAS, for himself and other Senators, is as follows:

Amendment intended to be proposed by Mr. LUCAS, Mr. MYERS, Mr. MAGNUSON, Mr. ANDERSON, Mr. MCMAHON, Mr. LEHMAN, and Mr. BENTON to the bill (S. 4037) viz: On page 1, beginning with line 11, strike out all down to and including line 3, on page 39, and insert in lieu thereof the following:

"TITLE I—EMERGENCY DETENTION

"FINDINGS OF FACT AND DECLARATION OF PURPOSE

"SEC. 2. The Congress hereby finds that—

"(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide Communist political organization.

"(2) The establishment of a totalitarian dictatorship in any country results in the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

"(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by an identity between such party and its policies and the government and governmental policies of the country in which it exists, such identity being so close that the party and the government itself are for all practical purposes indistinguishable.

"(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

"(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, including the United States, political organizations which are acknowledged by such Communist dictatorship as being constituent elements of the world Communist movement; and such political organizations are not free and independent organizations, but are mere sections of a single world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

"(6) The political organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist political organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

"(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

"(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the traditional Communist methods referred to above, and in accordance with carefully conceived plans, already caused the establishment in numerous foreign countries, against the will of the people of those countries, of ruthless Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

"(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

"(10) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

"(11) The experience of many countries in World War II and thereafter with so-called "fifth columns" which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

"(12) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, imminent invasion, war, insurrection in aid of a foreign enemy or other extreme emergency, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

"(13) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

"(14) The detention of persons who there is reasonable ground to believe may commit or conspire with others to commit espionage or sabotage is, in such a time of emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

"(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect, and defend the Constitution, the Government, and the people of the United States.

"DECLARATION OF 'INTERNAL SECURITY EMERGENCY'

"SEC. 3. (a) In the event of any one of the following:

"(1) Invasion or imminent invasion of the territory of the United States or its possessions,

"(2) Declaration of war by Congress,

"(3) Insurrection within the United States in aid of a foreign enemy, or

"(4) Declaration of an 'internal security emergency' by concurrent resolution of the Congress,

and if, in addition, the President shall find that the proclamation of such an emergency is essential to the preservation, protection, and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an 'Internal Security Emergency.'

"(b) A state of 'Internal Security Emergency' (hereinafter referred to as the 'emergency') so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

"DETENTION DURING EMERGENCY

"SEC. 4. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General or such other officer or officers of the United States, as the President may by his proclamation designate (hereinafter referred to as the Attorney General), is hereby authorized to apprehend and by order detain each person as to whom he, the Attorney General or such other officer so designated, finds that there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or of sabotage.

"(b) Any person detained hereunder (hereinafter referred to as 'the detainee') shall be released from such emergency detention upon—

"(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

"(2) an order of release issued by the Attorney General;

"(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

"(4) a final order of release by a United States court after review of the action of the Board of Detention Review.

"PROCEDURE FOR APPREHENSION AND DETENTION

"SEC. 5 (a) The Attorney General, or such officer or officers of the Government as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

"(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage; and

"(2) an order for the detention of such person for the duration of such emergency. Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

"(b) Warrants for the apprehension of persons ordered detained under this title shall be served, apprehension of such persons shall be made, and orders for the detention of such persons shall be executed by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension and a copy of the order for detention shall be furnished to any person apprehended under this title at the request of such person.

"(c) Persons apprehended under this title shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

"(d) Within 48 hours after apprehension, or as soon thereafter as provision for it may be made, each detainee shall be accorded a preliminary hearing before a preliminary hearing officer designated by the Attorney General who shall—

"(1) advise the detainee of his legal rights and of the grounds on which his detention was ordered;

"(2) record any information offered or objections made by such detainee, and within 7 days after the preliminary hearing receive any additional written evidence or representations such detainee may wish to file with the Attorney General; and

"(3) prepare and transmit to the Attorney General, or such other officer as may be designated by him, a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether the order for the detention of such person shall be continued in effect or revoked. Preliminary hearings officers may be appointed at such places and in such numbers as the Attorney General deems necessary for the expeditious consideration of detainees' cases.

"(e) The Attorney General, or such other officers as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee may engage in, or may conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

"(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible the evidence supporting his finding of reasonable ground in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States. He is also authorized to prosecute appeals from orders of the Board of Detention Review or of any court which modify or revoke any order under which any person is detained, and to petition for the suspension of the execution of any such order of modification or revocation pending final disposition of any appeal taken therefrom to any court of competent jurisdiction (in the case of an order of the Board) or to any higher court (in the case of an order of a court).

"(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary or desirable to promote the effective administration of this title.

"(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this act. The Attorney General shall appoint an Inspector of Detention, and such assistants as may be necessary, to review all phases of any detention program in operation and to report to the Attorney General his findings and recommendations at regular intervals (no less often than bimonthly) and from time to time upon request of the Attorney General. Such reports of the Inspector of Detention shall be included in each bimonthly report of the Attorney General to the President and the Congress.

"DETENTION REVIEW BOARD

"SEC. 6. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the "Board") which shall consist of nine members appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of 1 year each, three for terms of 2 years each, and three for terms of 3 years each, but their successors shall be appointed for terms of 3 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

"(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal, which shall be judicially noticed.

"(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board at all pending appeals in the courts from orders of the Board, the President is authorized in his discretion to dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

"SEC. 7. (a) Each member of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, regional examiners, and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

"(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

"SEC. 8. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such examiners or agents as it may designate, conduct any hearing necessary to its functions in any part of the United States.

"SEC. 9. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this act.

"SEC. 10. (a) Any Board created under this title is empowered—

"(1) to review upon petition of any detainee any order of detention issued by the Attorney General;

"(2) to determine whether there is reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage;

"(3) to issue orders confirming, modifying, or revoking any such order of detention; and

"(4) to hear and determine any claim made by any detainee pursuant to this paragraph for indemnification for loss of income by such detainee resulting from detention pursuant to this title without reasonable grounds, as shown by the issuance of a final order of the Board or of a court revoking such detention order. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

"(b) Whenever a petition for review of an order for detention issued by the Attorney General or for indemnification pursuant to the preceding subsection shall have been filed with the Board by any detainee or any person who has been a detainee, in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the detainee and the Attorney General at a place therein fixed, not less than 15 days after the serving of said notice. Such hearing may be conducted by any member, officer, regional examiner, or other agent (hereinafter referred to as "hearing examiners") designated by the Board.

"(c) In any case arising from a petition for review of an order for detention issued by the Attorney General, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

"(d) (1) Any member of the Board shall have the power to issue subpenas requiring

the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board, or any hearing examiner conducting any hearing authorized by this title. Any hearing examiner may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(e) (1) Notices, orders, and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

"(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify and present witnesses on his behalf.

"(g) In any proceeding before the Board under this title the rules of evidence prevailing in courts of law or equity shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any evidence of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

"(h) In deciding the question of the existence of reasonable ground to believe a person might engage in or conspire with others to engage in espionage or sabotage, the Attorney General and the Board of Detention Review are authorized to consider evidence of the following:

"(1) that the detainee or possible detainee has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, unless such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or unless, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned;

"(2) Any past act or acts of espionage or sabotage committed by such person against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States, and any investigations made of such person in the past which serve to indicate probable complicity of such person in any such acts of espionage or sabotage;

"(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government; and

"(4) Any other evidence of conduct of the same degree of gravity as that set forth in paragraphs (1) through (3) of this subsection demonstrating reasonable grounds to conclude that such person may engage in, or conspire with others to engage in, espionage or sabotage.

"(i) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention.

"ORDERS OF THE BOARD

"SEC. 11. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued by the Attorney General under this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question might engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking his order for detention of the detainee concerned and requiring the Attorney General, and any officer designed by him for the supervision or control of the detention of such person, to release such detainee from custody.

"(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity.

"(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee may engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

"(d) In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"JUDICIAL REVIEW

"SEC. 12. (a) Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section.

"(b) In the case of any order of the Board modifying or revoking any order of detention issued by the Attorney General, or granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

"(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review in the United States court of appeals for the circuit wherein the petitioner is detained or resides, or in the United States Court of Appeals for the District of Columbia, by filing in such court within 60 days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of 60 days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record

of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered (except for evidence received in closed session, as authorized by this title), the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by evidence, shall be conclusive.

"(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

"(e) The commencement of proceedings by the Attorney General for judicial review under this section shall, if he so requests, operate as a stay of the Board's order.

"(f) Any order of the Board shall become final—

"(1) upon the expiration of the time allowed for filing a petition for review or enforcement, if no such petition has been duly filed within such time; or

"(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

"(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

"(4) upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

"CRIMINAL PROVISIONS

"SEC. 112. Whoever, being named in a warrant or order of detention as one as to whom there is reasonable ground to believe that he may engage in, or conspire with others to engage in, espionage or sabotage, or being under detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title, or shall escape, attempt to escape, or conspire with others to escape from detention ordered and instituted pursuant to this title, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"SEC. 14. Whoever knowingly—

"(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person may engage in, or conspire with others to engage in, espionage or sabotage; or

"(b) advises, aids, assists, or procures the escape from detention pursuant to this title of any person so named; or

"(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such detention; or

"(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section,

shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"SEC. 15. Any person who shall wilfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

"REVIEW BY CONGRESS

"SEC. 16. The chairmen of the Judiciary Committees of the Senate and of the House of Representatives shall establish subcommittees of their respective committees to carry out in respect to the operation of this title the duties imposed on their committees by the Legislative Reorganization Act of 1946.

"DEFINITION

"SEC. 17. For the purposes of this title, the term 'espionage' means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this act, and the term 'sabotage' means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this act.

"SEPARABILITY OF PROVISIONS

"SEC. 18. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"TERMINATION

"SEC. 19. Unless continued in effect longer by joint resolution of the Congress, the provisions of this title shall cease to be effective on a date 3 years after the date of enactment of this title, but the termination of this title shall not affect any criminal prosecution theretofore instituted or any conviction theretofore obtained on the basis of any act or omission occurring prior to such date of termination.

"TITLE II—INTERNAL SECURITY"

Change sections numbers and references to conform to the above amendment, and amend the title so as to read: "A bill to protect the internal security of the United States, to provide for the detention in time of emergency of persons who may commit acts of espionage or sabotage, and for other purposes."

Mr. LUCAS. Mr. President, I have sent to the desk a perfecting amendment to the McCarran bill. This amendment, which has been offered by myself and other Senators will remove the registration feature from that bill and substitute the detention provisions of the Kilgore bill. I am just as anxious as is any other Senator that anti-Communist legislation of some kind be passed at this session of Congress, in view of our trouble with the Communists in North Korea and throughout the world.

I am offering this amendment for several reasons. In the first place, it is my hope that Congress will approve legislation which will be effective in guaranteeing the internal security of the United States. I am firmly convinced that this object cannot be attained by a registration bill.

There can be only one consideration in the minds of all Senators and all patriotic Americans, and that is the security of our great country. Let me emphasize that our efforts today must result in approval of the most effective means of preserving this security.

The registration feature of this bill would be useless as a genuine security device. No one, including the framers of this bill, seriously thinks that Communists or Communist-front organizations are going to rush in to register. They will not do so, for the simple reason that none of those organizations will admit that they are organizations with the characteristics set out in this registration bill. In the case of every organization, there will be full and complete litigation before the subversive board and before the courts of the United States. That could take as long as 2 years. At the end of that protracted litigation, we would succeed in getting a name on a register. The organization could then defeat the effects of that order by merely disbanding and reforming into another group. Our Government would have to start prosecuting the second organization, thus beginning the prosecution all over again. That process could go on indefinitely.

The registration feature of this bill could well, in fact, harm the security of the United States. In the litigation that would ensue, our Government would be forced to reveal the identity of many of its key informants inside these subversive organizations. If Congress approved a registration bill, the Attorney General would have little choice but to enforce it vigorously against such organizations as the Communist Party and other closely allied front organizations. The framers of this bill have told us that all the criteria must be given consideration, which means that in the case of each of these organizations the Attorney General would be forced to submit proof of such things as foreign control and foreign financing. That information would be in the possession only of persons who are close to the inside operation of these organizations. To prove those facts would require premature disclosure of valuable sources of information. Undercover agents become useless once their identity is revealed. Such disclosures would materially injure the security of the United States.

No one here can doubt or question the value of effective surveillance of people dangerous to our security. The Director of the Federal Bureau of Investigation, J. Edgar Hoover, has recently requested an additional $6,000,000 for this purpose. In judicial proceedings and public investigations, he has also opposed the disclosure of valuable sources of information, except in the most unusual circumstances.

I question the advisability of our forcing, by congressional sanction, the Justice Department to engage in wholesale

litigation that could only be successfully prosecuted by severing our invaluable contacts inside such subversive organizations. We should think twice before we take such a course.

The task that would be placed upon our judicial system under this registration bill would please no one quite as much as the Communists.

We must keep in mind that when the Attorney General carried out the directions of Congress, there would be hundreds of cases to be considered by the Administrative Board. Every one of these would be appealed to the courts of the United States. It must be remembered that, in addition to test cases to present constitutional questions, every registration case is appealable on the question of the facts and the evidence. Mr. President, in this crisis we need action now, not a delay of from 2 years to 4 years, which is what would occur under the registration feature of the McCarran bill. In other words, in the regular course of events there could be appeals to the Federal courts in every case. All these appeals would go to a single court which already has other duties.

The trial in New York of the 11 Communist leaders, with the harassing and contemptuous conduct that occurred there, is still clear in the minds of all of us. The Communists want to discredit us wherever they can, and they would not pass up this opportunity to burden our courts to the breaking point.

I want to emphasize again that the crucial problem before us is to find the proper course of action for assuring the internal security of the United States. If we are to have adequate security, the Federal Bureau of Investigation must not be hampered in its work in following the activities of the dangerous people in our midst. In fact, this work of the FBI should be expanded. We must also have effective laws which will permit our Government to move swiftly against any individual or group in our society when it appears that our security requires such action.

It seems to me that the registration feature of the McCarran bill is directly opposed to both of these objectives. It would destroy the effectiveness of the Federal Bureau of Investigation, through disclosures of valuable information. It provides no effective means in the long run for dealing with these dangerous people. I say to the Senate that they are dangerous, more dangerous today than at any other time in the history of the United States of America. We cannot gain security by taking names.

The detention provisions, however, recognize fully our security requirements. The lines of contact which the Federal Bureau of Investigation has succeeded in extending into the Communist Party on all levels would be preserved. We would also have a law which would encourage this effective surveillance and would provide a means for acting swiftly in an emergency.

We owe an obligation to the American people to approve legislation here that will fully meet our security needs. We shall not be fulfilling this obligation if we approve a law which at best will be ineffective, and which in all probability will be harmful. The McCarran bill, if enacted, would merely result in slapping the Communists on the wrist, as a result of asking them to register under the provisions of that bill. I say to my colleagues in the Senate that that is all the McCarran bill, if enacted, would do.

I have heard some of the strongest proponents of a registration bill speak with considerable concern over the detention of dangerous people in an emergency. I cannot believe for a moment that anyone could oppose the detention of dangerous Communists when our very survival may be at stake.

I ask my colleagues, Mr. President, what would be the answer of the average United States citizen if we were to ask him whether in a crisis of this sort he would prefer to have the Communists required to register or whether he would prefer to have them detained. Senators will find that 9 out of 10 of the American people will say, "Detain them. Why register these people? Why fool with them?"

Mr. President, we are faced with a serious problem, which requires serious and firm measures. The Federal Bureau of Investigation knows of many thousand dangerous and disloyal people who would threaten our security in a crisis. Are we to sit helplessly by when it becomes obvious that these people present an immediate danger? Or are we going to move swiftly in the interests of our security? The American people are deeply concerned with the answer we give to this question.

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

Mr. McCARRAN. Mr. President, I yield 7½ minutes to the Senator from Michigan [Mr. FERGUSON].

The VICE PRESIDENT. The Senator from Michigan is recognized for 7½ minutes.

Mr. FERGUSON. Mr. President, I am very glad that the distinguished majority leader has advised the Senate at this late date in the session that there is danger from communism. Since March 22 of this year, we have had on the calendar a bill providing for registration, and we have been trying ever since then to have it brought before the Senate for a vote. There have been complaints here that the registration process will take too long, but already some 6 months have been wasted by the failure to bring this bill up for action.

Now we are advised that there has been discovered a different way to deal with this entire question, namely, to have a concentration camp established and to immediately put in it all the Communists in America. Whatever may be the merits of that proposal, where were its proponents when we were trying desperately to get the registration bill before the Senate?

We have heard those who in the past were objecting to the registration feature of the bill say that it was unconstitutional, that it would result in taking away the liberties of people, by requiring them to register. However, now we find, so we are told, that the way to deal with them is to use the unconstitutional, un-American method of immediately putting them into a concentration camp, without trial.

It has been stated on the floor of the Senate that those who favor the concentration-camp procedure, as proposed, do not want to burden the courts. They make a virtue of the claim that such a procedure would not result in burdening the courts. Under the concentration-camp procedure such persons would be put in jail and would be kept there; and to that end the writ of habeas corpus would be suspended. Those who favor such a provision say that once such persons were put into concentration camps, they could try to get out, although the burden of proof is on the prisoner.

Mr. President, that is not the way to deal with this situation. I say to the Senate today that after months of study—yes, years of study—it was decided by the Senate Judiciary Committee, with the single exception of the vote of one Member, that the way to deal with this problem is by the registration method provided by the McCarran bill.

There is only one Communist Party in America. The President has sent to the Congress a message saying that the Communist Party is foreign-controlled. Mr. President, is there anyone who doubts that it is foreign-controlled? There is only one such party in the United States.

What will be difficult about proving to a board that there is a Communist Party in the United States? Once that is proved, the officers of that group will have to register the names and the addresses of the members. If they do not register them, they will be put in jail, which is the place where they belong.

It has been stated that we should not enact the registration bill because the Communists have said they will not comply with it. Mr. President, the reason we should enact the bill is that they are not going to want to comply with it, but we are going to compel them to comply, if they are going to remain in the United States and are going to stay out of jail; and we shall do so by due process of law.

Mr. President, the substitute bill would wipe out all the constitutional provisions in regard to indictment and trial by jury. It is said that a man's liberty is only constrained. Those are fancy words. I say that by whatever name it is called, detention is imprisonment. If we pass the so-called Kilgore detention-camp bill today, it will be the first blueprint of dictatorship in America. We shall be violating every known constitutional provision for the protection of the rights and liberties of the people of the United States, including the right to be tried by due process of law and by a jury of one's peers.

This is the first time in the history of America that an attempt has been made in the Congress to infringe the constitutional rights of citizens. We have always said that a man could be tried for acts in violation of the law and for conspiracy to commit such acts. We took another step in the early history of our jurisprudence by providing that a man could be tried for attempting to commit a crime. That is, when a man is in position to commit a crime, but, for some reason or other is frustrated in

his attempt, he may be tried for the attempt. But never in the history either of American jurisprudence or of the British common law was it ever contended that a man could be tried for his mere capacity to commit a crime.

The Kilgore bill is a pure thought-control bill, a bill to control a man who thinks about doing a thing. It is real thought-control. To substitute such a proposal for the McCarran bill would be to take away all the liberties of the people.

Mr. President, this question has been given very careful attention by all the members of the Judiciary Committee. We have spent months on it. I say honestly and sincerely that the way to deal with this problem is by requiring registration. Every person in this body knows I am not soft toward Communists. After a man is registered, we may then deal with him to prevent the commission of certain specific acts. We effectively provide for protection against communism in the United States, and we do it constitutionally.

I yield the remainder of my time to the junior Senator from South Dakota.

The VICE PRESIDENT. The Senator from South Dakota is recognized for 2 minutes.

Mr. MUNDT. Mr. President, in the time allotted to me, I think perhaps I should first of all call the attention of the Senate to the fact that the very eloquent address delivered by the senior Senator from Illinois was not his first adrress on this subject. A headline in the Chicago Sunday Tribune for September 10 reads: "Legion rebuffs LUCAS on Red curbs issue; hears Senator support bill, then snubs it."

I wondered what that was about. I felt sure the Senator from Illinois was in favor of curbing the Reds. I was curious.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. MUNDT. I yield very briefly since I have but 2 minutes.

Mr. LUCAS. The Senator from South Dakota knows more about the Tribune than I do, and I am sure he will believe everything the Tribune says.

Mr. MUNDT. I am merely reading the news report. The Tribune is a great newspaper, but I am not going to argue the relative merits of the various newspapers of America. The article reads:

> Delegates to the State American Legion convention listened to Senator LUCAS, Democrat, of Illinois, yesterday and then rebuffed him by resolution and lashed at him through speeches from the floor. The session was held at the Civic Opera House.
>
> The Senate majority leader, a former State Legion commander, asserted the Douglas-Kilgore bill to curb Communists was superior to the Republican-sponsored Mundt-Ferguson bill. He charged Senator MUNDT, Republican, of South Dakota, was playing politics by seeking speedy action on his anti-Communist measure.
>
> HIS ADVICE REJECTED
>
> The delegates, representing more than 200,000 members of 1,135 posts, heard him through and then considered a resolution endorsing the Mundt-Ferguson bill, which he had criticized, or "similar legislation." To leave no doubt that they rejected the LUCAS advice, they struck out the phrase "similar legislation." They passed a measure urging approval of the "Mundt-Ferguson bill or the McCarran bill."
>
> The Mundt-Ferguson bill would require that Communist Party members register with the Government and would forbid their appointment to Federal positions. The Douglas-Kilgore bill provides that the Attorney General in time of emergency could arrest and detain anyone believed engaged in sabotage or conspiring with others to do so.
>
> "We took a tongue lashing from the senior Senator from Illinois today," said Edward Clamgae, former State commander, in urging the convention to endorse only the Mundt-Ferguson or McCarran bills. "He came here on the defensive. He spoke from a manuscript, which has been given to the newspapers. His message will go out from here and be used as propaganda.
>
> "We should let it be known the Legion is for a good anti-Communist bill, not a doctored-up bill like the Douglas-Kilgore measure."

The convention either was held, or it was not held; I am sure the veracity of that report can be checked.

The substance of the amendment offered by the Senator from Illinois today is the Kilgore substitute to curb communism. The Senator was speaking on the Mundt-Ferguson bill. He charged that the Senator from South Dakota was playing politics. He has done that before. The delegates, members of 1,135 Legion posts, and numbering more than 200,000, heard LUCAS through, and then adopted a resolution endorsing the Mundt-Ferguson bill, which LUCAS had criticized. To leave no doubt that they respected the LUCAS advice, which was to substitute this new concentration-camp technique for the Mundt-Ferguson provisions, the American Legion struck out the phrase "similar legislation" and adopted a resolution urging favorable action on the Mundt-Ferguson bill or the McCarran bill.

The Mundt-Ferguson bill would require registration. That is what the American Legion has consistently supported, because registration is the heart of this control program. It discloses the Communist conspiracy in every part of America. It identifies the Communist literature. It identifies the Communist propaganda. It identifies the Communist agents. It is the thing that forces the Communists out into the open, and under our provisions if they refuse to come into the open, they then go to jail. It is not the kind of concentration-camp legislation which puts a man into a concentration camp without due process of law because someone thinks he is thinking about becoming a Communist.

The VICE PRESIDENT. The Senator's time has expired.

Mr. MUNDT. So I trust the Senate will follow the resolution adopted by the American Legion post in Chicago and reject the Kilgore-Douglas-Lucas substitute.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. LUCAS] for himself and other Senators.

Mr. LUCAS. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Mississippi [Mr. STENNIS] are absent on public business. If present and voting, the Senator from Pennsylvania [Mr. MYERS] would vote "yea."

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland. If present and voting, the Senator from Florida would vote "yea."

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

I announce further that if present and voting, the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Utah [Mr. THOMAS] would vote "nay."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from New Hampshire [Mr. TOBEY] and the Senator from Michigan [Mr. VANDENBERG] would each vote "nay."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from New Jersey and the Senator from Maine would each vote "nay."

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business and, if present, would vote "nay."

The Senator from Ohio [Mr. TAFT] is necessarily absent, and, if present, would vote "nay."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is detained on official business, and, if present, would vote "nay."

The result was announced—yeas 29, nays 45, as follows:

YEAS—29

Anderson	Hunt	McMahon
Benton	Kefauver	Magnuson
Chavez	Kerr	Morse
Douglas	Kilgore	Murray
Frear	Langer	Neely
Fulbright	Leahy	O'Mahoney
Graham	Lehman	Sparkman
Green	Long	Taylor
Hill	Lucas	Thomas, Okla.
Humphrey	McFarland	

NAYS—45

Bricker	Hendrickson	Martin
Butler	Hickenlooper	Millikin
Byrd	Hoey	Mundt
Cain	Holland	O'Conor
Chapman	Ives	Robertson
Connally	Jenner	Russell
Cordon	Johnson, Tex.	Schoeppel
Darby	Kem	Smith, Maine
Dworshak	Knowland	Thye
Ecton	Lodge	Tydings
Ellender	McCarran	Watkins
Ferguson	McCarthy	Wherry
George	McClellan	Wiley
Gillette	McKellar	Williams
Gurney	Malone	Young

NOT VOTING—22

Aiken	Hayden	Stennis
Brewster	Johnson, Colo.	Taft
Bridges	Johnston, S. C.	Thomas, Utah
Capehart	Maybank	Tobey
Donnell	Myers	Vandenberg
Downey	Pepper	Withers
Eastland	Saltonstall	
Flanders	Smith, N. J.	

So the amendment offered by Mr. LUCAS for himself and other Senators was rejected.

Mr. KILGORE. Mr. President, I desire to call up my amendment in the nature of a substitute.

Mr. LUCAS. Mr. President, I have another amendment to offer.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Illinois?

Mr. KILGORE. I yield.

Mr. LUCAS. Mr. President, I offer, to be inserted in the appropriate place in the McCarran bill, an amendment which includes the same language which is in the detention section of the amendment which I just offered and which was defeated. I am offering this as an amendment to the McCarran bill.

The amendment offered by Mr. LUCAS is as follows:

On page 1, immediately following line 10, insert the following:

"TITLE I—INTERNAL SECURITY"

On page 81, after line 25, insert the following:

"TITLE II—EMERGENCY DETENTION

"FINDINGS OF FACT AND DECLARATION OF PURPOSE

"SEC. 101. The Congress hereby finds that—

"(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a worldwide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a singlie world-wide Communist political organization.

"(2) The establishment of a totalitarian dictatorship in any country results in the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

"(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by an identity between such party and its policies and the government and governmental policies of the country in which it exists, such identity being so close that the party and the government itself are for all practical purposes indistinguishable.

"(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

"(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, including the United States, political organizations which are acknowledged by such Communist dictatorship as being constituent elements of the world Communist movement; and such political organizations are not free and independent organizations, but are mere sections of a single world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

"(6) The political organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorships. Although such Communist political organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

"(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

"(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the traditional Communist methods referred to above, and in accordance with carefully conceived plans, already caused the establishment in numerous foreign countries, against the will of the people of those countries, of ruthless Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

"(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

"(10) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

"(11) The experience of many countries in World War II and thereafter with so-called fifth columns which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

"(12) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, imminent invasion, war, insurrection in aid of a foreign enemy or other extreme emergency, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

"(13) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

"(14) The detention of persons who there is reasonable ground to believe may commit or conspire with others to commit espionage or sabotage is, in such a time of emergency, essential to the common defense and to the safety and security of the territory, the people, and the Constitution of the United States.

"(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect and defend the Constitution, the Government and the people of the United States.

"DECLARATION OF 'INTERNAL SECURITY EMERGENCY'

"SEC. 102. (a) In the event of any one of the following:

"(1) Invasion or imminent invasion of the territory of the United States or its possessions,

"(2) Declaration of war by Congress,

"(3) Insurrection within the United States in aid of a foreign enemy, or

"(4) Declaration of an 'internal security emergency' by concurrent resolution of the Congress,

and if, in addition, the President shall find that the proclamation of such an emergency is essential to the preservation, protection and defense of the Constitution, and to the

common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an internal security emergency.'

"(b) A state of 'internal security emergency' (hereinafter referred to as the 'emergency') so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

"DETENTION DURING EMERGENCY

"SEC. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General or such other officer or officers of the United States, as the President may by his proclamation designate (hereinafter referred to as the Attorney General), is hereby authorized to apprehend and by order detain each person as to whom he, the Attorney General or such other officer so designated, finds that there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or of sabotage.

"(b) Any person detained hereunder (hereinafter referred to as 'the detainee') shall be released from such emergency detention upon—

"(1) the determination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

"(2) an order of release issued by the Attorney General;

"(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

"(4) a final order of release by a United States court after review of the action of the Board of Detention Review.

"PROCEDURE FOR APPREHENSION AND DETENTION

"SEC. 104. (a) The Attorney General, or such officer or officers of the Government as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

"(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage; and

"(2) an order for the detention of such person for the duration of such emergency. Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly described the person to be apprehended or detained.

"(b) Warrants for the apprehension of persons ordered detained under this title shall be served, apprehension of such persons shall be made, and orders for the detention of such persons shall be executed by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension and a copy of the order for detention shall be furnished to any person apprehended under this title at the request of such person.

"(c) Persons apprehended under this title shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

"(d) Within 48 hours after apprehension, or as soon thereafter as provision for it may be made, each detainee shall be accorded a preliminary hearing before a preliminary hearing officer designated by the Attorney General who shall—

"(1) advise the detainee of his legal rights and of the grounds on which his detention was ordered;

"(2) record any information offered or objections made by such detainee, and within 7 days after the preliminary hearing receive any additional written evidence or representations such detainee may wish to file with the Attorney General; and

"(3) prepare and transmit to the Attorney General, or such other officer as may be designated by him, a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether the order for the detention of such person shall be continued in effect or revoked. Preliminary hearings officers may be appointed at such places and in such numbers as the Attorney General deems necessary for the expeditious consideration of detainees' cases.

"(e) The Attorney General, or such other officers as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee may engage in, or may conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

"(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible the evidence supporting his finding of reasonable ground in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States. He is also authorized to prosecute appeals from orders of the Board of Detention Review or of any court which modify or revoke any order under which any person is detained, and to petition for the suspension of the execution of any such order of modification or revocation pending final disposition of any appeal taken therefrom to any court of competent jurisdiction (in the case of an order of the Board) or to any higher court (in the case of an order of a court.)

"(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary or desirable to promote the effective administration of this title.

"(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this act. The Attorney General shall appoint an Inspector of Detention, and such assistants as may be necessary, to review all phases of any detention program in operation and to report to the Attorney General his findings and recommendations at regular intervals (no less often than bimonthly) and from time to time upon request of the Attorney General. Such reports of the Inspector of Detention shall be included in each bimonthly report of the Attorney General to the President and the Congress.

"DETENTION REVIEW BOARD

"SEC. 105. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the 'Board') which shall consist of nine members appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of 1 year each, three for terms of 2 years each, and three for terms of 3 years each, but their successors shall be appointed for terms of 3 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

"(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

"(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board of all pending appeals in the courts from orders of the Board, the President is authorized in his discretion to dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

"SEC. 106. (a) Each member of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, regional examiners, and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

"(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

"SEC. 107. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such examiners or agents as it may designate, conduct any hearing necessary to its functions in any part of the United States.

"SEC. 108. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this act.

"SEC. 109 (a) Any Board created under this title is empowered—

"(1) to review upon petition of any detainee any order of detention issued by the Attorney General;

"(2) to determine whether there is reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage;

"(3) to issue orders confirming, modifying, or revoking any such order of detention; and

"(4) to hear and determine any claim made by any detainee pursuant to this paragraph for indemnification for loss of income by such detainee resulting from detention pursuant to this title without reasonable grounds, as shown by the issuance of a final order of the Board or of a court revoking such detention order. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

"(b) Whenever a petition for review of an order for detention issued by the Attorney General or for indemnification pursuant to the preceding subsection shall have been filed with the Board by any detainee or any person who has been a detainee, in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the detainee and the Attorney General at a place therein fixed, not less than 15 days after the serving of said notice. Such hearing may be conducted by any member, officer, regional examiner, or other agent (hereinafter referred to as "hearing examiners") designated by the Board.

"(c) In any case arising from a petition for review of an order for detention issued by the Attorney General, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

"(d) (1) Any member of the Board shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board, or any hearing examiner conducting any hearing authorized by this title. Any hearing examiner may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(e) (1) Notices, orders, and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

"(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify and present witnesses on his behalf.

"(g) In any proceeding before the Board under this title the rules of evidence prevailing in courts of law or equity shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any evidence of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

"(h) In deciding the question of the existence of reasonable ground to believe a person might engage in or conspire with others to engage in espionage or sabotage, the Attorney General and the Board of Detention Review are authorized to consider evidence of the following:

"(1) that the detainee or possible detainee has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedure of a government or political party of a foreign country, or in the espionage, counter-espionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, unless such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or unless, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned;

"(2) Any past act or acts of espionage or sabotage committed by such person against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States, and any investigations made of such person in the past which serve to indicate probable complicity of such person in any such acts of espionage or sabotage;

"(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government; and

"(4) Any other evidence of conduct of the same degree of gravity as that set forth in paragraphs (1) through (3) of this subsection demonstrating reasonable grounds to conclude that such person may engage in, or conspire with others to engage in, espionage or sabotage.

" (i) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention.

"ORDERS OF THE BOARD

"SEC. 110. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued by the Attorney General under this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question might engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking his order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody.

"(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity.

"(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee may engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

"(d) In case the evidence is presented before a hearing examiner such examiner shall

issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"JUDICIAL REVIEW

"SEC. 111. (a) Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section.

"(b) In the case of any order of the Board modifying or revoking any order of detention issued by the Attorney General, or granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

"(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review in the United States court of appeals for the circuit wherein the petitioner is detained or resides, or in the United States Court of Appeals for the District of Columbia, by filing in such court within 60 days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of 60 days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered (except for evidence received in closed session, as authorized by this title), the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by evidence, shall be conclusive.

"(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

"(e) The commencement of proceedings by the Attorney General for judicial review under this section shall, if he so requests, operate as a stay of the Board's order.

"(f) Any order of the Board shall become final—

"(1) upon the expiration of the time allowed for filing a petition for review or enforcement, if no such petition has been duly filed within such time; or

"(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

"(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

"(4) upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

"CRIMINAL PROVISIONS

"SEC. 112. Whoever, being named in a warrant or order of detention as one as to whom there is reasonable ground to believe that he may engage in, or conspire with others to engage in, espionage or sabotage, or being under detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title or shall escape, attempt to escape or conspire with others to escape from detention ordered and instituted pursuant to this title, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"SEC. 113. Whoever knowingly—

"(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person may engage in, or conspire with others to engage in espionage or sagotage; or

"(b) advises, aids, assists, or procures the escape from detention pursuant to this title of any person so named; or

"(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such detention; or

"(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section,

shall be fined not more than $10,000, or imprisoned not more than 10 years, or both.

"SEC. 114. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

"REVIEW BY CONGRESS

"SEC. 115. The chairmen of the Judiciary Committees of the Senate and of the House of Representatives shall establish subcommittees of their respective committees to carry out in respect to the operation of this title the duties imposed on their committees by the Legislative Reorganization Act of 1946.

"DEFINITION

"SEC. 116. For the purposes of this title, the term 'espionage' means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this act, and the term 'sabotage' means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this act.

"SEPARABILITY OF PROVISIONS

"SEC. 117. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"TERMINATION

"SEC. 118. Unless continued in effect longer by joint resolution of the Congress, the provisions of this title shall cease to be effective on a date 3 years after the date of enactment of this title, but the termination of this title shall not affect any criminal prosecution theretofore instituted or any conviction theretofore obtained on the basis of any act or omission occurring prior to such date of termination."

Amend the title so as to read: "A bill to protect the internal security of the United States, to provide for the detention in time of emergency of persons who may commit acts of espionage or sabotage, and for other purposes."

Change section numbers and references thereto to conform to the above amendment.

Mr. KERR. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. KERR. Does that mean that the Senator now offers his amendment in addition to the language in the McCarran bill?

Mr. LUCAS. That is correct. I offer it as an amendment to the McCarran bill.

Mr. KERR. It would constitute an additional title and an additional provision?

Mr. LUCAS. That is correct.

Mr. KERR. Mr. President, will the Senator yield for a further question?

Mr. LUCAS. I yield.

Mr. KERR. The provisions of the amendment would be effective and available for utilization upon the declaration of an emergency by the President or by the Congress. Is that correct?

Mr. LUCAS. That is correct. If there were an insurrection, or if war were declared, or if there were an invasion or an imminent invasion of the territory of the United States or its possessions——

Mr. McCARRAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. I understood the time was to be divided. I understand the Senator is about to offer an amendment, as to which he has 7½ minutes.

Mr. LUCAS. I am now speaking in the 7½ minutes allotted to me.

The PRESIDING OFFICER. The Senator from Illinois is entitled to 7½ minutes in connection with his amendment.

Mr. McCARRAN. The Senator has not yet offered his amendment.

The PRESIDING OFFICER. The Chair understood that the Senator had offered the amendment.

Mr. LUCAS. I have offered it.

The PRESIDING OFFICER. The Senator is entitled to speak for 7½ minutes.

Mr. LUCAS. Mr. President, in answer to the Senator from Oklahoma, the amendment would be applicable in the event of any of the following: Invasion or imminent invasion of the territory of the United States or its possessions; a declaration of war by Congress; insurrection within the United States in aid of a foreign enemy, or declaration of an "internal security emergency" by concurrent resolution of the Congress; and if, in addition, the President shall find that the proclamation of such an emergency is essential, and so forth.

Those are the points on which the amendment is based. In other words, only when those contingencies arose the provisions of the bill would become effective. It seems to me this amendment should be adopted if there is to be registration, which I still say is absolutely ineffective from the standpoint of detaining the subversive elements in this country. The provisions of my amendment should go into the bill so that we may be alerted to any emergency which may arise. In the case of interning the Japanese in the last war a great many people thought what we did was unconstitutional. What we are now doing is giving the power in advance to detain subversive elements who are doing their utmost to destroy this Government in every way possible. If we want a real security bill, which will have teeth in it, we had better adopt this amendment.

Mr. KERR. In addition to the registration features, the bill would have the features of the Senator's amendment?

Mr. LUCAS. Yes.

Mr. KERR. Then the Senator from Oklahoma will join the Senator as a cosponsor of the amendment.

Mr. LUCAS. I am delighted to have that statement from the Senator from Oklahoma. I gladly accept him as a cosponsor.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. McCLELLAN. We would keep the McCarran bill, and the registration would presumably continue in process, but if one of the conditions should arise which the Senator has enumerated, then the provisions of his amendment would be operative and would be in force.

Mr. LUCAS. Mr. President, the Senator has expressed it correctly and much better than I could have.

That is all I desire to say, Mr. President. I am satisfied that the Senate understands the provision of the Kilgore-Douglas bill with respect to the detention features. All I am doing is to add those detention features to the McCarran bill which is before the Senate.

If the Senate is really in earnest about this question and desires to do something that will be effective in the event of an emergency, it had better adopt this amendment, because no one knows when the Communists are going to strike. We should have a provision of this kind in the law so that it will deal with the situation adequately and effectively.

I want to congratulate the Senators who originally sponsored this measure. I hope they do not feel that I am stealing their thunder. This is something which is real and genuine and which will be effective. The Senate cannot afford, in my opinion, not to adopt this amendment. The Senator from South Dakota [Mr. MUNDT] lectures about Communists all over the country. If he wants to do something really drastic about Communists he will not read the Chicago Tribune as to what was said about LUCAS; he will vote for this amendment. It will test the sincerity of anyone who wants to deal effectively with the Communist question.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. KEFAUVER. Is it not true that in handling the Japanese problem in World War II the Government had the First and Second War Powers Acts as the basis for action, but that as matters now stand, it has nothing of that kind?

Mr. LUCAS. That is correct; our Government has absolutely nothing. If a bomb should strike Washington tonight we would have nothing upon which to operate as far as moving and detaining the traitorist Communists.

Mr. McCARRAN. Mr. President——

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. FERGUSON. Mr. President, I am sincerely interested in doing something about communism in America, but I am also sincerely interested in obeying the Constitution, even when dealing with Communists.

Mr. President, after studying the concentration camp feature of the substitute bill I am firmly of the opinion that we must keep in mind the fifth and sixth amendments to the Constitution, with respect to imprisonment without trial we must remember that we must obey the Constitution and that by our oaths we are bound to do things in the American, constitutional way. Therefore we cannot adopt a measure which gives, not to the Attorney General, but to anyone designated by the President, the right to imprison a person without trial and without charging him with the commission of a crime.

I say to the Senate that we cannot afford to burden the bill, which will do something against communism, with this unconstitutional feature. It is in the conscience of every Senator to say whether or not we shall destroy the institutions of America by adopting another method, which is the method used solely by dictators. We know that Russia has concentration camps today. We despise them.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FERGUSON. Not for the moment. We know that Germany had concentration camps. Shall we now adopt them in America? I yield to the Senator from Louisiana.

Mr. LONG. Does the Senator feel that in the event of war with Russia or in the event of a national emergency involving the safety of America we can afford to go through a long court procedure to prove a man is a Communist before we can lock him up?

Mr. FERGUSON. To answer the Senator's question I would say that if we feel that way about it we should pass a bill which would make communism illegal and membership in the Communist Party a crime. Then we could try such a person as a criminal. That would be better than adopting the suggested procedure and putting a man into a concentration camp, without benefit of trial and merely upon some official's authority.

I for one have not been in favor of outlawing the Communist Party or making membership in the party a crime. However, if we wish to adopt that feature, we should draw up appropriate legislation which would make it a crime to be a Communist. Under such an act we would then use American institutions to convict, but we will not do so under the procedure suggested by the Senator from West Virginia and the Senator from Illinois.

Mr. KERR. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. FERGUSON. I yield.

Mr. KERR. I understand the amendment adds provisions in addition to the registration feature and would make the act applicable only in the event of war, invasion, or insurrection within the United States in aid of a foreign enemy or similar national emergency, when it has been so declared by joint resolution of Congress.

Mr. FERGUSON. No. It is not essential that there be action by Congress. I understand there are four conditions upon which the President could set in motion the concentration camp mechanics. The first condition reads:

(1) Invasion or imminent invasion of the territory of the United States or its possessions.

If the substitute bill were passed, the President could put it into effect today on the ground there is danger of invasion of the island of Okinawa.

Mr. KERR. Mr. President, will the Senator yield for a further question?

Mr. FERGUSON. Yes.

Mr. KERR. Does the Senator think it would be too far-fetched to contemplate such a possibility?

Mr. FERGUSON. It is not a question of whether an invasion is imminent or not imminent at this moment. I think it would be unconstitutional, un-American, and I think it would be the first blueprint, as I said before, of a dictatorship in America, to set up concentration camps upon such a purely discretionary basis.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. LUCAS].

Mr. HOLLAND. Mr. President, I offer an amendment to the amendment offered by the Senator from Illinois.

The PRESIDING OFFICER. The amendment will be stated.

Mr. HOLLAND. Mr. President, we have not available a printed copy of the amendment offered by the Senator from Illinois, but we do have a printed copy of the amendment in the nature of a substitute, which is offered by the Senator from West Virginia [Mr. KILGORE] and other Senators. It includes, as a part of it, title II, the amendment now offered by the Senator from Illinois. I refer to page 25 of the amendment in the nature of a substitute offered by the Senator from West Virginia and other Senators. In section 102 are found four grounds upon which an internal-security emergency may be declared. They are:

(1) Invasion or imminent invasion of the territory of the United States or its possessions;

(2) Declaration of war by Congress;

(3) Insurrection within the United States in aid of a foreign enemy; or

(4) Declaration of an internal-security emergency by concurrent resolution of the Congress.

Mr. President, I think we must adhere to the Constitution, and I believe Senators want to adhere to the Constitution. The constitutional provision which bears most closely on this point is section 9 of article 1, reading:

The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

In the humble opinion of the Senator from Florida some of the four grounds enumerated in the substitute fall within that test enunciated in the Constitution, and some of them do not.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. HOLLAND. Yes.

Mr. ROBERTSON. Are we confronted with the problem that the McCarran bill is unconstitutional in the opinion of the President of the United States and therefore he will veto it if we pass it; that the amendment offered by the Senator from Illinois makes it more unconstitutional, but the President will accept it, and the Senator from Florida is now trying to modify the amendment so that the proposed extreme action could be taken only in the event of war?

Mr. HOLLAND. The Senator is entirely correct in the last part of his statement. The amendment which I offer would strike out in line 16 of page 25 the words "or imminent invasion."

Mr. KERR. To what page is the Senator referring?

Mr. HOLLAND. Page 25, line 16, of the Kilgore substitute. It is proposed to strike out the words "or imminent invasion" in line 16. Also, it is proposed to strike out the entire ground No. 4:

(4) Declaration of an "internal security emergency" by concurrent resolution of the Congress.

If those two elements are stricken from the amendment it would leave the provisions as follows:

(1) Invasion of the territory of the United States or its possessions.

(2) Declaration of war by Congress.

(3) Insurrection within the United States in aid of a foreign enemy.

Mr. President, it seems to me we would be on sound constitutional grounds if we were to adopt the amendment I offer.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. HOLLAND. Yes.

Mr. FERGUSON. Does the Senator believe that the mere right of suspending the writ of habeas corpus, which the Constitution allows to be done in two cases, is an indication that we cannot use the fifth and sixth amendments to the Constitution in relation to trials, and so forth? I did not so understand.

Mr. HOLLAND. In reply to the Senator from Michigan I would say that it is my understanding that the writ of habeas corpus may be suspended by appropriate action of Congress, proper action by military authorities, or proper action by the Chief Executive, but only in accordance with the conditions stated by the Constitution. My amendment would make available the machinery referred to in the Lucas amendment to supplement the machinery already available but only in the smaller number of cases left by my amendment. Of course we have some machinery available already. Under military law we can proceed in some cases, and we can proceed under the old statutes of 1798. Methods of procedure are available for action by the President under the war powers or by a State when insurrection or invasion takes place within its bounds. I have no objection to making the bill a better bill if we can do so without injecting a serious question of constitutionality. I believe the adoption of my amendment, which is really two amendments stated as one—and there would be no point in adopting one without adopting the other one also—would bring the amendment offered by the Senator from Illinois within the provisions of the Constitution. That is the only reason for my offering it.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LUCAS. I have conferred with my colleague, the Senator from Oklahoma [Mr. KERR] and I see no objection to modifying my amendment in line with the suggestion offered by the distinguished Senator from Florida. I think he is correct, "Imminent invasion" does not mean too much, because in the event an invasion occurs, a declaration of war would follow immediately.

The PRESIDING OFFICER. The Senator from Illinois [Mr. LUCAS] modifies his amendment in accordance with the suggestion made by the Senator from Florida [Mr. HOLLAND].

Mr. HOLLAND. Mr. President I fully recognize the fact that we are not entirely helpless after war is declared, as many of us know who have been through that experience. When war is declared we know that we can pick up actual or potential saboteurs, and we can detain them. There is no good reason why we should not do so. However, there is a hodgepodge of membership in these subversive organizations, and it may be necessary to seize and detain many more people than we have detained in the past, and although we may pick up some innocent people in the process, most of those detained will be persons who should be detained.

I believe that the changes in the proposed amendment as accepted by the Senator from Illinois will bring it within the purview of the Constitution, and will make available better machinery than that now existing to deal with sabotage and espionage, and therefore I hope that the sponsors of the bill will accept it.

Mr. MUNDT. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield to the Senator from South Dakota.

Mr. MUNDT. I inquire whether the Senator from Florida or the Senator from Illinois can answer this question: Does the amendment include the list of printed amendments which are in the nature of corrective amendments to the Kilgore bill, making the board a bipartisan board, and providing many other regulations?

Mr. HOLLAND. I am not able to answer the question, but if it does not, there is no reason why we cannot proceed to perfect the amendment in accordance with the suggestion of the Senator from South Dakota.

Mr. MUNDT. I understood the Senator from Illinois to say he had put it in, but I do not know.

Mr. FERGUSON. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield to the Senator from Michigan.

Mr. FERGUSON. I wish to call the attention of the Senator to what I had in mind when I said that the suspension of the writ of habeas corpus does not waive the other provisions of the Constitution. I find in case in the Supreme Court *Ex parte Endo* (323 U. S. Reports, p. 298) this language:

Broad powers frequently granted to the President or other executive officers by Congress so that they may deal with the exigencies of wartime problems have been sustained. And the Constitution when it committed to the Executive and to Congress the exercise of the war power necessarily gave them wide scope for the exercise of judgment and discretion so that war might be waged effectively and successfully. (*Hirabayashi* v. *United States*, supra, p. 93.) At the same time, however, the Constitution is as specific in its enumeration of many of the civil rights of the individual as it is in its enumeration of the powers of his government. Thus it has prescribed procedural safeguards surrounding the arrest, detention, and conviction of individuals. Some of these are contained in the sixth amendment, compliance with which is essential if convictions are to be sustained. *Tot* v. *United States* (319 U. S. 463). And the fifth amendment provides that no person shall be deprived of liberty (as well as life or property) without due process of law. Moreover, as a further safeguard against invasion of the basic civil rights of the individual it is provided in article I, section 9 of the Constitution that "The privilege of the writ of habeas corpus

shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." (See *Ex parte Milligan*, supra.)

We mention these constitutional provisions not to stir the constitutional issues which have been argued at the bar but to indicate the approach which we think should be made to an act of Congress or an order of the Chief Executive that touches the sensitive area of rights specifically guaranteed by the Constitution.

So that the mere suspension of the writ of habeas corpus does not take away the other fundamental constitutional rights of the individual.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

Mr. HOLLAND. Will the Senator yield an additional minute?

The PRESIDING OFFICER. The Senator has 2½ minutes left.

Mr. McCARRAN. I did not yield any time at all to any Senator. The Senator from Florida offered an amendment.

The PRESIDING OFFICER. The Chair will state the parliamentary status.

Mr. McCARRAN. A parliamentary inquiry. Does the Senator from Florida, as the author of the amendment to the amendment, have 7½ minutes to address himself to his amendment? If so, then we would have 7½ minutes to reply.

The PRESIDING OFFICER. The Senator from Florida had 7½ minutes. The amendment was accepted by the Senator from Illinois. Under the original division of time the Senator from Nevada has 2½ minutes left.

Mr. McCARRAN. Mr. President, I have not used any time at all on the amendment offered.

The PRESIDING OFFICER. The Senator has used time on the amendment offered by the Senator from Illinois, and now that is all that is pending before the Senate. The Senator has 2½ minutes of the original time on the amendment of the Senator from Illinois.

Mr. McCARRAN. Mr. President——

Mr. WHERRY. Mr. President, if I may address a parliamentary inquiry to the Chair, what happened to the time of those who might oppose the amendment of the Senator from Florida to the amendment of the Senator from Illinois?

The PRESIDING OFFICER. The Chair is advised that as soon as the amendment was accepted, no further time could be allotted on the Holland amendment.

Mr. WHERRY. I ask unanimous consent that 5 minutes be allotted to those who oppose the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. That makes 7½ minutes the Senator from Nevada has.

Mr. McCARRAN. Mr. President, I wonder if those who would accept the amendment offered by the Senator from Illinois know all that is involved in the amendment. Let me read a little of it:

In any proceeding before the Board under this title the rules of evidence prevailing in courts of law and equity shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any evidence of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

Mr. President, we are dealing with a constitutional question. Either ours is a Government of law or it is a Government of men. It has always been a Government of law. Are we now going to abandon the fundamental principles of the organic law and pick up something and put it onto a bill which has been studied for weeks and months, insert an amendment containing provisions some of which I have read in haste, but many of which are even more obnoxious to the Constitution than the ones I have read?

I appeal to those who have heard this language for the first time, now that it is offered by the Senator from Illinois, to pause before they add to this bill something which will compel the President of the United States to veto it. It has been stated that the President intends to veto the bill. He will have a perfect excuse, if this language is inserted, with all its unconstitutional provisions, to say, "You added onto the bill things which were unconscionable, and of course I cannot sign it." So the bill will be vetoed, and the President would have a perfect ground on which to veto it.

Mr. President, that is only one point. For 2 or 3 days we have been reciting phrase after phrase contained in the Kilgore bill that is obnoxious to the organic law of this country. In God's name, stop a moment, as Americans, and pause, before writing into this bill something that is sure to result in a veto, or the first time it comes into a court it will be turned down as contrary to the organic law.

Mr. President, I appeal to those who think of this for the first time, and it is the first time some of my colleagues have heard this colloquy. We have been discussing this matter for days. The Committee on the Judiciary of the Senate has had every phase of the bill before it for months. It has adopted every phase of it by an almost unanimous vote, and some phases of it have already passed the Senate. One phase of it has already passed the House by an overwhelming vote. Are Senators now going to tie in an unconstitutional provision so as to weigh the bill down and destroy it by a veto, or a decision of the first court before which it comes?

Mr. LEHMAN. Mr. President, I ask unanimous consent that time be given to the sponsor of the amendment to explain the effect of the amendment offered by the Senator from Florida, which appears to me completely to change the purpose of the original amendment.

The PRESIDING OFFICER. The amendment of the Senator from Florida has been accepted, and all time on that amendment has expired.

The question is on agreeing to the amendment offered by the Senator from Illinois, as modified, in accordance with the amendment offered by the Senator from Florida. The ayes and nays have already been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Mississippi [Mr. STENNIS] are absent on public business. If present and voting, the Senator from Pennsylvania would vote "yea."

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland. If present and voting, the Senator from Florida would vote "yea." The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate. The Senator from Maryland [Mr. TYDINGS] is unavoidably detained on official business.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from New Hampshire [Mr. TOBEY] and the Senator from Michigan [Mr. VANDENBERG] would each vote "nay."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from New Jersey and the Senator from Maine would each vote "nay."

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business and, if present, would vote "nay."

The Senator from Ohio [Mr. TAFT] is necessarily absent, and, if present, would vote "nay."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is detained on official business, and, if present, would vote "nay."

The Senator from Nevada [Mr. MALONE] is temporarily detained on official business, and, if present, would vote "nay."

The result was announced—yeas 34, nays 37, as follows:

YEAS—35

Anderson	Humphrey	McClellan
Benton	Hunt	McFarland
Chavez	Ives	McMahon
Connally	Johnson, Tex.	Magnuson
Douglas	Kefauver	Morse
Frear	Kerr	Neely
Fulbright	Kilgore	O'Mahoney
Graham	Langer	Russell
Green	Leahy	Sparkman
Hill	Lehman	Taylor
Hoey	Long	Thomas, Okla.
Holland	Lucas	

NAYS—37

Bricker	Gurney	Murray
Butler	Hendrickson	O'Conor
Byrd	Hickenlooper	Robertson
Cain	Jenner	Schoeppel
Chapman	Kem	Smith, Maine
Cordon	Knowland	Thye
Darby	Lodge	Watkins
Dworshak	McCarran	Wherry
Ecton	McCarthy	Wiley
Ellender	McKellar	Williams
Ferguson	Martin	Young
George	Millikin	
Gillette	Mundt	

NOT VOTING—24

Aiken	Hayden	Smith, N. J.
Brewster	Johnson, Colo.	Stennis
Bridges	Johnston, S. C.	Taft
Capehart	Malone	Thomas, Utah
Donnell	Maybank	Tobey
Downey	Myers	Tydings
Eastland	Pepper	Vandenberg
Flanders	Saltonstall	Withers

The PRESIDING OFFICER (Mr. HOEY in the chair). The amendment is not agreed to.

Mr. KERR. Mr. President, I ask for a recapitulation of the vote.

Mr. McCARRAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. As I understand, a recapitulation cannot be had after announcement of the vote is made. Is that correct?

The PRESIDING OFFICER. A recapitulation could not be called for until the vote is announced.

Mr. McCARRAN. The vote was announced.

The PRESIDING OFFICER. There is no prohibition against recapitulation of the roll call.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The purpose of a recapitulation, of course, is to see whether or not an error was committed.

Mr. McCARRAN. Was not the vote announced?

The PRESIDING OFFICER. The vote was announced.

Mr. WHERRY. But even though a recapitulation is had, no Senator is permitted to change his vote. It simply is a recapitulation of the vote which has already been had. No other Senator can vote. Is that not true?

The PRESIDING OFFICER. No other Senator has a right to vote. The purpose of a recapitulation obviously is to correct any error, if any error was committed.

Mr. WHERRY. So if an error was committed a change can be made, but no other Senator can vote.

The PRESIDING OFFICER. No other Senator can vote who has not already voted.

Mr. WHERRY. And no change of vote can be made.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Do I understand that if there has been a mistake made in the roll call that a Senator cannot correct the mistake by changing his vote as recorded?

The PRESIDING OFFICER. A Senator who did not previously vote cannot now vote. If an error has been committed the error can be corrected.

Mr. LUCAS. Certainly.

Mr. WHERRY. But no change of vote can be made, though certainly if an error has been made it can be corrected. However, no Senator can change his vote now.

The PRESIDING OFFICER. A change cannot be made of the vote unless the vote is erroneously recorded.

Mr. WHERRY. That is what I stated. If a Senator's vote is erroneously recorded and he so states that it is erroneously recorded, it can be corrected.

The PRESIDING OFFICER. If an error has been committed it can be corrected, but a Senator cannot change his vote merely because of change of opinion.

The clerk will call the roll, on recapitulation, and the Senate will give attention to it.

The legislative clerk recapitulated the vote.

Mr. McFARLAND. Mr. President, I call attention to the fact that I was not recorded on the vote, although I voted "Yea."

The PRESIDING OFFICER. Is there objection to recording the Senator's vote?

Mr. McCARRAN. Mr. President, the Senator's name was recorded, and the correct recording was announced.

Mr. McFARLAND. I have just been told that my vote is not recorded.

The PRESIDING OFFICER. The Chair is informed by the clerk that the Senator's vote is not recorded.

Mr. McFARLAND. Mr. President, I voted "Yea," as a number of Senators will agree, and I did so in a voice loud enough to be heard all over this room.

The PRESIDING OFFICER. Without objection, the Senator's vote will be recorded; and that makes the result of the vote on the Lucas amendment 35 yeas to 37 nays.

Mr. KILGORE. Mr. President, I now call up my amendment in the nature of a substitute.

The PRESIDING OFFICER. The Senator does not wish to have the entire amendment in the nature of a substitute read, does he?

Mr. KILGORE. Oh, no.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 7½ minutes.

Mr. KILGORE. Mr. President, I call attention to the fact that in the case of my amendment in the nature of a substitute, an exception is made to the general provision under the unanimous consent agreement, in that 30 minutes is available, instead of 15, for discussion of this amendment.

Mr. MUNDT. Mr. President, there is so much confusion in the Chamber that we cannot hear what is being said.

Is this the amendment on which 30 minutes is available to each side?

The PRESIDING OFFICER. That is correct. The Senate will be in order.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. TYDINGS. I am asking that the Senator yield to me.

Mr. KILGORE. For what purpose does the Senator request that I yield?

Mr. TYDINGS. In order that I may move to reconsider a vote which has recently been taken, if I have a clear understanding of what is involved.

Mr. KILGORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KILGORE. I do not wish to lose the floor. I believe the motion that the Senator——

Mr. MUNDT. Mr. President, we cannot hear the unanimous-consent request; there is so much confusion in the Chamber that we do not know what is being requested or what is being discussed.

The PRESIDING OFFICER. There is no unanimous-consent request.

The Senate will be in order, so that Senators may understand what is taking place. Senators will please resume their seats.

The Senator from West Virginia has the floor.

Mr. KILGORE. Mr. President, I yield to the Senator from Maryland, to permit him to make a motion.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. WHERRY. Mr. President, reserving the right to object, that would take unanimous consent; certainly unanimous consent would be required before a motion to reconsider could be made.

The PRESIDING OFFICER. A Senator can enter such a motion, but it cannot be voted on now.

Mr. WHERRY. Yes; I agree as to that.

The PRESIDING OFFICER. That is the only purpose for which the Senator from Maryland can be recognized.

Mr. TYDINGS. Mr. President, I desire to enter a motion to reconsider the vote recently taken on the amendment allowing for internment in case of invasion of the territory of the United States or of its possessions or a declaration of war or insurrection in the United States in aid to a foreign enemy.

The PRESIDING OFFICER. The motion will be entered, for consideration later.

Mr. McCARRAN. Mr. President, let me inquire how the Senator from Mary-

land voted on the question of the adoption of that amendment.

The PRESIDING OFFICER. The Senator from Maryland did not vote on that question.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. Can the Senator from Maryland now move a reconsideration of the vote on the amendment?

The PRESIDING OFFICER. A Senator who did not vote can move a reconsideration.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. Is a motion to lay on the table the motion of the Senator from Maryland now in order?

The PRESIDING OFFICER. No; it is not in order, because the motion to reconsider has simply been entered.

The Senator from West Virginia has been recognized for 15 minutes to speak on his amendment in the nature of a substitute.

Mr. KILGORE. Mr. President, I think the issue before the Senate is clear cut, and I do not wish to take unnecessary time. According to the New York Times, the question is whether we shall use a blunderbuss or a scalpel in dealing with difficult internal security problems. I prefer to use a scalpel, in the words of the New York Times.

Mr. President, a good many wild and hysterical things have been said about the substitute measure which I, along with several of my distinguished colleagues, have offered. I wonder whether those who have uttered those charges have read the substitute. One interesting fact is that many of the criticisms of it come from the far right and many from the far left. The Communist Daily Worker is outraged over the substitute bill. So are a good many reactionaries of the far right.

Mr. President, the time is too limited to permit me to give all the arguments, pro and con, on the amendment in the nature of a substitute.

However, at this time I should like to read to the Senate an editorial which appears in today's issue of the New York Times:

BLUNDERBUSS VERSUS SCALPEL

The Senate will begin voting today on the anti-Communist measures which it has had under consideration for the past week. If it follows the course of least resistance, which is to approve anything with an "anti-Communist" label without looking too closely to see what else is involved, it will doubtless pass the McCarran bill (S. 4037). For this measure appears to cover everything. It includes the Republican-sponsored Mundt-Ferguson bill broadly outlawing any activity that would substantially contribute to creation of a foreign-controlled dictatorship in the United States and requiring registration of vaguely defined Communist-front as well as Communist organizations; it includes some of Senator McCARRAN'S pet anti-immigration measures as extreme as they are silly; and it also includes certain desirable provisions strengthening the espionage laws.

If the Senate simply wants to pass some sweeping anti-Communist legislation and have done with it, irrespective of its effect, then S. 4037 is the bill. But if Members of the Senate are more interested in the actual protection of the internal security of the United States and in the preservation of the American system of democratic government than in making some quick and easy political capital out of the Communist menace, it is probable that they will hesitate to approve S. 4037. We ourselves have supported that part of the McCarran bill which would actually tighten our espionage laws and strengthen the protection of defense installations—provisions that have been separately introduced as an administration bill by Senator MAGNUSON and others. Supplementing this measure is a much more far-reaching proposal put forward last week by seven progressive Democrats: Senators KILGORE, DOUGLAS, HUMPHREY, LEHMAN, GRAHAM, KEFAUVER, and BENTON.

While in its own way as drastic as some features of the McCarran and Mundt-Ferguson bills, this measure has the great merit of striking directly at the heart of the matter. In brief, under conditions of war, invasion, insurrection, or emergency declared by the President and Congress, it would permit the immediate detention of persons whom there was reasonable ground to suspect might engage in espionage or sabotage. Although the rights of these persons would be protected by elaborate provisions of law, there is no denying the fact that this proposal for preventive arrest represents a startling departure from American tradition. But the menace is something new, too; never before has the issue between American security and American freedom been so sharply joined.

The Kilgore bill (S. 4130) seems to us to represent a reasonable, though severe, way out of the dilemma. It would give the FBI a legislative basis for speedy and effective police action against the most likely enemies of our country when and if the emergency comes. This measure, in our view, would be a more effective way of solving the issue, while preserving a maximum of constitutional guaranties, than would be the blunderbuss method offered by Senator McCARRAN.

Mr. President, may we have order? I cannot even hear myself speak.

The VICE PRESIDENT. The Senate will be in order.

Mr. KILGORE. Mr. President, I sincerely hope that every Member of the Senate will carefully consider the thought-provoking comments of the New York Times.

While much has been said about the Constitution and the writ of habeas corpus, I may say that provision is made in the substitute bill for appeal to the courts. While there has been comment about the activity of the Board in its secret sessions, it must be realized that an appeal lies from that Board to the courts, where the entire matter may be brought out into the open, if appellant so desires.

Therefore, I desire to see serious consideration given to this amendment in the nature of a substitute. In my opinion, it really covers the situation—a new situation, it is true. This is the first time that an effort has really been made strongly to infiltrate this country, to disrupt us from within, and to destroy us through internal activities.

I digress to say that when I was a young man in college I helped organize a collection agency, which covered about five counties. One of our services was to furnish merchants the names of our subscribers to whom they might safely extend credit. We did not expect the "deadbeats" in those counties to come in and register as deadbeats; we knew they would not. We went out and hunted them up. We found out who they were. As an organization, we operated rather profitably. When we graduated from college, we sold the business for a substantial sum of money. People are not coming forward to admit that they are hostile to our form of government, which they would do by registering.

At this time, I also desire to offer a perfecting amendment to the amendment in the nature of a substitute.

The VICE PRESIDENT. The Senator has a right to modify his own amendments without either a vote or consent of the Senate.

Mr. KILGORE. Mr. President, at this time I desire to read my perfecting amendment to the amendment in the nature of a substitute to the bill, S. 4037, as follows:

On page 25, line 23, immediately after the words "in addition", insert the words "to any one of the foregoing."

On page 31, line 21, immediately after the period, insert the following new sentence: "Not more than five members of the Board shall be members of the same political party."

On page 35, line 8, strike out the words "or of a court revoking such detention order" and insert in lieu thereof a comma and the following: "the court or the Attorney General revoking such detention order and for legal costs incurred by such detainee incident to proceedings under this title."

On page 38, line 21, immediately preceding the period, insert a comma and the following: "and to cross-examine adverse witnesses who testify in open session."

On page 39, line 2, strike out the word "evidence" and insert in lieu thereof the word "testimony."

On page 39, line 6, immediately after the period, insert the following new sentence: "If the Board determines that the failure of the Attorney General to present the testimony of such Government agent or officer to the Board in an open session is unreasonably prejudicial to the presentation of the case of the person concerned, the Board may refuse to consider the information provided by such Government agent or officer."

On page 41, between lines 15 and 16, insert the following new sentence: "The authorization of the Attorney General and the Board of Detention Review to consider the evidence set forth in the previous four subparagraphs shall not be construed as a direction to detain any person as to whom such evidence exists, but in each case the Attorney General and the Board of Detention Review shall decide whether, on all the evidence, there is reasonable ground to believe the detainee or possible detainee might engage in, or conspire with others to engage in, espionage or sabotage."

On page 42, line 24, immediately after the word "fact", insert the following: "in sufficient detail to apprise the detainee of the grounds for its decision."

On page 43, line 9, immediately after the period, insert the following new sentence: "If timely exceptions are filed, the Board shall hear oral argument upon the request of either party."

On page 45, line 9, immediately after the words "supported by", insert the word "substantial."

On page 45, line 21, immediately after the words "supported by", insert the word "substantial."

Mr. President, as I understand the ruling of the Chair, these amendments are incorporated in the amendment in the nature of a substitute without the necessity of a vote.

The VICE PRESIDENT. The Senator has a right to modify his own amendment.

Mr. KILGORE. Mr. President, do I have any additional time?

The VICE PRESIDENT. The Senator from West Virginia has 4 minutes remaining.

Mr. KILGORE. I yield my 4 minutes to the Senator from Tennessee [Mr. KEFAUVER].

The VICE PRESIDENT. The Senator from Tennessee is recognized for 4 minutes.

Mr. KEFAUVER. Mr. President, there is prevalent in this land today an understandable rising fury against communism and Soviet Russia. Our people are concerned, alarmed, afraid, and some are even hysterical. Fear and hysteria are powerful moving forces, and cause men to do things which in calm courage they would never even consider doing.

Were it not for the insidious threat of communism, and were we not in the very shadow of world war three, virtually no thinking American would ever consider asking Congress to enact laws to control the thoughts of any of its citizens. But communism is a fact and the ominous shadow of another terrible world war is a fact. And we are afraid. The very nature of communism causes us to fear harm from within as much or more so than we fear attack from afar. I think all of us agree to that, and the multiplicity of bills to control communism within our borders attest the truth of that assertion.

I am anxious to place on the statute books the most effective law or laws that we can draft to deal with this problem. I know that this feeling is shared by all of my colleagues. And we want to do this before this session recesses.

The question is, What best shall we do about it? Let us be practical.

The President announced Thursday, September 7, 1950, that he would not sign the McCarran-Mundt-Ferguson bill into law. The President thinks this bill endangers our basic freedoms, and many of us agree with him. This means that Congress might leave Washington with no antisubversive law on the statute books. If the McCarran bill is passed and then Congress carries out its announced schedule of going into recess on Saturday, Congress will not be here to act on the President's veto. The result would be no legislation at this session. We all agree that some legislation is necessary. I agree readily that we of the Congress have our legislative duty to perform and that the President has his. Also I agree that we should not let a threat of veto deter us from doing our duty as we see it. But in this case we have a time set for recess which is bound to arrive before the President could act upon this bill. Then we cannot overlook the fact that the Constitution by the veto power gives the Chief Executive legislative power equal to one-sixth of the membership of the House and of the Senate.

Five of my colleagues and I have joined in presenting the Kilgore substitute to the McCarran bill. That substitute represents our views of what best we can do to solve the problem. I think it removes the objections the President finds in the McCarran bill. I think the President would sign the Kilgore substitute into law, although I am not privileged to speak for him.

What does the Kilgore substitute anti-Communist bill do? It puts those disloyal and dangerous individuals within our borders in confinement immediately in time of war or national emergency. It takes them out of circulation; it provides for action first and talk later; it puts away spies and saboteurs until the danger is past or until they can show by appeals to a board and to the courts that they are detained wrongfully. That is best what we can do, Mr. President; that is what we would have to do and we ought to have a law for that purpose—round up the Communists and others who would harm these United States in time of emergency and put them behind bars. That is what I favor; that is what I have proposed. The FBI does not now have that authority, and it will not have that authority under the McCarran bill even if it should pass over the President's veto. I do not intend to be stampeded into voting for a bill which will die a-borning. The President of the United States, the Director of the Federal Bureau of Investigation, the Attorney General of the United States, the directors of all our armed services intelligence units have said the McCarran bill is not the way to approach the problem; that its passage will make matters worse instead of better.

J. Edgar Hoover is the best authority, the man upon whom we can most confidently rely in this matter. What does he say? In the 1949 FBI report he says:

> Suppression and outlawing of subversive organizations by legislative enactments are not the answer. As a Nation, we need have no fear so long as actions of those residing within our shores are open and aboveboard.

Mr. Hoover testifying before the House Un-American Activities Committee admonishes that he "would hate to see a group that does not deserve to be in the category of martyrs have the self-pity that they would at once invoke if they were made martyrs by some restrictive legislation that might later be declared unconstitutional."

This view is shared by outstanding newspapers such as the New York Times, the Washington Post, and the Chattanooga Times. Are not these men in better situation to gage preventive methods than we? In addition, we all remember the points made so forcibly by Governor Dewey in his memorable debate with Governor Stassen. Governor Dewey proved conclusively that plans such as the McCarran-Mundt-Ferguson bill have never worked in any nation where they have been tried.

I consider myself to be just as anti-Communist as Mr. J. Edgar Hoover, and just as pro-American as Mr. J. Howard McGrath.

These officials, charged with the duty of protecting the internal security of the United States, know what laws they need as implements to do the job. Mr. Hoover has said provisions, such as are contained in the McCarran bill, are not the answer. Mr. Hoover says it is better in time of peace that actions of American residents remain open and aboveboard. Mr. Hoover said Thursday that the FBI considers about 12,000 Communists in this country dangerous—half of them American citizens and many of them native-born. The FBI knows who and where these dangerous and 38,000 additional Communists are—knows better than we how to deal with them.

I say to my colleagues that it is high time we stop conjecturing, and act on the advice of men, such as J. Edgar Hoover, who are experienced—where we are not—in the handling of persons who would harm the United States. We seem to be running over each other in a contest to see who can devise the most "anti" anti-Communist legislation; we should be listening to the counsel of J. Edgar Hoover and other experts in the field.

My support of the Kilgore bill rather than the McCarran bill means I am not foolish enough to support a bill which the experts say will not work and which the President will not sign, merely because it is labeled "anti-Communist." It means that I accept the statement of J. Edgar Hoover that driving the Communists underground to bore from underneath is not the answer to the problem. It means that I am ready and eager to put all Communists and internal enemies of the United States behind bars anytime the FBI and men who know Communists best say the word. It means that fear shall not drive me to subtsitute my own theories for the experience of experts.

I shall not here deal at length with the constitutional objections to the McCarran bill. These objections are well set forth in the minority report, and some days ago in colloquy with the Senator from South Dakota [Mr. MUNDT] I explained some of my particular objections: One does not need to be a sagacious constitutional lawyer to find basic objections to the McCarran bill. Any intelligent layman who will read the Constitution and then read the bill will have a feeling that it endangers many of the basic rights we Americans hold so dear—freedom of speech, press, assembly, thought, and the right not to have to give evidence against one's self.

Take section 4, for instance. The Constitution gives a Member of Congress the right to propose any amendment to the basic law he desires. It gives the citizen a right to support that amendment. Yet the Congressman and the citizen would be guilty of violating section 4 if he did any act—proposing a constitutional amendment is not excepted—which some court might say contributed to establishing a totalitarian dictatorship in the United States. This includes any town or municipality. Totalitarian dictatorship is defined in the preceding section to mean one party rule where no opposition is permitted. This could be used by unscrupulous prosecutors to punish people upon suspicion, hearsay, or flimsy evidence, even though

their acts are protected by the Constitution.

Section 4 (b) could result in convicting an innocent person of orally passing on confidential information, even though he may not actually know it was classified and did not intend to do harm to the Government.

Section 4 (c) would make Mr. Churchill or any representative of a foreign government guilty if he asked for information which was classified or confidential. The section is not limited to unfriendly governments. This is a heavy burden to put on people with whom we are trying to get along.

As to these sections—

They would—

In the words of the late Charles Evans Hughes, Jr.—

include attempts to bring about such result by expression of opinions through speech or publication, or by participation in peaceable assemblies, designed to bring about changes in the Government through orderly processes of amendment of the Constitution. Statutes which spread as wide a net as that violate the first amendment.

* * * * *

In addition, section 4 fails to meet the test of due process which requires that the definition of a crime must be sufficiently definite to be a dependable guide to the conduct of the individual and to the court and jury which passes upon his guilt or innocence. This is true of the critical terms * * * "vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual," and "any movement." Interpretation of these phrases receives only the slightest aid from the legislative declarations in section 2, because the latter relates to a particular "Communist totalitarian dictatorship" and to a "world Communist movement," whereas section 4 denounces attempts to establish any totalitarian dictatorship controlled by "any" foreign organization and "any" movement so long as it aims at that end. Especially in such a context the terms "attempt," "facilitate or aid," and "actively to participate" are too vague and indefinite for a criminal statute (p. 416 of hearings on H. R. 5852).

About last year's section 4a, which is substantially identical with the present provision, Tom Clark said:

From the language of the bill, it appears uncertain whether mere membership in a Communist organization as defined in section 3 would constitute a violation of section 4. The principle that a criminal statute must be definite and certain in its meaning and application is well established; and principle which may not be satisfied by the definitions and criteria of the bill. (*Connally* v. *General Construction Co.* (269 U. S. 385); *Lanzetta* v. *New Jersey* (306 U. S. 451) (p. 424 of Hearings on H. R. 5852).)

Seth Richardson, Chairman of the Loyalty Review Board, had this to say about the old section 4—and it applies with equal force to the present language:

I am inclined to the view that before section 4 of the act can be deemed a proper exercise of the power of the Congress to protect the country against threatened danger, the bill should provide that efforts to establish a totalitarian dictatorship must be accompanied by force and violence and by unconstitutional procedures.

Mr. John W. Davis' similar opinion was, in part, as follows:

Without pausing to consider such constitutional questions as are raised by the general frame of the bill or others which might appear in the course of its attempted enforcement, I am constrained to think that because of its indefiniteness and uncertainty the bill fails to meet the constitutional requirement of due process. It is a highly penal statute of a character concerning which the Supreme Court has but recently said: "The standards of certainty in statutes punishing for offenses is higher than in those depending primarily upon civil sanction for enforcement. The crime 'must be defined with appropriate definiteness'" (*Winters* v. *New York*, decided March 29, 1948 (338 U. S. 507, 515)).

In this opinion the Court goes on to say—pages 515–516:

There must be ascertainable standards of guilt. Men of common intelligence cannot be required to guess at the meaning of the enactment. The vagueness may be from uncertainty in regard to persons within the scope of the act * * * or in regard to the applicable tests to ascertain guilt.

These principles are, I believe, of universal acceptance in all American courts.

In the light of these opinions by the Nation's foremost lawyers, I think we must agree that the Supreme Court would reverse convictions under many sections of the McCarran bill. Then after years of delay nothing worthwhile would have been accomplished. The Kilgore bill does not get into the matter of thought control or of curbing freedom of speech or of the press. During time of danger it merely puts dangerous Communists and fifth columnists out of circulation. There are no valid constitutional objections to doing this. The Government has a right to protect itself.

Furthermore, the McCarran bill group together five or six other measures. Some of these are good. Others are not. Some need much amending before passage. One such bill transfers from the State Department to the Justice Department many powers and rights in dealing with Ambassadors and foreign representatives. The State Department says this would be calamitous. We should defer action on this bill.

I think those Americans who sent me here will approve my reasons and my action. I hope my colleagues will reconsider the ill-conceived McCarran bill and pass into law the Kilgore substitute.

I shall feel much more confident in reporting to my people if that is done. The McCarran bill is a clumsy catch-all and difficult of enforcement. I do not favor it as it now stands. I will vote for it if some amendments to give adequate protection to decent and loyal citizens are adopted. I shall present several very necessary amendments to section 4. I do not think we should follow the philosophy of voting for a bill regardless of whether it meets constitutional requirements, regardless of whether it is sound just because it is called anti-Communist. When I entered this body I took an oath to support the Constitution. I could not live with my conscience if I gave my approval to a bill which does violence to the Constitution, to the Bill of Rights, and which I think destroys many of those freedoms which make America the great land of the free. The Kilgore substitute is realistic and direct and would give the FBI the tools to do the job when the time comes.

That is why I sponsored the Kilgore substitute rather than the McCarran bill.

I have certain amendments which I shall propose at a later time, in connection with section 4.

The VICE PRESIDENT. The Senator's time has expired. The Senator from Nevada is recognized.

Mr. McCARRAN. Mr. President, I yield 7½ minutes to the Senator from Maryland [Mr. O'CONOR].

Mr. O'CONOR. Mr. President, I rise to express opposition to the substitute offered by the Senator from West Virginia [Mr. KILGORE] for himself and other Senators, which substitute, incidentally, was never submitted to the Judiciary Committee or ever received a minute's consideration from that committee. The pending measure, the McCarran bill, comes before the Senate with an overwhelming majority of the Judiciary Committee in approval of it after the most extensive consideration, hearings, and consultation with legal authorities to insure its constitutionality. Not a single legal opinion has been sought or obtained by the committee in support of the so-called Kilgore substitute.

The McCarran bill, despite what has been said about its embodying the features of the Mundt-Ferguson bill, does not aim at thought control, but it does provide penalties for un-American acts which are aimed at the overthrow of American institutions. It does not make mere membership in the Communist Party a crime, but it does bring Communists into the open, through registration requirements affecting the membership of Communist-controlled parties and Communist-front organizations, as well as requiring them to reveal the sources of their financial backing and to label their propaganda so that the American public will not be deceived or misled, whereas the Kilgore substitute offers nothing in that respect.

The McCarran bill follows the desire of J. Edgar Hoover, FBI Director, who has given us assurances that the primary thing in which the FBI is interested is in knowing the identity of all Communists in the United States, which the Kilgore substitute would give no help in doing, except after the damage is done, when the Communists would be placed in concentration camps.

The McCarran bill provides proper legal safeguards, guaranties, and judicial review, and through administrative machinery designed to protect the rights and privileges of all persons—even subversive aliens—conforms to the traditional American procedures. No loyal American who is devoted to his country's interests in war or in peace need fear any sanctions under this bill. No citizen of the United States desiring to avail of his constitutional rights to advocate changes in the American form of government through pursuance of accepted methods for constitutional

change, and who is not intent upon placing the United States under the domination of a foreign power, will be prevented from engaging in any legitimate activity for a constitutional amendment.

No alien who is seeking admission to the United States or who has gained admission need fear the sanctions of this bill, provided he does not come here for the purpose of inciting terror or fomenting discord and of acting in furtherance of an un-American movement to up-root our basic institutions and to supplant our democratic form of government through the installation of a dictatorship under foreign control.

In a word, the McCarran bill is preeminently a measure for the preservation of American ideals. It would accomplish this laudable purpose through the exposure of potential enemies and through punishment of those actively engaged in a world-wide undertaking whose avowed purpose is the destruction of the American form of government.

Just a word, Mr. President, as to the concentration camp feature, which I think is the most un-American of the features embodied in the so-called Kilgore substitute. This provision is so astonishing in its scope and contains implications—as it now appears, though not as it was suggested that it be amended—by the Senator from Florida, of such far-reaching effects upon our people, that I do not see how it can be accepted. If this bill, embodying the Kilgore substitute, should become law, the only other element that would be needed for the establishment of dictatorship would be a President who wanted to be a dictator, or who was under the control of forces which wanted a dictatorship.

Why do I say that? Section 102 of this proposal lists four contingencies, in the event of any one of which the President may by proclamation establish what is defined as an internal security emergency, and then imprison his opponents in concentration camps. But only two of these contingencies are within the control of the Congress. The second numbered contingency is in case of declaration of war by Congress. The fourth numbered contingency is a declaration of an internal security emergency by concurrent resolution of the Congress.

But there are two other contingencies. The first is the case of invasion or imminent invasion of the territory of the United States or its possessions. There is nothing said about any action by the Congress. It is not a question for the Congress to determine. If the President, by proclamation, declared that such an invasion was imminent, even if he only referred, in terms, to the imminent invasion of a distant Territorial possession, that would be sufficient basis to support the proclamation of an internal security emergency.

The VICE PRESIDENT. The time of the Senator from Maryland has expired.

Mr. McCARRAN. Mr. President, I yield two and a half more minutes to the Senator from Maryland.

Mr. O'CONOR. Mr. President, that finding embodied in a Presidential proclamation would be sufficient to create the state of emergency envisioned by the bill, because there would be no person and no machinery capable of challenging the effectiveness of that proclamation. Under that proclamation any officer or officers appointed by the President to execute such authority could proceed to apprehend and detain American citizens without trial and without hearing; and it is easy to see that it would not be very long before there would be no one left outside the concentration camps who disagreed with the new dictator.

Similarly, Mr. President, it would be possible for the President, by proclamation, to declare a state of insurrection within the United States, whether or not such a state of insurrection actually existed; and there would be no one to challenge, successfully, the sufficiency or the effectiveness of the proclamation.

Of course, the present proponents of the substitute do not favor a dictatorship in the United States, nor are they trying to lay the groundwork for it. But the fact remains that if we wanted to establish a dictatorship in this country, the enactment of this substitute would provide the machinery for it. If there should ever be in the White House a potential dictator, or a President subservient to a group which wanted a totalitarian form of the Government in the United States, an effective dictatorship could be established overnight.

That is why, Mr. President, I cannot vote for such a proposal, and I cannot sit idly by and see such a proposal voted on in the Senate of the United States without voicing this note of warning concerning it.

Mr. McCARRAN. Mr. President, I yield the remainder of my time to the Senator from South Dakota [Mr. MUNDT].

The VICE PRESIDENT. The Senator from South Dakota is recognized for 5 minutes.

Mr. MUNDT. Mr. President, the junior Senator from Maryland [Mr. O'CONOR] has done a splendid job of outlining to the Senate precisely what would happen if we should substitute the Kilgore proposal and what it imports into the picture, and how it injects into American political life, for the first time, a totalitarian tactic, giving to a group of nine members of a board the right, without due process of law and in violation of our constitutional guaranties, to detain in a concentration camp native-born American citizens.

I should like to pause here, Mr. President, long enough to pay a tribute to the junior Senator from Maryland. I think that perhaps more than any other Senator on his side of the aisle he has shown a consistent position in this matter. He has been articulate and energetic in connection with the proposed legislation. He has not listened to the appeals of demagogues who are trying to get his support to add to their bloc of votes. Senator O'CONOR has opposed communism in America vigorously and courageously.

I desire to refer to the registration feature of S. 2311 which has been so often attacked, and with reference to which this last effort on the part of the Kilgore group is a third attempt to eliminate it from the bill. The first time, they endeavored to operate on it by boring little holes in it, and inserting a substitute in the nature of the Lucas amendment. That was defeated by the recent roll call vote. Failing in that they have tried to add it as supercargo to the top of the ship, so as perhaps to raise the question of the bill's constitutionality, perhaps make the whole bill unconstitutional, thus invite a veto, and incline Senators to vote against it. That attempt also failed. Now the attempt is made to kill the Mundt-Ferguson provisions with the blunderbuss method, by trying to knock in the bottom of the ship a hole as big as a farmer's washtub, and thus to sink the ship and defeat the legislation by that method.

Mr. President, it is the same argument each time. For some reason or other Senators who sponsor the amendment do not want these fellows registered. Why? Why do they object to the registration feature? Why do they object to bringing Communists into the open, which the FBI has said is the thing we need to do in order to defeat the Communist program? We must bring these Communists out into the open. I heard the majority leader say on the floor of the Senate today that registration would do absolutely nothing. He tried to tell that to the American Legion in Chicago last Saturday night, and after they listened to him they voted overwhelmingly against the Kilgore substitute and in favor of the McCarran bill. It is recorded in the newspaper report of the convention. Why did the American Legion do that? Why do other groups take the same action? The reasons are many.

First, as the junior Senator from Maryland has pointed out, registration forces Communists into the open. Once the bill is adopted Communists will either come out into the open or go to jail. It will be one thing or the other. All of it will be done under due process of law. Another thing registration would do would be to make Communists identify their literature. Here is a copy of the Communist Daily Worker, which is circulated all over America and sold in every major city of America and in book stalls. I defy anyone with a pair of binoculars or without them to find anything in it indicating to the uninformed that this publication is a Communist publication. Registration would make them label the Communist Daily Worker as the Communist publication that it is. All it says now is that the Daily Worker is "published daily except Saturday and Sunday by the Freedom of the Press Co." They give the address where the paper is published. Nothing is shown about the fact that it is a Communist publication. It is said that registration will not do any good. Mr. President, it will alert America to the fact that Communist propaganda is spewed out to them from Communist sources, and it will identify those sources.

Registration would make Communists identify their front organizations. American Youth for Democracy swept through American college and university campuses because no one identified the organization as a Communist or-

ganization. When it was finally identified as such, the American Youth for Democracy died within 90 days.

What else would registration do? It would alert every college president. It would alert every employer in America. College presidents and boards of regents do not intentionally hire Communists. I do not think that very many Government officials intentionally employ Communists. Registration would bring them out into the open. It would alert people.

The majority leader said today that it would do no good. Let me tell the Senator that the 30 Communists in South Dakota would be very effectively nullified 30 days after the adoption of the act, because 30 days after the adoption of the bill if they did not register voluntarily the Attorney General would publish the list and send it to the Subversive Control Board. We would see to it that those Communists did not hold jobs in Igloo at the South Dakota ammunition dump, at the big B–36 bomber base at Rapid City, S. Dak., or along the air strips at Aberdeen on the way down from Alaska, in case of an invasion from the North.

Mr. KERR. Mr. President, will the Senator yield?

Mr. MUNDT. I am amazed that Democratic Senators should stand on the floor and object to having Communists registered and forcing them to divulge where they get their money, when the Republican Party, the Democratic Party, and the Progressive political party must register and show where they get their money.

The VICE PRESIDENT. The time of the Senator from South Dakota has expired. All time for debate has expired.

Mr. HUMPHREY. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. HUMPHREY. Has the time for debate expired?

The VICE PRESIDENT. All time for debate has expired. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from West Virginia [Mr. KILGORE] for himself and other Senators.

Mr. DOUGLAS and other Senators asked for the yeas and nays.

Mr. FERGUSON. Mr. President, I suggest the absence of a quorum.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HOLLAND. Is the amendment in the nature of a substitute open to amendment?

The VICE PRESIDENT. It is open to amendment.

Mr. HOLLAND. I send an amendment to the desk and ask that it be stated and that I may explain it briefly.

The VICE PRESIDENT. The Senator from Michigan has suggested the absence of a quorum. Does he withhold his suggestion?

Mr. FERGUSON. Yes.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 49, after line 2, it is proposed to insert a new section, as follows:

SEC. 117. (a) Chapter 73 of title 18, United States Code, is amended by inserting, immediately following section 1506 of such chapter, a new section, to be designated as section 1507, and to read as follows:

"§ 1507. Picketing or parading.

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt."

(b) The analysis of such chapter is amended by inserting, immediately after and underneath item 1506, as contained in such analysis, the following new item:

"1507. Picketing or parading."

Mr. HOLLAND. When the Senate was considering amendments to the bill, the Senator from Louisiana [Mr. ELLENDER] offered an anti-court-picketing measure as an amendment to the bill. The Senator from Florida joined the Senator from Louisiana as a cosponsor. Since the amendment, in the nature of a substitute, is now being perfected, we wish to follow the same course with reference to the substitute. The amendment is offered by the Senator from Florida for himself and in behalf of the Senator from Louisiana [Mr. ELLENDER]. It would incorporate an anti-court-picketing amendment in the substitute measure.

Mr. KILGORE. Mr. President, in order to save time, the sponsors of the amendment in the nature of a substitute are willing and glad to accept the amendment offered by the Senator from Florida [Mr. HOLLAND].

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. HOLLAND], for himself and in behalf of the Senator from Louisiana [Mr. ELLENDER], to the amendment offered by the Senator from West Virginia [Mr. KILGORE] and other Senators.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Ferguson	Ives
Benton	Frear	Jenner
Bricker	Fulbright	Johnson, Tex.
Butler	George	Kefauver
Byrd	Gillette	Kem
Cain	Graham	Kerr
Chapman	Green	Kilgore
Chavez	Gurney	Knowland
Connally	Hendrickson	Langer
Cordon	Hickenlooper	Leahy
Darby	Hill	Lehman
Douglas	Hoey	Lodge
Dworshak	Holland	Long
Ecton	Humphrey	Lucas
Ellender	Hunt	McCarran
McCarthy	Mundt	Taylor
McClellan	Murray	Thomas, Okla.
McFarland	Neely	Thye
McKellar	O'Conor	Tydings
McMahon	O'Mahoney	Watkins
Magnuson	Robertson	Wherry
Malone	Russell	Wiley
Martin	Schoeppel	Williams
Millikin	Smith, Maine	Young
Morse	Sparkman	

The VICE PRESIDENT. A quorum is present. The question is on agreeing to the amendment in the nature of a substitute, as amended, offered by the Senator from West Virginia [Mr. KILGORE] for himself and other Senators.

The amendment was to strike out all after the enacting clause and to insert:

TITLE I—INTERNAL SECURITY

SECTION 1. This title may be cited as the "Internal Security Act of 1950."

SEC. 2. (a) The Congress hereby finds that—

(1) Totalitarian political movements, and individuals and associations of individuals giving aid or support to such movements, endanger the military security and constitute a serious threat to the existence of American institutions and the peaceful enjoyment of the American way of life.

(2) The Congress from time to time has enacted various statutes designed to protect the Government against injury resulting from activities of those who adhere to or furnish aid or support to such movements, including the following provisions of existing law:

(A) sections 2384 and 2385 of title 18 of the United States Code, which prohibit advocating and teaching the overthrow of the Government by force or violence, organizing any groups for such purpose, or any conspiracy therefor, and the constitutionality of which has recently been upheld by the United States Court of Appeals for the Second Circuit in affirming the conviction thereunder of 11 leaders of the Communist Party of the United States;

(B) the act of June 8, 1938, as amended (22 U. S. C. 611–621), which requires agents of foreign governments to register with the Attorney General and to label their propaganda;

(C) the act of October 16, 1918, as amended (8 U. S. C. 137), and section 19 of the Immigration Act of 1917, as amended (8 U. S. C. 155), which provide for the exclusion and deportation from the United States of aliens who advocate the overthrow of the Government by force or violence;

(D) section 2381 of title 18 of the United States Code, which embodies the constitutional definition of treason; and

(E) chapter 105 of title 18 of the United States Code, which prohibits the sabotage of materials, premises, and utilities relating to the national defense.

(3) In addition, various other provisions enacted by the Congress and certain administrative practices of agencies engaged in carrying out such provisions have been useful in providing further protection against such injury including—

(A) the provisions of law dealing with the issuance of passports (22 U. S. C. 211–299), under which the Secretary of State has denied passports to Communists and others in the interests of national security;

(B) the internal-revenue laws, under which exemption from taxation under section 101 of the Internal Revenue Code is denied to certain organizations determined by the Attorney General to be subversive, and under which contributors are denied deductions for their contributions to such organizations;

(C) chapter 79 and section 1001 of title 18 of the United States Code, which deal with perjury and the making of false statements,

and which have been effective in the prosecution of persons who have untruthfully denied affiliation with subversive groups; and

(D) the provisions of section 9A of the act of August 2, 1939, to prevent pernicious political activities (5 U. S. C. 118j), which prohibit membership by Government employees in organizations which advocate the overthrow of the Government by force or violence, and other provisions of law under the authority of which a program has been established for the exclusion from Federal employment of Communists and other persons of doubtful loyalty.

(b) The Congress therefore declares that—

(1) The policy embodied in the foregoing statutes is hereby reaffirmed and such statutes should be vigorously enforced so as to minimize the present danger to the national security resulting from activities of associations and individuals aiding and supportng the world Communist movement.

(2) In the light of existing world conditions, certain of the statutes herein referred to should be amended in certain respects in order to strengthen their provisions and facilitate their enforcement, in accordance with the recommendations of the President and the departments and agencies directly charged with responsibility for internal security functions.

SEC. 3. Section 793 of title 18 of the United States Code is hereby amended to read as follows:

"§ 793. Gathering, transmitting, or losing defense information.

"(a) (1) Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, air force base, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war, including items related to nuclear energy, are being made, prepared, repaired, processed, or stored, or are the subject of research and development under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense; or

"(2) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, matter, writing, or note of anything connected with the national defense; or

"(3) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, matter, or note of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or

"(4) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, matter, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted, the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entiled to receive it; or

"(5) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, matter, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit, or causes to be communicated, delivered, or transmitted, the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or

"(6) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, matter, or information relating to the national defense—

"(A) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed; or

"(B) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed,

and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer—

"Shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"(b) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.

"(c) No prosecution shall be brought under this section or under section 792 or 794, except upon the express direction of the Attorney General of the United States."

SEC. 4. (a) The analysis of chapter 213 of title 18, United States Code, immediately preceding section 3281 of such title, is amended by adding at the end thereof the following new item:

"3291. Espionage and security of defense information."

(b) Chapter 213 of title 18, United States Code, is amended by adding after section 3290 the following new section:

"§ 3291. Espionage and security of defense information.

"An indictment for any violation of section 792, 793, or 794 of this title may be found at any time within 10 years next after such violation shall have been committed: *Provided,* That such period of limitation shall not commence to run in regard to any such violation or violations by any officer, agent, or employee of the United States during any period that such individual holds the office, position, employment, or appointment he held at the time such offense was committed: *And provided further,* That nothing contained in this section shall be construed to impose any limitation in the case of offenses punishable by death."

SEC. 5. The act of June 8, 1938 (52 Stat. 631; 22 U. S. C. 611–621), entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," as amended, is hereby further amended as follows:

(a) Strike out the word "and" at the end of section 1 (c) (3), insert the word "and" at the end of section 1 (c) (4), and add the following subsection immediately after section 1 (c) (4):

"(5) any person who has knowledge of, or has received instruction or assignment in, the espionage, counterespionage, or sabotage service or subversive tactics of a government of a foreign country or a foreign political party, unless such knowledge, instruction, or assignment has been acquired by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party or unless by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned, and a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security."

(b) Add the following subsection immediately after section 8 (d):

"(e) Failure to file any such registration statement or supplements thereto as is required by either section 2 (a) or section 2 (b) shall be considered a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary."

SEC. 6. (a) The analysis of chapter 67 of title 18, United States Code, immediately preceding section 1381 of such title, is amended by adding at the end thereof the following new item:

"1385. Promulgation of security regulations."

(b) Chapter 67, title 18, United States Code, is amended by adding after section 1384 the following new section:

"§ 1385. Promulgation of security regulations.

"(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated by the Secretary of Defense and approved by the President of the United States for the protection or security of military or naval aircraft, airports, airport facilities, ves-

sels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the National Military Establishment, or of any department or agency of which said establishment consists, or of any officer or employee of said establishment, department, or agency, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse, or other unsatisfactory conditions thereon, or the ingress thereto, or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident, or by enemy action, sabotage, or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than 1 year or both.

"(b) Every such regulation or order shall be posted in conspicuous or appropriate places.

"(c) In time of war, or national emergency as proclaimed by the President, the provisions of this section may be extended by Presidential proclamation to include such property and places as the President may therein designate in the interest of national security."

SEC. 7. Section 20 of the Immigration Act of February 5, 1917, as amended (39 Stat. 890; 57 Stat. 553; 8 U. S. C. 156), is hereby amended to read as follows:

"SEC. 20. (a) That the deportation of aliens provided for in this act and all other immigration laws of the United States shall be directed by the Attorney General to the country specified by the alien, if it is willing to accept him into its territory; otherwise such deportation shall be directed by the Attorney General within his discretion and without priority of preference because of their order as herein set forth, either to the country from which such alien last entered the United States; or to the country in which is located the foreign port at which such alien embarked for the United States or for foreign contiguous territory; or to any country in which he resided prior to entering the country from which he entered the United States, or to the country which had sovereignty over the birthplace of the alien at the time of his birth; or to any county of which such an alien is a subject, national, or citizen; or to the country in which he was born; or to the country in which the place of his birth is situated at the time he is ordered deported; or, if deportation to any of the said foregoing places or countries is impracticable, inadvisable, or impossible, then to any country which is willing to accept such alien into its territory. If the United States is at war and the deportation, in accordance with the preceding provisions of this section, of any alien who is deportable under any law of the United States, shall be found by the Attorney General to be impracticable or inconvenient because of enemy occupation of the country whence such alien came or wherein is located the foreign port at which he embarked for the United States or because of other reasons connected with the war, such alien may, at the option of the Attorney General, be deported (1) if such alien is a citizen or subject of a country whose recognized government is in exile, to the country wherein is located that government in exile, if that country will permit him to enter its territory; or (2) if such alien is a citizen or subject of a country whose recognized government is not in exile, then, to a country or any political or territorial subdivision thereof which is proximate to the country of which the alien is a citizen or subject, or, with the consent of the country of which the alien is a citizen or subject, to any other country. No alien shall be deported under any provision of this act to any country in which the Attorney General shall find that such alien would be subjected to physical persecution. If deportation proceedings are instituted at any time within 5 years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that cannot be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation lines by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If deportation proceedings are instituted later than 5 years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Attorney General to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when in the opinion of the Attorney General the mental or physical condition of such alien is such as to require personal care and attendance, the said Attorney General shall when necessary employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed. Pending final determination of the deportability of any alien taken into custody under warrant of the Attorney General, such alien may, in the discretion of the Attorney General (1) be continued in custody; or (2) be released under bond in the amount of not less than $500, with security approved by the Attorney General; or (3) be released on conditional parole. It shall be among the conditions of any such bond, or of the terms of release on parole, that the alien shall be produced, or will produce himself, when required to do so for the purpose of defending himself against the charge or charges under which he was taken into custody and any other charges which subsequently are lodged against him, and for deportation if an order for his deportation has been made. When such an order of deportation has been made against any alien, the Attorney General shall have a period of 6 months from the date of such order within which to effect the alien's departure from the United States, during which period, at the Attorney General's discretion, the alien may be detained, released on conditional parole, or upon bond in an amount and specifying such conditions for surrender of the alien to the Immigration and Naturalization Service as may be determined by the Attorney General. If deportation has not been practicable, advisable, or possible, or departure of the alien from the United States has not been effected, within 6 months from the date of the order of deportation the alien shall become subject to such further supervision as is authorized hereinafter in this section.

"(b) Any alien, against whom an order of deportation, heretofore or hereafter issued, has been outstanding for more than 6 months shall be subject to supervision under regulations prescribed by the Attorney General. Such regulations shall require any alien subject to supervision (1) to appear from time to time before an officer designated by the Attorney General for identification; (2) to submit, if directed by such designated officer, to medical and psychiatric examination at the expense of the United States; (3) to give to such designated officer information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information whether or not related to the foregoing as the Attorney General may deem fit and proper; and (4) to conform to such reasonable written restrictions on his conduct or activities as are prescribed by the Attorney General in his case. Such regulations shall also require that any alien subject to supervision shall be denied access to any area designated by the Attorney General, if in the opinion of the Attorney General the presence of such alien in such area would endanger the national security.

"(c) Any alien who willfully fails or refuses to comply, and any person who counsels, aids, advises, abets, or encourages any alien not to comply, with any requirement imposed by or pursuant to subsection (b) of this section shall be fined not more than $10,000 or imprisoned not more than 5 years, or both: *Provided*, That the alien may be released from such imprisonment by the Attorney General if the alien's deportation can be immediately effected at any time during the term of his imprisonment.

"(d) If any alien subject to supervision under subsection (b) of this section is able to depart from the United States, except that he is financially unable to pay his passage, the expense of such passage to the country to which he is destined may be paid from the appropriation for the enforcement of this act, unless such payment is otherwise provided for under this act."

SEC. 8. If any provision of this act or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of this act and the application of such provision to other circumstances shall not be affected thereby.

TITLE II—EMERGENCY DETENTION

SHORT TITLE

SEC. 100. This title may be cited as the "Emergency Detention Act of 1950."

FINDINGS OF FACT AND DECLARATION OF PURPOSE

SEC. 101. The Congress hereby finds that—

(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide Communist political organization.

(2) The establishment of a totalitarian dictatorship in any country results in the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by an identity between such party and its policies and the government and governmental policies of the country in which it exists, such identity being so close that the party and the government itself are for all practical purposes indistinguishable.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, including the United States, political organizations which are acknowledged by such Communist dictatorship as being constituent elements of the world Communist movement; and such political organizations are not free and independent organizations, but are mere sections of a single world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The political organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist political organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the traditional Communist methods referred to above, and in accordance with carefully conceived plans, already caused the establishment in numerous foreign countries, against the will of the people of those countries, of ruthless Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

(10) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each state a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(11) the experience of many countries in World War II and thereafter with so-called fifth columns which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

(12) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, imminent invasion, war, insurrection in aid of a foreign enemy or other extreme emergency, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

(13) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

(14) The detention of persons who there is reasonable ground to believe may commit or conspire with others to commit espionage or sabotage is, in such a time of emergency, essential to the common defense and to the safety and security of the territory, the people, and the Constitution of the United States.

(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional right and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect, and defend the Constitution, the Government, and the people of the United States.

DECLARATION OF "INTERNAL-SECURITY EMERGENCY"

SEC. 102. (a) In the event of any one of the following:

(1) Invasion or imminent invasion of the territory of the United States or its possessions;

(2) Declaration of war by Congress;

(3) Insurrection within the United States in aid of a foreign enemy; or

(4) Declaration of an "internal-security emergency" by concurrent resolution of the Congress;

and if, in addition to any one of the foregoing, the President shall find that the proclamation of such an emergency is essential to the preservation, protection, and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an "Internal Security Emergency."

(b) A state of "Internal Security Emergency" (hereinafter referred to as the "emergency") so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

DETENTION DURING EMERGENCY

SEC. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General or such other officer or officers of the United States as the President may by his proclamation designate (hereinafter referred to as the Attorney General), is hereby authorized to apprehend and by order detain each person as to whom he, the Attorney General, or such other officer so designated, finds that there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or of sabotage.

(b) Any person detained hereunder (hereinafter referred to as "the detainee") shall be released from such emergency detention upon—

(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

(2) an order of release issued by the Attorney General;

(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

(4) a final order of release by a United States court after review of the action of the Board of Detention Review.

PROCEDURE FOR APPREHENSION AND DETENTION

SEC. 104. (a) The Attorney General, or such officer or officers of the Government as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage; and

(2) an order for the detention of such person for the duration of such emergency. Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

(b) Warrants for the apprehension of persons ordered detained under this title shall be served, apprehension of such persons shall be made, and orders for the detention of such persons shall be executed by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension and a copy of the order for detention shall be furnished to any person apprehended under this title at the request of such person.

(c) Persons apprehended under this title shall be confined in such places of detention as may be prescribed by the Attorney General.. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

(d) Within 48 hours after apprehension, or as soon thereafter as provision for it may be made, each detainee shall be accorded a preliminary hearing before a preliminary hearing officer designated by the Attorney General who shall—

(1) advise the detainee of his legal rights and of the grounds on which his detention was ordered;

(2) record any information offered or objections made by such detainee, and within 7 days after the preliminary hearing receive any additional written evidence or representations such detainee may wish to file with the Attorney General; and

(3) prepare and transmit to the Attorney General, or such other officer as may be designated by him, a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether the order for the detention of such person shall be continued in effect or revoked. Preliminary hearings officers may be appointed at such places and in such numbers as the Attorney General deems necessary for the expeditious consideration of detainees' cases.

(e) The Attorney General, or such other officers as he may designate, shall upon re-

quest of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee may engage in, or may conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible the evidence supporting his finding of reasonable ground in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States. He is also authorized to prosecute appeals from orders of the Board of Detention Review or of any court which modify or revoke any order under which any person is detained, and to petition for the suspension of the execution of any such order of modification or revocation pending final disposition of any appeal taken therefrom to any court of competent jurisdiction (in the case of an order of the Board) or to any higher court (in the case of an order of a court).

(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary or desirable to promote the effective administration of this title.

(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this act. The Attorney General shall appoint an Inspector of Detention, and such assistants as may be necessary, to review all phases of any detention program in operation and to report to the Attorney General his findings and recommendations at regular intervals (no less often than bimonthly) and from time to time upon request of the Attorney General. Such reports of the Inspector of Detention shall be included in each bimonthly report of the Attorney General to the President and the Congress.

DETENTION REVIEW BOARD

SEC. 105. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the "Board") which shall consist of nine members appointed by the President by and with the advice and consent of the Senate. Not more than five members of the Board shall be members of the same political party. Of the original members of the Board, three shall be appointed for terms of 1 year each, three for terms of 2 years each, and three for terms of 3 years each, but their successors shall be appointed for terms of 3 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board of all pending appeals in the courts from orders of the Board, the President is authorized in his discretion to dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

SEC. 106. (a) Each member of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, regional examiners, and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

SEC. 107. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such examiners or agents as it may designate, conduct any hearing necessary to its functions in any part of the United States.

SEC. 108. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 109. (a) Any Board created under this title is empowered—

(1) to review upon petition of any detainee any order of detention issued by the Attorney General;

(2) to determine whether there is reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage;

(3) to issue orders confirming, modifying, or revoking any such order of detention; and

(4) to hear and determine any claim made by any detainee pursuant to this paragraph for idemnification for loss of income by such detainee resulting from detention pursuant to this title without reasonable grounds, as shown by the issuance of a final order of the Board, the court, or the Attorney General revoking such detention order and for legal costs incurred by such detainee incident to proceedings under this title. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

(b) Whenever a petition for review of an order for detention issued by the Attorney General or for indemnification pursuant to the preceding subsection shall have been filed with the Board by any detainee or any person who has been a detainee, in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the detainee and the Attorney General at a place therein fixed, not less than 15 days after the serving of said notice. Such hearing may be conducted by any member, officer, regional examiner, or other agent (hereinafter referred to as "hearing examiners") designated by the Board.

(c) In any case arising from a petition for review of an order for detention issued by the Attorney General, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

(d) (1) Any member of the Board shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board, or any hearing examiner conducting any hearing authorized by this title. Any hearing examiner may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(e) (1) Notices, orders, and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail or by telegraph or by leaving a copy thereof at the

principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return postoffice receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify and present witnesses on his behalf, and to cross-examine adverse witnesses who testify in open session.

(g) In any proceeding before the Board under this title the rules of evidence prevailing in courts of law or equity shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any testimony of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. If the Board determines that the failure of the Attorney General to present the testimony of such Government agent or officer to the Board in an open session is unreasonably prejudicial to the presentation of the case of the person concerned, the Board may refuse to consider the information provided by such Government agent or officer. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

(h) In deciding the question of the existence of reasonable ground to believe a person might engage in or conspire with others to engage in espionage or sabotage, the Attorney General and the Board of Detention Review are authorized to consider evidence of the following:

(1) that the detainee or possible detainee has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, unless such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or unless, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned;

(2) any past act or acts of espionage or sabotage committed by such person against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States, and any investigations made of such person in the past which serve to indicate probable complicity of such person in any such acts of espionage or sabotage;

(3) activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government; and

(4) any other evidence of conduct of the same degree of gravity as that set forth in paragraphs (1) through (3) of this subsection demonstrating reasonable grounds to conclude that such person may engage in, or conspire with others to engage in, espionage or sabotage. The authorization of the Attorney General and the Board of Detention Review to consider the evidence set forth in the previous four subparagraphs shall not be construed as a direction to detain any person as to whom such evidence exists, but in each case the Attorney General and the Board of Detention Review shall decide whether, on all the evidence, there is reasonable ground to believe the detainee or possible detainee might engage in, or conspire with others to engage in, espionage or sabotage.

(i) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention.

ORDERS OF THE BOARD

SEC. 110. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued by the Attorney General under this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question might engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking his order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody.

(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity.

(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee may engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact in sufficient detail to apprise the detainee of the grounds for its decision and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

(d) In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed. If timely exceptions are filed, the Board shall hear oral argument upon the request of either party.

(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

JUDICIAL REVIEW

SEC. 111. (a) Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section.

(b) In the case of any order of the Board modifying or revoking any order of detention issued by the Attorney General, or granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review in the United States court of appeals for the circuit wherein the petitioner is detained or resides, or in the United States Court of Appeals for the District of Columbia, by filing in such court within 60 days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of 60 days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered (except for evidence received in closed session, as authorized by this title), the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if sup-

ported by substantial evidence, shall be conclusive.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

(e) The commencement of proceedings by the Attorney General for judicial review under this section shall, if he so requests, operate as a stay of the Board's order.

(f) Any order of the Board shall become final—

(1) upon the expiration of the time allowed for filing a petition for review or enforcement, if no such petition has been duly filed within such time; or

(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

(4) upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

CRIMINAL PROVISIONS

SEC. 112. Whoever, being named in a warrant or order of detention as one as to whom there is reasonable ground to believe that he may engage in, or conspire with others to engage in, espionage or sabotage, or being under detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title or shall escape, attempt to escape or conspire with others to escape from detention ordered and instituted pursuant to this title, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

SEC. 113. Whoever knowingly—

(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person may engage in, or conspire with others to engage in espionage or sabotage; or

(b) advises, aids, assists, or procures the escape from detention pursuant to this title of any person so named; or

(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such detention; or

(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section,

shall be fined not more $10,000, or imprisoned not more than 10 years, or both.

SEC. 114. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

REVIEW BY CONGRESS

SEC. 115. The chairmen of the Judiciary Committees of the Senate and of the House of Representatives shall establish subcommittees of their respective committees to carry out in respect to the operation of this title the duties imposed on their committees by the Legislative Reorganization Act of 1946.

DEFINITION

SEC. 116. For the purposes of this title, the term "espionage" means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this Act, and the term "sabotage" means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this act.

SEC. 117. (a) Chapter 73 of title 18, United States Code, is amended by inserting, immediately following section 1506 of such chapter, a new section, to be designated as section 1507, and to read as follows:

"§ 1507. Picketing or parading.

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any soundtruck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt."

(b) The analysis of such chapter is amended by inserting immediately after and underneath item 1506, as contained in such analysis, the following new item:

"1507. Picketing or parading."

SEPARABILITY OF PROVISIONS

SEC. 118. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

TERMINATION

SEC. 119. Unless continued in effect longer by joint resolution of the Congress, the provisions of this title shall cease to be effective on a date 3 years after the date of enactment of this title, but the termination of this title shall not affect any criminal prosecution theretofore instituted or any conviction theretofore obtained on the basis of any act or omission occurring prior to such date of termination.

Amend the title so as to read: "A bill to protect the internal security of the United States, to provide for the detention in time of emergency of persons who may commit acts of espionage or sabotage, and for other purposes."

Mr. KILGORE. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FULBRIGHT (when his name was called). On this vote I have a pair with the senior Senator from Ohio [Mr. TAFT]. If he were permitted to vote, vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The roll call was concluded.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Mississippi [Mr. STENNIS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference being held in Dublin, Ireland. If present and voting, the Senator from Florida would vote "yea."

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

The Senator from Pennsylvania [Mr. MYERS] is paired on this vote with the Senator from South Carolina [Mr. JOHNSTON]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from South Carolina would vote "nay."

I announce further that, if present and voting, the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS] and the Senator from Utah [Mr. THOMAS] would vote "nay."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN] is absent by leave of the Senate and is paired with the Senator from New Hampshire [Mr. BRIDGES], who is absent on official business. If present and voting, the Senator from Vermont would vote "yea" and the Senator from New Hampshire would vote "nay."

The Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from New Hampshire [Mr. TOBEY] and the Senator from Michigan [Mr. VANDENBERG] would each vote "nay."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary

Union. If present and voting, the Senator from Maine and the Senator from New Jersey would each vote "nay."

The Senator from Ohio [Mr. TAFT] is necessarily absent and his pair with the Senator from Arkansas [Mr. FULBRIGHT] has been announced previously.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is detained on official business, and if present, would vote "nay."

The result was announced—yeas 23, nays 50, as follows:

YEAS—23

Anderson	Kefauver	Magnuson
Benton	Kilgore	Morse
Chavez	Langer	Murray
Douglas	Leahy	Neely
Graham	Lehman	O'Mahoney
Green	Lucas	Smith, Maine
Humphrey	McFarland	Taylor
Hunt	McMahon	

NAYS—50

Bricker	Hickenlooper	Martin
Butler	Hill	Millikin
Byrd	Hoey	Mundt
Cain	Holland	O'Conor
Chapman	Ives	Robertson
Connally	Jenner	Russell
Cordon	Johnson, Tex.	Schoeppel
Darby	Kem	Sparkman
Dworshak	Kerr	Thomas, Okla.
Ecton	Knowland	Thye
Ellender	Lodge	Tydings
Ferguson	Long	Watkins
Frear	McCarran	Wherry
George	McCarthy	Wiley
Gillette	McClellan	Williams
Gurney	McKellar	Young
Hendrickson	Malone	

NOT VOTING—23

Aiken	Fulbright	Smith, N. J.
Brewster	Hayden	Stennis
Bridges	Johnson, Colo.	Taft
Capehart	Johnston, S. C.	Thomas, Utah
Donnell	Maybank	Tobey
Downey	Myers	Vandenberg
Eastland	Pepper	Withers
Flanders	Saltonstall	

So Mr. KILGORE's amendment, as amended, in the nature of a substitute offered by Mr. KILGORE for himself and other Senators, was rejected.

Mr. WHERRY. Mr. President, I now call up amendment lettered "A," offered by me on behalf of myself, the Senator from Missouri [Mr. KEM], the Senator from Nevada [Mr. MALONE], and the Senator from Virginia [Mr. BYRD].

The VICE PRESIDENT. The Clerk will state the amendment.

The LEGISLATIVE CLERK. At the proper place in the bill, it is proposed to insert the following:

During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), any article or commodity which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration may be usable by, or may be used in the manufacture of any article or commodity which may be useful to, the armed forces of the Union of Soviet Socialist Republics or such satellite countries for military purposes; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity having possible strategic value to the armed forces of the Union of Soviet Socialist Republics or such satellite countries which he finds to be of the nature or class described.

The VICE PRESIDENT. The junior Senator from Nebraska is recognized for 7½ minutes.

Mr. WHERRY. Mr. President, this is a modified amendment offered in behalf of the junior Senator from Missouri [Mr. KEM], the junior Senator from Nevada [Mr. MALONE], the senior Senator from Virginia [Mr. BYRD], and the junior Senator from Nebraska. The amendment has been thoroughly explained by the junior Senator from Missouri and the junior Senator from Nebraska prior to the vote to be taken on it today. It also was thoroughly debated on two or three other occasions in the Senate this year. From time to time, as the debate has gone on, the sponsors of the amendment have so modified it as, I think, in an administrative way to take care of all the difficulties and to meet the opposition that has been raised to the amendment. The amendment which was offered to the tax bill and then withdrawn with the statement that it would be offered to the internal security bill provided, in the first four lines thereof, as follows:

During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no part of the funds appropriated to carry out the purposes of the Economic Cooperative Act, as amended, or to provide economic or financial assistance, other than military assistance, to foreign countries, shall be used—

And so forth. It was contended that that was a flat prohibition, that it would stop ECA's administration in any of the participating countries. So at the suggestion of the chairman of the Committee on the Judiciary, we have amended this portion of it to enable the ECA Administration to continue to operate. The only thing that is terminated is the assistance, until the various countries conform to a definition of what is a strategic material by the Secretary of Defense.

Primarily it is the purpose of the modification to assure that ECA will not be blocked off completely and will continue to carry on; but that no economic or financial assistance may be given a country if it violates the provisions of the amendment; that is, if the country continues to sell to other countries materials which are useful to the armed services of the satellite countries or to Soviet Russia.

There is one more modification. The original amendment contained the flat provision that no strategic material could be exported, either from any of the beneficiary countries to a satellite country or to Soviet Russia. Later the amendment was so modified as to make it the duty of the Secretary of Defense to determine what is a strategic material. We then heard complaint that the provision would be too broad in scope, and that all that was necessary was for the Secretary of Defense to make a finding of what material he considered to be in the nature of strategic material.

So the amendment has now been modified. All that is required of the Secretary of Defense is that he make a finding of what is a material which is useful to military forces. Therefore he does not have to certify to every kind of material one can think of that might be sold either at home or abroad.

So, Mr. President, with that explanation of what the amendment which is now before the Senate provides—and it is the only amendment before the Senate of this nature—I hope the Senate will adopt it and make it a part of the internal security bill, because if we are to provide for internal security we must legislate not only with respect to Communist activities within the United States, but also with respect to Communists who violate the license provisions of the law and sell goods to a country which in turn will sell them to Russia. It is just as necessary to make provision against such procedure as it is to provide anything else.

I hope the amendment will be adopted. Mr. President, how much time do I have left?

The VICE PRESIDENT. Two minutes.

Mr. WHERRY. Mr. President, I will reserve that time and award it to my colleague, in the event he wants the time.

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ANDERSON. Is it permissible for me to make a point of order at this time?

The VICE PRESIDENT. It is permissible.

Mr. ANDERSON. I make a point of order against the amendment, that it is not germane to the bill. This is a bill relating to the internal security of the United States, not to the characteristics of countries outside the United States assisted by ECA.

Mr. WHERRY. Mr. President, the point of order is debatable, is it not?

The VICE PRESIDENT. The point of order is debatable, but, the Chair would think, within the limitation of 7½ minutes. It is always in the discretion of the Chair anyway, since he has to pass on points of order. The unanimous-consent agreement seems to cover all motions, appeals, and everything else, under the limitation of debate.

Mr. WHERRY. I do not at the moment see in the unanimous-consent agreement the word "appeals."

The VICE PRESIDENT. Yes; it is contained in the agreement.

Mr. WHERRY. Very well, Mr. President, I shall have no objection. There will be 7½ minutes to argue the point made by the Senator from New Mexico, and then if an appeal is taken from the ruling of the Chair, another 7½ minutes will be allowed.

The VICE PRESIDENT. That is correct.

Mr. WHERRY. Mr. President, I deeply regret that the Senator from New Mexico has seen fit to make a point of order against the amendment. I could have provided in the unanimous-consent

request, that exception be made as to the amendment. It was offered in good faith. It was previously offered to the tax bill. I was told then that the place where the amendment should be offered was on the internal-security bill. I complied with the request made by those having the tax bill in charge. I said to them, "Very well, I shall be glad to comply with your request." I made the announcement then that I would offer the amendment to the internal-security bill. So I offered it to this bill. The amendment has been thoroughly debated. Everyone knew that it was to be offered to the bill. In connection with a unanimous-consent request, unless provision is made therein for an exception to the contrary, the objection with respect to germaneness applies to amendments which are offered after the unanimous-consent agreement has been entered into.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. WHERRY. Mr. President, I have only 7½ minutes. I shall be glad to yield in a short time.

Mr. President, I am not contending that the Senator from New Mexico does not have the right to make a point of order. A point of order can be raised against almost anything. The reason there was not an exception made on the point or germaneness, when the unanimous-consent agreement was entered into—and I helped to draw the agreement—is that the amendment was offered before the agreement was made. Provision with respect to germaneness is placed in all such agreements. I think all Senators, including the Senator from New Mexico, know the reason why that is done.

If the amendment had been offered after the unanimous-consent agreement had been entered into I would have no reason for complaint at all. But when the agreement was entered into the amendment had already been submitted. It was submitted 3 or 4 days before the unanimous-consent agreement was entered into.

For that reason I think the Senator from New Mexico should allow us to have a vote on the amendment. It was offered in good faith. In the interest of fair play and sportsmanship, I wish the Senator from New Mexico would withdraw his point of order. I do not say he does not have the right to make it. He certainly does have that right. If the Senator felt that the amendment was not germane before the unanimous-consent agreement was entered into, he should have raised the point before the agreement was entered into. We have made special provision for similar amendments heretofore, when entering into unanimous-consent agreements. I did not make provision for the amendment in the agreement, because I felt the amendment was germane to the bill.

Mr. President, I will tell the Senator why I think it is germane to the bill. The title of the bill is:

To protect the internal security of the United States, and for other purposes.

The language of the bill begins as follows:

Be it enacted, etc., That this act may be cited as the "Internal Security Act of 1950."

Nothing in this act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect.

SEC. 2. As a result of evidence adduced before various committees of the Senate and House of Representatives, Congress hereby finds that—

(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage—

And so forth. As a member of the Small Business Committee, I say to the Senator from New Mexico that we discovered that a Mrs. Bentley, a woman who said she was a Communist, obtained licenses to export materials from this country. She helped to export materials to other countries where they were used for the benefit of the black market throughout the world. I say to the distinguished Senator from New Mexico that, according to my view, a Communist who obtains a license to export materials from this country or a Communist who sends from the United States money which the taxpayers of the United States provide, and uses that money abroad in order to obtain for a foreign country the benefit of goods which are produced in the United States, is doing something which, in my opinion, certainly is opposed to the national security and the national defense of the United States and certainly is opposed to the internal security of the United States. I do not see how such action could be interpreted otherwise. Certainly, so far as saboteurs are concerned, we have a right to consider what they are doing not only in respect to exporting goods from the United States but also in respect to sending money abroad, to be used there to purchase such goods, because both cases affect the internal security of the United States. Certainly that is true in cases in which improper means are used to obtain licenses to export materials from this country, and certainly it also is true in cases in which funds are sent from this country to a foreign country, to be used for the same purpose in the foreign country.

Certainly all appropriations for the Military Establishment and all appropriations for the mutual-aid program or the mutual-assistance program are in the interest of the national defense of the United States. So is this amendment. Certainly it relates to materials which will be defined by the Secretary of Defense as involving the internal security of the United States, particularly when such materials are exported. The fact that members of Communist groups help to obtain such export licenses—as occurred in the Bentley case—is evidence that in the interest of the security of our country we not only should have the Secretary of Defense define what are strategic materials and what materials of that sort can be exported, but we also must instruct the Department of Defense to prevent such exports, and likewise there must be such protection in regard to the shipment of funds abroad, because, in my judgment, both matters have a definite effect on the internal security of the United States. Certainly that is the case when money obtained from the United States is used to purchase machine tools which eventually go to Russia. Certainly if a nation associated with us is engaging in such activity, that activity jeopardizes the defense of the United States.

So, Mr. President, I think this language is broad enough to include within its provisions the question of internal security, as raised by the junior Senator from Missouri [Mr. KEM], the senior Senator from Virginia [Mr. BYRD], the junior Senator from Nevada [Mr. MALONE], and the junior Senator from Nebraska.

Because of the observations which now have been made, I hope the distinguished junior Senator from New Mexico [Mr. ANDERSON], who always is fair and always is willing to permit everyone to have his day in court, will withdraw the point of order, so that we shall be permitted to vote on the amendment.

Mr. President, if I have any time remaining, I shall yield to the distinguished majority leader.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. ANDERSON. Mr. President, I desire to be heard on this question.

The VICE PRESIDENT. The Senator from New Mexico is recognized.

Mr. ANDERSON. Mr. President, at the very beginning I wish to say that if it were merely a matter of accommodating the junior Senator from Nebraska, it would be very simple to do so, and I would gladly withdraw the point of order.

However, I wish to do everything I can to make it possible for ECA to succeed. I think the amendment strikes drastically at the ECA. Therefore, I do not see how I can live up to my commitments in regard to ECA and not insist upon the point of order.

As to any agreement with the managers or those in charge of the tax bill——

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. WHERRY. I had no agreement with them. I merely understood that this is the bill to which the amendment should be offered.

Mr. ANDERSON. I appreciate the Senator's statement.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. LUCAS. Is the Senator from New Mexico aware that this amendment is the same one which was rejected by the Senate in the course of its consideration of the ECA bill?

Mr. ANDERSON. That is correct.

Mr. WHERRY. Mr. President, will the Senator state what the vote on that question was?

Mr. LUCAS. I do not have that vote in mind at the moment.

Mr. WHERRY. Then let me say that the vote was 39 to 33.

Mr. ANDERSON. I realize that the vote was close, and I appreciate the excellent assistance of those who stood

with us in endeavoring to defeat the amendment then.

I think it proper to reject the amendment, because it relates to countries whose policies may be different from ours, countries whose policies may permit the exportation of goods to Russia. Among the nations with which we maintain relations are some which have contracts calling for shipments to Russia.

I think it is unfortunate that on the question of the internal security of the United States, we become involved in such foreign questions. By means of this amendment, we are now trying to deal with foreign matters, although we have not had these questions properly handled by the Foreign Relations Committee.

Mr. President, I think there is a difference between national defense and internal security. Of course, it is entirely proper to deal with matters of national defense in the case of certain bills; but when Senators say that the movement of goods from one country to another country is a matter affecting the internal security of the United States, I do not believe that is a proper interpretation.

I simply point out that because of the great importance of this matter to the ECA program, particularly at a time when we are doing everything we possibly can to build up allies in Europe, and when the distinguished Senator from Massachusetts [Mr. LODGE] has called our attention—and he did so very strongly and very eloquently—to the necessity for having additional troops in various parts of Europe, it seems to me that he has raised the strongest possible kind of evidence against an amendment of this type being added to this bill.

I do not know how the distinguished Senator from Massachusetts feels about this amendment. I wish I might have the benefit of his point of view in regard to whether the adoption of an amendment of this nature is desirable at this particular time, when not only are we trying to have the good will of the participating nations, but also many thoughtful persons in this country are suggesting that we should extend what we are now doing in that respect.

Mr. KNOWLAND. Mr. President, will the Senator yield to me?

Mr. ANDERSON. First, I should like to yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I should like to make a brief statement, for 1 or 2 minutes' duration, in presenting my views.

Mr. ANDERSON. Mr. President, I do not wish to prevent the Senator from California from obtaining recognition, but I should like to yield the remainder of my time to the Senator from Massachusetts, if I may do so.

The VICE PRESIDENT. The Senator from Massachusetts is recognized.

Mr. LODGE. Mr. President, I dislike to disagree with the Senator from Nebraska; but it so happens that this is a matter which I have carefully studied. I am very much in sympathy with the idea that we must not repeat the experience of World War II, when we permitted large amounts of scrap iron to go from the United States to Japan, and later had that material returned against us in the form of bullets. But, I do not think the situation we confront today is similar to that one.

I believe this amendment not only will not achieve its stated purpose, but actually will tend to defeat that purpose, because it would make us think we had accomplished something, when actually we had not.

This amendment does not go at all to the question of countries such as Switzerland and Sweden, for example, which are not included in ECA, and without which it will be utterly impossible even to think of an effective control of east-west trade.

This amendment does not take into account the fact that in all these international relations, persuasion and conviction and agreement by people who believe in what they are agreeing to is always a great deal more effective than any attempt to use a club, because whenever one attempts to use a club, the result is either to break up the alliance, or whatever amicable relationship may exist, or to bring about evasion.

It seems to me that this amendment has an undertone of indifference as to whether the alliance is broken up, and that the amendment has an undertone of indifference as to whether ECA continues.

I think a problem actually does exist, and I think the Senator from Nebraska is to be commended for the persistence of his effort and the interest he has manifested in this problem. When legislation extending ECA comes up again, I think perhaps we can work out some language which will actually promote the objective which he has in mind.

But, Mr. President, with all due respect, I submit that this amendment will not promote that objective, but, on the contrary, will actually retard its realization.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. KNOWLAND. First, I should like to ask unanimous consent to have printed at this point in the RECORD an editorial from the London Daily Telegraph and an editorial from the Edinburgh Scotsman, in both of which it is pointed out that machine tools for the building of tanks are being exported at this time from Great Britain to the Soviet Union. Probably they are being used by the Soviet Union to supply the tanks which are firing on American troops in Korea.

That information was brought out by Winston Churchill, in the course of the debate in the British Parliament.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the London Daily Telegraph of September 5, 1950]

TOOLS FOR RUSSIA CALLED "CRAZY" POLICY—FIRM'S REPLY TO MR. ATTLEE—EXPORT CONTROL INEFFECTIVE

Mr. J. R. Greenwood, chairman of Craven Bros., yesterday replied to the Prime Minister's references to the firm and the export of machine tools to Russia. The references were made in Saturday's broadcast.

Mr. Greenwood described as "utter nonsense" the Premier's claim that the Government's order of April 8, 1949, effectively prevented the export of strategically important machines.

Of Russian visits to British factories he declared that we were allowing "a possible enemy to see the extent of our resources." This, in the company's view, was "plain lunacy."

Mr. Greenwood said: "Mr. Attlee's claim that these exports have not affected injuriously our home or other export requirements is merely to confess that he does not know the extent of the present demand for machine tools and other engineering equipment either at home or from friendly countries.

"Nor does he realize the amount of time which purchasers have to wait for the supply of urgently required plant, or the amount of business Britain is losing in friendly countries and the Commonwealth due to the long deliveries manufacturing engineers are compelled to quote."

FREEING LABOR

The delay was being caused to a large degree by the enormous amount of labor and material which the nation was using to produce the great amount of engineering equipment being sent behind the iron curtain.

"Labor, particularly skilled labor, and material is in short supply. If these exports were suspended until there is a great improvement in our relations with the U. S. S. R., the labor which would be freed would be of immense help in producing the material we urgently require at home.

"Craven Bros. have done a substantial volume of profitable business with U. S. S. R. during the past 20 years. Under satisfactory conditions, the company would like to continue this business and to maintain the extremely cordial relations which have existed between the firm and the U. S. S. R. during those years.

"At the time our present orders were negotiated there were no restrictions or indications that it was not in the highest degree desirable that we should enter into these contracts.

"Indeed, the Government have always done everything possible to encourage exports to the U. S. S. R.

"The conditions now are very different. For 2 years the company has made strong representations to the Government urging the view that the continued supply by Britain of machine tools and other war potential to the U. S. S. R. and its satellites is in fact crazy."

DIRECT LEAD WANTED

"We have pressed in the strongest terms the opinion that it is the urgent responsibility of the Government to give manufacturers a direct lead or precise instructions as to their duties."

For Mr. Attlee and other Government spokesmen to say that an order which came into operation on April 8, 1949, effectively prevented the export of strategically important machines was utter nonsense.

"When this order was made we directed attention to what we considered was the mistake of including in the free list center lathes, planing machines, horizontal boring machines, etc., up to the largest sizes.

"We can see no virtue in restricting the export of a vertical boring mill whilst leaving suppliers free to negotiate the export of center lathes. We emphasise our view that there is no greater strategic war potential than a center lathe.

"On August 4 the Government announced that we could not rearm without American help and said early deliveries of machine tools, raw materials and other items from

United States sources are essential to the execution of the Government program.

"Apparently we plan to continue to export our urgently required machine tools to the U. S. S. R. and get what we require from the United States."

Referring to Mr. Attlee's comments that inspections of factories were carried out under conditions which prevented any disclosure of secrets, Mr. Greenwood said it was a misleading statement.

"On August 2 I attended a meeting of the Ministry of Supply and the Board of Trade. The meeting had been arranged to give me the opportunity of making further representations on this question of machine tools for Russia.

"I emphasized many things, including the dangers of inspection and stressed the impossibility of keeping inspectors away from a site of important and secret work.

"The note of the meeting compiled by the Ministry confirms that I was asked to insure that certain development work which we are handling for the Government was regarded as highly confidential and that no unauthorized persons, including Russians, should be allowed in that part of the works where the contract was being carried out.

"I had previously pointed out that the size of the equipment we are handling made it impossible to contain it in some separate part of the works where no other work is being performed.

"It has to go through the usual machine shop routine and visiting inspectors, who are usually highly competent engineers, can usually see much more than their own goods when they are visiting British factories.

"The plain truth is that we are allowing a possible enemy to see the extent of our resources, which, in the company's opinion, is plain lunacy, and the only way completely to safeguard the position is to refuse to have inspectors in the factory."

"AWAITING INFORMATION"

Mr. Greenwood said later that he was awaiting certain information from somebody, and he might have to hold up the machine tools until he got some guidance; "I am not prepared to break my neck about shipping them," he declared.

[From the Scotsman, Edinburgh, Scotland, of September 5, 1950]

MACHINE TOOLS FOR U. S. S. R.—MR. ATTLEE'S STATEMENT DENIED BY CRAVEN BROS.

Mr. J. R. Greenwood, chairman of Craven Bros., Ltd., near Stockport, Lancashire, commented yesterday on the Prime Minister's references in his broadcast last Saturday to the firm and the export of machine tools to Russia.

"Mr. Attlee's claim that these exports have not affected injuriously either our home or other export requirements," he said, "is merely to confess that he does not know the extent of the present demand for machine tools and other engineering equipment either at home or from friendly countries.

"Nor does he realize the amount of time which purchasers have to wait for the supply of urgently required plant, or the amount of business Britain is losing in friendly countries and the Commonwealth due to the long deliveries manufacturing engineers are compelled to quote."

Mr. Greenwood said the delay was being caused to a large degree by the enormous amount of labor and material which the nation was using to produce the great amount of engineering equipment being sent behind the iron curtain.

"Labor, particularly skilled labor and material, is in short supply, and if these exports were suspended until there is a great improvement in our relations with the U. S. S. R., the labor, which would be freed, would be of immense help in producing the material we urgently require at home."

REPRESENTATIONS TO GOVERNMENT

"Craven Bros. have done a very substantial volume of profitable business with the U. S. S. R. during the past 20 years, and under satisfactory conditions the company would like to continue this business and to maintain the extremely cordial relations which have existed between the firm and the U. S. S. R. during those years.

"At the time our present orders were negotiated," said Mr. Greenwood, "there were no restrictions or indications that it was not in the highest degree desirable that we should enter into these contracts.

"Indeed, the Government has always done everything possible to encourage exports to the U. S. S. R.

"The conditions now are very different, and for 2 years the company has made strong representations to the Government, urging the view that the continued supply by Britain of machine tools and other war potential to the U. S. S. R. and its satellites is in fact crazy.

"We have pressed in the strongest terms the opinion that it is the urgent responsibility of the Government to give manufacturers a direct lead or precise instructions as to their duties," he stated.

Mr. Greenwood said that for Attlee, and other Government spokesmen, to say that an order which came into operation on April 8, 1949, effectively prevented the export of strategically important machines was "utter nonsense."

"When this order was made we directed attention to what we considered was the mistake of including in the free list center lathes, planing machines, horizontal boring machines, etc., up to the largest sizes. We can see no virtue in restricting the export of a vertical boring mill whilst leaving suppliers free to negotiate the export of center lathes.

"We emphasize our view that there is no greater strategic war potential than a center lathe.

"We claim that the export to the U. S. S. R. of any machine tools or other engineering equipment which can be used at present at home or in any friendly country immediately is doing essential damage to our defense needs.

"It is interesting to note that on August 4 the Government announced that we could not rearm without American help, and said early deliveries of machine tools, raw materials, and other items from United States sources are essential to the execution of the Government program.

"Apparently we plan to continue to export our urgently required machine tools to the U. S. S. R., and get what we require from the United States of America."

Referring to Mr. Attlee's comments that inspections of factories were carried out under conditions which prevented any disclosure of secrets, Mr. Greenwood said that it was a misleading statement.

DANGER OF INSPECTION

"On August 2 I attended a meeting of the Ministry of Supply and the board of trade. The meeting had been arranged to give me the opportunity of making further representations on this question of machine tools for Russia.

"I emphasized many things, including the dangers of inspection, and stressed the impossibility of keeping inspectors away from a site of important and secret work.

"The note of the meeting, compiled by the ministry, confirms that I was asked to insure that certain development work which we are handling for His Majesty's Government was regarded as highly confidential, and that no unauthorized persons, including Russians, should be allowed in that part of the works where the contract was being carried out.

"I had previously pointed out that the size of the equipment we are handling made it impossible to contain it in some separate part of the works, where no other work is being performed.

"It has to go through the usual machine-shop routine and visiting inspectors, who are usually highly competent engineers, can usually see much more than their own goods when they are visiting British factories.

"The plain truth is," Mr. Greenwood said, "we are allowing a possible enemy to see the extent of our resources, which, in the company's opinion, is plain lunacy, and the only way to completely safeguard the position is to refuse to have inspectors in the factory."

"I'LL WATCH THEM," SAYS MR. EDE

The home secretary, Mr. Chuter Ede, speaking at Hexham, Northumberland, last night, said: "I am being continually asked to prevent people from coming into the country. We have nothing to hide. My belief is that the more who come the better, as long as I know where they are and what they are doing.

"I'll watch them. You'd be astonished at what I know about what those inspectors do.

"I believe that the more people in the world can see one another, the more likely are we to have peace.

"I could only wish that the same principles applied throughout Europe today so that there could be an exchange between the nations of those ideas that will enable people jointly to work out the salvation of this generation."

Mr. LODGE. Mr. President, when the statement is made baldly that such shipments are occurring, it can receive nothing but condemnation from me and from every other Senator. If I thought this amendment, if adopted, would result in stopping such shipments, that would be one thing. We recently saw by newspaper reports that British gasoline was being sent to the Chinese Communists, and then representations were made and persuasion was used, and the thing was stopped.

I think perhaps the most effective way to stop the trade to which the Senator from California refers is by persuasion and conviction. Any other method I think would be bound to lead to bootlegging and evasion, and I do not think it would be effective. I do not know what is being obtained from the Soviet Union in exchange. I placed in the RECORD some correspondence 2 or 3 weeks ago from Mr. Foster, the Acting ECA Administrator, in which he listed some of the valuable articles which were coming into the Western World in exchange for some of the goods that were being sent to satellite countries. It may be that, for the sending of a few machine tools, we can get back something of much greater value; that, I do not know. I would unhesitatingly say to the Senator from California no one deplores more than I do any situation in which weapons are being made with our help, directly or indirectly, which will be harmful to our troops. What I am looking for is an effective method of dealing with it.

The VICE PRESIDENT. The time of the Senator from Massachusetts has expired.

The question on the point of order, of course, does not go to the merits of the amendment. The Chair does not think that the fact that the amendment was

submitted and printed prior to the unanimous-consent agreement has any bearing on the point of order itself, because amendments are not offered until they are offered. Frequently amendments are printed and lie on the table which are never offered. The presentation of an amendment and its lying on the table and its being printed do not mean that it will be offered. So that the unanimous-consent agreement seems to the Chair to have had relation to the actual offering of amendments to be voted upon and discussed.

The Chair does not think that the title of the bill necessarily gives a clue to the germaneness of amendments. It is a bill "to protect the internal security of the United States, and for other purposes." It then goes on to say how that is to be done, namely, by requiring registration of certain individuals and organizations, their punishment if they do not register, and so forth.

The Chair does not see that there is anything in the bill dealing with trade, even with internal trade, or in any way referring to the ECA Act which was passed by the Congress. This is, in effect, an amendment of that act by withholding the funds from any foreign country that permits the shipment of articles to Soviet Russia or her satellites, who are described. This bill deals with people within the United States, with offenses committed within the United States, and with requirements affecting people in the United States, whether citizens or otherwise. It does not and could not go to the conduct of people in foreign countries. The Chair therefore feels that the amendment is not germane to the bill to which it is offered, and sustains the point of order.

Mr. WHERRY. Mr. President, I respectfully appeal from the decision of the Chair. How many minutes do I have?

The VICE PRESIDENT. The Senator has 7½ minutes.

Mr. WHERRY. Mr. President, I submit that the pending bill, which, according to line 3 of the bill, may be cited as the "Internal Security Act of 1950," involves more than the registration of Communists. It involves the internal security of the United States in any form. That is what the title of the bill says. It is true that when we get into the provisions of the bill, we come to the question of registering Communists as one thing which can be done. But certainly anything that can be done to promote the internal security of the United States of America is something which should be done by the Members of the Senate; and here is one thing we can do.

Internal security is not confined to acts committed here at home. That is the point I am making, and it is an important point. Certainly that is true. One does not have to be within the confines of the United States to commit an act which may affect the internal security. One may be outside the United States and yet commit an act which affects the internal security of the country. Dr. Fuchs was outside the United States. Alger Hiss was outside the United States, at Yalta, where he was a party to provisions which mightily affected the internal security of the United States.

To say that merely because this proposed legislation hinges upon the registration of Communists, the amendment is therefore not germane, seems to me certainly to be beside the point.

I deeply appreciate the observations made by the distinguished Senator from Massachusetts about the necessity for such a provision as this. I regret that he is not present at the moment. I know that at the time this question was discussed by the junior Senator from Nebraska and the Senator from Missouri there were but a handful of Senators on the floor. But the Senator from Massachusetts has just said that if this amendment would prevent the making of tanks and their shipment to Russia, he would favor the amendment. I should like to say that if any Senator can draft an amendment which will accomplish the purpose better than the amendment offered by me I shall support it. But this amendment would accomplish the purpose which is sought, and that is why it is offered.

Why should we continue to support the countries which are beneficiaries of ECA, when Great Britain, for example, manufactures and sells to Russia $2,000,000 worth of machine tools a month for one solid year. Is the Senate of the United States to do nothing about it? All of us will recall the very vivid argument made by the Senator from Vermont [Mr. FLANDERS], who cited the capacity of machine tools to reproduce themselves. Machine tools can reproduce machine tools, which can be used to build tanks.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. WHERRY. I will yield in a moment.

I have all kinds of editorials, including editorials discussing in particular the statement made by Winston Churchill. I hope Senators will read his statement. Winston Churchill, himself, condemned his own Government for permitting the sale to satellite countries, and to Russia herself, of the very machine tools the sale of which we are endeavoring to legislate against by this amendment. That is the attitude of Winston Churchill, of Great Britain. I quoted from the London Times a statement showing that we furnished not only steel, iron wire, iron plates, but also fuel oil—the very things that must be had in order to prosecute a war. What did we receive in return? We received caviar, a few furs, a little meat, and a few pets, in return. That is what I mean. We did not receive in return manganese, chrome, or copper.

All one needs to do in order to learn about the urgency of this matter is to read the editorials and the news releases of the press of this country. The American people are demanding that something be done to prevent the importation to Soviet Russia and her satellites of strategic materials which are being processed by the machine tools mentioned for the production of bullets, gasoline, planes, and so forth, which are being used against our men in Korea today. If I have any time left, Mr. President, I yield to the Senator from Idaho.

Mr. DWORSHAK. I should like to ask the Senator whether, in his opinion, the use of Russian tanks in Korea during the current "police action" does not vitally affect the internal security of the United States?

Mr. WHERRY. It certainly does. I humbly submit that all of these acts done outside the United States by Communists are things which affect the internal security, and that if ever there was a germane amendment, it is this amendment to the pending bill and it comes within the title of the bill. I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays are requested. The Chair has not yet submitted the question. He will do so as soon as the argument is concluded.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. How much time do I have?

The VICE PRESIDENT. The Senator has 7½ minutes.

Mr. LUCAS. I shall not discuss the question of germaneness. I agree with the Senator from New Mexico that the amendment is not germane, but, in view of the fact that the merits have been discussed, I shall take this time, if I may, to read into the RECORD a letter which has been submitted by Paul Hoffman, the ECA Administrator. It reads as follows:

In 1949 trade between the western European countries and eastern Europe totaled approximately $2,600,000,000.

I should like the Senator from Nebraska [Mr. WHERRY] to note this.

Among the items Western Europe imported from Eastern Europe were many items of strategic importance, including copper, nickel, lead, zinc, chrome, ferromanganese, bauxite, iron ore, crude oil, benzol, gasoline, pig iron, sheet iron, iron and steel plate, steel ingots, seamless tubes, machine tools, tank cars, locomotives, as well as coal, timber, food, and feed.

In this crucial period when speed is of the essence, any effort by the United States to unilaterally interpose controls would slow down this normal trade to a trickle. The United States could supply the coal, timber, and food by increasing the amount of foreign aid, with a resulting increase in cost to the American taxpayer; but with respect to many other items, such as copper, bauxite, ferromanganese, iron and steel, the limiting factor is not dollars but available supply. Without such supply, the military defense program as well as the recovery program for western Europe may well go by the boards.

Representatives of the United States and the North Atlantic Pact countries have reached substantial accord on a list of items having sufficient strategic military importance to warrant the placing of an embargo on their export to the Soviet bloc. The degree of accord on this list has reached a point where it can be said that most of the items contained on our embargo list are also contained on the individual lists of the North Atlantic Pact countries. In general, variations in these lists can often be explained by the fact that the military value of many of such items is a question of judgment on which military technicians often differ.

The embargoed items upon which the United States and the other North Atlantic Pact countries have reached substantial

accord are entirely strategic items. Therein lies the fundamental difference between the present method of control and that proposed under the amendment. The latter would require the embargo of all items having any direct or indirect military value and would not be restricted to strategic items. In the interest of furthering the military defense program of Western Europe through the continuation of east-west trade, it is felt desirable to restrict the embargo to items of strategic military value.

Under the proposed amendment, the list of items "usable by" the armed forces of the Soviet bloc as prepared by the Secretary of Defense might differ substantially from the embargo list prepared by the Secretary of Commerce after consultation with eight other agencies. These agencies are, in addition to Defense, State, Agriculture, Interior, ECA, Atomic Energy Commission, Central Intelligence Agency, and the National Security Resources Board. In the event the lists differed, a situation would arise whereby Marshall-plan countries, to continue to receive aid, would be forced to embargo the shipment of items which the United States, under the export-control system now directed by the Department of Commerce, may ship to Eastern Europe.

Direct trade in items embargoed by the United States is, as stated above, not particularly troublesome because the North Atlantic Pact nations embargo all but a small percentage of the items which the United States embargoes. Details cannot be disclosed publicly because the information is classified.

Transit trade, involving all of the free ports of the world, is a major problem, but the amendment, dealing as it does with direct trade, has no effect upon transit trade wherein the port of first destination is a port in a friendly country in Europe, Asia, Africa, or South America. This problem can only be solved by willing cooperation between nations having a mutual interest. During the past few months serious attention has been given by several nations to finding a solution to this problem.

Unless there is complete accord among all the free nations of Western Europe on the goods to be embargoed, an embargo will not be meaningful. The assumption that a complete accord can be achieved by the use of threats or coercive action is utterly unsound. Certain of the nations which were among the largest suppliers of goods of a military nature either receive no assistance or so little that the threat of a withdrawal of assistance will obviously have no effect on the trade of such countries with Eastern Europe. In the field of trade control willing partners will be of great value. Unwilling partners will be worthless. The amendment should be rejected.

Mr. President, in conclusion, let me say that this is no amendment to place upon an internal security bill.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. RUSSELL. I may say, if the Senator will permit, that I am for the amendment. I voted for it when it was offered in connection with other legislation, but, in my judgment, it is not germane to this bill, and if the rule of germaneness is to be strictly adhered to, I think the Senate should be very careful about attaching amendments of this nature to pending legislation. If the rule of germaneness in unanimous-consent requests is to be sustained, in my judgment, it is well for the Senate to resolve any doubt that the ruling of the Chair is correct.

Mr. LUCAS. I wholeheartedly agree with the Senator. If we are not going to live up to the rule of germaneness, if we can overrule the Chair at will, the rules will go by the wayside, so to speak.

I have placed this letter in the RECORD because it contains facts which are a refutation of some of the statements which have been made with respect to this very important question. I repeat, that if we are interested in an internal security bill, we had better leave the proposed amendment out of it.

I sincerely hope that the ruling of the Chair will be sustained.

Mr. WHERRY. Mr. President, inasmuch as the yeas and nays were not ordered, and there has been no further action taken, may the Senator from Nebraska withdraw the amendment?

The VICE PRESIDENT. The Chair thinks the Senator can withdraw it.

Mr. WHERRY. I withdraw it, but I shall offer the amendment as a limitation on the appropriation bill.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. KEFAUVER. Mr. President, I call up my amendment D.

The VICE PRESIDENT. The Secretary advises the Chair that he has two amendments marked "D."

Mr. KEFAUVER. I refer to my amendment marked "9–5–50–D."

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 10, line 19, it is proposed to strike out section 4.

The VICE PRESIDENT. The Senator from Tennessee is recognized for 7½ minutes.

Mr. KEFAUVER. Mr. President, section 4 of the bill has given many Members of the Senate a great deal of trouble. It is also the subject matter of considerable comment as to its constitutionality. From time to time such eminent lawyers as Mr. John W. Davis, Mr. Charles Evans Hughes, Jr., former Attorney General Tom Clark, and Mr. Seth Richardson have expressed opinions that various versions of section 4 were unconstitutional. It is, I think, the worst section of the bill, and, in my opinion, the bill would be greatly improved if that section were stricken from it.

If Senators will turn to section 4, it will be seen that section 4 (a) would make it a criminal offense for a Member of the United States Senate to agree with a civilian for the purpose of presenting a constitutional amendment for the purpose of what might be termed setting up a totalitarian dictatorship. A totalitarian dictatorship is defined as being a one-party system where opposition is suppressed by force. That is a loose definition under which persons might be prosecuted for doing something which they had a legal right to do. Of course, under the Constitution anyone can offer a constitutional amendment to accomplish anything he wants to accomplish, and anyone can support such a constitutional amendment without running afoul of any law.

Furthermore, in section 4 of the usual constitutional provision with respect to force and violence is not present. It covers any act which might include speaking, writing a letter, a conversation, or anything else. The usual requirement as to force and violence is missing.

It should also be pointed out that it does not mean that a person has to commit an act with a view to setting up a totalitarian dictatorship in lieu of the Government of the United States. In its wide application it applies to municipalities, to any township, to any county, or to any small community that might contain only 10 persons. So it is a section which could be used for prosecution and persecution of people by thought control.

Subsection (b) on page 11 provides that any employee of the Government, and so forth, who passes any confidential information to any representative of a foreign country shall be guilty. I should like to point out that this subsection means that one need not actually see the confidential document. Someone may tell someone else, and the person involved may get it fifth-hand. However, if he told it to Mr. Winston Churchill when he was here, and it turned out that the information was confidential or restricted, that person would be guilty of a violation of this section of the proposed act, even though he may have had no intention to harm the Government of the United States. That is another instance where persons could be prosecuted right and left for offenses which they did not know they were committing, and without any intention to harm the Government of the United States.

Subsection (c) provides that any representative of a foreign government who asks for or seeks to obtain such confidential information shall be guilty. It would place a representative of a foreign country in the position of being guilty of violating a law of the United States if he asked anyone for any information about our defenses, the number of tanks, and questions along that line, at the very time when under the Atlantic Pact we have joined with foreign governments for the purpose of uniting our defense efforts in the Atlantic Pact.

Mr. President, this section in the hands of an energetic and unwise prosecutor could be used to control thought, to keep people from expressing their opinions and from doing things which they have a right to do under the Constitution. I think the bill would be greatly improved if the section were deleted.

I yield back the remainder of my time.

Mr. McCARRAN. Mr. President, the amendment offered by the Senator from Tennessee provides that on page 10, line 19, there be stricken out section 4. The amendment is not acceptable to us for the reason that it would remove section 4 in its entirety. Section 4 makes it unlawful for any person knowingly to combine, conspire, or agree, and so forth, to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship under the control of a foreign government. It also makes it unlawful for officers or employees of the

United States to communicate classified information to foreign agents, and for such foreign agents to receive such information. I believe such a provision is necessary in the bill if we are to meet the subversive problem on all fronts. I yield 5 minutes to the Senator from Michigan, if he desires to speak on the amendment.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. McCARRAN. Certainly.

Mr. KEFAUVER. Does not the Senator think that in some way or other a differentiation should be made between a friendly foreign agent and an unfriendly foreign agent? Certainly we do not want to place this kind of restriction on friendly people who come here representing a friendly government.

Mr. McCARRAN. Mr. President, the Senator might have asked that question of a certain nation 7 or 8 years ago. Today the answer would be in the negative. Seven or eight years ago we knew a friendly nation, which was supposed to be our ally. Today, how about it? For anyone to transmit classified information, and for anyone to receive it, should be prohibited by law.

Mr. KEFAUVER. I may say that it does not speak well of the Atlantic Pact and our participation in it if we put representatives of our friends, democratic countries, under restrictions which do not permit them to ask the simplest kind of questions without violating the law of the United States.

Mr. McCARRAN. If I have any time remaining, let me say to the Senator that this is a time when I believe the United States of America must look out for itself. We are very happy to be in the Atlantic Pact, and we hope to go along with it. We hope to be able to assist in the success of the Atlantic Pact. However, the internal security of the United States and our continuation under a democratic form of government is uppermost in my mind, now and at all times.

Mr. FERGUSON. Mr. President, does any time remain for debate on this amendment?

The VICE PRESIDENT. The Senator from Nevada has approximately 3 minutes left.

Mr. McCARRAN. I yield 3 minutes to the Senator from Michigan.

Mr. FERGUSON. I hope the Senate will not strike out section 4 of this bill. Section 4 is a criminal section in the bill and makes it unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual.

Mr. President, the purpose is not to make it a crime to propose an amendment to the Constitution. Everything in the Constitution is the law of the land. The bill does not propose to violate or change any section of the Constitution. Therefore, so far as any constitutional provision is concerned, anyone may propose a constitutional amendment, and under this bill he would not be conspiring to perform an act which would substantially contribute to the establishment of a totalitarian government.

As I see it, certain things cannot be written into the Constitution, because we have a sovereignty, possessed of certain inalienable rights; we have a representative form of government, we have divisions of government; and we have a scheme of government which is absolutely opposed to totalitarianism. Therefore, if we were to change our Government as is stated in section 4, it would be by revolution. Revolution cannot be accomplished by revision, only by revocation.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. FERGUSON. I have so little time left, that I cannot yield at this time. I should like to say something with reference to giving secrets to friendly powers. The Atlantic Pact contains an agreement entered into between our high officials and the British Government and some other governments. We have drafted this section. In compliance with that agreement, because the President of the United States or the head of a particular agency may authorize the giving of certain secrets to other nations. It was the thought of the Committee on the Judiciary that anything else should not be given to any foreign power, because it is impossible to say with certainty who is a friend and who is a foe, except as the President might be able to do it under treaty.

I want to say something, too, about transmitting second- or third-hand information. The section is specifically limited in its application to persons knowing or having reason to know the classified nature of the information.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MUNDT. Is it not correct to say that if the amendment offered by the Senator from Tennessee prevails we would be actually striking out of the bill the provision which makes it illegal to perform an act which under the Kilgore substitute they would make it permissible to put a man in a concentration camp merely for thinking about performing the act?

Mr. FERGUSON. That is exactly correct.

Mr. KEFAUVER. The Senator knows that during the time of a national emergency the Government has a right to do many things which it cannot do in times of peace. That is the distinction between the Kilgore substitute and the provision in the bill referred to. This is proposed legislation for all time, not merely during the time of an emergency.

Mr. MUNDT. The proposed legislation requires an act to be performed, not merely having the Attorney General think that a man is thinking of performing it. The man must actually perform the act.

Mr. KEFAUVER. No; the section provides for agreeing to perform an act. It is not necessary to perform it.

Mr. MUNDT. He must combine or conspire with someone.

Mr. KEFAUVER. Combine, conspire, or agree.

Mr. FERGUSON. There are other ways of overthrowing a government than by force and violence. We learned that in Czechoslovakia. The force and violence comes afterwards, in order to consolidate and expand power and control acquired by other means. In other words, we are trying to do something about the kind of subversive acts that are really dangerous. I hope the Senate of the United States will not weaken the bill by taking out of it section 4.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER and other Senators requested the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. KEFAUVER]. [Putting the question.] The "noes" appear to have it.

Mr. KEFAUVER. Mr. President, I ask for a division.

On a division, the amendment was rejected.

Mr. KEFAUVER. Mr. President, I have another amendment, lettered "F," which I offer.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 10, line 21, after the word "act", it is proposed to insert "by force and violence."

On page 11, line 2, to strike out the period, to insert a colon, and the following: *"Provided, however,* That this section shall not apply to any act in connection with the sponsorship of a constitutional amendment."

Mr. KEFAUVER. Mr. President——

The VICE PRESIDENT. The Senator has 7½ minutes.

Mr. KEFAUVER. Mr. President, this amendment is a sincere effort to improve the bill, hoping that on final passage it will contain certain amendments so that I can vote for it. I voted a little while ago for the Kilgore substitute for the bill. If that had been agreed to, and some things were done to remove some of the objections which I have and which I think others have, I would expect to vote for the bill in the hope that in conference a bill might be agreed to which would even be acceptable to the President, so that we could end this session with some legislation on this subject enacted.

This amendment is to section 4 (a), and would require that an agreement to perform some act must be carried out by force and violence. Otherwise, if a Member of the Senate agrees to propose a constitutional amendment, to have certain things happen in the Government of the United States, and someone on the outside agrees, if he offers such an amendment, which he has a perfect constitutional right to do, and he makes a speech or speaks to his neighbor about it, then he would be guilty under the section as it is now written. It would open the way to the promiscuous prosecution of people for acts which are accompanied by no force or violence, but merely on the word of somebody else. There would

be at least justiciable issues under which people could be haled into court.

Mr. McCARRAN. Mr. President, will the Senator yield for the suggestion of an amendment to his amendment?

Mr. KEFAUVER. I have an amendment, and I wish to give my explanation of it.

All the attorneys who have considered this proposed legislation have raised some question as to the legality of or the constitutionality of section 4 (a) unless the act is carried out by force and violence. I think it should also be written into the bill that this provision should not apply to any act in connection with the sponsorship of a constitutional amendment.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator.

Mr. McCARRAN. I wish to make the suggestion to the Senator that, so far as I am personally concerned, I would have no objection if the amendment read like this, "That this section shall not apply to the proposal of a constitutional amendment."

Mr. KEFAUVER. That is only half of the amendment. The other half is as to any act requiring force and violence.

Mr. McCARRAN. There is nothing in this amendment about that.

Mr. KEFAUVER. Yes; it proposes that on page 10, line 21, after the word "act" there be inserted the words "by force and violence."

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. MUNDT. I was thinking of speaking along the same line suggested by the Senator from Nevada. It seems to me the amendment of the Senator from Tennessee is altogether too broad in line 5 to carry out the purpose he has in mind as indicated by his remarks. Certainly we must not make the section inapplicable to any act, because there could be a great many illegal acts, conspiratorial acts, acts of violence. It seems to me that if the Senator would insert before the word "acts" some such modifier as "constitutional" or "legal" in connection with the constitutional amendment, he would carry out what he has in mind.

Mr. KEFAUVER. How about the provision relating to force and violence? The Senator and I have the same thing in mind as to the constitutional amendment provision, and that could be worked out in conference. The language proposed by the Senator from Nevada as to the second part of the amendment sounds all right to me, but that does not take care of the other objection, as to requiring that an agreement be accompanied by force and violence.

Mr. MUNDT. That is correct, but I think an altogether different element enters into the consideration of that part of the amendment, because the Communist line changes from time to time from force and violence over to espionage, infiltration, and subversion, and a great many other techniques and devices which are not accompanied by force and violence. So I think we would cripple the administrator if we limited the provision to acts accompanied by force and violence.

I have no objection to the second part, if it is modified as I have suggested. I think the first part of the amendment goes too far, because it would prohibit the administrator from changing his tactics to keep up with the constantly changing line of the Communists, which does not always entail force and violence.

Mr. KEFAUVER. In my opinion, unless the words "force and violence" are used in relation to some act which may be committed, it is not constitutional. I shall be glad to accept the language of the Senator from Nevada as to the constitutional amendment feature, but unless the rest of it is going to be accepted, I do not see that there is much to be accomplished.

Mr. LONG. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield to the Senator from Louisiana.

Mr. LONG. What the Senator from Tennessee has in mind is to preserve the right of an American to advocate peaceful change of government by constitutional, legal processes.

Mr. KEFAUVER. That is correct.

Mr. LONG. On the other hand, he is perfectly willing to outlaw the advocacy of forcible overthrow of our Government by anyone.

Mr. KEFAUVER. That is correct. That is exactly my position.

Mr. FULBRIGHT. Mr. President, would it not be more difficult to prove foreign domination under the amendment than under the Smith Act, which did not require the proof of foreign domination?

Mr. KEFAUVER. I say frankly that "with force and violence" written into the amendment, the amendment does not differ greatly from the provisions of the Smith Act. I think the language "combine, conspire, or agree" is a little broader than the Smith Act.

Mr. FULBRIGHT. My point is that under the proposal now made it would be more difficult to prove foreign domination than under the Smith Act. It is not so effective, is it?

Mr. KEFAUVER. Under the bill, without the amendment, anything could be proved on anybody. It would be one man's word against another. It would be said that two people were getting together and saying they were going to set up a dictatorship in some small town. There would have to be a trial to determine whether they had tried to create a dictatorship in some small town, and Jim Jones, who might be an unnaturalized alien, who might be the boss of the town——

The VICE PRESIDENT. The time of the Senator from Tennessee has expired.

Mr. McCARRAN. Mr. President, this amendment would rather effectively emasculate section 4 (a) of the bill.

This is the section which provides that "it shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the dominion or control of, any foreign government, foreign organization, or foreign individual."

This proposed amendment would, first, limit the category of acts, conspiracy to perform which is made unlawful, to acts "by force and violence."

Secondly, this amendment would add a proviso stating that this section shall not apply to any act in connection with the sponsorship of a constitutional amendment.

That phrase "in connection with" is extremely broad; and it appears that if this language should be adopted, any person who had sponsored a constitutional amendment would thereafter be able to indulge in any form of conspiracy without worrying about the provisions of this section; for the bare fact that he was the sponsor of a constitutional amendment presumably would protect him.

Possibly what the Senator from Tennessee means to suggest is a proviso making the section inapplicable to acts in furtherance of the adoption of a constitutional amendment; but that is not what his amendment says.

Mr. President, I do not believe this amendment should be adopted, or that it will be adopted; nevertheless, I feel it should be amended before it is voted upon.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. KEFAUVER. I accept the Senator's suggestion as to the language in the second part of the amendment.

Mr. McCARRAN. Will the Senator modify his amendment to that extent?

Mr. KEFAUVER. If the Senator will yield, I shall ask unanimous consent, Mr. President——

The VICE PRESIDENT. The Senator can modify his amendment in any way he pleases.

Mr. KEFAUVER. Mr. President, I modify the amendment so as to strike out the words "any act in connection with," and the word "sponsorship," and insert in place of "sponsorship" the word "proposal."

The VICE PRESIDENT. The clerk will read the amendment as it is now offered.

Mr. KEFAUVER. Yes, I wish the clerk would do so.

The CHIEF CLERK. On page 11, line 2, it is proposed to strike out the period, insert a colon, and the following: "*Provided, however,* That this section shall not apply to the proposal of a constitutional amendment."

Mr. McCARRAN. Does the Senator modify the other part of his amendment?

Mr. KEFAUVER. No, Mr. President; I do not.

Mr. McCARRAN. Of course, I cannot accept it unless the Senator does.

Possibly what the Senator from Tennessee means to suggest is a proviso making the section inapplicable to acts in furtherance of the adoption of a constitutional amendment; but that is not what his amendment says.

Mr. President, I do not believe the amendment should be adopted or that it will be adopted; nevertheless I feel that

it should be amended before it is voted upon. Therefore, Mr. President, I move to amend the amendment offered by the Senator from Tennessee [Mr. KEFAUVER] so as to make it read:

On page 11, line 2, change the period to a comma and insert the following: "*Provided, however,* That the provisions of this subsection shall not render unlawful any act done in furtherance of the adoption of a proposed constitutional amendment."

The Senator has already accepted that modification, but as to the first part of his amendment, he has not made any modification.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. FERGUSON. Would not that allow a conspiracy to overthrow the Government and to do acts in furtherance of such conspiracy, even to the use of force and violence? What is the modification made by the Senator from Tennessee?

Mr. McCARRAN. The second part of the amendment has been modified.

Mr. FERGUSON. Will the Senator read the modification?

Mr. McCARRAN. Yes. On page 11, line 2, it is proposed to strike out the period, insert a colon, and the following: "*Provided, however,* That this section shall not apply to the proposal of a constitutional amendment."

Mr. FERGUSON. That covers only the proposal of a constitutional amendment.

Mr. MUNDT. Mr. President, reserving the right to object——

Mr. McCARRAN. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. Will it be proper at this time to ask for a division of the amendment?

The VICE PRESIDENT. Certainly. They are practically two separate amendments anyway.

Mr. McCARRAN. I ask for a division of the amendment so we may deal with that part which has been agreed upon by the Senator first.

The VICE PRESIDENT. Is there objection to the adoption——

Mr. KEFAUVER. I should like to have the whole amendment voted on first, Mr. President.

The VICE PRESIDENT. The Chair thinks a request for a division is legitimate, and the Chair orders that there be a division of the amendment.

Mr. KEFAUVER. Very well.

The VICE PRESIDENT. And that there be a vote separately on each. If there is no objection to agreeing to that part of the amendment in which the language has been modified, it will be adopted. The Chair hears none and that branch of the amendment is agreed to.

Mr. FERGUSON. Mr. President, is there any time left?

Mr. McCARRAN. I yield whatever time I have left, to the Senator from Michigan.

Mr. FERGUSON. Mr. President, I should like to say a few words as to the other part of the amendment. It proposes to insert the words "by force and violence."

The VICE PRESIDENT. The Chair wishes to say that there are 1½ minutes remaining.

Mr. FERGUSON. The main reason for not using the words "force and violence" was the testimony of Mr. Gates and Mr. Foster of the Communist Party before the Committee on the Judiciary. They said that they had now eliminated from their teachings and so forth the words "force and violence." They have altered their techniques, in other words. Partly they have done so because teaching or advocating overthrow by force and violence is prohibited under the Smith Act.

Anyone who has studied communism knows of their alternate techniques. That technique is to gain control in some way by conspiracy and infiltration, and by the blotting out of those who had been in power; then afterward to use force and violence to retain the power they have obtained.

In view of that switch in technique, we propose to make it a crime to overthrow the Government, to build and create a totalitarian government here, by acts which are short of force and violence. I hope the Senate will not change the language of the bill by adopting the amendment, because that would bring us back to the Smith Act, and we are trying to do something entirely different here than was done by the Smith Act.

The VICE PRESIDENT. Time has expired.

Mr. KEFAUVER. Is there any time remaining?

The VICE PRESIDENT. There is no time remaining.

The question is on the first branch of the Senator's amendment.

Mr. KEFAUVER. Is that the "force and violence" part?

The VICE PRESIDENT. The "force and violence" part; yes.

Mr. KEFAUVER. I ask for the yeas and nays on that part of my amendment.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The "noes" seem to have it.

Mr. KEFAUVER. Mr. President, I ask for a division.

On a division, the amendment was rejected.

Mr. KEFAUVER. May we now have a vote taken on the second part of the amendment dealing with proposal of a constitutional amendment?

The VICE PRESIDENT. That part of the amendment was agreed to by unanimous consent.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. I was under the impression that the Senate had agreed only to the suggested change in the language of the amendment, but if the amendment, as modified, has been agreed to, it is quite all right. I am in favor of that portion of the amendment.

Mr. KEFAUVER. Mr. President, I call up my amendment dated 9–11–50–E.

The VICE PRESIDENT. The Secretary will state the amendment.

The CHIEF CLERK. On page 11, line 4, after the word "thereof", it is proposed to insert the following: "(but this subsection shall not apply to employees of private corporations in which the Reconstruction Finance Corporation has ownership of a part of said stock as a result of the financing or refinancing of said corporation by the Reconstruction Finance Corporation)."

On page 11, line 7, after the word "means," it is proposed to insert "with intent to harm the United States."

Mr. KEFAUVER. Mr. President, this section is principally intended to apply to Government employees who, by virtue of their employment with the Government, have access to certain information which they may pass on to a representative of a foreign country. As it now stands, if some employee who might hear second or third hand about something—and of course this does not apply to anybody outside the executive branch of the Government—should meet a representative of a friendly government and should tell him something he, the employee, had heard, even though there was no intention to harm the Government of the United States—as a matter of fact it might be something that was being discussed in the interest of helping the Government of the United States, by the representative of a foreign military mission of a friendly country—then the Government employee would be guilty of a violation of this section. When our employees are acting in good faith, without any intent to harm the Government of the United States, I do not believe they ought to be considered guilty of something of which the average citzen would not be guilty.

The second point is that the amendment would include as employees of the United States the employees of any corporation in which the Reconstruction Finance Corporation owned a major part, I believe, of the stock of the company. The employees might not even know that they are working for a corporation in which the major part of the stock is owned by the Reconstruction Finance Corporation.

There have been many newspapers whose stock was owned in major part by the Reconstruction Finance Corporation. In such case, a reporter for one of those newspapers might inadvertently, even though he should know better, pass out some information which might be confidential. In that case, he would be guilty under the provisions of this measure, even though he might not know that the newspaper was partly owned by the Reconstruction Finance Corporation.

The other day the Senator from Michigan [Mr. FERGUSON] said that if the du Pont Corp. were to have contracts for the manufacture of the H-bomb, the employees of that corporation should be placed under a restriction which would forbid their giving out information regarding the H-bomb. I think probably that should be done. However, I do not believe such a case would be covered by this amendment, because, as I understand, none of the stock of the du Pont Corp. is owned by the Reconstruction Finance Corporation.

I do not see why the employees of corporations whose stock is owned in part by the RFC should be treated differently from the employees of corporations whose stock is not owned by the RFC. After all, stock ownership is simply a matter of financing.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. CHAVEZ. Is it the purpose of the Senator from Tennessee to exempt employees who might be connected with any corporation in which the RFC has an interest?

Mr. KEFAUVER. That is correct.

Mr. CHAVEZ. That is the purpose; is it?

Mr. KEFAUVER. Yes.

Mr. CHAVEZ. What difference would it make whether a person who commits a crime which is intended to be covered by the provisions of this bill, actually works for the Government or does not work for the Government?

Mr. KEFAUVER. My point is that everyone, regardless of the concern for which he works, should be covered in that connection. However, I take the position that without my amendment, the employees of the Kaiser-Frazer Corp., for instance, would be covered, but the employees of General Motors Corp. would not be covered. It seems to me that either all employees should be covered or else the provision should be limited to Government employees.

Mr. CHAVEZ. I wish to say to the Senator from Tennessee that I understand that his amendment will do so. I think all employees should be covered.

Mr. KEFAUVER. No; the amendment does not cover all of them. We are endeavoring to leave out——

Mr. CHAVEZ. Let me say that I cannot see any reason why certain exceptions should be made, so that if A commits a certain act, it will be held to be a crime because he works for corporation B, but if C commits a similar act, he will not be held to have committed a crime, because he works for the Government.

Mr. KEFAUVER. Of course I think there is a distinction, in this case, between a Government employee and a private citizen. I think the employees of a corporation in which the RFC happens to own some stock are private citizens; and if they are to be covered by this measure, then, in my opinion, all private citizens should be covered by it.

Mr. CHAVEZ. That is my point. I do not think there should be any exceptions. After all, a crime is a crime. If in any particular set of circumstances a certain law applies, it should be applied to everyone.

Mr. KEFAUVER. Mr. President, I yield back the remainder of the time allotted to me.

Mr. FERGUSON. Mr. President, will the Senator from Nevada yield some time to me?

Mr. McCARRAN. I yield to the Senator from Michigan.

Mr. FERGUSON. Mr. President, I wish to present a brief analysis of the amendment.

First, we must know what we are trying to prevent. The purpose of this part of the bill is to prevent Government employees and those working for Government agencies and those who are serving in capacities in which they are likely to receive very vital information which has been classified by the President as being security information, from knowingly and willfully giving such information to foreign agents or to persons who belong to Communist organizations.

Mr. KEFAUVER. Mr. President, this provision is not limited to Communists. It would include Winston Churchill or anyone else who happened to belong to a foreign government.

Mr. FERGUSON. Of course, Mr. President, any of us can be imaginative and can get away up into the clouds in connection with the consideration of these provisions; but it seems to me that we must deal with people who keep their feet on the ground, and certainly the Communists do that. They know where they are going. The purpose of this provision is to prevent the giving out of Government secrets to persons who are known to be Communists.

If any person who owns stock in a Government corporation receives secrets from the Government of the United States—and in such case the fact of his ownership of stock in that corporation would be the basis of his receipt of such secret information—such person should not be permitted to divulge those secrets to Communists.

Mr. KEFAUVER. But on page 11 of the bill, in lines 9 and 10, we find the words "has reason to believe to be an agent or representative of any foreign government."

The bill does not say "Communists" at that point.

Mr. FERGUSON. Mr. President, let me return to what we said in regard to the previous amendment, namely, if a man is an agent of a foreign government, and if he comes to the United States and obtains from an American citizen or from a United States Government agency a secret to which he has no right, that man is an espionage agent. That is the sort of situation we are trying to reach by this measure. There are ample provisions through proper channels to waive this section in the case of representatives of foreign governments who may be entitled to the information.

The only persons who are entitled to receive such secret information are those whom the President of the United States or the heads of the departments allow to have such information. That is as it should be. Should Winston Churchill or anyone else come to the United States and go to certain Government employees and obtain our secrets from them? No; they should go through the channel that is provided for such purposes, namely, the State Department; or they should go to the President of the United States. He has the power to give them those secrets. If he does not, I say such persons should not get the secrets.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. KEFAUVER. The Senator from Michigan knows that in all the departments, practically all documents are marked "confidential" or "restricted." Under such circumstances, it would be impossible for anyone to have a full appreciation of what might be marked "restricted."

This measure does not mean that anyone who might be so charged would have to have seen what was so marked. On the contrary, if such a person should pass on such information third hand, and if subsequently it should turn out to have been marked "restricted," that person would be guilty, because the amendment does not provide that the person passing on the information must have seen it.

Mr. FERGUSON. Mr. President, that is not a fact. The amendment provides that such a person must know that the material is restricted or must have reason to believe that it is restricted. How would that situation develop? It would develop in this way: If certain information is classified by the President or by the head of any Department or agency, with the approval of the President, then if any person knows that a certain paper or certain information has been classified by the President or, on his authority, by someone else as affecting the security of the United States, such person should not give the information to any foreign agent or any foreign government; it should be a crime for anyone to do so.

So we come back to the second part of the amendment, and I think we should have separate votes on the two parts of this issue. The amendment proposes that in order to come within the provisions of this measure, a person who gives to a known Communist or a known foreign agent such secrets belonging to the United States, which have been classified by the President or have been classified under his authorty, must be proved to have an intent to harm the United States.

The Attorney General of the United States came before the committee in regard to the other bill, when it was before us in another form. He does not want that language in the law any longer, because if that language is included—namely, the word "with intent to harm the United States"—it will be found that in almost all cases it is impossible to prove such intent.

After all, what did the defendants in the Coplon case say? They said they never intended to harm the United States. However, it was necessary to prove a specific intent to harm the United States.

So why should it not be made a crime for anyone to give to such person this kind of secret information, regardless of whether they specifically intend to harm the United States. Otherwise, why have classified data? After all, the giving of such information could very easily harm the United States. That is why we should not include these words in this measure, and thus compel the Government to prove beyond a reasonable doubt that when such persons give away such material, they intend to harm the United States.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MUNDT. Is it not true that in the Hiss case, in the Coplon case, and in

all the other cases of that sort, the defendants always said they had no intention of harming the United States?

Mr. FERGUSON. That is correct.

Mr. MUNDT. And it was virtually impossible to prove that they did intend to harm the United States.

Mr. FERGUSON. Of course.

Mr. KEFAUVER. Mr. President, will the Senator cite a case in which it has not been possible to prove intent? If a good, decent, American citizen gives information to a representative of a foreign government, is that American to be put in jail merely because he passes on the information? Should it be possible for such an American to be put in jail unless there is a showing that in talking with the representative of the foreign nation or foreign government, that American citizen intended to harm the Government of the United States? It is unthinkable that such a thing should be provided, Mr. President.

Mr. FERGUSON. Mr. President, I say to the people of all friendly nations as I say to the citizens of America who may go into other friendly nations, the place to obtain information is at the top, not to snoop around and try to get information here and there from people who are not authorized to give information. Suppose this amendment were to apply, and someone asked, "Why should not a man down the line somewhere give information concerning atomic energy secrets?" It ought to be a crime for him to do that, whether he intends to harm the United States or not.

Mr. KEFAUVER. Mr. President, will the Senator yield for a question?

Mr. FERGUSON. I yield.

Mr. KEFAUVER. I have been on missions with Members of the Senate, when I was in the House—even with the distinguished Senator from Michigan. I recently heard the Senator from Washington make a report. Had we gone to a friendly country and had we been confronted with the restrictions such as are contained in this proposed legislation, we would all have returned home very wrought up about it. We would have said, "We cannot get those fellows to tell us anything. They have to run up and see the director of the division. They would not even talk with us." In his recent report, the Senator from Washington told about the vast amount of information which he received and the friendly manner in which he was received by the officials. Had they had in their own country a restriction such as this, the Senator from Washington would have returned home without any information, and he would have favored kicking them all out of the Atlantic Pact, I am afraid.

Mr. FERGUSON. Mr. President, I again say that the agent of any friendly nation who comes to the United States wanting information which is secret, and is classified by the President, should go to the President or to the agency head and obtain clearance, in order that he might receive it.

The PRESIDING OFFICER. (Mr. HOEY in the chair). The Senator's time has expired.

Mr. FERGUSON. I hope that both of these amendments will be voted down.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee.

Mr. KEFAUVER. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. KEFAUVER. Mr. President, I have one more amendment which I desire to offer. It is my amendment of September 11, 1950, lettered "D."

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 11, line 23, after the word "indirectly", it is proposed to insert "with intent to harm the United States."

Mr. KEFAUVER. Mr. President, paraphrasing the provision of the bill, it says that any agent or representative of a foreign government, whether it be friendly or unfriendly, who comes to the United States and seeks to obtain, or attempts to obtain, directly or indirectly, from any officer or employee of the Government, information which turns out to have been classified or confidential, or who attempts to obtain from any corporation the stock of which in whole or in part may be owned by the Government, would then be guilty. The burden would be placed upon a visitor from a friendly nation to this country of ascertaining whether the person with whom he conversed had the authority of the President to impart to him the information desired.

Furthermore, he would have to ascertain whether a corporation from whom he was seeking information had an RFC loan; otherwise he might be getting information which would come within the prohibition of this bill. I think it would completely put an end to communication and exchange of information between the military officials of this country and other countries. For example, it is impractical to expect General Montgomery or some Canadian general who may come here for the purpose of conferring with the military leaders of the United States to ascertain whether, when he is talking with a colonel or with someone connected with the National Resources Board, trying to effect arrangements involving the defense of this country as well as his own country, to be placed in a position of having violated the law unless he first goes to the trouble of finding out what the law is, and, second, finding out whether the person with whom he is talking has been designated by the President or by the agency head as a proper person to impart to him the information sought.

I yield the remainder of my time.

Mr. FERGUSON. Mr. President, I should like to say merely a few words regarding this amendment. It is identically the same as the amendment the Senate voted on before, except that it comes under the "(c)" section regarding the receiving or the attempt to receive information. We should not change the section. The argument which we made regarding the other amendment is also applicable to this. The Attorney General says it is practically impossible to prove intent to harm the United States.

Mr. KEFAUVER. Mr. President, if the Senator will yield, can he cite one case in which the proof of intent broke down?

Mr. FERGUSON. I cannot cite cases, now.

Mr. KEFAUVER. The Senator says it is impossible to prove the intent to harm the United States, yet he is unable to cite any case in support of that contention, I take it.

Mr. FERGUSON. I say it is practically impossible, in view of the fact that the intent must be proved beyond a reasonable doubt.

Mr. KEFAUVER. Will the Senator name one case in which it has not been proved?

Mr. FERGUSON. There have been very few indictments under sections of this kind, and it is therefore impossible to cite cases. The Attorney General says that the inability to prove specific intent is the reason that more indictments have not been returned. That was the situation in the Alger Hiss case. That was the reason assigned for not prosecuting him originally. It was feared that the intent to harm the United States could not be proved.

Referring to the illustration given by the Senator of a supposed visit to this country by General Montgomery, does the Senator think that if he came here for information he would be talking indiscriminately to everyone within the department concerned? No; he would be talking to the head of the department who had been authorized to talk with him. If the head of the department had not been authorized to talk with him, then he should not give him the information requested. There may even be secrets which the President of the United States does not want to have imparted to anyone, and, if he so classifies certain information and does not thereafter declassify it and authorize that it be given to the head of a foreign government, or to a Communist, or to an officer of the Communist Party, then the information should not be imparted.

Mr. O'CONOR. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield for a question.

Mr. O'CONOR. In the event of a duly accredited representative of a foreign government coming to the United States in order to work in conjunction with our own authorities, would it not be possible to have any information which ought to be given to him, given with the approval of the President or head of the department?

Mr. FERGUSON. That is correct, and it will be given to him because he will be contacting the head of the department, and he will be receiving the information which will have been declassified so far as he is concerned.

Mr. KEFAUVER. Mr. President, will the Senator yield to permit me to ask the Senator from Maryland a question?

Mr. FERGUSON. I ask unanimous consent that I may yield for that purpose without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEFAUVER. The question by the Senator from Maryland brings up the very objection I have to this provision.

The Senator from Maryland supposed a case in which the representative of a friendly foreign government comes to the United States and contacts the officials in a certain department. That person ought to have the right to ask the people he is contacting in the Government, who supposedly have been designated for the purpose of giving him certain information, and they ought to be cleared by the President to talk with him. But are we to place upon that representative of a friendly country the burden of ascertaining whether someone in uniform with whom he talks, who apparently has the right to impart to him the desired information, when he goes to the proper place to get the information—are we to require him to insult our country and the people with whom he is talking by asking them, "Have you been cleared by the President to talk with me? I cannot listen to you because I do not know whether you have authority to give me this information."

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. KEFAUVER. I yield.

Mr. FERGUSON. The Senator from Tennessee does not have the floor, but I am glad to yield.

Mr. KEFAUVER. I am sorry.

Mr. KNOWLAND. Let us take for example an atomic scientist who comes to the United States, who perhaps has had full access to our information, and who talks with someone in this Government. Should he not be required to know that the person he talks to is authorized to divulge information of the kind he is seeking. The person, though wearing a uniform, may have no authority, and perhaps should have no authority, to reveal secrets, and it would be a violation of security if he did so. The mere fact that a man wears a uniform of the Army does not entitle the visitor to accept from him information of a secret nature. Anyone who served in the recent war would know that there are various classifications. People were cleared to receive certain types of information. The fact that a man wore a uniform did not of itself entitle him to receive or to impart secret information.

Mr. KEFAUVER. The Senator from California brings up another inequity. This foreign agent might talk with a representative of the du Pont Co. who might be manufacturing a secret weapon. He might talk with complete impunity. But if he talked with some major or colonel who has not been specifically cleared, he would be guilty. A great burden would be placed upon a friendly foreign representative who comes to this country.

Mr. FERGUSON. Mr. President, what we are trying to do is to catch espionage agents who are trying to secure secrets which have been classified by the President of the United States for the safety of America. I hope the Senate will leave the section as it was drawn in the Judiciary Committee, where we spent hours and days trying to make the bill comply with what the Attorney General felt he needed in order to catch espionage agents, so that he would not have to prove beyond a reasonable doubt that they were harming the United States.

I hope the Senate will vote down the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee. [Putting the question.] The "noes" seem to have it.

Mr. KEFAUVER. Mr. President, I ask for a division

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on the third reading of the bill.

Mr. FULBRIGHT. Mr. President, I wish to call up on amendment which was submitted by the Senator from Texas [Mr. CONNALLY].

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Arkansas for the Senator from Texas.

The LEGISLATIVE CLERK. On page 78, beginning with line 21, it is proposed to strike out section 31, including all of page 79 and through line 20 on page 80.

Mr. FULBRIGHT. Mr. President, this is a very important amendment. The Senator from Texas [Mr. CONNALLY] chairman of the Foreign Relations Committee, offered the amendment. He stepped out of the room and I did not anticipate that we would arrive at the point of the third reading of the bill before his return. I have sent for the Senator.

Mr. President, this amendment has to do with the reorganization of an important part of the Department of State. There is a great deal more involved than the simple act of refusing or granting a visa, which I think the Committee on the Judiciary had in mind when they included this provision in the bill. I do not think it is strictly germane to the subject. It may be germane, but it goes further than that which was contemplated in the main part of the proposed legislation.

No hearings were held on this particular matter. The Department of State was never asked to give its views on this particular part of the bill.

I am chairman of a subcommittee of the Committee on Foreign Relations having to do with reorganization of the State Department. Neither that subcommittee nor the full committee had any notice of this provision being included in the bill.

Approximately 2 weeks ago I was notified of a bill on the calendar which, in substance, is the same as this provision of the bill. At the request of the Department of State I objected to it, on the call of the calendar. Since that time, I have looked into the question. Hearings on the general subject of the matter of granting visas were held, but no bill providing for the creation of an autonomous bureau within the Department of State was under consideration at that time. Mrs. Shipley, who is head of the Passport Division, was not requested to appear in connection with the matter. I am informed that she is violently opposed to the provision.

Those are the main considerations, Mr. President. I think it would be hasty and ill advised for the Senate to accept this particular provision without having had hearings on it and without representatives of the Department of State having an opportunity to testify. Only one or two minor officials, including the head of the visa department, were called to testify on the general subject. The bill would create an autonomous bureau and give it a separate status within the Department of State to deal with visas, but the part which is overlooked is that there is a very important political question involved in the granting of visas. Members of the staff were asked hypothetical questions about the admission of a person who might have been engaged in revolutionary activities of a terroristic nature. Presented in that bald fashion, it might be suggested that they should be included. There are grave political questions involved. I think this particular provision was intended to interfere with the exercise of full responsibility by the Secretary of State in this field.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LODGE. I should like to say that the Senator from Arkansas, the Senator from Rhode Island [Mr. GREEN], and I are members of a Subcommittee on the Reorganization of the State Department who looked into this matter. During the time the Tydings committee was in existence the Senator from Rhode Island and I made a special study of the question in the State Department. We felt that the higher-ups in the hierarchy in the State Department should have the responsibility for security, but we found that it was fixed four or five echelons down. It was not high enough up.

So, without sorely condemning the provision in the bill, I should like to have it go to the Foreign Relations Committee so that it can be coordinated and correlated with the very thorough study which was made by the subcommittee, so the responsibility can be fixed for security at the very highest possible level.

That is the thought which comes to me in my study of the bill.

Mr. FULBRIGHT. I thank the Senator from Massachusetts. I think it would be a grave mistake to adopt this provision of the bill without a study of it by the Committee on Foreign Relations.

I shall give only a few illustrations of what was considered in the hearings in connection with another bill. I think we should not hastily include this particular provision.

According to the testimony of Mr. Peurifoy, which was given in a letter, this is not a very important matter. There have been only 10 cases in the past 3 years in which the question would have been decided other than the way in which it would be decided under existing law. I quote one paragraph from a letter which Mr. Peurifoy submitted:

> The Visa Division states that it does not recall more than approximately 10 cases in which this original recommendation that visas be refused on security grounds have not been accepted by the superior officers of the Department within the last 3 years.

So I would say, Mr. President, that even though there is a problem which

needs solution, it certainly is not of major proportions. To solve it at this time would require hasty action without the Committee on Foreign Relations having had an opportunity to examine it. There is no evidence in the hearings themselves that this is a question which is critical and which requires immediate action without a hearing.

Mr. HILL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. I notice that the director of the new agency having to do with passports and visas must be a native-born citizen of the United States, with not less than 10 years' experience in the Foreign Service of the United States, and shall have been at least class I in the Foreign Service.

The head of the present agency, which is the over-all Office of Consular Affairs, happens to be Mr. Samuel D. Boykin, who is a relative of my colleague in the House from the First Alabama District. He could not qualify under this requirement. He is not a class I Foreign Service officer. He came to Washington with Mr. Stettinius when he was head of the Lend-Lease Administration. He left a profitable position in a bank to come with Mr. Stettinius. When Mr. Stettinius went to the State Department, he took Mr. Boykin with him. We know Mr. Boykin as the head of the Consular Service Office. He was Mr. Peurifoy's right-hand man in the matter of security. We know what a fine job Mr. Peurifoy has done. We went so far as to put a special provision in the appropriation bill to raise Mr. Peurifoy's salary, in appreciation of what he had done. Mr. Boykin has done a fine job too. Yet we would legislate Mr. Boykin out of his job.

The VICE PRESIDENT. The Senator's time has expired.

Mr. McCARRAN. Mr. President, the very matter referred to by the Senator from Alabama has been discussed. Mr. Boykin is in the Control Division and is not in the Visa Division at all. It would not affect him at all.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield for a question.

Mr. HILL. Mr. Boykin is the over-all head. What is intended to be done under the bill is to——

Mr. McCARRAN. Mr. President, I have yielded for a question only.

Mr. HILL. I will ask the Senator a question. Under this bill most of what is now under Mr. Boykin's control would be taken away from him.

Mr. McCARRAN. We are not doing anything of the kind. We are setting up a chair in the State Department where visas would be issued out of the State Department, and placing the responsibility where it should belong. It would have contact with all the security agencies of the United States. Today it does not have that contact. It does not have the contact with the security agencies of the United States.

Going back to the remarks made by the able Senator from Arkansas [Mr. FULBRIGHT], he said there were only 10 cases in a number of years.

Question. In how many cases in the course of the last 5 years has a visa been withheld from a person applying as an affiliate of a foreign international organization or foreign government in which the Department of State had received reports, confirmed or unconfirmed, indicating that such person may have engaged in subversive activity prior to the filing of the application for the visa? The term "subversive" when used in this question denotes activity of a subversive nature, often membership in the Communist Party. If it is impracticable for you to transmit to me the specific number of such cases, I should be obliged if you will transmit the best available estimate of the number of cases.

Under date of July 11, 1949, I received a response from Mr. Peurifoy, as follows:

Answer. The Department has no recollection of any case in the course of the last 5 years where a visa has been withheld from a person applying as an affiliate of an international organization or as an affiliate of a foreign government upon the basis of subversive activities of any nature referred to in your letter.

In other words, the record shows that there has not been a case turned down by the State Department however subversive may have been the record of the applicant for a visa. We are creating nothing new. As a matter of fact, the Hoover Commission recommended that the Visa Division be taken out of the State Department and put into the Department of Justice. We are not doing that. We are putting it under a head in the State Department where opportunity will be afforded for contact with all the security agencies of the Government, particularly the FBI and the CIA.

All I have to say with respect to this subject is that there is no more vital part of the bill than this section. If we are to enact a law which will catch these fellows, we ought to catch them in the higher echelons as well as in the lower. The high echelon of Communists today is in the agencies and international organizations who send their representatives into the country under diplomatic immunity. They come here under diplomatic immunity and set up their cells in the diplomatic centers. That was testified to day after day, in volume after volume. The witnesses who gave the testimony before the Judiciary Committee knew what they were talking about. These agencies set up their cells in the diplomatic centers. They come here under diplomatic immunity. They are never turned down. The records show how active they have been in their activities in espionage, and sabotage in foreign countries.

Since 1938 approximately 160,000 visas have been issued to persons in diplomatic status and the testimony is that not a single applicant for a diplomatic visa has been refused a visa on security grounds.

The testimony of the Chief of the Visa Division is that in every case in which the Visa Division has disapproved a visa application involving an official of a foreign government or an affiliate of an international organization on security grounds the visa application has been approved by other divisions in the Department of State, and that such security cases are running at the rate of 8 to 10 a month.

That is what we are trying to head off; that is what we are trying to reach; that is what we are trying to do. There is no use in trying to get the little rat down below. It is the big fellow up above that we should get. We should get the big fellow as well as the little fellow. We have had the case of a subversive agent who has had a record of not one murder but literally of as many murders as he has hairs on his head, who came here under diplomatic immunity. He was turned down by the Visa Division, but when his application came to the political desk in the State Department he got his visa. That is what we are trying to stop. Does the Senate wish to put its stamp of approval on that kind of record? That is the testimony in volume after volume of the hearings.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. FULBRIGHT. Was the Department of State requested to appear before the committee in connection with this bill?

Mr. McCARRAN. We had a representative of the State Department before us. He was Mr. L'Heureux.

Mr. FULBRIGHT. He is in the Visa Division?

Mr. McCARRAN. Yes.

Mr. FULBRIGHT. Was the Secretary of State ever requested to appear before the committee?

Mr. McCARRAN. Mr. L'Heureux knows more about the subject than the Secretary of State will know in the next 50 years. Mr. L'Heureux aided us by giving us information in the drafting of the bill.

Mr. FULBRIGHT. He gave information with respect to how visas were granted?

Mr. McCARRAN. Yes.

Mr. FULBRIGHT. Did he recommend a reduction in this Division?

The VICE PRESIDENT. The time of the Senator has expired.

Mr. HILL. Mr. President, I offer a perfecting amendment, to strike out on page 79, line 4:

The Director shall be a native-born citizen of the United States with not less than 10 years' experience in the Foreign Service of the United States, and shall have attained at least class 1 in the Foreign Service. He shall be appointed by the President by and with the advice and consent of the Senate.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. HILL. Yes.

Mr. McCARRAN. Does not the Senator want a native-born American to hold the position?

Mr. HILL. I want a native-born American to hold the position, but I do not want to legislate a man out of a job by action of Congress, when no hearings have been held on the proposed legislation and no opportunity was given to Mr. Boykin to appear before the committee. We have in the State Department the Office of Consular Affairs.

That office has several divisions. One division is the Visa Division. Another division is the Passport Division. Another division is what is called the Division of Protective Services, which deals with the welfare of our American Foreign Service personnel. The fourth division is the Security Division of the State Department. They are all tied in together. They work together. They are coordinated as a unit. The Visa Division and the Passport Division should be tied in with the Security Division, because visas and passports many times go to the very question of security. This provision of the bill would take the Visa Division and the Passport Division from the Office of Consular Affairs and set them up as more or less separate or autonomous agencies. What we would be doing actually would be to legislate a good man, who is now the head of the Consular Services, out of a job. To say the least, it is taking the dog away and leaving perhaps the tail. It should not be done, certainly since there has been no real examination of the provision, no real hearings on it.

Mr. McCARRAN. The Senator is in error in that.

Mr. HILL. Was Mr. Boykin given an opportunity to appear?

Mr. McCARRAN. He is not affected. He is not in the least affected.

Mr. HILL. He is very definitely affected. He may be left something, but if he is, as I have said, it will be only the tail, with the dog all gone, in this independent, autonomous, new agency. The bill goes so far as to provide that this new agency shall have its own counsel, its own solicitor, its own legal adviser.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. McCARRAN. Would the Senator consider a change which would strike out the words on line 5, page 79, "with not less than 10 years' experience in the Foreign Service of the United States, and shall have attained at least class 1 in the Foreign Service"?

Mr. HILL. Certainly. I would have no objection to requiring that this man, whoever he may be, shall be a native born citizen, but the language which the Senator suggests striking out is the language to which I very much object. As I understand the Senator, if I will modify my amendment, he is willing to accept it.

Mr. McCARRAN. I am willing to join with the Senator in striking out the words "with not less than 10 years' experience in the Foreign Service of the United States, and shall have attained at least class 1 in the Foreign Service."

Mr. HILL. Mr. President, in line with the suggestion of the distinguished chairman of the Committee on the Judiciary, I so modify my amendment.

The VICE PRESIDENT. The Senator modifies his amendment.

Mr. HILL. I had promised to yield to the senior Senator from Texas, and I yield him the remainder of my time.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. The Senator from Texas has 3 minutes.

Mr. CONNALLY. I very much hope the Senate will not agree to this provision of the bill. There were no hearings on this particular feature of the bill. The State Department never had an opportunity to appear before the committee and explain its opposition to it. The Secretary of State is very strongly against this provision. He has talked to me personally about it, and he thinks it will disrupt his organization.

In order that the Senator from Nevada may have his bill passed, it is not necessary for him to try to reorganize a department of the Government. He complains of the visas for higher officials of foreign governments. If the governments are recognized by the Government of the United States, and if we are doing business with them, we have to admit their official representatives, when they have passports, and come here accredited as the representatives of their governments. We cannot shut them out. That was done in the case of Spain, and the Senator from Nevada complained of it, and I complained of it. We have no right to discontinue diplomatic relations with governments with whom we are at peace, and which have been recognized by the United States.

Mr. President, section 31 sets up an independent agency within the Department of State over which the Secretary of State would have little if any authority or control. Do Senators believe in that? I do not believe in it. If there is a Secretary over any Department he ought to have control of the Department, and not have a lot of little puppets sitting around doing the bidding of somebody else.

Mr. President, my amendment strikes out the objectionable language, and leaves the Department of State with its Passport Division and with its Visa Division. If the right people are not in charge, let the Department select the right people. What assurance has the Senator from Nevada that if his bill goes through as it is there will be selected the people he wants selected? I do not know who they are, but he has no doubt some choices. He seems to "have it in" for many people in the Department of State. So have one or two other Senators who have been complaining of the Department of State.

Mr. President, if Senators want to disrupt this particular service and create chaos and confusion, let them vote against my amendment. If they want it to go on as it has always gone on, in an orderly, peaceful, well-organized way, let them vote for the amendment. That is what they ought to do. That is what the Secretary of State wants done. That is what those who have been administering these bureaus want done. They know what they are doing. They have experience. We cannot exclude from the United States the diplomatic staffs of foreign governments.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from Illinois.

Mr. LUCAS. Would not the proposed action cause retaliation by all countries of the world, so far as our own diplomats are concerned?

Mr. CONNALLY. Of course; at least, if they have any spirit they will say, "You don't admit our people to the United States; we will not admit your people to our countries."

We do not send ambassadors and representatives to foreign countries for their benefit. We send them there for our benefit. We want to know what is going on in those countries. They are our missionaries, and I protest against a policy which would isolate us, cutting us off from the rest of the world, a policy which would engender recrimination and the following out of a similar policy in other countries.

Mr. President, we are engaged in considering a bill for domestic peace and security.

The VICE PRESIDENT. The Senator's time has expired.

Mr. CONNALLY. Very well. I thank the Senate.

Mr. McCARRAN. Mr. President, I regret exceedingly that the Senator from Texas has indulged in erroneous statements as to what is provided. The bill specifically provides that the head of the Visa Division shall perform his duties under the general direction of the Secretary of State. He is one of the Secretary's subordinates, and under his direction, appointed by the President and confirmed by the Senate.

Mr. President, under the Constitution, ambassadors, ministers and consuls are received by the President of the United States. He may make his own regulations for receiving them. But those who come under that category come to and receive their entree from the State Department. When they come here they get their visas from the State Department. The State Department issues the visas. There is no other department which issues them. The pending bill does not require that any other department shall issue them. It was recommended by the Hoover Commission that the whole visa section be transferred to the Department of Justice. We do not go along with that. We keep it in the State Department, where it has been, and where it will be.

What we do is to place the power and responsibility as to visas in one individual in the State Department, who would be appointed by the Secretary of State, with the approval of the President, and confirmed by the Senate. We say to him, "You shall have the advice and counsel of the FBI and every other security agency of the Government." That is denied today to those who grant visas.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Does the Senator say that the FBI's information is denied to the Visa Division today, that they cannot correspond or get advice from them?

Mr. McCARRAN. The record shows that the reports are filtered through other divisions, and they never come to those who grant the visas.

Mr. FULBRIGHT. I read the hearings last night, and they are not filtered through. They come through the Security Division as a matter of routine. That is in order to make them available to the State Department.

Mr. McCARRAN. The Senator has read something entirely wrong, because he is in error. The provision we are discussing was drafted after the testimony had been taken and studied and worked out. And who helped us do it? The Visa Division, the officials of the Visa Division, Mr. L'Heureux, and those under him.

Mr. FULBRIGHT. I read the testimony last night, and it did not say the information was filtered through others. It said there was a routine channel through which the information was received from the FBI.

Mr. McCARRAN. What happens, assuming somebody gets an FBI report and the FBI report shows that a certain individual is a Communist or saboteur in a foreign country, and he is turned down by the FBI on that information? When it goes to another desk the turndown is revoked. That is the record.

Mr. FULBRIGHT. That relates only to diplomatic personages and to those connected within the United Nations. It does not relate to the ordinary individual. In this case, as the Senator from Texas clearly has pointed out, the question is a political one. It is a matter of policy whether we want to exclude the Ambassador from Russia. Of course, he is a Communist, and very likely he is a terrorist.

Mr. McCARRAN. Who will this provision stop? It will stop saboteurs and Communists of a dangerous nature. Those are the only ones it will stop. It will make one individual in the State Department responsible. Today if one went through the Department with a fine-tooth comb he could not find who is responsible.

Mr. FULBRIGHT. Is it the purpose to stop any Russian from coming to the United Nations or to stop anyone from an iron-curtain country from coming to the embassy of that country in the United States? If the Senator wants to do such a thing, this is the way to do it.

Mr. McCARRAN. I say, Mr. President, that this is one of the most vital parts of the bill. We can enact all kinds of legislation to stop all kinds of Communists from coming here, but if they can come here under diplomatic immunity and set themselves up here, and if the State Department, through one maneuver or another does not refuse to deny such persons visas, then what have we done?

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. CHAVEZ. I understand the purpose of the provision. But if, as it now reads, it were to become law, and it should be found that every member of the staff of the Russian Embassy, or every person in the Russian Embassy, from the Ambassador down, was a Communist, they would be deprived of entering the United States.

Mr. McCARRAN. No. Only saboteurs and those engaged in sabotage.

Mr. CHAVEZ. How are we to carry on diplomatic relations with a country with which we are not at war, notwithstanding we do not agree with what that country stands for?

Mr. McCARRAN. There is nothing in the bill which touches diplomatic representatives to this country.

Mr. CHAVEZ. But it is proposed to do something that will.

Mr. McCARRAN. If some persons connected with the Diplomatic Corps come here and our security agencies show that they have been engaged in sabotage abroad, and that they are coming here for the purpose of carrying on sabotage in this country, and they apply to the Department of State for visas, we say they should not be granted visas. Membership in the Communist Party does not mean anything. We are not trying to stop members of the Communist Party from coming here.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. TYDINGS. If a representative of Russia, for example, coming into the United States, as an accredited representative of Russia, had against him no record of being a saboteur, but was an open and avowed Communist, could he or she enter the United States under the provision contained in the bill?

Mr. McCARRAN. Certainly.

Mr. TYDINGS. It is only in case the person's record establishes that he is a saboteur that he cannot come here?

Mr. McCARRAN. Yes.

Mr. TYDINGS. Must the record be a court record?

Mr. McCARRAN. The record must be established by the FBI or other security agencies. That is the best record we can secure under the circumstances.

Mr. TYDINGS. Would such a record against the person be established before he came into this country or after he came into this country?

Mr. McCARRAN. The record might be established and be here to greet him when he arrived. It might be that such a record was in the hands of the State Department before he arrived, or such a record might be established after he arrived.

Mr. TYDINGS. Is it possible for individuals to come here without their records having been investigated in advance?

Mr. McCARRAN. Yes; that is possible.

The VICE PRESIDENT. The Senator's time has expired.

Mr. HILL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HILL. As I understand, the first vote will be on my amendment, as modified, and as agreed to by the distinguished Senator from Nevada [Mr. McCARRAN], the chairman of the Committee on the Judiciary.

The VICE PRESIDENT. The first vote will be on the amendment, as modified to the Connally amendment.

Mr. McCARRAN. Mr. President, I understand the Senator from Alabama has modified his amendment.

The VICE PRESIDENT. Yes; the Senator from Alabama has modified his amendment.

Mr. HILL. Yes; I modified my amendment in line with the suggestion of the Senator from Nevada.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Alabama [Mr. HILL] as modified. [Putting the question.] The "ayes" seem to have it. The "ayes" have it, and the amendment, as modified, is agreed to.

Mr. McCARRAN. Mr. President, I ask for a division. I beg the Chair's pardon. I misunderstood the announcement made by the Chair.

The VICE PRESIDENT. The Chair held that the amendment of the Senator from Alabama, as modified, to the amendment was agreed to. The question now is on the amendment of the Senator from Texas, as amended.

Mr. McCARRAN. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. Will the Chair kindly state the question as it now is being voted on?

The VICE PRESIDENT. The question is on the amendment of the Senator from Texas [Mr. CONNALLY] to strike out section 31, as amended by the amendment of the Senator from Alabama.

The yeas and nays having been ordered, the roll will be called.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Illinois [Mr. DOUGLAS], the Senator from Georgia [Mr. RUSSELL], and the Senator from Oklahoma [Mr. THOMAS] are unavoidably detained on official business.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Mississippi [Mr. STENNIS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

I announce further that if present and voting, the Senator from Illinois [Mr. DOUGLAS] would vote "yea."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from New Hampshire [Mr. TOBEY] would vote "nay."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from Maine [Mr. BREWSTER] would vote "nay."

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business and, if present, would vote "nay."

The Senator from Ohio [Mr. TAFT] is necessarily absent, and, if present, would vote "nay."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Wisconsin [Mr. MCCARTHY] is detained on official business.

The result was announced—yeas 40, nays 33, as follows:

YEAS—40

Anderson	Holland	McClellan
Benton	Humphrey	McFarland
Chapman	Hunt	McKellar
Chavez	Ives	McMahon
Connally	Johnson, Tex.	Morse
Ellender	Kefauver	Murray
Frear	Kerr	Myers
Fulbright	Kilgore	Neely
Gillette	Langer	O'Conor
Graham	Leahy	Sparkman
Green	Lehman	Taylor
Hendrickson	Lodge	Tydings
Hill	Long	
Hoey	Lucas	

NAYS—33

Bricker	Gurney	Mundt
Butler	Hickenlooper	O'Mahoney
Byrd	Jenner	Robertson
Cain	Johnson, Colo.	Schoeppel
Capehart	Kem	Smith, Maine
Cordon	Knowland	Thye
Darby	McCarran	Watkins
Dworshak	Magnuson	Wherry
Ecton	Malone	Wiley
Ferguson	Martin	Williams
George	Millikin	Young

NOT VOTING—23

Aiken	Hayden	Stennis
Brewster	Johnston, S. C.	Taft
Bridges	McCarthy	Thomas, Okla.
Donnell	Maybank	Thomas, Utah
Douglas	Pepper	Tobey
Downey	Russell	Vandenberg
Eastland	Saltonstall	Withers
Flanders	Smith, N. J.	

So Mr. CONNALLY'S amendment was agreed to.

Mr. TYDINGS. Mr. President, I move that the Senate take up the motion entered earlier in the afternoon to reconsider the vote by which the Lucas detention camp amendment was rejected. I should like to address myself to that matter for 7½ minutes.

The VICE PRESIDENT. Without objection, the Senator may proceed.

Mr. FERGUSON. Mr. President, I move to lay on the table the motion to reconsider.

Mr. TYDINGS. Mr. President, I do not yield for that purpose.

The VICE PRESIDENT. The Senator from Maryland has moved that the Senate reconsider the vote on the Lucas detention camp amendment and the Senator requests recognition for a limited time. The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, the chief damage or harm or danger to our country from saboteurs and Communists will occur, if it does occur, chiefly in time of war. It will occur if our country is invaded. Certainly if our country is invaded or if our country is at war, that will be the time, above all others, to make sure that persons who are bent on poisoning water systems or on dynamiting the bridges or on doing other acts which could seriously cripple our national defense, shall not be permitted to roam at large over the United States.

I have read in the press, and I believe the report to be accurate, although I cannot authenticate it, that Mr. J. Edgar Hoover has stated that there are a certain number of Communists in the United States, and that of that number a certain percentage are classified as dangerous persons, and that if we were to have war, they would be arrested immediately. I do not know what authority would be to arrest them, unless we provide such authority in this bill. That is the purpose of the amendment to which I refer.

I venture to say now that at the very moment when the United States became engaged in war, at the very moment when the United States was invaded, Congress would adopt an amendment of this sort. Let us make no mistake about it, Mr. President: the American people will demand the enactment of such a law.

This amendment is the most important one in this entire bill, because the registration of such persons in peacetime will not prevent their going abroad and carrying on their work surreptitiously. We wish to prevent them from doing such things in time of war, when our boys are engaging in battle and are dying in battle. That is the purpose of the amendment.

The amendment provides that in the event of invasion of the territory of the United States or its possessions, or a declaration of war by Congress, or an insurrection in the United States in aid of a foreign enemy, such persons can be arrested.

A certain procedure would be prescribed. First of all, such persons would have to be arrested on a sworn warrant stating certain reasons why they were not desirable citizens. Then they would be put in a camp; and within 48 hours they would be given a preliminary hearing. Then a board would be set up to hear them further, in the event they were not released as the result of the preliminary hearing. That board would scan all the evidence. Then there would be the right of appeal to the courts. So a procedure would be provided for the release of innocent persons.

However, in the meantime we are living in an age of total warfare, an age of disease germs, an age of atomic weapons; we are living in a time when we shall need to be able to rely upon the communication systems to remove the populations of great cities to places of safety, secure from destruction by atomic bombs or attack by other means.

I think this amendment would be the strongest possible provision of that sort. If my country goes to war, I want those who are known to be saboteurs, those whom the able Senator from Nevada has just said should not be admitted into the United States, although some of them are actually here, not to be allowed to roam at will throughout our country, while our Nation is at war and while our boys are fighting on the battlefields and, in many cases, are dying there. While our Nation and our boys are in that situation, I do not want such persons free to roam at will over the United States, able to poison our water systems or to blow up our bridges. If we are going to permit that, then, so far as I am concerned, all the rest of this bill is merely conversation. We have marched up the hill, and when we get within sight of the top we stop. The real goal is to put saboteurs out of circulation in time of real emergency, when we are actually at war, when we are threatened with an actual invasion. To say we cannot arrest them and put them away, at least until they can prove that they deserve to be liberated, to me is to expose this country to the greatest of all dangers. I am not so much worried in time of peace.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. JOHNSON of Colorado. I understand the provisions for putting these people into camps, and I consider them to be very good. But, when the war is over, will the people automatically be released from the concentration camps, or what will happen?

Mr. TYDINGS. There are sections in the bill providing for their release under certain conditions. The President can authorize it under certain conditions. It can be done. They are not to be kept there forever, when the war is over. But I may say to the able Senator from Colorado, they ought not to be released until it is safe to release them, and until the situation is such that they cannot do damage. We are dealing with the lives of millions of people in the United States. Never again will a war be fought between great powers, with the fighting confined to the men who wear uniforms. Future wars involving this country will be fought by the people of Washington, Boston, Baltimore, and Chicago. We have got to protect this country against that emergency.

Mr. JOHNSON of Colorado. Mr. President, if the Senator will yield further, it occurs to me that the subversives ought to be confined during the period of war, but that, when the Nation moves out of a state of war, we ought not to have concentration camps.

Mr. TYDINGS. I agree with the Senator. I think there are provisions in the bill to declare that situation exactly as the Senator wants it. But what I am concerned with is that here we have been all afternoon debating a bill to make this country safe in peacetime, and have not put teeth into the bill to make it safe in wartime.

Mr. WHERRY. Mr. President, will the Senator yield?

The VICE PRESIDENT. The time of the Senator from Maryland has expired.

Mr. TYDINGS. I am sorry. I should have liked to yield.

Mr. MCCARRAN. I yield to the Senator from Michigan [Mr. FERGUSON].

The VICE PRESIDENT. Does the Senator from Nevada yield his entire time to the Senator from Michigan?

Mr. McCARRAN. I do.

Mr. FERGUSON. Mr. President, I recognize the position of the Senator from Maryland. He is a lawyer, and I am sure that he wants to follow the Constitution of the United States. There are many Senators who feel that we should have a real weapon against the Communists, because we are firmly of opinion that they are prospective saboteurs, espionage agents, and doers of evil to the American way of life, and that in case of war with Russia we might anticipate grave danger from them.

The question is, How can we do this constitutionally? No one wants to adopt the very system which we are fighting. So long as we can proceed in this effort constitutionally, we should try to proceed in that way.

This proposal was never brought to the attention of the Judiciary Committee. It is one of those "death-bed confessions" which come in at the last moment, without an opportunity for the Judiciary Committee really to consider it and to safeguard its constitutionality. If we could put in the bill, say at the end of section 117, the separability section, a provision which would show that the Senate did not intend to do anything unconstitutional but intended to keep within the realm of the Constitution to act as firmly as possible under the Constitution, we would then be rendering a service. So, if we could add something like this:

Nothing contained in this title—

That is the title pertaining to the concentration camp—

Nothing contained in this title shall abridge any right or privilege of any citizen of the United States guaranteed to him by the fifth or sixth amendment to the Constitution of the United States, or the right of any such citizen to petition for and to receive a writ of habeas corpus unless such right has been duly suspended in conformity with the provisions of the Constitution.

The conferees could then work out a provision which would be constitutional and which would comply with the fifth and sixth amendments of the Constitution. But, Mr. President, there is no doubt that, in its present form, the amendment is not constitutional. I know how difficult it is. While we want to control Communists, we do not want to do that which could be even worse, and that is, to pass unconstitutional legislation. So if we were to indicate to all, and particularly to the conference committee, that it is the intention of the Senate to comply with constitutional provisions, in case of war or insurrection, as the amendment has now been changed, I believe that we could do something with it in the conference.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. FERGUSON. I am glad to yield.

Mr. LUCAS. As I understand, there is nothing to prevent the conferees from writing that provision into the bill, after studying it in conference, if they want to do so. There is a question in my mind as to whether we ought to accept it at this time. But, if we adopt this amendment and then, in conference, it is found unsatisfactory to the conferees, they can write in a provision and bring it back to the two Houses.

Mr. FERGUSON. Mr. President, will the Senator from Illinois accept, for example, a provision which says to the conferees that we want it redrafted, or we want to have it framed in such language as will not abridge any right under the amendments to the Constitution? I am sure the Senator from Illinois, being a lawyer, does not want to violate any of the constitutional provisions.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield for a question.

Mr. ROBERTSON. I am in total sympathy with the position the Senator has announced. That is, we want to tighten this bill. We must have this added power in time of war or of insurrection. But we do not want to become totalitarian, ourselves, in order to do it. We do not want to write into this bill something that is entirely unconstitutional, thus inviting a veto, which might be sustained.

What I want to know is, what is the practical approach? Will the sponsors accept this suggestion? If so, how shall we vote? That is what is confronting us. How can we attain this objective?

Mr. FERGUSON. If the chairman of the Judiciary Committee accepts this amendment and asks the Senate to adopt it, we might, in conference, arrive at a proper provision.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. LUCAS. The amendment suggested by the Senator from Michigan says:

Nothing contained in this title shall abridge any right or privilege of any citizen of the United States guaranteed to him by the fifth or sixth amendment to the Constitution of the United States, or the right of any such citizen to petition for and to receive a writ of habeas corpus unless such right has been duly suspended in conformity with the provisions of the Constitution.

All we are doing, it seems to me, is to add a few words. It makes no difference whether we put this in the bill or not, since we cannot abridge by legislation rights guaranteed by the Constitution. If the Supreme Court finally determines that we have violated the fifth or sixth amendment by this legislation, this would make no difference whatever. However, in order to get along with the bill, I am willing to accept it as a modification to the amendment, if it will help the Senator from Michigan any.

Mr. FERGUSON. It will certainly be of assistance.

Mr. LUCAS. I do not think it means a single thing, but I will accept it as a modification.

Mr. MUNDT. Mr. President, will the Senator yield long enough for me to answer the question of the Senator from Virginia [Mr. ROBERTSON]? I think it is a very pertinent and practical question.

Mr. FERGUSON. I yield, if I may have unanimous consent that in so doing I do not lose the floor.

Mr. MUNDT. It seems to me, now that we have reached an agreement for working out a legal and constitutional amendment, the way for us to proceed is for the Senate to approve the motion made by the Senator from Maryland to reconsider the defeated language, and then since everyone has agreed on how to change it, to move that the rewriten provision be added to the bill in the new language which will carry out the desires of all of us as just expressed by the Senator from Michigan.

The VICE PRESIDENT. That is the only way by which the amendment can be amended, namely, by reconsidering the vote by which it was agreed to.

Mr. FERGUSON. That is correct. I am proposing the amendment I have suggested, and I should like to hear from the Senator from Nevada.

Mr. McCARRAN. We have not reached that point as yet. We are only on the question of whether we shall reconsider the vote. When reconsideration has been determined upon, I shall then offer a substitute for the amendment offered by the Senator from Illinois, which will eliminate from his provision everything that is unconstitutional and will guarantee also the rights which the Senator from Michigan has suggested. It is now too early for that.

Mr. FERGUSON. May I ask the Senator this question: When his amendment comes up for a vote, will he accept this proposed amendment?

Mr. McCARRAN. I certainly will, because it should be in the bill.

The VICE PRESIDENT. The Senator's time has expired. All time of the Senator from Maryland [Mr. TYDINGS] has expired. The question is on agreeing to the motion to reconsider the vote by which the amendment of the Senator from Illinois was rejected.

Mr. LUCAS and other Senators requested the yeas and nays.

The VICE PRESIDENT. The question is on the motion to consider the motion to reconsider; it is not on the motion itself. [Putting the question.] The "ayes" have it, and the motion is agreed to.

The question now recurs on the motion to reconsider the vote by which the amendment of the Senator from Illinois was rejected.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. When will the Senator from Nevada [Mr. McCARRAN] have an opportunity to explain the amendment about which he has been speaking? Will it be in connection with the motion to reconsider?

The VICE PRESIDENT. The Senator will have that opportunity after the motion to reconsider is disposed of.

Mr. WHERRY. If it is agreed to, we shall be back where we started from?

The VICE PRESIDENT. That is correct. If it is not agreed to, we are through.

The question is on agreeing to the motion to reconsider the vote by which the amendment offered by the Senator from Illinois was rejected.

The motion was agreed to.

The VICE PRESIDENT. The amendment of the Senator from Illinois is now before the Senate.

Mr. McCARRAN. Mr. President, I send forward a substitute for the amendment offered by the Senator from Illinois.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. On this substitute will there be 15 minutes allowed, 7½ minutes for the Senator offering the amendment and 7½ minutes for the opponents?

The VICE PRESIDENT. That is correct.

Mr. WHERRY. After that is done, will there still be 15 minutes left on the so-called Lucas amendment, or has that time been consumed?

The VICE PRESIDENT. The Chair is of the opinion that it has been consumed.

Mr. WHERRY. So there is only 15 minutes time left on this particular substitute?

The VICE PRESIDENT. That is correct.

The Senator from Nevada has offered a long amendment, which will take 15 or 20 minutes to read. Does the Senator want it read at this time?

Mr. McCARRAN. I do not care about having it read, Mr. President. It is the amendment offered by the Senator from Illinois with certain provisions stricken out which we regard as being unconstitutional.

The VICE PRESIDENT. Without objection, the amendment will not be read.

The Senator from Nevada is recognized for 7½ minutes.

Mr. McCARRAN. Mr. President, I have sent to the desk an amendment. This amendment consists of the text of the bill S. 4130, altered to the extent necessary, in the opinion of the Senator from Nevada, to make it constitutional. I offer this amendment in order to give my colleagues a chance to vote on the question of detaining Communists, in the event of war or invasion, without having to vote on an unconstitutional provision.

Mr. President, this amendment I have proposed retains the spirit of the amendment offered by the Senator from Illinois, which was defeated here today by a very close vote. This amendment would permit the Attorney General to issue warrants for the apprehension of likely saboteurs or espionage agents and orders for their detention. But it would not permit apprehension without a warrant, or detention without an order.

This amendment retains the machinery of a board of appeals, but makes it a bipartisan board.

This amendment provides for real preliminary hearings, by real hearing officers, with the constitutional rights of the detainee fully preserved with respect to every feature of the hearing.

This amendment eliminates the provision permitting the prosecuting authority to appeal from a verdict of acquittal.

This amendment eliminates the provision for star-chamber sessions, while still protecting the right of the Attorney General to protect security information. But under this bill, Mr. President, if the Attorney General wanted to keep secret the evidence against a detainee, he would have to let the detainee loose. Unless the Attorney General could produce enough evidence to satisfy the board that the detainee is in fact dangerous to national security, then the detainee may have his freedom. Any different provision would be un-American.

Mr. President this amendment would permit the state of "internal security emergency" to be declared only in case of invasion, declaration of war, or insurrection within the United States in aid of a foreign enemy. Those are contingencies which would justify suspension of the writ of habeas corpus, is required for the national safety.

This amendment specifically protects the right of habeas corpus, subject only to the power of the President to suspend the writ as provided in the Constitution.

This amendment eliminates the technical definition of the phrase "Attorney General," under which it meant any person designated by the President, and leaves the administration of the whole detention program where it belongs, in the hands of the Attorney General. This amendment also eliminates the inspector of detention, as such. The Attorney General may have assistants, of course, but a specific provision for appointment of an official to head up a system of concentration camps does not appear in this amendment.

This amendment contains authority for appropriations to pay for the cost of administering the law, if it is put into effect. The bill offered by the Senator from West Virginia was lacking in this respect.

This amendment guarantees detainees speedy hearings, and speedy appeals. It contains all other safeguards of due process, and of the traditional Anglo-American system of justice, which it has been possible to write into it in the brief time available.

Undoubtedly a better job of rewriting could be done, Mr. President, but I am willing to leave that job to the conferees. Here is an amendment which contains the principal of detaining Communists and others who would be a threat to our national security in time of emergency; but an amendment from which all the major constitutional objections, which I have previously voiced to S. 4130, have been removed.

I ask that the amendment which I have offered be offered in the names of the Senator from Michigan [Mr. FERGUSON], the Senator from South Dakota [Mr. MUNDT], and myself.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment will be printed at this point in the RECORD.

The amendment offered by Mr. McCARRAN for himself and other Senators is as follows:

At the end of the bill insert a new title, as follows:

"TITLE II—EMERGENCY DETENTION

"SHORT TITLE

"SEC. 100. This title may be cited as the 'Emergency Detention Act of 1950.'

"FINDINGS OF FACT AND DECLARATION OF PURPOSE

"SEC. 101. The Congress hereby finds that—

"(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a worldwide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide Communist political organization.

"(2) The establishment of a totalitarian dictatorship in any country results in the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

"(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by an identity between such party and its policies and the government and governmental policies of the country in which it exists, such identity being so close that the party and the government itself are for all practical purposes indistinguishable.

"(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

"(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, including the United States, political organizations which are acknowledged by such Communist dictatorship as being constituent elements of the world Communist movement; and such political organizations are not free and independent organizations, but are mere sections of a single world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

"(6) The political organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist political organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

"(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

"(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the traditional Communist methods referred to above, and

in accordance with carefully conceived plans, already caused the establishment in numerous foreign countries, against the will of the people of those countries, of ruthless Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

"(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

"(10) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

"(11) The experience of many countries in World War II and thereafter with so-called fifth columns which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

"(12) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, imminent invasion, war, insurrection in aid of a foreign enemy or other extreme emergency, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

"(13) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

"(14) The detention of persons who there is reasonable ground to believe may commit or conspire with others to commit espionage or sabotage is, in such a time of emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

"(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect, and defend the Constitution, the Government, and the people of the United States.

"DECLARATION OF 'INTERNAL SECURITY EMERGENCY'

"SEC. 102. (a) In the event of any one of the following:

"(1) invasion of the territory of the United States or its possessions,

"(2) declaration of war by Congress, or

"(3) insurrection within the United States in aid of a foreign enemy,

and if, in addition to one or more of the above, the President shall find that the proclamation of such an emergency is essential to the preservation, protection, and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an 'internal security emergency.'

"(b) A state of 'internal security emergency' (hereinafter referred to as the 'emergency') so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

"DETENTION DURING EMERGENCY

"SEC. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General, is hereby authorized to apprehend and by order detain, pursuant to warrants or orders issued under section 104, each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or of sabotage.

"(b) Any person detained hereunder (hereinafter referred to as 'the detainee') shall be released from such emergency detention upon—

"(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

"(2) an order of release issued by the Attorney General;

"(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

"(4) a final order of release by a United States court after review of the action of the Board of Detention Review, or upon a writ of habeas corpus.

"PROCEDURE FOR APPREHENSION AND DETENTION

"SEC. 104. (a) The Attorney General, or such officer or officers of the Department of Justice as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

"(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage; and

"(2) an order for the detention of such person for the duration of such emergency. Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

"(b) Warrants for the apprehension of persons ordered detained under this title shall be served, apprehension of such persons shall be made, and orders for the detention of such persons shall be executed only by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension and a copy of the order for detention shall be furnished to any person apprehended under this title at the request of such person.

"(c) Persons apprehended under this title shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

"(d) Within 48 hours after apprehension, or as soon thereafter as provision for it may be made, each detainee shall be accorded a preliminary hearing before a preliminary hearing officer appointed pursuant to the applicable provisions of the Administrative Procedure Act. At such hearing the detainee shall have the right to be advised of his legal rights and of the identity of his accuser or the informant against him, if any, and of the grounds on which his detention was ordered; and to question or cross-question any witnesses against him. The hearing officer shall record any information offered or objections made by such detainee, shall receive any additional written evidence or representations such detainee may wish to file with the Attorney General within 7 days after the preliminary hearing, and shall prepare and transmit to the Attorney General, or such other officer as may be designated by him, and serve on the detainee a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether the order for the detention of such person shall be continued in effect or revoked. Preliminary hearings officers may be appointed at such places and in such numbers as the Attorney General deems necessary for the expeditious consideration of detainees' cases.

"(e) The Attorney General, or such other officers of the Department of Justice as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee may engage in, or may conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

"(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court and the detainee to the fullest extent possible consistent with national security the evidence supporting his finding of reasonable ground in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States.

"(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary to promote the effective administration of this title.

"(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this act.

"DETENTION REVIEW BOARD

"SEC. 105. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the 'Board') which shall consist of nine members, not more than five of whom shall be members of the same political party, appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of 1 year each, three for terms of 2 years each, and three for terms of 3 years each, but their successors shall be appointed for terms of 3 years each, subject to termination of the term upon expiration of this act, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as

Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

"(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

"(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board and of all pending appeals in the courts from orders of the Board, the President shall dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

"SEC. 106. (a) Each member of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, regional examiners, and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

"(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be paid out of appropriations made therefor, and there are hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for that purpose.

"SEC. 107. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may conduct any hearing necessary to its functions in any part of the United States.

"SEC. 108. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this act. All procedures of the Board shall be subject to the applicable provisions of the Administrative Procedure Act.

"SEC. 109. (a) Any Board created under this title is empowered—

"(1) to review upon petition of any detainee any order of detention issued by the Attorney General;

"(2) to determine whether there is reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage;

"(3) to issue orders confirming, modifying, or revoking any such order of detention; and

"(4) to hear and determine any claim made by any detainee pursuant to this paragraph for indemnification for loss of income by such detainee resulting from detention pursuant to this title without reasonable grounds, as shown by the issuance of a final order of the Board or of a court revoking such detention order. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

"(b) Whenever a petition for review of an order for detention issued by the Attorney General or for indemnification pursuant to the preceding subsection shall have been filed with the Board by any detainee or any person who has been a detainee, in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the detainee and the Attorney General at a place therein fixed, not less than 15 days after the serving of said notice and not more than 45 days after the filing of such petition.

"(c) In any case arising from a petition for review of an order for detention issued by the Attorney General, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or first-person evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

"(d) (1) Any member of the Board shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board, or any hearing examiner of the Board conducting any hearing authorized by this title. Any hearing examiner may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(e) (1) Notices, orders and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail, or by telegraph of by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

"(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify and present witnesses on his behalf.

"(g) In any proceeding before the Board under this title the Board and its hearing examiners are authorized to consider under regulations designed to protect the national security any evidence of Government agents and officers the full text or content of which cannot be publicly revealed for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

"(h) In deciding the question of the existence of reasonable ground to believe a person might engage in or conspire with others to engage in espionage or sabotage, the Attorney General and the Board of Detention Review are authorized to consider evidence of the following:

"(1) That the detainee or possible detainee has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, unless such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or unless, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned;

"(2) Any past act or acts of espionage or sabotage committed by such person against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the

United States, and any investigations made of such person in the past which serve to indicate probable complicity of such person in any such acts of espionage or sabotage;

"(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government; and

"(4) Any other evidence of conduct of the same degree of gravity as that set forth in paragraphs (1) through (3) of this subsection demonstrating reasonable grounds to conclude that such person may engage in, or conspire with others to engage in, espionage or sabotage.

"(i) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention.

"ORDERS OF THE BOARD

"SEC. 110. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued by the Attorney General under this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question might engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking his order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody; and shall forthwith serve a copy of such order upon the detainee.

"(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity; and shall forthwith serve a copy of such order upon the detainee.

"(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee may engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

"(d) In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may, at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"JUDICIAL REVIEW

"SEC. 111. (a) Any petitioner aggieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section, in addition to the relief to which he may be entitled under the Administrative Procedure Act.

"(b) In the case of any order of the Board granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

"(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review in any United States court of appeals for the circuit wherein the petitioner is detained or resides, by filing in such court within 60 days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of 60 days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered (except for evidence received in closed session, as authorized by this title), the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by evidence, shall be conclusive.

"(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by evidence on the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

"(e) The commencement of proceedings by the Attorney General for judicial review under this section shall, if he so requests, operate as a stay of the Board's order.

"(f) Any order of the Board shall become final—

"(1) upon the expiration of the time allowed for filing a petition for review or enforcement, if no such petition has been duly filed within such time; or

"(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States Court of Appeals, and no petition for certiorari has been duly filed; or

"(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

"(4) upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

"CRIMINAL PROVISIONS

"SEC. 112. Whoever, being named in a warrant or order of detention as one as to whom there is reasonable ground to believe that he may engage in, or conspire with others to engage in, espionage or sabotage, or being under detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title or shall escape, attempt to escape, or conspire with others to escape from detention ordered and instituted pursuant to this title, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"SEC. 113. Whoever knowingly—

"(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person may engage in, or conspire with others to engage in espionage or sabotage; or

"(b) advises, aids, assists, or procures the escape from detention pursuant to this title of any person so named; or

"(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such detention; or

"(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section.

shall be fined not more than $10,000, or imprisoned not more than 10 years, or both.

"SEC. 114. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

"REVIEW BY CONGRESS

"SEC. 115. The chairmen of the Judiciary Committees of the Senate and of the House of Representatives shall establish subcommittees of their respective committees to carry out in respect to the operation of this title the duties imposed on their committees by the Legislative Reorganization Act of 1946.

"DEFINITION

"SEC. 116. For the purposes of this title, the term 'espionage' means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this act, and the term 'sabotage' means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this act.

"SEPARABILITY OF PROVISIONS

"SEC. 117. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"TERMINATION

"SEC. 118. Unless continued in effect longer by joint resolution of the Congress, the provisions of this title shall cease to be effective on a date 3 years after the date of enactment of this title, but the termination of this title shall not affect any criminal prosecution theretofore instituted or any conviction theretofore obtained on the basis of any act or omission occuring prior to such date of termination."

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. FERGUSON. Will the Senator accept the amendment, which I now read:

At the end of section 117, pertaining to separability, insert the following new sentence:

"Nothing contained in this title shall abridge any right or privilege of any citizen of the United States guaranteed to him by the fifth or sixth amendment to the Constitution of the United States, or the right of any such citizen to petition for and to receive a writ of habeas corpus unless such right has been duly suspended in conformity with the provisions of the Constitution."

Mr. McCARRAN. I accept that amendment.

Mr. LUCAS. Mr. President——

The VICE PRESIDENT. The Senator from Illinois is entitled to 7½ minutes on the substitute.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. May the Senator from Illinois adopt the language of the amendment offered by the Senator from Nevada?

The VICE PRESIDENT. The Senator may modify his amendment according to the language of the amendment offered by the Senator from Nevada.

Mr. LUCAS. I so modify the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois, as modified.

The amendment, as modified, was agreed to.

Mr. McCARRAN. Mr. President, if I may, I should like to say at this time to Senators present that I desire to bring up for consideration the President's veto message in connection with the extension of the Lucas Act, after we have disposed of the pending bill.

The VICE PRESIDENT. The bill is open to further amendment.

If there be no further amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. Under the unanimous-consent agreement entered into, in the event the Senate bill is passed, without further legislative procedure the House bill (H. R. 9490), to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, will be considered, and the language of the Senate bill will be substituted for the language of the House bill. The final vote will be on the House bill, and the Senate bill will be indefinitely postponed.

The question now is, Shall the bill pass?

Mr. LEHMAN. Mr. President, I believe under the unanimous consent agreement, time is allotted to the opponents of the McCarran bill.

The VICE PRESIDENT. Seven and a half minutes is allotted to each side.

The Senate will be in order. Senators will please be seated. In the crowded condition of the Chamber it is easy to create confusion, and the Chair asks Senators and employees to cooperate with the Chair in seeking to obtain order.

Mr. LEHMAN. Mr. President, I shall detain the Senate only briefly in explaining the vote I am about to cast. In the past week we have heard the McCarran bill, including the Mundt-Ferguson provisions, analyzed and debated in great detail. I have told the Senate and the country in two separate speeches. what I thought about those provisions. I feel that this legislation is unwise, unworkable, and indefensible. It will not prevent subversive activities by Communists, but will, instead, increase the strength of the underground Communist movement. This legislation will aim what the New York Times in its editorial this morning called a blunderbuss straight at the precious liberties of all the American people. I and some other Senators submitted a substitute bill today—a bill which would have struck right at the heart of the Communist menace, and which would have truly safeguarded the security of our Nation. That substitute was defeated. We will regret that defeat.

There are many citizens of my State and elsewhere who mistakenly understand—they have been so told—that the McCarran bill is an anti-Communist bill. Because of this misunderstanding, some of my colleagues, whom I highly respect, will vote for the McCarran bill. The time will come when they will regret that.

As for me, Mr. President, I will not compromise with my conscience. I will not betray the people of my State in order to cater to the mistaken impression which some of them hold. I shall try to clarify the issue and not to confuse it. I am going to vote against this tragic, this unfortunate, this ill-conceived legislation. My conscience will be easier, though I realize my political prospects may be more difficult. I shall cast my vote to protect the liberties of our people.

Mr. MUNDT. Mr. President, I shall not use the full 7½ minutes allotted to the proponents of the bill nor shall I comment upon the statements just made by the Senator from New York. Now that we are about to vote on the final passage of the bill, however, I wish to say something with respect to the legislation which confronts us. We now have before us for a vote the full text of the Mundt-Ferguson bill (S. 2311) unchanged, unmodified, and unamended. Nothing in that text has been changed or deleted. There have been added most of the sections recommended by Senator McCARRAN and what I think is a salutary and worth-while amendment adopted through the combined efforts of the Senator from Nevada [Mr. McCARRAN], the Senator from Illinois [Mr. LUCAS], the Senator from Michigan [Mr. FERGUSON], and myself, who are joint authors at this late date of an amendment which in time of war or rebellion would provide an expeditious method for arresting and placing under detention, in a legal and constitutional manner, people engaged in espionage and sabotage. This adds one additional Communist-control device to S. 2311. I am happy that in the deliberative method of the Senate we did not act too hastily on that provision, thereby shortcutting the Constitution, as it would have been done in the first instance, or thereby creating a purely political board, as it would have been under the language of the amendment as first introduced. As the language was finally phrased by the Senator from Nevada, by Senator FERGUSON, and by the junior Senator from South Dakota there would be established a bipartisan board, consisting of five members of the majority party and four members of the minority party, and constitutional safeguards and the due processes of law have been added. Thus the earlier objections to the detention proposals have been obviated.

I feel that today, at long last, we are able to present to the White House, after conference with the House, a piece of legislation of which the United States Senate and the House can be proud. Certainly I hope and believe that the President of the United States will sign it, because it carries with it an important amendment of which the majority leader of the Senate is at least a joint author. This is legislation which has been before us since March 21, I think we can look forward now to its ultimate passage and to its approval by the President so that at long last we shall have a bill to protect America against internal Communist conspiracy. Should the President veto the measure, I believe the final vote will show strength enough to override it. For the first time in our national history this will give us legislation with which to deal effectively with communism here at home.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. MUNDT. Yes.

Mr. CAPEHART. I ask unanimous consent to have printed in the body of the RECORD a statement which I have prepared.

There being no objection, Mr. CAPEHART'S statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CAPEHART

Mr. President, the Senate of the United States is about to vote on a measure designed to flush out, identify, and control enemies of our Nation who operate within our land.

It seems apparent in these closing hours of debate that the Senate will approve such a bill, that its managers and the managers for the House will then meet and reconcile the actions of these two bodies.

Then, Mr. President, this bill will go to the President of the United States who must give his consent before this action of Congress can become the law of the land. The President of the United States has declared his intention to nullify the action we are

about to take here by using his power of veto.

It would seem then, Mr. President, that the action we are about to take has no value, is the forceless motion of so many shadows flickering dimly in the twilight. But I think it is well that we consider the significance of our action in these closing minutes of debate, notwithstanding that certain veto.

We are the duly elected representatives of the peoples of the States. Through us, they speak. Through us, they will have indicated their will that the menace of communism within our borders be controlled, consistent with the guaranties of their Constitution. So, Mr. President, it is not futile action that we take here today. For, no matter what action by the President of the United States, we will have kept faith with the millions of Americans represented in these Halls.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. WHERRY and Mr. McCARRAN requested the yeas and nays.

The VICE PRESIDENT. Final passage will be on the House bill. Therefore, the Chair suggests that it is not necessary to have a roll call on the Senate bill, because the language will be identical, and final passage will be on the House bill.

The question is, Shall the bill pass?

The bill (S. 4037) was passed.

The VICE PRESIDENT. Under the unanimous-consent agreement, House bill 9490, to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, is before the Senate, all after the enacting clause is stricken, the text of Senate bill 4037, to protect the internal security of the United States, and for other purposes, as amended, is inserted, the amendment is ordered to be engrossed, and the House bill read the third time.

The bill was read the third time.

The VICE PRESIDENT. The question is on the final passage of the bill.

Mr. WHERRY, Mr. McCARRAN, and other Senators requested the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Mississippi [Mr. STENNIS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

I announce further that, if present and voting, the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], the Senator from Arizona [Mr. HAYDEN], the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], and the Senator from Utah [Mr. THOMAS] would vote "yea."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from Vermont, the Senator from New Hampshire, and the Senator from Michigan would each vote "yea."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from Maine and the Senator from New Jersey would each vote "yea."

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business, and if present would vote "yea."

The Senator from Ohio [Mr. TAFT] is necessarily absent, and if present would vote "yea."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The result was announced—yeas 70, nays 7, as follows:

YEAS—70

Anderson	Hill	Malone
Benton	Hoey	Martin
Bricker	Holland	Millikin
Butler	Humphrey	Morse
Byrd	Hunt	Mundt
Cain	Ives	Myers
Capehart	Jenner	Neely
Chapman	Johnson, Colo.	O'Conor
Chavez	Johnson, Tex.	O'Mahoney
Connally	Kem	Robertson
Cordon	Kerr	Russell
Darby	Kilgore	Schoeppel
Douglas	Knowland	Smith, Maine
Dworshak	Langer	Sparkman
Ecton	Lodge	Thomas, Okla.
Ellender	Long	Thye
Ferguson	Lucas	Tydings
Frear	McCarran	Watkins
Fulbright	McCarthy	Wherry
George	McClellan	Wiley
Gillette	McFarland	Williams
Gurney	McKellar	Young
Hendrickson	McMahon	
Hickenlooper	Magnuson	

NAYS—7

Graham	Leahy	Taylor
Green	Lehman	
Kefauver	Murray	

NOT VOTING—19

Aiken	Hayden	Taft
Brewster	Johnston, S. C.	Thomas, Utah
Bridges	Maybank	Tobey
Donnell	Pepper	Vandenberg
Downey	Saltonstall	Withers
Eastland	Smith, N. J.	
Flanders	Stennis	

So the bill (H. R. 9490) was passed.

The VICE PRESIDENT. The proceedings with regard to the Senate bill will be vacated and the bill will be indefinitely postponed, and the title of the House bill will be changed in accordance with the Senate action.

The title was amended so as to read: "A bill to protect the internal security of the United States, to provide for the detention in time of emergency of persons who may commit acts of espionage or sabotage, and for other purposes."

Mr. McCARRAN. Mr. President, I ask unanimous consent that the bill be printed with the amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCARRAN. Mr. President, I move that the Senate insist on its amendment, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. McCARRAN, Mr. EASTLAND, Mr. O'CONOR, Mr. WILEY, and Mr. FERGUSON conferees on the part of the Senate.

APPOINTMENT OF SENATOR BRICKER AS A MEMBER OF THE MIGRATORY BIRD CONSERVATION COMMISSION

The VICE PRESIDENT. The Chair appoints the Senator from Ohio [Mr. BRICKER] as a member of the Migratory Bird Conservation Commission.

Mr. BRICKER. Mr. President, I thank the Chair. I appreciate the appointment coming at this time, just before the hunting season opens.

The VICE PRESIDENT. The Chair appreciates the opportunity of appointing the distinguished Senator from Ohio, and he might suggest that birds of a feather flock together.

Mr. BRICKER. I think the Senator from Virginia [Mr. ROBERTSON] is the majority member of the Commission.

The VICE PRESIDENT. That is correct.

FIVE-STAR RANK FOR GEN. OMAR N. BRADLEY

Mr. GURNEY. Mr. President, it is my purpose to ask permission to bring up at this time a bill reported unanimously from the Senate Committee on Armed Services, giving the rank of General of the Army to Omar N. Bradley.

The VICE PRESIDENT. Is the Senator making that request?

Mr. GURNEY. I make that request now. It is Calendar No. 2536, Senate bill 4135.

The VICE PRESIDENT. The clerk will state the bill by title.

The CHIEF CLERK. A bill (S. 4135) to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army.

Mr. GURNEY. Mr. President, it is my belief that no one in the Senate needs an explanation as to why the Committee on Armed Services has reported this bill unanimously. I wish to say, however, that the committee felt strongly that the past services of General Bradley, and the work he has now to do, warrant the committee recommending to the Senate that the bill be passed.

The committee took into consideration the fact that we do not want a single Chief of Staff, and therefore confined the language of the bill so that it is absolutely what we report it to be, a Gen. Omar N. Bradley bill, because we

do not in any way desire to create the impression that this would be a precedent so that each chairman of the Joint Chiefs of Staff will hereafter be entitled to the five-star rank of General of the Army.

General Bradley has the respect, admiration, and love of the entire United States. We are depending on him now more than any other uniformed man for the important work to be done in Korea, and in the world in general.

With this brief statement, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CHAVEZ. Mr. President, I have no objection to the purposes of the bill; I have no objection whatever to all the respect and all the honor that can be given to General Bradley; I agree completely with what the Senator from South Dakota says; but since we are to have a call of the calendar tomorrow, what is the reason for bringing the bill up at this time?

Mr. GURNEY. The committee, and I am sure the Senate, would not want to make this merely a gesture. The number of days this session will continue is certainly numbered, and we want to give the House time to act. If we can pass the bill today, it will give the committee of the House and the House time to consider the bill, and therefore will make it more likely that the bill will be finally passed at this session. It will save 1 day.

Mr. CHAVEZ. Mr. President, I feel toward General Bradley exactly as does any other Member of the Senate, including those who are members of the committee. But we have to have a country of law and not of men. I, for one, would like to carry out the procedure we must follow in an orderly way. This bill is on the calendar, is it not?

Mr. GURNEY. It was put on the calendar last week.

Mr. CHAVEZ. Very well. With all respect to General Bradley, the highest respect, and with all my desire to honor General Bradley, or any other general of the United States Army, I still love law, and I do not think there should be an exception for any American under the law. I object.

Mr. GURNEY. Mr. President, I defer to the Senator from New Mexico, but I feel so strongly about the bill, that I move that the Senate proceed to its consideration.

The VICE PRESIDENT. The question is on the motion of the Senator from South Dakota that the Senate proceed to the consideration of the bill.

The motion was agreed to, and the Senate proceeded to consider the bill (S. 4135) to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That because of the many distinguished services which Gen. Omar N. Bradley, United States Army, has rendered to his country (but not because of the position he holds as Chairman of the Joint Chiefs of Staff), the President is authorized to appoint the said Gen. Omar N. Bradley, United States Army, to the permanent grade of General of the Army, with all the rights, privileges, benefits, pay, and allowances provided by law for officers appointed to such permanent grade pursuant to the act of March 23, 1946 (60 Sat. 59).

ORDER OF BUSINESS

Mr. LUCAS. Mr. President, let me make just one or two announcements. The distinguished Senator from Nevada made the announcement a short time ago that he was going to ask that there be taken up this evening the veto message of the President on the so-called Lucas bill.

Since that time, however, we have discussed the question, and I think it is agreeable to the Senator from Nevada that we take the matter up tomorrow. The Senate will recess in a short while until noon tomorrow and the veto message will be the first thing to be considered. Following that we will call the calendar from the beginning. We may be here for some time tomorrow on the call of the calendar. In other words, we will probably have another night session, because we are going to call the calendar from the beginning to its end.

INTERPRETATION OF LAWS RELATING TO TUITION COSTS FOR EDUCATION AND TRAINING OF VETERANS (REPT. NO. 2558)

Mr. HUMPHREY. Mr. President, on behalf of the Senator from Florida [Mr. PEPPER], the Senator from Illinois [Mr. DOUGLAS], the Senator from Ohio [Mr. TAFT], the Senator from Oregon [Mr. MORSE], and myself, I submit for appropriate reference a concurrent resolution interpreting laws relating to tuition costs for education and training of veterans.

The concurrent resolution (S. Con. Res. 107) was referred to the Committee on Labor and Public Welfare, as follows:

Whereas the intent of Congress as set forth in Public Law 266, Eighty-first Congress, the Independent Offices Appropriation Act, 1950, approved August 24, 1949, pertaining to the manner in which funds available thereunder could be spent for education and training of veterans was to some extent misinterpreted or misconstrued in carrying out the terms of Public Law 266; and

Whereas the Congress, in order to remove any ambiguity which might have existed with respect to the language contained in Public Law 266, revised and enlarged upon the original language contained therein by enacting remedial legislation in the form of Public Law 610, Eighty-first Congress, approved July 13, 1950; and

Whereas there has apparently been some misunderstanding of the congressional intent as expressed in Public Law 610 and as set forth in the statement of the House managers in explanation of the action agreed upon and recommended in the conference report on such legislation: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That for the purpose of interpreting the terms of Public Law 610, Eighty-first Congress, approved July 13, 1950, it is hereby declared that—

1. The provisions of section 2 of Public Law 610, which amended paragraph 11, part VIII of Veterans Regulation No. 1 (a), as amended, relating to the customary cost of tuition and to other charges required by educational institutions for the training of veterans under that act were and are intended to apply to all courses of training covered by contract or other agreement, without respect to the calendar duration established or the weekly hours of attendance required for such courses.

2. By enacting the provisions of section 2 of Public Law 610, it was and is intended that a contract including tuition, fees, or other charges for a course shall be considered as an entity in determining the rate or rates to be paid to the institution for such course.

3. Section 3 of Public Law 610, which amended paragraph 5 of part VIII of Veterans Regulation No. 1 (a), as amended, was and is intended to provide that any institution (and not only institutions of higher learning) shall be regarded as a nonprofit institution for the purpose of applying the governing statutes and applicable regulations of the Veterans' Administration respecting the payment of tuition and other charges, in the case of nonprofit institutions, if it is exempt from taxation under paragraph (6), section 101, of the Internal Revenue Code, whether it was certified as such by the Bureau of Internal Revenue before or subsequent to June 22, 1944.

4. It was and is the congressional intent by enacting Public Law 610, that any educational or training institution which has entered into one or more contracts in two successive years, the rate established by the most recent contract shall be considered the customary cost of tuition.

Mr. HUMPHREY. Mr. President, the Senate Committee on Labor and Public Welfare will meet in executive session this evening to consider the concurrent resolution I have just submitted. It is quite likely that the committee will vote to report the resolution to the Senate.

Mr. President, I therefore ask unanimous consent that the committee be given leave to file such report, and that calendar and report numbers be reserved for such resolution and report in order that the resolution may be considered at the next call of the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY subsequently reported the foregoing concurrent resolution (S. Con. Res. 107), without amendment.

SHANKS VILLAGE VETERANS' TEMPORARY-HOUSING PROJECT—REPORT OF A COMMITTEE

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably, without amendment, the bill (H. R. 8458) authorizing the Housing and Home Finance Administrator to release the trustees of Columbia University, in the city of New York, and the Citizens' Veterans Homes Association of Rockland County, Inc., from obligations under their contracts for operation of veterans' temporary housing project, NY–V–30212, and I submit a report (No. 2557) thereon.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar.

Mr. LEHMAN. Mr. President, in connection with H. R. 8458, which has just been reported by the Senator from Alabama, I ask unanimous consent to have inserted in the RECORD a brief statement by me explaining the necessity for enactment of this bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR LEHMAN

The veterans' temporary housing project, NY–V–30212, known as Shanks Village, in Rockland County, N. Y., consists of 1,500 dwelling units of various size built under title V of the Lanham Act to house veterans of World War II. Columbia University and the Citizens Veterans Homes Association of Rockland County are the obligors and guarantors under the contracts negotiated between them and PHA at the time the dwelling units were constructed.

It was agreed that the project would be operated by the Public Housing Administration in behalf of the two guarantors, the two organizations I have just named, and that these organizations would furnish the tenants for the program, which they have done to date. It was further agreed that the two guarantors would be responsible for any deficits resulting from the operation of the project.

In view of the alleged diminishing need for housing units by student veterans and also to prevent any deficits from the operation of the project, Columbia University is now planning to liquidate its interest in the project. When a student completes his studies and becomes ineligible for continued occupancy, the university, through PHA's New York field office, requests the tenant to vacate the premises so that it may either house an eligible student or proceed with plans for the demolition of the unit.

The university has indicated to PHA that it plans to liquidate its interest in the project in gradual stages so that by June 1, 1952, it will be possible to terminate its agreement with PHA. The university proposes to reduce the allocation for dwelling units by 100 units for the first quarter of the fiscal year which starts July 1, 1950, a further reduction of 50 units in the third quarter, and an additional 100 units in the fourth quarter, a total of 250 dwellings by June 30, 1951.

On March 27, 1950, the PHA reported that a recent survey of the physical condition of the property indicated that these buildings are still comfortably habitable and should not require extensive repairs in the immediate future.

The PHA stated that in its considered opinion, the structures could be maintained in a livable and safe condition for a minimum of three or more years without incurring major expense for replacements.

On May 11, 1950, I introduced for myself and Senator IVES S. 3574, a bill identical with H. R. 8458, which would release the trustees of Columbia University and the Citizens Veterans Homes Association of Rockland County, Inc., of their contracts with the Public Housing Administration. These contracts are those referred to above in connection with the operation of the veterans temporary housing project No. NY–V–30212, known as Shanks Village and located in Rockland County, N. Y.

If these contracts are voided as provided in this bill, the disposition and demolition of the Shanks Village project would be governed, as are other temporary housing projects, by section 604 of Public Law 475, Eighty-first Congress. This section provides that temporary housing projects remaining under the jurisdiction of the Administrator (HHFA) will not be demolished or removed prior to July 1, 1951 (or until July 1, 1952, under certain circumstances).

It is obvious that Columbia University, looking to its contract with PHA under which it might incur deficits in connection with operation of the Shanks Village project, is seeking to avoid these deficits by arranging to demolish certain parts of the project prior to the date which is applicable to most other projects of the same type. Thus, H. R. 8458, by releasing the trustees of Columbia University and the Citizens Veterans Homes Association of Rockland County, Inc., from further responsibility under their contracts, would relieve these obligors from the possibility of deficits which might be incurred through continued operation of the project. The bill would not provide any favored treatment for the Shanks Village project, but rather would place it on the same basis as all or most other temporary projects. To date no objection to this bill has been received from either Columbia University or the Citizens Veterans Homes Association.

Since the bill was introduced, the world situation has changed considerably, making its enactment more urgent. The President of the United States, in a letter dated July 18, 1950, requested the Housing and Home Finance Agency and its constituent agencies to restrict mortgage credit, to require substantial down payments, to limit the construction of public housing and to "take such further actions as in your judgment are or may become necessary and appropriate to curtail the use in residential construction of materials essential to national defense."

The Defense Production Act of 1950, recently passed by the Senate, also took cognizance of a possible shortage in materials and manpower and set up allocation powers to alleviate these shortages. In view of these actions to conserve housing materials and in view of PHA's statement that the Shanks Village structures could be maintained in a livable and safe condition for a minimum of 3 or more years without major repairs, it appears unwise to permit the demolition of this housing project when housing for civilians as well as military personnel and their dependents close to military posts may soon be a vital necessity.

HOUSING AT REACTIVATED MILITARY INSTALLATIONS

Mr. BENTON. Mr. President, on behalf of the Senator from Alabama [Mr. SPARKMAN], the Senator from Connecticut [Mr. MCMAHON], the Senator from Indiana [Mr. CAPEHART], and myself, I introduce a bill to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes.

Mr. President, I ask unanimous consent that I may be permitted to have 3 or 4 minutes to make a few remarks respecting the bill I have just introduced. I have discussed the matter with the majority leader and the minority leader and, at the conclusion of my remarks, I shall ask unanimous consent for immediate consideration of the bill.

The VICE PRESIDENT. The Senator from Connecticut is recognized for 3 minutes.

Mr. BENTON. Mr. President, this bill will merely authorize the Housing and Home Finance Agency to use funds now on hand for the temporary war housing under its control, to erect on or near military installations, which are being reactivated since the outbreak of the Korean affair, livable housing of a prefabricated nature. This housing to be of a type which is mobile and demountable to the extent that when it is no longer needed at the site where it is first erected it can be economically removed and reerected elsewhere. It is estimated that approximately $20,000,000 is presently available for the program envisaged by this bill. Houses should be reserved for rent only to those near and dear to servicemen on duty in these reactivated camps, and should be rented at reasonable rates sufficient to amortize the cost of the housing over its life.

In other words, Mr. President, this bill calls for no appropriation, and in my judgment will not cost the housing agency money, if the emergency continues for even the reasonable length of time during which these houses can be amortized.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. BENTON. I yield.

Mr. WHERRY. The Senator says that the bill would not call for any appropriation. What agency has the money now in hand which can be used for the purpose for which the Senator is seeking the authorization?

Mr. BENTON. The Housing and Home Finance Agency has the $20,000,000 presently available on the passage of the bill.

Mr. WHERRY. How did that agency obtain the money? The Appropriations Committee was called upon to make provision for that agency. It now seems it has the money with which to go into some kind of construction that has not yet been authorized. I should like to know how the agency has the money.

Mr. BENTON. The agency would not have authority to use the money without the passage of the bill which I shall ask the Senate to consider tonight.

Mr. WHERRY. How did the agency obtain the money in the first place?

On what justification did they obtain it?

Mr. BENTON. Mr. President, on that question I yield to the distinguished Senator from Alabama [Mr. SPARKMAN], who is a cosponsor of the bill.

Mr. SPARKMAN. Mr. President, I should like to call the attention of the distinguished Senator from Nebraska to the fact that out of the last war there came a great deal of temporary housing. The Housing and Home Finance Agency is still administering a great deal of it. Some of it has been disposed of, and these funds have been derived from those operations.

Mr. WHERRY. Does the Senator mean to tell me now that from as far back as 1945, 1946, 1947, and 1948 this organization has remaining on hand $20,000,000, which it has not accounted for to the Treasury of the United States, and which it can now use, if a bill permitting its use is passed?

Mr. SPARKMAN. It is my understanding that about $20,000,000 is available.

Mr. BENTON. Do I understand that the Senator from Nebraska is congratulating me on finding this $20,000,000? I am not a member of the Appropriations Committee, but I have found this $20,000,000.

Mr. WHERRY. The Senator from Connecticut desires to have passed a bill which would authorize the construction of certain housing. The Senator asked me about it, and I told him I would not object to the immediate consideration of the bill. The Senator has worked very strenuously on the bill. The bill has not been printed, however. The Senator from Indiana [Mr. CAPEHART] has also worked hard on the bill. Perhaps the authorization is justified. At least

there is no objection to giving unanimous consent for the consideration of the bill. I do not object to the type of housing contemplated by the bill, as an emergency measure. I assume the purpose is a good one. However, the bill has not been sent to committee. So I asked, "If a bill is passed authorizing the construction of the housing, where will the funds be obtained?"

Now we are told that some agency has a sufficient amount of money for the purpose. That it has money on hand for which apparently it has not accounted. I do not mean to say that there is anything wrong about that, but apparently it has not been accounted for, and it has been found. I should like to know as much about that as I can find out, because certainly it is one thing to find the money, but it is another thing to have the Appropriations Committee appropriate money.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. Has the bill been made the unfinished business?

The VICE PRESIDENT. No; it has not. The Senator from Connecticut is going to ask unanimous consent that it be considered at this time.

Mr. RUSSELL. I do not know anything about the bill. Do I understand that the bill has not been reported by a committee?

Mr. CAPEHART. Mr. President, will the Senator yield to me so I may make a statement?

Mr. BENTON. The emergency is a very sudden one. Young men are being taken from their homes this very week to go to various camps. The chairman of the committee, as Senators know, is in Europe. It is for that reason that I asked permission to speak for 3 or 4 minutes. I was then going to ask unanimous consent for immediate consideration of the bill.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. BENTON. I yield.

Mr. CAPEHART. I have just returned from Indiana. Camp Atterbury is located in Indiana. It was constructed during World War II. Thousands of National Guard men are now being sent from the State of Pennsylvania to that camp. I was there yesterday. Columbus, Ind., and other towns surround the camp. The conditions are going to be very pathetic. There will be no place in which to live available to the men who are brought to the camp and their families. Something will have to be done. Whether we can improve upon the bill by holding hearings I cannot say. I do not think we can.

We are not asking for any appropriation to be made. All we are asking for is that the Housing and Home Finance Agency be permitted to use about $20,000,000 they now have on hand, for the purpose of erecting housing. About five camps are involved. There is a camp in Kentucky, there is one in Connecticut, there is the camp I mentioned in Indiana. Senators should try to imagine what it means to bring twenty or thirty thousand soldiers into these camps, which are surrounded by small towns in which there simply are no housing facilities. There is no place for these married men and their families to live. Whether we act tonight or tomorrow, action will have to be taken, in my humble opinion, because I think the conditions to which we bring the National Guard men are deplorable. What we do is unfair to them and to their families. They are brought to the camps as quickly as they can be sent there, and when they arrive they find no facilities available for themselves and their families.

Mr. BENTON. Mr. President, looking at the other side of the coin, which is the side I see in Connecticut; there we do not have the camps, but we have living there the families of the 5,300 men in the Forty-third Division who are being sent to Fort Pickett.

Mr. CAPEHART. It is not the purpose of the bill to build any permanent houses. It is the purpose to provide some temporary quarters, or perhaps to move housing from other spots in the United States to places near the camps. That is the purpose—not to have any temporary housing built, but to do whatever is necessary in order to take care, temporarily, of the families of the National Guard men who are called to active duty.

Mr. BENTON. Furthermore, the purpose is to rent the houses to the National Guard men at a price which will amortize the cost of the houses.

So the request is not one for funds, not even for funds for the benefit of the National Guard men or their families.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BENTON. I yield.

Mr. RUSSELL. Mr. President, I am not an expert on housing, and I have not served on the housing subcommittee. However, I heard the Senator from Connecticut speak of authorizing prefabricated housing. Would prefabricated housing be authorized to the exclusion of other housing?

Mr. BENTON. The bill contemplates the type of houses which can quickly be built and can quickly be taken down and can quickly be moved to other locations. I have no way of telling where the Defense Department may decide to locate these men.

In Connecticut the men now are at Camp Pickett. If later the Defense Department decides to send them to other places, it is my thought that such houses should be capable of being easily dismantled and moved.

Perhaps trailers would be the best type of houses to be provided under those circumstances.

Mr. CAPEHART. That would be determined by the Department of Defense, of course.

Mr. BENTON. Yes.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BENTON. I yield.

Mr. SPARKMAN. As I understand, such houses should be demountable, or portable, but not necessarily prefabricated.

Mr. BENTON. Yes; that is what I meant. If the word "prefabricated" is a trade term which is objectionable, I quickly withdraw that term. I mean to refer to houses which can easily be taken down and moved to other locations.

The VICE PRESIDENT. Is there objection?

Mr. RUSSELL. Mr. President, I do not like to object. I am entirely in favor of the stated purposes of the bill. However, I do object to having such violent treatment given to the normal procedures of the Senate. It seems to me the bill should be printed first, so that Senators may have an opportunity to read it.

If the Senator from Connecticut will introduce the bill this afternoon, it can be printed tonight and can be on the calendar for consideration tomorrow.

The VICE PRESIDENT. Objection is heard.

Mr. RUSSELL. In my opinion, only the most dire emergency should justify an agreement by the leadership on both sides of the aisle in respect to the passage of a bill which has not even been printed.

Mr. BENTON. Mr. President, the bill comprises only two paragraphs. Certainly there is validity in the point of view just expressed by the Senator from Georgia, if the bill can be printed tonight.

Mr. RUSSELL. That can be done.

Mr. BENTON. If the bill can be taken up either before or after the call of the calendar tomorrow—that being a suggestion previously made to me by the minority leader, in the event we could not have the bill taken up tonight——

The VICE PRESIDENT. The Chair understands that the Senator from Connecticut now asks unanimous consent that the bill be printed and lie on the table.

Is there objection? The Chair hears none, and it is so ordered.

The bill (S. 4145) to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes, was read twice by its title, and ordered to lie on the table.

RADIO BROADCAST PARTICIPATED IN BY SENATOR LONG

Mr. LONG. Mr. President, I should like to correct an impression which has appeared in the press as a result of a radio program in which I took part along with the distinguished Senator from California [Mr. KNOWLAND], the distinguished Senator from Pennsylvania [Mr. MARTIN], and Representative MAHON, of Texas.

On that occasion there was no written transcript of the broadcast. It was an informal broadcast. The impression was given, by article appearing subsequently in the press, that the junior Senator from Louisiana predicted that the United States would be at war within a year.

Mr. President, I believe that anyone who reads the remarks I made on that occasion will not arrive at that conclusion. As a matter of fact, what I said was that the United States should prepare for war as though a war would occur within 1 or 2 years. I do not believe

war is inevitable. I hope for peace just as much as does any other Member of this body.

I should also like to state that I do not have any information not generally available to the people of the United States.

It is my feeling that the leaders in the Congress, as well as the members of the congressional committees, would do well to see to it that the American public are well informed in regard to what could be expected in the event of an atomic war.

We should recognize the fact that it is entirely possible that war could occur within 1 year or even within a shorter period of time; and I believe we should recognize the facts that Russia undoubtedly has a substantial number of atomic bombs, and that Russia has the ability to deliver such bombs in the event such a war were to develop.

That is not to say that the United States is not well prepared to fight an atomic war or that the United States does not have the great preponderance of such weapons.

Nevertheless, I believe our people should be informed of what could happen in such a war, and I believe they should be informed that such a war could develop within a year or even within a shorter period of time.

Mr. President, in order to clarify the record in this connection, I ask unanimous consent that a transcript of the broadcast be printed at this point in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

ANNOUNCER. Good evening, ladies and gentlemen, this is Blair Moody in Meet Your Congress reporting to you again from Washington. Congress is getting ready to go home and report to the people. Can it report that it has done its job in 1950? Everything it can do to carry the United States through this world crisis without war? Over at the Pentagon plans are marching forth for an increase in our armies and our armaments. Are they moving strongly enough, rapidly enough? Down at the White House and the State Department our diplomatic leadership is planning the momentous meeting of the North Atlantic foreign ministers this week in New York, to be followed by a meeting with the United Nations Assembly. Is our leadership there good? Is it right on preparedness—on spurring a new sense of urgency in western Europe? In far eastern policies and its broad approach to the Communist threat to our survival all over the world? This evening Meet Your Congress has invited to the studio four prominent, alert, and highly intelligent Members of Congress to discuss the question of leadership in Congress and in the executive branch. We have two of the Senate's most effective Republicans, Senator WILLIAM F. KNOWLAND, of California, a strong and influential member of the Committees on Armed Services and Atomic Energy and an expert on the Far East, and Senator EDWARD MARTIN, of Pennsylvania, former governor of his State, a retired major general of the United States Army, who formerly commanded the Twenty-eighth Division, and therefore is one of the Senate's leading authorities on military affairs. With them we have two of the ablest and most influential Democrats in Congress, Senator RUSSELL B. LONG, a young liberal from Louisiana who has made his mark with a bang in the Senate. As a member of the Senate Banking Committee, he has done much to shape the law for home-front mobilization that is now going into effect. With him, Representative GEORGE H. MAHON, of Texas, the chairman of the House Military Appropriations Committee, a very competent and able Member of the House, and I am sure no emphasis need be laid on the influential, responsible position he now holds. Now, Senator LONG, will you tell us, please, how you feel things are going? Has Congress done its job and are the President and his aides doing their jobs?

Senator LONG. Blair, by the time Congress recesses—I doubt that we are going to adjourn—I believe that the likelihood is stronger that we will simply recess in a few weeks until after the November elections, and be back here within about a week after that time. That is what I judge we should do, come back about the middle of November. I believe that within a week or so after Congress recesses the people are going to begin to see that Congress has done a lot more than they probably realize we have been doing. For one thing, we are going to begin to have price control and allocation of materials, which is going to be most difficult on a great number of our businessmen. If they find that they cannot get the materials necessary to carry on businesses not necessarily essential to our war effort, I fear that this will mean that quite a few small businesses will have to actually close their doors and many others will have to seriously curtail production. In addition to that, the people are going to feel the pinch of higher taxes. That, of course, is made necessary by this international crisis we are now facing. This Nation is $258,000,000,000, or about that, in debt, and we simply have to fight this present emergency on a pay-as-you-go basis. No one has any idea how long it will go, and so we have passed a new tax bill which will be in conference as soon as the House can appoint its conferees. It raises income tax on the individuals, reduces the exemptions, and also raises the income taxes on corporations. Now the people had better get set for it, because they have been demanding Congress do something and Congress has been doing more than a lot of people realize. When they see these new taxes and these new allocations of materials they are going to realize that we are going on to a war footing. Of course, it has been my feeling ever since this emergency began to shape up that we should be doing a lot more. No one can tell just when we might be facing another war. We have been going along on the basis that war might occur 6 or 8 or even 10 years from now. A lot of us today realize that we better lower our sights and expect that war might occur within the next year or within the next 2 years, probably more likely 1 than 2, with the result—it is my feeling, and I believe the feeling of the people generally in this Nation and the feeling of most Senators—we would do well now to up our production particularly with planes and tanks to the highest possible figure as rapidly as we can. Now, there is no use just throwing away the public's money, but as rapidly as we can have that money sensibly expended, it seems to me that we should go about making those appropriations. Now we have one final bill to act upon that is a must.

As far as providing the money to fight this war, that is the bill sent down to the White House for $16,000,000,000 additionally. Now that would more than double our entire national defense budget and I have no doubt but that we will act favorably upon that bill. Primarily, Congress' function in this type situation is to put up the money necessary to fight such a war as we are presently engaged in and to prepare for such a war that we fear we might have to fight. Congress is doing its share in putting up that money. Of course, a sideline of Congress' function is to hand out advice as to how this war should be fought and what should be done next. Congress is doing a little of that, and Congress is entitled to do more. I am inclined to feel that it is up to Congress, representing the elected officials of the States to represent them in Washington, to inform the people just how serious this present crisis is. I would like to say a little bit more about that later on, but I believe that when the people see what has been done, they are going to realize that we are beginning to foot the bill and beginning to make the home-front sacrifices necessary to fight this war.

ANNOUNCER. Thank you very much, Senator LONG. Now, Senator KNOWLAND.

Senator KNOWLAND. I agree with Senator LONG that we are in a situation where we can't go along on a business-as-usual basis. The seriousness of the situation in Korea cannot be underestimated. Taxes are going to be considerably higher than the bill just passed by Congress. In my judgment that is just the first bite of the situation. As a matter of fact, I think before the fiscal year is out, we will have at least another $10,000,000,000 in defense expenditures and perhaps a good deal more. The situation is such that we are going to have to increase the men in our Armed Services, the Army, the Navy, the Air Corps, the Marines, if we are to not only hold the situation in Korea, but to restore an independent republic in that country under United Nations sponsorship. I think that one of the great needs of our country is to treat the American people as adults and give them the full facts on the situation. One of the reasons so many Americans have had a great admiration for Mr. Winston Churchill was during the period of Britain's darkest hour, he didn't hesitate to give them the facts and the news, whether good or bad, and I think they responded well under the circumstances as a free people will always respond if they have faith in their government and their government has faith in them.

Now we have got to recognize the situation—this international picture has many fronts to it. One is Korea; the other is the entire Far East where trouble may break out at any time. It may break out in Iran or Turkey or western Germany, and the peace of the world is hanging in the balance at this very moment. Another front is at Lake Success. One of the problems which the General Assembly is going to face is this problem at the seating of the Communists' regime as representative of the people of China. I believe that for the free world to yield in this question will be an appeasement of the Munich character. I don't think it will give us peace, but ultimately it will assure world war III. Firstly, I think this Government's position in the matter is a very weak one. We have announced that we will vote against it, but yet we will not try to influence others to vote against the Communist regime in China, and we will not use our veto in the Security Council. The Soviet Union has used its veto 44 times. To permit them to use this as a weapon in the international situation and for us to put it aside voluntarily just does not make sense to me. But, after all, it is a problem affecting all of us as Americans and not as partisans. I think our major effort should be to win this struggle we are in, and to do it as rapidly as possible because the longer the delay, the more danger there is in the war spreading.

ANNOUNCER. Thank you very much, Senator KNOWLAND. Now Representative MAHON, will you please tell us how you feel about it?

Representative MAHON. Well, Blair, I think the two off-the-cuff statements just made are excellent. I have been working all year with military appropriations. The bill providing for about $16,000,000,000 additional for national defense has already passed the House.

ANNOUNCER. I think they called that the Mahon bill, didn't they?

Representative MAHON. Well, we worked on it at considerable length. Now since the war we have been spending about 6 percent of our national income for Army, Navy, and Air Force. If you include military assistance, and so forth, it might run up to around 8 or 9 percent of our national income. I am speaking not of revenue, tax revenue. In January, the President estimated that our revenue this year would be about $37,300,000,000. Well, we have already appropriated this year $36,000,000,000 for the Army, Navy, Air Force, Atomic Energy, ECA, Mutual Defense Assistance, and all of these things having to do with the war preparation, and, shall I say, for a program which is, we hope, a program of peace. Now when the Joint Chiefs of Staff and the Secretary of the Defense Establishment were before us a few days ago, I said, "Now, gentlemen, you are asking for $11,600,000,000, for the Army, Navy, and Air Force—do you need any more? The Communists are breathing down our necks in South Korea, and if you want any more money we can get it if you establish the need for it." They said—and there were no strings attached—"At this time, gentlemen, this is all the money we want. A little later on we are going to have to have additional funds, and I suggested on the House floor that probably about $10,000,000,000 more would be required at this session, but no additional funds would be requested in the near future, I am sure, but some will have to be forthcoming. You don't know just what turn this war is going to take. It is evident that our military planners do not believe that world war III is imminent or that we will have world war III in the next few months; they may be wrong. Otherwise, they would be in a perfectly untenable position because fighting an all-out world war is a $100,000,000,000 business, and we are not going into this thing that "big." We have gone along trying to preserve a balance between defense spending and trying to keep our economy in fine, healthy shape. And our economy is in fine, healthy shape. We have the greatest industrial potential of any nation or any combination of nations in the world with the greatest backlog of skilled labor, and if war comes, which God forbid, we are in a position to account well for the United States, as has always been the case in the past. That would by my off-the-cuff comment for the moment.

ANNOUNCER. Thank you very much, Mr. MAHON, and now, Senator MARTIN, will you tell me how you feel?

Senator MARTIN. Blair, I very much agree with my three colleagues who have already spoken. I feel that this Congress has done an enormous amount of work. I am on Finance. Our Finance Committee started hearings on January 15 of this year on social security and a new tax bill. We heard almost 300 witnesses, which was a cross-section of America, and I think we now have a pretty good idea of the financial and industrial condition of our country. I was very much impressed with what Senator KNOWLAND said—the American people have a right to know our present situation. It is our Government. We fight the wars. We pay for the wars. And there is another thing I would like to impress upon our people and upon the Congress. You can't win a war through buying it. Wars are won by the high morale of the people backing up a strong Navy, a strong Air Force, a strong Marine Corps, and a strong Ground Force. Fighting is not an easy thing to do. Men have to get down in the dirt, in the mud, and in the sand; men have to fly planes; men in the Navy have to run over mines and things of that kind. It is a hard job; for that reason, in order to keep up the morale of our American people, the criticism that I have is that we, the Congress, do not know the exact situation. It seems to me that we ought to have, and the American people are entitled to, a balance sheet. We ought to have on one side of the ledger the commitments we have made. Then, on the other side of the ledger, what do we have in the way of armed forces? I would like to close with this. I think we should have not only universal military training, but I think we should have universal military service. I think it will be necessary, of course, to have a powerful Navy, strong Air Force, marines, and ground troops for many years in the future. I think that will keep us out of total war and I agree with RUSSELL LONG, we must pay for this war as we go along.

ANNOUNCER. Thank you very much, Senator MARTIN. Now, Senator LONG.

Senator LONG. One of the things in line with the thinking of all those here that I think all the American people should know is how well we are prepared to fight a war with relation to what our enemy has today. I believe if the American people knew that, we could get the type of action we should expect from Congress. Now, Congressmen and Senators are regarded by their people as being leaders, but in many respects, the people do the leading. When the people want something, Congress is more inclined to go along with them. Last year, all in the world I heard about preparedness was simply, "Save money, economize, cut down, vote for these meat-ax cuts on the Federal budget." Then, when we see we are in danger of another war and we don't have enough to fight a war with, what do people say? Then, they say, "My goodness, why don't we have more planes, more tanks, more guns, more men?" Now it seems to me that if the American people knew in the beginning the danger we presently face, they would be the ones to insist that we have ourselves properly prepared. I am of the opinion that someone has failed to get the facts across to the American people. I think that primarily the obligation falls upon those who have the information to see that the people know about it. I believe that we have had security that has fooled no one but the American people. Take our security on atomic secrets. Those who will make a guess seem to think that Russia has about 40 atom bombs, maybe more. And those who know something about the military facts of life should know that Russia would be able to drop those 40 atom bombs on almost any target she chose to drop them on today with modern methods. I believe that the speed of attack is ahead of the speed of defense. I don't believe we have the planes we need to defend all the targets or to hold them. In my opinion, and I believe that the people should know whether or not this is true, that in the event we find ourselves at war with Russia, we can expect the 15 and maybe the 30 largest cities to have atom bombs dropped on them within the first 2 or 3 weeks. We know Russia has the bombers, that is a matter of official record. We know that she has the atom bomb, that is a matter of official record. We don't know how many, but we know she has them. It seems to me we should prepare the American people for what they could expect in terms of a world war III Pearl Harbor. It would not be in just one place as Pearl Harbor was; it would be in many. I fear that if we were to find ourselves in the midst of another war, we would find that our production of steel and motors or production of many essential materials will be almost completely stopped, let us say 90 percent cut off in the beginning. So we better prepare now and get the equipment ready while we have the chance.

ANNOUNCER. In other words, we are not going fast enough, is that right, Senator?

Senator KNOWLAND. I might comment on Senator LONG'S statement. First of all, I think that Congress, as far as the defense establishment is concerned, has not withheld the funds needed to build up the proper defense of this country. As a matter of fact, the able Congressman from Texas [Mr. MAHON], and his committee in the House has constantly urged, along with the Committee on Armed Services in both the House and the Senate that we proceed with the 70-group air program. Funds were provided for this. At the instance of the administration, funds were frozen that had been provided by the Congress and not used. I think that the Soviet Union would be far more impressed if an Air Force in being of 70 groups rather than they would one on prints. I feel that we have not had sufficient force in being in the Army and Navy. We put too many of our war ships in moth balls and are now having to take them out. I think the Soviet Union and their satellites would be far more impressed if we had four or five carrier task forces in the South Pacific, rather than the very weak forces we had there prior to the outbreak of the Korean hostilities. I personally would like to have seen four Marine Corps divisions in being, and if we couldn't have four, at least have those we did have up to full strength, rather than to very weakened strength, which was the fact. Now we have to face the realities of the situation. The Soviet Union has over 175 divisions in being, scattered in various areas of the world. The American people must recognize that fact without going into what the Western World may have. I think it is known to every school boy in the country, that it's just a fraction of what the Soviet Union has in being today. They have an Air Force that in many respects, certainly the number of planes, is equal or superior to what the Western World has so that in types there may be a difference as to whether they have some planes that are as good as ours. We do know that every month that passes, they are building up their atomic stockpile, regardless what number and how rapidly they may be doing it. I do not believe that time is running in our favor.

ANNOUNCER. Thank you, Senator KNOWLAND. Now, Mr. MAHON.

Representative MAHON. I would like to comment on the statements which have just been made. It is easy for us to indulge in wishful thinking. There is no thoughtful American who wouldn't like to have had over the past years unlimited funds for building up our national-defense program. * * * As for the Russian situation, the Russians have no planes of the B–36 type. They have probably 500 of the B–29 type. Of course, with those planes, they could reach our key cities and installations with an atomic attack. There is no doubt about that. Of course, if we would try to match the number of divisions, we would have to completely change our way of life and go into a very rigid police state, in a way, to maintain over a long period of years, if world war three is not just around the corner, such a huge military establishment as the Russians have. What we have done is concentrate on maintaining a strong position to mobilize in the event of war, and with industrial mobilization, scientific research and development, all of those things, we have tried to prepare for the future. We haven't gone into big scale on the hardware basis, but we are now stepping up moderately into the additional acquisition of hardware.

Senator KNOWLAND. Congressman MAHON, the situation is that if we had had the hardware out in the Far East, the 3.5 bazookas, when this situation happened and had we equipped the forces of the Republic of Korea with them, with the first on-rush of Soviet equipment which had been supplied to the North Koreans, is could have been slowed down much better than it was. I think that we have to get some of these things off the

blueprint stage and into delivering into the hands of the people.

Representative MAHON. I agree there, but of course, we could not have stopped this onslaught in Korea, but as you say we could have slowed it down. But, as you know, this bazooka is just now being perfected, and we haven't had an unlimited amount of that type of ammunition, but we are moving toward that end. I don't want to monopolize——

Senator MARTIN. I am enjoying this very much, and I think some very fine suggestions are being made. I want to close my end of this discussion with this—we must build up the material side of America. We must have plenty of trained soldiers. It is wrong to send a soldier into battle unless he is trained on all the arms he is to use, personal hygiene, and so forth. That costs money, but the unfortunate thing, the only argument Russia will accept is one of force. Then, in addition, we must have a spiritual awakening here in America. We have all got to go to church. We have got to do some praying and we have got to live up to our American ideals. A real American won't cheat; he won't go into the black market. If we will do those things, I think we can gradually get that out over the world, and then we can have peace, because that is what we are fighting for. If we don't have peace, we are going to be an armed camp just like Russia and there will be no opportunity for the cultural and spiritual development that Americans want. But we must go strong, and we must be—I think it most unfortunate that we didn't have some mobile troops that we could quickly send into Korea. Now, I feel this, that the transportation end as far as Korea is concerned has been magnificent. It shows what America can do. I wish our people in authority would give that story to the American people. It would increase their morale, but let us not forget, we must have soldiers and we must have trained soldiers. And you can't buy victory.

Representative MAHON. And we ought to warn the world and our people that there is no way to predict exactly the future because the Kremlin is going to make many of those determinations.

Announcer. Senator LONG?

Senator LONG. One thing we should keep in mind, and that is the kind of war we are fighting in Korea is not the kind we will fight if we have to fight Russia. We have been talking about men here. I am not so much interested in men as equipment. If we have to fight Russia, we can expect that to be primarily an air war between the United States and Russia in the beginning and not a war with divisions facing each other. Men are now out there, such as the Koreans, without even planes fighting; that is World War I type fighting. We can expect the war with Russia if it comes to be one of atomic attack. A war of one continent upon the other in the beginning, and it seems to me that we should get ready for that type war. Today we don't know how well we are prepared to fight that type war. We will find that we are better prepared than some expected and not as well as others expected, but it seems to me that we should undertake now to get ready for the kind of war that we would have to fight if we have to fight Russia. Everyone believes today that it is because we have a lot of atomic bombs and a strategic air force that we are not in world war III.

Senator KNOWLAND. I quite agree with Senator LONG in some of these statements, but that was one of the reasons Members of both the House and the Senate were urging that the recommendations of the President's Air Policy Board for a 70-group air program be carried out and when we supplied these funds, the President froze the funds himself.

Senator LONG. The sooner the people see this sort of thing, the sooner they will see why Congress should do more in the beginning, because it is going to be enormously expensive.

Senator MARTIN. Let us not forget, that for a thousand years we have talked about a push-button war, but each war is fought by men getting down into the mud and getting wounded and hurt and killed, and this war will be the same.

Mr. MAHON. Not only that, but if we are going to protect western Europe from being overrun, we must have a lot of land soldiers and a lot of tanks in the early stages of the war.

PROPOSED SALE OF GOVERNMENT DISTILLERY AT OMAHA, NEBR.

Mr. BUTLER. Mr. President, I should like to invite the attention of the Senate to a report which has been issued recently by the Preparedness Subcommittee of the Committee on Armed Services. It is Report No. 1 in reference to Senate Resolution 93.

In the report, on page 5, mention is made of the Omaha alcohol plant which performed a wonderful service in the defense of the United States during most of the Second World War, during which time that plant turned out seven tank car loads of grain alcohol, or a total of 70,000 gallons of grain alcohol, daily. That alcohol went, for the most part, through Seattle and across Siberia to those who then were our friends on the western front.

In the report the attention of the Government is called to the fact that the plant has been advertised for sale.

Under date of July 10 I sent to the regional director a telegram which I should like to read into the RECORD at this point:

JULY 10, 1950.

E. V. TURNEY,

Deputy Regional Director Liquidation Service, Real Property Disposal Division, General Services Administration, Troost Avenue at Bannister Road (Ninety-fifth Street), Kansas City, Mo.

My attention has been directed to a recent advertisement asking for bids on the Government Distillery at Omaha. I suggest it would be very unwise to dispose of this plant under present international conditions. This plant furnished seven tank-car-loads of alcohol daily during World War II and could do it again if necessary. Please advise.

HUGH BUTLER,
United States Senate, Nebraska.

Mr. President, I do not know just what is the status quo of the transaction at the moment, although I think the sale has not yet been confirmed.

I should like to invite the attention of the Members of the Senate to the report of the subcommittee, in which the subcommittee recommends that the Government continue ownership of the plant, perhaps leasing it for operation, as was done during the World War. I think that is a very wise suggestion.

RECENT PRICE TRENDS AFFECTING MILITARY PROCUREMENT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement in regard to recent price trends affecting military procurement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RECENT PRICE TRENDS AFFECTING MILITARY PROCUREMENT

The past 5 months have been marked by steadily rising prices, accelerated since the conflict in Korea. The Bureau of Labor Statistics wholesale price index has risen from 152.9 in April to 167.5 on September 5, an average increase of 9.5 percent. Many basic raw materials have increased in price to an even greater extent than have finished products, including a number of key commodities used in the manufacture of items required by the armed services, as shown by the following table:

Commodity	Unit	April 1950 price	Current price	Percent increase	Commodity	Unit	April 1950 price	Current price	Percent increase
Burlap	Yard	$0.172	$0.242	40.7	Print cloth, cotton	Yard	$0.14	$0.21	50.0
Copper	Pound	.184	.234	27.2	Steel scrap (Philadelphia)	Ton	24.00	38.00	58.3
Cotton	do	.320	.407	27.2	Tin	Pound	.75	.99	32.0
Crude rubber	do	.21	.55	161.9	Wool tops	do	1.87	3.02	61.5
Hides	do	.242	.33	36.4	Zinc	do	.112	.182	62.5
Lead	do	.105	.16	52.4					

The price increases in basic commodities have not yet been fully reflected in the prices currently being paid for items procured by the armed services. This is partly due to the fact that outstanding fixed-price contracts cover current military requirements in a number of areas and in such cases the impact of increased raw materials prices has been felt by the contractors rather than by the armed services. As a result, many contractors are insisting on escalator clauses in contracts currently under negotiation, rather than accept fixed-price contracts.

Despite the existence of some fixed-price contracts, procurement costs have already risen significantly for many important items, with price rises becoming more widespread in recent weeks. The Korean conflict has resulted in a marked increase in requirements for aviation fuel. These increased needs are being met by the use of marginal facilities and practices and additional supplies of 114/145 octane aviation fuel are being purchased today at a cost 30 percent higher than that of normal supplies contracted for several months ago. Ships parts have in-

creased by an average of 10 to 12 percent, while resistors, actuators, and other electronic spares for aircraft are being quoted at prices that are as much as 175 percent greater than those prevailing prior to the Korean conflict.

The following are examples of other items recently procured by the armed services at significantly higher prices:

Commodity	Unit	April 1950 price	Current price	Percent increase
Fuel oil (west coast)	Barrel	$0.99	$1.53	54.5
Gasoline (west coast)	do	3.90	4.38	12.4
Diesel fuel (United States Gulf)	do	2.92	3.36	15.1
Lumber:				
No. 2 common pine	M board feet	66.00	97.00	47.0
Douglas fir	do	67.50	82.50	22.2
Bailey bridges	Each	37,796.00	51,792.00	37.0
20-ton trailers	do	3,287.00	3,540.00	7.7
Beach tractors	do	10,188.00	10,840.00	6.4
Fire hose, cotton, rubber-lined	50 feet	20.64	23.10	11.9
Astrolabe	Each	1,200.00	1,311.00	9.2
Fire hose, naval	Foot	.36	.58	61.1
Water tank trailer, 1-ton	Each	793.17	914.76	15.3
Battery:				
2E	do	9.15	11.53	26.0
2H	do	12.55	14.58	16.2
3H	do	11.21	15.84	14.3
Tire:				
6.50 by 20 8-ply	do	16.14	20.46	26.8
7.50 by 20	do	23.99	28.93	20.6
Bearing bushing	do	.79	1.38	74.7
Gasket set	do	.0849	.12757	50.3
Wiring harness	do	3.12	4.14	32.7
Fuel tank	do	9.15	12.75	39.3
Sprocket	do	15.00	18.45	23.0
Nut	do	.01265	.0146	15.4
Battery assembly hanger	do	2.95	3.43	16.3
Flange, transfer brace drum	do	1.72	1.99	15.7
Filter oil breather	do	1.80	1.95	8.3
Carriage bolts	do	.0135	.01533	13.6
Steering knuckle assembly	do	15.84	19.9368	25.9
Shaft (automotive)	do	22.77	24.74	8.7
Hood support	do	.77	.83	7.8
Ground interrogator, AN/UPX-4	do	3,479.00	4,175.00	20.0
Height finder:				
AN/TPS-103	do	36,000.00	44,500.00	23.6
AN/MPS-4	do	67,000.00	77,050.00	15.0
Radio receiver, R-274/FRR	do	550.00	910.00	65.5
Oscilloscope, OS-8/U	do	139.00	219.00	57.6
Radiak training set	do	84.90	289.00	240.4
Antenna equipment, RC-292	do	134.88	162.38	20.4
Switchbox, BC-658 (c)	Each	10.05	12.04	19.8
Field wire, WD-1/TT	Mile	58.02	68.17	17.5
Communications equipment, AN/GRC-26.	Each	11,353.91	14,700.00	29.5
Conveyor, gravity, roller, 10 feet, 18 inches.	do	29.01	41.33	42.5
Broom, corn	Dozen	$11.25	$12.53	11.4
Steel wool	Pound	.218	.265	21.6
Soap powder, hand scouring	do	.09	.1201	33.4
Mop, cotton	Each	.4675	.5875	25.7
Burlap, jute, 40-inch	Yard	.1711	.2325	35.9
Sack, burlap, 57 by 50 inches	Each	.417	.5823	39.6
Dishwashing machine, model 180DA.	do	1,454.62	1,554.00	6.8
Paper, typewriter, bond	Ream	6.435	8.36	29.9
Barrier, waterproof:				
Type C-1	Roll	4.16	4.90	17.8
Type L-2	do	11.06	11.80	6.7
Type M	do	7.45	8.53	14.5
Box, fiber, shipping	Each	.82771	1.241	49.9
Cloth:				
Cotton, twill, 5-ounce	Square yard	1.27	1.555	22.4
Wool, lining, 12-ounce	Yard	1.65	2.05	24.2
Wool, serge, 15-ounce	do	3.595	4.555	26.7
Wool, serge, 12-ounce	do	3.63	4.463	22.9
Wool, lining, 15-ounce	do	1.78	2.247	26.2
Wool, serge, 18-ounce	do	3.8176	4.89	28.1
Wool pile	do	4.90	6.274	28.0
Webbing, cotton, 1-inch	do	.0413	.059	42.9
Drawers, cotton, shorts, white	Each	.4233	.5246	23.9
Cloth, cotton chambray, 3-ounce	Yard	.39	.44	12.8
Trousers, cotton khaki	Each	.74	.86	16.2
Box and sleeve, shipping, fiber	Set	[1].5996	.6794	13.3
Gasoline drums, 5-gallon	Each	1.7891	1.9791	10.6
Adhesive tape, 3 inches by 5 yards	Roll	.26	.30	15.4
Surgical gloves, rubber	Pair	.178	.22	23.6
Glycerin	Pound	.35	.75	114.3
Instrument and medicine cabinet	Each	195.00	220.00	12.8
Vitamin A in oil	50 cubic centimeters.	.364	.436	19.8
Bacon, smoked	Pound	.38	[2].4878	28.4
Beef:				
Boneless	do	.6438	[2].6762	5.0
Carcass	do	.4602	[2].4877	6.0
Ham, smoked	do	.5367	[2].6734	25.5
Lard	do	.1329	[2].1634	22.9
Pork	do	.4245	[2].5395	27.1
Sausage	do	.3650	[2].4394	20.4
Chicken, dressed	do	.3835	[2].4200	9.5
Eggs, shell	Dozen	.3746	[2].4495	20.0
Milk, frozen	Quart	.1357	[2].1539	13.4
Ground interrogator, AN/UPX-6	Each	1,842.00	2,303.00	25.0

[1] Aug. 4 1950, price.
[2] Reflects prices paid at time of last procurement in July 1950. BLS Wholesale Food Index has advanced 3.3 percent between July 1950 and Sept. 5, 1950.

(Progress Reports and Statistics, Office of Secretary of Defense, Sept. 11, 1950.)

ACTION OF BURMESE PARLIAMENT IN ENDORSING UNITED NATIONS' ACTION RELATIVE TO KOREA

Mr. HUMPHREY. Mr. President, on September 5, the Burmese Parliament, by almost unanimous action—I believe there were one or two dissenting votes—overwhelmingly approved the action of the United Nations relative to its resolution in regard to the invasion by the North Korean forces. I believe this action by the Burmese Parliament to be of singular importance, in view of the fact that Burma is another of the Asiatic powers which have joined with the United States and other members of the United Nations in condemning the aggression by the North Korean forces which has been instigated by the master minds of the Kremlin.

It is important to note that the Prime Minister of Burma, Mr. Thakin Nu, following the action of the Burmese Parliament, stated that he felt that the Parliament's action was right and proper, that the Parliament was investing in good insurance against further aggression in the Far East.

I wish to bring this matter to the attention of the Senate because of the great importance of having favorable action taken on the part of the Asiatic governments in support of the resolution of the United Nations.

INTERSTATE CRIME INVESTIGATION

Mr. KEFAUVER. Mr. President, it is not often that I make any comment about columnists, but when some statements get started, of course, when there is no refutation, sometimes they come to be accepted as facts. I desire to make a brief comment about an article which appeared in the New York Daily Mirror of September 11, written by Mr. Jack Lait. The article is generally friendly toward the work of the Senate Select Committee to Investigate Interstate Crime and toward the chairman and other members of the committee. But there is a statement or two which I find not altogether factually accurate, which I desire to have corrected.

In one paragraph the article states that the junior Senator from Tennessee, the chairman of the committee, was let in on the tie-ups between big mobsters in New York, Chicago, and other cities, and Democratic forces. I want to state that the chairman of the committee has not been "let in" on anything; that while it is true that by investigation we have found efforts on the part of the interstate criminal element to obtain protection or influence in both the Republican and Democratic Parties, no one has taken the chairman up on a mountain to "let him in" on anything.

I also desire to say that our inquiry thus far shows that this is not a matter of one political party or the other, but that organized criminal elements, regardless of party, play both sides of the street, and wherever they can get any kind of protection or assistance, they try to get it.

Another matter I wanted to refer to was that some aspersion was cast on the counsel for the committee, Rudolph Halley, suggesting that he was recommended by certain people high in the Democratic administration. I wish to say that Mr. Halley was my own recommendation to the Senate committee. I felt that he was the man who would best serve us, a man who could give full time to the work of the committee. I think the work of the committee and of the counsel speaks for itself. I think we have made a very excellent record. No one in the executive department recommended Mr. Halley. He was recommended by a number of Members of the Senate of both political parties, who had served on the Truman war investigating committee.

There is also an aspersion cast upon counsel for the committee to the effect that his firm was at one time counsel for some transportation company, a part of whose stock it is alleged was owned by the gambling element. Of course, there is nothing to prevent anyone from

buying stock on the "big board," but I am certain that as to this case, involving an effort to get a rate increase, if there was any criminal element in the management of that or any other transportation company, Mr. Halley and his associates knew nothing of it.

Another statement was that "KEFAUVER wanted Tom Murphy, Federal prosecutor fresh from his victory in the Hiss conviction, but this was killed by the Justice Department."

Also I notice that the Chicago Tribune of Saturday, September 9, has a statement to the same effect, saying of Mr. Murphy that he could get no promotions because he did not have political backing, or something of the kind, and stating:

When Senator KEFAUVER asked if he—

Speaking of Mr. Murphy—

would accept appointment as counsel of the Senate Crime Investigating Committee, Murphy said that he would if tied by no political strings. The appointment went to someone else.

The inference is that because of some political strings Mr. Murphy did not get the appointment. I may say that before the committee was organized, I interviewed Mr. Murphy on two occasions. I had a very high respect for him as a lawyer. I thought he did a great job in the trial of the Hiss case. But he had had no previous experience with congressional committees. The strange thing is, however, that instead of the Department of Justice trying to prevent me from recommending Mr. Murphy, he was the one person who was vigorously recommended, and the only person who was recommended, by the Department of Justice, through the Attorney General and through the Assistant Attorney General, Mr. Peyton Ford.

The article in the Daily Mirror also says that the junior Senator from Tennessee, as chairman, tried to get Boris Kostelanetz, and that that was thumbed down because Kostelanetz had sent to Atlanta the Capone mobsters who had extorted $2,000,000 from the movie industry and its unions. I may say that Boris Kostelanetz has one of the most phenomenal records in criminal prosecution of anyone I know. He is a very competent lawyer, one of the best men in this kind of business. He is in the unusual position of being a certified public accountant as well as a very capable lawyer. But the situation was that Mr. Kostelanetz had planned a trip abroad. Also, he had certain cases pending, to which he would have to devote some time. In connection with his trip abroad, however, he has made certain inquiries on behalf of the committee. The committee hopes to make use of his services, to the extent we are able to obtain them, upon his return, in connection with various phases of the investigation. So the committee wants Mr. Kostelanetz to assist as special counsel as much as he can. Certainly Mr. Kostelanetz was never denied a position with the committee by reason of his having sent the Capone mobsters to the penitentiary. On the contrary, it is a great recommendation for him indeed, and it is one of our reasons for being anxious to obtain his services now.

I am certain that members of the Truman committee, the Senator from Michigan [Mr. FERGUSON], the Senator from Maine [Mr. BREWSTER], the Senator from West Virginia [Mr. KILGORE], and others, with whom I talked, would verify the character of the man who was selected by the Senate Committee on Interstate Crime as counsel, Mr. Rudolph Halley.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. KEFAUVER. I yield.

Mr. WHERRY. I should like to say to the distinguished Senator from Tennessee that it has never been my policy, in all the years I have been in politics, to answer adverse publicity, especially untruthful statements. But inasmuch as the distinguished Senator is correcting some of the statements made by columnists with reference to his work, I desire to call attention to a remark which is contained in a column written by Mr. Drew Pearson, appearing in this morning's Washington Post under the headline "The Washington Merry-Go-Round." In the middle of a paragraph he uses this language:

Senator KEN WHERRY of Nebraska, who recently played into the hands of the racketeers by slicing the Senate crime appropriations by one-half.

I should like to ask the distinguished Senator, who as chairman of the Senate Select Committee to Investigate Interstate Crime, appeared before the Senate Appropriations Committee, whether that statement is true.

Mr. KEFAUVER. I want to be very frank with the distinguished Senator. I am glad that he asked me that question. We requested $100,000 additional funds for the work of the Senate Select Committee to Investigate Interstate Crime. The amount was cut to $50,000. Though I do not know who made the motion, I assume the action was taken by unanimous consent or by agreement of all members of the committee. I do not know what happened in the executive session of the committee. But I do want to say, very frankly, that on the poor showing which the junior Senator from Tennessee made on the budget, he was very happy to get $50,000. It so happened that the hearings came up on the day that our counsel and the staff director were out of town, and I thought I had sufficient information to make a proper presentation, but on the showing made by the chairman of the committee, I can blame no one, either the Senator from Nebraska, or any other Senator, for cutting our request. I thought on the showing we made that the committee was very generous.

I should like to say also that the Senator from Nebraska and other Members of the Senate stated to me afterwards that if, later on, or at the beginning of the next session, it were found that we needed additional funds to carry us through March 31, which is our expiration date, the funds would be forthcoming.

Mr. WHERRY. Does the Senator know whether I made the motion?

Mr. KEFAUVER. I have no knowledge of that.

Mr. WHERRY. If I should inform the distinguished Senator that I did not make the motion, would the Senator feel that that statement would be correct?

Mr. KEFAUVER. I am certain it would be correct.

Mr. WHERRY. I should like to ask one more question. As I understood the Senator, when the appropriation came up in the first instance the Senator asked for $150,000, did he not?

Mr. KEFAUVER. That is correct.

Mr. WHERRY. And that amount was granted immediately, without any opposition, was it not?

Mr. KEFAUVER. That is correct.

Mr. WHERRY. Is it not a fact that when the Senator presented his case for additional funds, the Senator had on hand a balance of $113,000?

Mr. KEFAUVER. That is what the books showed. I later found out that a good many heavy expenses had not come in as of that time.

Mr. WHERRY. The presentation at that time was that there was a balance on hand of $113,000. Did not the distinguished Senator say that he would like to have $25,000 a month for the next 7 months, and that figured $175,000?

Mr. KEFAUVER. That is correct.

Mr. WHERRY. With that amount of money on hand, plus the $50,000, it made $163,000 the Senator would have.

Mr. KEFAUVER. I think what I said was that we expected during the life of our committee that we would spend, on an average, $25,000 a month. But, anyway, the point is that the chairman of the committee, the junior Senator from Tennessee, has no complaint whatsoever about the action of the Committee on Rules and Administration.

Mr. WHERRY. The Senator knows that the junior Senator from Nebraska did not make the motion which cut the appropriation $50,000.

Mr. KEFAUVER. I do not know who made the motion. If the Senator says he did not make it, I know it is true.

Mr. WHERRY. Mr. President, I cannot at this moment give the name of the Senator who made the motion, but I want the RECORD to show that the motion did not come from the junior Senator from Nebraska. It came from the other side of the aisle. I did support the motion, because there was no fight on the question at all. It was simply a question of providing enough money for the committee to operate for the next 6 months.

I appreciate the fact that the junior Senator from Tennessee has stated that it was his presentation of the case that got him the $50,000. He is incorrect about the committee being unanimous. I think there were one or two members of the full committee who felt that possibly it would be a good thing if the Senator knew what he was going to get for the next 6 or 7 months, but it was the unanimous opinion that there was nothing but commendation for the work of the Senator from Tennessee, and it was simply a matter of the necessary money. But one of the members of the committee, on the other side, made a motion to

give the committee $50,000, for which motion the junior Senator from Nebraska voted, as did all the Members on our side. I wanted the RECORD to show that.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LEHMAN in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. CHAVEZ, from the Committee on Public Works:

Col. John S. Seybold, Corps of Engineers, to serve as president and member of the California Debris Commission, vice Col. Dwight F. Johns, to be relieved; and

Lt. Col. Clarence C. Haug, Corps of Engineers, to serve as member and secretary of the California Debris Commission, vice Col. Joseph S. Gorlinski, Corps of Engineers, to be relieved.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

Mr. HUMPHREY. I ask that we start with that portion of the Executive Calendar entitled "New Report."

SUPREME COURT, TERRITORY OF HAWAII

The legislative clerk read the nomination of Hon. Louis LeBaron, of Hawaii, to be associate justice of the Supreme Court, Territory of Hawaii.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

CIRCUIT COURTS, TERRITORY OF HAWAII

The legislative clerk read the nomination of Jon Wiig, of Hawaii, to be fifth judge, first circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Hon. Gerald R. Corbett, of Hawaii, to be sixth judge of the first circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Maurice Sapienza, of Hawaii, to be a judge, third circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE TAX COURT OF THE UNITED STATES

The legislative clerk read the nomination of Arnold Raum, of Massachusetts, to be judge of the Tax Court of the United States for the unexpired term of 12 years from June 2, 1948.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

MOTOR CARRIER CLAIMS COMMISSION

The legislative clerk read the nomination of William Randolph Carpenter, of Kansas, to be a member of the Motor Carriers Claims Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the nominations on the calendar.

RECESS

Mr. HUMPHREY. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 55 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, September 13, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 12 (legislative day of July 20), 1950:

DIPLOMATIC AND FOREIGN SERVICE

Cavendish W. Cannon, of Utah, a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Syria.

JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR GUAM

Paul D. Shriver, of Colorado, to be judge of the District Court of the United States for Guam, new position.

UNITED STATES ATTORNEY

James G. Mackey, of New York, to be United States attorney for the district of Guam, new position.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 12 (legislative day of July 20), 1950:

SUPREME COURT, TERRITORY OF HAWAII

Hon. Louis LeBaron, of Hawaii, to be associate justice of the Supreme Court, Territory of Hawaii.

CIRCUIT COURTS, TERRITORY OF HAWAII

Jon Wiig, of Hawaii, to be fifth judge, First Circuit, Circuit Courts, Territory of Hawaii.

Hon. Gerald R. Corbett, of Hawaii, to be sixth judge, First Circuit, Circuit Courts, Territory of Hawaii.

Maurice Sapienza, of Hawaii, to be judge, Third Circuit, Circuit Courts, Territory of Hawaii.

THE TAX COURT OF THE UNITED STATES

Arnold Raum, of Massachusetts, to be judge of the Tax Court of the United States, for the unexpired term of 12 years from June 2, 1948.

MOTOR CARRIER CLAIMS COMMISSION

William Randolph Carpenter, of Kansas, to be a member of the Motor Carrier Claims Commission.

SENATE

WEDNESDAY, SEPTEMBER 13, 1950

(Legislative day of Thursday, July 20, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, into the calm and confidence of Thy presence we would bring our drained and driven souls, as we bow at this little shrine of daily devotion, that the benediction of Thy peace may fall upon our restless lives.

In this day of destiny, O be swift our souls to answer Thee, be jubilant our feet. As soldiers of freedom, all serving in the ranks, let all that is low, abominable, selfish, vindictive, be put away from us; and may all things pertaining to Thy spirit live and grow in us. Prepare our hearts to build again the waste places of the earth, as tyranny and hatred give way to brotherhood and reconciliation.

In the fight to make men free, open our eyes that we may see not only the encircling might of evil but also, on the hills about us, the chariots of God and the horsemen thereof. In the name of that One by whose redeeming grace we are made more than conquerors. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 12, 1950, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MCFARLAND, and by unanimous consent, the Committee on Foreign Relations was authorized to sit during the session of the Senate today.

CALL OF THE ROLL

Mr. MCFARLAND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hoey	Martin
Benton	Holland	Millikin
Bricker	Humphrey	Morse
Butler	Hunt	Mundt
Byrd	Ives	Murray
Cain	Jenner	Myers
Chapman	Johnson, Colo.	Neely
Chavez	Johnson, Tex.	O'Conor
Connally	Kem	O'Mahoney
Cordon	Kerr	Robertson
Darby	Kilgore	Russell
Douglas	Knowland	Schoeppel
Dworshak	Langer	Smith, Maine
Ecton	Leahy	Sparkman
Ellender	Lehman	Stennis
Ferguson	Lodge	Taylor
Frear	Long	Thomas, Okla.
Fulbright	Lucas	Thye
George	McCarran	Tydings
Gillette	McCarthy	Watkins
Graham	McClellan	Wherry
Green	McFarland	Wiley
Gurney	McKellar	Williams
Hendrickson	McMahon	Young
Hickenlooper	Magnuson	
Hill	Malone	

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN] and the Senator from South Carolina [Mr. JOHNSTON] are absent on public business.

The Senator from Tennessee [Mr. KEFAUVER] is absent because of illness in his family.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The Senator from Ohio [Mr. TAFT] is necessarily absent.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is necessarily absent.

The VICE PRESIDENT. A quorum is present.

ORDER TO BEGIN CONSIDERATION OF CALENDAR WITH NO. 2382

Mr. LUCAS. Mr. President, I ask unanimous consent that instead of beginning at the first number on the calendar, the Senate proceed to the consideration of unobjected-to bills beginning with order No. 2382, which is the point reached during the last call, and that upon completion of the call the Senate proceed to the consideration of unobjected-to bills beginning with the first order on the calendar.

I make the unanimous-consent request with the understanding that the veto message in the hands of the Senator from Nevada will be considered first.

Very few of the bills previously called will probably be passed, but it will require some time to complete their call, whereas many of the bills reported since the last call are private bills and will be passed.

There is considerable mechanical work necessary to be done by the clerical force in the office of the Secretary in entering such bills on their records and getting them to the Government Printing Office for engrossment and transmission to the House. It would therefore be advantageous in the disposition of these bills if the clerks in the Secretary's office could receive bills acted upon by the Senate as early as possible. It is for this reason that I ask unanimous consent to begin with Calendar No. 2382 in order that they may reach the Secretary's office as soon as possible.

I make the request on the theory that we are working toward finishing with everything by Saturday night.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHERRY. Reserving the right to object—and I shall not object—is it the intention of the majority leader to have another calendar call following this one?

Mr. LUCAS. I had not intended to have another call of the calendar.

Mr. WHERRY. This will be the last call of the calendar?

Mr. LUCAS. I believe this will be the last call of the calendar.

Mr. WHERRY. The request of the distinguished majority leader, as made, is a very logical one, in view of the fact that the bills have to be processed. I have not conferred with the calendar committee on our side. Does the majority leader know whether reports to accompany the bills just placed on the calendar are available?

Mr. LUCAS. I can not answer that question at the moment.

Mr. WHERRY. I think that if the reports have been filed, there would be no objection at all to the request. I should like to see all the reports in, however.

Mr. LUCAS. The clerk advises me that all the reports are in.

Mr. WHERRY. Then I believe there is no objection to the procedure suggested. My understanding is that immediately after the call of the calendar has been completed from where we left off at the last call, the Senate will go back to the first measure on the calendar, and go on through to where we will start today.

Mr. LUCAS. The Senator is correct, and the procedure suggested is to be followed as a matter of convenience for the clerks.

Mr. WHERRY. I understand.

The VICE PRESIDENT. Without objection, the unanimous consent is granted.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. Without objection, the Chair will recognize Senators for presentation of routine matters, without speeches or debate.

PETITION

Mr. GREEN presented a resolution adopted at mass meetings in the State of Rhode Island by Americans of Polish descent, relating to a free government for Poland, which was referred to the Committee on Foreign Relations.

PROMOTION OF FREER INTERCHANGE OF WORLD PRODUCTS THROUGH PROCESS OF RECIPROCAL TRADE AGREEMENTS

Mr. O'CONOR. Mr. President, in its efforts to promote freer interchange of world products through the process of reciprocal trade agreements, the Department of State should keep ever in mind, I believe, depressed areas whose economy might be further unfavorably affected by any changes in existing agreements.

Residents of the western section of our State which has been declared a critical area because of aggravated unemployment are fearful that further depression of their economy may result if proposed revision of the tariff rates on book paper and container board are effected. With this in mind, the United Paper Workers of America, Local 676, CIO, of Western Port, Md., have adopted a formal resolution and petition dealing with the matter, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the resolution and petition were ordered to be printed in the RECORD, as follows:

RESOLUTION OF UNITED PAPER WORKERS OF AMERICA, LOCAL 676, CIO, WESTERN PORT, MD.

Whereas the members of Luke Local 676, UPA-CIO, have learned of proposed revision of the tariff rates on book paper and container board through reciprocal trade agreements; and

Whereas we feel that any lowering of the tariff on these classifications of paper will not benefit European countries but will serve to work a hardship on the members of this local 676, UPA-CIO, and grievously affect the prosperity of Allegany County, Md., and Mineral County, W. Va.: Therefore be it

Resolved, That this local 676, UPA-CIO, request the employees of the West Virginia Pulp & Paper Co. to petition their representatives in the Congress of the United States to confer with our officials in the State Department to protect our interests and future prosperity; and

Resolved, That copies of this resolution be sent to our Senators and Representatives in the Congress of the United States.

HARRY MCGOWAN,
President.
EUGENE J. DAWSON,
Vice President.

PETITION OF THE EMPLOYEES OF THE WEST VIRGINIA PULP & PAPER CO. TO THEIR REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES

We have learned that our State Department will attend a meeting in England this fall to cut tariff rates on certain products that various countries would like to sell here, including book paper and container board.

As workers in the plant of the West Virginia Pulp & Paper Co., Luke, Md., we are naturally concerned about the effect of such action on our livelihood.

As our representative in the United States Senate we are looking to you to safeguard our interests. We recall that all tariff was removed from newsprint in 1913, resulting in the death of the American newsprint industry, and boom to that industry in Canada. Would not the proposed action have the same effect?

We believe that the proposal would not materially affect the recovery of Europe but would give Canada a great advantage over us in the paper market. Canada has plenty of wood. Canada's wage rates in the paper industry are about 20 percent less than ours. Canada has devalued her dollar. Putting these facts together, we feel that we face a real threat.

The paper industry is the backbone of our community, and affects the livelihood of 10,000 people; therefore this matter is of vital importance to us.

We hope that you will consider these two questions: (1) What effect will such action

have upon our home industry? and (2) Will the benefits not fall to Canada, which does not need the help, rather than materially aiding the recovery of Europe?

We trust that you will give careful consideration to our problem, and employ all of your good offices to safeguard our industry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the District of Columbia:

S. 1113. A bill to provide for the appointment of committees to conserve the assets of persons of advanced age, mental weakness, or physical incapacity; with amendments (Rept. No. 2559).

By Mr. JOHNSON of Colorado, from the Committee on Interstate and Foreign Commerce:

H. R. 6355. A bill to provide for the conveyance of certain real property to the city of Richmond, Calif.; without amendment (Rept. No. 2560);

H. R. 7524. A bill to authorize the establishment of a wildlife-management area in the Florida Keys, Fla., and for other purposes; without amendment (Rept. No. 2561); and

S. Res. 344. Resolution to inquire into the adequacy of fuel supplies in New England; with an amendment (Rept. No. 2562).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs:

H. R. 9272. A bill to amend the act of October 5, 1949 (Public Law 322, 81st Cong.), so as to extend the time of permits covering lands located on the Agua Caliente Indian Reservation; with an amendment (Rept. No. 2563).

By Mr. CONNALLY, from the Committee on Foreign Relations:

H. R. 5902. A bill for the relief of the Pan American Union; with an amendment (Rept. No. 2565); and

H. R. 7445. A bill authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.; without amendment (Rept. No. 2566).

By Mr. MCKELLAR, from the Committee on Appropriations:

H. R. 9526. A bill making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, with amendments (Rept. No. 2567).

CITATION OF FREDERICK VANDERBILT FIELD FOR CONTEMPT OF SENATE—REPORT OF A COMMITTEE

Mr. CONNALLY. Mr. President, on behalf of the Senator from Maryland [Mr. TYDINGS], from the Committee on Foreign Relations, I report an original resolution (S. Res. 349), citing Frederick Vanderbilt Field for contempt of the Senate, and I submit a report (No. 2568) thereon.

The VICE PRESIDENT. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 349) was placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Foreign Relations Committee of the Senate as to the refusal of Frederick Vanderbilt Field to answer a series of questions before a subcommittee of the said Foreign Relations Committee, together with all of the facts in connection therewith, under seal of the Senate, to the United States attorney for the District of Columbia; to the end that the said Frederick Vanderbilt Field may be proceeded against in the manner and form provided by law.

CITATION OF EARL RUSSELL BROWDER FOR CONTEMPT OF SENATE—REPORT OF A COMMITTEE

Mr. CONNALLY. Mr. President, on behalf of the Senator from Maryland [Mr. TYDINGS], from the Committee on Foreign Relations, I report an original resolution (S. Res. 350), citing Earl Russell Browder for contempt of the Senate, and I submit a report (No. 2569) thereon.

The VICE PRESIDENT. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 350) was placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Foreign Relations Committee of the Senate as to the refusal of Earl Russell Browder to answer a series of questions before a subcommittee of the said Foreign Relations Committee, together with all of the facts in connection therewith, under seal of the Senate, to the United States attorney for the District of Columbia; to the end that the said Earl Russell Browder may be proceeded against in the manner and form provided by law.

CITATION OF PHILIP JACOB JAFFE FOR CONTEMPT OF SENATE—REPORT OF A COMMITTEE

Mr. CONNALLY. Mr. President, on behalf of the Senator from Maryland [Mr. TYDINGS], from the Committee on Foreign Relations, I report an original resolution (S. Res. 351) citing Philip Jacob Jaffe for contempt of the Senate, and I submit a report (No. 2570) thereon.

The VICE PRESIDENT. The report will be received, and the resolution will be placed on the Calendar.

The resolution (S. Res. 351) was placed on the calendar, as follows:

Resolved, That the President of the Senate certify the report of the Foreign Relations Committee of the Senate as to the refusal of Philip Jacob Jaffe to answer a series of questions before a subcommittee of the said Foreign Relations Committee, together with all of the facts in connection therewith, under seal of the Senate, to the United States attorney for the District of Columbia; to the end that the said Philip Jacob Jaffe may be proceeded against in the manner and form provided by law.

APPOINTMENT OF GEN. GEORGE C. MARSHALL AS SECRETARY OF DEFENSE (REPT. NO. 2564)

Mr. TYDINGS. Mr. President, from the Committee on Armed Services, I report an original bill to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense, and I submit a report thereon, including minority views of the Senator from California [Mr. KNOWLAND] and the Senator from Washington [Mr. CAIN].

I ask unanimous consent that a letter from President Truman addressed to me as chairman of the Committee on Armed Services, dated September 13, 1950, recommending the legislation, be printed in the RECORD, and referred to the Committee on Armed Services.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar; and, without objection, the letter will be printed in the RECORD and referred to the Committee on Armed Services. The Chair hears no objection.

The bill (S. 4147) to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense, reported by Mr. TYDINGS from the Committee on Armed Services, was read twice by its title, and placed on the calendar.

The letter was referred to the Committee on Armed Services, as follows:

THE WHITE HOUSE,
Washington, September 13, 1950.

Hon. MILLARD E. TYDINGS,
Chairman, Senate Armed Services Committee, Washington, D. C.

MY DEAR MR. CHAIRMAN: Attached is a draft of legislation which would permit Gen. George C. Marshall to serve as Secretary of Defense. I request that you lay this matter before your committee with a view to obtaining early and favorable action by the Congress.

I am a firm believer in the general principle that our Defense Establishment should be headed by a civilian. However, in view of the present critical circumstances and of General Marshall's unusual qualifications, I believe that the national interest will be served best by making an exception in this case.

I am sending a similar letter to Chairman VINSON.

Sincerely yours,

HARRY S. TRUMAN.

IMPLEMENTATION OF HOOVER COMMISSION REPORTS AND RECOMMENDATIONS—LEAVE TO FILE REPORT

Mr. McCLELLAN. The Committee on Expenditures in the Executive Departments is having prepared a complete report on the progress made by the Eighty-first Congress in the implementation of the Hoover Commission reports and recommendations. It is unlikely that this report can be completed by the time we recess or adjourn. Therefore, in view of the importance of the matter, and, I think, of the interest of Members in it, as well as the interest of the country in knowing what progress has been made in the reorganization program, I ask unanimous consent that the report may be filed at any time the Congress may be in recess, or following adjournment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN:

S. 4146. A bill for the relief of Claude Pierre Connelly; to the Committee on the Judiciary.

(Mr. TYDINGS, from the Committee on Armed Services, reported an original bill (S. 4147) to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense, which was ordered to be placed on the calendar, and appears under a separate heading.)

By Mr. MYERS:

S. 4148. A bill for the relief of Raffaele Rizzi; to the Committee on the Judiciary.

(Mr. MYERS also introduced Senate bill 4149, for the relief of certain members of the National Guard who died as a result of a train accident which occurred near West Lafayette, Ohio, on September 11, 1950, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. LEHMAN:

S. 4150. A bill for the relief of Toyoko Umemura; to the Committee on the Judiciary.

By Mr. BENTON:

S. 4151. A bill for the relief of Ludek Stransky and his wife, Ruzena; to the Committee on the Judiciary.

COMPENSATION TO FAMILIES OF CERTAIN PENNSYLVANIA NATIONAL GUARD MEN

Mr. MYERS. Mr. President, all of us were shocked and stunned at the disastrous predawn train wreck which took place near Coshocton, Ohio, 2 days ago, and which cost the lives of so many fine Pennsylvania boys. These men were all members of Pennsylvania's Twenty-eighth Infantry Division, who had been called into Federal service, and were en route to Camp Atterbury, Ind. No words of mine can bring solace for their tragic loss to the families of these men.

We have an immediate responsibility to the families and dependents of the men who lost their lives in this disaster. We are deeply aware that nothing we can do can possibly compensate them for the loss of a husband, a son, or member of the family who is held dear. Nevertheless, our obligation is real and must be met immediately. It is my understanding that some of the men who lost their lives in this accident did not have national service life insurance. Accordingly, I am introducing a bill which directs the Secretary of the Treasury to pay to the estate of any such man who died as a result of injuries received in the accident, the sum of $10,000, if he did not have either national service life insurance or United States Government life insurance. Or, if he had either or both, the Treasury would be directed to pay to his estate the difference between the total amount of such insurance and $10,000.

Mr. President, the death toll in this catastrophe rose to 34 this morning. It has hit all of us with a teriffic impact. It is my fervent hope that Congress will pass this bill immediately to provide some small measure of retribution to the families of these men.

Upon hearing of this disaster, I immediately sent a telegram to Col. J. Monroe Johnson, Chairman of the Interstate Commerce Commission, urging a comprehensive inquiry into the causes of the accident. Last evening I was advised that a thorough investigation would be conducted personally by Commissioner Patterson, who is in charge of safety, and it got under way in Pittsburgh this morning. In addition to this investigation, I asked that Colonel Johnson summon to Washington members of the entire railroad industry of the country for a thoroughgoing review of safety practices on the railroads. Certainly when our men are facing danger in Korea and elsewhere, it is incumbent upon us to alert our entire transportation industry, so that tragic accidents of this sort, which kill here at home, are prevented.

We must not jeopardize the lives of our men who are drafted into the military service by "business-as-usual" practices on the railroads or in any segment of our transportation structure.

Therefore, I introduce the bill which I send to the desk and ask to have appropriately referred.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 4149) for the relief of certain members of the National Guard who died as a result of a train accident which occurred near West Lafayette, Ohio, on September 11, 1950, introduced by Mr. MYERS, was read twice by its title, and referred to the Committee on the Judiciary.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO SUPPLEMENTAL APPROPRIATION BILL

Mr. WHERRY submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, the following amendment, namely: After section 1102, insert a new section, as follows:

"SEC. 1103. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economical or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), any article or commodity which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration may be usable by, or may be used in the manufacture of any article or commodity which may be useful to, the armed forces of the Union of Soviet Socialist Republics or such satellite countries for military purposes; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity having possible strategic value to the armed forces of the Union of Soviet Socialist Republics or such satellite countries which he finds to be of the nature or class described."

Mr. WHERRY also submitted an amendment intended to be proposed by him to House bill 9526, making supplemental appropriations for the fiscal year 1951, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. McKELLAR (for Mr. BRIDGES) submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is the intention of the Senator from New Hampshire [Mr. BRIDGES] to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, the following amendment, namely: On page 30, line 23, insert the following: "*Provided*, That in carrying out the purposes of the Mutual Defense Assistance Act of 1949, as amended, the President shall encourage the cooperating nations to forgive indebtedness incurred with one another during World War II or to delay payments on such indebtedness for so long a period as United States assistance shall be required for the debtor nation."

Mr. McKELLAR (for Mr. BRIDGES) also submitted an amendment intended to be proposed by Mr. BRIDGES to House bill 9526, making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. McCLELLAN submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, the following amendment, namely: Page 9, after line 9, insert the following:

"Notwithstanding the provisions of any law or any order, regulation, or agreement made or issued thereunder, any alien employed in the United States in 1949 pursuant to an agricultural labor contract made under the authority of the ninth proviso of section 3 of the Immigration Act of 1917, as amended, shall for purposes of such contract or any bond or agreement made by the employer of such alien in connection therewith be presumed, in the absence of evidence to the contrary, to have left the United States in accordance with the terms of such contract on or prior to March 31, 1950."

Mr. McCLELLAN also submitted an amendment intended to be proposed by him to House bill 9526, making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

REGULATION OF THE PRACTICE OF ENGINEERING IN THE DISTRICT OF COLUMBIA—INDEFINITE POSTPONEMENT OF BILL

Mr. NEELY. Mr. President, House bill 1188, a bill defining and regulating the practice of the profession of engineering and creating a Board of Registration for Professional Engineers in the District of Columbia, was passed by the House of Representatives, and is now on the Vice President's desk. After the House had passed the bill, it also passed a companion bill which had been passed by the Senate. That bill, after being passed by both Houses, was sent to the White House for the President's action.

Therefore, I ask unanimous consent that House bill 1188, which is on the Vice President's desk, be indefinitely postponed.

The VICE PRESIDENT. Without objection, the bill will be indefinitely postponed.

ADDRESS BY SENATOR McMAHON BEFORE ORDER OF THE SONS OF ITALY, WEST HAVEN, CONN.

[Mr. McMAHON asked and obtained leave to have printed in the RECORD an address delivered by him before the Order of the Sons of Italy, at West Haven, Conn., on August 27, 1950, which appears in the Appendix.]

HAPPENINGS IN WASHINGTON, PROGRAM NO. 33—ADDRESS BY SENATOR MARTIN

[Mr. MARTIN asked and obtained leave to have printed in the RECORD a radio address delivered by him entitled "Happenings in Washington, Program No. 33", which appears in the Appendix.]

BUREAU OF COMMUNITY DEVELOPMENT OF WISCONSIN UNIVERSITY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him on the work of the Bureau of Community Development of the University of Wisconsin, and certain matters on the same subject which appear in the Appendix.]

COFFEE SWINDLE—EDITORIAL FROM THE PORTLAND, OREG., DAILY JOURNAL

[Mr. MORSE asked and obtained leave to have printed in the RECORD, an editorial entitled "Coffee Swindle," published in the Portland, Oreg., Daily Journal of September 5, 1950, which appears in the Appendix.]

MONETARY POLICY IN A FREE ECONOMY—LECTURE BY M. S. SZYMCZAK

[Mr. DOUGLAS asked and obtained leave to have printed in the RECORD a lecture entitled "Monetary Policy in a Free Economy," delivered by Mr. M. S. Szymczak, member of the Board of Governors of the Federal Reserve System, which appears in the Appendix.]

ANOTHER BENTON PLAN—ARTICLE BY MARQUIS CHILDS

[Mr. SPARKMAN asked and obtained leave to have printed in the RECORD an article entitled "Another Benton Plan," written by Marquis Childs and published in his column in the Washington Post, Clinics for Procurement, September 12, 1950, which appears in the Appendix.]

ANALYSIS OF AMERICAN FAR EASTERN FOREIGN POLICY—FROM THE LOUISVILLE COURIER-JOURNAL

Mr. LEHMAN. Mr. President, the Louisville Courier-Journal, one of the most eminent newspapers in America, recently published a long and comprehensive editorial analyzing our far eastern foreign policy and the recent Republican Party attacks against it. This editorial should be read by every fair-minded citizen in America. I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ISN'T IT ABOUT TIME THE DEMOCRATS FOUGHT BACK?

It now seems obvious that Republican strategy for the coming congressional election campaign is to discuss, not such domestic concerns as taxes and rising prices, but whether the Democrats are responsible for the Korean War and the defeat of Chiang Kai-shek. It is always a dangerous and reckless policy to debate the causes of a war while it is being fought. It is doubly so to make the issues a matter for partisan contest for distortion and exaggeration in a time of world tension.

The background for this type of campaign was laid before the Korean War developed, when even respectable Republican leadership appeared fascinated by the possibilities for division and confusion in the McCarthy mess. Men who would not soil their hands with the type of preelection campaign waged by MCCARTHY nevertheless refrained from dissociating themselves from his tactics. Similarly now, Republicans who are responsible and patriotic enough to know how deadly dangerous is the line their extremists are pushing against the State Department and our whole far eastern policy are nevertheless willing to use the line for the sake of victory in November.

There is a segment of the Republican Party which has always been restless over bipartisanship in foreign affairs which went along on successive programs of European aid and rearmament principally because the great prestige of Senator VANDENBERG was behind them and the voters back home seemed to approve. But it remained impossible for administration policy in the Far East to win bipartisan backing while the Republican party included as it does a group of Senators and Representatives committed to the most extreme and uncritical support of Chiang Kai-shek. The publication last August of the State Department's white paper on China, with its revelation of the massive deterioration of Chiang's cause, and the consequent waste of all our effort to aid him, was the signal for this group to declare fierce war on the national policy in Asia.

In what the New Republic has called "a cynical and dishonest rewriting of history" this policy has been described as one of appeasement of Russia, of giving away China to the Communists and of sacrificing Korea. This has until now been the line of spiritual brethren of Senator MCCARTHY. Recently it has become the line of the Republican Party, as evidenced in an analysis issued by Republicans on the Foreign Relations Committee.

The logical concomitant of this distorted criticism is to intensify the clamor of a minority which insists that the policy we have followed in respect to Asia be reversed. In the words of Time, which has assumed the position of official spokesman for this viewpoint and which claims, presumably with permission, the right to speak for General MacArthur: "The Korean war would be useless if the United States did not mean to fight communism wherever it arose in Asia. This meant backing Chiang's Nationalists, the British in Hong Kong, the anti-Communists of Indochina, Siam, and Burma. Anything less than firm, determined action would invite communism to sweep over all of Asia."

This interpretation of the Korean war goes incalculable miles beyond anything the American people have foreseen; beyond anything the United Nations, whose agents in Korea we are, would be willing to endorse, and beyond anything our allies, European and Asiatic, would approve. Our actions in Korea have won wide approval because they represent a determination by the United Nations to resist unprovoked aggression in a territory under United Nations protection.

The United States, after spending untold millions in a futile effort to reform and strengthen the discredited armies of Chiang Kai-shek, stepped out of China when the Communist forces finally won an incontestable victory in the quarter-century-old civil war. What is left of Chiang's force now occupies the reluctant island of Formosa. Our Seventh Fleet is patrolling the waters around this island in the hope of enforcing a neutrality we have urged the Chinese Communists to respect. Republican critics of our policy in China are recklessly strengthening the hopes of the Chiang forces that we will not only defend Formosa from a possible Communist attack, but that we will even help them gather forces for a return to the Chinese mainland.

A GOOD RECORD; A SOUND POLICY

There exists a well-documented defense of every action our State Department has taken in the Far East. The China white paper is a step-by-step presentation of our efforts to stiffen the resistance of Chiang and to aid him with money and arms to win the support of his countrymen. The much-discussed and unfairly vilified conference of Yalta is amply justifiable in the light of events as they then appeared. In seeking to buy Russian support in the war against Japan, President Roosevelt was acting on the advice of military men, far eastern strategists who saw ahead of us another 18 months of the terrible island-hopping which had marked our progress that far in the Pacific war. At that time we had no atom bombs.

The record is defensible. Present policy, of the prudent avoidance of inflammatory talk and provocative action in Asia, is not only defensible; it is admirable. But so virulent is Republican attack, so spineless and feeble is the Democratic defense, that not even the President and his Secretary of State feel able to uphold their position before the November campaign. The only Democrat to say a good word for the policies of our Secretary of State in recent weeks is the retiring Kentucky Senator, GARRETT WITHERS, who dared to describe Mr. Acheson as a brilliant man who is being persecuted. Other Democrats contemplate in silence both the attacks upon policy and the consequences they may produce.

One consequence of presumable importance to the Democrats is their probable defeat in Congress in November. This alone, one might think, would be worth striving to avoid by a bold defense of a good record. But another of incalculably greater moment is that the shouting and the saber-rattling which are bound to increase in intensity as the calendar moves along, actually will involve us by accident or by the design of a handful of reckless men, in war upon the Chinese mainland against hundreds of millions of Chinese. This is the logical consequence of what Time, Senator KNOWLAND, and General MacArthur are all talking about when they orate on "firm, determined action, fighting communism wherever it arose."

A DREAM TO TEMPT RUSSIA

This firm and determined action would mean that, without the approval or support of the UN, which has refused to commit itself on Formosa; with the disapproval of India, Great Britain, and the Atlantic allies, we would embark for years to come on a war thousands of miles from our shores, a war swallowing up thousands of men, billions of dollars in money and natural resources, and a war which diverted our attention and wasted our strength while the real enemy whom we fear sat silently waiting for the end.

This is the reverse of the kind of dream that used to engage our isolationists and it is not too improbable to imagine it now fascinating their counterparts in the Kremlin. Just as some of us love to think of Hitler and Stalin fighting each other into bankruptcy and defeat, leaving us in possession of the world without our having to spend a penny, waste a life, or take a single moral gamble, so the same beckoning vision must now be fascinating those Russians who fear us and doubt the reliability of China.

Our pro-China Republicans have written off China's new ruler, Mao Tse-tung, as the willing and complaisant puppet of Moscow and have decided there is no difference whatever between Chinese communism and the Russian brand. Mao, nevertheless, is an incalculable factor from the Russian viewpoint. His victories have been won without benefit of Moscow; he paid his first visit to that stronghold just a few months ago. He leads a nation which is numerically larger than Russia, which is fanatically nationalistic, which is unlikely to play the role of subservient puppet to any foreign nation.

There are deep differences between China and Moscow, differences that adult diplomatists in our State Department have felt could be enlarged and used to our advantage. Mao is no friend of the West, but our

western allies have warned us repeatedly against pushing him into a corner from which his only hope of rescue is from Russia. This is the policy to which republicanism seems willing to commit itself as an escape from what it calls appeasement. It is a policy of imperialism gone mad. We are and should be committed to a policy of combating communism when it attacks us or those with whom we are allied. It is surely not now and never has been the wish of the American people to rush out and exterminate communism simply because it exists and we do not like it.

Yet this is the policy now being urged upon us by a determined group of Formosa-firsters. It is a policy that their leader, either because they have not understood it or willfully underrate its danger, seem willing to endorse at least until November. But there are Democrats running for reelection in November as well as Republicans. If foreign policy is to be an election issue—and we cannot be alone in regarding it as a deplorable issue—where are the defenders of a policy for which no honest man need apologize? Any Democrat who will take up his Nation's course of the past 5 years, in Europe or Asia, can honorably defend it point by point against the specious attacks and pious Republican eye-rolling. In principle and in detail the Republican voting record on matters having to do with our safety and our international obligations is outrageous. What is the matter with men who, representing a party which has done a good job and which appointed to administer its foreign policy a man outstanding for his intelligence and character, feel called upon to cower silently under an attack which is not only intellectually dishonest but shortsighted, reckless and holding infinite possibilities of danger?

ORDER OF BUSINESS

Mr. WHERRY. Mr. President, will the Senator from Nevada yield?

The VICE PRESIDENT. The Chair has not recognized any Senator for anything except routine matters so far.

Mr. WHERRY. Well, Mr. President, will the Senator yield, so that I may propound a question?

The VICE PRESIDENT. The Chair will recognize the Senator from Nebraska.

Mr. WHERRY. I wish to ask a question of the Senator from Nevada.

The VICE PRESIDENT. Very well. The Chair has not recognized the Senator from Nevada.

Mr. WHERRY. I understand. I am not going to interrogate the Senator from Nevada in regard to the veto message, but I should like to know how long he believes he will take in speaking on the veto message. The reason for that inquiry is that I should like to be able to get word to the Members on this side that we shall begin the calendar call at the point where the last call ended. So I wish to ask how long the Senator from Nevada thinks he will take.

Mr. McCARRAN. I think I shall take approximately 40 or 45 minutes.

Mr. WHERRY. I thank the Chair.

TRANSFER OF FORT DES MOINES, IOWA, TO THE STATE OF IOWA

Mr. MORSE. Mr. President, will I be out of order if I address a question to the majority leader in regard to the calendar?

The VICE PRESIDENT. The Chair thinks it would not be unusually out of order.

Mr. MORSE. I should like to ask the majority leader whether it is his intention to take up, by way of motion, House bill 4569, after the junior Senator from Oregon gets through objecting to it again during the call of the unanimous-consent calendar today. The bill is known as the Fort Des Moines bill.

In view of a recent report that the so-called Johnson preparedness committee has issued in regard to surplus property, I wish to say that my opposition to this bill is very much increased over my previous opposition to it. If we are going to start giving away Federal Government property, as this bill would do—property which has been decreed to be surplus—instead of having it paid for, we are going to have a rather prolonged debate in the Senate between now and midnight on Saturday. I can assure the Senator from Illinois of that, because I am going to make a fight to protect the surplus property of the Government of the United States for the benefit of the taxpayers, and I am going to oppose bills by which it is sought to give such property away to various cities, counties, States, organizations, and persons, without their paying for it.

Mr. LUCAS. Mr. President, in reply to the inquiry addressed to the Senator from Illinois, I should like to state that the Democratic policy committee did not schedule that bill as one of the bills which would be taken up.

However, in all fairness, I must say that the Senator from Iowa [Mr. HICKENLOOPER] has discussed the bill with me privately, and I may have given him some indication that the bill might possibly be reached. However, I do not think there was any definite understanding that we would consider it. I had hoped that perhaps some agreement might be reached between the Senator from Iowa and the Senator from Oregon in respect to this measure. However, in view of the statement the Senator from Oregon has just made, I presume that will not be done, because apparently the Senator from Oregon is just as determined in his opposition to this measure as he ever has been; in fact, apparently he is a little more so, as a result of the emergency we are in.

If the Senator from Oregon is going to debate the bill any length of time, certainly it will not be called up, because, as I have said before, we are going to try to move out of here by Saturday night, if possible.

Mr. MORSE. Mr. President, I wish to say that I am not asking the Senator from Illinois to go back on any understanding or commitment, if he has any, with the Senator from Iowa. However, I think it is only fair that the Senator from Illinois and the Senator from Iowa should know that the junior Senator from Oregon, as the record will show, has saved the taxpayers of the country a good many million dollars in the past few years by his insistence that surplus property not be given away to the constituents of various Senators who introduce bills providing for such gifts, but that the property be paid for at least on the basis of 50 percent of its appraised fair market value.

In this particular instance we are dealing with property which, in my judgment, is of substantial value. In a very short time, insofar as the security problems of the United States are concerned, it may be needed for war purposes. If there is to be an effort to put this kind of a bill before the Senate before Saturday night, there will be a very thorough review of the entire problem of the disposal of surplus property of the United States. As a member of the so-called watchdog committee of the Senate Armed Services Committee, I intend to stand watch over attempts to give away property such as that involved in this bill. The city of Des Moines should pay for it, not expect to get it as a gift.

Mr. LUCAS. Mr. President, I am sure the Senator from Oregon is entirely capable of making that kind of review, and, under such circumstances, I shall certainly consider that situation before calling up the bill.

THE DEPARTMENT OF STATE'S RUSSIAN LANGUAGE RADIO PROGRAMS

Mr. BENTON. Mr. President, there is much confusion in the United States on whom we are after when we broadcast to the Russians. People constantly ask me how the broadcasting can pay off when it cannot be heard by the Russian masses. Americans tend to think of Russian broadcasting in terms of American mass audience broadcasting as reported by the so-called Hooper ratings.

Not long ago I received a letter from Mr. Bernard Baruch, who suggested that I "pass along" the letter written him by Lt. R. C. Ginn, of the Spokane Air Force Base. I sent Lieutenant Ginn's letter to Mr. Howland Sargeant, Deputy Assistant Secretary of State for Public Affairs. I think the Senate will be interested in Mr. Sargeant's comments on Lieutenant Ginn's letter and I ask unanimous consent to insert both letters in the RECORD along with Mr. Baruch's note.

Lieutenant Ginn and Mr. Sargeant point up something that needs to be more widely understood about our Voice of America broadcasts. Frequently these should and must be directed to the ruling groups which make policies. In the case of Saudi Arabia, I believe, it would pay us to put on broadcasts in Arabic for just one man, ibn-Saud, if we knew he would listen. Our Japanese broadcasts during the war were not heard by many people in Japan—I was once told there were only 50 legally authorized short-wave receivers—but there is much evidence to show that the Japanese broadcasts, in which the Senator from Utah [Mr. THOMAS] played such a leading role, persuaded the Japanese Emperor to issue the imperial rescript under which four or five million Japanese soldiers, undefeated in battle, laid down their arms; an act which as Senator THOMAS has pointed out, is unprecedented in human history.

I hope the moral is obvious. I am indebted to Mr. Baruch for helping point it up and to Lieut. R. C. Ginn.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *July 29, 1950.*
Senator WILLIAM BENTON,
Washington, D. C.

MY DEAR MR. BENTON: Here is a letter that has a good idea to it. Pass it along to the right people.

Cordially yours,

B. M. B.

SPOKANE AIR FORCE BASE,
Bong, Wash., July 9, 1950.

Mr. BERNARD M. BARUCH,
In care of Senate Foreign Relations Subcommittee.

DEAR SIR: Friends in Europe and articles in the newspapers keep me informed as to the purpose and nature of Voice of America broadcasts. Your testimony supporting these broadcasts prompts me to write to you.

I have a small complaint concerning programs sent to the Soviet Union: I believe they are aimed too low. There are 190,000,000 people in the country but less than 5 percent run the whole show. I think we're wasting our time talking to the other 95 percent. They don't matter over there. They already know what the score is—they work or they get shot. Their opposition to the Government is rather futile. On the other hand, one dissatisfied factory superintendent is worth more to us than a thousand unhappy serfs. I believe we should aim at the petty commissars and bureaucrats, the intelligensia, the people who imagine they're better than other people.

These people are hopped up on dialectics; we should give them more of the same. Use the contradictions of Marxism to convince them that they are being double-crossed. Attack the beliefs of their engineers and artists in the destiny of the Soviet Union. They're the people who can put sand in the machinery if they wish.

If it is possible for you to bring this suggestion to the attention of the subcommittee, I would greatly appreciate it.

Sincerely,

REGIS C. GINN.

AUGUST 29, 1950.

The Honorable WILLIAM BENTON,
United States Senate.

MY DEAR SENATOR BENTON: The receipt is acknowledged of your communication enclosing a letter adressed to you by Mr. Bernard M. Baruch together with a letter to Mr. Baruch from Lt. R. C. Ginn suggesting that the Department of State aim its Russian language radio programs at the most influential 5 percent of the Soviet people.

Voice of America programs do, indeed, carry a heavy proportion of material directed to the sophisticated, intellectual, and ruling groups of the U. S. S. R. For example, when Soviet's scientists propounded a Stalinist theory of genetics, the Voice of America programs in Russian, as well as other languages exposed the unscientific dogmatism of this theory by using statements by such outstanding American scientists as the Nobel Prize winner Prof. H. J. Muller.

Recently, the Berlin Congress for Cultural Freedom, attended by the outstanding anti-Communist intellectuals of many free countries, was thoroughly covered in VOA programs. By the use of economic analyses, interviews with outstanding American cultural leaders, and statements by people who have had first-hand experience with the evils of communism—for example, writers such as Ignazio Silone and Arthur Koestler—the VOA in its day-to-day programs is constantly concerned with influencing the kind of persons referred to in Lieutenant Ginn's letter. Reports from refugees from the Soviet Union and eastern Europe, as well as vociferous attacks which occur almost daily in the newspapers, journals and radio of the Soviet Union indicate that these VOA programs are having a real effect in sowing the seeds of doubt.

Thank you very much for informing the Department of Lieutenant Ginn's suggestions. Lieutenant Ginn's letter is returned herewith, a copy having been made for the Department's files.

Your helpful interest in the International Information and Educational Exchange Program is appreciated.

Sincerely yours,

HOWLAND H. SARGEANT,
Deputy Assistant Secretary for Public Affairs.

WORLD-WIDE RADIO STATIONS TO TELL THE AMERICAN STORY

Mr. BENTON. Mr. President, some time ago I inserted in the CONGRESSIONAL RECORD the results of a survey conducted by Dr. George Gallup. It showed the American public was rallying behind my Senate Resolution 243 calling for a vigorous Marshall plan of ideas offensive against Russia to counter Soviet lies and propaganda and to show the peoples of the world that we are their friends and want to help them. I observed then that the public seemed to be ahead of its leaders in Congress and the administration.

It pleases me to point out today that Dr. Gallup's latest survey in this area shows that a very large percentage—35 percent of all people interviewed—would face up to a billion dollars in additional taxes to provide a billion dollar increase in the funds for the Voice of America. In his previous survey in this field, Dr. Gallup shows that among the better informed voters, the ratio of those favoring a strong program is actually 3 to 1.

In this area of the conduct of our foreign policy, the public continues to lead its leaders, or at least it would appear the public is leading those who are supposed to lead the public.

I ask unanimous consent to insert Dr. Gallup's latest survey in the Appendix of the CONGRESSIONAL RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

PUBLIC FAVORS UNITED STATES ENCIRCLING WORLD WITH RADIO STATIONS TO TELL "OUR SIDE OF STORY"—THOSE APPROVING FAVOR WASHINGTON SPENDING LARGE AMOUNT FOR PROPAGANDA

(By George Gallup, director, American Institute of Public Opinion)

PRINCETON, N. J., September 8.—Widespread acceptance of the belief that America needs to do a more thorough and aggressive job of selling its ideas to peoples of the world, to offset Russian propaganda, is shown in a Nation-wide survey by the American Institute of Public Opinion.

In fact the public gives evidence of going beyond Congress and the administration on the question of expanding greatly our Voice of America program, by approving much larger expenditures than have been asked to tell the American story abroad.

Furthermore, those voters who support this idea would be willing to have Washington spend as much as a billion dollars, if needed, on such a project.

Early this week Gen. Dwight D. Eisenhower in a public address strongly advocated the establishment of a new radio network to carry truth behind the iron curtain.

Here are the questions in the institute survey:

"Some people say the United States should spend a great deal more money than we are now spending to offset Russian propaganda (information) and build radio stations all around the world to tell our side of the story. Do you agree or disagree?"

	Percent
Agree	46
Disagree	38
No opinion	16
Total	100

All those in favor of the idea were asked this second question:

"Suppose it will take a billion dollars, which means higher taxes for everyone, to match Russia's radio propaganda. Would you favor or oppose spending this amount?"

	Percent
Favor	35
Oppose	7
No opinion	4
Total	46

The idea of encircling the world with radio stations was proposed recently by Gen. David Sarnoff, head of the Radio Corp. of America. The exact cost of such a program would depend, of course, on its scope. General Sarnoff estimated that some $200,000,000 would be needed to build the stations themselves.

In today's survey the figure of $1,000,000,000 was used arbitrarily in order to test how far the public might be willing to go. It seems clear from the results that those who favor the idea at all would not balk at carrying it out on a really big scale.

Indeed, some observers have claimed that if the United States had invested several hundred millions or more in an intensive world-wide propaganda effort, driving home the anti-Communist arguments best suited to each particular country, we might not now have to be spending tens of billions on rearmament.

SENATOR BENTON'S PLAN

Today's survey results are not at all surprising in view of expressions of opinion in recent months on the legislation being spearheaded in Congress by Senator WILLIAM BENTON, of Connecticut.

Last winter Senator BENTON proposed a greatly increased program to tell the American story abroad by means of radio and other media in a vast American "propaganda of truth," or T-bomb, as Gen. Dwight D. Eisenhower has termed it.

The Benton plan, on which Congress has not yet acted, drew an affirmative response from the American public.

In April, an institute survey found a vote of 5-to-4 in favor of the proposal.

By July, after the outbreak of the war in Korea, the proportion increased to 7-to-4. Here is the trend:

"Some people believe the United States should spend a great deal more money than we are now spending to offset Russian propaganda (information) and tell our side of the story to Europe and the world. Do you agree or disagree?"

	April *Percent*	July *Percent*
In favor of more expenditures	47	52
Against	38	29
No opinion	15	19
Total	100	100

PROPOSED ABOLITION OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

Mr. HUMPHREY. Mr. President, on May 17, 1950, in connection with S. 3116, a bill I introduced to abolish the Joint

Committee on Reduction of Nonessential Federal Expenditures, I wrote a letter to a number of professional political scientists asking for their comments on the bill. The Members of the Senate will recall my position that the existence of the committee violates the spirit and the purpose of the Legislative Reorganization Act of 1946.

I presented testimony to that effect when I introduced the bill on February 24, 1950; when I discussed the matter on the Senate floor on May 31, 1950, when I presented in detail the arguments for my bill, and also in connection with the debates on the recent Senate appropriation bill.

In view of the fact that I have received a number of very pertinent replies to my letter from scholars and experts in the field, I ask unanimous consent to have printed, first, a copy of my letter to the political scientists, and second, copies of a number of the letters which I have received in reply.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEAR PROFESSOR: I am taking the liberty of bringing to your attention a bill, S. 3116, which I introduced on February 24, 1950, to abolish the Joint Committee on Reduction of Nonessential Federal Expenditures, commonly known as the Byrd committee. I am bringing this bill to your attention because I know of your interest as a political scientist in legislative reorganization.

You of course know that one of the main objectives of the Legislative Reorganization Act of 1946 was to reduce the myriad committees and to define clearly their duties and responsibilities so as to eliminate overlapping, duplicating activities and jurisdictional disputes. In the course of my remarks on the floor of the Senate, while introducing S. 3116, I brought to the attention of the Senate the testimony of Dr. George B. Galloway, who in February 1948 said to the Senate Committee on Expenditures in the Executive Departments with regard to the Byrd committee:

"Its function (the Byrd committee) overlaps that of the Committees on Expenditures in the Executive Departments which, having been rejuvenated by the Legislative Reorganization Act, are now equipped to assume their historic responsibilities in their field."

Dr. Galloway recommended:

"In the second place, I suggest that the Joint Committee on Reduction of Nonessential Federal Expenditures be discontinued."

This year, again, Dr. Galloway, in Public Affairs Bulletin No. 80, "Reform of the Federal Budget," published by the Library of Congress, concluded:

"It is suggested that the Joint Committee on Reduction of Nonessential Federal Expenditures (the Byrd committee) should be discontinued because its function now falls within the jurisdiction of the Standing Committee on Expenditures in the Executive Departments."

For your information, I am enclosing a copy of the legislative authorization for the Committee on Expenditures in the Executive Departments based on the Legislative Reorganization Act of 1946, as well as a partial text of the legislative authorization of the Byrd committee enacted by the Seventy-seventh Congress. I believe a reading of the two authorizations, particularly those parts to which I have added emphasis, will demonstrate the validity of Dr. Galloway's analysis.

I also want to bring to your attention an article by Dr. Paul Appleby, director of the School of Citizenship at Syracuse University, which appeared in the autumn 1949 issue of the Yale Review. In this article Dr. Appleby says, in part:

"Some idea of the dimensions of constant governmental reorganization may be had from a story of one large governmental department's struggle to comply with a request from the Joint Committee on Reduction of Nonessential Federal Expenditures, headed by Senator BYRD. The request was to transmit all memoranda, plans, studies, recommendations, records, and orders involving administrative changes and reorganizations in the preceding half-dozen years. Scores of persons were involved for weeks in the process of locating and assembling such papers. Assembled, they could have filled a dozen trucks, for those papers dealt with a large part of the administration of a very large department during the years of acute social stress."

The record is also clear that every Director of the Budget, from the time that the Byrd committee began its operations to the present, has taken formal exception to its activities, to its methods, or to the manner in which it has presented its reports. Former Senator La Follette, a sponsor of the Legislative Reorganization Act of 1946, who was himself a member of the Byrd committee from 1941 to 1946, disassociated himself from the reports which the committee made. He had this to say with regard to the committee's first report:

"The sweeping recommendations of the majority of the committee are hasty and unwarranted * * * and the brief hearings and scattering testimony, taken largely from secondary sources and carefully removed from public scrutiny by executive sessions and confidential hearings, do not justify the conclusions reached by the committee."

Furthermore, two staff memoranda from the Senate Committee on Expenditures in the Executive Departments, published in 1948, contain recommendations for the abolition of the Byrd committee.

I do hope you will have an opportunity to examine the materials which I enclose. I look forward with a great deal of interest to any comment you would care to make with regard to the merits of my bill.

Sincerely yours,

HUBERT H. HUMPHREY.

NORTHWESTERN UNIVERSITY,
THE COLLEGE OF LIBERAL ARTS,
Evanston, Ill., April 4, 1950.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HUMPHREY: I regret that I was not able to write you promptly after reading that you had proposed the abolition of the Byrd Committee on Reduction of Nonessential Expenditures. I was in the hospital at the time and I am only now at the point where I can write an occasional letter.

I think it is high time for Congress to undertake thorough, systematic, and continuing review of the whole scope of activities carried on in the administrative branch of the Federal Government, and it seems to me that a review of that character must be centralized in a single committee in each House or a joint committee. If I am correct in this, the inquiries of the Byrd committee should be transferred to the Senate Committee on Expenditures in the Executive Departments, which I understand to be the committee generally charged with review of activities of the administrative branch.

If I understood that you intended to reduce the control which Congress exercises over the administrative branch, I would be urging you to withdraw your proposal. I am for your proposal only because I believe it is a step toward a more vigorous congressional control.

Most Congressmen appreciate—no doubt far better than I do—how important folks out in the country are to your efforts to give us the kind of Government we want, but I think you do not give us adequate opportunity to help you. There are hundreds of organizations telling us what Government can do to advance this and that interest; who is there that I can trust to tell me what price I pay for these services and to tell me which services have outlived their purposes? I think a dozen committees in Congress for this objective are not much better than no committee. I would like to know that there is a specific committee in each House which really digs into these things so that I can be sure that the Members know what they are talking about when they speak. Then I can really depend on the majority and minority reports to help me make up my mind as to what I want the Federal Government to keep on doing and quit doing.

I feel so strongly about the necessity of greater congressional control over administration that I have written a book—published last month—in which I try to state what we are up against in controlling an administrative branch of 2,000,000 officials and employees. I titled the book Bureaucracy in a Democracy and I have asked the publishers (Harper & Bros.) to send you a copy.

This matter of continuing the Byrd committee or transferring its duties is only a first step, in my opinion. I hope you will continue to fight on many fronts for a more effective congressional control of administration.

I am sending copies of this letter to Senator BYRD, and to Senators DOUGLAS and LONG whom I know.

Sincerely yours,

CHARLES S. HYNEMAN,
Professor of Political Science, Northwestern University.

WESLEYAN UNIVERSITY,
DEPARTMENT OF GOVERNMENT,
Middletown, Conn., May 23, 1950.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HUMPHREY: Thank you for your letter regarding the abolition of the Byrd committee.

There is no question whatsoever that the Byrd committee duplicates the charter of the Committee on Expenditures, and violates the spirit of the Legislative Reorganization Act of 1946. As a former staff associate of the Hoover Commission, I am painfully conscious of the jurisdictional problems in the executive branch. But it is a little hard for me to understand Senator BYRD's attacks on duplication and waste in the downtown agencies when he, himself, is guilty of perpetuating a duplication of activities in the Senate committee structure.

If Senator BYRD and his Republican sympathizers have an honest interest in spotting waste and inefficiency in the Government, they could function effectively by supporting the minority members of the Committee on Expenditures in soliciting and using adequate staff. We have bipartisan representation on standing committees for the very purpose of allowing the minority to keep the majority on their toes. The Legislative Reorganization Act increased committee staffs so that both the majority and the minority members of each standing committee could be adequately served.

But, alas, when a Senator's interest is in headlines and in irresponsible attacks against his personal or partisan foes, administrative logic runs a poor third.

I wish you well in your attempt to get S. 3116 through. It makes complete sense—which, of course, may be a liability.

Very sincerely yours,

STEPHEN K. BAILEY.

UNIVERSITY OF MINNESOTA,
COLLEGE OF SCIENCE, LITERATURE, AND THE ARTS,
Minneapolis, May 29, 1950.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR HUBERT: Thank you for your letter of May 18 and for the enclosed copy of a bill to abolish the Byrd committee. I agree with you entirely that it is bad legislative organization to have two committees covering the same ground. I might add also that although I have received the reports of the Byrd committee from time to time, I have not as a rule found in them any new material except such as could have been supplied equally well by the Bureau of the Budget or the Treasury Department. Since the Congressional Reorganization Act provides for a reduction of committees, and since there is a Senate Committee on Expenditures in the Executive Departments, it would seem to me that the abolition of the Byrd committee would be in order, so that the Senate Committee on Expenditures in the Executive Departments could serve, without duplication, the needs of the Senate.

Cordially yours,

WILLIAM ANDERSON.

COLUMBIA UNIVERSITY,
IN THE CITY OF NEW YORK,
DEPARTMENT OF PUBLIC LAW AND GOVERNMENT,
New York, N. Y., May 30, 1950.

Senator HUBERT H. HUMPHREY,
United States Senate,
Washington, D. C.

DEAR SENATOR HUMPHREY: Thank you for your copy of your bill S. 3116 and your accompanying letter. I have followed this legislation since it was introduced and can assure you that I am in full accord with your position in the matter.

It is interesting in these days of complaint about duplication and overlapping of administrative machinery that the chief advocate of streamlining should so vociferously resist the application of the logic of his own position when it is applying to his own vested interest. Please be assured that I shall be glad to offer my full support in any way that I can.

Sincerely yours,

LAWRENCE H. CHAMBERLAIN.

PUBLIC LIBRARY INQUIRY OF THE
SOCIAL SCIENCE RESEARCH COUNCIL,
COLUMBIA UNIVERSITY,
New York, N. Y., June 10, 1950.

Senator HUBERT H. HUMPHREY,
United States Senate,
Washington, D. C.

DEAR SENATOR HUMPHREY: I was much interested in your letter of May 19 and the material you sent me relative to your bill to abolish the Byrd committee. On the basis of the evidence presented and what other knowledge I have of the committee's method of working, I believe that it would be directly in line with the Legislative Reorganization Act to abolish the Byrd committee, or at least to abolish it or the two committees which have been set up to perform the same functions. Because of the way in which the Byrd committee has worked and, indeed, the artificiality of placing administrative officers on an essentially legislative committee, I would much prefer seeing the Byrd committee abolished.

I wish you every success in this effort.

Sincerely yours,

ROBERT D. LEIGH,
Chairman and Director of Inquiry.

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THE OHIO STATE UNIVERSITY,
DEPARTMENT OF POLITICAL SCIENCE,
Columbus, May 31, 1950.

The Honorable HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR HUMPHREY: I am in complete accord with the objective of S. 3116. There are probably other special committees which violate the Legislative Reorganization Act and the spirit, if not the letter, of the Hoover report, and which, therefore, should be eliminated from the National Government's organization in order to simplify and improve it, thereby rendering public control more feasible and effective. More power to you.

Sincerely yours,

HARVEY WALKER,
Professor.

COLGATE UNIVERSITY,
DIVISION OF SOCIAL SCIENCE,
Hamilton, N. Y., May 31, 1950.

Senator HUBERT H. HUMPHREY,
United States Senate,
Washington, D. C.

DEAR SENATOR HUMPHREY: I have read your carefully written letter of May 19 and the bill (S. 3116) which was enclosed with it. I want to thank you both for your letter and for the copy of your proposed bill.

The Legislative Reorganization Act of 1946 replaced a most confused and unworkable committee arrangement in Congress with a rational grouping of the subjects of legislation and a manageable number of committees. It will be necessary continually to resist attempts to undermine this important advance in the organization of our national legislature because it is frequently easier to create a new committee than to decide which of existing committees should handle an emerging problem. This is true not only because of the desire for committee chairmanships and other perquisites on the part of Senators, but also because of the real difficulty of classifying new problems.

There is no doubt in my mind that the existence of such committees as the Byrd Joint Committee on Reduction of Nonessential Expenditures serves to increase the difficulty which both citizens and the Senate itself have in fixing responsibility for an important aspect of our national fiscal policy. The problem of what expenditures should be made by the Federal Government involves perhaps as most important a policy as any Congress is called upon to consider. It is essential to the efficient functioning of our democratic processes that responsibility for investigating and deciding matters relating to that policy should be centered in a single committee wtih the clearest lines of responsibility.

Very truly yours,

RODNEY L. MOTT.

HARVARD UNIVERSITY,
FACULTY OF ARTS AND SCIENCES,
Cambridge, Mass., May 29, 1950.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: I have your letter of May 18 and am glad to know of your interest in getting action without further delay on S. 3116. It seems to me highly desirable to carry out the provision of the Legislative Reorganization Act of 1946 designed to eliminate unnecessary committees and to put an end to the duplication of work and jurisdictional disputes between the standing committees of the Senate.

The Byrd Committee on Expenditures in the Executive Departments is clearly unnecessary under the scheme of committee organization which was one of the main objectives of the La Follette-Monroney committee report and of the action taken by the Congress 4 years ago. The abolition of the Byrd committee is plainly desirable without further delay and I hope you will succeed in your efforts to secure the adoption of S. 3116.

Very truly yours,

ARTHUR N. HOLCOMBE,
Professor of Government.

STEVE EARLY

Mr. LUCAS. Mr. President, I rise at this time to pay my personal tribute to a great American who has just resigned as Under Secretary of Defense. I refer to Steve Early, who has been one of the outstanding figures in Washington for many years.

I have known him for a long, long time, and I am well aware of how much energy and devotion he has poured into his active service for his country. He has worked day and night for the people of America. He has measured up to the highest standards of a fine public servant. His departure will be a loss to all those who have enjoyed the privilege of working with him.

I ask unanimous consent to place in the RECORD the editorial which appeared in the Washington Post this morning. This editorial gives to Mr. Early some of the recognition to which he has long been entitled.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EARLY'S DEPARTURE

Under Secretary Early's resignation yesterday came as no surprise, for he has made no secret for months past that he wanted, for health and family reasons, to return to private life. His doctor is said to have insisted on his retirement. This is emphasized because there will doubtless be an effort to connect his going with the fate of Secretary Johnson. This does an injustice to Mr. Early. Mr. Early is a friend of long standing of Mr. Johnson, but, even if he's been cast of late for an unfortunate role he has a status in his own right and it is not too much to say that the public service is impoverished by Mr. Early's departure.

No man in Washington knows the ins and outs of official life more than Mr. Early does. None is so favorably regarded by the newspaper corps. He is well and familiarly known to them for the long service he did as FDR's press secretary, and it was the return of an institution when "Steve," complete with his shrewdness, political know-how, and his splenetic disposition, returned to the Washington scene at the Department of Defense.

WAR CONTRACT HARDSHIP CLAIMS—VETO MESSAGE

The VICE PRESIDENT. Are there further routine matters?

If not, the Chair will recognize the Senator from Nevada [Mr. MCCARRAN], supposedly to speak on the veto message on Senate bill 3906.

Mr. MCCARRAN. Mr. President, I move that the Senate proceed to the reconsideration of Senate bill 3906, the objections of the President of the United States to the contrary notwithstanding.

The motion was agreed to; and the Senate proceeded to reconsider the bill (S. 3906) entitled "An act to amend the war contractors relief act with respect to the definition of a request for relief, to authorize consideration and settlement of certain claims of subcontractors, to provide reasonable compensation for the services of partners and proprietors, and for other purposes."

The VICE PRESIDENT. The veto message of the President has heretofore been read.

Therefore, the question now before the Senate is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. McCARRAN. Mr. President, S. 3906 is a bill which would amend Public Law 637 of the Seventy-ninth Congress. That law is commonly known as the Lucas Act.

The Lucas Act, as it stands on the statute books, consists of six sections.

The first section authorizes consideration, settlement, and adjustment of the equitable claims of contractors for actual losses incurred during the war years, without fault or negligence on their part, in the performance of war contracts.

The second section limits recovery in any case to the amount of the net loss on all war contracts and subcontracts held by the claimant, under which work was done during the war period. The amount of any relief granted subsequent to the establishment of the loss is to be deducted. This section also provides that action taken under the Renegotiation Act, or the Contract Settlement Act, or similar legislation, shall be considered, as well as any relief granted under section 201 of the First War Powers Act, and any other relief proposed to be granted by any other department or agency under the act. Finally, this section provides that to whatever extent the losses involved in a claim affected the determination of excess profits under a renegotiation agreement or order, the claim for such losses shall not be allowed.

Section 3 of the Lucas Act, as it stands on the statute books, provides that claims for losses shall not be considered unless filed with the department or agency concerned within 6 months after the date of approval of the act—that was February 7, 1947—and shall be limited to losses with respect to which a written request for relief was filed with such department or agency on or before August 16, 1945. This section also specifically provides that a previous settlement under the First War Powers Act, or the Contract Settlement Act, shall not operate to preclude relief otherwise allowable.

Sections 4, 5, and 6 of the act are procedural sections, and need not be discussed here.

What the Congress has considered as the need for amendment to the Lucas Act stems largely from erroneous and restrictive interpretation of that act. It has been contended on the part of the Government that the Lucas Act was intended to be a mere continuation of the First War Powers Act. The Executive order purporting to implement the Lucas Act contained provisions which, in the opinion of many of the proponents of the original act—and in the opinion also of the United States Court of Claims—were directly at variance with the plain language of the law itself.

No one anywhere has denied the fact that very little relief has been afforded contractors under the Lucas Act. Out of about 290 petitions filed, only 3 or 4 contractors have actually been paid. A major cause of denial of relief has been the narrow administrative interpretation placed upon the act. As previously mentioned, the Executive order which was issued, supposedly, to carry out the Lucas Act, contained a provision at variance with the law itself. This provision was that "no claim for loss under any contract or subcontract of a war agency shall be received or considered unless a written request with respect thereto was filed with such war agency on or before August 14, 1945, and no claim shall be considered if final action with respect thereto was taken on or before that date."

This provision appears to fly in the face of the requirement, in section 3 of the Lucas Act, that:

> A previous settlement under the First War Powers Act, or the contract settlement act of 1944, shall not operate to preclude further relief otherwise allowable under this act.

Another restrictive interpretation of the law has been the contention by Government departments that the written request required by the act means a written request for money relief, even though no such specific limitation is to be found in either the Lucas Act itself, or in the Executive order; and even though there were, under the First War Powers Act, no such things as money claims.

Section 307 of the Executive order interprets the Lucas Act as a mere extension of the First War Powers Act, and restricts relief to cases in which relief would have been allowable under the First War Powers Act.

The Court of Claims has rejected this view, in its decision in the Howard Industries case, decided April 4, 1949. In that decision, the court said:

> We cannot agree with the Government's contention that the Lucas Act is merely an extension of the first war powers and that only those claims that could have been allowed under that act may be considered under the Lucas Act. * * *
>
> Section 201 of the First War Powers Act, 1941, provides that relief may be granted a war contractor by a war agency by entering into contracts or amendments or modifications of contracts where the agency deems that such action would facilitate the prosecution of the war. The Lucas Act does not require that the war agency make any such determination as a basis for relief. Section 1 of the Lucas Act provides that war agencies may grant a war contractor relief from losses incurred between September 16, 1940, and August 14, 1945, where such losses were incurred without fault or negligence on the part of the contractor. Further evidence that the Lucas Act provides broader relief than was contemplated by the First War Powers Act is found in the language of section 2 directing that in determining the amount of a contractor's net loss, consideration shall be given to relief granted under the Contract Renegotiation Act, the Contract Settlement Act of 1944, the First War Powers Act, or any other relief granted. Again, in section 3, the Lucas Act provides that prior settlements under the Contract Settlement Act of 1944 and under the First War Powers Act, 1941, shall not bar further relief under this act. In this connection, it should be noted that the Contract Settlement Act granted much broader relief than did the First War Powers Act and on an entirely different basis.

Mr. President, I interrupt the quotation to invite the attention of my colleagues to the fact that I am still quoting from the decision of the Court of Claims in the Howard Industries case; which I now resume:

> The legislative history of the Lucas Act reveals that, as originally conceived, the act was intended to be merely an extension of the First War Powers Act. Certain war agencies had taken the position that the termination of hostilities on August 14, 1945, eliminated the basis for First War Powers Act relief because it was then no longer possible to make the requisite determination that the action authorized by the act would "facilitate the prosecution of the war." Other agencies took the opposite view, with the result that pending claims were considered by some war agencies, and were dismissed without consideration by others. As the hearings progressed, the committee noted that in many instances First War Powers Act relief which had been rendered had been far from adequate and had left war contractors with net losses on their over-all operations. Accordingly, it was decided to change the language of section 1 which originally authorized modification of contracts to "prevent a manifest injustice" (i. e., the situation where some war agencies continued to grant First War Powers Act relief after August 14, 1945, and some did not) to language authorizing the Government to "settle equitable claims of contractors * * * for losses (not including diminution of anticipated profits) incurred * * * without fault or negligence on their part in the performance of such contracts. * * *"
>
> The legislative history of section 3 of the Lucas Act, which we shall take up in connection with the Government's final ground for dismissal, is further evidence that the bill as finally enacted went beyond the mere extension of First War Powers Act relief.

Mr. President, that ends my quotation at this time from the decision of the Court of Claims. It is an excellent decision, and as one who participated in the drafting of the original Lucas Act, who was chairman of the Committee on the Judiciary at the time the act was approved by the committee, who handled the act on the floor of the Senate, and who has followed it closely ever since, I can testify that this decision correctly states the facts and correctly interprets the legislative history of the act.

I ask unanimous consent that the entire decision may be printed at this point in the RECORD as a part of my remarks.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

IN THE UNITED STATES COURT OF CLAIMS—No. 48874—DECIDED APRIL 4, 1949—HOWARD INDUSTRIES, INC. v. THE UNITED STATES

Mr. Raoul Berger for the plaintiff. Messrs. Gottlieb, Schwartz & Friedman were on the brief.

Miss Mary K. Fagan, with whom was Mr. Assistant Attorney General H. G. Morison, for the defendant. Messrs. Edgar T. Fell and Robert E. Mitchell were on the brief.

ON DEFENDANT'S MOTION TO DISMISS

Howell, Judge, delivered the opinion of the court:

"The defendant moves to dismiss the petition.

"Plaintiff's action is brought under Public Law 657 (79th Cong., 2d sess., ch. 864, 60 Stat. 902), known as the Lucas Act, which authorizes relief for war contractors who suffered net losses in the performance of Government contracts between September 16, 1940, and August 14, 1945. The case was originally filed in the District Court of the United States for the District of Columbia

and was transferred to this court pursuant to section 6 of the Lucas Act, as amended June 25, 1948 (Public Law 773, 80th Cong., 62 Stat. 869).

"Plaintiff had three prime contracts with the Navy Department dated October 24, 1943, February 27, 1943, April 3, 1944, and modifications and changes thereto, which contracts were consolidated into one contract Noa (s) 4395 dated July 31, 1944, and one contract with the War Department. Plaintiff alleges that in the performance of such contracts it incurred a net loss of $235,882.34 through no fault or negligence of its own and that prior to August 14, 1945, written requests for relief concerning the losses were addressed to the Navy Department. Plaintiff further alleges that pursuant to Public Law 657 and Executive Order 9786 (11 F. R. 11553; 3CFR, 1946 Supp. 165), it filed with the Navy Department its claim for relief on February 1947, within 6 months after the date of the approval of said act, which claim was denied in toto by that Department acting through its War Contracts Relief Board. This determination was based mainly upon paragraphs 204 and 307 of Executive Order 9786.

"The defendant bases its motion to dismiss the petition on the following grounds:

"'(1) that plaintiff did not have on file with the proper department or agency, on or before August 14, 1945, a written request for relief with respect to losses alleged in its complaint, as required by section 3 of the Lucas Act, in that plaintiff's letters to the Navy Department, dated December 16, December 17, 1943, and May 28, 1944, attached to its petition, are the only documents that could be construed as "requests for relief," and that they are not the sort of requests for relief contemplated by the Lucas Act. In this connection, defendant argues that the Lucas Act is a mere extension of the First War Powers Act (50 U. S. C. Supp. IV, app., sec. 611) and that only claims which might have been granted under that act can be considered under the Lucas Act, i. e., a request for an amendment to a contract without consideration;

"'(2) that if the court should decide that plaintiff has filed proper "requests for relief," plaintiff's claim is barred by a settlement agreement of November 18, 1944, entered into voluntarily by plaintiff with the Government under the terms of the Contract Settlement Act of 1944 (41 U. S. C. Supp. IV, sec. 101–125) and that therefore no requests for relief under the First War Powers Act of 1941 was pending and undisposed of as of August 14, 1945.'

"Section 3 of the Lucas Act provides in part:

"'Claims for losses * * * shall be limited to losses with respect to which a written request for relief was filed with such department or agency on or before August 14, 1945, but a previous settlement under the First War Powers Act, 1941, or the Contract Settlement Act of 1944 shall not operate to preclude further relief otherwwise allowable under this act.'

"Section 2 of the act limits the amount of a claim to the net loss (less the amount of any relief granted subsequent to the establishment of such loss) on all war contracts and subcontracts of the claimant performed during the statutory period, and provides that consideration must be given to any action taken with respect to the contracts and subcontracts under the Contract Renegotiation Act (50 U. S. C. Supp. IV, app., sec. 1191), the Contract Settlement Act of 1944, any relief granted under section 201 of the First War Powers Act, 1941, 'or otherwise,' and any relief proposed to be granted by any other department or agency under the Lucas Act.

"We first consider the exact nature of the three letters purporting to be 'requests for relief' as required by section 3. Those letters related to the three Navy contracts here in issue, and requested a redetermination of the contract price because of an operating deficit, such redetermination to be made pursuant to the escalator clause of the contract.

"Such a request for a redetermination of the contract price because of an operating deficit is, we believe, a request for relief with respect to losses incurred in the performance of the contracts. The Government does not dispute this fact, but contends that the relief requested in the letters was not the sort of relief that could have been granted under the First War Powers Act, section 201, and that therefore it cannot be granted under the Lucas Act. The Navy Department had originally denied these requests for relief on the ground that the contemplated termination of the contracts for the convenience of the Government precluded the exercise of the Navy Department's authority under the First War Powers Act to amend contracts without consideration 'to further the prosecution of the war.' The Government then refers us to paragraph 307 of Executive Order 9786 and states that since the contracting agency found that First War Powers Act relief from loss could not have been granted, no relief may now be had under the Lucas Act. Paragraph 307 of the Executive order provides in part as follows:

"'Relief with respect to a particular loss claimed shall not be granted under the act and these regulations unless the war agency considering the claim finds * * * that relief would have been granted under the First War Powers Act, 1941, if final action with respect thereto had been taken by the war agency on or before August 14, 1945.'

"We cannot agree with the Government's contention that the Lucas Act is merely an extension of the First War Powers Act and that only those claims that could have been allowed under that act may be considered under the Lucas Act. We shall examine paragraph 307, quoted above (which is one of the regulations issued pursuant to section 1 of the Lucas Act) first in the light of the express terms of the act, and secondly in the light of the act's intent as expressed in its legislative history.

"Section 201 of the First War Powers Act, 1941, provides that relief may be granted a war contractor by a war agency by entering into contracts or amendments or modifications of contracts where the agency deems that such action would facilitate the prosecution of the war. The Lucas Act does not require that the war agency make any such determination as a basis for relief. Section 1 of the Lucas Act provides that war agencies may grant a war contractor relief from losses incurred between September 16, 1940, and August 14, 1945, where such losses were incurred without fault or negligence on the part of the contractor. Further evidence that the Lucas Act provides broader relief than was contemplated by the First War Powers Act is found in the language of section 2 directing that in determining the amount of a contractor's net losses, consideration shall be given to relief granted under the Contract Renegotiation Act, the Contract Settlement Act of 1944, the First War Powers Act, or any other relief granted. Again, in section 3, the Lucas Act provides that prior settlements under the Contract Settlement Act of 1944 and under the First War Powers Act, 1941, shall not bar further relief under this act. In this connection, it should be noted that the Contract Settlement Act granted much broader relief than did the First War Powers Act and on an entirely different basis.

"The legislative history of the Lucas Act (hearings before Senate Judiciary Committee, S. 1477, April 12 and 13, 1946) reveals that, as originally conceived, the act was intended to be merely an extension of the First War Powers Act. Certain war agencies had taken the position that the termination of hostilities on August 14, 1945, eliminated the basis for First War Powers Act relief because it was then no longer possible to make the requisite determination that the action authorized by the act would 'facilitate the prosecution of the war.' Other agencies took the opposite view, with the result that pending claims were considered by some war agencies, and were dismissed without consideration by others. As the hearings progressed, the committee noted that in many instances First War Powers Act relief which had been rendered had been far from adequate and had left war contractors with net losses on their over-all operations. Accordingly, it was decided to change the language of section 1, which originally authorized modification of contracts to 'prevent a manifest injustice' (i. e., the situation where some war agencies continued to grant First War Powers Act relief after August 14, 1945, and some did not), to language authorizing the Government to 'settle equitable claims of contractors * * * for losses (not including diminution of anticipated profits) incurred * * * without fault or negligence on their part in the performance of such contracts' (*Stephens-Brown, Inc.*, v. *United States*, 81 F. Supp. 969, 970 (January 1949)).

"The legislative history of section 3 of the Lucas Act, which we shall take up in connection with the Government's final ground for dismissal, is further evidence that the bill as finally enacted went beyond the mere extension of First War Powers Act relief.

"We accordingly conclude that paragraph 307 of Executive Order 9766 is a regulation unauthorized by the Lucas Act and is in direct conflict with the express terms of the act and with its intent as revealed in its legislative history. The Government's motion, insofar as it is based on this regulation, must therefore fail.

"The Government next contends that if the court should decide, as we have, that plaintiff has filed a proper 'request for relief' within the meaning of the Lucas Act, plaintiff's claim is barred by its settlement agreement of November 18, 1944, entered into voluntarily by plaintiff and the Government under the terms of the Contract Settlement Act of 1944. In this connection, defendant relies on paragraph 204 of Executive Order 9786, which provides as follows:

"'No claim for loss under any contract or subcontract of a war agency shall be received or considered unless a written request for relief with respect thereto was filed with such war agency on or before August 14, 1945; and no claim shall be considered if final action with respect thereto was taken on or before that date.'

"The defendant concedes that at first blush this regulation may appear to conflict with the last phrase of section 3 of the Lucas Act, which provides that 'a previous settlement under the First War Powers Act, or the Contract Settlement Act of 1944 shall not operate to preclude further relief otherwise allowable under this act.' The Government attempts to dissipate this apparent discrepancy by arguing that the word 'settlement' is a word of art and means a unilateral determination by the Government and not a bilateral agreement such as the parties herein entered into under the Contract Settlement Act of 1944. This would mean that claims arising under either the First War Powers Act or the Contract Settlement Act that had been settled by bilateral agreement of the parties could not be considered under the Lucas Act. Let us examine the practical results of such an interpretation. The regulation implementing the First War Powers Act provided in part as follows:

"'The War Department, the Navy Department * * * may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, * * * and

may enter into agreements with contractors, and/or obligors, modifying or releasing accrued obligations of any sort, * * *.' (Executive Order 9001, title I, par. 3) (6 F. R. 6787; 3 CFR, Cum. Supp., 1054, 1055.)

"This regulation clearly authorized settlements by bilateral agreements. The legislative history of the Lucas Act reveals that relief under the First War Powers Act was usually granted by such settlements, which, at least on their face, were bilateral agreements accompanied by signed releases on the part of the contractors. According to defendant's interpretation of the Lucas Act, and under the regulation implementing the act, all such agreements would constitute a bar to further relief.

"The Contract Settlement Act of 1944 provided for the settlement of termination claims by bilateral agreement of the parties which was to be final and conclusive and from which no appeal was possible, or by unilateral determination of the contracting agency from which determination an appeal could be taken to this court or to the Appeal Board of the Office of Contract Settlement. Under the defendant's interpretation of the Lucas Act, the first type of settlement would constitute a bar to further relief while the second (the agency determination) would not. Inasmuch as the Contract Settlement Act itself provided for an appeal to the courts from the unilateral determination of the agency, further relief by the same means under the Lucas Act would seem to be superfluous, and denial of further relief after a bilateral agreement which could not be appealed under the Contract Settlement Act would leave the contractor exactly where he was before the Lucas Act was passed. With respect to the First War Powers Act relief, a contractor might seek further relief under the Lucas Act only if his claim had been settled by a unilateral determination of the contracting agency, a course seldom followed.

"In further support of its contention that the word 'settlement' as used in the Lucas Act means unilateral determination, the defendant refers us to the case of *Illinois Surety Co.* v. *United States* (240 U. S. 214, 219). We do not understand that case as supporting defendant's contention. In that case the Supreme Court held that for the purpose of determining the date from which a statute of limitations began to run (in connection with public transactions and accounts) the word 'settlement' meant an administrative determination of the amount due and not 'payment.' In other words, the statute was held to start running on the date of the determination and not on the later date when payment was actually made. The court went on to say, however:

" 'We should not say, of course, that instances may not be found in which the word "settlement" has been used in acts of Congress in other senses, or in the sense of "payment." '

"The word 'settlement,' as we have shown, was used in two senses in both the First War Powers Act and in the Contract Settlement Act, that is, settlement by unilateral agency determination, and settlement by bilateral agreement. The Lucas Act merely says that settlements (without qualification) under either or both acts shall not operate as a bar. From the plain language of the act, we can only conclude that the word 'settlement' was intended to include both kinds of settlement provided for in the two acts mentioned in section 3.

"In further support of its argument, defendant relies on the legislative history of section 3 of the Lucas Act. In that connection it is, we think, sufficient to point out that the Lucas Act as originally introduced contained the following provision:

" 'This section shall not be applicable to cases submitted under section 201 of the First War Powers Act, 1941, which have been finally disposed of under such section upon their merits prior to August 14, 1945.'

"As finally enacted, the bill provided exactly to the contrary in section 3, and yet the defendant asks us to read that section as though it contained the provision originally included and finally eliminated (cf. *Stephens-Brown, Inc.* v. *United States*, supra, at p. 971). As the United States Court of Appeals (D. C. Cir.) said in the case of *Border Pipe Line Co.* v. *Federal Power Commission* (171 F. 2d 149, 152 (Nov. 22, 1948)):

" 'We cannot write into an act of Congress a provision which Congress affirmatively omitted.'

"Paragraph 204 of the Executive order is merely a paraphrasing of the provision so omitted and is in direct conflict with the wording of the Lucas Act as enacted and with the intent revealed in its legislative history. Our conclusion is contrary to the decision of the District Court in the case of *Fogarty* v. *United States* (80 F. Supp. 90), which case we have examined with care, but with which we find ourselves unable to agree.

"Next, defendant takes comfort in the last few words of section 3 reading 'otherwise allowable under this act' and contends that the relief requested by plaintiff is not otherwise allowable under this act. Defendant points out that section 6 of the Lucas Act provides that the court has jurisdiction to determine the amount, if any, to which a claimant may be equitably entitled not exceeding the amount which might have been allowed by the department or agency concerned under the terms of the act. The Navy Department, defendant tells us, was required by section 1 of the Lucas Act to proceed in accordance with the President's regulations, and those regulations (pars. 204 and 307 of the Executive order) made it mandatory that the Department disallow this claim because it was not such a claim as could have been relieved under the First War Powers Act, and also because it was barred by a prior settlement under the Contract Settlement Act of 1944. Therefore, the defendant concludes, since the Navy Department could not allow any amount to plaintiff, the relief requested was not "otherwise allowable under this act." Inasmuch as we have determined that both regulations are invalid, we cannot find that relief requested was of the sort not otherwise allowable under this act.

"In connection with this last ground for dismissal, the Government goes one step further and argues that in all events there must be on file as of August 14, 1945, a further request for relief pending and undisposed of and that plaintiff had not filed such further request following its settlement agreement of November 18, 1944, under the Contract Settlement Act of 1944. In this particular case the futility of filing such a further request for relief is obvious since the Contract Settlement Act of 1944 provided that settlement of termination claims by voluntary agreement was final and the Government was thus powerless to grant further relief. We cannot believe that when Congress enacted the Lucas Act in 1946 it intended that relief under that act should be conditioned on a plaintiff's having filed a request for relief that the Government had, by statute, disabled itself from granting.

"The requirement contained in section 3 of the Lucas Act that claimants must have filed a written request for relief prior to August 14, 1945, merely means, we think, that claimants must be able to show that they had made timely (that is, prior to August 14, 1945) protest to the contracting agencies concerning the losses now sued on and so have given those agencies an opportunity to either grant or deny their claims. This the plaintiff has done by the three letters referred to earlier in this decision.

"From all of the above, we conclude that the plaintiff has, by its pleadings, brought itself squarely within the provisions of the Lucas Act and the defendant's motion to dismiss the petition is accordingly overruled."

Madden, judge; Littleton, judge; and Jones, chief judge, concur.

Whitaker, judge, dissenting:

"In this case it appears that the claim filed by the contractor was a claim founded on a right which it claimed it had under the contract. I do not think this is the sort of claim contemplated by the Lucas Act. This authorizes those departments who were authorized to modify contracts under the First War Powers Act to consider equitable claims of contractors for losses incurred in the performance of Government contracts. Section 3 of the act provided that no claim should be considered unless a written request for 'relief' had been filed with the department or agency on or before August 14, 1945. This contemplates, it seems to me, not the filing of a claim for an alleged right withheld but a claim for relief. A claim for relief is quite a different thing from a claim of a right, and section 3 expressly says that a claim for a loss 'shall be limited to losses with respect to which a written request for relief was filed with such department or agency on or before August 14, 1945.'

"The claim this plaintiff filed was not a claim for relief, but was a claim of a right to which it said it was entitled under its contract.

"I quite agree that the Lucas Act is broader than the First War Powers Act, but I do think that a prerequisite to any relief under the Lucas Act is the prior filing of a claim, between September 16, 1940, and August 14, 1945, for relief under the First War Powers Act. Because plaintiff in this case failed to file such a claim for relief, I do not think it is entitled to maintain an action under the Lucas Act."

Mr. McCARRAN. Now, Mr. President, let me move along fairly rapidly. It was the intent of the Congress, in passing the Lucas Act, to offer relief beyond that afforded by the First War Powers Act. The administrative interpretation and the Executive order have prevented the full effectuation of that intent.

In order to meet this situation, bills to amend the Lucas Act were introduced in both houses of the Congress early in this session. One of these was H. R. 3436, introduced by Representative FRANCIS WALTER. In the Senate, S. 873, a bill with a similar purpose, was introduced by the Senator from Indiana [Mr. CAPEHART]. A number of Senators filed amendments, among them the Senator from Illinois [Mr. LUCAS], the Senator from Pennsylvania [Mr. MYERS], and the Senator from California [Mr. DOWNEY].

Before a subcommittee of the Senate Committee on the Judiciary, these bills were the subject of lengthy hearings, at which all who desired to be heard were given full opportunity to present their testimony, including witnesses representing the Government departments and agencies. A new bill was then drafted, in subcommittee, and reported as an amendment in the nature of a substitute for H. R. 3436, which had passed the House. Thereafter, the full committee, the Senate, and the House of Representatives, successively, accepted this draft. The bill H. R. 3436, as amended, went to the White House. The President vetoed it.

In his veto message on H. R. 3436, the President stated:

In spite of my objections to the scope of H. R. 3436, and the principles which I be-

lieve it would write into law, I am convinced that agreement can be reached upon what the Government has a clear-cut obligation to do. To that end, I wish to repeat that I shall be glad to approve a bill which limits its amendment and interpretation of the War Contractors Relief Act as suggested in this message.

I believe that a bill incorporating the following seven provisions would be fair and would permit equitable settlement of those claims, unsettled at the end of the war, which the Congress feels have been rejected on the basis of "flimsy technicalities."

Let me pause there, Mr. President, to stress the fact that the President, in his veto message on H. R. 3436, listed seven provisions which he said he would be willing to agree to. I am about to read these provisions, in the President's own language. These are the seven provisions the President listed and said he would approve:

1. Authorize reconsideration of the claims filed in accordance with the provisions of the original War Contractors Relief Act.

2. Remove the basis for technical rejection by permitting either a request in writing for relief under the First War Powers Act, or a written demand for payment of losses, or a written notice of sustained or impending loss, if timely filed, to be accepted as a basis for claim.

3. Authorize consideration and settlement of the claims of subcontractors on the same basis as the prime contractors if the same kind of written request, demand, or notice was filed with a Government agency, a prime contractor, or another subcontractor prior to August 14, 1945.

4. Permit reasonable compensation with respect to partners and proprietors, thus affording them the same treatment accorded corporations.

5. Preserve jurisdiction of the courts over suits now pending and not require any claimant to start over again in the presentation of his claim.

6. Permit a reasonable time, perhaps 60 days, for amendment or revival of any claim.

7. Include the clarifying definitions of section 7 of H. R. 3436.

That ends my reading of the seven provisions the President suggested and said he would approve. The President then concluded his veto message with this paragraph:

Prompt enactment of such legislation—

That is, legislation embodying the seven points which I have just read—

Will make it possible for the executive agencies and the courts to discharge the responsibilities which I am convinced they cannot equitably discharge under the measure that I am returning without my approval.

Mr. President, when that veto message was received, we proceeded to act upon it.

The sole specific objection stated by the President in his veto message was the inclusion of interest on working capital as a basis for allowing relief. That provision was dropped, and a new bill was written, composed of seven subsections, or paragraphs. In the new bill, each of the seven subsections, or paragraps, included one of the seven provisions listed by the President as meritorious and unobjectionable. This new bill is Senate bill 3906, the bill now under consideration.

Like its predecessor, this bill is in terms an amendment to the Lucas Act.

At the very outset, this bill states that cases shall be reviewed and determined within the limitations stated in this act and no others. In other words, the bill first emphasizes that, except as relaxed by this amendment, the previous conditions upon relief stated in the War Contractors Relief Act shall apply in every case. It is thus made plain that no other limitations are intended by the present act or by this amendment. The presently existing coverage of the Lucas Act is not impaired.

The first provision listed in the President's message, to which he stated he would have no objection, is a provision that would authorize reconsideration of the claims filed in accordance with the provisions of the original War Contractors Relief Act. Necessarily, this meant administrative reconsideration, because the President referred in two other provisions, listed later, to preserving court jurisdiction. Therefore, the first subsection of this bill concerns itself only with providing for administrative reconsideration of claims.

The President's second suggested provision was to remove the basis for technical rejection by permitting either a request in writing for relief under the First War Powers Act, or a written demand for payment of losses, or a written notice of sustained or impending loss, if timely filed, to be accepted as a basis for claim.

Accordingly, the second paragraph of this bill provides that claims under this act shall be allowed to the extent that they include losses with respect to which in a writing submitted to a department or agency concerned on or before August 14, 1945, the claimant (a) requested relief available under the First War Powers Act, (b) demanded payment thereof, or (c) gave notice of such sustained or impending loss.

In the third numbered paragraph listing the provisions which he said he would accept the President referred to a provision to authorize consideration and settlement of the claims of subcontractors on the same basis as the prime contractors if the same kind of written request, demand, or notice was filed with a Government agency, a prime contractor, or another subcontractor prior to August 14, 1945.

Accordingly, the third paragraph of this bill provides for including the claims of subcontractors on the same basis as the claims of prime contractors if the request for relief, demand for payment, or notice of sustained or impending loss was submitted in writing by such claimants on or before August 14, 1945, to either a department of agency concerned or the prime contractor or the subcontractor involved.

As his fourth numbered point, the President in his veto message stated that acceptable legislation should permit reasonable compensation with respect to partners and proprietors, thus affording them the same treatment accorded corporations.

Accordingly, the fourth paragraph of this bill provides that "claims otherwise allowable under this act as amended shall include reasonable compensation for services of working partners and proprietors of unincorporated claimants, during the period of performance of the contracts or subcontracts involved.

As his fifth numbered point, the President stated the legislation should preserve jurisdiction of the courts over suits now pending and not require any claimant to start over again in the presentation of his claim.

Accordingly, the fifth paragraph of the bill is drafted to do exactly that: to preserve the jurisdiction of the courts over suits now pending, while at the same time not requiring any claimant to start over again in the presentation of his claim.

As his sixth numbered point, the President in his veto message on H. R. 3436 stated that acceptable legislation should permit a reasonable time, perhaps 60 days, for amendment or revival of any claim.

Accordingly, the sixth paragraph of S. 3906 provided that "where necessary to effectuate the purposes of this section the court in any case heretofore filed under this act shall, upon motion filed by the plaintiff not more than 60 days after the effective date of this section, (a) permit the plaintiff to amend his claim or pleadings, (b) vacate any adverse judgment or ruling, or (c) revive the action; but nothing in this paragraph shall be deemed to require any plaintiff to seek any such action where it is unnecessary for the preservation of his rights under this act and section in accordance with the existing practice, procedure or course of judicial proceedings."

The language enabling any court to vacate any adverse judgment or ruling was considered necessary because, under the present rules of civil procedure and particularly rule 60 thereof, in most cases. that may be the appropriate remedy, rather than a technical "revival" of the action.

In his final point—point No. 7—the President stated that appropriate legislation should "include the clarifying definitions of section 7 of H. R. 3436."

Accordingly, the seventh and last paragraph of this bill included those definitions, namely, the definitions of "contractors," "subcontractors," and "materialmen."

This bill, drafted expressly to meet the President's own expressions respecting legislation he would approve, passed both the Senate and the House, in the exact form in which it was introduced, and went to the White House. The President vetoed it.

Let me now discuss the veto message on this bill, S. 3906.

The first two paragraphs of this veto message are preliminary and not argumentative, and require no discussion.

The third paragraph of the veto message states that the provisions of this bill would serve to transform the Lucas Act "into a general statute of indemnification against loss on Government contracts held during the war years."

Mr. President, it should be perfectly clear that the provisions of this bill do

not "transform" the Lucas Act in any respect. The provisions of this bill do not permit the filing of any new claims. The provisions of this bill do not make any change in filing requirements. The provisions of this bill do not make any change in the basis of settlement provided for in the Lucas Act.

The provisions of the Lucas Act speak for themselves. The President and agencies in the executive branch of the Government, have denied the Lucas Act effect. The President, in his Executive order, has placed his own interpretation upon the Lucas Act. Now, in his veto message on S. 3906, the President indicts the amendments proposed in this bill for what he apparently considered to be the evils of the original act. But, Mr. President, vetoing this bill on that basis amounts to taking the position that the Congress may not, by subsequent enactment, correct what it considers to be executive or administrative misinterpretation of a previous act of Congress. If Senators will think about that, they will see that such a contention is just the same as saying that an act of Congress means only what the executive branch of the Government says it means, and that Congress has no right to direct or shape administrative or executive interpretation.

As the white rabbit told Alice, "it is all a question of who is master."

The fourth paragraph in the President's veto message—that is the first paragraph at the top of page 2 of Senate Document 203—complains that in this bill no attempt has been made to limit the scope of relief under the Lucas Act to claims or requests for relief that would have been granted under the First War Powers Act of 1941.

Mr. President, the bill now before us would not change the present law in this regard. The Lucas Act, as it stands on the statute books, specifically provides that a previous settlement under the First War Powers Act shall not operate to preclude further relief otherwise allowable under this act. While it is true that the President, in his Executive order, included a provision purporting to limit relief, under the Lucas Act, to relief which would have been granted under the First War Powers Act, the fact remains that this was a provision contrary to the plain language and intent of the Lucas Act. The Court of Claims has so held. It would seem that what the President is really complaining of here is the failure of these amendments to change the present law so as to conform it to the Executive order.

Now, Mr. President, in the last sentence of this same paragraph—the first paragraph at the top of page 2 of Senate Document 203—the President states that the bill would not preclude the reopening of an indeterminate number of cases that have been settled under the First War Powers Act or the Contract Settlement Act of 1944.

That statement is technically true, but it gives a very false impression. This bill would not preclude the reopening of cases that have been settled under the First War Powers Act or the Contract Settlement Act; but neither would it authorize such reopening with respect to any case not already filed under the Lucas Act. Of course, the Lucas Act did permit such reopening, with respect to claims timely filed under that act. Here again it appears that the real basis of the President's complaint is the failure of this bill to change the Lucas Act in the way the President thinks it should be changed.

The important point to be borne in mind is that the only cases which could be reopened under the Lucas Act, after having been settled under the First War Powers Act or the Contract Settlement Act, are cases in which claims were filed under the Lucas Act; and since the time for filing such claims has expired, and the bill now under consideration does not extend this time, or permit the filing of any new claims, it is perfectly clear that this bill cannot be said to broaden the provisions of the existing law.

In the second paragraph on page 2 of the veto message, as printed, the President states that the provisions of the present measure are quite sufficient to accomplish what I consider to be a total departure from the intent and scope of the War Contractors Relief Act.

The important point here is that the provisions of this measure do not constitute a departure from the intent and scope of the War Contractors Relief Act, as the Congress considers it to be. The President has made it clear what he considered the intent and scope of the Lucas Act to be, by the promulgation of his Executive order, in derogation of certain provisions of that act. The Congress has reaffirmed its own intent by twice passing bills which would have the effect of invalidating the Executive order. Of course, the President does not like that.

In this same paragraph of the veto message—the second paragraph on page 2—the President states that the proposed "definition of a request for relief" in paragraph (2) of S. 3906 "greatly relaxes the existing requirement that claims be founded upon a specific application for the extraordinary relief which was allowable under the first war powers act." This is an erroneous statement. It speaks of an "existing requirement" which does not exist. The Lucas Act contains no such requirement. The Lucas Act contains only two requirements with regard to the request for relief, namely, that it must have been in writing, and must have been filed on or before August 14, 1945.

The bill S. 3906 does not change those requirements. In fact, all that paragraph (2) of the bill does is to put in plain legislative language exactly what the President, in his veto message on H. R. 3436, said should be a component of acceptable legislation. Let me quote again from what the President said. The second of the seven provisions which the President said would be fair, and which the President said he would approve, was defined by the President himself as a provision that would "remove the basis for technical rejection by permitting either a request in writing for relief under the First War Powers Act, or a written demand for payment of losses, or a written notice of sustained or impending loss, if timely filed, to be accepted as a basis for claim."

If Senators will look at paragraph (2) of the bill they will see that it does precisely what the President then said he would approve, and does it in virtually the President's own language.

Near the end of the second paragraph on page 2 of the veto message, the President indicates objection to the language in paragraph (3) of the bill relating to claims of subcontractors.

This language only gives subcontractors the same rights prime contractors now have. This also is a provision which was suggested by the President himself. The third numbered point in the President's veto message on H. R. 3436 outlined a provision which the President said would be fair, and which the President said he would accept; a provision to "authorize consideration and settlement of the claims of subcontractors on the same basis as the prime contractors if the same kind of written request, demand, or notice was filed with a Government agency, a prime contractor, or another subcontractor prior to August 14, 1945."

That is precisely what paragraph (3) of this bill does; just exactly what the President himself has suggested, and what he said he would approve.

In the third paragraph on page 2 of the veto message, as printed, the President states:

> In my opinion, the sole objective of the war contractors relief act was to afford a basis for the continued processing of those relatively few requests for First War Powers Act relief which were still pending on August 14, 1945, and could not be handled by the war agencies after that date without additional statutory authority. I am plainly supported in this opinion by the legislative history of the war contractors relief act.

In this connection, Mr. President, rather than engage in any argument on my own behalf, let me merely quote from the decision of the Court of Claims in the Howard Industries case, where the court said:

> We cannot agree with the Government's contention that the Lucas Act is merely an extension of the First War Powers Act and that only those claims which could have been allowed under that act may be considered under the Lucas Act.

In that same decision, a little further along, the court declared:

> The legislative history of section 3 of the Lucas Act * * * is further evidence that the bill as finally enacted went beyond the mere extension of First War Powers Act relief.

Obviously, Mr. President, the President's opinion as to what the war contractor relief act meant, and the President's opinion as to what view the legislative history of the act will support, differs from the opinion of the Court of Claims. Certainly, under the circumstances, the Congress may also be permitted to affirm and reaffirm a different view from that which the President has taken. After all, the Congress wrote this legislation, and the Congress should be presumed to know something about what was intended.

In the last paragraph on page 2 of the veto message, the President restates certain of the objections he has previously stated. In this paragraph, he first declares that S. 3906 would relax the requirements for filing notice contained in the War Contractors Relief Act and the regulations thereunder. This language treats the act and the regulations as though they were one and the same. Actually, as I have already pointed out, the regulations severely restricted the act, and in some respects were directly contrary to the plain language of the act. There is no doubt about the fact that the enactment of this bill would relax the requirements for filing notice contained in the regulations; but this relaxation would only be to the extent necessary; to make the regulations conform to the law, and to the original intent of the Congress.

Secondly, in the last paragraph on page 2 of the veto message, the President charges that this bill would permit the granting of relief beyond that afforded by the First War Powers Act. As I have pointed out, the Lucas Act, by its plain language, was intended to grant relief beyond that afforded by the First War Powers Act; and the President's Executive order contravened the statute in this regard. The President's real complaint, then, is that these amendments reaffirm the original act, rather than amending the law to conform to the Executive order.

The third and last point repeated by the President in the paragraph at the end of page 2 of the veto message is that this bill would exclude the finality of settlements made under the First War Powers Act and the Contract Settlement Act of 1944.

This bill does not have that effect; but the Lucas Act, as it now stands on the statute books, does have that effect. As I have already pointed out, the Lucas Act specifically provides that "a previous settlement under the First War Powers Act, 1941, or the Contract Settlement Act of 1944, shall not operate to preclude further relief otherwise allowable under this act."

The Lucas Act includes that provision, Mr. President. It is on the statute books today. The President has issued an Executive order, under the Lucas Act, in which he has attempted to contradict that plain language of the law. Enactment of the bill now before the Senate would force the revision of that Executive order so as to give effect to the plain intent of the law. That is what the President is really complaining about.

The President makes the contention, in his veto message on S. 3906, that this bill would write into law the principle of Government insurance against all wartime net losses incurred by contractors providing goods and services to the Government. On the contrary, it is perfectly clear that this bill introduces no new principles. The President's quarrel is with the Lucas Act, not with these amendments. The Lucas Act was intended to provide relief against losses sustained without fault or negligence on the part of the contractor in the performance of wartime contracts. The President signed that law. The President now is fighting this bill because it reaffirms the law which he has already signed, but which he has tried to change by executive legislation.

The President, near the end of his veto message, refers to the "element of risk that is a normal incident to any contractual undertaking for profit." This reference rather blithely overlooks the fact that in time of war, contractors are not free to exercise their own determination with respect to whether they will take war contracts; if they refuse, their plants may be taken over; furthermore, they cannot get materials for normal production. Beyond this, their profits are limited, and are subject to renegotiation, and renegotiation, to the end that profits shall be curtailed. Under these circumstances, it is not at all unreasonable that the Government should reimburse a war contractor for his over-all net loss incurred without fault or negligence on his own part. Actually, Mr. President, this point is moot, because the Congress determined the principle to be applied to claimants under the Lucas Act when it passed that law; and the President assented when he signed it. It is not this bill, the bill now before us, which would entitle war contractors to recover for loss or damage sustained without fault or negligence on their own part in the performance of war contracts; it is the Lucas Act which in specific terms allows such recovery.

Near the end of his veto message, the President refers to the fine record of the Government for fair and equitable treatment of its contractors. Unquestionably, the Government's record in this regard, during World War II, was outstanding. The vast majority of all contractors were, as the President has stated, accorded eminently fair treatment, by all known standards of law and equity. The fact remains that a few hundred contractors did not get a square deal. That is why the Lucas Act was passed. There are about 290 claimants under the Lucas Act. Presumably, all the other war contractors, thousands upon thousands of them, have received fair and equitable treatment, and have no complaint. That is all the more reason, Mr. President, why these 200-odd contractors should also receive fair and equitable treatment. But these claimants have not had the relief which Congress intended for them, because that relief has been denied under the Executive order, and under the interpretations of the Lucas Act by administrative agencies. Enactment of the bill now pending, the President's objections to the contrary notwithstanding, will insure that these claimants will get the relief Congress intended they should have. No other claimants will be allowed to bring in their claims. The standard for granting relief which was laid down in the Lucas Act will be in no way relaxed. But the executive and administrative roadblock which has prevented, and is today preventing, the fair and equitable treatment of this relatively small number of claimants, will be removed.

The most important question here, Mr. President, is whether Congress has the right, when it feels that one of the laws it has enacted is being improperly administered or improperly interpreted, to make its voice heard for the purpose of correcting the misinterpretation or ending the improper administration. That is what the Congress tried to do with the predecessor of this bill, H. R. 3436; and, when the President vetoed that bill, Congress tried again with S. 3906, a bill most carefully drafted to conform as exactly as possible to the President's own statement of the kind of legislation he would be willing to sign.

Now, the President has made it abundantly clear that he will sign no legislation on this subject unless it is legislation which amends the Lucas act to conform it to the Executive order.

The Congress can bow to that fiat, or the Congress can make its voice heard by passing this bill over the President's veto.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOEY in the chair). The Senator from Nevada suggests the absence of a quorum, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Anderson	Hill	Millikin
Benton	Hoey	Morse
Bricker	Holland	Mundt
Butler	Humphrey	Murray
Cain	Hunt	Myers
Chapman	Ives	Neely
Chavez	Johnson, Colo.	O'Conor
Connally	Kem	O'Mahoney
Cordon	Kerr	Robertson
Darby	Kilgore	Russell
Douglas	Knowland	Schoeppel
Dworshak	Langer	Smith, Maine
Ecton	Leahy	Sparkman
Ellender	Lehman	Stennis
Ferguson	Lodge	Taylor
Frear	Long	Thomas, Okla.
George	McCarran	Thye
Gillette	McFarland	Tydings
Graham	McKellar	Watkins
Green	McMahon	Wherry
Gurney	Magnuson	Wiley
Hendrickson	Malone	Williams
Hickenlooper	Martin	Young

The PRESIDING OFFICER. A quorum is present. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The Constitution requires a yea-and-nay vote. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. MYERS. I announce that the Senator from Virginia [Mr. BYRD], the Senators from Arkansas [Mr. FULBRIGHT and Mr. MCCLELLAN], the Senator from Texas [Mr. JOHNSON], and the Senator from Illinois [Mr. LUCAS] are unavoidably detained on official business.

The Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], and the Senator from South Carolina [Mr. JOHNSTON] are absent on public business.

The Senator from Tennessee [Mr. KEFAUVER] is absent because of illness in his family.

The Senator from South Carolina [Mr. MAYBANK[is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of

the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary conference, being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. WHERRY. I announce that the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine. [Mr BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The Senator from Ohio [Mr. TAFT] is necessarily absent.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The senior Senator from Indiana [Mr. CAPEHART] and the junior Senator from Indiana [Mr. JENNER] who are both necessarily absent are paired with the Senator from Vermont [Mr. AIKEN] who is absent by leave of the Senate. If present and voting, the Senators from Indiana [Mr. CAPEHART and Mr. JENNER] would vote "yea" and the Senator from Vermont [Mr. AIKEN] would vote "nay."

The Senator from Wisconsin [Mr. MCCARTHY] is detained on official business.

The result was announced—yeas 30, nays 39, as follows:

YEAS—30

Butler	Holland	Millikin
Cain	Ives	Morse
Chapman	Kem	Myers
Connally	Kerr	O'Conor
Cordon	Knowland	Robertson
Douglas	Langer	Smith, Maine
Ecton	McCarran	Thye
Frear	McFarland	Wiley
Hickenlooper	McKellar	Williams
Hoey	Malone	Young

NAYS—39

Anderson	Hendrickson	Mundt
Benton	Hill	Murray
Bricker	Humphrey	Neely
Chavez	Hunt	O'Mahoney
Darby	Johnson, Colo.	Russell
Dworshak	Kilgore	Schoeppel
Ellender	Leahy	Sparkman
Ferguson	Lehman	Stennis
George	Lodge	Taylor
Gillette	Long	Thomas, Okla.
Graham	McMahon	Tydings
Green	Magnuson	Watkins
Gurney	Martin	Wherry

NOT VOTING—27

Aiken	Fulbright	Maybank
Brewster	Hayden	Pepper
Bridges	Jenner	Saltonstall
Byrd	Johnson, Tex.	Smith, N. J.
Capehart	Johnston, S. C.	Taft
Donnell	Kefauver	Thomas, Utah
Downey	Lucas	Tobey
Eastland	McCarthy	Vandenberg
Flanders	McClellan	Withers

The PRESIDING OFFICER. On this vote the yeas are 30, and the nays are 39. Two-thirds of the Senators present and voting not having voted in the affirmative, on reconsideration, the bill fails of passage.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1640. An act to amend section 4 of the act of March 1, 1911 (36 Stat. L. 962; 16 U. S. C. 513), relating to membership of the National Forest Reservation Commission; and

S. 2636. An act to amend the Soil Conservation and Domestic Allotment Act, as amended.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5679) to authorize the transfer of certain agricultural land and irrigation field stations to the States in which such stations are located, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 7881) to amend sections 675 and 676 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, regulating the disposal of dead human bodies in the District of Columbia, and it was signed by the Vice President.

THE CALENDAR

The PRESIDING OFFICER. The Senate will begin the consideration of the calendar. The first number is 2382, on page 18.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. As I understand, the distinguished majority leader stated on the floor this morning that the Senate would proceed with the call of the calendar where it left off the last time the calendar was called, and that immediately thereafter there would be a return to the beginning of the calendar, and the calendar would be called up to the point at which we left off last time it was called. Is that correct?

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. RUSSELL. I assume there will be a quorum call when the Senate has completed the consideration of the new calendar.

Mr. WHERRY. Of course, I should be glad to suggest the absence of a quorum, but when the distinguished majority leader made his announcement, several Senators were still busy with committee work and were not present, and the distinguished majority leader asked unanimous consent that the Senate proceed with the call of the calendar where we left off the last time, and conclude that part of the calendar, and then immediately thereafter return to the beginning.

Mr. RUSSELL. I appreciate the fact that the distinguished minority leader has made the statement, because I was one of the Senators who had been detained in committee meetings. I tried to attend two committee meetings, as a matter of fact. I hope that some Senator on the floor will give us notice when the Senate has concluded the call of the new calendar.

Mr. WHERRY. I will say to the distinguished Senator that that will be done.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. LODGE. I should like to ask the Senator from Nebraska whether it is his understanding that we shall have anything to do today other than to consider the calendar.

Mr. WHERRY. The distinguished majority leader is not present. I wonder if that question could not be propounded to the acting majority leader, the Senator from Arizona [Mr. MCFARLAND], because I understood the majority leader to say that immediately after the call of the calendar there would be a motion to take up several bills which the distinguished Senator from Arizona knows about. I do not know whether the majority leader wants to hold a night session at which to take up those bills, in the event we run into the night, or whether he will proceed with them tomorrow. I wonder if the acting majority leader can give us any information on that point.

Mr. McFARLAND. The majority leader did not inform me of his desires in that regard, but my information is that the call of the calendar will take quite a good deal of time. I doubt very seriously if there will be any more business transacted after the calendar is completed.

Mr. WHERRY. Is there any contemplation of a night session if the calendar is completed late this afternoon or early in the evening? Does the Senator know whether it is the intention of the majority leader that there shall be a night session, provided the calendar is completed?

Mr. McFARLAND. If there is going to be a night session, it will be announced shortly.

Mr. WHERRY. I thank the Senator from Arizona.

The PRESIDING OFFICER. As the Chair mentioned to the Senate, we have a very lengthy calendar. There are approximately 17 pages of new calendar. If we observe the rules, and when an objection is made to a bill and it cannot be considered, let it be passed over without too much discussion, we shall save a considerable amount of time.

The clerk will call the first bill on the calendar.

BILL PASSED OVER

The bill (H. R. 5187) to protect consumers and others against misbranding false advertising, and false invoicing of fur products and furs, was announced as first in order.

Mr. ELLENDER. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 102) favoring the suspension of deportation of certain aliens.

Mr. McCARRAN. Mr. President, this is a concurrent resolution favoring the suspension of deportation of 25 aliens. Under the law the Congress must approve the suspension of deportation of these aliens or they must be deported. The Senate has previously approved 31 such resolutions and each case presented to the Congress is carefully reviewed by the staff of the Senate Subcommittee on Immigration and Naturalization.

If I may have the attention of the Senator from New Jersey [Mr. HENDRICKSON] and the Senator from Kansas [Mr. SCHOEPPEL], I offer an amendment to Senate Concurrent Resolution 102 and ask for its immediate consideration. The amendment adds the name of an alien whose case of suspension of deportation was referred to the Committee on the Judiciary but had not been reached for processing by the committee by the time Senate Concurrent Resolution 102 was reported favorably. The case has been carefully screened and meets all of the requirements of the law.

I therefore move the adoption of the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. At the end of the concurrent resolution it is proposed to add the following:

A-9836887, Capparis, Ambrose Alexander.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation for more than 6 months:

A-7693367, Gibson, Ellen Pauline (nee Benson).
A-2689533, Burger, Hans Rudolf.
A-4592673, Kiladitis, Stamos Nicholas.
A-7544392, Lung, Wong Kam.
A-4532674, Poy, Tsz Fook.
A-7050910, Russos, Michael.
A-1717103, Stratis, Nicholas Costas.
A-2966139, Tsistinas, Panagiotis or Pete, or Peter Tsistinas.
A-2981686, Vavilis, George, or John Vavilis.
A-2531584, Arygridis, John, or Ioamnis Argyridis or John Argyide or John Argyrides or John Odeseas Argyridis.
A-4580270, Chitas, Petros Demetrios, or Petros Chitas or Pierre Chitas.
A-5331520, Chung, Leung.
A-7117512, Cotsimopoulos, George Theohary, or George Kotsimopoulos.
A-9767746, Daratos, Nicholas, or Nick Daratos.
A-3762786, De Pinto, Cosmo Damiano.
A-4809973, Giannatos, Panayis Michael, or Panayis Michael Jiannatos, Peter Giannatos, Peter Mihaile Gianatos, Panagis or Panagiotis Giannatos, Panagis M. Jianatos, or Peter V. Jonhaatos.
A-5127595, Jakominich, Sime.
A-5470702, McDonald, Edwin Wilson or "Mac".
A-2175881, Papapanagiotou, Georges Vaselli.
A-4342795, Perivolaris, Sotirios Ioannis.
A-5667865, Rotondo Francesco.
A-3588422, Varrias, Christos George, or Hristos Varias.
A-4614803, Vaz Querido, Manuel.
A-4780996, Wolke, Robert Paul, or John Lange or Johannes Lange.
A-7632722, Hoffmann, Ernest Jack, or Ernest Jacques Hoffman or Ernest Jakab Hoffmann.
A-9836887, Capparis, Ambrose Alexander.

ROBERT JOHANNA SORENSON

The bill (S. 742) for the relief of Robert Johanna Sorenson was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration laws Robert Johanna Sorenson, of Minot, N. Dak., shall, be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United Staes, upon payment by him of the required head tax and visa fee.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Denmark.

LARS DANIEL SORENSON

The bill (S. 743) for the relief of Lars Daniel Sorenson was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration laws Lars Daniel Sorenson, of Minot, N. Dak., shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon payment by him of the required head tax and visa fee.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Denmark.

LUIGI PODESTA

The bill (S. 1406) for the relief of Luigi Podesta was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel the outstanding warrant of deportation issued in the case of Luigi Podesta. From and after the date of enactment of this act, the afore-mentioned alien shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or such order of deportation have issued.

SEC. 2. In the administration of the immigration laws, the aforesaid Luigi Podesta shall be considered as having been lawfully admitted for permanent residence as of December 30, 1944, the date of his arrival into the United States, upon the payment of the required visa fees and head taxes.

SEC. 3. Upon the enactment of this act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct appropriate number from the nonpreference category of the first available immigration quotas for nationals of Italy.

STEPHEN A. PATKAY AND WIFE

The bill (S. 2179) for the relief of Stephen A. Patkay and his wife, Madeleine, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws Stephen A. Patkay and his wife, Madeline, shall be held and considered to have been lawfully admitted into the United States for permanent residence as of December 23, 1947, the date of their last entry into the United States, upon payment of the required head taxes and visa fees.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number each from the nonpreference categories of the first available immigration quotas for nationals of Hungary and France.

SHAOUL MINASHI SHAMI AND OTHERS

The bill (S. 2420) for the relief of Shaoul Minashi Shami, Emily Shami, Joseph Clement Shami, and Charles Henry Shami was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, the aliens, Shaoul Minashi Shami, Emily Shami, Joseph Clement Shami, and Charles Henry Shami, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date on which they last arrived in the United States, upon the payment of the visa fees and head taxes. Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct the necessary numbers from the appropriate quotas for the first year that such quotas are available.

MORRIS PLEVIN

The bill (S. 2517) for the relief of Morris Plevin, also known as Melvin Belkin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Morris Plevin, also known as Melvin Belkin. From and after the date of enactment of this act, the said Morris Plevin, also known as Melvin Belkin, shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

SEC. 2. In the administration of the immigration laws, the said Morris Plevin, also known as Melvin Belkin, shall be considered as having been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon payment of the required head tax and visa fee.

SEC. 3. The Secretary of State is authorized and directed to instruct the proper quota control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Poland.

DELFO GIORGI

The bill (S. 2586) for the relief of Delfo Giorgi was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of this bill?

Mr. McCARRAN. Mr. President, this bill grants the status of permanent residence to a 29-year-old native and citizen of Italy who entered the United States

as a visitor in July 1949. He resides with his 70-year-old uncle who is a merchant and who needs the services of the beneficiary of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2586) for the relief of Delfo Giorgi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Delfo Giorgi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon payment of the required visa fee and head tax. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

VITTORIO QUILICI

The bill (S. 2587) for the relief of Vittorio Quilici was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Vittorio Quilici shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon payment of the required visa fee and head tax. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JOHAN WILHELM ADRIAANS

The bill (S. 2799) for the relief of Johan Wilhelm Adriaans was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purposes of the immigration and naturalization laws, the alien Johan Wilhelm Adriaans shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 20, 1949, the date on which he was admitted as a visitor, upon payment of head tax and visa fee. Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

BORIS PAUL VON STUCKENBERG, AND WIFE, MARIA ALEXANDER VON STUCKENBERG

The bill (S. 2835) for the relief of Boris Paul von Stuckenberg and wife, Maria Alexander von Stuckenberg, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Boris Paul von Stuckenberg and his wife, Maria Alexander von Stuckenberg, as of April 18, 1949, the date on which they were lawfully admitted into the United States at the port of New York, N. Y. From and after the date of the approval of this act, and upon payment of visa fees and head taxes, Boris Paul von Stuckenberg and Maria Alexander von Stuckenberg shall be deemed to be lawfully admitted permanent residents of the United States.

SEC. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the quota for Russia for the first year that such quota numbers are available.

DIONISIO AGUIRRE IRASTORZA

The bill (S. 3066) for the relief of Dionisio Aguirre Irastorza was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the immigration laws, Dionisio Aguirre Irastorza, of Mountain Home, Idaho, who was admitted into the United States on a temporary visa, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon the payment of the required head tax and visa fee.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Spain.

ANDRES AGUIRRE IRASTORZA

The bill (S. 3067) for the relief of Andres Aguirre Irastorza was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That, in the administration of the immigration laws, Andres Aguirre Irastorza, of Twin Falls, Idaho, who was admitted into the United States on a temporary visa, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon the payment of the required head tax and visa fee.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Spain.

CHRISTINA SHALFEIEFF

The bill (S. 4045) for the relief of Christina Shalfeieff was announced as next in order.

The PRESIDING OFFICER. There is an identical House bill on the calendar, which the clerk will state.

The LEGISLATIVE CLERK. A bill (H. R. 9434) for the relief of Christina Shalfeieff.

The PRESIDING OFFICER. Is there objection to the present consideration of the House bill?

There being no objection, the bill (H. R. 9434), for the relief of Christina Shalfeieff was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4045 is indefinitely postponed.

DR. JACOB ORNSTEIN

The bill (H. R. 1799) for the relief of Dr. Jacob Ornstein was considered, ordered to a third reading, read the third time, and passed.

KENJI TAKUMI

The bill (H. R. 1860) for the relief of Kenji Takumi was considered, ordered to a third reading, read the third time, and passed.

CANCELLATION OF DEPORTATION OF FRANK GRIMALDI

The bill (H. R. 2631) to authorize cancellation of deportation in the case of Frank Grimaldi was considered, ordered to a third reading, read the third time, and passed.

EULOGIO REYES SUAREZ

The bill (H. R. 3314) for the relief of the late Eulogio Reyes Suarez was considered, ordered to a third reading, read the third time, and passed.

KATHERINE L. ANDERSON

The bill (H. R. 4045) for the relief of Katherine L. Anderson, a civil-service employee, permanently injured through negligent treatment at the Army Advisory Group Station Hospital in Nanking, China, was announced as next in order.

Mr. SCHOEPPEL. Mr. President, reserving the right to object, may we have an explanation of this measure?

Mr. McCARRAN. Mr. President, this bill will pay Katherine L. Anderson $5,000 for the negligence of a Government employee when the employee placed hot-water bottles on the legs of the claimant while she was under the effects of an anesthetic subsequent to an operation.

The incident occurred in China and as a result the claimant was badly burned around the legs. She was subject to great pain and had to undergo skin grafts in order to become anywhere near normal.

The payment of this claim is predicated on the pain, suffering, and the scars which were left on the claimant due to the negligence of the employee.

The PRESIDING OFFICER. Is there objection for the present consideration of the bill?

There being no objection, the bill (H. R. 4045) was considered, ordered to a third reading, read the third time, and passed.

JANET JUDITH KOENINGER, A MINOR

The bill (H. R. 4600) for the relief of Janet Judith Koeninger, a minor, was considered, ordered to a third reading, read the third time, and passed.

ALBERT E. SCHEFLEN

The bill (H. R. 4891) for the relief of Albert E. Scheflen was considered, ordered to a third reading, read the third time, and passed.

CONRAD L. STEELE, DECEASED

The bill (H. R. 4904) for the relief of the estate of Conrad L. Steele, deceased, was considered, ordered to a third reading, read the third time, and passed.

BILLY RAY RIDENOUR AND L. L. RIDENOUR

The bill (H. R. 5381) for the relief of Billy Ray Ridenour and L. L. Ridenour was considered, ordered to a third reading, read the third time, and passed.

IVAR G. JOHNSON

The bill (H. R. 5972) for the relief of Ivar G. Johnson was considered, ordered to a third reading, read the third time, and passed.

MRS. GRACE A. OLSON

The bill (H. R. 6409) for the relief of Mrs. Grace A. Olson was considered, ordered to a third reading, read the third time, and passed.

MRS. FUMIE ISHIBASHI AKIMOTO

The bill (H. R. 7336) for the relief of Mrs. Fumie Ishibashi Akimoto was considered, ordered to a third reading, read the third time, and passed.

FRANCISCO BLANCO AND MRS. CELINE SMITH

The bill (H. R. 7393) for the relief of Francisco Blanco and Mrs. Celine Smith was considered, ordered to a third reading, read the third time, and passed.

SUMIKO FUJITA

The bill (H. R. 7451) for the relief of Sumiko Fujita was considered, ordered to a third reading, read the third time, and passed.

SISTER RITA PINTO DE CARVALHO AND OTHERS

The bill (H. R. 7733) for the relief of Sisters Rita Pinto de Carvalho, Maria Leite da Silva, Carmelinda Lopes de Aguiar, Maria Adozinda da Fonseca Melo, Joaquine de Jesus, and Maria Luisa Pinto Carvalho was considered, ordered to a third reading, read the third time, and passed.

MRS. TERUKO TOMINAGA IKEUCHI

The bill (H. R. 7856) for the relief of Mrs. Teruko Tominaga Ikeuchi was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF FRANCIS A. WALDRON

The bill (H. R. 7964) for the relief of the estate of Francis A. Waldron was considered, ordered to a third reading, read the third time, and passed.

REGOLO GAGLIACCO AND WIFE GINA

The bill (H. R. 8093) for the relief of Regolo Gagliacco and his wife Gina was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF THE LATE ISMAEL MIRANDA

The bill (H. R. 8118) for the relief of the estate of the late Ismael Miranda was considered, ordered to a third reading, read the third time, and passed.

MICHIYO TAKADA AND MINOR DAUGHTER MICHIKO

The bill (H. R. 8184) for the relief of Michiyo Takada and her minor daughter Michiko was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. LUCAS. Mr. President, I should like to make an announcement. I understand that some question was raised a moment ago, while I was downtown on business, with respect to the program tonight. When we finish with the call of the calendar it is the intention of the majority leader to proceed to the consideration of Senate bill 3727, which is a bill authorizing certain construction at Griffis Air Force Base. The Senators from New York and the Senators from New Jersey are very much interested in the bill. I presume they may wish to make some statements with reference to it before a vote is had on the bill. Following disposition of that bill we shall take up H. R. 3419, to amend the Merchant Ship Sales Act. In other words, we shall have a night session with respect to these bills. I should like to get two or three small bills considered after the call of the calendar.

The PRESIDING OFFICER. What is the number of the first bill?

Mr. LUCAS. Senate bill 3727, to authorize certain construction at the Griffis Air Force Base. The second one is H. R. 3419, to amend the Merchant Ship Sales Act of 1946. I hope all Senators will cooperate with the majority leader. I do this for the sole purpose of expediting the business of the Senate as rapidly as possible so that we may get bills and conference reports out of the way in order that we may be able to recess or adjourn on Saturday night. I am satisfied that all Members of the Senate would like to do that if possible.

The PRESIDING OFFICER. The Chair inquires of the majority leader whether he intends that the Senate take up the calendar from the beginning?

Mr. LUCAS. Yes; we intend to go back to the first bill on the calendar after the call of the calendar from order No. 2382 is concluded.

IL NAI CHE

The bill (H. R. 8258) for the relief of Il Nai Che, was considered, ordered to a third reading, read the third time, and passed.

MRS. MAURICE N. GOSS

The bill (H. R. 8401) for the relief of Mrs. Maurice N. Goss was considered, ordered to a third reading, read the third time, and passed.

MARIANNA GANTSCHNIGG AND MERLE RICHARD GANTSCHNIGG

The bill (H. R. 8523) for the relief of Marianna Gantschnigg and Merle Richard Gantschnigg, was considered, ordered to a third reading, read the third time, and passed.

EMIKO NISHIMURA

The bill (H. R. 8533) for the relief of Emiko Nishimura was considered, ordered to a third reading, read the third time, and passed.

YUKIE YABE AND HER SON

The bill (H. R. 8562) for the relief of Yukie Yabe and her son, was considered, ordered to a third reading, read the third time, and passed.

OVERSEAS NAVIGATION CORP.

The resolution (S. Res. 338) referring the bill H. R. 8686 for the relief of Overseas Navigation Corp. to the Court of Claims was considered and agreed to, as follows:

Resolved, That the bill (H. R. 8686) entitled "For the relief of Overseas Navigation Corp.," now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant: *Provided, however*, That the passage of this resolution shall not be construed as an inference of liability on the part of the Government of the United States.

SISTER PASQUALINA BOVA AND OTHERS

The bill (H. R. 8829) for the relief of Sisters Pasqualina Bova, Rosa Pellanda, Emilia Dei Rossi, Speranza Zoia, and Demencia Lapadula, was considered, ordered to a third reading, read the third time, and passed.

GERTRUDE HELL

The bill (H. R. 8971) for the relief of Gertrude Hell was considered, ordered to a third reading, read the third time, and passed.

SETSUKO KATO

The bill (H. R. 8987) for the relief of Setsuko Kato was considered, ordered to a third reading, read the third time, and passed.

CYNTHIA ANNE KANE

The bill (H. R. 9055) for the relief of Cynthia Anne Kane, was considered, ordered to a third reading, read the third time, and passed.

MRS. WILLIE G. HEATH

The bill (H. R. 9062) for the relief of Mrs. Willie G. Heath was considered, ordered to a third reading, read the third time, and passed.

MRS. CHANG-SEI KIM AND OTHERS

The bill (H. R. 9082) for the relief of Mrs. Chang-Sei Kim, David Kim, and Arthur Kim was considered, ordered to a third reading, read the third time, and passed.

MARIA LUISA MERCADO

The bill (H. R. 9086) for the relief of Maria Luisa Mercado was considered, ordered to a third reading, read the third time, and passed.

H. DALE MADISON

The bill (H. R. 9087) for the relief of H. Dale Madison was considered, ordered to a third reading, read the third time, and passed.

LOUIS J. T. HENDRICKX

The bill (H. R. 9166) for the relief of Louis J. T. Hendrickx was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 560) for the relief of Wilhelm Engelbert was announced as next in order.

Mr. HENDRICKSON. Mr. President, I ask that this bill go over.

The PRESIDING OFFICER. The bill will be passed over. The clerk will state the next order of business.

ANGELA MARIA PISANO

The Senate proceeded to consider the bill (S. 2803) for the relief of Angela Maria Pisano which had been reported from the Committee on the Judiciary

with an amendment, to strike out all after the enacting clause, and insert:

That for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, Angela Maria Pisano shall be deemed to be the natural-born alien child of Mrs. Mary Levato, a citizen of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATURALIZATION OF JESUS JUAN LLANDERAL

The Senate proceeded to consider the bill (S. 3026) authorizing the naturalization of Jesus Juan Llanderal which has been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That in the administration of the immigration and naturalization laws Jesus Juan Llanderal shall be held and considered to have been lawfully admitted to the United States as of the date of his last entry into the United States, upon the payment of the required visa fee and head tax. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NOUHAD ANN KHOURY

The Senate proceeded to consider the bill (S. 3185) for the relief of Nouhad Ann Khoury which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of immigration and naturalization laws, Nouhad Ann Khoury shall be held and considered to be lawfully admitted to the United States for permanent residence as of the date of her last entry into the United States upon payment of the required visa fee and head tax. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DR. GEORGE PETER PETROPOULOS

The Senate proceeded to consider the bill (S. 3306) for the relief of Dr. George Peter Petropoulos which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "States", to insert "upon payment of the required visa fee and head tax", so as to make the bill read:

Be it enacted etc., That the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence in the United States of Dr. George Peter Petropoulos as of October 6, 1947, the date on which he lawfully entered the United States upon payment of the required visa fee and head tax.

SEC. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for Greek persons of the first year that such quota is hereafter available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. BARBARA GUANAPOULAS

The Senate proceeded to consider the bill (H. R. 1500) for the relief of Mrs. Barbara Guanapoulas, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 3, after the word "Illinois", to strike out "The Secretary of the Treasury shall require the cancellation of judgment against James J. Kenny in the Superior Court of Cook County, Ill., before payment shall be made under this act."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ANNETTA BACHIS AND OTHERS

The Senate proceeded to consider the bill (H. R. 3995) for the relief of Annetta Bachis, Anna Bellani, Angelina Colombo, Maria Grazia Impari, Franca Porricino, and Antonia Tirabassi, which had been reported from the Committee on the Judiciary with an amendment, on page 2, after line 3, to strike out:

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct appropriate numbers from the nonpreference category of the proper immigration quota or quotas.

And insert:

SEC. 2. Upon enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that said quota or quotas are available.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SISTER MARIA EMELIA (ANNA BOHN)

The Senate proceeded to consider the bill (H. R. 5083) for the relief of Sister Maria Emelia (Anna Bohn), which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 4, after the word "required", to insert "visa fee and."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ERIKA KUEBART AND HER MINOR SON

The Senate proceeded to consider the bill (H. R. 7390) for the relief of Erika Kuebart and her minor son, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 15, after the word "son", to insert "as of the date of their entry into the United States."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OTTAVIA DE GASPARE AND SANDRA DE GASPARE

The Senate proceeded to consider the bill (H. R. 7631) for the relief of Ottavia De Gaspare and Sandra De Gaspare which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 15, after the name "Gaspare", to insert "as of the date of their entry into the United States."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LEGAL GUARDIAN OF CHARLES SPILLER AND GLENN T. SPILLER, MINORS

The bill (H. R. 8062) for the relief of the legal guardian of Charles Spiller and Glenn T. Spiller, minors, was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of this measure?

Mr. McCARRAN. Mr. President, this bill, as amended, provides for the payment to the legal guardian of Charles Spiller and Glenn T. Spiller the sum of $2,500 and $10,000 for injuries suffered by them due to the explosion of a 20-millimeter aircraft shell in a sand pit at Wieseck, Germany.

This particular sand pit had been the sight of German antiaircraft installations and was about 1,200 yards from the quarters occupied by the Spiller family. Approximately 20 months prior to the accident a similar explosion at the same sand pit took a German boy's life and seriously injured two others, all of which was in the knowledge of the authorities.

Payment is based upon the fact that with this previous knowledge the sand pit should have been cleared of its lethal possibilities or children should not have been allowed to play in that area. The injured children were 8 and 6 respectively, so that no negligence due to their years could be attached to them.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, after the word "of", to strike out "$5,000" and insert "$2,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLYDE L. WATSON, JR., AND LAVERNE F. ANDREWS

The Senate proceeded to consider the bill (H. R. 8641) for the relief of Clyde L. Watson, Jr., and Laverne F. Andrews, which had been reported from the Committee on the Judiciary with an amend-

ment, on page 1, line 5, after the word "of", to strike out "$8,000" and insert "$5,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FRED HESS

The Senate proceeded to consider the bill (H. R. 8718) for the relief of Fred Hess which had been reported from the Committee on the Judiciary with an amendment, in line 5, after the word "and", to strike out "the said."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ANNMARIE STRITTER AND HER MINOR DAUGHTER

The Senate proceeded to consider the bill (H. R. 8769) for the relief of Annmarie Stritter and her minor daughter, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 14, after the word "daughter", to insert "as of the date of their entry into the United States."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOSEPH UMBERTO MONTALBAN-TROY

The bill (S. 3401) for the relief of Joseph Umberto Montalban-Troy was announced as next in order.

Mr. HENDRICKSON. Mr. President, I note that the committee report indicates that the Department of Justice opposes the bill. I therefore would like to have the distinguished Senator from Nevada give us an explanation of it.

Mr. McCARRAN. Mr. President, this bill grants the status of permanent residence to a 52-year-old native of Italy and citizen of Canada whose services are needed by a mining company in the United States. A section which provided for the early naturalization of the beneficiary has been deleted from the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments, on page 1, line 3, after the word "laws,", to strike out "Joseph Umberto Montalban Troy" and insert "Giuseppe Umberto Mantalban-Troy"; on page 2, line 2, after the word "available", to strike out "Canadian" and insert "Italian", and after line 3, to strike out:

SEC. 3. Notwithstanding any other provision of law, the said Joseph Umberto Montalban-Troy may be naturalized as a citizen of the United States by taking the oath of allegiance, in the manner prescribed in the naturalization laws, before any court having jurisdiction of the naturalization of aliens.

So as to make the bill read:

Be it enacted, etc., That, in the administration of the immigration laws, Giuseppe Umberto Mantalban-Troy, of Boise, Idaho, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his actual entry into the United States, upon the payment by him of the visa fee of $10 and the head tax of $8.

SEC. 2. Upon the enactment of this act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Italian immigration quota.

The amendments were agreed to.

The PRESIDING OFFICER. A similar bill is on the calendar which has been passed by the House, House bill 8136.

Mr. McCARRAN. Mr. President, the House bill should be considered, and amended by striking out all after the enacting clause and inserting the Senate bill as amended, and I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, the action requested will be considered as having been taken, and the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 8136) was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Giuseppe Umberto Mantalban-Troy."

Mr. CHAVEZ subsequently said: Mr. President, in order to clear up the parliamentary situation, it appears to me that the Senate acted on Senate bill 3401, Calendar No. 2447, which was a similar bill to H. R. 8136, except that it was a Senate bill. Do we not now have to substitute the House bill for the Senate bill?

The PRESIDING OFFICER. The Chair will say to the Senator from New Mexico that the House bill has just now been passed, as amended by the inserting of the Senate bill, as amended.

AMENDMENT OF COLUMBIA BASIN PROJECT ACT

The bill (H. R. 8345) to amend the Columbia Basin Project Act with reference to recordable contracts was announced as next in order.

Mr. CHAVEZ. Mr. President, I notice that this bill was reported by the Senator from Oregon [Mr. CORDON]. I ask that it be passed over temporarily until the Senator from Oregon can be present and explain the bill.

Mr. O'MAHONEY. Mr. President, the bill was reported by the Senator from Oregon, but as chairman of the committee I shall be glad to explain it.

Mr. CHAVEZ. I shall be glad to hear the Senator from Wyoming. I wish to have the bill explained, in view of legislation now being considered with reference to the Columbia Basin.

Mr. O'MAHONEY. Mr. President, the bill is a very simple one. It amends the Columbia Basin Act by extending until December 31, 1951, the time within which landowners may file what are known as recordable contracts under the act.

As the Senator from New Mexico knows, the act contains provisions to control speculation in land prices. For various reasons many owners did not sign their contracts. This bill merely provides authority for extending the period within which contracts may be signed. There has been no objection to the bill. It is endorsed by all the Senators from the Northwest, and by the Department of the Interior.

Mr. CHAVEZ. Mr. President, I have no idea of objecting to the bill, but I did want an explanation. After the explanation the Senator has given, there is no objection.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3463) to amend the Railway Labor Act, as amended, so as to prevent interference with the movement of interstate commerce, and for other purposes, was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

CLAIMS OF THE STATE OF CALIFORNIA

The bill (H. R. 2401) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of the State of California, was considered, ordered to a third reading, read the third time, and passed.

ACQUISITION OF PROPERTY AND FACILITIES OF THE RAINIER NATIONAL PARK CO.

The bill (H. R. 1662) authorizing the Secretary of the Interior to acquire on behalf of the United States Government all property and facilities of the Rainer National Park Co. was considered, ordered to a third reading, read the third time, and passed.

SACRAMENTO VALLEY IRRIGATION CANALS, CENTRAL VALLEY PROJECT, CALIFORNIA

The Senate proceeded to consider the bill (H. R. 163) to authorize Sacremento Valley irrigation canals, Central Valley project, California, which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 4, after line 7, to insert:

SEC. 5. There are hereby authorized to be appropriated such funds as may be necessary to construct the works authorized in section 2 of this act: *Provided*, That no expenditure of funds shall be made for construction of this project until the Secretary of the Interior, with the approval of the President, has submitted to the Congress, with respect to such works, a completed report and finding of feasibility under the provisions of the Federal reclamation laws.

Mr. SCHOEPPEL. Mr. President, reserving the right to object, may we have an explanation of the bill?

Mr. O'MAHONEY. Mr. President, from an early date in the history of the State of California, when the legislature of that State adopted plans, it was intended that Government assistance should be obtained for the construction of irrigation canals in the Sacramento Valley. Approximately 250,000 acres will

be served by the construction of these canals. The bill provides the authorization for the construction. It does not provide any appropriation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PARTICIPATION OF THE UNITED STATES IN CERTAIN INTERNATIONAL ORGANIZATIONS

The Senate proceeded to consider the joint resolution (H. J. Res. 334) to amend certain laws providing for membership and participation by the United States in certain international organizations, which had been reported from the Committee on Foreign Relations with an amendment, on page 3, after line 15, to insert:

SEC. 2. All financial contributions by the United States to the normal operations of the international organizations covered by this act, which member states are obligated to support annually, shall be limited to the amounts provided in this act: *Provided*, That, contributions for special projects not regularly budgeted by such international organizations shall not be subject to the above limitation.

All financial contributions by the United States to international organizations in which the United States participates as a member shall be made by or with the consent of the Department of State regardless of the appropriation from which any such contribution is made. The Secretary of State shall report annually to the Congress on the extent and disposition of such contributions.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

EXEMPTION FROM TAXATION OF YMCA PROPERTY IN WASHINGTON, D. C.

The bill (H. R. 8797) to exempt property of the Young Men's Christian Association of the City of Washington (incorporated under the act of Congress of June 28, 1864, 13 Stat. L. 411) from taxation was announced as next in order.

Mr. LANGER. Mr. President, may we have an explanation of the bill? Is the property used entirely by the YMCA or is a part of it leased?

Mr. HUNT. A part of it is leased, and taxes are paid upon the part which is leased.

Mr. LANGER. I have no objection, Mr. President.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 8797) to exempt property of the Young Men's Christian Association of the City of Washington (incorporated under the act of Congress of June 28, 1864, 11 Stat. L. 411) from taxation, which had been reported from the Committee on the District of Columbia, with an amendment on page 2, after line 8, to strike out:

That amendment shall be effective as of August 6, 1894.

And, after line 9, to insert:

SEC. 2. The Young Men's Christian Association of the City of Washington, incorporated by act of Congress, approved June 28, 1864 (13 Stat. L. 411), is hereby relieved from any accrued liability to the United States or the District of Columbia for taxes imposed upon any of the property of such association located in the District of Columbia for any tax period during which such property was occupied and used by such association for its legitimate purposes.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

IMPROVEMENT OF STADIUM FACILITIES AT EASTERN SENIOR HIGH SCHOOL

The Senate proceeded to consider the bill (H. R. 8710) to provide for the improvement of stadium facilities at the Eastern Senior High School in the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments, on page 1, line 4, after the words "directed to", to strike out "construct an addition to" and insert "improve"; and in line 6, after the word "Columbia", to strike out "so that such stadium will provide seating accommodations for 10,000 persons, and to equip such stadium with a modern lighting system for the illumination of its playing field."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 7240) to amend the act entitled "An act to regulate barbers in the District of Columbia, and for other purposes," approved June 7, 1938, and for other purposes, was announced as next in order.

Mr. CHAVEZ. Mr. President, may we have a brief explanation of what the bill provides?

Mr. NEELY. Mr. President, the Senator from Rhode Island [Mr. LEAHY] reported the bill. I was informed within the hour that he would be here to explain it. As the Senator is obviously not on the floor, I ask unanimous consent that the bill be passed to the foot of the calendar.

The PRESIDING OFFICER. The bill will be placed at the foot of the calendar.

Mr. NEELY subsequently said: Mr. President, the Senator from Rhode Island has arrived. I ask unanimous consent that the Senate return to the bill (H. R. 7240) which was ordered to the foot of the calendar a moment ago.

The PRESIDING OFFICER. House bill 7240 was passed to the foot of the calendar. Is there objection to returning to that bill? The Chair hears none, and it is so ordered, and the Senator from Rhode Island is recognized.

Mr. LEAHY. Mr. President, the purpose of the bill is to increase the basic rate of compensation of members of the Board of Barber Examiners of the District of Columbia from $9 to $20 a day. The present rate is in fact $13.07 a day under the operation of various pay acts. The effect of this bill would be to increase the rate from $13.07 to $20 a day. In addition the bill requires the posting of a list of prices in barber shops for services rendered, and it also increases the penalty for violation of the act. The bill has the approval of the Board of Commissioners of the District of Columbia.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. LEAHY. I yield.

Mr. CHAVEZ. The bill increases the penalty for violation of the act. Where would that come in, and who would determine if the act were violated? Would that be determined by the Commissioners of the District of Columbia or by the Board of Barber Examiners, or who?

Mr. LEAHY. My information is that it is the Board of Barber Examiners who would impose penalties for violation of the act.

Mr. CHAVEZ. Mr. President, I do not like to have any board impose penalties upon any citizens of this country. I prefer that to be done under the law. Therefore, in this instance I shall have to ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

EXCHANGE OF NATIONAL PARK LAND IN DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 4036) to provide for the exchange of certain national park land situated in the District of Columbia for certain lands owned by the New Temple Committee, Inc., which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause, and insert:

The the Secretary of the Interior is authorized and directed to accept, on behalf of and without cost to the United States, conveyance by the New Temple Committee, Incorporated, of a full and clear title to two parcels of land situated in the District of Columbia and more particularly described as follows:

(1) Part of lots 13 and 16 in block 8 of Fairview Heights, as per plat recorded in the office of the Surveyor of the District of Columbia in Book County 6, page 72; and part of alley closed, as per plat recorded in the office of the Surveyor of the District of Columbia in book 131, page 48, described in one parcel, as follows:

Beginning for the same at a point on the west line of Thirty-ninth Street, said point of beginning being one hundred ninety-two and sixty-seven one-hundredths feet north of the intersection of the northerly line of Macomb Street and the west line of Thirty-ninth Street and running thence due west one hundred thirteen and two-tenths feet to a point on the northerly line of said lot 16; thence along said northerly line of said lot 16 north sixty-nine degrees fifty-two minutes forty-two seconds east seventy-nine and forty-four one-hundredths feet to the center line of said alley closed; thence along said center line of said alley closed north seven degrees forty-eight minutes forty-

two seconds east forty and ten one-hundredths feet; thence south eighty-one degrees twenty-four minutes thirteen seconds east thirty-three and fifty-four one-hundredths feet to the said west line of Thirty-ninth Street; thence along said west line of Thirty-ninth Street due north sixty-two and five one-hundredths feet to the point of beginning, containing three thousand four hundred seventeen and ten one-hundredths square feet.

(2) Part of a tract of land numbered for the purpose of assessment and taxation as parcel 32/13, described as follows:

Beginning for the same at a point on the westerly line of a tract of land numbered for the purpose of assessment and taxation as parcel 32/13, said point of beginning being the two following courses and distances from the intersection of the northeasterly line of Massachusetts Avenue and the northerly line of Macomb Street; (1) South eighty-nine degrees fifty-five minutes forty-eight seconds east one hundred three and nine-tenths feet to the said westerly line of a tract of land numbered for the purpose of assessment and taxation as parcel 32/13; (2) thence along said westerly line of parcel 32/13 north no degrees four minutes twelve seconds east sixty and no-tenths feet to the point of beginning of the parcel herein intended to be described; thence along said westerly line of parcel 32/13 north no degrees four minutes twelve seconds east ninety and no-tenths feet; thence south eighty-nine degrees fifty-five minutes forty-eight seconds east fifty and no-tenths feet; thence south twenty-nine degrees seven minutes thirty-two seconds west one hundred two and ninety-six one-hundredths feet to the point of beginning, containing two thousand two hundred fifty and no-tenths square feet.

Upon acceptance of such title to such parcels the Secretary of the Interior is authorized and directed to convey, without cost, to the New Temple Committee, Incorporated, all right, title, and interest of the United States in and to certain national park land in the District of Columbia more particularly described as follows:

Part of lot 17 of block 8 of Fairview Heights, as recorded in the office of the Surveyor of the District of Columbia in Book County 6, page 72; part of Massachusetts Avenue closed, as recorded in the office of the Surveyor of the District of Columbia in book 88, page 17; and part of a tract of land numbered for the purpose of assessment and taxation as parcel 32/10, described in one parcel, as follows:

Beginning for the same at a point on the northerly line of said lot 16, said point of beginning being the three following courses and distances from the intersection of the northerly line of Macomb Street and the west line of Thirty-ninth Street; (1) Due north along said west line of Thirty-ninth Street one hundred ninety-two and sixty-seven one-hundredths feet; (2) thence due west one hundred thirteen and twenty one-hundredths feet to the said northerly line of lot 16; (3) thence along said northerly line of lot 16 south sixty-nine degrees fifty-two minutes forty-two seconds west eighty and nine one-hundredths feet to the point of beginning of the parcel herein intended to be described; thence still with the said northerly line of lot 16 and a continuation thereof south sixty-nine degrees fifty-two minutes forty-two seconds west one hundred twenty-two and ninety one-hundredths feet; thence north fifteen degrees fifty-one minutes thirty seconds east twenty-eight and forty-nine one-hundredths feet; thence north eighty-nine degrees fifty-five minutes forty-eight seconds west two hundred thirty-two and forty-eight one-hundredths feet; thence north twenty-nine degrees seven minutes thirty-two seconds east seventeen and sixteen one-hundredths feet; thence south eighty-nine degrees fifty-five minutes forty-eight seconds east three hundred thirty-one and seventy-five one-hundredths feet to the point of beginning, containing five thousand six hundred forty-eight and eight-tenths square feet.

All land descriptions set forth in this act are in accordance with a Plat of Computation recorded in the office of the Surveyor of the District of Columbia in Survey book 155, page 166.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 2362) to provide for flight experience for certain students in the senior high schools of the District of Columbia, was announced as next in order.

Mr. HENDRICKSON. Mr. President, I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED TO THE FOOT OF THE CALENDAR

The bill (S. 4051) to assure the provision of all necessary services to prepare disabled persons for and establish them in remunerative employment, to make special provision for the blind and other severely disabled persons, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of this measure, please?

Mr. HUMPHREY. Mr. President, the Senator from Illinois [Mr. DOUGLAS] is not present at the moment. I ask unanimous consent that the bill may be passed to the foot of the calendar, and that when the Senator from Illinois returns he may explain it. He reported the bill from the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, the bill will be passed to the foot of the calendar.

BILL PASSED OVER

The bill (S. 3980) to extend the requirements for fixing the minimum number of deck officers on steam vessels to certain additional vessels of the United States, and for other purposes, was announced as next in order.

Mr. LONG. Mr. President, I object.

The PRESIDING OFFICER. On objection, the bill will be passed over.

IRENE GEORGE LIVANOS

The bill (S. 995) for the relief of Irene George Livanos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the immigration and naturalization laws, Irene George Livanos, of New York, N. Y., shall be held and considered to have been lawfully admitted into the United States for permanent residence as of November 24, 1947, the date of her last entry into the United States, upon payment of the required head tax and visa fee.

SEC. 2. Upon enactment of this act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Greece.

PANAJOTIS JOHN PAPATHANSIU

The bill (S. 2279) for the relief of Panajotis John Papathansiu was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the immigration and naturalization laws, Panajotis John Papathansiu, of Jackson, Miss., shall be held and considered to have been lawfully admitted into the United States for permanent residence as of the date of his last entry into the United States, upon payment by him of the required head tax and visa fee.

SEC. 2. Upon enactment of this act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Greece.

MAGDALENA L. JARDELEZA, JR.

The bill (S. 2961) for the relief of Magdalena L. Jardeleza, Jr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Magdalena L. Jardeleza, Jr., of Washington, D. C. From and after the date of enactment of this act, the said Magdalena L. Jardeleza, Jr., shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

SEC. 2. In the administration of the immigration and naturalization laws, the said Magdalena L. Jardeleza, Jr., shall be considered as having been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon payment of the required head tax and visa fee.

SEC. 3. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of the Republic of the Philippines.

VICTOR FRANCIS OBERSCHALL

The bill (S. 3444) for the relief of Victor Francis Oberschall was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Victor Francis Oberschall shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon payment of the required visa fee and head tax. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JOSEPH MacGUFFIE AND EUGENE ROHRER

The bill (S. 3551) for the relief of Joseph MacGuffie and Eugene Rohrer was considered, ordered to be engrossed

for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph MacGuffie, the sum of $425, and to Eugene Rohrer, the sum of $887. The payment of such sums shall be in full settlement of all claims against the United States by the said Joseph MacGuffie and Eugene Rohrer for compensation for overtime services as custodial employees at the Wallace, Idaho, post office during the period from August 18, 1936, to July 1, 1940: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

POWERS OF THE FEDERAL BUREAU OF INVESTIGATION

The bill (S. 3945) to amend sections 3052 and 3107 of title 18, United States Code, relating to the powers of the Federal Bureau of Investigation, was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of this measure, please?

Mr. McCARRAN. Mr. President, at the present time personnel of the Federal Bureau of Investigation may not make arrests without a warrant for misdemeanor committed in their presence and may not make arrests for felonies unless they have reasonable grounds to believe that the person arrested is guilty of such felony and that there is a likelihood of his escaping before a warrant can be obtained.

This bill makes it possible for Federal Bureau of Investigation personel to make arrests without a warrant for any offense against the United States committed in their presence and for any felony cognizable under the laws of the United States, if they have reason to believe that the person arrested has committed or is committing such felony.

The practical effect of this amendment will only give to personnel of the Federal Bureau of Investigation the authority which is now invested in United States marshals and their deputies. The diversified nature and scope of the Federal Bureau of Investigation activities entitles that it at least have the authority which is now vested in United States marshals and their deputies.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. O'CONOR. Mr. President, will the chairman of the Judiciary Committee yield to me for a question?

Mr. McCARRAN. I yield.

Mr. O'CONOR. Is it not a fact that the Department of Justice felt this bill was essential in order to make possible immediate arrest, for example, in espionage and sabotage cases, where the offense might be a misdemeanor, and where a warrant could not be procured without due process of law?

Mr. McCARRAN. That is correct. This bill was introduced at the request of the Department.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 3945) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 3052 of title 18, United States Code, is amended to read as follows:

"The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpenas issued under the authority of the United States, and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony."

SEC. 2. Section 3707 of title 18, United States Code, is amended to read as follows:

"The Director, Associate Director, Assistant to the Director, Assistant Directors, agents, and inspectors of the Federal Bureau of Investigation of the Department of Justice are empowered to make seizures under warrant for violation of the laws of the United States."

LA FAYETTE BREWERY, INC.

The Senate proceeded to consider the bill (H. R. 1601) for the relief of the La Fayette Brewery, Inc.

Mr. HENDRICKSON. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, in line 3, after the name "United States", it is proposed to insert "*Provided*, That the La Fayette Brewery, Inc., shall first file in the Treasury Department a bond in the penal sum of double the amount paid for such stamps, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stamps herein described."

Mr. McCARRAN. Mr. President, let me inquire of the Senator who offered the amendment. The Senator from Indiana [Mr. JENNER] is not now on the floor. Is the amendment satisfactory to him?

Mr. HENDRICKSON. I am advised that it is entirely satisfactory to the able Senator from Indiana.

Mr. McCARRAN. Very well.

Mr. HENDRICKSON. Mr. President, I now send to the desk a statement which is explanatory of the amendment, and I ask unanimous consent that the statement be printed at this point in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HENDRICKSON

Now pending on the Calendar is a bill, H. R. 2758, for the relief of the Fisher Brewing Co., which, as in this case, would award claimant a refund of the value of malt-liquor stamps. In that case, four fermented-malt-liquor stamps of the 100-barrel denomination were lost. Under the provisions of H. R. 2758, claimant would be given an award of $3,200, representing the amount paid for such stamps. There is a proviso in that bill, however, which would require: "That the Fisher Brewing Co. shall first file in the Treasury Department a bond in the penal sum of double the amount paid for such stamps, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the stamps herein described."

No such proviso is contained in H. R. 1601. Here the stamps involved included both canceled and uncanceled malt-liquor stamps. They represent a total of $5,642, and had been burglarized from the office of the owner.

It is suggested that there is no less justification for imposing a requirement that the Government be indemnified against loss, in the event a refund is made to the LaFayette Brewery, Inc., under this bill, than appears in the Fisher Brewing Co. situation.

The amendment will require this claimant to post a bond in the penal sum of double the value of the stamps.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DANIEL KOKAL

The bill (H. R. 6106) for the relief of Daniel Kokal was considered, ordered to a third reading, read the third time, and passed.

ACHILEUS MAROULIS

The bill (H. R. 6750) for the relief of Achileus Maroulis was considered, ordered to a third reading, read the third time, and passed.

CLAIM OF BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANS.

The bill (H. R. 7854) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon a certain claim of the Board of County Commissioners of Sedgwick County, Kans., was considered, ordered to a third reading, read the third time, and passed.

ALONZO P. BROWN

The bill (H. R. 8563) for the relief of Alonzo P. Brown was considered, ordered to a third reading, read the third time, and passed.

SUSAN E. SCOTT

The bill (H. R. 8761) for the relief of Susan E. Scott was considered, ordered to a third reading, read the third time, and passed.

HIDEKO KASAHARA AND HER MINOR CHILD

The bill (H. R. 9056) for the relief of Hideko Kasahara and her minor child was considered, ordered to a third reading, read the third time, and passed.

KIMIE KURIO

The bill (H. R. 9077) for the relief of Kimie Kurio was considered, ordered to a third reading, read the third time, and passed.

MRS. ELSE SAMSTAG YURCHAK

The bill (H. R. 9334) for the relief of Mrs. Else Samstag Yurchak was considered, ordered to a third reading, read the third time, and passed.

HARVEY MARDEN

The Senate proceeded to consider the bill (S. 2106) for the relief of Harvey Marden, which had been reported from the Committee on the Judiciary with an amendment on page 1, after line 2, to strike out:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harvey Marden, of Mescalero, N. Mex., the sum of $5,000, in full satisfaction of his claim against the United States for the loss of his hand and forearm suffered by him at the age of 9 when he was working in the United States Government laundry at the Mescalero Indian School in 1933.

And insert in lieu thereof the following:

That, in full satisfaction of the claim of Harvey Marden, of Mescalero, N. Mex., against the United States for the loss of his hand and forearm suffered by him at the age of 9, in the United States Government laundry at the Mescalero Indian School in 1932, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, a sum of a total of $5,000, $1,000 to Harvey Marden and the remainder of $4,000 to the Commissioner of Indian Affairs, to be expended on behalf of Harvey Marden in such manner as in the judgment of the Commissioner of Indian Affairs, or his designee, will best assist in the physical and economic rehabilitation of Harvey Marden.

So as to make the bill read:

Be it enacted, etc., That, in full satisfaction of the claim of Harvey Marden, of Mescalero, N. Mex., against the United States for the loss of his hand and forearm suffered by him at the age of 9, in the United States Government laundry at the Mescalero Indian School in 1932, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, a sum of a total of $5,000, $1,000 to Harvey Marden and the remainder of $4,000 to the Commissioner of Indian Affairs, to be expended on behalf of Harvey Marden in such manner as in the judgment of the Commissioner of Indian Affairs, or his designee, will best assist in the physical and economic rehabilitation of Harvey Marden: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

K. C. BE AND OTHERS

The Senate proceeded to consider the bill (S. 2711) for the relief of K. C. Be, Swannio Be, Wie Go Be, Wie Hwa Be, Wie Bhing Be, and Swie Tien Be, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 6, after "June 17", to strike out "1949" and insert "1947", so as to make the bill read:

Be it enacted, etc., That K. C. Be, his wife Swannio Be, their son Wie Bhing Be, and daughter Swie Tien Be, who entered the United States lawfully at New York City, New York, on June 17, 1947, and that the sons Wie Go Be and Wie Hwa Be, who entered the United States lawfully at Norfolk, Va., on April 20, 1947, shall, upon the payment of the required visa fee and head tax, be considered for the purposes of immigration and naturalization laws, to have been lawfully admitted to the United States for permanent residence. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for China for each of these persons for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WALTER TYSON

The Senate proceeded to consider the bill (S. 3015) for the relief of Walter Tyson, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the words "sum of", to strike out "$10,000" and insert "$2,500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter Tyson, Jersey City, N. J., the sum of $2,500. The payment of such sums shall be in full settlement of all claims of the said Walter Tyson against the United States on account of personal injuries sustained on February 14, 1944, when he was struck on Railroad Avenue, within the confines of the Bayway refinery of the Standard Oil Co. of New Jersey, located at Linden, N. J., by a United States Navy vehicle: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEE YEE YEN

The Senate proceeded to consider the bill (S. 3406) for the relief of Lee Yee Yen, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Naturalization Laws, Lee Yee Yen, the minor child of Lee Bing Hong, a citizen of the United States, shall be deemed to be eligible for admission into the United States under the provisions of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, if otherwise admissible under the immigration laws.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TATIANA MORAVEC

The Senate proceeded to consider the bill (S. 3431) for the relief of Tatiana Moravec, which had been reported from the Committee on the Judiciary with an amendment in line 6, after the words "date of", to strike out "his" and insert "her", so as to make the bill read:

Be it enacted, etc., That for the purposes of the immigration and naturalization laws, Tatiana Moravec shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of her last entry into the United States, upon payment of the required visa fee and head tax. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KENNETH BRUCE KOHEI KOZAI

The Senate proceeded to consider the bill (S. 3824) for the relief of Kenneth Bruce Kohei Kozai, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 13 (c) of the Immigration Act of 1924, as amended, Kenneth Bruce Kohei Kozai, the minor son of Mrs. Misato Kozai, a native-born citizen of the United States, shall be deemed to be eligible for admission into the United States under the provisions of sections 4 (a) and (9) of the Immigration Act of 1924, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RONALD MOW AND ANGELINE CECILIA MOW

The Senate proceeded to consider the bill (H. R. 8452) for the relief of Ronald Mow and Angeline Cecilia Mow, which had been reported from the Committee on the Judiciary with an amendment in line 9, after the word "citizen", to insert a colon and "*Provided*, That the administrative authorities find that the said Ronald Mow and Angeline Cecilia Mow are the natural-born minor children of the said Peter Mow."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HIFUMI KATO AND HER MINOR SON, KAZUYUKI KATO

The Senate proceeded to consider the bill (H. R. 9084) for the relief of Hifumi Kato and her minor son, Kazuyuki Kato, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert:

That the provisions of the immigration laws relating to the exclusion of aliens inadmissible because of race shall not hereafter

apply to Hifumi Kato, the Japanese fiancee of John B. Howenstein, a citizen of the United States and an honorably discharged veteran of World War II, and her son, Kasuyuki Kato, and that said Hifumi Kato and her above-named son may be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: *Provided*, That the administrative authorities find that the said Hifumi Kato is coming to the United States with a bona fide intention of being married to said John B. Howenstein, and that they are found otherwise admissible under the immigration laws. In the event the marriage between the above-named parties does not occur within 3 months after the entry of said Hifumi Kato and her son, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 19 and 20 of the Immigration Act of February 5, 1917 (U. S. C., title 8, sections 155 and 156). In the event the marriage between the above-named parties shall occur within 3 months after the entry of Hifumi Kato and her son, the Attorney General is authorized and directed to record the lawful admission for permanent residence of them as of the date of their entry into the United States, upon the payment by them of the required visa fees and head taxes.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ELLEN FULLARD-LEO

The bill (H. R. 3406) for the relief of Ellen Fullard-Leo was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President, reserving the right to object, may we have an explanation of the bill, particularly in relation to the amount of payment involved?

Mr. McCARRAN. Mr. President, Palmyra Island, located some 1,000 miles south and west of Honolulu, was taken by the United States Government for an airbase about the beginning of World War II. The Government, at the time of the taking, did not condemn it, acting on the assumption that the title of the owners, the Fullard-Leos, was not valid. Subsequently, the Supreme Court of the United States rendered a decision recognizing as valid the title of the Fullard-Leos. In legal effect, this decision made the earlier taking of the island legally unjustifiable.

The only question to be determined in this bill is the amount of damages done, as there remains no question but that the Fullard-Leos are entitled to compensation for the taking of the island. Much evidence was submitted at a hearing held before the House Judiciary Committee, including a great number of pictures, showing the present state of the island. The Fullard-Leos originally asked for over $300,000. The tax assessor for the island estimated that the worth of the island in 1947 was $120,000. The Navy, acting on behalf of the Government, has agreed with the Fullard-Leos on the sum of $100,000, which was deemed by the Judiciary Committee as a fair compensation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. I have no objection.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 6, after the name "Fullard-Leo", to insert "Leslie Vincent Fullard-Leo, Dudley Leinani Fullard-Leo, and Ainsely Allen Kahealani Fullard-Leo, and the estate of Leslie Fullard-Leo deceased, as their interests may appear."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Ellen Fullard-Leo, widow of Leslie Fullard-Leo, Leslie Vincent Fullard-Leo, Dudley Leinani Fullard-Leo, and Ainsely Allen Kahealani Fullard-Leo, and the estate of Leslie Fullard-Leo deceased, as their interests may appear."

LT. COL. CHARLES J. TREES, A. U. S.

The bill (H. R. 5244) for the relief of Lt. Col. Charles J. Trees, Army of the United States, was announced as next in order.

Mr. HENDRICKSON. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McCARRAN subsequently said: Mr. President, I ask unanimous consent that we may return to Calendar No. 2488, House bill 5244. Objection was made to the present consideration of the bill, although I do not know what Senator objected. I wonder whether the Senator who objected would mind withholding the objection until I can make an explanation, in the hope that perhaps it will clear the situation.

The PRESIDING OFFICER. The Senator from New Jersey objected.

Mr. HENDRICKSON. Yes, Mr. President; I shall gladly withhold the objection.

Mr. McCARRAN. Mr. President, briefly, this bill would allow the payment of $21,948.86 to a former lieutenant colonel who served in the OSS during World War II. The claimant, while serving with the OSS in the Burma theater, was arrested and subjected to a general court martial, the decision of which was later disapproved by the Under Secretary of War. Prior to the general court martial, the claimant was subjected to over 7 weeks of close arrest before he received a copy of the judgments against him. At the general court martial he was assigned counsel who was a member of the Quartermaster Corps, with no legal training, and whose only experience in court-martial cases had been one other case in which he was engaged as defense counsel. The claimant was also denied the appearance of witnesses whose testimony could reveal that the property of which he was accused of misappropriating had not been misappropriated and was not accountable property. After the initial conviction by the general court martial, the claimant was sent to the United States, where he was denied the privilege of seeing or talking to his civilian defense counsel.

The committee felt that, inasmuch as this officer had been subjected to treatment such as this, he was entitled to receive compensation for the expenses incurred by him in clearing his name, as well as for the injury sustained by him as a result of his arrest and conviction by general court martial. The Department of the Army opposes the award.

Mr. HENDRICKSON. Mr. President, will the distinguished Senator from Nevada tell the Senate, if he can, what injuries the claimant actually sustained? As I understand the committee report and the information available to me, he was held in close arrest only, but was not actually placed in military confinement.

Mr. McCARRAN. He was held in very close detention. He was held up to ridicule and condemnation on a false, unwarranted charge.

Mr. HENDRICKSON. What was the extent of his out-of-pocket expense?

Mr. McCARRAN. I do not have any information as to that.

Mr. LANGER. We have it there. It is there.

Mr. McCARRAN. Without taking up the time of the Senate, I will look that up and try to answer the question.

Mr. HENDRICKSON. May I ask the distinguished Senator whether the committee was unanimous in reporting this bill?

Mr. McCARRAN. The committee was unanimous.

Mr. HENDRICKSON. Then, Mr. President, I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 5244) for the relief of Lt. Col. Charles J. Trees, Army of the United States, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $21,948.86 to Charles J. Trees, formerly lieutenant colonel, Army of the United States, Army serial No. O-340358, Ordnance Department, in full settlement of all claims against the United States for being held incommunicado following court-martial conviction and sentence of November 29, 1945, set aside by the Secretary of War on July 13, 1946: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Charles J. Trees."

FINANCIAL ASSISTANCE FOR EDUCATIONAL AGENCIES—BILL PLACED AT FOOT OF CALENDAR

The bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes, was announced as next in order

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, reserving the right to object, may we have an explanation of the bill? It is a very important piece of legislation.

Mr. HUMPHREY. Mr. President, let me suggest that the bill go to the foot of the calendar until the distinguished Senator from Alabama [Mr. HILL] comes to the floor. He is chairman of the subcommittee which handled this measure.

The PRESIDING OFFICER. Without objection, that will be done.

Mr. KERR. Mr. President, let me inquire whether the Senator means to the foot of this portion of the calendar.

Mr. HUMPHREY. Yes.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the first portion of the calendar.

Mr. KERR. That is fine.

ISSUANCE OF PATENT IN FEE TO MRS. ELOISE WHITEBEAR PEASE

The Senate proceeded to consider the bill (S. 3403) authorizing the Secretary of the Interior to issue a patent in fee to Mrs. Eloise Whitebear Pease, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior, upon application in writing, is hereby authorized to sell the remaining lands contained in trust allotment No. 3613 of Mrs. Eloise Whitebear Pease, described as the southeast quarter of section 14; the northeast quarter, and the west half of the southeast quarter, and the west half of the east half of the southeast quarter of section 23; the west half of the northeast quarter, and the northwest quarter of section 24, all in township 8 south, range 37 east, Montana principal meridian, containing 680 acres, conveyance to be made by deed or the issuance of a patent in fee to the purchaser and to disburse the proceeds of such sale to Mrs. Eloise Whitebear Pease for her benefit.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the sale of certain allotted land on the Crow Reservation, Mont."

ISSUANCE OF PATENTS IN FEE TO CERTAIN ALLOTTEES ON BLACKFEET INDIAN RESERVATION

The Senate proceeded to consider the bill (S. 3814) authorizing the Secretary of the Interior to issue patents in fee to certain allottees on the Blackfeet Indian Reservation, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 3, line 5, after the name "Anderson", to insert "Junior"; in line 9, after the word "and", to strike out "eighty" and insert "eighty-two"; and in line 11, after the word "the", to strike out "United States" and insert "Blackfeet Tribe of Indians", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue to the following-named persons patents in fee to their allotted lands on the Blackfeet Indian Reservation, Mont.:

Wilbur Anderson, northwest quarter of the southeast quarter of section 35, township 33 north, range 7 west, and lot 1, section 31, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and eighty-eight one-hundredths acres.

Rupert Anderson, northeast quarter of the southeast quarter of section 35, township 33 north, range 7 west, and lot 2, section 31, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and ninety-one one-hundredths acres.

Gale Anderson, east half of the southeast quarter of section 28, township 37 north, range 10 west, Montana principal meridian, containing eighty acres.

Joseph Anderson, northwest quarter of the southwest quarter of section 36, township 33 north, range 7 west, and southeast quarter of the northwest quarter of section 31, township 37 north, range 10 west, Montana principal meridian, containing eighty acres.

Pauline Anderson (Cook), east half of the northeast quarter of section 28, township 37 north, range 10 west, Montana principal meridian, containing eighty acres.

Myron W. Anderson, southwest quarter of the southeast quarter of section 35, township 33 north, range 7 west, and southwest quarter of the southeast quarter of section 24, township 37 north, range 11 west, Montana principal meridian, containing eighty acres.

Maude Marie Anderson (LeFebvre), southeast quarter of the southeast quarter of section 35, township 33 north, range 7 west, and southeast quarter of the southwest quarter of section 24, township 37 north, range 11 west, Montana principal meridian, containing eighty acres.

Collins Anderson, Jr., southwest quarter of the southwest quarter of section 36, township 33 north, range 7 west, and lot 4 of section 30, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and eighty-two one-hundredths acres.

SEC. 2. Said patents in fee when issued shall contain a reservation to the Blackfeet Tribe of Indians of the oil, gas, and all other mineral deposits as provided in the act of June 30, 1919 (41 Stat. 16).

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEASING OF CERTAIN LANDS BY THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

The Senate proceeded to consider the bill (H. R. 4901) to authorize the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for a period not exceeding 40 years, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Eastern Band of Cherokee Indians, North Carolina, is hereby authorized to lease, for business purposes, with the approval of the Secretary of the Interior, for a term not exceeding 25 years, any unassigned nonagricultural or timber tribal land located within an area not exceeding 400 yards adjacent to United States Highway No. 19 and 19a, and State Highway 107 and the Blue Ridge Parkway on the Eastern Cherokee Indian Reservation, North Carolina.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act authorizing the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for business purposes for a period not exceeding 25 years."

BILL PASSED OVER

The joint resolution (H. J. Res. 490) to authorize and direct the Secretary of the Interior to study the respective tribes, bands, and groups of Indians under his jurisdiction to determine their qualifications to manage their own affairs, without supervision and control by the Federal Government, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. HENDRICKSON. Mr. President, by request, I ask that this bill go over.

Mr. McFARLAND. Mr. President, will the Senator kindly state for whom he objects?

Mr. HENDRICKSON. I object by request of the Senator from Nebraska [Mr. BUTLER].

The PRESIDING OFFICER. The bill will go over.

SALE OF LANDS TO THE CITY OF FLAGSTAFF, ARIZ.

The bill (H. R. 8874) to authorize the sale of lands to the city of Flagstaff, Ariz., was considered, ordered to a third reading, read the third time, and passed.

FISHER BREWING CO.

The bill (H. R. 2758) for the relief of the Fisher Brewing Co., was considered, ordered to a third reading, read the third time, and passed.

DR. NICOLA DI PALMA

The bill (H. R. 7563) for the relief of Dr. Nicola Di Palma was considered, ordered to a third reading, read the third time, and passed.

MRS. ROBERT P. HORRELL

The Senate proceeded to consider the bill (S. 1139) for the relief of Mrs. Robert P. Horrell, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the word "of" to strike out "$10,000" and insert "$4,344.13", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Robert P. Horrell, of Orlando, Fla., the sum of $4,344.13 as a gratuity for the death of her husband, Lt. Robert P. Horrell, United States Naval Reserve, who died on December 25, 1942, as the result of an illness contracted in active naval service: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney

on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF ATOMIC ENERGY ACT OF 1946

The Senate proceeded to consider the bill (S. 3437) to amend the Atomic Energy Act of 1946, which had been reported from the Committee on Atomic Energy with amendments, on page 1, line 6, after the word "of", to strike out "$20,000" and insert "$18,000"; in line 7, after the word "of", to strike out "$22,500" and insert "$20,000"; on page 2, line 3, after the words "by the", to strike out "President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of $20,000 per annum. After June 30, 1950, the General Manager shall be appointed for a 3-year term, and the first such appointment for a 3-year term shall be made with respect to a term beginning July 1, 1950. In cases where a General Manager is appointed and vacates his office before the expiration of 3 years, his successor shall be appointed for a 3-year period commencing on the date of taking office. The Commission may make recommendations to the President with respect to the appointment or removal of the General Manager" and insert "Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate fixed in the Commission's discretion but not to exceed $20,000 per annum"; and after line 18, to strike out:

SEC. 3. Section 12 (c) of the Atomic Energy Act of 1946 is amended to read as follows:

"(c) Advisory committees: The members of the General Advisory Committee established pursuant to section 2 (b) and the members of advisory boards established pursuant to subsection (a) (1) of this section may serve as such without regard to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C., secs. 198 and 203) or section 19 (e) of the Contract Settlement Act of 1944, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested. The provisions of the last sentence of section 1498 of the Judicial Code, Revised (28 U. S. C., sec. 1498), shall not be applicable to the members of the General Advisory Committee or of such advisory boards, or the assignee of any such member, with respect to any invention or discovery made while such member was not in the employment or service of the United States."

So as to make the bill read:

Be it enacted, etc., That the next-to-last sentence of section 2 (a) (2) of the Atomic Energy Act of 1946 is amended to read as follows: "Each member, except the Chairman, shall receive compensation at the rate of $18,000 per annum; and the Chairman shall receive compensation at the rate of $20,000 per annum."

SEC. 2. Section 2 (a) (4) (A) of the Atomic Energy Act of 1946 is amended to read as follows:

"(A) a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate fixed in the Commission's discretion but not to exceed $20,000 per annum."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS E. GABEL

The bill (S. 2702) for the relief of Louis E. Gabel was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPPEL. Mr. President, reserving the right to object, I send to the desk an amendment, which proposes to reduce the amount stated in the bill from $67,000 to $38,956.42.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 7, it is proposed to strike out "$67,000" and insert in lieu thereof "$38,956.42".

Mr. McCARRAN. Mr. President, regarding the amendment offered by the Senator from Kansas, will the Senator kindly state whether he has conferred with the Senators from Florida as to whether they are satisfied with this amount?

Mr. SCHOEPPEL. The Senator from Florida [Mr. HOLLAND] is present.

Mr. HOLLAND. Mr. President, I appreciate very much the question of the chairman of the Judiciary Committee. The bill was introduced by my distinguished colleague [Mr. PEPPER], who is on business of the Senate in Ireland at this time. I have conferred with the staff of my colleague and also with the principals, who are the claimants in this matter, and they have agreed to this particular amendment, which has been discussed in some detail between the Senator who has offered it and others on the other side of the aisle, and the Senator from Florida, but a short while ago.

Mr. SCHOEPPEL. Mr. President, if the Senator will yield, I should like to ask the Senator whether it is also at their suggestion that this amendment is offered?

Mr. HOLLAND. That was the statement made to me by the Senator from New Jersey. I understand that is the case.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2702) for the relief of Louis E. Gabel.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. SCHOEPPEL] which has already been stated.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis E. Gabel, an individual trading as Gabel Construction Co., of Orlando, Fla., the sum of $38,956.42, in full satisfaction of his claim against the United States for uncompensated losses and damages sustained by him under contract numbered NOY-9336, for the construction of a water-softening plant at Florida City, Fla., for the navy yard at Key West, Fla., as a result of a delay in receiving materials and equipment provided for in said contract: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

AUTHORIZATION FOR CERTAIN ADMINISTRATIVE EXPENSES IN THE GOVERNMENT SERVICES

The Senate proceeded to consider the bill (H. R. 9430) to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes, which had been reported from the Committee on Expenditures in the Executive Departments with amendments, on page 5, after line 11, to strike out:

SEC. 6. There is hereby repealed so much of section 4 of the act of May 10, 1939 (53 Stat. 738, 31 U. S. C. 680a), as reads: "; and all such payments shall be supported by a certificate by the head of the department, establishment, or agency concerned, or such subordinates as he may specially designate, to the effect that the use of the telephone in such instances was necessary in the interest of the Government."

In line 20, to renumber the section from "7" to "6"; in line 24, to change the section number from "8" to "7"; on page 6, line 17, to change the section number from "9" to "8"; in line 21, to change the section number from "10" to "9"; on page 7, after line 4, to strike out:

Sec. 11. (a) The act of August 14, 1937 (50 Stat. 640, 5 U. S. C. 17b), is amended to read as follows:

"Civilian employees of the executive departments and independent establishments of the United States and employees of the District of Columbia who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes, shall not be required to renew the said oath because of any change in status so long as their services are continuous in the executive branch or in the government of the District of Columbia unless in the opinion of the Civil Service Commission or the Commissioners of the District of Columbia, as may be appropriate, the public interest requires such renewal."

(b) There are hereby repealed—

(1) Section 3 of the act of January 31, 1925 (43 Stat. 803, 5 U. S. C. 17); and

(2) Section 3 of the act of December 11, 1926 (44 Stat. 919, 5 U. S. C. 17a).

And on page 8, line 1, to change the section number from "12" to "10."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ANDREW HALASZ

The bill (S. 3856) for the relief of Andrew Halasz was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPPEL. Mr. President, reserving the right to object, may we have an explanation of the bill?

Mr. McCARRAN. Mr. President, this bill grants the status of permanent residence to a 27-year-old veteran of the United States Armed Forces who entered the United States as a Government official in 1947 to study. The beneficiary of the bill has an intimate knowledge of certain phases of international affairs which would be of great benefit to the Government of the United States. He is married to a citizen of the United States and desires early naturalization in order to obtain a position with the International Monetary Fund.

The PRESIDING OFFICER. Is there objection?

There being no objection the Senate proceeded to consider the bill (S. 3856) for the relief of Andrew Halasz, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the words "as of," to strike out "November 18, 1948, the date of his induction into the Army of the United States," and insert "October 21, 1947," so as to make the bill read:

Be it enacted, etc., That, in the administration of the immigration laws, Andrew Halasz, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 21, 1947, upon payment of the required visa fee and head tax.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the appropriate immigration quota for the first year such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF COLUMBIA BASIN PROJECT ACT RELATIVE TO STATE LANDS

The Senate proceeded to consider the bill (H. R. 1920) to amend the Columbia Basin Project Act with reference to State lands, which had been reported from the Committee on Interion and Insular Affairs with an amendment, on page 2, line 2, after the word "effective," to insert "except that the purchaser of such State lands, his heirs and devisees, if otherwise qualified to execute a recordable contract, and shall not be disqualified to execute such contract by reason of the amount of the purchase price paid or to be paid to the State for such land."

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, there was a typographical error made in the printing of the bill. There should be a comma before the amendment, and a semicolon at its conclusion. I ask that those changes be made.

The PRESIDING OFFICER. Without objection, the changes will be made.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TRANSMISSION OF MAIL BY PNEUMATIC TUBES OR OTHER MECHANICAL DEVICES

The bill (S. 4102) relating to contracts for the transmission of mail by pneumatic tubes or other mechanical devices was announced as next in order.

Mr. LANGER. Mr. President, may we have an explanation of the bill?

Mr. HUMPHREY. Mr. President, this bill is for the purpose of clarifying existing law and to repeal some absolute statutes pertaining to the handling of mail by pneumatic tubes and other mechanical devices. It permits the Postmaster General to enter into contracts for terms of not more than 10 years to transmit the mail by pneumatic tube and mechanical devices. It authorizes the Post Office Department to enter into contracts not exceeding $15,500 a mile. In view of the increased cost involved, the amount allowed under present legislation is inadequate, and unless the bill is passed, the entire transmission of mail by pneumatic tube and mechanical devices in the Manhattan district, the general New York area, and in Boston will be interrupted and severely damaged.

Mr. LANGER. May I ask the Senator whether we did not increase the amount 2 years ago? How much is being asked now?

Mr. HUMPHREY. My reply is that the bill authorizes an increase from not to exceed $12,000 a mile, to an amount not to exceed $15,500 a mile.

Mr. LANGER. For how much is the total contract now?

Mr. HUMPHREY. This bill will cost additionally $53,000. That is the total amount of the cost involved. I will say to the Senator that I do not believe he was present at the time we considered the bill in committee. It was adopted by the committee unanimously, and it was apparently imperative, according to the Postmaster General, that the bill be passed quickly. That is why I, as the chairman of the subcommittee, introduced it, in order to carry on the mail service in the New York area.

Mr. LANGER. Can the Senator tell us the total amount the company is receiving from the Government?

Mr. HUMPHREY. I do not recall that we have that figure. I will check the report. Yes; the last figure we have is $513,911.50, which includes power, labor, and all operating expenses.

Mr. LANGER. That is more than half a million dollars for New York City alone.

Mr. HUMPHREY. For the transmission of the mail by pneumatic tubes and other mechanical devices; that is correct.

Mr. LANGER. Does not the Senator from Minnesota think that amount is a little bit high?

Mr. HUMPHREY. The Senator from Minnesota acted only upon the information we had from the Post Office Department and on the urgency of the request. I could not help but feel that since it was a very technical subject, about which I knew very little, the only advice to follow would be that of the Postmaster General, who seems to be doing a job of economizing in the Post Office Department. I did not think he would go overboard in his recommendation.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill (S. 4102) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Postmaster General may enter into contracts, for terms not exceeding 10 years, for the transmission of mail by pneumatic tubes or other mechanical devices.

SEC. 2. Contracts for the transmission of mail by pneumatic tubes or other mechanical devices shall be subject to the provisions of laws relating to the letting of mail contracts, except as otherwise provided in this act. Advertisements shall state in general terms only the requirements of the service and shall be in the form best calculated to invite competitive bidding. The Postmaster General may reject any and all bids. No contract shall be awarded except to the lowest responsible bidder tendering full and sufficient guaranties to the satisfaction of the Postmaster General of his ability to perform satisfactory service.

SEC. 3. In the city of New York, including the Borough of Brooklyn, the annual rate of expenditure for the transmission of mail by pneumatic tubes shall not exceed $15,500 per mile per annum of double line pneumatic-tube facilities for a period of 10 years, after which time the annual rate of expenditures per mile shall not exceed $12,000. This rate shall be inclusive of maintenance expenses but shall be exclusive of all operating expenses.

SEC. 4. All laws or parts of laws inconsistent or in conflict with this act are hereby repealed. This shall include, but is not limited to, the following laws:

(a) The provisions of the acts of April 21, 1902; March 2, 1907; May 27, 1908; and June 19, 1922 (39 U. S. C. 423), relating to contracts for transmission of mail by pneumatic tubes; and

(b) The act entitled "An act to provide for certain administrative expenses in the Post Office Department, including retainment of pneumatic-tube systems, and for other purposes," approved June 30, 1948 (62 Stat. 1163).

MRS. MERLE LEATHERBURY PYLE AND PATRICIA M. PYLE

The bill (H. R. 1133) for the relief of Mrs. Merle Leatherbury Pyle and Patricia M. Pyle was announced as next in order.

Mr. HENDRICKSON. Reserving the right to object, I send to the desk an amendment in the nature of a substitute and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISATIVE CLERK. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That in the administration of the Civil Service Retirement Act of May 29, 1930, as amended, Lawrence A. Pyle, late employee of the Interstate Commerce Commission, shall be considered to have been retired thereunder as of the date of his death, August 8, 1947, and to have elected in writing at the time of such retirement to receive a reduced annuity with an equal reduced annuity payable after his death to his widow, Mrs. Merle Leatherbury Pyle, if all amounts paid out of the civil-service retirement and disability fund on account of the death of the said Lawrence A. Pyle are redeposited in such fund not later than 1 year after the date of enactment of this act, together with interest at 4 percent to December 31, 1947, and 3 percent per annum thereafter.

Mr. HENDRICKSON. Mr. President, I understand that this amendment by way of a substitute is entirely acceptable to the sponsors of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. HENDRICKSON].

Mr. HUMPHREY. With the understanding that the amendment is entirely satisfactory to the sponsors, we accept it.

The amendment was agreed to.

Mr. HENDRICKSON. Mr. President, I send to the desk a statement explanatory of the bill and the substitutes, which I ask to have included in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HENDRICKSON TO ACCOMPANY SUBSTITUTE TO THE BILL (H. R. 1133) FOR THE RELIEF OF MRS. MERLE LEATHERBURY PYLE

Lawrence A. Pyle was employed by the Interstate Commerce Commission during the periods November 13, 1906, to October 1, 1907, and November 4, 1907, to August 8, 1947, the date of his death, a total of over 40 years. With this period of service and since he was over 60 years of age, he was eligible for optional retirement.

There has been presented the fact that Mr. Pyle had an incurable disease and that his physicians withheld this knowledge from him. Had he been advised by them that he could only live a short time it is reasonable to assume that during his lifetime he would have made the necessary election under the retirement law to permit his widow to draw an annuity after death under section 4 (d) of the Retirement Act then in effect. This information was also withheld from the decedent's wife, which precluded Mrs. Pyle from discussing his retirement under the then law.

The Civil Service Commission advises that the widow has been paid the sum of $6,710.65, representing the contributions made by Mr. Pyle to the retirement fund together with interest. This payment constituted the only benefit due under the law in effect at the time of his death.

Under H. R. 1133, as reported to the Senate, a fictitious date of death would be set up so as to bring the case within the operation of the amendment to the Retirement Act, approved February 28, 1948. In other words, had Mr. Pyle continued in service until at least February 29, 1948, and then died, title to survivorship annuity under the amendment of February 28, 1948, would have vested in the widow and child. Passage of H. R. 1133 would provide an annuity (upon repayment of the $6,710.65 with interest) of $1,704 a year to Mrs. Pyle until she dies or remarries, and at the rate of $360 a year to the daughter until she reaches age 18, dies, or marries.

The Civil Service Commission is adverse on the ground that the bill "would accord to the named persons extraordinary benefits to which others similarly situated are not entitled. In addition, it cannot favor the retroactive extension of this survivorship law by either general or special legislation."

Notwithstanding the objection of the Civil Service Commission, it is believed that this case does present substantial equities. However, whatever relief is afforded should be afforded, it is believed, within the terms of the retirement act as it was in effect at the time of Mr. Pyle's death. In other words, it is believed that this type of legislation should merely correct an action which Mr. Pyle failed to take because of his lack of knowledge regarding his physical condition.

The substitute bill would give the widow the annuity she would have received had deceased been cognizant of his condition and acted as an ordinary prudent man would have done under such circumstances. As in the case of H. R. 1133, as reported, the substitute bill would require return with interest of the lump-sum payment already made.

Enactment of the substitute bill would accord Mrs. Pyle an annuity of $1,789.56 a year for the remainder of her life whether she remarries or not. The minor child would not receive any benefits, since the retirement act prior to the amendment of February 28, 1948 provided no such benefits.

There is direct precedent for this substitute in the case of Wilbur L. Elser, in whose behalf Private Law 276 of the Eighty-first Congress was approved on September 9, 1949. That private law, as is proposed in the present case, assumed a retirement and joint and survivorship election by Mr. Elser which he presumedly would have made had his condition been disclosed to him.

(The widow's annuity would be effective September 1, 1947.)

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILL PASSED OVER

The bill (S. 3135) to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, was announced as next in order.

Mr. GEORGE. I ask that the bill be passed over.

Mr. GRAHAM. Mr. President, may I explain the bill?

Mr. GEORGE. I withhold my objection, if the Senator desires to make an explanatory statement.

Mr. GRAHAM. Mr. President, the purpose of the bill is to put into the peanut program the same principle that is in the tobacco program, namely, that each type of peanut shall stand on its own merits. That is the rule followed in the tobacco program. The bill provides that there shall be three classifications, namely, the Virginia and Valencia types, the Spanish type, and the Runner type, the three types to be classified as separate commodities, that they shall stand on their own merits, and that quotas be fixed according to the market demand for those separate types.

Mr. President, in further explanation of the bill, I ask unanimous consent that a statement prepared by me be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD, and the bill will be passed over.

The statement presented by Mr. GRAHAM is as follows:

STATEMENT OF SENATOR GRAHAM

The present peanut program is headed for its own destruction and in some respects endangers the whole agricultural support program. Representative Abbitt of Virginia introduced the bill in the House and I introduced the bill in the Senate for myself and the Senator from North Carolina [Mr. Hoey], not only in fairness to the peanut growers in Virginia and North Carolina but in the long-run interests of the agricultural support program for all peanut growers. The Senate committee bill as unanimously reported by the Senate Committee on Agriculture and Forestry provides for three types of peanuts to be treated as separate commodities: First, the Virginia-Carolina and the Valencia type; second, the Runner type; and third, the Spanish type.

Second, the committee bill provides for a Nation-wide referendum of all peanut growers as to whether all types of peanuts shall stay in the agricultural program for acreage allotments and marketing quotas.

Third, that the Secretary of Agriculture in treating the three above-named types as separate commodities shall make separate allotments so as to meet the demands of the market. The bill does not provide that any type shall or shall not be cut but does provide that each separate type stand on its own merits in accordance with the needs of the market. Any increase or decrease in allotments and quotas will be made on the merits of each type as registered in the market.

The present policy of lumping all types of peanuts together has resulted in a series of cuts in the acreage allotments for the Virginia type of peanuts and a series of increases in the acreage allotments of some of the other types of peanuts.

These cuts for the Virginia type have been made in spite of the unmet demands of the market for the Virginia type. This policy of cutting the production of peanuts already being produced below the desires of the people all over the Nation for the Virginia type of the choicest edible peanuts is an uneconomic and potentially disastrous program. In 1944 for example approximately 446,000 acres of the Virginia type of peanuts were picked and threshed and in 1949 only approximately 376,000 acres were picked and threshed. The reduction was made in spite of a much larger demand for the Virginia type than the supply provided. Increases in allotments for other types of peanuts overproduced further south have resulted in decreases in the allotments for the Virginia type of peanuts underproduced in Virginia and North Carolina. The surpluses thus authorized are costing the Government to such a disproportionate degree as not only to endanger the peanut support program but also to endanger the whole agricultural program.

Mr. GEORGE subsequently said: Mr. President, referring to Senate bill 3135, Calendar No. 2506, a bill to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of

1938, as amended, introduced by the two Senators from North Carolina, and which has already been passed over, I wish to make a statement for which I ask unanimous consent to have placed in the RECORD following the statement made by the distinguished junior Senator from North Carolina [Mr. GRAHAM].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GEORGE. Mr. President, the objection made to the bill is not upon the ground that there is any objection to an increase in the marketing quotas or acreage of certain types of peanuts grown in Virginia and North Carolina. Indeed, if the bill is so amended as to make the section thereof which relates to these types conform to the language contained in the House bill, there would be no objection to the bill. The growers of other types of peanuts in other States, notably in Alabama, Georgia, and other States, are apprehensive that this increase would be made at the cost of the growers of other types in those States. That is the only basis of the objection.

The PRESIDING OFFICER. The bill has been passed over.

REPEAL OF CERTAIN LAWS AFFECTING THE TERRITORY OF ALASKA

The bill (H. R. 8158) to repeal certain laws as they affect the Territory of Alaska was announced as next in order.

Mr. HENDRICKSON. Mr. President, the junior Senator from New Jersey would appreciate an explanation of this measure.

Mr. O'MAHONEY. Mr. President, there are two obsolete laws—at least they are obsolete in the belief of the committee—affecting the Territory of Alaska which place limitations upon the amount of property that religious corporations may acquire. One in section 1890 of the Revised Statutes which prohibits any corporation for religious or charitable purposes to acquire or hold real estate in any Territory of a greater value than $50,000.

The second statute, section 23 of the act of March 1887, permits religious bodies to hold, through trustees, real property for the erection or use of houses of worship, parsonages, burial grounds, and the like.

Similar laws have been repealed as to the Territory of Hawaii. I see no reason why they should remain in force in the Territory of Alaska. They are really obsolete and have no real function.

Mr. HENDRICKSON. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

TITLE TO CERTAIN LANDS IN JEFFERSON COUNTY, ILL.

The joint resolution (H. J. Res. 487) to confirm title in fee simple in Joshua Britton to certain lands in Jefferson County, Ill., was considered, ordered to a third reading, read the third time, and passed.

ACCEPTANCE OF DONATIONS OF LAND TO SUPPLEMENT PRESENT PARKWAY LANDS ALONG CHESAPEAKE & OHIO CANAL

The bill (H. R. 8534) to authorize the acceptance of donations of land to supplement present parkway lands along the line of the Chesapeake & Ohio Canal between Great Falls and Cumberland, Md., was considered, ordered to a third reading, read the third time, and passed.

RETURN TO GREECE OF CHILDREN ABDUCTED BY COMMUNIST GUERRILLA FORCES

The resolution (S. Res. 212) requesting the President to take action looking to the return to Greece of children abducted by Communist guerrilla forces in that country, was considered and agreed to, as follows:

Resolved, That the Senate profoundly condemns the action of the Communist guerrilla forces in Greece in abducting thousands of Greek children and carrying them off into servitude in countries of eastern Europe during the course of the recent Communist guerrilla warfare in Greece, and requests the President to exert all of his powers, acting through the United Nations and other international organizations and directly with the governments of the countries where these children are confined, to the end that these thousands of children shall be speedily returned to their homes and homeland.

Mr. HOLLAND subsequently said: Mr. President, in connection with Calendar No. 2511, Senate Resolution 212, which was submitted by my distinguished colleague the senior Senator from Florida [Mr. PEPPER], there are certain papers in connection with the resolution which should be printed in the RECORD.

I ask leave at this time to have printed a letter from the Greek Ambassador to my colleague, a telegram from Archbishop Michael, and a radiogram from the Prime Minister of Greece, relative to the resolution.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

ROYAL GREEK EMBASSY,
Washington, D. C., September 2, 1950.

Hon. CLAUDE PEPPER,
Senator from Florida, United States Senate, Washington, D. C.

MY DEAR SENATOR PEPPER: I wish to thank you very much for your kind telegram by which you informed me that the Senate Foreign Relations Committee had reported favorably your resolution for the abducted Greek children.

Your resolution, which brings new hope to the thousands of Greek parents who have seen their children taken away from them, won for you an even greater admiration and gratitude among the Greek people who are accustomed to finding in your person a staunch supporter of their rights.

Please accept, on behalf of my Government, my heartfelt thanks for your extremely valuable support in this highly humanitarian and just cause.

Yours sincerely,
ATHANASE G. POLITIS,
Ambassador of Greece.

NEW YORK, N. Y., *September 5, 1950.*

His Excellency CLAUDE PEPPER,
United States Senate:

Profound gratitude, cordial thanks for your message on behalf thousands abducted Greek children. Almighty bestow upon your excellency grace, health, and guidance to the benefit of liberty-loving mankind.

Archbishop MICHAEL.

ATHENIA, *September 5, 1950.*

Senator CLAUDE PEPPER,
Washington, D. C.:

Deeply touched. Please accept most sincere thanks for your initiative in passing Senate Resolution 212 concerning repatriation of thousands of Greek children abducted by Communist bandits.

SOPHOCLES VENIZELOS,
Prime Minister.

AGREEMENTS FOR THE SETTLEMENT OF INTERCUSTODIAL CONFLICTS INVOLVING ENEMY PROPERTY—JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 516) authorizing the President, or such officer or agency as he may designate, to conclude and give effect to agreements for the settlement of intercustodial conflicts involving enemy property was announced as next in order.

Mr. SCHOEPPEL. Mr. President, reserving the right to object, may we have an explanation of the resolution?

Mr. CONNALLY. Mr. President, during the late war all the Allied Nations seized or blocked enemy assets within their jurisdiction. In some cases the assets that were seized were in part owned by nationals of Allied Nations as well as by enemy nationals. In other cases there was a question as to whether the blocked or seized assets were actually within the jurisdiction of the state doing the seizing. A number of disputes have arisen between the allied nations as to the disposition of these disputed enemy assets. Some Americans claim certain assets blocked by allied nations. Some allied nationals claim assets blocked or seized by the United States.

In order to simplify and speed up the settlement of disputes about the disposition of these blocked assets, the pending bill delegates authority to the President to conclude agreements with nonenemy nations as to the way the assets shall be divided or the way disputes that arise may be settled. General principles to be followed in the conclusion of these agreements are set forth in the legislation. Guided by these principles the President is to assume clear responsibility to see that the interests of United States citizens are fully protected.

The committee received communications from American individuals and businesses urging favorable action on this proposed legislation. It knows of no opposition to the passage of this bill. Adoption of the joint resolution would settle the disputes and quarrels over this property. The matter ought to be disposed of and settled.

Mr. McCARRAN. Does the resolution pertain to matters which otherwise would have to be settled by treaty?

Mr. CONNALLY. They would not have to be so settled if this action should be taken.

Mr. McCARRAN. Would they have to be settled by treaty if this action should not be taken?

Mr. CONNALLY. Yes; they would have to be handled that way.

Mr. McCARRAN. I ask that the resolution go over.

Mr. CONNALLY. Does the Senator prefer to have treaties entered into with 15 or 20 countries?

Mr. McCARRAN. I should like to study the matter further.

The PRESIDING OFFICER. Objection is heard, and the joint resolution will go over.

VERMEJO RECLAMATION PROJECT, NEW MEXICO

The bill (S. 3517) to authorize the construction, operation, and maintenance of the Vermejo reclamation project, New Mexico, was announced as next in order.

Mr. HENDRICKSON. Mr. President, may we have an explanation of this bill, with particular emphasis on the cost?

Mr. ANDERSON. I may state to the Senator from New Jersey that a similar bill was previously passed by both Houses of Congress, but was vetoed by the President. The bill was redrafted, and the Committee on Interior and Insular Affairs removed the objectionable portions of the bill. It increases the cost somewhat to the landowner, and decreases the cost to the Government by a third. The bill is drawn in compliance with the objections raised in the veto message.

Mr. CHAVEZ. Mr. President, is it not correct to say that the major portion of the cost deals with reclamation, which is paid for by the landlord?

Mr. ANDERSON. That is correct.

Mr. CHAVEZ. The costs that accrue to the Government are in connection with flood control and wildlife.

Mr. ANDERSON. Yes; and they are negligible.

Mr. CHAVEZ. They are negligible, compared with the irrigation feature.

Mr. ANDERSON. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 3517), which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 6, after the word "wildlife", to insert "as authorized by the act of August 14, 1946 (60 Stat. 1080)"; in line 11, after the word "repair", to strike out "improve"; on page 2, line 1, after the word "replace", to insert "to the extent necessary"; in line 10, after "thereto") to strike out the comma and "to which laws this act shall be a supplement"; in line 13, after the word "is", to strike out "properly allocable" and insert "approved for allocation"; in line 17, after the word "organization", to strike out "and, in any event, not to exceed 75 years" and insert "and over such period of years as, in his judgment, is consistent with the maximum repayment ability of the contracting organization"; on page 3, line 1, after the word "until" to insert "the President shall have approved a project report and", and in line 15, after the word "facilities", to strike out "authorized by this act" and insert "to be provided under the Vermejo reclamation project", so as to make the bill read:

Be it enacted, etc., That, for the purposes of irrigating approximately 7,200 acres of semiarid lands in Colfax County, N. Mex., controlling floods, and providing for the preservation and propagation of fish and wildlife, as authorized by the act of August 14, 1946 (60 Stat. 1080), the Secretary of the Interior, through the Bureau of Reclamation, is authorized to construct, operate, and maintain the Vermejo reclamation project, and, in so doing, to acquire lands and interests in lands, to rehabilitate, repair, and replace, to the extent necessary, existing works of the Maxwell Irrigation Co., and to acquire, upon terms and conditions satisfactory to him, such assets of said company or any successor in interest as may be required or proper for carrying out the purposes of the project or for protecting the investment of the United States therein.

SEC. 2. The Vermejo reclamation project shall, except as is otherwise provided, be governed by the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or suplementary thereto): *Provided*, That, of the cost of constructing the project, $2,010,080, or so much of said amount as is approved for allocation to irrigation, shall be repaired under a contract or contracts satisfactory to the Secretary, at the maximum rate which, in his judgment, is consistent with the repayment ability of the contracting organization and over such period of years as, in his judgment, is consistent with the maximum repayment ability of the contracting organization.

SEC. 3. Construction of the Vermejo reclamation project shall not be commenced until the President shall have approved a project report and there shall have been established, pursuant to the laws of the State of New Mexico, an organization with powers satisfactory to the Secretary, including the power to tax property, both real and personal, within its boundaries (which boundaries shall include the lands to be benefited by the project works) and the power to enter into a contract or contracts with the United States for payment or return, as the case may be, of the reimbursable costs of the project and such contract or contracts shall have been duly executed.

SEC. 4. The Secretary is authorized to enter into arrangements with appropriate Federal, State, or local agencies for the construction, operation, maintenance, administration, and management of the fish and wildlife facilities to be provided under the Vermejo reclamation project.

SEC. 5. There are hereby authorized to be appropriated such sums as may be required to carry out the purposes of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF PARAGRAPH 207 OF THE TARIFF ACT OF 1930

The bill (H. R. 5226) to amend paragraph 207 of the Tariff Act of 1930 was announced as next in order.

Mr. LANGER. Mr. President, I should like to ask for an explanation of the bill.

Mr. GEORGE. This is a very simple bill. The bill would provide a uniform import rate on calcined bauxite. Calcined bauxite is bauxite which is subjected to very high temperatures in the kiln for the purpose of driving off chemically combined and mechanically held water. It is highly desirable to have some imports of this particular commodity at a lower rate. This bill is recommended by the Commerce Department, the Tariff Commission, and the Treasury Department. An amendment was offered by the Senator from Washington [Mr. CAIN] which would include in the bill Engelmann spruce lumber, to which inclusion the Treasury Department also assented and asked for its approval. Engelmann spruce lumber is difficult to distinguish from white spruce lumber. Engelmann lumber would be given the same treatment as white spruce. The bill does not take the tariff off calcined bauxite, but reduces it in ad valorem terms to $1 a long ton.

Mr. LANGER. I wonder if at some time the distinguished chairman of the committee would turn his attention to the transportation of lignite coal.

Mr. GEORGE. We shall be very glad to do so when a matter comes before us which authorizes us to give consideration to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 5226) which had been reported from the Committee on Finance with an amendment, on page 1, after line 8, to insert:

SEC. 2. (a) The last sentence of section 3424 (a) of the Internal Revenue Code (relating to the exemption of certain lumber from the import tax) is hereby amended by striking out "and Western white spruce" and inserting in lieu thereof "Western white spruce, and Engelmann spruce."

(b) The amendment made by this section shall be applicable with respect to lumber entered for consumption or withdrawn from warehouse for consumption on or after the tenth day following the date of the enactment of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend paragraph 207 of the Tariff Act of 1930 and section 3424 (a) of the Internal Revenue Code."

TRANSPORTATION OF NARCOTIC DRUGS

The Senate proceeded to consider the bill (H. R. 7891) to amend section 3224 (b) of the Internal Revenue Code, relating to the transportation of narcotic drugs.

Mr. GEORGE. Mr. President, the bill simplifies and makes administratively possible the present law relating to the transportation of narcotic drugs from one State into another. Under the present law the Government must be able to show that drugs were consigned by one person in one State to another person in another State. Therefore when narcotic drugs are carried across State lines in general distribution by a bootlegger, so to speak, the Government is unable to make out a case. The whole purpose of the bill is to make unlawful the transportation of narcotic drugs across State lines.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H. R. 7891) ordered to a third reading, read the third time, and passed.

CLAIM OF STAMEY CONSTRUCTION CO. AND/OR OKLAHOMA PAVING CO.

The Senate proceeded to consider the bill (S. 2099) to reimburse the Stamey

Construction Co. and/or the Oklahoma Paving Co., as their interests appear, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 1, after the word "contract", to insert a colon and the following proviso: *"Provided,* That the passage of this act shall not be construed as an inference of liability on the part of the Government of the United States", so as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the District Court of the Western District of Oklahoma to hear, determine, and render findings of fact as to the amount of loss, if any, sustained by Stamey Construction Co., Hutchinson, Kans., and/or Oklahoma Paving Co., Oklahoma City, Okla., as their interests appear, Reclamation Bureau contract under Schedule of Specifications No. 1374, Altus project, Oklahoma, arising out of or attributable to the alleged failure of the Government to supply materials as provided for in said contract: *Provided,* That the passage of this act shall not be construed as an inference of liability on the part of the Government of the United States.

SEC. 2. The court shall cause such findings to be certified to the Secretary of the Treasury, who is hereby authorized and directed to pay, out of any money not otherwise appropriated, the amount set forth in said findings to the Stamey Construction Co. and the Oklahoma Paving Co., as their interests may appear.

Mr. McCARRAN. Mr. President, the Stamey Construction Co. and/or the Oklahoma Paving Co. sustained losses on a contract entered into with the Department of the Interior for some construction work on the W. C. Austin (formerly Altus) project, in Oklahoma. These companies claimed that such losses were caused by the failure of the Government to supply steel and other materials according to the terms of the construction contract. If such be the facts, these companies should be reimbursed for the amount of losses sustained by them caused by the failure of the Government to live up to the terms of its contract.

This bill permits these companies to go into Federal court and prove their losses, if any, and the amount of said losses.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. McCARRAN. Mr. President, I send forward an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 1, after the word "contract", it is proposed to insert a comma and "and to render judgment upon the merits of such claim".

On page 2, line 3, after the period, to insert "Such judgment shall be subject to appeal by either party pursuant to title 28, United States Code, section 1291, and action thereon by the Court of Appeals may be reviewed pursuant to title 28, United States Code, section 1254".

On page 2, line 4, strike out "The" and insert "If the court shall enter a final judgment in favor of the claimant, the".

On page 2, line 4, after the word "findings", to insert "and judgment".

On page 2, line 7, after the word "findings", to insert "and judgment".

Mr. McCARRAN. Mr. President, the purpose of this group of amendments is to give the district court in Oklahoma the right to enter a judgment in this case. Appeal would not lie unless the entry made by the district court was a judgment. The second of this series of amendments specifically gives the right of appeal to either party.

The justification for this series of amendments is that, if either party feels aggrieved by the decision of the lower court, such judgment can be appealed in the usual manner of any district court judgment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. McCARRAN].

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KIYOMI KITAMURA

The bill (S. 3329) for the relief of Kiyomi Kitamura was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions of the immigration laws relating to the exclusion of aliens inadmissible because of race shall not hereafter apply to Kiyomi Kitamura, the Japanese fiancée of James W. Whitefield, a citizen of the United States and a member of the United States Marine Corps, and that Kiyomi Kitamura may be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided,* That the administrative authorities find that the said Kiyomi Kitamura is coming to the United States with a bona fide intention of being married to said James W. Whitfield, and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named parties does not occur within 3 months after the entry of said Kiyomi Kitamura, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 19 and 20 of the Immigration Act of February 5, 1917 (U. S. C., title 8, secs. 155 and 156). In the event the marriage between the above-named parties shall occur within 3 months after the entry of said Kiyomi Kitamura, the Attorney General is authorized and directed to record the lawful admission for permanent residence of said Kiyomi Kitamura as of the date of her entry into the United States, upon the payment by her of the required fees and head tax.

MARTINA ARNAIZ ZARANDONA

The bill (S. 3430) for the relief of Martina Arnaiz Zarandona was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Martina Arnaiz Zarandona (Sister Blanca Eugenia), a nun in the Order of the Religious of Assumption, presently residing in Miami, Fla., shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of her last entry into the United States, upon payment of the required visa fee and head tax. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

BARBARA SUGIHARA

The Senate proceeded to consider the bill (S. 3484) for the relief of Barbara Sugihara which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 10, after the word "United", to strike out "States, and the Secretary of State is authorized and directed to cause an immigration visa to be issued to the said Barbara Sugihara permitting her immediate entry into the United States for permanent residence". and insert "States.", so as to make the bill read:

Be it enacted, etc., That, in the administration of the immigration laws of the United States, the provisions of section 13 (c) of the Immigration Act of 1924, as amended (U. S. C., title 8, sec. 213 (c)), which excludes from admission to the United States persons who are ineligible to citizenship, shall not hereafter apply to Barbara Sugihara, of Hiroshima, Japan, the minor daughter of Mary Sugihara, a citizen of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLA STUFKA AND SON

The bill (S. 4072) for the relief of Ella Stufka and her son was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the immigration laws, Ella Stufka, the fiancée of John Donald Webb, a United States citizen and an honorably discharged veteran of World War II, and her son, Thomas Roland, may be eligible for visas as nonimmigrant visitors for a period of 3 months: *Provided,* That the administrative authorities find that the said Ella Stufka is coming to the United States with a bona fide intention of being married to said John Donald Webb and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named parties does not occur within 3 months after the entry of said Ella Stufka, and her son, Thomas Roland, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 19 and 20 of the Immigration Act of February 5, 1917 (U. S. C., title 8, secs. 155 and 156). In the event the marriage between the above-named parties shall occur within 3 months after the entry of said Ella Stufka, the Attorney General is authorized and directed to record the lawful admission for permanent residence of said Ella Stufka and her son, Thomas Roland, as of the date of their entry into the United States, upon the payment by them of the required fees and head taxes.

PAMELA BENTLEY

The bill (S. 4074) for the relief of Pamela Bentley was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Pamela Bentley shall be held and considered to be the natural born alien minor child of Mr. and Mrs. Robert Griffin, citizens of the United States.

SOUTHERN FIREPROOFING CO. OF CINCINNATI, OHIO

The bill (S. 4111) for the relief of Southern Fireproofing Co., of Cincinnati,

Ohio, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States Tax Court to finally determine the amount, if any, of excessive profits received or accrued by Jacob Lichter and Jennie L. Lichter, partners doing business as Southern Fireproofing Co., of Cincinnati, Ohio, in an amount either less than, equal to, or greater than that determined by the Secretary of War (now the Secretary of the Army) for the calendar year 1942, under the applicable provisions of the Renegotiation Act of 1942, as amended: *Provided,* That the suit authorized hereunder shall be instituted within 90 days after the effective date of this act: *Provided further,* That the passage of this act shall not be construed as an inference of liability on the part of the Government of the United States.

WYOMING NATIONAL BANK OF WILKES-BARRE

The bill (H. R. 3012) for the relief of the Wyoming National Bank of Wilkes-Barre was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McCARRAN subsequently said: Mr. President, will the Senator from North Dakota withdraw his objection that I might make a brief explanation of the bill to which he has just made objection?

Mr. LANGER. There is just one question I desire to ask the distinguished Senator, and it might save some time. Was there any proof on the part of the Government that any man with authority from the Government had a right to make the arrangement with the bank?

Mr. McCARRAN. My answer to that is that there was.

Mr. LANGER. Then I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, after the word "of", to strike out "$52,326.91" and insert "$46,854.16."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FE'R. DUMAGUING

The bill (H. R. 4365) for the relief of Fe'R. Dumaguing was considered, ordered to a third reading, read the third time, and passed.

WESTERN CHEMICAL & MANUFACTURING CO.

The bill (H. R. 6528) for the relief of the Western Chemical & Manufacturing Co. was considered, ordered to a third reading, read the third time, and passed.

CHRISTINA KARAMANOS DEMAS AND ANTONIA KARAMANOS DEMAS

The bill (H. R. 6990) for the relief of Christina Karamanos Demas and Antonia Karamanos Demas was considered, ordered to a third reading, read the third time, and passed.

ROSETTE SELINA ROMANO, A MINOR

The bill (H. R. 7095) for the relief of Rosette Selina Romano, a minor, was considered, ordered to a third reading, read the third time, and passed.

INCORPORATION OF THE MILITARY CHAPLAINS ASSOCIATION OF THE UNITED STATES OF AMERICA

The bill (H. R. 5941) to incorporate the Military Chaplains Association of the United States of America was considered, ordered to a third reading, read the third time, and passed.

INCORPORATION OF UNITED STATES OLYMPIC ASSOCIATION

The bill (H. R. 9111) to incorporate the United States Olympic Association was considered, ordered to a third reading, read the third time, and passed.

JOSEPH A. MYERS AND OTHERS

The Senate proceeded to consider the bill (S. 3629) for the relief of Joseph A. Myers, Hazel C. Myers, and Helen Myers which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 7, after the word "of", to strike out "$5,000" and insert "1,000"; and in line 9, after the word "earnings", to insert "sustained by them", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph A. Myers, Hazel C. Myers, and Helen Myers, 115 Bentley Street, Alexandria, Louisiana, the sum of $1,000, in full settlement of all claims against the United States on account of personal injuries and loss in earnings sustained by them, which resulted from an accident in which the automobile owned by Joseph A. Myers was struck by an Army vehicle on Highway 71 in the parish of Grant near Colfax, State of Louisiana, on June 13, 1943: *Provided,* That no part of the amount appropriated in this act in excess of 10 percentum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percentum thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE OF APPROPRIATION AUTHORIZATION FOR AIR ENGINEERING DEVELOPMENT CENTER

The bill (S. 4118) to increase the appropriation authorization for the Air Engineering Development Center was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of this measure?

Mr. CHAPMAN. Mr. President, the bill as originally passed by the Senate provided $150,000,000 for the purpose stated. The amount was reduced in conference to $100,000,000, and the proposal now before the Senate is to authorize the expenditure of $157,000,000.

The result would be that airplane engines could actually be tested in the wind tunnel, while if it is constructed at a cost of only $100,000,000, only scale-model engines could be tested. It is greatly to be desired that the engines themselves be tested. The committee feels very strongly that the entire appropriation should be authorized.

Mr. SCHOEPPEL. I thank the Senator from Kentucky.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That so much of section 204 of title II of the act of October 27, 1949 (63 Stat. 937; 50 U. S. C. 524), relating to the appropriation authorization for the establishment and for initial construction, installation, and equipment of the Air Engineering Development Center in the sum of $100,000,000, is hereby amended by striking out "$100,000,000," and inserting in lieu thereof "$157,500,000."

INCORPORATION OF AMERICAN SOCIETY OF INTERNATIONAL LAW

The bill (H. R. 7990) to incorporate the American Society of International Law, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Mr. President, I wonder if the distinguished Senator from Nevada would explain to the Senate whether or not the enactment of this bill would require the publication of reports of the organization at Government expense.

Mr. McCARRAN. It would require reports, but not at Government expense. If I may give a brief answer, this is a bill to grant a Federal charter to the American Society of International Law. The society was first organized in 1906 with a purpose to foster a study of international law and to promote the establishment of international relations on the basis of law and justice. Its offices and members include the most outstanding men in the field of international law.

The society publishes a quarterly known as the American Journal of Law, as well as the annual proceedings of the American Society of International Law. It is a true eleemosynary institution, with headquarters located in Washington, D. C.

Mr. President, it has been suggested that the bill be amended so as to prohibit the Government from incurring the expense of printing the annual audit, which, under section 9 of the bill, the American Society of International Law must file with Congress. Some of these charter bills contain such a provision; the majority do not. The amendment is not necessary, since the Congress is not required to print the audit by the provisions of section 9.

There are two reasons why my usual endorsement of this type of amendment is not now freely given, namely: One, it will force the bill into conference, thus jeopardizing its passage, and, two, I am somewhat dubious of inhibiting future congressional discretion.

My first reservation above speaks for itself, but the second needs slight elaboration. If this bill is enacted into law, the situation will be that Congress has discretionary power whether to print the audit or not. This is properly the prerogative of the legislature, and I do not deem it wise to proscribe this future discretionary power. Many independent agencies and semiautonomous governmental units are required by law to file annual reports, audits, and other regulatory papers with the Congress. Practically none of these items are printed because there is no such need. There may arise, however, that singular occasion, when, for reasons of exigency unknown to me at the present time, it is highly desirable for the Congress to reduce the report or audit to the printed form for the edification of interested parties. I submit that this discretionary power should not now be eclipsed.

Mr. HENDRICKSON. Mr. President, the explanation by the able Senator from Nevada is quite satisfactory.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

ACCOMMODATIONS AT KLAMATH FALLS, OREG., FOR THE UNITED STATES DISTRICT COURT

The bill (H. R. 5810) relating to the furnishing of accommodations at Klamath Falls, Oreg., for the United States District Court for the District of Oregon was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF ENLISTMENTS IN THE COAST GUARD

The bill (S. 4136) to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. The senior Senator from Massachusetts [Mr. SALTONSTALL], who reported the bill, is not present.

Mr. CAIN. Mr. President, if the Senator from Washington may presume to speak in the absence of the Senator from Massachusetts, I may say that under existing law the Coast Guard is a component of the Armed Forces of the United States.

Traditionally the Coast Guard serves in time of peace under the Department of the Treasury. In time of war, or whenever directed by the President, the Coast Guard is transferred to the Navy.

The purpose of the pending bill, S. 4136, is threefold:

First. It would amend the Selective Service Act of 1948 so as to authorize the induction of personnel into the Coast Guard.

Second. It would amend existing law so as to authorize the President to order members of the Coast Guard Reserve and retired Coast Guard personnel into active duty for a period of not to exceed 21 months.

Third. It would authorize the President to extend current enlistments in the Coast Guard for a period not to exceed 12 months, on the same basis as has already been done for the Army, Navy, and Air Force.

The primary reason for this legislation is that the task of implementing recent legislation regarding the control over the anchorage and movement of foreign-flag vessels in waters of the United States will be allocated to the Coast Guard.

These additional duties will require some additional personnel almost immediately. It will not be possible to effect this rapid build-up without the authorities contained in this bill.

I would point out that, although the President has full authority to place the Coast Guard under the Navy, this procedure will not automatically allow the Coast Guard to receive inductees under the Selective Service Act of 1948 unless the specific amendments contained in this bill are also adopted.

This bill is recommended by the Treasury Department and is concurred in by the Bureau of the Budget. Witnesses from the Selective Service System and from the Department of Defense appeared before the committee in support of it.

Mr. MAGNUSON. Mr. President, I was out of the Chamber for a moment, but I understand the Senate is considering the bill to allow the Coast Guard to have inductees.

Mr. CAIN. That is correct.

Mr. MAGNUSON. I am sure my colleague will bear me out that it is also true that the real purpose of the bill is to supplement the Coast Guard so that we may have the waterfront security which was placed upon them as an obligation by a bill passed some time ago.

Mr. CAIN. The matter to which my colleague has referred requires this extra authority, in order that personnel may be secured more promptly.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

MAINTENANCE AND OPERATION OF PANAMA CANAL

The bill (H. R. 8677) to authorize and provide for the maintenance and operation of the Panama Canal by the present corporate adjunct of the Panama Canal, as renamed; to reconstitute the agency charged with the civil government of the Canal Zone, and for other purposes, was announced as next in order.

Mr. JOHNSON of Colorado. Mr. President, may we have an explanation of the bill?

Mr. CHAPMAN. Mr. President, this bill was considered by a subcommittee of which the able Senator from Virginia [Mr. BYRD] was chairman, and he made the report. He is necessarily detained a little while this afternoon on an important public mission, and asked me to explain the bill, if called upon to do so.

The purpose of the bill is to establish the fiscal affairs of the Panama Canal on a sounder basis than has heretofore obtained, and to establish a better accounting system than has ever been in use in the Canal Zone. The result would be to separate the actual business operation of the Canal from the collateral governmental activities in the Canal Zone. Tolls will be calculated according to a formula which will result in the operation of the Canal on a self-sustaining basis. Interest will be charged on the capital investment of the Panama Canal, and such interest will be paid into the Treasury of the United States.

As a result of this new system it is believed that the Canal will not only be self-supporting but that it will also bear about 50 percent of the costs of civil government in the Canal Zone, including such matters as health, sanitation, hospitals, schools, and other collateral activities of the Government in the Canal Zone. It will pay about half, and the remainder will be paid from the revenues of hotels, commissaries, and other profitable activities of the civil government.

For the first time military and other Government vessels will be charged tolls to pass through the Canal. It will not be actually paid in money, but will be a credit on the books of the Canal Company.

The present law has been amended also by this bill so as to provide that interest on construction costs shall be eliminated in calculating tolls. That principle is the same as that followed by the Tennessee Valley Authority in fixing its rates for power. This means that the Government continues to include the Canal Zone as a capital asset of the United States. It is a valuable part of our national defense and certainly it is also a great commercial asset.

By recognizing national defense as an important factor in dealing with the Canal Zone, interest on construction will be deducted from current maintenance charges for the purpose of fixing tolls, and it is believed that for the first time an accurate assessment of the business affairs of the Panama Canal Company will be arrived at. It will be unique in the Government service. It will really be a novel condition to have a corporation paying interest into the Treasury of the United States and at the same time maintaining itself in its operations.

The provisions for the readjustment of tolls would increase them approximately 5 cents per ton. The present rate is 90 cents. Under the terms of the bill, it is estimated that the increase would be about 5 cents, making the cost 95 cents a ton. The current volume of shipping through the Canal is approximately 28,000,000 tons per annum. The 5 cents additional toll would amount to an increase of approximately $1,400,000 annually if the bill becomes law.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Colorado. Mr. President, I need further explanation before I can consent to have the bill passed. I notice in the budget which is shown on page 5 of the report that there is set aside $8,000,000 to be paid into the Treasury. I should like to find out, if I can,

whether that is a fixed charge or whether that is merely a budgetary figure; whether it means anything or whether it has reference only to some items set forth in the report.

Mr. CHAPMAN. This is the interest rate on the capital investment at the going rate of interest, which at the present time is 2.3 percent.

Mr. JOHNSON of Colorado. Yes, but will it be paid?

Mr. CHAPMAN. Yes, it must be paid.

Mr. JOHNSON of Colorado. It must be paid.

Mr. CHAPMAN. The committee report says it must be paid into the Treasury of the United States.

Mr. JOHNSON of Colorado. I have not been able to find any language that requires that it must be paid. However, I do find language that requires the toll rate against the military shipping and United States shipping to be charged. We have to pay $2,500,000 a year for Government shipping. I do not find where such expenses as the $8,000,000 in interest to be paid into the Treasury is a fixed charge. Furthermore, the toll charge of 95 cents the Senator speaks of is a charge that moves up and down, and is more likely to move up than it is to move down.

Mr. CHAPMAN. It is entirely possible that that charge may be increased, because of the difference in cost of operation.

Mr. JOHNSON of Colorado. It is left wide open, Mr. President, and it can go up to the limit of the sky under the provisions of the bill. There are no limitations on what that charge may be. In other words, we are working out a cost-plus basis for operating the Panama Canal, as I understand the bill. I admit that it has only been called to my attention this morning. I started a study of it only a few moments ago, and I should like to ask that the bill go over.

The PRESIDING OFFICER. Without objection, the bill will be passed over.

AMENDMENT OF NATIONAL DEFENSE ACT, AS AMENDED

The Senate proceeded to consider the bill (S. 4088) to amend section 61 of the National Defense Act, as amended (32 U. S. C. 194), for the purpose of providing authority to the several States, Territories, the District of Columbia, Puerto Rico, Virgin Islands, and the Canal Zone to organize military forces and to provide for pay and allowances, travel, arms, ammunition, uniforms, equipment, medical, and other military supplies as deemed necessary to enable such forces to execute their internal security missions within or without their respective State and Territories, and for other purposes, which had been reported from the Committee on Armed Services, with an amendment to strike out all after the enacting clause, and insert:

That section 61 of the National Defense Act of June 3, 1916, as amended (32 U. S. C. 194), is amended to read as follows:

"(a) No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act. Nothing contained in this act shall be construed to limit the rights of the States in the use of the National Guard within their respective borders in time of peace or to prevent the organization and maintenance of State police or constabulary.

"(b) Under such regulations as the Secretary may prescribe for the organization, standards of training, instruction, and discipline, the organization by and maintenance within any State of such military forces other than a National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of such State is in active Federal service. Such military forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States. No person shall, by reason of his membership in any unit of any such military forces, be exempted from military service under any Federal law. The Secretary of the Army is authorized, in his discretion and under such regulations as he may prescribe, to use appropriations for the Military Establishment for any expenses of the United States incident to the training of the military forces authorized by this subsection except for pay, subsistence, medical care and treatment, and transportation of members of such military forces between their homes and the places of performance of such training. The Secretary of the Army, in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military forces, to any State, upon requisition of the Chief Executive thereof, such arms, ammunition, clothing, and equipment as he deems necessary.

"(c) As used in this section, the term 'State' means any State or Territory of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone."

Mr. HENDRICKSON. Mr. President, I offer an amendment to the committee amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment on page 5, line 21, it is proposed to strike out "Under" and insert in lieu thereof "Effective for a period of 2 years after the date of enactment of this amendment, and under".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. HENDRICKSON] to the committee amendment.

The amendment to the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 61 of the National Defense Act to permit the States to organize military forces, other than as parts of their National Guard units, to serve while the National Guard is in active Federal service."

MASTER STANLEY (ZACHNE) HILLER

The Senate proceeded to consider the bill (S. 3091) for the relief of Master Stanley (Zachne) Hiller which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the immigration and naturalization laws, Master Stanley (Zachne) Hiller shall be deemed to be the natural-born alien child of Mr. and Mrs. Harry Berger, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLVIN BERNARD MEIK

The bill (S. 3307) for the relief of Colvin Bernard Meik was announced as next in order.

Mr. SCHOEPPEL. Mr. President, reserving the right to object, may we have an explanation of the bill?

Mr. McCARRAN. This bill enables a captain in the British army who was born in India of British parents to enjoy the immigration status of one who was born in Great Britain. His father is now a permanent resident of the United States. The immigration quota of India to which the alien would normally be chargeable is oversubscribed and this bill merely places the alien under the British quota which has quota numbers available.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 3307) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the immigration laws, Colvin Bernard Meik, a British army officer who is presently residing in Great Britain, and who was born in India of British parents, shall be deemed to have been born in Great Britain.

TIME LIMIT FOR CERTAIN SUITS IN ADMIRALTY AGAINST THE UNITED STATES—BILL PASSED OVER

The bill (H. R. 483) to extend the time limit within which certain suits in admiralty may be brought against the United States was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GEORGE WASHINGTON

The bill (H. R. 1503) for the relief of George Washington was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KERR. Reserving the right to object, Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. An explanation is requested.

Mr. McCARRAN. Mr. President, this bill——

Mr. KERR. Mr. President, may we have order? If we are going to do something for George Washington, I think the Senate is entitled to know what it is.

Mr. McCARRAN. Mr. President, this bill cancels the outstanding deportation proceedings against a 43-year-old native of Austria who first entered the United States as a visitor in March, 1938. Subsequently he was married to a native-born citizen of the United States, and later he departed from the United States. On April 17, 1940, he was admitted to the United States for permanent residence, in possession of a preference quota immigration visa as the husband of a citizen

of the United States. In 1947, deportation proceedings were instituted against him on the grounds that, prior to his entry into the United States, he had been convicted of obtaining money by fraud. He was sentenced by the police court in Brussels, Belgium, to 5 months imprisonment and a fine of 500 francs, on June 22, 1937, on the charge that he had obtained a check for 20,000 francs by false pretenses. He is presently residing in California with his United States citizen wife and their minor citizen daughter. He is a tax counsellor, and is held in high regard by the citizens of his community, as is evidenced by the considerable number of letters and affidavits, contained in the committee files, which attest to his excellent reputation. He is the sole support of his wife and minor child, and his deportation would create a hardship to the family.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KERR. I have no objection.

There being no objection, the bill (H. R. 1503) was considered, ordered to a third reading, read the third time, and passed.

JOHN JOSEPH GRIFFIN

The bill (H. R. 7114) for the relief of John Joseph Griffin was considered, ordered to a third reading, read the third time, and passed.

WILLIAM A. HOGAN

The bill (H. R. 8337) for the relief of William A. Hogan was considered, ordered to a third reading, read the third time, and passed.

BERNARD GROFT

The bill (H. R. 8362) for the relief of Bernard Groft was considered, ordered to a third reading, read the third time, and passed.

ANGELO MESSINA

The bill (H. R. 8687) for the relief of Angelo Messina was considered, ordered to a third reading, read the third time, and passed.

MRS. OLGA KOWALIK AND CZESLAWA KOWALIK

The bill (H. R. 9144) for the relief of Mrs. Olga Kowalik and Czeslawa Kowalik was considered, ordered to a third reading, read the third time, and passed.

LEILA M. DODD

The bill (H. R. 8780) for the relief of Leila M. Dodd was considered, ordered to a third reading, read the third time, and passed.

GEORGE W. PURDY

The Senate proceeded to consider the bill (S. 3452) for the relief of George W. Purdy, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 10, after the word "Guard", to insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $810.50 to George W. Purdy, of Oak Bluffs, Mass., in full settlement of all claims against the United States for adjustment of retirement pay for the period July 1, 1933, to January 2, 1938, as a retired employee of the former Lighthouse Service of the Coast Guard: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELMER BELLER

The Senate proceeded to consider the bill (S. 1528) for the relief of Elmer Beller, which had been reported from the Committee on the Judiciary with amendments on page 1, line 6, after the words "sum of", to strike out "$14,145.72" and insert "$8,593.05"; and in line 7, after the amendment above stated, to strike out "Such sum together with any sums heretofore paid to said Elmer Beller by the Federal Employees Compensation Commission shall be in full satisfaction of his claim against the United States for compensation for personal injuries, and for reimbursement for loss of earning power resulting therefrom, sustained as the result of a fall caused by a defective cable, on August 18, 1944, while he was preparing for service in Germany with the Psychological Warfare Division, Supreme Headquarters Allied Expeditionary Forces" and insert: "Such sum shall be in full compensation of his claim against the United States for hospital and medical expenses paid by him as the result of an injury received on August 18, 1944, while training for service with the Psychological Warfare Division, SHAEF:", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elmer Beller (formerly an employee of the Office of War Information), the sum of $8,593.05. Such sum shall be in full compensation of his claim against the United States for hospital and medical expenses paid by him as the result of an injury received on August 18, 1944, while training for service with the Psychological Warfare Division, SHAEF: *Provided*, That no part of the amount appropriated in this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. Nothing contained in this act shall require the said Elmer Beller to repay any sums received by him as compensation for such injuries under the provisions of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in performance of their duties, and for other purposes", approved September 7, 1916, as amended.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HENDRICKSON. Mr. President, I ask unanimous consent to have inserted at this point in the RECORD an explanation of the bill.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

The purpose of this bill, as amended, is to pay the sum of $8,593.05 to Elmer Beller, of Princeton, N. J., formerly an employee of the Office of War Information, in full compensation of his claim against the United States for hospital and medical expenses paid by him as a result of an injury received in August 1944 while training for service with the Psychological Warfare Division, SHAEF.

Elmer Beller, an associate professor of history at Princeton University, was granted a wartime leave of absence from the university and was appointed, in April 1944, to a civilian position with the United States Office of War Information. He was sent to England and assigned to the Psychological Warfare Division, SHAEF. In preparation for active service in Germany he was sent to a military training center. On August 18, 1944, he attempted, as part of the training program, to go over an obstacle course which included his crossing above a stream while holding to a steel cable overhead. As a result of the cable breaking, Mr. Beller fell to the ground from a height of some 14 feet, suffering a fracture of the left hip and left arm.

Because of this accident Mr. Beller has undergone six operations, the first two in United States military hospitals and the last four in a private hospital in New York. His permanent disabilities are a 1- to 2-inch shortening of the left leg and partial loss of movement of the left hip and knee.

While Mr. Beller has reopened his case with the Bureau of Employees' Compensation in an effort to determine whether or not he is entitled to further monthly payments under appropriate statutes, it is the understanding of the sponsors of this bill and of the committee that under these statutes the Commission is not authorized to reimburse a claimant for sums he expended as actual "out-of-pocket" expense in procuring private medical treatment.

This is a case in which a man who was serving his country in time of war was seriously injured in line of duty, and where effective remedial medical treatment was not afforded by the Government. In similar cases the committee has recommended reimbursement of "out-of-pocket" expense to persons who left Government hospitals to seek treatment at the hands of private physicians when the amounts involved did not seem excessive in view of the results accomplished.

Mr. Beller's private physician performed four intricate operations for which he

charged a little over $1,500. The bulk of the amount expended was for hospital expenses, private nurses, etc. Mr. Beller returned to his position at Princeton University on September 23, 1946, after losing approximately 2 years of salary and with a permanent disability. This bill would simply reimburse him for the amount of money he paid out for medical expenses in an attempt to recover sufficiently to enable him to resume his teaching duties.

ACQUISITION OF LANDS TO COMMEMORATE THE HISTORIC FORT CAROLINE SETTLEMENT

The Senate proceeded to consider the bill (H. R. 7709) to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluff, Fla., which had been reported from the Committee on Interior and Insular Affairs with amendments. On page 1, line 5, after the word "otherwise", to strike out "not to exceed 500 acres of lands, or interests in lands, together with any improvements thereon, located in the vicinity of St. Johns Bluff, Duval County, Fla., to commemorate the historic settlement of Fort Caroline." and insert:

The following-described lands, together with any improvements thereon, to commemorate the historic settlement of Fort Caroline:

Lots 21 and 22 and Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, and 11A of St. Johns Bluff Estates, a subdivision of land described in plat book 18, page 50, of the current public records of Duval County, Fla.

All Z. Kingsley Grant, section 44, township 1 south, range 28 east, and Shipyard Island, also known as Island No. 12 (excepting therefrom that part of Z. Kingsley Grant, section 44, township 1 south, range 28 east, as described in deed recorded in deed book 4, page 3, of the current public records of Duval County, Fla.).

On page 3, line 13, after the word "States", to insert a semicolon and "and if, following any such reversion, the Secretary of the Interior shall determine that such lands would not be suitable for a national historical park and recommend that the United States sell or otherwise dispose of such lands, the former owners (other than the State) from whom such lands shall have been acquired by the United States under the provisions of this act, or their heirs, shall have an option to repurchase the lands at the price received therefor under this act."

And on page 4, line 9, after the word "exceed", to strike out "$100,000" and insert "$40,000."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HOLLAND. Mr. President, the report on this bill by the Committee on Interior and Insular Affairs is so exceedingly clear and contains so much data of great historical importance that I ask unanimous consent to have the committee's report printed at this point in the RECORD.

There being no objection, the report (No. 2547) was ordered to be printed in the RECORD, as follows:

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 7709) to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluff, Fla., having considered the same, unanimously report favorably thereon with amendments and recommend that the bill, as amended, do pass.

PURPOSE OF THE BILL

The purpose of H. R. 7709 is to preserve the site of the first settlement of men and women to come to what is now the United States for religious freedom and the first to put the principles of religious toleration into practice. Specifically, the over-all cost of not more than $40,000, designated parcels of land at St. Johns Bluffs, Fla., and to constitute them a National Historical Park in commemoration of the founding there in 1564 of Fort Caroline by a group of Protestants and Catholics.

In addition to its importance as a cradle of American tradition, the site also offers many attractions as a recreation area, possessing dramatic scenic beauty and a wealth of colorful subtropical vegetation.

A CRADLE OF LIBERTY

The concept of founding a settlement in the New World, where men seeking religious and personal freedom from the strife and turmoil into which the Reformation had thrown Europe, was conceived by the great French Huguenot leader, Admiral Gaspard Goligny, in conjunction with John Calvin. As is, of course, well known, the Huguenots were the hardy Protestants of midsixteenth century France.

An exploratory expedition was sent out in 1562 under Jean Ribault which touched at several points along the American coast from what is now South Carolina to Florida. Two years later, Ribault's second in command, Rene Laudonniere, returned with personnel and equipment for a permanent colony to the dramatic bluff on the St Johns River overlooking the sea. A fort named Caroline in honor of the French King, Charles IX, was built and in and around it was established the first colony in the new world of Europeans dedicated to toleration and freedom. At this time, June 1564, there were no settlements in what is now the United States, and since that time there never ceased to be such settlements.

The founding of Fort Caroline greatly spurred colonization to the north by the English—Sir Walter Raleigh talked personally with Jean Ribault after his return from the first expedition—and it forced the Spanish to found St. Augustine a year later in order to protect Spain's territorial claims in the new world.

Although the Fort Caroline colony of at least 300 men and women was predominantly French and Protestant, it is estimated that as many as a third were Catholics, and a number of nationalities other than French were represented, including British, Italian, and Austrian. This group both preached and practiced religious freedom and democracy as well, the precise location of the fort having been decided upon by free expression of opinion and all resolving to settle on the spot so favored by nature. The colony engaged in brisk trade as well as missionary work with the Indians, and in farming, animal husbandry, and wine-making. From the Indians they learned the use of tobacco, and were thus the first white men to acquire the smoking habit.

Eight or ten children were born to the settlers during the first 15 months of the settlement's life and are the first recorded births of persons of European extraction in the present area of the United States.

In September 1565 the Spanish conquistador Pedro Menendez established Spanish power in Florida for the next two and a half centuries (with a brief interlude of 20 years of British occupancy, 1763 to 1783) by subjugating the French colony of Fort Caroline in a surprise attack. It was the first international battle on United States territory. Menendez renamed the spot San Mateo, continuing it as a fort and settlement, and renamed the river San Juan from which its present name of St. Johns is derived. A few years later Dominque DeGourges, a French Catholic, avenged the blow the Spanish had struck at religious freedom, but Spain reestablished the settlement and the site was subsequently fortified by the British, again by the Spanish, then by the Confederate forces from whom it was seized by Union troops, and still later again fortified by the United States in the Spanish-American War.

As passed by the House H. R. 7709 contained appropriation authorization approved by the Bureau of the Budget of $100,000 and provided the acquisition of some 500 acres of unspecified land located in the vicinity of St. Johns Bluff, Duval County, Fla. In response to protests from property owners in the area, a subcommittee of the Interior and Insular Affairs Committee held a hearing. Representatives of the property owners were heard at length, as well as the two Senators from Florida, and Congressman CHARLES E. BENNETT, who has long sought the establishment of the park commemorating so many events of such great significance in American history.

As a result, amendments were worked out with the approval of all persons who appeared before the committee. Excluded from the proposed park area are any lands now occupied by home owners; and the amount of land to be acquired was reduced from 500 acres to less than 100 acres. The precise lands to be utilized are specified in the committee's amended bill, and the appropriation authorization is reduced to $40,000.

It is the committee's belief that the amendments meet the objections of substance to the bill as it passed the House and that all of the landowners who were represented at the hearing are in support of the bill, as amended, as are Congressman BENNETT and the Florida Senators.

Moreover, although both the area and the appropriation authorization have been substantially reduced, the tracts to be acquired still will embrace three of the most historic sites in what is now the United States. They are: (*a*) The site of the original French settlement of Fort Caroline in 1564 along the river bank to the west of St. Johns Bluff; (*b*) the site of the lookout maintained at the top of the bluff by the hardy pioneers of religious toleration; and (*c*) the site of the pond by which the Spanish conquistador Menéndez camped and held his council of war which decided the fate of sovereignty in the New World for years to come. In addition to its great significance in the development of American tradition, the site, as pointed out, is one of the most dramatic in scenic beauty on the entire eastern seaboard.

The favorable report of the Secretary of the Interior, submitted with the approval of the Bureau of the Budget, is set forth in full below:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., June 16, 1950.

HON. J. HARDIN PETERSON,
Chairman, Committee on Public Lands,
House of Representatives,
Washington 25, D. C.

MY DEAR MR. PETERSON: Your committee has requested a report on H. R. 7709, entitled "A bill to provide for the acquisition, inves-

tigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluff, Fla."

I recommended that this proposed legislation receive favorable consideration by your committee.

This proposed legislation would authorize the acquisition of not to exceed 500 acres of land in the vicinity of St. Johns Bluff, Duval County, Fla., to commemorate the historic settlement of Fort Caroline. The bill provides for alternate methods of administering such lands, either as a Federal area to be known as the Fort Caroline National Historical Park, or as a State historical park to be maintained and administered by the State of Florida. The method of administration would be determined by the Secretary of the Interior as a result of historical, archeological, and other investigations of the lands in question. The bill provides that before acquisition of any lands, the Secretary of the Interior shall secure from the State of Florida a statement of its willingness to accept and administer the lands for State historical park purposes in the event the Secretary shall determine that the lands should be so administered.

The necessity for this proposal, I am informed, is occasioned by the imminent sale for residential purposes of much of the land in the immediate vicinity of the site of the Fort Caroline settlement. Consequently, it is desirable that a suitable area be placed in public ownership in order to give immediate preservation to the site and to permit the conduct of the necessary archeological explorations in that area. The outcome of such investigations, we believe, will provide sufficient basic information for a determination by this Department as to whether or not the site of the Fort Caroline settlement should be included within the national park system, or whether it would be more suitably administered as a State historical park.

The following brief statement concerning the history of Fort Caroline may be of assistance to your committee in considering this matter.

Fort Caroline was founded by the French in 1564 on the western slope of St. Johns Bluff, 6 miles above the mouth of the St. Johns River. The fort was intended to be the nucleus of a permanent center of French influence. However, sickness and scarcity of food harassed the settlement almost from its beginning, and symptoms of discontent soon appeared. Within a year, the colonists were contemplating abandonment of the colony, but the timely arrival of Ribaut with supplies prevented this. Meanwhile, the Spaniards, who settled St. Augustine early in 1565, had heard of the settlement at Fort Caroline, and in September of that year sent Pedro Menendez to drive the French out of Florida and to establish a Spanish settlement there, in order to insure Spanish control of the region. While most of the able-bodied fighting men of Fort Caroline were on the French fleet that a storm had swept down the coast, Menendez attacked the almost defenseless settlement and indiscriminately slaughtered its defenders.

We have been advised by the Bureau of the Budget that there would be no objection to the presentation of a favorable report upon this measure, nor to the enactment of the bill, provided the appropriation authorization in section 4 is amended to limit the appropriation therein authorized to a sum not exceeding $100,000.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

RICHARD H. SEARS

The bill (H. R. 6020) for the relief of Richard H. Sears was considered, ordered to a third reading, read the third time, and passed.

ISSUANCE OF PATENT IN FEE TO JAMES CHESTER STEVENS

The Senate proceeded to consider the bill (S. 3519) authorizing the Secretary of the Interior to issue a patent in fee to James Chester Stevens, which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 1, line 9, after the word "quarter", to strike out "all", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue a patent in fee to James Chester Stevens for the following-described lands in the State of Montana: The east half of the northwest quarter, the west half of the northeast quarter, the west half of the east half of northeast quarter, the east half of the southwest quarter, and the southeast quarter of section 22, and the west half of the southwest quarter of section 23, township 9 south, range 33 east, Montana principal meridian, containing approximately 520 acres.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRANTING OF PUBLIC LANDS TO COUNTY OF KERN, CALIF.

The bill (S. 3706) to amend the act of May 28, 1926 (44 Stat. 670), entitled "An act granting public lands to the county of Kern, Calif., for park purposes" was announced as next in order.

Mr. LANGER. Mr. President, let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. KNOWLAND. Mr. President, I wonder whether the Senator from North Dakota will withhold his objection, so that I may make an explanation of the bill. The Senator from Wyoming [Mr. O'MAHONEY] is also very much interested in having the bill passed.

Mr. LANGER. I have no objection to withholding the objection; but when the Senator concludes his explanation, I shall object to the consideration of the bill.

Mr. KNOWLAND. Very well. I appreciate the Senator's willingness to withhold his objection.

Mr. President, let me say that this bill relates to public lands granted to the county of Kern, Calif., in 1926, for park purposes. However, in that connection a reservation was included that the lands be used only for park purposes.

Since that time there has been a considerable development in that area, both of Government installations and otherwise, so that now there is need to expand the school facilities there.

All that is proposed by the bill is that the county of Kern, to which the lands now have been granted, may be able to transfer these sites to the school district there, so that adequate educational facilities can be provided for the school children in that area. The land will still be used for public purposes. Any mineral rights which exist in that area are still to be reserved to the Federal Government. In no sense are they proposed to be transferred.

So the purpose of the bill is merely to permit, as a matter of public convenience, the county of Kern, which already has this land for park purposes, to be able to use a portion of the land for school purposes.

In view of the fact that the mineral rights are reserved to the Federal Government—and I see in the Chamber the chairman of the Committee on Interior and Insular Affairs, the distinguished Senator from Wyoming [Mr. O'MAHONEY], and of course he will be able to correct any statements I make if I am in error in any respect—I hope the Senator from North Dakota will withdraw his objection, and that the bill will be passed.

Mr. O'MAHONEY. Mr. President, let me say that the statement just made by the Senator from California is entirely accurate. The bill will not convey away anything now owned by the Federal Government. Rather, the bill reserves all mineral rights presently reserved to the United States.

The only result of the enactment of the bill will be to enable the country to which the land already has been patented to convey the land to the Taft School District for school purposes, but reserving to the United States, as before, all mineral rights.

I may say that the report of the committee on this bill was unanimous.

Mr. ANDERSON. Mr. President, let me thank the Senator from Wyoming for making that statement. I was going to ask him if it is not true that the committee report was unanimous, and that every member of the committee considered the bill carefully, and regards the bill as entirely worth while.

So I, too, hope the objection will be withdrawn.

Mr. LANGER. Mr. President, in view of the explanation and the circumstances, I withdraw the objection.

Mr. McCARRAN. Mr. President, I should like to ask a question. The conveyance now proposed to be made would permit the sale of the land, would it not?

Mr. O'MAHONEY. No; the county, in receiving the land, was forbidden to sell it. It is now proposed that the land be conveyed to the school board to be used for school purposes.

Mr. McCARRAN. To be sold for school purposes?

Mr. O'MAHONEY. No.

Mr. ANDERSON. Mr. President, school buildings will be erected upon this land. It is not to be obtained for the purpose of resale, but for actual use by the school district, for school purposes.

The PRESIDING OFFICER. Is the objection withdrawn?

Mr. LANGER. Yes, Mr. President, I withdraw the objection, I may say, in view of the eloquence of the Senator from California.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 3706) was considered, ordered to be

engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act approved May 28, 1926 (44 Stat. 670), entitled "An act granting public lands to the county of Kern, Calif., for public park purposes," is hereby amended by adding thereto the following:

"SEC. 2. Notwithstanding anything in this act to the contrary, the county of Kern, State of California, is hereby authorized to convey, for school and related uses, the said drilling sites numbered 9 and 10, comprising approximately 4 acres, to the Taft School Board of the county of Kern, subject, however, to the reservation to the United States, referred to in the first proviso in section 1, of all mineral deposits in the lands, together with the right to prospect for, mine, and remove the same."

EXCHANGE OF LAND FOR PURPOSES OF THE COLONIAL NATIONAL HISTORICAL PARK

The bill (S. 3398) to authorize the exchange of certain land for purposes of the Colonial National Historical Park, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States, from the York County School Board, State of Virginia, title to approximately one-half acre of land in Nelson District, York County, Va., situated within the authorized boundaries of the Colonial National Historical Park, and in exchange therefor to convey by deed, on behalf of the United States, to the school board approximately one-half acre of land of approximately equal value situated within the Colonial National Historical Park.

PERMISSION TO NATIONAL GRANGE TO ERECT A MARKER ON FEDERAL LAND IN THE DISTRICT OF COLUMBIA

The joint resolution (H. J. Res. 519) to permit the National Grange to erect a marker on Federal land in the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN PROPERTIES TO THE STATE OF GEORGIA

The bill (H. R. 3274) to provide for the conveyance of certain historic properties to the State of Georgia, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF SCHOOL FACILITIES OF NOME, ALASKA

The bill (H. R. 6537) to provide funds for cooperation with the Territorial school authorities of Nome, Alaska, in the construction, extension, improvement, and equipment of school facilities, to be available to both native and nonnative children, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. LANGER. Mr. President, may I inquire whether an appropriation will be required?

Mr. O'MAHONEY. Mr. President, this bill would authorize an appropriation of $35,000 for the purpose of providing and equipping an addition to the Territorial school. The idea of this bill is to make provision for the education of natives in the school building.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

DISPOSITION OF PUBLIC LANDS OF THE UNITED STATES IN THE STATE OF OKLAHOMA

The bill (H. R. 6640) to amend an act entitled "An act relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas," approved August 7, 1946, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

ACQUISITION OF CERTAIN LANDS TO PORT FREDERICA NATIONAL MONUMENT, GA.

The bill (H. R. 6986) relating to the acquisition of certain lands to Fort Frederica National Monument, in the State of Georgia, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

INTER-AMERICAN CULTURAL AND TRADE CENTER

The joint resolution (H. J. Res. 511) providing for recognition and endorsement of the Inter-American Cultural and Trade Center was considered, ordered to a third reading, read the third time, and passed.

RELEASE OF CERTAIN TRUSTEES UNDER VETERANS' HOUSING PROJECT CONTRACTS

The bill (H. R. 8458) authorizing the Housing and Home Finance Administrator to release the trustees of Columbia University in the city of New York, and the Citizens' Veterans Homes Association of Rockland County, Inc., from obligations under their contracts for operation of veterans' temporary housing project, NY–V–30212, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

Mr. SPARKMAN. Mr. President, this is a bill relating to some of the temporary war-use housing which was built during World War II. As the Senator may recall, a great deal of that was transferred to various colleges and universities under guaranty that they would maintain it, or under different arrangements. In this particular case, Columbia University itself did not actually take over the housing, but it was made available to the use of Columbia University students. Columbia University would supply the students, and the Public Housing Administration was to operate it. Columbia University was to make up any deficit which occurred, and, at the end, was to demolish the housing.

It has gotten along very well thus far, but it has just about reached the time when it cannot be operated profitably longer by the university. In order to avoid a deficit, Columbia University has established a program which looks toward the demolition of this housing. The housing is used by about 1,500 families, and in the present critical housing shortage, we certainly do not want those 1,500 units torn down. All the bill would do is to relieve Columbia University of that obligation which was made in order to save this housing for the 1,500 families.

Mr. SCHOEPPEL. I thank the Senator. I have no objection.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

EDUCATION AND TRAINING OF VETERANS

The concurrent resolution (S. Con. Res. 107) interpreting laws relating to tuition costs for education and training of veterans was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. HENDRICKSON. Mr. President, reserving the right to object, this is important legislation, and I think requires an explanation.

Mr. HUMPHREY. Mr. President, first I want to send to the desk a technical amendment which is necessary in order to correct an error in the printing of the resolution.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 3, line 10, after the word "that", it is proposed to insert "in the case of."

Mr. HUMPHREY. Mr. President, in reply to the question of the distinguished Senator from New Jersey, the purpose of this concurrent resolution is to clarify the intent of the law, S. 2596, Public Law 610, which pertains to the educational privileges and rights of GI's under the GI educational bill. This legislation was passed unanimously by the Senate, and in the conference report of the House and Senate, the interpretation of the specific language of the law was made very clear. However, we have had a little difficulty with the general counsel of the Veterans' Administration, who seems to have another idea as to how the law should be applied. We had representatives of the Veterans' Administration before the Senate Committee on Labor and Public Welfare, and we interrogated them at length, in an effort to get them to apply the law as the Congress had written it.

The express purpose of this concurrent resolution is to reaffirm what the Congress has already written into the law, and what the Congress has written into the conference report. This is merely a means of calling to the attention of the Veterans' Administration the fact that the Congress of the United States writes the law, and that the intent and purpose of the law is to be applied as the law is written, and as it is clarified by the conference report. That is the express purpose of the resolution.

Mr. HENDRICKSON. I wish to thank the able Senator from Minesota for the explanation.

Mr. HUMPHREY. Mr. President, I desire to place in the RECORD at this time the correspondence pertaining to this resolution between the chairman of the Veterans' Subcommittee, the Senator from Florida [Mr. PEPPER], and the Veterans' Administration, and ask that it be made a part of the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
Washington, D. C., Sept. 5, 1950.

Hon. CLAUDE PEPPER,
United States Senate,
Washington, D. C.

DEAR SENATOR PEPPER: Mr. H. V. Stirling, Assistant Administrator for Vocational Rehabilitation and Education, has referred to me your letter of August 17, 1950, addressed to Mr. A. H. Monk of his office, concerning the question of the applicability of section 2 of Public Law 610, Eighty-first Congress, to courses of less than 30 weeks.

For your information there is transmitted herewith a copy of the opinion dated August 16, 1950, which was approved by the Administrator of Veterans' Affairs on August 21, 1950, and will be the basis for an Administrator's decision and also for regulations which will be issued in the very near future. The subject matter of your inquiry is discussed in some length in paragraphs 15 to 20, inclusive. It will be noted that, while the opinion requires modification of the telegraphic instructions issued on July 14 respecting the effect of section 2, Public Law 610, Eighty-first Congress, the said instructions with respect to short, intensive correspondence and institutional-on-farm courses remain the same.

I hope you will appreciate that, while I do not question the sincerity of the conferees in thinking that the act would apply to all of these courses, I cannot find anything in the statute as written which would require, or even permit, it being applied, and this, notwithstanding the cardinal policy of this office always to construe, if possible, the statutes to accord with the expressed views of Members of the Congress. The executive department of the Government—as is the judicial—is bound to apply the statutes in accordance with the language used therein, and this is entirely proper under our constitutional form of government, for it leaves to the legislative department the authority to correct any matter deemed by it to require correction.

Sincerely yours,

EDWARD E. ODOM,
Solicitor.

SOLICITOR'S OPINION, VETERANS' ADMINISTRATION (OP. SOL. 413–50)

AUGUST 16, 1950.

To: The Administrator.

From: The Solicitor.

Subject: Construction of the Provisions of Section 2, Public Law 610, Eighty-first Congress.

1. Several questions have arisen respecting the meaning and application of certain provisions of section 2 of the act approved July 13, 1950 (Public Law 610, 81st Cong.), cited as the "Veterans' Education and Training Amendments of 1950."

2. The question (which are apt to become controversial) have to do largely with the question whether a school has a "customary cost of tuition" based upon the language: "In any case in which one or more contracts providing a rate or rates of tuition have been entered into in two successive years, the rate established by the most recent contract shall be considered to be the customary cost of tuition. * * *"

Coincident therewith are the questions as to the effective date of the act—whether contracts are required prior to said effective date, and what are the respective rights of the Government and the other contracting parties under the proviso in section 2: "That nothing in the foregoing amendments shall be construed to affect adversely any legal rights which have accrued prior to the date of enactment of the Veterans' Education and Training Amendments of 1950, or to affect payments to educational or training institutions under contracts in effect on such date."

3. The section in question is a new section (d) added to paragraph 11, part VIII, Veterans Regulation No. 1 (a), as amended (title II, Servicemen's Readjustment Act, 1944, as amended). A recapitulation of the historical development of this specific legislation may be helpful to an understanding of the apparently inconsistent provisions thereof. Under the original Readjustment Act (Public Law 346, 78th Cong.) the Administrator was authorized and required by paragraph 5, part VIII, to pay "the customary cost of tuition," with a proviso that if any institution had no established tuition fee, or such fee was inadequate compensation, the Administrator was authorized to provide fair and reasonable compensation not to exceed $500 for an ordinary school year. Concededly, this proviso was confined to publicly supported nonprofit institutions usually of higher learning.

4. The proviso of this paragraph 5 was amended by Public Law 268, Seventy-ninth Congress, December 28, 1945, but it was still clearly applicable only to such nonprofit institutions, generally of the higher learning type. The same act amended paragraph 3 of part VIII to authorize utilization of correspondence courses and also to authorize payment for short, intensive postgraduate courses of less than 30 weeks in length, without regard to the rate of $500 for an ordinary school year, but with acceleration of use of the veteran's eligibility and on the condition that the Administrator should contract with approved institutions for such courses, if he finds that the agreed cost of such courses is reasonable and fair. The same contractual authority was specified with respect to correspondence courses. Because of a contention now arising under Public Law 610, it is important to note at this point that this authority to find that the agreed rates were reasonable and fair was in no respect conditioned upon the institutions not having a customary cost of tuition for short, intensive or correspondence courses. In fact, at that time, the question of absence of customary cost in new schools had not arisen. (Identical authority was later (Public Law 377, 80th Cong.) given with respect to institutions giving institutional-on-farm training, none of which had customary charges for such courses.)[1]

5. With the exception of the instances above-mentioned, i. e., correspondence courses, short, intensive courses, and courses in nonprofit institutions of higher learning, the regulations of the VA then provided for the payment of the usual and customary charges of the institution, which was defined in broad terms as meaning the tuition or charges which an educational and training institution required a nonveteran enrollee to pay. For the convenience of the administrative, as well as the finance officers, and to support paid vouchers in the General Accounting Office post audit, contracts or written agreements were entered into with institutions for such customary rates, either mentioning them in the contract itself or by incorporating by reference the rates as contained in the printed literature of the institution. (Sometimes these "contracts" were merely unilateral "Statements of Charges" signed by a VA official and saying the charges were as therein stated.) Similar contracts under Public Law 16 of the Seventy-eighth Congress (Vocational Rehabilitation Act) were made. The rates of such contracts were not negotiated as agreed rates based on any cost formula, but under the amendments of the act of December 28, 1945, as well as under the broad authority of Public Law 16, there were negotiated rates for correspondence courses, short, intensive courses, and, in some instances, for courses at institutions of higher learning, although the regulations avoided negotiated rates in many of such institutions of higher learning by prescribing that the so-called nonresident rate (that is, the rate charged by statute or regulation for a resident of another State) was deemed to be fair and reasonable within the limitation prescribed by the last proviso of paragraph 5, i. e., cost of teaching personnel and supplies for instruction. It was found not long after the amendment of December 28, 1945, that many new profit schools, particularly of the trade training type, and many of a type not theretofore known—i. e., offering training generally available only by apprenticeship, or on-the-job training—were springing up throughout the country for the apparent purpose of affording training to veterans, although nonveterans were not prohibited from enrolling by anything other than the high cost. It was also found that because of the preponderant enrollment of veterans many old-established proprietary trade schools had increased their tuition rates. In many instances such rates were established at the maximum of $500 per school year, or very slightly thereunder for the purpose of avoiding the cost data formula for schools charging in excess of $500 per school year. It was obvious that such rates were wholly nonsupportable on a competitive basis but that since 90 to 100 percent of the enrollment was veterans, whose tuition was payable by the VA, there was no necessity for competitive rates. It was the view of the VA, based upon opinion of this Office, that in such instances there were no "customary charges" within the contemplation of paragraph 5 of the act. Beginning, therefore, in September 1947, and with later amendments effective July 1, 1948, and March 1, 1949, regulations and instructions were issued by the VA requiring that any such school having no customary charge of tuition must submit cost data upon which the VA might determine and fix by contract a fair and reasonable rate for training afforded veterans by any such institution. The authority of the Administrator so to regulate was challenged in the courts, but was sustained on the theory originally announced by this Office that, there being no customary rate, it was necessary, in order for the Administrator to pay anything, to establish a rate by contract.[2] Notwithstanding this some schools refused to negotiate a rate and never have done so.

6. While this litigation was pending in the district court, the Congress by an item in the Independent Offices Appropriation Act for the fiscal year 1950, placed the VA regulations in the statute. Public Law 266, Eighty-first Congress, enacted August 24, 1949, included the regulatory definition as to

[1] In some instances schools had customary charges in excess of the rate of $500 per school year. Prior to Public Law 268 (December 28, 1945) only $500 could be paid, the veteran being liable for the rest. After the enactment of Public Law 268, the veterans could elect to accelerate use of eligibility and the VA could pay more than $500. Such excess rates were not paid unless found fair and reasonable.

[2] One of the cases has been appealed to the Circuit Court of Appeals for the District of Columbia.

customary cost and prohibited paying tuition or subsistence allowance for any course of education or training for which the institution had no customary cost until a fair and reasonable rate had been determined. It provided further that in any case where one or more contracts providing a rate or rates of tuition have been executed for two successive years, the rate established by the most recent contract shall be the customary rate within the meaning of the statute. It further authorized the Administrator to prescribe a fair and reasonable rate to be paid pending the negotiation of an agreed rate, and further authorized an appeal on such rates to a board to be set up within the VA. Finally, it contained the same proviso as Public Law 610, that nothing therein shall be construed to affect adversely any legal rights accrued prior to the date of the enactment or to affect payments under the contracts in effect on such date.

7. It was well understood by those concerned with the Senate amendments to the bill which became Public Law 266, Eighty-first Congress, that the contracts for two successive years (construed as two full calendar years) were required to be negotiated contracts, or, more specifically, contracts having negotiated rates based upon the cost-data formula of the VA regulations pertaining to profit schools,[3] and the act was construed in accordance with its terms and such well-known legislative history. The act was not specific as to its effective date, but was construed as effective from the date of its enactment, August 24, 1949. Contracts were negotiated accordingly subsequent to that date, with a savings clause reserving an institution's right to appeal if it so desired. It was contended by some institutions, however, that the provisions relating to two contracts for two successive years meant any two contracts or written agreements covering any part of two successive years, whether such contracts were negotiated or were those purely formal agreements entered into under either Public Law 16 or Public Law 346, without requirement of the submission of any cost data or other showing of fair and reasonable rates. This contention led to the amendments herein considered.[4]

8. Almost immediately after issuance of VA regulations construing the term "contract" as indicated, a bill, S. 2596, was introduced in the Senate and, as later passed by that House, contained the language defining the term "contract," for the purposes of the section, as being any contract under Public Law 16 or Public Law 346, or any other agreement in writing upon the basis of which tuition payments have been made from the Treasury of the United States, but retaining the language of Public Law 266—"executed for two successive years." It added the provisions for the payment of a prescribed rate—not less than 75 percent of latest rate paid—pending negotiation of a contract and provided for an appeal to, or a review by, a board to be appointed by the President, and entirely independent of the VA.[5] With numerous additions and modifications, but with this language intact, S. 2596 was passed by the House of Representatives and thereafter conferees of the two Houses reported the act with certain modifications, including a change of the language "executed for two successive years" to "entered into in two successive years," and in that form the act was signed into law. The conferees issued an explanatory statement attempting to construe the various and diverse provisions of the act (Rept. No. 2373, 81st Cong., 2d sess.), saying on this point (p. 10):

"The conferees amended this language [i. e., 'executed for two successive years'] to provide that where one or more contracts have been 'entered into in' two successive years, in order to remove any ambiguity which might have existed. This would have the effect of freezing the tuition rates as prescribed by the most recent contract as the customary cost of tuition." [Emphasis and brackets supplied.]

Unfortunately the report fails to explain the ambiguities created by the new language, e. g., how one contract could be "entered into in" two successive years; or redefine what is meant by "years."

9. The first question has to do with construction of the language "in any case in which one or more contracts providing a rate or rates of tuition have been entered into in two successive years, the rate established by the most recent contract shall be considered to be the customary cost of tuition, notwithstanding the definition of 'customary cost of tuition' as hereinbefore set forth."[6] The statute does not define the term "year" or the expression "two successive years." Obviously, a year might mean a calendar year, a school year (which term is frequently used in the original statute), or a fiscal year. Interested parties insist that the "intention of Congress was quite clear."[7] The language apparently means all things to all men, but it would seem it should be considered in the light of the, presumably known to the Congress, administration's practice in contracting. The regulations respecting school contracts for institutions having no customary cost of tuition authorized short-term contracts up to 6 months for a try-out period for the purpose of determining more accurately proper cost data as a basis for fair and reasonable rates, but otherwise required contracts for a full year, running from the beginning effective date of such contracts. Often this was from the beginning of the fiscal year to the end thereof (i. e., July to June 30), but it might be any other intermediate date. (For example, many were from March 1, 1949, the effective date of the amendment to the regulations, to February 28, 1950.) Based upon the well-known practice and the necessity for giving some reasonable interpretation to the language of the statute, the administration in its instructions of July 14, 1950, construed the language as requiring contracts for one full calendar year (12 months), with a contract in the successive year as being within the requirement of the language in question. It is my opinion that this is a reasonable construction of the language, but that it is not the only possible meaning of the language employed, as stated in the conferees' report to remove any possible ambiguity; and since the whole apparent purpose of the section is to favor schools by giving them a frozen rate wherever possible, the spirit of the act, and therefore, its intent, will be met by construing said language to mean one contract (or two) over a period of any two successive years (whether school years, calendar years, i. e., January–December; or fiscal years, i. e., July–June), i. e., one or more contracts covering a period of more than 12 months. Such construction gives effect to every word in the sentence, and hence accords with accepted rules of statutory construction.

10. The next vigorous contention is that a "customary charge" established by the two successive year contract formula is the rate which must be paid from the end of the second such contract. To illustrate: There are schools which, in defiance of the VA regulations as well as of Public Law 266 (81st Cong.), absolutely refused to submit cost data or to negotiate a contract rate of tuition, or to accept the rate offered by the VA as fair and reasonable. Such schools had a formal statement of charges, or two or more such statements, either under Public Law 16 or Public Law 346, or both, prior to July 1, 1948, under which their claimed rates were paid—rates which were later determined by the VA, under the regulations, Public Law 266 and Public Law 610, not to be customary rates, and not to be fair and reasonable. Such schools were paid no tuition by the VA subsequent to July 1, 1948, or March 1, 1949, until August 24, 1949, unless a contract was entered into on a cost-data basis, for the reason that there was no legal authority to pay without a contract;[8] but after the later date, pursuant to the provisions of Public Law 266, a prescribed rate was paid where the institution submitted vouchers based thereon.[9] In one known case the school has never signed a negotiated contract, has not submitted vouchers, and has been paid nothing since July 1, 1948, although the VA tendered payment on a prescribed rate subsequent to August 24, 1949, as authorized in Public Law 266, supra. The VA has authorized the inclusion of a savings clause to the effect that submission of any vouchers based upon a prescribed rate of payment received for such vouchers shall be without prejudice to the institution appealing to, or asking review by the Board of Appeals, but some such institutions have refused to take advantage of this authorization. If, as contended by these institutions, Public Law 610 is retroactive in effect, the result would be that those institutions which ignored the provisions of the regulations and of Public Law 266 would have their original rates paid for all time without any adjustment whatsoever to determine that they were fair and reasonable and would thus by their defiance of the law and regulations gain an advantage over the institutions which complied therewith, and without any determination ever having been made that the rates are fair and reasonable unless statutory fiat be such determination.

11. If this be the clear intent of the law, there is no duty for the VA but to comply therewith. The question is: What is the intent of the statute? The language quoted taken alone could, but not necessarily would, support the contention. But a statute must be construed "within its four corners," and in this connection there must be considered section 8 of the act, which is: "This act shall become effective on the date of its enact-

[3] A different formula was provided by regulation for nonprofit schools.

[4] Some schools, refusing to execute contracts pursuant to Public Law 266, were paid a rate prescribed under said act.

[5] The provision of Public Law 266 "to fix and pay a fair and reasonable rate" was retained. Obviously this may be done by contract, or by prescribing a rate.

[6] The expression, "notwithstanding the definition of 'customary cost of tuition'" was employed simply to negative application of such definition, as obviously "customary costs" established by "freezing" contracts rates would not be the rates charged nonveterans.

[7] Four letters received from four different Senators—three being members of the committee reporting the bill—so contend, each giving a different meaning as follows:

1. Two successive fiscal years.

2. A contract for 1 month in 1948 and another for 1 month in 1949, or two calendar years.

3. A contract for 6 months followed by one for a full year.

4. Two contracts over any period of time.

[8] Some schools involved in litigation testing validity of the regulations were paid a stipulated rate without prejudice to their legal rights. Such rate was that found by the VA to be fair and reasonable under the profit formula.

[9] In contracts entered into under the regulations after July 1, 1948, and prior to August 24, 1949, an escape clause, if desired by the school, was authorized in any contract negotiated under the regulation to the effect such contract would be without prejudice to the legal rights of the school if the regulation were judicially determined invalid. After August 24, 1949, a different escape clause was authorized for contracts negotiated pursuant to Public Law 266, saving the right to appeal to the Board established thereby.

ment," and also the first proviso in said section 2:

"That nothing in the foregoing amendments (one of which is the language in question) shall be construed to affect adversely any legal rights which have accrued prior to the date of enactment of the Veterans' Education and Training Amendments of 1950, or to affect payments to educational or training institutions under contracts in effect on such date:" [Explanatory expression added.]

As indicated hereinabove, identical language in Public Law 266 was construed, and apparently without any contentions to the contrary, as meaning that the Government's legal rights, as well as the legal rights of those contracting with the Government were equally protected; and while Public Law 266 did not prescribe its effective date—which for appropriation purposes was July 1, 1950—it is apparent that its provisions as to education and training were not made retroactive. The accepted rule of statutory construction is that a statute is not retroactive unless specifically stated, or necessarily implied. It seems that the provisions of section 2, quoted immediately above, preclude a retroactive application as to payments thereunder, and that the VA, acting for the Government, has a legal right to have contracts upon negotiated bases for the period that the regulations alone were in effect, that is, prior to August 24, 1949, and also by negotiation or appeal for the period that Public Law 266 was in effect, i. e., on and after said date and until said provisions were repealed and reenacted by Public Law 610. It is equally apparent that the school had a like legal right. It is clear that any contracts made for any period after August 24, 1949, would be subject to appeal to or review by the Board because of the language in the last paragraph of section 2, which is as follows: "Any educational or training institution which has a contract covering any period subsequent to August 24, 1949, shall be entitled to a review by the Veterans' Education Appeals Board of the rate of tuition, fees, and other charges established in such contract," but this specific authorization for review of such contracts covering a period after August 24, 1949, precludes, by application of the rule of statutory construction, "inclusio unius exclusio alterius ost," Board review of contracts prior to August 24, 1949; although as to any period of such contract extending beyond said date a right to review by the Board exists.

12. It is not understandable how, under any theory of law, a review of such contract which has been completely performed (i. e., which terminated prior to July 13, 1950, and did not have a reservation of the right to appeal) can have any effect other than to establish the customary charges to be paid after the termination date of such contract, i. e., to establish a "customary rate." [10] However, this otherwise apparently sensible construction of such language would seem to be inconsistent with the first proviso that nothing in the foregoing amendments shall be construed to affect payments to educational or training institutions under contracts in effect on the date of enactment, unless it is confined to contracts not in effect on said date—otherwise a "frozen" rate fixed by such review would affect contracts in effect on July 13, 1950. Such inconsistency disappears if the last-quoted proviso is confined to amendments preceding it, and as having no application to the language following it, in which event the rate established by the Board for a contract covering a period subsequent to August 24, 1949, would be the customary rate, unless a later contract in effect on the date of enactment of Public Law 610 prescribed a different rate, and such rate becomes, by virtue of the one or more contract provisions, the "customary rate." Obviously, the contract in effect on July 13, 1950, may be reviewed by the Board, if application is timely filed, notwithstanding the language of the proviso, for such review is authorized for any contract covering a period after August 24, 1949. The language of the proviso, "That nothing in the foregoing shall be construed to * * * affect payments * * * under contracts in effect * * *" on the date of enactment was taken from Public Law 266, and in that act, as here, it made inapplicable, as to such contracts, the appellate procedure provided as to contracts entered into before the effective date of the act in question. The added sentence at the end of section 2, however, affords a right of review as to such contracts—thus overcoming, to this extent, the effect of the proviso. Presumably, the Board would take these principles into consideration and would not review a rate of an expired contract except for the purpose of establishing a fair and reasonable "customary rate" for future payment. It was, in fact, the theory upon which the instructions were issued that the Government has the legal right to have such "customary rate" established either by negotiations or Board action in any case where no contract was in effect on July 13, 1950, because of the refusal of the school to contract; and, necessarily, the school would have the same legal right where it had refused, or accepted conditionally, the rate determined, and offered it, by the VA.

13. There is another possible construction of the apparently inconsistent provisions hereinabove discussed, viz, that, while the VA, acting for the Government has a legal right to insist upon contracts on a negotiated basis for any period of time prior to August 24, 1949, and to a negotiated or Board determined rate for the period on or after that date and prior to July 13, 1950, and this notwithstanding the fact that the school may have had one or more contracts for successive years prior to July 1, 1948, nevertheless, the rates established by those prior contracts are the frozen rates (customary) to be paid from July 13, 1950, on, within the intent and purposes of Public Law 610, with the rate or rates for the intermediate periods to be by agreement or by appeal to the Board, as indicated above.

14. The tentative instructions issued by the VA construing and applying these provisions are to the effect that where one contract or more, covering a period of at least 12 months had been entered into, and one entered into thereafter is in effect on July 13, 1950, or where such contracts have been entered into and negotiations for another contract are under way on said date, further negotiations for agreed rates will not be necessary, but that the rate of the latest contract shall be considered the customary cost of tuition.[11] They further provide, however, that where negotiations have been broken off by the school as where, for example, as above related, schools have refused to submit cost data or to enter into agreed contract rates as offered by the VA, the school will not be considered as having a customary cost of tuition until the rate has been established by agreement or by appeal to the Board. It was agreed at the time these instructions were issued that they were tentative and somewhat on a trial basis. It was my view then, and it is my considered opinion now, that they should be modified to this extent, that in any case where contracts have been entered into on the 2-year basis, as hereinabove construed, the rate payable from July 13, 1950, on, must be the rate of the latest such contract, even though that contract was in 1948, and was not on a negotiated or cost data rate basis, but that as to any rate payable over a period prior to July 13, 1950, it must be on a negotiated basis for any period prior to August 24, 1949; and after that date, if agreement cannot be had as to rates, on a temporary prescribed rate basis with the right of the school to have such rate finally determined by the Board on an appeal pursuant to section 2. True, this construction results in discrimination in favor of noncomplying schools, and in the Government paying excessive tuition rates on and after July 13, 1950, in such instances, but it seems to accord due recognition to each of the otherwise inconsistent provisions of the act, and to give effect to the evident intent to overcome the efforts of the VA to assure that the Government would pay only what it considered fair and reasonable rates and get value received therefor. Indeed, if it were not for section 8 and the proviso of section 2, these frozen rates possibly would have to be paid retroactively. While this result seems inevitable as to any period after the effective date of Public Law 610, to give such effect retroactively would be to ignore the proviso saving legal rights or a rationalization of the meaning and intent thereof based upon no known principles of logic or construction. The question may arise whether an agreed rate, or one established by the Board on appeal or review, will become the customary rate so as to displace such frozen rate; the answer seems obviously in the negative, as no power exists to change a frozen rate.

15. The third contention concerns the so-called short, intensive courses described above and which were provided for by the act of December 28, 1945 (Public Law 268, 79th Cong.). While section 2 is entirely silent respecting such short, intensive courses, correspondence courses, or institutional-on-farm training courses, the conference report, it is claimed purports to construe section 2 as including short, intensive courses, in the following language: "The provisions of section 2 apply to all courses which were covered by contract or other agreement, without respect to the calendar duration established or the weekly hours of attendance required for such courses" (p. 10). If this language were in the statute, instead of merely an explanation of the conferees' understanding of the effect of the statute, and were taken literally, out of context and regardless of the applicable rules of statutory construction it would mean that every school and university, public and private, profit and nonprofit, new or old, would have a frozen rate, for every such school (except those in existence for less than 1 year) has had two or more contracts or other agreements.

16. Fundamentally, statutes must be construed and applied in accordance with the language thereof in the light of accepted rules of statutory construction which, of course, accord due recognition to legislative history. However, recourse may not be had to legislative history to vary the plain terms of a statute.

17. Everything in section 2 of Public Law 610 relates to schools having no "customary costs of tuition" or "customary charges." Said section 2 adds to paragraph 11 of part VIII, Veterans Regulation 1 (a), as amended, a new subparagraph (d) which, as stated, applies only to schools having no customary charges. First, the amendatory language defines "customary charges" for the purpose of delineating those schools which have no customary charges. This definitive language is that which was originally contained in the Veterans' Administration regulations, later enacted into law by an item in the Independent Offices Appropriation Act, 1950, Public Law 266, Eighty-first Congress, and reenacted in Public Law 610, supra. Such provisions never applied to schools having customary

[10] We are not here concerned with the right—under the war powers of the Constitution—to renegotiate cost plus, or other, war or defense contracts.

[11] This gave a sort of retroactive effect to the frozen rate, but obviously the Administrator has the authority to find such rate fair and reasonable for a prior period, and hence to pay it for such interim period.

charges, nor did they apply to schools giving correspondence courses, short intensive courses, or institutional-on-farm courses. Some of such courses were, and are, given by nonprofit schools, others by profit schools.[12] The authority to contract for fair and reasonable rates—without regard to whether the institution does or does not have customary charges—was written into the statutes for an entirely different purpose, viz, to relate the cost of such courses to the benefit received by the veterans through the accelerated use—in many instances—of their eligibility. (See p. 52, et seq., Administrator's Report on Education and Training, Committee Print, 81st Cong., 2d sess.). There is nothing in Public Law 610 which would give them any broader application than they had in the original regulations or Public Law 266.

18. The authority of the Administrator to contract for fair and reasonable rates, as above discussed, is contained in paragraph 3 (b), as amended by Public Law 268, Seventy-ninth Congress, and is in no way contingent upon schools giving short, intensive postgraduate or training courses of less than 30 weeks' duration, having or not having "customary charges." Indeed, many such schools had and have customary charges, and those are paid without question if they are found to be reasonable and fair. Otherwise an agreed rate is paid, based upon a showing of what is reasonable and fair. The same thing is true with respect to correspondence courses (par. 3 (c)), and likewise with certain differentiations, with respect to institutional-on-farm training courses as provided by Public Law 377, Eightieth Congress. Public Law 610 does not in terms repeal any of said acts, and repeal by implication is contrary to accepted rules of statutory construction. In fact, the very language of section 2 concerning appeals—"Any * * * institution which is dissatisfied with a determination of a rate of payment for tuition, fees, or other charges under the foregoing provisions of this paragraph"—clearly indicates an intent to confine its application to paragraph 11, as amended by subparagraph (d) (sec. 2 herein discussed). Certainly it does not apply to paragraph 3 (short, intensive courses) or paragraph 11 (c) (institutional-on-farm courses).

19. It is believed that generally speaking it will be more advantageous if schools giving short, intensive courses and those giving institutional-on-farm training, are not subject to the provisions of sec. 2, Public Law 610. The VA has, by regulation, independently of Public Law 610, provided that rates reached by agreement with schools giving such courses shall remain in effect without the submission of additional cost or other justifying data until conditions change so as to require a reexamination of the question whether the rate is fair and reasonable or should be adjusted. This may be done upon the motion of either the school or the Administration. Consequently, when a rate becomes unrealistic because of changed conditions, as for example, increased costs or change in enrollment, such schools may request a new rate. This cannot be done by schools subject to section 2, Public Law 610, for their rates are frozen and there exists no authority either in the VA or any other executive agency to change such frozen rates either upward or downward. Many schools subject to the frozen rate provision of Public Law 610 have said they will have to close because of such frozen rate. This would be disastrous to the farm training program particularly. Further extension of the existing rates may be made by regulations now in process; indeed the Administrator would have legal authority to provide by regulation for an appeal to the Board; but in such event the Board findings would be advisory only, for the Administrator cannot either by regulation or delegation abrogate statutory responsibility of decision. Hence, in contradistinction from matters within its statutory jurisdiction an appeal would be to the Administrator—as in all cases under delegated authority.[13]

20. The statement of the managers, quoted above, it would seem, was made without consideration of the statutory provisions as above outlined, or indeed, of the reports of the Veterans' Administration pointing out what courses and schools would and would not be affected by the proposed legislation. The language of the report does not clearly refer to correspondence courses, short intensive courses, or institutional-on-farm training courses; but if it does relate thereto, there is nothing in Public Law 610 which would preclude application of the rule of statutory construction that legislative history may not be relied upon to change the plain terms of the statues, or to accomplish by mere statement—however firmly believed by legislators—repeal of basic statutory authority.

21. A further question has arisen as to just what is included in a frozen rate. The language of section 2, establishing the frozen rate: "In any case in which one or more contracts providing a rate or rates of tuition have been entered into in two successive years, the rate established by the most recent contract shall be considered to be the customary cost of tuition notwithstanding the definition of 'customary cost of tuition' as hereinbefore set forth" mentions only "tuition." However, the language authorizing the Administrator to establish fair and reasonable rates is not confined to tuition but is "to fix and pay * * * a fair and reasonable rate of payment for tuition, fees, and other charges for the courses offered by such institution." Notwithstanding the perfectly apparent inconsistency of the two sentences, standing in close physical juxtaposition, the conference report states (pp. 10–11): "It is also intended that where a contract includes tuition, fees, or other charges for a course, such contract shall be considered as an entity in determining the rate or rates to be paid to the institution for such course."

22. The inconsistency is dispelled if the contract rate (i. e., tuition) is based upon cost data including books, tools, and supplies as consumable items to be furnished each enrollee; but many contracts provide for the furnishing of books or tools, or both, separately either upon an agreed price or at cost to the institution not to exceed a stated maximum price per article, and to be paid for separately. It has been found in some cases such contracts were in error in that they included tools or books for which the Government has no authority to pay, i. e. they were not required of other enrollees, hence paragraph 5, part VIII (Public Law 268) affords no authority to pay for them.[14] Further, in numerous cases wherein the contracts stated a maximum rate it was found that schools set up dummy corporations to purchase tools and books at wholesale—as the school could do—and to sell them to the school at retail prices so as to boost the rate paid by the VA under the contract. Disclosure of these dummies by either the General Accounting Office or the VA has occasioned suspension of millions of dollars in submitted vouchers, and amendatory regulations to require a showing that such books or tools purchased at a price established by competition or are those required to be paid by nonveteran students, if any. It is the contention of these schools that these rates are frozen and that the VA by reason of section 2, will have to continue to furnish unauthorized books or tools and to pay illegal prices for those authorized. It is not readily conceivable that the intent and effect of an act freezing rates is to require payment of taxpayers' funds for rates obtained by fraud or trickery. Absent such fraud or chicanery, however, it is the apparent intent of section 2 that the frozen rates shall include all other charges as a part of the tuition if such charges entered into the tuition rate as established by the contract, or where the total contract rate for the course includes books or tools to be paid for—not sepa-

[12] Actually the cost data formula (profit schools) orginally developed for such schools was extended by regulation to schools having no customary charges.

[13] While the statute says that the decision of the Board on all matters shall be final administratively it obviously means—as pointed out by the report (p. 11)—matters within its jurisdiction. It is not clear that the Board would accept jurisdiction in such cases, but if it should do so it would be bound—or else its findings would be null—by the Administrator's decisions and regulations. The Administrator, and all others, must be bound by regulations issued pursuant to statutory authority—that is to say there is no power in the Administrator to make a contract contrary to his own validly issued regulations—for they are just as much law as is the statute itself. Section 2 does not specifically provide any statutory authority for the Board to issue rules or regulations construing the law; nor does it provide any guide or limitation for Board action other than that it shall not fix a rate of payment in excess of the maximum allowable under the Servicemen's Readjustment Act of 1944, as amended. There is no maximum prescribed by such Act as amended by Public Law 268, Seventy-ninth Congress (except as to correspondence or short courses), hence there is no limit prescribed by statute for courses which may be considered by the Board under its statutory authority. While the act (Public Law 610) is silent as to the Board being bound by the Administrator's decisions and regulations, it would ordinarily be assumed, in the absence particularly of any statutory authority for the Board to issue supervening regulations, that such administrative rules would govern its actions; but the conference report states (p. 11) that the Board shall promulgate rules and regulations governing its own operations, and that it "shall take cognizance of, but shall not be bound by" regulations issued by the Administrator pursuant to the statute; and further that while the Board should give careful consideration to long established policies and decisions of the Administrator it shall not be bound by any such decision. Apparently an ad hoc determination only, without statutory or regulatory limitation, is contemplated at least by the conference report; whether this may be an unconstitutional delegation of legislative authority may be for ultimate decision by the judiciary. No opinion is expressed or implied, except that certifying officers of the VA will have the legal right to ask an advance decision of the Comptroller General in any doubtful payment based on Board decision. It is not overlooked that the act (sec. 2) provides that the Board shall be subject, in certain specified respects, to the Administrative Procedure Act, but that act, by its own terms, excepts from application of its provisions public contracts. As the Board has no apparent power to contract, or to direct the Administrator to contract contrary to his own regulations, it may be the act contemplates payment of rates prescribed by the Board without any further action in cases within its statutory jurisdiction. This may be a question for the Accounting Officers, Office of the Comptroller General.

[14] A contract contrary to authority of law (regulation) although made by a Government officer is not binding on the Government. *Federal Crop Insurance Corporation* v. *Merill* (332 U. S. 380).

rately—but as the total cost, such contract rate is the frozen rate for all charges so included; but where in a contract a permissive maximum rate is provided for books or tools, or an indeterminate rate subject to a showing of actual costs, or books, tools or supplies are to be billed and paid for separate from tuition, fees, etc., the frozen rate for tuition does not include books or tools, and that there is no frozen rate for books or tools. The same conclusion applies to any item not authorized to be supplied by paragraph 5.

23. Finally, at least for present consideration of section 2, a controversy has arisen as to whether rates frozen by said statute can be unfrozen or adjusted. Requests for such adjustment are based upon increasing costs or decreased enrollment, or both; and numerous schools have announced an intention to close unless relief may be granted.

24. As hereinbefore discussed at length, the Administrator does have authority to agree to fair and reasonable rates in the following instances:

(1) For correspondence courses (par. 3 (c), p. VIII).

(2) For short, intensive courses (par. 3 (b), p. VIII).

(3) For institutional-on-farm courses (Public Law 377, 80th Cong.).

(4) For nonprofit schools of higher learning having no customary cost of tuition or when such customary cost of tuition is insufficient to permit the institution to furnish education or training to veterans or inadequate compensation therefor (third proviso, par. 5 (a), amended by Public Law 268, 79th Cong.).

(5) For additional facilities (Public Law 16, 78th Cong.).

(6) For any school (other than one of higher learning) having no customary cost of tuition (sec. 2, Public Law 610, 81st Cong.).

25. In every other case the Administrator must pay the customary cost of tuition and other required fees. Paragraph 5 is specific on this point, reading:

"The Administrator shall pay * * * the customary cost of tuition, and such laboratory, library, health, infirmary, and other similar fees as are customarily charged, and may pay for books, supplies * * * as are generally required for * * * other students in the institution" (Public Law 268, 79th Cong.).

26. Public Law 610 affords no authority to the Administrator, or to the Board to change a customary rate or charge, and there exists no such authority under any other statute except as stated above; and if it be argued that a school had a legal right under Public Law 266 to negotiate an additional contract so as to get a better frozen rate, and that such legal right is preserved by the proviso of section 2, then the unavoidable corollary would be that the Government also has such legal right so preserved—which would be completely contrary to the obvious intent of the language prescribing the conditions for a frozen rate. For this reason as hereinbefore discussed, the legal right is to an interim rate, the frozen rate being payable from July 13, 1950.

27. In summary:

(1) One or more contracts covering a period in any two successive years (school years, calendar years, or fiscal years) will establish a frozen rate under section 2, Public Law 610, if more than 12 months are covered;

(2) The frozen rate is that of the latest contract or other written agreement entered into prior to July 13, 1950 (or after that date if the school did not meet the two successive year requirements until after that date);

(3) Unless the frozen rate is established under Public Law 266, (81st Cong.), the effective date (beginning) of a frozen rate under Public Law 610 is the effective date of said act, July 13, 1950—except as to rates established by contract for new schools or new courses after July 13, 1950;

(4) The Government has a legal right, saved by the proviso of section 2 to have rates prior to July 13, 1950, unless frozen by Public Law 266, to be negotiated for any period prior to August 24, 1949, or on or after that date by negotiation or appeal;

(5) For any period on or after August 24, 1949, the Administrator may, in the absence of an agreed contract rate, prescribe and pay a fair and reasonable rate, pending negotiation of a contract rate or an appeal to the Board; and for any period after July 13, 1950, he may likewise prescribe and pay such rate, but not less than 75 percent of the last rate, if any, paid; however, if a rate prescribed pursuant to Public Law 266 was in effect on July 13, 1950, it may continue to be paid until the contract rate is established unless superseded by a frozen rate under Public Law 610. If, as in the case of a new school or course, there is no last rate paid an interim agreed rate, pending determination of the contract rate, may be paid without prejudice to either party;

6. For any period prior to August 24, 1949, the Administrator may pay an interim agreed rate without prejudice to the school being entitled to receive payment at the contract rate finally agreed upon. The Board has no jurisdiction of a contract or other rate prior to August 24, 1949;

7. While a rate frozen under Public Law 610 cannot be effective prior to July 13, 1950, the Administrator may, if he finds such rate fair and reasonable, pay it by agreement for the period intervening the last contract negotiated under Public Law 266, and the effective date of Public Law 610; otherwise a rate for such period must be fixed by agreement or appeal;

8. Subject to the foregoing, a "frozen rate" is payable from the end of the period covered by the contract establishing such rate, whether under Public Law 266 or Public Law 610; and renewal of the contract is not legally necessary but is permissible for administrative purposes. Otherwise payments should be supported by official notice of the frozen rate;

9. The frozen rate provisions of section 2 do not apply to: (a) Correspondence courses; (b) short, intensive courses; (c) institutional-on-farm courses. They do apply to all other schools (except institutions of higher learning) having no customary charges;

10. The customary charges (frozen rates) established under Public Law 266 or Public Law 610 cannot be adjusted administratively, but only by amendatory legislation;

11. The frozen rates, Public Law 266 or Public Law 610, include books or tools only where the cost thereof is an integral part of the specified total cost of the course; and then only if the rate be not induced by fraud or misrepresentation of cost data;

12. Contracts in effect on July 13, 1950, are not affected by section 2, absent an appeal or review, and payments for tuition, books, and tools are payable in accord with the terms of the contract. In the event of an appeal, or review pursuant to section 2, the rate fixed by the Board will be the frozen rate.

28. It is recommended that the tentative instructions issued heretofore be amended accordingly.

29. A collateral question arises whether a contract void because of fraud or material misrepresentation precludes the establishment of a "frozen" rate by prior contract meeting the 2-year requirement. In numerous instances, schools required by the regulations or the statute to submit cost data for the purpose of establishing fair and reasonable rates have been proved to have committed fraud or willful material misrepresentation as to such required data. The purported contract is thereby vitiated—hence it cannot, being no contract, form the basis of a frozen rate. In many instances of fraud, the school necessarily closes, because no further payments can be made; in others voluntary restitution is permitted, while in others a receiver or trustee takes over and continues the operation of the school. Quaere: does the last valid contract establish frozen rate (from July 13, 1950, on) as in the case of a school which refused to sign a contract on a negotiated rate basis? Even though estoppel (fraud or misrepresentation upon which one party—the United States—acted to its detriment) does not govern, it would seem that the guilty party has placed himself in a position that prevents him being heard to say that he has a frozen rate. In other words, by signing a contract voided by his own action he created a right in the Government to have the resultant injury righted by appropriate remedy, which right is preserved by section 2. Such correction, presumably, will result in the establishment of a fair and reasonable rate for the period in question and thereby result in a frozen rate. As a necessary corollary, where there is not in any such case, a frozen rate under either Public Law 266 or Public Law 610, there is no legal prohibition against the receiver, trustee, or other representative of the school negotiating a contract, pursuant to the provisions of the applicable statutes.

EDWARD E. ODOM.

Approved by the Administrator, August 21, 1950. E. E. O.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution (S. Con. Res. 107).

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota, and which has been read.

The amendment was agreed to.

The concurrent resolution (S. Con. Res. 107), as amended, was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That for the purpose of interpreting the terms of Public Law 610, Eighty-first Congress, approved July 13, 1950, it is hereby declared that—

1. The provisions of section 2 of Public Law 610, which amended paragraph 11, part VIII, of Veterans Regulation No. 1 (a), as amended, relating to the customary cost of tuition and to other charges required by educational institutions for the training of veterans under that act were and are intended to apply to all courses of training covered by contract or other agreement, without respect to the calendar duration established or the weekly hours of attendance required for such courses.

2. By enacting the provision of section 2 of Public Law 610, it was and is intended that a contract including tuition, fees, or other charges for a course shall be considered as an entity in determining the rate or rates to be paid to the institution for such course.

3. Section 3 of Public Law 610, which amended paragraph 5 of part VIII of Veterans Regulation No. 1 (a), as amended, was and is intended to provide that any institution (and not only institutions of higher learning) shall be regarded as a nonprofit institution for the purpose of applying the governing statutes and applicable regulations of the Veterans' Administration respecting the payment of tuition and other charges, in the case of nonprofit institutions, if it is exempt from taxation under paragraph (6), section 101, of the Internal Revenue Code, whether it was certified as such by the Bureau of Internal Revenue before or subsequent to June 22, 1944.

4. It was and is the congressional intent, by enacting Public Law 610, that in the case of any educational or training institution which has entered into one or more contracts in two successive years, the rate established by the most recent contract shall be considered the customary cost of tuition.

The preamble was agreed to.

The PRESIDING OFFICER. That completes the consideration of the bills on the new portion of the calendar. We will now return to the consideration of bills placed at the foot of the calendar.

REHABILITATION OF DISABLED PERSONS

The Senate proceeded to consider the bill (S. 4051) to assure the provision of all necessary services to prepare disabled persons for and establish them in remunerative employment, to make special provision for the blind and other severely disabled persons, and for other purposes, which had been reported from the Committee on Labor and Public Welfare with amendments on page 71, after line 2, to insert:

"(d) The terms 'physcians' and 'corrective surgery or theapeutic treatment' and 'hospitalization' include osteopathic practitioners or the services of osteopathic practitioners and hospitals within the scope of their practice as defined by the State law;".

In line 8, to reletter the subsection from "(d)" to "(e)", and in line 11, to reletter the subsection from "(e)" to "(f)", so as to make the bill read:

Be it enacted, etc., That this act may be cited as the "National Services for Disabled Persons Amendments of 1950."

DECLARATION OF PURPOSES

SEC. 2. The Congress hereby finds and declares that—

(a) It is the policy of the United States to encourage and assist physically and mentally handicapped persons to help themselves prepare for and engage in remunerative employment to the extent of their capabilities thereby increasing not only their social and economic well-being but also the productive capacity of the Nation;

(b) This policy should be carried out by strengthening the existing programs for the vocational rehabilitation and the job counseling and placement of disabled persons and the licensing of blind persons for the operation of vending stands in Federal buildings and by adding such supplementary services and programs as will enable the greatest possible number of disabled persons to receive the services they need to obtain and retain remunerative employment;

(c) To achieve the objectives of this policy, there is great need for supplementary grant-in-aid programs to assist the States in—

(1) providing adjustment training services to blind persons to assist them in making the maximum adjustment to their disability;

(2) establishing, for severely disabled persons, sheltered employment opportunities—in workshops, in their own homes, or in individual business enterprises—where such persons, through the development of their skills and techniques under competent guidance, may become self-supporting to the extent possible; and

(3) developing rehabilitation centers where disabled persons may obtain such individual services as testing, fitting, and training in the use of prosthetic devices or an integrated program of physical restoration and prevocational or vocational training under competent professional supervision and direction;

(d) There should be established and operated, for the blind and other severely disabled persons, research and adjustment centers where the effectiveness of the techniques and devices used in the vocational rehabilitation of such persons can be developed, improved, and tested.

(e) The services provided to disabled persons by the national system of public employment offices in the States should be strengthened.

(f) In the administration of programs for the rehabilitation of disabled persons there should be maximum cooperation with, and utilization of services provided by, nonprofit private agencies rendering services to the disabled.

RANDOLPH-SHEPPARD PROGRAM—VENDING STANDS FOR THE BLIND

SEC. 3. (a) The Vocational Rehabilitation Act, as amended (57 Stat. 374, 29 U. S. C., 1946 ed, ch. 4) is hereby amended by inserting at the beginning thereof the following: "Title I—Vocational Rehabilitation."

(b) Such act, as amended by this act, is further amended by adding after section 11 a new title consisting of the provisions of the act of June 20, 1936, ch. 638, 49 Stat. 1559; 20 U. S. C., 1946 ed., ch. 6A), with modifications, as follows:

"TITLE II—VENDING STANDS FOR THE BLIND

"PURPOSE

"SEC. 201. That for the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this title shall be authorized to operate vending stands on any Federal property where, in the discretion of the head of the department or agency in charge of its maintenance, vending stands may be properly and satisfactorily operated. In the placement of operators in any such vending stands, preference shall be given to licensed blind persons.

"FUNCTIONS

"SEC. 202. (a) The Administrator shall—

"(1) make surveys of opportunities for the operation by blind persons of vending stands on Federal and other property in the United States;

"(2) make available to persons and organizations engaged in work for the blind, and to the public, information obtained as a result of such surveys;

"(3) designate, as provided in section 204, the State commission for the blind in each State or, in any State in which there is no such commission, some other public agency, to issue licenses to blind persons who are citizens of the United States for the operation of vending stands on Federal and other property in such State for the sale of newspapers, periodicals, confections, tobacco products, soft drinks, ice cream, wrapped foods, books, souvenirs, and such other articles as may be approved for each such property by the head of the department or agency in charge of the maintenance thereof and the State licensing agency: *Provided,* That (A) effective 4 years after the enactment of this title, in any State having an approved plan for vocational rehabilitation pursuant to title I, which includes rehabilitation for the blind, the licensing agency to be designated hereunder shall be the State agency administering the State plan or that part of the State plan under which vocational rehabilitation is provided for the blind; and (B) prior to such time, no license shall be granted except upon certification by a vocational rehabilitation agency that the individual is qualified to operate a vending stand; and

"(4) take such other steps as may be necessary and proper to carry out the provisions of this title.

"(b) The State licensing agency shall, in issuing licenses for the operation of vending stands, give preference to those blind persons who are in need of employment. Such licenses shall be limited to applicants who are blind within the meaning of this act and are found by the State licensing agency to be qualified to operate such vending stands. All licenses shall be revocable by the State licensing agency in accordance with regulations issued by it and approved by the Administrator.

"(c) The State licensing agency is authorized, with the approval of the Federal department or agency having charge of the property on which the vending stand is to be located, to select the location for such vending stand and the type of vending stand to be provided. Such Federal department or agency may make alterations in the property necessary to provide suitable space and facilities for the proper operation of the vending stand.

"DISTRICT OF COLUMBIA

"SEC. 203. Until such time as a plan has been submitted by the Board of Vocational Education of the District of Columbia, and approved by the Administrator under title I, and a licensing agency has been designated in accordance with section 202 (a) (3) and its application approved under section 204, the Federal Security Agency shall be the licensing agency in the District of Columbia, and it is authorized to perform all of the acts which State licensing agencies are authorized or required to perform under this title, without regard to section 3709, as amended, of the Revised Statutes, and by contract to utilize public agencies, or private nonprofit corporations, as agents of the Federal Security Agency under such regulations as the Administrator may prescribe, in the purchase of vending stands, equipment, and stock, in the supervision of the vending stands, in the keeping of accounts, and in the collection of any funds which may be set aside for the purposes specified in section 204 (c). Due accounting to the Federal Security Agency shall be made of all such funds by any such public agencies or private nonprofit corporations.

"AGREEMENT BY LICENSING AGENCY

"SEC. 204. A State agency desiring to be designated as the licensing agency shall, with the approval of the chief executive of the State, make application to the Administrator and agree—

"(a) to cooperate with the Administrator in carrying out the purposes of this title;

"(b) to provide for each licensed blind person such vending stand, adequate initial stock of suitable articles to be vended therefrom, and adequate supervisory services, including the keeping of accounts, as may be necessary: *Provided, however,* That the ownership of all the vending stands and other equipment hereafter provided shall remain in the licensing agency or, with the approval of the Administrator, in a nominee of such agency: *And provided further,* That the licensing agency may contract with public agencies, or private nonprofit corporations, as agents of the licensing agency under such regulations as the Administrator may prescribe, for furnishing services, including the purchase of vending stands, equipment, and stock, the collection of any funds which may be set aside for the purposes specified in subsection (c), the keeping of accounts, and the supervision of the vending stands;

"(c) that if any funds are set aside, or caused to be set aside, from the proceeds of the operation of the vending stands such funds shall be set aside, or caused to be set aside, only to the extent necessary for and may be used only for the purposes of (1) insuring a fair minimum return to all licensees in the State; (2) providing stock (other than initial stock), and maintenance and replacement of equipment; (3) providing, with respect to the program, insurance protection and other insurance and retirement benefits;

and (4) such management and supervision and expenses incident thereto as may be necessary to carry out the purposes of this title;

"(d) to make such reports in such form and containing such information as the Administrator may from time to time require and to comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

"(e) to issue such regulations, consistent with the provisions of this title, as may be necessary for the operation of this program;

"(f) to apply the provisions of this title to the operation of all vending stands, whether on Federal or State or private property, for which it employs funds derived from this program or property acquired from such fund; and

"(g) that none of the funds granted under section 205 shall be used, directly or indirectly, for the purchase, erection, or rental of any building or buildings other than the purchase or erection of necessary shelters for vending stands, or for the purchase or rental of any land.

"PAYMENTS TO STATES

"SEC. 205. (a) From the sums made available pursuant to this act, and within the limits of the applicable allotments made pursuant to section 9 for any fiscal year, the Secretary of the Treasury shall pay, with respect to each State licensing agency, for each quarter of a fiscal year or other period of such year prescribed by the Administrator, the sum of amounts the Administrator determines to be the Federal percentage (as defined in section 10) of—

"(1) necessary expenditures by such State licensing agency in such period for (A) the aquisition of vending stands for the use of blind persons licensed hereunder, including necessary shelters for such vending stands and an adequate initial stock of suitable articles to be vended therefrom; and (B) until 5 years after the effective date of this title, the management and supervision of the operations of the program; and

"(2) expenditures in such period, exclusive of management and supervisory expenses, necessary for the proper and efficient administration of the program.

"(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

"(1) The Administrator shall from time to time estimate the amount to be paid to each State under the provisions of this title, such estimates to be based on (A) a report filed by the State containing the estimate of the total sum to be expended for the purposes specified in paragraph (1) of subsection (a) during the period for which such estimate is made, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such period and the amounts estimated to be set aside from the proceeds of the operation of the vending stands; (B) a report filed by the State containing its estimate for such period of the administrative expenses to be incurred by the State licensing agency in carrying out its functions under the program; and (C) such other investigation as the Administrator may find necessary.

"(2) Certification by the Administrator to, and payments by, the Secretary of the Treasury shall be in accordance with paragraphs (2) and (3) of subsection (b) of section 3.

"OPERATION OF PROGRAM

"SEC. 206. Whenever the Administrator, after reasonable notice and opportunity for hearing to the State licensing agency, finds that such agency has failed to comply substantially with the provisions of this title or the regulations issued thereunder or the provisions of its application under section 204 hereof, he shall notify the State licensing agency that its designation as State licensing agency is suspended and that further payments will not be made with respect to such agency until he is satisfied that there will no longer be any such failure. Until he is so satisfied, or in the event said State licensing agency shall cease to exist, he shall make no further certification to the Secretary of the Treasury with respect to such State licensing agency under this title and may make such provisions as he deems advisable for the administration, supervision, and operation of the vending stands established by such State licensing agency under the provisions of this title.

"AUTHORIZATION

"SEC. 207. (a) The Administrator is authorized—

"(1) to make such expenditures out of any money appropriated therefor as he may deem necessary to carry out the provisions of this title, including personal services and rent at the seat of Government and elsewhere, books of reference and periodicals, printing and binding, traveling expenses and the acquisition, in order to carry out the provisions of section 203, of vending stands for the use of blind persons licensed hereunder, including necessary shelters for such vending stands and adequate initial stock of suitable articles to be vended therefrom;

"(2) in issuing regulations covering the administration of this title, to make suitable provision for the acquisition and disposition of the vending stands, equipment, and other assets acquired or used in operations pursuant to this title and governing the operations in carrying out the provisions of section 203.

"(b) The Administrator shall, in employing such additional personnel as may be necessary to carry out the purposes of this title, give preference to blind persons who are capable of discharging the required duties.

"DEFINITIONS

"SEC. 208. When used in this title—

"(a) The term 'blind person' means a person having not more than 20/200 visual acuity in the better eye with correcting lenses, or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. Such blindness shall be certified by a duly licensed physician skilled in the diseases of the human eye.

"(b) The term 'Federal property' means buildings, land, or other property owned, leased, or occupied by the Federal Government, and buildings and other property owned, leased, or occupied by the government of the District of Columbia or of any Territory or possession of the United States.

"(c) The term 'State property' means buildings, land, or other property owned, leased, or occupied by a State or a political subdivision (including a municipality) thereof.

"(d) The term 'State commission for the blind' means a department or agency of the State government which is authorized to provide services to blind persons.

"(e) The term 'acquisition of vending stands' includes cost of construction, delivery, and installation thereof, and alterations in the property necessary to provide suitable space and facilities for the proper operation of vending stands where such alterations are not provided by the Federal department or agency or other individual controlling the property.

"SHORT TITLE

"SEC. 209. This title may be cited as the 'Vending Stands for the Blind Act.'"

SPECIAL PROGRAMS FOR THE BLIND AND OTHER SEVERELY DISABLED PERSONS—ADJUSTMENT TRAINING SERVICES FOR THE BLIND—SHELTERED WORKSHOPS—ASSISTANCE TO HOMEBOUND PERSONS—BUSINESS ENTERPRISES

SEC. 4. Such act, as amended by this act, is further amended by adding after section 209 a new title to read as follows:

"TITLE III—SPECIAL PROGRAMS FOR THE BLIND AND OTHER SEVERELY DISABLED PERSONS

"AVAILABILITY OF FUNDS

"SEC. 301. Moneys made available pursuant to section 9 of this act shall also be available for making payments to States (as defined in section 10) which have submitted and had approved by the Administrator amendments (hereinafter in this act called 'ancillary parts') to the State plans for vocational rehabilitation of disabled individuals approved by the Administrator under title I hereof, which ancillary parts may provide for one or more of the following: (a) Only with respect to State plans or parts thereof under which vocational rehabilitation services are provided to the blind, adjustment training services for the blind; or (b) provision of auxiliary services in workshops for severely disabled persons; or (c) assistance to home-bound severely disabled persons in establishing themselves and continuing in remunerative employment; or (d) the establishment and supervision of business-enterprises programs for severely disabled persons.

"ADJUSTMENT TRAINING SERVICES FOR THE BLIND

"SEC. 302. To be approvable under this act an ancillary part relating to adjustment training services for the blind, in addition to fulfilling the conditions specified in subsection (a) of section 2, except paragraph (4) thereof, shall provide that the State board or agency for the blind will cooperate with and assist other Federal and State agencies engaged in distributing and transporting for repair talking-book machines and other sound-reproducing equipment for the blind.

"SHELTERED WORKSHOPS

"SEC. 303. To be approvable under this act, an ancillary part relating to the provision of auxiliary services in workshops for severely disabled persons, in addition to fulfilling the conditions specified in subsection (a) of section 2, shall—

"(a) provide such rules, regulations, and standards as the Administrator may find reasonable and necessary to assure, in the operation of such workshops—

"(1) the observance of all legally applicable Federal, State, and local regulations, laws, or standards governing health, safety, wages, hours and working conditions in industrial or commercial establishments, and the observance of such requirements, not in conflict with such regulations, laws, or standards, as the Administrator may, by regulation, prescribe to maintain adequate standards governing health, safety, wages, hours, and working conditions;

"(2) the payment of wages in cash;

"(3) the maintenance of accepted business standards, including adequate financial, accounting, and personnel records and such financial safeguards (including adequate workmen's compensation and other insurance) as may be necessary to provide stability and protection for program assets;

"(4) preference to clients of the State board or agency for the blind in the selection of severely disabled individuals for employment in such workshops;

"(5) the provision of such auxiliary services as are necessary and practicable to assist in the employment of severely disabled persons; and

"(6) that the program assets in which there has been Federal financial participation under such ancillary part will remain available or be expended for program purposes; and

"(b) provide that no portion of any money paid to the State under this act with respect to such ancillary part shall be applied directly or indirectly, to the costs of any workshop unless—

"(1) the State board has theretofore submitted such information as the Administrator may find necessary to justify the need for such workshop; and

"(2) the Administrator has determined that need exists for such workshop and that the plans and specifications for the establishment and operation of such workshop are practicable.

"ASSISTANCE TO HOME-BOUND PERSONS

"SEC. 304. To be approvable under this act, an ancillary part relating to assistance to home-bound severely disabled persons in establishing themselves and continuing in remunerative employment, in addition to fulfilling the conditions specified in subsection (a) of section 2 shall—

"(a) provide that the State board or agency for the blind will assume responsibility for providing to each home-bound individual qualified therefor and established in business under the program such management assistance, including adequate marketing arrangements, as may be necessary to assure the most effective and successful operation of such business;

"(b) provide, if the services of a public agency or a private nonprofit corporation are to be utilized in the provision of services in the program, that the terms of the agreement between the State board or agency for the blind and such public agency or private nonprofit corporation shall comply with such regulations and contain such provisions as the Administrator shall determine to be necessary to insure the retention by the State board or agency for the blind of the responsibility for the management, control, and operation of all phases of the program;

"(c) provide such rules, regulations, and standards as the Administrator may find reasonable and necessary with respect to the maximum fees which may be paid for the costs of services or supplies provided to the home-bound, where such services are provided other than by the State board or agency for the blind, including fees for furnishing supplies, instruction of and assistance to the home-bound, design and production of marketable products, and for providing for the delivery of the articles produced to a marketing agency;

"(d) provide that no portion of any money paid to the State under this act with respect to such ancillary part shall be applied to the direct costs of selling the articles produced; and

"(e) provide adequate safeguards to assure the observance, in the operation of the program, of all legally applicable Federal, State, and local regulations, laws, or standards governing health, safety, wages, hours, and working conditions in industrial or commercial establishments, and the observance of such requirements, not in conflict with such regulations, laws, or standards, as the Administrator may, by regulation, prescribe to maintain adequate standards governing health, safety, wages, hours, and working conditions.

"BUSINESS ENTERPRISES

"SEC. 305. To be approvable under this act, an ancillary part relating to the establishment and supervision of a business-enterprises program for severely disabled persons, in addition to fulfilling the conditions specified in subsection (a) of section 2, shall—

"(a) provide that any proceeds derived directly or indirectly by the State board or agency for the blind from the operation of the program shall be retained by or for the benefit of the program by the State board or agency for the blind in a separate continuing account and be disbursed only by or at the direction of the State board or agency for the blind for program purposes;

"(b) provide that if any funds are set aside, or caused to be set aside, from the proceeds of the operation of the program such funds shall be set aside or caused to be set aside, only to the extent necessary for and may be used only for the purposes of (1) insuring a fair minimum return to all operators in the State; (2) providing stock (other than initial stock) and maintenance and replacement equipment; (3) providing, with respect to the program, insurance protection, and other insurance and retirement benefits; and (4) such management and supervision and expenses incident thereto as may be necessary to carry out the purposes of the act;

"(c) provide that the State board or agency for the blind will assume responsibility for providing to each business enterprise established under the program such management and supervisory services (including adequate workmen's compensation and other insurance) as are necessary to assist the disabled person in the most effective and successful operation of each business enterprise;

"(d) indicate that the State board or agency for the blind has made or will make such arrangements for financing the management and supervision of the operations of the business enterprises program, and for ownership of program assets as will assure the continued availability of such enterprises for use by successive disabled persons;

"(e) provide that all persons selected as operators of individual business enterprises shall be severely disabled persons and shall be qualified as operators of business enterprises;

"(f) provide, if the services of a public agency or a private nonprofit corporation are to be utilized in the provision of services in the program, that the terms of the agreement between the State board or agency for the blind and such public agency or private nonprofit corporation shall comply with such regulations and contain such provisions as the Administrator shall determine to be necessary to insure the retention by the State board or agency for the blind of the responsibility for the management, control, and operation of all phases of the program, and the control over and beneficial ownership of all program assets; and

"(g) provide adequate safeguards to assure the observance, in the operation of the program, of all legally applicable Federal, State, and local regulations, laws, or standards governing health, safety, wages, hours, and working conditions in industrial or commercial establishments, and the observance of such requirements, not in conflict with such regulations, laws, or standards, as the Administrator may, by regulation, prescribe to maintain adequate standards governing health, safety, wages, hours, and working conditions.

"APPROVAL OF ANCILLARY PARTS

"SEC. 306. The Administrator shall approve any ancillary part which he believes to be feasible and which fulfills the applicable conditions specified in sections 301 through 305 of this title, except that he shall not approve any ancillary part which he finds contains such restrictions with respect to the expenditure of funds thereunder as would (a) substantially increase the costs of the program in the State, or (b) seriously impair the effectiveness of the State plan in carrying out the purposes of this act.

"PAYMENTS TO STATES

"SEC. 307. From the sums made available pursuant to this act and within the limits of the applicable allotments made pursuant to section 9 for any fiscal year the Secretary of the Treasury shall pay, with respect to each State which has an approved plan for vocational rehabilitation and one or more approved ancillary parts, relative to such ancillary parts, for each quarter of a fiscal year or other period prescribed by the Administrator, the sum of amounts the Administrator determines to be the Federal percentage (as defined in sec. 10) of—

"(a) the necessary expenditures under an ancillary part relating to adjustment training services for the blind in such period for (1) training in braille and other forms of reading and writing which maye be used by the blind, in manual dexterity, in travel, and in their adjustment to blindness; (2) supplies, devices, and equipment necessary for training; (3) the distribution and transportation for repair of talking books and other sound-reproducing equipment; and (4) supplies, devices, and equipment necessary to assist blind persons to read, write, travel, and adjust to blindness, where such devices, supplies, and equipment are provided to blind persons who are found to require financial assistance with respect thereto after full consideration of the eligibility of such individual for any similar benefit by way of pension, compensation, insurance, or other consequential resources;

"(b) the necessary expenditures in such payment period under an ancillary part relating to workshops, for auxiliary services in workshops and for the acquisition of equipment and supplies necessary for the provision of such auxiliary services;

"(c) the necessary expenditures under an ancillary part relating to assistance to home-bound severely disabled persons in establishing themselves and continuing in remunerative employment in such period for—

"(1) instruction of, and assistance to, the home-bound in the design and production of marketable articles; and

"(2) acquisition of production equipment stocks, and supplies necessary to enable a severely disabled person to enter upon the production or processing of products in his home, and arrangements for the purchase and regular delivery of stocks and supplies to such person, where the individual is found to require financial assistance with respect thereto, after full consideration of the eligibility of such individual for any similar benefit by way of pension, compensation, insurance, or other consequential resources;

"(d) the necessary expenditures under an ancillary part relating to the establishment and supervision of business enterprises programs for severely disabled persons in such period for (1) establishing and equipping such business enterprises; (2) stock and supplies necessary for undertaking the particular type of business enterprise determined to be suitable for such persons; and (3) the management and supervision of such business enterprise program for a period of 5 years from the effective date of this act; and

"(e) the expenditures in such period necessary for the proper and efficient administration of each ancillary part, including necesssary administrative costs in connection with providing the foregoing services to disabled individuals.

"METHOD OF COMPUTATION AND PAYMENT

"SEC. 308. The method of computing and paying amounts pursuant to subsections (a) through (e) of section 307 shall be as follows:

"(a) The Administrator shall from time to time estimate the amounts to be paid to each State under the provisions of this title with respect to each ancillary part, such estimate to be based on (1) a report filed by the State board containing its estimate of the total sums to be expended for the provision of services under each ancillary part for the purposes of subsections (a) through (d), respectively, during the period for which such estimate is made, and stating the amount appropriated or made available by the State and the political subdivisions for such expenditures in such period; (2) a report filed by the State board containing its estimate for such period of the administrative expenses to be incurred in carrying out each ancillary part; (3) progress reports and records pertaining to subsection (b) of section 307 with respect to each workshop; and (4) such other information as the Administrator may find necessary.

"(b) Certification by the Administrator to, and payments by, the Secretary of the Treasury shall be in accordance with paragraphs (2) and (3) of subsection (b) of section 3.

"ADMINISTRATION OF ANCILLARY PARTS

"SEC. 309. Whenever the Administrator, after reasonable notice and opportunity for hearing to the State board, finds that in the administration of an ancillary part there is—

"(a) a failure to comply substantially with any provision of such ancillary part approved by the Administrator under this title; or

"(b) a failure to afford reasonable cooperation with other Federal and State agencies providing similar services, the Administrator shall notify such State board that further payments will not be made with respect to such ancillary part until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Administrator shall make no further certification to the Secretary of the Treasury with respect to such ancillary part under this act.

"DISTRICT OF COLUMBIA

"SEC. 310. Until such time as a plan is submitted hereunder by the Board of Vocational Education of the District of Columbia, and approved by the Administrator under title I, the Administrator, out of funds made available for the purpose, is authorized to establish and provide the services provided for in this title to and for severely disabled persons actually residing in the District of Columbia. In carrying out his functions under this section, the Administrator is authorized to utilize and enlarge facilities of appropriate units of the Federal Security Agency, and to enter into agreements and cooperative working arrangements with public agencies and private persons, agencies, and institutions, with the United States, its Territories, and possessions, for services and use of facilities of such persons, agencies, and institutions, and to compensate them and such units for such services and use.

"EFFECTIVE DATE

"SEC. 311. If any State cannot fully comply with the conditions of this title on the date of the enactment of this title, such State may secure the benefits of this title until 60 days after the legislature of such State first meets in due course after such date of enactment or until the earliest effective date after such 60 days which could be given in such State to legislation passed within such 60 days to secure the benefits of this title, whichever is the later, if it complies therewith to the extent possible.

"DEFINITIONS

"SEC. 312. As used in this title—

"(a) The term 'auxiliary services' means such services of a medical character as are necessary, or such services as are medically determined to be required, by reason of the severity of the individual's disability, to protect his health while at work in a workshop; and

"(b) The term 'workshop' means a place where any manufacture or handiwork is carried on and which is operated by a public agency or by a private corporation or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, or by a cooperative (as defined in section 602), for the primary purpose of providing remunerative employment to severely disabled persons who canont be absorbed in the competitive labor market."

REHABILITATION CENTERS

SEC. 5. Such act, as amended by this act, is further amended by adding after section 312 a new title reading as follows:

"TITLE IV—ESTABLISHMENT OF WORKSHOPS AND REHABILITATION CENTERS

"AUTHORIZATION OF GRANTS AND APPROPRIATIONS

"SEC. 401. (a) The Administrator is authorized, for the fiscal year beginning July 1, 1950, and thereafter, to make grants in accordance with the provisions of this title to assist in the establishment of necessary workshops for severely disabled persons and the establishment of necessary public and other nonprofit rehabilitation centers.

"(b) The total of contractual obligations for such grants incurred by the Administrator in the period beginning July 1, 1950, and ending June 30, 1952, shall not exceed $2,500,000, and in any fiscal year thereafter shall not exceed such amounts as the Congress may determine.

"(c) There are authorized to be appropriated, from time to time, to remain available until expended, such sums as may be necessary for the payment of contractual obligations for grants incurred in accordance with the provisions of this title.

"STATE PLANS

"SEC. 402. (a) No grant to assist in the establishment of any workshop or rehabilitation center shall be made (1) unless there is in effect, in the State in which such facility is to be established, a State plan approved by the Administrator pursuant to title I, and (2) unless the State has also submitted and had approved by the Administrator pursuant to this section a State plan for the establishment of a workshop or workshops or the establishment of a rehabilitation center or centers: *Provided*, That in the absence of an approved State plan for the establishment of a rehabilitation center or centers, grants may, with the approval of the State board or agency for the blind, be made pursuant to contractual obligations incurred before July 1, 1952, for any rehabilitation center with respect to which the Administrator has determined that there is an immediate need and that its establishment is not likely to conflict with the State plan when approved.

"(b) To be approvable under this section, a State plan relating to the establishment of a workshop or workshops shall, in addition to fulfilling the conditions specified in subsection (a) of section 2, except paragraphs (8), (9), and (10) thereof, include the rules, regulations, standards, and provisions which are required by section 303 (a) and (b) for approval of an ancillary part relating to auxiliary services in workshops.

"(c) To be approvable under this title, a State plan, relating to the establishment of a rehabilitation center or centers, in addition to fulfilling the conditions specified in subsection (a) of section 2, except paragraphs (4), (8), and (10) thereof, shall—

"(1) provide for the designation of an advisory committee which shall include representatives of State and nongovernmental agencies, concerned with the establishment, operation, or utilization of special rehabilitation services and facilities, to consult with the State board or agency for the blind in carrying out the purposes of this title;

"(2) provide such rules, regulations, and standards as the Administrator may find reasonable and necessary to assure, in the establishment, maintenance, and operation of rehabilitation centers established pursuant to this title—

"(A) the observance of minimum standards for their adequate establishment and economical and efficient maintenance and operation, and the provision of services therein in accordance with professional standards;

"(B) that preference for services provided by such centers will be given to persons referred thereto by a State board or agency for the blind and that such services will be provided at reasonable rates;

"(C) the observance by such centers of all applicable Federal, State, and local regulations, laws or standards governing health, safety, wages, and hours;

"(D) the maintenance by such centers of accepted business standards, including adequate financial safeguards (including insurance), as may be necessary to provide stability and protection for the centers established pursuant to this title; and

"(E) that such centers will remain available for the provision of services to the disabled;

"(3) provide that no portion of any money paid to the State under this title shall be applied, directly or indirectly, to the cost of establishing any rehabilitation center unless—

"(A) the State board has theretofore submitted such information as the Administrator may find necessary to justify the need therefor;

"(B) the Administrator has determined that need exists for such center in that locality and that the plans and specifications for its establishment and operation, including financial arrangements for its establishment, and its maintenance and operation when completed, are practicable and are calculated to achieve the purposes of this act; and

"(C) in the case of any rehabilitation center within the purview of section 403, application therefor has been approved in accordance with such section.

"(4) provide for cooperation by the State board with the State agency designated pursuant to section 623 (a) of the Public Health Service Act (42 U. S. C. 291), to assure coordination between the State's rehabilitation center program under this title and the State's hospital construction program under that act.

"COORDINATION WITH HOSPITAL SURVEY AND CONSTRUCTION PROGRAM

"SEC. 403. (a) In the case of any rehabilitation center which constitutes a 'hospital' as defined in subsection (e) of section 631 of the Public Health Service Act (42 U. S. C. 291), an application shall also be made under section 625 of such act to the State agency designated pursuant to section 623 (a) of such act for the State in which the project is located, for Federal assistance in the cost of the construction and equipment of such project. Such a project shall not be approved under this title unless such State agency and the Surgeon General of the Public Health Service certify to the Administrator that the project would be approvable under that act but for one or more of the following reasons: (1) the project has no or insufficient priority, (2) the project is not included in the State hospital construction program, or (3) funds are not available from the State's allotments under section 624 of such act.

"(b) Federal payments with respect to the construction and equipment of such project, if approved by the Administrator under this title, shall—

"(1) be made from appropriations pursuant to this act and not from appropriations pursuant to section 625 of the Public Health Service Act;

"(2) be made in the manner, at the rates, and subject to the same conditions as provided for payments under this Act and not under section 625 of the Public Health Service Act; and

"(3) not reduce the unobligated portion of the State's allotment under section 624 of the Public Health Service Act.

"APPROVAL OF STATE PLANS

"SEC. 404. The Administrator shall approve any plan which he believes to be feasible and which fulfills the applicable conditions specified in section 402, except that he shall not approve any plan which he finds contains such restrictions with respect to the expenditure of funds under such plan as would (1) substantially increase the costs of carrying out the purposes of this title in the State, or (2) seriously impair the effectiveness of the State plan in carrying out the purposes of this title.

"APPROVAL OF PROJECTS AND CERTIFICATION OF GRANTS

"SEC. 405. (a) Grants pursuant to section 401 shall be made only with respect to specific projects approved by the Administrator, upon application made by the State or political subdivision or the nonprofit corporation or association or the cooperative (as defined in section 602) sponsoring the project and submitted through the State board or agency for the blind after approval by such board or agency. Applications shall be approved by him in order of the estimated importance or value of the projects in alleviating the need for the projected facilities, giving highest priority to areas in which such facilities are either nonexistent or inadequate. No application shall be approved by the Administrator unless (1) the application and the project conform to the provisions required to be contained in the applicable State plan approved under section 404, or conform to regulations prescribed by the Administrator in lieu of such provisions where a grant may be made in the absence of an approved State plan and no such plan is in effect in the State, and (2) the Federal share of the cost of the project is within the limits specified in section 401 (b) with respect to the fiscal year in which such approval is to be given.

"(b) Upon approval of a project under this section, the Federal share of the actual cost of the project shall constitute a contractual obligation of the United States.

"(c) Upon his approval of an application under this section, the Administrator shall certify to the Secretary of the Treasury, in a lump sum or in installments, a grant equal to the Federal share of the estimated cost of the project, except that, if the Administrator has grounds to believe that a default has occurred requiring action pursuant to section 407, he may, upon giving notice of hearing pursuant to such section, withhold certification pending action based on such hearing. Such certification shall provide for payment to the State, and for disbursement by the State to the applicant if the State is not the applicant, except that if the State is not authorized by law to make payment to the applicant, or if payments to the State have been stopped pursuant to section 407 (a) but payment to the applicant will not be inconsistent with the purposes of this title, or if the project is for a rehabilitation center and has been approved in the absence of an approved State plan and such a plan is not in effect at the time of such certification, the certification shall provide for payment to the applicant directly. From the sums appropriated therefor, the Secretary of the Treasury shall, prior to audit and settlement by the General Accounting Office, pay the amount so certified to the payee specified in such certification.

"(d) Certification of a grant under subsection (c) may be amended either upon approval of an amendment of the application or upon revision of the estimated cost, or ascertainment of the actual cost, of the project. The applicant shall be obligated to repay to the Federal Government any overpayment and any sum received by it with respect to a project in excess of the amount of the grant as last revised pursuant to an amended certification.

"(e) If any project with respect to which a Federal grant has been established under this section is terminated or abandoned or not completed within such reasonable period as may be determined in accordance with regulations adopted by the Administrator, the applicant shall be liable to repay to the United States, to the credit of the appropriation originally charged therewith, the amount of the Federal grant certified and paid pursuant to subsection (c) with respect to such project.

"(f) (1) As used in this section, the term 'Federal share' with respect to any State for any fiscal year shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that (A) the Federal share shall in no case be more than 66⅔ percent or less than 33⅓ percent, and (B) the Federal share for Alaska and Hawaii shall be 50 percent each, and the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ percent.

"(2) The 'Federal shares' for the States for each fiscal year shall be promulgated by the Administrator during January of the fiscal year immediately preceding such fiscal year on the basis of the average per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce: *Provided*, That the Administrator shall promulgate such Federal shares as soon as possible after the enactment of this act, which promulgation shall be conclusive for the fiscal year ending June 30, 1951.

"GRANTS FOR ADMINISTRATION OF STATE PLANS

"SEC. 406. From the sums made available pursuant to this act and within the limits of the applicable allotments made pursuant to section 9 for any fiscal year, the Secretary of the Treasury shall pay, with respect to each State which has in effect a plan approved under section 404, for each quarter or other period of such year prescribed by the Administrator, the amounts the Administrator determines to be the Federal percentage (as defined in sec. 10) of the expenditures in such period necessary for the preparation of such plan, or necessary for the proper and efficient administration of such plan, including necessary administrative costs in connection with the establishment of workshops or rehabilitation centers, as the case may be, under such plan and the justification of the need for such establishment. Estimation by the Administrator of the amounts to be paid to each State under this section, and certification by the Administrator to, and payments by, the Secretary of the Treasury shall be in accordance with subsection (b) of section 3.

"OPERATION OF STATE PLANS

"SEC. 407. (a) Whenever the Administrator, after reasonable notice and opportunity for hearing to the State board, and any other party in interest, finds that in the administration of a plan under this title there is—

"(1) a failure on the part of the State board (or of the State agency for the blind) (A) to comply substantially with any provision of such plan; or (B) to afford reasonable cooperation with other Federal, State, or other public agencies providing similar services; or

"(2) a diversion, by such board or agency, of funds paid to it under this title from the purposes for which they had been paid; or

"(3) a substantial default by such board or agency with respect to the assurances furnished by it in connection with a project application under section 405;

the Administrator shall forthwith notify the Secretary of the Treasury and the State board and such parties in interest that no further payments under section 406 with respect to such plan, or with respect to affected activities under such plan, will be made, that no further approvals under section 405 will be given, and that no further payments under such section to or through the State for any activity or project designated by the Administrator as being affected by such failure or diversion shall be made, until he is satisfied that there is no longer any failure to comply or cooperate or that the diversion or default has been corrected or, if compliance or correction is impossible, until the State repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended. Until he is so satisfied, the Administrator shall give no further approval under section 405, and shall make no further certification for such payments to or through the State under section 405 or 406.

"(b) Whenever the Administrator, after reasonable notice and opportunity for hearing to the State board and any other party in interest, finds that a project applicant (1) has diverted funds received by it with respect to a project from the purposes for which they had been paid, or (2) has substantially defaulted with respect to any assurances furnished by it in connection with a project under section 405, or is failing to comply substantially with the rules, regulations, standards, and provisions contained in the approved plan pursuant to section 402 (b) or (c), or to comply with any lawful enforcement measures contemplated by such subsections or with regulations prescribed by the Administrator pursuant to section 405, the Administrator may notify such State board and other parties in interest that, without prejudice to any corrective action taken or that may be taken pursuant to this section or otherwise, further payments with respect to such project will not be made under section 405 (c) until he is satisfied that the diverted funds have been replaced, or that there is no longer any such default or failure, or both, as he may find appropriate. Until he is so satisfied, the Administrator shall make no further certification for payment with respect to such project under section 405 and may, in the case of a workshop, declare such workshop ineligible for Federal payments under title III.

"(c) If any workshop or rehabilitation center for which funds have been paid under this title shall, at any time within 20 years after the establishment thereof, (1) be sold or transferred to, or come into the hands of, any person, agency, or organization, (A) which is not a public or private nonprofit agency, or a cooperative (as defined in section 602) in the case of a workshop, or (B) which is not approved as a transferee by the State board or agency for the blind or their successors, or (2) ceases to be a workshop or public or other nonprofit rehabilitation center as respectively defined in section 312 (b) and subsections (a), (b), and (c) of section 409, the United States shall be entitled to recover from either the transferor or the transferee or, in the case of a facility which has ceased to be a workshop or nonprofit rehabilitation center, from the owner thereof, an amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the district court of the United States in the district in which such facility is situated) of such facility as the amount of the Federal contribution to the cost of such facility bore to the cost of such approved project: *Provided*, That the recovery hereunder shall not exceed the total amount paid to the State under this title with respect to such facility: *Provided further*, That the Administrator may, upon such terms and conditions as he may deem necessary to protect or advance the interests of the United States, waive all or part of such recovery in any case if he finds that insistence on such recovery would be contrary to the program for which Federal assistance for such workshop or center was granted.

"DISTRICT OF COLUMBIA

"SEC. 408. Until such time as a plan is submitted by the Board of Vocational Education of the District of Columbia, and approved by the Administrator under title I hereof, the Administrator, out of funds made available for this purpose, is authorized to carry out the purposes of this title in the District of Columbia. In carrying out his functions under this section, the Administrator is authorized to utilize and enlarge facilities of appropriate units of the Federal Security Agency, and to enter into agree-

ments and cooperative working arrangements with public agencies and private persons, agencies, and institutions within the United States, its Territories, and possessions, for services and use of facilities of such persons, agencies, and institutions and to compensate them and such units for such services and use.

"DEFINITIONS

"SEC. 409. As used in this title—

"(a) The term 'rehabilitation center' is a facility operated for the primary purpose of assisting in the rehabilitation of disabled persons eligible under titles I, II, or III—

"(1) which provides one or more of the following types of services:

"(A) testing, fitting, or training in the use of prosthetic devices;

"(B) prevocational or conditioning therapy;

"(C) physical, corrective, or occupational therapy;

"(D) adjustment training; or

"(E) evaluation or control of special disabilities; or

"(2) in which a coordinated approach is made to the physical, mental, and vocational evaluation of disabled persons and an integrated program of physical restoration and prevocational or vocational training is provided under competent professional supervision and direction.

"(b) The term 'public rehabilitation center' means a rehabilitation center owned and operated by a State, county, or other political subdivision (including a municipality);

"(c) The term 'other nonprofit rehabilitation center' means any rehabilitation center owned and operated by a corporation or association no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(d) The terms 'workshop' and 'auxiliary services' shall have the meanings ascribed to such terms in section 312; and

"(e) The term 'establishment' or 'establish' means—

"(1) in the case of a workshop, (A) the expansion, remodeling, or alteration of existing buildings, necessary to adapt such buildings to workshop purposes or to increase the employment opportunities in workshops, and (B) the acquisition of initial equipment necessary (i) for new workshops or (ii) to increase the employment opportunities in workshops; and

"(2) in the case of a rehabilitation center, the construction of new buildings, acquisition, expansion, remodeling, or alteration of existing buildings, and initial equipment of such buildings, necessary for rehabilitation-center purposes; and

"(f) The term 'cost of the project' means the necessary cost, as determned by the Administrator, of the establishment of the workshop or rehabilitation center to which the project relates, including fees of architects and other technical consultants, but excluding administrative expenses of the State board (or State agency for the blind) or of the applicant in connection with such establishment and excluding (1) the cost of off-site improvements and (2) except in the case of publicly owned and operated rehabilitation centers, the cost of the acquisition of land."

RESEARCH AND ADJUSTMENT CENTERS FOR BLIND AND OTHER SEVERELY DISABLED PERSONS

SEC. 6. Such act, as amended by this act, is further amended by adding after section 409 a new title reading as follows:

"TITLE V—RESEARCH AND ADJUSTMENT CENTERS FOR BLIND AND OTHER SEVERELY DISABLED PERSONS

"PURPOSE

"SEC. 501. In order to make it possible to develop and improve the techniques, methods, and devices, and the types of specially designed and equipped facilities necessary to make blind and other severely disabled individuals fit to engage in remunerative occupations or adjust themselves to society, the Administrator is authorized to—

"(a) establish, operate, and maintain research facilities for developing, improving, and testing the effectiveness of techniques, methods, and devices utilized in the vocational rehabilitation of blind and other severely disabled individuals and their adjustment to gainful employment and to society;

"(b) provide, in accordance with regulations prescribed by him, to blind and other severely disabled individuals admitted to such facilities, vocational rehabilitation, and other services incidental to the actvities conducted at such facilities pursuant to paragraph (a); and

"(c) disseminate the results of the activities conducted pursuant to paragraph (a) at such facilities to appropriate public or private agencies or individuals, and provide for the training and instruction of State and Federal employees in the methods, techniques, and use or application of devices developed, improved, or tested at such facilities.

"AUTHORIZATION

"SEC. 502. In carrying out section 501 the Administrator is authorized to—

"(a) acquire, construct, or rent, and operate and maintain, research facilities, including the upkeep, care, and improvement of the grounds, buildings, and equipment of such facilities;

"(b) acquire, construct, or rent, and operate and maintain facilities necessary for the housing and feeding of employees and others at such research facilities, any proceeds from such operations to be deposited in the Treasury to the credit of the appropriation for such operation and maintenance;

"(c) secure from time to time, and for such periods as he deems advisable, the assistance of experts, scholars, and consultants from the United States and abroad; accept and utilize voluntary and uncompensated services; and procure the services of public or private agencies and make payments, without regard to the provisions of section 3709 of the Revised Statutes, to public or private agencies for services rendered; and

"(d) accent on behalf of the United States gifts made by will or otherwise for carrying out any of the purposes of the act; and acknowledge donations of $25,000 or more by the establishment within research facilities operated pursuant to this act of suitable permanent memorials to the donors. No conditional gift may be accepted pursuant to this section if conditioned upon any expenditure not to be met from the gift or its income unless such expenditure has been approved by act of Congress. Any gift to carry out the purposes of this act may be held, used, expended, disposed of, and otherwise treated for such purposes in the same manner and subject to the same conditions as are provided by subsections (b), (c), and (d) of section 501 of the Public Health Service Act (42 U. S. C. 219 (b), (c), and (d)) for gifts for carrying out the purposes of such Public Health Service Act.

"TRANSFER OF FACILITIES

"SEC. 503. The head of any executive department, agency, or independent establishment is hereby authorized to transfer any of its lands, buildings, supplies, equipment, or facilities to the Administrator for the purposes of this title without reimbursement or transfer of funds."

SEC. 7. Such act, as amended by this act, is further amended by adding after section 503 a new title reading as follows:

"TITLE VI—REVOLVING LOAN FUNDS

"Part A—Loans to States

"SEC. 601. (a) There is hereby established in the Treasury a special revolving fund to be available to the Administrator for making loans to States to carry out plans (including ancillary parts) approved under this act, whenever State funds available for such purposes are or are about to become exhausted. Such revolving fund shall consist of all moneys appropriated or gifts made thereto, of repayments of loans made to the States, of interest on such loans, and of income from the investment of moneys in such fund. The sum of $10,000,000 is hereby authorized to be appropriated to establish such fund.

"(b) Upon application made, in accordance with regulations prescribed by the Administrator, by any State board with the approval of the chief executive of the State the Administrator may make a loan to the State upon the terms and for the purposes specified in this title in the amount deemed necessary by him to enable the State board to carry out its functions under its approved plan without interruption.

"(c) Loans made pursuant to this section shall be made for a period expiring not later than 6 months following the sine die adjournment of the next regular session of the legislature of the State after the making of such loan, and shall bear interest at the rate of 2 percent per annum.

"(d) The Secretary of the Treasury is hereby authorized to invest and reinvest the moneys in such fund not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

"(e) The Administrator shall include in his annual report a detailed statement concerning the operations of the fund, including a statement of all receipts and disbursements.

"Part B—Loans to cooperative workshops

"SEC. 602. (a) For the purpose of assisting cooperatives of disabled persons to establish, maintain, and operate workshops for their severely disabled members, there is hereby established in the Treasury a special revolving fund, to be known as the Cooperative Workshop Loan Fund (hereinafter called the loan fund). Such fund shall be available to the Administrator for making loans pursuant to this section and shall consist of all moneys appropriated or gifts made thereto, of repayments of loans made pursuant to this section, of interest on such loans, of recoveries through enforcement action, and of income from the investment of moneys in such fund. The sum of $1,000,000 is hereby authorized to be appropriated to establish such fund.

"(b) The Secretary of the Treasury is hereby authorized to invest and reinvest the moneys in the loan fund not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

"(c) Upon application made, in accordance with regulations prescribed by the Administrator, by any cooperative for disabled persons, the Administrator may make from the loan fund a loan to such cooperative for the establishment, maintenance, and operation of a workshop or workshops. The principal amount of any loan or loans to a single cooperative shall not exceed $10,000, and no loan shall be made unless the Administrator determines that—

"(1) the State board or agency for the blind has recommended such loan;

"(2) the proceeds of the loan will be used for the establishment, maintenance, and/or operation of a workshop or workshops for the purpose of giving remunerative work therein to severely disabled members of the cooperative who require special conditions of sheltered employment and training;

"(3) need exists for such workshop or shops and that the plans for maintenance and operation, or for establishment, maintenance, and operation of such workshop or

shops, as the case may be, are economically feasible;

"(4) the establishment, maintenance, and operation of such workshop or shops will be consistent with any State plan for the establishment of workshops approved under section 404 and with rules and regulations prescribed pursuant to such plan or pursuant to an approved ancillary part under section 303 (a) (1), (2), (3), (5), and (6), or, in the absence of such a State plan or ancillary part, will be consistent with rules and regulations prescribed in lieu thereof by the Administrator; and

"(5) there is reasonable assurance that such loan will be repaid according to its terms.

"(d) Loans pursuant to this section shall be made by the Administrator upon such terms and conditions, and for such periods, as the Administrator shall determine, except that (1) no loan shall run for a period exceeding 10 years; (2) the rate of interest on any loan shall not exceed by more than one-half of 1 percent per annum the average rate of interest, rounded to the nearest multiple of one-eighth of 1 percent, borne by all interest-bearing obligations of the United States forming a part of the public debt on the last day of the calendar year preceding the making of such loan, as determined by the Secretary of the Treasury; and (3) the Administrator is authorized to accelerate the maturity of such loan upon default in any payment of principal or interest, or whenever, after affording reasonable opportunity for hearing to the borrower, he finds that there is no longer substantial compliance by the borrower with the terms of subsections (c) (2), (3), and (4).

"(e) For the purpose of enforcing repayment of any loan made pursuant to this section, any cooperative to which a loan has been made shall be deemed to be a juristic entity capable of suing and being sued in its own name; and for such purpose the Administrator shall have power in his own name, on behalf of the United States, to enforce payment of such loan by all appropriate legal means, including an action at law or in equity in any State court of appropriate jurisdiction or, regardless of the amount involved, in a district court of the United States for the judicial district in which the cooperative has its principal place of business or in which a workshop, the subject of such loan, is situated. Jurisdiction to entertain such actions is hereby conferred upon district courts of the United States.

"(f) The Administrator shall include in his annual report a statement concerning the operation of the loan fund.

"(g) For the purposes of this section—

"(1) the term 'workshop' shall have the meaning ascribed to it in section 312;

"(2) the term 'establishment' shall have the meaning ascribed to it in section 409 (e) (1);

"(3) the term 'cooperative' or 'cooperative of disabled persons' means an association, or membership corporation, whose membership is limited to disabled individuals and which is organized and operated on a cooperative basis for the exclusive benefit of its members and, by its charter or bylaws, is required to divide any profits, realized from the operation of workshops operated by it and not reinvested in such workshops, among its severely disabled members actually working therein."

TECHNICAL AND FISCAL AMENDMENTS TO VOCATIONAL REHABILITATION ACT

Sec. 8. Such act, as amended by this act, is further amended as follows:

(a) By amending section 1 thereof to read as follows:

"AVAILABILITY OF FUNDS

"Sec. 1. Moneys made available for the purpose pursuant to this act shall be used for making payments to States which have submitted, and had approved by the Federal Security Administrator (herein referred to as the 'Administrator'), State plans for vocational rehabilitation of disabled individuals.";

(b) By amending paragraph (1) of section 2 to read as follows:

"(1) designate the State board of vocational education or the State rehabilitation commission (herein referred to as the 'State board') as the sole agency for the administration, supervision, and control of the State plan; except that where under the State's law, the State blind commission, or other agency which provides assistance or services to the adult blind is authorized to provide them vocational rehabilitation, the plan shall provide for administration by such State blind commission or other State agency of the part of the plan under which vocational rehabilitation is provided the blind;";

(c) By amending paragraph (4) of subsection (a) of section 2 thereof to read as follows:

"(4) provide that services under the plan shall be made available only to classes of employable individuals defined by the Administrator: *Provided*, That after July 1, 1951, in defining such classes of individuals, the Administrator shall not include therein individuals, other than those who are blind or otherwise substantially disabled, who are found to need only job counseling and placement services;";

(d) By deleting the word 'and" at the end of paragraph (9) of subsection (a) of section 2 thereof, substituting a semicolon for the period at the end of paragraph (10) of said subsection, and adding at the end of said paragraph (10) the following new paragraphs:

"(11) provide for cooperation by the State board (and by the State agency for the blind if it administers a part of the plan) with, and the maximum utilization of the services of, other Federal, State, and local public agencies providing services relating to vocational rehabilitation, including the State health department or corresponding agency, and the State welfare and public assistance agencies;

"(12) provide for entering into cooperative arrangements with the system of public employment offices in the State and the maximum utilization of the services of such offices; and

"(13) provide for the designation of a State advisory committee consisting of representatives (including disabled individuals) of the general public and of groups and agencies, public and private, interested in problems of the disabled, to advise and cooperate with the State agency with a view to achieving coordination and improvement of services available to disabled persons.";

(e) By amending section 3 of such act to read as follows:

"SEC. 3. (a) From the sums made available for such purposes for any fiscal year, and within the limits of the applicable allotments made pursuant to section 9 for such year, the Secretary of the Treasury shall pay to each State which has an approved plan for vocational rehabilitation, for each quarter or other payment period of such fiscal year prescribed by the Administrator, the sum of amounts the Administrator determines to be—

"(1) for the fiscal years beginning July 1, 1950, 1951, and 1952—

"(A) the necessary cost (exclusive of administrative expenses, to such State during such payment period of providing vocational rehabilitation under the plan to disabled individuals certified to the State by the Administrator as war disabled civilians;

"(B) in the case of other disabled individuals, one-half of necessary expenditures under such plan in such period (exclusive of administrative expenses) for (i) rehabilitation training, (ii) necessary books and other training materials, (iii) medical examinations where such examinations are necessary to determine eligibility for vocational rehabilitation, the nature of rehabilitation services required, or occupational limitations, and (iv) adjustment training services necessary to determine the ability of severely disabled individuals to benefit from vocational rehabilitation; and

"(C) one-half of necessary expenditures under such plan in such period (exclusive of administrative expenses) for rehabilitation services specified in subparagraphs (i), (ii), (iii), (iv), and (v) of this paragraph, to disabled individuals (not including war disabled civilians) found to require financial assistance with respect thereto, after full consideration of the eligibility of such individual for any similar benefit by way of pension, compensation, or insurance, such rehabilitation services being—

"(i) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical condition which is static and constitutes a substantial handicap to employment, but is of such a nature that such correction or modification should eliminate or substantially reduce such handicap within a reasonable length of time;

"(ii) necessary hospitalization, not to exceed 90 days except in those categories prescribed by the Administrator, in connection with surgery or treatment specified in subparagraph (i);

"(iii) transportation, occupational licenses and tools, equipment, initial stocks and supplies (including livestock), and capital advances (which advances shall not exceed in any one individual case such sum as the Administrator may by regulation establish), necessary to enable such disabled individuals to enter upon their occupational objective and not mentioned elsewhere in this subsection;

"(iv) such prosthetic devices as are essential to obtaining or retaining employment; and

"(v) maintenance not exceeding the estimated cost of subsistence during training.

"(D) expenditures in such period necessary for the proper and efficient administration of the plan, including necessary administrative costs in connection with providing the foregoing services to, and guidance and placement of, disabled individuals;

"(2) for any subsequent fiscal year, the Federal percentage (as defined in section 10), for such State, of the State expenditures specified in paragraph (1).

"(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

"(1) The Administrator shall from time to time estimate the amount to be paid to each State under the provisions of subsection (a), such estimate to be based on such records of the States and information furnished by them, and such other investigation, as the Administrator may find necessary.

"(2) The Administrator shall then certify to the Secretary of the Treasury, for payment from the allotment chargeable therewith, the amount so estimated by the Administrator for any period, reduced or increased, as the case may be, by any sum by which he finds that his estimate for any prior period within the allotment year was greater or less than the amount which should have been paid to the State for such prior period, and reduced by any sum which he finds has been overpaid to the State for any prior fiscal year.

"(3) From the allotment available therefor, the Secretary of the Treasury shall, upon receiving such certification, pay, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, to the State, at the time or times fixed by the Administrator, the amounts so certified. The money so received by the State shall be paid out in accordance with the provisions of the applicable State plan.";

(f) By amending section 4 thereof to read as follows:

"OPERATION OF STATE PLANS

"SEC. 4. Whenever the Administrator, after reasonable notice and opportunity for hearing to the State board, finds that in the administration of the plan there is a failure to comply substantially with any provision of the plan approved by the Administrator, the Administrator shall notify such State board that further payments will not be made to the State under this act until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Administrator shall make no further certifications to the Secretary of the Treasury with respect to such plan under this act.";

(g) By amending the first sentence of section 6 thereof to read as follows: "Out of funds made available for the purpose, the Administrator, until such time as a plan is submitted hereunder by the Board of Vocational Education of the District of Columbia, and approved by the Administrator, is authorized to provide vocational rehabilitation services to disabled persons actually residing in the District of Columbia: *Provided*, That upon request of a State board (or State agency for the blind), he may furnish guidance and placement services to disabled persons not actually residing in the District.";

(h) By amending paragraph (1) of subsection (a) of section 7 thereof by inserting, after the word "investigations" the word "demonstrations" and a comma;

(i) By striking out paragraphs 2 and 3 of subsection (a) of section 7 of such act and inserting in lieu thereof the following:

"(2) in accordance with the regulations issued by him, and upon recommendation of the advisory council, to make grant-in-aid to universities, rehabilitation centers, and other public or private agencies and institutions, and to individuals, for such research projects as will lead to improvement in the methods and techniques of achieving the rehabilitation and readjustment of disabled persons;

"(3) in accordance with regulations issued by him and from funds appropriated or donated for the purpose, and upon recommendation of the advisory council, (A) to establish and maintain research fellowships, with such stipends and allowances (including travel and subsistence expenses) as he may deem necessary, and, in addition, to provide for such fellowships through grants to public and other nonprofit institutions; and (B) to provide training and instruction and to establish and maintain traineeships for the training of individuals in fields relating to services to the disabled covered by this act, with such stipends and allowances (including travel and subsistence expenses) for trainees as he may deem necessary, and, in addition, provide for such training, instruction, and traineeships through grants to public and other nonprofit institutions; and

"(4) to accept, receive, and use on behalf of the United States, such gifts as may be made by others for carrying out the purposes of this act.";

(j) By adding at the end of subsection (c) of section 7 of such act the following: "There is hereby established within the Federal Security Agency a Bureau for the Rehabilitation of the Disabled. The head of such Bureau shall be appointed by the Administrator and shall have the title of Director.";

(k) By adding after subsection (c) of section 7 thereof the following new subsections:

"(d) (1) There is hereby established within the Federal Security Agency a National Advisory Council on Services for Disabled Persons (hereinafter referred to as the Council), consisting of the Administrator as Chairman ex officio, of the Secretaries of Labor and Agriculture, the Administrator of Veterans' Affairs, and the Surgeon General of the Public Health Service, as members ex officio, and of eight additional members appointed by the Administrator without regard to the civil-service laws. The appointed members shall be representative of the general public, shall be familiar with the need for services to the disabled, and shall include at least three persons who are themselves disabled. Each appointed member shall serve for a term of 3 years and shall be eligible for reappointment, except that any member appointed to fill a vacancy occurring prior to the expiration of his predecessor's term of office shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated by the Administrator at the time of appointment, three at the end of the first year, three at the end of the second year, and two at the end of the third year after the date of appointment. The Chairman and other ex-officio members may be represented on the Council by representatives designated and detailed by them.

"(2) The Council is authorized to appoint such special advisory and technical subcommittees as may be useful in carrying out the functions of the Council under the act, and the Administrator may appoint such additional advisory and technical committees as may be useful in carrying out his functions under this act. The Council shall meet as frequently as the Administrator deems necessary but not less often than four times each year, and upon request by five or more appointed members it shall be the duty of the Administrator to call a meeting of the Council. The Administrator is authorized to utilize the services of any member or members of the Council, or of any member or members of a special advisory or technical committee or subcommittee, in connection with matters related to the administration of this act, for such periods, in addition to conference periods, as he may determine.

"(3) The Council shall advise, consult with, and make recommendations to the Administrator on matters relating to the activities and functions of the Administrator in the field of rehabilitation and adjustment of the disabled, and in particular shall from time to time (A) review, evaluate, and make recommendations for improvement in, the administration of programs and projects carried on under this act, including plans for rehabilitation centers and workshops, and the coordination of such programs and projects and other services to the disabled, (B) consider, advise the Administrator on, and initiate with him proposals for legislation relating to the disabled, (C) foster public understanding and enlist public support for such programs, (D) recommend to the Administrator acceptance of conditional gifts for carrying out the purpose of this act, and (E) recommend to the Administrator grants for research, for research fellowships, and for training instruction and traineeships pursuant to section 7 (a).

"(4) Members of the Council and of advisory and technical committees or subcommittees, while serving in connnection with attendance at conferences or meetings of the Council or such committees or subcommittees, or while otherwise serving at the request of the Administrator, shall receive compensation at rates fixed by the Administrator but not exceeding $50 per day, and shall also be entitled to receive an allowance for actual and necessary travel expenses while so serving away from their places of residence, except that officers and employees of the Federal and State Governments shall not be entitled to compensation for such services other than the compensation regularly payable to them as such officers or employees.

"(e) The Secretaries of Defense, Labor, Commerce, and Agriculture, the Administrator of Veterans' Affairs, the Civil Service Commission, the President's Committee on Observance of National Employ the Physically Handicapped Week, and the heads of other departments and agencies concerned with problems of disabled persons shall cooperate with the Administrator in the development of working arrangements to achieve maximum coordination of services to the disabled, and the Administrator shall consult with the Secretary of Labor in connection with policies relating to job placement of disabled persons.";

(l) By amending section 9 of such act as follows: By inserting the designation "(a)" immediately after the section number thereof; by striking out the words "section 6" and inserting in lieu thereof "sections 6, 203, 310, and 408."; and by adding to such section the following new subsections:

"(b) (1) For the purposes specified in titles II and III, and in section 406 of title IV and within the limits of appropriations made pursuant to this section for such purposes, the Administrator shall for each fiscal year from time to time make allotments to those States which, at the time of allotment, have in effect an agreement with the Administrator pursuant to section 204, one or more approved ancillary parts under title III, or a plan approved under section 404. The Administrator shall make such allotments on the basis of the programs each State has in effect and on the basis of the following factors—

"(A) the relative State populations or other appropriate measure of the number of persons within such States in need of the services to be provided under such programs (estimated in either case from census or other relative data, or both);

"(B) his estimate as to the amount of State and local funds available, or to be made available, for expenditure under each program;

"(C) the relative financial ability of the States.

"(2) For the purposes of the program specified in title I and within the limits of appropriations made pursuant to this section for such purposes, the Administrator shall for each fiscal year, from time to time make allotments to those States which have in effect a plan approved under section 2. Such allotments shall be made on the basis of factors (A), (B), and (C), specified in paragraph (1): *Provided*, That for the fiscal year beginning July 1, 1950, the regulations of the Administrator shall provide for allotments to the several States, out of the sums so appropriated for such year and determined to be available for the purposes of title I, solely on the basis of the number of disabled persons rehabilitated into employment, active case loads, and the Administrator's estimate of the amount of State and local funds available, or to be made available, for expenditure under the State plan: *And provided further*, That the amount so allottable to any State for the fiscal year beginning July 1, 1950, shall be increased by the amount (if any) by which it is less than the sum which was paid (or would have been paid in the absence of adjustment under section 3 (c) (2)) to such State for the preceding fiscal year pursuant to section 3 (a), the amount of such increases for all such States to be derived by proportionately reducing the amount by which the allotment otherwise payable to each of the remaining States for the fiscal year ending June 30, 1951, is in excess of the sum which was (or would have been) so paid to such remaining States for such preceding fiscal year.

"(3) Moneys paid to any State pursuant to its allotment under paragraph (1) shall, subject to the provisions of this act and of the agreement with the State under section 204 or the applicable ancillary part under title III or of the State plan under section 402 in effect at the time of expenditure by the State, be available for any of the purposes specified in titles II and III and section 406 without regard to the amounts allotted to such State on the basis of its

several programs under such titles, and without regard to whether the agreement or ancillary part or plan under which the expenditure is incurred by the State was in effect at the time of allotment: *Provided,* That if the State licensing agency designated under title II is not the same agency as the State board, such portion of such State's allotment as the Administrator designates as having been made on the basis of its program under title II shall be available solely for the purposes of that title to the extent specified by the Administrator.

"(4) Any allotment in effect at the close of the fiscal year for which it was made, and the appropriation from which it was made, shall, for the purpose of payments to the allottee State for expenditures incurred by such State in the fiscal year for which such allotment was made, remain available during the next fiscal year. Upon making allotments the Administrator shall notify the Secretary of the Treasury of the amounts thereof."

(m) By striking out the word "and" at the end of paragraph (a) of section 10; by striking out the period at the end of such section and inserting in lieu thereof a semicolon; and by adding thereto the following new paragraphs:

"(c) The term 'private nonprofit corporation' means any corporation organized and operated exclusively for the protection of the social and economic welfare of disabled persons, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any shareholder or individual;

"(d) The terms 'physicians' and 'corrective surgery or therapeutic treatment' and 'hospitalization' include osteopathic practitioners or the services of osteopathic practitioners and hospitals within the scope of their practice as defined by State law;

"(e) The term 'State' includes the several States, Alaska, Hawaii, Virgin Islands, Puerto Rico, and the District of Columbia; and

"(f) (1) The 'Federal percentage' applicable to any program under this act with respect to any State except States specified in paragraph (2) for any fiscal year shall be 100 percent less the State percentage; the State percentage with respect to any State whose per capita income is equal to the per capita income of the continental United States (excluding Alaska) shall be that percentage which is designated in the following table as the pivotal State percentage for such program for such year; and the State percentage with respect to any other State shall be that percentage which bears the same ratio to the pivotal State percentage specified for such program for such year in the table as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska); except that such Federal percentages shall not be more than the maximum or less than the minimum percentages shown in such table for the specified program for such year:

Program	Fiscal years beginning July 1	Pivotal State percentage	Federal percentage	
			Maximum	Minimum
Title I	1953, 1954	35	75	60
Do	1955, 1956	37.5	75	57.5
Do	1957, 1958	40	75	55
Do	1959, 1960	42.5	75	52.5
Do	1961, 1962	45	75	50
Do	1963 and thereafter	45	75	40
Titles II, III, and IV	1950 and thereafter	45	75	40

"(2) The 'Federal percentage' for any program for any fiscal year shall, with respect to Hawaii, be equal to 100 percent less the pivotal State percentage specified in the preceding table for such program for such year, and shall, with respect to Alaska, Puerto Rico, and the Virgin Islands, be equal to the highest Federal percentage determined for any State pursuant to paragraph (1) for such program for such year.

"(3) The Federal percentages for each fiscal year shall be promulgated by the Administrator during January of the fiscal year immediately preceding such year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce: *Provided,* That the Administrator shall promulgate such percentages as soon as possible after the enactment of this act, which promulgation shall be conclusive for the fiscal year ending June 30, 1951; and

"(4) The population of the several States shall be determined on the basis of the latest estimates certified by the Department of Commerce."; and

(n) By amending section 11 thereof by striking out the words "This act" and inserting in lieu thereof the words "This title."

SHORT TITLE

SEC. 9. Such act, as amended by this act, is further amended by adding at the end thereof a new section reading as follows:

"SHORT TITLE

"SEC. 701. This act may be cited as the 'National Services for Disabled Persons Act.'"

SAVING CLAUSE

SEC. 10. (a) The act of June 20, 1936, as in effect prior to the enactment of this act, and the regulations approved and promulgated thereunder prior to the enactment of this act, may, notwithstanding the amendment made by section 3 of this act, be considered to remain in effect with respect to the period ending with the promulgation by the Administrator of regulations, but in no event more than 6 months after the date of the enactment of this act; and the designation of State licensing agencies made under the act as in effect prior to the enactment of this act, may, notwithstanding the amendment made by section 3 of this act, be considered to remain in effect until such date as the Administrator in regulations shall provide.

(b) The Vocational Rehabilitation Act, as in effect prior to the enactment of this act, shall, notwithstanding the amendments made by this act, govern the rights and obligation of the States and of the United States with respect to expenditures under approved State plans incurred in any fiscal year prior to July 1, 1950.

(c) Sections 6, 203, 310, and 408 of the Vocational Rehabilitation Act, as amended by this act, shall not be construed as precluding such reorganization of the functions of the Administrator under these sections as may be authorized under the provisions of the Reorganization Act of 1949, approved June 30, 1949.

AMENDMENT TO WAGNER-PEYSER ACT

SEC. 11. (a) The first sentence of subsection (a) of section 3 of the act of June 6, 1933, as amended (29 U. S. C., 1946 edition, sec. 49–491), is amended by inserting before the period at the end thereof "and in which there shall be provided job counseling and placement services for disabled persons".

(b) Section 8 of said act, as amended, is amended by inserting after the first sentence thereof a new sentence to read as follows: "Such plans shall include provision for the promotion and development of employment opportunities for disabled persons and for job counseling and placement of such persons (including the collection of information from employers concerning hiring and training practices, standards, and policies prevailing in industry with respect to employment of the disabled)."

(c) Section 8 of said act, as amended, is further amended by adding to the second sentence (of the present act) the following: "and for the referral of such State vocational rehabilitation board, department, or agency of disabled persons who may require vocational rehabilitation services authorized by the Vocational Rehabilitation Act as amended (57 Stat. 374, 29 U. S. C., 1946 edition, ch. 4)".

(d) Section 8 of said act is further amended by striking out the words "physically handicapped" wherever such words appear, and substituting therefor "disabled".

CIVIL SERVICE COMMISSION

SEC. 12. There shall be established in the United States Civil Service Commission a separate division for employment of disabled persons, with a chief and such staff as may be required. It shall be the duty of the division to deal with problems attendant upon the recruitment, examination, and appointment of disabled applicants for employment in the Federal civil service. Such sums as are necessary for the establishment and operation of the division are hereby authorized to be appropriated.

EFFECTIVE DATE

SEC. 13. This act shall become effective 90 days following the date of its enactment.

Mr. DOUGLAS. Mr. President, since the Senator from Kansas wishes to have an explanation of this bill, I may say that S. 4051 was reported unanimously by the Committee on Labor and Public Welfare, and it provides for an extension of the program of services already under way for the vocational rehabilitation of the handicapped.

Each year there are approximately a quarter of a million persons newly disabled, and the present program cares for only about 55,000. There is a large backlog of handicapped persons needing rehabilitation, in addition to this annual volume of those who are newly disabled.

This bill authorizes State agencies to institute, and allows Federal grants-in-aid for greatly needed new services. It brings Federal funds for the first time to the support of the program for the blind, under the Randolph-Sheppard Act of 1936, and sets up new rehabilitation services for the handicapped by means of amendments to the Barden-LaFollette Act of 1943.

The bill authorizes State agencies to develop, and permits Federal grants-in-aid for (a) adjustment training services for the blind, (b) auxiliary services in workshops for severely disabled persons, (c) assistance to home-bound severely disabled persons in setting up and continuing themselves in remunerative employment, and (d) establishment and supervision of a business enterprise program for the severely disabled.

The bill also authorizes grants-in-aid, modeled on the hospital-construction system, for the establishment of rehabilitation centers and of workshops for the severely disabled, with a limit of $2,500,000 in contract authorizations for the first 2 years.

It also authorizes grants for research and adjustment centers for the blind and other severely disabled persons. It authorizes loans from a revolving fund to States for rehabilitation programs and from a workshop loan fund, subject to State recommendations, to cooperatives of disabled persons.

Research grants and grants for research fellowships and for training, in-

struction, and traineeships are also authorized, in an effort to encourage the development of trained personnel to handle these services.

Important administrative improvements are also made, including provisions for advisory councils at Federal and State levels.

The committee report, on page 26, shows that the estimated additional appropriations which would be required for the new services for the first year would be approximately $5,500,000, and for the second year, $6,100,000. At present, all Federal expenditures amount to about $20,000,000 a year.

In addition, the bill provides for the revision of the present matching system for Federal aid to the States. Under the provisions of the bill, the new programs would be supported on the basis of a Federal contribution of 55 percent on the average, and for existing programs the share of contribution made by the Federal Government to the States will gradually diminish and the States' share gradually increase, until the ratio, instead of being, as now, about two-thirds and one-third, will become approximately 55 percent and 45 percent, on the average. But we have provided for variations between States, with the poorer States receiving larger Federal grants, and the richer States receiving somewhat smaller grants. I may say this bill has been reported and recommended unanimously by the members of the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes, was announced as next in order.

Mr. HILL. Mr. President, I offer an amendment which has been approved by the committee. I offer it on behalf of the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Mississippi [Mr. STENNIS], and the Senator from New Jersey [Mr. HENDRICKSON]. It adds nothing at all to the cost of the Government in the operation of the bill. It makes it better from the standpoint of current finances. So far as the cost to the Treasury is concerned, it adds none. It has been approved by the Committee on Labor and Public Welfare.

Mr. WATKINS. Reserving the right to object, is this Order No. 2489, House bill 7940?

The PRESIDING OFFICER. It is.

Mr. WATKINS. That is a bill which was passed over, is it not?

The PRESIDING OFFICER. Yes.

Mr. WATKINS. I have made some study of the bill, but not sufficient to permit me to analyze it as it should be analyzed. It seems to me it is rather open-ended. No one knows how much money it is going to cost, and it seems to me it gives certain of our citizens a free ride so far as education for their children is concerned. I have offered an amendment to the authors of the bill, which I think would make a more or less just measure out of it. They are not willing to accept it, and for that reason I object.

The PRESIDING OFFICER. The bill will be passed over.

The Chair would say to the Senate that we have concluded all bills on the last portion of the calendar. It may be of interest for the Senate to know that we have passed 163 bills. We return, now, to the beginning of the calendar.

Mr. HENDRICKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Anderson	Hill	Malone
Benton	Hoey	Martin
Bricker	Holland	Millikin
Butler	Humphrey	Morse
Byrd	Hunt	Mundt
Cain	Ives	Murray
Chapman	Johnson, Colo.	Myers
Chavez	Johnson, Tex.	Neely
Connally	Kem	O'Conor
Cordon	Kerr	O'Mahoney
Darby	Kilgore	Robertson
Douglas	Knowland	Russell
Dworshak	Langer	Schoeppel
Ecton	Leahy	Smith, Maine
Ellender	Lehman	Sparkman
Ferguson	Lodge	Stennis
Frear	Long	Taylor
Fulbright	Lucas	Thomas, Okla.
George	McCarran	Thye
Gillette	McCarthy	Tydings
Graham	McClellan	Watkins
Green	McFarland	Wherry
Gurney	McKellar	Wiley
Hendrickson	McMahon	Williams
Hickenlooper	Magnuson	Young

The PRESIDING OFFICER. A quorum is present.

The clerk will call the first number on the calendar.

BILL PASSED OVER

The bill (S. 130) to provide for the demonstration of public-library service in areas without such service or with inadequate library facilities was announced as first in order.

Mr. HENDRICKSON. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

IMMIGRATION STATUS OF CERTAIN WIVES AND CHILDREN

The bill (S. 206) relating to the immigration status of the lawful wives and children of Chinese-treaty merchants was announced as next in order.

Mr. McCARRAN. Mr. President, this bill affects only the wives and minor children of Chinese-treaty traders admitted into the United States as such traders under the treaty of 1880 and prior to the passage of the Immigration Act of 1924.

Persons in this class are in an uncertain position because although the courts have ruled that the traders themselves, who were admitted under the treaty and not under the subsequent act, may remain in the United States even though they have lost their treaty status, there is confusion in the decisions with regard to the wives and children of such persons. Some courts have held that these wives and minor children may be excluded or deported if they entered the country or sought to enter the country subsequent to enactment of the 1924 law. Other courts have held that they may not be excluded, because the status of the husband is communicated to his wife and minor children. The purpose of this bill is to remove the confusion. The bill does not affect the status of treaty merchants who have come to the United States since the passage of the Immigration Act of 1924, nor the status of the wives and minor children of such merchants.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. RUSSELL. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 45) for the relief of the owners and operators of certain gold mines which were closed or the operations of which were curtailed by War Production Board Limitation Order L–208 was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 110) to broaden the cooperative extension system as established in the act of May 8, 1914, and acts supplemental thereto, by providing for cooperative extension work between colleges receiving the benefits of this act and the acts of July 2, 1862, and August 30, 1890, and other qualified colleges, universities, and research agencies, and the United States Department of Labor was announced as next in order.

Mr. SCHOEPPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 734) to provide for the appointment and compensation of counsel for impoverished defendants in certain criminal cases in the United States district courts was announced as next in order.

Mr. RUSSELL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2660) to prohibit the parking of vehicles upon any property owned by the United States for postal purposes was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

CONCURRENT RESOLUTION PASSED OVER

The resolution (S. Con. Res. 33) suspending legislative budget pending further study was announced as next in order.

Mr. SCHOEPPEL. Over.

The PRESIDING OFFICER. The resolution will be passed over.

BILLS PASSED OVER

The bill (S. 478) for the relief of Carl Piowaty and W. J. Piowaty was announced as next in order.

Mr. SCHOEPPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1464) to amend the provisions of the Agricultural Adjustment Act relating to marketing agreements and orders was announced as next in order.

Mr. HENDRICKSON. Mr. President, I ask that this bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1955) to authorize certain persons to accept decorations tendered them by the United Kingdom for services rendered the Allied cause during World War II, and for other purposes, was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 595) relating to the internal security of the United States was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 458) to provide for a survey of physically handicapped citizens was announced as next in order.

Mr. SCHOEPPEL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 91) to provide for the better assurance of the protection of persons within the United States from lynching, and for other purposes, was announced as next in order.

Mr. RUSSELL. Over.

Mr. HILL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 12) to amend the Civil Aeronautics Act of 1938, as amended, was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3368) to amend sections 356 and 365 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, to increase the maximum sum allowable by the court of the assets of a decedent's estate as a preferred charge for his or her funeral expenses from $600 to $1,000 was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1606) to authorize the Secretary of the Interior to determine the validity of titles to lands acquired in the administration of the reclamation laws was announced as next in order.

Mr. McCARRAN. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 660) to amend the act of June 27, 1944, Public Law 359, and to preserve the equities of permanent classified civil service employees of the United States was announced as next in order.

Mr. SCHOEPPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1031) amending Public Law 49, Seventy-seventh Congress, providing for the welfare of coal miners, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1976) for the relief of Mrs. Juan Antonio Rivera, Mrs. Raul Valle Antelo, Mrs. Jorge Diaz Romero, Mrs. Otto Reese, and Mrs. Hugo Soria was announced as next in order.

Mr. SCHOEPPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1681) to prohibit the picketing of courts was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 2294) to amend the Contract Settlement Act of 1944, so as to authorize the payment of fair compensation to persons contracting to deliver strategic or critical minerals or metals in cases of failure to recover reasonable costs, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1741) to extend the unemployment allowance benefits of the Servicemen's Readjustment Act of 1944 for a period of 2 years was announced as next in order.

Mr. SCHOEPPEL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2886) to provide for the killing of starlings in the District of Columbia was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 48) to amend title 28, United States Code, section 456, so as to increase to $15 per day the limit on subsistence expenses allowed to justices and judges traveling while attending court or transacting official business at places other than their official stations, and to authorize reimbursement for such travel by privately owned automobiles at the rate of 7 cents per mile, was announced as next in order.

Mr. DOUGLAS. Over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 2432) restoring to tribal ownership certain lands upon the Colville Indian Reservation, Wash., and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Over, by request.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 806) authorizing the erection of a monument to Sacajawea was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 384) to authorize the Commissioner of Public Buildings to convey to the Temple Methodist Church, a nonprofit corporation, of San Francisco, Calif., a portion of the federally owned building known as 100 McAlister Street, San Francisco, Calif., and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. Over, by request.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1439) to provide for assistance to State agencies administering labor laws in their efforts to promote, establish, and maintain safe workplaces and practices in industry, thereby reducing human suffering and financial loss and increasing production through safeguarding available manpower, was announced as next in order.

Mr. SCHOEPPEL. Over, by request.

The PRESIDING OFFICER. The bill will go over.

The concurrent resolution (H. Con. Res. 62) creating a Joint Committee on Lobbying Activities, was announced as next in order.

Mr. LUCAS. I object.

The PRESIDING OFFICER. The concurrent resolution will go over.

The bill (H. R. 2166) to amend title 28, United States Code, section 456, so as to increase to $15 per day the limit on subsistence expenses allowed to justices and judges while attending court or transacting official business at places other than their official station, and to authorize reimbursement for such travel by privately owned automobiles at a rate of not exceeding 7 cents per mile, was announced as next in order.

Mr. DOUGLAS. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1390) to authorize the conveyance to the State of California of easements for the construction and maintenance of a toll highway crossing and approaches thereto over and across lands of the United States in the vicinity of San Francisco Bay, Calif., and for other purposes, was announced as next in order.

Mr. LUCAS. At the request of the Senator from California [Mr. DOWNEY], I object.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1596) to authorize the Postmaster General to enter into special agreements for certain switching service by railway common carriers, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. By request, over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 17) to authorize the Secretary of the Interior to issue patents for certain lands to certain settlers in the Pyramid Lake Indian Reservation, Nev., was announced as next in order.

Mr. DOUGLAS. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5647) to prohibit the picketing of United States courts was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 240) to stimulate the exploration, production, and conservation of strategic and critical ores, metals, and minerals, and for the establishment within the Department of the Interior of a Mine Incentive Payments Division, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

GUILERMO CHACARTEGUI

The bill (S. 139) for the relief of Guilermo Chacartegui was announced as next in order.

Mr. HENDRICKSON. Over.

Mr. TAYLOR. Would the Senator from New Jersey withhold his objection?

Mr. HENDRICKSON. I gladly withhold my objection.

Mr. TAYLOR. This is a sheepherder bill. Two such bills were previously passed today. They were introduced by my colleague. I hope we can get sheepherders into the country regardless of whether they are Republican or Democratic sheepherders. There is a very great shortage of them in our country. We are unable to get Americans to herd sheep, and if we are to get into international difficulties we shall need wool. I hope the objection will be withdrawn.

Mr. HENDRICKSON. The junior Senator from New Jersey is not opposed to the merits of the bill, but under its terms servitude is implied in this case. This man would be permitted to remain as a sheepherder provided he remains in the country for 5 years, as I understand. If the bill is properly amended, I would be glad to withdraw my objection.

Mr. TAYLOR. Does the Senator mean an amendment which would not require that he remain a sheepherder for 5 years?

Mr. HENDRICKSON. Simply remove the provision that the man must be a sheepherder.

Mr. TAYLOR. I would be glad to amend the bill in that particular.

Mr. McCARRAN. Mr. President, I have an amendment which I send forward. It may cover the objection.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and insert:

That, in the administration of the immigration and naturalization laws, Guilermo Chacartegui shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States upon payment of the required visa fee and head tax. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. HENDRICKSON. Mr. President, the amendment meets my objection adequately. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. McCARRAN].

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (S. J. Res. 58) providing for a rehearing in the matter of the Bellows Falls Hydro-Electric Corporation (project No. 1892), known as the Wilder Dam project, and a review of any order of the Federal Power Commission was announced as next in order.

Mr. HENDRICKSON. Over, by request.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (H. R. 4815) to provide for medical services to non-Indians in Indian hospitals, and for other purposes, was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 2197) to amend the Export-Import Bank Act of 1945, as amended (59 Stat. 526, 666, 61 Stat. 130), to vest in the Export-Import Bank of Washington the power to guarantee United States investments abroad was announced as next in order.

Mr. SCHOEPPEL. Over, by request.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 250) to authorize the Federal Security Administration to assist the States in the development of community recreation programs for the people of the United States, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will go over.

BILLS PLACED AT FOOT OF CALENDAR

The bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. I should like to ask unanimous consent that the measure go to the foot of the present calendar because of the absence of a Senator who is very much interested in it.

The PRESIDING OFFICER. Without objection, the bill will go to the foot of the calendar.

The bill (S. 2006) to amend the Home Owners' Loan Act of 1933 with respect to Federal savings and loan associations was announced as next in order.

Mr. HENDRICKSON. Over, by request.

Mr. FREAR. Mr. President, will the Senator withhold his objection?

Mr. HENDRICKSON. I gladly withhold my objection at the request of the Senator from Delaware.

Mr. FREAR. I appreciate the Senator's courtesy. The Senators from Massachusetts objected to the bill on the last call of the calendar. I have an amendment to the bill which I believe meets their objections, if they are the objectors at the present time.

Mr. HENDRICKSON. They are the Senators who object.

Mr. FREAR. May I present the amendment?

Mr. HENDRICKSON. I do not object to the Senator's submitting his amendment.

The PRESIDING OFFICER. Does the Senator object to the bill?

Mr. HENDRICKSON. I shall object to the bill, but I have no objection to the Senator's presenting his amendment.

Mr. FREAR. The Senator from New Jersey would object to the bill even with this amendment?

Mr. HENDRICKSON. Yes.

The PRESIDING OFFICER. The amendment may be placed with the bill and the bill will go to the foot of the calendar.

MEASURES PASSED OVER

The bill (H. R. 5731) to discharge a fiduciary obligation to Iran was announced as next in order.

Mr. SCHOEPPEL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 211) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes," approved June 3, 1924, as amended, was announced as next in order.

Mr. HENDRICKSON. I ask that it go over, by request.

The PRESIDING OFFICER. The bill will go over.

The resolution (S. Res. 187) favoring a review of the policy of dismantling the German industrial establishment was nounced as next in order.

Mr. LEHMAN. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa was announced as next in order.

Mr. LUCAS. Mr. President, over.

Mr. HICKENLOOPER. Mr. President, will the Senator withhold his objection?

Mr. LUCAS. I may say that the Senator from Oregon objected previously to the consideration of this bill. If we were to pass it in his absence, I am sure the Senator from Oregon would move to reconsider.

Mr. HICKENLOOPER. Mr. President, will the Senator yield and withhold his objection for the moment, so that I may put certain information in the RECORD?

Mr. LUCAS. Yes.

Mr. HICKENLOOPER. The Senator from Oregon has consistently objected to the bill. So far as I know, he is the only Senator who objects to it. Of course, that is within his right. However the bill has passed the House, and

it provides for the transfer of old, antiquated buildings, at the old Army post at Fort Des Moines, Iowa, to the State of Iowa.

The State of Iowa originally gave all this land to the Federal Government without charge. There is now located on the land a housing project, composed of temporary houses built during the war, and the project is now being administered by a certain Government agency. The State of Iowa has offered to take the property over, to carry out the contract of the Government for the agency concerned, and there is no objection on the part of any Government agency to this transfer.

The administration concerned has written on two occasions inquiring as to the possibility of the passage of the bill through the Senate, it having passed the House, as I have said, and I earnestly hope the objection will be withdrawn so that the property can be cleared up.

I have in my hand a letter from the General Services Administration dated June 16, 1950, in which it is said:

> This is one of the few remaining properties, other than those occupied and utilized by the Department of Defense, that is being carried in the inventory of this Administration pending final disposal by legislation or public offering.

The cost to the Government of maintaining the property is increasing, the State of Iowa is willing to take it over, and I hope that, before the session is over, the objection will be withdrawn so that the bill can be passed and the matter can be straightened out.

Mr. CHAVEZ. Mr. President, the Senator from Illinois no doubt feels he has reason for objecting——

Mr. HICKENLOOPER. I understand he objected on behalf of the Senator from Oregon.

Mr. CHAVEZ. This matter was gone into very carefully. The Senator from California [Mr. DOWNEY] made the report of the committee. It was not done on the impulse of the moment, with the idea of helping anyone, but it was the judgment of the committee that the bill should be reported and passed.

Mr. HICKENLOOPER. I thank the Senator. The probability is that the burden to the Government to maintain the property is greater than any amortized value the Government might get out of the sale of the ground, which was given to the Government in the first instance by the State of Iowa.

Mr. CHAVEZ. There is no question whatsoever that the longer the Government keeps the land unused, the more it will cost.

Mr. HICKENLOOPER. The buildings require upkeep, and they are virtually useless to anyone, except for State storage, except the temporary housing, which is now being used by the housing project itself, which is deteriorating every day, and it will be uninhabitable, so far as human habitation is concerned, without vast expense. I believe the bill has great merit, in view of the history of the acquisition of the land, and the complete lack of utility to the Government or anybody else so far as permanent buildings are concerned.

Mr. CHAVEZ. Mr. President, so far as its being of no value whatsoever is concerned now, I may say it is of no value, unless this proposed legislation shall be enacted. The permanent buildings will be wasted unless such a bill is passed.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

Mr. HICKENLOOPER. Mr. President, I wonder if the Senator from Illinois would object to the bill going to the foot of the bills we are now considering.

Mr. LUCAS. I do not object.

The PRESIDING OFFICER. The bill will be so disposed of.

OPERATION OF THE PANAMA CANAL

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent to revert to calendar 2535, on page 31, the bill to which I offered an objection a few moments ago. We have worked out an amendment which I think is agreeable to everyone concerned, and I should like to offer the amendment.

The PRESIDING OFFICER. Is there objection to returning to the consideration of the bill?

Mr. CHAVEZ. Mr. President, of course I have no objection to considering the bill, but if we are to make orderly progress on the calendar we should proceed in an orderly manner. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will state the next order of business.

BILLS PASSED OVER

The bill (S. 1728) to prohibit discrimination in employment because of race, color, religion, or national origin was announced as next in order.

Mr. RUSSELL (and other Senators). Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4453) to establish a Fair Employment Practice Commission and to aid in eliminating discrimination in employment because of race, creed, or color was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2113) to amend the Interstate Commerce Act, as amended, to clarify the status of freight forwarders and their relationship with motor common carriers, was announced as next in order.

Mr. SCHOEPPEL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

WAYMON H. MASSEY

The bill (H. R. 1025) for the relief of Waymon H. Massey was announced as next in order.

Mr. HENDRICKSON. Over.

Mr. McCARRAN. Mr. President, will the Senator withhold his objection a moment?

Mr. HENDRICKSON. I withhold my objection.

Mr. McCARRAN. Mr. President, this is the case of a flight instructor who was seriously injured when the student he was instructing froze to the controls.

This bill does not grant any sum of money, but simply gives the claimant his day in court. He cannot sue under the Federal Tort Claims Act without this legislation, because the injury occurred prior to the cut-off date under that act.

This bill went to a subcommittee composed of Senators GRAHAM, MAGNUSON, and DONNELL, which held hearings and heard witnesses, including this claimant.

Mr. HENDRICKSON. I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2595) to provide for the establishment of a Commission on Human Rights in the Government in the District of Columbia was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4703) relating to the internal security of the United States was announced as next in order.

Mr. LUCAS. Mr. President, I think this bill should go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2311) to protect the United States against certain un-American and subversive activities, and for other purposes, was announced as next in order.

Mr. LUCAS. I make the same suggestion.

The PRESIDING OFFICER. The bill will be passed over.

RONALD CLIVE JACK

The bill (S. 891) for the relief of Ronald Clive Jack was announced as next in order.

Mr. SPARKMAN. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McCARRAN subsequently said: Mr. President, I must again apologize to the Senate. When Calendar No. 1405, Senate bill 891, was called, my attention was distracted. Will the Senator who objected withhold his objection until I can make a short statement?

The PRESIDING OFFICER. The Senator may proceed.

Mr. McCARRAN. Mr. President, this is a private immigration bill. The proposed beneficiary of the bill is a native of Australia, 37 years old, and a recognized expert on accountancy. He is now employed by a firm in Cleveland, Ohio, which has stated that the loss of his services would result in a "very definite and serious impairment" of benefits to a number of the firm's clients.

Evidence presented to the committee indicates that this is a man of good moral character and without Fascist or Communist leanings.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. LUCAS. Mr. President, I think the Senator from Alabama [Mr. SPARKMAN] objected to the bill, and then left the Chamber. I think it should go to the foot of the calendar. It is my bill, and I do not want to take advantage of the situation.

Mr. FULBRIGHT. The Senator from Alabama [Mr. SPARKMAN] objected, and I think the bill should go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will go to the foot of the calendar.

BILLS AND CONCURRENT RESOLUTIONS PASSED OVER

The bill (S. 272) to facilitate the admission of certain foreign workers desiring to perform agricultural work in the United States was announced as next in order.

Mr. NEELY. Mr. President, at the request of the American Federation of Labor, I ask that this bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The concurrent resolution (S. Con. Res. 38) to amend section 138 of the Legislative Reorganization Act of 1946, relating to the legislative budget, was announced as next in order.

Mr. LUCAS. Over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

The bill (S. 3050) to amend Public Law 359, chapter 287, Seventy-eighth Congress, second session, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The concurrent resolution (S. Con. Res. 35) requiring committee reports to include estimates of the probable cost of proposed legislation was announced as next in order.

Mr. LUCAS. Mr. President, I object to the consideration of this concurrent resolution.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

The bill (S. 3049) to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes, was announced as next in order.

Mr. LUCAS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7185) to amend Public Law 359, chapter 287, Seventy-eighth Congress, second session, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3560) to rescind the order of the Postmaster General curtailing certain postal services was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 261) favoring rescission of the order of the Postmaster General curtailing certain postal services was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The resolution will be passed over.

NEW YORK QUININE & CHEMICAL WORKS, INC.—BILL PASSED OVER

The bill (H. R. 4653) for the relief of the New York Quinine & Chemical Works, Inc., was announced as next in order.

SEVERAL SENATORS. Over.

Mr. McCARRAN. Mr. President, may I make a brief explanation?

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. McCARRAN. Mr. President, this is a private claim bill which involves the payment of $139,000.

Because of the substantial amount involved, the bill was referred by the chairman of the Committee on the Judiciary to a subcommittee, composed of the Senator from West Virginia [Mr. KILGORE], the Senator from Washington [Mr. MAGNUSON], and the Senator from Michigan [Mr. FERGUSON].

A public hearing was held on the bill. The bill remained before the subcommittee for some months following the hearing, and was reported favorably to the full committee on May 17.

This is a somewhat complicated matter, but I shall attempt to state it as simply as possible.

This claim arises out of wartime transactions for the purchase of opium from Turkey. The three claimant companies, who are chemists and drug wholesalers, were the ultimate receivers and distributors of the opium. The original purchase from Turkey was made for the account of the Defense Supplies Corporation by one of the three claimant companies, under an arrangement worked out at the request of the Government. The purpose of this arrangement was to stockpile opium, which was then in short supply, and to make the stockpile available for distribution in the United States through regular trade channels.

It is a trade practice of long standing to buy and sell opium on the basis of the morphine content; that is, an initial price is agreed upon on the basis of an assumed morphine content, by percentage; and when the opium is delivered, it is sampled and tested, and the price is then adjusted, up or down, depending on whether the morphine content is higher or lower than the assumed percentage.

In the purchase of this particular opium, this trade practice was recognized in the exchange of correspondence and cablegrams between this country and Turkey. Subsequently, when the opium was parceled out in smaller lots to the three claimant companies, this trade practice was not in terms incorporated in the letters of acceptance which constituted informal contracts for the purchase of the opium by the claimant companies.

The Defense Supplies Corporation paid the Turkish suppliers for the opium; and subsequently, the American companies who are claimants here paid the Defense Supplies Corporation for the opium which they received. The Defense Supplies Corporation made a profit on the deal in excess of $300,000.

The opium was below standard in the sense that it had a lower morphine content than the assumed percentage. Therefore, the Defense Supplies Corporation was entitled to a refund from the Turkish suppliers. The Department of State attempted, over a long period, to secure this refund, but was unsuccessful in doing so. Then the American company which had handled the original negotiations with Turkey offered to attempt to secure the refund, and by the device of deducting the amount of the refund from the billings to it, by the same Turkish suppliers, of other opium subsequently purchased, was successful in collecting the entire amount. Then, assuming that, in accordance with the usual trade practice, this refund would be passed on to the companies which received and distributed the opium, a proposal in this regard was submitted to the Reconstruction Finance Corporation, successor to the Defense Supplies Corporation. The RFC then took the position that from the purely legal standpoint, since the contract with the American companies did not contain any specific provision for adjustment of the price in proportion to the morphine content of the opium, and did contain a provision that the opium was being accepted "as is," the amount of the refund could not be passed on to the claimant companies. The RFC did agree that the money should be retained by the company which had collected it, until a determination of the matter; and representatives of the RFC testified that they felt these claimants had an equitable case, and did not oppose enactment of this legislation.

Boiled down, the situation is this: Through the efforts of one of these claimants, the Government has recovered a refund which, in accordance with trade practice, should be passed on to the ultimate purchaser and distributor of the opium in each case. This sum is in excess of a profit of over $300,000 which the Government already has made on the deal. For the Government to get this money, it would constitute a windfall. If the Reconstruction Finance Corporation, through the State Department, had itself successfully recovered this refund, under the accepted trade practice, there would be a moral obligation to pass it on to the claimants here; though it is admitted that it is extremely doubtful whether there would be any basis for legal enforcement of this equitable claim.

Under all the circumstances, it was felt by the committee that the bill should be approved.

I may say, Mr. President, that the subcommittee headed by Senator from West Virginia [Mr. KILGORE] made an extensive study of the subject. The full committee—I do not wish to say by unanimous action, as my memory does not serve me in that respect—reported the bill favorably with the statement that the claim should be paid.

Mr. KILGORE. Mr. President, the sum of $139,000 which is involved in this claim, is now and has been in the possession of the United States Government. All that is requested is that permission be given to make pro rata distribution. The only hitch lies in the use of the words "as is" in the contract. In the drug trade it seems to mean one thing, and in other trades it seems to mean another. "As is," as used in the drug trade, relates to the size and condition of the

package, but does not relate to the chemical analysis.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, I thank the Senator from Nevada for his statement. I also thank the Senator from West Virginia for his statement. The junior Senator from New Jersey knows something of the equities of the case, and I hope there will be no objection to the passage of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 4653) for the relief of the New York Quinine & Chemical Works, Inc., was considered, ordered to a third reading, read the third time, and passed.

Mr. SCHOEPPEL. Mr. President, has House bill 4653 been passed?

The PRESIDING OFFICER. Yes.

Mr. SCHOEPPEL. I should like to ask unanimous consent that the vote by which the bill was passed be reconsidered, because according to my records an objection has been lodged against the bill.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed, will be reconsidered. The bill is on the calendar. Does the Senator from Kansas now object?

Mr. SCHOEPPEL. I do object, by request.

The PRESIDING OFFICER. On objection, the bill will be passed over.

BILL PASSED OVER

The bill (S. 1981) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon certain claims for basic and overtime compensation, was announced as next in order.

Mr. SCHOEPPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

LETTERS PATENT OF WILLIAM R. BLAIR

The Senate proceeded to consider the bill (H. R. 577) to correct possible inequities in the case of a certain application for letters patent of William R. Blair, which had been reported from the Committee on the Judiciary, with an amendment on page 2, line 2, after the name "Blair," to insert a colon and the following proviso: "*Provided, however,* That the holder of any patent granted under this Act shall not, except to the extent of requiring the payment of a reasonable fee or royalty, be entitled to enforce his patent rights thereunder against any person who, before the passage of this Act, was lawfully manufacturing or using the invention covered by such patent, or was bona fide in possession of any rights in a patent or application for patent conflicting with such patent so issued."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McCARRAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement in explanation of the bill which was just passed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

This is an exceedingly meritorious claim. Justice demands that this claimant be given his day in court. He has been deprived of his rights by official orders which, as a member of the Armed Forces, he was bound to obey.

This bill concerns the man who claims to have invented radar. He was at the time a major in the Signal Corps. As soon as he demonstrated his invention to a group of high Government officials he was ordered to keep the invention secret and not to file a patent application. Soon afterward he was retired. The invention was perfected by the Signal Corps, and during the war it was manufactured in various forms. After the war the veil of secrecy was lifted and radar was explained to the public. Under existing law, an application for a patent cannot be filed if the invention was described in any printed publication more than 1 year prior to the filing of the application. The purpose of this bill is to let Major, now Colonel, Blair file his application notwithstanding. The bill does not assure the granting of a patent, but will permit the Patent Office to determine who was the actual inventor; and if Colonel Blair can show that he was the original inventor, then he can get a patent. At the same time the bill protects the rights of others who are now manufacturing radar equipment, by giving them, in the event Colonel Blair is granted a patent, the right to continue to use or manufacture, notwithstanding such patent, upon the payment of a reasonable charge or royalty.

BILL PASSED OVER

The bill (H. R. 5051) for the relief of Mrs. Juan Antonio Rivera, Mrs. Raul Valle Antelo, Mrs. Jorge Diaz Romero, Mrs. Otto Resse, and Mrs. Hugo Soria was announced as next in order.

Mr. SCHOEPPEL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CONTRACTS WITH INDIANS IN CONNECTION WITH CONSTRUCTION OF OAHE DAM, S. DAK.

The Senate proceeded to consider the bill (H. R. 5372) to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and of Standing Rock Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That the Chief of Engineers, Department of the Army, jointly with the Secretary of the Interior, representing the United States of America, are hereby authorized and directed to negotiate contracts containing the provisions outlined herein separately with the Sioux Indians of the Cheyenne River Reservation in South Dakota and with the Sioux Indians of the Standing Rock Reservation in South Dakota and North Dakota, through representatives of the two tribes appointed for this purpose by their tribal councils.

SEC. 2. The contracts made pursuant to section 1 of this act shall—

(a) convey to the United States the title to all tribal, allotted, assigned, and inherited lands or interests therein belonging to the Indians of each tribe required by the United States for the reservoir to be created by the construction of the dam across the Missouri River in South Dakota, to be known as Oahe Dam, including such lands along the margin of said reservoir as may be required by the Chief of Engineers, United States Army, for the protection, development, and use of said reservoir: *Provided,* That the date on which the contract is signed by Chief of Engineers, United States Army, and the Secretary of the Interior shall be the date of taking by the United States for purposes of determining the ownership of the Indian tribal, allotted, and assigned lands conveyed thereby to the United States, subject to the determinations and the payments to be made as hereinafter provided for:

(b) provide for the payment of—

(1) just compensation for lands and improvements and interests therein, conveyed pursuant to subsection (a);

(2) costs of moving the members of each tribe who reside upon such lands out of the proposed flooded area; and

(3) costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines located upon such lands;

(c) provide that just compensation for the lands of individual members of such tribes, who reject the appraisal covering their individual property, shall be judicially determined in proceedings instituted for such purpose by the Department of the Army in the United States district court for the district in which the lands are situated;

(d) provide a schedule of dates for the orderly removal of the Indians and their personal property situated within the taking area of the Oahe Reservoir within the respective reservations: *Provided,* That the Chief of Engineers shall have primary and final responsibility in negotiating concerning the matters set out in the foregoing paragraphs (a) and (b) hereof;

(e) provide for the final and complete settlement of all claims by the Indians and tribes described in section 1 of this act against the United States arising because of construction of the Oahe project.

SEC. 3. To assist the negotiators in arriving at the amount of just compensation as provided herein in section 2 (b) (1), the Secretary of the Interior or his duly authorized representative and the Chief of Engineers, Department of the Army, or his duly authorized representative shall cause to be prepared an appraisal schedule on an individual tract basis of the tribal, allotted, and assigned lands, including heirship interests therein, located within the taking areas of the respective reservations. In the preparation thereof, they shall determine the fair market value of the lands, giving full and proper weight to the following elements of appraisal: Improvements, severance damage, standing timber, mineral rights, and the uses to which the lands are reasonably adapted. They shall transmit the schedules to the representatives of the tribes appointed to negotiate a contract, which schedules shall be used as a basis for determining the amount of just compensation to be included in the contracts for the elements of damages set out in section 2 hereof.

SEC. 4. The specification in sections 2 and 3 hereof of certain provisions to be included in each contract shall not operate to preclude the inclusion in such contracts of other provisions beneficial to the Indians who are parties to such contracts.

SEC. 5. (a) The contracts negotiated and approved pursuant to this act shall be submitted to the Congress within 18 months

from and after the date of enactment of this act.

(b) No such contract shall take effect until it shall have been ratified by act of Congress.

SEC. 6. Nothing in this act shall be construed to restrict the orderly prosecution of the construction or delay the completion of the Oahe Dam to provide protection from floods on the Missouri River.

SEC. 7. When electric power is available from Oahe Dam project, the said tribes and the members thereof shall have equal rights and privileges on an equal basis which are accorded the persons, cooperative associations, and others by the Rural Electrification Act of 1936 and all acts amendatory thereof or supplemental thereto as fully, as if said tribes and members thereof were named in said Rural Electrification Act of 1936.

The PRESIDING OFFICER. At the previous call of the calendar, the Senator from Minnesota [Mr. HUMPHREY] offered an amendment to the committee amendment, and that amendment to the committee amendment is now pending.

Mr. HUMPHREY. Mr. President, I withdraw that amendment to the committee amendment, and now offer a new amendment to the committee amendment, which differs from the previous one in that a proviso had been added.

I wish to ask whether the sponsors of the bill are willing to accept this amendment to the committee amendment.

The PRESIDING OFFICER. Without objection, the amendment previously offered by the Senator from Minnesota to the committee amendment is withdrawn.

The amendment now offered by the Senator from Minnesota to the committee amendment will be stated.

The amendment to the committee amendment was read, as follows:

In the committee amendment, on page 10, strike out lines 3, 4, and 5, and insert in lieu thereof the following:

"(2) Costs of relocating, and reestablishing, the tribe and the members of each tribe who reside upon such lands so that their economic, social, religious, and community life can be reestablished and protected: *Provided*, That such costs of relocating and reestablishing the tribe and the members of each tribe who reside upon such lands shall not result in double compensation for lands and properties to the tribe and members of each tribe; and".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota to the committee amendment.

Mr. ANDERSON. Mr. President, let me inquire whether this amendment to the committee amendment is designed to make sure that if the land of the Indians is condemned and if the Government pays for it, and subsequently relocates the Indians and reestablishes them somewhere else, they will not be paid twice.

Mr. HUMPHREY. Yes. The transportation costs and all the other costs involved will be paid by the Government. As I see it, the problem has been to make sure that the Government did not make two payments for the same piece of property, so to speak.

Mr. ANDERSON. I have no objection.

Mr. GURNEY. Mr. President, the amendment is perfectly agreeable to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. McFARLAND. Mr. President, I move that the Senate insist upon its amendment, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McFARLAND, Mr. ANDERSON, and Mr. BUTLER conferees on the part of the Senate.

BILLS PASSED OVER

The bill (S. 3358) to prohibit transmission of certain gambling information in interstate and foreign commerce by communications facilities was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3314) to authorize the appointment of Joseph F. Carroll and Bernt Balchen as permanent colonels in the Regular Air Force was announced as next in order.

Mr. SCHOEPPEL. Mr. President, I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2734) to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopoly, and for other purposes," approved October 15, 1914 (38 Stat. 730), as amended, was announced as next in order.

Mr. SCHOEPPEL. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2365) for the relief of the city of Chester, Ill., was announced as next in order.

Mr. SCHOEPPEL. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2196) to legalize maritime hiring halls was announced as next in order.

Mr. HENDRICKSON. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3245) to give effect to the Medical Examination (Seafarers) Convention, 1946, adopted at the 28th (maritime) session of the International Labor Organization held at Seattle, Wash., June 6–29, 1946, was announced as next in order.

Mr. SCHOEPPEL. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2786) to amend the Merchant Marine Act, 1936, as amended, to further promote the development and maintenance of the American merchant marine, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3109) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

Mr. LUCAS. Mr. President, will the Senator withhold the objection for just a moment?

Mr. SCHOEPPEL. Yes.

Mr. LUCAS. Let me inquire who is objecting to the bill.

Mr. MARTIN. I am.

Mr. LUCAS. This is one of the bills which I have advised the Senate we shall take up a little later, if it is not passed during the call of the calendar.

The PRESIDING OFFICER. The next measure on the calendar will be stated.

The bill (S. 3244) to give effect to the certification of Ships' Cooks Convention, 1946, adopted at the twenty-eighth (maritime) session of the International Labor Organization, held at Seattle, Wash., June 6–29, 1946, was announced as next in order.

Mr. SCHOEPPEL. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3246) to give effect to the Food and Catering (Ships' Crews) Convention, 1946, adopted at the twenty-eighth (maritime) session of the International Labor Organization, held at Seattle, Wash., June 6–29, 1946, was announced as next in order.

Mr. HENDRICKSON. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3687) to require the armed services to utilize private American shipping services for the overseas transportation of commodities and civilian personnel was announced as next in order.

Mr. CHAPMAN. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3682) to amend the Civil Service Retirement Act of May 29, 1930, as amended, with respect to the time of taking effect of annuities of Members and elected officers of the Senate and House of Representatives, was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3147) to establish a temporary National Commission on Inter-Governmental Relations was announed as next in order.

Mr. SCHOEPPEL. I ask that the bill go over, by request.

Mr. HUMPHREY. Mr. President, will the Senator withhold the objection for a moment?

Mr. SCHOEPPEL. I am delighted to do so.

Mr. HUMPHREY. Is the objection made by request?

Mr. SCHOEPPEL. That is correct; by request, I have asked that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

UNITED TRANSFORMER CO.

The bill (H. R. 6489) for the relief of United Transformer Co. (formerly United Transformer Corp.) was announced as next in order.

Mr. McCARRAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter on this subject from the Secretary of the Treasury, under date of August 8, 1950, addressed to me as chairman of the committee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, August 8, 1950.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary, United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of July 12, 1950, regarding a question raised during the consideration by your committee of H. R. 6489 (81st Cong., 1st sess.), entitled "A bill for the relief of the United Transformer Corp."

You state that, in its consideration of proposed relief legislation, your committee is frequently faced with a problem of whether, in the event of an award by the Congress, the nature of the award would permit the Treasury Department to proceed against the claimant either to collect an additional income tax for the year in which the loss was sustained or to require the claimant to include the award in his gross income for the year in which the award is received. You indicate that while your inquiry is specifically directed to the facts and circumstances in the case covered by H. R. 6489, the answer to that question will affect the committee's consideration of many similar bills.

The question whether or not a particular award by the Congress produces taxable net income involves not only the question of the nature of the award but the particular facts in the case of the taxpayer receiving such an award. Every award in the nature of a gift or gratuity would be exempt from income tax, but not every award which is not a gift or gratuity would produce taxable income. A return of capital received by the taxpayer is not taxable unless such capital is charged against income and deducted for income-tax purposes. For example, a taxpayer who reports income on an accrual basis is not required to include in income amounts collected on accounts receivable, regardless of whether the amounts so collected were paid by the debtor or a volunteer, unless such accounts receivable had been charged off as a bad debt and deducted from the taxable income of a prior year, in which case the amounts collected from the debtor or volunteer would be taxable only to the extent that the prior deduction produced a tax benefit. See section 22 (b) (12) of the Internal Revenue Code.

Your committee's report on H. R. 6489, a copy of which you enclosed, discloses that the claimant's books of account for the period ended December 31, 1945, reflect the deduction of a bad debt in the amount of $136,135.72. Of this amount you find that the sum of $54,458 was due to the fault of the Government. It follows that an award of the sum of $54,458 would not constitute a gift or gratuity. See *Burke-Divide Oil Company, Consolidated* v. *Neal* ((1934) 73 Fed. (2) 857; cert. den. 295 U. S. 740); and cases cited therein.

If such bad debt deduction was used in whole or in part to reduce taxable income, then the recovery on the debt would constitute taxable income, in the year of recovery, to the extent that the deduction had served so to reduce income in the prior year.

Due to the expeditious nature of this report, the Department has not been advised by the Bureau of the Budget as to whether the proposed legislation is in accord with the program of the President.

If further correspondence relative to this matter is necessary, please refer to IR:IT: P:CA–CJM.

Very truly yours,
THOMAS J. LYNCH,
Acting Secretary of the Treasury.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 6489) was considered, ordered to a third reading, read the third time, and passed.

BILLS AND RESOLUTION PASSED OVER

The bill (S. 3350) to amend the minimum-wage law by extending the application of minimum-wage orders to men, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4237) to amend the act entitled "An act to regulate the practice of optometry in the District of Columbia" was announced as next in order.

Mr. SCHOEPPEL. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2923) to authorize the Federal Deposit Insurance Corporation to acquire or construct with its own funds a building within the District of Columbia suitable for the Corporation was announced as next in order.

Mr. DOUGLAS. I object.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

Mr. DOUGLAS. I think we are building too many elaborate public buildings in the District of Columbia, and therefore I object.

The bill (H. R. 3419) to amend the Merchant Ship Sales Act of 1946 was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3257) to amend the District of Columbia Unemployment Compensation Act to provide for unemployment compensation in the District of Columbia, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 49) to enable the people of Hawaii to form a constitution and State government and to be admitted into the Union on an equal footing with the original States was announced as next in order.

Mr. GEORGE. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 331) to provide for the admission of Alaska into the Union was announced as next in order.

Mr. GEORGE. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3727) to authorize certain construction at Griffiss Air Force Base, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Mr. President, on behalf of my distinguished colleague, the Senator from New Jersey [Mr. SMITH], and myself, I object.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The bill (H. R. 8083) to amend the Export-Import Bank Act of 1945, as amended (59 Stat. 526, 666; 61 Stat. 130), to vest in the Export-Import Bank of Washington the power to guarantee United States investments abroad was announced as next in order.

Mr. SCHOEPPEL. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6606) to provide that the district judge for the eastern, middle, and western districts of Pennsylvania shall become a district judge for the middle district of Pennsylvania alone when the first vacancy occurs in that district was announced as next in order.

Mr. McFARLAND. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 490) for the relief of Frank Miller was announced as next in order.

Mr. SCHOEPPEL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6616) to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through voting in a political election or in a plebiscite held in Italy was announced as next in order.

Mr. CHAVEZ. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 291) to investigate the causes of gasoline price increases during the past 5 years and whether supplemental antitrust legislation is needed was announced as next in order.

Mr. SCHOEPPEL. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

ACQUISITION OF OLD STONE HOUSE IN DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 7722) to provide for the acquisition and preservation, as a part of the National Capital Parks System, of the Old Stone House in the District of Columbia, which had been reported from the Committee on Public Works with an

amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift or purchase, a historic building of great pre-Revolutionary architectural merit known as the Old Stone House, located at 3051 M Street NW., Washington, D. C., together with the site on which it stands, more particularly described as lot 859, square 1209, containing approximately 20,048 square feet. In the event the Secretary of the Interior is unable to acquire the property at a price deemed by him to be reasonable, he is authorized and directed to acquire such property by condemnation under the provisions of the act of March 1, 1929 (45 Stat. 1415).

SEC. 2. The property acquired under the provision of section 1 of this act shall be renovated, stabilized, maintained, and preserved as one of the outstanding remaining examples in the city of Washington of eighteenth century architecture, by the Secretary of the Interior, as a part of the National Capital Parks system, subject to the provisions of the act of August 21, 1935 (49 Stat. 666). The Secretary is authorized to establish a museum on the premises for relics and records pertaining to the early history of Georgetown and the city of Washington and he may accept, on behalf of the United States, for installation such museum articles which may be offered as additions to the museum.

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are repealed to the extent of such inconsistency.

SEC. 4. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 2733) to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Canadian River reclamation project, Texas, was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

REGULATION OF HEIGHT, AND SO FORTH OF PRIVATE AND SEMIPUBLIC BUILDINGS IN THE GEORGETOWN AREA

The bill (H. R. 7670) to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 5098) to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, business, and other purposes requiring the grant of long-term leases was announced as next in order.

Mr. HENDRICKSON. By request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3972) to stimulate exploration for and conservation of strategic and critical ores, metals, and minerals, and for other purposes, was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BOUNDARIES OF JOSHUA TREE NATIONAL MONUMENT, CALIF.

The Senate proceeded to consider the bill (H. R. 7934) to reduce and revise the boundaries of the Joshua Tree National Monument in the State of California, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 4, after line 19, to strike out

SEC. 2. All public domain lands heretofore included within the Joshua Tree National Monument which are eliminated from the National Monument by this act are hereby reopened to location, entry, and patenting under the United States mining laws and public land laws.

And insert:

SEC. 2. All public-domain lands heretofore included within the Joshua Tree National Monument which are eliminated from the National Monument by this act are hereby opened to location, entry, and patenting under the United States mining laws: *Provided*, That such public-domain lands or portions thereof shall be restored to application and entry under other applicable public land laws, including the mineral leasing laws.

SEC. 3. All leases, permits, and licenses issued or authorized by any department, establishment, or agency of the United States, with respect to the Federal lands excluded from the Joshua Tree National Monument by this act, which are in effect on the date of the approval of this act shall continue in effect, subject to compliance with the terms and conditions therein set forth, until terminated in accordance with the provisions thereof.

SEC. 4. The Secretary of the Interior is authorized and directed, through the Bureau of Mines, the Geological Survey, and the National Park Service, to cause a survey to be made of the area within the revised boundaries of the Joshua Tree National Monument with a view to determining to what extent the said area is more valuable for minerals than for the National Monument purposes for which it was created. Report of said survey shall be filed with the President of the United States Senate and the Speaker of the House of Representatives on or before February 1, 1951.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7303) to amend section 120 of the Internal Revenue Code, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS. Over.

Mr. HENDRICKSON. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

XYLDA L. DRIVER

The bill (H. R. 4836) for the relief of Xylda L. Driver was considered, ordered to a third reading, read the third time, and passed.

COMPENSATION AND LEAVE BENEFITS OF CERTAIN EMPLOYEES

The bill (S. 3812) relating to the compensation and leave benefits of officers and employees in the custodial service of the Post Office Department transferred to the General Services Administration under Reorganization Plan No. 18 of 1950 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That any officer or employee in the custodial service of the Post Office Department who is transferred to the General Services Administration pursuant to Reorganization Plan No. 18 of 1950 shall receive compensation (including overtime, night differential, and longevity), and shall be entitled to annual and sick leave benefits and compensatory time, in accordance with the act of July 6, 1945, as amended and supplemented (Public Law 134, Seventy-ninth Congress), as though he had remained in such custodial service, so long as he continues to perform duties in the General Services Administration similar to the duties of any position with respect to which the rate of compensation is fixed under section 14 of such act, as amended and supplemented.

SEC. 2. This act shall take effect as of July 1, 1950.

Mr. HENDRICKSON subsequently said: Mr. President, I ask unanimous consent to return to Calendar 2215, the bill S. 3812.

Mr. HUMPHREY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUMPHREY. Mr. President, may I ask the Senator from New Jersey to repeat his request?

Mr. HENDRICKSON. I desired to reconsider the bill S. 3812 in order that I might object.

Mr. HUMPHREY. I shall not object to that. I wish to give the Senator the opportunity.

Mr. HENDRICKSON. Mr. President, I move that the Senate reconsider the vote by which the bill S. 3812 was passed.

The PRESIDING OFFICER. Without objection, the motion is agreed to. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. I object.

Mr. HUMPHREY. Mr. President, will the Senator withhold his objection?

Mr. HENDRICKSON. I gladly withhold my objection at the request of the Senator from Minnesota.

Mr. HUMPHREY. I should merely like to say for the purpose of informing the Senator from New Jersey and other Senators that this bill was introduced as an obligation, at the time of the adoption of the resolution of approval of Reorganization Plan No. 18, I believe it was. At that time a considerable number of custodial employees were going to suffer in terms of their employment conditions, in terms of their longevity privileges, and in terms of their wage structure, because of the reorganization plan. It was understood by a goodly number of those who voted for the approval of that plan, that legislation in the nature of corrective legislation would be introduced. That is the express purpose of this bill.

It does not affect very many employees, but it surely affects employees who have

earned certain basic rights in terms of their tenure and their employment, employees who were discriminated against at the time Reorganization Plan No. 18 was approved. I would hope that the Senator from New Jersey could see fit to withdraw his objection and permit this bill to be passed by the Senate.

Mr. HENDRICKSON. Mr. President, will the Senator explain to the Senate what costs are involved in the proposal?

Mr. HUMPHREY. In the report of the Committee on Post Office and Civil Service, as filed, the cost is listed as negligible. It is negligible primarily because it only applies to a very few employees, and what it really amounts to is giving jurisdiction over these employees to the Post Office Department, and permitting these employees to enjoy the benefits which they would have under postal service wage rates.

Mr. HENDRICKSON. Is it not true that this proposal violates the very spirit of the Hoover Commission report?

Mr. HUMPHREY. No; I would not say it violates the spirit of it. I would say that in the few cities where this would apply—and it is only applicable in a very limited number of cities—what it amounts to is to give these employees the benefits which they had earned at the time they were hired, at the time they were taken in under civil service. In other words, we have approved a reorganization plan which did not merely reorganize the administrative practice, but also affected the wage scale and rights of a number of employees. It is about the only reorganization plan I can think of in connection with which that happened—and I have voted for every single reorganization plan.

Mr. HENDRICKSON. If the distinguished Senator from Minnesota can assure the Senate that the passage of this bill will not violate the principles of the Hoover Commission Report in respect to the Post Office Department, the junior Senator from New Jersey will withdraw his objection.

Mr. HUMPHREY. It does not violate the principles of the Hoover Commission report. What it does is to give these few employees, in a very limited number, the right to have the salary benefits which they were supposed to get at the time they were recruited for the government service.

Mr. HENDRICKSON. I withdraw the objection.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. HENDRICKSON. I yield.

Mr. WILLIAMS. In order that the record may be kept straight, the purpose of this bill is in direct contravention of the recommendation of the Hoover Commission Report. The Hoover Commission Report contained a recommendation that these employees be turned over to the General Services Administration, and this bill would turn them back to the Post Office.

Mr. HUMPHREY. No, Mr. President, what this bill does is merely to rectify the salary condition which was upset at the time they were transferred to the General Services Administration. In other words, for those employees who were affected by the Reorganization Plan and who had their salary base cut because they had a new schedule, this would give them a regular service schedule, the postal schedule. These employees lost certain of the rights, for example, in grade promotions, longevity promotion, vacation and sick leave in their regular Government activities. The purpose is merely to protect those employment and wage rights, which, it seemes to me, they had coming to them, because they were recruited under an entirely different law. The Reorganization Plan did affect them in the sense that it cut their wage scale.

Mr. HENDRICKSON. The junior Senator from New Jersey withdraws his objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 3812) was considered, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF ANNUITY TO WIDOWS OF JUDGES—BILL PLACED AT FOOT OF CALENDAR

The Senate proceeded to consider the bill (S. 3108) to provide for payment of an annuity to widows of judges, which had been reported from the Committee on the Judiciary, with amendments to strike out all after the enacting clause, and insert:

That chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"SEC. 375. Annuities to widows and children of justices and judges—

"(a) Except as provided in subsection (b) of this section, the widow of a justice of the United States or judge of the United States shall receive until her death or remarriage an annuity computed at the rate of 5 percent of the annual salary of the office which was occupied by the justice or judge at the time of his death, or, if he died in retirement, the salary of the office which was occupied by the justice or judge at the time of his retirement, multiplied by the number of years, and the fraction representing any part of a year, that he served as justice or judge in active service in the Federal judiciary, as the term 'Federal judiciary' is in this section defined, but in no event to exceed 50 percent of such annual salary: *Provided, however,* That if the widow of the justice or judge shall remarry before the child or children of the justice or judge shall have married or attained the age of 21 years, such widow shall continue to receive the annuity for the benefit of the minor, unmarried child, or children until such child or children shall have reached the age of 21 years or shall have previously married. The term 'Federal judiciary,' as used in this section, is, solely for the purposes of this section, hereby defined to include the following courts, namely, any court of the United States, the District Court for the Territory of Alaska, the District Court of the Virgin Islands, the United States District Court for the District of the Canal Zone, and no other court.

"(b) A widow who was married to the justice or judge less than 5 years shall receive no annuity unless he is survived by an unmarried child or children under the age of 21, for whose support she is responsible, in which event she shall receive an annuity as computed in subsection (a) of this section, until such child or children shall have reached the age of 21 years or shall have previously married.

"(c) Whenever a justice or judge or the widow of a justice or judge shall die, leaving a minor, unmarried orphan child or children of such justice or judge surviving, the legal guardian of such child or children shall be paid the annuity which the widow would have received if living for the benefit only of such minor, unmarried child or children until such child or children shall have reached the age of 21 years or shall have previously married.

(d) In the case of a living widow or minor, unmarried orphan child or children of a justice or judge who died prior to the date of approval of this section, an annuity shall be paid as provided in this section as if such justice or judge had died on the day following such date.

"(e) Any justice or judge who resigned prior to the date of approval of this section and who continued to receive salary under the first paragraph of section 371 of this title shall be considered to be a justice or judge within the meaning of this section except that the annuity provided for the widow or minor, unmarried child or children of such resigned justice or judge shall be computed on the basis of the salary which he was receiving when he resigned. No annuity shall be payable under this section in the case of the widow or minor, unmarried child or children of a justice or judge who resigns on or after the date of approval of this section.

"(f) The Director of the Administrative Office of the United States Courts shall supervise the administration of this section."

SEC. 2. The analysis of chapter 17 of title 28, United States Code, immediately preceding section 371, is amended by inserting at the end thereof:

"375. Annuities to widows and children of justices and judges."

SEC. 3. Funds necessary to carry out the provisions of this act may be appropriated out of any money in the Treasury not otherwise appropriated.

Mr. McCARRAN. Mr. President, I send to the desk amendments which I propose to the committee amendments.

The PRESIDING OFFICER. The clerk will state the amendments.

The LEGISLATIVE CLERK. The amendments proposed by Mr. McCARRAN to the committee amendment are as follows:

On page 3, line 20, to strike out "and children."

On page 4, line 9, beginning with the colon to strike out all through the word "married" in line 16.

On page 5, line 5, before the period to insert a comma and "or until such widow remarries."

On page 5, beginning with line 6, to strike out all through line 13.

On page 5, line 14, to strike out "(d)" and insert "(c)."

On page 5, lines 14 and 15, to strike out "or minor, unmarried orphan child or children."

On page 5, line 19, to strike out "(e)" and insert "(d)."

On page 5, line 24, to strike out "or minor, unmarried child or children."

On page 6, line 3, to strike out "or minor, unmarried child or children."

On page 6, line 6, to strike out "(f)" and insert "(e)"; and

On page 6, in the matter appearing between lines 11 and 12, to strike out "and children."

The PRESIDING OFFICER. The question is on the amendments offered by the Senator from Nevada to the committee amendments.

The amendments to the amendment were agreed to.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for payment of annuity to widows and children of judges."

Mr. DOUGLAS subsequently said: Mr. President, I ask unanimous consent that the vote by which the bill (S. 3108) to provide for payment of an annuity to widows of judges be reconsidered, and that the bill go to the foot of the calendar. There are some questions which I think should be gone into.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed will be reconsidered. Is there objection to the request that it go to the foot of the calendar?

Mr. McCARRAN. Mr. President, will the Senator consider asking the questions now, rather than at a later time?

Mr. DOUGLAS. I am trying to obtain certain information by telephone, on this bill. I prefer to have it go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will go to the foot of the calendar.

BILL PASSED OVER

The bill (S. 3069) to establish a Bureau of Passports and Visas to be headed by a Director, was announced as next in order.

Mr. RUSSELL and other Senators. Over.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

E. L. ALBRECHT CO.—BILL PLACED AT FOOT OF CALENDAR

The bill (S. 752) for the relief of E. J. Albrecht Co., was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. CHAVEZ. Over.

Mr. McCARRAN. Mr. President, if the Senator will withhold his objection, I desire to make a short statement.

Mr. CHAVEZ. Mr. President, I presume the bill has ample merit, but I am very reluctant to have a bill involving $142,000 passed on the Consent Calendar. I should like to look at it a little further. But I will withhold the objection temporarily.

Mr. McCARRAN. I may say that the Senate passed a bill on the Consent Calendar involving $6,000,000, to which the Senator had no objection.

Mr. CHAVEZ. No, no—this is actual money, while the other is to be paid back. This bill takes away the money.

Mr. McCARRAN. Mr. President, the purpose of this bill is to pay $142,007.75 to E. J. Albrecht Co., the amount of its losses sustained in the construction of outlet structures for the Sardis Dam on the Little Tallahatchie River in Mississippi. The Albrecht Co. claims that the losses were sustained by reason of the fact that the Government—acting through the Army engineers—caused delays which were unnecessarily long, not warranted, and unreasonable by failing to approve certain change orders for the use of materials in the construction. Had the claimant been permitted to use the alternative materials earlier, much of the loss occasioned by the delay would not have accrued. The committee was of the opinion that the delays were unreasonable and that the claimant should be reimbursed for the losses occasioned thereby.

This bill was considered by a subcommittee composed of the Senator from Kentucky [Mr. WITHERS], the Senator from Maryland [Mr. O'CONOR], and the Senator from Indiana [Mr. JENNER]. It was the view of this subcommittee that while the Court of Claims was probably correct in stating that the refusal of the Army contracting officer to allow this claim was not unreasonable, it would have been equally reasonable for the contracting officer to have made a decision the other way. The subcommittee reached the conclusion that unquestionably this claimant had suffered great losses, and that in equity he should be entitled to recover those losses. The amount of payment provided for in this bill is the lowest of three responsible estimates as to the amount of losses actually sustained.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. LUCAS. Mr. President, I regret that objection has been made to the consideration of this bill. It involves a large claim, but, as the distinguished Senator from Nevada has said, it is the lowest estimate of three different estimates of losses which were sustained.

In addition to what the able chairman of the Judiciary Committee has said, the Director of the Budget, the Attorney General, and the War Department have stated that there is equity in this claim. The Albrecht Co. has been to the Court of Claims and that court found there was a loss of $142,000. Strictly speaking, from a legal standpoint, the court could not allow this amount, but in the decision handed down by the Court of Claims it held there was equity in the claim.

I have said very little about the claim. It is a large claim, of course, but in reviewing the testimony, and knowing this claim as I do, if there was ever a claim that had merit and that should be passed, it is this particular one. Contractors have large claims; there cannot be any doubt about that. The fact that it is large does not make it any less meritorious. This is the kind of a loss that contractors sometime sustain, which puts them into bankruptcy. I had hoped that objection would not be made to this claim on the last call of the calendar.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Is there objection to the present consideration of the bill?

Mr. CHAVEZ. Reserving the right to object, I am almost convinced by the soundness of the argument of the Senator from Illinois, but he has it within his power to give an opportunity to the other Senators to investigate this bill. The bill does not amount to much, only $142,000, but inasmuch as the Senator is going to call up some other bills on motion, I suggest that he do that very thing with reference to this bill. So I object.

The PRESIDING OFFICER. The bill will be passed over.

Mr. KERR subsequently said: Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar No. 2231, Senate bill 752, because I think the objection may have been withdrawn.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent to return to Calendar No. 2231, Senate bill 752. Is there objection?

Mr. CHAVEZ. Mr. President, I have no objection to returning to it. I have no objection to the bill whatsoever, but I think we should have general information on items such as are involved in the bill. Knowing the House as well as I do, I do not mind having the matter go to conference.

Mr. SCHOEPPEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHOEPPEL. Are we now considering Calendar 2231, Senate bill 752?

The PRESIDING OFFICER. The request was for unanimous consent to return to that bill.

Mr. SCHOEPELL. I regret that an objection has been lodged with us. Therefore I ask that the bill be passed over.

Mr. KERR. Mr. President, I suggest that it go to the foot of the calendar.

Mr. SCHOEPPEL. I have no objection. As a matter of fact, I should be glad to have that done.

The PRESIDING OFFICER. Senate bill 752 will go to the foot of the calendar.

The clerk will call the next bill.

BILLS PASSED OVER

The bill (H. R. 5965) to provide for the construction of certain Veterans' Administration hospitals, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Mr. President, by request, I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2984) to consolidate the Parker Dam project and the Davis Dam power project, was announced as next in order.

Mr. McCARRAN. Over.

The bill (H. R. 10) to facilitate the deportation of aliens from the United States was announced as next in order.

Mr. LUCAS. I ask that that bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

The bill (H. R. 6114) to set aside certain lands in Oklahoma, formerly a part of the Cheyenne-Arapaho Reservation; and also known as the Fort Reno Military Reservation; for the Cheyenne-Arapaho Tribes of Indians of Oklahoma, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

RECLASSIFICATION OF POSTMASTERS, ETC.

The bill (S. 1978) to reclassify postmasters, assistant postmasters, and other positions in the postal field service, was announced as next in order.

Mr. WILLIAMS. Over.

Mr. HUMPHREY. Mr. President, did the Senator from Delaware object to the consideration of the bill?

Mr. WILLIAMS. I shall be glad to withhold my objection, if we may have an explanation of the bill.

Mr. HUMPHREY. Mr. President, I think it should be known that with all the time which has been given to pay increases for postal and other Government employees we have not once reclassified the postmasters and supervisors for a period of approximately 20 years. It is a very discriminatory pay schedule, and I think that sometime in the not too distant future we should rectify what I consider to be a grave economic injustice.

It appears to me that it is the responsibility of the Government adequately to pay its employees, and it is the responsibility of the Congress to raise the necessary revenue. It is the record of the junior Senator from Minnesota to vote for rather large postal-rate increases, which would raise the necessary revenue. It is not my fault that the revenue is not available. But, be that as it may, I do not think it is fair to deny an equitable schedule to loyal Government employees who have not had an adjustment in more than a generation simply because we have not passed postal-rate increases.

Mr. WILLIAMS. Mr. President, the Civil Service Committee has control over these matters, and yet for a number of years they have done nothing except talk.

I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SUSPENSION OF DUTIES ON IMPORTS OF METAL SCRAP

The bill (H. R. 5327) to continue until the close of June 30, 1950, the suspension of duties and import taxes on metal scrap, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. By request, I ask that that bill go over.

Mr. McMAHON. Mr. President, will the Senator withhold his objection?

Mr. SCHOEPPEL. I shall be glad to do so.

Mr. McMAHON. Mr. President, I have an amendment to the bill which I think would take care of copper imports and newly mined copper.

I should like to read a very short statement which came in over the news ticker yesterday, which is as follows:

National Production Administrator William H. Harrison called in a dozen industry leaders today to plan against a copper shortage which could put a serious crimp in defense production.

The newly appointed Production Chief turned his attention to the copper problem after he and Commerce Secretary Charles Sawyer held similar conferences with steel-industry leaders.

Meetings with spokesmen for other key defense industries were expected to follow shortly.

Sawyer estimated in July that consumer requirements alone would outstrip 1950 copper supplies by 300,000 tons. He said 1,500,000 tons would be available against a demand of 1,800,000 tons.

If the 300,000-ton deficit were met by dipping into stockpiles, he said, the copper reserve would become dangerously low.

Sawyer's estimate of 1,500,000 tons of copper for 1950 included 300,000 tons to be imported. That import figure may be high because a 2-cents-a-pound import tax on copper was put into effect June 30.

Opponents of the tax have asked Congress to repeal it, saying it will reduce imports and raise the price of what does come into the country. Their plea so far has gone unheeded.

Mr. President, those pleas are going unheeded today. Our defense position has been impaired, and an additional tax has been placed on our economy. Such a situation is not in the interest of the people of the United States.

Mr. McCARRAN. I object.

Mr. LUCAS. Mr. President, will the Senator withhold his objection for a moment?

Mr. McCARRAN. Yes.

Mr. LUCAS. Mr. President, the real objection to the bill is directed to the amendment which deals with the suspension of the tax on copper. In other words, if the amendment were withdrawn, there would be no objection to the passage of the bill. I understand there is no objection to the passage of the bill as it was originally reported by the Committee on Finance. I should like to say to the distinguished Senator from Connecticut that I am just as much interested as he is in seeing the tax on copper suspended in order that we may carry on our good-neighbor policy with Chile and also take care of the local situation with respect to copper. On the other hand, we have already had one vote on the matter, and I hope that the Senator from Connecticut will withdraw his amendment because of the importance of having the bill passed.

The bill would suspend import duties on metal scrap. It is a very important measure. The administration is vitally interested in the bill. If we can get a half loaf, I think we should take it. I know the Senator from Georgia [Mr. GEORGE], the chairman of the Committee on Finance, feels the bill should be passed. If it is not passed, I will be compelled to move to take it up before we leave here on Saturday night.

I hope the Senator from Connecticut will not press his amendment, even though he feels as keenly about it as I do. However, he knows that we cannot pass the bill with the amendment at this session, and retaining it in the bill only prevents the original bill, H. R. 5327, from passing Congress at this session. As I understand, there would be no objection to the bill if the amendment offered by the Senator from Connecticut were eliminated.

I say that with all due deference to the position of the Senator from Connecticut, which is the same position I take. On the other hand, we ought to be able to get the bill passed without the amendment. It is an important measure.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. GEORGE. Mr. President, so far as I know, there is no objection to the bill as originally reported by the committee. Objection has arisen because of the pendency of the amendment offered by the distinguished Senator from Connecticut. I should like to make inquiry if there is any objection to the bill as it was reported. It relates entirely to metal scrap.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. MALONE. The junior Senator from Nevada has no objection whatever to the bill as drawn. As a matter of fact, he approves of the importation of scrap copper, because mostly throughout the world it is American scrap anyway, and we need the copper. According to the conclusion of the junior Senator from Nevada, the argument made by the Senator from Connecticut is exactly opposite to the facts, because free trade in copper would close down and keep closed down the very copper mines which the Senator from Connecticut would want to keep open. However, there is no objection, certainly so far as I know, to the scrap bill if the amendment is withdrawn.

Mr. McFARLAND. Mr. President, I assure my distinguished colleague from Connecticut that the bill cannot be passed this week if the amendment is to be insisted upon. I regret, as I said before, to find myself in disagreement with my distinguished colleague from Connecticut.

The distinguished majority leader has stated as an argument for the adoption of the amendment that he would like to see us carry on our good relations with foreign countries. Mr. President, I want to maintain good relations with the people of Arizona. Under those circumstances, if the amendment is proposed I shall be forced to talk on the bill and explain it in detail, and I know that some other Senators will likewise wish to go into detail with respect to it. Therefore, it is evident that the bill cannot be passed with the amendment except after a great deal of discussion.

If there is to be a motion to consider the bill with the hope that the distinguished Senator from Connecticut will withdraw his amendment, I do not know of any objection that would be raised to doing that. I believe we can agree to let the bill go through provided the amendment is not attached to it. However, it cannot go through with the amendment.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. McFARLAND. Yes.

Mr. McMAHON. I appreciate very much the force of the suggestion of the majority leader, which is seconded by the Senator from Arizona [Mr. McFARLAND]. However, in view of the condition in which the defense industry of the country is placed by the lack of copper, the Senator from Connecticut would like to review his strategic situation. Therefore he would suggest that the bill go over until the Senator from Illinois moves to take it up. In the meantime I shall be glad to think about it and talk with the Senator from Illinois.

Mr. LUCAS. I thank the Senator from Connecticut.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. LUCAS. Yes.

Mr. WHERRY. Do I understand that the bill will be taken up on motion?

Mr. LUCAS. It will be taken up.

Mr. WHERRY. It would be added to the list of bills already announced?

Mr. LUCAS. It would be taken up on motion.

Mr. McFARLAND. Will the Senator from Illinois state when it will be taken up? I wish to be fully prepared.

Mr. LUCAS. The Senator from Arizona is always well prepared on all bills.

Mr. McFARLAND. I thank the Senator for the compliment. However, this matter will require undue preparation.

Mr. LUCAS. I will give the Senator from Arizona due notice when we are to take it up.

Mr. MALONE. Mr. President, will the Senator yield for a question?

Mr. LUCAS. Yes.

Mr. MALONE. Do I understand the bill will be taken up on Saturday?

Mr. LUCAS. No. Sometime between now and Saturday.

Mr. MALONE. Will it be tonight?

Mr. LUCAS. No; I do not think so. I should like to make a statement. I am sure we can work out something with the Senator from Connecticut with respect to withdrawing his amendment, because we have already had one vote on the subject. If the Senator should persist with his amendment, even though I am in favor of it, I would be forced to move to table it, because this bill as reported by the committee is a very important measure. I feel it ought to be passed. That is especially so in view of the fact that there is no opposition existing to the bill itself, but only to the amendment. I do not believe the bill should be held up for that reason.

Mr. MALONE. I thoroughly agree with the majority leader that the bill should pass, as I agreed with the distinguished Senator from Georgia [Mr. GEORGE] that this tax bill should not be loaded down with this amendment.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LUCAS. Yes.

Mr. WHERRY. Regardless of whether the difficulties are worked out with the Senator from Connecticut, as I understand, the bill will be taken up either by unanimous consent or on motion between now and the time we adjourn.

Mr. LUCAS. That is correct.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

BILLS PASSED OVER

The bill (S. 3295) to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carrier's employees for certain purposes and under certain conditions, was announced as next in order.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. What was done with Calendar 2252?

The PRESIDING OFFICER. It went over on objection.

Mr. O'MAHONEY. May I ask by whom the objection was made?

The PRESIDING OFFICER. The Senator from Nevada made the objection.

Mr. O'MAHONEY. I wonder if the Senator would withhold the objection so that I might determine whether it is a curable objection.

Mr. McCARRAN. I might say to the Senator that if he has a curative, he might administer it in private. [Laughter.]

The PRESIDING OFFICER. The bill has already been disposed of. If the Senator will wait until the next bill is called, he can be recognized.

Is there objection to the consideration of Senate bill 3295?

Mr. SCHOEPPEL. I make objection.

The PRESIDING OFFICER. The bill will be passed over.

EQUAL PAY FOR EQUAL WORK FOR WOMEN

The bill (S. 706) providing equal pay for equal work for women, and for other purposes, was announced as next in order.

Mr. SCHOEPPEL. I ask that the bill go over, by request.

The PRESIDING OFFICER. The bill will be passed over.

Mr. LEHMAN subsequently said: I was not on the floor of the Senate when Senate bill 706, providing equal pay for equal work for women, and other purposes, Calendar 2264, was reached. I ask unanimous consent to have inserted in the body of the RECORD a statement which I have prepared in connection with that bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR LEHMAN

Mr. President, I am happy to lend my support to the Women's Equal Pay Act of 1950 now pending before us. I spoke and voted for this bill in the committee of which I am a member.

I introduced an analogous measure earlier this year. I am very happy to support this very deserving and forward-looking legislation.

Some of the Members of the Senate will recall that I opposed the constitutional amendment which was enacted by the Senate during the earlier part of this session for so-called equal rights for women. It was my feeling that that amendment, if approved, would result in great inequity for women workers. It would strike down or endanger great bodies of legislation in many of the States seeking to improve and protect the work and social status of women.

I consider the pending bill a much more constructive approach to the problem of equal rights for women. This is a specific approach and benefit for women rather than a gesture.

This bill would guarantee that women employed in industry and elsewhere would not be discriminated against as far as their pay status were concerned merely because of sex. Equal pay for equal work has long been one of the goals of social legislation. This bill would provide equal pay for equal work by women. I certainly hope that this bill may be approved not only by the Senate, but by the House.

BILLS PASSED OVER

The bill (H. R. 5967) to amend the Interstate Commerce Act, as amended, to clarify the status of freight forwarders and their relationship with motor common carriers was announced as next in order.

Mr. HENDRICKSON. By request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3499) to grant persons entitled to vocational rehabilitation under part VII, Veterans Regulation No. 1 (a), as amended, a minimum of 4 years' training, was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

ONE HUNDRED DOLLARS PER CAPITA PAYMENTS TO RED LAKE BAND OF CHIPPEWA INDIANS

The bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. CHAVEZ. Mr. President, what is the amendment of the committee?

The PRESIDING OFFICER. The Chair is advised that the amendment is a committee amendment in the nature of a substitute for the bill. Is there objection to the consideration of the bill?

Mr. CHAVEZ. Mr. President, I should like to ask some questions.

As I understand, the House bill provides for $100 per capita payments to the members of the Chippewa Band of Indians.

Mr. O'MAHONEY. That is correct.

Mr. CHAVEZ. The substitute provides for $50 payments; is that correct?

Mr. O'MAHONEY. That is correct.

Mr. CHAVEZ. If the Senator from Illinois will permit, and if the Senator from Wyoming will also allow me, I should like to submit the certain information I have received before I decide whether or not I shall object. It is as follows:

MEMORANDUM ON PER CAPITA PAYMENT TO RED LAKE CHIPPEWA INDIANS, MINNESOTA

The following information was obtained in a conference with Messrs. Greenwood, Dikar and Arnold of the United States Indian Service on August 29, 1950. Mr. Greenwood is executive officer of the United States Indian Service.

1. There are 2,772 Red Lake Chippewa Indians eligible for per capita payment. These persons represent 973 families or 2.8 persons per family. A very small number, 173 of the 2,772 persons, are 60 years of age or older.

2. Fishing and lumbering consitute the two main sources of income for the majority of these families.

3. The winter of 1949–50 was a severe one in the Red Lake Chippewa Reservation area. The severity of the weather reduced their opportunities for gainful employment.

4. The fishing activity of the Red Lake Chippewa Indians during the current year netted them only 650,000 pounds of marketable fish whereas in the 1949 season they realized 1,250,000 pounds. This represents a loss this year of approximately 50 percent in income from their fishing enterprise.

(5) Total Red Lake Chippewa Indians funds total $767,000. Of this sum, $722,000

belong to the lumbering operating fund, leaving the balance of $45,000 in the so-called tribal fund.

(6) The tribal sawmill and equipment are estimated to have a market value of $50,000. This is separate and apart of the $722,000 figure.

(7) Although it was stated by the Indian Service officials that they needed $300,000 as an operating fund for the sawmill, they admitted this was on a month-to-month basis (not exceeding 9 months) and that eventually it would be returned to the fund.

(8) Allowing $100 per capita ($2,772×100—$277,200) would leave a balance of $489,800 in the total operating fund of the sawmill.

(9) The relief situation of the Red Lake Chippewa Indians is now more acute than what it was in 1949 because of the poor fishing season in 1950 (50 percent below 1949). Yet in 1949, relief funds amounting to $27,150 were distributed among the tribe in addition to a $100 per capita payment which was authorized in 1949.

(10) Current price increases in the lumber industry point to very favorable demands for production from now on.

(11) It is anticipated that nearly every type of lumber in the Red Lake Chippewa area will become marketable as it was during World War II and the postwar years.

Mr. President, the point I am trying to make, and which I should like to ask the Senator from Wyoming about, is this: In view of this record, which was obtained from the Indian Office, and in view of the fact that this money belongs to the Indians and not to the Federal Government, would he be willing to accept an amendment that we take the House figures for the per capita distribution?

Mr. O'MAHONEY. Mr. President, the Committee on Interior and Insular Affairs drew the amendment which is before the Senate at the recommendation of the Department of the Interior. The issue is really a very simple one. It is as to whether or not we shall use principal or income.

The reduction from $150 was based upon the admitted fact that mature timber in the area in which this reservation exists has been thinning out, and the sawmill operations will, in all probability, be suspended early next year. Therefore the Department of the Interior was of the opinion that it would be much wiser, and much more to the interest of the Indians, not to distribute the entire fund now. It would require an outlay of $290,000 to make the $100 payments.

The bill which we bring in authorizes an outlay of $145,000. This $145,000, therefore, will be retained. There is already unemployment relief among the Indians, and it was deemed best by the committee that the $50 provision should be retained until early next year, and in the meantime the Bureau of Indian Affairs is endeavoring to work with the Red Lake Indians to develop a new program by which additional income may be derived.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I wonder whether the Senator would be willing to accept an amendment to the amendment permitting $50 for this year and $50 up until April of next year, to be paid in March or April of next year.

Mr. O'MAHONEY. So far as I am personally concerned, it would make no difference at all, of course, but our committee acted after careful deliberation, and I do not feel at liberty to make such an agreement, particularly in view of the letter of the Secretary of the Interior, stating that an amendment would mean a veto of the bill. So why not let us give the Indians their $50 now?

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired. The time of the Senator from Wyoming has expired. Is there objection to the consideration of the bill?

Mr. THYE. Mr. President, will the Senator withhold the objection for a moment? I believe that it would be wiser to pass the bill and allow the Indians $50 now rather than object to the bill and allow them absolutely nothing. Then, when we reconvene in the next legislative term, we can reexamine the question and introduce a new bill which will give the Indians the additional $50 in the middle of the winter, when they will need it.

Mr. O'MAHONEY. If the Senator will yield to me, I shall be very glad indeed to give every assurance to the Senator that if Congress reassembles before the end of the calendar year, and I am still a member of the committee, precisely that will be done. We will reexamine the whole problem.

Mr. CHAVEZ. Mr. President, will the Senator from Minnesota yield?

Mr. THYE. I yield.

Mr. CHAVEZ. Does the Senator from Minnesota believe, so long as we are attempting to improve the conditions of other peoples throughout the world, so long as we want to go back to the 38th parallel in Korea, so long as we are saving the rest of the world, that Mr. Indian in Minnesota, in the Senator's own State, who owns $100 and who needs it, and who can get what he owns if the United States Government will give it to him, that the United States Senate now should deprive Mr. Indian of that money because the Bureau of Indian Affairs says the bill might be vetoed? I hope the Senate has not reached the point where it will act on legislation on the basis of whether it is going to be vetoed or not.

Mr. THYE. The Senator is entirely correct. The Senator knows I have supported the payment of $100. I support it as of today. But the Senator from New Mexico and I should look at the question on the basis of the realities, which are that if the bill is vetoed, and if Congress adjourns on Saturday night, the poor Indian is not going to receive anything. I would rather give him the $50 and take my sweet time to battle for the additional $50 at a later time.

Mr. CHAVEZ. Very well. We are all anxious to do something for Mr. Indian, as we are for the rest of the world, so in order that we may reach an agreement, I will say that I am willing to deprive the Indian of $25 of his money if the senior Senator from Minnesota [Mr. THYE] and the junior Senator from Minnesota [Mr. HUMPHREY] and the chairman of the committee are willing to give him $25 more. Let us give Mr. Indian $75 at least. It is his money. What about it?

Mr. THYE. Mr. President, I should like to bargain with the very able Senator from New Mexico on this bill. But let us remember that when the conference committee gets the two bills before them they will do the bargaining along the lines the Senator from New Mexico has suggested.

Mr. CHAVEZ. The committee will bargain, and probably give the poor Indian only $50. That is the reason I made the suggestion.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CHAVEZ. I have no objection to the present consideration of the bill, but I want to submit an amendment to the bill.

Mr. HUMPHREY. I join with my colleague in endeavoring to get what we can for these very needy people. My colleague knows this area very well. I likewise know it. The Indians would like to have the $100 per capita, but if they cannot get the $100 they will take the $50, and if we return in November, we will ask that they be given the other $50. As my colleague has said, the matter can be taken to conference, where we can have the collective bargaining suggested by our distinguished friend from New Mexico. In conference I hope an attempt will be made to get a satisfactory adjustment between the conferees on the part of the House and those on the part of the Senate. I hope that our friend from New Mexico will permit us to get a little help for the Indians in Minnesota.

Mr. CHAVEZ. That is right. I am for the Indian. I do not object to the bill, but I want to submit an amendment to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, which had been reported from the Committee on Interior and Insular Affairs, with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior is authorized to withdraw as much as may be necessary from the fund arising from the proceeds of the sale of timber and lumber within the Red Lake Reservation and deposited in the Treasury of the United States in accordance with the provisions of the Act of May 18, 1916 (39 Stat. 137), to the credit of the Red Lake Indians in Minnesota, and to pay therefrom $50 to each member of the Red Lake Band of Chippewa Indians of Minnesota who is alive on January 1, 1951. Such payment shall be made under rules and regulations prescribed by the Secretary of the Interior and at a time in 1951 when it can be most beneficial to members of the tribe.

SEC. 2. No money paid to Indians under this act shall be subject to any lien or claim of attorneys or other persons. Before

any payment is made under this act, the Red Lake Band of Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify and accept the provisions of this act.

The PRESIDING OFFICER. The committee amendment is open to amendment.

Mr. CHAVEZ. Mr. President, as I understand, the substitute provides for $50 per capita payment instead of the $100 the House provided. I offer to amend, on page 3, line 3, by striking out "$50" and inserting in lieu thereof "$75". Let the bill go to conference where the difference between $75 and $100 can be worked out.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico to the committee amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 6319) was read the third time and passed.

The title was amended so as to read: "An act to authorize a $75 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation."

NEW YORK QUININE AND CHEMICAL WORKS, INC.

Mr. McCARRAN. Mr. President, I now give notice, while the Senator from Michigan [Mr. FERGUSON] is present, that I will at some convenient time between now and Saturday evening move to take up House bill 4653, Calendar No. 1596. I believe the Senator from Michigan objected to consideration of the bill.

Mr. FERGUSON. Yes. I will have something to say at the time it is taken up.

BILLS PASSED OVER

The bill (H. R. 8195) to rescind the order of the Postmaster General curtailing certain postal services, was announced as next in order.

Mr. ELLENDER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8847) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. I ask that the bill be passed over by request.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF THE SYNTHETIC LIQUID FUELS ACT, AS AMENDED

The bill (H. R. 8975) to amend the Synthetic Liquid Fuels Act, as amended, was announced as next in order.

Mr. SCHOEPPEL. Over.

Mr. KILGORE. Mr. President, will the Senator withhold his objection?

Mr. SCHOEPPEL. Yes.

The PRESIDING OFFICER. The Senator from West Virginia has asked the Senator from Kansas to withhold his objection, which he has done. The Senator from West Virginia is recognized.

Mr. KILGORE. May I ask the Senator from Kansas if the objection is made by request?

Mr. SCHOEPPEL. It is by request, yes.

Mr. MARTIN. Mr. President, I object.

Mr. KILGORE. Does the Senator from Pennsylvania object?

Mr. MARTIN. Yes.

The PRESIDING OFFICER. Objection is heard.

Mr. NEELY. Mr. President, will the Senator withhold his objection?

The PRESIDING OFFICER. The present Presiding Officer is advised that several bills were sent to the foot of the calendar, which now come up automatically.

The first bill in order will be stated.

Mr. O'MAHONEY. Mr. President, I was going to ask the Senator from Pennsylvania to withhold his objection.

Mr. MARTIN. I am very glad to withhold it.

The PRESIDING OFFICER. The Senator from Pennsylvania withholds his objection.

Mr. O'MAHONEY. Mr. President, this synthetic-fuels bill is a very important piece of legislation. The existing law, which authorizes the Bureau of Mines to operate demonstration plants for testing the possibilities of commercial manufacture of synthetic liquid fuels from coal and oil shale expires by limitation of law on April 5, 1952. The purpose of the measure is to extend that period for 3 years and to increase the authorization from $60,000,000, now provided by law, to $87,600,000. The manufacture of liquid fuel from coal and from oil shale may turn out to be one of the most important developments and one of the most important sources of liquid fuel in the United States. The Geological Survey and the Bureau of Mines tell us that in the shale areas of the West there is shale containing as much as 300,000,000,000 barrels of oil. We depend now largely upon foreign sources of oil for our supply.

The coal of the State of Pennsylvania, the coal of the State of West Virginia, the coal of the State of Wyoming, the coal of the State of Colorado, and the coal of other great Western States is capable of producing other billions of gallons of liquid fuel.

This bill specifically prohibits any competition by the Bureau of Mines with private industry, and the Bureau has been cooperating with private industry.

I beg the Senator from Pennsylvania to realize that when I make the following statement I do so out of a long experience with this project: I know of no sound reason why there should be any objection to this measure.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MILLIKIN. I may say that I have been personally acquainted with a part of this experimental program. I cannot vote on the bill because I might be helped or hurt financially by the result.

However, a few days ago a Zephyr train was hauled from Salt Lake City to Denver, experimentally, by means of the use of the product which is derived from this experimentation. So there has been great advancement in connection with this subject.

I concur fully in everything the Senator from Wyoming has said about the possibility of supplementing our liquid-fuel supply by means of these experiments which are going on.

Mr. O'MAHONEY. I may say that several years ago one of the Members of the House of Representatives from West Virgina, the Hon. Jennings Randolph, who no longer is a Member of the House, who was, with me, one of the original sponsors of the synthetic fuels bill, flew from his home in West Virgina to Washington in an airplane which was fueled with synthetic liquid fuel made from coal.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MARTIN. Mr. President, I have no objection to the plan of experimentation with making oil and gas out of coal. I have favored that for years. In Pennsylvania we have in our State College a laboratory where we have produced oil and gas from coal for several years.

What I object to in this bill is section 2, which provides an appropriation of not to exceed $2,600,000 for the construction and equipment of an experiment station near Morgantown, W. Va.

Personally, that would be very advantageous to me, because that location is very close to my home. However, a bill has been introduced by a Representative from Pennsylvania for a laboratory in northwestern Pennsylvania, one or two bills have been introduced by a Representative from Ohio, calling for the construction of such a laboratory in Ohio.

As I understand the situation, the present act does not expire until 1952, so we have plenty of time to hold hearings to determine the advantageous place for the location of the laboratory.

If section 2 of the bill is eliminated, I have no objection to the bill.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. MARTIN. I yield.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. KILGORE. Then, Mr. President, I should like to speak in my own time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized in his own time, for 5 minutes.

Mr. O'MAHONEY. Mr. President, will the Senator from West Virginia yield to me, to permit me to make a comment?

Mr. KILGORE. I was going to say, myself, that the facility referred to in the bill is not a new facility, for this work has been going on for some time. The purpose of the bill is merely to provide for the erection of housing for that facility, which has been in operation for 10 or 12 years. However, parts of that operation are now scattered in

various parts of the university campus, with the result that it is not possible for this work to be done advantageously, because it cannot be centered in one building.

Mr. O'MAHONEY. That was the evidence which was adduced before the committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MARTIN. Mr. President, I shall withdraw objection, provided section 2 of the bill is eliminated.

Mr. NEELY. Mr. President, let me entreat the eminent Senator from Pennsylvania [Mr. MARTIN] to withdraw his objection.

Let me most courteously remind him that on a memorable occasion, Virginia, of which West Virginia was then a part, sent a young man by the name of George Washington with an adequate number of Virginia soldiers to Pennsylvania, where they saved all the distinguished Sentor's ancestors from the tomahawks, the scalping knives, and the fagots of the bloodthirsty Indian warriors who were then as numerous as the leaves on the trees of the primeval forests they infested. What Virginia thus saved for Pennsylvania and all mankind was the seed corn of civilization.

Time marched on. The Senator's Commonwealth, notwithstanding its entire freedom from necessity, desired protection for its diversified and highly developed industries. Throughout the "gay nineties" and the first decade of the present century, West Virginia valiantly and effectually helped Pennsylvania place upon the statute books the highest protective tariff laws ever written in the history of the United States or the world.

Largely as a result of West Virginia's helping hands, Pennsylvania is today so dotted over with steel mills and other manufactories that the smoke of their industry dims the sun by day and hides the stars by night.

West Virginia has contributed to Pennsylvania a host of her good and great. At the head of the roll of these is the name of Col. Michael Benedum, the farfamed and universally loved promoter of the welfare of the human race.

> One blast upon his bugle horn
> Were worth a thousand men.

All told, Pennsylvania owes West Virginia for protection in war, economic assistance and humanitarian aid in time of peace, billions and billions of dollars. In the circumstances, it is not only my comforting hope but my firm belief that the Senator from Pennsylvania will, in keeping with his uniform courtesy and habitual generosity, withdraw his objections to the present consideration of the bill which provides for the establishment and operation, at or near Morgantown, W. Va., of an experiment station for researches in "the mining, production, preparation, and utilization of coal, petroleum, natural gas, and other minerals." The perfecting of the manufacture of liquid fuel from coal is manifestly included among the purposes of this important measure.

The estimated cost of the Morgantown Experiment Station is only $2,600,000. This expenditure might soon mean the difference between the Nation's sufficiency and insufficiency of oil; the difference between its security and insecurity; the difference between its victory and defeat in the event of a Third World War.

We implore the Senator from Pennsylvania to render a great service to the American coal industry, to confer a great favor upon the country and a great blessing upon West Virginia, by withholding his objection. If he will do this, West Virginia will, in return for the Senator's cooperation in obtaining a $2,600,000 improvement, give the Commonwealth of Pennsylvania a receipt in full for the billions of dollars it owes the "Mountaineers." And, in addition to this, generations of West Virginians, yet unborn will eventually say of the Senator from Pennsylvania, "He was a good and faithful neighbor; he was a good and faithful servant; he was a good and faithful friend." It is our fervent hope and our devout prayer that he will fully share the joys of the Lord forever and forever.

Mr. MARTIN. Mr. President, as I stated a moment ago, I have no objection to the general provisions of the bill.

Therefore I shall move that section 2 of the bill be stricken.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 8975) to amend the Synthetic Liquid Fuels Act, as amended.

Mr. MARTIN. Mr. President, I now move that section 2 of the bill be stricken.

Mr. NEELY. Mr. President, if that motion prevails, West Virginia—the banner bituminous coal-producing State of the Union—will not receive a single scintilla of the benefit provided by the bill. The need of the Nation, justice to West Virginia and fair play for her people, imperatively demand that the motion be defeated.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania. [Putting the question.] The "noes" seem to have it.

Mr. WHERRY. I call for a division.

On a division, the motion was rejected.

The PRESIDING OFFICER. The question now is on the third reading of the bill.

The bill (H. R. 8975) was ordered to a third reading, read the third time, and passed.

CONSIDERATION OF BILLS PREVIOUSLY ORDERED TO THE FOOT OF THE CALENDAR

The PRESIDING OFFICER. The clerk will now report the first of the bills heretofore ordered to be placed at the foot of the calendar.

PALISADES DAM AND RESERVOIR PROJECT

The bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north-side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill is Calendar No. 1128, Senate bill 2195.

Mr. FERGUSON. Mr. President, reserving the right to object in this connection, I wish to propose an amendment to the bill, as follows:

On page 4, in line 12, after the period, insert the following:

> The authorization set forth in the preceding sections 1 and 2 shall not extend to the construction of transmission lines, substations, or distribution lines, which facilities shall be constructed only pursuant to specific authorization by Congress.

Mr. President, I have no objection to the construction of the dam. I do object, however, first, to the fact that we have no national power policy; and, second, to the fact that attempts are made to write such a policy piecemeal, by authorizing power-transmission facilities in individual projects. This is a back door to the nationalization of the power industry.

To preclude that possibility, in the present case I have this amendment, which simply states that the authorization contained in the bill shall not extend to the construction of transmission lines, substations, or distribution facilities.

If in the future any cause should require a request for such an authorization, it can be made.

In short, this amendment merely requires clear and specific authorization by Congress for the construction of transmission lines and power-distribution facilities in connection with this project.

I have conferred with the junior Senator from Idaho and also with Representative SANBORN, of Idaho, and they have no objection to this amendment. I have also conferred with the Senator from Wyoming, but I have not heard whether he opposes it or not.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER. The Chair will have to say that the only question now under consideration is whether there is objection to the present consideration of the bill. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north-side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 7, after the numerals "1949", to insert "and as including, upon approval by the President of a suitable plan therefor, facilities for the improvement of fish and wildlife along the headwaters of the Snake River, such facilities to be administered by the Fish and Wildlife Service: *Provided,* That notwithstanding recommendations to the contrary contained in said report (a) the Secretary shall reserve not to exceed 55,000 acre-feet of active capacity in Palisades Reservoir for a period ending December 31, 1952, for replacement of Grays Lake storage, but no facilities in connection with the proposed wildlife management area at Grays Lake shall be built and no allocation of construction

costs of the Palisades Dam and Reservoir by reason of providing replacement storage to that area shall be made until the development and operation and maintenance of the wildlife management area has been authorized by act of Congress, and (b) the nonreimbursable allocation on account of recreation shall be limited to the costs of specific recreation facilities in an amount not to exceed $148,000"; on page 3, line 9, after the numerals "1949", to insert a colon and the following proviso: "*Provided,* That, notwithstanding recommendations to the contrary contained in said report, (1) lease or sale of that portion of the power service system extending from the substations to the pumping plants may be made to any entity on terms and conditions that will permit the United States to continue to provide power and energy to the pumping facilities of the division, and, in the event of lease or sale to a body not entitled to preference in the purchase of power under the Federal reclamation laws, will preserve a reasonable opportunity for subsequent lease or sale to a body that is entitled to such privilege, (2) no allocation of construction costs of the division shall be made on a nonreimbursable basis by reason of wildlife benefits, and (3) there shall be, in lieu of a 40-year period, a basic repayment period of 50 years for repayment, in the manner provided in the recommendations, of the irrigation costs assigned for repayment by the water users"; on page 4, line 8, after the word "the", to strike out "Bureau of Reclamation" and insert "Secretary"; on page 5, line 17, after the word "and", where it occurs the first time, to strike out "sixty-eight four-hundred-and-thirty-fourths" and insert "eighty-six four-hundred-and-thirty-fourths"; on page 6, line 5, after "December 31", to strike out "1950" and insert "1951"; in line 17, after "December 31", to strike out "1951" and insert "1952"; and on page 7, after line 4, to insert a new section, as follows:

SEC. 5. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated the sums of not to exceed $76,251,000 for the Palisades Dam and Reservoir project, Idaho, $11,395,000 for the Minidoka project north side pumping division, Idaho, and $6,600,000 for the American Falls power plant.

So as to make the bill read:

Be it enacted, etc., That the Palisades Dam and Reservoir project, Idaho, heretofore authorized under the provisions of the Federal reclamation laws by the presentation to the President and the Congress of the report of December 9, 1941 (H. Doc. No. 457, 77th Cong., 1st sess.), by the Secretary of the Interior (herein called the Secretary), is hereby reauthorized under the Federal reclamation laws for construction and operation and maintenance substantially in accordance with that report as supplemented and modified by the Commissioner's supplemental report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949, and as including, upon approval by the President of a suitable plan therefor, facilities for the improvement of fish and wildlife along the headwaters of the Snake River, such facilities to be administered by the Fish and Wildlife Service: *Provided,* That, not withstanding recommendations to the contrary contained in said report (a) the Secretary shall reserve not to exceed 55,000 acre-feet of active capacity in Palisades Reservoir for a period ending December 31, 1952, for replacement of Grays Lake storage, but no facilities in connection with the proposed wildlife management area at Grays Lake shall be built and no allocation of construction costs of the Palisades Dam and Reservoir by reason of providing replacement storage to that area shall be made until the development and operation and maintenance of the wildlife management area has been authorized by act of Congress and (b) the nonreimbursable allocation on account of recreation shall be limited to the costs of specific recreation facilities in an amount not to exceed $148,000.

SEC. 2. There are hereby authorized for construction and operation and maintenance under the Federal reclamation laws: (a) the north side pumping division of the Minidoka project, this to be substantially in accordance with the Commissioner's report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949: *Provided,* That, notwithstanding recommendations to the contrary contained in said report, (1) lease or sale of that portion of the power service system extending from the substations to the pumping plants may be made to any entity on terms and conditions that will permit the United States to continue to provide power and energy to the pumping facilities of the division, and, in the event of lease or sale to a body not entitled to preference in the purchase of power under the Federal reclamation laws, will preserve a reasonable opportunity for subsequent lease or sale to a body that is entitled to such privilege, (2) no allocation of construction costs of the division shall be made on a nonreimbursable basis by reason of wildlife benefits, and (3) there shall be, in lieu of a 40-year period, a basic repayment period of 50 years for repayment, in the manner provided in the recommendations, of the irrigation costs assigned for repayment by the water users; and (b) for the furnishing of electric power for irrigation pumping to that division and for other purposes, power generating and related facilities at American Falls Dam. These generating and related facilities, to the extent the Secretary finds to be proper for pay-out and rate-making purposes, may be accounted for together with other power facilities operated by the Secretary that are interconnected with the American Falls Dam power facilities, excluding any power facilities the net profits of which are governed by subsection I of section 4 of the act of December 5, 1924 (43 Stat. 703).

SEC. 3. The Secretary is hereby authorized to contract, under the Federal reclamation laws, with water users and water users' organizations as to the use for their benefit of the heretofore reserved storage capacity in American Falls Reservoir. Not to exceed three hundred and fifteen thousand acre-feet of that capacity shall be made available to those who have heretofore had the use of reserved capacity under lease arrangements between the United States and the American Falls Reservoir district of Idaho, the distribution of this capacity among contractors to be determined by the Secretary after consultation with the interested water users' organizations or their representatives. Of the balance of the reserved capacity, forty-seven thousand five hundred and ninety-three acre-feet are hereby set aside for use under contract for the benefit of the lands comprising unit A of the north side pumping division of the Minidoka project, and seventy-one thousand acre-feet are hereby set aside for use under contract for the benefit of those lands in the Michaud area which may hereafter be found to be feasible of development under irrigation. Contracts for the repayment of construction charges in connection with reserved capacity shall be made without regard to the second proviso of the tenth paragraph (Minidoka project, Idaho) under the heading "Bureau of Reclamation" of the act of June 5, 1924 (43 Stat. 390, 417). Such contracts shall require the repayment of all costs determined by the Secretary to be allocable to the reserved capacity, less, in the case of the three hundred and fifteen thousand acre-feet of capacity above described, three hundred and eighty-six four-hundred-and-thirty-fourths of the revenues realized, after deduction of what the Secretary determines to be an appropriate share for operation, maintenance, and replacements, from the leasing of that capacity for irrigation purposes up to the time water first becomes available in Palisades Reservoir and, in the case of the capacity set aside for the north side pumping division, all other revenues realized from or connected with the reserved capacity and which the Secretary determines to be available as a credit against the cost allocable to that division.

SEC. 4. (a) The continuation of construction of Palisades Dam beyond December 31, 1951, or such later controlling date fixed by the Secretary as herein provided, is hereby made contingent on there being a finding by the Secretary by the controlling date that contracts have been entered with various water users' organizations of the Upper Snake River Valley in Idaho that, in his opinion, will provide for an average annual savings of one hundred and thirty-five thousand acre-feet of winter water. If in the Secretary's judgment the failure of the requisite organizations so to contract by the controlling date at any time is for reasons beyond the control of those organizations, he may set a new controlling date but not beyond December 31, 1952.

(b) Repayment contracts made in connection with the use of capacity in either American Falls or Palisades Reservoir may include, among other things, such provisions as the Secretary determines to be proper to give effect to recommendations referred to in section 1 of this act, and particularly those concerning the continued effectiveness of the arrangements as to the minimum average annual water savings.

SEC. 5. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sums of not to exceed $76,251,000 for the Palisades Dam and Reservoir project, Idaho; $11,395,000 for the Minidoka project north side pumping division, Idaho, and $6,600,000 for the American Falls power plant.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendments.

Mr. O'MAHONEY. Mr. President, I ask whether the Clerk read the amendments contained in the supplemental report filed on September 6.

The PRESIDING OFFICER. The Chair is advised that all amendments have been read as offered by the committee, and they have now been agreed to.

Mr. O'MAHONEY. Mr. President, if the Senator from Michigan will yield to me——

Mr. FERGUSON. I am very glad to yield.

Mr. O'MAHONEY. I listened to the reading of his amendment. He exhibited the amendment to me before presenting it. It is an amendment which has the effect of denying any authorization for the construction of transmission lines, and nothing else.

Mr. FERGUSON. That is correct.

Mr. O'MAHONEY. The Senator, in explaining his amendment, said, if I understood him correctly, that the authorization of the transmission lines would be a step toward the nationalization of the electrical industry. I do not agree with that statement.

Mr. FERGUSON. I said it would have that tendency, I may say.

Mr. O'MAHONEY. The evidence before the committee shows that we do not begin to have either the amount of electricity produced or the facilities for transmitting the electricity that is required. More electricity can be used than the combined public and private facilities are providing. More power can be distributed and will be demanded than can be supplied by all the private and public transmission facilities now existing.

I merely wanted to make this comment, because I feel that we are not involved here in a question of nationalization: We are involved here in the production of power and energy, and its transmission, which is sadly needed in every area of the country to build up the industrial potential. But I realize it is necessary that there should be a complete and all-out review of the entire problem of hydroelectric power. In fact, the Senate Committee on Interior and Insular Affairs recommended to the Senate the adoption of a resolution authorizing such a study.

Mr. FERGUSON. If the Senator will yield, I may say it is a study in which the Senator from Michigan is interested.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. O'MAHONEY. Mr. President, in my own time——

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. O'MAHONEY. I shall have no personal objection to the amendment offered by the Senator from Michigan, and, if the Senators from Idaho [Mr. TAYLOR and Mr. DWORSHAK], who have been pulling my coattails for 6 months to get this bill passed, have no objection to the adoption of the amendment offered by the Senator from Michigan, I shall have no objection. I now yield the remainder of my time——

Mr. TAYLOR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TAYLOR. Mr. President, although it would be personally obnoxious to me to have this amendment adopted, yet I am so desirous of having the bill pass that I accept the amendment.

The PRESIDING OFFICFR. The question is on agreeing to the amendment offered by the Senator from Michigan, which has been stated previously.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2006) to amend the Home Owners' Loan Act of 1933 with respect to Federal savings and loan associations was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPPEL. I object, by request.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

TRANSFER OF FORT DES MOINES, IOWA, TO THE STATE OF IOWA

The bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. HICKENLOOPER. Mr. President, I desire merely to make a statement. The Senator from Oregon has heretofore entered objection to this bill. I have discussed the matter with the Senator from Oregon and also with the Senator from New Mexico [Mr. CHAVEZ], who, I believe, has an amendment to reserve certain buildings, in addition to the buildings already reserved for storage, and the Senator from Oregon has an amendment, which I have not read, but the purport of which he has told me. While I am sorry that the amendment proposed by the Senator from Oregon would have to go on this bill, yet I shall not object to his offering an amendment. I may say to the Senator from Oregon that if he offers his amendment—that is, under his reservation of the right to object, with which I shall not attempt to interfere—if he offers his amendment and it is not accepted by the Senate, then I would agree that he might object to the passage of the bill, unless he wants to give consent to its consideration.

Mr. RUSSELL. I should say I think the Senator has that right, anyway, until the bill passes.

Mr. MORSE. Mr. President, reserving the right to object, I want to say at the outset of my remarks that the Senator from Iowa has been exceedingly fair in all our discussions on this bill, although he and I do not agree on the merits of the bill. Before presenting my amendment, I want to say that on February 10 the then Secretary of the Army, Mr. Gray, asked to have certain additional buildings, in addition to those covered by the bill, exempted therefrom, buildings 76, 78, and 80.

I mention that because it shows that this property has been in a state of flux as to the policy which ought to be followed in its final disposal. I want to speak for a minute of my 5 minutes here as a member of the so-called "watch-dog committee" of the Armed Services Committee, which has just released a report on surplus property. It is the finding of our committee that great mistakes have been made in recent years in the disposal of surplus property, with the result that we now find ourselves less prepared than we would have been if some vital pieces of surplus property had not been disposed of.

I want to say, as we sit in the Senate of the United States this afternoon, that there is certain pertinent information in regard to this particular piece of property which I want to lay before the Senate, on the basis of which I bottom my amendment. I want the Senator from Iowa to follow me very carefully in this, because I feel that it is my duty to inform the Senate as to the present consideration which is being given to this parcel of land consisting of 640 acres in Des Moines, Iowa, for possible use for defense purposes in the immediate future.

This afternoon I called the Army, and the Army advises me that its position is the same as its position of February 10, so far as the Army is concerned, in that it would want to have the additional buildings I have mentioned exempted from the bill.

Then, I called Mr. Larson's office, and I now read the notes which I took on the basis of that conversation.

The General Services Administration issued a freeze order on the disposal of property of the Government on August 18. On August 25, some new regulations were issued in substance strengthening the screening provisions by providing for further review of property up for disposal by the Munitions Board and the General Services Administration. At that time our watch-dog committee was investigating the need for checking any further disposal of surplus property that could be used in strengthening our national defense.

On August 22, General Services sent to the Munitions Board a list of properties in the General Services surplus inventory for further screening as to usability in view of defense needs.

The Fort Des Moines property was included in that list. As yet, General Services has not heard from the Munitions Board regarding results of the screening.

I was advised by an official of General Services that it is understood that Fort Des Moines may be a very valuable property from the standpoint of the Government's defense needs, in view of the fact that it has not been broken up or cannibalized as he put it. In view of the review going on by the Munitions Board, clearly no action should be taken on giving this property away until the judgment of that board is obtained in the light of the current situation.

However, Mr. President, I think, in fairness to the Senator from Iowa, that the bill can be amended so that the Government will be in a position to dispose of this property in accordance with the bill, if, after the screening which is now going on, it is found that it is in the interest of the Government to dispose of it. Therefore, Mr. President, I offer the following amendment:

On line 6, page 1, strike the words "and directed."

That means that the Government officials who have jurisdiction over this property would be authorized to dispose of the property in accordance with the terms of the bill, but they would not by this legislation be directed to dispose of it if it is found that it is needed for national defense purposes. If we include the word "directed" and failed to strike it from the bill, and then if the bill should be signed by the President, the property would have to be disposed of even though within a few days thereafter the Munitions Board made a report that the property was of great need to

our defense program. So, if we leave the bill with just the word "authorized" and strike the words "and directed", on line 6 page 1 the power would be there to dispose of the property by our defense officials if the result of their screening is that the property is not needed for defense purposes.

On line 6, page 1, strike the words "without consideration".

On line 9, page 1, after the words "State of Iowa", add the words "upon payment by the State of Iowa to the United States Government of a sum of money equal to one-half of the appraised fair market value of the said lands, including all improvements thereon."

Mr. President, that is the formula we have followed consistently in the Armed Services Committee for some 4 years with respect to the disposal of military property. It has saved the taxpayers of this country a great many millions of dollars. Although my good friend from Iowa and I disagree on the application of the formula to this property, so far as I am concerned, in connection with a unanimous consent calendar, I shall continue to object to the disposal of Government property without such an amendment. Many Senators, although they have not liked the application of the Morse formula to some of their bills, have come to me and said, "If you will be consistent about it, and apply it uniformly, I shall have to admit that I cannot in good conscience object."

My next amendment is, on line 20, page 2, after the numeral "64", add "76, 78, and 80."

That will include those buildings requested by the Army in Secretary Gray's letter of February 10, 1950.

The PRESIDING OFFICER. The time of the Senator has expired.

There is pending a committee amendment, and there is also pending an earlier amendment offered by the Senator from Oregon. Does the Chair correctly understand that the Senator withdraws his earlier amendment and offers the amendment to which he has just addressed himself?

Mr. MORSE. That is correct.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The LEGISLATIVE CLERK. On page 2, line 1, after the word "meridian", to insert "subject to the continued use by the city of Des Moines, without payment to the State of Iowa of ground or other rental therefor, of the improvements and necessary land presently used for veterans' temporary housing project Iowa-V-13140, V-13077, and VN-13115, for so long as they may be needed for veterans' temporary housing purposes pursuant to Public Law 849, Seventy-sixth Congress, as amended, and the contracts between the city of Des Moines and the United States, it being understood that the rights and obligations of the United States and the city of Des Moines under said contracts shall not be in any way affected by such transfer except that the projects shall not thereafter be subject to the removal requirements of section 313 of Public Law 849, Seventy-sixth Congress, as amended, or the contractual obligations of the city of Des Moines for their removal, and."

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Oregon.

Mr. HICKENLOOPER. Mr. President, I believe there is another committee amendment.

The PRESIDING OFFICER. The Chair is advised that there is only one committee amendment.

Mr. HICKENLOOPER. According to my record, there is an amendment with regard to buildings 58, 59, 60, and 61.

The PRESIDING OFFICER. The Chair is advised that that is a part of the bill.

Mr. HICKENLOOPER. One of the amendments offered by the Senator from Oregon adds, I believe, three more buildings to that list.

The PRESIDING OFFICER. The clerk will now state the amendment offered by the Senator from Oregon.

The LEGISLATIVE CLERK. On line 6, page 1, it is proposed to strike the words "and directed."

On line 6, to strike the words "without consideration."

On line 9, after the words "State of Iowa", to insert the words "upon payment by the State of Iowa to the United States Government of a sum of money equal to one-half of the appraised fair market value of the said lands, including all improvements thereon."

On line 20, page 2, after the numeral "64", to insert "76, 78, and 80."

Mr. HICKENLOOPER. May I ask if the last item covers the committee amendment?

Mr. CHAVEZ. The last one is the amendment which the committee intended to submit.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHAVEZ. Inasmuch as the committee was intending to submit an amendment on the floor, after the numeral "64" to insert "76, 78, and 80," which are the reservations contained in the statement made by the Senator from Oregon, I ask whether that amendment would not have precedence?

The PRESIDING OFFICER. The Chair is advised that it is the same matter which is contained, in part at least, in the amendment offered by the Senator from Oregon.

Mr. MORSE. I may say to my good friend from New Mexico that I did not know he was intending to offer an amendment. I do not care in what order they are adopted.

Mr. CHAVEZ. I do not either, so long as the language is inserted in the general bill.

The PRESIDING OFFICER. Since that matter, together with other matters, are included in the amendment of the Senator from Oregon, the Chair would suggest that the adoption of his amendment would preclude the amendment which the Senator from New Mexico has mentioned.

Mr. HICKENLOOPER. Mr. President, I do not intend to object to the adoption of the amendment, but I should like to say, in response to what the Senator from Oregon said about the use of this property by the Federal Government that it has been a matter which the State of Iowa, through the Governor and the executive council, has had under consideration ever since the property was up for acquisition by the State. In fact, at the instance of Government officials asking the State to become interested in taking it over, the State of Iowa, through its executive council and the Governor, has said at all times that if the Government had any use for the property from a military standpoint or otherwise, the State would not request it or insist upon having it.

I am authorized by the Governor and the executive council, the legislature not being in session, to state that the State of Iowa is not anxious to have this property if the Federal Government can make use of it in the national interest.

I make that statement because the latest communication I have as the author of the Senate bill is from Mr. Larsen, under date of June 26, in which he said:

> This administration, in conformance with congressional policy, is making every effort to close out its inventories of surplus property. In order to accomplish our objectives, it will be in order that legislation be enacted at the current session of Congress authorizing the transfer of this property, or, failing that, then the property should be processed for disposal by public offering.

Mr. President, if the Federal Government wants to use this property for public purposes, then the State of Iowa has no interest in requesting it from the Government; but if the Federal Government insists on, to use the words of the Senator from Oregon, "cannibalizing this property" the State of Iowa, which gave the ground in the first instance for nothing, is interested in acquiring it for public purposes for the State of Iowa.

I have no objection to holding the bill in abeyance if we can have assurance that by so doing, and giving the Government time to determine whether it needs this property for public purposes, we shall not lay ourselves liable to having the General Services Administration "cannibalize" this property by selling it hither and yon for uncontrolled purposes. We are not at all disposed to take it over now, away from the Government, if the Government will give us assurance that if it does not decide it wants it for public purposes it will not sell it out from under us and not give us an opportunity to consider acceptance or acquisition by the State. That is the position I take.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. I yield.

Mr. CHAVEZ. According to the information which the committee had received up to the time the hearings were held on the proposed legislation, only the State of Iowa wanted the property. So far as the Federal Government was concerned, they did not seem to be interested in it.

Mr. HICKENLOOPER. No agency of the Federal Government wanted it.

Mr. CHAVEZ. That is correct. As a matter of fact, only since the bill has

been reported has the committee been asked to make a reservation.

Mr. HICKENLOOPER. I cannot speak with authority, because only the Legislature of Iowa can speak on the subject. However, I have talked with members of the executive council of the State of Iowa, composed of all of our elected State officials but one, and to the chairman and cochairman of the Joint Legislative Committee of the State of Iowa, who are in charge of the acquisition of the property, and they have told me that even after the State of Iowa acquired the property, if an emergency should arise within a reasonable time before the entire use of the property was converted to State purposes, the State would be very glad to reconvey to the Federal Government if it were needed in the public interest. I believe something should be done. We should be given assurance that failing passage of the bill the Federal Government will not "cannibalize" or sell the property out from under us.

The PRESIDING OFFICER. The time of the Senator has expired. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HICKENLOOPER. In order that the RECORD may be clarified, I may say that the matter of the acceptance of this property by the State of Iowa in accordance with the payment and appraisement terms of the amendment offered by the Senator from Oregon has not been taken up with the officials of the State of Iowa, and it cannot be taken up until the legislature meets. I do not know whether the State of Iowa would accept it under those terms.

I do not represent in any way that the amendment to the bill by the Senator from Oregon is acceptable to the State of Iowa in the acquisition of the property.

Mr. MORSE subsequently said: Mr. President, I wish to take a minute or two to complete the discussion on the Fort Des Moines bill, in view of the last remarks made by the Senator from Iowa [Mr. HICKENLOOPER]. I ask unanimous consent that these remarks of mine may immediately follow the remarks of the Senator from Iowa in the RECORD tomorrow in regard to the Fort Des Moines matter.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, the Senator from Iowa, as I have said, has been very fair in his discussions with me, and he made it very clear to me that he could give me no assurance that the State officials of Iowa would accept the property, under my amendment. I only wish to say that I think they should be given the opportunity to accept the property if it develops that it is not needed by our Government for defense purposes. I assure the Senator from Iowa that just as soon as the Munitions Board has finished its screening, if it should be found that this property is in fact not needed for defense purposes by the Military Establishment, I shall cooperate with the Senator from Iowa in every way possible, under the language of the bill as now amended, to urge the military officials who have jurisdiction over the property to authorize that at an early date the property be made available to the State of Iowa for purchase at 50 percent of the appraised fair market value.

However, I do wish to say, in fairness to myself, that I have given great study to legislation of this type, and I point out that here we are dealing with a piece of property that is of great value. I have before me, for example, a letter from a prominent attorney in Des Moines in which he says that he represents clients who would be very glad to buy this property at its market value. I have a letter in my possession from the president of the Guaranty & Trust Co., of Cedar Rapids, Iowa, who supports my idea that adequate compensation should be paid for the property.

The fact that the property was given by the State of Iowa to the Federal Government back in 1901 in my opinion in no way justifies our giving the property back to Iowa for nothing. Great improvements have been made in the property in the meantime, and of course the people of Iowa have benefited immeasurably from the use of the property over the years by the Federal Government.

Mr. President, the argument that because a piece of property was given to the Federal Government by some State many years ago, it therefore is entitled to have it given back without any cost, has been used before in regard to other proposed property transfers. We have considered the question very carefully in the Armed Services Committee in regard to other property transfers, and we are of opinion that when no reservation for a return of the property was made by the donor, then all the taxpayers of the United States should benefit by any increment in value from improvement of the property over the years all the taxpayers of the Nation paid for these improvements. The property belongs to all the taxpayers.

I think the record is perfectly clear that the Senator from Iowa has made a very able presentation of the interests and the requests of his constituents in this matter, and I respect him for it. I hope that he respects the fact that I have been consistent in my position, that the formula we apply to the transfer of other military property is going to be applied also to Fort Des Moines.

BILL PASSED OVER

The bill (S. 891) for the relief of Ronald Clive Jack was announced as next in order.

Mr. SPARKMAN. Mr. President, earlier in the day I objected to the bill. I did not withhold my objection and I did not withdraw my objection. I object again.

The PRESIDING OFFICER. The Chair will say to the Senator it is the understanding of the Chair that bills now being called are bills which earlier today were placed at the foot of the calendar. If a mistake has been made certainly the intent of the clerk is to bring back to the attention of the Senate bills which have been deferred and placed at the foot of the calendar.

Mr. SPARKMAN. I think the mistake came about by the fact that I had objected to the bill and about that time I was called from the floor of the Senate to answer a telephone call. I understand that the Senator from Nevada asked permission to make a statement with regard to the bill.

The PRESIDING OFFICER. The Chair is advised that the Senator from Minnesota asked that the bill go to the foot of the calendar and his request was granted at that time.

Mr. SPARKMAN. I am not protesting against that particular procedure, but it seems to me that when a Senator objects to a bill his objection ought to protect him during that call of the calendar. I may be entirely wrong. My feeling may not be in keeping with the rules of the Senate. However, if we do not follow that procedure a Senator must be tied down and attend during the entire call of the calendar. I merely wanted to make this statement in connection with what I said previously.

The PRESIDING OFFICER. Objection is heard. The bill will go over.

ANNUITY TO WIDOWS OF JUDGES

The bill (S. 3108), to provide for payment of an annuity to widows of judges, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DOUGLAS. I wonder if we may have an explanation of the bill from the chairman of the committee.

The PRESIDING OFFICER. The question is whether there is objection to the present consideration of the bill. There being no objection——

Mr. DOUGLAS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCARRAN. Mr. President, may I explain the bill.

The PRESIDING OFFICER. Does the Senator withhold his objection?

Mr. DOUGLAS. Yes.

Mr. McCARRAN. This is a bill designed to relieve anxieties and worries of members of the Federal judiciary in regard to the welfare of their widows and dependent minor children, and by so doing to further insure the freedom of the judiciary from business and professional interests outside the judiciary. The bill applies to all Federal judges having a life tenure except those who chose to resign rather than to retire after the date of approval of this legislation. It provides that the widow of such a judge shall receive an annuity computed at the rate of 5 percent of the annual salary of the office, multiplied by the number of years in active service, but not in excess of 50 percent of the salary. The annuity so computed would be paid to the widow for life or until she remarries. However, if there are minor, unmarried children involved, the annuity does not terminate until those children either marry or attain their majority.

That part has been changed by the amendment.

The provisions for annuities become operative only in the case of a widow who has been married to the judge for 5 years or more, unless the judge leaves minor, unmarried children surviving him for whose support his widow is responsible. Again, that has been changed by the amendment. In other words, this afternoon I offered an amendment which eliminated the children and it now applies only to the widow.

The bill provides for adding the services of a judge who had served on more than one Federal court even though such court were one on which judges sat for a term of years. The bill is retroactive in that it applies to the widows of judges who died prior to the date of approval of this bill.

I may say, Mr. President, I do not think there is anything in American institutions of government more sacred than our courts. The finest thing about the courts, if we can make it fine, is to relieve judges of the worry or consideration for those who are dependent upon them, who may not be cared for on their departure. It seems to me now, as it seemed to me when I was taking care of this bill as it went through the Committee on the Judiciary of the Senate, that we could do nothing better to give stability and freedom of mind to our judges than to say to them, "If death overtakes you, your widow will be taken care of by the Government to whom you have given your services."

Mr. President, to me this is one of the biggest things that has come up in this Congress. We had another bill which would have provided for increases of salaries for the judges. Personally I thought that was a good measure, and thought it was worth while, but as between the two, the Committee on the Judiciary abandoned the increases in salaries measure to give the members of the judiciary of America freedom of heart and freedom of mind so that they would know that if they were called from this life their widows would be sustained by the Government.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. Will the Senator permit the Chair to state the parliamentary situation? The Chair is advised that all the committee amendments were adopted during the earlier consideration of the bill, on the first call of the calendar, and the sole question now is whether the bill shall be considered and passed as amended.

Mr. McCARRAN. The amendment offered by the Senator from Nevada was adopted.

The PRESIDING OFFICER. All amendments offered were adopted earlier in the debate.

Mr. DOUGLAS. Mr. President, it seems to me this bill creates an extraordinary status for a group which is already the best protected in the whole Federal system. The Members of the Senate are aware of the fact that the salaries of members of the Supreme Court are $25,000 a year, which is not too much; that members of the 11 circuit courts receive $17,500, and that is true of members on the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court. The members of the district courts receive $15,000 a year. These are life positions, as they should be. Furthermore in the last few years, Congress has provided that the judges could retire at the age of 70 on full salary, or, if disabled, after having served 5 years, they then have a lifetime position at full salary.

On top of all this, this bill provides annuities for surviving wives at rates which will probably be about half the salaries of the judges, or about $7,500 for the widows of members of the district courts, $8,750 for widows of members of the circuit courts, and $12,500 for widows of Supreme Court judges. I believe those are larger payments than are provided for the widows of Presidents of the United States.

Mr. President, this is a unique proposal. No other Federal employee receives such treatment. It would seem to me that it might well be proper for us to establish an annuity system, to which the judges would contribute a certain percentage of their salaries, for the protection of their widows, and that the Government might well add an equal sum, so that the widows would be protected. But this outright hand-out to a group which has already life tenure, at proper salaries, and taking away from them any individual responsibility to provide for their widows, seems to me to be an extension of the welfare state which goes beyond proper bounds. I hope very much the bill may be rejected.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. DOUGLAS. I object.

The PRESIDING OFFICER. Objection is heard, and the clerk will state the next bill to be considered.

Mr. McCARRAN. Mr. President, would I be in order in moving that the Senate proceed to the consideration of the bill?

The PRESIDING OFFICER. The Senator would not be in order. He may give notice of his intention to so move at the first appropriate time.

Mr. McCARRAN. Mr. President, I give notice now that immediately following the call of the calendar I shall move that the Senate proceed to the consideration of the bill.

E. J. ALBRECHT CO.

The bill (S. 752) for the relief of the E. J. Albrecht Co., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 6, after the words "sum of," to strike out "$191,709.05" and to insert "$142,007.75," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the E. J. Albrecht Co., an Illinois corporation, the sum of $142,007.75, in full satisfaction of the claim of such corporation against the United States for reimbursement for actual losses sustained by it in performing its contract with the United States for the construction of the outlet works for Sardis Dam on the Little Tallahatchie River, near Sardis, Miss., which losses were occasioned by an innocent misinterpretation of the contract by the corporation and by an extended delay in approving materials by the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be demed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WATKINS. What calendar number was just passed?

The PRESIDING OFFICER. Calendar 2231, Senate bill 752. Are there further bills which went to the foot of the calendar? The present occupant of the Chair is advised that that completes the call of the calendar.

MAINTENANCE AND OPERATION OF THE PANAMA CANAL

Mr. JOHNSON of Colorado. Mr. President, during the call of the calendar I objected to a bill when it was reached. I now ask that the bill be taken up for consideration in order that I may offer an amendment to it.

Mr. McCARRAN. Mr. President, I wonder if the Senator from Colorado will withhold his request for a moment.

The PRESIDING OFFICER. May the Chair ask the Senator from Colorado the number of the bill on the calendar?

Mr. JOHNSON of Colorado. Yes. It is H. R. 8677. The calendar number is 2535.

Mr. McCARRAN. I wonder if the Senator from Colorado will withhold his request. I gave notice that I would ask for consideration of several bills.

Mr. GREEN. Mr. President, I wonder if the Senator from Colorado will withhold his request until I may make several reports from the Committee on Rules and Administration.

The PRESIDING OFFICER. The Senator from Colorado has asked unanimous consent for the present consideration of House bill 8677, Calendar No. 2535. Is there objection to the present consideration of the measure?

There being no objection, the Senate proceeded to consider the bill (H. R. 8677) to authorize and provide for the maintenance and operation of the Panama Canal by the present corporate adjunct of the Panama Canal, as renamed; to reconstitute the agency charged with the civil government of the Canal Zone, and for other purposes, which had been reported from the Committee on Armed Services with amendments, on page 2, beginning with line 10, to strike out:

SEC. 2. Except as otherwise provided in, or where inconsistent with, the provisions of this act, the terms "the Panama Canal", "the Canal", "the Canal authorities", wherever appearing in the statutes of the United

States and having reference, prospectively, to the agency heretofore known by those names, are amended to read "the Canal Zone Government."

And in lieu thereof to insert:

SEC. 2. (a) Except as otherwise provided in, or where inconsistent with, the provisions of this act—

(1) the terms "the Panama Canal", "the Canal", and "the Canal authorities", wherever appearing in the statutes of the United States and having reference, prospectively, to the agency heretofore known by those names, are amended to read "the Canal Zone Government"; and

(2) the term "the Panama Railroad Company", wherever appearing in the statutes of the United States and having reference, prospectively, to the corporation heretofore known by that name, is amended to read "the Panama Canal Company."

(b) Except as otherwise provided in this act, the title "the Governor of the Panama Canal", wherever appearing in the statutes of the United States, is amended to read "the Governor of the Canal Zone."

(c) Sections 982, 987, and 1024 of title 4, and section 833 of title 5, of the Canal Zone Code, are amended by deleting the term "the Panama Canal", appearing in each of said sections, and inserting in lieu thereof the term "the Panama Canal Company."

(d) Section 836 of title 5 of the Canal Zone Code is amended by deleting the term "the Government of the Canal Zone", which appears in paragraph b of said section and inserting in lieu thereof the term "the Panama Canal Company."

(e) The headline and introductory clause of section 7 of title 2 of the Canal Zone Code are amended to read as follows:

"7. CONTROL AND JURISDICTION OF GOVERNOR OVER CANAL ZONE.—The Governor of the Canal Zone shall: * * *."

On page 4, after line 8, to strike out:

SEC. 3. Except as otherwise provided in this act, the title "the Governor of the Panama Canal", wherever appearing in the statutes of the United States, is amended to read "the Governor of the Canal Zone."

And in lieu thereof, to insert:

SEC. 3. Section 10 of title 2 of the Canal Zone Code, as amended by section 1 of the act of June 13, 1940 (ch. 358, 54 Stat. 387), is further amended to read as follows:

"10. Injuries to vessels, cargo, crew, or passengers, occasioned by operation of Canal—(a) Injuries in locks of Canal: The Panama Canal Company shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels, which may arise by reason of the passage of such vessels through the locks of the Panama Canal under the control of officers or employees of the said corporation: *Provided, however,* That no such damages shall be paid in any case where the injury was proximately caused by the negligence or fault of the vessel, master, crew, or passengers: *Provided further,* That in any case wherein the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence or fault attributable to the said vessel, master, crew, or passengers: *And provided further,* That damages shall not be allowed and paid for injuries to any protrusion beyond the side of a vessel, whether such protrusion is permanent or temporary in character. A vessel shall be considered to be passing through the locks of the Canal, under the control of officers or employees of the corporation, from the time the first towing line is made fast on board before entrance into the locks and until the towing lines are cast off upon, or immediately prior to, departure from the lock chamber.

"(b) Injuries other than in locks: The Panama Canal Company shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels which may arise by reason of the presence of such vessels in the waters of the Canal Zone, other than the locks, when the injury was proximately caused by negligence or fault on the part of any officer or employee of the corporation acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal: *Provided, however,* That in any case wherein the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence or fault attributable to the said vessel, master, crew, or passengers: *And provided further,* That in the case of any vessel which is required by or pursuant to regulations prescribed under section 9 of this title, as amended, to have a Panama Canal pilot on duty aboard, no damages shall be adjusted and paid for injuries to any vessel, or to the cargo, crew, or passengers of any such vessel, incurred while the vessel was under way and in motion, unless at the time such injuries were incurred the navigation or movement of the vessel was under the control of a Panama Canal pilot.

"(c) Measure of damages generally: In determining the amount of the award of damages for injuries to a vessel for which the Panama Canal Company is found or determined to be liable, there may be included (1) actual or estimated cost of repairs; (2) charter hire actually lost by the owners, or charter hire actually paid, depending upon the terms of the charter party, for the time the vessel is undergoing repairs; (3) maintenance of the vessel and wages of the crew, if such are found to be actual additional expenses or losses incurred outside of the charter hire; (4) other expenses which are definitely and accurately shown to have been incurred necessarily and by reason of the accident or injuries: *Provided, however,* That there shall not be allowed agent's fees or commissions or other incidental expenses of similar character, or any items which are indefinite, indeterminable, speculative, or conjectural. The corporation shall be furnished such vouchers, receipts, or other evidence as may be necessary in support of any item of a claim. If a vessel is not operated under charter but by the owner directly, evidence shall be secured if available as to the sum for which vessels of the same size and class can be chartered in the market. If such charter value cannot be determined, the value of the use of such vessel to its owners in the business in which it was engaged at the time of the injuries shall be used as a basis for estimating the damages for the vessel's detention; and the books of the owners showing the vessel's earnings about the time of the accident or injuries shall be considered as evidence of probable earnings during the time of detention. If the books are unavailable, such other evidence shall be furnished as may be necessary.

"(d) Delays for which no responsibility assumed. The Panama Canal Company shall not be responsible, nor consider any claim, for demurrage or delays occasioned by landslides or other natural causes, by necessary construction or maintenance work on Canal locks, terminals, or equipment, by obstructions arising from accidents, by time necessary for admeasurement, by congestion of traffic, or by any other cause except as specially set forth in this section.

"(e) Settlement of claims: The amounts of the respective awards of damages under this section may be adjusted, fixed, and determined by the corporation by mutual agreement, compromise, or otherwise; and acceptance by any claimant of the amount awarded to him shall be deemed to be in full settlement of such claims.

"(f) Actions on claims: Any claimant for damages under this section who considers himself aggrieved by the findings, determination, or award of the Panama Canal Company in reference to his claim may bring an action on such claim against the said corporation in the United States District Court for the District of the Canal Zone; and in any such action the provisions of this section relative to the determination, adjustment, and payment of such claims, and the provisions of the regulations established under section 9 of this title, as amended, relative to navigation of Canal Zone waters and to transiting of the Panama Canal, shall be applicable. No action for damages which is cognizable under this section shall lie against the said corporation otherwise, or in any other court, than as provided in this paragraph, or shall lie against any officer or employee of the corporation: *Provided, however,* That nothing in this paragraph shall be construed to prevent or prohibit actions against officers or employees of the said corporation for damages for injuries resulting from acts of such officers or employees outside the scope of their employment or not in the line of their duties or from acts of such officers or employees committed or performed with intent to injure the person or property of another. Actions under this paragraph shall be tried by the court without a jury.

"(g) Investigation before vessel's departure. Notwithstanding any other provision of law, no claim shall be considered under this section, nor shall any action for damages lie thereon, unless, prior to the departure from Canal Zone waters of the vessel involved, the investigation by the competent authorities of the accident or injury giving rise to such claim shall have been completed, and the basis for the claim shall have been laid before the corporation."

On page 9, after line 16, to strike out:

SEC. 4. Except as otherwise provided in, or where inconsistent with, the provisions of this act, the term "the Panama Railroad Company", wherever appearing in the statutes of the United States and having reference, prospectively, to the corporation heretofore known by that name, is amended to read "the Panama Canal Company."

SEC. 5. The headline and introductory clause of section 7 of title 2 of the Canal Zone Code are amended to read as follows:

"7. Control and jurisdiction of Governor over Canal Zone: The Governor of the Canal Zone shall: * * *."

On page 10, line 6, to change the section number from "6" to "4"; on page 11, line 6, to change the section number from "7" to "5"; in line 19, to change the section number from "8" to "6"; on page 12, line 9, to change the section number from "9" to "7"; on page 13, line 7, to change the section number from "10" to "8"; in line 13, to change the section number from "11" to "9"; in line 20, to change the section number from "12" to "10"; on page 15, line 8, to change the section number from "13" to "11"; on page 16, line 4, to change the section number from "14" to "12"; in line 15, after the word "for", to strike out "vessel" and insert "vessels"; on page 17, line 4, after the word "Government", to strike out "The rate of tolls on laden vessels shall not exceed $1 per net vessel ton."; on page 18, after line 2, to strike out:

SEC. 15. Sections 982, 987, and 1024 of title 4, and section 833 of title 5, of the Canal Zone Code, are amended by deleting the term "the Panama Canal", appearing in each of said sections, and inserting in lieu thereof the term "the Panama Canal Company".

SEC. 16. Section 836 of title 5 of the Canal Zone Code is amended by deleting the term "the Government of the Canal Zone", which appears in paragraph b of said section and inserting in lieu thereof the term "the Panama Canal Company".

In line 13, to change the section number from "17" to "13"; on page 19, line 9, to change the section number from "18" to "14", and in line 10, after the word "section", to strike out "22" and insert "10."

The amendments were agreed to.

Mr. JOHNSON of Colorado. Mr. President, I now offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 12, line 7, after the word "earnings" it is proposed to delete the following: "unless the Congress shall otherwise direct."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 8677) was read the third time and passed.

GRIFFISS AIR FORCE BASE

Mr. LUCAS. Mr. President, as I understand, that completes the call of the calendar.

The PRESIDING OFFICER. The present occupant of the chair so understands.

Mr. LUCAS. I want to make the statement that this is the last call of the calendar we will have during this session, so that Senators will know about it. There are certain bills that I have notified the Senate we would proceed to consider following the call of the calendar.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1940, Senate bill 3727, to authorize certain construction at Griffiss Air Force Base, and for other purposes.

The PRESIDING OFFICER. The Clerk will state the title of the bill for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3727) to authorize certain construction at Griffiss Air Force Base, and for other purposes.

Mr. JOHNSON of Colorado. Mr. President, I understand the Senator from Illinois asks unanimous consent for the present consideration of the bill. I withhold objection to the request; I simply wish to say that I have a preferred matter I desire to bring up. I want to move that the Senate concur in the amendments of the House to a Senate bill.

Mr. LUCAS. Mr. President, I yield to the Senator from Colorado for that purpose.

The PRESIDING OFFICER. The Senator from Colorado is recognized. The Chair will say that the acting chairman of the Committee on Rules and Administration [Mr. GREEN] advised the Chair some moments ago that he wished to present certain resolutions.

Mr. LUCAS. I should like to get the bill before the Senate, if I may, and then I shall be glad to yield to the Senator from Rhode Island to take up the resolutions he has in mind. It is immaterial to me whether I withdraw my request or yield to the Senator from Rhode Island.

RESOLUTIONS REPORTED FROM COMMITTEE ON RULES AND ADMINISTRATION

Mr. GREEN. Mr. President, in view of the fact that there is not going to be another call of the calendar I should like to report certain resolutions, and ask for their present consideration, unless there is objection.

The PRESIDING OFFICER. The present parliamentary situation is this: The Senator from Illinois has asked unanimous consent for the Senate to take up at this time Senate bill 3727. The Senator from Illinois has stated that he would yield to the acting chairman of the Committee on Rules and Administration for the consideration of certain routine resolutions.

Mr. GREEN. I do not know if they are all routine resolutions.

The PRESIDING OFFICER. Without objection——

Mr. McCARRAN. No, Mr. President; just a moment. Why should the resolutions be preferred over bills that are on the calender?

Mr. GREEN. Because they are reported from the committee.

Mr. McCARRAN. The Senator can present the reports of the committee without taking up the time of the Senate.

Mr. GREEN. I should like to have the resolutions acted upon, especially in view of the statement of the majority leader that this is the last call of the calendar. I do not think the Senator from Nevada or any other Senators will object to most of the resolutions.

The PRESIDING OFFICER. The Chair understands that the Senator from Rhode Island asks unanimous consent to report certain resolutions, and that he will ask for their immediate consideration. Is there objection?

Mr. McCARRAN. Mr. President, I am going to object to immediate consideration of the resolutions. Some of us have been here all day. We should like to get away just as much as does the Senator from Rhode Island. He probably will leave tonight for Rhode Island.

Mr. GREEN. Mr. President, I do not expect to leave before the Senate adjourns.

Mr. McCARRAN. Mr. President, I think the reports should be filed. Let them go over for a day under the rule. Let us proceed then and take up something else.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized to present the reports to the Senate from the Committee on Rules and Administration.

Mr. GREEN. The first resolution I wish to report favorably from the Committee on Rules and Administration is Senate Resolution 343, to pay a gratuity to the estate of James Francis Linnane, late an employee of the Senate. It is in the usual form, the standard form for payment of such a gratuity. I ask for immediate consideration.

Mr. McCARRAN. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The regular order is: Is there objection to the present consideration of the resolution?

Mr. McCARRAN. I object.

The VICE PRESIDENT. Objection is heard. The resolution goes to the calendar.

Mr. GREEN. The next resolution——

Mr. LUCAS. Mr. President, I hope the Senator from Rhode Island will not do what he is doing. If the resolutions are placed on the calendar he will never get them acted upon. The resolution is a meritorious one and should be agreed to.

Mr. GREEN. Mr. President, I cannot imagine that any Senator would object to it.

Mr. LUCAS. I canont imagine so either. But I ask the Senator to desist. If the resolutions go to the calendar, the Senator will not have action taken upon them, because I served notice that we will not have another call of the calendar.

The Senator from Nevada has indicated he would object to the resolutions. Perhaps he will not object to action on them tomorrow.

Mr. GREEN. The Senator from Nevada, of course, has a right to object.

Mr. LUCAS. Every Senator has that right. That is fundamental.

Mr. GREEN. How can such procedure be avoided?

Mr. LUCAS. It cannot be avoided unless the rules are changed.

Mr. GREEN. I have no personal interest in the matter. I am simply doing my duty as acting chairman of the Committee on Rules and Administration.

Mr. LUCAS. The acting chairman is doing his duty, but by reporting the resolutions he is placing them on the calendar, and a number of persons who perhaps are entitled to consideration will have to wait a long time before they have the money to which they are entitled.

Mr. GREEN. May I ask the Senator from Nevada whether he will have equal objection if I delay presentation of these matters until tomorrow?

Mr. McCARRAN. No, I will not object them. I simply wish to say in fairness—I do not want to be discourteous to my good friend from Rhode Island—that there are some of us who have been on the floor all day long. There are one or two bills I should like to have passed, which went to the foot of the calendar. We think we can have them passed. After that, I assure the Senator I shall make no objection.

Mr. GREEN. I thank the Senator from Nevada. I may also say that I have been here all day waiting for an opportunity to submit the reports. I have admired the pertinacity of the Senator from Nevada. He had a larger number of measures under his charge than all the rest of us put together. Of course, Senators would have an equal right to object to the matters in which the Senator was interested. I did not do so.

Mr. President, I ask for unanimous consent to withdraw the report of the gratuity bill for the consideration of which I previously asked unanimous consent.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent to withdraw the report. Is there objection? The Chair hears none, and it is so ordered.

Mr. GREEN. Mr. President, I shall submit the reports and ask their consideration at the earliest possible time tomorrow.

ORDER OF BUSINESS

Mr. JOHNSON of Colorado. Mr. President, I am a little confused by the procedure being followed at this time. The Senate Committee on Interstate and Foreign Commerce has reported some bills today, and we reported them to the Senate, in order to have reports filed on them and printed and made available.

At the time when that was done, I understood that by unanimous consent those bills could be called up.

Am I now to understand that it will be impossible to call them up by unanimous consent? They have been reported to the Senate, and the committee's reports on them will be printed. I think it is very desirable that the reports the Senator from Rhode Island is making also shall be printed and shall be available to the Senate and before the Senate. If the measures hereafter are called up by unanimous consent, they can be considered at such time, with the reports then before the Senate.

Mr. LUCAS. In answer to the Senator, let me say that a moment ago I stated that we were not going to call the calendar again at this session. Any measure which goes on the calendar from now on, of course, will be subject to a unanimous-consent agreement to have it taken from the calendar and considered by the Senate. There is no question about that. After all, almost anything can be done in the Senate by unanimous consent; it would even be possible to drive an elephant or a donkey down the aisle in the Senate Chamber, by obtaining unanimous consent to do so.

Mr. JOHNSON of Colorado. But what concerns me is that if a bill is reported and then is placed on the calendar and the report on the bill is printed, a Senator will be barred from having the bill considered.

Mr. LUCAS. Oh, no. I merely have stated that it is not my purpose to have the calendar called any more at this session. However, any Senator can request unanimous consent to have a bill taken from the calendar and considered. Of course, it will be possible to have that procedure followed.

The VICE PRESIDENT. The Chair understands that the measures referred to have been reported today, although, of course, they are not on the calendar which has been called today. They will be on the calendar after today. At any time any Senator may move to have any one of those measures considered, or unanimous consent for that purpose may be requested, even though the calendar is not called.

Mr. JOHNSON of Colorado. That answers my question.

The VICE PRESIDENT. In connection with this discussion, let the Chair state that it is quite usual for the chairman of the Committee on Rules and Administration, in connection with routine matters, to make reports on resolutions or other measures, and to ask unanimous consent for the immediate consideration of those measures; and usually such consent is given. The chairman of the comittee, the Senator from Arizona [Mr. HAYDEN], frequently brings up measures in that way; and under such circumstances they usually are disposed of in less time than has been consumed by the discussion we have just had here, this afternoon. However, under such a procedure, any Senator has a right to object to the consideration of such measures.

So the Senator from Rhode Island can make the reports at any time when the Senate is in session, and can ask unanimous consent to have the measures considered.

Mr. LUCAS obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. O'MAHONEY. I desire to propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. O'MAHONEY. Do I correctly understand that objection was made to the filing of reports on certain routine matters by the acting chairman of the Committee on Rules and Administration?

The VICE PRESIDENT. The objection which was made was not made to the filing of the reports, but was made to the request for the immediate consideration of the measures reported upon, whereupon the Senator from Rhode Island withdrew the reports, making the announcement that he would make the reports at a later time.

Mr. O'MAHONEY. I suggest that the reports be filed, and perhaps we can bring up the measures tomorrow.

Mr. GREEN. I thought I could do so. However, once the resolutions are on the calendar, it will be more difficult to have them taken up, under the present circumstances.

The VICE PRESIDENT. The Senator would have the same right to request unanimous consent for the consideration of those measures, if they are on the calendar, that he would have at the time he reported them.

The Chair just stated that it is usual for the chairman of the Committee on Rules and Administration, in the case of routine matters, to make reports on them and to request unanimous consent for their immediate consideration; and usually such consent is given.

Mr. LUCAS. Mr. President, if the Senator from Rhode Island makes the reports tomorrow, I am sure there will be no question about them. He can file the reports now if he wishes to do so; but if the resolutions go on the calendar, there may be more difficulty in having them taken up later on.

Mr. GREEN. I understand.

Mr. WHERRY. Mr. President, I think the proper procedure is for the Senator from Rhode Island to file the reports now and to have the resolutions placed on the Calendar.

Mr. LUCAS. But in such case there may be objection to taking the resolutions from the calendar, once they are placed on the calendar.

However, I do not care what the Senator decides. He can either submit the reports or he can pigeonhole them somewhere.

The VICE PRESIDENT. That is a matter for the consideration of the Senator from Rhode Island.

CONSTRUCTION AT GRIFFISS AIR FORCE BASE, ROME, N. Y.

Mr. LUCAS. Mr. President, I now move that the Senate proceed to the consideration of Senate bill 3727, Calendar No. 1940, to authorize certain construction at Griffiss Air Force Base, and for other purposes.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 3727), which had been reported from the Committee on Armed Services with amendments, on page 1, line 5, after the word "develop", to strike out "the military installation and facilities" and insert "an Air Force Electronic Development Center"; in line 7, after the word "the", to insert "acquisition of land", and in line 10, after the word "follows", to strike out "Shelter and laboratories for automatic radio grid direction finder, alterations of buildings for Watson laboratories, development of instrument landing system, NAVA globe system building" and insert "Alterations of buildings and the provision of related electronic test sites and instrument landing test facilities", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Air Force, under the direction of the Secretary of Defense, is hereby authorized to establish or develop an Air Force Electronics Development Center at Griffiss Air Force Base, Rome, N. Y., by the acquisition of land, construction, installation, or equipment of temporary or permanent public works, including buildings, facilities, appurtenances, and utilities, as follows: Alterations of buildings and the provision of related electronic test sites and instrument landing test facilities.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $3,114,500 to carry out the purposes of this act.

SEC. 3. Appropriations made to carry out the purposes of this act shall be available for expenses incident to construction, including administration, overhead planning and surveys, and shall be available until expended when specifically provided in the appropriation act.

SEC. 4. Any projects authorized herein may be prosecuted under direct appropriations, or authority to enter into contracts in lieu of such appropriations.

Mr. HUNT. Mr. President, I should like to explain the purpose of the bill.

The VICE PRESIDENT. The Senate will be in order.

Mr. HUNT. Mr. President, I thank the Chair for requesting order. I should like to say to the Senate that I shall try to follow my usual procedure of being as brief as possible. However, this is an important bill, and I wish to have all Members of the Senate hear what I have to say regarding it.

In the event there is not order, I shall stop my remarks until order is obtained, Mr. President.

The VICE PRESIDENT. The Chair will undertake to preserve order. The

Chair requests the cooperation of the Senate in that endeavor.

Mr. HUNT. Mr. President, the purpose of the bill is to authorize the Secretary of the Air Force to establish at the Griffiss Air Force Base, at Rome, N. Y., an Air Force Electronics Development Center.

This bill was introduced on June 9. I have waited until this evening to get it before the Senate.

I think perhaps I can present this matter to the Senate in the best form by reading from a letter dated June 20, from the Secretary of the Air Force:

My staff has conducted a thorough reappraisal of the electronics-consolidation situation. This review has reaffirmed our decision that the transfer of Watson Laboratories to Griffiss Air Force Base is justified economically, will result in more efficient administration of electronic-developmental activities, and is in the best interests of national defense. We feel that our calculations of savings to be effected and costs involved are sound.

The proposed move will consolidate in one location the Watson Laboratories, the Three Thousand One Hundred and Seventy-first Elecronic Experimental Squadron, and the Data Utilization Laboratory. The latter two units are already in operation at Griffiss. Our plans provide also for the consolidation at Griffiss of certain projects and personnel now at Wright-Patterson Air Force Base, Dayton, Ohio, which are clearly in the electronic-development field and are closely allied to the activities of Watson Laboratories. Details of this latter move must await the carrying out of the first phase, the relocation of Watson Laboratories, so that availability of civilian housing, laboratory, and test facilities may be considered. The timing of all movements will be arranged so that will be the least interruption to our development program.

Seven of the nine Laboratory and office buildings to be utilized by the Watson Laboratory activities are ready for immediate occupancy and require no additional funds. The other two structures must be modified to adapt them for laboratory use. S. 3727 includes the funds necessary for this modification. The remainder of the funds requested in the bill is for the establishment of test sites essential to electronic-development work.

Since our original planning for consolidation several years ago, a highly competent scientific committee has given intensive study to the advisability of transferring our research activities now being conducted at Cambridge, Mass. For scientific reasons and in the interests of more efficient prosecution of research, this group strongly opposes any transfer of these activities from the Boston area. A review of all considerations by this Department leads us to concur with its recommendation. This decision in no way affects our requirement for adequate facilities for development activities conducted by Watson Laboratories. While the activities of Cambridge are oriented on research, the activities of Watson Laboratories are oriented on development, and it is not necessary that these be consolidated at one location.

S. 3727 will permit Griffiss Air Force Base, a modern permanent installation, to be utilized to the maximum in carrying out the mission of the Department of the Air Force. The move and consolidation which this bill authorizes will result in savings in annual operating costs, maintenance costs, and personnel, and will save many dollars in the future capital investment which would otherwise be required in order to retain Watson Laboratories as a permanent base in its present location.

The Department of the Air Force on behalf of the Department of Defense strongly recommends enactment of S. 3727.

This report has been coordinated among the departments and boards of the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Mr. President, I should like to say that rather exhaustive and extensive hearings were held on this bill. It was my pleasure to act as chairman of the subcommittee. It was reported unanimously by the Armed Services Committee. We had before us those who had the greatest interest in this bill. The case was presented for the Air Force by Maj. Gen. Gordon P. Saville.

Since there has been some comment to the effect that possibly the present conflict in Korea would change the existing situation, I should like to read two paragraphs from a letter recently received from the Department of the Air Force. The letter is addressed to me. I desire to read the two following paragraphs.

It has come to my attention that, as a result of international developments which have occurred since the Senate Committee on Armed Services considered and reported favorably S. 3727, relating to the transfer of Watson Laboratories, some doubt has been evidenced by Members of the Senate as to the desirability of the proposed transfer. To eliminate any uncertainty as to the position of the Air Force in this matter, I wish to reaffirm the urgent requirement for legislative authority to accomplish this.

The Department of the Air Force considers the recent international development an additional impetus to accomplish the desire transfer at the earliest possible moment. In view of the inevitable acceleration of the electronics program, an even more urgent requirement exists now than heretofore. The transfer of Watson Laboratories to Griffiss Air Force Base, with its airfield, space for expansion, and permanent buildings capable of more efficient utilization, will enable this Department to accelerate many vital projects.

Mr. President, I should like to say for the information of the Senate that this morning by telephone, I contacted Mr. VINSON, chairman of the House Armed Services Committee. He advised me that if this bill were passed, his committee would give it immediate consideration, and there would be action at this session of the Congress.

Mr. President, realizing that there would be opposition to this bill by Senators from New Jersey, since it would move a facility from one State and place it in a neighboring State. I took it upon myself to go up personally to investigate and look over both of these facilities. I want to say to the Senate that the facilities at Eatontown are, I should say, almost deplorable. The buildings are primarily and mostly of tarpaper construction. They certainly are not at all of a permanent type, and I am surprised, Mr. President, and Members of the Senate, that the Air Force has for so long a period of time maintained in these temporary—may I say, firetraps?—such tremendous amounts of costly and valuable research instruments as they have there at the present time.

I desire now to exhibit to Senators a picture which shows the type of building at Eatontown, N. J. This shows the warehouse building. Let me say the picture is not of the best building, but it is a fair sample of the buildings in which there are now millions and millions of dollars' worth of expensive research equipment housed at Eatontown, N. J. There are, I think, four buildings there, which I think I could say to the Senate we would not ourselves utilize as stables. They are of very poor quality construction. There are a few buildings of cement, with tarpaper roofs.

With reference to the expense involved, I may say that for certain modifications of two buildings at Rome, and for the placement of facilities necessary for the experimental work outside the field, at Rome, an appropriation has been asked of approximately $3,000,000. After our visit to Eatontown, to look over those buildings, we went to Rome. I should like to say, too, that I regret exceedingly that the Senators from New Jersey, who have such a vital interest in this matter, were unable to accompany me on that trip, though their administrative assistants did. For myself, I may say to the Senate, I think, without being questioned at all, that no person could visit both places and not immediately urge that the move be made.

At Rome, N. Y., we have buildings which were constructed in 1941 and 1942. The junior Senator from Wyoming [Mr. HUNT] has inspected numerous military installations. I want to say to the Senate I have never seen a group of buildings so well built, so ideally situated as these buildings are for the purposes for which they were built and for which they will be occupied, I hope. They are at the present time surplus. The buildings are of brick and stone construction. They are, in large measure, air conditioned. Some of them are absolutely dust proof. There are no windows in the buildings. They are lighted artificially. I believe one of the greatest airports I have ever seen is on the base at Griffiss Air Field at Rome, and that is something tremendously important, because in the development of electronics we must, of course, have, to accompany research, the field for the practical carrying out of experiments.

So, Mr. President, to reproduce—which would never be done—at Eatontown, N. J., the facilities which we now have at Rome, N. Y., would cost in the neighborhood of $66,000,000. That of course will never happen because I may say that I do not believe the facilities at Eatontown will ever be permanently utilized for electronic research. But at Rome we now have permanent buildings unoccupied, ideally situated, with ideal facilities for the projects which are expected to be placed within them.

I mentioned the airdrome. Hangars are there which will accommodate three B-29's. There is a magnificent airport, which, as I say, is something which is very necessary. At Rome there is all the space we shall ever need eventually for the expansion of electronic research programs, and there is also at Rome what is known as a flying atmosphere.

Speaking of flying, I may say that at the present time, at Eatontown, at the

Watson Laboratories, the nearest airfield is 42 miles from the installation, and therefore of course, to anyone going here by air, or for the development of any of their research, it is necessary that they go to this airfield.

With reference to housing for personnel available in Rome at the present time, I should like to say that the housing facilities are better than those at Eatontown. There is one thing about this proposed move that we regret, and that is that it inconveniences approximately 700 persons who will either be forced to move to Rome or will be forced to discontinue their service. I am sure, of course, that the type of work——

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. HENDRICKSON. I should like to correct the figure which the Senator has given. It is not 700; it is 1,100.

Mr. HUNT. I accept the correction from the Senator. However, the commanding officer at Eatontown told me that there would be 600 or 700 persons affected. I do not know how he arrived at those figures, but they are the figures which were given to me.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. WHERRY. This is an authorization that is involved, is it not?

Mr. HUNT. Of $3,114,000.

Mr. WHERRY. It is an authorization and not an appropriation.

Mr. HUNT. That is correct.

Mr. WHERRY. What the Senator is asking for is legislative authority to transfer this air base from one location to another.

Mr. HUNT. That is primarily the objective.

Mr. WHERRY. Why is it necessary to have an authorization?

Mr. HUNT. I cannot answer the distinguished Senator's question as to why it is necessary. I believe the Air Force thought it was necessary, because, unfortunately, there has developed—and I say this frankly and kindly—there has developed some politics in the situation, and so the Air Force thought it was necessary to get an authorization.

Mr. WHERRY. I want to say to the distinguished Senator that not very long ago, within the past few months, the Air Force took a base out of Nebraska and transferred it to Texas.

Mr. WILEY. Was there any politics involved?

Mr. WHERRY. I do not know. We remonstrated.

Mr. HUNT. I will say to the Senator that a second reason why authority is needed is because of the anticipated request for an appropriation.

Mr. WHERRY. I submit to the distinguished Senator that if they are entitled to the appropriation they now have that does not enter into it. At some time in the course of this discussion I should like to have some further information. I was led to believe, in the effort we made to resist the transfer of the base in Nebraska to another State, whereby housing and buildings which cost the Government several millions of dollars were vacated, that they were going to make it a permanent air base. But they moved it through an order. We could not successfully resist, and out it went. If they can do that with reference to one air base, why can they not do it with reference to another?

I should like to know why it is necessary to get legislative authority to do at the Rome air base what they did within the past 12 months in the State of Nebraska, when they moved the base to Texas.

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. IVES. Is not the authorization required because of the probable necessity for construction? It occurs to the Senator from New York that in all probability no construction was involved in the removal of the air base to which the Senator from Nebraska has referred, whereas, in this instance, it is very evident that construction may be required.

Mr. HUNT. I have the same understanding as has the Senator from New York, that in order to get the appropriation it is necessary to have an authorization to move the base.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. WHERRY. I submit that appropriations are based upon justification. I am not taking any sides in the issue at all. I maintain that if they had authority in one instance to transfer an air base from one State to another State, they have it now. What they will spend in the future for construction they are confronted with in Texas. Why do they need legislative authority in this case and not in the other case? I think that is a very proper question.

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUNT. Before I yield, I may say to the Senator from Nebraska that this request was originally in the public-works bill, but it was deleted therefrom. Apparently the Air Corps feels that it is necessary. I am sure it does, or it would not cause us all this trouble and put us to all this inconvenience, and telephoning me every 3 or 4 days to hurry the bill through.

Mr. WHERRY. Mr. President, I shall not belabor the point any further, and I do not want to detain the distinguished Senator, but I hope that before the bill is voted upon he can give me the reason as coming from the Air Corps, why there must be legislative authority in this case, and why they did not have to have legislative authority in a similar case within the past 12 months. Certainly the answers so far given do not convince me, not by a long shot. I appreciate the situation of the Senator, and I did not intend to ask him the question. It was not with any idea of trying to trick anyone. But why do they call upon the Senate to settle an issue which they could settle themselves? If they had the authority in the first place, they have it now. I should like to know why there is a need for legislative authority.

Mr. HUNT. Mr. President, I may say, further, to the distinguished Senator from Nebraska, that it may be simply a way of accomplishing something indirectly which they felt they could not accomplish directly because of the existing situation. But I hope that the Senator from Nebraska will not in any way attempt to hold up the immediate passage of this bill, because I am advised that the Air Corps needs this authority to make the transfer, and it needs it quickly because of new developments in technical researches which are under way.

Mr. THYE. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. THYE. What are the buildings now used for at Rome, N. Y.?

Mr. HUNT. Most of them are standing vacant. They are magnificent buildings——

Mr. THYE. What were they used for?

Mr. HUNT. They were originally established as an Air Force depot and laboratory.

Mr. THYE. Has the War Department declared those buildings surplus?

Mr. HUNT. No, because they are such magnificent, fine buildings.

Mr. THYE. If the War Department has not declared them surplus, and they are owned and possessed by the military, the Air Service, there is no reason in the world why they cannot occupy them at any time they desire to occupy them. Is not that correct?

Mr. HUNT. Perhaps they do have authority to make the move, but they must have some basis on which to make their request for an appropriation. Since the item was deleted from the public works bill, as I understand the situation, they thought this was the best and quickest way to accomplish their objective.

Mr. THYE. I understand there is an appropriation request that accompanies the authorization of transfer.

Mr. HUNT. To the extent of $3,114,000.

Mr. THYE. And they have specifically said they are going to use the money for what purpose?

Mr. HUNT. For the purpose of slightly modifying new buildings and of erecting certain test facilities at a short distance from the Rome Air Base, which facilities are necessary in their experiments.

Mr. THYE. In other words, additional facilities must be constructed at Rome, and the authorization is not only an authorization for transfer, but an authorization to construct buildings?

Mr. HUNT. That is correct.

Mr. President, I do not want to belabor the matter any longer.

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. HENDRICKSON. The Senator says the sum of $3,114,000 is involved.

Mr. HUNT. That is correct. That is the cost of modifying two buildings and of erecting certain facilities.

Mr. HENDRICKSON. What will be the ultimate cost?

Mr. HUNT. As I understand, that is the complete cost.

I might further say that the difference in the cost of changing the facilities with reference to leaving them where they are at the present time, provided they bring the Eatontown facilities up somewhere

near the facilities at Rome, involves a saving of $18,000,000.

I repeat there is no possible way of getting at Eatontown the degree of effectiveness we ought to have. It can not be had with the facilities available at Eatontown. The military authorities do not have in mind building additional facilities, because they think the situation is hopeless. At Rome, N. Y., we have wonderful facilities. We have some of the finest buildings I have ever seen. I wish every Member of the Senate could see the buildings. They are standing idle. They are air-conditioned, dustproof, and artificially lighted. They cost $36,000,000 when built, and would cost $66,000,000 to replace. They are standing idle, waiting to be utilized. We have the facility available into which we can move. In order that we may assist in every possible way our war effort at this time, I think the Senate should pass this bill.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. LEHMAN. Is it not a fact that in the opinion of the Air Force this is definitely an urgent and necessary defense move?

Mr. HUNT. That statement was contained in the letter from Mr. McCone which I read only a few minutes ago.

Mr. LEHMAN. May I ask whether the bill was reported unanimously by the committee?

Mr. HUNT. It was reported unanimously.

Mr. LEHMAN. Unanimously by the entire Committee on Armed Services?

Mr. HUNT. Yes. While I took no vote and asked for no opinions, I believe it was the unanimous feeling of the group which accompanied me to Rome that the move should be made.

Mr. President, I yield the floor.

Mr. HENDRICKSON. Mr. President, I know of no issue before this session of the Eighty-first Congress which has had so much study as the one of transferring the Watson Laboratories at Eatontown, N. J., to the Griffiss Air Force Base at Rome, N. Y.

There were the preliminary studies of the Military Establishment itself.

These were followed by conferences with the then Secretary for Air, Mr. Symington.

Then the whole matter was again reviewed by the appropriate subcommittee of the Committee on Armed Services in the House of Representatives.

This was followed by a review on the part of the full Committee on Armed Services in the House.

As a result of all of these studies, the provisions in S. 2440 to effect this transfer were stricken from the bill.

The net and immediate result of this action was the introduction in the Senate of S. 3727, the pending business of the Senate, whereunder the Senate Committee on Armed Services seeks to accomplish what they failed to accomplish under S. 2440.

Mr. President, I want to be completely fair to all interests involved in the issue as I treat with the situation as it exists today, but I am more anxious to be fair with my country and its defense needs than I am with any other interest which has a stake in the matter.

I have repeatedly said in all of my public utterances on the subject, on the floor of the Senate, in committee hearings, and to the press, that the needs of my country come first, and if our national security would be best served by this transfer I would be for it, but I am not yet fully convinced of that fact, particularly in the light of recent world-shaking developments. I say that despite the letter which was read into the RECORD a few minutes ago.

As a result of my attendance at committee hearings both in the House and Senate, I was fully convinced that the change was not in the best interest of our national defense program.

But since I have very great confidence in the integrity and judgment of the Senate Committee on Armed Services and indeed, the House committee as well, I have always made it quite clear, I think, that I would have complete faith and confidence in their decisions.

I am quite sure, Mr. President, that I have not, since this bill was reported, given any indication to the contrary.

However, I hasten to point out, as I have already indicated, that every aspect of the situation has changed since the last committee hearing and here I want to reiterate that at that last committee hearing, I was convinced when I left it, that a case had been made for retaining our electronic laboratories at Eatontown.

Those who favored the transfer will naturally ask the question: "What are those changes to which the junior Senator from New Jersey refers?"

Mr. President, the answer is quite a simple one.

Whether we like it or not, our Nation today is at war—the lack of military equipment and supplies has shocked the entire Nation and this lack includes modern up-to-date air equipment.

One of the basic reasons why this transfer was even considered and all of the hearings and testimony will show this, was to utilize vacant and unused facilities which were available at Griffiss Air Base.

Mr. President, the situation has changed. We know today that we shall need more and more aircraft, and to house and maintain that aircraft we shall need air depots and air bases so that the original purposes for which Griffiss Field was designed again make themselves apparent.

Mr. President, I am not a military expert, but I have had some military experience and from my point of view, it would be at this time, a perfectly ridiculous thing to take an operation which is working successfully and producing its everyday quota of service, and move that facility to an installation which has been specifically designed for another purpose and thus confuse the operations of two distinct and separate military functions.

Mr. President, in my military experiences, I never saw a smart officer make a change of course or policy when he was moving ahead successfully, and the Watson Laboratories as of today are giving this Nation and its military needs every service those needs require.

There is an old adage, Mr. President, about letting a "sleeping dog lie." Perhaps it does not quite apply here, but no one can deny that with every change we make, there is a calculated risk, and the calculated risk that we take at this time, confronted as we are with the possibility of an all-out war, that by moving the Watson Laboratories now, at this time, we would jeopardize both the useful purposes the Watson Laboratories are now serving and the essential purposes for which the Griffiss Air Base was designed.

Mr. President, I cannot emphasize this point too strongly, and when I add this factor to the conflicting testimony at all of the hearings I become immediately convinced that the transfer in question is not in the interest of national defense.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HENDRICKSON. I gladly yield to the Senator from Louisiana.

Mr. LONG. What purpose does the junior Senator from New Jersey have in mind for the Griffiss Air Base? He mentioned that the air base would again be needed for the purpose for which it was originally designed.

Mr. HENDRICKSON. It was originally designed and built as an air depot for the maintenance and repair of large bombers. Those facilities are available now. If the transfer were authorized it would mean the conversion of many buildings and much storage space to house the facilities which would be transferred from Eatontown. Therefore the buildings and space provided for the original purpose would be cut down considerably.

Mr. LONG. The Griffiss Air Base originally was an Army Air Force base, was it not?

Mr. HENDRICKSON. Yes; an Army Air Force base.

Mr. HUNT. Mr. President, will the Senator yield?

Mr. HENDRICKSON. I gladly yield to the Senator from Wyoming.

Mr. HUNT. May I ask the Senator from New Jersey whether he has personally observed the facilities at Griffiss Air Base at Rome, N. Y.

Mr. HENDRICKSON. I have never seen the physical buildings and facilities, but I have seen pictures of them, and I have seen plans of the whole layout.

Mr. HUNT. I should like to say to the Senator that the facilities of which he speaks for the repair of aircraft and for development work on aircraft will continue to be used as they are at the present time. However, these other new fine buildings of which I speak are standing there idle, and the Air Force tell me they have no utilization to which to put them. I do not think I would go along with the Senator's thinking that they will be used, unless this transfer is made.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HENDRICKSON. I yield to the able junior Senator from New York.

Mr. LEHMAN. The Senator from New Jersey has frequently said that his only consideration in this matter is one of national defense.

Mr. HENDRICKSON. That is true.

Mr. LEHMAN. I know that the Senator is entirely sincere in his statement, as was the senior Senator from New Jersey. But how can he justify opposition to this proposal——

Mr. HENDRICKSON. I am attempting to justify it now, and if the distinguished Senator from New York will permit me to proceed, I think I can further justify some of the points I have already made.

Mr. LEHMAN. I am sure the Senator has referred to this point, but let me complete my question. How can the Senator from New Jersey justify opposition to this project in the face of the strongest recommendation from the Secretary of Air, not only the present Secretary of Air, but by his predecessor, Mr. Symington, by the Senator from Wyoming [Mr. HUNT], who was chairman of the subcommittee, and by the entire Armed Services Committee, which studied this matter? It seems to me that the evidence is so conclusive it is hard to realize how anyone could oppose this project on reasonable and logical grounds. Of course, I realize the good faith and the sincerity of the Senator from New Jersey.

Mr. HENDRICKSON. The answer to the Senator's question is quite simple. I justify my position because I attended the hearings before the House committee, the House subcommittee, and the Senate subcommittee, and I was convinced from the testimony that was presented that a case was made for the retention of the facilities at Eatontown, N. J. That is the answer to the question.

Mr. HUNT. Mr. President, will the Senator yield for one more question?

Mr. HENDRICKSON. I gladly yield.

Mr. HUNT. May I ask the Senator if he has inspected and seen the buildings at Eatontown?

Mr. HENDRICKSON. Yes, I have; I have seen the buildings there.

Mr. HUNT. Would the Senator say to the Senate that those buildings are suitable or that we should continue to retain tremendously expensive scientific research instruments in such buildings?

Mr. HENDRICKSON. I can answer that question quite easily. The buildings are serving their purpose at this very moment, and producing what I am told by scientists is a magnificent job for our national defense.

Mr. HUNT. Does the Senator know that the present commandant at the Watson Laboratories has said to the committee, and has said to me personally, that the facilities there are totally inadequate, and that they will not be able to carry out their program with them?

Mr. HENDRICKSON. Did I understand the Senator correctly to say that I said that?

Mr. HUNT. Oh, no; I said, does the Senator know that the present commandant of the facilities at Eatontown said that?

Mr. HENDRICKSON. No; I did not know that.

Mr. President, I have given some of the reasons why this transfer should be deferred. But there is still another serious question involved in this issue, and that is the question of the cost.

The proponents of the move conceded at the outset that the initial cost will be approximately $4,000,000, and in estimating that cost the probabilities of immediate war were never considered.

Now, I ask, Mr. President, does it make sense, at a time when the country is operating on huge deficits, and is at the same time confronted with tremendous new expenditures, to spend approximately $4,000,000 to make a move which confronts a doubtful outcome?

I could say a great deal more on the subject of this proposed transfer, but I assert that when the people of our Nation are faced again with another battle of life or death, and American boys are giving their all to maintain our "free way of life," is not a time to make experimental changes in facilities which are already giving a good account of their possibilities.

One more thing, Mr. President, and I am through, but I think that this is highly important. If this war does become a global war, no American city, village, hamlet, or town will be safe from the effects of the modern implements of war which hurl themselves through the sky, and this being so, I say with all of the vigor and sincerity that I possess, that this is no time to concentrate important military establishments in one area.

We can ill afford, in this day of scientific warfare, to "put all of our eggs in one basket"—whether it be in the air, on the ground, or on the sea.

I repeat, Mr. President, the situation has changed materially since the hearings, and that change should cause the Senate and the Congress to cast its vote against the proposal before us, despite the seeming merits of the change as they existed before involvement in the Korean crisis.

Mr. WATKINS. Mr. President, will the Senator from New Jersey yield?

Mr. HENDRICKSON. I yield to the Senator from Utah.

Mr. WATKINS. Did I understand correctly that the proposal is to transfer these laboratories to Rome, N. Y., where it is claimed there are the buildings which have been described?

Mr. HENDRICKSON. Yes.

Mr. WATKINS. What were those buildings used for in the last World War?

Mr. HENDRICKSON. I have just answered that question. They were built for an air depot, for the maintenance and repair of large aircraft in that area of the country.

Mr. HUNT. Will the Senator yield?

Mr. WATKINS. I should like to finish my question.

Mr. HUNT. I should like to interpolate that they were also built for laboratory purposes, which makes them ideally suitable for what is now proposed.

Mr. HENDRICKSON. But not for electronics laboratories.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. HENDRICKSON. I yield.

Mr. WATKINS. Will it take some modification of the buildings, and result in some expense?

Mr. HENDRICKSON. Between three and four million dollars.

Mr. WATKINS. To move these buildings to Rome, N. Y.?

Mr. HENDRICKSON. That is correct.

Mr. WATKINS. If world war III should come, would there not be a need for such buildings?

Mr. HENDRICKSON. If the Senator had been present in the earlier part of my remarks he would have heard me refer to that.

Mr. WATKINS. I have been here all afternoon, but I did not happen to be in the Chamber at the beginning of the Senator's remarks, and I should like to get the information.

Mr. HENDRICKSON. Of course there will be a need, because our air equipment is not what it should be. Everyone knows that. Everyone is shocked by the fact that we have been found wanting in that respect, and we are going to need all this space for our large air construction program.

Mr. HUNT. Mr. President, will the Senator yield?

Mr. WATKINS. I do not have the floor.

Mr. HENDRICKSON. I have not yielded the floor.

Mr. HUNT. Will the Senator yield for a moment that I may answer the question of the Senator from Utah?

Mr. HENDRICKSON. I shall conclude in just a moment, and then the Senator may have the floor.

Before I yield the floor I should like to insert in the RECORD at this point in my remarks a speech which has been prepared by my distinguished colleague the senior Senator from New Jersey [Mr. SMITH]. He is not able to be present, since he is away from the Senate on official business, but I wish every Member of the Senate were here in order that I might read his speech, so that they would know that the senior Senator from New Jersey feels as I do about this proposed transfer. He is definitely opposed to the transfer, and he speaks eloquently on the subject in the speech. I ask to have his speech included in the RECORD at this point.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR H. ALEXANDER SMITH, OF NEW JERSEY, ON S. 3727

Mr. President, I joined with my colleague the junior Senator from New Jersey [Mr. HENDRICKSON] in opposing the passage of S. 3727 on the Consent Calendar because it seemed to me that such grave issues are involved in the transfer of the Watson Laboratories from Eatontown, N. J., to Griffiss Air Force Base in Rome, N. Y., that the record should show clearly what the position of the New Jersey Senators is. From the beginning both Senator HENDRICKSON and I have taken the position that the matter should be decided in the best interests of our national security and that must be the controlling factor in developing any long-range program for study and research in the field of electronics.

I want to express my appreciation of the courtesy shown to my colleague and myself by Senator HUNT, who conducted the hearings, and also by the Secretary of the Air Force, Mr. Finletter, and the Under Secretary of the Air Force, Mr. McCone, who sent

a special investigator on the ground to confer with those familiar with the pros and cons of the project. The unanimous report of the Armed Services Committee was, of course, based on the findings of the subcommittee and the various reports made by the Department of the Air Force.

For the record I want to make it clear that in spite of these reports I still feel that certain fundamental questions have not been satisfactorily answered in the committee report dealing with this matter, and as a community in my State is very vitally affected, I feel that it is our responsibility to make the record clear as to what some of these issues are.

Let me explain briefly my reasons for feeling that in spite of these various investigations the committee report does not present sufficient facts on which to base an important decision involving a minimum of over $3,500,000, the future of a vital section of our Armed Forces research program, and the displacement of almost 1,200 people.

The Air Force has urged this move, and has presented numerous and detailed arguments favoring it. A group of engineers from the Watson Laboratories at Eatontown, N. J., has criticized the move and has presented equally numerous and detailed arguments opposing it. In many cases the arguments of the proponents and opponents are directly contradictory.

Let me emphasize that the brief presented by the Watson engineers is not in any sense a listing of personal complaints by a group of men who are concerned about the personal sacrifices that such a move inevitably entails. In fact, this brief comprises a detailed analysis of all aspects of the problem with special reference to the undesirability of the proposed transfer from the point of view of national security, efficiency, and economy.

It seemed to me that the best way to resolve such a controversy was to make a concentrated and objective analysis of the arguments on both sides. If the points made by the Watson engineers were not valid, this should have been shown as clearly as possible by their specific refutation in the committee report. As far as I can determine from studying the report of the Armed Services Committee, this has not been done. This report simply lists the reasons advanced by the Air Force for the transfer and concludes that these reasons are sound. In most cases where exception was taken to these reasons by the Watson engineers, no attempt was made to show in the report that the reasoning of the Watson engineers was unsound. So, in fact, we are really left in precisely the same position we were in when the controversy first arose. We have on the one hand the position of the Air Force and on the other the position of the Watson engineers, with absolutely no light thrown on the validity of one as against the other.

In this connection, it is particularly significant to note that this transfer was originally proposed as part of a long-range Air Force plan to consolidate electronic research in one location. Such research is now carried on mainly at three locations: Cambridge Field Station, near Boston, Mass.; Watson Laboratories, at Eatontown, N. J.; and Wright-Patterson Air Force Base, at Dayton, Ohio. The original plan, as the report of the Armed Services Committee states, "envisaged the consolidation of all research and development activities at Griffiss Air Force Base at Rome, N. Y." According to the testimony of Major General Saville, of the Air Force, before the subcommittee: "As soon as our plans were announced, we ran into strong opposition from many of the distinguished scientists who had worked with us during the war." As a result of this opposition, the Air Force asked a special committee of scientists, of its own employees, and of Air Force officers, presided over by the chairman of the electronics committee of the Research and Development Board, to investigate fully the desirability of transferring the Cambridge laboratories and to recommend the best course of action.

Although this is not made absolutely clear either in the committee report or in General Saville's testimony, I want to emphasize that this committee studied the desirability only of the transfer of the Cambridge Laboratories, and did not consider in detail the desirability of the transfer of the Watson Laboratories. On the basis of its study of the Cambridge matter, the committee recommended against the move of the Cambridge Laboratories to Griffiss Air Force Base in Rome, N. Y., and the Air Force accepted its recommendation.

It was my hope that the Air Force and the Armed Services Committee would accept our suggestion for a similar study of the Watson Laboratories question, so that the controversial points that have been raised could be thoroughly explored. With this in mind, I called Secretary Finletter, and requested that he have a full investigation made. I understand that the Secretary engaged an outside engineer to make a study of the problem, and that the report of this engineer confirmed the decision of the Air Force. While I am very appreciative of the efforts of Secretary Finletter to work this problem out to the satisfaction of all concerned, and while I also appreciate the efforts of the Armed Services Committee and especially of Senator HUNT on this matter, I respectfully submit that the Armed Services Committee has not given us satisfactory answers to the basic questions quite properly raised by the Watson engineers. I would like to repeat for the record certain questions that I submitted to the subcommittee studying this problem, which I feel should be answered before the matter is finally settled:

1. To what extent is the proposed transfer an integral part of a plan to consolidate all Air Force electronic research activity at one location?

I understand that the Air Force now plans to concentrate at Griffiss Air Force Base in Rome, N. Y., all the electronic-development activities now carried on mainly at Watson Laboratories and at Wright-Patterson Field in Dayton, Ohio. The basic and applied electronic-research activities, now carried on principally at Cambridge, Mass., will not be moved, as a result of the recommendation of the special scientific committee I have referred to previously. I have felt that a similar committee should have studied the Watson Laboratories move before a final decision was reached.

2. To what extent can the estimates of cost presented in the brief of a group of engineers from the Watson Laboratories be successfully controverted?

That brief estimated that the move would cost eleven and one-half milion dollars, as against an Air Force estimate of about three and one-half million dollars. There are numerous other contradictory cost estimates that have not been satisfactorily explained. The report contains no specific refutation of the detailed cost estimates submitted by the Watson engineers.

3. To what extent is proximity of the electronic-research activities now carried on at the Watson Laboratories to the Signal Corps engineering laboratories at Fort Monmouth and contractors in the New York-New Jersey area an advantage both in terms of economy and efficiency?

Although detailed information was presented in the hearings indicating the importance of liaison between the laboratories at Fort Monmouth and at Watson and indicating the concentration of contractors in the electronic field in the New York-New Jersey area, the report makes absolutely no reference to this highly significant consideration.

4. To what extent is it desirable to have an air strip adjacent to the location of the electronic-research activities now carried on in Watson Laboratory?

The position of the Air Force was accepted on this controversial point apparently without question, for the report contains no discussion of the reasons presented by the Watson engineers why an adjacent air strip was not necessary.

5. What are the topographical advantages of the terrain in the vicinity of the Watson Laboratories over that in the vicinity at the Griffiss Air Force Base for the type of research now carried no or contemplated?

No attempt was made to answer the arguments of the Watson engineers that the topography in Rome, N. Y., was highly unsuited to the type of research work that they carry on, while the topography in and around Eatontown, N. J., is well adapted to this research.

6. What are the climatic advantages of the Watson Laboratories location over the Griffiss Air Base location for the type of research now carried on or contemplated?

As in the previous question, no attempt was made to answer the argument that the New Jersey area had important climatic advantages for the efficient conduct of the research work.

7. To what extent would vital research projects be delayed by the contemplated move, and, if delay would result, are there any reasons for believing that the disadvantages of such delay would ever be overbalanced by long-range gains in efficiency resulting from the proposed transfer?

Let me also raise a question here which should be carefully considered before final action is taken on this legislation: Does the Korean crisis, which has arisen since the committee hearings, call upon us to delay any changes in the present set-up which might prevent the immediate intensive carrying on of research necessary in the important field of electronics? I wonder whether we can spare the time to make shifts in locations when our laboratories should be working full blast to win the Korean War and to prepare for possible conflict elsewhere. The committee report makes no mention of the inevitable delays in vital projects that would take place during such a move.

Mr. President, when a project of this importance to the national security has been so seriously questioned by a large group of men who have devoted their careers to the development of vital electronic equipment for their country, it seems to me essential for us to have a full explanation of the controversial issues. In my judgment the committee has merely accepted the arguments of the Air Force without attempting in any way specifically to refute the major arguments of the Watson engineers.

Mr. HUNT. Mr. President, the Senator from Utah asked a question with reference to the expenditure of additional moneys. The chart I have here and am exhibiting to the Senate is taken from the presentation of Major General Saville, in charge of the electronics department of the Army. This is his statement:

About $3,000,000 and optimum effectiveness at Rome versus about $18,000,000 and limited effectiveness at the Watson Laboratories:

That is not my answer. That is the answer of the Air Force.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. HUNT. I yield.

Mr. WATKINS. The reason I asked the question of the Senator from New Jersey [Mr. HENDRICKSON] is that I have noted the history of some of the armed installations throughout the country. I

have particularly in mind one large hospital, not a veterans hospital, but an Army hospital, in the State of Utah, which cost something like $14,000,000. It was built of brick and steel and concrete, to be a permanent installation for hospital purposes. Yet, the minute the war was ended the Army abandoned it, the Veterans' Administration would not have anything to do with it, and for 4 or 5 years attempt was made to find someone to purchase it, or someone to whom it could be given away. Yet at one time all the experts agreed concerning the installation. They said it was in a beautiful location, that the climate was just right, that it was located just far enough from large centers to make it an ideal place for the veterans to be treated during the war, and to stay in after the war to recuperate. It was said to be an excellent place for convalescence. I wonder if there is anything of that nature connected with the proposed transfer to Rome, N. Y.? Have the experts considered that phase of the matter?

Mr. HUNT. I will show the Senator a picture of what we are proposing to abandon at Eatontown. There is a photograph of it.

Mr. WATKINS. Is that a fair representation?

Mr. HUNT. That is a fair representation. It is not the best building there, nor is it the worst. There are a few constructed of cement, with tarpaper roofing, which present a more favorable comparison.

Mr. WATKINS. What kind of buildings is it proposed to move into at Rome, N. Y.?

Mr. HUNT. Oh, most magnificent buildings which cost $36,000,000 to build. They are dustproof.

Mr. WATKINS. For what purpose were they built?

Mr. HUNT. Primarily for laboratory purposes.

Mr. WATKINS. Why are they not now used for laboratories? It is proposed to move laboratories to New York. Why are not the buildings now being used for that purpose?

Mr. HUNT. I do not know why. But at Rome there are huge, vast, wonderful building standing absolutely vacant.

Mr. WATKINS. For what kind of laboratories do they propose to make use of the buildings?

Mr. HUNT. Development of airplane engines. Development of various phases of radar. Such purposes in general. They have overbuilt and they have this wonderful space which is not utilized. I have visited both places. I have no personal interest as between Eatontown, N. J., and Rome, N. Y. I am trying to say to the Senate what I saw with my own eyes, and what I would do if it were a personal transaction of my own.

Mr. WATKINS. I have called attention to certain matters which have come to my own knowledge. I have done so for the reason that it seems to me that when the buildings were erected at Rome, N. Y., those who constructed them had in mind some particular use for them. Now they have been abandoned; it is said they are overbuilt. In the end, on whose judgment can we rely? We get one place all built up. Then a new expert comes on the job and he says, "That facility is no good. We will build another one over here." I think Senators will find not only one but hundreds of examples of that kind of building over the years. That is one of the things that made World War II so costly.

Mr. HUNT. I would not want to contest that statement with the Senator.

Mr. WATKINS. I want to know if this is one of those cases.

Mr. HUNT. When we have buildings that would cost $66,000,000 to replace, magnificient buildings, standing idle, and we have this tremendously expensive laboratory and electronic research instrument which cost millions of dollars, we ought to put it in better housing.

Mr. WATKINS. Is there any plan on the part of the Air Force to use these buildings in New Jersey?

Mr. HUNT. I do not think so, because one would not want to use them on a ranch as stables.

Mr. WATKINS. The buildings were used until now.

Mr. HUNT. And that is about the length of the life of the buildings.

Mr. WATKINS. Does the Senator mean that the buildings are unusable at the present time?

Mr. HUNT. Yes, I would say they are, from my personal inspection of them.

Mr. WATKINS. I thank the Senator from Wyoming for the information he has given us. I did not know anything about the situation and I wanted to learn about it.

Mr. LEHMAN. Mr. President, I should like to speak briefly in support of the pending measure. For many months I have been urging the approval of legislation for the establishment of the Watson Electronics Laboratories at Griffiss Air Force Base, New York.

I have done this out of no sense of exclusive devotion to the interests of New York alone. I have taken this position solely because of my devotion to the national defense and security.

The Secretary of the Air Forces, Mr. Thomas K. Finletter, has strongly and repeatedly urged and advocated this authorization. His predecessor, the Honorable Stuart Symington, urged this action before Secretary Finletter took office. The Air Force, through its military representatives, has come before congressional committees and has stated that this is an absolutely essential move for the national security. The Air Force has stated, with every indication of total urgency, that it was necessary to make this move, to install these laboratories at Griffiss Air Base, where they will have unusually good facilities in order adequately to carry on the vital research and engineering work which these laboratories perform.

The Air Force made this recommendation long before the fighting in Korea broke out. Since the beginning of the Korean operation, the Air Force has renewed and redoubled its importunities. I have here at hand, a letter addressed by the Under Secretary of the Air Force, Mr. John A. McCone, to the Senator from Wyoming [Mr. HUNT], who was chairman of the subcommittee which considered the pending legislation.

Mr. President, in view of the fact that the Senator from Wyoming [Mr. HUNT] has already quoted largely from that letter, I shall not read it. I ask unanimous consent that it may be printed in its entirety in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, August 23, 1950.

Hon. LESTER C. HUNT,
Committee on Armed Services,
United States Senate.

DEAR SENATOR HUNT: It has come to my attention that, as a result of international developments which have occurred since the Senate Committee on Armed Services considered and reported favorably S. 3727, relating to the transfer of Watson Laboratories, some doubt has been evidenced by Members of the Senate as to the desirability of the proposed transfer. To eliminate any uncertainty as to the position of the Air Force in this matter I wish to reaffirm the urgent requirement for legislative authority to accomplish the move.

The Department of the Air Force considers the recent international development an additional impetus to accomplish the desired transfer at the earliest possible moment. In view of the inevitable acceleration of the electronics program an even more urgent requirement exists now than heretofore. The transfer of Watson Laboratories to Griffiss Air Force Base with its airfield, space for expansion and permanent buildings capable of more efficient utilization will enable this Department to accelerate many vital projects.

In view of their continued interest in this matter I am sending information copies of this letter to Senators IVES and LEHMAN, of New York, and Senators SMITH and HENDRICKSON, of New Jersey.

Sincerely yours,

JOHN A. MCCONE,
Under Secretary of the Air Force.

Mr. LEHMAN. Mr. President, the proposed legislation has been before the Senate for many months in one form or another. Early this year it came before this body as a part of the military construction bill, S. 2440, now Public Law 564. The Senate approved this provision, but the House Armed Services Committee struck it out by a party vote. A number of Democrats were absent from that session. Then the provision was eliminated in conference on the basis that a new study would be made, and if it were found to be justified, new legislation would be introduced. That study was made, and this proposed legislation, approved by the Senate subcommittee which made that study, is finally before us. The report of the subcommittee became the report of the entire Armed Services Committee by unanimous vote, as outlined by the junior Senator from Wyoming.

This is not a partisan matter. It is a completely nonpartisan matter. Both Senators from New York, representing the two major political parties, are wholeheartedly in favor of this legislation.

The two Senators from New Jersey have opposed it. They have insisted—and I, of course, wholeheartedly take their insistence at face value—that they wished only to be reassured that this move was in the interest of the national defense and security. They asked that the matter be reviewed, and that they be

assured that this was actually in the interests of the national defense.

Mr. President, this matter has now been reviewed and rereviewed. It has been studied and restudied. The officers and the department responsible for our national air security more strongly than ever insist that this move is vital. They say it has been too long delayed. I thoroughly agree with them.

I have no quarrel with my distinguished friends from New Jersey. I know that they have warmly and vigorously defended the interests of their State, and of the locality within their State which would be affected. But now the time has passed for that. I invite and urge them to join with us in getting this legislation enacted without any further delay.

This is a question of national defense and security, as well as of economy. It has gone far beyond the question of which local community—Rome, N. Y., or Eatontown, N. J.—will suffer most from the transfer or nontransfer of this facility. Parenthetically, I might add that the Armed Forces have declared their intention of making good use of such facilities as exist at Eatontown if they are vacated by the Watson Laboratories.

I, for one, have always been willing to allow the Air Force to be the judge of where it needs to carry on its highly important research work in electronics. In addition to the furtherance of our military security, the Air Force has demonstrated—as has been repeated by the distinguished chairman of the subcommittee of the Senate Armed Services Committee—that the transfer of Watson Laboratories to Rome will mean an initial saving of $14,440,500 and an additional saving of almost a million dollars annually in operating expense.

It seems obvious to me that the arguments in favor of transfer are virtually unanswerable when a move such as this is made in the interest of both national security and economy.

The city of Rome has invested over $3,000,000 in housing since the Air Force first announced its intention to transfer the laboratories in February 1948. But despite the hardship that would result, the citizens of Rome have said that they would accept this hardship if the transfer would retard our defense efforts or weaken our security. That, however, not only is not the case, but the move has been clearly demonstrated to be in the vital interest of our security.

Mr. President, I have at hand an article printed by the Rome Daily Sentinel, and written by its managing editor, Mr. Fritz Updike, in answer to an inquiry from the Asbury Press of Asbury Park, N. J. This article expresses precisely the viewpoint of the citizens of Rome. I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT ABOUT WATSON, NOW?—ROME ASKED SHOULD LABS BE MOVED IN TIME OF WAR

The following telegram has been received by Fritz S. Updike, general manager and executive editor of the Sentinel, from Charles A. Johnston of the editorial staff of the Asbury Park Press, Asbury Park, N. J.:

"Transfer of Watson Labs from Eatontown, N. J., to Rome, N. Y., remains in the national news.

"I am addressing the following questions to you in your informed position as the editor of the Sentinel and as an officer of the Rome Chamber of Commerce which championed the move.

"In your opinion, does the present national emergency, particularly the Korean War, have any effect on advisability of carrying out Air Force plan to move lab at this time?

"Do the Rome Chamber of Commerce and the Rome business interests feel the lab transfer is justified during the present emergency?

"I would appreciate your comments. With best personal regards."

This letter has gone to Johnston:

"Attached is the reply to the questions asked in your telegram.

"Our only request is that if you publish any of this that you use all of it.

"We hope this Watson situation will be settled quickly for the best interests of our Nation."

Updike's comment on Johnston's questions follows:

"Your telegram asks me:

" 'In your opinion, does the present national emergency, particularly the Korean War, have an effect on the advisability of carrying out the Air Force plan to move Watson Laboratories at this time?

" 'Do the Rome Chamber of Commerce and Rome business interests feel the laboratory transfer is justified during the present emergency.'

"Everyone concerned, in the military, in New Jersey and in New York State, should approach this situation with only one objective; what is the best for the country?

"The urgency of the times bars sectional selfishness and self-interest. All that counts is the defense of this Nation.

"In the studied opinion of the Air Force, which is the sole basis upon which I can answer your first question, it is more compelling now than ever that Watson Laboratories be transferred to an installation where it can:

"1. Expand to meet its accelerated mission.

"2. Function efficiently, both as to operations and to cost.

"3. Be better protected from enemy attack.

"In the opinion of the military, it is desperately essential that Watson Laboratories be so situated, and at once.

"There has been and there will continue to be a great acceleration in the program laid out for Watson Laboratories.

"This calls for large expansion at Watson Laboratories. The Air Force knows such expansion is impossible at the present location.

"The Air Force realizes that if Watson Laboratories is to meet these enlarged demands, it must be moved to other quarters.

"Whether this new location is Griffiss Air Force Base or some other suitable place is solely the decision of the Air Force.

"In this connection, I quote Maj. Gen. Gordon P. Saville, deputy chief of staff, development headquarters, United States Air Force, from his testimony before the Senate Committee on Armed Services June 21, 1950.

"While General Saville's testimony has been published in full in the Rome newspaper, it has not been made available, to my knowledge, to the people in your area.

"General Saville said:

" 'Our ultimate objective is clear: To create a sound, vigorous group of laboratories, located so as to be able to provide the Air Force with the best possible new weapons and equipment economically and rapidly, making full use of our military and civilian resources.'

"General Saville listed the major factors influencing the choice of a suitable location, 'the seven essential characteristics our new development center must possess':

" '1. Permanent buildings for laboratories, storage and test facilities.

" '2. Adequate airdrome handling all types of aircraft under all weather conditions.

" '3. Existing facilities to minimize cost of land and new construction.

" '4. Space for expansion for both buildings and runways.

" '5. Flying atmosphere where engineers associate intimately with flying problems, requirements and people.

" '6. Housing for personnel.

" '7. Accessibility.'

"General Saville said:

" 'We found that Watson Labs did not measure up to minimum requirements and that certain essential facilities could not be provided at any cost.

" 'Nonetheless, detailed estimates were made on the cost of providing permanent laboratory, test, storage, and airdrome facilities at Watson Laboratories. These estimates come to about $10,000,000.

" 'We then considered all of our other available bases and measured them against the seven major requirements. By a process of elimination, we determined that Griffiss met our needs more completely than any other base available for the purpose.'

"General Saville's testimony is too lengthy to be quoted in full in reply to your telegram. However, I will gladly furnish you with a copy of his remarks before the Senate committee if you so desire.

"General Saville summed up in these words:

" 'Actually, our objective can be stated quite simply. Here it is: Buy a full dollar's worth of defense capability with each and every dollar entrusted to the Air Force by the American people.

" 'Let us summarize and see whether our plans for the movement of Watson Laboratories to Griffiss Air Force Base meet this objective.

" 'We remove Watson from an area where, in air-traffic density, air-collision hazard, and provisions for commercial air safety prevent it from fully accomplishing its part of the Air Force mission of national defense and keep it from operating at high efficiency.

" 'We put it in suitable permanent quarters, at a construction cost savings of about $15,000,000 of the taxpayers' money.

" 'After Watson is located in its permanent quarters at Griffiss, we save at least $1,000,000 of the taxpayers' money, each and every year thereafter.

" 'These facts, then, should point out the advisability of this proposed consolidation, and the Air Force, representing the Department of Defense, urges the enactment of this legislation.'

"Through constant close contact with developments in the Watson transfer situation, I know of nothing that refutes General Saville. I am informed that the necessity of moving Watson Laboratories at once is more compelling now than at the time General Saville was before the Senate committee.

"I am informed that the transfer can be so handled as to minimize delay in the fulfillment of the Watson Laboratories mission and that when quickly established in new quarters Watson Laboratories will be able to expand immediately to handle its accelerated program.

"My position, and the position of the people in Rome, is above all the position of American citizens. We support what is right for national security and safety.

"We believe the Air Force and the Air Force alone has the responsibility to determine what is best for the country in this matter.

"We accept the Air Force judgment of the situation.

"We believe further interference is reckless disregard of the national welfare.

"I cannot speak officially for the Rome Chamber of Commerce or the business

people of Rome but I know their thinking.

"It is:

"It is not important where Watson Laboratories is located as long as it is situated where it can do its enlarged, vital job.

"The Air Force, after long and careful study, has decided Watson Laboratories must be transferred to suitable quarters. The Air Force has selected Griffiss Air Force Base.

"The people of Rome believe it is dangerous neglect of the safety of all of us—you in New Jersey, we in New York State and our people in all the States * * * to impede the Air Force in its mission of national defense."

Mr. LEHMAN. Mr. President, S. 3727 is a short bill, some 23 lines in length. It simply authorizes the Secretary of Defense to establish or develop an Air Force electronic development center at Griffiss Air Force Base, at Rome, N. Y. The establishment of this base will necessitate the appropriation of $3,114,500, which will be used chiefly for the alteration of buildings and the provision of related electronic-test sites and instrument-landing test facilities.

That is tremendously important, Mr. President. In fact, representatives of the Air Force have testified that one of the important reasons for making this move is to have test flights readily available, although they are not available today because of the location of the present site so close to the metropolitan area.

At the present time, the Watson Laboratories are located at Eatontown, N. J., and are housed primarily in temporary wartime buildings adjacent to Fort Monmouth. The Committee on Armed Services reports that—

The majority of the buildings are of wood-siding and tar-paper construction or of concrete blocks and tar-paper roofs. Many of the buildings are individually heated by coal stoves.

On the other hand, there are at Griffiss Air Force Base at Rome, N. Y., vacant buildings of permanent construction and in excellent condition. These buildings are easily adaptable for the type of work carried on by Watson Laboratories. Griffiss Air Force Base was constructed during World War II, at a cost of about $36,000,000. Its present replacement cost is estimated to be about $66,000,000. At the time when the committee investigated Griffiss Air Force Base, many of the permanent air-conditioned buildings, including office space, were empty and available for immediate use.

The crux of the matter is that Watson laboratories at its present location are operating under difficulties, due to the condition of the buildings and the fact that adequate airfield facilities are not immediately available. At Griffiss Air Force Base there are buildings which could easily be adapted to the use of the laboratories; and, in addition, there is an excellent airport which would be used primarily for the electronics development program being conducted by the laboratories.

To construct suitable buildings and facilities at Eatontown, N. J., would, in the estimation of the Air Force, cost about $18,000,000. The proposed move of Watson Laboratories to Rome, N. Y., would entail in all a total of $3,114,500. This expenditure would represent an initial saving of roughly $15,000,000, an estimated annual saving of about $1,000,000, and, in addition, would permit increased operating efficiency.

Mr. President, I am confident that personal and political considerations will not enter into this discussion, any more than the Congress should or would presume to tell the Air Force where to store its bombs and other weapons.

We have the uncontrovertible testimony of representatives of the Air Force, from the Secretary down, that this move is wise, necessary, and economical, in the interest of the defense and security of our country.

Mr. President, the laboratory is an essential weapon, and the Air Force is responsible for exploiting it to the fullest advantage for the Nation.

That is all there is to this proposed legislation. That is the whole story and object.

I very much hope the bill will be passed by both Houses of the Congress.

Mr. WATKINS. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. Certainly.

Mr. WATKINS. I understand that the initial expenditure in making the change will amount to approximately $3,000,000.

Mr. LEHMAN. That is correct.

Mr. WATKINS. What will the final expenditure be for the move and for the laboratories?

Mr. LEHMAN. So far as I know, the $3,000,000 will be the only expense, unless the laboratory is expanded beyond any present plans. That expense is largely for the moving expenditures and for putting the laboratories into shape for immediate use.

Mr. WATKINS. Mr. President, will the Senator yield further?

Mr. LEHMAN. Certainly.

Mr. WATKINS. I have heard it said that it would probably cost anywhere from $25,000,000 to $35,000,000 before the installation finally would be taken care of and before the laboratory would be developed in the way it is planned to be developed in the new location.

Mr. HUNT. Mr. President——

Mr. LEHMAN. I yield to the Senator from Wyoming.

Mr. HUNT. I wish to say to the Senator from Utah that the commanding officer at Eatontown and Major General Saville, who is in charge of all technical development for the Air Force, assure me that the $3,114,000 will be the total cost.

As I have viewed the buildings at Rome, I do not see how another penny could be spent on them. The buildings there are marvelous buildings, ready to be occupied, clean and, as I have said, dustproofed, air conditioned, artificially lighted, with adequate facilities, and with connecting fences already installed.

Of course, I assume that the Senator understands that the expenditure of the $3,114,000 will be necessary for the construction of installations or connections between the buildings, in connection with the handling of the work, back and forth, between buildings.

Mr. WATKINS. The money is not to be spent for remodeling the buildings; is that correct?

Mr. HUNT. No, I would say that the buildings would not be remodeled, except insofar as it would be necessary to provide for certain work to be done in particular parts of the buildings.

Mr. LEHMAN. Mr. President, I know that the Senator from Utah is eager for information about this matter. I should like to add that the base at Rome, N. Y., was constructed during the Second World War. I know that base well, because I was Governor of New York at the time, and Rome is only about 100 miles from Albany.

The base at Rome is a well-constructed base, and was used for the storage and distribution of Air Service supplies during the Second World War. In addition, it was used for the large laboratories, which, of course, were necessary during World War II.

Thereafter, of course, when the United States went on a peacetime basis, the use of the laboratories was more or less restricted, and many of the buildings were idle. They have been kept in fine condition, ready for use at the appropriate moment.

In my opinion, this is the appropriate moment.

The Senator from Utah has asked, as I understood him, whether this development will mean the development of a new plant and a new installation which, at the end of the emergency, may be discarded.

I say to the Senator that is just what is intended to be avoided in this case. The installation is there, ready for use, ready to serve the Air Force, and at an almost negligible expense, as compared to the cost of reconstructing the plant at Eatontown.

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. LEHMAN. Of course.

Mr. HENDRICKSON. Does the Senator recall seeing a confidential, restricted communication on the floor of the large Senate Chamber at the time when we had the original colloquy on this bill, when it was a part of the military-installations bill? Does the Senator recall that confidential communication?

Mr. LEHMAN. The communication was shown to me with permission to show to other Senators, if necessary.

Mr. HENDRICKSON. That is correct.

Mr. LEHMAN. By the Senator from Maryland [Mr. TYDINGS].

Mr. HENDRICKSON. That is correct.

I think it is safe to say, without violating any confidence, as a result of viewing that letter, that in that confidential communication there was clear indication—I will not mention the sum—that the ultimate cost of the transfer would run into many millions of dollars, many millions more than the $3,000,000 or $4,000,000-odd which has been discussed on the floor of the Senate.

Mr. LEHMAN. I may say that that is not my recollection. As a matter of fact, it is written in connection with the bill pending before the Congress as an item of $3,114,500. My recollection of that particular confidential letter was that it was a strong, an extremely strong endorsement of the proposal.

Mr. HENDRICKSON. It certainly was an endorsement, but there was information contained in it that we were not supposed to see. I remember the size of that figure. It was many times the $4,000,000.

Mr. LEHMAN. That is not my recollection.

Mr. HUNT. Mr. President, if the Senator will yield, I should like to say to the distinguished Senator from New Jersey and to the other Members of the Senate present that I should not desire to be quoted as saying that there will never be an additional penny expended over the $3,314,500 asked for. I want the Senate to know that this is to be the center of all research in electronics for the Air Force, through the removal of facilities from Florida and other places, including Eatontown. So I should not like to say that this would be the last expenditure. But it is understood that this is to be the heart of all the electronic development for the Air Force in the United States.

Mr. LEHMAN. Mr. President, I yield the floor.

Mr. IVES. Mr. President, the senior Senator from New York will be very brief in his statements, but he does want to emphasize a few things. In the first place, I think it is most unfortunate that a sort of tug of war seems to have arisen between New Jersey and New York over this matter. Certainly I have no such feeling at all regarding it. I have tried to be entirely objective in the matter, and I am very sure that all who have participated have endeavored to follow an objective course. At this time I want to pay tribute to the Senator from Wyoming, who has done such a splendid job of digging into this whole matter and showing what there is to it, both before the Armed Services Committee and again tonight before the Senate. I want to join with my distinguished colleague from New York. I concur substantially in his remarks. But when it comes down to the merits of the pending legislation, Mr. President, it is a very simple matter; there is nothing complicated about it at all. The position which I, myself, have taken from the beginning is that we should be guided by what is best for the national defense. I can say honestly here that if it were demonstrated clearly that to have this laboratory remain in New Jersey would be the proper course to take, I should favor it. This matter does not mean so much as all that to the State of New York, and I do not want anyone to think it does.

While I am on this subject of transfer, I want to point out something which the distinguished junior Senator from Nebraska brought up, and that is that this really is not a transfer. This establishes an Air Force electronic development center at the existing air base at Rome, N. Y., and therefore authorization legislation seems to be required, whereas it probably would not be required if it were merely a transfer.

Much has been said tonight in this particular discussion about conditions having changed since this matter first came before the Congress. Of course conditions have changed, and, in the light of that change, in the light of the Korean conflict, the Air Force insists more than ever that the establishment of an electronic development center for the Air Force should be located at Rome, N. Y. Much has been said also about the amount of money involved. I want to point out in that connection that, although there seems to be no definite figure as to what additional expenditure may at some future time be required—some think nothing will be required; others think that perhaps something will be required—the fact remains that if this laboratory, or if these laboratories continue to be where they are, at Eatontown, N. J., an expenditure of no less than $18,000,000 will have to be made. That means a net increase in actual cost at the present time of something like $15,000,000, because the cost of this change contemplated in this bill will be approximately $3,000,000. These are things we should bear in mind in considering this matter.

I do not argue, as I said at the beginning, from the standpoint of the State of New York. I know that the distinguished Senator from New Jersey, in his statement, was not arguing purely from the selfish standpoint of the State of New Jersey. Let us divorce this idea of State competition from our minds in this matter and view it wholly and exclusively as a matter of defense—defense for the welfare of our country. Politics should be completely out of it. My Democratic colleague from New York and I are standing shoulder to shoulder for this thing, not primarily because it is coming to New York, but because it is in the best interests of our country. And so it is that I happen to be differing from my distinguished Republican colleagues from New Jersey. Heaven knows, if I were to agree with anyone, I should agree with them. But in this matter, not because it appears to be New York against New Jersey, but because I believe the question of national security is involved, I am forced to disagree.

Mr. President, that is all I have to say. I apologize to my friends and my colleagues in the Senate for having taken so much time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be offered, the question is on the third reading of the bill.

Mr. HUNT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUNT. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded and that further proceedings under the call be suspended.

Mr. HENDRICKSON. I object.

The PRESIDING OFFICER (Mr. LONG in the chair). Objection is heard. The clerk will continue calling the roll.

The Chief Clerk resumed the call of the roll.

Mr. HUNT. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded and that further proceedings under the call be suspended.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill. [Putting the question.] The "ayes" seem to have it; the "ayes" have it, and the bill is passed.

Mr. HENDRICKSON. Mr. President, I ask for a division.

Mr. LUCAS. Mr. President, it is too late.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). After the vote is announced it is too late to ask for a division.

AMENDMENT TO MERCHANT SHIP SALES ACT OF 1946

Mr. LUCAS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1916, House bill 3419, to amend the Merchant Ship Sales Act of 1946.

The PRESIDING OFFICER. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 3419) to amend the Merchant Ship Sales Act of 1946.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, if I may have the attention of the Senate, I should like to make a brief statement on the bill which is now the order of business. The language of the bill is somewhat technical and somewhat difficult to comprehend unless one is familiar with the provisions of the Ship Sales Act and the regulations of the Treasury Department and the Maritime Commission regarding the sale of ships, and how ships shall be valued for taxation purposes.

The purpose of this bill is to clarify an ambiguity in the Ship Sales Act in order to prevent injustice and inequity to persons who, at the request of the Government, purchased vessels during World War II.

During World War II, the Maritime Commission requested many of the established American shipping and tanker companies to purchase vessels which the Government was building for war use. The reason for this request was that the Maritime Commission desired to have vessels in private hands at such time as the war should end in order that a privately owned American merchant marine could go back into operation immediately thereafter without the need for a long-term period of adjustment from Government to private operation. While certain ship and tanker companies were willing to do so, they noted to the Commission that if other war-built vessels were sold as surplus property after the

war, they would be placed at a substantial disadvantage in having to compete with such vessels sold at lower prices. Accordingly, the contracts for the sale of these vessels during the war provided that the buyers would have the benefit of any future legislation reducing ship prices.

When the Ship Sales Act was before the House and Senate committees, a provision was included—section 9—which provided for a downward adjustment of price on these ships which had been bought during the war. In the formula for computing the downward adjustments, however, the committees required that certain credits be given to the Government as well as the Government giving certain credits to the buyer. For example, in the formula the buyers of these vessels were required to return to the Government all charter hire, which constituted the only profits which they had received for use of the vessels during the war. While the objective of the bills was to put these prior purchasers on a comparative parity with people who bought the same type ships after the enactment of the Ship Sales Act, the actual adjustment as it worked out did not do so. Actually, those purchasers who had bought prior to the Ship Sales Act were required to pay, after computing all adjustments, prices substantially higher than the same ship could be bought by a citizen or a foreigner after the enactment of the Ship Sales Act.

This bill does not in any way grant additional adjustments or reduction in price to these people who bought ships prior to the Ship Sales Act. Its sole purpose is to prevent them from having to pay an additional penalty which Congress certainly did not intend.

When it came time for these prior purchasers of vessels to compute the depreciation on their ships for tax purposes, they took as the basis for depreciation the actual amount which they were out of pocket for their ships after computing the adjustments given under the Ship Sales Act. About a year ago, however, the Treasury Department startled these people by taking the technical approach that, as they had received an adjustment under the Ship Sales Act and as the vessels were treated under the adjustment formula as though they had been purchased on the day of that act, these companies must use as their depreciation base the statutory sales price for similar type vessels set under the Ship Sales Act rather than the actual amount paid for the ships. In other words, this interpretation was that they should use in computing their depreciation a theoretical value for the ships as established by the act rather than the actual amount paid for the ships.

Mr. President, I ask unanimous consent to place the remainder of my statement, which is a technical explanation, in the RECORD, so that I shall not have to detain the Senate.

There being no objection, the remainder of Mr. MAGNUSON'S statement was ordered to be printed in the RECORD, as follows:

In every ordinary business, the depreciation base is the amount actually paid for a business asset. The Bureau of Internal Revenue's interpretation establishing a theoretical price as a depreciation base for these ships is based upon what both the House and Senate committees have found and reported to have been an unintended ambiguity in the Ship Sales Act. Naturally, the Bureau always takes the interpretation giving the maximum revenue to the Government. In many cases, however, such interpretations have not been supported by the courts or Congress. In this situation, both the House and Senate committees, which originally considered the Ship Sales Act for a period of 18 months, have found and reported this interpretation was not intended. Moreover, this interpretation is, according to testimony we have received from certified public accountants, contrary to normal accounting practice and results in serious penalty and inequity to these buyers.

How inequitable this result is may be seen from an example in the case of a tanker ship which was bought by an independent operator from the Maritime Commission in 1943 for $2,800,000. When the Ship Sales Act became effective on March 8, 1946, other people, including foreigners, could buy a similar tanker for $1,600,000, or $1,200,000 less than the amount paid by the earlier purchaser. In this case, the earlier purchaser was given an adjustment as provided by section 9 of the Ship Sales Act. The adjustment given under the formula of that section, however, amounted to only $400,000, leaving him with an actual out-of-pocket cost for the ship of $2,400,000 ($2,800,000 minus $400,000). Under the technical interpretation by the Bureau of Internal Revenue, the man who paid $2,400,000 for his ship would be required to use $1,600,000 as his depreciation base. If this interpretation were permitted, it would result in a reduction from the original cost base of $1,200,000 ($2,800,000 original cost less $1,600,000 theoretical cost equals $1,200,000). At the present corporate tax rates of 38 percent, his depreciation would thus be reduced by $460,000 (38 percent of $1,200,000).

Under the adjustment given by section 9, this tanker buyer would only get a price reduction of $400,000; for this the Bureau's interpretation asks him to pay an extra tax of $456,000. It will be seen that unless this bill is enacted, the price adjustment this buyer is supposed to receive under the Ship Sales Act not only becomes illusory and fictitious, but would result in a price increase or penalty of $56,000. Certainly Congress intended no such result, and this bill is designed to eliminate any such possibility.

There is, moreover, no reason why any ambiguity or highly technical interpretation of the Ship Sales Act should be allowed to nullify the real intent of Congress or to penalize Americans who bought vessels in good faith at the request of Government officials during the war and who had been promised the benefit of any subsequent legislation having to do with the sale of surplus war-built ships. To prevent this ambiguity in the provisions of the Ship Sales Act and to prevent inequity to these prior American purchasers that were not intended when the act was originally passed, I submit that this clarifying amendment should be enacted.

Mr. MAGNUSON. The sole purpose of the bill is to correct an inequity and an injustice done to the purchasers of ships, mainly tankers, but also including some dry-cargo ships. Prior to the passage of the Ship Sales Act they were asked to purchase ships, for illustration, a C–2 tanker, at a price of $2,800,000, which they did. They went ahead and used the ships. At that time they did a substantial business with them, and did very well. We passed the Ship Sales Act which they anticipated and which the Maritime Commission anticipated. They received their adjustment, and in most cases it would run on the average of from $350,000 to $375,000, which would be deducted from the $2,800,000. The Treasury Department maintains that it is not worth $2,800,000 less adjustment, but is worth $1,600,000, because that is what Congress said it was worth under the Ship Sales Act. The sole purpose of the bill is to correct an inequity.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. LONG. I understand, according to the committee report, the bill has the support of the Navy and the Secretary of Commerce.

Mr. MAGNUSON. Yes; and I must frankly say that the Treasury Department's opposition to the bill in the hearings was merely the normal opposition. I suppose it is the explainable opposition of "Well, we may lose some revenue because of this bill." As a matter of fact, in my opinion they would not lose any revenue, because the recapture clause in the regular Merchant Marine Act, if these ships can be operated under equitable terms, will bring into the Treasury as much revenue as it may lose, and I do not think it would lose anything.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield.

Mr. LONG. Actually, as is shown on pages 2 and 3 of the committee report, unless this bill is passed some ship owners would actually be in worse position than they were before the act of 1946 was passed. Is that not correct?

Mr. MAGNUSON. As a matter of fact, the amazing thing about the testimony of the Treasury Department is that in typical cases we have found if owners could not use the actual out-of-pocket cost for depreciation, even with the adjustment—what they paid for the ship—they would be actually penalized $56,000 on the average per ship, because they had gone ahead at the Government's request and purchased these ships and kept them in private hands.

Mr. LONG. The purpose of the 1946 act was to give these people a downward adjustment, and by the Treasury Department's interpretation many of these people will have paid more, instead of less.

Mr. MAGNUSON. Approximately $56,000 more. It is not fair, Mr. President. The bill has passed the House unanimously following a unanimous report from the House committee. With the exception of one vote there was a unanimous report from the Committee on Interstate and Foreign Commerce of the Senate. I believe the Senator from Delaware [Mr. WILLIAMS] said he wanted to make some remarks in opposition to the bill. He said he would speak approximately 10 minutes. I believe he will speak in support of the position of the Treasury Department. The bill would correct an inequity and would be fair to the people who did this thing at the request of the Government prior to the Ship Sales Act.

I notice that the Senator from Delaware has entered the Chamber. I do

not want to ask for passage of the bill until the Senator from Delaware has had an opportunity to speak on the measure. I do not know whether he is vigorously opposed to the bill. At least his opposition has been somewhat mild, and has been along the stand taken by the Treasury Department in opposing the proposed legislation.

The PRESIDING OFFICER. Does the Senator from Delaware wish to be recognized?

Mr. WILLIAMS. I think the Senator from Maryland [Mr. O'CONOR] will speak first.

Mr. O'CONOR. The Senator from Delaware will be ready to speak in a few moments. I wish to associate myself with the remarks made by the able Senator from Washington [Mr. MAGNUSON], the chairman of the subcommittee.

The bill does have the effect of reversing a ruling of the Treasury Department to the effect that the cost basis of a vessel purchased prior to the act is the statutory sales price as provided for in the act. The Senator from Washington has filed for the record a statement in support of his contention, but I believe it would be in point to mention briefly what the situation is with regard to the fixation of the statutory sales price and the factors which were allowed to be taken into consideration.

Vessels purchased prior to the act cost considerably more than the statutory sales prices. So as not be penalize the prior purchasers, section 9 provided a formula for adjusting the price of such vessels. The adjustment formula has eight factors. The first four factors considered alone entitle the purchaser to an adjustment equal to the difference between the original cost and the statutory sales price. The remaining four factors deal with debits and credits arising out of the fact that in the case of vessels purchased before the act, the Government had paid charter hire. Specifically, the purchaser is debited with the charter hire paid by the Government on a use basis, not the actual amount of charter hire paid, credited with interest on his investment, debited with any interim trade-in allowance, and credited with the taxes paid on the debited charter hire. I know it is a somewhat complicated formula; but the difference between the statutory sales price and the adjusted price in most cases is the amount of the net charter hire paid by the Government to the purchaser.

Mr. President, it would work a manifest injustice if this ruling were allowed to stand. There is a manifest inequity which needs correction. The unanimous action of the House and the favorable consideration by the Senate committee would seem to indicate that there is need for the bill, because if the Treasury ruling is allowed to stand prior purchases of oil tankers, for example, would be deprived of the benefits of adjustment provided for by section 9, which certainly was not the intent of Congress, since the loss in tankers over the years will exceed the allowable credit. This is true because in the case of tankers, as indicated by the Senator from Washington [Mr. MAGNUSON], the statutory sales price was set at 87½ percent of the prewar domestic cost, instead of 50 percent allowed on dry cargo vessels.

Mr. President, I shall not take more time other than reiterate that actual cases brought to the attention of the committee indicate that citizens of this country, who were prevailed upon and did purchase vessels prior to the enactment of the act, stand to lose, in comparison with the experience of foreigners, for example, who bought under the Ship Sales Act. We urge adoption of the bill.

Mr. WILLIAMS. Mr. President, at the outset I should like to say that if this bill did nothing more than what the Senator from Maryland [Mr. O'CONOR] and the Senator from Washington [Mr. MAGNUSON] said it would do, I would be 100 percent in favor of it. There is no question but that ship companies are entitled to figure their depreciation on the basis of actual cost but that is not what is involved in this bill. As was pointed out by the Treasury Department, this legislation would provide a discriminatory tax advantage in favor of a special group of shipowners. During the war certain shipowners purchased these ships with the understanding under section 9, that following the war if the ship were appraised at a lower price they would have the opportunity to appeal to the Government for a refund or adjustment in their price. They can still do that under the Ship Sales Act. Under the present law, for instance, if a shipowner paid $1,500,000 for a ship during the war, and if the price after the war was $1,000,000, the shipowner can appeal to the Government for a half-million-dollar credit. But the law, which gives them that privilege provides that any earnings on this ship during the interval prior to the adjustment in price must be applied as part payment on the readjustment price. That means that if a shipowner in 1942 paid a million and a half dollars for a ship and the adjusted price after the war was $1,000,000, he would receive a credit of a half million dollars. However, if he had earned $400,000, besides taxes he would have only $100,000 coming to him because these wartime earnings would be applied as part payment. Those were the terms he agreed upon when he bought the ship.

The Treasury Department has ruled that once this adjustment is made, if the companies elect to readjust the price, the new cost upon which depreciation can be figured will be the million dollars, not the million and a half.

The ship companies want the credit, we will say, of half a million dollars, but they want to still keep on using as a basis of depreciation the old cost of the million and a half minus only the actual cash refund and that is all the argument there is to this bill. It is a case of shall we allow them to figure depreciation at the higher price and still collect the readjustment. If we do that, we will have those ship companies who bought ships later for a million dollars coming in and demanding the same consideration.

Mr. President, I desire to read for the RECORD the best explanation of the bill I know of, a letter from the Treasury Department which was sent to the committee in reference to this bill. It is addressed to the chairman of the committee, is dated January 6, 1950, and reads:

> Further reference is made to your letter dated October 5, 1949, requesting a statement of the Treasury Department's views on H. R. 3419 (81st Cong., 1st sess.), a bill to amend the Merchant Ship Sales Act of 1946.
>
> The bill would amend section 9 (b) of the Merchant Ship Sales Act of 1946 to provide that from and after March 8, 1946, the cost basis, for tax purposes, of a vessel, as to which there has been an adjustment of price under section 9, shall be the undepreciated original purchase price reduced by the net amount of such adjustment in favor of the purchaser.
>
> It is the opinion of this Department that the bill would result in an unwarranted and discriminatory tax advantage in favor of shipowners who have had an adjustment of price under section 9 of the Merchant Ship Sales Act.
>
> Section 9 of the Merchant Ship Sales Act provides for an adjustment in the price of vessels purchased prior to the date of the act for the purpose of conforming the price of such a vessel to the statutory sales price established by the act. To this end it is required by section 9 (b) that the original price of the vessel be reduced to statutory sales price, and further that the financial transactions between the Government and the purchaser in the meantime with respect to the vessel shall be undone. The purchaser must under section 9 (b) (6) return to the Government the entire amount of charter hire received on the vessel, and the Government returns to the purchaser the amount of taxes paid on such charter hire. In addition, the Government pays the taxpayer interest under section 9 (b) (5) on the original purchase price from the date of purchase to the date of the act.

I might depart from the reading to say that the crux of the whole question is, whether or not they are to get this refund and still be allowed to use the old cost base in computing their depreciation charge.

The Treasury Department letter continues:

> In accordance with the intent and the purpose of the act, the Department has held that the vessels, as to which an adjustment is made, are sold at the statutory sales price, and the basis of the vessels for tax purposes is the statutory sales price.

In other words, the Treasury Department has ruled that if a ship company claims a refund and a readjustment price is made on the postwar basis, then the new cost must be used as a tax base for depreciation and why should it not.

> Under the bill, the basis of the vessels would in most cases be an amount substantially in excess of the sales price prescribed by the act. The basis would in effect be increased by the sum of the charter hire money, which under the act the purchaser is required to return to the Government, and reduced in part by the interest paid under section 9 (b) (5), and the tax refundable under section 9 (b) (8). Since charter hire after taxes usually exceeds interest payment, the basis for tax purposes would be arbitrarily increased by the excess of net charter hire over interest. The purchaser would thus be permitted to recover partially through increased depreciation allowances the charter hire money which the act contemplated should be refunded to the Government.
>
> It is also evident that computation of basis as provided by the amendment would lead to capricious results and discriminate

against certain other purchasers under the act. Since basis would vary with the net effect of the interim transaction between the Government and the purchaser, and particularly according to the amount of charter hire, vessels purchased at the same statutory sales price would have widely differing bases. The amendment would discriminate against purchasers who received small amounts of charter hire from the Government in the interim period and favor those who received the greatest amount of charter hire. The use of a higher basis than statutory sales price by reason of the interim transaction, would also discriminate against those who purchased vessels after March 8, 1946, and are limited to statutory sales price as basis.

For the foregoing reasons, the Department is strongly opposed to enactment of the bill.

The Director, Bureau of the Budget, has advised the Treasury Department that there is no objection to the presentation of this report.

Very truly yours,

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

HON. EDWIN C. JOHNSON,
Chairman, Committee on Interstate and Foreign Commerce, United States Senate, Washington, D. C.

Mr. President, I am not going to delay the Senate. I conclude with the remark, if we are to allow the ship companies to use the old price for depreciation purposes, and at the same time give them the credit for the refund, it is going to result in a discriminatory tax advantage to those who bought their ships prior to the date in question. In my opinion this bill should not pass, I think the position taken by the Treasury Department in this instance is sound.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. WILLIAMS. I ask for a division.

On a division, the bill was passed.

ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES

Mr. HILL. Mr. President, I move that the Senate proceed to the consideration of House bill 7940, Calendar No. 2489.

The PRESIDING OFFICER. The clerk will state the bill by title.

The CHIEF CLERK. A bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

Mr. WATKINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Ellender	Humphrey
Benton	Ferguson	Hunt
Bricker	Frear	Ives
Butler	Fulbright	Johnson, Colo.
Byrd	George	Johnson, Tex.
Cain	Gillette	Kem
Chapman	Graham	Kerr
Chavez	Green	Kilgore
Connally	Gurney	Knowland
Cordon	Hendrickson	Langer
Darby	Hickenlooper	Leahy
Douglas	Hill	Lehman
Dworshak	Hoey	Lodge
Ecton	Holland	Long
Lucas	Morse	Sparkman
McCarran	Mundt	Stennis
McCarthy	Murray	Taylor
McClellan	Myers	Thomas, Okla.
McFarland	Neely	Thye
McKellar	O'Conor	Tydings
McMahon	O'Mahoney	Watkins
Magnuson	Robertson	Wherry
Malone	Russell	Wiley
Martin	Schoeppel	Williams
Millikin	Smith, Maine	Young

The PRESIDING OFFICER. A quorum is present.

The question is on the motion of the Senator from Alabama [Mr. HILL] that the Senate proceed to the consideration of House bill 7940.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes, which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and to insert:

DECLARATION OF POLICY

SECTION 1. In recognition of the responsibility of the United States for the impact which certain Federal activities have on the local educational agencies in the areas in which such activities are carried on, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following sections of this act) for those local educational agencies upon which the United States has placed financial burdens by reason of the fact that—

(1) such agencies provide education for children residing on Federal property; or

(2) there has been a sudden and substantial increase in school attendance as the result of Federal activities.

CHILDREN RESIDING ON FEDERAL PROPERTY

Children residing on Federal property

SEC. 2. (a) For the fiscal year beginning after June 30, 1950, and for the two succeeding fiscal years, each local educational agency which provides free public education during such year for children who reside on Federal property shall be entitled to an amount equal to the product obtained by multiplying (1) the number of such children in average daily attendance at the schools of such agency during such year which exceeds either 10 or 3 percent of the total number of children in average daily attendance at the schools of such agency during such year, whichever is the larger, by (2) the local contribution rate (determined under subsec. (b)).

Local contribution rate

(b) The local contribution rate for a local educational agency for any fiscal year shall be computed by the Commissioner of Education, after consultation with the State educational agency and the local educational agency, in the following manner:

(1) he shall determine which school districts within the State are, in his judgment, most nearly comparable to the school district of the agency for which the computation is being made; and

(2) he shall then divide (A) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which he is making the computation, which the local educational agencies of such comparable school districts made from revenues derived from local sources, by (B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year.

The local contribution rate shall be an amount equal to the quotient obtained under clause (2) of this subsection. If, in the judgment of the Commissioner, the current expenditures in those school districts which he has selected under clause (1) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in the school district of the local educational agency for which the computation is being made, a level of education equivalent to that maintained in such other districts, the Commissioner may increase the local contribution rate for such agency by such amount as he determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors.

Additional payments during period immediately following impact

(c) Where—

(1) a local educational agency is entitled under subsection (a) to receive a payment for any fiscal year with respect to the education of a child; and

(2) under State law, the eligibility of such agency for State aid with respect to the free public education of such child is determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid with respect to the free public education of other children in the State; and

(3) such agency is not yet eligible to receive for such child part or all of such State aid,

the payment under subsection (a) shall be increased by an amount equal to the amount of State aid for which such agency is not yet eligible.

Adjustment for certain decreases in Federal activities

(d) Whenever the Commissioner determines that—

(1) a local educational agency has made preparations to provide during a fiscal year free public education to a certain number of children to whom subsection (a) applies; and

(2) such number has been substantially reduced by reason of a decrease in or cessation of Federal activities,

the amount to which such agency is otherwise entitled under this section for such year shall be increased to the amount to which, in the judgment of the Commissioner, such agency would have been entitled but for such decrease in or cessation of Federal activities, minus any reduction in current expenditures for such year which the Commissioner determines that such agency has effected, or reasonably should have effected, by reason of such decrease in or cessation of Federal activities.

Certain Federal contributions to be deducted

(e) In determining the total amount which a local educational agency is entitled to receive under this section for a fiscal year, the Commissioner shall deduct (1) such amount as he determines such agency derived from other Federal payments and had available in such year for current expenditures, and (2) such amount as he determines to be the value of transportation and of custodial and other maintenance services furnished such agency by the Federal Government during such year. For the purposes of this subsection, the term "other Federal payments" means payments in lieu of taxes, and any other payments, made with respect to Federal property pursuant to any law of the United States other than this act, including tax payments by the United States or by any other person with respect to property used to effectuate the purposes of title VIII of the National Housing Act, as amended.

SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE

Increases hereafter occurring

SEC. 3. (a) If the Commissioner determines for any fiscal year beginning after June 30, 1950, but not later than the fiscal year beginning after June 30, 1952—

(1) that, as the result of activities of the United States (carried on either directly or through a contractor), an increase in the number of children in average daily attendance at the schools of any local educational agency has occurred in such fiscal year, which increase so resulting from activities of the United States is equal to at least 10 percent of the number of all children in average daily attendance at the schools of such agency during the preceding 3-year period; and

(2) that such activities of the United States have placed on such agency a substantial and continuing financial burden; and

(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance but is unable to secure sufficient funds to meet the increased educational costs involved,

then such agency shall be entitled to receive for the fiscal year for which the determination is made, and for each of the two succeeding fiscal years, an amount equal to the product of—

(A) the number of children which the Commissioner determines to be the increase in average daily attendance, so resulting from activities of the United States, in the fiscal year for which payment is to be made; and

(B) the amount which the Commissioner determines to be the current expenditures per child necessary to provide free public education to such additional children during such year, minus the amount which the Commissioner determines to be available from Federal, State, and local sources for such purpose (not counting as available for such purpose funds from local sources required to meet current expenditures necessary to provide for free public education to other children).

The number of children which the Commissioner determines under clause (A) to be the increase in average daily attendance for any fiscal year shall not exceed the number of all children in average daily attendance at the schools of such agency during such year, minus the number of all children in average daily attendance at the schools of such agency during the preceding 3-year period. The determination under clause (B) shall be made by the Commissioner after considering the current expenditures per child in providing free public education in those school districts within the State which, in the judgment of the Commissioner, are most nearly comparable to the school district of the local educational agency for which the computation is being made.

Increases heretofore occuring

(b) (1) If the Commissioner determines in any fiscal year ending before July 1, 1953—

(A) that, as the result of activities of the United States (carried on either directly or through a contractor), an increase in the number of children in average daily attendance at the schools of any local educational agency has occurred after June 30, 1939, and before July 1, 1950; and

(B) that the portion of such increase so resulting fom activities of the United States which still exists in such fiscal year amounts to not less than 25 percent (or to not less than 15 percent where in the judgment of the Commissioner, exceptional circumstances exist which would make the application of the 25 percent condition of entitlement inequitable and would defeat the purposes of this act) of the number of all children in average daily attendance at the schools of such agency during the fiscal year ending June 30, 1939; and

(C) that such activities of the United States have placed on such agency a substantial and continuing financial burden; and

(D) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance but is unable to secure sufficient funds to meet the increased educational costs, involved,

then such agency shall be entitled to receive for the fiscal year in which the determination is made, and for each succeeding fiscal year ending before July 1, 1953, an amount determined as follows: For the fiscal year ending June 30, 1951, 100 percent of the product determined as provided in paragraph (2); for the fiscal year ending June 30, 1952, 66⅔ percent of such product; for the fiscal year ending June 30, 1953, 33⅓ percent of such product.

(2) The product referred to in paragraph (1) for a fiscal year shall be an amount equal to—

(A) the number of children which the Commissioner determines to be the increase in average daily attendance at the schools of such agency, so resulting from activities of the United States, which still exists in such fiscal year (determined as provided in clauses (A) and (B) of paragraph (1)); multiplied by

(B) the amount which the Commissioner determines to be the current expenditures per child necessary to provide free public education to such additional children during such year, minus the amount which the Commissioner determines to be available from Federal, State, and local sources for such purpose (not counting as available for such purpose funds from local sources required to meet current expenditures necessary to provide free public education to other children).

The number of children which the Commissioner determines under clause (A) to be the increase in average daily attendance which still exists in any fiscal year shall not exceed the number of all children in average daily attendance at the schools of such agency during such year, minus the number of all children in average daily attendance at the schools of such agency during the fiscal year ending June 30, 1939. The determination under clause (B) shall be made by the Commissioner after considering the current expenditures per child in providing free public education in those school districts within the State which, in the judgment of the Commissioner, are most nearly comparable to the school district of the local educational agency for which the computation is being made.

Certain children not to be counted

(c) In determining under this section (1) whether there has been an increase in attendance in any fiscal year and whether any increase in attendance still exists in any fiscal year, and (2) the number of children with respect to whom payment is to be made for any fiscal year, the Commissioner shall not count—

(A) children with respect to whom a local educational agency is, or upon application would be, entitled to receive any payment under subsection (a) of section 2 for such fiscal year, and

(B) children whose attendance is attributable to activities of the United States carried on in connection with real property which has been excluded from the definition of Federal property by the last sentence of paragraph (1) of section 8.

Consultation with State and local authorities

(d) All determinations of the Commissioner under this section shall be made only after consultation with the State educational agency and the local educational agency.

METHOD OF MAKING PAYMENTS

Application

SEC. 4. (a) No local educational agency shall be entitled to any payment under section 2 or 3 of this act for any fiscal year except upon application therefor, submitted through the State educational agency and filed in accordance with regulations of the Commissioner, which application gives adequate assurance that the local educational agency will submit such reports as the Commissioner may reasonably require to determine the amount to which such agency is entitled under this act.

Certification and payment

(b) The Commissioner shall, for each calendar quarter, certify to the Secretary of the Treasury for payment to each local educational agency, either in advance or by way of reimbursement, the amount which the Commissioner estimates such agency is entitled to receive under this act for such quarter. The amount so certified for any quarter shall be reduced or increased, as the case may be, by any sum by which he finds that the amount paid to the agency under this act for any prior quarter was greater or less than the amount which should have been paid to it for such prior quarter. Upon receipt of such certification, the Secretary of the Treasury shall, prior to audit or settlement by the General Accounting Office, pay to the local educational agency in accordance with such certification.

Adjustments where necessitated by appropriations

(c) If the funds appropriated for a fiscal year for making the payments provided in this act are not sufficient to pay in full the total amounts to which all local educational agencies are entitled, the Commissioner shall reduce the amounts which he certifies under subsection (b) for such year for payment to each local educational agency by the percentage by which the funds so appropriated are less than the total necessary to pay to such agencies the full amount to which they are entitled under this act.

CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

SEC. 5. In the case of children who reside on Federal property—

(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State education agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make such arrangements (other than arrangements with respect to the acquisition of land, the erection of facilities, interest, or debt service) as may be necessary to provide free public education for such children. To the maximum extent practicable, such education shall be comparable to free public education provided for children in comparable communities in the State.

ADMINISTRATION

SEC. 6. (a) In the administration of this act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

(b) The Commissioner shall administer this act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this act.

(c) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this act, including a detailed statement of receipts and disbursements.

USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

SEC. 7. (a) In carrying out his functions under this act, the Commissioner is authorized, pursuant to proper agreement with any other Federal department or agency, to utilize the services and facilities of such department or agency, and, when he deems it necessary or appropriate, to delegate to any officer or employee thereof the function under section 5 of making arrangements for providing free public education. Payment to cover the cost of such utilization or of carrying out such delegated function shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may occasion assistance under this act, shall to the maximum extent practicable comply with requests of the Commissioner for information he may require in carrying out the purposes of this act.

(c) Such portion of the appropriations of any other department or agency for the fiscal year ending June 30, 1951, as the Director of the Bureau of the Budget determines to be available for the same purposes as this act, shall, except to the extent necessary to carry cut during such year contracts made prior to the enactment of this act, be transferred to the Commissioner for use by him in carrying out such purposes.

(d) No appropriation to any department or agency of the United States, other than an appropriation to carry out this act, shall be available after June 30, 1951, for the same purposes as this act, except that nothing in this subsection or in subsection (c) of this section shall affect the availability of appropriations for the maintenance and operation of school facilities on Federal property under the control of the Atomic Energy Commission.

DEFINITIONS

SEC. 8. For the purposes of this act—

(1) The term "Federal property" means real property (A) which is either owned by the United States, or is leased by the United States, or is leased from the Secretary of the Army, Navy, or Air Force under section 805 of the National Housing Act, as amended, for the purpose of title VIII of such act, and (B) which is not subject to taxation by any State any political subdivision of a State or by the District of Columbia. Such term also includes real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States. Such term does not include (i) any real property used by the United States primarily for the provision of services to the local area in which such property is situated, (ii) any real property used for a labor supply center, labor home, or labor camp for migratory farm workers, or (iii) any low-rent housing project held under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the United States Housing Act of 1937, the Act of June 28, 1940 (Public Law 671 of the 76th Cong.), or any law amendatory of or supplementary to any of such acts.

(2) The term "child" means any child who is within the age limits for which the applicable State provides free public education. Such term does not include any child who is a member, or the dependent of a member, of any Indian tribal organization, recognized as such under the laws of the United States relating to Indian affairs, and who is eligible for educational services provided pursuant to a capital grant by the United States, or under the supervision of, or pursuant to a contract or other arrangement with, the Bureau of Indian Affairs.

(3) The term "parent" includes a legal guardian or other person standing in loco parentis.

(4) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State.

(5) The term "current expenditures" means expenditures for free public education to the extent that such expenditures are made from current revenues, except that such term does not include any such expenditure for the acquisition of land, the erection of facilities, interest, or debt service.

(6) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

(7) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(8) The term "State" means a State, Alaska, Hawaii, Puerto Rico, or the Virgin Islands.

(9) The terms "Commissioner of Education" and "Commissioner" means the United States Commissioner of Education.

(10) Average daily attendance shall be defined uniformly for all States in regulations to be issued by the Commissioner; except that, notwithstanding any other provision of this act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this act the attendance of such child at such school shall be held and considered (A) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (B) not to be attendance at a school of the local educational agency receiving such tuition payment or entitled to receive such tuition payment under the contract.

Mr. HILL. Mr. President, the pending bill is House bill 7940, which was unanimously reported by the Senate Committee on Labor and Public Welfare. The bill is to provide financial assistance for local educational agencies in areas affected by Federal activities.

During World War II the Federal Government found it necessary to carry out mobilization and war production programs of unprecedented extent.

These Fedcral activities, involving as they did the removal of real property from the local tax rolls, and a sudden and substantial increase in the population of many areas, placed a tremendous financial burden on many American communities, with the result that many of these communities found it extremely difficult, if not impossible, to maintain and provide the necessary facilities and services for public education.

To aid in meeting these problems, the Congress, early in 1941, approved the Lanham Act, which, among other things, provided Federal assistance for the construction of school facilities and the maintenance and operation of schools in areas overburdened by reason of increased Federal activities.

While the program authorized by the Lanham Act was designed as a war measure only, the situation in many of these affected areas was such that continued Federal aid was essential. Accordingly, Congress has continued the assistance program for the maintenance and operation of schools each year up to the present time.

In many areas problems arising out of these increased activities of the Federal Government still exist. Those problems exist today. The burden of the impact as a result of Federal activities is still resting on those local communities, and the need for continued Federal assistance in those areas cannot be questioned.

As we know, due to the Korean War and due to the defense and preparedness program on which we have just launched, there are other areas, and there will be still more areas, which will feel the impact of Federal activities, other areas where the local communities will not be able to carry the financial burden of providing education for the children.

Accordingly, Mr. President, your committee has reported the bill favorably—in fact, as I said before, the committee has unanimously reported the bill.

The bill provides for a 3-year program of Federal assistance to those areas which are or may become overburdened by reason of increased Federal activities. Your committee has limited this bill to a 3-year period because it is of the opinion that further study is necessary before any permanent program can be established which will effectively deal with the numerous and varying problems involved.

We felt that in view of the Korean situation and in view of the defense and preparedness program, 3 years would be long enough for the operation of the bill; we felt that there should be further study and reexamination of the program as events develop. However, there is a compelling need for the passage of this bill in order to meet these problems in those areas which are today feeling the burden of such Federal activities.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. McCARRAN. The subject matter of the bill and the manner in which the able Senator from Alabama has discussed it remind me of other situations which arise in these areas, particularly the matter of taking care of the needy. For instance, I refer to those who go into such areas to perform work, and who become hospitalized and, having no means whatever of their own, become, in a sense, public charges. Those areas have their own local hospitals, sometimes their county hospitals, and so forth. I have heard a number of complaints, some coming from my own State, about situations where the burden has become too great for the tax structure of the locality to bear.

However, I take it that the text of the bill the Senator now has in charge would

not bear an amendment which would cover that subject.

Mr. HILL. I will say to the distinguished Senator from Nevada that the bill is now limited in its operation and in its provision of Federal assistance to the education of young people.

However, I will say to the Senator that under the Lanham Act, which was passed by Congress in 1941, funds were made available for purposes such as those the Senator has mentioned.

Mr. McCARRAN. However, that act is not now in operation, of course.

Mr. HILL. Yes, the Lanham Act has expired.

Mr. McCARRAN. Yes. Let me say that I think we should take care of the problem I have mentioned, if not at this session, then early in the next session.

Mr. HILL. I think the Senator has raised a very timely point in regard to a real problem which Congress must consider and undoubtedly must take action upon. I thank the Senator for referring to it.

Mr. O'CONOR. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. O'CONOR. In the course of the continuing study which the Senator from Alabama has advised the Senate will be made, does the Senator feel that consideration will be given to the areas adjacent to Washington, and elsewhere, for example, where there are great numbers of children of Federal employees who do not reside on Federal property, but whose children are expected to be educated in the public schools in those areas?

Mr. HILL. The Lanham Act contains provisions to meet situations of that sort.

In connection with this bill, if such areas can meet the requirements laid down in the bill, those areas will receive Federal assistance, as some of them should.

Of course the bill does not undertake to provide assistance for children in areas lying beyond the District of Columbia, when one or more of the parents of the children work in the District of Columbia; the bill relates to areas in which there is Federal activity. If such areas receive so heavy an impact because of that Federal activity that the area is able to meet the requirements set forth in the bill, such areas will be eligible for the assistance provided by the bill.

Mr. O'CONOR. Has an amendment along that general line been considered?

Mr. HILL. Yes; certainly.

Mr. KERR. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield.

Mr. KERR. Is there not an amendment, which either has been considered or will be considered, which will take care of the increased population in the adjoining State of our distinguished friend, the Senator from Maryland, if the defense project in which the parents of the children work is located in that State?

For instance, with reference to the Bethesda Naval Hospital and Medical Center, if the parents of the children work in an installation in Maryland, such as the installation at Bethesda, their children will be eligible for aid under the provisions of this act; and the amendment to which we have referred will provide for taking care of them. Does not the Senator agree that is correct?

Mr. HILL. Yes; and I thank the Senator from Oklahoma for his observation.

Let me say to the distinguished Senator from Maryland that the bill will take care of such areas as those to which the Senator from Maryland and the Senator from Oklahoma have referred, and the amendment will take care of such areas in a better way, in that the amendment provides for current assistance, rather than assistance on a deficit-financing basis.

Mr. O'CONOR. I thank the Senator.

Mr. HUMPHREY and Mr. WATKINS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield; and if so, to whom?

Mr. HILL. I yield first to the Senator from Minnesota, and then I shall yield to the Senator from Utah.

Mr. HUMPHREY. Mr. President, is it not true that under the bill there is to be a change of administration in regard to the Federal assistance, in the sense that many of the programs of financial assistance are now to be coordinated under the Office of Education, so that there is to be uniformity of administration and a uniform pattern in that respect?

Mr. HILL. The Senator from Minnesota is a member of the subcommitee which considered the bill, and he has correctly stated what the bill provides. I thank him for his contribution.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. WATKINS. Let me say at the outset that I am in sympathy with the general purposes of the bill. During my experience prior to coming to the Congress, I served as counsel for a school district in the State of Utah, and that school district had a sudden influx of a large number of defense workers, and had many of the troubles and many of the burdens which have been experienced by other sections of the United States.

I am interested in knowing what persons will be taken care of, what children will be provided schooling by the United States, and what persons will be involved—particularly whether the persons involved will be civilians or military personnel.

If the Senator can give us information in regard to the numbers of persons and the types of persons and children who will be involved under the provisions of the bill, that information will help us understand the bill.

Mr. HILL. The children who will be aided by means of the provisions of the bill will be the children of Government employees who are living on Government property, provided the number of such children is so large that they create an impact of the sort which is set forth in the bill.

They will be children of Government employees who do not reside on Government property; that is, provided these children in a particular school district create the impact as laid down in the terms of the bill. They will also be children of people who are working for a private contractor who has a contract or who is operating some plant for the Government, where, due to the operation of this plant, we would have what might be termed a rather serious impact in that school district, in the way of a very large increase in the attendance of children in the local public schools.

Mr. WATKINS. I understand that, for instance, if a defense plant is being built in a community, with large numbers of people moving in there to work, the Government will under this bill assume the cost of education of those children whose father or mother or both may be working on the defense project.

Mr. HILL. I assume the Senator is referring now to the private operations by a private operator; that is, a man who has a contract with the Government. If those children are brought into that local school district because of this contract to provide matériel, commodities, or something for the Government, if they create the impact on this community, then the Government will pay the difference in the cost. It will pay the extra cost of educating those children.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HILL. But I should like to say that considering the situation to which the Senator has alluded, there must be an impact of 10 percent or more of the number of children in the school.

Mr. WATKINS. Does the Senator mean an increase of 10 percent?

Mr. HILL. In other words, if it were less than 10 percent of the school population in that particular school district, the school district would not get anything. It is only where there is an impact of 10 percent or more in the school population; that is, an increase above the 10 percent.

Mr. WATKINS. Why is that based on an increase of 10 percent?

Mr. HILL. It is merely like any other figure. We might say it was arbitrary, but if there was a small impact, I think the Senator would say that the local community could absorb it. It is a question of the impact getting to a point where the local school district is unable to absorb it.

Mr. WATKINS. If I may inquire of the Senator, is it not true that in nearly all the schools of the United States we have a crowded condition, that the schoolrooms are almost completely filled today, and that any impact of even 5 or 10 percent would cause a burden on the school district, in order to get additional facilities and additional teachers?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I merely wanted to say to the Senator that I believe the figure which the committee finally decided upon was 10 percent.

Mr. HILL. That is correct.

Mr. HUMPHREY. We decided upon the figure 10 percent primarily because

there was a feeling that the local community could absorb some of this additional cost. We used the figure 10 percent also because many of the people who come in are actually not living in permanent dwellings, many of them, but in trailers and in temporary housing. Therefore, the intake or revenue derived from property of that kind is thoroughly inadequate. So the figure 10 percent was the arbitrary figure, but that seemed to be the most equitable from the on-the-spot study. I think it should be pointed out that a careful study was made by Members of Congress who went from community to community, visiting these locations, and that, in addition to that, a large number of the superintendents of schools and members of the school boards presented documentation pointing out the nature of their problem.

Mr. HILL. The truth is that the House subcommittee of the Committee on Education and Labor spent 10 months studying the problem. They made a trip all over the United States. They went all the way from Washington to the west coast, visiting many of these impacted areas, studying these areas, trying to arrive at what was the right and the fair thing for the Federal Government to do.

Mr. WATKINS. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. WATKINS. Let us cite a case in which the defense construction probably would last for 3 or 4 years. We had instances in the last war, particularly in my own State, where one of the installations took 3 years to build. Would that continue during that full time, probably, with the same employees living there more or less during the entire period?

Mr. HILL. That would depend on how many children they brought into the area and whether the number of children that they brought into the area constituted the necessary impact described in the bill which is an impact of 10 percent, as the Senator from Minnesota has said.

Mr. WATKINS. I assume that it is because that impact comes up to the necessary percentage.

Mr. HILL. If it comes up to that percentage during the 3-year period provided in the bill. The Senator, I assume, has in mind that because of the Korean War, or something of that kind, we might start up a new plant.

Mr. WATKINS. Let us take the case of the Geneva steel plant in Utah. That took 3 years. There was a large influx of people there, which increased the school attendance in two or three of those districts easily from 15 to 20 percent. That lasted for about 3 years. Now, as I understood, even though it be called a temporary measure, this assistance would go to those school districts for that full period of time, would it not?

Mr. HILL. So long as they met the requirements laid down in the bill, for the next 3 years, they would be entitled to relief.

Mr. KERR. That is, for any one of the 3 years?

Mr. HILL. For any one of the 3 years. They would have to meet the requirements each year. In other words, if they met the requirements this year, that would not necessarily mean that they would meet the requirements the next year or the year following. But each year, if they met the requirements, they would be eligible for Federal assistance.

Mr. LANGER, Mr. CHAVEZ, and Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield; and if so, to whom?

Mr. HILL. I yield first to the Senator from North Dakota.

Mr. LANGER. Is it not true that every State superintendent of schools who was contacted either wrote or testified favorably on this bill?

Mr. HILL. Let me say to my friend from North Dakota and to the Senate that I was recently talking to a school man from the good State of Oklahoma, Dr. Rose, a very fine, estimable gentleman. The Government has a large Air Force installation in Oklahoma. I think it is a technical school. Anyway, it is a large Air Force installation. Before that installation was placed there the school district had 200 and 300 pupils in the schools of the district. Today, by reason of the Air Force installation that school district has between 3,000 and 3,500 students. Not only that, but the very ground on which the Air Force installation now stands, when it was owned by private parties, made its contribution in taxes, whereas today the Federal Government pays no taxes on that land, as we know.

Mr. LANGER and Mr. CHAVEZ addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield, and, if so, to whom?

Mr. HILL. I yield to the Senator from North Dakota.

Mr. LANGER. Is it not true that unless a measure similar to this is passed, literally hundreds and thousands of school children will be unable to obtain an education?

Mr. HILL. I think that is undoubtedly true. I yield now to the Senator from New Mexico.

Mr. CHAVEZ. I can furnish the Senator from Alabama some examples from my State The Atomic Energy Commission has an activity in my home city, where probably 12,000 people are working, the majority of them being men. They have children. Let us visualize the impact of having that many workers coming to the city of Albuquerque. We have little villages or espanolas, and many of the workers live around in the small neighboring towns. We possibly have working there 12,000 people. At Alamogordo, there was the atomic bomb experiment. We had a Government installation. Those little school districts simply cannot take care of the situation. There is no possibility of their being able to do it. There are in my State alone at least several thousand school districts, including pretty good sized cities and towns, that could not take care of the situation, because of the military extension.

Today I received a telegram from the superintendent of public schools of the city of Albuquerque. Ordinarily that city can take care of its school children; it always has done so; but this situation is something new. It is out of the ordinary. All of a sudden 2,000 or 3,000 extra school children appear.

Mr. HILL. The Senator is exactly correct. The examples he cites with reference to New Mexico could be cited by many other Senators. I doubt if there are very many States in the Union that do not have such examples of what this impact means in their school districts.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HUMPHREY. Mr. President, I asked the Senator to yield only for the purpose of discussing the point of the fine question asked by the Senator from Utah as to how long this aid may continue and what are some of the qualifications required. In section 3 of the bill, at page 28, there are three criteria which must be met before any Federal assistance comes to the local school districts. No. 1 is that there must be at least 10 percent of the children in average daily attendance in the schools of such agency during the preceding 3-year period.

No. 2 is that such activities of the United States have placed on such agency a substantial and continuing financial burden.

No. 3 is that the agency, meaning the school district, is exercising due diligence in availing itself of State and other assistance, but is unable to secure the necessary funds to meet the costs involved.

I recall very well that during our deliberations on this measure the chairman did everything he possibly could, and the rest of us joined with him, to make sure that the local community was doing the best it possibly could before the Federal Government gave any assistance. This assistance measurement on the part of the Federal Government is rather stiff, but it has compelled the local districts to make an extra effort to absorb the children, and it is when the effort has been exhausted, that the Federal Government makes assistance available.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. KILGORE. I desire to invite the attention of the Senator from Alabama to the fact that there is a claim pending at this time in the Judiciary Committee with reference to a school district in the State of Tennessee, near Oak Ridge, where the overflow from Oak Ridge has loaded the schools, which have had to expand in every way possible. Due to the expansion, and the overloading of the heating system, a school building was burned, very nearly costing the lives of a number of pupils. I think we would probably be saving money by going ahead, if such claims are going to continue to come in.

Mr. HILL. I thank the Senator for his observation.

Mr. WATKINS. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. WATKINS. As I said, in analyzing the terms of the bill I think those who have drafted the bill have attempted to meet the problems of the particular localities. The ones I am speaking of are those which have defense installations. I noticed in the bill another group made up of those who live on Government property. Will the Senator explain what groups would be affected, and whose obligation it would be to take care of such a situation?

Mr. HILL. The Senator is referring to Federal employees who live on Federal property?

Mr. WATKINS. Yes.

Mr. HILL. I would say to the Senator that the majority of the children who would be taken care of would be children of persons of the Army, Navy, Air Force, and Coast Guard. That section of the bill is a more liberal section, I will say to the Senator, than are the other sections, as the Senator has probably observed. The reason for that is that where there is a large Army installation, the Government pays no taxes whatever on that installation. The people who live on Government property pay no taxes, either directly or indirectly. Those persons who do not live on Government property pay taxes either directly or indirectly. If we own property on which we live, we pay taxes directly. If, however, we live on someone else's property, we pay the other person rent and he, in turn, pays taxes out of our rent. That is the way it goes. The local community receives no taxes from Government property, either from the Government for the land taken out of taxation, or from the people who reside on that property. We know that so far as the Army, Navy, and Air Force are concerned, in most cases they do not pay even a local sales tax, because they have exchanges from which the people can purchase.

Mr. WATKINS. They do not pay a State income tax, either, do they?

Mr. HILL. That I could not say. But let me say to the Senator, in order that he may get the full picture, that when Army, Navy, Air Force, and Coast Guard people live off Government property the Governments gives them each monthly allowances. A captain in the Army, for instance, receives somewhere between $105 and $120 a month, as I recall, for allowance to pay rent. Part of that allowance goes to pay taxes to the local community. Every Army, Navy, Air Force, and Coast Guard officer who is not living on Government property collects for rental. Take an Army, Navy, or Air Force officer living in this city, or in Maryland or Virginia. Every month they get what we call allowances. There is an allowance for rent, for heat, and an additional allowance for light.

When the officer receives his rental allowance part of it goes to pay taxes for the local school district. But when he lives on Government property that school district receives no tax from him or from the Federal Government.

Mr. WATKINS. Would a civilian working for the Department of Defense, and who is living on Government property, pay taxes?

Mr. HILL. I think, if the Senator will examine into it, he will find that there are very few civilians who live on Government property who have children in such numbers as to create an impact on a school district. I do not know whether the Senator has had time to examine our definition of Federal property, but if he has had a chance to examine it, he knows that the line is pretty well drawn.

Mr. WATKINS. Because of the impact—we are using that word a great deal tonight—of all the bills which have been thrown at us in the past few days, and particularly today, I have not had an opportunity to examine the proposed legislation as I should like to do. I am trying to get my education by asking the author of the bill what it is all about.

Mr. HILL. I know how devoted and how diligent the Senator from Utah always is, and I know something of the pressures he has undergone in these later days, and I sincerely sympathize with him. I realize the situation confronting him.

Mr. WATKINS. Can the Senator give us any idea of how many people would be involved in this education at the expense of the United States?

Mr. HILL. I cannot tell what the Korean War will bring; I cannot tell what the preparedness program will bring; but I can say that the Budget Bureau has estimated the over-all cost, including transfers of funds, and some other funds which have been given to the defense forces for this purpose, and the entire cost estimated by the Budget Bureau at this time—and the Bureau cannot tell, because the Army, Navy, Air Force, and Coast Guard may open up a new installation before January—but as of today it is estimated to cost this year $28,400,000.

We have set up a budget estimate to include in the supplemental appropriation bill, which the Senate committee reported this afternoon, amounting to $23,500,000 to meet the expense of this bill, and then in addition to the item of $23,500,000, there is an item of $4,900,000 previously appropriated to meet the purposes set out in the bill, making a sum total of the figure which I gave the Senator, of $28,400,000 for this year, so far as the Budget Bureau can now see the situation; that is, so far as the present Federal activities are concerned.

Mr. WATKINS. I thank the Senator, because there is nothing contained in the report as to what it would cost. The report is silent on that subject.

Mr. HILL. The only reason the report is silent—and I want to be perfectly frank with my friend—we saw during the war how these appropriations mounted up. The Government had to undertake more and more activities and build more and more installations. The Budget Bureau now estimates that for the fiscal year, so far as we know, it will cost $28,400,000.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LANGER. I call the Senator's attention to page 39, line 15:

(4) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State.

Would that definition include high schools?

Mr. HILL. Certainly.

Mr. LANGER. There is no question about that?

Mr. HILL. No; there is no question about it. It would include schools from the primary grade up through high school.

Mr. WATKINS. Would it include bus service?

Mr. HILL. I would say it would where the State provides bus service and that is part of the cost. If it is part of the local expense, I would say that, in figuring out the cost per pupil, we would use the local cost, including all items that go into the local cost. That would be the basis for figuring how much the Federal Government would grant.

Mr. WATKINS. Mr. President, will the Senator yield further?

Mr. HILL. Yes.

Mr. WATKINS. As I understand, under the terms of the bill a man who is in the military service living on a military reservation would have the right to send his children to a public school, and if the impact were present he would be entitled to send his children to the public school at the expense of the United States, and the children would be educated in the public schools at the expense of the United States. Is that correct?

Mr. HILL. I would say that this is not a matter of the individual officer being entitled to have his child educated by the United States Government. I would say that where the United States Government has gone into a local school district and put such a financial burden upon that local school district, because of Federal activities, that the local school district cannot carry the financial burden involved, the Federal Government meets its responsibility by helping the local school district carry its financial burden.

Mr. WATKINS. I fully agree with the Senator. I am trying to get at another point. Let us consider the people who are there, and who, for the most part, are officers in the Army, Navy, and Air Force. They have incomes. What part, if any, do they take in this program? Do they pay anything to the United States?

Mr. HILL. No; they do not take any direct part. By occupying a house on a Government reservation or on Government land, they do not get the rental allowance to which I previously referred.

In other words, if they do not live on Government property, the United States Government gives them the rental allowance. As I said, for a captain the rental allowance is approximately $120 a month. The Government gives him the rental allowance because he must provide his own home. He pays taxes through his paying rent to his landlord. He is getting $120 more from the Government.

Mr. WATKINS. Perhaps he is. That does not get to the point I am trying to make. It seems to me that we have too many people who are getting a free ride.

Mr. HILL. The Senator may be right. I may say to my friend that perhaps he is thinking too much of the individual. This is not a bill to grant relief to individuals. This is not a bill to educate an individual child. This is a bill to relieve the local school district in a situation where, because of a Federal activity, such as a defense plant or something of that kind, so many children are brought into the local school district that the local school district simply does not have the taxable capacity to provide for the education of those children.

Mr. WATKINS. With that statement I fully agree. I am in full harmony with that. We had the same problem in World War II.

Mr. HILL. We had the same problem, and we met it.

Mr. WATKINS. I am trying to get to this point, and I want to know if the committee considered this problem: In some of these communities we had men with families of school age who worked for two or three years, and they were drawing bigger pay, larger salaries, sometimes three or four times as much as people who lived in the neighborhood. That caused an impact. Under this bill the school district would be entitled to help. What about the fellows that do not live on Government property. I refer to civilians. Should not they contribute to keeping the schools? They pay only the ordinary income tax.

Mr. HILL. They do make a contribution. They do not get as much as the other fellows.

Mr. WATKINS. I am speaking of people in defense communities, where big plants are established, and where these people work. I happen to know of such communities from my own experience. Some of these persons worked there for 4 years. Under this bill they would not be required to contribute a single dime to the local community for help with the schools.

Mr. HILL. I would not say that. If they are not living on Government property they pay rent and that rent goes in part to the local school district in taxes. The Senator from Minnesota read the specifications which a local school district must meet in order to receive funds from the Federal Government. We find the specifications in section 3 on page 28. It is necessary not only to have the impact of a number of children, which is at least 10 percent greater than the number of children not connected with the Federal Government going to school in the district, but that in addition thereto such activities of the United States have placed on such agency a substantial and continuing financial burden, and it must also be found that such agency—that is, the local school district—is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance but is unable to secure sufficient funds to meet the increased educational costs involved.

Mr. WATKINS. Would that not be true ordinarily of a man who rents a home and is paying rent, but would be required to pay, in most States, a nonresident fee for tuition in the District?

Mr. HILL. I do not know whether that would be true in any other State, but it is not true in my State of Alabama. Let me say to my friend from Utah that I think he has in mind what I had in mind when I first began consideration of this bill, because the same question came to my mind, and it came to me rather forcibly. Perhaps what the Senator needs to consider is whether or not the Federal Government, where it owns property and where it houses people on the property, should charge some rental to the people who live on the property. As I said, so far as the Army, Navy, Air Force, and Coast Guard are concerned, they charge rent, because when personnel of the services live on a reservation they do not receive the allowance for rental which they get when they do not live on Government property. So they do, in effect, charge them rental. Let us take the situation of an Army officer. Let us say he is drawing $300 a month in salary. If he lives off Government property, and if he does not live on a Government reservation, he does not only get $300 salary, but he also gets approximately $120 as rental allowance. He also gets an additional amount for heat and an additional amount for light. When he leaves the Government property, he does not get the rental allowance, he does not get the heat or light allowance.

Mr. WATKINS. Is he charged rental on the property?

Mr. HILL. He is not charged rental, but he does not get the hundred dollars that he would get if he did not live on the Government property.

Mr. WATKINS. Would any number of the enlisted men or noncoms be included in this group?

Mr. HILL. Yes; the Army takes note of marriage, of the family life, of certain noncommissioned officers, and those noncommissioned officers receive allowances, just as commissioned officers do.

Mr. HUMPHREY. Mr. President——

The PRESIDING OFFICER (Mr. FREAR in the chair). Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. HILL. I yield.

Mr. HUMPHREY. Is it not true that what the Senator is saying is that we must consider the Government of the United States, where there is a Federal employee on Federal property, as a would-be taxpaying citizen, a citizen owning a share of the enterprise, or the home, and the only way that the school district can continue its activities is by getting this non-tax-paying citizen, Uncle Sam, to make a contribution to the local district to take care of the children of those who work for the non-tax-paying citizen?

Mr. HILL. The Senator is exactly correct. A citizen working for private industry has to pay his taxes. He either pays the taxes if he owns the property in which he lives, or he pays the tax through the rental he pays the landlord, and the landlord pays the tax out of the rental. Then, in addition to what the local school district gets from the private citizen, it also gets a tax from the private industry—the plant, whatever the industry may be. It has to pay a tax to the local school district.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from New Mexico.

Mr. CHAVEZ. There is another item of taxation which has come into vogue of late, namely, the sales tax. Anyone around the school district who buys groceries, who buys any commodity, at the drug store, or the hardware store, or elsewhere, has to pay a certain amount in tax, and that goes to pay the school tax.

Mr. HILL. The Senator is exactly right, and he knows that on military, naval, Coast Guard, and similar reservations, there are what we call post exchanges, and most of the gasoline, and oil, and many other commodities, like gas, groceries, all kinds of things, are bought at the post exchanges, and of course the purchasers pay no sales tax.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Utah.

Mr. WATKINS. That was one matter to which I was calling attention. Many people who live on Government property avoid taxes of all kinds. I think we have an illustration of that in Hawaii. There were many there doing business at the post exchanges, at one time about 100,000, I believe, and it was actually necessary to take them into court to get any of them to pay taxes for building and repairing roads, and the maintenance of the schools and other activities, from which all of those in the islands were benefiting.

One thing we should keep in mind is to see to it that no one gets a free ride at the expense of the general taxpayers of the United States. That is what leads me to seek an explanation of the terms of the bill.

Mr. HILL. I have tried to give the Senator the viewpoint of the committee. The Senator might well make a study of and give consideration to the question of the rentals, and things of that kind, and the taxes of people who live on Government property, but the fact remains that the pending bill is to help the local school district, which cannot tax those people. They are not subject to taxes by the local school districts. They cannot be reached by the local school districts.

Mr. President, I do not want to be repetitious, but these people really pay a tax, because they get much more money when they live off the reservation than when they live on the Government reservation.

Mr. WATKINS. Will the Senator yield further?

Mr. HILL. I yield.

Mr. WATKINS. I note that the committee states in its conclusion:

> Your committee, on the basis of its consideration of this problem, is convinced that the need for Federal action in this area is imperative, and it therefore strongly recommends this bill to the Senate for its approval. Your committee, however, is not convinced that any permanent legislation dealing with this problem should be enacted

at this time. The fact that many studies are now going forward in this and related fields, and the uncertainty of the world situation now confronting us, were carefully considered by your committee in its decision to limit this entire program to a period of 3 years.

It seems to me that that is a little more than temporary. It seems to me the committee is making it rather permanent when it makes it 3 years.

Mr. HILL. I cannot agree with the Senator. We are in the first year now. The school districts are up against it right now. Most of the schools are ready to open, or have opened. Three years is a short time. Many of our programs are 3-year programs. In the next 3 years, certainly, we will know what the preparedness program is to be, we will know many things, perhaps, that we do not know now, and we will have a better picture of the situation than we have now. Furthermore, as the Senator knows, with this bill terminating 3 years from now, about 2 years from now we will have to take care of any additional action that is necessary.

I offer an amendment which has the approval of the committee. It is offered by the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Mississippi [Mr. STENNIS], the Senator from Oklahoma [Mr. THOMAS], the Senator from New Jersey [Mr. HENDRICKSON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Rhode Island [Mr. GREEN], the Senator from New Mexico [Mr. ANDERSON], the Senator from Kansas [Mr. SCHOEPPEL], the Senator from New York [Mr. IVES], the Senator from Maryland [Mr. O'CONOR], the Senator from Kentucky [Mr. CHAPMAN], and myself.

The amendment has been considered by the committee, as I have said, and has the approval of the committee. It does not change the intent of the bill as reported by the committee, but I think it does improve the method of financing, in that it puts it in many instances on a current basis, rather than on the basis of deficit financing.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 24, after line 9, it is proposed to insert a new subsection as follows:

(b) For the fiscal year beginning after June 30, 1950, and for the two successive fiscal years, each local educational agency of a State which provides free public education during such year for children who do not reside on Federal property, but who reside with a parent employed on Federal property, part or all of which is situated in such State, shall be entitled to an amount equal to the product obtained by multiplying (1) the number of such children in average daily attendance at the schools of such agency during such year which exceeds either 20 or 5 percent of the total number of children in average daily attendance at the schools of such agency during such year, whichever is the larger, by (2) one-half the local contribution rate (determined under subsection (c)).

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Nebraska.

Mr. WHERRY. Does the amendment now being offered change the amount of the appropriation?

Mr. HILL. It does not affect the appropriation. We put the amount of the appropriation in the bill, and it does not change it.

Mr. WHERRY. I wish to know whether or not the bill will in any way increase or take away from the appropriation, or will it leave it the way it is?

Mr. HILL. The appropriation will remain as it is. The Senator is a very diligent member of the Committee on Appropriations, and I wish to say, because he was not here to hear me, that the money we are now asking to have appropriated is what the budget estimates the bill will cost for this fiscal year. No one knows what other installations there may be, or what additional Federal activities there may be due to the defense program. But as of now the appropriation stands just as the Bureau of the Budget sent it to us this morning.

Mr. WHERRY. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. WHERRY. I was conferring with the majority leader about some matters pertaining to the Senate and did not hear all the explanation the Senator from Alabama made. I think he may have answered the question in which I am interested. I do not know what additional requests may come in which would increase the appropriation. I do not know how the amendment would change the appropriation.

Mr. HILL. It does not change the appropriation, I will say to the Senator from Nebraska.

Mr. WHERRY. There was so much confusion in the Senate Chamber during the latter part of the Senator's explanation that I found it difficult to follow the Senator.

Mr. HILL. The amendment does not change the appropriation.

Mr. WHERRY. What is the purpose of the amendment then?

Mr. HILL. The purpose of the amendment is that instead of having deficit financing for certain areas the financing be put on a more current basis. When I use the word "financing" I mean the Federal assistance.

Mr. WHERRY. By deficit financing the Senator means local financing?

Mr. HILL. Yes; to let the local authorities proceed, and then, perhaps after the school year is finished, they may come in with a considerable request to lay before the Federal Government.

Mr. WHERRY. The Federal assistance is on a current basis?

Mr. HILL. Yes.

Mr. WHERRY. And it eliminates deficit financing at the other end?

Mr. HILL. It does insofar as that can be done. There would still be deficit financing for some areas. There has to be some deficit financing.

Mr. WHERRY. I understand that.

Mr. HILL. But insofar as possible, the Federal assistance is put on a current basis by this amendment.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. MILLIKIN. Does the amendment, as the Senator has explained it, broaden the scope of the bill?

Mr. HILL. No; it does not. I have given the Senate an explanation of the bill, with the amendment in mind, because, as I said, the amendment has been approved by the committee.

Mr. MILLIKIN. The explanations that have been made apply with the amendment in mind?

Mr. HILL. Yes.

Mr. MILLIKIN. The amendment does not add anything of a substantive nature that is not in the bill.

Mr. HILL. That is correct. It does not change the intent of the bill. In explaining the bill, I had the bill, together with the amendment, in mind.

Mr. MILLIKIN. Does the formula of the amendment change the formula of the bill in any way?

Mr. HILL. It does to the extent of providing for the payments on a current basis, rather than on a deficit basis in certain areas. But as far as the over-all amount that the school districts would receive is concerned, there is substantially no difference.

Mr. MILLIKIN. The formula of participation is the same.

Mr. HILL. Yes.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. FERGUSON. What is the language in the amendment which would indicate that the school districts would receive their money any sooner.

Mr. HILL. The language which says that they shall receive one-half of the local contribution is more definite and more specific.

Mr. FERGUSON. The Senator means then a more definite rule?

Mr. HILL. Yes.

Mr. FERGUSON. Under which it is easier to figure the amounts?

Mr. HILL. That is correct. The Senator is exactly right.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama [Mr. HILL].

Mr. JOHNSON of Colorado. Mr. President, I should like——

Mr. HILL. Mr. President, may we have action on the amendment?

Mr. JOHNSON of Colorado. Mr. President, I should like to have action on a matter I wish to present.

Mr. HILL. May we not have action on the amendment?

Mr. JOHNSON of Colorado. I might want to have action on my own matter before the bill is acted upon. I understand I am going to be blocked out of consideration for my privileged matter, and I do not like it. I should like to have my matter disposed of, if I am going to be blocked out of consideration of my privileged matter.

Mr. HILL. Mr. President, I have no disposition to block out the Senator. If the Senator has a privileged matter he would not have any difficulty in bringing it up.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. HILL. Yes.

Mr. FERGUSON. The question may have been answered during the discussion. Does the amendment change the yardstick we have previously used?

Mr. HILL. I wish to say to the Senator from Michigan that it does not change the yardstick as the House passed the bill. It does not change the yardstick as the committee originally intended it. As far as the Lanham Act is concerned, that act was a wide open proposition, because it not only carried money for schools, but, as has previously been suggested, for hospitals and for many other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HILL].

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. WHERRY. Was the amendment ever before the committee?

Mr. HILL. Oh, yes.

Mr. WHERRY. I ask the question because I notice there are no names of members of the minority on the amendment. I am not making a point of that, the Senator understands.

Mr. HILL. The name of the Senator from New Jersey [Mr. HENDRICKSON] is on it.

Mr. WHERRY. I mean are any of the members of the Committee on Labor and Public Welfare on the bill?

Mr. HILL. To be frank with the Senator about it——

Mr. WHERRY. Were they given an opportunity to join in sponsoring the amendment?

Mr. HILL. Most of the names were placed on the amendment this afternoon. To be frank with the Senator, as we know, the Senator from Ohio [Mr. TAFT], the Senator from New Jersey [Mr. SMITH], the Senator from Missouri [Mr. DONNELL], the Senator from Vermont [Mr. AIKEN]—four of the five minority members of the committee—are not present. I have not seen them here today.

Mr. WHERRY. Mr. President, I want to clear up that matter. Will the Senator further yield?

Mr. HILL. Yes.

Mr. WHERRY. I understand the amendment had been offered to the committee. I am not complaining so much about the fact that the names of the minority members of the committee are not on it, in view of the fact that the matter was submitted only this afternoon. What I want to know is: Was there any vote taken on the amendment in the committee?

Mr. HILL. Yes.

Mr. WHERRY. Does the Senator recall what the vote was?

Mr. HILL. The bill was unanimously reported, and there was no opposition to the amendment.

Mr. WHERRY. Why was not the amendment then made a part of the bill?

Mr. HILL. The amendment was not presented when the bill was first reported. It was presented at a subsequent meeting of the committee.

Mr. WHERRY. At a subsequent meeting of the committee the amendment was presented?

Mr. HILL. Yes.

Mr. WHERRY. And the committee endorsed it unanimously?

Mr. HILL. Yes.

Mr. WHERRY. And they authorized the distinguished Senator from Alabama to offer it on the floor?

Mr. HILL. They authorized me to say that the amendment was approved by the committee.

Mr. WHERRY. I wanted to get that in the RECORD.

Mr. THYE. Mr. President, will the Senator yield for one further question?

Mr. HILL. I yield.

Mr. THYE. Was the amendment acted upon by the committee recently?

Mr. HILL. Does the Senator mean the committee amendment?

Mr. THYE. No; the amendment the Senator has just offered.

Mr. HILL. Yes.

Mr. THYE. Was a quorum present at that committee session?

Mr. HILL. We had a meeting of the committee, and I explained to the committee that the amendment had been suggested by a number of Senators, that I was sure the amendment did not change the intent and purpose of the bill. I told them exactly what was in the amendment, and there was no disagreement on the amendment.

Mr. THYE. Was there actually a recorded vote of the committee at the time the amendment was agreed to? Were the Senator from Missouri [Mr. DONNELL], the Senator from Ohio [Mr. TAFT] and the Senator from Vermont [Mr. AIKEN] all present at the time the amendment was considered?

Mr. HILL. No, I do not think they were all present, because as I said to the Senator, some of those Senators have been away from the Senate for the past few days.

Mr. WHERRY. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. WHERRY. It is true that the Senator from Missouri [Mr. DONNELL] is home for a primary, and that the Senator from Vermont [Mr. AIKEN] is also home, but as I understood the Senator, he said that the amendment was presented prior to the last day or two, and at that time the minority members were here.

Mr. HILL. No, I said the bill was reported, and that then the amendment was agreed to in the last day or two.

Mr. WHERRY. That is the point I thought I had cleared up. I want to ask the Senator a question. At the time the amendment which has now been offered was presented to the committee, were the minority members present?

Mr. HILL. I remember distinctly that the Senator from Oregon [Mr. MORSE] was there.

Mr. WHERRY. Was any other member of the minority present?

Mr. HILL. I do not think any other minority member was present.

Mr. WHERRY. Did the Senator consult with the ranking minority member on the committee, the Senator from Ohio [Mr. TAFT], with respect to the amendment?

Mr. HILL. I think I spoke to him. I want to be very frank with the Senator. I did not seek to obtain any conclusion from him about the matter.

Mr. WHERRY. How about the Senator from Missouri [Mr. DONNELL]?

Mr. HILL. No, I did not talk to the Senator from Missouri.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. HILL. Yes, I yield to the Senator from Michigan.

Mr. FERGUSON. Today the Appropriations Committee authorized a $23,000,000 appropriation conditional upon the passage of this bill. Does the Senator know what the appropriation last year was for the same item, that is for education? Was it six or seven million dollars?

Mr. HILL. Last year the total appropriation was about $12,000,000.

Mr. FERGUSON. About $12,000,000?

Mr. HILL. Yes. But the Senator realizes that due to the Korean situation, our military effort, and our preparedness and defense program a considerable change has occurred.

Mr. FERGUSON. Will not the amendment result in practically doubling the appropriation?

Mr. HILL. No; not on the same basis.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. WATKINS. I had intended to offer an amendment which I had prepared by the Legislative Reference Bureau to try to meet one of the difficulties in this entire situation, which has to do with those who go into communities where defense plants are being built, who sometimes live there many years, who, by reason of the rent-control situation, pay a very small amount of rent—probably the same rent they paid during the depression—who send their children to school but do not contribute in any substantial way to the maintenance of the schools, either to the United States, which under this bill assumes the burden, or to the school districts where they live.

I think that group of persons should make their contributions so that they will carry their share of the burden.

This war and any future wars in which we may be involved, which will grow out of the present war, will call for extreme sacrifices by everyone.

So it seems to me that in a matter of this kind we should be very careful to check on all possible leaks of a large sort which could cost the taxpayers very large sums of money.

After considering the amendment and hearing the discussion and considering the explanations which have been made, I doubt very much that the amendment would reach the situation I have in mind or that it would be possible, as a practical matter, to force these people to make their contributions.

For that reason I am not offering the amendment.

I wish to say that I am in full sympathy with the general purposes of the

bill. I saw the problems which were created in World War II. I lived in a school district where we had the same problems as those which have been mentioned here.

However, I have also seen people who have lived on Federal property for many years and who have avoided paying their fair share of the cost of the various local facilities, including the cost of roads, hospitals, and many other services.

So I think the committee should explore this subject further and should present to the Senate a solution in respect to preventing the development of a situation in which such persons will avoid paying their fair share of the costs of these operations.

The PRESIDING OFFICER (Mr. FREAR in the chair). The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HILL] to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the committee amendment, as amended, is agreed to.

The question now is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HILL. Mr. President, I ask unanimous consent that the clerk be authorized to correct the subsection lettering on page 21, in line 12; on page 25, in line 20; on page 26, in line 13; and on page 27, in line 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEVELOPMENT AND MAINTENANCE OF AMERICAN-FLAG SHIPPING ON THE GREAT LAKES

Mr. LUCAS obtained the floor.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Washington.

Mr. MAGNUSON. I move that the Senate proceed to the consideration of Senate bill 3109.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. Calendar No. 1837, Senate bill 3109, a bill to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. WHERRY. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. WHERRY. I am trying to have order maintained in the Senate. We cannot hear what is going on.

The PRESIDING OFFICER. The Chair thanks the distinguished minority leader, and the Chair will attempt to get order. The Senate will be in order.

The question is on agreeing to the motion of the Senator from Colorado.

Mr. THYE. Mr. President, if the Senator will withhold his questioning and will withhold yielding to the Senator from Colorado, let me inquire what it was that the Senator from Colorado moved and what it was that the clerk read? Those of us on this side of the aisle could not hear it.

The PRESIDING OFFICER. The Senator from Washington moved that the Senate proceed to the consideration of Senate bill 3109, Calendar 1837, which is the bill which the clerk read by title.

Mr. THYE. By title?

The PRESIDING OFFICER. Yes.

Mr. THYE. I thank the Presiding Officer for permitting us to find out what is before the Senate.

Mr. WHERRY. Mr. President, will the present occupant of the chair inform us what motion the Senator from Colorado made? I could not hear it.

Mr. JOHNSON of Colorado. I have not made any motion; I am trying to obtain recognition.

TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE

The PRESIDING OFFICER (Mr. FREAR) laid before the Senate the amendments of the House of Representatives to the bill (S. 3357) to prohibit transportation of gambling devices in interstate and foreign commerce, which were, on page 1, strike out lines 3 to 11, inclusive, and on page 2, strike out lines 1 to 12, inclusive, and insert:

That as used in this act—

(a) The term "gambling device" means—

(1) any so-called "slot machine" or any other machine or mechanical device an essential part of which is a drum or reel with insignia thereon, and (A) which when operated may deliver, as the result of the application of an element of chance, any money or property, or (B) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or

(2) any machine or mechanical device designed and manufactured to operate by means of insertion of a coin, token, or similar object and designed and manufactured so that when operated it may deliver, as the result of the application of an element of chance, any money or property; or

(3) any subassembly or essential part intended to be used in connection with any such machine or mechanical device.

(b) The term "State" includes Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam.

(c) The term "possession of the United States" means any possession of the United States which is not named in paragraph (b) of this section.

SEC. 2. It shall be unlawful knowingly to transport any gambling device to any place in a State, the District of Columbia, or a possession of the United States from any place outside of such State, the District of Columbia, or possession: *Provided*, That this section shall not apply to transportation of any gambling device to a place in any State which has enacted a law providing for the exemption of such State from the provisions of this section, or to a place in any subdivision of a State if the State in which such subdivision is located has enacted a law providing for the exemption of such subdivision from the provisions of this section.

On page 2, line 21, strike out all after "the" down to and including "on," in line 22, and insert "Attorney General"; on page 3, line 1, strike out all after "the" down to and including "business" in line 3, and insert "Attorney General"; on page 4, line 12, strike out "the Territories and possessions" and insert "in any possession"; on page 4, line 13, strike out all after "States," down to and including "or" in line 15; on page 4, line 16, strike out "18 United States Code 1151" and insert "section 1151 of title 18 of the United States Code or within the special maritime and territorial jurisdiction of the United States as defined in section 7 of title 18 of the United States Code"; on page 4, line 18, strike out "2 or 5" and insert "2, 3, 4, or 5,"; and on page 4, strike out lines 20 to 22, inclusive.

Mr. JOHNSON of Colorado. Mr. President, I move that the Senate concur in the amendments of the House of Representatives to Senate bill 3357.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHERRY. This is the bill in which I am satisfied the junior Senator from Nevada [Mr. MALONE] is very much interested. I wonder whether the able and conscientious Senator——

Mr. JOHNSON of Colorado. The Senator from Nebraska should use a few more adjectives; I want more than one adjective of that sort. I shall have to have several. [Laughter.]

Mr. WHERRY. I wonder whether the distinguished Senator from Colorado will withhold his motion until the distinguished Senator from Nevada can come to the floor.

I do not wish to suggest the absence of a quorum.

Since the Senator's announcement, I have tried to get in touch with the Senator from Nevada. He is very much interested in the House amendments. I would deeply appreciate it if the Senator from Colorado will withhold his motion until the Senator from Nevada arrives on the floor. I appeal to the fairness of the distinguished Senator from Colorado, in order that the Senator from Nevada may be given an opportunity, if possible.

Mr. JOHNSON of Colorado. Mr. President, I cannot deny the request of the Senator from Nebraska, when he accompanies it with adjectives so descriptive and true and accurate. [Laughter.]

So I shall withhold whatever I have to say on the motion. However, the motion has been entered.

Mr. WHERRY. Does that make the motion the pending question?

Mr. MAGNUSON. The pending business is Senate bill 3109.

Mr. WHERRY. Inasmuch as the matter referred to by the Senator from Colorado is a privileged matter, and inasmuch as the motion has been made, is not that the pending question?

The VICE PRESIDENT. The Senator from Colorado has moved that the Senate concur in the amendments of the House of Representatives to Senate bill 3357. That is a privileged matter, and that is the pending question. Of course, that temporarily displaces Senate bill 3109, which was the subject of a motion previously made.

Mr. WHERRY. Then I ask the distinguished Senator from Colorado if he will agree that this matter may be temporarily laid aside. If so, we shall do our very best to get the Senator from Nevada on the floor even yet this evening.

Mr. JOHNSON of Colorado. Mr. President, I have yielded the floor to the Senator from Washington, and that gives the Senator from Nebraska what he has requested.

The VICE PRESIDENT. The Senator from Colorado has entered the motion that the Senate concur in the amendments of the House of Representatives to Senate bill 3357. That matter is now in suspense.

Mr. WHERRY. I thank the Senator from Colorado very much.

DEVELOPMENT AND MAINTENANCE OF AMERICAN-FLAG SHIPPING ON THE GREAT LAKES

The Senate resumed the consideration of the bill (S. 3109) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes, which had been reported from the Committee on Interstate and Foreign Commerce, with amendments.

Mr. MAGNUSON. Mr. President, the purpose of this bill is to develop and maintain package freight and passenger service on the Great Lakes by permitting 10 surplus, war-built, Government vessels to be sold for operation on the Great Lakes on substantially the same basis as vessels can now be purchased under the Merchant Ship Sales Act of 1946 for use on the oceans.

Enactment of this bill will involve no cost to the Government. No appropriation of public funds is required. On the contrary, enactment of this bill will result, in my opinion, in substantial returns to the Government and in reduction of Government expense in maintaining vessels in a laid-up status.

Mr. President, I shall not burden the Senate by stating all the features of the bill, but I now ask unanimous consent to have the remainder of the explanation of the bill printed in the RECORD.

There being no objection, the remainder of the explanation was ordered to be printed in the RECORD, as follows:

This bill was introduced by seven Senators from both parties who represent States bordering on the Great Lakes. Approximately 33 similar bills were introduced in the House and Senate by Members on both sides of the aisle. Representatives of civic associations, chambers of commerce, labor unions, agricultural groups, port authorities, and others have appeared before the committees of Congress to testify to the need for reviving package freight and passenger service on the Lakes. These witnesses have stated that this bill is the practical way for this to be done. We feel that enactment of this bill will be a major step forward in accomplishing that result.

Prior to the war there were 24 package-freight vessels and 19 passenger steamers in operation on the Great Lakes. During the war the Government took almost all of these vessels for war use and removed them from the Lakes for service in the Pacific and the Atlantic. These ships were never returned to the Lakes and have never been replaced. The only vessels remaining on the Lakes are a few old passenger ships which the Government did not see fit to take. At present there are no package-freight vessels on the Great Lakes and only a few passenger vessels, over 25 years old. The recent *Noronic* disaster emphasizes the need for modern ships on the Lakes.

Under the Ship Sales Act over 700 ships have been sold to Americans for use in the ocean trades, and over 1,100 ships have been sold to foreigners. But because of a technicality in that statute, the advantages offered by the Ship Sales Act have not, for practical purposes, been available for Great Lakes purchasers. Accordingly, not one ship has been bought under the Ship Sales Act for use in lake waters. The proposed bill would amend the Ship Sales Act so as to make it practical for people to purchase up to 10 vessels for service as package-freight or passenger ships for operation on the Great Lakes.

Under the Ship Sales Act and the provisions of Public Law 269 of the Eightieth Congress, American buyers of vessels for operation on the oceans are given allowances from the prices established by the Ship Sales Act for the cost of reconverting such vessels to standard types for use in salt-water trades. These allowances are not grants of cash, but are reductions from the purchase price equal to the amounts paid by the buyer to a shipyard for doing the necessary repair work on the vessel he is buying to put it in operating shape. Under these provisions, ocean buyers received allowances as high as 99 percent of the statutory sales price. But, as no vessels were built during the war for use in lake trades, and as the requirements for economic operation on the Lakes requires substantially different type of equipment aboard vessels, an allowance to reconvert to a standard ocean type is of no value to lake purchasers. For all practical purposes, therefore, benefits granted to ship operators under the Ship Sales Act are not available under existing law for Great Lakes operators. The Ship Sales Act does not permit the granting under the existing legal interpretations made by the Maritime Commission of similar allowances to Great Lakes purchasers to convert these vessels for use on the Lakes. As ocean vessels require major conversion for use on the Lakes, this interpretation has prevented the purchase of ships under that act for Great Lakes use.

Thus the primary purpose of this bill is to remedy that situation by making available to Great Lakes operators vessels usable in lake trades at an out-of-pocket cost substantially similar to that which an ocean operator would pay for a similar type ship to be used in ocean trades. The bill merely changes the method for computing the allowances for Great Lakes vessels; it does not lower the basic out-of-pocket cost for the buyer to purchase the ship under the Ship Sales Act, and by the same token it does not break the ship sales price as fixed by that act.

Section 1 of this bill amends section 12A of the Ship Sales Act so as to make it applicable to Great Lakes purchasers. The second section authorizes the sales under that act, for exclusive use on the Great Lakes and their connecting waterways, of 10 vessels with allowances being given for (1) the fair and reasonable value of equipment not required on the vessels for use on the Great Lakes, and removed therefrom, and (2) the fair and reasonable cost of converting these vessels for use as package freight and passenger ships, and combination freight and passenger vessels, for Lakes use. These provisions are substantially similar in effect and result to those presently given to buyers of ships for use on the oceans.

There is a provision in this bill limiting these allowances to 90 percent of the Ship Sales Act price. This does not mean that these vessels are sold for 10 cents on the dollar. On the contrary, these conversion allowances are given to buyers under this bill only if they actually pay the amounts of these allowances to shipyards doing the conversion work. The reason for the maximum 90 percent is because on ocean ships reconversion allowances have been in excess of 90 percent in several instances. While this is in accordance with the intent of the Ship Sales Act, we feel that the 90-percent limitation is proper. But please note that under this bill a buyer is out-of-pocket the full Ship Sales Act price for his vessel in order to buy it for lakes use.

A further proviso in this bill requires the purchaser of a vessel to accept delivery and to bear the risks of its movement into the Lakes. Incidentally, adequate evidence has been given as to the feasibility of moving these vessels up the Mississippi into the Great Lakes. We have, however, stricken from the bill as originally introduced a provision which would give an allowance for this cost of moving the vessels to the Lakes, although the cost of preparing to move, as by removing of superstructure, would be included within the conversion allowance.

Section 4 of this bill extends the benefits of the existing Federal Ship Mortgage Insurance Act (title 11 of the Merchant Marine Act of 1936) to include vessels purchased under this bill. Under the Ship Sales Act the Government has directly given mortgages of 75 percent of the Ship Sales Act cost to foreign and domestic purchasers. Because of the high conversion cost involved, direct Government financing through this method is not feasible for the vessels purchased under the provisions of this bill. Accordingly, the provisions of the Federal Ship Mortgage Insurance Act, which provide for Government guaranteeing of private bank loans up to 75 percent of the value of the vessels covered by that act, would be extended to permit similar guaranties up to 75 percent of the aggregate sum of the net purchase price and conversion costs of these vessels. Under the provisions of the existing act, to which this is an amendment, such guaranties can in no event be more than 75 percent of the true value of the vessel as estimated by the Secretary of Commerce after all the conversion work has been done.

Revival of the passenger and package-freight service on the Great Lakes is an essential defense measure. The National Securities Resources Board has written our committee in favor of this legislation. An examination of the globe will show that the most likely line of attack by our only potential enemy would be "over the top" through Alaska and Canada. This would make the Great Lakes part of our front-line defenses. The availability of vessels able to handle large numbers of troops, as well as great volumes of heavy equipment, with the flexibility of water transportation, would be of enormous value in servicing our Armed Forces. With the thousands of vessels presently available in our laid-up fleets, the removal of the maximum of 10 covered by this bill should not hinder our ocean efforts.

Because of the high cost of shipbuilding today, private capital will not build new tonnage for lake use; they will, however, invest amounts similar to those paid by ocean operators for surplus Government ships. It seems only fair and proper that the citizens of the Great Lakes, who have contributed so heavily to the support of the oceangoing merchant marine, should be given equal advantages in the purchase of vessels. May I point out that the alternative to this bill is to leave these vessels in the laid-up fleets rusting away. For example, certain classes of vessels which would be most suitable for use on the Great Lakes, such as C-4's, have not had a single ship of that class sold in the over 4 years since the enactment of the Ship Sales Act. We feel that they can be better utilized by being placed in active operation on the Great Lakes, where they will not only be available for national defense needs but also be most valuable in servicing the commerce of the Great Lakes States.

If this bill is enacted, the people of the Great Lakes will obtain needed shipping service. Industries will be stimulated, employment will be given to many marine and shipyard workers, and an adequate fleet of vessels will be available in these strategic waters in the event of an attack "over the top." All of this will be obtained without subsidy or one penny of cost to the Government. Actually, the Government will receive substantial revenue from the sale of these ships, from eliminating the cost of maintaining these ships in lay-ups, and from the taxes which will be collected from the operators and crews of these vessels.

S. 3109 and H. R. 8847 are almost identical, except for minor word differences. May I suggest that, as the latter bill has passed the House, that it be here substituted for the Senate bill in order to eliminate the need for a conference.

Mr. MAGNUSON. Mr. President, I shall state the effect of the bill. Under our present maritime laws, citizens of the United States and in some cases foreign purchasers have the opportunity to recapture certain amounts of the cost of putting such ships in order for oceangoing use in the maritime trade.

This bill simply provides that the same provisions shall apply to 10 surplus, war-built, Government vessels, which are not of use in any other place in the United States or in the maritime trade. This bill will permit their use on the Great Lakes.

The operation of a ship on the Great Lakes is a little bit different from the operation of a ship on the ocean. Ships operated where there are tides must have cargo holds and cargo space and cranes. When the operator of an ocean vessel wishes to buy a ship from the Government and place it under the American flag, thereby allowing the Government to recapture the profits he may make, and build up our merchant marine, the cost of repair and maintenance connected with placing the ship in condition for oceangoing service is used as an adjustment in recapture and other matters of purchase. But on the Great Lakes, where there are no tides, one must take the ship and must make a hole in the hull. That is why they are called "package vessels." They are altered to make it possible for cargo to be placed inside. There is in the bill a provision which would allow those operating on the Great Lakes to have the same advantages as those operating the merchant marine elsewhere, under the American flag.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MAGNUSON. In a moment. I desire to finish this statement. There is further merit to this bill in the fact that, prior to World War II, there was a substantial maritime operation on the Great Lakes. There were not too many ships, but there were enough ships to handle the package freight involved in Great Lakes shipping, with ships plying out of Chicago, Milwaukee, Duluth, Detroit, Cleveland, and other Great Lakes ports. When the war came, the Government seized all those ships and took them out of the Great Lakes and put them into salt water and used them mainly in intercoastal trade for a time, when there was a great shortage of ships, at the beginning of the war. But we do not have that shortage of ships now. Those ships have never come back to the Great Lakes. The result is that the maritime traffic on the Great Lakes has now been brought to a complete standstill.

All we ask in this bill—and I hope the Senate will pass it—is to allow ship operators, those who wish to ply again the Great Lakes and establish a merchant marine in the Great Lakes, to purchase these 10 war-built vessels, which are not of much use to anyone else. Whereas the Great Lakes vessels were of some use at the beginning of World War II, because we did not have a surplus of vessels, we do not now have a shortage, and the purchasers of these 10 ships would be allowed the same advantages under this bill as would be allowed to anyone purchasing the vessel for oceangoing commerce.

That is the substance of the bill. I think it is very important that we reestablish the commerce of package freight and passenger traffic on the Great Lakes. It is going to mean a great deal, not only to the commerce of that area, but I think it has great defense value.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. FERGUSON. Is it the Senator's purpose to ask that the House bill be substituted for the Senate bill so that the House number and the House title will be used?

Mr. MAGNUSON. That is my purpose.

Mr. THYE. Mr. President, if the Senator will yield further, there is no objection to substituting the House bill. The two bills are practically identical. There are but a few minor differences.

Mr. MAGNUSON. There are possibly one or two technical amendments in the House bill, which make a slight difference. I think, if the House bill is substituted for the Senate bill, it would be best, after we passed this bill, if we do pass it, to substitute the House bill at that time.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield.

Mr. FERGUSON. I merely want to confirm what the Senator has said about shipping on the Great Lakes and the necessity of being able to get some of these vessels which have been sold for use in the salt water traffic.

Mr. MARTIN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I wonder whether the Senator from Pennsylvania would allow me, for the sake of legislative expediency, at this time to move that the House bill be considered so that it may be before the Senate. We can then pass it or reject it, as the Senate sees fit. I so move.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington that the Senate proceed to consider the bill (H. R. 8847) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes. It is Calendar No. 2378.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. 8847).

The VICE PRESIDENT. The House bill is now before the Senate.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. FULBRIGHT. I should like to ask the Senator a question, in view of the recommendations of the subcommittee, headed by the junior Senator from Texas, about surplus plants, and so on. Is the Senator sure that these ships are surplus, and that they will not be needed by the Armed Forces for the purpose for which they were originally built? Is not this similar to the disposal of plants, such as rubber plants and others, which were called surplus up until 2 months ago?

Mr. MAGNUSON. No. I can answer the Senator that the best information we have from everyone concerned is that the type of ships which could be used on the Great Lakes are plentiful. We have plenty of other ships which could be used, which are in our laid-up fleet. As a matter of fact, we have not even begun to take our laid-up fleet for these purposes. The only reason the ships were taken from the Great Lakes at the beginning of World War II, I may say to the Senator from Arkansas, was because we then had a scarcity of ships. But we now have a great supply—the greatest combined merchant fleet in the entire world—and these ships would have no conceivable foreseeable value in the future in the opinion of the Maritime Board and of the military, whose representatives testified not only before the Senate but before the House committee. This bill passed the House by almost a unanimous vote.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, is that conclusion based upon the Senator's conviction that our present international difficulty will not become a serious war, and that he is confident that everything is going to be all right? Is that why he feels that that is so?

Mr. MAGNUSON. No; but I do not think we ought to go into that matter.

Mr. FULBRIGHT. My point is, how can the Senator be so sure that these ships are surplus, if the fact is that we are confronted with a very serious international difficulty in Korea and in other places?

Mr. THYE. Mr. President, will the Senator yield that I may make a comment?

The VICE PRESIDENT. Does the Senator from Washington yield, and if so, to whom?

Mr. MAGNUSON. I should like to answer the Senator from Arkansas that the best information which we had from the witnesses, both in the Senate and in the House committees, was to the effect that the 10 vessels we are speaking of at this time, even though we might have a conflict, an all-out conflict with complete mobilization, would not have any value so far as the witnesses could foresee for intercoastal or ocean commerce. Secondly, if they were on the Great Lakes, they might have even more value for defense, because of the fact

that our only foreseeable enemy in the world is Russia, and since she has no merchant navy, and no way to attack us, so far as we know, upon our salt water shores, I believe that if she did come over, she might come over the top, and the value of ships in the Great Lakes might be even greater than if they were lying in coastal waters.

Mr. FULBRIGHT. When were those hearings held? When did these witnesses testify?

Mr. THYE. Mr. President, will the Senator yield? I should like to make a comment.

The VICE PRESIDENT. Does the Senator from Washington yield, and, if so, to whom?

Mr. MAGNUSON. I should like to answer the Senator from Arkansas. The House hearings were held on March 10, 11, 12, 15, and 20.

Mr. FULBRIGHT. Was not that before the outbreak of the war in Korea?

Mr. MAGNUSON. It was before the outbreak of the war in Korea.

Mr. FULBRIGHT. How could they have expressed any such opinion?

Mr. THYE. Mr. President, if the Senator will yield, I should like to comment on the question raised by the Senator from Arkansas.

The VICE PRESIDENT. The Senator has yielded to the Senator from Arkansas.

Mr. FULBRIGHT. I am trying to pursue a thought, and when I am through, of course, the Senator from Washington may, if he sees fit, yield to the Senator from Minnesota.

Mr. THYE. Mr. President, the Senator from Arkansas raised a question which is very pertinent to this entire thought.

Mr. FULBRIGHT. I think so, myself. I am very grateful for the Senator's remarks.

Mr. THYE. I am the author of the bill.

The VICE PRESIDENT. Nevertheless, the Senator from Washington has yielded to the Senator from Arkansas.

Mr. MAGNUSON. I should like to answer the Senator from Arkansas. I was going to say that the House hearings were held in March. The Senate considered the bill, as I recall, sometime the latter part of July—I shall get the exact date for the RECORD—after the Korean outbreak. I have also conferred since that time with not only the Maritime Board, but with those who were in charge of the MSTS of the Navy, and in charge of the Government's policy as to what ships they will need, or what ships they will take, and they assure me that these vessels, insofar as they can see, even though they are planning for, let us say, a complete all-out conflict, would have no particular value, but that, even further, their value would be greater in establishing the maritime commerce on the Great Lakes.

Mr. FULBRIGHT, Mr. WILLIAMS, and Mr. THYE addressed the Chair.

Mr. FULBRIGHT. Mr. President, will the Senator yield for one further observation?

Mr. MAGNUSON. I yield.

Mr. FULBRIGHT. The armed services and those responsible for the disposition of surplus plants, according to the report submitted but a few days ago by the committee headed by the junior Senator from Texas, were prepared to dispose of the rubber plants in Akron only 2 weeks ago. So I think that is not a very good criterion, with a resurvey of the situation.

The only thing which bothers me is that here, again, we are disposing of surplus property in the form of ships, the result of which may be that within a few weeks or months we shall be asking appropriations for the purpose of building new ships.

Mr. MAGNUSON. I may say to the Senator from Arkansas that we are not disposing of the property. Those ships are available to everyone.

Mr. FULBRIGHT. The bill provides for their sale, does it not? Is not that what this bill is for?

Mr. MAGNUSON. All ships which are sold under the Ships Sales Act are available to all the citizens of this country, and they are available to the Government at all times during any defense crisis.

Mr. THYE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. What are the terms upon which the Government would dispose of the ships? Could the Government reclaim them at the price at which it sold them?

Mr. MAGNUSON. Yes; if it could seize them, as it did in World War II.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. LONG. Is it not true that in the event of war we can anticipate a serious boxcar shortage, and these ships would help to relieve that shortage?

Mr. MAGNUSON. Yes. I want to make one further statement, and then I shall yield the floor.

Mr. THYE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. THYE. The reason I was anxious to comment on the remark made by the able Senator from Arkansas is that he raised a question whether, if these ships were sold the Government might well need them again in the event of an all-out emergency. The fact of the matter is that we are so definitely short of boxcars and railroad facilities at the present time that grain is being piled outdoors throughout the Northwest, and much of it is in danger of spoilage. We have held several conferences with the Interstate Commerce Commission to try to find some way of speeding up the unloading of boxcars and thereby increasing shipping facilities in the Northwest.

If these ships were reconverted to Great Lakes package freight use we would be relieving the railroads of much of the package freight which the shipping on the Great Lakes could carry. We would increase our security measures by being able to move freight from the internal part of the United States. For that reason, this is the type of legislation we should pass, so that we can convert surplus ships, now deteriorating daily and at great cost to the Government because they must be cared for and watched, and make them available to carry package freight on the Great Lakes. Thereby they would serve the double purpose of moving freight and, at the same time, reestablishing the package-freight service on the Great Lakes which was in existence when the War Department confiscated the ships and placed them in war service.

I think this is reasonable, sound legislation which should have been enacted many months ago. It will do for the Great Lakes only what was done for the ocean shipping, and it will salvage surplus ships now held by the War Department and deteriorating in value every month they lie at the docks.

Mr. MAGNUSON. The Government did seize the ships on the Great Lakes because of the shortage at the beginning of World War II. That shortage does not exist today. The Government did not provide any method whereby it would deliver those ships back to the Great Lakes. Many of the operators are not now in business because they had their ships seized. The ships were taken to the Atlantic and Gulf coasts, and the operators have had no opportunity to get them back.

In further answer to the Senator from Arkansas, I neglected to invite his attention to the fact, anticipating what the Senator has in mind, that we took this matter up with the National Security Resources Board, and in a letter set forth in the committee's report that Board has O. K.'d the purchase of the ships by American citizens for Great Lakes operation on the same theory held by other departments that they do not think they could be put to any better use at this time.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I was about to yield the floor.

Mr. HUMPHREY. I should like to make an observation. The situation in connection with the shipment of iron ore is very critical. Iron ore cannot be shipped by rail; it must be shipped by boat. While these ships are package freighters, they can be converted to bulk-freight use. The Great Lakes transportation system is one of the greatest systems we have. It seems to me to be foolish and to be without concern for the national security to leave the Great Lakes without equipment.

In 1939 there were 24 package freighters and, I believe, 12 passenger ships on the Great Lakes, which were all requisitioned by the Government. Today there are no package freighters on the Great Lakes whatsoever.

Mr. MAGNUSON. One ship was in such bad condition that they could not use it in the war effort, and hundreds of persons lost their lives when it burned at the dock a few months ago.

Mr. HUMPHREY. I should like to point out that in the Great Lakes we have in the heart of America, the greatest internal water transportation system the world has ever known. Iron ore coming from the Mesabi iron range feeding furnaces at Cleveland, Pittsburgh, and Chicago, must use this transportation system, and the breadbasket of America borders upon this great body of water, the Great Lakes. With these

package freighters in service, they could carry every kind of foodstuff one can think of. Yet, every year we have surplus ships rotting at the docks and not put in service on the Lakes.

Mr. MAGNUSON. After they have been taken away from the owners.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. LANGER. Why were 10 vessels mentioned?

Mr. MAGNUSON. That was the request, insofar as those who wanted to operate the ships were concerned. After we started to explore our stockpile, 10 was the number we thought we could let go at this time without any serious damage to our stockpile.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. WILEY. Mr. President, I agree with everything that has been said in favor of this bill. I have prepared a short statement, and I ask unamimous consent that it may be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

AN APPEAL FOR PASSAGE OF GREAT LAKES PACKAGE FREIGHT BILL

Mr. President, I should like to take the time of the Senate for but a few moments to appeal for passage of the bill to reestablish American-flag shipping on the Great Lakes. It is my pleasure to serve as a cosponsor of this important legislation.

Let me set forth a few facts on it:

1. On August 21, 1950, as recorded in the CONGRESSIONAL RECORD on page 12919, the House of Representatives passed by unanimous consent H. R. 8847. This bill is very similar to our Senate version, S. 3109, although the House Public Works Committee changed it slightly.

2. The net effect of this bill is to make available to Great Lakes purchasers not more than 10 vessels which are in Government surplus, so that they may be used on the Great Lakes, including the St. Lawrence River and Gulf and their connecting waterways.

3. The bill sets forth various allowances for the conversion of this shipping for Great Lakes purposes, as well as allowances to cover the costs of moving these vessels to shipyards on the Great Lakes. There will be considerable costs in this transportation, obviously, and it is not fair to ask the purchasers to cover the entire cost.

4. It was provided that the total allowances in the purchase price should not exceed 90 percent of the statutory sales price. Now, Mr. President, 90 percent allowance on the purchase price is admittedly a high figure, but I must point out that more than 90 percent of the purchase price has been allowed in certain instances to ship companies buying surplus vessels for use from ocean ports.

5. Obviously, it is to Uncle Sam's interests to encourage a sound merchant marine. We don't want Uncle Sam to be "skinned," of course, when he sells his surplus vessels, but we feel that it will be serving the public welfare if shipping companies can be given the opportunity to purchase these 10 surplus vessels and can be given up to 90 percent of the statutory sales price in allowances. They cannot make a go of it unless they do get these allowances off the statutory price.

6. Let me point out, Mr. President, that the Great Lakes has been absolutely stripped of package freighters. Twenty-five or so ships were requisitioned during World War II, and not a single one of them has been returned. The loss of this package freighter service has been very severe in terms of revenue in port cities and in feeder communities; a loss to stevedores; a loss to shipping companies; a loss to businesses serving the ports.

We have permitted the sale of surplus ships to purchasing companies for operation off the Atlantic, Pacific, and Gulf coasts, but we have not permitted sale of these surplus ships for use in the Great Lakes. This is an appalling discrimination, and it must be corrected. Too often the Great Lakes—the greatest inland waterway of the world—have been forgotten when it comes to transportation legislation.

We need, I repeat, a strong merchant marine on the Lakes, as well as in ocean ports. Sale of these 10 ships to shipping companies on the Lakes will help revitalize package freighting in the Great Lakes.

I recognize that the distinguished Senator from Delaware [Mr. WILLIAMS] has various objections to this legislation, but I respectfully feel that it is to the paramount interest of this Nation to allow this very modest bill to be enacted into public law.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. WILLIAMS. I wanted to ask a question before the Senator yielded the floor, with reference to a question asked by the Senator from Arkansas. I am sure the Senator from Washington intended to give the correct information, but I think he made a slight mistake. Is it not a fact that the hearings on this bill were held long prior to anyone's dreaming of the outbreak of the war in Korea? The bill was reported and placed on the Senate calendar on June 14, 12 days before the outbreak of war in Korea. I think it is correct that there was no testimony about these ships being needed if there should be an outbreak of war.

Mr. MAGNUSON. I will say to the Senator what I said to the Senator from Arkansas, that it is my impression that it was sometime in July that we held the hearings. I did not look the matter up. But regardless of that, whether the hearings were held in July or on June 14, we have contacted not only the National Security Resources Board, but also the Maritime Commission, and we have letters from them, after the Korean outbreak, to the effect that these 10 ships would not be needed, so far as they could see.

I think the Senator might have made an attempt at being very accurate. I said I thought the Senate hearings were held sometime in July. I could be 2 or 3 weeks off in that statement, but I said I would get the exact date.

Mr. WILLIAMS. If the Senator will yield further——

Mr. MAGNUSON. Let me finish.

Mr. WILLIAMS. It was on June 14 that the bill was reported.

Mr. MAGNUSON. We held hearings the day before the bill was reported, if the Senator will recall. We have been very careful about it, because since the bill was reported we have asked those who are in charge of the matter and who should know, whether there would be any use for the ships in any foreseeable emergency. The Senator from Delaware knows they will not be used. Very likely they are costing the Government money. Ships have been taken away from the Great Lakes, and all we are asking is that the operators have the right to take the ships which are not going to be used. A letter from the National Security Resources Board is in the report, dated long after the outbreak of war in Korea, and the expression of opinion of the Maritime Commission is dated long before that time.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the Senator from Illinois. In fact, I yield the floor.

Mr. LUCAS. Mr. President, I wish to make an observation in connection with what the Senator has said with respect to the necessity of having these ships on the Great Lakes. If one looks ahead and anticipates what may happen as the result of world conditions today it is apparent that we shall need more ships on the Great Lakes than we have at the present time. The inland waterway composed of the Great Lakes is the greatest transportation system in the world of its kind. That particular transportation system will be used more and more in a great crisis, because our land-transportation system could easily be put out of business overnight and we would need more ships on the Great Lakes than we have today.

Mr. MAGNUSON. As a matter of fact, most of the ships we now have in the laid-up fleet, should an emergency come, would not be usable. They are obsolete in most cases. What we need are modern ships. Our merchant marine is behind on modern ships. The ships which were built at the beginning of World War II, some of which have been converted, would not stand up at all, particularly from the standpoint of speed, with the modern submarines of today.

Mr. FERGUSON. Mr. President, the Senator is familiar with the Ship Sales Act, and this bill is an amendment to that act?

Mr. MAGNUSON. Yes.

Mr. FERGUSON. Section 11 of the Ship Sales Act provides:

> The Commission shall place in a national defense reserve such vessels owned by it as, after consultation with the Secretary of War and the Secretary of the Navy, it deems should be retained for the national defense.

Mr. MAGNUSON. Yes. We put that provision in the Ship Sales Act for that specific reason.

Mr. FERGUSON. So there is full protection under the law.

Mr. MAGNUSON. Yes. As a matter of fact, it was an oversight in the original Ship Sales Act that the Great Lakes were not included in the act. They should have been in it from the beginning.

The PRESIDING OFFICER (Mr. HILL in the chair). The Senate will be in order. The Senator will suspend until the Senate is in order.

Mr. MARTIN. Mr. President, I do not wish the Senate to be alarmed at this late hour by what I hold in my hand. All the papers I have in my hand with the

exception of one sheet are communications from constituents of mine in Pennsylvania asking me to vote for the bill. I do not think I should vote for the bill, and I wish to state my position on it.

The bill authorizes the sale of 10 vessels from the Government's reserve fleet, for exclusive use on the Great Lakes in package freight, passenger, and combination freight and passenger service, on such terms and conditions as to result in the purchaser obtaining such vessels at a fraction of their actual cost to the Government or the present cost of constructing such vessels.

The type of vessel which it is anticipated would be purchased is the C–4. The domestic war cost of such a vessel was $4,400,000; the prewar domestic cost, $3,300,000; and under the Merchant Ship Sales Act these vessels could be bought today for use on the Great Lakes in package freight service at the low price of $1,547,000, called the floor price.

Mr. THYE. Mr. President, may I interrupt to ask the Senator a question?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Minnesota?

Mr. MARTIN. Yes.

Mr. THYE. I understand that these are Liberty ships. The maximum cost of certain types of Liberty ships was $1,500,000, and of other types as low as $800,000.

Mr. ANDERSON. Mr. President, I think the Senator from Minnesota is in error. These ships are C–4's and cost $4,400,000. They are being sold at about 35 percent of their value.

Mr. THYE. If the able Senator from Washington could give us the information, perhaps it would clear up this point.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor. Does the Senator from Pennsylvania desire to yield to the Senator from Minnesota for the purpose of asking a question of the Senator from Washington?

Mr. MARTIN. I think we can make better time if I am permitted to state my position. If I am wrong I wish to be corrected. All of us are after information.

This bill would authorize the sale of a C–4 vessel for $1,650,000, the "statutory sales price," but with offsets against this figure up to 90 percent in the form of allowances to the purchaser for two purposes: first, the value, based on domestic war cost of equipment on the vessels not required for their operation on the Great Lakes and the cost of removing such equipment; and second, the amount expended for converting and equipping the vessels for package freight service. The net result is the Government would get $165,000 or 10 percent of the statutory sales price, for a vessel that was built by it at a cost of $4,400,000, and the purchaser would get a subsidy of $1,485,000—90 percent of the statutory sales price—on each such vessel. The amount the purchaser would actually have to spend eventually would be the $165,000 to go to the Government and the $1,485,000 for converting and equipping the vessel less the war cost of the equipment not necessary to its operation on the Great Lakes. This latter amount is indeterminate and might easily be of such amount as to reduce the actual outlay for the purchaser to about $1,000,000. Furthermore, under this bill the Government would aid in financing three-fourths of the purchaser's outlay.

There are two principal reasons why this bill should not be enacted. The first is the harmful effect on the national transportation system. The enormous subsidy to the purchaser is obvious. The service in which these vessels will engage is directly competitive with the railroads, and the subsidy involved will create unfair and unequal competitive opportunities, which is directly at variance with the objectives of the national transportation policy.

The second reason why this bill should not be enacted is that under the present international conditions it would lead to results directly contrary to the interests of the national defense. The ships which would be moved to the Great Lakes and converted for use as package-freight carriers, under this bill, are now a part of the fleet of laid-up vessels which are being kept in a state of reserve for a national emergency. In the event of another war, every one of these vessels would have to be used in service on the high seas, just as was the case in the last war. If any of these vessels were transferred to the Great Lakes and converted for use as package-freight carriers, it would be necessary to retransfer them to the high seas and reconvert them to their present state for oceangoing service. The cost in man-hours, material, and money could be ill afforded at such a time. Today would seem to be a most inappropriate time to jeopardize the usefulness of these vessels to serve their best function in time of crisis.

There is a further reason, as I stated before. We would provide unfair competition to the transportation system we now have in effect. I refer to railroads, trucks, busses, and transportation of that kind.

As I said at the beginning, Mr. President, I have in my hand letters and telegrams urging me to vote for the measure because Pennsylvania, as we all know, is on the Great Lakes system. Much of our ore and much of the feed for our stock comes by way of the Great Lakes. In spite of that, Mr. President, I feel the bill should be defeated.

Mr. THYE. Mr. President, it seems strange that so much objection should be raised over the question of just 10 ships, when the Government has disposed of surplus vessels to the number of 1,100 to foreign countries, and some 700 ships which are in operation on salt water. There are involved just 10 ships for the Great Lakes, to reestablish the package-freight service, which was disrupted when the Government converted the package-freight ships to war use during the war years.

We are so short of railroad equipment at the present time that I say to the very able and distinguished Senator from Pennsylvania that he must not think in terms of the injury to the railway system by the establishment of the package-freight service on the Great Lakes, because there are not sufficient freight-transportation facilities in the United States to meet the demand upon them today, or in the next 6 or 8 months, even if we were building boxcars to the maximum of our ability.

So I say, again, if there ever was a justification for the enactment of legislation, there is now for the enactment of the bill we are considering, because it was many months ago that the purchaser who wanted to purchase ships had the benefit, under acts passed previously, to buy ships in surplus at exactly the same percentage of the value of the ships that those interested in the Great Lakes trade will be offered if this bill shall be enacted.

Mr. President, I most certainly hope we can have speedy action because many months have passed since the committee approved and reported the bill.

Mr. O'MAHONEY. Mr. President, I desire to ask a question of the Senator in charge of the bill.

We have by motion of the Senator from Washington substituted the House bill for the bill reported by the Senate committee, the provisions which are contained on the second page of the bill.

It appears from the language in section 2, which amends section 12 of the Merchant Ship Sales Act of 1946 by changing subsection (e) thereof, that "The Secretary of Commerce is authorized, without regard to the provisions of the last paragraph of section 3 (d) of this act," to make certain allowances. That obviously suspends completely provisions in the last paragraph of section 3 (d).

The allowances which are provided to be made are set forth in the language beginning in line 7:

> The allowances authorized by this subsection shall be allowances for (1) the fair and reasonable installed value, based on the domestic war cost, as computed by the Secretary, of such equipment on said vessels as is not required for their operation on the Great Lakes, and the cost of the removal thereof.

That would appear to be a rather substantial allowance.

> (2) The fair and reasonable cost, as determined by competitive bids from shipyards, of converting, altering, modifying, and equipping such vessels for use as package freight, passenger, and combination freight and passenger vessels; in accordance with plans and specifications prepared by the purchasers thereof and approved by the Secretary.

If language means anything, this says that an allowance shall be made by subtracting from the statutory cost of the vessels the expense the purchasers will be put to in order to convert, alter, modify, and equip the vessels for the purposes to which they wish to put the vessels.

It seems to me to be very strange that by this provision the Government of the United States should be asked to bear the expense of equipping the vessels, to make them capable of performing the package-freight service which is intended to be performed; and all this builds up to the proviso beginning in line 18:

> *Provided, however,* That the total allowances on any vessel made by the Secretary

pursuant to this subsection shall not exceed the amounts expended by the purchaser in altering, modifying, converting, and equipping such vessel, plus the allowances provided for in clause (1) of this subsection.

Observe that, that "the total allowances on any vessel made by the Secretary * * * shall not exceed the amounts expended by the purchaser in altering, modifying, converting, and equipping such vessels, plus the allowances provided for in clause (1) * * * and in no event shall such allowances exceed 90 percent of the unadjusted statutory sales price."

My question is, Does this bill propose to sell to the purchaser these vessels belonging to the United States at an amount which may be as little as 10 percent, to use the language of the bill, "of the unadjusted statutory sales price"?

Mr. MAGNUSON. No; the effect is not that at all. The effect is to allow him to purchase at the statutory sales price, which in most cases is approximately 25 percent.

The effect of the section read by the Senator from Wyoming would be to allow those who purchase for the Great Lakes to get the same allowances on the purchase price or the recapture of profits, which is provided for under the regular Merchant Marine Act for operations after purchase under a contract, to those who purchase ships for oceangoing travel or intercoastal travel. The substantial allowance to which the Senator refers is that provided for by the present Merchant Marine Act, under which, if one purchases a ship for a certain trade, intercoastal trade or ocean trade, but finds that parts of the ship or certain appurtenances of the ship are not adaptable to that trade, he can turn those back to the Maritime Commission and get an allowance.

The same thing would be true for those who purchase for the Great Lakes trade. In this particular case they would have the same privileges. It may amount to more or less, but approximately they would have to pay at least 25 percent, and other allowances then would be taken into consideration, but under the contract they would be put in the same position with a person buying for intercoastal trade or ocean trade.

The House committee's report is much more comprehensive about the technical features of the sale and the recapture clauses and allowances than is the Senate committee report. It is quite lengthy, but I could read it to the Senator.

Mr. O'MAHONEY. Mr. President, I remember very well when the Ship Sales Act was passed. I had the distinct feeling at that time that the purchasers were getting all the benefit of the bill. I felt that the position of the United States was not altogether protected. I ask the Senator, why should not this be a 50–50 proposition at least?

Mr. MAGNUSON. I can answer the Senator.

Mr. O'MAHONEY. Let me finish the question, please. Why would it not be proper, in line 24, on page 2, to insert "50 per centum" instead of "90 per centum"? Why should these allowances be as much as 90 percent of the unadjusted statutory sales price?

Mr. MAGNUSON. I will say to the Senator from Wyoming, that at the time the Ship Sales Act was passed—and I was a Member of the Senate at that time—we spent almost 4 weeks discussing the bill. We then had a good merchant marine fleet, which we knew we would have to lay up. We wanted to sell a number of the ships. We wanted to get them back into private hands. We sold 1,100 ships under the same provision to foreigners.

Mr. O'MAHONEY. Yes, and I was very doubtful about the validity and wisdom of that procedure.

Mr. MAGNUSON. Now we are asking to sell 10 ships to American citizens to establish maritime trade. We had a great deal of discussion as to the percentages. There was a great deal of testimony on that point. The distinguished Senator from Maryland, Mr. Radcliffe, who is not now here with us was chairman of the committee. I was a member of the committee. At the time I thought, as the Senator thought, that maybe the sales price of ships should be greater. We sold a great number of ships to foreigners, and 710 to oceangoing operators, mainly tankers. We had a vast surplus of ships, and it turned out that in many cases the ships would not have been sold under any other conditions.

All the testimony is to the effect that all the ships that are sold under the same provisions of the Ship Sales Act, under the percentage provision, are sold under contract, so it is almost like a mortgage, and the banker, who is Uncle Sam, watches the situation all the time. We also placed in the bill at that time what we thought would be a clause which would protect the Government.

Mr. O'MAHONEY. Uncle Sam is a very generous banker.

Mr. MAGNUSON. Uncle Sam is a very generous banker. But with the recapture of profits clause, as soon as the ship is under that mortgage, we have found that the purchase price to the ship operator has actually been much greater than under the Ship Sales Act.

We hear talk about merchant marine subsidies. Of course, our merchant marine is engaged in foreign commerce. Our merchant marine cannot compete with foreign vessels in the matter of wages; it cannot compete with them in the cost of operation; but with the recapture of profits clause in the contract, even though the sales of some ships seem to be startlingly low, and in the present case may seem to be so, we have found that the cost to the Government to operate a merchant marine, which is the fourteenth most important industry in this country, has been less to the United States Government than the cost of subsidy to Cheddar cheese.

Mr. O'MAHONEY. Would there be any great loss to the United States and to these purchasers if we should provide that these allowances which generous Uncle Sam, this generous banker, is allowing, should not exceed 50 percent of the unadjusted statutory sales price?

Mr. MAGNUSON. I am not a ship operator. I do not know about costs. But the objection to that on the part of all those who have some understanding of the subject, who are familiar with accounting costs of ship operation on the Great Lakes, is that no one would purchase the ships, and we might as well forget about the whole matter.

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. O'MAHONEY. Just a moment, please. I would imagine that perhaps the Senator's fears of a lack of a market may not be well founded.

Mr. MAGNUSON. They are well founded, I will say to the Senator from Wyoming, because the Great Lakes, did have a healthy shipping maritime activity prior to World War II. The trade is there now, because there is a great amount of trade available for these ships. Since World War II there has not been a single operator who has shown up to buy one single ship, and not one single ship of the kind to which I have referred is operated on the Great Lakes today. The proof of the pudding to me is the eating thereof, that is, so long as the situation is as it is, if we do not make these concessions, in contracts in which we have a recapture clause, we are not going to have a merchant marine on the Great Lakes, because no one has come in, no one has even submitted a bid.

Mr. O'MAHONEY. Does the Senator say to the Senate that in order to sell these 10 vessels it is necessary for generous Uncle Sam to sell them for 10 percent of the unadjusted statutory sales price?

Mr. MAGNUSON. It is not a question of selling the 10 vessels at all. That is as a pebble on the beach compared to the laid-up ships. It is not a question of selling 10 vessels. That is not the point. The operation involves the sale of 10 vessels, but the point is to reestablish the maritime trade on the Great Lakes.

Mr. O'MAHONEY. Then, in other words, what the Senator is saying is that in order to reestablish maritime transportation upon the Great Lakes it is necessary to sell vessels of the United States at 10 percent of the unadjusted statutory sales price? Why should we make these allowances below the statutory sales price?

Mr. MAGNUSON. Because without making the allowance no ships will be sold.

Mr. O'MAHONEY. The Senator is saying that we must sell them for as little then as 10 percent of the statutory sales price?

Mr. MAGNUSON. Yes. And the Senator from Washington says that if we do not sell them we will have the ships on our hands. They have no value particularly to us. We are not going to use them that we know of. We have a great fleet laid up. We made the same concessions when we passed the Ship Sales Act.

Mr. O'MAHONEY. Why would it not be better to amend the bill to provide that 10 vessels may be sold at competitive bidding?

Mr. MAGNUSON. I have no objection to that. I do not suppose there would be any particular bids. If there were any bids the bidders would bid about the same as we provide for in the bill, and then we would not have them under contract to the Government, as we otherwise would when we sell them, regardless of the price—under a contract in which we have a recapture clause with respect to the profits. If we sell to competitive bidders we would receive a very small bid, probably no greater than the amount which would be received under the bill, but the Government would not even have control of the ships. Under our proposal the Government would have control, and in addition there would be in the contract the recapture clause.

Mr. O'MAHONEY. I may say to both the Senator from Minnesota and the Senator from Washington that if I understand this language at all we are amending the eixsting law in order to sell these vessels, because we say the Secretary of Commerce is authorized to forget the provisions of the last paragraph of section 3 (d) of section 12 of the Merchant Ships Sales Act of 1946. Now what are those provisions which we are dropping?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I will read the provisions.

Mr. HUMPHREY. I should like to make a comment.

The VICE PRESIDENT. The Senator from Washington has the floor.

Mr. O'MAHONEY. Mr. President, I was recognized to ask questions.

Mr. MAGNUSON. I will yield to the Senator from Minnesota. I will read the provisions in a moment.

Mr. HUMPHREY. Mr. President, the reason we have this amendment to the Ship Sales Act is because of a technicality in the law. The law provides that for ships which are to be converted to oceangoing vessels allowances can be made of up to 99 percent for the total conversion.

Mr. ANDERSON. Oh, no.

Mr. THYE. Mr. President——

Mr. HUMPHREY. Just a minute.

The VICE PRESIDENT. The Senator from Washington has yielded to the Senator from Minnesota.

Mr. HUMPHREY. I may say, however, that when we compare oceangoing ships with ships to be used for Lake purposes, package freighters on the Lakes, we do not find that kind of a provision. Since there were a number of "oh, noes," I want to offer for the RECORD, Mr. President, the names of the vessels which have been sold under the Ship Sales Act, beginning at the top of the list with the *Deltargentino,* starting with the ship's price, 99 percent, coming down to the *Montour* at the bottom, as low as 9 percent. What we say by the amendment is that it shall not be more than 90 percent. We may have to bring these ships up from New Orleans, from Galveston, Tex., from Seattle, or wherever they may be in dock. The cost of converting an oceangoing ship to a package freighter is substantial. The cost of transportation from New Orleans up to the Great Lakes would not be less than $60,000. So what we are requesting is the kind of treatment which we think is fair.

Let me point out again that our section of the United States suffers under discriminatory freight rates. The freight rates have gone up terrifically since this shipping has been taken off the Great Lakes.

Our section of the country produces the steel which the United States absolutely requires, for the United States could not live for a year without the steel which comes from the Mesabi Range. Our section of the United States also produces the great amounts of wheat which the United States absolutely requires.

As my colleague has said, we have literally given away 1,100 ships to foreign countries, and we have sold many ships at concession prices to operators who are engaged in the foreign trade; but the minute a proposal is made in relation to transportation which is vital to the Midwest, where the great industrial power of the United States is located, and where some of the most important cities are to be found—cities such as Chicago, Cleveland, Pittsburgh, and other most important communities—some Senators say the cost of such a bill will be too much.

Mr. O'MAHONEY. Mr. President, the Senator from Minnesota will realize that what he has said is not an answer to my point that the bill modifies section 12 of the Merchant Ship Sales Act of 1946.

Mr. HUMPHREY. Of course it does.

Mr. O'MAHONEY. The bill does so by authorizing the Secretary to pay no attention to the provisions of the last paragraph of subsection (d) of section 12.

Mr. HUMPHREY. Oh, yes.

Mr. O'MAHONEY. What are those provisions? Will the Senator from Washington tell us?

Mr. MAGNUSON. Those provisions, of course, make certain other allowances in the case of ocean-going vessels which are in competition in the foreign trade.

Of course, I could read the report on the bill, but it is somewhat technical. The bill simply provides the same authority as that provided in the case of the oceangoing vessels, with the exception of what is provided for oceangoing vessels which are actively competing in the foreign trade with foreign shipping.

The bill does not direct the Secretary to ignore such provisions, but merely states that in dealing with the transportation on the Great Lakes, the problem is somewhat different.

Mr. O'MAHONEY. Then let me ask both Senators whether there would be objection to changing the figure "90 percent" in the bill, to "75 percent."

I propound that question because the Senator, in response to an earlier question of mine, said that in this case the sale probably would not be more than a 25-percent sale.

Mr. THYE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Why does not the Senator agree to take such an amendment to conference?

Mr. MAGNUSON. Mr. President, there is no objection to the amendment, with the exception that a ship is worth what the Government can obtain for it; and here are these C–4's—the Senator from Pennsylvania is absolutely correct when he says that if ships are bought for this purpose, they will be C–4's—which were built during World War II, and not one of which has been sold. They are lying idle, and they are only worth what can be obtained for them.

Mr. O'MAHONEY. Mr. President, I have asked all the questions I wish to ask; I do not desire to take any more of the time of the Senate.

The issue is fairly clear. In order to have it ready for a vote, I now move, as an amendment, to strike out, in line 24, on page 2, the figure "90", and to insert in lieu thereof the figure "75."

Mr. THYE and Mr. FERGUSON addressed the Chair.

The VICE PRESIDENT. The Senator from Wyoming has the floor.

Mr. MAGNUSON. Mr. President, if the Senator from Wyoming will yield to me, I should like to make a brief observation.

Mr. O'MAHONEY. I yield.

Mr. MAGNUSON. Of course, I would be glad to have the bill provide for 50 percent, at the point affected by the Senator's amendment, or to have the bill provide any other amount, clear up to the full amount the Government paid for the vessel. However, the amendment would place the potential purchaser of such a ship in a different position from that of the purchaser of an ocean-going vessel; and I do not think that would be fair.

Mr. O'MAHONEY. Of course, Mr. President, these are very different times from those when the vessels for use in the foreign trade were sold.

For myself, I felt that we made a very great mistake under the Merchant Ship Sales Act, for at that time we virtually gave away the vessels. The fact that we did so is no excuse for any action of that sort now, when we know that the Government must have revenue with which to carry out the obligations it has and with which to meet the responsibilities it has assumed.

Mr. MAGNUSON. Let me point out that the ships affected by this bill are lying idle; no one wants them, as of present conditions. If those ships can be used on the Great Lakes because of the passage of this bill, the Government then will receive some revenue from them, whereas at the present time no revenue is being obtained from them, and, as a matter of fact, the ships are costing the Government money, in that the Government must pay for the maintenance and upkeep of the ships.

I agree with the Senator from Wyoming that in the original Ship Sales Act the amount provided was too low. My first amendment provided for doubling the amount which the Government now receives under the present Ship Sales Act.

However, I do not think it would be fair to allow ocean-going shipping operators to have the benefit of provisions which would be denied to operators of vessels on the Great Lakes.

Mr. O'MAHONEY. However, we are not selling any more vessels to operators of ocean-going ships, are we?

Mr. MAGNUSON. We stopped that immediately, under a bill of mine.

Mr. O'MAHONEY. That is the point.

Mr. MAGNUSON. But we still have a barren waterway on the Great Lakes, as of today; and I think the operators in that trade should have the same privilege as that which has been given to other operators.

If this operation on the Great Lakes is begun, the Government will obtain revenue from these vessels, whereas at the present time the Government obtains no revenue from them, and, in fact, has to pay for their maintenance.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. FERGUSON. If the amendment now offered is adopted, does not the Senator feel that the bill will be practically useless, if enacted, because the potential operators will not be able to purchase these vessels?

Mr. MAGNUSON. That was the testimony not only of those who wish to purchase the vessels but of persons who have no interest in the matter at all, but who know what the situation is. They say that this trade cannot possibly be established unless a provision similar to that made by the bill is enacted into law.

The VICE PRESIDENT. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 2, in line 24, it is proposed to strike out the figure "90" and insert "75."

Mr. LUCAS obtained the floor.

Mr. THYE. Mr. President, will the Senator yield? I have been trying to obtain recognition, even when the Senator from Wyoming [Mr. O'MAHONEY] had the floor.

Mr. LUCAS. I yield.

Mr. THYE. My colleague, the junior Senator from Minnesota [Mr. HUMPHREY], stated that in the case of some of the ocean-going vessels, the Government recovered, as a result of the sale, only 1 percent of the cost of those vessels, and forfeited the other 99 percent of the cost. In other words, those who purchased these vessels did so by paying only 1 percent of the cost of the vessels, and as a result the Government sacrificed the remaining 99 percent of the actual cost. Those vessels were ocean-going vessels.

I have heard considerable argument about the Great Lakes package-freight shipping.

The objection to allowing the reestablishment of the package-freight service on the Great Lakes seems strange to me; I cannot understand why there should be so much objection in the case of the 10 ships which are affected by this bill.

If the amendment of the Senator from Wyoming prevails, we cannot, and we will not, succeed in obtaining the conversion of one ship to the Great Lakes package-shipping operations, and in that event the Midwest will be denied the service which was provided prior to the conversion of the package-freight ships to war use during World War II.

I say that would be most unfair treatment to the Great Lakes area and to those who expect to use the package-freight service on the Great Lakes. There never will be a single conversion of a ship to the Great Lakes service if this amendment prevails.

Mr. KEM. Mr. President, will the Senator yield for a question?

Mr. THYE. I shall be happy to yield if the Senator from Illinois will allow me to do so. After all, the Senator from Illinois has the floor.

The VICE PRESIDENT. Without objection, the Senator may yield.

Mr. THYE. Then I yield.

Mr. KEM. As I understand the Senator from Minnesota the argument which is made is that because we have given away or sold at a ridiculously low price some 1,100 ships to foreign countries, we should sell some ships at a ridiculously low price to some of our own citizens.

I should like to ask the Senator if it is true that we gave to Russia approximately 86 ships, which we have not been able to get back. If that is true, then is it argued that we should also give away some ships to our own citizens?

Mr. THYE. I shall answer that question by saying that we made available 700 ships to United States operators in the oceangoing traffic, and we did so under terms much more favorable or lenient than those provided by the pending bill.

Mr. KEM. My point is whether we should give away ships now because we have given away ships before.

Mr. THYE. I shall let the Senator answer that question for himself, to his own satisfaction.

Mr. KEM. I think the question answers itself.

My other question is whether we should make ships available at a trifle of their cost to American citizens at this time, simply because a similar policy was followed in the past, at the expense of the United States Government, which today is greatly in need of obtaining increased revenue. I think that question also answers itself.

Mr. LUCAS. Mr. President, it is not a question of whether we have made mistakes in the past. I presume there is no Member of the Senate who is infallible; I presume there is not one Member of the Senate who has not made mistakes. After all, the Government, composed as it is of human beings, has made mistakes in the past.

It is not a question of ascertaining what we are going to do with respect to these ships in the light of something which has happened in the past. The question is whether the Government or the Congress of the United States desires to make these ships available to the Great Lakes in order to give to that section of the United States the kind of transportation system that it needs at this particular time.

Mr. KEM. Mr. President, will the Senator yield for a question?

Mr. LUCAS. No, not now.

Mr. President, just so surely as the amendment offered by the Senator from Wyoming is adopted, these ships will remain in moth balls. No one is going to buy them. They are going to continue to deteriorate, and the Government will get no revenue whatever from the ships. I undertake to say that we ought to be looking into the future so far as giving these inland waters a system of transportation is concerned. We have subsidized the shipping industry all these years, we have subsidized the railroads, we have subsidized the mining industry, and we have subsidized practically everything. Here is something, as I see it, which is absolutely worth while from the standpoint of transporting grain and coal and ore and other commodities upon the Great Lakes.

As the Senator from Minnesota so aptly said, all the iron ore from the Mesabi range comes to the different ports on the Great Lakes, where the great steel mills are located. One of the great steel mills of the country, which is located near Chicago, Ill., cannot obtain ore in any manner except by ships on the Great Lakes. It seems to me that if the Congress of the United States is vitally concerned about the future transportation system on the inland waterways, including the Great Lakes, Senators should not now quibble about this particular amendment to the Ship Sales Act.

If the bill is not passed, we shall do nothing but leave the ships where they are. They will ultimately deteriorate to the point where they will become worthless. If we pass this bill, the Government will still control the ships. The Government will have a right to appropriate them to its own use, if the emergency gets to the point which it is necessary to do so, and when the Government does finally appropriate these ships to its own use in an emergency, it will have ships which are equipped, up to date, and ready to be used. That is another advantage about which we ought to be thinking, so far as any future crisis is concerned.

Mr. President, I can look into the future and see, in the event of an atomic war in this age, that the transportation systems of this country might be destroyed here, there, and everywhere, and that one of the great avenues of approach, from the standpoint of continued transportation in the great Midwest section, would be the Great Lakes. We would need ships there. We would not need merely 10 ships, we would need a great number of ships to take care of that situation. I simply cannot understand why Senators at this particular time, for the purpose of trying to save a little money, are overlooking a matter of such vital importance to the Nation.

We are not going to lose these ships. The Government will continue to have control over them. The operators of the ships will maintain them in better condition and in a better position to operate, if the Government needs them. The Government would have to make appropriations in order to acquire them for its own use. But, because of a few dollars at this time, are we to leave the ships where they are and not put any of them on the Great Lakes? I say it is false economy. I say it is not in the interest of the national defense to do it. I think this bill should pass.

Mr. KEM. Mr. President, will the Senator yield for a question?

Mr. LUCAS. I yield.

Mr. KEM. I should like to ask the Senator whether he does not feel that the old proverb, that a wise man does not make the same mistake twice, should be applied to this situation?

Mr LUCAS. I do not know what the Senator is talking about.

Mr. KEM. I will tell the Senator what I am talking about.

Mr. LUCAS. The Senator from Missouri is a wise man, so I shall listen.

Mr. KEM. I should like to explain to the Senator from Illinois.

Mr. LUCAS. Let the Senator explain, so I may understand what he is talking about.

Mr. KEM. The Senator from Illinois is making the argument that, because in the past we have sold some ships at less than what they were worth, we should continue to do so; is he not?

Mr. LUCAS. The Senator from Illinois made no argument of that kind, at all. The Senator from Missouri is so prejudiced about the particular situation with Russia that he did not even follow my argument. He was sitting there, listening to my argument, in absentia, so to speak, conjuring up some particular question he might ask the Senator from Illinois—a question which has not a single thing to do with what I said. I do not base my argument on that premise at all. I base it on the question of national defense. I base it on the question of getting more transportation into the inland waters of the Great Lakes and of aiding in the transportation of coal, iron ore, wheat, corn, and all the other commodities which are produced in that section.

Perhaps there was a mistake made, as the Senator suggests. Many mistakes have been made. I presume the Senator from Missouri has made one or two mistakes in his life.

Mr. KEM. The Senator from Missouri tries not to make the same mistake twice.

Mr. LUCAS. I do not know about that. I sometimes wonder, when I see the Senator vote as he does in the Senate.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Florida.

Mr. HOLLAND. I may say that I think every Senator wants to be fair to the Great Lakes area. I think every Senator here has not been on the committee or who does not himself happen to know the facts, is disturbed somewhat by what has been developed in the course of the debate. I believe that every Senator who is in that position would like to have an opportunity to advise himself a little more fully before being required to vote on the pending bill. I hope the distinguished majority leader will consider recessing until tomorrow, so that we may have the opportunity to look a little further into this measure.

HOUSING AT REACTIVATED MILITARY INSTALLATIONS—AMENDMENT

Mr. BRICKER submitted an amendment intended to be proposed by him to the bill (S. 4145) to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes, which was ordered to lie on the table and to be printed.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Interstate and Foreign Commerce.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

Walter J. Donnelly, of the District of Columbia, to be Envoy Extraordinary and Minister Plenipotentiary to Austria, and to be also High Commissioner for Austria;

William O'Dwyer, of New York, to be Ambassador Extraordinary and Plenipotentiary to Mexico;

Norman Armour, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary to Venezuela;

Joseph Flack, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary to Poland;

Cavendish W. Cannon, of Utah, to be Envoy Extraordinary and Minister Plenipotentiary to the Republic of Syria;

Raymond A. Hare, of Iowa, to be Ambassador Extraordinary and Plenipotentiary to the Kingdom of Saudi Arabia, and to serve concurrently and without additional compensation as Envoy Extraordinary and Minister Plenipotentiary to the Kingdom of Yemen; and

Warren R. Austin, of Vermont, Mrs. Anna Eleanor Roosevelt, of New York, John J. Sparkman, United States Senator from the State of Alabama, Henry Cabot Lodge, Jr., United States Senator from the State of Massachusetts, and John Foster Dulles, of New York, to be representatives of the United States to the fifth session of the General Assembly of the United Nations; and

Benjamine V. Cohen, of New York, John Sherman Cooper, of Kentucky, Ernest A. Gross, of New York, Edith S. Sampson, of Illinois, and John C. Ross, of New York, to be alternate representatives of the United States to the fifth session of the General Assembly of the United Nations.

By Mr. JOHNSON of Colorado, from the Committee on Interstate and Foreign Commerce:

Samuel R. Early, and sundry other persons for appointment in the Coast Guard;

Arthur R. Benton, Jr., and sundry other officers for appointment in the Coast and Geodetic Survey.

By Mr. McKELLAR (for Mr. JOHNSTON of South Carolina), from the Committee on Post Office and Civil Service:

Seventy-seven postmasters.

RECESS

Mr. LUCAS. Mr. President, I move that the Senate stand in recess until 11 o'clock a. m. tomorrow.

Mr. WHERRY. Mr. President——

Mr. LUCAS. No—12 o'clock.

Mr. WHERRY. I thank the Senator.

Mr. LUCAS. I had forgotten that I had an appointment with the Vice President.

The VICE PRESIDENT. Of course, that is very important.

Mr. LUCAS. Mr. President, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 10 o'clock and 46 minutes p. m.) the Senate took a recess until tomorrow, Thursday, September 14, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 13 (legislative day of July 20), 1950:

IN THE COAST GUARD

The following-named person to be a commander in the United States Coast Guard:

William B. Ellis

The following-named persons to be lieutenant commanders in the United States Coast Guard:

Peter Madison	Charles V. Rudolph
James F. Mace	Andrew F. Mackay
Stephen B. Heck	Charles P. Moffett
Glen S. Jennings	Alfred M. Haynes
Michael J. Bruce	

The following-named persons to be lieutenants in the United States Coast Guard:

Joseph E. Gould	Eric G. Grundy
Robert W. Smith	Jay P. Dayton
James P. Flessas	Richard H. Hagadorn
Robert Adamson	Robert J. Carson
David Gershowitz	Hugh C. McCaffrey
Dono W. Moore	Merle L. Harbourt

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 13, 1950

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou Lord God omnipotent, who alone canst supply our temporal needs and satisfy our eternal longings, we are again unburdening ourselves humbly and reverently to Thy listening ear and understanding heart.

Thou knowest how feeble we are in faith, how fickle in fidelity, how dim and distorted our vision of Thy divine greatness and goodness, how we fail to see life in its true perspective, and that we enter hesitatingly and wistfully upon our duties and responsibilities.

Grant that we may avail ourselves more eagerly and confidently of the great moral and spiritual resources when life presses hard upon us with its many trials and tribulations.

Give us the blessed assurance that a day is dawning when the evil and sinister forces of aggression, which are breaking the heart of humanity and blaspheming Thy holy name, shall be supplanted by truth and righteousness, through Christ, our Saviour, we ascribe unto Thee all the praise. Amen.

The Journal of the proceedings of Monday, September 11, 1950, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that

the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4135. An act to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9490. An act to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCARRAN, Mr. EASTLAND, Mr. O'CONOR, Mr. WILEY, and Mr. FERGUSON to be the conferees on the part of the Senate.

The message also announced that the Vice President has appointed Mr. JOHNSTON of South Carolina and Mr. LANGER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 51–7.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3921) entitled "An act to provide for the temporary appointment of referees in bankruptcy, and for other purposes."

SPECIAL ORDER GRANTED

Mr. PATMAN asked and was given permission to address the House today for 30 minutes, following the legislative program and any special orders heretofore entered, and to revise and extend his remarks and include certain statements and excerpts.

AMENDING SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Mr. PACE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2636) to amend the Soil Conservation and Domestic Allotment Act, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. ARENDS. Mr. Speaker, reserving the right to object, will the gentleman from Georgia kindly give the House some information regarding this bill?

Mr. PACE. Mr. Speaker, section 8 (a) of the Soil Conservation and Domestic Allotment Act, which is the section providing for the conservation of soil and the soil-building program, will expire on the 31st of December. The bill in question is a bill passed by the other body some weeks ago. The House heretofore passed the identical language extending this section for an additional 2 years. It was a part of what was known as the cotton bill which passed the House about a month ago. The cotton bill was not reported out by the Senate committee, and it does not now appear that it will be. Therefore, the passage of this bill will confirm the action taken by the House about a month ago by extending this section of the Soil Conservation and Domestic Allotment Act, which the House Committee on Agriculture regards as one of the most important features of the farm program, for an additional period of 2 years.

Mr. ARENDS. Then this, in substance, just duplicates the action taken by the House about a month ago?

Mr. PACE. That is correct.

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

Mr. RANKIN. Mr. Speaker, reserving the right to object, the gentleman says that this affects the Domestic Allotment Act. Does he mean the acreage allotment?

Mr. PACE. It does not. It affects soil conservation and the soil-building program.

Mr. RANKIN. It does not perpetuate the acreage allotments?

Mr. PACE. It does not relate to the question of acreage allotments.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 (a), as amended, of the Soil Conservation and Domestic Allotment Act, is amended (a) by striking out "January 1, 1951" wherever it appears therein and inserting in lieu thereof "January 1, 1953", and (b) by striking out "December 31, 1950" and inserting in lieu thereof "December 31, 1952."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AGRICULTURAL DRY LAND AND IRRIGATION FIELD STATIONS

Mr. PACE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5679) to authorize the transfer of certain agricultural dry land and irrigation field stations to the States in which such stations are located, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 7, strike out "Lawton, Okla."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. ARENDS. Mr. Speaker, reserving the right to object, will the gentleman from Georgia explain the amendment?

Mr. PACE. Mr. Speaker, this bill passed the House, as I recall, by unanimous consent. It authorizes the Secretary of Agriculture to convey some dry land experiment lands to the respective States. It included among the lands to be conveyed some lands at Lawton, Okla. After the passage of this bill the House, as well as the other body, passed a bill transferring that particular tract of land to the Indian school in Oklahoma. Therefore, the Government no longer owns that tract. The Senate amendment simply strikes out the words "Lawton, Okla.", because that land has already been transferred.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NATIONAL FOREST RESERVATION COMMISSION

Mr. PACE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1640) to amend section 4 of the act of March 1, 1911 (36 Stat. L. 962; 16 U. S. C. 513), relating to membership of the National Forest Reservation Commission.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. ARENDS. Mr. Speaker, reserving the right to object, will the gentleman explain to the House the contents of this bill?

Mr. PACE. Mr. Speaker, there is now in existence a National Forest Reservation Commission consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, two Members of the Senate selected by the President, and two Members of the House selected by the Speaker. The Commission is authorized to consider and pass upon such forest, cut-over, and denuded lands that the Secretary of Agriculture may recommend and purchase or fix the price or prices at which such lands may be purchased.

As will be observed, the Secretary of War is now a member of that Commission. Frequently he is not free to serve. What the bill does is simply to provide as an alternate the Chief of Engineers of the Army. The bill merely states in substance that if the Secretary of War cannot serve, then the Chief of Engineers of the Army may serve in his stead as a member of the Commission.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the act of March 1, 1911 (36 Stat. L. 962, 16 U. S. C. 513), is hereby amended by deleting the comma appearing immediately after the term "Secretary of War" and inserting after the mentioned term the words "or as an alternate, the Chief of Engineers of the Army,".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMITTEE ON RULES

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

Mr. MARCANTONIO. I object, Mr. Speaker.

CALL OF THE HOUSE

The SPEAKER. The gentleman from Georgia [Mr. WOOD] is recognized.

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 270]

Addonizio	Gore	Nixon
Allen, La.	Gregory	Norton
Anderson, Calif.	Guill	O'Brien, Mich.
Andresen, August H.	Hagen	O'Konski
Angell	Hale	O'Neill
Auchincloss	Hall, Edwin Arthur	O'Sullivan
Bailey	Hall, Leonard W.	Patten
Barrett, Pa.	Halleck	Patterson
Barrett, Wyo.	Hand	Pfeifer, Joseph L.
Bates, Ky.	Harden	Pfeiffer, William L.
Bennett, Mich.	Havenner	Philbin
Bentsen	Hébert	Phillips, Tenn.
Blackney	Heffernan	Plumley
Blatnick	Heller	Poage
Boggs, La.	Herter	Potter
Bolling	Hill	Poulson
Bosone	Hoeven	Powell
Breen	Hoffman, Ill.	Quinn
Brooks	Holifield	Rabaut
Buchanan	Holmes	Reed, Ill.
Buckley, Ill.	Howell	Rees
Buckley, N. Y.	Jackson, Calif.	Richards
Burton	Javits	Riehlman
Byrne, N. Y.	Jenison	Rivers
Cannon	Jennings	Rodino
Carnahan	Johnson	Rooney
Carroll	Kean	Roosevelt
Case, S. Dak.	Keefe	Sadlak
Cavalcante	Kelley, Pa.	Sadowski
Celler	Kelly, N. Y.	Scott, Hardie
Christopher	Kennedy	Scrivner
Chudoff	Kerr	Scudder
Cole, Kans.	King	Shelley
Colmer	Klein	Sikes
Cooley	Kunkel	Smith, Ohio
Coudert	Larcade	Smith, Wis.
Crawford	Lichtenwalter	Stanley
Cunningham	Linehan	Stockman
Curtis	Lodge	Taber
Davies, N. Y.	Lovre	Talle
Davis, Wis.	Lyle	Taylor
Denton	McCarthy	Thomas
Dingell	McCormack	Thornberry
Dollinger	McGuire	Underwood
Dondero	McMillen, Ill.	Vorys
Donohue	Mack, Wash.	Vursell
Douglas	Macy	Wagner
Doyle	Martin, Iowa	Werdel
Eaton	Martin, Mass.	Whitaker
Ellsworth	Merrow	White, Idaho
Elston	Michener	Widnall
Engel, Mich.	Miller, Calif.	Wier
Fallon	Miller, Md.	Wigglesworth
Fernandez	Mitchell	Willis
Flood	Monroney	Wilson, Ind.
Fogarty	Morrison	Wilson, Okla.
Ford	Morton	Withrow
Gamble	Moulder	Wolcott
Gavin	Multer	Yates
Gillette	Murray, Tenn.	Young
Goodwin	Nelson	Zablocki
Gordon		

The SPEAKER. On this roll call 239 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REGISTRATION OF COMMUNIST ORGANIZATIONS

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARCANTONIO. Mr. Speaker, I object.

REDUCING EXCISE TAXES

Mr. SABATH, from the Committee on Rules, reported the following privileged resolutions (H. Res. 842, Rept. No. 3057), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution the bill (H. R. 8920) to reduce excise taxes, and for other purposes, with Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table; that the Senate amendments be, and they are hereby, disagreed to; that the conference requested by the Senate on the disagreeing votes of the two Houses on the said bill be, and hereby is, agreed to; and that the Speaker shall immediately appoint conferees without intervening motion.

REHABILITATION OF THE FIVE CIVILIZED TRIBES AND OTHER INDIANS OF EASTERN OKLAHOMA

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 843, Rept. No. 3058), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9219) to promote the rehabilitation of the Five Civilized Tribes and other Indians of eastern Oklahoma, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Lands, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

PALISADES DAM AND RESERVOIR PROJECT

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 844, Rept. No. 3059), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5506) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related work, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Lands, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AMENDING CIVIL AERONAUTICS ACT OF 1938

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 845, Rept. No. 3060), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 450) to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Administrator, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

DEVELOPMENT AND IMPROVEMENT OF TRANSPORT AIRCRAFT

Mr. McSWEENEY, by direction of the Committee on Rules, reported the following privileged resolution (H. Res. 846, Rept. No. 3061), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3504) to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof. That after general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

REFERENCE OF PRESIDENT'S MESSAGE

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from further consideration of executive communication No. 1652, and that the communication be referred to the Committee on Merchant Marine and Fisheries.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PURCHASE OF STEAMSHIPS *MARIPOSA* AND *MONTEREY*

Mr. HART. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9626) authorizing the Secretary of Commerce to purchase the vessels *Mariposa* and *Monterey*.

The Clerk read the title of the bill.

Mr. ARENDS. Mr. Speaker, reserving the right to object, will the gentleman from New Jersey kindly explain to the House the purpose of this legislation?

Mr. HART. Mr. Speaker, this bill authorizes the Secretary of Commerce, upon the request of the Secretary of Defense, to purchase the vessels *Mariposa* and *Monterey*, which are now in an unfinished condition on the Pacific coast, and which the Navy Department desires very much to have completed so that they may be used as troop carriers. They will be the very best troop carriers in the possession of the Government. They have a speed of 22 knots and a minimum troop lift of 4,500. The bill also authorizes the Secretary of Commerce to convert these vessels upon the request and in conformity with the request of the Secretary of the Navy after purchase.

Mr. ARENDS. I understand that this bill comes with a unanimous report from the committee.

Mr. HART. It is reported from the committee unanimously.

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding any other provision of law, the Secretary of Commerce is authorized, upon the request of the Secretary of Defense, to purchase for use during war or national emergency or for use at any time in support of military operations the vessels *Mariposa*, Off. No. 231312, and *Monterey*, Off. No. 231480, and to purchase such necessary materials from those previously acquired for their reconditioning and such additional materials as may be needed for their conversion for such use: *Provided*, That the purchase price paid by the Secretary of Commerce for such vessels shall not exceed their value determined in accordance with the provisions of section 902 of the Merchant Marine Act of 1936, as amended.

SEC. 2. The Secretary of Commerce is authorized, upon the request of the Secretary of Defense, to convert the vessels *Mariposa* and *Monterey* to conform to the requirements of the Secretary of Defense and, upon completion thereof, such vessels may be transferred or otherwise made available, without reimbursement, to the Department of Defense.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FOREIGN GOODS MANUFACTURED BY CONVICT LABOR

Mr. RAMSAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAMSAY. Mr. Speaker, today I have introduced a resolution calling for appointment of a select committee to investigate and study the existing situation with respect to entry into the United States of goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor, forced labor, or indentured labor, in order to determine what action by the Congress is necessary to prevent more effectively the importation of such goods, wares, articles, and merchandise.

Mr. Speaker, the United States delegation to two meetings of the United Nations Economic and Social Council has made representations that iron-curtain nations make use of slave labor. Twice our delegation, backed up by the British, has unsuccessfully demanded an investigation. Twice their efforts have met with failure.

I think it is necessary for the Congress to look into this matter. Quite obviously, we cannot go to the iron-curtain countries, but we can study and review the evidence in possession of our own delegation to the United Nations Economic and Social Council; we can determine, to our own satisfaction, what most of us suspect and what most of us are certain to be a fact—that Soviet Russia and her satellites utilize slave labor.

Just yesterday there was a story in the Washington Post, together with a photograph, about an Air Force sergeant, officially listed as missing in action over France 6 years ago. According to a German woman, this young man is being held as a slave laborer in the Soviet zone of Germany.

Congress, however, must have something more substantial than newspaper reports, which are unconfirmed. We must have access to reports in the hands of our UN Economic and Social Council delegation; we must have access to information in the hands of our great labor unions. We must have factual evidence to submit to the executive department to demand an embargo on goods produced by slave labor. Section 1307 of title 19, United States Code, provides for such an embargo.

If necessary, Mr. Speaker, Congress must have this factual information in order to rewrite that law to make it fit existing circumstances in the totalitarian world, in order that we may fully protect our free American labor.

Mr. Speaker, I attempted to attain this end in May, when I introduced House Concurrent Resolution 203, expressing the sense of Congress that the President should rescind trade concessions to iron-curtain nations. A number of my colleagues have endorsed this resolution by their action in introducing identical legislation. We have been unable to obtain action. The gentleman from Ohio [Mr. SECREST] filed a discharge petition. To date—and it is a shameful record—we are all in such a hurry to get home that less than 60 Members have signed the discharge petition.

Mr. Speaker, House Concurrent Resolution 203 and the investigation I seek today offer a splendid opportunity to show the totalitarian nations of the world we intend to stand firm in our opposition to slavery and our opportunity to show the allied world that we are not hypocritical in our support for freedom everywhere. The propaganda and morale value of such an investigation as is proposed here this morning is invaluable.

LICENSING OF THE PRACTICE OF ENGINEERING IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN of South Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN of South Carolina. Mr. Speaker, on August 28, 1950, the House passed H. R. 1188, which is identical to S. 3555, with the exception of section 19. Section 19, under the House bill, is worded as follows:

This act shall take effect 90 days after its enactment.

The language as used in the Senate bill reads as follows:

This act shall take effect upon the expiration of the 90th day after the date of its enactment.

The effect of this language would be the same under both bills; however, in order to expedite the passage of this legislation it is felt that it would be best to accept the Senate bill rather than wait for the Senate to act on the House bill.

There have been inquiries from several of my colleagues as to whether or not under S. 3555, or H. R. 1888 a corporation could practice engineering or could be licensed to practice engineering. I would like to take this opportunity to advise the House that in meetings held before the Committee on the District of Columbia on this bill, it was not the understanding of the committee that a corporation in the District of Columbia should either practice engineering or be licensed to practice engineering. I point this out so that no misunderstanding will arise on this question at a future date.

SPECIAL ORDER GRANTED

Mr. EBERHARTER asked and was given permission to address the House for 20 minutes today following any special orders heretofore entered.

ANNIVERSARY OF THE POLISH INVASION

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GARMATZ. Mr. Speaker, recently we observed the eleventh anniversary of the infamous attack on Poland, the beginning of World War II.

Had there been an effective United Nations at that time, to step in and help

Poland drive out the invader, the war might have been averted. Unfortunately, the invasion of Poland was only the beginning of the advance of the forces of aggression. Since that time, 12 nations have fallen under the might of the aggressor.

The sacrifices of the Polish people in their struggle against tyranny and oppression will never be forgotten. It is one of the saddest facts in history, that the nation which was first to stand up courageously against the aggressor, and whose army fought valiantly by the side of the allies to help win the final victory, cannot share in that victory, but still suffers under oppression.

We have one consolation in the knowledge that the courageous spirit and love of independence which has kept Poland alive through many invasions and much persecution, will keep the spirit of liberty burning in the hearts of its people during this period of trial.

This Nation, with the United Nations, must continue to work and direct every effort toward the eventual freeing of the enslaved nations, so they may enjoy with us the freedom to which they are entitled and take their rightful place among the democratic nations of the world.

FOREIGN GOODS MANUFACTURED BY CONVICT LABOR

Mr. BURNSIDE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BURNSIDE. Mr. Speaker, today I have introduced a resolution calling for appointment of a select committee to investigate and study the existing situation with respect to entry into the United States of goods, wares, articles, and merchandise mined, produced, or manufactured, wholly or in part in any foreign country by convict labor, forced labor, or indentured labor in order to determine what action by the Congress is necessary to prevent, more effectively, the importation of such goods, wares, articles, and merchandise.

Mr. Speaker, the United States delegation to two meetings of the United Nations Economic and Social Council has made representations that the iron-curtain nations make use of slave labor. Twice our delegation, backed up by the British, has unsuccessfully demanded an investigation. Twice their efforts have met with failure.

I think it is necessary for the Congress to look into this matter. Quite obviously we cannot go to the iron-curtain countries; but we can study and review the evidence in possession of our own delegation to the United Nations Economic and Social Council; we can determine, to our own satisfaction, what most of us suspect and what most of us are certain to be a fact—that Soviet Russia and her satellites utilize slave labor.

Just yesterday there was a story in the Washington Post, together with a photograph, about an Air Force sergeant, officially listed as missing in action over France 6 years ago. According to a German woman this young man is being held as a slave laborer in the Soviet zone of Germany.

Congress, however, must have something more substantial than newspaper reports, which are unconfirmed. We must have access to reports in the hands of our United Nations Economic and Social Council delegation; we must have access to information in the hands of our great labor unions. We must have factual evidence to submit to the executive department to demand an embargo on goods produced by slave labor. Section 1307 of title 19, United States Code, provides for such an embargo.

If necessary, Mr. Speaker, Congress must have this factual information in order to rewrite that law to make it fit existing circumstances in the totalitarian world, in order that we may fully protect our free American labor.

Mr. Speaker, I attempted to attain this end in May, when I introduced House Concurrent Resolution 203, expressing the sense of Congress that the President should rescind trade concessions to iron-curtain nations. A number of my colleagues have endorsed this resolution by their action in introducing identical legislation. We have been unable to obtain action. The gentleman from Ohio [Mr. SECREST] filed a discharge petition. To date—and it is a shameful record—less than 60 Members have signed the discharge petition.

Mr. Speaker, House Concurrent Resolution 203 and the investigation I seek today offer a splendid opportunity to show the totalitarian nations of the world we intend to stand firm in our opposition to slavery and our opportunity to show the allied world that we are not hypocritical in our support for freedom everywhere. The propaganda and morale value of such an investigation as is proposed here this afternoon is invaluable.

TRADE WITH RUSSIA

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks and include an editorial appearing in the Washington Post.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, in an article appearing in the Washington Post this morning it is suggested that we stop sending war supplies to Russia. Other countries have stopped this practice. This article says that we should stop all trading with Russia in war munitions but to do some trading in other goods. I feel we should have no trade with Russia.

Mr. Speaker, we should have learned a lesson by now to refuse to send munitions of war and actual war matériel to countries that are obviously waiting to stab us in the back. We should have learned by this time—it seems as if we never will—that sending certain countries these munitions of war means we are deliberately paving the way for our men to be attacked and killed.

Mr. Speaker, the article to which I refer follows:

TRADE WITH RUSSIA

The Department of Commerce announces that in future licenses to export strategic materials will no longer be granted to countries that reexport them to Russia and her satellites or ship similar commodities of their own production. Mr. Churchill's excoriation of the Labor government for permitting exports of machine tools to Russia and the disclosure that a United States shipment to London of molybdenum, a steel-hardening agency used in the manufacture of jet-turbine engines, was recently reexported to Russia underlines the need for a new approach to the problems of trade with Russia. However, the mere tightening of our own export restrictions cannot be relied upon to prevent sales to Russia of articles that Americans are forbidden to export. The remedy obviously lies not in waving a club over the heads of friendly nations, but in achieving an agreement concerning the exports to Russia that should be banned. Great Britain, for instance, prohibits the export only of articles having direct strategic value, while the United States bans shipments of various other products that help to build up Russia's war-making potential. Surely there is room for a compromise that would be reasonably satisfactory to both countries and would at the same time make our own restrictive policies more effective.

Until recently the United States was urging the nations of western Europe to expand their trade with nondollar countries as a means of narrowing the dollar gap and reducing their dependence on Marshall-plan aid. Trade with Russia helps to bridge that gap, and it is not surprising that ECA countries are reluctant to take steps to suppress or reduce it. Today, however, the countries of western Europe, united by a common fear of Russia, are arming to defend themselves against possible aggression, and it is inconceivable folly for them to carry on a trade that strengthens the war-making capacity of the feared nation. Furthermore, with Marshall-plan funds, plus United States military aid, the Atlantic Pact nations will be under less pressure to expand their trade with nondollar countries. For they will not only be supplied with the dollars required for essential imports, but this country's defense buying will increase their dollar sales. In any case, a common policy in respect to trade with Russia is imperative and political rather than economic considerations should determine the character and volume of such trade. Nothing less will persuade the free world that the North Atlantic alliance is really an alliance—indeed, a common foreign policy going beyond an understanding over trade with Russia is essential.

EXCESS-PROFITS TAX

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. TOLLEFSON. Mr. Speaker, it is my firm belief that Congress should enact an excess-profits tax at the earliest possible date. It is intolerable to send American youth into battle, or even to freeze prices and wages, without at the same time removing the excess profits resulting from war. The House Ways and Means Committee should schedule immediate action upon this subject. The responsibility for scheduling such action, of course, rests with the majority

party which has control of the Congress and its committees.

It has been apparent that the Democratic leadership intends that Congress shall adjourn without acting upon an excess-profits tax law. I for one shall vote against any such adjournment. Many will join me, and there is much merit in the position of some who will vote against sending the pending tax measure to conference unless the Democratic leadership gives positive assurance that Congress will not adjourn before voting on an excess-profits tax law.

All of us in the House have election campaigns on our hands and all of us would like to return to our districts to campaign. But as long as the Korean situation remains as it is Congress should remain on the job to act on the excess-profits tax, and to be ready to act on any other needed emergency measures. The lives of the doughboys fighting in Korea are much more important than the "dough" which some selfish interests would seek to make as a result of the war. While there is work to do here, let us stay and do it.

AMERICAN SECTION OF THE INTERNATIONAL JOINT COMMISSION

Mr. D'EWART. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks and include a letter and resolution. I also ask unanimous consent that at the end of my speech the gentleman from Montana [Mr. MANSFIELD] may extend his remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. D'EWART. Mr. Speaker, a week ago Senator MURRAY, Senator ECTON, Congressman MANSFIELD, and myself called on the American section of the International Joint Commission, and expressed our unanimous and wholehearted support in their efforts for an early fair and equitable division of the Belly and Waterton Rivers between Canada and the United States.

The purpose of the visit by the Montana delegation was to assure the Commissioners of the wholehearted and unanimous backing in their efforts to obtain a fair share of the waters of these rivers for citizens of Montana.

In furtherance of that matter, I have drafted a letter addressed to the Commission, copy of which is attached, as part of my remarks.

Also included with my remarks is a copy of an agreement between the Government of Canada and the Government of Alberta in connection with the construction of a large development project in the Province of Alberta, known as the St. Mary irrigation project, that proposes to use water from the St. Mary River, the Waterton River, the Belly River, and their tributaries:

HOUSE OF REPRESENTATIVES,
Washington, D. C., September 11, 1950.

Hon. A. O. STANLEY,
Chairman, United States Section,
International Joint Commission,
Washington, D. C.

DEAR CHAIRMAN STANLEY: It has been called to my attention that the Canadian plan of development, in connection with the Belly and Waterton Rivers, is predicated upon the assumption that Canada will not only use all of the waters of the Waterton and Belly Rivers which arise within Canada, but also all of the waters of those streams which arise within Montana.

I find this stated in the Prairie Farms Rehabilitation Administration report of December 1949 as follows: "Water supply comes from the St. Mary, Milk, Belly, and Waterton Rivers and works now constructed and under construction are designed to use all of the water available in these streams. Supplies in the Milk and St. Mary are, of course, limited to Canada's share, by treaty."

In view of the efforts of the United States section of the International Joint Commission to get a fair and equitable division of the waters of the Waterton and Belly Rivers, this situation is exceedingly disturbing to me.

As you know, Montana needs that portion of this water that rises in the United States for power and irrigation development, and has long planned to make full use of it. Members of Congress from Montana, and citizens who live in the area and could be served by the Waterton and Belly Rivers, realize that they have the right and the power to use the water before it leaves the United States. This, however, might cause considerable harm to our Canadian neighbors, and we would much rather make a fair, equitable, and mutually advantageous division of these waters. We sincerely hope that such a division can be agreed upon and that we will not be forced to divert the waters of these rivers to the detriment of our Canadian neighbors.

Members of Congress from Montana have held off advancing the all-American plan because they have lived in the hope that the division of these streams could be worked out satisfactorily and to the mutual advantage of both Canadians and Montanans.

It now appears that Canada does not have such an equitable division in mind but plans to use all of the water available in these streams. If the United States section of the International Joint Commission finds this to be a fact, I believe they should immediately report such a situation, and Montana Members of Congress will immediately seek a way to develop the all-American plan.

Very truly yours,

WESLEY A. D'EWART.

AGREEMENT MADE IN DUPLICATE THE 31ST DAY OF MAY A. D. 1950, BETWEEN THE GOVERNMENT OF CANADA, HEREINAFTER CALLED "CANADA," OF THE FIRST PART, AND THE GOVERNMENT OF ALBERTA, HEREINAFTER CALLED "ALBERTA," OF THE SECOND PART

Whereas order in council P. C. 2298 dated the 19th day of June 1947, laid down certain principles to govern the policy of Canada in connection with the construction of certain water development projects by the Prairie Farm Rehabilitation Organization as are approved by the Governor in Council and for which funds are provided by Parliament; and

Whereas Canada with the approval of the Governor in Council and out of funds provided by Parliament, is constructing a large water development project in the Province of Alberta, known as the St. Mary's irrigation project, and shown on the attached plan; and

Whereas the Irrigation Projects Act, chapter 52 of the Statutes of Alberta, 1949, authorizes the Lieutenant-Governor in Council from time to time to enter into an agreement or agreements with the Government of Canada providing for the development of irrigation projects and the construction and maintenance of irrigation works within the Province of Alberta, and providing for the payment by Alberta of a portion of the costs incurred under any such agreement, and to do all things necessary or expedient to carry out the said agreement or agreements in conjunction with the Government of Canada; and

Whereas by the St. Mary and Milk Rivers Development Act of 1950, chapter of the Statutes of Alberta 1950, the machinery for the management and operation of the St. Mary and Milk Rivers development project is set up and established; and

Whereas the parties hereto desire clearly to define their respective responsibilities as to such project and as to the procedure to be followed by each in regard thereto:

Now, therefore, the parties hereto agree each with the other as follows:

1. In this agreement, the expression "project" means the St. Mary irrigation project as shown on the attached plan.

2. Alberta agrees to issue to Canada such licenses and to transfer to Canada such water rights to divert or take sufficient water from the St. Mary River, the Waterton River, the Belly River and their tributaries as may be required for the full development of lands irrigable within or through the project.

3. Alberta agrees to make available to Canada any Crown lands owned by Alberta that may now or hereafter be required for the site or right-of-way of any of the dams, reservoirs, main connecting canals, and other works described in clause 9 of this agreement, for so long as the said lands are required for such purposes; and if any other lands are required for the said dams, reservoirs, main connecting canals, or other works, Canada shall acquire such lands at Canada's expense, title to be in His Majesty the King in right of Canada.

4. Should Canada find it necessary or advisable to enlarge or alter any of the said dams, reservoirs, main connecting canals or other works described in clause 9 of this agreement, Alberta agrees to make available to Canada any Crown lands that are owned by Alberta and are required for such enlargement or alteration, for so long as the said lands are required for such purposes.

5. Alberta agrees to assume responsibility for the construction, operation, and maintenance of all dams, reservoirs, canals, distributaries, and other works that are required for the conveyance and distribution of water to all irrigable lands below the Ridge Reservoir as shown in the distribution system on the attached plan.

6. Alberta agrees that upon completion of the dams, reservoirs, main connecting canals, and other works described in clause 9 of this agreement, Alberta will have formed and will be ready to carry out its program for the establishment of settlers on the irrigable lands adjacent to the project.

7. Alberta agrees that in granting applications for the purchase of land irrigated by water supplied from the project, preference will be given first to veterans of World War II and, secondly, to the resettlement of farmers from submarginal lands.

8. Canada agrees to complete all surveys, engineering designs, and cost estimates required for the construction of the project and to furnish all engineering, legal services, and supervision incidental to the construction of the project and to file all such plans with the appropriate Land Titles Office and with the Water Resources Office.

9. Canada agrees to construct and to assume the cost of construction of all dams, reservoirs, and connecting canals in the project from the Waterton River to the Ridge Reservoir, inclusive, as shown on the attached plan, and all other works appurtenant to such dams, reservoirs, and connecting canals.

10. Canada agrees to maintain and operate all dams, reservoirs, connecting canals, and other works that Canada has constructed in accordance with clause 9 of this agreement, and agrees to deliver water to Alberta at cost provided such charge shall not exceed 25 cents per acre-foot per year; and

it is agreed that this clause will be reviewed every 5 years.

In witness whereof the Right Honourable James G. Gardiner, Minister of Agriculture, has hereunto set his hand on behalf of the Government of Canada, and the Honourable David A. Ure, Minister of Agriculture, has hereunto set his hand on behalf of the government of Alberta.

Signed on behalf of the Government of Canada by the Right Honourable James G. Gardiner, Minister of Agriculture, in the presence of: ——— ———.

JAMES G. GARDINER.

Signed on behalf of the government of Alberta by the Honorable David A. Ure, Minister of Agriculture, in the presence of E. E. Bennett.

DAVID A. URE.

MAY 31, 1950.

WE MUST SACRIFICE

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, we must sacrifice, said President Truman in his address to the people over the radio last Saturday night. Sacrifice on account of conditions brought about by the war in Korea. I say this because the Congress did not have any say in getting us into this war; the President issued the orders to MacArthur, and we were in. Yes, said Mr. President, the American people must sacrifice and forego many of the privileges and pleasures they now enjoy in order that this war may be carried on. No plans and no policy that I know of has he given the Congress, so we do not know where we are going. The President expects the people to do the sacrificing—pay more taxes, higher taxes—to carry on this war as well as arm all the nations of Europe and rehabilitate the European countries. After the Korean war he will want us to go in and rehabilitate Korea, which we are devastating to the *n*th degree. It does mean sacrifies—many of them—to keep this administration in power. If the President is sincere, why did he not say, "I will do away with the fruits of the first bill passed by this Congress, which I signed jointly with the Vice President and the Speaker, giving me $50,000 tax free, the Vice President $20,000 tax free, and the Speaker $20,000 tax free." Then he could have asked the Members of Congress and the Senators to follow suit and pay taxes on their $2,500 a year tax-free money. Such a gesture would indicate sincerity of purpose. If we do not do some of these things ourselves, how can we expect our constituents to sacrifice with the good grace and patriotism that we expect of them. American people wake up before you lose your greatest heritage you have ever had—your freedom, your liberty, your independence.

SUBVERSIVE ACTIVITIES

Mr. MURRAY of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MURRAY of Wisconsin. Mr. Speaker, I realize that many Members want to adjourn to go home and campaign. It seems that our first responsibility is to attend to the legislation we already have here.

I am in the midst of a campaign right now, and I cannot understand why everyone is so anxious to get home and campaign for the November election and adjourn when we have business to attend to. What I have in mind most of all is the passage of the McCarran bill. This legislation is the will of the people, as there were only 20 votes against it in the House and 7 against it in the other body. The Members do not want to get the idea that they will be taken off the hook just by showing how they voted when this bill was up for a vote. Congress should stay in session so that if the President vetoes it, as the radio says he has promised to do, we can pass it over his veto.

J. Edgar Hoover states that there are 50,000 Communists in the United States and 12,000 dangerous ones, one-half of which are of foreign extraction. If we are going to draft millions of Americans to fight world communism all over the world, there is no thinking person but what should realize that these soldiers and their families are entitled to know who these dangerous enemies are.

President Truman is not going to get away with this one, and the sooner he figures that out the better off he will be and the better off the country will be. I do not think President Truman can explain a veto of this bill, and I hope that he has the good judgment to sign it. If he does not sign it, then we should stay in session until we pass it over his veto. I repeat that we should stay in session until we pass it over his veto, because this is a very vital war measure, the will of the people, and should be the law of the land.

GEN. GEORGE C. MARSHALL

Mr. McSWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McSWEENEY. Mr. Speaker, I feel that we Americans have received the news of the possible appointment of Gen. George C. Marshall as Secretary of Defense with a great deal of satisfaction. General Marshall is somewhat in the same position as was the great founder of our country, George Washington. Both came from a well-earned and much-deserved retirement to accept great responsibility for the well being of their country.

I know that General Marshall's doctors, his family, and his own inclination would say no, but his patriotic spirit led him to accept this service.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. McSWEENEY. I yield to the gentleman from Pennsylvania.

Mr. RICH. I thought the President said a short time ago he was not going to allow Johnson to resign. What has transpired to change his mind?

Mr. McSWEENEY. May I say to the gentleman that General Marshall has been inclined to accept this appointment, and according to the papers the President has accepted Mr. Johnson's resignation.

Mr. Speaker, Biblical history records Samuel—when being called from his rest—to have replied to his summons by saying, "Speak Lord, for thy servant heareth." American history will record in years to come, that Gen. George Marshall, being called from his rest and retirement will answer unfalteringly, when his Commander in Chief called—"Command me, Mr. President, and I will again serve my country."

A simple poem contains our feelings relative to General Marshall—

The glory of America can never die
So long as we've men like him;
So long as we've fond and fearless men
Who spurning fortune and fame—
Turn out to the rallying cry of their land.
Just bent on playing the game—
They are wrong—O' no they are more than wise—
Theirs is the proudest part;
They can die with the glory faith in their eyes,
With the glory of love in their heart.

APPOINTMENT OF GEN. GEORGE C. MARSHALL AS SECRETARY OF NATIONAL DEFENSE—A SERIOUS MISTAKE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I regret very much that I cannot agree with my distinguished friend from Ohio [Mr. McSWEENEY] on the appointment of General Marshall as head of the armed services.

I think his appointment was a serious mistake.

In the first place, I am not satisfied with General Marshall's record. He was Chief of Staff when somebody went as sound asleep as King Tut and let the Japs come 5,000 miles across an open sea and destroy our Navy at Pearl Harbor. That was the greatest humiliation this country has ever suffered. He says he does not remember where he was the night before Pearl Harbor was attacked.

I was in Hawaii in 1937 and pointed out the danger of our having no Air Force there to protect the Hawaiian Islands. Our Air Force there at that time looked like an air force at a county fair.

Again, he was Chief of Staff during the persecution of Gen. George Patton, and, so far as I know, he never raised his voice in protest. That persecution cost the lives of 70,000 of our finest American boys in Europe alone, to say nothing of our losses elsewhere. It slowed down the drive toward an early victory and

extended the war by at least 8 months, or a year, with the tragic results I have just mentioned.

Every Member of the House knows that I led the fight here against the enemies of General Patton, who were really the enemies of our country. When we finally drove those enemies underground, and put General Patton back in command of the Third Army, he fought his way to Berlin in one of the most brilliant military drives in all the history of mankind.

The Germans ran up the white flag of surrender, and invited General Patton to come in and take charge; but, to the dismay of untold millions of Americans, and to the detriment of civilization, General Patton was ordered to move south, and Berlin was turned over to the Russian Communists, the worst enemies our civilization has ever known.

Where was General Marshall then? Why did not he raise his voice in protest against carrying out the communistic sell-out of Hiss and his gang at Yalta and turning the victory over to the enemies of our civilization?

General Marshall went to China after the war as a representative of the United States, and came back advocating the recognition of Communist China, whose forces are now aiding in killing American boys in Korea.

Mr. Speaker, I cannot sit quietly by and see this man, Marshall, with his horrible record, appointed to this important position without raising my voice in protest while the boys from the district I represent, as well as from the rest of the country, are giving their lives on foreign soil, probably as a result of his blunder in endorsing Communist China.

His appointment to this position is a serious mistake, and should be withdrawn.

EXTENSION OF REMARKS

Mr. MADDEN asked and was given permission to extend his remarks and include an address by Archbishop Sheil of Chicago.

Mr. DINGELL (at the request of Mr. BIEMILLER) was given permission to extend his remarks in two instances and in each include extraneous matter.

Mr. LANE asked and was given permission to extend his remarks in three instances and in each include extraneous matter.

Mr. RAMSAY asked and was given permission to extend his remarks and include an article that appeared in the Federation Magazine, dealing with foreign slave labor.

Mr. EBERHARTER asked and was given permission to extend his remarks and include an editorial entitled "Radio Purge," which appeared in the Washington Post of September 10, 1950.

Mr. ABBITT asked and was given permission to extend his remarks in two instances, and to include in one a speech he made in Lawrenceville, Va., last Friday, and in the other an article from the American Forestry Bulletin No. 2.

Mr. WHITE of California asked and was given permission to extend his remarks and include a letter.

Mr. ASPINALL asked and was given permission to extend his remarks and include an article, notwithstanding the fact that it will exceed two pages of the RECORD and is estimated by the Public Printer to cost $246.

Mr. RHODES asked and was given permission to extend his remarks and include an article.

Mr. BURLESON asked and was given permission to extend his remarks and include a report of the President's Water Resources Water Commission of Texas, notwithstanding the fact that it will exceed two pages of the RECORD and is estimated by the Public Printer to cost $369.

Mr. MURPHY (at the request of Mr. GREEN) was given permission to extend his remarks in two instances, and to include in one an article appearing in the New York Journal of Friday, September 8, 1950, and in the other an article from the New York Times of September 6, 1950.

Mr. BOYKIN asked and was given permission to extend his remarks and include a speech by General Renfrow.

Mr. DELANEY asked and was given permission to extend his remarks and include a speech.

Mr. HARE asked and was given permission to extend his remarks and include extraneous material.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include therein a keynote address by my colleague from Ohio, Mrs. FRANCES P. BOLTON, which she delivered on Wednesday morning, August 30, at the convention of the National Federation of Women's Republican Clubs in Cleveland. As Republican national committeeman from Ohio, I consider this a very important speech.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOGGS of Delaware asked and was given permission to extend his remarks and include an editorial.

Mr. WEICHEL asked and was given permission to extend his remarks in two instances and include news items.

Mr. LEFEVRE asked and was given permission to extend his remarks and include an article by Mark Sullivan.

Mr. PHILLIPS of California asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. DAGUE asked and was given permission to extend his remarks and include a newspaper article.

Mr. MCDONOUGH asked and was given permission to extend his remarks and include an article from the Christian Science Monitor.

Mr. BURDICK asked and was given permission to extend his remarks.

Mr. HUGH D. SCOTT, JR., asked and was given permission to extend his remarks and include extraneous matter.

Mr. JUDD asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. VELDE asked and was given permission to extend his remarks in two instances and include editorials.

Mr. WOLVERTON asked and was given permission to extend his remarks in three instances.

Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks and include a letter he addressed to the editor of the Wisconsin CIO News.

Mr. TOLLEFSON asked and was given permission to extend his remarks in three instances and include extraneous matter.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. REED] is recognized for 20 minutes.

(Mr. REED of New York asked and was given permission to revise and extend his remarks and include extraneous matter.)

THE RECORD OF RUSSIA IN THE UNITED NATIONS ORGANIZATION

Mr. REED of New York. Mr. Speaker, we are at war. It is a bloody, savage war 7,000 miles from home. A steady stream of our courageous young men are en route to far-off Korea to join in this vicious battle.

The record of heroism already made by our boys, so ill-equipped with guns and tanks, is one of the most glorious but tragic chapters in our Nation's history. But, Mr. Speaker, our American soldiers are not fighting under the inspiring folds of Old Glory, rich in its traditions of sacrifice for liberty. No, our men are fighting under a new banner, the flag of the United Nations. They and all the American people are meeting their full responsibility in this struggle to preserve freedom and liberty. It is imperative also that the United Nations organization meet its full responsibility to our American soldiers who are fighting on its behalf and under its flag. This is impossible as long as Russia remains a member of the United Nations organization. It is therefore imperative that the United Nations become a real and effective force on behalf of those countries who throughout the world disavow communism and who stand for religion and freedom. As long as Russia remains a member of the United Nations organization, the United Nations can never fulfill its objective and its responsibility to this or any free nation. We have drifted too long and have lost the confidence of many peoples throughout the world as the result of the propaganda of abuse of our country which the Russian delegate has spread throughout the world from the platform of the United Nations. Day in and day out the Soviet delegate speaking from the United Nations forum has poured forth a torrent of abuse to create distrust and hatred in the minds of millions of people throughout Asia and Europe against the United States.

Could Russia if it had been permitted to select its own instrumentality for spreading its evil doctrine of communism have chosen a more effective medium than the United Nations?

If there are any who doubt the urgency of forming a United Nations of countries opposed to communism and

dedicated to the preservation of liberty, I call upon them to examine the record of the Soviet Union in the United Nations organization. The official and authoritative account of Russia's use of the United Nations for its own purpose is contained in a report entitled "Background Information on the Soviet Union in International Relations," prepared at the direction of our distinguished colleague, the gentleman from West Virginia, Hon. JOHN KEE, chairman of the Committee on Foreign Affairs. This document should be read by every American because it not only shows the deliberate attempt of Russia to undermine the effectiveness of the United Nations organization but it shows that as long as Russia is permitted to be a member of the United Nations organization it can never be an instrumentality for world peace. As shown by this report, Russia has blocked the majority will in the Security Council by casting 43 out of 44 vetoes—if each of the double vetoes is counted as two vetoes rather than one—France joined Russia in one of its vetoes but no other permanent member of the Security Council has used the veto. Only yesterday Russia cast its forty-fifth veto which killed the resolution introduced by the United States calling for the appointment of a United Nations commission to investigate communistic China's charge that our airplanes had attacked points in Manchuria.

Mr. Speaker, the document prepared by our distinguished colleague the gentleman from West Virginia [Mr. KEE], chairman of the Committee on Foreign Affairs, is of such importance that I am including at this point in my remarks the record contained in the report of the occasions which Russia has abused the veto privilege in the Security Council.

D. THE RECORD

1. THE SYRIA-LEBANON CASE

The United States proposed a resolution under which the Security Council would have expressed confidence that foreign troops in Syria and Lebanon would be withdrawn as soon as practicable and that negotiations to that end would be undertaken without delay, and would have requested that it be informed of the results of the negotiations (Journal, p. 337). The following vote occurred on this resolution—for: Australia, Brazil, China, Egypt, Mexico, Netherlands, and United States; against: Union of Soviet Socialist Republics; abstentions: Poland, France, United Kingdom. After indicating approval of the resolution during the discussion, France and the United Kingdom abstained, but did not say they were parties to the dispute (Journal, pp. 346–7, 339, 343)[1] (February 16, 1946).

Even though France and the United Kingdom did not specifically concede that they were parties to a dispute, it seems clear that their abstention was not intended to be the equivalent of a negative vote, especially since after the resolution failed of adoption both the United Kingdom and France indicated their intention to abide by its terms. The President of the Council, after discussion, specifically ruled that the resolution failed to carry because of the negative vote of the U. S. S. R.

2. THE SPANISH CASE

A resolution was proposed to adopt the amended recommendations which the Subcommittee on Spain made after its study of the Spanish question (June 13, 1946) (Journal, pp. 742–743). Nine votes were cast in favor of the adoption of the resolution, with the U. S. S. R. against and the Netherlands abstaining (Journal, p. 795) (June 25, 1946).

3. THE SPANISH CASE

Australia and the United Kingdom proposed a resolution to keep the Spanish case on the list of matters of which the Security Council is seized without prejudice to the rights of the General Assembly (Journal, p. 822). All members voted in favor except the Soviet and Polish representatives, who voted in the negative, as they objected to the final "without prejudice" clause (Journal, p. 834) (June 26, 1946).

The President of the Council ruled that the Australian-United Kingdom resolution (Journal, p. 822; see above, pt. III, par. 1) was a question of procedure. This ruling was put to a vote (Journal, p. 841). Eight members voted that the matter was procedural; France and the Union of Soviet Socialist Republics voted that it was not; Poland abstained (Journal, p. 841) (June 26, 1946).

(NOTE.—This is the first example of a "double veto." It could properly be counted as two vetoes.)

4. THE SPANISH CASE

Australia proposed a resolution to add the "without prejudice" clause to the previously approved paragraphs of the Australian-United Kingdom resolution (Journal, p. 862). All members voted for the inclusion of this clause except the Polish and Soviet representatives, who voted against it (Journal, p. 864) (June 26, 1946).

(NOTE.—Since this veto presented the identical question as the first part of veto 3, sometimes it is not counted as a separate veto.)

5. MEMBERSHIP FOR TRANSJORDAN

The application of Transjordan for membership in the United Nations received eight affirmative votes. Poland and the U. S. S. R. voted in the negative and Australia abstained from voting.

The negative vote of the U. S. S. R. prevented the proposal from being carried (S/P. V. 57, pp. 178–180) (August 29, 1946).

6. MEMBERSHIP OF PORTUGAL

The application of Portugal for membership in the United Nations received eight affirmative votes. Poland and the U. S. S. R. voted in the negative and Australia abstained from voting.

The negative vote of the U. S. S. R. prevented the proposal from being carried (S/P. V. 57, p. 181) (August 29, 1946).

7. MEMBERSHIP OF IRELAND

The application of Ireland for membership in the United Nations received nine affirmative votes. The U. S. S. R. voted in the negative and Australia abstained from voting.

The negative vote of the U. S. S. R. prevented the proposal from being carried (S/P. V. 57, pp. 178–180) (August 29, 1946).

8. SECOND GREEK CASE

In the second Greek case the United States proposed a resolution to appoint a commission to investigate the situation alleged to exist on the northern frontier of Greece. This resolution received eight affirmative votes, Poland and the U. S. S. R. voted in the negative and Australia abstained.

The resolution failed to carry because of the negative vote of the U. S. S. R. (S/P. V. 70, p. 87) (September 20, 1946).

9. CORFU CHANNEL CASE

A resolution was introduced by the United Kingdom, finding in substance that the minefield in the Corfu Channel which caused the destruction of two British ships with loss of life and injury to their crews "cannot have been laid without the knowledge of Albanian authorities" and recommending that the United Kingdom and Albanian Governments settle the dispute on the basis of the Council's finding. This resolution received seven affirmative votes, Poland and the U. S. S. R. voted in the negative and Syria abstained from voting. The United Kingdom as a party to the dispute under consideration was precluded by article 27 (3) of the Charter from participating in the vote.

The resolution failed to carry because of the negative vote of the U. S. S. R. (S/P. V. 122, p. 76) (March 25, 1947).

10. THE THIRD GREEK CASE

The resolution proposed by the United States to adopt the proposals for the maintenance of international peace made by the majority of the members of the Committee of Investigation established by the Security Council received nine supporting votes, with Poland and the U. S. S. R. voting in the negative.

The resolution failed to carry because of the negative vote of the U. S. S. R. (S/P. V./170, p. 41) (July 29, 1947).

11. MEMBERSHIP OF TRANSJORDAN

The application of Transjordan for membership in the United Nations, upon submission for the second time to the Security Council on August 18, 1947, received nine affirmative votes, one negative, with Poland abstaining.

The negative vote of the U. S. S. R. prevented the proposal from being carried (S/P. V./186, pp. 83–85).

12. MEMBERSHIP OF IRELAND

The application of Ireland for membership in the United Nations, upon submission for the second time to the Security Council on August 18, 1947, received nine affirmative votes, one negative, with Poland abstaining.

The negative vote of the U. S. S. R. prevented the proposal from being carried (S/P. V./186, p. 87) (August 18, 1947).

13. MEMBERSHIP OF PORTUGAL

The application of Portugal for membership in the United Nations, upon submission for the second time to the Security Council on August 18, 1947, received nine affirmative votes, with Poland and the U. S. S. R. voting in the negative.

The negative vote of the U. S. S. R. prevented the proposal from carrying (S/P. V./186, pp. 102–105) (August 18, 1947).

14. THE THIRD GREEK CASE

The resolution proposed by Australia and amended by the United States finding the existence of a threat to the peace on the northern border of Greece and calling upon the parties involved to cease all acts of provocation and to enter into direct negotiation to relieve the tension, when put to a vote on August 19, 1947, received nine supporting votes with two votes in the negative.

The resolution failed to carry because of the negative vote of the U. S. S. R. (S/P. V./188, p. 88) (August 19, 1947).

15. THE THIRD GREEK CASE

The resolution proposed by the United States finding that the support given to guerrillas fighting the Greek Government by Albania, Bulgaria, and Yugoslavia constituted a threat to the peace, and calling upon Albania, Bulgaria, and Yugoslavia to desist from rendering further support to the guerrilla fighting and to cooperate with Greece in the settlement of the dispute by peaceful means, received nine supporting votes in the Security Council on August 19, 1947, with two votes in the negative.

It failed to carry because of the negative vote of the U. S. S. R. (S/P. V./188, p. 106) (August 19, 1947).

16. MEMBERSHIP OF ITALY

The resolution proposed by Australia that the Security Council find that Italy is a

[1] References are to United Nations documents.

peace-loving state able and willing to carry out the obligations contained in the Charter, and recommend its admission to membership in the United Nations at such time and under such conditions as the General Assembly may deem appropriate, received nine affirmative votes with U. S. S. R. voting in the negative and Poland abstaining.

It failed to carry because of the negative vote of the U. S. S. R. (S/P. V./196, pp. 82–85) (August 26, 1947).

17. MEMBERSHIP OF AUSTRIA

The resolution of Australia finding that Austria is a peace-loving state able and willing to carry out the obligations contained in the Charter and recommending its admission to membership in the United Nations at such time and under such conditions as the General Assembly may deem appropriate received eight affirmative votes with the U. S. S. R. voting in the negative and Poland and France abstaining.

It failed to carry because of the negative vote of the U. S. S. R. (S/P. V./196, pp. 82–85) (August 26, 1947).

18. SECOND INDONESIAN CASE

A joint Australian-Chinese resolution which ultimately was carried proposed that members of the Security Council that have career consuls in Batavia instruct them to prepare joint reports on the situation in Indonesia for the benefit of the Council. An amendment to this resolution proposed by the U. S. S. R. substituted a commission composed of states members of the Security Council in somewhat broadened terms of reference of the Commission. This amendment received seven affirmative with France and Belgium voting in the negative and China and the United Kingdom abstaining.

It failed to carry because of the negative vote of France (S/P. V./194, p. 66) (August 25, 1947).

19. THIRD GREEK CASE

The United States resolution requesting the General Assembly to consider the dispute between Greece and her northern neighbors and to make any recommendations which it deems appropriate under the circumstances, on September 15, 1947, received nine affirmative votes, but failed to carry because of the negative vote of the U. S. S. R. (S/P. V./202, p. 167).

The United States challenged the ruling of the President that the decision set forth above was one of substance and therefore failed to carry because of the opposition of the U. S. S. R. The United States resolution that the question be deemed one of procedure received eight affirmative votes with Syria abstaining and Poland and the U. S. S. R. voting in the negative.

It failed to carry because of the negative vote of the U. S. S. R. (S/P. V./202, pp. 168–170).

(NOTE: This is the second example of a "double veto." It could properly be counted as two vetoes.)

20. MEMBERSHIP OF ITALY

Upon reconsideration of the membership application of Italy on October 1, 1947, nine members of the Security Council favored the admission of Italy with U. S. S. R. and Poland voting in the negative.

The application failed because of the negative vote of the U. S. S. R. (S/P. V./206, pp. 132–135).

21. MEMBERSHIP OF FINLAND

The application of Finland for membership in the United Nations received nine affirmative votes on October 1, 1947, with U. S. S. R. and Poland voting in the negative.

It failed to carry because of the negative vote of U. S. S. R. (S/P. V./206, pp. 136–140).

22. MEMBERSHIP OF ITALY

The reapplication of Italy for membership in the United Nations received nine affirmative votes on April 10, 1948, with U. S. S. R. and the Ukraine voting in the negative.

The application failed to carry because of the negative vote of the U. S. S. R. (S/P. V./279, p. 51).

23. THE CZECHOSLOVAKIAN CASE

Before a vote was taken on the Chilean draft resolution to establish a subcommittee to hear evidence and testimony in regard to the coup in Czechoslovakia, the President asked for a preliminary vote on whether the vote on the resolution would be considered one of procedure. Eight members voted in the affirmative, two members voted in the negative (U. S. S. R., Ukraine) and one member abstained (France). The President ruled that since a permanent member had voted in the negative, the vote on the resolution would be a substantive vote (S/P. V./303, pp. 66–70). (May 24, 1948.)

The ruling of the President that the resolution should be deemed substantive was challenged. Six members voted to overrule the President's ruling, two members (U. S. S. R., Ukraine) voted to sustain the President's ruling, and three members (France, United States, United Kingdom) abstained. Therefore, the President's ruling that the Chilean resolution was substantive, stood. The President submitted to the Council the Chilean draft resolution. Nine members voted in favor of the resolution and two voted against (U. S. S. R., Ukraine).

The resolution failed of adoption due to the negative vote of the U. S. S. R. (S/P. V./303, pp. 137–140) (May 26, 1948).

(NOTE: This is the third example of a "double veto." If could properly be counted as two vetoes.)

24. THE ATOMIC ENERGY COMMISSION

The United States submitted a proposal to the Security Council to approve the first, second, and third reports of the Atomic Energy Commission and to transmit these reports, together with the record of the Security Council's approval, to the General Assembly and to the member nations of the United Nations. The third report recommended that the negotiations in the Atomic Energy Commission be suspended. The vote taken on the resolution resulted in nine members voting for the proposal and two voting in the negative (the U. S. S. R. and the Ukraine). The President ruled that the resolution was not adopted due to the negative vote of one of the permanent members, the U. S. S. R. (S/P. V./325, p. 37) (June 22, 1948).

25. MEMBERSHIP OF CEYLON

The application of Ceylon for admission to membership received nine affirmative votes. The U. S. S. R. and the Ukrainian S. S. R. voted in the negative.

The negative vote of the U. S. S. R. prevented the application from being approved (S/P. V./351, p. 91) (August 18, 1948).

26. THE BERLIN QUESTION

A draft resolution calling upon the four governments having responsibility in Germany as occupant powers to take certain steps for the solution of the Berlin crisis was submitted jointly by the representatives of Argentina, Belgium, Canada, China, Colombia, and Syria. This resolution received nine favorable votes with the U. S. S. R. and the Ukrainian S. S. R. voting in the negative.

The resolution was defeated because of the Soviet negative vote (S/P. V./372, p. 56) (October 25, 1948).

27. MEMBERSHIP OF CEYLON

On recommendation by the General Assembly, the Security Council reconsidered the application of Ceylon for admission to membership. When put to a vote the application received nine affirmative votes with the U. S. S. R. and the Ukrainian S. S. R. voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./384, pp. 137–140) (December 15, 1948).

28. MEMBERSHIP OF REPUBLIC OF KOREA

The draft resolution submitted by the representative of China, recommending for membership the Republic of Korea in the United Nations, received nine affirmative votes, with the U. S. S. R. and Ukraine voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./423, p. 71) (April 8, 1949).

29. MEMBERSHIP OF NEPAL

The draft resolution submitted by the representative of China recommending Nepal for membership in the United Nations received nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./439, pp. 66–70) (September 7, 1949).

30. MEMBERSHIP OF PORTUGAL

The draft resolution submitted by the representative of Argentina recommending Portugal for membership in the United Nations received nine affirmative votes, with U. S. S. R. and the Ukraine voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./443, pp. 71–75) (September 13, 1949).

31. MEMBERSHIP OF TRANSJORDAN

The draft resolution submitted by the representative of Argentina recommending Transjordan for membership in the United Nations received nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./443, pp. 71–75). (September 13, 1949).

32. MEMBERSHIP OF ITALY

The draft resolution submitted by the representative of Argentina recommending Italy for membership in the United Nations received nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./443, p. 81) (September 13, 1949).

33. MEMBERSHIP OF FINLAND

The draft resolution submitted by the representative of Argentina recommending Finland for membership in the United Nations ceived nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./443, pp. 82–85) (September 13, 1949).

34. MEMBERSHIP OF IRELAND

The draft resolution submitted by the representative of Argentina recommending Ireland for membership in the United Nations received nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./443, p. 86) (September 13, 1949).

35. MEMBERSHIP OF AUSTRIA

The draft resolution submitted by the representative of Argentina recommending Austria for membership in the United Nations received nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./443, pp. 87–90) (September 13, 1949).

36. MEMBERSHIP OF CEYLON

The draft resolution submitted by the representative of Argentina recommending Ceylon for membership in the United Nations received nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./443, pp. 87–90) (September 13, 1949).

37. CONVENTIONAL ARMAMENTS COMMISSION REPORTS

The draft resolution submitted by the representative of the United States taking note of the second progress report of the CCA and approving certain resolutions adopted by the Commission received nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

The application was not approved because of the negative vote of the U. S. S. R. (S/P. V./450, pp. 47–50) (October 11, 1949).

38. REGULATION AND REDUCTION OF ARMAMENTS AND ARMED FORCES

The draft resolution submitted by the representative of France approving proposals contained in the working paper adopted by the Commission for Conventional Armaments at its nineteenth meeting on August 1, 1949, formulating principles for the receipt, checking, and publication of full information to be supplied by member states with regard to their effectives and their conventional armaments, received nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

The resolution was not approved because of the negative vote of the U. S. S. R. (S/P. V./452, pp. 86–90) (October 18, 1949).

39. REGULATION AND REDUCTION OF ARMAMENTS AND ARMED FORCES

The draft resolution submitted by the representative of France recognizing as essential the submission by states both of information on conventional armaments and of information on atomic weapons and in addition approving the proposals for the receipt, checking, and publication of full information to be supplied by member states with regard to their effectives and conventional armaments set forth in the working paper adopted by the Commission for Conventional Armaments on August 1, 1949, received nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

It failed to carry because of the negative vote of the U. S. S. R. (S/P. V./452, pp. 96–100) (October 18, 1949).

40. SECOND INDONESIAN CASE

The first four paragraphs of the draft resolution concerning the Indonesian question submitted by the representative of Canada noted with satisfaction the special report of the United Nations Commission for Indonesia concerning the successful conclusion of the round table conference at The Hague; congratulated the parties on having reached agreement; welcomed the forthcoming establishment of the Republic of the United States of Indonesia; and commended the United Nations Commission for its assistance to the parties. It received nine affirmative votes, with the U. S. S. R. and the Ukraine voting in the negative.

The resolution was not approved because of the negative vote of the U. S. S. R. (S/P. V. 456, p. 76) (December 13, 1949).

41. SECOND INDONESIAN CASE

The final paragraph of the resolution concerning the Indonesian question which requested the United Nations Commission for Indonesia to continue to discharge the responsibilities entrusted to it by the Security Council and in particular to observe and assist in the implementation of the agreements reached at the round table conference and to report thereon to the Security Council received eight affirmative votes, with U. S. S. R. and the Ukraine voting in the negative.

The resolution failed to carry because of the negative vote of the U. S. S. R. (S/P. V./456, pp. 81–85) (December 13, 1949).

Because of its absence from the Security Council the Soviet Union has not used the veto in 1950 thus far.

The tirade of venomous abuses and vilification of the Soviet delegate can only give aid and comfort to the enemy, and I suggest that if the Korean war spreads to other parts of the world, it will be because of the propaganda of hate hurled over the air by the Soviet delegate, Jacob A. Malik, and his predecessor.

Does any Member of the House of Representatives question the source of the war materials that have been furnished to the North Koreans? Is there any doubt in the mind of any American that the purpose of the Soviet delegate, Jacob A. Malik, in hurling defiance, abuse, and vilification is to obtain the support of the Asiatic countries to the Communist cause?

Five years ago, in San Francisco, a war-weary world looked with renewed hope on a gathering of the world powers, large and small, to establish an international organization which would preserve peace.

We were told by our leaders that here at last was the answer to the prayers of millions of people throughout this universe. We were told that Russia was a peace-loving "democracy"; that she was the victim of gross misunderstanding; that she, along with the other democratic nations of the world, would devote herself to promoting and effecting the machinery to outlaw and prevent future wars.

How gullible we were at that time. We wanted peace so badly that we permitted our leaders to again mislead us. We permitted the same men who were the architects of Yalta and Potsdam and Tehran to lull us into a sense of false security. In our desperate bid for peace we accepted the words of men who had betrayed China to Russia; men whose every action during the war years and the early postwar period branded them as appeasers of Russia. And so an organization—the United Nations—was born noble in purpose but doomed from its very inception because the sole object of its architects was to appease Stalin in the mistaken hope that peace could be bought from Russia.

Since those memorable days in San Francisco we have seen our hopes shattered; we have seen the United Nations degenerate into a Russian sounding board for Stalin's vile and filthy propaganda; we have seen the organization that promised so much stumble and falter; and finally come to a complete halt—stopped in its tracks by one nation. The amazing thing is that despite our numerous failures at appeasement we continue to try to appease the Kremlin. There is no doubt in my mind that today the Truman administration and its fumbling Secretary of State, Dean Acheson, are cooking up a deal whereby Communist China will be admitted to the United Nations.

How long will the American people tolerate such a situation? How long will we sit idly by and see Russia, aided and abetted by our own administration, hogtie the United Nations?

How long will we wait for much-needed reinforcements from members of the United Nations to help our boys fight in Korea?

Mr. Speaker, something must be done now. We must demand that the United Nations be saved from destruction by Russia. We must insist that our Government and its allies move immediately to eject the Soviet from the world organization on the basis of Russian aggression against the democratic nations of the world. We must brand Stalin as an aggressor against peace and then go on from there to reorganize the United Nations into a monumental force against communism. And, further, Mr. Speaker, we must demand that our United Nations allies help shoulder the burden—financially and militarily—against Communist aggression wherever it arises.

The foreign ministers are meeting in New York. Soon the General Assembly of the United Nations will convene at Lake Success. No time is more appropriate to call for a real showdown in that vital matter of life or death for the world's democracies. Let us have an end to Russian appeasement; let us face facts and be realists.

Mr. Speaker, my colleagues and fellow Americans: It is later than we think.

The SPEAKER pro tempore (Mr. McSWEENEY). Under previous order of the House, the gentleman from Illinois [Mr. MASON] is recognized for 20 minutes.

THE ATHEISTIC RED MENACE

Mr. MASON. Mr. Speaker, we hear a great deal these days about spies and Communists in our Government departments, Government employees who are loyal to Russia and disloyal to the Government that supports them. Because this is an old story to me, I want to discuss it today.

The year 1948 was the one hundredth anniversary of the Communist Manifesto, issued by Karl Marx in 1848. Marx, as the author of that manisfesto, was the father of both communism and socialism. Spawned by Karl Marx 100 years ago, communism and socialism have now won control of most of the countries of Europe, and its agents are working night and day to get control of America.

Communism and socialism are basically alike, each rests upon government ownership and control of the means of production. Communism teaches "the state is all-important." Christ taught "the individual is all-important." These teachings are contradictory; both cannot be right. That is why Christianity and communism do not, and cannot, mix.

The basic creed of all Communists is that man is an animal without a soul. Every Communist leader from Marx to Stalin to Browder to Foster has proclaimed that creed. Communists deny the Christian concept of man as a child of God, a creature with a soul. Therefore, regardless of nationality, race, creed, or political party, every American should unite in an all-out drive to rid our land of this atheistic Red menace before we are destroyed by it.

Mr. Speaker, in the United States we have our own democratic way of deciding things; we do so by majority vote, through the ballot box. Some people call this way of doing things democracy, and some call it capitalism. Reduced to its

lowest terms, capitalism is simply the right to own property, the right to own a home, a farm, a business. Along with the right to own property—under our democratic way of doing things—goes the right to think as we want to think, the right to talk as we want to talk, the right to worship as we want to worship. These fundamental rights are as much a part of democracy as the right to own property. They are all a part of the right to life, liberty, and the pursuit of happiness that Thomas Jefferson talked about.

Communism takes away these individual rights, takes away all human liberty, and makes the individual a puppet of the state. Under communism the state is all-powerful. It forces the individuals that make up the state to obey the order, the will, or the whim of its dictator ruler.

For example: A Russian citizen may not own land, he may not choose his own job, he may not absent himself from work, he may not strike, he may not picket, he may not travel, he may not ring a church bell—and he is forbidden freedom of speech, freedom of assembly, freedom of religion, and freedom of soul. Yet we have some so-called Americans who would adopt the Communist program here.

Mr. Speaker, we all know that the world today is divided into two armed camps—capitalism and communism. Capitalism is the American way of doing things; communism is the Russian way. Communists claim that the American way of life is a false dream, that equality of opportunity is a myth, and that revolutionary overthrow of the American Government is the only way to bring about the Communist millenium. Suppose we analyze these claims a little.

In 1848 when Karl Marx issued his Communist manifesto, the richest ruler in Europe did not possess a single electric-light bulb, did not have modern plumbing with running hot water, did not have a horseless carriage to dash him hither and yon at 60 miles an hour, did not have a radio to bring the voices of the world to his ears, did not have modern medical science to save him from pestilence and early death. The average humble American home of today has all these blessings, and hundreds of others besides. Capitalism created them and made them available to practically every American. Yet, our self-styled liberals. our Henry Wallaces, lambast and smear the capitalistic system and demand in lieu thereof some form of socialism or communism. Russia has had communism for over 25 years. And what have the Russians achieved under communism? The following are comparative present-day prices, measured in man-hours of work, for goods in Russia and the same goods in the United States:

Today a pair of shoes in Russia costs 108 man-hours of work; here, only 10 man-hours.

Today a cotton dress in Russia costs 32 man-hours of work; here, only 4 man-hours.

Today a wool suit in Russia costs 583 man-hours of work; here, only 45 man-hours.

Today a radio in Russia costs 225 man-hours of work; here, only 21 man-hours.

Today a wrist watch in Russia costs 300 man-hours of work; here, only 18 man-hours.

In view of these figures, and many more that might be quoted, which worker is better off, the Russian worker or the American worker?

Ten years ago the so-called Dies committee, on which I served 6 years, did the spadework for the present Nation-wide campaign against communism. It was during the heyday of the Dies committee that evidence against Communists was secured, sorted, tabulated, and filed away for future use. That evidence is now being used in our campaign against communism in the United States. The Dies committee seized documents, records, membership lists, and other valuable evidence in connection with numerous subversive groups and individuals; compiled, sorted, and classified the same; and built up a card index catalog listing the names of approximately 1,000,000 people who are or have been members of one or more subversive organizations. This work was done before war was declared, before these organizations went underground, before they either hid or destroyed their records.

Following Pearl Harbor, representatives from the FBI, the Military Intelligence, the Naval Intelligence, and the Federal Secret Service searched the files of the Dies committee daily, obtaining evidence which led to prosecutions and convictions in hundreds of cases of subversive activities. The FBI alone made 1,700 arrests and prosecutions in the first 24 hours after Pearl Harbor, and a total of 16,000 arrests during the war. So today the much-maligned, ridiculed, and almost discredited Dies committee has been fully vindicated, and its work is now being capitalized upon as the basis for our all-out drive against communism.

Mr. Speaker, I well recall the obstacles that were deliberately placed in the way of our committee by Government department heads, the ridicule that was heaped upon the committee by Government officials from President Roosevelt on down. Help and cooperation from the Department of Justice and the FBI that had been promised the committee—help in the way of legal counsel and trained experienced investigators—was denied the committee by the order of President Roosevelt himself. Yet, in spite of obstacles, in spite of ridicule, in spite of help promised but never received, the Dies committee did a pretty good job of uncovering subversive influences that were at work, and of throwing the spotlight of publicity upon them. Mr. Dies, in a speech on the floor of the House of Representatives 8 years ago, pointed out that some 1,500 Communists and fellow travelers were entrenched in Government positions, and named many of them. Yet, nothing was done at that time to get rid of them.

Many American labor leaders today, realizing what communism is doing to labor, are fighting to purge their ranks of Communists. David Dubinsky, president of the International Ladies' Garment Workers Union, and a vice president of the A. F. of L., has long been a foe of Communists in the American labor movement. Mr. Dubinsky says:

> No organization in American life has been immune from Communist penetration. Obedient to centralized direction, Communists have bored within church bodies, educational institutions, women's clubs, scientific groups, and businessmen's associations. But the labor unions have been their special target. Without control of the labor unions the Communists would be lost. The unions form their economic base * * *. Like termites, they bore into the house of labor, but are not an integral part of the structure, because the spirit and aims of totalitarian communism are totally distinct from, and hostile to, the ideals and policies of labor unions.

Mr. Speaker, I have often been asked, "What can be done to stop the spread of communism in the United States?" My answer has been, "The best way to stop the spread of communism in America would be to transplant all Communist leaders, pink intellectuals, parlor advocates of communism to Red Russia, and compel them to live there in the midst of communism for a period of 5 years. If this were done 999 out of every thousand thus transplanted would be permanently cured of the disease." This, I know, cannot be done. It is neither feasible nor possible. However, we can and we should stop spreading religious prejudice, class prejudice, and race hatred in America because they make such an excellent seedbed for Communist seed. We can and we should cultivate, encourage, and develop the one crop we need in America—Americanism, patriotism, or whatever you want to call it. If we put forth our every effort toward the production of an abundant crop of Americanism, there will be no room left for foreign isms.

Mr. Speaker, the strongest defense today against the spread of communism in Europe is the Catholic Church. It has never been deceived concerning the real objectives of the disciples of Karl Marx. It has not forgotten the Marx statement, "Religion is the opiate of the peoples." The Catholic Church realizes that if communism succeeds in mastering Europe there will be no church in Europe. Already in Yugoslavia a Catholic archbishop has been seized, tried, and condemned by the Red rowdies on the trumped-up charge of collaboration with Hitler.

The Catholic Church knows what the Communists stand for. By the same token the Communists know that the Catholic Church is the most unyielding enemy they have to their program of violence and ungodliness.

Having served 6 years on the Dies committee, I know at first hand about the "enemies within our gates" who are working night and day to undermine and destroy our American form of government. I believe every patriotic American, regardless of creed, should enlist in the war to root out and destroy the Communists that have infiltrated our Government, our labor organizations, our schools, and, in some cases, even our churches.

Americanism or patriotism is so well defined and expressed in the little poem entitled "The Best Land," by Edgar

Guest, that I close, Mr. Speaker, with his words:

If I knew a better land on this glorious
world of ours,
Where a man gets bigger money, or is work-
ing shorter hours;
If the Briton or the Frenchman had an easier
life than mine,
I'd pack my goods this minute and I'd sail
across the brine;
But I notice when the alien wants a land of
hope and cheer,
And a future for his children, he comes out
and settles here.

Here's the glorious land of freedom; here's
the milk and honey good,
For the peasant out of Russia, for the long
subjected Pole;
It is here the sons of Italy and the men
of Austria turn
For the comfort of their bodies and the
wages they can earn.

And with all that men complain of, and with
all that goes amiss,
There's no happier, better nation on the
world's broad face than this.

So, I'm thinking when I listen to the wails
of discontent
As some Communist agitator spreads his
evil sentiments,
That these enemies of freedom who are
spreading sin and shame
In this glorious land of freedom, should go
back to whence they came;
And I hold it is the duty, rich or poor, of
every man
Who enjoys this country's blessings to be all
American.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

SPEECH OF THE HONORABLE SAM RAYBURN AT PRINCETON, TEX.

Mr. PATMAN. Mr. Speaker, on Labor Day, in the little town of Princeton, Tex., a great patriotic speech was delivered by a great patriotic and wise American leader, the Honorable SAM RAYBURN, Speaker of the United States House of Representatives.

It was a timely talk. The Speaker called for unity of the people of this Nation in the face of the present world crisis and for an end to the knock-and-smear tactics that have given aid and comfort to alien aggressors and caused doubt among free people in free nations who look to the United States for world democratic leadership.

It was a refreshing and inspiring speech. The Speaker gave assurance to millions of questioning Americans and friends abroad that the Truman administration is fully aware of the peril confronting the Nation and that the Truman policies are aimed at meeting this peril.

The Speaker also served blunt notice on potential enemies that no foreign enemy soldier will ever set foot on American soil.

Editorial comment on this memorable speech was overwhelming in praise. I ask unanimous consent to insert in the CONGRESSIONAL RECORD the text of this speech and certain editorials commenting upon it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPEECH OF THE HONORABLE SAM RAYBURN

Mr. Chairman, Mr. Boyd, I would not be true to myself or to you if I did not express my deepest gratitude and to say that I was greatly moved by the most generous introduction of my friend, Roland Boyd.

I come to you tonight to talk to you about some things that we must do in peacetimes, and then it will be my purpose to talk to you about the serious and dangerous world in which we live.

I am deeply sorry that I was not able to get to the model conservation farm this rainy afternoon. I am interested in the conservation of the soil. I know that it is our wealth. If our wealth does not lie in the soil, then we have no wealth. Everything comes from the soil and everything ultimately returns to the soil.

One of the greatest, if not the greatest, domestic problems facing America today is what are we going to do with this dirt, with this good earth that has been given to us, rich, fertile, and fruitful?

If we are the same kind of vandals with our soil for even the next 25 years that we have been for the past 50, we will not be looking for some place upon the face of the earth to sell a farm surplus. We will be looking for new valleys upon which to raise the things that go to feed and clothe the millions that are to populate this country in the future.

It has been complained about by some unthinking people, "Why should the Federal Government help the farmer conserve his soil?" "Why doesn't the farmer do it all himself?" And when we began this program, there were few, if any, farmers in the United States that had enough money to even meet half the problem of trying to conserve the soil upon which they were trying to make a living.

Those unthinking people still complain that we are spending too much for everything. But they don't seem to realize, let me repeat, that from this dirt comes our wealth.

If it were not for the dirt out there, there would be no Princeton, McKinney, Dallas, Fort Worth, St. Louis, Chicago, Philadelphia New York, or Boston, because there would have been nothing to have builded them upon.

I want to recount to you tonight just a few of the things that have been done in the last 17 years, many of which had been advocated by few, but spurned by the many. And then I want to answer the question of how we have spent this country into bankruptcy as some people said we were going to do.

Whoever heard of a farm-to-market road partially or half paid for by the Federal Government? Mr. Boyd referred to the fact that in 1944 in postwar planning, a bill was brought to me authorizing in postwar years $450,000,000 a year to be expended by the Federal Government in matching the States to build roads.

When they brought it to me, I said, "How much money is there to get my farmers out of the mud? Our State and federally aided highways," I said, "are in pretty good condition, but our farmers are still in the mud and they are leaving the farm." Thirty percent now and since that time, 30 cents out of every dollar, or $1 out of $3 that is expended by the Federal Government, is expended for farm-to-market roads. Is that a good investment?

In 1932 and 1933 and all the time before that the farmers were in darkness. They didn't have the comforts and convenience of rural electrification. You have that now. Soil conservation had not been spoken of up to that time. We have it now. Price supports of farm products had not been put into effect at that time. And what was our condition? In 1932 the total farm income of the people of the United States was $1,800,000,000. In 1949 we had so wrecked the farmers, as some people say, by regimenting them, that the income from the farms of the United States in 1949 was $14,000,000,000.

The men upon the farms in 1932 owned 1,022,000 tractors. In 1949 they owned 3,550,000 tractors and other farm machinery to match that.

The bank deposits in 1932, all of them—every bank in the United States—totaled $41,000,000,000. In 1949 they totaled $156,000,000,000.

That is how we wrecked the farms, businesses, and the banks. And still we have complainers.

I read editorials even in the papers of Texas where they are saying price supports and soil conservation should cease. I wonder what condition their businesses would be in if the farmers were selling their cotton for 4½ cents a pound, oats for 9 cents a bushel, corn 15 cents a bushel, wheat 28 cents a bushel, a good steer 3½ cents a pound, and a canner cow 1½ cents a pound.

That is the experience we had in the good old days when the Government kept its hands out of other people's business.

Our national income of everything the farms and every other business produced in the United States of America in 1932 was $39,000,000,000. Before the war came, that income had gone up to between $80,000,000,000 and $90,000,000,000.

The war came on and the national income went up, but everybody said or many people said, "Well, we are going to have another depression, we always do have a depression after a war is over and our national income will go down."

Well, 1946 was not a war year. Our national income was $176,000,000,000. Nineteen hundred and forty-seven was not a war year and our national income was more than $200,000,000,000. Nineteen hundred and forty-eight with an income of more than $220,000,000,000, and if we run, regardless of what is being manufactured for war purposes this year, as we are running now, our national income will run somewhere between $225,000,000,000 and $250,000,000,000.

"Spend the country into bankruptcy," some people cried.

We are the most prosperous that we ever were in our lives.

We are the most prosperous and powerful Nation that ever existed in all the tide of time from an economic standpoint. And from a potential military standpoint—let dictators throughout the world know this—that from a military standpoint we are potentially the strongest nation that ever existed in all time, and we'll demonstrate that when we are challenged any place upon the face of this earth.

I'll take our own State of Texas. In 1932, our income from all the farms and ranches of the State was $318,000,000. In 1949, it was $2,150,000,000, or more than six times what it was before a program was inaugurated and men took charge of this Government who had vision and courage enough to carry out those programs. That's what has brought this prosperity to us.

I could stand here and recount for all the radio time that is allotted to me and test your patience telling you over and over again things that have been done.

We told the people in 1932 that if our kind of government came to Washington, there would not be forgotten men and women.

We have lived up to that promise.

What did we find then?—14,000,000 unemployed people. If the bread winner in that family had a wife and only one child, that made 42,000,000 Americans that had no buying power at all. Add to that the 33,000,000 people on the farms of the country who were selling the products of their labor at a price so far below the cost of production that their buying power had vanished or had been reduced to the very vanishing point, and you

have 75,000,000 of 133,000,000 people who had no buying power or who had practically none.

Is there any wonder then that the banks closed? Five thousand seven hundred and seventy banks and trust companies closed their doors, and there was not in effect then what some people had called before a socialistic thing known as guarantee of bank deposits. You see the condition we were in? And some people want to call us Socialists.

You know it used to be when I was a boy if you didn't like some fellow politically you called him a Populist, and you older ones remember those days. And then the Populist Party passed out of existence and if you didn't like some fellow you called him a Socialist. Now reckless people—even in the United States of America, and we do have a few Communists, I will admit, one-twentieth of 1 percent it is estimated of the people in the United States believe in the communistic form of government. They are reckless enough to call some people who don't agree with them, "communistically inclined." That is just too bad.

But suppose we had done nothing—had sat with folded arms and said that prosperity was just around the corner, and had done nothing about it, and that unemployment had gone to 20,000,000 people. Maybe 25,000,000 people. What kind of a condition would we have had then? What would our domestic economy have been? Desperate men and women with their children clinging to them hungry, ill-fed, ill-housed, and naked. They might have flown to any change because their condition would have been as bad as it could possibly be.

I can't understand how anybody could be a Communist or Socialist because you cannot conduct a communism without a dictator—without one-man rule—and where there is dictatorship there can be no freedom, because dictators cannot oppress people who want to be free bad enough. In some countries of the earth, especially one, good men and women are afraid to cry out in their agony, and in their despair, and in their poverty, and in their oppression because of secret police who may be standing in the crowd. But one day, believing in God and righteousness as I do, I believe that the men and women of this earth will rise up and drive these oppressors, these murderers from power in their country, and that freedom and democracy might come into those areas.

Spend the country into bankruptcy? That hasn't been done. Let no one say to you, even with a staggering debt that we have, that American people are not yet free men and women.

I'll tell you how free we are.

Every man, woman, and child in America is so free that he or she can do what they want to do, say what they want to say, write what they want to write without let or hindrance as long, as in the doing of those things, we do not deny somebody else the same rights, the same prerogatives and the same privileges that we assume to ourselves and enjoy ourselves.

This Nation of 150,000,000 people with its might, is determined to stay free. It is determined that neither the heel of a dictator nor the foot of a soldier of a foreign land shall ever desecrate this country by stepping upon it.

We are in the greatest crisis probably the world has known when war was not actually in progress on a large scale.

We are in a time, let me be frank with you my beloved, we are in a time where the freedom of the world is in the balance.

We are in the testing period as to whether or not the civilization that we have known and loved will continue or perish from the earth.

The time, my countrymen, has come that these campaigns of knock and smear must cease if we are to perform our function and fulfill our destiny.

The times and circumstances have made us the leader of the world.

That leadership we have assumed and we must carry it on because free people, languishing near dictatorships and iron curtains, are looking to this mighty Republic to see whether or not we will lead, whether we have the capacity and the courage to lead this world out of the dark periods, the period in which it exists, into a better day.

I care not whether people love or hate President Truman. He is the President of the United States, and he will be until January 20, 1953.

If he is not our leader, then we have no leader.

If he is not the voice of America, America has no voice.

If he is not the leader of the democratic world, then the democratic world has no leader.

So let me repeat—this campaign of knock and smear and trying to create lack of confidence of the people of the United States in the only leader that we have is doing a disservice to every man, woman and child in America and every freedom-loving man, woman and child throughout the length and breadth of this round earth.

I have served under many Presidents, President Wilson, President Harding, President Coolidge, President Hoover, President Roosevelt and President Truman. I have served in the House of Representatives with more than twenty five hundred men and women. I think I know something about people. I think I know men when I see them. And of all of these men and women that I have served with in the House of Representatives, and all of these Presidents I have tried to serve with, I never had more confidence in the honor, the patriotism of any of them than I do in Harry S. Truman.

Wilson was a great man and a great scholar-statesman and a great war leader. He brought us victory. He wanted a world at peace, and he brought to conference and back to the United States a charter known as the League of Nations—a league of peace—and he said at that time, after the Senate of the United States had spurned that treaty, he said that if the United States of America did not join with the other liberty-loving people of the world that within 25 years a bigger and a more destructive war would come to this earth. His advice was not followed and his prediction came tragically true.

Roosevelt had a great vision and I care not what some carping critics may say, if there was ever a man who appeared in the United States at the right time when a leader of great capacity and great courage was needed, that man was Franklin D. Roosevelt. He had the vision and the courage to lead. All the things that I have talked about have been done for the people of the United States in the last 15 years. When he passed away, leadership passed to the hands of Harry S. Truman. The league for peace was in session at San Francisco or was assembling there.

The first utterance made by Truman was: "The effort to bring about the United Nation world concord, world understanding and world peace will go on."

We joined that league. We are a part of it. We must do our part in it. We set up the United Nations or help set it up when we joined 58 other nations in setting it up.

The United Nations set up the Republic of Korea and promised to protect it against all enemies foreign and domestic. When it was attacked we had to go.

We weren't prepared for war.

No democracy is ever prepared for war because the people don't want to spend the money. But we are 5 to 10 times as well prepared for war now as we were in 1941 before we were struck at Pearl Harbor.

From moth balls and out of grease are coming the instruments that we put away.

We are going to use them to the limit to stand by our international obligations.

Fifty-three of these fifty-nine nations have said that they are going along with us and pretty soon many of these, if the war is not over in Korea, will be fighting side by side with us there.

Some people are discouraged about conditions in Korea, and so am I, but it's a long way across six or seven thousand miles of ocean.

We didn't have a great deal in Japan, we didn't have a great deal of material. Many men or much material. But this mighty giant is shaking himself and coming to life.

We are going to drive the enemy out of Korea.

And we are going to get strong enough and stay strong enough to protect ourselves against all enemies, foreign and domestic.

We spent somewhere from three hundred and fifty to four hundred billions of dollars in less than 5 years fighting a war, and the billions were not for precious things that were sacrificed.

The human lives were the precious things.

In many countries American blood was spilled, and Americans are buried. Crippled and maimed live in this land. I want us to become so strong—and let me repeat, stay so strong—that none of these international desperadoes or bandits will have the courage or the desperation enough to attack us.

I had rather spend $25,000,000,000 a year for 5 years, which would make $125,000,000,000, and be so strong we would not have a war, than to wait and save that and then waste the substance in billions in this country and waste that most precious thing, the blood of American heroes.

I would not be candid with you if I did not tell you that I think we live in the most dangerous world that anyone now living ever knew.

What tomorrow will bring, I do not know, and I doubt if anybody else knows.

But we are doing, every man and woman in Washington in any position of responsibility are doing, everything we can to try to avoid a major war.

But being fearful that we might not be able to avoid a major war, we are getting stronger and stronger every day. And let me repeat.

As long as we have a leader with the courage and the foresight as President Truman, I think we are going to be in safe hands.

I want to say just one word about the Secretary of State, Dean Acheson. I have known Dean Acheson many years. He has made some statements, of course, about personalities that I have deeply regretted his making.

Dean Acheson is one of the ablest men that it has ever been my privilege to know.

And it matters not what anybody says about him; he is a great man, he is a great American and a great patriot, and when the history of these times is written, in my opinion, he will take his place alongside of such men as our first Secretary of State, Thomas Jefferson, and the great Cordell Hull from the mountains of Tennessee.

As long as this world is in the condition it is in, let me repeat, we must keep a lot of powder, and keep that powder mighty dry, and pray and hope that men will not be desperate enough to inflame this whole earth in a war that is bound to be the most destructive that civilization has ever known, and pray that one day under God and in His providence that the teachings of His Son, the lowly man of Galilee, may pierce the hearts and appeal to the mind of leaders throughout the earth and that one day we may again look toward a peace that will be lasting.

I thank you very much.

[From the Dallas (Tex.) Times Herald]

WORDS OF THE SPEAKER OF THE HOUSE WERE REASSURING

The address of Speaker of the House SAM RAYBURN Monday night in McKinney was reassuring to Americans who appreciate the grim facts of the present international situation.

It was reassuring because Mr. RAYBURN, as Speaker, holds a position that is second only to the Presidency in influence in the National Government, and because it showed that the Speaker is fully aware of the perils that confront the Nation and of the problems that must be solved.

Mr. RAYBURN, although he conceded the unreadiness of the country for global war, spoke optimistically and declared that "the giant is awakening." He said that, after all, we are five times stronger militarily than we were at the start of World War II.

Speeches of this kind are timely, because the public, chagrined by events in Korea, is in a jittery mood. Dire warnings have been needed to shake the complacency of the public, but, if an awakened Nation is to meet the crisis with fighting courage, the citizenry must have something on which to base confidence.

When difficult problems are demanding quick solution, when things seem to be going wrong, when there is evidence of disagreement in high places as to what should be done, and when a congressional election is approaching, it is only natural for the public to be confused and for attempts to be made to shift responsibility and blame. All this forestalls the unity that is essential in a crisis.

In defending President Truman and the administration as a whole from what he termed "knock and smear tactics," Mr. RAYBURN was simply counteracting moves which are undermining confidence in the Nation's leadership in a time of danger. As he points out, President Truman will be in office until 1953, regardless of the result of the congressional elections in November. Whatever a citizen may think of his ability, it is important to give him every chance to do his best. While criticism should not be adjourned in a democratic Nation, all criticism should be constructive; that is, designed to be helpful rather than merely politically embarrassing.

While there is some evidence of complacency in this country, the public, on the whole, seems even more anxious than Congress to proceed with mobilization. Everybody wishes to be sure that the things that must be done to meet the threat of Russian aggression are being done. Mr. RAYBURN has served through two major wars and his patriotism, wisdom, and courage have been thoroughly demonstrated. When he assures us that our leadership is doing the job as it should be done, we can look to the future with confidence.

[From the Greenville (Tex.) Evening Banner]

RAYBURN'S CHALLENGE

Congressman SAM RAYBURN, Speaker of the National House of Representatives, gave Americans something to think about when he delivered an address in McKinney yesterday. His remarks were addressed particularly to Texas Democrats when he told them that they must unite behind President Truman, but they were applicable insofar as the Nation as a whole is concerned.

Mr. RAYBURN made the statement that "We must have unity at home and unity among the democracies of the world if democracy and civilization are to survive. If we are to have unity, the campaign of knock and smear must cease. I care not whether you hate or love Harry S. Truman. He is the President of the United States, and will be until January 20, 1953. He is our leader, or we have none. He is the voice of America, or America has no voice. Position and circumstances have made him not only our leader but the leader of the democracies of all the earth."

These were challenging words, and especially are they challenging to disgruntled Americans everywhere who are habitually blaming the President for everything that they think is bad about the Government of their country, and, although some of the Truman critics would hate to admit it, there was logic in what Mr. RAYBURN had to say concerning the President.

Frequently in the past the Banner has criticized the domestic policies of President Truman, and we still do not support the ones we have singled out for criticism. But, as the Speaker of the House of Representatives points out, "We must have unity at home and unity among the democracies of the world if democracy and civilization are to survive," and that unity cannot be achieved by constant hagging over the policies of the President. Mr. Truman's job is difficult under the most favorable of circumstances, but today he faces perhaps the most difficult task that ever faced a Chief Executive of the United States, and how well he gets that job done depends largely on the support that is given him by the people he leads.

[From the Nashville Tennessean]

THIS IS AMERICANISM

No man in the world today is weighted down with graver responsibility than Harry S. Truman.

Not only is he America's chosen leader, but he is the foremost figure in the world struggle to safeguard democracy in an hour of extreme danger.

His quiet courage and good judgment have served the country well since the Communist challenge first became apparent, and it is a deplorable development that his task should be made more difficult by a campaign of smear and criticism by those who insist upon politics as usual in a period of crisis.

The country should not have to be reminded that the paramount requirement is for unity and loyalty on a plane that is far above the partisan level. But in view of the situation that exists, the need for such a warning is impelling.

We know of no person better qualified to set a standard of patriotism in the present condition of national and world affairs than the Honorable SAM RAYBURN, Speaker of the House of Representatives. He is a stalwart and outspoken Texan who has served his country with distinction. As a public figure and citizen, he commands respect and confidence throughout the country.

What Speaker RAYBURN has said to Democrats of his own State applies to all citizens.

Has the country already forgotten the great contribution the Chief Executive has made to liberty's survival? For it is true, as the Speaker declares, that had not this country and Mr. Truman accepted the challenge of world leadership, "freedom would have died and civilization, in all probability, would have perished."

Let every citizen keep in mind these ringing words:

"He is our leader, or we have none. He is the Voice of America, or America has no voice. Position and circumstances have made him not only our leader but the leader of the democracies of all the earth."

When Mr. RAYBURN gives assurance that the country is in safe hands, he speaks from intimate knowledge of the man who must make the important decisions. And when he says that unity at home and unity among the world democracies is vital to the survival of the free way of life, he is centering attention on an established truth.

Such an endorsement as the one that follows could only come from the heart:

"I have been in public life for a long time. I have sat in the presence of many men; and I trust I know men. It matters not what carping critics may say, I know that Harry Truman is an honest man. I know he has a consuming desire to serve well in his day and generation; and that he is doing so. Since he has been President of the United States, there has been no occasion when he has not proved that he was a man of courage and decision."

If given to partisanship, Mr. RAYBURN might have added that the country has reason to be devoutly thankful that the Truman policies have prevailed in the postwar crisis rather than those of his chief detractors which almost inevitably would have involved us in a major Asiatic war long before this.

What the Texan has said will appeal to most thoughtful citizens, and as for the incurable dealers in vilification and detraction, it is inevitable that many will experience a feeling of shame. For the President of the United States, whoever he may be, is entitled to support and encouragement on the home front in leading a world crusade against the darkest threat of freedom in all history.

Under Harry Truman's leadership we have been launched on new and noble paths in a manner that stimulates pride and self-respect and adds greater prestige to our Nation as an instrument for peace through strength and right.

Speaker RAYBURN, knowing this to be true, has made a signal contribution that should have far-reaching effectiveness. The spirit he reflects, that is so worthy of emulation, represents the best in Americanism.

FEDERAL DEPOSIT INSURANCE

Mr. PATMAN. Mr. Speaker, I desire to invite your attention to the conference report which will come up tomorrow on the Federal Deposit Insurance Corporation bill. I am opposed to that report because I am opposed to the bill. It is as good a conference report, I assume, that any conference committee could be expected to bring back under the circumstances. I am not opposing the report as such except I am opposed to the bill that is certain provisions of the bill.

INSURANCE COVERAGE INCREASED TO $10,000

This conference report, after ironing out the differences between the House and Senate means this: one, at the present time up to $5,000 on deposit in any bank by any person, firm, or corporation is guaranteed by the Federal Deposit Insurance Corporation. Under this new bill as presented by the conference report, this liability will be doubled to $10,000. That is a very fine provision; I am very much in accord with that.

No. 2, if this bill becomes a law, then all investments in Federal savings and loan associations will also be guaranteed up to $10,000 just like the banks. That is another good provision, but there are some objectionable features that I wish to discuss. No. 1: The FDIC is only about 16 years old. It is guaranteeing deposits in banks and banking institutions; it is guaranteeing deposits to the extent of $125,000,000,000, $150,000,000,000, and some estimates as high as $159,000,000,000 after this liability has been doubled.

Let us see what we have behind this insurance fund. We have about $1,000,000,000. One billion dollars to carry over $100,000,000,000 does not sound just ex-

actly right to me. I can just see any banker now turning down a proposition when presented to him in this way: That I want to double a liability but I want to reduce the assessments. Right off the banker would say: "That is not right; if you are going to double the liability you ought to at least leave the assessments as they are and let us see how we get along. So what I object to here is doubling the liability and reducing the assessments more than 50 percent at the same time. That is the part that does not make sense to me.

Mr. NICHOLSON. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. In doubling the liability we get twice as much money and, therefore, the price should be lower, the charge should be lower also because we have twice as much as we had before. That naturally would follow, would it not?

Mr. PATMAN. Of course, when we say "double the liability" it does not actually work out that way. We all know that it will not mean exactly double, but it will mean a lot more than what it has now.

Mr. NICHOLSON. Mr. Speaker, will the gentleman yield further?

Mr. PATMAN. I yield.

Mr. NICHOLSON. If you are doing more business under the same classification naturally it will be lower because in most every business it is the volume of business done that cuts down the interest rate, is it not? If we get twice the volume of business, naturally the price should be lower.

Mr. PATMAN. If the gentleman will bear with me and let me finish the point I was explaining I think he will see why it is insufficient. No. 1: A $1,000,000,000 reserve fund is not enough to guarantee over $100,000,000,000 in deposits. Without going into illustrations, we know that back before we had the Federal Deposit Insurance Corporation we had these smaller funds in the different States. Some banks broke very rapidly and dissipated those funds. The experience in the States was not very good. This is a new experiment; this is a new, a novel experiment, and why should we begin to cut the reserve fund down at a time when we are increasing the liability?

Mr. BROWN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. BROWN of Georgia. Does the gentleman realize that there are 104,000,000 depositors in the United States? Under this bill 103,000,000 depositors are protected to the full extent of their deposits. The other 1,000,000 depositors have the rest of the money involved, which is almost as much as the 103,000,000 smaller depositors.

This bill is designed to help the depositors, to help the little man.

As the gentleman knows we have in the fund now $1,277,000,000 which bears interest that amounts to about $25,000,000 a year. Under this arrangement we will collect something like $70,000,000 a year to be added to the reserve, which is now $1,277,000,000.

I know some little banks in my district, $50,000 banks having $3,000,000 of deposits. Those little banks will get something like $2,500 back. They need it. We have not had a bank failure since 1944. President Truman is the only President since 1866 to occupy the White House not to have a bank failure during his term. The FDIC has looked after this well.

Besides the $1,277,000,000 it has accumulated as reserves and paid $289,000,000 back to the Federal Reserve and the Treasury. In addition to that they have not had a bank failure for 6 years. That is a marvelous record. I think this is a good bill.

Mr. PATMAN. The gentleman, though, does not take into account one feature of this bill, I am afraid, that is convincing; that is, now is not the time to reduce these assessments as this conference report will reduce them. That is equal to giving back to the banks commencing January 1, 1950—this is dated back—$66,000,000 a year. This is a time when we are trying to check inflation. If we permit those banks to continue to pay that will be siphoning off purchasing power, putting it into the FDIC where it will be invested in Government bonds and not be in circulation any more; it will help us in our fight against inflation; whereas if we permit these banks to have that $66,000,000 back and we give it back to them at the end of the year, that is powerful money which under our fractional reserve system can be extended several times that $66,000,000, which is highly inflationary. Instead therefore of fighting against inflation you are making it possible for half a billion more money to be put into circulation each year just on account of the reduction in these FDIC assessments. The amount of inflation will be reduced in proportion to the taxes paid by the banks.

Mr. BROWN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. BROWN of Georgia. As to the amount, one-twelfth of 1 percent, that is collected from the banks of the country, paid by the banks, they get that as a deduction when they pay the income tax. If anything is paid back to them, they have to report that as taxable income. Under this bill, the banks of this country should pay additional income taxes annually of about $25,000,000 to the Federal Government.

Mr. PATMAN. Take, for instance, the Chase National Bank—it will be $1,637,000 a year on this deduction. That is a lot of money for one bank. Now, you take 10 banks in New York, and they will get approximately $8,000,000. That is for 1 year. They can take that $8,000,000 and make loans under the fractional Reserve System, at an average of about 7 to 1, of about $56,000,000 a year, which is increasing the inflationary fire instead of fighting inflation. This amount, too, will be reduced in proportion to the amount of taxes paid on the reductions by the banks.

Mr. BROWN of Georgia. The gentleman has stated that the banks of New York receive something like $8,000,000. The banks of New York have paid more than $16,000,000 annually, and the FDIC has not lost a dime on any bank in New York.

Mr. PATMAN. The point is, though, have we had enough experience that we are willing to say that $1,000,000,000 is enough to protect over $100,000,000,000? We have been in an expanding economy. We have not had any reversals. Will a billion dollars take care of our banking business if we were to have any reverses? I doubt that it would. I think we should have some experience, a little longer experience, that will enable us to find out how safe and sound this fund is, especially in view of the fact that it is highly inflationary.

One other point: This bill was up for consideration back in 1933 and 1934 and much discussion was had by Members of Congress and others as to how expensive it would be on the banks. The banks—I do not say improperly; I assume that they properly—put on service charges against their depositors. The depositors in that way are paying for this. Last year they collected $194,000,000 in service charges and only paid out $119,000,000 for deposit insurance.

In addition to that, let us see what else we gave the banks to take care of this. We made it an absolute violation of the law for banks to pay interest on demand deposits. That is regimentation of the worst sort, but I do not hear anybody complaining about that method of regimentation. We made it a violation of law for the banks to pay interest on demand deposits. That saved the banks over a half billion dollars a year. I put a table in the RECORD showing that.

So, in view of the fact that they have received $194,000,000 in service charges and saved over $500,000,000 in interest on demand deposits, it occurs to me that they can afford to continue to pay into this fund until we determine for a certainty that it is absolutely sound. In addition to that we gave them another provision in the law that the banks could not pay more in interest on savings accounts than the amount fixed by the Federal Reserve Board, which is a very low amount. That saved them another quarter of a million dollars right there.

It occurs to me, with all those savings aimed at helping them to pay this Federal deposit insurance assessment, that they can afford to continue to pay the $119,000,000 until we can determine if the fund is sufficiently sound to the point where it should be reduced.

Mr. D'EWART. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Montana.

Mr. D'EWART. The gentleman has made the point that there is $1,000,000,000 to guarantee $100,000,000,000 on deposit.

Mr. PATMAN. Over $100,000,000,000.

Mr. D'EWART. I call the attention of the gentleman to the fact that when a bank suffers a loss that loss is charged first against undivided profits; next it is charged against the surplus account of the bank; third, it is charged against the stockholders' guaranty; and, fourth, of those deposits approximately 50 percent is invested in Government bonds.

Certainly the gentleman would not say that the money that is deposited in the banks and invested in Government bonds needs a guaranty. Next, approximately 25 percent of the money deposited in the banks is in cash. Certainly the gentleman would not want to give the impression that that which is in cash in a bank needs a guaranty. So, instead of having the sum of $100,000,000,000 that needs to be guaranteed, you have a much smaller sum than that; in fact, less than 25 percent, and that 25 percent is guarteed in addition to the undivided profits, by surplus and by stockholders' guaranties.

Mr. PATMAN. I agree there is a backlog of strength there that the gentleman has outlined and enumerated, but the main strength that you rely upon for solvency of this fund is a subsidy.

You would think that the bankers of this country would be the last ones who would accept a subsidy. It is provided in this law that the FDIC has a commitment from the Treasury to get up to $3,000,000,000 any time that the FDIC wants that $3,000,000,000 through a public-debt transaction. It has been argued that $3,000,000,000 ought to be enough. Do you not think it would be a lot better to build this reserve fund up to $4,000,000,000? Repeal the $3,000,000,000 commitment, which is a subsidy, repeal it absolutely. That would be the better way of doing it. So, in order to reduce these assessments, keep this fund low, you must rely upon that Government subsidy and the corporation should not be required to lean upon a subsidy from the Government of the United States.

Mr. NICHOLSON. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. If we get into the position where the FDIC has to pay $3,000,000,000 to the banks, then we are in a position that would be chaotic. It would not do any good anyway, because if we get into the red to the amount of $3,000,000,000 to the depositors of our banks, then the $3,000,000,000 does not mean a thing.

Mr. PATMAN. That argument would be in favor of not having any fund at all.

Mr. NICHOLSON. Everyone who appeared before the Committee on Banking and Currency made the statement—and they probably know more about it than the gentleman and I although we are members of the committee—that if we did arrive at $3,000,000,000 it would not amount to anything anyway.

Mr. PATMAN. It certainly will amount to something, and so will the assets mentioned by the gentleman a while ago. They will amount to a lot. But we need a reserve fund that is solvent, that is big enough so the banks can get this insurance. You keep this fund low and it will be difficult for additional banks to come in. They will say, "The fund is too low. We have enough coverage. We don't need more banks," when the fact is that we ought to have 50 percent more banks than we have today to render the service the people are entitled to be given by the commercial banks.

Mr. NICHOLSON. The only thing I was bringing up, and it was fortunately before the committee, was that this is insurance. Everybody believes in insurance, whether it is life or fire insurance or insurance on the banks. We thought, probably, or I did at least, anyway, that that was one bill the Committee on Banking and Currency had brought out that was worth while.

Mr. PATMAN. Yes, I think it was. I was one of the few that signed the petition not to adjourn before when this law was enacted. We thought the Congress should not go home until this bill was enacted into law. I think it is a fine law, but we should protect it with an adequate reserve.

Mr. BROWN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. BROWN of Georgia. The gentleman has made a statement that surprises me. He says they are undertaking to subsidize the banks of this country.

Mr. PATMAN. I did not say we are undertaking, I say it amounts to a direct subsidy. The bankers are the last ones that should be willing to accept a subsidy.

Mr. BROWN of Georgia. Who pays the money to guarantee the funds of the little man in the banks of this country? There are about 13,000 banks; 103,000,000 people in this country who have deposits in the banks are protected in full and thus do not pay a dime.

Mr. PATMAN. The banks have been pretty well taken care of on that. You see, they only pay $119,000,000 on this. They collect $194,000,000 in service charges which they never collected before this, that is, to help them pay this $119,000,000. In addition, they are being saved over half a billion dollars a year interest on demand deposits and a quarter of a billion dollars of savings on time deposits.

In addition, commercial banks are certainly not hard hit by any Government activity, because they are allowed to buy a lot of bonds. The earnings of the commercial banks, the insured banks, last year on Government bonds that were purchased through a bookkeeping transaction, money created upon the books of the banks, amounted to a billion dollars plus.

In addition, Government-guaranteed paper, such as Commodity Credit, Housing, and things like that, amounted to at least another $260,000,000.

Thus, from the Government alone, we will say, they collected last year one-third of the entire capital stock of the insured banks. I am not including surplus and undivided profits. If you include surplus and undivided profits, they collected last year more than 12 percent of the entire capital structure, including capital surplus and undivided profits. That is just from the Government alone. So the Government is not doing anything against the banks, the Government is doing something for the banks.

In view of the fact that we need so much to cut down inflation, I think the banks, in view of all these facts, can well afford to do without that $66,000,000 a year which they will balloon into $500,000,000 a year, and help us in the fight against inflation.

Mr. BROWN of Georgia. I do not know any difference between now and years ago so far as collecting service charges is concerned. Some banks do not charge it now. Banks can make money on Government bonds as individuals do. If it were not for the banks of this country, you certainly could not sell all your Government bonds. Under the gentleman's philosophy we do not need many banks in this country.

Mr. PATMAN. I am for the banks having a fair amount of Government bonds, but we do not have to rely on the commercial banks for the purchase of Government bonds. The Federal Reserve banks could buy every Government bond that is issued, so far as that is concerned.

We have no service charges before this law, none in the world, but now we have $194,000,000 a year. I do not criticize the banks for it. I think the banks have been imposed upon in that way, and I am not criticizing them. But when you get $194,000,000 and pay out $119,000,000, they are not hurt very badly, if at all.

In addition, when they are given this difference of $500,000,000 a year in protection against payment of interest on demand deposits and a quarter of a billion dollars protection on payments of interest on time deposits, why, I think the banks have been pretty well taken care of.

The difference between an individual buying a bond and a commercial bank buying a bond is this: The individual actually pays cash for that bond. The banks do not pay cash. Under the fractional-reserve system the banks can buy up to 7 to 1 with the money they have. So there is a big difference there. That is the reason it is highly inflationary. We should have a system where we would finance even this war by selling bonds to individuals, if possible, where they pay the actual cash. It is highly inflationary to sell bonds to commercial banks, highly inflationary. It should be prohibited, if possible, but we have got to do some of it under the system we have been operating on in the past.

Mr. BROWN of Georgia. I am sure the gentleman does not want to see any banks fail. How would a bank stay in business if it did not collect enough service charges, and enough interest on Government bonds and loans to operate? In these good years the people down in my section did not borrow very much money from the country banks. Those banks have to live. We want them to live. It is a place to keep our money safe, and we are willing to pay a little for services rendered by the banks. Do you want the banks to render service in every department and take up the time of the cashier and all the other officers and then not get any pay for it?

Mr. PATMAN. The gentleman probably did not hear what I said.

Mr. BROWN of Georgia. I am speaking for the little banks of this country.

Mr. PATMAN. I am certainly not criticizing the banks for that, because I presume the service charge is justified. But I am bringing it up because it was con-

tended they needed these service-charge payments in order to pay for the assessments to the FDIC. So the point is since they are collecting $194,000,000 each year in service charges to take care of $119,000,000, it occurs to me they can well afford to continue to make those payments now in this emergency and help us in the fight against inflation. How can we go back home and say to those people who want to buy an automobile that they must have to hold a job that you are stopping them to retard inflation? The man has got to have a car, but he cannot put up one-third as a down payment, because of consumer credit regulation W. You are stopping that man. You are putting the lid on all of these purchases of $2,500 or less and putting even more restrictions on the purchase of an automobile. Yet, here is a case where you are turning back to the banks the equivalent of $500,000,000 in additional lending power a year. How can you justify that? You are going to stop these little fellows who are buying appliances and cook stoves and refrigerators and second-hand cars. You are destroying character as collateral. That is what you do under regulation W. You destroy character as collateral. Character is no good any more. But when it comes to the banks, we are willing to give them a reduction of $66,000,000 a year which will be ballooned into a credit expansion of $500,000,000, less any amount paid in taxes by the banks.

Mr. BROWN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. BROWN of Georgia. I wish the gentleman would take the time to explain fully the right under the present law which the FDIC has to make investigations of the banks.

Mr. PATMAN. Do you mean examinations?

Mr. BROWN of Georgia. Yes.

Mr. PATMAN. That is another feature that I am opposed to, and for this reason. I am apprehensive that it will result in the establishment of a dual examining system. We should not have that. We should have one examining agency for all these banks. We should not encourage the establishment of another agency and by this conference report I am apprehensive that that is what will happen.

Mr. BROWN of Georgia. The gentleman thinks the FDIC then should make examinations of their own risk? If we have only one agency, the gentleman thinks that the FDIC should do the examining; does he not?

Mr. PATMAN. Then why not permit it for the national banks, if we are going to do it for the State banks, why not do it for the national banks?

Mr. BROWN of Georgia. That is exactly what we have done. The gentleman does not seem to be familiar with the bill.

Mr. PATMAN. Yes, I am.

Mr. BROWN of Georgia. Under the bill they would only make certain special examinations.

Mr. PATMAN. That is right.

Mr. BROWN of Georgia. Under the present law they have to get authority before they can make any examination of State member banks and national banks. When it appears to them that a bank is in bad condition and might fail, they have to get written permission from the Federal Reserve to examine any Federal Reserve bank. They have to get written permission from the Comptroller of the Currency before they can examine a national bank. Sometimes you cannot wait that long, and for that reason we said in this bill that they could make special examinations and if in looking over the report of the Comptroller of the Currency or looking over a report of the Federal Reserve bank they think that the bank is likely to fail in the near future, they can make an immediate examination. There is quite a difference between Federal Reserve examinations and an examination for the depositor. The FDIC has a paramount interest, and that is on whether or not the bank is solvent. The Federal Reserve makes examinations in order to help them in formulating financial policies. But the FDIC is confined to one question alone, and that is the solvency of the bank, in order to protect the depositors of that bank.

Mr. PATMAN. And in doing that and in determining the solvency, the examiner would naturally look at the type of paper in the portfolio of that bank. You are very likely to have this sort of situation where the national bank examiners will criticize the bank for having certain types of collateral, let us say, certain bonds of different companies, and then the FDIC examiner will come along and he will criticize the bank for having different types of collateral.

So in the end the bank is caught in the middle, and instead of encouraging the solvency of the bank, it would encourage confusion in the minds of the bankers and they would not know what to do. One set of examiners is saying one thing, and another set of examiners is saying anothed thing.

Mr. BROWN of Georgia. Of course one reason that we have not had so many bank failures in recent years is that when a new bank is established now and application is made for insurance of the deposits, the FDIC must be furnished with the names of the directors and the name of the cashier and the names of the president and vice president. They go into those things fully. They go into the background of these men, and if they determine that they are not capable of running a bank, they will tell this bank, "Before we guarantee the deposits, you must get another president—or you must get another cashier"—they have done that in my district and in my State a number of times. It just goes to show how careful these men are. That is the reason we are not going to have so many bank failures, and that is the reason these people ought to have the right to investigate their risk, because, I repeat, the only interest they have is in the solvency of that bank. They have made quite a record on that, because under the law they have the right to go in and investigate the president or the vice president and every member of the board. That is one reason why we have not had any failures in recent years.

Mr. PATMAN. I would like to address myself to that one point. Prior to 1933 we had 30,000 banks in the United States. Since that time we have had less than 15,000. I know of good-sized towns that do not have a bank of any kind or character. We need a lot more banks than we have. Just making an estimate, a guess out of thin air, I would say that we need at least 50 percent more banks. Banks render a great public service both in time of peace and in time of war. We need them, and we do not have enough banking service. In fact, I deplore the practice of so many banks in adopting such short hours, staying open only from 10 to 2. Suppose the Post Office were to inaugurate a system like that; you would hear all kinds of howls. I think the banks should be conducted in a way that provides the service which is needed. They should render the maximum amount of service to the people of the communities they serve.

This Congress in its wisdom passed the GI bill of rights and other laws which gave assistance to the veterans in permitting them to finish their education and obtaining money with which to buy homes, and Congress passed laws providing social security and unemployment compensation. Had we not had these laws we would have had a devastating depression following this war just as we did following the other.

Mr. CAMP. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. CAMP. Our State banks are in a separate and special category. Once the banks have their money out with interest, they can close on Sundays and holidays and there is not much necessity for them staying open as long as they have the money loaned out. Perhaps the gentleman has overlooked that fact.

Mr. PATMAN. That is to be expected from the viewpoint of the bankers. Their money draws interest while the bankers sleep. So far as they are concerned short hours is good business. I am sure the gentleman does not look at it entirely from that standpoint.

MORE BANKS NEEDED

It is believed by many people that we have an insufficient number of banks in the United States to render the banking service needed by the people. If this bill becomes a law and the reserve fund is as low as it will necessary be, it will naturally cause a tendency on the part of the FDIC to make it harder for banks to get insurance. This situation should not exist.

The following table indicates how few banks have made applications for insurance the past 15 years:

APPLICATIONS FOR DEPOSIT INSURANCE

On January 1, 1934, when the temporary Federal deposit insurance fund went into effect, 14,412 commercial banks with total deposits of approximately $32,000,000,000 were operating under licenses issued by the Secretary of the Treasury or by State banking authorities in conformity with the provisions of the Executive order of the President of the United States, dated March 10, 1933. Of these banks, 12,551 were admitted to the fund on January 1, 1934. During the year an additional 1,960 commercial banks with deposits of about $1,100,000,000 were

admitted to the fund. At the close of the year there were 14,217 insured banks including commercial banks, mutual savings banks, and trust companies engaged in fiduciary activities. For the period 1935 to 1949, the record of applications for deposit insurance from noninsured banks and organizers of new banks acted upon by the Federal Deposit Insurance Corporation is as follows:

Year	Cases acted upon [1]	Approved	Approved but later rescinded	Disapproved
1935-49	1,371	1,156	36	[2] 179
1949	91	79	----------	12
1948	89	71	2	16
1947	121	102	2	17
1946	151	135	5	11
1945	112	104	3	5
1944	94	91	2	1
1943	184	177	3	4
1942	39	31	1	7
1941	63	61	1	1
1940	44	38	1	5
1939	55	43	2	10
1938	48	39	1	8
1937	95	75	6	14
1936	119	75	6	38
1935	66	35	1	30

[1] The figures in this table do not include actions on applications from insured banks reorganizing or withdrawing from the Federal Reserve System or requesting approval of change of powers. For this reason they differ from those shown in table 6 of the Annual Report of the Corporation for 1948, p. 15.

[2] These 179 disapprovals involved the applications of 166 banks and 10 of these banks applied for insurance more than once. Of the 166 applicant banks, 54 were subsequently approved for insurance.

Number of operating banks in the United States and possessions, 1933–49

[Includes commercial banks, mutual savings banks, and trust companies engaged in fiduciary activities]

Dec. 31—	Total	Insured	Noninsured [1]
1949	14,736	13,628	1,108
1948	14,753	13,612	1,141
1947	14,765	13,597	1,168
1946	14,749	13,550	1,199
1945	14,715	13,494	1,221
1944	14,700	13,460	1,240
1943	14,741	13,458	1,283
1942	14,843	13,403	1,440
1941	14,990	13,482	1,508
1940	15,063	13,495	1,568
1939	15,198	13,589	1,609
1938	15,370	13,709	1,661
1937	15,557	13,853	1,704
1936	15,827	14,029	1,798
1935	16,053	14,182	1,871
1934	16,165	14,217	1,948
1933 [2]	15,781	13,201	2,581

[1] Figures differ from those published in the various annual reports of the Corporation because of revisions in the data, chiefly as to types of institutions included. All figures, especially for 1934 and 1935, are subject to further revision.

[2] Figures for insured and noninsured banks are as of Jan. 1, 1934.

BANKS CAN NOW BETTER AFFORD TO PAY TO BUILD UP RESERVE FUND

When the banks were required to pay the assessment to build up a reserve fund for the FDIC, it was perfectly natural that they adopt a system of service charges on deposit accounts. This was for the purpose of compensating the banks to make the FDIC payments. The following table discloses that, in 1949, service charges amounted to more than $194,000,000, whereas the total amount paid FDIC was much less, or $19,867,000. It is my intention that service charges should not have been instituted anyway. However, the main reason given was to compensate the banks for making the payments to the FDIC. The following table is self-explanatory.

Comparison of interest paid on time and demand deposits, service charges on deposit accounts, and FDIC assessments, 1927–49, Federal Reserve members and all insured banks [1]

[Amounts in thousands of dollars]

Year	Interest payments				Service charges on deposit accounts [3]		Total FDIC assessments paid by all insured banks [4]
	By all insured banks		By Federal Reserve members		All insured banks	Federal Reserve members	
	On time and savings deposits	On demand deposits	On time and savings deposits	On demand deposits [2]			
1927	----------	----------	405,711	307,327	----------	----------	----------
1928	----------	----------	439,384	310,278	----------	----------	----------
1929	----------	----------	444,636	314,624	----------	----------	----------
1930	----------	----------	450,865	298,127	----------	----------	----------
1931	----------	----------	387,284	193,626	----------	----------	----------
1932	----------	----------	301,863	132,461	----------	----------	----------
1933	----------	----------	231,765	[5] 56,226	----------	20,574	----------
1934	329,304	[5] 22,383	227,371	15,992	34,609	27,619	----------
1935	284,360	([6])	196,490	11,993	45,504	35,634	11,480
1936	256,829	([6])	175,164	9,312	([6])	39,415	35,567
1937	254,612	([6])	174,449	6,378	([6])	45,023	38,813
1938	248,933	----------	171,046	----------	([6])	50,553	38,308
1939	241,787	----------	159,094	----------	([6])	54,441	40,722
1940	232,153	----------	147,470	----------	([6])	59,262	46,196
1941	219,940	----------	139,930	----------	([6])	64,869	51,397
1942	207,883	----------	128,194	----------	84,309	68,176	56,533
1943	281,885	----------	123,470	----------	95,332	76,355	70,029
1944	319,203	----------	143,975	----------	107,375	85,500	80,936
1945	376,671	----------	182,721	----------	109,789	87,499	93,656
1946	428,758	----------	211,439	----------	124,696	99,634	107,023
1947	479,499	----------	235,792	----------	147,761	119,254	114,429
1948	512,666	----------	250,326	----------	173,791	141,133	119,227
1949	563,810	----------	260,910	----------	194,013	157,956	119,867

[1] The insurance of bank deposits by the Federal Deposit Insurance Corporation became effective Jan. 1, 1934.

[2] Includes some interest paid on interbank time deposits. The amount cannot be eliminated from the total but it is known to be small.

[3] First reported separately in 1933. Prior to that time it was not a common practice for banks to make such charges.

[4] Not published separately for Federal Reserve members.

[5] Payment of interest on demand deposits was prohibited by the Banking Act of 1933 and subsequent legislation (with certain exceptions for a limited period). This item was not reported after 1937.

[6] Not available.

Sources: Interest payments—Banking and Monetary Statistics, Board of Governors, Federal Reserve System, p. 262, and Federal Deposit Insurance Corporation reports. Services charge on deposit accounts—Banking and Monetary Statistics, Board of Governors, Federal Reserve System, p. 262, Annual Reports of the Federal Deposit Insurance Corporation, years 1934-48. FDIC assessments—Federal Deposit Insurance Corporation reports.

TIME AND DEMAND DEPOSITS

The following table contains interesting information about the increase in time and demand deposits. It should be kept in mind that more than 16 years ago Congress passed a law making it unlawful for banks to pay interest on demand deposits at all; also made it unlawful for banks to pay more than the amount fixed by the Federal Reserve Board on time deposits.

Time and demand deposits, Federal Reserve members and all insured banks, [1] *1927–49*

[Amounts in millions of dollars]

June 30—	All insured banks		Federal Reserve members	
	Demand deposits	Time deposits	Demand deposits	Time deposits
1927	----------	----------	23,291	12,103
1928	----------	----------	22,719	13,331
1929	----------	----------	22,541	13,325
1930	----------	----------	24,257	13,812
1931	----------	----------	22,607	13,515
1932	----------	----------	17,200	10,636
1933	----------	----------	17,583	8,981
1934	23,314	13,560	21,201	9,811
1935	27,198	14,180	24,744	10,194
1936	32,826	14,811	29,919	10,787
1937	33,240	15,592	30,143	11,347
1938	32,613	15,855	29,752	11,556
1939	37,243	16,330	34,154	11,719
1940	42,911	16,943	39,659	12,070
1941	49,706	17,714	46,016	12,495
1942	55,618	17,409	51,168	12,228
1943	77,120	20,201	70,151	13,856
1944	98,052	29,363	84,329	16,937
1945	107,266	36,687	96,569	21,796

[1] The insurance of bank deposits by the Federal Deposit Insurance Corporation became effective Jan. 31, 1934.

Time and demand deposits, Federal Reserve members and all insured banks, 1927–49—Continued

[Amounts in millions of dollars]

June 30—	All insured banks		Federal Reserve members	
	Demand deposits	Time deposits	Demand deposits	Time deposits
1946	108,422	43,206	96,332	26,172
1947	99,140	46,456	87,361	28,057
1948	100,510	48,052	88,583	28,853
1949	99,300	49,357	87,575	29,389

Sources: Banking and Monetary Statistics, Board of Governors, Federal Reserve System, pp. 73, 78, 110, and 113, and Statements of Assets and Liabilities, Operating Insured Commercial and Mutual Savings Banks, Federal Deposit Insurance Corporation.

Insured commercial banks' capital accounts, Dec. 31, 1940–49

[Millions of dollars]

Year	Capital stock notes and debentures	Surplus paid-in and accumulated	Undivided profits	Reserves and set-aside for contingencies	Total capital accounts
1940	2,872.2	2,563.3	838.1	399.9	6,673.5
1941	2,849.9	2,687.5	896.1	411.6	6,845.1
1942	2,848.6	2,801.6	972.0	434.0	7,056.2
1943	2,874.5	3,089.8	1,006.4	480.0	7,453.7
1944	2,912.5	3,402.0	1,169.4	506.4	7,990.3
1945	3,032.3	3,784.7	1,293.3	562.1	8,672.4
1946	3,141.9	4,060.0	1,495.5	590.7	9,288.1
1947	3,193.9	4,316.4	1,650.2	575.2	9,735.8
1948	3,264.1	4,504.1	1,872.5	519.7	10,160.4
1949	3,395.5	4,803.2	1,954.3	495.7	10,648.7

EARNINGS OF BANKS

At a time when the banks are earning so much, it is a good time to build up a larger reserve fund for FDIC.

The following table gives the earnings of insured commercial banks since 1934:

Insured commercial banks—Net profit after taxes, with estimated earnings on obligations of U. S. Government and on loans guaranteed by agencies of U. S. Government, 1934–49

[Millions of dollars]

Years	Net profit after income taxes (see table III)	Earnings, obligations of U. S. Government direct and guaranteed (see table III)	Earnings, loans guaranteed by agencies of U. S. Government (see table II)	
1934	−340.0	[1] 325.0	[2]	300.0
1935	207.4	[1] 300.0	[2]	
1936	524.2	[1] 325.0	[2]	
1937	380.6	[1] 300.0	[2]	
1938	300.3	[1] 325.0	[2]	
1939	388.7	[1] 325.0	[2]	
1940	401.1	[1] 350.0	102.4	1,551.2
1941	454.6	[1] 360.0	104.3	
1942	440.7	[1] 500.0	125.0	
1943	637.9	[1] 750.0	129.2	
1944	751.2	[1] 950.0	133.8	
1945	905.9	1,130.0	125.6	
1946	902.3	1,218.5	134.7	
1947	781.4	1,079.5	173.6	
1948	745.3	1,008.1	234.9	
1949	831.0	1,013.0	287.7	
Total	8,312.6	10,259.1	--------	1,851.2
Total, 5 years 1945–49	4,165.9	5,449.1	956.5	--------

[1] Estimated.
[2] Not available, probably averaged $50,000,000 a year.

It will be noticed that the banks collected last year more than 33⅓ percent of the amount of the capital stock of the banks on Government bonds and Government-secured paper. If you include surplus and undivided profits, the total capital structure of all insured commercial banks last year amounted to $10,648,700,000. The amount collected from these banks by the Government on Government bonds and guaranteed paper amounted to about 12½ percent of the entire capital structure of these banks. This information is brought out to show that the banks are now in a position to pay these assessments and in view of the fact that a larger reserve fund should be built up for FDIC and inflation should be retarded, these payments should be continued for the present.

Insured commercial banks—Gross operating earnings, profits, and estimated earnings on United States Government securities, 1934–49

[Millions of dollars]

Years	Earnings, obligations of U. S. Government—direct and guaranteed	Total current earnings	Net profit before income taxes	Net profit after income taxes
1934	[1] 325.0	1,518.4	[2]	−340.0
1935	[1] 300.0	1,486.1	[2]	207.4
1936	[1] 325.0	1,566.7	[2]	524.2
1937	[1] 300.0	1,633.6	[2]	380.6
1938	[1] 325.0	1,584.4	[2]	300.3
1939	[1] 325.0	1,605.5	[2]	388.7
1940	[1] 350.0	1,631.1	[2]	401.1
1941	[1] 360.0	1,729.9	[1] 504.6	454.6

[1] Estimated.
[2] Not available.

Insured commercial banks—Gross operating earnings, profits, and estimated earnings on United States Government securities, 1934–49—Continued

[Millions of dollars]

Years	Earnings, obligations of U. S. Government—direct and guaranteed	Total current earnings	Net profit before income taxes	Net profit after income taxes
1942	[1] 500.0	1,790.7	520.2	440.7
1943	[1] 750.0	1,959.5	765.8	637.9
1944	[1] 950.0	2,214.9	954.0	751.2
1945	1,130.0	2,482.3	1,204.8	905.9
1946	1,218.5	2,863.9	1,225.7	902.3
1947	1,079.5	3,097.7	1,083.7	781.4
1948	1,008.1	3,403.6	1,020.8	745.3
1949	1,013.0	3,607.0	1,156.0	831.0
Total	10,259.1	34,175.3	--------	8,312.6
Total 5 years, 1945–49 (actual)	5,449.1	15,454.5	5,691.0	4,165.9

[1] Estimated.

The amount in the first column does not include the $287,700,000 collected on Government guaranteed paper.

LOANS GUARANTEED BY UNITED STATES GOVERNMENT HELD BY INSURED COMMERCIAL BANKS

The following table is self-explanatory:

Insured commercial banks—Estimated earnings on loans guaranteed or insured by agencies of U. S. Government, 1940–49

[Millions of dollars]

Year	Commodity Credit [1]	Federal Housing Administration			RFC commitments to banks [2]	Veterans' Administration [6]	Guaranteed or insured total
		Home mortgages [3]	Rental project mortgages [3]	Improvement loans [4]			
1940	35.0	51.0	----	14.8	1.6	-----	102.4
1941	30.0	58.5	----	14.4	1.4	-----	104.3
1942	30.0	68.6	----	22.0	4.4	-----	125.0
1943	28.9	76.7	----	17.0	6.6	-----	129.2
1944	39.3	77.8	----	11.4	5.3	-----	133.8
1945	27.0	79.2	1.0	11.5	3.1	3.8	125.6
1946	6.0	75.1	1.5	17.8	16.3	18.0	134.7
1947	2.6	77.3	7.6	30.3	14.6	41.2	173.6
1948	27.2	83.0	15.6	46.6	9.8	52.7	234.9
1949	45.3	97.1	21.0	58.2	8.1	58.0	287.7
Total	271.3	744.3	46.7	244.0	71.2	173.7	1,551.2
Total 5 years, 1945–49	108.1	411.7	46.7	164.4	51.9	173.7	956.5

[1] Average of amounts held June 30 and Dec. 31 each year at average rate of 6 percent estimated by management of CCC; 1940 amount estimated.
[2] Face amounts under secs. 203 and 603 reduced by 10 percent estimated average amortization at 4½ percent reduced to 4 percent, 1946; new rate applied only to net increase.
[3] Face amounts under secs. 207, 210, 608 reduced by 5 percent estimated amortization at 4 percent maximum.
[4] In absence of data on holdings or outstandings, based upon "origination" data. All National and State banks accounting for 67 percent of origination in 1948. Average length of loan 2½ years at 6 percent.
[5] Based on uncalled-for commitments at assumed net earning rate of 5 percent.
[6] Guaranteed portion outstanding after scheduled amortization; bank holdings estimated at 35 to 40 percent of total taken at 4 percent maximum on real estate loans as guaranteed business loans relatively small.

INTEREST ON DEMAND DEPOSITS

Payment of interest on demand deposits was prohibited—with certain exceptions for a limited period—by the Banking Act of 1933 and subsequent legislation. Over the 1927–32 period, the 6 years preceding this prohibition, banks which were members of the Federal Reserve System had paid interest on demand deposits at an average rate of 1.2 percent per annum. Such data are not available for other categories of banks. In the absence of this restriction, and if payments at this average rate had been continued, insured banks would have paid amounts ranging from $280,000,000 in 1934 to a high of $1,301,000,000 in 1946 and totaling over $12,000,000,000. The average rate of 1.2 percent applied to demand deposits of insured banks and Federal Reserve member banks is shown in the following table:

[Amounts in millions of dollars]

Year	All insured banks	Federal Reserve members
1934	280	254
1935	326	297
1936	394	359
1937	399	362
1938	391	357
1939	447	410
1940	515	476
1941	596	552
1942	667	614
1943	925	842
1944	1,117	1,012
1945	1,287	1,159
1946	1,301	1,156
1947	1,190	1,048
1948	1,206	1,063
1949	1,192	1,051
Total	12,233	11,012

In view of the trend in interest rates generally since 1933 and the large increase in demand deposits, commercial banks could not have paid the rate of interest assumed in the foregoing tabulation. Even in the absence of legislation, the rate of interest paid on demand deposits would have been drastically reduced below the level of the later 1920's.

If banks had paid interest on demand deposits during the 1934–49 period, the rate certainly would not have exceeded the yield obtainable on short-term United States Government obligations such as 3-month Treasury bills. Furthermore, commercial banks could not have afforded to pay the full amount of this rate. Accordingly it has been assumed in the following computation that the banks paid interest on demand deposits at a rate equal to two-thirds of the average annual rate on Treasury bills. Under this assumption, the payments by insured banks would have ranged between a low of $4,000,000 in 1940 and a high of $731,000,000 in 1949, and totaled slightly over $3,000,000,000 during the 1934–49 period.

[Amounts in millions of dollars]

Year	All insured banks	Federal Reserve members
1934	40	36
1935	25	23
1936	32	29
1937	99	90
1938	12	11
1939	6	5
1940	4	4
1941	34	31
1942	121	112
1943	191	174
1944	233	211
1945	268	241
1946	271	241
1947	399	351
1948	698	615
1949	731	645
Total	3,164	2,819

It is doubtful that the banks would have paid more than two-thirds of the amount stated in this last table. However, that means that the banks have saved about a half billion dollars a year interest compared with the time preceding the enactment of the law prohibiting the payment of interest-on-demand deposits.

S. 2822 REFERRED TO AS "BIG BANKS' BONUS BILL"

During the consideration of S. 2822, I received many complaints against this bill and one complaint referred to it as the "big banks' bonus bill." It was urged in this letter than while we are preventing inflation through installment credit and otherwise, that is a burden to the poor if this bill went into effect and gives big bonuses to the banks—it will cause inflation, not retard inflation.

I am inserting herewith a statement, which discloses the estimated savings for 17 of the large banks. It is self-explanatory.

Estimated savings in assessments under S. 2822 for 17 banks with largest deposits on June 30, 1950

Bank	Total deposits June 30, 1950	Estimated annual savings in assessments under S. 2822
Bank of America N. T. & S. A., San Francisco, Calif.	$5, 919, 458, 000	$2, 343, 000
National City Bank of New York, N. Y.	4, 593, 527, 000	1, 591, 000
Chase National Bank of New York, N. Y.	4, 298, 937, 000	1, 637, 000
Guaranty Trust Co. of New York, N. Y.	2, 335, 397, 000	964, 000
First National Bank of Chicago, Ill.	2, 194, 737, 000	884, 000
Continental Illinois National Bank, Chicago, Ill.	2, 114, 196, 000	878, 000
Manufacturers Trust Co., New York, N. Y.	2, 100, 794, 000	877, 000
Security First National Bank, Los Angeles, Calif.	1, 588, 113, 000	697, 000
Central Hanover Bank & Trust Co., New York, N. Y.	1, 399, 854, 000	568, 000
Chemical Bank & Trust Co., New York, N. Y.	1, 390, 485, 000	548, 000
First National Bank, Boston, Mass.	1, 368, 950, 000	485. 000
Bankers Trust Co., New York, N. Y.	1, 338, 751, 000	533, 000
National Bank of Detroit, Mich.	1, 333, 330, 000	499, 000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	1, 269, 219, 000	500, 000
Bank of Manhattan Co., New York, N. Y.	1, 069, 344, 000	451, 000
Irving Trust Co., New York, N. Y.	1, 068, 962, 000	429, 000
Cleveland Trust Co., Cleveland, Ohio	1, 053, 613, 000	453, 000
Total	36, 437, 667, 000	14, 337, 000

Ten New York banks listed herein will receive annual savings of $7,922,000.

INTEREST ON CAPITAL, A PART OF SUBSIDY

Tuesday, July 1, 1947, Mr. H. E. Cook, Director, Federal Deposit and Insurance Corporation, accompanied by Vance L. Sailor, Chief, Division of Examination, testified before the Committee on Banking and Currency concerning the reimbursement to the Treasury of the capital stock that had been furnished the Corporation.

The following are excerpts from that testimony:

Mr. PATMAN. Yes; I know that, but now, since you are returning money which is a subsidy—you are trying to get the subsidy out of the organization—will you get the subsidy entirely out of your organization if you just reimburse the $289,000,000? It occurs to me that consideration should be given to reimbursing the interest, too.

Mr. SAILOR. I do not know of any way that that interest could be calculated, because our funds were all mingled and part of our earnings comes from the investment of the funds received from the banks by way of assessment.

Mr. PATMAN. Well, of course, that would not be a very good reason for not adopting the principle. The question is a matter of principle. If you had a $289,000,000 subsidy during all this time, and you received so much interest on it, say, $6,000,000 for 14 years, that is about $84,000,000. The question is, as a matter of principle, if it could be shown that you received that much, should it be returned, too? What do you think about that?

Mr. SAILOR. Personally, I do not think it should be, but that is a matter of opinion.

Mr. PATMAN. What about you, Mr. Cook? Do you want to be purged of this subsidy?

Mr. COOK. We do, sir.

Mr. PATMAN. Do you think you can get the subsidy entirely out without putting the interest back, too?

Mr. COOK. Well, Mr. Congressman, as I say, my brief exposure to the operations of this Board leads me to be careful in the statements I make, and I would not make a statement which would commit our chairman, and I would prefer to have him answer it, if you will hold that question in abeyance.

Mr. PATMAN. All right. I know Mr. Harl. I hold him in high esteem, and I will be glad to hear his testimony when he comes. I hope you will tell him to be prepared to answer that, so that we might have an expression from the Board.

Mr. COOK. We will do that, sir.

Subsequently, and on July 8, 1947, Mr. Maple T. Harl, Chairman of the Board of Directors, Federal Deposit and Insurance Corporation, testified before the same committee. I am inserting herewith excerpts from that testimony. It is as follows:

I want to ask you about this interest matter, Mr. Chairman. I commend you and your group for wanting to get any subsidy there is out of your capital structure. I think that is a very commendable undertaking. At the same time, if you want to get all the subsidy out of your capital structure, I do not see how you can escape what I conceive to be a fact, that the interest on the capital structure, which is a subsidy, is just as much a subsidy as the capital structure itself. To be specific, when the Treasury delivered to the Federal Deposit Insurance Corporation, in 1934, $15,000,000,000, that was a subsidy, was it not, Mr. Chairman? You considered that a subsidy, did you not?

Mr. HARL. I would say that was in the nature of an endowment.

Mr. PATMAN. All right, an endowment. Of course, we have different names for it.

Mr. HARL. At that time, in 1933, as you know, the business of this country was on its back.

Mr. PATMAN. Yes; I know the situation. I was here, and I know all about it. I am not talking about that, Mr. Chairman. I am just talking about the subsidy, if you will pardon me.

Mr. HARL. Therefore, we feel that the fact that the entire economic structure has been benefited, and, furthermore, that, as a result of this war, the banks rallied and sold 96 percent of the bonds at the cost of one-tenth of 1 percent, and also because of the fact that we were told food would win the war, and credits had to be extended for that purpose, and, thirdly, on the coupon rationing, the banks took that and handled it at cost, which was their patriotic duty, of course, and also because of the assistance they gave to the Custodian of Alien Property, we feel the banks have fulfilled their obligation. Furthermore, a bank is really a composite business.

Mr. PATMAN. Well, with all due respect, Mr. Chairman, I do not think that is responsive. I agree that the banks have done a wonderful job during the war. They did a tremendous job, and at a low cost to the Government, and I commend them for it. I am not criticizing the banks at all. I am not criticizing the Federal Deposit Insurance Corporation. I am just talking about one thing. Is that $150,000,000 which you got back in 1934 a subsidy or it is not a subsidy, and if it is not a subsidy, why do you want to pay it back?

Mr. HARL. Well, in the first place, I believe that the Government should get out of business wherever it possibly can. I believe the Government should sponsor. The Government has sponsored and is sponsoring a special trust and is protecting all the deposits of all of them.

Mr. PATMAN. Well, do you agree that that $150,000,000 was a subsidy or was not a subsidy?

Mr. HARL. Well, I would have to agree that the $150,000,000, and the $139,000,000, both, were a subsidy.

Mr. PATMAN. That is the reason you want to pay it back? You want to get it out of your capital structure?

Mr. HARL. That is right.

Mr. PATMAN. All right. Then, that $289,000,000 was used to purchase Government bonds. Let us say that in the first year it earned $5,000,000. Would that $5,000,000 be a subsidy or would it not be a subsidy? It is in your capital structure.

Mr. HARL. We got the benefit of it; yes, sir.

Mr. PATMAN. Well, is it a subsidy or is it not a subsidy?

Mr. HARL. I think any money the Government put into the Federal Deposit Insurance Corporation, regardless of from what source, would be a subsidy.

Mr. PATMAN. Would the $5,000,000 accumulation the first year, on that capital structure, which was a subsidy, be a subsidy, too?

Mr. HARL. I think whatever money came in, whether from interest or capital, would be a subsidy.

Mr. PATMAN. And you agree the interest would be a subsidy?

Mr. HARL. Yes, sir.

Mr. PATMAN. The other day I asked one of the members of your board to prepare for me a table indicating the amount that this $289,000,000 has earned during that time, presuming that it earned the average amount of all your investments during that period. Has that table been prepared?

Mr. HARL. Yes, sir.

Mr. PATMAN. May I have it, please?

Mr. HARL. Yes, sir. In reply to that question, I would like to say the average return on that particular money has been 2.2 percent.

Mr. PATMAN. 2.2 percent?

Mr. HARL. Yes, sir.

Mr. PATMAN. How much would it amount to over the period from 1934 to date, Mr. Chairman?

Mr. HARL. $116,000,000.

Mr. PATMAN. $116,000,000?

Mr. HARL. Yes, sir.

Mr. PATMAN. Are you advocating, or are you opposing paying that $116,000,000 back to the Government?

Mr. HARL. We think that is a matter for the Congress to decide.

Mr. PATMAN. You are not taking any stand at all?

Mr. HARL. That is right.

Mr. PATMAN. The board has taken no stand?

Mr. HARL. No, sir.

Mr. PATMAN. You are not recommending that it be paid back and you are not recommending that it not be paid back?

Mr. HARL. We are not making any recommendation for the reason that when the act was drawn in 1935, the provision was placed in the statute that there be no dividends paid on the capital structure.

Mr. PATMAN. However, if the Congress decides that the $116,000,000 should be paid, the same as the $289,000,000, you would be perfectly willing to pay it?

Mr. HARL. If Congress decides, it would be mandatory for us to pay it; yes, sir.

Mr. PATMAN. I would like to insert these tables in the RECORD, Mr. Chairman.

Mr. KUNKEL. Without objection that will be done.

(The matter referred to is as follows:)

Federal Deposit Insurance Corporation—Interest on paid-in capital, compounded annually at June 30, at the same rate as the average annual yield on U. S. Government obligations owned from commencement of operations to June 30, 1947

Fiscal year	Date of purchase	Interest period	Capital and accumulated interest	Interest rate [1]	Accrued interest
				Percent	
1934	Sept. 1, 1933	Sept. 2, 1933–June 30, 1934	$500,000.00	1.643	$6,797.07
	Nov. 24, 1933	Nov. 25, 1933–June 30, 1934	149,500,000.00	1.643	1,467,041.45
	Jan. 10, 1934	Jan. 11–June 30, 1934	43,415,389.30	1.643	334,183.12
	Jan. 12, 1934	Jan. 13–June 30, 1934	26,234,389.18	1.643	199,573.26
	Apr. 15, 1934	Apr. 16–June 30, 1934	69,649,778.51	1.643	238,274.75
Total, fiscal year 1934			289,299,556.99	1.643	2,245,869.65
1935		July 1, 1934–June 30, 1935	291,548,426.64	2.894	8,437,324.65
1936		July 1, 1935–June 30, 1936	299,982,751.29	2.748	8,243,526.00
1937		July 1, 1936–June 30, 1937	308,226,277.29	2.718	8,377,590.22
1938		July 1, 1937–June 30, 1938	316,603,867.51	2.733	8,652,783.70
1939		July 1, 1938–June 30, 1939	325,256,651.21	2.639	8,583,523.02
1940		July 1, 1939–June 30, 1940	333,840,174.23	2.602	8,686,521.33
1941		July 1, 1940–June 30, 1941	342,526,695.56	2.537	8,689,902.26
1942		July 1, 1941–June 30, 1942	351,216,597.82	2.500	8,780,414.94
1943		July 1, 1942–June 30, 1943	359,997,012.76	2.497	8,989,125.40
1944		July 1, 1943–June 30, 1944	368,986,138.16	2.455	9,058,609.69
1945		July 1, 1944–June 30, 1945	378,044,747.85	2.347	8,872,710.23
1946		July 1, 1945–June 30, 1946	386,917,458.08	2.385	9,227,981.38
1947		July 1, 1946–June 30, 1947	396,145,439.46	2.330	9,230,188.74
Total interest					116,076,071.21

[1] Average annual yield on U. S. Government obligations owned. (See table below.)

Average annual yield on United States obligations owned

Fiscal year	Average holding (cost)	Interest earned	Percentage of yield on average holding
Ended June 30—			
1934	$145,374,442	$2,388,773.30	1.643
1935	285,690,183	8,268,067.05	2.894
1936	305,317,941	8,390,866.84	2.748
1937	331,546,950	9,011,998.72	2.718
1938	352,914,108	9,645,784.01	2.733
1939	367,884,367	9,708,411.72	2.639
1940	361,785,106	9,414,809.04	2.602
1941	396,998,136	10,072,691.34	2.537
1942	471,117,200	11,779,815.25	2.500
1943	546,473,658	13,648,117.48	2.497
1944	651,638,817	15,996,981.98	2.455
1945	783,146,317	18,382,855.57	2.347
1946	925,895,133	22,087,274.21	2.385
1947	[1] 1,070,940,840	[2] 24,952,556.06	2.330

[1] Based on estimated holdings at June 30, 1947, of $1,123,732,200.

[2] Includes estimated interest earned in June 1947 of $2,131,000.

It will be noticed that up to June 30, 1947, the accrued interest on the capital stock amounted to $116,000,000. By the time it was actually paid it amounted to $120,000,000. In the conference report it is provided that $80,000,000 of this interest be paid back. It is my contention that if the subsidy is to be taken out of the capital structure of the FDIC the whole $120,000,000 should be reimbursed. I am not thoroughly convinced that any of it should be repaid, but certainly if any of it is to be repaid all of it should be repaid. The payment of two-thirds of the amount leaves $40,000,000 subsidy in the capital structure.

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. EBERHARTER] is recognized for 20 minutes.

THE EXCESS-PROFITS TAX

Mr. EBERHARTER. Mr. Speaker, it is my understanding that the leadership intends on tomorrow to bring up the rule which would have for its purpose the sending of the bill H. R. 8920, the tax bill, to conference.

As many Members know, this House has on innumerable occasions waived points of order with respect to bills and resolutions, particularly with respect to appropriation bills and with respect to revenue-raising and taxing measures.

Three other members of the Ways and Means Committee, joined by me, have today sent to each Member's desk a letter in which we set forth some of the reasons why we think this bill should contain an excess-profits tax. We feel that it is not fair, particularly to low-income groups of this country, people earning less than $5,000 a year, to have their taxes increased an average of 20 percent and at the same time be forced to pay higher prices for groceries, for rent, and for the other necessities of life, and not have this tax measure do anything about war profits. We believe that it is only fair, both from the standpoint of taxation and from the standpoint of preventing inflation, that there should be an excess war profits tax enacted now. The war profiteers are making their profits now. Why should not this Congress tax their profits now? If we wait until the next Congress comes in it will be almost impossible, in my opinion, to tax these excess war profits being made during the calendar year 1950; and they are being made right now.

Mr. Speaker, it has been said and widely published that the amendments which the group intends to offer to the resolution or the rule which is going to be reported from the Rules Committee are subject to a point of order. It is our contention, Mr. Speaker, that it has been customary in the past to waive points of order. We are prepared to argue that matter tomorrow. It is a little complicated. I have prepared my thoughts and the thoughts of several other Members regarding the points of order which will be raised, and I ask unanimous consent to insert in the RECORD at this point this memorandum with respect to the pertinency and the relevancy of the amendments which it is proposed to offer.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The matter referred to follows:

MEMORANDUM

Subject: Consideration by the House of Senate amendments.

Rule XX, article 1, provides that "Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union if, originating in the House, it would be subject to that point." Bills raising revenue are in this category, as provided by clause 1, rule XII, article 3.

To avoid consideration of Senate amendments in Committee of the Whole, it has been the practice to send House bills with Senate amendments directly to conference by (1) unanimous consent, (2) by suspension of the rules, which requires a two-thirds vote, or (3) by special resolution from the Committee on Rules.

If the Committee on Rules reports a resolution to send the tax bill to conference, this resolution is subject to debate under the hour rule. According to Cannon's Handbook on Procedure, Eightieth Congress, second session, page 395, "reports from the Committee on Rules are subject to amendment if the floor is secured for that purpose. But as the previous question is usually demanded, the only practical opportunity to secure opportunity for consideration of an amendment is to request that the Member in charge of the rule yield for that purpose, or offer the amendment himself, or to vote down the motion for the previous question."

If the previous question is voted down, an amendment to the rule would then be in order, which amendment could be phrased to have the effect not only of waiving the point of order that Senate amendments to a tax bill must be considered in the Committee of the Whole, but other points of order as well, including the possible point of order that an excess-profits-tax amendment would not be germane to Senate amendment No. 191.

Mr. EBERHARTER. Mr. Speaker, I also ask unanimous consent to insert in the RECORD at this point copy of a letter which will be received by every Member this afternoon. It is being delivered in the afternoon mail.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The matter referred to follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., September 13, 1950.

DEAR COLLEAGUE: H. R. 8920, which passed the House as a bill to reduce excise taxes, and for other purposes, has been returned

with 192 Senate amendments, and is now on the Speaker's table.

Forty-five of these amendments were required to reverse the House action reducing wartime excise taxes and to impose a 10 percent tax on television sets and quick-freeze units. Two amendments increase income taxes on individuals with income below $5,000 a year by approximately 20 percent on the average, and by smaller percentages above this income level. Twelve amendments were necessary to increase corporation normal and surtax rates even on corporations' earnings as little as $1 a year.

With but minor exceptions, the remaining 133 amendments make technical changes in the tax law which either legalize new tax avoidance loopholes (primarily for upper-bracket individual income taxpayers and corporations), or reopen loopholes closed by the House bill. Some of these "relief" provisions are very complicated. Some are retroactive in effect—and one would grant refunds for 10 taxable years, back to 1939.

Yet the Senate did not take time to add an excess-profits tax on corporations. Instead a single amendment would vainly, innocuously, attempt to direct the House Committee on Ways and Means and the Senate Committee on Finance of the next Congress to report a bill for an excess-profits tax on corporations.

We believe that an excess-profits tax on corporations should be enacted now. It is more than a matter of the revenue which we so sorely need. It is a moral issue. Excessive profits directly attributable to the Korean War are already being made by many corporations. These excessive profits are being received now. Congress should take steps to recapture them—now.

Identical bills, patterned closely after the excess-profits tax in effect during World War II, have been drafted at our request by the House legislative counsel, and are available for immediate consideration. These bills would collect about $6,000,000,000 a year from corporate excess profits, beginning July 1, 1950, soon after the Communist attack on South Korea.

Some may argue that our bills, although drafted by experts, are defective. There may be slight imperfections—but certainly none greater than those included in the excess-profits tax in effect between 1940 and 1946. We repeat, we are faced with the moral issue whether Congress will act promptly to take the profits out of war. Should war profiteers be spared until a perfect excess-profits tax can be prepared? We did not wait until we had an invincible military machine to send the boys to Korea. How can we justify higher taxes upon individuals earning as low as $12 a week, and small businesses earning $1 a year, yet refuse to enact an excess-profits tax before adjournment?

Although the parliamentary situation is complex, it is possible for the House to add an excess-profits tax amendment to H. R. 8920, the pending bill. In order to take the bill from the Speaker's table for consideration of the Senate amendments, it will be necessary to obtain a resolution or rule from the Committee on Rules.

At the conclusion of debate on the rule, the previous question will probably be moved. If the previous question is not moved, or if it is not ordered, it will then be in order to offer an amendment to the rule or resolution to the end that an excess-profits tax amendment shall be added to the bill before sending it to conference.

Accordingly, if you favor enactment of a corporate excess-profits tax by this Congress, as more than a hundred Members have already publicly stated, and if you oppose passing the buck to the next Congress to which some Members will not return—won't you come join with us and vote "No" on the previous question on the rule.

Sincerely yours,

STEPHEN M. YOUNG, *Ohio.*
JOHN A. CARROLL, *Colorado.*
CECIL R. KING, *California.*
HERMAN P. EBERHARTER, *Pennsylvania.*

Mr. EBERHARTER. Mr. Speaker, so that the membership of the House will be somewhat acquainted with the type of amendments it is intended at the present time to offer tomorrow to the resolution or rule coming from the Rules Committee, I have had prepared these amendments in advance. Of course, when it comes to the proposition of whether or not they are germane, I call the attention of the Members of the House specifically to amendment of the Senate numbered 191, which appears on the last page of the bill, page 252. Amendment No. 191 is an amendment whereby the other body directs this House, or, I should say, the Committee on Ways and Means of this House next year to report a bill attempting to levy an excess-profits tax. Each and every Member of this House knows that the present Congress has no authority whatsoever to direct the next Congress as to what it may or may not do or as to what it should or should not do. The other body does not even have the power, Mr. Speaker, to direct the House Ways and Means Committee or the House itself to do anything even this year.

It is my intention, in order to attempt to save that illegitimate amendment of the Senate, to have it changed so that the direction to study an excess-profits tax provision, and this is important, will be applicable to this Congress. In other words, it will be applicable to the Eighty-first Congress, second session. I submit that this amendment will certainly be germane in case the previous question is voted down.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point the proposed amendment which will be offered in case the previous question is voted down.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The matter referred to follows:

AMENDMENT TO BE OFFERED BY MR. EBERHARTER

Strike out all after the word *"Resolved"* and insert in lieu thereof the following:

"That immediately upon the adoption of this resolution, the bill, H. R. 8920 with Senate amendments thereto be, and the same is hereby, taken from the Speaker's table to the end—

"(1) That all Senate amendments other than amendment numbered (191) be, and the same are hereby, disagreed to and the conference requested thereon by the Senate is agreed to; and

"(2) That Senate amendment numbered (191) be, and the same is hereby, agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate insert the following:

" 'TITLE VII—EXCESS-PROFITS TAX

" 'SEC. 701. Excess-profits tax.

" '(a) The House Committee on Ways and Means and the Senate Committee on Finance are hereby directed to report to the respective Houses of Congress during the second session of the Eighty-first Congress, and as early as practicable during said session, a bill for raising revenue by the levying, collection, and payment of corporate excess profits taxes with retroactive effect to October 1, or July 1, 1950, said bill to originate as required by article I, section 7, of the Constitution.

" '(b) The Joint Committee on Internal Revenue Taxation, or any duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete study of the problems involved in the taxation of excess profits accruing to corporations as the result of the national defense program in which the United States is now engaged. The joint committee shall report the results of its study to the House Committee on Ways and Means and the Senate Committee on Finance as soon as practicable'; and

"(3) That the House insist, and hereby does insist, upon its amendment to Senate amendment numbered (191) to the foregoing bill and request a conference with the Senate on the disagreeing votes of the two Houses thereon; and

"(4) That the Speaker without intervening motion, other than motions to instruct conferees, appoint managers on the part of the House."

Mr. EBERHARTER. Mr. Speaker, I also ask unanimous consent to insert in the RECORD another amendment which covers specifically excess-profits tax provisions. I may say to the membership of the House that we have had a good deal of experience during the last World War in respect to excess-profits taxes. Three other Members and myself had the legislative counsel and the tax experts, the experts on writing tax legislation, prepare an excess-profits tax measure. We introduced that in the House. So that the amendment which we proposed to offer imposing an excess-profits tax cannot be said to be defective in any respect whatsoever.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD the amendment about which I just spoke and which will cover the excess-profits tax provisions.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The matter referred to follows:

Strike out all after the word *"Resolved"* and insert in lieu thereof the following:

"That immediately upon the adoption of this resolution, the bill H. R. 8920 with Senate amendments thereto be, and the same is hereby, taken from the Speaker's table to the end—

"(1) That all Senate amendments other than amendment No. 191 be, and the same are hereby, disagreed to and the conference requested thereon by the Senate is agreed to; and

"(2) That Senate amendment No. 191 be, and the same is hereby, agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate insert the following:

" 'TITLE VII—EXCESS-PROFITS TAX

" 'SEC. 701. Excess-profits tax applied to taxable years ending after June 30, 1950.

" 'Notwithstanding section 122 (a) of the Revenue Act of 1945, the provisions of subchapter E of chapter 2 of the Internal Reve-

nue Code shall apply to taxable years ending after June 30, 1950.

"'SEC. 702. Computation of tax in case of taxable year beginning before July 1, 1950, and ending after June 30, 1950.

"'Section 710 (a) (relating to imposition of excess-profits tax) is hereby amended by adding at the end thereof the following new paragraph:

"'"(8) Taxable years beginning before July 1, 1950, and ending after June 30, 1950: In the case of a taxable year beginning before July 1, 1950, and ending after June 30, 1950, the tax shall be an amount equal to that portion of a tentative tax, computed without regard to this paragraph, which the number of days in such taxable year after June 30, 1950, bears to the total number of days in such taxable year."

"'SEC. 703. Specific exemption reduced to $5,000.

"'Paragraph (1) of section 710 (b) (relating to definition of adjusted excess profits net income) is hereby amended by striking out "$10,000" and inserting in lieu thereof "$5,000."

"'SEC. 704. Unused excess-profits credit.

"'(a) Definition of unused excess-profits credit: Section 710 (c) (2) (relating to definition of unusued excess-profits credit) is hereby amended to read as follows:

"'"(2) Definition of unused excess-profits credit: The term 'unused excess profits-credit' means the excess, if any, of the excess profits credit for any taxable year ending after June 30, 1950, over the excess profits net income for such taxable year, computed on the basis of the excess-profits credit applicable to such taxable year. The unused excess-profits credit for a taxable year of less than 12 months shall be an amount which is such part of the unused excess-profits credit determined under the preceding sentence as the number of days in the taxable year is of the number of days in the 12 months ending with the close of the taxable year. The unused excess-profits credit for a taxable year beginning before July 1, 1950, and ending after June 30, 1950, shall be an amount which is such part of the unused excess-profits credit determined under the preceding provisions of this paragraph as the number of days in such taxable year after June 30, 1950, is of the total number of days in such taxable year."

"'(b) Computation of carry-over: Section 710 (c) (4) is hereby amended to read as follows:

"'"(4) No carry-back to taxable years ending prior to July 1, 1950: As used in this subsection, the term 'preceding taxable year' and the term 'preceding taxable years' do not include any taxable year ending prior to July 1, 1950."

"'(c) Technical amendments: Section 710 (c) is hereby amended by striking out "beginning after December 31, 1941" wherever appearing therein and inserting in lieu thereof "beginning after July 1, 1950"; and by striking out "beginning after December 31, 1939" and inserting in lieu thereof "ending after June 30, 1950."

"'SEC. 705. Computation of excess profits net income.

"'(a) Taxable years other than base period years: So much of section 711 (a) as precedes paragraph (1) thereof is hereby amended to read as follows:

"'"SEC. 711. Excess profits net income.

"'"(a) Taxable years ending after June 30, 1950: The excess profits net income for any taxable year ending after June 30, 1950, shall the normal-tax net income, as defined in section 13 (a) (2), for such year except that the following adjustments shall be made:".

"'(b) Certain capital gains not excluded: Subparagraph (B) of section 711 (a) (1) and subparagraph (D) of section 711 (a) (2) are hereby amended by striking out "There shall be excluded gains and losses from sales or exchanges of capital assets held for more than 6 months" and inserting in lieu thereof the following:

"'"Losses from sales or exchanges of capital assets shall be determined without regard to the provisions of section 117 (e); and in determining gain or loss from the sale or exchange of property acquired before June 24, 1950—

"'"(i) if the adjusted basis of the property on June 24, 1950, is less than the fair market value on such date of the property, then the basis for determining gain shall be such fair market value; and

"'"(ii) if the adjusted basis of the property on June 24, 1950, is greater than the fair market value on such date of the property, then the basis for determining loss shall be such fair market value."

"'(c) Treatment of bad-debt recoveries: Subparagraph (E) of section 711 (a) (1) and subparagraph (H) of section 711 (a) (2) (relating to treatment of recoveries of bad debts) are hereby amended by striking out "beginning prior to January 1, 1940" and inserting in lieu thereof "for which the tax imposed by this subchapter was not applicable."

"'(d) Taxable years in base period:

"'(1) So much of section 711 (b) (1) as precedes subparagraph (B) thereof is hereby amended to read as follows:

"'"(1) General rule and adjustment: The excess-profits net income for any taxable year beginning after December 31, 1945, and ending before July 1, 1950, shall be the normal-tax net income, as defined in section (13) (a) (2), for such year, except that the following adjustments shall be made:"

"'(2) Section 711 (b) (1) (K) (i) is hereby amended by inserting after "second taxable year" the following: "(ending after June 30, 1950)."

"'(3) Section 711 (b) (2) is hereby repealed.

"'SEC. 706. Allowance of excess-profits credit.

"'(a) Domestic corporations: Section 712 (a) is hereby amended by striking out "January 1, 1940" and inserting in lieu thereof "July 1, 1950."

"'(b) Foreign corporations: Section 712 (b) is hereby amended by striking out "the first taxable year of which under this subchapter begins on any date in 1940, which was in existence on the day 48 months prior to such date" and inserting in lieu thereof "the first taxable year (ending after June 30, 1950) of which under this subchapter begins on or before July 1, 1950, which was in existence on the day 48 months prior to the beginning of such first taxable year."

"'SEC. 707. New base period for credit based on income.

"'Section 713 (b) (1) (relating to definition of base period) is hereby amended to read as follows:

"'"(1) Definition: As used in this section, the term 'base period'—

"'"(A) If the corporation was in existence during the whole of the 48 months preceding the beginning of its first taxable year (ending after June 30, 1950) under this subchapter, means the period commencing with the beginning of its first taxable year beginning after December 31, 1945, and ending with the close of its last taxable year ending before July 1, 1950; and

"'"(B) In the case of a corporation which was in existence during only part of the 48 months preceding the beginning of its first taxable year under this subchapter, means the 48 months preceding the beginning of its first taxable year under this subchapter."

"'SEC. 708. Technical amendments.

"'(a) The following sections of the Internal Revenue Code are restored to read as such sections read immediately prior to the enactment of the Revenue Act of 1945, to be effective as so restored, with respect to taxable years ending after June 30, 1950, as if section 122 (g) of the Revenue Act of 1945 had not been enacted:

"'(1) Section 26 (e) (relating to the credit for income subject to the excess-profits tax);

"'(2) Section 102 (d) (1) (D) (allowing the credit provided in section 26 (e) for the purposes of the tax imposed by section 102);

"'(3) Section 131 (b) (3) (prescribing certain limitations on the foreign tax credit);

"'(4) Section 204 (a) (2) (relating to foreign insurance companies other than life or mutual).

"'(b) (1) Section 26 (e) (restored by subsection (a) (4) of this section) is hereby amended by adding at the end thereof the following new sentence: "In the case of a taxable year beginning before July 1, 1950, and ending after June 30, 1950, the credit provided in this subsection shall be an amount which is such part of the credit determined under the preceding provisions of this subsection as the number of days in such taxable year after June 30, 1950, is of the total number of days in such taxable year."

"'(2) In the case of taxable years ending after June 30, 1950, the credit provided in section 26 (e) of the Internal Revenue Code shall be allowed (A) under section 13 (a) (2) of such code in computing normal-tax net income and (B) under section 15 (a) of such code in computing corporation surtax net income.

"'(3) In the case of taxable years ending after June 30, 1950, the adjusted net income shall be reduced, for the purposes of section 26 (b) of such code, by the amount of the credit provided in section 26 (e) of such code.

"'(c) Sections 713 (d) (2) (A) (i), 734 (a) (3), 736 (a), and 742 (d) are hereby amended by striking out "beginning after December 31, 1939" wherever appearing therein and inserting in lieu thereof "ending after June 30, 1950."

"'(d) Sections 713 (d), 713 (g), 722 (c), 723 (a), and 733 (a) are hereby amended by striking out "first taxable year under this subchapter" wherever appearing therein and inserting in lieu thereof "first taxable year (ending after June 30, 1950) under this subchapter."

"'(e) Paragraph (7) of section 713 (f) is hereby repealed.

"'(f) Section 718 is hereby amended by striking out "December 31, 1940" wherever appearing therein and inserting in lieu thereof "June 30, 1950."

"'(g) Section 722 (a) is hereby amended by striking out "December 31, 1939" and inserting in lieu thereof "June 24, 1950."

"'(h) The last sentence of section 722 (b) (4) is hereby amended to read as follows: "Any change in the capacity for production or operation of the business consummated during any taxable year ending after June 30, 1950, as a result of a course of action to which the taxpayer was committed prior to June 24, 1950, shall be deemed to be a change on the last day of its base period in the character of the business, or."

"'(i) Section 722 (b) (4) is hereby amended by striking out "January 1, 1940" and inserting in lieu thereof "June 24, 1950".

"'(j) Section 734 (a) (4) (B) is hereby amended by striking out "April 1, 1941" and inserting in lieu thereof "June 24, 1950."

"'(k) Section 735 (a) (4) is hereby amended by striking out "December 31, 1935, and not beginning after December 31, 1939" wherever appearing therein and inserting in lieu thereof "December 31, 1945, and not ending after June 30, 1950."

"'(l) Section 736 (a) is hereby amended by striking out "beginning before January

1, 1940" and inserting in lieu thereof "ending before July 1, 1950."

"'(m) Section 740 (a) (1) (C) is hereby amended by striking out "before October 1, 1940" and inserting in lieu thereof "June 24, 1950."

"'(n) Sections 740 (c) and 742 (b) are hereby amended by striking out "beginning after December 31, 1941" wherever appearing therein and inserting in lieu thereof "ending after June 30, 1950."

"'(o) Section 740 (d) is hereby amended to read as follows:

"'"(d) In the case of a taxpayer which is an acquiring corporation the base period shall be the four calendar years 1946 to 1949, both inclusive."

"'(p) Section 740 (f) is hereby amended by striking out "January 1, 1940" and inserting in lieu thereof "July 1, 1950."

"'(q) Section 742 (b) is hereby amended by striking out paragraph (1) thereof.

"'(r) Section 742 (d) is hereby amended by striking out "September 11, 1940" and inserting in lieu thereof "July 1, 1950."

"'(s) Section 742 (e) is hereby amended by striking out "1936" and inserting in lieu thereof "1946"; by striking out "1939" wherever appearing therein and inserting in lieu thereof "1949"; and by striking out "1940" wherever appearing therein and inserting in lieu thereof "1950."

"'(t) Section 742 (f) is hereby amended by striking out "1935" and inserting in lieu thereof "1945."

"'(u) Section 743 is hereby amended by striking out "begins after December 31, 1939" wherever appearing therein and inserting in lieu thereof "ends after June 30, 1950."

"'(v) Subchapter E of chapter 2 is hereby amended by striking out part III thereof (relating to postwar refund of excess-profits tax).

"'SEC. 709. Effective date of amendments.

"'The amendments made by this title shall be applicable only with respect to taxable years ending after June 30, 1950.'

"(3) That all points of order against said amendment to Senate amendment numbered 191 be, and the same are hereby, waived.

"(4) That the House insist, and it does hereby insist, upon its amendment to Senate amendment numbered 191 to the foregoing bill and request a conference with the Senate on the disagreeing votes of the two Houses thereon; and

"(5) That the Speaker shall immediately appoint the managers on the part of the House without intervening motion, except motions to instruct the managers on the part of the House."

Mr. EBERHARTER. Mr. Speaker, also in conjunction with three other members of the Committee on Ways and Means, several days ago, at the time of the introduction of these excess-profits tax bills, prepared by the tax legislative counsel, a statement was issued which, while it did not cover all of the features of the proposed excess-profits tax, it did specify some of the main features of the bills.

I therefore ask unanimous consent, Mr. Speaker, to insert in the RECORD at this point a few excerpts from that statement which was issued jointly by the gentleman from Colorado [Mr. CARROLL], the gentleman from Ohio [Mr. YOUNG], the gentleman from California [Mr. KING], and myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The matter referred to follows:

EXCERPTS FROM STATEMENT

Under the bills introduced today by the four Democratic Ways and Means members, just as under the 1945 law, corporations will compute their excessive profits by reference to invested capital, or by reference to average base period income, whichever results in the lesser tax. A new base period is provided, however, under the bill for computing average base period earnings. The years 1946 to 1949, both inclusive, will constitute the base period years, instead of 1936 to 1939, both inclusive, provided under the 1945 law.

Excessive profits will be taxed at the rate of 95 percent, as under the 1945 law, but the bill, unlike the 1945 law, contains no provision for postwar refunding of a part of the tax.

The 1945 law excluded all capital gains in computing the excess profits net income. The bill will include capital gain, to the extent the gain accrued after June 24, 1950, in the computation of the excess profits net income subject to tax.

The authors stated that their best estimate of the revenue yield in a full year of operation under their bills would be in excess of $6,000,000,000 annually. This would be added to the $4,500,000,000 which will be raised under the bill now pending.

Mr. EBERHARTER. Mr. Speaker, I may say that the gentleman from Ohio [Mr. HUBER] one day last week wrote up a short statement to the effect that this Congress should be unwilling to adjourn before an excess-profits tax bill is enacted into law. I have been told since that within the space of 24 hours 101 Members of the House signed his short statement. Today several Members came to me and asked, "Where can I sign that statement?" I said, "It is not an official statement, it is not in any way official; in other words, it is not on the Speaker's desk." They had thought it was a discharge petition. The gentleman from Ohio [Mr. HUBER] has it in his possession. I have no doubt that if this House has the opportunity to go on record on the question whether or not we should stay in session until we do enact an excess-profits tax bill we would get an overwhelming vote in favor of remaining in session.

I just want to say this one thing further. The important vote tomorrow will be on the motion ordering the previous question. If the previous question is voted down, then we will have an opportunity to go on record as to whether or not we want an excess-profits tax now, when the excess profits are being made by war profiteers. Also, many will construe a vote against ordering the previous question as a vote for an excess-profits tax now.

Mr. CARROLL. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Colorado.

Mr. CARROLL. Let us examine the record in order to determine whether or not there is going to be a determined effort to impose an excess-profits tax retroactive to any portion of the enormous and ever-increasing profits of the last half of the year 1950. Several events and statements make it crystal clear that there is no will or determination on the part of certain persons holding high public office to make an excess-profits tax applicable to 1950. As concrete evidence of this fact permit me to read from Calendar No. 2380, the Revenue Act of 1950, the last sentence of page 1 of the report of the Senate Finance Committee. This is what the committee report says on that page:

The committee has instructed the staff to study the excess-profits tax and other revenue-raising measures, so that they may be considered by your committee early next year, and has announced that any excess-profits tax enacted at that time—

That is, next year—

will be applicable to the income of the entire calendar year 1951.

Is this not proof positive that when the Revenue Act of 1950 emerged from that committee there was no intent to make an excess-profits tax retroactive to the calendar year 1950? It is absurd to argue otherwise. Moreover, the position of the Senate Finance Committee changed only after a spirited fight on the floor of the other body under the brilliant leadership of the gentleman from Wyoming [Mr. O'MAHONEY] and the gentleman from Texas [Mr. CONNALLY]. As public sentiment welled in support of the O'Mahoney-Connally amendment to impose an excess-profits tax now, the opponents of this measure could only stem the tide by offering a substitute which promised to deal in the future—that is to say the Eighty-second Congress—with this important and vital issue. Thus the George-Millikin substitute was born. Many well-intentioned Senators were lulled into a sense of false security by approving this fictitious substitute, for again I say the evidence is crystal clear that there will be no excess-profits tax imposed applicable to 1950.

To clearly expose the sham and subterfuge, I now read to you a release which came over the United Press wire, curiously enough not from this country but from Paris, France:

PARIS, September 6, 1950.—United States Treasury Secretary Snyder said today he did not believe excess-profit tax would be applied to 1950 corporation profits. The Secretary said in an interview he believed that the tax bill due to be passed next year would apply to profits earned after January 1, 1951, and not before. He said this would be necessary because of the difficulties in making a tax retroactive.

In addition, the Wall Street Journal and other magazines are reiterating these statements that there will be no excess-profits tax applicable to 1950. In substance, this is exactly what Senators O'MAHONEY and CONNALLY said in debate on the floor of the Senate. It was pointed out that if we do not make this excess-profits tax retroactive now there excuse of avoiding the tax in the year would be offered a hundred reasons in 1950. It must be remembered that the George-Millikin substitute was vigorously opposed by some of the outstanding Senators, both Democrat and Republican, who have had long experience in the tactics employed by those who seek to avoid taxes. This is a matter vital to the Nation.

A few days ago, the President of the United States in his message to the people said that the excess-profits tax ought to be passed as soon as possible. We have a perfect right to interpret that statement to mean now—in this session. It is the responsibility of the Eighty-first Congress, not that of those who may become Members of the Eighty-second.

Mr. EBERHARTER. I might interject to say to the gentleman from Colorado [Mr. CARROLL] that it is my opinion that both the Treasury and the staff of the Joint Committee on Internal Revenue Taxation could have ready for us within a comparatively short time an almost perfect excess-profits-tax measure. The gentleman from Colorado, the gentleman from California, the gentleman from Ohio, and I have patterned the bills we introduced almost exactly after the World War II excess-profits tax, except that we used the base period of 1946, 1947, 1948, and 1949. They were high-profits years. Included in our bill is every hardship-relief provisions, including 722 (b), that was contained in the World War II excess-profits-tax measure.

Mr. CARROLL. The very able gentleman from Pennsylvania [Mr. EBERHARTER] has had a great deal of experience on the Committee on Ways and Means. Is it not true that section 722 provides that if there are some inequities in the bills which we have presented, if there are some hardship cases, the excess-profits-tax advisory council can make adjustments in the months ahead?

Mr. EBERHARTER. That is absolutely correct. That provision is still on the books. We have just let it remain on the books. There are certain provisions for hardship cases, so that nobody will be harmed.

Mr. CARROLL. The remarks of the gentleman from Pennsylvania are clearly in line with the recent debate on this issue before the other body. First of all, the moral question of equality of sacrifice is very important, but the second question, upon which great emphasis ought to be laid, is on the anti-inflationary effect of the measure that is now before us. A businessman in Denver said to me not long ago, "Of course you people ought to pass this excess-profits tax now, because you will take away the incentive for the corporations to increase prices."

This is what I found out at home. I returned last evening. Everywhere in Colorado prices are mounting. As the prices on raw materials increase and the living costs of bare necessities of life spiral upward, we in Congress are about to raise the tax upon personal incomes. In short, as prices increase and make it more difficult for the average wage earner to support his family, we are pulling tax money out of his pocket. Everywhere, the consumer, the farmer, the small-business man is caught in an economic trap—the trap of rising prices with increased taxes. How can we in good conscience go before the people and say that we will do nothing to stop war profiteering? As the gentleman from Pennsylvania has so ably expressed, there are a few of the reasons permitting the Members of this body an opportunity to take a position on the record tomorrow. This is the real issue. There can be no excuse for not voting to sustain the amendments which the gentleman from Pennsylvania [Mr. EBERHARTER] will offer tomorrow on the floor of the House.

May I ask this further question: Does the gentleman believe, based on his experience, that it is possible for the fiscal experts and the Committee on Ways and Means to get out a bill so the Secretary of the Treasury can levy this withholding tax by October 1?

Mr. EBERHARTER. I would say in answer to the gentleman from Colorado that we have had a lot of experience during World War II with excess-profits tax provisions. I think the staff of the Joint Committee on Internal Revenue Taxation, together with the experts in the Treasury, and with the knowledge and experience of the members of the Committee on Ways and Means and the Senate Finance Committee, could have ready in a few weeks, I would not say a perfect bill, but a bill that would certainly be more equitable to all the taxpayers of this country. Whenever you allow war profiteering, it inevitably forces the low-income man to pay more than his fair share of the taxation.

Mr. BIEMILLER. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Wisconsin.

Mr. BIEMILLER. I wish to commend the gentleman from Pennsylvania and his colleagues, the gentleman from Colorado [Mr. CARROLL], the gentleman from Ohio [Mr. YOUNG], and the gentleman from California [Mr. KING], on the initiative they have taken in bringing this matter before the House. I am as convinced as they are that from any moral point of view of equality of sacrifice as well as from the economic point of view of stopping inflation, this Congress should with dispatch pass an excess-profits tax bill.

While I was home during the recess I found that point of view shared by businessmen and bankers as well as the man in the street. They are concerned about inflation particularly. The man in the street is concerned about equality of sacrifice. I hope the House will support the position of the gentlemen tomorrow.

Mr. EBERHARTER. I thank the gentleman from Wisconsin. I think he is absolutely right.

I want to emphasize that every businessman to whom I have talked since this Korean incident started on June 25 has said that Congress ought to put on heavier and heavier and heavier taxes right now. They are afraid of inflation.

I thank the gentleman from Colorado for his help and guidance.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

EXCESS-PROFITS TAX

Mr. DAVENPORT. Mr. Speaker, our country is now in the midst of the greatest crisis in its history. In Korea, the blood of our sons and brothers is being expended at a shocking rate in order that we may gain time in our fight to smash totalitarianism. No future sacrifice on the home front can equal that which has already been made by our brave forces in Korea. Yet, we must lighten the burden of those on the firing line in every was possible. Everyone agrees that these are not normal days. Americans are unified in their willingness to shoulder whatever load is necessary to win out against communism. Partisan politics on the subject of our survival must be thrown out the window—election or no election.

It is therefore almost unbelievable that there are some Members present today who would establish controls over all essential mobilization activities except over windfall profits derived entirely from our current jeopardy. I say, if this Congress should adjourn without passing an excess-profits tax it will not have played fair with the people of America. We need this tax to show we really mean business. We need this tax because it will equalize an otherwise unfair tax assessment on the small-business man and low-income families. In addition, an excess-profits tax will put us on a pay-as-you-go basis and will lessen the danger of run-away inflation. There are some who say let us postpone consideration of an excess-profits tax until next year, and others who say industry will lose its incentive to expand unless allowed to increase profits. These are shameful words today. The might of America stems not from profits but from its hallowed democratic traditions. We are in this all the way together. Let us pass the excess-profits tax measure without delay.

REGISTRATION OF COMMUNIST ORGANIZATIONS

Mr. COX. Mr. Speaker, by direction of the Committee on Rules, I file a privileged resolution.

CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 271]

Addonizio	Buckley, Ill.	Davies, N. Y
Allen, La.	Buckley, N. Y.	Davis, Wis.
Anderson, Calif.	Burton	Dawson
Andresen, August H.	Byrne, N. Y.	Denton
Angell	Canfield	Dingell
Auchincloss	Cannon	Dollinger
Bailey	Carlyle	Dondero
Barrett, Pa.	Carnahan	Donohue
Barrett, Wyo.	Case, S. Dak.	Douglas
Bates, Ky.	Cavalcante	Doyle
Bates, Mass.	Chiperfield	Eaton
Bennett, Mich.	Christopher	Ellsworth
Bentsen	Chudoff	Elston
Blackney	Cole, Kans.	Engel, Mich.
Blatnik	Cole, N. Y.	Fallon
Boggs, La.	Colmer	Fellows
Bolling	Cooley	Fernandez
Bosone	Coudert	Flood
Breen	Crawford	Fogarty
Brooks	Crook	Ford
Buchanan	Cunningham	Gamble
	Curtis	Garmatz

Gavin	McCormack	Richards
Gillette	McGrath	Riehlman
Gilmer	McGuire	Rivers
Goodwin	McMillen, Ill.	Rodino
Gordon	Mack, Wash.	Rooney
Gore	Macy	Roosevelt
Gossett	Martin, Iowa	Sadlak
Granger	Martin, Mass.	Sadowski
Gregory	Mason	Scott, Hardie
Guill	Merrow	Scrivner
Hale	Michener	Scudder
Hall,	Miles	Secrest
Edwin Arthur	Miller, Calif.	Shelley
Hall,	Miller, Md.	Sikes
Leonard W.	Mitchell	Smith, Ohio
Halleck	Monroney	Smith, Wis.
Hand	Morrison	Stanley
Havenner	Morton	Stefan
Hébert	Multer	Stockman
Heffernan	Murray, Tenn.	Sutton
Heller	Murray, Wis.	Taber
Hill	Nelson	Talle
Hinshaw	Nixon	Taylor
Hoeven	Norton	Teague
Hoffman, Ill.	O'Brien, Mich.	Thomas
Holifield	O'Konski	Thornberry
Howell	O'Neill	Underwood
Jackson, Calif.	O'Sullivan	Vursell
Javits	Patten	Wagner
Jenison	Patterson	Walter
Jennings	Pfeifer,	Werdel
Johnson	Joseph L.	Whitaker
Keefe	Pfeiffer,	Widnall
Kelly, N. Y.	William L.	Wier
Kennedy	Philbin	Wigglesworth
Kerr	Plumley	Williams
Klein	Poage	Willis
Kruse	Potter	Wilson, Okla.
Kunkel	Poulson	Winstead
Larcade	Powell	Withrow
Lichtenwalter	Quinn	Wolcott
Linehan	Rabaut	Woodhouse
Lodge	Ramsay	Yates
Lovre	Reed, Ill.	Zablocki
Lyle	Rees	
McCarthy	Rhodes	

The SPEAKER. On this roll call 230 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REGISTRATION OF COMMUNIST ORGANIZATIONS

Mr. COX, from the Committee on Rules, reported the following privileged resolution (H. Res. 847, Rept. No. 3063), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution the bill, H. R. 9490, to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, with the Senate amendments thereto be, and the same is hereby, taken from the Speaker's table; that the Senate amendments be, and they are hereby disagreed to; that the conference requested by the Senate on the disagreeing votes of the two Houses on the said bill be, and hereby is, agreed to; and that the Speaker shall immediately appoint conferees without intervening motion.

REPRESENTATIVE FREDERICK C. SMITH

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McGREGOR. Mr. Speaker, Congressman FREDERICK C. SMITH, of Marion, Ohio, known to many of us as "Doc" SMITH, announced his retirement some time ago, and it was received with genuine regret throughout the State of Ohio and this Congress. Congressman SMITH was elected to the Seventy-sixth, Seventy-seventh, Seventy-eighth, Seventy-ninth, Eightieth, and Eighty-first Congresses from the Eighth Ohio District.

At this time I wish to emphasize that Ohio will lose one of its most sincere Representatives in Washington. His retirement will be a loss to this body as well as the Banking and Currency Committee. He has always kept his composure and his motives were never questioned. He has the valuable asset of thinking matters through, no matter how much voluminous detail is involved.

To replace "Doc" SMITH will call for much thinking on the part of his successor. He set an example of hard work and sincere representation of his constituents and his successor will have a big place to fill because he placed his service on a national instead of a district congressional scale.

It is our hope that Congressman "Doc" SMITH derives the maximum of pleasure and satisfaction out of his well-earned retirement.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Ohio.

Mr. JENKINS. I am glad to join in the remarks of the distinguished gentleman from Ohio with reference to our distinguished friend, Dr. SMITH. Dr. SMITH left an imprint on this Congress that will be remembered by everyone who served with him because of his positive, honest, and sincere character, and his disposition to do right under all circumstances.

Dr. SMITH had an unusual capacity for collecting facts and a forceful manner of presenting them. He was able to make up his own mind and he was also able to vote his own convictions without fear of political consequences. Congress has lost a valuable Member. I am hopeful that Dr. SMITH will continue his interest in public affairs.

Mrs. BOLTON of Ohio. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentlewoman from Ohio.

Mrs. BOLTON of Ohio. I am most happy to add to the many that will be said here my little word of appreciation of the fine character and integrity of FRED SMITH, "Doc," as we called him with so much affection. We have missed him during the months when his health has kept him from us. We shall miss him in the next Congress even though we are glad that in his wisdom he has decided to apply himself to a quieter enjoyment of the great adventure of living.

Mr. WEICHEL. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Ohio.

Mr. WEICHEL. When I first came to Congress "Doc" SMITH was my office neighbor. I found him a most sincere worker, and most helpful to a freshman Member of Congress. His outstanding contribution was that he was American first, last, and all the time. I wish him a great and happy retirement.

Mr. CLEVENGER. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Ohio.

Mr. CLEVENGER. My district adjoins that of Dr. SMITH's. We were elected to Congress at the same time. I want to express my admiration, as have my colleagues, of his sterling honesty and his fight for economy against extravagant expenditures. This country, loaded as it is with unwise expenditures, would be a great deal worse off if it had not been for the efforts of Dr. FREDERICK SMITH.

Mr. KILBURN. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from New York.

Mr. KILBURN. Mr. Speaker, I am awfully sorry that "Doc" SMITH is not going to be in the next Congress. For several years I have sat with him on the Banking and Currency Committee. While we have not always agreed on our votes, I know of no man who commands more respect among his colleagues than "Doc" SMITH. He is absolutely honest, fearless, and courageous, and never demagogues. It has been a great privilege to know him and be associated with him in committee. I know that the committee joins me in wishing him well, and I hope that he will recover his health and come back and see us all.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield.

Mr. RICH. I consider "Doc" SMITH one of the finest legislators it has been my privilege to associate with in the years I have been in the Congress. He is honest and fearless. He is a man who has to be convinced by his own convincer. You can rest assured that "Doc" SMITH has done a great deal of good for the people of his district and this country of ours.

Mr. McGREGOR. I thank the gentleman from Pennsylvania. I am sure "Doc" SMITH appreciates greatly the friendly remarks being made about him today.

EXTENSION OF REMARKS

Mr. PRIEST asked and was given permission to extend his remarks and include an article from the Sunday Star giving the political history at the Capitol.

Mr. MARSHALL asked and was given permission to extend his remarks.

Mr. BOYKIN asked and was given permission to extend his remarks and include an article by Mr. John White.

Mr. CRAWFORD (at the request of Mr. McGREGOR) was given permission to extend his remarks and include an article.

Mr. KELLEY of Pennsylvania and Mr. HESELTON asked and were given permission to extend their remarks.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4135. An act to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army; to the Committee on Armed Services.

ENROLLED BILL SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that

that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7831. An act to amend sections 675 and 676 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, regulating the disposal of dead human bodies in the District of Columbia.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 32 minutes p. m.) the House adjourned until tomorrow, Thursday, September 14, 1950, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1670. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal and lists or schedules covering records proposed for disposal by certain Government agencies; to the Committee on House Administration.

1671. A letter from the Acting Attorney General, transmitting a copy of the order of the Commissioner of the Immigration and Naturalization Service granting the application for permanent residence filed by the subject of such order, pursuant to section 4 of the Displaced Persons Act of 1948, as amended; to the Committee on the Judiciary.

1672. A letter from the Secretary of the Army, transmitting a report of claims paid by the Panama Canal under the provisions of section 2672 of title 28, United States Code, for the period July 1, 1949, to June 30, 1950, pursuant to section 2673 of title 28, United States Code; to the Committee on the Judiciary.

1673. A letter from the Secretary of Commerce, transmitting the Twelfth Quarterly Report required under the Export Control Act of 1949; to the Committee on Banking and Currency.

1674. A letter from the Director, Division of Territories and Island Possessions, Department of the Interior, transmitting a copy of the laws passed by the Legislature of the Territory of Hawaii, special session of 1949, pursuant to section 69 of an act of Congress, entitled "An Act To Provide a Government for the Territory of Hawaii," approved April 30, 1900; to the Committee on Public Lands.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DURHAM: Committee on Armed Services. H. R. 9612. A bill to increase the appropriation authorization for the Air Engineering Development Center; without amendment (Rept. No. 3053). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Joint Committee on the Disposition of Executive Papers. House Report No. 3054. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. GARMATZ: Joint Committee on the Disposition of Executive Papers. House Report No. 3055. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. COLE of New York: Committee on Armed Services. S. 3889. An act to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States; without amendment (Rept. No. 3056). Referred to the Committee of the Whole House on the State of the Union.

Mr. SABATH: Committee on Rules. House Resolution 842. Resolution to take from the Speaker's table the bill H. R. 8920, to reduce excise taxes, and for other purposes, and that the Senate amendments be disagreed to and to appoint conferees thereon; without amendment (Rept. No. 3057). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 843. Resolution providing for the consideration of H. R. 9219, a bill to promote the rehabilitation of the Five Civilized Tribes and other Indians of eastern Oklahoma, and for other purposes; without amendment (Report No. 3058). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 844. Resolution providing for the consideration of H. R. 5506, a bill to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes; without amendment (Rept. No. 3059). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 845. Resolution providing for the consideration of S. 450, an act to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Administrator, and for other purposes; without amendment (Rept. No. 3060). Referred to the House Calendar.

Mr. McSWEENEY: Committee on Rules. House Resolution 846. Resolution providing for the consideration of S. 3504, an act to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof; without amendment (Rept. No. 3061). Referred to the House Calendar.

Mr. HART: Committee on Merchant Marine and Fisheries. H. R. 9626. A bill authorizing the Secretary of Commerce to purchase the vessels *Mariposa* and *Monterey;* without amendment (Rept. No. 3062). Referred to the Committee of the Whole House on the State of the Union.

Mr. COX: Committee on Rules. House Resolution 847. Resolution to take from the Speaker's table the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, and disagree to the Senate amendments thereto, and to appoint conferees thereon; without amendment (Rept. No. 3063). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL:

H. R. 9639. A bill to provide for furnishing beer to members of the Armed Forces engaged in actual combat in situations where pure water is not available; to the Committee on Armed Services.

By Mr. FARRINGTON:

H. R. 9640. A bill to authorize the coinage of 50-cent pieces in commemoration of the admission of the Territory of Hawaii to the United States as a State; to the Committee on Banking and Currency.

H. R. 9641. A bill to provide for the issuance of a special air mail postage stamp in commemoration of the admission of the Territory of Hawaii to the United States as a State; to the Committee on Post Office and Civil Service.

By Mr. FLOOD:

H. R. 9642. A bill to amend the National Service Life Insurance Act of 1940 to provide automatic insurance for certain servicemen injured or killed in a train collision on September 11, 1950, at or near Lafayette, Ohio; to the Committee on Veterans' Affairs.

By Mr. RANKIN (by request):

H. R. 9643. A bill to grant certain rights, privileges, and benefits on a wartime basis to members of the armed services serving during the Korean conflict, and to dependents of such members of the armed services; to the Committee on Veterans' Affairs.

By Mr. RANKIN:

H. R. 9644. A bill to extend to personnel of the Armed Forces on active military, naval, or air service on or after June 25, 1950, certain benefits provided by law for veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RIBICOFF:

H. R. 9645. A bill to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes; to the Committee on Banking and Currency.

By Mr. VINSON:

H. R. 9646. A bill to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense; to the Committee on Armed Services.

By Mr. WALTER:

H. R. 9647. A bill to amend the Displaced Persons Act of 1948 as amended; to the Committee on the Judiciary.

By Mr. WHITE of California:

H. R. 9648. A bill to prevent the spread of communism, to protect American industry and labor from goods made by cheap foreign labor, and to provide that United States funds appropriated for foreign-aid programs shall not be used to furnish assistance to foreign employers paying wages lower in terms of purchasing power of food and clothing than those paid in the United States by similar industries; to the Committee on Foreign Affairs.

By Mr. RAMSAY:

H. Res. 848. Resolution creating a select committee to conduct an investigation and study of the importation of convict-made goods; to the Committee on Rules.

H. Res. 849. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 848; to the Committee on House Administration.

By Mr. MARCANTONIO:

H. Res. 850. Resolution to investigate the exploitation of Puerto Rican labor in the sugar-beet fields of Michigan; to the Committee on Rules.

By Mr. DINGELL:

H. J. Res. 540. Joint resolution to provide for the establishment and maintenance of a Nation-wide whole blood and plasma bank, as a measure of protection against atomic warfare or other major disaster; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FARRINGTON:

H. R. 9649. A bill for the relief of Mrs. Chang Soo Lii; to the Committee on the Judiciary.

H. R. 9650. A bill for the relief of Evangelia Anastasios Theofilis; to the Committee on the Judiciary.

By Mr. GOLDEN:

H. R. 9651. A bill for the relief of Hildegard Detthieg and Judith Eugubou Detthieg; to the Committee on the Judiciary.

By Mr. KLEIN:

H. R. 9652. A bill for the relief of Loretta Chong; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2367. By the SPEAKER: Petition of Mr. Elmer F. McIntire, secretary, Idaho State Federation of Labor, Boise, Idaho, relative to urging the United States Congress to immediately enact an excess-tax law to be used when our country is in a state of war; to the Committee on Ways and Means.

2368. By Mr. JENSEN: Petition of Agnes Tyler and other citizens of Guthrie Center, Iowa, relative to drafting of our youth for war or for military training, and the sale of alcoholic beverages in camps; to the Committee on Armed Services.

2369. By Mr. LECOMPTE: Petition of citizens of Ottumwa, Iowa, urging the adoption of legislation to prevent the serving of or the sale of alcoholic beverages in military camps or nearer than 10 miles of such camps; to the Committee on Armed Services.

2370. By the SPEAKER: Petition of Joseph A. Kraus, president, Catholic State League of Texas, San Antonio, Tex., relative to a resolution passed pertaining to education; to the Committee on Education and Labor.

2371. By the SPEAKER: Also, petition of William M. Goldenzweig, manager, Reliance Life Insurance Co. of Pittsburgh, Washington, D. C., relative to a resolution passed by the Ninety-fourth Infantry Division convention meeting in Boston on August 4 to 6 of this year, "pledging unswerving support to our country and the United Nations in their policy of seeking to stop Communist aggression in Korea"; to the Committee on Foreign Affairs.

SENATE

THURSDAY, SEPTEMBER 14, 1950

(Legislative day of Thursday, July 20, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, as for this hallowed moment amid the earthquake, wind, and fire of this violent world, we wait for Thy still small voice, give us sensitive hearts to listen, teachable minds to learn, humble wills to obey. Here, today, let some revelation of Thy light fall upon our darkness, some guidance from Thy wisdom save us in our bewilderment, some power from Thy infinite resource strengthen us in our need. Along the road of this day and of every day, may we walk with Thee in the bright fellowship of those who fight the good fight and keep the faith. In the Redeemer's name, we ask it. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 13, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 13, 1950, the President had approved and signed the following acts:

S. 192. An act to confer jurisdiction on the courts of the State of New York with respect to civil actions between Indians or to which Indians are parties; and

S. 3934. An act to facilitate compliance with the treaty between the United States of America and the United Mexican States signed February 3, 1944.

CALL OF THE ROLL

Mr. LUCAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hill	Malone
Benton	Hoey	Martin
Bricker	Holland	Millikin
Butler	Humphrey	Morse
Byrd	Hunt	Mundt
Cain	Ives	Murray
Chapman	Jenner	Neely
Chavez	Johnson, Colo.	O'Conor
Connally	Johnson, Tex.	O'Mahoney
Cordon	Kem	Robertson
Darby	Kerr	Russell
Donnell	Kilgore	Schoeppel
Douglas	Knowland	Smith, Maine
Dworshak	Langer	Sparkman
Ecton	Leahy	Stennis
Ellender	Lehman	Taft
Ferguson	Lodge	Taylor
Frear	Long	Thomas, Okla.
Fulbright	Lucas	Thye
George	McCarran	Watkins
Gillette	McCarthy	Wherry
Graham	McClellan	Wiley
Green	McFarland	Williams
Gurney	McKellar	Young
Hendrickson	McMahon	
Hickenlooper	Magnuson	

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Pennsylvania [Mr. MYERS] are absent on public business.

The Senator from Tennessee [Mr. KEFAUVER] is absent because of illness in his family.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER], and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The senior Senator from Indiana [Mr. CAPEHART] is necessarily absent.

The VICE PRESIDENT. A quorum is present.

SALUTATION TO HON. ARTHUR H. VANDENBERG

Mr. LODGE. Mr. President, I desire to make a personal statement, which I believe will elicit the sympathy and concurrence of every Member of the Senate.

Mr. President, as we approach the end of this session, I want to express here on the floor of the Senate a word of warm and affectionate salutation to our dearly beloved colleague, the senior Senator from Michigan, Hon. ARTHUR H. VANDENBERG. I am sure that in so doing, I voice the sentiments of everyone in this body. We who have served with him may appreciate perhaps in a little greater detail the monumental services which he has rendered to our country. But every American, from one end of the United States to the other, and people in every foreign land, appreciate his colossal contribution, much of which has a significance which can only be measured in centuries of time. During the past months that illness has compelled his absence from the Chamber, the deliberations of the Senate have been the poorer because of his absence and the councils of state have been the weaker because he was not there to give the benefit of his matchless wisdom and judgment. There is something typical of the man, that, although his personal comfort dictated that he go to his home in Michigan, he decided to stay here in Washington until the end of the session and forego his return home until we had finished the major bills before us. Like our fighting men in Korea who stay at their post he, while in truth a wounded man, remained in Washington where he thought that his duty lay. It is this spirit of sacrifice and patriotic service which has marked his whole public life and which shows him to be not only a statesman and a man of rare wisdom and courage, but also a great soul in the largest sense of the term. As he returns to his home in Michigan, everyone, I am sure, joins me in wishing him a speedy return to health and many more years of fruitful work in the service of his country.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

WAIVER OF NAVIGATION AND VESSEL-INSPECTION LAWS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of

proposed legislation to authorize the waiver of the navigation and vessel-inspection laws, which with the accompanying paper, was referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Public Works:

H. R. 8396. A bill to authorize Federal assistance to States and local governments in major disasters, and for other purposes; without amendment (Rept. No. 2571).

By Mr. KNOWLAND, from the Committee on Armed Services:

S. 4138. A bill to authorize the Secretary of the Army to grant to the Southern California Edison Co. an easement and right-of-way for electric transmission-line purposes in the Santa Fe flood-control basin and the San Gabriel River improvement, California; without amendment (Rept. No. 2572).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. LODGE introduced Senate bill 4152, to provide for additional enlistments of aliens in the Regular Army, which was referred to the Committee on Armed Services, and appears under a separate heading.)

By Mr. HOLLAND (for himself and Mr. PEPPER):

S. 4153. A bill for the relief of the estate of Edna M. Cook, deceased; to the Committee on the Judiciary.

By Mr. NEELY (for himself and Mr. DARBY):

S. 4154. A bill to make unlawful in the District of Columbia the interception of telephone and telegraph communications by means of any device, contrivance, machine, or apparatus by any person other than a law enforcement officer of the District of Columbia or of the United States acting in the performance of his official duties in compliance with an order or warrant of the United States District Court for the District of Columbia; to the Committee on the District of Columbia.

By Mr. WILEY:

S. 4155. A bill for the relief of Kristjan Kogerma; to the Committee on the Judiciary.

(Mr. MARTIN introduced Senate Joint Resolution 205, to provide pensions at wartime rates for disabled veterans and dependents of deceased veterans if the disability or death resulted from an injury or disease received in line of duty as the result of conditions growing out of the Korean situation, which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. HUNT:

S. 4156. A bill to amend the Army Organization Act of 1950 to provide more efficient dental care for the personnel of the Army, and for other purposes; to the Committee on Armed Services.

PENSIONS FOR CERTAIN DISABLED VETERANS AND DEPENDENTS OF DECEASED VETERANS

Mr. MARTIN. Mr. President, I introduce for appropriate reference a joint resolution to provide pensions at wartime rates for disabled veterans and dependents of deceased veterans if the disability or death resulted from an injury or disease received in line of duty as the result of conditions growing out of the Korean situation, and I ask unanimous consent that the joint resolution, together with a statement by me be printed in the RECORD.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred, and, without objection, the joint resolution and statement will be printed in the RECORD. The Chair hears no objection.

The joint resolution (S. J. Res. 205) to provide pensions at wartime rates for disabled veterans and dependents of deceased veterans if the disability or death resulted from an injury or disease received in line of duty as the result of conditions growing out of the Korean situation, introduced by Mr. MARTIN, was read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Resolved, etc., That for the purpose of payment of pension to veterans and to the dependents of deceased veterans, under the provisions of subparagraph (c), paragraph I, part II, Veterans Regulation No. 1 (a), as amended, on and after June 25, 1950, and until the President proclaims that the conditions created by the aggression of North Korean military forces beginning on that date have ceased to exist, the United States shall be deemed to have been engaged in war.

The statement presented by Mr. MARTIN is as follows:

STATEMENT BY SENATOR MARTIN

In the CONGRESSIONAL RECORD of September 12, 1950, announcement was made of the tragic railroad wreck in which 33 men of the Twenty-eighth Division lost their lives.

Existing Veterans' Administration regulations would entitle dependent parents and surviving wives and children to benefits at the lower peacetime rates. The higher benefits, applicable to servicemen engaged in extra hazardous duties or directly involved in war combat areas, are being paid to dependents of Korean casualties under a special administrative decision.

During World War II the higher rates were paid in all cases of servicemen killed or injured in line of duty and not the result of their own misconduct.

Unless this resolution is passed the men of the Twenty-eighth Division who died or were injured in the tragic train wreck in Ohio will come under the lower rates. This, it seems to me, is unrealistic. We are as much at war today as we were during World War II. It should not matter whether a man is killed by a Korean sniper, during training maneuvers, or on his way to a training camp. The bill will apply not only to National Guardsmen on their way to training camps, but also to all servicemen wherever located during the present emergency.

The Senate already has before it legislation to pay $10,000 to the estate of each soldier killed in the wreck who was not covered by national service life insurance. I strongly endorse that proposal and will give it my complete support.

PRINTING OF REVIEW OF REPORT ON THE MISPILLION RIVER, DEL. (S. DOC. NO. 229)

Mr. CHAVEZ. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated June 22, 1950, from the Chief of Engineers, United States Army, together with accompanying papers and illustrations, on a review of the report on the Mispillion River, Del., be referred to the Committee on Public Works, and printed as a Senate document, with illustrations.

The VICE PRESIDENT. Without objection, it is so ordered.

PRINTING OF REPORT ENTITLED "INVESTIGATION OF PREPAREDNESS PROGRAM RELATING TO SURPLUS PROPERTY AND RUBBER" (S. DOC. NO. 230)

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the recent report of the Armed Services Subcommittee entitled "Investigation of the Preparedness Program" and which is an interim report on the subjects of Surplus Property and Rubber, be printed as a Senate document. This report has the unanimous approval of the Armed Services Committee.

The subcommittee has made a rather comprehensive study of these two fields and has found some startling procedures being followed in the light of the present emergency. I am sure Senators will be interested in reading this report, and I ask that it be printed as a Senate document.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

WHY CONGRESSIONAL IMMUNITY—BROADCAST BY SENATOR HUNT AND SENATOR STENNIS

[Mr. HUNT asked and obtained leave to have printed in the RECORD a broadcast on the subject Why Congressional Immunity, participated in by himself and Senator STENNIS on September 2, 1950, which appears in the Appendix.]

THE PREPAREDNESS SUBCOMMITTEE OF THE SENATE ARMED SERVICES COMMITTEE—ARTICLE BY ROBERT K. WALSH

[Mr. HUNT asked and obtained leave to have printed in the RECORD an article relative to the Preparedness Subcommittee of the Senate Committee on Armed Services, by Robert K. Walsh, published in the Washington Sunday Star of September 10, 1950, which appears in the Appendix.]

OH, SAY DOES THAT STAR-SPANGLED BANNER YET WAVE?—BROADCAST BY PAUL HARVEY

[Mr. JENNER asked and obtained leave to have printed in the RECORD a broadcast entitled "Oh, Say Does That Star-Spangled Banner Yet Wave?", by Paul Harvey, on August 3, 1950, which appears in the Appendix.]

WHOSE LEADERSHIP ARE WE FOLLOWING?—ADDRESS BY GEORGE E. STRINGFELLOW BEFORE KIWANIS CLUB OF SALT LAKE CITY

[Mr. Watkins asked and obtained leave to have printed in the RECORD an address entitled "Whose Leadership Are We Following?" delivered by Mr. George E. Stringfellow, vice president of Thomas A. Edison, Inc., before the Kiwanis Club of Salt Lake City, on Thursday, August 31, 1950, which appears in the Appendix.]

LOUIS A. JOHNSON—EDITORIAL FROM THE FAIRMONT (W. VA.) TIMES

[Mr. KILGORE asked and obtained leave to have printed in the RECORD an editorial in tribute to Hon. Louis A. Johnson, published in the Fairmont (W. Va.) Times, of September 13, 1950, which appears in the Appendix.]

PROBLEMS OF SMALL BUSINESS—LETTER FROM S. ABBOT SMITH

[Mr. BENTON asked and obtained leave to have printed in the RECORD a letter from Mr. S. Abbott Smith, director of the Smaller Business Association of New England, Inc., which appears in the Appendix.]

INTERIM REPORT OF THE WATCHDOG COMMITTEE—EDITORIAL FROM THE WASHINGTON STAR

[Mr. SPARKMAN asked and obtained leave to have printed in the RECORD an editorial regarding the emergency "Watch Dog" Committee published in the Washington Evening Star, September 8, 1950, which appears in the Appendix.]

WHO OWNS FORMOSA?—HOW TO REACH THE RUSSIAN PEOPLE

Mrs. SMITH of Maine. Mr. President, I ask unanimous consent to insert in the body of the RECORD an editorial of the September 7, 1950, issue of the Augusta (Maine) Daily Kennebec Journal, entitled "Who Owns Formosa?" and an editorial of the September 8, 1950, issue of the Lewiston (Maine) Daily Sun, entitled "How to Reach the Russian People." These two editorials offer excellent food for thought in these troubled times. It is mental food that I recommend for consumption to the Members of the Senate.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Daily Kennebec Journal of September 7, 1950]

WHO OWNS FORMOSA?

All kinds of people have been telling America for months to get up on her haunches and holler back at Russia. We've been doing more of it lately, but far from enough.

Formosa is a good example. Russia and Red China scream that we're invading Chinese territory by having our Seventh Fleet patrol the waters between the island and the mainland.

We say we're not invading, but we allow the most important fact in the whole situation to get buried under a lot of confusing blather. The fact is this:

Under international law Formosa doesn't belong to China at all—either to the Communist government or to Chiang Kai-shek. In 1895, after the Sino-Japanese War, the island was ceded by a defeated China to Japan, which held it continuously until the end of World War II.

From the moment of Japan's surrender, Formosa became conquered enemy territory. Since it had been formally yielded by China in the 1895 treaty, it did not automatically revert to the control of China as would land gained during war by force of arms.

The final status of conquered enemy soil is settled only in peace treaties or by general international agreement. Since there is as yet no Japanese peace treaty and no step has been taken to have the United Nations handle the issue, Formosa legally still belongs to Japan. And Japan is a nation occupied by the victorious Allies.

There's one complication. In wartime conferences at Cairo and Yalta, the United States promised Chiang Kai-shek he could have Formosa back when Japan was licked. On the strength of that, he moved in without waiting for a peace treaty. But that doesn't alter the fact that his control has no real status under international law.

If we choose to modify or repudiate our pledge to Chiang, he may complain but he has no basis for appeal. By ordering our fleet to police the seas off Formosa, this is in effect exactly what we've done. As the chief occupying power in Japan, we could go further (though we don't intend to) and move land forces onto Formosa. We'd be infringing nobody's legal rights.

Those are the cold facts, the true answer to Moscow's frenzied shouts that we're violating Chinese sovereignty in Formosa. China has no sovereignty there. She hasn't had since 1895.

How Formosa shall be disposed of ultimately is something else. If resistance by Russia and Red China makes a fair peace treaty settlement impossible, the question should fall to the UN. Who knows? Formosa might even be given to the Formosans.

[From the Lewiston Daily Sun of Friday, September 8, 1950]

HOW TO REACH THE RUSSIAN PEOPLE

More than once the State Department has been urged to broadcast propaganda to the Russian people by the novel use of free balloons loosed from points in Europe, to float eastward on prevailing air currents. Utilized in sufficient quantities, these balloons could never be completely rounded up by the Russian secret police, and thousands of messages carrying the truth about world affairs would land in the hands of Russian peasants and workers.

Although the State Department has never taken kindly to this method of offsetting the distorted picture of the world outside Russia given its people by the Kremlin, the Marshall plan's public relations service has proven the value of the idea. A short time ago, during an exposition in Denmark, 66,000 balloons furnished by ECA, administrative agency for the Marshall plan, were given audiences at the exposition, each carrying a briefly friendly message from the sender and a place for his or her address.

Most of the balloons set in flight came down nearby, in Denmark, Sweden, and Germany. But thousands were carried by the winds into Hungary, eastern Austria, Czechoslovakia, Poland, and the Baltic States, and a good many, no doubt reached western Russia. And ECA officials were amazed to see how many of the finders wrote letters of appreciation to the addressees the spheres carried.

One girl from east Prussia wrote, "We have lost the desire to live, but we would like to tell you where the balloon landed." A farmer wrote, "The difficulty of getting the necessities of life never leaves us any peace." All the writers seem gratified to know that they had not been forgotten beyond the iron curtain; certainly it would seem that this technique, used on a large scale, would arouse new hope among the enslaved peoples of eastern Europe and western Russia, and every message of truth would be broadcast far and wide by word of mouth. The truth is a mighty weapon, it should be used to its utmost, and it might make quite a difference in Moscow's plans if the Russian people could be convinced that their own leaders represent the chief threat to peace.

NECESSITY FOR CONGRESS TO REMAIN IN SESSION UNTIL FATE OF ANTI-COMMUNIST BILL IS KNOWN

Mr. WILEY. Mr. President, this afternoon, we will be going into a conference committee meeting on the subject of the anti-Communist legislation (S. 4037) which we in the Senate have approved so overwhelmingly. I trust that we can come to a prompt decision, maintaining intact the strongest possible provisions of the Senate's version of this important bill. I feel that it is absolutely essential, moreover, that the Congress remain in session until the President has come to a decision one way or the other on signature or veto of the anti-Communist bill. I ask unanimous consent that there be printed at this point in the body of the CONGRESSIONAL RECORD the text of a statement which I have prepared on this situation.

There being no objection, Mr. WILEY's statement was ordered to be printed in the RECORD, as follows:

WILEY URGES CONGRESS TO STAY IN SESSION TILL PRESIDENT DECIDES ON ANTI-COMMUNIST BILL VETO OR SIGNATURE; INSISTS ON STRONGEST POSSIBLE ANTI-RED BILL

CONGRESS MUST NOT LEAVE TOWN IN WILD HASTE

It is generally agreed that these are the closing days of the second session of the Eighty-first Congress. I know that the Members of the Senate and House are tired and that they are anxious to get home. Next Tuesday in Wisconsin we have our primary election and I, of course, would like to be back there.

I feel, however, that Congress must stick on the job and must work out with carefulness and precision the remaining vital bills now pending before us. If we were to approve the final conference version of the anti-Communist bill and then clear out of town in a wild rush, we would be doing a terrible disservice to the Nation.

I absolutely agree with the distinguished senior Senator from Nevada [Mr. MCCARRAN], who has worked so industriously on this antisubversive legislation, that Congress must keep its shoulder to the wheel and determine whether the President signs or vetoes the anti-Commie bill. If he does veto it, it is essential that we override the veto. Time after time, we have seen how vital causes such as this have been wildly thrown overboard in Congress' final, last-minute dash to clear out of Washington and get back home. The boys of Korea are sticking to their foxholes, and I say it is up to us to stick to this embattled foxhole.

WE SHOULD REFUSE TO WATER BILL DOWN

We must not and will not water this bill down in the submissive hope that President Truman will sign it. We are not going in effect to crawl on our hands and knees and beg the Great White Father to "pretty please" O. K. a bill which the American people not merely ask for but absolutely insist on.

We must not knuckle under to the President's arbitrary dictates. Congress has a wonderful opportunity at long last to show that it recognizes the grim realities of the present world-wide Red situation. It will do no good to expose the Fuchses, the Hisses, the Coplons, Pressmans, Witts, Abts, unless we enact legislation to prevent this sort of individual from ever again gaining a foothold in public office or in high-up private life, unsuspected by their fellow citizens.

UNITED STATES MUST SET EXAMPLE IN CRACKING DOWN ON REDS

We have seen how the Communists have partly sabotaged the Marshall plan in France, Italy, and elsewhere. It is up to America to set a model example of how she can deal with the subversive menaces here at home.

This does not mean, of course, that the conference committee should approve any provision whose constitutionality is seriously doubted according to our best counsel. In our zeal to cope with subversive problems, we must not and will not damage civil liberties of our American people. Obviously, if any provision is declared unconstitutional, we will have accomplished nothing. But, on the contrary, we would have cast a cloud over the entire antisubversive fight. We want, therefore, to be completely constitutional in our approach insofar as our best legal judgment can guide us. Obviously, much of the bill will be contested in the courts and with careful writing to prevent vagueness and ambiguity, we will by that much improve its chances of judicial validation.

If, on the other hand, the conference committee were to accept the claims of some of the most zealous advocates of civil liberties, we would end up by writing practically nothing into a new anti-Red law or in knocking out all of its teeth. We must, therefore, steer a careful mean between the two extremes.

PRESIDENT SHOULD SEE HANDWRITING ON WALL

Leaders of the Democratic Party have seen the handwriting on the wall as shown by their support of this legislation in the final 70-to-7 vote. If the President of the United States fails to see that handwriting—fails to see that the American people are absolutely determined to have strong antisubversive legislation, then the consequences of his misjudgment will be felt by the Democratic Party at the polls. If we Republicans wanted to make political capital out of a Presidential veto, we would encourage him to kill the bill, we would leave town, and we would go to the country and show it what the Chief Executive had done. But we want this bill enacted into law preferably with the President's signature. The needs of our country come first. Our people are tired of coddling the Reds. They insist upon strict constitutional legislation along the lines of the McCarran bill.

SUPPLEMENTAL APPROPRIATIONS ACT, 1951

Mr. LUCAS. Mr. President, the distinguished Senator from Tennessee, the chairman of the Committee on Appropriations [Mr. McKELLAR], reported the supplemental appropriation bill (H. R. 9526) last evening and is now ready to proceed with it. In view of the fact that when passed the bill must go to conference, I think we should temporarily lay aside the unfinished business and proceed to the consideration of the supplemental appropriation bill. For that purpose I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the unfinished business, the bill (H. R. 8847) to aid the development and maintenance of American-flag ships on the Great Lakes, and for other purposes, be temporarily laid aside, and that the Senate proceed to the consideration of the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

The VICE PRESIDENT. The Secretary will state the bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

The VICE PRESIDENT. The Secretary will proceed to state the amendments of the Committee on Appropriations.

The first amendment of the Committee on Appropriations was, under the heading "Chapter I—District of Columbia—(Out of revenues of the District of Columbia)—General Administration—Office of Civil Defense", on page 2, line 5, after the word "binding," to strike out "$30,000" and insert "and including services as authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a), $290,000."

The amendment was agreed to.

The next amendment was, under the subhead "Regulatory agencies—Office of Administrator of Rent Control," on page 2, line 11, after the word "Control", to strike out "$75,000" and insert "$113,100, of which $34,000 shall be available for payment of terminal leave only."

The amendment was agreed to.

MILITARY PREPAREDNESS

Mr. LODGE. Mr. President, I desire to address the Senate for a few moments on the subject of military preparedness, a subject which I have been discussing on and off for the past month.

The crux of all our military preparedness efforts is manpower for the armies of ourselves and the other nations who really want freedom. The Air Force and the Navy need substantial numbers of men, to be sure, but the big customer for manpower is always the Army. Yet our Army and the armies of the free nations are the weakest of the three services with regard to the Soviet Union. Moreover, armies are slow to build and we are already very late. For all these reasons the building up of these armies has, during the past few weeks, assumed great importance. When we consider this build-up of fire power on land as contrasted with building up firepower on the sea or in the air, we see the following ways of doing it:

First. Increase the United States Army from its present strength of 12 divisions to a strength of 30 divisions by June 30, 1951, of which 10 would be for Europe, 5 in this country, and 15 for Korea. The official plans call for only 18 divisions instead of 30.

Second. Increase the armies of the free nations of Europe, spearheaded by France, so that 50 European divisions would be in the field by June 30, 1952, of which 25 would be in the field by June 30, 1951. Canada and Latin America could make valuable contributions, for they also have a lot at stake.

Third. After the free European and American armies are well under way it should be possible to bring in the former enemy nations. A force of from 5 to 10 German divisions on a carefully integrated basis should enter an international military organization and share in the defense against Communist imperialism. Austria could also make an important contribution in its sector. In the Far East the men of our former enemy, Japan, should be enabled to take part in the defense of their own homeland.

Fourth. Energetic and purposeful consideration should be given to the sharing of the defense burden in Europe, not only by former enemies of World War II, but also by the former neutrals, notably the two Atlantic communities of Ireland and Spain. It has been estimated by qualified professionals that Spain could furnish six infantry divisions and that Ireland could furnish three. If this estimate is correct, an effective effort should be made to adjust the political problems which now prevent these nations from bearing their share of the defense in which their interest is just as great as ours. While speaking about the former neutrals, I should like to mention Turkey, which I think deserves commendation as a former neutral power which has made very marked military progress during the past few years.

Fifth. These four categories—American, allied, former enemy, and former neutral—do not exhaust the possibilities. There is one more category, and that is the great mass of anti-Communist freedom-loving young men from behind the iron curtain. Estimates of the number of these men having an effective potential of military service run as high as 2,000,000. One of the greatest living authorities on the subject told me that in case of war the United States could recruit as many of these young men as we could clothe and equip, provided—and he stressed this proviso—we have professional officers in sufficient numbers who spoke their language and knew their customs to organize them into effective military formations and lead them in combat.

One of Hitler's most glaring errors in World War II was his stupid handling of the millions of anti-Communist Russians who hated their Russian rulers so much that they welcomed the German conquerors with open arms. One of the most famous Russian anti-Communist leaders was General Vlasov, who organized an army of non-Communist Russians to fight on the German side. I saw some of these Vlasov soldiers at the time of the invasion of southern France. They were in German uniform and appeared to be Mongolians. There were several millions of anti-Communist men available, but Hitler did not have enough professional officers who spoke their language and knew their customs to organize them into effective military formations and lead them in combat.

These considerations, added to personal experiences of my own in World War II, impelled me upon my return to the Senate to introduce legislation, cosponsored by Representative PHILBIN in the House, authorizing the enlistment of aliens in the United States Army. After much argumentation and delay, the bill was signed by the President on June 30, 1950, authorizing the enlistment of only 2,500 men. When this bill originally passed the Senate, about a year ago, it had an authorization of 25,000 men, and it appears today that the Senate was right in voting the higher figure. The bill which became law provided for 2,500. The bill that passed the Senate last September provided for 25,000. The number was cut down in the House. What I am saying is that it appears the Senate was right.

General Collins, Chief of Staff of the Army, gave effective support to this legislation through thick and thin. This bill authorizes the Army to enlist young aliens wherever it chooses. It is hoped that among these young enlisted men there would be those who would qualify as officers and noncommissioned officers. They would join regular United States Army units—and not be organized into

a separate "legion." It is hoped that many of them would have the merit to qualify as professional infantry, artillery and tank officers, and noncommissioned officers, and that after 5 years of good service they would become American citizens. There is no doubt, judging merely from the letters which I have received resulting from the slight publicity which this has had in the press abroad, that we could obtain some of the cream of the young men abroad; and that if 3 years ago we had embarked on the policy which this bill authorizes there would be today, both in Europe and in the Far East, foreign troops of great combat effectiveness.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. MAGNUSON. The Senator from Massachusetts is familiar with the fact that some weeks ago I introduced a bill, which is pending before the Armed Services Committee, the purpose of which is to allow the enlistment of Japanese under somewhat similar conditions, but that General MacArthur cabled me to the effect that he did not think it would be possible for such a thing to be done until we had signed the Japanese peace treaty. I understand the Senator's proposal is broader and that it embraces other nationals. But I heartily commend the Senator for the proposal he is making, because even in the case of Japanese it would have been a great help to us if something like the Senator's proposal had been in effect 2 or 3 years ago.

Mr. LODGE. I thank the Senator from Washington. He is alive to the importance of the subject. I said a moment ago that I thought the men of Japan ought to be enabled to fight in the defense of their country. How that is to be worked out juridically I am not quite sure. Maybe there has to be an internationally sponsored organization or something of that sort. But I have already announced my agreement with the Senator that the men of Japan ought to have an opportunity to fight in defense of their country. I thank the Senator for his observation.

So we passed that bill authorizing the enlistment of these young aliens, and it became law in June.

Unfortunately, the Soviets interested themselves in the possibilities of using alien soldiers long before we did and we are paying a big price for this in Korea at this moment. Their employment of alien troops, however, depends basically on force and compulsion whereas the essence of the employment of alien troops such as I proposed and such as the Senators voted, is voluntaryism. In fact, we must never lose sight of the fact that the American way to receive the foreign soldier is on a basis which is both voluntary and equal. The argument that it is pernicious and debilitating to hire mercenary adventurers as replacements for your own men, who would thus escape military service, is sound; and we should actively oppose such a proposal. But we should as actively seek instead the help of selected alien soldiers on the same voluntary basis which actuated the countless aliens who fought for our country during the War of the Revolution, the Mexican War, the Civil War, and thereafter. It is safe to say that we could never have made our maximum effort in those wars without the alien soldier, fighting on a volunteer basis in the uniform of the United States. In all our wars we have welcomed allies who fight at our side under their own flag and in the uniform of their own country. We should not reject—indeed, we should warmly welcome—the individual ally who wears our uniform and fights under our flag. We should sense the immense difference between the mercenary hireling and the volunteer citizen candidate for which our present law provides.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. LODGE. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. I thank the Senator from Massachusetts.

I know of his great interest in this subject, and I have great sympathy with many of his positions. This is a question which I should like to ask him: I wonder if he thinks that we, in our past foreign policy, lost the greatest opportunity we have ever had, or perhaps the greatest opportunity we shall have for some time to come in the future, to get a vast army of other people to support our opposition to communism—in other words, the Nationalist Army of China. When we withdrew our support from Nationalist China, did not we lose the opportunity to have that great army fighting the battle of freedom in our behalf, against communism?

Mr. LODGE. I do not know how much we were responsible for the disintegration of the Nationalist Army of China, and how much that disintegration proceeded from causes which were inherently Chinese. I certainly think that if we had embarked on the policy I am advocating here, we could have had some splendid troops in China. Whether they would have been under the auspices of the Nationalist Government or not, is something else again.

However, I certainly agree with the general thesis of the Senator from Iowa that we missed a great, big bet in not being ready to receive the help of the freedom-loving, anti-Communist young men from all over the world, many of whom are stateless, many of whom have no army of their own which they could join. I certainly think that is true.

Mr. HICKENLOOPER. I thank the Senator from Massachusetts.

Mr. LODGE. I thank the Senator from Iowa for his observation.

Of course, Mr. President as a matter of fact, we are at this moment enlisting aliens into our Army in Korea. In some units the South Koreans are one-half of the unit strength. This common service together is reported to be working well.

The VICE PRESIDENT. The Senate will be in order, please.

Mr. LODGE. Mr. President, I thank the Chair for trying to keep order in the Chamber. I submit very respectfully that the Senate will never consider a more important subject than the one I am talking about, for the very reason that it involves nothing less than the actual lives of the young manhood of the United States; and if there is a more important subject than that, I should like to know what it is.

Mr. MARTIN. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. MARTIN. I should like to make this comment: One of the reasons why America is always in military trouble is that the people of the United States, through their law-making bodies, have never given proper consideration to national defense.

So I think the distinguished Senator from Massachusetts is entitled to be listened to by all Senators present.

Mr. LODGE. I thank the Senator from Pennsylvania; I appreciate the observation he has made.

Mr. President, what I am discussing now is one phase of national defense which is unusual; it is out of the ordinary. It does not cost anything in the way of dollars, but it involves something in the way of a great deal of imagination. That is why I think it is a subject which I am justified in submitting to Senators to consider, because we who serve in Congress ought to be the ones in this country to show the imagination and the vision that are required if we are to see and to comprehend a thing which has not been done before.

Mr. President, I was speaking of the fact that at this moment in Korea we are enlisting South Koreans into the United States Army; and I pointed out that in some units the South Koreans are one-half of the unit strength, and that this common service together is reported to be working extremely well.

So I submit that we should start now to organize the many young men in Europe whose fatherland is in the grip of the Communist dictatorship, and who cannot join the army of their own country. There is obviously no organization which is as ready to receive these young men; process them; clothe, house and feed them; and arm, equip and train them, as is the United States Army.

The fact that under this plan these young fighters for freedom would be part of the United States Army means that their services could—and probably would—be used in support of the United Nations. Without the United States Army, it is highly doubtful that these men would be available in significant numbers, since no other country would be able to organize them at anything approaching a rapid rate of speed. Believing firmly that the United Nations must be effectively and rapidly strengthened, I am convinced that the only practical way to do so is by means of military forces consisting of units from existing national armies and that men who are stateless or whose nations cannot furnish contingents, should join existing armies of nations who are supporting the United Nations.

I say this in the knowledge that there are sincere persons, some of them Members of this body, who favor a so-called international police force in which men from many nations serve as individuals—a force in which all those who serve in it—the man from the palms, the man from the pines, the Christian and

the Arab—are supposed to give up their citizenship, and cheerfully submit to a common pay schedule, a common ration, and a common code of justice and discipline. Of course, that is something which as civilians they would never even think of doing. Those who advocate this proposal fail to realize that an army is but the military expression of the civilian community—that the army must be based on the civilian society, and not the civilian society based on the army. There is also the financial burden which such a force would be to the United Nations, a burden which most of the nations would find unbearable, even though the United States would defray, as it does now, about 70 percent of the United Nations' cost. Perhaps the time will come when such a scheme is feasible, but all must agree that it cannot possibly be of practical help in the present crisis.

To sum up, Mr. President: There are five sources of manpower with which to build armies to fight for freedom: First, the United States; second, our allies; third, our former enemies; fourth, the former neutrals; and fifth, the anti-Communist, freedom-loving aliens who have no army of their own to join.

To stimulate energetic and imaginative action to enable these men to make their contribution, I am introducing a bill to increase the authorization under the Lodge-Philbin Act from the present figure of 2,500 to the figure of 25,000, which was what the Senate adopted last year. As I have said, aliens coming in under this bill would be professional soldier material, and would become citizens after 5 years. The bill which I am about to introduce would, in addition, authorize the United States Army to enlist abroad aliens for 2 years' service abroad in a "Volunteer Freedom Corps," not to exceed 250,000 men. From these men could be selected individuals who would qualify later under the Lodge-Philbin act, as potential citizens. They would be selected men. Such men fighting side by side with Americans, allies, former enemies, and former neutrals would present a front of fervent, ardent, and convinced anti-Communist fighters for freedom. This would strongly tend to prevent aggression. It would also insure that, if war should come, the cost in terms of precious manpower would be equitably shared by men from all the freedom-loving peoples. Such a policy is both militarily sound and morally right, and we should waste no time in putting it into action.

Mr. President, I now ask unanimous consent that I may introduce the bill.

The VICE PRESIDENT. Without objection, the bill will be received and appropriately referred.

The bill (S. 4152) to provide for additional enlistments of aliens in the Regular Army, introduced by Mr. LODGE, was read twice by its title, and referred to the Committee on Armed Services.

SUPPLEMENTAL APPROPRIATIONS ACT, 1951

The Senate resumed the consideration of the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

The VICE PRESIDENT. The clerk will state the next committee amendment.

The next amendment was, under the subhead "Public schools—Capital outlay—Construction", on page 2, line 20, after the word "including", to strike out "ten" and insert "eighteen".

THE NEED FOR IMPROVING RELATIONS BETWEEN THE UNITED STATES AND ASIA

Mr. HUMPHREY. Mr. President, I first want to commend the Senator from Massachusetts for his very fine remarks, and particularly to associate myself with the solicitous remarks he has made in reference to a distinguished Member of this body, the senior Senator from Michigan [Mr. VANDENBERG]. I am sure that he speaks for all the Members of the Senate, and for the many friends of the distinguished Senator throughout the country.

I should now like to direct my attention for a few moments to the need for improving relations between the United States and the Asiatic area.

Like all Americans, the international crisis occupies most of my thinking and energies today. We are required to do what we hoped we might never have to do again—ask men and women to risk and possibly lose their lives to preserve freedom. The preservation of freedom, however, requires more than military victory. We must convince the populations of the world that democratic ideals mean a fuller and richer life for them than they can achieve through the objectives of totalitarian communism.

It is in Asia that we are weakest—and I want to invite the attention of the Senate to this line—and it may well be in Asia that the future of the peace and the security of the world will be determined. We are not only weakest in Asia militarily but we are weakest there ideologically. The American people at home understand the nature of the force against which we fight. The American people have had the opportunity to understand what we fight for, since we have for so many years now enjoyed the fruits of liberty and equality. We cannot, however, expect the underprivileged peoples of Asia, who will in the end determine the ultimate resolution of the conflict, to accept our word about the desirability of the world we seek and the validity of the principles we profess. It is this which primarily concerns me. In other words, Mr. President, good as it is to have a great program of education and of information, such as the Voice of America, it is of great importance also that we understand that the underprivileged peoples of Asia, numbering more than a billion, are somewhat unacquainted either with the material or the political blessings which have made the American Nation great. Our job is a tremendous one to explain the practical meaning of the principles of liberty and economic opportunity.

I know that the Communists will exploit our every weakness. Falsehood, deceit, conspiracy, are commonplace weapons in the arsenal of totalitarian propaganda. In our attempt to reach the minds and hearts of the peoples of Asia we in the United States face a number of problems which the Communists have exploited to the great benefit of themselves. This has made it easier for them to assert a powerful influence over many of the underprivileged populations of the world. I believe that statement is well documented by the continuing flow of news dispatches and feature stories which come from the Asiatic area, where the reporters for the great publications, the newspapers, and the press associations continually tell us that Communist propaganda is making a tremendous impact upon the Asiatic countries, and that each and every one of those countries today is literally fighting for survival. Some have already been destroyed in terms of their independence. Others today are upon the precipice of disaster. Now, what are some of the limitations we face in our own country in reference to our relationships with the Asiatic world?

First, the fact that our own colored peoples in some sections of America are relegated to second-class citizenship is so magnified and distorted abroad that the colored peoples of the world mistrust our words of good will.

The second is the fact that we of the Western World are associated frequently with the evils of colonial exploitation.

Third is the fact that any nation blessed with such an abundance of material resources and comforts easily becomes an object of envy and hostility on the part of those not so fortunate.

These factors, distorted and exaggerated by unscrupulous propaganda, place us at a decided disadvantage in the conflict of loyalties. Our country has made great strides toward overcoming them by working within the United Nations. Thus we today stand with 56 nations operating through the United Nations in a common military effort, but it is not enough to speak with guns alone, and it surely is not enough in the Asiatic area to speak with guns alone. We must urge the United Nations to set forth immediately, in clear and unmistakably vivid and realistic terms, a world program in the form of a United Nations declaration of goals for freedom, peace, and security.

The people of the world look to America for guidance and direction. They look to America, the symbol of free government and a free people, for hope and inspiration. In fact, we know that Americans come from the peoples of the world, and it is perfectly natural that the peoples of the world should look to America.

It is necessary that the leaders of our Nation—and I say this in particular reference to the President of the United States—appear before the Assembly of the United Nations and address a message to the population of the world. Our President represents the people. Our President holds his office by the choice of the people. His presence and his voice before the Assembly of the United

Nations would be a message of great import, and this message should be broadcast wherever men may hear. That message should state the objectives of whatever military endeavors, including those in Korea, in which the United States and the United Nations reluctantly and yet determinedly engage.

This message should clearly enunciate the ennobling idea which is democracy and relate that idea with the basic truths to be found in the cultural, religious, and historical traditions of Asia. It is absolutely imperative that the Congress of the United States, as well as the administrative branches of our Government, be able to relate the democracy which is ours to the cultural and religious and historical traditions of this great section of the world that may well resolve this conflict.

This message should proclaim the profound and consuming conviction of the dignity, equality, and worth of every individual of whatever status, race, creed, or color, and our determination to make the true meaning and promise of democracy a reality.

The most effective way to dramatize the United Nations declaration of goals for freedom, peace, and security would be to translate our ideals into a program which has a specific practical meaning to a Korean farmer, an Indian worker, an Indonesian merchant, a program which can capture his imagination.

In other words, Mr. President, whatever may be stated by our President, whatever may be the goals and objectives of our Nation or of the United Nations, it must be translated in practical terms that are understandable by the great mass of the people, because it is in the mass of the people that the future of the world will be well determined. Just as we are now demonstrating to the world that America does not shrink from the task of stopping military aggression, no matter what the cost of sacrifice, so we must assure the world that we are prepared to act with equal courage and sacrifice through the United Nations to check poverty, sickness, exploitation, and injustice.

The United States should pledge her full partnership in a United Nations program to achieve those goals of freedom, peace, and security. Our Nation should plan a broad program of economic assistance to the Asiatic area.

Mr. President, I hope that before the Eighty-second Congress convenes, before the new Congress comes to Washington, the President of the United States will have drafted a preliminary plan of a broad program of economic assistance to the Asiatic world. I submit that it should not call for less than $500,000,000 within the first year. It should be a program of economic assistance to more than a billion people, that may well determine whether we are to live in peace and in freedom.

Projects under this plan should be primarily aimed at placing these nations on a self-sustaining, independent basis. There is a tremendous need for the improvement of agriculture, for the reclamation of land, the conservation of basic natural resources, the construction of hydroelectric power facilities, flood control, irrigation, and the expansion of public health facilities. A program of this nature can lift the standard of living and save these nations from internal political and economic collapse.

Mr. President, I wish to remind the Senate that if the nations of India, Burma, Indonesia, Pakistan, and others fall the Communist conspiracy, there is no hope of ever winning in Korea or in any other place. The struggle that is ours is not a military struggle alone it is a struggle to preserve economic stability in areas of the world, such as that where our troops are now engaged in conflict.

Economic development and political stabilization are essential factors in checking the movement of the Communist ideology into the Asiatic world. The development of economic and political resources of the Asiatic countries is fundamental to the strengthening of the United Nations—is fundamental to human freedom.

By way of specific example, I wish to suggest a program.

I suggest this program not as a panacea, not as a program that could not be altered, but only as a proposal or a practical suggestion.

First of all, there should be enunciated through our President, before the Assembly of the United Nations, our belief in a form of government for every people in which the majority rules through a legislature duly and periodically elected by universal and equal suffrage by secret ballot, with opportunities for criticism and a freely functioning opposition to the government in power.

Second. A fair distribution of resources and wealth which would call for drastic reforms in the tradition of land ownership designed to encourage family farm ownership.

I repeat, that all over the world where the peasants, the natives, have been duped into following the Communist line, the most effective propaganda line that has been used is land redistribution, land reform. So I say it is imperative that our Secretary of State or our President, before the nations of the world, in the United Nations, enunciate once and for all that we do believe in a fair distribution of land and in the family farm ownership.

Third. A program of free education through the elementary school level as a basic minimum, with higher education equally attainable to all.

Fourth. We should state that we will carry forward, in a more expansive and a more generous form, the President's own point-4 program and that the United States stands ready to join the United Nations in sharing our material resources, and technological assistance for agriculture, health, education, and industry.

Fifth. Just as we state at home, so should we announce to the nations of the world our deep and sincere belief in working toward the goal of full employment as an objective of our world economy.

Sixth. We must stand abroad, just as we stand at home, for the encouragement of trade unions and free collective bargaining.

Seventh. We must clearly state that we recognize that society has an obligation to provide social security for all citizens.

Eighth. We must reiterate our belief in public developments, especially power developments, making use of our TVA concept, which has captured the imagination of many of the underdeveloped countries.

Ninth. We must again state our belief in and our support of broad programs of conservation of natural resources.

Tenth. We must again state to the nations of the world that we recognize the necessity and wish to contribute to the improvement of the health of all peoples, through public-health programs.

Eleventh. We must stand for translating the objectives of the Food and Agricultural Organization so that the peoples of Asia can understand it means more adequate food for them and for their children.

Twelfth. We must assure the peoples of Asia of our willingness to make use of American technological assistance for adequate housing, and making available our own prefabricated housing techniques.

Thirteenth. Our President should proclaim the desirability of civil rights for all peoples, as a universal international principle.

Fourteenth. Leaders of our Nation, primarily the President or the Secretary of State, must state unqualifiedly our recognition of the principle of human rights and equal rights for women.

Fifteenth. It seems to me crucial to state that our hatred of war and violence leads us to join all the peoples in looking forward to the day when we can, together, establish a world society which repudiates militarism. We should, therefore, include international disarmament and the international abolition of conscription, with adequate inspection and control, as an essential part of our program—an objective which we hope all the nations of the world will accept.

Finally, Mr. President, it is of great importance that we make a clear-cut statement that we seek no territory—no sphere of economic influence.

Our message to the populations of the world, in all conscience and in all humility, should admit our weaknesses and frailties as American citizens. We frequently fall short of attaining our democratic objectives. We cannot deny our failure to achieve full civil rights for all our peoples, but we continually strive for them. We can attain them, along with all the peoples of the world, only by mutual international effort and cooperation through the United Nations, free of fear and free of militarism. Such a recognition would do much to meet the handicaps under which we operate in Asia.

It is difficult to set forth a specific program, equally applicable and equally

attractive to all peoples. Democracy is not doctrinaire. We can make clear, however, to the best of our ability, that democracy is the technique by which people can reach their goals of human freedom and human happiness. We can make clear that self-government for all peoples and a peaceful world are our aims.

I am confident that the world is eager to hear such a message from America. I feel that it is eager to hear this message from the President of the United States, who stands as the symbol of a practical working democracy. We can give this message to the world, and it is fitting that we do so from the rostrum of the United Nations.

Mr. President, I think it is fair to say, as was said by one great statesman of England, it is much later than we think. If we lose this chance in Asia by our failure to adequately express our objectives and to outline a practical program, if we lose this chance, it will make little difference how many men we recruit for the Army and the Navy. America does not have the manpower—nor does any other one nation have the manpower in military force alone—to control a billion people in a revolutionary movement in Asia as of this moment. Our only hope is to be able to work with the friendly powers to give them the chance to remain free and to give them the opportunity to stand with us as participating partners in the great area of the world where the conflict between the forces of freedom and slavery is now in its crucial stage.

If we fail in this effort we shall have lost everything for which we have worked. It is my considered judgment that the peace of the world will not be decided in western Europe, but that the peace of the world will be decided in the Far East, where we are least prepared, where we are the least understood, where we are the most unwelcome. Therefore it is important that we mend our ways, that we project a program which is practical and meaningful; that somehow or other we find a bond of understanding and friendship with the millions of people who today are almost within the grasp of the Communist conspiracy.

May our Congress act with dispatch and wisdom. More than that, may our President and our Secretary of State announce our purposes and objectives in the Far East, and state them more than in terms of military power. May they state them in terms of humanitarian needs to millions of people who are looking for leadership, guidance, and the unselfish warm heart of America.

SUPPLEMENTAL APPROPRIATIONS ACT, 1951

The Senate resumed the consideration of the bill (H. R. 9526), making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 2, line 20.

The amendment was agreed to.

The next amendment was, on page 3, after line 19, to insert:

HEALTH DEPARTMENT

OPERATING EXPENSES, HEALTH DEPARTMENT (EXCLUDING HOSPITALS)

For an additional amount for "Operating expenses, Health Department (excluding hospitals)," $18,000.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

OPERATING EXPENSES, GALLINGER MUNICIPAL HOSPITAL

For an additional amount for "Operating expense, Gallinger Municipal Hospital," $71,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to insert:

CAPITAL OUTLAY, GALLINGER MUNICIPAL HOSPITAL

For necessary repairs, alterations, and improvements to rehabilitate the Tuberculosis Hospital at Fourteenth and Upshur Streets NW., to continue its use as an adjunct of Gallinger Hospital, $68,500.

The amendment was agreed to.

The next amendment was, under the subhead "Public welfare—Day-care centers," on page 4, after line 14, to strike out:

For all expenses necessary to liquidate the system of nurseries and nursery schools for the day care of school-age and under-school-age children in the District of Columbia by October 1, 1950, including personal services, $30,000.

And in lieu thereof to insert:

For all expenses necessary to continue a system of nurseries and nursery schools for the day care of school-age and under-school-age children in the District of Columbia through June 30, 1951, including personal services, $100,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 17, to insert:

NATIONAL CAPITAL PARKS

For an additional amount for "National Capital Parks," $40,000.

The amendment was agreed to.

The next amendment was, under the subhead "Audited claims," on page 6, line 14, after the word "Congress," to strike out "$60,636" and insert "$60,942."

The amendment was agreed to.

The next amendment was, under the subhead "Judgments," on page 6, line 22, after the word "payment," to strike out "$1,171" and insert "$1,203."

The amendment was agreed to.

The next amendment was, under the heading "Chapter II—Legislative Branch," on page 7, after line 2, to insert:

SENATE

The appropriation for salaries of officers and employees of the Senate contained in the Legislative Branch Appropriation Act, 1951, is made available for the employment of an additional clerk at the basic rate of $1,500 per annum by each Senator from the State of Alabama, the population of said State having exceeded 3,000,000 inhabitants.

The amendment was agreed to.

The next amendment was, on page 7, after line 9, to insert:

CONTINGENT EXPENSES OF THE SENATE

Stationery: For an additional allowance for stationery of $300 for each Senator and the President of the Senate, for the second session of the Eighty-first Congress, $29,100, to remain available for obligation until January 2, 1951.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 7, after line 15, to insert:

For payment to Bessie L. Bulwinkle, widow of A. L. Bulwinkle, late a Representative from the State of North Carolina, $12,500.

The amendment was agreed to.

The next amendment was, under the subhead "Architect of the Capitol—Capitol Buildings and Grounds," on page 8, after line 17, to insert:

Completion of rotunda frieze, Capitol Building: For carrying into effect the provisions of Public Law 703, Eighty-first Congress, approved August 17, 1950, entitled "Joint resolution to provide for the utilization of the unfinished portion of the historical frieze in the rotunda of the Capitol to portray (1) the Civil War, (2) the Spanish-American War, and (3) the birth of aviation in the United States", $20,000, to be expended by the Architect of the Capitol, as contracting and executive officer, under the direction, advice and approval of the Joint Committee on the Library.

The amendment was agreed to.

The next amendment was, under the heading "Chapter III—Department of State," on page 9, after line 10, to insert:

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For an additional amount for "Salaries and expenses, American sections, international commissions," $105,669, and this appropriation shall also be available for expenses of the Inter-American Tropical Tuna Commission.

The amendment was agreed to.

The next amendment was, under the subhead "International information and educational activities," on page 9, line 23, after the word "Activities", to strike out "$62,655,850" and insert "$77,612,000"; on page 10, line 6, after the word "by", to strike out "$5,000,000" and insert "$7,760,000"; in line 14, after the word "exceed", to strike out "$15,212,000" and insert "$19,600,000"; and on page 11, line 12, after the word "States", to strike out "without regard to section 355 of the Revised Statutes, and title to any land so acquired shall be approved by the Secretary of State."

The amendment was agreed to.

The next amendment was, under the heading "Department of Justice," on page 11, after line 15, to insert:

FEDERAL BUREAU OF INVESTIGATION

For an additional amount for "Salaries and expenses," Federal Bureau of Investigation, $6,000,000, including the purchase of 200 additional passenger motor vehicles.

The amendment was agreed to.

The next amendment was, under the heading "Department of Commerce—Civil Aeronautics Administration," on page 12, after line 15, to insert:

LAND ACQUISITION, ADDITIONAL WASHINGTON AIRPORT

For expenses for the acquisition of land, interests therein and appurtenances thereto,

for the site and appurtenant facilities, for an additional public airport within or in the vicinity of the District of Columbia, as authorized by Public Law 762 of the Eighty-first Congress, approved September 7, 1950, to remain available until expended, $2,150,000, of which not to exceed $250,000 shall be available for administrative expenses of the Civil Aeronautics Administration in connection therewith, including personal services in the District of Columbia, printing and binding and services as authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a).

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to insert:

NATIONAL BUREAU OF STANDARDS

CONSTRUCTION OF LABORATORIES

For an additional amount to carry out the purpose of the appropriation "Construction of laboratories" provided in the General Appropriation Act, 1951, $1,900,000, to remain available until expended: *Provided,* That this additional appropriation shall be in lieu of the amount appropriated and of the contract authorization for construction of a guided missile laboratory contained in the aforementioned act: *Provided further,* That this appropriation shall be available for modification and improvements to existing buildings and facilities at Corona, Calif., and such other expenses as may be necessary in relocating the National Bureau of Standards guided missile laboratory: *Provided further,* That upon this property being declared surplus by the Department of the Navy and its transfer and use being approved by the General Services Administrator, the Department of Commerce shall take full legal title thereto without reimbursement therefor.

The amendment was agreed to.

The next amendment was, under the subhead "Maritime activities," on page 14, after line 10, to insert:

SHIP CONSTRUCTION

The appropriation and contract authority made available for "Ship construction" by the General Appropriation Act, 1951, shall be available for the purchase or requisition of vessels under authority now or hereafter vested in the Secretary of Commerce.

The amendment was agreed to.

The next amendment was, on page 14, after line 16, to insert:

THE JUDICIARY

OTHER COURTS AND SERVICES

Salaries of judges

The appropriation under this head in the General Appropriation Act, 1951, shall be available for payment of the salary of the judge of the district court of Guam as authorized by the act approved August 1, 1950 (Public Law 630).

The amendment was agreed to.

The next amendment was, under the heading "Chapter IV—Treasury Department," on page 15, after line 2, to insert:

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES, DIVISION OF DISBURSEMENT

For an additional amount for "Salaries and expenses, Division of Disbursement," $355,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 6, to insert:

OFFICE OF THE TREASURER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," Office of the Treasurer, $27,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 15, to insert:

BUREAU OF INTERNAL REVENUE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," Bureau of Internal Revenue, $3,760,000; and the limitation under this head in the Treasury Department Appropriation Act, 1951, and the amount available for stationery is increased from "$1,500,000" to "$1,573,620."

The amendment was agreed to.

The next amendment was, under the subhead "Secret Service Division," on page 16, after line 5, to insert:

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," Secret Service Division, $76,700; and the limitation under this head in the Treasury Department Appropriation Act, 1951, on the purchase of passenger motor vehicles, is increased from "fifteen" to "twenty-one."

The amendment was agreed to.

The next amendment was, under the heading "Post Office Department," at the top of page 17, to strike out:

GENERAL PROVISIONS

Hereafter, none of the funds appropriated to the Post Office Department from the general fund of the Treasury shall be withdrawn from the Treasury until the Postmaster General shall certify in writing that he has requested the consent of the Interstate Commerce Commission to the establishment of such rate increases or other reformations (in addition to any specific increases or other reformations heretofore or hereafter authorized or prescribed by law), pursuant to the provisions of section 207 of the act of February 28, 1925, as amended (39 U. S. C. 247), as may be necessary to insure the receipt of revenue from fourth-class mail service sufficient to pay the cost of such service: *Provided,* That the foregoing shall not be construed to require any increase in the postage rate, established by the act of April 15, 1937 (39 U. S. C. 293c), for publications or records furnished to a blind person.

The amendment was agreed to.

The next amendment was, on page 17, after line 17, to insert:

CHAPTER V—LABOR—FEDERAL SECURITY

FEDERAL SECURITY AGENCY

Office of Education

Promotion and Further Development of Vocational Education

For an additional amount for carrying out the provisions of section 3 of the Vocational Education Act of 1946 (20 U. S. C. 15), section 4 of the act of March 10, 1924 (20 U. S. C. 29), section 1 of the act of March 3, 1931 (20 U. S. C. 30), and section 1 of the act of March 18, 1950, Public Law 462, Eighty-first Congress, $3,457,240: *Provided,* That the apportionment to the States under the Vocational Education Act of 1946 shall be computed on the basis of not to exceed $23,267,000 for the current fiscal year.

The amendment was agreed to.

The next amendment was, on page 18, after line 7, to insert:

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," Office of Education, $347,000: *Provided,* That this paragraph shall be effective only upon enactment into law of H. R. 7940, Eighty-first Congress.

The amendment was agreed to.

The next amendment was, on page 18, after line 12, to insert:

For an additional amount for "Salaries and expenses," Office of Education, $665,000: *Provided,* That this paragraph shall be effective only upon enactment into law of S. 2317, Eighty-first Congress.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to insert:

PAYMENTS TO SCHOOL DISTRICTS

For payments to local educational agencies for the maintenance and operation of schools as authorized by law, $23,000,000: *Provided,* That this paragraph shall be effective only upon enactment into law of H. R. 7940, Eighty-first Congress.

The amendment was agreed to.

The next amendment was, on page 18, after line 22, to insert:

GRANTS FOR SURVEYS AND SCHOOL CONSTRUCTION

For grants to the States for surveying their needs, and for planning construction programs, for elementary and secondary school facilities; and for grants for emergency school construction to school districts in federally affected areas, $24,500,000, to remain available until expended: *Provided,* That this paragraph shall be effective only upon enactment into law of S. 2317, Eighty-first Congress.

The amendment was agreed to.

The next amendment was, on page 19, afte line 5, to insert:

PUBLIC HEALTH SERVICE

NATIONAL INSTITUTES OF HEALTH, OPERATING EXPENSES

For an additional amount for "National Institutes of Health," operating expenses, $3,000,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 9, to insert:

SOCIAL SECURITY ADMINISTRATION

SALARIES AND EXPENSES, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

The amount authorized to be expended from the Federal old-age and survivors insurance trust fund, for "Salaries and expenses, Bureau of Old-Age and Survivors Insurance," by the Federal Security Agency Appropriation Act, 1951, is increased from "$45,988,000" to "$60,488,000", and the limitation under this head in said act on the amount available for dues or fees for library membership is increased from "$404" to "$594."

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to insert:

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For an additional amount for "Grants to States for public assistance," $80,000,000; and appropriations granted under this head for the current fiscal year shall be available for aid to the permanently and totally disabled as authorized by law.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to insert:

SALARIES AND EXPENSES, BUREAU OF PUBLIC ASSISTANCE

For an additional amount for "Salaries and expenses, Bureau of Public Assistance," $250,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 5, to insert:

GRANTS TO STATES FOR MATERNAL AND CHILD WELFARE

For an additional amount for "Grants to States for maternal and child welfare," $8,250,000: *Provided,* That such additional amount shall be allotted on a pro rata basis among the several States in proportion to

the amounts to which the respective States are entitled for the fiscal year 1951 by reason of section 331 of the Social Security Act Amendments of 1950.

The amendment was agreed to.

The next amendment was, on page 20, after line 13, to insert:

SALARIES AND EXPENSES, OFFICE OF THE COMMISSIONER

For an additional amount for "Salaries and expenses, Office of the Commissioner," $20,000, together with an additional amount of not to exceed $10,000 to be transferred from the Federal old-age and survivors trust fund.

The amendment was agreed to.

The next amendment was, on page 20, after line 18, to insert:

In the administration of title XIV of the Social Security Act, as amended by the Social Security Act Amendments of 1950, payments to a State under such title for any quarter in the current fiscal year after September 30 may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to insert:

Grants to States, next succeeding fiscal year: For making after May 31 of the current fiscal year, payments to States under title XIV of the Social Security Act, as amended by the Social Security Act Amendments of 1950, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title to be charged to the appropriation therefor for that fiscal year.

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to insert:

OFFICE OF THE ADMINISTRATOR

SALARIES, OFFICE OF THE ADMINISTRATOR

For an additional amount for "Salaries, Office of the Administrator," $32,000, together with an additional amount of not to exceed $24,000 to be transferred from the Federal old-age and survivors insurance trust fund.

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to insert:

SALARIES AND EXPENSES, DIVISION OF SERVICE OPERATIONS

For an additional amount for "Salaries and expenses, Division of Service Operations," $8,500, together with an additional amount of not to exceed $26,000 to be transferred from the Federal old-age and survivors insurance trust fund.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to insert:

OFFICE OF THE GENERAL COUNSEL

For an additional amount for "Salaries, Office of the General Counsel," $20,825, together with an additional amount of not to exceed $61,845 to be transferred from the Federal old-age and survivors insurance trust fund.

The next amendment was, on page 22, after line 2, to insert:

For an additional amount for "Salaries, Office of the General Counsel," $25,000: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 2317, Eighty-first Congress.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, may I ask whether opportunity will be afforded to return to a consideration of chapter 5—Labor-Federal Security Agency?

The VICE PRESIDENT. Apparently it is one of the committee amendments.

Mr. HUMPHREY. I ask unanimous consent that we may return to a consideration of chapter 5, because I have an amendment which I should like to offer on page 19, line 3.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCLELLAN. After the adoption of the committee amendments the bill will still be open to further amendment, will it not?

The VICE PRESIDENT. It will be open to further amendment.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HUMPHREY. Will it be possible then for the Senator from Minnesota to return to page 19, line 3, to offer an amendment to strike out "$24,500,000" and to insert another figure in the item which begins on line 23, page 18, under the heading "Grants for Surveys and School Construction."

Mr. McCLELLAN. Oh, no.

The VICE PRESIDENT. The Chair doubts it can be done, because it seems to be part of a committee amendment.

Mr. HUMPHREY. I have an amendment to offer to that amendment.

The VICE PRESIDENT. Is there objection to the request of the Senator from Minnesota [Mr. HUMPHREY] to reconsider the vote by which the amendment on the page referred to by him was agreed to? The Chair hears none, and the question is on agreeing to the committee amendment.

Mr. HUMPHREY. I send an amendment to the desk and ask that it be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 19, line 3, it is proposed to strike out "$24,500,000" and insert in lieu thereof "$45,000,000"; in line 3, before the proviso strike out the colon and add "$25,000,000 in contract authority."

Mr. HUMPHREY. Mr. President, by way of explanation of the amendment, I realize that the figure $24,500,000, which is in the committee amendment, is the full budget estimate. I know that the Bureau of the Budget has not followed the recommendations of the Committee on Labor and Public Welfare. The Bureau of the Budget representatives sat in conference on the school construction bill. The representatives sat through every day of the school construction hearings. We had 3 days of conference meetings. They knew exactly what the bill included. They were there. They went through each and every line of the bill and they know that $24,500,000 is completely inadequate and ineffective. Not only that, but I contacted the Director of the Budget and I went over to see the President of the United States. We had been given assurances that an adequate amount of money would be made available for the school construction bill, which would apply only in the federally impacted areas.

It would cover a situation where the Army, Navy, and Air Force had developed activities in particular areas, or where there was a tremendous amount of defense activity. What happened was that the Bureau of the Budget determined that if they could not write the bill, which they tried to rewrite in committee, they would write it in the appropriation bill.

I have been a good friend of the Bureau of the Budget, but I am beginning to lose my patience. The representatives of the Budget Bureau were present at the conference committee and made their recommendations. Despite the needs of the country, despite the fact that the conferees of the House and Senate disagreed with the Bureau of the Budget representatives on practically every issue, despite the fact that we produced evidence which was incontrovertible as to the fallacy of their position, and despite the fact that we turned down the objections of the Bureau of the Budget and unanimously reported a bill, the Budget Bureau now recommends an appropriation which would for all practical purposes do nothing. It would provide $690,000 for administration and $3,000,000 for school surveys. Is that not interesting? The Bureau of the Budget was for the school survey program. So was I. I was the author of the bill. The Bureau of the Budget wanted $3,000,000 for the school survey program. That is the total amount of the authorization in the school construction bill. They give us the full $3,000,000 for school surveys, but when it comes to construction of needed school facilities in war-impacted areas, where there is no place for the children to go to school, except in many instances in barns, chicken coops, hallways, tents, and Quonset huts, what does the Budget Bureau do? It sends to the Committee on Appropriations a recommendation which would not take care of 50 school districts. There are 600 school districts in need, and in desperate need—and I emphasize that they are in desperate need—of some financial assistance.

Mr. McCLELLAN. Mr. President, I was occupied for the moment. How many districts did the Senator say were in desperate need?

Mr. HUMPHREY. Six hundred, which come within the law.

Mr. McCLELLAN. Within the purview of the law?

Mr. HUMPHREY. Yes.

Mr. McCLELLAN. What is the committee's recommendation with reference to the amount that would be required to do a fairly adequate job of taking care of the situation?

Mr. HUMPHREY. I am very happy the Senator has asked me that question. I wish to point out that the House Members went into every school district and made an on-the-spot survey, and the Senate committee held long hearings. After careful analysis the judgment of the committee was it would take about $150,000,000 over a 3-year period to take care of these emergency war-impacted

areas. The $25,000,000 would take care of only a limited number of places. It would not even touch some of the places in the countryside where there are as many as 75 or 90 children in a schoolroom which is intended to take care of only 20 children.

Mr. McCLELLAN. Is the Senator applying his remarks generally to the schools throughout the country, or with respect only to those schools which are within what we call the federally congested areas?

Mr. HUMPHREY. The figure I gave to the Senator applies only to, and directly to, those areas which were carefully examined, and which were found to be in really critical condition, and in need of Federal assistance for emergency school construction.

Mr. McCLELLAN. By reason of the impact of the Federal employment in those particular districts?

Mr. HUMPHREY. Absolutely. Not only that, but the formula in the bill requires the local school districts to absorb large numbers of students before they get Federal assistance.

Mr. McCLELLAN. I am very much interested in this matter, because I support the legislation to which the Senator refers, and the appropriation, because in my State many school districts are in a very bad situation with reference to providing adequate school buildings and services.

I did not have the information which the Senator is revealing with reference to how critical the need is, how broad in scope it is, and how much would be required to meet the situation adequately.

Does the Senator think that the twenty-four and one-half million, or twenty million for construction purposes, will be somewhat adequate to meet the conditions between now and when the Eighty-second Congress will meet? I felt confident that at that time we would have to make additional appropriations for this purpose. I thought possibly the amount allowed would be adequate to fill the gap between now and then, and would be about as much as could be judiciously expended by that time.

Mr. HUMPRHEY. That is a very good point, and I wish to say to the Senator that there is no doubt that between now and the first of January it would not be possible to construct more than $20,000,000 worth of schools; in fact, it may not be possible to construct that many. But the Office of Education is going to have each and every school district seeking aid. It will be besieged and yet unable to give help. Besides that, it is imperative that in some of the districts contracts be made to go ahead with construction. They cannot dare do it with the amount of money here provided.

Mr. McCLELLAN. I understood the Senator to say that for planning $3,000,000 is in this item, and that $3,000,000 was the amount estimated by the Senator's committee as adequate to provide for planning. The money provided here is all that is needed to get further plans ready to meet the situation.

I am not challenging the statement the Senator is making, I am merely trying to get at the real situation so that we can deal with it. With the full amount of planning money which it is anticipated will be required made available now, and $20,000,000 for actual construction in the interim period, does not the Senator think that by the time the next session of Congress convenes they can determine what is needed, and then we can make additional appropriations to meet the situation?

Mr. HUMPHREY. If it all worked out that way, it would not be so bad. The problem we have is that the school districts have now appealed to the Government; in fact, applications of many of them have been in for over a year, and many of them are in desperate circumstances. I believe that authorization for contract authority is even more important at this stage than the other provision. If the contract authority is given so that they can let contracts, that will be of great assistance.

Mr. McCLELLAN. The Senator believes, then, that $20,000,000 for actual construction, plus the $3,000,000 for planning, will probably be adequate, and as much as can be judiciously expended between now and, let us say, when Congress reconvenes, but in the meantime, as plans are developed, there should be contract authority so that there would not be any further delay, and they could therefore try to meet the situation.

Mr. HUMPHREY. I believe the Senator has stated it just about as I would state it. The contract authority is of primary importance, so that the districts may go ahead and let contracts, and know they are going to get Federal assistance. I feel, however, that the appropriation of $20,000,000 is going to place a tremendous burden on the Office of Education, because they cannot have any priority program and it will be "first come, first served."

In my amendment I divide the whole appropriation into three. It is a 3-year program, and let us get the first item to $45,000,000, and $25,000,000 for contract authority.

Mr. McCLELLAN. Does the Senator's amendment ask for an increase to $45,000,000?

Mr. HUMPHREY. Yes.

Mr. McCLELLAN. And how much for contract authority?

Mr. HUMPHREY. Twenty-five million dollars.

Mr. McCLELLAN. Twenty-five million dollars in addition?

Mr. HUMPHREY. Yes, because it is a long-range program. The President's estimate for school construction, which came to the Congress last January, called for more than $40,000,000 in emergency school-construction money.

Mr. President, as I have stated, I have been to the White House and have talked to the officials in the White House, and I understood the Bureau of the Budget was going to "play ball," as we say, come clean in the matter. But they have been against this bill. The only thing they have been for was $3,000,000 with which to do a little planning. They still do not want to build any schools, and I say they do not have any idea of the problem. They wanted to do all kinds of things with the bill. We felt that our wisdom was as great as theirs, and Congress made the decision.

Mr. McCLELLAN. Generally I try to show due deference and full deference to Bureau of the Budget estimates. Frequently they know more and are better informed, and are better able to determine the requirements, than possibly the Committee on Appropriations, where we do not have all the information they may have, and I had hoped the amount recommended would be adequate. But from information I am receiving from my State at present, I am pretty well convinced that the amount is not adequate, and I have been trying to determine whether it was adequate to carry us over until the Eighty-second Congress convened, at which time we could further implement the appropriation, based upon information developed in the meantime, to the extent the facts actually warrant.

Mr. HUMPHREY. I do not believe the amount would be adequate in terms of giving any assurance to the local superintendents of schools and local school boards, which are under tremendous pressure. There are four or five big Army installations which are in terrible condition. This matter affects many States, and the States represented here will find out one of these days how small the appropriation is compared with the need.

Mr. McCLELLAN. I thank the Senator. There are others who desire to interrogate him about the matter.

Mr. HUMPHREY. I thank the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to confirm what the senior Senator from Arkansas has said with regard to the situation in our State. I received word just an hour ago from the superintendent of Pulaski County outlining exactly what the situation is, and the word he sends me is in accord with what the Senator from Minnesota has stated. He is prepared to issue bonds to obtain his part of the money, but he is left up in the air when he does not know he can get any money out of this bill. Therefore, for practical purposes, they are completely stymied, in the most congested area in the State. I think the Senator from Minnesota is entirely correct as to the necessity for the appropriation of additional money.

The superintendent did indicate to me that perhaps the contract authority would enable him to move forward, by giving him assurance that by the time he needed the money he would have it. So that they are prepared to go along with the contract authority for the additional amount. I shall certainly support the Senator in what he proposes.

Mr. HUMPHREY. The Senator has touched on a point I failed to mention, that these school districts are going to have to bond themselves in order to get these funds.

Mr. FULBRIGHT. The superintendent who communicated with me is prepared to do that, but he cannot move forward without assurance.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. LONG in the chair). Does the Senator from

Minnesota yield to the Senator from Tennessee?

Mr. HUMPHREY. I yield to the distinguished chairman of the Committee on Appropriations.

Mr. McKELLAR. I am just as strongly for Federal aid to education as the Senator from Minnesota or any other Senator could be. I think the bill referred to by the Senator, of which I think he was the father——

Mr. HUMPHREY. The Senator is correct.

Mr. McKELLAR. Is a very important bill, and a very worthy and proper one. I am in favor of giving it all proper backing, so far as appropriations are concerned. But does not the Senator think that if we were to add to the budget estimate $25,000,000 in contract authority, that would carry us through to the next session of Congress?

The Bureau of the Budget has sent down the estimate. It came while we were preparing the bill. It is an estimate of appropriation for the purpose of providing grants to States for surveys of the needs for construction of school buildings and other educational facilities in the full amount of $3,000,000,000 authorized by Senate bill 2317, and the amount of $21,500,000 for the construction of urgently needed school facilities authorized by Senate bill 2317, either on military posts or other Government property or in areas where Federal activities have clearly imposed a sudden and heavy burden upon local school districts. The estimated amount should be sufficient to take care of the needed and urgent school facilities pending the careful study of the character of needs represented by school districts to which the payments are authorized under Senate bill 2317.

In Tennessee we have two very important posts, and naturally I feel an interest in such a proposal. I want to help in every way in the world to carry on this highly important work. But I think it would be a very wise thing for the Senator from Minnesota not to seek to increase the amount of cash, but to seek the $25,000,000 for contract authority. If the Senator will rearrange his amendment to that effect I shall be glad, so far as I am personally concerned, and I think the other members of the committee will be glad, to carry it to conference and see what we can do about it.

Mr. HUMPHREY. Perhaps we can enter into an agreement respecting the matter. I know where the sympathies of the distinguished chairman of the committee lie in this matter. I have always thanked him publicly and privately for his wonderful cooperation in these matters. The Office of Education has told me that unless at least $30,000,000 is appropriated they simply do not see how they can even get this program under way, in view of the commitments which are literally on their desks. If we can bring the cash up a little, and provide for a contract authorization of $25,000,000, I think that would be all right. The original budget estimate in January was around $45,000,000.

Mr. McKELLAR. Not this one.

Mr. HUMPHREY. No; not this one.

Mr. McKELLAR. We gave everything the Bureau of the Budget asked originally.

Mr. HUMPHREY. That is correct. I was speaking of the Budget which was sent down in January.

Mr. CHAVEZ. Mr. President, will the Senator yield.

Mr. HUMPHREY. I yield.

Mr. CHAVEZ. I may say to the Senator from Minnesota that I am sure the committee as a whole is most sympathetic and understanding of the problem the Senator is discussing. The committee, however, did not even have a hearing on this matter. It came to the committee only night before last.

Mr. HUMPHREY. That is correct.

Mr. CHAVEZ. We took it up on the impulse of the moment yesterday, and allowed everything that the Bureau of the Budget requested. I think the suggestion made by the Senator from Tennessee [Mr. McKELLAR], if adopted, will probably solve the problem. The Senator knows that three full months of the present fiscal year have passed, and that we are well into the fourth month. I hope the Senate can take up the matter when it reconvenes in January.

Mr. HUMPHREY. Will the Senator agree to give us $25,000,000 contract authority then?

Mr. CHAVEZ. That is up to the Senate.

Mr. HUMPHREY. I ask the chairman if he will accept a modification of the amendment so as to provide $25,000,000 for contract authority, and we will leave the other figure as it is. Meanwhile we will have the figures verified.

Mr. McCLELLAN. Mr. President, I hope the able chairman will agree to take the proposal to conference.

Mr. McKELLAR. Mr. President, we will take it to conference.

Mr. HUMPHREY. Then, Mr. President, I modify my amendment to include $25,000,000 for contract authority, to be inserted in line 3, ahead of the proviso.

Mr. McKELLAR. Mr. President, may we have the amendment, as modified, stated.

The PRESIDING OFFICER. The amendment as modified will be stated.

The LEGISLATIVE CLERK. On page 19, line 3, after the word "expended", it is proposed to insert "and $25,000,000 in contract authority."

Mr. McKELLAR. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Minnesota.

Mr. WILLIAMS. Mr. President, now that the amendment has been agreed to, may we have the results of the horse trading announced?

The PRESIDING OFFICER. The amendment has not yet been agreed to.

Mr. WILLIAMS. May we have an explanation of the amendment, and what the agreement will result in?

Mr. HUMPHREY. What the amendment amounts to is that the appropriation item of $24,500,000 is left as it is, in chapter V, line 3, page 19, of the appropriation bill, and added to that $24,500,000 is $25,000,000 in contract authority.

Mr. McKELLAR. For construction.

Mr. HUMPHREY. Yes. The purpose of it is to enable the respective school districts to proceed, since many of them have issued their bonds and are ready to construct. I hope that is a satisfactory explanation to my good friend from Delaware.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota, as modified.

Mr. McKELLAR. Mr. President, I want to offer a slight amendment. I suggest that there be inserted the words "and in addition contracts may be entered into in an amount not to exceed $25,000,000 for the purposes of this paragraph."

Mr. HUMPHREY. Oh, yes; that is very important.

Mr. McKELLAR. Yes; that is very important. I ask the Senator if he will accept that modification.

Mr. HUMPHREY. Mr. President, the language proposed by the Senator from Tennessee is "and in addition contracts may be entered into in an amount not to exceed $25,000,000 for the purposes of this paragraph." That means in addition to the $24,500,000.

Mr. McKELLAR. Yes. Does the Senator accept the modification?

Mr. HUMPHREY. I surely do. In fact it is a highly desirable one.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The LEGISLATIVE CLERK. On page 19, line 3, after the word "expended", it is proposed to insert "and in addition contracts may be entered into in an amount not to exceed $25,000,000 for the purposes of this paragraph."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota, as modified, to the committee amendment.

The amendment to the amendment was agreed to.

The amendment, as amended was agreed to.

Mr. HUMPHREY subsequently said: Mr. President, I send to the desk an explanatory statement, and ask that it be placed at the conclusion of my remarks on the contract authority for school construction.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BY SENATOR HUMPHREY

Under the amounts specified, namely $24,500,000, of which $21,500,000 would be available for payments to school districts, a total of only 70 applications of average size could be approved. The insertion of the additional contract authority in the amount of $25,000,000 would allow the approval of around 75 additional applications of the 600 applications which it is expected will eventually be approved under the authority of S. 2317. It is unnecessary, however, that all of the $49,500,000 entailed in these 145 approvals be made available in fiscal 1951 in the form of cash as payments to the contractors who will be constructing the school facilities are made as the work progresses. It is necessary, however, that contracting authority be given to allow the 145 approvals if a realistic approach toward meeting the problem for which S. 2317 is being enacted is provided.

Sufficient information is available from the extensive studies made by the subcommittee of the House Education and Labor

Committee to demonstrate conclusively the fact that far more than 70 school districts should be assisted in fiscal year 1951, and information is available that plans and specifications for the construction of some 145 school facilities have progressed to a point where contracts can be awarded and the construction work actually started during this fiscal year, if the funds and contract authority are provided at this time.

My purpose in submitting this amendment is to provide a start on the solution of this school problem without any unnecessary appropriation of cash which would not be expended during the fiscal year. I personally do not care for the granting of contract authority by the Congress any more than many other Senators. However, in this case I feel it is justified and the only realistic approach to this problem. The reason for my feeling is the fact that many of these school districts are already overburdened with active military installations. The school problem in those districts will be increased as we expand the defense program. Failure to give them some relief under this measure at this time will impede the defense effort the Nation is now trying to make.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 22, line 7, to change the chapter number from "V" to "VI."

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 22, after line 8, to insert:

BUREAU OF ANIMAL INDUSTRY

RESEARCH FACILITIES

For acquisition of sites, completion of plans and specifications, construction of laboratory buildings and related buildings and facilities, and purchase of necessary equipment for scientific investigations of foot-and-mouth and other animal diseases, in accordance with the provisions of the act of April 24, 1948 (21 U. S. C. 113a), and the Second Deficiency Appropriation Act, 1949, including personal services in the District of Columbia, $24,500,000, to remain available until June 30, 1954.

The amendment was agreed to.

The next amendment was, on page 23, line 17, to change the chapter number from "VI" to "VII."

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior," on page 24, after line 10, to insert:

PAYMENT TO CHOCTAW AND CHICKASAW NATIONS OF INDIANS, OKLAHOMA

For an additional amount for "Payment to Choctaw and Chickasaw Nations of Indians, Oklahoma," $10,500, for defraying the expenses, including printing and binding, of making per capita payments authorized by the acts of June 28, 1944 (58 Stat. 483), and June 24, 1948 (Public Law 754, 80th Cong.).

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Reclamation," on page 24, after line 19, to insert:

GENERAL INVESTIGATIONS

For an additional amount for "General investigations," $50,000, to be derived from the Reclamation fund and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For an additional amount for "Management and protection," $40,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 14, to insert.

CONSTRUCTION

For an additional amount for "Construction," to remain available until expended, $3,000,000, for liquidation of obligations incurred pursuant to the authority granted by section 4 (b) of the Federal Highway Act of 1950, Public Law 769, Eighty-first Congress, approved September 7, 1950.

The amendment was agreed to.

The next amendment was, on page 25, after line 20, to insert:

For an additional amount, for "Construction," $500.

The amendment was agreed to.

The next amendment was, on page 26, after line 8, to insert:

CONSTRUCTION OF ROADS, ALASKA

For an additional amount for "Construction of roads, Alaska," $7,500,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 26, line 15, to change the chapter number from "VII" to "VIII."

The amendment was agreed to.

The next amendment was, under the heading, "Executive and independent offices," on page 26, after line 16, to insert:

FUNDS APPROPRIATED TO THE PRESIDENT

EXPENSES OF DEFENSE PRODUCTION

For expenses necessary to enable the President to carry out the provisions of the Defense Production Act of 1950 (Public Law 774, approved September 8, 1950), including personal services in the District of Columbia; printing and binding; health service programs as authorized by law (5 U. S. C. 150); rents in the District of Columbia; payment of claims pursuant to law (28 U. S. C. 2672); purchase and hire of passenger motor vehicles and aircraft; employment of aliens; exchange and advance of funds without regard to sections 3648 and 3651 of the Revised Statutes; and expenses of attendance at meetings concerned with the purposes of this appropriation; $60,000,000: *Provided*, That the authorizations, limitations, or restrictions, governing the availability of funds for administrative expenses of Government corporations and other agencies, for the current fiscal year, are hereby waived to such extent as may be determined by the President to be necessary in order for such corporations or agencies to carry out their assigned functions under the Defense Production Act of 1950.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert:

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," Civil Service Commission, $1,000,000; and the limitation imposed by section 103 of the Independent Offices Appropriation Act, 1951, on the amount available for travel expenses under this head, is increased from "$438,013" to "$466,000."

The amendment was agreed to.

The next amendment was, on page 29, after line 20, to insert:

DISPLACED PERSONS COMMISSION

Funds appropriated for the expenses of the Displaced Persons Commission shall be available for use in connection with agreements with international agencies for the use of their transportation and other facilities for the transfer of persons as provided for in section 12 of the Displaced Persons Act, as amended, and the Commission may make payment in advance or by reimbursement for expenses incurred by such agencies in rendering assistance to the Commission in carrying out the provisions of such act.

The amendment was agreed to.

The next amendment was, on page 30, after line 5, to insert:

Funds appropriated for the expenses of the Commission shall be available for loans as provided in section 14 of the Displaced Persons Act, as amended.

The amendment was agreed to.

The next amendment was, under the subhead "General Services Administration—Public Buildings Service—Acquisition of land, District of Columbia," on page 30, line 15, after the word "Congress", to strike out "$500,000" and insert "$525,000."

The amendment was agreed to.

The next amendment was, under the subhead "Strategic and critical materials," on page 30, line 25, after the word "exceed", to strike out "$6,000,000" and insert "$14,000,000."

The amendment was agreed to.

The next amendment was, on page 31, after line 8, to insert:

EMERGENCY OPERATING EXPENSES

For necessary emergency expenses of the General Services Administration not otherwise provided for, for operation, maintenance, protection and repair of public buildings and grounds to the extent that such buildings and grounds are under the control of the General Services Administration for such purposes as are provided for in Public Law 152, Eighty-first Congress, as amended; including printing and binding; personal services in the District of Columbia and elsewhere; rental of buildings or parts thereof in the District of Columbia and elsewhere, including repairs, alterations, and improvements necessary for proper use by the Government without regard to section 322 of the act of June 30, 1932, as amended (40 U. S. C. 278a); restoration of leased premises; moving Government agencies in connection with the assignment, allocation, and transfer of building space; furnishings and equipment; and payment of per diem employees employed in connection with any of the foregoing functions at rates approved by the Administrator of General Services or his designee, not exceeding current rates for similar services in places where such services are employed, $15,740,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 11, to insert:

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, including personal services in the District of Columbia; purchase of one passenger motor vehicle; printing and binding; payment of tort claims pursuant to law

(28 U. S. C. 2672); and a health service program as authorized by law (5 U. S. C. 150), $225,000.

The amendment was agreed to.

The next amendment was, under the subhead "Selective Service System—Salaries and expenses," on page 34, line 5, after the word "periodicals", to strike out "not to exceed $50,000 for travel expenses of employees attached to National Headquarters; not to exceed $100,000 for travel expenses of employees attached to State headquarters"; in line 9, after "(5 U. S. C. 150)", to strike out "$19,360,030" and insert "$20,476,000"; and in line 17, after the word "act", to insert a colon and *"Provided further*, That the provisions of section 3679 of the Revised Statutes, as amended by section 1211 of the General Appropriation Act, 1951, shall not apply with respect to appropriations for funds available to the Selective Service System for the fiscal year ending June 30, 1951."

The amendment was agreed to.

The next amendment was, on page 34, after line 22, to insert:

TENNESSEE VALLEY AUTHORITY

For an additional amount for "Tennessee Valley Authority," $28,500,000, to remain available until expended: *Provided*, That the amount of the funds made available by the Independent Offices Appropriation Act, 1951, for administrative and general expenses of the corporation for the fiscal year 1951, is increased from "$4,026,000" to "$4,250,000."

The amendment was agreed to.

The next amendment was, under the subhead "Veterans' Administration," on page 35, line 9, after the word "veterans", to strike out "$300,000" and insert "$450,000."

The amendment was agreed to.

The next amendment was, on page 35, to change the chapter number from "VIII" to "IX."

The amendment was agreed to.

The next amendment was, on page 37, to change the chapter number from "IX" to "X."

The amendment was agreed to.

The next amendment was, under the heading "Department of Defense—Department of the Army—Quartermaster Corps," on page 38, line 11, after the figures "$152,817,000", to insert "and in addition to the amount herein appropriated, contracts may be made for the purchase of 100,000,000 pounds of raw wool for use of all the armed services."

Mr. LODGE. Mr. President, to the committee amendment I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER (Mr. FULBRIGHT in the chair). The amendment to the committee amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment on page 38, in line 13, after the word "of", it is proposed to insert "woolen garments, fabrics, and knitting yarns in quantities that can be produced from."

Mr. LODGE. Mr. President, that addition is proposed, so that if it is agreed to, the committee amendment on page 38, beginning in line 11, will read as follows:

And in addition to the amount herein appropriated, contracts may be made for the purchase of woolen garments, fabrics, and knitting yarns in quantities that can be produced from 100,000,000 pounds of raw wool for use of all the armed services.

Mr. President, I think it is obvious that, as the committee amendment stands, it really does not make sense. The armed services do not use raw wool; they use fabricated wool. They want cloth for uniforms and for all sorts of purposes. It will not do the national defense much good if the armed services stockpile a lot of raw wool, for in the event of war, if there were an atomic bomb attack and if the factories were destroyed, all we would have on hand would be a lot of raw wool. We cannot give a soldier a pair of pants if all we have on hand is raw wool.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. McKELLAR. I think the Senator from Massachusetts is correct about the language, so far as concerns making provision for the manufactured material.

Will he read his amendment again, please?

Mr. LODGE. My amendment would insert in the committee amendment on page 38, beginning in line 11, just before the figure "100,000,000", in line 13, and after the word "of", the words "woolen garments, fabrics, and knitting yarns in quantities that can be produced from", so that the entire committee amendment as thus amended would read as follows:

And in addition to the amount herein appropriated, contracts may be made for the purchase of woolen garments, fabrics, and knitting yarns in quantities that can be produced from 100,000,000 pounds of raw wool for use of all the armed services.

Mr. McKELLAR. Mr. President, our experts on wool are here.

Mr. LODGE. I do not claim to be an expert on wool.

Mr. McKELLAR. However, I see no objection to the Senator's amendment to the committee amendment, so far as I am concerned.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. O'MAHONEY. I am sure the Senator from Massachusetts is offering his amendment to the committee amendment under a misapprehension of the facts.

The bill in itself provides an appropriation of $150,000,000 for the purchase of clothing and equipage. So the authority of the Quartermaster Corps to buy fabrics will be undisturbed by this amendment.

Mr. LODGE. I am aware of that, and I am not referring to that at all. Let me straighten out the Senator from Wyoming on that matter. I am not stating that not enough money has been appropriated for uniforms.

Mr. O'MAHONEY. I did not suggest that.

Mr. LODGE. But I think this committee amendment does not make much sense, because it says:

Raw wool for use of all the armed services.

Of course, the armed services do not use raw wool. I think it is better to stockpile the cloth—not necessarily the uniforms—because if the factories are destroyed, a soldier cannot take a bunch of raw wool and put it on his back.

Mr. CHAVEZ. Of course not. Mr. President, will the Senator yield?

Mr. LODGE. Yes; after I yield again to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, the point is that the supplies of raw wool in the United States are disappearing. They are disappearing from the warehouses throughout the United States—in the case of both foreign wool and domestic wool. The Munitions Board has not stockpiled any wool.

Mr. LODGE. At that point, I should like to ask the Senator whether the Chairman of the Munitions Board favors this committee amendment?

Mr. O'MAHONEY. I do not know.

Mr. LODGE. Well, there you are.

Mr. O'MAHONEY. I say to the Senator from Massachusetts that the testimony of the representatives of the Munitions Board and of the various other agencies leaves the matter wholly in doubt, except for the fact that the Army has for 3 years been recommending the stockpiling of wool. The Department of Agriculture has been recommending the stockpiling of wool.

Mr. LODGE. But not the stockpiling of raw wool.

Mr. O'MAHONEY. Yes; raw wool. Of course, they also recommend the stockpiling of fabrics. I am entirely in favor of that; I want fabrics purchased.

But I call the attention of the Senator from Masschusetts to the fact that unless we get this wool, the Russian purchases of wool in Australia and in South Africa may make it impossible for us to get it.

So I beg the Senator not to offer to the committee amendment an amendment which would cut down the amount of raw wool we are to get.

Mr. LODGE. Let me ask the Senator a question, please: Does the Chairman of the National Security Resources Board favor this amendment?

Mr. O'MAHONEY. I did not take it up with him. The testimony is that wool ought to be stockpiled.

Mr. CHAVEZ. That is correct.

Mr. O'MAHONEY. The problem was, who will take the responsibility of buying it?

Mr. LODGE. Well——

Mr. O'MAHONEY. Will the Senator from Massachusetts permit me to explain?

Mr LODGE. I have the floor. I am delighted to yield, provided we take up one idea at a time. The Senator from Wyoming is very eloquent, and he often makes a statement containing 10 separate ideas.

Mr. O'MAHONEY. However, I know that the Senator from Massachusetts

can comprehend 10 separate ideas, even if they are made in one statement.

Mr. LODGE. I should simply like to say that if this committee amendment is essential in the interest of the national defense, it would seem that the Chairman of the National Security Resources Board and the Chairman of the Munitions Board would have expressed themselves in favor of it.

So I should like to suggest that this entire matter go over until the next session, in order to give those officials, who are directly responsible for our national preparedness, an opportunity to study this matter.

Mr. O'MAHONEY. However, in the meantime the Russians will be buying the wool, and we will be without it.

Let me say again that the Army is recommending this provision.

Mr. LODGE. Can the Senator from Wyoming show me the Army's recommendation?

Mr. O'MAHONEY. It is in the hearings.

Mr. LODGE. Can the Senator from Wyoming show it to me there?

Mr. O'MAHONEY. Yes; of course.

Mr. LODGE. I wish the Senator would do so. I thought the Munitions Board had consistently refused to recommend the stockpiling of raw wool.

Mr. O'MAHONEY. It had until recently; but the latest information from the Munitions Board is to be found in the testimony of Major General Matejka, in the hearings which are before us. I shall turn to it as rapidly as I can.

Mr. LODGE. I shall be glad to yield again to the Senator from Wyoming. While he is looking up that matter, I yield to the Senator from New Mexico.

Mr. CHAVEZ. Mr. President, the matter is so simple, there really should be no question about it. I agree that it is necessary to have fabricated wool in order to do any good to a soldier or to society. However, unless we have raw wool, how is it possible for a pair of pants to be made eventually?

Mr. LODGE. I do not think it is necessary in that connection to stockpile raw wool.

Mr. CHAVEZ. It is necessary to have the raw wool, first.

Mr. LODGE. I hear one of my colleagues say in an undertone, which was sufficiently loud for me to hear it, that he presumed I was hoping that some of the wool would be manufactured in Massachusetts. Yes, I do; and I also hope some of it will be manufactured in Rhode Island and in other States of the Union where there are textitle factories. I am not going to deny the fact that I have a local interest in this amendment. Of course, I do; and I am not going to say that the able Senator from Wyoming and the able Senator from New Mexico do not have a local interest in it, too.

So I should like to put this matter on a national ground, on the ground of national defense; and I wish to ask Senators who know very well what the military problems of this country are, which will be of the greatest use in the case of war, and in terms of national defense: A lot of wool stockpiled somewhere, wool which could not be used, even if we wanted to; or a lot of cloth ready to be made into clothes or uniforms? I think that is the national aspect of this matter.

Since it is clear that neither the Chairman of the National Security Resources Board nor the Chairman of the Munitions Board has endorsed this committee amendment, I think that is rather clear proof that I am on firm ground in this connection, from the point of view of national defense.

Mr. WHERRY. Mr. President, I should like to ask the Senator a question: Does this committee amendment provide for the acquisition of wool in the way that the armed services want to acquire wool? As I understand, this is the first time the Army has requisitioned raw wool. I understand that the Army wants to have this committee amendment adopted; but does the Army want to buy raw wool, or does it want to buy fabricated wool? Does the Senator know the answer to that question?

Mr. LODGE. So far as I know—although I am not an authority on this matter—I have understood that the Munitions Board has always refused to recommend the stockpiling of raw wool, for the perfectly obvious reason that in case we get into a war and in case our factories are bombed, we shall have a lot of raw wool which we cannot use.

Mr. WHERRY. Then who endorses this committee amendment?

Mr. LODGE. I understand that it is not recommended either by the National Security Resources Board or by the Munitions Board.

Mr. WHERRY. Who would buy the wool?

Mr. LODGE. It would be purchased by the Quartermaster Corps of the Army. However, I thought the Senator was asking whether the Army favors the committee amendment.

Mr. WHERRY. Yes; that is what I wish to know.

Mr. LODGE. I understand that the Army does not favor the committee amendment, and I also understand that the Munitions Board does not and that the National Security Resources Board does not. And surely they would not be bashful about expressing themselves as being in favor of it, if they were.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. CHAVEZ. May I again emphasize to the Senator from Massachusetts that raw wool, of course, cannot be used. Neither can copper in its initial state. Neither can petroleum, in its crude state. For the reason that we eventually make high octane gasoline out of raw petroleum, should we not protect, or at least stockpile raw petroleum? We are stockpiling the metals. We are stockpiling manganese. We are stockpiling iron. We are stockpiling the other metals. We are stockpiling lumber. Of course, everyone understands that it is impossible to take a piece of wool and, all of a sudden, make it into a blanket for a soldier. The wool which comes from my State is not manufactured within the State. I wish we could have it manufactured there. I really wish we did not have to send our wool to Boston. I wish we could use it ourselves. But the manufacturers in Lynn, Mass., would not make one pair of shoes; the manufacturers in Boston would not make one blanket, without the hides, or without the wool from the areas which produce wool and hides. That is one of the complaints that we make. We furnish the hides, and in return the shoe manufacturers sell us the shoes.

Mr. LODGE. I am delighted to say to my able friend from New Mexico that I recognize the interdependence of the shoe manufacturers and the hide market, and the dependence of the textile manufacturers upon the wool market. Obviously, if there were no hides and no wool, we should be in a very serious trouble. However, I do not think that is at stake here.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. GURNEY. I thank the Senator from Massachusetts. I wish to advise that the Armed Services Committee has had a subcommittee on strategic materials, including wool, for some time. That committee has ascertained that the appropriations available to the Munitions Board have been consumed in the purchase of strategic materials, not because the Munitions Board did not feel that wool should be stockpiled, but because strategic materials had a higher priority than wool. We have found since the Korean situation arose that woolen clothing is in short supply, at a time when there is no domestic wool, and when there is not enough foreign wool, Australian or South American. We find the Quartermaster Corps sending out bids to have clothing made for the uniformed personnel of our armed services, to be made of synthetics to the extent of from 20 to 30 percent. That means that our uniformed personnel will not have the benefit of the warmest woolen clothing.

There is in this bill, in the same paragraph which the Senator seeks to amend, an appropriation of $152,000,000, which, as I understand, will take about all the wool that is available, and will take about all the capacity of the textile mills, in order to fill the order of the Quartermaster Corps. Very well. Now a crop of wool is coming on in the Southern Hemisphere. Under the language which has been inserted by the Appropriations Committee, the Quartermaster Corps can stockpile the wool, while the textile mills are manufacturing the cloth they will make on the basis of the $152,000,000 appropriation. The wool will then be available, if needed, for the Army. Or, under the laws that regulate the Munitions Board, if it is then found that wool is not of strategic value, it can be sold on the market, and it will not be used in the making of uniform cloth immediately, as the Senator seeks to have done.

It was the consensus of the committee that it would be better now to have

100,000,000 pounds of wool on hand, rather than wait to obtain it when there would be need of it in order to make cloth. The recommendation which came from the Quartermaster Corps was for a great deal more than 100,000,000 pounds. It was, in fact, for something like 500,000,000 pounds.

Mr. LODGE. Of raw wool?

Mr. GURNEY. Yes. The 100,000,000 pounds of wool will cost about $50,000,000. The committee felt that that would be a beginning, and the Department could go into the Australian and South American markets.

If I were seeking to amend the bill, I should leave the language as it is, but I would make it two or three or four hundred million pounds of raw wool, and let the Army transfer it to the Munitions Board, to be stored, so that it would be available, with discretion in the Munitions Board as to whether it should be sold through commercial channels or should be kept for the use of our uniformed forces.

I am very strongly in favor of the wool amendment as it appears on page 38, and I believe there is nothing to prevent the Army or the Quartermaster General from having the raw wool made into clothing, if it is needed, when it arrives.

Mr. LODGE. Let me say to the Senator that, of course, it would have to be made up into cloth sometime. There would be no earthly point in the Quartermaster General getting it at all, unless he had it made up into cloth sometime, and, of course, the cloth keeps much better than the raw wool. It does not deteriorate nearly so fast. If it is going to be necessary to do it eventually, why not do it now? I think that is why the Munitions Board and the National Security Resources Board do not favor this amendment.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. GURNEY. I should like to ask the Senator this question: Would he rather that the Congress now increase that $152,000,000 to $252,000,000, and then let the Quartermaster General put out contracts through commercial channels?

Mr. LODGE. I am not quarreling with the amount, and I am not quarreling with the proposition of stockpiling. All I say is that, before the Government stores this wool in the name of national defense, it ought to be in a form in which it can be useful to the national defense.

Mr. GURNEY. It can be useful.

Mr. LODGE. If it is to be done as an economical matter, to support the wool market, or something like that, that is a different question.

Mr. GURNEY. If we can have the wool on hand, it will be helpful to the national defense.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. McKELLAR. I should like to say to the Senator from South Dakota that what I fear is that if the amount is increased it will affect the wool market.

Mr. LODGE. Yes.

Mr. McKELLAR. We ought not to affect the wool market or any other market, so far as it is possible to prevent it.

Mr. LODGE. I think that is very true, and I am glad to hear the Senator from Tennessee say that. Of course, I was also glad to hear him say that he would accept this amendment. I hope, Mr. President, that the Senate will see it as the Senator from Tennessee does, and that the amendment will be accepted and taken to conference.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. O'MAHONEY. Mr. President, I should like to say to the Senator from Massachusetts that the amendment which he has offered is an exclusive amendment. It has the effect of providing contract authority only for fabrics. The amendment which is here is one which provides contract authority for the purchase of raw wool. But the provision of the bill itself authorizes the purchase of clothing or fabrics. So that the language, as it comes from the committee, is all-inclusive. It includes fabrics, and it includes raw wool.

The reason is given in the bill. It is not to prevent the purchase of fabrics. I should be very glad to accept an amendment which would add contract authority for the purchase of the fabrics of which the Senator speaks, but the form in which he presents his amendment would have the effect of denying the stockpiling of wool which I say to the Senator has been recommended by the Army and by the Department of Agriculture. The reason why we should have a stockpile is that there is a world shortage of wool, and if we postpone the purchase of wool, the fabricators who would benefit from the Senator's amendment might be unable to get wool in the quantity which is needed.

During World War II the Commodity Credit Corporation was purchasing raw wool and it was distributed for manufacture into clothing.

I assure the Senator that, in my judgment, an amendment which would deny the purchase of raw wool would have the dangerous tendency of preventing the United States from getting the wool which it ought to have to clothe its soldiers.

On the radio this morning I heard a report by a Columbia Broadcasting reporter that one of the generals in Korea has just put on his long woolen underwear. That means, to me, that the soldiers who are fighting in Korea will, before very long, have to put on their warm woolen uniforms. I submit to the Senator that no one can contend for a minute that we ought to clothe the soldiers in mixed fabrics of rayon and wool.

Mr. LODGE. Let me say to the Senator that I have been contending precisely the opposite. I have been contending that we should have the wool in fabricated form so that the soldiers can wear it.

Mr. O'MAHONEY. I want it that way.

Mr. LODGE. I am glad that the Senator from Wyoming has stated in his customarily fair-minded way that he also is in favor of the Government buying fabricated wool. I wonder whether, if he feels that way, he has any suggestion to make as to how it can be done, because I am perfectly open-minded on the subject.

Mr. O'MAHONEY. All the Senator has to do is to add his amendment in line 14, after the word "services."

Mr. LODGE. Would that be agreeable to the Senator from Wyoming?

Mr. O'MAHONEY. I think it would have to be changed a little bit.

Mr. LODGE. Then, Mr. President, I would modify my amendment so as to insert it in line 14, striking out the semicolon and adding "and woolen garments, fabrics, and knitting yarns."

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The CHIEF CLERK. On page 38, line 14, after the word "services", it is proposed to insert "and woolen garments, fabrics, and knitting yarns."

Mr. O'MAHONEY. I would have no objection to that.

Mr. LODGE. Is that agreeable to the Senator from Tennessee?

Mr. McKELLAR. That is agreeable.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. CORDON. How are we to measure the amount?

Mr. O'MAHONEY. That can be straightened out in conference.

Mr. CORDON. I like to make my law as I go along. If I am to vote, I want to know for what I am voting. I do not like a bill which is made in conference.

Mr. LODGE. The purpose of the amendment is to see to it that of the amount that is to be stockpiled, some of it be raw wool and some of it be fabrics and knitting yarns.

Mr. O'MAHONEY. Mr. President, I think this would solve the problem of the Senator from Oregon, too. Since the essential material is the fabric itself, and the Senator desires to have a measure of it, let us tentatively write 10,000,000 yards of woolen fabric with the understanding that the number of yards can be arranged in conference on advice from the armed services.

Mr. LODGE. Mr. President, I am not sufficient of an expert to determine whether that is the proper amount.

I do not think we abdicate our responsibility when we enable the conferees to call in technical people from the Government to make a sensible determination. I think it is rather a better way to legislate. I would rather leave the amendment as it is, because, frankly, I am not sufficiently familiar with all the details to know what the figure should be.

Mr. O'MAHONEY. If we leave it as the Senator has offered it, it can be worked out in conference.

Mr. LODGE. I do not think we are going back on our responsibility if we let the conferees call in experts from the Government departments and arrive at a proper figure.

Mr. O'MAHONEY. Let it be understood as a matter of legislative history that it is the desire to put a limit upon

the amount of fabric for which contracts may be made.

Mr. LODGE. Yes. The purpose of the compromise is that some go to raw wool and some go to fabricated wool.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. CORDON. I have no objection to correcting language. I should like to see go to the conference a provision which indicates at least something in the nature of a yardstick to measure what we are doing. We are authorizing a contract to be made which may be for $1,000,000 or $1,000,000,000, so far as the language is concerned. However, if we may take the language together with the statements made on the floor, I assume there can be certainty come from the two of them.

Mr. O'MAHONEY. The reason I stated it in pounds of wool instead of in dollars was to prevent an inflationary effect. My purpose is that if the Congress recesses or adjourns soon, there will be a definite piece of law which would authorize the performance of a most necessary operation in order properly to clothe our armed services.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. MCKELLAR. Both Senators, as I understand, and other Senators who have taken part in the debate, feel that it will not affect the price of wool.

Mr. O'MAHONEY. That is the reason we stated it in pounds and not in dollars.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. LODGE], as modified.

The amendment, as modified, was agreed to.

Mr. LODGE. The amendment as originally drawn was exclusive from the standpoint of raw wool. My amendment was exclusive from the standpoint of fabricated wool. Now we have a compromise which recognizes both.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The next amendment was, under the subhead "Medical Department," on page 39, line 2, after the word "Department," to strike out "$11,446,000" and insert "$29,350,000"; and in line 3, after the amendment just above stated, to strike out the colon and the following proviso: *"Provided,* That the Secretary of the Army is authorized to transfer to this item from any other item herein for the Department of the Army where surplus funds may be available not to exceed $15,700,000 to be used for the same purposes, and for the same time period, as in the regular appropriation for this item."

The amendment was agreed to.

The next amendment was, under the subhead "Expediting production," on page 40, line 25, after the word "to", to strike out "Revised Statutes 1136, 355, and 3734, as amended" and insert "section 3734 of the Revised Statutes, as amended, and to section 1136 of the Revised Statutes, as amended (except provisions thereof relating to title approval)."

The amendment was agreed to.

The next amendment was, under the subhead "Department of the Navy", on page 42, line 11, after the word "by", to strike out "$160,000,000" and insert "$163,450,000."

The amendment was agreed to.

The next amendment was, on page 42, after line 11, to insert:

"Increase and replacement of naval vessels (construction and machinery)," $40,000,000.

The amendment was agreed to.

The next amendment was, on page 42, line 21, after the word "by", to strike out "$25,000,000" and insert "$21,550,000."

The amendment was agreed to.

The next amendment was, on page 42, line 22, after the word "care", to strike out "$16,431,000" and insert "$26,715,000"; and in the same line, after the amendment just above stated, to strike out the colon and *"Provided,* That the Secretary of the Navy is authorized to transfer to this item from any other item herein for the Department of the Navy where surplus funds may be available not to exceed $15,189,000 to be used for the same purposes, and for the same time period, as in the regular appropriation for this item."

The amendment was agreed to.

The next amendment was, on page 43, after line 13, to insert:

Section 201 of the act of August 25, 1941 (55 Stat. 681) is hereby amended by adding a proviso at the end thereof as follows: *"Provided,* That a commissioned officer on the active list of the Navy, not below the rank or grade of rear admiral, appointed as Deputy Comptroller of the Navy, pursuant to section 402 (b) of the National Security Act Amendments of 1949, shall, while so serving, if not otherwise entitled to a higher rank, pay, and allowances, be entitled to receive the pay and allowances of rear admiral, upper half: *Provided further,* That a commissioned officer on the active list of the Army not below the grade of colonel, assigned as special assistant to the Comptroller, Department of Defense, shall, while so serving, if not otherwise entitled to a higher grade, pay, and allowances, be considered to hold the grade of brigadier general for all purposes and shall receive the pay and allowances of an officer of that grade."

The amendment was agreed to.

The next amendment was, under the subhead "Facilities", on page 45, line 13, after the word "to", to strike out "sections 355 and" and insert "section."

The amendment was agreed to.

The next amendment was, under the subhead "Department of the Air Force," on page 46, after line 8, to insert:

For an additional amount, subject to the enactment into law of H. R. 9612, or S. 4118, Eighty-first Congress, for "Acquisition and construction of real property," to enable the Secretary of the Air Force, subject to the approval of the Secretary of Defense, to carry out the purposes of the Air Engineering Development Center Act of 1949, Public Law 415, Eighty-first Congress, as amended, $25,000,000, to be available until expended, and, in addition thereto, the Secretary of the Air Force is authorized to enter into contracts for the purposes of H. R. 9612, or S. 4118, in an amount not to exceed $32,500,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 22, to strike out:

FUNDS APPROPRIATED TO THE PRESIDENT

MUTUAL DEFENSE ASSISTANCE

For expenses necessary to enable the President to carry out an additional program of military assistance to friendly nations in the manner authorized in the Mutual Defense Assistance Act of 1949, as amended, $4,000,000,000, of which (a) $3,504,000,000 shall be available for the purposes specified in title I, including expenses, as authorized by section 408 (b), of administering the provisions of said act and act of May 22, 1947, (61 Stat. 103), as amended, (b) $193,000,000 shall be available for the purposes specified in title II, and (c) $303,000,000 shall be available for the purposes specified in title III, including section 303 (a).

The amendment was agreed to.

The next amendment was, under subhead "General provisions—Department of Defense," on page 49, after line 13, to insert:

SEC. 106. Property acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this chapter prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended.

The amendment was agreed to.

The next amendment was, on page 49, after line 18, to insert:

SEC. 107. Appropriations available during the fiscal years 1950 and 1951 for the pay and allowances of midshipmen appointed under paragraph (b) of section 3 of the act of August 13, 1946 (60 Stat. 1058), as amended (34 U. S. C. 1020b), shall be available for a 50 percent increase of the pay of such midshipmen while in flight training or on other flight duty.

The amendment was agreed to.

The next amendment was, at the top of page 50, to insert:

SEC. 108. Funds appropriated under the head "Civil engineering" in this, or any other act, for the fiscal year 1951 shall be available in an amount not to exceed $3,000,000 for the purchase of passenger motor vehicles for additional, as well as for replacement, requirements.

The amendment was agreed to.

The next amendment was, on page 50, after line 5, to insert:

CHAPTER XI—FOREIGN AID

FUNDS APPROPRIATED TO THE PRESIDENT

Mutual defense assistance

For expenses necessary to enable the President to carry out an additional program of military assistance to friendly nations in the manner authorized in the Mutual Defense Assistance Act of 1949, as amended, $4,000,000,000, of which (a) $3,504,000,000 shall be available for the purposes specified in title I, including expenses, as authorized by section 408 (b), of administering the provisions of said act and act of May 22, 1947 (61 Stat. 103), as amended; (b) $193,000,000 shall be available for the purposes specified in title II; and (c) $303,000,000 shall be available for the purposes specified in title III, including section 303 (a).

Mr. CAIN. Mr. President, I wonder if the chairman of the Appropriations Committee would permit me to ask a question with reference to chapter XI, which is found on page 50.

Mr. MCKELLAR. Certainly.

Mr. CAIN. The Senator from Washington was of the opinion that some

conditions were to be imposed with reference to the supplying of military equipment to our allied friends under titles 1, 2, and 3. I do not see a reference in the report to either chapter 11, which involves $4,000,000,000, or to the conditions which I had been led to believe by the Defense Establishment were in the making.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. CAIN. Certainly.

Mr. GURNEY. I believe it is the intention of the Senator from Nebraska [Mr. WHERRY] to offer an amendment at the conclusion of consideration of the committee amendments.

Mr. CAIN. Does the Senator from South Dakota believe that such proposed amendment is for the purpose of making certain that American equipment will not be sent abroad until the nations in question are fully prepared to our knowledge to use, maintain, and repair the equipment?

Mr. GURNEY. That was the subject on which the Senator from Nebraska appeared before the committee last evening.

Mr. McKELLAR. I will say that these amendments merely transpose the paragraphs and do not change the language.

Mr. CAIN. The Senator from Washington was looking for information with regard to the history behind the proposed legislation.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 50, beginning at line 6.

The amendment was agreed to.

The next amendment was, on page 50, after line 19, to insert:

INTERNATIONAL CHILDREN'S WELFARE WORK

To enable the President during the fiscal year 1951 to carry out the provisions of title V of the Foreign Economic Assistance Act of 1950 (Public Law 535, approved June 5, 1950), relating to international children's welfare work, $12,500,000.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

INTERNATIONAL DEVELOPMENT

Notwithstanding the provisions of section 414 of the act for International Development (title IV of the Foreign Economic Assistance Act of 1950, Public Law 535, 81st Cong., approved June 5, 1950), present employees of the Government may be assigned to duties under that act and the funds appropriated for the purposes of that act by Public Law 759, shall be available to pay the salaries and expenses of such employees pending investigations of such employees by the Federal Bureau of Investigation and reports thereon to the Secretary of State for the period of not to exceed 3 months from the date of the enactment of this act.

The amendment was agreed to.

The next amendment was, on page 51, line 14, to change the chapter number from "X" to "XII."

The amendment was agreed to.

The next amendment was, under the heading "Claims for damages, audited claims, and judgments," on page 51, line 22, after the word "in", to insert "Senate Documents Nos. 215 and 227 and"; and in line 24, after the word "Congress", to strike out "$34,339,115" and insert "$35,001,053."

The amendment was agreed to.

The next amendment was, on page 53, line 1, to change the chapter number from "XI" to "XIII."

The amendment was agreed to.

The next amendment was, under the heading "General provisions", on page 53, line 3, to change the section number from "1101" to "1301."

The amendment was agreed to.

The next amendment was, on page 54, line 19, to change the section number from "1102" to "1302."

The amendment was agreed to.

The next amendment was, on page 54, after line 20, to strike out:

(a) In making appointments in the Government service the Civil Service Commission shall make full use of its authority to make temporary appointments in order to prevent increases in the number of permanent personnel and no employee in the classified civil service promoted, transferred, or appointed to a position of higher grade shall be eligible, in the event of separation from the service through reduction in force, to reinstatement at a grade above the grade held by such employee on September 1, 1950; and all reinstatements, transfers, or promotions to positions subject to the Classification Act of 1949 shall be temporary and shall be made with the condition and notice to the individual reinstated, transferred, or promoted that the classification grade of the position is subject to post audit and correction by the appropriate departmental or agency personnel office or the Civil Service Commission.

The amendment was agreed to.

The next amendment was, on page 55, line 13, to reletter the subparagraph from "(b)" to "(a)."

The amendment was agreed to.

The next amendment was, on page 55, line 21, to reletter the subparagraph from "(c)" to "(b)."

The amendment was agreed to.

The next amendment was, at the top of page 56, to insert:

SEC. 1303. When determined by the President to be necessary, the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended by section 1211 of the General Appropriation Act, 1951, shall not apply, during the current fiscal year, to any appropriations, funds, or contract authorizations, available to the executive departments for carrying out the provisions of the act of August 9, 1950 (Public Law 697); and for the purposes of said act of August 9, 1950, the Secretary of the Treasury may, during the current fiscal year, transfer such amounts as may be necessary from appropriations to the Coast Guard for "Operating expenses," fiscal year 1951, to appropriations to the Coast Guard for "Acquisition, construction, and improvements," and the limitation on number of aircraft on hand at one time, provided in the General Appropriation Act, 1951, shall not apply with respect to said act of August 9, 1950.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). That completes consideration of the committee amendments.

Mr. McKELLAR. Mr. President, I offer the amendment, which I send to the desk and ask to have stated.

Mr. WHERRY. Mr. President, will the Senator state the nature of his amendment?

Mr. McKELLAR. It is an amendment to the $139,800,000 for emergency construction, which was defeated by a vote, I believe, of one in the committee.

Mr. WHERRY. I should like to ask what disposition was made of the so-called wool amendment.

Mr. McKELLAR. The Senator from Massachusetts [Mr. LODGE] offered an amendment to include fabrics.

Mr. WHERRY. The total amount remains the same, but they can do with the money as they please? They can either buy wool or fabricated wool.

Mr. McKELLAR. That is correct.

Mr. CORDON. One hundred million pounds of raw wool, and an undisclosed amount of fabricated wool, the amount to be determined in conference after careful consideration with the Armed Forces.

Mr. WHERRY. What that will be is to be determined in conference, and that will be added to whatever is necessary to get the fabricated wool.

Mr. McKELLAR. I think, if the Senator had been in the Chamber, he would have accepted the Senator's views.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Tennessee [Mr. McKELLAR].

The CHIEF CLERK. On page 30, after line 20, it is proposed to insert:

EMERGENCY CONSTRUCTION

For all necessary emergency expenses for the acquisition of land and interests therein, by condemnation or otherwise, without the prior approval of title thereto by the Attorney General, and for the construction and equipping of Federal buildings and appurtenances, including development of grounds; construction and improvement of essential highway connections; construction and extension of utilities; installation of cafeterias and equipment therefor; construction and installation of communication systems between such buildings and communication control centers in and adjacent to the District of Columbia; the making of additional payments to contractors to expedite the completion of buildings now under construction in the District of Columbia, without regard to existing limits of cost; technical investigations and planning of strong posts, either within or adjacent to existing Government-owned buildings; rental of buildings or parts thereof in the District of Columbia and adjacent area for housing new or expanded Federal activities (pending completion of the structures provided herein), including repairs, alterations, and improvements necessary for proper use by the Government, without regard to section 322 of the act of June 30, 1932, as amended (40 U. S. C. 278a); operation, maintenance, protection, and repair of Government-owned and leased space; moving Government agencies in connection with the assignment and transfer of building space; restoration of leased premises; and payment of per diem employees employed in connection with the foregoing functions at rates approved by the Administrator of General Services, or his designee, not exceeding current rates for similar services in places where such services are employed, all without regard to section 3709 of the Revised Statutes; $139,800,000, to remain available until expended: *Provided*, That notwithstanding the provisions of any other law, the General

Services Administration may enter into contracts for construction by negotiation or otherwise, but no such contract shall be upon a cost-plus-a-percentage-of-cost basis.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WHERRY. Inasmuch as the committee turned this amendment down, if it is to be offered now does not the Senator think that we should have a quorum call? I should like to have some Senators on this side of the aisle present.

Mr. McKELLAR. Certainly.

Mr. WHERRY. If the Senator will yield for that purpose and make his explanation after we have a quorum call, it may save some time.

Mr. McKELLAR. Yes, indeed.

Mr. WHERRY. If the Senator will yield for that purpose, I should like to suggest the absence of a quorum.

Mr. McKELLAR. I yield for that purpose.

Mr. WHERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hill	Malone
Benton	Hoey	Martin
Bricker	Holland	Millikin
Butler	Humphrey	Morse
Byrd	Hunt	Mundt
Cain	Ives	Murray
Chapman	Jenner	Neely
Chavez	Johnson, Colo.	O'Conor
Connally	Johnson, Tex.	O'Mahoney
Cordon	Kem	Robertson
Darby	Kerr	Russell
Donnell	Kilgore	Schoeppel
Douglas	Knowland	Smith, Maine
Dworshak	Langer	Sparkman
Ecton	Leahy	Stennis
Ellender	Lehman	Taft
Ferguson	Lodge	Taylor
Frear	Long	Thomas, Okla.
Fulbright	Lucas	Thye
George	McCarran	Watkins
Gillette	McCarthy	Wherry
Graham	McClellan	Wiley
Green	McFarland	Williams
Gurney	McKellar	Young
Hendrickson	McMahon	
Hickenlooper	Magnuson	

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the amendment submitted by the Senator from Tennessee [Mr. McKELLAR].

Mr. CORDON. Mr. President, I make the point of order that the amendment is substantive legislation on an appropriation bill, and therefore is not in order.

Mr. McKELLAR. Mr. President, I am inclined to think the amendment is subject to a point of order, but I wonder if the Senator will not withhold his point of order, and let us vote on the amendment and see whether it should not be agreed to.

Mr. CORDON. Mr. President, the matter covered in the amendment is so fantastic that I do not think we should take the time of the Senate to consider it further. When we meet at another time, if an amendment regarding this matter is offered which has some semblance of sanity to it, I shall be glad to work with the chairman of the committee on it. But as to this amendment, I think the point of order is well taken, and I must insist on it.

Mr. McKELLAR. The Senator is always considerate and always helpful in every way. I take pleasure in testifying to that fact. But the pending measure is a war measure, of course, or one being considered with a prospect of war before us, and we should give the Department some authority. Why can we not take the amendment to conference and work it out there? I will see that the Senator comes before the conference. I do not know whether he will be a member of the conference committee or not, but if it is necessary, we will have him appointed on the conference. I think the amendment should go to conference and be worked out. I hope the Senator will not insist on his point of order.

Mr. CORDON. Mr. President, I would do anything in the world to accommodate the chairman of the Committee on Appropriations, as he knows, but I feel deeply about this matter. To me the whole thing seems to have been born in hysteria. It is a matter which needs attention, it is something which needs consideration, and I am sure that the chairman of the committee will agree with me that the conference is going to be busy every moment. There are major matters in the bill which must have consideration. There are wide differences between the House and the Senate. There were additional items we had to insert in the bill. I know the chairman of the committee has worked long and arduously, as other members of the committee have, in order to get the information prepared so that we can present our views in the conference, and we would but add to the length of the conference, we would hold the Senate in session, if we gave this matter the consideration it needed, and if we did not, it would be far better that we do not have it in front of us to confuse us further.

I should like to accede to the request, but, Mr. President, I must stand on my point of order.

The PRESIDING OFFICER. The Chair is ready to rule. Obviously the amendment contains legislation, and therefore is not in order. The Chair sustains the point of order.

Mr. CHAVEZ. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHAVEZ. Is it in order to offer amendments from the floor at this time?

The PRESIDING OFFICER. The committee amendments have been passed upon, so the bill is open to further amendment.

Mr. CHAVEZ. In behalf of myself, the Senator from Alabama [Mr. HILL], and the Senator from Oklahoma [Mr. KERR], I submit the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 20, after line 5, it is proposed to insert the following:

SALARIES AND EXPENSES, CHILDREN'S BUREAU

For an additional amount, for "salaries and expenses, Children's Bureau," $179,000.

Mr. CHAVEZ. Mr. President, the amount stated in the amendment is the amount which was approved by the Bureau of the Budget in this particular instance. It provides for salaries for the Children's Bureau. It appears that under the law, both past laws and some recent laws, the program of the Children's Bureau in the individual States is on the increase.

Yesterday the Committee on Appropriations, notwithstanding the approval of the Budget, but during the absence of many of the members of the committee, disapproved this item. The item has the approval of the Budget Bureau, it is for the Children's Bureau, and in the opinion of the Senators who have submitted the amendment, it is necessary.

The ranking member on the minority side of the subcommittee of the Committee on Appropriations which deals with these matters was not present, namely, the Senator from California [Mr. KNOWLAND], and he did not vote on the amendment.

Mr. HILL. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield to the Senator from Alabama.

Mr. HILL. House bill 6000, which Senators of course will recall was a bill amending the Social Security Act, carried a provision increasing the authorization for appropriations for maternal and child health, crippled children, and child welfare services, by $11,000,000. The $11,000,000 will go as grants to the several States for their programs for maternal and child health, crippled children, and child welfare services. The committee voted favorably on an amendment to make an appropriation of $8,250,000 for these purposes, the money to go to the States; but did not provide any additional administrative funds for the proper and wise administration of these grants to the States in the amount of $8,250,000. The Senator's amendment would provide administrative funds for making grants, for carrying out these programs by the several States, would it not?

Mr. CHAVEZ. That is the purpose of the amendment.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. KNOWLAND. I should like to ask the Senator from New Mexico a question. I am inclined to believe there is a justification for some additional funds, due to the fact that the allocations under House bill 6000 have been increased, and there obviously is going to be some additional work. However, as the Senator recalls, we made some adjustments in that during the consideration of the regular appropriation bill. I wonder if the Senator would be willing, under the circumstances, to reduce his amendment from the amount he has suggested of $179,000 to $125,000, and take the matter to conference.

Mr. CHAVEZ. Of course, the reason that we presented the figure $179,000 is because that was the amount which was approved by the Bureau of the Budget after the showing by the Children's

Bureau to the Bureau of the Budget. I think the Senator from California has some justification for suggesting that the amount be cut down somewhat. It appears to me that it would be quite a severe cut, however, to bring it down to $125,000. Why not give them $150,000?

Mr. KNOWLAND. Since this amendment was not accepted by the committee, I should think that under the circumstances $125,000, plus the adjustments they could make in their regular appropriation, would be ample. I think we would have some difficulty in maintaining that amount in conference.

Mr. CHAVEZ. Mr. President, I agree to the Senator's suggestion. I modify my amendment by inserting "$125,000" in place of "$179,000."

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The CHIEF CLERK. On page 20, after line 5, it is proposed to insert:

Salaries and expenses, Children's Bureau, $125,000.

Mr. GURNEY. Would that change the figure from $250,000 to $375,000 in line 5? In other words, the amendment should read to change the committee figure, should it not?

Mr. HILL. No.

Mr. CHAVEZ. The amendment is on page 20, line 5.

Mr. GURNEY. I am informed that the amendment covers an entirely new item, so it is separated language. I have no objection.

Mr. HILL. The Senator from South Dakota is correct.

Mr. KERR. Mr. President, I am glad the distinguished Senator from California has signified his willingness to go along on this matter. In the Finance Committee, in connection with House bill 6000, it was contemplated that the program would be expanded to the extent that the full amount would be needed. I personally would like to have seen the figure $179,000 retained, but in view of the fact that it has been changed, I should like to say that I hope the conferees on the part of the Senate will go along to the extent of endeavoring to retain it in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified, offered by the Senator from New Mexico [Mr. CHAVEZ] for himself and other Senators.

The amendment, as modified, was agreed to.

Mr. McKELLAR. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 50, after line 5, it is proposed to insert:

SEC. 109. In order more effectively to administer the funds appropriated to the Department of Defense, the President, to the extent he deems it necessary and appropriate in the interest of national defense, may authorize positions to be placed in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949 in accordance with the procedures and standards of that act, and such positions shall be additional to the number authorized by section 505 of that act. Grades 16, 17, and 18 now in the Defense Establishment may be increased by an additional number of one-third of each grade now employed in that establishment.

Mr. WHERRY. Mr. President, may we have an explanation of the amendment?

Mr. McKELLAR. I shall be glad to explain it. Section 505 of the code provides that—

No position shall be placed in grades 16 or 17 of the general schedule except by action of or after prior approval of the Commission.

That is the Civil Service Commission.

At any one time there shall not be more than 300 positions in grade 16 of the general schedules and not more than 75 positions in grade 17 of the general schedules.

The Secretary of National Defense has urged that the amendment be adopted so that he can make use of its provisions.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CORDON. Was any matter of this character presented to the Appropriations Committee?

Mr. McKELLAR. No; it was not. That is why I am explaining it now. The Department has just sent it in, as all Senators know. The emergency is upon us. The request came to us yesterday. Some requests have been sent to the committee today. It seems to me the Secretary of Defense ought to have some latitude in fixing these positions without regard to the act, or in the same way that other departments are allowed to fix them. If it is necessary that any change be made, we can work it out in conference.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CORDON. I am not going to make any objection to the item, so far as I am concerned. I do not know anything about it.

Mr. McKELLAR. I will be frank to say that I do not know much about it myself, but it seems to me the request is a reasonable one.

Mr. CORDON. There is always danger in attempting to add to an appropriation bill items which have not been before the committee and with respect to which the committee has not had an opportunity to secure any information.

Mr. McKELLAR. I would not ask that the amendment be added if it were not to go to conference.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WHERRY. Does not the amendment in reality only lift the ceiling on what we call the superbrackets of employees? Is that not all it does?

Mr. McKELLAR. Yes.

Mr. WHERRY. It simply takes the ceiling completely off.

Mr. McKELLAR. Yes.

Mr. WHERRY. Is it agreeable to the Civil Service Commission? I understood they went through and ironed out the different levels.

Mr. McKELLAR. I received the communication today, and I thought we might take the item to conference.

Mr. WHERRY. I do not mind taking matters to conference, but I want to reiterate what the distinguished Senator from Oregon has just said. Matters such as this come to us at the last minute. The committee has not had an opportunity to study this proposal. Is it going to affect the whole civil service program?

Mr. McKELLAR. Oh, no.

Mr. WHERRY. It certainly will have some bearing on every classification, because the ceiling goes off as to these supergrades in the Department of Defense. Is that not correct?

Mr. McKELLAR. Every other department has the right to appoint so many in the various grades. The amendment would, during the emergency, give to the Secretary of Defense the same rights other Cabinet officers have.

Mr. WHERRY. What about the amounts that are to be paid?

Mr. McKELLAR. The amendment refers to section 505.

Mr. WHERRY. I think it takes the ceiling off the amounts; does it not?

Mr. McKELLAR. No; it does not take the ceilings off the amounts. In grade 16 the range is $11,200, $11,400, $11,600, $11,800, to $12,000.

In grade 17, $12,200, $12,400, $12,600, $12,800, to $13,000.

In grade 18, $14,000.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. I yield.

Mr. WHERRY. Am I not correct in stating that the Civil Service made a complete review, and on that basis allocated the total number of employees in each grade to which each of the Government agencies was entitled? This amendment not only would increase the number, but also would increase or lift the ceiling, so that the agency could pay the largest amount of salary, if it chose to do so, to these so-called super jobholders. Is that correct?

Mr. McKELLAR. The Civil Service Commission made its ruling to the effect that the other departments could have a certain number of employees in these grades, and the Civil Service Commission specified the numbers.

Let me read that again to the Senator, so that he will have it in mind.

Mr. WHERRY. Why was not this matter presented in connection with the regular appropriation bill? As I recall, the Defense Establishment did request these additional allocations.

Mr. McKELLAR. I do not know. This matter has been sent to me just today.

Mr. WHERRY. But in the regular appropriation bill hearings, or in connection with the basic law itself, did not the representatives of the Defense Establishment request these additional allocations? Is the Senator sure of that?

Mr. McKELLAR. I am not sure of it; I cannot say.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. FERGUSON. Would not this be an amendment to the basic law, and

therefore be legislation on an appropriation bill?

Mr. McKELLAR. I think it would be. I am compelled to say that I think any Senator would have a right to object to the amendment on that ground. I hope the Senator from Michigan will not do so, but I think the objection would be good if made.

Mr. FERGUSON. What is the showing of the Defense Establishment in support of the claim that it is necessary to increase the salaries and the number of employees who will receive those salaries?

Mr. McKELLAR. I shall read it to the Senator:

One of the major problems facing the Department of Defense today is the recruitment and retention of men with the unique qualifications of technical competence, leadership, and resourcefulness required to conduct the affairs of the Department. Because our national manpower pool of key executive and professional administrators falls far short of the demand, we find ourselves in a highly competitive labor market. Men with the requisite administrative capacity have a number of alternative possibilities for employment where the incentives of recognition, personal advancement, and pay are considerably more attractive than can be offered in the Government service.

The present world situation which makes necessary the maintenance of a larger Defense Establishment with an increased level of procurement and an increasing demand for a much larger participation in North Atlantic Treaty planning, as well as the broader aspects of collective security, have added to our requirements for men of stature and recognition to cope with these matters. While the amendments to the Classification Act of 1949 alleviated somewhat this condition by providing a limited number of positions at salaries ranging from $11,200 to $14,000, the limitation of 400 such positions authorized for the entire Federal Government does not permit the allocation of a sufficient number to meet the requirements of the Department of Defense, particularly in view of the increased requirements resulting from the Korean situation and the substantially larger Military Establishment to be maintained. To arrive at a pay scale that will attract and keep the civilian leadership that the national security requires, compensation must be commensurate with responsibility.

To these ends, I strongly recommend that you take such steps as you may deem appropriate to secure the following amendment to chapter IX of the supplemental appropriation bill, 1951, H. R. 9526, on the floor of the Senate, so that the provision may be considered in conference.

Mr. FERGUSON. Mr. President, that states the need, but does not state how many the Defense Establishment would wish to place in these categories.

Mr. McKELLAR. That is true. Therefore, I suggest that I would be willing to accept an amendment fixing the larger number, but placing a limitation upon it.

Mr. FERGUSON. With such a limitation made, I think we might agree.

Mr. McKELLAR. It seems to me that might be the proper way to proceed in this connection. This request has come to me today, and I am not as familiar with it as I should be. However, that is not my fault, because of the delay in submitting the request.

Mr. FERGUSON. Suppose we were to provide that the number could be increased by 33⅓ percent. Would the Senator from Tennessee accept such an amendment?

Mr. McKELLAR. Yes, I would.

Mr. GURNEY. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. I yield.

Mr. GURNEY. As I understand, there are now authorized 300 employees in all the Federal Government agencies in grade 16, 75 in grade 17, and 25 in grade 18, or in all the Federal Government agencies a total of 400 who may be in these three top grades.

I do not know the exact number that it is necessary for the Defense Establishment to have in this emergency; but if we were to amend the amendment the Senator has offered by having it provide for, let us say, 80 positions of that sort for the Defense Establishment, does the Senator think that might be sufficient?

Mr. McKELLAR. I do not know.

Mr. GURNEY. Then the number might be changed in conference, of course.

Mr. McKELLAR. The only trouble is that I do not know the number of such positions the Defense Establishment now has.

Mr. GURNEY. There are only 400 of them in all the Federal Government, of course.

Mr. McKELLAR. Does the Senator from South Dakota mean 80 additional ones?

Mr. GURNEY. Yes.

Mr. McKELLAR. Perhaps that might well take care of the matter.

Mr. WHERRY. Mr. President, is it not correct that there are only 400 positions in those grades in all the Federal Government service?

Mr. GURNEY. That is correct.

Mr. WHERRY. How many of them are in the Defense Establishment?

Mr. GURNEY. I do not know.

Mr. WHERRY. If we were to provide for a 33⅓ percent increase of the 400, then that matter could be taken to conference.

Mr. McKELLAR. Yes; I believe a percentage increase probably would be the better arrangement.

Mr. GURNEY. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. I yield.

Mr. GURNEY. I am informed by the clerks that there are 400 persons in these various grades in the entire Federal Government establishment.

Mr. McKELLAR. That is correct.

Mr. GURNEY. So I would suggest that we provide for an exact number—in other words, let us say, 100 positions, which would be less than one-third of the 400.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. McCLELLAN. With further reference to the 400 altogether in the Government service and to be affected by this limitation, 300 of them are in class 16, with a base salary of $11,200 per annum.

Mr. McKELLAR. That is correct.

Mr. McCLELLAN. Seventy-five of them are in class 17, with a base salary of $12,200 per annum, and 25 of them are in class 18, with a base salary of $14,000 per annum.

Instead of increasing the number by an over-all percentage, I think we should increase these numbers to a limited degree.

Mr. McKELLAR. Each one of the numbers?

Mr. McCLELLAN. Yes.

Mr. McKELLAR. I have no objection to that.

Mr. WHERRY. Mr. President, will the Senator yield, so that I may ask him a question?

Mr. McKELLAR. Yes, I yield.

Mr. WHERRY. Is not the only issue here the increase to be made in the number of such positions which the Defense Establishment wants? The other Government agencies are not asking for such an increase, I believe.

Mr. McKELLAR. That is correct.

Mr. WHERRY. Therefore, I understood that the amendment of the Senator from Michigan would provide that we permit an increase of 33⅓ percent more than the number the Defense Establishment now has. We do not know what number of employees in those positions the Defense Establishment now has, which is why we cannot propose a definite figure in this connection.

Mr. McCLELLAN. I was trying to determine that. Do we know the number now in the Defense Establishment coming in these categories?

Mr. WHERRY. No, we do not know.

Mr. FERGUSON. That is correct. Therefore, I thought a percentage increase would be the best arrangement.

The VICE PRESIDENT. Does the Senator from Tennessee modify the amendment accordingly?

Mr. McKELLAR. Yes; I modify the amendment in accordance with the suggestion which has just been made.

The VICE PRESIDENT. Let the amendment as modified be stated, if it has been reduced to writing. The Chair believes it has not yet been reduced to writing.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. GURNEY. Let me suggest that the amendment be changed so as to provide that the positions in grades 16, 17, and 18 now in the Defense Establishment may be increased by an additional number of one-third above the number that agency now has in those grades.

Mr. McCLELLAN. Let me suggest that we insert the words "in each grade", so that the Defense Establishment would not be permitted to make all the increases in the $14,000 bracket or grade.

Mr. GURNEY. Yes; let us provide for an increase above the numbers the Defense Establishment now has in each grade.

Mr. McKELLAR. Will the Senator state the language he proposes to have inserted?

Mr. McCLELLAN. It can be inserted and worked out in conference, of course.

The VICE PRESIDENT. The amendment as modified will be stated.

The LEGISLATIVE CLERK. At the proper place in the amendment, it is proposed to insert:

Grades 16, 17, and 18 now in the Defense Establishment may be increased by an additional number of one-third of each grade now employed in that Establishment.

The VICE PRESIDENT. Without objection, the amendment as modified is agreed to.

The bill is open to further amendment.

Mr. THYE. Mr. President, I send to the desk an amendment which I offer on page 23. It proposes to increase by $80,000 the amount of $205,000 which is to be found in line 21, on page 23.

The VICE PRESIDENT. Let the amendment be stated.

Mr. McKELLAR. Mr. President, before that is done, will the Senator yield to me, that I may fullfill a promise which I made?

Mr. THYE. I am most happy to yield.

Mr. McKELLAR. I send to the desk an amendment proposed by the Senator from New Hampshire [Mr. BRIDGES], who requested me to present it and to ask that it be read and considered by the Senate.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 50, line 19, it is proposed to insert the following:

Provided, That in carrying out the purposes of the Mutual Defense Assistance Act of 1949, as amended, the President shall encourage the cooperating nations to forgive indebtedness incurred with one another during World War II, or to delay payments on such indebtedness for so long a period as United States assistance shall be required for the debtor nation.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. McKELLAR] on behalf of the Senator from New Hampshire [Mr. BRIDGES].

The amendment was agreed to.

Mr. FERGUSON subsequently said: Mr. President, I ask unanimous consent that I may place in the RECORD an explanation of the amendment offered by the Senator from Tennessee [Mr. McKELLAR] for the Senator from New Hampshire [Mr. BRIDGES], which amendment was adopted by the Senate.

There being no objection, the statement was ordered to be placed in the RECORD, as follows:

The purpose of this amendment is to encourage Britain to declare a moratorium on indebtedness of other defense pact nations where such indebtedness arose out of furnishing military equipment for World War II.

In the period from 1939–45, the years of World War II, certain credits for military equipment were extended between governments of Europe now included in the mutual defense assistance program.

According to the United States Treasury Department, Great Britain had such credits outstanding as of November 9, 1948, in the amount of 185,700,000 pounds sterling (roughly $520,000,000). These British credits were extended to—

Million pounds sterling

France	99.7
Greece (interest free)	10.0
Netherlands	45.0
Turkey	31.0

The Turkish indebtedness to Britain arose from two armament credits extended for World War II in 1939 in the amount of 31,000,000 pounds sterling.

Outstanding Turkish indebtedness on November 30, 1949, was 22,654,070 pounds sterling (roughly $63,000,000). In interest and amoritization payments, the Turkish Government is paying Britain approximately $6,700,000 for armament furnished in World War II. This is a major obligation in terms of the Turkish economy. The gold reserves of Turkey have been drawn down from approximately $208,000,000 in 1947 to approximately $165,000,000 today.

The United States now is being called on to aid Turkey, both through ECA and through military assistance.

At the same time it is aiding Great Britain.

It would seem that in carrying out the provisions of the Mutual Defense Assistance Act of 1949, the United States ought to encourage the forgiveness or postponement of World War II military debts contracted between participating nations, since repayment to Britain by a nation such as Turkey only increases the amount which the United States must, in turn, furnish Turkey.

This amendment does not direct the President to take any action that would interfere in any way with the sovereignty of other nations. It does not require him to impose any intolerable burden upon any other nation. It only expresses the sense of Congress that he should encourage nations receiving our aid to lessen the load which debtor nations carry today because of credits extended during the wartime period.

In effect the amendment merely asks the President to use his good offices to see if this can be brought about.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from Minnesota [Mr. THYE].

The LEGISLATIVE CLERK. On page 23, after line 19, it is proposed to insert:

HEALTH, EDUCATION, AND WELFARE SERVICES

For an additional amount for "Health, education, and welfare services," for the purpose of cooperating with Independent School District No. 5, Cass County, Minn., at Walker, Minn., for the construction, extension, equipment, and improvement of public school facilities at Walker, Minn., as authorized by the act of July 1, 1940 (54 Stat. 707, 708), the act of July 24, 1947 (61 Stat. 414), and the act of August 17, 1950 (Public Law 709, 81st Cong.), $80,000, to remain available until expended.

Mr. THYE. Mr. President, my only reason for offering this amendment is that a public law was passed and approved on August 17 which would authorize and allow such an expenditure, and the purpose, the reason, and the need for this particular $80,000 appropriation are as follows:

Federal financial assistance to the Walker (Minn.) public school district for school building construction because of the large number of Indian children accepted in the Walker schools was first approved by Congress in 1940 in the amount of $65,000. It was planned to make the addition a project under the WPA. Actual construction was delayed by the war. In 1947 an increase of $35,000 authorized by Congress to replace the assistance previously expected from WPA. Plans were completed and bids invited early in 1950. The lowest bid for the minimum construction needed was $179,148, and the total appropriation funds only $100,000. A contract was let in the amount of $100,000 for construction of the shell of the building with the understanding that the interior can be completed within the bid if the additional sum is made available while construction is under way, which it now is.

An authorization for the appropriation of $80,000 was contained in Public Law 709, passed August 17, 1950, and signed by the President. If this amount of money can be included as part of this deficiency bill, we have assurance that this building can be finished. If the actual appropriation is delayed until the next regular appropriation act in 1951, the present contractor will have completed his work and new bids must be taken on a rising market on materials of construction. Inevitably the $80,000 will prove sufficient to complete this building. It is to the financial advantage of the Federal Government to provide the money now.

If the contractor must close up the building, move it, and then submit another bid, and move back in again, the actual cost of completion will be greater than if we make the funds available so that the contractor may proceed with the job to completion, now that he is on the premises and in the process of constructing a part of the building. So my only reason for taking the time of the Senate to burden Senators with an additional problem of appropriation, is because, in the long run, it will have to be done, and it can be done cheaper while the contractor is on the job than it would be if we were required to take bids at a later time and then proceed to let a new contract and to reestablish the work on the buildings.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. THYE].

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. McCLELLAN. Mr. President, I call up my amendment lettered "B," which is on the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 9, after line 9, it is proposed to insert the following:

Notwithstanding the provisions of any law or any order, regulation, or agreement made or issued thereunder, any alien employed in the United States in 1949 pursuant to an agricultural labor contract made under the authority of the ninth proviso of section 3 of the Immigration Act of 1917, as amended, shall for purposes of such contract or any bond or agreement made by the employer of such alien in connection therewith be presumed, in the absence of evidence to the contrary, to have left the United States in accordance with the terms of such contract on or prior to March 31, 1950.

Mr. McCLELLAN. Mr. President, I desire to modify the amendment in the following manner: In the introductory sentence, after the word "page", strike out the figure "9" and insert "11", and after the word "line", strike out the figure "9" and insert "19."

The VICE PRESIDENT. The modification will be made.

Mr. McCLELLAN. Mr. President, this amendment is offered for the purpose of

taking care of a matter which has developed in connection with immigrant farm labor. There were 111,518 farm labor immigrants who came into this country to help harvest the 1949 crops. Under our arrangements with the Government of Mexico and our own Immigration Bureau, the farmer who contracts for the laborer is required to give a bond in the sum of $25, to guarantee the return of the laborer across the border after completion of the contract. In 1948 the Congress appropriated an additional $250,000 to the Immigration and Naturalization Service, for the purpose of returning to the border persons known as "skip contracts." When a farmer brings a laborer into this country, who undertakes to perform labor on a contract basis, the farmer or contractor is required to assume certain obligations. He has certain conditions and obligations under the contract which he must perform.

Among those obligations is the return of the worker to the border when the labor has been performed and the contract terminated. But experience shows, Mr. President, that in many instances these laborers simply walk off and do what is termed "skip their contract."

During the year 1949, or for fiscal year 1950, no appropriation was made, as was made in 1948 or for fiscal 1949, to pay for the return of those who skipped their contract and were found in this country. Out of the 111,518 who were under contract in 1949 in 12 different States, approximately 10,000 have not returned to Mexico. That is, they are not accounted for officially as having returned. They have skipped their contracts, or, at least, were not available for return by the contractor farmers at the time their services were over and the term of the contract ended. When they skip their contract, when they break their contract, quit their jobs and walk off, most of them return to Mexico; but unless the farmer who contracted for them actually delivers them to the border, reports them, and has them registered with the immigration authority as returning to Mexico, they are presumed to be still in this country. There are approximately 10,000 of the 1949 group who have not been accounted for, and since the immigration authorities were not given any money to return them, they are now undertaken to declare forfeited the bonds in all those cases, which means that the farmers would have to pay into the Treasury $250,000.

In Arkansas, Mr. President—and it is comparable to other States—there were 17,570 Mexican laborers employed last year. A little less than 2,000 have skipped and have not been accounted for. In one particular instance, in which there were approximately 100 employed by one of the contractors, who had skipped their contracts, registered letters addressed to them in Mexico revealed that they were present, that they had returned to Mexico, and return receipts for letters addressed to them, were obtained. Notwithstanding that, the immigration authorities say they cannot accept those receipts as proof of the fact that they have returned. The only thing they can accept or will accept, is the official record. This means, Mr. President, that unless this amendment is adopted, whether the laborers are returned or not, an inequitable burden is imposed upon the farmers who are having to resort to this service, not only in their own personal interest, but in the interest of our Nation in the gathering of crops where they have to have an extraordinary amount of help during the harvesting season.

It also means, Mr. President, particularly in the cotton section, that if they had to discontinue this immigrant labor service, much of the cotton crop would not be harvested; and I am sure that is true with reference to vegetables and produce in other sections of the country.

The continuing need for immigrant labor is going to be greater in the emergency situation which confronts us. By placing this penalty—that is what it amounts to—upon the farmers because of something over which they have absolutely no control, where a man simply walks off the job, it simply takes money out of the farmer's pocket and places it in the Treasury of the United States. Many of those persons have already returned to Mexico, but have returned under conditions which make it very difficult to check them.

I ask unanimous consent to place in the RECORD a list of States and the number of laborers employed in connection with the harvesting of various crops for 1949.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

State	Total employed	Crop
Arkansas	17,570	Cotton.
Arizona	6,323	Cotton, vegetables.
Colorado	124	Sugar beets.
California	9,128	Citrus, cotton, vegetables.
Kentucky	87	Cotton.
Louisiana (partBWI)	1,776	Cotton, sugarcane.
Mississippi	1,994	Cotton.
Missouri	3,149	Do.
Montana	627	Sugar beets.
New Mexico	18,937	Cotton, vegetables.
Tennessee	191	Cotton.
Texas	51,612	Cotton, fruit, vegetables.
Total	111,518	

Mr. McCLELLAN. Mr. President, it is my opinion that this year, in view of the mobilization program, as we go along, the number of laborers from Mexico in our agricultural industry will have to be materially increased if we are to harvest the crops that are produced and to meet the situation which will confront us.

I hope my amendment will be agreed to. It is fair and equitable.

Let me say to the Senate, so that every Senator will understand, that whenever one of these persons is found in this country and returned by the Immigration Service, the farmer is billed for the expense of it. He pays the expense of the return. The bond should remain in effect for that purpose. I am not asking for cancellation of the bond where the men are found, but I am protesting against the farmer being required to pay a bond in cases where the parties have returned to Mexico, notwithstanding the fact that the immigration authorities may not have a record of it. The declaring of the bond forfeited, as the Immigration Service is trying to do, is a premature act, and it penalizes the farmer who is compelled to use immigrant labor in order to harvest his crops that are essential to the welfare of the entire country.

I hope the amendment may be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arkansas [Mr. McCLELLAN].

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. WHERRY. Mr. President, I call up my amendment identified as 9–13–50–A, and ask the clerk to read it.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from Nebraska.

The CHIEF CLERK. After section 1102 it is proposed to insert a new section as follows:

SEC. 1103. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), any article or commodity which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration may be usable by, or may be used in the manufacture of any article or commodity which may be useful to, the armed forces of the Union of Soviet Socialist Republics or such satellite countries for military purposes; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity having possible strategic value to the armed forces of the Union of Soviet Socialist Republics or such satellite countries which he finds to be of the nature or class described.

Mr. LODGE. Mr. President, I should like to ask a few questions about this amendment. Is it the same amendment that was previously offered?

Mr. WHERRY. It is a modified amendment. This amendment does not shut off ECA assistance. It prohibits financial or economic assistance to a country which exports commodities which the Secretary of Defense certifies to the Administrator, after a finding has been made, are of use to military forces working against us, and it is only for the period in which the United States is actively engaged in hostilities while carrying out any decision of the Security Council.

Mr. LODGE. I should like to say to the Senator from Nebraska, as I have told him several times, that I think this is a very important matter and that we must not repeat the experience we had in World War II, when we sent scrap iron to Japan only to have it come back to us in the form of bullets. We must

do nothing which will aid anyone who is fighting our own troops. Therefore, I think he is on the track of something very important.

When the Senator first offered his amendment I stated that in my opinion shipments of anything which was of a purely military character should not be undertaken unless military approval was had for such shipments. I think this proposition is getting better all the time, and it is getting to be better thought out all the time. Two days ago, when we had our discussion about it, I called Mr. Hoffman. I told him that, in my judgment, the purpose which the Senator from Nebraska was trying to achieve was a sound purpose. Therefore I asked him whether he would give his attention to working with me in developing language which would achieve that purpose. The draft of the amendment which I have in my hand is the result. It is in typewritten form, and it reached me only a little while ago. It is the result of the conference with Mr. Hoffman. Because there has not been sufficient time to have copies printed I should like to read it for the benefit of the Senate:

After section 1102, insert a new section as follows:

"SEC. 1103. If the President determines, during any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, that any foreign country is engaging in external trade which is endangering or potentially may endanger the effectiveness of such decision of the Security Council, the Administrator for Economic Cooperation shall take such remedial action under section 118 of the Economic Cooperation Act, as amended, as he determines will effectively correct such condition, including the termination in whole or in part of economic and technical assistance furnished under that act, and similar remedial action shall be taken under other acts providing economic or financial assistance (other than military assistance) to such foreign countries.

"In order to strengthen and make more effective the national security of the United States:

"(a) the Administrator for Economic Cooperation and the Secretary of Defense shall keep each other fully and currently informed on matters, including prospective action, arising within the scope of their respective duties which are pertinent to the duties of the other;

"(b) whenever the Secretary of Defense believes that any action, proposed action, or failure to act on the part of the Administrator is inconsistent with the national security of the United States, he shall consult with the Administrator and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision;

"(c) whenever the Administrator believes that any action, proposed action, or failure to act on the part of the Secretary of Defense is inconsistent with the purposes and provisions of the Economic Cooperation Act of 1948, as amended, he shall consult with the Secretary of Defense, and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision."

I should like to point out to the Senator from Nebraska and to other Senators that the first part of the amendment covers all foreign countries who are engaging in external trade which is "endangering or potentially may endanger," and the last part puts the Secretary of Defense in the same position in the Economic Cooperation Act in which the Secretary of State has been ever since the act was originally drafted.

As the Senator will remember, in the Eightieth Congress a question arose as to whether the State Department would run ECA, or whether a separate administrator should be appointed. The question was finally resolved by putting the Administrator of Economic Cooperation in a position of equality with the Secretary of State. This amendment, which has the approval of Mr. Hoffman, because his office contributed largely to drafting it, puts the Secretary of Defense in the same position of equality with the Administrator of the Economic Cooperation Administration in which the Secretary of State is now. In addition, it contains the specific requirement of military approval.

I wonder whether the Senator from Nebraska would not be willing to accept my proposed amendment as a substitute for his amendment, because I think if he does, it has a very good chance of being enacted into law.

Mr. WHERRY. Mr. President, it is very difficult to analyze an amendment which I have not seen until now. I have only now heard the distinguished Senator from Massachusetts read his proposed amendment. However, under its terms, it would be discretionary with the President to make the determination. That is exactly what I am trying to get away from. Although I do not have the basic law before me, it provides that the Administrator can do exactly what the distinguished Senator from Massachusetts attempts to do by his amendment. It is discretionary now with the Administrator to do what the distinguished Senator from Massachusetts proposes be done. It would apply to all countries. In that respect it is all right.

Mr. LODGE. It also brings military approval into the whole contemplation.

Mr. WHERRY. I have no objection to that feature, because I think that ought to be done. However, the very purpose of my amendment was not to affect military assistance, because certainly if we cannot depend on our own Secretary of Defense and our Chiefs of Staff to recommend to the Secretary of Commerce and those interested what is military equipment and what is not, we may as well fold up in prosecuting the war. What I am worried about—and I think what other Members of the Senate should be worried about—is with respect to material other than military equipment which is being given not only to ECA countries but to any country which has been provided either with a loan or any kind of fund or grant. The amendment goes beyond ECA, because it sets up a prohibition against any agency of this country which makes a loan or grant to any country. I do not wish to defeat the purposes of legislation on which I think we are all practically agreed; but I do not believe any Member of the Senate wants to export materials to a foreign country which would process machine tools or anything else and let the materials get into the hands of the satellite countries or an enemy country, to be used for the purpose of killing our boys. Certainly we are agreed on that.

Mr. LODGE. That is correct.

Mr. WHERRY. I think it should not be a discretionary matter. I think Congress should take the full responsibility in writing the statute. It should not be left to the President to determine. I believe my amendment does primarily what the distinguished Senator from Massachusetts is trying to do, except that instead of making it discretionary, it imposes a requirement. It is required that the Secretary of Defense make a finding of what materials are being exported to recipients of ECA aid or any loan by any other governmental agency which the Secretary in his wisdom finds is useful to the enemy. That is all that the amendment offered by the Senator from Nebraska does. It does not leave it discretionary with the President of the United States. It should not be left with the President, because Congress should take the full responsibility.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CHAVEZ. If it is correct to do what the Senator from Nebraska seeks to do, how long would it take Congress to pass legislation to do it?

Mr. WHERRY. To do what?

Mr. CHAVEZ. To carry out the purposes which the Senator has in mind.

Mr. WHERRY. Not more than 15 minutes, by yea-and-nay vote or without it.

Mr. CHAVEZ. Then why should it be done by an amendment to this bill?

Mr. WHERRY. I am glad to answer that question. Time is running out when we can get any bill up for a vote. I attempted to get the amendment up some 3 months ago. I think it has been voted on twice. At one time it was defeated by a vote of 39 to 33.

Since that time many Senators have come to me and have said they would like to have a chance to vote on this amendment. In the meantime—and I say this with a great deal of feeling—I have done my level best to bring in an amendment which would meet with the support of those who felt that we should accomplish the purpose we have in mind without affecting any of the ECA countries which desire to continue to do business, except as to the few items which are prohibited. So I have modified the amendment. I have gone to those who objected to it, I have clarified the amendment, and I know I have the amendment now in language which is administratively possible of enforcement. I submit to the distinguished Senator that all I want is a vote on the amendment, and I should like very much to have it attached to the pending bill, if I can.

I may say, further, that I presented this matter to the Committee on Appropriations. The Senator was present. I was fair about it. This is not new. I was authorized by the committee to present the amendment on the floor.

Mr. CHAVEZ. That is correct.

Mr. WHERRY. So I have a right to do it. If there were any other bill on which I could put the amendment I

should be glad to do so, but I offered it to the tax bill, and those in charge said they hoped I would not put it on that bill, and I acquiesced and withdrew the amendment. I offered it to the internal security bill of which I thought it should be a part. There were a few in the back row here who thought I was attempting to argue on a completely irrelevant matter when I attempted to say that the amendment I had to offer was for the internal security of the United States. I thought it was. I now think it is, and I cannot see why there should be a Senator unwilling to vote on the amendment.

Mr. CHAVEZ. Mr. President——

Mr. WHERRY. I shall yield to the Senator in a moment, but I desire to complete my observation. The Senator asked me why I offered the amendment, and I desire to answer.

Mr. CHAVEZ. Very well.

Mr. WHERRY. At the time I offered it to the internal security bill I was so sure it was relevant and should be a part of the measure that I did not exclude it in connection with question of germaneness, when we entered into the unanimous-consent agreement. The Senator well knows that when I brought it up the junior Senator from New Mexico [Mr. ANDERSON], the Senator's own colleague, made a point of order against the amendment as not being germane to the bill. The distinguished occupant of the Chair sustained the point of order, and I did not go further with it. I let it go, because I felt that sometime between then and the close of the session there might be a bill upon which the amendment could be offered.

We are now providing ECA and other aid, and this is a money bill. Certainly the distinguished Senator will agree with me, if he agrees with the purpose, that at least there is this in common, that we are spending $3,000,000,000, and if we are spending $3,000,000,000 why can we not write in a condition as to how it shall be spent?

I now yield to the Senator.

Mr. CHAVEZ. I agree completely with the merits of the proposed amendment.

Mr. WHERRY. I thank the Senator.

Mr. CHAVEZ. But at least I like to feel that we are acting in such a way that we carry out the noble ideology of our country and the customs of our country.

If this amendment is good, and the Senator thinks he can have it adopted in 15 minutes—and I think it is good—it should be handled in an orderly way. We ought to have a law on this subject. Notwithstanding that I agree completely with the purpose of the amendment, I was just wondering why the Senator from Nebraska, my good friend, who is always trying to carry out things in a proper way, in a normal way, in the American way of doing things, thinks it should be added to an appropriation bill.

Mr. WHERRY. Mr. President, I have already given an answer to that question. I have a right to offer it.

Mr. CHAVEZ. The Senator is correct.

Mr. WHERRY. The Senator has asked, why should it not be basic law? We do have a basic law on the subject in the ECA Act now, providing that action is discretionary in accomplishing the purpose for which the amendment is offered.

Mr. CHAVEZ. May I ask the Senator a question?

Mr. WHERRY. I yield.

Mr. CHAVEZ. Does the Senator believe that his proposed amendment is subject to a point of order?

Mr. WHERRY. The Senator well knows my feeling about that, because I was very honorable and very fair about it, and before the Committee on Appropriations I stated that it was impossible to draw a limitation for what I wanted to do in this bill, because I required an affirmative act by the Secretary of Defense. The Senator knows that. I went before the committee and presented the amendment, and I told them they could not write it as a limitation, that it was subject to a point of order, and because of that I submitted the amendment to the committee, and the committee authorized me to offer the amendment to the pending bill.

Mr. CHAVEZ. That is the point I wanted the Senator to raise, if he will be indulgent with me.

Mr. WHERRY. I am indulgent; I have a high regard for the Senator.

Mr. CHAVEZ. If it is subject to a point of order, it means we need basic law on the subject.

Mr. WHERRY. No, we need to amend the basic law; but we have already declared ourselves in the basic law. I shall read the basic law. I have been asking for it for 15 minutes. It is a discretionary statute.

All one has to do is to read the newspapers, if he does not want to take the argument of the Senator from Nebraska. There is a crying need by those who have thought this question out that something should be done about the continuation of the shipment of galvanized iron that is made into barbed wire, and of raw materials that are going into the hands of the enemy. There was a statement by Winston Churchill condemning his own country for shipping $2,000,000 worth of machine tools straight to Russia during the last year. Those tools process other tools, the very tools that make the tanks and make the wire and make military equipment that is being used by the enemy in Korea this afternoon.

Why should we longer delay? Why leave a discretionary statute on the books that has not been used by the Administrator? I am not going to quarrel about the merits or about the qualifications of Mr. Hoffman. I say Congress should shoulder its responsibility and at long last write a statute that does—what? I think Mr. Hoffman did not read my second amendment. The amendment does not interfere with ECA, except in the one particular. ECA can continue its mission in Europe. But the amendment does stop national economic assistance when the Secretary of Defense makes a finding that there are exports into the satellite countries or into Russia of materials which are useful to the military of the enemy. That is all it does.

I say to the distinguished Senator from New Mexico that he should not stand on the floor of the Senate and make a point of order, but should permit us to have a vote on this very constructive amendment.

Mr. CHAVEZ. I assure the Senator from Nebraska that the Senator from New Mexico is not going to make a point of order.

Mr. WHERRY. I thank the Senator.

Mr. CHAVEZ. I assure the Senator from Nebraska that I agree completely with everything he is trying to carry out. What I am asking is, if it is so good—and I admit it is good—why should it not be done by law?

Mr. WHERRY. I will answer that question. On page 20 of the basic law, subsection (d), we find this language:

> (d) The Administrator is directed to refuse delivery insofar as practicable to participating countries of commodities which go into the production of any commodity for delivery to any nonparticipating European country which commodity would be refused export licenses to those countries by the United States in the interest of national security. Whenever the Administrator believes that the issuance of a license for the export of any commodity to any country wholly or partly in Europe which is not a participating country is inconsistent with the purposes and provisions of this title, he shall so advise the department, agency, or officer in the executive branch of the Government exercising the authority with respect to such commodity granted to the President by section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision.

That is the basic law. That is the language we adopted when we passed the ECA Act. Ever since we passed that act, whenever an appropriation measure came before us, year after year, I made the same point. This very year I offered an amendment to the basic act, and it was defeated by a vote of 39 to 33. Since that time, when we had an opportunity to amend the act, Senators have told me that, in view of the far-reaching effect of the state of affairs in Korea, they are glad to join in support of this amendment.

I have tried my level best to write an amendment which in no way would have any impact on any country except when—and only when—we are prosecuting a war, and only then when the Secretary of Defense makes a finding—of what? He does not make a finding of everything. The countries will continue to do business among themselves with respect to anything they want to export or import among themselves. But when does it stop? When any country that is a recipient of ECA funds will, for example, process machine tools and ship them to Russia. If we want such a thing to continue, there is nothing to do but vote against the amendment.

Mr. KEM. Mr. President, will the Senator yield?

Mr. WHERRY. I am glad to yield, or I will yield the floor. I had not intended to take up so much of the time of the Senate. I wish the Senator from Massachusetts would let us have a vote on the amendment. If the amendment is defeated I promise it will not be submitted again during this session. If it is adopted it will not do any harm to the bill at all. The amendment can be taken to conference. If the conferees throw it out, that is the end of it. No one can

successfully argue against a conference report at this late date. On the other hand, if the amendment is adopted no harm will have been done.

Mr. KEM. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. KEM. I should like to ask the Senator from Nebraska whether he finds anything in the amendment which the President or the Administrator or the Secretary of Defense are not authorized to do under existing law.

Mr. WHERRY. No, Mr. President. I talked to the Senator from Massachusetts, and I believe that in what we are trying to do we are in agreement on the basic principles. I have done my level best to frame language which I think is workable. If we are to make the matter discretionary with the authorities, we had just as well use the provision we have in the law. If what we propose to have done shall be discretionary, it is not necessary for us to adopt language similar to language now on the statute books. If the Senator from Massachusetts intends to offer his amendment as a substitute, I beseech him to withhold it until we can have a vote on my amendment.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. GEORGE. I should like to ask the Senator from Nebraska whether a point of order has been made to the amendment.

Mr. WHERRY. No; a point of order has not been made to it. I want to be fair about the matter and say that if a point of order is made to the amendment, I shall withdraw the amendment. All I now ask for is a vote on it.

Mr. GEORGE. Is a point of order now pending?

Mr. WHERRY. No.

Mr. GEORGE. No point of order is now pending?

Mr. WHERRY. No; there is not.

Mr. GEORGE. Very well. I express the wish that the amendment be brought to a vote. I think the matter should be met head-on. If it is the sense of the Senate that the amendment should be adopted, the Senate ought to have a right to express itself on it.

Mr. WHERRY. I thank the Senator from Georgia. I deeply appreciate the observation, coming as it does from the distinguished Senator from Georgia.

Mr. LODGE. Mr. President, I cannot agree with the view of the Senator from Nebraska that the amendment which I hold in my hand does not add anything simply because it happens to be discretionary. Of course, it is discretionary, but it does very definitely add something new, which is the thought that if the President determines that a foreign country is engaged in external trade which is endangering or potentially may endanger the effectiveness of the decision of the Security Council, that the Administrator shall stop that trade. That is a new expression of opinion by the Senate on that particular subject.

Mr. KEM. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. KEM. Would not the President have the right to do that under the existing law?

Mr. LODGE. Yes.

Mr. KEM. If he has the right to do it under existing law, why should we pass additional legislation? The President has the authority to do it, does he not?

Mr. LODGE. Yes.

Mr. KEM. Then why take up the time of the Senate to adopt an amendment of this nature and throwing dust in the eyes of the people about the situation?

Mr. LODGE. No, Mr. President; there is no thought of throwing dust in the eyes of anybody.

Mr. KEM. By adopting the amendment we would simply be reaffirming, would we not, what is already in the law?

Mr. LODGE. The Senator has asked me a question. I should like to answer it. There is no thought, as I said, of throwing dust in the eyes of anybody. In the light of the situation in Korea, I think there is merit in the Senate recording itself as being in favor of having the President cease any trade that may have the effect of endangering the effectiveness of the position of the Security Council. Of course, the fact is that he has the power legally to stop trade under section 118. There are all sorts of ways in which he can stop trade. There are many ways of beating the devil around the stump. That does not, however, make it less advisable that the Congress put itself on record.

The amendment does another thing. It brings the Secretary of Defense into the same relative status in regard to the Economic Cooperation Administrator as the Secretary of State is now. The Senator can look at page 5 of the Economic Cooperation Act, subsection (b) of section 105, and he will see three paragraphs there under which the Administrator and the Secretary of State are required to keep each other fully informed, and when they disagree, then it comes up to the President for final decision. The amendment brings the Secretary of Defense right up into that same level. So that it definitely increases the participation and the responsibility and the authority of the Defense Department for this kind of trade. That is not simply playing with words. We do not meet this thing effectively by eliminating all discretion in the Executive. There are a great many cases in which there has to be some discretion.

The statement is being made here all the time that American machine tools were used to make the tanks that are killing our boys in Korea. I should like to see one bit of practical proof of that statement. I should be very much surprised to find that such a thing is true. I should like to point out that for us to send some machine tools behind the iron curtain and receive back some strategic materials that have far greater value is not such a terribly stupid thing to do. Those are arguments which I think should be considered in favor of letting some discretion remain in the executive branch of the Government.

Mr. President, I do not criticize anyone at all, but the amendment which has been offered has an undertone—I may be wrong, and I do not want to be unfair to anybody—an undertone of indifference as to whether our alliance with the other freedom-loving peoples in the world continues and grows. I recognize that Senators have a right to have their opinions, and that there are some Senators here, I think the Senator from Missouri [Mr. KEM] and the Senator from Nebraska [Mr. WHERRY], if I am not wrong, who are opposed to ECA, and I think they do not enthuse very much about this alliance. I may be wrong. They have the right to their opinion. But it seems to me that what we want to do is to curtail this trade, control it, prevent its being used so as to injure our own interest, bring the military into the picture as much as we can, and to do all those things without impairing the effectiveness of ECA, and without impairing the alliance. In other words, I want to do what the Senator from Nebraska and the Senator from Missouri want to do, and then on top of that I want to do some other things. I think the whole thing can be done consistently with this amendment which I offer.

I will say to the Senator from Nebraska that I am not offering the amendment as a substitute for the amendment of the Senator from Nebraska, but I do ask him whether he would not take it as a substitute because I think if he does, it can go into the bill, it will be accepted in conference, and it will become the law, and will do something that is workable.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. LODGE. I yield.

Mr. WHERRY. Is it not a fact that since the basic law has been in operation, the exports of the very materials I have been discussing to the satellite countries and to Soviet Russia have greatly increased?

Mr. LODGE. I think the imports from Russia have also greatly increased. I have before me a letter from Mr. William Foster, under date of August 18. In the letter he talks about a trade agreement executed between Italy and Russia I read from the letter:

But under the same trade agreement Russia is shipping to Italy, among other items, the following:

	Tons
Iron ore	200,000
Manganese	20,000
Asbestos	2,500
Pig iron	100,000
Steel ingots	75,000
Petroleum	100,000
Copper	3,000
Nickel	800
High-grade wheat	300,000

He adds this:

I may add that the following is a partial list of items which eastern Europe as a whole has been supplying to western Europe—lead, zinc, chrome, bauxite, manganese ore, ferromanganese, iron ore, steel ingots, pig iron, sheet iron, iron and steel plate, galvanized sheets, copper, nickel, seamless and welded tubes, machine tools, Diesel generators, electro-Diesel engines, electrical equipment, tractors, locomotives, freight cars, tank cars, crude oil, benzol, gasoline, coal and coke, as well as large quantities of food and feed.

That is a very interesting list.

I have just read from a letter from William Foster, Acting Economic Cooperation Administrator, under date of August 18, and in that letter he lists the articles which are going into western Europe from Soviet Russia and the satellite countries.

Before we say that the law has been improperly administered, I think we ought to have a very careful study and examination made, to show whether we have lost more than we have gained from this effort. I suggest that the place to make that analysis and study is not on the floor of the United States Senate, but is in the appropriate committee.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LODGE. In a moment.

Mr. President, I am trying to meet the Senator from Nebraska more than half way by helping draft language which I think will do everything the Senator from Nebraska wants to have done.

I certainly hope he will accept such language. I am not trying to force it upon him, and I shall not attempt to prevent a vote upon his amendment.

However, I do not think his amendment will do what he wants it to do. In fact, I think it will do a great deal of harm.

Mr. President, I believe that is all I care to say about this matter. The amendment of the Senator from Nebraska gives the impression that we are doing something along this line, when actually I think we would not be doing something, and, in fact, we might be setting back the cause of security by creating the impression that we would be doing something, when actually we would not.

So I think the amendment I have proposed is far superior to that of the Senator from Nebraska.

Mr. WHERRY. Mr. President, I do not want to indulge in long argument on this matter; I wish to have a vote taken on the amendment.

However, if the Senator from Massachusetts says my amendment does not do anything, then why does the Senator from Massachusetts object to it?

Mr. LODGE. Mr. President, does the Senator ask me that question?

Mr. WHERRY. I wish to proceed with my observation, and then I should like to have the Senator from Massachusetts respond, if he will.

A moment ago the Senator from Massachusetts said that the Senator from Nebraska voted against the ECA authorization when it was before the Senate the first time, and also when it was before the Senate the second time, when that authorization came up for extension. That is true. However, I wish to say to the distinguished Senator from Massachushetts that once ECA was adopted, I considered it a policy of the Congress, and I voted for the appropriations for ECA both times when those appropriations were before the Senate to be voted upon. As a member of the Appropriations Committee and as a Member of the United States Senate, I have a complete right—just as much right as does the most enthusiastic advocate of the original ECA authorization—to see how this money is spent. That duty and responsibility rest upon each one of us.

The fact that I did not vote for the ECA authorization in the first place has nothing to do with either the soundness of this amendment or anything else about it. That is the answer to that point.

I did ask the distinguished Senator from Massachusetts a question about exports, but he did not answer my question. Instead, he made a statement about what Russia had exported to Italy.

Mr. LODGE. And also to western Europe.

Mr. WHERRY. I do not know about the figures for exports from Russia to western Europe; but the Senator from Massachusetts said that this is not the time to discuss exports. He said we should go before the proper committee.

I wish to say to the distinguished Senator that we had the representatives of ECA before the Appropriations Committee, and we questioned them at length about this matter. I went into this matter as far as any member of the Appropriations Committee could go into it.

I wish the Senate to know that the basic law simply has not worked. I placed in the RECORD a statement in regard to the exports. Of course I realize that the Senator from Massachusetts is a very busy Member of the Senate, both in connection with his service on the Foreign Relations Committee and in connection with his service on the other legislative committee of which he is a member, and because of his other duties; and I think he is an authority on armed services question. Also he was in Europe, and I am glad he was. I am not complaining about that at all; to the contrary, I wish to pay my respects to him.

However, I wish to say that on several occasions we have placed in the RECORD statements of the amount of exports and the increase of exports from the ECA recipient countries to the satellite countries and to Russia—not merely the total exports, but the exports of strategic materials which go into those countries, although we do not even permit persons in the United States who would like to export such materials from the United States to those countries to do so.

The present law has not worked. It has not worked because it is discretionary.

I appreciate what Mr. Foster said. I know Mr. Foster; I knew him when I was serving on the Small Business Committee.

Naturally Mr. Foster takes the same position that the ECA takes. Naturally he is going to say what Mr. Hoffman wants him to say.

However, I tell the Senate that we can present here, as we have in past months, editorials and newspaper articles and the evidence itself to show that strategic materials which are being used by the enemy against our boys are still being exported to Russia and the satellite countries. Therefore the present law does not work.

Will it work if we enact into law the amendment of the Senator from Massachusetts? No, Mr. President; it will not.

The Administrator of ECA is under the Commander in Chief, the President of the United States. Senators have already admitted that he has the authority to stop these shipments if he wishes to do so; but he has not done so in 2 years, and he is not doing it now.

So it is the responsibility of the Congress to take action in this matter.

Mr. President, I cannot accept the amendment suggested by the Senator from Massachusetts, much as I should like to do so. If there is any Member of the Senate whom I should like to meet, not halfway, but more than halfway, it is the Senator from Massachusetts.

So I am going to invite him this time to meet me half way, and not offer his amendment, and permit the Senate to vote on the amendment offered by the Senator from Missouri [Mr. KEM], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. MALONE], and the Senator from Nebraska. Let us have a vote on it. If the amendment is adopted, it will be added to the bill, and then the conferees can do what they wish to do about it. If the amendment is adopted, it will not hurt the bill at all.

The VICE PRESIDENT. Let the Chair ask the Senator from Massachusetts about this matter. The Chair understood the Senator from Massachusetts to say, when he presented his proposal, that it was a substitute for the amendment offered by the Senator from Nebraska and other Senators. Is that correct?

Mr. LODGE. I have not offered it. I have been asking the Senator from Nebraska to accept it, because I think it will accomplish what he wants to accomplish, whereas I think his amendment will not accomplish what he wants to accomplish.

The VICE PRESIDENT. That is not a parliamentary question. The Chair was simply asking whether the amendment is offered as a substitute.

Mr. LODGE. I was not asking a parliamentary question. I was sitting here talking to one of my colleagues, with my back turned to the Chair—which I admit should not be done.

The VICE PRESIDENT. Yes; that ought never be. [Laughter.]

Mr. LODGE. I have not offered the amendment.

The VICE PRESIDENT. The Senator from Massachusetts is not offering it as a substitute, then. Is that correct?

Mr. LODGE. That is correct; I am not offering it as a substitute, because I was hoping I could appeal to reason with the Senator from Nebraska.

Mr. DOUGLAS. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. LODGE. Yes; if I have the floor.

Mr. DOUGLAS. I am one of those whose mind on this matter is uncertain. I think the issue largely turns on the question of whether the goods which the countries of western Europe are sending to Russia have greater war potentials than the goods which Russia is sending to the countries of western Europe. I think that is really the issue at stake.

I was impressed with the list of heavy goods, so to speak, going from Russia to

Italy and to some of the other countries of western Europe.

I wonder whether the Senator from Massachusetts would say whether the east-west trade is primarily one in which eastern Europe, including Russia, is sending timber and agricultural supplies to western Europe, whereas Great Britain and western Europe are sending, in the main, fabricated goods and heavy goods to eastern Europe.

If that is so, then it seems to me that Russia is getting a greater war potential benefit from the west than the west is getting from Russia; and if that trade is interrupted, it seems to me that will diminish Russia's war ability, although it will throw upon us the responsibility of supplying added amounts of grain and timber to western Europe.

I am very frank to say that my own vote will depend in large part upon the facts in this case.

I wonder whether the very eminent Senator from Massachusetts, whose efforts in this respect, as in other respects, are deserving of the highest praise, can throw light upon this question.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. LODGE. I yield to the senior Senator from Illinois.

Mr. LUCAS. The Senator from Massachusetts a moment ago quoted a letter which he received from Mr. Foster some time ago. On Tuesday of this week I read into the RECORD a letter from Mr. Hoffman, which is found on page 14610 of the RECORD. In it he said:

> In 1949 trade between the western European countries and eastern Europe totaled approximately $2,600,000,000.
>
> Among the items western Europe imported from eastern Europe were many items of strategic importance, including copper, nickel, lead, zinc, chrome, ferromanganese, bauxite, iron ore, crude oil, benzol, gasoline, pig iron, sheet iron, iron and steel plate, steel ingots, seamless tubes, machine tools, tank cars, locomotives, as well as coal, timber, food, and feed.

Mr. LODGE. Yes; that is the pertinent part; and let me say this to the junior Senator from Illinois: I do not know which, whether the east or the west, would be found to have come out ahead, if we were to strike the balance at this moment. I do feel sure that the east has sent into the west a great deal besides lumber and foodstuffs. I think a great deal of metal and certain manufactured goods have been sent from the east to the west. Just what balance will be disclosed, I do not know.

Mr. DOUGLAS. I think that is a crucial question.

Mr. LODGE. But I have a great deal of confidence in Mr. Hoffman, and I have a suspicion that if we added up the two columns we should find that the United States and the Western World had come out pretty well.

Mr. KNOWLAND and Mr. BENTON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. LODGE. I yield first to the Senator from California, after which I shall yield to the Senator from Connecticut.

Mr. KNOWLAND. Apropos of the question raised by the Senator from Illinois, the language of Mr. Foster's is a little unclear to me, and this is a point I should like to raise. He speaks of newspaper articles "reporting the shipment by Italy to Russia of 60 industrial locomotives of 35 tons each." If the Senator from Illinois will give his attention also, because this is a point which I think may go to the heart of the situation, that is in the past tense. Shipment has already been made. The locomotives presumably have left the country and gone to the Soviet Union. Mr. Foster goes on to say, "It is true that these locomotives were included in a trade agreement executed between Italy and Russia in December of 1948, but under the same trade agreement, Russia is shipping to Italy, among other items the following"—as though there were an obligation for Russia to ship to Italy; but this is not in the past tense.

What I should like to know is, having in mind what Russia has done under many of her agreements, in which she has agreed to do certain things, but has not performed her part of the contract, whether she is taking strategic materials into her country and merely giving palaver and lip-service about what she is going to do in the future, in sending strategic materials into the Western World.

Mr. LODGE. Before I yield to the Senator from Connecticut, let me say to the Senator from California that I agree 1,000 percent; we ought to go to the bottom of this thing, and we ought to get the facts in the most authoritative manner possible, and that I think we should enact legislation which will achieve its purpose, not merely legislation which looks good or makes a good headline, but legislation which achieves its purpose insofar as this trade is concerned, and does it consistently with the well being of our alliance and consistently with the broad aspects of ECA.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. KNOWLAND. Is the Senator familiar with the fact that in the debate in the British House of Commons, when Mr. Churchill had raised in his radio address this question about the shipment of machine tools, and when, in the later information which came out, it was shown that Great Britain had been shipping under a contract to the Soviet Union machine tools of the type which could be used in the manufacture of tanks, and that they had largely been getting in return therefor wheat and some lumber?

Mr. LODGE. Of course, that I regard as the kind of thing which should not happen, although I am advised that the tanks which are in Korea were presumably not made with British machine tools. I yield to the Senator from Connecticut.

Mr. BENTON. Mr. President, the distinguished minority leader discussed this amendment with me earlier today. I was greatly interested in what he said about it, and in his comments on it. So I telephoned the ECA, not 30 minutes ago, about some of these very questions. Mr. Hoffman was not available. Mr. Dowling, the general counsel, is on vacation. I reached a Mr. Quint, Mr. Dowling's assistant, and I asked him the very question posed by the Senator from Illinois. He says unequivocally that the balance today—I did not ask him about the past—is in favor of the goods which are being shipped from east to west. He says, secondly, that great progress is being made on a voluntary basis, working with the countries in western Europe to restrict shipments of key materials from west to east. He thinks this progress is marked, and he feels that the restrictions of this amendment would handicap continued voluntary progress along these lines.

I may say, Mr. President, that I also talked to him about the administrative problem posed by the amendment, though I agree that that is a secondary problem. I do not like putting into the hands of the Secretary of Defense this kind of power over the ECA Administrator and other Government agencies also responsible in this area.

Mr. ROBERTSON rose.

Mr. LODGE. Let me say a word to the Senator from Connecticut, then I shall yield to the Senator from Virginia. This is not merely a question of passing legislation which will prevent the Soviets and the satellites from getting materials which are useful to them in a war against us. If that were all there was to it, then of course any high-school boy could in 5 minutes write an amendment which would do the trick.

Mr. BENTON. I agree fully.

Mr. LODGE. But we want to do more than that. We want to prevent that kind of trade and at the same time not prevent the getting from the Soviet-controlled part of the world of things which are useful to us. We want to stop that export of military goods at the same time that we do not altogether dry up the east-and-west trade, because when the time comes that we have built up enough military strength so that we have regained the initiative, one of the things which I think we shall probably want to do is to assist the anti-Communist, freedom-loving peoples in the iron-curtain countries to throw off their shackles, and one of the best methods that we shall have for doing that will be the political and economic contacts which we have in those countries as a result of this east-and-west trade. So we do not want to interfere with that. We do not want to use arbitrarily a club which will simply have the effect of breaking up the alliance, because the reason that our alliance with the freedom-loving nations is worth something is that those nations have got some spirit and some national pride. Of course, if one starts beating a man over the head, then if the man has any pride, he will stop being an ally. So we want to do it without doing that damage.

Then we also face the fact that there are a great many countries that are not in ECA that could serve as pipelines. This is not a simple matter that we can meet with a few headlines and a little oratory. It must be carefully worked

out, and I want to do what I can to work it out, but until we can get all the facts—they are developing every day very rapidly—I have suggested the amendment which I have been talking about this afternoon which I think will do as much as it is humanly possible to do.

I now yield to the Senator from Virginia.

Mr. ROBERTSON. Mr. President, the pending bill calls for $17,000,000,000. We have already passed a bill carrying more than $13,000,000,000. That makes a total of more than $30,000,000,000 in one fiscal year, for defense. The next bill may carry $50,000,000,000. Against what is the defense? Who is going to attack us? The defense is against Russia. We do not know of any other nation in the world that we fear would start a war against us. I am not willing to resolve this question on the issue of who is getting the most in exchange of goods between Russia and the nations we are aiding under ECA.

I think, Mr. President, we should take the position that so far as we can control the situation we do not want any munitions furnished by a nation, whose rehabilitation we are supporting, to the nation against which we are spending billions of dollars for defense. But we are confronted with a very practical problem. The amendment offered by the distinguished Senator from Nebraska goes so far that, in my opinion, it would end ECA aid in every nation that has any trade whatever with Russia.

Mr. WHERRY. Mr. President, will the Senator yield so that I may propound a question to the Senator from Virginia?

Mr. LODGE. I yield to the Senator from Nebraska.

Mr. WHERRY. Can the Senator show me one provision in my amendment that would stop all ECA aid?

Mr. ROBERTSON. I shall do so.

Mr. WHERRY. Very well.

Mr. ROBERTSON. I was about to say that we recently asked the Secretary of Commerce, with respect to our own trade with Russia, to point out for us what items of strategic value we were shipping to Russia. He replied that modern warfare has become so all-embracing as to the economic strength of the Nation that it is a virtual impossibility to break down any shipments of anything useful to the civilian life of the country and say it is not strategic in the event of a military encounter.

That was the report with respect to our own trade. What does the amendment of the distinguished Senator from Nebraska do? It provides that we shall not spend one dollar in aid to any country which permits any article to be exported to Russia or her satellites, including China and Korea, which is usable as it is, or may be usable after it has been manufactured, and is useful to the armed forces of Russia or any one of the satellite nations.

I defy the Senator to take the 2,000 items or more in our foreign commerce and pick out items other than bananas, and a few similar products, that would not fall into that category. Practically all of our imports from other countries are useful to us, and all the exports I can think of would likewise be useful in sustaining the economy of a nation at war. We cannot draw that type of distinction.

So, Mr. President, I think the amendment proposed by the distinguished Senator from Massachusetts may be subject to a point of order. The amendment offered by the Senator from Nebraska, directing the Secretary of Defense to do certain things before an appropriation can become effective, is clearly subject to a point of order, but I do not intend to make it. Section 118 of the ECA Act, under which we can stop expenditures, is more in line with a proper limitation upon an appropriation bill.

The Senator from Massachusetts seeks to do the very thing which the Senator from Nebraska undertakes to do, but limits it in a way that does not paralyze at one stroke all the trade of the countries which are recipients of our aid. In doing so, we might harm ourselves far more than we would help ourselves in aiming, as I understand, at the shipment presently of machine tools from Great Britain to Russia. That is the incident that brings it up. Furthermore, the amendment offered by the Senator from Massachusetts provides the safeguard of advice of those responsible for the expenditures of the billions of dollars to which I have referred, to say to the ECA Administrator, "In my opinion, the shipment of certain machinery out of country A, B, or C, to which we are giving aid, is helping the nation that we fear will be an aggressor I want it stopped."

I feel sure there will be cooperation between Paul Hoffman and General Marshall. If there is not, the matter can go to the President of the United States for final decision.

Mr. LODGE. Mr. President, the Senator from Virginia has correctly stated, I think, the argument for the amendment which I offered. Let me say——

Mr. ROBERTSON. May I make a further observation?

Mr. LODGE. Yes.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LODGE. I have the floor, and I should like to make a few observations with reference to the speech of the Senator from Virginia.

Mr. ROBERTSON. I should like to make one further observation. I do not think any Senator on this floor wishes to be maneuvered into a position of saying that we are willing to see munitions of war shipped to Russia. That is not our position. So far as I am concerned, I do not propose to be maneuvered into such a position.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LODGE. In a moment.

The VICE PRESIDENT. The Senator from Massachusetts declines to yield.

Mr. LODGE. I decline to yield at this moment. When a Senator makes a very valuable observation in my own time, I should like to get in a word myself before I yield to some other Senator.

The Senator from Nebraska has a perfect right to offer his amendment, and I do not for one second challenge his right to offer any amendment he wants to offer. Of course, the fact that he voted against ECA and that the Senator from Missouri [Mr. KEM] voted against it, is also their right. But it is also my right to say that the Senator is probably not as enthusiastic about ECA, the good it has done, and the good which it can do, perhaps, as I am, and he may be a little more indifferent to the possibility that the language of the amendment which he has offered will hamper the ECA.

If we look at the amendment of the Senator from Nebraska we can see that it refers to "any article or commodity" that the Administrator of the Economic Cooperation Administration has certified to him, "may be usable by"—and I wish to stress those words—"may be usable by, or may be used in the manufacture of any article or commodity which may be useful to the armed forces of the Union of Soviet Socialist Republics or such satellite countries for military purposes."

The word "any" is as broad a word as I can find. I do not think we need to make it so broad to accomplish what is desired to be accomplished. If we make it that binding, we shall be enacting legislation which will defeat its own purpose and prevent us from getting all we can out of the east-west trade.

I now yield to the Senator from Nebraska.

Mr. WHERRY. If the Senator wants the word "any" taken out, it is all right with me. I ask the Senator to read the language down to line 13. That is where the distinguished Senator from Virginia, who has already left the floor, made such an erroneous interpretation. The Secretary must make a finding. Of what? Only of the materials which he has certified to the Administrator. It is as flexible as it can be. Any country can continue to do any business it wants to do. Only when the Secretary makes a finding is assistance withheld. I do not know how it could be any plainer than that. It does not prohibit and it does not paralyze ECA, as the distinguished Senator from Virginia has stated. If it will be of any assistance to the distinguished Senator from Massachusetts I shall be glad to strike out the word "any." Line 13 provides what? It relates to what kind of material? It relates to material on which the Secretary of Defense makes a finding.

Let me say something else. Manganese has been mentioned by the Senator. Where do we get our source of supply? We do not get it from Russia. Two-thirds of our manganese today comes from Brazil, Cuba, and Mexico.

Mr. LODGE. We get some of it from Russia.

Mr. WHERRY. Very little. In fact, the last shipment we had from Russia was the boatload which arrived during the time when Jacob Malik was presiding in the Security Council. It was probably sent over here for political purposes. We are getting very little manganese from Russia.

My amendment provides that the Secretary of Defense must make a finding. If the Secretary of Defense feels that imports coming here are of much im-

portance he will not make a finding. That is the kind of flexibility provided by the language of the amendment. There is no prohibition imposed on ECA to discontinue doing what they think should be done. The provision would become operative only if and when the Secretary of Defense made a finding.

I call the Senator's attention to the article from the New York Times which I submitted for the RECORD on September 7. It shows that we shipped to Communist China galvanized iron, fuel oil, steel plates, and so forth. What did we get from them? We got some cereal, pigs, and tea.

Mr. LODGE. That is not all we received from them.

Mr. WHERRY. I will read from the report, if the Senator wishes me to do so. We did not get any manganese, copper, zinc, or tin. Those are four things which are necessary in time of war.

I say to the Senator that I shall be very glad to modify my amendment, provided it is agreeable to those who have joined me in sponsoring the amendment, by striking out the word "any" and changing the word "article" to "articles" and the word "commodity" to "commodities." It would apply to articles or commodities which the Secre of Defense shall—what? Shall have certified to the Administrator—when? After he makes a finding. It is all up to him to make the finding that the goods are being used to the military advantage of the country involved. Mr. President, I so modify my amendment.

Mr. LODGE. I still think the amendment I offered is a better amendment than the one offered by the Senator from Nebraska, as modified, because my amendment takes into consideration the five or six aspects which we must consider as Senators. It is not merely limited to one aspect which, though important as it is, is still only one of the basic aspects. It is a question of whether Senators think we should get behind the iron curtain. I happen to think that the more we can get behind the iron curtain with our trade, our ideas, our broadcasts, and everything else, the better it is for us. I think we have a strong civilization in our country, and I think we have a way of doing things that is good for the average man. For example, I think if we could print the Sears, Roebuck catalog in Russian and get it into every home in Russia, and provide some means by which the farmers over there could order those things in the catalog, I do not believe those fellows in the Kremlin would last 10 minutes. I want to get in behind the iron curtain with our trade, propaganda, and everything else we have in this country. I think to isolate the United States from the eastern part of the world is doing the United States a tremendous disfavor. After all, we are not like the people in the Kremlin. We do not have to run for cover and hide in a hole. The more we can get in behind the iron curtain and the more business we can do behind the iron curtain, the better it is for us. Of course, if we wish to approach the problem in a hammer and tongs way, or with a meat ax, and cut the whole thing out, that is one thing. Anyone can do that. I think we ought to be clever about it. I want to cut out the things that will help them and keep the things that will help us. I think my amendment would accomplish that purpose. I yield the floor.

Mr. BENTON. Mr. President, will the Senator yield?

Mr. LODGE. I yield the floor.

Mr. KEM. Much discussion has been had on the floor of the Senate and elsewhere about the position of those who have opposed and are opposed to the Marshall plan. I happen to be a Senator who has opposed the Marshall plan from the first. At its inception I believed it was an unsound idea. Nothing has transpired since that time which has caused me to change my mind in the slightest degree. I was very much interested in the observation of the Senator from Massachusetts a few minutes ago to the effect that those who were supporting the amendment offered by the Senator from Nebraska were opposed to the Marshall plan, and the inference was that we were trying to scuttle its operation.

Mr. LODGE. I am confident that if the Senator from Missouri will read what I have said today he will never find any language of that kind in my remarks.

Mr. KEM. I did not refer to the language. I refer to the inference, and the inference is as clear as the language.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. KEM. I yield.

Mr. LODGE. I did not infer any such thing. I said the inference is obvious that a Senator who votes against the bill is not so enthusiastically in favor of the bill as a Senator who votes for it. That is plain.

Mr. KEM. If that is what the Senator from Massachusetts meant, I hope he will permit me to say that I do not think the observation was worth making.

Mr. LODGE. That is mutual.

Mr. KEM. There is another misconception about the position of some of us who have opposed the Marshall plan. The Senator from Massachusetts is too well informed to have contended, but it has been contended, that Senators who oppose the Marshall plan are opposed to national defense. The argument runs, as I understand, that national defense and the Marshall plan go hand in hand; that if one is against one he is necessarily against the other.

Mr. President, nothing is farther from the truth. I think the RECORD is clear that those of us who have opposed the Marshall plan from its inception thought the money could be spent to better advantage in building a strong national defense. In the debate on the Marshall plan, on the original authorization bill and in the discussions on it in appropriation bills, I stated time and time again that I wanted to build a national defense so strong that no nation in the world would be under the slightest temptation to attack us.

For instance, when the 70-group air force bill was before the Senate, a colloquy occurred between the Senator from Massachusetts and myself. This was in the CONGRESSIONAL RECORD, Volume 94, Part 4, page 5407, of May 6, 1948, from which I read:

Mr. President, I have frequently expressed the view that the American people should create a national defense so strong that no aggressor nation would be tempted to attack us. With that idea in mind I intend to vote for the pending bill.

However, there is one aspect of the situation which intrigues my interest, or perhaps my curiosity. When the so-called European recovery program was pending before this body, Secretary of the Army Royall and other officials testified in substance that if the program were not adopted it would be necessary that we immediately create a very strong armament. I quote from the language of Hon. Kenneth C. Royall, Secretary of the Army, before the Committee on Foreign Relations, his testimony appearing on page 444 of the proceedings of that committee. Secretary Royall said:

"I firmly believe that enlightened cooperative economic endeavor as visualized in the European recovery program can go a long way toward reducing the necessity for a larger national armament in the future, and probably reduce our present armament, and without such effort the Army budget and the Army itself should be increased."

Of course, the European recovery program was promptly adopted. The thing which intrigues my curiosity is, if it had not been adopted, what would have been the size of the request from officials with reference to the aviation program? As I understand, we are about to adopt the largest program that has been suggested by any responsible official. We are doing so in the face of our decision to send billions of dollars abroad to create a system of internal improvements in 16 countries of western Europe.

Mr. President, I believe that in one respect we have clearly put the cart before the horse. Instead of considering what it is necessary for us to do properly to defend ourselves, and then what we can do for the countries of western Europe and for China, we have adopted a program for internal improvements in those countries, and we are now considering whether our economic resources will permit us adequately to arm ourselves. It seems to me to be very unfortunate that the debate we are having and the action we are about to take did not precede, instead of follow, the adoption of the so-called European recovery program.

In that connection, let me say that I was very much interested in hearing the able Senator from Massachusetts ask what we could do to arm ourselves without involving the necessity of controls in the economy of our country. I think that is a very pertinent and very important question. But it seems to me it would have been much more timely, if I may be permitted to say so, if my good friend the Senator from Massachusetts had asked the question and made the suggestion when the European recovery program was under consideration.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. KEM. I yield.

Mr. LODGE. Do I correctly infer from what the Senator has said that he thinks it is preferable to save American dollars and expend the lives of young Americans in the Air Force?

Mr. KEM. No; I do not think what I have said is properly susceptible of such an inference. I did not mean that. What I have said is that I think our first duty should be to arm ourselves so as to be able to defend ourselves, and that what we can do and what we should do in that respect should be our first and primary consideration. Then what

we can do for other nations, however much we may desire to help them, is essentially secondary.

The point I make is that we should first consider and decide what to do in our own situation, and then we should consider the situation of other nations.

Similar statements run through the discussion of the ECA authorization bills and the ECA appropriation bills.

The position of those who oppose ECA is made perfectly clear by the RECORD. We have said that it was better to buy tanks and guns and airplanes to arm ourselves than to send money to western Europe to buy tobacco and Coca-Cola and build viaducts and railway stations, that it is better to build training camps in this country and train our own men for the national defense than it is to operate a night club in Rome or to build a gambling casino in Le Havre.

Mr. ROBERTSON. Mr. President——

The PRESIDING OFFICER (Mr. O'CONOR in the chair). Does the Senator from Missouri yield to the Senator from Virginia?

Mr. KEM. I yield.

Mr. ROBERTSON. I was wondering if my distinguished friend from Missouri shares my hope that we may finish the pending bill and the pending conference reports, and get a conference report on the tax bill agreed to, and finish the session Saturday night.

Mr. KEM. I do share that hope.

Mr. ROBERTSON. We have a good way to go.

Mr. KEM. I think I shall be able to complete my remarks in the time the Senator from Virginia took in discussing this very subject.

Mr. ROBERTSON. I merely thought that when the Senator had undertaken to refer to night clubs in Rome, and things of that kind, he was not discussing things exactly pertinent to the pending amendment, or anything in the appropriation bill. ECA is not covered in this bill.

Mr. KEM. It is not true of the Senator from Virginia, but there is an attitude on the part of some Members of this body that when they have spoken, the last word on the subject has been said, and any other discussion is irrelevant and superfluous. I am sure my good friend the Senator from Virginia does not feel that way. Answering his inquiry, I think I shall be able to express my views on the pending measure in a reasonably short time.

Mr. ROBERTSON. I assure the Senator I do not feel that way at all, but I am merely becoming a little nervous as to whether we can get away on Saturday, and I merely wanted to bring that to the attention of the Senator.

Mr. KEM. I appreciate the suggestion. I am sure the Senator from Virginia had that in mind also when he himself was engaging the attention of the Senate.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KEM. I yield to the Senator from Tennessee.

Mr. McKELLAR. Let me suggest that the appropriation bill is a very important measure, and it must go to conference. Will not the Senator let the bill go to conference? I think it should go to conference.

Mr. KEM. Does the Senator mean he will take the amendment offered by the Senator from Nebraska?

Mr. McKELLAR. Indeed, I will not.

Mr. KEM. Then what does the Senator mean?

Mr. McKELLAR. I mean just what I say, that I think this appropriation bill should go to conference without a filibuster.

Mr. KEM. Is the Senator suggesting I am filibustering the appropriation bill?

Mr. McKELLAR. I do not know what the Senator is doing.

Mr. KEM. The inference is certainly to that effect. I have the greatest respect for the seniority and the long service of my good friend from Tennessee, but I have to ask him to bear with me in what I consider a discussion of the pending measure. Of its appropriateness I shall have to be the judge.

Mr. President, I have long had an interest in the theory behind the amendment of the Senator from Nebraska. I have spent a good deal of time studying the facts which are the background of the amendment.

As long ago as last January, I found that the Department of Commerce was administering with great rigor and exactness the law which prevents the exportation to Russia and the satellite countries of certain strategic materials. It seemed to me to be undesirable and unfortunate that the countries of western Europe to whom we were furnishing aid under the Marshall plan law should be themselves exporting to Russia and the satellites countries the same identical materials which the merchants and manufacturers in the United States are prohibited under the law from furnishing to Russia and the satellites. In other words, we have denied ourselves this trade which the beneficiaries under the Marshall plan are themselves conducting.

There has been much said about why it is that there is too much uncertainty about this proposal. There is no uncertainty about it. What we are proposing is that the beneficiaries under the Marshall plan stop selling to Russia and the satellites the same materials which we ourselves are giving to these beneficiary countries. There is nothing uncertain about that. There is nothing vague about it. There is nothing indefinite about it. The strategic materials are provided in the law and the rules which are enforced by our own Department of Commerce, and I do not see why there is any great difficulty in asking the beneficiaries of the Marshall plan to carry out the same rules we ourselves are enforcing.

As I have said, the trouble with the amendment suggested by the Senator from Massachusetts, is that it merely reaffirms what is existing law. Under the existing law the Administrator of the ECA has full authority to stop gifts to Marshall plan countries who are carrying out shipments of this kind. But 2 years have gone by, or more, and the shipments continue. The alarming thing is that they continue at an accelerated rate. There is evidence that machine tools have been shipped in 10 times the quantities in recent months, that they were a short time ago in the corresponding period.

The Senator from Massachusetts said that he did not know whether there was any evidence, or that he did not think there was any evidence that the machine tools being sent from England to Russia actually were used to turn out tanks that killed our boys in Korea. It is true we do not have any witnesses who were present when the tanks were manufactured and who can testify that the machine tools used were English machine tools. Under present conditions it is not surprising that no witness is available to say that the machine tools sent by England to Russia were used to manufacture these very tanks, but is it not reasonable to assume that when Russia is buying these machine tools at an accelerated rate and is sending to Korea tanks that are admittedly superior to our own, that there is some connection between the English machine tools and the Russian-made tanks? At any rate I think we have circumstantial evidence that would satisfy any court or jury in the land on that point.

The amendment of the Senator from Nebraska is mandatory. When the Secretary of Defense makes a finding, the amendment says that no more aid shall be given to the country that sends to Russia or the satellites material that is proscribed by the decision of the Secretary of Defense.

On the other hand, the amendment suggested by the Senator from Massachusetts is purely discretionary. It merely permits the President to do something he already has full authority to do. It merely permits the Secretary of Defense to do something he already has authority to do. It permits the Administrator of the ECA to do something he already has authority to do.

I do not see any reason in the world to encumber the statute books or weigh down the appropriation bill with that kind of language. All those things can be done by those officials under the existing law. What the Senator from Nebraska wants, what those who think as the Senator from Nebraska does about it want, is a bill that will accomplish something and not just dilly-dally as we have been for 2 years last past.

Mr. President, it has been said before, but I think it will bear repeating, that before the war with Japan we sent great quantities of scrap iron and steel to Japan. We had that material blasted back to kill and maim our own boys. It is said that history repeats itself, and it is repeating itself here again. We are permitting these gifts of ours to be used in the same way.

A good deal has been said about the east and west trade. In the first place, Mr. President, there is a vast distinction between what is going on between Russia and England and Russia and Italy, and what is going on between the United States and the beneficiaries under the Marshall plan. We are giving to the countries of western Europe at the expense of the American taxpayers these strategic military materials. Some identical items are being transshipped to Russia. I do not mean that I know of any case in which any gifts of the ECA have been sent to Russia, but there is plenty of evidence of cases in which material of the identical character of that being given by the United States to the western European countries is being sold by those western European countries to Russia or her satellites.

It has been said, or inferred, that we did not have adequate evidence of what these materials that were being sent by the Marshall plan countries to Russia and the satellites are. We have very definite evidence of it in tables compiled by the Department of Commerce of the United States. Those tables are a partial list of exports from Belgium and Luxemburg during 1949 to Russia and the satellites, a partial list of exports from the United Kingdom during the same year to Russia and the satellites, a partial list of exports from France during 1949 to Russia and the satellites. I am not going to take the time to read all the materials. They are, in the case of Belgium-Luxemburg, such items as arms to Czechoslovakia, iron, cast iron, copper, lead, zinc, tin, other base metals and alloys, boilers, machinery, mechanical appliances and parts, electrical machinery, and apparatus, and articles for electro-technical use and parts, railway and tramway rolling stock and material; optical, measuring, precision, and other instruments and apparatus; chemical products, explosives, firearms, matches, and other inflammable material; and rubber manufactures. Substantially the same items appear in the list of shipments from the United Kingdom and the list of shipments from France.

Mr. President, I ask unanimous consent to have the tables inserted in the RECORD at this point as a part of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Partial list of exports from Belgium-Luxemburg during 1949 to Russia and satellite nations [1]

Item	Amount in dollars [2]	Amount in thousands of francs	Metric tons [3]
Arms (to Czechoslovakia)	$6,040	302	----------
Iron, cast iron, and steel	19,782,840	989,142	151,749
Copper	11,028,820	551,441	23,523
Lead	1,583,160	79,158	4,836

[1] Complete list available in my office, including a breakdown of exports by importing country.
[2] Computation based on current exchange rate of 50 francs to the dollar.
[3] 1 metric ton is equal to 2,204.6 pounds.

Partial list of exports from Belgium-Luxemburg during 1949 to Russia and satellite nations—Continued

Item	Amount in dollars	Amount in thousands of francs	Metric tons
Zinc	$3,003,780	150,189	10,413
Tin	941,060	47,053	485
Other base metals and alloys	1,387,360	69,368	623
Boilers, machinery, mechanical apparatus and appliances, and parts	7,937,880	396,894	6,273
Electrical machinery and apparatus, and articles for electro-technical use, and parts	5,840,660	292,033	----------
Railway and tramway rolling stock and material	430,600	21,530	872
Optical, measuring, precision, and other instruments and apparatus	2,480	124	----------
Chemical products	1,709,540	85,477	8,573
Explosives, fireworks, matches, and other inflammable materials	1,447,960	72,398	2,014
Rubber and manufactures	942,600	47,130	1,355

Partial list of exports from United Kingdom during 1949 to Russia and satellite nations

Item	Amount in dollars [1]	Amount in thousands of pounds sterling	Quantity
Ball and roller bearings and parts	$243,600	87	[2] 2,000
Iron, steel, and manufactures (total)	12,140,800	4,336	[3] 88,000
Steel bars and rods, not alloy	1,736,000	620,	[3] 20,000
Bars and rods of alloy steel	504,000	180	[3] 1,000
Hoop and strip	422,800	151	[3] 3,000
Railway and tramway construction material	708,400	253	[3] 10,000
Barbed wire	420,000	150	[3] 3,000
Cable and rope (except insulated telephone and telegraph cable)	425,600	152	[3] 1,000
Nonferrous metals and manufactures (total)	4,062,800	1,451	----------
Aluminum and alloys	618,800	221	[4] 21,000
Brass and other alloys of copper, other than nickel alloys	1,142,400	408	[4] 63,000
Copper	694,400	248	[3] 1,000
Electrical goods and apparatus	6,806,800	2,431	----------
Machinery (total, excluding ball and roller bearings and parts)	45,172,400	16,133	[4] 867,000
Electric generators	11,986,800	4,281	[4] 181,000
Electrical machinery, other than motors and generators	2,864,400	1,023	[4] 46,000
Machine tools (metal-working) other than portable power tools	5,138,000	1,835	[4] 129,000
Vehicles (including locomotives, ships, and aircraft (total)	13,361,600	4,722	----------
Rubber tires for motor vehicles, other than motorcycles and tricars	229,600	82	9,000
Chassis for motor vehicles, with engines	1,660,400	593	1,000

[1] Computation based on present exchange rate of $2.80 to the pound sterling.
[2] Hundredweight (112 pounds).
[3] Long tons.
[4] Hundredweight.

Partial list of exports from France during 1949 to Russia and satellite nations

Item	Amount in dollars [1]	Amount in thousands of francs	Metric tons
Chemicals:			
Inorganic	$1,546,759	533,365	23,425
Organic	983,283	339,063	610
Rubber and rubber products	1,678,616	578,833	1,426
Steel-mill products, hot-rolled, sheets and plates	4,198,881	1,447,890	41,696
Steel-mill products cold-rolled, tubular products, and wire	3,087,703	1,064,725	19,283
Aluminum, crude, and semimanufactures	369,245	127,326	815
Aluminum alloys	408,688	140,927	833
Lead and lead alloys	316,349	109,086	1,115
Metal manufactures	2,046,376	705,647	3,985
Machinery and apparatus	10,272,238	3,542,151	6,771
Machinery, electrical, and apparatus	2,015,239	694,910	525
Transportation equipment	8,281,011	2,855,521	7,913
Optical, surgical, scientific, and photographic instruments and apparatus	1,113,145	383,843	115

[1] Computation based on current exchange rate of 350 francs to the dollar.

Mr. KEM. Mr. President, in some remarks on this subject which I made on July 21, I brought that information down to date, or as near down to date as I could. The information I then had covered the first 4 months of 1950. Let me refer to what I then said:

During the first 4 months of this year the United Kingdom exported more than $6,800,000 worth of electrical machinery to Russia. This represents nearly a 50-percent increase over British exports of electrical machinery to Russia during the first 4 months of 1949. I asked these men if they were able to find out what was being sent by the United Kingdom to Poland and to Czechoslovakia—to Czechoslovakia where the great Skoda Works are located—and they were not able to develop that information in the time available. So the figure I give to the Senate is the figure of exports from the United Kingdom to Russia alone for the first 4 months of this year. So much for electrical machinery.

During the 4 months which ended April 30, 1950, the United Kingdom also sent to Russia more than $1,087,000 worth of machine tools. This is almost 10 times as many machine tools as were exported by the United Kingdom to Russia during the first 4 months of the corresponding year, 1949. In other words, in the first 4 months of this year the United Kingdom accelerated her shipments of machine tools to Russia 10 times over. That does not take into account shipments of machine tools which were being made during that period to Czechoslovakia, to Bulgaria, to Rumania, or any other of the satellite countries. That is to Russia alone.

Mr. President, the British have been very much aroused about this situation. The other day I saw in a newspaper that Mr. Greenwood, managing director of the second largest tool manufacturing concern in Great Britain, said that his works were so taken up with orders for Russia that they could not furnish any material—not even so much as a pin—to any British customer for 2 years.

Under those circumstances, Mr. President, does not it seem ironical that we

should be sending to Great Britain, at the expense of the American taxpayers, a great deal of the same steel and similar materials? In one case the record shows that a shipment of molybdenum, a material used to make especially hardened steel, was merely stopped in transit in Great Britain, while actually going from the United States to Russia. In other words, the identical material which had been cleared in the United States for shipment to Great Britain was stopped in transit there, and then was transshipped to Russia.

So I hope that the amendment offered by the Senator from Nebraska will be adopted.

Mr. LUCAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Anderson	Hickenlooper	Malone
Benton	Hill	Martin
Bricker	Hoey	Millikin
Butler	Holland	Morse
Byrd	Humphrey	Mundt
Cain	Hunt	Murray
Chapman	Ives	Neely
Chavez	Jenner	O'Conor
Connally	Johnson, Colo.	O'Mahoney
Cordon	Johnson, Tex.	Robertson
Darby	Kem	Russell
Donnell	Kerr	Schoeppel
Douglas	Kilgore	Smith, Maine
Dworshak	Knowland	Sparkman
Ecton	Langer	Stennis
Ellender	Leahy	Taft
Ferguson	Lehman	Taylor
Frear	Lodge	Thye
Fulbright	Long	Watkins
George	Lucas	Wherry
Gillette	McCarran	Wiley
Graham	McClellan	Williams
Green	McKellar	Young
Gurney	McMahon	
Hendrickson	Magnuson	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Nebraska, for himself and other Senators.

Mr. LODGE. Mr. President, to that amendment, I offer, as a substitute, the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment in the nature of a substitute submitted by the Senator from Massachusetts to the amendment submitted by the Senator from Nebraska, for himself and other Senators, has already been stated.

Mr. ELLENDER. Mr. President, may the amendment to the amendment be stated again.

Mr. GEORGE. Mr. President, may the amendment to the amendment be stated?

The PRESIDING OFFICER. The amendment in the nature of a substitute, submitted by the Senator from Massachusetts to the amendment of the Senator from Nebraska and other Senators will be stated again, for the information of the Senate.

The CHIEF CLERK. In lieu of the amendment proposed by Mr. WHERRY for himself and other Senators, Mr. LODGE offers the the following amendment in the nature of a substitute:

After section 1102, it is proposed to insert a new section, as follows:

"SEC. 1103. If the President determines, during any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, that any foreign country is engaging in external trade which is endangering or potentially may endanger the effectiveness of such decision of the Security Council, the Administrator for Economic Cooperation shall take such remedial action under section 118 of the Economic Cooperation Act, as amended, as he determines will effectively correct such condition, including the termination in whole or in part of economic and technical assistance furnished under that act, and similar remedial action shall be taken under other acts providing economic or financial assistance (other than military assistance) to such foreign countries.

"In order to strengthen and make more effective the national security of the United States:

"(a) the Administrator for Economic Cooperation and the Secretary of Defense shall keep each other fully and currently informed on matters, including prospective action, arising within the scope of their respective duties which are pertinent to the duties of the other;

"(b) Whenever the Secretary of Defense believes that any action, proposed action, or failure to act on the part of the Administrator is inconsistent with the national security of the United States, he shall consult with the Administrator and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision;

"(c) whenever the Administrator believes that any action, proposed action, or failure to act on the part of the Secretary of Defense is inconsistent with the purposes and provisions of the Economic Cooperation Act of 1948, as amended, he shall consult with the Secretary of Defense, and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision."

Mr. GEORGE. Mr. President, may I ask the proponent of the substitute whether this is not, in effect, the present law?

Mr. LODGE. I think, under the existing law, the Administrator has the right to terminate the assistance. But I think this adds two definite ideas to the existing law, the first being an expression of opinion on the part of the Congress that we think assistance should be terminated when the assistance is running counter to a decision of the Security Council of the United Nations; and, second, it brings in the Secretary of Defense on an equal level with the Secretary of State insofar as ECA is concerned. I think those are two new concepts which this proposal adds to the existing law.

Mr. GEORGE. My recollection of the existing law is that the President has precisely the same power now under the original law.

Mr. LODGE. I do not deny that under the present law the power exists to terminate assistance, for all sorts of reasons. But I think this amendment brings the military and brings the Defense Department into this whole contemplation in a way in which they are not in it now, and brings their participation and their partnership into it; and that, I think, is what we want to do.

Mr. GEORGE. I merely wanted to get the facts. As I understand, this is the present law. It may bring in the Secretary of Defense. But, after all, he is only an officer in the executive branch of the Government, directly under the President. I cannot understand how it can be said that this is not actually the presently existing law. I have every confidence in Mr. Hoffman, the ECA Administrator, but, it is time, if I am not mistaken, that the Congress of the United States stopped appeasing everyone on the face of the earth and said what we ourselves believe ought to be done. I shall therefore vote against the substitute.

Mr. LODGE. Mr. President, I do not want to appease anyone. I do not want to appease the Executive. I do not want to appease any Senator. I do not want to appease any foreign country. I merely think this is a complicated problem which has five or six different angles to it. There is, first, the angle of not letting the Soviets and the satellites get goods which will be directly useful militarily to them. That is one point. The second point is, not depriving ourselves of importations from the iron-curtain countries which may be useful to us. The third point is, not cutting off east-and-west trade; because the more we get in behind the iron curtain with our trade, the more we shall be able, once we have regained strength, in 3 or 4 years, to pry some of the satellite countries loose from the Soviet Union.

We want to achieve this without being arbitrary and dictatorial with our allies, because, if we start being arbitrary and dictatorial with our allies, we shall find that we do not have any allies. I want to do this without laying down any such rigid conditions that we in effect try to dry up full economic cooperation with western Europe.

Those are some of the things which I want to accomplish, and if we are to accomplish those things, we must have some latitude and some discretion. So, while I am not appeasing anyone—I do not think I have ever appeased anyone in my life, and I certainly have no intention of doing so—I think this is the way to get the result which I feel Senators want to achieve.

Mr. GEORGE. Mr. President, I do not care to debate the issue, but I simply repeat that this does no more than the original act does. I cannot see that it would accomplish anything more than that which could be done under the existing law. Standing on that position, I shall vote against the substitute. I think we should meet this issue squarely once for all.

Mr. ROBERTSON. Mr. President, I share the viewpoint expressed by the distinguished proponent of this substitute, the Senator from Massachusetts [Mr. LODGE]. I do not want to appease anyone. But with all due deference, I may remind the distinguished Senator from Georgia that he did not want this amendment on his tax bill, recently, and I did not want it on that bill, either, for two reasons. The first was, it was not germane to the tax bill and would have delayed action on it, and might have imperiled its passage. The other reason is, as I interpret the Wherry amendment—and I try to be fair to the distinguished Senator from Nebraska in what I now say—it would mean the cessation of trade between ECA coun-

tries west of the iron curtain with Russia and her satellites.

I recognize that this is an issue loaded with political dynamite. It is so easy to charge anyone who says, "I prefer the Lodge amendment to the Wherry amendment," with appeasing someone, or of being tainted with communism. I am not appeasing anyone, and I am not tainted with communism. But, as the Senator from Massachusetts has said, it is a very broad issue. We are practically coming down to this: Shall we use our dollar diplomacy under ECA, and the threat of withdrawal of $3,000,000,000 in aid to western Europe in order that we may take complete control of their foreign policy with respect to all trade between Russia and her satellite countries?

I am not willing at this critical period in our history to have those countries say to me and to our Nation, "Keep your dollars, then, in your own pocket, except so many as you feel are necessary to defend yourself. But, if you get into war with Russia, it is going to be your war, and we are going to sit it out." We are not in a position to have them tell us that. I feel that the Lodge amendment will do that which we can with great propriety claim a right to do, and that is, to prevent the shipment of war materials to Russia from any country whose rehabilitation we are now assisting. With all due deference to those who do not agree with me, I feel that is as far as we can with safety and propriety go at the moment.

Mr. GEORGE. Mr. President, I do not care to take issue with the distinguished Senator from Virginia, or with any other Senator, but I want to say that this is a power residing in the President under the organic act itself, and that nothing else is necessary.

But it has been brought to our attention that even some of the recipient countries under the ECA program are themselves complaining that their own governments are shipping directly back to the iron curtain things that are most important for war purposes. I think we do a great disservice to the European countries, and I know we do a great disservice to the American people, if we lack the courage to say what we think should be done in this emergency.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LODGE. Mr. President, I hope the Senator from Georgia does not mean to insinuate that those who prefer my amendment to that of the Senator from Nebraska lack courage, because if it is a question of courage, there is a good deal to be said from the other standpoint

Mr. GEORGE. Mr. President, I am tired of appeasement. I will say that. I think if we mean anything at all we can say we do not want to continue to furnish aid to countries that will transship goods to certain countries. I think that is the issue here, and I shall, therefore, vote against the substitute without any implications as to courage or lack of courage.

Mr. LODGE. Mr. President, I do not think the issue is quite as simple as that. It is like a rope that has three strands—the military, the political, and the economic strands. If we do not maintain a strong economic and political weapon with regard to the countries behind the iron curtain, it simply means that our soldiers, the boys we talk about here all day long, are going to carry that much more of the burden. It is very easy to speak in terms that will make a good headline and say that we are against helping any countries behind the iron curtain, and maybe it takes more courage to do that than it does to say that is not the right way to do it and that something that is a little more complicated and a little harder to explain to the people is the right way to do it. But I do not think we are going to contribute much to the clarity of the discussion if we start comparing each other's courage. I think persons on both sides of the question have courage. I cannot agree, however, that it is a simple question of whether we are going to let countries behind the iron curtain have military supplies. If it were as simple as that, there would be nothing to it. There are five or six questions rolled into one, because this is a three-headed kind of a war, and unless we maintain our political and economic weapons in as strong a shape as we maintain our military weapons, it means that our armed men will have to carry the whole load on their own backs and shed their own blood.

Mr. GEORGE. Mr. President, the reference to the blood of our sons has brought me to my feet. I gave a son in World War II, and I know what I am talking about, I think. So long as we trim, quibble, and hackle about what our position is, we are in trouble on this earth. When we adopt a long-range program and say that this is our program and we intend to stand by it, I think we shall begin to make some progress.

Every time the issue has arisen here someone has mentioned faith in Mr. Hoffman. I have faith in Mr. Hoffman. I have great respect and great confidence in him, and I recognize what he has accomplished under the ECA program; but always we are hesitant with respect to our own money, our own voluntary contributions to Europe through our own efforts to get those nations back on their feet, when we are told that we must say nothing, we must not even think anything, and, beyond everything else, we must not put into the law what we think should be done with our funds.

For that reason, Mr. President, I repeat, I shall vote against the amendment.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. KNOWLAND. Mr. President, I think the able Senator from Georgia, great statesman that he is, has presented the issue in a very clear-cut manner.

I merely want to recall to the mind of the Senate that in the years 1940 and 1941 some of us who were not in the Senate at that time, or not in the Congress, were inviting attention to the fact that during those years shipments of scrap iron and oil to the Japanese were not in the interest of our country. But there were some persons who argued, "Let us go ahead and ship them a little more, and maybe something will come out of it." The result was that the scrap iron and oil were not only used against our historic friends in China, but against the American battlefleet at Pearl Harbor. If we go out to Pearl Harbor now, as I did last December, we can see the battleship Arizona in whose hull there are still the bodies of some 800 men, largely because of the short-sighted policy of shipping scrap iron and oil to the Japanese during those years.

Mr. GEORGE. I think the Senator has a substantial basis for his statement. I was on the Committee on Foreign Relations for a while, and was chairman of the committee, and I know with what earnestness it was urged that to stop shipments of gasoline, oil, and scrap metal to Japan would mean the breaking off of all our trade relationships with the Far East, or with our chief customer in the Far East. I well recall those arguments.

Mr. President, I do not want to get beyond the question, but I have said before and I say again that unless this Government is realistic enough to know there can be no adequate defense of Europe without an adequate utilization of the tremendous power of western Germany—and I go further—unless it is realistic enough to know that there can never be any defense in the Far East against Russian communism, there can never be any land area from which we can operate, unless we are willing to say that so far as we are concerned we propose to lay down the conditions, at least, for a peace treaty with western Germany, or with Germany, and Japan, to the end that we may begin to build up something upon which we can stand in the defense of this Nation, all else is mere words, mere wastage of the substance of the American people. It is throwing to the winds taxes out of the pockets of our people. Here is an opportunity, at least, to say, with no disrespect to Mr. Hoffman, but in accordance with the basic language of the organic act, that it is time for our officials to say that this sort of trade between countries who are the recipients of ECA aid and Russia and her satellites should cease.

For that reason, I expect to vote against the amendment.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. ROBERTSON. Mr. President, I have great respect for the Senator's knowledge of foreign affairs, and I would never challenge his viewpoint, but I want to see if I understand the present position of the Senator, because I think we are facing a very momentus decision.

As I interpret the Wherry amendment, it would bring to a virtual stop all trade between ECA countries and Russia and

her satellite countries, and would prohibit them from shipping some of the things that we ourselves shipped to Russia last year. Does the Senator from Georgia think we should vote for an amendment that goes that far?

Mr. GEORGE. I do not think it goes that far. But if we are shipping things that can be used by Russia for military purposes, I think we should stop that practice.

Mr. ROBERTSON. With all due deference, the amendment mentions goods that would be usable.

Mr. GEORGE. For military purposes.

Mr. FULBRIGHT. Mr. President, I do not wish to go over the same argument again. I agree with the Senator from Massachusetts that this is not a simple matter. It is not a matter of being either for or against communism. I think the interpretation indicated by the junior Senator from Virginia is entirely correct. I read one sentence from the Wherry amendment:

> Or may be used in the manufacture of any article or commodity which may be useful to the Armed Forces.

I cannot think of anything that may not be useful to the Armed Forces. I had hoped that it could be worked out and that the amendment offered by the Senator from Massachusetts would be accepted. It is quite obvious that this is legislation on an appropriation bill. I hope we can work out some sort of statement which would contribute something by showing the Administrator of ECA how we feel about it, and in a sense give direction to him to use his discretion and try to minimize or examine very carefully into the subject. However, as a member of the Committee on Foreign Relations, and having spent considerable time on this type of legislation, I do not feel that I could permit—assuming it is legislation, which I think it is—the Wherry amendment to be attached to the pending bill.

Mr. President, this is a difficult matter. If the Senator from Nebraska chooses to introduce it as a legislative amendment to the basic law, of course it would receive consideration, I hope, in our committee, which had the responsibility of drawing the original ECA Act and has considered it every year since its original enactment. As one member of the Committee on Foreign Relations I cannot accept the amendment. I do not think that this is the proper place for it, any more than it was proper to attach it to the tax bill. I recall that the senior Senator from Georgia was very adamant in his position in not accepting it on that bill, because it had complications. I think if it is a proper amendment—which I do not think it is in the language it is drawn—it ought to receive consideration of the proper legislative committee. Therefore, if it will help to contribute to clarify the situation I may as well state plainly that if the Senator is not willing to accept the Lodge amendment I shall make a point of order against his amendment as legislation on an appropriation bill.

Mr. WHERRY. I appreciate the forthright statement of the Senator from Arkansas. As I said in the beginning, I realize that a point of order could be made against my amendment. I doubt if it is a limitation. It certainly does require an affirmative act by the Secretary of Defense.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. WHERRY. I will yield in a moment. I did say that if a point of order was made I would withdraw it. I took the necessary precaution of filing notice that I would offer a motion to suspend the rules and attempt to get a vote on the amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. FULBRIGHT. I wish to explain why I said I would make the point of order. I had hoped that, because of the amendment offered by the Senator from Massachusetts, perhaps the Senator from Massachusetts and the Senator from Nebraska would agree on some kind of expression.

Mr. WHERRY. I was about to answer that. It would be impossible for me to accept the amendment of the Senator from Massachusetts as modified, for the reasons so ably stated by the distinguished Senator from Georgia. The basic law which the distinguished Senator has mentioned is found in section 117 (d):

> The Administrator is directed to refuse delivery insofar as practicable to participating countries of commodities which go into the production of any commodity for delivery to any nonparticipating European country which commodity would be refused export licenses to those countries by the United States in the interest of national security.

It has been shown from time to time that ECA countries are exporting to satellite countries and to Russia materials which the Secretary of Commerce will not permit to be exported from this country. The discretionary section of the basic law has not been availed of by Mr. Hoffman, as I think should have been done. I do not wish in any way to reflect on the character or the administrative ability of Mr. Hoffman. However, I wish to say that the amendment offered by the Senator from Massachusetts is also a discretionary measure. He himself has said it was. It is as discretionary as the section I have quoted. It says again what is already provided in the basic law.

As the distinguished Senator will recall, some of us have attempted to amend the basic law. When the authorization bill came up the amendment was offered. It was a much more stringent amendment. It would have cut off all funds. That is what the distinguished Senator from Virginia spoke about. The present amendment is not that kind of amendment. I will read it, because I do not think the Senator from Arkansas went so far as he should have in reading it. It has been modified by striking out the word "any" on line 2 and changing the word "article" to "articles" and the word "commodity" to "commodities." It reads now:

> Or any of its satellite countries (including Communist China and Communist North Korea), articles or commodities which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration—

We go down to line 11—

> having possible strategic value to the armed forces of the Union of Soviet Socialist Republics or such satellite countries which he finds to be of the nature or class described.

That simply means that the Secretary of Defense would be given the responsibility of making a finding of what article, if any, he certifies to the Administrator is of use to the Armed Forces. It does not do what the Senator from Virginia a moment ago on the floor of the Senate said it would do. It permits free trade between the countries to continue. Until what time? Until they shall violate an order of the Secretary of Defense, which would be put into effect by the Administrator after the Secretary of Defense has certified to the Administrator that a participating country should no longer be permitted to ship into certain other countries a certain commodity which it had been exporting, because in the opinion of the Secretary of Defense it would be of use to the armed forces of that country. What could be clearer?

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. WHERRY. I shall be glad to yield to the Senator in a moment. How could an amendment be written which would do the job any better than that? It is mandatory in that Congress takes a position. This is not the amendment which I offered to the authorization bill. I think until this afternoon very few Senators had studied the modification which I offered. If they had, I do not think we would have had this discussion. The amendment gives the Secretary of Defense complete latitude to make a finding of what he thinks is a strategic material which is useful to the Armed Forces. Otherwise the trade remains the same. What could be plainer?

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. ROBERTSON. Yesterday afternoon, when the distinguished Senator from Nebraska suggested that he would offer an amendment, the junior Senator from Virginia asked the Senator from Nebraska whether he would be willing to limit it to war munitions. Did not the Senator from Nebraska say he was not willing to do that? When did the Senator from Nebraska change his opinion and decide to limit it to strategic materials which would be equivalent to war munitions? When did the Senator from Virginia know that?

Mr. WHERRY. I do not know anything about what the junior Senator from Virginia does about interpreting language or studying amendments. He has the same opportunity as everyone else. I know that I talked to the Senator in the Committee on Appropriations, and I have talked with him not once but several times in trying to convert him to the idea that this needed to be done. I want to say very frankly, and with all due respect, that the distinguished Senator from Virginia does not want to be convinced. That is the answer.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. WHERRY. I will not yield any further.

Mr. ROBERTSON. The Senator has misrepresented my position. He should yield.

Mr. WHERRY. I will not yield at this time. I do not wish to detain the Senate any longer. In view of the fact that the distinguished Senator from Arkansas [Mr. FULBRIGHT] has stated that he would make a point of order if I did not modify my amendment, I now move that the rule be suspended, under the notification I gave previously, and that a vote be taken on my motion.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. As I understand, the amendment of the Senator from Massachusetts is now before the Senate, and the motion the Senator from Nebraska has made is out of order.

Mr. WHERRY. Mr. President, I submit I am in order in the motion to suspend the rule.

Mr. LUCAS. Mr. President——

Mr. WHERRY. Just a moment.

The PRESIDING OFFICER. The temporary occupant of the chair rules that the amendment offered by the Senator from Massachusetts [Mr. LODGE], as a substitute, is the pending question before the Senate. As yet no point of order has been made.

Mr. ROBERTSON. Mr. President, since the distinguished Senator from Nebraska would not concede the accuracy of what I said about the suggestion I made to him in committee, I am going to state it as a fact. Yesterday afternoon I took my pencil and took his amendment and suggested to him that it was so broad that under it, in my opinion, ECA countries could not ship anything, but that if he would limit his restriction to munitions of war—and I got the dictionary definition of that expression and showed it to him—that would have a good result, in my opinion, and be about as far as we could go with propriety at this time; and he said he would not do it.

Sometime today—and I did not hear the Senator do it—he says he has made that change in his amendment, so as to include strategic materials, indicating that he had in mind just what I suggested to him, namely, the inclusion of strategic materials useful for an army. That means munitions of war. That is what such materials are.

If the amendment were so worded, I would be with the Senator; but yesterday he told me very positively he could not do it, and when I discussed his amendment I did not know that he had proposed that change, and I have not yet heard him propose it. He said he proposed it, but I have been here this afternoon and I did not hear him propose it. I had only the amendment he submitted on September 13.

Mr. WHERRY. Mr. President, the Senator from Nebraska has the right to withdraw his amendment at this time, has he not?

The PRESIDING OFFICER. Yes.

Mr. WHERRY. I withdraw the amendment, and now I move to suspend the rule in order that the amendment of the Senator from Nebraska may be offered.

The PRESIDING OFFICER. The Senator from Nebraska withdraws the amendment previously offered, and now moves to suspend the rule so that the substance of the amendment may be offered.

The question is on agreeing to the motion of the Senator from Nebraska.

Mr. WHERRY. May we have the yeas and nays?

The yeas and nays were ordered.

Mr. DOUGLAS. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to suspend the rule in order that his amendment may be offered.

Mr. McKELLAR. That takes a two-thirds vote, does it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERTSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERTSON. Who made the point of order against the amendment?

The PRESIDING OFFICER. No point of order has been made. The Senator from Nebraska is within his rights in moving to suspend the rules.

The yeas and nays having been ordered on the motion to suspend the rule, the clerk will call.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Pennsylvania [Mr. MYERS] are absent on public business.

The Senator from Tennessee [Mr. KEFAUVER] is absent because of illness in his family.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Arizona [Mr. MCFARLAND], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are unavoidably detained on official business.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from New Hampshire [Mr. TOBEY] would vote "yea."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] would each vote "yea."

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business, and, if present, would vote "yea."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The senior Senator from Indiana [Mr. CAPEHART] is necessarily absent, and, if present, would vote "yea."

The Senator from Wisconsin [Mr. MCCARTHY] is detained on official business, and, if present, would vote "yea."

The yeas and nays resulted—yeas 50, nays 23, as follows:

YEAS—50

Bricker	Hickenlooper	Martin
Butler	Hill	Millikin
Byrd	Holland	Morse
Cain	Hunt	Mundt
Chapman	Ives	O'Conor
Cordon	Jenner	Robertson
Darby	Johnson, Colo.	Russell
Donnell	Kem	Schoeppel
Douglas	Kerr	Smith, Maine
Dworshak	Knowland	Taft
Ecton	Langer	Thye
Ferguson	Lodge	Watkins
Frear	Long	Wherry
George	McCarran	Wiley
Gillette	McClellan	Williams
Gurney	Magnuson	Young
Hendrickson	Malone	

NAYS—23

Anderson	Hoey	McMahon
Benton	Humphrey	Murray
Chavez	Johnson, Tex.	Neely
Connally	Kilgore	O'Mahoney
Ellender	Leahy	Sparkman
Fulbright	Lehman	Stennis
Graham	Lucas	Taylor
Green	McKellar	

NOT VOTING—23

Aiken	Johnston, S. C.	Smith, N. J.
Brewster	Kefauver	Thomas, Okla.
Bridges	McCarthy	Thomas, Utah
Capehart	McFarland	Tobey
Downey	Maybank	Tydings
Eastland	Myers	Vandenberg
Flanders	Pepper	Withers
Hayden	Saltonstall	

The PRESIDING OFFICER. Two-thirds of the Members of the Senate having voted in the affirmative, the motion of the Senator from Nebraska is agreed to.

Mr. WHERRY. Mr. President, I now call up the amendment offered on behalf of myself, the Senator from Missouri [Mr. KEM], the Senator from Virginia [Mr. BYRD], and the Senator from Nevada [Mr. MALONE] dated September 13, 1950A, and ask for its immediate consideration.

The amendment offered by Mr. WHERRY for himself and other Senators is as follows:

After section 1102 insert a new section as follows:

"SEC. 1103. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying

out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), any article or commodity which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration may be usable by or may be used in the manufacture of any article or commodity which may be useful to the armed forces of the Union of Soviet Socialist Republics or such satellite countries for military purposes; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity having possible strategic value to the armed forces of the Union of Soviet Socialist Republics or such satellite countries which he finds to be of the nature or class described."

Mr. CORDON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CORDON. I ask the junior Senator from Nebraska if he is willing to amend his proposed amendment so that it would read as follows:

SEC. 1103. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), arms, or armament or military matériel, or any article or commodity which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration may be used in the manufacture of arms, armaments, or military matériel; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity of a character above named.

Mr. WHERRY. Mr. President, yes, I shall be glad to accept that modification. I should like to state that when the Senator read the language in line 2 on page 2 he read into it the article "any." That should not be in the second line on page 2, because we modified it already to read "articles or commodities." In addition to "articles and commodities", we have the language of the Senator from Oregon, which provides "arms, armaments, and military matériel." I shall be glad to modify the amendment to include the provision.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. ROBERTSON. That is what I tried to do yesterday afternoon.

Mr. WHERRY. What is that?

Mr. ROBERTSON. That is exactly what I tried to do yesterday afternoon when I used the term "war munitions", and the Senator from Oregon spells it out.

Mr. WHERRY. Mr. President, if that is what the Senator tried to do yesterday afternoon, I certainly do not understand the English language. I shall certainly be glad to accept the modification of the Senator from Oregon, and I humbly apologize to the Senator from Virginia if that is what he tried to do. I did not so understand.

Mr. MILLIKIN. Mr. President, may we have the amendment, as modified, stated? The amendment has not been stated.

Mr. LODGE. May we have the amendment of the Senator from Nebraska read as modified by the Senator from Oregon?

The PRESIDING OFFICER. The amendment, as modified, will be stated for the information of the Senate.

The LEGISLATIVE CLERK. After section 1102, it is proposed to insert a new section, as follows:

SEC. 1103. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), arms, or armament or military matériel, any article or commodity——

Mr. WHERRY. Mr. President, the article "any" should not be in the language.

The PRESIDING OFFICER. The Chair understands that it was proposed to omit that word.

The legislative clerk continued to read as follows—

arms, armaments or military matériel or any articles or commodities which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration may be used in the manufacture of arms, armaments or military matériel; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity, of the nature or class described.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. MILLIKIN. Does that include, for example, locomotives?

Mr. WHERRY. Yes; if the Secretary of Defense would so certify, and I imagine he would.

Mr. MILLIKIN. By what words are locomotives included?

Mr. KEM. By the words "may be usable by."

Mr. MILLIKIN. Locomotives would not be used in the manufacture of armaments.

Mr. WHERRY. The words "which may be usable by the armed forces" certainly would include a locomotive if the Secretary of Defense so determined.

Mr. LODGE. Mr. President, I regard that as a substantial improvement of the amendment. Therefore, I shall not offer my amendment as a substitute.

Mr. LUCAS. Mr. President, I should like to know whether or not the words "may be usable by" are stricken in the amendment offered by the Senator from Oregon.

Mr. CORDON. Those words are not there. The words are, "may be used in the manufacture of arms, armaments, or military matériel."

Mr. WHERRY. No; I thought the words "usable by" were retained.

Mr. CORDON. No; those words are not in the suggestion.

Mr. LUCAS. That is the way I understood the amendment. I thought there ought to be a clarification of it, because it becomes very important.

Mr. WHERRY. Mr. President, I cannot accept the amendment to the amendment, if it deletes the words "may be usable by."

I am unable to accept that amendment to the amendment. I thought the amendment would be strengthened by the provision with respect to arms and war matériel but if the words "usable by" are deleted my amendment will be seriously weakened. I want the Secretary of Defense to be able to certify as to what might be used by the enemy for war purposes.

I do not see why the Senator from Oregon would not permit those words to remain in the amendment.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CORDON. My thought in suggesting the amendment to the amendment was to prohibit civil economic assistance to any potential beneficiary which either itself exported or knowingly permitted the exportation of arms, armament, and military matériel or articles or commodities which might or which may be used in the manufacture of arms, armaments, and military matériel.

The definition of the last would be a matter in the sound discretion of the Secretary of Defense.

That was the purpose of the amendment, as I offered it to the Senator's amendment.

Mr. KEM. Mr. President, I should like to ask the Senator from Oregon a question. If the language he suggests is adopted, what would be done in the case of the locomotives mentioned by the Senator from Colorado?

Mr. CORDON. I would leave it in the sound discretion of the Secretary of Defense to determine whether that type of rolling stock is military matériel under the general term, as he alone would have to define it.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. MILLIKIN. Would the distinguished senior Senator from Oregon regard a truck, an automobile, or a locomotive as military matériel?

Mr. CORDON. I would so regard it; but I cannot speak for the judgment of the Secretary of Defense, and the decision would be his to make.

Mr. President, if we are going to have any type of opportunity for any trade across the iron curtain, in the last analysis we are going to eliminate from it the things which are of immediate danger to us in time of war, and we are going to have to repose in someone who is competent and qualified the power to exercise judgment and discretion in drawing the line in that connection. That is why I suggested the amendment to the amendment.

Mr. LUCAS. Mr. President, the Senator from Oregon is really striking at the very root of this matter. If Senators examine the RECORD, they will find that when we debated this issue some 2 months ago, when another appropriation bill was pending, the very thing we have been discussing today was discussed at that time. My interpretation of the amendment offered by the Senator from Nebraska was that it would include food, for instance.

In other words, if we are going to leave the amendment in general terms, practically anything is war matériel; and Senators will find that on that former occasion I said that under that amendment, food could be classified as coming under its provisions.

So it seems to me that the Senator from Oregon is striking directly at the root of the whole matter by means of the amendment he has submitted to the amendment of the Senator from Nebraska. I hope his amendment to that amendment will be adopted.

I followed the reading of the amendment, and I noticed that the Senator omitted the words "may be usable." I thought perhaps the Senator from Nebraska would wish to discuss that point.

Mr. WHERRY. Mr. President, I have talked to the Senator who is a cosponsor, with me, of the amendment. I have in mind the explanation which has been made by the Senator from Oregon, namely, that his amendment to the amendment would permit the Secretary of Defense to determine what use might be made of the materials so sent, and that if locomotives were sent and if they were used for war purposes, the language would be broad enough to cover that point. I feel that way about the language.

If the cosponsors of the amendment, including the Senator from Missouri [Mr. KEM], are in agreement in regard to that language, I shall be perfectly willing to accept it.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. MALONE. I have no idea of trying to amend the amendment, because certainly it is an improvement. However, any material which is sent into an iron-curtain country helps consolidate the gains of the Communists in that country, whether the material sent there is food or shirt buttons or anything else. The only way to whip a country is to stop making shipments to it. Practically everything is military matériel.

Many of the Members of the Senate have served in the Armed Forces and have been on the receiving end of such shipments, and they realize that practically any material may be used as military matériel.

Mr. WHERRY. Under this amendment, the shipment of anything coming within the finding of the Secretary of Defense as being for war purposes would be stopped.

Mr. MALONE. While I think this amendment does not go far enough, I shall vote for it.

Nevertheless, the point is that if we ship anything at all to such countries, to help them consolidate their gains, we are helping them in a very real way.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. MUNDT. Does not the Senator think the Secretary of Defense will have a rather clear-cut criterion to follow, because he is constantly engaged in the procurement of military matériel and is spending the money appropriated by the Congress for use in equipping our military forces, so he will know about that matter, one way or the other?

Mr. WHERRY. Yes.

Mr. President, I think the matter is fairly clear, and I am ready for a vote on the amendment, as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Nebraska, for himself and other Senators. [Putting the question.]

The amendment, as modified, was agreed to, as follows:

After section 1303 insert a new section as follows:

"SEC. 1304. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), arms, or armament or military matériel or articles or commodities which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration may be used in the manufacture of arms, armaments, or military matériel; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity of the nature or class described."

Mr. McKELLAR. Mr. President, if there are no other amendments, let us vote on the bill.

Mr. LUCAS. Mr. President, the Senator from Washington [Mr. MAGNUSON] has an amendment to offer. I believe he is not now in the Chamber. If so, I may be compelled to suggest the absence of a quorum.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on today, September 14, 1950, the President had approved and signed the act (S. 3409) to establish a new Grand Teton National Park in the State of Wyoming, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITTINGTON, Mr. LARCADE, Mr. DAVIS of Tennessee, Mr. DONDERO, and Mr. CUNNINGHAM were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BARDEN, Mr. WEIR, Mr. STEED, Mr. MCCONNELL, and Mr. KEARNS were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate, except amendment No. 191, to the bill (H. R. 8920) to reduce excise taxes, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DOUGHTON, Mr. COOPER, Mr. DINGELL, Mr. MILLS, Mr. REED of New York, Mr. WOODRUFF, and Mr. JENKINS were appointed managers on the part of the House at the conference; that the House had agreed to the amendment of the Senate No. 191 to the bill, and concurred therein with an amendment; that the House insisted upon its amendment No. 191 to the bill, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DOUGHTON, Mr. COOPER, Mr. DINGELL, Mr. MILLS, Mr. REED of New York, Mr. WOODRUFF, and Mr. JENKINS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. WALTER, Mr. HARRISON, Mr. MCSWEENEY, Mr. NIXON, Mr. VELDE, and Mr. KEARNEY were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 9626) authorizing the Secretary of Commerce to purchase the vessels *Mariposa* and *Monterey*, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3555. An act defining and regulating the practice of the profession of engineering and creating a Board of Registration for Professional Engineers in the District of Columbia; and

S. 3921. An act to provide for the temporary assignment of referees in bankruptcy, and for other purposes.

HOUSE BILL REFERRED

The bill (H. R. 9626) authorizing the Secretary of Commerce to purchase the vessels *Mariposa* and *Monterey*, was read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 14, 1950, he presented to the President of the United States the following enrolled bills:

S. 3555. An act defining and regulating the practice of the profession of engineering and creating a Board of Registration for Professional Engineers in the District of Columbia; and

S. 3921. An act to provide for the temporary assignment of referees in bankruptcy, and for other purposes.

TRANSFER OF FORT DES MOINES TO STATE OF IOWA

The PRESIDING OFFICER (Mr. O'CONOR in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAVEZ. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HOLLAND, Mr. CHAPMAN, and Mr. CAIN conferees on the part of the Senate.

FINANCIAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HILL. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HILL, Mr. HUMPHREY, Mr. DOUGLAS, Mr. TAFT, and Mr. AIKEN conferees on the part of the Senate.

REVENUE ACT OF 1950

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on a certain amendment of the Senate to House bill 8920, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
September 14, 1950.

Resolved, That the House agree to Senate amendment numbered 191 to the bill (H. R. 8920) entitled "An act to reduce excise taxes, and for other purposes," with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate insert the following:

"TITLE VII—EXCESS-PROFITS TAX

"SEC. 701. Excess-profits tax.

"(a) The House Committee on Ways and Means and the Senate Committee on Finance are hereby directed to report to the respective Houses of Congress during the second session of the Eighty-first Congress, and as early as practicable during said session, a bill for raising revenue by the levying, collection, and payment of corporate excess-profits taxes with retroactive effect to October 1, or July 1, 1950, said bill to originate as required by article I, section 7, of the Constitution.

"(b) The Joint Committee on Internal Revenue Taxation, or any duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete study of the problems involved in the taxation of excess profits accruing to corporations as the result of the national defense program in which the United States is now engaged. The joint committee shall report the results of its study to the House Committee on Ways and Means and the Senate Committee on Finance as soon as practicable."

Resolved, That the House insist upon its amendment to Senate amendment numbered 191 to the foregoing bill and request a conference with the Senate thereon.

Ordered, That Mr. DOUGHTON, Mr. COOPER, Mr. DINGELL, Mr. MILLS, Mr. REED of New York, Mr. WOODRUFF, and Mr. JENKINS be the managers of the conference on the part of the House.

Mr. GEORGE. Mr. President, I move that the Senate disagree to the amendment of the House to the amendment of the Senate No. 191, agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. GEORGE, Mr. CONNALLY, Mr. BYRD, Mr. MILLIKIN, and Mr. BUTLER conferees on the part of the Senate.

LEGISLATIVE PROGRAM

Mr. LUCAS. Mr. President, I should like to make a brief announcement in order that Senators may know what the program is.

When the Senate concludes action on the pending appropriation bill—and I hope that will be done within the next hour—we shall then proceed to the consideration of a bill, reported by the Armed Services Committee, dealing with an amendment to the Armed Forces Unification Act and with one other law, as I understand, whereby Gen. George Marshall may become Secretary of Defense. I thought I should make that announcement, because we shall dispose of that matter before the evening is over.

Mr. WHERRY. Mr. President, will the distinguished majority leader yield?

Mr. LUCAS. I yield.

Mr. WHERRY. Is it the intention to have a night session?

Mr. LUCAS. Yes.

Mr. WHERRY. So we will proceed on into the night. Is that correct?

Mr. LUCAS. That is correct.

Mr. HUMPHREY subsequently said: Mr. President, if the Senator from Washington will yield, I desire to ask the majority leader a question with respect to the schedule today.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, without prejudice to my right to the floor I may yield to the Senator from Minnesota for that purpose.

The PRESIDING OFFICER. Without objection, the Senator from Washington yields to the Senator from Minnesota.

Mr. HUMPHREY. I wanted to find out from the majority leader whether he felt that we might be able to complete the consideration of the Great Lakes ship bill this afternoon.

Mr. LUCAS. It all depends, of course, upon how long it takes to dispose of the pending appropriation bill, and the bill which will follow that, which deals with an amendment of the law to permit General Marshall to serve as Secretary of Defense. I do not know how long it will take, but when we finish with those two matters, we shall probably resume consideration of the bill dealing with Great Lakes shipping.

Mr. HUMPHREY. We started on the ship bill last night.

Mr. LUCAS. It has been temporarily laid aside, and will be the pending business, when we finally get back to it.

Mr. HUMPHREY. Can the majority leader state now that after the bill with reference to General Marshall has been considered, we shall get back on the ship bill?

Mr. LUCAS. I should hope that we might dispose of it tonight.

Mr. HUMPHREY. I thank the majority leader.

GREAT LAKES SHIPPING BILL

Mr. LEHMAN. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD a statement on H. R. 8847, known as the Great Lakes shipping bill, which I will support.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR LEHMAN ON H. R. 8847, THE GREAT LAKES SHIPPING BILL

Prior to the war a large volume of freight moved across the Great Lakes to and from the State of New York on package-freight vessels. Moreover, many thousands of passengers and their automobiles were carried to and from upper New York State to various Lake regions. Through the use of these vessels, eastern manufacturers were able to get their goods to the western markets with a minimum of freight cost, while the agricultural products of the Midwest were made available at low freight rates to the people of my State.

Today there is a greater demand than ever for service of this kind. In recent weeks the shortage of railroad-car space has pointed up and emphasized the need for a water transportation system on the Great Lakes to

assist in handling the huge freight burden. Civic organizations and others in my State have urged support of this bill as the only means by which the Great Lakes waterborne commerce can be revived.

From the standpoint of defense it is also important that this bill pass. If you will glance at a globe, you will find that the only means of invasion by our only potential enemy at this time is "over the top" through Alaska and Canada. This would put the Great Lakes as a main artery in our transportation system for war matériel. The presence of these vessels on the Great Lakes with their capacity to carry huge numbers of troops and vast quantities of heavy war equipment would be of inestimable value in such a war effort. If such an attack "over the top" does not materialize these vessels can either be removed from the Lakes if needed on the oceans, converted to use in the bulk trades to carry our bulk ores if additional ore capacity is necessary, or be used as a valuable supplement to carry the transportation load which war would put on the States bordering the Great Lakes.

I am informed that we have sold 1,100 vessels under the Ship Sales Act to foreigners and 700 vessels to American ocean buyers. Not one has been sold for use on the Great Lakes because of a technicality in the Ship Sales Act. This bill is designed to correct that technicality. It seems to me that it should pass for two principal reasons. One, it is only fair that the Great Lakes shipping men should be treated on substantially the same basis as foreigners and American citizens who purchase vessels for use on the oceans. Second, and most important, I feel that every possible assistance should and must be given to the States bordering the Great Lakes which will give to their people the water-borne transportation service which they so sorely need. May I point out, moreover, that this latter objective can be accomplished without cost to the Government, through making available for Great Lakes use these 10 ships which have been rusting away among the literally thousands of vessels in our laid-up fleets since World War II.

SUPPLEMENTAL APPROPRIATION ACT, 1951

The Senate resumed the consideration of the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

Mr. MAGNUSON. Mr. President, is the bill still open to amendment?

The PRESIDING OFFICER. It is.

Mr. MAGNUSON. I have an amendment at the desk, which I now offer, and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Washington will be stated.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I prefer not to yield until the amendment has been stated.

The PRESIDING OFFICER. Members of the Senate will resume their seats, and the Senate will come to order.

The clerk will state the amendment offered by the Senator from Washington.

The LEGISLATIVE CLERK. On page 35, after line 16, it is proposed to insert:

RIVERS AND HARBORS

ICE HARBOR LOCK AND DAM

Maintenance and improvement of existing river and harbor works

For an additional amount for "Maintenance and improvement of existing river and harbor works," $4,000,000, to remain until expended.

The PRESIDING OFFICER. The Senator from Washington.

Mr. MAGNUSON. Mr. President, I have offered an amendment to the supplemental appropriation bill, which deals with a hydroelectric project on the Snake River, in the State of Washington, near the Idaho border. The amount involved is $4,000,000. The Snake River, of course, is the greatest tributary of the Columbia, and is an integral part of the great hydroelectric potential and development of the entire Columbia River Basin.

Ice Harbor Dam is a dam which in the main is involved in power development, or the development of kilowatt hours. It has certain navigational features, but they are almost incidental to the power feature. I offer this amendment to meet what I consider to be something in the nature of an emergency. Ice Harbor Dam is a part of the comprehensive scheme approved by the Army engineers and the Bureau of Reclamation for the hydroelectric development of the Columbia River. It was approved by the Budget Bureau about 2 years ago and was presented to the Senate Appropriations Committee at that time, and simultaneously, to the House committee. When it was in the House, a controversy arose between the Army engineers and the Fish and Wildlife Service relative to the question of fish conservation. We were then in a peacetime, postwar development of this river. A controversy arose at that time over the fish ladders. The House postponed action. In the meantime, we went ahead with the building of Chief Joseph Dam. The matter has rested there.

It was presented to the Appropriations Committee by myself, in connection with the general appropriation bill. I did so on my own initiative, as I have done on many other occasions. However, it was also sponsored by all the other Senators from the Pacific Northwest, in the hope that as a peacetime development in connection with schedule S, in the development of hydroelectric power, it would be started this year. The amount of $4,000,000 is, of course, for preliminary work. It will be spent in connection with the condemnation of land and for preliminary works which are necessary, and which will bring the dam to its completion almost a year ahead of the regular schedule.

Since the general appropriation bill was reported, and since the Korean war and the President's message to the Congress, in which, in no uncertain terms, he, of course, said that we should not continue nonessential spending, the Bureau of the Budget has gone over the matter with great care. The President made specific reference in his message to the Congress to the fact that he did not include power projects. He said, in effect, as he has said on many other occasions, that in this day of modern warfare, power projects are as much entitled to be considered as implements of war, as are tanks and airplanes and guns.

The Bureau of the Budget went over the matter carefully, and as a result of the policy announced by the President, submitted in connection with the supplemental bill, which is an appropriation for war, two projects in the Pacific Northwest which develop power. One is Albeni Falls, which is in the bill, and I appreciate the action of the committee in considering and approving it; the other is the Ice Harbor Dam, which has high recommendations.

I shall not burden the Senate with the message of the Bureau of the Budget, but there can be no question that the Budget vigorously suggests to the Congress that we start Ice Harbor Dam. It has been approved by all the governors of the interested States, by all the Senators, by the Corps of Engineers, by the Bureau of Reclamation, by the Bureau of the Budget, by the President, and by everyone else who has ever considered the project.

But, even beyond that, and since the outbreak of the Korean war—and it has been placed in the classification of projects which are essential to the war effort—something even more serious has happened, which to my mind calls for the enactment of this $4,000,000 appropriation in order that a start may be made on this hydroelectric power development.

I need not tell the Senate—I have told them many times—of the necessity of more power in the Pacific Northwest. We shall not have enough power, even after the completion of McNary Dam and Chief Joseph Dam, which would add almost 40 percent to the total. We will still be short of power after those projects are completed. We have people standing in line, including war industries, and those who produce the instruments of war, demanding power. The Bonneville Authority had to deny power recently to some of the producers, and to give it to the aluminum plants in Spokane, so that aluminum, which is a strategic material, might be manufactured.

I shall now refer to the other thing which has happened, and I hope the Committee on Appropriations will take note of it. I know the chairman of the committee looks with great sympathy upon power projects. Probably the most important industry in the entire United States in connection with the war effort, in connection with our preparations to become strong in this troubled world, namely, the great atomic-energy plant at Hanford, which relies upon electric power, has been in a bad situation because of lack of electricity. I wish to read a letter written to the Administrator of the Bonneville Power Administration by the manager of the Hanford atomic-energy plant. The President of the United States, the Bureau of the Budget, and everyone else who has anything to do with it, recommends vigorously and strongly that the project be completed. If we add this letter to those recommendations, it becomes a double-A war measure. The letter is as follows:

DEAR DR. RAVER: Special provision for the quality of electric service furnished to this project—

And it is probably the most important project in the whole world—

was originally provided in an order of the War Production Board dated November 1,

1944. The extreme importance of the quality of the electric service furnished the Hanford works of the Atomic Energy Commission has been reemphasized particularly by the following correspondence:

Then four letters are listed which have recently been sent to those in authority. The letter goes on to say:

Because of the larger number of plants which are now in operation at the Hanford Works—

And I interpolate only to say the plans for enlargement of the plant involve more power than was anticipated only 60 days ago. We do not know how much power is needed or will be needed in the next 4 or 5 years by such plants.

The letter goes on to say:

Because of the larger number of plants which are now in operation at the Hanford Works and because of the increasing importance of the production commitments for which the Hanford Works is responsible—

We know what those commitments are—

in meeting the requirements of the atomic weapons program, the quality of electric service for the Hanford Works is of greater importance today than ever before.

From the standpoint of national security, continuity of operations at this project demands that every reasonable step be taken to insure the continuity and quality of electric service.

On June 6, 1950—

Please listen to this. This is more important than are some of the items in the bill, and it has been so stated by the Bureau of the Budget and the President of the United States.

On June 6, 1950, the most serious electric power outage experienced to date by the Hanford Works occurred from a general system breakdown of the entire Bonneville system.

The need for power was so great that the whole grid system was overloaded and the most important plant on the face of the earth was shut down. This has all happened since the general appropriation bill.

Mr. CAIN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CAIN. I hope that during his remarks my colleague will, if he feels it is the proper thing to do, describe the closeness of the decision within the committee which led to an adverse recommendation. It is my thought, being very sympathetic toward the presentation being made, that such a recitation might indicate the strength of the support which the item had in the committee.

Mr. MAGNUSON. I shall be glad to do that. I appreciate the suggestion of my colleague, who has supported this project, together with all the other Senators from the Northwest.

Let me continue reading the letter:

In reviewing with your engineers the circumstances which could bring about this kind of occurrence, we have become convinced that the best way to protect the Hanford project from interruption of production by this kind of electric service failure is to provide the project with a source of generation which could be separated by automatic relays and switches from the rest of the Bonneville power system at times of system failure.

What would happen, Mr. President, if we were in an all-out war and needed every single atomic bomb that could be produced? What would happen if there should be a power failure? There would be a complete shutdown.

Ice Harbor lies approximately 42 miles from the atomic-energy plant, at the confluence of the Columbia and Snake Rivers. Ice Harbor Dam is more important to the plant than is anything else, because it would be a direct source of power. If the system became overloaded and should break down, a switch could be thrown in the plant, and in a second there would be uninterrupted power from the Ice Harbor Dam into the Hanford Works.

I see that the Senator from South Dakota is present. He asked a very pertinent question and suggested that the electricity would not come into being until the latter part of 1952 or early 1953. The engineers have stated that it could be speeded. Power is what gives us superiority over the other nations of the world. The President has said so, the Bureau of the Budget has said so, the Atomic Energy Commission has said so, and so has the Defense Department.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GURNEY. Will Ice Harbor Dam be able to produce 325,000 kilowatts of electricity without the building of any other dams upstream with which to provide a continuous supply of water?

Mr. MAGNUSON. It will not produce 325,000 kilowatts of power until there is storage provided upstream, but it will produce enough power without that storage——

Mr. GURNEY. How much will it produce without any other dams being constructed?

Mr. MAGNUSON. I do not have here the exact figures. They are in the hearings. I think I am correct in saying that it would produce approximately 225,000 kilowatts.

Mr. GURNEY. Of firm power?

Mr. MAGNUSON. Yes. It would be enough to take care of the atomic energy plant. I may be incorrect in my figures. I see the Senator from Oregon is shaking his head. But, as I recall, without storage upstream—and there are projects in existence for storage—it can produce approximately 200,000 kilowatts.

Mr. GURNEY. I think a correct answer to my question is very necessary, because we are not merely making an appropriation of $4,000,000; it is an initial appropriation of $4,000,000 in connection with an appropriation of $89,000,000. In order to make the first dam properly operate and do the things we want to have done in the Bonneville area, namely, to supply power for the Hanford plant, we have got to build further dams to cost much more than $89,000,000.

Mr. MAGNUSON. My information is that there will be three generators, and they would be capable of producing approximately 60,000 kilowatts each. Of course, that would vary according to the water supply. But, regardless of that fact, the answer is that we are going to build those dams. By the time this dam is ready to furnish power, we hope the things which we have planned on doing will be done.

Mr. GURNEY. I should like to make a statement when the Senator has completed his remarks.

Mr. FERGUSON. I want to finish reading the letter from the Atomic Energy Commission. I invite the attention of the Senator from South Dakota to this portion of the letter:

It appears to us that this could best be achieved—

They are talking about the inconceivable fact that the whole atomic energy plant should get into this position—

It appears to us that this could best be achieved—

So that they would be assured for all time of uninterrupted power—

by a special connection (not through the Midway substation) with a nearby source of generation, such as any one of the dams on the Lower Snake River.

Anyone of them. That is why the Bureau of the Budget and the President recommend we begin the Ice Harbor Dam in a supplemental war appropriation measure.

We would not presume to recommend specifically as to which would be most desirable of the several projects which we understand to be pending within a sufficiently short radius of the Hanford works.

Of course meaning the Ice Harbor Dam, 42 miles from the project.

You will recall that in our letter to you of April 16, 1948, we requested that you consider supplying this project with 230 kilowatts of power from sources and through transmission systems independent of Midway. In view of the experience obtained since that time, we would like to make a firm recommendation that such a separate source—

I emphasize the words "separate source"—

and transmission system should be provided, and we urge a separate source and we urge that it be provided as speedily as possibly.

Yours very truly,

DAVID F. SHAW,
Manager.

What could be more compelling in an appropriation bill for defense purposes than this project, which the Budget Bureau, the President, and everyone else has said should be begun, particularly, when we add the fact that the Atomic Energy Commission thinks it ought to be constructed as speedily as possible.

Let me add something else. We took similar action on an appropriation bill in the case of the Tennessee Valley Authority and I think it should have been taken. We added some $20,000,000 to enlarge a steam plant down there in order to meet the needs of Oak Ridge. My proposal involves the same thing. The plant for Oak Ridge would not be completed until 1952. I think that project should have been provided for as it was for the Oak Ridge plant. Here we have a much larger plant, and the Atomic Energy Commission is pleading that we make provision for Ice Harbor Dam. Yet the item has been cut out of the bill, even after the Budget Bureau had recommended it as a war measure,

and after the President had said that power is as much a part of war as a tank or gun.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes.

Mr. GURNEY. I should like to read a paragraph from the hearing. I read from the bottom of page 57 as to the time when power would be available at Ice Harbor. It is the statement of Colonel Potter:

> The amount that was requested in the main bill, sir, was for planning only. The President has considered that the production of hydroelectric power at the date that it can be produced, which is August 1955, for the first unit—

Mr. MAGNUSON. The Senator is reading from the hearings. That is the testimony given by Colonel Potter. I have a letter before me from the engineers, which I shall read into the RECORD. What the Senator has read refers to the general plan, which is in accordance with an orderly, even development of the river. In other words, we had planned to finish Grand Coulee much later than it was finished. We had planned on McNary power to come in 2 years from now. That is the orderly procedure. However, we are speaking of an emergency. We can complete this project in a shorter period, if the Atomic Energy Commission needs the power and if the only way of getting it is from the Ice Harbor Dam or dams on the lower Snake River. Secondly—and this is probably repetitious—this project has a feasibility ratio higher than any dam in the whole Pacific Northwest, or 1 to 1.17. Even if we were not faced with this emergency, it would be one of the best investments which the Government could make. The situation is serious. This project has been recommended by everyone. It is no longer a new start, because it has been before Congress before. Even in normal times the recommendation has been made that the project be undertaken. It was recommended 2 years ago, and it was recommended by the Bureau of the Budget twice. I do not know why, in view of the urgency set forth in the letter I have read, there should be any opposition to it.

I was hoping that the committee would accept the amendment and take it to conference. In the meantime we would be able to explore the situation further, and perhaps have the general manager of the plant testify before the conference committee. He was willing to come and state the urgency of the matter. Perhaps we could have the Bureau of the Budget again reiterate the importance of it. I do not know why it should be delayed.

In the past I have always been met with the question, "Has it budget approval?" Several times I have been a little embarrassed when I have had to state I did not have budget approval. The answer was, "Well, we will just throw it out." Now we have a project which has been approved by the Budget Bureau. It has been approved by the Budget Bureau twice. It has been recommended as a war measure in a special message to Congress by the President of the United States. It has been recommended to the consideration of the Congress by the most important plant we have in the United States, a plant which will probably keep us out of war, if we keep running it with an enlargement of its program which cannot be stated in so many words, but an intimation of which surely appears in the letter from the general manager of the plant. I have talked to many members of the committee. I do not think any of them are opposed to the project as such. They probably thought or expressed the opinion that this was a new project, and that the urgency for it had not been shown; therefore it could wait. Apparently it cannot wait. I hope the amendment can be taken to conference. Then we could have further testimony from the Atomic Energy Commission, further reiteration by the Bureau of the Budget, and further statement by the President as to its urgency. Perhaps we could get it under way. The quicker we do it the quicker we will assure keeping alive the atomic energy plant. The amendment should be acted on favorably as was done in the case of the steam plant for Oak Ridge in the Tennessee Valley item in a prior appropriation bill.

Mr. CAIN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to my colleague.

Mr. CAIN. If the $4,000,000 item is to be approved by the Senate, will it not be true that the total amount of money carried in the bill for power, construction, and development will be considerably less than the original sum recommended by the Bureau of the Budget?

Mr. MAGNUSON. Much less.

Mr. CAIN. Does my colleague have any idea concerning how much less that figure might be? I think every Senator would be interested in knowing that.

Mr. MAGNUSON. I wonder if the Senator from Oregon has the original budget estimate as to Ice Harbor.

Mr. CAIN. I think I can help in that respect. My memory tells me that the sum would be approximately $10,000,000 less than what was originally recommended.

Mr. MAGNUSON. I think originally it was $16,000,000 or $15,000,000. The committee has given the Tennessee Valley Authority $28,000,000 for what I think is a very laudable purpose in a war bill, because they need to buckle up the steam plant there. I suppose the Oak Ridge plant, finding out what happened to the Hanford plant, became worried about their uninterrupted continuity of power and asked for it. The testimony is that they need it to keep that plant going, and that is a project where the power will not be available until, I believe, 1952, according to the testimony at page 401.

Mr. President, I hope that the chairman can see fit to take this amendment to conference, where the urgency of it can be reiterated by the very important agencies engaged in the war effort, and by the Budget Bureau itself, and further explanation would be unnecessary. If the Atomic Energy Commission, the manager of the plant, the Budget Bureau itself, and those who have strenuously urged this project for the war effort, should not impress the committee with its urgency, of course the committee would not be bound to go ahead with it.

I hope that that can be done, because I cannot stand idly by and see money provided for a power project under the Tennessee Valley Authority, and denied to a project which everybody has asked for on behalf of the Hanford plant. Both projects are important.

Mr. LUCAS. Mr. President, why was it that the appropriation for this particular project was eliminated? I was not present, and have not heard all the Senator's argument.

Mr. MAGNUSON. It was done in an executive session of the Committee on Appropriations. I do not know the reason, but I cannot see why they did it, when they took favorable action in the case of the Tennessee Valley Authority project, designed for the same laudable purpose. The President recommended it, the Bureau of the Budget recommended it, and I have just read one of the strongest letters I have ever seen regarding the seriousness of the situation. The letter was from the atomic energy plant at Hanford, which had an interruption of power approximately 2 weeks ago.

THE REVENUE ACT OF 1950—CONFERENCE REPORT

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. O'MAHONEY. I desire to address a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. Was any action taken this afternoon on the request of the House of Representatives to have a conference with the Senate on the House amendment to Senate amendment 191 to the tax bill?

The PRESIDING OFFICER. The Chair is advised that the chairman of the Committee on Finance requested that the Senate disagree with the House amendment, which was done, and that the Senate insist upon its amendment, which position was taken, and that a new group of conferees, or an additional conference committee, be appointed, which was done, the same conferees being named.

Mr. O'MAHONEY. Mr. President, I desire to enter a motion to reconsider the vote by which that action was taken. I was called off the floor. It was my purpose to move to concur in the House amendment, which was a privileged motion.

The PRESIDING OFFICER. Does the Senator from Washington yield for the purpose of the Senator's entering the motion?

Mr. MAGNUSON. I yield.

The PRESIDING OFFICER. Is it the purpose of the Senator from Wyoming to enter his motion at this time?

Mr. O'MAHONEY. It is my intention to enter it at this time. I shall take it up later. I shall wait until the Senator from Georgia is present.

The PRESIDING OFFICER. The motion will be entered. The present occupant of the chair is advised that the papers have gone back to the House of

Representatives, and he advises the Senator from Wyoming to that effect.

Mr. O'MAHONEY. Mr. President, I therefore move that the Senate ask the House to return the papers.

Mr. MAGNUSON. Mr. President, I do not care to yield for any long discussion to go into this question, because I have a very important matter to discuss.

The PRESIDING OFFICER. Will the Senator suspend for a moment while the bill clerk checks to see exactly what the situation is?

Mr. O'MAHONEY. Let me say to the Senator from Washington, in the meantime, that this is one of the most important questions that can come before the Senate. It is the excess-profits tax amendment that is referred to.

The House of Representatives this afternoon, by a vote of 331 to 2, changed amendment 191, known as the George-Millikin amendment, by instructing the Ways and Means Committee of the House and the Finance Committee of the Senate to make a report upon an excess-profits tax to this session of Congress, instead of to the next session of Congress. That, of course, was a matter which was perfectly within the competence of the House of Representatives, and it certainly is a matter which the Senate of the United States should have an opportunity to pass upon. Therefore my motion was to reconsider the vote by which the Senate disagreed to the House amendment, and I am requesting that if the papers have been sent to the House, the Senate request their return to this body so that the Members of the Senate may express their opinion on the amendment of the House.

Mr. MAGNUSON. Mr. President, I have no reason not to want to yield for that purpose, but I do desire to get on with what I have to say.

Mr. WHERRY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. If Senators will suspend for a moment, I believe the information about the papers is available.

Mr. MAGNUSON. I yield to the Senator from Nebraska.

Mr. WHERRY. Will the Senator yield for a parliamentary inquiry?

Mr. O'MAHONEY. The Senator from Washington has yielded to me.

The PRESIDING OFFICER. The Chair is advised by the bill clerk that he is not yet sure whether the papers have been actually returned to the House, and he has sent out to discover whether they have or not, and the information should be here very shortly.

Mr. O'MAHONEY. The Senator from Washington has yielded to me to make a motion that the Senate request the House to return the papers if in fact they have been sent to the House, and I am sure that there will be no objection to that motion. If there is an objection to the motion, I shall suggest the absence of a quorum.

Mr. MILLIKIN. I suggest the absence of a quorum now.

The PRESIDING OFFICER. The Chair will state first that the motion is not debatable. The Chair recognizes the request for a quorum call, and directs the clerk to call the roll.

The legislative clerk proceeded to call the roll.

After the names of several Senators had been called, the following occurred:

The PRESIDING OFFICER. The Chair has just been advised that the papers were apprehended before they were delivered to the House, and are now back in the custody of the Senate.

Mr. O'MAHONEY. Mr. President, in those circumstances the quorum call is not necessary, and the motion to request the return of the papers is not necessary, and my motion to reconsider the vote has been entered.

Mr. WHERRY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. Until the motion to reconsider is adopted, and the motion to return the papers is acted upon, on what authority should the papers be held up from going to the House?

The PRESIDING OFFICER. The Chair advises the Senator that the situation is that the Senator from Wyoming asked the Senator from Washington to yield to him, which was done, and the Senator from Wyoming entered a motion to reconsider the action by which the Senate had refused to concur in the House amendment, and conferees had been appointed. The Chair was first advised that the papers had already gone, and had been delivered to the House, but the bill clerk upon inquiry found that they were merely on the way, and had not departed from the jurisdiction of the Senate; and they are now on the desk.

Mr. WHERRY. That does not answer the parliamentary inquiry. Does the entering of the motion to reconsider hold up the papers?

The PRESIDING OFFICER. The papers not having gone to the House, they will be held in the Senate subject to the motion to reconsider.

Mr. WHERRY. Is that because the notice has been already served by the distinguished Senator from Wyoming that he intends to move to reconsider?

The PRESIDING OFFICER. He has already entered the motion to reconsider, but it has not been called up.

Mr. WHERRY. I understand that.

The PRESIDING OFFICER. The Chair is informed and understands that so long as the papers still remain in the jurisdiction of the Senate, they will remain here subject to the determination of the Senate of the motion to reconsider.

Mr. WHERRY. That is the point I am making, whether the serving of the notice of a motion to reconsider is the basis on which the papers are held.

The PRESIDING OFFICER. The entry of the motion to reconsider is sufficient.

Mr. WHERRY. It is the basis on which the papers are held?

The PRESIDING OFFICER. The Chair is advised that the second motion made by the Senator from Wyoming is inappropriate, and he has withdrawn it, as the Chair understands.

Mr. O'MAHONEY. Yes.

Mr. MILLIKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLIKIN. I still should like to have enlightenment with respect to what the present situation is after the withdrawal of the motion which the Chair has just mentioned. What is the immediate problem before the Senate?

The PRESIDING OFFICER. The Senator from Washington [Mr. MAGNUSON] has the floor. He had yielded to the Senator from Wyoming [Mr. O'MAHONEY] in the beginning solely for the purpose of the Senator from Wyoming entering a motion to reconsider, which was done. Thereupon, when it was announced that the papers had left the jurisdiction of the Senate the Senator from Wyoming asked permission, which was granted, to enter a motion to recall the papers, which, however, was found to be unnecessary. That motion has now been withdrawn. So that the Senator from Wyoming has entered a motion to reconsider, and the Senator from Washington has the floor, and unless he relinquishes the floor for the purpose of calling up of the motion to reconsider he will continue his debate.

In the meantime the absence of a quorum was suggested, and the clerk had begun to call the roll. The absence of a quorum was suggested presumably because of the entering of the second motion by the Senator from Wyoming. If the Senator from Nebraska does not desire to have the call of the roll continued——

Mr. MAGNUSON. Mr. President, I think there ought to be a call of the roll anyway.

Mr. MILLIKIN. Mr. President, I suggested the absence of a quorum, and I insist on the call of the roll.

Mr. MAGNUSON. Mr. President, I refuse to yield any further.

Mr. RUSSELL. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. The Senator cannot refuse to yield since the call of the roll has been started.

Mr. MAGNUSON. Mr. President, I did not know that.

The PRESIDING OFFICER. Unless the suggestion of the absence of a quorum is withdrawn.

Mr. MILLIKIN. Mr. President, I do not withdraw the suggestion.

Mr. WHERRY. I ask that the quorum call be continued.

The PRESIDING OFFICER. The clerk will continue with the call of the roll.

The legislative clerk resumed and concluded the call of the roll and the following Senators answered to their names:

Anderson	Ferguson	Jenner
Benton	Frear	Johnson, Colo.
Bricker	Fulbright	Johnson, Tex.
Butler	George	Kem
Byrd	Gillette	Kerr
Cain	Graham	Kilgore
Chapman	Green	Knowland
Chavez	Gurney	Langer
Connally	Hendrickson	Leahy
Cordon	Hickenlooper	Lehman
Darby	Hill	Lodge
Donnell	Hoey	Long
Douglas	Holland	Lucas
Dworshak	Humphrey	McCarran
Ecton	Hunt	McClellan
Ellender	Ives	McFarland

McKellar	Neely	Taft
McMahon	O'Conor	Taylor
Magnuson	O'Mahoney	Thomas, Okla.
Malone	Robertson	Thye
Martin	Russell	Watkins
Millikin	Schoeppel	Wherry
Morse	Smith, Maine	Wiley
Mundt	Sparkman	Williams
Murray	Stennis	Young

The PRESIDING OFFICER. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Kent, its enrolling clerk, announced that the House having proceeded to reconsider the bill (H. R. 6217) to provide greater security for veterans of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, in the granting of outpatient treatment by the Veterans' Administration, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was—

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House having proceded to reconsider the joint resolution (H. J. Res. 238) to amend the Nationality Act of 1940, as amended, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was—

Resolved, That the said joint resolution pass, two-thirds of the House of Representatives agreeing to pass the same.

SUPPLEMENTAL APPROPRIATION ACT, 1951

The Senate resumed the consideration of the bill (H. R. 9526), making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

The Senator from Washington has the floor.

Mr. MAGNUSON. Mr. President, I do not wish to proceed much further with this matter. I now ask unanimous consent to place in the RECORD a statement on this matter which I made before the committee, as well as a letter which I shall furnish to the Official Reporter.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

In view of world conditions today, delay in construction of Ice Harbor Dam would be practically indefensible.

Competent authorities will bear out this statement.

Reflect for a moment on the power potential of the United States. That potential was placed at around 77,000,000 kilowatts by the Federal Power Commission last year.

The waters of the Pacific Northwest alone can produce more than one-third of that total, or more than 30,000,000 kilowatts. About 5 percent of that potential has been developed.

Korea changed many estimates. It changed the timetable for installation of additional power generation in the Pacific Northwest, as this committee is aware.

Here is a region which relied largely upon its forests and farms until a decade ago. In that decade the picture has changed completely. The region today produces half of all of the aluminum ingot made in the United States. It turns out large amounts of ferro-alloys, calcium carbide, potted metals, abrasives, chlorine, caustic soda, and electrolytic zinc.

It turns out something else—plutonium.

The area devoted to fishing 10 years ago has become one of the major deterrents to a Soviet war of aggression today.

Let me quote from the report of the United States Atomic Energy Commission (1947–48) which said:

"The builders of Hanford were successful because they concentrated upon one objective: the production of an atomic bomb."

That production took place while the Pacific Northwest was also turning out flying fortresses and superfortresses and aircraft carriers and tanks, and other implements of the Second World War. It was possible only because at that time the region had a reserve of hydroelectric power.

No such reserve exists today.

Let me quote from the letter of Dr. Paul J. Raver, Bonneville Power Administrator, to Gen. Lewis A. Pick, Chief of Engineers, July 20, 1950. Dr. Raver said: "The Pacific Northwest, since 1947, has suffered because of a shortage of electric power. Power loads grew faster following World War II than new starts on additional hydroelectric generating facilities were made. Unless new hydroelectric projects are started regularly, the shortage may be prolonged indefinitely.

"The Pacific Northwest was able to produce large quantities of war materials, ships, planes, steel alloys, chemicals, aluminum, and other products during World War II. Much of this production would not have been possible except for the fortuitous existence of partially completed hydroelectric projects, which permitted rapid expansion of power supply in excess of civilian needs; today, when we are faced with another emergency, the ability of the region to again contribute to the security of the Nation is reduced because power supplies are not even adequate for civilian requirements."

It is significant, Mr. Chairman, that in the same letter, the Bonneville administrator pointed out that the construction of Ice Harbor Dam would eliminate the necessity for building transmission lines and transformer facilities which otherwise would cost $5,000,000.

Significantly, also, the National Security Resources Board has forecast a deficit of 191,000 kilowatts for the region in 1952. The Board made this statement:

"Supply in adjacent regions and interconnections will not be adequate to relieve those shortages."

It would be difficult for me to overemphasize the conviction I hold—that this is not essentially a matter of regional concern; it is a subject for national concern.

The Federal Government has heavy responsibilities in the Pacific Northwest. For example, it supplies half of the region's electric power and half of the Nation's aluminum, in addition to power for the Hanford plutonium works and other defense installations.

Any sudden military demand for expanded aluminum or atomic energy would mean that we would have to generate more electricity in a hurry.

Let me emphasize again that this is a national problem. In recent weeks the national significance of our power shortage has been recognized by the National Security Resources Board, the Department of Defense, the Corps of Engineers, the Interior Department, the Bureau of the Budget, and by the President himself.

During 1940–41, Bonneville and Grand Coulee Dams were a tremendous asset in the speedup of the national defense program. A huge reserve of power was installed in relatively short time.

There is no such reserve today. The deficiency now existing is a matter of acute embarrassment. There are no large, unfinished dams in which generators can be placed speedily.

Our regional capacity is about 4,000,000 kilowatts, more than twice the capacity of 1940. In spite of that, we would find ourselves 278,000 kilowatts of firm power short of the goal if we were forced suddenly to revive the national defense industries of World War II.

Ice Harbor Dam affords the obvious answer. It could have two generators in service by December of 1954 without an accelerated schedule, if started now.

The Budget Bureau took into consideration the following questions in its consideration of Ice Harbor Dam's justification:

1. The impact on the fisheries program.
2. Electric power deficiencies in the Pacific Northwest.
3. Whether Ice Harbor would relieve those deficiencies in time.
4. Whether the project fitted the Nation's financial program.

It sought the answer to each of these questions, and found the answer was "Yes." It proposed an appropriation of $4,000,000 for the start of construction.

In addition, the Secretary of Interior made these observations in a letter to the House Appropriations Committee:

1. Ice Harbor Dam is among the projects needed to meet urgent power needs as those needs are reflected in schedule S of the Bonneville Power Administration.
2. Provision of the most modern and effective fish-protective facilities, such as fish ladders, bypasses, and collecting devices at Ice Harbor for protection of existing fish runs, was recommended.
3. The Corps of Engineers planned for the installation of fish ladders and other protective devices at the dam.

Since World War II ended neither the Federal nor non-Federal power systems of the Pacific Northwest has been able to keep pace with expanding demand. There has been no firm power available for industrial use, new use, since 1947. Furthermore, no large amounts are due to be available for several years, when dams now being built are completed.

If not one adidtional power request were to be made by industry for defense purposes, Ice Harbor would still be urgently needed. Bonneville estimates that for 1954 more than 37,000,000,000 kilowatt-hours will be needed in the region as compared with actual use of 23,500,000,000 kilowatt-hours in 1949.

As against the demand which, for defense purposes, could come at any time we have the following picture:

The House approves Albeni Falls, a project whose firm power of 23,000 kilowatts added to net downstream benefits would provide an average 165,000 kilowatts of firm power, and recommends $2,900,000 for the work.

At the same time it has rejected a project as vitally needed to provide essential power—Ice Harbor, which under minimum conditions will provide an average 172,000 kilowats in firm power.

It is difficult to reconcile these actions.

The overwhelming weight of evidence points to the urgency of need for both projects.

I strongly urge favorable consideration of Ice Harbor Dam.

UNITED STATES ATOMIC
ENERGY COMMISSION,
HANFORD OPERATIONS OFFICE,
Richland, Wash, August 29, 1950.

DR. PAUL J. RAVER,
Administrator, Bonneville Power Administration, Portland, Oreg.

DEAR DR. RAVER: Special provision for the quality of electric service furnished to this project was originally provided in an order of the War Production Board dated November 1, 1944. The extreme importance of the

quality of the electric service furnished to the Hanford works of the Atomic Energy Commission has been reemphasized particularly by the following correspondence:

Letter from Acting Chairman Pike to Secretary Krug of October 30, 1948, and the reply to Mr. Pike from Acting Secretary Chapman dated November 5, 1947.

Letter of February 9, 1948, from Carleton Shugg, manager, Hanford operations office, to Dr. Raver, and the reply thereto from Mr. Marlett to Mr. Shugg dated February 20, 1948.

Letter of April 16, 1948, from Mr. Shugg to Dr. Raver and reply of April 28, 1948, from Mr. Marlett to Mr. Shugg.

Letter of August 25, 1948, Mr. Shaw to Dr. Raver, and reply of November 19, 1948, from Mr. Schultz to Mr. Shaw.

Because of the larger number of plants which are now in operation at the Hanford Works and because of the increasing importance of the production commitments for which the Hanford Works is responsible in meeting the requirements of the atomic-weapons program, the quality of electric service for the Hanford Works is of greater importance today than ever before. From the standpoint of national security, continuity of operations at this project demands that every reasonable step be taken to insure the continuity and quality of electric service.

On June 6, 1950, the most serious electric power outage experienced to date by the Hanford Works occurred from a general system breakdown of the entire Bonneville system. In reviewing with your engineers the circumstances which could bring about this kind of occurrence, we have become convinced that the best way to protect the Hanford project from interruption of production by this kind of electric service failure is to provide the project with a source of generation which could be separated by automatic relays and switches from the rest of the Bonneville power system at times of system failure. It appears to us that this could best be achieved by a special connection (not through the Midway substation) with a nearby source of generation, such as any one of the dams on the lower Snake River, which we understand to be under consideration. We would not presume to recommend specifically as to which would be most desirable of the several projects which we understand to be pending within a sufficiently short radius of the Hanford Works.

You will recall that in our letter to you of April 16, 1948, we requested that you consider supplying this project with 230 kv. power from sources and through transmission systems independent of Midway. In view of the experience obtained since that time, we would like to make a firm recommendation that such a separate source and transmission system be provided, and we urge that it be provided as speedily as possible.

Very truly yours,

DAVID F. SHAW, *Manager.*

Mr. MAGNUSON. Mr. President, I close by saying that regardless of what may be done otherwise on the Snake River, the Ice Harbor Dam is capable of producing, at the three generators, sufficient electric power to give an uninterrupted flow adequate for the needs of the atomic energy plant, in the first place. In the second place, the absolute need has been stressed, just as was done in the case of the Tennessee Valley steam plant. All the agencies have recommended construction of the dam; it has been recommended by the Bureau of the Budget and the other agencies. It is a war measure.

So I hope the amendment will be adopted.

Mr. GURNEY. Mr. President, I wish to place in the RECORD a little information which I believe will be of use in connection with reaching a decision against starting the dam known as Ice Harbor Dam, in the State of Washington, near the Idaho line.

In the first place, I admit that approval has been given by the Bureau of the Budget a number of times, and I know the matter has been up for consideration for the past 3 or 4 years before the subcommittee of the Appropriation Committee having to do with civil functions of the Army. The necessity for the project is fairly well established, and I believe that eventually the dam should be built.

If by any stretch of the imagination this dam were necesary in order to supply electricity for the Hanford plant, in connection with the production of plutonium, I would be stronger for it than horseradish, for I think the Congress wishes to do everything that is necessary to be done in the war effort. However, it is my contention that the war effort will be impeded, rather than advanced, by beginning this project at this time. That is reason No. 1 in opposition to beginning the project.

To prove that point, I wish to advise the Senate that there are presently under construction in the Bonneville power area two of the largest dams which are presently under construction in the United States, namely the McNary Dam, which is taking an annual appropriation of nearly $70,000,000, and which will produce 980,000 kilowatts of electricity.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. GURNEY. I am glad to yield.

Mr. CORDON. I believe the Senator from South Dakota is in error in respect to the annual appropriation for the McNary Dam. I think the largest amount appropriated during any year for that dam has been $40,000,000, and that has been the amount in the past 2 years.

Mr. GURNEY. The appropriation for the McNary Dam, then, has been in the amount of approximately $40,000,000, instead of $60,000,000 or almost $70,000,000, as I originally stated.

Mr. MAGNUSON. Mr. President, will the Senator yield to me?

Mr. GURNEY. I should prefer to complete my statement first, and then I shall be glad to yield for questions.

Mr. MAGNUSON. Very well.

Mr. GURNEY. At any rate, Mr. President, the McNary Dam has been under construction for a number of years, and it is now getting close to the point where it will produce electricity. It will produce 980,000 kilowatts of electricity when it is completed. That amount will be added to the electrical energy which presently is on the Bonneville transmission line, all of which will go into one bulk amount of electrical energy which will be available in that area and will be available to the Hanford plant.

The other dam, which was begun 2 years ago, I believe, is the Chief Joseph Dam. It is even larger than the McNary Dam. The Chief Joseph Dam will produce 1,400,000 kilowatts of electricity, making a total of approximately 2,500,000 kilowatts of electricity.

The dam which is now being discussed ultimately will produce, when three other dams are constructed along with it, 325,000 kilowatts of electrical energy; but the dams under construction at this time, and which will produce at least 2,400,000 kilowatts of electricity, will increase the existing amount of electrical energy in the Bonneville area by more than 50 percent, for there is presently available on the Bonneville line approximately 4,000,000 kilowatts of electricity. So, as a result of the operation of the McNary Dam and the Chief Joseph Dam, an additional 2,400,000 kilowatts of electricity will become available, and at a much earlier date than will any electricity which could be produced at the Ice Harbor Dam.

Nevertheless, it would be all right to start the Ice Harbor Dam, if it would not retard completion of the two dams which Congress already has authorized, and which Congress should not only continue to support, but for which Congress should appropriate sufficient funds, so that completion of those dams can be accelerated. That can be done a little sooner if the Congress appropriates more money for them and gives word to the Army engineers to go ahead with that work. That is the way to get more electricity available for the Hanford plant, the aluminum plants, and every other war industry which may be located in the Northwest area.

I wish to have the Senate know that the dam known as Ice Harbor Dam will cost $89,000,000. The $4,000,000 appropriation now requested will not do one dime's worth of construction, but will be used for access highways, for rights-of-way, and for land necessary for the construction operations. In other words, the actual throwing of dirt or the mixing of concrete will not begin as the result of Congress making the requested appropriation of $4,000,000.

Without building two or three other dams upstream from the Ice Harbor Dam, it will not be possible to obtain the 325,000 kilowatts of electrical energy. So it will be necessary for much more than $89,000,000 to be spent. In fact, it may be necessary for possibly three more dams to be constructed, at a cost of at least $50,000,000 each, although my information regarding that estimate is not entirely complete.

So, Mr. President, I believe that at this time, when we must do everything we possibly can to help in the war effort, we should not begin this new project; but we should give every possible support to increased appropriations for McNary Dam and Chief Joseph Dam, in that area. It is my firm belief that in that way we can obtain better production and can assure continuous production at the Hanford plant.

In my opinion those are some of the reasons, at least, why the committee turned down this request for $4,000,000.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. GURNEY. I am glad to yield.

Mr. McKELLAR. As the Senator from South Dakota knows, I have sup-

ported, uniformly, all the dams in the West, just as I have supported dams all over the country, which have added to the power resources of the Nation.

Mr. GURNEY. That is a correct statement.

Mr. McKELLAR. I voted for this particular dam, as the Senator from South Dakota knows.

Does the Senator see any particular objection—after all, he will be on the conference committee—to taking this amendment to conference, and letting it be handled in that way, or at least permitting the Senate to vote on the amendment?

I may state that this is the last amendment.

Mr. GURNEY. I shall be glad to answer the Senator's question.

Mr. McKELLAR. If this is the last amendment, then let us act on it promptly, so that we can complete action on this bill tonight.

Mr. GURNEY. Mr. President, all that the amendment will do will be to add $4,000,000 to the bill. The House has voted against this item. The House indicated that the reason for its action was the fact that the fishing industry in that area is opposed to this project.

In addition, I have stated the other reasons against construction of the project.

So, Mr. President, I oppose the amendment.

Mr. McKELLAR. Mr. President, let us have a vote on the amendment.

Mr. MAGNUSON. Mr. President, before the vote is taken on the amendment, I wish to make sure that the record is clear.

It is true that we are building the McNary and Chief Joseph Dams but the Atomic Energy Commission's representatives have just finished saying, in a vigorous letter to us, that they need a source of uninterrupted power, and that those dams will not help them in that respect. There was a breakdown at the Hanford plant 3 weeks ago. The purpose is to prevent such an occurrence in the future. The Budget Bureau has recommended the project, and it is urgently needed. It is as much a part of the war effort as a tank, a piece of aluminum, or a gun; and the Budget Bureau says so. I would not like to be charged with responsibility if 2 or 3 years from now, Hanford atomic energy works did not have sufficient power.

Mr. DWORSHAK. Mr. President, the Senator from South Dakota has made a most appealing and a rather logical argument against this proposed item of $4,000,000 for Ice Harbor Dam. I know the Senator from South Dakota is recognized as somewhat of an authority on the civil functions of the Department of the Army, and I have usually found myself in complete agreement with his views. However, at this time, I must disagree with him most vigorously.

I should like to point out that for 2 years the Army engineers requested funds with which to begin construction of Ice Harbor Dam. Those requests were rejected by the Bureau of the Budget, and consequently Congress took no action.

Then, on July 12, after the Korean incident arose, the Bureau of the Budget, at the express request of the President, sent a request to the Congress in the sum of $4,000,000, with which to start construction of Ice Harbor Dam. I want to stress the point that while the Army engineers, for at least 3 years, had $800,000, which has been expended by them on preliminary construction work on Ice Harbor, the Army engineers have requested that this dam, the flood-control, and particularly the power-generating project be constructed. The Bureau of the Budget has at all times heretofore refused to approve those requests. However, since the Korean incident developed, the Bureau of the Budget has reversed itself and now wants this bill passed. I made the statement before the Appropriations Committee, and I want to point out now that I am supporting the request vigorously, because, notwithstanding the comments made by the Senator from South Dakota, Colonel Potter, of the Army engineers, made this very impressive statement before the committee:

> The urgency of this project is because of the power. At the present time, the power situation in the Pacific Northwest, which is the location of a great many defense plants and other important national installations, is now operating at close to its peak capacity.

That capacity is 3,600,000 kilowatts, and it is anticipated that by 1956 there will be a need for about twice that much, or 8,000,000 kilowatts. So, of course, it is necessary to plan construction of those plants now, not in 1956, when it is anticipated the demand for power will be double what it is today.

The Senator from South Dakota said that he was objecting for another reason, namely, that the fish and wildlife and fisheries interests of the Northwest have been opposed to it because of the inadequate facilities for fish runs. I understand from the statements of Secretary Chapman and representatives of the Army engineers that adequate and satisfactory arrangements have been made to permit the fish run of salmon up the river.

In conclusion, I desire to emphasize the fact that in the pending bill there is an item for $4,000,000,000 to provide military assistance for the countries in Europe and Asia—$4,000,000,000—because it is essential in order to protect and safeguard the interest of this country in the face of aggression. I contend that it is quite as essential to produce power where it is needed for defense plants, such as Hanford. If there were no other reason, I think the Senate should approve this amendment, because the Army engineers, the Bureau of the Budget, and those acquainted with our defense program point out that it is imperative in planning our defense. If we can appropriate $4,000,000,000 for expenditure abroad, it seems to me that it is not unreasonable to request $4,000,000 at this time with which to begin construction of Ice Harbor Dam.

Mr. CORDON. Mr. President, I think I have reasonable familiarity with this subject matter. I have lived with it for a number of years. I have not been actively attempting in the past 2 or 3 years to secure an appropriation to begin construction on the Ice Harbor project. The Senator from Washington has suggested that he cannot understand why anyone opposes it. The Senator is fully aware of my views. However, I desire this evening to make them wholly public in order that no one may misunderstand them.

Unfortunately, Mr. President, the Treasury is not a bottomless barrel. Unfortunately, appropriations from the Treasury are called for from all parts of the United States. Unfortunately, so far perhaps as we of the Pacific Northwest are concerned, some of us serve on the Appropriations Committee which must give the same consideration to the tip end of Florida or the northern point of Maine that it gives to my own Pacific Northwest. If we do not do that we have no business sitting as members of the Appropriations Committee, and we dishonor seats in the United States Senate.

We must consider the situation generally, and we know as a practical proposition that we must spread what funds are available throughout the Nation, and must do the things that need to be done, where they need to be done. We have not been able to do many things as rapidly as we should have liked to do them.

I went into the problem of public works in the Pacific Northwest, and I undertake to say that no one has studied them more carefully nor worked more earnestly for their advancement than I have. I found that some decisions had to be made which I did not like to make; but they had to be made. No one knows better than the present occupant of the chair, the distinguished Senator from Florida [Mr. HOLLAND] why they had to be made. There had to be some selection of the construction projects, because all of the money which was available could have been spent in the Pacific Northwest, so far as productive public work is concerned; but there were other places which had to be considered. The question arose, as a result, "What is the best policy? Should we select public works which, because of their magnitude, necessarily involve huge sums of money—not thousands or tens of thousands, but millions of dollars?" Should we select some outstanding project of great value not only to the Pacific Northwest but to the Nation as a whole, and concentrate on its completion, or should we start a multitude of projects and spread the available funds among them, with the result that we could never know when any of them might be completed? As someone has said, if I may be pardoned, "A dam is not worth a damn until it is completed." That is true of the Pacific Northwest and of the rest of the United States. When we take a look at the public-works program we must consider some schedule of construction that will complete a particular project at some specified time. That was necessary, Mr. President, in the Pacific Northwest. The Senator from Oregon, as a member of the Appropriations Committee, was compelled

to make a decision, and he made it. He is prepared to defend it in the United States Senate or anywhere else. The position he took then and the decision he made then was that there were two outstanding projects of very great value to the Pacific Northwest and of very great value to the Nation as a whole. They were McNary Dam on the Columbia River, on the boundary between the States of Oregon and Washington, and Chief Joseph Dam entirely within the State of Washington and but a short distance below Grand Coulee Dam, also on the Columbia River.

McNary Dam, when completed, will have an output capacity of 980,000 kilowatts. It will have a firm capacity of approximately 750,000 kilowatts, and that without any stand-by production of any kind or character.

Chief Joseph Dam will have approximately a million and a half kilowatts capacity and about two-thirds of that will be firm power. But neither will have one iota of value until it is completed. Both projects are vast in size and expensive in construction, running over $250,000,000 apiece. Neither could ever be completed if we attempted to build five, six, or seven, or even three other projects if we had to take from these two major primary structures funds which could hasten their completion and give them to some other projects. That would only retard the construction of the major structures.

So the Senator from Oregon reached the conclusion, and maintains it now, that the best interests of the Pacific Northwest and the best interests of the Nation would be met by doing everything possible to put every dollar that can be found into those two major projects until closure was had and the installation of power units was begun, or at least until that was approached. To do that, the Senator from Oregon had to turn from the Ice Harbor project, and he did so.

Mr. President, I know that my friend the senior Senator from Washington is aware of the views of the Senator from Oregon in that regard. That was my view as a sound policy for development of the Northwest area.

When there was a complete outage of Bonneville power during the current summer and the great plutonium piles at Hanford had to grow cold, a review of this matter became imperative. The outage was somewhere in the grid system, where, I do not know, but there was a complete shutdown for a short time. It could occur if the source of power for Hanford were 5 miles away, but, of course, as everyone knows, the possibility of outage increases mathematically with the distance the power must be transported.

Mr. President, the Hanford project is vital to our national security. Whatever might be the sound policy in a long-range construction program in the Pacific Northwest is one thing; what is absolutely essential to maintain the continuity of operation of Hanford may be quite another thing. When it came to my attention, as it recently did, that that outage would have the serious effects it has, and that some source of power within the reasonably close neighborhood of Hanford was essential as a national defense proposition, I found it necessary to review my own conclusions.

Mr. President, I am not going to discuss the merits of the several dams. I happened to be on the Committee on Commerce in 1944 when the Snake River dams were authorized. I am happy to say that I may have had some little to do with the authorizations made. I have never been adverse to any of those dams.

When the fish question was raised, it so happened that that question might be resolved in the period of construction of the two major dams, which, of course, would be a consummation devoutly to be wished. I do not want a ten, fifteen, or twenty million dollar per annum industry destroyed unless it is necessary to destroy it. I do not know whether the building of the dams will do that; no one knows; but there was an opportunity to get more information while, at the same time, using every available dollar to forward two major projects which were essential to the Northwest and to the Nation.

When the outage came, the people at Hanford immediately wrote to Dr. Raver, the Administrator of Bonneville. A letter has been placed in the RECORD by my distinguished friends, the senior Senator from Washington, and it speaks for itself. It represents the considered judgment of the Director of the Hanford project that there it will be necessary to have a reasonably close generating facility to furnish electric power to the Hanford project, and that the transmission facilities, to get the power from its place of generation to Hanford, must be so divorced from the over-all Bonneville grid and so safeguarded by automatic cut-out switches as to be free from the type of accident which recently occurred. In the letter the Director suggested that one of the four Snake River dams would be a proper and ideal solution of the difficulty.

Mr. President, McNary Dam is only 40 or 50 miles farther away than is Ice Harbor Dam. In my opinion, it might serve the same purpose as would Ice Harbor Dam. I do not know. I need expert information that I do not have today. It might well be that an accelerated construction program on McNary Dam, an accelerated program for the installation of the generators there, would bring the power needed to safeguard Hanford more rapidly than could be done by the construction of Ice Harbor Dam. Again, Mr. President, I do not know the answer. It is an answer which we must have. There is a possibility in connection with the dam authorized down the river from McNary, which in itself is one of the great structures to be built in the Pacific Northwest and which will in itself have a potential generation of approximately 1,400,000 kilowatts of power.

Whether that dam ought to go forward before the four dams on the Snake River, I do not know. There are some compelling reasons in favor of it. However, Mr. President, I do not have the information. The Senate does not have it. In the meantime the continuous operation of Hanford is essential. I think some of that information can be had in time, and it will be of value in determining what ought to be done to maintain continuity of operation at Hanford. Certainly I do not want to see Members of the United States Congress by their own action put it beyond their power to do something about it now, if Ice Harbor is the answer.

Therefore, Mr. President, I voice the hope that we may take to conference the authorization which has been submitted by the senior Senator from Washington.

I am in nowise betraying a confidence when I say that the vote in the committee was 6 to 5 against the inclusion of the appropriation. Someone has asked why six Senators voted against it. Of course no one can read anyone's mind The history of Ice Harbor in the past may have had something to do with it. I was among the five who voted in favor of it. We needed six votes, but we had only five.

I hope, Mr. President, that the Senate will see fit to include the appropriation in the bill and let it go to conference. I want to say to the Senate now that I pledge to the Senate that I shall do everything in my power to have every bit of information available that can possibly be secured in order to determine whether Ice Harbor should go forward now, or whether there is another answer which is better for Hanford and therefore better for the people of the United States. That is the position I take at this time.

I desire to add that these problems, when one views them from the position of a member of the Committee on Appropriations, take on quite a different aspect than they do when one views them as an advocate for an improvement in his own section of the country, and does not have the responsibility of allocating available funds, which comes to a member of the Committee on Appropriations.

Mr. McKELLAR. Did the Senator say that he was in favor of the amendment? So far as I am concerned, I have offered to take the amendment to conference. Can we not vote on it and pass the bill? We have been here nearly 7 hours. Can we not go on with it and pass it?

Mr. MORSE. Mr. President, will my colleague yield for one sentence?

Mr. CORDON. Yes.

Mr. MORSE. I want to say that I associate myself with my colleague's recommendation that this appropriation for Ice Harbor be taken to conference.

Mr. CORDON. I appreciate that my esteemed friend, the chairman of the committee, is anxious to conclude the matter. I have no desire to prolong it. I may say that I have not taken too much of the Senate's time in the past 6 years.

Mr. McKELLAR. That is correct.

Mr. CORDON. I shall endeavor to keep that record for as long as I may be here in the future. However, this is a matter of some importance. It is necessary sometimes to get the facts into the RECORD. One cannot always leave a matter of this character in an ex parte shape, because there may come a time when someone else may be on the Committee on Appropriations and may be on the other side, and we on the Senate side

could be faced with: "Gentlemen, on a certain date in the United States Senate this statement was made, and nobody refuted it." The statement could rise to plague us. Therefore sometimes it is necessary that a statement go into the RECORD solely for the purpose that the RECORD may be a little more fully answerable to all the facts that may come up at some other date.

Mr. President, I shall not further detain the Senate. One of these days I may find it necessary to discuss at greater length some of the problems involved in the public works program of the Pacific Northwest. I say to my colleagues that at that time I shall also endeavor to be as brief as the facts will warrant. Sometimes, because the problem is complex, one cannot stop as soon as one would like. I now voice the hope, Mr. President, that the Senate will agree that the item be included in the bill and will go to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. MAGNUSON].

The amendment was agreed to.

The PRESIDING OFFICER. If there are no further amendments to be proposed the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. McKELLAR. Mr. President, I move that the Senate insist on its amendments, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. McKELLAR, Mr. THOMAS of Oklahoma, Mr. RUSSELL, Mr. McCARRAN, Mr. O'MAHONEY, Mr. BRIDGES, Mr. GURNEY, Mr. FERGUSON, and Mr. WHERRY conferees on the part of the Senate.

DEVELOPMENT AND MAINTENANCE OF AMERICAN-FLAG SHIPPING ON THE GREAT LAKES

The Senate resumed the consideration of the bill (H. R. 8847) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY]. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, line 24, it is proposed to strike out "90" and to insert in lieu thereof "75."

APPOINTMENT OF GENERAL GEORGE C. MARSHALL TO THE OFFICE OF THE SECRETARY OF DEFENSE

Mr. RUSSELL. Mr. President, because of the importance of the bill, I ask unanimous consent that the unfinished business, the bill (H. R. 8847) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes, be temporarily laid aside, and that the Senate proceed to the consideration of the bill (S. 4147), authorizing the President to appoint General of the Army George C. Marshall to the Office of Secretary of Defense.

The PRESIDING OFFICER. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (S. 4147), authorizing the President to appoint General of the Army George C. Marshall to the Office of Secretary of Defense.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate proceeded to consider the bill (S. 4147), authorizing the President to appoint General of the Army George C. Marshall to the Office of Secretary of Defense.

Mr. KNOWLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hickenlooper	Magnuson
Benton	Hill	Malone
Bricker	Hoey	Martin
Butler	Holland	Millikin
Byrd	Humphrey	Morse
Cain	Hunt	Mundt
Chapman	Ives	Murray
Chavez	Jenner	Neely
Connally	Johnson, Colo.	O'Conor
Cordon	Johnson, Tex.	O'Mahoney
Darby	Kem	Robertson
Donnell	Kerr	Russell
Douglas	Kilgore	Schoeppel
Dworshak	Knowland	Smith, Maine
Ecton	Langer	Sparkman
Ellender	Leahy	Stennis
Ferguson	Lehman	Taft
Frear	Lodge	Taylor
Fulbright	Long	Thomas, Okla.
George	Lucas	Thye
Gillette	McCarran	Watkins
Graham	McClellan	Wherry
Green	McFarland	Wiley
Gurney	McKellar	Williams
Hendrickson	McMahon	Young

The PRESIDING OFFICER. A quorum is present.

Mr. BYRD obtained the floor.

Mr. JOHNSON of Colorado. Mr. President, I heard the Chair state that the matter before the Senate was another bill from the one to which I wish to refer. Yesterday I entered a motion to concur in the House amendments to Senate bill 3357, and I desire to know if that is not the pending business. That is a privileged matter.

The PRESIDING OFFICER. The Chair is advised that the measure mentioned by the Senator from Colorado was temporarily laid aside, and upon the disposition of the supplemental appropriation bill the shipping bill became the unfinished business. Upon request for unanimous consent to lay that aside and take up a bill with reference to the Unification Act, the Senate gave consent for that to be done. So that the pending business now is the measure to amend the Unification Act.

Mr. JOHNSON of Colorado. I do not know what the RECORD shows, but I was here at the time when my motion was before the Senate, and no order was entered to lay aside my motion at any time.

The PRESIDING OFFICER. The Chair is advised that the motion which the Senator has in mind is a privileged matter, and he can call it up at any time. The bill to amend the Unification Act is now the pending business.

Mr. JOHNSON of Colorado. I understand the parliamentary situation. So that when I can get the floor I can call up my motion. Is that correct?

The PRESIDING OFFICER. Upon getting the floor and having the House amendments laid before the Senate, the Senator will be entitled to bring up his motion as a privileged matter at any time.

Mr. JOHNSON of Colorado. I thank the Chair.

Mr. BYRD. Mr. President, Senate bill 4147 was reported favorably by the Committee on Armed Services by a vote of 8 to 2. This bill was introduced at the request of the President of the United States to make it possible——

Mr. KNOWLAND. Mr. President, will the Senator yield? May we have order? It is a very important step the Senate is being asked to take, and I think every Senator should hear both sides of the argument.

The PRESIDING OFFICER. The point of order is well made. The Senate will be in order.

THE REVENUE ACT OF 1950—CONFERENCE REPORT

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Georgia?

Mr. BYRD. I yield.

Mr. GEORGE. Mr. President, I am advised that after the Senate voted to disagree to the House amendment to Senate amendment 191 to the tax bill, H. R. 8920, and after the conferees had been appointed upon the issues which arose regarding amendment 191, a motion to reconsider the vote by which the Senate disagreed was entered.

The PRESIDING OFFICER. The Senator is correct.

Mr. GEORGE. I am not in physical shape to remain longer in the Senate unless the matter can be brought up and disposed of now, and while it is a privileged matter, at the same time other matters have intervened, and I have no disposition to interfere with them.

We are in this position: The conferees have been informally considering the tax bill all week, that is, those who would be named as conferees by the House, and the Senate conferees who had already been named. A further conference is scheduled to convene tomorrow morning at a rather early hour, in the hope that we may be able to finish our work on the tax bill and make a report to the Senate tomorrow.

I should like to ask, if it will not inconvenience other matters before the Senate, that the motion to reconsider be brought up at this time so that it may be disposed of and we will know what we can do about the conference tomorrow, or about further conferences on the tax bill.

Mr. BYRD. The Senator from Virginia will have no objection to that being done, provided Senate bill 4147 will be the order of business after that.

The PRESIDING OFFICER. That bill will remain the order of business. The business mentioned by the Senator from Georgia is a privileged matter.

Mr. GEORGE. It is.

The PRESIDING OFFICER. The Senator from Virginia yields to the Senator from Georgia.

Mr. GEORGE. The matter is a privileged one, but I do not want to displace other measures. For the reasons I have stated, however, I should like to have the question disposed of, because if the action taken by the Senate is to be reconsidered, a conference in the morning will, of course, need to be called off, for we will not know how to proceed unless and until this particular motion is out of the way. I am advised that the House has named conferees on its part. The conferees have been tentatively going over the bill. In fact, I may say that they have gone over the greater portion of the bill. We had not quite completed our work, but we did hope to do so tomorrow, until the situation we have been discussing arose. Therefore, immediately following the vote on the question that was before the Senate, while a full quorum was present, I asked that the matter be laid before the Senate and moved that the Senate disagree to the House action on amendment No. 191, and that the Chair appoint conferees. That was done. I had left the Chamber and was on my way home when I was advised that a motion had been entered to reconsider that vote. I would therefore like, Mr. President, to have the matter called up at this time.

The PRESIDING OFFICER. Is there objection to the motion to reconsider at this time?

Mr. O'MAHONEY. Mr. President, as the mover of the motion to reconsider I want the Senate to understand that I have no disposition at all to prevent immediate action on the matter. I consulted the Senator from Georgia as soon as I could find him after the conference had been agreed to, and told him that I would be very happy to have this matter called up at his convenience, either immediately, or after the bill relating to General Marshall had been passed upon, or tomorrow morning. I have no disposition whatever to delay the consideration of this matter or to prevent the conferees from proceeding immediately tomorrow morning to the transaction of their business. So, Mr. President, I join with the Senator from Georgia in requesting that the pending business be laid aside, and that my motion to reconsider be taken up. I desire, of course, to express to the Senate the reasons which prompted me to make that motion.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Georgia, seconded by the Senator from Wyoming, that the pending business be laid aside and that the motion to reconsider, heretofore entered by the Senator from Wyoming, be now considered? The Chair hears no objection, and the question is on agreeing to the motion to reconsider entered by the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, after the tax bill left the Senate and went to the House, numerous Members of the House of Representatives sought to instruct the House conferees by adding to the bill an excess-profits-tax amendment somewhat similar to the one which was offered by the Senator from Texas [Mr. CONNALLY] and myself when the measure was under consideration in the Senate. Those efforts failed. The parliamentary situation was such that under the ruling of the Chair such an amendment was ruled out of order. It was stated that the George-Millikin amendment was in fact merely an order for an investigation, was not a tax amendment, and therefore that a proposal to add a tax amendment was out of order. Thereupon the sponsors of the excess-profits-tax provision in the House undertook to prepare an amendment to the George-Millikin amendment.

Members of the Senate will recall that the George-Millikin amendment was offered as a substitute for the excess-profits-tax amendment of the senior Senator from Texas [Mr. CONNALLY] and myself. It was adopted by a very narrow margin. That substitute was not an excess-profits-tax provision, but it was an attempt by this Congress to instruct the Ways and Means Committee and the Finance Committee of the next Congress to report an excess-profits-tax bill in the next session of Congress, retroactive to October 1 or July 1.

Representative EBERHARTER, of the Ways and Means Committee of the House, on Wednesday, September 13, gave notice, as appears on page 14766 of the RECORD for September 13, of his intention to offer an amendment to the George-Millikin amendment. It was published in full in the RECORD. Senators who desire to read the amendment will find it on page 14766. It will be remembered that the Senate amendment 191 was an instruction to the two committees of the next Congress to make a report. The Eberharter amendment reads as follows:

TITLE VII—EXCESS-PROFITS TAX

SEC. 701. Excess-profits tax

(a) The House Committee on Ways and Means and the Senate Committee on Finance are hereby directed to report to the respective Houses of Congress during the second session of the Eighty-first Congress, and as early as practicable during said session, a bill for raising revenue by the levying, collection, and payment of corporate excess-profits taxes with retroactive effect to October 1, or July 1, 1950, said bill to originate as required by article I section 7, of the Constitution.

(b) The Joint Committee on Internal Revenue Taxation, or any duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete study of the problems involved in the taxation of excess profits accruing to corporations as the result of the national defense program in which the United States is now engaged. The joint committee shall report the results of its study to the House Committee on Ways and Means and the Senate Committee on Finance as soon as practicable; and

The difference between Senate amendment 191, otherwise known as the George-Millikin amendment, and the Eberharter amendment, is simply this, that the Senate amendment was an action or an attempted action by this Congress to instruct the committees of the next Congress to bring in a retroactive excess-profits tax. The Eberharter amendment on the other hand is a valid instruction by this Congress to its own committees to make such a report to this session of this Congress.

This matter came up on the floor of the House today. The parliamentary situation developed in the following manner: The Representative from Pennsylvania [Mr. EBERHARTER] sought to have this amendment attached. The previous question was moved, to shut off debate and to settle the issue.

On the previous question, the advocates of the excess-profits-tax amendment of Mr. EBERHARTER, requiring the report to the committees of the Congress, was carried by more than 2 to 1, 225 Members voting against the previous question to shut off debate, and only 106 voting for it. So, debate not having been shut off, and the effort to prevent the House from voting having failed, the Representative from Pennsylvania thereupon offered his amendment. It was carried by the extraordinary vote of 331 to 2.

So the Members of the House of Representatives have left the country and the Congress in no doubt that they want early action, immediate action; that they do not want this matter postponed until the next Congress, when, by the attempt of this Congress to instruct the next Congress, the whole matter may completely fail, because there will be nothing but a moral commitment by the members of these two committees to have the next Congress do anything about this matter.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. TAFT. However, the House insists upon this amendment to the Senate amendment, and requests a conference with the Senate on this question.

Mr. O'MAHONEY. The Senator is quite correct; yes, indeed. That is what I was about to say.

Mr. SPARKMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Wyoming yield to the Senator from Alabama?

Mr. O'MAHONEY. I yield.

Mr. SPARKMAN. The Senator said that by the vote of the House of Representatives, the Members of the House thereby left the country in no doubt.

As a matter of fact, is it not also true that they have just been back to their homes, back to the country, and now they have returned to Washington; and apparently the country did not leave any doubt in their minds as to what the country wanted?

Mr. O'MAHONEY. Of course.

Mr. President, the parliamentary situation at this time is this, as I am sure the Senator from Ohio understands: When the papers containing the action of the House came to the Senate, two motions were in order: One was the motion which was made by the Senator from Georgia, namely, that the Senate disagree to the amendment of the House to the amendment of the Senate, and to request a conference. The other motion—a privileged one—was one to agree to the House amendment to the Senate amendment. No other question is here involved. Every other amendment of

the Senate is now in conference, and I have no desire to disturb it.

The House of Representatives agreed to the conference requested by the Senate on all amendments except Senate amendment No. 191; and the House of Representatives has amended Senate amendment 191, and has requested a conference upon it.

Therefore, Mr. President, when I came into the Senate Chamber when I learned of the action taken by the House of Representatives, I inquired of the Parliamentarian what the situation was, and I was advised that the papers were here. In fact, I saw the papers at the desk, and I read the amendment the House had made to the Senate amendment.

The appropriation bill was then under consideration. The Senator from Georgia was not on the floor.

I received word of a telephone call, and I went out of the Chamber to answer the telephone call. Then, having finished the call, I was walking around to the other entrance, when a newspaper man told me that the Senate had already agreed to a conference with the House upon this amendment.

Thereupon, I entered my motion to reconsider the vote by which that action was taken.

My only purpose in entering the motion was to secure to the Members of the Senate the right to vote upon a motion which I should like to make, namely, that the Senate agree to the House amendment to the Senate amendment numbered 191. That is all I wish to do.

I think the matter has been thoroughly discussed. I am sure every Member of the Senate knows precisely what the issue is.

I and other Senators felt that the attempt of this Congress to instruct the committees of another Congress what to do about excess profits taxes was bound to fail, and that it was a postponement for the purpose of killing the consideration of the excess-profits tax.

What I desire to obtain now, Mr. President, is reconsideration of the first motion, in order that the privileged motion may be made.

There will be no delay on my part. I am sure that none of the Senators who feel as I do—namely, that this matter should be acted upon in a clearly valid way, within the power and the jurisdiction of this Congress, instead of in an invalid way, one which is very likely not to be effective—have any desire other than that we may have an opportunity to vote upon that question.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MORSE. I wish the Senator to yield to me for half a minute, in order that I may supplement the plea he is making to the Senate that the Senate permit a vote to be had on the motion which the Senator from Wyoming assures the Senate he will make, if an opportunity is given for that purpose, namely, to permit the Senate to vote on the amendment which has been adopted by the House of Representatives to the Senate amendment.

Let me say that I have just returned from my State, having gone there over Labor Day. While I was there I talked to two audiences of businessmen. I wish to say to the Senator from Wyoming that on one issue I found remarkable agreement of opinion, namely, that they, as businessmen, feel that now is the time to impose an excess-profits tax. I think other Members of the Senate who returned to their homes over Labor Day have heard similarly from their constituents, too; and I am satisfied that on this issue there is overwhelming public support, across the Nation.

I am convinced that the people of the United States feel that Congress owes it to them to draft the excess profits which are being made by the profiteers out of this war.

Mr. O'MAHONEY. Mr. President, I am very happy that the Senator from Oregon has made that statement.

The Senate has just passed, and has sent to the House of Representatives, an appropriation bill calling for $17,000,000,000. The tax bill which we passed and sent to the House was estimated by those in charge of it as being capable of raising less than $5,500,000,000. We already have a deficit. If we do not raise the money we are appropriating for national defense, or if we do not attempt to raise it by taxation in an amount much closer to the amount that we are authorizing for expenditure, we shall only be inviting disaster to the capitalistic system.

Senators say—and did say during the original debate—"You must take this bill without an excess-profits tax, or you will get no bill."

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MILLIKIN. But we did not say that, "You will not get an excess-profits tax."

Mr. O'MAHONEY. That is correct. The action was taken to postpone the imposition of an excess-profits tax.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. MILLIKIN. It has not escaped the very shrewd Senator's attention that the Eberharter amendment promises nothing. There is no assurance in the amendment that any bill will be passed by the Congress at this session. How do we know the Congress will be in session by the time the experts get through, by the time the committees get through? How do we know that the Congress will act upon it? I say to the Senator—and I dissociate him entirely from any such intention—this is a sham, an outright sham. It makes no promise of any kind that will yield one penny sooner than the action to be taken under the George-Millikin amendment.

Mr. O'MAHONEY. Mr. President, I seriously doubt whether it can be properly said that an amendment which was adopted by the House of Representatives by a vote of 331 to 2 is a sham. This is a valid instruction by this Congress to its own committees. Compared with that, we have an instruction by this Congress to the committees of the next Congress.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is there not an added necessity for such an instruction on the part of the Senate to the Finance Committee, in view of the statement issued on September 6 by Secretary of the Treasury Snyder, which conflicted with the promise apparently made by the George-Millikin amendment?

Mr. O'MAHONEY. I am glad the Senator has referred to that. I think that makes it necessary, because, if Secretary Snyder was properly quoted, he said in Paris that this amendment, No. 191, did not mean anything, because there would be no retroactive excess-profits tax.

Mr. DOUGLAS. Would the Senator like to comment on the United Press release on the statement issued by the Secretary of the Treasury at Paris? Would the Senator like to have me read it, and then make a comment on it?

Mr. O'MAHONEY. I should be very glad to have the Senator read it.

Mr. DOUGLAS. This is the United Press release dated September 6 from Paris:

> United States Treasury Secretary Snyder said today that he did not believe excess-profits tax would be applied to 1950 corporation profits. The Secretary said in an interview he believed that the tax bill due to be passed next year would apply to profits earned after January 1, 1951, and not before. He said this would be necessary because of the difficulties in making a tax retroactive.

Mr. O'MAHONEY. Of course, the result of that, if the Secretary of the Treasury was correctly quoted, was that he was expressing the belief that the profits which are earned in 1950, out of the expenditures for defense, by corporations, will not be subjected to an excess-profits tax.

Mr. DOUGLAS. And therefore——

Mr. O'MAHONEY. The record before us is clear that ever since the beginning of the Korean incident, profits have been mounting and mounting and mounting; but Government expenditures have been mounting and mounting and mounting, too.

The Senator from Texas and I, in discussing the matter with the Senator from Illinois and with numerous other Senators throughout this body, when we were confronted with that fact, said, "Let us not allow the deficit to mount while we have the opportunity, by levying an excess-profits tax, to draft at least a portion of the excess profits earned by the corporations as a result of these expenditures."

Mr. DOUGLAS. Mr. President, will the Senator yield for another question?

Mr. O'MAHONEY. Certainly.

Mr. DOUGLAS. Is it not apparent, therefore, that the Secretary of the Treasury thought that the promise in the George-Millikin amendment was in no sense binding, and that in all probability it would not be put into effect?

Mr. O'MAHONEY. Mr. President, I think the Senator is quite correct. What I should like to see the Senate do is merely to have an opportunity clearly and definitely to express itself as to

whether the instruction should be given by this Congress to its own committees, instead of by this Congress to the committees of another Congress.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Georgia.

Mr. GEORGE. In view of the remarks of the distinguished junior Senator from Illinois, and also in view of the words of the distinguished Senator from Colorado, let me say that the alleged statement attributed to the Secretary of the Treasury in Paris was made before the vote actually occurred on the George-Millikin substitute. But, as of today, the Secretary of the Treasury writes me as follows:

> In connection with our conversation over the telephone this afternoon regarding the press report from Paris of a statement attributed to me concerning excess-profits tax legislation, I stated, as I recall, in reply to a question regarding the tax program in the United States, that it would be well for European countries to follow the pattern planned by the administration in the United States, to pay as much of the additional costs of the defense program out of additional revenues, as possible. When asked about the likelihood of an excess-profits tax, I stated that the administration was definitely in favor of a war-profits tax.
>
> I can assure you that whatever action the Congress takes in reference to this matter will have the full cooperation of the Treasury Department in carrying out the wishes of the Congress.

Mr. O'MAHONEY. I am very happy that the Senator has read that letter into the RECORD. I may say frankly that when the dispatch from Paris came to my attention I thought it was a rather extraordinary story, and I wanted confirmation before I gave it full credence. That is why, in response to the Senator from Illinois, I said that if the dispatch was accurate, it would have such and such an effect.

Mr. LEHMAN and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield, and, if so, to whom?

Mr. O'MAHONEY. I yield to the Senator from New York.

Mr. LEHMAN. Mr. President, for the past 6 weeks, until a few days ago, I did not miss a single session of the Senate, and therefore, of course, had no opportunity of feeling out the sentiment in regard to the excess-profits tax in my own State. As the distinguished Senator from Wyoming will recall, I spoke in favor of the immediate adoption of an excess-profits tax, and, of course, voted for it.

Last week I had the opportunity for the first time in 6 weeks of going to my own State and talking to a great many of its people. I was astounded at the sentiment which existed there for an immediate excess-profits tax, and the criticism which was leveled at the Congress for its failure to enact an excess-profits tax at this time. When I say I spoke to many people, I include farmers, working men and women, small-trades people, and representatives of large businesses and corporations. I have never known such unanimity as I found in my own State in favor of the immediate enactment of an excess-profits tax. I found no one opposed it. Men and women, almost without exception, were strongly of the opinion that the burden of this war should be borne equally by all the people and that we should not again subject ourselves to the risk of inflation and to the certainty of a greatly increased debt.

So I very wholeheartedly support the motion.

Mr. O'MAHONEY. It is most encouraging to receive that testimony from the Senator from New York. It is similar to the testimony which I have heard. The people of America want to pay for this defense effort to the extent of their capacity.

Mr. President, I said at the outset that it seemed to me the issue is clear. I do not intend to prolong my remarks. I say only that if the motion to reconsider is agreed to, I shall immediately make the privileged motion to agree to the amendment of the House, and then that will be out of the conference and everything else will be in.

Mr. BENTON. Mr. President, will the Senator yield for one question?

Mr. O'MAHONEY. I yield.

Mr. BENTON. To prevent the sham or fraud, or whatever the word was which was used——

Mr. O'MAHONEY. The Senator from Colorado did not use the word "fraud."

Mr. BENTON. Is it the Senator's thought that the Congress should remain in session, or that it should adjourn and be called back into session to enact excess-profits-tax legislation? Should we remain here until we do it, or should we come back here again?

Mr. O'MAHONEY. I think it would be perfectly feasible to adjourn Congress to a date certain after the election, and Members of Congress who are concerned intimately and immediately with the elections could go to their homes and conduct their campaigns. In the meantime, the Joint Committee on Internal Revenue Taxation could be carrying on the study which that committee is instructed to carry on. The staff will be here and ready to do the work, and then when Congress reassembles, after the elections, we would, in all probability, have an excess-profits-tax bill upon which we could act.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LEHMAN. I am a candidate for reelection to this great body——

Mr. O'MAHONEY. And I wish the Senator luck.

Mr. LEHMAN. While I am very hopeful of reelection, I realize that in all probability I shall have a difficult campaign. But I want to go on record by saying that I am willing to remain here, if necessary, in order to enact the excess-profits tax at this time. I am willing to give up my campaign, if necessary, in order to do that. I do not know of anything much more important at this moment than to enact an excess-profits-tax law now, not next year.

Mr. O'MAHONEY. Mr. President, so far as I am concerned, the issue is in the hands of the Senate. I hope the Senate will vote to reconsider.

Mr. GEORGE. Mr. President, I express the hope that the Senate will adhere to the action already taken and will vote against the motion to reconsider.

I desire to invite the attention of the Senate to some of the salient facts. Eloquent testimony has been offered by the distinguished Senator from Alabama [Mr. SPARKMAN]. He voted for the O'Mahoney-Connally amendment when it was before the Senate. The distinguished Senator from Oregon [Mr. MORSE] has likewise offered testimony, and he also voted for the O'Mahoney-Connally amendment. The distinguished Senator from New York [Mr. LEHMAN], who finds universal sentiment in his State, without exception, as he said, in favor of the enactment of an excess-profits tax now, also voted for the O'Mahoney-Connally amendment. All three of these eloquent witnesses have confirmed the old statement that almost any of us can find exactly what we are looking for.

I wish to remind the distinguished Senator from New York, however, that when he says "without exception," he should look into the RECORD and read an editorial from the New York Times, published in his own city of New York. It is one of the most scathing editorials that has been brought to my attention. He will find at least one voice in New York saying that this whole proposal is political in its inspiration and in its effort. The New York Times confesses that it is less tolerant than are many others as to some things, because it says, in the concluding paragraph, that it is intolerant of that sort of politics.

I desire to remind the Senator of another thing. When this amendment was presented to the Senate Finance Committee it was discussed, and the committee decided that it could not, in keeping with the recommendations made by the Secretary of the Treasury and the President, bring out a tax bill which could become effective by October 1 of this year, as we were requested to do, if highly complicated and controversial provisions were included in it. We followed faithfully and fully the recommendations made by the President and by the Secretary of the Treasury that we not go beyond the recommendations made by those two responsible officials of the Government, and not delay or even take the chance of delaying the quick enactment of the tax bill which they requested.

We were assured that there would be another bill, and that the other bill would follow as rapidly as might be possible. When the matter came before the Senate we were, of course, met with a prolonged debate on this question. When the question was first put to a voice vote, the amendment was rejected. I myself asked that the vote be set aside and that the roll be called so as to give the proponents of the amendment a chance to go on record. Such a vote was had, and a majority of the Senate voted against the approval of the then presented excess-profits-tax amendment.

In the course of the debate—and I now repeat, because matters have reached a stage where I must be per-

fectly plain—the excess-profits-tax-amendment proposed was not a real excess-profits-tax amendment. It was not designed as a real excess-profits-tax amendment. It was one which would tax the identical income earned in each year from 1946 to 1949, inclusive, although the earnings in 1950 would have been even less than the average earnings for those 4 years. Therefore it was not a real excess-profits tax proposal.

I know that in a period of hysteria one can get all sorts of confirmations of his views, particularly if they are directed to the prejudices or to the anxiety or to the concern of good people. I saw that demonstrated. The President of the United States asked for a certain type of control legislation. Under the hysteria of the moment, a much broader control bill was voted for the President of the United States. He may not exercise it, but under pressure, of course, I cannot say what he may do. What this country now needs is not the hysteria and the excitement which have grasped our people. It now needs, as it never has before needed in all our history, calm, deliberate judgment.

As a member of the Committee on Finance I have known for a long time that there were groups in this country who wanted a permanent peacetime excess-profits tax. That is precisely what was offered to the Senate, because under the bill a corporation could have made less than it had in all average years from 1946 to 1949, inclusive, and yet have been taxed 85 percent upon the excess profits, so-called. It is one thing to talk about excess profits. What is an excess-profits tax? An excess-profits tax, as we have known it, indeed as it is in the concept of all countries which have employed it, is simply a tax over and above what is regarded as a normal tax. Whenever this country adopts a peacetime excess-profits tax, a tax which will take more in a taxable year than the average earnings of the corporation over a fairly representative period, we have laid, Senators—and I say it without fear of contradiction—the foundation of the socialization of American industry and for the complete nationalization of American industry.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield for a question.

Mr. O'MAHONEY. Does the Senator contend that the Eberharter amendment does any of these grave and frightful things?

Mr. GEORGE. I have not had an opportunity to read the Eberharter amendment. I have been at work on the tax bill.

Mr. O'MAHONEY. I read the amendment a short time ago. Will the Senator accept my statement that it differs from the Senator's own amendment only in that it makes an instruction by this Congress to the committees of this Congress instead of to the committees of the next Congress?

Mr. GEORGE. I am coming to that.

Mr. O'MAHONEY. Does the Senator not acknowledge, therefore, that the Eberharter amendment does not propose any such tax as he has been talking about?

Mr. GEORGE. The Eberharter amendment, which was approved by the House, does not undertake to fix a tax, but the first amendment he offered, and which was ruled out of order, did. I have not read the last one. I cannot pass judgment on it.

Mr. O'MAHONEY. I merely suggest to the Senator that the charges that he makes against the Senator from Texas and myself, namely, that we were motivated by politics and that we were aiming at a peacetime excess-profits tax—a suggestion, by the way, which I heard no one raise when we proposed a peacetime selective service law—are beside the point.

Mr. GEORGE. Mr. President, I yielded only for a question. I do not mind listening to the Senator from Wyoming, but I was yielding only for a question.

Mr. President, I was adverting to the tax program presented by the distinguished Senator from Wyoming [Mr. O'MAHONEY] and the distinguished Senator from Texas [Mr. CONNALLY]. I was stating simply what it is, and it is subject to anyone's analysis. I have not misrepresented it. I do not know what Representative EBERHARTER has offered in the House. I do know that he offered the same thing that was offered in the Senate, but merely struck out "Eighty-second Congress" and inserted "Eighty-first Congress." That is true. That picture of it is true.

Now I come to that point. The Senator from Wyoming forcefully presents the thought to the Senate that the amendment adopted by the Senate is merely an instruction and direction to the committees of the next Congress, the inference being, of course, that the next Congress may or may not carry it out, or may or may not pay any attention to it. It is more than that, Mr. President. It is in the law. It is written in the act itself. If it is agreed to by the House, as it was agreed to by the Senate, it becomes a law, binding upon the Senate Committee on Finance and binding upon the House committee. I have just read to the Senate from the letter from the Secretary of the Treasury, in which he said that the administration—and of course he is a part of the administration—was definitely in favor of a war excess-profits tax. There would be no sham about it, there would be no evasion about it in the next Congress or during this Congress, because we anticipated most of the work would be done during this Congress, long before January 3, when the new Congress would actually be convened.

I am well aware of the fact that it was charged that the purpose was to evade action upon an excess-profits tax. Not a word of that is true. I dare say no honorable man would make that suggestion. Men who are careless about their speech and about their own commitments and obligations might make it. Indeed, I worked upon an excess-profits bill, trying to devise one, since the debate on the tax bill opened in this Congress, and even a few days in advance of that time. The joint committee staff is at work now. Presumably, because the Secretary of the Treasury told me that it would do so, his own staff likewise is at work. I do not know what his ideas are about how a war excess-profits tax should be framed, but I am sure he is working in good faith.

In the President's latest public statement he called attention to this interim bill. He urged its immediate consideration and passage. He urged that it be passed so it could become effective on October 1. He said that as soon as possible he was recommending an excess-profits tax effective at least from the outbreak of the Korean War. That was June 24 or 25, as I recall. Cannot the Senate, if it is not of a mind to take the word of its own committee, if it is disposed to run roughshod over its committee, accept the word of the President and the Secretary of the Treasury? If the House agrees to the Senate amendment, as there is no doubt it will, we may be able to bring in an excess-profits tax in November, if the Congress is in session in November.

So far as I am concerned, although I am up for election, I do not have to go home to be elected again, I hope. However, if I do, it is of no consequence whether I am elected or not elected. Other members of the Committee on Finance are up for election. I am sure that they would be willing to make a great sacrifice, even as the Senator from New York is willing to make a sacrifice. There is no use of it when we can do the work, and do the work effectively. We cannot do the work as long as motion after motion is made. When the conferees came from the House today a motion was made to disagree to the House amendment to amendment 191 and to send it to conference, which is precisely what the House asked us to do. When I am en route home I am advised that a motion to reconsider the vote by which the Senate itself reached that agreement had been entered. So I had to return. I ask the Senate to do the right thing, that is all; to do the right thing by one of its responsible committees, and let us proceed with the conference with the House.

The House conferees have been instructed to insist on having an excess-profits bill this year. Very well. If the House conferees succeed in convincing us that such a tax should be enacted by the House and Senate this year, all well and good. It is one of the provisions of the tax bill which we will have to consider in conference, and in good faith we will consider it, and the House conferees may persuade us, since they themselves are instructed to hurry up the work on the tax bill as rapidly as possible, and report it during this particular session of the Congress, perhaps after the election, as has been suggested by someone.

At least that is all the House asked. It simply asked that the committee bring in a report this year. We disagreed with that, and asked for a conference on that particular question, and that is in conference. The Senate having agreed to send that question to conference, that is the only issue, and I earnestly ask the Senate not to vote to

reconsider the vote by which the Senate disagreed to the House amendment but accepted the conference.

The conference is already sitting, informally, of course, because the House Members have not been appointed, but it has been informally organized, and for 2 days we worked upon the tax bill. A session is scheduled for tomorrow morning at 10 o'clock, at which meeting we hope we may be able to reach this very amendment known as the George-Millikin amendment in the bill, and may perhaps during the course of the day finish all our work on the tax bill.

Mr. President, that is the case. I can assure my colleagues that I have worked in the Senate very faithfully. I have done the best I could to be of service to the country. I have done the best I could to be of service to the Senate. I meet my obligations as squarely as I can meet them. I would have no respect for myself if I did not have a regard for an honest, conscientious committee faithfully at work, willing to bind itself by the law itself to do precisely what we are now told the country expects us to do and wishes us to do.

Is it fair that the committee should be interrupted in the midst of its work and labor in an effort to reach an agreement upon the tax bill, and in an effort to formulate an equitable and effective war excess profits tax act which can go into effect as the President himself requested, from the outbreak of the Korean War, on July 1, which is the approximate date?

For these reasons, Mr. President, I urge the Senate to vote against the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming [Mr. O'MAHONEY] to reconsider the vote by which the Senate disagreed to the amendment of the House to Senate amendment 191.

Mr. O'MAHONEY. I ask for the yeas and nays.

Mr. DOUGLAS. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, I desire to be recognized.

The PRESIDING OFFICER. Does the Senator from Illinois withhold the suggestion of the absence of a quorum?

Mr. DOUGLAS. I do.

Mr. CONNALLY. Mr. President, I did not intend to address the Senate on this occasion, but the Senator from Georgia rather strongly insinuated that the motives of the Senator from Wyoming and myself were purely political, and thereby assumed to himself a high and patriotic and dignified attitude, while intimating that we were doing what we were doing merely for political effect. So I feel that I should say a few words.

Mr. President, the excess-profits-tax question is no new one with me. It is no new question with Senators who have been Members of the Senate as long as I have been. We have had two World Wars. We had excess-profits-tax bills in each of those wars. Those bills are on the books somewhere and they can be found. The reports of the Treasury as to taxes collected under those bills, and as to how they were collected, are available. Why is it necessary to spend 6 months, with the work of all the committees and the staff members, in examining the question of excess profits?

The excess-profits tax is not the only tax in the bill. I have not a copy of the bill before me, but there are other forms of taxes. How long does it take to examine the tax on an income of $800? Do those interested want to examine the provisions from now until Christmas? It is said, "Oh, we know how to get a taxpayer. If he receives over $600 a year, we are going to tax him. If a fellow has a wife and children, he get his exemption." It does not require 6 months to find out about that. The Treasury knows about it now.

Among all the taxes, why should the excess-profits tax be the only one that is picked out as requiring study, the only tax that requires the labor not only of the committee and of its staff, but of the Treasury, and others? Why is it that the only tax that requires all this study is an excess-profits tax, which it is said we do not want and never have wanted. It is said, "What is the tax levied for?" It is levied in order to get money into the Treasury. Why is this tax levied? It is levied to raise money to pay for the war. It is one thing to pay for the war with one's mouth, and another thing to pay for it with one's pocketbook.

We hear a great deal of talk to the effect that we want to have a tax bill that will pay as you go. We will not get a tax bill to pay as we go with the bill we are considering without an excess-profits-tax provision included in it.

In 1945, I believe it was, though it may have been 1946—the Senator from Wyoming will correct me if I am in error—we had the excess-profits tax during World War II, the Senators came in with bills to suspend it. They said it was going to ruin business, and they wanted to suspend the excess-profits tax. Under their leadership, and under such speeches as we have heard here today and have heard for the last week, Senators voted to suspend the tax, and in that one year, 1945, though it was said we would not collect any appreciable amount of taxes from the excess-profits tax, the Treasury collected $11,000,000,000 in 1 year, and that in the closing days of World War II.

Would not that $11,000,000,000 look good now in helping to pay the expenses of the war in Korea? Would not that $11,000,000,000 look good if we could throw it down on the desks of those who hold our obligations, and reduce the total indebtedness of this country?

Oh, Mr. President, why is it that with all the experience we have had in the past it is necessary for the Finance Committee to take until next January to find out about just one tax, when they found out about 30 or 40 taxes and have already placed them in the bill to be put upon the taxpayers? To say that it is necessary to wait until next January is not logical.

Mr. President, if I am accused of playing politics when I vote to obtain money to pay for the Korean War, then I admit I am playing politics. If it is politics to levy taxes upon the profiteers who have, according to the statistics, ever since the Korean War began been reaping higher prices and higher profits, then I plead guilty. But some seem to think it is not politics to protect and defend the profiteers who with their high excess profits are getting rich off the people. Oh, no, that is not politics at all. But we who are trying to put a just tax, not on a few, but on all the people, including the profiteers, are accused of playing politics. That is a great argument. Some who cannot find any argument to be used in answer to a contention say, "He is either a Communist or he is playing politics." The Senator from Georgia said that whenever we adopted an excess-profits tax as a permanent form of taxation, we were socializing the country.

Mr. GEORGE. No, Mr. President, I made no such statement. I said when a peacetime excess-profits tax is adopted which levies a higher tax upon an income less than the average income of the taxpayer during a fair-base period, that is making possible the socialization or nationalization of industry.

Mr. CONNALLY. I am not for that kind of a tax, of course.

Mr. GEORGE. Very well.

Mr. CONNALLY. But I am in favor of imposing an excess-profits tax whenever men begin to make more money than they ought to make compared with their previous record, as they are doing now. When such conditions arise I am in favor of an excess-profits tax being imposed. I am saying to such an individual, "Come up here, Mr. Taxpayer. You are making a good deal more money since the war started in Korea than you made before." He may say, "Yes, if you have an examiner with you, and a sheriff, and so on, I reckon I will have to admit that I am." I would say to such an individual, "If you are making such excess profits, you have got to give the Government a part of them, because the Government created those profits by getting involved in a war in Korea."

Mr. President, is that position sound? Is it right? Is it just?

When a little fellow with an income of $800 a year comes here, I would say to him, "Are you getting anything out of the Korean War?" "Well, yes," he may say, "I am getting higher prices on everything I buy. I am getting higher prices on everything I eat and everything I wear and everything I have to purchase. That is what I am getting out of the Korean War. Why do you want to know that?"

I would say to him, "Because we are going to tax you at a higher rate than you have been paying in the past, in addition to your higher living costs and all the high costs that go into your modern life and that of your family."

Mr. President, I will admit that what I said here a little while ago might have some political tinges, according to the Senator from Georgia. If it is demagogic, if it is playing politics, to stand for the whole body of the people rather than the few little favorites, then I am guilty of playing politics.

Mr. President, I am a member of the Finance Committee. I have been a member of that committee ever since I

have been in the Senate. I became a member of it the first day I arrived here, as I now remember. The excess-profits tax is no new problem. It certainly is not a new problem to anyone who has been a member of the Finance Committee, or to anyone who is interested in the question of taxation, or who has studied taxation.

What is this intricate thing we have got to wait and wrestle with and struggle with all the time from now until next January? There is no excuse for such delay. I very much hope Senators will not be frightened by the predictions of evil to come upon us, of socialism and of communism, but that Senators will stand up and vote their honest convictions in favor of taking steps looking to the passage of a bill that will help pay the war costs, and will help pay the great debt that is hanging over us. To attack the war costs and the great debt we will take some of the exorbitant and swollen profits of the profiteers and the buccaneers and all the other kind of —eers who are going to make money out of this war. [Laughter.]

The PRESIDING OFFICER. The question is on the motion of the Senator from Wyoming [Mr. O'MAHONEY].

Mr. DOUGLAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Hickenlooper	McMahon
Benton	Hill	Magnuson
Bricker	Hoey	Malone
Butler	Holland	Martin
Byrd	Humphrey	Millikin
Cain	Hunt	Morse
Chapman	Ives	Mundt
Chavez	Jenner	Neely
Connally	Johnson, Colo.	O'Mahoney
Cordon	Johnson, Tex.	Russell
Darby	Kem	Schoeppel
Donnell	Kerr	Smith, Maine
Douglas	Kilgore	Sparkman
Dworshak	Knowland	Stennis
Ecton	Langer	Taft
Ellender	Leahy	Taylor
Ferguson	Lehman	Thye
Frear	Lodge	Watkins
Fulbright	Long	Wherry
George	Lucas	Wiley
Graham	McCarran	Williams
Green	McClellan	Young
Gurney	McFarland	
Hendrickson	McKellar	

The PRESIDING OFFICER. A quorum is present.

Mr. MORSE. Mr. President, I wish to take about 3 minutes to make a reply, at least for the RECORD, in answer to my good friend, the Senator from Georgia [Mr. GEORGE], because I think in one remark he made, he certainly left a false impression in the RECORD, at least, as to my intentions.

Earlier this evening I reported that on my recent trip to Oregon, over Labor Day, I talked to two audiences of Oregon businessmen, and that so far as I could tell, I found among those businessmen, in the court of the open-forum discussion of 1 hour's duration which followed each one of the speeches, remarkable agreement in regard to the imposition of an excess-profits tax. I found general agreement among them that an excess-profits tax should be imposed right now.

In commenting upon my testimony to that effect, the Senator from Georgia seemed at least to give the Senate the impression that he had interpreted my report as a case of my finding what I wanted to find, in view of the fact that I had voted for the O'Mahoney-Connally excess-profits-tax amendment.

I think the Members of the Senate know me well enough to know that on a great many occasions I have cast votes in the Senate not in conformity with what the public opinion in my State was at the particular time I cast my vote on those issues. I have never hestitated on such occasions to report on the floor of the Senate that I was fully appreciative of the fact that the vote I was casting then was not in accordance with the public opinion then prevailing.

In view of that record, I wish to say to the Senator from Georgia that in this instance, when I found myself in agreement with what I am satisfied is the prevailing public opinion in my State, I merely reported the accurate fact to the Senate this afternoon. In no way did I engage in any form of intellectual dishonesty by reporting to the Senate what I wanted to find to be the opinion of the people of my State. I reported that I did find the reaction to be in favor of an excess-profits tax among the businessmen of my State with whom I talked. I think the fact is that the businessmen of America by a very large majority are opposed to the attempt of the Senator from Georgia [Mr. GEORGE] and the Senator from Colorado [Mr. MILLIKIN] to delay action on the passage of an excess-profits tax. We have too much of Dr. Too Late. He has not given to us a healthy body politic. He has weakened the defenses of our country and injured our national morale. Delaying action on excess-profits tax is just another dose of the same prescription which Dr. Too Late has been giving us as soothing sirup.

I repeat what I said earlier this afternoon, Mr. President, namely, that I am satisfied that on this issue the overwhelming majority of the American people want this Congress to stay in session as long as may be necessary for the Congress to draft the excess profits of the profiteers into the Treasury of the United States. Our people want it done in order to collect the necessary funds with which to pay for a large share of the costs of this war.

The last point I wish to make, Mr. President, is in support of the point made by the distinguished Senator from Texas [Mr. CONNALLY], namely, that there is no good reason for long delay in considering an excess-profits-tax proposal. I think we can take judicial notice of the fact—at least, we should be able to take judicial notice of it—that the Senate Finance Committee has a large mass of material, accumulated over the months, on the basis of which it should be able very quickly to draft an excess-profits-tax proposal and submit it to this body in the not-too-distant future.

I repeat that I think the American people are dissatisfied with the therapy they have been receiving from Dr. Late. Dr. Late has been treating the American people, it seems to me, for too long a time, with the result that we are not in the fiscal condition—if I may use that analogy—to meet the crisis which confronts us now.

Certainly the time has come for us to proceed quickly with the total economic mobilization of the United States, in order to meet the great threat which confronts us in the form of Soviet Russia and her nefarious designs. Total economic mobilization calls for an excess-profits tax now.

I do not think any committee of the United States Senate can justify, in this hour of crisis, advocacy of any further treatment by Dr. Too Late. I think the time has come for us to remain in session—as the Senator from New York [Mr. LEHMAN] so eloquently pointed out a few minutes ago—until we complete action on an excess-profits tax and thereby make clear to the American people that the Congress recognizes that this crisis calls for total mobilization.

The PRESIDING OFFICER (Mr. CHAPMAN in the chair). The question is on agreeing to the motion of the Senator from Wyoming.

Mr. O'MAHONEY and other Senators asked for the yeas and nays.

Mr. MILLIKIN. Mr. President, the distinguished junior Senator from Oregon has referred to Dr. Late. Of course, Dr. Late can get us into a great deal of trouble. However, Dr. Off-the-Cuff has already gotten us there.

It has been said that the time is now to impose this tax. However, we cannot impose the tax, in the sense of collection of the tax, even if we were to adopt the Eberharter amendment today, because all of the tax would be collected next year in the normal course of corporation tax collection.

The Eberharter amendment will do what, Mr. President? It will not put the tax bill before us. It simply says, "Bring in a tax bill before the end of the year."

It does not assure that the Congress will be in session at the end of this year, whereas the George-Millikin amendment mandates action at a time when Congress is certain to be in session.

Mr. President, there is a great deal of sham—I do not mean that in the sense that those who are proposing this amendment are acting in a sham spirit—but there is a great deal of sham about this whole subject.

First of all, everyone realizes that we are going to have an excess-profits tax. Everyone realizes that that tax will be imposed upon the excess profits of either the last quarter or the third and fourth quarters of this year. Not a penny of taxes will be collected sooner under the proposal which has been made here tonight—not one penny. The people are going to have the taxes. The excess-profits taxes are going to be collected. They will be collected retroactively in either case, whether we get them by an off-the-cuff bill or whether we get it by a carefully considered bill.

The junior Senator from Oregon has said that the Senate Finance Committee should now have the data before it on which to draw an excess-profits bill. The Senate Finance Committee does not have

such data before it. The Senate Finance Committee has been busy continuously since January 17 of this year. We have not been dragging our feet. We have not been loafing in that committee. We were not asked to work on an excess-profits tax bill by the Secretary of the Treasury, and the Treasury, itself, with all its staff, is not prepared now to come up here with a carefully-thought-out excess-profits tax bill.

Under the proposed amendment, the Eberharter amendment, it would be possible to do no more in the first instance than getting the technical committee working. The technical committee is already working under the amendment of the senior Senator from Georgia [Mr. GEORGE] and the junior Senator from Colorado.

Who can stand before the Senate and shiver and shake and say, "I do not believe there is going to be an excess-profits tax bill?" Who can stand before the Senate and in good faith face his colleagues and say, "I do not believe there is going to be a retroactive tax bill?"

The suggestion was made tonight on the floor of the Senate, under the inspiration of a news story from Paris that the Secretary of the Treasury did not contemplate a retroactive excess-profits tax. But all Senators heard the distinguished senior Senator from Georgia refute that by reading a letter addressed to him from the Secretary of the Treasury. What, then, does all this come down to? It comes down to some sort of weird anxiety for introducing a bill which may die without action at the end of this session—no assurance of it ever collecting taxes or excess profits. In the last analysis, if a bill were introduced, and if it became law it would have to be retroactive. Not one penny will be collected quicker by such a bill than by the bill mandated by the George-Millikin amendment. The George-Millikin amendment gives assurance of a bill, whereas the proposed Eberharter amendment does not do that, because it does not couple with it the assurance that the Congress will be here when it is ready to present a bill and have action on it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wyoming to reconsider the vote by which the Senate disagreed to the amendment of the House to Senate amendment numbered 191.

Mr. O'MAHONEY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. O'MAHONEY. Mr. President, I desire to add merely a word. Every argument which was made upon this floor during the consideration of the excess-profits-tax amendment by the Senator from Texas and myself, by those who are now asking the Senate not to grant reconsideration, was to the effect that an excess-profits tax would be inflationary, that it should not be enacted. The amendment and every suggestion in its behalf were resisted until it became apparent that a majority of the Senate was going to vote for the amendment. Then, at the very last moment, the substitute was prepared and offered, providing that this Congress should attempt to instruct its successors.

The mere statement of the proposition shows its ineffectiveness. No Congress can instruct its successors. The provision would be on the statute books, we are told in eloquent terms. But each Congress is the master of its own fate, and with respect to the reporting of a bill, we cannot bind the next Congress. We can bind the committees of this Congress, and I want to see the word go out from the Senate tonight that we, here in the Senate of the United States, on the 14th of September 1950, are instructing our committees to bring in an excess-profits-tax bill. I hope reconsideration will be voted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wyoming to reconsider the action by which the House amendment to Senate amendment No. 191, was disagreed to. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY], the Senator from Iowa [Mr. GILLETTE], the Senator from Montana [Mr. MURRAY], the Senators from Maryland [Mr. O'CONOR and Mr. TYDINGS], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Pennsylvania [Mr. MYERS] are absent on public business.

The Senator from Tennessee [Mr. KEFAUVER] is absent because of illness in his family.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator for New Jersey [Mr. SMITH] would vote "nay."

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The senior Senator from Indiana [Mr. CAPEHART] is necessarily absent, and, if present, would vote "nay."

The Senator from Wisconsin [Mr. MCCARTHY] is detained on official business.

The result was announced—yeas 34, nays 36, as follows:

YEAS—34

Anderson	Humphrey	McMahon
Benton	Hunt	Magnuson
Chavez	Ives	Morse
Connally	Johnson, Tex.	Mundt
Douglas	Kilgore	Neely
Dworshak	Knowland	O'Mahoney
Ferguson	Langer	Smith, Maine
Fulbright	Leahy	Sparkman
Graham	Lehman	Taylor
Green	Lodge	Young
Hendrickson	Lucas	
Hill	McCarran	

NAYS—36

Bricker	Gurney	Malone
Butler	Hickenlooper	Martin
Byrd	Hoey	Millikin
Cain	Holland	Russell
Chapman	Jenner	Schoeppel
Cordon	Johnson, Colo.	Stennis
Darby	Kem	Taft
Donnell	Kerr	Thye
Ecton	Long	Watkins
Ellender	McClellan	Wherry
Frear	McFarland	Wiley
George	McKellar	Williams

NOT VOTING—26

Aiken	Johnston, S. C.	Saltonstall
Brewster	Kefauver	Smith, N. J.
Bridges	McCarthy	Thomas, Okla.
Capehart	Maybank	Thomas, Utah
Downey	Murray	Tobey
Eastland	Myers	Tydings
Flanders	O'Conor	Vandenberg
Gillette	Pepper	Withers
Hayden	Robertson	

So Mr. O'MAHONEY's motion to reconsider was rejected.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. CHAPMAN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Edgar Bernard Brossard, of Utah, to be a member of the United States Tariff Commission; and

Edwin M. Gill, of North Carolina, to be collector of internal revenue for the district of North Carolina, vice Charles H. Robertson.

Charles M. Johnson, of Burgaw, N. C., to be collector of customs for customs collection district No. 15, with headquarters at Wilmington, N. C., vice John Bright Hill.

By Mr. CHAPMAN, from the Committee on Armed Services:

Vice Adm. Russell S. Berkey, and Vice Adm. Donald B. Beary, United States Navy, when retired, to be placed on the retired list with the rank of vice admiral.

ORDER OF BUSINESS

The PRESIDING OFFICER. The pending business is Senate bill 4147 to authorize the President to appoint Gen-

eral of the Army George C. Marshall to the office of Secretary of Defense.

The Senator from Virginia is recognized.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BYRD. I yield to the Senator from Illinois.

Mr. LUCAS. Mr. President, earlier in the day I gave notice that following the disposition of the supplemental appropriation bill we would proceed to the consideration of the amendment to the law which would permit Gen. George Marshall to become Secretary of Defense. The appropriation bill and the tax measure which were just voted upon have taken more time than I anticipated when I made that statement. It is my understanding that the Senator from Colorado [Mr. JOHNSON] has a privileged matter which he desires to present at this time. It seems to me that even though I made the statement that we would remain in session until we finished the disposition of the bill dealing with General Marshall, in view of the lateness of the hour and of the fact that a great many Senators are very tired, and in view of the further fact that it does not look to me now, as a result of what has happened with reference to the conference report on the tax bill, that we can adjourn on Saturday night, I do not care to keep Senators here longer in a night session. I do not know how long it will take the Senator from Colorado to present his matter or what the arguments may be, but certainly, after it is disposed of, I think it is the better part of wisdom to take a recess until tomorrow.

Let me say also, Mr. President, that I still hope that something may happen with respect to the conference on the tax measure and with respect to the internal security bill which will make it possible for us to get away on Saturday night. But on tomorrow, if it is determined that that cannot be done, I do not propose to keep the Senate here on Saturday. I shall, at a reasonable hour tomorrow, move that the Senate take a recess until Monday.

My only reason for suggesting a night session last night, and probably tomorrow night and Saturday night, was the hope that we might be able to conclude the necessary business and then take a recess or adjourn sine die in order that all Senators might leave for their homes. But, as I say, with the very complex situation which has developed, I have serious doubt about the Senate's being able to conclude by Saturday night the important work with which it is confronted. If the majority reaches that decision tomorrow, I shall then notify the Senate, and a recess will be taken until Monday.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHERRY. I thank the majority leader for outlining the program. It seems to me it meets with the approval of all Senators, so far as the situation that has now developed is concerned. Inasmuch as the Senator said we were proceeding on the theory that there might be a recess over Saturday, would it not be possible for the distinguished Senator from Colorado to bring up the matter which he wants to have considered, and then, when that is finished, the Senate take a recess until tomorrow?

Mr. JOHNSON of Colorado. I shall not take over 10 minutes. I shall take probably less than 10 minutes to give the reasons for supporting my motion.

Mr. WHERRY. Mr. President, will the Senator yield further?

Mr. LUCAS. I yield.

Mr. WHERRY. I have been informed that the junior Senator from Nevada [Mr. MALONE] will have quite an extensive speech on the subject matter. I am not attempting to tell the distinguished Senator from Colorado what to do, because yesterday he was very kind in postponing consideration of the matter in which he is interested, but if it were made the unfinished business tonight and it could be proceeded with tomorrow, it would be a good thing if the Senate could get a night's rest.

Mr. JOHNSON of Colorado. Will the Senator yield?

Mr. LUCAS. I yield.

Mr. JOHNSON of Colorado. Of course, I do not want to keep Senators here unduly, and I know that they have been working late hours, and all that. However, if a Senator wants to make an extended speech far beyond the legitimate arguments that could be made on a motion of this kind, I think the wee hours of the morning would be a good time to make it. Furthermore, I think he would have to carry the blame for keeping Senators out of their beds and awake for these long hours.

Mr. LUCAS. I wonder if we may get unanimous consent that when the Senate finishes its business tonight or in the morning it stand in recess until 12 o'clock noon tomorrow. I ask unanimous consent to that effect.

Mr. KERR. Does that mean that there will be no other matter than the one to be brought up by the Senator from Colorado?

Mr. LUCAS. That is correct.

The PRESIDING OFFICER. The Chair would like to ask if the distinguished Senator from Rhode Island still desires recognition to present some resolutions on behalf of the Committee on Rules and Administration. I think he has asked to be recognized today, and he tried to be recognized yesterday.

Mr. WHERRY. Mr. President, may I ask one more question?

Mr. LUCAS. Mr. President, may we have the unanimous-consent request stated?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Illinois?

Mr. WHERRY. Mr. President, reserving the right to object—and I shall not object—the difficulty is that when an announcement is made that there will be no other business considered, no one can control the actions of Senators. So while it is true that the majority leader will not request that any other business be considered, I wish to admonish Senators that we are in the closing days of this session, and if we stay in session tonight no one can control what might be brought up. However, I shall not object to the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. MALONE. Mr. President, reserving the right to object, does that mean that nothing in addition to the pending matter can be discussed?

Mr. LUCAS. Not at all, I will say to my friend from Nevada. The only thing I am doing is asking for unanimous-consent that when the Senate finishes its business tonight it stand in recess until 12 o'clock tomorrow.

Mr. MALONE. Reserving the right to object, other business may be taken up?

Mr. LUCAS. That is perfectly all right. The unanimous-consent request refers to the time when the Senate concludes its business, whether it is the bill in which the Senator is interested or any other measure. The only thing I am asking is that when the Senate finally finishes its business tonight it stand in recess until tomorrow.

Mr. MALONE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LUCAS. I hope the Senator will not object, because this is merely a routine request and does not affect the Senator's right to do anything he wants to do in the way of debate.

Mr. MALONE. I still object.

Mr. LUCAS. The majority leader is outvoted again.

Mr. JOHNSON of Colorado. Would the Senator be kind enough to the other Senators to make a unanimous-consent request that we vote on the privileged matter not later than 1 o'clock on tomorrow?

Mr. LUCAS. One o'clock?

Mr. JOHNSON of Colorado. With the time to be divided, giving me 10 minutes, and giving the opposition 50 minutes.

Mr. LUCAS. Giving the opposition all the time between now and 1 o'clock tomorrow?

Mr. JOHNSON of Colorado. Yes. All I want is 10 minutes.

Mr. LUCAS. That seems to be a very reasonable request. I ask unanimous consent that the measure that is being brought up by the Senator from Colorado be concluded by not later than 1 o'clock tomorrow, the Senator from Colorado to have 10 minutes and the Senator from Nevada to have the remainder of the time.

Mr. MALONE. Mr. President, reserving the right to object, I would say to the distinguished Senator from Colorado and the distinguished majority leader that if this very simple bill, which was passed by the Senate, to which the junior Senator from Nevada does not object, but which was amended in the House, could be amended so that the machines, or whatever devices are covered by the bill, could be shipped into Nevada—where the legislature has made it just as legal to use them as it is to buy groceries—and could be returned to the factory for repairs—and to the junior Senator from Nevada that seems to be a very simple request—there would be no further debate so far as the junior Senator from Nevada is concerned. It is not a question of whether or not I or

any individual agrees with the legislature of the sovereign State of Nevada in legalizing the use of such devices; the question before the Senate, as the junior Senator from Nevada sees it, is the propriety and perhaps the constitutional right of the Congress of the United States to nullify the action of a State legislature through a left-handed piece of legislation prohibiting the movement of equipment; it certainly would set a bad precedent, to say the least.

Mr. LUCAS. I am not discussing the merits of the case, and I shall stay and listen to the discussion, but I would like to have a unanimous-consent agreement entered into, if it can be done. It seems to me a reasonable request, because the Senator from Nevada would have as much time this evening as he wanted in which to discuss the measure, and he would have 50 minutes tomorrow before a vote is taken on the question. Then we could proceed to the consideration of the General Marshall bill.

Mr. CHAVEZ. Mr. President, it is not my purpose to object. I am in favor of the unanimous-consent agreement. However, I should like to have it understood that the only matter that would be taken up between now and the time of the vote tomorrow would be the matter in which the Senator from Colorado and the Senator from Nevada are interested.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. GREEN. Mr. President, I object. As acting chairman of the Committee on Rules and Administration I have a half dozen resolutions to report. I would like to have some time in which to do so. I have asked a half dozen times, and about that number of times I have been promised I would come up next, and the "next" has not yet been reached. So I object, and say that if the Senator from Colorado and the Senator from Nevada have exhausted their time before we vote at 1 o'clock, perhaps I can take some of that time in which to present the resolutions. They could be taken up at that time if at no other time.

Mr. LUCAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Illinois?

Mr. LUCAS. I thought I had the floor.

The PRESIDING OFFICER. The Senator from Rhode Island has been recognized.

Mr. LUCAS. Did the Chair take me off the floor again?

The PRESIDING OFFICER. The Chair thought the Senator from Illinois had yielded the floor.

Mr. LUCAS. I have been standing here on my feet for the last 30 minutes. I have been standing here as big as life. I appreciate the alacrity with which the Chair has been taking me off the floor, but I have been standing here just as big as life.

The PRESIDING OFFICER. The Senator from Illinois is recognized. He is accorded double recognition.

Mr. LUCAS. Mr. President, in all seriousness, the Senator from Rhode Island does have a few resolutions which have been ordered reported unanimously from the Committee on Rules and Administration. He has been patiently waiting to report them for 2 days. I have made several promises to him, which I have had to repudiate because of the press of other business. I would be happy if the Senator from Colorado, the Senator from Montana, and the Senator from Nevada would permit the Senator from Rhode Island to report the resolutions.

Mr. MALONE. I am still from Nevada.

Mr. LUCAS. That is what I said.

Mr. MALONE. The Senator has moved me up to Montana—the great State of Montana—but I still prefer Nevada.

Mr. LUCAS. We will correct the RECORD accordingly, because I know how the Senator feels about his beloved State of Nevada, and I greatly appreciate his correcting me in that regard. I should like to have the Senate listen for just a few minutes to the Senator from Rhode Island, who is now the acting chairman of the Committee on Rules and Administration, in the absence of the Senator from Arizona [Mr. HAYDEN].

Mr. BENTON. Mr. President, may I inquire of the majority leader whether I may be recognized at some time. I have been waiting for 2 days.

Mr. LUCAS. Several Senators are ahead of the Senator from Connecticut in that respect.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. JOHNSON of Texas. May I inquire when the majority leader expects to take up the request of the Commander in Chief with respect to General Marshall?

Mr. LUCAS. Tomorrow.

Mr. JOHNSON of Texas. I think the people of the Nation would much prefer to have the Senate stay in session and give the Commander in Chief a Secretary of Defense to direct the war, instead of spending time on slot machines.

Mr. LUCAS. Mr. President, I wholeheartedly agree with the Senator from Texas. Nevertheless, it is a privileged matter, and we may take some time on it. I thought that tomorrow, after 1 o'clock, we could consider the bill affecting General Marshall, and that would give us plenty of time.

Mr. JOHNSON of Texas. I wonder if we could get a unanimous consent to vote on it.

Mr. LUCAS. I do not know about that. I have not been able to get a unanimous consent agreement to vote on the other bill we have been discussing.

Mr. President, I ask unanimous consent that the Senator from Rhode Island be permitted to present a few resolutions, all of which we can dispose of in probably 5 or 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. Mr. President, I should like to ask, What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is Senate bill 4147, a bill to authorize the appointment of General Marshall as Secretary of Defense.

Mr. MAGNUSON. What is the unfinished business before the Senate?

The PRESIDING OFFICER. House bill 8847.

Mr. MAGNUSON. I do not want to be displaced.

Mr. LUCAS. The Senator is not a displaced person. No one has ever charged that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. MALONE. What is the request?

Mr. BENTON. Mr. President, 3 days ago, I thought I had an understanding at the time of the calendar call, with the distinguished majority leader and the distinguished minority leader, to take up a small bill. That was postponed until last night, and again until tonight. I do not think it will take much time, and I would welcome the majority leader's views.

Mr. LUCAS. I shall be glad to give the Senator my views upon the bill. We have had other measures which were scheduled far ahead of the bill he has in mind, which has not even gone to a committee. The Senator has a bill which he wants to have passed by the Senate, and he tried to have it passed the other evening, with my consent, but he did not succeed. I told him that before we finished Saturday night we would try to get around to it. But there are other measures which are far more important than his bill. I think the appointment of General Marshall probably is more important than that. The Senator from Colorado has a privileged matter which comes ahead of everything else if he can get the floor.

The small resolutions the Senator from Rhode Island has to present are important, and it seems to me that the Senator from Rhode Island, who has been waiting 2 days for the opportunity, should be permitted now, at 9 o'clock this evening, to present these resolutions, in all fairness.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. KERR. Mr. President, is a demand for the regular order in order?

The PRESIDING OFFICER. It is always in order.

Mr. KERR. I ask for the regular order.

RECESS

Mr. LUCAS. Mr. President, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 9 o'clock and 13 minutes p. m.) the Senate took a recess until tomorrow, Friday, September 15, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 14 (legislative day of July 20), 1950:

DIPLOMATIC AND FOREIGN SERVICE

John M. Allison, of Nebraska, now a Foreign Service officer of class 2 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

The following-named persons, now Foreign Service officers of class 3 and secretaries in the diplomatic service, to be also consuls general of the United States of America:

John N. Plakias, of Illinois.
Clifton R. Wharton, of Massachusetts.

The following-named persons, now Foreign Service officers of class 5 and secretaries in the diplomatic service, to be also consuls of the United States of America:

John M. Kavanaugh, of Louisiana.
Charles P. McVicker, Jr., of New Jersey.

The following-named Foreign Service staff officers to be consuls of the United States of America:

James W. Boyd, of North Carolina.
Paul W. Frillmann, of Illinois.
Julian P. Fromer, of New York.
W. Clyde Dunn, of North Carolina, a Foreign Service reserve officer, to be a consul of the United States of America.
Roger P. Ross, of California, a Foreign Service reserve officer, to be a vice consul of the United States of America.

UNITED STATES TARIFF COMMISSION

Edgar Bernard Brossard, of Utah, to be a member of the United States Tariff Commission for the term expiring June 16, 1956. (Reappointment.)

FEDERAL MARITIME BOARD

Robert W. Williams, of Maryland, to be a member of the Federal Maritime Board for the term expiring June 30, 1954.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

John A. Remon, of the District of Columbia, to be a member of the District of Columbia Redevelopment Land Agency for the term expiring March 3, 1955.

COLLECTOR OF INTERNAL REVENUE

Edwin M. Gill, of North Carolina, to be collector of internal revenue for the district of North Carolina, in place of Charles H. Robertson.

UNITED STATES CIRCUIT JUDGE

Hon. Louie W. Strum, of Florida, to be United States circuit judge, fifth circuit, vice Hon. Curtis L. Waller, deceased.

UNITED STATES DISTRICT JUDGE

Bryan Simpson, of Florida, to be United States district judge for the southern district of Florida, vice Hon. Louie W. Strum, elevated.

IN THE AIR FORCE

The following-named officer for temporary appointment in the Air Force of the United States under the provisions of section 515, Officer Personnel Act of 1947:

To be brigadier general

Col. Darr Hayes Alkire, 298A, United States Air Force.

AIR FORCE RESERVE

The following-named officer for appointment in the United States Air Force Reserve under the provisions of section 37, the National Defense Act, as amended. This officer is subject to physical examination as required by law:

To be brigadier general

Col. Thomas Randall Rampy, AO922780, United States Air Force Reserve.

IN THE AIR FORCE

The following-named persons for appointment in the United States Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947), and title II, Public Law 365, Eightieth Congress (Army-Navy-Public Health Service Medical Officer Procurement Act of 1947):

To be captains, USAF (medical)

Maurice L. Fergeson, AO1765040.
Sidney G. White, AO1785875.

To be captains, USAF (dental)

John M. Hewson, O1703356.
Alphonse A. Zukowski, AO1687001.

To be first lieutenants, USAF (medical)

Charles P. DelMinico, 523498, USNR.
LeRoy C. Pierce, O976006.
Robert L. Rudolph, AO1906449.
Edward V. Schaffer, AO965455.

To be first lieutenants, USAF (dental)

Philip A. Barale.
Charles B. Warr, AO387936.

To be first lieutenants, USAF (veterinary)

James Armstrong, AO930471.
J. B. Couch, AO379148.
George T. Dalziel, AO503536.
Edward P. Hornickel, AO428009.
Roy E. Kyner, Jr., AO512187.
Frederick Weil, AO1744927.

To be second lieutenants, USAF (Medical Service)

John N. Allinson, AO2050709
Clarence L. Ashlin, AO963564.
William S. Beck, AO1541918.
Wilbert A. Black, AO1543063.
Marlyn W. Boruff, AO966524.
Raymond J. Cook, AO1533992.
Verne W. Cornils, AO1533287.
Philip Dibona, AO1534712.
Charles C. Dunn, AO718178.
John J. Dykstra, AO454050.
Raymond A. Flavion, AO1546606.
Walter F. Garner, AO1533062.
Steven V. Haigler, Jr., AO1547640.
Robert E. Hedblom, AO997407.
Daniel M. Herrin, Jr., AO1637657.
Francis L. Holihan, AO451615.
Robert L. Holliday, AO1541459.
John A. Johnson, AO1534051.
Herman I. Little, AO1545510.
Anthony J. Lubrant, AO2049001.
Kenneth L. Marolf, AO1543496.
Albert M. Meyer, AO976872.
Thomas R. Michael, AO590274.
Fred B. Morgan, Jr., AO2011819.
Floyd M. Morris, AO811828.
Harry B. Nicely, Jr., AO2002338.
William L. Plock, AO1534362.
Stanley Rhodes, AO2048460.
Floyd G. Richardson, AO2011335.
Robert J. Roftis, AO2046806.
Donald J. Ruffing, AO2002100.
Harold G. Schult, AO1547448.
Kenneth E. Smyth, AO1576572.
Don J. Spiers, AO1703811.
Robert E. Sullivan, AO1546834.
Ray H. Tingen, AO1543583.
William E. Weller, AO1547496.
Orbin R. Whitt, AO2050693.
Noel F. Windsor, AO975108.
Donald R. Winkelbech, AO2048197.
Henry M. Woolf, AO1544817.
Billy B. Zellers, AO1544419.
George Zinnemann, AO1543545.

The following-named persons for appointment in the United States Air Force, in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 101, Public Law 36, Eightieth Congress (Army-Navy Nurses Act of 1947):

To be second lieutenants, USAF (nurses)

Harriet J. Bratton, AN779661.
Erminia DeZorzi, AN792994.
Bertha E. Evans, AN804108.
Elizabeth M. Kennedy, AN92228.
Doris M. Kessler, AN762740.
Kathryn M. Mauel, AN795326.
Elizabeth J. Wagner, AN792939.

The following-named persons for appointment in the United States Air Force, in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 102, Public Law 36, Eightieth Congress (Army-Navy Nurses Act of 1947):

To Be Second Lieutenants, USAF (Women's Medical Specialists)

Betty L. Bales, AR2540.
Jean M. Ertwine, AM2848.

The following-named distinguished officer candidates for appointment in the United States Air Force in the grade indicated with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

To be second lieutenants

Robert D. Canfield, AO591058.
John F. Daley, Jr., AO591110.
Howard F. Day, AO591111.
Robert F. Dees, AO591112.
Enos J. Dickson, AO591118 .
Bernard V. Duclos, AO591126.
Leonard C. Herr, AO591164.
Robert E. Lee, AO591189.
Thomas E. McNair, AO591202.
Harry V. Montague, Jr., AO591214.
Bill T. Moore, AO591216.
Milfred F. Smith, AO591253.
William F. Smith, III, AO591256.
Wallace K. Wroot, AO591290.

The following-named distinguished officer candidate for appointment in the United States Air Force, in the grade indicated, with date of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947) and section 301, Public Law 625, Eightieth Congress (Women's Armed Services Integration Act of 1948):

To be second lieutenant

Frances W. Isbell, AL591227.

The following-named distinguished aviation cadets for appointment in the United States Air Force in the grade indicated with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 301, Eightieth Congress (Officer Personnel Act of 1947):

To be second lieutenants

David S. Ammerman	Edmund T. Pawelek
Earl F. Bancroft	William G. Podoll
Kenneth G. Boyer	Kent W. Rabbitt
William F. Bretzius III	Edwin J. Scarff
Harry B. Davis	Paul P. Schmidt
Louis J. Del Do	Walter Simons, Jr.
John R. Hills	Archie N. Walters
Scott C. Jones	Wesley W. Williams

Subject to physical qualifications and subject to designation as distinguished military graduates, the following-named distinguished military students of the senior division, Reserve Officers' Training Corps, for appointment in the United States Air Force, in the grade of secohd lieutenant, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

Robert F. Ambrose	Gerald A. Fergu-
Edward J. Belinski	son, Jr.
Richard L. Bockstiegel	Henry C. Gordon
William C. Boettcher	Harry E. Hand
Thomas W. Bostick	William M. Harvey,
Edward J. Brown	Jr.
Walter T. Buffington	Dwight J. Hatcher
George R. Busse	Robert G. Hawk
Robert M. Cameron	Robert Y. Henslee
Grant S. Christensen	Robert O. Holaway
Robert L. Clark	Howard P. Hollinger
Henry H. Conner, Jr.	Donald W. Hollway
Edwin A. Coy	Paul D. Hoover
Edward H. Curtis	Harold T. Jones
Derrell C. Dowdy	John P. Kidner
Boyd H. Edwards	George J. Kovacich
James F. Fagan	Rufus H. Mahaffey, Jr.

George D. Matthews	A. Albert Restum
Richard E. Michaud	Alvin J. Rose
Edward P. Miles	Dan S. Shipley
Edward K. Mills, Jr.	H. B. Sinquefield, Jr.
Donald M. Mixson	Kenneth R. Smith
Jack C. Mullins	Walter M. Snyder
Ralbern H. Murray	Patrick R. Stevens
Edward L. Perkins	Homer W. Swenson
James W. Petrie	John B. Templeton
Jay D. Pinson	William F. Waters
Paul C. Plastino	John W. Wayne III
Robert H. Rahiser	

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 14, 1950

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou gracious benefactor, whose heart and hands always respond to our many needs, may this be a day of unclouded vision and of joyous achievement for the glory of God and the welfare of humanity.

Help us to walk the way of life with a firm step which nothing can impede and a courage of heart which nothing can daunt and a splendor of faith which can never be eclipsed by doubt or despair.

May all the devastating and disintegrating emotions of anxiety and fear and cowardice, which would dwarf and deaden our capacities for noble service in these perilous days, be forever dispelled.

We pray that Thou wilt rebuke and restrain us when we allow thoughts of personal aggrandizement to find lodgement in our souls and may we never be recreant to any of the duties of our vocation as the servants of God and our beloved country.

Enable us by Thy grace to live heroically, helpfully, and hopefully and may we strive earnestly to lift all mankind to the high plateau of peace and good will.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 1025. An act for the relief of Waymon H. Massey;

H. R. 1503. An act for the relief of George Washington;

H. R. 1662. An act authorizing the Secretary of the Interior to acquire on behalf of the United States Government all property and facilities of the Rainier National Park Co.;

H. R. 1799. An act for the relief of Dr. Jacob Ornstein;

H. R. 1860. An act for the relief of Kenji Takumi;

H. R. 2401. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of the State of California;

H. R. 2631. An act to authorize cancellation of deportation in the case of Frank Grimaldi;

H. R. 2758. An act for the relief of the Fisher Brewing Co.;

H. R. 3274. An act to provide for the conveyance of certain historic properties to the State of Georgia, and for other purposes;

H. R. 3314. An act for the relief of the estate of the late Eulogio Reyes Suárez;

H. R. 3419. An act to amend the Merchant Ship Sales Act of 1946;

H. R. 4045. An act for the relief of Katherine L. Anderson, a civil-service employee, permanently injured through negligent treatment at the Army Advisory Group Station Hospital in Nanking, China;

H. R. 4365. An act for the relief of Fe R. Dumaguing;

H. R. 4600. An act for the relief of the legal guardian of Janet Judith Koeninger, a minor;

H. R. 4836. An act for the relief of Xylda L. Driver;

H. R. 4891. An act for the relief of Albert E. Scheflen;

H. R. 4904. An act for the relief of the estate of Conrad L. Steele, deceased;

H. R. 5381. An act for the relief of Billy Ray Ridenour and L. L. Ridenour;

H. R. 5810. An act relating to the furnishing of accommodations at Klamath Falls, Oreg., for the United States District Court for the District of Oregon;

H. R. 5941. An act to incorporate the Military Chaplains Association of the United States of America;

H. R. 5972. An act for the relief of Ivar G. Johnson;

H. R. 6020. An act for the relief of Richard H. Sears;

H. R. 6106. An act for the relief of Daniel Kokal;

H. R. 6409. An act for the relief of Mrs. Grace A. Olson;

H. R. 6489. An act for the relief of United Transformer Co. (formerly United Transformer Corp.);

H. R. 6528. An act for the relief of the Western Chemical and Manufacturing Co.;

H. R. 6537. An act to provide funds for cooperation with the Territorial school authorities of Nome, Alaska, in the construction, extension, improvement, and equipment of school facilities, to be available to both native and nonnative children;

H. R. 6640. An act to amend an act entitled "An act relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas", approved August 7, 1946, and for the other purposes;

H. R. 6750. An act for the relief of Achileus Maroulis;

H. R. 6986. An act relating to the acquisition and addition of certain lands to Fort Frederica National Monument, in the State of Georgia, and for other purposes;

H. R. 6990. An act for the relief of Christina Karamanos Demas and Antonia Karamanos Demas;

H. R. 7095. An act for the relief of Rosette Selina Romano, a minor;

H. R. 7114. An act for the relief of John Joseph Griffin;

H. R. 7336. An act for the relief of Mrs. Fumie Ishibashi Akimoto;

H. R. 7393. An act for the relief of Francisco Blanco and Mrs. Celine Smith;

H. R. 7451. An act for the relief of Sumiko Fujita;

H. R. 7563. An act for the relief of Dr. Nicola Di Palma;

H. R. 7670. An act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital;

H. R. 7733. An act for the relief of Sisters Rita Pinto de Carvalho, Maria Leite da Silva, Carmelinda Lopes de Aguiar, Maria Adozinda da Fonseca Melo, Joaquine de Jesus, and Maria Luisa Pinto Carvalho;

H. R. 7854. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon a certain claim of the Board of County Commissioners of Sedgwick County, Kans.;

H. R. 7856. An act for the relief of Mrs. Teruko Tominaga Ikeuchi;

H. R. 7891. An act to amend section 3224 (b) of the Internal Revenue Code, relating to the transportation of narcotic drugs;

H. R. 7964. An act for the relief of the estate of Francis A. Waldron;

H. R. 7990. An act to incorporate the American Society of International Law, and for other purposes;

H. R. 8093. An act for the relief of Regolo Gagliacco and his wife, Gina;

H. R. 8118. An act for the relief of the estate of the late Ismael Miranda;

H. R. 8158. An act to repeal certain laws as they affect the Territory of Alaska;

H. R. 8184. An act for the relief of Michiyo Takada and her minor daughter, Michiko;

H. R. 8258. An act for the relief of Il Nai Che;

H. R. 8337. An act for the relief of William A. Hogan;

H. R. 8345. An act to amend the Columbia Basin Project Act with reference to recordable contracts;

H. R. 8362. An act for the relief of Bernard Croft;

H. R. 8401. An act for the relief of Mrs. Maurice N. Goss;

H. R. 8458. An act authorizing the Housing and Home Finance Administrator to release the trustees of Columbia University, in the city of New York, and the Citizens' Veterans Homes Association of Rockland County, Inc., from obligations under their contracts for operation of veterans' temporary housing project, NY–V–30212;

H. R. 8523. An act for the relief of Marianna Gantschnigg and Merle Richard Gantschnigg;

H. R. 8533. An act for the relief of Emiko Nishimura;

H. R. 8534. An act to authorize the acceptance of donations of land to supplement present parkway lands along the line of the Chesapeake & Ohio Canal between Great Falls and Cumberland, Md.;

H. R. 8562. An act for the relief of Yukie Yabe and her son;

H. R. 8563. An act for the relief of Alonzo P. Brown;

H. R. 8687. An act for the relief of Angelo Messina;

H. R. 8761. An act for the relief of Susan E. Scott;

H. R. 8780. An act for the relief of Leila M. Dodd;

H. R. 8829. An act for the relief of Sisters Pasqualina Vova, Rosa Pellanda, Emilia Dei Rossi, Speranza Zoia, and Domenica Lapadula;

H. R. 8874. An act to authorize the sale of lands to the city of Flagstaff, Ariz.;

H. R. 8971. An act for the relief of Gertrude Hell;

H. R. 8975. An act to amend the Synthetic Liquid Fuels Act, as amended;

H. R. 8987. An act for the relief of Setsuko Kato;

H. R. 9055. An act for the relief of Cynthia Anne Kane;

H. R. 9056. An act for the relief of Hideko Kasahara and her minor child;

H. R. 9062. An act for the relief of Mrs. Willie G. Heath;

H. R. 9077. An act for the relief of Kimie Kurio;

H. R. 9082. An act for the relief of Mrs. Chang-Sei Kim, David Kim, and Arthur Kim;

H. R. 9086. An act for the relief of Maria Luisa Mercado;

H. R. 9087. An act for the relief of H. Dale Madison;

H. R. 9111 An act to incorporate the United States Olympic Association;

H. R. 9144. An act for the relief of Mrs. Olga Kowalik and Czeslawa Kowalik;

H. R. 9166. An act for the relief of Louis J. T. Hendrickx;

H. R. 9334. An act for the relief of Mrs. Else Samstag Yurchak;
H. R. 9434. An act for the relief of Christina Shalfeieff;
H. J. Res. 487. Joint resolution to confirm title in fee simple in Joshua Britton to certain lands in Jefferson County, Ill.;
H. J. Res. 511. Joint resolution providing for recognition and endorsement of the Inter-American Cultural and Trade Center; and
H. J. Res. 519. Joint resolution to permit the National Grange to erect a marker on Federal land in the District of Columbia.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 163. An act to authorize Sacramento Valley Irrigation Canals, Central Valley project, California;
H. R. 577. An act to correct possible inequity in the case of a certain application for letters patent of William R. Blair;
H. R. 1133. An act for the relief of Mrs. Merle Leatherbury Pyle and Patricia M. Pyle;
H. R. 1500. An act for the relief of Mrs. Barbara Guanapoulos;
H. R. 1601. An act for the relief of the La Fayette Brewery, Inc.;
H. R. 1920. An act to amend the Columbia Basin Project Act with reference to State lands;
H. R. 3012. An act for the relief of the Wyoming National Bank of Wilkes-Barre;
H. R. 3406. An act for the relief of Ellen Fullard-Leo;
H. R. 3995. An act for the relief of Annetta Bachis, Anna Bellani, Angelina Colombo, Maria Grazia Impari, Franca Porricino, and Antonia Tirabassi;
H. R. 4569. An act authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa;
H. R. 4901. An act to authorize the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for a period not exceeding 40 years;
H. R. 5083. An act for the relief of Sister Maria Emelia (Anna Bohn);
H. R. 5226. An act to amend paragraph 207 of the Tariff Act of 1930;
H. R. 5244. An act for the relief of Lt. Col. Charles J. Trees, Army of the United States;
H. R. 6319. An act to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation;
H. R. 7390. An act for the relief of Erika Kuebart and her minor son;
H. R. 7631. An act for the relief of Ottavia De Gaspare and Sandra De Gaspare;
H. R. 7709. An act to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluff, Fla.;
H. R. 7722. An act to provide for the acquisition and preservation, as a part of the National Capital parks system, of the Old Stone House in the District of Columbia;
H. R. 7934. An act to reduce and revise the boundaries of the Joshua Tree National Monument in the State of California, and for other purposes;
H. R. 7940. An act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes;
H. R. 8062. An act for the relief of the legal guardian of Charles Spiller and Glenn T. Spiller, minors;
H. R. 8136. An act for the relief of Joseph Umberto Montalban-Troy;
H. R. 8452 An act for the relief of Ronald Mow and Angeline Cecilia Mow;
H. R. 8641. An act for the relief of Clyde L. Watson, Jr., and Laverne F. Andrews;
H. R. 8677. An act to authorize and provide for the maintenance and operation of the Panama Canal by the present corporate adjunct of the Panama Canal, as renamed; to reconstitute the agency charged with the civil government of the Canal Zone; and for other purposes;
H. R. 8710. An act to provide for the improvement of stadium facilities at the Eastern Senior High School in the District of Columbia;
H. R. 8718. An act for the relief of Fred Hess;
H. R. 8769. An act for the relief of Annmarie Stritter and her minor daughter;
H. R. 8797. An act to exempt property of the Young Men's Christian Association of the City of Washington (incorporated under the act of Congress of June 28, 1864, 13 Stat. L. 411) from taxation;
H. R. 9084. An act for the relief of Hifumi Kato and her minor son, Kazuyuki Kato;
H. R. 9430. An act to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes; and
H. J. Res. 334. Joint resolution to amend certain laws providing for membership and participation by the United States in certain international organization.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 139. An act for the relief of Guillermo Chacartegui;
S. 742. An act for the relief of Robert Johanna Sorensen;
S. 743. An act for the relief of Lars Daniel Sorensen;
S. 752. An act for the relief of the E. J. Albrecht Co.;
S. 995. An act for the relief of Irene George Livanos;
S. 1139. An act for the relief of Mrs. Robert P. Horrell;
S. 1406. An act for the relief of Luigi Podesta;
S. 1528. An act for the relief of Elmer Beller;
S. 2099. An act to reimburse the Stamey Construction Co. and/or the Oklahoma Paving Co., as their interests appear;
S. 2106. An act for the relief of Harvey Marden;
S. 2179. An act for the relief of Stephen A. Patkay and his wife, Madeleine;
S. 2195. An act to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes;
S. 2279. An act for the relief of Panajotis John Papathansiu;
S. 2420. An act for the relief of Shaoul Minashi Shami, Emily Shami, Joseph Clement Shami, and Charles Henry Shami;
S. 2517. An act for the relief of Morris Plevin, also known as Melvin Belkin;
S. 2586. An act for the relief of Delfo Giorgi;
S. 2587. An act for the relief of Vittorio Quilici;
S. 2702. An act for the relief of Louis E. Gabel;
S. 2711. An act for the relief of K. C. Be, Swannio Be, Wie Go Be, Wie Hwa Be, Wie Bhing Be, and Swie Tien Be;
S. 2799. An act for the relief of Johan Wilhelm Adriaans;
S. 2803. An act for the relief of Angela Maria Pisano;
S. 2835. An act for the relief of Boris Paul von Stuckenberg and wife, Maria Alexander von Stuckenberg;
S. 2961. An act for the relief of Magdalena L. Jardeleza, Jr.;
S. 3015. An act for the relief of Walter Tyson;
S. 3026. An act authorizing the naturalization of Jesus Juan Llanderal;
S. 3066. An act for the relief of Dionisio Aguirre Irastorza;
S. 3067. An act for the relief of Andres Aguirre Irastorza;
S. 3091. An act for the relief of Master Stanley (Zachne) Hiller;
S. 3185. An act for the relief of Nouhad Ann Khoury;
S. 3306. An act for the relief of Doctor George Peter Petropoulos;
S. 3307. An act for the relief of Colvin Bernard Meik;
S. 3329. An act for the relief of Kiyomi Kitamura;
S. 3398. An act to authorize the exchange of certain land for purposes of the Colonial National Historical Park, and for other purposes;
S. 3403. An act to authorize the sale of certain allotted land on the Crow Reservation, Mont.;
S. 3406. An act for the relief of Lee Yee Yen;
S. 3430. An act for the relief of Martina Arnaiz Zarandona (Sister Blanca Eugenia);
S. 3431. An act for the relief of Tatiana Moravee;
S. 3437. An act to amend the Atomic Energy Act of 1946;
S. 3444. An act for the relief of Victor Francis Oberschall;
S. 3452. An act for the relief of George W. Purdy;
S. 3484. An act for the relief of Barbara Sugihara;
S. 3517. An act to authorize the construction, operation, and maintenance of the Vermejo reclamation project, New Mexico;
S. 3519. An act authorizing the Secretary of the Interior to issue a patent in fee to James Chester Stevens;
S. 3551. An act for the relief of Joseph MacGuffie and Eugene Rohrer;
S. 3629. An act for the relief of Joseph A. Myers, Hazel C. Myers, and Helen Myers;
S. 3706. An act to amend the act of May 28, 1926 (44 Stat. 670), entitled "an act granting public lands to the county of Kern, Calif., for public park purposes";
S. 3727. An act to authorize certain construction at Griffiss Air Force Base, and for other purposes;
S. 3812. An act relating to the compensation and leave benefits of officers and employees in the custodial service of the Post Office Department transferred to the General Services Administration under Reorganization Plan No. 18 of 1950;
S. 3814. An act authorizing the Secretary of the Interior to issue patents in fee to certain allotees on the Blackfeet Indian Reservation;
S. 3824. An act for the relief of Kenneth Bruce Kohei Kozai;
S. 3856. An act for the relief of Andrew Halasz;
S. 3945. An act to amend sections 3052 and 3107 of title 18, United States Code, relating to the powers of the Federal Bureau of Investigation;
S. 4051. An act to assure the provision of all necessary services to prepare disabled persons for and establish them in remunerative employment, to make special provision for the blind and other severely disabled persons, and for other purposes;
S. 4072. An act for the relief of Ella Stufka and her son;
S. 4074. An act for the relief of Pamela Bentley;
S. 4088. An act to amend section 61 of the National Defense Act to permit the States to organize military forces, other than as parts of their National Guard units, to serve while the National Guard is in active Federal service;

S. 4102. An act relating to contracts for the transmission of mail by pneumatic tubes or other mechanical devices;

S. 4111. An act for the relief of Southern Fireproofing Co., of Cincinnati, Ohio;

S. 4118. An act to increase the appropriation authorization for the Air Engineering Development Center;

S. 4136. An act to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard;

S. Con. Res. 102. Concurrent resolution favoring the suspension of deportation of certain aliens; and

S. Con. Res. 107. Concurrent resolution interpreting laws relating to tuition costs for education and training of veterans.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5372. An act to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and of Standing Rock Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCFARLAND, Mr. ANDERSON, and Mr. BUTLER to be the conferees on the part of the Senate.

SPANISH-AMERICAN WAR VETERAN BENEFITS

The SPEAKER. The Chair wishes to recognize the gentleman from Illinois [Mr. SABATH] if he is present.

Mr. RANKIN. Mr. Speaker, the chairman of the Committee on Rules is not present. I should like to take up the veto on the bill H. R. 6217, to provide greater security for veterans of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, in the granting of out-patient treatment by the Veterans' Administration.

The SPEAKER. The Chair is not going to recognize for that purpose at this time. The Chair wishes to dispose of these rules first, and then take up other matters.

EXTENSION OF REMARKS

Mr. KILDAY asked and was given permission to extend his remarks and include an article from the New York Times.

Mr. LANE asked and was given permission to extend his remarks in two instances.

Mr. LIND, Mr. DAVIES of New York, Mr. BOGGS of Delaware, and Mr. SIMPSON of Pennsylvania asked and were given permission to extend their own remarks.

Mr. HERLONG asked and was given permission to extend his remarks and include extraneous matter.

Mr. SASSCER asked and was given permission to extend his remarks and include an article.

Mr. PRICE asked and was given permission to extend his remarks and include a brief newspaper editorial.

Mr. TAURIELLO asked and was given permission to extend his remarks and include a newspaper article.

Mr. DINGELL (at the request of Mr. BIEMILLER) was given permission to extend his remarks and include extraneous matter.

Mr. BIEMILLER asked and was given permission to extend his remarks in two instances and in each include extraneous matter.

Mr. HESELTON asked and was given permission to extend his remarks in two instances and in each include extraneous matter.

Mr. WOLVERTON asked and was given permission to extend his remarks and include extraneous matter.

Mr. MEYER asked and was given permission to extend his remarks and include a newspaper article.

Mr. McGREGOR asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a Times-Herald editorial on General Marshall which I fully approve.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPECIAL ORDER GRANTED

Mr. HOFFMAN of Michigan asked and was given permission to address the House for 10 minutes today following the legislative business of the day and any special orders heretofore granted.

REVENUE ACT OF 1950

Mr. SABATH. Mr. Speaker, I call up House Resolution 842 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H. R. 8920) to reduce excise taxes, and for other purposes, with Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table; that the Senate amendments be, and they are hereby, disagreed to; that the conference requested by the Senate on the disagreeing votes of the two Houses on the said bill be, and hereby is, agreed to; and that the Speaker shall immediately appoint conferees without intervening motion.

(Mr. SABATH asked and was given permission to revise and extend his remarks and include certain statistical information.)

Mr. SABATH. Mr. Speaker, some months ago the House passed the bill H. R. 8920 to reduce certain excise taxes. Today we have before us that same numbered bill with all of the House provisions stricken, with entirely new provisions inserted by the other body.

The rule now under consideration provides that the bill be taken from the Speaker's table; that the Senate amendments be disagreed to; that the conference requested by the Senate on the disagreeing votes of the two Houses on the said bill be agreed to; and that the Speaker shall immediately appoint conferees without intervening motion.

Personally I voted for the rule which permits taking this bill from the Speaker's table and sending it to conference. However, I regret exceedingly that the other body has failed to comply with the wishes of the country and the recommendations of the President with reference to this legislation.

THREE HUNDRED PERCENT PRICE RISE

Due to the Korean situation the big interests have started to increase their prices. I want to call your attention to an article appearing in the New York Herald Tribune this morning, September 14, 1950, entitled "Korean Conflict Jumps Price of War Materials—Markups as High as 300 Percent Noted, but Not All Rises Viewed as Profiteering," by C. B. Allen, to substantiate the above statement. Excerpts from the article read as follows:

WASHINGTON, September 13.—Defense Department officials said today there has been such a sharp mark-up in prices of military supplies and equipment since the outbreak of the Korean war that the Nation may get 25 to 50 percent less than it expected out of its munitions dollars unless President Truman invokes the price controls recently authorized by Congress—and makes them retroactive to June 25 or earlier. The President already has indicated he will take such a step if he is convinced it is necessary for the Nation's good.

Some of the price increases were described as utterly unconscionable and of the deliberate profiteering variety.

He added that the price of fire hose, great quantities of which are used by the Navy, had jumped 61 percent almost overnight, and "for no justifiable reason in the world that I can see."

The Department's cost survey showed that since April, west coast fuel oil prices to the Armed Forces had been increased 54.5 percent, Philadelphia's steel scrap prices had soared 52.1 percent; coffee, 23.3 percent; lumber, 28.7 percent; tin, 36.6 percent; lead, 33.3 percent, and ordinary cotton print cloth, 42.9 percent.

This table shows that the cost of feeding America's soldiers, sailors, and airmen has risen in 11 years from 41 cents to $1 a day, that the annual cost of clothing these men has risen from $122 to $377 each and that a jeep, which could be bought in 1939 for $1,100, now costs $2,700. It also disclosed that the best available 4-engined bomber, the Boeing B–17 Flying Fortress, cost $330,000 in 1939, while the Air Force is now paying $1,400,000, $3,000,000, and $3,500,000 apiece, respectively, for the Boeing B–50 and B–47, and the Consolidated Vultee B–36 intercontinental bombers.

Similarly, the table reveals, a 1939 destroyer cost $7,000,000 while its 1950 counterpart costs $40,000,000, and a 5-passenger sedan which sold for $775 in 1939 now costs the Government $1,200. Likewise, a light tank cost only $27,000 in 1939, while the 1950 version has a unit price of $225,000.

I realize this does not apply to all manufacturers and to all firms, but I know and you know that prices have been increased all the way from 25 to 300 percent without any reason or justification. Yes, on steel, there have been increases ranging up to 100 percent. I know that some small manufacturers were obliged to pay nearly $300 for a ton of steel to enable them to keep their plants going. This also applies to lumber which has been increased up to 35 percent. Most of the other articles needed for the war and for domestic use are being increased unnecessarily from 20 to 50 percent.

Consequently, the country believes, and I am sure the majority of you agree,

that these profiteers who are making such great profits should be subjected to excess-profits taxes, especially in view of the ever-increasing profits they are now making.

HUGE 1949 AND 1950 CORPORATE PROFITS

Here are just a few of the large corporations that have reaped huge profits. The figures are for the first half of 1949 and the first half of 1950:

	1949	1950
American Telephone & Telegraph Co	$214,951,755	$254,470,000
Du Pont (E. I. de Nemours)	86,806,495	122,178,988
Firestone Tire & Rubber Co	46,552,842	77,444,992
General Motors Corp	303,678,643	485,277,389
Kennecot Copper Corp	23,293,358	37,744,025
Republic Steel Corp	25,868,907	37,702,076
Standard Oil of New Jersey	[1] 137,000,000	159,000,000
Union Carbide & Carbon	42,126,139	60,805,199
United States Steel	94,052,265	119,079,238

[1] Estimated.

RETROACTIVE EXCESS-PROFITS TAX NOW

Therefore, we believe, and I am sure the majority of you will agree, that we are justified in enacting a retroactive excess-profits tax now, and inserting it in this bill. When the chairman of the Ways and Means Committee, the gentleman from North Carolina [Mr. DOUGHTON], and the ranking Republican member of that committee, the gentleman from New York [Mr. REED], appeared before the Rules Committee I inquired of them what effort had been made to include an excess-profits tax in the bill. The chairman of that committee stated that the Treasury Department is not ready with such a bill but that the committee will, the first thing in the next Congress, bring in a retroactive excess-profits-tax bill. In view of that statement the Rules Committee agreed that a rule be granted to take the bill from the Speaker's table and agree to the conference.

Personally, I am of the opinion that, if possible, we should try to hold out for an excess-profits-tax bill now and not wait until later. I think this would bring about elimination of the abuses that are now going on and also keep down inflation.

REPUBLICAN PROMISES

The gentleman from New York [Mr. REED] agreed with the chairman of the Ways and Means Committee that he will cooperate and will vote for an excess-profits tax. I read in this morning's paper that 32 Republicans have gone on record favoring such an excess-profits-tax bill now. I do not know whether they will vote for it when the time comes or not because I have heard a lot of promises on the part of Republicans in the past but very seldom do they carry out the promises which they make to the people. They were responsible for the elimination and repeal of the excess-profits tax that was passed during the last war. Whether they will in the next session cooperate or not I do not know. I wish I could put them all on record. I would like to have the names of the 32 so that other Republicans will not come in and claim they were included in the 32 who were for it during the campaign but who forget about it after they have been elected on that promise to the American people.

MASSES CARRY BURDEN UNDER PRESENT BILL

Mr. Speaker, I charge that this bill before us will force the burden of taxation mostly on the masses of the people who are already suffering by reason of the high cost of living—who already are sharing the greater amount of the cost of preparedness and the cost of government, instead of placing this tax load where it rightfully belongs—on the shoulders of those well able to pay. I understand that in the bill being sent to conference the other body provided an increase in the tax on those who earn from $12 a week and up of approximately 20 percent.

I think that is an outrage and should not be tolerated by this House. I hope the conferees the Speaker will appoint will never agree to such an unfair provision as has been embodied in that bill. But there are other provisions in the bill that should be eliminated, as well. I hope the conferees will save and protect the masses and the small taxpayers, and not vote to agree in conference to a bill that will be unfair, unjust, and unwarranted to those least able to pay.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. BROWN of Ohio. The gentleman, of course, is a veteran of Congress who has served in the Congress longer than any other Member has ever served, and he has served with great distinction. He is usually exceptionally well informed and attempts to be factual, I am sure. I am also certain that the gentleman never speaks with any political motive or purpose in mind. I therefore rise, because I am certain that he would not want to make an error in any statement that he makes, to call his attention to the fact that he was in error when he said that the Republican Eightieth Congress repealed the excess-profits tax. The excess-profits tax, the gentleman from Illinois should be informed, was repealed in 1946 by action of the Seventy-ninth Congress. I hope the gentleman in revising his remarks will correct them, so that he does not place the entire responsibility on either the Republican Congress or the Republican Party. The repeal was the act, and I think it was wise at that time, of a Democratic Congress, in 1946.

Mr. SABATH. I thank the gentleman for his remarks, but I did not desire to say nor did I say that it was the Eightieth Congress.

Mr. BROWN of Ohio. I was sure it was an error.

Mr. SABATH. There were so many other malevolent things done by the Eightieth Congress that the country has disapproved that I am not going to charge that Congress with this as well. This was done in the Seventy-eighth or Seventy-ninth Congress, with the aid and assistance, of course, of my Republican friends.

Mr. BROWN of Ohio. I wonder if the gentleman would include in his remarks in his correction that the action of the Congress in repealing the excess-profits tax was taken upon the express request and recommendation of the Secretary of the Treasury, Mr. Snyder; or rather, I believe Mr. Vinson was Secretary of the Treasury at that time.

Mr. SABATH. I do not know whether he made any such recommendation. If he did, he made a mistake, and that is not the only mistake he will make. But I know it was repealed, and it should not have been repealed.

BIND THE HOUSE CONFEREES

I suggested to the chairman of the Ways and Means Committee, the gentleman from North Carolina [Mr. DOUGHTON], and to the ranking minority member of the committee the gentleman from New York [Mr. REED], in view of the fact that the existing or regular rules of the House do not provide for the consideration of provisions not embodied in the bill, whether the rule they were asking for could not be amended authorizing the House conferees to embody in the bill in conference an excess-profits corporation tax provision. However, I was informed that all the blanks covering the taxes imposed under the provisions of the bill had already been printed and that it would be impossible for the Bureau of Internal Revenue to prepare rules, regulations, and to have the required blanks printed if an excess-profits corporation levy was included in the bill at this late date. Both the gentleman from North Carolina [Mr. DOUGHTON] and the gentleman from New York [Mr. REED] agreed that their committee will report an excess-profits corporation tax bill as speedily as possible when Congress meets again, and further, that the bill would carry retroactive provisions that would reach the profiteers who have taken advantage of conditions and have unfairly increased the prices of their products which have enabled them to gouge still greater profits than they have made this year, which profits have exceeded even their enormous returns of 1948 and 1949.

With that the rule was granted. Though I am presenting this rule, nevertheless I hope it will be amended so as to instruct the House conferees to insist on the inclusion of an excess-profits tax in the bill.

Mr. Speaker, I yield 30 minutes to my colleague, the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, of course the purpose of this rule is merely to send this bill to conference. I cannot see how anyone could possibly object to that. I was hoping this would take but 2 or 3 minutes.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Georgia.

Mr. COX. I especially wish to commend the statement that the gentleman has just made. This whole controversy is more or less a sham battle, and amounts to nothing more than a waste of time. I can see no sensible reason why the resolution should not be adopted. The voting down the previous question would be a vain and foolish thing for us to do and would accomplish nothing.

Of course, there are those in this body who would have liked to see an excess-profits tax provision written into the bill, but it is not there and it cannot be put there under existing circumstances. It is something that can and will come later. The great need of the moment is to get the tax bill.

Mr. ALLEN of Illinois. I subscribe to everything the gentleman from Georgia stated. I know the excess-profits tax phase is now in the picture, but I also know that under our beloved chairman of the Committee on Ways and Means the members of that committee have been working night and day on social security, the bill H. R. 6000, and this bill. Now this phase in regard to excess profits has entered the picture.

I would say to those who now are talking about excess profits that there is not going to be any question about the people of this Nation not getting plenty of taxes. There is no question that they are going to get taxes, taxes, taxes, taxes. It is not a question of their not getting enough, but the people next year are going to be sick and tired of the taxes we are going to place on them. While speaking I again urge that we cut down on nonessential spending. If we are frugal we can save many billions of dollars without lessening efficiency of government.

So I will say to my friends like the gentleman from Pennsylvania [Mr. EBERHARTER] and the gentleman from Wisconsin [Mr. BIEMILLER], who are talking about excess profits, that they do not have to worry about people not getting sufficiently taxed.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, it is my opinion there are not half a dozen Members of the House on either side of the aisle who would not favor an excess-profits tax after it has been properly considered. I think that is the real question before the House.

An excess-profits tax is not as simple as some people seem to think. There are many questions in connection with an excess-profits tax, which must be carefully considered, if we want to accomplish the thing that should be accomplished. We have heard about the repeal of the excess-profits tax that was passed as a war measure. I voted for that repeal. I made a speech on the floor in favor of that repeal and I consider today that the Doughton tax bill which repealed the excess-profits tax and permitted some $4,000,000,000 which the industries of the Nation had been paying into the Treasury of the United States to remain in the hands of those industries was a very excellent thing because of the results. After all, it is the results that count. The results of the repeal of that tax, and mind you, there was a $21,000,000,000 deficit that year in the budget, were these: First, it was a stimulating shot in the arm to American industry. They took the $4,000,000,000 that they had been paying into the Treasury and plowed it back into business expansion and created 5,300,000 new jobs and headed off a depression. Second, it increased the production of scarce commodities in the country by 15 points according to the national index of production and it should have reduced prices. Because we shipped that year some $14,000,000,000 of products to Europe, mostly of scarce products such as tanks, farm machinery, food and steel, instead of the usual amount of $4,000,000,000, we did not reduce prices.

What else did the repeal of the excess-profits tax do? It increased the amount of money which flowed into the Treasury of the United States because it expanded the base of taxation.

Those are the results of that repeal. Now we come to the question of putting on a new excess-profits tax. I am for it. But we must know what the results are going to be—and they are going to be the reverse of what we had when we repealed the tax.

What are the questions that must be considered? What shall the rates of this excess-profits tax be? Are they going to be confiscatory? If they are, what effect will it have upon American industry? That is one of the serious questions. If it is going to be retroactive on the 1950 profits, what is that going to mean? It is going to mean that there will not be an American industry in the country that can close its books at the end of 1950 because they will not know how this is going to affect them. There will not be an industry that can pay out dividends at the end of 1950 and there will not be an industry that can plan for future expansion and for stepped-up production. All of those things have to be considered if we want to pass a wise excess-profits tax. These are serious questions. That is the reason we must have at least 2 or 3 months to consider it.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Speaker, my distinguished colleague, CHARLES W. VURSELL, of the Twenty-fourth District of Illinois, is unavoidably absent and will not be able to vote on the measures shortly to come before us. In order that his constituents may know his position on these issues he has asked me to express his views as he gave them to me.

He is strongly in favor of H. R. 6217, known as the Spanish-American War Veterans bill, and would vote to override the President's veto.

He is also strongly in favor of the enactment of legislation to control Communists and their activities. He would vote to send the pending bill to conference in the hope that the conferees will agree upon as effective a bill as it is possible to write.

Congressman VURSELL believes that the pending tax bill should also be enacted at this session and would vote to send the bill to conference. In other words, he would vote for the rule to accomplish this end.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, we all know the reasons for this discussion today. They are political. There is an election coming up in November. In spite of the fact that we are today at war, there are Members of this House who still must play politics even on matters that are of the greatest importance to the proper prosecution of that war. The rule before us provides for the consideration by a conference committee of tax legislation which is essential at this time. The bill provides for increased taxes which are necessary to produce the revenue with which to pay part of the cost of the war. The bill closes loopholes through which some people are today escaping their just taxes. The differences in the bill as passed by the House and as passed by the Senate should be ironed out and resolved at the earliest possible time. Certain provisions of the bill are written to take effect on October 1. If this is to be effective, we must enact this legislation into law immediately.

Debating the question of an excess-profits tax in connection with this rule is just plain simple politics. There is no question but what every Member of this House is opposed to excessive profits in times like these or at any time as far as that is concerned. There are Members of this House, however, who for political purposes, would like to create the impression that they alone are opposed to excessive profits and that the rest of this House is in favor of excessive profits. In order to create such an impression, they would go to any length, including voting for legislation they have never read or seen, just as long as it is called an excess-profits tax.

Let us be honest and recognize that the real problem or issue is not whether or not there should be an excess profits tax on our statute books. We will probably all agree that the Congress should pass such a tax. The big question, however, is what kind of an excess-profits tax.

Every person who has any acquaintance at all with excess profits tax will testify to the fact that there is no tax that is more complicated and more difficult to write. There is no tax that can be more disruptive to the productive facilities of this country; there is no tax that can ruin small business quicker, there is no tax that can create more inequities if the provisions of the legislation imposing the tax are not sound.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I cannot yield; I have only 3 minutes.

Mr. Speaker, realizing as we must the complications, the injustices, the confusion; yes, and the absolute disruption of our entire productive facilities that may result from an unwise excess-profits tax, let us realize that instead of playing politics we should get to work and write a sound excess-profits tax bill. Let us also, however, admit that to do so will require time. It will require effort; it will require the undivided effort of the Treasury, of the executive branch, and of the Congress.

I am not one of those who will vote for a tax bill without knowing what is in that bill and what the effect of it will be. Some Members apparently are will-

ing to do so. The fac' of the matter is that these same individuals are the Members who voted for the Huber amendment to add an excess-profits tax to the Defense Production Act of 1950 without even having the amendment read to the House. I will vote for sound tax legislation. I will vote for a bill imposing a sound excess-profits tax.

All around the Chamber, one hears talk of adjourning this Congress within the next few days. I am opposed to adjournment, Mr. Speaker, for many reasons. We have much work to do. One of the jobs is to write an excess-profits tax. But you cannot write such legislation in 2 days; you cannot write it in conference; you cannot even write it in 1 week. My plea, Mr. Speaker, is that we stop the politics as usual that is going on today, adopt this rule and send the pending tax bill to conference and get it enacted into law so that it can become effective October 1. We should then get to work and write an excess-profits tax the way it should be written.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

ANOTHER TRAGIC MISTAKE

Mr. HOFFMAN of Michigan. Mr. Speaker, neither directly nor indirectly is the loyalty of Gen. George C. Marshall questioned by me nor so far as I know by anyone.

My loyalty to the men who are fighting in Korea, to those who will be sent to fight in Germany and other parts of the world, my duty to the people who sent me here compels me to vote against any amendment to the unification law which will permit a military man to hold the office of Secretary of Defense.

When, after hearings and earnest consideration, the first unification law was written in 1947, the Congress decided that permitting one whose lifetime training tended to cause him to view all national activities from the military standpoint to become Secretary of Defense would endanger the security of the Republic, tend to establish here a military government.

No one doubts but that our military strategy, the actual conduct of a battle or a war should be directed by a trained military man.

All are, however, cognizant of the fact that not only is a war destructive but that of necessity military men must follow a course which is wasteful and extravagant. Costs cannot be figured when wars are to be won.

Military men—graduates of Annapolis and West Point—have never been trained in economical production.

Back of every battle, back of every war, has been civilian production, and almost every war has been, in the end, won or lost on the home production front.

The Secretary of National Defense, in peacetime as well as in time of war, has control over and directs civilian production, production not only of munitions of war but of the things needed by the civilian population. Naturally, a military man would give first consideration to what he considered the needs of the Armed Forces. In so doing, he might, he probably would, establish on the home front a condition which made the civilian population subservient to, and the servants of a costly, perhaps a ruinous military machine.

When the unification bills were written, it was the considered opinion of the Congress that under no circumstances should our people, the resources of our country be put at the disposal of a man trained almost solely in military operations.

In my humble opinion, amending the Unification Act confirming the appointment of General Marshall as Secretary of National Defense would be a tragic mistake—a mistake which, at the end of the war, would impose a military dictatorship upon our people; a mistake which, during the war would cost the lives of possibly a million of our men and which even might, through the impairment of civilian production, ultimately lose the war.

GENERAL MARSHALL IS NOT THE MAN FOR THE JOB

In my humble judgment, General Marshall is not qualified for the job to which the President seeks to appoint him. General Marshall is either willing to sacrifice the truth for political expediency or so forgetful that it is not safe to entrust our security to his hands. Proof? His statement shortly after Pearl Harbor that he did not know where he was when the Japanese struck Pearl Harbor. That statement by the General demonstrated that he was less than frank, that to save either his own reputation or that of someone else—to cover up what actually happened on that fateful occasion—he made the statement that he did not know where he was the night of the 6th, the morning of the 7th of December.

Is there anyone on the floor of the House who believes that General Marshall did not know, does not now know where he was on that occasion? Where he was is perhaps of small moment. His statement that he did not know where he was tends to destroy the confidence the American people may have had in him or in his statements.

IS GENERAL MARSHALL PHYSICALLY QUALIFIED TO SERVE AS SECRETARY OF NATIONAL DEFENSE?

Not so long ago General Marshall resigned as Secretary of State. If memory serves correctly one of the reasons he gave at that time was that his physical health would not permit him to carry on the arduous duties of that job.

The duties of the Secretary of National Defense in these days are at least as important, if not more important, to the security of the Republic than are those of the Secretary of State.

As the President and General Marshall then considered the General either physically or mentally unable to act as Secretary of State, it would seem, unless there has been a most miraculous recovery that the onerous burden of carrying on as Secretary of National Defense should not, cannot now with safety to the Republic, be imposed upon him, accepted by him.

GENERAL MARSHALL HAS DISQUALIFIED HIMSELF TO SERVE AS SECRETARY OF NATIONAL DEFENSE

It is a matter of record that General Marshall when sent on the special mission to China opposed the policies of Gen. Chiang Kai-shek, of the Chinese Government. It is known that he favored the Communists in China, that as a result of the policies advocated by him, the Communists took over Manchuria and China. The attack on South Korea may well be considered one result of that policy.

Since then there has been nothing to indicate that the general or the administration has had a change of heart.

Today, while our men are fighting the Communists in Korea, it would seem to be folly to appoint as Secretary of National Defense a man who is responsible for the present control of China by the Communists, who has never, so far as I know, given any indication that he has changed his views.

In my humble judgment, the appointment of General Marshall, the amendment of the Unification Act, will give encouragement to the Communists, not only in China, but all over the world.

Is it not enough that in the United Nations, that on the Security Council, sits a Communist? Must our men be drafted to fight Communists while we have at the head of the Department of State, at the head of the Department of National Defense, men who have favored the Communist policy of the conquest of China? Are we completely lacking in common sense, in a realization of what is happening to Asia?

We know—the world knows—that Secretary of State Acheson has consistently followed a policy which advanced the interests of Stalin and the Communists. The appointment of General Marshall is an endorsement of the Hiss-Acheson policy.

The appointment of General Marshall would seem to be notice to our fighting men, to the world at large, that this administration, under the control of Harry Truman, while compelling our men to stand, fight, and die in Korea, is inclined to appease the Communists through the State Department, to let our defense activities be directed by a man who heretofore has followed a policy of appeasing the Communists in China.

Are those who have supported the foreign policy, advocates of the Hisses, of the Achesons, now to be reinforced by a Secretary of National Defense who has subscribed in large measure to their views?

If our men are to fight a war against the Communists and communism on the battlefields of Korea, of Asia, Africa and of Europe, they should not be confronted by the appalling prospect of having as the man back of them, who supplies them with the munitions of war, one who in the past was either so forgetful, so untruthful, or so mentally incomptent that he does not know where he was when the Japs struck at Pearl Harbor, who is so lacking in common sense and good judgment that he encouraged the Communists to take over China, aided in the defeat of the Chinese National Government.

If our men must fight communism and Communists in Korea, later in other parts of the world, then let us, here at home, instead of having a Secretary of National Defense who has been sympathetic toward the Communists, get rid of

Secretary of State Acheson, who brazenly announced that he stood back of Hiss, who betrayed us to the Communists and appoint as Secretary of State and Secretary of National Defense men who think first, who will first act for the security of the Republic, rather than appeasement of either the Communists, the British, the French or the people of any other nation.

The amendment of the Unification Act so as to permit General Marshall to act as Secretary of National Defense his appointment and confirmation is notice to our people and to the world, that this administration has adopted the policy of Dean Acheson.

Nothing could be more discouraging to our fighting men, to our people.

If our armed forces are to fight the Communists all over the world then we should have as Secretary of State and as Secretary of Defense, men who never have, who do not now favor conciliation of Communists in any degree.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Speaker, time is very important. All of us here know how valuable time is. We recognize that often we wish we had more of it. But also the word "time" is used as an alibi in many instances, and that is what is being done now. We do not have time to write an excess-profits-tax measure; we will not have time to do it now; let us wait; let us wait until next year.

Let me remind you, Mr. Speaker, that the Korean incident started nearly 3 months ago. I say, Mr. Speaker, in all seriousness and from the bottom of my heart that if the committees of Congress had spent as much time in studying excess-profits provisions as they did in opening up loopholes so that the wealthy taxpayers and wealthy corporations could get away with more avoidance of taxes, and if they had spent less time in finding a way to put taxes on low-income wage earners, we would have had right here and right now a measure which would have been better for the economy of the country, which would have raised at least $6,000,000,000, and which would have prevented inflation. They did not have time, Mr. Speaker, they say, to consider excess profits. But they had time to open loopholes for the rich to escape taxation.

Mr. Speaker, they say that an excess-profits tax is complicated; certainly, it is complicated, and it is complex. But the items that were put into this measure are just as complex and just as complicated; in fact, more so.

Let me refer to some of the loopholes on which they spent so much time. Opening up the family partnership. That is supposed to be a complicated matter, but it is simply a device whereby a man who is making a large individual income can escape the high-bracket rate and thereby avoid taxation. He takes in his children who are going to high school, grade school, or college as partners; thereby he gets half of the rate that he got when he owned the business himself. That is a loophole they opened up. They did more than that. They made it retroactive for 10 years so that the Treasury will be compelled to refund hundreds of millions of dollars to these people who made up these fake partnerships during World War II. That is only one.

They worked fast and furious on that. They worked fast and furious raising the tax rate on the low-income people 20 percent. Time was no element then. They could work fast and furious on that.

Then there is this proposition whereby corporations can dispose of their subsidiary companies and only pay in some cases less than half the regular income-tax rate. I doubt if there are many Members of the House who understand that. That is another device, that is another loophole they worked fast and furious on. But they did not have time to work on excess profits.

The same thing is true of the stock-options feature. That is a complicated proposition also. I venture to say that the membership of the House knows more about excess profits than they do about these loopholes that there was time enough to take care of. No, there was not time to take care of an excess-profits tax. This stock-options matter is something they have been trying to put over for many years. They put it over this time in the other body because they had plenty of time. They did not have time to study excessive profits.

The stock-options feature simply means that a highly paid executive takes part of his pay in stock. If he is a hundred thousand dollar a year man he can take $15,000 in stock and instead of paying the regular income tax rate on that $15,000 he holds the stock for a short period of time, then he gets a very much reduced taxation rate when he disposes of it.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SABATH. Mr. Speaker, I yield the gentleman 5 minutes.

Mr. EBERHARTER. I thank the gentleman.

Mr. Speaker, they had plenty of time to give the insurance companies of this country absolute freedom from payment of any corporate income tax for the years 1947 and 1948. Imagine, the insurance companies of this country pay no income tax whatever for 2 years. That did not take much time. That was not complicated. They had time to do that.

There is another thing they had time to do. They had time to cross out a provision which provides that dividends paid to stockholders be withheld. All of us know, Mr. Speaker, that the wage earner has his tax withheld every pay day. Every time he gets paid the employer withholds so much in taxes. We wanted to do the same thing with the companies that are paying dividends because there are over $1,000,000,000 in dividends paid that are not reported in income-tax returns. Many dividend-receiving people are evading the payment of any taxes on dividends paid to them.

Yes; they had time to take more money from the wage earners making less than $5,000 a year. That is the average pay of a skilled worker. They could raise his tax 20 percent, give him less take-home pay. They had plenty of time to do that, but they did not have time to study excessive profits.

Mr. Speaker, these excessive profits are being made right now. Why should they not be taxed right now?

What are you going to say next October when the workingman finds a 20-percent increase in taxes taken out of his pay while all of the owners of factories, and shops, and mills around him make tremendous profits, and not only the factories but the wholesalers and the distributors making tremendous profits? What is the workingman going to say? He will say, "Why did you not tax these fellows commencing October 1 the same as you are taxing me?"

Mr. Speaker, let me tell you, this is just a delaying action on the part of those who do not want to pay any excess-profits tax at all out of their 1950 earnings. That is all this is. That is why they are asking that this be put over until next year. It is almost impossible to make a tax, especially an excess-profits tax, retroactive. I will bet my bottom dollar that if we do not do this before we adjourn, it will never be done so that an excess-profits tax is applicable to the year 1950.

Mr. Speaker, there are many other very, very glaring loopholes that will be opened up and are opened up in this present tax bill that I do not have the time to discuss now.

If we do not show the country we want to pass a fair and equitable tax measure, I would rather pass no tax measure at all. The only way we can do it is to vote down the previous question. Then an amendment or two will be offered so that this matter of an excess-profits tax can be taken up by the conferees. That is all my motion would do. That is all my motion is and that is all I am fighting for, and that is all those joined with me are fighting for.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Arkansas.

Mr. HARRIS. In view of the fact that the House has passed a tax bill and the Senate has considered the same bill and passed it in the Senate, does the gentleman contend that the conferees can take up the matter of an excess-profits tax?

Mr. EBERHARTER. Not unless we vote down the previous question and then adopt my motion.

Mr. HARRIS. Even if you did vote down the previous question, does the gentleman contend that under the rules the conferees can take up that question?

Mr. EBERHARTER. Unless you vote down the previous question and adopt the substitute which I will offer the conferees are precluded, absolutely forbidden to take up the matter of an excess-profits tax. All I want to do is let them take it up. So, Mr. Speaker, I ask all Members to vote down the previous question.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Speaker, we have just listened to the gentleman from Pennsylvania [Mr. EBERHARTER] who in-

forms us that he has a substitute to offer to the tax bill which this rule makes in order. While personally I like the gentleman from Pennsylvania I question the advisability of this House's following his recommendations on tax matters in view of the fact that he introduced a joint resolution in the Seventy-eighth Congress which is quite alarming. I shall now read the gentleman's resolution referred to:

House Joint Resolution 225

(In the House of Representatives, January 27, 1944. Mr. EBERHARTER (by request) introduced the following joint resolution; which was referred to the Committee on the Judiciary:)

Joint resolution proposing an amendment to the Constitution of the United States to provide for revenue for the Government of the United States and for the general welfare by giving Congress power to levy taxes on land values

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following be proposed as an amendment to the Constitution of the United States, which shall be valid as a part of said Constitution when ratified by the legislatures of three-fourths of the States, to-wit:

"ARTICLE —

"All men shall have equal rights to use the earth and to enjoy the product of their labors thereon. To secure these rights Congress shall have the power to enact legislation to collect the yearly value of land in taxation, to remove taxes on improvements on land, and to apportion the revenue derived from taxes on the value of land among local, State, and Federal governmental units."

Mr. Speaker, if such should ever become the law of our land every farmer in America would surely lose his farm within 2 or 3 years, even though he had it paid for. So I question the advisability of following the gentleman from Pennsylvania [Mr. EBERHARTER] in this instance. Of course, I shall listen to the gentleman's argument at the time he offers his amendment.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, I shall vote in favor of the previous question and also in favor of the pending resolution. That, it seems to me, is both the sensible and reasonable thing to do.

There is no question that it is unwise to attempt to add to the tax bill that we are presently considering an amendment providing for a tax on excess profits. The matter of preparing a bill to provile a tax on excess profits will require much more time than is now available.

I think that every Republican member of the Ways and Means Committee is in favor of a tax on excess profits, and I think that they are all in favor of passing such a bill just as soon as practicable. That is my position and I shall vote accordingly.

Mr. SABATH. Mr. Speaker, I yield such time as he may desire to the gentleman from Wisconsin [Mr. BIEMILLER].

WHO STOPPED BEER RATIONS IN KOREA? DINGELL BILL SHOULD PASS

Mr. BIEMILLER. Mr. Speaker, the Army order removing one can of beer from daily rations for our fighting boys in Korea has been rescinded. I am glad of that.

But I am ashamed and alarmed that such a stupidly glaring mistake could have been made, and I want to know just what influences back home could have intimidated the Army to take beer off the ration list in that area, where water is deadlier than bullets. Stagnant, polluted water is the substitute recommended by these influences back home, sanctimoniously objecting to beer—which, incidentally, is about 90 percent good water. The remaining elements of beer are composed of grain vitamins such as vitamin-B complex, like riboflavin, nicotinic acid, and pyridoxin. Beer contains one-seventh as much protein as milk, the high-protein-content basic food. It is true that beer contains 3 percent alcohol. So does raised bread contain alcohol, and most puddings in which every housewife buys for her family's consumption.

I bring these facts up to emphasize my question: "What influences duped the Army into taking beer off the standard ration in Korea?" No one informed in the field of nutrition considers beer in the class of "demon rum"—quite the contrary. Beer is in every sense a food as well as a thirst quencher. It can be a lifesaver in areas where only polluted water is available—in locations like Korea, where it is a case of water, water, everywhere, but not a drop to drink."

My good friend and colleague, the Honorable JOHN D. DINGELL, extended an excellent summary of this situation in the CONGRESSIONAL RECORD of September 13. I advise each of you to read it. His bill to provide beer as a necessity for fighting men in zones where water is a killer needs quick action if we are to avoid more of this behind-the-lines bigotry promulgated by ignorance.

I have today asked the Army for a complete report on, first, How did this grotesque mistake happen; who influenced the Army's action; and, second, What misguided Army officials in Tokyo issued the orders to remove the only safe and palatable thirst-quencher for our boys in the swamps.

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina, the chairman of the Committee on Ways and Means [Mr. DOUGHTON].

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman from North Carolina such time as he may require.

Mr. DOUGHTON. Mr. Speaker, I rise in support of the resolution now before the House. Along with my colleague the distinguished gentleman from New York [Mr. REED], the ranking minority member of the Committee on Ways and Mean, I appeared yesterday requesting a rule to send the tax bill to conference. The reason we did that, is that objection had been raised to sending the bill to conference, and the only way to have the bill considered by the conferees was to get a rule. Of course, I am supporting the rule.

I hope we can all agree that this Korean War and every other war in which the United States may be engaged should be a war of sacrifice and not of profit. As far as I know, there is no member of our committee or of this House or, so far as I have heard, of the other body, who is opposed to an excess-profits tax. This whole discussion today seems to revolve around the question of an excess-profits tax at this time.

I think it essential that we have an effective excess-profits tax in wartime. In fact, I resisted the repeal of the World War II excess-profits tax in 1945 because I thought we were still in a period of war profits. In order to be prepared with an excess-profits tax at the earliest practicable time, I have directed the staff of the Joint Committee on Internal Revenue Taxation and have requested the Treasury Department to cooperate in the preparation of a measure that will protect the Government and the public against war profiiteering and yet provide fair and equitable safeguards to permit the expansion of war production which we so vitally need.

As you all know, there is a vociferous demand on the part of a few to enact an excess-profits tax now. Personally, I cannot see any advantage in this course which cannot be obtained by waiting and enacting a workable excess-profits tax early next year and making this tax applicable to war profits in 1950. Postponing consideration of this tax will not mean that we are failing to tax war profits but will only mean that we will have more time in devising an effective means of taxing them.

Those who seem to be most zealous in urging enactment of an excess-profits tax without proper study appear to be attempting to make immediate passage of an excess-profits tax a test of patriotism. Just as our men in Korea, however, have had to bide their time until they were ready to assume the counter-offensive, we here must not foolishly jeopardize the ultimate long-range defense of our country through the passage of a jerry-built war-tax system. In our zeal to curtail war profits, we must not handcuff the expansion of industry.

For example, the excess-profits tax proposed by my distinguished colleagues on the Committee on Ways and Means provides a base period of 1946 to 1949. There are a number of industries vital to the war effort which were depressed relatively in this period of high profits for other industries. Yet these vital industries would be shackled without opportunity to furnish the expanded production so essential to our security. Moreover, if you take 1946–49 as a base period, many of our ex-servicemen who came back from World War II and started into business probably would have low base-period earnings, and would be unfairly affected.

We must be careful at the same time in our selection of a standard for the determination of excessive profits not to permit the tax-free escape of some war profits. If we are to do our duty in providing revenue and taking the profit out of war, obviously we must give it serious thought. Otherwise we shall fail, and the consequences would be most serious and might be disastrous.

That is my position as far as the excess profits tax is concerned. I am just as much in favor of an excess profits tax as my good friend from Pennsylvania

[Mr. EBERHARTER], but I want to proceed in a practical way and not by emotion. Handling tax matters is a good deal like counting money or handling poison medicine. If you do not do it intelligently and accurately, you may do great harm.

Meanwhile, the President of the United States and the Secretary of the Treasury have stressed the importance of the enactment of this interim tax bill. They seem to realize the impracticability of working out the details of a satisfactory excess profits tax in such a great rush.

They also realize that, if immediate action is not taken on this interim tax bill, much of the revenue which this measure would raise immediately will be lost.

An excess profits tax requires, according to my study and knowledge of the subject, a great deal of careful investigation. We cannot afford to proceed carelessly or without due consideration and a thorough understanding of what we are doing. Mr. Stam, the head of our staff, says it will take more time than we have now available. I suppose that is the reason the other body did not adopt an excess profits tax. They found they did not have the time in connection with this bill to make the thorough study which is necessary to intelligently and understandingly deal with the subject.

A little later we can take the time to work out this matter thoroughly and accomplish the desired purpose. The other body has expressed a sentiment favorable to an excess-profits tax which will be retroactive. After we have completed work on the pending bill, we could very easily next month, after we have studied the matter and acquired the necessary knowledge to deal with it, take whatever action then seems advisable.

If Congress should remain in session, or if we should be called back into session after election, it will be my purpose to call our committee together just as soon as possible and take up the subject of excess-profits taxes to get all the information we can and to consider all angles, not only as to how it will meet the fiscal needs of the Government, but also how it will affect the taxpayers. We cannot do an injustice to the taxpayers.

The Bureau of Internal Revenue is now preparing withholding tables for distribution throughout the country in order that they can begin collecting taxes on individuals at the higher rate effective October 1. Also, if this bill is not signed by September 20, the excise tax increase will not become effective until the 1st of November at the earliest.

Every day of delay endangers this additional revenue which is vital, not only to a sound interim fiscal policy, but also to the fight against inflation. The President the other evening, in his address to the Nation, stressed that he considers higher immediate taxes an important weapon in the fight against inflation.

Mr. Speaker, I trust that the Members of the House will support the judgment of the President, the Secretary of the Treasury, the House leadership, the majority of the other body, and our own tax experts in voting for the resolution reported by the Committee on Rules to send this bill with the Senate amendments to conference without further controversy or delay.

A vote for this resolution is a vote for an effective excess profits tax.

I trust the previous question will be ordered, so that our conferees can proceed with the work of bringing out the bill to raise the needed revenue without delay and loss of revenue.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield.

Mr. REED of New York. The whole issue here is if you fail to adopt this rule and fail to vote for the previous question, we cannot bind the Senate conferees, and the only result will be to throw this back into the committee again, and that means we will be too late to collect the revenue on October 1 which we need now for the war effort. I cannot imagine anything more unwise at this time than to take such a step.

As far as losing revenue is concerned on these contracts, clauses are being written into them for renegotiation and I say we will be losing revenue if we fail to vote for this rule and fail to support the rule to send the matter to conference.

Mr. DOUGHTON. If we want and need more revenue now, which this bill will provide, we still can apply an excess-profits tax to incomes this year. The Bureau of Internal Revenue is preparing tax forms to collect higher taxes to go into effect on October 1. If we dilly-dally around here and delay this bill, it may be impossible to make the bill effective on October 1.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield.

Mr. COX. The gentleman from New York asked a question that I had in mind. In other words, voting down the previous question will in no way advance the prospect of getting taxes on excess profits.

Mr. DOUGHTON. The gentleman is correct. I will say to the House that we might lose revenue. We certainly will if we delay, and if this bill has to be sent to conference with instructions to work out an excess-profits tax, we will certainly lose 1 month's revenue. It could not possibly go into effect quickly enough, because even now the Bureau of Internal Revenue is preparing the forms and the regulations, to put this bill into effect on October 1.

Mr. COMBS. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Texas, a member of the committee.

Mr. COMBS. Some question has been raised as to retroactivity. The fact is that such a tax has been made retroactive repeatedly. Let me call attention to the fact that in 1917 the excess-profits tax which passed on October 3 of that year was made retroactive to January 1. The act of 1918, which was a war-profits act, a war-excess-profits tax, a very heavy one, was passed February 4, 1919, and made retroactive to January 1, 1918.

Mr. DOUGHTON. Certainly. I trust this resolution will be adopted and that the previous question will be ordered. By so doing, we will follow the leadership of the President in this matter, the leadership of the Secretary of the Treasury in this matter, the leadership of the other body in this matter, and, yes, the leadership of the House organization in this matter, and proceed expeditiously to send this bill to conference so that we can begin collecting this revenue as soon as we can and get the money which the Government so badly needs at this time.

Mr. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to extend their remarks on this subject, before the vote on ordering the previous question.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VORYS. Mr. Speaker, I think we ought to get this tax bill to conference, so that it can be enacted promptly into law before October 1. It will raise around four and three-tenths billions in taxes. If it is delayed we will lose some of this. Then we ought to proceed to consider and pass excess-profits taxes in a separate bill. I do not think this whole subject, as far as the House is concerned, should be left to the judgment of the seven House conferees. I think there should be committee hearings and deliberation. This excess-profits-tax bill must be drafted carefully or it will hit some too hard, and let others out from under it, merely by the way normal profits are defined. Of course we want to recapture war profits; there are a number of other things we need to do, but we cannot do all of them in one bill. We ought to send this to conference promptly. The fact that somebody labels this vote a referendum on excess profits does not, in my judgment change the issue.

Mr. BRYSON. Mr. Speaker, I am fully conscious of the fact that there are Members of Congress who would much prefer not having to pass upon the pending issue so close to the date of the election. They would feign have this bitter cup pass. The principal issue, however, is paramount to the political future of any individual Member of this great body.

Everyone has heard the old chestnut that if a Member of Congress wants to be assured of reelection all that he has to do is vote for every appropriation item and vote against every tax provision. Whatever may be the validity of that statement, I believe that the national safety is our prime concern and is the factor which should determine how we are to vote on the proposal to impose an excess-profits tax on corporations. No other course is now open to us.

Such a provision will affect the very large number of fine corporations doing business in my district. Many of them could point with pride to the splendid contributions they are making to the national welfare and beg off any further taxation on that ground. In backing up such a position I could possibly gain favor with these constituents. However, the present situation requires a different attitude on their part and on mine. And

I am happy to say it is not their intention nor mine to resort to that kind of a stand.

A knowledge of simple arithmetic is all that is necessary to see that additional taxes are essential at this time—right now. The greatly increased expenditures for national defense must be supplied from some source and taxation is the logical one. We are committed to these tremendous spendings and we must have the money for them.

As a member of the bar, I am familiar with the law's delays, which are often a necessary evil, and with the delaying tactics of certain members of my profession who seek postponement after postponement until a more propitious time. But why put off the inevitable when the inevitable is a paramount national interest and for the good of us all? There are some among us who say that they agree that an excess-profits tax is necessary—how could they say otherwise?—but seek to put off the duty of imposing it now on the plea that the subject requires further study.

Apparently sufficient study has been made at this time for the purpose of obtaining higher taxes from the little man who may not be making any greater income than he did last year. I have never subscribed to the doctrine of "soak the rich," but I strongly urge that the excess-profits-tax provision be incorporated as an equitable and necessary measure for the successful carrying out of our national policies. If we impose additional taxes upon small business which may have static income, how much more imperative is it that we impose an excess-profits tax on those who are making an economic gain out of our present emergency?

I do not mean to inflame the minds of the Members against corporations and those whose incomes are increased as a result of expanding production due to the emergency. They are not necessarily the heartless and soulless monsters that they are often pictured, waxing fat on the misfortunes and exigencies of national emergencies and wars. Often their contribution to our success in war cannot be measured in terms of dollars. I believe that they are more than willing to share the financial burden, in addition to their other contributions to success, and would welcome an excess-profits tax—if anyone can be said to welcome any sort of tax.

Mr. Speaker, the time is now—further delay is inexcusable. The Eighty-first Congress cannot bind the Eighty-second to enact legislation which it refuses to enact itself. It is our solemn duty to impose the excess-profits tax at this session and as a part of the present tax bill.

Mr. WHITE of California. Mr. Speaker, I want to say that I am strongly in favor of enacting an excess-profits tax immediately. The excess-profits tax never should have been repealed after World War II. Through the workings of the foreign-aid program we have been in a wartime economy ever since the last war and the big corporations have been breaking all records in profits after taxes. These big corporations make most of the profits out of war, therefore, they should pay most of the cost, and take the tax load off the low-income people of the country, who need their money to buy food and clothing.

Mr. MITCHELL. Mr. Speaker, delay in the enactment of an excess-profits tax cannot be justified. Every single dollar of excess-profits existing because of the emergency defense program should be utilized to help pay for that program. I will vote today, as I have worked in the past, to have the excess-profit dollar do its part toward strengthening this Nation for whatever may be in store for us.

Our economy is strong. The excess-profits tax will make it stronger, not weaker. Today our productive capacity is so great that corporate profits after taxes are being earned today at an annual average rate of $20,000,000,000. Contrast this with the 1939 corporate profits after taxes of $5,000,000,000.

By voting an excess-profits tax now we will be voting to help continue this prosperity, the greatest in the history of the world. We will be voting for inflation control. We will be voting to decrease the national debt. We will be voting against a policy of borrowing to finance the Korean War. But above all, by our vote we will declare that there shall be no deferment of the profit dollar at a time when there is no deferment for the drafted man.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. YOUNG].

Mr. YOUNG. Mr. Speaker, it appears to me that in voting against the previous question and to support the amendment which will be offered by the gentleman from Pennsylvania [Mr. EBERHARTER], if the previous question is voted down those of us who take that course will, in fact, be following the leadership of the President of the United States. President Truman in his radio address to the American people stated:

> I believe the Congress should enact further tax legislation as soon as possible. Among other things this should include a just and fair excess-profits tax which will recapture excess profits made since the start of the Communist aggression in Korea.

"As soon as possible," Mr. Speaker, means right now. This is September 14. It appears to me that, if we would work diligently here in this Congress, both bodies could enact an excess-profits tax before next October 1. It happens that I was away most of the years during World War II, but we have the precedent. We had an excess-profits tax at that time which did recapture a large amount of the abnormal corporate profits. I assert that within a week the Committee on Ways and Means by hard work could recommend for passage an effective and fair excess-profits-tax bill to recapture for our Government $6,000,000,000 per year additional revenue.

We in the House of Representatives before the Korean War started passed a very good tax bill. We closed some loopholes, but the other body opened up those loopholes. For example, we closed the loophole by providing a withholding tax on dividends. That would have brought in $170,000,000 per year. The Senate struck that out.

Another example is that we, in our tax bill, provided to tax life insurance companies which have evaded taxation for a number of years—for the years 1947 to 1950. The other body struck out part of those provisions. Furthermore, that body boosted individual income taxes as of October 1 while postponing imposition of a tax on excess profits. We should provide an excess-profits tax now. American people generally fear inflation, as they have reason to. They favor adequate national defense to repel aggression from the Soviet Union on as nearly a pay-as-you-go basis as we are able to provide, and above all else American people in this time of grave national peril believe in equal sacrifices for all. Were we to postpone imposing an excess-profits tax we would permit the creation of some millionaires at this time when American young men are making the supreme sacrifice. I am gravely concerned unless we take an affirmative stand now on an excess-profits tax against abnormal corporate earnings next year powerful forces will argue against making any additional corporate taxes retroactive, and will prevail.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the balance of my time to the gentleman from Colorado [Mr. CARROLL].

The SPEAKER. The gentleman from Colorado is recognized for 7 minutes.

Mr. MANSFIELD. Mr. Speaker, will the gentleman yield?

Mr. CARROLL. I yield.

Mr. MANSFIELD. I believe we should enact an excess-profits-tax provision now. I ask unanimous consent to extend my remarks immediately following those of the gentleman from Colorado.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. CARROLL. Mr. Speaker, at the very outset I want to commend our distinguished chairman of the Committee on Ways and Means. What he has stated before this group today is exactly what we are striving to accomplish—a study and action now of an excess-profits tax in this Congress. The chairman has said he has instructed the staff to proceed and that after election or at some time in the immediate future this Congress will try to pass an excess-profits tax. It is not clear to me whether or not that tax was to be retroactive, but I want to point out some things to you in the few minutes I have remaining—what we are attempting to do today.

We are not opposed to the rule at all; we are in favor of this rule, but we seek to modify it. How can we modify it? By voting down the previous question. What do we do then? We then move to amend the rule in two respects. One respect will be to try to include an excess-profits-tax provision. By whom was it drawn? It was drawn by the very same staff that is working with this committee—the Ways and Means Committee.

Suppose it is ruled out on a point of order. I do not know whether it will be or not, but it seems to me as you go back to your constituents the obligation rests

upon you at least to have a chance to express your viewpoint. That is the first point. If it is subject to a point of order, we will offer another amendment. What is the other amendment we are going to offer?

We do not intend to accept the ipse dixit of the other body permitting them to instruct the House Ways and Means Committee in the Eighty-second Congress. The George-Millikin substitute is a pure phony; it is a fictitious proposal and has no legal effect whatsoever.

We are going to offer an amendment pertaining to this Congress. We have such an amendment prepared. What will that amendment do? It is true that it will be directory; it is true it will direct the chairman of the Ways and Means Committee and the rest of the members of that committee: To go to work now in this Congress for a retroactive war-profits tax.

I should like to direct your attention to my remarks on this subject contained in the CONGRESSIONAL RECORD of September 13, 1950, page 14768. It is there pointed out that the sequence of recent events makes it crystal clear that there is no real intention to impose an excess-profits tax on any part of the calendar year of 1950.

Mr. Speaker, we are now being asked to put our stamp of approval on a tax bill that we know nothing about. The Committee on Ways and Means has never had an opportunity to consider some of the most important provisions of the bill now before us. One hundred and ninety-one amendments are in this bill, including family partnerships, corporation spin-offs, stock options, royalties in oil, preferential capital gains treatment over ordinary income, and so forth. It appears that the other body has opened up great loopholes in our tax structure, notwithstanding the fact that the Ways and Means Committee after 4 months' consideration was instrumental in closing some of these loopholes. This is not the bill we passed on June 28. That was an excise-tax-reduction bill. The other body has stricken those provisions and I am informed there are about 133 amendments in the bill before us which our committee never had the opportunity, even vaguely, to consider. With all due deference to the able Members who will be chosen to represent us in conference, I should have liked the opportunity to consider each and every new measure in this tax bill. That being impossible, in the light of existing circumstances I am sincerely hopeful and I urge upon the conferees to reject the Senate amendments contained in this bill which give preferential and favorable treatment to those in the upper income-tax brackets.

Although we will not be given an opportunity to pass individually upon all of the amendments contained in H. R. 8920, it is our intention to provide you with the opportunity to modify or amend title VII, under the caption "Excess-profits tax," in section 701, page 252.

If you will join with us in voting down the previous question, the rule now under consideration will be open to amendment. We propose, as I have indicated, to amend section 701. The first amendment offered will be to include an excess-profits tax. Let us assume that a point of order may be made against this amendment on the ground that it is not germane. You may rest assured that we shall resist the point of order for there is much to be said for the germaneness of this amendment. In the event that amendment is ruled out of order, a second amendment will be offered. There is no question that that amendment will be germane and you will be provided with the opportunity of expressing your will as to whether or not you believe that the Committee on Ways and Means and the Senate Finance Committee should commence deliberations now to bring out a bill taxing war profits. Obviously if you do not vote down the previous question you will have no opportunity to express your sentiment for the record.

Mr. Speaker, this is the real issue. It is not our intention to prevent the adoption of this rule. We merely seek to strengthen its provisions. In good conscience, we cannot return to our people without issuing a strong mandate to both of these powerful committees, urging that they act immediately on this important issue.

Mr. Speaker, there is more than a great moral and psychological principle involved here. Every real American demands equality of sacrifice in times of emergency. In addition, I submit that there are many sincere legislators and economists who are convinced that the passage of an excess-profits tax now is of vital importance as an anti-inflationary measure. In this period of the highest profits in the peacetime history of this Nation we have just finished appropriating an additional $16,000,000,000 to strengthen our Military Establishment. Does anyone doubt that goods and materials will be diverted from our civilian needs to meet military requirements? Does anyone doubt that as shortages occur prices will continue to spiral upward? Couple existing economic factors with the inordinate desire of some profiteers "to get theirs while the getting is good" and we then shall begin to have some conception of the forces that are driving the prices of raw materials and consumer goods upward.

Many of us have become increasingly alarmed about the danger of inflation. In the State of Colorado, in both urban and rural areas, the complaints are becoming more numerous concerning price increases. It seems to me that the least that can be expected of the Members of the Eighty-first Congress is that they take positive action now to curb profiteering.

We in the Committee on Ways and Means, with the excellent and expert staff at our command and with the ability of our distinguished chairman and minority leader, and the other members of that committee who have outstanding tax experience, if there exists the will and determination to pass an excess-profits tax now, we can, beyond a doubt, bring out of that committee a reasonable and equitable bill applicable to the war profits of the calendar year 1950. Should any inequities appear in any bill presented by that committee and passed by this body, any hardship can be adequately treated by section 722, but clearly in such case the Eighty-second Congress will have sufficient time and opportunity to remedy inequities.

To summarize briefly: by voting down the previous question, you will be given an opportunity to vote on amendments strengthening the rule now under consideration. These are reasonable amendments, and in my opinion, can be readily agreed to by those who are conscientious in their effort to impose an excess-profits tax now.

ENACT AN EXCESS-PROFITS TAX NOW

Mr. MANSFIELD. Mr. Speaker, on August 3, 1950, I introduced the first excess-profits-tax amendment to H. R. 9176, the Defense Production Act of 1950. The amendment read as follows:

> All corporations engaged in the manufacture of war materials or any other service connected with the war effort and/or the Defense Production Act of 1950 shall be taxed at the rate of 100 percent of all profits above normal peacetime profits.

The excess-profits tax was ruled out of order by the chairman considering H. R. 9176. Several other attempts were made during the course of debate on this measure and all of them were held not germane.

We now have H. R. 8920, the tax bill, before us. This is a bill written by a Senate committee and one on which the House Ways and Means Committee has held no hearings. An attempt was made to amend the measure on the Senate floor, when Senator O'MAHONEY offered an excess-profits-tax amendment, but the Senate voted any consideration of it down on the false promise that the next Congress, the Eighty-second, would give it full hearings.

Mr. Speaker, the Eighty-first Congress cannot bind the next Congress. Could it be that, even if the next Congress imposes an excess-profits tax, it will be based on 1951 earnings? Does not this Congress know that profits this year are far and away the highest in the history of this country? Could it be that this Congress wants to penalize the great mass of our population, make it assume an undue share of the burden, and allow the big corporations to get away with paying as little a share of the cost of the war as possible?

The task before us is to produce the necessary defense materials; to pay the costs as we go; and to prevent inflation. All this takes money and the money can be secured only through loans or taxes. It is far better to impose the necessary taxes now and to recognize the fact that this would be our best defense against inflation. If the inflation we are now in continues its upward spiral, it will cost us far more than the taxes we will be forced to levy.

The whole country is in the fight to prevent Korean war costs and the huge spending involved in a rearmament program from driving the cost of living up to a point where our entire economy is endangered. Congress is now considering a raise in the income tax paid by individuals and the normal taxes paid by corporations. It should also consider at this session a tax on excess profits directly attributable to our efforts to re-

arm ourselves against the Communist menace.

The country is willing to make sacrifices to keep the cost of living and the cost of rearmament within bounds. Americans will willingly pay more taxes if the principle of equity is preserved.

Americans know that the $16,500,000,000 additional armament spending is only the beginning. Americans know that every gun, every tank, every plane, will cost more if pressure on prices is not reduced. Americans know that heavier taxes both help pay for arms and keep the cost of living down.

Americans will not accept the theory, or a congressional promise, that war profiteers can keep their gains while our men are dying in Korea. Americans will not approve of any congressional juggling which means that individuals start paying higher taxes on October 1, and corporations keep their extra, war-connected profits, until some indefinite date in the future.

I believe firmly that equity in economic controls, in defense measures, and in tax laws is essential to our national defense. We cannot put off the Korean war, nor can we, if we are honest with ourselves, put off the demand and the necessity for increased taxes. If we do not now impose an excess-profits tax, we will be putting off taxing profiteers who will be growing richer while all other citizens are being taxed at a higher rate than they paid last year.

The issue is clear. We are either for or against an excess-profits tax and an equitable sharing of the cost of our national existence and survival. We should always remember that the burden the GI is carrying on his shoulders in Korea is far heavier than any we will be called on to assume.

It is time to stand up and be counted on this vital issue.

Mr. LYNCH. Mr. Speaker, it is the responsibility and duty of the House to enact an excess-profits tax now. We cannot abdicate our responsibility to the other body or to the next Congress. The Constitution gives to us the authority to initiate revenue measures. We should not allow parliamentary technicalities to keep us from the exercise of this authority.

The pending bill with the Senate amendments, would impose heavier taxes on individuals, as well as higher normal and surtaxes on corporations. If this action is necessary to provide the revenue for the Korean war and the long-range defense of the free world, and I believe that it is, surely we cannot hesitate—we cannot delay—to recapture through taxation the excessive profits that result from this defense activity.

These excess profits are being made now. We should tax them as they are earned.

To those who would rely on the illusory commitment to pass a retroactive excess-profits tax in the next Congress, I can relate my personal experience with Members of the other body. As chairman of a Subcommittee on the Taxation of Life Insurance Companies, appointed by the distinguished chairman of the Committee on Ways and Means, I have learned firsthand how Senators, when put to the test, shy away from a tax measure which they can label "retroactive."

Our subcommittee had the assignment of correcting a mistake in the Revenue Act of 1942 for the taxation of life-insurance companies. This mistake in a very technical formula resulted in complete exemption of the life-insurance industry, with investment income of more than a billion and a half dollars a year, for taxable years 1947, 1948, and 1949.

After conferences with Treasury experts, the staff of the Joint Committee on Internal Revenue Taxation and our subcommittee, the committee representing 95 percent of the life-insurance industry agreed to an amendment to be applicable for 1947, 1948, and 1949. House Joint Resolution 371, introduced by Chairman DOUGHTON, was amended accordingly, and the House promptly and overwhelmingly passed it.

But then, what happened in the other body? Despite the long record of negotiations with the insurance-company representatives to work out a sound and acceptable correction of the tax formula, and the willingness and agreement of industry spokesmen to have the tax apply to 1947 and 1948, the Committee on Finance objected. And the conferees on the part of the Senate were so adamant in their position that further meeting of the committee of conference appeared fruitless.

The same issue now must be resolved by the conferees on the pending bill, H. R. 8920, and I trust that the managers on the part of the House will not budge on this issue.

But, Mr. Speaker, if the members of the Committee on Finance cannot tolerate retroactivity under these extraordinarily strong circumstances to justify it, how can we expect them to depart in the next Congress from this high principle to which they now so steadfastly adhere?

No, we need accept no doubtful promises of future action. All we have to do is vote down the previous question and give the House an opportunity to register its will now in favor of immediate enactment of an excess-profits tax.

And, Mr. Speaker, that is what I urge this House to do, and what I believe it should do.

The SPEAKER. All time has expired.

Mr. SABATH. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. BIEMILLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 105, nays 226, not voting 98, as follows:

[Roll No. 272]

YEAS—105

Abbitt	Bonner	Chatham
Allen, Ill.	Boykin	Chelf
Andrews	Brown, Ga.	Clevenger
Arends	Brown, Ohio	Combs
Barden	Burleson	Coudert
Bates, Mass.	Burton	Cox
Blackney	Byrnes, Wis.	Curtis
Boggs, Del.	Camp	Dague
Davis, Ga.	Jones, N. C.	Robeson
Davis, Wis.	Kean	Rogers, Fla.
D'Ewart	Kearns	Rogers, Mass.
Dolliver	Keogh	Sabath
Dondero	Kilburn	St. George
Doughton	Kilday	Sanborn
Durham	Latham	Scrivner
Fellows	LeFevre	Simpson, Pa.
Fisher	Lichtenwalter	Smith, Kans.
Gamble	Lucas	Smith, Va.
Gary	Martin, Mass.	Smith, Wis.
Gathings	Mason	Taber
Gossett	Michener	Taylor
Graham	Mills	Teague
Gwinn	Nicholson	Thompson
Hardy	Norrell	Towe
Hare	Pace	Trimble
Harris	Patman	Underwood
Harrison	Peterson	Vinson
Hays, Ark.	Phillips, Calif.	Vorys
Herlong	Pickett	Wheeler
Herter	Preston	Whitaker
Hoffman, Mich.	Priest	Whittington
Hope	Reed, N. Y.	Wigglesworth
Jenkins	Regan	Wilson, Tex.
Jennings	Rich	Wolcott
Jones, Mo.	Riehlman	Woodruff

NAYS—226

Abernethy	Gorski	Murray, Wis.
Addonizio	Granahan	Nelson
Albert	Granger	Nixon
Allen, Calif.	Grant	Noland
Andersen, H. Carl	Green	Norblad
	Gross	O'Brien, Ill.
Aspinall	Hagen	O'Hara, Ill.
Auchincloss	Hand	O'Hara, Minn.
Bailey	Harden	O'Neill
Baring	Hart	O'Sullivan
Barrett, Pa.	Harvey	O'Toole
Battle	Hays, Ohio	Passman
Beall	Hedrick	Perkins
Beckworth	Heffernan	Philbin
Bennett, Fla.	Heller	Phillips, Tenn.
Biemiller	Heselton	Polk
Bishop	Hobbs	Potter
Blatnik	Hoeven	Powell
Boggs, La.	Holmes	Price
Bolton, Md.	Horan	Rabaut
Bolton, Ohio	Huber	Rains
Bramblett	Hull	Ramsay
Breen	Irving	Rankin
Brehm	Jackson, Wash.	Rees
Bryson	Jacobs	Rhodes
Buchanan	James	Ribicoff
Buckley, Ill.	Jensen	Rodino
Burdick	Jonas	Rooney
Burke	Jones, Ala.	Sadlak
Burnside	Judd	Sasscer
Byrne, N. Y.	Karst	Saylor
Canfield	Karsten	Scott, Hardie
Cannon	Kearney	Scott, Hugh D., Jr.
Carroll	Keating	
Case, N. J.	Kee	Scudder
Cavalcante	Kelley, Pa.	Secrest
Celler	Kelly, N. Y.	Shafer
Chesney	King	Sheppard
Chiperfield	Kirwan	Short
Chudoff	Kruse	Simpson, Ill.
Clemente	Lane	Sims
Cole, Kans.	Lanham	Smathers
Cooper	LeCompte	Spence
Corbett	Lind	Staggers
Cotton	Linehan	Steed
Crook	Lodge	Stefan
Crosser	Lynch	Stigler
Cunningham	McConnell	Sullivan
Davenport	McCulloch	Sutton
Davies, N. Y.	McDonough	Tackett
Davis, Tenn.	McGrath	Talle
Dawson	McGregor	Tauriello
Deane	McGuire	Thomas
DeGraffenried	McKinnon	Tollefson
Delaney	McMillan, S. C.	Van Zandt
Donohue	McSweeney	Velde
Douglas	Mack, Ill.	Wagner
Eberharter	Madden	Walsh
Elliott	Magee	Walter
Elston	Mahon	Weichel
Engle, Calif.	Mansfield	Welch
Evins	Marcantonio	White, Calif.
Fallon	Marsalis	Whitten
Feighan	Marshall	Wickersham
Fenton	Merrow	Widnall
Fogarty	Meyer	Wier
Forand	Miles	Williams
Ford	Miller, Nebr.	Wilson, Ind.
Frazier	Mitchell	Wilson, Okla.
Fugate	Monroney	Winstead
Fulton	Morgan	Wolverton
Furcolo	Morris	Wood
Garmatz	Morton	Woodhouse
Gavin	Moulder	Yates
Golden	Multer	Young
Gore	Murphy	Zablocki

NOT VOTING—98

Allen, La.	Guill	Murdock
Anderson, Calif.	Hale	Murray, Tenn.
Andresen, August H.	Hall, Edwin Arthur	Norton
Angell	Hall, Leonard W.	O'Brien, Mich.
Barrett, Wyo.	Halleck	O'Konski
Bates, Ky.	Havenner	Patten
Bennett, Mich.	Hébert	Patterson
Bentsen	Hill	Pfeifer, Joseph L.
Bolling	Hinshaw	Pfeifer, William L.
Bosone	Hoffman, Ill.	Plumley
Brooks	Holifield	Poage
Buckley, N. Y.	Howell	Poulson
Carlyle	Jackson, Calif.	Quinn
Carnahan	Javits	Redden
Case, S. Dak.	Jenison	Reed, Ill.
Christopher	Johnson	Richards
Cole, N. Y.	Keefe	Rivers
Colmer	Kennedy	Roosevelt
Cooley	Kerr	Sadowski
Crawford	Klein	Shelley
Denton	Kunkel	Sikes
Dingell	Larcade	Smith, Ohio
Dollinger	Lovre	Stanley
Doyle	Lyle	Stockman
Eaton	McCarthy	Thornberry
Ellsworth	McCormack	Vursell
Engel, Mich.	McMillen, Ill.	Wadsworth
Fernandez	Mack, Wash.	Werdel
Flood	Macy	White, Idaho
Gillette	Martin, Iowa	Willis
Gilmer	Miller, Calif.	Withrow
Goodwin	Miller, Md.	
Gordon	Morrison	
Gregory		

So the motion for the previous question was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Kerr for, with Mrs. Bosone against.

Mr. Wadsworth for, with Mr. Miller of California against.

Mr. Macy for, with Mr. Roosevelt against.

Mr. Hoffman of Illinois for, with Mr. Havenner against.

Mr. Bates of Kentucky for, with Mr. Klein against.

Mr. Gregory for, with Mr. Holifield against.

Mr. Eaton for, with Mr. Dollinger against.

Mr. Joseph L. Pfeifer for, with Mr. Withrow against.

Mr. Gillette for, with Mr. Gilmer against.

General pairs until further notice:

Mr. Shelley with Mr. Halleck.

Mr. Flood with Mr. Reed of Illinois.

Mr. Dingell with Mr. Poulson.

Mr. Denton with Mr. Crawford.

Mr. Gordon with Mr. Cole of New York.

Mr. Fernandez with Mr. Case of South Dakota.

Mr. Morrison with Mr. Angell.

Mr. Bolling with Mr. Lovre.

Mr. Larcade with Mr. Vursell.

Mr. Stanley with Mr. Werdel.

Mr. Sikes with Mr. Johnson.

Mr. Willis with Mr. Stockman.

Mr. Doyle with Mr. Hill.

Mr. Carlyle with Mr. Goodwin.

Mr. Brooks with Mr. Ellsworth.

Mr. Hébert with Mr. William L. Pfeiffer.

Mr. Kennedy with Mr. Patterson.

Mrs. Norton with Mr. Martin of Iowa.

Mr. O'Brien of Michigan with Mr. Anderson of California.

Mr. Patten with Mr. Leonard W. Hall.

Mr. Redden with Mr. Jackson of California.

Mr. Rivers with Mr. Jenison.

Mr. Richards with Mr. Miller of Maryland.

Mr. Buckley of New York with Mr. August H. Andresen.

Mr. Cooley with Mr. Edwin Arthur Hall.

Mr. Colmer with Mr. Hale.

Mr. Bentsen with Mr. Bennett of Michigan.

Mr. Quinn with Mr. Barrett of Wyoming.

Mr. Lyle with Mr. Mack of Washington.

Mr. McCarthy with Mr. Keefe.

Mr. Thornberry with Mr. O'Konski.

Messrs. BOLTON of Maryland, MCSWEENEY, DEGRAFFENRIED, CELLER, HEFFERNAN, ALBERT, FENTON, GAVIN, JONAS, FULTON, FUGATE, HARDIE SCOTT, MCCONNELL, FRAZIER, AUCHINCLOSS, KEARNEY, JAMES, MEYER, COTTON, MERROW, SCUDDER, HARVEY, MILLER of Nebraska, MILES, WOOD, and HOBBS changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. EBERHARTER: Strike out all after the word *"Resolved"* and insert in lieu thereof the following:

"That immediately upon the adoption of this resolution, the bill H. R. 8920 with Senate amendments thereto be, and the same is hereby, taken from the Speaker's table to the end—

"(1) That all Senate amendments other than amendment No. 191 be, and the same are hereby, disagreed to and the conference requested thereon by the Senate is agreed to; and

"(2) That Senate amendment No. 191 be, and the same is hereby, agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate insert the following:

" 'TITLE VII—EXCESS-PROFITS TAX

" 'SEC. 701. Excess-profits tax applied to taxable years ending after June 30, 1950

" 'Notwithstanding section 122 (a) of the Revenue Act of 1945, the provisions of subchapter E of chapter 2 of the Internal Revenue Code shall apply to taxable years ending after June 30, 1950.

" 'SEC. 702. Computation of tax in case of taxable year beginning before July 1, 1950, and ending after June 30, 1950

" 'Section 710 (a) (relating to imposition of excess-profits tax) is hereby amended by adding at the end thereof the following new paragraph:

" ' "(8) Taxable years beginning before July 1, 1950, and ending after June 30, 1950: In the case of a taxable year beginning before July 1, 1950, and ending after June 30, 1950, the tax shall be an amount equal to that portion of a tentative tax, computed without regard to this paragraph, which the number of days in such taxable year after June 30, 1950, bears to the total number of days in such taxable year."

" 'SEC. 703. Specific exemption reduced to $5,000

" 'Paragraph (1) of section 710 (b) (relating to definition of adjusted excess profits net income) is hereby amended by striking out "$10,000" and inserting in lieu thereof "$5,000."

" 'SEC. 704. Unused excess-profits credit

" '(a) Definition of unused excess-profits credit: Section 710 (c) (2) (relating to definition of unused excess-profits credit) is hereby amended to read as follows:

" ' "(2) Definition of unused excess-profits credit: The term 'unused excess-profits credit' means the excess, if any, of the excess-profits credit for any taxable year ending after June 30, 1950, over the excess profits net income for such taxable year, computed on the basis of the excess-profits credit applicable to such taxable year. The unused excess-profits credit for a taxable year of less than 12 months shall be an amount which is such part of the unused excess-profits credit determined under the preceding sentence as the number of days in the taxable year is of the number of days in the 12 months ending with the close of the taxable year. The unused excess-profits credit for a taxable year beginning before July 1, 1950, and ending after June 30, 1950, shall be an amount which is such part of the unused excess-profits credit determined under the preceding provisions of this paragraph as the number of days in such taxable year after June 30, 1950, is of the total number of days in such taxable year."

" '(b) Computation of carry-over: Section 710 (c) (4) is hereby amended to read as follows:

" ' "(4) No carry-back to taxable years ending prior to July 1, 1950: As used in this subsection, the term 'preceding taxable year' and the term 'preceding taxable years' do not include any taxable year ending prior to July 1, 1950."

" '(c) Technical amendments: Section 710 (c) is hereby amended by striking out "beginning after December 31, 1941" wherever appearing therein and inserting in lieu thereof "beginning after July 1, 1950"; and by striking out "beginning after December 31, 1939" and inserting in lieu thereof "ending after June 30, 1950."

" 'SEC. 705. Computation of excess profits net income

" '(a) Taxable years other than base period years: So much of section 711 (a) as precedes paragraph (1) thereof is hereby amended to read as follows:

" ' "SEC. 711. Excess profits net income

" ' "(a) Taxable years ending after June 30, 1950: The excess profits net income for any taxable year ending after June 30, 1950, shall be the normal tax net income, as defined in section 13 (a) (2), for such year except that the following adjustments shall be made:".

" '(b) Certain capital gains not excluded: Subparagraph (B) of section 711 (a) (1) and subparagraph (D) of section 711 (a) (2) are hereby amended by striking out "There shall be excluded gains and losses from sales or exchanges of capital assets held for more than 6 months" and inserting in lieu thereof the following:

" ' "Losses from sales or exchanges of capital assets shall be determined without regard to the provisions of section 117 (e); and in determining gain or loss from the sale or exchange of property acquired before June 24, 1950—

" ' "(i) if the adjusted basis of the property on June 24, 1950, is less than the fair market value on such date of the property, then the basis for determining gain shall be such fair market value; and

" ' "(ii) if the adjusted basis of the property on June 24, 1950, is greater than the fair market value on such date of the property, then the basis for determining loss shall be such fair market value."

" '(c) Treatment of bad-debt recoveries: Subparagraph (E) of section 711 (a) (1) and subparagraph (H) of section 711 (a) (2) (relating to treatment of recoveries of bad debts) are hereby amended by striking out "beginning prior to January 1, 1940" and inserting in lieu thereof "for which the tax imposed by this subchapter was not applicable."

" '(d) Taxable years in base period:

" '(1) So much of section 711 (b) (1) as precedes subparagraph (B) thereof is hereby amended to read as follows:

" ' "(1) General rule and adjustment: The excess-profits net income for any taxable year beginning after December 31, 1945, and ending before July 1, 1950, shall be the normal-tax net income, as defined in section (13) (a) (2), for such year, except that the following adjustments shall be made:"

" '(2) Section 711 (b) (1) (K) (i) is hereby amended by inserting after "second taxable year" the following: "(ending after June 30, 1950)."

" '(3) Section 711 (b) (2) is hereby repealed.

"'SEC. 706. Allowance of excess-profits credit

"'(a) Domestic corporations: Section 712 (a) is hereby amended by striking out "January 1, 1940" and inserting in lieu thereof "July 1, 1950."

"'(b) Foreign corporations: Section 712 (b) is hereby amended by striking out "the first taxable year of which under this subchapter begins on any date in 1940, which was in existence on the day 48 months prior to such date" and inserting in lieu thereof "the first taxable year (ending after June 30, 1950) of which under this subchapter begins on or before July 1, 1950, which was in existence on the day 48 months prior to the beginning of such first taxable year."

"'SEC. 707. New base period for credit based on income

"'Section 713 (b) (1) (relating to definition of base period) is hereby amended to read as follows:

"'"(1) Definition: As used in this section, the term 'base period'—

"'"(A) If the corporation was in existence during the whole of the 48 months preceding the beginning of its first taxable year (ending after June 30, 1950) under this subchapter, means the period commencing with the beginning of its first taxable year beginning after December 31, 1945, and ending with the close of its last taxable year ending before July 1, 1950; and

"'"(B) In the case of a corporation which was in existence during only part of the 48 months preceding the beginning of its first taxable year under this subchapter, means the 48 months preceding the beginning of its first taxable year under this subchapter."

"'SEC. 708. Technical amendments

"'(a) The following sections of the Internal Revenue Code are restored to read as such sections read immediately prior to the enactment of the Revenue Act of 1945, to be effective as so restored, with respect to taxable years ending after June 30, 1950, as if section 122 (g) of the Revenue Act of 1945 had not been enacted:

"'(1) Section 26 (e) (relating to the credit for income subject to the excess profits tax);

"'(2) Section 102 (d) (1) (D) (allowing the credit provided in section 26 (e) for the purposes of the tax imposed by section 102);

"'(3) Section 131 (b) (3) (prescribing certain limitations on the foreign tax credit);

"'(4) Section 204 (a) (2) (relating to foreign insurance companies other than life or mutual).

"'(b) (1) Section 26 (e) (restored by subsection (a) (4) of this section) is hereby amended by adding at the end thereof the following new sentence: "In the case of a taxable year beginning before July 1, 1950, and ending after June 30, 1950, the credit provided in this subsection shall be an amount which is such part of the credit determined under the preceding provisions of this subsection as the number of days in such taxable year after June 30, 1950, is of the total number of days in such taxable year."

"'(2) In the case of taxable years ending after June 30, 1950, the credit provided in section 26 (e) of the Internal Revenue Code shall be allowed (A) under section 13 (a) (2) of such code in computing normal-tax net income and (B) under section 15 (a) of such code in computing corporation surtax net income.

"'(3) In the case of taxable years ending after June 30, 1950, the adjusted net income shall be reduced, for the purposes of section 26 (b) of such code, by the amount of the credit provided in section 26 (e) of such code.

"'(c) Sections 713 (d) (2) (A) (i), 734 (a) (3), 736 (a), and 742 (d) are hereby amended by striking out "beginning after December 31, 1939" wherever appearing therein and inserting in lieu thereof "ending after June 30, 1950."

"'(d) Sections 713 (d), 713 (g), 722 (c), 723 (a), and 733 (a) are hereby amended by striking out "first taxable year under this subchapter" wherever appearing therein and inserting in lieu thereof "first taxable year (ending after June 30, 1950) under this subchapter."

"'(e) Paragraph (7) of section 713 (f) is hereby repealed.

"'(f) Section 718 is hereby amended by striking out "December 31, 1940" wherever appearing therein and inserting in lieu thereof "June 30, 1950."

"'(g) Section 722 (a) is hereby amended by striking out "December 31, 1939" and inserting in lieu thereof "June 24, 1950."

"'(h) The last sentence of section 722 (b) (4) is hereby amended to read as follows: "Any change in the capacity for production or operation on the business consummated during any taxable year ending after June 30, 1950, as a result of a course of action to which the taxpayer was committed prior to June 24, 1950, shall be deemed to be a change on the last day of its base period in the character of the business, or."

"'(i) Section 722 (b) (4) is hereby amended by striking out "January 1, 1940" and inserting in lieu thereof "June 24, 1950".

"'(j) Section 734 (a) (4) (B) is hereby amended by striking out "April 1, 1941" and inserting in lieu thereof "June 24, 1950."

"'(k) Section 735 (a) (4) is hereby amended by striking out "December 31, 1935, and not beginning after December 31, 1939" wherever appearing therein and inserting in lieu thereof "December 31, 1945, and not ending after June 30, 1950."

"'(l) Section 736 (a) is hereby amended by striking out "beginning before January 1, 1940" and inserting in lieu thereof "ending before July 1, 1950."

"'(m) Section 740 (a) (1) (C) is hereby amended by striking out "before October 1, 1940" and inserting in lieu thereof "June 24, 1950."

"'(n) Sections 740 (c) and 742 (b) are hereby amended by striking out "beginning after December 31, 1941" wherever appearing therein and inserting in lieu thereof "ending after June 30, 1950."

"'(o) Section 740 (d) is hereby amended to read as follows:

"'"(d) In the case of a taxpayer which is an acquiring corporation the base period shall be the four calendar years 1946 to 1949, both inclusive."

"'(p) Section 740 (f) is hereby amended by striking out "January 1, 1940" and inserting in lieu thereof "July 1, 1950."

"'(q) Section 742 (b) is hereby amended by striking out paragraph (1) thereof.

"'(r) Section 742 (d) is hereby amended by striking out "September 11, 1940" and inserting in lieu thereof "July 1, 1950."

"'(s) Section 742 (e) is hereby amended by striking out "1936" and inserting in lieu thereof "1946"; by striking out "1939" wherever appearing therein and inserting in lieu thereof "1949"; and by striking out "1940" wherever appearing therein and inserting in lieu thereof "1950."

"'(t) Section 742 (f) is hereby amended by striking out "1935" and inserting in lieu thereof "1945."

"'(u) Section 743 is hereby amended by striking out "begins after December 31, 1939" wherever appearing therein and inserting in lieu thereof "ends after June 30, 1950."

"'(v) Subchapter E of chapter 2 is hereby amended by striking out part III thereof (relating to postwar refund of excess-profits tax).

"'SEC. 709. Effective date of amendments

"'The amendments made by this title shall be applicable only with respect to taxable years ending after June 30, 1950.'

"(3) That all points of order against said amendment to Senate amendment numbered 191 be, and the same are hereby, waived.

"(4) That the House insist, and it does hereby insist, upon its amendment to Senate amendment numbered 191 to the foregoing bill and request a conference with the Senate on the disagreeing votes of the two Houses thereon; and

"(5) That the Speaker shall immediately appoint the managers on the part of the House without intervening motion, except motions to instruct the managers on the part of the House."

Mr. EBERHARTER (interrupting the reading of the amendment). Mr. Speaker, the next 10 or 11 pages of the amendment are technical language imposing an excess-profits tax. The language really is not understandable unless one has before him the Revenue Code and has an expert to explain it. Therefore, Mr. Speaker, I ask unanimous consent that the further reading of the amendment up to page 14 be dispensed with.

Mr. BYRNES of Wisconsin. I object, Mr. Speaker.

The Clerk concluded the reading of the amendment.

The SPEAKER. For what purpose does the gentleman from Arkansas arise?

Mr. MILLS. Mr. Speaker, I arise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MILLS. Mr. Speaker, I make the point of order against the amendment on the ground that the amendment is neither germane to the resolution sought to be amended, nor to the Senate amendment No. 191. The language of the Senate amendment would direct the Committee on Ways and Means of the House and the Finance Committee of the Senate to conduct a study of excess-profits-tax legislation during the Eighty-second Congress, ostensibly to report back to the House and Senate for passage with a retroactive date of July 1, 1950, or October 1, 1950.

The provision of the bill does not in any way attempt to legislate an excess-profits tax in connection with H. R. 8920. The amendment offered by the gentleman from Pennsylvania proposes an excess-profits tax in connection with H. R. 8920. The amendment is a specific provision for an excess-profits tax. Therefore, Mr. Speaker, it seems to me that the amendment offered by the gentleman from Pennsylvania is not in order, that it is not germane either to the resolution before the House or to the section of the bill on which the instructions are sought to be given.

The SPEAKER. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. EBERHARTER. Yes, Mr. Speaker, I desire to be heard briefly.

The SPEAKER. The Chair will hear the gentleman.

Mr. EBERHARTER. In the first place, Mr. Speaker, this amendment seeks to amend the resolution reported out by the Committee on Rules. This resolution waives points of order with respect to other rules of the House. Under the rules of the House when a bill comes from the other body with amendments containing matter which would have been subject to a point of order in the House then the amendments must be considered in the Committee of the Whole. The resolution reported out by

the Committee on Rules seeks to waive that rule.

If a resolution reported out by the Committee on Rules can waive one rule of the House, why cannot the House by the adoption of a substitute resolution, which this is, waive other rules? I contend, Mr. Speaker, that this substitute for the resolution reported out by the Committee on Rules is just as germane and just as much in order as the actual resolution reported out by the Committee on Rules; they are similar.

Mr. Speaker, the main purpose of this resolution from the Committee on Rules is to waive a rule requiring that matter subject to a point of order in the first place in the House if put in in the Senate shall be considered in the Committee of the Whole House on the State of the Union. The resolution of the Committee on Rules waives that. It is our contention, Mr. Speaker, that this being so the House has a right by its vote on this substitute resolution to waive the rule pertaining to germaneness, which my substitute amendment attempts to do. It refers to a specific amendment, amendment No. 191. I call the Speaker's attention to the fact that on page 252 of the bill the last heading is "Excess-profits tax."

Mr. Speaker, there is an excess-profits tax Senate amendment in the bill.

All I seek to do is to amend the provision calling for different language in respect to excess-profits taxation. I believe, Mr. Speaker, that if the point of order is sustained that in the future the Committee on Rules will be so bound by this precedent that its authority will be very, very much restricted. It seems to me, Mr. Speaker, that for years the Committee on Rules has been reporting out resolutions waiving points of order. When you come down to the last analysis this is the same thing. If the Committee on Rules can waive a point of order, a substitute amendment can waive a point of order. That is all I seek to do. I say in all fairness, Mr. Speaker, if a point of order is sustained, the authority of the Committee on Rules is going to be very, very much restricted in the future.

I hope the point of order will be overruled and that the membership of the House will be permitted to express their decision on the question of the imposition of an excess-profits tax effective July 1, 1950.

Mr. CARROLL. Mr. Speaker, will the gentleman yield that I may address the Chair briefly on the point of order?

Mr. EBERHARTER. I yield.

Mr. CARROLL. Mr. Speaker, I think it would be well to examine the record to see whether or not this amendment is germane. On June 26, House Resolution 666 came before this body. In that House resolution all points of order against said bill were waived.

What was that bill? That bill was an excise tax-reduction bill. On June 28 this body passed the bill reducing excise taxes, approximately a billion dollars. After that developed the Korean crisis—actually it happened on June 25. The bill went to the other body. They struck out the excise-tax provision; they included corporation taxes; they included personal income taxes.

It seems to me that if a court were looking at legislative intent and the legislative history they would have to examine the record of what happened in the other body. What did happen in the other body? A great debate ensued. An amendment was offered, the O'Mahoney-Connally amendment. That amendment was finally voted down by virtue of a substitute, and the substitute appears in amendment 191 appearing at page 252 of the bill. As the gentleman from Pennsylvania has so ably expressed, the heading of title 7 is "Excess Profits Tax—Section 701, Excess Profits Tax."

I do not know whether there is any legal foundation for the substitute offered by that body; certainly they could not bind a Congress that has not been elected, but what we are saying now as far as this amendment is concerned is to tell the conferees to consider an excess-profits tax. We think the clear legislative intent of the other body was to include that tax which had been voted down. This House has had no opportunity to vote on this measure. We are asking for that, Mr. Speaker. If the Rules Committee can waive a point of order, it is derived from power which is inherent in this House. That is where that power comes from. We are meeting here in the Committee of the Whole House on the State of the Union and if power reposes anywhere it reposes in this body. We contend that not having an opportunity to vote on this measure except in this fashion, having the power, we have a right to exercise it, and the right to exercise means the waiving of a point of order if it is not germane.

The SPEAKER. Does the gentleman from Arkansas [Mr. MILLS] desire to be heard further?

Mr. MILLS. Mr. Speaker, I do not desire to take the time of the House to make any further statement.

The SPEAKER. The Chair is ready to rule.

The Chair agrees with a great deal that the gentleman from Pennsylvania and the gentleman from Colorado say about history, but that is not the question before the Chair to decide at this time.

It is a rule long established that a resolution from the Committee on Rules providing for the consideration of a bill relating to a certain subject may not be amended by a proposition providing for the consideration of another and not germane subject or matter.

It is true that in Senate amendment No. 191 to the bill, which came from the Senate, there is a caption "Title VII," which states "Excess Profits Tax." But in the amendment which the Senate adopted to the House bill there is no excess-profits tax.

The Chair is compelled to hold under a long line of rulings that this matter, not being germane if offered to the Senate amendment it is not germane here. The Chair sustains the point of order.

Mr. EBERHARTER. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. EBERHARTER: Strike out all after the word *"Resolved"* and insert in lieu thereof the following:

"That immediately upon the adoption of this resolution, the bill H. R. 8920 with Senate amendments thereto be, and the same is hereby, taken from the Speaker's table to the end—

"(1) That all Senate amendments other than amendment No. 191 be, and the same are hereby, disagreed to and the conference requested thereon by the Senate is agreed to; and

"(2) That Senate amendment No. 191 be, and the same is hereby, agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate insert the following:

" 'TITLE VII—EXCESS-PROFITS TAX

" 'SEC. 701. Excess-profits tax

" '(a) The House Committee on Ways and Means and the Senate Committee on Finance are hereby directed to report to the respective Houses of Congress during the second session of the Eighty-first Congress, and as early as practicable during said session, a bill for raising revenue by the levying, collection, and payment of corporate excess-profits taxes with retroactive effect to October 1, or July 1, 1950, said bill to originate as required by article I, section 7, of the Constitution.

" '(b) The Joint Committee on Internal Revenue Taxation, or any duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete study of the problems involved in the taxation of excess profits accruing to corporations as the result of the national defense program in which the United States is now engaged. The joint committee shall report the results of its study to the House Committee on Ways and Means and the Senate Committee on Finance as soon as practicable, and

"(3) That the House insist, and hereby does insist, upon its amendment to Senate amendment numbered (191) to the foregoing bill and request a conference with the Senate on the disagreeing votes of the two Houses thereon; and

"(4) That the Speaker without intervening motion, other than motions to instruct conferees, appoint managers on the part of the House."

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Speaker, in drawing up this amendment and offering it as a substitute, of course it was necessary to draw a complete substitute for the resolution reported out by the Rules Committee. The wording of this amendment offered in the nature of a substitute is exactly the same as the rule reported out by the Rules Committee with this exception: Instead of directing the Ways and Means Committee of the House and the Finance Committee of the Senate to report to the first session of the Eighty-second Congress, it directs the Ways and Means Committee of the House and the Finance Committee of the Senate to report to the second session of the Eighty-first Congress. In other words, it is just this simple: Instead of reporting to the next Congress, which, of course, we have no authority to order, we order the Ways and Means Committee of the House and the Finance Committee of the Senate to report to this Congress on this whole issue.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Nebraska.

Mr. CURTIS. The gentleman's proposition is identical with the Senate other than the gentleman orders them to do it in this Congress?

Mr. EBERHARTER. Yes.

Mr. CURTIS. Some time before January 3?

Mr. EBERHARTER. That is right.

Mr. CURTIS. No date limit fixed other than January 3?

Mr. EBERHARTER. That is right.

Mr. CURTIS. The pending bill does not have to wait for that?

Mr. EBERHARTER. No; the pending bill would not have to wait.

Mr. CURTIS. One more question: Under the gentleman's proposal, would it be possible to levy a tax on excess profits made by individuals and other businesses that are not incorporated but are making tremendous war profits? The gentleman's first proposal did not do that.

Mr. EBERHARTER. It would be possible, I would say to the gentleman from Nebraska. If the Committee on Ways and Means and the Committee on Finance report back to this session, certainly we would have a new bill. But it would not be in this bill.

Mr. CURTIS. Is the gentleman's proposal confined to corporations?

Mr. EBERHARTER. No. As I understand, the resolution made no reference exclusively to corporations.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield.

Mr. BYRNES of Wisconsin. Should this amendment be adopted, is it the gentleman's intention to oppose any and all moves to adjourn the House until a report has been submitted in accordance with the amendment the gentleman has offered?

Mr. EBERHARTER. I should have to take that into consideration and make up my mind. I heard about such a suggestion only yesterday, and I really have not thought much about it, so I could not give the gentleman an answer at this moment.

Mr. BYRNES of Wisconsin. Does the gentleman mean he would be willing to have his amendment adopted, but he would also be willing to have the Congress adjourn before this report is made?

Mr. EBERHARTER. It would seem to me that, if this amendment is agreed to, definitely the members of the House Committee on Ways and Means and of the Senate Committee on Finance would be in session and have committee meetings to study this proposal, and the staff could continue to study it.

Mr. BYRNES of Wisconsin. It is my understanding, and the gentleman can correct me if I am wrong, that the gentleman's amendment requires that the committee report to this session of the Eighty-first Congress. I am asking the gentleman, then, if he will insist that this Congress stay in session until it can receive such a report. My position would be to stay here until we get it.

Mr. EBERHARTER. I do not think the gentleman should ask me to commit myself in that respect at this time.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Arkansas.

Mr. MILLS. As I understand the amendment offered by the gentleman from Pennsylvania, he proposes to have the House instruct the Committee on Ways and Means to do exactly what the chairman of the committee indicated earlier today he proposes as chairman of the committee to do. May I ask the gentleman from North Carolina if that is not the effect of the amendment offered by the gentleman from Pennsylvania? Will the gentleman yield to the gentleman from North Carolina to answer that question?

Mr. EBERHARTER. I certainly would be happy to do so.

Mr. DOUGHTON. That is exactly what I have proposed to do. I do not see what could be accomplished by this amendment. I have already stated as far as I was able to state as chairman of the committee that that is precisely what we would do. So it seems to me the gentleman is trying to take credit for something I have already said we would do. The gentleman is a member of that committee.

Mr. EBERHARTER. I may say to my revered chairman that the adoption of this amendment will make it official. That is what we want to do. We want the people of the country to know we are going to tackle this excess-profits tax now.

Mr. CARROLL. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Colorado.

Mr. CARROLL. As I understand from all this colloquy, the real purpose of this amendment is to direct the Committee on Ways and Means and the Senate Finance Committee—they have been so presumptuous as to issue orders for us to go to work now, and report in 1951. I have heard no statement yet from the chairman of the Committee on Ways and Means or anybody else that they are going to work on excess-profits taxes now to make it retroactive in this year. That is what we are talking about. Does the gentleman agree with that?

Mr. EBERHARTER. I agree wholeheartedly with that. I thank the gentleman. We want to work now and have a report to this, the Eighty-first Congress.

Mr. CARROLL. That is the whole purpose of this effort.

Mr. EBERHARTER. Quite right.

Mr. BOGGS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield.

Mr. BOGGS of Louisiana. The truth of the matter is that we have already had 2 months in which we could have been working on an excess-profits tax.

Mr. EBERHARTER. More than 2 months, nearly 3 months. In about a week from now it will be 3 months, and not a thing has been done by any members of the House Committee on Ways and Means, with the exception of a few, that is, nothing officially has been done in committee with respect to an excess-profits tax.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Illinois.

Mr. MASON. As I understand, if this resolution is adopted, it instructs that the members of the Committee on Ways and Means shall remain here and work on an excess-profits tax while the rest of the Members of the House may go home and campaign. If that is what the purpose of it is, I wonder if some of us who have real campaigns, because some are running for the United States Senate, might not like that.

Mr. EBERHARTER. I may say to my colleague the gentleman from Illinois [Mr. MASON] that I am sure he would be willing to sacrifice himself that much and stay here.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Ohio.

Mr. JENKINS. May I ask a question that is a little different from what you have been talking about: What does the gentleman's resolution do with reference to imposing any duties upon the conferees? The gentleman provides in his amendment that the conferees shall be appointed, just as the original resolution does. If these conferees are appointed, does the gentleman mean they must make this study? The gentleman refers to the Committee on Ways and Means. Does his amendment carry orders to the conferees or to the Committees on Ways and Means, or both?

Mr. EBERHARTER. The resolution does not instruct the conferees in any respect whatsoever insofar as inserting in this bill provisions for the imposition of an excess-profits tax. It disagrees to the Senate amendments, agrees to the conference requested by the Senate, and requests the Speaker to appoint conferees. There is nothing in this amendment that is any direction to the conferees with respect to an excess-profits tax imposition in H. R. 8920. It is a direction to the Ways and Means Committee of the House and the Finance Committee of the Senate.

Mr. JENKINS. Let us develop that. The gentleman says the amendment appoints conferees, but he also says the conferees have nothing to do until the Committee on Ways and Means makes a study. What would be the use of appointing conferees at this time? Why does not the gentleman shorten his resolution and provide that the Committee on Ways and Means go to work and study this proposal and bring something back?

Mr. EBERHARTER. I want the gentlemen to understand that this resolution is similar to the resolution reported out by the Committee on Rules and does not pertain to particular provisions covering excess-profits taxes. The instructions are that the revenue-raising committees shall report back with respect to the subject matter of excess profits. It will not affect the imposition of excess profits in this particular bill.

Mr. NICHOLSON. Mr. Speaker, a point of order. As I understand, the time is limited on debate, and I make the point of order that the gentleman from Pennsylvania has taken more time than is necessary.

The SPEAKER. The gentleman from Pennsylvania has 1 hour, and he is in control of the time.

Mr. EBERHARTER. I may say in answer to the gentleman from Massachusetts that he will admit I have been rather generous in yielding to the Members.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to my colleague the ranking minority member of the Committee on Ways and Means.

Mr. REED of New York. Does this resolution contemplate any instructions to the conferees on the part of the Senate?

Mr. EBERHARTER. It does not contemplate any instructions to the conferees on the part of the Senate, with respect to the imposition of excess-profits taxes in this bill; but it does direct the proper committees to make a study of the subject of excess-profits taxes.

Mr. REED of New York. Does the gentleman feel that the House can in any way instruct the Senate what to do?

Mr. EBERHARTER. It does not instruct the conferees to do anything which is in violation of the rules. It instructs the Finance Committee of the Senate to study and report to this Congress.

Mr. REED of New York. Does the gentleman contemplate that the Committee on Ways and Means will proceed to consider this question of excess-profits taxes, and if so, do you intend to stay here, and do some of the other gentlemen who have been interested in this excess-profits tax proposition intend to stay here?

Mr. EBERHARTER. I can assure the gentleman that if the chairman of the committee calls a meeting of the Committee on Ways and Means, I shall be in attendance, and I shall be in attendance regularly, too, because I think this is a very important matter.

Mr. REED of New York. I hope that is true of the other Members here, who have been trying to do the impossible, because it just cannot be done, and that is all there is to it.

Mr. DOUGHTON. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield.

Mr. DOUGHTON. Does the gentleman's amendment instruct the conferees on the part of the House or the full membership of the Committee on Ways and Means? Does his resolution instruct the House conferees with respect to the present tax bill or the entire membership of the Committee on Ways and Means?

Mr. EBERHARTER. The membership of the Committee on Ways and Means, and not the conferees. The instructions are to the membership of the Committee on Ways and Means of the House.

Mr. DOUGHTON. Is that with respect to the present bill, or a new bill?

Mr. EBERHARTER. A new bill, naturally, because it has been ruled that excess-profits taxes cannot go in this bill, and that they are out of order in this bill.

Mr. DOUGHTON. In other words, that will go into a new bill?

Mr. EBERHARTER. Definitely, Mr. Chairman, yes, sir.

Mr. DOUGHTON. Will the membership stay here and work on it?

Mr. EBERHARTER. The gentleman is making an argument now.

Mr. DOUGHTON. I think the roll call will show that some Members have not been here very regularly on important matters that we have already taken up. I wonder if they will all stay here? If they will covenant to stay here and work, I will covenant to stay with you, to see what can be done, and I am in dead earnest on it.

Mr. EBERHARTER. I do not think the distinguished chairman of the Committee on Ways and Means should ask me whether the members of the committee will attend any sessions of committee meetings called by him. I am quite surprised that the gentleman is objecting to this substitute amendment. I should think he would favor it very much.

Mr. JENKINS. Mr. Speaker, a point of order. The gentleman from Pennsylvania has indicated clearly that the prime purpose of his resolution is to instruct the Committee on Ways and Means to do something. That being the case, it has no relation and no relevancy to the matter now before us. If he is raising the question of instructions to the Committee on Ways and Means, that is something else, which is not before us, and I maintain that my point of order is proper.

The SPEAKER. In the first place the point of order made by the gentleman comes too late, because debate has been had; and in the second place, it is germane because this is with reference to matter contained in the Senate amendment.

Mr. EBERHARTER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. CARROLL].

Mr. CARROLL. Mr. Speaker, I think we ought to clearly understand what this amendment purports to do. It is directed to page 252 of the bill which came from the other body, which instructs the House Committee on Ways and Means, and the Senate Finance Committee "to report to the respective Houses of Congress during the first session of the Eighty-second Congress."

Now, what does Mr. EBERHARTER'S amendment seek to do?

It gives a directive to the same committees to do it now, not in 1951. To do it now. To provide for an excess-profits tax now.

We are in the waning days of this session, but there is still time to take action. This is our last opportunity. We can do it by instructing the Committee on Ways and Means to go to work immediately on this legislation.

The gentleman from Louisiana has placed his finger exactly on the point. Three months have gone by since the invasion of South Korea and we have taken no positive steps. During the 3 months excessive war profits have been made and no action has been taken to even consider recapturing these excessive profits. Even more important, we have done nothing to stop war profiteering and its impetus toward inflation of our entire economy.

The trend of legislative events has alarmed many Members of this body. Not many weeks ago in the very close vote in the House, we rejected a proposal to curb unconscionable speculation on the commodity market affecting the foodstuffs of the Nation. Second, the Committee on Ways and Means had under consideration for the past 60 days renegotiation legislation, legislation which is designed to curb excess profits on Government contracts. Notwithstanding the vigorous efforts of some members of our committee to proceed with this important legislation which also is anti-inflationary, that bill too has been shunted aside until after November.

This is your last opportunity to express your will on an anti-inflationary measure. In short, no curbs on commodity speculation, no renegotiation legislation, and now those who oppose us want no taxes on war profiteering in the year 1950. This is your last opportunity to instruct the Ways and Means Committee and the Senate Finance Committee to proceed immediately on this important legislation.

If there is the will and determination to go forward, the Ways and Means Committee can, within a relatively short period of time, come out with a sound, equitable excess-profits tax bill. We are fortunate in having the services of the experts in the Treasury, the experts on the Joint Committee on Internal Revenue Taxation, and the extremely able group who comprise the Legislative Council, who can quickly, yet carefully, prepare for us a bill if we will devote ourselves to the task ahead.

The question has been raised as to my willingness as a member of this committee to remain here and devote myself to this important task in view of the fact that I am a candidate for the United States Senate in Colorado. My answer to that is simple. Mr. Speaker, I would not only be remiss in my duty but I personally feel that I should be losing a great opportunity to serve the public interest if I did not contribute to the passage of an excess-profits tax now. The solution of this problem transcends personal political ambitions. Of course, I shall be glad to stay here and I pledge the chairman of my committee full cooperation in bringing out a bill—may I add—before election.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. EBERHARTER. Mr. Speaker, I yield three additional minutes to the gentleman from Colorado.

Mr. DOUGHTON. Mr. Speaker, will the gentleman yield?

Mr. CARROLL. I yield.

Mr. DOUGHTON. The gentleman has referred to a 60-day period, and the gentleman from Louisiana likewise has referred to such a period, and they state that the time could have been occupied working out an excess-profits bill. I wish to ask the gentleman from Colorado and the gentleman from Louisiana how

many times either of them called on the chairman of the committee to consider excess-profits taxes. Is it dereliction on their part or on the part of the chairman? How many times have you called on me as chairman of the committee or called to my attention any request that we consider an excess-profits tax? That is a fair question.

Mr. CARROLL. The gentleman should permit me to answer.

Mr. DOUGHTON. The gentleman would rather criticize, but I ask where the dereliction is, and I think it is a fair question. I am asking whether my distinguished and able friend, a member of that committee, or the gentleman from Louisiana, to his knowledge, have called to the attention of the Chairman or made a request of the Chairman for the consideration of an excess-profits tax?

Mr. CARROLL. Will the gentleman permit me to answer now?

Mr. DOUGHTON. Why, certainly.

Mr. CARROLL. As long as several weeks ago the gentleman from Arkansas [Mr. MILLS] offered a motion before the Committee on Ways and Means when we were in executive session that a study be made relating to an excess-profits tax. I ask the gentleman from Arkansas whether or not I have stated the fact.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. CARROLL. I yield.

Mr. MILLS. The gentleman is correct in that I offered a motion in the Committee on Ways and Means proposing a study of the excess-profits tax and amortization. That was some weeks ago.

Mr. CARROLL. Let me finish this by saying that we are not trying to criticize anyone. This is not an effort to be critical of any member of the committee. We are saying that there is ample time if we will go to work; we can do it now, and I will stay here and go to work with the intention of reporting out a bill. I will stay right here with you.

Mr. DOUGHTON. I cannot speak for the entire committee, but as for myself I am anxious to get at this matter.

Mr. MANSFIELD. Mr. Speaker, will the gentleman yield?

Mr. CARROLL. I yield.

Mr. MANSFIELD. Let me say in response to the apathy to excess-profits legislation referred to by the gentleman that there has been absolutely no apathy in soaking those people earning $800 a year and making them pay beginning October 1. We need an excess-profits tax right now and I think the Ways and Means Committee should go into it right away. I think we should stay in session until such a bill is passed. The people look to us for action and we should not let thoughts of an election deter us from doing our duty at this time. The imposition of an excess-profits tax cannot and should not wait.

Mr. EBERHARTER. Mr. Speaker, the gentleman from Wisconsin [Mr. BIEMILLER] has been asking me to yield to him for a question, and I should like to.

Mr. BIEMILLER. Do I understand that the substitute offered by the gentleman from Pennsylvania has the technical effect of instructing the conferees that on Senate amendment No. 191 it is the will of the House that that amendment be amended to insist upon a report from the Committee on Ways and Means of the House and the Committee on Finance of the Senate during the second session of the Eighty-first Congress on an excess-profits-tax bill which will be retroactive to either October 1 or July 1, and then has the practical effect, therefore, of instructing the appropriate committee of the House to give us action at once, something which all of us want and which the whole country wants? Thus, there is in the bill a technical instruction of the conferees to insist on an amendment of Senate amendment No. 191. I think that is the intent of the gentleman's substitute.

Mr. EBERHARTER. I think the gentleman from Wisconsin has stated the case fairly.

Mr. Speaker, I promised to yield to the gentleman from Louisiana [Mr. BOGGS], a valued member of the Committee on Ways and Means, 5 minutes.

Mr. BOGGS of Louisiana. Mr. Speaker, we are debating a parliamentary procedure here, but as I see the issue it is a much more vital and fundamental one. It is whether or not this Congress before it adjourns or recesses will have the opportunity to consider an excess-profits tax.

Certainly it cannot be denied that since the inception of hostilities in Korea we have recognized the fact that our country has faced emergency conditions. The Committee on Ways and Means met for a time on a renegotiation bill, but took no action on it.

The other body, in its wisdom in considering a bill which we sent over to that body, proceeded to amend and change the bill. Among other things, they changed the rate of taxation for every individual, little, medium, or big, in this country. It also changed the corporate-tax rate. The members of the Ways and Means Committee of the House of Representatives, which has the constitutional jurisdiction over the initiation of tax legislation, did not consider those propositions for 1 minute; yet, it is said that in the remaining days of this session we do not have time to consider excess profits.

Now, why? Why was this vote taken just a while ago as overwhelming as it was? Why? When we were considering economic stabilization legislation, the gentleman from Ohio [Mr. HUBER] offered an amendment which was not even read to this body, but it incorporated the principle of an excess-profits tax, and was adopted for a moment on a standing vote. What this vote which occurred a moment ago really signifies is that the people of the United States, all of the people, regardless of party, expect universal sacrifice on the part of all the people.

You talk about going home. If I may be so bold as to attempt to give some advice to my colleagues I would say that those of us who go home and say that we have raised individual income taxes and we have raised corporate income taxes, but we did not have time to deal with excess profits, then I say you have really got yourself an issue on the platform. That is, for whoever is running against you.

Let us look at the time matter a minute. I have the greatest respect and admiration for the chairman of my committee and the members of that committee. They are fine, outstanding, honorable Members of this body. Most of them have served here for a long time. They are experienced, they are able, they understand legislation. They do not need a month. We have legislative history. We had an excess-profits tax throughout World War II. We do not have to reach up in the sky and find something new and different. We have the bill, we have the law itself, we have the history and the operation of that law and I say if the Ways and Means Committee will go to work, in a matter of a week or 10 days it can report out a bill which will be satisfactory to the people of the United States and which will mean uniform sacrifice on the part of all Americans.

Mr. DOUGHTON. Mr. Speaker, will the gentleman yield?

Mr. BOGGS of Louisiana. I yield to the gentleman from North Carolina.

Mr. DOUGHTON. Can the gentleman give any assurance or can the Ways and Means Committee have any assurance that if we go to work and work if necessary until the day before election the Congress will remain in session until we complete our work? The work will have to start in the Ways and Means Committee of the House. When we get through with it, it will have to go to the Senate, then it will have to go to conference. Can the gentleman give any assurance that the Congress will stay in session? He is talking emphatic now. Will the Congress stay in session? The chairman would like to stay here and work, but we want some assurances. The gentleman talks about doing some things. I want the gentleman to give us some assurances. We are not playing politics now, we are talking business.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. EBERHARTER. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. BOGGS of Louisiana. Mr. Speaker, the gentleman asks me a question and I will try to answer it. In the first place, the gentleman knows I cannot answer that question.

Mr. DOUGHTON. Does not the gentleman think we are entitled to know that?

Mr. BOGGS of Louisiana. There is surely somebody in this Government who can answer the question.

Mr. DOUGHTON. Does not the gentleman think we ought to get an answer to the question?

Mr. MANSFIELD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS of Louisiana. I yield to the gentleman from Montana.

Mr. MANSFIELD. The people are going to attend to us back home if we do not do our duty here. We should not adjourn until an excess-profits tax is enacted, and the time to do that is now.

Mr. EBERHARTER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, I do not know how many Members will agree with me, but it seems to me this is a very unusual situation, especially from the parliamentary standpoint.

I would like to have the attention of the gentleman from Pennsylvania so that we might know what to expect. As I understand it, if his motion prevails, the Speaker will be permitted or be authorized to appoint conferees?

Mr. EBERHARTER. That is correct.

Mr. JENKINS. Those conferees will then go to work with conferees from the Senate on the bill that has already passed the House and the Senate. Those conferees, I presume, will be held down to considering only those matters that are within the purview of the two bills.

Mr. EBERHARTER. Yes. That is correct.

Mr. JENKINS. Then the gentleman's amendment must be sort of a double-barreled proposition. These conferees will have the responsibility of going to work really on nothing, because at the same time the gentleman's amendment instructs the Committee on Ways and Means to go to work and bring out a bill.

Mr. EBERHARTER. The gentleman says the conferees will have to work on nothing. They have 192 amendments to work on. I think they have plenty to work on.

Mr. JENKINS. Not to quibble over the number of amendments, it will be the gentleman's idea that the Committee on Ways and Means will go to work immediately on a new bill?

Mr. EBERHARTER. Certainly. Did the gentleman read the resolution? It says as soon as practicable.

Mr. JENKINS. The amendment was long. Very few of us have read it carefully. If that is what it means, then we say that the gentleman from North Carolina [Mr. DOUGHTON] will call those of us on the Committee on Ways and Means together immediately.

Mr. EBERHARTER. Certainly. If this amendment is adopted, the chairman of the committee will call the committee into session as soon as possible—as soon as it is practicable to do so. The gentleman is not trying to bind me to say that the chairman will call a meeting on a certain day?

Mr. JENKINS. I did not intend to do that. What I want to do is get what the intention of the gentleman's amendment is. The gentleman is a member of the Committee on Ways and Means. Will we be expected to work on the bill when the Congress is not in session?

Mr. EBERHARTER. I think it would be a fair assumption that the Committee on Ways and Means would be willing to work whether Congress was in session or not. As the gentleman from Colorado [Mr. CARROLL] has said, and as the gentleman from Louisiana [Mr. BOGGS] has said, I think this is one of the important matters before the country today. It affects the entire economy of the United States. It affects the inflation cycle into which we are going. It affects income. There is no question but what the committee ought to go to work.

Mr. JENKINS. The gentleman appreciates this fact, too. If he expects the Congress to be in adjournment, what about the Senate? Does the gentleman expect the Senate will cooperate? I shall do my part, but I am afraid that since adjournment is in the air and since we must consider the wishes and rights of the Senate we are getting ourselves into a difficult position.

Mr. EBERHARTER. The gentleman expects me to gaze into a crystal ball and say what will happen in the future. The resolution is very plain and I think everybody understands it.

Mr. FULTON. Mr. Speaker, will the gentleman from Pennsylvania yield to me?

Mr. EBERHARTER. I yield to the gentleman from Pennsylvania.

Mr. FULTON. May I ask the gentleman, first: In the gentleman's amendment there is nothing that has to do with renegotiation? It has to do only with excess-profits taxes?

Mr. EBERHARTER. The gentleman is correct.

Mr. FULTON. Secondly, the way the amendment is drawn it provides that all Senate amendments, other than amendment No. 191, be disagreed to, and so forth. This does not mean that any one of us who votes for the gentleman's amendment is against each and every one of the amendments the Senate has placed in the bill? Is not that just the usual general language to send a bill to conference?

Mr. EBERHARTER. It is the usual form, to disagree to all Senate amendments. It certainly does not bind any Member of the House who votes for the resolution to vote any particular way with respect to any of the amendments.

Mr. FULTON. In conclusion, actually what the gentleman's amendment does is this. The gentleman says first we should send this tax bill to conference and have the conference on the bill. Then there is in addition a direction to the House Committee on Ways and Means to sit down and write an excess-profits-tax bill.

As the amendment is framed, these two matters are not bound up or contingent in any way. So that actually, regardless of whether the Committee on Ways and Means does go to work, this bill nevertheless goes to conference. Therefore, any Member that wants this bill to go to conference, should vote for the gentleman's amendment.

Mr. EBERHARTER. I thank the gentleman.

Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. BIEMILLER. On this question, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 331, nays 2, not voting 96, as follows:

[Roll No. 273]

YEAS—331

Abbitt	Fenton	McKinnon
Abernethy	Fisher	McMillan, S. C.
Addonizio	Fogarty	McSweeney
Albert	Forand	Mack, Ill.
Allen, Calif.	Ford	Madden
Allen, Ill.	Frazier	Magee
Andersen, H. Carl	Fugate	Mahon
	Fulton	Mansfield
Andrews	Furcolo	Marcantonio
Arends	Gamble	Marsalis
Aspinall	Garmatz	Marshall
Auchincloss	Gary	Martin, Mass.
Bailey	Gathings	Mason
Barden	Gavin	Merrow
Baring	Golden	Meyer
Barrett, Pa.	Gore	Michener
Bates, Mass.	Gorski	Miles
Battle	Gossett	Miller, Md.
Beall	Graham	Miller, Nebr.
Beckworth	Granahan	Mills
Bennett, Fla.	Granger	Mitchell
Biemiller	Grant	Monroney
Bishop	Green	Morgan
Blackney	Gross	Morris
Blatnik	Gwinn	Morton
Boggs, Del.	Hagen	Moulder
Boggs, La.	Hand	Multer
Bolling	Harden	Murdock
Bolton, Md.	Hardy	Murphy
Bolton, Ohio	Hare	Murray, Wis.
Bonner	Harris	Nelson
Boykin	Harrison	Nixon
Bramblett	Hart	Norblad
Breen	Harvey	Norrell
Brehm	Hays, Ark.	O'Brien, Ill.
Brown, Ga.	Hays, Ohio	O'Hara, Ill.
Brown, Ohio	Hedrick	O'Hara, Minn.
Bryson	Heffernan	O'Neill
Buchanan	Heller	O'Sullivan
Buckley, Ill.	Herlong	O'Toole
Burdick	Herter	Pace
Burleson	Heselton	Passman
Burnside	Hobbs	Patman
Burton	Hoeven	Perkins
Byrne, N. Y.	Hoffman, Mich.	Peterson
Byrnes, Wis.	Holmes	Philbin
Camp	Hope	Phillips, Calif.
Canfield	Horan	Phillips, Tenn.
Cannon	Huber	Pickett
Carroll	Hull	Polk
Case, N. J.	Irving	Potter
Cavalcante	Jackson, Wash.	Powell
Celler	Jacobs	Preston
Chatham	James	Price
Chelf	Jenison	Priest
Chesney	Jenkins	Rabaut
Chiperfield	Jennings	Rains
Chudoff	Jensen	Ramsay
Clemente	Jonas	Rankin
Clevenger	Jones, Ala.	Reed, N. Y.
Cole, Kans.	Jones, Mo.	Rees
Combs	Jones, N. C.	Regan
Cooper	Judd	Rhodes
Corbett	Karst	Ribicoff
Cotton	Karsten	Rich
Coudert	Kean	Riehlman
Crook	Kearney	Robeson
Crosser	Kearns	Rodino
Cunningham	Keating	Rogers, Fla.
Curtis	Kee	Rogers, Mass.
Dague	Kelley, Pa.	Rooney
Davenport	Kelly, N. Y.	Roosevelt
Davies, N. Y.	Kennedy	Sabath
Davis, Ga.	Keogh	Sadlak
Davis, Tenn.	Kilburn	St. George
Davis, Wis.	Kilday	Sanborn
Dawson	King	Sasscer
Deane	Kirwan	Saylor
DeGraffenried	Kruse	Scott, Hardie
Delaney	Lane	Scott, Hugh D., Jr.
D'Ewart	Lanham	
Dolliver	Latham	Scrivner
Dondero	LeCompte	Scudder
Donohue	LeFevre	Secrest
Doughton	Lichtenwalter	Shafer
Douglas	Lind	Sheppard
Durham	Linehan	Short
Eberharter	Lodge	Simpson, Ill.
Elliott	Lucas	Simpson, Pa.
Elston	Lynch	Sims
Engle, Calif.	McConnell	Smathers
Evins	McCulloch	Smith, Kans.
Fallon	McGrath	Smith, Wis.
Feighan	McGregor	Spence
Fellows	McGuire	Staggers

Steed	Underwood	Widnall
Stefan	Van Zandt	Wier
Stigler	Velde	Wigglesworth
Sullivan	Vinson	Williams
Sutton	Vorys	Wilson, Ind.
Taber	Wagner	Wilson, Okla.
Tackett	Walsh	Wilson, Tex.
Talle	Walter	Winstead
Tauriello	Weichel	Wolcott
Taylor	Welch	Wolverton
Teague	Wheeler	Wood
Thomas	Whitaker	Woodhouse
Thompson	White, Calif.	Woodruff
Tollefson	Whitten	Yates
Towe	Whittington	Young
Trimble	Wickersham	Zablocki

NAYS—2

Cox Nicholson

NOT VOTING—96

Allen, La.	Gregory	Murray, Tenn.
Anderson, Calif.	Guill	Noland
Andresen, August H.	Hale	Norton
Angell	Hall, Edwin Arthur	O'Brien, Mich.
Barrett, Wyo.	Hall, Leonard W.	O'Konski
Bates, Ky.	Halleck	Patten
Bennett, Mich.	Havenner	Patterson
Bentsen	Hébert	Pfeifer, Joseph L.
Bosone	Hill	Pfeiffer, William L.
Brooks	Hinshaw	Plumley
Buckley, N. Y.	Hoffman, Ill.	Poage
Burke	Holifield	Poulson
Carlyle	Howell	Quinn
Carnahan	Jackson, Calif.	Redden
Case, S. Dak.	Javits	Reed, Ill.
Christopher	Johnson	Richards
Cole, N. Y.	Keefe	Rivers
Colmer	Kerr	Sadowski
Cooley	Klein	Shelley
Crawford	Kunkel	Sikes
Denton	Larcade	Smith, Ohio
Dingell	Lovre	Smith, Va.
Dollinger	Lyle	Stanley
Doyle	McCarthy	Stockman
Eaton	McCormack	Thornberry
Ellsworth	McDonough	Vursell
Engel, Mich.	McMillen, Ill.	Wadsworth
Fernandez	Mack, Wash.	Werdel
Flood	Macy	White, Idaho
Gillette	Martin, Iowa	Willis
Gilmer	Miller, Calif.	Withrow
Goodwin	Morrison	
Gordon		

So the amendment was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Rivers with Mr. Cole of New York.
Mr. Kerr with Mr. Eaton.
Mr. Klein with Mr. Macy.
Mr. Morrison with Mr. Reed of Illinois.
Mr. Noland with Mr. Stockman.
Mrs. Bosone with Mr. Ellsworth.
Mr. Miller of California with Mr. Halleck.
Mr. Willis with Mr. Werdel.
Mr. Stanley with Mr. Hinshaw.
Mr. Holifield with Mr. Leonard W. Hall.
Mr. Shelley with Mr. Gillette.
Mr. Hébert with Mr. Martin of Iowa.
Mr. Thornberry with Mr. Crawford.
Mr. Gregory with Mr. Goodwin.
Mr. Havenner with Mr. Lovre.
Mr. Bates of Kentucky with Mr. Hale.
Mr. Bentsen with Mr. Withrow.
Mr. Joseph L. Pfeifer with Mr. Vursell.
Mr. Burke with Mr. Hill.
Mr. Doyle with Mr. Case of South Dakota.
Mr. Buckley of New York with Mr. Mack of Washington.
Mr. Dingell with Mr. O'Konski.
Mr. Denton with Mr. Patterson.
Mr. Dollinger with Mr. William L. Pfeiffer.
Mr. Smith of Virginia with Mr. Guill.
Mr. Redden with Mr. Anderson of California.
Mr. Sikes with Mr. Barrett of Wyoming.
Mr. Quinn with Mr. Edwin Arthur Hall.
Mr. Patten with Mr. Hoffman of Illinois.
Mrs. Norton with Mr. Jackson of California.
Mr. O'Brien of Michigan with Mr. Johnson.
Mr. Gilmer with Mr. Wadsworth.
Mr. Gordon with Mr. Smith of Ohio.
Mr. Colmer with Mr. Poulson.
Mr. Carlyle with Mr. McMillen of Illinois.
Mr. Fernandez with Mr. Bennett of Michigan.
Mr. Flood with Mr. Angell.
Mr. Carnahan with Mr. August H. Andresen.
Mr. Howell with Mr. Engel of Michigan.
Mr. Lyle with Mr. McDonough.
Mr. McCarthy with Mr. Plumley.
Mr. Larcade with Mr. Keefe.

Mr. REED of New York changed his vote from "nay" to "yea." The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution as amended.

The resolution as amended was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees on the bill H. R. 8920: Messrs. DOUGHTON, COOPER, DINGELL, MILLS, REED of New York, WOODRUFF, and JENKINS.

STATE PROGRAMS OF SCHOOL CONSTRUCTION, ETC.

Mr. BARDEN submitted a conference report and statement on the bill (S. 2317) to authorize grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs of school construction; and to authorize grants for emergency school construction to school districts overburdened with enrollments resulting from defense and other Federal activities, and for other purposes.

FORT DES MOINES, IOWA

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. WHITTINGTON, LARCADE, DAVIS of Tennessee, DONDERO, and CUNNINGHAM.

REGISTRATION OF COMMUNIST ORGANIZATIONS

Mr. COX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 847 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, with the Senate amendments thereto be, and the same is hereby, taken from the Speaker's table; that the Senate amendments be, and they are hereby, disagreed to; that the conference requested by the Senate on the disagreeing votes of the two Houses on the said bill be, and hereby is, agreed to; and that the Speaker shall immediately appoint conferees without intervening motion.

Mr. COX. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. Speaker, this resolution was made necessary because of the objection raised in the House to sending to conference the bill H. R. 9490, which is the registration of Communist organizations bill. The purpose of the resolution is to send the bill to conference.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as the gentleman from Georgia has well explained, House Resolution 847 simply makes in order sending to conference the bill H. R. 9490, the so-called Wood-McCarran bill or the Mundt-Nixon-Ferguson bill, or whatever you wish to call it; at any rate, the security bill, to put a few straps on Communist activities. This rule must be adopted and I am sure it will be adopted. When the original measure was before the House, there were just 20 votes against it. I hope there will not be any particular amount of time consumed in the consideration of this rule.

Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD on the status of Government reorganization.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. COX. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I feel that the resolution will be, and in fact I feel it should be, adopted because the House bill, though extremely drastic, is a much better bill than the bill which has been passed by the other body and is the lesser of two evils. I glanced over at least a half dozen newspapers this morning and each and every newspaper claimed that the bill is unconstitutional. The New York Times had this to say this morning, editorially:

THE SENATE ON SUBVERSION

As it passed the Senate Tuesday evening, the McCarran antisubversive bill is something of a hodgepodge. On the credit side, it now includes as a last-minute addition the Kilgore detention-center bill, which goes to the heart of the Communist problem. And it retains a few useful technical provisions that would strengthen existing security laws. But the fact that the bill embraces some good features does not alter the more important fact that it would impose infringements on the freedom of thought, speech, press, and political association that Americans have always held dear. It is noteworthy that HERBERT H. LEHMAN, of New York, was one of the seven Senators who voted against this measure.

Of course, it is necessary to protect our country from the menace of Communist aggression, whether in the form of Russian imperialism or of internal espionage and sabotage. But it has been and still is our belief that the principal features of the McCarran bill, far from achieving this goal, would interfere with it. Its registration provisions would ensnare Federal authorities in interminable litigation, while the Communist Party itself would be blithely going underground or making its appearance under a succession of aliases. Its prohibitory language is so broadly worded that there would

be danger of involving in the toils of the law perfectly loyal citizens of leftist or radical or even merely unpopular views. Its immigration sections give vent to Senator McCARRAN'S own peculiar version of the Know-Nothingism that was rejected in this country nearly a century ago. This bill would strike primarily at beliefs; the real danger to our country lies far more in actual or potential espionage or sabotage at the hands of Russian sympathizers who may or may not be members of the Communist Party than in the public expressions of Communist belief, however offensive, mendacious, and contemptible such expressions may be.

The Kilgore bill, on the other hand, would deal directly with activists at a time of danger. It would afford concrete protection from that which we fear. Mr. Hoover speaks of the existence of some 12,000 dangerous Communists on whom the FBI has its eye. The Kilgore bill would give a legislative basis, replete with constitutional guaranties, for the police action that undoubtedly should be taken against this "hard core" in an emergency.

It is obviously too much to hope that the House and Senate will now agree on the Kilgore bill alone. We would like to see them come up with an antisubversive measure that the President can sign; but we hope that he sticks to his announced decision to veto the McCarran bill, and that he will veto anything that looks like it.

The Philadelphia Inquirer of this morning carried the following editorial:

A HODGEPODGE ANTI-RED BILL OF DOUBTFUL VALUE

As a result of its Members' preelection day determination to pass anti-Communist legislation—without being too choosey about what form it should take—the Senate has approved a hodgepodge bill that is loaded with impracticable and perhaps unconstitutional provisions that promise little real hurt to subversive movements in this country.

In their rush to get something through that might avoid a Presidential veto opposing sides in the Senate, who had been hotly accusing each other of trying to assault the Constitution, managed to accept each other's proposals and place them side by side in a compromise bill.

Its major defect is its superficiality in fighting Communist-promoted espionage and sabotage. It would rely upon two measures—a requirement that all Communists and Communist fronts register as such and an authorization for the internment of Communists in the event of war, invasion, or insurrection.

But such moves would only scrape the surface of subversion. Our greatest danger does not lie in the known, out-in-the-open, loudmouthed members of the Communist Party but those unknowns, many of them not card-carrying members of the party, who in underground channels labor for Soviet interests. They won't register under the new bill and they cannot be interned under it either until they are first exposed and seized.

But even in coping with known or suspected Communists and fronts, the bill is deficient. It will be necessary to prove that the persons whose registration or internment are wanted are Communists, and that process is likely to take a great deal of time and machinery. In addition, provisions of the bill are almost certain to be attacked in the courts as unconstitutional. Judging from past performances put on by Communists, it might take 2 years or more before such cases could be adjudicated. Meanwhile pro-Soviet activity might be spreading rapidly in many parts of the country during a period of increasingly grave emergency.

What is needed above all is more aid for the FBI in its efforts to track down and expose spies, saboteurs, and subversives generally—quite aside from identifying by means of registration Communists who are already well known. J. Edgar Hoover has warned that the problem we had in the last war from the Nazi fifth column was very small compared with that caused by Communist activities now. He has pointed also to an increase in the Communist movement underground since beginning of the Korean War. The proposed legislation will probably accelerate this movement. It will not, certainly, take care of the problem of Communist subversion and it would be the worst kind of folly to depend upon it for that purpose.

Therefore, I do not think it is necessary for me to point out some of the many defects and harsh provisions, the unconstitutional provisions of the bill, feeling that when the courts have passed upon those provisions they will declare them to be unconstitutional. Many of our outstanding constitutional lawyers have declared, with good reason, that this bill abridges our Constitution and violates the Bill of Rights. Personally, I was hopeful that we would get the bill recommended by the President, which was a fair bill and which would have taken care of all these matters that should be taken care of as to the deportation and punishment of all those who are guilty of any offenses against the Government.

The bill as now written goes much further than any able lawyer possibly could go and still feel that its constitutionality would not be questioned by the Supreme Court of the United States. Therefore I feel that nothing is lost by the adoption of the resolution and agreeing to the conference. I hope that the conferees will not agree to some of the outlandish provisions in this bill which came to us from the other body.

Mr. Speaker, I have served in this House for 44 years, through all of the troubled years of two world wars, through periods of prosperity and depression. You and I, Mr. Speaker, have had the honor of serving together during most of these years in this honorable body. We have had to meet many emergencies in which difficult and dangerous precedents had to be established. You and I were serving here as Members of Congress during those perilous times before and after World War I. We met those responsibilities with courage and with faith in the ultimate deliverance of our country from the dangers of Kaiser Wilhelm and his allies. We faced again the reconstruction period of the 1920's with its mad orgies of wild spending and inordinate excesses of Republican dishonesty, thought and action—all of which led us to an internal war of economic and moral depression.

Mr. Speaker, again you and I and many others who were here in the 1930's know the same hysteria that prevailed in the Nation prior to our forced entry into World War II. We have seen this House on many occasions calmly and deliberately weigh important legislation and enact it into law—good legislation, constitutional legislation. We met these challenges with good judgment, with confidence, and with faith in ourselves and in our Maker, with the confidence that we were acting with one thought in mind—the safety and protection of our Nation and its established institutions.

You and I have also seen, much to our regret, vital legislation rushed through these legislative halls in periods of hysteria and madness which has not redounded to the credit of this august body, which later was held unconstitutional, and which accomplished nothing but bitterness and hatred, weakened the props under our great democracy, and failed utterly to accomplish the true purpose for which it was intended.

We have before us today, Mr. Speaker, just such legislation, in the form of H. R. 9490, the so-called McCarran bill, with the altruistic purpose of dealing with Communists and subversive elements. I hope this bill will not accomplish the opposite, of what its proponents hope it will do. In order that I may be properly understood, Mr. Speaker, let it be said that I approve of legislation making it a crime to conspire to establish a totalitarian dictatorship in any form in this country. I approve of severe penalties for spying, sabotage, and the passing of classified information to our enemies by Government employees and against those who seek to obtain such information. It is possible that our immigration laws need tightening and that additional legislation is necessary to properly dispose of deportable criminal aliens in certain cases, but by due process of law. I recall that in 1918 I introduced an amendment to the immigration and naturalization laws which was one of the most stringent ever enacted, which provided for the deportation of every alien found guilty of engaging in the white slave traffic and providing heavy penalties for citizens so engaged. This provision was fought bitterly in the courts and was ultimately sustained.

I recollect years ago the hue and cry because the foreign born were indifferent and delayed obtaining American citizenship. Under the provisions of this bill it will be increasingly difficult and make it nearly impossible for many honest and sincere persons to be naturalized.

For all of the above and for all other proper safeguards I would support additional and wise legislative measures to supplement the effective laws we now have on our statute books, such as lengthening the statute of limitations on espionage violations as well as tightening our safeguards against sabotage of our air bases and military installations. However, I do not look with favor on the requirement that a petitioner for naturalization be able to read and write and speak simple English. This provision will not apply to the very elements the bill attempts to reach, except to require the well-trained spy or subversive to spend a bit more time in the school where he is trained to be a subverter or agent of a foreign land.

As a lifelong Jeffersonian Democrat I have always opposed bolshevism, communism, and fascism. I despise communism and all that it stands for.

There is no justification or room for it in this, the most liberal and best land in the world for a person to live in. Our democratic form of government, though not perfect, is without question the most stable and best in the world. In no other country could I have achieved the

honor and the advancement that has come to me and to the thousands of others who have enjoyed its blessings.

Ever since coming to this land of the free from my war-torn and oppressed native land, I have fervently and consistently supported and fought for the great principles of our constitutional democracy. I have opposed every "ism" that in any way attempted to undermine and destroy this great form of Government we enjoy. The battle against them is an unrelenting one. By our actions and our deeds on the floor of this House we must continue to combat these foes of democracy and the American way from getting a foothold in our land. I have engaged in this battle during all of my years of service and I intend to continue the fight until my days come to an end.

However, Mr. Speaker, I do not intend to allow my determination in this regard to lead me into the false path of playing directly into the hands of our enemies by circumscribing the fundamental rights of the American people. I am convinced that a number of the proposals contained in this legislation will not only endanger the rights of all our citizens, but will, unquestionably, weaken our national security. While I believe that we must deal drastically with the present danger, we should make certain that we enact legislation which will not be violative of the constitutional safeguards with must surround every loyal American. We must not, in a moment of great stress, aided and abetted by hysterical action and unsound reasoning, enact legislation which will defeat the very purpose for which it is intended, or which may infringe on sections of the bill of rights.

Mr. Speaker, we have on the statute books today laws to deal with many of the problems that confront us in this crisis. The President has, after thorough study and contemplation, submitted recommendations covering the additional legislation he deems necessary to meet this problem. These recommendations were contained in S. 4061, the administration internal security bill. This bill provided all of the safeguards necessary to our internal security. It was simple in language, comparatively easy of enforcement, and in the studied opinion of our President and its sponsors in the Senate would accomplish the fullest protection of our security without violating or trespassing upon the liberties and freedoms we hold so dear. My convictions have always been that our great strength as a Nation came through our liberties. In the freedoms which our Bill of Rights and Constitution guarantee to all can be found our strength in opposing our enemies within as well as thwarting those abroad throughout the world who deal so treacherously with the freedoms and liberties of mankind.

I would like to call your attention to the article in the Washington Post of today in which Mr. Drew Pearson sets forth the views of President Truman so appropriately and so succinctly. The President spoke of the various periods in our history when hysteria seized possession of the country, resulting in such fantastic legislation as the Alien and Sedition Acts in the early days of our Nation, the Know-Nothing Party and Ku Klux Klanism.

The President pointed to the fact that the Know-Nothing Party directed itself against the Masons, an organization of which he is now a member. The Klan, the President recalled, was first against the Negro, then later in the 1920's against the Jew and the Catholic.

These, he believed, were evidences of intolerance which were not representative of the American people whose good judgment he was confident would always prevail.

While he did not specifically refer to the Mundt-Nixon bill or the McCarran bill, the President had it in mind, since he referred to congressional witch hunters who wave the American flag while prosecuting alien immigrants and trampling on the rights of loyal Americans. "This," he said, "is the raw material of totalitarianism."

While fighting the intolerance of totalitarianism, he emphasized, we must not take on the methods of totalitarianism. Recalling that totalitarian regimes had persecuted labor unions, religious groups, and fraternal organizations, he pointed out that under the Alien and Sedition Act naturalized citizens hardly dared say anything in public about the Government for fear of being thrown in jail; and this, he inferred, might also happen under the Mundt-Nixon and McCarran bills.

I can conceive of no more dangerous step to take today than to forego reason and logic and yield to the hysteria that encompasses the so-called McCarran bill. That is just what Stalin and his vicious cohorts are waiting for, because they seek to divide us and bring about internal confusion and chaos.

The bill as amended in the Senate is one of the most drastic ever offered to Congress. It is so labeled by virtually every press statement today.

Let us look at some of the provisions of the bill. It attempts to wrap into one bill virtually every antisubversive bill offered in the Congress this session. In many of its provisions it is a conglomerate mess of words, confusing in its interpretation and enforcement, granting dictatorial power to a board of three men holding almost absolute control over the thoughts and ideas of every loyal American, driving the real enemies underground where they have always been effective in their diabolical plots. The basic provision of this bill seeks to outlaw any conspiracy to establish a foreign-dominated dictatorship in the United States and punish violators with a maximum fine of $10,000 and a 10-year sentence. It would require Communists and Communist fronts to register with the Department of Justice. Of course, the real Communist, who is by nature not addicted to the truth, will never register. What criminal committing or about to commit a crime comes out in the open and throws himself into the hands of the law enforcers? When and where have you ever seen this done?

The bill would deny passports to all Communist Party members. In addition, it provides for a sweeping revision of the immigration and naturalization laws, studding them with so-called security provisions and giving powers to the Department of Justice which it already has to deal with violators. It will serve no purpose but to clog the Federal courts for years to come by virtue of the large number of appeals taken, while the really dangerous subversives may go their foul way in undermining and destroying our basic institutions and efforts to bring about peace in a stabilized world.

Again let me remind you that this bill grants tremendous powers over the thoughts and ideas of our people, as I stated earlier in my remarks; it places in the hands of three men composing the control board almost complete power to determine who is and who is not guilty of subversive activity—it alters the constitutional provisions of free thought and free expression which have contributed so greatly to the upbuilding of our democracy; it might well destroy the basic liberties that have made our country great.

This bill, conceived in the minds of paid professional patriots, endeavors to classify, label, and stigmatize many progressives and labor leaders as Communists or as members of Communist fronts. Is it not a fact, Mr. Speaker, that not all of those charged or accused as being Communists or as having communistic leanings were of the newer immigration stock, but were found in the ranks of the old American stock? Very little attention has been paid to the descendants of the "old American stock" who, in many instances, are in the forefront, or sympathizers with, the Communist Party and its various fronts.

It seems that we again appear to be aiming legislation at the foreign-born who have more recently emigrated to America and the descendants of these foreign-born immigrants. But let us look at the record of these people—a record which speaks for itself. These foreign-born peoples and their descendants have displayed fidelity, patriotism, and loyalty to the United States and the democratic way of life in every great crisis that has confronted us, and they have made indelible contributions to the glorious pages of our history. The rolls of all wars in which we have participated are replete with the names of these foreign-born and their descendants who displayed outstanding courage and devotion to the Stars and Stripes and all that our flag stands for. All one has to do is to review the lists of our casualties during the last two great wars and the lists appearing in our daily press today to find so many of these foreign names, which proves beyond any shadow of doubt that foreign-born and their descendants did not, nor do they now, shirk their responsibility as citizens of our great land. No, Mr. Speaker; the fact is that our Nation is great today because of the influence these people have had upon our way of life and its traditions.

It is a strange twist of fate, Mr. Speaker, that those who worked with our country and in the interest of our allies

during the all-out struggle of World War II are now being hunted, maligned, accused and prosecuted, vilified and condemned—their reputations destroyed on evidence of confessed paid spies. But those who lined up with the Hitler conspirators who treacherously murdered, buried alive, and gassed millions of innocent men, women, and children are now being glorified for their treasonable activities. They can be found today right beside the wealthy and power-seeking cartellists and financial overlords who built up the bandit Hitler and the Nazi plunderbund which overthrew the Hindenburg Republic of Germany and who now condone all of Hitler's brutalities. Only this morning I read in the paper where the infamous Schacht was found not guilty as a minor Nazi even though he was the financial brains behind the barbaric Hitler machine.

Mr. Speaker, instead of enacting this vicious hodgepodge of a control bill, let us follow the leadership of our Commander in Chief by approving the definite recommendations he has so ably prepared and submitted to us. He is directly responsible for the enforcement of our laws and the protection of our security. He knows what is necessary to accomplish this purpose.

Mr. Speaker, I supported the motion to grant a rule to bring this bill before the House so that it could be sent to conference in the hope that the conferees will correct the many unusually harsh and inhuman provisions it contains. Notwithstanding the fact the bill contains many provisions which I am certain are unconstitutional, which violate the basic freedoms and liberties of loyal Americans, I reluctantly support it because it does contain certain provisions which the President recommended and which he feels are necessary for the protection of our internal security in the present emergency.

Mr. Speaker, I ask unanimous consent that I may embody in my remarks some editorials from newspapers and statements of outstanding lawyers with reference to the bill and its constitutionality.

The SPEAKER pro tempore (Mr. MILLS). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. HERTER. Mr. Speaker, I yield such time as he may require to the gentleman from Tennessee [Mr. PHILLIPS].

Mr. PHILLIPS of Tennessee. Mr. Speaker, the legislation which is now under consideration is far-reaching, and will be met with strong support by millions of our citizens throughout these United States. H. R. 9490, together with the Senate amendment should give protection to the United States against un-American and subversive activities engaged in by Communist organizations. American boys are facing deadly machine gun fire, mortars and tank warfare against Communists in Korea. They are giving their lives to save their homes and their people here at home. It is a well-known fact that we have Communist enemies in this country. This legislation will protect the American people against enemies at home. Tolerance ceases to be a virtue when it is abused. When this country is at war the safety of our troop trains, airplanes, transportation facilities and national defense agencies should not run the risk of being sabotaged, wrecked or destroyed by the enemies of this country.

The time is at hand for legislation to control Communist activities in the United States. Many years of investigation, careful study, hearings by the Committee on Un-American Activities, recommendations by the American Legion, the Veterans of Foreign Wars, as well as information dug up by the FBI, clearly establish the presence of probably 500,000 Communists in this country. These enemies of our American way of life constitute a real danger to the peace and security of this country. They constitute a powerful organized force that could inflict great danger upon our country, its industry and its institutions. There is no disagreement that all good Americans are opposed to communism. Certain portions of this legislation will require members of the Communist Party to register and make known publicly to the world their membership in the Communist Party. The disclosure of this information will make it possible to exclude from Government service members of the Communist Party. Public registration will furnish information on individuals applying for passports, radio broadcasts, publication of Communist propaganda through the labeling requirement to all publications, will be an effective means of smoking out into the open secret manuevering by those who would betray our Government. This bill will strike at Communist-front organizations. If members of the Communist Party are found in possession of secret or classified information with the purpose of passing this information on to a foreign power it is declared to be a crime and punishable. Too often the statute of 3 years had been applied as a defense when our Government has brought to trial individuals who have betrayed our Government by passing secret information to a foreign power or enemy Government. This bill corrects that by extending the time to 10 years. This House has passed the Mundt-Nixon bill and other measures on matters of security aimed at the protection of the national defense establishment and American security. The provisions of the bill passed by the other body as outlined in their proposal to provide detention or concentration camps for Communists by order of the President in time of national emergency, together with the provisions of the House bill, will place the straps on those who are unwilling to accept our way of life, and who will betray it. I cannot understand how any good American can share any real fear that any rights will be violated by the kind of legislation which we are considering here today.

History teaches us that communism won its first big victory through bloody revolution. In some parts of the world communism has resorted to military conquest, and in others to internal treachery. Communism has been defined as a world-wide conspiracy operating from behind the iron curtain in Moscow. This world-wide conspiracy seeks to achieve its purpose by treachery, deceit, infiltration, sabotage, and any other means necessary to establish dictatorship. The establishment of communistic dictatorship in every country where it has come about has resulted in the ruthless suppression of all opposition to the party in power—the destruction of the rights of individuals, the denial of freedom of speech, of the press, and of religious worship. The communistic dictatorships have sought control over the people by denying the people free and honest elections, denial of candidates the privilege to run for public office, the counting of ballots for the candidates favorable to the dictatorship. I trust that no boss political machine that depends on crooked, rigged-up election machinery and fraudulent and excessive use of money to name its candidates will ever get a foothold in America. There is no place in American society for men in public office who depend upon these totalitarian instruments to sustain themselves in their aspirations for power. The methods of the dictator are to suppress free elections, control the news, and suppress the honest will of the people. Communists throughout the world make use of these methods.

The Communist program has marched through country after country, and it is clear that our own great Nation is being viewed as one of the countries to undertake to plant the seeds of communism upon our soil. Red Russia has taken over many small countries, and is now engaged in the communistic policy of aggression practically all over the world. As a result of the policy of Russia the Korean situation is causing grief and trouble throughout this earth. Uppermost in our minds is the final decision of the Korean War. In this fight the welfare of our great Nation is vitally concerned. In the present crisis every American has a stake. World peace is the prayer of our people. That dream of home, security, and national happiness has been darkened by the conduct of the Russian Government, which is seeking power over hundreds of millions of people. The threat of communism cannot be overlooked. The time has come to wipe out communism in America. We are called upon to shed blood and spend billions of dollars in defense of this country. A strict and vigorous law effectively dealing with Communists in this country is certainly in order at this present hour.

We may ask this question: What is the future of America when the North Koreans are forced back of the thirty-eighth parallel, what then will Russia do? Will war then start in Formosa? There are many other places in the world which may be attacked by Russia or her satellite forces, such as French Indochina, Hong Kong, British Malaya, Thailand, Tibet, Turkey, Greece, western Germany, Burma, Iran, Yugoslavia, and Finland. These are some of the many places that could bring about another world crisis. The military forces of this country, together with our resources, could very well be spread very thinly throughout the Asiatic countries and

western Europe. This Government has appropriated billions of dollars to keep the world from going Communist. We have made a good effort to establish a world where people can live in peace. We are now faced with a problem of mobilizing the manpower and the materials of this country. In view of the conditions of the world today America has a constitutional right to legislate against communism and outlaw communism in this country as a subversive ideology in conflict with our way of life. The law of self-defense applies to a nation as well as to an individual. We may be called upon to send American boys to the fox holes to fight all over the world, and when we do this the American people have a right to expect us to tighten up on the security laws, and to guarantee that here at home our defense efforts and production efforts will be protected from fifth columnists and enemies of our way of life.

I would like to call to the attention of the Members of this body the action of the governing body of the town of Sevierville, Tenn. This little town is located near the entrance to the Great Smoky Mountains National Park. The governing body of that town recently expressed their opposition to any Communist who might reside there by adopting a resolution requiring immediate registration and recommending a bond of $1,000,000 for any Communist who failed to comply or violate the provisions of their requirement for immediate registration. I simply point this out to indicate that the American citizens are vitally concerned with our dealing with this problem in a vigorous manner.

Under our fine system of government we have brought opportunities for fine living for the people, more freedom, a higher standard of living, and more of the good things of life are enjoyed by the citizens of this country than any place in the world. Anyone who accepts our Nation's opportunities and its freedom should be dealt with harshly under the law if they become its enemies in time of peace or war.

During my 4 years in Congress I have voted for legislation to strengthen the United States and the rest of the world against the tide of communism. It is in the national interest to build a strong America. I have worked for the passage of legislation to create a 70-group Air Force. We badly need air power. In the present world crisis the United States should build and maintain the finest Air Force and the best equipped Air Force in all the world. I have supported our naval and Armed Forces appropriations at all times. The best way to preserve world peace is to make known to the world that we are well prepared for any emergency that might arise. In building a strong America good working conditions for our laboring people are essential. A high standard of living contributes to the strength and happiness of our people. Good rural mail service, prosperous agriculture, and a good income for our farmers help to improve our rural life. Rural electrification, cheap electric power, rural telephone service and the improvement of our educational system have greatly added to the farm life of America, and to the economic power and national strength of this country. I have supported legislation to achieve these objectives.

Our great American way of life can be preserved and continued as a living force if all classes of people work together for the continued national unity that is necessary to maintain an aggressive and strong Nation in the present world crisis.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Speaker, I doubt if there are more than half a dozen Members of the House who have actually read what is in this bill; and if they have actually read the bill as it was printed in Tuesday's RECORD. The implications of the language contained in this bill which you now by this resolution propose to send to conference so as to advance it to final passage are such that they are terrifying to any person who believes in the American concept of liberty and believes in the Constitution of the United States.

There is no honest reasoning that can be engaged in by anyone to justify establishing in these United States internment camps and the labeling of people through the registration provision, and the deprivation of all semblance of civil liberties guaranteed by the Constitution of the United States. So that you are taking that Constitution and pushing it aside and substituting for it this legislation, legislation which, I repeat, six Members of the House have not read. I am ready to stand here now and ask: Who has read this bill? Let him stand up and say he has read it.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. WALTER. I assume the gentleman is talking about the McCarran bill.

Mr. MARCANTONIO. I am talking about the bill which was printed in the RECORD of Tuesday and which was passed by the Senate.

Mr. WALTER. I am sure that a great many Members have read it because with the exception of one section, the bill contains bills which were passed by the House by unanimous consent.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman from Georgia yield me one additional minute?

Mr. COX. Mr. Speaker, I yield the gentleman one additional minute.

Mr. SCRIVNER. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. I just asked for one additional minute.

Mr. SCRIVNER. I just want to tell the gentleman that I read the bill.

Mr. MARCANTONIO. That makes one so far.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. I know the gentleman has read it. That makes two. Let us get this thing straight. The gentleman from Pennsylvania is referring to many bills that this bill is supposed to contain. First, they were not passed unanimously. However, that is not the issue I have raised. I said that the language of this bill has not been read by more than half a dozen Members of the House, and I will stand by that statement. The bill does establish concentration camps. It does establish the labelling of people. It does away with the Bill of Rights. You go ahead and seek to justify all this by attacks on communism. The fact of the matter is that the Communists constitute only one-twentieth of 1 percent of the population, so you are not only depriving Communists of their constitutional rights which in itself endangers the liberties of all Americans, but you are going way beyond that and going after everybody who expresses dissent against the insane programs of war and fascism that are being forced on the American people.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, in reply to the gentleman from New York [Mr. MARCANTONIO], I desire to say that it is not necessary for every Member of Congress to read every word of what is contained in these bills; they are driving in the right direction; they are so written as to protect the American people from our enemies at home who are here planning the overthrow of this Government.

If it takes a concentration camp for these traitors, then I am for sending them to concentration camps; if it takes deportation, then I am in favor of sending out a boatload a week from now on. We are not going to permit this gang of Reds to destroy the American Government or the American way of life, or wreck our Christian civilization, and the gentleman from New York [Mr. MARCANTONIO] might just as well understand it now.

Mr. WHITE of California. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. WHITE of California. I want to say to the gentleman from Mississippi that I was in the Senate at the time this bill was being debated. Mention was made of the fact that President Lincoln during the Civil War, because we were at war, had in effect suspended the Constitution and thrown people into jail who were sympathetic with the South and plotting against the Union. When he received complaints on the matter Lincoln answered that we could save the Constitution later—we had to save the country first. Again we are at war, and if it is necessary to save the country, we should be able to throw traitors into jail.

Mr. RANKIN. Let me say to the gentleman from California [Mr. WHITE] that, being from the other side of the Mason-Dixon line, I can assure him that if these Reds had undertaken to perpetrate the same treason in the Southern States they are perpetrating against this Government now, President Jefferson Davis would have done the same thing. He would either have thrown them in jail or had them shot, as they should have been.

Mr. COX. Mr. Speaker, the gentleman from New York [Mr. MARCANTONIO] is,

of course, within his rights when he protests this bill going to conference. He is within his rights, although in making the protest he offends public opinion and what this House considers to be right. This is the most tolerant body in the world, Mr. Speaker, but it has been wisely said that there are times when tolerance ceases to be a virtue. Sooner or later this body is going to exercise its right to pass upon the fitness of the people who come knocking at that door as candidates for admission and the privilege of participating in the enactment of legislation.

The gentleman from Illinois [Mr. SABATH] made the observation that the amendments to the bill enacted by the Senate are rather extreme. I should like to say for myself, and I think I speak for millions throughout the country, that no remedy intended to exterminate enemies of my country can be too extreme. I think the Senate bill is an improvement upon the House bill, but I know there are those who differ with me in this regard and who feel that the House went as far as it could afford to go having in mind that the courts will doubtless be called upon to review the action taken; but certainly, Mr. Speaker, the whole question should go to conference in order that differences between the two Houses can be ironed out and legislation had.

Mr. HERTER. Mr. Speaker, I yield such time as he may desire to the gentleman from Kansas [Mr. REES].

Mr. REES. Mr. Speaker, this bill, entitled "Subversive Activities Control and Communist Registration Act," should be approved without further delay.

It is regrettable that Congress has waited so long in dealing with this problem. This legislation, or a bill similar thereto, should have been enacted into law 4 or 5 years ago. Had such measure been approved and properly enforced, we would not have the serious Communist problem with which our country is faced today.

Now it appears because of the overwhelming demand of the American people that this legislation is finally being brought to the House and Senate for approval. Strange it is that the leadership has waited so long, even to the last days of the Eighty-first Congress, before the Membership is given a chance to vote on it.

The bill passed by overwhelming majority. I trust that we may have the same experience when the conference report is submitted for approval. I also hope the President will see fit to approve the legislation.

Since I have been a Member of Congress, I have devoted a great deal of time in the study of the insidious ideology of communism. Like other Members of Congress, I have recognized that its spread in this country is one of the most serious problems with which we have to deal today.

As I have just stated, if this kind of legislation had been approved immediately following World War II, the situation within our country might have been much different than it is this afternoon.

As a member of the House Post Office and Civil Service Committee and formerly the Civil Service Committee, I had occasion to investigate the infiltration of Communists among Federal employees. Early in 1946, as a minority member of the Civil Service Committee, I requested an investigation of the Federal personnel practices to determine why disloyal employees remained on the Federal payroll and to determine ways and means of establishing an effective loyalty program. Despite opposition, I finally succeeded in securing approval for an investigation. This investigation was conducted in the summer of 1946 and the record which was made in executive session contained revelations which would astound the Members of the House. This hearing was not opened to the public since it was conducted, but it was made available to the executive branch of the Government, and upon the basis of the evidence contained therein, the President issued an Executive order on loyalty in the spring of 1947.

From time to time upon other occasions I have addressed the House with respect to individuals who were retained on the Federal payroll after it had been determined that they were members of the Communist Party or aiding and abetting the aims and ideals of communism. Later, in the Eightieth Congress, I proposed legislation which would replace the President's Executive order on loyalty. This legislation was strenuously opposed by the executive branch, including the Bureau of the Budget, the Civil Service Commission and the Department of Justice on the grounds that the loyalty program should not be based upon law.

More recently, as a Member of the House Post Office and Civil Service Committee, I was pleased to have supported legislation introduced by the gentleman from Mississippi, Hon. JOHN BELL WILLIAMS, which was designed to require organizations seeking to alter or overthrow the United States by force or violence to identify all mail matter which was prepared or issued by such organizations. Although this legislation was reported favorably to the House in October 1949, it was not scheduled for action. I am pleased to observe, however, that the substance of this bill is contained in this legislation.

If we are going to be successful in our world-wide efforts to combat Communist imperialism the first place to begin to build our strength is at home.

The provisions of this legislation will help protect Americans from the fifth column activities of Communists who are controlled by the Kremlin. It is absurd that our country should engage in a war in Korea, which the President terms a police action to enforce the decisions of the United Nations against Communist aggression, and at the same time permit our own country to be open to subversive attack from within.

I have said on other occasions that if our country is to be destroyed—and it will not be destroyed—the destruction will come from within and not from without.

It is regrettable that it took cases like Marzani, Whittaker Chambers, Hiss, Fuchs, Eisler, Judith Coplon, and others to have developed before an aggressive attitude was taken with respect to this problem.

Throughout the past several years I have advanced constructive criticism with relation to policies of the executive branch with respect to communism in this country. It has been referred to only as a "red herring." Subsequent events have shown that the "red herring" is a Red menace.

Let me repeat that while we are fighting this Red menace thousands of miles away from home, it is important that we keep our own house in order. In dealing with this problem let us make sure that representative government on the home front shall not fail.

Mr. COX. Mr. Speaker, I can think of no sound reason, I can think of no patriotic reason why this measure should not go to conference. I therefore move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote, there is not a quorum present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty Members are present, not a quorum. The roll call is automatic, the Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 324, nays 8, not voting 97, as follows:

[Roll No. 274]

YEAS—324

Abbitt	Byrnes, Wis.	Fisher
Abernethy	Camp	Fogarty
Addonizio	Canfield	Forand
Albert	Cannon	Ford
Allen, Calif.	Carroll	Frazier
Allen, Ill.	Case, N. J.	Fugate
Andersen, H. Carl	Cavalcante	Fulton
	Chelf	Furcolo
Andresen, August H.	Chesney	Gamble
	Clemente	Garmatz
Andrews	Clevenger	Gary
Arends	Cole, Kans.	Gathings
Aspinall	Combs	Gavin
Auchincloss	Cooper	Golden
Bailey	Corbett	Gore
Barden	Cotton	Gorski
Baring	Coudert	Gossett
Barrett, Pa.	Cox	Graham
Bates, Mass.	Crook	Granahan
Battle	Crosser	Granger
Beall	Cunningham	Grant
Beckworth	Curtis	Green
Bennett, Fla.	Dague	Gross
Biemiller	Davenport	Gwinn
Bishop	Davies, N. Y.	Hagen
Blackney	Davis, Ga.	Hand
Blatnik	Davis, Tenn.	Harden
Boggs, Del.	Davis, Wis.	Hardy
Boggs, La.	Dawson	Hare
Bolling	Deane	Harris
Bolton, Md.	DeGraffenried	Harrison
Bolton, Ohio	Delaney	Hart
Bonner	D'Ewart	Harvey
Boykin	Dolliver	Hays, Ark.
Bramblett	Dondero	Hays, Ohio
Breen	Donohue	Hedrick
Brehm	Doughton	Heffernan
Brown, Ga.	Douglas	Heller
Brown, Ohio	Durham	Herlong
Bryson	Elliott	Herter
Buchanan	Elston	Heselton
Buckley, Ill.	Engle, Calif.	Hobbs
Burke	Evins	Hoeven
Burleson	Fallon	Hoffman, Mich.
Burnside	Feighan	Holmes
Burton	Fellows	Hope
Byrne, N. Y.	Fenton	Horan

Hull	Miller, Md.	Scrivner
Jackson, Wash.	Miller, Nebr.	Scudder
Jacobs	Mills	Secrest
James	Mitchell	Shafer
Jenison	Monroney	Sheppard
Jenkins	Morgan	Short
Jennings	Morris	Simpson, Ill.
Jensen	Morton	Simpson, Pa.
Jonas	Moulder	Sims
Jones, Ala.	Murdock	Smathers
Jones, Mo.	Murphy	Smith, Kans.
Jones, N. C.	Murray, Wis.	Smith, Wis.
Judd	Nelson	Spence
Karst	Nicholson	Staggers
Karsten	Nixon	Steed
Kean	Noland	Stefan
Kearney	Norblad	Stigler
Kearns	Norrell	Sullivan
Keating	O'Brien, Ill.	Sutton
Kee	O'Hara, Ill.	Taber
Kelley, Pa.	O'Hara, Minn.	Tackett
Kelly, N. Y.	O'Neill	Talle
Kennedy	O'Sullivan	Tauriello
Keogh	O'Toole	Taylor
Kilburn	Pace	Teague
Kilday	Passman	Thomas
King	Patman	Thompson
Kirwan	Perkins	Tollefson
Kruse	Peterson	Towe
Lane	Philbin	Trimble
Lanham	Phillips, Calif.	Underwood
Latham	Phillips, Tenn.	Van Zandt
LeCompte	Pickett	Velde
LeFevre	Polk	Vinson
Lichtenwalter	Potter	Vorys
Lind	Preston	Wagner
Linehan	Price	Walsh
Lodge	Priest	Walter
Lucas	Rabaut	Weichel
Lynch	Rains	Welch
McConnell	Ramsay	Wheeler
McCulloch	Rankin	Whitaker
McDonough	Reed, N. Y.	White, Calif.
McGrath	Rees	Whitten
McGregor	Regan	Whittington
McGuire	Rhodes	Wickersham
McKinnon	Ribicoff	Widnall
McMillan, S. C.	Rich	Wier
McSweeney	Riehlman	Wigglesworth
Mack, Ill.	Robeson	Williams
Madden	Rodino	Wilson, Ind.
Magee	Rogers, Fla.	Wilson, Okla.
Mahon	Rogers, Mass.	Wilson, Tex.
Mansfield	Rooney	Winstead
Marsalis	Roosevelt	Wolcott
Marshall	Sadlak	Wolverton
Martin, Mass.	Sanborn	Wood
Mason	Sasscer	Woodhouse
Merrow	Saylor	Woodruff
Meyer	Scott, Hardie	Yates
Michener	Scott,	Young
Miles	Hugh D., Jr.	Zablocki

NAYS—8

Burdick	Eberharter	Multer
Celler	Huber	Powell
Chudoff	Marcantonio	

NOT VOTING—97

Allen, La.	Guill	Norton
Anderson, Calif.	Hale	O'Brien, Mich.
Angell	Hall,	O'Konski
Barrett, Wyo.	Edwin Arthur	Patten
Bates, Ky.	Hall,	Patterson
Bennett, Mich.	Leonard W.	Pfeifer,
Bentsen	Halleck	Joseph L.
Bosone	Havenner	Pfeiffer,
Brooks	Hébert	William L.
Buckley, N. Y.	Hill	Plumley
Carlyle	Hinshaw	Poage
Carnahan	Hoffman, Ill.	Poulson
Case, S. Dak.	Holifield	Quinn
Chatham	Howell	Redden
Chiperfield	Irving	Reed, Ill.
Christopher	Jackson, Calif.	Richards
Cole, N. Y.	Javits	Rivers
Colmer	Johnson	Sabath
Cooley	Keefe	Sadowski
Crawford	Kerr	St. George
Denton	Klein	Shelley
Dingell	Kunkel	Sikes
Dollinger	Larcade	Smith, Ohio
Doyle	Lovre	Smith, Va.
Eaton	Lyle	Stanley
Ellsworth	McCarthy	Stockman
Engel, Mich.	McCormack	Thornberry
Fernandez	McMillen, Ill.	Vursell
Flood	Mack, Wash.	Wadsworth
Gillette	Macy	Werdel
Gilmer	Martin, Iowa	White, Idaho
Goodwin	Miller, Calif.	Willis
Gordon	Morrison	Withrow
Gregory	Murray, Tenn.	

So the resolution was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Dollinger with Mr. Martin of Iowa.
Mr. Gilmer with Mr. Reed of Illinois.
Mr. Gordon with Mr. Cole of New York.
Mr. Klein with Mr. Eaton.
Mr. Bates of Kentucky with Mr. Halleck.
Mr. Gregory with Mr. Leonard W. Hall.
Mr. Joseph L. Pfeifer with Mr. Hoffman of Illinois.
Mr. Patten with Mr. Withrow.
Mr. Thornberry with Mrs. St. George.
Mr. McCarthy with Mr. William L. Pfeiffer.
Mr. Denton with Mr. Macy.
Mr. Doyle with Mr. Anderson of California.
Mr. Fernandez with Mr. Case of South Dakota.
Mr. Shelley with Mr. Hale.
Mr. Dingell with Mr. Gillette.
Mr. Flood with Mr. Poulson.
Mr. Kerr with Mr. Stockman.
Mr. Larcade with Mr. Vursell.
Mr. Rivers with Mr. Wadsworth.
Mr. Holifield with Mr. O'Konski.
Mr. Hébert with Mr. Lovre.
Mr. Willis with Mr. Bennett of Michigan.
Mr. Havenner with Mr. Mack of Washington.
Mr. Bentsen with Mr. Werdel.
Mrs. Bosone with Mr. Keefe.
Mr. Irving with Mr. Angell.
Mr. O'Brien of Michigan with Mr. Barrett of Wyoming.
Mr. Buckley of New York with Mr. Chiperfield.
Mrs. Norton with Mr. Crawford.
Mr. Redden with Mr. Jackson of California.
Mr. Quinn with Mr. Johnson.
Mr. Sikes with Mr. Hinshaw.
Mr. Smith of Virginia with Mr. Hill.
Mr. Stanley with Mr. Edwin Arthur Hall.
Mr. Morrison with Mr. Patterson.
Mr. Chatham with Mr. Guill.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

The SPEAKER. The Chair appoints the following conferees: Messrs. WOOD, WALTER, HARRISON, MCSWEENEY, NIXON, VELDE, and KEARNEY.

SPANISH-AMERICAN WAR VETERANS BENEFITS

The SPEAKER. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H. R. 6217) to provide greater security for veterans of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, in the granting of out-patient treatment by the Veterans' Administration.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Mr. RANKIN. Mr. Speaker, I ask for recognition.

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. RANKIN. Mr. Speaker, this bill would provide all Spanish-American War veterans with out-patient treatment—the same kind of treatment that is now provided all veterans who have a service-connected disability.

It was reported unanimously by the Committee on Veterans' Affairs.

The average age of the Spanish-American War group is approximately 74 years. There are something like 100,000 remaining veterans. The President says 118,000. They are dying at the rate of 9,000 a year. Therefore this program will be virtually completed in 10 years at the outside.

The President makes the point that this measure would create an undesirable precedent for the future. He indicates that this proposal might be extended to World War I and World War II veterans. It is a well-known fact, of course, that no Congress can bind a future one, and certainly it cannot be interpreted that a vote in favor of overriding the veto is a guarantee that such treatment will be afforded at a later date to World War I or II veterans. We can cross that bridge when we get to it—when they reach the average age of 74 years.

The cost of this bill would be very small. I am sure it would be less than the cost of hospitalizing these veterans as they become disabled. It now costs $15.08 a day to keep a veteran in a general medical and surgical hospital. Certainly it would be less expensive to provide treatment in the Spanish War veteran's home county by a private physician than to hospitalize him in order to get the treatment which is necessary.

I also call to the attention of the Members of the House the significant paragraph in the President's message which states that all benefits for veterans not directly related to military service, should be provided through general social security, health, and educational programs available to all of the people, including veterans. This is a line of reasoning which is all too prevalent in the executive branch of the Government and would indicate that the veteran made no special contribution to his country, and therefore is not entitled to any special consideration. With this view I thoroughly disagree.

The veterans contributed to their country's protection in time of war, and they are entitled to the same consideration that has always been given our exservicemen in the years gone by.

These veterans have contributed to their country's protection, and they are entitled to this consideration now in their old age when they are sick and unable to care for themselves. Besides we provide this treatment for all service-connected veterans. Records were not kept for these old men in the Spanish-American War, such as were kept in World War I and World War II.

These men went through all the diseases of the Tropics. They were exposed to everything from yellow fever to malaria. There were practically no medical records kept. So I think it is only just and right that we pass this bill and provide this out-patient treatment for these old men in their declining years. It will not be a precedent that can be applied to other wars, unless a future Congress should pass such a law.

Mr. Speaker, I now yield 2 minutes to the lady from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Speaker, I do not believe there will be a single vote against this bill. I have

been greatly distressed and angered because the President has been given wrong information to put in his veto message.

I want to quote an article from the National Tribune which reads as follows:

MR. CONGRESSMAN!

President Truman, on September 6, vetoed H. R. 6217, a bill designed to grant to veterans of the Spanish-American War, the Philippine Insurrection, and the Boxer Rebellion the right to out-patient treatment by the Veterans' Administration in the same manner as if their disabilities were officially recorded as being the direct outcome of their war service. This measure was approved unanimously by both Houses of Congress.

In his message of disapproval, the Chief Executive made four major points: (1) He stated that liberal standards are used now in determining service connection, that the disabilities suffered by Spanish War veterans are common with those of other older citizens, and that claims of service incurrence are largely fictional. (2) He asserted that these veterans are liberally recompensed, and that they are already provided with free medical and hospital care, including inpatient and out-patient treatment. (3) Mr. Truman said that the bill's provisions would place a drastic demand upon existing facilities at a time when medical services are strained. And (4), he claimed that the measure's enactment would create a precedent for veterans of later wars, would entail considerable cost and that such provisions can be made available under social-security laws.

Each and every one of these reasons for disapproval of H. R. 6217 is false. The President has been misled by the Veterans' Administration, which somehow or other seems determined to write and interpret all veterans' laws as well as administer them. We desire, Mr. Congressman, to give you the correct information.

Liberal standards are not applied by the VA to Spanish War veterans; no rating schedules based upon Spanish War experience have ever been promulgated. In most cases their disabilities are peculiar to their service; no official disability records were kept, and they have been compelled for 50 years to treat at their own expense hearts weakened by jungle fevers, kidneys diseased by tropical illnesses and guts rotted by foul food and water. The disabilities are real as hell.

Pension payments are not at all liberal for men with families whose ages average 75 years. These men are not given free hospital and medical care by the VA; they are not permitted in-patient or out-patient treatment by veterans' regulations. As a matter of fact, thousands of them have sought and have been denied hospitalization even when beds are available. The VA has not built sufficient beds to take care of World War I veterans alone. Spanish War veterans are being literally kicked out of hospitals to make room for younger veterans, some of them being sent home on stretchers. If beds were to be had, these elderly men in critical illness could not get to them unless they were locally situated.

Instead of placing a greater strain upon the VA, this legislation is proposed to relieve that demand, to keep these older veterans out of hospitals, to give them a chance to live and to aid them to meet the minor costs involved in purchasing essential medicines from purses strained by high living costs. Enactment of the bill should bring about savings to the Government, if properly administered.

As to precedents, the Spanish-American War Veterans created their own when they went to war. Volunteers to the last man. There is no comparison whatever between their service and that of veterans of later wars, and it is foolish to attempt to create one. Sure, there will be some costs, but the care of war veterans is as much a part of the cost of wars as are the weapons furnished to fight them. And, remember, these Spanish War veterans brought back to this Nation in prizes vastly more than was spent in defeating the Spaniards.

Space forbids fuller argument, Mr. Congressman. The record is complete in committee hearings, and the reasons for treating with these men differently from others have long been recognized by the Congress. Certainly, you will not seriously consider offending them by following the theory that they—or any other veterans—will at any time go under the social-security laws.

Mr. Congressman, these veterans have never asked you to do anything they considered to be unfair. This is not a case of insulting the Marines. It is one of crucifying old men who have nobody to depend upon but you. They ask for your vote to override the Presidential veto of H. R. 6217.

Mr. Speaker, there is no care for these veterans unless they go on public relief. I am sure this bill will pass unanimously.

Mr. McDONOUGH. Mr. Speaker, I cannot agree with the President's veto message on H. R. 6217, and I shall, therefore, vote to override his veto.

I believe the Spanish-American War veterans are er titled to the additional hospitalization that this bill provides. Most of these veterans are advanced in years and are living on their limited pensions, which is not sufficient to provide them with the hospitalization they need.

The number of Spanish-American War veterans who may need this service is not large and their numbers will decrease rapidly in the future, because of their advanced age.

I think the Government owes this service to these veterans and I urge the Members of the House to vote "yes" to override the President's veto and assure this needed relief to our Spanish-American War veterans.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman from Mississippi yield?

Mr. RANKIN. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Are these benefits payable regardless of the need of the veteran?

Mr. RANKIN. No; unless a man is sick he does not get a dime.

Mr. Speaker, we have several Spanish-American War veterans in Congress. One of them is the distinguished gentleman from Illinois [Mr. O'HARA], to whom I yield 2 minutes.

Mr. O'HARA of Illinois. Mr. Speaker, I do not like to disagree with my President. I am a good soldier. I follow my Commander in Chief. I came to the Eighty-first Congress with a mandate from the electors of the Second District of Illinois to serve under President Truman the common people of these United States of America. Never once has President Truman failed the common people. Never once has he deviated by as much as an eyelash from the pledges of his campaign or the commitments of the Democratic platform upon which he and the majority Members of this House, including myself, were elected. As President of the United States he has remained true and steadfast in his loyalty to the people he loves, the ordinary decent and honest men and women of his country, the men and women who do their jobs and have their share of trials and tribulations as well as small triumphs and satisfactions in the grind of the daily routine. Under such leadership to serve as a good soldier to me has been a happy privilege. To follow such a Commander in Chief in the good works of a good heart, in broadening the horizons for all the people of our great country and bringing even to the humblest homes the fullest possible measure of contentment, has thrilled me with the sense of pride and of honor.

In the present instance I feel that the President has been misinformed. It is not within the range of human limitations for any man vested with the great responsibility of the Presidency to know intimately and in detail all the facts, all the circumstances, all the angles and all the phases bearing upon all of the very many questions that arise in the executive direction of a great Nation and of a great people. Of necessity, and in the proper discharge of his duty, he must rely in part upon the assistance of others. I have the faith that the President would have viewed this bill in quite another light had he known the facts of the Spanish-American War as I from experience so well and so unforgetably know them.

I could not be true to the memory of my comrades of a war over half a century ago, of my pup-tent mate in the Cuban campaign, a 16-year-old boy, who not a year later fell in action in the Philippines, and of many, many others, if I, one of the three veterans of the Spanish-American War in this body, did not today raise my voice to combat with the truth of personal experience conclusions honestly but erroneously arrived at by a later generation. Today I follow the spirit of the men I served with when many of them like myself were boys from high school, and the twentieth century was yet unborn. Those who survive are few in numbers. They have no political strength. Their combined votes cannot affect the result in the election in a single congressional district. But I should never wish to return to this Chamber if while I am here I turned my back on them.

May I be personal? I have no wish so to be; I trust that my work here has shown that my interest and my concern and my thoughts are concentrated on the great problems of the present; but I know of no other way to meet and to combat this misunderstanding of the Spanish-American War that has grown in the excitement and confusion of the 52 years of great historical events that have followed.

I went to Cuba with the first outfit after the Rough Riders. Two days after the Rough Riders of Teddy Roosevelt had reached the battle front we were landing from small boats at Siboney near Santiago. We were in action on the 1st of July 1898, and we wore in the Tropics heavy winter clothes. We had smoking Springfield rifles. There were no medical records. There was little medicine. The beef was putrid and unfit to eat, and we subsisted in the Tropics on "sow belly" and hardtack soaked in drippings.

I returned on a transport after the surrender at Santiago and on board that

boat returning to Montauk Point only two were able to be about. There was no medicine. There were no records.

After we returned from that campaign four, five, or six of my buddies from Michigan died. There were no records. I was ill for 6 months. I was in bed, after returning from that campaign. All of my life and including the period I have been a Member of the Congress I have had days when I have had coming on me fevers and chills that resulted from that campaign. I do not know of a single Spanish-American War veteran who has been more fortunate in that regard. Again I repeat, there were no records.

It would be difficult for the younger veterans to visualize the conditions of food, clothing, medication, sanitation, and lack of hospitalization that were faced by the armed services in 1898.

A month after the capitulation of Santiago on July 17, 1898, the situation as regards the health of our invading troops was so bad that in my own company but two of us were able to report for duty. It was "Teddy" Roosevelt's "round robin," for which under the laws of war he might have been court-martialed, that finally got the grievously ill remnants of the army that stormed Santiago back to Camp Wikoff at Montauk, Long Island. Of the trip from Santiago to Montauk, and the conditions on the transport, I quote from an article by Charles Johnson Post in the American Legion magazine of July 1938:

> For 5 days we had been packed in on the *Grand Duchesse.* Five men to a stateroom, no hospital, sick and well lying thickly about the decks; fighting at the distilled-water butts twice a day, with the well men winning first place and the sick left to take the hot water as it came from the condenser after the one cake of ice had melted, and then hoard it in a sour tin cup in the shade of an August sun until it was tepid enough to drink. There was no water to wash a mess kit, cooking bits of bacon over candles in your stateroom with delirious men whimpering in the bunk beside you—it was better than the hardtack and salt-beef slum of the travel ration. And all of us copiously and unashamedly lousy. One man died in the former second-class washroom and his body, yellow with fever, lay there from morning to later afternoon while we stepped over it and the swinging door bumped its head with each new entrant. Another was picked from his bunk, cold and dead, with his squad bunkie lying unconscious beside him and the stateroom foul with dysentery. Each morning Gus Piton and Jimmy Lowe lifted a squad mate in a blanket and tied him to the ship's rail in a kind of a hammock, and all day he lay there motionless, his eyes glassy and half open, with pus drooling from his emaciated lips. Down with typhoid, malaria, yellow jack, tropical fevers, and all varieties of intestinal breakdowns, we shuffled weakly from port to starboard to get into the shade as the sun swung from east to west. * * * There was no medicines—it was our regimental surgeon who told me so—not a pill of bismuth, only a few of compound cathartic and only a little quinine.

Conditions were much the same on the transport, the *Harvard,* on which I returned.

Yet there is no way by which I could establish officially these facts. There were no records. There was none in the case of Charley Loeffler, of the many others who died at home from illness contracted while in service, of most of those who died before reaching home.

What was true in the case of those in overseas service was equally true with those who served in the fever-infested camps in the United States.

The purpose of H. R. 6217, in a nutshell, is to keep a veteran of the Spanish-American War when he is now past 70 and grieviously ill from being denied a hospital bed for the one reason that in 1898 someone did not keep books. That is all there is to H. R. 6217. It will not affect many veterans, and I am afraid it will not be many years before it will not affect any.

I can assure my colleagues that there is nothing fictional in the presumption that illnesses now sending Spanish-American War veterans to hospitals—usually and all too unfortunately for brief periods of a few weeks or a few months before the final muster call—are service-connected. The presumption in my mind—and my knowledge, if you please, comes from first-hand experience—is that they are so service-connected. If anyone holds to a different presumption, I will be only too glad to concede that he has something in the way of an argument when he produces anything even to the extent of a scrap of paper showing my own illness at Montauk Point and the illnesses of 40 or 50 at least of my own comrades whom I saw grieviously ill and some of whom died of those illnesses. Until such records can be and are produced, for the sake of all that is good and decent let us give the benefit of the presumption to these veterans.

Our great Commander in Chief has been misinformed. Otherwise, I have abiding faith he would not have vetoed this bill. It has the unanimous support of the committee, it was approved by the Veterans' Administration, it was passed by unanimous vote of both Senate and House. I hope and pray that our action today may stop the doing of a great injustice to these old men who served so gallantly over half a century ago.

Mr. RANKIN. Mr. Speaker, let me remind you that we are already providing this out-patient treatment for service-connected veterans. As the distinguished gentleman from Illinois [Mr. O'HARA], a former Spanish-American War veteran, has pointed out, these old Spanish-American War veterans had no opportunity to make their record. They are now 74 years old, on an average. This will not be a precedent you will have to follow. Congress can pass such a law for other veterans in the years to come, or not pass, as Congress sees fit.

The Spanish-American War veteran was getting a $60 pension in 1922. It passed both Houses on a roll call by a unanimous vote. Today $90 will not buy one-third as much as the $60 would during the twenties.

Talk about socialized medicine. Why, you are providing this out-patient treatment for service-connected veterans of all wars. There is no socialized medicine involved, but there is a great principle of humanity involved.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken, and there were—yeas 321, nays 12, not voting 96, as follows:

[Roll No. 275]

YEAS—321

Abbitt	Engle, Calif.	McDonough
Abernethy	Evins	McGrath
Addonizio	Fallon	McGregor
Albert	Feighan	McGuire
Allen, Calif.	Fellows	McKinnon
Allen, Ill.	Fenton	McMillan, S. C.
Andersen, H. Carl	Fisher	McSweeney
	Fogarty	Mack, Ill.
Andresen, August H.	Forand	Madden
	Ford	Magee
Andrews	Frazier	Mahon
Arends	Fugate	Mansfield
Aspinall	Fulton	Marcantonio
Auchincloss	Furcolo	Marsalis
Bailey	Gamble	Marshall
Barden	Garmatz	Martin, Mass.
Baring	Gary	Mason
Barrett, Pa.	Gathings	Merrow
Bates, Mass.	Gavin	Meyer
Battle	Golden	Michener
Beall	Gore	Miles
Beckworth	Gorski	Miller, Md.
Bennett, Fla.	Gossett	Miller, Nebr.
Biemiller	Graham	Mitchell
Bishop	Granahan	Monroney
Blackney	Granger	Morgan
Blatnik	Grant	Morris
Boggs, Del.	Green	Moulder
Boggs, La.	Gross	Multer
Bolling	Gwinn	Murdock
Bolton, Md.	Hagen	Murphy
Bolton, Ohio	Hand	Murray, Wis.
Bonner	Harden	Nelson
Boykin	Hardy	Nicholson
Bramblett	Hare	Nixon
Breen	Harris	Noland
Brehm	Hart	Norblad
Brown, Ga.	Harvey	Norrell
Brown, Ohio	Hays, Ark.	O'Brien, Ill.
Bryson	Hays, Ohio	O'Hara, Ill.
Buchanan	Hedrick	O'Hara, Minn.
Buckley, Ill.	Heffernan	O'Neill
Burdick	Heller	O'Sullivan
Burke	Herlong	O'Toole
Burleson	Herter	Pace
Burnside	Heselton	Passman
Burton	Hobbs	Patman
Byrne, N. Y.	Hoeven	Perkins
Byrnes, Wis.	Holmes	Peterson
Camp	Hope	Philbin
Canfield	Horan	Phillips, Calif.
Cannon	Hull	Phillips, Tenn.
Carroll	Jackson, Wash.	Pickett
Case, N. J.	Jacobs	Polk
Cavalcante	James	Potter
Celler	Javits	Powell
Chatham	Jenison	Preston
Chelf	Jenkins	Price
Chesney	Jennings	Priest
Chiperfield	Jensen	Rabaut
Chudoff	Jonas	Rains
Clemente	Jones, Ala.	Ramsay
Clevenger	Jones, Mo.	Rankin
Cole, Kans.	Jones, N. C.	Reed, N. Y.
Cooper	Judd	Rees
Corbett	Karst	Regan
Cotton	Karsten	Rhodes
Coudert	Kearney	Ribicoff
Cox	Kearns	Riehlman
Crook	Keating	Robeson
Crosser	Kee	Rodino
Cunningham	Kelley, Pa.	Rogers, Fla.
Curtis	Kelly, N. Y.	Rogers, Mass.
Dague	Kilburn	Rooney
Davenport	Kilday	Roosevelt
Davies, N. Y.	King	Sadlak
Davis, Ga.	Kirwan	St. George
Davis, Tenn.	Kruse	Sanborn
Davis, Wis.	Lane	Sasscer
Deane	Lanham	Saylor
DeGraffenried	Latham	Scott, Hardie
Delaney	LeCompte	Scott, Hugh D., Jr.
D'Ewart	LeFevre	
Dolliver	Lichtenwalter	Scrivner
Dondero	Lind	Scudder
Donohue	Linehan	Secrest
Doughton	Lodge	Shafer
Douglas	Lucas	Sheppard
Durham	Lynch	Short
Elliott	McConnell	Simpson, Ill.
Elston	McCulloch	Simpson, Pa.

Sims	Thompson	Whittington
Smathers	Tollefson	Wickersham
Smith, Kans.	Towe	Widnall
Smith, Wis.	Trimble	Wier
Spence	Underwood	Wigglesworth
Staggers	Van Zandt	Williams
Steed	Velde	Wilson, Ind.
Stefan	Vinson	Wilson, Okla.
Stigler	Vorys	Wilson, Tex.
Sullivan	Wagner	Winstead
Sutton	Walsh	Wolcott
Taber	Walter	Wolverton
Tackett	Weichel	Wood
Talle	Welch	Woodhouse
Tauriello	Whitaker	Woodruff
Taylor	White, Calif.	Yates
Teague	Whitten	Zablocki

NAYS—12

Combs	Huber	Morton
Dawson	Kean	Rich
Eberharter	Kennedy	Wheeler
Hoffman, Mich.	Mills	Young

NOT VOTING—96

Allen, La.	Hall,	O'Brien, Mich.
Anderson, Calif.	Edwin Arthur	O'Konski
Angell	Hall,	Patten
Barrett, Wyo.	Leonard W.	Patterson
Bates, Ky.	Halleck	Pfeifer,
Bennett, Mich.	Harrison	Joseph L.
Bentsen	Havenner	Pfeiffer,
Bosone	Hébert	William L.
Brooks	Hill	Plumley
Buckley, N. Y.	Hinshaw	Poage
Carlyle	Hoffman, Ill.	Poulson
Carnahan	Holifield	Quinn
Case, S. Dak.	Howell	Redden
Christopher	Irving	Reed, Ill.
Cole, N. Y.	Jackson, Calif.	Richards
Colmer	Johnson	Rivers
Cooley	Keefe	Sabath
Crawford	Keogh	Sadowski
Denton	Kerr	Shelley
Dingell	Klein	Sikes
Dollinger	Kunkel	Smith, Ohio
Doyle	Larcade	Smith, Va.
Eaton	Lovre	Stanley
Ellsworth	Lyle	Stockman
Engel, Mich.	McCarthy	Thomas
Fernandez	McCormack	Thornberry
Flood	McMillen, Ill.	Vursell
Gillette	Mack, Wash.	Wadsworth
Gilmer	Macy	Werdel
Goodwin	Martin, Iowa	White, Idaho
Gordon	Miller, Calif.	Willis
Gregory	Morrison	Withrow
Guill	Murray, Tenn.	
Hale	Norton	

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

FEDERAL AID FOR LOCAL EDUCATIONAL AGENCIES

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. BARDEN, WIER, STEED, MCCONNELL, and KEARNS.

AMENDMENT TO NATIONALITY ACT OF 1940, AS AMENDED

The SPEAKER. The unfinished business is the further consideration of the veto message of the President on House Joint Resolution 238, to amend the Nationality Act of 1940, as amended.

The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

Mr. WALTER. Mr. Speaker, House Joint Resolution 238 removed the racial bar to naturalization. The resolution passed the House by unanimous consent. In the Senate it was amended so that it excluded from its provisions certain peoples. In conference the Senate receded from its position with respect to this class of people, but it insisted that we include in the bill a provision inter alia which makes it possible to revoke the citizenship of anybody benefited through enactment of this legislation who in a period of 5 years after he became a citizen of the United States should become a member of any Communist or Communist-front organizations. The House receded and agreed to the position taken by the Senate.

It certainly seems to me to be a very, very small price for a person to pay that he should on becoming a citizen of the United States agree that for 5 years after becoming a citizen not join one of the proscribed organizations.

We believe that in the bill we have set up the kind of safeguards that will protect people who become innocent members of proscribed organizations. The language is very plain and very clear, so that within a period of 3 months after these organizations are cited by the Attorney General they have an opportunity to withdraw from them and by so withdrawing become eligible for citizenship.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from New York.

Mr. CELLER. The bill is suckled by fear and nursed by hysteria. "To him who is in fear everything rustles." We seem to hear rustling everywhere. We have become landlords to ghosts. When this bill was passed by the House it was a good bill. It was unanimously adopted. All it did was to prescribe the following: That there should be no discrimination when it comes to naturalization on the basis of race, so that those abiding aliens who were in this country who happened to be born in foreign climes, particularly in Asia, would have the right to become naturalized citizens. That was a good provision, but when it got to the Senate there were saddled on provisions which to my mind are an abomination. Those provisions enlisted the Presidential veto.

In the spirit of hysteria which seems to descend upon some of the gentlemen in the other body they put in this bill two provisions which to my mind are evil producing. These gentlemen of the other body provided that after a man has been a resident, say for 10 years, regardless of his regular conduct—and his conduct may have been above reproach—if at some time 10 years back he may have found himself a member of an organization on the Attorney General's list as marked "subversive" he shall become a marked man. He may have inadvertently become a member thereof, he may have been innocently made a dupe, but if his name is on that list, whether he had consciously joined the organization or not, he is ipso facto proscribed and cannot become a citizen. Citizenship shall ever be barred to him.

This applies also to Communists who have redeemed themselves. There have been many such who have felt that their ways in the past were wrong. If they want to become law-abiding subjects of the Nation, regardless of what they may or may not have done, if their names were at any time on any one of those lists, a Communist list or a Communist-front list, or a list that is determined by the Attorney General to be subversive, ipso facto they shall be denied citizenship.

There are many repentent Communists. We need that type, shall I say, of men who will give us a great fund of information concerning the Communists and their evil doings. But we say, "No, we do not want anything to do with you. You are pariahs and shall remain pariahs forever." I am opposed to that kind of legislation. We have indeed passed private bills endowing with citizenship former Communists, who rendered good service to us. But the principle of redemption by good deeds is denied by this bill.

Further, for 5 years after a man has become a citizen, if he joins any such organization, his citizenship may be revoked. But this bill goes beyond that. It was conceived as a result of the hysteria that has gripped the Nation. The conferees accepted the Senate version. It is written in vague, indefinite, all-defined terms, making it almost impossible to understand or comprehend. It has no safeguards whatsoever. For that reason the President in his wisdom said there would be created under it second-class citizens in this country who would live under fear and terror at all times that somebody might make some complaint against them, complaint ill-founded or well-founded, and then they could find themselves in a position where they would have their citizenship revoked.

If there are to be such provisions, let us calmly and judiciously consider them. Let them be prepared and studied in the Committee on the Judiciary. That committee usually considers bills of that character calmly and deliberately, not hurriedly as in conference. We passed a good bill. It became mutilated. It warranted the veto. I can assure you if a bill on naturalization is presented, a coherent, logical, well-defined bill calling for safeguards against communism I shall lose no time in referring it to a subcommittee where it can be properly taken up by the subcommittee, then by the full committee, and then debated in the House. The provisions I opposed were never considered by the Judiciary Committee or by this House. But I do hope the Members of the House will not gainsay the President in this regard. He has carefully considered the terminology of this bill and he has branded it as vague, indefinite, and unconstitutional. The President properly said:

> The result might be to weaken our naturalization laws rather than strengthen them. The result might also be to jeopardize the basic rights of our naturalized citizens and other persons legitimately admitted to the United States.

Review with me section 2 of the bill which amends section 305 of the Nationality Act of 1940 as amended, and look at subsection (g) thereof—page 4

of the conference report. It reads as follows:

(g) If a person who shall have been naturalized after the enactment of this section, as here amended, shall, within 5 years next following such naturalization become a member of or affiliated with any organization, membership in or affiliation with which at the time of naturalization would have precluded such person from naturalization under the provisions of subsection (a), it shall be considered prima facie evidence that such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as provided in section 338 of this act.

That means for 5 years after naturalization a Damoclean sword may hang over the citizen's head. He can never know when or why the sword will fall. He becomes a different kind of citizen—a second-class citizen. Any connection with the organization interdicted—even if innocent and inadvertent—even without definite knowledge that the organization was tainted—would bring punishment of denaturalization. Think of this. Such immediate or even remote liaison with such group or organization banned as subversive shall be considered prima facie evidence that such person was not attached to the principles of the Constitution. That is, indeed, guilt of association with a vengeance. But that this is not all. The second-class citizen, ipso facto, also, would be declared—by legislative fiat—as not well disposed to the good order and happiness of the United States at the time of naturalization; no proof for this is necessary. Such a finding must be made. Congress says so. His connection, although, say 4 years subsequent to his naturalization, will be related back to the time of naturalization. All this ex post facto. All this is thought control.

And in the absence of countervailing evidence revocation of citizenship must be ordered. In other words the citizen under suspicion must sustain the burden of proving his innocence. That is the reverse of our time-honored judicial procedure wherein a man is innocent until proven guilty.

The Attorney General shall publish annually in the Federal Register a list of subversive groups. Who reads the Federal Register? Certainly not naturalized citizens—let alone Congressmen. How can the naturalized citizen know he is included in the lists of memberships of these banned organizations. Is it fair to compel all naturalized citizens to read the Federal Register?

Perfectly innocent persons will be punished and dragnetted in a wild search for victims.

Bad cases indeed make bad law. I am told these latter provisions were added to get after cases similar to the Harry Bridges' case.

Aside from creating second-class citizens they would be cowed and frightened. They would be afraid to join any kind of organization. Their right of free speech and freedom to follow intellectual pursuits would be impaired. The fear of retaliation would ever pervade their words and deeds.

We have recently been treated to the spectacle of guilt of association and riding one on a rail in the case of Jean Muir, where a vindictive publication condemned a radio performer without benefit of hearing her side of the case. At least she had influence and prestige enough to compel some sort of inquiry. But imagine the plight of a naturalized citizen placed under the ban. He or she is usually a worker, a hewer of stone or drawer of water, with little or no money, no influence or prestige. What chance has he? "No chance against a vengeful government," to quote President Truman, "whip-scourged by demagogs and so-called breast-thumping patriots."

In their haste to brew the poison of hate and hysteria the authors of the bill did not even put into it the usual separability clause which usually provides that even if a part of the bill is unconstitutional the balance may be deemed good. Thank goodness for that egregious error. It may become a blessing in disguise. Section (g) by all the rules in the book must be declared unconstitutional. That will happily vitiate the whole sordid business.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Minnesota.

Mr. JUDD. Mr. Speaker, this vetoed resolution does present a tough problem. I very much wish it had been accepted in the Senate as it was passed by the House. It is about the only piece of civil rights legislation that is going to be passed by this Congress and I believe it would have been better as a simple bill saying as my bill did that "the right to become a naturalized citizen of the United States should not be denied or abridged because of race."

It is right as a matter of principle that we should make eligible for citizenship those of whatever race who have been admitted to this country for permanent residence, most of them since prior to 1924, who have been good law-abiding people, paid their taxes, and raised their children to be good native-born American citizens and sent them out by the thousands in the military service of Uncle Sam. It is right they should be given the privilege of going down and getting their naturalization papers, filling them out and becoming full-fledged citizens like the rest of us.

This joint resolution removes racial discrimination from our naturalization laws. I regret that it does not touch the removal of racial discrimination from our immigration laws as did my bill H. R. 199 of which this is the first section. But it is good as far as it goes.

The portions of the resolution to which the President objected were put in by the Senate, principally I think because of a situation in Hawaii. About half of the people, Japanese and Koreans, affected by this bill live in Hawaii. The Communist Party has made considerable headway with some of them, partly because we called them inferior to us and would not treat them as equal human beings whereas communism promised racial equality. Several of those with Communist-attachments have been active in left-wing labor organizations then, such as Harry Bridge's longshoremen.

I think as a matter of protection for our country there was justification for putting in the provision that a person who had been a member or supporter of organizations declared by the Attorney General to be subversive was not eligible for citizenship, especially since the bill also makes provision for such a person to purge himself.

It says,

The provisions of subsection (a) of this section—

Which subsection makes a person ineligible if he has been a member or supporter in the preceding 10 years—

shall not apply to any person who shall be a member of any organization described therein at the time such organization is designated as Communist, totalitarian Fascist—

And so forth—I will leave that long category out—

shall not apply to any person * * * who shall, within 3 months from the time of the promulgation of such designation in the Federal Register, pursuant to subsection (e) of this section, renounce, withdraw from, and utterly abandon such membership, and who thereafter ceases entirely to be affiliated with such organization.

It gives the person a chance to purge himself by renouncing his previous membership and establishing that he did not know the subversive character of the organization at the time he joined it. He can do that within 3 months, and if the Attorney General finds that his withdrawal is on the level and is not fraudulent, he then becomes eligible for naturalization. I cannot believe that this provision should cause us to vote against the passage of legislation which will have a profound effect through all of Asia, particularly in Japan and Korea. We are sending our boys into combat today in Korea and depending upon Koreans on occasion to save their lives when our own laws still brand Koreans biologically inferior human beings unfit to associate with us. It seems to me that we ought to pass the bill not only as a matter of right but as a matter of military necessity. To leave these discriminations in our laws is worth divisions to the Soviet forces all through Asia and is causing and will cause the unnecessary deaths of American soldiers.

If this Senate amendment is not constitutional, and I think it is, then let the Supreme Court say so. But let us not continue on our statute books one day longer laws which endanger the lives of our boys.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield to the distinguished gentleman from Pennsylvania.

Mr. WALTER. Apropos of what the gentleman just said, I should like to state that when the bill passed the House it was considered to be of such great importance in the Pacific that General MacArthur sent me a cablegram congratulating the House on having enacted this bill which has provided him with some means of combating the Communist propaganda being used against the people there who are parents of boys

fighting in our armed services and who are American citizens.

Mr. JUDD. Exactly. On that point I am violating no confidence when I say that in the Committee on Foreign Affairs this morning Mr. Dulles and members of the far eastern office of the State Department appeared before us to talk over the problem of a peace treaty with Japan. It is important to us that the Japanese be firmly on our side. Japan has the best workshop in Asia. If the Soviets with their manpower and the Chinese Communists with their manpower and gigantic resources can get the Japanese workshop, then they will have something that will, indeed, weigh heavily against us in the struggle for our survival.

Mr. Dulles this morning said we cannot expect the Japanese to be on our side permanently, no matter what agreements may say, if we continue on our statute books laws which brand them as inferior human beings.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield to the distinguished chairman of the Committee on the Judiciary.

Mr. CELLER. Apropos of what the gentleman from Pennsylvania just said, also with reference to General MacArthur, he refers to the House bill.

Mr. JUDD. Yes.

Mr. CELLER. That was with reference to the bill as it passed the House. General MacArthur said nothing about the provisions which the other body added to the bill. I am wholeheartedly in favor of the House bill—your bill. You have done a splendid job in bringing that about. But I think the Senate made an error when they added these other provisions. I think when you force a man to disavow something that he may be perfectly innocent of you are doing something you have no right to do.

Mr. JUDD. It says that he can disavow it. It does not force him to. If he was innocent and realizes his mistake, he can clear himself and get citizenship.

Mr. CELLER. Why should he be blamed when he is perfectly innocent, and why should not the burden be on the Government?

Mr. JUDD. He might have joined an organization innocently and did not know its true character; but when the Attorney General has listed it in the Federal Register as an improper or subversive organization, he does know its character and he can disavow his membership in it. What is wrong about that?

Mr. CELLER. He may not know about it. The time may have expired. Suppose the statute of limitations may have run. How many people read the Federal Register?

Mr. JUDD. Well, I think a fellow ought to find out if he wants to get American citizenship and if he was a member of such an organization. It is he that is seeking naturalization and he must prove his fitness. I agree with the gentleman to this extent. I personally would rather not have had that in this resolution. I would prefer that it be in general legislation dealing with immigration and naturalization matters. However, we have to weigh the two considerations involved here. Is there enough harm, or possible harm, in that provision put in and insisted on by the other body, to justify killing the part of the legislation which the gentleman favors and which the House passed unanimously and which is of greater importance today than ever before? Weighing one against the other, it seems to me the wise thing to do is for us to pass this resolution, the President's objections notwithstanding.

Mr. McDONOUGH. Mr. Speaker, I supported this bill when it passed the House the first time in June 1949, and I also agreed to the conference report when it passed the House on August 14 of this year.

I see no reason now to agree with the President's veto in spite of the arguments he makes in his veto message and I shall therefore vote to override his veto.

I think this resolution is in better form now than it was when it passed the House before, because it is my opinion that the provision that has been added to prevent the infiltration of communism in the United States is a good provision and I believe that any Asiatic that is granted the privilege of United States citizenship should not become affiliated with communism.

This precaution that he would lose his citizenship if he became affiliated with communism within 5 years after he is naturalized will prevent the spread of communism in the United States and insure a better type of new citizens. It should not be a hindrance or hardship to anyone from Asia with good and the right intentions of becoming a United States citizen. I urge a yes vote to override the veto on House Joint Resolution 238.

Mr. WALTER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is: Will the House on reconsideration pass the joint resolution, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 307, nays 14, not voting 108, as follows:

[Roll No. 276]

YEAS—307

Abbitt	Bonner	Combs
Abernethy	Bramblett	Cooper
Addonizio	Breen	Corbett
Albert	Brehm	Cotton
Allen, Calif.	Brown, Ga.	Coudert
Allen, Ill.	Brown, Ohio	Cox
Andersen, H. Carl	Bryson	Crook
	Buchanan	Crosser
Andresen, August H.	Buckley, Ill.	Cunningham
	Burdick	Curtis
Andrews	Burke	Dague
Aspinall	Burleson	Davenport
Auchincloss	Burnside	Davies, N. Y.
Bailey	Burton	Davis, Ga.
Baring	Byrne, N. Y.	Davis, Tenn.
Barrett, Pa.	Byrnes, Wis.	Davis, Wis.
Bates, Mass.	Camp	DeGraffenried
Battle	Canfield	Delaney
Beall	Cannon	D'Ewart
Beckworth	Carroll	Dolliver
Bennett, Fla.	Case, N. J.	Dondero
Biemiller	Cavalcante	Donohue
Bishop	Chelf	Doughton
Blackney	Chesney	Douglas
Boggs, Del.	Chiperfield	Durham
Boggs, La.	Chudoff	Elliott
Bolling	Clemente	Elston
Bolton, Md.	Clevenger	Engle, Calif.
Bolton, Ohio	Cole, Kans.	Evins
Fallon	Kirwan	Regan
Feighan	Kruse	Rhodes
Fellows	Lane	Ribicoff
Fenton	Lanham	Rich
Fisher	Latham	Riehlman
Fogarty	LeCompte	Robeson
Forand	LeFevre	Rodino
Ford	Lichtenwalter	Rogers, Fla.
Frazier	Lind	Rogers, Mass.
Fugate	Linehan	Rooney
Fulton	Lodge	Roosevelt
Furcolo	Lucas	Sadlak
Gamble	McConnell	St. George
Garmatz	McCulloch	Sanborn
Gary	McDonough	Sasscer
Gathings	McGrath	Saylor
Gavin	McGregor	Scott, Hardie
Golden	McGuire	Scrivner
Gore	McKinnon	Scudder
Gorski	McMillan, S. C.	Secrest
Gossett	McSweeney	Shafer
Graham	Mack, Ill.	Short
Granahan	Magee	Simpson, Ill.
Granger	Mahon	Simpson, Pa.
Grant	Mansfield	Sims
Green	Marsalis	Smathers
Gross	Marshall	Smith, Kans.
Gwinn	Martin, Mass.	Smith, Wis.
Hagen	Merrow	Spence
Hand	Meyer	Staggers
Harden	Michener	Steed
Hardy	Miles	Stefan
Hare	Miller, Md.	Stigler
Harris	Miller, Nebr.	Sullivan
Harrison	Mills	Sutton
Hart	Mitchell	Taber
Harvey	Monroney	Tackett
Hays, Ark.	Morgan	Talle
Hays, Ohio	Morris	Tauriello
Hedrick	Morton	Taylor
Heffernan	Moulder	Teague
Heller	Murdock	Thomas
Herlong	Murphy	Thompson
Herter	Murray, Wis.	Tollefson
Heselton	Nelson	Towe
Hobbs	Nicholson	Trimble
Hoeven	Nixon	Underwood
Hoffman, Mich.	Noland	Van Zandt
Holmes	Norblad	Velde
Hope	Norrell	Vorys
Horan	O'Hara, Minn.	Wagner
Jackson, Wash.	O'Neill	Walsh
Jacobs	O'Sullivan	Walter
James	O'Toole	Weichel
Jenison	Pace	Welch
Jenkins	Passman	Wheeler
Jennings	Patman	White, Calif.
Jensen	Perkins	Whitten
Jones, Ala.	Peterson	Whittington
Jones, Mo.	Philbin	Wickersham
Jones, N. C.	Phillips, Calif.	Widnall
Judd	Phillips, Tenn.	Wigglesworth
Karst	Pickett	Williams
Kean	Polk	Wilson, Ind.
Kearney	Potter	Wilson, Okla.
Kearns	Preston	Wilson, Tex.
Keating	Price	Winstead
Kee	Priest	Wolcott
Kelley, Pa.	Rabaut	Wolverton
Kelly, N. Y.	Rains	Wood
Kennedy	Ramsay	Woodhouse
Kilburn	Rankin	Woodruff
Kilday	Reed, N. Y.	Young
King	Rees	Zablocki

NAYS—14

Blatnik	Javits	O'Brien, Ill.
Celler	Karsten	Powell
Eberharter	Madden	Sabath
Huber	Marcantonio	Wier
Hull	Multer	

NOT VOTING—108

Allen, La.	Denton	Hinshaw
Anderson, Calif.	Dingell	Hoffman, Ill.
Angell	Dollinger	Holifield
Arends	Doyle	Howell
Barden	Eaton	Irving
Barrett, Wyo.	Ellsworth	Jackson, Calif.
Bates, Ky.	Engel, Mich.	Johnson
Bennett, Mich.	Fernandez	Jonas
Bentsen	Flood	Keefe
Bosone	Gillette	Keogh
Boykin	Gilmer	Kerr
Brooks	Goodwin	Klein
Buckley, N. Y.	Gordon	Kunkel
Carlyle	Gregory	Larcade
Carnahan	Guill	Lovre
Case, S. Dak.	Hale	Lyle
Chatham	Hall, Edwin Arthur	Lynch
Christopher		McCarthy
Cole, N. Y.	Hall, Leonard W.	McCormack
Colmer		McMillen, Ill.
Cooley	Halleck	Mack, Wash.
Crawford	Havenner	Macy
Dawson	Hébert	Martin, Iowa
Deane	Hill	Mason

Miller, Calif.	Poage	Smith, Va.
Morrison	Poulson	Stanley
Murray, Tenn.	Quinn	Stockman
Norton	Redden	Thornberry
O'Brien, Mich.	Reed, Ill.	Vinson
O'Hara, Ill.	Richards	Vursell
O'Konski	Rivers	Wadsworth
Patten	Sadowski	Werdel
Patterson	Scott,	Whitaker
Pfeifer,	Hugh D., Jr.	White, Idaho
Joseph L.	Shelley	Willis
Pfeiffer,	Sheppard	Withrow
William L.	Sikes	Yates
Plumley	Smith, Ohio	

So, two-thirds having voted in favor thereof, the joint resolution was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

COAST GUARD

Mr. KILDAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4136) to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. KILDAY. This bill simply includes the Coast Guard within the provisions of the Selective Service Act on the same terms as the Army, the Navy, including the Marine Corps, and the Air Force are now included.

Mr. MARTIN of Massachusetts. It means that the Coast Guard will get their new material by going to the draft boards instead of enlisting the men?

Mr. KILDAY. They will continue to enlist them as long as they are able to secure them that way, but should the time come when they cannot get them that way, they will be able to go to the draft boards the same as the other services.

I might say that while the bill was not formally referred to the committee, it has been fully considered on a roll-call vote. If permission is granted for its consideration, I propose to offer an amendment which was approved by the committee.

Mr. MARTIN of Massachusetts. It has a unanimous report by the committee?

Mr. KILDAY. Yes.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Selective Service Act of 1948, as amended, is amended as follows:

(1) The third sentence of section 4 (a) is amended by inserting before the period the phrase "and such number of persons as in his judgment may be required for the United States Coast Guard."

(2) The second paragraph of section 4 (a) is amended by inserting before the period the phrase, "or the Secretary of the Treasury."

(3) The third paragraph of section 4 (a) is amended by inserting after the phrase "Secretary of Defense" the phrase "or the Secretary of the Treasury."

(4) The fourth paragraph of section 4 (a) is amended by inserting after the phrase "United States Marine Corps" the phrase "or the United States Coast Guard."

(5) Section 4 (b) is amended by inserting before the period the phrase ", or the Secretary of the Treasury."

(6) Section 6 (b) (2) (A) and (B) are amended by striking out the phrases "or the Coast Guard," "(or the Coast Guard)," and "or in the Coast Guard" wherever they appear.

(7) Section 9 (g) (1) is amended by striking out the phrases "or the Coast Guard (other than in a reserve component)" and "or the Coast Guard."

(8) Section 9 (g) (2) is amended by striking out the phrase ", the Coast Guard,".

(9) Section 9 (h) is amended by striking out the phrase ", the Coast Guard,".

(10) Section 9 (j) is amended by striking out the word "or" after "Navy," and inserting after the phrase "Air Force" the phrase ", or Treasury".

(11) Section 14 is amended by striking out the phrase ", the Coast Guard,".

(12) Section 16 (c) is amended by striking out the word "and" and by inserting before the period the phrase ", and the Coast Guard."

(13) Section 16 (i) is amended by striking out the word "and" after the phrase "Naval Reserve," and the phrase ", the Coast Guard Reserve and" after the word "foregoing," and by inserting after the phrase "Marine Corps Reserve," the phrase "and the Coast Guard Reserve,".

(14) Section 20 is amended by striking out the word "and" after the phrase "Air Force," and by inserting after the phrase "Marine Corps," the phrase "and the Secretary of the Treasury, for the Coast Guard,".

SEC. 2. Section 1 of the act of July 27, 1950 (Public Law 624, 81st Cong.), is amended by striking out the word "and" following the phrase "Marine Corps Reserve," and by inserting after the phrase "Air Force of the United States" the phrase ", and in any component of the Coast Guard,".

Mr. KILDAY. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. KILDAY: Add a new section as follows:

"SEC. 3. (a) Subsection (c) of section 4 of the Selective Service Act of 1948, as amended, is amended by adding a new paragraph (4) at the end thereof to read as follows:

"'(4) Within the limits of the quota determined under section 5 (b) for the subdivision in which he resides, any person, between the ages of 18 and 26, shall be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in subsection (b), but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification.'

"(b) The sixth sentence of section 10 (b) (3) of the Selective Service Act of 1948, as amended, is hereby amended to read as follows:

"'Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdiction of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title, of all individuals within the jurisdiction of such local board.'"

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO APPOINT GEN. OMAR N. BRADLEY AS GENERAL OF THE ARMY

Mr. SHORT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4135) to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. SHORT. I will be very happy to do so. First, Mr. Speaker, I ask unanimous consent that our able and beloved chairman, the gentleman from Georgia [Mr. VINSON] may extend his remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VINSON. Mr. Speaker, the Armed Services Committee is unanimously reporting Senate bill 4135, and we earnestly recommend its immediate enactment.

On June 6, 1944, when our first GI's landed on the beaches of Normandy, leading them was a man whose stature and prestige, already on the rise, have never ceased to grow in the estimation and appreciation of his countrymen. Not quite 2 months later General Bradley's army smashed its way through the German lines and started the liberation of France. He was the instrument by which we redeemed our promise to the French people.

Shortly thereafter, having been promoted to command of the Twelfth Army Group, Bradley crushed through to the Siegfried line. The Germans' desperate final attack in the Battle of the Bulge was overwhelmed, and Omar Bradley, son of an itinerant Missourian schoolmaster, swept through the western German armies, driving his way to the Rhine, and beyond.

A few weeks later the war in Europe had been won. That our losses were lower than expected was due in large measure to the planning and leadership of Omar Bradley.

Who is this logical, cool planner? Who is this man to whom we entrusted the lives and destinies of millions of American troops in a crucial campaign? He is a man of whose modesty, simplicity, and humility we have had many proofs. He is a man whose devotion to his soldiers and to his fellow man is exceeded only by his devotion to the cause of his country.

Gen. Omar Bradley has well earned the respect of the American people.

Immediately after the close of the war he was nominated to be head of the Veterans' Administration, then a thankless job under which strong spirits had suffered heart-sickening disappointments. For two years he fulfilled the functions of the head of the Veterans' Administration at a period when it was looked to by every one of our 10,000,000 newly discharged veterans to help solve

their problems of readjustment to civilian life; its responsibilities had increased a thousandfold. The Veterans' Administration has been called the largest business in the world—and Bradley ran it during its toughest days. A new phase of the personality of this kind, humble friend of the soldier became revealed. The brilliant military planner now showed that he was a friendly, conscientious and careful administrator of the public trust.

Another man, who has been popularly recognized as having had a deep insight into the war and into the personalities of the men fighting it—I am speaking of Ernie Pyle—dubbed Omar Bradley the "GI general." Long before he had completed his tour as head of the Veterans' Administration, the GI's and the country as a whole recognized how right Ernie Pyle had been.

In February 1948 Bradley became Chief of Staff of the Army, the highest position then attainable for an Army officer. He applied to this exacting task the same qualities of judgment, leadership, and administrative ability which he had so selflessly given to the veterans. And in August 1949, when the new post of Chairman of the Joint Chiefs of Staff was created, there was but one choice to fill that position.

Mr. Speaker, we wish to do honor to a man whose contributions to his country have been equaled by few and exceeded by fewer still. Omar Bradley, the boy from Missouri, who was educated by his country at West Point, has returned to his country many times the value of what we have given him. He speaks to us with the voice of a soldier-statesman, a man to whom every one of the 150,0000,000 inhabitants of this country has learned to look with respect and admiration. He has never failed us when we have called upon him, and we know that so long as he lives he will never let us down.

It is for these reasons that I heartily endorse his bill, for it gives honor and reward to one of the greatest living Americans of this day, a man whose stature has grown to a unique position in this land, a man of whose personal integrity, straightforwardness of spirit, and deep understanding this country needs more now than at any other time in her history. Granting of the rank of General of the Army to Omar Bradley is a token of the esteem with which his countrymen and this Congress hold this great American.

Mr. SHORT. Mr. Speaker, the bill S. 4135 which passed the Senate yesterday and was unanimously reported by your Committee on Armed Services this noon, is a bill authorizing the President of the United States to make Gen. Omar Nelson Bradley a general of the Army. It adds one more star to the four that he now has.

The name of Omar N. Bradley is a household world in America and is widely known all over the world. I am not going to try to add to his laurels because words fade in the shadow of this man's deeds. It would be impossible to gild the lily, nor am I overawed by the military accomplishments of any of our military heroes; and I am not swept away by the adoration or adulation which we are prone to give men in times of crises, but anyone who has studied the life and read the record of accomplishments of this great Missourian, I think will agree that when history is written in the future with open eyes and without prejudice, the name of Omar Bradley will shine like Mars itself in the heavens in the pages of our military annals.

After his graduation in 1915 from West Point he saw combat service in World War I, and quickly rose to the temporary rank of major as a leader of the Fourteenth Infantry Regiment. When that war ended, because of his modesty and willingness to serve his country, he reverted to the temporary rank of captain. He served in various assignments, commensurate with his rank and ability until, as a lieutenant colonel in 1939, he became Assistant Secretary of the Chiefs of Staff.

In April 1941 General Marshall, then Chief of Staff, selected Omar N. Bradley to command the Infantry School at Fort Benning, Ga., when he was commissioned a brigadier general. As one member of the subcommittee of the old Committee on Military Affairs, we visited Fort Benning, Ga., in the spring of 1941, 8 months before Pearl Harbor. There we learned the outstanding qualities of Omar Bradley, who was highly respected by his superiors and loved by the enlisted man, down to the lowest GI.

In 1943 he was called to north Africa to command the Second Corps, and with the help of the British First and Eighth Armies, that Second Corps alone captured more than 40,000 prisoners.

The day after the collapse of the Afrika Korps, General Bradley was on his way to Algiers to plan the invasion of Sicily which quickly followed and which was most successful. Then in 1944 when it became necessary to invade Europe and crack the Nazi wall, General Eisenhower in his wisdom chose Omar Nelson Bradley who was then head of the First Army to land on the Normandy beaches to plow through St. Lo, and jump over the hedgerows of France to Paris, and quickly liberated that entire country. After the successful Battle of the Bulge, and after cracking the Siegfried line and reaching the Rhine, Omar Bradley turned over the command of the First Army to General Hodges, to assume over-all command of the Twelfth Army group. In that Twelfth Army group, there was the Ninth Army commanded by General Simpson, a great Texan, the First Army—Bradley's old command, commanded by General Hodges—the Third Army commanded by the one and only George Patton, under whom Bradley had served in north Africa. But General Patton was now serving under General Bradley in Europe. Bradley does not boast. He looks after his men. He is selfless and only wants to win for his country. God never made a better man.

Of course, the Sixth Army group was under a great general, Jacob L. Devers, at Heidelberg, and the Seventh Army under Patch, and the First French Army was distinctly under him. But in addition to the First, Third, and Ninth American Armies under Bradley there was quickly formed at the close of hostilities the Fifteenth Army, the French Army under General Giraud. So at one time General Omar N. Bradley had under his command more than 1,300,000 ground troops, the largest ground force under the command of any American general in all our history.

Six of us Members of the House chosen by the leadership at that time were joined by six Members of the Senate to visit the atrocity camps at Buchenwald, Nordhausen, and Dachau. We spent a night in conference with General Eisenhower who did not hesitate to say that in his honest judgment Omar Bradley perhaps was the greatest general of this last war, particularly from the standpoint of strategy and of tactics. That was a great and noble confession coming from General Eisenhower who was not only a soldier but a diplomat and who had to spend much of his time as an administrator. But it was Omar N. Bradley in the field, and we spent two nights with him at Weisbaden before the surrender of Germany, and there we learned again how highly he was respected by his own officers and how he was beloved, and what trust and confidence the buck private had in him.

I do not think there is anyone who would rather go out of his way to confer such high honor upon any man; and might I say that the Congress of the United States has always been a little slow, Mr. Speaker, in recognizing the genius and the services rendered by some of its commanders. After all, I think that is a very good and wholesome thing, because if we dished out these honors on a wholesale scale and in indiscriminate fashion they would soon become empty honors and would mean little or nothing.

Mr. MARTIN of Massachusetts. I will say that the gentleman has convinced me, Mr. Speaker, and I withdraw my reservation of objection.

Mr. SHORT. I thank the gentleman from Massachusetts. I am going to make it very short, then. I merely want to say this, sir, that the State of Missouri has made magnificent contributions in the field of literature and military tactics and statecraft of this Nation. Two of our most illustrious sons, Black Jack Pershing, commander in chief in the First World War, and our other great son, of whom all Missourians are proud—and I rather imagine that Omar N. Bradley is a Democrat, coming from north Missouri, but God knows I love him. He is a human being; he is capable of making some mistakes; anybody has got to sin once in a while, so I excuse him for being a Democrat. He talks and acts like a Republican. If he votes, he does not do much harm, for people in the Army are not given to mixing in politics. He is neither Republican nor Democrat. He is a great man, an American, I assure our distinguished minority leader. To know Omar Bradley is to love him. His sweet, attractive, charming wife is even better.

Missouri honors him because of his modesty, humility, his sterling patriotism, his incomparable spirit, his daring courage. There is no man in America who better deserves because of his own personal worth and merit, the high honor which the Committee on Military Affairs wishes him to have.

It should be noted, Mr. Speaker, that before our late and lamented friend, Congressman Walter G. Andrews, passed away we considered this question and all of us, when the Republicans were in power, agreed to it. "Ham" Andrews, with CARL VINSON and the rest of us understand and realize the service that Omar Bradley rendered. We did not vote that extra star at that time because he wanted to wait, reconsider, reflect, and think of what the action meant.

On October 5, 1949, the gentleman from Michigan, Congressman PAUL SHAFER, introduced a bill to give General Bradley the permanent grade of General of the Army. He, as do all of us, realizes the merit of this legislation, but we waited until we could pass it in a moment of cool, calm deliberation. That time has arrived and I am glad that all Members unite in giving one of America's greatest sons the honor that is justly due him.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, because of the many distinguished services which Gen. Omar N. Bradley, United States Army, has rendered to his country (but not because of the position he holds as Chairman of the Joint Chiefs of Staff), the President is authorized to appoint the said Gen. Omar N. Bradley, United States Army, to the permanent grade of General of the Army, with all the rights, privileges, benefits, pay, and allowance provided by law for officers appointed to such permanent grade pursuant to the act of March 23, 1946 (60 Stat. 59).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AIR ENGINEERING DEVELOPMENT CENTER

Mr. DURHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4118) to increase the appropriation authorization for the Air Engineering Develoment Center.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the reason for the increase?

Mr. DURHAM. Mr. Speaker, some 18 months ago this House passed the original military wind-tunnel bill. At that time the bill that came to us from the Air Force asked for $150,000,000 authorization. The Air Corps and the Research and Development Board of the NACA at that time had not fully made decisions on some of these types of equipment, especially the large wind-tunnel facilities. The two 8-foot tunnels and also the VMW facility has been placed there and is being erected today.

Since 1946 there has been a great deal of study given to the idea of building a 16-foot wind tunnel for testing ram jets and jet-propulsion engines, so today this large tunnel is needed to test these facilities. This will carry us up to a speed beyond anything that we have ever carried out in the way of fundamental research with regard to such facilities.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

Mr. RICH. Mr. Speaker, reserving the right to object, I wish to ask if this bill is for arming the North Atlantic Pact nations.

Mr. DURHAM. It will probably help in the long run and probably help to protect you and me, and America also.

Mr. RICH. Does this money go for the arming of these foreign nations?

Mr. DURHAM. No, no; all of this facility will be built down here in Tennessee for carrying out basic and fundamental research in airplane engines and test facilities of all types.

Mr. RICH. I want to say that, if this is for the arming of these Atlantic Pact nations, it is not going through by unanimous consent if I can prevent it.

Mr. EVINS. Mr. Speaker, will the gentleman yield?

Mr. DURHAM. I yield.

Mr. EVINS. This is an authorization bill, not an appropriation bill.

Mr. MARTIN of Massachusetts. How much money is involved?

Mr. DURHAM. There is no money at all involved.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of section 204 of title II of the act of October 27, 1949 (63 Stat. 937; 50 U. S. C. 524), relating to the appropriation authorization for the establishment and for initial construction, installation, and equipment of the Air Engineering Development Center in the sum of $100,000,000, is hereby amended by striking out "$100,000,000", and inserting in lieu thereof "$157,500,000."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEMBERSHIP AND PARTICIPATION BY THE UNITED STATES IN CERTAIN INTERNATIONAL ORGANIZATIONS

Mr. KEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H. J. Res. 334) to amend certain laws providing for membership and participation by the United States in certain international organizations, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Page 3, after line 17, insert:

"SEC. 2. All financial contributions by the United States to the normal operations of the international organizations covered by this act, which member states are obligated to support annually, shall be limited to the amounts provided in this act: *Provided*, That contributions for special projects not regularly budgeted by such international organizations shall not be subject to the above limitation.

"All financial contributions by the United States to international organizations in which the United States participates as a member shall be made by or with the consent of the Department of State regardless of the appropriation from which any such contribution is made. The Secretary of State shall report annually to the Congress on the extent and disposition of such contributions."

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand it, this is a restrictive amendment?

Mr. KEE. It is.

Mr. MARTIN of Massachusetts. Just what does it do?

Mr. KEE. The amendment by the Senate provides that all contributions made by any of the other Government organizations or institutions must be reported to the State Department and agreed upon by the State Department, then a report of that contribution is made to the Congress.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Minnesota.

Mr. JUDD. Is it not true this amendment makes it certain that it will not be possible for any Government agency to circumvent the ceiling which this legislation places on United States contributions to these organizations?

Mr. KEE. It makes the ceiling positive.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. JUDD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. JUDD. Mr. Speaker, I am happy that this legislation which I introduced last year is at last on the final lap toward becoming law. It raises the ceilings on United States contributions to five international organizations of which we are members, but does not raise the percentage of the total budgets of such organizations to be provided by the United States. That is, it permits the organizations to expand their activities as we and other nations increase our respective contributions proportionately.

Three of the five organizations—World Health Organization, Food and Agriculture Organization, and International Labor Organization—are specialized agencies of the United Nations. They have passed through their experimental stages and are performing exceedingly useful work. Increasing our contributions to them is a sound investment.

Mr. Speaker, the less the United Nations Security Council is able to function effectively, due to Russian obstructionism, the more important it is that we support fully every international organization that is functioning to build better working and living conditions, better health, better nutrition, better government, better understanding, cooperative

effort in mutually beneficial programs, and by all these means better relations and friendships. I am proud of this bill. It will help build peace.

FORT CAROLINE SETTLEMENT, ST. JOHNS BLUFF, FLA.

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7709) to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluff, Fla., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out all after "otherwise," down to and including "Caroline." in line 9 and insert "the following described lands (together with any improvements thereon), to commemorate the historic settlement of Fort Caroline:

"Lots 21 and 22 and Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, and 11A, of Saint Johns Bluff Estates, a subdivision of land described in plat book 18, page 50, of the current public records of Duval County, Fla. "All Z. Kingsley Grant, section 44, township 1 south, range 28 east, and Shipyard Island, also known as Island Numbered 12 (excepting therefrom that part of Z. Kingsley Grant, section 44, township 1 south, range 28 east, as described in deed recorded in deed book 4, page 3, of the current public records of Duval County, Fla.)."

Page 3, line 4, after "States" insert "; and if, following any such reversion, the Secretary of the Interior shall determine that such lands would not be suitable for a national historical park and recommend that the United States sell or otherwise dispose of such lands, the former owners (other than the State) from whom such lands shall have been acquired by the United States under the provisions of this act, or their heirs, shall have an option to repurchase the lands at the price received therefor under this act."

Page 3, line 16, strike out "$100,000" and insert: "$40,000."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the amendments?

Mr. PETERSON. Mr. Speaker, there are three amendments. The first one has the effect of striking certain language. We provided not to exceed 500 acres in the vicinity of St. Johns Bluff. They struck that out and actually spelled out certain lots and grants by description, which reduces the acreage considerably.

The second amendment provides that in the event any land is abandoned the person from whom the land was acquired would have priority in reacquisition.

The third amendment reduces the amount authorized in the House bill from $100,000 to $40,000.

Mr. MARTIN of Massachusetts. I understand this comes with unanimous approval of the committee?

Mr. PETERSON. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

JOSHUA TREE NATIONAL MONUMENT IN THE STATE OF CALIFORNIA

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7934) to reduce and revise the boundaries of the Joshua Tree National Monument in the State of California, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 5, strike out lines 1 to 5, inclusive, and insert:

"SEC. 2. All public-domain lands heretofore included within the Joshua Tree National Monument which are eliminated from the national monument by this act are hereby opened to location, entry, and patenting under the United States mining laws: *Provided*, That such public-domain lands or portions thereof shall be restored to application and entry under other applicable public-land laws, including the mineral leasing laws."

Page 5, after line 5, insert:

"SEC. 3. All leases, permits, and licenses issued or authorized by any department, establishment, or agency of the United States, with respect to the Federal lands excluded from the Joshua Tree National Monument by this act, which are in effect on the date of the approval of this act shall continue in effect, subject to compliance with the terms and conditions therein set forth, until terminated in accordance with the provisions thereof."

Page 5, after line 5, insert:

"SEC. 4. The Secretary of the Interior is authorized and directed, through the Bureau of Mines, the Geological Survey, and the National Park Service, to cause a survey to be made of the area within the revised boundaries of the Joshua Tree National Monument with a view to determining to what extent the said area is more valuable for minerals than for the national-monument purposes for which it was created. Report of said survey shall be filed with the President of the United States Senate and the Speaker of the House of Representatives on or before February 1, 1951."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain these amendments?

Mr. PETERSON. Mr. Speaker, in this particular bill there are three amendments.

The first amendment to section 2 is merely a rephrasing of the verbiage that was in the original bill.

The second amendment protects the leases and permits what may have been in existence where there has been a restoration to the public domain and which we felt was already covered in the House bill.

The third one authorizes and directs the Bureau of Mines and the Geological Survey to cause a survey to be made of the area to see if it will be more beneficial for mineral or park services. Normally we might have objected to that particular one, but we already had a conference and we know they have determined it is more preferable for the Park Service than for mineral services. This is agreeable to the author of the bill and has the unanimous support of the committee.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

THE OLD STONE HOUSE IN THE DISTRICT OF COLUMBIA

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7722) to provide for the acquisition and preservation, as a part of the National Capital Parks system, of the Old Stone House in the District of Columbia, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift or purchase, a historic building of great pre-Revolutionary architectural merit known as the Old Stone House, located at 3051 M Street NW., Washington, D. C., together with the site on which it stands, more particularly described as lot 859, square 1209, containing approximately 20,048 square feet. In the event the Secretary of the Interior is unable to acquire the property at a price deemed by him to be reasonable, he is authorized and directed to acquire such property by condemnation under the provisions of the act of March 1, 1929 (45 Stat. 1415).

"SEC. 2. The property acquired under the provision of section 1 of this act shall be renovated, stabilized, maintained, and preserved as one of the outstanding remaining examples in the city of Washington of eighteenth century architecture, by the Secretary of the Interior, as a part of the National Capital Parks system, subject to the provisions of the act of August 21, 1935 (49 Stat. 666). The Secretary is authorized to establish a museum on the premises for relics and records pertaining to the early history of Georgetown and the city of Washing and he may accept, on behalf of the United States, for installation such museum articles which may be offered as additions to the museum.

"SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are repealed to the extent of such inconsistency.

"SEC. 4. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this act."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand this is the Old Stone House in the District of Columbia?

Mr. PETERSON. This is the Old Stone House. The Senate amendment is agreeable to the committee and will provide specifically that the price shall be reasonable to acquire the property or there will be condemnation in the event that the property cannot be acquired by purchase at a reasonable price.

Mr. MARTIN of Massachusetts. If we cannot get it at a reasonable price, we can condemn?

Mr. PETERSON. Yes.

Mr. BLATNIK. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Minnesota.

Mr. BLATNIK. There was a limit of $90,000 originally. The Senate amendment removes all limitation on the price, is that correct?

Mr. PETERSON. Yes.

Mr. BLATNIK. And they have put in the term "reasonable price"?

Mr. PETERSON. Yes.

Mr. RICH. Mr. Speaker, reserving the right to object, how far can they go, then, in purchasing this property, and what might be the limit?

Mr. PETERSON. It is to be a reasonable price. The reports which come in show pretty clearly the values in that particular vicinity. If it cannot be acquired at a reasonable price, then the court fixes a price.

Mr. RICH. Might there be such a thing as there would be no limit at all, say a million dollars or two million dollars?

Mr. PETERSON. No.

Mr. RICH. How does the gentleman know but what the fellows who own that property now are going to ask that amount?

Mr. PETERSON. That would be patently unreasonable and the testimony before the committee shows that.

Mr. RICH. Mr. Speaker, I object.

Mr. PETERSON. I hope the gentleman will not object, because I have gone into this very thoroughly.

Mr. RICH. Mr. Speaker, I object.

RED LAKE BAND OF CHIPPEWA INDIANS

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PETERSON, MORRIS, and D'EWART.

AMENDMENT OF COLUMBIA BASIN PROJECT ACT

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1920) to amend the Columbia Basin Project Act with reference to State lands, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 2, after "effective", insert ", except that the purchaser of such State lands, his heirs and devisees, if otherwise qualified to execute a recordable contract, shall not be disqualified to execute such contract by reason of the amount of the purchase price paid or to be paid to the State for such lands;".

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, as I understand this merely extends the time in which the contracts can be made? It calls for no money appropriation?

Mr. MURDOCK. It calls for no money appropriation. That is correct. The time for making the recordable contracts is simply extended. Provision is made for the sale of State land to make it square with the State constitution in the State of Washington.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Iowa.

Mr. JENSEN. This bill changes no basic law in any way, shape, or form?

Mr. MURDOCK. No material change is made.

Mr. JENSEN. There is no change in the Columbia Basin Project Act?

Mr. MURDOCK. There is no change. I might say I have cleared this with the leadership on both sides. It was a unanimous report of the committee in the House, and I am sure the Senate amendment is acceptable.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

VERMEJO RECLAMATION PROJECT, NEW MEXICO

Mr. MILES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3517) to authorize the construction, operation, and maintenance of the Vermejo reclamation project, New Mexico.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain how much this bill will cost?

Mr. MILES. Two million six hundred and seventy-nine thousand dollars.

Mr. MARTIN of Massachusetts. How much will it cost the Government?

Mr. MILES. Two million ten thousand and eighty dollars is reimbursable. All but $669,000 is reimbursable.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

Mr. TABER. Reserving the right to object, Mr. Speaker, does that mean that it is reimbursable, or reimbursable over 40 years without interest?

Mr. D'EWART. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Montana.

Mr. D'EWART. The usual provisions under section 9 of the Reclamation Act of 1939 apply to this act. That makes it reimbursable in 40 years plus the 10 years construction period.

Mr. TABER. That means 50 years, then. It means about 25 percent of it is paid into the reclamation fund and, when you come to consider the interest losses, it is not paid into the general funds of the Treasury at all.

Mr. D'EWART. I think that is true of all moneys appropriated for reclamation projects. It is not any more applicable to this than to the others. In the small irrigation projects the money is largely reimbursable to the Treasury. It is a sound project. The benefits ratio is very high.

Mr. TABER. How many acres are in the project?

Mr. MILES. Seven thousand two hundred.

Mr. TABER. That is it will cost about $300 an acre to reclaim the land. That is probably more than it would cost to buy land that would produce the same products outside. That represents a rather uneconomic approach to our problems.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Iowa.

Mr. JENSEN. May I say that I know something about this project? As irrigation projects go, this is a good project. It is greatly needed in that area. From the standpoint of the cost per acre, it is less than most projects we authorize today and have been authorizing for the last 8 or 10 years. Whether or not the Congress is justified in authorizing all these projects is for the Congress to decide. However, in respect to this project and in respect to New Mexico, I do not hesitate in saying that if there is a State in this Nation that has not received its just share of Government help for such projects as this, certainly it is the State of New Mexico. It has got peanuts compared to the other States.

Mr. HOFFMAN of Michigan. Reserving the right to object, Mr. Speaker, what is this land to be used for when refarming.

Mr. MILES. Farming.

Mr. HOFFMAN of Michigan. What kind of farming?

Mr. MILES. Grain, alfalfa, stock farming.

Mr. HOFFMAN of Michigan. Potatoes?

Mr. MILES. No, no potatoes. There might be some beans.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of irrigating approximately 7,200 acres of semiarid lands in Colfax County, N. Mex., controlling floods, and providing for the preservation and propagation of fish and wildlife, as authorized by the act of August 14, 1946 (60 Stat. 1080), the Secretary of the Interior, through the Bureau of Reclamation, is authorized to construct, operate, and maintain the Vermejo reclamation project, and, in so doing, to acquire lands and interests in lands, to rehabilitate, repair, and replace, to the extent necessary, existing works of the Maxwell Irrigation Co., and to acquire, upon terms and conditions satisfactory to him, such assets of said company or any successor in interest as may be required or proper for carrying out the purposes of the project or for protecting the investment of the United States therein.

SEC. 2. The Vermejo reclamation project shall, except as is otherwise provided, be governed by the Federal reclamation laws

(act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto): *Provided*, That of the cost of constructing the project, $2,010,080, or so much of said amount as is approved for allocation to irrigation, shall be repaid under a contract or contracts satisfactory to the Secretary, at the maximum rate which, in his judgment, is consistent with the repayment ability of the contracting organization and over such period of years as, in his judgment, is consistent with the maximum repayment ability of the contracting organization.

SEC. 3. Construction of the Vermejo reclamation project shall not be commenced until the President shall have approved a project report and there shall have been established, pursuant to the laws of the State of New Mexico, an organization with powers satisfactory to the Secretary, including the power to tax property, both real and personal, within its boundaries (which boundaries shall include the lands to be benefited by the project works) and the power to enter into a contract or contracts with the United States for payment or return, as the case may be, of the reimbursable costs of the project and such contract or contracts shall have been duly executed.

SEC. 4. The Secretary is authorized to enter into arrangements with appropriate Federal, State, or local agencies for the construction, operation, maintenance, administration, and management of the fish and wildlife facilities to be provided under the Vermejo reclamation project.

SEC. 5. There are hereby authorized to be appropriated such sums as may be required to carry out the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 8309) was laid on the table.

SELECT COMMITTEE ON LOBBYING ACTIVITIES

Mr. HARRISON. Mr. Speaker, I offer a privileged resolution (H. Res. 828) and ask for its immediate consideration.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. HARRISON. Mr. Speaker, I will withdraw the resolution, if the gentleman from Michigan will withdraw his point of order.

Mr. HOFFMAN of Michigan. Mr. Speaker, I withdraw the point of order.

Mr. HARRISON. Mr. Speaker, I withdraw the resolution.

REGENTS OF SMITHSONIAN INSTITUTION

Mr. HARRISON. Mr. Speaker, I offer a privileged resolution (H. J. Res. 536) and ask for its immediate consideration.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the vacancies in the Board of Regents of the Smithsonian Institution, of the class other than Members of the Congress, which will occur by the expiration of the terms of Harvey N. Davis, of New Jersey, and Arthur H. Compton, of Illinois, on September 26, 1950, respectively, be filled by the reappointment of the present incumbents for the statutory term of 6 years.

Mr. HARRISON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AVAILABILITY OF SCHOOLS TO BOTH INDIAN AND NON-INDIAN CHILDREN AT BOWLER, WIS.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7332) to authorize an appropriation for cooperation with Joint District No. 5, towns of Almon, Barthelme, Morris, and Seneca, and the village of Bowler, Shawano County, Wis., for the construction, extension, improvement, and equipment of public-school buildings at Bowler, Wis., to be available to both Indian and non-Indian children.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $125,000 for the purpose of cooperating with Joint District No. 5, Shawano County, Wis., for the construction, extension, improvement, and equipment of public-school facilities at Bowler, Wis.: *Provided*, That the expenditure of any money so authorized shall be subject to the express conditions that the schools maintained by the said district in the said building shall be available to all Indian children of the district on the same terms, except as to payment of tuition, as other children of said school district: *Provided further*, That plans and specifications for construction, extension, or improvement of structures shall be furnished by local or State authorities without cost to the United States, and upon approval by the Commissioner of Indian Affairs, actual work shall proceed under the direction of such local or State officials. Payment for work in place shall be made monthly on vouchers properly certified by local officials of the Indian Service: *And provided further*, That any amount expended hereunder shall be recouped by the United States within a period of 30 years, commencing with the date of occupancy of the buildings, through reducing the annual Federal payments toward the education of Indian pupils enrolled in public or high schools of the district involved or by the acceptance of Indian pupils in said schools without cost to the United States, and in computing the amount of reeoupment, interest at 3 percent per annum shall be included on any unrecouped balances.

With the following committee amendments:

Page 2, line 10, after "the" strike out the remainder of the line down to the word "Affairs" on line 11, and insert "Federal Government, subject to the approval of the Secretary of the Interior, or his duly authorized representative."

Page 2, line 16, after "certified by", strike out the remainder of the bill, and insert "the Secretary of the Interior, or his duly authorized representative: *And provided further*, That the enactment of this act does not in any manner obligate the Federal Government to maintain, repair, or operate any facilities constructed or purchased pursuant to the provisions of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. In view of the passage of the Senate bill, S. 4118, the House bill, H. R. 9612, will be laid on the table.

SACRAMENTO VALLEY IRRIGATION CANALS

Mr. ENGLE of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 163) to authorize Sacramento Valley irrigation canals, Central Valley project, California, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 4, after line 7, insert:

"SEC. 5. There are hereby authorized to be appropriated such funds as may be necessary to construct the works authorized in section 2 of this act: *Provided*, That no expenditure of funds shall be made for construction of this project until the Secretary of the Interior, with the approval of the President, has submitted to the Congress, with respect to such works, a completed report and finding of feasibility under the provisions of the Federal reclamation laws."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, no additional money is required by this amendment?

Mr. ENGLE of California. That is correct. It is a restricting amendment.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SPECIAL ORDER GRANTED

Mr. FOGARTY (at the request of Mr. PHILBIN) was given permission to address the House for 1 hour tomorrow, following the legislative program and any special orders heretofore entered.

PRICES AND SCARCITIES

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I am very much disturbed about the expected adjournment of Congress in the near future. I recognize that we have had a long, trying session, and that we are all desirous of getting back to our districts to wage our campaigns.

But the affairs of the Nation and the world are in a very unsettled state. None of us can tell from one day to the next what is likely to happen. Unless some most unexpected development occurs, the conflict in Korea will take considerable time. No one can foretell now whether it can be contained as we all hope and pray, whether it will spread to other places, or whether it will develop into a major conflict. Actually, we are fighting

two wars—one against external enemies, the other against inflation.

Notwithstanding Korea, the Nation is committed to a gigantic preparedness program which will require the effective harnessing of the whole economy. It will require much sacrifice on the part of all of us. It will involve the spending of billions of dollars. It will entail the transfer of many industries from a regular peacetime basis to be geared for defense production. This is bound to have deep-seated effects upon prices, wages, rents, the availability of certain critical materials, and, indeed, upon our whole economic structure.

To be sure, we have given the President the power to apply controls where necessary and have every reason to believe that he will exercise those powers wisely and well.

However, there are definite signs of inflation. Prices of necessaries and other commodities are rising, labor shortages are beginning to appear, scarcities of critical materials and black-market operations in those materials are becoming evident in some places. Moreover, there is urgent need to enact a tax bill to fight against inflation.

We all hope that the voluntary measures now being applied will work. But the Congress has a direct obligation to the people to see to it that they are not victimized by chiselers and racketeers who think less of the country than they think of their own pocketbooks.

I am sure that the leadership of the House will have this situation in mind when we are arranging for recess or adjournment so that, if necessary, the Congress can be called back at any time to render every possible assistance to the Executive in implementing our policies against inflation and setting up our defenses against every threat to the security of the Nation.

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. JAVITS] is recognized for 30 minutes.

EIGHTY-FIRST CONGRESS, SECOND SESSION—FINAL REPORT

Mr. JAVITS. Mr. Speaker, since my last report to the people of my district a great change has come about in the affairs of our country and in the hopes for peace in the world, due to the outbreak of armed aggression in Korea. The drive of the Soviet Union, using the international Communist movement as a spearhead, for the acquisition of power through the domination and control of states and peoples both in Europe and Asia which had been going on since the close of World War II in 1945 and which we call the cold war, finally culminated on June 25, 1950, in a shooting invasion by the North Koreans, puppets of the Soviet Union, of South Korea, a republic organized under the protection of the United Nations.

AGGRESSION IN KOREA

The American people being immediately faced with a momentous decision whether to stop Communist aggression or to consider South Korea as expendable, took, through the President, the fateful decision of determining to stop it in Korea with the use of armed force. We were immediately fortified in our decision by the declaration of the United Nations Security Council condemning this aggression, invoking military sanctions and inviting all UN members to join with their forces in defeating the aggressor. This was the first time an international organization had dared to take such steps, and it dared to take them only because it had the pledge of all-out support by the United States.

This decision was, I believe, the right one by the President, and I have consistently supported it since. It represented a decisive action by the United Nations and the United States to stop exactly that kind of aggression which brought on World War II and which was started by Japan in Manchuria in 1931 and Hitler in the Rhineland in 1934. It was for this reason that I had consistently advocated and fought for aid to Korea, including such support for the first Korean-aid bill in January 1950, when the House of Representatives defeated it by one vote. It was also for this reason that I have worked for a decisive Far East policy to sustain the morale of the free peoples of Asia and not to give the Communists of China, or elsewhere, free rein among the vast populations there because of the Administration's bankrupt policy. The State Department has been properly criticized for its failures in the Far East and must answer for what has been done and failed to be done there.

The American people have been deeply shocked by our apparent unpreparedness to undertake military operations in Korea, though the United States has spent $49,000,000,000 for the Armed Forces since World War II ended in 1945. It is a fact that the cost of maintaining these forces—pay, food and housing, operation of ships, planes, and vehicles, medical service, and so forth—is so great that only 24 percent, or $8,500,000,000, of this $49,000,000,000 was spent for armament and equipment. Nevertheless, it is also a fact that there were grave deficiencies in our military preparations as revealed by Korea. The Executive department must bear the major responsibility for this lack. Congress supplied in substance the money requested; Congress even went further and on two separate occasions—which I supported—insisted on a 70-group Air Force as against our existing 36 to 48 groups and appropriated the money for it, but the President impounded over $735,000,000 of these funds and would not spend it. Our policy of building up the Armed Forces Reserve was permitted to fall into disuse and other means for building up military manpower were not employed. I have opposed appropriation cuts related to defense preparations since the beginning of this Eighty-first Congress. New aircraft and new weapons existed only on the drawing board and not in being, though many in the Congress were ready and willing to support such improvements.

Much criticism, and properly, has been directed at Secretary of Defense Johnson for these failures and for certain short-sighted economies which brought them on. The Congress could neither remove him nor hold a trial on his efficiency—the administration must bear the responsibility for him, for his acts and his failures. He is now about to be succeeded by General Marshall, one of our most highly respected soldiers. We certainly have a right to feel that he will do an effective job in this post, although his designation does raise many troublesome problems involving the continued civilian control of the military which has been a basic principle in American government for many years. The lack of preparation for our military responsibilities cannot be condoned and the responsibility must be shouldered by those who should bear it, but it should not be permitted to divert us from the tasks ahead.

INFLATION

The Korean operation has brought to a focal point a serious inflationary situation which has been gaining momentum since the early months of 1950. It is significant that according to the general index of basic commodities compiled by the Bureau of Labor Statistics prices have risen from an index number of 264 on June 23, 1950, to an index number of 321.3 by September 1, 1950—1936 to 1939 equals 100. This jump of 57.3 points compares with a rise of only 16.4 points between the beginning of February 1950 and June 23. Hoarding also started as soon as the fears over the Korean operation spread around the country. Faced with a vastly increased defense program the Government also became concerned about the diversion of steel, copper, and other metals for large-scale civilian use. This danger was widely recognized and felt by me and among the people of my district. It was reflected in my advocacy and support of the grant of comprehensive powers to the Executive department, with a residual control in the Congress, which we had learned to be required in World War II, over scarce materials, prices, hoarding, wages and profits, and mobilization management.

Accordingly in the consideration of the Defense Production Act of 1950 to deal with all these controls I supported standby control powers in the President over prices and wages, ration, real estate, and other credit and commodity speculation. I voted to include in this standby power control over all real-estate credit, but this was restricted by the bill only to new construction. I voted to retain in this standby power control over credit as a necessary element in preventing inflation and this was retained in the bill. I voted to retain control over commodity speculation which I considered essential to the stabilization of food prices, but this was stricken from the bill. I voted for and supported the effort to get the principle of an excess-profits tax written into this law as I felt that more revenue would be needed and that the large business profits resulting from military activity should bear a burden of a character equal to what they did during World War II. I sought to bring about a rollback on food prices to the level of April 15, 1950, instead of the level of the date of the outbreak of the Korean operation as provided in the bill because food prices had gone up very materially from April to June, but I was not successful in this endeavor. Finally, I was successful in causing to be included in the bill provision for new agencies like the War Production Board of World War II, to handle mobilization rather than that this

activity should be entrusted to existing Government departments. In this I was following out the proposals made by Bernard L. Baruch.

WHAT IS IMPENDING

Every citizen is interested in what we have to look forward to under the present conditions. It is my belief that the issue of peace or war is not yet determined in the minds of the handful of men who rule the Soviet Union through the Politburo in the Kremlin, but will be determined for them by what happens in the next few years. If the vast production of the United States is harnessed to the equally vast responsibilities which we must carry during that time—and this involves an extraordinary effort particularly on the part of the working men and women in our mines, factories, offices, and communication and transportation systems, and of management—then I believe that the men in the Kremlin will not attempt all-out war. Should we fail in this effort they may very well attempt it. These next few years, therefore, will necessarily be a period of mobilization whether for peace or war we cannot tell, but it will depend upon our effectiveness.

Our Armed Forces must be materially increased on the land, on the sea, and in the air. This will probably require a doubling of size of the pre-Korean operation forces to upward of 3,000,000 men and women. Our defense budgets for the Armed Forces alone are likely to run in the area of $25,000,000,000 to $30,000,000,000 per year. For this fiscal year we will already be spending, exclusive of arms for our European and other allies, over $25,000,000,000. We must at the same time undertake a great program of economic development and reconstruction among the world's free peoples, for the weakness of what we have been endeavoring to do to date has been our failure to recognize that as opposed to Communist promises, particularly in Asia of land reform and of more even distribution of income in return for a surrender of the people to slavery, we must actually deliver goods and well-being and a just economic order with freedom. This effort must also include continued assistance to western Europe—which still remains our strongest ally—to follow the Marshall plan which ends in 1952. I estimate that our total bill for foreign aid may add up to as much as $5,000,000,000 to $10,000,000,000 per year.

In our endeavor to find strong allies, however, we must not lose more than we gain. It was for this reason that I opposed the loan to Spain. The way in which it was made was the wrong way. It went over the heads of the President and the State Department and could only mean that we would get nothing in return from Spain while we invoked the suspicion of all our allies in western Europe and discouraged in their people the will to resist because we were dealing with a regime in Spain which to all Europe represents the only remaining ally of Hitler and Mussolini. We must not for a moment let them believe that if the Russians move we will abandon them and put our defense line behind the Pyrenees. There are reasons why Spain is a disadvantageous ally, the condition of its economy, its army, and its transportation system is deplorable, but the decision should not be ours. There is a right way to deal with Spain and that is by the western European nations themselves organized in the Organization of European Economic Cooperation, once they are satisfied that Spain should be received back into the community of nations.

With annual budgets in the magnitude of fifty to sixty billion dollars the progressive development of economic controls may well prove necessary to avoid a disastrous inflation. I believe, however, it can be avoided because, though $60,000,000,000 is a lot of money our economy is producing at the current rate of $275,000,000,000 a year. Provided that our people exercise an intelligent self-discipline which is already being manifested in the cessation of hoarding, panic buying and bidding for scarce commodities, all-out controls may be avoided. I am, however, not in favor of letting high prices and inflation sweep away standards of living for middle-income families or the savings and incomes of Government employees, pensioners, retired people, and beneficiaries of the social security people, but will urge the prompt and effective imposition of the necessary controls to prevent this from taking place.

In addition to these actions, we must have a stepped-up campaign to reflect to the peoples of the world the truth about our actions and our motives. I have been working here to get this done by radio, television, through the printed word, and by worker, student, teacher, and other interchanges.

Finally, it is essential to realize that in this day of the atomic and the H-bomb we must be prepared internally against Pearl Harbors right on the mainland of the United States. Accordingly, I am working on civilian-defense legislation so that an adequately trained civilian defense force and the necessary facilities—underground shelters, radar warnings, emergency evacuation centers, and fire, disaster, and hospital equipment and crews—may be available to us as soon as possible to the full limit of our capabilities.

THE PROSPECTS FOR PEACE

With these precautions taken, I believe that we have a good chance to avoid another world war and to put the whole world on a new plateau of peace and prosperity. The United Nations, due to the all-out support which we have given it in Korea, has an excellent chance to develop into a world federation with powers and forces adequate to preserve the peace of the world. The Soviet Union may sponsor aggression in other areas, in the Near East, in Iran, against Greece, against western Germany, or in Asia, against Indochina, Malaya, Burma, or India, or even in the Philippines. We must deal with these occurrences as they arise depending upon the forces which we have available, but bearing always in mind that we must keep the main body of our forces intact against the ever-present possibility of all-out war. The great increase in our own mobilized forces and the increase in the power of our allies should make this problem more manageable. Time, in this respect, is definitely on our side. Substantial United Nations striking forces, strategically placed by regions, should be able to cope with these menaces of local Communist aggressions.

The issue has necessarily been raised of participation by other United Nations forces in this struggle against communism—today in Korea, tomorrow perhaps elsewhere. Many nations are already contributing fighting forces, notably Great Britain, Australia, and Canada, Turkey and the Philippines. But these forces are not nearly great enough and we must constantly work to see them increased and to see a more equal sharing of the responsibility for maintaining the peace.

I believe that in this respect we have two great hopes; one upon which we are working actively and which I have continuously supported—the reestablishment of the forces of western Europe through the mutual defense assistance program and the Atlantic Pact. We have already spent almost $3,000,000,000 on this program and are currently appropriating another $4,000,000,000 for the same purpose. The other is the development of a Pacific Pact which will bind together the powers of all the free peoples of the Pacific—India, Pakistan, Burma, Siam, Malaya, Indochina, Indonesia, the Philippines, Australia and New Zealand—for their mutual defense with our help. These independent Pacific powers can then determine for themselves two points. First, where to fit in Japan; second, what to do with Communist China. It is in this area of policy in the Far East in which the administration has been the weakest. I shall endeavor in every way possible to bring about a decisive and effective Far East policy along the twin lines of economic development and collective military security under the guaranty of a Pacific Pact.

We have heard much talk recently of a preventive war against the U. S. S. R. This talk may grow even louder as the economic impact on all of us increases in controls and taxes due to the big mobilization program and as impatience with new Soviet aggressions—short of large-scale war—and new Soviet sabotage of international order continue. I am unalterably opposed to such a preventive war. It could well mean the destruction of civilization or at the least twenty million or more casualties. It would create a postwar problem assuming we won—as I am sure we would—of refugees, and so forth, which would keep us in poverty for decades, and it is morally indefensible. In addition, such talk scares our European allies so badly—as they see a new inevitable occupation by the Russians—as to seriously impair their will to resist or to prepare against a new Communist drive.

I believe we must have infinite patience while we and our allies arm adequately and repel localized aggressions, engage in a vast program to implement the United Nations as an effective way to impose military sanctions and engage in a vast program for the economic rehabilitation of the free peoples. In this way we should at least be able to pry

loose enough of the satellites of the U. S. S. R. to end her powerful threat to peace and freedom. It may take 10, even 20, years, but this is still infinitely better than world war III in our time.

GERMANY AND JAPAN

A new agitation has arisen to rearm Germany as a means for countering a Soviet aggression like that in Korea through its eastern German regime with its 250,000 or more state police as the basis for an aggressor army. This is a real danger but it must not be used as an excuse for creating an even greater danger. Based upon my careful investigation of the situation in western Germany as a member of a subcommittee of the Foreign Affairs Committee in November of 1949, I have opposed the remilitarization of western Germany—but that does not mean that it need be undefended. In the first instance the forces of Great Britain, France, and the United States there must be strengthened as is now planned, as they are the only guaranty of the west German border for some time to come. I have supported measures to enable France and Great Britain to cooperate with us in this way.

Secondly, we should serve notice on the Russians that any move in Germany will be considered a move against the United States, France, and Britain, and not just a struggle between east Germans and west Germans. Finally, we must work very hard for a European federation in which western Germany and west German military manpower can be incorporated. This policy is the middle ground between encouraging a new remilitarized Germany which could again be an aggressive menace to the world and if it made a new pact with the Soviet Union repeating what happened in 1939, might even overwhelm the world—and a Germany which is an invitation to a new Russian aggression, Korean style.

Efforts are being made to develop a peace treaty with Japan. The prospect of a Japan contributing fully to the economic and social development of the Far East is an attractive one. But great care must be taken that the basis for a new militarism or imperialism is not laid in this way. I believe this can best be avoided by making the free peoples of the Pacific the main arbiters of the destiny of Japan, coupling their views with our own security considerations in developing final terms for Japan's future.

DISPLACED PERSONS

No report on foreign affairs is complete without a heartfelt occurrence in which the people of my district will be interested. It relates to 106 refugees from the Hitler terror who escaped to Shanghai, were caught there by the seizure of China by the Comunists and were finally evacuated by the International Refugee Organization. On their passage to the United States I made every effort to keep in the United States those who were eligible for admission and introduced legislation for this purpose. Though this proved impossible under the law we did succeed in making arrangements by which these refugees would be admitted to the American zone in Germany for processing only and for prompt return to the United States of those who were eligible. Similar arrangements are also being made for some 600 DP's, many parents and relatives of former DP's now resident in the United States, still marooned in Shanghai who are also being evacuated by the IRO. The DP program under the new law passed this year to admit 344,000 is also working out better. Especially gratifying are the provisions for admitting orphans and children.

ISRAEL

Though the Korean crisis has diverted our attention from many other problems, the situation of Israel still remains of great importance. Since my last report on the Near East arms race a three-power declaration was issued on May 25, 1950, proposing to end this arms race and to provide that arms shipped into this area should not be used for aggression. It is my firm conviction that the protest against British arms shipments to the Near East, which I issued upon my return from Israel in December 1949, and the current of protest in the Congress, from the great labor federations—A. F. of L. and CIO—and from citizens' organizations of all kinds which this set in train were the major impelling reasons for the three-power pact.

Israel's problem of resettling vast numbers of harassed Jews from the Near East and from countries within the Soviet orbit is estimated to require provision for the settlement of some 600,000 to 800,000 in the next 3 to 4 years. This will require a vast outpouring of resources and of aid in this work of succor and of justice. It is my expectation that the resources will be forthcoming, and in the same spirit in which Israel's progress has so far been aided so materially in and by the United States.

IRELAND

Great interest has been focused upon the effort to end Irish partition by the hearing before the House Foreign Affairs Committee for which I arranged, and which was held on April 28, 1950, and by the subsequent consideration by the Committee of the Fogarty Resolution expressing the sense of the Congress that all Ireland should be unified. This is a continuing effort until success is achieved, in which thousands of citizens directly and through their organizations are participating. The legitimate aspirations of the Irish people for unification are an essential phase in the whole world struggle for stability and peace.

FOOD PRICES

More attention than ever has been fixed on the run-away price of food. Increase in this item of the normal family budget is almost three times prewar costs. Food represents as much as 40 percent of the budget of the moderate-income family and together with rent it is the biggest part of that budget. I have continued my fight on the inflexible 90 percent of parity farm price program of the Federal Government. Since my last report I voted against a number of bills relating to peanuts, cotton, potatoes, and other farm commodities which imposed additional liabilities on the Federal Government for farm price supports. The cost of this program is running between one billion and two billion dollars a year. The Government has invested almost $5,000,000,000 in surplus commodities on hand.

Recently the Congress enacted a measure to give away vast surpluses of cheese, dried milk, and dried eggs to prevent their spoilage; and not only to give them away but to pay the cost of transportation in order to get them out of Government stocks. At a time when all nondefense expenditures must be scrutinized this is intolerable waste. I shall continue my fight on this program.

City dwellers have a direct interest to see that agriculture should be prosperous and Government must help. We must never forget that the depression of 1932 was materially induced by collapsing farm prices. But the situation of domestic and world demand is very different today, and though the Government should help, the interests of city dwellers and farmers should be balanced and there should not be any preferred class.

In a further effort to keep control of the situation, I introduced a resolution calling for a special investigating committee to check on food price increases while the Congress is in recess this fall. This resolution has important support in the Congress. We must not forget in this whole question, about the already heavy charges of processors and middle men which are figured in percentages and go up with the increased costs of farm products at the farm in this way adding even more to high food costs.

RENT CONTROL

Just before the change was made from Federal to State rent control on May 1 the Federal Housing Expediter issued orders retroactively increasing the rents of 4,000 tenants in New York City by over $1,000,000 a year. Such increases were directly contrary to the provisions of the State law which provided that rents should be controlled at the March 1, 1950, or March 1, 1949, level, whichever was lower. I immediately protested these eleventh-hour rent increases and subsequently I introduced legislation to bring about their revocation. Large liabilities have been imposed on many tenants due to a decision of the Court of Appeals of New York holding these increases to be collectible for the period up to May 1, 1950, despite the State law. I shall continue to fight against these increases.

Since my last report the Congress has renewed the Federal rent-control law for a period ending December 31 of this year but subject to a 6-month extension up to June 30, 1951, for any municipality which so elects. I vigorously supported this extension, not because we need it in New York because our State law now in effect is a better rent-control statute than the Federal law, but because it is in the best interest of the whole country in fighting inflation. This means much to the people of our city who do the biggest business of any city with the other people of the United States. In view of the emergency brought on by the Korean crisis I have supported and will continue to support the reimposition of more stringent Federal rent control than is now in the Federal law.

The facilities of my congressional rent clinics have been expanded, additional staff has been added, and operations are being continued throughout the district under the chairmanship of Hyman Sobell, Esq. These clinics are now engaged in helping tenants who have problems under the New York State rent-control law. This is an essential and continuing service to the people of our district.

CIVIL RIGHTS

The principal emphasis since my last report has been placed in the Congress on measures to expose and eliminate subversives and other disloyal elements. I have been faithful to the principle that there should be punishment for any acts or conspiracies of subversion no matter how subtle or indirect, and inexorable and public exposure of Communists and other such elements, but that punishment should not be administered just for thoughts. I consider this principle to be essential to the maintenance of our constitutional freedoms and of the most critical importance for the protection of all minorities whether of faith, color, or race. In this interest, I supported the measure giving Government officials the absolute right to fire security risks. I voted to punish for contempt those who refused to answer to congressional committees whether or not they were Communists and also to punish for contempt extreme rightists who refused to tell the House Lobbying Committee about the sources of their support.

But in pursuance of the same interest, I felt it necessary in the interests of our people to oppose a bill which would have given the Attorney General alone the power to incarcerate any person subject to a deportation order for as much as his natural life without recourse to a writ of habeas corpus or any other way of getting out. I also opposed a bill brought in by the Un-American Activities Committee which ostensibly was for the purpose of registering Communists and fellow travelers but really would have resulted in giving a new Government bureau the power to prevent members of organizations advocating trade-unionism or antidiscrimination policies or organized to protest some other injustice from getting jobs or employment. The bill I opposed would drive the Communist Party underground as it is clear that they will not reveal the names of their members under this bill any more than they already have under the questioning of courts and congressional committees; and as to the undesirability of driving them underground I take my stand with Governor Dewey and J. Edgar Hoover who have been opposed to outlawing the Communist Party and who have considered it more dangerous to do that than the present situation.

The same bill also contained a precedent most dangerous to all minorities by imposing grave disabilities on people solely because of their ideas rather than their acts. There is grave doubt as to the constitutionality of any such law. Also, I considered it very dangerous to the communicants of any church which was international, and to any international fraternal order, business, or trade-union organization. If such legislation is to stand unchallenged then a majority in the Congress can interdict the communicants of any faith or any such organization as I have described just by writing into a bill that it represents in their opinion a danger to the country.

Our laws against subversion and espionage are already strong, but I am fully in favor of strengthening them even further. Our laws against those advocating or seeking to overthrow the Government by force are already effective as shown by the conviction of the 11 Communists in New York. I favor also, as proposed in the Senate, incarceration of Communist operatives in the event of war or national emergencies under customary judicial procedures.

As my district contains a composite of minorities, these considerations must be of primary importance with me as its Representative.

I continued my fight against segregation in the Armed Forces recently by frequent protests and by offering the same amendment to the renewal of the draft law which I had offered to the original draft law. I feel that real progress is being made in ending segregation in the Navy and Air Force, but we still have a struggle to consummate the beginning made to eliminate segregation in the Army. The valor of the Negro regiment in Korea—Twenty-fourth—demands no less a measure of justice than an end to all Negro regiments and the establishment only of American regiments—regardless of color.

VETERANS

The concern of veterans with VA regulations seriously curtailing their educational opportunities under the GI bill of rights has now been substantially eased by the passage of Public Law 610 which I helped to sponsor. Under this bill the rights of veterans to pursue courses of their choice in schools of their choice and fuller opportunity for schools to share in the program has been substantially protected and the VA regulations which nullified a good deal of what Congress intended for GI's in educational benefits have been canceled.

Veterans hospitals services require constant vigilance. For example, an effort to dismantle and disperse a hospital for paraplegics at Van Nuys, Calif., which would have displaced a substantial number of paraplegics who had established themselves in that community and built homes was successfully resisted. I joined in and was part of the protest to the President which brought this result about. From time to time new occasions for investigation arise. These have recently occurred in respect of the VA administration of the national service life insurance program, the rehabilitation program, and the education program.

POST OFFICE AND CIVIL SERVICE

The House of Representatives has taken action to end the curtailment of mail service—including two-a-day deliveries in residential areas—effective in New York June 1 under an order of the Postmaster General of April 18. The House passed the necessary legislation on August 16, 1950, to bring this about. Concurring action is now up to the Senate.

I supported this anti-mail-service-curtailment legislation and was one of the sponsors of it, as I believe that this is a very minor economy compared to the very great inconvenience caused to our citizens. In a recent letter to the New York Herald Tribune, I showed that the House of Representatives has made great progress in effectuating the economies recommended by the Hoover Commission in the Post Office Department, and that these were now bogged down in the Senate or in the hands of the President. I shall continue to fight against this curtailment of mail services until it is ended.

The House of Representatives passed over the President's veto, H. R. 87 affording to postal employees a starting salary grade commensurate with their status after giving them credit for war service, but the Senate sustained this veto. This principle should be applied to postal employees and also to other Federal employees.

Further civil-service problems involve the integrity of the civil service at a time of national emergency like this when it can be disintegrated in the making of temporary against permanent promotions; and also the establishment of an absolute right to retirement after 30 years' service, as it is my firm conviction that the service should be made an attractive and dependable outlet for the best efforts of those who are employed in it.

SOCIAL SECURITY

The Social Security Act Amendments of 1950, which I worked for, extend coverage to about 9,700,000 additional people—7,650,000 on a compulsory basis and 2,050,000 on a voluntary basis. This expansion includes the self-employed other than certain professional people—doctors, lawyers, dentists, and so forth; under specific conditions certain household and farm workers and employees of nonprofit organizations by consent of both the agency covered and the employees to be affected. Certain Federal, State and municipal employees may also be included on a voluntary basis where they do not have a retirement system of their own. If a person is not now covered and believes he might now be included under the new law, I would suggest a call at the Social Security field office in my district at 334 Audubon Avenue—Wadsworth 3-6720—for full information as how to proceed, and also for the necessary forms to be filed.

The benefits generally are increased from 50 to 100 percent for those receiving social security now. The minimum individual benefits are generally increased from $10 to $20 per month, and the maximum from $45 to $68.50 per month. For those who will receive social security in the future, the minimum is to be generally $25 per month and the maximum $80 per month; for families, $150 per month. These benefits go into effect this month—September 1, 1950.

In addition the allowable monthly earnings by one eligible to receive social-security payments are increased from the present $15 to $50. After 75, there is no limit on the amount a person can earn and still draw benefits.

Future eligibility requirements are greatly liberalized and older workers—

now over 60—are given very liberal provisions to enable them to qualify for benefits—as little as six quarters of covered employment.

BUDGET AND TAXES

The efforts, in which I joined, to bring about relief from wartime excise taxes on items entering into the cost of living of the middle-income family and which are not luxuries at all, have by the Korean crisis been temporarily made unfruitful. We are face to face with the need for raising increased revenue to meet a much greater budget and for increasing taxes as a result. However, the excise tax inequalities and injustices still remain and we must not let the situation rest without continuing efforts to undo what is wrong.

On the matter of general budgetary economy in nondefense expenditures great care must be exercised and I shall do my part in sustaining this program. The added costs of our present military operations and mobilization and defense expenditures must be met insofar as possible on a pay-as-we-go basis, as this is a time of the greatest national income our country has ever known.

I believe that we should leave to our children the smallest possible legacy of debt. In the first instance there should be an excess-profits tax. Corporate earnings are greater than ever and the inflationary period is only making them go higher. Profits are important to our economy but inordinate profits at a time like this are a disservice to the community and should be paid out in taxes. Personal income tax increases can only be considered if excess-profits taxes plus adequate corporation taxes are first levied. I am convinced that the people of my district are willing to pay the costs of the Nation's security but they certainly want it levied fairly.

If we would avoid war, we must fight not only on the front of defense preparation but on the front of economic reconstruction and development as well, giving the free peoples in Europe, Asia, Africa, the Near East, and the Americas a positive answer in terms of economic well-being to spurious Communist promises. I am firmly convinced that expenditures for this purpose are just as vital as expenditures for the Armed Forces and that they can be as important by enabling us to win the cold war without a hot war.

LABOR AND MANAGEMENT

At a time of national emergency such as this, the problem is not unemployment, as our unemployment figures are the lowest in peacetime history, but assurance of maximum production and employment uninterrupted by labor-management disputes. The coal strike, the recent threat of railroad strikes, and discussion of a no-strike pledge during the present emergency all emphasize the critical importance of sound labor relations at this time. I believe that statesmanlike trade-unionism and trade-union leadership now have a great opportunity to show their ability to attain that increased production without which the cause of freedom would be in grave danger indeed. This requires the collective-bargaining process to be as free as possible of governmental or other interferences and to be fair on both sides. It requires an extra effort at agreement in the interest of patriotism between labor and management where there are differences. It requires the utmost discipline to hold down an inflationary spiral, but at the same time affording to workers full economic justice.

Labor relations are generally better off without wage controls than with them. However, such controls will inevitably come if the principles of justice and discipline are not followed, for in the final analysis it is the security of the Nation which is paramount to all other considerations.

Labor-management legislation also still lacks specific power in the President under proper safeguards to seize mines or facilities where essential to the public health and safety with a right to operate only to the extent required for public health and safety; and the establishment of internal grievance machinery in some areas of the trade union movement where it is needed.

PUERTO RICO

I supported and worked for a bill to give the people of Puerto Rico the power to draw up their own constitution with full opportunity for complete self-government. In this respect I got it clear in the Congress, and laid before the President the intention of the Congress, that the people of Puerto Rico shall have an absolute right to decide under this bill on what they want to be their government. The economic and social problems of Puerto Rico, though serious, are fully susceptible of solution within the context of the understanding that Puerto Rico is a part of our Nation and that Puerto Ricans are citizens of the United States. It was in this spirit that I protested the tragic crash of a commercial aircraft flight from Puerto Rico to New York, where the question of overloading and other offenses against safety was raised. This followed my protest last year in connection with the crash of an aircraft proceeding from Puerto Rico to New York.

OTHER ESSENTIAL ISSUES

Alarmed by the diminution in voting participation at a time when the responsibility of our citizens for participating in Government policy is at its height, I have offered a bill to investigate why Americans do not vote. This bill has aroused great public discussion and also has developed a great many constructive movements in cities and States to deal with the situation. I hope to continue this activity and to bring it to the maximum usefulness.

Affairs relating to our Territories and possessions have also occupied the Congress and this is certainly important at this time when we are giving leadership to Asiatic and African peoples who have had experience with colonialism. I supported suffrage for the District of Columbia, civil government for Guam, and statehood for Alaska and Hawaii, and shall continue to support the admission of these two Territories to the Union.

In connection with my service on the House Foreign Affairs Committee an issue arose regarding the disposal of claims against prewar German and Japanese assets involving a fundamental matter of principle of great importance. This was whether those who had escaped from the Hitler terror to the United States and were permanent residents but not citizens should be entitled equally with American citizens to the protection of the United States Government in claims against the assets of prewar enemy nationals. After a considerable struggle the House passed a bill recognizing the justice of not treating such persons as enemy aliens but of treating them as persons of United States nationality. I shall continue to contend for this principle and am hopeful that it will be finally written into law.

A proposed constitutional amendment to change the method of electing our Presidents came before the House, known as the Lodge-Gossett Amendment. It proposed to divide the electoral vote in each State in proportion to the popular vote cast. I opposed it as I felt it would place too much power in the hands of the solid South where there is practically a one-party system dominated only by whites, and would strengthen the ultra-conservative forces in that area. Progress is being made in the South to free Negroes from their previous voting disabilities whether practical or legal, and I believe my district wants this effort to go forward rather than to be retarded. It is for this reason that I have been an an ardent supporter of anti-poll-tax and antilynching legislation in addition to my support of FEPC legislation.

CONCLUSION

Our Nation finds itself in the period of a world crisis for peace. Our power and resources are greater than ever. I am confident that if we proceed in the right way we can win the peace and put the whole free world on a higher plateau of economic, spiritual, social, and political well-being. This will take, however, an exertion of effort, an increased production and an output of our resources greater than any we have ever undertaken in peace or war and I estimate that this must continue, if we are to have peace, for 10 years or more. I believe the end sought to be worth it. I am opposed to a preventive war against the Soviet Union as I believe an atomic war may well set our civilization back 1,000 years. Other United Nations actions to resist aggression may be necessary and should be undertaken but we should not, on our own volition launch the world into a new world war. The American people are capable, I am confident, of the will, the patriotism, and the self-denial which the road to peace requires.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HINSHAW, for 10 days on account of important business.

To Mr. SHELLEY (at the request of Mr. ENGEL of California), indefinitely, on account of illness in family.

EXTENSION OF REMARKS

Mr. CANNON asked and was given permission to extend his remarks and include an article by Brig. Gen. Bonner Fellers appearing in this week's issue of Collier's magazine.

Mr. BEALL asked and was given permission to extend his remarks.

Mr. WOODRUFF asked and was given permission to extend his remarks and include a letter from a constituent.

Mr. HERTER asked and was given permission to extend his remarks and include extraneous matter.

Mr. LECOMPTE asked and was given permission to extend his remarks and include an article from the Iowa Conservationist.

Mr. GREEN asked and was given permission to extend his remarks and include a letter.

Mr. KEOGH (at the request of Mr. HEFFERNAN) was given permission to extend his remarks and include an address by Senator HERBERT LEHMAN, accepting nomination by the Democratic Party.

Mr. MITCHELL asked and was given permission to extend his remarks and include an editorial.

Mr. GARMATZ (at the request of Mr. DONOHUE) was given permission to extend his remarks and include a speech.

Mr. DONOHUE asked and was given permission to extend his remarks and include a speech.

Mr. SHELLEY (at the request of Mr. ENGEL of California) was given permission to extend his remarks and include extraneous matter.

Mr. TALLE asked and was given permission to extend his remarks and include extraneous matter.

Mr. McDONOUGH asked and was given permission to extend his remarks and include extraneous matter.

Mr. PATTERSON (at the request of Mr. SADLAK) was given permission to extend his remarks and include a letter.

Mr. COUDERT (at the request of Mr. CANFIELD) was given permission to extend his remarks and include an editorial.

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent to include as a part of my remarks made on the floor of the House on August 31, last, immediately following said remarks on page 14013 after the words, "This is no time to undertake to resurrect this long-dead and buried claim": the entire minority report on S. 784, consisting of 12 pages, including the caption thereof beginning with the words "81st Congress, 2d Session, Rept. 2135, Part II."

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. WEICHEL (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks and include newspaper articles.

SENATE BILLS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 139. An act for the relief of Guilermo Chacartegui; to the Committee on the Judiciary.

S. 742. An act for the relief of Robert Johanna Sorensen; to the Committee on the Judiciary.

S. 743. An act for the relief of Lars Daniel Sorensen; to the Committee on the Judiciary.

S. 752. An act for the relief of the E. J. Albrecht Co.; to the Committee on the Judiciary.

S. 995. An act for the relief of Irene George Livanos; to the Committee on the Judiciary.

S. 1139. An act for the relief of Mrs. Robert P. Horrell; to the Committee on the Judiciary.

S. 1406. An act for the relief of Luigi Podesta; to the Committee on the Judiciary.

S. 1528. An act for the relief of Elmer Beller; to the Committee on the Judiciary.

S. 2099. An act to reimburse the Stamey Construction Co. and/or the Oklahoma Paving Co., as their interests appear; to the Committee on the Judiciary.

S. 2106. An act for the relief of Harvey Marden; to the Committee on the Judiciary.

S. 2179. An act for the relief of Stephen A. Patkay and his wife, Madeleine; to the Committee on the Judiciary.

S. 2279. An act for the relief of Panajotis John Papathansiu; to the Committee on the Judiciary.

S. 2420. An act for the relief of Shaoul Minashi Shami, Emily Shami, Joseph Clement Shami, and Charles Henry Shami; to the Committee on the Judiciary.

S. 2517. An act for the relief of Morris Plevin, also known as Melvin Belkin; to the Committee on the Judiciary.

S. 2586. An act for the relief of Dalfo Giorgi; to the Committee on the Judiciary.

S. 2587. An act for the relief of Vittorio Quilici; to the Committee on the Judiciary.

S. 2702. An act for the relief of Louis E. Gabel; to the Committee on the Judiciary.

S. 2711. An act for the relief of K. C. Be, Swannio Be, Wie Go Be, Wie Hwa Be, Wie Bhing Be, and Swie Tien Be; to the Committee on the Judiciary.

S. 2799. An act for the relief of Johan Wilhelm Adriaans; to the Committee on the Judiciary.

S. 2803. An act for the relief of Angela Maria Pisano; to the Committee on the Judiciary.

S. 2835. An act for the relief of Boris Paul von Stuckenberg and wife, Maria Alexander von Stuckenberg; to the Committee on the Judiciary.

S. 2961. An act for the relief of Magdalena L. Jardeleza, Jr.; to the Committee on the Judiciary.

S. 3015. An act for the relief of Walter Tyson; to the Committee on the Judiciary.

S. 3026. An act authorizing the naturalization of Jesus Juan Llanderal; to the Committee on the Judiciary.

S. 3066. An act for the relief of Dionisio Aguirre Irastorza; to the Committee on the Judiciary.

S. 3067. An act for the relief of Andres Aguirre Irastorza; to the Committee on the Judiciary.

S. 3091. An act for the relief of Master Stanley (Zachne) Hiller; to the Committee on the Judiciary.

S. 3185. An act for the relief of Nouhad Ann Khoury; to the Committee on the Judiciary.

S. 3306. An act for the relief of Dr. George Peter Petropoulos; to the Committee on the Judiciary.

S. 3307. An act for the relief of Colvin Bernard Meik; to the Committee on the Judiciary.

S. 3329. An act for the relief of Kiyomi Kitamura; to the Committee on the Judiciary.

S. 3398. An act to authorize the exchange of certain land for purposes of the Colonial National Historical Park, and for other purposes; to the Committee on the Public Lands.

S. 3403. An act to authorize the sale of certain allotted land on the Crow Reservation, Mont.; to the Committee on Public Lands.

S. 3406. An act for the relief of Lee Yee Yen; to the Committee on the Judiciary.

S. 3430. An act for the relief of Martina Arnaiz Zarandona (Sister Blanca Eugenia); to the Committee on the Judiciary.

S. 3431. An act for the relief of Tatiana Moravee; to the Committee on the Judiciary.

S. 3437. An act to amend the Atomic Energy Act of 1946; to the Joint Committee on Atomic Energy.

S. 3444. An act for the relief of Victor Francis Oberschall; to the Committee on the Judiciary.

S. 3452. An act for the relief of George W. Purdy; to the Committee on the Judiciary.

S. 3484. An act for the relief of Barbara Sugihara; to the Committee on the Judiciary.

S. 3519. An act authorizing the Secretary of the Interior to issue a patent in fee to James Chester Stevens; to the Committee on Public Lands.

S. 3551. An act for the relief of Joseph MacGuffie and Eugene Rohrer; to the Committee on the Judiciary.

S. 3629. An act for the relief of Joseph A. Myers, Hazel C. Myers, and Helen Myers; to the Committee on the Judiciary.

S. 3706. An act to amend the act of May 28, 1926 (44 Stat. 670), entitled "An act granting public lands to the county of Kern, Calif., for public-park purposes"; to the Committee on Public Lands.

S. 3727. An act to authorize certain construction at Griffiss Air Force Base, and for other purposes; to the Committee on Armed Services.

S. 3824. An act for the relief of Kenneth Bruce Kohei Kozal; to the Committee on the Judiciary;

S. 3856. An act for the relief of Andrew Halasz; to the Committee on the Judiciary;

S. 3945. An act to amend sections 3052 and 3107 of title 18, United States Code, relating to the powers of the Federal Bureau of Investigation; to the Committee on the Judiciary.

S. 4051. An act to assure the provision of all necessary services to prepare disabled persons for and establish them in remunerative employment, to make special provision for the blind and other severely disabled persons, and for other purposes; to the Committee on Education and Labor.

S. 4072. An act for the relief of Ella Stufka and her son; to the Committee on the Judiciary.

S. 4074. An act for the relief of Pamela Bentley; to the Committee on the Judiciary.

S. 4088. An act to amend section 61 of the National Defense Act to permit the States to organize military forces, other than as parts of their National Guard units, to serve while the National Guard is in active Federal service; to the Committee on Armed Services.

S. 4102. An act relating to contracts for the transmission of mail by pneumatic tubes or other mechanical devices; to the Committee on Post Office and Civil Service.

S. 4111. An act for the relief of Southern Fireproofing Co., of Cincinnati, Ohio; to the Committee on the Judiciary.

S. Con. Res. 102. Concurrent resolution favoring the suspension of deportation of certain aliens; to the Committee on the Judiciary.

S. Con. Res. 107. Concurrent resolution interpreting laws relating to tuition costs for education and training of veterans; to the Committee on Veterans' Affairs.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3555. An act defining and regulating the practice of the profession of engineering and creating a Board of Registration for Professional Engineers in the District of Columbia; and

S. 3921. An act to provide for the temporary assignment of referees in bankruptcy, and for other purposes.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.) the House adjourned until tomorrow, Friday, September 15, 1950, at 12 o'clock noon

EXECUTIVE COMMUNICATIONS, ETC.

1675. Under clause 2 of rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill entitled "To Authorize the Waiver of the Navigation and Vessel-Inspection Laws," was taken from the Speaker's table, referred to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARDEN: Committee of conference. S. 2317. An act to authorize grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs of school construction; and to authorize grants for emergency school construction to school districts overburdened with enrollments resulting from defense and other Federal activities, and for other purposes (Rept. No. 3064). Ordered to be printed.

Mr. COOLEY: Committee on Agriculture. H. R. 3043. A bill to assist in bringing about a more sound agricultural economy through diversification of its productive resources by providing for research into the basic laws and principles relative to domestically raising fur-bearing animals; without amendment (Rept. No. 3065). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. S. 1192. An act for the relief of certain Basque aliens; without amendment (Rept. No. 3066). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1357. An act for the relief of Gregory Pirro and Nellie Pirro; without amendment (Rept. No. 3067). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 1528. An act for the relief of Elmer Beller; without amendment (Rept. No. 3068). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2324. An act for the relief of Maria Balsam; without amendment (Rept. No. 3069). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2599. An act for the relief of Arturo Benetti; without amendment (Rept. No. 3070). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2648. An act for the relief of Carlo Fava; without amendment (Rept. No. 3071). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2922. An act for the relief of Chieko Murata; without amendment (Rept. No. 3072). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 3015. An act for the relief of Walter Tyson; without amendment (Rept. No. 3073). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 3018. An act for the relief of W. F. Steiner; without amendment (Rept. No. 3074). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3121. An act for the relief of Mario Juan Blas Besso-Planetto; without amendment (Rept. No. 3075). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 3250. An act for the relief of Marne Post No. 28, American Legion, New Martinsville, W. Va.; without amendment (Rept. No. 3076). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3321. An act for the relief of Dr. Zena (Zenobia) Symeonides; without amendment (Rept. No. 3077). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3434. An act for the relief of Mikiko Anzai; without amendment (Rept. No. 3078). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3917. An act for the relief of Basilio Gorgone; without amendment (Rept. No. 3079). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 3965. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim. of the Lamm Lumber Co.; without amendment (Rept. No. 3080). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 3966. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Forest Lumber Co.; without amendment (Rept. No. 3081). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 3967. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Algoma Lumber Co. and its successors in interest, George R. Birkelund and Charles E. Siddall, of Chicago, Ill., and Kenyon T. Fay, of Los Angeles, Calif., trustees of the Algoma Lumber Liquidation Trust; without amendment (Rept. No. 3082). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on the Judiciary. H. R. 8478. A bill for the relief of Bernard Spielmann; without amendment (Rept. No. 3083). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 8834. A bill for the relief of Yamaguchi Michiko; without amendment (Rept. No. 3084). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. H. R. 8868. A bill for the relief of Mary Valsamis Dendramis and Vassili G. Dendramis; without amendment (Rept. No. 3085). Referred to the Committee of the Whole House.

Mr. HARRISON: Committee on House Administration. House Joint Resolution 536. Joint resolution to provide for the reappointment of Harvey N. Davis and Arthur H. Compton as members of the Board of Regents of the Smithsonian Institution; without amendment (Rept. No. 3086). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. H. R. 8869. A bill for the relief of Lena Valsamis and Lucy Balosa Valsamis; without amendment (Rept. No. 3087). Referred to the Committee of the Whole House.

Mr. GOSSETT: Committee on the Judiciary. H. R. 9475. A bill for the relief of Mrs. Enid Louise Noble Romick, Jr.; without amendment (Rept. No. 3088). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRYSON:

H. R. 9653. A bill to revise, codify, and enact into law, title 20 of the United States Code, entitled "Education"; to the Committee on the Judiciary.

H. R. 9654. A bill to revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways"; to the Committee on the Judiciary.

By Mr. MORRIS:

H. R. 9655. A bill to amend the act of June 21, 1934 (48 Stat. 1185; 43 U. S. C. sec. 871a), entitled "An act authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the act approved February 22, 1889, by the act approved January 25, 1927 (44 Stat. 1026), and by any other act of Congress"; to the Committee on Public Lands.

By Mr. PETERSON (by request):

H. R. 9656. A bill to amend the act of August 24, 1912 (37 Stat. 417, 444), to authorize the erection of buildings and structures to facilitate administration and to accommodate the public in National Capital Park areas in the District of Columbia; to the Committee on Public Lands.

By Mr. BRAMBLETT:

H. R. 9657. A bill to create, and assign duties to, the Office of Assistant Secretary of the Navy for the Marine Corps, to fix the personnel strength of the United States Marine Corps, and to make the Commandant of the Marine Corps a permanent member of the Joint Chiefs of Staff; to the Committee on Armed Services.

By Mr. BREHM:

H. R. 9658. A bill to amend the Army Organization Act of 1950 to provide more efficient dental care for the personnel of the Army, and for other purposes; to the Committee on Armed Services.

By Mr. FORD:

H. R. 9659. A bill to amend title 28, United States Code, so as to permit certain suits for the recovery of taxes to be brought in the district of the taxpayer's residence; to the Committee on the Judiciary.

By Mr. GREEN:

H. R. 9660. A bill to amend the National Service Life Insurance Act of 1940 to provide automatic insurance for certain servicemen injured or killed in line of duty subsequent to June 25, 1950; to the Committee on Veterans' Affairs.

By Mr. RABAUT:

H. R. 9661. A bill to reimpose the excess-profits tax on corporations; to the Committee on Ways and Means.

By Mr. FLOOD:

H. J. Res. 541. Joint resolution to amend the National Service Life Insurance Act of 1940 to provide temporary automatic insurance for certain servicemen, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RABAUT:

H. Res. 852. Resolution opposing the seating of Communist China in organs of the United Nations; to the Committee on Foreign Affairs.

By Mr. HESELTON:

H. Res. 851. Resolution to inquire into the adequacy of fuel supplies in New England; to the Committee on Rules.

By Mr. ALBERT:

H. R. 9662. A bill to provide monuments for certain members of the Armed Forces dying in the service or after honorable discharge therefrom but whose bodies have not been recovered or identified, or have been buried at sea; to the Committee on Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALBERT:

H. R. 9663. A bill for the relief of Mrs. Lennie G. Clarkson and William E. Clarkson; to the Committee on the Judiciary.

By Mr. AUCHINCLOSS:

H. R. 9664. A bill for the relief of Miss Kwangnyeng Chu; to the Committee on the Judiciary.

By Mr. BURKE:

H. R. 9665. A bill for the relief of Mrs. Marie Weir; to the Committee on the Judiciary.

By Mr. RIBICOFF:

H. R. 9666. A bill for the relief of Humayag Dildilian and his family; to the Committee on the Judiciary.

H. R. 9667. A bill for the relief of Maria Smeriglia and Irene Smeriglia; to the Committee on the Judiciary.

H. R. 9668. A bill for the relief of Cornelia Jean Seager; to the Committee on the Judiciary.

By Mrs. ROGERS of Massachusetts:

H. R. 9669. A bill for the relief of Mrs. Helen Herlihy; to the Committee on the Judiciary.

By Mr. WHITE of California:

H. R. 9670. A bill for the relief of Santiago Juanche-Oroz; to the Committee on the Judiciary.

By Mr. YATES:

H. R. 9671. A bill for the relief of Mrs. Paula Slucka (Slucki) and son Arief Slucki; to the Committee on the Judiciary.

SENATE

FRIDAY, SEPTEMBER 15, 1950

(Legislative day of Thursday, July 20, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Merciful Father, whose faithfulness is constant with all our fickleness, whose forgiveness outlasts all our transgressions against Thy holy love: We bemoan the delusions which have led us to mistake shadows for substance, we confess that by the opiate of our own achieving we were lulled into cushioned optimism. Now, with jarred and jolted minds, we see the whole circle of the world grown somber and terrible with the fires of battle and the rumors of war and the smoke of a judgment which engulfs us all.

In this day when Thou are sifting out the souls of men before Thy judgment seat, give us that penitence for our own sins, that contempt for our own prejudices, that hatred for our own hate, that shall enable us to put on the whole armor of God as we fight against the rulers of the darkness of this world, against spiritual wickedness in high places. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 14, 1950, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 3517. An act to authorize the construction, operation, and maintenance of the Vermejo reclamation project, New Mexico;

S. 4118. An act to increase the appropriation authorized for the Air Engineering Development Center; and

S. 4135. An act to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army.

The message also announced that the House had passed the bill (S. 4136) to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had severally agreed to the amendment of the Senate to the following bills and joint resolution of the House:

H. R. 163. An act to authorize Sacramento Valley irrigation canals, Central Valley project, California;

H. R. 1920. An act to amend the Columbia Basin Project Act with reference to State lands; and

H. J. Res. 334. Joint resolution to amend certain laws providing for membership and participation by the United States in certain international organizations.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 7709. An act to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluff, Fla.; and

H. R. 7934. An act to reduce and revise the boundaries of the Joshua Tree National Monument in the State of California, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PETERSON, Mr. MORRIS, and Mr. D'EWART were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 7332. An act to authorize an appropriation for cooperation with joint district No. 5, towns of Almon, Barthelme, Morris, and Seneca, and the village of Bowler, Shawano County, Wis., for the construction, extension, improvement, and equipment of public school buildings at Bowler, Wis., to be available to both Indian and non-Indian children; and

H. J. Res. 536. Joint resolution to provide for the reappointment of Harvey N. Davis and Arthur H. Compton as members of the Board of Regents of the Smithsonian Institution.

LEAVE OF ABSENCE

Mr. LODGE. Mr. President, I ask unanimous consent to be absent from the Senate next week, if the Senate is in session, in order that I may attend the meetings of the General Assembly of the United Nations, to which I have been appointed a delegate and confirmed by the Senate.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Without objection, the leave is granted.

CALL OF THE ROLL

Mr. LUCAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hill	Malone
Benton	Hoey	Martin
Bricker	Holland	Millikin
Butler	Humphrey	Morse
Byrd	Hunt	Mundt
Cain	Ives	Murray
Chapman	Jenner	Neely
Chavez	Johnson, Colo.	O'Conor
Connally	Johnson, Tex.	O'Mahoney
Cordon	Kem	Robertson
Darby	Kerr	Russell
Donnell	Kilgore	Saltonstall
Douglas	Knowland	Schoeppel
Dworshak	Langer	Smith, Maine
Ecton	Leahy	Sparkman
Ellender	Lehman	Stennis
Ferguson	Lodge	Taft
Frear	Long	Taylor
Fulbright	Lucas	Thomas, Okla.
George	McCarran	Thye
Gillette	McCarthy	Watkins
Graham	McClellan	Wherry
Green	McFarland	Wiley
Gurney	McKellar	Williams
Hendrickson	McMahon	Young
Hickenlooper	Magnuson	

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Maryland [Mr. TYDINGS] are absent on public business.

The Senator from Tennessee [Mr. KEFAUVER] is absent because of illness in his family.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the Amer-

ican group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The senior Senator from Indiana [Mr. CAPEHART] is necessarily absent.

The VICE PRESIDENT. A quorum is present.

REAPPOINTMENT OF HARVEY N. DAVIS AND ARTHUR H. COMPTON AS MEMBERS OF THE BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The VICE PRESIDENT laid before the Senate the joint resolution (H. J. Res. 536) providing for the reappointment of Harvey N. Davis and Arthur H. Compton as members of the Board of Regents of the Smithsonian Institution, which was read twice by its title.

Mr. LUCAS. Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 536) was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NATIONALITY ACT OF 1940—VETO MESSAGE

The VICE PRESIDENT laid before the Senate a message from the House of Representatives, together with a message from the President of the United States, which were read, and ordered to lie on the table, as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
September 14, 1950.

The House of Representatives having proceeded to reconsider the joint resolution (H. J. Res. 238) entitled "Joint resolution to amend the Nationality Act of 1940, as amended," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said joint resolution pass, two-thirds of the House of Representatives agreeing to pass the same.

(For President's message, see House proceedings of September 11, 1950, p. 14556.)

OUT-PATIENT TREATMENT BY VETERANS' ADMINISTRATION—VETO MESSAGE

The VICE PRESIDENT laid before the Senate a message from the House of Representatives, together with a message from the President of the United States which were read, and ordered to lie on the table, as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
September 14, 1950.

The House of Representatives having proceeded to reconsider the bill (H. R. 6217) entitled "An act to provide greater security for veterans of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, in the granting of outpatient treatment by the Veterans' Administration," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

(For President's message, see House proceedings of September 8, 1950, p. 14452.)

LIMITATIONS ON EXPENDITURE OF ECA FUNDS

Mr. ROBERTSON. Mr. President, on yesterday in connection with the Wherry amendment proposing limitations upon the expenditure of ECA funds, the Senate faced an issue that was both critical and vital. Fortunately, we were able to reach a decision well calculated to protect American interests against the future shipment from ECA countries to the Soviet Union or any of its satellites of war material which might strengthen the military position of our former ally who, shortly after we had saved her from destruction on the battlefield, started a cold war against us which last June flamed into a shooting war in Korea.

In the course of the debate on the Wherry amendment I referred to and protested the shipment of machine tools from Great Britain to the Soviet Union. I think that all Members of the Congress and the American public in general will be interested in the front-page article published in the Bulletin and Scots Pictorial of Edinburgh of September 5 in which Mr. J. R. Greenwood, chairman of Craven Bros., Ltd., the Stockport machine tool makers, who have the Russian order but do not wish to fill it, bitterly criticized the British Prime Minister for taking the position that the Government could do nothing with respect to canceling the order.

I therefore ask unanimous consent for the article in question to be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIME MINISTER ACCUSED OF TALKING NONSENSE

Accusing Mr. Attlee, the Prime Minister, of talking "utter nonsense" in his Saturday broadcast, Mr. J. R. Greenwood, chairman of Craven Bros., Ltd., the Stockport machine-tool makers, criticized the Premier on several points.

He said that for 2 years his company had tried to convince the Government that the continued supply by Britain of machine tools and other war potential to Russia and its satellites was in fact "crazy."

"We have pressed in the strongest terms the opinion that it is the urgent responsibility of the Government to give manufacturers a direct lead or precise instructions as to their duties," he stated.

Mr. Attlee's claim that these exports had not injured either Britain's home or other export requirements was merely to confess that he did not know the extent of the present demand for machine tools and other engineering equipment either at home or from friendly countries.

LOST BUSINESS

"Nor does he realize the amount of time which purchasers have to wait for the supply of urgently required plant or the amount of business Britain is losing in friendly countries and the Commonwealth because of the long deliveries manufacturing engineers are compelled to quote," he added.

"For Mr. Attlee and other Government spokesmen to say that an order which came into operation on April 8, 1949, effectively prevents the export of strategically important machines is utter nonsense," Mr. Greenwood said.

"We claim that the export to the U. S. S. R. of any machine tools or other engineering equipment which can be used at present at home or in any friendly country immediately is doing essential damage to our defense needs."

Referring to Mr. Attlee's statement that inspection in factories was made under conditions which prevented any disclosure of secrets, Mr. Greenwood said that visiting inspectors can usually see much more than their own goods when visiting British factories.

"The plain truth is we are allowing a possible enemy to see the extent of our resources, which, in the company's opinion, is plain lunacy."

TRANSACTION OF ROUTINE BUSINESS

Mr. LUCAS. Mr. President, I ask unanimous consent that Senators be permitted to submit petitions and memorials, introduce bills and joint resolutions, and present routine matters for the RECORD, without long debate and without long speeches.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred, as indicated:

SUSPENSION OF DEPORTATION OF ALIENS

A letter from the Acting Attorney General, transmitting, pursuant to law, copies of the orders of the Commissioner of the Immigration and Naturalization Service, suspending deportation of certain aliens, together with a complete and detailed statement of the facts and pertinent provisions of law and the reasons for ordering such suspension of deportation (with accompanying papers); to the Committee on the Judiciary.

GRANTING OF APPLICATION FOR PERMANENT RESIDENCE TO CERTAIN ALIENS

A letter from the Acting Attorney General, transmitting, pursuant to law, copies of the orders of the Commissioner of the Immigration and Naturalization Service, granting the application for permanent residence to certain aliens, together with a detailed statement of the facts and pertinent provisions of law in each case (with accompanying papers); to the Committee on the Judiciary.

LAWS PASSED BY LEGISLATURE OF HAWAII

A letter from the Director, Office of Territories, Department of the Interior, transmitting, pursuant to law, a copy of the laws passed by the Legislature of the Territory of Hawaii, Special Session of 1949 (with an accompanying document); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions, etc., were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the City Council of Los Angeles, Calif., favoring an additional appropriation for the work of the Federal Bureau of Investigation in detecting plots of sabotage, spying, and infiltration; to the Committee on Appropriations.

A resolution adopted by the Ninety-fourth Infantry Division Association, in convention assembled at Boston, Mass., pledging their support to the United States and the United Nations in their policy of seeking to stop Communist aggression in Korea; to the Committee on Foreign Relations.

A letter in the nature of a petition from the National Association of Railroad and Utilities Commissioners, Washington, D. C., signed by Walter R. McDonald, general solicitor, relating to the amendment of section 410 of the Communications Act; to the Committee on Interstate and Foreign Commerce.

PRICE CONTROL AND RATIONING—RESOLUTION OF WISCONSIN RETAIL FOOD DEALERS ASSOCIATION

Mr. WILEY. Mr. President, I send to the desk a fine resolution which I have just received from F. B. Wienke, secretary-manager of the Wisconsin Retail Food Dealers Association. This resolution expresses the patriotic cooperation of the food dealers of my State in holding the line against unreasonable price increases and against hoarding. It also expresses a very sensible view on the importance of nondiscrimination in the event price control and rationing are invoked. I ask unanimous consent, therefore, that there be printed in the body of the RECORD the text of this resolution, and that following it, there be printed in the RECORD a list of the officers and directors of this fine association.

There being no objection, the resolution, together with the list of officers and directors, was ordered to be printed in the RECORD, as follows:

WISCONSIN RETAIL FOOD DEALERS ASSOCIATION,
Milwaukee, Wis., September 13, 1950.

Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY:

RESOLUTION NO. 11—SUPPORT OF THE FEDERAL GOVERNMENT

Whereas there is at present an undeclared war which has caused some maladjustment in our economic life with hoarding and price rises; and

Whereas there is a probability of again having price control and rations imposed on the retail industry: Therefore be it

Resolved, That the Wisconsin Retail Food Dealers Association, assembled in convention in Milwaukee on August 6, 7, and 8, 1950, do hereby pledge to the President and the Congress of the United States their unqualified support in holding the line against unwarranted price increases and hoarding by retailer or individual; and be it further

Resolved, Should it become necessary to impose price control and rations, that it be imposed at all levels—producer, processor, manufacturer, wholesaler, retailer, and laborer alike and further that the system used be simplified as to regulation and order; be it further

Resolved, In the event that controls be instituted careful consideration be given by the Federal Government in the appointments of administrators from local, State, and national levels within the food industry and that these administrators be held responsible in the administration of the rationing program; and be it further

Resolved, That copies of this resolution be sent to the President of the United States and all Congressmen and Senators from the State of Wisconsin.

Resolution adopted.

Sincerely yours,

F. B. WIENKE,
Secretary-Manager.

Officers: Fred B. Wienke, secretary-manager; Carl Canavan, president, Kenosha; Ralph Larson, first vice president, La Crosse; Robert Connolly, second vice president, Superior; Harold Seemann, third vice president, Milwaukee; Frank E. Schuster, treasurer, Milwaukee. Directors: R. J. Frederick, chairman of the board, Beaver Dam; Ewald Schueler (1950), Janesville; Arley Johnson (1950), Wausau; Harry Quick (1951), Eau Clair; Melvin Weber (1951), Sheboygan; Ray Van Dyck (1952), De Pere; Frank Rappel (1952), Manitowoc.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry:

H. R. 9313. A bill to amend the Agricultural Act of 1949; without amendment (Rept. No. 2573).

ESTATE OF JAMES FRANCIS LINNANE

Mr. GREEN. Mr. President, as acting chairman of the Committee on Rules and Administration, I desire to report from that committee certain resolutions, all of which have been unanimously ordered reported, and with respect to all of which I ask immediate consideration. First, from the Committee on Rules and Administration, I report favorably, without amendment, Senate Resolution 343, and I ask for its immediate consideration. The resolution was submitted by the Senator from Connecticut [Mr. MCMAHON] on September 7, 1950.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WHERRY. Mr. President, reserving the right to object, I ask the distinguished acting chairman to make an explanation of what the resolution provides.

Mr. GREEN. This resolution and the next one I shall report provide for gratuity appropriations for former employees of the Senate. They have been submitted by Senators who claim that these individuals fall in the proper classification and that the gratuities are based on the customary tables.

Mr. WHERRY. I have no objection.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 343) was considered and agreed to as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to the estate of James Francis Linnane, late an employee of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARGERY OAKES OYSTER

Mr. GREEN. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, Senate Resolution 346, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object, I ask the distinguished Senator from Rhode Island if the resolution is similar to the one he has just explained?

Mr. GREEN. It is. The resolution was submitted by the Senator from Maryland [Mr. TYDINGS] on September 8, 1950.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 346) was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Margery Oakes Oyster, widow of Richard W. Oyster, late an employee of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PRINTING OF DOCUMENT ENTITLED "LOW-INCOME FAMILIES AND ECONOMIC STABILITY"

Mr. GREEN. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, Senate Resolution 347, and I ask for its immediate consideration. It provides for the printing of a document entitled "Low-Income Families and Economic Stability," as a Senate document.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 347) submitted by Mr. O'MAHONEY on September 11, 1950, was considered and agreed to, as follows:

Resolved, That the committee print entitled "Low-Income Families and Economic Stability" printed for the use of the Joint Committee on the Economic Report, be printed with illustrations as a Senate document.

PRINTING OF DOCUMENT ENTITLED "FACTORS AFFECTING VOLUME AND STABILITY OF PRIVATE INVESTMENT"

Mr. GREEN. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, Senate Resolution 348, and ask for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 348), submitted by Mr. O'Mahoney on September 11, 1950, was considered and agreed to, as follows:

Resolved, That the committee print of the Joint Committee on Economic Report, entitled "Factors Affecting Volume and Stability of Private Investment" be printed as a Senate document.

ESTABLISHMENT AND MAINTENANCE OF THE NATIONAL PORTRAIT GALLERY

Mr. GREEN. Mr. President, from the Committee on Rules and Administration, I report favorably, with amendments, Senate Joint Resolution 202, to provide for the establishment and maintenance of the National Portrait Gallery, and for other purposes, and I submit a report (No. 2574) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. WHERRY. Mr. President, reserving the right to object, I would appreciate it very much if the distinguished chairman would explain what the joint

resolution provides so the Members of the Senate may know on what they are voting.

Mr. GREEN. Mr. President, there is an accompanying report which I will summarize briefly. For a number of years it has been suggested from one source or another, sometimes as far back as 20 years, that there be established a National Portrait Gallery such as exists in the capitals of some other countries where the portraits of those who have been distinguished in developing the Nation may be exhibited together. We have a nucleus for such a collection which was made by Mr. Mellon, and which will be available for this gallery. But in addition to that, there are a great many portraits of distinguished men scattered around in public buildings, sometimes behind doors in committee rooms, sometimes in dark corridors.

The proposal is to transfer the portraits to the old court building, which is itself an architectural monument, and which stands on Judiciary Square, on Fifth Street and Indiana Avenue. That building, as I said, is of itself a monument of American art, and very appropriate for the purpose, because it is in the near neighborhood of the National Gallery of Art. The building belongs to the United States Government and it is proposed to transfer the title to the Smithsonian Institution, and to have the building administered by the trustees of the National Gallery of Art, in connection with the Smithsonian Institution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. ELLENDER. Mr. President, let me inquire what the building is being used for now.

Mr. GREEN. It is being used as a courthouse. When the new courthouse—the largest and newest in the Nation—is ready, perhaps in a year or so, the present courthouse will, under this proposal, be transferred to the National Gallery of Art.

Mr. ELLENDER. Is there any estimate of the cost of maintaining the building following such transfer?

Mr. GREEN. Not now. We wish to get authority for this purpose now, so as to take the initial steps toward making the collection.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. ELLENDER. Mr. President, in view of the shortage of space for office purposes I think this measure should be deferred until we can look into the matter further, because the building will cost a great deal to operate.

The VICE PRESIDENT. The Senator from Louisiana objects, and the joint resolution will be placed on the calendar.

Mr. GREEN. If the Senator will withhold his objection, I should like to answer it. The same objection was made by the Bureau of the Budget.

As the report will show, we consulted with the courthouse authorities, the Smithsonian Institution authorities, the authorities of the National Gallery of Art, and the General Services Administration, and the Bureau of the Budget. The officials of the latter two organizations made the same objection which the Senator from Louisiana has just made. For that reason two committee amendments were incorporated before the joint resolution was ordered reported by the committee. One of the amendments provides that, if at the time when the court moves from the present building to the new building the old building should be needed for national services, then it would not be transferred to the Smithsonian Institution until that emergency passed.

The other amendment provides that no appropriation or authorization shall be made originally, whereas provision had been proposed for authorizing the conversion of the building to a national gallery.

So the joint resolution as now reported would impose no additional expense, and none would ever be imposed unless Congress took further action in connection with this matter.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. ELLENDER. Why not wait until the courthouse is vacated? There may be good use for that building for other purposes.

Mr. GREEN. There may be.

Mr. ELLENDER. As the Senator knows, we are now in the process of appropriating millions of dollars to provide additional space in which to house officials during the present war effort.

Mr. GREEN. That is very true.

Mr. ELLENDER. Why not defer this matter until a later time?

The VICE PRESIDENT. The Senator from Louisiana has objected, and debate is not now in order.

Mr. GREEN. I asked the Senator if he would not withhold his objection until I had a chance to answer his criticisms.

Mr. ELLENDER. However, I would still object.

Mr. GREEN. Does not the Senator wish to hear what the answer is?

Mr. ELLENDER. Yes.

Mr. GREEN. The Senator asked a question.

Mr. ELLENDER. Nevertheless, I will still object.

Mr. GREEN. I think that very likely, but I should like to have the answer in the RECORD.

The VICE PRESIDENT. The Senator from Louisiana has objected; and, following the objection, the joint resolution goes to the calendar.

Mr. GREEN. There is no calendar for the joint resolution to go to, is there?

The VICE PRESIDENT. Yes, a large one. The joint resolution will be placed on the regular calendar, as in the case of other measures.

STATEMENTS TO ACCOMPANY REPORTS OF COMMITTEES OF CONFERENCE

Mr. GREEN. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, Senate Concurrent Resolution 79, and ask unanimous consent for its immediate consideration.

There being no objection, the concurrent resolution (S. Con. Res. 79) submitted by Mr. HAYDEN on March 8, 1950, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall accompany every report of a committee of conference a statement, in writing and signed by at least a majority of the managers on the part of each House, explaining the effect of the action agreed on by the committee.

SEC. 2. The foregoing section shall be a rule of each House, respectively, and shall supersede any other rule thereof but only to the extent that it is inconsistent with such other rule.

PRINTING OF COMMITTEE PRINT ENTITLED "FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES"

Mr. GREEN. Mr. President, from the Committee on Rules and Administration, I report an original resolution providing that the committee print entitled "Federal Corrupt Practices and Political Activities" be printed as a Senate document, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The resolution (S. Res. 352) was read as follows:

Resolved, That the committee print entitled "Federal Corrupt Practices and Political Activities," printed for the use of the Senate Committee on Rules and Administration, be printed as a Senate document.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

PRINTING OF ADDITIONAL COPIES OF SENATE REPORT NO. 2501, RELATING TO REVISION OF CHARTERS OF CERTAIN INTERNATIONAL ORGANIZATIONS

Mr. GREEN. Mr. President, from the Committee on Foreign Relations, I report an original resolution authorizing the printing of additional copies of Senate Report No. 2501, relating to revision of charters of certain international organizations, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The resolution (S. Res. 353) was read, as follows:

Resolved, That the Committee on Foreign Relations, be authorized to have printed for its use 5,000 copies of Senate Report No. 2501, Eighty-first Congress, second session, a report on resolutions relative to revision of the United Nations Charter, Atlantic Union, World Federation, and similar proposals.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WATKINS. May we have an explanation of the resolution.

Mr. WHERRY. Mr. President, reserving the right to object, let me ask the distinguished Senator whether the resolution came before the committee for consideration.

Mr. GREEN. I do not know. It was sent to me and I was asked to report it.

Mr. WHERRY. I understand, but I should like to know whether the committee had a chance to act on the resolution.

Mr. GREEN. I was not at the last meeting of the committee, and I do not know whether it was taken up then or not. It was to have been taken up.

Let me state what the resolution is, and then I do not think there will be any objection.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WHERRY. I do not know that I shall object; but in order to have an opportunity to obtain an explanation, I shall reserve the right to object, and then I shall ask the distinguished acting chairman of the committee for an explanation.

Mr. GREEN. Very well. The report has already been printed. There has been such a call for it by the general public that various Senators have asked for additional copies. Some Senators have asked for 50 copies, some for 100, and so forth. The report was made to the Foreign Relations Committee by a special subcommittee, and it explains the various proposals which have been made for world government and similar organizations. The report is very useful to Senators. I think probably all other Senators have had the experience which I have had, in that when letters asking for information about various world agencies are received by us, it saves a great deal of writing to be able to enclose one of these pamphlets.

Mr. WHERRY. Mr. President, will the Senator yield further?

Mr. GREEN. I yield.

Mr. WHERRY. Has this pamphlet already been printed?

Mr. GREEN. Yes.

Mr. WHERRY. Does the Senator know how many copies were printed at that time?

Mr. GREEN. I think the ordinary number were printed—1,500.

Mr. WHERRY. Does the Senator know how much the bill will be, under this resolution?

Mr. GREEN. Four hundred and ninety-eight dollars and eighty cents.

Mr. WHERRY. Mr. President, I do not believe I will object.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 353) was considered and agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. WILLIAMS introduced Senate bill 4157, to amend the Mineral Leasing Act for Acquired Lands to require competitive bidding for leases of deposits of oil and gas not within any known geological structure of a producing oil or gas field, which was referred to the Committee on Interior and Insular Affairs, and appears under a separate heading.)

By Mr. WILEY:

S. 4158. A bill for the relief of Teruko Okuaki; to the Committee on the Judiciary.

By Mr. DARBY:

S. 4159. A bill for the relief of Robert T. Wieland, Jr.; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 4160. A bill to provide for the distribution to members of the armed forces on active duty of waterproof cards advising them with respect to the requirements for proving the incurrence of service-connected disabilities and to provide for the preparation and immediate forwarding to the United States of duplicate copies of medical records with respect to service-connected injuries or diseases; to the Committee on Armed Services.

TEMPORARY PERSONNEL FOR SMALL-BUSINESS COMMITTEE

Mr. SPARKMAN submitted the following resolution (S. Res. 354), which was referred to the Committee on Rules and Administration:

Resolved, That in making the inquiry authorized by Senate Resolution 344, the Select Committee on Small Business, or any duly authorized committee thereof, is authorized to employ upon a temporary basis such technical, clerical, and other assistance as it deems advisable, and is authorized, with the consent of the head of the department or agency concerned, to utilize the services, information, facilities, and personnel of any of the departments or agencies of the Federal Government. The expenses of the committee under this resolution, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

HOUSE BILL REFERRED

The bill (H. R. 7332) to authorize an appropriation for cooperation with joint district No. 5, towns of Almon, Barthelme, Morris, and Seneca, and the village of Bowler, Shawano County, Wis., for the construction, extension, improvement, and equipment of public-school buildings at Bowler, Wis., to be available to both Indian and non-Indian children, was read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SUPPLEMENTAL APPROPRIATIONS ACT, 1951—CHANGE OF CONFEREE

Mr. McKELLAR. Mr. President, yesterday the Senator from New Hampshire [Mr. BRIDGES] was appointed as one of the conferees on the part of the Senate on the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes. I am informed by the Senator's office that he cannot be present. I therefore ask unanimous consent that he be excused, and that the Senator from Oregon [Mr. CORDON] be appointed in his place as one of the conferees on the part of the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

OUR LAST, BEST HOPE FOR PEACE—ARTICLE BY BERNARD M. BARUCH

[Mr. BYRD asked and obtained leave to have printed in the RECORD an article entitled "Our Last, Best Hope for Peace," written by Bernard M. Baruch and published in Look magazine for September 1950, which appears in the Appendix.]

NEED FOR IMPROVED RADIO SERVICE FOR THE FARM—EDITORIAL FROM FARM AND RANCH

[Mr. ELLENDER asked and obtained leave to have printed in the RECORD an editorial entitled "Improved Radio Service Needed," published in the May 1950 issue of Farm and Ranch, which appears in the Appendix.]

COMMUNISM—QUOTATIONS FROM WILL ROGERS

[Mr. ECTON asked and obtained leave to have printed in the RECORD an editorial from the Bozeman (Mont.) Daily Chronicle of September 10, 1950, referring to communism, and containing quotations from the Autobiography of Will Rogers, which appears in the Appendix.]

ON THE PHILIPPINE FRONT—EDITORIAL FROM THE NEW YORK TIMES

[Mr. LEHMAN asked and obtained leave to have printed in the RECORD an editorial entitled "On the Philippine Front," published in the New York Times of September 11, 1950, which appears in the Appendix.]

ATTEMPT BY JOHN LIBED TO REENLIST IN THE ARMY—ARTICLE BY JAMES F. CUNNINGHAM

[Mr. LEHMAN asked and obtained leave to have printed in the RECORD an article dealing with the attempt of John Libed to reenlist in the United States Army, written by James F. Cunningham, United Press Staff correspondent, under date of September 12, 1950, which appears in the Appendix.]

OUR FLAG—POEM BY ALBERT RALPH KORN

[Mr. IVES asked and obtained leave to have printed in the RECORD a poem entitled "Our Flag," written by Albert Ralph Korn, which appears in the Appendix.]

WORK OF SUBCOMMITTEE ON PREPAREDNESS—ARTICLE BY JOHN G. NORRIS

[Mr. LONG asked and obtained leave to have printed in the RECORD an article entitled "Five Task Forces Delving Into Defense Costs," written by John G. Norris, and published in the Washington Post on September 10, 1950, which appears in the Appendix.]

ST. LAWRENCE SEAWAY AND ITS RELATIONSHIP TO NATIONAL DEFENSE—ADDRESS BY SENATOR HUMPHREY

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD a radio address delivered by him on the subject of the St. Lawrence seaway and its relationship to national defense, which appears in the Appendix.]

THIS CAN STOP RUSSIA—ARTICLE BY SENATOR BENTON

[Mr. ANDERSON asked and obtained leave to have printed in the RECORD an article entitled "This Can Stop Russia," written by Senator BENTON and to be published in the September 22 issue of Coronet magazine, which appears in the Appendix.]

THE WISCONSIN GENERAL ELECTION—STATEMENT BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him regarding the forthcoming Wisconsin general election, which appears in the Appendix.]

EAST OF THE IRON CURTAIN—EDITORIAL FROM THE CHRISTIAN SCIENCE MONITOR

[Mr. MUNDT asked and obtained leave to have printed in the RECORD an article entitled "East of the Iron Curtain," published in the Christian Science Monitor, which appears in the Appendix.]

DEATH OF CAPT. JOHN M. BIRCH

Mr. KNOWLAND. Mr. President, on September 5, in the course of some remarks I made in the Senate, I discussed the case of Capt. John M. Birch, of Macon, Ga., who had been killed by the Chinese Communists in 1945. On the

Saturday afternoon following that I received a telephone message from Macon, Ga., from the mother of Captain Birch, saying she was going to send me some material the family had relating to the case.

I have quite a file, but for the information of the Senate, I ask that there be inserted at this point in my remarks the following:

Copy of a letter from Mrs. Birch to me dated September 14, 1950.

A copy of a letter which John M. Birch, then a civilian missionary in China, wrote to the American Military Mission to China, in Chungking, saying that he wanted to offer his services to his country as a volunteer, and asking to be taken into the Army as a private.

The first communication received by Mrs. Birch informing the family that Captain Birch had been killed, at that time saying that it had been the result of some stray bullets.

A letter of September 28, 1945, from Charles B. Stone III, major general, United States Army, commanding, which gave a little information, but not the full story at that time. I may say, in fairness, that perhaps the commanding officer at that particular time did not have the full story.

A letter dated January 8, 1946, to Mrs. Birch, from one of the officers who had served with Captain Birch in China. I believe it gives a very accurate account of what took place, though not in all the details shown in the Army records.

Finally, a letter dated February 16, 1946, from Maj. Gen. Ra- T. Maddocks.

Mr. President, I shall have more to say about this case at a later date.

The VICE PRESIDENT. Is there objection to the request of the Senator from California?

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

MACON, GA., *September 14, 1950.*

Hon. WILLIAM F. KNOWLAND,
United States Senate,
Washington, D. C.

DEAR SENATOR: This is to express appreciation to you for the special delivery airmail letter, enclosing that part of the CONGRESSIONAL RECORD that dealt with our son, the late Capt. John M. Birch, following our telephone conversation on September 9—also to send you the information I spoke of to you then, which Mr. Birch and I have been making copies of and preparing to forward to you.

It has been difficult to know just what to send, not knowing what might be useful to you. However, we are sending all the material we have been able to secure concerning John's last mission and death, also some material concerning his activities prior to that time. We are also sending information regarding recommendations for awards, though I hope in a day or two to go into this more fully in a letter which will follow. You will note that in addition to the recommendation for DSC, with its supporting material, that there are recommendations for the Silver Star Medal, and for the Congressional Medal of Honor, none of which have been awarded.

There is much that Mr. Birch and I would like to tell you regarding the apparently deliberate suppression of truth, the misrepresentation, and even actual lies we met at every turn, while those in authority went through the motions of cooperating.

The removal of Johnson and the recommendation that General Marshall succeed him, as we heard the news over the radio last evening by Fulton Lewis, Jr., indicates that it is just a matter of time until Formosa falls into Communist hands, unless something very drastic is done at once. To us it is tragic that with one hand our Government gives aid to Communists and with the other sends our boys to be killed by the very ones our State Department is aiding.

Sincerely,

MRS. GEORGE S. BIRCH.

SHANGHAO, KIANGSI, *April 13, 1942.*

The AMERICAN MILITARY MISSION TO CHINA,
Chungking.

GENTLEMEN: I am writing to inquire as to the present opportunities for and the need of volunteer service in the United States Armed Forces in this part of the world.

I am an American citizen (recently registered with the consulate in Kunming), 23 years old, able-bodied, and single. I was first-honors man, Mercer University, Georgia, 1939, and an independent Baptist missionary in Jap-occupied Chekiang from July 1940 to the outbreak of war on December 8, 1941. Since then I have been preaching here in free Kiangsi, but am finding that increasingly hard to do on an empty stomach. (No word of funds from home since November.)

To continue my self-glorification—I can preach and pray, both in English and Chinese, can speak enough Mandarin to get by, can build and operate radio transmitters and receivers, can stand physical hardship. I believe in God, His Son, in America, and in freedom; I hold them all more precious than peace and more precious than my earthly life. I have lived for more than a year behind the Jap front lines, and what I have seen strengthens my belief in the worth of freedom and the need of destroying the Japanese Army.

Why all this "I" stuff?—because I want to join the Army. Why do I want to join the Army?—There are two reasons: First, I want to do my patriotic bit in pushing back the gang that is swarming on our boys in Bataan, P. I., and second, the above-mentioned empty stomach.

I should like to be a chaplain—I am an ordained Baptist minister (I think that's what they wrote in minutes of the Georgia Baptist Convention 1937–39), but if there is no demand for chaplains I should cheerfully tote a rifle, run a short-wave set, or drive a truck, or be an interpreter, or whatever they tell me to do. What pay does a private draw a month? $21? That's more than enough for me. Please write me what my chances would be if I were to go to Chungking to volunteer, even if you have to write "nil."

Yours for victory,

JOHN M. BIRCH.

P. S.—I should go to you myself with this inquiry, but I have an infant church here that I can't leave for a long and possibly fruitless journey. J. M. B.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, D. C., September 12, 1945.

Mrs. GEORGE BIRCH,
Macon, Ga.

DEAR MRS. BIRCH: It is with deep regret that I confirm the telegram of recent date informing you of the death of your son, Capt. John M. Birch, O889028, Air Corps.

The official casualty report states that your son was killed on August 25, 1945, en route to Suchow, China, on the Lunghai Railway, as the result of stray bullets.

In order that families may receive as much information as possible, provisions have been made for the unit commander or chaplain to send a letter containing further information to the emergency addressee or next of kin of each person who dies overseas in the service of our country. It is not known just when the letter can be expected, but it is hoped that it will not be long delayed.

I sincerely regret that this message must carry so much sorrow into your home and I hope that in time you may find sustaining comfort in knowing that he served his country honorably.

My deepest sympathy is extended to you in your bereavement.

Sincerely yours,

EDWARD F. WITSELL,
Major General, Acting the Adjutant General of the Army.

SEPTEMBER 12, 1945.

The Secretary of War has asked me to express his deep regret that your son, Capt. John M. Birch, was killed in China August 25, 1945. Confirming letter follows:

EDWARD F. WITSELL,
Acting the Adjutant General of the Army.

HEADQUARTERS FOURTEENTH AIR FORCE,
APO 287, POSTMASTER,
New York, N. Y., September 28, 1945.

Mr. GEORGE S. BIRCH,
Macon, Ga.

DEAR MR. BIRCH: It is with deep regret that I must inform you that you son, Capt. John M. Birch, was killed August 25, 1945. No doubt you have already been notified by the War Department.

Captain Birch was en route to Suchow, China, on the Lunghai Railway on an official intelligence mission. At one point along the route there was a clash between Chinese Central Government forces and irregular Chinese troops and your son was struck by a stray bullet. According to the reports received, his death was instantaneous and without pain. His body was interred outside the city of Suchow. The specific location of his burial place is in the process of being properly registered.

As an intelligence liaison officer of the Fourteenth Air Force, Captain Birch performed invaluable services which greatly aided the achievement of ultimate victory. His work was performed to a great extent behind enemy lines and often under hazardous conditions, in circumstances of extreme personal hardship and immediate danger. His unassuming manner, unswerving loyalty, and personal courage earned him the respect and admiration of officers and enlisted men among both American and Chinese units alike. In recognition of his exceptional accomplishments, he has been recommended for the Distinguished Service Cross. If the recommendation is approved, it will be presented to you by the War Department without the need of further inquiry on your part. You can well be proud of your son's overseas record and contribution toward victory. We will always cherish his memory.

In this moment of bereavement, I wish to offer the deepest sympathy of the officers and men of my command.

Sincerely yours,

CHARLES B. STONE III,
Major General, United States Army,
Commanding.

ST. LOUIS, MO., *January 8, 1946.*

DEAR MRS. BIRCH: I'm awfully sorry that this information has not reached you in detail before now. I assumed that headquarters would have relayed it to you as soon as I sent in my report. Otherwise I should have done my best to send it to you myself.

Everyone with whom I talked that had met your son spoke with deepest sorrow of his death. Chinese officers and civilian personnel of both Nationalist and puppet China, Japanese officers, whom I met in Hsuchow, and all the American personnel that had served with him spoke of him as a friend and a wonderfully fine man.

In order to give you a complete picture of the situation in which your son was killed,

I shall try to give the whole story of the trip as I heard it from all the available sources. There was only one eyewitness to it, Lieutenant Tung, of the Chinese Army. I spoke to him last, after compiling all other reports into one which I presented to him. He read it over and, with a few minor corrections, approved it as the actual story. I'm afraid that, while General Stone's account, which he sent to you, was believed correct from the first information received, the fuller, later account I bring you will differ considerably. At the same time I am sure that it will give you a far better understanding of your son's heroism and personal stature.

To begin with, near Tsingtao, on the Shangtun Peninsula, there was Nationalist pocket of resistance and Captain Birch believed it essential that an American liaison team be sent there and wished to go himself. The station he had established seemed in a large part to have served its purpose. The northern area was becoming more and more important. He flew to Chungking and had his plan approved and then returned to his station to prepare for the move. The plan was to fly up from there.

However, without knowledge of the reaction of the Japanese in China to the surrender, the war area commander, Chinese, felt that flying would not be safe and said that he could assure the safety of rail travel through Hsuchow. It was decided, therefore, to go by train, though a plane was available.

All went well for the party, consisting of your son, Lieutenant Ogle, Captain Grimes, Sergeant Meyers, Lieutenant Tung, five other Chinese, and two Koreans, until the train reached a point about 50 miles from Hsuchow. There the locomotive broke down and the party decided to continue by handcar to Hsuchow. During this stage of the trip they were stopped three times by Communist bands. The first time Captain Birch went up and spoke to them. The party was allowed to proceed. The second time Lieutenant Tung spoke with him and again they were allowed to proceed. The third time they were stopped at a small country railroad station, where a larger band of Communists were located. Here again Lieutenant Tung got out and attempted to clear the way. Here, however, the Communists refused to consider anything until the party was disarmed. Lieutenant Tung brought this word back to Captain Birch and the two of them went to find out by whose authority this order was given and to clear up the situation. The rest of the party was left on the car.

Your son immediately demanded that he speak with the officer in charge, the man responsible for the troops and the order. Everyone disclaimed responsibility and said that the commanding officer was in the station building and assigned an orderly to lead them there. As they were being led around, your son asked. "With all the world again at peace, how can you continue to cause trouble? What are you, bandits or soldiers?"

They failed to find the commanding officer in the station or outside in the street and were finally led up to the same officer with whom they had spoken first. "This is the commanding officer," the orderly informed them. As they approached, Lieutenant Tung heard the Communist officer give the order, "Disarm him." This, Tung knew, could only apply to Captain Birch as he was the only one armed. He carried only a .45-caliber automatic at that. The act of disarming Captain Birch against his will would have made them virtually prisoners. In order to avoid this, Lieutenant Tung stepped forward, saying, "If you must disarm him, let me take his gun for you." The only answer he received was "Shoot him first."

One shot was fired and a bullet struck Lieutenant Tung in the upper leg. As he fell, a second shot was fired and he heard Captain Birch exclaim, "Aye ya!" and assumed that he, too, fell. Lieutenant Tung says that he was so dazed by the shock that from this point on he was not able to see anything, but he heard the following. The officer then gave the order, "Bring them along," and your son answered, "Wo bu len dso la" (I cannot walk anymore). The officer ordered them carried along anyway. Soon afterward, he and Tung were left lying by the side of an open pit. All this took place at about 2 in the afternoon.

Apparently the rest of the party, waiting on the handcar, were overpowered, disarmed, and forced to accompany the band. They were, I believe, finally flown back to our headquarters after they had been walked to Yenan. I can tell you a little about them as I left China while they were awaiting a plane in Yenan and have not met any of them since then.

Early in the evening an old woman wandered past and said, "We had better bury these dead." Lieutenant Tung was just able to speak and said, "I am not dead yet, please help me." The woman hurriedly told him to be quiet, the Communists were still there. When they left, she said, she would come back and help. Later in the evening she came back with help and carried him to a shelter. They gave him what little first aid they could. Your son was dead when she found them and the farmers buried him nearby.

The next morning a group of Japanese came through who recognized Lieutenant Tung as a member of the American party who had stayed with their party the night before and rushed him to a first-aid station. They then wired Hsuchow, giving all the information they had. Lieutenant Tung was then transferred to Hsuchow to a hospital where they gave him the best treatment they had in the command.

As is always true in China, word of the projected trip had preceeded the party to Hsuchow and the Chinese forces had been expecting them for several days. They immediately sent Colonel Mah and a party to the scene and questioned the local people. The farmers and townspeople took Colonel Mah to the temporary grave where your son had been buried. They then brought the body back to Hsuchow.

The day the party got back to Hsuchow, Lieutenant Miller, an American Army officer of the Air Ground Aid Service, who knew your son in the field, arrived. He took charge of the funeral and Captain Birch was buried with full military honors. His body was wrapped in white silk and placed in a Chinese coffin. Missionaries and Chinese pastors of all the Christian churches in Hsuchow took part in the ceremony and the high-ranking officers of both the Chinese and Japanese forces attended. A guard of honor of 20 Chinese and 20 Japanese soldiers marched with the procession. The whole city was put in mourning.

Your son is buried in a raised mausoleum on a hillside on the outskirts of the city between the graves two American fliers who died at Hsuchow. I was not able to go to the grave myself, but Lieutenant Miller, who selected the site, told me that it was beautifully situated and being well cared for.

I spoke to General Ho and General Tang, who were the ranking Chinese officers present. Each spoke as if he had lost a personal friend. General Ho told me that he was having a stone raised to your son's memory with the inscription engraved on it: "He died for righteousness." He said that all China and all Chinese had lost a personal friend and a strong supporter. I know that he spoke with all sincerity.

I hope that this gives you a full account of your son's death and that from it you can see the bravery and self-sacrifice which preceded it. It was he, who, in the face of probable danger went ahead for the safety of his party. So far as refusing or resisting giving up his gun, he did no more to cause his death than any man in a position of responsibility and leadership should have done. He asked to know by whose authority soldiers of our allies (for the Communists at all times were classed as such, though they had little actual contact with us) were disarming an American-led party. This would be necessary under any circumstances.

I cannot say with absolute assurance just how your son died. I assume from the fact Lieutenant Tung heard no more from him that he died almost immediately. Lieutenant Tung was at no time separated from him.

I am ashamed to say that I do not know Lieutenant Tung's full name and address. I had that information but sent it in with my report to headquarters. What I can tell you is that he was sent to the American Army Hospital at Chungking and that the Fourteenth Air Force, the Air Ground Aid Service, and the headquarters of the Special Intelligence Branch of the OSS in Washington should have this information.

As to the personal property your son was carrying with him at the time of his death, all of it was apparently carried off by the Communists. It may be that the other members of the party were able to reclaim some of it, but I can tell you nothing of that.

It is very hard to judge the necessity and importance of any mission which costs the life of a man. But in the considered opinion of your son before undertaking the mission, and in the opinion of his immediate superior in Chungking, the mission seemed of highest importance. The statement that the war was over in China meant a great deal to all of us. But it didn't mean that peace was immediately at hand. There were still many missions involving danger which had to be carried out before the peace could be assured. One assurance of the importance of your son's last mission which you can have is that, as soon as possible, others were sent to complete it.

The Communist headquarters at Yenan, as soon as they heard of the shooting, radioed their deepest apologies, stating that the action of the officer involved was unauthorized and completely against their express policies.

I am awfully sorry that you had to write to me for this information. I had assumed that you would have heard both from headquarters and from your son's many friends. I did not realize how limited a number of people had this information, or I should have written immediately.

I regret that I never knew your son personally because all I ever heard of him both before and since his death show me that he was a wonderful man. His work made him invaluable to the organization, and his goodness and character made him a person with whom anyone would be proud to be associated.

I know how hard it is to understand that death can strike so late in the war and how much harder it is when peace is at hand and one can assume that loss and bloodshed is over. My deepest sympathies go to you, and I hope that this letter can help you understand better how his death occurred.

Yours sincerely,

Lt. JOHN S. THOMPSON.

HEADQUARTERS, UNITED STATES FORCES,
CHINA THEATER,
APO 971, February 16, 1946.

DEAR MRS. BIRCH: Your letter of November 7, 1945, addressed to Colonel Murphy, of the Fourteenth Air Force, has reached this headquarters after a thorough search of the records remaining in China relating to your son, John's, Army service in China had been made.

With regard to the outstanding quality of your son's service during the war and the sympathy extended to you over his loss, I cannot do better than echo the sentiments expressed by General Stone, former commanding general of the Fourteenth Air Force,

in his letter to your husband on September 22, 1945. He died in action while on an intelligence mission with a field team of the Office of Strategic Services to which he had been temporarily assigned. I know, too, that the Chinese Government is cognizant of the valuable service he rendered to the Republic. In testimony of Chinese gratitude and respect, a military award has been made, together with recommendations for a burial pension, the erection of a memorial tablet at the place of his death, and a commendatory mandate of the Executive Yuan. In addition, the townspeople at Suchow have planned a small memorial cemetery at the place where his body now rests in an above-ground vault on the hillside overlooking the town. It is my understanding that the Adjutant General in Washington has already inquired of your and your husband's desire as to whether his body should remain in its present resting place.

Since most of the pertinent service records were sent to the United States at the time of the deactivation of the Fourteenth Air Force, in regard to obtaining material for writing a story of your son's service, I suggest that you direct inquiry to the Adjutant General, War Department, Washington 25, D. C. A final report of the Chinese Army is being awaited and will be forwarded to the Adjutant General.

I know your son's record must be a source of pride to you, and I have collected a file of true copies of military awards, including citations of the latest American and Chinese awards, letters of commendation and other testimonials of his service. These I am enclosing, together with photographs of the casket, while lying in state, and of the military parade and burial, attended by Chinese Nationalists, Chinese puppet and Japanese troops.

Again, extending my sympathy on the loss I know you must feel, and assuring you of my deep interest in making available to the War Department and indirectly to you, all available information, I remain,

Sincerely yours,

RAY T. MADDOCKS,
Major General, UDA, Chief of Staff.

EXCESS-PROFITS TAX—STATEMENT OF MINISTER OF FINANCE OF CANADA

Mr. GEORGE. Mr. President, I should like to read into the RECORD a brief statement from the Finance Minister of Canada made on Thursday, September 7, 1950. It is as follows:

We have, of course, given thought to suggestions that we should reintroduce an excess-profits tax, but I think members in all parts of the house who had experience with our wartime excess-profits tax will agree that such a tax is not desirable under present circumstances. To be efficient and fair, an excess-profits tax needs a recent base period representing normal operating conditions for various classes of business, and a tax related to the average profits of the last 3 years would not be likely to yield much revenue during the next year or two. But the more important objection at this stage is that an excess-profits tax, particularly one at a high rate, becomes an invitation to extravagance and waste in corporate management, whereas, as I have already said, what we need most urgently now is maximum efficiency and production. I have no doubt that all honorable members know or will have heard of cases of such waste and extravagance. Furthermore, in spite of our best efforts to make an excess-profits tax as fair as possible, there are bound to be severe inequities under this kind of legislation. Under conditions of total war, many businesses would be compelled to accept these inequities and hardships. I am reluctant, however, to impose this severe type of regulation under present circumstances.

The statement by the Finance Minister of Canada is a most pertinent one.

THE INTERNAL SECURITY BILL—EDITORIAL COMMENT

Mr. MURRAY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD editorials from leading newspapers regarding the McCarran bill, which was recently passed by this body. The editorials are as follows: From the Washington Post for September 15, 1950, an editorial entitled "Hodgepodge"; from the New York Herald Tribune for September 15, 1950, an editorial entitled "A Dangerous Road"; from the New York Post for September 14, 1950, an editorial entitled "Bad Day for Miss Liberty."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post of September 15, 1950]

HODGEPODGE

The internal security legislation adopted by the Senate on Tuesday combines at least three radically different and essentially contradictory approaches to the Communist problem. It includes: (1) The President's recommendations to protect the country from the real and immediate threat of espionage and sabotage by Soviet agents; (2) the Kilgore-Douglas proposals to protect the country from the contingent, yet nevertheless serious, threat of Communist fifth column activities in case of war, invasion, or insurrection; and (3) the Mundt-Nixon-McCarran provisions to protect the country from the remote and wholly imaginary threat of subversion by Communist propaganda. The hodgepodge bill into which all these measures were scrambled for reasons of political expediency deserves sober and realistic analysis.

The existing laws which forbid and penalize espionage and sabotage have loopholes which urgently need plugging. The President sought to plug them by asking Congress to extend the statute of limitations on espionage and to make punishable the disclosure of defense information as well as defense documents; to authorize the promulgation of regulations for safeguarding defense plants, facilities, and installations; and to provide for the supervision of deportable aliens whose actual deportation is blocked by the countries from which they came. These are sensible precautions entailing no trespass on personal liberty. We believe, as we urged in a recent editorial, that Congress should have enacted these measures, concerning which there was no responsible dispute, in separate legislation. Unfortunately they are now tied up with the highly controversial sections of the omnibus bill.

The Kilgore-Douglas proposals deal with a danger that does not now exist but that may arise in the near future. It was reported just the other day that the Director of the FBI had told a congressional committee he would at once arrest some 12,000 suspected enemy agents if the United States should become involved in war with the Soviet Union. The number seems fantastically high, but there is no doubt that some suspect citizens as well as aliens would have to be rounded up and detailed pending clearance in the event of war. Since there is now no legislation to authorize such executive action, it would be sensible to provide it in advance and to provide at the same time, as the Kilgore-Douglas measure does, a rational procedure for judgment and review of every case on an individual basis.

The Kilgore-Douglas proposals as actually incorporated into the omnibus bill would be put into effect only in case of war, invasion, or insurrection. The original version would have made them applicable additionally in case of an "internal security emergency" jointly declared by Congress and the President. The Senate did well, we think, to eliminate this uncertain contingency in accordance with an amendment offered by Senator MCCARRAN. Quite needlessly, in our opinion, it also adopted an amendment by Senator FERGUSON stating that nothing in the detention provisions should abridge any right guaranteed by the fifth and sixth amendments or suspend habeas corpus unless in conformity with the Constitution. This seems sheer surplusage.

Admittedly there are grave constitutional questions involved in legislation which authorizes detention on the ground of mere suspicion of an intent to commit espionage or sabotage. Such authorization is a drastic measure repugnant to American traditions. But it is meant to meet an unprecedented danger threatening the survival of the American society. The validity of the measure would have to be determined by the courts in the light of the danger. We think it preferable in any case that it should be undertaken in conformity with considered legislative authorization instead of on the basis of Executive expediency. The Kilgore-Douglas proposals represent a conscientious, careful attempt to reconcile security and freedom.

Senator MCCARRAN'S contributions to the omnibus bill—including the Mundt-Nixon Communist registration requirements and the Senator's own provisions for an asbestos curtain shutting out all aliens with inflammatory ideas—have no direct relation to security at all. These are measures that would do no injury to spies and saboteurs but would do irreparable injury to rights of expression and association. These are the measures which prompted President Truman—correctly and courageously, in our opinion—to declare that he would interpose his veto. They are the measures which led an honor roll of seven Senators to vote against the bill. They are so dangerous and corruptive that they overweigh all the commendable protections that the bill provides and make a Presidential veto imperative. The United States needs protection against Communist treachery, but this country has no occasion to fear Communist ideas.

[From the New York Herald Tribune of September 15, 1950]

A DANGEROUS ROAD

The McCarran internal-security bill is admittedly a catch-all; it contains what its author likes to call segments of a broad and diverse nature. Among these segments are the President's recommendations for tightening espionage laws, the amended Hobbs bill, the Mundt-Nixon bill, and (as it now stands) the Kilgore bill. Some of these are good, some bad, and the whole is a mixture which, it seems to us, could have been more effectively dealt with on a piecemeal basis. There is, however, one portion of the bill which has received from the public less attention than it deserves, and which casts across the entire measure a disconcerting cloud. This is the portion dealing with immigration and naturalization.

Senator MCCARRAN'S general attitude toward foreigners and their admission to this country was made unpleasantly familiar to the country during the long debate on the Displaced Persons Act. Much of the mistrust and narrowness which the Senator revealed during his obstinate fight against the DP's found expression in his omnibus immigration bill, S. 3455, introduced last April, and that is in turn extended into his internal-security bill. The parts of the immigration bill incorporated in the new measure ostensibly deal with subversion and sabotage, but they are so broadly and so loosely framed, so inclusive in their prohibitions, and so generally menacing to our traditions of freedom and tolerance that it

is difficult to foretell the lengths to which they might lead us.

Aliens to be denied admission to the United States are classified, for example, under a diversity of novel heads. Those would be excluded who seek to enter the United States "principally or incidentally to engage in activities which would be prejudicial to the public interest." Or, again, those would be excluded who at any time may have written or published, or had in their possession, printed matter advocating (among other things) "the economic and governmental doctrines of any * * * form of totalitarianism." These, it seems to us, go far beyond the safeguards required. They are not directives defining the role of administrative officers, but are invitations to every form of exaggerated and hysterical intolerance.

Other provisions of the bill would prohibit the naturalization of an individual who within the preceding 10 years had been in any way connected with an organization registered with the Attorney General as subversive, and would hold one to be prima facie disloyal to the Constitution who, within 5 years of naturalization, was found to have joined such an organization. The effect of the latter provision would be to create a second-class citizenship, the members of which could be deprived of basic rights on technical grounds or as a result of ignorance or misjudgment.

The problem of internal security is a real one; its very urgency requires that it be treated with soberness, clarity, and a rooted respect for traditional liberties. It is highly regrettable that there should have been injected into the present bill a group of provisions of a patently dangerous character. The duty of the President and the Congress is plain: they must deal—and deal resolutely—with the menace presented by communism. That duty, unfortunately, has not been made easier by Senator MCCARRAN'S particular contribution in the fields of immigration and naturalization where he has so often before shown himself prejudiced.

[From the New York Post of September 14, 1950]

BAD DAY FOR MISS LIBERTY

In the final hours that preceded the Senate vote on the McCarran antisubversive bill the upper Chamber was a house of horrors. Free institutions are the heart of our strength as a nation; they are our best advertisement in the world; they are our noblest answer to the prison-system of the commissars. Yet in a fateful test in the United States Senate only a handful of men felt that freedom was a safe political banner. On both sides of the aisle grown legislators vied with each other in desperate rhetoric designed to prove that they are no longer charmed by Miss Liberty. Only seven men dared to defend her against the assault of the know-nothings.

Senator LEHMAN, Democrat, of New York, was one of the seven and we honor him for his stand. LEHMAN'S lifelong hostility to communism requires no elaboration. The Communists in this State are dedicated to his defeat in November. But while others went mad, LEHMAN refused to be stampeded. He had served notice that he would support the Kilgore bill, providing for wartime internment of proved Communists; such legislation is predicated on the incontestable claim that, in the event of war between America and Russia, the Communist parties throughout the world will serve as disciplined, secret Soviet battalions. He similarly supported the President's plea for tighter laws against sabotage and espionage. To deal with those eventualities is one thing. The MCCARRAN monstrosity is quite another. It is a blunderbuss bill which would entrap the innocent far more often than the Communists, restrict dissenting opinion, establish intolerable anti-immigration quotas and, in general, make all Americans suspect and fear one another, as men do in Russia's slave states. Conservative and liberal newspapers joined in opposing the bill. But only 7 men dared to vote against a measure which was proclaimed to be antisubversive. The Members of the Senate were the first victims of their own frenzy. We are sure many of them voted for it with sick hearts and troubled consciences. But 70 Senators—including IVES of New York—voted for it.

Unless the bill is miraculously altered in the Senate-House conferences, we are confident Mr. Truman will veto it. He will display the courage of the frightened Senators' convictions. When he does so his political foes will rejoice, just as Senator LEHMAN'S enemies are prematurely celebrating here. But Republicans in this State must choose their language with care. Two years ago a man named Thomas E. Dewey defeated Harold Stassen in the crucial Oregon primary and the decisive issue was Stassen's advocacy of extremist legislation which Dewey branded "thought control." In that memorable debate Dewey said many memorable things in defense of civil liberties. We quote: "Everywhere, these two conflicting schemes of life, the free system and the police state, are struggling for the soul of mankind. The free way of life will triumph so long as it remains free." Dewey was as right then as Lehman was 48 hours ago, and as President Truman will be when he vetoes the wretched document being prepared for him.

WORK OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

Mr. BYRD. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD at this point a statement prepared by me in response to the remarks made by the junior Senator from Minnesota [Mr. HUMPHREY] regarding the work of the Joint Committee on Reduction of Nonessential Federal Expenditures.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD

The Senator from Minnesota yesterday inserted in the RECORD a letter from himself addressed to a number of professional political scientists and the responses which he received from eight college professors. The letter was critical of the Joint Committee on Reduction of Nonessential Federal Expenditures. And it was concluded by an invitation for comment on the views which he had expressed as his own on numerous previous occasions.

The Senator's letter quoted Dr. George B. Galloway as saying: "I suggest that the Joint Committee on Nonessential Federal Expenditures be discontinued." In the Library of Congress, Public Affairs Bulletin 80, dated April 1950, Dr. Galloway on page 117 says, "It has been suggested that the * * * committee should be discontinued." He says further that the "Byrd committee has done notable work.* * *" Dr. Galloway concludes this discussion with the statement that "some believe this committee * * * should be continued in order to focus attention on opportunities for reductions in outlays."

Further in his letter the Senator from Minnesota quotes Dr. Paul Appleby, director of the School of Citizenship of Syracuse University, as saying the joint committee requested one large governmental department to "transmit all memoranda, plans, studies, recommendations, records, and orders involving administrative changes and reorganizations in the preceding half dozen years." He further quoted Dr. Appleby as complaining that scores of persons were involved for weeks in locating and assembling such papers, and "assembled, they could have filled a dozen trucks."

As chairman of the committee, I do not recall the case of this unidentified agency, but I submit that any agency which indulges in writing administrative and reorganization orders at the rate of two truckloads a year is an appropriate object for investigation into its administration for efficiency and economy.

The Senator from Minnesota, since February 24, has engaged in recurring potshots at the committee, largely in the nature of misstatements—all of which have been refuted with documented replies.

His recent insertion in the RECORD of the academic comments by eight college professors prompts me at this time to submit the practical comment of five times that many newspapers representing every section of the country. To conserve space I have abstracted these editorials to a minimum of pertinent statements. And I have omitted quotations from hundreds of others, not only to save space but also to avoid publication in the RECORD at this time personal and political references. I have also received thousands of letters endorsing the work of the joint committee.

Waynesboro (Va.) News Virginian, February 28: "We hope * * * the committee is retained. It is the only voice against governmental waste that remains in the National Capital."

Newport News (Va.) Times-Herald, February 25: "The thing to do is not to abolish the Byrd committee but to listen its sound advice."

Philadelphia (Pa.) Inquirer, February 26: "The committee's continuous studies of trends of spending has at least kept the Nation's attention focused on the problem of bringing greater efficiency into the Government."

Sioux City (Iowa) Journal-Tribune, February 27, "But would it be in the public interest to lop off the Byrd committee? To the Journal-Tribune, the answer is an unequivocal 'No.'"

Greenville (S. C.) News, February 26: "What you may think of Senator Byrd's influence in Virginia has nothing to do with a fair evaluation of the Byrd committee. Many of the ablest members of both parties testify that it is doing a necessary job and doing it splendidly."

Norfolk (Va.) Ledger Despatch, February 28, "The Byrd committee has served an important purpose and until other Government committees demonstrate greater capacity and willingness to take over the work the Byrd committee should be retained."

Roanoke (Va.) World News, March 1: "The people will be more than foolish if they do not come to the aid of the committee now."

St. Joseph (Mo.) Gazette, March 3: "Undoubtedly those who regard Government thrift as old-fashioned and unnecessary become irritated at the Byrd committee's frequent reports on Federal spending. That, in itself, is as good an argument for making certain that the committee keeps up its good work."

Washington (D. C.) Times-Herald, March 1: "The Byrd committee has been relentless in exposing the waste incident to the swollen Federal bureaucracy."

Philadelphia (Pa.) Bulletin, March 4: "This particular watchdog has done more than bark."

Bluefield (W. Va.) Telegraph, March 3: "If the Byrd group were to be dissolved tomorrow the whole cause of Government economy would suffer. It would be about as dreary a piece of penny-wisdom and pound-foolishness as Congress could devise."

Dubuque (Iowa) Telegraph-Herald, March 6: "This committee in its persistent demand for economy and its regular exposures of waste and extravagance has probably saved the country billions of dollars."

Roanoke (Va.) Times, March 9: "The Byrd committee is worth many times what it costs the taxpayers."

El Dorado (Kans.) Times, March 2: "The suggestions of this committee have been barbed, and evidently many of them have penetrated the thick hides of the spenders."

Fargo (N. Dak.) Evening Forum, March 4: "More vital today for the country than when it was established, the Joint Committee on Reduction of Nonessential Federal Expenditures * * * has rendered a fine service through its studies and in focusing attention on the problem of getting more efficiency in Government. * * * A bill has now been introduced to abolish the committee. * * * It should not prevail."

Petersburg (Va.) Progress Index, March 8: "One of the least inspiring suggestions made in Congress in a long time is that * * * of abolishing the Joint Committee on Nonessential Federal Expenditures. * * *"

San Antonio (Tex.) Express, March 1: "The Byrd committee furnishes * * * salutary statistics not available elsewhere in the Government. * * *"

Washington (N. C.) Star, March 6: "This joint committee never ceases its efforts to bring Government expenditures down to reasonable limits, and always supports its effort with evidence that said expenditures could be substantially reduced if the Government practiced sound economy. * * * Without this committee there is no telling what extremes of extravagance the administration would go to in wasting public funds."

Oakland (Calif.) Enquirer, March 6: "In honest fact the Byrd committee is one of the few good things that have existed under the New Deal, the Fair Deal, and other sodden elements that feed on the Public Treasury and that promote the socialization of America while professing hypocritically to regard the Constitution."

Kansas City (Kans.) Kansan, March 11: "The question of the Byrd committee's existence is one to be settled by the entire Nation and there is little doubt of what its decision will be."

Kenosha (Wis.) News, March 11: "One of the most recent cockeyed developments in Washington was * * * that the committee be abolished as 'nonessential.' * * * This is a preposterous suggestion. Kenoshans and taxpayers elsewhere throughout the land, and Congressmen, know * * * our best and most accurate source of information on Federal spending."

Ashland (Va.) Herald, March 9: "We hope the administration-sponsored move to kill the Byrd committee in Congress fails. This joint committee, which for so long has kept a watchful eye on unnecessary Government expenditures, serves a useful purpose and should not be allowed to die."

Butte (Mont.) Standard, March 12: "It so happens that this committee * * * has done more to make people conscious of Government spending than any other agency."

Boone (Iowa) News Republican, March 7: "Taxpayers as voters should indicate clearly that they want * * * the committee left as is.

Akron (Ohio) Beacon-Journal, March 4: "The committee acts as a watchdog for the taxpayers."

Mobile (Ala.) Press, March 13: "The reports of the committee indicate where spending can be cut off and waste eliminated."

Springfield (Ill.) Tribune, March 9: "It exposes additional examples of waste and duplication. The Byrd committee isn't wasteful—but it is embarrassing."

Wallace (N. C.) Enterprise, March 16: "We have not always agreed with the declarations of the committee, but it is just as well that somebody in Washington is concerned with the subject matter of the duties assigned to the joint committee"

Amsterdam (N. Y.) Recorder, March 14: "A look at the report of the Byrd committee which has just completed a study of nonessential Government spending is all that is needed to get a pretty good idea of why government comes so high these days."

Norfolk (Va.) Virginian-Pilot, March 19: "By keeping the spotlight on Federal employment figures alone the Byrd committee has put a hook in the Federal leviathan at one of its most vulnerable spots."

Stanton (Va.) Leader, March 19: "It is doubtful that Congress will support * * * the effort to get rid of useful Byrd committee reports. * * * Congress hasn't acted on the findings of the joint committee to the extent that it should but a majority seems to value the work of this body and to realize the strong public support which it has."

Independence (Mo.) Examiner, March 18: "A move * * * that is not appreciated by the economy-minded public is the introduction of a bill * * * to scrap the bipartisan committee."

Omaha (Nebr.) Morning World-Herald, March 18: "Evidently the Fair Deal socialists * * * nesting at Washington dislike to be audited. That supposition—and little else—would explain why some of them want to abolish the economy-minded Joint Committee on Reduction of Nonessential Federal Expenditures."

Mobile (Ala.) Register, March 20: "This committee has been doing a splendid job of emphasizing the opportunities for economy in operating the Federal Government. Undoubtedly the existence of this committee has been a definite and continuing factor in preventing extravagance from reaching even greater proportions during the last several years. The committee has been performing a useful service to the country. This service is unquestionably appreciated by an overwhelming majority of the American people. For the people are aware of the waste which has been going on in Washington. They know that they have to foot the bill for that waste. And they are grateful to those who are making efforts to check that waste."

Grand Forks (N. Dak.) Evening Herald, March 20: "The need for greater attention to matters of Government economy is becoming increasingly important. Inasmuch as the Byrd committee has found a sufficient number of nonessential Federal expenditures to earn the wrath of the administration it would seem the best interest of the public would be served by continuing the group."

New Haven (Conn.) Register, March 20: "The accomplishments of this committee speak for themselves. It has saved much that otherwise would have been frittered away. It has gone beyond this by preventing countless other raids on the Treasury by holding them up in advance to the spotlight of scrutiny and publicity."

Norwich (Conn.) Bulletin, March 20: "There was no chance that Congress would follow the suggestion to terminate the committee. It was looked upon as a drive against the man from Virginia because he was not afraid to place country above party."

Yakima (Wash.) Sunday Herald, February 26: "The group * * * has done much constructive work on behalf of the American taxpayers."

Shreveport (La.) Times, April 11: "The Byrd committee is an official body of both House and Senate created virtually without dissent by more than 500 Members of Congress."

Fond du Lac (Wis.) Commonwealth Reporter, April 21: "Effectiveness of the committee's work in keeping the public informed on what is going on financially * * * is indicated by the fact that some Members of Congress, especially some of the newer ones in the Senate, are becoming slightly perturbed. * * * Principal argument for the abolition of the committee is the ridiculous contention that * * * it overlaps the legislative Committee on Expenditures in Executive Departments. Even if this allegation were valid, it would be difficulty to see why any man in public office would quarrel with any committee of Congress which urges economy and efficiency."

Bloomington (Ind.) Herald, June 2: "The committee has maintained a constant fire on Government spending, notably the Government payroll."

Grand Rapids (Mich.) Herald, March 23: "Now about that duplication business. The * * * committee may be dealing with the same expenditures and the same agencies of Government, but somehow its reports are quite a lot different."

Enid (Okla.) News, April 30: "The truth is that this committee, and sometimes it alone among the * * * committees of Congress, has stood firm against wasteful spending and acted as a searchlight showing up the wastes of the fiscal fantasy practiced by the administration."

Savannah (Ga.) News, June 6: "The Byrd committee is working in practical fashion to put a stop to wasteful Government spending and establish in Government operations some semblance of sound business practices."

HYSTERIA ABROAD IN LAND—ARTICLE BY THOMAS L. STOKES

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an article entitled, "Hysteria Abroad in Land," written by the eminent columnist Thomas L. Stokes, and published in the Washington Evening Star of September 15, 1950.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HYSTERIA ABROAD IN LAND—SEVEN HAILED FOR COURAGEOUS STAND AGAINST COMMUNIST-CONTROL BILL

(By Thomas L. Stokes)

Some tribute should be paid in passing to the seven Senators who stood up and were counted against the legislative potpourri which started out as the Nixon-Wood-Mundt-Ferguson bill, became known afterward as the McCarran bill, and is variously designated as the Communist control and internal security bill.

They were Senators GRAHAM, of North Carolina; GREEN, of Rhode Island; KEFAUVER, of Tennessee; LEAHY, of Rhode Island; LEHMAN, of New York; MURRAY, of Montana; and TAYLOR, of Idaho. All are Democrats by party, and, beyond that, democrats with a small "d" in this instance.

To Senator HERBERT H. LEHMAN, four times Governor of New York, is due special mention, since he is the only Senator up for reelection in November who voted against this measure, which contains, among its many provisions, some that are dangerous to our democratic tradition.

INDEX OF HYSTERIA

His very courageous stand dramatizes the meaning of what happened in the Senate—by its very rarity—and what seemingly is happening in our country. If the Senate is a representative body that reflects our people, as it is said to be, the overwhelming majority for the bill—70 voted for it—can only be taken, presumably, as an index of the extent of the hysteria among our people, or among enough of them to make a difference electionwise. That is a sad commentary on the state of affairs, especially since the Senate is further removed than the House from the passions and prejudices of the moment, with its 6-year tenure for Members and only a third required to face the voters every 2 years.

The mania abroad in our land, which is so unlike a proud, free people, already has been reflected in Congress, most recently in the groundless and reckless charges against a fine public servant, Secretary of the Interior Oscar Chapman, and associates in the Interior Department, by Senator SCHOEPPEL, Republican, of Kansas, which the latter's own Republican colleagues were quick to disavow. Beyond

Congress, it has exhibited itself in numerous and fantastic ways, among them in the attempted purge of radio and television entertainers and performs at the mere whim of a self-appointed vigilante squad. This last sorry episode shows how quickly in these times those who are guardians of a part of our heritage of freedom of thought and expression can bow before the frenzy, for those who sponsor radio programs are endowed with responsibility also to preserve our traditions. They are in the keeping of all of us.

LIKE AMATEUR COOKS

Disillusioning, indeed, was the spectacle in the Senate when, like a lot of amateur cooks, our representatives were tossing their bits into the pot to fix up the McCarran legislative brew. It recalled, in a way, the old recipe for rabbit stew, in which the first item is to catch a rabbit.

Some little attention was given to the rabbit—the actual saboteur and spy—on which President Truman has placed chief emphasis in his recommendations for legislation, but many other provisions are found in the final product of the Senate cooks which infringe upon our fundamental rights of freedom of thought, speech, assembly, and person. They are so vague and broad that they could be used to persecute persons for unpopular beliefs, or even for progressive inclinations, and so destroy our traditional tolerance for our native brand of radicalism and progressivism which has contributed to the development of our democratic political philosophy and our society.

A number of Senators who were perfectly aware of these dangers, nevertheless, rationalized themselves into voting finally for the measure because it provided also needed tightening of our laws against spies and saboteurs, including concentration camps for such in event of war, which they supported as a substitute bill.

STATION WDEL, WDEL-TV

Mr. FREAR. Mr. President, I ask unanimous consent to insert in the body of the RECORD at this point a statement prepared by me expressing appreciation for the outstanding record of public service rendered by Station WDEL to the people of Delaware and surrounding areas.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FREAR

As we approach the end of the Eighty-first Congress, I want to take this occasion to publicly express my appreciation for the outstanding record of public service which is constantly rendered to the people of Delaware and surrounding areas by a distinguished radio station in my State.

Station WDEL, which is now also WDEL-TV, has for many years been an integral part of Delaware's community life. It has always endeavored to follow a policy of service to the public. I am particularly grateful for the courtesy it has extended to me over the past 2 years in broadcasting a weekly report on congressional affairs which I issue regularly for the information of the citizens in my State. The extensive coverage afforded my remarks through the medium of WDEL, has brought widespread comments, and, what is even more important, opinions from many listeners concerning pending legislation. These views have been an invaluable source of information and guidance to me in reaching decisions on many important issues.

WDEL has also been most unselfish in offering its facilities to other public officials of the State for messages important to the welfare of our people. Supplementing this phase of its public-service program, WDEL's facilities have been widely used in many other ways. For instance, the station has for a number of years cooperated with safety authorities in broadcasting traffic information and warnings to motorists. It has also been of much assistance to school authorities in relaying announcements regarding the opening or closing of schools. This is particularly true in times of heavy snowstorms when it has become necessary to close schools until roads have been cleared.

I could cite a number of other instances where this radio station has lent its all-out cooperation for the welfare of the communities it serves. For example, its daily program of farm information and weather news fulfills a tremendous need of farmers and city dwellers alike. WDEL's local programing, whereby many different individuals, groups and organizations are given an opportunity to present broadcasts of an entertaining and educational nature, is also a source of much satisfaction and pleasure to Delawareans.

High on its list of services are religious programs, a number of which are broadcast on a daily and weekly basis.

It is my feeling, Mr. President, that public attention should be drawn to these voluntary contributions on the part of WDEL, and for that reason I am happy to bring them to the attention of the Senate.

In singling out WDEL, I do not want to, in any way, indicate that Delaware's other radio stations do not perform important services as well, for indeed they do. All of our stations keenly recognize the necessity of providing their listeners with information of local interest. This is in addition, of course, to the many and varied broadcasts which emanate from their network facilities.

The radio outlets of our State, which, in addition to WDEL, include WILM, WAMS, WDOV, and WTUX, have all been most loyal public servants. They are a source of great pride to Delaware citizens, and they are splendid examples of public service organizations which contribute greatly to the American way of life.

ADEQUACY OF FUEL SUPPLIES IN NEW ENGLAND

Mr. BYRD obtained the floor.

Mr. BENTON. Mr. President, will the Senator from Virginia yield to me, in order that I may make two unanimous-consent requests?

Mr. BYRD. Yes, if I may do so without losing the floor.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. Mr. President, will the Senator explain the unanimous-consent requests he intends to make?

Mr. BENTON. My first request deals with a resolution from the Committee on Interstate and Foreign Commerce, by arrangement with the chairman of the committee, the Senator from Colorado [Mr. JOHNSON].

The second request—which I would postpone at the Senator's suggestion—relates to having the Senate take up a bill——

Mr. BYRD. Mr. President, if discussion is required in connection with those matters, of course, I must not yield.

Mr. BENTON. I concur that if these matters require any discussion, I shall postpone the request until a later time.

Mr. WHERRY. I simply wondered whether the Senator had in mind, in this connection, anything other than the housing bill.

Mr. BENTON. The other matter is a statement which will require 20 or 30 seconds, which I wish to make in accordance with an arrangement which has been made with the Senator from Colorado.

Mr. WHERRY. I have no objection.

The VICE PRESIDENT. Is there objection to permitting the Senator from Virginia to yield for that purpose? The Chair hears none, and the Senator from Connecticut may proceed.

Mr. BENTON. Mr. President, I am grateful to the Senator from Virginia, because I have been endeavoring to obtain the floor for this purpose for several days; and I do have engagements in Connecticut, as seems to be my weekend custom.

Mr. President, by arrangement with the distinguished senior Senator from Colorado [Mr. JOHNSON], I ask consent that the Senate proceed to consider the resolution (S. Res. 344) to inquire into the adequacy of fuel supplies in New England. The resolution calls for a modest inquiry into the adequacy of fuel supplies in New England now and for the coming winter, particularly with reference to the needs of small and independent business.

I think it is a wholly noncontroversial resolution. It does not call for any money. It was reported favorably, on Wednesday, by the chairman of the Committee on Interstate and Foreign Commerce. I can assure the Senate that this modest study will be undertaken in a very businesslike way, and I think it is of concern not only to New England but also to the entire United States, because of the many defense functions performed by New England industries. I shall ask for adoption of the resolution.

The VICE PRESIDENT. The clerk will state the resolution.

The LEGISLATIVE CLERK. A resolution (S. Res. 344) to inquire into the adequacy of fuel supplies in New England.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WHERRY. Reserving the right to object, I understand that the resolution has been reported by the Committee on Interstate and Foreign Commerce, a legislative committee, and that the resolution is now on the calendar. Is that correct?

Mr. BENTON. That is correct.

Mr. WHERRY. Was the resolution reported by the committee unanimously?

Mr. BENTON. So far as I know, it was. That is the report which came to me.

Mr. WHERRY. Of course, the committee would make this investigation with funds which have already been allocated to it as a legislative committee, would it not?

Mr. BENTON. With funds allocated to the Committee on Small Business; yes.

Mr. WHERRY. The Committee on Small Business?

Mr. BENTON. The Committee on Small Business does not have authority, as I understand, to report a resolution of this kind. Therefore it went through the Committee on Interstate and Foreign Commerce, and the inquiry will be referred to the Committee on Small Business.

Mr. WHERRY. Why is legislation needed? This sets up a committee to study the question, does it not?

Mr. BENTON. The resolution provides for a committee to make the investigation.

Mr. WHERRY. And the committee will be appointed from the Committee on Small Business, will it not?

Mr. BENTON. It will be appointed by the chairman of the Committee on Small Business.

Mr. WHERRY. Why can it not be handled by the Committee on Small Business without action being taken by the Senate?

Mr. BENTON. We had originally requested $10,000, which was stricken out by the Committee on Interstate and Foreign Commerce. There may be a subsequent request for funds coming from the Committee on Small Business through the Committee on Rules and Administration.

Mr. WHERRY. That is the point I am making. If the Committee on Small Business is to make this investigation, I have no objection to it at all. But if the legislative committee, the Committee on Interstate and Foreign Commerce, is now to be authorized to make the study, that committee can make it through one of its legislative subcommittees with the funds it already has. However, if the purpose is to set up a committee, which will result in a request for an appropriation on the part of the Committee on Interstate and Foreign Commerce, I think the resolution should go to the Committee on Rules and Administration.

Mr. BENTON. As I understand, the resolution calls for no authorization now, but provides the background, so that if funds are later needed, a request for funds may be made by the Committee on Small Business.

Mr. WHERRY. I do not understand why the resolution does not go to the Committee on Rules and Administration for consideration. Can the Senator tell me why it should not?

Mr. BENTON. No money is now requested, and for that reason I understood it should not now go to the Committee on Rules and Administration.

Mr. WHERRY. Certainly it ought to go to some committee before it is considered by the Senate.

Mr. BENTON. Mr. President, I regret the delay. I did not expect this discussion. I had assured the Senator from Virginia it would not take long.

Mr. WHERRY. I am merely trying to assist the Senator.

Mr. BENTON. Yes; I know.

Mr. WHERRY. I am trying to find out why it should bypass the Committee on Rules and Administration.

Mr. BENTON. I have endeavored to explain to the Senator.

The VICE PRESIDENT. The resolution has been reported from the Committee on Interstate and Foreign Commerce.

Mr. WHERRY. I understand that. I appreciate the suggestion volunteered by the distinguished Vice President.

The VICE PRESIDENT. The Senator from Nebraska had suggested that it ought to be referred to some committee, and the Chair merely wanted to remind the Senator, in all good humor, that it had been referred to a committee and had been reported from a committee.

Mr. WHERRY. I appreciate that. But that is not the answer to my question. I asked why it should not be referred to a committee. I am not questioning that it has not been referred. I am asking why it did not go before the Committee on Rules and Administration. If there is no reason for so referring it, and if there is to be no future action by the Committee on Rules and Administration, I do not intend to argue about it.

Mr. BENTON. I do not anticipate any future action.

Mr. LUCAS. Mr. President, will the Senator yield?

The VICE PRESIDENT. If the Chair may make a suggestion, without offense to anyone, he would suggest that the reason it did not and cannot go to the Committee on Rules and Administration is that the appropriation of funds was stricken from the resolution.

Mr. WHERRY. Mr. President, I appreciate that statement. But the Senator from Connecticut indicated a few moments ago that it might be necessary to have appropriations, at some future date in order to carry out the purposes of the resolution. It that not correct?

The VICE PRESIDENT. In that case it will be necessary to bring in a supplemental resolution.

Mr. BENTON. I assume that if it should become necessary to have an appropriation, a new resolution would be required.

The VICE PRESIDENT. Is there objection to the present considerations of the resolutions?

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BENTON. I yield.

Mr. LUCAS. I understand that this resolution involves no funds to be appropriated from the contingent fund of the Senate.

Mr. BENTON. It involves no funds.

Mr. LUCAS. Therefore, there is no reason why it should go to the Committee on Rules and Administration.

Mr. BENTON. That is my understanding.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 344) to inquire into the adequacy of fuel supplies in New England, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment, on page 1, after line 10, to strike out:

SEC. 3. For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to employ upon a temporary basis such technical, clerical and other assistants as it deems advisable, and is authorized, with the consent of the head of the department or agency concerned, to utilize the services, information, facilities and personnel of any of the departments or agencies of the Federal Government. The expenses of the committee under this resolution, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

So as to make the resolution read:

Resolved, That the Select Committee on Small Business, or any duly authorized subcommittee thereof, be authorized and directed to conduct a full and complete inquiry into the adequacy of fuel supplies in New England now and for the coming winter, particularly with reference to the needs of small and independent business.

SEC. 2. The committee shall report its findings, together with its recommendations for such legislation as it may deem advisable, to the Senate at the earliest practicable date but not later than December 15, 1950.

The amendment was agreed to.

The resolution, as amended, was agreed to.

PROVISION OF HOUSING AT REACTIVATED MILITARY INSTALLATIONS

Mr. BENTON. Mr. President, I had intended to take up another matter, but, in view of the lengthy discussion involved in the presentation of the resolution just agreed to I shall, in line with my understanding with the Senator from Virginia, postpone my efforts with respect to the second matter. I am grateful to him for having yielded.

Mr. WHERRY. Mr. President, will the Senator from Virginia yield, so that I may make a very brief statement to the Senator from Connecticut?

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield for that purpose, without prejudicing my right to the floor.

The VICE PRESIDENT. Without objection, the Senator from Virginia yields to the Senator from Nebraska.

Mr. WHERRY. I wanted to state to the Senator from Connecticut that I am not going to object to the bill which I understand he desires to have considered. I thought he had asked unanimous consent to call it up. I knew nothing about the resolution. If the Senator wants to proceed with his housing bill, there is no objection on my part. I wanted the Senator to know that.

Mr. BENTON. Mr. President, could I delay the Senator from Virginia, and take a few more minutes?

Mr. BYRD. I yield for that purpose, with the understanding that it does not involve discussion.

The VICE PRESIDENT. Without objection, the Senator from Virginia yields to the Senator from Connecticut for that purpose.

Mr. BENTON. Mr. President, I am self-conscious about this matter, because of my understanding with the Senator from Virginia. On Wednesday, for myself, and for the Senator from Alabama [Mr. SPARKMAN], the senior Senator from Connecticut [Mr. MCMAHON], and the Senator from Indiana [Mr. CAPEHART], I introduced a bill (S. 4145) to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes. I explained why the bill was not routed to a committee through the usual channels. The reason was that it dealt with an emergency situation, and the chairman of the Committee on Banking and Currency, to which I assumed the bill would be referred, was abroad on official business.

The bill is in the nature of a stop-gap, to serve until further consideration can be given to this problem in January by the Eighty-second Congress. It is wholly

a quick emergency bill, the purpose of which is to make a start toward the solution of a very real and a very human problem. As I explained, this bill would merely authorize the Housing and Home Finance Agency to use funds now on hand from the operation of temporary war housing under its jurisdiction to erect on or near military installations which have been reactivated since the outbreak of the Korean affair, livable housing of a prefabricated nature or other portable or mobile housing.

The particular thing which brought this matter to my attention is Camp Pickett, Va., where the boys from Connecticut are now stationed without suitable housing for their families.

Up to $20,000,000 is authorized for such a program as is envisaged by this bill. Recently, the distinguished minority leader asked me whether the Housing and Home Finance Agency had $20,000,000. I thought it had. I now discover it has but $6,000,000, but it anticipates that, before the end of the fiscal year, it will have $20,000,000, which will accrue through rents and sales of similar housing, for which the agency is responsible.

These houses would be reserved for rent to servicemen and their families, only; that is, to men on duty at Camp Pickett and other camps now being reactivated.

In the long run the bill would cost the Government nothing because adequate rent would be charged. If the crisis endures for a long time, as I fear it may, the entire cost would be repaid to the Government from the rents. However, if the crisis is short-lived, I agree that there might be some cost to the Government connected with this proposal. But there would still be the value in these demountable houses, and of course this is a loss which I think we would gladly pay on the assumption that the crisis will be short-lived.

At an estimate of $7,500 per new unit, this authorization should be sufficient to supply something more than 2,500 new units. I am told—and the Senator from Washington confirmed this yesterday—that the Agency has now on hand 56,000 demountable units, largely occupied, but it could start with the ones that are unoccupied, and, as others become unoccupied, they could utilize as many of the 56,000 units as may be suitable. In that way the $20,000,000 will be made to go as far as possible.

My present information is that a total of 21 other installations are being reactivated, including the four Army camps in Virginia, Indiana, Mississippi, and Kentucky.

Mr. President, only through this bill we now begin to provide vitally needed can we now begin to provide vitally needed housing facilities for the families of servicemen near the reactivated military installations at which the head of the family is on duty. From my own State of Connecticut, about 5,200 men are now on active duty at Camp Pickett, Va., due to the calling into Federal service of the Forty-third Division of the National Guard. As soon as I learned this was to occur, I started checking into the adequacy of housing near these bases. By August 7 I had obtained enough information to send the following letter to the Secretary of Defense:

DEAR MR. SECRETARY: The Forty-third Infantry Division was recently notified that it is to be called into Federal service, in September. Of this New England division, about 5,200 men are residents of my States of Connecticut.

One of the many poignant problems accompanying a serviceman's transition from civilian to military life is the fact that at any time he may be torn from his family with the painful realization that he may never see them again. While this parting must occur earlier in some cases than in others due to varying reasons, it is imperative that this separation not be forced prematurely because of lack of adequate housing near the military installations in the continental United States where servicemen are ordered to duty.

I understand the Forty-third Division will be ordered to Camp Pickett in Virginia. I would appreciate your advising me what adequate housing is available to the families of servicemen in the immediate vicinity and whether Camp Pickett is being designated as a permanent military installation in order to make possible the construction of housing by private sponsors under title VIII of the National Housing Act, as amended (Public Law 201, 81st Cong., 1st sess., as amended).

Very sincerely yours,

WILLIAM BENTON,
United States Senate.

A formal acknowledgment arrived quickly saying the matter had been referred to the Secretary of the Army. When no direct reply to my questions was forthcoming, I checked by telephone with the Army and urged the necessity of an early answer. I could not help but think that the day was approaching ever closer when these troops would have to leave Connecticut for Camp Pickett, and many families would have to break up which could remain together if there were adequate housing near the camp. I urged the Army to try to meet this problem.

On August 29, 1950, I received the following reply in writing:

DEAR SENATOR BENTON: Further reference is made to your letter of August 7, 1950, to the Secretary of Defense, regarding the availability of housing in the vicinity of Camp Pickett for the Forty-third Infantry Division.

The housing situation at Camp Pickett, Va., and immediate vicinity is very limited inasmuch as this installation, prior to its inactivation, was primarily used for training purposes. It is understood, however, that surrounding communities and the more populous centers of Petersburg and Richmond, Va., provide some opportunities for rental units.

It is expected that the current use of Camp Pickett will also be for training purposes only, therefore, housing at this installation does not qualify under provisions of title VIII, National Housing Act.

Your interest in this matter is appreciated. However, inasmuch as the reactivation of Camp Pickett was required as a result of the present international situation and since the continued activation of this facility is indefinite, the construction of additional housing units at this station cannot be justified a this time.

Sincerely yours,

T. A. YOUNG,
Assistant to Chief.

This left me with the definite feeling that there was an inadequate supply of housing near Camp Pickett and that apparently no adequate plans were under way to relieve that shortage. Not satisfied to leave the problem unsolved, I then inquired of the Housing and Home Finance Agency and the National Security Resources Board what steps, if any, were being taken to remedy the situation of a housing shortage such as seems to exist at Camp Pickett. I received courteous and prompt replies from both agencies but I was still not satisfied that adequate plans were in process. I realize that many NSRB blueprints are of a secret nature but the information I received indicated there was no plan ready for immediate execution which would give relief to the families of the guardsmen going to Camp Pickett. I was assured there were plans to be implemented in event of a full mobilization. But that is no satisfactory answer to a guardsman who is being ordered to active duty now. For him that order is as full a mobilization as will ever come into his life as an individual. Many of these men have already been through one or even two wars and many have families. I appreciate the fact that the exigencies of warfare may send soldiers to areas where their families cannot follow, but it is a shame to force a premature separation from their families due to a shortage of housing.

I do not mean to criticize any individual or agency but I think the time has come when we must realize we have to prepare for some unpleasant situations and that a house "on paper" affords no shelter for a soldier's family.

I have the satisfaction that my inquiries prompted the agencies involved to cooperate in offering to work out an immediate plan for handling this situation. They have all been most helpful and it has been concluded that this bill is the best way to provide immediate relief.

Mr. President, before I ask unanimous consent for the consideration of this bill, I point out that it requires no additional appropriation. Immediate passage would send it to the House of Representatives with time in which we can hope for action before this session ceases to do business.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CAIN. Mr. President, if this is the proper time to offer them, let me say that I have previously sent two amendments to the desk——

The VICE PRESIDENT. It is not the proper time.

Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 4145) to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes.

Mr. CAIN. Mr. President, I ask that the Clerk state the amendments, which I have sent to the desk.

The VICE PRESIDENT. The Clerk will state the amendments offered by the Senator from Washington.

The LEGISLATIVE CLERK. On page 1, line 6, it is proposed to insert after the word "prefabricated", the words "or other"; on page 1, line 10, after the numerals "1950", to strike out the period, insert a comma and "and is authorized

and directed to utilize for this purpose any available and suitable demountable housing under his jurisdiction which is unoccupied on the date of enactment of this act or which thereafter becomes unoccupied."

Mr. CAIN. Mr. President, these two amendments have been discussed previously with the Senator from Connecticut, and are acceptable to him. The first amendment would merely make certain that the demountable and mobile housing in question would not be restricted to prefabricated units. The second amendment would authorize the Housing Authority to utilize any available and suitable demountable housing under his jurisdiction which is unoccupied on the date of the enactment of the bill.

Mr. BENTON. Yes, Mr. President; the amendments improve and clarify the bill and make the money go as far as possible. They are wholly agreeable.

The VICE PRESIDENT. The question is on agreeing to the amendments offered by the Senator from Washington.

The amendments were agreed to.

Mr. BRICKER. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The Clerk will state the amendment offered by the Senator from Ohio.

The LEGISLATIVE CLERK. It is proposed to add a new section 3, as follows:

SEC. 3. (a) To aid in procuring and financing housing necessary for the national defense, the Housing and Home Finance Administrator (hereinafter referred to as the "Administrator") is authorized—

(1) to organize and subscribe for the capital stock of a company or companies to be formed under the laws of the United States, or of any State, Territory, or insular possession, principally for the purpose of acquiring real estate or any interest therein, and developing and constructing all facilities necessary to comprise any rental housing project for military or civilian occupancy which is certified by the President, or such officer or agency as he may designate for the purpose, as necessary or useful for the national defense: *Provided,* That the entire capital stock of any such company shall be subscribed by the Administrator (excepting such stock as may be subscribed by and issued to Federal Housing Administration in connection with the insurance of mortgage loans by such Administration): *And provided further,* That, for the purposes of this paragraph (1), the Administrator is authorized to expend not exceeding $10,000,000 from monies derived from the operation or rental of housing pursuant to Public Law 849, Seventy-sixth Congress, as amended.

(2) to cause such housing projects to be sold, for cash or on such credit terms as the Administrator shall determine, as expeditiously as possible taking into consideration the continuation of their need for the purpose of housing military personnel or defense workers and the public interest.

(b) The organizers, directors, and officers of any such company shall be officers or employees of the Housing and Home Finance Agency and shall serve without additional compensation, but the Housing and Home Finance Agency shall be entitled to reimbursement for the value of their services and for such other services and facilities furnished to such company. Services performed by any officer or employee of the Housing and Home Finance Agency in behalf of any such company, so long as the capital stock of such company is held by the Administrator, shall for all purposes be deemed and considered services performed in the employ and in behalf of the Housing and Home Finance Agency.

(c) The Reconstruction Finance Corporation is hereby authorized and directed upon certification by the Administrator that the proposed housing project has been approved by him, to make and manage loans to any such company for the purpose of financing the development of such housing project and for the general expenses and overhead of such company, such loans to be made at such inteerst rate as the Reconstruction Finance Company shall prescribe, and upon the security of a first lien or deed of trust: *Provided,* That, to the extent practicable, such loans shall be insured by the Federal Housing Administration: *And provided further,* That the encumbrance of any such housing project with liens or other charges subject and subordinate to the liens securing loans insured by the Federal Housing Administration shall not operate to vitiate or impair such insurance to any extent whatever. The total amount of investments and loans made by the Reconstruction Finance Corporation, pursuant to this section, shall not exceed $100,000,000 outstanding at any one time.

Mr. BENTON. Mr. President, I welcome the amendment offered by the Senator from Ohio. It carries the idea still further.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

The VICE PRESIDENT. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNOUNCEMENT AS TO RECESS OVER SATURDAY

Mr. LUCAS. Mr. President, last night I made the announcement that under the circumstances, because of the disagreement on the tax bill in conference, the Congress would not be able to adjourn or take a recess tomorrow evening. That is a certainty, now; and when the Senate concludes its business this afternoon a recess will be taken until Monday. We will come back on Monday and see what will happen next week.

APPOINTMENT OF GEN. GEORGE C. MARSHALL TO THE OFFICE OF SECRETARY OF DEFENSE

The Senate resumed the consideration of the bill (S. 4147) authorizing the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense.

Mr. BYRD. Mr. President, in the absence of the Senator from Maryland [Mr. TYDINGS], the chairman of the Armed Services Committee, I should like to make an explanation of Senate bill 4147, the purpose of which is to authorize the President to appoint the General of the Army, Gen. George C. Marshall, as Secretary of Defense.

On Tuesday, September 12, the Armed Services Committee of the Senate was called into emergency session to receive a message from the President of the United States. Senator TYDINGS, chairman of the committee, read a letter from President Truman, in which it was stated that Mr. Johnson had resigned as Secretary of Defense, that the President desired to appoint Gen. George C. Marshall and requested that the Armed Services Committee report promptly to the Senate legislation which would make possible this appointment.

After a discussion, the bill now pending in the Senate was reported by a vote of 10 in favor and 2 opposed. One Senator, the Senator from New Hampshire [Mr. BRIDGES], was absent. The 2 Senators opposing the legislation made clear that their opposition was not directed at General Marshall but that they did not believe it wise to make an exception to the basic unification law, passed in 1947, which provided, in section 202:

There shall be a Secretary of Defense, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate: *Provided,* That a person who has within 10 years been on active duty as a commissioned office in a Regular component of the armed services shall not be eligible for appointment as Secretary of Defense.

It is necessary to modify that section in order to appoint General Marshall. Senate bill 4147, favorably reported by the committee, provides that this section is amended and that the President "is authorized to appoint the General of the Army, George C. Marshall, to the office of Secretary of Defense."

Let me emphasize, Mr. President, that the pending bill has specific application only to General Marshall. I would not support a suspension of the present law except under this condition, namely, that if the nomination of General Marshall is confirmed by the Senate the pending bill terminates at the time he retires from this position. It should be clearly understood that the unification law prohibiting such an appointment is modified only to the extent that it applies to General Marshall. No other part of the unification law is amended by this pending bill.

I stated in the committee meeting, and I repeat, that I would strongly oppose repeal or suspension of section 202, which I have quoted, but I support it only because in this emergency it applies to General Marshall alone.

I think the report of the committee clearly sets forth the position of the majority of the committee, and as it is short I shall read it. It is as follows:

General Marshall has had a long and distinguished career in public life. The committee feels there is no question but what he is eminently qualified to fill the very important position of Secretary of Defense.

The committee does feel, however, that the proviso contained in the above quotation from the National Security Act of 1947 is a wise restriction and is necessary if our traditional concept of civilian control over the military is to be maintained. The committee, therefore, takes the position that although the existing limitation against the appointment of a military man as Secretary of Defense should remain in the permanent law, the seriousness of the situation facing this Nation, coupled with the outstanding ability and prestige of General Marshall, fully justify an exception to the general rule. The proposed legislation has, therefore, been drafted in such a manner that it distinctly retains all permanent provisions of present law, but specifically excepts General Marshall from the limitations which would restrict his appointment as an individual to this very important post.

In filing this report and recommending the enactment of this proposed legislation the committee wishes emphatically to reaffirm

the principle enunciated in the proviso quoted above and to make it clear that the instant case is being treated as an exception justified by the gravity of the present world conditions and the great capacity, integrity, and prestige of Gen. George C. Marshall.

Two members of the committee, the Senator from California [Mr. KNOWLAND] and the Senator from Washington [Mr. CAIN], filed minority views, which I assume they will desire to discuss in their own time.

With respect to General Marshall's compensation, as provided in the pending bill. He now receives $18,761. The bill provides that in the event the salary prescribed by law for the Office of Secretary of Defense exceeds such pay and allowances, General Marshall shall be authorized to receive the difference between such pay and allowances, and such salary. Therefore General Marshall will receive a total compensation of $22,500 after crediting his present compensation, an increase of $3,739 a year, should he be appointed and should he be confirmed by the Senate.

Mr. President, upon completion of 40 years of military service, General Marshall retired on February 28, 1947. In November 1945 the President announced that he was appointing General Marshall as his Special Ambassador to China. General Marshall arrived in China on December 19, 1945; he returned to the United States on January 8, 1947, at the end of his mission. After his return from China General Marshall was appointed Secretary of State and held office from January 21, 1947, to January 20, 1949.

As one who had a part in framing the Unification Act, prohibiting the appointment of a Secretary of Defense who had been on active duty within 10 years from the date of his appointment as a commissioned officer in a regular component of the armed services, I have a sympathy and understanding of the opposition of those who do not desire to establish a precedent which would make possible the appointment of those in the armed services as Secretary of Defense. I am fully and absolutely in accord with the principle that in normal times the Secretary of Defense should be a civilian, but the conditions confronting us today are not normal. We have been maneuvered into a position where we are fiscally vulnerable from within and so greatly extended in our commitments that we may be militarily vulnerable from without. Our reverses in Korea have resulted in a great loss of prestige in the military power of this country throughout the world.

It is possible for Russia to involve this country in a number of side-line wars through the activities of her communistic satellites.

One more sideline war would place this country in an extremely embarrassing position, to say the least. We cannot be oblivious to the great perils that confront us, and only an impregnable national defense may save us from ultimate disaster. It is my firm conviction that the chief deterrent to another world war is our strong national defense, which, unfortunately for us, we have not attained even though we have spent more than $50,000,000,000 in military preparations in the past 4 years.

I have disagreed with General Marshall on his foreign economic policies, and others here have differed with him on some questions, but I do not believe there can be any difference of opinion, from a standpoint of a military leader capable of preparing this country militarily for any contingency that may occur, that General Marshall has supreme capacity in that field. He has demonstrated his great capacity many, many times.

Besieged, as we are, by perils on every side, I feel it is our obligation, as representatives of the people, to place in this position of authority a man who, above all others, is best capable to perform the duties of Secretary of Defense. General Marshall has the confidence—the nearly complete confidence, I may say—of the American people. I happen to know, from a personal experience, that he is completely devoid of political ambition, and I will give the Senate a personal instance of this.

About 10 years ago I prepared an article in which I suggested the wisdom of the nomination by the Democratic National Convention of General Marshall for the Presidency of the United States. I thought he would make a good President. That was about 10 years ago. In some way General Marshall heard of the article I had prepared, and he called me and asked me not to publish the article, although it had already been accepted by one of our leading magazines and was virtually in print. He said he had never had, did not have then, would never have in the future any political aspirations, and would not accept any political office. That is what happened 10 years ago. At that time General Marshall was 59 years old. He is now 69. He said then he had no political aspirations, never had, and never would have in the future. So I think we can rest assured that there is nothing to the fear of some people that General Marshall, holding the great power of Secretary of Defense, might use it for political purposes.

He desires only to serve the people of this Nation in his most effective capacity. He has both great ability and an integrity of mind and heart which inspire confidence in all who come in contact with him. General Marshall's appointment will serve notice to all the world that we intend to have an impregnable national defense, efficiently administered in such a way as not to impair our fiscal solvency. It will do much to repair the loss of prestige occasioned by our reverses in Korea.

Again I emphasize that the suspension of the provision in the Unification Act is taken at a time of crisis. This is a time of great crisis. I feel that the United States confronts today the greatest perils in its history since the days of the Revolution. We are menaced on many fronts. We are fighting on one front, and we may be compelled to fight on other fronts, without Russia firing a gun or losing a soldier. For that reason we need to have in charge of national defense operations the ablest talent we can obtain, because the very existence of our country depends upon adequate defense. So I emphasize that this action is being taken at a time of crisis and is limited to the occupancy of the office by one man. Such legislation has never been enacted by the Congress of the United States. The bill permits the President to name one man for appointment to a great office, and only to that extent does it modify existing legislation.

It may be asked, "Are we so destitute of ability in this country that there is only one indispensable man?" I say no man is indispensable, but I challenge any man who opposes this measure to point to another person who is better qualified than General Marshall to fill this office in this day of great peril. If present conditions did not exist I would be the first to oppose such legislation, but I favor it because of my appreciation of our difficulties, anxiety, and fear in the face of the conditions which now confront America. So here under this bill one man, designated by name, selected because of his supreme qualifications, a man who has never had political aspirations and never will, would be permitted by law, to be named Secretary of Defense.

I repeat that in my opinion that no man in America or in the world can exceed General Marshall in his capacity for military tactics, which means adequate military preparedness. When we speak of a great military leader, we must concede that General Marshall knows military preparedness which is the very basis and foundation for military success. That, Members of the Senate, is what we lack today.

Mr. THYE. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. THYE. General Marshall also has the ability to work with men.

Mr. BYRD. That is correct.

Mr. THYE. General Marshall may do much to bring together all leaders of the North Atlantic Pact countries, which would bring about a strong military unit. I have followed the very able Senator's eloquent statement relative to General Marshall, and it is very encouraging and most heartening to me in this time of world crisis.

Mr. BYRD. I thank the Senator.

So a man is being selected by reason of his supreme qualifications; a man who has never had political aspirations, and never will; a man who has unselfishly served his Nation in periods of great emergency, and who is outstanding in the military field, both at home and abroad.

Under these conditions, with the legislation so limited, I do not believe it establishes a precedent for the future, unless the Congress of the United States desires in some other instance or some other great crisis to select a military man on a temporary basis as Secretary of Defense. Let us remember that this proposed legislation will die when General Marshall retires from office. When he retires it would be wiped off the books. It applies only to one man. It does not make a permanent change in the law. It is limited specifically to one man and for one purpose. It would aid the President and our military leaders to prepare the United States to meet her enemies, and not suffer further reverses of the kind such as have occurred in Korea.

Let me say that I believe we have suffered a most harmful blow to our prestige because of our inability and apparent unpreparedness to meet the challenge of the North Koreans. That is a subject which can come up for discussion at some future time.

Mr. KERR. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. KERR. In the formation of the Republic, when the Constitutional Convention met and looked about for the one who would be the most effective and successful man to preside over their deliberations, whom did they call?

Mr. BYRD. George Washington.

Mr. KERR. Had he been a military man?

Mr. BYRD. He had been.

Mr. KERR. They wrote a provision in the Constitution that a civilian should always take authority over the military, and in preparing that document they called the highest military man there was to preside.

Then, when they formed the Republic and chose the first President, whom did they call?

Mr. BYRD. George Washington.

Mr. KERR. He who had been the successful Commander in Chief. His military activities did not constitute a limitation upon his ability to serve in a great civilian capacity in either instance; did they?

Mr. BYRD. They did not.

Mr. KERR. I thank the Senator.

Mr. BYRD. I thank the Senator for his observations. In my judgment, George Washington did more than any other single man ever did for the United States of America. I do not say it in pride merely because he happened to be born in Virginia, but if we had to point to one man who did more than any other to establish the American Republic and chart its course along sound lines of progress, in my judgment, it would be George Washington.

Mr. GURNEY. Mr. President, will the Senator from Virginia yield?

Mr. BYRD. I yield to the Senator from South Dakota.

Mr. GURNEY. I am sure the Senator remembers that many times during and even before World War II, when the committees of Congress called upon General Marshall for information as to preparations, and then as to the progress of the different armies all over the world, every time he came before a committee and explained the situation the Members felt they had all the information there was on the subject about which they were inquiring, and that they were getting information straight from the shoulder. He gave us the reasons for his statements, and I am sure that every time Congress felt that when detailed information was necessary for Congress in carrying on the war effort it was not being withheld.

I should like to say that in my opinion General Marshall was more responsible for the success of our efforts in World War II than any other man. I believe the American people should remember all of the successes he achieved during World War II, and the different commanders all over the world who were selected by George Marshall. In my opinion, all their successes went back to the ability, the sound judgment, the clear thinking of General Marshall.

I for one wish to endorse all the statements the senior Senator from Virginia has made about George Marshall. I shall support the bill as it came from the Committee on Armed Services.

Mr. BYRD. I thank the Senator. I do not contend that General Marshall is a perfect man. I have never yet seen a perfect man. Such a man may exist on the earth, but I have not seen one. General Marshall no doubt has made mistakes. I do not agree with him on economic aid to Europe. Perhaps he is right, and I am wrong. Perhaps some others do not agree with him on the Chinese situation, and perhaps they are wrong, and he is right; I do not know. But I challenge anyone to contradict the statement that when it comes to military preparedness, when it comes to military strategy, there is no man in America, or even in the world, who surpasses George Marshall. When the country gets into a corner, as we are in one today, menaced here and there, menaced far more than many of us realize, it is fortunate to have a man like George Marshall on whom we can call.

Russia knows what to do. We have given her the formula. We have not been able so far to end the war in Korea. All she has to do is to start satellite wars here and there, depending on us to divide our forces and spread them all over the world.

Mr. KERR. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. KERR. Does the Senator think the country is entitled to the best we have?

Mr. BYRD. I think that if we do not get the best we have, we will get something that will destroy us.

Mr. KERR. Is it possible that we cannot afford to take less than the best?

Mr. BYRD. We cannot afford to take less, and we cannot afford to take any chances.

Let me make one comment about preparedness which I do not think has been discussed. We had a trained army of 1,600,000 soldiers when the South Koreans were invaded by the North Koreans. We have spent $20,000,000,000 on the subsistence and the training of those soldiers in the past 4 years.

Yet, so far as I can find, we did not have 100,000 or 50,000 properly trained soldiers to put into the Korean conflict. I may not state the figures accurately; I do not ask for confidential information, but that is my opinion. Why was it that after spending $20,000,000,000, not on the entire Military Establishment, because that expenditure was $53,000,000,000, but after spending $20,000,000,000 on the subsistence and training and payment of these soldiers, of 1,600,000, we had so few to put into the front-line combat in Korea who were trained? Of course we all know what has occurred due to this lack of preparedness.

I believe the appointment of General Marshall will give confidence everywhere. The other countries of the world will have faith in the capacity of America. We are arming the small nations all over the world. What good will that do if they do not fight? It will be harmful, because in the end Russia will take the arms and use them against us when the ultimate showdown comes, if it does come.

I know the appointment of General Marshall will increase the confidence of the other countries. He is known everywhere. He is known in Russia, and the world will know that America had decided to get down to brass tacks, to practical application of the art of war, and to do whatever was necessary to defend ourselves and build up our national defenses in every respect possible.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. WHERRY. I should like to refer back to the amount of money that was spent on the military forces when we were so short of foot soldiers in Korea. The distinguished Senator is an authority on the finances of the United States Government, and, as I understand, the appropriations for the fiscal year for which we are now appropriating may aggregate about sixty-one or sixty-two billion dollars. We do not have it figured up to the last dollar, but does the Senator have any figures as to how many additional foot soldiers we will have with an appropriation of that size?

Mr. BYRD. I believe it is proposed that we have three million in the armed services. Of course, that applies to all branches.

Mr. WHERRY. How many soldiers will that cover?

Mr. BYRD. I do not know; I have not the answer.

Mr. WHERRY. I do not know whether the Senator heard the remarks of the Senator from Massachusetts a few days ago, but it seems to me that the present plans call for only about six divisions, though I am not sure of the figure. It was certainly a small number of divisions.

The President of the United States is Commander in Chief of the Armed Forces, is he not?

Mr. BYRD. He is.

Mr. WHERRY. The amount that is being appropriated is his plan, is it not, and does the Senator mean that the Secretary of Defense will make recommendations which will be above those of the President of the United States?

Mr. BYRD. I do not think that follows at all. The recommendations for expenditures all are channeled through the President. The military asked for $17,000,000,000, in addition to the normal appropriations, in the bill which was passed by the Senate last night. As I understand, there will be about $17,000,000,000 more appropriated than the so-called regular appropriations, which run about twelve or thirteen billion.

Mr. WHERRY. I understand that, but of the total appropriations we are making for this fiscal year, the military appropriations will run well over $60,000,000,000, and while some money might be used for manpower across the water, yet my understanding is, if my figures are correct, that there will be an increase of about six divisions. I am talking about men on the front, because it takes a good many men to support

the men on the front. My understanding is that the Commander in Chief has recommended what I have stated, and if there is to be more appropriated, and if the program has to be overhauled, I think General Marshall is the man to do it.

Mr. BYRD. I should like to complete my statement about our defense. We have spent $53,000,000,000 in the past 4 years. That includes the cost of the atomic energy activities. We date that expense, when we make it applicable to our present defense, from July 1, 1946. I do not think it is fair to take the expenditure from the termination of the war in August 1945 with Japan, up to 1946, as a part of our present defense, because those expenditures were incurred largely in connection with World War II. But it is certainly reasonable to hold the armed services to an accountability for the fact that from July 1, 1946, to July 1, 1950, $53,000,000,000, including the atomic energy cost, have been expended for national defense purposes. It is very difficult to secure a breakdown of these expenditures, but I think I can say from my investigation—and I am making it in more detail—that of the $53,000,000,000 only a small percentage was spent for the procurement of military equipment.

Four billion dollars was spent for airplanes. Only $600,000,000 was spent for weapons of war. Only $600,000,000 in those 4 years was spent for tanks, for rifles, and for artillery, et cetera. Of course it is true that we had a large carry-over of war equipment from the last war. I do not want to criticize, without going into all the facts. But it is the fact that of the $53,000,000,000, $4,000,000,000 was spent for aircraft procurement, $600,000,000 for so-called weapons of war, $1,000,000,000 for radar, of which I greatly approve, and I think we should go further in that respect. I want to see the day when we have a radar screen around the country, no matter what it costs, because I think that is the greatest protection we can have here at home, affording, as it does, an opportunity to detect planes which may come to our shores with hostile intent. I should like to have the protection of radar without regard to cost.

Two billion dollars was spent for research and development. I thoroughly approve of that. I compliment the armed services for what they have done in that direction. I think they are making great progress in that direction. We cannot discuss the subject of guided missiles and such other new inventions on the floor of the Senate. But I want to give the armed services credit for what they have done along that line.

When we add those figures up we find that of the $53,000,000,000 spent, only a small percentage of the total went to the procurement of arms, even assuming that $3,000,000,000 of the total went to the cost for development of atomic energy, something for which we should not be given specific information, and for which I have not requested specific information, because that should be a secret of the Government.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. GURNEY. Leaving out atomic energy, my information is that of the last $24,000,000,000 appropriated to the Defense Establishment, the Defense Establishment received 40 percent of the $24,000,000,000 in things they could use, such as ordnance, rolling equipment, guns and airplanes. That, of course, is understandable, because we do have a highly paid Army. Food and clothing cost a great deal of money. Much money goes into research. But that is the record of the last $24,000,000,000 which covers a couple of years, as the Senator knows. I thought I should offer that information.

Mr. BYRD. Of course, I am taking a 4-year period. We have spent in the past 4 years $1,000,000,000 for the reconditioning of ships, which is all right. So of the total amount, $20,000,000,000 was spent for subsistence and other payments to the soldiers of the armed services and $10,000,000,000 was spent for civilian employees. That is to say, 20 percent of the total was spent for civilian employees. We still have one civilian employee for every two in uniform. It now costs the Government $4,254 a year to maintain each soldier in our Armed Forces, and it cost $1,074 for World War II. That is one of the reasons I am for universal military training. I believe we should have universal military training in a long-range defense program. I believe we will be bankrupted if we have to pay $4,000 a year for every soldier in our Army, and then keep a great standing Army. No nation has ever stood such a cost as that, during a long period of peace, in the history of the world. I believe the sooner we enact a universal military training law the better it will be for this country, because it is a long-range program that is confronting us.

The problem we face is not going to be settled tomorrow or the next day. If the Korean incident were closed tomorrow, it would not be a drop in the bucket in the solution of our problems in the world before we get back to normal conditions. The end of the Korean incident, in my judgment, will settle nothing. It has no military value. The very moment Russia declares war we would have to evacuate Korea. Everyone knows that to be so. That has been in the military plans ever since there was a possibility of war with Russia. Yet we are in Korea, fighting 10,000,000 Koreans who live in a country the size of the State of New York. Incidentally we have had more casualties there than the newspapers report, and we are not yet beginning to see daylight, though the war has been going on for more than 3 months. We are fighting a nation of 10,000,000, and quite a good deal of the military resources are now being diverted to the Korean War.

In conclusion let me say that I would not under other conditions support a military man for the position of Secretary of Defense. I was one of those who sought to strengthen the unification bill as far as possible by preventing the appointment of a military man. But I think that in the situation which confronts us we have got to call on the best talent available, and if the Senate believes that George Marshall is not the best talent we have, then the Senate should reject the bill. Indeed, it would be the duty of the Senate to do so, because unless he represents the best talent available, we should not change the law as we are proposing to do now. We should not do it, even though we consider him to be the best talent available, if it were not for the crisis which confronts the Nation.

It is all right to say that we are for General Marshall but we are opposed to changing the law. Unless we change the law we cannot obtain General Marshall, because the law now on the statute books prohibits his appointment. So that is the question before the Senate. Do we think General Marshall is the best man in this hour of great peril and great crisis, for this particular position, or do we think that someone else can do the work? If I entertained the view that there is available a man equal to General Marshall, possessed of as much experience and having as great a world-wide knowledge as he has, I would vote against the proposed change in the law, because I think the change is being made as a course of last resort, and because of the condition the Nation is in. When a man gets his back to the wall, with enemies on all sides, he has got to do things he would not do under normal conditions.

By choosing General Marshall we will give notice to the world that we are going to get down to brass tacks, and do something about preparedness for America; that we are going to spend money for it, and are going to get results from the spending of the money. That is why I appear today in support of a change in the law which I myself helped to write, and which I thought we would never have to change. But in this changing world we have got to change with conditions if we are to survive. One cannot take a position and say, "I am going to stand here, and I will not stand over there no matter what may hapen." We have to meet the conditions that occur in this country as well as elsewhere.

I wish to say just one more word. The restriction of the appointment to the powerful office of Secretary of Defense to a civilian has as its background, and a proper background it is, the fear in the minds of the American people that the appointment of a military officer might lead ultimately to a political dictatorship by the military. That is why we wrote the law providing that a military man could not be appointed to the powerful position of Secretary of Defense. A political dictatorship by the military has come about in some nations to the south of us. This will never occur with General Marshall. Put it down that it will never occur. He has never sought political office. He has requested that his name be not mentioned for political office. He has told me, and he has stated publicly, that he would never accept a political office if it were offered to him; that he would never permit his name to be discussed in connection with a political office. I predict that so soon as his great task is completed he will ask again for retirement, and then the pending bill will automatically cease to operate. The situation then will be as if no change had been made in the unification law.

Mr. THYE. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. THYE. I should like to associate myself with the remarks of the very able and distinguished senior Senator from Virginia. He has told us of George Marshall's great qualifications and why he is needed for this position, and I heartily subscribe to the Senator's very eloquent remarks.

Mr. BYRD. I thank the Senator.

Mr. KNOWLAND obtained the floor.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. KNOWLAND. Yes, if I do not thereby lose my right to the floor.

Mr. WHERRY. I wish to ask the Senator to yield, so that I may suggest the absence of a quorum. I feel that this is a very important matter. Now the proposed legislation has been laid before the Senate, by the introductory statement of the Senator from Virginia.

So, Mr. President, if the Senator from California will yield, without jeopardizing his right to the floor, I should like to suggest the absence of a quorum.

Mr. KNOWLAND. I yield for that purpose.

Mr. WHERRY. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Anderson	Hill	Malone
Benton	Hoey	Martin
Bricker	Holland	Millikin
Butler	Humphrey	Morse
Byrd	Hunt	Mundt
Cain	Ives	Murray
Chapman	Jenner	Neely
Chavez	Johnson, Colo.	O'Conor
Connally	Johnson, Tex.	O'Mahoney
Cordon	Kem	Robertson
Darby	Kerr	Russell
Donnell	Kilgore	Saltonstall
Douglas	Knowland	Schoeppel
Dworshak	Langer	Smith, Maine
Ecton	Leahy	Sparkman
Ellender	Lehman	Stennis
Ferguson	Lodge	Taft
Frear	Long	Taylor
Fulbright	Lucas	Thomas, Okla.
George	McCarran	Thye
Gillette	McCarthy	Watkins
Graham	McClellan	Wherry
Green	McFarland	Wiley
Gurney	McKellar	Williams
Hendrickson	McMahon	Young
Hickenlooper	Magnuson	

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). A quorum is present. The Senator from California has the floor.

Mr. KNOWLAND. Mr. President and Members of the Senate, Senate bill 4147, the measure we are being asked to vote upon is, contrary to the letter and spirit of the existing armed services unification law. In less than 48 hours' time, we are being asked to overturn American tradition, which has been departed from only rarely, and a well-established law of the land.

In a real sense, this deliberative body is not deliberating upon the basic principles involved. The Armed Services Committee met at 11:30 on Wednesday, September 13, and the chairman of that committee had alternative bills which would permit a professional military man to occupy the position of Secretary of National Defense.

By 12:15 o'clock, Wednesday, the committee, by a 10 to 2 vote, had given its approval to the legislation which is before us.

On the same afternoon, the committee report and the minority views were filed with the Senate, and, up until about 10 a. m. the following day, the views were not even available to the Members of the Senate, because they had not been received from the Public Printer. In a real sense the Committee on Armed Services did not reach its determination on the merits of changing our basic law. The committee was confronted with what in effect was a Presidential fait accompli.

Late Tuesday night, the President publicly announced that he had asked General Marshall to become Secretary of National Defense. Wednesday morning, the President wrote the chairmen of the Senate and House Armed Services Committees asking for legislation which would permit General Marshall to occupy the position of Secretary of National Defense. This, of course, meant that the personality of General Marshall became involved in the wisdom of changing the policy of civilian control of our Military Establishment and the law governing the situation.

The law itself is very clear. Section 202 of the National Security Act of 1949, as amended, reads as follows:

SEC. 202. (a) There shall be a Secretary of Defense, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate: *Provided*, That a person who has within 10 years been on active duty as a commissioned officer in a Regular component of the armed services shall not be eligible for appointed as Secretary of Defense.

Mr. President, at this point in my remarks, I desire to have printed Public Law 804, Eighteith Congress, chapter 696, second session, an act to amend the Officer Personnel Act of 1947, Public Law 381, Eightieth Congress, and for other purposes, from which I read as follows:

Be it enacted, etc., That the laws requiring retirement of Regular Army and Regular Air Force officers because of age shall not apply to officers of the Regular Army or Regular Air Force appointed in the grade of General of the Army pursuant to the act of March 23, 1946.

In other words, in a real sense, a five-star general does not retire.

I ask unanimous consent that the entire law be printed as a part of my remarks.

There being no objection, Public Law 804 was ordered to be printed in the RECORD, as follows:

[Public Law 804—80th Cong.]
[Ch. 696—2d Sess.]
[H. R. 6707]

An act to amend the Officer Personnel Act of 1947 (Public Law 381, Eightieth Congress), and for other purposes

Be it enacted, etc., That the laws requiring retirement of Regular Army and Regular Air Force officers because of age shall not apply to officers of the Regular Army or Regular Air Force appointed in the grade of General of the Army pursuant to the act of March 23, 1946 (60 Stat. 59). The President, may, in his discretion, upon the request of the officer concerned, restore to the active list of the Regular Army or Regular Air Force any officer of the Regular Army or Regular Air Force on the retired list who was appointed in the grade of General of the Army pursuant to the act of March 23, 1946 (60 Stat. 59).

Officers appointed in the grade of General of the Army pursuant to the act of March 23, 1946 (60 Stat. 59), shall not be counted within the limited number of officers authorized to be serving on active duty in grades above lieutenant general, as provided in section 504 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), unless they be serving as Chief of Staff or in command of any territorial or tactical subdivision of the Army or the Air Force.

SEC. 2. In addition to the number of officers authorized to serve after July 1, 1948, on the active list in the grade of General in the Army and Admiral in the Navy pursuant to sections 504 and 413 of the Officer Personnel Act of 1947, officers now on the active list of the Army in the grade of general whose dates of rank in such grade are between March 8, 1945, and April 15, 1945, inclusive, and of the Navy in the grade of admiral whose dates of rank in such grade are prior to April 4, 1945, may, at the discretion of the President, be continued in such grades until July 1, 1950, unless sooner retired and the total number of officers authorized by these sections to have the grade, rank, title, pay, and allowances of vice admiral or admiral and lieutenant general or general, is temporarily increased accordingly: *Provided*, That the provisions of this section in no way affect the status of the officer who may be serving as Chief of Staff in the Army on the effective date of this act.

Approved June 28, 1948.

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a letter I have received today from Col. R. C. Bing, Office of the Chief of Legislative Liaison, Department of the Army.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY, OFFICE OF THE CHIEF OF LEGISLATIVE LIAISON,
Washington, D. C., September 15, 1950.

Hon. WILLIAM F. KNOWLAND,
United States Senate.

DEAR SENATOR KNOWLAND: Pursuant to a telephone conversation between Mr. George F. Wilson of your office and Lt. Col. R. L. May, Office of the Assistant Chief of Staff, G–1, Department of the Army, the following information is furnished:

General of the Army George Catlett Marshall was retired on the twenty-eighth day of February 1947 at his own request after more than 45 years of service. He was restored to the active list of the Regular Army on March 1, 1949, under the provisions of Public Law 804, Eightieth Congress.

Sincerely yours,

R. C. BING,
Colonel, GSC, Office, Chief of Legislative Liaison.

Mr. KNOWLAND. Mr. President, it would seem not unreasonable that, if the national situation was so acute and the civilian population of this Nation of 150,000,0000 people so devoid of men of ability, character, and patriotism that no qualified person could be found, that in such an event the President, sworn to uphold the law as he is, would have called members of the majority and minority parties into consultation and laid before them the reasons why in his opinion this move should be made in the face of the legal prohibition.

There are dangers involved in short circuiting the law providing for civilian control of the entire Military Establishment—Army, Navy, and Air.

Five-star generals in effect do not retire. They are all available for service.

If this bill is passed, we will have three civilian Secretaries of the Army, Air Force, and Navy reporting to and subordinate to a five-star general.

Will the President get his professional military, naval, and air advice from the Joint Chiefs of Staff or from the wartime Chief of the Army General Staff?

Where will the line of demarcation exist between the military and civilian part of the Defense Establishment?

Mr. President, if there was one thing that the late James Forrestal feared more than anything else, when the proposal was originally made for the unification of the armed services, it was that there might develop a super Chief of Staff. That is what the Army was reported originally to want. It so happened that when Congress passed the law it did not provide for a super Chief of Staff. But I have been more concerned about the matter since listening to my able and distinguished friend, the Senator from Virginia [Mr. BYRD], because, apparently, Mr. President, he believes that now the Secretary of Defense, who has been a civilian under the traditions and the laws of the country, will occupy the position as a super Chief of Staff to the President of the United States.

Where does that leave the Chairman of the Joint Chiefs of Staff? Where does that leave the Chief of Naval Operations, the Chief of the Air Force Staff, the Chief of the Army Staff? I say, Mr. President, in all sincerity, that I believe we are not clearing the confusion by this action; we are creating confusion worse confounded.

Already we are fighting a war within a war without any declaration of a state of war relative to the Korean conflict by the Congress.

The Constitution vests the power to declare war in the Congress. Yet we find ourselves at war in Korea without a congressional declaration or even a subsequent ratification of a necessary emergency action taken by the President. There is no police action we have taken in Central America, Mexico, or the Mediterranean area that is comparable in casualties of forces involved as now is the case in Korea.

Now we find a law passed by Congress after long consideration is being brushed aside on 48 hours' notice.

It may be far more difficult to return from the long journey upon which we are embarking.

The able Senator from Virginia mentioned the importance of this, because our forces had been pushed back to a beachhead operation. I assume the Senator is familiar with the fact that under the able leadership of General Douglas MacArthur, command of the United States forces in the Far East and also simultaneously commander of the United Nations forces, the Army, the Navy, Marines, and Air Force have made a major amphibious landing near the capital city of Seoul, at the port area, and in other locations.

Mr. President, the minority views are briefly set forth in the committee report. I desire to read them at this time:

No one in the United States Senate has a higher personal regard for General Marshall, nor a deeper respect for his ability and capacity as war time Chief of the Army General Staff than have the undersigned.

Notwithstanding this, the fact remains that civilian control over the military establishment traditionally has been an unalterable policy of our Government and of our people. There has been no time in the past history of this Nation when that policy has been deviated from in the slightest.

In the opinion of the undersigned there is no sound reason why we should at this moment abandon this traditional policy. The dangers which face this Nation today are genuinely serious; but they are not so overwhelming, nor are we so devoid of patriotic and courageous civilian leadership in this nation of 150,000,000 people that we must at this moment place this vast burden upon the shoulders of General George Marshall.

It is inconceivable that we should stand here on the floor of the United States Senate and say to ourselves and to the world that the civilian leadership of this great Nation has so deteriorated that it cannot provide a man qualified for the post of Secretary of Defense.

WILLIAM F. KNOWLAND.
HARRY P. CAIN.

Mr. President, I should like to make a correction of the slight inaccuracy which came into our statement, due to the fact that the measure was being rushed through and we had to get the material so it could be included in the report. As a matter of fact, Maj. Gen. Henry Knox, who had served during the Revolutionary War, was the first Secretary of War, serving from September 12, 1789, to 1794. That precedent I believe was not again violated until about the time of President Andrew Johnson. In that case, as Senators may, well recall, President Johnson got into a quarrel with Edwin M. Stanton, his Secretary of War. He removed Secretary Stanton from office, and called to serve as interim Secretary of War Ulysses S. Grant. General Grant served in that capacity for approximately 6 months. When the Congress reassembled, the Senate refused to approve the action taken by President Johnson in removing Secretary Stanton, Stanton went back in office, and Grant, of course, went out, never having been confirmed in his position as interim Secretary. He served, as I say, for approximately 6 months.

When General Grant became President of the United States, he selected for a very brief period of time his old comrade in arms, General Sherman, as his Secretary of War. That tenure of office lasted approximately 45 days.

So I do not believe those examples—and there may be one or two others—warrant a change in this very well established principle.

Mr. CHAPMAN. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. CHAPMAN. Is it not a fact that at the time General Grant and General Sherman were appointed, they were active officers in the Regular Army?

Mr. KNOWLAND. I think that is perhaps correct.

In the hearings before the Senate and the House committees on the unification bill and in the debates on the floor of both bodies on the same legislation the question was constantly raised as to whether or not the creation of the office of Secretary of National Defense was not placing too much power in the hands of one man and would tend to cause the military to overshadow the civilian control of the Government of the United States.

The answer was constantly given that this danger did not exist because the Secretary of National Defense under the law had to be a civilian.

I am not going to burden this RECORD with a vast array of evidence to demonstrate this, but it is available to the Members of Congress, to the American people, and to historians who will take the trouble to dig it out. There are a few examples, however, that should be made a part of this RECORD.

In the hearings before the Committee on Military Affairs of the United States Senate on S. 84 and S. 1492, Secretary of War Patterson testified as follows on Wednesday, October 17, 1945:

Again, you may hear it suggested that a single department of the Armed Forces would concentrate too much power in one man and that such power would tend to develop militarism.

This is the very bogie that is always raised here any time you try to get some efficiency.

Can such a suggestion be made in real seriousness? Our safety from militarism does not rest on any fabric of multiplicity of departments dealing with military affairs. It rests upon the solid conviction of our people and upon the basic democratic principle that the leaders of our Armed Forces are subordinate to the civilian department head, and, through him, to the President, to the Congress, and to the people.

Mr. President, I should like to read from the report to the Honorable James Forrestal, Secretary of the Navy, on Unification of the War and Navy Departments and Post War Organization for National Security, printed at the Government Printing Office, Seventy-ninth Congress, first session. I read from the statement of Mr. Eberstadt, at page 15:

1. Civilian control of the Military Establishment: The founding fathers understood that militarism could be dangerous from within as well as from without. In establishing the principles of our Government they sought to guard against both dangers.

In the Constitution they provided that our highest elected civilian offical, the President, should be the Commander in Chief of the Armed Forces. They placed the purse strings of the Military Establishment in the hands of Congress.

A primary consideration, therefore, of any organizational plan for our military services must be its effect upon the maintenance of civilian control.

At this time, Mr. President, I desire to read from the hearings in 1947 on the National Security Act of that year. I read from page 134:

Mr. BROWN. It often happens up on the Hill here that the chairman of a committee is outvoted, and it may happen any time on any committee, and it could possibly happen on this one. I have seen it happen many times on the Rules Committee, of which I am a member. I presume the same thing could happen where you have a civilian chairman of one of these committees and your military officials make up the large part of the membership of the committee.

Secretary PATTERSON. That is true. They could outvote him, but the whole thing is subject to the direction and control of the Secretary of National Defense, who is a civilian, and beyond him, the President.

I also wish to quote from page 55 of the hearings, from the testimony of Brig. Gen. Merritt A. Edson, United States Marine Corps:

Secretary Forrestal has testified before you that this bill represents a compromise between two theories. One of these theories is that a total war is best met by concentration of authority in the hands of a few individuals; that there should be set up a single department—the Germans would say "Fuhrung," I believe—of all the Armed Forces; that there should be a permanent national general staff over all the Armed Forces, in other words, an over-all high command, an "Oberkommando," as the Prussians called it; that the services themselves should be organized into three divisions or branches rigidly corresponding to the three so-called basic media of land, sea, and air; and that under such an organization every operation must be a joint operation, directed and controlled by the high command.

Opposed to that theory is the one which believes that in days of total war, in which all the people are involved, there should be an increase of civilian control over the Armed Forces rather than a decrease; one which notes the inescapable historic parallel between the centralization of Armed Forces under a single high command or a national general staff, as was the case in Germany, Italy, and France under Napoleon, and the corresponding rise of totalitarian governments; and one which believes that in the constitutional governments which have survived, such as our own and England, there exists always a proper balance between the Armed Forces themselves, as well as between them and the civil governments of which they are the proper servants.

Within the framework of such a concept it is also historically true that there have been armies, navies, and air forces, each largely self-sustaining, each capable of bearing its weight as such, and each capable of conducting independent operations.

My personal opinion is that these two theories cannot be compromised, either within the narrow realm of military affairs or in the broader field of government.

One theory believes that the military, in time of war (if not when preparing for war) should control the nation. The other believes that control of the military must always remain with civilians.

The first theory points directly toward authoritarian dictatorship; the second, toward maintenance of constitutional government and free principles.

In the hearing before the Committee on Armed Services of the House of Representatives on June 28, 1949, the committee was considering S. 1843. Secretary of National Defense Louis Johnson had this to say:

For out of the Second World War have arisen conditions—stemming essentially from the total disruption of the prewar power relationships in Europe which unmistakably require that the United States maintain a strong Military Establishment throughout the foreseeable future. From that requirement have arisen, in their turn, questions of the most fundamental concern to every citizen of our Republic:

How to maintain civilian control over a military force which for the first time in the Nation's history must be permanently maintained at a strength of more than a million and a half men?

On Tuesday, March 25, 1947, General of the Army Dwight D. Eisenhower, who, like Gen. George C. Marshall, has been a professional soldier and holds five-star military rank which is the highest in our Nation, had this to say: "In summary, therefore, I emphatically support the principle of providing a single civilian head of the Armed Forces, one who may give his entire attention to this vital phase of the Nation's affairs." Later on in his testimony, the following discussion took place:

Senator BYRD: Do you see any objection to establishing the basic functions of the Army and the Navy and the Air Corps and the Marine Corps in the bill itself? This is not a merger bill, as I understand it.

General EISENHOWER. No, I can see no objection, as long as the functions established are basic, and as long as you do not attempt to say that we must have X amount of this, Y amount of that and Z amount of something else, to be retained forever. Because what this plan is to set up for us is a responsible civilian, who will form recommendations based on professional advice, and so suggest just how you should divide these things up.

In House Report No. 961, to accompany H. R. 4214, the National Security Act, the committee had this to say relative to the Secretary of Defense:

The complexity and magnitude of the President's task in peace and war are such that your committee believes it is a generally accepted fact that he needs a full-time civilian official to assist him in the performance of his onerous duties as Commander in Chief of the Armed Forces. The Secretary of Defense fills this need. The military services may then be integrated on the departmental level in Washington as they were so effectively integrated in the field during the war, without reducing the ultimate responsibility of the President.

The conference report on the National Security Act of 1947, after the adjustments were made between the language of the Senate and the House bills, was made on July 24, 1947, and the conference report said, reading from page 19:

Both the Senate bill (sec. 202 (a)) and House amendment (sec. 102 (a)) provided that the new Secretary be appointed from civilian life by the President, by and with the advice and consent of the Senate. The House amendment contained a proviso (not contained in the Senate bill) providing that a person who held a commission in a regular component of the armed services shall not be eligible for appointment as Secretary of Defense.

I say, parenthetically, that apparently the House wanted to put on an absolute limitation. I now continue reading from the report:

The bill as agreed to in conference (sec. 202 (a)) contains a provision that a person who has within 10 years been on active duty as a commissioned officer in a Regular component of the armed services shall not be eligible for appointment as Secretary of Defense.

Reading from page 8504 of the CONGRESSIONAL RECORD of July 9, 1947, I find that the Senator from Alabama [Mr. HILL], one of the leading members of the committee at that time, in speaking in support of the unification bill then pending, said:

The traditional civilian control of our armed forces is guaranteed. The civilian Secretary of National Security is superior to the three military commanders—Army, Navy and Air Force. There is no single military chief of staff.

Further on in his remarks, the Senator from Alabama said:

Every precaution has been taken by the Army and Navy representatives who drafted the original bill, and by your committee in amending it to its present form, to insure adequate civilian control.

Mr. KEM. Mr. President——

The PRESIDING OFFICER (Mr. MCCLELLAN in the chair). Does the Senator from California yield to the Senator from Missouri?

Mr. KNOWLAND. I yield.

Mr. KEM. When was the Senator from Alabama speaking?

Mr. KNOWLAND. He was speaking on July 9, 1947, and I was reading from page 8504 of the RECORD, when the unification bill was before the Senate. He was speaking in order to secure support for the bill.

Mr. KEM. Apparently the guaranty he mentioned at that time was good for only about 3 years.

Mr. KNOWLAND. Three years was the limit of the guaranty.

In the House of Representatives on July 19, 1947, as appears on page 9401, Mr. Manasco, in the course of his speech in favor of the legislation, had this to say:

First the opposition centered its attack upon the powers of the proposed Secretary of Defense, seeking to prevent the establishment of effective centralized civilian control and direction of our security forces in order to perpetuate the independent departmental status enjoyed during past years.

On March 24, 1949, the late Secretary of Defense James Forrestal appeared before the Senate Armed Services Committee to point out that the amendments under consideration were to "strengthen civilian control over the Joint Chiefs of Staff by providing the Chairman I have just mentioned, who would be directly accountable to the President and the Secretary of Defense, rather than to the military departments."

Mr. HICKENLOOPER. Mr. President——

The PRESIDING OFFICER (Mr. GRAHAM in the chair). Does the Senator from California yield to the Senator from Iowa?

Mr. KNOWLAND. I yield.

Mr. HICKENLOOPER. The Senator no doubt is well aware of the fact, and may mention it later, since he is a member of the Joint Committee on Atomic Energy, that one of the most emotional and vigorous arguments which have gone on in connection with our armament since the war has been the controversy which has on occasions been raised about the question of military control of, or even military participation in, the atomic energy program. The Senate and the House in general have assured the country that the military is not going to control the atomic energy program, and in addition to the provisions of law, we have gone so far as to provide a civilian chairman, so long as we will have a chairman, of the military liaison committee, and we have resisted the appointment of military men even of a military committee. I merely suggest that to the Senator. As I have said, he may mention it later in his remarks. It adds to the history of what the Senator is discussing.

Mr. KNOWLAND. I am glad the Senator mentioned that, because it was not and is not my intention unduly to delay the consideration of the bill. I did feel my responsibility as a Member of the Senate and of the Armed Services Committee, and considered that I would be derelict in my obligation to the country and to my colleagues in the Senate if I did not bring out some of the facts. Of course, the ultimate decision is up to the Senate and to the House of Representatives, but certainly we should not take the proposed step, which to me seems far-reaching in character, and may rise to plague us in the future, without every Member of the Congress and the country being amply on notice of what is proposed.

Mr. HICKENLOOPER. I merely wish to say that I was only trying to furnish another example, for emphasis, of the civilian administrative policy in connection with the atomic energy program.

Mr. KNOWLAND. I thank the Senator. He has made an excellent contribution to the discussion. I agree with him. He and I have both served on the Joint Committee on Atomic Energy since it was established under the Atomic Energy Act. One of the basic problems confronting the country has been whether atomic energy should be under civilian control safeguard, such as the Senator has been speaking of. The control has been very jealously guarded, and I think properly so, even to the extent of requiring a civilian head of the military liaison committee. I thank the Senator, because his remark has emphasized the point.

Mr. HICKENLOOPER. I did not mean to say that the law required a civilian head of the military liaison committee, but the Atomic Energy Commission believed it was the feeling of the people that the chairman of the military liaison committee should be a civilian.

Mr. KNOWLAND. I wish to say a word for my Democratic colleagues on the other side of the aisle, because they will not be able to read the RECORD, as I presume we will vote on the bill today, though I suppose their minds have already been made up.

Quite recently there was held a conference in Minnesota at which certain resolutions were adopted. I read from a news dispatch the following, among the resolutions adopted—

> Urged strict adherence to the national tradition of control of the military by civilians and condemned encroachments of military personnel on functions of other governmental departments.

Mr. President, I shall not take time to read it, but I ask to have printed in the RECORD at this point several paragraphs in an article which appeared in the American Political Science Review under the heading "Civil-military relationships."

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CIVIL-MILITARY RELATIONSHIPS

Finally, we shall hear much in our discussions of national security about the subject of civil-military relations. In his letter explaining why he was not available for the Republican nomination, General Eisenhower no doubt expressed a generally accepted sentiment when he spoke of the necessary and wise subordination of the military to civil power.

Problems of civil-military relationships emerged in two important settings during World War II. In the first place, at various times in the heat of controversy between the War Production Board and the procurement authorities of the War Department, the Army was accused of wanting to take over control of the economy. While there was little substance to these charges, disagreements persisted on policy and procedural matters between the WPB and the Army. Yet the basic division of responsibility was never challenged. The Army bought military supplies directly; the WPB determined the total volume of that procurement and expedited its delivery. Cooperation and adjustment in this arrangement were indispensable, and not always so freely given as was desirable.

Secondly, the great demands upon America's scientists to assist in developing the weapons of World War II brought forth a whole new experience in relationships. There were times when the scientists regarded officers as obtuse and obstructionist; there were times when military men regarded scientists as impractical and temperamental. Security considerations often competed with the scientist's concern for exchange of data, and with his greater regard for professional recognition than for monetary compensation.

A conflict between military and political leadership over strategy was less evident in World War II than in World War I. On September 28, 1944, Prime Minister Churchill told the House of Commons: "In this war there have been none of those differences between professional and political elements that were such a large feature of the last war. We have worked together in perfect harmony." If some of the memoirs published since 1945 qualify this statement, they do not refute the generalization.

Some complaint has been voiced in the last 4 years about the military in various high governmental positions. Not only did the war years afford officers broad experience in large-scale administration of governmental affairs, but also since the war the military services have provided one of the most important sources of top career men in Government. Military personnel have played a large role in Government recently because they were often the only experienced persons able and willing to fill high public positions. Instead of criticizing military encroachments upon civilian administration, it is time we worried more about general Government salaries and personnel practices, in order to build up the supply of civilian top career people.

But in a time when national security is such a principal aspect of our political life, we face a vital challenge in defining the role and competence of the professional military, while simultaneously utilizing their abilities to the fullest, and in promoting mutual confidence and collaboration between civilian authority and military leaders.

Mr. KNOWLAND. I ask unanimous consent to have printed at the end of my remarks an article entitled "Military Men in Key Jobs: Shift From United States Tradition," published in the January 24, 1947, issue of the United States News.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. KNOWLAND. Mr. President, I shall take time to read some brief excerpts appearing on pages 25 and 26 of the book Constitutional Problems Under Lincoln, written by James G. Randall:

> Concerning governmental powers in time of war, there is a striking contrast between the view which prevailed in imperial Germany (to take an example of a militaristic nation) and that which holds in England or the United States. There is in English-speaking jurisdictions, for instance, nothing which corresponds to the German Kriegzustand. Under the old German system, it was within the competence of the Kaiser to proclaim a state of war throughout Germany, and thus to inaugurate a sweeping military regime under which the ordinary laws and the authority of the civil courts were superseded by the orders of the generals commanding the various districts into which the country was divided.
>
> This military regime, be it noticed, was launched purely by executive action, and covered the whole country. It was universal martial law, not limited martial law based on the fact of invasion, or actual defiance of authority in particular parts of the country. It applied everywhere, and rested merely on the Emperor's proclamation of the state of war. Under it the commanders could make seizures and arrests without warrant, imprison without judicial process, suppress newspapers, prevent political meetings, and do many similar things with entire disregard of the restraints of the civil law.
>
> Such a condition actually existed in Germany throughout the World War and it may serve for us as a starting point to illustrate what is meant by the war power when carried to the extreme.
>
> In contrast to this expansion of executive action during war, the Anglo-Saxon tendency has been always to emphasize the rule of law, and to regard the military power as subordinate to the civil. In England, and also in the United States, martial law, which has been described as no law at all, has been very sparingly used; and any general order, subjecting the whole Nation to military rule for the duration of the war, regardless of any insurrection or threat of invasion, would be most unlikely. This disposition to hold the government at all times within the law, and this wariness in the exercise of military power over civilians, are fundamental postulates in any discussion of war powers in the United States.

Mr. President, a short time ago I was quoting from the statement of Secretary Forrestal made at a hearing when the bill was being considered. Earlier in his statement he said that the Unification Act of 1947 was to "provide for their authoritative coordination and unified direction under civilian control."

Certainly no one would want to deny to the President of the United States the advice on military affairs of Gen. George C. Marshall, our wartime Chief of the Army General Staff. He could have requested General Marshall to become his personal Chief of Staff in the same way that both Presidents Roosevelt and Truman had Admiral Leahy as a personal Chief of Staff at the White House in close contact with the President at all times.

He could have brought General Marshall into the Government in some other capacity—as a Cabinet member or otherwise, rather than place him at the head of the Military Establishment, which is contrary to the law of the land and a violation of a long-established principle that the military shall always be subordinate to civilian control.

This is a fundamental question the Senate is facing today.

If this principle is violated once, in the new and powerful position of Secretary of Defense in the case of General Marshall, it will be the case of the camel getting his head in under the tent and future breaking will come with greater

ease. It has not been my intention to delay the action by the Senate on this matter. The responsibility, of course, rests upon each individual Senator. I make only one request, and that is that on this fundamental change in the Armed Services Unification Act, which is here proposed, we have a roll-call vote.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. WHERRY. During the delivery of his speech, the distinguished Senator from Virginia [Mr. BYRD] was, I believe, reading from the majority report, and in connection therewith he said in effect that "in breaking this statute we are reaffirming it." I do not recall his exact words. He is not on the floor at this time. Does the Senator from California feel that when we breach the law, no matter who the individual is who is appointed Secretary of Defense, we are reaffirming the action we took when we adopted the unification law?

Mr. KNOWLAND. No; I think we are making it easy to break it a second, a third, a fourth, and a fifth time.

Mr. WHERRY. A time such as this is the very time the statute was supposed to hold fast, a time of crisis, when hysteria may exist.

Before we passed the bill 3 years ago it had been debated coolly and calmly, and we wrote language into it to protect the country against the very suggestion now being made. Is that not true?

Mr. KNOWLAND. In my judgment the Senator is correct. I merely want to say at this point, if I may, for the benefit of a few Senators who may have come into the Chamber after I began my statement. I have become more alarmed since the speech of the able Senator from Virginia, because he indicates that General Marshall is needed for this position so that he may be the chief military adviser to the President of the United States. If that be so, not only does he assume this great and powerful position which overshadows the Army, Navy, and Air Force combined, including the Marines, but in addition to that it leaves, I think, in a most incongruous position the three civilian Secretaries of the Army, the Air Force, and the Navy, who will be reporting to and subordinate to a five-star general.

Furthermore, I think it leaves in a most untenable position the chairman of the Joint Chiefs, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Chief of Staff of the Army. They are supposed to be the ones giving the professional advice to the Secretary of Defense and to the President of the United States. These individuals would also be subordinate to a five-star general.

I say with the utmost respect—and I have been throughout my entire speech most respectful to General Marshall and the job he did as Chief of Staff of the Army of the United States during World War II—that I think, instead of bringing order out of chaos, in the long run chaos will be created.

Mr. WHERRY. Mr. President, will the Senator yield for one more question?

Mr. KNOWLAND. Yes.

Mr. WHERRY. It is a fact, is it not, that the Joint Chiefs of Staff are the ones who make their recommendations to the President as to the military program? It is a fact, is it not, that the civilian secretaries make their recommendations? It is a fact, is it not, that when the statute was passed it was provided that the Secretary of Defense should come from civilian life so that there would be more or less of a check and balance respecting the various recommendations? Is it not a fact that it is going to be very difficult for a five-star general to furnish the check and balance on recommendations of the military to the Commander in Chief, if he comes with a military experience rather than from civilian life?

That is no reflection on the reputation of General Marshall or on the high regard which all the American people and peoples throughout the world have for him, of course, as the distinguished Senator has said.

Mr. KNOWLAND. Yes. There are many ways by which the President could have sought the advice of General Marshall; and I certainly think the President would take the advice of General Marshall on military matters——

Mr. WHERRY. Certainly.

Mr. KNOWLAND. Particularly if the President felt that he needed some additional information.

However, there are many ways by which he could have obtained information of a military nature without violating the Unification Act and upsetting what I think is and will continue to be a well-established American tradition.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. MUNDT. I should like to have the Senator from California give me the benefit of his views on this question: If the President feels, as I can well imagine he might, that he would like to have the advice of a great and talented military man, such as General Marshall, would not it be perfectly possible and appropriate for the President to appoint General Marshall to serve in the capacity of a personal aide or adviser to the President, in order to keep the President advised? For example, the President might give General Marshall such an appointment, to take the place of the rather unusual type of functions being performed by Gen. Harry Vaughan. Could not the President give General Marshall a position of that type, so that General Marshall could keep the President personally advised on various military matters?

Mr. KNOWLAND. I think General Marshall would be entitled to occupy a position of more importance than that.

However, before the Senator from South Dakota entered the Chamber, I had suggested that it might be well to re-create the position which Admiral Leahy occupied—that of personal chief of staff to the President. General Marshall could occupy such a position without upsetting the law of the land and the traditions of the country.

Mr. MUNDT. Let me say to the Senator from California that it was precisely the type of position in which Admiral Leahy served President Roosevelt for so long that I had in mind when I mentioned General Vaughan. When I mentioned Vaughan, I did not at all intend to suggest that General Marshall be relegated to the position now occupied by General Vaughan, but I thought perhaps we could kill two birds with one stone, in connection with this matter, by giving the President the benefit of General Marshall's assistance, advice, and also by getting rid of General Vaughan. We could save Vaughan's salary and turn his spacious office quarters over to General Marshall.

Mr. KNOWLAND. Mr. President, I now ask unanimous consent to have printed in the RECORD, at this point in my remarks, excerpts from the book entitled "Civil-Military Relationships in American Life," edited by Jerome G. Kerwin, and published by the University of Chicago press. The excerpts which I request to have printed in the RECORD begin at the bottom of page 70 and continue to about the middle of page 72.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Let us begin with the secretary of a defense department. And let us observe at once that much of what will be said here is applicable to any governmental department; it is especially applicable to a defense department because there civilian popular control tends to be weakest.

A very large part of any administrator's function is to defend and uphold his organization to keep it strong for its designated task. He must create and maintain a climate in which the zeal and abilities of his personnel have opportunity and scope. Average administrators, including most administrators who come from another field into the leadership of a highly specialized, going organization and men who are not administrators at all in fact, do little more than this. It is not strange, therefore, that most Secretaries of War and Navy have been little more than civilian public advocates of the product and program of their military organizations. This would be in any case a considerable part of their responsibility.

But the responsibility of these Secretaries demands more, for effective civilian control is dependent on other elements. The second important element is the very opposite of the first—the establishment of bounds for and restraints on the organization. In many administrative situations the necessary restraints against overreaching are substantially provided by the outside forces provided by competition, laws, and general social disciplines. To provide this necessary discipline is one of the functions of social organization and one of the functions of a top administrator. With respect to the Army and Navy, many of these restraints—as distinguished from the very strong military disciplines of a different sort—are relatively weak for the reasons indicated early in this discussion.

A third but similar and important element in the administrator's function is to provide a critical and imaginative climate for his organization. Reference already has been made to the tendency of an organization to confuse means with ends. With respect to the military this tendency involves danger that national defense will not be sufficiently imaginative, flexible, and dynamic; for from such confusion springs much of the tendency to follow convention, precedent, and hardened dogma. In a richly diversified society, diversified civilian activity and civilian leadership and control must provide the technology, the resource, and the stimulation increasingly necessary to a progressively more effective national defense. Instead, a military organization not critically and imaginatively led will tend simply to seek more dominance

over our whole society and more funds, substituting sheer crude power for more complex and less devastating effectiveness.

In the first instance, then, the whole balance of the situation is a matter of secretarial management of a department. And the crucial fact is that no secretary can manage his department alone or exclusively through military executives. No secretary, undersecretary, and group of assistant secretaries can manage a department simply through bureau chiefs and technical staff of the same character as operating personnel. The first essential to secretarial control is that there be staff—adequate staff—exclusively serving the purposes of secretarial control. If a principal purpose of secretarial control is civilian control, as it is in the case of a national defense department, there must be civilian staff.

Mr. KNOWLAND. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD an article entitled, "Army Men in High Posts," by Hanson W. Baldwin, published in the New York Times for January 12, 1947.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMY MEN IN HIGH POSTS—NAMING OF MARSHALL RAISES QUESTION OF HOW FAR PRESENT TREND IS DESIRABLE

(By Hanson W. Baldwin)

The resignation of Secretary of State Byrnes and of Bernard M. Baruch and his associates, and the appointment of General of the Army George C. Marshall as Mr. Byrnes' successor, is a disturbing interruption in the continuity of our foreign policy.

Whether or not General Marshall—able administrator and excellent planner—endorses and perpetuates the policies of Mr. Byrnes (and it is probable that he will), the methods, if not the ends, of the new Secretary of State will necessarily be different. The successes or failures of diplomatic dealings are built so much around personalities and methods of doing business that any change in the top jobs of any foreign office or state department in the world affects those dealings, indeed, delays progress, while the new personality is estimated and his method studied.

Moreover, and more important, the same cogent arguments against shifts in our top positions in Washington that prevailed during the war—that it is bad to change horses in the middle of the stream—are even more applicable now in the battle for peace. Though Mr. Byrnes' accomplishments have been considerable, the main job is still to be done; the great problems for the world—atomic energy, Germany, Japan, Austria, Korea, China—are still unsettled.

NEW TEAM TO TAKE OVER

A new "team" will have to take over on the eve of the most important Moscow conference, with all the disadvantages that that inevitably entails. Mr. Byrnes' resignation already has been misinterpreted abroad; General Marshall's first acts must be to reaffirm the basic tenets of American foreign policy, which have the overwhelming endorsement of the majority of the American people.

But there is a more disturbing factor in the recent shift. It emphasizes a trend that is unhealthy in any democracy, regardless of the personalities and capabilities of the military men concerned. It is a trend that has been most pronounced in this country during and since the war—the execution, and even the direction and formulation, of foreign policy by the military.

The Navy and Army Air Forces have both exerted powerful influence, even in recent months, on State Department policies; more important, the execution of those policies, and now even the top direction of them, have been entrusted in increasing measure to the hands of the military.

General Marshall, as Secretary of State, heads a large and growing number of Ambassadors and officials with military antecedents. His Assistant Secretary of State (for occupied areas) is Maj. Gen. John H. Hilldring, United States Army, retired, who deals directly with the military commanders who control the execution of policy in Germany, Austria, Japan, and Korea. These areas—all of them powder kegs of peace—are all controlled by military commanders with more or less power, not only in the execution of basic policy but in its day-to-day direction and even in its formulation.

In Japan, for instance, General of the Army Douglas MacArthur has been running his own show without benefit of much control or direction by the State Department. And even in Germany, as George Meader, counsel to the Special Senate Committee Investigating the National Defense Program, pointed out in at recent report, "the basic United States document governing the administration of our affairs in Germany is JCS 1067, meaning the Joint Chiefs of Staff Directive of that number. * * *"

"It is not wholly clear," Mr. Meader commented, "just what function the Joint Chiefs of Staff have to perform with respect to the government of Germany. From their document and from their status it would appear that their authority encompasses matters both of policy and operation."

IN KEY POSITIONS

In addition to these key posts in the foreign policy field military men occupy the following embassies:

Russia: Lt. Gen. Walter Bedell Smith, United States Army.

Belgium: Vice Adm. Alan G. Kirk, United States Navy, retired.

Union of South Africa: Gen. Thomas Holcomb, United States Marine Corps, retired.

Panama: Brig. Gen. Frank T. Hines, United States Army, retired.

It is noteworthy that General Smith, in the most important Moscow Embassy, is on a "duty" status and is not retired from the Army. Nor, for that matter is there any provision for retirement of generals of the Army, the rank that the new Secretary of State holds.

Other military men occupy important positions in the Washington administration, some of them—such as the War Assets Administration, the Maritime Commission, etc.—indirectly concerned with the economic aspects of foreign policy.

These men are able; that is a major reason why they hold these positions.

But the appointment of military men to such posts is nevertheless disturbing on two counts: First, it indicates the paucity of adequate top-rank men in the State Department and shows the need, therefore, for reorganizing and revitalizing the Foreign Service and Government service in general, and second, it steadily extends—no matter how able and impartial these military men may be—military influence into nonmilitary fields.

REACTION IN BRITAIN

There is another aspect of the Marshall appointment that so far has not been stressed. The British reaction has been politely but reservedly laudatory—and for a reason. The British respect General Marshall, but those who knew him during the war felt he was often too formidable a representative of the American point of view to be to their liking. It is no secret that General Marshall's appointment in 1943 to be supreme commander of Allied forces for the invasion of western Europe was canceled at the last minute partially because of British reluctance to grant to him the broad powers we requested. Moreover General Marshall is reserved and dignified and has less of the native Yankee charm and enthusiasm than has Gen. Dwight D. Eisenhower, who was extremely popular in Britain, as well as among those Russian representatives whom he came to know.

Nevertheless, if a change in the secretaryship had to be made at this time, General Marshall was a good choice. There were and are some capable civilians available, but none perhaps with the world-wide prestige of General Marshall, and few of them could match his experience at international conferences. The new Secretary also combines administative ability and vision, patience, a facility for the quick analysis of problems, a remarkable memory and a judicial mind. He should serve his country well.

CUT IN MILITARY BUDGET

Preliminary examination of the defense budget of $11,587,000,000 submitted to Congress last week does not reveal any very major cut in the operating appropriations for the Army and Navy—except in one respect, the number of personnel. Some of the reductions in the 1948 military budget are more apparent than real; for the expenditures for atomic energy and supplies to, and administration of, occupied areas have been transferred from the military account to nonmilitary sections of the budget. This accounts for a seeming reduction, vis-à-vis the 1947 fiscal year of more than $1,000,000,000.

Another $1,000,000,000 reduction represents a decrease in mustering-out pay and contract termination expenditures. Most of the rest of the reduction is due to the smaller number of personnel, i. e., continued demobilization.

Many of the arms of both services—used to wartime standards—will feel a severe pinch, but rather generous sums have been provided for research and development, operations and construction, and a cursory examination of the budget does not support the view expressed by some that the cuts are crippling.

The budget will provide for an average Army strength of 1,070,000 throughout the 1948 fiscal year, which is the figure the Army had long projected. The average strength of the Navy and Marine Corps will be about 571,000—considerably less than the authorized strength of about 660,000—but still considerably larger, in the opinion of many, than the strength needed for a permanent peacetime Navy. If Congress cuts the military budget still further, as it seems likely to do, it would seem that the number of men in the Navy and Marine Corps could be further reduced—by perhaps another 25,000 to 50,000 without crippling effect.

Mr. KNOWLAND. Mr. President, finally, I wish to read two paragraphs from an article by Hanson W. Baldwin, published in Harper's magazine for December 1947, under the headline, "The military move in":

Some wise man once wrote that each victorious war costs us a few more of our liberties. Not only does the government, like an octopus, draw to itself during war extensive new powers, many of which are not repealed when peace comes, but the great emotional upsurge of victory inevitably has the double effect of carrying to new positions of authority the military architects of victory, and encouraging in the rest of us dreams of an expanded manifest destiny for our country.

Heretofore in our history this trend has rarely been serious, although it can be argued that the damage done to the country by the Grant regime following the Civil War and the brutal reign of the scalawags and carpetbaggers in the conquered South—both of which were in some degree products of the military mind—affected adversely the history of our country and kept us a divided Nation for generations. But today the traditional postwar veneration of the military is coupled with the inevitable centralization

of economic and political power in the Federal Government, and with the necessity of preparing the Nation for total war and even atomic war. All three of these factors work toward the same end; the militarization of our Government and of the American state of mind.

Mr. KEM. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. KEM. I think it has been made clear by everyone who has spoken on this subject that no one thinks General Marshall has any idea of setting himself up or would set himself up as a military dictator. However, if an exception is made to this wise and salutary law in the case of General Marshall, would not that give an excuse for the making of an exception in the case of some other man who might come along a few years later?

Mr. KNOWLAND. The Senator is absolutely correct. As I have pointed out, it is the old story of the camel's getting his nose under the tent. Once this principle is violated and once the law is changed in that regard, such a precedent would be used, in my humble judgment, many times in the future. Other persons could protest as much as they wanted to; but once the law is broken—and this is a proposal to break the law, although technically it is stated that the law would be waived temporarily—it would be just that much easier for future violations to occur.

As I pointed out, however, the Congress was confronted with a fait accompli, namely, the announcement by the President that General Marshall would be appointed. That announcement was made without consulting Congress, and the announcement was circulated throughout the Nation, as if it were taken for granted that Congress would waive the law—in short, as if it were taken for granted that Congress would give rubber-stamp approval.

Mr. President, does anyone believe that the United States is so lacking in competent patriotic civilians among its population of more than 150,000,000 people, that there is not a single person on whom the President could call to head this powerful executive department, in conformity with the law? If the Nation were in such a desperate strait, I say the President should first have come to the Congress to see whether Congress would agree to change the law, before he announced that he would appoint to that position someone who does not meet the qualifications required by the law.

Mr. KEM. Mr. President, will the Senator yield for a further question?

Mr. KNOWLAND. I yield.

Mr. KEM. As I understood the argument presented by the able senior Senator from Virginia, it was that General Marshall is an indispensable man, that there is no other man in the United States who could take the helm of the Military Establishment at this time, in fact, that there is no other man in the world who could do so at this time and could successfully carry on under these circumstances.

I should like to ask the Senator from California if it is true that exactly the same argument has been made time and time again in the history of the world, when the free people have lost their liberties?

Mr. KNOWLAND. I will say to the able Senator that although there was no law prohibiting it, yet there used to be a tradition in the United States against a third term in the Presidential office. That tradition was violated once. I think every American citizen realizes now that it will be far easier to violate the no-third-term tradition in the future than it was prior to the time when the first violation occurred.

Mr. KEM. Is not that in keeping with common experience, namely, that when a person once departs from the path of virtue, a later transgression is just that much easier?

Mr. KNOWLAND. I think the Senator is correct.

Mr. KEM. Is not this indispensable man idea the very thing about which the founding fathers were so much concerned when they established the rule and the tradition that a military man should not head the Military Establishment?

Mr. KNOWLAND. I believe that is true.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. HICKENLOOPER. The Senator's very calm and able presentation of the fundamental reasons surrounding his objection to this bill has been very fine. I think one of the most powerful arguments the Senate and the people of the United States should consider, perhaps, should be emphasized more, although the Senator from California did emphasize it substantially. However, it seems to me to be a very important argument, a fundamentally important argument from the standpoint of this body, most of the members of which took part in the passage of the Reorganization Act, that after due debate and careful consideration and a desire to throw the greatest possible safeguards around the principle of civilian control, we adopted, in a time of comparative calmness, a safeguard against emotional activity or precipitate action; but here, today, we are being asked, within 24 or 48 hours, under the statements of emergency and of urgent necessity, to destroy the safeguards—in time of emergency—which were erected in time of calmness to protect against such emergency action.

Mr. KNOWLAND. The Senator is absolutely correct.

Mr. HICKENLOOPER. I think that point cannot be overemphasized, Mr. President. I am highly pleased that the country has been favored by having the Senator from California bring out that argument in the course of his statement.

Mr. KNOWLAND. The Senator is absolutely correct. The record is ample, and if Members of the Senate, or of the press, and others will examine the RECORD, from the very earliest reports of Secretary Forrestal, to the committee hearings in 1946–47, in the Seventy-ninth Congress, when the act was finally passed by both Houses, they will find, in the debates on the floor at that time, and in the testimony before committees, that always the question was raised, as it quite properly could be raised, as to why we were, for the first time in our history, concentrating this vast power over the Military Establishment—not merely one arm of it, but all three arms of it—in one man. The question was raised, "Is there not danger of too much military control?" The answer came back from our generals of the caliber of General Eisenhower, from our admirals, from our civilian Secretaries, and from the Members of Congress, who were responsible for convincing the Congress that this bill was a safe one to pass, "You need fear no danger in that regard, because we have written into the law a provision that the Secretary of National Defense shall be a civilian."

Mr. President, the ink is hardly dry on the law—and I say this with the deepest conviction, before an effort is made here to violate the very provisions which Congress had been assured were such that that danger might never arise. The men in the Air Force, the men in the Navy, and civilians, who were concerned about the situation, relied upon that assurance. Yet here, in a very brief period of 48 hours, we are asked to sweep it aside and to violate a tradition which has had the utmost significance to the American people.

Mr. CAIN, Mr. MUNDT, and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from California yield; and if so, to whom?

Mr. KNOWLAND. I yield to the Senator from Washington.

Mr. CAIN. It has been said by the administration that if the Congress changes the law, or votes to upset an abiding principle which has governed our way of doing business in our country for a long time, the American people will rise unanimously in support of such an action. The Senator from Washington feel that this is in fact not the case and that the action will backfire if we proceed to change the law today.

But my question is, Has the Senator from California, since he and the Senator from Washington recently submitted very brief minority views, heard from any American citizens throughout the land? If he has, to what extent have the people of this country, in telegraphing or writing to the Senator from California, supported the action we are being urged to take?

Mr. KNOWLAND. I can only cite the experience of my own office, but I may say that I have had a very substantial number of letters and telegrams from the State of California and elsewhere in the Union, though preeminently from my own State, which have voiced opposition overwhelmingly to this change, many of them at the same time expressing the highest regard for General Marshall as a military figure, as a man who has given great service to his country. As a matter of fact, I was so surprised by the information given me concerning these communications that I sent to my staff and asked, "Are you only sending to me only communications which approve of the position I have taken?" They said, "No, Senator; you are getting all of them." I may say that I have long followed the principle, not only in a political campaign, but at all other

times, of asking for the bad news. I find that the good news takes care of itself. So I thought perhaps I was getting some screened replies. To the contrary, the communications were overwhelmingly to the same effect. So far as I know, until this morning there had not been received a single communication on the other side of the question; though I have no doubt that in the mail there will come communications of another type.

Mr. CAIN. Mr. President, will the Senator yield for another brief observation?

Mr. KNOWLAND. Yes. May I ask what the Senator's own experience has been?

Mr. CAIN. I wanted to say that it is a very strange thing, but a thing which can be established, that the experience since Tuesday, which I think was the day on which the two Senators submitted minority views, has been that the Senator from Washington received a substantial volume of mail on this question, and, like the Senator from California, no American is included among the senders of those communications, who, over his signature, voiced support of what the Senate is being asked to do this afternoon. So strange was it—for it has never before happened during the 4 years I have been in the Senate—that I called one of my associates into the office this morning, and posed the question, "Are you trying to keep from me the communications expressing views on the other side of the question?" The answer was, "You have been given every single letter and telegram on this subject, as they have been reecived by the office." To me it is a very interesting and provocative item, an item to be considered by Senators in passing judgment on this question. Were I able to "write the ticket"—which obviously I am not—I should hope that the Senate, after a full afternoon's discussion, or after having discussed the matter for at least a substantial part of the afternoon, would lay this question aside for at least overnight, in order that other Senators might reflect upon what the Senator from California has said and what the Senator from Virginia has said on the other side of the question, so that Senators might more carefully consider the matter before voting.

Mr. KNOWLAND. I merely say, as a personal observation—and I may be wrong; a man may honestly differ on this subject—it is my judgment that if this proposal could have gone through a normal committee hearing, of which the public would have been given advance notice, and at which people could have come forward to give testimony for and against the change, rather than being called, as members of the committee were, at 11:30 o'clock in the morning of the day the bill was presented to Congress by the President, and, at 12:15, having the bill reported without any public hearing whatever; if public hearings could have been held so that the basic issue could have been presented to the American people, not merely at the first blush, of a change in the status of the Secretary of Defense, so that the question could have been considered soberly; and then, if we could have conducted the normal congressional process of debate on the floor, instead of running up against the deadline which we have encountered, I believe that the Members of the Congress would have received many communications from people throughout the country to the effect that at least they should stop, look, and listen before taking this very vital step.

Mr. CAIN. Mr. President, will the Senator yield further?

Mr. KNOWLAND. I yield.

Mr. CAIN. I shall appreciate it if the Senator sees fit to hazard a guess on this question: Had the President of the United States, in the face of a resignation which he had just received from his Secretary of Defense, come quietly to the Senate Armed Services Committee and said, "Will you help me find a successor?", does the Senator from California think that a majority of the committee would ever have suggested to the President for his serious consideration a five-star general to fill a post which the law of the land provides shall be filled by a civilian?

Mr. KNOWLAND. No. I can say in all seriousness—and I do not want to betray any confidence—that I cannot help but believe that the action taken by the committee was, with respect to a large majority of the members of the committee, taken with misgivings that we were creating a precedent which might involve some danger; and, as the able Senator from Virginia said on the floor today, so I feel at liberty to quote him, "If this matter gets into conference, and the conferees should strike out the limitation to the name of General Marshall alone, and say that for a period of 2 years a general may be selected or for a wartime period a general may be selected, I would oppose such legislation on the floor." That is how dangerous the Senator from Virginia feels that this precedent is. He has tried to write around it such safeguards as he believes can be written in a situation of this kind.

I yield the floor.

EXHIBIT A

[From the United States News of January 27, 1947]

MILITARY MEN IN KEY JOBS: SHIFT FROM UNITED STATES TRADITION—OFFICERS AS PRESIDENTIAL ADVISERS, DIPLOMATS, AND AGENCY HEADS—READY ADMINISTRATIVE ABILITY WEIGHED AGAINST CIVILIANS' OLD FEARS OF ARMY-NAVY RULE

All precedents in United States history are being broken by the strong trend toward use of military men for key positions in Government service. The influence of the military is more and more widespread in the civilian arm of the Government.

This trend toward use of professional military men for civilian jobs is emphasized by the selection of General of the Army George C. Marshall to be Secretary of State and, in effect, Vice President. It underlies the boomlet that has developed for General of the Army Dwight Eisenhower, Army Chief of Staff, for the 1948 Presidential nomination in one or the other of the major parties.

Fleet Adm. William D. Leahy, Chief of Staff to the President, is a very influential White House adviser on many matters of policy. Several positions in the diplomatic service are filled by military men. Generals will dominate the coming conference on a German treaty. High officers are running a number of the Government's domestic agencies.

Use of generals and admirals from the Regular Army and Navy to perform tasks that civilians once performed is giving rise to questions of whether the military is taking over the country. There is also some questioning from abroad as to whether the United States is veering to an imperialist course. Actually, the new role of the military rests upon a complaint by the White House that it cannot find civilians to do what needs to be done. President Truman, however, has let his associates know that he has no further generals or admirals in mind for major posts.

PRESENT SET-UP

Specifically, this is the situation brought about:

At the White House, President Truman now is to have among his closest advisers two of the Nation's prominent military men—General Marshall as well as Admiral Leahy. The scope of their past experience is very wide. General Marshall, as Chief of Staff, ran the Army during the war. Admiral Leahy, as Chief of Naval Operations, ran the Navy for several years before the war. Both were close to President Roosevelt as members of the wartime Joint Chiefs of Staff. Both are respected and trusted by Mr. Truman, and their advice will carry much weight.

In the diplomatic service, professional military men are being utilized increasingly. Lt. Gen. Walter Bedell Smith, who has been in the Army since 1917 and was chief of staff to General Eisenhower during World War II, is in a vitally important spot as Ambassador to Russia. Vice Adm. Alan G. Kirk, veteran of 36 years in the Navy, climaxed by his part in the Normandy landings in 1944, is Ambassador to Belgium. Gen. Thomas Holcomb, who served in the Marine Corps for 43 years and rose to be its Commandant, is Minister to the Union of South Africa. Brig. Gen. Frank T. Hines, an officer in the Spanish-American War and in World War I, and later head of the Veterans' Administration, is Ambassador to Panama.

In the postwar settlements, generals are playing a decisive role. United States occupation forces in Germany are under Lt. Gen. Lucius D. Clay, and those in Japan and Korea are under General of the Army Douglas MacArthur. Maj. Gen. John H. Hilldring, another Army career man, is keeping track of their work from the Washington end, as Assistant Secretary of State. In the coming conference at Moscow on German peace terms, key decisions affecting the future of the world will be made for the United States by four military men—General Marshall, General Clay, General Smith, and Lt. Gen. Mark W. Clark, until recently commander of United States occupation troops in Austria.

Intelligence work of the Government is being placed under a professional Army man, Lt. Gen. Hoyt Vandenberg, nephew of Senator VANDENBERG, Republican, of Michigan. He has been named as head of the new Central Intelligence Group and will retain his military status.

In other agencies, professional military men are being utilized as administrators. Gen. Omar N. Bradley, who commanded the Twelfth Army Group in the invasion of Germany, is head of the Veterans' Administration. Maj. Gen. Philip B. Fleming, in the Army since 1911, is director of the recently established Office of Temporary Controls. He also is head of the Federal Works Agency. Vice Adm. William W. Smith is chairman of the Maritime Commission. Maj. Gen. Robert M. Littlejohn, as head of the War Assets Administration, is disposing of surplus war goods.

Taken all together, these men make a rather imposing array of military figures holding top places in the Government.

PAST RECORD

In contrast, the work of professional military men in the past was confined largely to their own field.

It is true that 10 men were elected President after achieving prominence as military commanders in war. They were George

Washington, Andrew Jackson, William Henry Harrison, Zachary Taylor, Franklin Pierce, Ulysses S. Grant, James A. Garfield, Rutherford B. Hayes, Benjamin Harrison, and Theodore Roosevelt. But, of these, only Presidents Taylor and Grant had followed professional military careers, and President Grant, previous to 1861, had been out of the Army for 7 years.

Three professional military men were nominated for President, but were not elected. These were Gen. Winfield Scott, in 1852; Gen. George B. McClellan, in 1864; and Gen. W. S. Hancock, in 1880.

The tradition has been that civilian posts should be manned by civilians. Even the Secretaries of War and Navy customarily have been nonmilitary men. President Roosevelt, however, began to call on career generals and admirals to fill diplomatic and administrative posts, and the new tendency has gone much further under President Truman.

REASONS FOR CHANGE

One of the big reasons for the present trend is that officers in the armed services are always available for assignment to any Government job that needs to be done. If other men decline, or if no others with the right qualifications can be found, the appointment of a military man of proved ability is a convenient solution. Other advantages are that many officers have had long administrative experience, and they are accustomed to serving the public rather than any special interest.

In the current phase of history, when the United States is entering upon a new world role, still another factor is that the men who ran the war on a global basis have some understanding of world affairs.

OBJECTIONS

Persons who object to dominance of civilian activities by military officers, on the other hand, contend that the military men have a strong tendency to be dictatorial. This, say the objectors, is only natural, in view of the officers' lifelong training in discipline. Also, it is held, officers are not responsive to public opinion, are unwilling to compromise, and sometimes disregard civilian rights.

Another criticism is that military organization methods, if applied to civilian activities, result in overstaffing, delay, and waste. General Bradley, for example, was accused by the Veterans of Foreign Wars of setting up an unnecessarily ponderous machine in the Veterans' Administration, where he established an office of coordination and planning, with a staff of 2,000, many of whom were former officers. Recently he eliminated this branch.

Thus opponents of administration by military men make the point that not only does military domination threaten democracy, but it often is a blow to efficiency.

ISSUES AHEAD

The question of military versus civilian control is arising in a related field—that of scientific research. The Army and Navy, through their contracts with educational institutions for carrying out special research projects, are increasingly in a position to exert leverage on scientific research in general. Control of research in atomic energy, however, originally in military hands, has been shifted by Congress to a civilian commission. And recently civilian influence in the field of science was given a new boost by President Truman when he established the Presidential Research Board to exercise general supervision of Federal research programs.

A second question to be threshed out is that of compulsory military training. Here, again, there is objection that it would subject civilian life to domination by the military.

GENERAL MARSHALL'S PROBLEM

An immediate question will be the type of appointments General Marshall will make as Secretary of State. He can call on Army officers with whom he is acquainted, or he can call on career diplomats, or he can go outside of both groups and look for others who are qualified. According to reports, he intends to avoid militarizing the State Department and also will avoid relying entirely on career men. He has a wide acquaintance outside the military and diplomatic fields.

REVERSE TREND?

General Marshall's reported attitude, coupled with signs of concern at the White House, give indication that President Truman is aware of the public's fear of dominance by the military and is swinging back toward reliance on civilians for top Government jobs. Meanwhile, however, the military officers are exercising more influence on United States civilian affairs than ever before.

Mr. WILLIAMS obtained the floor.

Mr. HICKENLOOPER. Mr. President, I wonder if the Senator will yield, in order that I may propound a question to the Senator from California.

Mr. WILLIAMS. I should be willing to yield with the understanding that I shall not lose the floor.

I ask unanimous consent that I may yield so that the Senator from Iowa may propound a question to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HICKENLOOPER. The Senator from California, in his last statement, touched on a matter about which I wanted to inquire. It was, in effect, what the Senator's view may be on the question whether the personality of General Marshall, a great and preeminent general, and the respect in which a great many persons hold him, may or may not have been a major factor in the support of the precedent-breaking precipitous action by the Armed Services Committee.

Mr. KNOWLAND. I think I can say, without fear of successful contradiction by any Senator on the floor, that had the President of the United States called all the members of the Armed Services Committee to the White House and, without mentioning any names, had said, "Do you believe it is advisable under these circumstances to change the law to permit a military man to head this department?" if he did not get unanimous advice against it from the committee, it would have been very close to unanimous advice against it.

Mr. HICKENLOOPER. I thank the Senator.

Mr. LODGE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS. Mr. President, I ask unanimous consent that I may yield to the Senator from Massachusetts without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LODGE. Mr. President, I intend to support the appointment of General Marshall as Secretary of Defense. Ordinarily I would be opposed to having a military man in control of our defense. I believe, however, that this is one instance, of which we have had several in our history, when we should make an exception to the rule. General Marshall by his actions has proven that he has a very broad civilian viewpoint, that he is not in any sense of the word a militaristic man. He would bring to the office not only splendid qualifications of character and intellect, but also a unique experience, as recently as 5 years ago, which we would be very foolish to forego. Furthermore, his appointment would have an excellent effect throughout the world: in Europe, where he is identified with the Marshall plan, which in my view has been a conspicuous success, and in the Far East, where everything he has done certainly makes impossible any accusation of imperialism against him. These are a few of the reasons which decide me to support his appointment.

CRITICISM OF GOVERNMENT'S POLICY IN THE SALE OF MINERAL RIGHTS AND LEASING OF PUBLIC LAND

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. WILLIAMS. Mr. President, my remarks are on an entirely different subject, but it is a subject which I feel is of equal importance not only to the Members of the Senate but to the country. It is going to be particularly interesting, I think, to the members of the Committee on Agriculture and Forestry. I have promised some of the Members that prior to delivering my remarks I would suggest the absence of a quorum so that they might be on the floor to ask questions during the delivery of my speech.

I ask unanimous consent that I may suggest the absence of a quorum, without losing the floor, in order that members of the Committee on Agriculture and Forestry may be notified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Hill	Malone
Benton	Hoey	Martin
Bricker	Holland	Millikin
Butler	Humphrey	Morse
Byrd	Hunt	Mundt
Cain	Ives	Murray
Chapman	Jenner	Neely
Chavez	Johnson, Colo.	O'Conor
Connally	Johnson, Tex.	O'Mahoney
Cordon	Kem	Robertson
Darby	Kerr	Russell
Donnell	Kilgore	Saltonstall
Douglas	Knowland	Smith, Maine
Dworshak	Langer	Sparkman
Ecton	Leahy	Stennis
Ellender	Lehman	Taft
Ferguson	Lodge	Taylor
Frear	Long	Thomas, Okla.
Fulbright	Lucas	Thye
George	McCarran	Tydings
Gillette	McCarthy	Watkins
Graham	McClellan	Wherry
Green	McFarland	Wiley
Gurney	McKellar	Williams
Hendrickson	McMahon	Young
Hickenlooper	Magnuson	

The PRESIDING OFFICER. A quorum is present.

Mr. WILLIAMS. Mr. President, on August 24, 1950, in a discussion on the floor of the Senate I stated that at the appropriate time I would discuss in detail the manner in which the Government has been leasing and disposing of its valuable mineral rights for a fraction of their real worth.

This afternoon I wish to first call the attention of the Senate to the unbusinesslike method in which the mineral rights under our public lands are being leased by the Department of the Interior at millions of dollars below their marketable value, and second, the inexcusable manner in which the Department of Agriculture, through the Federal Farm Mortgage Corporation, has been selling to outside speculators mineral rights which had been retained by the Government under farm property. These sales have been made by the Federal Farm Mortgage Corporation without giving the owner of the farm any opportunity to buy these rights and thereby acquire a clear title to his farm.

The Department of the Interior, under the provisions of a law passed in 1947, has been leasing public lands for the development of minerals by private negotiation at a nominal fee of 25 cents to 50 cents an acre, sometimes even lower, instead of negotiating these leases on a competitive-bid basis.

According to Mr. Marion Clawson, Director of the Bureau of Land Management of the Department of the Interior, this rejection of competitive bidding has resulted in the loss of millions of dollars annually. For instance, in the State of Mississippi alone before the inauguration of this non-competitive-leasing program, there had been issued leases on 92,212 acres upon which the Government collected in excess of $2,500,000 as bonuses from the competing applicants. Since 1947 under this noncompetitive leasing program, 94,232 acres have been leased in the same State—Mississippi—for which the insignificant sum of only $1,680 was collected as filing fees.

I directed an inquiry to Mr. Clawson, asking him whether or not these lands were of comparable value; and if not, what differential he would place on the valuation of the land. This is what Mr. Clawson replied:

> The 94,232 acres referred to in the Department's letter, which were leased pursuant to the Mineral Leasing Act for Acquired Lands, enacted on August 7, 1947 (30 U. S. C., sec. 351 et seq.), from the information available appear to be of generally comparable value to the 92,212 acres which were leased pursuant to competitive bidding prior to the enactment of this statute. The lands leased before and after that date are located in the same national forests of Mississippi; all the leases affect wildcat lands of unproven mineral value. I know of no reason why there would be any significant difference in their respective values. The tremendous difference in revenue, without doubt, is the result of the issuance of mineral leases without competitive bidding under the terms of the 1947 act.

I wish to reemphasize the last sentence:

> The tremendous difference in revenue, without doubt, is the result of the issuance of mineral leases without competitive bidding under the terms of the 1947 act.

This same policy has been in effect in every State of the Union in which there are public lands or in which any activity in either oil, gas, or other minerals prevail. This policy of rejecting competitive bids, sometimes as high as $20 to $30 per acre and accepting only a nominal fee is explained by the Department as being required under an interpretation of the existing law. I cannot understand why any such absurd law would ever have been enacted, but if any such asinine provision has been incorporated in a law authorizing this willful waste of millions of dollars belonging to the American taxpayers, then it is high time such law be repealed.

Mr. LANGER. Mr. President, is the Senator reading from the letter, or was that last part interjected?

Mr. WILLIAMS. I was reading from the letter when I said that "the tremendous difference in revenue, without doubt, is the result of the issuance of mineral leases without competitive bidding." It appeared to me that, the 94,000 acres leased in Mississippi in later years would be more valuable than the 92,000 in earlier years, because oil development was making more rapid progress in the later years, yet there was over $2,500,000 difference in their sales.

Mr. LANGER. I wanted to know whether Mr. Clawson said it was an asinine law.

Mr. WILLIAMS. That is my own opinion, but I venture to say Mr. Clawson will not defend this policy.

Mr. LANGER. I wanted to be sure.

Mr. LONG. Mr. President——

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Delaware yield to the Senator from Louisiana?

Mr. WILLIAMS. I yield.

Mr. LONG. I suppose the Senator knows, does he not, that some time back the New Orleans Times-Picayune, which has one of the widest circulations in the South, carried a series of editorials pointing out that the situation to which the Senator is referring was prevalent all over the State of Louisiana, where enormously valuable Federal oil prospects were being leased at a mere fraction of their value?

Mr. WILLIAMS. I am sure the Senator is right, although I have not seen the editorials. Perhaps I was the only Member of the Senate who did not know of it until recently, but I repeat what I said before, that in my opinion, this is one of the most absurd programs I have ever heard of being carried on by any responsible Government agency or business.

Mr. LONG. I completely agree with the Senator.

Mr. WILLIAMS. The Department of the Interior in confirming this estimated loss of $2,500,000 in the State of Mississippi alone under this program, have endorsed a correction in the law. The question which naturally comes to my mind, and to the minds of other people who hear about this, is, Who has benefited during the past 2 years from these million-dollar bargains in Mississippi and the other oil-producing States? Has some company or some group of individuals been favored in the allocation of these bargains? Congress should not close its eyes to the fact that this policy of noncompetitive bidding leaves wide open the possibility for fraud, favoritism, and collusion—in fact, the law as it now operates openly invites such practices.

Mr. President, with all due respect to the officials of the Department of the Interior, it is impossible for any individual or any agency of the Government to satisfactorily allocate these leases on a noncompetitive basis at 25 or 50 cents per acre when at the same time numerous buyers are seeking an opportunity to bid for the same acreage at substantially higher figures. This gives rise immediately to the suspicion that somebody is obtaining preferential consideration in the allocation of these bargains. There is no other answer to it. The program cannot be administered on any such basis as it is now being administered without arousing a lot of suspicion. Not only must this absurd policy of noncompetitive bidding be corrected immediately, but also the appropriate committee of Congress should request the records of the Departments to see just who has been obtaining these low-priced leases in order that we might determine whether or not any favoritism has been shown.

These low bids have often been accepted when at the same time the Department of the Interior either had higher offers in its possession or knew that if the leases were offered on a competitive bidding basis, they would bring a substantially higher price. One particular instance, as I have said before, was called to my attention where the Government leased its land for 50 cents per acre when at the same time mineral rights under adjoining land which was privately owned, was sold for $30 per acre. This was one of the things I had hoped to correct in H. R. 4800 had the committee cooperated, and not rushed the bill through so rapidly.

In the instance which I have just mentioned, the man who called it to my attention sent a map showing that he leased 200 acres surrounding Government land, for which he paid $30 an acre, and he enclosed copies of letters where he had asked the Government to put their land up for competitive bidding, but they would not do it, rather they leased it for 50 cents an acre.

Mr. LANGER. Will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from North Dakota.

Mr. LANGER. What year was that? Was that under the present Secretary of the Interior, or under his predecessor?

Mr. WILLIAMS. That has been going on since 1947. It is going on at this time. They are still leasing land under this provision.

I am not an attorney, and I am not prepared to say whether the Department is right or not, but the argument made by them is that their interpretation of the law is that they must not lease these lands on a competitive-bidding basis except when they actually know oil exists under the land. If they do not know that oil exists, they insist upon leasing it for 25 or 50 cents per acre. So they are leasing the land at 25 to 50 cents an acre when they could get $25 or $30 an acre. Whether or not the interpretation of the Department is correct, I do not know. Regardless of that, however, the law should be changed, and I cannot understand why someone did not more forcefully call this to the attention of the Congress before now. Most anyone administering a program like this surely knew this was wrong.

But there is another phase in the Government's handling of mineral rights which is subject to even more severe criticism. And that is the indefensible manner in which the Department of Agriculture, through the Federal Farm Mortgage Corporation, has been selling mineral rights to outside speculators which it had previously retained under certain farm properties, without giving the farmers a chance to protect themselves.

During the depression years the Government acquired title to thousands of farms, located mostly in the Midwest. Later as these farms were sold, the Government reserved 50 percent of the mineral rights. Congress recently enacted legislation, H. R. 4800, the purpose of which was supposedly to make possible the return or sale of these mineral rights to the owner of the land at its appraised value. What the Congress did not know last month at the time it acted upon this legislation, and what I think we should have known, was that for the past several years the Department of Agriculture, through the Federal Farm Mortgage Corporation, had already been selling these rights to outside speculators.

Prior to the enactment of H. R. 4800, the bill which was supposed to make possible the return of these rights to the farmers, I appeared before the Senate Committee on Agriculture and Forestry and requested that consideration of the measure be withheld until we could determine to what extent the farmers had already been sold out, and requested that they obtain from the Department of Agriculture an explanation as to why they had made these sales to outside speculators. I suggested that the committee obtain an explanation from the Department of Agriculture as to why the owners of these farms were being denied an opportunity to buy the rights under their own property.

I also requested that consideration of this legislation be withheld until the committee could determine the accuracy of certain rumors that Government employees had been involved in the speculations of these mineral rights. That employees of the Farm Credit System were involved was later confirmed by Mr. I. W. Duggan, Governor of the Farm Credit Administration, in his testimony before the Senate Agriculture Committee on August 24, 1950, when he said that in the St. Louis farm credit district a small number of individuals, while serving as officers or employees had through investment pools, or individually, purchased varying mineral interests including interests in oil and gas leases and fractional royalty interests. These purchases were in areas where there was considerable mineral activity at the time. At that time Mr. Duggan listed as members of this so-called investment pool five men, whom he described as persons who at the time of acquiring such mineral interest were, and still are—as of August 1950—employed by a unit of the Farm Credit System. These names were given to the committee on August 24, 1950, and are as follows: W. H. Droste, Farm Credit Administration of St. Louis, president, Federal land bank; W. R. Frankhanel, Farm Credit Administration of St. Louis, vice president, Federal land bank; H. W. Snodgrass, Farm Credit Administration, land bank appraiser assigned to St. Louis district; J. L. Barrett, Farm Credit Administration, land-bank appraiser assigned to St. Louis district; D. M. Hardy, Farm Credit Administration of St. Louis, president, Bank for Cooperatives, and general agent.

Mr. Duggan also listed the following persons who at the time of acquiring such mineral interests, or at any time previously, were employed by a unit of the Farm Credit System, but are not so employed as of August 1950: E. C. Maxwell, vice president, Federal Land Bank of St. Louis; M. L. Brueggeman, chief accountant, Federal Land Bank of St. Louis; W. H. Bengel, attorney, Federal Land Bank of St. Louis; S. Alden Perrine, temporary appraiser.

Over a 4-year period these individual employees of the St. Louis farm credit district had acquired a number of mineral interests. In some of these cases the mineral interests acquired were under farms upon which the Federal Farm Mortgage Corporation had mortgages.

While the employees involved claimed that they did not know at the time they purchased these mineral rights that the Federal Farm Mortgage Corporation had mortgages on the land involved, it is an acknowledged fact that these employees who were involved in this so-called investment pool were holding positions of authority in which they had access to full information regarding all loans held by the Federal Farm Mortgage Corporation in that district, and unquestionably were in a position of having inside knowledge. Whether they used that knowledge or did not, no one disputes the fact that they were holding positions which gave them inside information.

It is rather significant that within 30 days from the date that I directed my first letter, dated June 9, 1950, to the Farm Credit Administration raising the question as to what extent, if any, employees of the Farm Credit Administration had ever been involved in speculating in these mineral interests, we find that the Farm Credit Administration issued regulation No. 514 prohibiting such activities on July 7, 1950.

While these speculations were discovered and investigated by the Department of Agriculture long prior to that date, no action was taken to prevent their recurrence until July 7, 1950, after I had made inquiry as to the irregularities.

While testifying before the committee on August 24, 1950, Mr. Duggan said:

> We prefer to sell to the owner of the surface rights. Since July 1, 1949, it has been the policy of the Corporation to sell mineral interests only to the present fee owner of the surface land. * * * We felt that the title to mineral reservations should go with surface rights.

Mr. Duggan failed to tell the committee that this somewhat belated decision on the part of the administration was not made until after the senior Senator from Delaware had demanded from the administration a full explanation and a breakdown of all sales of mineral interests which had been made by the Department of Agriculture to parties other than owners of the farm. The Department of Agriculture need not take too much credit for reversing its policy because the record shows that no action was taken to protect the American farmer or to correct any of these irregularities until July 1, 1949, after my first letter, dated May 9, 1949, had been received indicating that I was aware of these transactions.

It was only then that the Department reversed its policy of selling the mineral rights to outside speculators. My first correspondence with the Department of Agriculture which indicated my suspicion that Federal employees might be involved was dated June 9, 1950, and on July 7, 1950, we find the Department issued a regulation prohibiting Government employees from speculating in mineral rights.

Mr. KEM. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS. I yield.

Mr. KEM. I should like to ask the Senator whether any oil or gas in paying quantities has been found on any of the properties the Senator is mentioning, that is properties on which the oil interests or the oil and gas leases have been sold?

Mr. WILLIAMS. Yes, there has been, and I shall go into that in a moment. At that time I will discuss the chart and will point out as briefly as possible, from letters I have received, the manner in which some of these gas and oil leases have been handled. I cannot understand why correction of these abuses should have been dependent upon their discovery by a Member of the United States Senate.

What the Members of the Congress should also have been told was that in a large number of cases the legislation enacted is meaningless to many American farmers since the mineral rights on their farms have already been sold without their knowledge.

As an example of how these mineral rights have been sold away from the American farmers, I have assembled 92 cases showing how these mineral rights have been sold.

This chart which I am going to insert in the RECORD, shows the name of the farmer from whom and upon what date the Government first obtained the property. It shows the name of the farmer to whom the Government subsequently sold the farm, the location of the farm, the acreage, the price paid, and percentage of mineral rights reserved by the Government. The chart shows the names of the outside buyers of the mineral rights, percentage sold, the date of the sale, and the purchase price. At this point I ask unanimous consent to have inserted in the RECORD a breakdown of these 92 transactions where the farmers have been betrayed and sold out by an agency of the Government which had been set up for the avowed purpose of protecting their interests.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

	Land acquired by Government			Sale of land					Sale of minerals			
	Date	County	From—	Purchaser	Purchase price	Surface acres	Date of sale	Mineral reserve	Mineral purchaser	Interest sold	Date of sale	Consideration
		MISSISSIPPI										
1	Aug. 23, 1937	Copiah	J. D. Harris Estate, Route 3, Hazlehurst, Miss.	H. Miller, Hazlehurst, Miss.	$800	340.15	Feb. 20, 1940	1/2	C. A. Kelly, Houston, Tex.	1/32 R. I. under 135 acres.	Aug. 12, 1943	$337.50
									Juanita A. Spitzfaden, Hibernia Bank, New Orleans, La.	1/128 R. I.	July 4, 1944	1,063.00
									H. G. Shuman, New Orleans, La.	1/64 R. I. under 205.15 acres.	Oct. 30, 1943	384.60
2	Jan. 12, 1938	do	Albert B. Flynn, Wesson, Miss.	J. C. Ashley, Wesson, Miss.	800	55.44	Dec. 6, 1938	1/2	Thos. L. Richards, care of Chase National Bank, New York, N. Y.	1/64 R. I.	Aug. 1, 1946	207.90
3	July 12, 1941	Adams	Ruby M. Zurhellem et al., Natchez, Miss.	Ferdinand L. Passbach, Natchez, Miss.	12,500	444.00	Aug. 13, 1941	1/2 mineral for 25 years.	E. L. Richardson, Vidalia, La.	1/128 R. I.	Oct. 13, 1943	416.25
									City of Natchez, Natchez, Miss.	1/2 Min. I. under 186.16 acres.	Aug. 9, 1946	[1] 4,072.69
4	do	do	do	Mrs. Annie McL. Smith, Natchez, Miss.	5,500	325.10	Oct. 25, 1941	do	E. L. Richardson, Vidalia, La.	1/128 R. I.	Oct. 13, 1943	304.80
									M. C. and C. J. Finklea, Warner, Okla.	1/256 R. I.	May 4, 1944	279.37
5	do	do	do	C. C. Miller and A. B. Webb, Natchez, Miss.	2,800	192.50	Jan. 6, 1942	do	E. L. Richardson, Vidalia, La.	1/128 R. I.	Oct. 13, 1943	180.45
6	Mar. 5, 1938	Attala	R. G. Sims, McCool, Miss.	H. V. Rones and H. C. Reynolds, Ethel, Miss.	275	107.00	Nov. 16, 1939	do	C. F. McClendon, care of New York Life Insurance, Slattery Bdg., Shreveport, La.	1/32 R. I.	June 17, 1944	267.50
7	Sept. 23, 1938	Chickasaw	W. T. Small, Route 1, Houston, Miss.	R. R. Woodruff, transferred to J. A. Smith, Route 1, Houston, Miss.	1,350	80.00	Mar. 7, 1941	1/2	H. N. Brown, 140 Pinehaven, Jackson, Miss.	1/64 R. I.	Nov. 4, 1944	367.81
									State of Mississippi, Jackson, Miss.	1/2 Min. I. in 31.84 acres.	July 29, 1941	*63.69
8	May 3, 1937	Claiborne	Mrs. Estelle Hill, Willows, Miss.	W. G. Brown, transferred to Mrs. Jno. L. Brown, Port Gibson, Miss.	1,000	171.00	Dec. 29, 1938	1/2	Robert H. Davidor, 807 Colcord Bldg., Oklahoma City, Okla.	1/64 R. I.	Apr. 25, 1944	1,068.75
9	Jan. 29, 1938	Clarke	Mrs. J. S. Hardee, Pachuta, Miss.	H. E. Culbreath, transferred to Mrs. A. M. Gordon, Pachuta, Miss.	550	80.00	Dec. 13, 1939	1/2	W. W. Bradley, P. O. Box 271, Gladewater, Tex.	1/64 R. I.	July 28, 1944	125.00
10	May 11, 1938	Copiah	W. A. Hutson, Wesson, Miss.	Maxie Greer, Wesson, Miss.	1,000	79.53	Oct. 27, 1938	1/2	Thos. L. Richards, care of Chase National Bank, New York, N. Y.	1/64 R. I.	Aug. 1, 1946	298.23
11	Aug. 18, 1936	do	Lige Thomas, Hermanville, Miss.	W. P. Drummonds, Hermanville, Miss.	500	137.25	Aug. 5, 1937	1/2	M. Carl Jones and H. E. Linam, Giddens-Lane Bldg., Shreveport, La.	1/32 R. I.	Jan. 12, 1943	343.10
12	Dec. 17, 1938	do	Lee D. Reynolds, Hazlehurst, Miss.	Robert Williams, transferred to L. D. Reynolds, Gallman, Miss.	2,600	285.37	Dec. 14, 1942	1/2 mineral for 25 years.	E. L. Richardson, Vidalia, La.	1/64 R. I.	Oct. 13, 1943	356.70
13	June 2, 1938	do	W. A. Gill, Route 1, Wesson, Miss.	Constance H. Rumbough, Nashville, Tenn.	3,000	299.50	Dec. 26, 1941	do	The Texas Co., P. O. Box 252, New Orleans, La.	1/4 Min. I.	Apr. 16, 1945	1,871.88
14	Aug. 29, 1936	Covington	J. M. Napier, Route 2, Seminary, Miss.	McRae Griffin, transferred to Sennett Herrin, Seminary, Miss.	678	70.00	Feb. 2, 1937	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	87.50
									Mrs. R. L. Windham, Collins, Miss.	1/64 R. I.	Mar. 27, 1943	87.50
15	July 9, 1938	do	George L. and Curtis E. Shows, Sanford, Miss.	N. R. Duckworth, Sanford, Miss.	1,832	138.50	Mar. 29, 1939	1/2	H. A. Potter, care of W. J. Morris, P. O. Box 173, Hattiesburg, Miss.	1/64 R. I. for 20 years from Aug. 2, 1944.	Aug. 4, 1944	346.25
16	Apr. 5, 1938	do	Alfred Magee Estate, Route 1, Collins, Miss.	James McNair, Route 1, Collins, Miss.	1,000	80.00	June 2, 1938	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	100.00
17	July 7, 1937	do	R. C. Graham, Sanford, Miss.	N. R. Duckworth, Sanford, Miss.	157	30.00	Mar. 29, 1939	1/2	H. A. Potter, care of W. J. Morris, P. O. Box 173, Hattiesburg, Miss.	1/64 R. I. for 20 years from Aug. 2, 1944.	Aug. 4, 1944	75.00
18	May 26, 1937	do	Mary M. Gunter, Route 1, Sanford, Miss.	C. F. Boleware, Seminary, Miss.	800	85.00	Dec. 23, 1937	1/2	H. Guinn Lewis, Jr., Hattiesburg, Miss.	1/64 R. I.	July 3, 1947	319.37
19	Nov. 10, 1936	do	J. W. Thompson, Seminary, Miss.	L. A. Funchess, transferred to Tommy Eaton, Route 2, Seminary, Miss.	700	80.00	Dec. 1, 1938	1/2	G. C. Francisco, Jr., 816 Neils Esperson Bldg., Houston 2, Tex.	1/64 R. I.	Mar. 30, 1945	250.00
20	Aug. 15, 1938	do	Hugh Durr, Route 3, Mount Olive, Miss.	R. E. Polk, Mount Olive, Miss.	550	50.00	Sept. 22, 1938	1/2	C. C. Mangum, Magee, Miss.	1/64 R. I.	May 3, 1945	156.25
									C. H. Osmond, 2008 Fort Worth National Bank Bldg., Fort Worth, Tex.	1/64 R. I.	Feb. 14, 1947	250.00
21	Aug. 18, 1937	do	John Frank Magee, Route 1, Collins, Miss.	Alice Magee, Route 1, Collins, Miss.	400	40.00	Feb. 14, 1938	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	50.00
22	July 6, 1938	do	Ransom Easterling, Route 3, Mount Olive, Miss.	J. W. Warren, Route 3, Mount Olive, Miss.	350	50.00	Jan. 16, 1940	1/2 mineral for 25 years.	C. H. Osmond, 2008 Fort Worth National Bank Bldg., Fort Worth, Tex.	1/32 R. I.	Feb. 14, 1947	500.00
23	June 26, 1939	do	Clifton McNair, Mount Olive, Miss.	Clifton McNair, Jr., transferred to Clifton McNair, Sr., Mount Olive, Miss.	650	70.00	Dec. 26, 1940	do	C. C. Mangum, Magee, Miss.	1/64 R. I.	May 3, 1945	218.75

24	Aug. 16, 1937	Forrest and Pearl River.	Eli Seal, Lumberton, Miss.	Dr. J. B. Davis, Poplarville, Miss.	450	70.00	Feb. 3, 1938	1/2	S. P. Borden, First National Bank of Shreveport, Shreveport, La.	1/64 R. I.	July 23, 1946	218.75
25	Nov. 6, 1937	Greene	W. M. Freeman, Richton, Miss.	Henry W. Byrd, Richton, Miss.	700	90.00	Nov. 12, 1938	1/2	Geo. D. Hunt and E. R. Whitaker, Deposit Guaranty Bank Bldg., Jackson, Miss.	1/32 R. I.	July 24, 1943	675.00
26	Jan. 31, 1938	Grenada	R. W. Coffey, Route 5, Grenada, Miss.	J. M. Clark transferred to E. G. Able, Route 4, Grenada, Miss.	2,000	250.00	Nov. 21, 1938	1/2	M. T. Williams, Duck Hill, Miss.	1/32 R. I.	Mar. 25, 1944	625.00
27	Oct. 23, 1942	Holmes	F. G. Ambrose et al., Route 1, Goodman, Miss.	Sam D. Hall, Jackson, Miss.	1,000	80.00	Nov. 30, 1942	1/2 mineral for 25 years.	E. P. Boyd, Durant, Miss.	1/32 R. I.	July 30, 1946	500.00
28	July 6, 1938	Jefferson Davis	Hollie Ward, Prentiss, Miss.	B. C. Griffith transferred to Vernon Lee and Arthur Daughdrill, Route 2, Prentiss, Miss.	1,750	177.40	Dec. 30, 1938	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	221.75
									George D. Hunt and E. R. Whitaker, Deposit Guaranty Bank Bldg., Jackson, Miss.	1/64 R. I.	June 22, 1940	2,217.50
29	Aug. 29, 1936	do	Dock and Albert Thompson, Carson, Miss.	R. A. Carraway and H. T. McNease, Carson, Miss.	1,100	98.00	Jan. 27, 1937	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	122.50
30	do	do	do	A. F. Carraway, Jr., Bassfield, Miss.	100	40.00	Dec. 13, 1938	1/2	do	1/32 R. I.	do	50.00
									A. F. Carraway, Jr., Bassfield, Miss.	1/64 R. I.	Jan. 16, 1945	[1] 125.00
31	do	do	J. C. Griffith, Mount Olive, Miss.	J. C. Griffith, Mount Olive, Miss.	650	82.50	Mar. 24, 1939	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	103.10
									George D. Hunt and E. R. Whitaker, Deposit Guaranty Bank Bldg., Jackson, Miss.	1/128 R. I. in 35 acres.	June 22, 1944	656.25
32	do	do	Edgar Magee, Prentiss, Miss.	W. F. Langston, Prentiss, Miss.	1,100	169.50	Apr. 23, 1938	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	211.85
33	May 30, 1936	Jones	L. T. Rainey, Sanford, Miss.	R. L. Smith, Moselle, Miss.	1,600	82.00	Dec. 30, 1936	1/2	do	1/32 R. I.	do	102.50
34	Dec. 9, 1938	do	Mrs. Belle Blackwell, R. F. D. 2, Moselle, Miss.	C. J. Overland and Quentice Blackwell.	450	36.22	Oct. 14, 1939	1/4	J. L. Wheless, Hattiesburg, Miss.	1/128 R. I.	Dec. 13, 1944	56.59
35	July 2, 1938	do	J. E. Riels, Route 3, Laurel, Miss.	Archie Ingram, Seminary, Miss.	800	120.00	Dec. 10, 1938	1/2	H. A. Potter, Esperson Bldg., Houston, Tex.	1/32 R. I. for 20 years from July 31, 1944.	Aug. 2, 1944	600.00
36	Nov. 10, 1939	do	B. Z Shows, Route 3, Ellisville, Miss.	E. M. Pearson, Ellisville, Miss.	1,400	100.00	Feb. 4, 1943	1/2 mineral for 25 years.	W. L. Jolley, Laurel, Miss.	1/64 R. I.	Mar. 23, 1948	312.50
									Thomas L. Richards, care of Chase National Bank, New York, N.Y.	1/64 R. I.	July 26, 1946	500.00
37	Nov. 23, 1937	do	C. W. Sanford, Sanford, Miss.	H. Arrington and Jackson Arrington, Sanford, Miss.	1,800	126.24	Oct. 18, 1939	do	H. A. Potter, Esperson Bldg., Houston, Tex.	1/32 R. I. for 20 years from July 31, 1944.	Aug. 2, 1944	631.20
38	June 17, 1939	do	H. H. Wade, Route 1, Hattiesburg, Miss.	P. C. Humphries, Hattiesburg, Miss.	972	80.00	Dec. 20, 1941	do	Walter E. Knight, 1920 Trevelian Way, Louisville, Ky.	1/64 R. I.	Nov. 8, 1946	500.00
39	May 13, 1939	do	do	do	2,628	124.00	do	do	do	1/64 R. I.	do	775.00
40	Aug. 24, 1936	do	Anderson Wallace, Moselle, Miss.	S. L. Butler, transferred to V. C. Stringer, Moselle, Miss.	700	40.00	Oct. 23, 1937	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	50.00
41	May 1, 1939	Lamar	H. A. Ficker, Route 3, Lumberton, Miss.	R. Z. Stepp, transferred to I. E. Rouse, 205 12th Ave., Hattiesburg, Miss.	500	80.00	Dec. 16, 1942	1/2 minerals for 25 years.	Pres Cochrane	1/64 R. I.	Oct. 17, 1944	625.00
42	Aug. 16, 1937	do	Henry S. Robertson, Baxterville, Miss.	T. G. Broadus et al., Purvis, Miss.	200	40.00	Dec. 14, 1942	1/2	Mrs. R. L. Windham, Collins, Miss.	1/64 R. I.	Apr. 9, 1943	50.00
43	Feb. 14, 1938	do	Homer Reynolds Estate, Route 2, Purvis, Miss.	R. L. Pylant, Purvis, Miss.	2,000	73.22	June 23, 1938	1/2	Pres Cochrane	1/128 R. I.	Oct. 25, 1944	183.05
44	May 19, 1941	do	Mrs. Ethel Brothers Estate, Purvis, Miss.	Jerry Logaras, 5450 Dauphine St., New Orleans, La.	900	46.90	Oct. 6, 1941	1/2 minerals for 25 years.	do	1/128 R. I.	do	117.25
45	May 27, 1939	Lawrence	Dock Sartin, Route 1, Jayess, Miss.	Homer Rials, Jayess, Miss.	750	102.00	June 5, 1941	do	do	1/4 Min. I.	Apr. 22, 1943	510.00
46	Mar. 1, 1939	Lincoln	L. R. Bullock, Monticello, Miss.	Geo. W. Upton, Jr., Brookhaven, Miss.	400	39.00	Oct. 25, 1940	do	Mrs. R. L. Windham, Collins, Miss.	1/64 R. I.	Mar. 27, 1943	48.80
47	May 4, 1937	do	T. J. Rials, Route 4, Brookhaven, Miss.	Jesse Delaughter, Brookhaven, Miss.	600	80.00	Dec. 22, 1939	1/2	E. L. Richardson, Vidalia, La.	1/64 R. I.	Nov. 3, 1943	250.00
48	Mar. 4, 1939	do	W. C. Gatlin, Route 1, Bogue Chitto, Miss.	Edgar Gatlin, Bogue Chitto, Miss.	900	100.00	Mar. 27, 1939	1/2	J. L. Wheless, Hattiesburg, Miss.	1/128 R. I.	Dec. 12, 1944	312.50
49	May 27, 1937	do	W. M. Smith, Baskin, La.	W. T. Blackburn, Deposit Guaranty Bank Bldg., Jackson, Miss.	1,800	240.00	Dec. 18, 1939	1/32 R. N. J.	Eileen Gates Hunt, Deposit Guaranty Bank Bldg., Jackson, Miss.	1/128 R. I.	Aug. 4, 1945	1,125.00
50	May 3, 1937	Madison	B. H. Collins, Canton, Miss.	C. H. Sutherland, Canton, Miss.	3,000	184.50	Sept. 22, 1938	1/2	W. C. Feazel and R. W. Williams, 508 City Bank Bldg., Shreveport, La.	1/32 R. I. under 235.6 acres.	Feb. 20, 1945	397.50
				Josh Penquite, Canton, Miss.	2,041	94.95	Dec. 9, 1938	1/2	do		do	425.50
				Levi Jackson, Canton, Miss.	2,200	100.60	do	1/2	do		do	412.50
				James Brown	1,780	82.80	do	1/2	do		do	237.50
51	July 8, 1938	Marion	W. M. Gates, Route 1, Columbia, Miss.	Beno Moree, transferred to Olivia McNeese, Columbia, Miss.	850	80.00	Dec. 3, 1938	1/2	Clayton N. Smith, Esperson Bldg., Houston, Tex.	1/64 R. I.	Feb. 28, 1946	250.00
52	Jan. 12, 1938	do	J. S. Buchanan, Route 1, Foxworth, Miss.	Mrs. M. L. Brumfield Route 1, Tylertown, Miss.	750	80.00	Dec. 7, 1938	1/2	Pres Cochrane	1/64 R. I.	Oct. 30, 1944	350.00
53	Mar. 16, 1936	do	C. Toxie Cooper, Route 1, Foxworth, Miss.	J. L. Cooper, transferred to Mrs. C. L. Holmes, Columbia, Miss.	450	87.00	Nov. 3, 1937	1/2	do	1/64 R. I.	do	380.63

[1] Purchaser of minerals owns surface.

	Land acquired by Government			Sale of land					Sale of minerals				
	Date	County	From—	Purchaser	Purchase price	Surface acres	Date of sale	Mineral reserve	Mineral purchaser	Interest sold	Date of sale	Consideration
		MISSISSIPPI—con.										
54	Aug. 25, 1937	Marion	J. A. Fillingame, Route 1, Columbia, Miss.	Wilks Bros., Route 1, Columbia, Miss.	$1,300	40.00 40.00	Apr. 23, 1938	7/16 1/2	Clayton N. Smith, Esperson Bldg., Houston, Tex.	1/64 R. I.	Feb. 28, 1946	$250.00
55	Aug. 29, 1936	do	Jess W. King, Route 1, Goss, Miss.	A. H. Slade, Route 3, Columbia, Miss.	600	100.00	Sept. 30, 1937	1/2	Mrs. R. L. Windham, Collins, Miss.	1/64 R. I.	May 20, 1943	125.00
56	do	do	L. R. Echols, Route 1, Columbia, Miss.	Myrtis Davis, Route 1, Columbia, Miss.	160	40.00	Dec. 17, 1936	1/2	Clayton N. Smith, Esperson Bldg., Houston, Tex.	1/64 R. I.	Feb. 28, 1946	125.00
57	May 25, 1937	do	Need Leggett, Route 3, Columbia, Miss.	Ollie Patton, Columbia, Miss.	840	104.30	Apr. 22, 1940	1/2	Pres Cochrane	1/64 R. I.	Oct. 30, 1944	456.31
									Thomas L. Richards, care of Chase National Bank, New York, NY.	1/64 R. I.	July 29, 1946	651.87
58	Apr. 13, 1937	do	Isham Tyner, Rural Free Delivery, Hub, Miss.	E. J. Evans, Hub, Miss.	250	57.00	Oct. 30, 1943	1/2	Eileen Gates Hunt, Deposit Guaranty Bank Bldg., Jackson, Miss.	1/128 R. I.	Aug. 13, 1945	356.00
59	Jan. 12, 1938	do	Vernon Sylvest, Route 1, Columbia, Miss.	Tom and Mrs. J. C. Tagert, Columbia, Miss.	1,000	150.00	Dec. 3, 1938	1/2	Clayton N. Smith, Esperson Bldg., Houston, Tex.	1/64 R. I.	Feb. 28, 1946	468.75
60	Mar. 21, 1938	do	J. A. Coleman, Hub, Miss.	W. S. Hobbs, Monticello, Miss.	3,500	627.85	Mar. 6, 1940	1/2 mineral for 25 years.	John Dale, Jr., Vidalia, La	1/256 R. I.	Nov. 4, 1944	981.00
									Eileen Gates Hunt, Deposit Guaranty Bank Bldg., Jackson, Miss.	1/128 R. I.	Aug. 13, 1945	3,924.00
61	Mar. 23, 1937	Perry	S. C. Mills, New Augusta, Miss.	O. M. Mixon, New Augusta, Miss.	700	80.00	Dec. 30, 1938	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	100.00
62	June 21, 1941	Pontotoc	Edward Hall, Route 3, Pontotoc, Miss.	L. J. Lyon, Pontotoc, Miss.	360	80.00	Aug. 29, 1941	1/2 mineral for 25 years.	Kennard Cook, Pontotoc, Miss.	1/32 R. I.	June 25, 1943	200.00
63	July 11, 1936	Scott	W. W. Singleton, Forest, Miss.	Mrs. Jessie Traywick, transferred to H. F. McCormick, Forest, Miss.	3,500	269.00	Jan. 14, 1939	1/2	W. W. Bradley, P. O. Box 271, Gladewater, Tex.	1/64 R. I.	July 28, 1944	420.31
64	June 2, 1936	Simpson	E. R. Runnels estate, Magee, Miss.	C. J. Dilmore, Route 4, Mount Olive, Miss.	300	20.00	Oct. 1, 1937	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	25.00
65	Oct. 19, 1935	do	Clarence Williams, Mendenhall, Miss.	C. Jackson, Route 1, Mendenhall, Miss.	1,000	70.00	Sept. 7, 1937	1/2	C. T. Haynes, Mendenhall, Miss.	1/64 R. I.	May 5, 1944	218.75
66	Sept. 20, 1937	do	C. C. Neely estate, Magee, Miss.	Ance Cole, Star Route, Magee, Miss.	1,500	117.00	Dec. 19, 1938	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	146.25
67	Aug. 25, 1936	Smith	Wm. M. Grissom, Summerland, Miss.	W. R. Ham, Soso, Miss.	3,340	310.00	Feb. 20, 1940	1/2	H. M. Christie, 1504 Esperson Bldg., Houston, Tex.	1/64 R. I.	Feb. 10, 1944	581.25
									L. D. Dale, Vidalia, La	1/256 R. I.	Dec. 30, 1944	726.56
68	June 10, 1938	do	J. W. Ainsworth, Bay Springs, Miss.	D. G. Brown, Bay Springs, Miss.	2,250	189.60	Jan. 11, 1939	1/2	H. J. Porter, Tower Bldg., Jackson, Miss.	1/64 R. I.	Apr. 25, 1945	411.75
69	May 31, 1938	do	Jack Agee, Bay Springs, Miss.	Irvin Ishee, Bay Springs, Miss.	1,100	90.24	Oct. 19, 1939	1/2	do	1/64 R. I.	May 2, 1944	169.20
70	Nov. 25, 1938	do	J. H. Dollar, Magee, Miss.	Hercial Cole, transferred to Curtis Sellers, Route 1, Magee, Miss.	875	60.00	Dec. 21, 1939	1/2 mineral for 25 years.	Eileen Gates Hunt and Bonnie Compton Whitaker, Deposit Guaranty Bank Bldg., Jackson, Miss.	1/64 R. I.	June 4, 1945	375.00
71	Apr. 21, 1939	do	Joseph B. Dixon, Summerland, Miss.	J. D. Simmons, Summerland, Miss.	1,000	114.00	Jan. 18, 1940	do	L. D. Dale, Vidalia, La	1/256 R. I.	Dec. 30, 1944	267.19
72	Apr. 30, 1937	do	Jessie B. Ducksworth, Route 1, Taylorsville, Miss.	Ira Mayfield, Route 2, Taylorsville, Miss.	500	70.00	Feb. 25, 1938	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R. I.	Jan. 24, 1940	87.50
				J. L. Sims, Taylorsville, Miss.	600	40.00	Aug. 25, 1937	1/2	B. B. Jones, Berryville, Va	1/32 R. I.	do	50.00
									Mrs. R. L. Windham, Collins, Miss.	1/64 R. I.	Mar. 27, 1943	50.00
73	June 3, 1937	Stone	John L. Bond, Wiggins, Miss.	Mrs. Bessie E. Ratcliff transferred to B. P. Russum, box 1203, Hattiesburg, Miss.	500	40.00	Dec. 17, 1938	1/2	E. L. Richardson, Vidalia, La	1/64 R.I.	Oct. 14, 1943	75.00
74	May 26, 1937	Wayne	Harry Taylor, Route 4, Waynesboro, Miss.	Edward T. Power, Waynesboro, Miss.	400	26.00	Sept. 25, 1937	1/2	B. B. Jones, Audley Farm, Berryville, Va.	1/32 R.I.	Jan. 24, 1940	32.50
75	Oct. 18, 1937	do	Mrs. Bob Stanley, Route 4, Shubuta, Miss.	E. Pitts, Waynesboro, Miss.	750	152.00	Dec. 18, 1937	1/2	B. B. Jones, Berryville, Va	1/32 R.I.	do	190.00
76	May 30, 1938	do	M. C. Moseley, Route 3, Shubuta, Miss.	G. C. Clark, Waynesboro, Miss.	600	116.12	Nov. 3, 1939	1/2 mineral for 25 years.	Geo. D. Hunt and E. R. Whitaker, Deposit Guaranty Bank Bldg., Jackson, Miss.	1/32 R.I.	Feb. 26, 1943	290.30
									C. B. Small, Jr., Commercial National Bank Bldg., Shreveport, La.	1/64 R.I.	Oct. 11, 1943	2,903.00
77	May 26, 1937	do	Wilbur W. Jordan, Route 2, Waynesboro, Miss.	W. T. and O. Turner, Waynesboro, Miss.	1,000	247.14	Sept. 4, 1937	1/2	W. M. Tittle, Laurel, Miss.	1/64 R.I.	Oct. 26, 1948	3,089.25
78	Sept. 15, 1941	Wilkinson	Bunyan Tillery, Rositta, Miss.	Robert L. Smart, transferred to Bunyan Tillery, Rositta, Miss.	7,000	800.00	Nov. 12, 1941	1/2 mineral for 25 years.	E. L. Richardson, Vidalia, La	1/256 R. I.	Oct. 13, 1943	250.00

		LOUISIANA											
79	Feb. 4, 1939	Franklin	G. C. Folds, Winnsboro, La.	J. T. Keen, Winnsboro, La.	2,250	120.00	Oct. 16, 1943	1/2	Charles W. and Thelma J. Hanslip, care of Standco Brake Lining Co., Houston, Tex.	1/64 R. I.	Dec. 27, 1943	225.00
80	July 29, 1939	do	J. F. Kincaid estate, Winnsboro, La.	C. D. Cobb, transferred to B. D. Pardue, Winnsboro, La.	3,000	120.00	Nov. 24, 1942	1/2	do	1/64 R. I.	do	225.00
81	July 13, 1940	Natchitoches	Charles H. Sullivan, Springhill, La.	G. W. Stansbury, Castor, La.	600	79.47	Oct. 28, 1940	1/2	Winston L. Stokes, Bunkie, La.	1/128 R. I.	Dec. 20, 1944	248.34
									Harold L. Woods, Ouachita National Bank Bldg., Monroe, La.	1/64 R. I.	Dec. 23, 1944	1,490.06
82	Aug. 24, 1940	Richland	Mrs. Jennie P. Voss	K. T. Templeton, Rayville, La.	1,400	40.00	Nov. 19, 1942	1/2	L. D. Dale, Vidalia, La.	1/256 R. I.	Dec. 28, 1944	248.34
83	Aug. 9, 1941	do	F. C. Cumpton, Rayville, La.	Doyle Rogers, Rayville, La.	3,250	160.00	Nov. 13, 1942	1/2	Carl W. Earle, Rayville, La.	1/64 R. I.	Nov. 27, 1944	150.00
									W. H. Eddins, Rayville, La.	1/32 R. I.	June 4, 1946	1,000.00
									H. D. Sims, P. O. Box 27, Rayville, La.	1/128 R. I.	June 12, 1946	300.00
		TEXAS										
84	Dec. 9, 1936	Lubbock and Hockley.	G. H. Milligan, Route 1, Shallowater, Tex.	Scott McWilliams, Box 893, McCamey, Tex.	16,250	650.19	Oct. 4, 1937	1/16	O. Dale Smith, Amarillo Bldg., Amarillo, Tex.	1/32 R. I.	May 10, 1944	3,500.00
85	Feb. 1943	Jim Wells	Henry J. Baker, Route 1, Orange Grove, Tex.	C. H. Austin, Alice, Tex.	16,900	322.00	Jan. 20, 1944	1/16 mineral for 10 years.	Ernest and Robert Ancira, San Antonio, Tex.	1/32 R. I.	Aug. 4, 1944	1,610.00
86	May 3, 1938	Houston	Martin Grau, Route 2, Crockett, Tex.	A. L. Welch, Route 2, Crockett, Tex.	3,037	243.00	Oct. 5, 1939	1/16	John L. McMeans, Palestine, Tex.	1/32 R. I.	Sept. 24, 1945	1,518.75
		OKLAHOMA										
87	Oct. 9, 1939	Beckham	A. J. Herring, Pampa, Tex.	W. M. Yarberry, Erick, Okla.	800	160.00	Jan. 12, 1940	1/2	W. W. Walden, Hugo, Okla.	Undivided 1/2 of the 1/2.	Mar. 28, 1949	2,000.00
		MICHIGAN										
88	Aug. 23, 1938	Osceola	Clayton Williams, Reed City, Mich.	Albert O. Welk and Louis Gabel, Reed City, Mich.	400	40.00	Apr. 11, 1940	1/2	Peter J. Bolder	All	Sept. 4, 1940	400.00
89	Oct. 25, 1938	do	Fred Schillen, Michigan	Ernest Bregg, Route 2, Reed City, Mich.	1,050	80.00	Aug. 20, 1940	1/2	Ray Partee and Irving Woester, Reed City, Mich.	20 acres	Mar. 23, 1942	2,500.00
90	Oct. 26, 1937	Oceana	William Anderson, Route 1, Mears, Mich.	Paul Weiner, 1001 Summit Ave., Muskegon, Mich.	5,000	240.00	July 6, 1939	1/2	Albert Stevens, Hart, Mich.	60 acres	June 6, 1949	1,200.00
									John H. Schultz, Tentapolis, Mich.	do	do	1,200.00
91	June 1, 1937	Osceola	Fred M. Morris, Route 3, Reed City, Mich.	Denzil Youngs, Route 1, Reed City, Mich.	700	80.00	Apr. 6, 1939	1/2	Martin Jensen, Reed City, Mich.	20 acres	Aug. 30, 1941	3,000.00
92	Nov. 2, 1937	Oceana	Duman Bloomfield, Pentwater, Mich.	Martin Schwass, Scotville, Mich.	400	38.00	Mar. 30, 1939	None				
				Elker P. Johnson, Route 1, Pentwater, Mich.	300	160.00	Dec. 29, 1939	1/2	Augie Busk, 324 Gracewood Dr. SE, Grand Rapids, Mich.	All mineral interest under 40 acres.	May 24, 1948	800.00
									W. L. Belden, St. Elmo, Ill.	All mineral interest under 20 acres.	July 28, 1948	2,500.00
									Augie Busk, 324 Gracewood Dr. SE, Grand Rapids, Mich.	do	Oct. 27, 1948	6,000.00

Mr. KEM. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS. I yield.

Mr. KEM. Where did the Senator from Delaware obtain the information which is embodied in the chart to which he is referring?

Mr. WILLIAMS. My first interest in this matter developed in 1949.

It was in May 1949 that I called upon the Department for details regarding their transactions in mineral rights. Of course, that was some time ago; but, as the Senator from Missouri well knows, the departments are rather slow to answer inquiries, particularly when they are somewhat embarrassing to them.

Mr. KEM. Then the information contained in the chart has been obtained from official sources; is that correct?

Mr. WILLIAMS. Oh, yes. Not only that, but before presenting this information today it has been verified by the departments affected.

Mr. KEM. Does the chart set forth all the sales which were made by the Federal Farm Mortgage Corporation?

Mr. WILLIAMS. I would prefer to have the Department answer that question; but I have listed on the chart the cases which I have been able to follow through in their entirety. They cover six States.

Mr. KEM. Does the Senator have reason to believe that there are other cases which have not been uncovered?

Mr. WILLIAMS. It would be most unusual if I had found all of them. I have checked with the departments downtown, and also with the land banks, because it is through the Federal land banks in the respective districts that these sales have been made. I have here letters—and I shall make them available to any Senator who wishes to see them—from the various land banks; and in the letters the banks confirm that these are the sales.

I may say that I have had correspondence with most of the farmers and most of the purchasers of the mineral rights, although due to transfers or changes of address I have not heard from all of them.

I have received in reply from only one farmer who indicated that he had been given an opportunity to purchase the mineral rights on his own farm. All the rest of them have emphatically answered that they did not have such an opportunity.

As an example, I shall now refer to one case on the chart, No. 90. I have numbered the cases, in order to make verification more easy. This is a case from Michigan, that of Mr. Paul Weiner, of 1001 Summit Avenue, Muskegon, Mich. He purchased 240 acres in Oceana County. The date of the purchase was July 6, 1939. In my letter to Weiner, I asked:

> Were you notified that these mineral rights were being offered for sale, and thereby given an opportunity to buy the minerals under your own farm?

He replied as follows:

> I was not notified of the lease nor of the sale of these mineral rights, nor did I even know that the Government had retained one-eighth of the mineral rights in the deed until February 24, 1949, when someone tried to secure a lease from me for the other one-eighth, in order to drill for oil.

He went on to say that on the same date, when that was called to his attention, he wrote to the Federal Farm Mortgage Corporation—and I have a copy of the letter, evidently prepared by his attorney—requesting an opportunity to buy these mineral rights under his own farm. I shall read a portion of the letter. This is a letter written by his attorney to the Federal Farm Mortgage Corporation, dated February 24, 1949, and in the first part of the letter he describes the property. Then the attorney says:

> Naturally he was quite surprised to discover that your corporation had leased the land for the development of oil and gas without consultation with him. He has not entered into any lease involving his rights to oil and gas and does not intend at this time to do so for fear that any such development would seriously lower the value of his farm and lessen its value greatly for living purposes as well as impair its productivity.
>
> Any oil activity in the neighborhood is better than 2 miles away from the premises herein described, and I am wondering if your concern would be willing to sell, convey, and release to Mr. Weiner your oil rights. If you are interested in this, please let me know what sum you would accept therefor.

That letter was directed by a representative of Mr. Weiner to the Federal Farm Mortgage Corporation, under date of February 24, 1949. He did not send me a copy of the reply, but he said he received a notice that the mineral rights were not for sale and he could not obtain them.

If Senators will examine this chart, they will find that just a few months thereafter, the Federal Farm Mortgage Corporation did sell the mineral rights involved in this particular transaction, selling them to two men in Michigan, Albert Stevens, of Hart, Mich., and John H. Schultz, of Tentapolis, Mich. The oil rights on the property were sold for $1,200. Mr. Weiner has as yet not been notified of the sale.

Mr. KEM. When the rights are sold, who fixes the sale price?

Mr. WILLIAMS. That is a question which I raised. In each instance the sale was made, according to the Federal Farm Mortgage Corporation by private negotiation, not by public sale.

Mr. KEM. Who passed on those sales; who had or who arrogated to himself the authority to fix the price, when the sale was made?

Mr. WILLIAMS. I cannot answer that question; but that decision was apparently made by some official in the Farm Credit Administration. Whether or not that is done in Washington or in the field, I am not able to determine. In a letter dated July 28, 1950, I insisted that Mr. Duggan answer the question, because I said either they did not give the farmers an opportunity to buy the land. I insisted upon having an answer made to the question, which was:

> Is it the practice of the Federal Farm Mortgage Corporation to dispose of the mineral rights by sealed or public bids?

His answer to that question was:

> Sales are made by private negotiation.

Mr. KEM. Were the sales cleared with the Secretary of Agriculture?

Mr. WILLIAMS. I am unable to say whether the Governor of the Farm Credit Administration has authority to clear them or whether the Secretary of Agriculture does. I have been unable to find out.

Mr. KEM. Does the Senator happen to have before him the law under which the sales were made?

Mr. WILLIAMS. I have had that checked, and I understand they did have the right to make the sales. I also understand that perhaps under the law they had the right to make the sales on a noncompetitive basis.

Mr. KEM. In whom does the statute vest that authority?

Mr. WILLIAMS. Apparently with the Department of Agriculture. The fact that I was trying to establish is whether or not the sales are made by private negotiation. It is my position that regardless of who may have the authority, it is a bad policy and one under which the taxpayers have lost millions. I think the only satisfactory way to handle these sales is by public, competitive bidding. That is the only fair way to handle them.

As I have said before, in all of the sales which I have outlined, it is inconceivable that we should find that the Federal Farm Mortgage Corporation, a subdivision of the Department of Agriculture, was not following the practice of notifying the surface owners that the mineral rights which the Corporation had retained on their farms were being offered for sale. These farmers were not extended any opportunity to purchase these mineral rights.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS. I yield.

Mr. LANGER. I am a little confused about this matter. Do I correctly understand that if the Federal land bank forecloses on John Doe and gets title to the land, and then sells that land back to John Doe, the Government reserves one-half of the oil or mineral rights?

Mr. WILLIAMS. Yes. That was the practice under which the Government was operating through the Federal Farm Mortgage Corporation and almost all other loan agencies of the Government, since 1934. During the depression years, the Government acquired title to several million acres of farm land. When the land was later sold, the Government, under a law passed by Congress, reserved, at the time, generally 50 percent of the mineral rights. That percentage varied in some cases, but usually it was 50 percent.

Last month Congress decided that it would sell these mineral rights back to the farmers who owned the farms. The Government's retention of these mineral interests was operating as a cloud on the title of the farmers to their land, regardless of whether oil was actually found in the land.

Congress thought that these mineral rights should be sold back to the farmers at an appraised valuation, and, if they had no value, the farmer should be allowed to have them for a nominal charge.

But the amazing thing is that we now find that the Federal Farm Mortgage Corporation already had full authority under existing law to have sold these mineral rights to the farmers. But instead of selling these reserved interests to the farmers, they have been selling them to outside speculators since 1940. So far, no official of the administration or the Department of Agriculture has even attempted to justify that policy. It just cannot be justified.

Mr. LANGER. Mr. President, will the Senator yield for a further question?

Mr. WILLIAMS. I yield.

Mr. LANGER. Supposing the Government reserved one-half of the oil and mineral rights, and then sold them to a speculator, and suppose that speculator could sell one-sixty-fourth or one-thirty-eighth, the result would be that if the farmer came to sell his surface rights, the abstract would have to be continued, and there would be entry after entry showing the one-thirty-second or one-sixty-fourth; whereas, if the land were sold, say, for $10 an acre, the abstract would run into several hundred dollars; is not that correct?

Mr. WILLIAMS. That is true, and that is what is happening. If the Senator from North Dakota will notice case No. 1, which happens to be a farmer by the name of H. Miller, in Hazelhurst, Miss., he will note that this farmer paid $800 for 340 acres of land on February 20, 1940, and the Government kept one-half of the mineral rights. Later, as oil activities began in that area, the Government has sold, on August 12, 1943, to C. A. Kelly, of Houston, Tex., one-thirty-second royalty interest under 135 acres of the original 340. On July 4, 1944, they sold to Juanita S. Spitzfaden, of New Orleans, La., a one one-hundred-and-twenty-eighth royalty interest. On October 30, 1943, they sold to H. G. Shuman, in New Orleans, a one sixty-fourth royalty interest in 205 acres. I do not know how this poor fellow is ever going to clear his title. Certainly the bill which was passed by the Congress last month cannot deliver back to this farmer his mineral rights.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. LANGER. I notice further down in the Senator's exhibit that there were sales of as little as one one-hundred-and twenty-eighth.

Mr. WILLIAMS. That is correct, and I think you will find some sales of as low as one two-hundred-and-fifty-sixth of our interest in a farm.

The bookkeeping and clerical work involved has cost the taxpayers more than was realized from the entire sales.

Mr. LANGER. The result would be, if they sold to every one of the fellows a one one-hundred-and-twenty-eighth interest there might be 128 entries on that fellow's abstract.

Mr. WILLIAMS. It would be possible.

Mr. WHERRY. Mr. President, if the Senator will yield, is it not true that the farmers do not know that these transactions have been made, unless they take the trouble to look them up, and that that would be a very difficult thing to do, would it not? It would be necessary to go all over the country, in order to ascertain the fact, would it not?

Mr. WILLIAMS. That is correct. In my replies from farmers referred to in the chart just inserted I find that I have had less than half a dozen farmers who knew that these rights were sold from under them, before I called it to their attention; only one was given an opportunity to buy.

Mr. WHERRY. I asked that question as the result of actual experience as a lawyer. We have had some difficulty. Men would come in and sell a portion of the mineral rights reserved to this group and to that group, and some of them pass out of the picture, and we have a terrific time getting the title cleared up so the farmer can give good title to his land. I was just wondering whether this involves not only the surface rights, but also the mineral rights. That makes it a more complicated problem. The Senator has said, has he not, that he has contacted different farmers on the question?

Mr. WILLIAMS. I have written all of them and have received a large number of replies.

Mr. WHERRY. What has been their response? What do they say about it?

Mr. WILLIAMS. I found one farmer who said he was notified and given an opportunity to buy the mineral rights under his farm, but he could not raise the money to pay for them. Outside of that, I found less than half a dozen who said that they knew, prior to my writing, that the mineral rights had been sold under them. They were very bitter to find that the Department of Agriculture had double-crossed them. They have a right to be bitter, and I shall follow with interest Mr. Brannan's explanation to these farmers as to why he sold them out.

Mr. WHERRY. Let me get this correct. These lands have been taken over through foreclosure by some Government agency, and thus came into the possession of the United States Government; is that not true?

Mr. WILLIAMS. That is correct as far as the farm land is concerned. Of course, we already owned millions of acres of public lands.

Mr. WHERRY. So that the party or parties who were foreclosed have lost all title?

Mr. WILLIAMS. Their titles are gone.

Mr. WHERRY. They do not own anything; is that correct?

Mr. WILLIAMS. They do not.

Mr. WHERRY. The Government then sells these lands and sells the mineral rights to them, or a certain percentage of it; is that correct?

Mr. WILLIAMS. In the resale the Government sold 50 percent of the mineral rights.

Mr. WHERRY. And the Government then sells those mineral rights, does it?

Mr. WILLIAMS. That is correct. They have been selling them to outside speculators without giving the farmers a chance.

Mr. WHERRY. They not only sell the rights to a third party but the third party, in turn, divides it and sells the mineral rights of which he gets possession. Now, does the farmer who owned the land when the Government sold the mineral rights receive notice that the Government is going to sell the mineral rights, and does he have a chance to buy them, or are they sold without his knowledge?

Mr. WILLIAMS. They are sold without his knowledge, and he is not even notified that the sale has been made.

Mr. ELLENDER. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS. I should like to reply first to the question of the Senator from Nebraska.

Mr. ELLENDER. I should like to clarify that if the Senator will yield.

Mr. WILLIAMS. I will yield in a moment. I desire to quote from a letter by Mr. Duggan dated July 28, 1950. It is signed by I. W. Duggan, the Governor of the Farm Credit Administration, and I read:

> The Corporation did not follow the practice of notifying the owner of the surface rights when the Corporation's interest in the mineral rights had been sold to a third party.

In answer to the other question, Mr. Duggan said that they did not have the policy of notifying the farmers or of giving them an opportunity to protect themselves.

Mr. WHERRY. If I may ask the distinguished Senator, as I recall, only recently the Senate had before it the matter of what we should do in the future about the notification of farmers, and how the sale of mineral rights belonging to the Government should be handled. Did the legislation passed by the Senate clarify the situation to any extent?

Mr. WILLIAMS. Somewhat, yes, although it fails to correct all the abuses I am outlining. Prior to the legislation and after I began investigating these sales, the Farm Credit Administration had changed its policy as confirmed by Mr. Duggan's letter:

> Since June 30, 1949, the Corporation has followed the practice of selling its mineral interests only to the surface owners of the land involved.

I presume it is now the law as to three agencies mentioned in the bill. Whether it applies to all departments of the Government I would not say. I think it was the understanding of most Members of the Congress, and if the Senator from Louisiana understood differently, I wish he would correct me on this, that under no circumstances were these mineral rights to be sold to outsiders. Did the Senator from Louisiana know that the Federal Farm Mortgage Corporation, a division of the Department of Agriculture, for the last 7 years had been selling the mineral rights under these farms to outside speculators?

Mr. ELLENDER. Yes.

Mr. WILLIAMS. The Senator knew it?

Mr. ELLENDER. Yes—to outside people.

Mr. WILLIAMS. I am surprised. I cannot understand why the Senator allowed this condition to exist. Many of the farmers in your own State were being sold out.

Mr. ELLENDER. I mean I learned it only sometime ago, when the Senator brought it to my attention.

Mr. WILLIAMS. That was in 1950 when I called it to your attention.

Mr. ELLENDER. That is not a law, is it?

Mr. WILLIAMS. Just a moment. But the significant part is that this program or policy was not reversed until June 30, 1949, after I had called it to the attention of the Department of Agriculture and requested an explanation. I yield to the Senator from Louisiana.

Mr. WHERRY. Mr. President, one more question, if the Senator will yield.

Mr. WILLIAMS. I yield first to the Senator from Louisiana.

Mr. ELLENDER. That is now the law, is it not, that the oil rights owned by the Farm Mortgage Corporation cannot be sold except to the land owner?

Mr. WILLIAMS. That still does not explain these sales to outside speculators before the law was passed.

Mr. ELLENDER. Yes.

Mr. WILLIAMS. Did the Senator know it before I brought it to his attention?

Mr. ELLENDER. No.

Mr. WILLIAMS. That is the point. And I do not understand why any division of the Department of Agriculture should have adopted such a policy Who in this Administration authorized this sell-out. It should not be forgotten that the Department of Agriculture is an agency which was set up to operate supposedly in the interest of the farmer. It is supposed to protect the farmer, not double cross him. Here is the Department of Agriculture, an agency which is always damning the speculator as being one of the most vicious and unscrupulous of men, yet we find that this same agency, while condemning the speculators, was selling the American farmers out behind their backs.

Mr. MAGNUSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CHAPMAN in the chair). Does the Senator from Delaware yield to the Senator from Washington?

Mr. WILLIAMS. I yield to the Senator from Nebraska, and then I shall be glad to yield to the Senator from Washington.

Mr. WHERRY. I am a member of the conference on the appropriation bill, and I should like to ask a question before I return to the conference.

The Senator has cleared up for me the system whereby third parties convey percentage interests in the amount of mineral rights sold. Has the Senator traced out any of them? I notice a chart containing a great many names. Are the sales open to competitive bidding?

Mr. WILLIAMS. Oh, no. They are made through private negotiations. The amount of revenue which the Government has received from the sales would not pay more than a fractional part of the cost of Government employees who have been required to administer the program during the past few years. Considering the small amount realized from these sales, the taxpayers would be better off if they had given the lands away.

Mr. WHERRY. That is the next question I was going to ask the Senator. Third parties did buy an interest from speculators, the Senator says.

Mr. WILLIAMS. They had a right to buy these mineral interests. It was the responsibility of the Government officials to protect the taxpayers.

Mr. WHERRY. Has the Senator traced any of these deals through and found that some of the sales had been made at a ridiculously low price, whereby the third party has been the beneficiary of oil on the land within a short time, and has received a tremendous benefit out of it at very little cost?

Mr. WILLIAMS. Yes; I was getting ready to call attention to one particular example. There are many.

Mr. WHERRY. Will the Senator give me the number of the item?

Mr. WILLIAMS. It is on page 5, and I invite attention to item 92 on the chart. I shall follow it through.

On November 2, 1938, the Government acquired title to a 198-acre farm in Oceana County, Mich. The consideration was $2,529.72. Subsequently this farm was sold as follows:

On March 30, 1939, 38 acres was sold to Milton Schwass, of Scotsville, Mich., for $400. No mineral rights were reserved. A few months later they sold the remaining 160 acres to Elker P. Johnson, Pentwater, Mich., for the sum of $300, at which time 50 percent of the mineral rights on this 160-acre tract were reserved in the name of the Government. Later, considerable interest developed in this area regarding the possible discovery of oil.

On June 3, 1948, a discovery well in the field which was drilled by the Roosevelt Oil Co., was completed.

On May 27, 1948, just 7 days prior to the discovery well being completed, the Government sold, through private negotiations, one-half of its reserved mineral rights in this 160-acre farm to Augie Busk, 324 Gracewood Drive Southeast, Grand Rapids, Mich., for $800.

On July 28, 1948, 2 months later, after the discovery was made, the Government sold one-fourth of its original interest, one-half of the remainder, to W. L. Belden, St. Elmo, Ill., for $2,500.

On October 27, 1948, the Government sold its remaining interest in the mineral rights on this farm to Mr. Augie Busk of the above address for $6,000.

To summarize that, we find that the Government, which owned a one-half interest in the mineral rights on this 160-acre farm, sold one-half of its interest for the sum of $800, and shortly thereafter sold the rest for $8,500, in the center of a pool which had actually been discovered. Today there are ten producing oil wells on this farm. There has not been a dry hole on it. I have had some photographs taken on that farm, in which the Senator from Nebraska will be interested, I think.

Mr. WHERRY. I am interested in it because I want to know if those third parties got information in some fashion so as to receive the benefit of the sale and receive an oil field which had ten producing wells on it. I want to know how they got that information. How did they know about it?

Mr. WILLIAMS. That is one of the questions that would be very interesting to get an answer. The first sale was made 7 days before the discovery well was capped. and the sale was made through private negotiations. Someone must have known they were on the verge of the discovery.

Mr. WHERRY. Within 7 days after the $800 sale was made?

Mr. WILLIAMS. The discovery was announced 7 days after the sale.

Mr. WHERRY. Here is an additional sale of a one-fourth interest at $2,500, and within a few months, on October 27, after the well was brought in, there was an additional sale for $6,000. How can we account for the Government disposing of its interest at such a small amount, with those prospects in view?

Mr. WILLIAMS. It cannot be accounted for. I am not an appraiser of oil properties but I think almost anyone would agree that if he had a one-half interest in a farm where oil drilling was going on, he would not sell out a one-half interest in the farm for $800.

Mr. WHERRY. Has the Senator made any research in connection with it? Has he asked any questions about it?

Mr. WILLIAMS. I have asked many questions.

Mr. WHERRY. Has the Senator received any answers?

Mr. WILLIAMS. No.

Mr. WHERRY. Does the Senator know anything about Government employees who might have given information?

Mr. WILLIAMS. I have no information about that in this particular case. The Senator has a right to his own suspicions, as I have. I have been trying to follow through, asking how these men knew about it and how they got their information. Those are the dates of the sales, according to the records.

Mr. WHERRY. Have any third parties purchased these lands who may have been formerly employed by the Government?

Mr. WILLIAMS. In testifying before the committee Mr. Duggan said there was a so-called investment pool, as he described it, in the St. Louis district, in which employees of the Farm Credit Administration were involved, and that they had been speculating in mineral rights.

Mr. WHERRY. Has the Senator run down that testimony?

Mr. WILLIAMS. I am trying to run it down. A rather unusual situation has developed during the past week, namely, I have been advised by the Governor of the Farm Credit Administration, a division of the Department of Agriculture, that any inquiries which I make to the Department, the answers to my questions will be prepared and forwarded first to the majority members of the Committee on Agriculture and Forestry, and then if the majority members of that committee see fit, I may get a reply. Evidently there will be a little cloak of secrecy in this case as far as the senior Senator from Delaware is concerned.

This decision of the Department of Agriculture to refuse to answer an inquiry of a Member of the United States Senate is bordering close to totalitarianism.

It shows to what extremes this administration will go to cover up a prospective scandal.

Mr. LONG. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. LONG. I wonder whether the Senator is familiar with information which was inserted in the CONGRESSIONAL RECORD some time last year to the effect that Federal leasing in Louisiana had been bringing an average of 50 cents an acre as compared with State leasing of similar lands at a price of $14.16 average an acre. In connection with the leasing of water bottoms lying off the shores of Louisiana, the State government has collected, over a period of 4 years, $36,000,000 in bonuses and rentals, and by contrast the Federal Government, leasing similar lands under the Federal leasing statute, would have collected $1,275,000 as against $36,000,000 collected by the State government.

Mr. WILLIAMS. In other words, the Government has been passing out $35,000,000 worth of bargains to some group of individuals or some companies in your own State, by leasing these public lands for a fraction of their value.

Mr. LONG. To go a step further, I wonder whether the Senator from Delaware knows that editorials and articles appeared in Louisiana newspapers citing the fact, for example, that in Winn Parish the Federal Government in the Kisatchatie National Forest was getting 50 cents an acre, and landowners in the same area were getting $16.13 an acre.

Mr. WILLIAMS. I appreciate the Senator's calling that fact to my attention, because it confirms the information which I have before me.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. WILLIAMS. Yes.

Mr. LONG. Near the mouth of the Mississippi River, on land which the Federal Government leased at the same time that the State leased contiguous property, the Federal Government received an average of 50 cents an acre, whereas the State received an average of $34.58 an acre on contiguous leases.

Mr. WILLIAMS. I thank the Senator from Louisiana for calling these facts to my attention. They further emphasize the inexcusable manner in which the American taxpayers have been betrayed. I think he will agree that the situation should be corrected immediately.

Mr. LONG. To give an idea of how it works out in dollars and cents, Louisiana leased 56,156 acres, and received $1,941,880. At substantially the same time the Federal Government leased 9,472 acres at 50 cents an acre, for which the Federal Government received $4,871.

Mr. WILLIAMS. That situation was emphasized by Mr. Clawson, who admitted that millions of dollars are being lost to taxpayers annually. I agree fully with what Mr. Clawson has said, to the effect that no executive can administer any such program without laying himself open to criticism.

Mr. JENNER. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. JENNER. I should like to ask the Senator from Delaware whether he has any information relative to any such cases in my State.

Mr. WILLIAMS. No; I have not, fortunately for the farmers of the Senators State. I will say, however, that I have run into situations where leases have been made on Indiana farms without the farmers' knowledge. To what extent these leases have been issued at below market value I cannot say.

Mr. LONG. In line with what the Senator has said, it is apparent that the Federal Government is not beginning to receive a fraction of what it should receive from leasing oil prospects in my State.

Mr. WILLIAMS. I appreciate the Senator's observations, and I agree with him fully. While it was the State of Mississippi I singled out as my example, I understand that similar situations will be found to exist in other States. However, there was so much work for me to do that I did not have time to go into all States, but I intend to continue my investigation and I shall not be satisfied until this deplorable situation has been corrected by law.

Mr. LONG. It is an absolute giving away of Federal leases.

Mr. WILLIAMS. It could be called nothing else.

Mr. FREAR. Mr. President, will the Senator yield?

Mr. WILLIAMS. Yes.

Mr. FREAR. I should like to ask the distinguished Senator if I understood him correctly to say that any inquiry which he may direct to the Secretary of Agriculture regarding the subject on which he is now addressing the Senate would be sent to the majority members of the Senate Committee on Agriculture and Forestry, as well as the reply of the Secretary of Agriculture, but that such letter and reply would not be sent to the minority members of the committee?

Mr. WILLIAMS. That is what I have been given to understand. I have before me the letter which I received from Mr. Duggan to that effect. Of course he is under the jurisdiction of the Secretary of Agriculture. In his reply to me he advised that I would not be able to obtain any additional information from that Department relative to this subject except as such information was obtained through the committee. A copy of my letters addressed to the department, together with the reply, would be forwarded to the Committee on Agriculture and Forestry of the Senate. That would automatically mean the chairman of the committee or the chairman of a particular subcommittee. If they gave their consent, I would later get a reply to my letter. I objected strenuously to that procedure, because that is throwing a cloak of secrecy around this whole matter, which is unprecedented. I said I was sure that the minority Members would not endorse any such procedure. I asked him, supposing the minority Members unanimously reject such a proposal and insisted on my getting a reply, what would happen then?

He said it would have to be on action of the committee.

I do not understand why he would put this cloak of secrecy around this case, unless he is afraid that questions which I am asking are proving embarrassing to the administration.

Mr. FREAR. Mr. President, will the Senator yield further?

Mr. WILLIAMS. Yes.

Mr. FREAR. Does the senior Senator from Delaware have any idea that the Secretary of Agriculture has knowledge of this correspondence with the Governor of the Farm Credit Corporation?

Mr. WILLIAMS. I am sure he has.

Mr. FREAR. Does the Senator believe it is done with his countenance?

Mr. WILLIAMS. I am reasonably certain; if not, let him reverse Mr. Duggan's decision. All these bureaus are under the supervision of the Secretary of Agriculture. Even prior to this about two or three months ago, they inaugurated a policy under which copies of my letters to the Department of Argiculture and replies were being furnished to the members of the committee on the other side of the aisle. Apparently that is being done so that they could be on guard as to what I was investigating. I do not understand why they did this, because on May 24, 1950, I offered to give the committee all the information I had available.

Mr. FREAR. Mr. President, will the Senator yield further?

Mr. WILLIAMS. Yes.

Mr. FREAR. I am unable to understand why this action has taken place. Is it the opinion of the senior Senator from Delaware that the chairman of the Agriculture Committee of the Senate has been requesting these replies to come down through the majority members of the committee and has so instructed the Governor of the Farm Credit Corporation or the Secretary of Agriculture?

Mr. WILLIAMS. Mr. Duggan said he had received such instructions from the committee. Why they gave such instructions, I do not know, although I have my opinion.

Mr. FREAR. Mr. President, will the Senator yield for one further question?

Mr. WILLIAMS. Yes.

Mr. FREAR. Earlier in the statement made by the senior Senator from Delaware I believe he was talking about mortgages held by the Federal Farm Mortgage Corporation. Were any of these mortgages held by either the Federal land bank or in conjunction with the Federal Mortgage Corporation? Does the senior Senator from Delaware know if the Federal Farm Mortgage Corporation held the only mortgage on these lands, or were they held in conjunction with the Federal land bank?

Mr. WILLIAMS. In many instances they were with the Federal land bank. In some instances they were only in the Federal Farm Mortgage Corporation. However, in all instances which have come to my attention the Federal land bank handled the work of both servicing the mortgage for the Federal Farm Mortgage Corporation. A portion of the expense of that service was paid by the Corporation to the bank.

Mr. FREAR. I believe that is the practice. However, what I am trying to gather from the senior Senator from Delaware is whether the majority of cases were Federal Farm Mortgage Corporation mortgages or a combination mortgage.

Mr. WILLIAMS. All of these cases involve either partially or entirely the Federal Farm Mortgage Corporation.

Mr. FREAR. I am sure the senior Senator from Delaware is aware of the fact that the Federal Farm Mortgage Corporation is a 100 percent Government corporation, whereas the Federal Land Bank is a 100 percent farm corporation.

Mr. WILLIAMS. That is correct. Not only has the American farmer been sold down the river under the administration's program, but the interests of the American taxpayers have also suffered by these sales. The most valuable of all the mineral rights in the possession of the Federal Farm Mortgage Corporation has been sold to outside speculators for a total consideration which will not even cover the cost of the salaries of the Government employees required to administer the sales. While some of the properties sold have so far not been proven, on many of these farms oil or gas has been discovered.

As I said before, I have been unable to follow through on all the individual transactions listed above to determine to what extent oil or gas actually has been discovered. It is a recognized fact, however, that the mineral rights which the Government has sold to these speculators in the areas listed above are located in the richest and most potential oil- and gas-producing areas in the United States.

These sales have all been made by private negotiations and the farmer owning the land was not even given an opportunity to bid for these mineral rights on a competitive basis. There is absolutely no excuse why these mineral rights, if they were going to be sold by the Government, should not have been first offered to the owners of the farms.

It is clearly evident to anyone who examines the record I have called attention to that the interests of both the American farmers and the American taxpayers have been completely ignored to an almost unbelievable extent. Perhaps the knowledge that this deplorable situation was about to be uncovered explains why the administration was in such a panic to rush H. R. 4800 through the Congress prior to the reopening of the hearings on this question, as I had requested them to do.

When President Truman in his 1948 political campaign said that someone in Washington had "stuck a pitchfork in the farmer's back," evidently he was referring to this betrayal of the American farmer by his own Department of Agriculture.

To correct this situation I urge that the Senate, before adjournment, pass Senate Resolution 301, which Senator WHERRY and I introduced on June 21, 1950. The effect of this resolution would be to suspend immediately the sale of all mineral leases and the leasing of all public lands by any Government agency until such time as Congress had enacted a law correcting these abuses.

The Congress should proceed immediately to prepare legislation outlining an established policy of leasing these public lands on a competitive-bidding basis only.

On those mineral rights which the Government owns under the farm land, a provision should be incorporated which would prevent their sale to outside interests. We should provide for the sale of these mineral rights to the owners of the farms at an appraised valuation.

Congress should approach the solution to this problem with the recognition that the Government does have a moral obligation to rectify the wrong which has already been done to the farms whose mineral rights have been sold to outside speculators.

Mr. President, in conclusion I ask unanimous consent to have inserted in the RECORD a chart showing the number of acres of public land which are in the possession of the Department of the Interior for leasing, as well as a chart which shows the total mineral leases on public lands, and a third chart showing the number of mineral permits and leases on acquired lands.

The PRESIDING OFFICER. Is there objection?

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

Mineral leases on public lands, as of June 30, 1950

State or Territory	Oil and gas		Coal		Other		Total	
	Number	Acres	Number	Acres	Number	Acres	Number	Acres
Alabama	8	888	2	321			10	1,209
Alaska	9	19,014	6	7,165			15	26,179
Arizona	298	179,098	1	80	1	[1] 66	300	179,244
Arkansas	16	3,082					16	3,082
California	2,583	[2] 1,151,214	1	80	8	[3] 11,152	2,592	1,162,446
Colorado	2,293	2,194,377	97	16,925	1	[4] 120	2,391	2,211,422
Florida	1	40					1	40
Idaho	332	553,889	1	120	13	[1] 2,680	346	556,689
Kansas	75	35,319					75	35,319
Louisiana	98	16,429					98	16,429
Michigan	12	12,065					12	12,065
Mississippi	88	7,562					88	7,562
Montana	2,381	1,955,879	50	7,434	10	[1] 7,792	2,441	1,971,105
Nebraska	71	11,912					71	11,912
Nevada	2,013	1,250,668			3	[5] 560	2,016	1,251,228
New Mexico	3,852	4,153,596	27	4,295	23	[6] 54,386	3,900	4,212,277
North Dakota	113	28,553	38	5,007			151	33,560
Oklahoma	328	66,516	27	27,285			355	93,801
Oregon	21	26,027					21	26,027
South Dakota	198	199,842	4	198			202	200,040
Utah	1,955	2,473,252	77	33,047	1	[1] 640	2,033	2,506,939
Washington	3	576	2	720			5	1,296
Wyoming	10,552	8,532,232	52	18,070	4	[7] 5,409	10,608	8,555,711
Total	27,300	22,872,030	383	120,747	64	82,805	27,747	23,075,582

[1] Phosphate leases.
[2] Does not include leases in naval petroleum reserves.
[3] 3 sodium leases (2,199 acres); 5 potash leases (8,953 acres).
[4] Sodium lease.
[5] 1 phosphate lease (160 acres); 2 silica-sand leases (400 acres).
[6] 1 sodium lease (1,839 acres); 22 potash leases (52,547 acres).
[7] 1 sodium lease (1,280 acres); 3 phosphate leases (4,129 acres).

Mineral permits and leases on acquired lands as of June 30, 1950

State	Mining permits		Oil and gas leases		Total	
	Number	Acres	Number	Acres	Number	Acres
Ala	1	120			1	120
Ark	19	4,132	28	42,447	47	46,579
Colo			5	3,931	5	3,931
Fla	1	360	7	17,507	8	17,867
Ga	9	160			9	160
Idaho	1	117			1	117
Ill	7	1,049	2	434	9	1,483
Ind	1	38	3	2,034	4	2,072
Kans			1	160	1	160
Ky			1	60	1	60
La	1	2	23	40,083	24	40,085
Maine	1	5			1	5
Mich			31	29,437	31	29,437
Miss	3	563	272	308,157	275	308,720
Mo	12	16,483	1	1,529	13	18,012
Mont			36	32,553	36	32,553
N. H	1	14			1	14
N. Mex	1	2,560	14	19,255	15	21,815
N. C	22	1,253			22	1,253
Ohio	4	436	10	4,193	14	4,629
Okla	3	5,148	14	3,643	17	8,791
S. C	2	7			2	7
S. Dak			3	2,640	3	2,640
Tenn	8	508			8	508
Tex			17	20,813	17	20,813
Utah			9	11,001	9	11,001
Va	5	748			5	748
Wyo			10	8,662	10	8,662
Total	102	33,703	487	548,539	589	582,242

Area of lands patented or certified with minerals reserved to the United States[1]

[In acres]

State	Type of mineral reserved			
	All minerals	Oil and gas	Other	Total
Alabama	4,412	12,452	63,746	80,610
Alaska	6,501	1,868	11,017	19,386
Arizona	2,547,517	27,497	108,049	2,683,063
Arkansas	1,107	15,083	1,885	18,075
California	2,352,070	156,806	7,809	2,516,685
Colorado	4,271,042	253,917	1,353,643	5,878,602
Florida	1,154	2,584	71,541	75,279
Idaho	1,291,163	221,000	288,174	1,800,337
Illinois	634		120	754
Indiana				
Iowa	359			359
Kansas	54,384	1,421		55,805
Louisiana	1,223	19,027	1,922	22,172
Michigan	1,935	3,261	504	5,700
Minnesota	235		159	394
Mississippi	974	10,231		11,205
Missouri	166		160	326
Montana	3,993,640	1,005,260	6,673,995	11,672,895
Nebraska	72,964	3,253	156	76,373
Nevada	242,717	1,199	10,550	254,466
New Mexico	6,378,118	183,428	2,879,751	9,441,297
North Dakota	134,578	13,079	4,636,891	4,784,548
Ohio	38		744	782
Oklahoma	48,781	10,917		59,698
Oregon	1,639,742	14,849	11,780	1,666,371
South Dakota	1,565,802	6,328	187,925	1,760,055
Utah	856,083	107,079	246,374	1,209,536
Washington	262,444	2,902	15,228	280,574
Wisconsin	1,546		120	1,666
Wyoming	9,541,179	394,247	2,333,240	12,268,666
Total	35,272,508	2,467,688	18,905,483	56,645,679

[1] Preliminary, subject to revision.

Mr. WILLIAMS. Mr. President, at the same time I send to the desk a bill for appropriate reference which would correct this situation I have been discussing. Pending this bill's passage I urge that the Senate Resolution 301, introduced by Senator WHERRY and myself, be adopted suspending further leasing and all sales of mineral rights until Congress has adopted a constructive policy.

The bill (S. 4157) to amend the Mineral Leasing Act for Acquired Lands to require competitive bidding for leases of deposits of oil and gas not within any known geological structure of a producing oil or gas field, introduced by Mr. WILLIAMS, was received, read twice by its title, and referred to the Committee on the Interior and Insular Affairs.

During the delivery of Mr. WILLIAMS' speech,

Mr. LONG. Mr. President, may I ask the Senator from Delaware whether he would be willing to insert at the close of his remarks, or have me insert, an article concerning one of the transactions in the State of Louisiana?

Mr. WILLIAMS. I shall be glad to have the Senator do so.

Mr. LONG. Mr. President, I ask unanimous consent that the article I refer to, entitled "Louisiana Receives $10.22 for Oil Leases, United States 50 Cents an Acre in Same Area," be printed in the RECORD at the close of the remarks of the Senator from Delaware.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOUISIANA RECEIVES $10.22 FOR OIL LEASES, UNITED STATES 50 CENTS AN ACRE IN SAME AREA—FEDERAL PRICES REFLECT LACK OF COMPETITIVE BIDDING FOR OIL RIGHTS ON LANDS

(By B. L. Krebs)

The United States Government has granted oil leases for 50 cents an acre after the State of Louisiana leased its lands in the same area for $10.22 an acre.

Within the same marshland area near the mouth of the Mississippi River in Louisiana, the United States Government owns the land surface, which it operates as a migratory wildlife refuge, and the State of Louisiana owns the water bottoms.

Last July the State mineral board, at competitive bidding, leased its water bottoms to the California Co., large oil operator, for a bonus of $15,130 for the first year, and an annual rental of $7,565 for each of two succeeding years.

The State water bottoms were estimated at that time to contain 1,480 acres, but engineers for the State board of public works now estimate the bayou beds and small ponds at half that acreage.

However, on the original estimate of 1,480 acres the State received $10.22 per acre for the first year of its lease.

On March 1 of this year the Government's 9,742 acres of land surface were leased by the Bureau of Land Management of the Department of the Interior on a competitive basis. The lessees paid the Government 50 cents per acre for the first year, with the second and third years' rental free.

Thereafter if they wish to continue holding the leases, and no drilling for oil has started they will pay 25 cents per acre for the fourth year, with the fifth year again rent-free. That would make an average return to the Government of 15 cents per acre per year for the 5-year period.

This is in accord with the law passed by Congress a couple of years ago, with the active support of the Department of the Interior. This law placed the leasing of mineral rights in acquired public lands under the Bureau of Land Management.

Within a 6-mile half circle of the wildlife refuge, leased by the Government March 1, 1949, for 50 cents an acre, the State mineral board in the past couple of years has negotiated at public bidding a score of leases which have netted the State in bonus and rentals from $3.30 per acre to as high as $103 per acre.

AVERAGE $34.58 PER ACRE

There have been four public lettings by the State in this area, most of them on tidewater lands. Bids have been approved on a total of 56,156 acres, which have brought bonuses and rentals amounting to $1,941,880 to the State of Louisiana by three big oil companies. The average paid for prospective oil lands was $34.58 per acre.

One of the profitable deals made by the State was on July 22, 1947, when Shell Oil Co. was high bidder on three tracts of tidelands 6 miles northwest of the migratory game refuge. Their three leases contained 10,722 acres. Shell paid a total bonus of $595,592. It is now holding one of the tracts by drilling, and has paid rental of $163,748 for the second year on the other two.

Return to the State to date on these leases has been $759,341, or $70.82 per acre, plus a drilling program that may bring in an oil field from which the State would receive a one-eighth royalty.

The 50 cents per acre leases on the Government's land were applied for August 6, 1947, under the provisions of the public lands leasing law which at that time was being extended by Congress to include lands acquired by the United States Government for various purposes. The law had previously applied only to mineral leasing in the original public domain.

The applicable provision of the law under which these applications were filed reads:

"Any person qualified to hold a lease, who on the date of this act had pending an application for an oil and gas lease for any lands subject to this act, which on the date the application was filed was not situated within the known geologic structure of a producing oil or gas field, shall have a preference right over others to a lease of such lands without competitive bidding."

The question of the tidelands was at that time before the Supreme Court, and they were specifically exempted from the law, pending final Court determination as to whether the United States Government or the States had title to their oil and gas.

This act was approved August 7, 1947. The applications filed the previous day by Allen L. and Frank J. Lobrano of Pointe-a-la-Hache, La., were thereby pending and they had priority in leasing the land. These applications were for four leases, covering about 2,400 acres each in the Delta migratory waterfowl refuge and the Big Delta migratory wildlife refuge.

While the lease applications were following their leisurely progress through the Fish and Wildlife Service and the Bureau of Land Management of the Department of the Interior, the State mineral board held three additional public lettings on water bottoms in the general area of the wildfowl refuges.

Six leases with a total of 11,670 acres, mainly tidelands, were granted to two bidders December 9, 1947, for an average return to date of $43.11 per acre. One of these leases brought an initial bonus of $153,000 for 3,000 acres, and was subsequently drilled and brought into oil production. It lies a few miles southeast of the combined Government-State leases to the California Co. and the Lobranos.

In April 1948, the State mineral board let two more leases, one for $504,700 bonus on 4,900 acres, or $103 average per acre. This tract, 4 or 5 miles northwest of the California Co.-Lobrano leases, is now being drilled. Last July the State held its fourth letting, receiving an average of $4.47 per acre on 13,451 acres of land, but including the lease to the California Co. of the water bottoms in the wildfowl areas for $10.22 per acre.

The leases by the Bureau of Land Management to the Lobranos for 50 cents per acre of the land surface in the wildfowl area where previously the State had leased its water bottoms for $10.22 per acre, was brought to the notice of the State mineral board at a meeting April 21, 1949. An attorney for the California Co. told the board that the Lobranos had obtained the Government areas and had entered into an agreement with his company whereby the latter would drill a wildcat well.

The California Co.'s attorney asked the mineral board to agree to unitization of the State and Government leases. This would mean that regardless of whether a well was drilled on Government surface lands or State water bottoms, the royalty would be divided on the basis of the amount of acreage owned by each in the unitized lease.

Over the objection of Harley Bozeman of Winnfield, one of its members, the board approved the project, 4 to 2. Bozeman dictated into the minutes the following statement:

"In voting against the motion to unitize State-owned lands, under lease by the California company with United States Government lands leased by the Department of the Interior, I did so because I oppose in principle the practice of said United States Government lands being leased by the Department of the Interior without competitive bids."

Prior to the unitization application to the State mineral board the arrangement between the Lobranos and the California Co. had been approved by the Bureau of Land Management on April 19. The Washington representative of the Times-Picayune was requested to ask the Bureau of Land Management:

One. The amount of the overriding royalty reportedly received by the Lobranos from the California Co., or any other consideration involved, and

Two. Why the Government itself shouldn't have gotten this extra consideration by making direct leases to the California Co., which already held the water bottoms.

To which the Bureau replied:

That the Government under the leasing law can't accept more than a one-eighth royalty;

That the owners of leases may do whatever they please about arranging for overriding royalties, except for a limit of 5 percent on wells producing 15 barrels or less per day, and

That any considerations involved in the deal between the Lobranos and the California Co. are confidential, so far the the Bureau of Land Management is concerned.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2317) to authorize grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs for emergency school construction to school districts overburdened with enrollments resulting

from defense and other Federal activities, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2822) to amend the Federal Deposit Insurance Act (U. S. C., title 12, sec. 264).

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON, Mr. NORRELL, Mr. WHITTEN, Mr. ROONEY, Mr. GARY, Mr. RABAUT, Mr. TABER, Mr. WIGGLESWORTH, and Mr. STEFAN were appointed managers on the part of the House at the conference.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 4901. An act to authorize the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for a period not exceeding 40 years;

H. R. 8710. An act to provide for the improvement of stadium facilities at the Eastern Senior High School in the District of Columbia;

H. R. 8797. An act to exempt property of the Young Men's Christian Association of the City of Washington (incorporated under the act of Congress of June 28, 1864, 13 Stat. L. 411) from taxation; and

H. R. 9430. An act to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7722) to provide for the acquisition and preservation, as a part of the National Capital Parks system, of the Old Stone House in the District of Columbia.

The message also announced that the House had agreed, without amendment, to the concurrent resolution (S. Con. Res. 106) authorizing certain changes in the enrollment of S. 2822, amending the Federal Deposit Insurance Act.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1640. An act to amend section 4 of the act of March 1, 1911 (36 Stat. L. 962; 16 U. S.C. 513), relating to membership of the National Forest Reservation Commission;

S. 2636. An act to amend the Soil Conservation and Domestic Allotment Act, as amended;

S. 3517. An act to authorize the construction, operation, and maintenance of the Vermejo reclamation project, New Mexico;

S. 4118. An act to increase the appropriation authorization for the Air Engineering Development Center;

S. 4135. An act to authorize the President to appoint General Omar N. Bradley to the permanent grade of General of the Army;

H. R. 163. An act to authorize Sacramento Valley irrigation canals, Central Valley project, California;

H. R. 1025. An act for the relief of Waymon H. Massey;

H. R. 1503. An act for the relief of George Washington;

H. R. 1662. An act authorizing the Secretary of the Interior to acquire on behalf of the United States Government property and facilities of the Rainier National Park Company;

H. R. 1799. An act for the relief of Dr. Jacob Ornstein;

H. R. 1860. An act for the relief of Kenji Takumi;

H. R. 1920. An act to amend the Columbia Basin Project Act with reference to State lands;

H. R. 2401. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of the State of California;

H. R. 2631. An act to authorize cancellation of deportation in the case of Frank Grimaldi;

H. R. 2758. An act for the relief of the Fisher Brewing Co.;

H. R. 3274. An act to provide for the conveyance of certain historic properties to the State of Georgia, and for other purposes;

H. R. 3314. An act for the relief of the estate of the late Eulogio Reyes Suarez;

H. R. 3419. An act to amend the Merchant Ship Sales Act of 1946;

H. R. 4045. An act for the relief of Katherine L. Anderson, a civil-service employee, permanently injured through negligent treatment at the Army Advisory Group Station Hospital in Nanking, China;

H. R. 4365. An act for the relief of Fe'R. Dumaguing;

H. R. 4600. An act for the relief of the legal guardian of Janet Judith Koeninger, a minor;

H. R. 4836. An act for the relief of Xylda L. Driver;

H. R. 4891. An act for the relief of Albert E. Scheflen;

H. R. 4904. An act for the relief of the estate of Conrad L. Steele, deceased;

H. R. 5381. An act for the relief of Billy Ray Ridenour and L. L. Ridenour;

H. R. 5679. An act to authorize the transfer of certain agricultural dry land and irrigation field stations to the States in which such stations are located, and for other purposes;

H. R. 5810. An act relating to the furnishing of accommodations at Klamath Falls, Oreg., for the United States District Court for the District of Oregon;

H. R. 5941. An act to incorporate The Military Chaplains Association of the United States of America;

H. R. 5972. An act for the relief of Ivar G. Johnson;

H. R. 6020. An act for the relief of Richard H. Sears;

H. R. 6106. An act for the relief of Daniel Kokal;

H. R. 6409. An act for the relief of Mrs. Grace A. Olson;

H. R. 6489. An act for the relief of United Transformer Co. (formerly United Transformer Corp.);

H. R. 6528. An act for the relief of the Western Chemical & Manufacturing Co.;

H. R. 6537. An act to provide funds for cooperation with the Territorial school authorities of Nome, Alaska, in the construction, extension, improvement, and equipment of school facilities, to be available to both native and nonnative children;

H. R. 6640. An act to amend an act entitled "An act relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas," approved August 7, 1946, and for other purposes;

H. R. 6750. An act for the relief of Achileus Maroulis;

H. R. 6986. An act relating to the acquisition and addition of certain lands to Fort Frederica National Monument, in the State of Georgia, and for other purposes;

H. R. 6990. An act for the relief of Christina Karamanos Demas and Antonia Karamanos Demas;

H. R. 7095. An act for the relief of Rosette Selina Romano, a minor;

H. R. 7114. An act for the relief of John Joseph Griffin;

H. R. 7336. An act for the relief of Mrs. Fumie Ishibashi Akimoto;

H. R. 7393. An act for the relief of Francisco Blanco and Mrs. Celine Smith;

H. R. 7451. An act for the relief of Sumiko Fujita;

H. R. 7563. An act for the relief of Dr. Nicola Di Palma;

H. R. 7670. An act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital;

H. R. 7709. An act to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluffs, Fla.;

H. R. 7733. An act for the relief of Sisters Rita Pinto de Carvalho, Maria Leite da Silva, Carmelinda Lopes de Aguiar, Maria Adozinda da Fonseca Melo, Joaquine de Jesus, and Maria Luisa Pinto Carvalho;

H. R. 7854. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon a certain claim of the Board of County Commissioners of Sedgwick County, Kans.;

H. R. 7856. An act for the relief of Mrs. Teruko Tominaga Ikeuchi;

H. R. 7891. An act to amend section 3224 (b) of the Internal Revenue Code, relating to the transportation of narcotic drugs;

H. R. 7934. An act to reduce and revise the boundaries of the Joshua Tree National Monument in the State of California, and for other purposes;

H. R. 7964. An act for the relief of the estate of Francis A. Waldron;

H. R. 7990. An act to incorporate the American Society of International Law, and for other purposes;

H. R. 8093. An act for the relief of Regolo Gagliacco and his wife, Gina;

H. R. 8118. An act for the relief of the estate of the late Ismael Miranda;

H. R. 8158. An act to repeal certain laws as they affect the Territory of Alaska;

H. R. 8184. An act for the relief of Michiyo Takada and her minor daughter, Michiko;

H. R. 8258. An act for the relief of Il Nai Che;

H. R. 8337. An act for the relief of William A. Hogan;

H. R. 8345. An act to amend the Columbia Basin Project Act with reference to recordable contracts;

H. R. 8362. An act for the relief of Bernard Croft;

H. R. 8401. An act for the relief of Mrs. Maurice N. Goss;

H. R. 8458. An act authorizing the Housing and Home Finance Administrator to release the trustees of Columbia University, in the city of New York, and the Citizens' Veterans Homes Association of Rockland County, Inc., from obligations under their contracts for operation of veterans' temporary housing project, NY–V–30212;

H. R. 8523. An act for the relief of Marianna Gantschnigg and Merle Richard Gantschnigg;

H. R. 8533. An act for the relief of Emiko Nishimura;

H. R. 8534. An act to authorize the acceptance of donations of land to supplement present parkway lands along the line of the Chesapeake and Ohio Canal between Great Falls and Cumberland, Md.;

H. R. 8562. An act for the relief of Yukie Yabe and her son;

H. R. 8563. An act for the relief of Alonzo P. Brown;

H. R. 8687. An act for the relief of Angelo Messina;

H. R. 8761. An act for the relief of Susan E. Scott;

H. R. 8780. An act for the relief of Leila M. Dodd;

H. R. 8829. An act for the relief of Sisters Pasqualina Bova, Rosa Pellanda, Emilia Del Risso, Speranza Zois, and Domenica Lapadula;

H. R. 8874. An act to authorize the sale of lands to the city of Flagstaff, Ariz.;

H. R. 8971. An act for the relief of Gertrude Hell;

H. R. 8975. An act to amend the Synthetic Liquid Fuels Act, as amended;

H. R. 8987. An act for the relief of Setsuko Kato;

H. R. 9055. An act for the relief of Cynthia Anne Kane;

H. R. 9056. An act for the relief of Hideko Kasahara, and her minor child;

H. R. 9062. An act for the relief of Mrs. Willie G. Heath;

H. R. 9077. An act for the relief of Kimie Jurio;

H. R. 9082. An act for the relief of Mrs. Chang-Sei Kim, David Kim, and Arthur Kim;

H. R. 9086. An act for the relief of Maria Luisa Mercado;

H. R. 9087. An act for the relief of H. Dale Madison;

H. R. 9111. An act to incorporate the United States Olympic Association;

H. R. 9144. An act for the relief of Mrs. Olga Kowalik and Czeslaiva Kowalik;

H. R. 9166. An act for the relief of Louis J. T. Hendrickx;

H. R. 9334. An act for the relief of Mrs. Else Samstag Yurchak;

H. R. 9434. An act for the relief of Christina Shalfeieff;

H. J. Res. 334. Joint resolution to amend certain laws providing for membership and participation by the United States in certain international organizations;

H. J. Res. 487. Joint resolution to confirm title in fee simple in Joshua Britton to certain lands in Jefferson County, Ill.;

H. J. Res. 511. Joint resolution providing for recognition and endorsement of the Inter-American Cultural and Trade Center; and

H. J. Res. 519. Joint resolution to permit the National Grange to erect a marker on Federal land in the District of Columbia.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 15, 1950, he presented to the President of the United States the enrolled bill (S. 4135) to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army.

APPOINTMENT OF GEN. GEORGE C. MARSHALL TO THE OFFICE OF SECRETARY OF DEFENSE

The Senate resumed the consideration of the bill (S. 4147) authorizing the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense.

Mr. JENNER obtained the floor.

Mr. FREAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Indiana yield for that purpose?

Mr. JENNER. I would rather not. It bothers Senators in their work.

Mr. FREAR. I thought perhaps the Senator from Indiana would like to have a full House to speak to.

Mr. JENNER. Mr. President——

Mr. LEHMAN. Mr. President, I know that there are a number of Senators who would be interested in hearing the remarks of the Senator from Indiana, and I renew the request made by the Senator from Delaware for unanimous consent to suggest the absence of a quorum.

Mr. JENNER. Mr. President, I do not yield for that purpose.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. JENNER. I might say at this time that my reason for not yielding is my desire to save time. We are trying to get through with this session. I do not like to take up the time in the closing days, so in order to accelerate the business of the Senate, I shall not yield for any purpose until I conclude my prepared remarks.

The PRESIDING OFFICER. The Senator from Indiana declines to yield.

Mr. JENNER. Mr. President, I would be derelict in my duty and recreant to my oath were I to remain silent in the face of this latest piece of political chicanery and fail to warn the Senate and the American people of the consequences should we yield to White House demands and permit Gen. George Catlett Marshall to become Secretary of Defense.

Despite the fact the Military Unification Act sets forth the qualifications of the Secretary of Defense, qualifications which were adopted after long deliberation by the Congress, now we are asked to change that law on few hours' notice to permit the nomination of a man who in my opinion is unqualified to fill this important Cabinet post.

All over this Nation for the past several weeks there has been an increasing demand for the resignation or removal of Louis Johnson as Secretary of Defense and Dean Acheson as Secretary of State. Now, the Congress is being asked to change the law, which would result in the delivery—lock, stock, and barrel—of the two most important Cabinet posts in our Government to the complete domination of the completely discredited present Secretary of State.

I have fervently hoped that the blowup of the bipartisan-foreign-policy fraud in the outbreak of war in Korea would so shock the American people to their senses that they would demand a day of reckoning, a national political housecleaning, and an honest stock taking of where we are and where we go from here. But it seems that exactly the opposite has taken place, and that, instead of straightening out the tragic mess we are in, the Korean War has only furnished the occasion for this administration to plunge us deeper and deeper into an inevitable catastrophe.

Mr. President, only a fool can fail to realize that if the abandonment of our traditional principles and the betrayals of our interest in the past have produced the present chaos, a repetition of these betrayals on a larger scale will lead to our destruction.

The tragedy is that this administration continues to cover up the most frightening betrayal of America in history, because if ever the truth becomes known of how the Democratic Party has been captured from within and used to hasten our destruction, both from within and from without, during these tragic years, those who have been responsible will go down in history as America's greatest criminals in peace and war.

The American people do not yet realize how desperate this administration is to cover up its bloody tracks of treason. The American people cannot believe how far this same administration will go to postpone a day of reckoning, and this administration continues its treachery only because the American people cannot believe these things.

But the day of reckoning, Mr. President, is on its way.

Slowly but surely across this country there is a rising wave of disillusionment and of bitter distrust.

The American people, who were indoctrinated with the vicious propaganda of the "four freedoms," and who were glibly assured that our only fear was the fear of fear itself, now are awakening for the first time in our history to a frightening fear for the future of our own land, for the future of our own homes, for the future of our own children, whom they now see again being poured into the bloody maw of the hideous god of war.

Yet those in control of our destiny are so desperate that I believe this disillusionment will have to run its full course before the American people are sufficiently aroused and shocked not only to demand but to hold a day of reckoning.

Mr. President, that is why I believe the time has come to expose this whole sordid, tragic conspiracy in which we are caught, to hew to the line of truth, and to let the chips fall where they may.

I can assure the Senate there is no pleasure, no pride of authorship, and no sense of personal satisfaction in taking this stand.

There is only a growing sense of shame, of outraged decency, and of painful duty as I speak the dictates of my conscience.

Even if I have to stand and speak alone, I am both unable and unwilling by my silence to be an accomplice in the compounding of crimes that have already been committed against my native land.

Mr. President, this background is necessary because without it we cannot understand where the appointment of Gen. George C. Marshall as Secretary of Defense fits into the picture.

With this background we can understand what a staggering swindle, what a horrifying hoax is the fool's paradise we have been living in for the past 10 years.

With this background we can help the disillusionment of the American people to run its course by exposing Gen. George C. Marshall as a living symbol of the swindle in which we are caught.

I know full well how General Marshall's prestige has been built up and propagandized across the country and around the world. But I know that this prestige has been made possible only because the true history of this period has been torn up by the roots, locked in State Department and Hyde Park vaults and in the deep freezes of the White House and distorted and perverted and rifled and destroyed.

Yet in spite of this treachery, this administration has been unable to alter certain historic facts which have finally wormed their way out to the light of day.

These facts in themselves provide conclusive proof that the appointment of Gen. George C. Marshall at this peculiar juncture in our destiny is a last desperate attempt of this administration to swallow up the treachery of the past in the new treachery they are planning for the future.

General Marshall is not only willing, he is eager to play the role of a front man, for traitors.

The truth is this is no new role for him, for Gen. George C. Marshall is a living lie.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. JENNER. I decline to yield until I complete my remarks.

On the one hand he has been built up to the point where President Truman has called him the greatest living American, and on the other hand, everything he has been a party to during the past 10 years has helped to betray his solemn trust and to set the stage for the staggering Soviet victory that is sweeping across the earth. I am going to document this, and Members of this distinguished body can then judge for themselves and for the American people.

It is true, history will have to pronounce the final verdict on General Marshall's conduct and character, but the American people cannot afford and dare not wait for the pronouncement, in the light of the known facts of what Gen. George C. Marshall has already been a party to.

Even the general himself announced on March 12, 1950, only 5 months ago, that he would not write his memoirs because—and I want to be fair, I want to quote him; I quote from General Marshall his reasons. He said:

> To be of any historic importance they have got to be accurate; that is, one mustn't omit, and make it pleasant reading.
>
> Now, if you do put it all in, you may do irreparable harm.
>
> You almost ruin a man, but if you don't mention that, it is not history.

So now it is seen why the general does not want to write his memoirs.

Well, Mr. President, Gen. George C. Marshall has plenty of reason for not writing his memoirs, for if General Marshall were to tell the American people the truth as to what he has been a party to during prewar, the war, and postwar years, his reputation, along with those with whom he served as an errand boy, would die of the withering contempt of the American people.

And the fact that General Marshall refuses to tell the American people the truth in the face of the fearful chaos we now confront, forces us to put the story together ourselves and to dare to act on the facts as we find them, if we are to preserve our sense of honor and self-respect.

The truth is, Mr. President, that no one has been as much a part of the tragic betrayal of America that has taken place during these recent years.

No one has held a higher position of responsibility for safeguarding our vital interests.

No one has occupied a more strategic position to influence the course of decisions and events than Gen. George C. Marshall, and as the following could well prove, General Marshall has either been an unsuspecting, well-intentioned stooge, or an actual coconspirator with the most treasonable array of political cutthroats ever turned loose in the executive branch of our Government.

What are the facts, Mr. President?

As far back as April 26, 1938, Gen. George C. Marshall was appointed as a member of the liaison committee which had been created by the President for the coordination of policy of common concern to the Departments of State, War, and Navy. That was in 1938, Mr. President and Members of the Senate. Note the history of this.

And from that time on, Gen. George C. Marshall remained one of the top-ranking policy makers in our Government.

This means that General Marshall was in close consultation with the President of the United States on every vital policy matter affecting our security and the defending of our interests around the world.

This means that General Marshall knew of the deceit and the duplicity that was indulged in by President Roosevelt during the critical years of 1939, 1940, and 1941, by which we were secretly committed to go to war.

General Marshall knew of the 1,700 messages which passed between Prime Minister Churchill and the late President and of the skulduggery they contained, which set the stage for the Pearl Harbor debacle.

On April 25, 1945, Winston Churchill admitted these messages had passed between him and the late President, and General Marshall must have known.

General Marshall also must have known of the secret commitments made aboard the *Augusta* August 11 to 15, 1941, at the Atlantic Charter meeting, the secret agreements to go to war against Japan, secret agreements about which the late President deliberately lied to the American people.

General Marshall also knew of the plans to invite a Japanese attack.

For in Henry L. Stimson's diary of November 25, 1941, we read:

> Then at 12 o'clock we went to the White House. At the meeting were Hull, Knox, Marshall, Stark, and myself, Stimson. There the President * * * brought up the event that we were likely to be attacked perhaps as soon as next Monday for the Japanese are notorious for making an attack without warning, and the question was what should we do.
>
> The question was how we should maneuver them into the position of firing the first shot without allowing too much danger to ourselves.
>
> It was a difficult proposition.

General Marshall was there, Mr. President.

We also know that General Marshall is the man who swore on a stack of Bibles that he could not remember where he was the most important night of his life, December 6, 1941, the night the administration, along with the general, were awaiting to be surprised by the first shot they had been maneuvering the Japanese into firing.

In Senate Document No. 244, a report of the investigation of Pearl Harbor, we find the general admitting that he knew General Short had been alerted by the Navy for sabotage in Hawaii, and that it was his responsibility to have warned Pearl Harbor of the threatened attack, a responsibility he failed to carry out.

In the same hearings we learned that General Marshall was out horseback riding on that fateful December 7 morning until 11 o'clock, which still left him 6 hours to alert General Short.

Yet, instead of picking up the phone and talking directly, he sent his warning through the commercial channels of Western Union, a warning which did not arrive until the bombs had already started falling.

Mr. President, I have stood at Pearl Harbor and looked at the shambled wrecks of proud American ships, which still contain, buried in their watery graves, the bodies of hundreds of American boys which have never been removed.

I say to General Marshall that 6 hours might have been important in their lives.

Mr. President, America must wake up. We cannot trust the future to those who have betrayed us in the past.

Mr. President, as the following record will show, all through this period, General Marshall was an accomplice in a deliberate conspiracy against the American people, for General Marshall knew better than anyone else that all the lend-lease propaganda and all the secret agreements that were being made and all the steps that the administration was taking, were leading us directly into war, and that secrecy itself was used to trick the American people into a war they would not have entered in any other way.

General Marshall knew that when the formal American-British military staff talks began in Washington in January 1941, the members of the British delegation wore civilian clothes and disguised themselves as technical advisers to the British Purchasing Commission.

He knew these staff talks continued until March 29, and produced a plan known as ABC–1, which contained the grand strategy for the coming war.

Robert E. Sherwood, writing in Collier's magazine for June 12, 1948, on the secret papers of Harry L. Hopkins, admitted that this secrecy, in which General Marshall was an accomplice, was necessary because, if these secret deals had become known—

> If the isolationists had known the full extent of it, their demands for the impeachment of President Roosevelt would have been a great deal louder.
>
> If these plans had fallen into the hands of the Congress and the press, American preparation for war might have been well-nigh wrecked and ruined.

Oh, you shameful men, I say to the Congress. Mr. President, that is an ad lib; that is not a part of the quotation from Robert Sherwood.

Mr. President, Gen. George C. Marshall also knew the whole story of the extension of lend-lease to Russia, which began with the conferences of September 28, 29, and 30, 1941.

He also knew of the President's demand of March 7, 1942, that all material

promised to the Soviet Union be given priority for shipment—

Regardless of the effect of these shipments on any other part of the war program.

General Marshall also knew just what this meant so far as our own heroic GI's were concerned, for in Gen. John R. Deane's book, the Strange Alliance, he admits that—

The effect of the President's dictum was to give the Soviet Union preferential treatment in the allocations of munitions over all other Allies and even over the armed forces of the United States.

General Deane also goes on to say:

On the United States side a group known as the President's protocol committee was created to administer the Russian-aid program. With respect to Russian aid, however, I always felt that their wisdom was carried out with a zeal which approached fanaticism.

In other words, Mr. President, as Chief of Staff, General Marshall was party to lend-lease agreements, during the war, which gave Russia priority on our munitions and war matériel which were desperately needed by our own heroic American GI's; and Gen. George C. Marshall permitted the extension of these lend-lease priorities to Russia without any strings attached whatever.

Now, Mr. President, there is not time to go into the whole sorry story of the role General Marshall played in the subsequent course of events, but the record clearly shows that General Marshall went along with the most criminal and outrageous betrayals of American interests and principles in history that resulted from Tehran, Yalta, and Potsdam. Someone may say, "He was a soldier. He was taking orders." I say there comes a time when one must decide whether to be for his country, or whether to be a soldier and to follow orders.

And General Marshall knew that at Tehran the President tore Europe in two and handed one-half of it, together with 100,000,000 people, on a silver platter to Russia.

General Marshall knew that at Yalta the President did the same thing with regard to Asia and General Marshall knew that at Potsdam, President Truman confirmed the sell-out of half the world to the Soviet Union.

General Marshall knew this meant that behind his complicity, the terrible sacrifices and suffering, the awful casualty lists, and heroic deaths of American GI's that had provided 95 percent of the forces in the Pacific and 75 percent of the forces in Europe, had been sacrificed on the bloody altar of power politics and treason—not to win the war for America, but to destroy the only two powers able to stop the advance of Communist conquest.

This meant that American GI's were turned into political whipping boys, betrayed by their own Chief of Staff and used for advancing the cause of communism across the earth.

Mr. President, it is nauseating to recall the facts which prove this tragic conclusion.

General Marshall knew full well as Chief of Staff, or should have known, that the Tehran Conference set the stage for the sell-out of Europe.

He knew it called for a betrayal of Poland.

He knew it called for a sell-out of Czechoslovakia, which led to the order forcing General Patton to refuse the surrender of the German Army and to the ultimate Russian conquest of that unhappy people.

General Marshall knew of the outrageous plan for the treatment of Germany which Cordell Hull admits in his memoirs was so shocking to Britain that it was only bought with—and I quote Cordell Hull:

A proposal of credits to Britain totaling $6,500,000,000.

General Marshall knew that General Patton was relieved from his command for daring to warn the American people on September 22, 1945, of what was going on in Europe.

General Marshall knew of the outrageous agreement which turned our zone of occupation in Berlin into a Russian prison, and who else but he could have been a party to the order to General Eisenhower ordering his withdrawal from Berlin to pave the way for a Russian triumphal conquest—and he was Chief of Staff.

Gen. George C. Marshall knew what outrageous lies were used to cover up the Yalta sell-out of the Orient. For he knew that, while American GI's were fighting and dying on the bloody beaches of Okinawa and Iwo Jima and Saipan, the outrageous deal that was made, selling out the Orient to Russia as a so-called necessary price for Russia's 1-week participation in the war against Japan after it had already been won, was a deliberate sell-out to Russia.

For in Cordell Hull's memoirs we learn that on October 30, 1943, during the last day of the Moscow Conference, Stalin promised Hull he would join the Allies in defeating Japan after they had succeeded in defeating Germany.

According to Mr. Hull:

When Stalin made his promise to me for transmission to the President, it had no strings attached to it.

As Chief of Staff, General Marshall could not have failed to know of the Japanese offer to surrender 6 months prior to the end of the war, which has finally been revealed by Admiral Zacharias.

Furthermore, General Marshall, as Chief of Staff, knew that President Roosevelt had time and again informed Stalin at these secret conferences that under our form of government the agreements he was making could not be made finally legal and binding until they had been ratified by the United States Senate.

Surely, General Marshall also knew that these agreements, until so ratified, were neither bird, beast, nor fish, and could be accounted for only on the basis of military expediency which places the responsibility for them equally on his shoulders.

Certainly General Marshall knew that such agreements are not binding on succeeding Presidents.

But, Mr. President, there is one more awful fact which history holds against General Marshall, and that is, that throughout this prolonged period of secret negotiations, secret deals, and secret sell-outs of America's vital interests and security around the world, General Marshall knew better than anyone else that America's future was being bartered away by a dying President who had fallen into the hands of an unscrupulous treasonable clique who by their every word and conniving act proved they were determined to destroy us.

Mr. President, can Gen. George C. Marshall show the American people one single major accomplishment to his credit which succeeded in defending us from the awful consequences of these treacherous designs?

This story of a dying President is still the best kept secret of the last 18 years, but it was not secret to Gen. George C. Marshall.

If we turn to the book, Jim Farley's Story, we shall find as far back as 1943 America's future was being run by a man whom Jim Farley describes at that time in the following words:

From the time of his return from Tehran in December 1943, there were disturbing reports about Roosevelt's health.

Hundreds of persons high and low reported to me that he looked bad, his mind wandered, his hands shook, his jaws sagged, and he tired easily.

In Henry L. Stimson's book, On Active Service, we learn that on September 11, 1944, Mr. Stimson admitted:

I have been much troubled by the President's physical condition.

Again quoting James Farley:

In our evaluation of President Roosevelt, Cordell and I agreed that he was a sick man at Yalta in 1945 and should not have been called upon to make decisions affecting his country and the world.

Had he not been physically and mentally tired at Tehran and Yalta and at home, and had America had a more vigorous voice in international affairs, statesmen of the world are agreed that many of the troubles vexing the world today would not have arisen.

How true, Mr. President.

Mr. President, who else had the responsibility for telling the American people the truth, for putting an end to the treasonable betrayal of everything our American youth fought and died to preserve in two World Wars, if it was not the Chief of Staff who, as the right-hand man of the Commander in Chief, owed his first allegiance to America, and not to a dying President?

If General Marshall had retired in 1945, history would have been unkind enough, but General Marshall was not content to go halfway with this treasonable conspiracy; he has gone the whole way.

He knew that the United Nations was being set up as nothing but a ruthless instrument of power politics to enforce not peace but the outrageous status quo that would result from the secret agreements of Tehran, Yalta, and Potsdam.

It was General Marshall himself who, on July 11, O. K.'d a memorandum for the President dealing with the set-up of Dumbarton Oaks, by recommending:

Mr. Alger Hiss would act as executive secretary.

Then, Mr. President, after General Hurley resigned in protest against the

Communist manipulation of our policy in the Far East, General Marshall assumed the role of the special representative for the President and undertook a mission based on the directive of December 15, 1945, that was drafted by John Carter Vincent in an attempt to force Chiang Kai-shek to take the Communists, together with their armies, into his government.

General Marshall knew that this directive of December 15, 1945, which called for taking the Communists and their armies into the Nationalist Government, was a complete repudiation of President Truman's promise to the Chinese Ambassador of September 14, 1945, just 3 months earlier.

Here again, Mr. President, it is impossible to piece the whole story of General Marshall's mission to China for want of adequate documentation.

But the truth is that General Marshall lent all his great prestige and power to the Jessup-Lattimore-Service-Acheson line calling for a cessation of the civil war, paralyzing the Nationalist Government, and the withholding of aid from Chiang, while he knew all the time that the Russians were not only taking over Manchuria and northern China, but were being rearmed by captured Japanese equipment and were preparing for the eventual conquest not only of China but of the whole Far East.

Our boys are dying in Korea as a result.

As a matter of fact, Mr. President, General Marshall is still proud of this role he played as the inaugurator of the "sell China down the river line."

For as late as March 1950, Gen. George C. Marshall defended Philip C. Jessup's pro-Communist Amerasia activities, together with Mr. Acheson's determination to betray China by writing to Philip Jessup a letter which the Senator from Maryland [Mr. TYDINGS] introduced into the committee hearings on the State Department employee investigation, which read, in part, as follows:

> I am shocked and distressed by the attack on your integrity as a public servant.
>
> Throughout your intimate service with me while I was Secretary of State you were clearly outstanding as a representative of the Government both as to your masterful presentations and the firmness of your opposition to all Soviet or Communist attacks or pressures.

That letter is in the records of the Tydings subcommittee.

What were the methods whereby General Marshall, Mr. Jessup, and Owen Lattimore fought off all Soviet pressures?

These methods were to peddle the line that the Communists were agrarian reformers, that Chiang was a reactionary dictator, that Russia had no designs on the Orient, and that the way to oppose Russian expansion was to destroy the only nation in the Far East which had a native army capable of defending its own soil.

Mr. President, having set the stage for the sell-out of China, including Korea, and Japan, General Marshall was appointed Secretary of State, where he continued this pro-Communist policy in the Far East.

As a matter of fact, Mr. President, John Foster Dulles told Senators only a few weeks ago, in the dining room in the Capitol, that up until the Korean war the pro-Communist line in the Far East still existed. We must wake up or else.

On the other hand, General Marshall launched the so-called Marshall plan idea for the recovery of Europe which has been hailed as a masterful stroke of statesmanship that was skillfully designed for and has dramatically succeeded in the containment of communism.

Mr. President, again it is difficult for the American people to understand the extent of the swindle in which we are caught because their minds have been poisoned into believing this Marshall plan double talk.

For the truth is, Mr. President, that on June 5, 1947, General Marshall announced the formulation of his plan in a speech at Harvard University, and offered it equally, not only to the nations of western Europe, but to Russia as well.

The American people do not know that. They cannot get that story. But that is the truth, the fact.

By the way, Mr. President, from the way the Senate voted yesterday, what are we going to do with the new Secretary of Defense if we get him? The Senate used a harpoon yesterday. What are we going to do about it? It was a unanimous vote. There was certainly a meeting of the minds on that point.

The tragedy is that during the testimony on this bill, General Marshall admitted the success of his plan was predicated on the restoration of trade between western Europe and the Soviet sphere of influence.

What shall we do, Mr. President, with the amendment we adopted yesterday? Does the Marshall plan help our Secretary of Defense?

Now, Mr. President, we are confronted with the fact the Marshall plan has been pouring into Soviet hands the war materials and potential which has enabled her to continue her fantastic armaments race and her growing conquest of the world.

At this very moment this administration is frantically trying to devise a new system of keeping the bankrupt economies of western Europe from collapse, while we seek to superimpose an enormous armaments program on their continuing need for economic and financial hand-outs. We are telling them what we will do. If they refuse to do it, we will not play. We are feeding them and supporting them economically with the Marshall plan, and then we put a big arms program on top of everything. The Senator from Washington [Mr. CAIN] was over there. He knows whether they will do it or not.

So, as a result of everything General Marshall has been a party to, America now finds herself not out on a limb, but out on the end of a twig, committed over our heads to the squandering of our resources across the earth, to the turning of American Armed Forces into a permanent foreign legion, to the turning of this Government of ours into a military dictatorship, run by the Communist-appeasing, Communist-protecting betrayer of America, Secretary of State Dean Acheson.

And what is to come of this, Mr. President?

The debacle in the Far East finds us for months unable to launch an offensive against the tenth-rate power of North Korea, and confronted with a hundred similar impossible situations around half the globe.

Meanwhile, in spite of all the propaganda about how we are being backed in the Korean War by 52 United Nations Allies, the truth is we are being deserted by them left and right until we find ourselves standing practically alone.

So, Mr. President, General Marshall has been appointed as Secretary of Defense, not for the purpose of straightening out the mess we are in, not for the purpose of returning to American principles and of at last safeguarding American interests, but for the frightening purpose of providing the front of respectability to the vicious sell-out, not only of Chiang, not only of Formosa, which is vital to our security, but of the American GI's who are fighting and dying even now because of one treachery, and whose valiant suffering will again be auctioned off on the bloody block of power politics.

Secretary Johnson refused to go along with the deal that is in the making to sell China down the river and seat the Communist delegates in the United Nations.

But that deal is in the making at the insistence of our British and French allies, who want to save their trade advantages in Hong Kong and Indochina and with the open connivance of Dean Acheson who is ready to make the deal.

How is this to be accomplished, Mr. President?

Very simply.

Within a few days or weeks at the most, the State Department is going to announce the signing of a treaty of peace with Japan—Senators may have noticed the headlines in this morning's newspapers: "President Spurs Japanese Treaty"—which will effectively remove General MacArthur from the position he has held and which will place all future relations with Japan directly in the hands of Dean Acheson and his pro-Communist conspirators. That is how simple it is. Let us get a treaty of peace with Japan, MacArthur is eliminated, and Acheson has the ball. Wake up. Wake up, or else.

So much for the betrayals that are in the making in the Far East.

But General Marshall was also needed to continue as a front for the losing cause of Marshall planism in Europe.

Because the demands Europe is now making upon us are so great, and because this administration does not dare tell either Congress or the American people the predicament they are in, at this very moment Dean Acheson is making deals with the British and French in the Waldorf-Astoria, which will provide a way to squander billions more of the taxpayers' money under the guise of a war emergency, through international commodity agreements in which we will

guarantee to purchase their commodities and raw materials above the world market price and will offer in exchange our own goods below both the domestic and the world-market prices.

The significance of this underhandedness, Mr. President, lies in the fact that this opens the door to the complete domination of our domestic economy, of our labor market, our industry, and our mining, to the dictation of foreign powers.

It leads directly to an international superstate, to international allocations of raw materials, industrial capacity, manpower and markets, and regimentation from the cradle to the grave, to underwrite on a global scale and permanently, the criminal blunders and betrayals and secret diplomacy of the past.

This is what the appointment of Gen. George C. Marshall means, Mr. President.

This is what he is going to lend his prestige to cover up.

Unless he, himself, were desperate, he could not possibly agree to continue as an errand boy, a front man, a stooge, or a coconspirator for this administration's crazy assortment of collectivist cutthroat crackpots and Communist fellow-traveling appeasers.

General Marshall knows this country has lost complete confidence in President Truman.

He knows President Truman has been talking out of both sides of his mouth for so long and so often that no one can trust him any longer.

One day it is: "Tell it to the marines." The next day it is: "I love the Marine Corps." One day it is: "Johnson will remain Secretary of Defense as long as I am President." The next day it is: "Johnson is out." One day it is: "Peace never looked better in 5 years." The next day we have a war.

General Marshall knows that President Truman has been running this Government like a political bus terminal, changing schedules, and changing fares and political bus drivers so often that he holds the unenviable record of having appointed 38 different Cabinet heads in a period of 5½ years, compared with 26 Cabinet Members appointed during the last 12 years of the late President's rule.

Roosevelt had only 26 in 12 years. Truman has had 38 in 5½ years. No wonder we have no foreign policy. We do not have time between rides.

General Marshall cannot help but know that this record of mind-changing, blundering, head-hunting, gutter politics is the reason why the American people are fed up with government by double-talk and double-cross.

He knows President Truman is playing vicious gutter politics with the future of this country.

He knows President Truman has deliberately violated the law by nominating him to the position of Secretary of Defense; he knows the greatest danger to this country lies in a dictatorship that springs up in our midst.

Certainly if General Marshall has a shred of decency or honor left, he would not stand idly by while the pressure is put on Congress to change the law which was enacted to keep our military defenses in control of civilian hands and to prevent the emergence in our midst of the very military dictatorships we are supposed to have been fighting the past 10 years.

Is he the indispensable man? Can we change the law in 15 minutes? Is it 15 minutes? Under all the high pressure of a name built up with prestige, the law would be changed, and with a purpose. All American traditions would be broken, and the ground would be prepared for the rise of a military dictatorship in this freedom-loving country. We had better wake up. We are going to wake up, or else.

General Marshall knows the terrible predicament we are in. Everybody knows that he must know it, and General Marshall knows the whole future of this country now hangs in the balance.

It is tragic enough to be confronted with the staggering consequences of the betrayals and defeats we have already suffered on the world scene without also now being asked to set the stage for the emergence of a completely regimented American economy and social structure, under a military dictatorship right here at home.

Yet General Marshall and President Truman are willing to set aside the laws which Congress and the American people were careful to enact in keeping with the spirit and wisdom of the framers of our Constitution to prevent the emergence of militarism on these shores.

Mr. President, the framers of the Constitution had carried on the American Revolution against the exploitation and brutal tyranny of military despotism and did everything humanly possible to safeguard us against military domination under their newly founded government.

In the first place, they provided that the civilian head of the state should also be the Commander in Chief of the Armed Forces.

In the second place, they provided that control over the military should remain in the hands of Congress by providing that military appropriations should be limited to a 2-year period.

When the Unification of the Armed Services Act finally reached the Senate floor, it had brought forth throughout the hearings and throughout the subsequent debates the inherent fear of and opposition to the rise of militarism in this country.

Time and again the supporters of the unification measure and its sponsors took the time to point out how careful they had been to make sure that control of our Armed Forces and our entire Military Establishment remained in the hands of civilian control. It is certain it never could have become law in any other way.

What is it, Senators—more trickery, more treachery? We would not have had this situation presented here today if the truth had been known. If its authors had been confronted with the facts now presented to us, there never would have been such a law in the first place.

Yet now we are asked to set this law aside to suit the whims of a President who has gotten us into such a desperate predicament on the international scene that the only way he can see to get us out is by taking us into a similar predicament on the domestic scene.

Mr. President, General Marshall, by acceding to the President's request, is only heaping insult on injury, and setting the stage for a repetition in the future on a grander scale of the chicanery, the blunders, and betrayals of the past.

Finally, Mr. President, we can all recall that on January 18, 1949, Dean Acheson was confirmed by the Senate by a vote of 83 yeas to 6 nays. Not 2 years have passed since then.

As a consequence, Dean Acheson has muscled in on so many of the vitally important policy-making commissions and boards of our Government that he is not only Secretary of State, but has become Mr. Government itself.

What are these successes he has achieved in his grab for power?

Dean Acheson is now Secretary of State, a member of the Export-Import Bank, a member of the National Munitions Control Board, a member of the National Security Council, and a member of the National Security Resources Board.

However, these are his personal successes. What has he achieved for America during this tragic period? Even General Marshall cannot fail to know the answer.

I believe that the events that have transpired since, and the tragic sell-out of our interests in the Far East that have resulted, would completely reverse that same vote if it were the matter now under consideration by the Senate.

So, Senators, merely because one happens to be in a small minority does not mean he is necessarily wrong. Less than 2 years have expired. How can the Senate confirm the appointment of General Marshall, and thus turn Dean Acheson into a Siamese twin, in control of two of the most important Cabinet posts in the executive branch of the Government? That is what we are asked to do.

It is tragic, Mr. President, that General Marshall is not enough of a patriot to tell the American people the truth of what has happened, and the terrifying story of what lies in store for us, instead of joining hands once more with this criminal crowd of traitors and Communist appeasers, who, under the continuing influence and direction of Mr. Truman and Mr. Acheson, are still selling America down the river.

Mr. SALTONSTALL. Mr. President, I wish I had the words and the voice to express how strongly I disagree with many of the statements which have just been made by my colleague the Senator from Indiana [Mr. JENNER]. If there is any man in America who is decent and clean it is Gen. George C. Marshall. If there is any man whose public life has been above censure, and whose public actions have been for the public interest, during my span in public life, it is George C. Marshall. Whether we disagree with some of his judgments or not—and I do—I believe from the bottom of my

heart they were made for the best interests of our country, regardless of himself.

I wish I had the vocabulary to answer the statement that General Marshall's life is a lie, because if there ever was a life spent in the interest of our country, a life that is not a lie, it is the life of George C. Marshall.

Mr. President, I shall vote for the bill which will permit one man, General Marshall, to hold temporarily the office of Secretary of Defense even though he has been an officer of our Armed Forces within 10 years. I do so for several reasons.

First, our country is in a very difficult period in its history. I dislike to use the word "critical," but it can be advisedly used. If solutions of the present obstacles to a more peaceful world are not obtained soon, and adequate preparations made to overcome those obstacles to peace, then free civilization as we know it may come to an end. Therefore, we must take every practical step to make our defenses adequate for our needs.

Second, one of the greatest steps we can take to make our defenses adequate is to keep our country united. General Marshall is today perhaps the one man whose motives, whose patriotism, whose character and integrity no one can justly impugn, nor does anyone suspect him of the slightest political ambition. His service will be as truly selfless as can be secured. Therefore he can do much to unite our country in the demands made upon it by the present situation, the human sacrifices, the individual curtailment of desires, the need for increased taxes, the necessity for greater labors on the part of all of us.

Third. The President has made him his choice as his Secretary of Defense. The President has made decisions of which many of us disapprove, he has made mistakes, but he has the responsibility of choosing a Secretary of Defense. He respects General Marshall as do we all. He has chosen him to be his civilian—and I emphasize the word "civilian"—leader of our defense, because he considers General Marshall the best man under all the circumstances. I have always believed that the Executive should have in his Cabinet as his advisers the men of his choice, unless there is some reason to doubt a selectee's integrity or patriotism or particular mental qualifications for the job. In this case the only possible objection that can be raised is that General Marshall has been a military man all his life.

I am against military control of our Defense Establishment. I want it to be in the hands of a civilian. We argued that point at length in committee when we considered the Unification Act. But the General has now been a civilian for 5 years. He has held the highest civilian office in the land, with the exception of the President. Because he has held the office of Secretary of State, it can be said truly to have emphasized his change to a civilian status, and thus to have reduced the waiting period of 10 years.

But the point we must keep actively before us is that General Marshall is the President's choice to fill a most difficult assignment in his Cabinet in a critical moment in the Nation's affairs. Whether or not, Mr. President, you or I would have chosen General Marshall had we the responsibility is not the question. The President has the responsibility, and he has chosen the General.

No one can say that he is not qualified to be Secretary of Defense. The only thing that can be said is that he is a military man, and that objection, in his particular case, is not sufficiently compelling to turn him down. It is not an overriding reason for not making an exception to the law.

General Marshall holds a unique place in the confidence of our citizens and of peoples all over the world.

Fourth. It has been argued that General Marshall, first as Special Ambassador to China, and later as Secretary of State, has taken positions that are not to the country's best interests today. When he was Ambassador, he was given a special mission to perform. He tried to fulfill it. That effort undoubtedly influenced his point of view when he assumed the office of Secretary of State. That is only human. Maybe it still does color his judgment with respect to China. I do not know his present views on the problems of that great country. But I do know that he is sufficiently cool and reasoning to change his point of view, and I am confident that he is sufficiently unprejudiced to form new judgments if his earlier ones have proved unwise.

Furthermore, he has been long enough in Government service and is wise enough to get the judgment of those who have been intimately connected with recent events. He can, and I am confident, will make new decisions on the new facts as given to him. His long experience and his ability to grasp a problem quickly gives him a unique chance to adopt a course that will meet the needs of national defense. Perhaps in these ways he is more ideally suited for the office than any other man the President could have chosen.

Moreover, he is capable of making us all understand the job to be done. He speaks clearly, and is listened to carefully. I believe that his judgment in Cabinet meetings and in conferences with the Secretary of State will be wise, and not based on past prejudices. If our present courses are sound he will do his best to build up our defenses to meet the demands of the Nation. He will not attempt to change the judgments of his colleagues in the Cabinet on the Chinese, Korean, Iranian, and other knotty world problems unless they should be changed for our country's good.

It certainly will be a gain to have three men to work together who have a mutual respect for one another rather than to have bickerings and lack of confidence in each other.

Naturally General Marshall will be an influence in the administration, but his influence will be for greater unity, calmer judgment, and an ultimate greater security for our people in this upside-down world of conflicts.

For these reasons I hope this special exception to the Unification Act may be adopted.

Mr. KEM. Mr. President, will the Senator yield for a question?

Mr. SALTONSTALL. Yes.

Mr. KEM. Did I understand the Senator from Massachusetts to say that General Marshall has for some time past occupied a civilian status?

Mr. SALTONSTALL. I said that he was Secretary of State. He has not been in the Armed Forces directly for 5 years.

Mr. KEM. He is an officer of the Army of the United States, is he not?

Mr. SALTONSTALL. The Senator from Missouri is absolutely correct.

Mr. KEM. And he is a five-star general?

Mr. SALTONSTALL. That is correct.

Mr. KEM. He is not a retired officer, but he is on the active list in the sense that he is a five-star general. He is not retired. Is that not correct?

Mr. SALTONSTALL. Yes. Perhaps my statement went too far. Five-star generals and admirals when no longer on active duty receive, as I understand, full salaries. They differ from other retired officers in that respect. General Marshall has not been on active duty for 5 years.

Mr. KEM. I call the Senator's attention to the case of *United States* v. *Tyler* (105 U. S. 244), decided by the Supreme Court of the United States in 1881. I read the following language from the decision:

> It is impossible to hold that men who are by statute declared to be a part of the Army, who may wear its uniform, whose names may be borne on its register, who may be assigned by their superior officers to specified duties by detail as other officers are, who are subject to Rules and Articles of War, and may be tried, not by a jury, as other citizens are, but by a military court martial for any breach of those rules, and who may finally be dismissed on such trial from the service in disgrace, are still not in the military service. * * * We are of the opinion that retired officers are in the military service of the Government.

Mr. SALTONSTALL. I would say most respectfully to the Senator from Missouri that probably that statement of mine went too far. I would not disagree with what the Senator has said. What I have tried to say is that General Marshall has held civilian office; he is not on military duty, and in that way could be said to be a civilian. The Senator from Missouri is entirely correct.

Mr. CAIN. Mr. President, the Secretary of Defense submitted his resignation to the President of the United States on Tuesday, September 12. On that day the President wrote to the Secretary of Defense that the President would propose at once the legislation necessary to permit Gen. George Marshall to become his successor as Secretary of Defense.

On Wednesday morning at 11:45 the pending bill was considered by the Senate Committee on the Armed Services. Action on the proposed legislation was sought in 15 minutes. All but 2 of the 12 members present thought that the President's public announcement concerning General Marshall and a national emergency justified the approval of legislation which would permit a military man to head our Nation's Department of Defense.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. CAIN. The Senator from Washington would prefer not to do so, sir, because time now is so precious.

The junior Senator from California and the junior Senator from Washington were in opposition to this view. The opposition views were briefly covered in the committee's minority report and are being stated in the Senate of the United States today.

Some members of the committee wanted to immediately report the bill out to the Senate and have action taken on it. It was, however, agreed that the bill would be reported out and called up yesterday. The bill became the pending business yesterday but no action was taken on it, even though the Senate recessed shortly after 9 o'clock last night.

During the 15-minute session of the Senate Armed Services Committee on Wednesday its chairman pleaded for speed of action and the Senator from California and the Senator from Washington stated that they would not endeavor to obstruct consideration of the bill and that they would not seek recourse through parliamentary maneuvering or lengthy statements to defeat it. Both the Senator from California and the Senator from Washington said they did not expect to speak at length against the bill, but wanted only an opportunity to offer their convictions in opposition to the proposed legislation, which now is before us. Those who supported the bill in the committee could not very well have thought that attitude to be other than a reasonable one.

In the committee meeting, I said that I intended to speak for just 2 minutes. I wish to state that although I have no intention of speaking at length, yet I feel absolutely impelled to offer a longer statement than I first had in mind. The reason for this is that I shall submit the views of others in support of my opposition. From considered reflection, there has come an even stronger conviction—which I thought impossible—that the question before us now runs deeper and is fundamentally more important than any of the many great questions which have been before the Senate of the United States since I first became a Member of the Senate almost 4 years ago.

In that momentous period, I have never seen a bill which was so totally executive in character. It was premerchandized to the Nation before the bill was sent to the Senate Committee on the Armed Services. That committee apparently thought its freedom of action had been taken from it by executive declaration. The individual named in the bill did not consult with the committee, nor was he called as a witness before the committee. No consideration was given to that individual's present capacity for undertaking an assignment which calls for strength and health which can be relied upon for years. The committee had no opportunity to consider any of a number of other persons who are qualified for appointment to the position of Secretary of Defense. The committee asked no questions, and voted in only 15 minutes to report the bill to the Senate.

Gen. George Marshall, a noted American, is named in the pending bill because it is thought by the administration that the very act of naming him to be Secretary of Defense will promote national and international unity. It must be pointed out, as the vote to come will prove—and I do so in the most humble and respectful fashion—that a number of Senators and many other citizens of the United States do not approve of the intended action. All of us in this body, Mr. President, represent many citizens, and because of that fact, our votes will show that it is not true that all of America thinks the bill before us ought to become the law of the land. Had the President conferred with the Senate Committee on the Armed Services before he acted, there is every solid reason to believe that we would not now, or in the future, have this bill before us.

Regardless of what happens to the pending bill, I want to think that in the future the President of the United States will take the Congress into his confidence, and will ask the Congress for guidance on great public questions which affect all of America and the world, before the President thinks that he as an individual knows best. The pending bill is a real example of a case in which the Senate of the United States is not acting as an independent body, charged with the grave responsibility of exercising its own judgment.

Mr. President, I have never personally met Gen. George C. Marshall. I know General Marshall only through a host of mutual military friends, and therefore I know him well and favorably. I join with most other Americans in thinking that history will judge General Marshall to have been a splendid, thoroughly trained, professional soldier and a highly competent wartime Army Chief of Staff.

I remain in doubt, Mr. President, about Gen. George C. Marshall during his tenure as Secretary of State. In that role, Gen. George Marshall stands forth as a cloudy figure. In that role, I am not completely qualified to judge him.

Today I am not concerned with Gen. George C. Marshall in any capacity. I am thinking entirely about my country and what it needs at this moment.

The Senate of the United States has before it a proposal to forget the past and to bypass an American principle which has guided and supported our American attitude toward life since shortly after our Nation was founded. The Senate of the United States is being asked to throw the rules of the game out the window. This request is being made in the name of an emergency. We have been told that the emergency will be conquered and everything will turn out all right if we resort again, today, as we have in the past, to expediency. We are told that we must not be guided by principle.

The last time our Nation discarded the rules of the game was in 1940, when a distinguished and very able American was elected to the Presidency of the United States for the third time. America was told then that such an act of political expediency would result in tranquillity and peace. In 1940, America was told what it had never believed before, namely, that America then possessed the indispensable man. The man in question took office for the third time, after 8 years of devoted service to his Nation. I did not like much of what the then President did; but I say that he spent 8 fine years of devoted service to his Nation, and he served America with strength and vigor, both mental and physical.

Need I relate—for every American man, woman, and child is aware of it—that the man who was permitted, by his peers, the citizens of the United States, to break our American code when elected President for the third time, subsequently became our President for the fourth time, and tragically died in office, broken in health and strength. The frailties of age and the inevitable results of overwork caught up with him. That happened, Mr. President, because there never was and never can be an indispensable man. I shall not hazard an evaluation of the consequences visited upon America and the world because a single human being was permitted to break the rules of the game and to overstay his usefulness.

The Senator from Washington, not as a Republican, for his conviction on this subject was arrived at before he became a partisan, but as an American, feels that history will define the great American tragedy as having taken place on the occasion when Americans first placed their reliance in a man, rather than in laws which are written out of the wisdom of the minds of men and women collectively. I feel that my Nation lost some of its precious moral courage, health, stamina, and strength when it abdicated from its responsibility for demanding new and refreshing leadership in keeping with the history of strong peoples and of our land.

With respect to the pending bill, I know of no current emergency, nor can I conceive of an emergency, which does or will justify breaking an American time-tested code, by which we have lived for many decades, and because of which other nations throughout the world have respected the United States. The only justification for passing the pending bill is that we admit that the United States does not possess a single civilian citizen for whom a majority of all other citizens have respect; admiration, and faith. I deny that any such situation exists in this country today. If there is a present-day situation of this character, then there is no hope for any of us in the future. If American civilian citizen leadership is lacking or, as is nearer the truth if it only appears to be lacking, there is something very wrong with those who are charged with finding and calling forth that leadership.

I shall offer but six witnesses in support of my contention that the pending bill is not necessary and ought not be approved.

My first witness is the President of the United States who delivered a message to the Congress on December 19, 1945, in which he said:

> Civilian control of the Military Establishment—one of the most fundamental of our democratic concepts—would be strengthened if the President and the Congress had but

one Cabinet member with clear and primary responsibility for the exercise of that control. There is no basis for the fear that such an organization would lodge too much power in a single individual; that the concentration of so much military power would lead to militarism. There is no basis for such fear as long as the traditional policy of the United States is followed that a civilian, subject to the President, the Congress, and the will of the people, be placed at the head of this Department. The safety of the Democracy of the United States lies in the solid good sense and unshakable conviction of the American people.

My second witness is Gen. George C. Marshall, who, when he appeared before the Committee on Military Affairs of the United States Senate, on October 18, 1945, said:

I consider it very important that such an agency, (as the Joint Chiefs of Staff), should be continued for the purpose of submitting, in compliance with legislative direction, recommendations on matters affecting policy, strategy, and consequent budgetary requirements, to the Commander in Chief, but through the civilian head of a unified department.

My third witness is General of the Army Dwight D. Eisenhower, Chief of Staff, who, when he appeared before the House Armed Services Committee, May 7, 1947, referring to the unification bill, which is now the law of the land, said:

This bill sets up the Air Force in its legitimate place and does something to recognize the paramount influence of air power upon modern warfare. But more important, it establishes a single civilian head. Only a man so situated, as will be the Secretary, set up by this bill, can possibly bring to you the distinterested and completely detached studies and reports that will be necessary before duplication may be eliminated and with the assurance to you that our country's security has not been endangered.

My fourth witness is Gen. A. A. Vandegrift, Commandant, United States Marine Corps, who, when he appeared before the Armed Services Committee of the House of Representatives on April 22, 1947, speaking for our benefit, 3 years later said, in part:

In order to tie together these agencies, and for better coordination of the several services, there should be an executive appointed from civil life by the President, by and with the advice of the Senate, whose duty, under the direction of the President, shall be to recommend to him policies, and programs for the National Defense Establishment. He should be empowered to exercise supervision and coordination of the departments and agencies. Since reading some of the testimony which has been given before this committee, particularly that of General Eisenhower, and the Under Secretary of War, Mr. Royall, I have become increasingly concerned about the danger of lessening the degree of civilian, including the congressional control of our Military Establishment.

My fifth witness is Admiral Forrest Sherman, Chief of Naval Operations, who, when he appeared before the House Armed Services Committee on May 2, 1947, said:

Although I do not advocate any reduction of the constitutional responsibility and authority of the President, as Commander in Chief of the Army and Navy, I, for one, am firmly convinced that the complexities of government under present and future conditions makes it necessary that the President be assisted by a civilian official who can devote full time to the matters concerned.

My last witness is Dr. Vannevar Bush, then, at least, Director of the Office of Scientific Research and Development, who, in a letter addressed to the Senate Armed Services Committee under date of May 8, 1947, said:

This plan preserves another matter also of great importance. In this country, we have long held to the thesis that our military affairs should be subordinate to our civilian governmental structure. This thesis is fundamental in the plan presently before you. I believe that the present plan is sound in this respect.

Mr. President, the Congress of the United States began to study the proposal for a unified Military Establishment in the spring of 1944. This proposal finally became law in 1947. Every American who had anything to offer was encouraged to testify. Many of the most responsible and thoughtful citizens of America, both civilian and military, testified. So far as I have been able to determine, every single witness said our Nation would best be served by making certain that there was to be civilian control of the Military Establishment in the future as there has always been in the past.

Mr. President, I raise but one question: Is there sufficient reason today to violate this declaration of determination and purpose which was so recently restated and reaffirmed by so many outstanding Americans? I posed that question earlier today to a newspaper friend of mine, and she gave me in one word an answer which I do not want to believe: "November."

The pending bill is evidence of the sad plight which engulfs the administration and surrounds the Nation this afternoon. The pending bill is evidence that we have lost a large part of our balance, our poise, our sense of perspective and our national purpose. Through this bill we are giving away to our fears of the future. Through it we are saying that our present-day leaders have lost their grip and their self-control, and that they seek in desperation to find security and safety by unearthing a great and distinguished and very able but rather aged name to use as a shield. In this bill there is a complete denial of the meaning of the words which were used in the early 1930's by our then President to restore confidence and morale and courage in the American people. Those words were: "There is nothing to fear, but fear itself."

In raising my voice against this bill, and in voting against it, I am re-declaring my faith in the integrity and the vitality and the leadership of our Nation. Let those who lead find new leaders to assist them. Only ruin and catastrophe await the American people, if we countenance or permit the covering up of mistakes and the hiding of fear by reshuffling the same old, battered, soiled deck of cards.

Mr. MORSE. Mr. President, I wish to take about 5 minutes in support of the bill and of the nomination of George Marshall. I wish to say, in the first place, that at the meeting of the Armed Services Committee, when this bill was reported—and the junior Senator from Oregon made the motion to report it—there was adequate time for any member of the committee to discuss the bill at any length he wished to discuss it. No attempt was made to rush the bill through the committee. It was presented to the committee by the chairman. Objections to it were raised by two members of the committee. I am satisfied that if they had wished to speak at length in opposition to the bill they could have spoken at length. In fact, I think the record will show that after such discussion as we had it was generally agreed that further discussion of the bill should occur on the floor of the Senate. The sentiment of the committee was so overwhelmingly in favor of the bill that the two Senators who opposed it made clear that they would not attempt to prolong discussion of it in committee but did intend to make a few brief remarks against the bill on the floor of the Senate.

I want to express a most respectful disagreement with the judgment of my good friend from Washington [Mr. CAIN] that if the Armed Services Committee had been advised of the President's intention prior to this appointment, in all probability this bill would not have been before the Senate today. It is my judgment that if the President had advised the Armed Services Committee in advance of the appointment, in all probability the appointment would be before the Senate today on the basis of practically the same committee vote with which the bill came to the Senate in this instance.

In regard to the bill itself, I wish to say that I believe it pertains to one of the greatest living Americans, one of the greatest statesmen in the history of our Nation. I am satisfied that George Marshall's name will be emblazoned in the history books of America long after his critics have been forgotten and have passed into oblivion.

I support this bill and this nomination of the great George Marshall because, in my judgment, the American people need the services of George Marshall as Secretary of Defense at this hour of great crisis. Where can we turn among our citizenry to find a man with the wealth of experience and capabilities for this particular position which George Marshall possesses?

I happen to be one who believes that the hour is so dark for America in the crisis which confronts it that we need forthwith to bring into the service of our country, at every post where they can best serve, those persons most qualified to hold the great positions of responsibility in our defense preparations.

I think the appointment of George Marshall will give many millions of American people who are troubled in this hour that confidence and that reassurance in the leadership of our defense establishment which they sorely need.

Mr. President, I admit, as a lawyer, that under the present wording of the Unification Act, it is necessary to amend the act in order to qualify George Marshall for the position of Secretary of

Defense. Therefore, this bill of exception to the Unification Act should be adopted and then the nomination should be ratified by the Senate. I think that from the standpoint of our national security needs it should be ratified. But let me say that I do not share the fears of those who believe that in making an exception to the Unification Act we are to any degree whatsoever endangering the American people by way of running any risk that a potential military dictatorship will be set up in the country. Those who know George Marshall know that, first of all, he is a great civilian. He is a civilian in his whole approach to the administration of America's Military Establishment. Those of us who sat with him time and time again during the war, as members of the military committees of the Congress, know of our own knowledge, and I think it is our duty to give the Senate that assurance today, that George Marshall always and without exception approached the responsibilities of his then great office with a clear understanding of the principle that under our form of government the military is subject to civilian control. George Marshall always demonstrated that he was fully cognizant and appreciative of the fact that in this democracy the military should function subordinately to civilian direction and civilian policies.

As Secretary of State, he certainly demonstrated to the American people again his make-up as a great civilian in his approach to the foreign relations policies of the United States. I think it is a mistake, Mr. President, I think it is unfair to George Marshall, to give any impression that his appointment to this position will militarize the post of Secretary of Defense. To the contrary, I think George Marshall will protect and preserve civilian direction of our Military Establishment. I think George Marshall is as great a civilian as could be brought to a great civilian post in our Government.

The last point I want to mention was very instrumental in the formation of my judgment on this appointment, namely, that I think it is very important to have George Marshall in this particular position because of the military, economic, and political problems which confront us both in Europe and in Asia. As the former Chief of Staff, as the former Secretary of State, he has accumulated a great wealth of information and understanding in regard to European and Asiatic military problems and diplomatic problems. I think the American people who are fearful in this hour that part of the Russian strategy is someway, somehow, so to weaken us as to cause us to be drawn into a full-scale war in China, will take hope over this appointment of George Marshall. I think George Marshall's understanding of Asiatic problems is such that we can rest assured that no precipitate action is going to be taken by the military in getting us into a full-scale war in China.

I happen to be one who believes that we ought to stretch a strong line of defense in the Pacific which will contain China and let China stew in her own juice of communism until she boils it out of her system. I am satisfied if we stretch that line of strong defense and let China boil for a while in her own juice of communism we shall see repeated the historic pattern of China. Russian communism will never conquer China, and I believe that in years to come she on her own will recover from the bites of the poisonous snakes of communism which have sunk their fangs into her body politic, and she will rejoin the free nations of the world.

I happen to be one who believes that there are forces outside of the Senate who would maneuver us into a war with China if they had their way. I also happen to be one who believes that we could not win that war in China. I intend to do what I can to strengthen American policy so that it can resist any temptation to become involved in a full-scale war in China, because I do not believe we any more than Russia could conquer China. If we were to go to war with her, what choice would we have but at least to attempt to occupy and control her by conquest? I think the way to handle the threat of communism in China, to the extent that it is a threat to the security of our own Nation—and it is a threat—is to keep our Pacific defenses so strong that the Chinese Communists, as satellites of Russia, will not try to attack us across that barrier of strong defenses. Any attempt to conquer her militarily would bankrupt us. It would cost us the lives of untold numbers of American boys who never should be sacrificed in any war in China.

I think George Marshall understands that situation. I think that George Marshall as Secretary of the Defense will be one of the greatest assurances to the American people that forces at work to draw us into a full-scale war in China will be checked.

With respect to the European situation, Mr. President, I think George Marshall as Secretary of Defense will bring great confidence and improved morale to the European nations, whose friendship and support we shall need in this struggle to defend freedom. George Marshall will be heeded in Europe. His appointment is the most discouraging news Stalin and his gang have heard for a long time. George Marshall's appointment is a set-back to Stalin's scheme to involve us in a war with China so that Russia will be in a better position to overrun Europe.

I close by saying that as one Republican on my side of the aisle and in my individual capacity, I am proud and honored to stand on the floor of the Senate in support of George Marshall—a truly great American. I wish to disassociate myself from the attacks which have been made on George Marshall from the Republican side of the aisle today. I think that nonpartisanship calls for the confirmation of this great American, whose services are so sorely needed in this dark hour. I think statesmanship calls for it too.

Mr. HICKENLOOPER. Mr. President, in view of the apparent situation and the emotions of the moment, there is no possible doubt as to what action this body will take in the matter.

However, I feel that I should make my position clear, and make it as clear as I can in a very few words. I shall not hold the Senate more than a few minutes. I feel that many Members of the Senate are greatly embarrassed today because of the cavalier manner in which this serious matter has been handled by the Chief Executive of the Nation. I refer to the cavalier manner of announcing as an accomplished fact something which at the time of the announcement was contrary to the law of the land, but with the self-assured assumption that by fiat the Executive could compel the subservience of the legislative branch to save the Executive from embarrassment, and perhaps save from embarrassment the great man who is involved.

In voting against Senate bill 4147 I want to make it abundantly clear that I am registering my disapproval of and opposition to the unnecessary violation of one of our Nation's fundamental traditions, namely, that of keeping civilians as the administrative heads of each of the military branches of Government.

I have the highest respect and admiration for Gen. George C. Marshall, as one of the greatest soldiers our country has produced. His military ability is preeminent, and his advice and counsel on matters of national security and military problems should always be sought and given the great weight to which they are entitled.

Without the passage of this bill, however, that advice and counsel are continuously available, for he is, in effect, on active service as a general of the Army at all times. So that neither this proposed legislation nor his appointment as Secretary of Defense is essential for the purpose of securing the benefit of his great military ability to the Nation. At the same time, it is unthinkable that among the civilian population of the United States a number of competent persons could not be found with the high and exacting capabilities necessary to fill the office of Secretary of Defense.

It has been traditional, and soundly so, in the United States that the Secretary of War and the Secretary of the Navy be civilians. Experience in other nations in the past on many occasions has pointed out the disasters to civil government that have frequently resulted from a failure to follow this principle. While I do not believe and do not want to imply in the sligthest degree that General Marshall in any fiber of his make-up would design in any way to militarize the civilian complexion of the Government, nevertheless this bill creates a precedent which could thereby be followed from time to time in the future to the point where the subordination of the military to civilian control might be dangerously weakened.

At the time of the passage of the Reorganization Act which unified the armed services and set up a Secretary of Defense with three subordinate Secretaries—Army, Navy, and Air—this very fundamental policy of keeping the administrative head as a civilian was

thoroughly considered, debated, and with universal approval written into the law. The law now provides that the office of the Secretary of Defense cannot be held by a person who has been a commissioned officer on active service within 10 years prior to his appointment. This was done for a considered purpose and for a vital safeguard. Without doubt, this provision was written into the law upon calm and thorough consideration as a protection against emotional or precipitate action at a future date when there might be a temptation on the part of the Chief Executive to place a professional military man in this job.

When the President some time ago nominated an able and capable man for an important administrative position in Government, with the understanding and provision that that man would continue, while a public official, to receive a salary of $75,000 a year from the private corporation where he was employed, I voted against the confirmation, not as a result of any question about this man's ability, but because I believed there was a fundamental principle of American public government involved in such an arrangement. The Senate overwhelmingly turned that man down, while admitting his ability, but on the principle that violence was being done to a fundamental principle of American civil government.

When Roosevelt proposed to pack the Supreme Court by compulsory retirement of members, the revulsion of public opinion against the violence to a great American principle was so great as to defeat that effort, even in time of economic emergency.

It has been freely admitted by members of the Armed Services Committee—I may say not by all, but by some members of the committee—that, had this bill merely provided that a five-star officer of the regular Armed Forces of the United States could be appointed to and hold the office of Secretary of Defense, it would have surely been voted down overwhelmingly by the Armed Services Committee of the Senate, and I am sure such a proposal would be voted down overwhelmingly by the Senate. It is the personality of General Marshall, injected into this legislation, and the great personal regard and admiration for him as one of our greatest soldiers, that no doubt influence the attitude of many toward this particular bill, and that becloud the real issue involved.

In voting against this bill, I again want to make it clear that I cast no reflection whatsoever upon General Marshall, but that I vote in protection of what I am deeply convinced is an essential safeguard of the principle of keeping our institutions under civilian administrative control.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. I yield.

Mr. KNOWLAND. I wonder if the Senator would mind if at this point I called attention to some information I have received in a letter from the office of the Chief of Legislative Liaison in the Department of the Army? I have asked that the letter be printed in the remarks I made earlier today immediately following where I inserted the law to which the letter has reference.

This is a letter on the stationery of the Department of the Army, office of the Chief of Legislative Liaison, is dated September 15, and reads as follows:

SEPTEMBER 15, 1950.

Hon. WILLIAM F. KNOWLAND,
United States Senate.

DEAR SENATOR KNOWLAND: Pursuant to a telephone conversation between Mr. George F. Wilson of your office and Lt. Col. R. L. May, office of the Assistant Chief of Staff, G–1, Department of the Army, the following information is furnished:

General of the Army George Catlett Marshall was retired on the 28th day of February 1947 at his own request after more than 45 years of service. He was restored to the active list of the Regular Army on March 1, 1949, under the provisions of Public Law 804, Eightieth Congress.

Sincerely yours,

R. C. BING,
Colonel, GSC, Office, Chief of Legislative Liaison.

Mr. President, that merely bears out the point that the five-star general is still on active service, not on the retired list.

Secondly, I wonder if the Senator is familiar with the fact that the House of Representatives, in passing the bill on this subject, was so concerned with the dangerous precedent which is set that they added this additional section:

SEC. 3. It is hereby expressed as the intent of the Congress that the authority granted by this act is not to be construed as approval by the Congress of continuing appointments of military men to the office of Secretary of Defense in the future. It is hereby expressed as the sense of the Congress that after General Marshall leaves the office of Secretary of Defense no additional appointments of military men to that office shall be approved.

Mr. HICKENLOOPER. Mr. President, I thank the Senator from California, and with respect to the declaration which was placed in the bill by the House of Representatives I merely call attention to and remind my colleagues of an ancient Chinese proverb, "A journey of a thousand miles begins with the first step."

Mr. BUTLER. Mr. President, I shall take only a few minutes of the time of the Senate, but I feel that I want to have my views in the RECORD with reference to the bill now under consideration.

Mr. President, I am very sorry that the distinguished Senator from Maryland [Mr. TYDINGS] has seen fit to try to push this bill through so hurriedly. I believe it is a bill which may have far-reaching importance as a precedent. As I understand, the bill was considered in executive session of the Senate Armed Services Committee yesterday, but no public hearings were held, and there was not even any announcement that the bill would be considered at that time. If there had been any notice or any hearings, I might have desired to appear against it or at least to make my views known to the committee, and I believe other Senators would have done the same.

It has been one of the basic principles of our Government ever since it was founded that the military would be at all times subordinate to the civilian authority. The reasons for that principle are obvious. They are carefully worked out and explained by the great authors of the Federalist. They are rooted in the experiences of the ancient democracies, when it was found that once the military arm of the government got out of control of publicly elected officeholders, those republics soon came to an end.

Mr. President, I do not consider that we have any tremendous emergency that requires us to break violently with our traditions in this matter. During the past half century we have fought two major wars without sacrificing the principle of civilian control. It is true we are confronted today with a serious situation, but I refuse to believe that no one of the 150,000,000 Americans can handle that situation except a retired general of the Army. I refuse to believe that in this great Nation of 150,000,000 people there is no civilian who can handle this job.

Of course, I understand the pending bill is not supposed to alter our traditional policy, since it makes an exception in just this one case.

Mr. President, I do not believe that argument will hold water. If we pass this bill tonight we are setting a precedent. After we have made one exception in this case it will be easy to make another exception later on. It is always in time of emergency that the first exceptions are made. Later on in more peaceful times those exceptions are used as precedents to change the policy. We have had emergencies ever since 1933 and they never seem to end. Now, in this year 1950, when we are at least not yet involved in any major conflict, we are told that there is such an overriding emergency, that we must ignore our traditions and our basic principles and place the Military Establishment entirely under the control of a former military man.

Mr. President, I want it very distinctly understood, as other Senators have stated for themselves on the same subject, that I have nothing but the highest esteem for General Marshall but I do not believe that he is the indispensable man and I do not believe we should make an exception in his case or in any case.

THE SECRETARY OF NATIONAL DEFENSE

Mr. MALONE. Mr. President, the headlines appearing in the newspapers of today relating to the situation in Korea may go far to prove that the President has fired the wrong man. The headline in the New York Times is as follows:

United States forces land behind Communists in Korea; seize Inchon, port of Seoul; move inland; United States to press Japanese peace pact—three landings made (behind the lines).

MOVE MAY BE SIGNIFICANT

Mr. President, this may be a move of deeper significance than meets the eye of the casual observer. It happened to fall to the lot of the junior Senator from Nevada in 1943 to be with General MacArthur at Port Moresby in New Guinea for a time as special consultant of the Senate Military Affairs Committee, and to make a report to the committee respecting the current situation in that area.

PAST MASTER OF BYPASSING WARFARE

General MacArthur is a past master of the kind of fighting that the headlines disclose to have taken place in Korea

yesterday. He is doing the same thing in Korea that he did in the islands of the Pacific during World War II. He prepares his plans for sudden thrusts behind the enemy and cuts them off. Their supply line is broken—their line of communications is broken, they are left without supplies—cut off from their reserves—and left to come in on their own time.

THE PRESIDENT IS A PATRIOT

Mr. President, I have said before on the Senate floor, and I say it now, that I believe the President of the United States is a patriot, that he is a fighter, but in the humble judgment of the junior Senator from Nevada, which has been expressed before, he is hemmed in by an inept State Department.

LOUIS JOHNSON A PATRIOT

While I am on the subject I want to say that Secretary Johnson is a patriot. He was a former national commander of the American Legion. He is fully as capable and brought more experience and training to the job than any man who has served at the head of any branch of the armed services since 1932.

STRANGE COINCIDENCE

It is a strange coincidence that Mr. Johnson's job was apparently not in danger until he visited General MacArthur in Japan and came back convinced that General MacArthur knew and understood the situation in Asia and knew what to do about it. Obviously the MacArthur policies did not fit in with the State Department's ideas of losing Asia to the agrarian Communists. From then on apparently Secretary Johnson was doomed and I fear that the end is not yet—General MacArthur may be next.

EMOTION AND FACTS—GENERAL FU

Mr. President, emotion is one thing, and looking at the cold facts is another. The junior Senator from Nevada landed in Peiping in 1948. It was said the Communists were 8 miles out. We landed at night, in a plane without lights, and General Fu's staff met us in an automobile, driving without lights.

WHIPPED IN 1946—GENERAL MARSHALL

We spent several hours with the general. He made a statement at that time, and I think no harm will be done if I now repeat what he said. I asked him about the general situation. He said, "I was whipped in 1946 when General Marshall stopped the munitions and guns which America had given to us. The result was that the Communists were able to go through the pass, come into Manchuria, and take the arms that were left there by the Japanese." He said, "I had positive evidence that at least one Japanese munitions plant was in operation in Manchuria, perhaps more. The Russians were operating it. They furnished guns and ammunition to the Communists in addition to those already furnished to the Communists." He said, "I have been able to keep the rail line open to the harbor, but," he said, "the Communists can close it any time they want to." He said, "Unless I obtain substantial help within 30 or 60 days I shall be a prisoner of war." Of course he became a prisoner. That is a matter of history.

MARSHALL DISCOVERED AGRARIAN COMMUNISTS

We all know that General Marshall was the one who discovered the agrarian Communists in China. History will recall, of course, what kind of Communists they are. Perhaps history will not be long in being written, in view of the fact that General MacArthur is beginning to win his battle in Korea, and there will be a showdown very soon as to what the Manchurians and the Chinese are going to do there.

GENERAL MARSHALL A GREAT MAN

Mr. President, I wish to say that I consider General Marshall to be a great man in his place, where his training and experience could be useful when he was within the active-age bracket. General Marshall will be 70 years old in another month or two. He has retired on two different occasions on account of ill health. On the last occasion when he came back the junior Senator from Nevada said he would go out a discredited Secretary of State. In the opinion of the Senator from Nevada, that is just what happened.

SHOULD HAVE RETIRED

Mr. President, the newspapers were good to General Marshall upon his retirement as Secretary of State. Now he comes back after having retired twice on account of ill health. It is the opinion of the Senator from Nevada that he should have retired at the end of his military career for the benefit of his reputation, if nothing else. He has rendered a fine service to the Government of the United States in his military capacity, but in the opinion of the junior Senator from Nevada he was not helpful to this country as Secretary of State.

"BLACK JACK" PERSHING

Mr. President, in 1918 we had another great general, "Black Jack" Pershing, who retired as a full general, with great honor, following World War I. The junior Senator from Nevada, along with many of the men on the Senate floor, served under him in France.

MARSHALL—THE SAME GENERAL

Mr. President, General Marshall is the same general who attended the President at Yalta, where Manchuria was given away to Russia without the consent or knowledge of the officials of China. This is the same general who attended the President when Berlin was given to Russia without any means of ingress or egress. This is the same general who served and attended the President when northern Korea was given away. A sudden switch in policy has sent the boys in there facing the equipment and munitions, much of which was furnished by the European Marshall plan countries financed by the taxpayers of America.

RUSSIA AND IRON-CURTAIN COUNTRIES ARMED THROUGH AMERICAN ASSISTANCE

Mr. President, in closing I wish to say that newspapers are currently carrying the results of what has been known as the Marshall plan. I ask unanimous consent to insert in the RECORD at this point an AP dispatch from London which says that Mr. Churchill is trying to stop shipments of munitions to Russia through the Marshall plan countries.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WINNIE PUSHES VOTE ON BRITISH TOOL EXPORTING

LONDON, September 13.—Winston Churchill called on Parliament tonight to urge the Labor Government to stop exporting heavy machine tools and strategic raw materials to possible aggressors.

The Conservative leader introduced such a motion for debate next Monday and a vote is expected.

The move is another step in Churchill's campaign to force the Government to call off the sale of tools and other machinery to the Soviet Union. He has contended that these sales add to Russia's war potential.

The question was brought into the open several weeks ago by Churchill who told a nation-wide radio audience that Craven Bros., Britain's second largest tool manufacturers, was busily engaged filling Russian orders, including tools for repairing tanks.

The Government acknowledged the sales and maintained that Britain was obligated under trade treaties to fill them.

Mr. MALONE. Mr. President, in this morning's Washington Post there was published an article which speaks of a new Marshall plan being started. It begins:

A major new program of economic aid for the Middle East and South Asia, directed at fighting communism through raising poverty-level living standards, is taking shape in the State Department, it was disclosed yesterday.

Another paragraph reads:

Rather, according to some Economic Cooperation Administration economists, who also back the proposal vigorously, the program would require "more people than money."

I read further along in the article:

The feeling is, however, that although such aid might have to continue over a longer time span than the 4-year Marshall plan, the annual cost would be vastly less.

Mr. President, it just happened that the junior Senator from Nevada visited all those countries.

BACKING EMPIRE-MINDED NATION

I visited Indochina, where we are backing a man who was put at the head of the Government by France. I contacted many of the leaders. They hate America because we are backing an empire-minded nation to maintain virtual economic slavery. We are doing the same thing in Singapore, in the Malayan states.

NEGRO SLAVES IN AFRICA

The money under the Marshall plan which has gone into Africa has been doing the same thing in the case of the Negroes in Africa—parceling them out to the empire-minded nations, with one part going to France, another part going to Britain, another part going to the Netherlands, another part going to Belgium—all without any regard to what the people of Africa themselves want to do with their own country.

Mr. President, we are now moving into a new era—to say nothing of the advisability of passing the proposed law now before us—with apparently Mr. Acheson in full charge of the throttle.

In this connection I ask unanimous consent to have printed at this point in the RECORD a special article by George Rothwell Brown.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLITICAL PARADE

(By George Rothwell Brown)

With the callous heartlessness of a Russian peasant throwing his baby out of the back of the sleigh to save the rest of the family from the pursuing pack of ravenous wolves, President Truman has sacrificed Louis Johnson to his Secretary of State and the Acheson-Lattimore policy in Asia.

Born of political necessity, in a compaign now nearing its end, with the shadows of approaching defeats all along the line closing in on twin deal candidates in a dozen crucial States, the transparent maneuver is too thin to succeed permanently.

An indefatigable left-wing clique in Washington, long out to destroy Johnson, has finally succeeded in "getting" him.

But Secretary Acheson still remains the target at which veterans' organizations all over the country, but especially in the far and middle west, have been aiming.

They have led the way in what has become almost a national crusade.

It is clearly indicated in congressional circles that few expect to see any lessening of the criticism of Acheson as a result of the sacrifice of Johnson to State Department policy.

The Veterans of Foreign Wars, at their Chicago convention last month, adopted resolutions for the ouster of both Johnson and Acheson, in the first case by a vote of 3,495 to 5, and in the second by 3,497 to 3.

The truth of the matter is that the resentment against Acheson is far deeper and of much longer standing in the country than that held against the Secretary of Defense. In many far western States veterans' organizations, including the Legion, for the past 2 months have been adopting resolutions asking for the removal of Acheson, or his impeachment.

In one State, the delegation in Congress was instructed to move for such impeachment.

These instructions have been disregarded, and no resolution for the impeachment of Acheson thus far has been introduced by any Member of the House, in which body under the Constitution impeachment proceedings must be initiated.

Candidates for Senate and House who fully appreciate the sentiment against Acheson in their States are unwilling to predict that the feeling against him will subside, now that Louis Johnson has been made the official administration goat.

Acheson still remains the No. 1 political liability of every Democratic candidate for Congress.

The administration is basing its campaign hopes on a victory for American forces in Korea before the advent of the fateful Tuesday in November that will determine the complexion of House and Senate in the two remaining years of Truman's second term, a prayer shared of course by everyone.

But even a successful offensive movement up the Korean peninsular within the next 7 weeks will not make the voters forget that it was State Department policy which finally forced a showdown in Korea, to save American prestige in Europe, without adequate warning to the Armed Services of its reversal of Acheson's policy to write Korea off.

Such a victory would be Johnson's, not Acheson's.

That is the core and center of the catastrophe which has fallen upon the American people when they thought they had won the World War, only to find that victory had been thrown away by the Communist appeasers in the State Department.

Secretary Acheson has scored an immediate triumph, over the strongest man in the Truman cabinet.

But it may not last until election day.

It can hardly in the long run survive the election returns.

The American people will not be satisfied until Acheson, too, is out.

One down—and one to go.

Mr. MALONE. Mr. President, I ask unanimous consent to have appear in the RECORD at this point an article from the Times-Herald by Walter Trohan, Vinson To Get Acheson Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VINSON TO GET ACHESON POST, CAPITOL HEARS

(By Walter Trohan)

Word was passed in Senate and House cloakrooms yesterday that Chief Justice Vinson may succeed State Secretary Acheson before the November election.

There was no hint at the White House or State Department that Acheson is on his way out, but Members of Congress were convinced he will be sacrificed along with Defense Secretary Johnson to appease voters in the congressional election.

At his news conference yesterday President Truman told a questioner that Acheson is still Secretary of State and will remain so. Members of Congress who believe Acheson is slated to go recalled, however, that Mr. Truman said only last month that both Johnson and Acheson would stay in the Cabinet for the duration of the Truman tenure.

WON'T DISCUSS JOHNSON

Asked what made him change his mind and drop Johnson, Mr. Truman replied only that this was a closed incident and that Johnson's resignation letter and the President's reply letter earlier this week spoke for themselves.

Vice President BARKLEY has confided to Senate cronies his conviction that Acheson will be gone within the month. It has been recognized that the ouster of Johnson has served to increase the demand for the removal of Acheson.

Suggested appointment of Vinson would serve to divert at least for a time the voter wrath that has arisen against the administration on Korea, it was recognized. Appointment of the easy-going, trouble-shooting Chief Justice would meet with less opposition than the naming of General Marshall to follow Johnson, it was said.

VINSON SEEN AVAILABLE

Democrats were certain that although Vinson has no desire to exchange posts, he could be persuaded to leave the high court for the good of the party. They said Vinson could be offered the vice presidential nomination in 1952 and a chance at the presidential nomination in 1956. Vinson is 60 years old.

It was recalled that in the final days of the 1948 Presidential campaign Mr. Truman planned to send Vinson to Moscow to meet with Stalin in an effort to solve American-Soviet conflicts. At the last minute the plan was abandoned, because it was felt the step might embarrass Marshall, then Secretary of State.

Mr. Truman was reported to be turning to Vinson again as the one man whom he could employ to fill Acheson's post without any loss of face for making the change.

WIDE GOVERNMENT EXPERIENCE

Vinson left a court post for a war job without any question. After years of service in Congress he was made a justice of the court of appeals. He left the bench to become stabilization director without knowing what job he was taking. He left at the request of the late President Roosevelt, who phoned Vinson to say he was needed for a war post.

TRUMAN SETS RECORD IN CABINET TURN-OVER

With the departure of Defense Secretary Johnson this week the record indicates that President Truman, since he took office just five and a half years ago, has hired and fired more Cabinet members than any President in the same length of time.

Mr. Truman started with the late Edward R. Stettinius, as Secretary of State. Replaced him with former Senator and Supreme Court Justice James F. Byrnes; fired Byrnes, gave the job to General Marshall, and then replaced Marshall with Dean Acheson.

Over in the Treasury, Mr. Truman started out with Henry Morgenthau, Jr.; dropped him for Fred M. Vinson, then put Vinson on the high court, and selected John W. Snyder for the job.

As heads of the Armed Forces, Mr. Truman has had Henry L. Stimson and Robert P. Patterson as Secretary of War, the late James Forrestal as first chief of the newly created defense set-up, and then Johnson and General Marshall.

Mr. Truman has had three attorneys general—Francis Biddle, present Supreme Court Justice Clark and former Democratic national committee chairman, J. Howard McGrath.

There have been the same number of Cabinet shifts of postmaster generalships—Frank C. Walker, Robert E. Hannegan and Jesse Donaldson.

Over in Interior, Harold Ickes quit to be succeeded by Julius A. Krug, who in turn was fired to make way for Oscar Chapman.

EPIDEMIC OF BREAKING PRECEDENTS

Mr. MALONE. Mr. President, in closing, I wish to say that in the last 18 years we have had an epidemic of breaking precedents. I am not married to precedents. However, when they are good precedents—as, for example, the precedent of not more than two terms for Presidents; the precedent of a civilian at the head of our National Defense Establishment, so as to prevent an overemphasis of militarism in that position—they should be seriously considered and should be followed, if humanly possible, as has already been stated by other Senators who have spoken on this subject in the course of this debate.

Therefore, Mr. President, I shall vote against any change in the law at this time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Kent, its enrolling clerk, announced that the House had passed a bill (H. R. 9646) to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense, in which it requested the concurrence of the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a bill which just came from the House of Representatives, which the clerk will state.

The LEGISLATIVE CLERK. A bill (H. R. 9646) to authorize the President to appoint General of the Army George C. Marshall to the Office of Secretary of Defense.

The VICE PRESIDENT. Without objection, the House bill will be substituted for the Senate bill.

Is there objection to the present consideration of the House bill?

APPOINTMENT OF GEN. GEORGE C. MARSHALL TO THE OFFICE OF SECRETARY OF DEFENSE

There being no objection, the Senate proceeded to consider the bill (H. R. 9646) to authorize the President to appoint General of the Army George C.

Marshall to the Office of Secretary of Defense, which was read twice by its title.

Mr. KNOWLAND. Mr. President, before we reach the point of voting on the bill, I should like to ask for the yeas and nays.

The VICE PRESIDENT. An opportunity to make that request will be available later on.

Mr. MUNDT. Mr. President, I assure my colleagues that I shall not detain the Senate long before we reach the time of voting on the bill. As a matter of fact, I had no intention at all of discussing this legislation. I simply expected to vote my convictions, when the time to vote came.

However, due to the rather unexpected trend of this debate, it seems to me that it is necessary for one who is a member of this body to make clear, in advance of the vote, his reasons for voting as he expects to do on this particular measure, lest by that vote he be understood either to be labeling General Marshall as a sort of villain in a tragic national role or as the chief architect of a disastrous foreign policy, or on the other hand that by his vote he be understood as placing a stamp of approval upon the entire evolvement of our foreign policy during the period of time when General Marshall was a prominent figure in our Government or its Department of State.

I have no desire to discuss that phase of the situation at all this afternoon. I take the floor at this time primarily to point out that my vote will not be based on any consideration whatever of past acts and facts, which history alone can fully evaluate, with regard to the part General Marshall has played in the events of the last decade or so.

I have no question in my own mind about the patriotism of General Marshall. I have always respected him as a great soldier and as a distinguished American military leader. I do so today.

I think perhaps there is some merit in what the Senator from Nevada [Mr. MALONE] said just now, when he told the Senate that if it was necessary, as it appeared to be, to end the unhappy feud which was going on in the President's Cabinet between Secretary Acheson and Secretary Johnson, it is at least conceivable that the President may have fired the wrong man.

In all events, I have never been one of those who joined the hatchet crew that went after Mr. Johnson so hard when he was Secretary of National Defense. Like all of us, I was amused by the manner in which his "wisecrack" at the National Defense Conference boomeranged, when he told the world that if Russia were to strike at 4 o'clock we would be ready to strike back at 5 o'clock. I think that, at worst, that probably was an unfortunate statement which undoubtedly was not intended to be related to the Korean situation. In any event, I doubt that the statement was serious or significant enough to warrant a man's being ousted from the President's Cabinet because of that verbal faux pas.

However, I do not wish to appear here as an advocate of so great and so articulate and so aggressive a Democratic leader as Louis Johnson. I served in a similar capacity a few nights ago when I took the floor of the Senate to pay tribute to Mr. Tom Murphy, the Assistant Attorney General, because of his imminent departure from the President's Cabinet, and because no Democrat had risen to pay him a well-merited tribute.

I simply wish to point out that, like all other Americans, I have regretted the rather nasty feuding which went on between Mr. Johnson and Mr. Acheson, and I can recognize that the President had to find some answer to it. I think it probably would have served America better to have removed both of them simultaneously, if the President could not induce both of them to smoke the pipe of peace in public together.

However, I do not wish to be understood as casting my vote on this particular measure on the basis that it represents, in my opinion, either a criticism or a commendation of George Marshall, the man. I think other more important issues are involved.

I have been impressed by some of the arguments to which I have listened in the course of the debate in the Senate this afternoon concerning the precise decision which is before us; should we change a Federal statute in order to permit some specific individual to serve as Secretary of National Defense?

In the first place, I am motivated by the fact that I cannot make myself believe that it is necessary to appoint George Marshall to be Secretary of Defense, because, as has been pointed out by Senators better qualified than I to speak on this subject, the President could have made available to himself the great counsel of George Marshall on military matters, without appointing him Secretary of Defense. Nobody would object and it would be a proper and established procedure for President Truman to make General Marshall his personal military adviser or counselor. In that capacity Marshall could be the President's contact with the Cabinet and with the Pentagon on all military matters.

So, in the first instance, it is not in answer to the need of the President for wise counsel on the part of five-star general, that we are asked to break this precedent by repealing in fact a law which Congress so carefully and deliberately enacted in the national interests. It was a law for which I voted as a Member of the House.

The second reason why I look with disfavor upon Senate bill 4147 or House bill 9646 is the fact that I sense a growing danger in this country of having the Congress gradually become simply a servile, echoing medium of the Executive. I think it is exceedingly unfortunate that the President took this particular way of trying to force the proposed legislation through the Congress. I think it is a very dangerous precedent when the Chief Executive announces in advance that he is going to defy the law and make a decision in violation of the law, and that he expects the Congress of the United States to act in conformity with his demands, so as to legalize it. There must have been a better way, some way more in keeping with the old-fashioned notion that the Congress is a coordinate branch of the Government, some better way of trying to bring about this decision, if the President really felt that it was necessary.

I think this body cannot constantly and continuously and repetitiously vacate its position and vacate its authority and scrape and bow at the call of the Executive, and yet expect to continue to be considered a coordinate branch of the Government of the United States. So I deplore the fact that this particular method of shotgun legislation was employed. Unless we use our authority as a coordinate branch of Government, someday we may very well completely lose it.

The third argument which it seems to me is significant in this connection, as I consider the office of Secretary of Defense and the wisdom of the Congress and of the country, as manifested in the Unification Act and throughout our tradition of asking that the head of that department be a civilian, is the fact that that great civilian Cabinet post is primarily a position of administration and a position of serving as an arbitrator. Under the Unification Act, the Secretary of Defense is expected to be a coordinator between the representatives of the respective armed services, each of whom—with zeal and zest and desirable and understandable enthusiasm for his particular branch of the armed services—advances the cause and the needs of his particular branch of the service.

It was conceived, as I recall, in the course of the long debates which occurred in the House of Representatives where I then served when the Congress was considering the Unification Act, that the man who would occupy the great civilian post of Secretary of National Defense would be a man who would be above and beyond the particular prejudices and bias and enthusiasms of the respective branches of the armed services, so that he could consider the demands of the Navy, the Army, the Marine Corps, and the Air Force, and then make a decision which he conceived to be in the interest primarily of the national defense. He would sit in judgment with no preconceived prejudice, bias, or service loyalties.

Certainly I would believe, and I am sure, that General Marshall, sitting in that capacity, would do his level best to dissociate himself from his some 40 years of military experience in a single branch of the service. But I know, too, that he is enthusiastic enough for the service so that during those many years of service he understandably has acquired an attachment for the branches of the service with which he was connected, and an understanding of them, together with a special loyalty for them. I believe it utterly impossible for any man who has specialized for a long while in a single branch of the service to look as objectively upon them as a man coming in from civilian life who could arbitrate and coordinate the differences equitably.

The fifth argument which impresses me, Mr. President, is the fact that I do not think this country should throw out to the world today the word that we, too, are slowly but surely succumbing to the doctrine that men become indispensable in any position in our public

life. I grant that General Marshall is a great soldier; I grant that he is a great leader and a great administrator in military matters. But I deny with all the vehemence of which I am capable that this country would go to pot and lose the war had unhappily George Marshall passed away 2 weeks ago.

I deny that we are that devoid of leadership. I deny that we cannot find men equally able in this critical period, selected from civilian life as the law of the land said we should do, to fill this position. It is because of those five reasons, Mr. President, that I am going to vote against Senate bill 4147, with the hope that my explanation will be clearly understood as not being a vote of criticism of George Marshall, the man, nor as a vote attempting to pass a verdict upon the contributions—good or bad—which Marshall made in his civilian capacity as Secretary of State.

Like many other Americans, I have been disappointed by some of those decisions. I have questioned and criticized them and I am deeply worried about the results of them. But certainly when George Marshall acted in a military capacity as Chief of Staff and as the great soldier that he was, he served the country well, and I am convinced that any mistakes that he made either then or as Secretary of State were mistakes of the head, not of the heart; that George Marshall, even serving in that civilian position for which he was not trained nor adequately prepared, as Secretary of State, strove according to the lights that he had to do the things that he felt were to the interest of world peace and of his country.

I do not want to be understood as subscribing to the theory that I consider George Marshall the Machiavellian villian of an American tragedy in foreign policy simply because I refuse to vote for a violation of the law in order to move in the direction of the doctrine of indispensability by now putting George Marshall into a position which, though I think he can serve it well, I do not believe he can serve any better if as well as some other American in civilian life of whom I am sure we have many who could do the job with equal dispatch and equal efficiency. The destiny of America is not today tied to the availability of any individual man.

Mr. LUCAS. Mr. President, I desire to say but a few words before a vote is taken on the pending bill. First, I wish to commend the majority upon the report which has been made and which sets forth their feeling about the Unification Act of 1947, and expresses the view that the restriction which we made at that time was a wise one and "necessary if our traditional concept of civilian control over the military is to be maintained."

The arguments which have been made here, or at least some of them, apparently do not take into consideration what the able Senator from Virginia [Mr. BYRD] said in his remarks in defense of the action of the Armed Services Committee in reporting the bill, namely that this is the most menacing period this country has probably ever faced. I have said on many occasions, and I now repeat, that, as a result of the communistic ideology which the free world must face, America is passing through what I honestly believe to be the most dangerous period of its existence, at least since the founding fathers gave us liberty in 1776. The Korean incident is not so simple as some persons seem to think. It is, in my judgment, more or less a continuation of the age-old struggle between tyranny and liberty which has been going on since the dawn of civilization. It must be apparent that at this particular time the best man in America that we can find to do the job as Secretary of National Defense is none too good.

I say to you, Mr. President, the American people are fortunate in this hour of crisis to find a man with the ability and the integrity and the sterling patriotism of George C. Marshall. I first met him in 1935, when, as a colonel in the Regular Army, he came to Illinois as the senior instructor of the Illinois National Guard. I saw in the man something worth while from the standpoint of effectiveness and ability in the training of soldiers. He brought something to the Illinois National Guard that had not been there before.

Since then, Mr. President, I have seen him from time to time in different capacities in the Government. But I also saw him in Paris 2 years ago on a memorable occasion, when, as the representative of the United States, he was attending a meeting of the Security Council of the United Nations Organization. Anyone who attended that historic conference knew that George Marshall stood head and shoulders above all others in that great assembly of men who were representing their respective nations. The free world at that particular time, and in that conference, was looking to Marshall to lead the way.

When George Marshall returns to the public service as Secretary of Defense, I undertake to say that not only will the morale of the American people be lifted, but the morale of the people in the other free countries of the world will also be lifted and sustained. That is what we need at this moment as much as anything else. This proposal is unusual, of course. But these are unusual times.

In connection what what has been said about General Marshall's past, I may say that, so far as I am concerned, I think it has been wonderful, referring particularly to the feats he performed as head of the united forces in World War II. In my judgment, they will go down in history as among the great military feats of all time. I think he can well be classified as one of the greatest military leaders the world has ever produced, if not the greatest.

As Secretary of State, certainly General Marshall was not a failure. He has not been a failure as head of the Red Cross. He has always been ready to serve his country. Now, at the age of 69, when called back into service by the President of the United States, he, in substance, said, "If you want me, if my country needs me, I am ready to serve."

Mr. President, no one is indispensable; but I undertake to say that no man is better equipped and better qualified to perform the service which is absolutely essential as head of the national defense than is George Marshall.

Much has been said about General Marshall with respect to what he did in China. President Truman sent him there to bring about an end to the bloody civil war which had inflicted so much suffering on the Chinese people and which had created the social unrest which led many Chinese to turn to the Communists in sheer desperation. He succeeded in obtaining a truce between the opposing forces in China. Later the truce was broken, and the Nationalist Armies collapsed.

General Marshall did not succeed in establishing permanent peace in China. China has been torn apart by warring factions for many years, and the problems of the Chinese people have become more terrible year after year. If George Marshall did not find a lasting solution for the Chinese puzzle, that is proof to me that no man could have found it under the conditions which have existed there since 1945.

Mr. President, I could go on and talk about the Marshall plan which came into being through the genius of this man, and which I have supported throughout the years it has been in operation.

Mr. President, I desire to commend the Republican Senators who have come to the defense of George Marshall. I think it is one of the most commendable things I have seen. They are men who do not look with favor upon the idea of changing the law, but nevertheless they stand four-square back of the ability, the patriotism, and the integrity of George Marshall. I heard only one Senator on the floor of the Senate today say anything derogatory about the character and the patriotism of George Marshall, and I think it was most unfortunate that the Senator from Indiana [Mr. JENNER] should have made the following with reference to him:

> General Marshall is not only willing, he is eager to play the role of front man for traitors. The truth is this is no new role for him, for Gen. George C. Marshall is a living lie.

Mr. President, I have been in the Congress of the United States for 16 years. I have heard a great many speeches on the floor of the Senate and of the House of Representatives. I regret that the Senator from Indiana made the speech which he made today. I could answer it line for line and word for word, but I shall not dignify the Senator from Indiana by answering what I consider to be the most venomous, the most diabolical, the most reprehensible, the most unfortunate and irresponsible speech I have ever heard made on the floor of the Senate or of the House of Representatives.

The VICE PRESIDENT. The question is on the passage of the bill.

Mr. FERGUSON. Mr. President, the Senator from Michigan believes that this is a bill on which a Senator of the United States should express himself. I do not believe that a vote one way or the other will speak to the people as to how one feels with reference to this particular bill.

I realize that it is not a vote under the Constitution to confirm the nomination of George C. Marshall to the post of Secretary of Defense. This is a bill to change and alter a law which is now on the statute books of this Nation.

A provision of that law is that there shall be a Secretary of Defense who shall be appointed from civilian life, by and with the advice and consent of the Senate. I emphasize "civilian life." In order that there could be no misunderstanding as to what was meant by the words "civilian life," we further provided in the law that a person who has within 10 years been on active duty as a commissioned officer in a regular component of the armed services shall not be eligible for appointment as Secretary of Defense.

Mr. President, the Secretary of Defense has a place in this Nation which is unique in our Nation and in all other nations. We have prided ourselves upon the fact that we honor military men; we honor them for the defense of our country. We recognize great military genius, and we recognize in George Marshall the great military genius which he possesses. But I repeat, Mr. President, this will not be a vote upon the qualifications of the man for the job.

There is not such an emergency, in the opinion of the Senator from Michigan, that we should alter the traditions of the American way. The situation is not such as to impel us to change the law at this time. We realize that what we call a police action in Korea is really and in effect a war. But, Mr. President, we went through 5 long years of war in the Second World War, and we have not yet obtained peace. While that war was going on, the Congress solemnly passed the law to which I have referred. There is no impelling need for its change now.

Our forefathers were not unmindful of the military and of its place in the life of America and America's institutions. They realized that under British law England had its problems, and they placed in the Constitution a provision that the Congress of the United States cannot appropriate to the Army for a longer period than 2 years. Would we in this emergency say we should repeal that amendment to the Constitution of the United States? I believe we would not.

Oh, yes, Mr. President, these are serious times. And the Secretary of Defense has a very vital place in the scheme of our defense. He is a coordinator of the various services which we place under him and under the Chiefs of Staff by the Unification Act.

But let us look further at the office in which we are asked to place a five-star general. By virtue of the law, incidentally, he is still in active service. Under this bill George C. Marshall is not to resign his military commission. The committee was careful in the bill to keep him as a military figure, as a five-star general, the General of the Army of the United States.

The bill provides, on page 2, line 5, as follows:

Provided, That so long as he holds the office of Secretary of Defense, General Marshall shall retain the rank and grade of General of the Army which he now holds in the Army of the United States and he shall continue to receive the pay and allowances (including personal money allowance) to which he is entitled by law, and in the event the salary prescribed by law for the office of Secretary of Defense exceeds such pay and allowances, General Marshall shall be authorized to receive the difference between such pay and allowances and such salary.

So, Mr. President, it is clear that what we are doing is keeping him as the General of the Army of the United States. But as Secretary of Defense he will be over and above the Secretary of the Army, who is a civilian. He will be over and above the Secretary of the Air Force, who is a civilian. He will be over and above the Secretary of the Navy, who is a civilian.

Now let us recall the mission of the Chiefs of Staff, and in so doing remember the military discipline which teaches men to be obedient to the Commander-in-Chief, and let us see whether the Chiefs of Staff will be able to function objectively in their role as military experts under a man who is superior in office and in grade to every one of those men.

The question which we face here is not the capacity or ability of Gen. George C. Marshall to do this job. The President of the United States could otherwise have obtained the genius of this great soldier. He could have made him Chief of Staff, or he could have placed him in any of the military offices in the organization of the Chiefs of Staff.

He could have obtained his services. He could have done as he did with Admiral Leahy. He could have made him his personal aide or representative, and thus obtain the military services of this great genius. No. The President did not see fit to do that. He saw fit to ask and demand of Congress that we change the very fundamental American principles on this subject.

I say today that this great office of the Secretary of Defense is standing between the private civilians, the people of America, and the Army of the United States. We solemnly declared—and it was upon the advice of George C. Marshall, upon the advice of General Eisenhower and, yes, upon the advice of Harry S. Truman, President of the United States—that this great office of Secretary of Defense should be occupied by a civilian, so that he would stand between the military and the civilian people of the United States of America.

The Senator from Michigan is of the opinion that the President, is able to obtain the services of this man so far as his military genius is concerned in another way than placing him as Secretary of Defense, in violation of the law and its purposes no matter what exception we may write in by the pending bill.

Therefore, the Senator from Michigan cannot vote to change this law. Again he states that by so doing he is not passing upon the ability and capacity of Gen. George C. Marshall to do the job. He simply believes that the job of Secretary of Defense should remain in the hands of a civilian, to stand between the people and the Army, and that if General Marshall's services are so vital at this time his genius can be employed through other channels.

Mr. DONNELL. Mr. President, after hearing the debate this afternoon, I have come to the conclusion that I should vote against the pending bill, which I understand is H. R. 9646. I should like very briefly to state the reasons on which I have arrived at my conclusion.

Mr. President, I may state that I came here this afternoon without any final decision, and it has not been easy to make one. It appears to me from the debate this afternoon that it is generally—indeed, I may say almost universally agreed—that the best interests of the Nation require as a general rule that a civilian and not a military man should occupy the office of Secretary of Defense. The Senator from Washington [Mr. CAIN] summoned six witnesses before us this afternoon. Some of them have been referred to by the Senator from Michigan, whose expression was made but a moment ago.

The very fact that the National Security Act of 1947 itself prescribes not once, but supplements the first statement by a further significant observation, indicates the opinion of the Congress, as I see it, to be that it is a civilian and not a military man who should be Secretary of Defense.

Mr. President, the National Security Act of 1947 prescribes that the Secretary of Defense shall be appointed from civilian life. As was pointed out but a moment ago by the Senator from Michigan the second portion of the sentence to my mind is of even greater significance than that which was assigned to it by the Senator from Michigan. He quoted the proviso. After saying that there shall be a Secretary of Defense who shall be appointed from civilian life, the Congress of the United States set forth its view that even if a particular individual is in civilian life, he cannot even then be appointed as Secretary of Defense unless he shall not be prohibited by this proviso:

Provided, That a person who has within 10 years been on active duty as a commissioned officer in a regular component of the armed services shall not be eligible for appointment as Secretary of Defense.

Therefore, Mr. President, Congress has not only said that the Secretary of Defense shall be appointed from civilian life, but it has gone farther and pointed out by this clear proviso that even if a specific individual is in civilian life, he still cannot be appointed unless he shall not within 10 years have been on active duty as a commissioned officer in a regular component of the Armed Services.

In its report on Senate bill 4147, the committee itself recognizes the fundamental importance of the tradition that a civilian and not a military man shall be the head of the Department of Defense.

I quote from the committee report:

The committee does feel, however, that the proviso contained in the above quotation from the National Security Act of 1947 is a wise restriction, and is necessary if our traditional concept of civilian control over the military is to be maintained.

The committee then proceeds to say:

The committee therefore take the position that although the existing limitation against

the appointment of a military man as Secretary of Defense should remain in the permanent law, the seriousness of the situation facing this Nation, coupled with the outstanding ability and prestige of General Marshall, fully justified an exception to the general rule.

However, the committee does point out clearly and distinctly its recognition of the fact that the existing limitation should remain in the permanent law.

A short time ago there was pointed out on the floor of the Senate the fact that this very afternoon the House of Representatives has distinctly recognized the fundamental importance of this tradition in a significant section which it has added to the bill. It is section 3 and reads as follows:

It is hereby expressed as the intent of the Congress that the authority granted by this act is not to be construed as approval by the Congress of continuing appointments of military men to the Office of Secretary of Defense in the future. It is hereby expressed as the sense of the Congress that after General Marshall leaves the Office of Secretary of Defense no additional appointments of military men to that office shall be approved.

I pause, Mr. President, to point out what to me seems to be a very clear fallacy, if I may term it that, in the sentence, namely, the expression that it is the sense of the Congress that after General Marshall leaves the Office of Secretary of Defense no additional appointments of military men to that office shall be approved. How can the Eighty-first Congress of the United States lock the door on all future time with respect to whether or not additional appointment of a military man to that office shall be approved?

Mr. President, that which has caused me to come to the conclusion to vote against the bill is the fact that no matter what language may be employed, no matter how the framers of the bill may state the proposition, the bill constitutes a precedent authorizing the appointment of a military man to be Secretary of Defense.

The very language I have quoted in the bill passed by the House of Representatives recognizes, as I see it, the fact that this is in effect a precedent, and then warns us twice in the two sentences in the last section that it shall not be considered as a precedent.

Mr. President, suppose that 5 years or 10 years or 20 years from now the then President of the United States should seek the appointment of a military man to be Secretary of Defense.

Of course, the President at that time could consider a situation then existing to be an emergency, just as the present President of the United States considers our present situation to be an emergency, and of course the then President of the United States would consider his nominee to be essential to the safety of the Nation. It seems to me perfectly clear that the action which the Congress of the United States will have taken here on the 15th day of September 1950, will be considered to be, and will in fact be a precedent which can be cited by the President of the United States 5, 10, 20 years from now to support similar action which he may propose.

Though disguised language—and I do not charge bad faith in saying that—sugar-coated language, or whatever it may be called, may be used, this will be considered as a precedent, and cited as such.

Mr. President, the pending bill means a departure, and a serious departure, from the sound principle recognized in the National Security Act of 1947, recognized in the report of the committee, and recognized in the action of the House of Representatives today, namely, that the office of the head of the Defense Department of the Nation shall be a civilian, not a military man.

Like some of the other speakers, I cannot bring myself to the opinion that there is a situation now existing in which there is only one man in the United States who is capable of occupying this position with entire satisfaction and with entire safety to the Nation. I cannot believe that to be the situation.

There is an old motto I have cited once or twice on the floor of the Senate, and I am going to close by citing it again. It is the motto, "Resist beginnings." It is the translation of the Latin "Principiis obsta." It means not to start, not to take the first step, just as the Senator from Iowa [Mr. HICKENLOOPER] quoted the Chinese proverb this afternoon, that "A journey of a thousand miles begins with the first step." So if we pass this bill, regardless of what we may consider the present emergency, nevertheless, it is a step, it is a precedent, it is a dangerous departure from the traditions of the United States.

Mr. ROBERTSON. Mr. President, I had not intended to speak on the pending bill. The senior Senator from Virginia [Mr. BYRD], my distinguished colleague, so ably presented the issue to the Senate today that I felt it was unnecessary for me to indicate my complete approval of what he said.

Unfortunately, however, the debate has gone far beyond the issue of whether or not it is advisable to amend an act Congress passed in 1946. So far as I know, it was the first time Congress had ever passed such an act, in which it was written that no military man, within 10 years of the time he had had active service as an officer in the Army, should hold the position of Secretary of Defense, a new position which was created by the act of 1946.

I say that I, and if I judge the reactions of the Senate, the entire membership of this body, sat in stunned silence for an hour this afternoon when we heard this debate go far beyond the issue of whether or not in this emergency we should back up the action of the Commander in Chief of the Nation in selecting the ablest military man of our day and generation to head up the defense effort.

Edmund Burke once said that nations do not learn by experience.

Brutus was a very sincere man, a little fuddleheaded, though very sincere, but Cassius planted the seeds of distrust in his heart against the greatest military leader Rome had ever produced; a man who contributed more than any other man to establish the Roman Empire. Brutus loved democracy, and he joined in the conspiracy to stab to death his friend, Caesar. What happened? A revolution followed in which Brutus lost his life, and Rome lost its liberty and never regained it.

Mr. President, 800,000,000 people today live under a dictatorship. That is our challenge. They are envious of the personal freedom which we enjoy to a greater extent than it is enjoyed by the people of any other nation in the world. They are envious of our prosperity. They would destroy us. They would take our prosperity away from us, and we are arming to defend ourselves against a possible attack. In the Orient there are 400,000,000 such people, and in eastern Europe 400,000,000 more.

Mr. President, as I have said, the debate went beyond the issue of whether it is wise to amend an act passed by Congress only 4 years ago. We sat here and heard criticism of a man who is already so great that, pondering his life and career, every Member of this body, if he would be sincere about it, would say in his heart of hearts, "I hope my position in history's hall of fame will be as high and as secure as that of George Marshall." We heard him criticized as a traitor, for living a lie, as being a part of a conspiracy to betray the Nation to the Communists.

Mr. President, those things disturbed me, for the reason that nearly 2,000 years ago a man betrayed the only perfect man who ever lived, and in 2,000 years mankind has not gotten over the blow to its confidence that action caused.

We face a great emergency. We in the Congress do not have the power to pick those who are going to lead us in the emergency. We can turn down George Marshall, but we cannot pick anybody else in the place of George Marshall. In the present emergency we cannot change the leadership at least for another 2 years. But I will tell my colleagues what some can do. They can constantly criticize those who are leading us in the emergency, they can constantly implant in the hearts of 152,000,000 people the seeds of distrust and suspicion, until history will repeat itself, and we will have a revolution on our own hands, without the 800,000,000 Communists who seek to destroy us taking any part in it. That is what disturbs me about this issue.

Mr. President, I have personally known George Marshall for 25 years. His lovely wife is from my home town. He was educated at VMI, in my home town. He used to play tackle on the football team at VMI. He is not so large a man as I am. I played tackle for 3 years on the varsity team, and from what the boys tell me about George Marshall—and he played before I did—he was a better tackle than I was. I served for 2 years in World War I. Few know and none will remember what I did in World War I, but we have had recorded in history that General Pershing stated that the young George Marshall was the ablest man that served under him during the entire war.

Then we come to World War II, and George Marshall, a genius in logistics, a genius in picking men, a genius in organizing the military potential of the

Nation, organized the greatest Army we have ever had, and won for us on the battlefield the greatest victory we ever won.

Oh, I hear now that, "We do not challenge that George Marshall was a military genius; we do not challenge the fact that he was a genius in organizing the resources of the Nation, which is logistics, and in getting them together for a military effort. No; we do not challenge that. We just do not like the idea of changing an act, passed for the first time 4 years ago, which provided that within 10 years of his service in military a man could not serve as Secretary of Defense."

I go back, Mr. President, to VMI. As Webster said about Dartmouth, "It is a small school, but there are those who love it". A few years ago VMI celebrated its first centennial. It is modeled after West Point. We give the men at VMI military training. West Point trains its men to be professional soldiers, and VMI trains its men to be good citizens. It gives them military training in case there should be an emergency, and, thank God, they have responded in every emergency. There were more general officers in World War II from VMI than from any other educational institution in the entire United States, except West Point. Yet we have only had 600 or 700 boys there at a time, although there are now about 800, because, fortunately, the barracks have been enlarged.

Some years ago VMI was fortunate to obtain as superintendent a great soldier and a lovable man, John A. Lejeune, a great Marine who won all the decorations the Nation could give him, including the Congressional Medal of Honor. In the Memorial Chapel at Washington and Lee, on Memorial Day I heard General Lejeune say: "At VMI we teach no ism except patriotism."

That, Mr. President, is what VMI taught George Marshall for 4 years when he was a cadet there. Being at the top of his class, and the Government establishment giving VMI the privilege of placing three or four of the top cadets in the Army and the Marine Corps, he went in the Army. And, as I stated, he was outstanding in World War I.

In World War II he was the greatest leader in the entire war. I do not except anyone.

Then he retired from active military service. He accepted appointment on the VMI board, and I served with him on that board. Is that the work of a man who wanted to be dictator and had nothing but a military mind? He wanted to devote his years to training the boys at VMI in the way he had been trained. He wanted to keep up that record.

He served as Secretary of State. That is not a military post. Then he served as chairman of the Red Cross. Is that the work of a cold-blooded military man who thinks only in terms of fire power and cannon fodder? What was the origin of the Red Cross? I believe it started back with Florence Nightingale in the Crimean War. Now it is a world organization. All of us contribute to it in its annual drives. It is devoted to the preservation of suffering humanity.

Oh, but we cannot have that kind of a man! Oh, it would not do to trust him as Secretary of Defense! I tell you, Mr. President—and I shall not detain the Senate longer, although I feel very deeply on this subject—George Marshall is a loyal and patriotic American citizen. George Marshall is a military genius. George Marshall is a statesman of first rank. George Marshall has as much of the civilian mind, as much of brotherly love, as much of the desire to promote the general welfare of the Nation, as any Member of the Senate or anybody in the entire United States.

I said, Mr. President, I had not planned to speak. I apologize for taking so much of the time of the Senate so late in the evening. But feeling these sentiments deeply as I do, I would be false to every impulse if I did not stand before the Senate and bear testimony to a man I have known for 25 years.

Mr. TAFT. Mr. President, I shall vote against the bill exempting General Marshall from the requirement that the Secretary of Defense must be a civilian. I wish to endorse everything that was said by the distinguished Senator from California [Mr. KNOWLAND] in his general objection to the passage of a bill which proposes to exempt the present situation from a policy which no one can rightly question. If the bill is passed, I shall also vote against the confirmation of General Marshall to be Secretary of Defense.

I have a high regard for General Marshall's character and integrity and his ability as a soldier, but in this national crisis there are many reasons why he should not be Secretary of Defense.

First. The Secretary of Defense should be a civilian. No one even disputes the fact that this basic principle of the Unification Act is right. Furthermore, we need now a complete reappraisal of our military policy with special reference to the air defense of the United States and the commitment of large ground forces to Europe. General Marshall, like anyone who has served all his life in the Army, has certain definite views on military policy to which he is committed. Human nature being what it is, he must always be in the position of defending and justifying the policies he has supported in the past. Furthermore, an officer of one of the services, such as the Army, must inevitably be more interested in and sympathetic to its operation than in that of the other two forces, such as the Navy and the Air Force. These are some of the reasons why the Secretary should be a civilian, and why the law so provides.

Second. The job is the most gruelling and controversial in the entire Government, and General Marshall is not in good health. He resigned as Secretary of State for that very reason.

Third. The appointment of General Marshall is a reaffirmation of the tragic policy of this administration in encouraging Chinese communism which brought on the Korean War and has made the whole situation so precarious in the Far East. General Marshall in China tried to force the Chinese Communists into the Nationalist Cabinet, a policy which was followed so disastrously by the Benes government in Czechoslovakia. He is a good soldier and undoubtedly he was acting under orders from the President. But he adopted certain policies then which he must now feel the necessity of justifying in future action. If I voted for General Marshall I should feel that I was confirming and approving the sympathetic attitude toward communism in the Far East which has dominated the Far Eastern Division of the State Department; and that I would be approving the policies of Secretary Acheson in China, Formosa, and Korea. I believe that a continuation of those policies may easily bring disaster to the people of the United States.

Mr. President, I have in my hand an editorial from the Washington Daily News, a Scripps-Howard newspaper. A similar editorial was published in all the Scripps-Howard newspapers throughout the United States. This editorial appeared in three of the leading Ohio newspapers on Wednesday. I have yet to receive a letter criticizing or a letter which does not agree with the principles therein stated.

I wish to read the latter part of the editorial, because it states so clearly my own views on the general subject:

General Marshall is a professional soldier—a great one—to whom this country owes great gratitude for military services of the highest order.

But the law which intends that the Department of Defense shall be headed by a civilian is a wise law, supported by sound American traditions. Changing that law to make an exception in the case of General Marshall would establish a dangerous precedent. This newspaper believes that Congress should not change it.

Moreover, the General's legacy of mistakes in State Department policy would handicap him heavily as head of the Department which now must try to overcome the consequences of those mistakes.

Calling up a big name from retirement for that job impresses us as a political attempt to gloss over a situation distasteful to Mr. Truman. But it is not good politics for General Marshall, for the Defense Establishment, or for the country. The position demands an able, vigorous, wise civilian administrator, free from any necessity to defend past errors, free to devote his full time and energy to defense of America.

Mr. President, I ask unanimous consent to have the entire editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNLOADING A LIABILITY

Defense Secretary Louis Johnson's resignation came as no surprise, despite President Truman's recent statement that Mr. Johnson and Secretary of State Acheson would never leave his Cabinet.

This is an election year.

Some of the Secretary's decisions, the bad consequences of which have been revealed by the Korean War, had made him a political liability.

Mr. Johnson's hard-boiled economy program made him many enemies. But he is a determined, courageous man, who might have taken hostile criticism in stride if he had not put all his defense eggs in one basket.

He accepted the popular thesis that victory in war could be achieved by air power alone, and more particularly by strategic

bombing. When the United States became involved in a war in which the atomic bomb could not be used it found itself with a Defense Establishment not geared to wage any other kind of war.

So Mr. Johnson became another casualty of Korea and of politics.

He also was the victim of certain circumstances over which he had little or no control.

Long before he took office blunders in American foreign policy—blunders for which Mr. Truman has basic responsibility—had set the stage for the abandonment of Nationalist China and the eventual Communist invasion of Korea.

Moreover, it had been decided not to defend Korea from such an invasion. When that decision was reversed overnight, and properly reversed, Mr. Johnson and our other military planners naturally were not prepared for the emergency suddenly thrust upon them.

Secretary Acheson sponsored many of the unwise policies which contributed to Mr. Johnson's undoing. Mr. Acheson inherited those policies, especially the disastrous China policy, from his State Department predecessor, Gen. George C. Marshall.

Yet President Truman has selected General Marshall to succeed Mr. Johnson, and will ask Congress to make that possible by changing the law which forbids appointment as Secretary of Defense of any person who within 10 years has been an active officer in the Regular armed services.

General Marshall is a professional soldier—a great one—to whom this country owes great gratitude for military services of the highest order.

But the law which intends that the Department of Defense shall be headed by a civilian is a wise law, supported by sound American traditions. Changing that law to make an exception in the case of General Marshall would establish a dangerous precedent. This newspaper believes that Congress should not change it.

Moreover, the General's legacy of mistakes in State Department policy would handicap him heavily as head of the Department which now must try to overcome the consequences of those mistakes.

Calling up a big name from retirement for that job impresses us as a political attempt to gloss over a situation distasteful to Mr. Truman. But it is not good politics for General Marshall, for the Defense Establishment, or for the country. The position demands an able, vigorous, wise civilian administrator, free from any necessity to defend past errors, free to devote his full time and energy to defense of America.

Mr. CHAPMAN. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Kentucky.

Mr. CHAPMAN. I should like to ask the distinguished senior Senator from Ohio if he thinks those arguments against the appointment of a professional military man to be Secretary of Defense would be equally applicable in the case of the candidacy of a professional soldier for the Presidency of the United States, which office, under the Constitution, makes the one who holds it Commander in Chief of all the Armed Forces of the United States?

Mr. TAFT. No; I do not think the argument necessarily applies if the people chose to elect that kind of man to that office. I think that is an argument against a candidate. I think there is a proper argument against having a general as such a candidate. As a rule—with the great exception of General Washington—that has not been a particular political success.

The VICE PRESIDENT. The question is on the third reading of House bill 9646.

The bill was ordered to a third reading, and was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. WHERRY and other Senators asked for the yeas and nays, and the yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Virginia has suggested the absence of a quorum, and the Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hoey	Magnuson
Butler	Holland	Malone
Byrd	Humphrey	Millikin
Cain	Hunt	Morse
Chapman	Ives	Mundt
Connally	Jenner	Murray
Cordon	Johnson, Colo.	Neely
Darby	Johnson, Tex.	O'Conor
Donnell	Kem	O'Mahoney
Douglas	Kerr	Robertson
Dworshak	Kilgore	Russell
Ecton	Knowland	Saltonstall
Ferguson	Langer	Schoeppel
Frear	Leahy	Smith, Maine
Fulbright	Lehman	Sparkman
George	Lodge	Stennis
Gillette	Long	Taft
Graham	Lucas	Thye
Green	McCarran	Watkins
Gurney	McClellan	Wherry
Hendrickson	McFarland	Wiley
Hickenlooper	McKellar	Young
Hill	McMahon	

The VICE PRESIDENT. A quorum is present.

The question is, Shall the bill pass?

Those in favor will vote "yea," and those who are opposed will vote "nay," as their names are called.

The Secretary will call the roll.

The legislative clerk called the roll.

Mr. McMAHON. Mr. President, my colleague, the junior Senator from Connecticut [Mr. BENTON] could not be present to vote on the passage of this bill because of important public business. He has requested me to state that because of his intimate association with General Marshall in the Department of State and his high regard for the general, he is in favor of the passage of the bill. On this vote the junior Senator from Connecticut is paired with the junior Senator from Ohio [Mr. BRICKER]. If present and voting, the junior Senator from Connecticut would vote "yea," and the junior Senator from Ohio would vote "nay."

Mr. LUCAS. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from California [Mr. DOWNEY], the Senator from Louisiana [Mr. ELLENDER], the Senator from Idaho [Mr. TAYLOR], and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Maryland [Mr. TYDINGS] are absent on public business.

The Senator from Tennessee [Mr. KEFAUVER] is absent because of illness in his family.

The Senator from South Carolina [Mr. MAYBANK] and the Senator from Florida [Mr. PEPPER] are absent by leave of the Senate on official business.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent by leave of the Senate.

On this vote the Senator from Pennsylvania [Mr. MYERS] is paired with the Senator from New Hampshire [Mr. BRIDGES]. If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from New Hampshire would vote "nay."

On this vote the Senator from Oklahoma [Mr. THOMAS] is paired with the Senator from Wisconsin [Mr. MCCARTHY]. If present and voting, the Senator from Oklahoma would vote "yea," and the Senator from Wisconsin would vote "nay."

On this vote the Senator from Utah [Mr. THOMAS] is paired with the Senator from Delaware [Mr. WILLIAMS]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Delaware would vote "nay."

I announce further that on this vote the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Indiana would vote "nay."

I announce further that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], and the Senator from Arizona [Mr. HAYDEN] would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The Senator from Pennsylvania [Mr. MARTIN] is absent on official business.

The Senator from Indiana [Mr. CAPEHART], the Senator from Ohio [Mr. BRICKER], and the Senator from Wisconsin [Mr. MCCARTHY] are necessarily absent.

The Senator from Ohio [Mr. BRICKER] is paired with the Senator from Connecticut [Mr. BENTON]. If present and voting, the Senator from Ohio would vote "nay", and the Senator from Connecticut would vote "yea".

The Senator from New Hampshire [Mr. BRIDGES] is paired with the Senator

from Pennsylvania [Mr. MYERS]. If present and voting, the Senator from New Hampshire would vote "nay" and the Senator from Pennsylvania would vote "yea."

The Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Indiana would vote "nay," and the Senator from Maryland would vote "yea."

The Senator from Wisconsin [Mr. MCCARTHY] is paired with the Senator from Oklahoma [Mr. THOMAS]. If present and voting, the Senator from Wisconsin would vote "nay" and the Senator from Oklahoma would vote "yea."

The Senator from Delaware [Mr. WILLIAMS] is detained on official business and he is paired with the Senator from Utah [Mr. THOMAS]. If present and voting, the Senator from Delaware would vote "nay" and the Senator from Utah would vote "yea."

The result was announced—yeas 47, nays 21, as follows:

YEAS—47

Anderson	Holland	McMahon
Byrd	Humphrey	Magnuson
Chapman	Hunt	Morse
Connally	Ives	Murray
Cordon	Johnson, Colo.	Neely
Darby	Johnson, Tex.	O'Conor
Douglas	Kerr	O'Mahoney
Frear	Kilgore	Robertson
Fulbright	Leahy	Russell
George	Lehman	Saltonstall
Gillette	Lodge	Smith, Maine
Graham	Long	Sparkman
Green	Lucas	Stennis
Gurney	McClellan	Thye
Hill	McFarland	Wiley
Hoey	McKellar	

NAYS—21

Butler	Hickenlooper	Millikin
Cain	Jenner	Mundt
Donnell	Kem	Schoeppel
Dworshak	Knowland	Taft
Ecton	Langer	Watkins
Ferguson	McCarran	Wherry
Hendrickson	Malone	Young

NOT VOTING—28

Aiken	Flanders	Taylor
Benton	Hayden	Thomas, Okla.
Brewster	Johnston, S. C.	Thomas, Utah
Bricker	Kefauver	Tobey
Bridges	McCarthy	Tydings
Capehart	Martin	Vandenberg
Chavez	Maybank	Williams
Downey	Myers	Withers
Eastland	Pepper	
Ellender	Smith, N. J.	

So the bill (H. R. 9646) was passed.

The VICE PRESIDENT. Without objection, Senate bill 4147 is indefinitely postponed.

Mr. BYRD. Mr. President, I ask unanimous consent that the President of the Senate be authorized to sign the enrolled bill (H. R. 9646) to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense, while the Senate is in recess.

The VICE PRESIDENT. Without objection, it is so ordered.

GREAT LAKES SHIPPING BILL

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, the bill (H. R. 8847) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes, to which there is an amendment pending, offered by the Senator from Wyoming.

Mr. WHERRY. Mr. President, I should like to inquire of the distinguished majority leader whether he intends to recess now until Monday?

Mr. LUCAS. That is the purpose, as soon as we finish consideration of the Executive Calendar.

Mr. WHERRY. I thank the Senator.

Mr. MAGNUSON. Mr. President, I want to say to the distinguished majority leader that I thought we might be able to dispose of the Great Lakes shipping bill immediately. I do not know that there are any more Senators who wish to speak on the matter.

Mr. LUCAS. Does the Senator want a vote on it tonight?

Mr. MAGNUSON. The Senator from Wyoming has an amendment which he may want to discuss briefly, but I have no more to say. The Senators who are authors of the bill, I understand, have no more to say. We might be able to dispose of it in 5 minutes.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. WHERRY. I understood there would be no further business transacted tonight.

Mr. MAGNUSON. Everyone who is interested is here.

Mr. WHERRY. No; I may say to the Senator, everyone who is interested is not here. That is the point. If it is desired to proceed with it, it will be necessary to have a quorum call. I have been informed that there are possibly two or three amendments to be offered. I should be glad to have a quorum call and proceed, if the majority leader so desires.

Mr. MAGNUSON. In case it is not proceeded with tonight, could we take it up Monday?

Mr. LUCAS. We could take it up Monday, at, say, 1 o'clock, if that would be satisfactory.

Mr. MAGNUSON. That is agreeable with me. If it is agreeable with the majority and minority leaders, I should like to ask unanimous consent that a vote be taken on the bill not later than 1 o'clock on Monday.

Mr. WHERRY. Mr. President, if the distinguished majority leader will yield, I suggest that a unanimous-consent request be made that the Senate vote on the pending measure, with all amendments and motions, at 1 o'clock Monday, so that all Senators will know that there is to be a vote at that time, stipulating that the time be divided between the proponents and opponents of the bill, and that no amendments may be offered which are not germane. Does the majority leader care to make such a request?

Mr. LUCAS. I so request.

The VICE PRESIDENT. Is it agreeable that a quorum call be waived, in view of the vote being set at 1 o'clock?

Mr. LUCAS. I so request.

The VICE PRESIDENT. Without objection, a quorum call will be waived.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. What is the pending question?

The VICE PRESIDENT. The Senator from Illinois asks unanimous consent that the Senate proceed to vote on the pending bill at 1 o'clock, with the usual provisions. Is there objection?

Mr. WHERRY. Mr. President, I merely desire to make this request, in view of the fact that the majority leader has not written out the request, that it contain all the ordinary and usual provisions of the unanimous-consent request.

Mr. MAGNUSON. And that it include all of the regular safeguards?

Mr. WHERRY. That it include the regular safeguards; yes.

The VICE PRESIDENT. Without objection, it will contain all the sundry safeguards, and, without objection, the unanimous-consent request is agreed to.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

Ordered, That on the calendar day of Monday, September 18, 1950, at the hour of 1 o'clock p. m., the Senate proceed to vote, under the limitation of debate hereinafter provided, upon any amendment or motion (including appeals) that may be pending or that may thereafter be proposed to the bill (H. R. 8847) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes, and upon the final passage of the said bill: *Provided*, (1) That, after said hour of 1 o'clock p. m., debate upon any amendment or motion (including appeals) and upon the bill itself shall be limited to not exceeding 10 minutes, to be equally divided and controlled, respectively, by the mover of any such amendment or motion and the Senator from Wyoming [Mr. O'MAHONEY]; (2) that no amendment or motion that is not germane to the subject matter of the said bill shall be in order; and (3) that no vote on any amendment or motion on the said bill shall be had prior to said hour of 1 o'clock p. m.

Ordered further, That the time between 12 o'clock noon and the said hour of 1 o'clock p. m. on said day shall be equally divided and controlled, respectively, by Mr. MAGNUSON and Mr. O'MAHONEY.

PER CAPITA PAYMENT TO MEMBERS OF RED LAKE BAND OF CHIPPEWA INDIANS

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. O'MAHONEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. O'MAHONEY, Mr. MCFARLAND, and Mr. BUTLER conferees on the part of the Senate.

LEAVE OF ABSENCE

On his own request, and by unanimous consent, Mr. SPARKMAN was excused from attendance upon the sessions of the Senate next week.

AN OVERDOSE—EDITORIAL FROM THE PROVIDENCE JOURNAL

Mr. LEHMAN. Mr. President, the Providence Journal, an able and conservative newspaper of great stature, yesterday published an excellent editorial on the McCarran omnibus bill, calling on the President to veto a bill which this paper says would kill the patient instead of curing him. The editorial also praises the Senators from Rhode Island [Mr. GREEN and Mr. LEAHY] for their stand on this issue. I ask unanimous consent that this editorial be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN OVERDOSE

Few bills have so richly deserved Presidential veto as the McCarran omnibus antispy measure now before a House-Senate conference committee. We hope the President gives it a decisive heave-ho the moment it reaches his desk.

A catch-all mixture of good and bad, the bill lumps together the provisions of the Wood-Nixon bill passed by the House several weeks ago, an administration measure designed to tighten espionage laws, several other individual offerings related to the main subject, and even a substitute proposal put forward by Senator KILGORE in a move to sidetrack Mr. MCCARRAN'S fervent and misguided crusade.

Its advertised purpose is to supply the machinery with which communism's threat to freedom within our borders could be exposed and neutralized. But the Senators, spurred on by unthinking overzealousness, have made the dose much too strong. It would kill off the patient altogether.

It is a measure of the Senate's overheated anti-Communist temper—or of its ignorance of the fragility of civil liberty—that only seven votes were cast against the McCarran bill on final passage. But it is Rhode Island's pride that two of those "nay" ballots were recorded by Senators GREEN and LEAHY, who apparently perceived more clearly than the majority of their colleagues the very genuine dangers behind the superpatriotic phases.

The most objectionable features of the measure are the clauses providing for the registration of Communist Party members and affiliates and for the internment in time of national danger of all Communists and others who might reasonably be suspected of becoming spies or saboteurs. The registration provision would serve no useful purpose in combatting the Communists, who would likely evade it and go underground. And it would be subject to grave abuse in borderline cases of individuals innocently involved with groups considered suspect. Similarly, the internment clause could be utilized as a cloak to stifle dissidents of almost any stripe if an unscrupulous administration chose to employ it thus.

During the last several years we have learned of the havoc that can be wrought by misuse of the doctrine of guilt by association. The "subversive" label, whether justly or unjustly applied, sticks like the Korean War's gasoline-jelly grenades, that cling and burn and cannot be shaken off until their terrible damage is done. We must move with caution—exaggerated caution, if you will—in setting up the machinery to combat communism internally, lest we strike as fatal a blow at our own essential freedoms as the Reds themselves would like to do.

EXCHANGE OF DISTRICT OF COLUMBIA PARK LAND FOR LANDS OWNED BY NEW TEMPLE COMMITTEE, INC.

Mr. LEAHY. Mr. President, on Wednesday last, during the call of the calendar, the bill (S. 4036) to provide for the exchange of certain national park land situated in the District of Columbia for certain lands owned by the New Temple Committee, Inc., which had been reported from the Committee on the District of Columbia, was passed by the Senate with an amendment.

There is now pending before the Committee on the District of Columbia a House bill identical with the Senate bill, as amended. In order to expedite the passage of the proposed legislation, I ask unanimous consent that the Committee on the District of Columbia be discharged from the further consideration of the House bill, H. R. 9362, that it be considered and passed, and that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object, I may say it has been very difficult to hear. I should like to know, first, whether the identical measure had been passed by the Senate.

Mr. LEAHY. It was passed on the call of the calendar by the Senate.

Mr. WHERRY. Does the House bill contain the identical language?

Mr. LEAHY. It does.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (H. R. 9362) to provide for the exchange of certain national park land situated within the District of Columbia for certain lands owned by the New Temple Committee, Inc., was considered, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 4036 is indefinitely postponed.

EXECUTIVE SESSION

Mr. LUCAS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting the nomination of John Norwood McKay, of Louisiana, to be United States attorney for the eastern district of Louisiana, vice James Skelly Wright, elevated, and withdrawing the nomination of a postmaster, which nominating message was referred to the Committee on the Judiciary.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. CHAPMAN, from the Committee on Armed Services:

Col. Thomas Randall Rampy, AO922780, United States Air Force Reserve, to be brigadier general in the United States Air Force Reserve;

Col. Darr Hayes Alkire, 298A, for temporary appointment as brigadier general in the Air Force of the United States; and

Maurice L. Fergeson, and sundry other persons for appointment in the United States Air Force.

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the nominations on the calendar.

CALIFORNIA DEBRIS COMMISSION

The Chief Clerk read the nomination of Lt. Col. Clarence C. Haug, Corps of Engineers, to be a member and secretary of the California Debris Commission.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Col. John S. Seybold, Corps of Engineers, to be president and member of the California Debris Commission.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. LUCAS subsequently said: Mr. President, just before the senior Senator from North Dakota [Mr. LANGER] left the Chamber he asked that I request the Senate to reconsider the nomination of Col. John S. Seybold, Corps of Engineers, to be president and member of the California Debris Commission. I ask unanimous consent that that nomination be reconsidered, and passed over for the time being.

The VICE PRESIDENT. Without objection, it is so ordered.

UNITED NATIONS

The Chief Clerk read the nomination of Warren R. Austin to be a representative of the United States of America to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Mrs. Anna Eleanor Roosevelt, of New York, to be a representative of the United States of America to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. HICKENLOOPER. I object.

The Chief Clerk read the nomination of JOHN J. SPARKMAN, United States Senator from the State of Alabama, to be a representative of the United States of America to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of HENRY CABOT LODGE, Jr., United States Senator from the State of Massachusetts, to be a representative of the United States of America to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of John Foster Dulles, of New York, to be a representative of the United States of America to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Benjamin V. Cohen, of New York, to be alternate representative of the United States of America to the fifth session of the General Assembly of the United Nations.

Mr. HICKENLOOPER. I object, Mr. President.

Mr. WHERRY. Mr. President, I humbly ask that the nomination be withheld. We had no notification of ac-

tion on it tonight. I ask unanimous consent that the nomination be passed over, at least until tomorrow, and then if a motion is made to take it up, it will be perfectly agreeable. I think that is a fair and equitable request.

The VICE PRESIDENT. To what nomination is the Senator referring?

Mr. WHERRY. To the nominations of Eleanor Roosevelt and Benjamin V. Cohen.

Mr. HICKENLOOPER. Mr. President, I withdraw my objection to the nomination of Mrs. Roosevelt.

Mr. WHERRY. May I respectfully ask the majority leader if he will pass over the nomination of Benjamin V. Cohen, and take it up on Monday, by motion, if necessary?

Mr. LUCAS. I have no objection.

Mr. MAGNUSON. Mr. President, did I hear some Senator object to the nomination of Mrs. Roosevelt?

The VICE PRESIDENT. That objection has been withdrawn, and the nomination has been confirmed.

The nomination of Benjamin V. Cohen will be passed over.

The clerk will read the next nomination on the Executive Calendar.

The Chief Clerk read the nomination of John Sherman Cooper, of Kentucky, to be alternate representative of the United States of America to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Ernest A. Gross, of New York, to be alternate representative of the United States of America to the fifth session of the general assembly of the United Nations.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Edith S. Sampson, of Illinois, to be alternate representative of the United States of America to the fifth session of the general assembly of the United Nations.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of John C. Ross, of New York, to be alternate representative of the United States of America to the fifth session of the general assembly of the United Nations.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of William O'Dwyer, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Mr. HICKENLOOPER. I object.

Mr. IVES. Mr. President, reserving the right to object, I should like to make a very brief statement.

I neither condemn nor commend the nomination of former Mayor William O'Dwyer, of New York City, as United States Ambassador to Mexico. It is very unfortunate that charges and countercharges surrounding this appointment may embarrass Mr. O'Dwyer in his efforts properly to represent our Government. Certainly the political implications which are involved are not to his advantage.

Whether or not the charges which have been leveled against him are without foundation I cannot say. Whether or not he possesses the aptitude to fill a diplomatic role of the kind in question I do not know. In these matters I must rely upon the wisdom and decision of the Senate Committee on Foreign Relations to whom has been assigned the function of determining these matters and of recommending appropriate action by the Senate.

All information of a pertinent nature dealing with this appointment which has come to my attention I have made available to the committee. As we know, the committee has held executive hearings on this matter, and I understand that every witness who has desired to testify has been given an opportunity to do so. On the basis of the evidence it has received, the committee has made its findings and its decision, and the question of confirmation is therefore before us for final determination. I note, however, that this action by the committee can scarcely be termed unanimous.

I can understand the reluctance of any who may hestitate to approve this appointment. I share that reluctance.

My own attitude is occasioned by no personal ill-feeling toward Mr. O'Dwyer. Neither have I any personal reason or facts for questioning his integrity or general ability. Rather, my reluctance is occasioned by the conditions which surround this appointment, conditions to which I have already referred.

Because of the action of the committee, however, in whose judgment I must place great confidence, I am not opposing Mr. O'Dwyer's confirmation. I trust that the apprehension regarding it which many of us entertain will be proved to be without foundation, and I wish for him the success in this very important assignment which will redound to the benefit of our country.

Mr. HICKENLOOPER. I renew my objection, Mr. President.

Mr. LUCAS. Mr. President, I serve notice that on Monday we shall take up the nominations of both Mr. Cohen and Mr. O'Dwyer.

Mr. HICKENLOOPER. Mr. President, I have no desire to delay the action of the Senate. My objection, if the Senator wants to proceed to consider the matter——

Mr. LUCAS. I should like to have it considered now.

Mr. WHERRY. Mr. President, I ask that it be passed over until Monday, please.

Mr. LUCAS. I shall not ask for its consideration, if the minority leader wants the nomination passed over.

Mr. WHERRY. I thank the distinguished majority leader.

The VICE PRESIDENT. The clerk will read the next nomination on the Executive Calendar.

The Chief Clerk read the nomination of Joseph Flack, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Norman Armour, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Raymond A. Hare, of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia, and to serve concurrently and without additional compensation as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Kingdom of Yemen.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Walter J. Donnelly, of the District of Columbia, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Austria, and to be also United States High Commissioner for Austria.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Cavendish W. Cannon, of Utah, to the Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Syria.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the Coast Guard.

The VICE PRESIDENT. Without objection, the nominations in the Coast Guard are confirmed en bloc.

COAST AND GEODETIC SURVEY

The Chief Clerk proceeded to read sundry nominations in the Coast and Geodetic Survey.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

UNITED STATES TARIFF COMMISSION

The Chief Clerk read the nomination of Edgar Bernard Brossard, of Utah, to be a member of the United States Tariff Commission.

Mr. WATKINS. Mr. President, Dr. Edgar Bernard Brossard is one of the outstanding citizens of the State of Utah, and, as a Utah man, I am very proud of his great record. I think he has been appointed by four Presidents to the position of Tariff Commissioner. He has rendered outstanding service for 27 years. He is regarded as one of the greatest experts on tariff matters in the United States. He is a good, loyal American, and I am very happy to know that the President has seen fit to reappoint him.

I may say, Mr. President, that I understand that Senators on both sides of the aisle, practically all the Members of the Senate, endorsed his candidacy to the

President, and urged his reappointment. His almost unanimous endorsement by Members of the Senate, his appointment by the President, and his unanimous confirmation today are well-merited tributes.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COLLECTOR OF INTERNAL REVENUE

The Chief Clerk read the nomination of Edwin M. Gill, to be collector of internal revenue for the district of North Carolina.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COLLECTOR OF CUSTOMS

The Chief Clerk read the nomination of Charles M. Johnson, of North Carolina, to be collector of customs for customs collection district No. 15, with headquarters at Wilmington, N. C.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE NAVY

The Chief Clerk read the nomination of Vice Adm. Russell S. Berkey, United States Navy, to be placed on the retired list with the rank of vice admiral when retired.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Vice Adm. Donald B. Beary, United States Navy, to be placed on the retired list with the rank of vice admiral when retired.

The VICE PRESIDENT. Without objection the nomination is confirmed.

RECESS

Mr. LUCAS. I move that the Senate take a recess until next Monday at 12 o'clock noon.

The motion was agreed to; and (at 7 o'clock and 52 minutes p. m.) the Senate took a recess until Monday, September 18, 1950, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate September 15 (legislative day of July 20), 1950:

UNITED STATES ATTORNEY

John Norwood McKay, of Louisiana, to be United States attorney for the eastern district of Louisiana, vice James Skelly Wright, elevated.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 15 (legislative day of July 20), 1950:

CALIFORNIA DEBRIS COMMISSION

Lt. Col. Clarence C. Haug, Corps of Engineers, to serve as member and secretary of the California Debris Commission.

UNITED NATIONS

REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Warren R. Austin, of Vermont.
Mrs. Anna Eleanor Roosevelt, of New York.
John J. Sparkman, United States Senator from the State of Alabama.
Henry Cabot Lodge, Jr., United States Senator from the State of Massachusetts.
John Foster Dulles, of New York.

ALTERNATE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

John Sherman Cooper, of Kentucky.
Ernest A. Gross, of New York.
Edith S. Sampson, of Illinois.
John C. Ross, of New York.

DIPLOMATIC AND FOREIGN SERVICE

Joseph Flack, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

Norman Armour, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela.

Raymond A. Hare, of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia, and to serve concurrently and without additional compensation as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Kingdom of Yemen.

Walter J. Donnelly, of the District of Columbia, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Austria, and to be also United States High Commissioner for Austria.

Cavendish W. Cannon, of Utah, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Syria.

UNITED STATES COAST GUARD

The following-named persons for appointment in the United States Coast Guard:

Samuel R. Early to be lieutenant (junior grade).
Eilif H. Tobiason to be chief machinist.
James T. Sandwich to be chief pay clerk.
John J. Harbart to be chief pharmacist.

COAST AND GEODETIC SURVEY

To be ensigns in the Coast and Geodetic Survey

Arthur R. Benton, Jr.	Roger F. Lanier
David F. Romero	Paul O. Reimer, Jr.
Joseph A. Roulier	John B. Watkins, Jr.
Eugene A. Taylor	Jack E. Guth
William D. Barbee	James D. Hodges
Robert A. Parker	Robert G. Arnold
Herbert R. Lippold	Ray B. Johnson
Curtis W. Mooney	Bruce E. Greene

POSTMASTERS

ALASKA

Isabella D. Hume, McKinley Park.

ALABAMA

Richard E. Strawbridge, Vernon.

CALIFORNIA

Frederick B. Twigge, El Dorado.
Chester M. Holcomb, Kerman.
Leon M. Boice, Lincoln Acres.
Vivian L. Hemenway, Pine Grove.
Reuben C. Marks, Tecate.
Florence V. Heryford, Trinity Center.
Bernice T. Murphy, Wilmington.

COLORADO

Ernest L. Craven, La Salle.
James W. Stuart, Pritchett.

CONNECTICUT

Wilfred J. Frechette, Plainfield.

FLORIDA

Norman S. Boyle, Lake Alfred.
Robert W. Prater, Jr., Uleta.

GEORGIA

Carroll E. Toole, Garfield.
James D. Kilpatrick, Quitman.

HAWAII

Masae Yamada, Kawailoa.
Mae E. Cowan, Maunaloa.

ILLINOIS

Nola G. Lee, Xenia.

INDIANA

James Neugebauer, Gary.
Amel Siebe, Lynnville.

KANSAS

Dwight H. Snyder, Bucklin.
Lorenzo D. Morgison, Clifton.
Lillian A. Holshouser, Dwight.
Robert Clark Coursen, Overbrook.
Dean A. Hopkins, Protection.
Elmer M. Holt, Wellington.

LOUISIANA

Edwin J. Pierce, Westwego.

MAINE

Fred L. Temple, Bowdoinham.
Kenneth B. Morehead, Brooks.
Hubert A. Templeton, Greenville Junction.
Lawrence M. Leen, Lincoln.
Robert L. Smith, North Haven.
Franklyn A. Towne, Norway.
Eugene S. Fitzgerald, Smyrna Mills.
Lloyd W. Tozier, Unity.

MARYLAND

Dorothy E. Sasscer, Cheltenham.

MISSOURI

Ralph D. Hall, Doniphan.
John W. Freeman, Eminence.
Joseph S. Ford, Eugene.

NEBRASKA

Ora F. Stegeman, Chappell.
Cloyd D. Thomas, Clay Center.
Sterling D. Barrett, Dix.
Orlo R. Kreutz, Harvard.
Arthur J. Buchholz, Rulo.
Augusta M. Martin, Stamford.

NEW JERSEY

George N. Yantz, Belle Mead.
Lindsay H. Rudd, Bloomfield.

NEW YORK

Elizabeth A. Mooney, Bedford.
Frank R. Cougevan, Canandaigua.
Lulu F. Moseley, Hauppauge.
Alice L. Jones, Middle Granville.
Harold W. Albright, Wilson.

NORTH CAROLINA

John P. Betts, Beaufort.
George W. Cooper, Jr., Clemmons.
Wilbur B. Lane, Pinnacle.

NORTH DAKOTA

Leon A. Ferguson, Bottineau.
Norman W. Brudeseth, Hamar.
Chester W. Thompson, Woodworth.

OHIO

Erwin A. Carrigan, Manchester.
Marie Antoine Humpert, Mount St. Joseph.
Willard W. Weinstock, Powell.
John Sekerak, Struthers.
Kenneth C. Lohr, Woodville.

OKLAHOMA

Alphonse A. Bourassa, Minco.

OREGON

John E. Ferrell, Brownsville.
Ermine K. Gentle, Monmouth.

PENNSYLVANIA

Samuel J. Corbit, Wyomissing.

TENNESSEE

Thomas C. Tucker, Martin.

TEXAS

Aubrey Lee Davee, Brady.
Lucile Fairman, Goldthwaite.
J. Smith Cluck, Leander.
Hulan P. Armstrong, Menard.

UTAH

Percy W. Seay, Magna.

VERMONT

Richard M. Bradford, Putney.

WASHINGTON

Louise E. Metzler, Snoqualmie Falls.

WYOMING

Leslie H. Luedtke, Dubois.

UNITED STATES TARIFF COMMISSION

Edgar Bernard Brossard, of Utah, to be a member of the United States Tariff Commission for the term expiring June 16, 1956.

COLLECTOR OF INTERNAL REVENUE

Edwin M. Gill, to be collector of internal revenue for the District of North Carolina.

COLLECTOR OF CUSTOMS

Charles M. Johnson, of North Carolina, to be collector of customs for customs collection district No. 15, with headquarters at Wilmington, N. C

IN THE NAVY

To be placed on the retired list with the rank of vice admiral when retired

Vice Adm. Russell S. Berkey, United States Navy.

Vice Adm. Donald B. Beary, United States Navy.

WITHDRAWAL

Executive nomination withdrawn from the Senate September 15 (legislative day of July 20), 1950.

POSTMASTER

Reginald S. Woodward to be postmaster at Midlothian in the State of Illinois.

HOUSE OF REPRESENTATIVES

FRIDAY, SEPTEMBER 15, 1950

The House met at 12 o'clock noon.

The Acting Chaplain, Rev. Frank B. Burress, pastor, Fountain Memorial Baptist Church, Washington, D. C., offered the following prayer:

O Lord, our God, we call upon Thee asking that Thou wilt hear our prayer of thanksgiving for the rest, renewed strength, and refreshment given us for today. As we have received and accepted these, so help us to be willing to receive and accept in our souls and minds God's eternal purpose to be accomplished today.

Our purposes so often have been bent to conform with our wills instead of Thine. Help us as a nation and individuals to straighten them that we may go into paths of righteousness which lead to peace and happiness.

Too long have we wandered in the wilderness of selfishness and accomplished so little. Forgive us, we pray, and help our hearts to beat with Thine that we may not cause Thee to withhold from us the fulfillment of Thy great promises and purposes for us. May we be sensitive to Thy Spirit's leadership in our undertakings.

"Thou wilt keep him in perfect peace whose mind is stayed on Thee because he trusteth in Thee." Help, O Lord, our unbelief. In Jesus' name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McDaniel, its enrolling clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9526. An act making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCKELLAR, Mr. THOMAS of Oklahoma, Mr. RUSSELL, Mr. MCCARRAN, Mr. O'MAHONEY, Mr. BRIDGES, Mr. GURNEY, Mr. FERGUSON, and Mr. WHERRY to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 4569) entitled "An act authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLAND, Mr. CHAPMAN, and Mr. CAIN to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate numbered 191 to the bill (H. R. 8920) entitled "An act to reduce excise taxes, and for other purposes";

Resolved, That the Senate further insist upon its amendment number 191 to the above-entitled bill, disagreed to by the House, agrees to a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GEORGE, Mr. CONNALLY, Mr. BYRD, Mr. MILLIKIN, and Mr. BUTLER to be the conferees on the part of the Senate.

The message also announced that the Senate had ordered that the Senator from New Hampshire, Mr. BRIDGES, be excused as conferee on the bill H. R. 9526, an act making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, and the Senator from Oregon, Mr. CORDON, be appointed in his stead.

GENERAL OF THE ARMY GEORGE C. MARSHALL

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 853, Rept. No. 3089), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense. That after general debate which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

YOUNG MEN'S CHRISTIAN ASSOCIATION

Mr. MCMILLAN of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8797) to exempt property of the Young Men's Christian Association of the city of Washington (incorporated under the act of Congress of June 28, 1864, 13 Stat. L. 411) from taxation, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 5, strike out "or" and insert "and".

Page 2, strike out line 8.

Page 2, after line 8, insert:

"SEC. 2. The Young Men's Christian Association of the city of Washington, incorporated by act of Congress approved June 28, 1864 (13 Stat. L. 411), is hereby relieved from any accrued liability to the United States or the District of Columbia for taxes imposed upon any of the property of such association located in the District of Columbia for any tax period during which such property was occupied and used by such association for its legitimate purposes."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentlemen explain these amendments?

Mr. MCMILLAN of South Carolina. These are just clarifying amendments.

Mr. MARTIN of Massachusetts. There are many clarifying amendments that have done a lot of damage. I would like to have them explained.

Mr. MCMILLAN of South Carolina. All the bill does is to exempt the YMCA from paying taxes in the District of Columbia which they have never paid. Some regulation came up this year compelling them to pay taxes unless this resolution is agreed to. The Senate just changed the wording of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EASTERN SENIOR HIGH SCHOOL (DISTRICT OF COLUMBIA)

Mr. MCMILLAN of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8710) to provide for the improvement of stadium facilities at the Eastern Senior High School in the District of Columbia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Line 4, strike out "construct an addition to" and insert "improve."

Line 6, strike out all after "Columbia" down to and including "field" in line 9.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ADMINISTRATIVE EXPENSES IN THE GOVERNMENT SERVICE

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 9430) to

amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 5, strike out lines 9 to 16, inclusive.

Page 5, line 17, strike out "7" and insert "6."

Page 5, line 21, strike out "8" and insert "7."

Page 6, line 13, strike out "9" and insert "8."

Page 6, line 17, strike out "10" and insert "9."

Page 6, strike out all after line 21 over to and including line 14 on page 7.

Page 7, line 15, strike out "12" and insert "10."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand this compels the head of a division to sign for all telephone charges?

Mr. DAWSON. That is right.

Mr. MARTIN of Massachusetts. That is all this amendment does?

Mr. DAWSON. Yes.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SUPPLEMENTAL APPROPRIATIONS ACT, 1951

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. RICH. Reserving the right to object, Mr. Speaker, is this the bill that appropriates money to arm foreign countries under the North Atlantic Pact?

Mr. CANNON. The bill carries an item of $4,000,000,000 for that purpose.

Mr. RICH. Four billion dollars? Mr. Speaker, I object.

THE OLD STONE HOUSE IN THE DISTRICT OF COLUMBIA

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7722) to provide for the acquisition and preservation, as a part of the National Capital Parks system, of the Old Stone House in the District of Columbia, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift or purchase, a historic building of great pre-Revolutionary architectural merit known as the Old Stone House, located at 3051 M Street NW., Washington, D. C., together with the site on which it stands, more particularly described as lot 859, square 1209, containing approximately 20,048 square feet. In the event the Secretary of the Interior is unable to acquire the property at a price deemed by him to be reasonable, he is authorized and directed to acquire such property by condemnation under the provisions of the act of March 1, 1929 (45 Stat. 1415).

"SEC. 2. The property acquired under the provision of section 1 of this act shall be renovated, stabilized, maintained, and preserved as one of the outstanding remaining examples in the city of Washington of eighteenth century architecture, by the Secretary of the Interior, as a part of the National Capital Parks system, subject to the provisions of the act of August 21, 1935 (49 Stat. 666). The Secretary is authorized to establish a museum on the premises for relics and records pertaining to the early history of Georgetown and the city of Washington and he may accept, on behalf of the United States, for installation such museum articles which may be offered as additions to the museum.

"SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are repealed to the extent of such inconsistency.

"SEC. 4. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this act."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. RICH. Reserving the right to object, Mr. Speaker, may I ask the gentleman this question: Am I correct in understanding that since yesterday the gentleman has got an agreement that there is to be a limit on the amount to be expended for this purpose?

Mr. PETERSON. We have an assurance from the Parks Service that they will limit the money that will be spent on the purchase.

Mr. RICH. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4901) to authorize the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for a period not exceeding 40 years, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

"That the Eastern Band of Cherokee Indians, North Carolina, is hereby authorized to lease, for business purposes, with the approval of the Secretary of the Interior, for a term not exceeding 25 years, any unassigned nonagricultural or timber tribal land located within an area not exceeding 400 yards adjacent to United States Highway No. 19 and 19a, and State Highway 107 and the Blue Ridge Parkway on the Eastern Cherokee Indian Reservation, N. C."

Amend the title so as to read: "An act authorizing the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for business purposes for a period not exceeding 25 years."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain this amendment?

Mr. PETERSON. Mr. Speaker, this bill authorizes the Eastern Band of Cherokee Indians of North Carolina to lease certain lands. The House version included a provision that the term was not to exceed 40 years. The Senate reduced it to not to exceed 25 years. The House had described the lands by reference to the ownership by persons but the Senate described them by reference to location.

The main distinction is that they reduced the period for which they can lease the lands, with the approval of the Interior Department, from 40 to 25 years. Many of us in the House prefer the 25-year period and think probably this is better than the House version.

Mr. MARTIN of Massachusetts. The committee has unanimously agreed to it?

Mr. PETERSON. Yes. There was unanimous agreement.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FEDERAL DEPOSIT INSURANCE ACT

Mr. SPENCE. Mr. Speaker, I call up the conference report on the bill (H. R. 2822) to amend the Federal Deposit Insurance Act (U. S. C., title 12, sec. 264), and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3049)

The committee of conference on the disagreeing votes of the two Houses on the

amendments of the House to the bill (S. 2822) to amend the Federal Deposit Insurance Act (U. S. C., title 12, sec. 264), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 13, 14, 15, 16, 17, and 19.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 18, 20, 21, 23, 24, 25, 26, and 28, and agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "examine any insured State nonmember bank (except a District bank), any State nonmember bank making application to become an insured bank, and any closed insured bank, whenever in the judgment of the Board of Directors an examination of the bank is necessary. In addition to the examinations provided for in the preceding sentence, such examiners shall have like power to make special examination of any State member bank and any national bank or District bank, whenever in the judgment of the Board of Directors such special examination is necessary to determine the condition of any such bank for insurance purposes"; and the House agree to the same.

Amendment numbered 22: That the Senate recede from its disagreement to the amendment of the House numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "The amount payable hereunder shall be paid in two equal installments, the first installment to be paid prior to December 31, 1950."; and the House agree to the same.

Amendment numbered 27: That the Senate recede from its disagreement to the amendment of the House numbered 27, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(b) The amendment made by subsection (a) of this section shall become effective on January 1, 1951."

And the House agree to the same.

BRENT SPENCE,
PAUL BROWN,
MIKE MONRONEY,
JESSE P. WOLCOTT,
RALPH A. GAMBLE,
JOHN C. KUNKEL,
Managers on the Part of the House.

B. R. MAYBANK,
WILLIS ROBERTSON,
PAUL DOUGLAS (except as to amendment No. 9),
RALPH FLANDERS (except as to amendment No. 9),
JOHN BRICKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2822) to amend the Federal Deposit Insurance Act (U. S. C., title 12, sec. 264), submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The difference between the action recommended in the conference report and the House amendments are indicated below.

BANK EXAMINATION AUTHORITY

(Amendment No. 9)

With respect to the authority to examine banks, the Senate bill contained provisions (the same as existing law) providing that examiners appointed by the Board of Directors should have the power, on behalf of the Corporation, to examine any insured State nonmember bank (except a District bank), any State nonmember bank making application to become an insured bank, and any closed insured bank, whenever in the judgment of the Board of Directors an examination of the bank is necessary. Such examiners were also authorized to examine any national bank or District bank upon obtaining written consent of the Comptroller of the Currency, or to examine any State member bank upon obtaining written consent of the Board of Governors of the Federal Reserve System. In lieu of the examination provisions of the Senate bill, the House amendment provided that examiners appointed by the Board of Directors of the Corporation should have the power to examine any insured bank, any bank making application to become an insured bank, and any closed insured bank, whenever in the judgment of the Board of Directors an examination of the bank is necessary. The amendment agreed to in conference represents a compromise between these two positions. With respect to the examination of any insured State nonmember bank (except a District bank), any State nonmember bank making application to become an insured bank and any closed insured bank, the amendment agreed to in conference retains the provision of the Senate bill. With respect to examination of any national bank, District bank, or State member bank, the amendment adopted in conference provides that examiners appointed by the Corporation may make a special examination of any such bank whenever in the judgment of the Board of Directors such special examination is necessary to determine the condition of any such bank for insurance purposes. In providing direct authority to the Corporation to make a special examination of any national bank, District bank, or State member bank, the conferees were firmly of the opinion that such authority is not to be utilized by the Corporation to embark upon a program of regular periodic examinations of such banks, which would only result in a needless duplication of effort. Such special examination authority is to be utilized by the Corporation only in a case where, in the judgment of the Board of Directors, after a review of the Federal Reserve or Comptroller of the Currency examination reports, there are indications that the bank may be a problem case, or that it is in a condition likely to result in loss to the depositors or to the Corporation.

FINANCIAL ASSISTANCE TO BANKS

(Amendments No. 13, 14, 15, 16, and 17)

Under the Senate bill the Corporation was given the authority to make a loan to an insured bank, purchase its assets, or make deposits therein, in order to prevent its closing, or to reopen the bank if it had been closed, whenever the Board of Directors of the Corporation believed that continued operation of such bank was essential to provide adequate banking services in the community. Provision was made that such loans and deposits could be subordinated to the rights of depositors and other creditors. The House amendments to this section of the bill provided somewhat similar authority except that the Corporation was not given the right to make subordinated deposits in any such bank and the restriction was removed with reference to the determination by the Board of Directors that continued operation of such bank was essential to provide adequate banking service in the community. The conference report retains the provisions of the Senate bill with respect to this authority.

PAYMENT OF INTEREST TO TREASURY

(Amendments No. 19, 20, 21, and 22)

The Senate bill contained a provision requiring the Corporation prior to July 1, 1951, to pay out of its capital account an amount equal to 2 percent simple interest per annum on amounts advanced to the Corporation on stock subscriptions by the Secretary of the Treasury and the Federal Reserve banks from the time of such advances until the amounts thereof were repaid. Repayment of interest so calculated was to be made to the Secretary of the Treasury and the Federal Reserve banks in proportion to the respective amounts paid on stock subscriptions. The bill, as amended by the House, likewise provided for payment of simple interest at 2 percent per annum on amounts advanced to the Corporation on stock subscriptions by the Secretary of the Treasury and Federal Reserve banks. However, provision was made that payment of this interest should be treated as an item of operating costs and expenses of the Corporation in determining the net assessment income under section 7 (d) of the act. Provision was further made that payment of all of this interest would be made directly to the Secretary of the Treasury rather than to the Secretary of the Treasury and Federal Reserve banks as was provided in the Senate bill. Such repayment procedure is consistent with the procedure previously followed in connection with the retirement of the stock of the Corporation held by the Secretary of the Treasury and the Federal Reserve banks. The amendment agreed to in conference provides that payment of all such interest (approximately $80,000,000) shall be made to the Secretary of the Treasury out of the capital account of the Corporation in two equal installments, the first to be paid prior to December 31, 1950, and the second to be paid during the first 6 months of calendar year 1951.

ADVERTISING

(Amendment No. 27)

Both the Senate bill and the bill as amended by the House contain an amendment to section 709 of title 18 of the United States Code. This section of the code contains certain prohibitions with respect to advertising, violations of which are criminally punishable. The amendment would make subject to the provisions of section 709: "Whoever advertises that his or its deposits, shares, or accounts are federally insured." In addition, the bill as amended by the House contained provisions that (1) the use of the contraction "Federal Savings Insurance Corporation" or the initials "F. S. I. C." would not be construed as a violation of said section 709; and (2) the effective date of the amendment of section 709 should be January 1, 1951. The conference report omits the provision that the use of the contraction both "Federal Savings Insurance Corporation" or the initials "F. S. I. C." shall not be construed as a violation of section 709, but retains the provision that the effective date of the amendment shall be January 1, 1951.

AUDIT FURNISHED THE CORPORATION

Under the bill provision is made for an audit by the Comptroller General of the financial transactions of the Corporation for each fiscal year ending on June 30. It is also provided that on or before December 15 following such fiscal year, the Comptroller General furnish the Corporation a short-form report showing the financial position of the Corporation at the close of the fiscal year. Ordinarily, the period of time that would elapse between the end of the fiscal year and December 15 would be ample for the Comptroller General to make this short-form audit report to the Corporation. The committee of conference recognizes that it may be quite difficult for the Comptroller General to comply with this requirement this year due to the limited period of time that will remain after enactment of the bill into law and December 15. Accordingly, it is anticipated by the committee of conference that this year due allowances shall be given to this time factor by the Corporation in connection

with the short-form audit report on the financial transactions of the Corporation for the fiscal year which ended on June 30, 1950.

BRENT SPENCE,
PAUL BROWN,
MIKE MONRONEY,
JESSE P. WOLCOTT,
RALPH A. GAMBLE,
JOHN C. KUNKEL,
Managers on the Part of the House.

Mr. SPENCE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this conference report has been approved by the Senate without a roll call, and the report we have brought back to the House is very similar to the bill which the House passed amending the Federal Deposit Insurance Corporation Act. The main point of debate between the conferees was the question of examination of the banks. The House bill provided that the Federal Deposit Insurance Corporation could make examinations of any insured bank whenever, in the opinion of the board of directors, the examinations were deemed necessary. The Senate bill made no change in existing law, which provides that the national banks are to be examined by the Comptroller of the Currency, the State members of the Federal Reserve shall be examined subject to the provisions of the Federal Reserve Act and the insured nonmember State banks are examined by the Federal Deposit Insurance Corporation. We provided in the conference report that when the Federal Deposit Insurance Corporation, after the Federal Reserve or Comptroller examiners made their report, felt that the interest of the depositors or of the Corporation was jeopardized, they could make a special examination.

Since the passage of the bill I have received many communications from the bankers, fearing that they would be subjected to duplicating examinations. That fear has been dispelled by the statement in the conference report because it is provided that these special examinations shall only be made when the regular examination shows the necessity for the examinations.

Mr. Speaker, at this point I ask unanimous consent to insert in the RECORD a letter from Chairman Harl of the Federal Deposit Insurance Corporation to Hon. BURNET R. MAYBANK, chairman of the Senate Committee on Banking and Currency, a copy of which was sent to me by Mr. Harl. He states in this letter that the Federal Deposit Insurance Corporation will only use the powers granted for special examinations when conditions justify it.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The letter is as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION,
Washington, August 24, 1950.

Hon. BURNET R. MAYBANK,
Chairman, Senate Committee on Banking and Currency,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: In respect to the examination provisions of S. 2822 which is now in conference, I understand there is some apprehension on the part of some of the Senate conferees that this Corporation will embark upon a program of regular periodic examinations of all members banks and national banks if the House bill is approved.

We have stated many times and wish to repeat here that such is not the purpose or intention of this Corporation. If this Corporation is given the right to look at its risks as provided in the House bill, it will only make a special examination of a State member bank or a national bank in the case where, in the judgment of the Board of Directors, after the review of the Federal Reserve or Comptroller's examination reports there are indications that the bank may be a problem case, or that it is in a condition likely to result in loss to depositors or to the Corporation. The present system simply will not work out in times of emergency. In many cases a delay of several days' time or even several hours in arranging for an examination will mean the difference between being able to save a bank or have it close.

May we reiterate that there is no intention or purpose of the Corporation to use the examining authority provided in the House bill to conduct the regular periodic examinations of State member banks or national banks. We believe the record of administration of the FDIC during its 16 years of existence has amply demonstrated that it can be trusted to administer the law in accordance with the intent of the Congress. If it would serve to allay any fears, we would not object to your including this letter in the conference report or elsewhere in the public record.

With kindest personal regards and best wishes for your continued success, I am, believe me,

Cordially and sincerely,
MAPLE T. HARL, *Chairman.*

Mr. SPENCE. Mr. Speaker, in the bill there is also provided that interest shall be paid upon the advances for stock made by the Treasury of the United States of $150,000,000, and made by the Federal Reserve banks of $139,000,000. The principal of these sums has already been paid.

The Corporation agrees to pay back, and is compelled to pay back under this act, 2 percent simple interest on this fund while it was used by the Corporation, which amounts to $80,000,000. The House bill provided that this should be paid out of current revenues. The Senate bill provided that it should be paid out of the reserve fund. We have compromised, and in the conference report it is provided that this $80,000,000 shall be paid in two installments, extending over two calendar years, to be taken out of reserve funds, which will not at any time reduce the reserve fund below its present figure.

Those are the salient features. It increases the coverage of individual deposits from $5,000 to $10,000, which I think will mean a decentralization of the deposits in the banks, and will largely inure to the benefit of the smaller banks, where big depositors will increase their deposits from $5,000 to $10,000, and in that way it will bring money to sections of the country which greatly need it, and will give added prosperity to the smaller banks.

The insurance premiums will be reduced to the banks, but at no time will the reserve fund be diminished. It will continue to grow. It now amounts to $1,200,000,000. Based upon the 1949 experience of the Corporation, it is expected that even under the dividend credit provided in the conference report, the reserve fund will continue to grow annually by $70,000,000.

I think the bill has met with the approval of the business interests of the country generally, and I hope that the House will approve the conference report.

I yield such time as he may desire to the gentleman from Texas [Mr. PATMAN].

FDIC

Mr. PATMAN. Mr. Speaker, I am opposed to this conference report. It is not the right time to double the liability of the Corporation and at the same time reduce the assessments for the reserve fund more than 50 percent.

Suppose you were to go to see a banker and tell him: "I want you to double this note that I owe the bank and at the same time reduce my payments by 50 percent." That would not make sense to anybody.

This bill is highly inflationary. It will give to about 10 large banks an average of $800,000 a year in rebates at a time when we are facing inflation. Those dollars that the banks will have are powerful dollars. They can be expanded as much as seven times. So it is highly inflationary.

I know that there is not a great deal of interest in this bill. Otherwise, I think there would be a good chance of defeating this conference report. I certainly hope that it is defeated. It should not be passed at this time.

On Wednesday, last, September 13, I had a special order of 35 minutes, at which time I fully discussed this conference report and the reasons it should be defeated.

My remarks appear at page 14758 of the CONGRESSIONAL RECORD of that date and subsequent pages.

CREDIT UNIONS EXEMPT FROM REGULATION W

Mr. Speaker, credit unions, both State and Federal, are a great asset to the people of the United States. When consideration was being given to the Defense Production Act of 1950, which included regulation of consumers' credit, I requested the conferees between the House and Senate as a member of this committee to include a provision that would exempt credit unions from the operation of regulation W in the same way and manner that certain savings and loan associations were exempted. The final draft of the conferees included such language.

In order to make it perfectly clear, I am inserting herewith a letter from the Secretary of the Federal Reserve System to the effect that credit unions are included in this provision of the regulation cited. It is as follows:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, D. C., September 13, 1950.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN PATMAN: It is understood from the staff of the House Banking and Currency Committee that you have inquired as to the treatment under regulation

W of certain loans that are fully secured by the lender's own withdrawable shares or a savings account held with the lender.

This subject is treated in section 7 (k) of the regulation, which states the following as one of the credits exempted from the regulation:

"(k) Certain loans on savings shares or accounts: Any loan which is made by a bank, savings and loan association, or similar institution, and is fully secured by withdrawable shares issued by our savings accounts held with the lender."

This provision applies to loans by banks, savings and loan associations, credit unions, cooperative banks, and other such institutions, in those instances in which the institution lends on its own withdrawable shares or on savings accounts that are maintained with the lender. Loans by any such institution which are not fully so secured would, of course, not be covered by this provision, and if otherwise subject to the regulation would have to comply with the applicable requirements.

Very truly yours,

S. R. CARPENTER, *Secretary.*

I am inserting herewith Federal Credit Union high lights for the year 1949 as contained in the annual report. They are as follows:

HIGH LIGHTS FOR THE YEAR 1949

Number of charters granted, 523, as compared with 341 in 1948.

Number in operation at close of year, 4,495, as compared with 4,058 at the end of 1948.

Membership, 1,800,000, an increase of 200,000, or 11.7 percent, during the year.

Total assets, $316,400,000, an increase of $58,000,000, or 22.4 percent, during the year.

Average shares per member, $157, an increase of $13, or 9 percent over 1948.

Amount of loans granted during year, $348,900,000, an increase of $75,700,000, or 27.7 percent over 1948.

Average size of loan granted during year, $260, as compared with an average of $227 during 1948.

Gross income, $18,600,000, an increase of $4,400,000, or 31 percent over 1948.

Net income before transfers to reserve, $11,000,000, an increase of $2,700,000, or 33 percent over 1948.

Amount of dividends paid to members in 1949, $5,600,000, an increase of $1,700,000, or 43.9 percent over 1948.

Excerpts from the foreword of the recent annual report on Federal credit unions are very interesting and are as follows:

FOREWORD

At the close of 1949 Federal credit unions had completed 15 years of operation and the Bureau of Federal Credit Unions had completed its first full calendar year as a program bureau of the Federal Security Agency.

* * * * *

During the year 1949, all previous records of Federal credit union service to men, women, and children of our Nation were exceeded. I commend the many officials of Federal Credit Unions who made these accomplishments possible through their capable leadership and unselfish devotion to this cooperative thrift and credit plan for economic self-selp.

OSCAR R. EWING,
Federal Security Administrator.

I am also inserting herewith additional excerpts from the recent annual report on Federal credit unions.

FEDERAL CREDIT UNIONS

Federal credit unions are cooperative associations organized in accordance with the Federal Credit Union Act "to promote thrift among their members and create a source of credit for provident and productive purposes." Membership is limited to a group of persons having a common bond of association, occupation, or residence.

During 1949 Federal credit unions continued the growth that has characterized their development since the passage of the Federal law in June 1934. The continuation of a high level of business activity and income, which were only slightly below record levels attained in 1948, provided economic environment conducive to the expansion of Federal credit union service among the working men and women in the Nation. Again, as in 1948, new all-time records were established in the total number of members, total shareholdings, and in the total amount of outstanding loans. In addition, the number of operating Federal credit unions at the close of the year exceeded the number in operation at any previous year end. The growth of Federal credit unions since 1935 is shown in table 1.

TABLE 1.—*Number of members, amount of shares, and amount of loans outstanding Dec. 31, reporting Federal credit unions, 1935–49*

Year	Number of reporting credit unions[1]	Number of members	Amount of shares	Amount of loans
1935	762	118,665	$2,224,610	$1,830,489
1936	1,725	307,651	8,572,776	7,399,124
1937	2,296	482,441	17,741,090	15,772,400
1938	2,753	631,436	26,869,367	23,824,703
1939	3,172	849,806	43,314,433	37,663,782
1940	3,739	1,126,222	65,780,063	55,801,026
1941	4,144	1,396,696	96,816,948	69,249,487
1942	4,070	1,347,519	109,498,801	42,886,750
1943	3,859	1,302,363	116,988,974	35,228,153
1944	3,795	1,303,801	133,586,147	34,403,467
1945	3,757	1,216,625	140,613,962	35,155,414
1946	3,761	1,302,122	159,718,040	56,800,937
1947	3,845	1,445,915	192,410,043	91,372,179
1948	4,058	1,628,339	235,008,368	137,642,327
1949	4,495	1,819,606	285,000,934	186,218,022

[1] In the period 1945 through 1949 the number of operating and reporting credit unions was the same. In other years the number of credit unions which submitted financial and statistical reports was less than the number in operation.

* * * * *

NUMBER OF FEDERAL CREDIT UNIONS

During 1949, the number of operating Federal credit unions increased from 4,058 to 4,495, a gain of 437. This was the largest gain in any one year since 1941. The number in operation at the end of 1949 exceeded by 351 the number operating at the end of 1941, which was the high point in the prewar development of Federal credit unions. The number in operation has increased at a rapidly accelerating rate since 1945. The 151 outstanding charters held by inactive credit unions at the end of 1949 consisted of 86 in the process of liquidation and 65 that received charters too late in the year to begin operations. Changes in the number of Federal credit unions for each year since 1935 are shown in table 2 on page 4.

The largest gains in the number of operating Federal credit unions were in Texas with 68, New York with 41, Michigan with 40, California with 38, Pennsylvania with 35, and Ohio with 31. During 1949, 56 percent of the charters granted and 46 percent of the charters canceled were in these 6 States. By type of membership, the largest number of charters granted and canceled during 1949 and outstanding at the end of the year were Federal credit unions serving employees of the Federal Government. Religious groups made notable gains during 1949, with 36 charters granted. Half of this development was in San Antonio, Tex., where a number of local leaders began a project in July 1949 to bring credit-union service to members of the Spanish-speaking Catholic parishes in that area. In the number of new charters, religious groups were exceeded only by Federal Government employees, with 63. Detailed information concerning charters of Federal credit unions is presented in tables XI and XII.

* * * * *

POSSIBLE FUTURE DEVELOPMENTS

As this report goes to press, the possible revival of consumer credit controls is being discussed. If Congress authorizes the Federal Reserve Board to restore regulation W, the lending activity of Federal credit unions will be affected along with all other agencies that make consumer loans and extend credit. During the two previous periods when regulation W was operative, Federal credit unions established a commendable record of compliance with both the spirit and the letter of the regulation. It is expected that they will again give their wholehearted cooperation in the interest of the national welfare.

A considerable number of credit unions adopted more restrictive policies than were necessary under the original regulation W and thereby forced many of their members into the hands of money lenders charging much higher rates. This resulted from a lack of understanding or a misinterpretation of the requirements. Manifestly it was not the intention of the Congress, the President, or the Federal Reserve Board that regulation W should be more strictly applied than was called for by its provisions. Any loan which was permissible under the regulation for any money lender was also permissible for credit unions. This will be true if regulation W is adopted again, and Federal credit unions will make a greater contribution to the economic welfare of their members if they continue to provide for their small loan needs to the fullest extent permitted by the regulation.

If consumer credit controls are reestablished, it is possible that there will be a falling off in the demand for credit-union loans as there was in the period 1942 to 1945. If the controls continue over a period of years, some Federal credit unions will accumulate a surplus of funds provided the boards of directors of these organizations keep in mind that the first major purpose of credit unions is to help members improve their economic condition by encouraging systematic thrift. The thrift service provided by Federal credit unions is one means of combating inflation and should be expanded rather than curtailed in times of crisis.

LAW PASSED 1934

It was my privilege to assist in the passage of the Federal Credit Union Act in 1934. Senator Morris Sheppard from my home town was the author of the bill in the Senate, and I sponsored the Senator's bill in the House. Since that time, it has been my privilege to assist in securing the adoption of constructive amendments to the Federal Credit Union Act.

For instance, my bill, H. R. 6185, which later became Public Law 376 of the Eighty-first Congress, first session, amended the act to permit loans to be made for 3 years instead of 2 years. It also contains other perfecting provisions, including one to permit unsecured loans up to $400, instead of the then limitation of $300.

What I have said relates to Federal credit unions. Long before the law

authorized Federal credit unions, most of the States had laws permitting the organization of State credit unions.

I am inserting herewith a statement showing the status of both the Federal and State credit unions. It is as follows:

Federal- and State-chartered credit unions as of Dec. 31, 1949

	Number of credit unions	Number of members	Assets	Shares	Loans outstanding
State-chartered	5,415	2,247,371	$511,603,279	$415,334,851	$333,512,888
Federal-chartered	4,495	1,819,606	316,362,504	285,000,934	186,218,022
Total	9,910	4,066,977	827,965,783	700,335,785	519,730,910

It will be noticed that the State credit unions are larger than the Federals, however, at this time and for the past few years, Federal charters have far exceeded State charters. It is interesting to note that there are over 4,000,000 members of credit unions—both Federal and State—and to these members, more than $519,000,000 in loans are outstanding.

A credit union charges its members a very low interest rate. They are rendering a great service to the people of this Nation by encouraging thrift and savings. In the purchase of an average-priced automobile, a member of a credit union can save up to $100 on finance charges.

I ask unanimous consent, Mr. Speaker, to revise and extend my remarks and insert therein certain tables, statements, and excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SPENCE. Mr. Speaker, I yield such time as he may desire to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Speaker, the purpose of this bill is to strengthen the deposit-insurance system. Every man, woman, and child will benefit from this bill. The insurance is raised from $5,000 to $10,000 for each depositor. We all know the price level has doubled in the past 16 years. If we do not increase the coverage now the depositor will have less protection than he had in 1934.

Of course, there will be some savings to the bankers in premiums they pay. But the Federal income taxes will take up a large part of this saving. This bill will bring additional tax revenues of twenty-five or thirty million dollars into the Treasury every year.

The bill also will bring $30,000,000 into the Treasury which the FDIC will pay for the use of funds it borrowed for capital purposes.

For more than 25 years I have been working for legislation to protect bank depositors. Those opposing constructive legislation such as this always argue "Now is not the time." They used the same argument when the FDIC was first established. If we take their counsel now we will be depriving 104,000,000 depositors of additional protection they urgently need.

Do not forget that this bill not only provides the important things I have mentioned but it also revises and brings up to date the entire FDIC law. One of the most important changes in this overall revision of the law permits the FDIC to protect depositors by preventing banks from closing. This will save many communities from losing the only bank through failure.

It also provides an important improvement in the examining rights of FDIC. This is the greatest protection the depositors will receive under this bill. Many other changes of lesser importance or of a technical nature are included, but I will not take time to discuss them since they were all covered fully in the reports and the debates.

I believe I should call to your attention, however, the fact that no insured bank has been placed in receivership since 1944. This is a record unparalleled in the history of American finance. Who is there to deny that the Federal Deposit Insurance Corporation is responsible for the stability which now characterizes our banking system. S. 2822 will help the Federal Deposit Insurance Corporation to continue to stabilize banking. In these times of grave uncertainty this bill is vitally needed, and we cannot afford to delay action on it. That is the reason why I urge that you accept the report of our conferees.

FEDERAL DEPOSIT INSURANCE CORPORATION—ITS RECORD AND ACHIEVEMENTS

In my long experience with the many different aspects of business and Government as well as my studies of the history of governmental activities, I have never encountered an organization, either in or out of Government, whose record excels that of the Federal Deposit Insurance Corporation. None has done a better job.

The Corporation was established in the depths of depression in 1934 to carry out the tremendous program of insuring bank deposits in the United States and restoring the confidence of the people in the banks. At the time of establishment it was without funds. It borrowed $289,000,000 from the Treasury and the Federal Reserve banks. In its 16½ years of operation it has paid back every cent. Moreover, it has paid out a total of $316,000,000 to protect 1,350,000 depositors in 412 insured banks and in so doing it incurred losses of only $26,000,000. Furthermore, it has accumulated an insurance fund totaling $1,277,000,000. That is truly a remarkable record.

When you call the roll of those who have confidence in the FDIC, not one discordant voice is heard. Foremost among the stanch supporters of the Corporation are the depositors with over 104,000,000 accounts, of which nearly 103,000,000 or 99 percent are fully protected. Almost three-fifths of the $156,000,000,000 in deposits is fully insured under the limitation of $10,000 maximum insurance for each account.

The bankers who operate the 13,600 insured banks in the United States are keenly aware of the stability that the Federal Deposit Insurance Corporation has created for the entire banking system. No insured bank has failed since 1944. It is a fact of great historical significance that the present President of the United States is the only man who has occupied the White House without an insured bank failure.

For the first time in the history of this great Nation, a whole generation of youth has grown to adulthood without experiencing at first hand the personal misfortunes of serious banking troubles. Their knowledge is limited to the history of these panic episodes in the cold types of the printed page. They take for granted the safe and sound institutions and practices which have relegated bank failures to the past.

Every man, woman, and child in the United States—every farmer, and every workingman—everyone who does business in this great Nation is benefited by the Federal Deposit Insurance Corporation. Now at last people can rest assured that their deposits are safe. Businessmen may conduct their affairs without uncertainties and fears of losses resulting from banking troubles. So it is not surprising that confidence in the Federal Deposit Insurance Corporation and the officials who manage it is universal.

WHAT IS FDIC?

The Federal Deposit Insurance Corporation is a mutual insurance organization sponsored by the Federal Government and maintained by the insured banks. Both the depositors and the bankers are beneficiaries.

The FDIC is the means by which the banks—independent of a direct contribution from the Federal Treasury—are able to provide the necessary protection for their depositors. For so long as the Corporation, as an instrumentality of the banking system, is successful in protecting depositors, the evils of socialization in this field of human endeavor will be avoided. People who are satisfied with their established institutions do not toy with dangerous and unproved schemes.

The Corporation has engendered among depositors a feeling of confidence in the banking system. For the American system of free-enterprise banking, depositor confidence is of fundamental importance. The Corporation's record of success in protecting depositors fully warrants this confidence. Our financial system can be maintained only so long as the Corporation is successful in inspiring and perpetuating confidence among bank depositors. In my opinion, it is impossible to overemphasize the fact that the Corporation is the principal safeguard for the dual system of banking and free enterprise in this country.

WHO PAYS FOR FEDERAL DEPOSIT INSURANCE PROTECTION?

The insured banks pay a premium of one-twelfth of 1 percent annually on their deposits to the Federal Deposit Insurance Corporation. Out of this premium income the Corporation first pays its operating expenses and losses.

Then it adds two-fifths of the remainder to the insurance fund. After provision has been made for expenses and losses and the insurance fund has been augmented, the rest of the premium income is credited to the insured banks. They use this credit in the ensuing year as part payment for the premiums which become due. Thus, the banks are the ones who pay for the insurance of their deposits, not the depositors nor the Government.

The taxpayers do not pay a dime to support deposit insurance.

HOW DOES THE FDIC WORK

The Federal Deposit Insurance Corporation admits banks to insurance. In seeking admission a bank applies to the Corporation and the application is approved if the institution is sound. In all, the FDIC insures about 4,900 national banks, 1,900 State banks which are members of the Federal Reserve System, and 6,800 nonmember banks.

Every bank in the United States is not insured by the Federal Deposit Insurance Corporation. Protection is accorded the deposits of banks only if they measure up to the requirements. Furthermore, FDIC strives constantly to reduce its risks in the insured banks by strengthening the entire banking system. The Corporation examines insured banks or reviews examination reports prepared by other supervisory agencies. Day in and day out, it encourages conformity with high banking standards and advocates improved business practices.

Should an insured bank experience financial difficulties and go into receivership, the Federal Deposit Insurance Corporation pays the depositor up to a maximum of $10,000. However, receiverships have been avoided in recent years. Because of its sound policies and able management the Corporation has been able to protect all depositors by making deposits available to them immediately in another insured bank in the community. Thus, all losses to depositors are avoided and the continuity of banking services is maintained.

Ever since the Federal Deposit Insurance Corporation was established it has recognized the financial soundness of the individual insured bank as the first line of defense for depositors. Individual banks in an unsound condition are a serious threat to the safety of their depositors as well as to the perpetuation of our private enterprise system. As a consequence, the strengthening of each bank is a major objective of FDIC policy.

WHAT ARE THE FDIC ACHIEVEMENTS?

The Federal Deposit Insurance Corporation has succeeded beyond the fondest hopes and expectations of those who conceived it. Testifying to this is the fact that no insured bank has been placed in receivership since May 1944. Nor has a depositor lost money resulting from the failure of an insured bank. Furthermore, the FDIC has restored the public's confidence in our banking system which was undermined during the protracted agricultural depression of the 1920's and evaporated completely after the total collapse of our economy in the tragic depression of the early 1930's.

The FDIC has eliminated the disastrous effect of banking failures upon our economy. It has created an atmosphere in which the Nation's business can be transacted freely and without threat of financial paralysis which heretofore occurred periodically. Now the Corporation has dedicated its efforts to the task of preserving the financial stability which it has achieved for our economy. Over the years to come, the preservation of this stability in banking will be its greatest achievement, and a major contribution to the welfare of America.

Mr. SPENCE. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Speaker, this bill passed the other body and passed the House by an overwhelming majority for the reasons given in the reports and the debates at that time, chief among which were that by increasing the coverage of insurance from $5,000 to $10,000 a decided advantage would be given to the small banks which find themselves very much in competition with the large banks because of the lower coverage. This means that now a depositor has $10,000 of his deposits insured; and, of course, there will be this influence to leave that much more money in the small banks for investment locally.

The FDIC started out with $289,000,000 of capital, $150,000,000 from the Treasury and $139,0000,000 capital from the Federal Reserve. Some time ago we provided for the retirement of this capital, and now all of this capital has been retired, so that the Federal Government has no money invested in the capital or reserves of the Federal Deposit Insurance Corporation.

The Senate added a provision to the bill requiring the Federal Deposit Insurance Corporation to pay interest at 2 percent on this capital which has been retired. The bill as we have it before us retains that provision, so the FDIC will pay about $80,000,000 of interest on the capital. That is expected to be completely paid within the next 2 years, so that at the end of 2 years the Federal Deposit Insurance Corporation will not only have retired its capital, paid it back altogether, but will also have paid interest on the capital furnished by the Treasury and the Federal Reserve.

The chief matter in controversy between the two Houses was the examination by the Federal Deposit Insurance Corporation of insured banks. The House provided that the Federal Deposit Insurance Corporation could go into any insured bank at any time and examine it. The Senate had no similar provision, so the compromise agreed upon seems to me very desirable. It in substance authorizes the Federal Deposit Insurance Corporation to go into the Federal Reserve member banks and national banks when they have been unable to get sufficient information from the examination made by the Federal Reserve and the Comptroller's office to satisfy them for insurance purposes. That means that there will be no general duplication of examinations, and we have letters from Mr. Maple Harl, Chairman of the Board, from the Board to the effect that they will not in the future examine any more then they have in the past. So we have positive assurance from the language of the bill and from letters we have received that there will be no duplication of effort and that the FDIC will examine only in those cases where sufficient information is not obtained otherwise.

Mr. HARVEY. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Indiana.

Mr. HARVEY. I want to compliment the gentleman on this very fine arrangement. I think it will prove most satisfactory to the member banks, at least in my district in Indiana.

Mr. WOLCOTT. I thank the gentleman.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Kansas.

Mr. REES. Can the gentleman tell us the amount of reserves now on hand in the Federal Deposit Insurance Corporation?

Mr. WOLCOTT. One billion two hundred million dollars. There should be added to that 40 percent of the premiums which are paid in after the deduction of operating expenses and losses, so that the fund is being constanty increased from year to year.

Mr. REES. The deposits in these banks have increased since this act was originally passed and they will continue to increase probably; furthermore, we have a guaranty of twice the amount of deposits we had before.

Mr. WOLCOTT. The gentleman is correct, but at the same time the assets of the banks have increased. We must always bear in mind that there is not only the reserve, which is now at about $1,200,000,000, but there are the assets of all of the insured banks behind these deposits. Then, in addition to that, we make provision that where necessary, where the reserve has been completely used, where the assets of the banks have been used, then if it is necessary to prevent a collapse of the economy due to the wholesale failure of banks, the Treasury is authorized under existing law to advance up to $3,000,000,000 in addition. We never expect to have to use that $3,000,000,000.

Mr. REES. I am glad to have the gentleman's explanation on that point. With respect to the cost of operation of the FDIC, does it pay its own way as far as expenses are concerned, including examinations, employees and all that?

Mr. WOLCOTT. There is provision in the law that the expenses of operating the FDIC, administratively and the losses, all operating expenses of the FDIC, are deducted from the total of the premiums before anything goes into reserve or before anything is returned to the banks by way of dividends.

Mr. REES. In other words, there is no charge against the Federal Government for carrying on the operations of the FDIC?

Mr. WOLCOTT. There never has been, excepting the original capital, which has all been retired.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from New York.

Mr. KEATING. The gentleman is always very helpful in presenting these matters to us who are less familiar with the ramifications of this complicated legislation. I want to commend the gentleman for that and ask him if he will explain the position of the two Members of the other body who did not concur as to amendment No. 9. What is their position on that?

Mr. WOLCOTT. To what does the gentleman refer?

Mr. KEATING. The Members are referred to on page 2 of the memorandum. They say they did not concur in amendment No. 9. I was wondering what their side of the matter was.

Mr. WOLCOTT. That is in respect to examination of the banks. They took a very strong position against that. The reasons for it are obvious. One of them is a Member of the Senate who has been president of a Federal Reserve bank. The other, I understand, was against the bill altogether. It was his amendment that compelled the FDIC to pay this 2 percent interest, which was not in the House bill. So I think that is perhaps the reason. However, under the rules of the House I cannot discuss a Member of the other body. I hope the gentleman will pardon me for not going too far into detail.

Mr. KEATING. What the gentleman has said is helpful.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Nebraska.

Mr. STEFAN. We are very much concerned over the duplication of examinations. That has been the principal complaint I have received from the bankers in my district. Have you eliminated that duplication so there will not be so many examiners going into the banks and examining them?

Mr. WOLCOTT. Well, we have assurances from the FDIC there will not be any attempt to duplicate effort. The gentleman will see by amendment No. 9 that has been written in here there can be no duplication, and there will be no examination by the FDIC excepting in those special cases where sufficient information for insurance purposes has not been obtained from examination by the Federal Reserve and the Comptroller's office.

Mr. STEFAN. I am sure the bankers will be very happy to hear that.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SPENCE. Mr. Speaker, I yield such time as he may desire to the gentleman from North Carolina [Mr. DEANE].

Mr. DEANE. Mr. Speaker, I am sure all members of our Committee on Banking and Currency as well as the Members of the House would extend our sincere appreciation to the mmebers of the committee on conference who have labored so faithfully in bringing up for final consideration this important legislation to amend the Federal Deposit Insurance Act.

There is one provision in the legislation before the House which should be high lighted in which I am sure all Members of the House will be interested. Some months ago the House passed an omnibus bill coming from our committee on Banking and Currency involving amendments to the Home Owners' Loan Act of 1933, the Home Loan Bank Act, and title IV of the National Housing Act. In amending title IV of the National Housing Act provision was made for a reduction in the amount of premium paid by the savings and loan associations for the insured coverage on deposits. Likewise authority was granted to the savings and loan associations to increase the insured coverage on deposits from five to ten thousand dollars as provided in the pending legislation, provided however, that this increased insurance coverage from $5,000 to $10,000, would not be operative until legislation increasing the insurance on bank deposits from $5,000 to $10,000, as provided in the pending conference report was enacted. Thus, in approving this conference report, two great groups, the banking industry as well as the savings and loan institutions will now under the pending legislation be able to insure their deposits up to $10,000.

Mr. Speaker, I appreciate the views of our distinguished friend from Texas [Mr. PATMAN] but I believe he is perhaps too alarmed over the provisions of the legislation. I say I appreciate his views, but I believe firmly that definite safeguards are provided in the pending bill which provide sufficient protective features to maintain the reserves in the fund. It is estimated that the income from investments and the assessed income will produce at least an annual income of $70,000,000.

I feel that we should not adopt this legislation today without again expressing to the faithful and loyal administrators and officials of the FDIC our appreciation of the great service they have rendered the country and our banking institutions in administering the Federal Deposit Insurance Corporation Act.

Mr. SPENCE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 106) authorizing certain changes in the enrollment of S. 2822, amending the Federal Deposit Insurance Act.

The Clerk read the title of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is hereby authorized and directed, in the enrollment of the bill (S. 2822) to amend the Federal Deposit Insurance Act (U. S. C., title 12, sec. 264), to make the following changes in the Senate engrossed bill, namely:

(1) On page 9, line 23, after the period, insert the following: "A State bank, resulting from the conversion of an insured national bank, shall continue as an insured bank. A State bank, resulting from the merger or consolidation of insured banks, or from the merger or consolidation of a noninsured bank or institution with an insured State bank, shall continue as an insured bank."

(2) On page 22, line 11, beginning with the word "Whenever" strike out through line 18 and insert in lieu thereof the following: "Except as provided in subsection (b) of section 4, whenever a member bank shall cease to be a member of the Federal Reserve System, its status as an insured bank shall, without notice or other action by the board of directors, terminate on the date the bank shall cease to be a member of the Federal Reserve System, with like effect as if its insured status had been terminated on said date by the board of directors after proceedings under subsection (a) of this section."

(3) On page 53, beginning with line 16, strike out through line 3 on page 54 and insert in lieu thereof the following:

"(c) Without prior written consent by the Corporation, no insured bank shall (1) merge or consolidate with any noninsured bank or institution or convert into a noninsured bank or institution or (2) assume liability to pay any deposits made in, or similar liabilities of, any noninsured bank or institution or (3) transfer assets to any noninsured bank or institution in consideration of the assumption of liabilities for any portion of the deposits made in such insured bank. No insured bank shall convert into an insured State bank if its capital stock, or its surplus will be less than the capital stock or surplus, respectively, of the converting bank at the time of the shareholders' meeting approving such conversion, without prior written consent by the Comptroller of the Currency if the resulting bank is to be a District bank, or by the Board of Governors of the Federal Reserve System if the resulting bank is to be a State member bank (except a District bank), or by the Corporation if the resulting bank is to be a State nonmember insured bank (except a District bank). No insured bank shall (i) merge or consolidate with an insured State bank under the charter of a State bank or (ii) assume liability to pay any deposits made in another insured bank, if the capital stock or surplus of the resulting or assuming bank will be less than the aggregate capital stock or aggregate surplus, respectively, of all the merging or consolidating banks or of all the parties to the assumption of liabilities, at the time of the shareholders' meetings which authorized the merger or consolidation or at the time of the assumption of liabilities, unless the Comptroller of the Currency shall give prior written consent if the assuming bank is to be a national bank or the assuming or resulting bank is to be a District bank; or unless the Board of Governors of the Federal Reserve System gives prior written consent if the assuming or resulting bank is to be a State member bank (except a District bank); or unless the Corporation gives prior written consent if the assuming or resulting bank is to be a nonmember insured bank (except a District bank). No insured State nonmember bank (except a District bank) shall, without the prior consent of the Corporation, reduce the amount or retire any part of its common or preferred capital stock, or retire any part of its capital notes or debentures."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SEPARATION OF SUBSIDY FROM AIR-MAIL PAY

Mr. McSWEENEY, from the Committee on Rules, reported the following privi-

leged resolution (H. Res. 854, Rept. No. 3090), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9184) to provide for the separation of subsidy from air-mail pay, and for other purposes. That after general debate which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Mr. BARDEN. Mr. Speaker, I call up the conference report on the bill (S. 2317) to authorize grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs of school construction; and to authorize grants for emergency school construction to school districts overburdened with enrollments resulting from defense and other Federal activities; and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 3064)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2317) to authorize grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs of school construction; and to authorize grants for emergency school construction to school districts overburdened with enrollments resulting from defense and other Federal activities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"TITLE I—SURVEYS AND STATE PLANS FOR SCHOOL CONSTRUCTION

"AUTHORIZATION OF APPROPRIATION

"SEC. 101. In order to assist the several States to inventory existing school facilities, to survey the need for the construction of additional facilities in relation to the distribution of school population, to develop State plans for school construction programs, and to study the adequacy of State and local resources available to meet school facilities requirements, there is hereby authorized to be appropriated the sum of $3,000,000, to remain available until expended. The sums appropriated pursuant to this section shall be used for making payments to States whose applications for funds for carrying out such purposes have been approved: *Provided*, That the making of grants under this title shall not in any way commit the Congress to authorize or appropriate funds to undertake the construction of any public works so planned.

"STATE APPLICATIONS

"SEC. 102. The Commissioner of Education shall approve any application for funds for carrying out the purposes of section 101 if such application—

"(1) designates the State educational agency (as defined in paragraph (13) of section 210) as the sole agency for carrying out such purposes;

"(2) provides for making an inventory and survey in accordance with section 101 containing information requested by the Commissioner, and for developing a State program in accordance with such section; and

"(3) provides that the State educational agency will make such reports, in such form, and containing such information as the Commissioner may from time to time reasonably require, and, to assure verification of such reports, give the Commissioner, upon request, access to the records upon which such information is based.

"ALLOTMENTS AND PAYMENTS TO STATES

"SEC. 103. (a) Of the sums appropriated pursuant to section 101, $150,000 shall be allotted by the Commissioner to the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands according to their respective needs and upon the basis of agreements made with their respective State educational agencies, and the remainder shall be allotted to the other States in the same proportions as their respective school-age populations bear to the total school-age population of such other States; except that no such allotment to any State (other than the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall be less than $10,000. Within its allotment each State shall be entitled to receive an amount equal to 50 per centum of its expenditures in carrying out the purposes of section 101 in accordance with its application.

"(b) The Commissioner shall from time to time estimate the sum to which each State will be entitled under this section during such ensuing period as he may determine, and shall thereupon certify to the Secretary of the Treasury the amount so estimated, reduced or increased, as the case may be, by any sum by which the Commissioner finds that his estimate for any prior period was greater or less than the amount to which the State was entitled for such period. The Secretary of the Treasury shall thereupon, prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Commissioner, the amount so certified.

"WITHHOLDING OF CERTIFICATION

"SEC. 104. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to a State educational agency, finds (1) that such State educational agency is not complying substantially with the provisions of this title or the terms and conditions of its application approved under this title, or (2) that any funds paid to such State educational agency under this title have been diverted from the purposes for which they had been allotted or paid, the Commissioner may forthwith notify the Secretary of the Treasury and such State educational agency that no further certification will be made under this title with respect to such agency until there is no longer any failure to comply or the diversion has been corrected or, if compliance or correction is impossible, until such State educational agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

"(b) The final refusal of the Commissioner to approve any application made under this title, and the Commissioner's final action under subsection (a) of this section, shall be subject to judicial review on the record, in the United States Court of Appeals for the circuit in which the State is located, in accordance with the provisions of the Administrative Procedure Act.

"ADMINISTRATION

"SEC. 105. (a) The Commissioner is authorized to delegate to any officer or employee of the Office of Education any of his functions under this title except the making of regulations.

"(b) There are hereby authorized to be appropriated for Federal administrative expenses such sums as may be necessary to carry out the provisions of this title.

"TITLE II—SCHOOL CONSTRUCTION IN FEDERALLY-AFFECTED AREAS

"DECLARATION OF POLICY

"SECTION 201. In recognition of the impact which certain Federal activities have had on the school construction needs in the areas in which such Federal activities have been or are being carried on, the Congress hereby declares it to be the policy of the United States to bear the cost of constructing school facilities in such areas in the manner and to the extent provided in this title.

"PAYMENTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 202. (a) A local educational agency shall be eligible under this subsection for payment with respect to children who reside on Federal property with a parent employed on Federal property, if the estimated number of such children who will be in average daily attendance at the schools of such agency during the current fiscal year (as defined in paragraph (6) of section 210) is at least fifteen and is at least 5 per centum of the estimated number of all children who will be in average daily attendance at the schools of such agency during the current fiscal year. Each such local educational agency shall be entitled to receive an amount not to exceed such estimated number of children with respect to whom it is eligible for payment under this subsection, multiplied by 95 per centum of the average per pupil cost of constructing complete school facilities in the State in which the school district of such agency is situated.

"(b) A local educational agency of a State shall be eligible under this subsection for payment with respect to children who reside on Federal property, or who reside with a parent employed on Federal property part or all of which is situated in such State, if the estimated number of such children who will be in average daily attendance at the schools of such agency during the current fiscal year is at least fifteen and is at least 5 per centum of the estimated number of all children who will be in average daily attendance at the schools of such agency during the current fiscal year. Each such local educational agency shall be entitled to receive an amount not to exceed such estimated number of children with respect to whom it is eligible for payment under this subsection, multiplied by 70 per centum of the average per pupil cost of constructing complete school facilities in the State in which the school district of such agency is situated.

"(c) A local educational agency shall be eligible under this subsection for payment with respect to children whose attendance results from activities of the United States (carried on either directly or through a contractor) if, in the judgment of the Commissioner of Education—

"(1) the estimated number of such children who will be in average daily attendance at the schools of such agency during the current fiscal year is at least twenty and is at least 10 per centum of the estimated number

of all children who will be in average daily attendance at the schools of such agency during the current fiscal year; and

"(2) the construction of additional school facilities to take care of the children whose attendance results from such activities of the United States has imposed or will impose an undue financial burden on the taxing and borrowing authority of the agency.

Each such local educational agency shall be entitled to receive an amount not to exceed such estimated number of children with respect to whom it is eligible for payment under this subsection, multiplied by 45 per centum of the average per pupil cost of constructing complete school facilities in the State in which the school district of such agency is situated. In determining eligibility and maximum amounts of payment under this subsection, the Commissioner (A) shall take into account only activities of the United States carried on after June 30, 1939; and (B) shall not take into account activities of the United States carried on in connection with real property which has been excluded from the definition of Federal property by the last sentence of paragraph (1) of section 210.

"(d) If two or more of the first three subsections of this section apply to a child, the local educational agency shall elect which of such subsections shall apply to such child.

"(e) Notwithstanding the preceding provisions of this section, the total number of children for whom a local educational agency is entitled to receive payment under this title shall not exceed—

"(1) except where the determination of the maximum amount is based in whole or in part on entitlement under subsection (c), the estimated number of all children in average daily attendance at the schools of such agency during the current fiscal year, minus the number of all children in average daily attendance at the schools of such agency during the fiscal year ending June 30, 1939; and

"(2) where the determination of the maximum amount is based in whole or in part on entitlement under subsection (c), the estimated number of all children in average daily attendance at the schools of such agency during the current fiscal year, minus 110 per centum of the number of all children in average daily attendance at the schools of such agency during the fiscal year ending June 30, 1939.

"(f) Notwithstanding the provisions of the first three subsections of this section, where the average daily attendance at the schools of any local educational agency during the fiscal year ending June 30, 1939, exceeded 35,000—

"(1) such agency's percentage requirement for eligibility under subsection (a) or (b) shall be 10 per centum instead of 5 per centum, and its percentage requirement for eligibility under subsection (c) shall be 20 per centum instead of 10 per centum; and

"(2) in determining the maximum amount which such agency is entitled to receive under any such subsection, the agency shall be entitled to receive payment with respect to only so many of the estimated number of children whose attendance serves as the basis for eligibility under such subsection, as exceeds (A) in the case of subsection (a) or (b), 5 per centum of the estimated number of all children in average daily attendance at the schools of such agency during the current fiscal year, and (B) in the case of subsection (c), 10 per centum of such estimated number of all children so in average daily attendance.

"(g) (1) Where—

"(A) under any law other than a law relating to the disposal of surplus property, the United States constructed, or assisted in the construction of, school facilities in the school district of any local educational agency;

"(B) such construction was completed after June 30, 1939; and

"(C) either such agency has title to such school facilities, or, in the judgment of the Commissioner of Community Facilities Service, there is reasonable assurance that such agency will have the right to use such facilities for the remainder of the estimated usable life of such facilities,

then the Commissioner of Community Facilities Service, in accordance with regulations prescribed by him, shall determine the amount which equals the actual cost to the United States of constructing or assisting in the construction of such school facilities, minus (i) percentage depreciation applied to such cost for the period beginning with the completion of the construction of such facilities and ending on June 30, 1951 (the rate of such depreciation to be based on the estimated usable life of such school facilities for the school purposes of such agency), and (ii) so much of the actual cost to the United States of constructing or assisting in the construction of such facilities as has been recovered by the United States. The Commissioner of Community Facilities Service shall certify to the Commissioner of Education the amount so determined; and the Commissioner of Education shall reduce the maximum amount which such agency is otherwise entitled to receive under this section in accordance with such certification.

"(2) Where—

"(A) under the Act of October 14, 1940, entitled 'An Act to expedite the provision of housing in connection with national defense, and for other purposes', as amended, the United States has prior to the enactment of this Act constructed school facilities in the school district of a local educational agency; and

"(B) such school facilities are available to such agency on the date this Act is enacted,

the head of the Federal department or agency having custody of such facilities shall forthwith transfer to such local educational agency all right, title, and interest remaining in the United States in and to such facilities and the land being used in connection with the operation of such facilities.

"WHERE EFFECT OF FEDERAL ACTIVITIES WILL BE TEMPORARY

"SEC. 203. Notwithstanding the provisions of section 202, whenever the Commissioner determines that part or all of the attendance with respect to which any local educational agency is entitled to receive payment under such section will be of temporary duration only, such agency shall not be entitled to receive such payment with respect to the attendance so determined to be of temporary duration only. Instead, the Commissioner shall make available to such agency such temporary school facilities as may be necessary to take care of such attendance; except that he may, where the local educational agency gives assurance that adequate school facilities will be provided to take care of such attendance, pay (on such terms and conditions as he deems appropriate to carry out the purposes of this title) to such agency for use in constructing school facilities an amount equal to the amount which he estimates would be necessary to make available such temporary facilities.

"CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

"SEC. 204. In the case of children who reside on Federal property—

"(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

"(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make such arrangements for constructing or otherwise providing school facilities as may be necessary for the education of such children. To the maximum extent practicable school facilities provided under this section shall be comparable to the school facilities provided for children in comparable communities in the State. This section shall not apply (A) to children who reside on Federal property under the control of the Atomic Energy Commission, and (B) to Indian children attending Federally operated Indian schools. Whenever it will be necessary for the Commissioner to provide school facilities for children residing on Federal property under this section, no local educational agency shall be entitled to receive payment under section 202 with respect to the attendance of such children.

"APPLICATIONS

"SEC. 205. (a) No local educational agency shall be entitled to payment of any part of the maximum amount established for such agency by the formula contained in section 202 except upon application therefor submitted through the appropriate State educational agency and filed before July 1, 1952, with the Commissioner of Education in accordance with regulations prescribed by him. Any such application may either set forth a project for the construction of school facilities for such agency, in accordance with subsection (b), or may contain a request for a reimbursement payment, in accordance with subsection (c). The Commissioner of Education shall take final action with respect to the approval or disapproval of any such application within a reasonable time.

"(b) (1) Each application by a local educational agency setting forth a project for the construction of school facilities for such agency shall contain or be supported by—

"(A) a description of the project and the site therefor, preliminary drawings of the school facilities to be constructed thereon, and such other information relating to the project as may reasonably be required by the Commissioner;

"(B) assurance that such agency has or will have title to the site, or the right to construct upon such site school facilities as specified in the application and to maintain such school facilities on such site for a period of not less than twenty years after the completion of the construction;

"(C) assurance that such agency has legal authority to undertake the construction of the project and to finance any non-Federal share of the cost thereof as proposed, and assurance that adequate funds to defray any such non-Federal share will be available when needed;

"(D) assurance that such agency will cause work on the project to be commenced within a reasonable time and prosecuted to completion with reasonable diligence;

"(E) assurance that the rates of pay for laborers and mechanics engaged in the construction will be not less than the prevailing local wage rates for similar work as determined in accordance with Public Law Numbered 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended;

"(F) assurance that the school facilities of such agency will be available to the children for whose education contributions are provided in this title on the same terms, in accordance with the laws of the State in which the school district of such agency is situated, as they are available to other children in such school district; and

"(G) assurance that such agency will from time to time prior to the completion of the project submit such reports relating to the project as the Commissioner may reasonably require.

"(2) The Commissioner shall approve the application if he finds (A) that the proposed Federal share of the cost of the project does not exceed so much of the maximum amount which such agency is entitled to receive under section 202 as has not been expended or obligated for payment of the Federal share of the cost of projects of such agency theretofore approved, (B) that the requirements of paragraph (1) of this subsection have been met, and (C) after consultation with the State and local educational agency, that the project is not inconsistent with over-all State plans for the construction of school facilities.

"(c) (1) If, and only if, a local educational agency has provided (or, by reason of a project or projects under this title, will provide) adequate school facilities for the school children for whose education contributions are provided in this title, such agency may file an application containing a request for a reimbursement payment of so much of the maximum amount which such agency is entitled to receive under section 202 as has not been expended or obligated for payment of the Federal share of the cost of the projects of such agency under this title. Any such application shall also contain assurance that the school facilities of such agency will be available to such children on the same terms, in accordance with the laws of the State in which the school district of such agency is situated, as they are available to other children in such school district. In no event shall the reimbursement payment under this subsection exceed the amount expended from local sources since June 30, 1939, for the construction of the school facilities of the local educational agency.

"(2) The Commissioner shall approve any application of a local educational agency if he finds that the requirements of paragraph (1) of this subsection have been met.

"(d) No application under this title shall be disapproved in whole or in part until the Commissioner of Education has afforded the local educational agency reasonable notice and opportunity for hearing.

"CERTIFICATION AND PAYMENT

"SEC. 206. (a) Upon approving the application of any local educational agency under section 205 (b), the Commissioner of Education shall certify to the Secretary of the Treasury for payment to such agency an amount equal to 10 per centum of the Federal share of the cost of the project. After final drawings and specifications have been approved by the Commissioner of Education and the construction contract has been entered into, the Commissioner shall certify to the Secretary of the Treasury for payment to such agency, in accordance with regulations prescribed by him and at such times and in such installments as may be reasonable, the remainder of the Federal share of the cost of the project.

"(b) Upon approving the application of any local educational agency under section 205 (c), the Commissioner of Education shall certify to the Secretary of the Treasury for payment to such agency an amount equal to the maximum amount which such agency is entitled to receive under section 202 less any amount which such agency has received or will receive under subsection (a) of this section.

"(c) For each fiscal year the Commissioner of Education shall determine the portion of the funds appropriated to carry out the purposes of this title which shall be available for carrying out the provisions of sections 203 and 204. The remainder of such funds shall be available for making payments to local educational agencies for which applications have been approved under subsections (b) and (c) of section 205.

"(d) If the Commissioner of Education determines for any fiscal year that the funds which will be available therefor may not be sufficient to pay in full the amounts which all local educational agencies would otherwise be entitled to receive under applications approved under this title before the end of such year, he shall by regulations prescribe (1) a date or dates before which all applications for payments out of such funds shall be filed, and (2) the order in which the certifications required by subsections (a) and (b) of this section will be made. The order so prescribed shall be based on relative urgency of need and shall give applications under section 205 (b) priority over applications under section 205 (c).

"(e) The Secretary of the Treasury shall pay to each local educational agency in accordance with the certification of the Commissioner. Any funds paid to a local educational agency and not expended for the purposes for which paid shall be repaid to the Treasury of the United States.

"WITHHOLDING OF CERTIFICATION; APPEALS

"SEC. 207. (a) Whenever the Commissioner of Education, after reasonable notice and opportunity for hearing to a local educational agency, finds (1) that there is a substantial failure to comply with the drawings and specifications for the project, (2) that any funds paid to a local educational agency under this title have been diverted from the purposes for which paid, or (3) that any assurance given in an application is not being or cannot be carried out, the Commissioner may forthwith notify the Secretary of the Treasury and such agency that no further certification will be made under this title with respect to such agency until there is no longer any failure to comply or the diversion or default has been corrected or, if compliance or correction is impossible, until such agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

"(b) The final refusal of the Commissioner to approve part or all of any application under this title, and the Commissioner's final action under subsection (a) of this section, shall be subject to judicial review on the record, in the United States Court of Appeals for the circuit in which the local educational agency is located, in accordance with the provisions of the Administrative Procedure Act.

"ADMINISTRATION

"SEC. 208. (a) In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

"(b) The Commissioner of Education shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

"(c) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of receipts and disbursements.

"(d) With respect to compliance with and enforcement of the prevailing wage provisions of section 205 (b) (1) (E), the Secretary of Labor shall prescribe appropriate standards, regulations, and procedures, which shall be observed by the agencies administering such provisions, and shall cause to be made by the Department of Labor such investigations as he deems desirable.

"USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

"SEC. 209. (a) In carrying out his functions under this title, the Commissioner of Education may utilize the facilities and services of any Federal department or agency and may delegate the performance of any of his functions to any officer or employee of any Federal department or agency. The Commissioner of Education shall exercise the authority contained in the preceding sentence whenever such exercise will avoid the creation within the Office of Education of a staff and facilities which duplicate existing available staffs and facilities. Any such utilization or delegation shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

"(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may give rise to a need for the construction of school facilities, shall to the maximum extent practicable comply with requests of the Commissioner for information he may require in carrying out the purposes of this title.

"(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1951, and for each of the two succeeding fiscal years, such sums as may be necessary to carry out the provisions of this title, including the administration thereof. Sums so appropriated, other than sums appropriated for administration, shall remain available until expended. Not to exceed 10 per centum of the amount so appropriated for any fiscal year (exclusive of any sums appropriated for administration) may be used by the Commissioner, under regulations prescribed by him, to make grants to local educational agencies eligible for payments under section 202, where (1) the application of such agencies would be approved under section 205 (b) but for the agencies' inability, unless aided by such grants, to finance the non-Federal share of the cost of the projects set forth in their applications, or (2) although the applications of such agencies have been approved, the projects covered by such applications could not, without such grants, be completed, because of flood, fire, or similar emergency affecting either the work on the projects or the agencies' ability to finance the non-Federal share of the cost of the projects. Such grants shall be in addition to the payments otherwise provided under this title, shall be made to those local educational agencies whose need for additional aid is the most urgent and acute, and insofar as practicable shall be made in the same manner and upon the same terms and conditions as such other payments.

"(d) Such portion of the appropriations of any other department or agency for the fiscal year ending June 30, 1951, as the Director of the Bureau of the Budget determines to be available for the same purposes as this title, shall, except to the extent necessary to carry out during such year contracts made prior to the enactment of this Act, be transferred to the Commissioner for use by him in carrying out such purposes.

"(e) No appropriation to any department or agency of the United States, other than an appropriation to carry out this title, shall be available during the period beginning July 1, 1951, and ending June 30, 1953, for the same purpose as this title; except that nothing in this subsection or in subsection (d) of this section shall affect the availability during such period of appropriations (1) for the construction of school facilities on Federal property under the control of the Atomic Energy Commission, (2) for the construction of school facilities which are to be Federally operated for Indian children, or (3) for the construction of school facilities under the Alaska Public Works Act, approved August 24, 1949.

"DEFINITIONS

"SEC. 210. For the purposes of this Act—

"(1) The term 'Federal property' means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by

the District of Columbia. Such term includes real property leased from the Secretary of the Army, Navy, or Air Force under section 805 of the National Housing Act, as amended, for the purpose of title VIII of such Act. Such term also includes real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States. Such term does not include (A) any real property used by the United States primarily for the provision of services to the local area in which such property is situated, (B) any real property used for a labor supply center, labor home, or labor camp for migratory farm workers, or (C) any low-rent housing project held under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the United States Housing Act of 1937, the Act of June 28, 1940 (Public Law 671 of the Seventy-sixth Congress), or any law amendatory of or supplementary to any of such Acts.

"(2) The term 'child' means any child who is within the age limits for which the applicable State provides free public education.

"(3) The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(4) The term 'free public education' means education which is provided at public expense and under public supervision and direction, and which is provided as elementary or secondary school education in the applicable State.

"(5) Average daily attendance shall be determined in accordance with State law; except that, notwithstanding any other provision of this title, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this title the attendance of such child shall be held and considered—

"(A) if the two local educational agencies concerned so agree, and if such agreement is approved by the Commissioner, as attendance at a school of the local educational agency receiving such tuition payment;

"(B) in the absence of any such approved agreement, as attendance at a school of the local educational agency so making or contracting to make such tuition payment.

In any determination of average daily attendance, children who are not provided free public education (as defined in paragraph (4)) shall not be counted.

"(6) The term 'current fiscal year' means (A) with respect to an application approved before July 1, 1951, the fiscal year ending June 30, 1951, and (B) with respect to an application approved after June 30, 1951, the fiscal year ending June 30, 1952.

"(7) The average per pupil cost of constructing complete school facilities in the State in which the school district of a local educational agency is situated shall be determined by the Commissioner of Education on the basis of contracts entered into during the fiscal year preceding the fiscal year in which the application is approved. If the Commissioner finds that the information available for the State concerned for such preceding fiscal year is inadequate or not sufficiently representative, he shall determine such cost on the basis of such information as he has available and after consultation with the State educational agency.

"(8) Estimates of average daily attendance during a current fiscal year, and all other determinations with respect to eligibility and maximum amount of payment, shall be made as of the time of the approval of the application for which made, and shall be made on the basis of the best information available at the time of such approval.

"(9) The terms 'construct', 'constructing', and 'construction' include the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

"(10) The term 'school facilities' includes classrooms and related facilities; and initial equipment, machinery, and utilities necessary or appropriate for school purposes. Such term does not include athletic stadia, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public. Except as used in sections 203 and 204, such term does not include interests in land and off-site improvements.

"(11) School facilities shall be deemed adequate for a given number of children if, under applicable State standards, they are adequate for the full-time education of such number of children.

"(12) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

"(13) The term 'State educational agency' means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

"(14) The term 'State' means a State, Alaska, Hawaii, Puerto Rico, or the Virgin Islands; except that for the purposes of title I the term includes, in addition, the District of Columbia.

"(15) The terms 'Commissioner of Education' and 'Commissioner' mean the United States Commissioner of Education.

"(16) For the purposes of title I, the term 'school-age population' means that part of the population which is between the ages of five and seventeen, both inclusive, and the school-age population of the several States shall be determined on the basis of the most recent estimates certified by the Department of Commerce; and for such purposes the term 'school' means any elementary or secondary school which is tax-supported and publicly administered."

And the House agree to the same.

Amend the title so as to read: "An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes."

GRAHAM A. BARDEN,
CLEVELAND M. BAILEY,
THOMAS H. BURKE,
SAMUEL K. MCCONNELL, JR.,
CARROLL D. KEARNS,
Managers on the Part of the House.

HUBERT H. HUMPHREY,
JAMES E. MURRAY,
LISTER HILL,
GEORGE D. AIKEN,
WAYNE MORSE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2317) to authorize grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs of school construction; and to authorize grants for emergency school construction to school districts overburdened with enrollments resulting from defense and other Federal activities, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text struck out all of the Senate bill after the enacting clause. The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted in the following outline, except for incidental changes made necessary by reason of agreements reached by the conferees and except for minor clarifying changes:

SURVEYS AND STATE PLANS

Title I of the Senate bill authorized the appropriation of not to exceed $5,000,000 to assist the several States to survey their needs for existing school facilities, to survey their needs for additional school facilities in relation to the distribution of school population, to develop State plans for school-construction programs, and to study the adequacy of State and local resources available for school construction. Under title I of the Senate bill, any amount appropriated pursuant to this authorization was to be made available to the States and to the District of Columbia on the basis of their respective populations of school age, that is, their respective populations of children at least 5 years of age and not more than 17 years of age. Within the maximum amount of Federal funds thus made available to it, a State (and the District of Columbia) would receive in Federal funds an amount equal to one-half of its total expenditures for the purposes set forth above.

The House amendment contained no provisions for State surveys or for the development of State school-construction plans.

In general, title I of the conference substitute follows title I of the Senate bill. However, in the conference substitute the amount of Federal funds authorized to be appropriated for State surveys and the development of State plans is reduced from $5,000,000 to $3,000,000. Further, the conference substitute extends the title I provisions to Alaska, Hawaii, Puerto Rico, and the Virgin Islands, and provides that of the appropriations made under the $3,000,000 authorization, the Commissioner of Education shall allot $150,000 to the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands, according to their respective needs and upon the basis of agreements made with their respective educational agencies.

The decision of the conferees to retain title I of the Senate bill has necessitated including in the conference substitute certain provisions from title III of the Senate bill. For example, the conference substitute retains from title III of the Senate bill definitions of "school-age population" and of "school" (see par. (16) of sec. 210 of the conference substitute), and changes the definition of the term "State" included in the House amendment so that, for survey and planning purposes, the District of Columbia will be included within the definition of such term (see par. (14) of sec. 210 of the conference substitute). In addition the conference substitute retains, for survey and planning purposes, provisions from title III of the Senate bill relating to the withholding of certification of payment, judicial review of the action of the Commissioner of Education, and the authorization of appropriations for Federal administrative expenses.

SCHOOL CONSTRUCTION IN FEDERALLY AFFECTED AREAS

In general, title II of the conference substitute follows the House amendment with the following changes:

School agencies having attendance of more than 35,000: The House amendment, and the conference substitute, set up a detailed

formula for measuring the Federal responsibility to any local educational agency and for measuring the maximum amount of Federal funds which may be paid to any such agency. Under this formula there are three categories of children for whom contributions may be made: (1) Children who reside on Federal property with a parent employed on Federal property, (2) children who reside on Federal property, or who reside with a parent employed on Federal property part or all of which is situated in the same State as the local school agency concerned, and (3) children whose attendance results from activities of the United States (carried on either directly or through a contractor). Certain minimum eligibility requirements are established for each category. Once these requirements have been met, a local school agency will be entitled to receive an amount not to exceed the number of children in the category in question multiplied by specified percentages of the per-pupil cost of school construction in the States in question.

In the House amendment it was provided that no local educational agency having an average daily attendance in excess of 35,000 for the fiscal year ending June 30, 1950, was to be eligible for Federal contributions. The conference substitute moves the date back from fiscal 1950 to fiscal 1939, and further provides that a local educational agency having an average daily attendance of over 35,000 during the fiscal year ending June 30, 1939, can become eligible for Federal contributions upon compliance with certain higher eligibility requirements. That is to say, for such an agency the eligibility requirements in the case of the first two categories of impact under the formula will be 10 percent of all children in average daily attendance, instead of the 5 percent it will be for the smaller local educational agencies. Further, the eligibility requirement in the case of the third category of impact will be 20 percent of all children in average daily attendance instead of the 10 percent it will be for the smaller local educational agencies.

In addition, the conference substitute requires these larger agencies to "absorb" a greater part of the Federal impact. In other words, in the case of the first two categories of impact, a larger school agency will not be entitled to receive payment for so many of the children whose attendance is caused by Federal activities as equals 5 percent of the total attendance at the schools of such agency. In the case of the third category, this "absorption" provision will be 10 percent instead of the 5 percent set forth in the preceding sentence.

Judicial review: The provisions of the House amendment pertaining to judicial review of final action of the Commissioner of Education under title II have been changed in the conference substitute (see sec. 207 (b)) to conform to the judicial review provisions in title I, which incorporate by reference the provisions of the Administrative Procedure Act. This change, in keeping with one of the key purposes of the Administrative Procedure Act, assures a greater measure of uniformity in the judicial review of actions of Federal officials.

Special fund: The conference substitute includes (see sec. 209 (c)) a provision designed to afford greater flexibility in the working of the formula of the House amendment. Under this provision the Commissioner of Education may use not to exceed one-tenth of the sums appropriated for any fiscal year under title II of the conference substitute (exclusive of amounts appropriated for administration) for making payments to local school agencies in addition to the maximum amount they would be entitled to receive under the formula. These additional payments may be made to agencies whose applications setting forth school construction projects would not otherwise be approved because the agencies cannot finance the non-Federal share of the cost of the projects, and may also be made to agencies which have had their applications setting forth school construction projects approved but which would otherwise not be able to complete such projects because work on the projects has been affected by flood, fire, or similar emergency or because such an emergency has affected the agencies' ability to finance the non-Federal share of the cost of the projects.

The additional payments to local school agencies authorized by this provision will be made under regulations prescribed by the Commissioner of Education, will be made to those local agencies whose need for additional aid is most urgent and acute, and, to the extent practicable, will be made in the same manner and upon the same terms and conditions as the other school construction payments to local school agencies under title II of the conference substitute.

Definition of "free public education": The House amendment defined the term "free public education" as education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State. The conference substitute deletes the words "and without tuition charge." Cases frequently occur where a local educational agency may provide for the education of a child for whom it is responsible by arranging for his education in a school which it does not itself operate, and in such situations the arrangements normally involve the payment of a tuition charge by the local educational agency for the education thus provided. In situations where the education is provided at public expense and under public supervision and direction, the conferees agreed that the education should be considered free public education notwithstanding the payment of a tuition charge, and the words in question were accordingly deleted.

Definition of "average daily attendance": The conference substitute changes the definition of "average daily attendance" contained in the House amendment to provide specifically for cases where a child attends the schools of one local educational agency but his education is paid for by another local educational agency. Under the House amendment, such a child would be considered as in average daily attendance at the school he actually attends, even though the costs of the child's education are met through a tuition payment by another agency. Under the conference substitute, the local educational agency making or contracting to make such a tuition payment is credited with the child's attendance in all cases unless there is an agreement between the local agencies concerned to the contrary and such agreement is approved by the Commissioner of Education. Such an agreement may be appropriate when the arrangement in question is desirable from the standpoint of constructing new school facilities, and would permit the child's attendance (and any resulting Federal payments) to be credited to the local educational agency which will permanently provide facilities for the child's education.

The conference substitute retains the title contained in the House amendment, with the exception that the phrase "and for other purposes" has been added thereto.

GRAHAM A. BARDEN,
CLEVELAND M. BAILEY,
THOMAS H. BURKE,
SAMUEL K. MCCONNELL, Jr.,
CARROLL D. KEARNS,
Managers on the Part of the House.

Mr. BARDEN. Mr. Speaker, this conference report is on the bill S. 2317, which is a construction bill to take care of the impact caused by various Federal activities including military installations. The conference report comes with the unanimous approval of all the conferees both for the House and Senate. There are only two changes of importance in the bill in comparison with the bill as it passed the House. One was the change as the result of the insistence of the Senate upon $5,000,000 for survey of school needs of the various States to be matched by the States. The House did not have any amount to cover this item. The conferees agreed on $3,000,000 for that purpose.

The other change which is of some importance is a change made with reference to larger cities. It developed in debate on the floor of the House that there were one or two cities which might be, in a way, discriminated against. So, instead of chopping it off at the 35,000 figure, there was a provision made for an absorption of 10 percent, instead of 5 percent. We found no disagreement to that among the conferees. We agreed on it. So far as I know the conference report will meet with the approval of the House just as the bill did.

Mr. Speaker, I have no requests for time. The gentleman from Pennsylvania [Mr. MCCONNELL] is the ranking minority member, and I yield to him for such statement as he might care to make.

Mr. MCCONNELL. Mr. Speaker, I rise in support of this conference report. As you recall, this bill passed the House unanimously. It went to conference with the Senate. I am happy to say that we had to agree to very few changes to the House bill. The chairman has stated that we agreed to $3,000,000 for a survey on a matching basis with the States; also, we agreed to certain percentage changes for school districts, where the school population—that is, the children in average daily attendance—exceeded 35,000. We provided, instead of a complete chop-off, for a higher percentage requirement for those types of districts. It will mean that only a few of the larger cities will be brought in. But we feel that those which will be brought in are deserving cases.

So, with those two exceptions mainly, this bill is the same as the bill passed by the House just about 3 weeks ago.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. MCCONNELL. I yield.

Mr. STEFAN. I understand that the amount itself is cut down from $5,000,000 to $3,000,000?

Mr. MCCONNELL. The amount authorized for the survey is cut down from $5,000,000 to $3,000,000.

Mr. STEFAN. What will be the total authorization?

Mr. MCCONNELL. We did not provide for any over-all amount. But the other body called for $5,000,000 for a survey. We cut it down to $3,000,000 and it is to be on a matching basis of 50–50 State and Federal.

Mr. STEFAN. How much is authorized to be appropriated in this bill as reported in this conference report?

Mr. MCCONNELL. There is no specific amount authorized in the bill except for the survey. There is no specific amount.

Mr. STEFAN. Is there an actual appropriation in this bill?

Mr. BARDEN. No; there is no amount. There is an authorization.

Mr. McCONNEL. There is no amount. It is just an authorization.

Mr. STEFAN. There is no actual appropriation?

Mr. McCONNELL. There is no actual appropriation in the bill.

Mr. BARDEN. Mr. Speaker, will the gentleman yield?

Mr. McCONNELL. I yield.

Mr. BARDEN. The Senate Appropriations Committee put in an amount in the committee and then the Senate raised that amount $24,000,000 on yesterday, I think it was.

Mr. STEFAN. Is that going in the supplemental appropriation bill?

Mr. BARDEN. As I understand it, yes, sir.

Mr. McCONNELL. That is approximately $24,000,000 which has been advanced for the remainder of this year.

Mr. STEFAN. And that is in the supplemental appropriation bill?

Mr. McCONNELL. I think it will be.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. McCONNELL. I yield.

Mr. JENSEN. Does the committee have any idea what the actual cost of this legislation will amount to in the next 10 years?

Mr. BARDEN. If it lasts 10 years.

Mr. JENSEN. Well, once it is started it will keep on, because these places will demand equality of treatment, and Congress will say, "Of course we have to treat everybody fairly who are in the categories which we have designated in this bill."

Mr. McCONNELL. I would state to the gentleman, as I stated on the floor during the discussion prior to the passage of the bill in the House: It is my belief that at least $150,000,000 will be required over the next few years for this bill. That is just a guess, because you must realize that we are now reactivating many military installations. We are preparing for the change from a cold war to a hot war. It is impossible to know just what the requirements will be. The Federal Government will cause an impact on more and more districts with its activities. As the Federal Government goes into those districts, I would not want to guess what this bill will cost, but I would say at least $150,000,000, which I stated before.

Mr. JENSEN. That is just a guess, of course, and that is all anyone can do at this time, but this is the kind of legislation that will run on and on, and no one knows how much it will cost. We know it is going to cost hundreds of millions of dollars, and possibly billions.

As the gentleman knows, I have been very skeptical of this legislation ever since it was first introduced. I think I can see where every community that has a little Government installation is going to be in here demanding that they have school facilities furnished to them, and that a certain amount of it will be paid by the Federal Government. The first thing we know, they will be insisting that Government facilities move in instead of taxpaying facilities. We are embarking on a most dangerous course. I realize there are many places that must have this help, but I certainly hope that this committee will see to it that this thing is held down to such places as where the need is absolutely necessary. After all, these business houses and these people living in the places where these installations are going in are profiting and have profited to a great degree because of those facilities. To just come out and say that the Government is going to take over and we are going to pay the bill or a part of the bill is mighty dangerous ground on which to venture.

Mr. McCONNELL. I am just as concerned about the dangers of this as is the gentleman. I think those who know me best know that I am watchful of the encroachment of the Federal Government on our school system, as well as from an economy standpoint.

Mr. JENSEN. I am sure the gentleman is.

Mr. McCONNELL. But here we have an obligation. The Federal Government goes into these school districts and takes over their lands, brings in Federal workers with additional children to educate, and you just place an impossible situation on that district. I think the Government owes them something. As to the dangers of the future, we have lessened them by limiting this aid to 3 years, which will give the Congress an opportunity to look at it again. Also, it is our hope that the war preparations or war activities will become more stabilized once this initial period of getting ready for the active defense system is over. I do not know how long it will take, but when the defense activities stabilize in this country there will probably be no new additional demands beyond that period. If it had not been for the war situation, the amount of expenditures for school districts in this bill would be much smaller than we now anticipate.

Mr. JENSEN. That is what disturbs many of us. We are heading into world war III, and it is very possible that within a few years we will be getting into world war IV, and before we know it we will have complete military and economic dictatorship, where the Government runs everything.

Mr. McCONNELL. That is a danger that the people in a republic always have to watch.

Mr. BARDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. PRIEST. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 277]

Anderson, Calif.	Hale	O'Brien, Mich.
Angell	Hall,	O'Konski
Barrett, Wyo.	Edwin Arthur	Patten
Bates, Ky.	Hare	Patterson
Bentsen	Havenner	Pfeifer,
Bosone	Hébert	Joseph L.
Breen	Hill	Pfeiffer,
Brooks	Hinshaw	William L.
Brown, Ohio	Hoffman, Ill.	Plumley
Buckley, N. Y.	Holifield	Poage
Carlyle	Howell	Powell
Carnahan	Irving	Quinn
Case, S. D.	Jackson, Calif.	Redden
Celler	Johnson	Reed, Ill.
Christopher	Jonas	Richards
Clemente	Keefe	Rivers
Cole, N. Y.	Keogh	Roosevelt
Colmer	Kerr	Sabath
Cooley	King	Sadowski
Denton	Klein	Scott, Hardie
Dingell	Kunkel	Shelley
Douglas	Larcade	Sikes
Doyle	Lovre	Smathers
Eaton	Lyle	Smith, Ohio
Ellsworth	Lynch	Stanley
Engel, Mich.	McCarthy	Stockman
Fallon	McCormack	Thornberry
Fellows	McGrath	Vursell
Fernandez	McGuire	Wadsworth
Flood	McMillen, Ill.	Wagner
Gathings	Mack, Wash.	Werdel
Gillette	Macy	Willis
Gilmer	Martin, Iowa	Wilson, Ind.
Goodwin	Miller, Calif.	Wilson, Tex.
Gordon	Morrison	Withrow
Gossett	Nicholson	Wood
Gregory	Nixon	Woodhouse
Guill	Norton	

The SPEAKER. On this roll call 309 Members have answered to their names. A quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

SUPPLEMENTARY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1951

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. RICH. Reserving the right to object, Mr. Speaker, I understand that my objection would hold the bill up for only a day or so, until a rule could be secured from the Committee on Rules. I do not want to delay the membership, but I want to know whether we are going to have an opportunity to vote against the $4,000,000,000 that you are going to use to arm these foreign countries.

Mr. CANNON. The amendment to which the gentleman refers is legislation. Under the rules, it must be brought back to the House for a separate vote. I assure the gentleman that so far as I am concerned I shall ask for a roll-call vote on the amendment.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. CANNON]? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. CANNON, Mr.

NORRELL, Mr. WHITTEN, Mr. ROONEY, Mr. GARY, Mr. RABAUT, Mr. TABER, Mr. WIGGLESWORTH, and Mr. STEFAN.

EXTENSION OF REMARKS

Mr. CANNON. Mr. Speaker, on yesterday I secured unanimous consent to extend my remarks in the RECORD by inserting an article by General Fellers from this week's Collier's. It develops that the article is in excess of the two pages allowed under the rules and I therefore submit an estimate of $246 cost of publication and renew my request for extension of remarks to include the article.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. RICH. Reserving the right to object, Mr. Speaker, I would just like to ask the gentleman where you are going to get this $246.

Mr. CANNON. We will save it a million times in appropriations.

The SPEAKER. Is there objection?

There was no objection.

GENERAL OF THE ARMY GEORGE C. MARSHALL

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 853 and move its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense. That after general debate which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The question is: Will the House consider the resolution?

The question was taken; and two-thirds having voted in favor thereof, the motion was agreed to.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and yield myself 10 minutes.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. SMITH of Virginia. Mr. Speaker, this is the resolution reported this morning by the Committee on Rules for the consideration of the bill (H. R. 9646) to provide an exception in the case of General of the Armies George C. Marshall, in order that he may be appointed and qualify as Secretary of Defense. The reason for it is that in the unification bill it was provided that no person who had served in the Armed Forces within a period of 10 years should be permitted to be Secretary of Defense. Whatever may have been the reasons for that provision at that time it has been considered advisable by the President that it should be waived at this time in order that General Marshall may become Secretary of Defense.

I have heard some slight opposition to this bill. I have no doubt there will be some opposition to it; it is natural that there should be, and I have no quarrel with that opposition. I do wish to remind the Members, if any reminder be necessary, that we are at the moment in a case of grave emergency, an emergency which I know all of the Members of this House feel that in foreign affairs and the conduct of the war we should speak as a unit whatever our individual views might be. I know that sentiment prevails throughout this House, always has, and always will; and I am sure that no Member of this body would himself want to take the responsibility at this hour to say: "No; General Marshall shall not be Secretary of Defense." And let me say to those Members who might oppose this legislation, let me propound a question to them: There is a vacancy in the office of Secretary of Defense, the most important office in the country today in this emergency; a vacancy exists—that vacancy must be filled. If you who oppose this bill were called upon to make the selections, upon whom would it fall? Every Member knows General Marshall's reputation as a great soldier. History reveals that in every great emergency some great men arise to meet that emergency. In the last great emergency one of those great men was George C. Marshall. There is no one here who can suggest any person more capable to fill this position than General Marshall.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. FULTON. I am going to suggest Mr. Patterson, Mr. Finletter, General MacArthur, Bob Lovett, or General Eisenhower.

Mr. SMITH of Virginia. The gentleman seems to have a wide field of information on the subject and a wide number of persons that he thinks are qualified. I doubt if the House would agree with his suggestion with respect to all of them, highly qualified as they are, when you compare their experience and their ability and their success in their profession and their success in the conduct of warfare with that of Gen. George C. Marshall.

Mr. FULTON. Mr. Speaker, will the gentleman yield again?

Mr. SMITH of Virginia. I yield.

Mr. FULTON. How about our own respected CARL VINSON?

Mr. SMITH of Virginia. Our own respected CARL VINSON, of course, is highly regarded by everybody in the House. But he is not available and is the last man in the world who would be willing to have this burden thrust upon him at this hour.

I know that Members have their own views about this question which views I respect but I hope it would not be offensive for me to say that I am afraid in this time of great stress and grave apprehension among the people that we do too much in the way of criticism of our public officials. I do not always agree with everything that our public officials do, and I disagree heartily with a great many things that they do; but I wonder if we do not do too much quarreling with our public officials. I wonder if we do not do too much uninformed quarreling, and I wonder what some of us would do in the same situation if we had these grave responsibilities and great decisions to make. To paraphrase the Bible a little bit, may I say that the fellow who has not made any mistakes in this life ought to be the fellow who should start throwing rocks at these people occupying high positions in our Government.

I referred earlier in my remarks to General Marshall as one of the great men that history produced in the last war. History produced another great man in that war. He was Winston Churchill, who has the facility for expressing thought in language that is unequalled by any living man, in my opinion. He warned the people when he took over as Prime Minister of Great Britain during the grave hours of crisis in the last war in these words:

"If the present tries to sit in judgment on the past, it will lose the future."

I think those words of warning are ones that could be well given to our folks now. I do hope that in the discussion of this rule and the bill today we are not going to be confronted with these harping criticisms of people who are under great stress, who are doing their best, their honest best, to perform a great service to our people in their hour of danger.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. If I understand the gentleman's argument correctly, and I respect his judgment, he is proceeding along the line at the moment that there is only one qualified man who is available. Now, that sort of argument parallels the gentleman's argument about the milk which the District of Columbia users should have, there is only one brand of milk, that which is sterilized by steam and which comes from the adjacent territory of Virginia and Maryland. I cannot go along with that.

Mr. SMITH of Virginia. I think the gentleman is departing from the subject. The present matter is so much more important that I think I will ignore him for the moment.

I do not want to be misunderstood. I do not say that General Marshall is the only man for the position of Secretary of Defense. I do say, and I am sure the House will agree with me, that his qualifications are preeminent, his experience is greater than any man we have today to perform these functions and we certainly should not fail to avail ourselves of the opportunity to secure the services of General Marshall and put him in a position for which he is so preeminently qualified.

Mr. TACKETT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Arkansas.

Mr. TACKETT. The gentleman has said in his argument he did not realize why we provided some time ago that a person who had served in the military service within a period of 10 years should not be selected for this position. I am wondering if the gentleman feels that we have gotten to that level whereby we need to go into a warlike state, to a military state, and forget about the citizenship of this country being able to run their affairs under civil government and not call upon a dictatorship?

Mr. SMITH of Virginia. I will answer the gentleman in this way: I think we have arrived at that stage, and always arrive at that stage when we get into a state of war—and we have gotten into a state of war in Korea—that we had better think of first things first and stop worrying too much about domestic affairs, because unless you win your war you do not have any country to worry about. The first thing we must do is win the war. Then when it comes back to discussing citizenship and the protection of the American people and the domestic issues, the gentleman and I will think along the same lines. The paramount thing at this moment is to do whatever is best to win the war and to get it behind us.

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, back in 1947, when we were free from this confusion and emergency which the gentleman from Virginia has mentioned, we overwhelmingly thought it best that we pass a law to keep the country free from the military. I think most of us were prompted in taking that position because of history. We knew what Japan did under the military. We know what Mussolini and Hitler did under the military. So only three short years ago we overwhelmingly passed a law, which is now the fundamental law of the land, in which we in unmistakable terms agreed to keep the military separate from civilian control.

I am going to try to be as nonpolitical as my good friend from Virginia [Mr. SMITH]. He did not bring politics into this matter. I am going to make several observations for your consideration for the sole purpose of doing what we feel should be best.

There is no question that the office of Secretary of Defense is a difficult job. You know what happened to Mr. Forrestal. You know the problems of Mr. Johnson and what happened to him. The facts are that General Marshall is nearly 70 years of age. I do not know that anyone can deny the fact that he is in very poor health. I personally saw him not so long ago. I do not believe I have ever seen a man 70 years of age who looks like Mr. Marshall. He looks at least 78 or 80. He is a sick man and I sincerely believe that it is a shame to sacrifice him for reasons of political expediency.

I am speaking here in all sincerity. I know we are all grateful for the work General Marshall did during the past war as Chief of Staff in a military capacity. I think we are also quite worried that we cannot pin the laurels of statesmanship on General Marshall when it comes to world diplomacy and his performance as Secretary of State.

I recall a fellow townsman of mine, Gen. U. S. Grant. As a military man he was a genius, but when he reached out in the field of diplomacy he did a poor job. I think history will record General Marshall as having done a poor job as Secretary of State. I specifically refer to his dealings in China. China has been the friend of the United States for generations. We both believed in liberty, peace. We worked together. The Chinese people went to war and fought strictly on their own against our later common enemy, Japan, for over 4 years. Then all of a sudden our State Department urged that General Chiang Kai-shek place Communists in his cabinet. This he refused to do. General Marshall, to whom, I repeat, we owe a great debt of gratitude from a military standpoint, went over to China. I think most people agree that as a general he is a great one, but he is a poor statesman. He went over and, without question, by public statements and otherwise, took the part of communistic China. Now we have what we have over in the Pacific. A struggle which we must win.

We have General MacArthur over there with one objective, to bring victory as soon as humanly possible. He has not taken any position in regard to communistic China or the National Government of China. He has one desire, and that is to win the war. He has remained free of politics and world diplomacy.

I make this observation to you now. In view of the set ideas of General Marshall, who has entered not the military picture but the diplomatic picture the last few years, do you not believe we are kind of putting some straps upon General MacArthur, who is at least trying to remain neutral as between the Communists and the National Government of China? If we have as Defense Secretary General Marshall, who has been dealing in world diplomacy for the past 6 or 8 years, do you not believe that will be a handicap on General MacArthur, a great general who is striving to stay neutral?

I submit that observation, which, in my opinion, is the main reason why I am going to vote against the resolution now before us.

Mr. SMITH of Virginia. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Speaker, I am no hero worshiper, but it has never been difficult for me to pay honor to him to whom honor is due. I regard General Marshall as being one of the world's great figures. He probably enjoys as large a measure of public confidence as any other living man, and it is my opinion that this House will act favorably upon the resolution, either today or tomorrow. I would regret that the General should have to take office handicapped by the fact that there was any considerable vote expressing a lack of confidence in him. The responsibility of filling this place rests upon the President; and in laying his hand upon General Marshall I am confident he did so in the belief that he was selecting the man best qualified to render a supremely important service to the country in this time of grave emergency.

Our very distinguished friend from Illinois [Mr. ALLEN] has said that this inhibition against military people serving in the office of Secretary of Defense was written into the law because of the fear of having a military man occupy this position. I do not share that feeling. Certainly under existing conditions I do not do so. Whatever we may say or however we may characterize what has happened in Korea, the fact is that we are at war; and if we come through this struggle with our liberty unimpaired, it will be the result of the leadership of the military. We are obliged to depend upon them, and in them we should endeavor to hold public confidence. In the selection of General Marshall I believe the President had the feeling that he was taking the man against whom no doubt of qualification existed and against whom no Member of Congress would seriously raise objection. I know that fear exists in some quarters that putting General Marshall in this position would probably mean the liquidation of what remains of Nationalist China. I pray that result will not follow. I am opposed to any further appeasing of Russia. I know also that there are others who feel that naming General Marshall Secretary of Defense strengthens the hand of the Secretary of State, who, it is generally believed, has not heretofore felt friendly or acted wisely toward Nationalist China. I pray that will not be one of the results. I am opposed to further toying with the Communists, and I cannot believe that General Marshall would outrage public opinion by giving any comfort whatever to the people with whom we are at war, and so at this time I cannot think of one solid reason which would justify me in voting against the resolution intended to make possible his being put in this responsible position.

Mr. Speaker, we cannot afford to make politics of this question, and I do not believe we will. This bill comes from the Committee on Armed Services, which is one of the greatest committees of the Congress, the chairman of whom has given the best of his life to the task of strengthening the Armed Forces of the country. He came before the Committee on Rules this morning on an application for a rule on his resolution. The committee thought the question important enough to give it immediate consideration, and in reporting the rule agreed to urge the Speaker permit its being taken up at once.

I want to say that it is believed that the reaction to quick adoption of the resolution here at home and abroad will be good.

So, Mr. Speaker, let me again say that I trust there will be no party division on this question. However, I do not mean that Members should not vote their honest convictions, but let us treat this matter as the committee sponsoring the bill treated it, that is, as nonpolitical and make a decision that will do credit to our intelligence and to our patriotism.

Mr. SMITH of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. TACKETT].

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman three additional minutes.

The SPEAKER. The gentleman from Arkansas [Mr. TACKETT] is recognized for 6 minutes.

Mr. TACKETT. Mr. Speaker, I realize that it is not popular in time of war to protest a military appointment for the Defense Department, but I can assure you that the appointment of General Marshall amounts to no more nor less than a vote of confidence for Secretary Acheson. To replace Secretary Johnson with General Marshall amounts to a swap of the devil for the witch, and will amount to no more nor less than the doom of Nationalist China.

Can you imagine a football coach going out on the practice field every day practicing football without anticipating a future conflict—future difficulties for his team? He is anticipating contested action. Can you imagine a football squad member going out on the field every afternoon after school and practicing day in and day out without a desire to sometime find out how good he is? Have we drifted into that status whereby we need forget that this is a peace-loving Nation, and that we need call upon the military forces to operate the internal affairs of this country as a Gestapo? Back in the days when we were sane and sober; back in the time when we were not all jittery with war nerves; back to the time when we could honestly and truly think—I was not in the House then—but those gentlemen of this House who were here found it absolutely necessary to prohibit this Government from drifting into military hands. That is exactly what took place then. But today, because Secretary Johnson has not lived up to expectations, you are going to take a man who has a war record, and tell him, in substance, to lead us into all-out conflict. Do you think that General Marshall for 1 minute anticipates a continued existence of a peace-loving Nation after he becomes head of the Defense Department? You know he does not. I will admit we are at war, but at the same time I believe that it will require someone who is not connected with the military forces to lead us into a lasting peace.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield. ,

Mr. RANKIN. I call attention to the fact that the greatest humiliation America has ever suffered was the Pearl Harbor disaster. General Marshall was Chief of Staff then, and if he did not know what was going on, he certainly is not the man for this position now. He says he does not know where he was the night before. Somebody was as sound asleep as King Tut to let the Japs come 5,000 miles across the open sea and destroy our Navy at Pearl Harbor and kill 3,000 of our men. I say if General Marshall did not know what was going on then, he is not the man for this place.

Mr. TACKETT. I think it is politically popular today to vote for General Marshall. I have an idea that throughout the country it is politically popular, but I will tell you one thing more: I will wager that 6 months or a year after conflict that it will not be so popular as it is today.

I shall not criticize General Marshall's military record. No doubt he did the best military job he could when he was serving in the capacity that he held during the last World War, but I can assure you that every one of his good deeds as Secretary of State can easily be matched with unwise actions.

What does General Marshall want to do about China? Is there any doubt in anybody's mind about that? Do you think that Nationalist China has one single, solitary chance of surviving after General Marshall and Secretary Acheson assume the head of the throne?

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield.

Mr. JACOBS. What would you do about China?

Mr. TACKETT. I would never recognize communistic China as Secretary Acheson and General Marshall intend to do. General Marshall intends to do that, and you know it.

Mr. RANKIN. Will the gentleman yield further?

Mr. TACKETT. I yield.

Mr. RANKIN. Does that mean we are going to swap sides in that war in Korea?

Mr. TACKETT. Just like we did in World War II. I sincerely doubt that we assisted the lesser of the two evils in that war. Oh, I wish I had a lot of time just to give you an old country boy's opinion of the whole thing. I was a prosecuting attorney down in Arkansas during the early forties, when communism was very unpopular in this country. We had a communistic college down in my district known as Commonwealth College. A lot of these folks who are now engaging in Communist activity were then contributing to or were students and instructors of that school. We closed Commonwealth College—a popular movement then.

In 1943 I entered the military service, taking five rounds of basic training because they could not find anything else for me to do. A great deal of the basic training was devoted to the showing of moving pictures to the trainees in efforts to convince the trainees that we had just in the past been kidding, but that in truth and in fact Russia was a great people. Everything I had known about the horrors of communism were attempted to be changed overnight.

Then, the day the war was over we had another instantaneous change of opinion and Russia was not so good after all. They have been teaching us ever since that Russia is a bad group. Communism has always been bad and the basic training did not change my mind.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. TACKETT. May I have some additional time?

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. TACKETT. Yes; the military attempts to sway public opinion to suit military tactics. Even though all of us now recognize communism as detrimental to our interests, General Marshall is willing to cover some of the Communists, such as those in China. He thinks now just as he thought during World War II that they are still acceptable, and he feels that we should recognize communistic China for our own protection.

Mr. Speaker, if communism is bad in this country it is bad over there in China. It does not take a smart man to know that.

Mr. SHAFER. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield.

Mr. SHAFER. Will the gentleman recall that it was necessary for the Military Affairs Committee of the House to investigate the type of literature that was being distributed for the reading of our GI's during World War II?

Mr. TACKETT. Yes, I recall that; I was a GI at that time. Certainly I well recall that. They spent most of the time trying to convince us that Russia was about the greatest group of people on the face of the globe other than within the United States of America.

Mr. NICHOLSON. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield.

Mr. NICHOLSON. I think the gentleman should change his remarks and say not "if communism is bad" but say "It is bad," for there are no ifs about it.

Mr. TACKETT. There is no question in my mind but that it is bad—the military teachings during World War II to the contrary, notwithstanding.

Mr. SIMPSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield.

Mr. SIMPSON of Pennsylvania. Who, may I inquire, was the general in charge of the Army when the gentleman was being taught from that literature?

Mr. TACKETT. You know who it was; it was Mr. Marshall.

Mr. MAGEE. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield.

Mr. MAGEE. Is it not a fact that the gentleman from Arkansas and I both voted against aid to China?

Mr. TACKETT. Yes.

Mr. MAGEE. And is not the gentleman now criticizing General Marshall because he thinks he advocates aiding the Communists?

Mr. TACKETT. The gentleman knows how I feel.

Mr. MAGEE. Is it not a fact that the gentleman and I both voted against aid to China, yet the gentleman is now criticizing General Marshall?

Mr. TACKETT. Yes, for the the simple reason that he insists upon our recognizing communistic China. That is the reason I am criticizing him. I voted against aid to China because I then knew, as the present administration later admitted, that financial aid could be of no benefit at that late hour.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield.

Mr. MILLER of Nebraska. In the last 24 hours I have reviewed some of the reports on Pearl Harbor and General Marshall's last appearance before that committee. In reading that through one cannot help but be amazed at his actions. It seems that General Marshall was out horseback riding at the time of the attack, but he had at least 2 hours' time in which to come back and reach Pearl Harbor by telephone, but he did not do it, with the result that the battleship *Arizona* lies in the bay with

1,089 American boys in the hull representing 31 States, plus several thousand more who lost their lives because he failed to pick up the phone and warn the boys in Hawaii, which he could have done.

Mr. TACKETT. I agree with the gentleman. I know that those facts have been expressed on the floor of the House many times during my tenure in Congress.

Mr. VORYS. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield.

Mr. VORYS. The gentleman said, I believe inadvertently, at the beginning of his remarks that this was a military appointment. I believe the gentleman will agree that this is not a military but a civilian political appointment to a Cabinet office, and it is the insidious political connotations in this that brings this discussion to the floor and makes the appointment of this man to this civilian political office a matter for discussion today.

Mr. TACKETT. While that may be true, I will tell the gentleman that I am a member of the Democratic Party opposing an appointment at the hands of a Democrat, and I certainly am not going to criticize my political party and I shall not play politics with this important matter. I am just going to tell you this, Mr. Speaker, that today during a time of war jitters we are making one of the greatest mistakes that has ever been made in the United States of America. You watch and see what I tell you: The Defense office from now on will be filled by military personnel and sooner or later if this kind of practice prevails we shall drift into nothing more nor less than a military state just as Germany did, just as Russia has done, just as Japan did, and just as other countries have done that found out too late and were defeated in action against a free people. The proponents of this measure will rue the day for this most regrettable action.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield to the gentleman from Mississippi.

Mr. RANKIN. The next greatest disaster to Pearl Harbor was Yalta. Roosevelt at that time was a sick man. He was not responsible for what took place at Yalta. Go back and read the record, and I ask you to do that, to see what General Marshall had to do and Mr. Acheson with the Hiss disaster at Yalta and Tehran.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. McDONOUGH].

Mr. McDONOUGH. Mr. Speaker, I want to talk about this question from another angle. As you all know, I recently received a letter from the President of the United States in which he said he did not think the Marine Corps should be represented on the Joint Chiefs of Staff. He said also they were going to remain where they were as long as he is President of the United States and that they had a propaganda machine almost equal to Stalin's.

In the present instance we are considering the appointment of a General of the Army as Secretary of Defense. When the Joint Chiefs of Staff sit down, what are we going to have? We are going to have a General of the Army Secretary of Defense and the Chief of Staff of the Army, General Collins, we are going to have General Vandenberg of the Air Corps, and Admiral Sherman, of the Navy, sitting in and outvoted by 3 to 1 on any strategy the Navy may advance without the advice and counsel of the Marine Corps. It will be a lopsided Chiefs of Staff with the Army in complete control.

I do not know what General Marshall's opinion is concerning the Marine Corps, the oldest and most highly respected branch of our military services. I think it ought to be very well understood by this House that the Joint Chiefs of Staff is a lopsided organization as it stands now, with the Army having a decided advantage. If there ever was a time to give consideration to the appointment of the Marine General to the Joint Chiefs of Staff it is now. They were the first military unit ready to leave the United States for the Korean War, and even now as I speak they have landed in Inchon in Korea and are on their way to Seoul.

Mr Speaker, in my opinion, the appointment of General Marshall under present circumstances is part of the propaganda machine of the administration. A propaganda machine far more effective than anything the marines ever had. It is creating an axis of Truman-Acheson-Marshall which will lead to eventual recognition of Communist China which will redound to the detriment of the future of the security of this country. Perhaps never before in the history of the Nation have leadership and wisdom in high places been so lacking and the Government rendered so impotent as in this critical period due to the past mistakes of the administration.

A lot of consideration should be given to this whole question before we decide it. We are retreating from our previous position of not appointing a military man to this vital position. There is not much that can be said for Mr. Marshall's statesmanship, although a lot may be said for his military ability, but in this instance he has got to be a statesman as well as a military man. As has been said here by previous speakers, it is time that we give some thought to what may happen insofar as the Army taking over and leaving the Marines in the lurch, so to speak. The letter I received from the President of the United States was publicized all over the world. I know that public reaction is definitely in favor of giving the Marine Corps a place on the Joint Chiefs of Staff. They have been used as an auxiliary service too long; they are a complete and sufficient military unit and should be so recognized. If there was ever a time when we needed all the military strategy and the military brains of all branches of the armed services of the Nation it is now.

Any branch of the armed services that can make the Commander in Chief surrender and apologize, and which enjoys the respect and confidence of the people of the Nation because of its glorious war record in the defense of the Nation during the past 180 years, has earned and deserves a place on the Joint Chiefs of Staff of the armed services of the United States.

The job of President of the United States and Commander in Chief of the armed services is the biggest job in the world, and requires a big man to fill it and execute the duties it requires.

This job is especially too big for a little man with a limited vocabulary. Under his leadership for the first time in the history of the United States we seem to have completely lost the initiative and seem to be subject to the whim and caprice of an unfriendly foreign power, Russia.

The letter to me from President Truman has aroused so much indignation and resentment that anything we in Congress might say is incidental to the things the people throughout the Nation have said in letters to me concerning his remarks that "the Marine Corps is the Navy's police force and as long as I am President that is what it will remain" and that "they have a propaganda machine that is almost equal to Stalin's."

Here are some of the comments in letters to me from people in all parts of the Nation.

A gentleman from the District of Columbia had this comment:

> It would be perhaps useless to add another letter to the President's mail in protest of his unwarranted attack upon the Marine Corps. I cannot refrain, however, from complimenting you on publicizing his unwise attitude in condemning a most worthy service, particularly during these days of crisis when it is harmful to the country's best interest. Mr. Truman has unquestionably cut some of his time while he is President, which will be reflected in the loss of perhaps as many as a million votes, as the country is instinctively proud of its Marine Corps and the 800,000 men who fought for their country in the last war.

From San Diego, Calif., a citizen writes:

> I wish to thank you for writing your letter to Truman asking recognition of the marine forces. I hope the reaction of Truman's letter in answer will awaken Congress and the American public enough to realize that he is a very poor man for the high office he holds. Judging from his actions lately it seems he would like to become a dictator.

From Connecticut a club woman comments:

> You have done us all, and your country, a real favor. I am so grateful. We never want to give up our marines. That (Truman) letter is shocking and appalling.

A housewife from Kentucky has this to say:

> I read with amazement, both in the newspapers and the CONGRESSIONAL RECORD, the letter written you by President Truman alleging "the Marines have a propaganda machine that is almost equal to Stalin's." It does not seem possible that a President of the United States, supposedly at least, heading all branches of the Armed Forces, could be capable of such a petty exhibition of the internal jealousy which, since World War I, has prevented building a completely smooth, well balanced force of marines, Army and Navy.

From Glendale, Calif., came the following suggestion:

Having served under General Holcomb in the old Sixth Regiment, USMC, I am constrained to suggest that Truman should be required to take the loyalty oath.

From a marine in Paradise, Calif.:

As I have been listening to the radio news reports this evening, I, as many thousands of other people of this country, heard the statement issued by President Truman in his letter to you about the Marine Corps—his outspoken statement that the Marine Corps had a propaganda machine almost equal to that of Stalin. This is the most slanderous remark that has ever been issued by a Government official about any branch of our Armed Forces. I, for one, took part in the "police action"—as Mr. Truman would put it—on Iwo Jima.

A businessman in Oakland, Calif., states:

Your insult to the United States Marine Corps is utterly contemptible, Mr. President.

A wife and mother of members of the Marine Corps writes from Runnemede, N. J.:

I, the wife of a World War I marine and the mother of a World War II marine, demand the impeachment of Harry S. Truman as President of the United States. Any Government official that will deliberately insult any one branch of the armed services, whether it be Army, Navy, or Marines, is certainly not fit to be Commander in Chief of the services. Our Marines certainly fought and died for our and his sake.

From Lexington, Ky., comes this statement:

Being an ex-marine, I was very much interested by the President's recent letter to you regarding the Marine Commandant being a member of the Joint Chiefs of Staff. As a citizen, I commend you for your actions and sincerely hope that you will continue your fight for the betterment of a great military force.

A businesswoman in Los Angeles, Calif., says:

President Truman's recent letter to you, his stand on Formosa, and his condemnation of the longshoremen have caused me to wonder what country our Chief Executive is working for.

From Roanoke, Va., a citizen remarks:

You are to be commended for the action you have taken concerning the welfare of the Marine Corps and, moreover, the security of our Nation as a whole.

A former marine in Glen Cove, Long Island, writes:

I have just finished reading your letter addressed to our so-called Commander in Chief, Harry S. Truman, and his reply. Obviously, Harry is not the great politician I thought he was. No one but an idiot would make such a remark about the Marine Corps.

From Compton, Calif., a mother of a marine says:

Hearing of the comparison of the marines to the scum of the earth, Joe Stalin, I feel so sick—sick with disgust. So it is for the preservation of this that my son is fighting? Just 5 years ago my older son returned from 5 years in the Army, abroad, and my younger son 3 years of Marine Corps training—training to fight and risk his life for the preservation of men of Alger Hiss caliber?

It is evident from these letters that the people are proud of the United States Marine Corps and glory in their achievement. They want the Marine Corps recognized for their great service to the Nation, and they believe they should be represented in the Joint Chiefs of Staff. I hope General Marshall, as Secretary of Defense, will urge the President to appoint a marine general to the Joint Chiefs of Staff and thereby settle this long and bitter controversy over unity in the Nation's Armed Forces.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. VINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9646) to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9646), with Mr. HARRIS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON. Mr. Chairman, I yield myself 32 minutes.

Mr. Chairman, 3 years ago, when the Congress enacted the first unification act, many of us had grave misgivings.

We were fearful that the new experiment of unification—the creation of the new office of Secretary of Defense, and aggregating such vast power flowing from the concentration of the three military departments into one agency—would lead to permanent injury to perhaps one or more, and perhaps to all, of our defense forces and possibly could endanger the very fundamentals of our democratic society.

We were also concerned lest the problem of bringing closely together the vast Army, the huge Navy, and the new but enormous Air Force, each with its firmly held strategy of waging war, each with its own proud tradition, would be so herculean that no one man, no matter how conscientious and persevering, could carry out the duties of the office to the satisfaction of the Congress and the American people.

Many of us were fearful that the position of Secretary of Defense, as created by the unification act, was too big a job for any one man.

But, it was the will of the people, faithfully followed by the majority of the Congress, that unification should be attemped as a new and critically important experiment in American defense planning.

And so, in late July 1947, this new undertaking got under way.

All of us recall that the first Secretary of Defense, a former Secretary of the Navy, was the late James Forrestal. He took office on September 17, 1947, almost 3 years ago today. The law under which he had to administer unification required that the Secretary of Defense function more as a coordinator than as an administrator. His was the responsibility to establish general policies and to exercise such general controls as would eliminate unnecessary duplications and overlappings among the military agencies of the Government.

He was not to control specifically, or to direct specifically, the activities of the Departments of Army, Navy, and Air Force.

In fact, you will recall that in the first unification law, the Secretaries of the Army, Navy, and Air Force retained their status as members of the President's Cabinet—they were all members of the National Security Council—they were given statutory authority to go directly to the President despite the creation of the new office of Secretary of Defense—and the Departments of Army, Navy, and Air Force remained as Executive Departments within the over-all unified organization, then known as the National Military Establishment rather than the Department of Defense, as it is now known.

Mr. Forrestal, our first Defense Secretary, in my opinion, did a truly magnificent job. He preached the growth of unification by evolution, not by revolution. He had a policy of gradualism, of coordination, of patience and understanding, of thought before action, of prudence and caution, of sensitivity to inter-service attitudes and problems. His great achievements in laying a solid foundation for unification will win for him a high place in the history of our Nation's military policies. He was one of the finest, most able men I have ever known.

But the crushing burdens of this new position of Secretary of Defense took a terrible toll of his energies. He found it necessary to leave office in the spring of 1949—only about a year and a half after his appointment as Secretary, broken in health, a sacrifice on the altar of unification.

Then, in late March 1949, our second Secretary of Defense, Mr. Louis Johnson, was appointed. He had been in office for only a short while, before the Congress completely rewrote the unification act.

This Unification Act of 1949 was an entirely new approach to the problem of unification. The Secretary of Defense was no longer a mere coordinator. He became the directing, controlling, all-powerful, head of the defense organization. He became, in effect, a deputy President for defense matters. The Secretaries of Army, Navy, and Air Force were deprived of their Cabinet status. The military departments were no longer to be executive departments. The right of direct access of the military secretaries to the President was withdrawn. The Defense Department, as an executive department, replaced the old National Military Establishment.

So, soon after taking office, the second Secretary of Defense, Mr. Johnson, was accorded powers and responsibilities far beyond those ever vested in the first Secretary of Defense.

It was inevitable, I think, that the exercise of these far-flung powers, especially in the controversial situation existing in the early days of unification, should produce violent frictions in unification policies and programs.

In truth, it must be said that the person who occupies the position of Secretary of Defense finds himself responsible

for so vast a Government activity that there is no escaping unceasing and bitter criticism.

Just contemplate the nature of this responsibility. The Army alone, the Navy alone, the Air Force alone, aside from the many other agencies and activities in the unified Defense Department, is each far larger than any combination of two or three other great executive departments of the Government. Each is far larger than any other organization in all America. And yet the three of them are joined together under unification into one administrative organization. It is evident that the person charged with the administration of this entire organization, stupendous in size and of immeasurable importance to our Nation, is bound to be embroiled in endless difficulty of one sort or another.

Now, I think I should say this to the House.

It is not without significance that our two previous Secretaries of Defense have been able to shoulder this mighty burden for no longer than a year and a half. The organization these men have headed is so enormous, the responsibilities so grave, especially in these foreboding times in world affairs, that only the most devoted of public servants, endowed with iron determination and unswerving will, can endure the terrible strains for an extended period of time.

It may well be—and I measure these words, members of the Committee—that in our efforts of last year to improve unification, which all of us are for, and in our basic approach to this entire problem, we may have overreached our mark. We may have concentrated too much power. We may have imposed too much responsibility upon one man. We may have opened the door to too many possibilities for abuse and for criticism.

So it may become advisable for the Congress to reconsider the position of Secretary of Defense before many months have passed in order to determine whether this unification structure should be revised to redistribute the power at the top, to vest more power in the Secretaries of the military departments, to restore some of the autonomy of the military departments, so that the person at the top, the Secretary of Defense, may successfully resist the concentration of duties and burdens which, in the past 3 years, seem to have overwhelmed the two previous Secretaries of Defense.

I want the members of the Committee to know that shortly after the Eighty-second Congress reconvenes, and regardless of which political party is then in control of the House of Representatives, the House Armed Services Committee will conduct a restudy of this subject to see what should be done. The Nation cannot afford to have its defenses unsteady, uncertain, constantly changing, switching back and forth in response to impulses from short-term Secretaries of Defense. Continuity—at least more continuity than we have had—of defense planning and administration at the top of this great structure is absolutely necessary. We must also see to it that the person at the top does not have—and cannot have—so many burdens that he cannot do his work efficiently.

Now, this bill before the Committee has but one purpose. It is to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense. The bill pertains to General Marshall only; its effect will pass out of the picture when General Marshall leaves the office of Secretary of Defense.

What the bill does is to waive present law which prohibits a military man from holding the position of Secretary of Defense. General Marshall being a military man, holding for the remainder of his days, by special act of Congress, the grade of general of the army, he obviously cannot be appointed Secretary of Defense until these statutory limitations are suspended. That is the purpose and effect of this bill. It is the same procedure followed by the Congress in respect to Gen. Omar Bradley so that he could accept the position of Administrator of Veterans' Affairs 5 years ago.

The question raised by the bill may therefore be very simply stated:

It is, Should the Congress permit General Marshall to be Secretary of Defense?

The question is whether the remarkable character attributes, the splendid training, the great public stature of General Marshall, the fearful pressure of time in the Korean crisis and the world situation generally, and the urgency of the Nation's rearmament program, warrant his appointment despite the statutory prohibitions, or whether, on the other hand, the existing statutory provisions exceed in importance the remarkable capabilities General Marshall can bring to the Defense Department at this critical time.

This is the question that confronted the President in resolving the problem of leadership of the Defense Department at this grim time in American history.

His decision was that General Marshall is the best qualified available person to assume this position at this time. His position was set forth in the following remarks which accompanied the bill now before the Committee.

Here is what the President said:

> I am a firm believer in the general principle that our Defense Establishment should be headed by a civilian. However, in view of the present critical circumstances and of General Marshall's unusual qualifications, I believe that the national interest will be served best by making an exception in this case.

Now, that statement of the President expresses my own views 100 percent.

There can be no question that the present international situation is critical. There is no question that confidence in our military leadership must be restored at once, and that the person selected to accomplish this must be capable of beginning his work at once.

There is great urgency in this problem. There is need for great speed in our rearmament program, need for unity of purpose in the Pentagon, need for able, informed administration at the top, need for dynamic leadership and sound military judgment, need for firmness, for selfless administration, for unbiased analysis of defense problems.

All of these attributes General Marshall has to a greater extent than any other person I know of in America today.

As contrasted with practically any other person in America, and, in my judgment, to a greater extent than any other available person at this critical moment, General Marshall can undertake this vast responsibility and, without the slightest postponement of urgently needed defense programs now under way, get the defense effort on a steady keel and carry it through with efficiency and dispatch.

The pressure of time in this situation is evident to us all. The Nation cannot afford to take out time to educate a new Secretary of Defense. At least a year would pass before a new person could be truly effective. The Nation cannot now afford to indulge itself in a year of indecision and delay.

I am wholly convinced that the remarkable and outstanding military ability of General Marshall, his full conversance with present defense problems, and his great stature throughout the entire Nation and the world will have a splendid effect on our defense program, and I commend the President for his choice of General Marshall for this powerful position in our Government at this critical time.

Now, I want to talk for a minute about this civilian control problem.

It is easy to overemphasize the so-called military mind. I have been working with the Nation's military and naval leaders for many years in the Congress, and I have yet to encounter what can be truly called a "military mind." I have known many men in civilian life who have out-militaried the military.

The truth is that there is no typical military mind. The question of civilian control sometimes gets misled on this point; and it is especially important to bear in mind that such men as Mussolini and Hitler were civilians, yet they were more rigid in outlook and more dangerous to civilian institutions than any military man could possibly have been.

In our own country we have repeatedly had military men as Presidents. Teddy Roosevelt had military experience. Andrew Jackson was a military man to the core. George Washington was certainly military in outlook and training. General Grant was a military man; so was William Henry Harrison. There has, by the way, been a considerable inclination in some areas lately to consider another military man as qualified for the Presidency even in our own times.

Yet, none of these military men have displayed such a terrible drive for power, such a disregard for the basic principles of American government, that our institutions were imperiled during their Presidencies.

Now, let us be practical about it.

With General Marshall as Secretary of Defense, there can be no sensible case made that he, as a military man, is likely to perform dangerously as regards our national institutions. Not only does his own background and personal convictions and public record shout the denial to that, but just what is the practical situation in the Government? We still have the President, a civilian. We still have the Bureau of the Budget, which controls the Department's funds, staffed

entirely by civilians. We still have the National Security Council which formulates the Nation's military and foreign policies, headed by the President and composed of civilians outnumbering the Secretary of Defense.

And, of course, we still have the Committees on Armed Services, the Committees on Appropriations, the Senate and the House of Representatives, and the Supreme Court as well, all of which are effective barriers to abuse by the executive branch, all of which exercise civilian control over the Armed Forces and over the Secretary of Defense.

So, while I subscribe to the principle set out in the Unification Act, the fact remains that this temporary suspension of the law cannot and assuredly will not have any hurtful impact on our governmental processes. On the contrary, the man involved, General Marshall, is so remarkably equipped for the post that his appointment will unquestionably have a splendid effect, and there can be no valid reason advanced against him personally or against his fitness to head the Nation's defense program.

The question before the committee remains, simply, whether or not the pressure of time is such that the Nation should resort to a draft of General Marshall for this great defense post in our Government.

Under present conditions, there can be only one answer to that; and that answer is very evidently yes.

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. COUDERT. As I understand, General Marshall was Chief of Staff during the war period, was he not?

Mr. VINSON. That is correct.

Mr. COUDERT. I further understand that Robert Patterson was Under Secretary to the Secretary of War, Robert Lovett was Under Secretary of War; would the gentleman pretend that these two great civilians would require 8 months in which to familiarize themselves with the mysteries of the Pentagon?

Mr. VINSON. I would say that the longer Mr. Patterson stayed there the more efficient he would become. I would say that no man could become an effective head of an organization spending $30,000,000,000 a year and employing almost 4,000,000 people, unless he has had prior intensive training, until after a considerable amount of delay.

Mr. SHORT. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, this is perhaps the most painful speech I have ever made, and I have made a few in several spots, not only in our own country but over the world. If I had the strength of our powerful Speaker, if I had the wisdom of DAN REED or ROY WOODRUFF, the suavity of GEORGE DONDERO, the fire of JOHN RANKIN or JOHN MCCORMACK, and the winsomeness of some of our colleagues on the Democratic side, I would not hesitate to speak, but if I had my "ruthers," I would "ruther" keep quiet.

For the past 2 nights I have tossed and tumbled on my bed. At 3:30 o'clock this morning I awakened without any disturbance from without. I read the papers. I read my Bible a little. I should read it more. So should you. At 2 minutes before 10 o'clock this morning I got down to the Committee on Military Affairs. In executive session, but disclosing no secrets, I talked off the cuff without any notes or preparation, but from the bottom of my heart, from a mind that is disturbed, from a soul that is troubled, and for the sake of brevity and in order not to unduly trespass upon the time and patience of Members of the House, I think I shall stick pretty closely to the notes which have just been transcribed and sent over to me. This will be a relief to you.

Before I begin, I want to say that the best advice we could follow at this moment, Mr. Chairman, and I am happy you took time out to compliment and congratulate the Members for being attentive, is the advice Hamlet's mother gave her son when she said, "O gentle son, upon the heat and flame of thy distemper sprinkle cool patience." So I am not going to shout or yell this afternoon but I am going to talk to you not so much as a fellow Member of Congress, proud as we all are to be Members of this body, but as my fellow citizens, my fellow Americans. From the depths of my heart I talk to you.

When we met this morning our astute and resourceful chairman, the Simon Legree who drives us all hard, but none of us harder or as hard as he drives himself, said, "Now, are there any comments from any of the members of the committee in regard to the bill? If not, we will call the roll." Yes; we will pass it right away. Why the rush? The great hurry?

I would not say that CARL VINSON ever tries to cram things down our throats. He is always fair and listens to reason. I thought he was quick on the trigger this morning. He jumped the gun a bit. I said, and I do not want this in little type, either; I want this in full print; I will quote from others but I am making this speech on the floor. I said, "Just a minute, Mr. Chairman. I am at least going to get on the record. A fish would never get into trouble if he kept his mouth shut." The only time a fish gets into trouble is when he opens his mouth. That applies to Congressmen and Presidents and a lot of people. A fish would never get into trouble if he kept his mouth shut, but I must at this time say a few words. Only a coward would remain silent. No one ever accused me of being a coward.

I was not here day before yesterday when they called the bill up before our committee. I got back from Ohio after dedicating a flood wall at Portsmouth, a nonpolitical speech, believe it or not. I should like to say to the chairman that he has been eminently fair—he always is—and considerate by postponing action on this bill until today. Of course, he brought it up pretty fast this afternoon. We thought we would have 4 hours of debate under the rule, tomorrow or Monday, but CARL does not let you sleep over the weekend.

We all are a family. Our committee of 33 members I think is perhaps the most nonpolitical committee in Congress, and it should be, because we are all in the same boat. We are going to sink or swim together. A dead Democrat is just as bad off as a dead Republican, and too many of us are dead. But we all are a family, and I am going to talk to you as brothers, just as I am at this moment.

I have been greatly disturbed about this bill ever since they called me 10 minutes before I made the speech out in Portsmouth, Ohio, the night before last.

The first thing I want to do is make it absolutely clear that I have the highest admiration, genuine regard, and deep, abiding gratitude for George Catlett Marshall, who was a superb Chief of Staff during World War II and who contributed as much, I think, to our victory in that gigantic struggle as any other individual—perhaps more than any other individual. I think that he is a great soldier. I might have added "period." I know what patience he has and what good judgment he has. He maintained his equilibrium when under attack. All of us admire him. He is a great national hero.

However, I am not overwhelmed by the accomplishments of any one individual. I think that no man, no one man in 150,000,000 Americans, is indispensable, certainly not a 70-year-old man with one kidney, who has given "the best of his life," as our chairman has said. He has given his best and we need one younger and more vigorous, a civilian against whom no one can object. I think it is unkind, if not cruel, for the administration to call a faithful old war horse back into the harness. Faithful as some war horses are, they cannot run as fast as they did in the days of their youth.

That is the trouble, he has given his best. He left the office as Secretary of State a very sick man. It would be amusing if it were not pathetic and disgusting to read some of the newspaper articles building him up. Ye gods, he is entering his second boyhood. Young and vigorous—I hope. Four times the Star last night said that he was 69. He will be 70 years old in December. But that is neither here nor there. They are entitled to write anything they please. But it is so obvious—this build-up rather nauseates a clear-thinking man, in my opinion.

Mr. Chairman, I just wonder how much this bill is going to help unification which we worked on for months and months and finally enacted into law? It is to the everlasting credit of CARL VINSON that he prevented the Tydings bill from being enacted, which bill would have set up a military dictatorship. It is only because of CARL VINSON, astute and resourceful, with his comprehensive knowledge and keen penetrating philosophical insight and deep knowledge of legislative matters, and because of his understanding of men that we were able to write in those curbs and to put on the brakes against men with inordinate ambition who have brass bands and thousands of their employees around when they are sworn in—before they make their exit.

Mr. Chairman, how is this going to help unification? Oh, you want to have General Marshall even though the Constitution says that the military shall always be subordinate to civilian control.

Jeremiah S. Black, in his time the leader of the American bar, said:

It is precisely in a time of war and civil commotion that we should double the guards upon the Constitution. * * * When the Mississippi shrinks within its natural channel and creeps lazily along the bottom, the inhabitants of the adjoining shore have no need of a dike to save them from inundation. But when the booming flood comes down from above, and swells into a volume which rises high above the plain on either side, then a crevasse in the levee becomes a most serious thing. So, in peaceable and quiet times, our legal rights are in little danger of being overborne; but when the wave of arbitrary power lashes itself into violence and rage, and goes surging up against the barriers which were made to confine it, then we need the whole strength of an unbroken Constitution to save us from destruction.

You are going to set up now a Secretary of Defense who controls not only the Army and Navy, but the Air Force and all auxiliary branches, the Marines and the Coast Guard in time of war—the most powerful position in the United States, next to the President. What are you going to have? You are going to have George Marshall, a fine patriot and able American, of sterling character and unquestioned ability—in his day. I would like to have George Washington take over this job, but he is unavailable. You are going to have General Marshall, an Army man, chief of defense. You are going to have Omar Nelson Bradley—I think you know I love him a little from what I said yesterday. You are going to have Omar Nelson Bradley, an Army man, Chairman of the Joint Chiefs of Staff. You are going to have "Lightning Joe" Collins, with his marvelous war record, Chief of Staff of the Army. You are going to have Hoyt Vandenberg, the Senator's nephew—which adds perhaps to his qualifications—as Chief of Staff of the Air Force.

Mr. Chairman, you have only Admiral Sherman—Admiral Sherman alone, Chief of Naval Operations. In the light of events that have transpired recently, you had better roll that one in your brain, brother, because there are going to be almost a million men from every one of our districts in the naval forces and Marines and Coast Guard forces of this country, with only one representative. Talk about unity and solidarity? Why, the Navy would have been sunk and the Marine Corps would have been liquidated if it had not been for our hearings last fall. Heaven knows that if anything ever justified those hearings, it is the events in Korea. But we will not go back and open that sore. Let us forget it. But you have to remember your history and your facts. You have to remember the mistakes that were made in the past if you would avoid them in the future.

We are going to be in serious difficulties. We are going to be in for great criticism if we come here in a moment of hysteria and under emotional pressure and repeal a law which we passed in calm and quiet when we could think clearly and soberly—when we passed a law which was fundamentally right and basically sound. So now we are going to repeal it.

I have always admired the ability and character of the gentleman from Virginia, Judge SMITH, and the gentleman from Georgia, Judge Cox. But their voices today were feeble. There is no logic in their arguments, and they talk personalities rather than principles. It is unbecoming to them. If I were sitting on a jury at this moment I would find them guilty of intellectual prostitution. I believe the most of the Members on both sides of the aisle, deep down in their hearts, feel toward this bill as I do.

We are in for a long haul. I have said before on the floor of the House over in the Capitol that there would be no peace in our time. I do not know whether we are in for another 30 years' war or 100 years' war, but we are in for a long haul—not a 5 or 10 years' war. None of us knows how long it is going to last or how long General Marshall can last at his age. And when he goes out, who will follow? We are planning it only for General Marshall. Well, brother, you have opened the door. You have let down the floodgates. You pass this bill, and every admiral and every general in the Armed Forces will start building a military machine to take this country over. Maybe, when General Marshall goes out General Eisenhower will come in, or some other military man.

What is the fundamental philosophy of the fathers who founded this Republic and wrote the Constitution? We passed a law ourselves to keep civilian control. If you put in any Army man as Secretary of Defense, the most powerful office next to the President of the United States, of course the Navy will squawk, and so will the Air Force. If you put an admiral at its head, then the Army and the Air Force will squawk. Let me repeat. This is not a matter of personality. Indeed, it is most regrettable and unfortunate that it would be General Marshall, a great American and a true patriot, who is to be called. I am surprised that he answered. Of course he is a a good soldier. But he is growing old. He has made mistakes because he is a human being. I do not know whether you read the editorial in the Times-Herald or not. There is much truth in that editorial. It was pretty severe. I think they are a little prejudiced. But I always listen to my enemies. A pancake is never so flat that it does not have two sides. You had better look at both sides in a question of this kind that is so important to the safety and future of our country.

I love George Marshall, in spite of all his mistakes. I was one who visited him at Nanking over in China 4 years ago this month, in September 1946. I think the greatest mistake of his life was ever accepting that assignment. We read about the Chinese puzzle, but that Chinese problem is a puzzle. I do not know whether anyone could have done a better job or not, but I certainly got the impression then that George C. Marshall had listened a lot to Lattimore and Jessup and Dean Acheson. I think he is listening to them now. Will we recognize Red Communist China? Will we forsake Formosa?

In spite of all his mistakes, I love him, but I think he was a round peg in a square hole, or a square peg in a round hole; a misfit as Secretary of State. When I have the toothache I go to the dentist, not to the blacksmith. He certainly left no valuable or noteworthy contribution in that field. He was superb as Chief of Staff, a great soldier, who should have ended there. Like Marius of old, he lived too long for his fame. Now you are going to put him in here. We are going to repeal this law—the fundamental law of the land that we passed in 1947.

Is there such a crisis as to warrant it? Are we so desperately bankrupt in leadership that we must now, under the cry of emergency—oh, emergency! emergency! How many crimes have been committed in thy name!

Of course we all know—certainly we on the committee—that the one man for the job really is CARL VINSON.

I want to make it clear at this point that my suggestion certainly came without solicitation on his part, and even against his protest, wish, and desire. I told him I was going to say it on the floor of this House.

We have Bob Patterson and Bob Lovett, Jim Wadsworth and Jack McCloy; we have any number of men, but only one man, CARL VINSON—sorry but he has almost reached the point of Judge SMITH and Judge Cox—you do not believe it any more than I do—but you have got to be a good soldier. Why, if you CARL VINSON, were appointed, there would not be a single voice in the House or Senate raised against you.

CARL VINSON knows more about the armed services than all the admirals and generals in the Pentagon put together; and, without any flattery at all, he has forgotten more in his sleep than all the members of his committee have ever learned. So that is what I think about CARL. We will let it go at that. I know he would give equal justice to every branch of the services.

I am surprised that General Marshall would really fall for this thing; I really am disturbed about it. I love every member of our committee and of this House, and you know it. Mr. Chairman, you are going to put a military man at the head of national defense. Why? He is being used as a cat's paw and as a pawn in order to cover up and bail out some men who are in a desperate hole.

You say, do not bring in politics. No; we would not think of it. But you are making a frantic and frenzied effort to get a man of Nation-wide or world-wide prestige and wide popularity to cover up the bungling and blundering acts of this administration. That is not pleasant to say. But I am not going to say it to your back; I am going to tell it to your face.

With all due deference to my Catholic friends, and I could almost join them, although I am a Methodist and a Mason, I have had audiences with His Holiness, and I think the Catholic Church is the most stabilizing influence in the world today, particularly in Europe in this postwar period of transition. I think they would be broad-minded enough to excuse me—well, no, they will not excuse me, I do not ask any excuse, but perhaps they will pardon me if I quote Martin

Luther, who was quite a man. Martin Luther once wrote:

It is neither safe nor upright to act contrary to conscience.

To act contrary to conscience is neither safe nor upright. I am not going to quarrel with any Member on either side of our committee for the way they vote; they are going to have to vote upon conviction. I never quarrel with any Member about the vote he casts; I have been in too many congressional districts and I know how they vary. And I am not thinking so much about an election in November; if I were, I would have kept my mouth shut and said nothing. It is an easy thing to sit back there and just let it slide through, give it the rubber stamp; yes. But we are Members of the Congress of the United States, the legislative branch of our Government, one of three co-equal, coordinate branches of a government of checks and balances. I would not have the nerve to go back and face my people as their representative and hear them ask: "Where were you? Did you lift your voice? How did you cast your vote?"

The gentleman from Arkansas, BOYD TACKETT, would not claim to be a prophet or the son of a prophet, but, brother, he prognosticated something here this afternoon. It may be popular at home, but you will rue the day if you vote for this thing.

I repeat, George Marshall is a great American, a loyal patriot, a fine man, he made a magnificent contribution to his country. We all love him, but we are in a hot spot. To me principle is above personality. The thing that is fundamentally right and basically sound I am not going to change when I think it is not absolutely necessary, and I have not been convinced that this is. Perhaps what I am saying is undiplomatic, but I do not give a darn about that. It is not so much what people think of us today. What will they think of us 10 years from now? 20 years from now? We walked up the hill and now we are going to walk down the hill. I do not march in such fashion; not to get votes.

The Congress, the courts and the President—they all are necessary. We as Members of Congress have our responsibility. We have to be true to our convictions, we have to be true to our consciences. Tomorrow morning, Mr. Chairman, after we vote on this, when I look into that mirror and hack the whiskers away, I will look into some steel blue eyes, the greatest enemy I have ever had, DEWEY SHORT. I am not going to surrender principles. I am going to do my best to have a clear conscience. I am going to vote what I believe deep down in my soul is right.

Mr. VINSON. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY. Mr. Chairman, the gentleman from Missouri, I am sure, did not want to leave the impression that our chairman of the Committee on the Armed Services had attempted to rush this matter through the committee without an opportunity for everyone to be heard. You will recall he stated that on day before yesterday he was not present. At that time in an open session of the committee this matter was brought up and thoroughly discussed. Not only was each Member given an opportunity to speak upon it, but the chairman of our committee called upon each member of the committee individually to state his views with respect to it. The gentleman from Missouri was not present at that time, but got full opportunity this morning to express his views.

Mr. SHORT. I think I so stated.

Mr. KILDAY. Mr. Chairman, I want to call attention to the provisions of this bill, because prior to the debate I found many Members felt that we are repealing or suspending the provision against one who has served in the military services within the preceding 10 years. Frankly, I would not support such a bill. This bill does not so provide.

It provides that notwithstanding that provision the President by and with the advice and consent of the Senate may appoint General of the Army George C. Marshall. That is a far different thing from suspending or repealing that provision.

I want to state I agree thoroughly in civilian control of the military forces. For that reason I would not vote for repeal of that provision.

The gentleman from Missouri says that this is to be considered without reference to personalities and that he fears a precedent. The only way this can become a precedent is for us to disregard the personality of General Marshall. If it be placed solely upon the ground that he has long experience in the Military Establishment, then many other men may come along in the future who can thus qualify for appointment to this position. I stated in the committee that for my part the personality of George Marshall was one of the things that compelled me to support this legislation.

I first met General Marshall 12 years ago when I became a member of the Committee on Military Affairs. At that time he was a brigadier general. I saw him at very close range throughout the war. I know he is one who believes in the democratic process and in the legislative process. That might not be true of a good many other military men I have known. Of course, there are many other men who might qualify. The gentleman from Pennsylvania called off the names of some four or five, two of whom would have to have exactly the same type of legislation that we are now considering. The gentleman from New York mentioned two or three more. Unfortunately, the gentleman from Pennsylvania and the gentleman from New York do not under the Constitution have the power of nomination; neither do I nor does any other Member of this House have the power of nomination. So that it is not a question of who is available or who might be appointed. The President has seen fit to state that he is going to appoint General Marshall.

The gentleman from Mississippi [Mr. WINSTEAD], a member of our committee, the day before yesterday stated that the issue was, if we took General Marshall we knew who we were getting, but if we did not take General Marshall the Lord only knows who we might get.

The other body in addition to passing upon this legislation is going to have the power to pass upon the nomination and to confirm the nomination which is made. That other body has rules and precedents, matters of courtesy toward Members there, and there are certain Members of the other body who will not be in that body after January 3. Suppose one of those should be nominated and the Senate faced the proposition of carrying out the rules of courtesy which it has established for itself?

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from New York.

Mr. COUDERT. The gentleman has just made the point that my colleague from Pennsylvania and I do not have the power of appointment. The gentleman must not overlook the fact that we in this House, however, have the power to refuse to amend this fundamental law to apply to one single appointee whom the President has mentioned.

Mr. KILDAY. I am sorry I did not make myself clear. I agree thoroughly that we have the power to do that, but after we have said that we are not going to take General Marshall, then the whole field is open except as to those who come under this particular prohibition, because this is the only prohibition that applies to this position, and anyone who could qualify for a position in the Cabinet could be appointed to it.

Mr. COUDERT. Does the gentleman take the position that there is no American citizen living today that can fill this position?

Mr. KILDAY. I stated that I realize there are many. Then I stated that the gentleman from Pennsylvania had suggested some names and the gentleman from New York had suggested others.

Mr. TACKETT. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Arkansas.

Mr. TACKETT. I believe the gentleman was in error when he said that the bill provides that the President may nominate General of the Army George Marshall, because the bill specifically says he is authorized to appoint the general of the Army.

Mr. KILDAY. I am not going to quibble over the words.

Mr. TACKETT. This is important. In the past all secretaries have been nominated by the President and then confirmed by the Senate, but under this bill the law is so changed that the Congress is actually authorizing the President to make one appointment, and the Senate does not even have to confirm him.

Mr. KILDAY. No; do not stop there. It says "by and with the advice and consent of the Senate." Those are the words of the Constitution, I may say.

Mr. TACKETT. Will you not have to change the law if you ever get ready to fire General Marshall or get ready to appoint somebody to succeed him?

Mr. KILDAY. You certainly will not. The bill says that notwithstanding the provisions of section so-and-so on any other law the President is authorized to appoint, and so forth. That is the one disqualifying feature that exists at this time, and this suspends that as to General Marshall only.

Mr. VORYS. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Ohio.

Mr. VORYS. It seems to me there are two provisions of law that are suspended by the proposed bill.

Mr. KILDAY. There are two.

Mr. VORYS. One of them would prohibit General Marshall from accepting a civilian position without losing his rank and pay as a general.

Mr. KILDAY. That would not prohibit him. He could do that if he wanted to thereby losing his military status.

Mr. VORYS. He could do it. So that if General Marshall wanted to qualify as a civilian, you would not need to change that law, but by suspending that provision and the provisions of the National Security Act you permit this general still to remain a general and at the same time accept this civilian appointment, thereby flying doubly in the face of the principle which is set forth.

Mr. KILDAY. The point there is that a person holding a position in the Military Establishment accepting appointment to a civilian position would vacate his commission. This simply provides, and we have done it a number of times, particularly at the request of the Committee on Foreign Affairs—we have done it in the past week as to a colonel that you now have employed over in the State Department. The request came through, and it was approved by the Committee on Foreign Affairs, that he be permitted to hold the civilian position and not vacate his commission. We are removing only the provision of the National Security Act with reference to one who has served in the military service within the past 10 years.

Mr. CAVALCANTE. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. CAVALCANTE. That is not what the bill states. The bill permits him to retain his commission with the salary that he receives as a general, not as Secretary of Defense.

Mr. KILDAY. That is correct.

Mr. VORYS. No.

Mr. CAVALCANTE. Yes, it does.

Mr. VORYS. He gets whichever one is the most.

Mr. CAVALCANTE. That is true.

Mr. VORYS. The two of them are put together.

Mr. CAVALCANTE. But if the salary if the Secretary of Defense is greater then he gets the larger salary.

Mr. KILDAY. Mr. Chairman, I cannot yield further, I wish the gentleman would settle their own arguments amongst themselves.

Mr. VORYS. Mr. Chairman, will the gentleman yield for a matter of information?

Mr. KILDAY. I yield.

Mr. VORYS. Is it not true that under this bill, if it is passed, this civilian Secretary of Defense will still have personal money allowances, orderlies and aides, and all of the other perquisites which go with being a general of the Army?

Mr. KILDAY. He will. He will receive the same pay that he is getting now and there will be an addition to make up the salary of the Secretary of Defense, which is greater than that of general.

Mr. VINSON. Mr. Chairman, I yield one additional minute to the gentleman from Texas in order to give the committee this information, to settle this question.

Under the law today General Marshall is authorized to receive a base annual salary of $11,457, an annual ration allowance of $514, and an annual quarters allowance of $1,800, and personal money allowance of $5,000; thus making a total income of $18,771. The present annual salary of the Secretary of Defense is $22,500. As drafted, the proposal would assure that the General would continue to be paid the sum of $18,771 by the Department of the Army and $3,729 by the Department of Defense.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. RICH. Did not the President say in his speech on Saturday night that we should all sacrifice?

Mr. KILDAY. I am sure the gentleman heard the President.

Mr. Chairman, the President has stated the person that he proposes to nominate. As I have stated, there are many others that we might think of who might be qualified. Certainly our own CARL VINSON is not available. He can be discharged only by the people of Georgia. Should Mr. VINSON leave the House of Representatives, he would then come under the restrictions, where they have to be quiet and not reveal the shortcomings of the departments which the gentleman from Georgia is so willing and capable of doing here on the floor of the House.

In addition he might go the way of the other two and if he were removed from under the jurisdiction of the people of the State of Georgia, we might find him leaving public life within a very short time. General Marshall is known to many of us. We know his public record and any suggestion that he purposely attempted to promote communism or promote the spread of communism in the world is something which is not going to take hold with the American people. I feel that this bill should be passed. It should be passed promptly, but in these trying times surely word ought not to go out that the Secretary of Defense is taking office under any cloud or as a result of a close vote being taken in the House of Representatives.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SHORT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Chairman, I recognize it is a sort of anticlimax to follow the gentleman from Missouri [Mr. SHORT]; but I stand here this afternoon in the same temper of mind that my colleague expressed to you earlier. I regret it is necessary for me to talk to you as I am going to in the next few minutes.

Mr. Chairman, this is a bill of far-reaching importance. It is proposed by this bill to make a radical departure from the traditional policy of our form of government. We are here being asked to authorize a military man to serve in the all-important post of Secretary of Defense. Above all else, I hope the Members of this House have an appreciation of how momentous this precedent may be in the years to follow.

Just 3 years ago we enacted the National Security Act of 1947. It was adopted after extensive hearings, and many, many weeks of discussion. I do not claim it is perfect in every respect. Nonetheless, the provisions of that act were carefully considered. It represented the considered judgment of the Congress in a period of peace and in an atmosphere given to calm deliberation.

When that act was adopted great pains were taken to make certain that we preserved in every respect civilian control over the vast, powerful Military Establishment we were thereby setting up in the unification of the Army, Navy, Air Forces, and Marine Corps. It must also be borne in mind that the National Military Establishment involves much more than the Armed Services. It includes other related elements, such as the Munitions Board and the Research and Development Board.

When we drafted the National Security Act of 1947 we were well aware of the ever-present danger of the military gaining control of our national life. Whenever the subject of reorganization of our Armed Forces has come before Congress a primary concern has always been whether the proposed reorganization would be on a basis that would pave the way for military control of our Government.

It was a primary concern of the framers of the Constitution, who were mindful of the military tyranny abroad, and it was the primary concern of this Congress when we adopted the National Security Act. It should be our primary concern today, particularly when you consider the size and cost of our Military Establishment.

In order to show you how basic this whole matter is in all our prior considerations of the organization of our military forces I should like to read to you some extracts of a report which the Senate Naval Affairs Committee made during the Seventy-ninth Congress on October 22, 1945, to the then Secretary of the Navy, James Forrestal:

CONCLUSIONS AND RECOMMENDATIONS

It is not without significance that in nations where considerations of military efficiency have dominated political philosophy and where civilian control of the military has not in fact prevailed, a unified military structure has found favor. Generally speaking, it has accomplished the subordination of civilian to military life—to their own and other nations' grief.

SPECIFIC RECOMMENDATIONS

We recommend:

1. Organization of the military forces into three coordinate departments.

The organization of our military services into three Departments of War, Navy, and Air, each headed by a civilian Secretary of Cabinet rank, supported by a civilian Under Secretary and such Assistant Secretaries as may be necessary, and commanded by a military officer.

MILITARY POLICY AND POSTWAR ORGANIZATION FOR NATIONAL SECURITY

1. Civilian control of the Military Establishment.

The founding fathers understood that militarism could be dangerous from within as

well as from without. In establishing the principles of our Government they sought to guard against both dangers.

In the Constitution they provided that our highest elected civilian official, the President, should be the Commander in Chief of the Armed Forces. They placed the purse strings of the Military Establishment in the hands of Congress.

A primary consideration, therefore, of any organizational plan for our military services must be its effect upon the maintenance of civilian control.

2. Congressional interest in and control of the military services.

The exercise of control over military matters by Congress is part of the over-all principle of civilian control, but so important a part as to deserve separate consideration.

A large measure of responsibility for the over-all policies and organizational structures of our Military Establishment and the full power over appropriations rests with Congress.

An important condition of military organizational planning must, therefore, be provision of a structure which will have congressional interest and support and facilitate control by Congress.

MAXIMUM ECONOMY CONSISTENT WITH MILITARY EFFECTIVENESS

The American people will not support military policies which involve what they regard as undue intrusions into their daily lives; they will not support an establishment which smacks of militarism; and particularly, in view of the present heavy burden of taxation, they will not support a Military Establishment which they regard as extravagant in its demand upon their services or their pocketbooks.

As recently as last March our Committee on Armed Services emphasized again the vital importance of civilian control of the military establishment. You recall our committee made an extensive investigation of the operations of the National Security Act, particularly as it related to unification and strategy. We were very much disturbed to find that a career military officer had been selected to serve as chairman of the Management Committee within the Department of Defense. In our report we characterized this as "an inversion of the 'civilian-control' concept which has been so closely identified with unification".

In our report the committee summarized its views and recommendations as follows:

The appointment of a career military officer as chairman of a committee composed of civilians on the Assistant Secretary or Under Secretary level is an unfortunate and undesirable precedent which inverts the civilian-control concept so closely identified with unification.

The question of civilian control has been a major consideration, and it should be, in dealing with the military organization. Time and again, during the hearings and during the debates on the floor, this question was raised when we had the National Security Act before us. It was repeatedly emphasized that extreme care had been taken to retain civilian control. And it was pointed out, again and again, that the civilian control was retained by providing specifically that the Secretary of Defense must be a civilian, that he could not be appointed from the regular military forces within 10 years of service with those forces.

All this was done, as I said, in a period of calm, careful deliberation. Today in a period of war hysteria, with a President suffering from political jitters, we are called upon to set aside our better judgment. We are asked to do this in order that Gen. George C. Marshall may serve as Secretary of Defense.

I look upon Gen. George C. Marshall as one of our great military leaders. During the last war I publicly expressed time and again, on numerous occasions, my personal confidence in him as an outstanding general and military strategist. I think he is a great general. I think he is one of the greatest in history. And I do not think he is the kind of a man who would ever seek to establish a military dictatorship in the United States. But unwittingly he may prove to be the man through which the way is paved for such a dictatorship.

The question presented here is not one of personalities. The question presented here is one of historic principle. With all due respect to General Marshall as a military leader, even as an administrator, there are in this great country of ours literally hundreds of outstanding men—men of proven ability—who could bring to the office of Secretary of Defense all the talents and ability to perform efficiently the duties of that office. However fine a man General Marshall may be, having devoted his entire life to being a soldier, he will always remain a soldier. He cannot possibly become a civilian for the purpose of retaining civilian control over our Military Establishment by having a civilian in the powerful office of Secretary of Defense.

While a great and outstanding military leader, General Marshall did not prove to be a great Secretary of State. He is one of the architects of our far eastern foreign policy which led to the present Korean difficulties. He is partly responsible for the communist domination of China. In matters of over-all foreign policy he has by no means demonstrated great foresight. And it is with such matters of over-all policy, as distinguished from matters of pure military strategy, with which he would be called upon to deal as Secretary of Defense.

If General Marshall is made Secretary of Defense we may well find that there will thereby be formed an Acheson-Marshall partnership for the continuation of the policy in the Far East that few people approve. I certainly cannot approve of a policy that obviously looks to the ultimate recognition of the Communist Government of China while our boys are fighting and dying in Korea in a war on communism.

Therefore, Mr. Chairman, I urge that this bill not be passed. I am considering what is to the best interest of our country in the long run. I urge that we divorce all politics and all matters of personality from this question, and that we view this solely on a basis of principle and national policy. If we do this I believe we would reject this proposed fundamental change in a sound law.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield.

Mr. GROSS. The chairman of the Armed Services Committee, in his presentation a few minutes ago, said that we need to put General Marshall into this job to restore public confidence in the Military Establishment? Why has public confidence been lost in the Military Establishment?

Mr. ARENDS. The question in my mind is easy: It has been the result of the appointment of some inefficient and incapable individuals.

No one questions the abilities or capabilities of General Marshall. All his life General Marshall has been a soldier, and as a soldier he was a great American.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield.

Mr. ELSTON. Does not the gentleman appreciate the fact that if the law be now so changed as to permit General Marshall to serve as Secretary of Defense we might just as well repeal the law? Because in future when appointments are to be made this will always be pointed to as a precedent, and as time goes on other appointments will be made and the law finally will be abrogated and nullified.

Mr. ARENDS. I heartily agree with the gentleman.

Mr. DURHAM. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I do not think that what I am going to say will have much influence on the membership of the House, but I believe I would be remiss in my duty did I not say what I believe to be some of the fine things and some of the fine characteristics and fine work of General Marshall, that he has done not only for this country but for all the free nations of the world.

Most of the thinking here today seems to be that we are entering upon and taking action that in the future will be dangerous to the civilian control of the Armed Forces. Personally I am just as endeared to that as any individual on the floor of this House or any citizen in America. But to appear here on the rostrum and predict what is going to happen in the future I think is beyond most of us in the present crisis which exists today. So you have got to try to evaluate this problem by weighing what you are going to gain with what you are going to risk in the action you take here in this body.

I began serving in this Congress when General Marshall was a brigadier general, I believe when he first began to come before the old Committee on Military Affairs. World conditions then and world armament and our own armament in particular was in an almost unheard of condition. We had little or nothing, and what we did have after Dunkerque we sent to England—and thank God we sent it. No man sitting here in this body today will admit that he has not made at least some mistakes in his decisions. I freely admit it. To hold those mistakes today against General Marshall, which I believe he would readily admit, would be unfair, with the thousands and thousands of decisions that he made over a period of some 6 years, decisions which had to be made, and they were made; but, after all, Mr. Chairman, there is one thing to remember, we won this last war; we came out of that war as a free people. I will admit that today we have serious

problems facing us. General Marshall possesses the experience and the knowledge to perform this important assignment. He was ready to make decisions when he came before us. He did not have to bring a group of officers or other people to express his viewpoint when he was appearing before us in those critical days and had to make decisions quickly. I was in the House in 1939 at the time when President Roosevelt made the decision of placing him at the head of our Armed Forces. You Members who were not here at that time and who are not familiar with the condition of our Armed Forces then will never know in what a terrible condition they were. At one stroke General Marshall cleaned up what was commonly referred to then as dead wood in the Armed Forces. Although he hurt and cut across some friendships, he took that action. From that time forward those who observed the development of our military forces know there was a steady build-up to the finest Army to ever go into battle.

I see no reason to fear General Marshall as a military man. I believe there is not an individual in America today who has a keener sense of appreciation of the necessity for civilian control of the Armed Forces than General Marshall.

I am supporting this measure, knowing the type of man we are securing, and I believe free men around the world will be ever grateful to America for securing his services.

Mr. SHORT. Mr. Chairman, I yield 8 minutes to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Chairman, I am compelled to vote against this bill to make a life-long professional soldier eligible for the strictly civilian post of Secretary of Defense. I regret that much of the debate has centered around the person and the qualifications of the particular individual Gen. George Marshall, with whom the bill deals. My opposition to it is based on far more fundamental grounds. I am sorry that the issue arises in a case where the person involved is one with whom I have had rather strong differences of opinion with respect to the policies to be followed in Asia in order to prevent the development or expansion there of any force unfriendly to ourselves, to the point where it could threaten our security and force us into a war to defend our outposts and eventually our very existence.

I do not know whether the policies I advocated would have succeeded—they were not tried. But I do know that the policies the administration followed in China from December 15, 1945, on, failed. They did not bring us peace; they have brought us war. They did not give us more security, which must be the prime objective of an intelligent foreign policy; we have far less security.

On VJ-day we had almost every ace and every trump in the Pacific, and still we lost the game. That is the hard fact which all the alibis in the world can never excuse. Whoever was the author or architect of the policies for establishing a coalition with the Chinese Communists, General Marshall was the executor of the policies. He was called upon to perform a task which I regarded as impossible and believed would be disastrous even if it were achieved. As a good soldier he went out and tried his best. He underestimated the difficulties in the beginning; this can be documented. After he failed to get a coalition he overestimated the difficulties, and decided nothing useful could be done. As of 3 months ago he was still of that opinion, which I simply cannot accept, because it means inevitable war with Communist China.

The differences of opinion I have had with General Marshall on the issue of how best to promote our security in the Pacific are well known to the Members of this body, and they do not need further comment here. They are not the issue involved in this bill, as far as I am concerned. Perhaps some may not believe that, but it is true. If the name in the bill were General of the Army Douglas MacArthur, with whose policies in Asia I have agreed, I would oppose it just the same.

The questions that concern me here are: (1) Is it advisable to change the basic principle of civilian control and direction of our Military Establishment? (2) Is it necessary to do so? Because if it is not necessary to do so, then not a person here can stand up and show why it is advisable or desirable to do so.

Let us examine those for a moment. I was a member of the Committee on Expenditures in the Executive Departments when the military unification bill was before us in 1947. For weeks and months we debated and deliberated on it. There were many questions raised regarding its advisability but the biggest question to me was whether we ought to set up a position with such enormous power and authority as the Secretary of Defense would have. The able chairman of the Committee on the Armed Services [Mr. VINSON] has discussed that very wisely and soundly today.

You may say, "Well, the President of the United States as commander in chief has such power." Yes, but the President is in a different situation. He is elected by the people, he is directly responsible to the people, he is under constant surveillance by them, he lives in a goldfish bowl. Every single one of his acts is called into question day by day by Congressmen, correspondents, commentators, and the general public. The man who is put into the position of Secretary of Defense is not elected by the people or responsible to them. He is not subject to their control.

Mr. WHITE of California. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield.

Mr. WHITE of California. The gentleman has stated that the President lives in a goldfish bowl and is subject to the criticism of commentators, and so forth. Has not Mr. Johnson been in that position in the last few months?

Mr. JUDD. Yes, but that was partly because he, being an outgoing personality, put himself into the public view by sounding off a little bit too much, perhaps. One in his position does not have to be in the goldfish bowl as the President does have to. General Marshall, for example, is not the sort that will call his actions to public attention and plenty can happen that is not known.

The President is so busy, and necessarily so, with all the manifold duties he has, that he cannot keep in complete touch with the work of the man who has this position. Therefore, it is even more important, that that man should be a civilian than that the President himself be one. One hundred million civilians are constantly keeping the President from getting too far off the civilian beam.

You must not have as Secretary of Defense a man who belongs to the military club. We doctors know what happens when we get together. We have a certain kinship and understanding with each other that we do not have with other people. The same with the lawyers, the alumni of Yale, or Harvard, or the University of Minnesota. That is inevitable. They would not be any good if that were not the case. You cannot have a man spend 40 years or more of his life as an active member of the military club or clique and then expect him not to have special attachments to those of his club; or expect him to think as do the civilians who are not of the club. That is asking more than can be expected of any human being short of heaven.

Most of the men in the Armed Forces are civilians, they are not professional military people. Who is going to speak for them if not a civilian Secretary of Defense? Probably 90 percent of the men who are making dangerous landings today in Korea are not professional soldiers; they are civilians who are temporarily in military service striving to win victories over their country's enemies so that they can go back to being civilians just as soon as possible. Who is going to speak for them? You may say that the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force can do it; they are civilians. Yes; but how strongly or influentially can they speak if the man above them is a professional military man and the men below them are military men? Can these three be genuinely independent? Let us be sensible. Not a man of us who is a civilian could win out for our civilian views in a situation like this bill will create.

You must recognize that if we take this step we are starting right straight into the possibility—yes, the probability—of steadily increasing military control of our country. I think we dare not do such a thing. It creates greater risks than the situation it is supposed to remedy.

I was in Japan for a while in 1931 and later and I saw what happens when the army instead of being under the civilian government gets its men into key civilian positions. Under our form of government the military forces are arms of the civilian government. We send them out and we call them back, operating through the President and the Secretary of Defense as civilian officials. You let the military clique get in control and they naturally fill more and more positions with their buddies, gradually crowding the civilians out, always sincerely believing, of course, that it is in the best interest of the country, it is to give it security and defense against all enemies, foreign and domestic. Instead of the military forces being an arm of the civilian government the latter becomes

just an arm of the Army and Navy and Air Force. Their business is not to serve it, but its business is to support them, to provide it with the men and money it demands. Little by little the people lose their freedom.

That is why, after weeks of debate and discussion, we wrote into the Unification Act of 1947 three times a provision about civilian control. It was also in the Senate bill, and emphasized in its report. First, we put it in the declaration of policy. Let me read the clause, "to provide for their [Army, Navy, and Air Force] authoritative coordination and unified direction under civilian control."

Then, in section 202 (a), "there shall be a Secretary of Defense, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate."

Then we provided that the Secretary shall appoint from civilian life special assistants, and the Secretaries of Army, Navy, and Air Force shall be civilian.

Then in the House committee report appears this, and I helped write this paragraph:

> The declaration of policy which appears in the bill is deemed necessary by your committee in order that it be clearly shown that it is the intent of Congress * * * that the traditional superiority of civilian authority over the military within the Government is not being altered.

There would not have been any unification bill or Secretary of Defense if those unequivocal provisions had not been written in. It was only on the basis of them that most of us agreed to support the bill or that I urged you to vote for it in 1947. If this bill today is passed abandoning that principle, I shall regret my support and apologize for having misled you.

When your Committee on Armed Services last year brought out H. R. 5632 to amend the National Security Act of 1947, it saw fit to repeat for emphasis that declaration of policy regarding civilian control right at the beginning of the bill. Has anything happened that can change the essentiality of that provision?

Somebody will object that this is an exception because we are in a dangerous emergency. Mr. Chairman, most people who ever lost their freedom did not have it taken away from them. They were persuaded to give it up on the basis of an emergency. That was what the French did when the brought out Petain, the great soldier, to put him in charge of an emergency. That is what the German Republic did when it brought out Hindenburg, a great soldier, to handle its dangerous situation. Hindenburg was a great patriot, and nobody questioned Petain's patriotism or ability, but these were not enough. The people lost their freedom.

What did George Marshall himself do when he was out in China during a most dangerous emergency? This is from his report when he came back from China, dated January 7, 1947. The Chinese Government was at war. As he said, it had "millions of people and an army of more than a million men" against it, the very survival of the government was hanging in the balance. What did he insist they do in that great, dangerous crisis? He said:

> Though I speak as a soldier, I must here also deplore the dominating influence of the military. The dominance accentuates the weakness of civil government in China.

I am afraid that is what is happening here. The increasing dominance of the military is accentuating the weakness of our own civil Government. He insisted that the Chinese, even when hanging on the ropes, get out the generals and put more civilians in control. Why should we go in the opposite direction?

Some say that this does not establish a precedent. Why, of course it does. It is the deed that counts, not the word. One of my best friends on the Democratic side of this House said to me one day several years ago, "Our biggest mistake was the third term. As soon as we broke the precedent and said that a certain man was indispensable for a third term as President because of a critical situation, then he became indeed indispensable—for a fourth term or fifth or as long as he lived. There was no way we could then get around it."

I think he was right. He was speaking as a loyal Democrat and from the point of view of the health of his own party as well as of the country. The longer any man or group is in power, or the more a particular point of view prevails, the more other leadership is crowded out or held down and the more indispensable and entrenched those in power become, even though they had no such intention originally.

It is argued that we must make the change now because we are at war. Mr. Chairman, this is the very time when we should not make it.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. SHORT. Mr. Chairman, I yield one additional minute to the gentleman from Minnesota.

Mr. JUDD. Mr. Chairman, no one has argued that this bill is desirable in principle. No one has argued that it is advisable except on the basis of the present dangerous situation. The only argument is that it is necessary because of the present situation. But gentlemen, is it necessary? If not, then the whole case for it falls to the ground. It can be considered necessary only if there is not a single civilian in the United States who can do this particular job as well as General Marshall. That is fantastic. There are many who can do it just as well. CARL VINSON knows more about this job than any general in the whole Military Establishment. He ought to for he has been dealing with the particular task it involves longer and more intimately. Stuart Symington could do it as well. Robert Patterson could do it as well. Tom Finletter could do it as well. They are all much more familiar with it. Robert Lovett could do it as well. John McCloy, Ferdinand Eberstad—a dozen others.

Mr. Chairman, we have many great generals and none greater than General Marshall. But this is not a general's job. This is a civilian's job. When I have eye trouble I do not want a gall-bladder doctor. I do not care if he is the best gall-bladder doctor in the world, what I want is a doctor who is a specialist in diseases of the eye.

When I have nerve trouble, I do not call in a bone and joint specialist. This is a peculiarly civilian job and we should have in it one of the many civilians eminently well qualified for it. So, in short, I cannot conjure up one single reason why we should change the law and the long-established practice and tradition in this matter. I see many reasons why we should not change them. It is not necessary, it is not desirable, and it is not advisable. Please do not take this grave step.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. SHORT. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. COUDERT].

Mr. COUDERT. Mr. Chairman, almost everything has been said by the distinguished gentleman from Missouri and the distinguished gentleman from Minnesota, who has just preceded me, and the distinguished gentleman from Illinois, so I will not take all my time to repeat.

I deplore the unfortunate necessity which brings me to the well of the House at this time. I fully realize, in taking the position that some of us are taking, that we are presented with a rather difficult and painful political and moral dilemma. I fully realize that in opposing this bill some of us will be subject to a criticism, improper and unjust as it may be, that we are opposed to General Marshall on some personal ground or that we are disposed to try to embarrass the President in an emergency. So far as I am concerned, and I am sure that goes for my colleagues, nothing could be further from the truth.

I deplore the moral and political bankruptcy which brings such a measure to the floor of the House at this time.

The President has 150,000,000 Americans from whom to select a Secretary of Defense to succeed that Secretary whom he fired, not because of that Secretary's own mistakes, grievous as they may have been, but because of his own great blunder in dealing with the far eastern and Korean situations. The 150,000,000 Americans who are available to him now for this appointment include a substantial number of highly competent and widely experienced persons wholly qualified for the position—better qualified than General Marshall—such as the distinguished chairman of our Committee on Armed Services, former Secretary of War Robert Patterson, former Under Secretary of War Robert Lovett, and a host of others. Yet the President could think of nothing more than to call back into service an old warrior with a distinguished record as a soldier in cynical disregard of a deep-rooted and demonstrably sound American principle of supremacy of the civilian power over the military. This Congress has written that principle carefully and clearly into the Unification Act. Respect for its observance was never more important. I can think of few things more calamitous to American life than control of it by the military mind. If the principle of civilian supremacy was important 50 or 100 years ago, think how much more important it is today—today, when we have

thirty or forty billions of dollars of the annual budget going into the military, which means almost all of it.

When, almost the entire male citizenry of the United States is either in the military service or subject to military service; when the standing Army may exceed 3,000,000 men; when that situation exists, as it may exist for years to come, then the hand which controls the Department of Defense controls the economy of the United States and it controls the largest part of the daily lives of the men, women, and children who make up the citizenry of this great Republic. Nothing could be more inexcusable than for this Congress at this time to abandon such a vital safeguard of liberty for so very little reason. General Marshall is a great citizen, has been a great soldier, and deserves the admiration and gratitude of his fellow citizens. No individual, however, is bigger than the people of the United States.

The CHAIRMAN. The time of the gentleman from New York [Mr. COUDERT] has expired.

Mr. VINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, I find it impossible for me to vote for this measure. My first duty is to the people who sent me to Congress. I am charged with a responsibility that I cannot shirk. I cannot conscientiously vote for this measure, and I am going to tell you why.

In the first place, as I pointed out on yesterday, when General Marshall was Chief of Staff, somebody went as sound asleep as King Tut and, let the Japanese come 5,000 miles across an open sea, destroy our Navy, kill 3,000 of our men, and heap upon America the greatest humiliation this Nation has ever endured.

About that time, when these brass hats were around the President, I had an argument with President Roosevelt. He said to me, "You cannot sink a battleship with an airplane." That was 18 years after Gen. Billy Mitchell sank the *Ost Frieland*, the biggest German battleship captured in the First World War. They had crucified Billy Mitchell, and have been keeping down the Air Force ever since.

I am not willing to put a man in that position who let the Japs come 5,000 miles and destroy our Navy with an air force. I am not willing to put him at the head of the Armed Forces today.

Let me ask you Members from the South: Do you think Robert E. Lee or Stonewall Jackson or Nathan Forrest would have sat there and let the Japanese come 5,000 miles across the open sea and destroy our Navy? Do you men from the North believe that General Grant or General Sherman, or any of the other great generals on the northern side would have gone to sleep and let the Japs come 5,000 miles across an open sea and destroy our Navy? No. That is one reason why I am bitterly opposed to General Marshall's appointment. This is not personal with me. My country rises above all personalities whenever a question of principle is involved as serious as I think this one is, to say nothing of the danger of fastening militarism—reactionary militarism, if you please—upon this country.

Again, remember that General Marshall—oh, the Marshall plan. Do you remember that? Do you remember that Bevin plan some of you Members voted for, to spend American money to give to countries all over the world and make enemies for the American people? They are the members of this United Nations that created this war for us to fight. Why are they not in there fighting? Why are they not in there with their men? They by-passed Congress and left you with the bag to hold, and you are going to be accountable to the American people when you get home. Do not forget that.

I am not going to rehash the persecution of General Patton; but I want you to know that that will go down in history as one of the greatest outrages ever perpetrated against one of the greatest generals the world has ever seen. We did not get the help of General Marshall in our attempt to stop that persecution and put General Patton back where he could fight his way up to Berlin and bring the war to a successful conclusion.

Again, take Communist China: If this bill is passed, it will be received by Communist China with great glee. Why? Because General Marshall went over to China—you can "cuss" Chiang Kai-shek all you want to. I never saw him, but I saw his wife come here and address this Congress, a Christian Chinese, educated in American, who went to school 4 years in the South and 4 years in the North. She made the greatest impression of any foreigner that ever addressed the Congress of the United States since I have been in Congress. She was asking us then to supply materials to fight the Japs—enemies of China.

Yet General Marshall went over there and came back advocating that we recognize Communist China and turn the back of our hands to Chiang Kai-shek and his leadership and those patriotic Chinese who had followed him all those years.

I cannot vote for this measure, and I sincerely trust that a majority of the Members will join me in voting it down.

Mr. SHORT. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. MEYER].

Mr. MEYER. Mr. Chairman, the decision we are called upon to make here today is of the gravest consequence. We are being asked to weaken—yes, and to flaunt, the Constitution of the United States. Today may go down in history as the infamous day when the Republic ceased to be a republic and took the first step toward a military state.

It was only after long and thoughtful deliberation that Congress passed the Unification Act of 1947. Congress made sure there was a very important precaution to keep the military under civilian control with the provision which barred as Secretary of Defense any man who had been in military service during the 10 years preceding his appointment.

Now, Mr. Chairman, in a short 3 years since the passage of that act, we are being asked today to make an exception—to perpetrate a fraud upon the people of this Nation.

I have only the greatest respect for General Marshall as a military man. He has proven his ability in the military field. No one will question that.

His appointment is being urged upon us on the grounds that we are in an emergency.

Mr. Chairman, are we in any greater emergency now than we were on June 27 of this year? Are there events of which Congress and the people are ignorant? If not, then why are we requested to flaunt the Constitution, to rescind the provisions of the Unification Act?

Mr. Chairman, I say to you, if this action is taken it will produce the reverse of unification. It will not only place a military man instead of a civilian at the head of our Defense Department, but it will put the Army in complete control, leading to feuds and dissensions within the Department. General Marshall is an Army man. General Bradley, General Collins and General Vandenberg are Army men. And do you think that the civilian heads of the Army, Navy, and Air Force would dare dispute the opinions of a man who was formerly Chief of Staff only a few years ago?

But, Mr. Chairman, there is another side to the coin. General Marshall has not proven himself to be an oustanding administrator. This is simply another maladroit appointment of a good man to the wrong job.

However, it has a far more reaching effect than that. What will be the effect of this appointment on our foreign policy in the Far East? What will be the effect on our men now fighting and dying in the mud and filth of Korea?

General Marshall never has explained publicly where he was on the morning of Pearl Harbor.

What about General Marshall's mission as Ambassador to China? On instructions from Dean Acheson, then the Under Secretary of State, Mr. Marshall endeavored to persuade Chiang Kai-shek to admit Communists to his Government and withheld military aid to the Nationalists. Today, the result is a Communist China which may loose her hordes against us.

As Secretary of State, Mr. Marshall did nothing to safeguard our interests in the Far East. The billions of dollars given away in Europe under the plan which bears his name has not stopped communism nor has it even bought the assurance that these countries will fight by our side. They have promised help in our war in Korea but their promises have not been carried out.

Mr. Marshall has publicly stated, when he was Secretary of State, that South Korea and Formosa could not be held militarily. He has faithfully followed the Acheson line in foreign policy. Mr. Acheson and Mr. Marshall think alike and act alike on far eastern matters.

Mr. Chairman, this act which we are requested to make, will not only open the door to a future man-on-horseback and nullify our Constitution, but it is an open invitation to the Communists of Asia to go ahead with their bloody and nefarious plans to communize that entire continent.

Are we so lacking in proper civilian leadership that in a Nation of 160,000,-

000 souls we cannot find one man of such stature to fill the position of Secretary of Defense without turning to a military man—a man who so failed in his other civilian positions as special Ambassador and Secretary of State that today we are reaping the whirlwind of China's betrayal and the tragedy of Korea?

Mr. Chairman, I think not. We will rue the day of this hasty decision and future generations will call this black Friday if this measure is enacted.

Mr. TACKETT. Mr. Chairman, will the gentleman yield?

Mr. MEYER. Gladly.

Mr. TACKETT. Is this not the first goose-step piece of legislation that has ever been adopted by Congress?

Mr. MEYER. I thoroughly subscribe to the statement of the gentleman from Arkansas.

Mr. SHORT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, this is a measure which we should approach carefully because this involves the safety and the security of every one of us and our families and our homes. The present administration is actually changing horses in midstream. I have risen previously on the floor and said that I felt that in these critical times we should not make a change in the Department of Defense. But that has occurred. I think that Secretary Louis Johnson was a victim of the times as no man could guarantee America against attack any place in the world. I have a very high respect for General Marshall's abilities and have said so when he came before the Foreign Affairs Committee but I firmly believe on the ground of policy alone, we should not create a precedent that the military should supersede civilian control of our Defense Department. I voted for civilian control of our atomic energy development and for the original Unification Act which established civilian control of our Military Establishment.

Let me read to you the statement of General Marshall on June 7, 1950, as to the status of the world, to show that no one man had any more knowledge or intuition than anyone else.

I said to the general:

Mr. FULTON. This morning there is not the immediate fear of war or the immediate fear of force of arms from the Russian sphere, is there?

General MARSHALL. There is the fear of it, but I do not know what the possibilities are because I have not been informed of the governmental information.

I have not discussed with the officials involved and I do not know. I only know today what I read in the papers.

Mr. FULTON. But rumors of war—when I say "war" I mean immediate war—are therefore to be discounted because that is not within the immediate future.

We are preparing here for a land force for defense which will take several years to build up?

General MARSHALL. That is correct, sir.

Mr. FULTON. It is not in the nature of immediate preparation for war, is it?

General MARSHALL. On our part, no.

Then a little later in the hearings the following colloquy took place between us.

Mr. FULTON. Will you explain to us why there should be the difference in policy on Formosa and the southeast Asia countries?

General MARSHALL. I cannot answer that because I have not been involved in any of the discussions at all.

Mr. FULTON. You do not see where there should be a difference?

General MARSHALL. I would not express an opinion on that.

Mr. FULTON. Do you feel that Formosa is necessary for our defense in the Pacific area?

General MARSHALL. I do not want to get into a discussion of that.

Mr. FULTON. Do you think it is a factor in the defense?

General MARSHALL. I would say it is a factor in the defense.

Mr. FULTON. Thank you very much for the factor.

May I close by saying that at the appropriate time I am going to offer an amendment to strike out everything in the bill following the word "Senate" and substitute the words "appoint Representative CARL VINSON to be Secretary of Defense." Everything being equal, such as competence and ability, the Congress should choose an equally competent civilian. General Marshall has served his country long and well, so he certainly never sought and is not seeking the office or any Government position.

Mr. SHORT. Mr. Chairman, I yield the balance of my time to the gentleman from Kentucky [Mr. MORTON].

Mr. MORTON. Mr. Chairman, if you were to have a popularity contest in my district today I think George Catlett Marshall would win as far as from here to the eighth pole. For the benefit of those of you who have never read a form sheet, that means there would be no photo finish.

I oppose this legislation not because Marshall is not one of the greatest soldiers in human history. He is. Not because he is 70 years of age. Many people have made contributions to human history at a greater age. Not because he would fail to unify America. I know the people are back of him. Not because he was Secretary of State. Not because of his views on foreign policy—Asiatic or otherwise—with which I am not in full accord. For none of those reasons.

I realize it is probably a transgression of good taste to speak from personal experience here in the well of the House, but in order to make my point I must take the risk of that transgression.

In the spring of 1940 I took over a "tin can" down in the Norfolk Navy Yard that was to be sent to the Pacific. It was in May that I took command. The word got around the ship that we were going to the Pacific, and that we were in the squadron to lead the Kyushu invasion. I had to restrict every man on that ship because the AWOL's were so bad the last 3 days we were ashore.

In the end we did not lead and there was no invasion. George Catlett Marshall had something to do with it, not only from the military standpoint, but from the moral standpoint. He shared the decision for the atom bomb. I was not kidding myself. He had a lot to do with the dramatic decision that suddenly overnight stopped that horrible war in the Pacific.

I feel under great obligation to that man. I admire him. I am no more heroic than anyone else. I did not want that mission any more than the kids on that ship wanted it. I know the part that George Catlett Marshall played in that.

A short year and a half later I was elected to this body. Why the half million good citizens of my district sent me here I sometimes do not know. I feel very humble about it, and in the spirit of that humility I say this: I know they did not send me here, to paraphrase the words of a great humanitarian, to contribute to the liquidation of the American constitutional tradition. This is legislation of expediency and a confession of the bankruptcy of leadership in this our country. For my part I refuse to seek expediency or to subscribe to any confession of American weakness.

Mr. VINSON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Maryland [Mr. SASSCER].

Mr. SASSCER. Mr. Chairman, this is an extremely important piece of legislation. The one issue is, What is in the best interest of our country?

Arguments have been advanced that we are transgressing from the traditional civilian control. As has been pointed out, this bill does not repeal that provision of the law, but merely suspends it for General Marshall. It has been asked whether other persons in the country are competent to fulfill this position. Of course there are. But at this moment time is a vital and important element. If we take into consideration the outstanding characteristics of General Marshall, as has been admitted on both sides of the aisle, a man of capacity, integrity and ability, this coupled to the know-how, the knowledge of the military, with his ability and his knowledge of the over-all situation, to my mind he is the one man available at this moment most eminently fitted for this position.

I was happy a moment ago to hear my distinguished chairman, who through his service here has done more to build up the military strength of this Nation than any other man in America, say that regardless of which party may be in power at the next session he hopes that the unification law will be looked over and amended.

A moment ago someone made the assertion that we will have a military man and goose stepping. It is not of necessity a military man that makes the goose step, it is the way a law is framed and administered that contributes to the result that is obtained. We know that General Marshall is a man of even temperament. We know that he in his service in the last war appreciated the importance of having three strong branches in our service. We know that today a strong Air Force, a strong Navy, a strong Army and a strong Marine Corps, coordinated and working together are important. General Marshall appreciated that in the last war and worked to that end.

Since the passage of the last Unification Act, and I am glad I was one of

approximately eight or ten who voted against it at the time of its passage, we have seen a gradual whittling down of the Navy, the laying up of carriers and the discharge a year ago of trained naval aviators. We have seen in the committee the plan to use the Marine force just as a police force.

We know here in America that we have won wars upon the American spirit. That spirit in the Air Force leads a flyer to say, "I am the best aviator in the world." In naval aviation, with its pinpoint precision bombing—and it would be mighty fortunate if we had more carriers in Korea at the present time—there is the feeling that they are the best. In the Army and the Marines there is the feeling that they are the best soldiers in the world. That is the spirit by which America has won its wars. It is my belief that this trend that has been going on in the Defense Department toward the liquidation of the spirit of those services is largely responsible for our difficulties in Korea. Had not this trend been halted by the investigation of my distinguished chairman's committee we would have practically no Navy or Marine Corps today. The bringing in of General Marshall, with his knowledge, will knit together and build up three strong services.

Mr. Chairman, I shall support this bill.

Under unanimous consent I include in the RECORD the speech that I made on August 2, 1949, when we passed the Second Unification Act, in which I made certain forecasts that have since been demonstrated:

SAFEGUARD OUR NAVY AND MARINE CORPS

Mr. SASSCER. Mr. Speaker, this conference report is apparently going to be adopted, but as we take one further step in the eradication of individual services, let us see what happened since this postwar march for power started.

First. In the death of President Roosevelt, there was the loss of the intimate knowledge and appreciation of the Navy that he had gained as Assistant Secretary during World War I—an appreciation which contributed to the building up of our strong and essential Navy of World War II.

The next step was the stripping of the Navy from a service to an agency, and the reduction of the status of Secretary of Navy from a Cabinet rank. In the unification Mr. Forrestal, with his knowledge and appreciation of the Navy's importance, was made Secretary of Defense. He was present at the Key West meeting. He realized the importance of retaining the autonomy of the Navy which was protected under the terms of that agreement; and he saw what the forces, under the guise of unification but aimed at merger and subjugation, were doing to our national defense, and this great American was indeed a war casualty. He was as concerned as many of us over the plight of our Navy and Marine Corps.

Next, we see the scuttling of the supercarrier under amazing circumstances—circumstances that caused the sincere, forthright and able Secretary of the Navy, John L. Sullivan, to resign in self-respect and public protest. I am not a military expert, nor do I profess to be one, so what I say here about the carrier will be limited to the records and facts, and the opinion of the great Admiral Halsey, now retired and free to speak, who knows more about naval warfare than any other American. First the facts: Although Congress, pursuant to its obligations, had on two occasions authorized the construction of the carrier, by departmental order and without consulting naval operations, it was junked. Scuttling the carrier, whether wise or unwise, was done under the power of the Unification Act of 1947, a fact which bears out the fact that as far as administrative savings are concerned, there is ample power now vested in the Secretary of Defense. The scuttling of the carrier is not an economy measure but a further projection of the plans to strip the Navy and Marine Corps and their air arms.

As I said, I am not competent to personally argue the wisdom or lack of wisdom of the carrier, but I do wish you would read an interview by Admiral Halsey which appeared in the May 20 issue of the United States News, and inserted on May 17 in the CONGRESSIONAL RECORD under extension of remarks of my able colleague on the Armed Services Committee, the gentleman from New York [Mr. COLE]. Admiral Halsey not only stressed the importance of the mobility of carrier-based planes, but cited incidents and examples of the force and effect of carrier-based planes in the Pacific. He emphasized the fact that while the long-range bombers can do area bombing from high altitudes, it is only the low-range planes that can do pinpoint and precision bombing—necessary for attack on ground troops, air fields, submarines, and so forth. He stated that 15,000 Japanese planes were destroyed by our naval aviation, chiefly from carrier planes. In answering the fixed concept and restricted-use theory as to weapons, which concept was part of the formula for the destruction of the supercarrier, Admiral Halsey said:

"The concept of what each weapon can or cannot do theoretically is very ridiculous. The only thing I can think of that is more ridiculous is the fact that you have a weapon and, through legislative or other act, you cannot use that weapon because it might interfere with the glory of some other person who has a similar weapon. I think the object in war is to strike with as many weapons as possible as often and as fast as possible. I think that is the surest and best way to terminate a war. I would go further than that and say I do not think any weapon should be in any way restricted, whether it belongs to the Army, Navy, or the Air Force, or is used only for a special purpose. In other words, they should be used where they are most needed."

I shall not quote further, but may I again urge that you read the full context of that revealing interview.

While suppressing our Navy it is important to remember that it was the planes from a Japanese carrier that swept down on Pearl Harbor, the Philippines, and Singapore, and that Great Britain has since admittted that she suffered serious losses because she thought only in terms of land defense, and neglected her naval air power. Don't let us make that mistake in America. And let us take stock before it is too late, for the chart lines are being fast drawn in that direction. The present policy is directed to that end, and if this philosophy is allowed to continue, it will not be long before our Navy, Marine Corps, and their aviation arms will be weakened and imperiled, and with it the security of our country.

In an AP story which appeared in the Baltimore Sun of June 4, last, it was stated that the Russians are, for the first time, building up a strong navy, and that Admiral Ivan Yumashev, navy commander in chief, emphasizes that the sea forces should be expanded. In this article we read that the Russian military leaders recently celebrated a navy day by calling for further strength of the Soviet sea power. It is ironical that their first navy day observance falls but a few months after the abolition of Navy Day in America, which had been celebrated each year since 1922 on October 27. It is probably trivial to mention this, but I refer to it merely as an example of one of the links in the chain that is aimed at the eradication of the autonomy of the Navy and Marine Corps. Certainly there is no material Government saving accomplished in preventing the naval personnel from participating in exercises which have added much to the building up of the high spirit and efficiency of our Navy. Primarily the Navy League and Navy Day exercises are supported by public subscriptions from persons proud of our Navy and interested in keeping it strong.

We wonder if the recent cut in appropriations that resulted in the dropping of 150 of the 300 young ensigns, who under the Holloway plan had completed 2 years of college and their flight training, was motivated by the desire to reduce expenditures or stimulated by a philosophy of stripping the Navy of its aviation. Certainly at a time when the Nation's thoughts are directed to air power and the training in the Air Forces is being enlarged, it is hard to figure the economy in the throwing out of 150 aviators who had been screened from all angles and selected on a highly competitive basis, and who have completed half the required course—at a tremendous cost to the Government. When they finished their courses they would have been officers in the Regular Navy.

Next in the sequence of destroying the autonomy of the Navy, we have the removal of the privilege of a direct approach to the Executive, and the abolition of its status as an executive department. One of the sections of this conference report directed to power and not savings, which was insisted upon in the Department bill and now contained in the conference report, creates a Chairman of the Joint Chiefs of Staff. Although the person serving in this capacity would not have a vote, he would out-rank the Joint Chiefs of Staff of the Army, Navy, and Air Force, and those of us familiar with military discipline know that with that rank he would be the boss of the three services. That section is not directed to savings, but is a terrific concentration of potential power in the hands of one person. The pattern of world history is uniform in one phase: The springboard of all dictators has been the complete concentration of all military power in the hands of one person. It is a dangerous course, and one which our Nation, even in its most trying times, has shied away from.

No one can deny that there is a fruitful field for the application of economy in the armed services, and no one can take issue with a program for unification directed to economy. The disturbing features of this progressive philosophy is not in the effort directed to administrative economy—over which there is no controversy, but in the steps directed to a concentration of power, and the absorption of the individual services. In the last war we had our individual services functioning with high efficiency under Joint Chiefs of Staff with unified area commands, and under that formula we won the war. Germany and Japan, in contrast, had completely merged services under the command and domination of the army, and they were both defeated. And while our No. 1 potential enemy is profiting by this lesson in expanding its navy, we, with a Navy second to none, are in the process of stripping it of its autonomy, pride, and efficiency.

You will find some factual information outlined in an article by David Lawrence, which appears in the CONGRESSIONAL RECORD in volume 95, part 14, page A3367, under extension of remarks by the gentleman from Louisiana, Representative LARCADE, in which he states:

"Wars are won or lost at the planning stage—in the years that precede the actual combat. Hermann Goering insisted on unification of all armed services in Germany and on domination of the whole military establishment by his air force. To the cries of the German Navy for a fleet and for better submarines, he turned a deaf ear."

We undoubtedly would have had a longer and bloodier war had the German Navy not

been pinched in its submarine production by the one dominant service. Goering was given carte blanche in developing his air force, and in spite of its unquestioned supremacy in those early days, Germany was never able to span that short distance of water. Many theories have been expounded as to why a landing was not effected, but as far as I know nothing has been proved. I merely cite another instance where the loser's navy was second best. And by the same token the Allies, with independent navies, were able to accomplish a much harder landing in reverse.

I repeat again, Mr. Speaker, that I am not arguing against a unification of the armed services as directed to savings, but I am attempting to show that the present Unification Act provides the necessary means to accomplish this economy. At the same time, I wish to caution against the dangers of the determined philosophy of this long-range program to strip down and eventually destroy the Navy and Marine Corps aviation, and to protest against a program that would reduce those proud services below an executive department to mere agencies in one big military bureau, and which would leave them in a status somewhat similar to the prewar Army Transport Service.

The gentleman from Georgia [Mr. VINSON] is one of the strongest and most able chairmen in Congress and is to be congratulated for his successful efforts in conference in retaining some of the important safeguards of the House bill. During the many years he served as chairman of the old Naval Affairs Committee, and since, he has devoted his life toward building a strong Navy and Marine Corps, and to him must be given much of the credit for the glorious achievements and outstanding record made by these services during the recent war. He and his committee exercised close congressional contact which contributed to the efficiency of the Navy and which helped to keep it free from any corruption or suspicion in the vast expenditure of public funds during the period of the prewar and war years.

A one-man rule is answerable to no one, and it is important that Congress keep alert in an effort to eradicate the philosophy that would, if continued, submerge any one of the armed services.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That, notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., title 10, sec. 576), or the proviso contained in section 202 (a) of the National Security Act of 1947, as amended, or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint General of the Army George C. Marshall to the office of Secretary of Defense, and General Marshall's appointment to, acceptance of, and service in that office shall in no way affect any status, office, rank, or grade he may occupy or hold in the Army of the United States or any component thereof, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade: *Provided*, That so long as he holds the office of Secretary of Defense, General Marshall shall retain the rank and grade of General of the Army which he now holds in the Army of the United States and he shall continue to receive the pay and allowances (including personal money allowance) to which he is entitled by law, and in the event the salary prescribed by law for the office of Secretary of Defense exceeds such pay and allowances, General Marshall shall be authorized to receive the difference between such pay and allowances and such salary.

Mr. CELLER. Mr. Chairman, I uninhibitedly express enthusiasm for General Marshall. I am very happy to vote for this bill. He has been Chief of Staff, an expert in administration and coordination. He is indeed a hero to the Nation and deservedly so. He is a man of vigor and perspicacity, despite his 70 years. Will the appointment be a practical one? The answer is "Yes." Will it be a wise one? The answer is "Yes." Will the Department of Defense be run efficiently? Yes. Will Marshall be able to unite the contending forces in the Department? Yes. Will he help the war effort? Yes. What more questions can be asked and thus satisfactorily answered with reference to this appointment?

I do believe the bill, therefore, will be passed with a great and preponderating majority.

However, I wish to make one or two observations with reference to the appointment. I know that in troubled times we are apt to throw caution to the winds and forget fundamental principles. When we passed the National Security Act we did not do it haphazardly. We did not do it for a day—we did it for years duration. It was permanent legislation, and we placed therein the prohibition against a general serving until he had been in civilian life for 10 years, not for transient reasons, but for good, sound substantial reasons, consonant with our traditions, our mores, and consonant with our history. I do, however, know that in the case of General Marshall we have nothing to fear. We placed that restriction in because our history told us that we should be fearful that in times of turmoil and chaos and trouble a man might come to power on a cannon top. I have no such worry with reference to General Marshall. He is not going to be the man on horseback, to seize the reins of civilian government. He is not going to rely upon blind obedience to make the generals and admirals obey him. The restriction was placed in the National Security Act to prevent a high-ranking officer who could command obedience in the Armed Forces from wresting from the civilian authority unauthorized power. It was placed there to prevent a so-called coup d'état. I do not think we need to have any worries whatsoever when it comes to a man like General Marshall. It would be the last thing in his mind to stage any coup d'état. He is not exacting any blind obedience from the admirals and from the generals, or those who might be in charge of our Air Force.

Frankly, our generals and admirals with few exceptions have not shown any tendencies toward political ascendency. That is due to the pull of our history and the tug of our traditions. This appointment will not change that tendency and that influence.

However, I will say to the gentleman from Georgia [Mr. VINSON], that there is a military frame or mold of mind. Military men naturally become parochial. They are used to implicit obedience. They are often unbending and uncompromising. But General Marshall is the exception that proves the rule. He does not demand blind compliance. He is not uncompromising. He is not narrow. His outlook is world-wide.

Any Secretary of Defense must influence foreign policy. As such, Marshall will become an influential member of the Cabinet. His influence will be healthful and constructive. Foreign policy is a tenuous thing. Marshall knows that and understands unlike most military men, it cannot be made with guns only. He knows the value of preparedness in formulating foreign policy but will not overplay it.

A soldier uses the weapons he knows best—guns. But Marshall knows weapons other than guns. He knows diplomacy. The delicate threads of world affairs will not enmesh or mystify him.

His experience as Secretary of State was enheartening and will stand him in great stead. His experience as such will counteract any extreme military brass that may reside in him as a soldier.

It is true we have not heretofore departed from the principle that a civilian govern our Armed Forces. Forrestal, Knox, Patterson, Stimson were civilians. But I do not think Wilson or Roosevelt, Lincoln or McKinley—Presidents during war years—would have hesitated to appoint a Marshall. Marshall's appointment involves no risk. Fortunately, Marshall, although an expert on logistics, military strategy and manpower and armament also knows that military slide rules, blueprints and precision instruments plus bullets and the atom bomb are not the "end all and be all" in our Military Establishment.

I know it is well to hesitate to appoint an army man to head our Armed Forces. I know that in times of national stress other things really go badly it may be easy for an hysterical populace to seek out a man on a tank and catapult him into leadership. I know that in such critical times a civilian might have great difficulty as the head of our Armed Forces in lining up the military behind him, but that the spirit of discipline might compel admirals and generals to follow their commander.

Yet I have no fear in General Marshall in any circumstances—fair or foul. We need not worry about him seizing power. He would not take advantage of any popular tumult to storm the barricades and make himself master and ride to power on the cannon top. He is too much the patriot and thoroughgoing democrat.

Mr. VINSON. Mr. Chairman, I ask unanimous consent that all debate on paragraph 1 close in 20 minutes, to be divided among the gentlemen now standing.

Mr. HOFFMAN of Michigan. Mr. Chairman, I object.

Mr. VINSON. Mr. Chairman, I move that all debate on paragraph 1 close in 25 minutes, 5 minutes to be reserved for the committee.

Mr. FULTON. Mr. Chairman, a point of order.

The request is out of order because of the reservation of 5 minutes for the committee.

Mr. VINSON. Mr. Chairman, I move that all debate on paragraph 1 and all amendments thereto close in 25 minutes.

The motion was agreed to.

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOFFMAN of Michigan moves that the Committee do now rise and report the bill back to the House, with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes in support of his motion.

Mr. HOFFMAN of Michigan. Mr. Chairman, time will not permit the repetition of what I said yesterday on this subject, but I want to say to the gentleman from Georgia [Mr. VINSON] I just cannot understand why we are to have only this limited time on a measure which changes the fundamental law of the land. The gentleman from Georgia and other Members of the House know very well that in 1947 we never would have had a unification bill unless this particular provision which prevents the appointment of a military man as Secretary of Defense had been written into the bill. That same provision was written in when later the bill was amended. Yet here today those who favor this legislation for some reason are resting upon the false assumption that there is no one in the United States qualified to hold this office other than General Marshall, and perhaps so that the Congress can adjourn they insist upon ramming this thing through today. The arguments of the gentleman from Virginia [Mr. SMITH] and of the gentleman from Georgia [Mr. VINSON] rest upon that assumption, which in truth has no foundation whatsoever.

The question of fighting and winning this war depends as much upon production by the civilian population as it does upon military strategy. It is doubtful if there is anyone in this House who will argue that there has ever been a military man at the head of our forces who knew anything about civilian production. Yet here we seek to have this man placed in control, not only of our military strategy but of the whole civilian production, what we are to produce, and when and where it is to be produced or manufactured. To me the proposition seems absurd.

I might add to the list of countries, mentioned by the gentleman from Minnesota, Dr. JUDD, which have gone down and in which the people have lost their liberty and their freedom when they have put at the head of their governments military men, all of those countries in South America where in recent years we have had the established governments overthrown by men who were at the head of the army. We are all familiar with recent history in South America and with the revolutions which have taken place there.

One other point I wish to make. Whether a majority of the Members realize it or not the appointment of General Marshall is but giving Secretary Acheson a political bedfellow—one who has to a large degree followed Acheson's policy of letting the Russians—the Communists have their way in China. Asking our men to fight Communists in Korea, while tying the hands of those who were fighting them in China just does not make sense. Refusing aid to the Chinese Nationalists who want to fight Stalin's men, then asking our men to do the bloody job is difficult to understand. The appointment of General Marshall, who has so many times agreed with Acheson in whom many of our people have no faith, will never be understood by many of our fighting men, by many of our people.

Mr. Chairman, I yield back the balance of my time.

Mr. PACE. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I do not know why, but for some reason I seem to feel more deeply on the question that is raised here than on any question during my congressional service. It may be because, as we try to look into the future, this may become a vote which may have a great bearing upon the future freedom of our people

I do not believe there is any force on earth which at this hour could persuade me to vote against this bill.

It is argued here that you do not want a military man as Secretary of Defense. You did not vote that way last year; you expressly authorized a military man to be Secretary of Defense. You simply provided that he should have retired at least 10 years from active duty. General Marshall retired in November 1945, almost 5 years ago. So the only question to be decided here this afternoon is whether or not in this critical hour there is anything sacred about 10 years. The only thing you are called upon to do is to determine whether or not under existing world conditions it is wise in this one instance to modify the retirement period from 10 years to 5.

Mr. Chairman, the American people are living now, unhappily, under the frightful shadow of a godless dictatorship which seeks to conquer the world. Do you think the American people care under such conditions whether General Marshall has retired for 5 years or 10? Do you not think they will look and see whether or not he has been performing a civilian duty during his retirement? What has he been doing? Heading the most humane, heading the most civilian, heading the most merciful agency on this earth, the American Red Cross. Yet there are some who come here today daring to say they fear General Marshall will become a dictator and set up a military dictatorship in this country.

Every evening when the shadows fall, when the hour of meditation comes, there are millions of mothers and fathers who are dropping on their bended knees to ask a gracious God to give us wise leadership to bring them and this Nation through this perilous hour. Mr. Chairman, do not make a mistake here today. The people are not going to countenance political manipulation in the conduct of this war.

I am sorry I feel so deeply; but, Mr. Chairman, I feel—and do not misunderstand me—I would not put my good judgment against yours; but I feel that what the American people want now is the best experience, the best brains, the best of all men who can bring the American people together in one great fighting force, unified, to preserve and protect their freedom and their liberties.

For my part and my people, I shall approve and support that great American leader, Gen. George C. Marshall, and pray that he shall continue strong in body and mind and carry us on to lasting peace.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan.

The motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. TACKETT].

(By unanimous consent, Mr. RICH and Mr. NICHOLSON yielded their time to Mr. TACKETT.)

Mr. TACKETT. Mr. Chairman, during the discussion on the rule covering this bill and during general debate the proponents of this legislation have insisted upon the military characteristics of General Marshall. I want to say to you good people that to promulgate the congregated military characteristics of General Marshall is to dissimilate the true principles involved. The military characteristics of General Marshall are beside the point.

I do want to assure you of one thing, upon which I do not doubt that I shall be able to sustain and that is, this is the first piece of "goose-step" legislation that has ever been passed by an American Congress.

Oh, yes; General Marshall is just as popular in my district as he is in yours, but, thank God, the principles of a democracy are a lot more important than BOYD TACKETT coming back to Congress. I mean that, too. It is not a joking matter.

What did Germany do? All of you have criticized the goose-step tactics of Germany, yet you are willing to follow that blind military state alley. What did Italy do? They did the same thing that this legislation is forcing upon the American people today. What did Japan do? They fumbled the ball because they turned their Government over to military men. Mr. Chairman, that is what we are doing.

I was amused at the gentleman from New York [Mr. CELLER] a while ago. On every piece of Communist-control legislation that has been brought before this body he has insisted upon basic principles. "Oh, let us maintain principles," he says, "and let us not lose sight of the true facts at a time when we are suffering from war hysteria." But today when General Marshall's appointment comes up, the gentleman from New York takes the floor and insists that the basic principles of this country do not have a thing in the world to do with it. But if this were a Communist-control bill you would hear the gentleman from New York holler at the top of his voice: "You have lost your sense; you are not sober any more; you are drunk upon war hysteria."

Why are they so interested in General Marshall? I want to ask you one little, sensible question: What is the relationship of thinking and association of General Marshall, Secretary Acheson, Mr. Lattimore, and "Vinegar" Joe Stilwell? Answer that question and you will see why the gentleman from New York insists on our forgetting about principles today. Answer that one question and

you have the answer to what may be expected with reference to our acceptance of communism under Mr. Marshall.

Mr. BOGGS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. TACKETT. I yield to the gentleman from Louisiana.

Mr. BOGGS of Louisiana. I just want to know if I understood the gentleman correctly.

Mr. TACKETT. Yes; I hope the gentleman does.

Mr. BOGGS of Louisiana. Is the gentleman attempting to associate General Marshall with Owen Lattimore?

Mr. TACKETT. I am not associating General Marshall with Owen Lattimore, but I will tell you one thing, they have the same thinking.

Mr. BOGGS of Louisiana. The gentleman has made his position very clear.

Mr. TACKETT. I am glad I have. If I have not I want to make it more clear. General Marshall hopes that the United States of America will recognize Communist China, and the gentleman from Louisiana knows that to be a fact. So does Mr. Lattimore. So does Mr. Acheson. So did "Vinegar" Joe Stilwell.

Mr. BOGGS of Louisiana. He is dead.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. TACKETT. I yield to the gentleman from New York.

Mr. MARCANTONIO. I simply want to state this, that irrespective of the merits of this controversy, Gen. Joe Stilwell was a great soldier. He is dead and we should at least show respect to a great American citizen.

Mr. TACKETT. I have not shown any disrespect toward him. I just do not follow in his beliefs that we should cuddle the Communists.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TACKETT. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. While Joe Stilwell may be dead, there are others carrying on the same line of policies in this country.

Mr. TACKETT. The same thinking, the application of the same tactics, the same everything. Some of them are not disappointed over the enaction of this legislation.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. TACKETT. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. All I want to say is that even though "Vinegar" Joe Stilwell is dead, there are some of us around here who are looking after America.

Mr. TACKETT. It is regrettable at times that we cannot remember that.

Mr. Chairman, I guess I am old-fashioned, not supposed to be up on the up-to-date ideas of this country. I do not want to be, thank God. But I want to tell you one thing: You can drop a little piece of principle here in military affairs at this particular time, you can drop just a little piece of principle in the economic affairs of this country, just a little at a time, and it is not going to be long until we will be a twin sister to our enemies in this country and throughout the world.

Because General Marshall was a great commander in the last World War is no reason for us to slaughter the democratic principle of this great Republic in efforts to honor him. Just because we can remember some of the great deeds that were accomplished at his hands during the recent World War is no reason for ignoring everything that our forefathers have stood for and that on every day this Congress is in session we stand up on the floor here and holler for.

The majority is with the proponents. I realize I am in the minority. But I want to tell you one thing: I will never have any apologies to make. If you think I have, just come down there and listen to my campaign a couple of years from now. I will stand up there and campaign against anybody that tells me or tells my people that this was a wonderful move that was made by the Congress today, and I will venture that despite the fact that General Marshall is so popular the majority of the people of this country are going to stay by the democratic principles which have made this country great.

What has made this the greatest country upon the face of the globe? We have been a peace-loving Nation. We have been free from gestapo military rule. Those military governments such as Germany have always been prepared. They kept the boys in the goose-step march. They kept everybody in the country going down the same old military line.

We were able to get to our present position because of the individual initiative, free enterprise, and open competition that has been afforded by this great group of citizens of ours. You can ignore these principles to your regret.

Mr. WHITE of California. Mr. Chairman, will the gentleman yield?

Mr. TACKETT. I yield.

Mr. WHITE of California. The people over here on the left side of the aisle say we do not have any free enterprise.

Mr. TACKETT. I do not care what the people on either side of the aisle say. That was my quotation.

Mr. MORTON. Mr. Chairman, will the gentleman yield?

Mr. TACKETT. I yield to the gentleman from Kentucky.

Mr. MORTON. I should like to ask the gentleman three questions: First, is not this an appointment of expediency? Second, did we not find that expediency did not pay off when we tore up the North Atlantic Charter in Asia? Third, is it not true that for every life saved by expediency 20 are lost by the sword?

Mr. TACKETT. Expediency has been the argument of every person who has spoken as a proponent of this measure. They say, "We have to have General Marshall. He is a great man. There is not another one in the country who can fill his shoes," and all that tommyrot.

(Mr. SASSCER asked and was given permission to insert in the RECORD following his remarks a speech he made in 1949.)

Mr. COX. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not quarreling with my brilliant young friend who has just yielded the floor over the deep concern which he manifests about what is being done, but in reply to part of his argument I wish to quote from the book of John Foster Dulles, War or Peace. On page 226 Mr. Dulles says:

> General Marshall was sent to China as a special representative of the President to effect a coalition of the National Government and the Chinese Communists. As required by that policy, he pressed the generalissimo to make that coalition, and he sought to deal impartially with both the Nationalists and the Communists.
>
> Subsequently, the United States learned what Chiang Kai-shek had already learned as to the futility of cooperation with Communists. As Secretary of State—

Mark you, now—

> General Marshall completely reversed the 1945 policy. In December 1945 our Government had taken the position that the United States would not give assistance to a Chinese Government unless it came to terms with the Communist regime. On August 12, 1948, Secretary Marshall advised our Embassy in China that "the United States Government must not directly or indirectly give any implication of support, encouragement, or acceptability of coalition government in China with Communist participation." On December 30, 1948, the official position of the State Department, confirmed by the President, was that, "should a government come into power which comes to terms with the Chinese Communists, all aid should cease."

GENERAL MARSHALL

Mr. SABATH. Mr. Chairman, I have consistently opposed militarism and militaristic control in the office of the Secretary of Defense during times of peace because I feel military men do not have the interest of the masses at heart nor are they in line with democratic principles. With this thought in mind, Congress passed a law placing the Defense Department in civilian hands. Because of the present emergency, and due to the resignation of Secretary Johnson, our President has turned to the one man he knew had the ability and experience to carry on the arduous work of this vitally important office.

Personally, I have had disagreements with Gen. George Marshall in the past, but in view of the present crisis the services of experienced and able men are sadly needed. We cannot speculate with men unfamiliar with the grave problems that confront us today. Consequently, I feel that the selection of General Marshall for the post of Secretary of Defense was a very wise one under the circumstances. His fitness, his proven ability, his capacity to cope with the greatest of world problems, makes him the ideal man to work with our President in this vital hour.

There are those, including the gentlemen from Mississippi and Georgia, who, due to their Communist hysteria and their great admiration for the British socialistic system, are opposing this appointment. These gentlemen have continuously been friendly with the corrupt government of Chiang Kai-shek, which appropriated much of the aid our Government extended to the people of China for their own selfish interest, benefit, and aggrandizement.

Notwithstanding the report of General Marshall following his trip to China, as well as the report of General Wedemeyer and others sent to China by our Government to investigate conditions under the Chinese Nationalist regime, disclosing the waste and maladministration of the

almost $4,000,000,000 we appropriated in aid to China, these same gentlemen continued to support every request for additional aid, knowing full well that the moneys were not being used for the purpose intended.

For many years the good people of China have attempted to overthrow, by their own internal revolution, the five autocratic families controlling the very lives of these unfortunate masses. Many of these leaders sacrificed their lives to bring to China a semblance of justice, liberty, freedom, and a decent standard of living. During all of the early years of this internal revolution, the leaders thereof were never designated as Communists, nor did these gentlemen refer to this revolution as being Communist-inspired. However, the same gentlemen whom I alluded to above are the very men who have recently labeled the revolution in China as being Communist-led in order to justify their support of the corrupt Chiang Kai-shek administration, thus encouraging the Stalin stooges to take control of that great country.

Mr. Chairman, today General Marshall is criticized by these same gentlemen for bringing the truth home to the American people about the corrupt Chiang Kai-shek regime and its overlords. I respect men who are unafraid to speak the truth. We have subsequently learned that General Marshall was right in his report and conclusions.

It is interesting to note that these same gentlemen who supported the corrupt Chinese Nationalist regime under Chiang Kai-shek, as manifested in their votes for appropriations, are the very gentlemen who from the very beginning continually urged all possible aid and assistance to Great Britain, during the war and since the close of hostilities. No sacrifice was too great on our part in this matter of aid to Great Britain in the minds of these same gentlemen. I presume they will continue to urge such aid, for reasons of their own—for reasons that I desire not to mention—but they fail to call attention to the fact that Great Britain was the first of our allies to recognize the present Communist regime in China.

While these gentlemen continue to oppose the leaders now in control in China, at the same time they persist in favoring their pet nation, Great Britain, by giving them all the time they need to corral all the business, secure all the concessions, and obtain all the foreign markets, which drain the very lifeblood of the Chinese people at our expense.

Mr. Chairman, I hope that my views might be wrong, but I cannot help but believe what I have stated because I have given serious thought and consideration to this entire situation.

Yes; General Marshall has been a good soldier; has he not permitted his name to be used in connection with Great Britain's scheme, namely, the Marshall plan? When Great Britain sensed her inability to obtain a $2,000,000,000 loan from the United States, in addition to the $3,700,000,000, she devised a scheme whereby the needs of other nations would be utilized in a deal so that Great Britain could obtain indirectly what she failed to obtain directly.

The leaders of the British Government, in conjunction with ex-President Hoover, John Foster Dulles, Dillon-Reed & Co., and General Drake, used Marshall's name in order to make this scheme more palatable.

Nearly two-thirds of the $6,000,000,000 thus far spent in this scheme went to Great Britain and to its beloved Germany as repayment for the Nazi Hitler's atrocities. Oh, it is easy to find fault and criticize. I realize that no one is perfect. I know I am not. I feel that with a thorough search or investigations perhaps these gentlemen, too, who criticize George Marshall would not be found above reproach and without shortcomings.

Our Commander in Chief, President Truman, is entitled to select the man in whom he has the greatest confidence and trust for this most important Cabinet post, and I trust this bill will be approved.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. SMITH].

Mr. SMITH of Wisconsin. Mr. Chairman, the foreign policy of Truman and Acheson in the Far East is as clear as a neon sign—it is the appeasement of communism. All of our trouble today can be traced to this principle which the Democratic administration has followed since 1933. The appointment of General Marshall makes certain that he will be Mr. Acheson's man. Marshall failed in his mission to China in 1946, at which time he attempted to put Chinese Communists in the Government under the guise of a coalition—another vehicle used by the Communists.

It is my further belief, Mr. Chairman, that the Marshall appointment is a deliberate effort to undermine General MacArthur; in fact, it is a slap at him in the hope that MacArthur will resign. This is a situation in which all of our people have a vital interest.

Mr. Chairman, the people are demanding a change in our policy; they are demanding that Acheson resign. This Congress should refuse to change the law to accommodate the Marshall appointment as Secretary of Defense. I shall vote against any bill that is presented which maintains the status quo in the State and Armed Services Departments. The record of failure of this administration and its foreign policy is so bad that there must be a clean sweep in these Departments.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON: On page 1, line 8, after the word "Senate", strike out the remainder of the bill and insert the following: "is authorized to appoint Representative CARL VINSON, of Georgia, to the office of Secretary of Defense."

Mr. VINSON. Mr. Chairman, I make the point of order that the amendment is not germane to this bill. The bill deals exclusively with General Marshall and no other name can be substituted.

Mr. FULTON. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair is glad to hear the gentleman on the point of order.

Mr. FULTON. Mr. Chairman, this bill has a title which refers to the appointment of the Secretary of Defense, who happens to be one individual, General of the Army George C. Marshall. At the appropriate time after the Committee rises, and we are in the House, I will offer an amendment which will then be in order to change the title of the bill—which amendment is not now in order. So that it will then be in order to have this amendment.

The main purpose of the bill is to set aside section 202 (a) of the National Security Act of 1947, and I submit that incidentally the man to be authorized to be appointed is a secondary matter. On top of that the Congress can work its will and submit any man it wants by the majority vote of this body. It does not mean that when you have one person submitted, that that is the only person Congress can even look at or talk of. As a matter of fact, Members on both sides of this question have discussed other people and while I know this is embarrassing to our good chairman, Mr. VINSON, the question is whether Congress shall have a representative who is a civilian in this post and in whom we have confidence, or whether we will take a political appointment, even though the individual man may be a good man.

The CHAIRMAN (Mr. HARRIS). The Chair is ready to rule. The gentleman from Georgia makes a point of order against the amendment offered by the gentleman from Pennsylvania on the ground of germaneness. It has long been an established rule that one individual proposition may not be amended by another individual proposition, even though the two may belong to the same class. There is a long list of decisions to sustain this rule.

Therefore, the Chair sustains the point of order.

Mr. FULTON. Mr. Chairman, in the time allotted to me, under the limitation of time, may I say that the question before us then is as to General Marshall's position on the far-eastern policy of the United States. What took place in 1947 has been cited. Of course it might be said, and all the members of the Committee on Foreign Affairs here know that it was because we wrote into legislation such a provision that we would not give aid to any government which was either a Communist government or a coalition government, that the State Department and the President then took that position, because it was none other than JOHN LODGE of our committee who first put those amendments into the legislation. Then let us hear what the man himself says. I have great confidence in Marshall. But let us hear what he has to say, and whether he was one of the ones to go to form a coalition government.

On June 7, 1950, the record is as follows:

Mr. FULTON. In closing on the Far East—just so we keep the record straight—you said before this committee you were given the policy of a coalition government when you went to China.

General MARSHALL. I did not say that. I said the role of mediator.

So Marshall himself did not think he went over there to form a coalition government.

Then let us see what else he says. I would like a fellow who would stand up firmly on our far-eastern policy, and I want a good, firm and definite policy in the Far East. If the President does appoint Marshall at this time, he had better say to the country what that policy is. The record further reads as follows:

Mr. FULTON. There is no inference here on the Philippines or Indonesia that you in any way favor a coalition government?

General MARSHALL. I did not use the word "coalition." My conception was a two-party government. Where they got into complications over there was as to a coalition cabinet rather than a two-party government.

I think there was a very serious affair there in the misunderstanding of terms. A coalition cabinet was one thing and a two-party government was another.

Now watch how I asked him how firm he is against putting the Communists in other places, and his answer—without comment:

Mr. FULTON. But to clear the air now with our problems in Indonesia, there is no feeling on your part to recommend a two-party cabinet government with the Communists in it or what the Communists might have called a coalition government?

General MARSHALL. I have not been involved in that.

Mr. FULTON. You do not want us to infer that you are in favor of such a thing now? I am trying to help you. You want the Indochinese Government to stand on its own Government alone, and we want the Philippine Government to stand alone, do we not?

And what was General Marshall's answer to me on June 7, 1950? It was:

General MARSHALL. I assume so.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. VORYS].

Mr. VORYS. Mr. Chairman, as the Chair has just ruled, this is one-man legislation. The Supreme Court held that the Congress could not pass one-man legislation putting a man off the Government payroll, in the Dodds, Watson, and Lovett cases; but here we are passing one-man legislation, to put one man on the payroll—not on one payroll but two Government payrolls at once; to continue him on the military payroll, with all the perquisites of a general of the Army, and at the same time put him on the civilian payroll as a Cabinet officer.

I cherish the long personal acquaintance, the friendship I have had with General Marshall since I first met him when I came here in 1939. He was then Deputy Chief of Staff. I found him in personal contacts not a cold man, but genial and friendly. I found him in official appearances before our committee efficient, helpful, and wise. We all know of his great reputation. I have taken some part in bipartisan activities in the House with reference to our defense and foreign affairs legislation. I have been criticized by some because of my attitude in that regard but in such maters I believe in putting patriotism ahead of party. In view of my own experience, I regret more than I can say that political manipulation has drawn this man, with this splendid character and reputation, into the political maelstrom. I regret this for his own sake. The political manipulation is on the part of those who want to use his great and good name to protect their departments, not only from criticism for past mistakes but to have him as sacrosanct, a man of such stature, that even to criticize what he does is called politics. We can see the technique here this afternoon; even calling attention to this palpably political maneuver is charged as politics. He is being thrust into this civilian political appointment with a military title and a nonpolitical aura and odor of sanctity, to prevent criticism of past or future mistakes.

We are asked to make this possible by a one-man law, even before his name is sent to the Senate. I am opposed. We thereby repeal a good law, or set it aside, or break it or bend it, I am opposed to repealing this wise law that puts a civilian over the military in the military departments. There were two reasons for this law requiring 10 years of separation from military service before a man could become civilian Secretary of Defense. One was to prevent military domination of our Government, of our Defense Department. The other was to prevent political infiltration into our Armed Forces. We did not want to have our generals and admirals playing politics, so as to get into the Cabinet if things took the right turn.

But it is said that General Marshall's case is an exception. No one will claim that a few years of retirement, still as General of the Army, has changed him into a civilian sort of person. The 45 years of military habits, thought and activity have molded him into what he is—a splendid old soldier. He will not change. Granting he has an exceptional record, exceptional prestige, he is not indispensable except politically. Many able civilians have been named on the floor today who could do the job. It is his name, his reputation, that is being drafted.

Mark my words, this exception will establish a precedent.

When I made the point this afternoon that in this bill he is continuing to hold his army status and pay, we were told that the exceptions already made in that line have created a precedent. In only a few years we will find that this new exception has created a precedent that will rise up to haunt us. This is the way the welfare state turns into the warfare state.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. VORYS] has expired.

The Chair recognizes the gentleman from Georgia to close debate.

Mr. VINSON. Mr. Chairman, I ask that section 2 now be read.

The Clerk read as follows:

SEC. 2. In the performance of his duties as Secretary of Defense, General Marshall shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer of the Army.

Mr. VINSON. Mr. Chairman, I desire to state that the purpose of that is to completely divorce General Marshall from the military altogether. The language is intended for that purpose, so that he will not be subject to court-martial, and he cannot be ordered around. He gets completely free of all military attachments, as far as the statute is concerned.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. HOFFMAN of Michigan. Is it the purpose of the gentleman to cut off debate on this section?

Mr. VINSON. No, sir. It will be a pleasure for the committee to have the advice of the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Will it be possible, if a man gets time, to be heard?

Mr. VINSON. I will be delighted to hear the gentleman.

Mr. Chairman, may I make this observation: I desire to offer for information at this time a new section, section 3, which I propose to offer when we finish with section 2.

I ask unanimous consent that the amendment may be read now for information, in my time.

The CHAIRMAN. Without objection, the Clerk may read the amendment for the information of the Committee.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. VINSON: Page 2, after line 18, insert a new section as follows:

"It is hereby expressed as the intent of the Congress that the authority granted by this act is not to be construed as approval by the Congress of continuing appointments of military men to the Office of Secretary of Defense in the future.

"It is hereby expressed as the sense of the Congress that after General Marshall leaves the Office of Secretary of Defense no additional appointments of military men to that Office shall be approved."

Mr. VINSON. Mr. Chairman, if there is no further debate on section 2, I offer the amendment adding the new section 3.

The CHAIRMAN. Does the gentleman from Missouri [Mr. SHORT] desire recognition?

Mr. SHORT. No; I wish to offer an amendment adding section 4 following section 3 if it is adopted.

Mr. VINSON. If there is no further debate on section 2, I offer the amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. VINSON: Page 2, after line 18, insert a new section as follows:

"It is hereby expressed as the intent of the Congress that the authority granted by this act is not to be construed as approval by the Congress of continuing appointments of military men to the Office of Secretary of Defense in the future.

"It is hereby expressed as the sense of the Congress that after General Marshall leaves the Office of Secretary of Defense no additional appointments of military men to that Office shall be approved."

Mr. VINSON. Mr. Chairman, in the committee report the committee sought to carry out that idea. We want it distinctly understood that this bill shall not be a continuing precedent for the appointment of military men. We want

to adhere to the viewpoint expressed in the President's letter, civilian control. For that reason I want the sense of the Congress affirmatively expressed not only in the committee report but also in the very heart of the bill.

Mr. JAVITS. Mr. Chairman, I offer a substitute.

The Clerk read as follows:

Substitute amendment offered by Mr. JAVITS: Page 2, after line 18, insert in lieu of the amendment offered by Mr. VINSON the following:

"SEC. 3. It is the intent of Congress that the authority granted to the President by this act shall not constitute a precedent or a reversal of the policy of our Government that there shall be a civilian control of the National Military Establishment."

Mr. NICHOLSON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLSON. Mr. Chairman, I make the point of order that the Congress has no authority to appoint General Marshall or anybody else; that is a matter for the Executive department.

The CHAIRMAN. That is not a matter for the Chair to pass upon and certainly is in conflict with the rules.

The point of order was overruled.

The gentleman from New York [Mr. JAVITS] is recognized.

Mr. JAVITS. Mr. Chairman, I submitted the amendment which I have proposed as a substitute for the amendment offered by the distinguished gentleman from Georgia, the chairman of the Committee on Military Affairs, to him, and when I did I asked him to consent to it. He told me a short while ago that my amendment was unnecessary and that what was contained in it already appeared in the committee report on the bill. I said that I would nevertheless offer my amendment and I am doing so as a substitute—the basic idea having been already put in the amendment of the gentleman from Georgia. We all know that a committee report on a bill is not very persuasive when it comes to determining legislative intent, and I am very glad to see that the gentleman from Georgia has now seen fit to propose language in the bill which expresses the congressional intent.

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. VINSON. Here is what the committee said in endorsing that communication, referring to the President's letter to the committee:

The committee wishes specifically to emphasize that the appointment of General Marshall as Secretary of Defense is not in any way to be construed as a first step in a continuing process of appointing military men to that position.

Of course, it is a precedent now. That is what I am driving at in my amendment, not to make it a continuing precedent.

Mr. JAVITS. I am glad to have that statement of the gentleman from Georgia, but with all due respect to the gentleman, and I have great respect for him, I have thought about this particular language for some time, and I think my amendment on this matter is superior to the obviously hasty improvisation which has been introduced by the chairman.

What we are interested in primarily today if after very troubled soul-searching enough of us vote for this bill to pass it, is not alone a series of military appointments, as we are to preserve the fundamental principle that the civilian shall control the military. I feel that the amendment submitted by the distinguished gentleman from Georgia—and I yield to no one in my respect for him, for he has been generally gracious to me, a relatively new Member, as he is to all new Members in the House, but the substitute amendment that I have submitted does deal with the question of the paramountcy of civilian over military in our Government. The amendment offered by the gentleman from Georgia deals only with appointments to the office of Secretary of Defense. My substitute amendment spells out not only that this shall not be a precedent, but that there shall be civilian control over the National Military Establishment. Before I yield to the gentleman, may I read again my substitute? It reads as follows:

SEC. 3. It is the intent of Congress that the authority granted to the President by this act shall not constitute a precedent or reversal of the policy of our Government that there shall be civilian control of the National Military Establishment.

I respectfully submit it is both things rather than just the one that is the congressional intent.

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield to the gentleman from Georgia.

Mr. VINSON. I may say to the gentleman from New York that of course this is merely an expression of the Congress. That is all it is. The Armed Services Committee thinks the way we have expressed it in the amendment I have offered is preferable to the way the distinguished gentleman expresses it. So I will ask that the committee vote down the gentleman's substitute and agree to the section as I have drafted it on behalf of the committee.

Mr. JAVITS. May I point out in response to that, there is only one point covered in the amendment of the gentleman from Georgia. There are two covered by my amendment, civilian control and precedent. Both are equally important. May I also point out that I worked out this language carefully before showing it to the gentleman from Georgia, and that it is better than an obvious improvisation.

Mr. SHORT. The amendment is a little eau de cologne to make the bill smell better.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, earlier in the day in support of this legislation it was said as it has become customary to say when unsound legislation was requested of Congress that the country is now confronted by a great emergency. I came here in January of 1935, and if there is anyone on the floor today who was here then, can he recall any time when we were not in either a real or a synthetic emergency, when we have not been in a great crisis, will he please rise and tell me when it was? No one is on his feet except those standing around the wall. None seems to recall such an occasion.

Mr. O'HARA of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. Does the gentleman know when there was not a so-called emergency confronting us, when the administration wanted to put over questionable legislation?

Mr. O'HARA of Minnesota. On June 24, 1950, the President said we were the nearest to peace we have ever been.

Mr. HOFFMAN of Michigan. He could not have really believed that because shortly thereafter at the request of the Security Council he sent our men to fight in Korea and the general said: "Stand, fight, and die." Many died.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan I yield to the gentleman from California.

Mr. KING. I am afraid the gentleman by his presentation here has implied that the emergency was created by his arrival here.

Mr. HOFFMAN of Michigan. With an apology to the gentleman from California [Mr. KING], may I suggest that his statement is inane, nonsensical, and childish. Few of the so-called emergencies have been real. Actual or synthetic they were all created by the administration in power and usually for a political purpose. But be that as it may, I will say to the gentleman, that I regret that the gentleman has been unable to recognize the political manipulations behind these so-called emergencies until I called them to his attention; the voters of my district on the 12th of September, and I represent the Fourth District of Michigan, approved whatever I have done by 76 percent of the votes cast. Did the gentleman do as well?

Mr. KING. I have not checked.

Mr. HOFFMAN of Michigan. Very well. My people do blame me, they do criticize me because they say: "Although you have been trying to do certain things, you have not succeeded." One gentleman, trying to haur another constituent off my back, said, "Clare has been one of the best down there, maybe the best." The other replied, and I quote, "Well, none of them are worth a damn."

Of course, I do not agree with that, because I respect my colleagues.

The point I wish to make is that the offering of this amendment by the gentleman from Georgia [Mr. VINSON] and the offering of the substitute by the gentleman from New York [Mr. JAVITS] just proves the point that we all know, that is, that this proposal is one which is dangerous to the security of the Republic. A reversal of our national policy followed since the founding of the Republic. That is, putting a military man at the head and in control of all our civilian activities of our war activities. Let the military men direct our war program. Let the production and transportation experts direct production and delivery of the needs of the Armed Forces. I say

it is a confession that those who are supporting, who are advocating, who are speaking for this legislation know that they are treading on dangerous ground when they offer this amendment to limit the change of policy to the making of this one appointment, they throw this amendment in I think because at least their consciences are hurting them.

There is one other thing I wanted to ask, and if the chairman of the committee cares to answer, I will be glad to have his answer. What is the purpose of this legislation? Is it a confession of bankruptcy on the part of the once powerful Democratic Party, which in recent years has been taken over in spite of the efforts of some of the more conservative Democrats, by the New Dealers, by the so-called liberals? Is it? Sure, if they have taken over the Democratic Party organization. The party of Jefferson no longer exists. The New Dealers, the internationalists, the me-too Republicans have gotten us into a very dangerous situation, have they not? Is the Democratic Party so bankrupt, is it so lacking in information that in the United States of America it can find but one man who is capable of guiding our destinies in wartime?

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. No, it is not worth while.

Mr. CHELF. I have been listening patiently to the gentleman.

Mr. HOFFMAN of Michigan. Will you have that gentleman sit down, whoever he may be over there, and keep order?

Mr. CHELF. I will keep order. I have been listening.

Mr. HOFFMAN of Michigan. You are not the gentleman from Oklahoma who was recently defeated? Did you win your primary?

Mr. CHELF. No, I am not that gentleman; and I not only had no opposition in the primary but I will have no opposition in the general election.

Mr. HOFFMAN of Michigan. No. He says he did not. Is that right?

Mr. CHELF. That is right.

Mr. HOFFMAN of Michigan. Well, you had better go home and see the home folks.

Mr. CHELF. I have just got back from home. That is what I would like to tell you about, if you would let me talk.

Mr. HOFFMAN of Michigan. Mr. Chairman, I will be glad to hear the gentleman but on his own time not on mine. If I cannot have order—as apparently I cannot—I will yield back the balance of my time—obtain the floor later when the gentleman has cooled off.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The question is on the substitute offered by the gentleman from New York [Mr. JAVITS] for the amendment offered by the gentleman from Georgia [Mr. VINSON].

The substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

Mr. SHORT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHORT: On page 2, after section 3, insert the following:

"SEC. 4. This bill shall terminate 1 year after its enactment."

Mr. SHORT. Mr. Chairman, I do not care to be heard on the amendment. It speaks for itself.

Mr. VINSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Missouri.

Mr. Chairman, as I pointed out this morning, one of the great troubles in the Department of Defense is the lack of continuity and the lack of a continuous over-all program over a period of time. That is what we want to have in the Department. Of course, if a man can hold this office only for 1 year you will lose all the benefit of continuity in office and a continuous, orderly program. It would be practically killing this bill to put this kind of limitation on it.

I ask that the amendment be rejected.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I always yield to the gentleman.

Mr. HOFFMAN of Michigan. The gentleman said 1 year. Does he not mean until just after election?

Mr. VINSON. No. I hope General Marshall will have the health and the ability to do this work as long as this administration is in control.

Mr. HOBBS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hate to bother you, but I do wish to call attention seriously to two propositions, very briefly. One is that since the decision of the Supreme Court in the Myers case, there is no question that the President of the United States has the unqualified power to fire any appointee in the executive branch of the Government. Therefore, there is no need for this limitation. The President could reappoint instantly upon the expiration of the 1-year life of the act even if the Congress had to repeal this amendment.

The other point I think ought to be made, in order that this debate should not close without answer being made to the specious argument of the gentleman from Ohio [Mr. VORYS], is that his reference to the Watson-Dodd-Lovett case is perfectly inept and inapt in that the Supreme Court there held that that provision was a bill of attainder, expressly prohibited by the Constitution, since it sought to remove by congressional edict employees of the executive branch of the Government, with whose hiring or firing we had nothing whatsoever to do. It was a clear and utterly unwarranted invasion of the province of President, and a violation of the doctrine of separation of powers among the three coordinate branches of our Government fixed by the Constitution. This bill is just the reverse. It gives him additional power, in his discretion, to make an appointment, of which right we had deprived him.

Those two points ought to find lodgment in every thoughtful mind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. SHORT].

The question was taken; and on a division (demanded by Mr. JAVITS) there were—ayes 61, noes 136.

So the amendment was rejected.

Mr. KEATING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, existing law expressly prohibits the appointment as Secretary of Defense of any commissioned officer who has been in active military service within 10 years. That was enacted, of course, in recognition of the long-standing tradition of our country that the military would always be subject to civilian control. I heartily agree with that essential principle and would oppose this bill if it were designed to repeal that necessary safeguard.

The measure has been immeasurably strengthened, in my judgment, by the amendment which we have just adopted making clear beyond any doubt that it is the intention of Congress that the action which we take in approving this bill shall in no manner be considered as a precedent for the future.

I would prefer this legislation if it were worded that an exception be made in the case of one who has served in a post of Cabinet rank since his military service. Such a change in the law would make General Marshall eligible because of his intervening service as Secretary of State, but would not have the objections which can be raised to any private bill.

However, we are now confronted with reaching a decision on balance whether a general principle, important as it may be, must yield to the critical needs of the hour.

The President has told us he needs General Marshall desperately to repair the tragic mistakes of the past and strengthen our national defense and security at an hour which we must all recognize is extremely critica'.

The imperative need of the moment is to unify the country and help restore confidence in our Government. General Marshall can do that job. I will not be a party to any movement to deprive the country of his outstanding abilities.

The patriotic devotion of General Marshall to the best interests of his country, his extensive experience in national-defense matters, and the universal respect of the people which he enjoys are qualities rarely centered in a single individual. He deserves a vote of confidence from this Congress.

I shall support this measure.

Mr. LUCAS. Mr. Chairman, to my mind this involves a question of the highest principle. We are not here determining simply whether or not General Marshall will be the next Secretary of the Armed Forces, but we are here opening the door to the control of this Government by the military. Militarism was the great fear of the founding fathers in the drafting of the Constitution, and well it might have been, because military power had destroyed the liberties of peoples from time immemorial, and the founding fathers knew that it would destroy our liberties, too. And so this question of principle is too vital for me to fail to raise my voice and to attempt to prevent this House from being carried away by the popularity of Gen. George C. Marshall. I admire him greatly. I respect

his military genius. I do not doubt that he is competent to serve as Secretary of National Defense. But I do believe that we are not so bereft in this country of qualified leadership that we must call from his well-deserved retirement an old soldier who has little experience as a civilian. Mr. Speaker, I still believe that there are those outside the military in this country who can lead us in time of war as wel as in time of peace. Mr. Speaker, I therefore oppose the passage of this legislation.

Someone has said that there are three types of intellect, human, animal, and military. As one who served in the Armed Forces during the war, I can state of my own personal knowledge that the military intellect is separate and apart from civilian thinking. I have greater fear that we will lose our freedoms under a government dominated by the military than that Russia will wrest them from us.

Mr. REES. Mr. Chairman, the vote on this measure is not primarily a vote for or against General Marshall. It is a vote to determine whether this House, after only 2 hours consideration and debate is going to set aside a precedent and reverse its established policy making the Office of Secretary of Defense a military and not a civilian appointment. Congress definitely took the position after careful deliberation, that since this position is closely associated with the making of administration policies, it should be under civilian appointment. It should also be observed under the unification of Armed Forces, it was further suggested there should be no favor of any branch of the Armed Forces in consideration of this appointment. After all, Mr. Chairman, it is the feeling in this country that we are a peace loving Nation, and that the leadership and policy-making heads of all agencies should be under civilian control.

This bill, upon which no hearings have been held, is here at the request of the President so he can appoint General Marshall in the place of Secretary Johnson who vacated without much notice. Much has been said about the great military record of General Marshall. Certainly I do not criticize his outstanding military leadership. He is a great patriot. There are many great military leaders in this country. I still think for the sake of unity, and for the good of the country we should retain the present law and let the President appoint an outstanding civilian, who has not been a member of the Armed Forces for at least 10 years.

Mr. Chairman, proponents of this measure would have us believe there is one and only one man who can fill this position. In a great country of 150,000,000 people, under a representative government, I hope we are not going to concede one man is indispensable and that only one man is capable of filling this position. Of course not. The President should fill all positions with the most capable men he can find. Certainly there are a number of able and qualified men for Secretary of Defense. We have outstanding men in Congress. The Honorable CARL VINSON, chairman of the House Committee on Armed Services, is outstanding and certainly familiar with the problems of the Armed Forces. He would render outstanding service in this position. Then there is Judge Robert Patterson, former Secretary of War, who rendered outstanding service during the war. Gordon Gray is another who rendered valiant service as Secretary of the Army. There are a number of others qualified and above criticism from whom the President could select if he chose to do so. Furthermore, if and when the President feels the need of the advice and counsel of General Marshall, his services in this respect will be available.

Mr. Chairman, let me remind you again this legislation sets aside or suspends the law only for one man. Rather unusual, it seems to me. If the President, who asked for this legislation, or the committee sponsoring this legislation for him, wants an outstanding military leader for this position, then they should turn to one of the greatest military leaders of all time—a leader who has had experience of leading and training armies, a leader who has greater experience and more knowledge of both military and civilian, national and international problems than anyone else in this country—he could appoint a leader that commands the respect of people everywhere, one who has the confidence and respect of American people everywhere. That man is our own Gen. Dwight Eisenhower. I say again if the President insists on a military man for this appointment, General Eisenhower would be an outstanding candidate for this position.

Mr. RICH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RICH. Mr. Chairman, was not this legislation originally brought up in the Committee on Expenditures in the Executive Departments, and should not this bill have been referred to that committee, as it seeks to amend legislation which originated in that committee? Should it not have been referred to the Committee on Expenditures in the Executive Departments, rather than to the Committee on Armed Services?

The CHAIRMAN. That is not a matter coming within the jurisdiction of the Chairman of the Committee of the Whole. The Speaker of the House refers bills to committees under the rules of the House.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 9646) to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense, pursuant to House Resolution 853, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICH. Mr. Speaker, the bill H. R. 9646 seeks to amend a bill which originated in the Committee on Expenditures in the Executive Departments. Should it not have been referred to that committee to be reported back to the House?

The SPEAKER. In the judgment of the Chair, this bill waives certain provisions of existing law with respect to the appointment of General Marshall. The Chair is of the opinion that the bill was properly referred in the first instance. It is now too late to raise the question of reference, inasmuch as the Committee on Armed Services has reported the bill.

Mr. RICH. In other words the Speaker has the power to refer it to any committee he chooses?

The SPEAKER. It is the duty of the Speaker to refer bills to the committee having jurisdiction under the rules of the House.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. SHAFER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SHAFER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. SHAFER moves to recommit H. R. 9646 to the Committee on Armed Services.

Mr. VINSON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. SMITH of Wisconsin and Mr. O'HARA of Minnesota demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 105, answered "present" 3, not voting 101, as follows:

[Roll No. 278]

YEAS—220

Abbitt	Camp	Engle, Calif.
Abernathy	Canfield	Evins
Addonizio	Cannon	Feighan
Albert	Carroll	Fisher
Andrews	Case, N. J.	Fogarty
Aspinall	Cavalcante	Forand
Bailey	Celler	Frazier
Barden	Chatham	Fugate
Baring	Chelf	Furcolo
Barrett, Pa.	Chesney	Garmatz
Bates, Mass.	Chudoff	Gary
Battle	Combs	Gathings
Beckworth	Cooper	Gore
Bennett, Fla.	Cox	Gorski
Bennett, Mich.	Crawford	Gossett
Biemiller	Crook	Granahan
Blackney	Crosser	Granger
Blatnik	Davenport	Grant
Boggs, La.	Davies, N. Y.	Green
Bolling	Davis, Ga.	Hand
Bolton, Md.	Davis, Tenn.	Hardy
Bonner	Dawson	Hare
Boykin	Deane	Harris
Brown, Ga.	DeGraffenried	Harrison
Bryson	Delaney	Hart
Buchanan	Dollinger	Harvey
Buckley, Ill.	Donohue	Hays, Ark.
Burke	Doughton	Hedrick
Burleson	Douglas	Heffernan
Burnside	Durham	Heller
Burton	Eberharter	Herlong
Byrne, N. Y.	Elliott	Heselton

Hobbs	Morgan	Sheppard
Holmes	Morris	Sims
Huber	Moulder	Smathers
Jackson, Wash.	Murdock	Smith, Va.
Jacobs	Murphy	Spence
Javits	Nicholson	Staggers
Jones, Ala.	Nixon	Steed
Jones, Mo.	Noland	Stigler
Jones, N. C.	Norblad	Sullivan
Karst	Norrell	Sutton
Karsten	O'Brien, Ill.	Tauriello
Kean	O'Hara, Ill.	Taylor
Kearney	O'Neill	Teague
Keating	O'Sullivan	Thomas
Kee	O'Toole	Thompson
Kelly, N. Y.	Pace	Tollefson
Kennedy	Patman	Trimble
Kilday	Perkins	Underwood
King	Peterson	Van Zandt
Kirwan	Philbin	Vinson
Kruse	Phillips, Tenn.	Wagner
Lane	Pickett	Walsh
Lanham	Polk	Walter
Lind	Preston	Welch
Lineham	Price	Whitaker
Lodge	Priest	White, Calif.
McGrath	Rabaut	White, Idaho
McGuire	Rains	Whitten
McMillan, S. C.	Ramsay	Whittington
McSweeney	Regan	Wickersham
Mack, Ill.	Rhodes	Widnall
Madden	Ribicoff	Wier
Magee	Riehlman	Wilson, Okla.
Mahon	Robeson	Wilson, Tex.
Mansfield	Rodino	Winstead
Marsalis	Rogers, Fla	Wolverton
Marshall	Rooney	Wood
Merrow	Roosevelt	Yates
Miles	Sabath	Young
Mills	Sasscer	Zablocki
Mitchell	Saylor	
Monroney	Secrest	

NAYS—105

Allen, Calif.	Gross	Nelson
Allen, Ill.	Gwinn	O'Hara, Minn.
Andersen, H. Carl	Hagen	Passman
Andresen, August H.	Hall, Leonard W.	Phillips, Calif.
Arends	Halleck	Poulson
Beall	Harden	Rankin
Bishop	Herter	Reed, N. Y.
Boggs, Del.	Hoeven	Rees
Bolton, Ohio	Hoffman, Mich.	Rich
Bramblett	Hope	Rogers, Mass
Brehm	Horan	Sadlak
Burdick	Hull	St. George
Byrnes, Wis.	Jenison	Sanborn
Chiperfield	Jenkins	Scott, Hugh D., Jr.
Clevenger	Jennings	Scrivner
Cole, Kans.	Jensen	Scudder
Corbett	Judd	Shafer
Cotton	Kearns	Short
Coudert	Kilburn	Simpson, Ill.
Cunningham	Latham	Simpson, Pa.
Curtis	LeCompte	Smith, Kans.
Dague	LeFevre	Smith, Wis.
Davis, Wis.	Lichtenwalter	Stefan
D'Ewart	Lucas	Taber
Dolliver	McConnell	Talle
Dondero	McCulloch	Towe
Elston	McDonough	Velde
Fellows	McGregor	Vorys
Fenton	Martin, Mass.	Weichel
Ford	Mason	Wheeler
Fulton	Meyer	Wigglesworth
Gamble	Michener	Williams
Gavin	Miller, Md.	Wolcott
Golden	Miller, Nebr.	Woodruff
Graham	Morton	
	Murray, Wis.	

ANSWERED "PRESENT"—3

Marcantonio	Potter	Tackett

NOT VOTING—101

Allen, La.	Denton	Hébert
Anderson, Calif.	Dingell	Hill
Angell	Doyle	Hinshaw
Auchincloss	Eaton	Hoffman, Ill.
Barrett, Wyo.	Ellsworth	Holifield
Bates, Ky.	Engel, Mich.	Howell
Bentsen	Fallon	Irving
Bosone	Fernandez	Jackson, Calif.
Breen	Flood	James
Brooks	Gillette	Johnson
Brown, Ohio	Gilmer	Jonas
Buckley, N. Y.	Goodwin	Keefe
Carlyle	Gordon	Kelley, Pa.
Carnahan	Gregory	Keogh
Case, S. Dak.	Guill	Kerr
Christopher	Hale	Klein
Clemente	Hall, Edwin Arthur	Kunkel
Cole, N. Y.	Havenner	Larcade
Colmer	Hays, Ohio	Lovre
Cooley	Lynch	Lyle
McCarthy	Patten	Scott, Hardie
McCormack	Patterson	Shelley
McKinnon	Pfeifer, Joseph L.	Sikes
McMillen, Ill.	Pfeiffer, William L.	Smith, Ohio
Mack, Wash.	Plumley	Stanley
Macy	Poage	Stockman
Martin, Iowa	Powell	Thornberry
Miller, Calif.	Quinn	Vursell
Morrison	Redden	Wadsworth
Multer	Reed, Ill.	Werdel
Murray, Tenn.	Richards	Willis
Norton	Rivers	Wilson, Ind.
O'Brien, Mich.	Sadowski	Withrow
O'Konski		Woodhouse

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hays of Ohio for, with Mr. Tackett against.

Mr. McCormack for, with Mr. Brown of Ohio against.

Mr. Auchincloss for, with Mr. Potter against.

Mr. Angell for, with Mr. Macy against.

Mr. Ellsworth for, with Mr. William L. Pfeiffer against.

Mrs. Woodhouse for, with Mr. Withrow against.

Mr. Flood for, with Mr. Wilson of Indiana against.

Mr. Keogh for, with Mr. Smith of Ohio against.

Mr. Lynch for, with Mr. Gillette against.

General pairs until further notice:

Mr. Bates of Kentucky with Mr. Martin of Iowa.

Mr. Gregory with Mr. Anderson of California.

Mr. Miller of California with Mr. Cole of New York.

Mr. Havenner with Mr. Case of South Dakota.

Mr. Holifield with Mr. Eaton.

Mr. Morrison with Mr. Engel of Michigan.

Mr. Hébert with Mr. Goodwin.

Mr. Gilmer with Mr. Mack of Washington.

Mr. Multer with Mr. Hardie Scott.

Mr. Shelley with Mr. Stockman.

Mr. Fernandez with Mr. Vursell.

Mr. Fallon with Mr. Barrett of Wyoming.

Mr. Clemente with Mr. Hale.

Mr. Irving with Mr. Edwin Arthur Hall.

Mr. Kelley of Pennsylvania with Mr. Hill.

Mr. Sikes with Mr. Hinshaw.

Mr. Colmer with Mr. James.

Mr. Breen with Mr. Jackson of California.

Mr. Stanley with Mr. Johnson.

Mrs. Bosone with Mr. Jonas.

Mr. Rivers with Mr. Patterson.

Mr. Powell with Mr. Wadsworth.

Mr. Patten with Mr. Reed of Illinois.

Mr. Redden with Mr. Lovre.

Mr. Gordon with Mr. Keefe.

Mr. Howell with Mr. O'Konski.

Mr. Denton with Mr. Werdel.

Mr. Dingell with Mr. Plumley.

Mr. Doyle with Mr. Kunkel.

Mr. Larcade with Mr. Guill.

Mr. Klein with Mr. Hoffman of Illinois.

Mr. TACKETT. Mr. Speaker, I have a live pair with the gentleman from Ohio, Mr. HAYS. If he were present he would have voted "yea." I am opposed to the bill and so cast my vote. However, because of having the live pair, I withdraw my vote and vote "present."

Mr. POTTER. Mr. Chairman, I have a live pair with the gentleman from New Jersey, Mr. AUCHINCLOSS. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROGRAM FOR NEXT WEEK—ADJOURNMENT UNTIL MONDAY

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I take this minute in order to find out from the acting majority leader the program for next week.

Mr. PRIEST. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we will have on Monday the Consent Calendar and on Tuesday the Private Calendar.

We have also listed for Monday and Tuesday four bills. I believe under the rule an hour of general debate is provided for each of these bills. The first is S. 3504, for the development of improved transport aircraft. That is from the Committee on Interstate and Foreign Commerce.

The next is S. 450, also from the Committee on Interstate and Foreign Commerce. It amends the Civil Aeronautics Act of 1938 by granting the Administrator authority to delegate some of his powers in connection with aircraft inspection.

Then we have H. R. 5506, which relates to the Palisades Dam and Reservoir project.

The last is H. R. 9219, for the rehabilitation of certain tribes of Indians.

I may say to the minority leader that in accordance with the policy we have followed all year there will be no record votes on Monday or Tuesday. It is my understanding there is a primary in Maryland on Monday and one in Wisconsin, and in Massachusetts on Tuesday, so there will not be record votes on either of these days.

Mr. MARTIN of Massachusetts. The gentleman is going to ask unanimous consent that when we adjourn tonight we adjourn until Monday next?

Mr. PRIEST. Yes.

Mr. MARTIN of Massachusetts. I will yield for that purpose now, if the gentleman wants to submit that request.

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

Mr. HOEVEN. Reserving the right to object, Mr. Speaker, can the acting majority leader tell us when we can expect conference reports on the tax bill and the anti-Communist bill?

Mr. PRIEST. The acting majority leader cannot. He can only hope that they come in as soon as possible. I might say that the program for the rest of the week, beginning Wednesday, is set aside largely for the handling of conference reports. We hope they will be reported just as expeditiously as possible, and of course they will be handled accordingly.

Mr. HOEVEN. Is it the hope of the acting majority leader that the Congress shall complete its business next week?

Mr. PRIEST. That is the hope.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. WHITE of Idaho. What is the status of the supplemental appropriation bill?

Mr. PRIEST. The supplemental appropriation bill is now in conference.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SUPPLEMENTAL APPROPRIATION BILL

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file a report on supplemental appropriation bill, H. R. 9526.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PANAMA CANAL

Mr. HART. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8677) to authorize and provide for the maintenance and operation of the Panama Canal by the present corporate adjunct of the Panama Canal, as renamed; to reconstitute the agency charged with the civil government of the Canal Zone, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 10 to 16, inclusive, and insert:

"SEC. 2. (a) Except as otherwise provided in, or where inconsistent with, the provisions of this act—

"(1) the terms 'the Panama Canal,' 'the Canal,' and 'the Canal authorities,' wherever appearing in the statutes of the United States and having reference, prospectively, to the agency heretofore known by those names, are amended to read 'the Canal Zone Government'; and

"(2) the term 'the Panama Railroad Company,' wherever appearing in the statutes of the United States and having reference, prospectively, to the corporation heretofore known by that name, is amended to read 'the Panama Canal Company.'

"(b) Except as otherwise provided in this act, the title 'the Governor of the Panama Canal,' wherever appearing in the statutes of the United States, is amended to read 'the Governor of the Canal Zone.'

"(c) Sections 982, 987, and 1024 of title 4, and section 833 of title 5, of the Canal Zone Code, are amended by deleting the term 'the Panama Canal,' appearing in each of said sections, and inserting in lieu thereof the term 'the Panama Canal Company.'

"(d) Section 836 of title 5 of the Canal Zone Code is amended by deleting the term 'the Government of the Canal Zone,' which appears in paragraph b of said section and inserting in lieu thereof the term 'the Panama Canal Company.'

"(e) The headline and introductory clause of section 7 of title 2 of the Canal Zone Code are amended to read as follows:

"'7. Control and jurisdiction of Governor over Canal Zone: The Governor of the Canal Zone shall: * * *.'"

Page 2, strike out lines 17 to 20, inclusive, and insert:

"SEC. 3. Section 10 of title 2 of the Canal Zone Code, as amended by section 1 of the act of June 13, 1940 (ch. 358, 54 Stat. 387), is further amended to read as follows:

"'10. Injuries to vessels, cargo, crew, or passengers, occasioned by operation of Canal: (a) Injuries in locks of Canal: The Panama Canal Company shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels, which may arise by reason of the passage of such vessels through the locks of the Panama Canal under the control of officers or employees of the said corporation: *Provided, however,* That no such damages shall be paid in any case where the injury was proximately caused by the negligence or fault of the vessel, master, crew, or passengers: *Provided further,* That in any case wherein the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence or fault attributable to the said vessel, master, crew, or passengers: *And provided further,* That damages shall not be allowed and paid for injuries to any protrusion beyond the side of a vessel, whether such protrusion is permanent or temporary in character. A vessel shall be considered to be passing through the locks of the Canal, under the control of officers or employees of the corporation, from the time the first towing line is made fast on board before entrance into the locks and until the towing lines are cast off upon, or immediately prior to, departure from the lock chamber.

"'(b) Injuries other than in locks: The Panama Canal Company shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels which may arise by reason of the presence of such vessels in the waters of the Canal Zone, other than the locks, when the injury was proximately caused by negligence or fault on the part of any officer or employee of the corporation acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal: *Provided, however,* That in any case wherein the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence or fault attributable to the said vessel, master, crew, or passengers: *And provided further,* That in the case of any vessel which is required by or pursuant to regulations prescribed under section 9 of this title, as amended, to have a Panama Canal pilot on duty aboard, no damages shall be adjusted and paid for injuries to any vessel, or to the cargo, crew, or passengers of any such vessel, incurred while the vessel was under way and in motion, unless at the time such injuries were incurred the navigation or movement of the vessel was under the control of a Panama Canal pilot.

"'(c) Measure of damages generally: In determining the amount of the award of damages for injuries to a vessel for which the Panama Canal Company is found or determined to be liable, there may be included (1) actual or estimated cost of repairs; (2) charter hire actually lost by the owners, or charter hire actually paid, depending upon the terms of the charter party, for the time the vessel is undergoing repairs; (3) maintenance of the vessel and wages of the crew, if such are found to be actual additional expenses or losses incurred outside of the charter hire; (4) other expenses which are definitely and accurately shown to have been incurred necessarily and by reason of the accident or injuries: *Provided, however,* That there shall not be allowed agent's fees or commissions or other incidental expenses of similar character, or any items which are indefinite, indeterminable, speculative, or conjectural. The corporation shall be furnished such vouchers, receipts, or other evidence as may be necessary in support of any item of a claim. If a vessel i not operated under charter but by the owner directly, evidence shall be secured if available as to the sum for which vessels of the same size and class can be chartered in the market. If such charter value cannot be determined, the value of the use of such vessel to its owners in the business in which it was engaged at the time of the injuries shall be used as a basis for estimating the damages for the vessel's detention; and the books of the owners showing the vessel's earnings about the time of the accident or injuries shall be considered as evidence of probable earnings during the time of detention. If the books are unavailable, such other evidence shall be furnished as may be necessary.

"'(d) Delays for which no responsibility assumed: The Panama Canal Company shall not be responsible, nor consider any claim, for demurrage or delays occasioned by landslides or other natural causes, by necessary construction or maintenance work on Canal locks, terminals, or equipment, by obstructions arising from accidents, by time necessary for admeasurement, by congestion of traffic, or by any other cause except as specially set forth in this section.

"'(e) Settlement of claims: The amounts of the respective awards of damages under this section may be adjusted, fixed, and determined by the corporation by mutual agreement, compromise, or otherwise; and acceptance by any claimant of the amount awarded to him shall be deemed to be in full settlement of such claims.

"'(f) Actions on claims: Any claimant for damages under this section who considers himself aggrieved by the findings, determination, or award of the Panama Canal Company in reference to his claim may bring an action on such claim against the said corporation in the United States District Court for the District of the Canal Zone; and in any such action the provisions of this section relative to the determination, adjustment, and payment of such claims, and the provisions of the regulations established under section 9 of this title, as amended, relative to navigation of Canal Zone waters and to transiting of the Panama Canal, shall be applicable. No action for damages which is cognizable under this section shall lie against the said corporation otherwise, or in any other court, than as provided in this paragraph, or shall lie against any officer or employee of the corporation: *Provided, however,* That nothing in this paragraph shall be construed to prevent or prohibit actions against officers or employees of the said corporation for damages for injuries resulting from acts of such officers or employees outside the scope of their employment or not in the line of their duties or from acts of such officers and employees committed or performed with intent to injure the person or property of another. Actions under this paragraph shall be tried by the court without a jury.

"'(g) Investigation before vessel's departure: Notwithstanding any other provision of law, no claim shall be considered under this section, nor shall any action for damages lie thereon, unless, prior to the departure from Canal Zone waters of the vessel involved, the investigation by the competent authorities of the accident or injury giving rise to such claim shall have been completed, and the basis for the claim shall have been laid before the corporation.'"

Page 2, strike out all after line 20 over to and including line 3 on page 3.

Page 3, strike out lines 4 to 9, inclusive.

Page 3, line 10, strike out "6" and insert "4."

Page 4, line 10, strike out "7" and insert "5."

Page 4, line 23, strike out "8" and insert "6."

Page 5, lines 11 and 12, strike out "unless the Congress shall otherwise direct."

Page 5, line 13, strike out "9" and insert "7."

Page 6, line 11, strike out "10" and insert "8."

Page 6, line 17, strike out "11" and insert "9."

Page 6, line 24, strike out "12" and insert "10."

Page 8, line 12, strike out "13" and insert "11."

Page 9, line 8, strike out "14" and insert "12."

Page 9, line 19, strike out "vessel" and insert "vessels."

Page 10, lines 8 and 9, strike out "The rate of tolls on laden vessels shall not exceed $1 per net vessel-ton."

Page 11, strike out lines 8 to 12, inclusive.

Page 11, strike out lines 13 to 17 inclusive.

Page 11, line 18, strike out "17" and insert "13."

Page 12, line 12, strike out "18" and insert "14."

Page 12, line 13, strike out "22" and insert "10."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I see that you are setting up a corporation here to own and operate the Panama Canal which heretofore was a governmental institution. Is that to be owned by a private concern?

Mr. HART. No, sir; it is a Government corporation, the Panama Canal Company, which must pay into the Treasury of the United States any investment that the Government has in the Canal.

Mr. RANKIN. But you do not exempt American coastwise trade from paying tolls?

Mr. HART. We do not.

Mr. RANKIN. In other words, you penalize the American people to maintain the Panama Canal for foreign countries.

Mr. Speaker, I withdraw any further objection, as it is useless.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on the bill S. 1292.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

LT. COL. CHARLES J. TREES

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5244) for the relief of Lt. Col. Charles J. Trees, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. BYRNE of New York, DENTON, and KEATING.

NORTHWEST ATLANTIC FISHERIES

Mr. KEE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2801) to give effect to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand this is a bill for the benefit of the Atlantic fisheries and comes with a unanimous report from the committee.

Mr. KEE. The gentleman from Massachusetts is correct.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the Northwest Atlantic Fisheries Act of 1950.

SEC. 2. When used in this act—

(a) Convention: The word "convention" means the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949.

(b) Commission: The word "Commission" means the International Commission for the Northwest Atlantic Fisheries provided for by article II of the convention.

(c) Person: The word "person" denotes individuals, partnerships, corporations, and associations, subject to the jurisdiction of the United States.

(d) Convention area: The term "convention area" means that portion of the northwest Atlantic Ocean defined in article I of the convention.

(e) Vessel: The word "vessel" denotes every kind, type, or description of watercraft, aircraft, or other contrivance, subject to the jurisdiction of the United States, used, or capable of being used, as a means of transportation on water.

(f) Fishing gear: The term "fishing gear" means any apparatus or appliance of whatever kind or description used or capable of being used for fishing.

(g) Fishing: The word "fishing" means the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any species of fish protected under regulations adopted pursuant to this act.

SEC. 3. (a) The United States shall be represented, on the Commission and on any panel in which the United States participates, by three Commissioners to be appointed by the President and to serve at his pleasure. The Commissioners shall be entitled to adopt such rules of procedure as they find necessary.

(b) The United States Commissioners, although officers of the United States Government while so serving, shall receive no compensation for their services as such Commissioners.

SEC. 4. (a) The United States Commissioners shall appoint an advisory committee composed of not less than 5 nor more than 20 persons who shall fairly represent the various interests in the fisheries of the convention area, including fishermen and vessel owners, and who shall be well-informed concerning the fisheries of the convention area. The members of the advisory committee shall serve for a term of 2 years, and shall be eligible for reappointment. The advisory committee shall meet at least once a year, or more frequently if necessary, shall elect its own officers, and shall be entitled to fix the times and places of its meetings and to adopt rules of procedure for their conduct. The United States Commissioners shall also have the authority to call a meeting of the advisory committee on the request of three members of the committee. The advisory committee, or such representatives as it may designate, may attend as observers all nonexecutive meetings of the Commission or of any panel of which the United States is a member. The advisory committee shall be invited to all nonexecutive meetings of the United States Commissioners and at such meetings shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, and recommendations of the United States Commissioners and all regulations proposed to be issued under the authority of this act.

(b) The members of the advisory committee shall receive no compensation for their services as such members. On approval by the United States Commissioners not more than five members of the advisory committee, designated by the committee, may be paid for their actual transportation expenses and per diem incident to attendance at meetings outside of the United States of the Commission or a panel thereof.

SEC. 5. Service of any individual as a United States Commissioner appointed pursuant to section 3 (a), or as a member of the advisory committee appointed pursuant to section 4 (a) shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, and 284 of title 18 of the United States Code, of section 190 of the Revised Statutes (U. S. C., title 5, sec. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States, except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter in which such individual was directly involved in the performance of such service.

SEC. 6. (a) The Secretary of State is authorized to receive, on behalf of the Government of the United States, reports, requests, recommendations, and other communications of the Commission, and to act thereon directly or by reference to the appropriate authorities.

(b) The Secretary of State, with the concurrence of the Secretary of the Interior, is authorized to accept or reject, on behalf of the United States, proposals received from the Commission pursuant to article VIII of the convention.

SEC. 7. (a) The Secretary of the Interior is authorized and directed to administer and enforce, through the Fish and Wildlife Service, all of the provisions of the convention, this act, and regulations issued pursuant thereto, except to the extent otherwise provided for in this act. In carrying out such functions he is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the convention and this act, and, with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the Government of any party to the convention.

(b) Enforcement activities under the provisions of this act relating to vessels engaged in fishing and subject to the jurisdiction of the United States shall be primarily the responsibility of the United States Coast Guard, in cooperation with the Fish and Wildlife Service.

(c) The Secretary of the Interior may designate officers of the States of the United States to enforce the provisions of the convention, or of this act, or of the regulations of the Secretary of the Interior. When so designated such officers are authorized to function as Federal law-enforcement officers for the purposes of this act.

SEC. 8. (a) The Secretary of State with the concurrence of the agency, institution, or organization concerned, may direct the United States Commissioners to arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provisions of article VI of the convention.

(b) All agencies of the Federal Government are authorized, upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the convention.

(c) None of the prohibitions deriving from this act, or contained in the laws or regulations of any State, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the convention.

SEC. 9. (a) It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this act or of any order of a court issued pursuant to section 10 of this act, to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulations, or order, to fail to make, keep, submit, or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time.

(b) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this act.

SEC. 10. Any person violating any provision of this act or any regulation adopted pursuant to this act, upon conviction, shall be fined for a first offense not more than $500 and for a subsequent offense committed within 5 years not more than $1,000 and for such subsequent offense the court may order forfeited, in whole or in part, the fish taken by such person, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court. In addition, the court may prohibit such second offender from fishing for such a period of time as it may determine.

SEC. 11. (a) Any duly authorized enforcement officer or employee of the Fish and Wildlife Service of the Department of the Interior; any Coast Guard officer; any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the convention, this act, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the convention or of this act, or of the regulations issued pursuant thereto and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18 of the United States Code; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the convention or this act, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the convention, this act, or the regulations issued pursuant thereto shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this act, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. The judges of the United States district courts and the United States Commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Any person authorized to enforce the provisions of the convention, this act, or the regulations issued pursuant thereto may, except in the case of a first offense, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the convention or this act or to regulations issued pursuant thereto. Any property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this section, or, if perishable, in the manner prescribed by regulations of the Secretary of the Interior.

(b) Notwithstanding the provisions of 28 United States Code 2464, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the property seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court.

SEC. 12. There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the purposes and provisions of this act, including the United States share of the joint expenses of the Commission as provided in article XI of the convention; for the expenses of the United States Commissioners and authorized advisers.

SEC. 13. If any provision of this act or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, line 3, strike out "in addition the court may prohibit such second offender from fishing for such a period of time as it may determine."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

WYOMING NATIONAL BANK OF WILKES-BARRE

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3012) for the relief of Wyoming National Bank of Wilkes-Barre, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$52,326.91" and insert: "$46,854.16."

The SPEAKER pro tempore (Mr. PRIEST). Is there objection to the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MRS. MERLE LEATHERBURY PYLE ET AL.

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1133) for the relief of Mrs. Merle Leatherbury Pyle and Patricia M. Pyle, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That in the administration of the Civil Service Retirement Act of May 29, 1930, as amended, Lawrence A. Pyle, late employee of the Interstate Commerce Commission, shall be considered to have been retired thereunder as of the date of his death, August 8, 1947, and to have elected in writing at the time of such retirement to receive a reduced annuity with an equal reduced annuity payable after his death to his widow, Mrs. Merle Leatherbury Pyle, if all amounts paid out of the civil-service retirement and disability fund on account of the death of the said Lawrence A. Pyle are redeposited in such fund not later than 1 year after the date of enactment of this act together with interest at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MRS. BARBARA GUANAPOULOS

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1500) for the relief of Mrs. Barbara Guanapoulos, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 3, strike out all after "Illinois" down to and including "act" in line 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LA FAYETTE BREWERY, INC.

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1601) for the relief of La Fayette Brewery, Inc.,

with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 3, after *"Provided,"* insert: That the La Fayette Brewery, Inc., shall first file in the Treasury Department a bond in the penal sum of double the amount paid for such stamps, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stamps herein described: *Provided further,*

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate admendment was concurred in.

A motion to reconsider was laid on the table.

LESLIE FULLARD-LEO ET AL.

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3406) for the relief of Leslie Fullard-Leo and Ellen Fullard-Leo, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, after "Fullard-Leo," insert: Leslie Vincent Fullard-Leo, Dudley Leinani Fullard-Leo, and Ainsely Allen Kahealani Fullard-Leo, and the estate of Leslie Fullard-Leo, deceased, as their interests may appear,

Amend the title so as to read: "An act for the relief of Ellen Fullard-Leo, widow of Leslie Fullard-Leo, Leslie Vincent Fullard-Leo, Dudley Leinani Fullard-Leo, and Ainsely Allen Kahealani Fullard-Leo, and the estate of Leslie Fullard-Leo, deceased, as their interests may appear."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

LEGAL GUARDIAN OF CHARLES SPILLER ET AL.

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8062) for the relief of the legal guardian of Charles Spiller and Glenn T. Spiller, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$5,000" and insert "$2,500."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CLYDE L. WATSON, JR., ET AL.

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8641) for the relief of Clyde L. Watson, Jr., and Laverne F. Andrews, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$8,000" and insert "$5,000."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ANNOUNCEMENT

Mr. McKINNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKINNON. Mr. Speaker, cancellation of Veterans' Administration hospitalization for veterans concerns my district very directly. During the roll call on the resolution confirming General Marshall I was forced to be absent in connection with business of my district. Had I been here I would have voted for confirmation of General Marshall.

CLERK AUTHORIZED TO RECEIVE MESSAGES AND SPEAKER AUTHORIZED TO SIGN ENROLLED BILLS

Mr. COOPER. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next the Clerk may be authorized to receive messages from the Senate and the Speaker may be authorized to sign enrolled bills found properly enrolled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SPECIAL ORDER GRANTED

Mr. JAVITS asked and was given permission to address the House for 10 minutes on Tuesday next, following the legislative program and any special orders heretofore entered.

THE LATE WILLIAM B. BANKHEAD

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, I rise to remind the House that this is the tenth anniversary of the death of William B. Bankhead, who over the span of 24 years from 1917 to his untimely death on September 15, 1940, represented in this body the Seventh Congressional District of Alabama, which I now have the honor to represent.

Many of you served with Mr. Bankhead, and you know of his qualities of mind and heart that led this House to bestow many honors upon him. He served as chairman of the House Committee on Rules, as leader of the Democratic majority, and finally as Speaker of the House.

At the time of his death, Speaker Bankhead was universally recognized as one of the outstanding leaders in this country, and as one of the great Speakers of this House.

He was one of the outstanding Democrats of his generation. He loved his party and responded to its every call, fighting with the self-discipline of a soldier within its ranks, or providing it with his magnificent abilities as a leader. He was serving a mission for his party when he was stricken.

The people of the Seventh Congressional District of Alabama took great pride in the leadership and accomplishments of Mr. Bankhead, as their Congressman and as the Speaker of this House.

They were thrilled that one of their fellow citizens should be in position to furnish a large share of the leadership that led to the passage of the great legislative program of the 1930's.

But, more than that, his people loved Will Bankhead as an individual. Though he walked with kings, he never lost the common touch.

His memory is revered everywhere.

It is altogether fitting and proper that we pause to reflect on the accomplishments and the noble character of this great American.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 60 minutes.

PARTITION IN IRELAND

Mr. FOGARTY. Mr. Speaker, I am not going to take the 60 minutes, but I would just like to make this statement.

I intended to address the House this afternoon on the very important issue of the elimination of the partition in Ireland. As everyone in this House knows, 2 years ago I offered an amendment to the ECA authorization plan to withhold funds to Great Britain as long as that partition existed in Ireland. It was defeated 2 years ago, but it was offered again a year ago and it was carried in the House by a vote of 99 to 66, in the Committee of the Whole.

We did not press for a final vote on that amendment at that time because, after listening to the chairman of the Committee on Foreign Affairs, my good friend, the gentleman from West Virginia [Mr. KEE], told the House that day in response to a question I believe from the gentleman from New York [Mr. JAVITS], a member of the Committee on Foreign Affairs, that within 10 days he would call a meeting of the Committee on Foreign Affairs to discuss the various resolutions that had been introduced to help eliminate the partition in Ireland, we decided to wait for action by the committee, and we did not press the issue.

Following the hearing of that committee a full hearing was given on all these resolutions. No voices were raised in protest at this open hearing. We have been waiting now for about 3, 4, or 5 months for the Committee on Foreign Affairs to allow a vote to be taken on

these resolutions. No vote has been taken yet.

I would just like to remind the chairman of the Committee on Foreign Affairs, in no critical mood at all, that he did say on that day that he did not think the amendment was germane to the bill, but if the same purpose was to be carried out in the form of a resolution he would be inclined to support it.

In view of that statement, that the chairman of the Committee on Foreign Affairs would act favorably on this resolution, I hope at the next regular meeting of that committee they will see fit to vote out at least one of the resolutions so the Members of the House may have a chance to express their opinion on this matter.

Mr. JAVITS. Mr. Speaker, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from New York.

Mr. JAVITS. May I say to the gentleman that the resolution upon which all the proponents of the other resolutions have agreed is the resolution offered by the gentleman himself. That certainly seems to meet everybody's views satisfactorily. I join the gentleman in hoping it will be acted upon at our next meeting, which I understand comes next Wednesday, and I wish to assure the gentleman that as one member of the committee I shall do my utmost to see that the gentleman's resolution is favorably acted upon.

Mr. FOGARTY. I thank the gentleman.

In view of the lateness of the hour, Mr. Speaker, I do not intend to take the time allotted to me tonight. However, I ask unanimous consent that on next Wednesday, following the legislative program and any special orders heretofore entered, I may be permitted to address the House for 1 hour.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

WITHDRAWAL OF PAPERS FROM FILES OF THE HOUSE

The SPEAKER pro tempore. The Chair lays before the House a request.

The Clerk read as follows:

Mr. KEARNS requests, pursuant to rule XXXVIII, leave to withdraw from the files of the House papers in the case of Investigation of Associated Actors and Artists of America and Affiliated Unions (minutes filed with committee of Eightieth Congress), Eightieth Congress, no adverse report having been filed thereon.

The SPEAKER pro tempore. Without objection, the request will be granted.

There was no objection.

EXTENSION OF REMARKS

Mr. STOCKMAN (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD.

Mr. MARCANTONIO asked and was given permission to extend his remarks and include extraneous matter.

Mr. PRICE asked and was given permission to extend his remarks and include an address he made recently.

Mr. ROOSEVELT asked and was given permission to extend his remarks in two instances and in each include extraneous matter.

Mr. YATES asked and was given permission to extend his remarks and include extraneous matter.

Mr. KEE asked and was given permission to extend his own remarks.

Mr. LANE asked and was given permission to extend his remarks and include a letter from a constituent.

Mr. BUCHANAN asked and was given permission to extend his remarks in five instances and in each include extraneous matter.

Mr. DAWSON asked and was given permission to extend his remarks and include an address made by Mrs. BOLTON of Ohio, before the sixtieth graduating class of Providence Hospital.

Mr. McGUIRE asked and was given permission to extend his remarks and include an editorial from the New York Times entitled "The Statehood Bills."

Mr. WILSON of Oklahoma asked and was given permission to extend his remarks and include an editorial from the Daily Oklahoman.

Mr. RODINO asked and was given permission to extend his remarks.

Mr. BOYKIN asked and was given permission to extend his remarks and include a speech by Donald Comer, of Alabama.

Mr. MAHON asked and was given permission to extend his remarks and include a brief editorial about Dr. Ruskin.

Mr. HAGEN asked and was given permission to extend his remarks in four different instances and include newspapers, letters, and extraneous matter.

Mr. GAMBLE asked and was given permission to extend his remarks and include a manuscript entitled "Presentment of the October, 1949, Grand Jury of Westchester County," which is estimated by the Public Printer to cost $389.50.

Mr. GAVIN and Mr. VAN ZANDT asked and were given permission to extend their remarks.

Mr. DAVIS of Wisconsin asked and was given permission to extend his remarks and include a newspaper article.

Mr. BOGGS of Delaware (at the request of Mr. MORTON) was given permission to extend his remarks and include extraneous matter.

Mr. REES asked and was given permission to extend his remarks and include a newspaper editorial.

Mr. GWINN asked and was given permission to extend his remarks and include a letter from Robert B. Dresser to Guy George Gabrielson.

Mr. JENSEN asked and was given permission to extend his remarks and include an editorial.

Mr. SADLAK asked and was given permission to extend his remarks and include a resolution by the Catholic War Veterans.

Mr. BREHM (at the request of Mr. CANFIELD) was given permission to extend his remarks on the new dental bill.

Mr. SAYLOR (at the request of Mr. CANFIELD) was given permission to extend his remarks.

Mr. DINGELL (at the request of Mr. COOPER) was given permission to extend his remarks in two instances and include extraneous matter.

Mr. BONNER asked and was given permission to extend his remarks in two instances and include in one extraneous matter.

Mr. HAGEN asked and was given permission to extend his remarks under the heading of "Busts of Chippewa Indian Chiefs and Paintings of Indian Life by Seth Eastman in the United States Capitol," and include a letter and other material, notwithstanding the fact that it will exceed two pages of the RECORD and is estimated by the Public Printer to cost $184.50.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. STOCKMAN (at the request of Mr. MARTIN of Massachusetts), on account of illness.

To Mr. WILSON of Indiana (at the request of Mr. MARTIN of Massachusetts), on account of illness in his family.

ENROLLED BILLS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 163. An act to authorize Sacramento Valley Irrigation Canals, Central Valley project, California;

H. R. 1025. An act for the relief of Waymon H. Massey;

H. R. 1503. An act for the relief of George Washington;

H. R. 1662. An act authorizing the Secretary of the Interior to acquire on behalf of the United States Government property and facilities of the Rainier National Park Co.;

H. R. 1799. An act for the relief of Dr. Jacob Ornstein;

H. R. 1860. An act for the relief of Kenji Takumi;

H. R. 1920. An act to amend the Columbia Basin Project Act with reference to State lands;

H. R. 2401. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of the State of California;

H. R. 2631. An act to authorize cancellation of deportation in the case of Frank Grimaldi;

H. R. 2758. An act for the relief of the Fisher Brewing Co.;

H. R. 3274. An act to provide for the conveyance of certain historic properties to the State of Georgia, and for other purposes;

H. R. 3314. An act for the relief of the estate of the late Eulogio Reyes Suarez;

H. R. 3419. An act to amend the Merchant Ship Sales Act of 1946;

H. R. 4045. An act for the relief of Katherine L. Anderson, a civil-service employee, permanently injured through negligent treatment at the Army Advisory Group Station Hospital in Nanking, China;

H. R. 4365. An act for the relief of Fe'R. Dumaguing;

H. R. 4600. An act for the relief of the legal guardian of Janet Judith Koeninger, a minor;

H. R. 4836. An act for the relief of Xylda L. Driver;

H. R. 4891. An act for the relief of Albert E. Scheflen;

H. R. 4904. An act for the relief of the estate of Conrad L. Steele, deceased;

H. R. 5381. An act for the relief of Billy Ray Ridenour and L. L. Ridenour;

H. R. 5679. An act to authorize the transfer of certain agricultural dry land and irrigation field stations to the States in which

such stations are located, and for other purposes;

H. R. 5810. An act relating to the furnishing of accommodations at Klamath Falls, Oreg., for the United States District Court for the District of Oregon;

H. R. 5941. An act to incorporated the Military Chaplains Association of the United States of America;

H. R. 5972. An act for the relief of Ivar G. Johnson;

H. R. 6020. An act for the relief of Richard H. Sears;

H. R. 6106. An act for the relief of Daniel Kokal;

H. R. 6409. An act for the relief of Mrs. Grace A. Olson;

H. R. 6489. An act for the relief of United Transformer Co. (formerly United Transformer Corp.);

H. R. 6528. An act for the relief of the Western Chemical & Manufacturing Co.;

H. R. 6537. An act to provide funds for cooperation with the Territorial school authorities of Nome, Alaska, in the construction, extension, improvement, and equipment of school facilities, to be available to both native and nonnative children;

H. R. 6640. An act to amend an act entitled "An act relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas," approved August 7, 1946, and for other purposes;

H. R. 6750. An act for the relief of Achileus Maroulis;

H. R. 6986. An act relating to the acquisition and addition of certain lands to Fort Frederica National Monument, in the State of Georgia, and for other purposes;

H. R. 6990. An act for the relief of Christina Karamanos Demas and Antonia Karamanos Demas;

H. R. 7095. An act for the relief of Rosette Selina Romano, a minor;

H. R. 7114. An act for the relief of John Joseph Griffin;

H. R. 7336. An act for the relief of Mrs. Fumie Ishibashi Akimoto;

H. R. 7393. An act for the relief of Francisco Blanco and Mrs. Celine Smith;

H. R. 7451. An act for the relief of Sumiko Fujita;

H. R. 7563. An act for the relief of Doctor Nicola Di Palma;

H. R. 7670. An act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georegtown area of the National Capital;

H. R. 7709. An act to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluffs, Fla.;

H. R. 7733. An act for the relief of Sisters Rita Pinto de Carvalho, Maria Leite da Silva, Carmelinda Lopes de Aguiar, Maria Adozinda da Fonseca Melo, Joaquine de Jesus, and Maria Luisa Pinto Carvalho;

H. R. 7854. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon a certain claim of the Board of County Commissioners of Sedgwick County, Kans.;

H. R. 7856. An act for the relief of Mrs. Teruko Tominaga Ikeuchi;

H. R. 7891. An act to amend section 3224 (b) of the Internal Revenue Code, relating to the transportation of narcotic drugs;

H. R. 7934. An act to reduce and revise the boundaries of the Joshua Tree National Monument in the State of California, and for other purposes;

H. R. 7964. An act for the relief of the estate of Francis A. Waldron;

H. R. 7990. An act to incorporate the American Society of International law, and for other purposes;

H. R. 8093. An act for the relief of Regolo Gagliacco and his wife, Gina;

H. R. 8118. An act for the relief of the estate of the late Ismael Miranda;

H. R. 8158. An act to repeal certain laws as they affect the Territory of Alaska;

H. R. 8184. An act for the relief of Michiyo Takada and her minor daughter, Michiko;

H. R. 8258. An act for the relief of Il Nai Che;

H. R. 8337. An act for the relief of William A. Hogan;

H. R. 8345. An act to amend the Columbia Basin Project Act with reference to recordable contracts;

H. R. 8362. An act for the relief of Bernard Croft;

H. R. 8401. An act for the relief of Mrs. Maurice N. Goss;

H. R. 8458. An act authorizing the Housing and Home Finance Administrator to release the trustees of Columbia University, in the city of New York, and the Citizens' Veterans Homes Association of Rockland County, Inc., from obligations under their contracts for operation of veterans' temporary housing project, NY-V-30212;

H. R. 8523. An act for the relief of Marianna Gantschnigg and Merle Richard Gantschnigg;

H. R. 8533. An act for the relief of Emiko Nishimura;

H. R. 8534. An act to authorize the acceptance of donations of land to supplement present parkway lands along the line of the Chesapeake & Ohio Canal between Great Falls and Cumberland, Md.;

H. R. 8562. An act for the relief of Yukie Yabe and her son;

H. R. 8563. An act for the relief of Alonzo P. Brown;

H. R. 8687. An act for the relief of Angelo Messina;

H. R. 8761. An act for the relief of Susan E. Scott;

H. R. 8780. An act for the relief of Leila M. Dodd;

H. R. 8829. An act for the relief of Sisters Pasqualina Bova, Rosa Pellanda, Emilia Del Rossi, Speranza Zoia, and Domenica Lapadula;

H. R. 8874. An act to authorize the sale of lands to the city of Flagstaff, Ariz.;

H. R. 8971. An act for the relief of Gertrude Hell;

H. R. 8975. An act to amend the Synthetic Liquid Fuels Act, as amended;

H. R. 8987. An act for the relief of Setsuko Kato;

H. R. 9055. An act for the relief of Cynthia Anne Kane;

H. R. 9056. An act for the relief of Hideko Kasahara and her minor child;

H. R. 9062. An act for the relief of Mrs. Willie G. Heath;

H. R. 9077. An act for the relief of Kimie Jurio;

H. R. 9082. An act for the relief of Mrs. Chang-Sei Kim, David Kim, and Arthur Kim;

H. R. 9086. An act for the relief of Maria Luisa Mercado;

H. R. 9087. An act for the relief of H. Dale Madison;

H. R. 9111. An act to incorporate the United States Olympic Association;

H. R. 9144. An act for the relief of Mrs. Olga Kowalik and Czeslawa Kowalik;

H. R. 9166. An act for the relief of Louis J. T. Hendrickx;

H. R. 9334. An act for the relief of Mrs. Else Samstag Yurchak;

H. R. 9434. An act for the relief of Christina Shalfeieff;

H. J. Res. 334. Joint resolution to amend certain laws providing for membership and participation by the United States in certain international organizations;

H. J. Res. 487. Joint resolution to confirm title in fee simple in Joshua Britton to certain lands in Jefferson County, Ill.;

H. J. Res. 511. Joint resolution providing for recognition and endorsement of the Inter-American Cultural and Trade Center; and

H. J. Res. 519. Joint resolution to permit the National Grange to erect a marker on Federal land in the District of Columbia.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1640. An act to amend section 4 of the act of March 1, 1911 (36 Stat. L. 962; 16 U. S. C. 513), relating to membership of the National Forest Reservation Commission;

S. 2636. An act to amend the Soil Conservation and Domestic Allotment Act, as amended;

S. 3517. An act to authorize the construction, operation, and maintenance of the Vermejo reclamation project, New Mexico;

S. 4118. An act to increase the appropriation authorization for the Air Engineering Development Center; and

S. 4135. An act to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p. m.), under its previous order, the House adjourned until Monday, September 18, 1950, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred, as follows:

1676. A letter from the Acting Attorney General, transmitting copies of the orders of the Immigration and Naturalization Service granting the application for permanent residence filed by the subjects of such orders, pursuant to section 4 of the Displaced Persons Act of 1948, as amended; to the Committee on the Judiciary.

1677. A letter from the Acting Attorney General, transmitting copies of orders of the Commissioner of the Immigration and Naturalization Service suspending deportation as well as a list of the persons involved; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Virginia: Committee on Rules. House Resolution 853. Resolution providing for the consideration of the bill to authorize the President to appoint General of the Army George C. Marshall to the Office of the Secretary of Defense; without amendment (Rept. No. 3089). Referred to the House Calendar.

Mr. McSWEENEY: Committee on Rules. House Resolution 854. Resolution providing for the consideration of H. R. 9184, a bill to provide for the separation of subsidy from air-mail pay, and for other purposes; without amendment (Rept. No. 3090). Referred to the House Calendar.

Mr. PETERSON: Committee on Public Lands. S. 3398. An act to authorize the exchange of certain land for purposes of the Colonial National Historical Park, and for other purposes; without amendment (Rept. No. 3091). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE of California: Committee on Public Lands. S. 3706. An act to amend the act of May 28, 1926 (44 Stat. 670), entitled "An act granting public lands to the county of Kern, Calif., for public park purposes"; without amendment (Rept. No. 3092). Referred to the Committee of the Whole House on the State of the Union.

Mr. BECKWORTH: Committee on Interstate and Foreign Commerce. S. 3000. An act to amend the War Claims Act of 1948,

as amended; without amendment (Rept. No. 3093). Referred to the Committee of the Whole House on the State of the Union.

Mr. VINSON: Committee on Armed Services. H. R. 9646. A bill to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense; without amendment (Rept. No. 3094). Referred to the Committee of the Whole House on the State of the Union.

Mr. BECKWORTH: Committee on Interstate and Foreign Commerce. S. 1292. An act to amend section 32 (a) (2) of the Trading With the Enemy Act; without amendment (Rept. No. 3095). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H. R. 9672. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. CLEMENTE:

H. R. 9673. A bill to provide for the appointment of an additional district judge for the eastern district of New York, and for other purposes; to the Committee on the Judiciary.

By Mr. GORE:

H. R. 9674. A bill to provide for the issuance of a special postage stamp in honor of the National Guard; to the Committee on Post Office and Civil Service.

By Mr. HARVEY:

H. R. 9675. A bill to provide for appropriate flagstaff holders at graves of certain veterans; to the Committee on Armed Services.

By Mr. SAYLOR:

H. R. 9676. A bill to amend the National Service Life Insurance Act of 1940 to provide automatic insurance and other benefits for certain servicemen injured or killed in a train collision on September 11, 1950, at or near Lafayette, Ohio; to the Committee on Veterans' Affairs.

By Mr. SIMPSON of Pennsylvania:

H. R. 9677. A bill to provide pensions at wartime rates for disabled veterans and dependents of deceased veterans if the disability or death resulted from an injury or disease received in line of duty as the result of conditions growing out of the Korean situation; to the Committee on Veterans' Affairs.

By Mr. BROOKS:

H. R. 9678. A bill to prohibit the Secretary of the Air Force from alienating any portion of Barksdale Air Force Base, and for other purposes; to the Committee on Armed Services.

By Mr. HAGEN:

H. R. 9679. A bill to amend Veterans' Regulation No. 1a to extend the period of presumption of service connection in the case of pulmonary tuberculosis from 3 to 7 years; to the Committee on Veterans' Affairs.

By Mr. HAND:

H. R. 9680. A bill to provide for observing certain legal public holidays on Monday; to the Committee on the Judiciary.

By Mr. HART:

H. R. 9681. A bill to authorize the waiver of the navigation and vessel-inspection laws; to the Committee on Merchant Marine and Fisheries.

By Mr. LANE:

H. R. 9682. A bill to grant succession to the War Damage Corporation; to the Committee on Banking and Currency.

By Mr. McCORMACK:

H. J. Res. 542. Joint resolution to give the consent of Congress for State agreements or compacts to promote cooperative effort and mutual assistance in civil defense activities; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H. Res. 855. Resolution creating a select committee to conduct an investigation and study of fire-insurance underwriters and their agents with particular reference to the methods and practices employed by them in the settlement of fire-insurance claims; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BYRNE of New York:

H. R. 9683. A bill for the relief of Dr. Fernand Van Den Branden; to the Committee on the Judiciary.

By Mr. DENTON:

H. R. 9684. A bill for the relief of William Ginger; to the Committee on the Judiciary.

By Mr. GORE:

H. R. 9685. A bill for the relief of Mrs. Yoshiko Kambe Salts; to the Committee on the Judiciary.

By Mr. KEARNS:

H. R. 9686. A bill for the relief of Leo A. Ribitzki, Mrs. Charlotte Ribitzki, and Marion A. Ribitzki; to the Committee on the Judiciary.

By Mr. McCORMACK (by request):

H. R. 9687. A bill for the relief of Warner Fahrenhold; to the Committee on the Judiciary.

By Mr. MANSFIELD:

H. R. 9688. A bill for the relief of J. C. Eastland; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2372. By the SPEAKER: Petition of Mr. John Whitehead, chairman, Pension Clubs and Senior Citizens of Duval County, Jacksonville, Fla., requesting that emergency legislative measures be taken in dealing with the vital social-security problem; to the Committee on Ways and Means.

2373. Also, petition of Emma Pixley and others, Clearwater, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

2374. By Mr. PLUMLEY: Petition of Fall Mountain Grange No. 297, Bellows Falls, Vt., against any form of compulsory health insurance or any system of political medicine; to the Committee on Interstate and Foreign Commerce.

SENATE

MONDAY, SEPTEMBER 18, 1950

(Legislative day of Thursday, July 20, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, as at the beginning of another week we pause at the footstool of Thy grace, our hearts are both bowed with awe and lifted up with hope. To a world where evil seems so rampant may our contribution be a life purged of self, of uncleanness and hatred, and a heart moved by compassion and concern for all mankind. Amid pollution, may our own motives be a part of the cleansing salt of the earth. In the darkness may our own spirits be as the candle of the Lord. May the great causes that will mold the future into the pattern of Thy desire and design, that will heal the world and rebuild it, that will create good will and usher in abiding peace, challenge the best that is in us, and gain the supreme allegiance of our love and labor as we serve our brief day.

We ask it in the name of the Master of all good workmen. Amen.

THE JOURNAL

On request of Mr. McFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 15, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

ENROLLED BILLS SIGNED DURING RECESS

Under authority of the order of the Senate of the 15th instant,

The VICE PRESIDENT announced that on September 16, 1950, he signed the enrolled bill (H. R. 9646) to authorize the President to appoint General of the Army George C. Marshall to the Office of Secretary of Defense, which had previously been signed by the Speaker of the House of Representatives.

LEAVE OF ABSENCE

On request of Mr. WHERRY, and by unanimous consent, Mr. AIKEN was excused from attendance on the sessions of the Senate during this week.

CALL OF THE ROLL DISPENSED WITH

Mr. McFARLAND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. WHERRY. Mr. President, before the roll is called, will the Senator yield?

Mr. McFARLAND. Mr. President, I ask unanimous consent that I may withdraw the suggestion of the absence of a quorum.

The VICE PRESIDENT. Without objection, the suggestion of the absence of a quorum is withdrawn.

NOMINATION OF JOHN W. KERN—WITHDRAWAL OF MOTION TO RECONSIDER

Mr. GEORGE. Mr. President, as in executive session, I ask unanimous consent to withdraw the motion entered by me to reconsider the resolution of April 25, 1950, advising and consenting to the appointment of John W. Kern, of Indiana, to be a member of the Tax Court of the United States. I have conferred with the distinguished Senator from Missouri [Mr. DONNELL] and he has no objection to the withdrawal of the motion to reconsider.

Mr. DONNELL. It is agreeable to me.

The VICE PRESIDENT. Without objection, as in executive session, the motion is withdrawn.

TAXES ON COCONUT OIL—RENEWAL OF LICENSES FOR INDUSTRIAL ALCOHOL—CHANGE OF CONFEREE

Mr. GEORGE. Mr. President, I am advised that the senior Senator from

Ohio [Mr. TAFT] will not be in attendance on the sessions of the Senate today and tomorrow at least. The Senator from Ohio is a conferee on two tax bills. I ask unanimous consent that the senior Senator from Nebraska [Mr. BUTLER] be substituted as a conferee in place of the senior Senator from Ohio on the bill (H. R. 8992) to eliminate the additional internal-revenue taxes on coconut oil coming from the trust territory of the Pacific islands, and the bill (H. R. 3905) to amend section 3121 of the Internal Revenue Code to give the Commissioner subpena power in cases involving refusal to renew licenses for making industrial alcohol.

The VICE PRESIDENT. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. McFARLAND. Mr. President, under the unanimous-consent agreement, the time between 12 o'clock and 1 o'clock is to be controlled, respectively, by the Senator from Washington [Mr. MAGNUSON] and the Senator from Wyoming [Mr. O'MAHONEY] on the so-called Great Lakes shipping bill.

NOMINATION OF BENJAMIN V. COHEN—OBJECTION WITHDRAWN

Mr. HICKENLOOPER. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. HICKENLOOPER. Mr. President, on last Friday I entered an objection to the confirmation in executive session of the nomination of Benjamin V. Cohen, of New York, to be alternative representative of the United States to the Fifth General Assembly of the United Nations.

My objection at that time was because of a statement which had been made to me with regard to a certain policy which would affect this appointment. It was nothing of a personal nature to Mr. Cohen. I have since been completely satisfied that my objection was not accurate, and therefore, I withdraw any objection to the nomination at this time.

The VICE PRESIDENT. The objection is withdrawn.

NOMINATION OF WILLIAM O'DWYER

Mr. HICKENLOOPER. Mr. President, since I expect to ask unanimous consent to be absent for the remainder of the day, at least after an hour or so, I should like to make a statement with regard to the nomination of William O'Dwyer, of New York, to which I objected on last Friday. I merely desire to say——

The VICE PRESIDENT. Does the Senator from Arizona yield time?

Mr. McFARLAND. Mr. President, I cannot yield any time because there is a unanimous-consent agreement, and I have no time to yield.

Mr. HICKENLOOPER. I merely wish to make a brief statement as I expect to be absent later in the afternoon.

Mr. MAGNUSON. Mr. President, if the Senator from Washington may be recognized under the unanimous-consent agreement I shall be glad to yield to the Senator from Iowa.

The VICE PRESIDENT. The Senator from Washington is recognized.

Mr. HICKENLOOPER. Mr. President, I do not desire to interfere with the Senator from Washington, but, in view of the fact that I may be away from the session of the Senate later this afternoon, I thought I should make a statement now.

Mr. MAGNUSON. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, on last Friday in executive session, I objected to the consideration of the nomination of William O'Dwyer, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico. When the Foreign Relations Committee voted to recommend to the Senate that it advise and consent to the appointment of Mayor O'Dwyer, I voted present. My reasons for voting present were that some questions, which might or might not be of a serious nature, depending upon the evidence that touched on them, were raised in connection with the nomination of Mayor O'Dwyer, both in communications to me and in communications to the chairman of the Committee on Foreign Relations. The mayor was asked to come before the Committee on Foreign Relations. Certain of the matters were discussed in committee, and it became apparent to me, at least in my judgment, that there was accessible to the Committee on Foreign Relations evidence which would completely clear up the matter one way or the other. I moved that at least part of the evidence be secured by the Committee on Foreign Relations. The committee voted my motion down. The evidence was not secured or examined by the Committee on Foreign Relations. Therefore, in view of that action by the committee, and its desire to proceed with its action to recommend the confirmation of Mayor O'Dwyer's nomination, I voted present in the committee meeting.

I am still of the same opinion. Under the state of the record, I feel I am not warranted in voting for the confirmation of Mayor O'Dwyer's nomination to be Ambassador to Mexico, and also under the state of the record I feel in fairness I am not warranted in voting against it. I think it is an unsatisfactory situation from my standpoint, but, so far as any objection which I entered on Friday evening is concerned, I withdraw the objection, so that any time the leadership wants to bring up the nomination in executive session it may do so. I thank the Senator from Washington.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the unanimous-consent agreement entered into, the time from now until 1 o'clock is equally divided between the Senator from Washington [Mr. MAGNUSON] and the Senator from Wyoming [Mr. O'MAHONEY] on the amendment offered by the Senator from Wyoming to the bill (H. R. 8847) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes, which is now the unfinished business.

The Chair wishes to state that an error was made in the printing of the unanimous-consent agreement on the calendar. It states that the time after 1 o'clock is to be controlled by the Senator from Wyoming [Mr. O'MAHONEY]. It should be the Senator from Washington [Mr. MAGNUSON].

NOMINATIONS TO GENERAL ASSEMBLY OF UNITED NATIONS

Mr. WHERRY. Mr. President, I ask unanimous consent to proceed for 3 minutes.

Mr. MAGNUSON. Mr. President, I yield 3 minutes to the Senator from Nebraska.

The VICE PRESIDENT. Without objection, the Senator is recognized for 3 minutes.

Mr. WHERRY. I should like to inform the majority leader that if the request is made there will be no objection that the President be notified of the confirmation of the nominations of the Senator from Massachusetts [Mr. LODGE], the Senator from Alabama [Mr. SPARKMAN], to be representatives of the United States to the fifth session of the General Assembly of the United Nations, and the nomination of Benjamin V. Cohen, of New York, to be alternate representative.

I believe the nomination of Mr. Cohen has not been confirmed.

The VICE PRESIDENT. It has not been.

Mr. WHERRY. So the President would not be notified. The other two have been confirmed. My understanding is that when the appointments are confirmed, the Senator from Missouri will not object in these cases to the President being notified, so that the nominees may begin their functions in the United Nations. I desired to make this announcement.

Mr. MAGNUSON. Mr. President, I am afraid this matter will lead to debate in which all my time will be taken up. I have only about 15 minutes.

Mr. McFARLAND. Mr. President, will the Senator yield half a minute to me

Mr. MAGNUSON. I have yielded to the Senator from Nebraska.

The VICE PRESIDENT. The Senator from Washington yielded to the Senator from Nebraska.

Mr. WHERRY. I have 3 minutes, and if the confirmation is made within my 3 minutes, I shall not object, but if the Senator from Missouri thinks it will take longer, I should like to proceed .

Mr. DONNELL. Will the Senator permit me to say a word?

Mr. WHERRY. I yield to the Senator.

Mr. MAGNUSON. I yield for 3 minutes.

Mr. DONNELL. Mr. President, I have been very reluctant indeed to waive any objections to the notification of the President in these three cases, not because of opposition to any of the three nominees, but on the principle involved. It is very unfortunate that we should deviate from the rule of the Senate, which has the wholesome intent and purpose of allowing a reasonable time for reconsideration of action in the way of confirming nominations.

In view of what I assume to be the very great importance of action in the present situation, however, and certainly in the knowledge I have of our very good

friends, the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. SPARKMAN], and having no reason to think there is any objection to Mr. Cohen, I have, as the Senator from Nebraska indicated, consented in these cases to raise no objection. But I want it distinctly understood that I do not in any sense indicate any deviation from the general rule and principle upon which I stand in this matter.

CONFIRMATION OF NOMINATION OF BENJAMIN V. COHEN

The VICE PRESIDENT. The Chair does not understand that Mr. Cohen's nomination has been confirmed as yet. The other two nominations have been confirmed. Objection was made to the confirmation of Mr. Cohen.

Mr. CONNALLY. Mr. President, I move that the nomination of Mr. Cohen be confirmed.

The VICE PRESIDENT. Is there objection, as in executive session——

Mr. HICKENLOOPER. Mr. President, I withdrew my objection.

The VICE PRESIDENT. The Chair understood the Senator from Iowa to withdraw his objection to the confirmation of the nomination of Mayor O'Dwyer, but did not understand he did the same as to the nomination of Mr. Cohen.

Mr. WHERRY. The Senator from Iowa did withdraw his objection.

The VICE PRESIDENT. The Chair is sorry he did not understand that. Without objection, then, as in executive session, the nomination of Benjamin V. Cohen to be alternate representative of the United States of America to the fifth session of the General Assembly of the United Nations is confirmed, and, without objection, the President will be notified in all the cases of the confirmation of the representatives to the United Nations.

Mr. LEHMAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks, a statement which I have prepared on the nomination of Mr. Benjamin V. Cohen as alternate delegate to the General Assembly of the United Nations.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, there is pending before the Senate the nomination of Mr. Benjamin V. Cohen as alternate delegate to the General Assembly of the United Nations. This nomination was blocked by an objection last week, when the rest of the nominations for the delegation were approved.

I am sure, Mr. President, that there is no intention on the part of any considerable number of Senators to question the qualifications of Mr. Cohen for the important post to which he has been nominated. Yet the very fact that Mr. Cohen's nomination was not confirmed at the same time as the others may raise questions in some minds which I, at least, should like to do my part to put at rest.

Mr. Cohen has been a member of almost every United States delegation to the United Nations since the UN was founded. He was counselor of the State Department under Secretary of State Byrnes and under Secretary Marshall. He was one of the architects of the United Nations, as a member of the original Dumbarton Oaks group which drafted the Charter of the United Nations.

I know of no American citizen who has served his country more selflessly and more intensively than Benjamin V. Cohen. For the past 18 years, Ben Cohen has been one of the great contributors to the social advances made by the United States. He was one of the draftsmen of the Securities and Exchange Act, the Holding Company Act, and of many of the most important pieces of legislation now on the statute books of the United States. He is widely acknowledged as one of the great constitutional lawyers of this country.

He recently and successfully pleaded a historic case on behalf of the General Assembly of the United Nations before the International Court at The Hague, charging Hungary with actions in violation of the human-rights provisions of the United Nations Charter.

This man has never sought personal privilege or recognition for himself. He is the closest thing to a selfless man I have ever known. He is one of America's most useful citizens. He is one of America's most patriotic citizens. I know of no one more qualified to battle against the insidious designs of Soviet Russia in the United Nations General Assembly.

I ask that this nomination be approved without delay, and with a sense of gratitude at Mr. Cohen's willingness to serve in this high capacity.

CONGRATULATIONS TO THE VICTORIOUS ARMIES IN KOREA

Mr. MAGNUSON. Mr. President, I yield to the Senator from Nebraska for a short statement.

Mr. WHERRY. Mr. President, the American armies in Korea, by the bold strategy of their commander, Gen. Douglas MacArthur, have apparently turned the tide; they have transformed what appeared a humiliating defeat into a spectacular victory.

There may still be much trouble ahead of us; we still do not know what pitfalls we may encounter. But at a time when the prestige of the American arms was at a low ebb throughout the world; when we ourselves in this country became worried over the consequences of the tragic lack of preparedness, the American soldiers, marines, and sailors performed what may be described as a miracle. Despite their being outnumbered, they took the offensive by a daring landing in the rear of the enemy and changed the course of the campaign.

The American flag is already flying over Inchon; and it may be planted within a short time over the capital of the South Korean Republic, Seoul.

I am sure that all the members of this body will unanimously agree that the Senate of the United States convey to the American heroes in Korea, through their commander, General MacArthur, their deepest gratitude and the Nation's heartfelt thanks for a job well done.

Mr. President, I ask unanimous consent that at this point in my remarks there be printed an article by the distinguished commentator, Constantine Brown, in his column, This Changing World, which appeared in the Washington Star today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS CHANGING WORLD—AMERICAN OFFENSIVE IN KOREA RESTORES PRESTIGE NOT ONLY IN ASIA BUT EUROPE

(By Constantine Brown)

The American people owe a deep debt of gratitude to that handful of men who have been fighting in Korea since last June. By their unflinching courage, endurance, and resourcefulness they were able to turn the tide and make what appeared to be likely defeat into a spectacular victory.

It is too early, of course, to assume that we have won finally in Korea. There are a number of questions which must be answered before General MacArthur can cable Washington, "Mission accomplished."

One element of doubt is Russia and what she will do. Will Moscow order the Chinese Communists to move across the Yalu River, after we have made a long advance from our present beachhead? Will she accept the defeat of her unfortunate satellite and thus risk a certain and devastating loss of face, not only throughout Asia but among her puppets in Europe?

The repercussions of the daring operations of the last 4 days, which so unexpectedly placed the American forces on the offensive, will be felt shortly throughout the world and particularly in eastern Germany, where military prowess ranks high above ideology.

THEY CAN STRIKE BACK

Will Russia allow her careful plot for domination to collapse, without engaging either her own forces or those of the Chinese Communists? Will she allow the troops of that "arch warmonger," General MacArthur, to thwart the carefully laid plans of the Kremlin's plotters? These are questions which no one can answer at this moment. All we know is that the Reds have the capability to retaliate.

Furthermore, will the Chinese puppets, who undoubtedly are impressed by the spectacular strategy of the American military and the superb fighting ability of the "green" American forces, be willing to follow Moscow's dictates at this stage of the game? The Russian plotters have lost face, and that is of paramount importance in the east.

American soldiers, sailors, and airmen have restored the prestige of the United States throughout the world. In spite of the dozens of billions of dollars which we have spent in Europe to gain friends and associates, the inevitable defeats which we suffered at the hands of an enemy fully prepared for war made a deep and unfavorable impression all through western Europe.

FEELING IS CHANGED

The people there—with no appreciation of our difficulties—jumped to the convenient conclusion that America was a colossus with feet of clay. They argued that if this enormously wealthy and highly industrialized Nation of 150,000,000 were incapable of handling the armies of a Russian puppet of only 8,000,000, what chance would western Europeans have of American protection against the Red masses? And a feeling of neutrality was spreading among our allies across the Atlantic.

The landing behind the North Korean lines, at a time when we were barely hanging onto our beachhead, already has created a different feeling among the Atlantic Pact nations. These people, who have been fighting wars for hundreds of years, quickly grasp bold and brilliant strategic movements.

The French and British, who fought on the defensive for the most part in the two world wars, have a deep respect for such daring offensive moves as our fighting men have

made in Korea. And the masses react more quickly to spectacular displays than they do to any kind of propaganda or dole.

The victories—even if they are followed by some reverses if the masses of Chinese armies are thrown into the battle—have had a salutary effect on the home front. Those who were responsible for our total lack of foresight and preparedness when the North Korean attack caught us by surprise squirmed to find excuses, alibis, and scapegoats. It was said that the troops which we rushed across the Korean straits were softened by the garrison life of an army of occupation and that their officers preferred to live in luxury, surrounded by geisha girls, rather than give the depleted occupation divisions the necessary battle training. There was little praise for the heroism of the 500 who composed the first American contingent rushed to Korea to delay the Red onrush from the north.

FOUGHT LIKE VETERANS

These men were outnumbered 10 to 1. Yet they fought on like old battle-hardened veterans. It was whispered in some of the highest quarters that General MacArthur, at the age of 70, did not have the energy and mental capabilities necessary in a field commander. There were indications—not from the Pentagon—that it might be advisable to replace him with some younger man and that the old gentleman might remain merely a figurehead and an administrative officer.

The people of this country, alarmed at the heavy casualties, the enormous cost and the lack of success of our fight in Korea, were wondering where we were going and what we were doing. Some began to doubt that we could fight if this war were to spread farther.

The men in Korea—a handful at first—stood their ground. They fought desperately against overwhelming odds. They were often dispirited like most armies which are continually in retreat. But they never lost faith and determination.

The exploit of last Friday was their reward. They did more than surprise the enemy. They restored the faith of the country and of the free world in American arms.

ECA AID FOR COUNTRIES SHIPPING STRATEGIC WAR MATERIALS TO RUSSIA

Mr. WHERRY. Mr. President, the Washington Evening Star of last Saturday carried an excellent editorial in support of the Senate amendment to stop ECA aid for countries that ship strategic war materials to Russia and her unwilling satellites.

This editorial clears up some of the misstatements that have been made regarding the amendment.

I ask unanimous consent that the text of the editorial be placed in the body of the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WHERRY RIDER

If House conferees go along with the Senate-approved version of the emergency defense appropriation bill, all countries participating in the Marshall plan will risk being cut off from our economic help under that plan if they ship to the Soviet Union or its satellites any commodity or article declared to be useful in the manufacture of "arms, armament or military matériel."

This provision—which would not stop our arms aid to any penalized country—is based on a modified version of a proposal long advocated by Senator WHERRY. Tacked on to the appropriation bill in the form of a rider, it is aimed primarily at the British Labor Government, which has been under fire both in its own country and here in America for exporting to Russia, and eastern Europe as a whole, machine tools and other items deemed to be of service to the Kremlin's war potential.

Although Prime Minister Attlee has taken steps to tighten trade controls on all such shipments, the Senate's action—pushed through without dissent after Mr. WHERRY's ideas had been watered down some—reflects the serious doubts that still exist in the United States, and in Britain as well, as to whether he has yet gone far enough with the tightening process. If he has not, then the rider—unless the House refuses to accept it in conference committee—will put him on notice either to do so or face the prospect of having his country denied the benefits of the Marshall plan.

Of course, under the 1948 act creating the Economic Cooperation Administration to put that plan into effect, Congress instructed the ECA to shut off the flow of certain materials to any participating nation found to be using those materials in producing military or semimilitary items for shipment to Russia or its satellites. But the Wherry rider—which would be operative whenever our Armed Forces were fighting to carry out a mandate of the United Nations (as in Korea)—is much more sweeping than that, for it would deny all Marshall aid to a country exporting militarily useful items to the Soviet sphere.

Moreover, unlike the act of 1948, the rider does not leave it up to Mr. Hoffman—the ECA Administrator—to exercise discretion in this matter. He would have no choice but to put the provision into effect against any participating nation found to be shipping to countries behind the iron curtain things that had been placed on the "verboten" list by the Secretary of Defense. The latter would be the sole decider of what commodities or articles ought to be banned from export.

Administratively, economically and otherwise, the wisdom of such an arrangement may be open to serious question. But the incoming Defense Secretary would be the last man to hurt the great project that bears his name—the Marshall plan. Accordingly, if the Wherry rider is adopted by Congress as a whole, it need not be feared by any of the ECA nations living up to its basic purpose. Certainly, as far as that purpose itself is concerned, there can be no doubt that the free world, if it has common sense, will do nothing to help build up the Soviet war machine.

DEVELOPMENT AND MAINTENANCE OF AMERICAN-FLAG SHIPPING ON THE GREAT LAKES

The Senate resumed the consideration of the bill (H. R. 8847) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes.

Mr. MAGNUSON. Mr. President, we are to vote on the O'Mahoney amendment to the so-called Great Lakes shipping bill, and the bill itself, beginning at 1 o'clock.

On Friday several questions were asked regarding the purport of the bill, and because it is a technical matter and somewhat difficult to understand, I undertook over the week end to prepare answers to questions with facts pertaining to the matter, and also to anticipate other questions which might arise.

The first question that was asked and was in the minds of most Senators was, Does this bill give new benefits to the shipping industry?

The answer is "No." Substantially all the bill does is to extend existing law to include 10 ships for use on the Great Lakes.

The second question is, How much will this bill cost the Government? The distinguished and able Senator from Georgia asked me that question a few moments ago. The answer is the bill will not cost the Government any money, nor require any appropriation. On the contrary, the Treasury will receive a substantial return from receipts from sale of these vessels which otherwise would remain in laid-up fleets and from taxes on the earnings of the ships and crews. The Treasury would also be relieved of the cost of many thousands of dollars per annum for maintaining each of these ships in laid-up fleets. Shipyards would also be given much-needed work to keep them in operation.

The next question that was asked was whether the enactment of the bill would hurt our national defense. The answer is that the enactment of this bill will benefit our national defense. In the first place, these vessels will be available on the Lakes for military use to carry troops and equipment in the event of an attack "over the top." If not so needed, these vessels can be removed from the Lakes for ocean use. The number of ships covered by the bill, 10, is so small in relation to the thousands in laid-up fleets and in operation on the ocean that it can have no detrimental effect on ocean defense needs. The National Securities Resources Board has approved this bill.

Another question was, Does the 90-percent allowance mean that the buyers would get their ships for 10 cents on the dollar? The answer is "No."

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MAGNUSON. I cannot yield. I have only 5 or 10 minutes. I merely wish to put in the RECORD the information I have prepared.

In order to buy a ship under this bill, Great Lakes purchasers would have to pay the full Ship Sales Act price. Under existing law, ocean buyers get the same allowances and pay the Government the difference between the shipyard costs of reconverting the vessels and the Ship Sales Act price. In many cases allowances granted to ocean buyers have been over 90 percent. This limitation merely sets that as the maximum allowance for lake ships. If the conversion costs only run 50 percent, they would get only that amount as an allowance and the remaining 50 percent would have to be paid to the Government.

Another question was, would the bill permit the sale of ships which the Navy might want? The answer is that under the existing Ship Sales Act, to which this bill is merely an amendment, the Secretary of the Navy must be consulted by the Maritime Administration regarding what vessels should be kept in the national defense reserve. The Joint Chiefs of Staff have already put their fingers on some 494 ships which they say should be in the naval reserve. Those ships cannot be sold even to buyers for ocean trade. If the Secretary

of the Navy wanted any particular ships retained, he could object to their sale.

Another question was, What is the alternative to this bill? The answer is that the alternative to selling ships under this bill would be to let them remain rusting in the laid-up fleets. For example, one buyer under this bill wishes to buy a C–4-type vessel. Of all the C–4 vessels built by the Government during the war, not a single one has been sold under the Ship Sales Act. These vessels can either remain in the laid-up fleet or be put to practical use on the Great Lakes under this bill.

The Senator from New Mexico [Mr. ANDERSON] has indicated he will ask whether the 75-percent guaranty under the Federal Ship Mortgage Insurance Act amendment, section 4, would apply the 75-percent provision to the net purchase price alone, or also to the conversion cost.

The answer is that the 75-percent provision would apply to the aggregate of the net purchase price and the conversion expenditures actually made. This is made clear in the House report. In some cases they may run maybe not over $300,000 or $400,000. This is made clear in the House report, which is a very complete report on the bill. The bill was reported by the House committee unanimously and was passed unanimously by the House.

In other words, buyers must pay down at least 25 percent of their own money for both the net purchase price and conversion costs, the guaranty going only to 75 percent of the aggregate of these costs. In no event, however, can this guaranty be more than 75 percent of the appraised value of the vessel after completion.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an answer to the suggestion made by the distinguished Senator from Pennsylvania [Mr. MARTIN] in connection with which he argued that the C–4-type vessel cost $4,000,000 to build.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ARGUMENT THAT ALLOWANCES UNDER H. R. 8847 SHOULD BE REDUCED BECAUSE BUYERS OF VESSELS GET A BARGAIN

Senator MARTIN argued that the C–4-type vessels cost $4,000,000 to build, that the Ship Sales Act prices of such vessels is $1,600,000, and that if allowances are granted the Government gets only a fraction of the cost of the ship. This argument is unsound for numerous reasons.

The $4,000,000 price for a C–4 is the average price for all C–4's, including those built in inefficient shipyards under war conditions with high war costs. While I do not have actual figures, I feel confident that the cost of such a ship in an efficient yard was much, much less than the $4,000,000. For example, the average price of a Liberty ship built in all yards was approximately $1,550,000. Some yards spent as much as $2,250,000 to build a similar Liberty ship. But the more efficient yards built Liberty ships for as low as $800,000. As the Ship Sales Act price is $544,000 for a Liberty ship, it will be seen that, as compared to the low price of an efficient yard, the buyer pays a large proportion of the wartime cost of the vessel. I believe that this is a larger proportion than any other surplus property is sold for.

If the same proportions apply to a C–4 as the Liberty, it will be seen that although the average cost is $4,000,000, it is probable that the efficient cost will be about half that, or about $2,000,000. A Ship Sales Act selling price of $1,600,000 therefore, is very much in line with this original cost price.

It is also argued that the $1,600,000 price is a great bargain. If it is remembered that the value of any asset is only what buyers are willing to pay for it, it will be seen that this is not true, as there is no demand for the purchase of C–4's at anywhere near the Ship Sales Act price. Suppose during the war we built B–17 planes at a cost of $300,000 apiece. Today the Government probably could not sell them for $10,000 apiece. I think people could not criticize the sale of B–17's for $10,000, as that is all they are worth in the going market. The same is true of ships. The Government built thousands for which there is no demand. Not a single C–4 has been purchased from the Government. It would be seen, therefore, that the price which is paid for these vessels under the Ship Sales Act is extremely reasonable.

If the vessels in Government hands require extensive repairs and conversion work, their value is less, as the allowances will be only the amounts required to be spent to put the ship in shape. The Government's interest in the ships is only worth the difference between what the real value is less the repair costs. As you only get the allowances for money actually spent for repair and conversion work, you can see that the procedure set forth in this bill is proper.

Mr. MAGNUSON. Substantially this statement refers to the late costs, near the tail end of the war, when C–4 ships were built. The statement places all the facts and figures of their cost in the RECORD.

Mr. President, I also ask unanimous consent to have printed in the RECORD, at this point, a statement which corrects the impression that one or two Senators had, that if these vessels were sold under the bill, subsequently, if the vessels were required by the Government for war purposes, the buyers would be entitled to the full value of the vessels. That is incorrect, and I wish the RECORD to show why it is incorrect.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ARGUMENT REGARDING POSSIBLE PROFITS TO BUYERS OF VESSELS UNDER THIS BILL (H. R. 8847) IF SHIPS ARE SUBSEQUENTLY REQUIRED BY THE GOVERNMENT

Senator LONG, who supports this bill, states that in a conversation with a colleague he received the impression that if these vessels were sold by the Government under this bill and subsequently required by the Government for a war emergency, the buyer would be entitled to the full value of the vessel at its original cost of approximately $4,000,000. This is completely incorrect. If the Government subsequently recaptured these vessels, they would pay only the depreciated cost of the vessel to the buyer.

Under existing law, the Government may take these vessels upon payment of just compensation, without any additions or enhancement in value resulting in the cause for such taking. In other words, the value of the vessel is not increased to the Government because the war emergency has made vessels more valuable to the Government. In computing compensation for these vessels, there is no question in my mind but that the price paid by the Government as just compensation would be based on the amount actually paid by the buyer under this bill for the ships, without any additional amounts granted for enhancement of value of the vessels because of any war emergency.

Mr. MAGNUSON. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement which I hope will clear up to a great extent the misunderstanding regarding the 75 percent, and what the buyer receives, what the allowances are, what the recapture clause is, matters which relate directly to the amendment of the Senator from Wyoming [Mr. O'MAHONEY].

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR O'MAHONEY'S AMENDMENT TO H. R. 8847, A BILL TO DEVELOP AND MAINTAIN GREAT LAKES SHIPPING

Senator O'MAHONEY has introduced an amendment which would reduce the maximum allowances granted to ships sold for use on the Great Lakes from 90 percent to 75 percent. I am informed that adoption of such an amendment would probably defeat the purpose of the bill and it is doubtful that any vessels would be bought under these circumstances. I think Senator O'MAHONEY's amendment is based on a misunderstanding of facts, and that if these facts are presented to the Senate they will be willing to vote down the amendment.

As many people have difficulty in understanding the effect of the allowance provision, let me first analogize it to an easily understood situation with automobiles. Supposing a second-hand 1946 Buick has a Blue Book resale price of $1,000. A customer goes into a dealer who informs him that he has a 1946 Buick which he is willing to sell for $1,000, but that the car is in bad condition and will require repairs. He informs the customer that he can either pay the dealer $1,000 directly and the dealer will have the repairs made, or the customer can have the repairs made at whatever auto-repair shop will do the work for the lowest possible price, and pay the difference to the dealer. For example: if the repair work on the car cost $600, that amount will be paid to the repair company and the dealer will get the difference between $600 and $1,000, or $400. You will note that in any case the buyer is out of pocket the full $1,000 Blue Book price and that the dealer gets the full value of his interest in the car requiring the repairs.

In the first few months of operation under the Ship Sales Act, the Maritime Commission made all necessary repairs on vessels and then sold them to buyers at the full Ship Sales Act price, without any allowances. Congress subsequently decided to take away from the Commission its revolving fund used for this purpose, and an appropriation act during 1947 provided that, instead of making the repairs, the Maritime Commission would have the buyer make the necessary repairs to get the vessel in shape and deduct the cost of such repairs from amount paid the Commission as the Ship Sales Act price. You will note that this is exactly the same as the automobile example given above.

Let's use an actual situation with an ocean vessel. Suppose the Ship Sales Act price of a vessel is $1,000,000. The buyer picks out his ship, and his engineer and the Maritime Commission engineer go aboard and inspect the vessel, making a list of the work which must be done to put the ship in shape, as a standard ocean-going ship. They make up a list of specifications of needed repairs and these specifications are then issued to all the shipyards in the vicinity. The shipyard making the low bid gets the work. The shipyard is paid the cost of this work by the buyer. The amount paid to the shipyard is then the allowance given to the buyer, and is deducted from the Ship Sales Act price, with the balance being paid to the Government.

Please note that the buyer gets as an allowance only that amount which he actually paid to the shipyard for the repairs required to put the ship in operating shape. You will also please note that the buyer is out of

pocket the full Ship Sales Act price. He gets as an allowance only that amount that he actually spends for the necessary work. As you will note, the result of this is that the buyer gets a ship in shape in return for the full Ship Sales Act price.

In the case of the ocean vessels, the necessary repairs for those amounted in many cases to over 90 percent of the Ship Sales Act price and in some to as high as 99 percent. The buyers have been given allowances for such percentages. This is perfectly proper, as the allowances were only equal to the amounts which they were actually out of pocket to repair their vessels. In other words, the allowances were just the amounts paid to get a ship in shape. The amount received by the Government was all that it was entitled to, as the produce the Government had to sell required these necessary repairs in order to put the ship in shape.

The allowances given to buyers under this bill will, similarly, be only the amount for which the vessel purchased requires to put it in shape for use on the Lakes. The Government will get what its vessel in present condition is worth, by deducting from the Ship Sales Act price the amount paid to the low-bidding shipyard. Note, however, that the buyer must actually pay the conversion allowance to the shipyard in order to be given credit for it. In other words, he is out of pocket the full Ship Sales Act price for the vessels, as the sum of the amounts he pays the Government and the repair yards equals the vessels cost.

I am informed that while the C–4 cost is only $1,600,000 under the Ship Sales Act, the estimated conversion cost for Lakes use is $2,200,000. If 90 percent of the Ship Sales Act, or $1,440,000, is given under this bill as an allowance, the buyers would still be required to pay an additional $760,000 for the conversion work for which they receive no reimbursement or allowance. If the 75-percent amendment were to prevail, this cost would be increased by $240,000. This would be extremely unfair, as 700 ocean buyers and 1,100 vessels sold to foreigners were not so penalized.

We have sold 1,100 vessels to foreigners and 700 to Americans for ocean use, with allowances up to 99 percent of the Ship Sales Act price. It would be completely unfair to penalize these 10 vessels for Great Lakes use by limiting allowances granted them to 75 percent. It seems only proper that the Great Lakes should be given the same allowances.

If some amendment is required, may I suggest that you do not put in the 75-percent clause. Instead, strike out the entire limitation clause. This would put the Lake purchasers on exactly the same basis as ocean purchasers. But, it will be noted if this is done, they will be allowed up to 99 percent of the cost instead of 90 percent.

Mr. MAGNUSON. Mr. President, I have 5 minutes remaining. The Senator from Minnesota [Mr. THYE] wishes to make a statement. I should also like to yield to the Senator from Oregon [Mr. CORDON] for a short statement. I wonder if the Senator from Wyoming is going to use all his time, or if he will allow the Senator from Oregon to have a portion of his time.

Mr. O'MAHONEY. Mr. President, if I may take a few minutes now perhaps I can straighten out the situation.

Mr. WILLIAMS. Mr. President, will the Senator from Washington yield for one question?

Mr. MAGNUSON. Yes.

Mr. WILLIAMS. As a member of the committee who opposed the bill in committee, and who opposed reporting the bill to the calendar, I wish to ask if any consideration is to be given the Senator from Delaware to make a statement in opposition to the bill?

Mr. MAGNUSON. Yes, Mr. President; when the bill comes up, I shall be glad to yield 10 minutes to the Senator from Delaware. Under the unanimous-consent agreement, the Senator can have 10 minutes' time.

Mr. WILLIAMS. Perhaps there will not be any time left for the Senator from Delaware. I may not be able to be given 10 minutes.

Mr. MAGNUSON. The Senator from Delaware can offer an amendment, and speak on it for 10 minutes.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WILLIAMS. In view of the fact that the Senator from Delaware has no amendment to offer, and in view of the fact that he would like to have the opportunity to make a statement, and believes that, as a member of the committee, he should have an opportunity to make a statement, may I be given some time on a motion to recommit the bill?

The VICE PRESIDENT. The Senator from Delaware would have 10 minutes to speak on such a motion, or either Senator in charge of time might yield the Senator from Delaware some time.

Mr. MAGNUSON. I have served many years in the House, and I can say to the Senator from Delaware that if he does not have an amendment to offer, and desires to speak, he can move to strike out the last word.

The VICE PRESIDENT. That rule does not prevail in the Senate.

Mr. MAGNUSON. It does not? The Senator from Delaware can submit a written amendment to strike out the last word, and he can speak on that amendment.

Mr. O'MAHONEY. Mr. President, will the Senator from Washington yield to me?

Mr. MAGNUSON. Mr. President, I yield the floor.

Mr. O'MAHONEY. I desire to say to the Senator from Delaware that I shall give him ample time in which to discuss this matter.

Mr. THYE. Mr. President, will the Senator yield for one moment?

Mr. O'MAHONEY. I yield.

Mr. THYE. I wish to say that I shall be glad to yield to the Senator from Delaware some of the time that may be allotted to me, in order that he may be accommodated in his desire to speak.

Mr. O'MAHONEY. I am sure there will be no disposition to prevent the Senator from Delaware from making his statement.

Mr. MARTIN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MARTIN. I also would like the opportunity of making a statement. I have already made a statement. The statement I now wish to make is very brief. But I feel that in fairness to the taxpayers and the people of the United States, I should make a brief statement. I should like to be given the opportunity to make it. I do not wish to speak under the subterfuge of an amendment which might not even be considered germane.

Mr. O'MAHONEY. Mr. President, I may say that when the Senate recessed on Friday I was under the impression that a unanimous-consent agreement had not been reached, but that the bill would be the unfinished business and that there would be ample time for every Senator who desired to speak on it. I find now by glancing at the calendar that a unanimous-consent agreement was entered into, and that the Senate will begin voting on amendments to the bill at 1 o'clock. I may say to the Senate that I submitted my amendment during the night session on Thursday for the purpose of securing an explanation on the part of the committee of the considerations which prompted the committee to make allowances to be deducted from the adjusted statutory price of the vessels. Of course, I am not a member of the committee and therefore had no opportunity to participate in the hearings. Since that time I have been advised that the principle upon which the committee acted is similar to that in which a person may buy a used automobile and agree to pay, let us say, $1,500 for it, but with the understanding that the cost of rehabilitating it shall be deducted from the compensation. I have been given to understand that the expense of rehabilitation will be assumed by the purchasers and not by the Government. That was not clear at the time the motion was made. Therefore, Mr. President, so far as I am concerned, I am not going to press my amendment. But it has been offered, and some Members of the Senate apparently are opposed to this matter, and they will have plenty of time to discuss it.

I do, however, want to take 5 minutes, because I announced last Friday that it was my intention to take the floor today at the first opportunity to say a word about the importance of statehood for Hawaii and for Alaska.

The VICE PRESIDENT. The Senator from Wyoming is recognized for that purpose.

IMMEDIATE STATEHOOD FOR ALASKA AND HAWAII NOW IMPERATIVE FOR INTERNATIONAL RELATIONS

Mr. O'MAHONEY. Mr. President, I prepared a brief statement, which was a summary of some of the things I wanted to say respecting immediate statehood for Hawaii and Alaska, and since it has been handed to the press and to the wire services, Members of the Senate will realize the importance of my making the brief statement now. I shall, however, take the floor at the earliest opportunity after the vote is had at 1 o'clock, to pursue the matter.

I want to call to the attention of the Senate in the first place that the Assembly of the United Nations will meet in the city of New York tomorrow. Nations from all over the world, representing peoples of all diversities, will gather to determine whether or not in the judgment of the free peoples of the world the United Nations shall be supported in its effort to resist totalitarian communistic aggression in Asia. We are battling for the minds of men all over the world. It has seemed to me that the meeting of the

Assembly tomorrow, as well as the advance of the United Nations forces in Korea under the leadership of General MacArthur with a vast preponderance of American fighting men, makes this the psychological time for the Senate to complete action on these bills to enable Alaska and Hawaii to become States.

Alaska and Hawaii are American outposts in the Pacific. What we in Congress do now with respect to statehood for these two Territories will have an immediate effect throughout the world, and particularly throughout the Asiatic areas.

To make completely successful the present struggle in the Pacific, the peoples of Asia must be convinced that the United States does not seek to establish colonial imperialism, contrary to the accusations of Russian propaganda. Immediate statehood for Alaska and Hawaii will be the most convincing argument we can now make that military success against communistic aggression in Korea means freedom and self-government for all Asiatic peoples, and not colonial subordination.

In Alaska, 26 percent of the population is composed of Eskimos, Indians, and Aleuts. The economic and social status of these natives have greatly improved under the American system, as evidenced by the fact that natives have risen to outstanding political distinction in the Territory. Last year, by the unanimous vote of his 15 white colleagues, Frank Peratrovich, a native who has served as Mayor of Klawock, Alaska, was elected president of the Territorial senate. Six out of 40 of the present membership of the Territorial legislature are members of native races, 3 of them being Eskimos. Many natives are members of various Territorial boards.

In Hawaii, where citizens of Japanese ancestry constitute approximately 39 percent of the population, and more than 19 percent are of Hawaiian or part-Hawaiian origin, a basic tenet of the Territory has been political equality with no racial discrimination.

As in Alaska, where, as already pointed out, a native was elected president of the senate by his Caucasian colleagues, so also in Hawaii a man of Japanese ancestry, Wilfred C. Tsukiyama, a veteran of World War I, a graduate of Coe College in Cedar Rapids, Iowa, and the University of Chicago, was unanimously elected president of the Territorial senate.

Many citizens of Hawaiian blood have also risen to distinction in the political life of that Territory. More students than can be accommodated from all parts of the Pacific area seek an education at the University of Hawaii, a public institution of learning at Honolulu.

We are accused by Russia of intent to subjugate to colonial status the people of Korea. We are accused by Russia—and the accusation has been made by Jacob Malik at the meetings of the Security Council of the United Nations—that our purpose is to reestablish colonialism throughout Asia.

How better can we convince the people of the Pacific than by granting immediate statehood to these American Territories that our only aim is to establish their freedom and that we seek no imperialistic concessions. It was Dr. T. F. Tsiang, representative of Nationalist China on the Security Council of the United Nations, who, in responding last August to Jacob Malik, of Russia, declared that, unlike Russia, the United States never sought political or economic concessions in China. Our action in giving complete independence to the Philippines is further evidence of our purpose.

Soviet propaganda iterates and reiterates the colonial lie. Statehood now for Alaska and Hawaii will be the very best proof that we can give that military success in Korea now coming to our Armed Forces and to those of the United Nations will mean freedom, both politically and economically, to the people of Asia.

More than that, however, statehood for these two Territories will be the redemption of our historic pledges and our party platform pledges. Furthermore, by providing complete self-government through statehood, we will be immeasurably strengthening national defense in the extreme outposts of our national Territory.

These are the factors of international policy and of national defense which prompt me to urge upon the Senate that, before this Congress is adjourned, we shall give proof of our good faith to all the peoples of the Pacific and to all the peoples of the world represented in the Assembly of the United Nations by taking up for immediate consideration the two statehood bills. This will be a message of peace and freedom that no iron curtain can withhold from the peoples of Asia and of Communist-dominated territory.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. CORDON. I wish to associate myself with the sentiments expressed by the senior Senator from Wyoming with reference to both these statehood bills. I think it will be most unfortunate if the Congress adjourns before both these bills have been given adequate consideration.

I regret that they have met with delay, delay, delay, ever since the session opened. They were on the calendar when the present session opened; they were passed by the House of Representatives last year.

I wish to say that the Senator from Wyoming has done all he could do, both in connection with the hearings, where there was also delay, to conclude the hearings, which were somewhat extended, and also to secure consideration of the bills on this floor.

I say in all fairness that the majority in control of proposed legislation on the floor of the Senate has need to explain the delay which, so far as I can see, was unnecessary, uncalled for, and most unfortunate.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from New York.

Mr. LEHMAN. I also wish to associate myself with the remarks of the distinguished Senator from Wyoming. I listened for nearly 3 weeks to the hearings on the Alaska statehood proposal. I was deeply impressed with the quality and the persuasiveness of the testimony. I think it was clearly shown that the people of both Hawaii and Alaska are fully qualified for citizenship and for statehood, and that they will become, in their new States, important factors in the economic and political life of this country.

Mr. O'MAHONEY. I thank the Senator from New York. I know he has other things to say in regard to this matter. However, in view of the fact that the time is limited, and in view of the further fact that I have taken 14 minutes which should have been available to the opposition to the Great Lakes shipping bill which is now before the Senate, I am going to yield the floor.

I think the Senator from Delaware and the Senator from Pennsylvania wish to speak.

The VICE PRESIDENT. The Senator from Washington and the Senator from Wyoming have control of the time.

Mr. MAGNUSON. Mr. President, will the Senator from Wyoming permit me to associate myself, also, with his remarks, in which he has expressed views similar to my own?

The VICE PRESIDENT. The Senator can allocate the time, but he cannot yield for speeches in his time.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. O'MAHONEY. Will the Chair state how much time is left for the Senator from Washington?

The VICE PRESIDENT. The Senator from Washington has 7 minutes remaining. The Senator from Wyoming has 11 minutes remaining.

Mr. O'MAHONEY. I yield the remainder of my time to the Senator from Delaware, who is a member of the committee.

Mr. President, the Senator from Minnesota was on his feet, and I think the Senator from Washington was about to yield to him.

I wish to say that I shall bring up the statehood bills immediately following the vote on the pending bill, if I then succeed in obtaining the floor.

Mr. THYE. Mr. President—

The VICE PRESIDENT. The Senator from Minnesota is recognized for 10½ minutes.

Mr. THYE. Mr. President, I, too, would like to associate myself with the statement just made by the very able senior Senator from Wyoming relative to statehood for both Alaska and Hawaii, and likewise with the very able statement made by the senior Senator from Oregon [Mr. CORDON].

DEVELOPMENT AND MAINTENANCE OF AMERICAN-FLAG SHIPPING ON THE GREAT LAKES

The Senate resumed the consideration of the bill (H. R. 8847) to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes.

The VICE PRESIDENT. The Chair wishes to state that he misunderstood the situation. The Senator from Wyoming yielded to the Senator from Dela-

ware, not to the Senator from Minnesota.

Mr. THYE. Mr. President, the Senator from Washington has charge of the time on one side, and the Senator from Wyoming has charge of the time on the other. The Senator from Washington yielded time to me.

The VICE PRESIDENT. The Chair did not recognize the Senator from Washington to yield to any other Senator. The Chair recognized the Senator from Wyoming, and he yielded to the Senator from Delaware.

The Chair, by mistake, recognized the Senator from Minnesota.

The Senator from Washington still has 7 minutes remaining, which he can yield to the Senator.

Mr. THYE. Mr. President, let me say to the Chair, most respectfully, that the Senator from Wyoming yielded the floor; and then I addressed the Chair and was recognized.

The VICE PRESIDENT. The Senator from Minnesota is mistaken. The Chair has no right to recognize the Senator from Minnesota or any other Senator unless he was yielded to by the Senator from Wyoming or by the Senator from Washington.

The Senator from Wyoming yielded 11 minutes, the remainder of his time, to the Senator from Delaware. The Chair by mistake stated that he recognized the Senator from Minnesota, instead of the Senator from Delaware.

Mr. THYE. Mr. President, I accept the mistake, and I am sorry. I shall take my seat.

The VICE PRESIDENT. The Chair is sorry. The Senator's rights will be preserved.

Mr. MAGNUSON. Mr. President, I yield the remainder of my time to the Senator from Minnesota.

Mr. O'MAHONEY. Mr. President, that is quite satisfactory to me. My purpose in yielding to the Senator from Delaware was, as I said, to enable him, as a member of the committee which reported the bill, to dispose of the remainder of the time.

The VICE PRESIDENT. It was the Chair's mistake. It seems to the Chair that we can save time now by permitting the Senator from Minnesota to proceed.

Mr. THYE. Mr. President, the proposed legislation to make available to purchasers, for use on the Great Lakes, not more than 10 surplus, war-built vessels, at prices and with allowances similar to those which have been allowed to purchasers of vessels for use on the oceans under the Ship Sales Act of 1946, recognizes the necessity of rebuilding certain vital segments of Great Lakes shipping which were practically eliminated during World War II when national needs were paramount.

It is intended to help restore package freight shipping and passenger service, thus supplementing the bulk cargo shipping, which now is amply served on the Great Lakes.

It is intended to encourage revival of what was once an integral part of our inland transportation system, which is essential to the economic future and well-being of the entire Midwest, and, in particular, of such States as Minnesota.

The opponents claim that this measure would give an unnatural advantage to such Great Lakes shippers or ship operators. However, I wish to call their attention to the fact that the pending bill would provide direct encouragement to Great Lakes ship operators in connection with the reestablishment of package shipping on the Great Lakes, although actually in a most limited way, involving only 10 ships, or less than 1 percent of the number which were sold to foreign buyers. In reality, the bill would afford to Great Lakes ship operators, as Americans, only substantially the same rights and benefits already granted in the sale of 700 ships to American owners for ocean operation and in the sale of over 1,100 to foreign-flag operators. I believe the policy under which these ocean-going ships were sold and under which allowances made for conversion—the purpose being to encourage an American merchant marine and to replace the vast losses in shipping facilities during the war—was entirely sound and in keeping with the national interest.

I have been informed by the Maritime Administration that from 1945 to the present time, 752 ships of all types have been sold for scrap, including those damaged during the war, obsolete ships and those of insufficient value to be utilized for shipping. The Government has recovered slightly over $18,000,000 for all these ships, which cost many times that amount orginally although the figures are not available. Let me repeat that the Government has recovered slightly more than $18,000,000 for all those ships. To allow any of the ships in the present laid-up fleet to deteriorate to the point where they can only be sold for scrap would certainly be far from economical.

Ten ships would be made available for conversion to Great Lakes use under this bill. That is six-tenths of 1 percent of the number of ships sold for oceangoing purposes. This encouragement of Great Lakes shipping is equally sound in the encouragement of private American industry and equally in keeping with the national interest.

It is also true, as opponents of Great Lakes shipping claim, that restoration of package freight service on the Great Lakes would mean more competition for existing forms of transportation. Freight can be carried on the Great Lakes at substantially lesser cost than offered by other mediums, and that is exactly one major reason it is so essential to areas that suffer because of present rail transportation costs. It would, however, actually supplement rail transportation in the area served, and would give a better balanced and more adequate transportation system at a time when added facilities are badly needed.

A third argument is used against the Great Lakes shipping bill, namely, that it means financial loss to the Government. Enactment of this bill would require no appropriation of public funds. On the contrary, the Government will receive money for vessels deteriorating in laid-up fleets which annually cost large sums to maintain and which would eventually be sold for scrap at a small fraction of the original cost without any resulting transportation benefits. Conversion of 10 ships to lake use would give jobs to thousands of seamen, longshoremen, and shipyard workers on the Great Lakes. It will revive commerce and trade throughout the vast Great Lakes area. In addition, operation of these ships will increase tax payments to the Treasury. It is legislation which will give substantial benefits without cost to the Government.

In 1939 there were 24 ships on the Lakes engaged in package-freight trade and 19 vessels carrying passengers. Today demand for package-freight and passenger service is greater than ever. But now there are no package-freight vessels on the Lakes, and only one, the *Milwaukee Clipper*, which handles some package freight, but is mainly a passenger vessel. There are eight wooden passenger vessels so old, in fact, the Government could not use them for war purposes.

The argument has been made that these 10 ships should not be converted to Great Lakes use as this would weaken national defense in a time of crisis. Exactly the opposite is true.

The National Security Resources Board has recently urged such use of these ships as in the interests of national defense in providing more flexibility in our transportation system. They would, in fact, continue to be available to the Government in our national defense program.

The VICE PRESIDENT. The time of the Senator from Minnesota has expired.

Mr. THYE. Mr. President, I ask unanimous consent that the remainder of my statement be printed in the RECORD as part of my remarks.

There being no objection, the remainder of Mr. THYE's statement was ordered to be printed in the RECORD, as follows:

There are 1,602 Liberty ships, 36 C–4's, and 163 Victory ships in the laid-up fleet at the present time. The Navy has recently requisitioned a number of these ships, but it is significant that not one single C–4 was so requisitioned as these ships were intended for coastwise use. They would be usable on the Great Lakes under the conversion program, but it should be remembered that the Lakes ship operators have not confined their interest to such ships alone.

It is impossible for ship operators to build ships for these trades today because of high capital outlay required for new vessel construction. This has resulted in total destruction of package-freight commerce on the Lakes and stops ship operators, despite urgent public demand in several highly congested traffic areas, from providing greatly needed passenger service.

Great Lakes ship operators have been unable to take advantage of the prices established under the Ship Sales Act because of a technicality in that law. Under that act, allowances up to 99 percent of the sales price of a vessel have been given to reconvert ships for use in salt-water trades. But the act does not permit, under existing legal interpretations, granting similar allowances to Great Lakes purchasers to convert vessels for use on the Lakes. As ocean vessels require major conversion for use on the Lakes, this has prevented purchase of ships under that act by Lakes operators. The primary effect of the pending legislation would be to remedy this situation.

Its more far-reaching effect would be a substantial beginning in the restoration of package-freight service on the Great Lakes, and that is imperative for the survival of business and industry in one of the most

productive areas of the United States. Unless this or similar legislation is passed, there is little hope for revival of package-freight and passenger shipping on the Great Lakes.

The VICE PRESIDENT. The Senator from Delaware is recognized for the remainder of the time allotted to the Senator from Wyoming.

Mr. WILLIAMS. Mr. President, how much time remains?

The VICE PRESIDENT. Nine minutes.

Mr. WILLIAMS. Mr. President, I shall be as brief as possible, because I understand the senior Senator from Pennsylvania [Mr. MARTIN] also desires to make a statement. But I wanted to make the RECORD straight in reference to this bill, because many conflicting and misleading statements have been made by those who are sponsoring the bill relative to the question of whether it is in accord with the best interests in our national defense. The impression has been given that the defense authorities are in support of this bill.

I may say at this time that I have talked with Admiral Cochrane this morning, the new Administrator for the Maritime Commission. He says that this bill, which proposes to allocate 10 of the C–4's to the Great Lakes shipping industry, would be in direct opposition to the best interest of our national defense. I quote him on the floor of the Senate as so saying. He also pointed out that these C–4's, 10 of which we are proposing to send to the Great Lakes, are the fastest ships in the reserve fleet. In their present condition they could, with very small expenditure, be made ready for transport duty in the services, if needed, and if the war should become more serious. By all means, they should not be transferred to the Great Lakes shipping industry at this time, because if there were a further outbreak of war, there is a possibility that they would have to be reconverted for wartime use, withdrawn from the Great Lakes, and made available for the oceanic service. as they were at the beginning of World War II.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. WILLIAMS. I do not have any time. The facts are that the Senate version of H. R. 8847, which is contained in S. 3109, was reported to the Senate on June 14, 1950, 12 days prior to the outbreak in Korea and the hearings on this bill were completed during the month of March 1950. There have been no hearings on this bill at which the defense authorities were asked to testify since the outbreak in Korea.

The House bill (H. R. 8847) was reported to the House calendar on July 26, 1950. However, the record shows that the hearings on this measure were conducted in the House on March 29, 30, and 31; April 4 and 5; and again on May 18 and 23, prior to the outbreak of war in Korea, at which time consideration was given by the House committee to 33 different bills, all relating to the same subject and resulting in the reporting of H. R. 8847.

Contrary to what the Senator from Washington [Mr. MAGNUSON], the chairman of the Senate subcommittee, has said—and I am speaking as a member of that subcommittee—there is no letter from the National Security Resources Board contained in either the House or the Senate report expressing any opinion on this legislation. There is a letter in the hearings of the House committee written by Mr. Symington, Chairman of the National Security Resources Board, but it does not endorse this legislation. Here is what Mr. Symington said, in a letter which was written May 12, 1950, prior to the outbreak of the Korean War, and is to be found at page 259 of the House hearings. In that letter, Mr. Symington said:

> In response to your second and third questions, the laid-up fleet constitutes a valuable reserve for ocean operation in event of a war emergency. Extensive depletion of that reserve by conversion or transfer to the Great Lakes would be detrimental.

Mr. MAGNUSON. Mr. President, the Senator from Delaware ought to read the entire letter.

Mr. WILLIAMS. The entire letter is available and, while it does not oppose the transfers of slow ships, it certainly does not endorse the transfer of these fast ships. The statement made, that Mr. Symington was in accord with this proposed bill is not in accordance with the true facts, and the senior Senator from Washington knows this full well. Besides, even this partial endorsement was prior to the outbreak in Korea.

I called Mr. Symington's office this morning. He was out of town, but I talked with Mr. Smith, who said that, to his knowledge, the National Security Resources Board had never been consulted or asked for any opinion regarding this proposed legislation since the outbreak of the war in Korea, and that the Board definitely would not endorse sending 10 of the C–4's to the Great Lakes at the present time.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. WILLIAMS. I do not have any time. I am sorry that we are operating under such a limitation of debate, but those who are in opposition have been placed in the position where we have but 9 minutes in which to oppose this bill, though the proponents have used 5 hours.

Mr. MARTIN. Mr. President, will the Senator yield? This matter is very important.

Mr. WILLIAMS. In just one moment. Mr. President, during World War II the ships which were then operating on the Great Lakes were taken over by the Federal Government, but in each instance those ships which were taken over and removed to the coastal area were paid for by the Federal Government at 100 percent of their appraised valuation. Since the war, under the Ship Sales Act of 1946, these companies are eligible to buy from the reserve fleet ships based upon the conditions contained in the Ship Sales Act of 1946 which provides a discount range as high as 65 percent from the wartime cost.

The adoption of this measure, H. R. 8847, which is now before us provides that a further discount will be given to the purchasers of these ships to the extent of 90 percent of the statutory sales price. The statutory sales price of a ship represents about 35 percent of the wartime cost and if this ship is now further discounted as proposed under this bill by 90 percent, it will mean that the Government will realize about 3½ percent of the cost of the ship.

The type of ship which is being proposed to be transferred to the Great Lakes are C–4's and are the same type ship which will be needed in the event of an outbreak of a full-scale war and there is a strong possibility that if such a development occurs, these same ships which we are proposing to sell for an insignificant sum under this bill, about 3½ percent, or practically given away, will have to be reconverted back to their present condition and moved to the coastal area for convoy use.

I repeat, the adoption of this bill is in direct opposition to the best interest of our national defense, and while the bill was subject to severe criticism on the basis of the extreme subsidy which was being proposed in peacetime, it most certainly should not be passed in the face of the existing emergency.

Mr. President, I yield the remaining time to the Senator from Pennsylvania [Mr. MARTIN].

Mr. MARTIN. Mr. President, after a very careful study of this whole situation, I am fully in agreement with the very able statement made by the senior Senator from Delaware [Mr. WILLIAMS]. I am extremely sorry that we do not have time to present to the Senate the real opposition to the bill. It is unfortunate that we do not have time in which to discuss properly its merits. I want to reiterate what I said last Thursday night: This bill is in opposition to good, sound, national defense. In addition to that, it is truly in opposition to good, sound, transportation facilities for America. The need of such facilities is one of the most important things in the national defense.

Mr. HOLLAND. Mr. President——

Mr. WILLIAMS. Mr. President, how much time has elapsed?

The VICE PRESIDENT. The time has expired.

Mr. WILLIAMS. I suggest the absence of a quorum.

Mr. HOLLAND. Mr. President, will the Senator withhold the suggestion of the absence of a quorum?

The VICE PRESIDENT. The absence of a quorum has been suggested, and the time has expired.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HUMPHREY. Do we not have an amendment on the desk, and, therefore, the prerogative of discussing that amendment with 10 minutes on each side?

The VICE PRESIDENT. An amendment is pending.

Mr. HUMPHREY. May that amendment be discussed at this time?

The VICE PRESIDENT. A quorum call has been asked for, and discussion of the amendment will have to be deferred until a quorum is satisfied.

Mr. HOLLAND. I am willing to withhold my suggestion of the absence of a quorum.

Mr. WHERRY. If the Senator withholds it, I shall have to suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Delaware had already suggested the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hill	Martin
Benton	Hoey	Millikin
Cain	Holland	Morse
Chapman	Humphrey	Mundt
Chavez	Hunt	Murray
Cordon	Ives	Neely
Darby	Johnson, Colo.	O'Conor
Donnell	Johnson, Tex.	O'Mahoney
Douglas	Kefauver	Robertson
Dworshak	Kem	Russell
Ecton	Kerr	Saltonstall
Ellender	Kilgore	Schoeppel
Ferguson	Langer	Smith, Maine
Fulbright	Leahy	Stennis
George	Lehman	Thomas, Okla.
Gillette	Long	Thye
Graham	McClellan	Watkins
Green	McFarland	Wherry
Gurney	McKellar	Wiley
Hendrickson	Magnuson	Williams
Hickenlooper	Malone	Young

Mr. McFARLAND. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Delaware [Mr. FREAR], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. McMAHON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Maryland [Mr. TYDINGS] are absent on public business.

The Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The junior Senator from Ohio [Mr. BRICKER], the senior Senator from Indiana [Mr. CAPEHART], the junior Senator from Indiana [Mr. JENNER], the Senator from California [Mr. KNOWLAND], the Senator from Wisconsin [Mr. McCARTHY], and the senior Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Nebraska [Mr. BUTLER] is detained on official business.

The VICE PRESIDENT. A quorum is present.

The question now is on the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to strike out the numeral "90" and to insert in lieu thereof the number "75" on page 2, line 24. The time is equally divided, with the Senator from Wyoming [Mr. O'MAHONEY] controlling one-half the time, and the Senator from Washington [Mr. MAGNUSON] the other half.

Mr. MAGNUSON. Mr. President, I yield my time to the Senator from Minnesota [Mr. HUMPHREY].

Mr. O'MAHONEY. Mr. President, I yield my time to the Senator from Delaware [Mr. WILLIAMS] and the Senator from Pennsylvania [Mr. MARTIN], to distribute as they please.

Mr. MARTIN. Mr. President, I should like to make a motion.

The VICE PRESIDENT. The Chair cannot entertain a motion at this time, because the time is equally divided, with 5 minutes allotted to each side. The Senator from Washington has yielded his 5 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Do I understand correctly that 5 minutes is allotted to each side?

The VICE PRESIDENT. That is correct.

Mr. HUMPHREY. Mr. President, in the brief time allotted to me I wish to make a correction in a statement made by the Senator from Delaware [Mr. WILLIAMS]. The Senator from Delaware was quoting from a letter from Mr. W. Stuart Symington, Director of the National Security Resources Board, on the question whether or not the pending legislation would be in violation of the best principles of our national defense. The Senator from Delaware quoted from Mr. Symington's message on the value of a reserve fleet for ocean operation in the event of a war emergency. However, he did not read the full statement and I should like to read it at this time:

> In response to your first question, there would be advantage in having additional shipping on the Lakes to provide a more flexible transportation system to meet possible emergency demands.
>
> In response to your second and third questions, the laid-up fleet—

This is what the Senator from Delaware quoted—

> constitutes a valuable reserve for ocean operation in the event of a war emergency. Extensive depletion of that reserve—

I underline the words "extensive depletion"—

> by conversion or transfer to the Great Lakes would be detrimental. However, if only a few ships comprise the total transferred under the proposed bill and other legislation, the security objections would be obviated, since the delay caused by retransfer or reconversion would not be great.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I have only 5 minutes.

Mr. KILGORE. I have only one question to ask.

Mr. HUMPHREY. Very well.

Mr. KILGORE. Has the Senator made a study of the increased longevity of hulls and machinery in fresh-water operation as compared with salt-water operation? I think the Senator will discover that steamers last about five times longer in fresh-water operation than they do in salt-water operation. Therefore steamers used in the Great Lakes service would probably have a greater longevity.

Mr. HUMPHREY. I appreciate the observation of the Senator from West Virginia.

Mr. President, this issue concerns our national defense. Let us make no mistake about it. I wish to point out to this honorable body that one of our greatest transportation systems is the Great Lakes inland waterway system. This great inland waterway system touches upon the coastlines of the States in which much of our industrial establishment is located, and serves our great industrial cities of Chicago, Pittsburgh, Cleveland, Milwaukee, and Detroit. Great industries are located on the Great Lakes, and to leave that great body of water without adequate shipping facilities would be stark tragedy in view of the international crisis.

What good are ships when they are tied up and rotting and rusting at Government expense? On the Great Lakes the ships can be of use in moving grain. At this very time in the Midwestern States there are millions of bushels of grain for which there are no boxcars are being provided. That grain cannot be moved. The conversion of these ships would make it possible to move the grain. In a period of emergency that grain may be very important. It is important that we have additional ships on the Great Lakes, and it will be indeed very important to move materials quickly from one part of the country to another.

I can see that there may be some objection from some persons on the basis that it might interfere with railroading, trucking, or other forms of transportation. However, Mr. President, I submit it is the duty of the Senate to provide for the total national defense and for the total welfare, and not give consideration to a particular form of transportation which may at some future time have some difficulty if this kind of legislation passes. The railroads have all the business they can take care of, and then some. They cannot even haul all the grain that awaits shipment. They have been grossly negligent in providing boxcars, at great loss to the American economy.

So far as coastal shipping is concerned, coastal shipping companies already have 700 of these ships. One thousand one hundred ships have gone to foreign countries. By the way, in connection with those ships, conversion costs have gone as high as 99 percent of the allowance.

At this point, Mr. President, I ask unanimous consent to have printed in the body of the RECORD as part of my remarks

a report issued by the Maritime Commission showing allowances granted to shipping companies in the conversion of the ships involved.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Vessel name	Type of vessel	Selling price under Ship Sales Act of 1946	Allowance granted to purchaser by Maritime Commission	Percent of allowance to ship sales price
Deltargentino	P&C (C3) S	$1,505,143	$1,488,143	99
Delbrasil	P&C (C3) S	1,505,143	1,488,143	99
Lamar	C3-S-A2	1,280,730	1,229,560	96
Albena	C2 (S)	1,073,669	995,000	93
Dauphin	C3-S-A3	1,100,387	949,000	86
Sea Barb	C3-S-A2	1,280,730	1,079,023	84
Del Santos	C2-F-(S)	957,818	787,476	82
Sea Bass	C3-S-A2	1,280,730	1,037,378	81
Starlight	C2-S-AJ1	957,818	769,488	80
Bolivar	C3-S-A2	1,280,730	1,014,897	79
Sheliak	C2-S-B1	957,818	754,536	79
Custer	C3-S-A2	1,280,730	1,002,113	78
War Hawk	C2-S-B1	957,818	749,138	78
Queens	C3-S-A3	1,100,387	847,800	77
Callaway	C3-S-A2	1,280,730	995,206	77
Clay	C3-S-A2	1,280,730	993,588	77
Cherubim	C2-S-B1	957,818	742,247	77
Herald of the Morning	C2-S-B1	957,818	721,632	75
Wing Arrow	C2-S-B1	957,818	724,577	75
Pierce	C2-S-B1	970,918	728,024	75
Ormsby	C2-S-B1	970,918	705,961	72
Sheridan	C2-S-B1	970,918	699,421	72
Golden City	C2-S-B1	957,818	682,172	71
John Land	C2-S-B1	957,818	659,154	69
Comet	C2-S-B1	957,818	661,704	69
Sea Cat	C3-S-A2	1,280,730	876,103	68
Sea Runner	C3-S-A2	1,280,730	844,455	66
Hotspur	C2-S-B1	957,818	632,543	66
Griggs	C3-S-A2	1,280,730	779,531	61
Sea Flier	C3-S-A2	1,280,730	767,128	60
Grundy	C3-S-A2	1,280,730	775,117	60
Dashing Wave	C2-S-B1	957,818	563,940	59
Young America	C2-S-B1	957,818	556,909	58
Sea Devil	C3-S-A2	1,280,730	737,589	57
Typhoon	C2-S-B1	957,818	547,703	57
Sea Star	C3-S-A2	1,280,730	698,547	54
Theenim	C2-S-B1	983,212	538,644	54
Robin Doncaster	C2 (S)	1,073,669	509,436	47
Howell Lykes	C3 (cargo)	1,280,730	575,387	45
Hawaiian Shipper	Cargo	1,280,730	580,252	45
Centarus	C2-S-B1	985,916	393,732	40
Hansford	C3-S-A3	1,280,730	477,014	37
Hamblen	C3-S-A3	1,280,730	367,922	28
Meteor	C2-S-B1	977,366	211,257	21
Montour	C3-S-A3	1,280,730	114,009	9

Mr. HUMPHREY. What we are asking for is favorable consideration and equal treatment for our inland waterways, on which the great population of our country resides and works.

The VICE PRESIDENT. The time of the Senator from Minnesota has expired. The Senators from Delaware and Pennsylvania are recognized for the next 5 minutes, the time to be divided according to their own wishes.

Mr. MARTIN. Mr. President, as I stated the other evening, in my State there is a large segment very favorable to the pending bill because we are on Lake Erie, which is one of the important lakes of the Great Lakes system. But there are other features to the bill.

This bill grants one of the heaviest subsidies ever suggested to Congress. It involves a grant to private operators of 10 vessels worth originally $4,400,000 each, with eventual investment on their part of only $165,000 each.

Congress, in 1940, set up a national transportation policy which requires equality of treatment for all forms of transportation. Government aid to any form of domestic transportation is directly opposed to the public interest.

There is no need for this service because, at the outbreak of World War II, package freight on the Great Lakes had diminished to such an extent that it was practically nonexistent. At the present time, package freight in the Lakes area is moved by rail or truck, and there is no lack of such service or facilities. This is purely an effort on the part of certain private shippers to reinstitute package freight service on the Lakes, even though they will not use the service so that they can use the noncompensatory low water rate as a lever to force down the rail and truck rates in those areas.

Aside from any other argument for or against this type of legislation, certainly this is not the time, with a third world war brewing, to convert ocean-going vessels to lake carriers for the noneconomic carriage of passengers and package freight.

Mr. President, how much time do I have left?

The VICE PRESIDENT. There are 3 minutes left.

Mr. SALTONSTALL. Mr. President, will the Senator from Pennsylvania yield?

Mr. MARTIN. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. The Senator stated the bill would result in a greater subsidy for these vessels to be used on the Great Lakes. Can the Senator give the difference in figures?

Mr. MARTIN. I am sorry I cannot. But I shall be very glad to secure the figures and insert them in the RECORD.

I wish to impress on the Senate the fact that since the hearing ceased on the bill we have started what is probably going to be a third great war. I think the time has come when the people of America, and particularly the Members of the House and the Senate, must give serious consideration to everything as it relates to the war effort.

We will need shipping, we will need transportation for soldiers and for equipment for soldiers. I hope that all Senators will very carefully go into the question of the transportation by air to the Korean area. I think what has been done in that regard has been one of the greatest exploits in military history. But even using practically all our air power, those in charge have been able to equip and transport possibly only 50,000 soldiers. If it is necessary to make a movement into western Europe, it will be necessary for us to transport 20 and perhaps 30 times that number of troops, with their equipment.

Mr. President, I believe most Senators appreciate that the equipment of troops requires more transportation than was required even at the beginning of World War II. Tanks are heavier, trucks are heavier, and more ammunition, more bombs, and things of that kind, are needed. A few weeks' delay will not be very important. I am fearful that we are not taking into consideration the necessity of fast moving ships for the carriage of equipment.

Only a few days ago the Committee on Appropriations authorized two fast ships. I am fearful those ships may be needed immediately.

Mr. President, I fear we have not given this subject sufficient consideration, and therefore I move that the bill be recommitted to the committee for further consideration.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the bill be recommitted to the Committee on Interstate and Foreign Commerce. That motion takes precedence.

Mr. MARTIN. Mr. President, as I understand, there will be 5 minutes on each side for the discussion of the motion.

The VICE PRESIDENT. Five minutes on a side.

Mr. MARTIN. I yield my time to the senior Senator from Delaware.

The VICE PRESIDENT. The Senator from Delaware is recognized for 5 minutes.

Mr. WILLIAMS. Mr. President, I rise in support of the motion made by the Senator from Pennsylvania to recommit the bill. I repeat, there has been no testimony on the bill since the outbreak in Korea.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from Virginia.

Mr. ROBERTSON. Will not the Senator speak louder? Due to the noise in the Chamber, we cannot hear, and we would like to hear what he says.

The PRESIDING OFFICER. The Chair will try to help suppress the noise, if the Senate will cooperate. The Senate will be in order.

Mr. WILLIAMS. Mr. President, there has been no testimony from either the National Security Resources Board or anyone else connected with the national defense in support of the pending bill. Mr. Stuart Symington, the Chairman of the National Security Resources Board, said he would have no objection to the allocation of some ships to the Lakes, but he certainly has not and does not recommend the transfer of these fast C–4's. Certainly not at a loss to the Government of 96½ percent of their cost. There are some 1,500 Liberty ships in the fleet, but these shipping companies have testified they are not interested in those slower ships.

I challenge anyone to place in the RECORD a statement by Mr. Symington or Admiral Cochrane of the Maritime Board, or anyone from the Navy Department, or anyone else in authority to the effect that they approve transferring these C–4 ships to the Great Lakes. Such an endorsement does not exist.

Another argument in favor of recommittal is that there is nothing that could be done so far as this year is concerned. Recommittal of the bill would not result in injury if we waited until January and reopened the hearings in order to get the officials of the National Defense Department before the committee and get their testimony as to what they favor, because the Lakes will be frozen in a few months and will remain frozen until spring.

Mr. President, I urge that the motion to recommit be agreed to.

Mr. MAGNUSON. Mr. President——

The VICE PRESIDENT. The Senator from Washington is recognized for 5 minutes.

Mr. MAGNUSON. I will not take much longer. I hope the motion will not prevail. There has been much discus-

sion of the bill, and I think there has been much misunderstanding of what the bill attempts to do.

All this talk about the defense of the Nation of course has nothing to do with this bill at all. If Admiral Cochrane does not want to transfer these ships to the Great Lakes, he has full authority to say no; and the Senator from Delaware knows that to be so. The Secretary of Defense, under the Ship Sales Act, has full authority to say to the Maritime Board, "You shall not transfer any of the thousands of laid-up ships." Anyone familiar with the Ship Sales Act knows that, too. So, if these 10 ships are to be valuable for national defense, all the Secretary of Defense has to say is that they are needed somewhere else, and they will not be transferred.

Everyone wanting a ship, whether it is for ocean carriage or for service on the Great Lakes, must ask the Secretary of Defense, "Is this ship valuable for national defense?" So what is the use talking about that?

Second, maritime activity on the Great Lakes has something to do with defense, too.

Third, the Senator from Pennsylvania put his finger on the important point. If there are some maritime package freight ships on the Great Lakes, he says that might have the effect of lowering the railroad freight rates and the truck rates. If that is what the bill would do, I hope it may be enacted and have that effect.

Of course, it is going to result in competition with some of the railroads, but they competed for years, and the Government put those ships away. I do not know who the private operators are who want them. They have to make application to the Maritime Board. The Maritime Board has to grant them a contract, under the terms of the law, and give them the same terms given other buyers.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. In a moment. If the Maritime Board says they are not going to transfer these ships, the ships will not be transferred. If the prospective buyer secures the approval of the Board he must ask the Secretary of Defense whether or not these ships are necessary for actual defense, and if the Secretary of Defense says yes, there is no contract. That is all the bill means.

Mr. President, the Government has on hand some ships which were built, surely at the cost of a considerable sum of money. We pay great sums of money for ships that ocean-going subsidized and nonsubsidized lines are operating. We pay subsidies for a merchant marine. But the subsidies which keep our entire merchant marine alive are not a cent greater than the subsidy we paid on cheddar cheese last year.

Mr. President, we need a merchant marine on the ocean. We need one on the Great Lakes. Reference has been made to competition with the railroads. The railroads cannot move all the grain in the Midwest and Northwest. Some of it is lying on the ground. I wish we could put 40 ships on the Great Lakes to move the grain. The railroads will not even build enough boxcars to move the grain from far back in the Great Lakes area all the way to my State of Washington.

Mr. President, even though the Defense Department says the ships are not needed now for national defense in Korea or after Korea, they cannot be used unless the bill is passed. They are now in the laid-up fleet. We have never had an offer for them since World War II, and here there is a chance to use them. The ship operators will pay for the reconversion costs themselves. If they receive a Federal mortgage, they must pay it back. In the meantime they will be operating the ships on the Great Lakes, employing many persons, and paying some taxes into the Government, whereas now the ships are costing the Government money and there is no return from them. If they are needed for defense, neither the Maritime Board nor the Secretary of Defense will sell them. That is all the bill amounts to, unless Senators wish to talk about competition with railroads and trucks, a subject on which we could spend considerable time.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania [Mr. MARTIN] to recommit the bill.

Mr. WILLIAMS. Mr. President, on that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. McFARLAND. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Delaware [Mr. FREAR], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. MCMAHON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Maryland [Mr. TYDINGS] are absent on public business.

The Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Texas [Mr. CONNALLY], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Kentucky [Mr. WITHERS] are absent on official business.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

On this vote, the Senator from Delaware [Mr. FREAR], the Senator from Illinois [Mr. LUCAS], and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparlimentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The junior Senator from Ohio [Mr. BRICKER], the senior Senator from Indiana [Mr. CAPEHART], the junior Senator from Indiana [Mr. JENNER], the Senator from California [Mr. KNOWLAND], the Senator from Wisconsin [Mr. MCCARTHY], and the senior Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Nebraska [Mr. BUTLER] is detained on official business.

The result was announced—yeas 14, nays 49, as follows:

YEAS—14

Donnell	Kem	Saltonstall
Dworshak	McKellar	Watkins
Ecton	Malone	Wherry
Gillette	Martin	Williams
Hoey	Robertson	

NAYS—49

Anderson	Hill	Millikin
Benton	Holland	Morse
Cain	Humphrey	Mundt
Chapman	Hunt	Murray
Chavez	Ives	Neely
Cordon	Johnson, Colo.	O'Conor
Darby	Johnson, Tex.	O'Mahoney
Douglas	Kefauver	Russell
Ellender	Kerr	Schoeppel
Ferguson	Kilgore	Smith, Maine
Fulbright	Langer	Stennis
George	Leahy	Thomas, Okla.
Graham	Lehman	Thye
Green	Long	Wiley
Gurney	McClellan	Young
Hendrickson	McFarland	
Hickenlooper	Magnuson	

NOT VOTING—33

Aiken	Frear	Myers
Brewster	Hayden	Pepper
Bricker	Jenner	Smith, N. J.
Bridges	Johnston, S. C.	Sparkman
Butler	Knowland	Taft
Byrd	Lodge	Taylor
Capehart	Lucas	Thomas, Utah
Connally	McCarran	Tobey
Downey	McCarthy	Tydings
Eastland	McMahon	Vandenberg
Flanders	Maybank	Withers

So Mr. MARTIN's motion to recommit the bill was rejected.

The VICE PRESIDENT. The question is on the third reading and passage of the bill.

Mr. WILLIAMS. Mr. President, is there any time left on the bill?

The VICE PRESIDENT. Five minutes on the side.

Mr. WILLIAMS. Mr. President, I am not going to take 5 minutes. I merely want to point out to the Senate that what we are doing, if we pass the bill, is to authorize the sale of 10 C-4's—the fastest ships of our reserve fleet—and that such action is in direct opposition to the recommendations of the Defense Department. This proposal is not in accord with the best interest of national defense. It is not selling to the Great Lakes 10 of the slower Liberty ships, it is

intended to sell to them 10 of the fastest ships in our reserve fleet for 3½ percent of the original cost. As the Senate passes the bill authorizing a subsidy of 96½ percent on the construction cost of the ships to be used in the Great Lakes shipping industry, I want Members to ask themselves this one question: How much closer can we get to 100 percent without nationalization of our shipping industry?

Mr. FERGUSON. Mr. President, I hope the Senate will pass the bill. It is only an authorization to make a sale. The full control over whether or not the sale will be made, and when it will be made, will be in the hands of those who are interested in control of our national defense. I hope Congress at least will authorize the sale.

The VICE PRESIDENT. The question is on the third reading and passage of the bill.

The bill (H. R. 8847) was ordered to a third reading, read the third time, and passed.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that Senate bill 3109 be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 18, 1950, the President had approved and signed the act (S. 4135) to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 2477. An act to amend title 14, United States Code, so as to equalize pay and retirement benefits of a certain class of commissioned officers of the Coast Guard;

S. 2609. An act to provide a system for the treatment and rehabilitation of youth offenders, to improve the administration of criminal justice, and for other purposes;

S. 2724. An act to amend the Armed Forces Leave Act of 1946, as amended, and for other purposes;

S. 2875. An act to extend for a period of 5 years the time for appropriating and expending funds to carry out the Federal Airport Act;

S. 3000. An act to amend the War Claims Act of 1948, as amended;

S. 3123. An act to amend section 5 of the act of February 26, 1944, entitled "An act to give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes";

S. 3136. An act to authorize the Secretary of the Interior to transfer to the town of Mills, Wyo., a sewage system located in such town;

S. 3398. An act to authorize the exchange of certain land for purposes of the Colonial National Historical Park, and for other purposes;

S. 3706. An act to amend the act of May 28, 1926 (44 Stat. 670), entitled "An act granting public lands to the county of Kern, Calif., for public park purposes";

S. 3728. An act to implement Reorganization Plan No. 20 of 1950 by amending title 1 of the United States Code, as regards publication of the United States Statutes at Large, to provide for the publication of treaties and other international agreements between the United States of America and other countries in a separate compilation, to be known as United States Treaties and Other International Agreements, and for other purposes;

S. 3768. An act to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes;

S. 3889. An act to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States; and

S. 4083. An act to amend section 61 of the National Defense Act to permit the States to organize military forces, other than as parts of their National Guard units, to serve while the National Guard is in active Federal service.

The message also announced that the House insisted upon its amendments to the bill (S. 3357) to prohibit transportation of gambling devices in interstate and foreign commerce, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BECKWORTH, Mr. PRIEST, Mr. ROGERS, Mr. BENNETT of Michigan, and Mr. DOLLIVER were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5244) for the relief of Lt. Col. Charles J. Trees, Army of the United States; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BYRNE of New York, Mr. DENTON, and Mr. KEATING were appointed managers on the part of the House at the conference.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 577. An act to correct possible inequity in the case of a certain application for letters patent of William R. Blair;

H. R. 1133. An act for the relief of Mrs. Merle Leatherbury Pyle and Patricia M. Pyle;

H. R. 1500. An act for the relief of Mrs. Barbara Guanapoulos;

H. R. 1601. An act for the relief of the La Fayette Brewery, Inc.;

H. R. 3012. An act for the relief of the Wyoming National Bank of Wilkes-Barre;

H. R. 5101. An act to provide for the transfer to Pierce County, Wash., of certain surplus land in the Fort Lewis Military Reservation;

H. R. 8062. An act for the relief of the legal guardian of Charles Spiller and Glenn T. Spiller, minors; and

H. R. 8641. An act for the relief of Clyde L. Watson, Jr., and Laverne F. Andrews.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 3406. An act for the relief of Ellen Fullard-Leo; and

H. R. 8677. An act to authorize and provide for the maintenance and operation of the Panama Canal by the present corporate adjunct of the Panama Canal, as renamed; to reconstitute the agency charged with the civil government of the Canal Zone, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 1133. An act for the relief of Mrs. Merle Letherbury Pyle and Patricia M. Pyle;

H. R. 1500. An act for the relief of Mrs. Barbara Guanapoulos;

H. R. 1601. An act for the relief of the La Fayette Brewery, Inc.;

H. R. 3012. An act for the relief of the Wyoming National Bank of Wilkes-Barre;

H. R. 3406. An act for the relief of Ellen Fullard-Leo, widow of Leslie Fullard-Leo, Leslie Vincent Fullard-Leo, Dudley Leinanie Fullard-Leo, and Ainsely Allen Kahealani Fullard-Leo, and the estate of Leslie Fullard-Leo, deceased, as their interests may appear;

H. R. 4901. An act authorizing the Eastern Band of Cherkoee Indians, North Carolina, to lease certain lands for business purposes for a period not exceeding 25 years;

H. R. 7722. An act to provide for the acquisition and preservation, as a part of the National Capital Parks system, of the Old Stone House in the District of Columbia;

H. R. 8062. An act for the relief of the legal guardian of Charles Spiller and Glenn T. Spiller, minors;

H. R. 8641. An act for the relief of Clyde L. Watson, Jr., and Laverne F. Andrews;

H. R. 8677. An act to authorize and provide for the maintenance and operation of the Panama Canal by the present corporate adjunct of the Panama Canal, as renamed; to reconstitute the agency charged with the civil government of the Canal Zone, and for other purposes;

H. R. 8710. An act to provide for the improvement of stadium facilities at the Eastern Senior High School in the District of Columbia;

H. R. 8797. An act to exempt property of the Young Men's Christian Association of the City of Washington (incorporated under the act of Congress of June 28, 1864, 13 Stat. L. 411) from taxation;

H. R. 9362. An act to provide for the exchange of certain national park land situated in the District of Columbia for certain lands owned by the New Temple Committee, Inc.;

H. R. 9430. An act to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes; and

H. J. Res. 536. Joint resolution to provide for the reappointment of Harvey N. Davis and Arthur H. Compton as members of the Board of Regents of the Smithsonian Institution.

LEAVE OF ABSENCE

On his own request, and by unanimous consent, Mr. HICKENLOOPER was excused from attendance on the sessions of the Senate for the remainder of today and tomorrow.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

REPORT ON UNITED STATES CIVIL DEFENSE

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, ordered to lie on the table.

(For President's message, see today's proceedings of the House of Representatives on p. 15041.)

REPORT OF TORT CLAIMS PAID BY PANAMA CANAL

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Army, transmitting, pursuant to law, a report of tort claims paid by the Panama Canal, for the period July 1, 1949, to June 30, 1950, which, with the accompanying report, was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the St. Paul Trades and Labor Assembly, St. Paul, Minn., relating to excess-profit taxes; to the Committee on Finance.

A resolution adopted by the board of trustees and the national council of the National Association of Life Underwriters, at Oklahoma City, Okla., protesting against the enactment of legislation providing compulsory health insurance; to the Committee on Labor and Public Welfare.

The petition of Harry Livingston Relf, of Decatur, Ga., praying for the passage, over the veto of the President, of the bill (H. R. 6217) to provide greater security for veterans of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, in the granting of out-patient treatment by the Veterans' Administration; ordered to lie on the table.

ADDITIONAL APPROPRIATIONS FOR PHILIPPINE WAR DAMAGE COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of State, transmitting a concurrent resolution adopted by the Second Congress of the Republic of the Philippines, relating to an additional appropriation for the Philippine War Damage Commission, which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Concurrent Resolution No. 12

Concurrent resolution expressing the support of the Congress of the Philippines for the bill in the American Congress to appropriate an additional sum of $100,000,000 for the Philippine War Damage Commission and requesting the President of the Philippines to negotiate for a 1-year extension of the program of said commission to restore damaged public property

Whereas a bill is under consideration in the American Congress to provide for an additional $100,000,000 for war damage payments in the Philippines;

Whereas the enactment of said bill will restore in fuller measure the damages sustained by the Filipino people during the last war when they maintained a heroic loyalty to the United States;

Whereas it is reported that the program of the Philippine War Damage Commission for the restoration of damaged public property, pursuant to section 304, of the Philippine Rehabilitation Act of 1946, may not be completed by June 30, 1950, the terminal date of said program, thereby resulting in the reversion of the appropriated funds therefor to the United States Treasury to the prejudice of the Philippines: Now, therefore, be it

Resolved by the House of Representatives of the Philippines, the Senate concurring:

(1) To express, as they do hereby express, the support of the Congress of the Philippines for the bill pending in the Congress of the United States to appropriate an additional sum of $100,000,000 for war damage payments in the Philippines in accordance with the Philippine Rehabilitation Act of 1946; and

(2) To request, as they do hereby request, the President of the Philippines to make the necessary representation to the Government of the United States of America to extend until June 30, 1951, the period for the allocation of the appropriation and the completion of the program for the restoration and improvement of public property under section 304 of the Philippine Rehabilitation Act of 1946.

STATEMENTS TO ACCOMPANY REPORTS OF COMMITTEES OF CONFERENCE—REPORT OF A COMMITTEE

Mr. GREEN, from the Committee on Rules and Administration, submitted a report (No. 2575) on the concurrent resolutions (S. Con. Res. 79) directing that there shall accompany every report of a committee of conference a statement explaining the effect of the action agreed on by the committee, which was reported by that committee on the 15th instant, and agreed to.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on Saturday, September 16, 1950, he presented to the President of the United States the following enrolled bills:

S. 1640. An act to amend section 4 of the act of March 1, 1911 (36 Stat. L. 962; 16 U. S. C. 513), relating to membership of the National Forest Reservation Commission;

S. 2636. An act to amend the Soil Conservation and Domestic Allotment Act, as amended;

S. 3517. An act to authorize the construction, operation, and maintenance of the Vermejo reclamation project, New Mexico; and

S. 4118. An act to increase the appropriation authorization for the Air Engineering Development Center.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

S. 4161. A bill for the relief of the widows or other close kin of the members of the Tennessee Air National Guard who were killed in an aircraft accident near Conway, S. C., on June 23, 1950; to the Committee on the Judiciary.

By Mr. McFARLAND (for Mr. McMAHON):

S. 4162. A bill to authorize a Federal civil defense program, and for other purposes; ordered to lie on the table.

(Mr. KEFAUVER introduced Senate bill 4163, to protect the internal security of the United States against certain un-American and subversive activities and to provide for the emergency detention of persons who may commit acts of espionage and sabotage, and for other purposes, which was referred to the Committee on the Judiciary, and appears under separate heading.)

By Mr. JOHNSON of Colorado:

S. 4164. A bill to authorize the training of an adequate backlog of airmen to meet the civil and military needs of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

INTERNAL SECURITY OF THE UNITED STATES

Mr. KEFAUVER. Mr. President, I introduce for appropriate reference a bill to protect the internal security of the United States.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 4163) to protect the internal security of the United States against certain un-American and subversive activities and to provide for the emergency detention of persons who may commit acts of espionage and sabotage, and for other purposes, introduced by Mr. KEFAUVER, was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KEFAUVER. Mr. President, the bill which I have just introduced is a refined version of the type of legislation I think the Congress should pass immediately for the internal security of the United States and to deal with dangerous Communists, subversives, and fifth colmnists. I feel that it is our obligation to see that a proper law to deal with subversives is placed on the statute books before this session of Congress adjourns.

I do not think the bill passed by the Senate last Tuesday evening, which is now in conference, is such a bill. It includes many good provisions and it also includes some provisions which would not work and which many of us fear endanger the liberties and rights of innocent people. Furthermore, there is a strong possibility that it may be vetoed by the President. The bill which I have filed today contains some new ideas and provisions, which I think should be given serious consideration by the conferees. I had intended to file this bill on Thursday of last week, before the conferees met, but I had to be away from Washington because of illness in my family. Also, I think the provisions in this bill may be of some use to the Members of the Senate and of the House of Representatives when we come to considering the conference report.

Furthermore, in the event the McCarran bill is vetoed by the President, and should the veto be sustained, Congress will have this bill before it for immediate consideration in order to enable the Congress to expedite the passage of legislation before final adjournment.

I cannot speak for the President on the matter but I think this bill would meet his approval.

The basis of the bill is the original Kilgore bill, which I cosponsored and for which I voted. It provides for the immediate incarceration of dangerous subversives, Communists, and fifth columnists in the event of invasion of the territory of the United States, declaration of war, insurrection within the United States, when the Congress and the President shall find to exist an internal security emergency. The internal security emergency provision was stricken out of the Kilgore bill when it was adopted in revised form as a part of the McCarran bill. The bill I have filed meets to some extent, at least, the constitutional objection to internment in the event of an internal security emergency by declaring in section 2 (b):

Whenever it is determined by the United Nations organization or by the Security Council of the United Nations organization that a nation or nations are guilty of unprovoked aggression in violation of the Charter of the said United Nations organization, and the Armed Forces of the United States are engaged in hostilities in behalf of the United Nations organization, in that event

such unprovoked aggression shall be considered, for the purposes of this act, as levying war against the United States or adhering to their enemies, giving them aid and comfort.

This brings the provision in line with article 3, section 3, of the Constitution and with other constitutional provisions bearing on the subject.

The bill contains a revision of section 4 of the McCarran bill. This, you will remember, was the section which made illegal any act contributing to the establishment of a totalitarian dictatorship and also the giving or receiving of any information which may have been classified. The section is rewritten as section 15 with these changes:

Subsection (a) requires that the conspiracy or act contemplate force or violence. It provides that the act must contribute to the establishment of a totalitarian dictatorship in lieu of the present Government of the United States, that is, it does not apply to acts or agreements with reference to purely local matters such as cities or municipalities. I do not think the Federal Government should undertake to police political action in purely local or municipal government.

Subsection (b) relative to giving information which may have been marked as classified is made applicable to any citizens of the United States rather than Federal employees only. It contains the protection that it must have been given knowingly and with intent to harm the United States.

Subsection (c) has the same protection against persons seeking information.

The important additional subsection is (d) (6), which is as follows:

Provided, however, That subsection (b) and (c) shall not apply to information sought, given or received as a result of consultation by and between, authorized representatives of the United States and authorized representatives of nations which are signatories of the Atlantic Pact, diplomatic representatives or military representatives of nations engaged in a common undertaking with the United States.

The new bill provides in section 16 that whenever the United States Armed Forces are engaged in hostilities in behalf of the United Nations all the laws relating to sabotage, espionage, and sedition shall be in full force and effect in the same manner and to the same extent as if war had been declared. This amendment was proposed in the House of Representatives by Representative JACKSON of Washington. Some of the statutes relative to espionage and sabotage are now in effect. But the Honorable William Foley, Chief of Internal Security Section of the Department of Justice, advised me that the statutes which invoke heavy penalties for sedition, espionage, and sabotage are all predicated upon the words, "when in time of war."

It is true that we are technically in war with Germany, Austria, and Japan, but it is doubtful if this technical war would make these statutes applicable by virtue of the Korean conflict because the governments which I have named are nonexistent today.

The bill contains the provisions of the Magnuson bill, S. 4061, strengthening certain criminal sections of the code having to do with the internal security of the United States and providing longer penalties and longer statutes of limitation.

The bill which I have filed, under section 23, requires the Attorney General, after advising with the Director of the FBI, to report to Congress all action taken under the bill at least once every 6 months. It further requires the Attorney General, after advising with the Director of the FBI, to report within 6 months whether or not in his judgment an act to require the registration of Communists and Communist-front organizations would further protect the internal security of the United States.

The advantages of this bill are that it will enable the FBI to immediately take out of circulation people who are dangerous to our effort in behalf of the United Nations and who are dangerous to our internal security. The bill does not get into matters such as some of those contained in the McCarran bill, which we fear might infringe upon the freedom of the press, thought, and political affiliation. It does not contain provisions which might be used to enforce conformity of thinking and of political action. The bill does not include provisions for registration and they are not included for the reason that every statement by J. Edgar Hoover, Director of the FBI, on the subject says that this is not the way to deal with the problem and that such provision will hinder rather than help the work of the FBI. Personally, if satisfactory guaranties against prosecuting innocent citizens are included, I am willing to register Communists and Communist fronts now, but I think that Mr. Hoover knows more about this matter than any of us. The FBI did a great job in World War II. The FBI is the agency to which we must look for protection against dangerous Communists, saboteurs, and fifth columnists in the present emergency, and I think we must consider very, very seriously Mr. Hoover's recommendation.

It is easy to understand why Mr. Hoover and the FBI think the registration provision would hinder their work. The FBI now has about 13,000 personnel, about one-half of whom are agents. They know who the dangerous Communists and saboteurs are. It is well known that while there is a fifth column in this country, the FBI has a sixth column and that the activities of people in every Communist cell are well known by the FBI. The FBI has agents in these groups who keep track of their activities. Mr. Hoover stated that these groups would go underground if they had to register. This would mean, of course, that the FBI would lose its contacts or that the agents themselves would have to register. This is an unthinkable burden to put on a good American citizen who is serving his country through the FBI.

As before stated, the bill calls on the attorney general and Mr. Hoover to report their further recommendations. If they later think a registration provision would work, I will give it full support. But it seems to me that merely registering law violators will not prevent violation of the law. By the same token, the registering, or attempted registering, of Communists is not going to prevent their engaging in acts which would harm the United States. What we need to do is to take them into custody in time of emergency.

I hope this bill may be helpful in the consideration of our problem now, as well as in future consideration of this most important problem.

ADVANTAGES OF OUR CONSTITUTION—ADDRESS BY SENATOR O'CONOR

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD an address on the subject of the benefits and advantages of the Constitution of the United States, delivered by him at the Joint Constitution Day banquet sponsored by the Delaware State Societies of the Sons of the American Revolution and the Daughters of the American Revolution at Wilmington, Del., on September 16, 1950, which appears in the Appendix.]

MRS. PERLE MESTA—STATEMENT BY SENATOR O'CONOR

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD a statement prepared by him regarding the friendly type of good-will diplomacy practiced by Mrs. Perle Mesta, Minister to Luxemburg, which appears in the Appendix.]

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS—STATEMENT BY SENATOR GILLETTE

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD a statement prepared by him on the development of the Food and Agriculture Organization of the United Nations, which appears in the Appendix.]

LETTER FROM SENATOR WILEY TO PURE FOOD AND DRUG ADMINISTRATION REGARDING ENFORCEMENT OF OLEOMARGARINE LAW

[Mr. WILEY asked and obtained leave to have printed in the RECORD a letter dated September 15, 1950, written by him to the Pure Food & Drug Administration, Federal Security Agency, which appears in the Appendix.]

THE FIGHT AGAINST COMMUNISM—LETTER FROM MRS. INEZ M. JOHNSON

[Mr. MCCLELLAN asked and obtained leave to have printed in the RECORD a letter dated July 18, 1950, addressed to him by Mrs. Inez M. Johnson, of Little Rock, Ark., which appears in the Appendix.]

MOVEMENT OF TROOPS BY THE RAILROADS—COMMENTS OF A FORMER SERVICEMAN

[Mr. KILGORE asked and obtained leave to have printed in the RECORD a letter received by him from Edwin W. Estep, a former serviceman, in regard to the movement of troops by the railroads, which appears in the Appendix.]

RUSTLING OF IRON CURTAIN PORTENDS NEW AGGRESSION

[Mr. ROBERTSON asked and obtained leave to have printed in the RECORD an article entitled "Rustling of Iron Curtain Portends New Aggression," written by Constantine Brown and published in the Washington Star of Sunday, September 17, 1950, which appears in the Appendix.]

GENERAL MARSHALL COMES BACK—EDITORIAL FROM DULUTH (MINN.) NEWS-TRIBUNE

[Mr. THYE asked and obtained leave to have printed in the RECORD an editorial entitled "General Marshall Comes Back," published in the Duluth (Minn.) News-Tribune of September 13, 1950, which appears in the Appendix.]

CAVENDISH W. CANNON, UNITED STATES MINISTER TO SYRIA

[Mr. WATKINS asked and obtained leave to have printed in the RECORD an editorial entitled "One of Utah's Famous Sons Is an Able Diplomat," published in the Salt Lake Tribune of September 14, 1950, and an editorial entitled "Cavendish W. Cannon Goes to Syria," published in the Salt Lake Deseret News of September 14, 1950, which appear in the Appendix.]

APPOINTMENT OF EDGAR B. BROSSARD AS MEMBER OF THE UNITED STATES TARIFF COMMISSION

[Mr. WATKINS asked and obtained leave to have printed in the RECORD an editorial entitled "Brossard Nomination," published in the Washington Post of September 15, 1950, which appears in the Appendix.]

THE UNITED STATES AND CHINA IN A WORLD THREE WAYS DIVIDED—ADDRESS BY STANLEY K. HORNBECK

[Mr. WHERRY (for Mr. KNOWLAND) asked and obtained leave to have printed in the RECORD an address entitled "The United States and China in a World Three Ways Divided," prepared by Stanley K. Hornbeck, which appears in the Appendix.]

MARSHALL AND CHINA—EDITORIAL FROM CHRISTIAN SCIENCE MONITOR

[Mr. ROBERTSON asked and obtained leave to have printed in the RECORD an editorial entitled "Marshall and China," published in the Christian Science Monitor of September 16, 1950, which appears in the Appendix.]

NUMEROUS MISCONCEPTIONS ON TAXING EXCESS PROFITS—ARTICLE BY LAWRENCE L. McKENNA

[Mr. HOLLAND asked and obtained leave to have printed in the RECORD an article entitled, "Numerous Misconceptions on Taxing Excess Profits," written by Lawrence L. McKenna, and published in the Washington Star of Sunday, September 17, 1950, which appears in the Appendix.]

THE PERFECT LEADER—EDITORIAL FROM MEMPHIS PRESS-SCIMITAR—LETTER BY SENATOR KEFAUVER

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an editorial entitled, "We Need the Perfect Leader," published in the Memphis Press-Scimitar of September 4, 1950, together with a letter written by him to President Truman, which appear in the Appendix.]

FRANK PACE, JR., SECRETARY OF THE ARMY—ARTICLE FROM NEW YORK TIMES MAGAZINE

[Mr. JOHNSON of Texas asked and obtained to leave to have printed in the RECORD an article entitled, "And Now It's Pace of the United States Army," written by Magruder Dobie and published in the New York Times magazine of September 17, 1950, which appears in the Appendix.]

REGISTRATION OF COMMUNIST ORGANIZATIONS AND MEMBERS—EDITORIAL COMMENT

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an editorial entitled, "Our Inner Defenses," published in the Chattanooga Times of August 21, 1950; an editorial entitled "Blunderbuss and Rifle!" published in the Nashville Tennesseean of September 14, 1950; an editorial entitled "The Antisubversive Bill," published in the Chattanooga Times of September 14, 1950; an editorial entitled "Hodge-Podge," published in the Washington Post of September 14, 1950; an editorial entitled, "Is Communism a Yardstick?" published in the Wilmington (Del.) Journal; and an editorial entitled "The Senate on Subversion," published in the New York Times of September 14, 1950, which appear in the Appendix.]

TRIBUTE TO STATION WSM, NASHVILLE, TENN.

Mr. KEFAUVER. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD a tribute to Station WSM, Nashville.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

This year a fine public servant of the mid-South and the entire Nation is observing its silver anniversary—a quarter century of public-conscious service through radio. I refer to our great clear-channel station in Nashville, WSM which can point with pride to many achievements over the years.

WSM means much to the daily lives of millions of folks in Tennessee and other States as well. Over the years I have watched with interest the progress of this Tennessee institution and its sincere dedication to doing what it considers best for its listeners. WSM has meant much to millions of residents in the central South with its faithful day-to-day service. Since WSM went on the air in 1925, we have seen an ever-growing institution make great contributions to the development of the art of radio.

Now the new medium of television is occupying the experienced leadership of WSM's staff as it plans to bring that area its first video service. On September 20, WSM will launch a television station that will link Nashville with other major markets and bring to our area the finest of network television programs far in advance of what would be the date except for WSM willingness to make a tremendous investment for the public good. By a surface microwave relay from Louisville, Ky., to Nashville, our residents in that area are to get direct network television service. We of Tennessee appreciate what WSM has done over the years for us and what it is doing now. The television development at WSM places a tremendous financial burden upon the station, and it has upon WMC-TV, Memphis, but it serves to typify the operation of this organization and its efforts to keep the Nashville region in the front line with other major radio centers, such as New York, Chicago, and Los Angeles.

And so I salute WSM on its first quarter century, knowing that the next 25 years will add new luster to this clear channel friend of millions in the vast central South.

GRANT OF CITIZENSHIP TO KOREANS AND OTHERS—VETO MESSAGE

Mr. McCARRAN. Mr. President, I give notice that tomorrow at some convenient hour I shall move for the passage of House Joint Resolution 238 to amend the Nationality Act of 1940, as amended, to grant citizenship to Koreans, and so forth, the objections of the President to the contrary notwithstanding.

TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is the motion of the Senator from Colorado [Mr. JOHNSON] that the Senate concur in the amendments of the House of Representatives to the bill (S. 3357) to prohibit transportation of gambling devices in interstate and foreign commerce.

Mr. JOHNSON of Colorado. Mr. President, I withdraw the motion I previously made to concur in the House amendments to Senate bill 3357.

I now move that the Senate disagree to the House amendments, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHERRY. This is a privileged matter, so it is not subject to objection. However, I wish to speak on the motion.

The VICE PRESIDENT. The Senator from Nebraska is recognized.

Mr. WHERRY. I merely wish to ascertain, if I can, before the vote is taken on the motion, if the parliamentary status has been withdrawn. It is my understanding that the distinguished Senator from Colorado has withdrawn the motion previously made to concur, and now has moved that the Senate disagree to House amendments, and request a conference with the House of Representatives on the disagreeing votes of the two Houses, so that the matter will go to conference, where the differences between the House and Senate in connection with this measure will be ironed out. Is that correct?

Mr. JOHNSON of Colorado. That is correct.

Mr. WHERRY. I have no objection.

The VICE PRESIDENT. Without objection, the motion is agreed to; and the Chair appoints the Senator from Colorado [Mr. JOHNSON], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Delaware [Mr. WILLIAMS] conferees on the part of the Senate.

INCLUSION OF COAST GUARD WITHIN PROVISIONS OF SELECTIVE SERVICE ACT OF 1948

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4136) an act to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard, which was, on page 3, after line 18, insert:

SEC. 3. (a) Subsection (c) of section 4 of the Selective Service Act of 1948, as amended, is amended by adding a new paragraph (4) at the end thereof to read as follows:

"(4) Within the limits of the quota determined under section 5 (b) for the subdivision in which he resides, any person, between the ages of 18 and 26, shall be afforded an opportunity to volunteer for induction into the armed forces of the United States for the training and service prescribed in subsection (b), but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification."

(b) The sixth sentence of section 10 (b) (3) of the Selective Service Act of 1948, as amended, is hereby amended to read as follows: "Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title, of all individuals within the jurisdiction of such local boards."

Mr. SALTONSTALL. Mr. President, I move that the Senate concur in the

amendment of the House of Representatives to the bill.

Mr. RUSSELL. Mr. President, will the Senator make a brief statement in explanation of the House amendment?

Mr. SALTONSTALL. I shall be glad to do so.

In effect, there are two amendments which the House of Representatives has adopted to this bill. The first amendment permits a man who is a volunteer to obtain training until his number is called under the Selective Service Act. In the meantime, he will be a volunteer for training. When his number is called under the Selective Service Act, he will be subject to the provisions of the draft, as in the case of any other man. That is an explanation of the first amendment.

The other amendment allows a local draft board to divide itself into panels for the purpose of hearing cases. When the panels make their decisions, those who are affected by the decisions will have the same right of appeal from those decisions of the panel boards to the various appeals bodies in connection with classification matters as would be the case if the full boards had sat on those matters. That provision is proposed for the purpose of acceleration.

Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

NOMINATION OF WILLIAM O'DWYER—ANNOUNCEMENT

Mr. McFARLAND obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me?

Mr. McFARLAND. Yes; but before I yield, I wish to announce that after disposition is made of the resolution to which the Senator from Wyoming wishes to address himself, I intend to move that the Senate proceed to the consideration of executive business, for the purpose of having the Senate consider the O'Dwyer nomination.

I now yield to the Senator from Wyoming.

INVESTIGATION OF FUEL RESERVES

Mr. O'MAHONEY. Mr. President, on July 31, the Committee on Interior and Insular Affairs reported Senate Resolution 239, authorizing that committee or any duly authorized subcommittee thereof to make a study of the fuel problem and the consumption of fuel. Approximately five bills or resolutions dealing with that problem have been introduced or submitted. Most of them call for the appointment of executive or executive-legislative commissions.

The Committee on Interior and Insular Affairs decided that it would be better to have the committee itself make the study, rather than to set up a new commission.

So the resolution was reported. As submitted by the Senator from Pennsylvania, it called for an appropriation to be made out of the contingent fund of the Senate, in the amount of $100,000. The committee reduced that to $20,000.

The resolution as so reported by the Committee on Interior and Insular Affairs was approved by the Committee on Rules and Administration, and was adopted on the floor of the Senate on, I think, August 15.

On the following day, August 16, the Senator from Oklahoma [Mr. THOMAS] entered a motion to reconsider the vote by which the resolution had been agreed to.

Since that time I have consulted him. It is my understanding that he desires now only to make a statement with respect to the resolution.

I should point out that the study is wholly within the jurisdiction of the committee, so the effect of the resolution is merely to provide a contingent fund of $20,000 for that purpose.

I may say that the study relates not only to oil and coal but also to hydroelectric power; and there is great need for a congressional study of this problem.

I hope the motion of the Senator from Oklahoma to reconsider the vote by which the Senate agreed to the resolution will be disagreed to, if it is not withdrawn.

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. THOMAS of Oklahoma. What is the unfinished business, if any?

The VICE PRESIDENT. The previous unfinished business has just been disposed of. There is no unfinished business at the moment.

Mr. O'MAHONEY. Mr. President, the motion for reconsideration of Senate Resolution 239 is the unfinished business. I have just called up the motion.

The VICE PRESIDENT. The Senator from Wyoming is correct.

Mr. THOMAS of Oklahoma. That is what I wished to ascertain.

The VICE PRESIDENT. Let the motion be stated.

The CHIEF CLERK. A motion by Mr. THOMAS of Oklahoma to reconsider the vote by which Senate Resolution 239 was agreed to.

The VICE PRESIDENT. As many as favor the motion to reconsider——

Mr. THOMAS of Oklahoma. Mr. President, I have not called up the motion, I wish to say to the Vice President and to the Senate.

The VICE PRESIDENT. Any Senator has a right to call up the motion.

Mr. THOMAS of Oklahoma. Has a motion been made to call up the motion to reconsider?

The VICE PRESIDENT. The Senator from Wyoming made a motion to call it up.

Mr. WHERRY. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. THOMAS of Oklahoma. I yield.

Mr. WHERRY. I do not quite understand the situation. I understood that the distinguished Senator from Oklahoma filed a motion to reconsider the vote by which Senate Resolution 239 was agreed to.

Mr. THOMAS of Oklahoma. I entered a motion to reconsider, but I have not called it up.

The VICE PRESIDENT. Under the rule, any Senator may move to have the Senate proceed to consider a motion to reconsider; the right to make such a motion is not limited to the mover of the motion to reconsider.

Mr. WHERRY. Except he has to be on the affirmative side; does he not?

The VICE PRESIDENT. However, there was no yea-and-nay vote on that proposition.

Mr. WHERRY. I beg your pardon; that is what I wished to ascertain.

The VICE PRESIDENT. In this case there was no yea-and-nay vote.

Mr. THOMAS of Oklahoma. Mr. President, had there been any unfinished business, a motion to take up the motion to reconsider would, of necessity, have replaced the unfinished business, if the motion had been agreed to. Is not that correct?

The VICE PRESIDENT. That is correct.

Mr. THOMAS of Oklahoma. There having been no unfinished business, the motion was in order, of course.

The VICE PRESIDENT. Yes; and it would have been in order, in any event, and would have displaced any unfinished business, if the motion had been carried.

Mr. THOMAS of Oklahoma. Mr. President, on a former occasion, Senate Resolution 239 was reported to the Senate; and immediately thereafter, unanimous consent was requested for its immediate consideration. Consent was granted, and the resolution was then considered and agreed to.

I was not on the committee which considered the resolution. Of course, I was not familiar either with the contents of the resolution or with the arguments for or against it.

Within the required time, my attention was called to the effect of the resolution, whereupon I requested those who called my attention to the resolution to submit to me a memorandum as to why they asked me to enter a motion to reconsider the vote by which it had been agreed to. They consented to my request, and prepared and delivered to me forthwith a memorandum setting forth the reasons why they felt the vote on the resolution should be reconsidered and the resolution should not be adopted. On the basis of that memorandum, I entered the motion to reconsider.

At this time, Mr. President, I present to the Senate the memorandum on which I acted, and I ask that the memorandum be made a part of my remarks in the RECORD, at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

On Thursday, July 13, 1950, the Interior and Insular Affairs Committee opened hearings on Senate Resolution 239.

The objectives of the Secretary of the Interior and the sponsors of the pending measure seemed to be much the same; namely, the establishment of a national fuels policy. Although the witnesses, including the Secretary, more or less stoutly defended the private competitive enterprise system and insisted they did not want to hamper or hinder the functioning of such system, yet the net effect of their proposals would be to control the end use of fuels and perhaps to allocate certain parts of the market to particular fuels.

With respect to the necessity of conducting concurrent investigations with respect to

all energy resources, the Secretary said: "We have here four competing fields: oil, natural gas, coal, and hydroelectric power. * * * It is my feeling that a single fuel such as coal, or oil, or natural gas, cannot be studied independently. Individual elements of our energy economy do not function independently any more than the steel industry operates in a manner unaffected by the economic factors which influence our metallic products such as copper or aluminum. We must view the economic environment in which our energy sources are developed and used. This point becomes readily apparent when one considers the wide range of uses in which primary energy sources can be substituted one for the other. * * * The competition among the several energy sources varies widely with geographic areas and types of consumers. * * * The lesson of the past is that because of substitution among fuels the problems of any energy industry cannot be studied in isolation."

The Secretary discussed at length the displacement of coal by oil and gas, using as an example the trend in the railroad industry from coal to Diesel locomotives. The increase of natural-gas pipeline capacity into the highly industrialized centers of the Nation and consequent replacement of coal was particularly noted by the Secretary. The Secretary significantly stated: "An inquiry of the sort that I have been discussing is essential if we are to have available the objective facts which will be indispensable in helping to shape the future programs and policies of the Government, industry, and labor in this field. I do not think that it is sound for us to consider, without having available the results of exhaustive investigation, measures which will arbitrarily reverse many of the trends which I have been discussing."

In response to an observation by Senator ANDERSON that "the reserves of coal, generally speaking, are far greater than the known reserves of some of these other fuels," the Secretary said: "The reserve of coal is greater than the known reserves of any other fuel or all others combined—the thing that I am concerned about at the moment is that I want to get the very best use of all of these competing fuels and energy that we are using right now. * * * We are using them at a rather high rate at the moment. We are using oil at a higher rate than we did at the peak of the war. Our oil consumption today is greater than it was then."

Senator O'MAHONEY asked whether or not "as Secretary of the Interior you contemplate, as a part of a national fuel policy, that there should be any attempt to assign, let us say, part of the total energy, the total market for energy, to a particular kind of fuel." The Secretary's answer was: "At the present moment, Senator, I neither have the law nor the inclination to do such a thing." Senator O'MAHONEY continued: "Of course you have no law to do it; but would that be embraced in your objective study?" The Secretary's answer was: "That is right; that would be embraced in the policy study. At the moment you have to let competitive forces take their course. That is why I think you so badly need a law; you need a study upon which you might want to pass a law."

Later the Secretary said: "This is a problem that affects the whole Nation. You cannot talk about the public-land States alone, or the Southwest, or the Northwest alone, because any program that we set up affecting one section of this country is going to affect the whole economy of the country."

Mr. THOMAS of Oklahoma. Mr. President, realizing that among the Senators now present, there are sufficient Senators to prevent, by their votes, reconsideration of the vote by which the resolution was agreed to, I rest my case on the memorandum to which I have referred, and shall permit the Senate to pass upon the matter as it sees proper.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Oklahoma to reconsider the vote by which Senate Resolution 239 was agreed to.

The motion to reconsider was rejected.

EXECUTIVE SESSION

Mr. McFARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

The VICE PRESIDENT. If there be no reports of committees, the clerk will state the nominations on the calendar.

ADVISORY BOARD FOR THE POST OFFICE DEPARTMENT

The Chief Clerk read the nomination of Morris L. Ernst, of New York, to be a member of the Advisory Board for the Post Office Department.

Mr. McFARLAND. Mr. President, the Senator from North Dakota stated that he would probably withdraw his objection to this nomination. I ask that it go over for one more day, and, if the objection is not withdrawn, we may then proceed to consider the nomination.

The VICE PRESIDENT. The nomination will be passed over.

ASSOCIATE JUDGE, D. C. MUNICIPAL COURT

The Chief Clerk read the nomination of Emory Byington Smith, of the District of Columbia, to be an associate judge of the municipal court for the District of Columbia.

Mr. McFARLAND. I ask that this nomination go over.

The VICE PRESIDENT. The nomination will be passed over.

CALIFORNIA DEBRIS COMMISSION

The Chief Clerk read the nomination of Col. John S. Seybold, Corps of Engineers, to be president and member of the California Debris Commission.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED NATIONS

The Chief Clerk read the nomination of Benjamin V. Cohen, of New York, to be alternate representative of the United States of America to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. That nomination was confirmed in executive session earlier today.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of William O'Dwyer to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Mr. WHERRY. Mr. President, I ask that the nomination be passed over. That is a mechanical way of approaching this question; after which, of course, the distinguished acting majority leader may move to take up the nomination.

Mr. McFARLAND. Mr. President, although I do not think it necessary, I move that the Senate proceed to the consideration of this nomination.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. Is it necessary that there be a motion to proceed to the consideration of the nomination? If I understand correctly, that is unnecessary—the nomination would come up automatically, and the only way by which consideration can be prevented is by asking that it be temporarily passed over.

The VICE PRESIDENT. Since the nomination was passed over, it would come before the Senate again automatically, and a motion would not be necessary.

Mr. WHERRY. I ask unanimous consent that the nomination be passed over.

Mr. McFARLAND. I object, and I move that the Senate proceed to the consideration of the nomination.

The VICE PRESIDENT. The Senator from Arizona objects, and moves that the Senate proceed to the consideration of the nomination.

Mr. WHERRY. That motion is debatable, is it not?

The VICE PRESIDENT. It is.

Mr. IVES. Mr. President, last Friday night, when this nomination first came before the Senate for consideration, I stated that I shared the reluctance of those who might hesitate to vote in favor of the confirmation of Mr. O'Dwyer's nomination. At the same time, I stated that, because of the action of the Senate Committee on Foreign Relations, in approving the nomination and recommending confirmation, and because I must place great confidence in the committee, I was not opposing confirmation.

Had the question come to a decision that evening, I should not have opposed it. However, objection was made, a delay occurred, and the question is before the Senate again. Since that time, events have transpired which have occasioned my questioning very greatly the wisdom of confirming Mr. O'Dwyer's nomination at the present time.

I think some of the Members of the Senate know that an investigation has been going on in the Borough of Brooklyn, the county of Kings, in New York State, in connection with gambling activity. I desire to read a very brief portion of an article which appeared in last Saturday's New York Herald Tribune, which indicates my reason for feeling that there should be delay. The article is written by Mr. Walter Arm, under his byline, and I read from it the following:

Harry Gross, Brooklyn's biggest bookmaker, who is suspected of having been set up in business by a group of top police officials was arrested yesterday in his suite at the Hotel Towers in Brooklyn by investigators of Miles F. McDonald, Kings County district attorney.

The arrest, first of a series of borough-wide raids and bookie round-ups, is the most important made by the Brooklyn prosecutor since his investigation of gambling began last December.

If all the ramifications of Gross' gambling career are exposed, it will result, it was learned, in one of the biggest scandals in the history of the New York Police Department.

This is the investigation which former Mayor William O'Dwyer, who resigned unexpectedly recently to accept an appointment as Ambassador to Mexico, characterized as a witch-hunt.

That excerpt appears in the article by Mr. Walter Arm, which was in the issue of the New York Herald Tribune of last Saturday, September 16.

Mr. President, I know nothing about the provocation, or lack of it, for any of the charges which have been made. I know nothing about the details of this investigation. I do know, however, that in all probability the information which is now available was not available to the Senate Committee on Foreign Relations when the confirmation was under consideration by that committee.

It seems to me, in view of the circumstances, that it is most unwise at this time to proceed with the confirmation. I say this, not in criticism of former Mayor O'Dwyer, for whom I have a very high personal regard. But I think perhaps for his own best interests, and certainly for the best interests of the country, it is decidedly essential that confirmation be delayed, and, therefore, if it is brought up at this time, if the motion to take it up is to prevail, I shall move to recommit it for further consideration by the committee.

Mr. LEHMAN. Mr. President, I hope the Senate will promptly confirm the nomination by the President of the Honorable William O'Dwyer as Ambassador to Mexico.

Mayor O'Dwyer is a man of great talents and understanding as his career clearly discloses.

Few Americans in public life know Mexico as well as Mayor O'Dwyer. He has long had a passionate interest in this neighbor to the south of us and has spent much time in that country. He has an impressive background of knowledge and information concerning Latin-American affairs and Hispanic culture. As the members of the Senate Foreign Relations Committee learned, he speaks Spanish most fluently. He was educated in Spain and understands the Latin culture—an understanding which will do much to endear him to the Mexican people who are rightly proud of their culture and of their language.

Mayor O'Dwyer has climbed steadily upward in his career. He is what Americans proudly call a self-made man. This is exactly the type of man who appeals the most to the democracy-loving people of Mexico. He is a man of force and vigor who can energetically project to the people of Mexico our own ideals and beliefs and our interest in their welfare.

I believe that he will make a fine ambassador to Mexico.

New York, despite the difference in latitude from Mexico, has strong ties with this neighbor of ours. There are many persons of Latin descent and Latin background in our population in New York State. It is, therefore, fitting and proper that a man who has taken such a great part in the life of New York, as has Mayor O'Dwyer, should be selected to strengthen the ties between our two countries.

Mr. CHAVEZ. Mr. President, I should like to make a brief statement in behalf of Mayor O'Dwyer. Everything which has been said about the mayor, until now, is correct. I agree with every statement made by the Senator from New York [Mr. LEHMAN]. But I want to go further even than those statements.

Mayor O'Dwyer is the beneficiary of American opportunity. He came to this country as an immigrant, to take advantage of the benefits of the American way of life, as one may take advantage of them if he behaves himself properly, and of the things that we love so much. Mayor O'Dwyer knows Americanism as it should be known. Some of us who have been here for a long time are, because things come so easily, because nature has been so kind to us, and because the Government has been so kind, are apt to forget some of the hardships which exist throughout the world. I believe that Mayor O'Dwyer will make as fine an ambassador to Mexico as that other great American who was there, once upon a time, Mr. Josephus Daniels.

In my opinion, Josephus Daniels, who went to Mexico under a terrific handicap, he having been Secretary of the Navy at the time Vera Cruz was invaded, became the best loved American there was in Mexico, through selling ideas, ideologies, decency, and real Americanism to the Mexicans.

In my opinion, the background of Mayor O'Dwyer, plus the fact that he has so many things in common with the people of Mexico, should make him a great Ambassador. I congratulate the Committee on Foreign Relations and its distinguished chairman for having recommended the confirmation of Mayor O'Dwyer's nomination. I think he will make a great Ambassador.

Mr. McFARLAND. Mr. President, in order to straighten out the parliamentary situation, I moved that the Senate proceed to consider this nomination; which was unnecessary. I thought that that would bring about the test vote. There is, of course, no reason why we should have three votes on this question. The Senator from New York has stated now that he would move to recommit, in the event my motion were agreed to, and I am therefore going to withdraw my motion and let the nomination come up in regular order. I withdraw my motion.

The PRESIDING OFFICER. (Mr. STENNIS in the chair). The Chair is advised that the matter of the nomination of William O'Dwyer to be Ambassador to Mexico is now the regular order. We have reached that nomination on the calendar. No motion is necessary for its consideration.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. Has the distinguished Senator from New York made the motion to recommit, or has he merely announced his intention of doing so?

Mr. IVES. I intend to do so.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. IVES. Mr. President, I now move to recommit the nomination to the Committee on Foreign Relations for further consideration.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the nomination of William O'Dwyer, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico be recommitted to the Committee on Foreign Relations.

Mr. CONNALLY. Mr. President, I very much hope the Senate will not recommit the nomination to the Committee on Foreign Relations for further consideration. We gave everyone an opportunity to be heard. No one was refused a hearing. Only one witness appeared, and we heard him at length. His only complaint was about an indictment which had been returned when Mr. O'Dwyer was district attorney in Brooklyn. The former mayor was not in direct charge of the case. However, this witness went on the stand and in great detail and at great length explained the case to the entire satisfaction of all the members of the committee, with one possible exception. Every member of the committee, with one exception, the Senator from Iowa [Mr. HICKENLOOPER], voted to report the nomination. The Senator from Iowa did not vote "yea" and he did not vote "nay." He voted "present." With practically a unanimous vote by members of both parties, it seems that it would be very foolish to send the nomination back to the committee. The committee has heard everyone who wanted to be heard. All those who wrote the committee received a letter or telegram from the committee telling them when the meeting would be held. Only one man showed up, and he was the candidate for Congress on the Republican ticket in the Roosevelt district.

Mr. President, former Mayor O'Dwyer, as has already been stated, came to this country as an immigrant when he was 20 years old. By his own efforts he worked his way forward until he became Mayor of New York City. The people of New York twice elected him. I am sure that in those campaigns his entire record was under intense scrutiny. So far as I know, nothing was ever proved to his discredit or dishonor. Everything was clear in spite of those Republican attacks.

So, Mr. President, it seems to me with his background, his understanding of the Spanish language, and his acquaintance with Spanish customs and ideals he is a splendid man for us to send as Ambassador to Mexico.

Mr. CHAVEZ. Mr. President, will the Senator yield for a question?

Mr. CONNALLY. Yes.

Mr. CHAVEZ. Is it not proper and is it not sound that one who understands those things, as the former Mayor of New York does, if he has the inclination, which he has, should be our ambassador to Mexico?

Mr. CONNALLY. I thoroughly agree with the Senator from New Mexico. That is what I was saying.

Mr. CHAVEZ. For instance, in the two New York mayoralty campaigns, under our American system, the people of New York passed on the questions that were brought up in those campaigns, and they elected him twice.

Mr. CONNALLY. Each time by a very large majority.

Mr. President, I hope that the Senate will not recommit this nomination, but in proper order will confirm the nomination, because the committee was for him and the people are for him.

Mr. IVES. Mr. President, I regret very much that a situation seems to have developed which makes it appear that there is a Republican attack upon former Mayor O'Dwyer. I tried to indicate in my remarks to the Senate last Friday night that that was the one thing I was trying to keep entirely out of the discussion. If it had been a question of partisan politics, I would have objected previously. I would have objected then. I would not have waited until the following Monday. It is because of events which have occurred since that time, which could not possibly have been brought to the attention of the Committee on Foreign Relations, which I believe have a great and profound bearing upon this whole question, and which should be taken into consideration, that I now rise and make the motion to recommit, in order that the committee may give this matter the consideration to which I feel it is entitled.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. IVES. Certainly.

Mr. CHAVEZ. Will the Senator from New York tell us now what his objection is? Notwithstanding my great feelings for Mayor O'Dwyer, if the Senator from New York will tell the Senate now what his objections are, he may be able to convince me that I should vote against his nomination and vote in favor of his motion to recommit the nomination to the committee.

Mr. IVES. I think the excerpt which I read from the newspaper column of last Saturday is sufficient evidence of what I had in mind. Perhaps the distinguished Senator from New Mexico was not present when I read the article. If he was not present, I shall be glad to read it again.

Mr. CHAVEZ. I am extremely sorry I was not present, but if the Senator will tell the Senate why he wants to send the nomination back to the committee, the Senator may convince me.

Mr. IVES. The reason is a simple one. The question of gambling in the Borough of Brooklyn, county of Kings, which are one and the same, has been brought directly into the center of this picture. Former Mayor O'Dwyer has been reported to have stated that the investigation of that question by the district attorney of the county was a "witch hunt." Mr. O'Dwyer, as mayor of the city of New York, was responsible for the conditions which existed in the city of New York, at least insofar as the police department was concerned. I say to my distinguished colleague from New Mexico that this matter should be explored, or at least action by the Senate should be delayed until we find what the outcome is in the city of New York. I do not think it is fair to the former mayor of New York City that his nomination should be confirmed under such conditions, and I do not think it is wise from the standpoint of the country to have it confirmed under such conditions. That is why I am making my motion to recommit the nomination.

Mr. WHERRY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Anderson	Hill	Martin
Benton	Hoey	Morse
Butler	Holland	Mundt
Cain	Humphrey	Murray
Chapman	Hunt	Neely
Chavez	Ives	O'Conor
Connally	Johnson, Colo.	O'Mahoney
Cordon	Johnson, Tex.	Robertson
Darby	Kefauver	Russell
Donnell	Kem	Saltonstall
Douglas	Kerr	Schoeppel
Dworshak	Kilgore	Smith, Maine
Ecton	Langer	Stennis
Ellender	Leahy	Thomas, Okla.
Ferguson	Lehman	Thye
Frear	Long	Watkins
Fulbright	McCarran	Wherry
Gillette	McClellan	Wiley
Graham	McFarland	Williams
Green	McKellar	Young
Gurney	Magnuson	
Hendrickson	Malone	

The PRESIDING OFFICER. A quorum is present.

Mr. IVES. Mr. President, I want to be just as fair as I possibly can be about this matter. I do not want to see any politics in it so far as I am concerned. I like Bill O'Dwyer. What I am trying to do here is for what I believe to be the interest of the country and, by the same token, perhaps the interest of Mayor O'Dwyer. Under the circumstances I should like to withdraw my motion to recommit and substitute therefor a motion to postpone action on this matter for 2 days, during which time I will get in touch with the district attorney of Kings County, Mr. Miles F. McDonald, asking him to send a communication in writing to the distinguished chairman of the Senate Committee on Foreign Relations saying, if such is the fact, that he is acquainted with no evidence of any kind for which reason former Mayor O'Dwyer should not be confirmed by the Senate as Ambassador to Mexico. I think that is a fair proposition. I think it will provide a reasonable solution—and I dare say there are members of the Democratic Party who may have a feeling similar to my own in this connection. Therefore I request that the postponement motion be substituted for the motion to recommit.

The PRESIDING OFFICER. The Senator's motion is in order. He has withdrawn his motion to recommit, and makes a motion that the nomination be deferred for 2 days.

Mr. FERGUSON. Mr. President, as I understand it will not be necessary to take a vote upon the question as to whether or not it can be deferred for 2 days.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FERGUSON. Is there something pending which requires an immediate vote?

The PRESIDING OFFICER. The question of the confirmation of the nominee is before the Senate in executive session. The question is debatable.

Mr. FERGUSON. I simply wanted to know the parliamentary situation.

The PRESIDING OFFICER. By unanimous consent or by motion the Senate may defer consideration of this nomination, but it is the pending business.

Mr. FERGUSON. Mr. President, I hope the nomination will be deferred for several days. I think a letter from the district attorney, Mr. McDonald, of Brooklyn, and also a letter from Mr. Hogan, who is the district attorney of the borough of Manhattan, both of which are included in the territory served by Mr. O'Dwyer as the former mayor, would clear up the situation. What is contained in the letters can be reported to the Senate. I am satisfied that the mayor himself does not want a feeling to exist that there has been a cutting off of any investigation of his acts as mayor of the great city of New York. I hope the Senate will agree to the motion that the Senate delay action for 2 days, so the matter can be cleared up. If the contents of the letters make clear to the committee that no hearing respecting them is required, that can be reported to the Senate. If the contents of the letters are such that the Foreign Relations Committee should go into the matters further, the committee can take such action as it sees fit. A request is not made that the Foreign Relations Committee ask for the letters, but the distinguished senior Senator from New York himself is willing to ask for the letters. The letters can be submitted to the Senate, so the Senate itself can decide whether it has the facts needed before it can act.

Mr. CONNALLY. Mr. President, I hope the Senate will not postpone action on the nomination. What Senators propose is to let a district attorney act on the confirmation instead of the Senate. Senators would seem to intimate that whatever the district attorney decides upon, we will do. I am not in favor of any such procedure. No one who has any respect for the functions of the Foreign Relations Committee ought to insist upon such procedure. Mr. President, what did the committee do in respect to the nomination? A great many letters were received by the committee dealing with the nomination. We answered them and told the writers when the hearings were to be held, when we were going to consider the nomination. Mayor O'Dwyer came all the way back from California to attend the hearing. He was in California on his vacation. What came of it all? We invited a great many individuals, but what became of it all? One little fellow came, a man who is running for Congress on the Republican ticket. He is the only man who showed up. We heard him. We let him talk as long as he wanted to talk. Then the mayor got on the stand and discussed all the so-called charges and the

indictments when he was district attorney, and everyone was given time to interrogate him. Why did not the Senator from New York [Mr. IVES] come to the hearing? Why did not the Senator from New York show up at the hearing, if he knows so much about the case?

Mr. IVES. Mr. President, is the Senator from Texas asking the Senator from New York a question? The Senator from New York did not come to the hearing, so far as this particular matter is concerned, because in the first place nothing was known about it, then and in the second place the Senator from New York understood the Senate committee was going into every aspect of the matter.

Mr. CONNALLY. We did.

Mr. IVES. The committee could not have done so.

Mr. CONNALLY. We could not have done so because we had no knowledge of the matters in question then. I do not know where the Senator from New York received his information, but he did not think enough about it to come before the committee at any time. Neither did the Senator from Michigan [Mr. FERGUSON] come before the committee. Why did not the Senator come before the committee, if he knows anything about this particular matter?

Mr. FERGUSON. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. Yes.

Mr. FERGUSON. Some matters appeared in the press subsequent to the committee hearings.

Mr. CONNALLY. Yes; I know.

Mr. FERGUSON. In fact the Herald Tribune article of September 16, 1950, contained only an inquiry in relation to the matter.

Mr. CONNALLY. Yes; I understand.

Mr. FERGUSON. It was not the desire of the Senator from New York or of the Senator from Michigan to ask that the committee hold further hearings but to see whether or not the district attorneys——

Mr. CONNALLY. Would confirm him or not.

Mr. FERGUSON. No; not confirm him.

Mr. CONNALLY. The Senator wanted to see whether the district attorneys would confirm him or reject him. It seems to be the theory of the Senator from Michigan that a little newspaper publicity will be secured by postponement. Oh, it is proposed to postpone the matter for 2 days, and then when it has been postponed for 2 days another little newspaper somewhere prints something about the matter in its columns and—"Wait a minute, we have to postpone the matter for another 2 days so we may be able to hear what this fellow knows about the matter"—when he does not know anything.

Mr. President, we have given this case the closest attention. Mayor O'Dwyer came all the way back from California to face his accusers. He faced them. He never dodged a question. He answered every complaint which was made to the satisfaction of the entire committee, with the exception of one member, who did not vote in the affirmative or negative, but simply voted "present." When so nearly a unanimous agreement can be reached by a committee to report the nomination favorably—only one member not voting affirmatively—the nominee ought to be confirmed. I appeal to the Senate not to postpone action, but to proceed and vote on the nomination. If Senators do not want to vote to confirm the nomination of Mayor O'Dwyer, let them vote against confirmation, but let us have a vote and end the matter.

Mr. McFARLAND. Mr. President, before I made the motion that the Senate proceed to the consideration of executive business, I consulted with the distinguished minority leader as to whether there was any objection to taking up the nomination. The distinguished Senator from Iowa [Mr. HICKENLCOPER] had withdrawn his objection to considering the nomination. If the Senator from New York [Mr. IVES] had conveyed his objection to the minority leader, I might well have waited another day, or perhaps 2 days, to move an executive session to consider the nomination. But, Mr. President, the Senate having taken up the nomination, thinking there was no objection to considering it at this time, I believe it would be a blot upon the reputation of a distinguished and outstanding statesman in the State of New York if we should delay action.

The nomination having come before the Senate I believe we should vote on it, and vote it up or down at this time. When such a matter is postponed for a couple of days by reason of a newspaper article, it tends to indicate that the Senate of the United States thinks there is something wrong with the nominee. For that reason I hope the Senate will vote down the motion of the distinguished junior Senator from New York.

Mr. CHAVEZ. Mr. President, will the Senator yield for a question?

Mr. McFARLAND. I yield.

Mr. CHAVEZ. Is it not true that if there is anything wrong with Mr. O'Dwyer 2 days from now something is wrong now, and we should pass on the question?

Mr. McFARLAND. That is correct; and if there is anything wrong with Mayor O'Dwyer now there was something wrong 2 months ago. This thing is nothing new. It was before the committee. If we postpone action on a nomination every time a newspaper article appears in connection with it, we would never confirm anyone. We are drawing near the end of the session, and I say it would be unfair to Mayor O'Dwyer to postpone consideration of the nomination, when the Senate thought there was no objection to taking it up at this time.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. WHERRY. Inasmuch as the minority leader has been brought into the discussion, I should like to say a word. There is nothing unusual about the request of the Senator from New York. Time and time again when nominations have been brought before the Senate, and, for some special reason, request has been made that action on the nomination be postponed for a couple of days, such action has been taken. I think the Senate should extend the Senator from New York the courtesy of granting his request for postponement.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. McFARLAND. I wish to make it plain that if the request had been made at the proper time I at least would have consented to postponement for one day, but such a request was not made. That is the point I am making.

Mr. WHERRY. I wish to answer that statement. The Senator is rather exercised over the point as to the time when the objection was made. It is true that the distinguished acting majority leader came to me and asked me if I knew of any objection to the consideration of the nomination. I had not yet conversed with the Senator from Iowa [Mr. HICKENLOOPER], and he was on the floor. I believe both of us talked to him at the same time. As I understood the Senator from Iowa, he was not going to interpose objection, but he wished to make a few remarks about the nomination.

When the time came for him to make those remarks, in order that he might have an opportunity to make them, it being necessary for a Senator to reserve the right to object to the nomination to bring that about, I said I would ask that the nomination go over.

There was another reason for the request. After the distinguished Senator from Iowa talked to me, other Senators talked to me. At that time they were not sure what they would do; but they thought that possibly the nomination should be recommitted, so that they could study the hearings, if they wished to do so, or so that they themselves might have an opportunity to do some investigating on their own account. What is unreasonable about that, Mr. President?

Furthermore, any Member of the Senate has a right to rise and ask that a nomination go over for 2 or 3 days or for any length of time he wishes to request, even after the nomination is before the Senate for consideration.

These nominations come up automatically. The only way in the world the consideration of a nomination can be prevented is for a Senator to ask unanimous consent that the nomination be passed over. I asked unanimous consent for that purpose; but the distinguished Senator from Arizona did not agree to the request; he said he objected to it. So he himself forced this nomination before the Senate today.

Up until this moment, I had no knowledge of the charges made or whether they were considered by the committee or were not considered by it. However, now, as a Member of the Senate, one who is not a member of the Foreign Relations Committee, I am charged with the responsibility of voting for or against confirmation of the nomination, knowing what was published in the newspaper after the committee reported the nomination by the vote which has stated to us by the distinguished Senator from Texas—in short, a unanimous vote, with the exception of the vote of one member of the committee, who voted "present."

The matter of the newspaper article came up after the committee report was made. In the report there is nothing about the article or the matter to which it relates. In fact, I do not think the committee has even filed a written report with the nomination, if my understanding of that matter is correct; and I believe I am correct in that respect. I do not believe there is even a printed report on the nomination. I am not complaining about that, because, of course, we are approaching the end of the session.

Certainly the minority leader has done his level best to cooperate in regard to the program. I do not want to cause any delay; but I wish to say that when I read the article in question in the newspaper on Sunday, and when someone called me about it, I said, "Well, that certainly has come up after the committee made its report. I cannot see why the committee, in fairness to the mayor, should not make a further investigation and give the mayor a clean bill of health."

Of course, possibly the committee has already heard about that matter. The distinguished Senator from Texas says that just one man came before the committee—a Republican, a "little fellow," so the Senator said, who is said to be a candidate for election to the House of Representatives.

Mr. President, I do not know how "little" he was or whether he was a Republican, or who he was. Nevertheless, any man who had the courage to come to the committee and oppose the nomination, if he felt that the nomination should not be confirmed, certainly was acting within his right.

Regardless of whether he is so little that if he were wearing a high silk hat, he could walk under a snake and not even touch the snake, certainly at least he has a right to oppose confirmation of the nomination if he wishes to do so.

Of course I am the minority leader, and I wish to do what is right.

I ask the acting majority leader not to force this matter now, but to let the nomination go over for 2 days. My judgment is that by that time we can have ironed out this matter, and then can vote on the nomination.

At this moment, I speak in favor of recommitting the nomination, because I think such a request is a perfectly normal and reasonable one. If that motion is opposed, I shall be forced to vote against confirmation of the nomination, because I have no way of knowing about this matter now, other than what I have learned about it from the article which was published in the newspaper. I understand that it was published in several others newspapers, in addition to the New York Herald Tribune.

Mr. McFARLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McFARLAND. The motion to recommit has been withdrawn, has it not?

The PRESIDING OFFICER. That is correct.

Mr. WHERRY. Very well; then I correct my remarks. I was absent for a moment or two from the floor, while answering a telephone call.

Let me inquire what the pending motion is, Mr. President?

The VICE PRESIDENT. The pending question is on agreeing to the motion to postpone consideration of the nomination for two calendar days.

Mr. WHERRY. In other words, that motion, if agreed to, will result in postponing consideration of the nomination to Wednesday, a day certain. Very well, Mr. President. That motion makes my argument all the better, for certainly the motion is now predicated on a very reasonable request, namely, to hold up action on the nomination for 2 days, postponing action on the nomination to a day certain. If the motion is agreed to, there is no doubt that the nomination will come up at that time.

If the acting majority leader wants to have this matter brought up for consideration, I think he himself should join in the request now made, and should give the Senate 2 days to look over this nomination.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. MUNDT. The junior Senator from South Dakota does not have the least idea in the world whether Mayor O'Dwyer's nomination should be confirmed or should not be confirmed, or what these new charges may entail; but the Senator from South Dakota is curious to try to find some rational rule by which the precedents in regard to senatorial courtesy seem to operate in this body. As a comparatively new Member of the Senate, the junior Senator from South Dakota would like to direct a question or two to the minority leader, who has had vast experience in this field.

Am I not correct in my memory that not so long ago, while operating, it seems to me, almost exclusively on the basis of senatorial courtesy, the Senate by overwhelming votes refused to confirm the nominations of certain persons coming from the States of Iowa, Virginia, and Georgia? As the Senate will recall, in connection with those nominations there was no question of dishonesty or disloyalty, but objection was made to the nominations because the Senators from those States objected to confirmation of the nominations.

In view of the fact that the Senate rejected those nominations because of objection by the Senators from the States concerned—in other words, because of the application of the precedents in regard to senatorial courtesy—surely in the same spirit of senatorial courtesy the Senate should permit 2 days to elapse now, so that the Senator from New York could satisfy himself in regard to the nomination in the case of a citizen of his own State.

Mr. WHERRY. Is that a question, Mr. President?

Mr. MUNDT. Yes.

Mr. WHERRY. Certainly all Senators know that it is reasonable to request that a nomination be passed over; and in this case, in accordance with the request of the distinguished senior Senator from New York [Mr. IVES], certainly it is reasonable to request that the nomination be passed over for 2 days.

Certainly we attempt to proceed on the basis of agreeing to all reasonable requests by Senators; and certainly this request is most reasonable; and similar requests have been granted many, many times, in my experience in the Senate.

Mr. MUNDT. Let me ask whether these very friendly and worth-while principles of senatorial courtesy are supposed to operate solely for the benefit of the majority party?

Mr. WHERRY. Oh, no. Senatorial courtesy is supposed to extend equally to Senators on both sides of the aisle, just as unanimous-consent agreements can be entered only by agreement on the part of all Members of the Senate, Members on both sides of the aisle, or otherwise there will be no unanimous-consent agreement. Therefore, such matters work both ways, and such courtesies should be extended to Senators on both sides of the aisle.

Mr. MUNDT. I have one further question: I wonder whether the distinguished minority leader would advise me whether I am correct in understanding that the full extent of the courtesy being requested by the senior Senator from New York [Mr. IVES] is, not that the Senate reject the nomination, as was done in the case of the other nominations to which I have referred, but simply that the Senate postpone action on the nomination for 2 days—which would seem to me to be the very minimum amount of courtesy the Senate could extend to one of its Members under the circumstances.

Mr. WHERRY. I wish to answer the Senator from South Dakota now by stating that that is the proposal of the Senator from New York at this time. He withdrew his motion, and now has requested that the nomination be passed over for 2 days.

When the distinguished Senator made his motion, I understood him to say he had in mind the same purpose and same objective which he has in mind now in connection with his present request—namely, that he felt that Senators should have time to clear up this matter and to bring back a clean bill of health for the former mayor. The senior Senator from New York [Mr. IVES] spoke in glowing terms, high terms, complimentary terms, if you please, of the distinguished former mayor of New York.

I say to the distinguished Senator from South Dakota that he is getting along perfectly all right in his interpretation of the rules of the Senate, and of course he is asking questions which he himself can answer. However, if it will be of any help to him, I shall reply to his last question by saying that I am satisfied that the distinguished senior Senator from New York went the whole route when he said he would ask consent that the nomination go over for 2 days, rather than move that the nomination be put over or be delayed indefinitely.

Mr. McFARLAND. Mr. President, I wish to clear up the matter of senatorial courtesy. No one has tried to extend more courtesies to the minority side than I have. However, this matter has passed the point of senatorial courtesy.

The majority leader gave notice on last Friday that this nomination would

be brought up today. Earlier today, shortly after the Senate convened, and before I brought up the nomination, I gave notice that I would move its consideration. If at that time any objection had been made and if senatorial courtesy had been extended to me then, by having a Senator who wished to have the nomination go over come to me and ask me to agree to have that done, before the discussion occurred on the floor of the Senate, certainly I would have tried to comply with such a request.

However, once a nomination is taken up, following announcement of the intention to take it up, and when following that announcement no Senator comes to the Senator making the announcement and requests the courtesy of being able to consider the matter further, then it is a reflection upon the Senator who moves to have the Senate consider the nomination, for another Senator then to ask, during the consideration of the nomination by the Senate that it be postponed because of newspaper articles.

Furthermore, Mr. President, I submit that 2 days from now we could not clear up a matter of this sort any more than we could do so at this time, for by that time there would be other newspaper articles, one of which no doubt would be to the effect that the Senate has held up confirmation of the nomination of former Mayor O'Dwyer; and that information would be carried in the headlines of various newspapers in the State of New York. As a result, irreparable injury would be done to the nominee.

Therefore, Mr. President, I think the Senate should confirm the nomination today.

Mr. WHERRY. Mr. President, I shall only detain the Senate for about 2 minutes.

Mr. President, I inquire if the Senator from Texas wants me to yield to him.

Mr. CONNALLY. The Senator from Texas would not dare do that.

Mr. WHERRY. If the Senator from Texas wants me to yield to him, I shall be glad to do so.

Mr. CONNALLY. I do not want the Senator from Nebraska to yield.

Mr. WHERRY. The Senator was making some remarks. I will yield to him, if he wants me to yield. I want to be fair in my use of the time.

I desire to say again that there is no reflection on Mayor O'Dwyer in connection with this request. That statement is 100-percent correct. The request which is being made is the usual one. I did my level best to cooperate with the majority to get the nomination up for consideration, but anyone has a right to ask that nominations be passed over. As the Senator from New York has so graciously said, reviewing senatorial courtesies on both sides, no one has complained about the action of the distinguished acting majority leader in bringing up this nomination. It is true he said he would bring it up, and, when he did so, the distinguished Senator from New York made a statement in the RECORD in which, while paying tribute to Mayor O'Dwyer, he said he was not going to consent to taking up the nomination at this time. This discussion all took place following that.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. WHERRY. I am satisfied that if the majority leader were here—and no reflection is intended on the acting majority leader—he would agree that, in view of the Senatorial courtesies extended in times gone by, as well as the precedents which have been brought to the attention of the Senate by the junior Senator from South Dakota, with reference to recent nominations, from the State of Iowa, the State of West Virginia, and the State of Georgia, a postponement would be in keeping with the precedents. There is no reflection intended. There was a delay, of course, in the other case, and there were those who wanted to defeat the nomination, as I understand; at least, they wanted the matter postponed until they could make up their minds.

Here we are simply asking that this nomination go over for 2 days, say until Thursday, and that it then be considered by the Senate. What is wrong about that? What is fairer than that? Why is it not a normal proceeding? Why is it desired to force a vote on the nomination today?

Mr. McFARLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arizona for a question?

Mr. WHERRY. I yield.

Mr. McFARLAND. Mr. President, I should like to say to the distinguished Senator from Nebraska that I am not going to say what Senator approached the acting majority leader, but it was stated to me that it was not the desire that Mayor O'Dwyer's nomination should be defeated, but that his nomination could come up next January. That is the kind of proposal I want defeated by the Senate. If Senators are willing to enter into a unanimous-consent agreement that this nomination be voted on day after tomorrow, at 1 o'clock, I shall make the request.

Mr. WHERRY. Mr. President, I am not in position to enter into a unanimous-consent agreement fixing the time for a vote. But I shall be glad to enter into a unanimous-consent agreement, so far as the minority members are concerned, who are perfectly willing that the nomination shall be brought up on Thursday at 1 o'clock, at which time there can be such debate as may be necessary. In that way they will be afforded opportunity to make a determination; and at that time, if another unanimous-consent request should be made, we might be in a receptive mood.

I do not believe any Member of the Senate has been more cooperative in the matter of unanimous-consent agreements than has the minority leader, the Senator from Nebraska. But I am not going to say now what time should be fixed for voting on this nomination. If there is no argument, we can vote on it in five seconds, and if there is argument, believe me, we are going to have plenty of time to debate the nomination. We shall know at 1 o'clock Thursday; and that is only fair and reasonable.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CHAVEZ. May I ask what is the objection to the confirmation of the O'Dwyer nomination today?

Mr. WHERRY. The reasons have been stated by the Senator from New York and by the Senator from Michigan, who have asked that, as a matter of senatorial courtesy, the nomination be passed over for 2 days. A Senator has the right to make unanimous-consent request, in his own time, in regard to doing certain things, and that is all that is being done here.

Mr. CHAVEZ. What is wrong with a unanimous-consent request to let the matter go over for 48 hours, and come to a unanimous-consent agreement to vote on it Wednesday at 1 o'clock?

Mr. WHERRY. Mr. President, the thing that is wrong is this: I do not know at this time whether that would afford sufficient time for debate on confirmation, if time should be allotted for debate. The Senator well knows what is wrong with it.

Mr. CHAVEZ. I should like to ask, What is wrong with O'Dwyer?

Mr. WHERRY. The junior Senator from Nebraska is not saying there is anything wrong with him.

Mr. CHAVEZ. I should like to know how the Senator from Nebraska and the Senator from New York feel about it.

Mr. WHERRY. Is the Senator asking me that question?

Mr. CHAVEZ. Yes.

Mr. WHERRY. I would not say that there is anything wrong; but I do say that if there is anything wrong, the debate should determine it, and adequate time should be allowed.

Mr. CHAVEZ. The committee held hearings. There are certainly 13 Senators on the committee, who were trusted by the Senate to act on the nomination.

Mr. WHERRY. Certainly. Is there a report filed with committee hearings? No, none whatever. There is not a word in the report, on the point that I am trying to make. There is no way for one who does not have the information to judge. The distinguished Senator from Texas says that it is "newspaper." Of course it is newspaper. If there is anything to the newspaper story, a delay of 2 days would not make any difference so far as Mayor O'Dwyer is concerned; if there is something to it, it ought to be cleared up for his own sake and for the good of the country.

Mr. CHAVEZ. Let us look at it from this angle: I do not think that Mayor O'Dwyer needs either the Senator from New Mexico or the Senator from Nebraska to protect his integrity.

Mr. WHERRY. Very well—I am not suggesting that.

Mr. CHAVEZ. Now, I should like to know, whether it takes 24 hours or 48 hours, what objections the Senator from New York and the Senator from Nebraska have to Mr. O'Dwyer.

Mr. WHERRY. Mr. President, I will answer that question. There is no objection to bringing up the nomination for consideration Thursday. That is the request which is being made by the senior Senator from New York—or Wednesday, it would be Wednesday if it is postponed for 2 days. It is agreeable to make it Wednesday. There is no objection to that. Set the time, now, for 1

o'clock or 12 o'clock or 12:30. After the nomination comes back, if the distinguished Senator will propose a unanimous-consent request, we shall be in position to state whether we want to grant the request as to the time limit. However, if it is desired to force the nomination, the effort to force it might as well be made today as Wednesday.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CHAVEZ. I hope, and I ask, that the Senator from Nebraska and the Senator from New York at that time state to the Senate what objections, if any, they have to Mayor O'Dwyer.

Mr. IVES. That is agreeable to me.

Mr. WHERRY. I cannot speak for the distinguished Senator from New York, but so far as the minority leader is concerned, I shall be glad to state, at 1 o'clock Wednesday, when the nomination comes up, whether there is any objection then to a unanimous-consent request to vote on the nomination immediately.

Mr. IVES. Mr. President, I yield the floor.

Mr. McFARLAND. Mr. President, in order to get this matter before the Senate, it may well be that no Senator desires to postpone consideration of the nomination until after the Senate recesses or adjourns; I do not know. They may have no such intention now, but they may entertain such an idea on Wednesday, and perhaps they now desire to leave the door open. Unless we can get a unanimous-consent agreement to vote on this nomination Wednesday, including a vote on any motions, if the nomination is before the Senate then, I shall insist a vote be taken today.

I ask unanimous consent that on Wednesday next, at 2 o'clock, the Senate proceed to vote upon this nomination, and upon any related motion which may be pending at that time; that the time between 1 o'clock and 2 o'clock on Wednesday be divided equally between the proponents and opponents; and that, on any motions, the debate be limited to 10 minutes, the time to be divided equally between the proponents and opponents.

Mr. WHERRY. Reserving the right to object, it will be impossible for the minority leader to agree to that unanimous-consent request at this time. But I do say we are in perfect agreement about bringing up the nomination on Wednesday at 1 o'clock, and, at 1 o'clock we shall then be glad to negotiate on the basis of a unanimous-consent request. If that cannot be done, and we are forced to vote on the nomination, by agreeing to a unanimous-consent request in advance, before we ever get to debate on the subject, I shall have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. McFARLAND. Very well.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the senior Senator from New York that further consideration of this nomination be deferred until Wednesday of this week.

Mr. IVES. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the senior Senator from New York include in his motion a specific hour, such as the hour of 1 o'clock?

Mr. IVES. That is agreeable to me.

The PRESIDING OFFICER. The Senator from New York amends his motion accordingly. The question is on agreeing to the motion of the senior Senator from New York that the Senate defer further consideration of this nomination until 1 p. m. Wednesday of this week.

Mr. ANDERSON. Mr. President, that does not necessarily mean that it is to be voted on at 1 o'clock, does it?

Mr. WHERRY. That is correct, it will be voted on at 1 o'clock.

The PRESIDING OFFICER. The motion is that further consideration of the pending question on the confirmation of the nomination of Mr. O'Dwyer be deferred until 1 p. m. Wednesday of this week.

Mr. McFARLAND. Mr. President, I merely want to say a brief word in regard to the nomination. It has been thoroughly demonstrated to my satisfaction that there may be an effort on foot to postpone consideration of the nomination until after Congress adjourns. We may be ready to conclude the session by Thursday; we do not know. I hope that the motion will be defeated.

Mr. WHERRY. Mr. President, I think that statement should not go unchallenged. There is no effort at all on the part of any member of the minority to hold up this nomination or any other nomination, if it is desired to take it up. All we are asking is, as a matter of Senatorial courtesy, that the consideration of this nomination be deferred until 1 o'clock Wednesday; that is all.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. WHERRY. In a moment. To show that I am acting in good faith, I propose a unanimous-consent request that after the consideration of this nomination, on Wednesday, at some time before the session closes, the acting majority leader, or the majority leader, bring up the nomination for a vote before the Senate either recesses or adjourns. He can get that kind of a unanimous-consent agreement, but not until we have had a chance to look at this nomination in the time intervening, until 1 o'clock on Wednesday. I submit that to the acting majority leader as a modification of the request.

Mr. McFARLAND. Mr. President, we shall choose the time for presenting our own unanimous-consent requests. I refuse to accept the proposal of the junior Senator from Nebraska.

Mr. WHERRY. Does the Senator object?

Mr. McFARLAND. I object to the minority leader's telling me when I could propose a unanimous-consent request.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. That was not my unanimous-consent request. My request was in the nature of a substitute.

Mr. McFARLAND. That was the substance of it. So I object.

Mr. LEHMAN. Mr. President, earlier today the senior Senator from New York proposed that consideration of the nomination be postponed for 2 days, with the specific statement that he wished to take the matter up with the district attorney of Kings County, N. Y. That was a definite implication that the nomination would be voted on on Wednesday next. I think there is a great deal in what the acting majority leader has said, namely, that this may be an attempt to block consideration of the nomination entirely until after adjournment. If the suggestion of the minority leader means anything—and it is a suggestion which he has repeated and was accepted by the acting majority leader—an hour certain for a vote on the nomination on Wednesday should be fixed.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. LEHMAN. I yield.

Mr. ANDERSON. Does the Senator from New York recall the discussion which took place on this question on Friday, September 15? Does he recall that the Senator from Iowa objected and that the majority leader stated that he served notice that on Monday the Senate would take up the nominations of both Mr. Cohen and Mr. O'Dwyer? Does the Senator recall further that the minority leader then proposed that the nomination be passed over until Monday, and the majority leader agreed to it?

Mr. LEHMAN. I remember that very distinctly.

Mr. ANDERSON. Does that not, in the opinion of the Senator from New York, dispose of any question of senatorial courtesy?

Mr. LEHMAN. It seems to me it took care of every possible consideration of senatorial courtesy.

Mr. ANDERSON. Does the Senator from New York know of a single Senator who would object to having the nomination go over until Wednesday afternoon, provided a vote will be taken on Wednesday at a certain hour? Is it not a fact that every Senator is willing to have the nomination go over to a date certain if the time is fixed for a vote, but that there is no one who is willing to put it off simply until Wednesday, because on Wednesday we may be asked to let the nomination go over until Thursday, and perhaps another newspaper story will appear in the meantime and then we will be asked to let it go over until Friday?

Mr. LEHMAN. That is correct.

Mr. ANDERSON. Some Senators feel that the Congress ought to get away from Washington by Wednesday. I hope the Senator from New York makes it plain that there is no one on this side of the aisle who is objecting to waiting until Wednesday. The senior Senator from New York made a specific request and many Senators would like to accommodate him if there could be any assurance that we would be able to vote on Wednesday.

Mr. LEHMAN. The Senator from New Mexico has fully and clearly stated the situation. The proposal now before the Senate is quite different from the one which was made by my distinguished colleague, the senior Senator from New York. It means absolutely nothing. It

can result only in more time being asked for and more delay. I am perfectly willing to agree to a delay until Wednesday, in order to satisfy all the amenities, provided an hour certain is agreed on.

Mr. IVES. The senior Senator from New York would like to make it clear that he has no thought of conducting any filibuster on the matter. He has no thought of taking any more of the Senate's time than is absolutely necessary. He has been very brief today, and presumably on Wednesday, whatever the situation may be, he will take no more time than he has taken today. There is no necessity for agreeing on a specific time for voting.

Mr. McFARLAND. Mr. President, a Member of the minority side has come to me and suggested that I change the voting hour to 4 o'clock. Accordingly, I modify my unanimous-consent request to provide that the time between 2 o'clock and 4 o'clock be divided with the same provisions which I previously stated.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McFARLAND. Yes.

Mr. FERGUSON. If unanimous consent for 4 o'clock is given, no matter what the Senator from New York may ascertain in the meantime, a vote would have to be taken at that time. We would not be able to vary the agreement, and the majority side would not be able to vary it.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. McFARLAND. I should like to add to the statement that I did not preclude any motions. I left the door wide open. If Senators are acting in good faith and wish to vote on the nomination before we adjourn, they will accept the unanimous-consent request, because any kind of motion, including a motion to recommit, could be made.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. What is the parliamentary situation?

The PRESIDING OFFICER. The Chair understands that the Senator from Arizona proposed a unanimous-consent request that further consideration of the nomination be deferred until 2 o'clock on Wednesday, and that the time between 2 o'clock and 4 o'clock on Wednesday be divided equally by the proponents and opponents, and that at 4 o'clock the nomination be voted on.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McFARLAND. Just a moment, please. The agreement also provides that the Senate shall proceed to vote upon all motions, and that debate on all motions be limited to 10 minutes, with 5 minutes allotted to each side.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. McFARLAND. Yes.

Mr. FERGUSON. Does that include a motion to recommit the nomination to the committee for further hearing?

Mr. McFARLAND. I said all motions. Any kind of motion could be made.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. McFARLAND. Yes.

Mr. CORDON. Under the unanimous-consent request made—and I may identify myself as the one who made the suggestion—am I to understand that all the time, when no other matter is pending before the Senate, between now and the time set for the vote will be available to any Senator to discuss this subject, but that on Wednesday there is committed to a discussion of this subject the period from 2 o'clock to 4 o'clock, during which time the opponents and proponents may be heard and motions may be made, specifically a motion to recommit, and including a motion for further continuance of the matter, and that all motions must be voted upon beginning at 4 o'clock.

Mr. McFARLAND. The Senator has correctly stated the unanimous-consent request.

Mr. WHERRY. I again offer the modification, that the consideration of the nomination be deferred until 1 o'clock on Wednesday, provided that during the debate on Wednesday the majority leader or acting majority leader may propose a unanimous-consent request with respect to having a vote on the nomination, and I ask that the nomination be voted on before adjourning or recessing.

Mr. MORSE. Mr. President, reserving the right to object, I am satisfied that we have reached the point in the Senate where we have been running unanimous-consent requests into the ground so far as efficient operation of the Senate is concerned. I do not think they have been working out satisfactorily in recent weeks. I think on a great many occasions we would have voted sooner than we did under a unanimous-consent agreement if we had simply proceeded with the business of the Senate. I am satisfied that on many occasions they have been the cause of delay rather than expediting the work of the Senate. This particular unanimous-consent agreement, so far as I can see, does not advance us one whit over the position we presently occupy. Come 4 o'clock on Wednesday, there will be a motion for further postponement or recommittal. Therefore I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MUNDT. Before we vote on the measure I should like to make a statement to the acting majority leader, because I think he misunderstood some questions that I had asked of the minority leader. I do not want the acting majority leader to think that I believe he was acting without senatorial courtesy. There is no man for whose sense of fair play I have greater respect than the acting majority leader. I think I should repeat in an affirmative statement therefore the point I brought out in the interrogatories which I directed to the distinguished minority leader, because we are about to take a vote which may come back to plague us.

In the 2 years I have been in the Senate I have discovered that there is one essential difference in a situation of this kind between the Senate and the House of Representatives, where I served for 10 years. In my view, the House has the happy habit of frequently making its rules as it goes along; in a sort of catch-as-catch-can maneuver. The Senate is very seriously dedicated to the past and precedents, and what we do today will be looked at by Senators tomorrow, next year, and 2 years from tomorrow, in the same way that I look back today to what we did only a few days ago when, after listening to the very eloquent plea of the distinguished junior Senator from Georgia, I along with many of my colleagues voted, strictly as a matter of Senatorial courtesy, to disapprove one of the President's appointments to an important job. He was a man I did not know, a man of whom I had never heard, and a man against whom there had been no charge concerning his character, loyalty, or integrity. However, he was a man who in opinion of the junior Senator from Georgia, for whom I have great respect, should not be confirmed. A little later the distinguished junior Senator from Iowa [Mr. GILLETTE] arose and urged us to vote against confirming the nomination of a judge in Iowa. He was a man I had never heard of. He was a man who the distinguished junior Senator from Iowa said was admittedly a worthy citizen of his State, but a man, in the Senator's opinion carefully arrived at, whose nomination should not be confirmed.

The same day, on a third vote, we voted against confirming a man appointed to a commission, a man by the name of Hutchinson, from Virginia, because the senior and junior Senators from Virginia urged us as a matter of senatorial courtesy to give enough credence to their viewpoint and their wishes not to vote for his confirmation. Overwhelmingly three times in a row the Senate confirmed the principle of senatorial courtesy. These distinguished Democratic Senators made the plea. Three times Republicans joined with the Democratic Senators in confirming the principle of senatorial courtesy.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. MUNDT. I yield to the Senator from New Mexico.

Mr. ANDERSON. The Senator certainly is not going to forget the vote after the Senator from Michigan made a strong fight against Mr. Hook, is he? Was that senatorial courtesy?

Mr. MUNDT. It was.

Mr. ANDERSON. On both sides?

Mr. MUNDT. Yes. I am happy the Senator remembered that case. I did not deliberately leave it out. It had slipped my mind. Four times we followed the principle of senatorial courtesy.

If we are to break that precedent, let us do it knowingly. Are we today justified in breaking a precedent, whereas a few days ago, four times—not three—relying in large part upon the judgment of the Senators from the States affected, this body refused to confirm Presidential appointments in keeping with the precedents of senatorial courtesy? Are we going to break these precedents, and say that today we are going to refuse his plea, despite the very moderate and

modest request of the senior Senator from New York that he be given, as a matter of senatorial courtesy, 2 days in which to bring in evidence? He is not asking us to reject the nomination. He is not asking us to do anything unusual. He is merely asking for 2 days, and we have offered to enter into a unanimous-consent agreement to vote on the nomination before adjournment.

Mr. CHAVEZ. Mr. President——

Mr. MUNDT. I shall yield in a few minutes. I wish to make the matter clear. I am talking as a very junior Senator from South Dakota, in the interest of finding out what we are going to do about senatorial precedents, so that when this question comes up again some time, as it is bound to, Senators who vote on the impending roll call will look back to see how they voted before, and to see how they voted when they were urged to vote, as they did vote, by the Senators from Virginia, Georgia, Iowa, and Michigan, so that we can be consistent in our rules on senatorial courtesy, and not play politics with it, as we do with too many other things.

Mr. CHAVEZ. Mr. President, will the Senator yield now?

Mr. MUNDT. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I am very glad the Senator from South Dakota brought up the four cases of which he speaks. I agreed with the two Senators from Georgia, I agreed with the Senators from Virginia, I agreed with the Senator from Michigan, and I agreed with the Senator from Iowa. There were objections. Irrespective of how I feel toward Mr. O'Dwyer, if the Senator from New York at this particular moment makes the same objection that the Senators from those individual States made, I shall vote against Mr. O'Dwyer. Let us not confuse the issue now as to senatorial courtesy. Any time the Senator from South Dakota objects to the nomination of a postmaster in his State, I will stick with him.

Mr. MUNDT. May I say——

Mr. CHAVEZ. Just a moment. This is not that class of case. In the first place, outside of the Michigan case, the rest of them were individual, local cases. A man was appointed as judge for a district in Georgia, as to which the two Senators from Georgia have the say, and I was going to stick with them no matter what happened. The case of the judge in Iowa was an individual case in that State. Whether it was Senator GILLETTE, or even Senator HICKENLOOPER—if he had made the same kind of a point, as to senatorial courtesy——

Mr. MUNDT. The Senator's word "even" is entirely superfluous.

Mr. CHAVEZ. That is all right. I desire to protect the Senate.

Mr. MUNDT. If I may comment in my own time——

Mr. CHAVEZ. Let me say that the only difference is that if the committee had not looked into the matter so much, it would not make a bit of difference whether we allowed 24 hours or 48 hours. What difference does it make? I do think it is only fair that both sides of the matter should be worked out. Give them 48 hours, but tell us when we are to vote—at 1 o'clock, at 2 o'clock, or 4 o'clock.

Mr. MUNDT. Mr. President, I appreciate very much the contribution the Senator from New Mexico has given, which has tended to narrow the issue. Let us know exactly what we do confront on the impending roll call. Neither the character, the ability, nor the qualifications of Mayor O'Dwyer are at stake; they are not involved in the roll call; we ask only for an opportunity to learn what they are before we vote.

Mr. President, this is not a vote on the qualifications of Mr. O'Dwyer, about which, as I have said, I know nothing; and I have no predilection either way. I would like to know the facts. This is a vote to determine, in accordance with the rules on senatorial courtesy, whether we shall extend to the senior Senator from New York the courtesy of permitting him 2 days to determine upon some of the evidence which is alleged to be available about a citizen of his State, which people in his State want to present to the United States Senate. In other words, if I take aright the argument of the Senator from New Mexico, he says he would be perfectly willing to uphold his position provided the senior Senator from New York were to object to confirming Mayor O'Dwyer. Certainly we should not penalize the Senator from New York because of his sense of fair play. Certainly we should not penalize him by saying, "You are going to have to object now, before you get the evidence, before your colleagues in the Senate will extend you the customary courtesy." I applaud and commend the sense of fair play of the senior Senator from New York, who says he does not want to object now. He says he may vote for the confirmation if a full set of facts can be developed. The same is true of the junior Senator from South Dakota. He simply wants time to investigate the matter to get at the pertinent facts involved. What we are to vote on now, taking the definition of the Senator from New Mexico, is whether or not we want to limit the principle of senatorial courtesy to those who rise and object to someone, whether they have reason to do so or not, and before the evidence is given; or whether we are going to extend the courtesy of giving the Senator from New York—and any Senator—an opportunity to present the evidence to his colleagues.

I cannot bring myself to believe that the Senate, which four times a few weeks ago voted to extend the Members of the Senate the principle of senatorial courtesy, is now going to discriminate in the manner suggested against the senior Senator from New York, simply because he asks for 2 days' time in which to get the evidence required to guide his decision.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. MUNDT. I yield to the Senator from New Mexico.

Mr. ANDERSON. Does not the Senator recognize any difference between the other cases and the instant case?

Mr. MUNDT. There are some differences.

Mr. ANDERSON. Does not the Senator realize that in all four of the cases he has referred to, the committee recommended against the candidates? Does not the Senator realize that in this case the Committee on Foreign Relations has unanimously reported in favor of the confirmation of the nomination?

Mr. MUNDT. I have not any real knowledge on the question, because there is no committee report in this case, so I must answer purely on hearsay.

Mr. ANDERSON. Is not the Senator willing to take the statement of members of the committee that that was the decision?

Mr. MUNDT. I am willing to take their statement, but I recognize that it was made before this new evidence was brought into the picture. I do not know how they would act now, with the full facts before them.

Mr. ANDERSON. This is not evidence brought into the picture; this is a newspaper yarn. Does not the Senator realize that the Senator from New York has not said that Mayor O'Dwyer is personally obnoxious to him.

Mr. MUNDT. Does not the Senator think that the attitude of the Senator from New York demonstrates a spirit of fair play, that all he wants is for the Senate to consider the evidence?

Mr. ANDERSON. I think he has known Mayor O'Dwyer for years. The Senate has indicated it is ready to vote on Wednesday.

Mr. WHERRY. Mr. President, objection is made. Let us vote.

The PRESIDING OFFICER. The yeas and nays have been ordered. Let the Senate be in order.

Mr. SALTONSTALL. Mr. President, I suppose it may be too late to make the plea I am about to make, but I make it particularly to the Senator from Arizona, the Senator from Texas, and the Senator from New York. I do not consider myself a close friend, but I know Mayor O'Dwyer, and I have known him for a number of years. I respect him. I respect what he has made of his life. I want to vote for his nomination as Ambassador to Mexico.

What we confront is this situation: There is a newspaper article from a reputable newspaper, the New York Herald Tribune, by one who, so far as I know, is a reputable reporter, and that article, dated September 16, says that the arrest of a man by the name of Gross may involve many of the top officials of the New York police force who were under Mayor O'Dwyer. The article further says that this is the investigation by the district attorney which Mayor O'Dwyer called a witch hunt.

In justice to those of us who want to vote to confirm Mayor O'Dwyer's nomination, it seems to me, to use colloquial language, that the senior Senator from New York should have the opportunity to put up or shut up on Wednesday next, and that we should leave the matter open for 2 days. I hope we will then vote and I hope I can vote for the confirmation of Mayor O'Dwyer's nomination. But it seems to me that, in view of this article in a reputable newspaper, which says that top officials in the police department, under the control of the mayor of the city, may be involved in a bad gambling set-up in the city of Brooklyn, we ought to hold the matter in abeyance for 2 days.

If the senior Senator from New York cannot produce evidence of the statements of the district attorney at that time showing that there is warrant for recommitting the nomination so that the committee itself may hear the evidence and be satisfied one way or the other, and if statements are made on the floor which can satisfy us one way or the other, then we certainly should vote to confirm Mayor O'Dwyer's nomination.

Mr. IVES. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. IVES. The Senator from New York is very grateful to the distinguished Senator from Massachusetts for his testimonial. The Senator from New York, however, again wants it definitely understood that he is not trying to block the nomination of former Mayor O'Dwyer. All the Senator from New York is trying to do is to ascertain the truth insofar as the truth may be ascertainable.

Mr. SALTONSTALL. I thank the Senator from New York. I do not want to give the impression that the Senator from New York is trying to block the nomination. He is trying to get at the truth, and we are all trying to get at the truth. It is very embarrassing for a Senator like myself who wants to vote to confirm the nomination of Mayor O'Dwyer, who has great respect for what Mayor O'Dwyer has made of his life, to be forced to vote today after an article such as the one to which reference has been made has appeared in the newspaper.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. CONNALLY. Will the Senator from Massachusetts agree, if we give 2 days' time for this matter, that an hour now be fixed at which time a vote will be taken?

Mr. SALTONSTALL. I would say to the Senator from Texas that I am not in a position to do so. I believe that on Wednesday this matter should be debated, and after debate has been had, if the Senator from Texas himself is agreeable to further consideration of the matter by the committee, very well; or if nothing is found from the district attorney's letter which is detrimental, or if the district attorney is not willing to say anything, we should then vote to send Mayor O'Dwyer to Mexico. I hope the Senate will not postpone the matter indefinitely.

Mr. CONNALLY. I know, but if we are merely to wait 2 days, and then start over, and go over the same matter again, I am not in favor of that. If the Senator will agree to a vote being taken at a definite hour on Wednesday, I will agree that the nomination go over to Wednesday; otherwise, I will not agree that it go over.

Mr. SALTONSTALL. I cannot enter into such an agreement. I will say to the Senator from Texas that, so far as I am concerned, at an appropriate hour on Wednesday, whether it be 2 or 3 or 4 or 5 o'clock, I would be willing to vote on a motion to recommit, to to send Mayor O'Dwyer to Mexico; and not to postpone the nomination further.

Mr. President, I should like to make one further statement about a matter which has been called to my attention by the senior Senator from New York. As I understand, if we take up the nomination on Wednesday we do so with the idea of voting either to send it back to committee or to send Mayor O'Dwyer to Mexico.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. LEHMAN. Is it not a fact that in connection with any unanimous-consent agreement to vote on a bill or on a nomination at any given hour, a motion to recommit is always in order? So will the Senator from Massachusetts point out to me what is unreasonable in the request that a certain day and time be set now to consider this nomination, to vote on it, or to consider any motions in regard to it? There is always the possibility of recommitting it if, in the judgment of the Members of the Senate, that is wise.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor. He can yield only for a question.

Mr. SALTONSTALL. I will say to the junior Senator from New York that, provided a reasonable hour is set for voting, let us say 4 or 5 or 6 o'clock, so far as I am concerned, if nothing detrimental has been produced before that time, I shall be willing to vote.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. WHERRY. Mr. President, there is no use suggesting 3 or 4 or 5 or 6 o'clock or any hour as the time for voting, because there simply is no possibility this afternoon of securing a unanimous-consent agreement to vote. I have said, and I say again to substantiate what the distinguished Senator has said, that I believe this matter can be ironed out; I think we can later secure an agreement to vote without any difficulty, but I cannot agree to a unanimous-consent request this afternoon.

The PRESIDING OFFICER. Has the Senator from Massachusetts yielded the floor?

Mr. SALTONSTALL. No, Mr. President. I simply wish to say in conclusion that I would most humbly suggest, as one who wants to vote to confirm the nomination of Mayor O'Dwyer, that the Senator from Arizona permit the question to go over until Wednesday, and if nothing detrimental is found to exist, as a result of the inquiry which will be made, then we certainly should vote to send Mayor O'Dwyer to Mexico.

Mr. ANDERSON. Mr. President, I desire to take up the suggestion made by the distinguished Senator from Massachusetts when he said it is time to put up or shut up. I believe there is something to that suggestion. I think the Senator from Arizona has made a fair proposal, which is, that the nomination be taken up on Wednesday; that it be discussed between 2 o'clock and 4 o'clock on that day; and that at 4 o'clock it be left wide open to any sort of motion, such as a motion to recommit, to postpone to a later date, or to vote finally on confirmation. I only suggest that if there is any evidence developed in the 2 days of sniffing around, then that evidence can be laid before the Senate. If the senior Senator from New York, for whom we all have the greatest respect, will then stand up on the floor of the Senate and say, "I guarantee to the Senate of the United States that I have evidence which will make the Members believe that it is wrong to confirm this nomination, that the nominee is personally obnoxious to me," he will not have a bit of difficulty, I think, with the Senate of the United States, even though the committee has practically unanimously reported the nomination favorably. But I believe we ought to vote on this nomination.

Here is a man who came back from California to attend the hearing of the committee, who offered to let any man who had evidence stand up and present it so that he could confront him. The evidence now spoken of was available at that time, but was not presented to the committee. It has since appeared in a newspaper story, after the committee has faithfully conducted and concluded its public hearings. Now it is suggested that, because a story has since appeared in the newspapers, we should wait until we have a chance to look into it. The proposal of the Senator from Arizona was that if we wait two full days, thus giving anyone who wishes to do so an opportunity to look into the matter as much as he wishes, at the end of those 2 days the Senate of the United States should consider the nomination, and then vote to recommit or to confirm. It could be postponed for another 2 or 3 or 4 or 5 days if the Senate of the United States thought there was evidence presented which justified such action. But oh, no, some Senators do not want to do that. They say, in effect, "We are going to be sure that when that day comes we can again postpone and postpone and postpone." And the Senator says, "I am not trying to block the confirmation."

Mr. President, I ask: If the senior Senator from New York is not willing to stand up and say that this nomination should be blocked, that this nomination should be delayed permanently, why should he ask the other Senators to do it? I realize, as all other Members of the Senate realize, the legislative position we are now facing. If the conference report on the bill dealing with subversives should come to the Senate, if the conference report on the tax bill should come to the Senate, and both should be agreed to promptly, there will be a drive to adjourn the Senate on Wednesday or Thursday at the very latest; there will be a suggestion that Congress return to Washington next November, and then the suggestion can be made that we can put off the nomination. But remember that every day we do that we are dealing with a man's reputation.

Here is an individual who has tried to serve his country in its uniform. Here is a man who has been elected to high office by overwhelming majorities by the people who ought to know him best, the people living around him. In the case of this man, when one little story appears that there may be graft in the police force in his town, then someone jumps to the conclusion that he

must be connected in some way with that graft. I know that stories of graft have appeared in cities where top officials have not been at all connected with it. We have had discussions in this community about matters connected with the police department, which did not reflect in the slightest upon the Commissioners or upon the District Committees of the Senate or House. I believe the same applies to the situation in New York.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. MUNDT. First, I simply wish to make clear the position set out by the majority leader that certainly we are willing to enter into a unanimous-consent agreement to vote on the confirmation before adjournment. We have offered to do so. Primarily I ask the Senator from New Mexico if he does not believe he is putting us up against a rather rough shotgun situation when he says, "Either you have to vote on this matter today or agree to an hour certain next Wednesday at which to vote." That seems to be imposing cloture upon the Senate under a much more severe rule than has ever before been suggested. I think it is taking cloture too far when we are asked to agree to vote at a certain hour, before we know what the evidence may amount to or what debate may be warranted.

Mr. ANDERSON. If the evidence is submitted, it should be submitted to the Committee on Foreign Relations. Senators should be willing to stand up and say, "I think this man is not the man for the position; that he is crooked; that he is a bad person." But nothing like that was said while the distinguished Senator from Texas and his committee were conducting hearings. Witnesses appeared before the committee, but no one said anything about the matter which has been discussed here today until the hearings were closed.

Mr. WHERRY. Mr. President, may I ask the distinguished Senator a question?

Mr. ANDERSON. Yes.

Mr. WHERRY. Certainly during the 2 days when the nomination would be again before the committee, it would be the committee's work to run down the evidence. The Senator from New York has not in any way indicated that he is going to build a case against the mayor. All he wants to do is to have the evidence adduced, see what it is, and make up his mind that when the Senate resumes consideration of the nomination he shall vote "yea" or "nay" on confirmation. Does not the Senator from New Mexico feel that it is the proper procedure to recommit the nomination to the committee so that the committee can report back its findings?

Mr. ANDERSON. I would remind the distinguished minority leader that there is nothing in the pending proposal that would recommit the nomination to the committee. The Senator from New York is not insisting that the committee look at the nomination again. He is asking for 2 days' delay. Two days in which to do what? So he can call up the district attorney in New York. I am in favor of him calling up the district attorney in New York. I am in favor of him talking to the newspaperman who wrote the article. Then if the Senator stands up on the floor of the Senate and says, "This man is venal and he should not be confirmed," so great is the respect for the senior Senator from New York and so great is senatorial courtesy that I think the Senate would act in accordance with his request. But the Senator has not done that. He wants to telephone to the district attorney in New York. He can telephone in 2 days.

Mr. President, I yield the floor.

Mr. IVES. Mr. President, in the first place I should like matters straightened out as to what the senior Senator from New York does think. So far as the senior Senator from New York is concerned the nomination can be brought to a vote today or any time the Senate wants to if it cares to vote on the question under the conditions which now confront us. The senior Senator from New York will vote against the confirmation at this time. And the senior Senator from New York would suggest that every Member of the Senate do likewise until some of the questions which have been raised are cleared up.

The senior Senator from New York stated his position very clearly last Friday night, when he said he was not opposing confirmation of the nomination. Last Friday night, had there been a vote on this question, the senior Senator from New York would have voted in favor of confirmation of the nomination of former Mayor O'Dwyer.

But over the week end there was found in one newspaper the article which has been referred to in the Senate, and on the next day there were similar articles in other newspapers.

If the Senate wishes to vote on the nomination at this time, despite that situation, far be it from the senior Senator from New York to try to stop the Senate. However, the senior Senator from New York refuses to vote for confirmation of the nomination under these conditions.

So far as the question of bringing up any evidence is concerned, the senior Senator from New York has no intention of presenting before the Senate a case connected with this matter. That is not the job of the senior Senator from New York.

The senior Senator from New York will, however, get in touch with the district attorney of King's County to ascertain from him his ideas, in line with what was previously suggested; and if the district attorney of King's County can find no reason why, because of any evidence which may be before him, the nomination of the former mayor of New York, Mayor O'Dwyer, should not be confirmed, then the senior Senator from New York will so notify the Senate. However, beyond that, the senior Senator from New York declines to go.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. IVES. Certainly.

Mr. LEHMAN. Would not it be possible for the Senator to get the information to which he has referred within the next 48 hours, if that is the case?

Mr. IVES. I should think so.

Mr. LEHMAN. And if the evidence which the Senator believes he may receive is unfavorable to the candidate, former Mayor O'Dwyer, would the senior Senator from New York in any way be prevented from making a motion to recommit, regardless of the hour set for the vote?

Mr. IVES. Not at all.

Mr. LEHMAN. Then why not do that?

Mr. IVES. The senior Senator from New York would like to point out to his distinguished colleague that setting the hour for the vote is one thing, and setting an hour for taking up and considering the nomination is something else.

The senior Senator from New York feels that under the conditions which now exist, the time for taking the vote itself should not be decided, but the only thing on which agreement should be reached should be the time when the Senate is to take up the nomination and consider it.

Mr. LEHMAN. Does not the senior Senator from New York realize that the acting majority leader made a proposal that the vote be taken at 4 o'clock and that the time between 12 noon and 4 o'clock be used for discussion of the nomination? Of course, that would not in any way limit the right of the senior Senator from New York, if the evidence was not in accordance with his own views, so far as concerns the propriety of making a motion to postpone or making a motion to recommit.

Mr. IVES. The senior Senator from New York would like to point out one thing to his distinguished colleague, namely, that a time limitation in that respect might preclude a determination of the matter on the basis of permitting the Senate to have the information which has been referred to and which may be extensive.

Mr. McFARLAND. Mr. President, I do not wish to delay the vote on this question.

First, I wish to thank the senior Senator from New York for his kind remarks about me. I appreciate them very much. I have tried to cooperate as best I could. I think I have extended every possible courtesy.

I did not move to have the Senate consider this nomination until I had conferred not only with the minority leader but with many other Senators on the minority side. I made the motion to have the Senate consider the nomination because no Senator objected to having the Senate take it up.

I wish the record to show that I would have been willing to have proposed that the time for voting on the nomination be Wednesday, at any hour which might be agreeable; and had there been a statement that the nomination would be objected to, I would have done so. However, I feel that it is important that we dispose of this nomination.

If the motion to defer consideration of the nomination were to prevail, it might well be that on Wednesday there would be a motion for final adjournment of the session; and immediately prior thereto, preferred matters would be considered by the Senate, and thus we might never have an opportunity to vote on the nomination.

Mr. WHERRY. Mr. President, I should like to have the record show that unanimous consent was proposed by the Senator from Nebraska to have the Senate vote on the nomination before the Senate takes a final recess or adjournment.

I should also like the record to show that the Senate is not going to take a recess on Wednesday, and it cannot possibly take a recess on Thursday. The House Appropriations Committee will not report the supplemental appropriation bill to the House until Wednesday, and that means we shall be very fortunate to get out of here by Saturday of this week.

So there will be plenty of opportunity to vote on the nomination and I think a unanimous-consent agreement could be reached in regard to having the Senate vote on the nomination.

Mr. RUSSELL. Mr. President, I desire to make a brief statement before the vote is taken, in view of the reference made by my distinguished friend, the Senator from South Dakota [Mr. MUNDT] to certain other nominations which were before the Senate a short time ago. I think there is quite a bit of difference between the two situations.

In the first place, it so happens that I appeared before the committee which was considering the other nomination, and I presented my objections to the committee, and the committee made an unfavorable report on the nomination. Instead of trying to have the nomination delayed, on several occasions I sought to have it brought forward and considered before the day on which it was considered by the Senate.

I hope I shall never be accused of a lack of senatorial courtesy to any of my colleagues in this body, on either side of the aisle.

If this matter were presented today, and if the distinguished senior Senator from New York were to state, while standing in his own place in the Senate, and speaking on his own responsibility as a Senator of the United States, that he objected to confirmation of the nomination, that he had reason to believe that the statements appearing in the newspaper were true, and that it was for that reason that he objected to confirmation of the nomination of former Mayor O'Dwyer, I certainly should support the distinguished senior Senator from New York in that position; and to my mind, that is as far as the matter of senatorial courtesy goes, in connection with dealing with a nomination.

Here we have a matter which has been brought up in the dying days of the session—or at least we hope they are the dying days of the session. The distinguished acting majority leader, the Senator from Arizona [Mr. MCFARLAND], has offered to put the nomination over until Wednesday, and that proposal conforms to the request of the Senator from New York. That is what the Senator from New York first requested, namely, that he be allowed 2 days. In conformity with that request, the Senator from Arizona requested unanimous consent that the nomination be considered on Wednesday. A postponement to Wednesday would be a postponement for the length of time the Senator from New York originally suggested. Even those who object to the unanimous-consent proposal, state that the nomination should be brought up again in the Senate on Wednesday next.

If that is the case, Mr. President, I cannot understand why the nomination should not be brought to a conclusion on Wednesday.

Mr. IVES. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. IVES. The senior Senator from New York has no objection whatever to having the nomination brought to a conclusion on Wednesday, if it can be brought to a conclusion before midnight on that day; but the senior Senator from New York merely objects to setting a definite time for voting.

Mr. RUSSELL. Mr. President, I do not see any difference between the two. In my view it is tweedle-dee and tweedle-dum for a Senator to say that he will agree to have the Senate consider and vote upon the nomination on Wednesday, but he will not agree to have a time fixed for the Senate to vote on the nomination on Wednesday. The proposed unanimous-consent agreement protects every right of the Senator from New York, and protects him in every courtesy and every privilege and every immunity which any Member of the Senate possesses.

On Wednesday, when the matter is reached, the Senator from New York can rise in his place and can state to the Senate, "This nomination is personally objectionable to me." So he is protected in every right any Senator has when such a matter comes before the Senate. He may make any motion he desires with respect to the nomination.

Mr. IVES. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. IVES. Does the Senator construe the understanding in connection with that proposal to be that the senior Senator from New York would be granted additional time, beyond the unanimous consent agreement hour?

Mr. RUSSELL. If the Senator from New York does not desire to postpone this matter beyond Wednesday, I cannot for the life of me see why he objects to the unanimous-consent request, because it protects him in every right, every privilege, every immunity, and every courtesy any Member of the Senate has.

Mr. IVES. The Senator from Georgia did not answer my question.

Mr. RUSSELL. Then let the Senator from New York ask it again; perhaps I did not understand it. This entire matter has been a bit devious to me.

Mr. IVES. I can understand that, too, for it has been a little devious to me. I was trying to get before the Senate the matter with which we are faced, so that all of us could see it, but we seem to have run aground on a number of shoals.

I should like to ask the distinguished Senator from Georgia if it is his construction of the proposed unanimous-consent agreement that, by means of further unanimous consent, additional time could be granted.

Mr. RUSSELL. Of course that could be done. If any evidence is obtained by the senior Senator from New York, the Senate could grant a request to postpone the vote further.

Mr. IVES. The senior Senator from New York does not recall a situation of that nature.

Mr. RUSSELL. There is no question about it. To make sure, I shall propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. If the unanimous-consent agreement is entered, to have the Senate consider this matter on Wednesday, at 2 o'clock, when the hour of 2 o'clock on Wednesday arrives, would it not be in order for a Senator to request unanimous consent for a further postponement; and if that request were granted by the Senate, would not such further time be allowed?

The VICE PRESIDENT. By unanimous consent, a time for voting can be changed.

Mr. WHERRY. That is exactly the request I made. I proposed that we consider the nomination; and I proposed that by unanimous consent we would agree, before the week is over, to vote on the nomination.

Mr. RUSSELL. Perhaps inadvertently, Mr. President, we have solved this entire matter, because there cannot be any question, from a parliamentary standpoint, that, if the request of the Senator from Arizona were granted, another unanimous-consent request for a further postponement could be submitted on Wednesday at the hour agreed upon.

Mr. WHERRY. The only difference is as to the hour agreed upon.

Mr. RUSSELL. Or at any hour.

Mr. WHERRY. Let me state how I understood the situation in the first place, following the statements by various Senators in regard to unanimous-consent requests. My purpose was to propose a unanimous-consent request that before the Senate adjourned, we fix a day and hour certain on which the Senate would vote on the nomination.

Mr. RUSSELL. It would be necessary to submit the unanimous-consent request and get the agreement on it before the hour fixed for a vote, under this unanimous-consent agreement.

Mr. WHERRY. The Senator's suggestion is identical with mine. It will be necessary to enter into a unanimous-consent agreement in order to accomplish what the Senator from New York and the Senator from Nebraska have endeavored to accomplish today.

Mr. RUSSELL. Perhaps so. But if I understood the Senator from New York correctly, the unanimous-consent request which he submitted was merely one to postpone the matter until Wednesday.

Mr. IVES. Mr. President, it was not a unanimous-consent request; it was a motion.

Mr. RUSSELL. Then the Senator was not willing to agree to a definite and fixed time for voting on the nomination, is that correct?

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. FERGUSON. Would it not solve the problem completely if we were to

make the nomination unfinished business at an hour certain, Wednesday, to be proceeded with until disposed of?

Mr. RUSSELL. It occurs to me that ordinarily this matter would not be worth debating; but we are hoping that we will be able to adjourn or recess this week. In the first place, I have thought it was rather unfortunate that unanimous consent should be asked to take up the nomination and consider it on Wednesday, because that is the day we hope the House will take up the conference reports on the three bills which it is imperative to pass upon before Congress can recess or adjourn. But, in the next place, every right the Senator from New York requested was protected under the unanimous-consent request submitted by the Senator from Arizona.

The reason I made these few remarks, Mr. President, was because I wished to clear the record. I believe that the matter of senatorial courtesy extends across the aisle to both sides and reaches and flows to every Member of this body. But, in my opinion, this unanimous-consent request preserved every right of the Senator from New York, if he did, indeed, desire to wind up this matter on Wednesday.

Mr. ANDERSON and Mr. IVES addressed the Chair.

The VICE PRESIDENT. Does the Senator from Georgia yield, and, if so, to whom?

Mr. RUSSELL. I yield to the Senator from New Mexico.

SEVERAL MEMBERS. Vote! Vote!

Mr. RUSSELL. I may say, Mr. President, that cries of "Vote!" will not influence me to desist in my determination to explain my reason for casting my vote as I intend to do when this nomination is acted on. As a matter of fact, it might delay the vote somewhat. I yield to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, does not the Senator think it best that the unanimous-consent request of the Senator from Arizona be modified so as to permit the Senator from New York to have 2 or 3 hours additional, if he so desires? I am not trying to shut off the Senator from New York, and I know of no other Senator who is. It seems to me that if we were to go ahead with a normal unanimous-consent agreement to vote at 4 o'clock, with the understanding that the senior Senator from New York, on his own volition, could occupy another 2 hours, it ought to solve somewhat that problem.

Mr. IVES. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. IVES. Mr. President, the Senator from New York does not know whether he will need 2 or 3 hours, or 2 or 3 minutes. It is altogether conceivable that very little time will be required for this, and that is the great absurdity in being so insistent upon trying to get a definite hour for a vote. The Senator from New York has no doubt whatever in his mind that this matter can be decided next Wednesday, day after tomorrow, if the motion is agreed to.

Mr. RUSSELL. Why does the Senator object, then, to the unanimous-consent request?

Mr. IVES. Because the Senator from New York does not want to lose the right, in event he might want to exercise it, of taking as long as he wants on this matter.

Mr. RUSSELL. The Senator is certainly on firm ground there. [Laughter.] I shall stand with the Senator from New York in his insistence upon taking as long as he chooses upon this or any other issue. I believe in freedom of debate in the Senate and will support the Senator from New York in his right to speak as long as he thinks necessary. But if he objects to a unanimous-consent request such as the one proposed, he must speak when the issue is pending.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MUNDT. I may say I am very happy the Senator from Georgia has said that, because a few moments ago, while he was absent from the Chamber answering a telephone call, I was resisting an effort on the part of the Senator from New Mexico to obtain unanimous-consent agreement to vote on Wednesday and to provide that the hour to vote now be made certain. I felt sure the Senator from Georgia would not favor an effort to impose that cloture. I was confident he would not be in favor of a cloture which sets the hour to vote even before we hear the evidence.

Mr. RUSSELL. There is a great deal of difference between cloture and a unanimous-consent request.

Mr. MUNDT. The results are the same; debate is shut off by either tactic.

Mr. RUSSELL. A Senator can protect himself by objecting to a unanimous-consent request, but if a Senator wishes to speak at length upon this floor, on any subject, it is my advice to him that he be ready, able, and willing to speak when the matter is reached. If he is not ready and willing to speak then, he can lose that fundamental right of unlimited debate in the Senate.

Mr. MUNDT. Mr. President, the Senator from New York will be ready on Wednesday.

Mr. RUSSELL. Mr. President, I do not regard the unanimous-consent request which was propounded by the Senator from Arizona as failing in any way to observe all the courtesies and all the amenities which properly should and do exist among Senators.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from New York to postpone further consideration of this nomination until 1 o'clock p. m., Wednesday next. The yeas and nays having been ordered, the secretary will call the roll.

The Chief Clerk called the roll.

Mr. McFARLAND. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. McMAHON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Maryland [Mr. TYDINGS] are absent on public business.

The Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Georgia [Mr. GEORGE] is necessarily absent, attending a meeting of the conference committee on the tax bill.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

The Senator from Arkansas [Mr. McCLELLAN] and the Senator from Kentucky [Mr. WITHERS] are absent on official business.

The Senator from Illinois [Mr. LUCAS] is paired on this vote with the Senator from Nevada [Mr. MALONE]. If present and voting, the Senator from Illinois would vote "nay," and the Senator from Nevada would vote "yea."

The Senator from Pennsylvania [Mr. MYERS] is paired on this vote with the Senator from New Hampshire [Mr. TOBEY]. If present and voting, the Senator from Pennsylvania would vote "nay," and the Senator from New Hampshire would vote "yea."

If present and voting, the Senator from Georgia [Mr. GEORGE], the Senator from Arizona [Mr. HAYDEN], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Connecticut [Mr. McMAHON], the Senator from Maryland [Mr. TYDINGS], and the Senator from Kentucky [Mr. WITHERS] would vote "nay."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The junior Senator from Ohio [Mr. BRICKER], the senior Senator from Indiana [Mr. CAPEHART], the junior Senator from Indiana [Mr. JENNER], the Senator from California [Mr. KNOWLAND], the Senator from Wisconsin [Mr. McCARTHY], and the senior Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from South Dakota [Mr. GURNEY] and the Senator from Nevada [Mr. MALONE] are detained on official business.

The Senator from Colorado [Mr. MILLIKIN] is detained on official committee business at a meeting of the conferees on the tax bill.

The Senator from Nevada [Mr. MALONE] is paired with the Senator from Illinois [Mr. LUCAS]. If present and voting, the Senator from Nevada would vote "yea" and the Senator from Illinois would vote "nay."

The Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from Pennsylvania [Mr. MYERS]. If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 25, nays 36, as follows:

YEAS—25

Butler	Hendrickson	Smith, Maine
Cain	Ives	Thye
Cordon	Kem	Watkins
Darby	Langer	Wherry
Donnell	McCarran	Wiley
Dworshak	Martin	Williams
Ecton	Mundt	Young
Ferguson	Saltonstall	
Frear	Schoeppel	

NAYS—36

Anderson	Hoey	McFarland
Benton	Holland	McKellar
Chapman	Humphrey	Magnuson
Chavez	Hunt	Morse
Connally	Johnson, Colo.	Murray
Douglas	Johnson, Tex.	Neely
Ellender	Kefauver	O'Conor
Fulbright	Kerr	O'Mahoney
Gillette	Kilgore	Robertson
Graham	Leahy	Russell
Green	Lehman	Stennis
Hill	Long	Thomas, Okla.

NOT VOTING—35

Aiken	Hickenlooper	Myers
Brewster	Jenner	Pepper
Bricker	Johnston, S. C.	Smith, N. J.
Bridges	Knowland	Sparkman
Byrd	Lodge	Taft
Capehart	Lucas	Taylor
Downey	McCarthy	Thomas, Utah
Eastland	McClellan	Tobey
Flanders	McMahon	Tydings
George	Malone	Vandenberg
Gurney	Maybank	Withers
Hayden	Millikin	

So Mr. IVES' motion to postpone was rejected.

Mr. ANDERSON. Mr. President, I desire to offer a unanimous consent request. I offer the same unanimous consent request which the Senator from Arizona [Mr. MCFARLAND] made previously with respect to voting on Wednesday, but to provide that when the hour for voting has arrived, if the Senator from New York desires additional time, he shall have as much time as he may desire. The thought was expressed that the Senator from New York may want additional time. I think he is entitled to have as much time as he desires. When we reach the hour of voting, if he feels he should discuss the matter for an hour, 2 hours, or 4 hours, he should be given the time he desires, and I am sure the Senate will be glad to listen to him.

Mr. MCFARLAND. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. MCFARLAND. I merely wish to say that the senior Senator from New Mexico had asked me to make the unanimous consent request. I told him that he could make it because I had made so many requests and had failed in them that I would be perfectly willing to have the Senator from New Mexico make the request. I am willing to give the Senator from New York whatever time he needs, but I should like to see the time limited, so that we might have a vote on the question. I do not wish to adjourn without having voted on the nomination.

Mr. IVES. Do I understand the able Senator from Arizona to mean that he is not disagreeing to the unanimous consent request?

Mr. MCFARLAND. How much time would the Senator from New York wish to take on Wednesday? I should like to have some limitation placed on the time.

Mr. IVES. The senior Senator from New York has stated his case clearly in that connection. He does not want to have any limitation put on any time he may desire to use.

Mr. MCFARLAND. If the request is limited to the Senator from New York, I do not object.

Mr. MUNDT. Reserving the right to object, do I understand that the Senator from New York has a wide open limit so far as his time is concerned?

Mr. ANDERSON. As long as he wants to take. I believe the Senator from New York would understand that the time would be granted to him and that he could not yield to someone else to make a 4-hour speech or an 8-hour speech. He stated the reason he was objecting to the previous unanimous consent agreement was he may want to use a considerable amount of time. I am willing to give him all the time he may need.

Mr. MUNDT. Further reserving the right to object, although I am a Senator from South Dakota, I presume that I am not qualified to be designated as a Senator from the South, and I have no desire to take up the cudgels against cloture now that it appears the southern Senators have dropped them. So long as the Senator from New York is to be permitted to speak under an open-end agreement, I shall not object.

The VICE PRESIDENT. The Chair understands that the unanimous-consent request is based on the previous unanimous-consent request, which was that the Senate vote at 4 o'clock on Wednesday next. The Senator from New Mexico adopts that unanimous-consent request with the proviso that when the hour of 4 o'clock arrives, if the senior Senator from New York desires further time he may be given such additional time as he may request.

Mr. IVES. In all fairness, the senior Senator from New York appreciates the proposals. However, the senior Senator from New York wants to point out to the Senate that the suggestion is unacceptable. Does the Senate really want to adopt a proposal of that kind, and thereby set a precedent under which one Senator could conceivably conduct a one-man filibuster lasting all night? I doubt the wisdom of such a course. Realizing what the proposal is, Mr. President, I now move that the nomination be recommitted to the committee.

The VICE PRESIDENT. The question is whether there is objection to the unanimous-consent request proposed by the Senator from New Mexico [Mr. ANDERSON].

Mr. IVES. The Senator from New York objects for the reasons he has stated.

The VICE PRESIDENT. The senior Senator from New York did not say to prior to his making the motion to recommit.

Mr. IVES. I object. I now move to recommit to the Committee on Foreign Relations for further consideration, the nomination of William O'Dwyer, of New York, to be Ambassador to Mexico. I ask for the yeas and nays.

The VICE PRESIDENT. The question is on agreeing to the motion of the senior Senator from New York to recommit the nomination to the Committee on Foreign Relations, on which he demands the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. MCFARLAND. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. MCMAHON], the Senator from Pennsylvania [Mr. MYERS] and the Senator from Maryland [Mr. TYDINGS] are absent on public business.

The Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Georgia [Mr. GEORGE] is necessarily absent, attending a meeting of the conference committee on the tax bill.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

The Senator from Pennsylvania [Mr. MYERS] is paired on this vote with the Senator from New Hampshire [Mr. TOBEY]. If present and voting, the Senator from Pennsylvania would vote "nay," and the Senator from New Hampshire would vote "yea."

If present and voting, the Senator from Georgia [Mr. GEORGE], the Senator from Arizona [Mr. HAYDEN], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. MCMAHON], and the Senator from Kentucky [Mr. WITHERS] would vote "nay."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the

Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The junior Senator from Ohio [Mr. BRICKER], the senior Senator from Indiana [Mr. CAPEHART], the junior Senator from Indiana [Mr. JENNER], the Senator from California [Mr. KNOWLAND], the Senator from Wisconsin [Mr. MCCARTHY], and the senior Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Colorado [Mr. MILLIKIN] is detained on official committee business at a meeting of the conferees on the tax bill.

The Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from Pennsylvania [Mr. MYERS]. If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 24, nays 40, as follows:

YEAS—24

Butler	Gurney	Saltonstall
Cain	Hendrickson	Schoeppel
Cordon	Ives	Thye
Darby	Kem	Watkins
Donnell	Langer	Wherry
Dworshak	Malone	Wiley
Ecton	Martin	Williams
Ferguson	Mundt	Young

NAYS—40

Anderson	Holland	McKellar
Benton	Humphrey	Magnuson
Chapman	Hunt	Morse
Chavez	Johnson, Colo.	Murray
Connally	Johnson, Tex.	Neely
Douglas	Kefauver	O'Conor
Ellender	Kerr	O'Mahoney
Frear	Kilgore	Robertson
Fulbright	Leahy	Russell
Gillette	Lehman	Smith, Maine
Graham	Long	Stennis
Green	McCarran	Thomas, Okla.
Hill	McClellan	
Hoey	McFarland	

NOT VOTING—32

Aiken	Hickenlooper	Pepper
Brewster	Jenner	Smith, N. J.
Bricker	Johnston, S. C.	Sparkman
Bridges	Knowland	Taft
Byrd	Lodge	Taylor
Capehart	Lucas	Thomas, Utah
Downey	McCarthy	Tobey
Eastland	McMahon	Tydings
Flanders	Maybank	Vandenberg
George	Millikin	Withers
Hayden	Myers	

So the motion of Mr. IVES to recommit was rejected.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination of William O'Dwyer of New York to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico?

Mr. IVES. Mr. President, I had hoped to vote in favor of the confirmation of the nomination of former Mayor O'Dwyer. As I stated several times in the course of this discussion, both on Friday and today, I have no ill feeling whatever toward him. I do indeed, however, doubt the wisdom of confirming his nomination at this time when so much of a dubious nature is still in question. Therefore, Mr. President, I shall vote against confirmation of his nomination. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. MCFARLAND. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. MCMAHON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Maryland [Mr. TYDINGS] are absent on public business.

The Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Georgia [Mr. GEORGE] is necessarily absent, attending a meeting of the conference committee on the tax bill.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

The Senator from Pennsylvania [Mr. MYERS] is paired on this vote with the Senator from New Hampshire [Mr. TOBEY]. If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from New Hampshire would vote "nay."

If present and voting, the Senator from Georgia [Mr. GEORGE], the Senator from Arizona [Mr. HAYDEN], the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. MCMAHON], the Senator from Florida [Mr. PEPPER], the Senator from Alabama [Mr. SPARKMAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from Kentucky [Mr. WITHERS] would vote "yea."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The junior Senator from Ohio [Mr. BRICKER], the senior Senator from Indiana [Mr. CAPEHART], the junior Senator from Indiana [Mr. JENNER], the Senator from California [Mr. KNOWLAND], the Senator from Wisconsin [Mr. MCCARTHY], and the senior Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Colorado [Mr. MILLIKIN] is detained on official committee business at a meeting of the conferees on the tax bill.

The Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from Pennsylvania [Mr. MYERS]. If present and voting, the Senator from New Hampshire would vote "nay" and the Senator from Pennsylvania would vote "yea."

The result was—yeas 42, nays 22, as follows:

YEAS—42

Anderson	Holland	McKellar
Benton	Humphrey	Magnuson
Chapman	Hunt	Morse
Chavez	Johnson, Colo.	Murray
Connally	Johnson, Tex.	Neely
Douglas	Kefauver	O'Conor
Ellender	Kerr	O'Mahoney
Frear	Kilgore	Robertson
Fulbright	Leahy	Russell
Gillette	Lehman	Saltonstall
Graham	Long	Smith, Maine
Green	McCarran	Stennis
Hill	McClellan	Thomas, Okla.
Hoey	McFarland	Wiley

NAYS—22

Butler	Gurney	Schoeppel
Cain	Hendrickson	Thye
Cordon	Ives	Watkins
Darby	Kem	Wherry
Donnell	Langer	Williams
Dworshak	Malone	Young
Ecton	Martin	
Ferguson	Mundt	

NOT VOTING—32

Aiken	Hickenlooper	Pepper
Brewster	Jenner	Smith, N. J.
Bricker	Johnston, S. C.	Sparkman
Bridges	Knowland	Taft
Byrd	Lodge	Taylor
Capehart	Lucas	Thomas, Utah
Downey	McCarthy	Tobey
Eastland	McMahon	Tydings
Flanders	Maybank	Vandenberg
George	Millikin	Withers
Hayden	Myers	

So the nomination was confirmed.

Mr. MCFARLAND. Mr. President, may we complete the calendar?

The VICE PRESIDENT. The Chair was about to instruct the Secretary to state the next nomination on the calendar.

Mr. DONNELL. Mr. President, as to the previous nomination, there was so much noise I could not hear whether there was any mention of notifying the President.

The VICE PRESIDENT. No mention was made of that.

Mr. DONNELL. Very well. I would have objected if there had been such a request.

AIR FORCE OF THE UNITED STATES

Mr. MCFARLAND. Mr. President, I ask that the nominations in the Air Force be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations in the Air Force of the United States, the United States Air Force Reserve, and the United States Air Force, are confirmed en bloc.

Mr. MCFARLAND. Does that complete the calendar?

The VICE PRESIDENT. That completes the Executive Calendar.

Mr. McFARLAND. I now move that the Senate proceed to the consideration of legislative business.

Mr. WHERRY. Mr. President, before the motion is put, I should like to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. There are other nominations on the calendar. Were they passed over?

The VICE PRESIDENT. The Chair is advised that the other nominations were Air Force nominations.

Mr. WHERRY. No; I do not refer to those.

The VICE PRESIDENT. The nominations of Morris L. Ernst and Emory Byington Smith were passed over.

Mr. WHERRY. I thank the Chair.

LEGISLATIVE SESSION

Mr. McFARLAND. Mr. President, I renew my motion that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

DISCHARGE OF FIDUCIARY OBLIGATION TO IRAN

Mr. McFARLAND. Mr. President, I move that the Senate proceed to the consideration of H. R. 5731.

The VICE PRESIDENT. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 5731) to discharge a fiduciary obligation to Iran.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to; and the Senate proceeded to consider the bill.

TRANSFER OF FORT DES MOINES, IOWA, TO STATE OF IOWA—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, I submit a conference report on House bill 4569, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, and 5; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Page 1, lines 6 and 7, in lieu of the language stricken out by the Senate insert the following: "without consideration save as contained in this act"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Page 1, line 9, strike out the language inserted by the Senate and insert in lieu thereof the following: ": *Provided*, That if conveyance hereunder is made to the State of Iowa, the instrument of conveyance shall provide that said State shall not alienate title to said property or any part thereof, but shall keep it intact and use it for public purposes, and that if the United States needs the property for military purposes, it shall revert to the United States with payment to the State of the reasonable value at that time for any improvements thereon made by the State"; and the Senate agree to the same.

SPESSARD L. HOLLAND,
VIRGIL M. CHAPMAN,
HARRY P. CAIN,
Managers on the Part of the Senate.

WILL M. WHITTINGTON,
CLIFFORD DAVIS,
GEORGE A. DONDERO,
PAUL CUNNINGHAM,
Managers on the Part of the House.

Mr. HOLLAND. Mr. President, I ask for the present consideration of the report.

There being no objection, the Senate proceeded to consider the report.

Mr. HOLLAND obtained the floor.

Mr. FULBRIGHT. Mr. President, will the Senator yield.

Mr. HOLLAND. Since the Presiding Officer has recognized me, I should prefer not to yield, although I am perfectly willing for the Senator from Arkansas to be first recognized, and then to ask him to yield to enable me to discuss the conference report on H. R. 4569. It is for that purpose that the Senator from Florida rises.

Mr. FULBRIGHT. I shall not interrupt the Senator at this time.

Mr. HOLLAND. Mr. President, I should like to make a statement with respect to the conference report.

Mr. WHERRY. Mr. President——

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Florida yield to the Senator from Nebraska?

Mr. HOLLAND. I yield.

Mr. WHERRY. Will the distinguished Senator from Florida give us an explanation of the report? Does it comply with the amendment offered by the Senator from Oregon regarding the transfer?

Mr. HOLLAND. Mr. President, in answering the Senator from Nebraska, I would say that two of the amendments adopted on the motion of the Senator from Oregon are retained in the conference report, and that one, which I think the Senator from Oregon considered as his principal amendment, is not retained. I hope that the Senator from Nebraska will give attention to this matter. The Senator from Oregon has been apprised of the whole situation, and the conferees agreed not to bring up the matter until he was on the floor.

Mr. President, I hope that the Members of the Senate will listen just a couple of minutes. This is the conference report on the Fort Des Moines bill.

On behalf of the Senate conferees on the bill H. R. 4569, I should like to make the following statement with respect to the action agreed upon and recommended in the conference report.

H. R. 4569 as passed by the House authorizes and directs the transfer to the State of Iowa of about 640 acres of land, with improvements thereon, known as Fort Des Moines Army Post, now owned by the Government, reserving eight buildings for Army use. This property has been declared surplus and the State of Iowa, which formerly purchased the property with funds raised by public subscription and donated it to the Government about the year 1901 as a site for an Army post, now desires to have it returned for use by its National Guard and for other public purposes.

The Senate amended the bill to make the transfer of the property discretionary, and also on a subsequent request of the Army excepted three additional buildings for its use, and also at the request of the Housing and Home Finance Agency required the continued use of certain buildings now occupied by veterans as temporary housing quarters. The House conferees agreed to these amendments, numbered 1, 4, and 5.

With respect to amendment No. 3, which was the amendment of the Senator from Oregon which required that compensation be paid by the State of Iowa in the amount of 50 percent of the appraised value of the property, the Senate amended the bill to provide for payment by the State of consideration in the amount of one-half of the appraised value of the property with the improvements thereon. The conferees agreed that appropriate consideration should be paid to the United States for the transfer of this property, but concluded that there were several elements involved in the proposed transfer which, it was agreed, would constitute appropriate and adequate compensation in this case. These elements are as follows—and I especially ask the Senate to follow this statement. In other words, the conferees were unanimously of the feeling that there were five matters in connection with this proposed transfer which did operate to give substantial consideration to the United States Government, and they will be listed by me as follows:

First. The State purchased this property originally, about 1901, with funds made available by Iowa citizens, at a cost of $64,000, and donated it to the United States for use as an army post, which use has now been discontinued. In other words, the money for the purchase, $64,000, was Iowa's money and the consideration was the establishment of an army post there, which has been established, and has operated there for a good many years, is not operated there now, and under the bill would be discontinued, of course. The conferees felt that that was substantial consideration.

Second. The bill was changed in conference to provide—and that is one of the amendments already reported as coming from the conference—to the effect that the State must devote the property to public use only, and will keep the property intact, that is, without alienation of any portions of it, and return it to the United States upon request of the United States upon payment of the fair value of any improvements added by the State from this time forth in the event the property is needed again for military purposes.

Third. The Army reserved the right to use 11 building units for its purposes. Eight were included in the House bill.

Three additional ones were added by one of the amendments proposed by the Senator from Oregon.

Fourth. The units now occupied by veterans as temporary housing will be maintained. Those units comprise a considerable part of the barracks that were used in the Second World War, as the Senator from Florida understands, by the WACS. They were reconstructed into apartments. They are now used for veterans' apartments, for veterans and their families, and they are used on the basis of rent which does not take care of any cost or investment at all, but simply for the cost of operation. It was felt that there was a real consideration to the United States in the agreement for the State to take title under this act to continue this operation now under way, under the local housing authority in Des Moines.

Fifth. The State will furnish, and is required by the bill to furnish, all necessary sewerage facilities for the 11 building units just mentioned, without cost, and must furnish electricity and water at the prevailing rate in the locality, or at cost, whichever is lower, so long as the buildings are used by the United States for military purposes.

Accordingly, the conferees agreed to change the language of the amendment numbered 3 to provide that if the land is conveyed to the State under the terms of this act the conveyance shall provide that the State shall not alienate title to the property but shall use it for public purposes and shall keep it intact, and that if it is needed for military purposes it shall revert to the United States. In the opinion of the conferees, this change, together with the elements mentioned above, will accomplish the purposes of the Senate amendment.

Mr. President, I should say that the conferees on behalf of the Senate comprise the following: The Senator from Kentucky [Mr. CHAPMAN], the Senator from Washington [Mr. CAIN], and the junior Senator from Florida. The conferees on the part of the House comprise the following: The gentleman from Mississippi [Mr. WHITTINGTON], the gentleman from Tennessee [Mr. DAVIS], the gentleman from Michigan [Mr. DONDERO], and the gentleman from Iowa [Mr. CUNNINGHAM]. All those conferees named have agreed to the report and have signed the conference report. There was a fifth conferee on the part of the House, Mr. LARCADE, who, unfortunately, was not in Washington, and therefore did not attend the conference and does not join in signing the conference report.

Mr. President, in conclusion, to summarize, all the Senate amendments remain in the bill except the one with reference to compensation. With reference to the matter of compensation, certain changes were made in the bill, and certain factors were taken into consideration, which the conferees felt were not taken into consideration by the Senate amendment and which made the transaction a sounder one for the United States. The changes made in the bill were to require that the property would revert whenever asked for, for military use, with the requirement that only the reasonable value of any improvements added by the State of Iowa must be paid, and the requirement that only public use should be made of the property, and the requirement that there should be no alienation of any portions of the property.

The other elements which, in the opinion of the conference committee, constituted substantial consideration to the United States Government have already been stated, and I shall not repeat them. I hope that the Senate will adopt the conference report.

Mr. CAIN. Mr. President, the junior Senator from Washington should like to join in support of the position which has just been offered by the Senator from Florida [Mr. HOLLAND]. In addition, I should like to reflect very briefly on the historical background of the legislation by saying that H. R. 4569 was passed by the House on August 1, 1949, and was referred to the Committee on Public Works of the Senate on the next day, August 2, 1949. It was considered by the Subcommittee on Buildings and Grounds, of which the Senator from Florida [Mr. HOLLAND] is chairman, on which the junior Senator from Washington is the ranking minority member. That subcommittee went into this bill most carefully, and reported it to the Senate on August 19, 1949. On the call of the calendar shortly after that date it was objected to by the Senator from Oregon [Mr. MORSE]. This objection, sir, was continued until just a few days ago, when the bill was passed by the Senate with amendments proposed by the Senator from Oregon. I want to point out that from the time the bill was reported to the Senate to the time when it was finally taken up, a period of more than a full year had elapsed, during which time any Senator had ample opportunity, it seems to the Senator from Washington, to work out any fair and equitable arrangement concerning the disposal of this property.

The conferees, Mr. President, considered thoroughly all the merits of this proposal and arrived at a compromise which we felt was fair to all parties concerned—to the citizens and officials of the State of Iowa, to the Federal Government and to the principles which the Senator from Oregon has endeavored so well to uphold in the Senate. In the first place, we have provided that the transfer will be entirely discretionary on the part of the United States. Therefore, if any rapid change in the military situation should so require, the Federal representatives are free to defer all action under this bill, without any strings attached, for so long as they think conditions warrant.

In the second place, we feel that we have gone the full reasonable extent in upholding the principles of the Senator from Oregon in requiring adequate consideration under the particular circumstances relating to this property.

Mr. President, a statement I have prepared is at further length, and I ask unanimous consent that it may be made a part of my remarks at this point in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON H. R. 4569, TRANSFER OF FORT DES MOINES, IOWA, PROPERTY

H. R. 4569 was passed by the House August 1, 1949, and was referred to the Committee on Public Works in the Senate August 2. It was considered by the Subcommittee on Buildings and Grounds, of which the Senator from Florida is chairman, and the junior Senator from Washington is the ranking minority member. We went into this bill carefully and reported it to the Senate on August 19, 1949. On the call of the calendar shortly after that date it was objected to by the Senator from Oregon. This objection was continued until just a few days ago when the bill was passed by the Senate with amendments proposed by the Senator from Oregon. I want to point out that from the time the bill was reported to the Senate to the time it was finally taken up, a period of 1 year had elapsed, during which time any Senator had ample opportunity to work out any fair and equitable arrangements concerning the disposal of this property.

The conferees considered thoroughly all the merits of this proposal and arrived at a compromise which we feel is fair to all parties concerned—the citizens and officials of the State of Iowa, the Federal Government, and the principles which the Senator from Oregon is endeavoring to uphold in the Senate. In the first place, we have provided that the transfer will be entirely discretionary on the part of the United States. So, if any rapid change in the military situation should so require, the Federal representatives are free to defer all action under this bill, without any strings attached, for so long as they think conditions warrant.

In the second place, we feel that we have gone the full reasonable extent in upholding the principles of the Senator from Oregon in requiring adequate consideration under the particular circumstances relating to this property.

The Army post at Fort Des Moines, Iowa, was established in 1901 as a cavalry post. A cavalry post was needed in this area and this locality was considered to be a strategic location for such a post at that time. The governor appointed a committee of citizens who raised the money and purchased a total of 640 acres of land and then deeded the land directly to the Federal Government for use as a cavalry post. It was abandoned as a cavalry post about 1940.

During World War I the post was used as a small training center for officers, but it was not large enough for a major center, and the Army had established a cantonment at Camp Dodge, about 20 miles away, which was some 20 times as large as this small piece of ground at Fort Des Moines.

During World War II it was used as a WAC training center, and a number of temporary buildings were erected to house the Wacs.

At the close of the war, the property was abandoned by the Army, and it was declared surplus to the War Assets Administration on June 30, 1947, for disposal. Subsequently, several buildings have been returned to the Army and the Air Force for use by the Organized Reserve. Also the temporary barracks constructed for the Wacs have been remodeled in cooperation with the Housing and Home Finance Agency and the city of Des Moines to provide veterans' housing. There are more than 900 veterans' families living in these barracks at the present time.

When this property was declared surplus, it became evident that it was of no value to any one Federal agency, and certain parts of it were put in public use to serve both the remaining interests and the local interests of veterans' families. I am told that the Federal officials began discussions with the State and local officials regarding the

eventual disposal of the property and suggested that the State might take it over for public use, since the State would apparently have the major interest in such public use. Pursuing this suggestion, the State senate passed a resolution in April 1949, calling attention to the fact that the Fort Des Moines property was originally given to the Federal Government by the State of Iowa for use as a cavalry post, that the purpose of said grant has been abrogated, and requested the return of the property to the State in order that it could be used to full advantage for public purposes. As ranking minority member of the Committee on Public Works, I feel that this request of the State is fair and reasonable, and I think that the committee has done a good job in arriving at the arrangements proposed in the conference report.

On the basis of conditions as they existed before the Korean situation developed, I feel that the return of this property to the State was not only fair and just, but that under the peculiar circumstances attaching to it, there was a moral obligation to so return the property. On the basis of conditions as they exist today, I think that we still have this moral obligation to carry out, provided it does not interfere with our national military requirements. As far as I can find out, our military authorities have no intention whatsoever of using this property again. A check with the Army just the other day revealed that they do not intend to reactivate this installation and they still stand by their original recommendation approving the return of the property to the State. However, in case they should change their minds, we have covered that contingency clearly and expressly in the amendment agreed upon by the conferees. The return of the property is purely discretionary on the part of the United States and can be withheld so long as they see fit, until they are sure beyond any shadow of a doubt that they will not need it for military purposes. In addition, we have also provided that if the property is returned to the State and if subsequently it should be needed for military purposes, it will then revert back to the United States; and the Federal Government is therefore guaranteed any military use that may develop in the future for this property.

Mr. MORSE. I shall take some of the time of the Senate to review the policy of our Government in the disposal of surplus property, in relation to what I believe to be this most unfortunate report by the conferees.

Mr. President, some 3½ years ago the Armed Services Committee of the Senate appointed a subcommittee to go into the whole question of the disposal of surplus property, particularly that property which related to the military. That subcommittee consisted of the Senator from Virginia [Mr. BYRD] as chairman, the Senator from Massachusetts [Mr. SALTONSTALL], and the junior Senator from Oregon. After very careful consideration the committee came forward with a formula for the charges to be made for surplus property which has since become known as the Morse formula. It is a formula which provides that when Federal property is to be disposed of for a public use, to some substantial local government unit, State or county or municipal or other governmental unit, that local government body shall pay 50 percent of the fair appraised market value of the property. Where the property is to be used for nonpublic use the charge shall be 100 percent of the value of the property. It has taken some time, Mr. President, to get that principle rather thoroughly established within the Senate in the disposal of Federal property. There is more than one Senator in this body who has in good faith, in keeping with the policy of that formula, included it in legislation he has proposed for the transfer of surplus property to some local government unit in his State. That formula has been applied consistently by the junior Senator from Oregon and, may I say, not without some considerable pressure being brought to bear upon him time and time again by some Senator or Senators who wanted him to make an exception to the rule.

However, there developed more or less of an understanding among us that the junior Senator from Oregon would fight this battle on the floor of the Senate, and he has fought it for approximately 3½ years now. Irrespective of the personal reference, I shall let the record speak for itself, Mr. President.

A compilation is being prepared as to how much money the formula has saved the taxpayers of the United States and it will show that the junior Senator from Oregon, in his fight for the application of the Morse formula in connection with the disposal of surplus property, has saved several hundred millions of dollars for the taxpayers of the United States.

Mr. President, I hear a great deal of talk about economy. I wish to say that this particular formula is one example of how real economy has been brought about. Believe me, it was needed, because, without personal reference, I now state that as recently as 3½ years ago there were too many Members of the Congress who were making a political grab bag out of the reservoirs of surplus property belonging to the Government of the United States. I wish to say that it is my opinion that in some instances it was shameful that an attempt would be made to get for nothing for a city or county or a State, very valuable pieces of surplus property, by means of the introduction of bills and subsequent log-rolling or steam-rolling of those grab-bag bills thrcugh the Congress of the United States. The situation had become so serious, so far as the disposal of military property was concerned, that those of us on the Armed Services Committee felt that something should be done about it. The Byrd report recommending the Morse formula was adopted unanimously by the Armed Services Committee. We have consistently applied it with respect to military property. I took the position that it was not fair or equitable or right to apply it to military property, and then let Senators and Representatives, in respect to other pieces of property within the jurisdiction of other committees come to the floor of their respective Houses and secure the passage of special legislation for the benefit of themselves or their States, in the case of such property. It has not been at all easy, nor has it been pleasant, either, Mr. President, to take the position that the junior Senator from Oregon has taken for 3½ years in regard to applying this formula.

This is the first instance within my knowledge that a conference committee has not stood adamant on the Morse formula, without change. Let me tell the Senate that the conduct of the conference committee in this particular leaves me no other course of action now but to say that in the future, unless the legislation itself which comes to the Senate from the House of Representatives contains the Morse formula, I shall object, without exception, to the consideration of such bills during the calling of the unanimous-consent calendar, because I do not intend to be euchred or juggled or jockeyed out of the application, without exception, of this formula, insofar as my rights in connection with the unanimous-consent calendar are concerned.

If I am going to have to resort to strategy in order to apply the Morse formula, I now serve notice that, come the next session of Congress, either that formula will be contained in every measure of this sort when it comes to the Senate from the House of Representatives, and shall also be in it when it is adopted or passed by the Senate, or that measure will never get through the Senate during the consideration of the unanimous-consent calendar.

Mr. President, in my judgment the bill now before us reeks with Iowa politics. The Senator from Iowa has consistently fought for this bill. Until just a few days ago he was not willing to consider any modification at all in respect to the bill, in relation to the Morse formula. I think it should not pass unnoted that the Representative from Des Moines, Iowa, the locality which will receive the benefit coming from this bill, was one of the conferees on the bill. I have no doubt that a bill such as this one will be appealing to the voters in that locality; but I wish to say that as a Member of this body, I propose to do what I can to protect the financial interest of all the taxpayers of the United States. I believe that the people of Des Moines, Iowa, ought also be required to pay, under the Morse formula, 50 percent of the appraised fair market value of this property.

Mr. GILLETTE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCCLELLAN in the chair). Does the Senator from Oregon yield to the Senator from Iowa?

Mr. MORSE. I yield.

Mr. GILLETTE. Mr. President, just a few moments ago the Senator from Oregon referred to the Senator from Iowa, without designating which Senator.

Mr. MORSE. I refer to the senior Senator from Iowa.

Mr. GILLETTE. I thank the Senator.

Mr. MORSE. Mr. President, a very important subcommittee of the Senate Armed Services Committee has been appointed. That subcommittee is known as the Military Preparedness Subcommittee, and sometimes is referred to as the "military watchdog committee." Personally, speaking only for myself, I think the subcommittee should be referred to as the "Johnson watchdog committee," just as the old war investigating committee in World War II was referred to as the "Truman committee," because this subcommittee is the successor of the Truman committee. Its chairman is the very able junior Senator from Texas [Mr. JOHNSON]. This subcom-

mittee has been busily engaged in a preliminary investigation of the surplus property problem. We have issued one report. I believe other reports on this subject matter will follow it. That report already has produced remarkable results in conection with the entire surplus property problem. The President of the United States has issued instructions calling for its recommendations to be put into effect.

Speaking again for myself, and also as a member of the subcommittee, I wish to say today, on the floor of the Senate, that in my judgment the United States would be better prepared for the great crisis now confronting us if so many mistakes in judgment had not been made in connection with the disposal of surplus property since World War II. Since the end of that war, we have disposed of millions upon millions of dollars' worth of surplus property which should not have been disposed of. As was brought out recently in connection with the examination of one witness before our subcommittee——

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. DOUGLAS. Does the situation in respect to surplus property following World War II remind the distinguished Senator from Oregon of the phrase—

Where the carcasses lie, there the vultures love to feed.

Mr. MORSE. That is a very apt description of what happened, Mr. President.

One witness before our committee, Mr. President, even went so far in his testimony, in answer to questions put to him by the junior Senator from Oregon, as to point out that at the outbreak of the Korean war, there were a considerable number of Sherman tanks in the Philippine Islands, Sherman tanks in perfectly good operating conditions, except for the fact that their armament had been removed. Otherwise, they were in good fighting condition, some of them practically new tanks, which could have been moved quickly into Korea if they had not been sold into private ownership as surplus property. I cite that as only one of scores of examples which could be cited here this afternoon in regard to the mismangement of the entire surplus property matter.

A few days ago at a public hearing, the now Secretary of the Army, Mr. Pace, was before the committee. Questions were put to him in regard to the so-called surplus military camps. Let us keep in mind the fact that Fort Des Moines is a camp which has not been cannibalized. Fort Des Moines is an exceedingly valuable military camp which could be put into operation and readiness in a matter of a few hours. Fort Des Moines is one of the few remaining surplus military encampments in the United States which thus far have not been seized upon by the politicians, by means of various bills providing for the disposal of surplus property. Fort Des Moines, in the opinion of the junior Senator from Oregon, is a very valuable piece of military property, the disposal of which, particularly by means of this conference report, should not be sanctioned.

Under examination before the committee, the Secretary of the Army testified that if we have to proceed with the increase of our military manpower, as in all probability we shall have to do, camps such as Fort Des Moines will be sorely needed.

The Secretary of the Army also testified in regard to the military camp situation if we go forward with universal military training. The junior Senator from Oregon happens to be one of the four members of the Armed Services Committee of the Senate who voted against any postponement of universal military training. I think it is most unfortunate that we did not proceed to provide for the giving of that basic training to all the young men in the United States. That basic training is needed not only for military purposes but also for civilian-defense purposes, because if we get into a war with Russia or with a combination of her satellites, or with both, we shall need to have every young man in this country trained in the basic military training which would go along with universal military training. Also, Mr. President, we need to keep in mind the fact that our present Selective Service Act would be operating more democratically than it is now operating if we had universal military training. That is no criticism of the great director of the Selective Service Act, General Hershey, either.

But General Hershey does testify before the Armed Services Committee that, for some reason, the number of disqualifications in the present operation of the Selective Service Act is extremely high—in some regions and localities, as high as 70 percent. I am satisfied that that would not be true if our young men of draft age had the basic training of a UMT program. If they had that basic training then, Mr. President, you would know what their special capabilities were, you would know where they could fit into the operation of the Selective Service Act, and we would not have to be eliminating them on any of the many grounds on which they are presently being eliminated.

In fact, Mr. President, I think the situation is so very serious that all young men, even including those with some physical handicaps, but not handicaps so great that they cannot be trained to take some very important part in the operation of our military establishment, in the event of a crisis, ought to receive UMT training. If that is done, we are going to need not only all the camps which are presently available, but also many other camps. We are going to need to reactivate some of the camps which we have already allowed to slip through our fingers in surplus property disposals. We are going to have to exercise our rights under the recapture clause which was retained in those relatively few instances in which recapture clauses were retained. And so, in questioning the Secretary of the Army recently I asked him whether he would give his personal attention to this particular camp of Fort Des Moines because we had on file a letter from his predecessor which did ask for certain additional exemptions or exceptions to certain buildings in that camp. The request of the military for the retention of some additional buildings in Fort Des Moines shows, of course, that the military establishment is already somewhat concerned about the shortage of military facilities to meet existing military demands. The Secretary of the Army assured me he would give his personal attention to the Fort Des Moines camp problem.

As I recently reported to the Senate, when this matter was before the Senate, this particular camp is now before the Munitions Board for screening, because the Munitions Board has been apprised of the seriousness of the camp shortage which faces this country. Recently the Chairman of the Senate Preparedness Committee, the Senator from Texas [Mr. JOHNSON], over his signature sent a letter to the military establishment raising certain questions in regard to available military encampments which have previously been declared surplus, and asking the military establishment to advise the committee as to any plan the military is considering in regard to those particular camps. It is the intention—and the chairman of the committee is on the floor, and if I do not speak accurately, on this point, now, I want him to correct me—it is my understanding that it is the intention of our subcommittee, through its special staff, to make a thorough investigation into all the available camp sites which the Government still has within its possession by title.

Thus I say that this is not a good time to be giving encouragement to the disposal of Fort Des Moines. It is a most unfortunate time in my judgment to sanction disposing of it on the recommendations of the conference committee, to which I shall direct my attention in a moment.

But the first and main point that I have sought to make—and I now summarize it, Mr. President—is that we are dealing here in this report with a policy of the Senate which has become pretty well crystalized and established in recent years, in regard to the disposal of surplus property. A good many Members of this body have cooperated in good faith with the Morse formula. As I said recently, many of them have said to me, "Well, of course, I should like to get this particular piece of property for a city in my State, or for a county, or for the State itself, without charge, but if you will be consistent and insist upon an application uniformly of the Morse formula I cannot object to the soundness of the principle for which you are standing, and I will go along."

I do not mean there has been unanimity of view. There are still some other cases pending before this body, almost identical with the Fort Des Moines situation in which the sponsors of those pieces of legislation have not been willing to accede to the formula. I think this conference report is going to give them great encouragement. I shall not be at all surprised now to see a new onrush of bills coming before the Senate for the disposal of surplus property, not only camps, but also other pieces of surplus property, now that this exception represents a break through the barrier which some of us have tried to hold firm for some 3½ years.

Mr. GILLETTE. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. GILLETTE. I have been listening to the Senator with tremendous interest, of course, because this particular piece of property is located in the State which I have the honor to represent, in part at least. The Senator has referred to the Morse formula from time to time as something which had its inception about 3½ years ago, at a time when, through a chain of events—events over which the present junior Senator from Iowa had no control, he not having been a Member of this body at the time. Does the Senator contend that this formula, however well conceived, however sound in principle, is binding on the members of this conference committee?

Mr. MORSE. Not at all. The majority of the Members of this body can overthrow the Morse formula any time they want to. But that is not going to stop the junior Senator from Oregon from making the best case for his formula that he can, and it is not going to stop him in the future from being much more careful in regard to entering into any agreements concerning amendments to bills on the consent calendar; that, I assure the Senator from Iowa.

Mr. GILLETTE. Mr. President, will the Senator from Oregon yield for one further question?

Mr. MORSE. I yield.

Mr. GILLETTE. Of course, I can recognize, as anyone can recognize, the right of the Senator from Oregon to draw his own conclusions and to form his own judgments, which are almost universally sound. But I again would ask, is the Senator entirely within his rights in criticizing other Members of the Senate for not following the formula to which he himself has subscribed?

Mr. MORSE. The Senator from Oregon will reserve his right, within the rules of the Senate, to criticize other Members of the Senate whenever he thinks the criticism is due. The Senator from Oregon, I may assure the Senator from Iowa, will be very careful to stay within the rules of the Senate, but I think he will be able to stay within the rules of the Senate and yet make his meaning very clear.

Mr. GILLETTE. Mr. President, I am sure the Senator from Iowa did not intend to say, and did not attempt to say or to suggest that the Senator from Oregon did not have a right to criticize. The only objection which the Senator from Iowa was making was with reference to the criticism of a conference committee for not following a program which does not have the force and effect of law, but which is a matter of sound judgment, perhaps, on the part of the Senator from Oregon.

Again I ask the Senator this question: He does not contend, does he, that the formula to which he has referred has the force and effect of law, and therefore is binding on any other Senator in the exercise of his sound judgment?

Mr. MORSE. The Senator from Oregon has already answered the question, and he assures the Senator from Iowa that he recognizes that the Senate by a majority vote can at any time overturn the Morse formula in respect to any bill. The Senator from Oregon intends to discuss the unwisdom of that procedure.

Let us go now to the conference report itself. It has modified the formula, which has been applied in a great many other cases, by seeking to give to the people of Des Moines, or the people of Iowa, the credit for some $64,000 which they paid for a piece of land back in 1901 and which they donated to the Federal Government for a camp site. It has been pretty well established in our application of this formula that the fact that some county, State, or city, many years ago, has given a piece of property to the Federal Government, creates no equity in that county, State, or city to get that property back for nothing, or to get credit for what it paid for the property in the first instance—and why? Because we know that a gift of that type brings to the locality in which the particular Federal operation is located great sources of revenue over the years. And, believe me, Mr. President, Fort Des Moines, operating outside Des Moines, Iowa, has been a source of tremendous income to the citizens of Des Moines for a good many years. I have the testimony of outstanding citizens of Des Moines, themselves, to that effect. In fact, the soundness of my position in this matter has been recognized in the communications I have received from within the State of Iowa and from Des Moines, Iowa, supporting the stand which I have made on this matter.

Mr. President, I do not make the charges. I report what is in the correspondence. In some cases they say, "Do what you can to block this steal." Mr. President, I have in the files a letter from a very prominent attorney of Des Moines. It is of recent date. In it he tells me that if the Federal Government will put this property on the market it can get a very good price for it. This 640 acres of land on the outskirts of Des Moines is worth a lot of money. It belongs to all of our people. I say, why should we authorize giving it to Iowa, if it comes to pass that the property is not needed for Federal use. Right now I think it is clearly needed for Federal use. This property should not be transferred to Iowa for the amount of compensation called for by the conference report, when all the taxpayers of this country could receive 100 percent of the salable market value for the property. The United States Treasury and not the selfish interests of the people of Iowa should receive the value of this property.

Next, Mr. President, in regard to taking into account so-called equities as to the public use to which the property is to be put, the conferees contend that the value of sewage disposal provided by Des Moines, the water system, the use of the property for National Guard purposes, and so forth, should be subtracted from the payments to the Federal Government. Not at all. That is the reason for the 50 percent of fair market value formula. That is why it is not 100 percent. We have taken that into account when we applied the 50 percent formula. We do not think they ought to be given double credit for any equity that they may have in such public use. We already have given them that credit when we gave them the 50 percent allowance.

Mr. President, this is also a case in which no reservation was made in the original grant. When reservations have been made we have given credit for those reservations, and the Senator from Kentucky, who is a member of the conference committee, knows whereof I speak. Only recently he had a bill before the Senate involving the transfer back to the State of Kentucky through the University of Kentucky to 4-H Club members of a piece of Kentucky property which had been given to the Federal Government with a specific reservation in it. It was given for the purpose of a veterans' hospital, with the understanding that if it was not used for that purpose it would revert. The Senator from Kentucky came to me and asked me to approve the transfer when the bill reached the unanimous-consent calendar. I went into the matter. I went to Kentucky, not only for that purpose, but for other purposes. While there I conducted an investigation into the matter. I met with certain gentlemen whom both Senators from Kentucky had asked me to meet. We went into the basis of the original grant, and I satisfied myself that the Morse formula did not apply to that piece of property, and I said so upon my return to the floor of the Senate and gave my reasons in detail. When reservations are made in original grants we have carried out the reservations. However, in this instance no reservation was made. This was an out-and-out grant. The principle of the Indian giver should not be applied against the taxpayers of the United States.

Mr. President, we can well imagine what the reaction in Des Moines, Iowa, would have been if there had been an attempt at any time when this fort was in operation if it had been suggested that it should be transferred somewhere else. We would have discovered how valuable the fort operation was to the people of Des Moines. The cries from Des Moines to block the transfer of Government activity at the fort would have been heard all the way to Washington, D. C. So I say that giving them credit for the $64,000, giving them credit for the water system and sewage disposal system, giving them credit for the other so-called equities in this conference report cannot be justified in the conference report because we have in many other instances already taken that type of equity into account by reducing the payment from 100 percent to 50 percent.

I wish to say also that I appreciate the fact that the members of the conference committee have retained that part of my amendment which strikes the words "and directed" because even if the President were to sign the bill, with those words out of the bill, future control of the property will still be vested and remain within the Military Establishment or those who have jurisdiction over it. The retention of that much of my amendment at least leaves the military under no obligation to dispose of the property, if the property is needed.

I can see some interesting questions which may arise as to whether after the present emergency or after world war III, if it should come and result in successful

conclusion so far as our country is concerned, this bill will at that time create any vested rights in the State of Iowa. I shall not curbstone on that legal question, Mr. President. However, I think in view of the fact that the words "and directed" have been eliminated from the bill, it is still—and if I understand the Senator from Florida [Mr. HOLLAND], the chairman of the conference committee, he does not disagree on this point—within the right of the Military Establishment to refuse to transfer this property to the State of Iowa at this time.

I am appreciative that one safeguard provided for in my amendment has been retained in the bill. I am also appreciative that the particular buildings which were requested by the former Secretary of the Army, Mr. Gray, are exempted from this bill, in accordance with the part of my amendment which exempted them.

Mr. President, I express great disappointment and regret that the committee has seen fit to break through the uniform application of a formula which has received very widespread acceptance and cooperation within the Senate in regard to other bills, so that what looked like a fair pattern and rule to apply in these cases under the unanimous-consent calendar must now be modified on the part of the junior Senator from Oregon, at least as to the exercise of his rights under the unanimous-consent calendar. In the future I shall do what I can to prevent a situation arising, as it has arisen on the floor of the Senate this afternoon through this conference report. I shall object to the giving of consent in advance to the application of the so-called Morse formula until the House in the first instance has already accepted it.

Mr. HOLLAND. I appreciate greatly the concern of the Senator from Oregon with reference to the application of the general rule to which he has referred as the Morse rule—and I think it is entitled to be so named—but I want to say that I am in complete accord with his feeling that the rule has been of great value to our Nation, and that in many cases it can be properly followed with good results to our Nation. I hope the distinguished Senator from Oregon will give ear to what I am saying, because I am trying to pay him a deserved compliment. I think he is entitled to be complimented for having worked to bring out this rule and for insisting that it be applied in many cases to the disposition of military property declared to be surplus.

The sole reason for my rising to reply, however, is that I feel there is much point to the statement made by the distinguished junior Senator from Iowa that it is always a question of discretion as to how the rule shall be interpreted and whether the rule should be applied at all in a particular case. Briefly, I wish to invite the attention of the Senate to several facts, most of which I think have been recognized by the Senator from Oregon.

First, the House bill did not make the disposition of this property discretionary. The amendment of the Senator from Oregon made it discretionary. The question of the disposal lies in the sound judgment of those charged with the defense of our Nation. That amendment has been left in the bill by the conference committee. In other words, if this property is required at this time, or there is feeling on the part of those charged with our defense that it will be required in the near future, all they have to do is decline to act under this bill, which is permissive only.

The second point I wish to make is that, at least in the humble judgment of the junior Senator from Florida, the formula adopted by the conference committee in this particular instance is much more advantageous to the Federal Government, in the event subsequent military use of this property may be required, in the judgment of those charged with the responsibility for our defense, than was the so-called Morse rule as strictly applied under the amendment offered by the Senator from Oregon.

The Senator from Florida has already called the attention of Senators to the fact that the application of the amendment offered by the Senator from Oregon, requiring payment of one-half of the appraised value of the property, made no provision for recapture. Likewise, there was no provision in the bill requiring public use by the State of Iowa, and there was no provision in the bill preventing the alienation of any part of the property.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. SALTONSTALL. I should like to say, as one member of the subcommittee who worked with the Senator from Oregon in drawing up the formula, which the Senator from Oregon has been more conscientious than I have in trying to live up to, that we understood at that time, or at least I understood, there would be exceptions to the rule and that there would be other forms of compensation as well. As I listened to the Senator from Florida present the conference report, it occurred to me that there were other forms of compensation on this particular property which was one of the difficult properties in connection with this whole formula and what was done about it.

Mr. HOLLAND. I thank the Senator from Massachusetts. That was precisely the judgment of the conferees, who do not want to be, even by indirection, chargeable with having put across or given their approval to anything that might be regarded as a steal of the property, who proceeded in good faith on this matter, and who think they did a better job than was done in the bill with the Senate amendments.

Completing my report, I merely wish to call attention to the fact that with the second so-called Morse amendment in it, making effective the so-called Morse rule of disposition, there was no recapture clause; there was no provision for public use, limiting the use of the property by the State of Iowa to public use; there was no provision against alienation in parcels; there was no agreement that whenever the United States Government wants this property, in the opinion of the defense officials, they can get it back by paying anything the State of Iowa has paid out—that is, the fair value—by way of additional construction.

It seemed to the conference committee—and I say this with great respect to the Senator from Oregon, for whose opinion I have great regard, and for whose activity in this particular field I have particular respect, because I believe it has been of great advantage to the people of the United States to apply in general the so-called Morse formula to surplus sales—I call this now to the attention of the Senator from Oregon, that under his amendment this property, once sold, would have been completely beyond reach of any restriction of the use, any restriction against alienation, any provision for recapture, much less a provision for recapture at only the price or the value of any additional construction from now on, and that the sale, under the amendment imposed on the bill on the motion of the Senator from Oregon, would have simply been to the State for one-half of the price and the State would have been free to make subdivisions out of it, to have made a fairground out of it, to have done anything it saw fit, and to have made it impossible for the Defense Department to get the return of the property at a reasonable price.

The other suggestion just made by the Senator from Oregon was, in the mind of the committee, even less in the interest of the United States, that is, offering the property for sale to the public at public auction, or by taking competitive bids, because that would, of course, have meant inescapably the use of the property, which lies close to Des Moines—it is a square mile of property—for residential subdivision and building, and would have placed it completely out of reach of the Federal Government.

With much respect, speaking for the conferees, who were unanimous on this point, I reiterate that it was our judgment that the application of the provision worked out in conference was more salutary and much more useful to the United States Government, in the long run, in this particular case, than would have been the application of the Morse rule.

The conferees do not want to be regarded as having by any means abandoned the Morse rule, or having felt that it should have been inapplicable in the ordinary case. The conferees recall that there have been cases in the near past when the Senator from Oregon has himself risen on the Senate floor and assured Senators those particular cases did not come within the Morse rule, and that if they did, it was quite right in those cases for the property to be disposed of without consideration because of some particular equity.

Therefore with all kindness, and having in mind entirely the desirability of preserving and safeguarding the Morse rule, it was the sincere judgment of the conferees and it is now the sincere judgment of the Senator from Florida that the United States is much better served under the provisions of the conference report and the conference bill than it would have been served with the two Senate amendments in the bill.

Mr. MORSE. Mr. President, I wish to say that so far as the Senator from Florida and the members of the conference committee are concerned, I think they have very ably and fairly presented the difference of opinion they have with the Senator from Oregon with respect to the bill. I respect them for their opinion. They have not persuaded me at all as to the merits of their position.

With regard to the first point the Senator from Florida makes in reply, respecting the fact that the bill in its present form contains no language with any reservations in it with regard to public use, I assure him that it has been our observation, as a result of our study in connection with similar legislation in the past, that most State laws, and I am sure he would find it so in the case of the State of Iowa, place very definite limitations and restrictions on the State itself with regard to the use to which property belonging to it can be put. I think he will find that in most of these instances such reservations are not needed in the statute itself because the State's ownership of property is limited to a public use.

However, I did not write this particular bill, and for a double safety purpose I would agree with the Senator from Florida that it would be well to have such reservations included as the conference committee has put in it. That was their job, and to that part of the report I do not object.

As to the second position taken by the Senator from Florida, with regard to his objection to following the course of action of getting a hundred cents on the dollar for commercial use if it should be decided that the property in fact is surplus and is not needed I simply do not follow him. If it should be decided that the property should be disposed of for a non-Federal use, then I take the position that the State of Iowa either ought to pay a full 50 percent of its appraised fair market value on the finding that it is not needed for any Federal use, or the property should go on the commercial market at a hundred cents on the dollar. I can assure the Senate that full market value could be obtained for this valuable property if it were put on the market tomorrow. It would be found it would be gobbled up so fast by commercial interests in Des Moines that there would be almost a gold-rush stampede in the attempts to buy the property.

So I repeat, if the property in fact is not used for encampment purposes by the Federal Government, then it is only fair that the State of Iowa should pay a full 50 percent of the fair market value of the property. If it is needed, then of course under no circumstances should the property be transferred.

The Senator from Florida has taken the steps necessary to give the Federal Government the discretion of not transferring the property, if it is needed, by adopting in the conference report the amendment I put in the bill.

I think it is good for the record that we have had this discussion this afternoon. I fear that this will serve as a precedent for a further breaking down of the Morse formula. However, I wish to say that I think the Senator from Florida has been very fair in his dealings with me on this issue. He and his conferees have done what they think is fair in resolving this matter.

They and I hold an honest difference of opinion with regard to the policy which the conference committee is applying to this particular piece of property.

When I have had my day in court, I have always demonstrated my willingness to abide by the decision of the tribunal which has jurisdiction over me, and I am ready for a vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

FIFTH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

Mr. SALTONSTALL. Mr. President, tomorrow we shall witness the opening of the fifth session of the United Nations General Assembly. We look to its deliberations with prayers in our hearts that out of those deliberations will come decisions which will lead us to a more peaceful world with greater mutual confidence in and respect for one another. The United Nations Assembly in the original Charter was not given a place of major importance. It has become of great significance to peoples of the world because of the failure of the Security Council to function. It has proved to be not only a forum for discussion and suggestion, but also a deliberative body to which a troubled and frightened world listens attentively.

We give heed to the otherwise unenforceable decisions of the United Nations Assembly because we know they are the product of a free and open debate by leading citizens of the nations of the world who want desperately to find solutions to the problems that may otherwise lead us all into world war III. For these reasons we anticipate these coming sessions with hope and prayer that those solutions may be forthcoming.

The United States is represented by a distinguished group of men and women. Some have been our worthy delegates at other sessions. Others go for the first time. The United States Senate can well be proud that Senators from Massachusetts and Alabama are chosen. Both are well informed and attentive students of international problems. We know that their words will be given respectful attention and their votes will be carefully considered. We commend again the fact that former Senator Austin has always so ably led our delegation and that former Senator Cooper continues to play the part that he has. Mrs. Roosevelt and the other ladies are fine advocates of how our free country improves and betters the way of life for its citizens. We can be sure our delegates will do their part to make this session of the United Nations assembly fulfill the prayers of peoples of every race, creed, and color in the many countries, big and small, strong and weak, youthful and aspiring, that are looking earnestly and hopefully to it for judgments that will succor this troubled world and lead it into paths of greater peace and more happiness.

DEATH OF REV. DR. WILLIAM BARROW PUGH

Mr. MARTIN. Mr. President, on Wednesday afternoon there will be laid to rest in the chaplain's plot of Arlington National Cemetery the mortal remains of Dr. William Barrow Pugh, a true soldier of the cross, one of the great Christian leaders of the world, and an outstanding American patriot.

Dr. Pugh served for 12 years as stated clerk of the general assembly of the Presbyterian Church in the United States. His tragic death last Thursday in an automobile accident in Wyoming deprived our Nation of a man whose whole career was dedicated to the service of his God, his country, and his fellowman.

Dr. Pugh's untimely end came as a great shock to me because of the close association it was my privilege to have had with him in church work and in military service.

During World War I he served in France as a chaplain of the Twenty-eighth Division, the famous iron division of the Pennsylvania National Guard, and took part in three major offensives.

I know from personal experience of his great influence in strengthening the soldiers' morale and ministering to their spiritual needs.

After the war he was for 20 years chaplain of the One Hundred and Eleventh Infantry of the Pennsylvania National Guard.

In World War II Dr. Pugh served as Chairman of the General Commission on Army and Navy Chaplains. In recognition of his inspiring spiritual leadership and brilliant administrative ability, he was awarded the War Department Medal of Merit.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD as a part of my remarks an editorial eulogizing Dr. Pugh, which appeared in the Philadelphia Inquirer of Saturday, September 16.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE TRAGIC DEATH OF DR. PUGH

In the tragic death of Rev. Dr. William Barrow Pugh, killed in an automobile accident in Wyoming, the Presbyterian Church in the United States of America has lost a leader whose inspired influence has touched the minds and hearts of men in many parts of the world.

The progress made by the church during the 12 years he served as stated clerk of the General Assembly—the principal executive office—is testimony enough to Dr. Pugh's administrative ability. Even more impressive, perhaps, were the spiritual qualities which he displayed throughout his career, the emphasis which he constantly placed upon patriotism, the unbounded energy with which he discharged his responsibilities.

Dr. Pugh's counsel will be missed in many phases of religious life. His interest in the spiritual welfare of the Armed Forces, with which he served overseas as a chaplain during the First World War, and his untiring efforts in behalf of ultimate church unity were but two of the varied activities to which he unstintingly devoted his time and all of his talents.

The untimely death of this man would have been tragic under any circumstances. It is made all the more so by the fact that

he died in an accident which, according to every report, might so readily have been averted.

DISCHARGE OF FIDUCIARY OBLIGATION TO IRAN

Mr. MALONE obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MALONE. I yield.

Mr. O'MAHONEY. Mr. President, I have just been advised by the acting majority leader that the so-called Iranian bill, H. R. 5731, which is the unfinished business, will not be discussed this evening but will be taken up when the Senate assembles tomorrow? Is that correct?

Mr. McFARLAND. That is correct, Mr. President. Quite a number of Senators have asked that it go over until tomorrow morning.

The PRESIDING OFFICER (Mr. CHAPMAN in the chair). The bill (H. R. 5731), has already been made the unfinished business.

Mr. O'MAHONEY. Mr. President, I wanted to make the announcement in the RECORD so that Members of the Senate on reading the RECORD in the morning would know what the bill is about, as I see it.

Upon the call of the calendar on several occasions I have objected to the passage of this bill. I do not believe the RECORD shows that it is a measure to discharge a fiduciary obligation, as the title of the bill recites.

This bill has been abandoned for over 25 years. A measure to this effect was introduced in the Sixty-ninth Congress, but was abandoned. It has just recently been revised. It deals with one of the most mysterious assassinations in the history of American diplomacy. Maj. Robert Imbrie, who was the first United States representative at the Turkish capital, Ankara, and was sent to Russia after the Bolshevik revolution, and who was very responsible for the westernization of Turkey, was assassinated in Tehran. There is every reason to believe that he was assassinated by the Bolsheviks. He was one of the most distinguished diplomatic representatives the United States has had. One hundred and ten thousand dollars was the cost of transporting his body from Persia to the United States in a United States Navy cruiser, the United States cruiser *Trenton*. That $110,000 was paid by Persia as reparations, and it was paid into the Treasury of the United States. This bill seeks now to have that sum declared to be a trust fund for the education of Persian students.

I would have no objection at all to the appropriation of funds to educate Persian students in the United States. I think that would be a very desirable thing to do. However, I object most seriously to such utilization of the money which was paid by the Persian Government as reparations for the assassination, probably by the Bolsheviks, of an American representative.

I have objected continuously to the passage of this bill, whenever it has been reached during the call of the Senate calendar, because I have felt that this is no time for the United States to close its eyes to treatment of this kind, emanating in all probability from the Bolsheviks, and inflicted upon one of our representatives.

With the further indulgence of the Senator from Nevada, I desire to read into the RECORD a brief paragraph from the volume entitled "One Hundred Red Days," by Edgar Sisson. Mr. Sisson was ordered to go to Russia by President Woodrow Wilson, in October 1917, and he wrote this brief account of what happened during the 100 days when the Bolsheviks destroyed democratic government in Russia, and set up the dictatorship which now is about to wreck the entire world. This is the language of Mr. Sisson, the special representative of Woodrow Wilson in Russia, as published by the Yale University Press in 1931:

> Intelligence channel, however, between Russia and the United States was not closed. Robert Imbrie, sent by Ambassador Francis from Vologda to be acting consul at Petrograd after the Brest-Litovsk peace reopened the city, became the active intelligence officer, and continued in that capacity after Americans left Russia, going then to the border city of Viborg, in Finland. His work, so far as I know, never has received public credit, and certainly not its deserts. Nor have I felt that his death, in Tehran, July 18, 1924, was free from mystery. He was killed, supposedly by accidental violence, in a street riot which suddenly flared up around him without understood cause. Tehran at that time was a center for a Bolshevik group plotting Asiatic turmoil. The Persian Government, because the death was in its territory, paid indemnity to Imbrie's widow and the international episode was officially closed.
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> I was protected from the Bolsheviks by the publication of my report. To have harmed me afterward would have been a silly form of confession. Imbrie, however, never had that protection. He remained on distant service.

Mr. President, I have the report of Lindsay Warren, the head of the General Accounting Office, who filed a report denying that the exchange of notes in this case, relied upon in the committee report, constituted in any sense an obligation upon the part of the United States.

Tomorrow I shall undertake to discuss this matter at greater length.

ANNOUNCEMENT REGARDING ALASKA STATEHOOD BILL

Mr. MALONE. Mr. President——

Mr. O'MAHONEY. Mr. President, if the Senator from Nevada will further yield to me, I should like to make another brief statement.

Mr. MALONE. I yield.

Mr. O'MAHONEY. As I understand, there now have been enacted, or passed upon, all of the measures which were announced, following the last meeting of the majority policy committee, as the measures which would be acted upon following the call of the calendar, except the Iranian bill to which I have just referred and the bill to provide for a union shop for railroad employees. At that time it also was announced by the majority leader that after those measures were disposed of, the next order of business would be the statehood bills for Alaska and for Hawaii.

Therefore, I now give notice that it will be my purpose at a suitable time tomorrow to move to have the Senate proceed to the consideration of the bill, now on the calendar, providing for statehood for the Territory of Alaska.

I thank the Senator from Nevada for yielding to me.

Mr. McFARLAND. Consideration of that bill is to follow consideration of the bill providing for a union shop for railroad employees; is it?

Mr. O'MAHONEY. Oh, yes.

Mr. O'MAHONEY subsequently said: Mr. President, my purpose was to give this public notice on the floor of the Senate, because I know that a majority of the Members of the Senate desire to vote for statehood for Alaska and for statehood for Hawaii, and I believe it would be a great mistake for the Senate to adjourn or to take a recess without taking positive action on both those measures.

OUT-PATIENT TREATMENT OF SPANISH-AMERICAN WAR VETERANS — ANNOUNCEMENT REGARDING VETO MESSAGE

Mr. HILL. Mr. President, will the Senator yield?

Mr. MALONE. I am glad to yield to the distinguished Senator from Alabama.

Mr. HILL. Mr. President, there is also at the desk the President's message vetoing House bill 6217. That bill provides for out-patient treatment by the Veterans' Administration of Spanish-American War veterans.

Of course that is a highly privileged matter. In connection with the program which is suggested by the distinguished Senator from Wyoming, I wish to say that I shall not only press for action on the bill to permit railroad employees to have the right to have union shops, but I shall also call up for action by the Senate the President's veto of House bill 6217.

Mr. O'MAHONEY. Mr. President, the Senator is quite correct; that is a privileged matter.

ANNOUNCEMENT REGARDING TAX BILL CONFERENCE REPORT AND CONSIDERATION OF ALASKA AND HAWAII STATEHOOD BILLS

Mr. MALONE. Mr. President——

Mr. O'MAHONEY. Mr. President, will the Senator yield further to me?

Mr. MALONE. I am glad to yield.

Mr. O'MAHONEY. I should like to make the following additional statement: A few moments ago I consulted the chairman of the Finance Committee, and was advised by him that the conferees on the tax bill had not reached an agreement today, and that they will have another meeting in the morning. Whether at that time they will reach an agreement, remains to be seen; but I understand that they will endeavor to reach an agreement some time tomorrow.

There will be no voting in the House of Representatives on any of these controversial matters until Wednesday. So we shall have ample time in the Senate to proceed to the consideration of the Statehood bills.

GRANT OF CITIZENSHIP TO KOREANS AND OTHERS—ANNOUNCEMENT REGARDING VETO MESSAGE.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. MALONE. I am glad to yield to the junior Senator from Arizona.

Mr. McFARLAND. I should like to state that there are two veto messages which are privileged matters. They are in addition to the bill providing for a union shop for railroad employees, which has already been referred to.

The first is the veto message on House Joint Resolution 238, which provides for the granting of citizenship to Koreans and others. The second is the veto message on House bill 6217, which provides for out-patient treatment for veterans of the Spanish-American War. I wish to make that announcement, so that the Senate will have notice of these various matters.

ASSISTANCE TO SCHOOLS IN AREAS AFFECTED BY FEDERAL ACTIVITIES—CONFERENCE REPORT

Mr. MALONE. Mr. President——

Mr. HILL. Mr. President, will the Senator yield?

Mr. MALONE. I am happy to yield to the Senator from Alabama.

Mr. HILL. There is at the desk a conference report to which I think there will be no objection. It is a conference report on the bill which the Senate passed the other evening, House bill 7940, to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes.

The report is unanimously agreed to, and is signed for the minority conferees by the distinguished senior Senator from Ohio [Mr. TAFT], who was present at both the meetings of the conferees, and took full part in the deliberations and the agreements reached by the conferees. The conference report is also signed by the distinguished Senator from Vermont [Mr. AIKEN] and by the three majority conferees, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Illinois [Mr. DOUGLAS], and the senior Senator from Alabama.

I wonder whether the Senator from Nevada will yield now, in order to permit me to have that conference report acted upon?

Mr. MALONE. I am happy to have the bill approved.

Mr. HILL. Mr. President, I now submit a conference report on the bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The report was read.

(For conference report, see House proceedings for Sept. 20, pp. 15298–15302.)

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the conference report.

Mr. HILL. Mr. President, I may say that the one major difference between the Senate and House in this conference related to whether the legislation should be permanent. The House bill provided permanent legislation. The Senate bill provided that the legislation should be limited to a period of 3 years. We agreed in conference on a limitation of 4 years. The Senate won its point that the legislation should not be permanent, but should be of a temporary nature, and, as I say, the conference limited its duration to 4 years. I move that the Senate agree to conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MALONE. Mr. President, I was happy to yield to the distinguished Senator from Alabama for the conference report on the education bill, because I consider it one of the most important measures passed by the Senate at this session.

Mr. HILL. Mr. President, if the Senate will yield, I desire to express my deep appreciation of the courtesy of the Senator in having yielded. No Senator in the Senate has been more active in obtaining the passage of this legislation, or more interested in it, than has the Senator from Nevada.

Mr. MALONE. I thank the Senator.

WHERRY-MALONE-KEM-BYRD AMENDMENT, SUPPLEMENTAL APPROPRIATION BILL FOR 1951—WARNING BY ECA DIRECTOR HOFFMAN

Mr. MALONE. The amendment to the supplemental appropriation bill for the fiscal year ending June 30, 1951, proposed by the Senator from Nebraska [Mr. WHERRY], the Senator from Nevada [Mr. MALONE], the Senator from Missouri [Mr. KEM], and the Senator from Virginia [Mr. BYRD] was adopted by the Senate. It was a very great satisfaction to the junior Senator from Nevada because, from the very first debate on the Marshall plan, in March 1948, the junior Senator from Nevada called attention to the numerous trade treaties between some of the Marshall-plan countries, notably England, at that time with Russia and other iron-curtain countries, and to the fact that they were being furnished many materials which could be used for rearmament in world war III, including locomotives, tools, tool steel, electrical equipment, and many other necessary materials.

THIRD YEAR OF ASSISTING RUSSIA

This is the third year, and the junior Senator from Nevada has, at every opportunity, called attention to these treaties, as they increased in number. In 1949 the number of such treaties had increased to 88. It was amply shown in the debate in March of 1949 on the European relief program—ECA—that 88 of these treaties were then in existence and in good standing, that practically all the nations had entered into the treaties by that time—that is, all 16 of the Marshall-plan countries had entered into treaties with Russia and the iron-curtain countries, under which they were sending practically everything that was needed to consolidate their gains in eastern Europe and in Communist China.

JOINT RESOLUTION TO STOP ASSISTING RUSSIA

Nothing was done, and on January 24, 1950, the junior Senator from Nevada introduced a joint resolution which would have stopped the shipment of material and the giving of assistance of any kind to any nation which was in any manner assisting Russia and the other iron-curtain countries to rearm, including Communist China, or furnishing them with materials which would assist in the consolidation of their gains in those areas.

Mr. President, I want to say that war material may consist of practically any kind of material. Even buttons, that may be used on a shirt, the shirt itself; shoes, any kind of manufactured or processed material, or raw materials which go into the manufacture of any kind of material which may be worn or used by soldiers in the field or at home.

A PLAY ON WORDS

Mr. President, it is merely a play on words to say that because some material is not actually shot out of a cannon or used in the making of a gun, or that in some manner the material that is used in the field in warfare, is not war material, is simply a play on words and a subterfuge for the purpose of assisting our potential enemies.

Mr. President, Mr. Hoffman says they trade the war materials for strategic minerals and materials—chrome, manganese, and so forth—all of these minerals and materials are available elsewhere—the chrome and manganese from South Africa in South Africa territory, which is largely controlled by England.

THE FOUR LETTERS—THE PRESIDENT, ACHESON, HOFFMAN, PACE

Mr. President, I understand there have been four letters written to the conference committee on this bill—"very strong letters" is the way they are described—one by the President of the United States, asking that this amendment be rejected; another by Secretary of State Acheson; another by Mr. Pace, Director of the Budget of the United States, at the moment. Mr. Hoffman, ECA Director, wrote a "very strong letter" we are given to understand in a current dispatch to the Washington Post of this morning, entitled "Materials Ban May Kill Aid, Hoffman Says." I read from the dispatch:

> Marshall Plan Director Paul G. Hoffman has warned Congress it may wreck the entire foreign-aid program if it bans shipment of so-called strategic materials to iron-curtain countries, it was disclosed yesterday.
>
> The Senate wrote the ban into an amendment to the pending $17,000,000,000 defense appropriation bill.
>
> A high official of Hoffman's agency—the Economic Cooperation Administration—said Hoffman made his views known in a tough letter to Senate-House conferees who are working on the bill's final draft. This official added that foreign-aid officials will appear before a House committee today and "open up the whole thing so the people can have a look at it."

OPEN IT UP SO THE PEOPLE MAY HAVE A LOOK AT IT

Mr. President, that is exactly what the junior Senator from Nevada has been trying to do for 3 years—to open up the whole thing, so that the people may have a look at it. In other words, with 86 trade treaties in good standing between the 15 Marshall-plan countries on the one hand, and Russia and the other iron-curtain countries, on the other hand, shipping everything from clothespins, tools, tool steel, ball bearings to steam engines, it is time that someone opened

it up so the people might take a look at it.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. MALONE. I am happy to yield.

Mr. WHERRY. I do not want to detain the Senate. I note that the distinguished Senator is covering this news item carried by the United Press, which is in the Washington Post this morning. I should like to ask the distinguished Senator to read the third paragraph, which states:

A high official of Hoffman's agency—the Economic Cooperation Administration—

I notice the name of the high official is omitted—

said Hoffman made his views known in a "tough" letter to Senate-House conferees who are working on the bill's final draft.

I desire to ask the distinguished Senator whether, as a member of the conference, he feels that the conferees are to be bound by a "tough" letter from a deputy administrator or from the administrator of any agency who attempts to tell the members of the conference what they shall do in resolving the differences in legislation as between the Senate and the House?

MR. HOFFMAN IS GOING FAR AFIELD

Mr. MALONE. Mr. President, the junior Senator from Nevada cannot be too positive in his ideas as to what should be done with the "tough" letter. In other words, I was reading the paragraph when the distinguished Senator from Nebraska entered the Chamber and asked me to yield. It is the opinion of the junior Senator from Nevada that the Senate of the United States and the House are charged with responsibility for appropriations, when they consider them pertinent, and they are charged with the purposes for which these appropriations should be used.

THE DEPARTMENTS INTRODUCE BILLS

We have that same trouble in the Committee on Interior and Insular Affairs. An official from the Department of Justice appeared before the committee and said, "We introduced a bill." Those were the exact words he used—"We introduced a bill." I finally asked him whether he had begun voting on bills yet.

MR. HOFFMAN HAS THE WRONG JOB

It seems to me that Mr. Hoffman has the wrong job. He is from Michigan. It seems to me the thing for him to do is to run for the United States Senate, where he could rise on the Senate floor and give the Senators the benefit of his information and advice. But a "tough letter" from the chairman of any department should call for his instant dismissal.

Mr. WHERRY. I am glad to have the observation of the distinguished Senator from Nevada. Will the Senator yield for a further question?

Mr. MALONE. I am very happy to yield.

Mr. WHERRY. Further on in the dispatch, I find the following:

This official added that foreign-aid officials will appear before a House committee today and open up the whole thing so the people can have a look at it.

Does not the Senator feel that, after the Senate has passed a piece of legislation and the House has passed its version of it, or, even though the House has not done so, but the conferees are endeavoring to resolve their differences, if an official of the Government is to be heard, the conferees should be so advised and an invitation extended to them to be present, rather than to have such official appear before the conferees on the part of the Senate or before the conferees on the part of the House, and make a presentation to one side of the conference, in the absence of the other conferees?

HOFFMAN'S APPEARANCES SHOULD END WITH THE COMMITTEE

Mr. MALONE. I think the only place for Mr. Hoffman or any public official to be heard is in the proper committee, where he was heard prior to the introduction of the legislation. That is the place for them to be heard and to make their wants known. It is then up to the Senate and the House to pass upon the evidence, including that given by Mr. Hoffman or any other official of the ECA who wished to be heard.

Mr. WHERRY. If the Senator will yield further, I may say I agree fully with the answer given by the distinguished Senator to the question of the Senator from Nebraska. If the Senator will yield further, the dispatch says, "House conferees rejected the amendment Saturday after receipt of Hoffman's letter." I ask unanimous consent that I may make a brief statement at this point, without prejudicing the rights of the Senator from Nevada.

Mr. MALONE. I am happy to yield to the distinguished Senator from Nebraska. If I may say so at this point, the junior Senator from Nevada and the distinguished Senator from Nebraska have worked together continually on this type of legislation. I consider it vital.

Mr. WHERRY. Certainly. That is why I want to give the information to the Senator, because the junior Senator from Nebraska happens to be a member of the conference on this bill. I want to say to the Senator and for the benefit of all Members of the Senate, that I was present all the time this matter was being considered, and, when the committee was considering the amendment offered by the four sponsors, namely, the Senator from Nevada [Mr. MALONE], the Senator from Virginia [Mr. BYRD], the Senator from Missouri [Mr. KEM], and the Senator from Nebraska. Representative GARY, chairman of the subcommittee of the House Committee on Appropriations, stated very fairly and honorably that he had received letters about the amendment not only from the ECA Administrator but also from other Government agencies.

The observation was then made by the distinguished chairman of the House committee that when the Senate writes any legislation on an appropriation bill it has to be taken back to the House to be voted upon, whether it is of a technical nature, or whether or not it is to be resisted. I want the distinguished Senator to know that the reason the Senate conferees permitted this amendment to go to the House was only because of that fact and not because of any letter which Mr. Hoffman or any other man in his department wrote, no consideration to which was given by the conferees at all. It was the fact that an amendment was written in by the Senate, and being an appropriation bill, it automatically went back to the House, in order to have a vote on the amendment. That is the procedure under the rules of the House. It is absolutely incorrect to state, as this report states, that it was sent to the House because of any letter.

If the Senator will yield for one more observation, I should like to say one more thing with reference to this report. This official does not know what he is talking about. He speaks of military material. It is not material but matériel. The amendment refers to military matériel. There is a world of difference between matériel and material. The official does not even quote the amendment correctly, which shows that he has not studied it very carefully. He is quoted as saying:

If "military material" consisted of trucks, tanks and locomotives—

He said—

you'd have to take a complete inventory of General Motors Corp. and the Baldwin Locomotive Works and list everything, including screwdrivers, hammers, and saws that they use.

I want to say to the distinguished Senator from Nevada that there is not a bit of truth in that statement. That is not what the amendment provides. The amendment provides that the Secretary of Defense shall make a finding of what strategic materials are being exported by countries which are recipients of ECA help to enemy countries to be used by them to manufacture implements which would be useful to such countries, whether they be arms, armament, or military matériel. That is all the amendment provides for. It would not prohibit free intercourse in trade between those countries, or for those countries to supply other countries if they do not export materials which the Secretary of Defense says would be used to aid the enemy in its effort to prosecute the war.

I ask the distinguished Senator from Nevada if there is not a world of difference between what is in the amendment and what this official says about it, which is done for the sole purpose of creating opposition to the amendment in the House of Representatives?

MR. HOFFMAN AND TRUCKS

Mr. MALONE. Mr. President, I think the distinguished Senator from Nebraska is absolutely right. I am very much interested in this matter. The official is quoted as saying that if the military material consisted of trucks, tanks and locomotives he would have to take an inventory of General Motors. I recall that Mr. Hoffman used to be the head of a great automobile corporation. I also recall that he was quoted in newspapers quite liberally some time last year in which he said that we should import everything except automobiles—free trade on everything but automobiles.

In other words that is the meat of the matter. If the Director of the ECA is for

sending all kinds of war matériel to Russia, Manchuria, and Red China from where these materials find themselves into North Korea and South Korea, and without which material the war cannot be prosecuted, it is either ignorance or something worse.

Mr. WHERRY. If the distinguished Secretary of Defense makes such finding, a prohibition would be made. When the prohibition is made, unless that exporting country which is a recipient of ECA aid or of any other fund or grant—and this amendment does not apply only to ECA but to any other agency which lends or grants funds—their economic and financial assistance is cut off until they justify what they are doing. There is one further question I should like to ask. How silly is it for an official to say that if a country made screwdrivers it would have to be taken off the list. Would it not be a step in the right direction if the Secretary of Defense were to make a finding that none of these recipient countries could export to Russia or a satellite country of Russia the same materials which the Secretary of Commerce prohibits from being exported from the United States to those countries? Would that not be of some help?

Mr. MALONE. I think it might be.

Mr. WHERRY. Of course it would. If we could get the Secretary of Defense to certify to the exports which the Secretary of Commerce now prohibits to those countries we would gain a few steps along the right road. On the other hand we have this official—and, incidentally, he declines to give his name, although his interview was quoted in the press—who says that because a screwdriver contains iron, it cannot be shipped. That is not in the amendment at all. The amendment provides that if the Secretary of Defense makes a finding that such exports are being used to manufacture arms, armament, or matériel, and if that matériel is being used to prosecute the war, the Secretary of Defense should be the first to prohibit the country from getting that kind of material. Are we to do that kind of business with them? Are we to provide them such articles as sheet iron, for instance, from which barbed wire can be made, and lead, which they in turn export to Russia or satellite countries, and then find that the material sent them is used to make weapons with which to kill our boys?

WHAT DO YOU DO IN A COLD WAR—ARM THE ENEMY?

Mr. MALONE. I agree fully with what the distinguished Senator from Nebraska has said. I do not believe he goes far enough. Mr. President, we were supposed to be in a cold war with Russia. It was said that we are in a cold war with the iron-curtain countries. If a cold war consists of shipping every conceivable piece of equipment which is needed for consolidating the gains of Russia, in the iron-curtain countries, and Red China, and in increasing production in those countries, then I do not know the meaning of a cold war. Mr. President, the 16 Marshall-plan countries go further than that. Ninety-six trade treaties give the iron-curtain countries and Russia every conceivable material, including ball bearings, tool steel, tools, steam engines, and hundreds of kinds of equipment and material. Mr. Churchill has said that England has long-term contract for shipping tools and other materials to Russia, and he is trying to precipitate a fight to turn over the Government of England using that as one of the factors, the fact that they are trading as usual with these eastern countries and Russia. He says that they—the 16 Marshall-plan countries—are now in worse shape to fight than they were 3 years ago, in spite of all the Marshall-plan assistance we have been sending them. Russia and the iron-curtain countries are getting it on the first bounce. We merely send the materials and the machinery to the ECA nations, and they manufacture and process it and ship it to the satellite countries.

MANUFACTURING-IN-TRANSIT ARRANGEMENT

It is a manufacturing-in-transit arrangement. So that is how we are fighting Russia and the iron-curtain countries. I should like to know how one is supposed to fight a war. If that is the way it is done, by furnishing everything a potential enemy needs, it is a strange way, indeed, to fight a war. We are not only shipping them the material they need, but we are shipping them the material they need to help North Korea or any other area into which they may decide to send soldiers, and to arm those soldiers. There is no question whatever but that much of the matériel which is processed and manufactured in the 16 Marshall-plan countries with our assistance is sent through Hong Kong into Communist China and has found its way into North Korea, and there is no doubt that equipment sent into Russia by the 16 Marshall-plan countries has found its way directly into Korea and other strategic areas, or displaced other material which is sent against our soldiers.

WHO IS FIGHTING WHOM?

Mr. President, who is fighting whom? We give the 16 Marshall-plan countries everything they need to arm Russia, the iron-curtain countries, and China. We send our troops to Korea to beat back the attack which was instigated by Russia and armed with materials which we furnished ourselves. It is well known that while Hitler was building himself up in the late thirties many of these European nations were trading with Germany, just as they are now trading with Russia and iron-curtain countries, until such time as Germany made up its mind to take possession of Europe, which proved not very much of a job. Germany could have been stopped at any time, as we could stop Russia and the iron-curtain countries, by the simple expedient of not helping them to arm and to consolidate their gains.

ARMING RUSSIA AS WE ARMED JAPAN IN 1936–41

Mr. President, I know of only one way to fight. If a man is going to fight anyone he does not hand him his revolver or its counterpart before the fight starts. That is exactly what we are doing. We are repeating the error we made in 1937, 1938, 1939, and 1940, when we furnished the materials to Japan with which to arm herself in the Second World War. We shipped unlimited amounts of petroleum and scrap iron and other materials they needed. However, we have progressed quite a lot. We did at least require the Japanese to manufacture and process their own materials. We have reached the stage now when we do the processing and manufacturing for our potential enemies.

THE WASHINGTON POST ARTICLE

I ask unanimous consent to have this article appearing in the Washington Post of this morning entitled "Materials Ban May Kill Aid, Hoffman Says," part of which was debated with the distinguished Senator from Nebraska included in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

MATERIALS BAN MAY KILL AID, HOFFMAN SAYS

Marshall-Plan Director Paul G. Hoffman has warned Congress it may wreck the entire foreign aid program if it bans shipment of so-called strategic materials to iron-curtain countries, it was disclosed yesterday.

The Senate wrote the ban into an amendment to the pending $17,000,000,000 defense appropriation bill.

A high official of Hoffman's agency—the Economic Cooperation Administration—said Hoffman made his views known in a tough letter to Senate-House conferees who are working on the bill's final draft. This official added that foreign aid officials will appear before a House committee today and open up the whole thing so the people can have a look at it.

House conferees rejected the amendment Saturday after receipt of Hoffman's letter.

The ECA officials pointed to the language barring aid to nations which not only send arms but which ship articles which may be used in the manufacture of arms or military materials.

"If military material consisted of trucks, tanks and locomotives," he said, "you'd have to take a complete inventory of General Motors Corp. and the Baldwin Locomotive Works and list everything, including screw drivers, hammers and saws that they use there."

"The ECA would have no discretion. It would have to cut off all aid to any country that sent any item on that list behind the iron curtain."

He said the proviso would either stop almost all east-west trade in Europe, or end United States Marshall-plan aid. In either case, he added, the American people would lose billions of dollars.

HOPE CONFEREES WILL APPROVE THE AMENDMENT

Mr. MALONE. Mr. President, I hope that the conferees will keep the amendment in the bill. I have tried to get copies of the letters this morning which had been written to the conferees by the President, by Secretary Acheson, by Mr. Pace, and by Mr. Hoffman.

We find we are unable to get the letters. I will not say they refused to give us copies of the letters, but we are not able to contact the right people to get the letters. It may be that there is something behind that particular refusal.

COMMUNISM MUST BE STOPPED BY THE WORKINGMEN, FARMERS, VETERANS, AND SMALL-BUSINESS MEN

Mr. President, I have repeatedly said on the Senate floor that if communism is to be stopped it is going to be stopped by the workingmen of America, by the farmers, by the veterans, and the small-business men. The large business inter-

ests are profiting from this 18-year-old emergency too much to take a very active part in stopping anything.

THE WAR PARTY

We have lived on emergencies for 18 years—we have had three world wars now in one generation—every Democratic President must have his war.

RUSSIAN GOODS TO THE UNITED STATES

Mr. President, I have repeatedly called attention to the A. F. of L. and the CIO longshoremen refusing to unload cargoes from Russia. I note that Walter Winchell in this morning's Post, of September 18, says:

That million-dollar boatload of furs (from Russia) which longshoremen refused to unload has found its way to the owners here.

Meaning in New York.

Those doing the unloading got a 2½ percent cut of the gross, plus time-and-a-half.

RUSSIA COMPETING WITH WORKINGMEN AND INVESTORS OF AMERICA

That shows great diligence on the part of the owner of the boatload of furs, and while I admire their diligence and their insistence on these furs arriving in America, I certainly do not agree that this material should be unloaded here on our markets in competition with the workers and investors of this country. I take this opportunity again to congratulate the CIO and the A. F. of L. longshoremen for refusing to have anything to do with the whole double-crossing deal.

MICHAEL LEE—FORMERLY LIEBERMAN—AND REMINGTON

Mr. President, in connection with many of these various methods of circumventing the will of Congress, and in other ways furthering the interests of Russia and the iron-curtain countries and Communist China, I wish to refer briefly to a dispatch in the Evening Star of September 18 headed: "Adverse report on Michael Lee returned by Loyalty Board."

It will be remembered that several months ago on the Senate floor I took up the matter of Mr. Lee, formerly Lieberman. He was in charge of the Far Eastern Division, handling shipments during the war. I did not say that Mr. Lee was a Communist. I did not say Mr. Remington was a Communist, when I testified before the subcommittee of the Interstate and Foreign Commerce Committee, appointed especially to hear me in detail. What I said at that moment was that these men were dangerous security risks, and I proved it before the committee. Shipments of gas had been delayed under the direct supervision of Michael Lee, formerly Lieberman, and these men were dangerous security risks.

I am happy to see that the Board has changed its position and finally found Mr. Lee unsuitable for the position he has been holding. The article does say, however, that if the Board is sustained by Mr. Sawyer, the case will be sent to the President's Civil Service Loyalty Review Board, headed by Seth W. Richardson, Washington lawyer. There seems to be no record of this latter Board finding anyone guilty that the administration approved of, but I hope this will be an exception, and I ask unanimous consent to include in the RECORD at this point the article appearing in the Evening Star today.

The PRESIDING OFFICER (Mr. CHAPMAN in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADVERSE REPORT ON MICHAEL LEE RETURNED BY LOYALTY BOARD—FINDINGS NOW BEFORE SAWYER FOR REVIEW; APPEAL PREDICTED

A Commerce Department loyalty board has returned an adverse finding against Michael E. Lee, $10,000-a-year chief of the Far Eastern Branch of the Office of International Trade, it was learned today.

Commerce officials confirmed that the board had made a finding against Mr. Lee and said it was returned more than 2 weeks ago.

They added that Mr. Lee, who has been on sick leave since Secretary of Commerce Sawyer demanded his resignation in June after a congressional airing of the case, had been suspended.

Mr. Lee's suspension, the officials added, was ordered September 9 and was automatic after the board's findings.

The findings are now before Secretary Sawyer for review.

If they are sustained, the case will be sent to the President's Civil Service Loyalty Review Board headed by Seth W. Richardson, Washington lawyer.

The finding against Mr. Lee's loyalty came as administrative hearings against the official were pending. These had been held up, Commerce officials said, because of Mr. Lee's illness.

Attorney Nathan David, who represented Mr. Lee in the administrative hearings but not in the loyalty case, said the case undoubtedly would be appealed.

Commerce officials refused to reveal what specific reasons were the basis for the board's findings. Such findings, it was said, usually are phrased in language saying there are "reasonable grounds" for questioning the loyalty of the person involved.

SECOND INVESTIGATION

It was the second time the board had looked into the Lee case. On August 10, 1949, a Commerce loyalty board, after months of investigation, found that "reasonable grounds do not exist to believe" that Mr. Lee was disloyal to the United States.

Commerce officials said the case was reopened last January on the basis of new information received about Mr. Lee.

A congressional inquiry into Mr. Lee's appointment was set off by a February 12 speech by Senator MALONE, Republican, of Nevada, charging that the official, as Chief of the Far Eastern Trade Branch, had delayed shipments to the Chinese Nationalists.

INQUIRY ASKED BY MALONE

He introduced a resolution calling for an investigation of Mr. Lee's loyalty. He told the Senate then that the official was a Manchurian-born Russian whose United States citizenship was rejected three times.

The citizenship, Senator MALONE said, was granted on the fourth attempt after Mr. Lee changed his real name of Ephriam Zinovi Liberman and had married an American.

A Senate Commerce subcommittee, headed by Senator HUNT, Democrat, of Wyoming, conducted a preliminary inquiry and called Secretary Sawyer and other Commerce officials to the Capitol to lay their findings before them.

LEE ASKED TO RESIGN

They were reported then as saying there would be a full-scale public investigation if Mr. Sawyer failed to remove Mr. Lee. Mr. Sawyer acted quickly and called for Mr. Lee's resignation. At the same time he asked for the resignation of William W. Remington, another Commerce official under congressional attack.

Mr. Remington later resigned after being indicted by a New York grand jury. But Mr. Lee chose to fight the case through both loyalty and administrative hearings. He went on sick leave in June while the hearings were pending, and, Commerce officials said, had been drawing his pay until his suspension.

Mr. MALONE. Mr. President, yesterday the junior Senator from Nevada was the guest on the Meet the Press program so ably conducted by Miss Martha Rountree and Lawrence Spivak, former editor and publisher of Mercury magazine.

The able reporters joining in questioning the junior Senator from Nevada included Jack Bell, Associated Press; Warren Francis, of the Los Angeles Times; Times; L. K. Lindley, Washington editor of Newsweek.

In connection with that, Mr. President, I ask unanimous consent to have a dispatch dated September 18, from the Times-Herald, relative to the interview, included in the RECORD at this point.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

MALONE SEES ACHESON, MAC "ON WAY OUT"—SENATOR TELLS OF PLOT "TO GET" GENERAL

Senator MALONE, Republican, of Nevada, predicted yesterday that Secretary of State Acheson will be out in 60 days and said the dropping of Defense Secretary Johnson may mean that General MacArthur also is on the way out. A State Department cabal is out to get the general, he asserted.

Interviewed on NBC's "Meet the Press" telecast, MALONE said President Truman would not dare oust MacArthur now because of public opinion.

But he forecast that behind-the-scenes propaganda against the supreme Allied Commander will be stepped up in an attempt to change the public's feelings.

GENERAL'S VIEWS CLASH

MALONE asserted that Acheson will be let go by the administration because of continued public criticism.

The administration wants to get MacArthur out, he said, because the general's views differ from those of the State Department on far-eastern policy. He added that a whole crowd of Washington officials, including the State Department, is working underground against MacArthur.

MALONE also insisted that there are 100,000 men who would make good Secretaries of Defense and every tenth man on the sidewalk * * * couldn't do a worse job as Secretary of State than Acheson.

ATTACKS MARSHALL PLAN

In addition, he charged that the Marshall plan has promoted slavery in Africa.

As Secretary of Defense, MALONE asserted Gen. George C. Marshall won't be able to do anything more than carry out orders of the State Department regarding the Far East, and called his (MALONE'S) vote in favor of Acheson's confirmation "one of my colossal mistakes."

MALONE said he believes Johnson was fired because his views on the Far East differed with Acheson's and that Congress should adjourn now because it has delegated virtually all its powers to the executive branch.

Mr. MALONE. Mr. President, many times in the last 3 years I have tried to make some sense out of the Marshal plan, now known as the ECA, and several times have suggested that as a condition of giving money to any nation there be

certain conditions placed on furnishing money, machines, and materials: First, integrity of private investment, and second, lending of money to private business through the World Bank, under RFC rules and in no case furnishing funds and materials to the Socialist governments of Europe merely to reelect themselves.

The third point is the formation of a United States of Europe. It is now said by many that the only way to protect western Europe would be through a united effort, for the nations there to pool their resources under a United States of Europe.

Mr. Acheson has said many times that we will give further aid to Europe beyond the ECA, and now we see that Mr. Gray, one of his many assistants, has prepared a world-wide WPA which will take in all the world, so that we can go into the Far East and support the empire-minded nations in their ownership and control of those areas and of course go into Africa doing the same thing.

It takes in the whole world, with the United States financing it. There is no limit.

Fourth. We should have equal access to the trade of the areas whose integrity we protect. That does not fit into the plan of the empire-minded nations throughout the Far East and Africa.

Mr. President, I have tried to determine our foreign policy. What is our foreign policy? What are the areas—naming the nations—which we must currently defend for our ultimate safety? Right now, our distinguished general—General MacArthur—in the Far East seemingly has started an offensive and is in a fair way to winning the war in Korea by the old method he used in the Pacific, of cutting off the forces of the enemy. The President has never said where we are going when we do start driving the North Koreans back; whether we are going to the thirty-eighth parallel and leave a few divisions there or go on into North Korea, or go to Vladivostok, or Moscow.

NAME THE AREA—THE NATIONS

Let us name the areas and the nations whose integrity we must currently protect for our own ultimate safety.

Then let us build a national defense organization spearheaded by an Air Corps and a submarine fleet that will be final notice to the world and to our own people that we can protect our commitments.

THE MONROE DOCTRINE

That would simply be an extension of the Monroe Doctrine, and prepare us to do what we say we are going to do. I suggested this procedure on March 4, 1948—I now reiterate it is time that a definite foreign policy is established and the American people and the world informed of what we are trying to do.

The Constitution of the United States specifically charges the executive branch of the Government with that responsibility.

BOY SCOUTS OF AMERICA, NEVADA AREA COUNCIL, RENO, NEV.

Mr. President, during these days of Communist infiltration into government and civic affairs—when it is suddenly discovered that subversive organizations, under cover of patriotic motives, have operated to undermine the affairs of state; when it is suddenly realized that such men as the Eislers and the Alger Hisses were advisers in high places, even to Presidents and to Secretaries of State at Yalta, Potsdam, and Tehran, and that the international policies were fixed then that may be in a large measure responsible for Korea—it is time to take stock, to reassess the real values.

DEDICATED TO LOYALTY TO COUNTRY AND FAMILY

Mr. President, when the Nation seems to be recovering from an epidemic of leftist movements from the time when it was considered fashionable by many to sponsor such affairs it is comforting to know that there are certain organizations dedicated to loyalty and truth, dedicated to good, old-fashioned patriotism, dedicated to the defense of our Nation and of the family.

PRIDE OF ACCOMPLISHMENT

Many things, Mr. President, can and do happen to a man over a span of 32 years since the close of World War I in 1918, many things that he takes in stride at the time as a part of his regular chores or civic duty, assume a much greater importance in retrospect and in later years, and, Mr. President, my part in reorganizing the Boy Scouts, as president of the Nevada Area Council, in 1927 and 1928, is a period which I look back upon with great pride of accomplishment.

NEVADA COUNCIL LARGEST SCOUT COUNCIL IN THE NATION

The Nevada area council extends over 147,000 square miles—and is the largest of the 546 Scout councils in the United States.

The council has grown from approximately 300 Boy Scouts in 1927 to over 5,000 members at this time. Mr. Ray Marks of Reno, special representative of the Southern Pacific Co. in Nevada, is the current president of the Nevada Area Council and has been since 1948. He is doing the usual good job of directing its affairs. Mr. Alvin Grodrian is the present Scout executive and his special ability is well recognized. Scores of other outstanding men within the council boundaries are doing fine work with the boys, and I ask unanimous consent that the list of their names become a part of my remarks.

Mr. President, the list includes approximately 200 business and political leaders of my State of Nevada, and I am very proud of the interest taken by this group of prominent citizens in the Nevada Council of the Boy Scouts of America.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EXECUTIVE BOARD OF NEVADA AREA COUNCIL, BOY SCOUTS OF AMERICA

Raymond E. Marks, president and national representative, Reno, Nev.; Walter Conrad, executive vice president, Reno, Nev.; C. V. Isbell, national representative, Reno, Nev.; Carl F. Johnson, national representative, Lake Tahoe, Nev.; Alvin Grodrian, secretary-treasurer, Reno, Nev.; V. O. Welty, council commissioner, Reno, Nev.; Monty Boland, chairman, advancement, Reno, Nev.; Clarence Favre, chairman, camping, Reno, Nev.; Joe H. Caldwell, chairman, finance, Reno, Nev.; Dr. Wesley W. Hall, chairman, health and safety, Reno, Nev.; Vernon Durkee, chairman, training, Reno, Nev.; E. D. Carville, chairman, organization and extension, Reno, Nev.; Vail M. Pittman, honorary president, Carson City, Nev.; C. R. Hutchens, member, Westwood, Calif.; Eugene Aldrich, member, Westwood, Calif.; Tom Oliver, member, Westwood, Calif.; Harvey Flury, member, Winnemucca, Nev.; J. A. Anderson, member, Winnemucca, Nev.; Howard Lindsey, member, Winnemucca, Nev.; Eugene Wines, member, Elko, Nev.; George Plummer, member, Bishop, Calif.; Arthur Hess, member, Bishop, Calif.; Alex Krater, member, Independence, Calif.; J. Price Ronnow, member, Fallon, Nev.; Paul Jensen, member, Fallon, Nev.; Dr. G. T. Woodward, member, Fallon, Nev.; William B. Murphy, member, Susanville, Calif.; Dr. A. E. Priest, member, Susanville, Calif.; Al Thomas, member, Herlong, Calif.; Kenneth Jones, member, Carson City, Nev.; Milton B. Badt, member, Carson City, Nev.; Leonard Wilson, member, Loyalton, Calif.; Louis DeArmond, member, Portola, Calif.; Louis Richins, member, Portola, Calif.; Leslie M. Fry, member, Reno, Nev.; Harold Bartlett, member, Reno, Nev.; E. M. Quilici, member, Reno, Nev.; L. B. Peterson, member, Lovelock, Nev.; Dryl Gaiennie, member, Lovelock, Nev.; Pat Patricio, member, Lovelock, Nev.; J. Michaelson, member, Ruth, Nev.; Dale Bell, member, Ely, Nev.; William B. Stoops, member, Ely, Nev.; J. C. Kinnear, member, McGill, Nev.; Hon. George W. Malone, honorary board member, Washington, D. C.; Max C. Fleischmann, honorary board member, Glenbrook, Nev.; C. H. Jackson, Jr., honorary board member, Tuscarora, Nev.; Bing Crosby, honorary board member, Elko, Nev.; M. L. Armanko, member at large, Reno, Nev.; William O. Bay, member at large, Reno, Nev.; Dr. H. E. Belnap, member at large, Sparks, Nev.; Dr. J. E. Culbert, member at large, Reno, Nev.; J. W. DeSpain, member at large, Sparks, Nev.; Carl T. Friesen, member at large, Reno, Nev.; Elmer Goudy, member at large, Chester, Calif.; Fred S. Keiper, member at large, Reno, Nev.; William Mayo, member at large, Reno, Nev.; H. A. Nielsen, member at large, Reno, Nev.; Miles N. Pike, member at large, Reno, Nev.; Lester D. Summerfield, member at large, Reno, Nev.; C. B. Wyckoff, member at large, Reno, Nev.

Mr. MALONE. Mr. President, I had the pleasure of meeting several former members of the 1927 and 1928 Scout troops in Alaska and in the South Seas during World War II—I was very proud of them.

Their code as Scouts simply assumed that service to their country in time of emergency is the price of citizenship—patriotism is a part of their being—there can be no question of loyalty to the country and to the flag.

Mr. President, the Nevada State Journal of Reno, on Sunday, September 3, 1950, contains a short history of the Nevada Area Council and I ask unanimous consent to have it, together with the list of the names of council officers, appear in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEVADA'S SCOUT AREA COUNTRY'S LARGEST—ANOTHER COMMUNITY CHEST AGENCY TELLS WHY IT NEEDS SUPPORT

EDITOR'S NOTE.—Following is the fourth in a series of weekly articles pertaining to the agencies of Reno Community Chest. Today's article concerns the Nevada Area Council Boy Scouts of America, and more particularly the activities and projects of 1,253 Cub Scouts and Boy Scouts within the city

of Reno as well as the work of the area council office which is located in the State Building at Powning Park.)

ONE HUNDRED AND FORTY-SEVEN THOUSAND SQUARE MILES

Encompassing 147,000 square miles of territory, the Nevada Area Council, Boy Scouts of America, with headquarters in Reno, is the largest geographic area covered by any of the 546 Scout councils in the continental United States.

Service to such an area by a meager handful of trained executives would be a near impossibility were it not for the active interest of volunteers who recognize Cub and Scout training as perhaps the leading force against juvenile delinquency, and this recognition has been borne out over the years by exhaustive record of law enforcement departments. For instance, never in the history of Scouting in Reno proper, and that dates back to 1915, has a Reno Boy Scout been sent to the State reformatory in Elko.

TWELVE-POINT LAW

Reason for such an enviable record, especially in the last few years, can be found in the fundamentals of living which are stressed by the 12-point Scout law: "A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent." Application of this law to daily living, and the training of youth to cooperate with family, schools, and community forms the basic foundation for the success and growth of the world-wide movement.

Within the city limits of Reno today 1,253 boys and youths ranging in age from 8 to 20 years are actively engaged in the Cub Scout and Boy Scout program. Eleven years ago that figure stood at 327, showing a fourfold increase during a decade that has seen war and strife. So it can easily be seen that Scouting does more than hold the line against delinquency; it actually wages a winning war against it by the simple means of interesting youth in clean living and future planning.

Ten years ago the entire area council had 45 Scout units, consisting of Cub Pack, Scout troops, and senior units. Today Washoe County alone has 44 Scout units and within the city of Reno there are 34 active units. The entire membership in the area council in 1939 stood 1,600 boys. Today it stands at the all-time high of 5,012, and 25 percent of that total is located right in Reno.

REASON FOR GROWTH

Such rapid growth is the result of many things, but it is primarily reflected in the planning and thinking of the Scout organization which has actively awakened the interest of adult leaders, especially parents. This was accomplished through the broadening of the Scouting program to include Cub Scouting, which now opens the door to youngsters when they reach the age of 8, and through extension of interest on the other end of the scale to include explorer units and rover groups.

Where Scouting used to occupy interest of boys between 12 and 14 years of age, it now holds the active interest of boys from 8 to 19 and 20. Formerly a definite drop-off in interest was noticed shortly after a teen-ager had reached his fourteenth birthday, today that big drop-off is not noted until a youth reaches his sixteenth birthday.

How was the program successfully expanded? It's a good question, and the answer shows how fundamentals can work successfully in the broad scope of Scouting.

CUB PROGRAM

The Cub program for 8-to-11-year-olds starts in the home and is supervised by mothers who volunteer as den mothers. Dens consist of anywhere from 6 to 8 boys ranging in age from 8 through 10, and the dens are geographically scattered to roughly conform with school areas. Usually 8 to 10 dens form a pack.

Once a week the Cubs meet at the home of the den mother. To play? Yes, but also to learn, since the advancement program demands a knowledge of the flag, knowing how to help out at home, learning to use tools, collecting and preparing scrapbooks, the use and knowledge of knots, safety, family fun, know your neighborhood and a physical program to keep strong and developing feats of athletic skill.

Boys of 8, 9, and 10 years of age are purposely grouped in a den to teach the younger boys how to get along with older boys and, conversely, to teach the older boys how to get along with their younger friends. Each age group has certain standards for advancement in the Cubbing program, and beyond this is an elective program which is comparable to the merit badge program of Boy Scouting. The Cub oath best tells its own story: "I promise to do my best to be square, do my duty to my country and to obey the law of the pack."

The pack meets once a month, usually in a school auditorium or perhaps in a church recreation hall. It is presided over by the Cubmaster.

Evidence of interest in this younger phase of the Scouting program, according to officials, is the fact that family crowds numbering as high as 250 persons often gather at a pack meeting of 60 Cubs.

The Cub program progresses through ranks bobcat, wolf, bear, and lion to the "Webelos" rank at age 10½. "Webelos" in Cubbing is equivalent to the Eagle Scout rank in the older boys' program. Actually it is a contraction meaning "We'll be loyal Scouts."

At age 11, Cubs are eligible for the Boy Scouts, and are usually presented by the Cubmaster to the Scoutmaster of the troop to which they will belong. Scouting does not however bar boys who have not been Cubs, nor do Cubs have to progress through all the ranks to become eligible for the Boy Scouts.

Twelve Cub packs, numbering 600 boys, are now active in Reno, and in Scouting itself, which takes in the ages of 11 to 13, there are 17 troops in Reno numbering 500 boys.

Scouting opens new fields for the former Cubs. Now their experience is broadened, and as they progress through the ranks of scouting they have opportunity to learn skills and take up hobbies that may play an important part in the life's work they choose. Actually the merit-badge program is one of vocational guidance in which many youths find they have talents never suspected which may lead them later to successful professional or business careers.

EXPLORERS

At 14, no matter what his rank, a Scout automatically becomes an explorer, and is eligible for this category to the age of 17. Here Scouting progresses into a higher level and operates much as a service club in which the members plan and handle their meetings, outline their projects, and cooperate with other civic clubs.

At the age of 17 youth may continue the program under the rover group, which actually aids the programing and planning of troops. In many instances youths going into the rover group has succeeded to Scoutmaster jobs and also on occasion into professional Scouting.

All the varied programs covering an age span of 12 years do not operate by themselves. Records are kept on each boy in the program, and that's a major job in itself. Then there is the summer camp planning and organization, arrangement of special trips, boards of review, and courts of honor for merit-badge awards and rank advancement, and of course the annual day in the spring when Nevada Scouts take over city, county, and State offices. And Nevada is the only State in the Union in which Scouts take over the State offices.

CRUISE TO HAWAII

In addition to regular camps this year four Reno Scouts and one leader took a 17-day cruise to Hawaii aboard a United States Navy transport. A total of 20 out of the area council went on the junket, and through arrangements made by the area council offices here, cost per individual was only $45. There was also a 1-week trip to Yosemite by chartered bus, a program in which 90 Reno Scouts participated. Forty-three Reno Scouts also attended the summer jamboree at Valley Forge, Pa., a trip that lasted from 18 to 21 days. Some went by special train, others by chartered bus. A 1-week outing at Camp Toiyabe on the Mount Rose Highway was part of the summer program in which 67 Reno Scouts participated.

Scouting, insofar as Reno itself is concerned, is supported by funds from community chest, and even though the Nevada area council includes all of Nevada, with the exception of Clark and Lincoln Counties, as well as Sierra, Plumas, Alpine, Lassen, Inyo, and Mono Counties of California, each of the other districts supports its share of Scouting. Reno has 25 percent of the registered membership of the entire council, and populationwise 34.6 percent of the area council's population is centered here. Last year Reno's support of the movement was 21.5 percent of the total funds, and the volunteer officials of the Scouting movement are attempting to bring this figure to an exact 25 percent to be in conformance with the rest of the district. This is 1 of 15 reasons why Reno Community Chest annually seeks to raise in 1 drive funds necessary for operating its 15 beneficiary agencies.

35 YEARS OLD

Scouting dates back a good 35 years in the Reno area, with Rev. Brewster Adams leading the organization movement in 1915. Many Reno residents will remember that Frank E. Morse, then employed by Reno YMCA, also aided in the organization program, and that present Senator GEORGE W. MALONE was the first president in 1927. Also, "Gene" Sweatt was the first Scoutmaster ever to ascend to the presidency. Membership in those first few years fluctuated between 100 and 300, and it was not until 1937 that it took a major jump. Since that time it has made exceptional strides.

National records, according to Al Grodrian, Scout executive, point to other advancements also; for instance, the fact that 10 years ago 108 councils in the United States had a better record than Nevada. Today Nevada stands forty-seventh nationally, with a better record than 500 other councils. Most amazing, however, is the fact that despite almost quadruple growth, individual annual cost has shown a real decline. In 1941 the cost of Scouting in Nevada area council was $14.41 per member. Today that figure is $10.95 per member.

COUNCIL MEMBERS, NEVADA AREA COUNCIL, BOY SCOUTS OF AMERICA

Fred Abbey, Susanville, Calif.; Eugene Aldrich, Westwood, Calif.; Harry S. Allen, Box 529, Reno, Nev.; J. A. Anderson, Winnemucca, Nev.; M. L. Armanko, 152 North Virginia Street, Reno, Nev.; Arthur Bachelor, Lovelock, Nev.; Milton B. Badt, Carson City, Nev.; Harold Bartlett, 571 California Avenue, Reno, Nev.; William O. Bay, 301 Cheney Street, Reno, Nev.; Dale Bell, Ely, Nev.; Frank E. Bell, Ely, Nev.; Dr. H. E. Belnap, 346 Twelfth Street, Sparks, Nev.; John Block, Minden, Nev.; Monty Boland, 1611 Knox Avenue, Reno, Nev.; A. N. Bradshaw, Tonopah, Nev.; A. G. Brietwieser, Susanville, Calif.; Dr. C. I. Burnett, Susanville, Calif.; Joe H. Caldwell, 252 West First Street, Reno, Nev.; F. J. Calhoun, 1914 I Street, Sparks, Nev.; E. D. Carville, First National Bank Building, Reno, Nev.; E. P. Carville, First National Bank Building, Reno, Nev.; Milson Clark, Star Route, Susanville, Calif.; William B. Coffey, Route 2, Box

67, Reno, Nev.; Walter Conrad, 1431 Terrace Drive, Reno, Nev.; John B. Cooper, 104 Maple, Reno, Nev.; Bing Crosby, Elko, Nev.; Thomas Crossen, 853 Pine Street, Elko, Nev.; Newton Crumley, Commercial Hotel, Elko, Nev.; Dr. J. E. Culbert, Medico-Dental Building, Reno, Nev.; Louis DeArmand, Portola, Calif.; Philip DeLongchamps, Yerington, Nev.; John De-Spain, 61 B Street, Sparks, Nev.; Orval Dieter, Box 706, Susanville, Calif.; Kenneth Doyle, 704 Roop, Susanville, Calif.; Vernon Durkee, 220 West First Street, Reno, Nev.; Dan Eastman, Elko, Nev.; R. C. Ellis, Stockmen's Hotel, Elko, Nev.; John Emerson, United States Vanadium Corp., Bishop, Calif.; Donald Erskine, Winnemucca, Nev.; Clarence Favre, 210 West Second Street, Reno, Nev.; Max C. Fleischmann, Glenbrook, Nev.; Harvey Flury, Winnemucca, Nev.; Carl T. Friesen, First National Bank Building, Reno, Nev.; Leslie M. Fry, 139 North Virginia Street, Reno, Nev.; Daryl Gaiennie, Box 540, Lovelock, Nev.; George Gerbig, Chester, Calif.; H. J. Gilliam, Shoshone, Calif.; Elmer Goudy, Chester, Calif.; A. W. Greeley, Susanville, Calif.

Floyd Grieve, Box 38-1, Hawthorne, Nev.; Judge C. J. Guild, Carson City, Nev.; Dr. W. W. Hall, 307 West Sixth Street, Reno, Nev.; E. Arnold Hanson, Carson City, Nev.; Earl Henderssen, Route 1, Box 165, Reno, Nev.; Arthur Hess, Bishop, Calif.; Paul Hett, Sr., Box 286, Ruth, Nev.; Evert Humphrey, Box 216, Portola, Calif.; C. R. Hutchens, Box 661, Westwood, Calif.; C. V. Isbell, 1385 Lander Street, Reno, Nev.; C. H. Jackson, Jr., Tuscarora, Nev.; Carl F. Johnson, Zephyr Cove, Lake Tahoe, Nev.; Kenneth Jones, Carson City, Nev.; W. R. Keegan, Box 808, Ely, Nev.; Fred S. Kieper, 630 Sunset Drive, Reno, Nev.; Alex Krater, Independence, Calif.; Grover Krick, Minden, Nev.; R. A Lewek, Box 781, Herlong, Calif.; John C. Lewis, 1112 West First Street, Reno, Nev.; Howard Lindsay, Winnemucca, Nev.; George W. Malone, Washington, D. C.; Raymond E. Marks, 43 Sierra Street, Reno, Nev.; Dino Martini, 259 Arroyo Street, Reno, Nev.; William Mayo, 745½ West Fifth Street, Reno, Nev.; E. L. Menu, 3001 Arlington Avenue, Reno, Nev.; J. Michaelson, Ruth, Nev.; Coy Munson, Box 678, McGill, Nev.; William B. Murphy, Susanville, Calif.; Ed McAmoil, 1410 Forest Street, Reno, Nev.; Donald McCafferty, 934 Vine Street, Reno, Nev.; Del McCuistion, 795 Seventh Street, Reno, Nev.; Harold McKenna, 518 South Virginia Street, Reno, Nev.; H. L. McMurphy, Susanville, Calif.; Dan Nelson, Lone Pine, Calif.; R. B. Nichols, Independence, Calif.; H. A. Nielson, 1104 Forest Street, Reno, Nev.; A. M. Nickolaus, Big Pine, Calif.; Tom Oliver, Westwood, Calif.; Pat Patricio, Box 186, Lovelock, Nev.; L. B. Peterson, Box 57, Lovelock, Nev.; Doc. C. E. Piersall, Peavine Road, Reno, Nev.; Miles N. Pike, First National Bank Building, Reno, Nev.; Vail M. Pittman, Carson City, Nev.; George Plummer, Bishop, Calif.; Dr. A. E. Priest, Susanville, Calif.; E. M. Quilici, Box 1483, Reno, Nev.; Wallace Reed, Box S, Chester, Calif.; Dale Reynolds, Box 142, Elko, Nev.; Louis Richins, Portola, Calif.; J. Price Rennow, Box 574, Fallon, Nev.; Max O. Rusch, Lone Pine, Calif.; Robert T. Shaw, Chester, Calif.

Christ Sheerin, Elko, Nev.; Herbert Small, Box 761, Westwood, Nev.; John W. Snyder, 729 East Second Street, Reno, Nev.; George Sollers, Box 787, Babbitt, Nev.; George Soper, 146 West Liberty Street, Reno, Nev.; Carle B. Stanley, 150 North Virginia, Reno, Nev.; William B. Stoops, Ely, Nev.; L. D. Summerfield, Reno, Nev.; George Swallow, Ely, Nev.; Al Thomas, 901 Shasta, Herlong, Calif.; Oliver Thomas, 43 Sierra Street, Reno, Nev.; V. O. Welty, 403 Nevada Street, Reno, Nev.; Ben White, General Delivery, Herlong, Calif.; Leonard Wilson, Box 876, Loyalton, Calif.; Eugene Wines, 1012 Commercial, Elko, Nev.; C. W. Winton, Box 1364, McGill, Nev.; Dr. G. T. Woodward, Fallon, Nev.; Earl Wooster, Reno, Nev.; R. G. Wright, Bishop, Calif.; C. B. Wyecoff, 1901 Watt Street, Reno, Nev.; Charles W. Young, Box 1807, Reno, Nev.

Mr. MALONE. Mr. President, the Boy Scout oaths are the finest resolves that have ever come to my attention:

BOY SCOUT OATH

On my honor I will do my best to do my duty to God and my country, and to obey the Scout law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight.

CUB SCOUT OATH

I (the boy's name) promise to do my best, to do my duty to God and my country, to be square, and to obey the law of the pack.

Mr. President, I am still proud to be a member of the Board of the Nevada Area Council, and the Boy Scout program is worthy of the attention of every citizen of this Nation—let each man and woman look around them right in their own community—the work is done so quietly that it may be it has escaped their notice—and contribute something to it, either work or funds or both—and you will experience a satisfaction that rarely comes to us in this hurried world.

Remember these boys are the men who will be doing your fighting in future emergencies, that will soon be holding your public offices, and who will be running the business of the Nation within a few short years.

Mr. President, every day the news dispatches carry reports of all manner of crimes, mostly the result of warped minds, breaking under the strain and pressure of everyday life.

The Boy Scouts of America form a bulwark of character building. The organization provides a background of integrity and truth which is an invaluable asset to the man in the highly competitive business life of the Nation and guides him in the loyalty and ethics of serving his Government.

RECESS

Mr. McFARLAND. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 27 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, September 19, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 18 (legislative day of July 20), 1950.

DEPARTMENT OF DEFENSE

George C. Marshall, of Virginia, to be Secretary of Defense.

IN THE ARMY

Gen. Omar Nelson Bradley, O3807, United States Army, for appointment as General of the Army in the Regular Army of the United States, under the provisions of an act of Congress approved September 18, 1950.

IN THE AIR FORCE

The following-named officers for promotion in the United States Air Force, under the provisions of sections 502 and 509 of the Officer Personnel Act of 1947. Those officers whose names are preceded by the symbol (×) are subject to physical examination required by law. All others have been examined and found physically qualified for promotion.

To be major, Chaplains

Holt, Maurice Robert, 18767A.

To be captains, United States Air Force

Ackerman, Clifford Bernard, 14479A.
Adams, John Hardin, 14487A.
Addis, Darwin Romaine, 14502A.
Allen, Kenneth Leon, 14495A.
Allen, Robert Clyde, 14624A.
Anderson, John J., 14475A.
Ashton, Alfred Jackson, Jr., 14661A.
Atherton, Jack, 14525A.
Bailey, William Alexander, 14582A.
Barclay, Charles Floyd, 14654A.
Barr, Thomas Anthony, 14509A.
Barrett, Francis Edward, 14613A.
Bathurst, Raymond Joseph, 14562A.
Blaha, Roy Charles, 14513A.
Blanton, Curtis Elwood, 14669A.
Bonitz, George Edward, 14593A.
Broughton, Richard Norton, 14570A.
Brower, Charles Ford 3d, 14545A.
Browne, Donald Vincent, 14604A.
Bryant, James Arnold, 14585A.
×Buckingham, Kent Oakley, 14533A.
Buerger, Delbert Eugene, 14678A.
Button, Louis Hamilton, 14671A.
Calkins, Radford Chamberlin, 14640A.
Campbell, David Day, 14663A.
Campbell, Earl James, 14596A.
Carter, Wilbur Denver, 14531A.
Cartwright, Richard Harold, Jr., 14508A.
Cassady, Richard Harold, 14664A.
Caulfield, John Gregory, 14528A.
Chenault, Charles Joseph, 14665A.
Childress, Rollin Dudley, 14580A.
Christensen, Douglas Helmer, 14672A.
Cobery, Francis Foster, 14494A.
×Cochrane, Robert Gardner, 14614A.
Coleman, Patrick Edward, 14558A.
Collette, Robert William, 14612A.
Cook, Walter Edward, 14627A.
×Coon, Robert Erwin, 14586A.
Cordes, Harry Nation, 14659A.
Craft, Jacob Frederick, 14584A.
Cross, Richard Grenville, Jr., 14492A.
Crowe, Donald Allen, 14666A.
Cummings, Robert Donavan, 14625A.
Cunningham, Bruce, 14630A.
Cutler, William Morton, 14481A.
×Davis, Beverly Early, Jr., 14529A.
Davis, James Alford, 14471A.
Deane, William Wallace, 14551A.
Deel, Ollie Ivan, 14608A.
DeFoe, Donald Ross, 14575A.
DeMott, Donald Ellsworth, 14598A.
Dougherty, John Edson, 14578A.
Dunaway, Kennieth Donald, 14478A.
Dunn, John Henry, 14656A.
×Eaglen, James Albert, 14601A.
Engelbreit, Joseph Carroll, 14569A.
Evans, Glenn Walton, 14568A.
Fairfield, William Adelbert, Jr., 14546A.
Ferguson, Robert Lawrence, 14583A.
Finlayson, James Carlyle, 14472A.
Fitzhugh, Richard Edwin, 14653A.
Fitzpatrick, John Francis, Jr., 14557A.
Foster, Charles Richard, 14637A.
Fowler, Robert Rex, 14686A.
Fox, Clyde, 14547A.
Franklin, Louie, 14523A.
Garden, Francis, 19904A.
Garlington, Henry Fitch, 14549A.
George, Robert Leonard, 14527A.
Gerber, Norris Hobart, 14514A.
Glass, Robert George, 14567A.
Gleason, Robert Leo, 14512A.
Greene, Julius Phillip, 14609A.
Goade, William Richard, 14552A.
×Goff, Theodore Bernard, 14544A.
Goodlad, Harold George, 14520A.
×Grimes, John Parker, 14537A.
Grunig, David Boyd, 14539A.
Gunderson, Robert Sheldon, 14650A.
Gutekunst, Charles Joseph, 14474A.
Hancock, John Jeremiah, 14496A.
×Hannon, James Daniel, 14554A.
Hathaway, Frank A., Jr., 14519A.
Haupt, Fred James, 3d, 14620A.
Hemphill, Mac C., 14673A.
Henderson, Jack Jasper, 14532A.
Henry, Patrick Homer, 14548A.
×Hensarling, Arthur Lee, 14649A.
Hermann, Wayne Eugene, 14553A.
Herrmann, Joseph Francis, Jr., 14524A.

Hervey, Robert Earl, 14633A.
Hewatt, Aubrey Edward, 14470A.
Hiltenbrand, John Robert, 14641A.
Hodges, Julian Oswald, 14645A.
Hodges, Robert Mack, 14643A.
Holland, Gould Kingery, 14621A.
Hollis, George Thomson, 14655A.
Hollis, Medford Eugene, 14501A.
Holmberg, Herbert August, 14587A.
Holtmann, Harrold Luther, 14591A.
×Hovey, Marsh, 14660A.
Hurley, Richard Munro, 14498A.
Hutchins, Alfred Gordon, 14682A.
Inks, Howard Russel, 14626A.
Jaeger, Frank John, 14615A.
Jenkins, Silas Matthew, 14576A.
Johnson, Albert William, 14480A.
Joley, Jack Douglas, 14482A.
×Kahan, Albert, 14651A.
Kemper, Othmar Arthur John, 14526A.
×Kessinger, Walter Fred, 14610A.
Kimball, John Gordon, 14647A.
Kirberger, Myron Frederick, Jr., 14485A.
Kitchings, Wilbur Bernard, 14550A.
Klentzman, James Finley, 14476A.
La Cagnin, Leonard James, 14574A.
×Ludwig, Charles Andrew, Jr., 14536A.
Lynn, Alfred Joseph, 14534A.
McCormack, Robert, 14618A.
McDonell, Roger William, 14503A.
McLaughlin, William Allen, 14515A.
Maggert, Donald Wilson, 14600A.
Markel, Carroll Beverly, 14602A.
Matlick, Benjamin Maurice, Jr., 14607A.
Mayo, William Charles, 14506A.
×McKendrick, Howard Raymond, 14676A.
Mealka, John Charles, 14497A.
Meyer, Lloyd Francis, 14538A.
Miller, Clair Richard, 14638A.
Miller, Earl Detrick, 14677A.
Mims, Edwin Thomas, 14505A.
×Moore, Jerry Porter, 14646A.
Mullins, Arnold, 14681A.
Murphy, Louis Francis, 14679A.
Murray, Arthur, 14622A.
Myers, Russell William, 14634A.
Navarro, Michael, 14499A.
Nelson, Richard Gasser, 14684A.
×O'Dwyer, Phillip Winslow, 14606A.
×Ong, Dong, 14556A.
Orton, George Wandell, 14675A.
Palmer, Garth Clare, 14565A.
Pawlowski, Edward John, 14668A.
Peck, Donald Arthur, 14644A.
Penhall, Raymond Donald, 14579A.
Pennock, Paul Warren, 14590A.
Peterson, Eugene Franklin, 14611A.
Peterson, Richard Burton, 14488A.
Pierson, William Marvin, 14581A.
Randle, Robert John, 14516A.
Rayborn, Garland, 14500A.
Reeves, Horace Bickley, 14564A.
Remmele, Frank Mikell, 14642A.
Richey, Albert LeBert, 14469A.
Riggle, Donald Ellwood, 14484A.
Rippy, James Vale, 14540A.
Rogers, William Troy, Jr., 14518A.
Rosengrants, David Earl, 14468A.
Russell, James Wright, Jr., 14507A.
Schaaf, Robert Andrew, 14632A.
Schmid, Donald Ernest, 14652A.
Shannon, James Alvin, 14510A.
Shatts, Garvin Phillip, 14555A.
×Shaughnessy, William Joseph, Jr., 14535A.
Sheehan, Douglas Martin, 14588A.
Shotts, Bryan Meeks, 14680A.
Simon, Bernard Robert, 14670A.
Smith, Donavon Francis, 14577A.
Smith, Harry Edward, Jr., 14543A.
Smith, Russel H., 14486A.
Smith, Thomas William, Jr., 14566A.
Sommers, William Joseph, 14636A.
Stauff, Oscar Brent, Jr., 14592A.
Stobie, William Henry, 14658A.
Stoker, Norman Pierre, 14493A.
Stone, Francis Arthur, 14674A.
Stowell, Lester Drew, 14639A.
Susong, Charles Joseph, Jr., 14631A.
Tallent, Girard Sullivan, 14605A.
Tatsios, Theodore George, 14599A.
Thomas, William Carl, 14561A.
Toler, Harold Morton, 14473A.
Trimble, George Layton, Jr., 14595A.
Trost, Herbert, 14489A.
Truitt, Robert Glenn, 14685A.
Unger, Edward Collins, 14491A.
Van Hoy, Lonnie Elliott, 14629A.
Vizi, Joseph Charles, 14628A.
Voss, Clyde Kellam, 14541A.
Wagner, Kermit Allan, 14687A.
Waldrop, Ramon Allen, 14635A.
×Walker, James Carleton, 14619A.
Walker, Richard Ivey, 14589A.
Walsh, Edward Michael, Jr., 14688A.
Wardner, Robert Sewell, 14522A.
Waters, Alfred Lafayette, 14511A.
Watson, Paul Cooper, 14603A.
Webb, Charles John, 14597A.
Webster, George Elias, 14662A.
×Weir, Gerald Clyde, 14542A.
Wells, Mac Colbert, 14616A.
Wennergren, William Archie, Jr., 14648A.
Westerman, Raymond Spires, 14617A.
×White, Victor Mayo, 14594A.
Wiechert, Stanley Joseph, 14530A.
Wilkins, Paul Harry, 14667A.
×Will, William Frederick, Jr., 14571A.
Williams, Richard Francis, 14559A.
Willis, Richard Bruce, 14572A.
Wright, Albert William, 14560A.

The following-named officers for promotion in the United States Air Force under the provisions of section 107 of the Army-Navy Nurses Act of 1947, as amended by Public Law 514, Eighty-first Congress. All officers have been examined and found physically qualified for promotion.

To be captains, Air Force nurses

Spohn, Edith Eloise, AN1128.
Sutton, Mary Louise, AN1445.

NOTE.—The officers nominated for promotion to major and captain will complete the required 14 and 7 years' service, respectively, for promotion purposes during the month of October 1950. Dates of rank will be determined by the Secretary of the Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 18 (legislative day of July 20), 1950:

CALIFORNIA DEBRIS COMMISSION

Col. John S. Seybold, Corps of Engineers, to serve as president and member of the California Debris Commission.

UNITED NATIONS

Benjamin V. Cohen, of New York, to be an alternate representative of the United States of America to the fifth session of the General Assembly of the United Nations.

DIPLOMATIC AND FOREIGN SERVICE

William O'Dwyer, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

AIR FORCE OF THE UNITED STATES

The following-named officer for temporary appointment in the Air Force of the United States under the provisions of section 515, Officer Personnel Act of 1947:

To be brigadier general

Col. Darr Hayes Alkire, 298A, United States Air Force.

UNITED STATES AIR FORCE RESERVE

The following-named officer for appointment in the United States Air Force Reserve under the provisions of section 37, the National Defense Act, as amended. This officer is subject to physical examination as required by law:

To be brigadier general

Col. Thomas Randall Rampy, AO922780, United States Air Force Reserve.

UNITED STATES AIR FORCE

The following-named persons for appointment in the United States Air Force in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, Eighteenth Congress (Officer Personnel Act of 1947), and title II, Public Law 365, Eightieth Congress (Army-Navy-Public Health Service Medical Officer Procurement Act of 1947):

To be captains, United States Air Force (medical)

Maurice L. Fergeson, AO1765040.
Sidney G. White, AO1785875.

To be captains, United States Air Force (dental)

John M. Hewson, O1703356.
Alphonse A. Zukowski, AO1687001.

To be first lieutenants, United States Air Force (medical)

Charles P. DeMinico, 523498, United States Naval Reserve.
LeRoy C. Pierce, O976006.
Robert L. Rudolph, AO1906449.
Edward V. Schaffer, AO965455.

To be first lieutenants, United States Air Force (dental)

Philip A. Barale.
Charles B. Warr, AO387936.

To be first lieutenants, United States Air Force (veterinary)

James Armstrong, AO930471.
J. B. Couch, AO379148.
George T. Dalziel, AO503536.
Edward P. Hornickel, AO428009.
Roy E. Kyner, Jr., AO512187.
Frederick Weil, AO1744927.

To be second lieutenants, United States Air Force (medical service)

John N. Allinson, AO2050709.
Clarence L. Ashlin, AO963564.
William S. Beck, AO1541918.
Wilbert A. Black, AO1543063.
Marlyn W. Boruff, AO966524.
Raymond J. Cook, AO1533992.
Verne W. Cornils, AO1533287.
Philip Dibona, AO1534712.
Charles C. Dunn, AO718178.
John J. Dykstra, AO454050.
Raymond A. Flavion, AO1546606.
Walter F. Garner, AO1533062.
Steven V. Haigler, Jr., AO1547640.
Robert E. Hedblom, AO997407.
Daniel M. Herrin, Jr., AO1637657.
Francis L. Holihan, AO451615.
Robert L. Holliday, AO1541459.
John A. Johnson, AO1534051.
Herman I. Little, AO1545510.
Anthony J. Lubrant, AO2049001.
Kenneth L. Marolf, AO1543496.
Albert M. Meyer, AO976872.
Thomas R. Michael, AO590274.
Fred B. Morgan, Jr., AO2011819.
Floyd M. Morris, AO811828.
Harry B. Nicely, Jr., AO2002338.
William L. Plock, AO1534362.
Stanley Rhodes, AO2048460.
Floyd G. Richardson, AO2011335.
Robert J. Roftis, AO2046806.
Donald J. Ruffing, AO2002100.
Harold G. Schult, AO1547448.
Kenneth E. Smyth, AO1576672.
Don J. Spiers, AO1703811.
Robert E. Sullivan, AO1546834.
Ray H. Tingen, AO1543583.
William E. Weller, AO1547496.
Orbin R. Whitt, AO2050693.
Noel F. Windsor, AO975108.
Donald R. Winkelblech, AO2048197.
Henry M. Woolf, AO1544817.
Billy B. Zellers, AO1544419.
George Zinnemann, AO1543545.

The following-named persons for appointment in the United States Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 101, Public Law 36, Eightieth Congress (Army-Navy Nurses Act of 1947):

To be second lieutenants, United States Air Force (nurses)

Harriett J. Bratton, AN779661.
Erminia DeZorzi, AN792994.

Bertha E. Evans, AN804108.
Elizabeth M. Kennedy, AN792228.
Doris M. Kessler, AN762740.
Kathryn M. Mauel, AN795326.
Elizabeth J. Wagner, AN792939.

The following-named persons for appointment in the United States Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 102, Public Law 36, Eightieth Congress (Army-Navy Nurses Act of 1947):

To be second lieutenants, United States Air Force (women's medical specialists)

Betty L. Bales, AR2540.
Jean M. Ertwine, AM2848.

The following-named distinguished officer candidates for appointment in the United States Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

To be second lieutenants

Robert D. Canfield, AO591058.
John F. Daley, Jr., AO591110.
Howard F. Day, AO591111.
Robert F. Dees, AO591112.
Enos J. Dickson, AO591118.
Bernard V. Duclos, AO591126.
Leonard C. Herr, AO591164.
Robert E. Lee, AO591189.
Thomas E. McNair, AO591202.
Harry V. Montague, Jr., AO591214.
Bill T. Moore, AO591216.
Milfred F. Smith, AO591253.
William F. Smith III, AO591256.
Wallace K. Wrott, AO591290.

The following-named distinguished officer candidate for appointment in the United States Air Force in the grade indicated, with date of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947), and section 301, Public Law 625, Eightieth Congress (Women's Armed Services Integration Act of 1948):

To be second lieutenant

Frances W. Isbell, AL591227.

The following-named distinguished aviation cadets for appointment in the United States Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

To be second lieutenants

David S. Ammerman	Edmund T. Pawelek
Earl F. Bancroft	William G. Podoll
Kenneth G. Boyer	Kent W. Rabbitt
William F. Bretzius III	Edwin J. Scarff
Harry B. Davis	Paul P. Schmidt
Louis J. Del Do	Walter Simons, Jr.
John R. Hills	Archie N. Walter
Scott C. Jones	Wesley W. Williams

Subject to physical qualification and subject to designation as distinguished military graduates, the following-named distinguished military students of the Senior Division, Reserve Officers' Training Corps, for appointment in the United States Air Force in the grade of second lieutenant, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

Robert F. Ambrose	Henry H. Conner, Jr.
Edward J. Belinski	Edwin A. Coy
Richard L. Bockstiegel	Edward H. Curtis
William C. Boettcher	Derrell C. Dowdy
Thomas W. Bostick	Boyd H. Edwards
Edward J. Brown	James F. Fagan
Walter T. Buffington	Gerald A. Ferguson, Jr.
George R. Busse	Henry C. Gordon
Robert M. Cameron	Harry E. Hand
Grant S. Christensen	William M. Harvey, Jr.
Robert L. Clark	Dwight J. Hatcher
Robert G. Hawk	Edward L. Perkins
Robert Y. Henslee	James W. Petrie
Robert O. Holaway	Jay D. Pinson
Howard P. Hollinger	Paul C. Plastino
Donald W. Hollway	Robert H. Rahiser
Paul D. Hoover	A. Albert Restum
Harold T. Jones	Alvin J. Rose
John P. Kidner	Dan S. Shipley
George J. Kovacich	H. B. Sinquefield, Jr.
Rufus H. Mahaffey, Jr.	Kenneth R. Smith
George D. Matthews	Walter M. Snyder
Richard E. Michaud	Patrick R. Stevens
Edward P. Miles	Homer W. Swenson
Edward K. Mills, Jr.	John B. Templeton
Donald M. Mixson	William F. Waters
Jack C. Mullins	John W. Wayne III
Ralbern H. Murray	

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 18, 1950

The House met at 12 o'clock noon.

Dr. Robert S. Cooper, pastor, East Washington Heights Baptist Church, Washington, D. C., offered the following prayer:

Our Father, who art in Heaven, at the beginning of this day of business we would bow before Thee. We would acknowledge our debt to Thee for all the blessings which Thou hast graciously given our country. During the years of its history, Thou hast given unto us both material and physical blessings and the richness of leadership to guide us through crisis after crisis. For all these and the many other blessings we would thank Thee.

And now, O Father, would we bow in behalf of these men who gather here to carry on the work of our country. Let the fullness of Thy grace, peace, and wisdom be with them from day to day. Steer them in the right paths, guard them from the many pitfalls that constantly beset those of positions of prominence. Let them so be led of Thee that through this emergency we shall speedily come again to peace. In Jesus' name we pray. Amen.

The Journal of the proceedings of Friday, September 15, 1950, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Hawks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On September 9, 1950:

H. R. 1271. An act for the relief of Carl E. Lawson and Fireman's Fund Indemnity Co.;

H. R. 7302. An act to amend the act of July 14, 1943, relating to the establishment of the George Washington Carver National Monument, and for other purposes;

H. R. 8028. An act to authorize the Secretary of the Interior to dispose of the remaining Government lots in the town site of St. Marks, Fla.; and

H. J. Res. 385. Joint resolution to provide for the acceptance on behalf of the United States of a memorial plaque to the memory of Stephen Collins Foster, and for other purposes.

On September 11, 1950:

H. R. 8594. An act to provide for the acquisition, construction, expansion, rehabilitation, conversion, and joint utilization of facilities necessary for the administration and training of units of the Reserve components of the Armed Forces of the United States, and for other purposes; and

H. R. 9038. An act to authorize the President to determine the form of the national budget and of departmental estimates, to modernize and simplify governmental accounting and auditing methods and procedures, and for other purposes.

On September 13, 1950:

H. R. 2233. An act conferring jurisdiction upon the United States District Court for the Territory of Hawaii to hear, determine, and render judgment upon the claim of Ewa Plantation, a Hawaiian corporation.

On September 18, 1950:

H. R. 9646. An act to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H. R. 9362. An act to provide for the exchange of certain national park land situated in the District of Columbia for certain lands owned by the New Temple Committee, Inc.; and

H. J. Res. 536. Joint resolution to provide for the reappointment of Harvey N. Davis and Arthur H. Compton as members of the Board of Regents of the Smithsonian Institution.

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 4145. An act to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes; and

S. Con. Res. 79. Concurrent resolution directing that there shall accompany every report of a committee of conference a statement explaining the effect of the action agreed on by the committee.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6319) entitled "An act to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. O'MAHONEY, Mr. MCFARLAND, and Mr. BUTLER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 7940) entitled "An act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes," agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HILL, Mr. HUMPHREY, Mr. DOUGLAS, Mr. TAFT, and Mr. AIKEN to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3357) entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," requests a conference

with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON of Colorado, Mr. MCFARLAND, and Mr. WILLIAMS to be the conferees on the part of the Senate.

AUTHORIZING THE PRESIDENT TO APPOINT GENERAL OF THE ARMY GEORGE C. MARSHALL TO THE OFFICE OF SECRETARY OF DEFENSE

The SPEAKER. The Chair lays before the House a communication from the Clerk of the House.

The Clerk read as follows:

SEPTEMBER 16, 1950.

The honorable the SPEAKER, HOUSE OF REPRESENTATIVES.

SIR: Pursuant to authority granted on September 15, 1950, the Clerk received today from the Secretary of the Senate the following message:

That the Senate had passed without amendment H. R. 9646, entitled "An act to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense."

Very truly yours,

RALPH R. ROBERTS,
Clerk of the House of Representatives.

ENROLLED BILL SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had on September 16, 1950, examined and found truly enrolled a bill of the House of the following title:

H. R. 9646. An act to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense.

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Friday, September 15, 1950, he did on Saturday, September 16, 1950, sign the following enrolled bill of the House:

H. R. 9646. An act to authorize the President to appoint General of the Army George C. Marshall to the Office of Secretary of Defense.

CONFERENCE REPORT ON SUPPLEMENTAL APPROPRIATION BILL, 1951

Mr. CANNON. Mr. Speaker, I submit a conference report and statement on the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes; and I wish to serve notice at this time that we hope to call it up on Wednesday, following any other conference reports which may be in order at that time.

SPECIAL ORDER GRANTED

Mr. PATMAN asked and was given permission to address the House for 25 minutes today, following the legislative program and any special orders heretofore entered, and to revise and extend his remarks and include certain extracts.

Mr. MACK of Illinois asked and was given permission to address the House today for 15 minutes, following any special orders heretofore entered.

Mr. MANSFIELD asked and was given permission to address the House today for 30 minutes, following any special orders heretofore entered.

BEER FOR SOLDIERS IN KOREA

Mr. BIEMILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BIEMILLER. Mr. Speaker, Milwaukee's great brewing industry does not intend to let our boys in Korea become dependent on stagnant water as the only thirst-quencher available. Blatz Brewery and Schlitz Brewery have each offered to donate 10 carloads of beer—about 600,000 cans—to tide over the Army until a permanent policy can be developed. I have urged Secretary of the Army Frank Pace to accept these offers totaling 1,200,000 cans.

You will recall that last week the beer ration of each soldier in Korea was cut off. Gen. Douglas MacArthur, a native Milwaukeean who appreciates how helpful our splendid beer is for the health as well as the morale of our fighting men, had wisely ordered the ration. Soldiers in Korea eagerly look forward to that ration.

However, Army fiscal experts insist that current appropriations cannot be used for this purpose. At the moment General MacArthur is utilizing PX profits and similar small sources of money to again furnish beer to the men on the fighting front.

Dry forces last week crowed over their temporary victory. It is amazing to see people happy because our boys were temporarily forced to drink stagnant water.

I am sure the boys in Korea will hail the action of Blatz and Schlitz Breweries and I trust the Secretary of the Army will accept this offer with dispatch.

Further, I trust the Army will find proper funds to finance the regular distribution of beer so our boys will not be dependent on polluted water unsafe for consumption. If necessary we should pass the Dingell bill.

RESIGNATION OF ROBERT DENHAM, GENERAL COUNSEL, NATIONAL LABOR RELATIONS BOARD

Mr. LUCAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUCAS. Mr. Speaker, the forced resignation of Mr. Robert Denham, general counsel of the National Labor Relations Board, removes from that branch of our Government the last man who believes in the honest interpretation and enforcement of the Taft-Hartley law, a law which was passed over the President's veto, and which a majority of this Congress has voted to retain on the statute books.

I think this action of the President flouts the Congress, and indeed, the American people. I, for one, am not going to accept it as final. You may expect to hear more from me about it. I make this statement that you may know and others may know that I intend to carry out my duties in this regard.

The SPEAKER. The time of the gentleman from Texas [Mr. LUCAS] has expired.

COMMEMORATION OF LAYING OF CORNERSTONE OF THE CAPITOL

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GRAHAM. Mr. Speaker, 163 years ago yesterday in the city of Philadelphia the final session of the Constitutional Convention was held. The completed document was signed, and on the following day George Washington entrusted that document to William Jackson, Secretary of the Convention, who proceeded with it to the Congress of the Confederation, then sitting in the city of New York.

We all know the subsequent history of that great document. During the progress of the 81 working days of the session, the Convention was beset with many difficulties. After adoption of the Constitution the cornerstone of the Capitol was laid on the 18th day of September 1793. George Washington, acting as acting grand master of the Masons of Maryland and Virginia, laid the cornerstone. Today, in appropriate ceremonies, brief but nevertheless pertinent, the Speaker of the House, the Vice President, and others, gathered before the Capitol at the place where the cornerstone was laid, and there commemorated the one hundred and fifty-seventh anniversary of the laying of this stone.

We, in Pennsylvania, are particularly proud of this for three reasons. We are proud because the Constitutional Convention sat in Philadelphia. We are proud that the meetings were held in the Independence Hall where the Declaration of Independence had been signed.

At this point let me say we acknowledge our gratitude to you, Mr. Speaker, for your help and assistance in securing the appropriation to assist in the restoration of that part of the city of Philadelphia to its former surroundings.

Last, those of us who are members of the Masonic fraternity are proud that George Washington had once been a Mason in a lodge which had received its charter from the Grand Lodge of Pennsylvania.

So today, Mr. Speaker, on the occasion of the one hundred and fifty-seventh anniversary of that great event, we pause to do honor to this man who gave us this memorial building, the Capitol of the United States.

It has been said that nazism has its book, Mein Kampf; that communism has its book, Das Kapital, by Marx, but America has no book. We have a greater document than all these. We have the Constitution of the United States, whereby men have been freer, where they have grown to greater heights and attained greater freedom and greater privileges than any country has ever seen.

So I say that today, doubly honored are we to commemorate this great day, in a land of freedom, of justice and liberty. We are the heirs and joint heirs of a marvelous heritage.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. GRAHAM] has expired.

SPECIAL ORDERS GRANTED

Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 5 minutes today following any special orders heretofore entered.

Mr. HOFFMAN of Michigan asked and was given permission to address the House for 10 minutes today following any special orders heretofore entered.

H. R. 9184

Mr. HESELTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HESELTON. Mr. Speaker, since a rule has now been granted upon H. R. 9184 which provides for the separation of subsidy from air-mail pay I would like to outline briefly certain major points which are of importance in consideration of this legislation. I also want to discuss briefly the arguments presented in the minority views.

May I also recommend a reading of the concise report made by the majority of the committee in support of the bill which was reported by a vote of 15 to 2. It is Report No. 3041.

First, the committee recommends four amendments. They are as follows:

Page 3, line 8, strike out "rendered," and insert in lieu thereof "rendered".

Page 4, line 9, strike out "SUBSIDY FOR ESSENTIAL AIRCRAFT OPERATION" and insert in lieu thereof "Subsidy for Essential Aircraft Operation".

Page 5, line 20, strike out the quotation marks, and after line 20 insert the following:

"(3) The Board is authorized, with or without hearing but upon a showing by the air carrier or carriers concerned of essentiality and urgency, to make, with respect to the period beginning July 1, 1951, and ending March 31, 1952, or with respect of final subsidy payments. Temporary subsidy payments so made shall not be considered final, and when final subsidy payments are determined, they shall cover any period with respect to which a temporary subsidy payment was made and shall supersede such temporary payment for such period."

Page 7, line 9, strike out "payments" and insert in lieu thereof "payment".

There is almost unanimous support of the proposal.

The proposal to separate the subsidy element from air-mail pay has the firm support of the executive branch, as well as the support of many private groups and persons. A subcommittee of this committee held hearings on proposals relating to this subject—H. R. 2908 and House Joint Resolution 331—on February 15 and 24, March 9 and 15, April 6, and May 24, 1950, and it, as well as the other members of this committee, have sought and obtained much valuable information from all reasonably available sources since such dates. The great preponderance of opinion favors separation.

In his 1951 budget message to the Congress—House Document No. 405—the President of the United States stated:

At present, direct financial assistance to the airlines is provided through air-mail payments, which are set generally at levels adequate to cover deficiencies in the carriers' commercial revenues. Subsidy is thus merged with the fair compensation for carrying mail, making it difficult to evaluate the cost of this aid in relation to its benefits. The recent rise in total air-mail payments—to an estimated level of about $125,000,000 in 1950—has made it increasingly important that the subsidy element be separately identified. I recommend, therefore, the immediate enactment of legislation to authorize the separation of subsidy payments from mail compensation. Such subsidies should be paid from funds appropriated to the Civil Aeronautics Board specifically for that purpose.

The Hoover Commission's report on the Post Office Department issued February 17, 1949, contains the following recommendation with respect to the separation of subsidy—page 17:

We recommend, however, that the amounts of these subsidies should be paid to the Post Office by open appropriation from tax funds and not imposed upon the Post Office or the mail users in this hidden manner.

By such a course, the President, the Congress, and the public may know what the amounts of the subsidies are.

A report of the House Post Office and Civil Service Committee, Eightieth Congress, second session—Report No. 1958—made the following recommendation—page 4:

It is the recommendation of the committee that the subsidy element in air-mail pay be separated. It has been suggested that this could be arrived at by accounting procedures in the Post Office Department. However, this procedure would not eliminate the basic objection which is that, under the present situation, we have an administrative board allocating public funds through which basic public policies are established without action directly by the Congress. The better solution is to make provisions for subsidies directly to the Civil Aeronautics Board.

Government agencies, including the Department of Commerce, the Post Office Department, and the Civil Aeronautics Board, have endorsed separation. Indeed, about the only ones who presently appear to oppose the objective are several airlines certificated for the transportation of mail, mostly of the smaller variety.

The opposition is extremely limited and is almost entirely confined to those who probably would be affected by this proposal. Yet they all start by agreeing to the principle of separation but wind up by saying "Not this way." In this connection it may be of interest to my colleagues to know that the Chairman of the CAB stated this year to the House Appropriations Subcommittee that out of each dollar of air-mail pay, anywhere from 30 cents to 50 cents was subsidy. Last year he stated to the Senate Commerce Committee that the subsidies concealed in the air-mail payments totaled anywhere from $30,000,000 to $60,000,000 a year. It is understandable that the prospective loss of any substantial part of this hidden subsidy would bring protests from the recipients. But there is nothing wrong about forcing these subsidies into the open and paying only those that can be justified. Certainly the overburdened American taxpayer, now facing heavy additional burdens, is entitled to at least this much consideration.

Perhaps the heart of the opposition lies in the contention that rates should be fixed on the value of the service rather than upon cost plus a fair and reasonable return. The committee report demolishes that contention and I want to quote that portion:

VALUE OF THE SERVICE AS A STANDARD

The alternative to fixing mail rates on the basis of cost is to fix such rates on the basis of the value of the service. It appears to be the view of most authorities that to say that a rate is based on "value of service" merely means that it is based on "what the traffic will bear." Historically, the value of service concept has been used in its most favorable light to justify certain commercial rates, such as gravel and coal rates, below fully allocable costs. Such rates were justified on the ground that these commodities utilized investment and overhead which were necessary anyway, and since there was no demand at rates based on fully allocated costs, any rates that were higher than the added costs of carrying this traffic were acceptable. In recent years comprehensive studies and refinements in cost accounting methods have substantially narrowed what was once considered large bodies of fixed costs in certain industries, with the result that the value of service concept has been used less and less.

Moreover, the objection that cost standards involve uncertainties and inaccuracies is even more valid when made against the value of service standard. Thus, the Interstate Commerce Commission has said:

"As between the two cardinal principles of rate making—the cost of service and the value of the service—the first is decidedly more capable of exact determination and mathematical expression than the latter. If, as some would have us believe, no measure has yet been discovered for ascertaining the cost of the service, what measure is there suggesting anything definite and tangible and sufficiently practical in its application to carry conviction which can be applied to the value of the service?" (*Boileau v. P. & L. E. R. R. Co.*, I. C. C. Rept., vol. XXII, p. 652 (1911–12).)

But, however valid may be the application of the value of service concept to the fixing of commercial rates, such validity does not carry over into the fixing of mail rates. Carried to its logical conclusion, the use of this concept might make separation of subsidy from air-mail pay impossible. As has been pointed out above, most authorities take the view that value of service means "charging what the traffic will bear." Since the Government is the sole shipper of mail, with a virtually unlimited capacity to pay whatever is necessary to secure the performance of the service, application of the value of service concept might result in rates high enough to give the carriers whatever is needed to enable them to perform the service. This would, in effect, bring us back to the needs test of existing legislation, with the rates including the element of subsidy the payment of which is intended, by this legislation, to be separated from air-mail rates.

It may be argued that the value of service standard could be used in a limited fashion so as not to reach this logical but extreme result. However, if it be said that one should assign just a little more overhead to mail because it has a higher value of service, we are met with the impossibility of measuring the extent to which that higher value should

influence the distribution of common costs. Ordinarily it is not difficult to measure the contribution that commercial traffic can make to overhead because the market place sets a price at which a certain volume will move. If the prices rise too high, the volume will fall. With mail this is not true as there is no direct market factor. Any attempt to give limited weight to the so-called greater value of mail in allocating common costs would be merely to increase the mail pay without any recognized standard for determining how much it should be increased.

Nor can it be soundly maintained that the net revenue of the Post Office Department from sales of air-mail postage is a good measure of the value of the mail service that the carriers perform. Even if air-mail stamps were priced by the Government on the same bases as commercial products are priced, and obviously they are not, there would still remain the gap between the sender of a letter and the air carrier. The sender of a letter purchases the service from the Government—not from the carrier. Whatever profits there are, are profits of the Government, just as losses are losses of the Government. The Government has its own policies, based on a great variety of considerations, with respect to balancing profits and losses among the different mail services.

After careful consideration of this problem, this committee recommends that the determination of a compensatory rate for the transportation of mail by air should be made on the basis of cost and that the Civil Aeronautics Board be directed by express provision to use this basis.

I would like now to consider the arguments set out in the minority views. A study of it and of the letter of the Acting Chairman of the CAB which is printed with the minority views makes it clear that the basic arguments are the same.

Mr. Ryan's objection numbered 2 becomes completely meaningless in terms of the third committee amendment.

It seems to me it could be helpful to include here brief comments and references as to each of the other arguments:

1. THE INCREASE OF SUBSIDY ARGUMENT

As noted in the majority report (H. Rept. 3041, p. 8), the committee feels that since subsidies are to be separated from air-mail payments, there is no logical basis for limiting the carriers eligible to apply for subsidy to those holding mail certificates.

As Congressman KENNEDY pointed out (hearings, p. 245): "It is precisely this ancient marriage between mail carriage and subsidy that we are trying to divorce. Obviously, if you limit those who could even apply for subsidy to those who are flying the mail, it would not be much of a divorce. In reality what CAB Chairman O'Connell wants is a limited divorce decree, and I am asking for an absolute divorce."

If eligibility to apply for subsidy were limited to mail carriers only, the only way the Government could subsidize a carrier for, say, purely defense purposes would be to make it into a mail carrier, an additional and unnecessary charge upon the already heavily burdened Post Office Department.

H. R. 9184 at no point directs an increase or a decrease of subsidies. It merely states that certificated air carriers are eligible to apply for subsidy, and the CAB is empowered, but not directed, to grant subsidies when they are essential, considering other potential revenues of the carriers, for defense, commerce, or postal service. The granting of subsidies to individual carriers is left entirely in the hands of the Civil Aeronautics Board, and the total amount to be appropriated for airline subsidies is left entirely to the discretion of future Congresses.

2. THE ELIMINATION OF INTERNATIONAL CARRIER ARGUMENT

The CAB, it should be noted, did not make any such objection and in fact in a circular memorandum to the Interstate Committee stressed that separation should be applied to both international and domestic airlines.

Both President Truman (majority report, p. 4) and the Hoover Commission (majority report, p. 4 and hearings, pp. 77–80) recommended separation of subsidies for all carriers of air mail including United States international airlines.

Actually, the Post Office deficit resulting from payments to United States international air carriers—$47,700,000—is greater than the deficit for domestic air mail.

Consequently, exempting international airlines from the separation bill would mean throwing into the wastebasket more than one-half of this important Hoover Commission reform.

It would be discriminatory to exempt any class of carriers from the separation bill, since that would mean certain classes of carriers would be paid only a compensatory mail rate without subsidy, whereas other competing carriers would be receiving unseparated mail pay which would include subsidy.

3. THE STUDIES AND REPORTS ARGUMENT

This section is not an integral part of the separation reform. It was added to the original H. R. 2908 to offer a compromise in connection with House Joint Resolution 331. Section 5 of H. R. 9184 provides for an implementing type of study rather than a study of the desirability of separation as expressed in House Joint Resolution 331. The CAB has talked a lot about the need for a further study, so section 5 was added to go along with their general trend of thought, to help the CAB get off to a good start in issuing the first set of separated mail rates.

4. THE COST-STANDARD ARGUMENT

It is stated that it is impractical and unprecedented for Congress to establish cost as the standard for the mail rate.

Secretary Sawyer (hearings, p. 9): "I am inclined to think that the fully distributed cost standard represents the most satisfactory one. Since the Government is the sole tender of air mail, value of service considerations which might conceivably be appropriate in the case of commercial traffic certainly should not be applied so far as air-mail rates are concerned. The service which the Government receives should be paid for on the same basis that applies in other situations where competition is not possible, namely, cost plus a reasonable return on the investment devoted to the service."

5. THE SYSTEM OF ACCOUNTS ARGUMENT THAT COST ALLOCATION WOULD BE BURDENSOME

Secretary Sawyer (hearings, p. 10): "The problem of cost finding in the field of air transportation is no more difficult than in other fields of transportation in which cost studies have been made for years. Elaborate cost studies have been made by the Interstate Commerce Commission in connection with both rail and motor carriers; and I suggest that the techniques developed in these studies may well serve as useful guides to the Board in connection with a study of the cost of carrying air mail, air passenger traffic, air freight, and air express. * * * I understand that fully distributed costs are obtained by assigning to each service the direct costs incurred in rendering that service, together with a proportionate share of the joint costs and the investment of the carrier. The allocation of the joint costs would usually be based upon the percentage of the total traffic represented by mail computed on a ton-mile or other suitable basis."

It is also urged that—

If this is sound policy for air carriers, it is sound for other forms of transportation as well.

Mail pay for other forms of transportation was not before the committee. This proposal may even be useful in developing a similar policy in those other fields. But the argument ignores the facts. The majority report, bottom of page 2, shows that subsidies have been taken out of the Merchant Marine Act and the Interstate Commerce Commission Act.

References are made in the minority views to the report of a nationally known firm of accountants, saying that air-mail cost determination is impractical. I imagine he refers to the report by Ernst & Ernst, February 3, 1950, made to the staff of the Senate Interstate Committee. This report was so lacking in value that nothing much has ever been said about it. It was strikingly contradictory in that, on one hand, it said that allocation of joint costs is impractical while, on the other hand, it said that the way to set mail rates is to take the passenger rates and subtract the nonmail costs—a subtraction process that would inevitably mean an allocation of the costs, in order to find out what was not applicable to mail.

Brief further consideration of points 4, 5, 6, and 7 of Mr. Ryan's letter may be helpful:

4. Transition: The CAB would like inserted in H. R. 9184 the language of the O'Connell bill of February 15, 1950, which includes that totally indefinite phrase "as soon as practicable thereafter." The CAB would also like a provision permitting funds to be transferred from the Post Office appropriation to the CAB. This of course would be unsatisfactory, since it would be bypassing the requirement for a separate appropriation direct to CAB, the very thing which the Hoover Commission called for and vitally important to the Congress and the people of this country.

5. Detailed support of compensatory rate petition: If an applicant has any sense he will support his compensatory mail rate petition with plenty of detail without being required to do so by law.

6. Annual reports: CAB wants to eliminate section 4 of H. R. 9184, requiring a new chapter in the annual report of the Board on who got subsidies and who get how much mail pay. It would be absurd to deny this information to the Congress and the public, who have been kept in the dark altogether too long. Cf. Hoover Commission Report on Federal Business Enterprises: "Losses and subsidies should be made clear each fiscal year and passed upon by the Congress."

7. The Board wishes to eliminate from section 5 of H. R. 9184 that part of the study which relates to potential revenues and potential economies, as being too much "crystal gazing."

Section 2 of H. R. 9184 (p. 4, line 16) specifically mentions potential revenues as being one thing the Board has got to consider in deciding whether or not to give an airline subsidy. That being the case, potential revenues and potential economies seem most relevant to help Congress decide how much subsidies are needed.

Another argument may be advanced that there is a world crisis on; the airlines are very important; do not rock the boat by doing anything about their subsidies. Actually H. R. 9184 is extremely

important as a defense measure in that it advances national defense as the most important cause for the granting of subsidies, instead of the present "need" or "deficit" basis of paying out money. A spot check by the Military Air Transport Service revealed that all too few of aircraft now operated by the subsidized airlines are of immediate use to the national defense. The change brought about by H. R. 9184 will mean that defense will be far more important in the granting of subsidies and will probably bring about a fleet much more suitable to the needs of defense. This is one of the important results of subsidy separation in the surface merchant marine brought about by the Merchant Marine Act of 1936.

Finally the question may be raised as to the possibility of this proposal becoming law at this session of Congress. Clearly we have our responsibilities as one body in the Congress and as individuals. We cannot discharge them by predicating our action on action or inaction elsewhere. Everyone is in accord with the principle of separation. This bill will put that principle into operation. We should insist upon our right to vote on the bill now. I hope this analysis of the bill and of the objections raised to portions of it will be helpful and will eliminate any confusion.

DELAYING TACTICS OF HOUSING EXPEDITER

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. If it is not more than 300 words the gentleman may do so, if there is no objection.

There was no objection.

Mr. McDONOUGH. Mr. Speaker, the delaying tactics used by Housing Expediter Tighe Woods to prevent signing the resolution to decontrol rents in Los Angeles, which was passed by the Los Angeles City Council by a vote of 10 to 4, should be thoroughly investigated.

I agree with my colleague the gentleman from California [Mr. POULSON] and with the House resolution he has introduced to investigate the reason for holding up action by Tighe Woods on approving this order in defiance of the action taken by the Los Angeles City Council.

Even the injunction granted by the district court of appeals is subject to question, because there was sufficient time before the injunction was granted for Tighe Woods to have signed the resolution of the Los Angeles City Council.

The people of Los Angeles are aroused and angry at this attempt by a Washington bureaucrat to "mooch" their rights and are demanding an investigation to reveal why Washington is trying to dominate and nullify the legitimate action by the Los Angeles city government in the decontrol of rents in that city.

ONE IMPORTANT ELECTION ISSUE

Mr. MASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, one of the main issues to be decided in the November election will be, "What kind of a tax bill with the Eighty-second Congress pass?" We know now it will contain an excess-profits tax. That has already been decided. But will the excess-profits tax be retroactive to cover part of the profits of American industry for the year 1950? What will the rates be? Will they be confiscatory? What base period will be determined upon to measure excess profits? These are questions affecting American industry as a whole that will be decided by the election returns on November 7.

If an excess-profits tax is made retroactive to cover part of 1950 profits, it will mean no American business firm will be able to close its books until 5 or 6 months after the 1950 business year has ended, nor pay out dividends to its stockholders. It will not know how it stands until May, June, or July of 1951, because the new tax bill will not be completed and signed before then. One can hardly imagine the chaos that will exist in the financial affairs of American industry during that 5 or 6 months period.

If the excess-profits-tax rates are confiscatory, it will have a decided effect upon prospective business expansion and upon increased production, because confiscatory tax rates take away all incentive for expansion or stepped-up production.

The election returns will also determine what increased tax rates will be added on to the regular corporation tax rates; what increase will be added to individual income-tax rates; whether "family partnerships" will be further penalized under our tax laws; what tax loopholes will be closed; and so forth.

Mr. Speaker, the solution of these tax problems, and many more that might be mentioned, will be decided at the November election, because the votes in both the Senate and the House on these tax questions in the present Congress were very close. A switch of four votes in the Senate when it acted upon the tax bill that is now in conference would have given us a half-baked, ill-considered, retroactive, destructive excess-profits tax. And so I say, if the November election results increase the New Deal-Fair Deal Members of the Senate by four, it will have a determining effect upon the kind of tax bill that will be passed next year. If the November election results increase the New Deal-Fair Deal Members of the House by 30 to 40 votes, it will have a determining effect upon the 1951 tax bill.

The American voter in the November election will decide what kind of a tax burden he will saddle upon himself for the future and just how that tax burden will be spread.

PERMISSION TO ADDRESS THE HOUSE

Mr. POULSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. POULSON addressed the House. His remarks appear in the Appendix.]

THE UNITED STATES MARINES

Mr. SCRIVNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SCRIVNER. Mr. Speaker, without pencils, pads, or typewriters the marines have smashed into Inchon and are on the way to Seoul. The clatter heard there last week—and today—was that of machine guns, not typewriters; those reports were of rifles, not news reports; the points there were on bayonets, not pencils; and the waves swooping over the shores of Korea were waves of marine green, not radio or propaganda waves.

These exploits prove that this "propaganda" machine is not "almost as good as Stalin's." They prove that this marine machine is better than anything Joe puts out.

Truly, Mr. Speaker, as one of my constituents, Miss Elizabeth Zelenak, of Kansas City, Kans., recently wrote:

> The marines are the police force for the United States.

REMOVAL OF MR. DENHAM FROM NLRB

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I wish to add my voice to others in protest against the removal of Mr. Denham from the NLRB. I think his removal is one of the meanest things that could possibly be done against the interest of the union members who belong to the AFL and the CIO.

In my home town we have several thousand of these union members. In the past several years certain of the leaders of the CIO and AFL have done substantially everything they could to eliminate me from this body, and I respect their right to their views; as I allow them the same freedom that I have, with respect to my views. The union members as a whole are entitled to the protection which the Taft-Hartley law gives to them, and I regret very much Mr. Denham has been removed.

FORT DES MOINES, IOWA

Mr. WHITTINGTON submitted a conference report and statement on the bill (H. R 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa.

SPECIAL ORDER GRANTED

Mr. O'HARA of Illinois asked and was given permission to address the House for 5 minutes today, following any special orders heretofore entered.

ENACTMENT OF AN EXCESS-PROFITS-TAX LAW

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I think the Members of the House will be interested in the contents of a letter delivered to me on Thursday afternoon, September 14. It is signed by A. S. Goss, master, the National Grange, and I will read part of it for the information of the House:

The National Grange Executive Committee now in session in Washington has just voted unanimously in favor of the immediate enactment of an excess-profits tax in order to help meet the cost of an all-out defense.

Mr. Speaker, I feel sure that when the businessmen of the country have time to meet, they will act similarly as the National Grange Executive Committee has done. The long-headed businessmen of this country do not want some concerns to make excessive profits, and they are also very fearful of inflation. So I hope we will pass such an act during this session of the Congress.

OUR SOLDIERS ENTITLED TO TRANSPORTATION IN ADEQUATE RAILROAD EQUIPMENT

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, last Wednesday when I was returning to Washington from the Midwest I passed the scene of the accident in Ohio in which so many of our soldiers were killed. Upon inquiry I learned they were riding in old wooden coaches, which splintered. None of the passengers of the Spirit of St. Louis were injured. They were in steel coaches.

The United States Government pays for first-class transportation for our soldiers. Why should they not be transported in steel coaches or, at least, in coaches that will furnish the maximum of security in case of an accident instead of in coaches that splinter like kindling, mangling the bodies beyond recognition?

I believe our soldiers and our fighting men are entitled to the best in transportation when they are called into service.

Had our soliders been on the Spirit of St. Louis or in coaches like the ones in the Spirit of St. Louis, many of those now dead would be alive today. Sometime prior to this accident the Government had taken over the railroads and was operating them on the day of the accident. Mr. Speaker, is this the reason our boys were being transported under such conditions? I am sure the railroads are willing to furnish the best equipment for the transportation of our boys. Is this another example of Government control?

EXTENSION OF REMARKS

Mr. JACOBS asked and was given permission to extend his remarks and include extraneous matter.

Mr. GILMER (at the request of Mr. STIGLER) was given permission to extend his remarks.

Mr. BOLLING asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. MANSFIELD asked and was given permission to extend his own remarks.

Mr. BOGGS of Louisiana asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. VURSELL (at the request of Mr. ARENDS) was given permission to extend his remarks and include extraneous matter.

Mr. SIMPSON of Illinois asked and was given permission to extend his remarks and include an editorial from the Quincy Herald Week.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in three instances and in each to include extraneous matter.

Mr. PHILLIPS of California asked and was given permission to extend his remarks and include extraneous matter.

Mr. PHILLIPS of California. Mr. Speaker, on behalf of the gentleman from California [Mr. NIXON], I ask unanimous consent that he may extend his remarks and include a speech by Mr. Beck before the Commonwealth Club. Mr. Speaker, I think this exceeds the limit of two pages; nevertheless, I ask that the extension may be made.

The SPEAKER. If the gentleman gets an estimate, without objection, the extension may be made.

There was no objection.

Mr. HOFFMAN of Michigan asked and was given permission to extend his remarks and include a letter.

Mr. BURDICK asked and was given permission to extend his remarks and include a resolution passed by the National Farmers Union.

Mr. POULSON asked and was given permission to extend his remarks in two instances and in each to include extraneous matter.

Mr. REED of New York asked and was given permission to extend his remarks in three instances and in each to include extraneous matter.

Mr. D'EWART asked and was given permission to extend his remarks and include an editorial.

Mr. SCRIVNER asked and was given permission to extend his remarks and include an article appearing in the Reserve Officers' Association Bulletin.

Mr. RICH asked and was given permission to extend his remarks in two instances, in one to include an editorial from the Farm Journal, and in the other an editorial from the Times-Herald, written by George Dixon.

Mr. HESELTON asked and was given permission to extend his remarks in two instances and in each to include extraneous matter.

Mr. WHITTINGTON asked and was given permission to extend his remarks.

Mr. HAYS of Arkansas asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. O'HARA of Illinois asked and was given permission to extend his remarks in two instances.

Mr. STEED asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. WILSON of Oklahoma asked and was given permission to extend his remarks and include an article by the Honorable Josh Lee.

Mr. HAGEN asked and was given permission to extend his remarks in five instances.

Mr. SHORT asked and was given permission to extend his remarks and include four brief newspaper articles.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day.

The Clerk will call the first bill on the Consent Calendar.

CUSTODIAL SERVICE OF THE POST OFFICE DEPARTMENT

The Clerk called the bill (H. R. 8711) relating to the compensation and leave benefits of officers and employees in the custodial service of the Post Office Department transferred to the General Services Administration under Reorganization Plan No. 18 of 1950.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OF SECTION 17 OF CONTRACT SETTLEMENT ACT OF 1944

The Clerk called the bill (H. R. 8883) to amend section 17 of the Contract Settlement Act of 1944 so as to authorize the payment of fair compensation to persons contracting to deliver certain strategic or critical minerals or metals in cases of failure to recover reasonable costs, and for other purposes.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENDING TIME FOR EXPENDING FEDERAL AIRPORT ACT FUNDS

The Clerk called the bill (S. 2875) to extend for a period of 5 years the time for appropriating and expending funds to carry out the Federal Airport Act.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subsections (b) and (c) of section 5 of the Federal Airport Act are amended—

(1) by striking out "seven fiscal years", in each such subsection, and inserting in lieu thereof "twelve fiscal years"; and

(2) by striking out "shall remain available until June 30, 1953", in each such subsection, and inserting in lieu thereof "shall remain available until June 30, 1958."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TITLE 21 OF THE UNITED STATES CODE

The Clerk called the bill (H. R. 9158) to revise, codify, and enact into law, title 21 of the United States Code, entitled "Food and Drugs."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD, Mr. CUNNINGHAM, and Mr. BYRNES of Wisconsin objected.

AMENDMENT OF RAILWAY LABOR ACT

The Clerk called the bill (H. R. 7789) to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carriers' employees for certain purposes and under certain conditions.

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REPATRIATION OF NEEDY AMERICAN NATIONALS

The Clerk called the bill (H. R. 8927) to authorize aid to needy American nationals in connection with their repatriation from foreign countries, and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

UNITED STATES TREATIES AND OTHER INTERNATIONAL AGREEMENTS

The Clerk called the bill (S. 3728) to implement Reorganization Plan No. 20 of 1950 by amending title 1 of the United States Code, as regards publication of the United States Statutes at Large, to provide for the publication of treaties and other international agreements between the United States of America and other countries in a separate compilation, to be known as United States Treaties and Other International Agreements, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 112 of title 1, United States Code, is hereby amended to read as follows:

"STATUTES AT LARGE; CONTENTS; ADMISSIBILITY IN EVIDENCE

"§ 112. The Administrator of General Services shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all proclamations by the President in the numbered series issued since the date of the adjournment of the regular session of Congress next preceding; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Administrator of General Services issued in compliance with the provision contained in section 205 of the Revised Statutes. In the event of an extra session of Congress, the Administrator of General Services shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States and the Territories and insular possessions of the United States."

SEC. 2. Title 1, United States Code, is further amended by adding, immediately following section 112 of such title, a new section, to be designated as section 112a, as follows:

"UNITED STATES TREATIES AND OTHER INTERNATIONAL AGREEMENTS; CONTENTS; ADMISSIBILITY IN EVIDENCE

"§ 112a. The Secretary of State shall cause to be compiled, edited, indexed, and published, beginning as of January 1, 1950, a compilation entitled 'United States Treaties and Other International Agreements', which shall contain all treaties to which the United States is a party that have been proclaimed during each calendar year, and all international agreements other than treaties to which the United States is a party that have been signed, proclaimed, or with reference to which any other final formality has been executed, during each calendar year. The said United States Treaties and Other International Agreements shall be legal evidence of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and agreements, therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States."

SEC. 3. The analysis of chapter 2 of title 1, United States Code, is amended by inserting, immediately after item 112, the following:

"§ 112a. United States Treaties and Other International Agreements; contents, admissibility in evidence."

SEC. 4. Section 73 of the Printing Act of January 12, 1895, as amended, is hereby amended by adding, immediately following that part thereof (44 U. S. C. 196a) relating to the printing, binding, and distribution of the Statutes at Large, a new paragraph, as follows:

"The Public Printer shall print and, after the end of each calendar year, bind and deliver to the Superintendent of Documents a number of copies of the United States Treaties and Other International Agreements not exceeding the number of copies of the Statutes at Large required for distribution in the manner provided by law."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORRECTIONAL SYSTEM FOR YOUTH OFFENDERS

The Clerk called the bill (S. 2609) to provide a system for the treatment and rehabilitation of youth offenders, to improve the administration of criminal justice, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4201 of title 18 of the United States Code is amended to read as follows:

"SEC. 4201. Board of Parole; members, salaries.

"There is hereby created in the Department of Justice a Board of Parole to consist of eight members to be appointed by the President, by and with the advice and consent of the Senate. The salary of each member of the Board shall be fixed in accordance with the Classification Act of 1923, as amended, and any acts supplementary thereto or in substitution therefor. The members of the Board first appointed under this section shall be appointed for terms as follows: Two for 2 years, two for 3 years, two for 4 years, and two for 6 years, respectively from the effective date of this section. The term of office of a successor to any member shall expire 6 years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office, a member of the Board shall continue to act until his successor shall have been appointed and qualified. The Attorney General shall from time to time designate one of its members to serve as Chairman of said Board and delegate to him the necessary administrative duties and responsibilities."

SEC. 2. Part IV of title 18 of the United States Code is hereby amended by inserting therein a new chapter immediately after chapter 401 thereof, as follows:

"CHAPTER 402—FEDERAL YOUTH CORRECTIONS ACT

"Sec.
"5005. Youth Correction Division.
"5006. Definitions.
"5007. Duties of members; meetings.
"5008. Officers and employees.
"5009. Rules of Division.
"5010. Sentence.
"5011. Treatment.
"5012. Certificate as to availability of facilities.
"5013. Provision of facilities.
"5014. Classification studies and reports.
"5015. Powers of Director as to placement of youth offenders.
"5016. Reports concerning offenders.
"5017. Release of youth offenders.
"5018. Revocation of Division orders.
"5019. Supervision of released youth offenders.
"5020. Apprehension of released offenders.
"5021. Certificate setting aside conviction.
"5022. Applicable date.
"5023. Relationship to Probation and Juvenile Delinquency Acts.
"5024. Where applicable.

"SEC. 5005. Youth Correction Division.

"There is created within the Board of Parole a Youth Correction Division. The Attorney General shall from time to time designate members of the Board of Parole to serve on said Division as the work requires. The Attorney General shall from time to time designate one of the members of the Division to serve as Chairman and delegate to him such administrative duties and responsibilities as may be required to carry out the purposes of this chapter.

"SEC. 5006. Definitions.

"As used in this chapter—

"(a) 'Board' means the Board of Parole;

"(b) 'Division' means the Youth Correction Division of the Board of Parole;

"(c) 'Bureau' means the Bureau of Prisons;

"(d) 'Director' means the Director of the Bureau;

"(e) 'Youth offender' means a person under the age of 22 years at the time of conviction;

"(f) 'Committed youth offender' is one committed for treatment hereunder to the custody of the Attorney General pursuant to sections 5010 (b) and 5010 (c) of this chapter;

"(g) 'Treatment' means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youth offenders;

"(h) 'Conviction' means the judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere.

"SEC. 5007. Duties of members; meetings.

"The Division shall hold stated meetings to consider problems of treatment and cor-

rection, to consult with, and make recommendations to, the Director with respect to general treatment and correction policies for committed youth offenders, and to enter orders directing the release of such youth offenders conditionally under supervision and the unconditional discharge of such youth offenders, and take such further action and enter such other orders as may be necessary or proper to carry out the purposes of this chapter.

"SEC. 5008. Officers and employees.

"The Attorney General shall appoint such supervisory and other officers and employees as may be necessary to carry out the purposes of this chapter. United States probation officers shall perform such duties with respect to youth offenders on conditional release as the Attorney General shall request.

"SEC. 5009. Rules of Division.

"The Division shall adopt and promulgate rules governing its own procedure.

"SEC. 5010. Sentence.

"(a) If the court is of the opinion that the youth offender does not need commitment, it may suspend the imposition or execution of sentence and place the youth offender on probation.

"(b) If the court shall find that a convicted person is a youth offender, and the offense is punishable by imprisonment under applicable provisions of law other than this subsection, the court may, in lieu of the penalty of imprisonment otherwise provided by law, sentence the youth offender to the custody of the Attorney General for treatment and supervision pursuant to this chapter until discharged by the Division as provided in section 5017 (c) of this chapter; or

"(c) If the court shall find that the youth offender may not be able to derive maximum benefit from treatment by the Division prior to the expiration of 6 years from the date of conviction it may, in lieu of the penalty of imprisonment otherwise provided by law, sentence the youth offender to the custody of the Attorney General for treatment and supervision pursuant to this chapter for any further period that may be authorized by law for the offense or offenses of which he stands convicted or until discharged by the Division as provided in section 5017 (d) of this chapter.

"(d) If the court shall find that the youth offender will not derive benefit from treatment under subsection (b) or (c), then the court may sentence the youth offender under any other applicable penalty provision.

"(e) If the court desires additional information as to whether a youth offender will derive benefit from treatment under subsection (b) or (c) it may order that he be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within 60 days from the date of the order, or such additional period as the court may grant, the Division shall report to the court its findings.

"SEC. 5011. Treatment.

"Committed youth offenders not conditionally released shall undergo treatment in institutions of maximum security, medium security, or minimum security types, including training schools, hospitals, farms, forestry and other camps, and other agencies that will provide the essential varieties of treatment. The Director shall from time to time designate, set aside, and adapt institutions and agencies under the control of the Department of Justice for treatment. Insofar as practical, such institutions and agencies shall be used only for treatment of committed youth offenders, and such youth offenders shall be segregated from other offenders, and classes of committed youth offenders shall be segregated according to their needs for treatment.

"SEC. 5012. Certificate as to availability of facilities.

"No youth offender shall be committed to the Attorney General under this chapter until the Director shall certify that proper and adequate treatment facilities and personnel have been provided.

"SEC. 5013. Provision of facilities.

"The Director may contract with any appropriate public or private agency not under his control for the custody, care, subsistence, education, treatment, and training of committed youth offenders the cost of which may be paid from the appropriation for 'Support of United States Prisoners'.

"SEC. 5014. Classification studies and reports.

"The Director shall provide classification centers and agencies. Every committed youth offender shall first be sent to a classification center or agency. The classification center or agency shall make a complete study of each committed youth offender, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his school, family life, any previous delinquency or criminal experience, and any mental or physical defect or other factor contributing to his delinquency. In the absence of exceptional circumstances, such study shall be completed within a period of 30 days. The agency shall promptly forward to the Director and to the Division a report of its findings with respect to the youth offender and its recommendations as to his treatment. At least one member of the Division shall, as soon as practicable after commitment, interview the youth offender, review all reports concerning him, and make such recommendations to the Director and to the Division as may be indicated.

"SEC. 5015. Powers of Director as to placement of youth offenders.

"(a) On receipt of the report and recommendations from the classification agency the Director may—

"(1) recommend to the Division that the committed youth offender be released conditionally under supervision; or

"(2) allocate and direct the transfer of the committed youth offender to an agency or institution for treatment; or

"(3) order the committed youth offender confined and afforded treatment under such conditions as he believes best designed for the protection of the public.

"(b) The Director may transfer at any time a committed youth offender from one agency or institution to any other agency or institution.

"SEC. 5016. Reports concerning offenders.

"The Director shall cause periodic examinations and reexaminations to be made of all committed youth offenders and shall report to the Division as to each such offender as the Division may require. United States probation officers and supervisory agents shall likewise report to the Division respecting youth offenders under their supervision as the Division may direct.

"SEC. 5017. Release of youth offenders.

"(a) The Division may at any time after reasonable notice to the Director release conditionally under supervision a committed youth offender. When, in the judgment of the Director, a committed youth offender should be released conditionally under supervision he shall so report and recommend to the Division.

"(b) The Division may discharge a committed youth offender unconditionally at the expiration of 1 year from the date of conditional release.

"(c) A youth offender committed under section 5010 (b) of this chapter shall be released conditionally under supervision on or before the expiration of 4 years from the date of his conviction and shall be discharged unconditionally on or before 6 years from the date of his conviction.

"(d) A youth offender committed under section 5010 (c) of this chapter shall be released conditionally under supervision not later than 2 years before the expiration of the term imposed by the court. He may be discharged unconditionally at the expiration of not less than 1 year from the date of his conditional release. He shall be discharged unconditionally on or before the expiration of the maximum sentence imposed, computed uninterruptedly from the date of conviction.

"(e) Commutation of sentence authorized by any act of Congress shall not be granted as a matter of right to committed youth offenders but only in accordance with rules prescribed by the Director with the approval of the Division.

"SEC. 5018. Revocation of Division orders.

"The Division may revoke or modify any of its previous orders respecting a committed youth offender except an order of unconditional discharge.

"SEC. 5019. Supervision of released youth offenders.

"Committed youth offenders permitted to remain at liberty under supervision or conditionally released shall be under the supervision of United States probation officers, supervisory agents appointed by the Attorney General, and voluntary supervisory agents approved by the Division. The Division is authorized to encourage the formation of voluntary organizations composed of members who will serve without compensation as voluntary supervisory agents and sponsors. The powers and duties of voluntary supervisory agents and sponsors shall be limited and defined by regulations adopted by the Division.

"SEC. 5020. Apprehension of released offenders.

"If, at any time before the unconditional discharge of a committed youth offender, the Division is of the opinion that such youth offender will be benefited by further treatment in an institution or other facility any member of the Division may direct his return to custody or if necessary may issue a warrant for the apprehension and return to custody of such youth offender and cause such warrant to be executed by a United States probation officer, an appointed supervisory agent, a United States marshal, or any officer of a Federal penal or correctional institution. Upon return to custody, such youth offender shall be given an opportunity to appear before the Division or a member thereof. The Division may then or at its discretion revoke the order of conditional release.

"SEC. 5021. Certificate setting aside conviction.

"Upon the unconditional discharge by the Division of a committed youth offender before the expiration of the maximum sentence imposed upon him, the conviction shall be automatically set aside and the Division shall issue to the youth offender a certificate to that effect

"SEC. 5022. Applicable date.

"This chapter shall not apply to any offense committed before its enactment.

"SEC. 5023. Relationship to Probation and Juvenile Delinquency Act.

"(a) Nothing in this chapter shall limit or affect the power of any court to suspend the imposition or execution of any sentence and place a youth offender on probation or be construed in any wise to amend, repeal, or affect the provisions of chapter 231 of this title relative to probation.

"(b) Nothing in this chapter shall be construed in any wise to amend, repeal, or affect the provisions of chapter 403 of this title (the Federal Juvenile Delinquency Act), or limit the jurisdiction of the United States courts in the administration and enforcement of that chapter except that the powers

as to parole of juvenile delinquents shall be exercised by the Division.

"SEC. 5024. Where applicable.

"This chapter shall apply in the continental United States other than the District of Columbia and Alaska."

SEC. 3. (a) When a majority of the members of the Board of Parole appointed under section 4201 of title 18 of the United States Code, as amended by this act, qualify and enter upon their duties, the Board of Parole, established by that section prior to its amendment, shall cease to exist and its powers and duties shall become vested in and be exercised by the Board established by section 1 of this act.

(b) Nothing in chapter 402 of title 18 of the United States Code shall be construed as repealing or modifying the duties, power, or authority of the Board of Parole with respect to the parole of United States prisoners not held to be committed youth offenders or juvenile delinquents.

SEC. 4. Chapter 401 of title 18 of the United States Code is hereby amended by adding at the end thereof immediately after section 5001 a new section as follows:

"SEC. 5002. Advisory Corrections Council.

"There is hereby created an Advisory Corrections Council, composed of one United States circuit judge and two United States district judges designated from time to time by the Chief Justice of the United States, of one member, who shall be Chairman, designated by the Attorney General, and, ex-officio, of the Chairman of the Board of Parole, the Chairman of the Youth Division, the Director of the Bureau of Prisons, and the Chief of Probation of the Administrative Office of the United States Courts. The Council shall hold stated meetings to consider problems of treatment and correction of all offenders against the United States and shall make such recommendations to the Congress, the President, the Judicial Conference of the United States, and other appropriate officials as may improve the administration of criminal justice and assure the coordination and integration of policies respecting the disposition, treatment, and correction of all persons convicted of offenses against the United States. It shall also consider measures to promote the prevention of crime and delinquency, suggest appropriate studies in this connection to be undertaken by agencies both public and private. The members of the Council shall serve without compensation but necessary travel and subsistence expenses as authorized by law shall be paid from available appropriations of the Department of Justice."

SEC. 5. (a) The analysis of part IV of title 18 of the United States Code, immediately preceding chapter 401 of that title, is amended by inserting immediately after and underneath item "401. General provisions * * * 5001", a new item to read as follows: "402. Federal Youth Corrections Act * * * 5005."

(b) The analysis of chapter 401 of said title 18 of the United States Code, is amended by inserting immediately after and underneath item "Sec. 5001. Surrender to State authorities; expenses", a new item "Sec. 5002. Advisory Corrections Council."

Mr. KEATING. Mr. Speaker, I am delighted to say a word in support of this measure, which is very similar to H. R. 5036, which I introduced on June 7, 1949.

The advisability of segregating youthful first offenders from hardened adult criminals has been frequently and widely discussed in prison-reform discussions.

Although youths between 16 and 21 years old make up only 15 percent of our population, they are responsible for about 36 percent of our robberies, 42 percent of our burglaries, and 53 percent of our automobile thefts.

Young people from 17 to 21, inclusive, are arrested for major crimes—homicide, robbery, assault, burglary, larceny, and rape—in greater numbers than any other 5-year-age group.

Our existing methods of treating the criminally inclined youths are inadequate. Altogether too large a percentage of those released from existing reformatories and penal institutions ultimately become hardened criminals. Youth mixes with maturity, the novice with the old hand, the impressionable with the hardened. As a result, one sometimes wonders whether some of our penal institutions are not breeding places rather than burial grounds for criminal tendencies.

The passage of this measure should be an important step in the solution of one of our major national problems.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE TRADING WITH THE ENEMY ACT

The Clerk called the bill (S. 1837) to amend the Trading With the Enemy Act.

Mr. O'HARA of Minnesota. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMENDMENT OF ARMED FORCES LEAVE ACT OF 1946

The Clerk called the bill (S. 2724) to amend the Armed Forces Leave Act of 1946, as amended, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 3 (b) of the Armed Forces Leave Act of 1946 (Public Law 704, 79th Cong.), approved August 9, 1946 (60 Stat. 963), as amended, is amended as follows:

Change the period at the end thereof to a comma and insert: "except that leave actually taken during any fiscal year may be charged to leave accruing during such fiscal year without regard to such 60-day limitation: *Provided*, That no cash settlement shall be made for unused or accumulated leave in excess of 60 days upon discharge or retirement subsequent to August 31, 1946."

SEC. 2. This act shall be effective August 31, 1946.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PURCHASE OF AUTOMOBILES BY CERTAIN DISABLED VETERANS

The Clerk called the bill (S. 3768) to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated to the Veterans' Administration the sum of $800,000 to remain available until June 30, 1951, to enable the Administrator of Veterans' Affairs to provide or assist in providing an automobile or other conveyance by paying not to exceed $1,600, on the purchase price, including equipment with such special attachments and devices as the Administrator may deem necessary, for each veteran of World War II who is entitled to compensation for the loss, or loss of use, of one or both legs at or above the ankle under the laws administered by the Veterans' Administration: *Provided*, That no part of such appropriation shall be used for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others and will be licensed to operate such automobile or other conveyance by the State of his residence or other proper licensing authority: *Provided further*, That under such regulations as the Administrator may prescribe the furnishing of such automobile or other conveyance, or the assisting therein, shall be accomplished by the Administrator paying the total purchase price, if not in excess of $1,600, or the amount of $1,600, if the total purchase price is in excess of $1,600, to the seller from whom the veteran is purchasing under sales agreement between the seller and the veteran: *And provided further*, That no veteran shall be entitled to receive more than one automobile or other conveyance under the provisions of this act and no veteran who has received or may receive an automobile or other conveyance under the provisions of the paragraph under the heading "Veterans' Administration" in the First Supplemental Appropriation Act, 1947, as extended, shall be entitled to receive an automobile or other conveyance under the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVIEW OF RECORDS OF CERTAIN COMMISSIONED NAVAL OFFICERS

The Clerk called the bill (S. 780) to authorize the Secretary of the Navy to review the records of commissioned naval officers who failed of advancement during the war, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HARE and Mr. BYRNES of Wisconsin objected.

FORMER MILITARY PERSONNEL SERVING IN CIVILIAN COMPONENTS OF THE SERVICES

The Clerk called the bill (S. 1507) to amend section 10 of the act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 10 of the act approved August 2, 1946 (60 Stat. 854, 34 U. S. C. 853e–1, is hereby amended to read as follows:

"Any member of the Naval Reserve or Marine Corps Reserve entitled to draw a pension, retainer pay, disability allowance, disability compensation, or retired pay from the Government of the United States by virtue of prior military service, may elect, with reference to periods of active duty, active duty for training, drill, training, instruction, or other duty for which they may be entitled to receive compensation pursuant to any provisions of law to receive either (1)

the compensation for such duty, which, when authorized by law, shall include travel or other expenses incident thereto, and subsistence and quarters, or commutation thereof, or (2) the pension, retainer pay, disability allowance, disability compensation or retired pay, but not both; and unless they specifically waive or relinquish the latter, they shall not receive the former for the periods of such duty: *Provided*, That nothing contained in this section shall be construed as prohibiting the enlistment or appointment in the Naval Reserve or the Marine Corps Reserve of any person who may be entitled to draw any such pension, disability allowance, or disability compensation."

SEC. 2. Notwithstanding the provisions of any other law, any member of a reserve component of the Army of the United States or of the Air Force of the United States entitled to draw a pension, retirement pay, disability allowance, disability compensation, or retired pay from the Government of the United States by virtue of prior military service, may elect, with reference to periods of active duty or drill, training, instruction, or other duty for which they may be entitled to receive compensation pursuant to any provisions of law, to receive either (1) the compensation for such duty, which, when authorized by law, shall include travel or other expenses incident thereto, and subsistence and quarters, or commutation thereof, or (2) the pension, retirement pay, disability allowance, disability compensation, or retired pay, but not both; and unless they specifically waive or relinquish the latter they shall not receive the former for the periods of such duty.

SEC. 3. The provisions of this act shall be effective from July 1, 1947.

With the following committee amendment:

At the end of section 3, strike out the the period and insert a comma and the following: "and shall terminate 5 years after the date of approval of this act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TOWN OF MILLS, WYO.

The Clerk called the bill (S. 3136) to authorize the Secretary of the Interior to transfer to the town of Mills, Wyo., a sewage system located in such town.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to transfer to the town of Mills, Wyo., all right, title, and interest of the United States in and to the 12-inch main sewer and Imhoff tank constructed by the United States in and adjacent to such town, together with any rights-of-way therefor acquired or held by the United States. Such transfer shall be made on condition that the United States shall have a perpetual right to use the sewerage system, and that the town shall operate and maintain such system in a manner which will permit such use by the United States, without charge or liability whatsoever against the United States by reason of the construction, operation, maintenance, or use of the sewerage system.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION, WASH.

The Clerk called the bill (H. R. 6862) to provide for the disposition of tribal funds of the Confederated Tribes of the Colville, Reservation, Wash.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding any other provision of existing law, the tribal funds now on deposit or hereafter placed to the credit of the Confederated Tribes of the Colville Reservation, Wash., in the United States Treasury, shall be available for expenditure or for advance to the tribes for such purposes as may be designated by the business council of said tribes and approved by the Secretary of the Interior or his authorized representative.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HORAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there any objection to the request of the gentleman from Washington?

There was no objection.

Mr. HORAN. Mr. Speaker, I am indeed pleased that the House has seen fit to pass H. R. 6862.

Many of us are most anxious to clarify the status of our American Indians as American citizens and to provide, step by step, for their eventual complete liberation as wards of the Government.

It will take time. First, every treaty ever entered into between the various tribes and confederations should be reviewed so that justice is done and the integrity of our great Government upheld.

With regard to the Confederated Tribes of the Colville Reservation they seek increased responsibilities for their constitutional self-government on their reservation. They are able and increased responsibilities will rest well on their shoulders.

This bill, giving them permissive control over their own funds is certainly one step in the right direction. The bill still, of course, calls for the consent of the Secretary of the Interior.

As for the supervisor on this reservation, Mr. Charles Graves, he is one of the truly able men we find in Government employ. The best interests of the Indians themselves and the good name of the Federal Government have always been first considerations with him.

The combination therefor exists, with the passage of this measure, for a successful and proper operation that may set a wholesome precedent for the future security, independence, and progress of our American Indians.

DEVELOPMENT OF IMPROVED TRANSPORT AIRCRAFT

The Clerk called the bill (S. 3504) to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WIER. I object, Mr. Speaker.

SEPARATION OF SUBSIDY FROM AIR MAIL PAY

The Clerk called the bill (H. R. 9184) to provide for the separation of subsidy from air-mail pay, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. O'HARA of Minnesota. Reserving the right to object, Mr. Speaker, a rule has been granted on this bill by the Committee on Rules. Therefore, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMENDMENT OF CIVIL AERONAUTICS ACT OF 1938

The Clerk called the bill (S. 450) to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Administrator, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ENGLE of California. Reserving the right to object, Mr. Speaker, a rule has been granted on this measure. Therefore, I ask unanimous consent that the bill be passed over without prejudice.

Mr. HARRIS. Reserving the right to object, Mr. Speaker, I wonder if the gentleman from California recognizes the importance of this legislation, which has been pending for a good long period of time. It is an administrative matter, one that I believe is highly needed at this time, as almost everyone recognizes. I am sure that if the gentleman understood the provisions of this bill and the importance of it he probably would not ask that it be passed over. Even though a rule has been granted for the consideration of this bill, everyone knows that the situation in the House is such that it is not on the program for this week. Considering the bill on the Consent Calendar would be the best method of bringing about the adoption of this legislation to improve the administration of the program. It is merely a delegation of authority which is absolutely necessary in order to expedite the business of the Civil Aeronautics Administration.

Mr. STEFAN. I might add to what the gentleman said that about 65 percent of the CAA work now is tied up with the national defense. They need this legislation to carry out their program. I think if we can expedite this legislation it would be of some value to our national defense.

Mr. HARRIS. It is utterly unthinkable to have a procedure whereby so much of the administrative detail, which is just routine, has to come through Washington. It is utterly impossible for one or two men at the top to carry out all of this detail work which someone else could very properly do more quickly and adequately.

Mr. WOLVERTON. I believe that if the gentleman who has objected to the present consideration of the bill would inquire into the matter a little further he would find that what this bill provides has been done heretofore for a period of years by the CAA. The purpose of the bill is to give legislative authority for this activity. It is really at the request of the Committee on Appropriations. It will save a tremendous amount of money running into millions of dollars if this bill is passed.

Mr. ENGLE of California. May I say to the gentleman, for whom I have great respect, that I believe this is an important bill and it should be discussed on the floor of the House. The Airline Pilots Association has vigorously objected to the provisions of this bill. I want to have some discussion on it, and that is why I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDING SECTION 2883 (d) OF THE INTERNAL REVENUE CODE

The Clerk called the bill (H. R. 7982) to amend section 2883 (d) of the Internal Revenue Code, as amended, by Public Law 448, Eighty-first Congress.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) section 2883 (d) of the Internal Revenue Code, as amended by the act approved February 21, 1950, Public Law 448, Eighty-first Congress, is amended to read as follows:

"(d) Transfer of gin and vodka: Gin and vodka of any proof may be transferred in bond by means of pipelines from receiving cisterns in distilleries direct to storage tanks in the internal revenue bonded warehouse located on the bonded premises where produced, or located contiguous thereto, and be warehoused in such storage tanks. Upon tax payment either in the cistern rooms of distilleries or in internal revenue bonded warehouses such gin and vodka of any proof may be transferred by pipeline to a contiguous tax-paid bottling house or rectifying plant."

(b) The amendment effected by subsection (a) hereof shall be effective on the effective date of Public Law 448, Eighty-first Congress.

With the following committee amendment:

On page 2, line 1, strike out "Upon", and strike out lines 2 through 5, inclusive, and insert in lieu thereof the following: "Upon tax payment gin and vodka of any proof may be transferred by pipeline from receiving cisterns in distilleries, or from storage tanks in internal revenue bonded warehouses located on or contiguous to the bonded premises of the producing distillery, to a contiguous tax-paid bottling house or rectifying plant."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING DELIVERY OF APPLICATIONS FOR ABSENTEE BALLOTS TO SERVICEMEN AND OTHERS

The Clerk called the bill (H. R. 9399) to provide a more effective method of delivering applications for absentee ballots to servicemen and certain other persons.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first sentence of section 209 (a) of the act entitled "An act to provide for a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence," approved September 16, 1942, as amended, is hereby amended by striking out "cause such post cards to be made available to each person" and inserting in lieu thereof "cause such post cards to be delivered in hand to such person."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO FACILITATE VOTING BY MEMBERS OF THE ARMED FORCES

The Clerk called the bill (H. R. 9455) to amend the act of September 16, 1942, as amended, so as to facilitate voting by members of the Armed Forces, and certain others, absent from their places of residence.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 204 (d) of the act of September 16, 1942 (Public Law 712, Seventy-seventh Congress), as amended (50 U. S. C., sec. 324 (d)), is hereby amended to read as follows:

"(d) It is recommended that the several States, in order to minimize costs and promote speed in the transporting of absentee voting material being sent to persons to whom this title is applicable, reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure so that such State balloting unit will not exceed in weight the total of two ounces and in dimension four and one-eighth inches by nine and one-half inches."

SEC. 2. Section 402 of such act, as amended (50 U. S. C., sec. 352), is hereby amended by striking out the following: "*Provided*, That in order to be entitled to free air-mail postage under this act, a State balloting unit, composed of ballot, voting instructions, and envelope or envelopes, must not exceed in weight the total of one ounce."

With the following committee amendment:

Page 2, line 2, after the word "procedure", strike out the remainder of the sentence, through line 5.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO EQUALIZE PAY OF CERTAIN REGULAR COAST GUARD OFFICERS

The Clerk called the bill (S. 2477) to amend title 14, United States Code, so as to equalize pay and retirement benefits of a certain class of commissioned officers of the Coast Guard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title 14, United States Code, is amended by inserting the following new section immediately following section 433 thereof:

"434. Personnel appointed as constructors

"In computing length of service of a person commissioned under the provisoins of section 8 of the act entitled 'An act to readjust the commissioned personnel of the Coast Guard, and for other purposes,' approved July 3, 1926 (44 Stat. 817), there shall be included, in addition to all service now or hereafter creditable by law, for all purposes of retirement, all services as a civilian employee of the United States within the purview of sections 691, 693, 698, 707, 709–715, 716–719, 720–725, 727–729, 730, 731, and 733 of title 5; and for all purposes of pay, so much of such service as was rendered as a civilian employee in the Coast Guard. Service covering the same period shall not be counted more than once."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING SECTION 5 OF THE ACT OF FEBRUARY 26, 1944

The Clerk called the bill (S. 3123) to amend section 5 of the act of February 26, 1944, entitled "An act to give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of the act of February 26, 1944 (58 Stat. 100), is amended by deleting the last clause reading "and the proceeds of such sale shall be paid into the Treasury of the United States", and inserting in lieu thereof the following: "and the proceeds of such sales and of the sales of other products of the wildlife resources of the Pribilof Islands shall be deposited into the Treasury. There is hereby authorized to be appropriated annually an amount, not exceeding the total proceeds of such sales covered into the Treasury during the preceding fiscal year, for the purposes of this act and for the development of the fur seal and other wildlife resources of the Pribilof Islands and the proper utilization of their products."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING PAYMENT OF CERTAIN GRAZING FEES

The Clerk called the bill (H. R. 8821) authorizing payment to certain States amounts withheld from grazing fees on public lands.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $1,351,149.37, for payment by the Secretary of the Treasury to the following States, the following sums: Arizona, $153,829.60; California, $126,880.55; Colorado, $201,641.56; Idaho, $167,473.14; Missouri, $1,805.16; Montana, $130,273.34; Nebraska, $9,473.77; Nevada, $74,851.66; New Mexico, $95,725.13; Oregon, $77,960.80; South Dakota, $14,696.39; Utah $174,997.45; Washington, $19,085.83; West Virginia, $362.50; Wyoming, $102,092.49. Such sums shall be expended by such States in accordance with the terms of the acts of May 28, 1908, and March 1, 1911, as amended (16 U. S. C. 500).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING AMOUNT OF FEDERAL AID TO STATE OR TERRITORIAL HOMES FOR DISABLED SOLDIERS AND SAILORS OF THE UNITED STATES

The Clerk called the bill (S. 3339), to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act to provide aid to State and Territorial homes for the support of disabled soldiers and sailors of the United States, approved August 27, 1888,

as amended, is amended by striking out in the first paragraph thereof "June 30, 1951," and inserting in lieu thereof "June 30, 1956".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO AMEND THE WAR CLAIMS ACT OF 1948

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3000) to amend the War Claims Act of 1948, as amended.

The Clerk read the title of the bill.

The SPEAKER. Permit the Chair to say this bill is not eligible on the calendar, but the Chair believes it is of so much importance that the Chair has recognized the gentleman from Texas [Mr. BECKWORTH] to call it up, so that Members may discuss it.

Mr. BECKWORTH. Mr. Speaker, S. 3000 is a bill introduced by Senator ANDERSON, of New Mexico. It passed the Senate committee unanimously. It passed the Senate unanimously. It was reported out of the Committee on Interstate and Foreign Commerce of the House unanimously.

It is a very simple bill, and it is a bill that is not very far-reaching, for it does not affect many people. Several years ago the Congress set up the War Claims Commission. One of the purposes of the Commission was to pay out sums of money, at the rate of a dollar a day to prisoners of war who had been imprisoned. The basis on which that is done is that they, the imprisoned soldiers, were ill fed, and not in accordance with the Geneva Convention. As many of you know, a great many of those prisoners died. Therefore, if they were living, they would be eligible for the rate of a dollar a day for the days served, but of course they cannot get anything because they are not living. Under the present legislation, in order for their parents to become entitled to that which they would have gotten if they were living, the parents must prove dependency. This kind of situation, it has been represented to us, obtains: Many of these boys were young. Incidentally, a great many of them were from New Mexico and Texas, and of course other States were represented. At the time a given boy went into the service he did not proclaim that his parents were dependent upon him. At the same time, perhaps, the parents, perhaps being relative young 10 years ago, were not dependent, but some of those parents are aged now and really do need what the boy would be giving the parent were he living, and certainly what he would get from this war claims fund were he living. But because the necessity of proving dependence is not at all easy in many instances and because it is long and perhaps costly, many worthy parents are being denied that which it was felt by the Senate, the Senate and House committees, they should have.

To indicate to you how inexpensive this legislation would be, and, incidentally, the expense does not come from the United States Treasury at all—it is estimated by the War Claims Commission that not more than $80,000 would be paid to these parents.

Mr. McGREGOR. Mr. Speaker, will the gentleman yield?

Mr. BECKWORTH. I yield.

Mr. McGREGOR. Do I understand the gentleman to say $1 a day would only be applicable to those who were prisoners of war and who were members of the Armed Forces?

Mr. BECKWORTH. That is right.

Mr. McGREGOR. This does not take in Federal employees or civilian prisoners?

Mr. BECKWORTH. No, it does not.

Mr. WHITE of California. Mr. Speaker, will the gentleman yield?

Mr. BECKWORTH. I yield.

Mr. WHITE of California. I understood the gentleman to mention Japan specifically. Does it also apply to those who were prisoners of war in Europe?

Mr. BECKWORTH. I think it probably would take in those, but the great body of them were those in Japan.

Mr. WHITE of California. It does take them all in?

Mr. BECKWORTH. It does take them all in, I feel sure, but most of them were the ones imprisoned in Japan.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. BECKWORTH. I yield.

Mr. LUCAS. Is this not setting a new precedent in relaxing the rules for the determination of dependents, so that later on we may have legislation to permit those who were not dependents to claim benefits under the veterans' law?

Mr. BECKWORTH. I would not know exactly to what extent it would be setting a precedent, because that has not been studied very thoroughly. It certainly was the opinion of the committee that fairness would be done to a most worthy group of people if this legislation were passed.

Mr. LUCAS. I am convinced that it sets a precedent, and I am also convinced that this would just open the door to spread out a lot of these funds. The soldiers themselves are the ones who actually suffered at the hands of our enemies. I shall object to the bill.

The SPEAKER. Does the gentleman from Texas object to the present consideration of the bill?

Mr. LUCAS. I object, Mr. Speaker.

WILLIAM R. BLAIR

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 577) to correct possible inequity in the case of a certain application for letters patent of William R. Blair, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 2, after "Blair", insert ": *Provided, however,* That the holder of any patent granted under this act shall not, except to the extent of requiring the payment of a reasonable fee or royalty, be entitled to enforce his patent rights thereunder against any person who, before the passage of this act, was lawfully manufacturing or using the invention covered by such patent, or was bona fide in possession of any rights in a patent or application for patent conflicting with such patent so issued."

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. BRYSON. Mr. Speaker, the bill (H. R. 577) was introduced by the gentleman from New Jersey [Mr. AUCHINCLOSS]. It came before the House Committee on the Judiciary and was passed unanimously. It went to the Senate, and the Senate passed it with an amendment which does not make any material change in the purposes of the bill.

The facts relating to the provisions of the measure are as follows: During the war a major by the name of Maj. W. R. Blair conceived the principles of radar. Under a rule obtaining in the service, one in the service cannot promote or profit from ideas he conceives while he is in the service. After this gentleman's service was terminated he found that other agencies had been experimenting with and had profited from his theory. He then applied for a patent, but certain legal limitations thwarted his desires. In this measure now Colonel Blair is simply given the privilege of appearing before the Patent Commission and requesting that a patent be granted to him so that he may prosecute whatever rights he may have in the premises. It absolves anyone who has heretofore been using the theory from any damages or liabilities by reason of the fact.

I have submitted this to all interested parties on both sides of the aisle and there does not seem to be any objection.

Mr. MICHENER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GRANT OF LAND FOR PARK PURPOSES TO KERN COUNTY, CALIF.

Mr. ENGLE of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3706) to amend the act of May 28, 1926 (44 Stat. 670) entitled "An act granting public lands to the county of Kern, Calif., for public park purposes."

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, has the gentleman conferred with the minority members of his committee?

Mr. ENGLE of California. I have, and with others also. There is no objection.

Mr. MICHENER. Will the gentleman kindly explain what this bill does?

Mr. ENGLE of California. The bill permits the Interior Department to transfer about a half acre of land which had been previously dedicated for public park purposes to a little school district, the Taft school district in Kern County, for use as a playground. The bill has been cleared by the Department of the Interior and the Bureau of the Budget. It has been passed unanimously by the committees of this House and the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved May 28, 1926 (44 Stat. 670), entitled "An act granting public lands to the country of Kern, Calif., for public park purposes", is hereby amended by adding thereto the following:

"SEC. 2. Notwithstanding anything in this act to the contrary, the county of Kern, State of California, is hereby authorized to convey, for school and related uses, the said drilling sites numbered 9 and 10, comprising approximately four acres, to the Taft School Board of the county of Kern, subject, however, to the reservation to the United States, referred to in the first proviso in section 1, of all mineral deposits in the lands, together with the right to prospect for, mine, and remove the same."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COLONIAL NATIONAL HISTORICAL PARK

Mr. ENGLE of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3398) to authorize the exchange of certain land for purposes of the Colonial National Historical Park, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain this bill?

Mr. ENGLE of California. Mr. Speaker, this measure has been cleared on both sides of the aisle. It unanimously passed the committee of this House and of the Senate and is a bill which authorizes the Interior Department to swap certain land. In this instance a school will receive a half acre for a playground for a half acre being given to the Colonial National Historical Park for park purposes. The Department of the Interior and the Budget Bureau have both cleared the measure.

Mr. MICHENER. Are mineral rights involved or are they reserved?

Mr. ENGLE of California. There are no mineral rights involved in this bill as far as I know. There has been no reservation of mineral rights, although that was true of the preceding measure which was passed by unanimous consent. If there had been, they would have been reserved by the Department of the Interior, I am sure, because that is the established practice.

Mr. MICHENER. The land traded is in the same locality?

Mr. ENGLE of California. Well, in approximately the same area. The Department of the Interior report says that the proposed legislation would authorize an exchange of lands that would be of mutual benefit to the Federal Government, in its administration of Colonial National Historical Park, and to the York County school board, State of Virginia. The tract that would be conveyed to the school board is located partially in a ravine and is suitable only for playground purposes, for which it is now being used under special-use permit from this Department.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States, from the York County School Board, State of Virginia, title to approximately one-half acre of land in Nelson District, York County, Va., situated within the authorized boundaries of the Colonial National Historical Park, and in exchange therefor to convey by deed, on behalf of the United States, to the school board approximately one-half acre of land of approximately equal value situated within the Colonial National Historical Park.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE MASSACHUSETTS PRIMARIES

Mr. SHORT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHORT. Mr. Speaker, tomorrow we are to have some very important primary elections here in the United States. I see that the gentlewoman from Massachusetts [Mrs. ROGERS] is present. I am more or less interested in what is going to happen in that State, and I wonder if she could express an opinion as to whom in her judgment the Republicans of Massachusetts will nominate for governor?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the gentleman from Missouri has asked me who is likely to receive the Republican nomination for governor in Massachusetts. We have six very fine candidates, but my belief is that Admiral Louis Denfeld will receive the Republican nomination.

He is a great national hero. He was a very fine administrator when he was chief of naval operations, having charge of a million and a half persons. He was also governor of mandated islands in the Pacific and he knows that picture very thoroughly. I would like to say that I find the people of Massachusetts are much more interested in the security of the State and country from atomic bombs and other types of warfare, and all civilian defense, and also in the security of their children who are fighting in Korea than in anything else. This is the real thing that is paramount in the minds of everybody in the Commonwealth of Massachusetts. Therefore I believe that Admiral Louis Denfeld's ability, his knowledge of the international situation, and his proven desire to protect this country by giving up the great position of chief of naval operations makes him the outstanding candidate for governor at this time. The elections this year in the midst of world war III can well be the most important in the history of our country. It is a fight for our survival. Therefore I shall support Louis Denfeld.

TRANSFER TO PIERCE COUNTY, WASH., OF CERTAIN LAND

Mr. DURHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5101) to provide for the transfer to Pierce County in Washington, of certain surplus lands in the Fort Lewis Military Reservation, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, lines 8 and 9, strike out "by the State of Washington and Pierce County, Wash." and insert "in accordance with local law."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this not a rather unusual amendment? We do not know what the local law is.

Mr. DURHAM. This is a piece of property that was transferred by the local people there to the Federal Government in 1919, I believe. It was used during the war. The Fort Lewis Military Reservation used it. The people desire that this piece of property be transferred back for school purposes across the road from the military reservation. The committee reported it out unanimously, but there was some problem in the minds of some of the Senators as to the application of the local laws. So, to clarify that the Senate added this amendment which I believe is sound in transferring it back so that it would not jeopardize the properties that we do own there that were transferred heretofore by the State and the local county people to the Federal Government.

Mr. MICHENER. Are there valuable minerals in the community where this land is located?

Mr. DURHAM. Not that I know of.

Mr. MICHENER. Is there any reservation in the bill that the land must be used for school purposes?

Mr. DURHAM. I do not think there is any reservation in there that it shall be used for that purpose. That is the agreement, so far as I know, with the local people.

Mr. MICHENER. The reason I ask that question is, that in years gone by there have been some real scandals about the Government deeding away land for a specific purpose, and having other use made of it.

Mr. DURHAM. I might call attention that this land was deeded to the Federal Government and it is now being deeded back.

Mr. SHORT. Without any cost to the Federal Government?

Mr. DURHAM. That is right.

Mr. SHORT. And it has been unanimously approved.

Mr. MICHENER. I have had experience with the Government deeding away lands.

Mr. SHORT. The gentleman from Michigan is eminently correct in that. I think that we as Members of Congress should exercise great care and caution when we consider such legislation as this, because sometimes there are rich minerals or oil beneath the surface of the land. But, that is not so in this case.

Mr. MICHENER. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

UNITED STATES CIVIL DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Armed Services and ordered to be printed with illustrations:

To the Congress of the United States:

I transmit herewith for the consideration of the Congress a report entitled "United States Civil Defense," which has been submitted to me by the Chairman of the National Security Resources Board.

This report provides a set of suggested guideposts for States and local communities, who have the principal responsibility for organizing and training the many types of specialized groups needed to cope with the potential damage of devastating modern weapons.

This report also sets forth a basic plan for the Federal Government's part in the national civil defense effort, and recommends Federal civil defense legislation and the establishment of a Civil Defense Administration.

I believe this report presents a sound and workable outline of the civil defense problems we face, and what the Federal, State, and local governments should do to meet them. I urge the Members of the Congress to consider this report carefully over the next few weeks as a basis for the enactment of legislation in the near future.

Copies of the report are also being transmitted to each governor, and to the mayors of our larger cities. I urge them to give the report their early attention so that the States and local communities will be prepared to move ahead rapidly with their own plans.

In the meantime, I intend to establish a temporary Civil Defense Administration, which will carry forward the civil defense work until permanent legislation is enacted by the Congress, and which will provide a central point of leadership for State and local efforts.

As this report makes clear, the civil defense of the United States in the event of emergency will be of the greatest importance. The organization of an effective civil defense system involves many difficult problems. It will require the combined, unselfish work of all units of government and many hundreds of thousands of private citizens. I am sure that everyone concerned will approach his part of the preparedness task with the spirit of initiative and cooperation which are characteristic of our free society.

HARRY S. TRUMAN.

THE WHITE HOUSE,
September 18, 1950.

DEVELOPMENT OF IMPROVED TRANSPORT AIRCRAFT

Mr. McSWEENEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 846 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3504) to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. McSWEENEY. Mr. Speaker, I yield one-half hour to the distinguished gentleman from New York [Mr. WADSWORTH], and retain one-half hour for myself. I now yield myself 10 minutes.

Mr. Speaker, the gentleman who is to present the minority side of this bill is the distinguished Representative from New York, the Honorable JAMES WADSWORTH. I hope the muses of the future and the muses of the past as well as the Speaker and you Members of the House will kindly accept my humble efforts to pay a tribute to a great and distinguished Member of this House, my colleague and my fellow Member on the Committee on Rules, Mr. WADSWORTH. I have done it in a very homely verse.

In the literature of our Nation we know there is a place
For James Whitcomb Riley, who wrote with simple grace.
He describes a loving father who refrains from all emotion
Because he has such pride in the son of his devotion.
So when the boy would go away for whatever be the cause,
This doting father muttered without emotion or applause—
"Well, good-by, Jim:
Take keer of yourse'f!"

If I am not presumptuous, I would like to steal a word
From this grand old, homely Hoosier who has now become a bard.
I would use it in the praise of the New York Wadsworth clan,
Which embodies all that I conceive is real American.
In this great group you must include our splendid colleague, JIM;
And these humble words, which I express, are all addressed to him.
After much deliberation he's to quit this stately Hall,
His ever-friendly presence will be missed by one and all.
So like the ever-loving father of the Riley poem fame
From any real emotion may I ask you to refrain—just say:
"Well, good-by, Jim:
Take keer of yourse'f!"

In all the many wars in which our country had a part
You find at least one Wadsworth there with body, mind, and heart,
Fighting for our freedom or some other sacred right,
Which to this loyal WADSWORTH was surely worth a fight.
So when he left his kith and kin and buckled on his sword
We can surmise, in those old days, they gave this parting word—
"Well, good-by, Jim:
Take keer of yourse'f!"

Back to your stately mansion and your rolling New York land
We send you, JIM, with blessings and a friendly grasp of hand.
We wish you countless happy years of well-earned recreation
As a partial compensation for your service to our Nation.
So like your friendly Indian neighbors, who have honored you as chief,
We know that respite from your work will be a great relief.
So in spirit we will join at their welcoming pow-wow
We shall raise our hand sedately and merely answer "How," and then say—
"Well, good-by, Jim:
Take keer of yourse'f!"

Mr. Speaker, House Resolution 846 makes in order Senate bill 3504. We are trying in every way to improve the aircraft of America. We have tried in the past to subsidize and in reality to help the great aircraft manufacturers. I have been one who, with my limited knowledge of aircraft production, has felt that instead of building a great number of airplanes of a particular type which might in the future—in a few months, perhaps—become obsolete, we ought to have experimentation going along at all times. I have felt that we ought to have blueprints always ready as well as a few of the aircraft built on the basis of existing blueprints which would be sufficient to tell us whether the craft so designed is good or that the aircraft fails to come up to the performance specifications on the basis of the blueprints.

This bill will provide for the Government to cooperate with the manufacturers, and thus keep us abreast of the most modern and truly wonderful developments which have come about in the field of aviation.

Mr. Speaker, I will reserve the balance of my time because the matter will be discussed by members of the committee who have considered this legislation very carefully.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. McSWEENEY. I yield.

Mr. MICHENER. Mr. Speaker, I am not a poet, but I have enjoyed and approved the sentiments expressed in

rhyme by our good friend, the gentleman from Ohio [Mr. McSWEENEY] concerning our very distinguished colleague who is voluntarily retiring after 30 years of not only outstanding, but worthwhile, service in the Congress.

When I entered Congress in 1919 the gentleman from New York [Mr. WADSWORTH] was chairman of the Military Affairs Committee in the Senate. I first met him when I went to the Senate for military information. One conversation was enough to satisfy me that he was a man who knew what he was talking about. Later he came to the House, and we all know the high regard in which he has always been held in the Congress whether serving in the Senate or in the House.

After getting acquainted, we soon found we had something in common. I was in my first year in the study of law in Michigan in 1898 when war was declared against Spain. I left my studies and enlisted with the home National Guard company. Mr. WADSWORTH was in Yale in Connecticut and left his studies and enlisted as a volunteer. We served throughout the war as long as our respective outfits were in service and have been close friends since I entered Congress.

Mr. Speaker, JIM WADSWORTH is the noble son of a noble sire, and his father was also a noble son of a noble sire. The name Wadsworth is more than a tradition in Geneseo, N. Y. An old, respected and distinguished family of Wadsworths still carry on.

There are few men who have ever served in the Congress who were always so forthright, straightforward, and courageous. No one ever doubted for a minute where JIM WADSWORTH stood on any problem. A superior and convincing debater, a sound and logical thinker, he has a standing unsurpassed by any in the Congress and equaled by few. At the end of the Eighty-first Congress, he is voluntarily retiring to his ancestral estate in New York, and we all wish him many years of health, happiness, and satisfaction.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. McSWEENEY. I yield.

Mr. COLMER. Mr. Speaker, I should like to join with my friend and colleague, the gentleman from Ohio [Mr. McSWEENEY] in the tribute which he has just paid the distinguished gentleman from New York [Mr. WADSWORTH] who is voluntarily retiring from the Congress at the approaching adjournment of the Eighty-first Congress. I think I can truthfully say, and without risk of seeming partial, that there is no Member of either the House or the Senate who is more uniformly admired and respected by his colleagues than the able gentleman from New York. It has been my observation in evaluating the members of the human race that nature is a great equalizer of persons. She does not lavish on any of us all of her virtues. One or more good qualities are given one man, while other good qualities are reserved for others. But in the case of JIM WADSWORTH nature has been most gracious and bountiful in bestowing those virtues cherished by all good men. The expression "A gentleman and a scholar" is not trite when applied to the gentleman from New York. Moreover, he is able, studious, conscientious, tolerant, and generous. But among all of his splendid qualities the one which has appealed to me the most of all, in my observation of this distinguished New Yorker, is his patriotism. His love of his country has been exemplified time and time again during his long tenure of service at both ends of the Capitol. JIM WADSWORTH is a Republican by heritage and principle; but JIM WADSWORTH is first an American who places the welfare of our great common country above party lines.

When I first came to Congress I soon formed the impression that he was my ideal statesman. After 18 years of service with him, both in committee and on the floor, I have not changed my opinion. Familiarity has not bred contempt.

In these crucial days of the Republic that he loves so well, the country can ill afford to lose men of the caliber of JIM WADSWORTH. But the record of his stability, courage, devotion to country, and statesmanship which he has made in both the Senate and the House will not be lost. It will ever be a beacon light beckoning less stalwart patriots on to higher plains of patriotism and statesmanship.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. McSWEENEY. I yield.

Mr. JENSEN. Mr. Speaker, I was greatly touched, as I am sure was every Member of the House to hear the gentleman eulogize our esteemed friend and colleague, the gentleman from New York [Mr. WADSWORTH]. Jim was one of the first men I met when I came to Congress in 1939. I liked him from the very first moment I met him and became acquainted with him. As days and weeks and months and years rolled by, I have become more proud of the fact that I have known and served in Congress with such a man. JAMES WADSWORTH is a successful farmer and a stockman, and hence, coming from a farm district as I do, we have a lot in common. We have counseled together about many, many problems of the farmers of the entire Nation, and as farming affects the economy of our entire Nation as well as about most every matter of national importance, his counsel was always good.

JAMES WADSWORTH has been a great bulwark in the Halls of Congress, both as a Member of the United States House of Representatives and formerly as a United States Senator. Of course, it is not possible to gild the lily. JIM WADSWORTH stands out in the esteem of the Members of the House of Representatives. It is a distinct loss to this Nation that such a man should retire from the duties which he has so ably discharged as a servant of the people. I know I express the sentiments of every Member on both sides of the aisle when I say to JIM WADSWORTH we are mighty sorry you have decided to retire from Congress. We hope for you and your family all the joys and blessings of this great land of ours to which you have contributed so much.

JIM WADSWORTH will live in the hearts of the American people as one of the greatest statesmen who has ever served in the halls of the United States Congress.

Good luck, Jim, take it easy and enjoy yourself from now on.

Mr. McSWEENEY. I thank the gentleman from Iowa for concurring in my sentiments.

Mr. Speaker, I reserve the remainder of my time.

Mr. WADSWORTH. Mr. Speaker, at the outset permit me to say that I am somewhat taken by surprise, but I appreciate the generous sentiments expressed by the gentleman from Ohio [Mr. McSWEENEY], the gentleman from Iowa [Mr. JENSEN] and others. They are expressions I shall never forget.

I understand we are to proceed with the consideration of this rule, and it is not my purpose to interrupt the proceedings at this moment, except to say that I have received no requests for time on this rule from any Member of the minority.

Mr. McSWEENEY. Mr. Speaker, I have received no requests for time, and I move the previous question.

The previous question was ordered.

The resolution was agreed to.

TO AMEND WAR CLAIMS ACT OF 1948, AS AMENDED

Mr. BECKWORTH. Mr. Speaker, a moment ago we had under consideration the bill (S. 3000) to amend the War Claims Act of 1948, as amended. The objection that was made at that time has been withdrawn, and I now ask unanimous consent for the immediate consideration of the bill (S. 3000), to amend the War Claims Act of 1948, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WOLVERTON. Reserving the right to object, Mr. Speaker, I ask unanimous consent that I may set forth my statement in connection with this bill at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLVERTON. Mr. Speaker, this proposed legislation has the approval of the War Claims Commission.

The purpose of the bill is to remove the requirements of dependency upon which entitlement of parents to benefits under section 6 of the War Claims Act of 1948 (Public Law 896, 80th Cong., approved July 3, 1948), as amended, is predicated.

The Committee on Interstate and Foreign Commerce held hearings on this measure, in the course of which Mr. Daniel F. Cleary and Mrs. Georgia L. Lusk, Chairman and Vice Chairman, respectively, of the War Claims Commission, testified in favor of this legislation.

Section 6 of the War Claims Act of 1948 authorizes the payment of $1 per day to a prisoner of war for each day such prisoner of war was held by an enemy government and was not furnished by that government the quantity

or quality of food to which he was entitled under the Geneva Convention. Section 6 (c) of the act provides that, in the case of death of a prisoner, the compensation is payable to the following persons in this order:

First. Widow or dependent husband if there is no child or children of the deceased;

Second. Widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children of the deceased in equal shares;

Third. Child or children of the deceased (in equal shares) if there is no widow or dependent husband; and

Fourth. Dependent parents (in equal shares) if there is no widow, dependent husband, or child.

The proposed legislation would eliminate in case of paragraph 4 of section 6 (c) the element of dependency.

As will be noted, surviving widows of deceased prisoners of war do not have to prove dependency and it appears only fair not to require such proof of surviving parents. I believe that the compensation payable to prisoners of war pursuant to section 6 of the War Claims Act of 1948 should be deemed to be a part of the estate of those prisoners who died either during the imprisonment or since, and that it is logical and reasonable that the compensation should be paid to the surviving parents without any limitation whatsoever. Moreover, I feel that many parents have some delicacy in asserting and claiming that they were dependent upon their sons even though their circumstances are such that the War Claims Commission would very likely be justified in finding that dependency actually exists.

Furthermore, the War Claims Commission officials in their testimony have pointed out that if the proposed legislation is enacted a considerable saving in administrative cost would result and that those savings might well cancel the cost of payments which would be made as a result of the enactment of this legislation. I hope the bill will be approved by the House.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the War Claims Act of 1948 (Public Law 896, 80th Cong; 62 Stat. 1240), as amended, be amended by striking therefrom part 4 of subsection (c) and inserting in lieu thereof: "(4) Parents (in equal shares) if there is no widow, dependent husband, or child."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO PROMOTE THE DEVELOPMENT OF IMPROVED TRANSPORT AIRCRAFT BY PROVIDING FOR THE OPERATION, TESTING, AND MODIFICATION THEREOF

Mr. BECKWORTH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3504) to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 3504, with Mr. DEANE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BECKWORTH. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the bill S. 3504 has passed the Senate and has been reported out unanimously by the House Committee on Interstate and Foreign Commerce.

This bill results from considerable study that has been devoted to the general proposition of keeping our country out in front in civil aviation particularly, and in all aviation generally. The President appointed an Air Policy Commission and this Congress set up an aviation Policy Board in about 1948. Much study in connection with the general problem of keeping our country out in front was devoted to the subject matter by both this Commission and this congressional board.

It was soon ascertained that everybody was aware that it costs a lot of money to develop a plane; it costs a lot of money to test a plane; it costs a lot to operate a new plane incident to its becoming certificated. Many bills have been introduced from time to time called prototype bills. None, however, has ever got anywhere to speak of because of the disagreements that have arisen.

The bill we bring before you is one that all departments of the Government seem to favor, and that the industry in the main favors; as a matter of fact, no segment of the industry appeared in opposition to this bill. It is not represented that this is a measure that definitely does the job in the most comprehensive way; that could not be assured without the expenditure of millions of dollars. I refer to just one fact to illustrate that: It is estimated, as I recall, that perhaps the British Government has spent as much as $350,000,000 in the development of jet transport planes. This bill does not approach the problem in that way; it approaches it from the standpoint of the Government aiding in the testing and operation of planes which have already been built by companies. It leaves for the most part the initiative to the companies; and in addition to testing and operation it would provide that the Government, where it feels there is justification for so doing, can help to finance or finance minor modifications in planes.

When the legislation was first written it was to be the purpose of the Secretary of Commerce in the carrying out of his work to emphasize the development of turbine-powered planes. Since the war has come on, however, the Korean conflict, great need for cargo planes is obvious; and the Secretary of Commerce through the CAA now contends that the cargo plane would be given first and immediate emphasis.

I have a letter here that was written as late as last Friday by the Air Corps saying that that kind of aid would be advantageous to the Air Corps at this time. I might add, if I interpret the desire of the committee properly, it certainly is hoped the Secretary of Commerce and the Air Corps will work very closely together in all testing and operational efforts. They should work together insofar as possible, in my opinion. And it is hoped this bill will be an instrument which will bring their efforts closer together. This bill, as I stated, does not do the job comprehensively. I favor, indeed, doing the job comprehensively just as rapidly as we can; however, we want and must be sure whatever comprehensive program is finally adopted is a sound program.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BECKWORTH. Mr. Chairman, I yield myself two additional minutes.

Mr. Chairman, this bill is what many of us feel is a good beginning; it authorizes an appropriation of $12,500,000. This amount of money will be expended by the Secretary of Commerce in the testing and operation of new prototype planes, or even old ones if it is felt something advantageous may be gained. Also part of the money may be used for minor modifications which are deemed significant to the national interest. All of the Government departments are in favor of it, including the Department of Defense, and in the main the aviation industry favors it. It is the hope of the committee that it can be speedily enacted into law.

DEPARTMENT OF COMMERCE,
CIVIL AERONAUTICS ADMINISTRATION,
Washington, D. C., August 26, 1950.

HON. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: On July 6, 1950, the Secretary of Commerce addressed a letter to the Honorable HERBERT H. LEHMAN, United States Senate, concerning the provisions of S. 3504, the so-called prototype bill, which is now pending before your subcommittee. Senator LEHMAN had expressed concern that cargo aircraft would not receive sufficient emphasis in the development program. The Secretary's letter stated, among other things, that the development of cargo aircraft was one of the most important projects which would be undertaken under S. 3504 and that the aircraft should combine the characteristics desirable for military use as well as for commercial air-freight business. In view of the foregoing, it is our opinion that major emphasis must be placed upon the development of cargo aircraft rather than the equal priority with turbo-powered aircraft, feederline aircraft, and cargo aircraft which was intended when S. 3504 was drafted.

Subsequent to the above correspondence, the international situation has made it necessary to review our previous program in connection with prototype aircraft. In this review, we have consulted with representatives of the Department of the Air Force and the aviation industry. It is the consensus that the problems of airlift in an emergency will require the latest design in cargo aircraft and that such aircraft must be made available as soon as possible to the military. Similar aircraft are equally important to the civil operators who are now being utilized, and who in any future emergency will be utilized, by the Armed Forces in providing airlift.

I feel sure that you will agree that this is a sound position under the circumstances which exist at the present. The cargo aircraft proposed under this development program would be designed primarily for use by the scheduled and irregular air carriers in efficient, low-cost cargo operations. It would be the kind that the Armed Forces could use in time of war and would be designed only after complete coordination with the military as well as the scheduled and irregular

air carriers and after consultation with representatives of interested labor organizations.

Only a minimum of additional personnel would be required by the Civil Aeronautics Administration in carrying out the program provided for in S. 3504. It is the intention of the Department to provide for the testing and other work connected with the development of prototype aircraft by contract with qualified private persons, including scheduled and irregular air carriers where appropriate, and by arrangement with Military Air Transport Service. By following such a procedure, the operational experience and knowledge of air carriers, airline pilots, and the military services will be a dominant factor in finalizing operational and safety decisions during the testing program.

I wish to emphasize that the Civil Aeronautics Administration is making every effort to keep abreast of the needs of civil aviation, always considering the requirements of the military in an emergency, and we are at all times willing to modify existing plans in any respect which will add to the national readiness for an emergency.

Sincerely yours,

D. W. RENTZEL,
Administrator of Civil Aeronautics.

DEPARTMENT OF THE AIR FORCE,
Washington, September 15, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives.

DEAR MR. BECKWORTH: I refer to our conversation of yesterday afternoon concerning the significance to the Department of the Air Force of H. R. 8536, a bill to promote the development of improved commercial transport aircraft by providing for the operation, testing, and modification thereof.

The Department of Commerce has indicated that it plans on devoting major emphasis under this legislation, if enacted, to the development of low-cost cargo aircraft using conventional power plants. If this is the intent of Congress we would welcome it from the military point of view as the development of an economical long-range cargo transport aircraft will be helpful to the military.

We have no specific military requirement in jet passenger transport aircraft at this time. There might, some years hence, be such a development.

Nevertheless, as I stated in my testimony before your committee on August 10, 1950, the Air Force has no objection to the enactment of H. R. 8536 if, for the purposes of civil aviation, and without reference to military requirements, it is believed desirable to develop a prototype of a fast jet passenger plane. This position is in consonance with that expressed by the Deputy Secretary of Defense in his letter of June 6, 1950, to the Honorable ROBERT CROSSER, chairman of your committee, wherein Mr. Early stated "the Department of Defense does not find anything in H. R. 8536 which interferes with military operations or plans, and has, through its representation in the Air Coordinating Committee, endorsed this measure."

Sincerely yours,

THOMAS K. FINLETTER.

Mr. WOLVERTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of this legislation. It was my privilege to be a member of the Joint Congressional Committee on Aviation some 2 years ago. This matter was a subject of study by that committee.

The committee made certain recommendations with reference to the matter. The bill now before us does not carry out as fully as, in my opinion it should, the recommendations of that committee; however, to the extent that the bill does seek to legislate on the subject it is exceedingly meritorious and worth while.

Mr. SHAFER. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON. I yield to the gentleman from Michigan.

Mr. SHAFER. From the tremendous amount of interest being shown in this legislation, the gentleman probably can add any amendments that he cares to without much opposition.

Mr. WOLVERTON. I appreciate the suggestion that has been made by the gentleman from Michigan, but in view of the fact that the committee has given all amendments the study that they should have, I am not inclined to feel I should go contrary to the unanimous report of the committee.

As I was about to say, the Joint Congressional Committee on Aviation recommended the passage of this type of legislation. This also had the approval of the President's Air Policy Commission. As has been indicated by the gentleman from Texas [Mr. BECKWORTH] the several departments of Government are in full accord with this legislation. They have sent to our committee communications endorsing the legislation. This has been done by the Civil Aeronautics Board, the National Advisory Committee for Aeronautics, the Civil Service Commission, the Secretary of Commerce, and the Department of Defense.

It has become very apparent to our committee that great strides are being made by some foreign governments in the manufacture of certain types of aircraft. I regret to say that it does not seem as if our manufacturers up to the present time are up to that which is being done abroad. The question of expense enters very largely into it. I am inclined to believe we would be justified in going much further than this bill does, but, under the circumstances, the bill is limited practically to the expense incident to the testing of the aircraft produced by the manufacturers of this country.

In this particular it will encourage the manufacturers to proceed with the manufacture of these high type aircraft that are so necessary if our Nation is to maintain its place of leadership among the nations of the world.

In 1948, both the President's Air Policy Commission and the Congressional Aviation Policy Board found that there was a need for Government assistance in the development of new types of commercial aircraft in the United States. The soundness of this conclusion has been emphasized by the recent testimony before the Committee on Interstate and Foreign Commerce of aviation leaders who have testified as to the present condition of the development of new type aircraft by the United States aircraft manufacturing industry.

Ever since World War II, it has been apparent that some form of Government participation in the development of transport aircraft is necessary. The cost of developing the modern transport aircraft has increased rapidly since prewar days and aircraft manufacturers have not been able to recover, through sales, their costs in connection with the development of the aircraft. In 1948 the President's Air Policy Commission and the Congressional Aviation Policy Board both found a need existed for participation on the part of the Government in the development of prototype transport aircraft. While United States manufacturers have found it too costly to proceed, British and Canadian manufacturers have made great strides in the development of new-type transport aircraft, largely because their developmental work has been partly financed by their respective governments. At the present time both the British and the Canadians have turbine-powered transport aircraft in operation on a test basis. However, at this time, no United States manufacturer has developed such an aircraft.

Ever since World War I the United States has held leadership in the field of international air transportation. That leadership is now being challenged directly by the development of fast foreign transport aircraft and, unless steps are taken to assist our manufacturers in the development of these advanced-design transports, our preeminence in the field of international aviation will be lost, as speed is the most important single advantage of air transportation. Today piston-powered aircraft of United States manufacture lead the world in use by international air carriers. It is therefore a matter of national concern that this leadership not be lost to foreign manufacturers who are subsidized by their governments.

Up to the present time either the manufacturer of a new aircraft or the airline which purchases it, or both, have had to conduct extensive tests under conditions as nearly identical to scheduled operations as possible in order to determine any mechanical or operational deficiencies in advance of the aircraft's use in scheduled service. These tests have sometimes not fully revealed mechanical and design deficiencies in the aircraft and this has resulted in the loss of many millions of dollars to the airlines and to the industry as well as a great inconvenience to the traveling public. The testing and minor modification of new aircraft which would be done under this proposed program would, to a great extent, eliminate such costs and would provide the airlines with as safe, economical, and dependable an aircraft as it is possible to provide.

Inasmuch as this legislation would expire in 5 years, it will give Congress ample opportunity to see if this limited assistance is going to be adequate or if some larger or smaller measure of participation by the Federal Government is necessary. As has already been suggested, the bill had the unanimous approval of the Senate. It has the unanimous support of our Committee on Interstate and Foreign Commerce. It is brought before the House in the hope that it will receive favorable action by this body.

Mr. BECKWORTH. Mr. Chairman, I have no further requests for time.

The Clerk read as follows:

Be it enacted, etc., That it is hereby declared to be the policy of Congress to promote, in the interest of safety, the national

air-transportation system and the national defense, the development of improved transport aircraft, particularly turbine-powered aircraft, aircraft especially adapted to the economical transportation of cargo, and aircraft suitable for feeder-line operation, by providing for temporary Government assistance in the testing and minor experimental modification of such aircraft, and in the operation of available turbine-powered aircraft in simulated transport service to secure data to aid in the development and manufacture of turbine-powered transport aircraft, and to aid in the adaptation of civil airways, civil airports, and air-safety regulations applicable to civil aircraft to the operation of such aircraft.

SEC. 2. (a) The Secretary of Commerce (hereinafter referred to as the Secretary) is authorized to carry out the purposes of this Act by—

(1) preparing broad operating and general utility characteristics and specifications for all types of such aircraft which he finds are required in the public interest, and which represent potential advances over existing aircraft;

(2) providing for the operation, by contract or otherwise, of available aircraft with turbine-jet or turbine-prop power units under conditions simulating, to the extent practicable, the conditions under which scheduled air transport aircraft operate;

(3) providing, by contract or otherwise, for the testing of such aircraft which, in his opinion, best meet the operating and utility characteristics and specifications established by him in accordance with this section; and

(4) providing for such minor experimental modifications of such aircraft during the testing period which he believes necessary to carry out the testing program in the interests of safety or economy of operation.

(b) In carrying out his functions under this section, the Secretary shall consult from time to time, with interested Government agencies, including the Department of Defense, the Civil Aeronautics Board, and the National Advisory Committee for Aeronautics, and with representatives of the respective segments of the aviation manufacturing industries and of the air transport industry.

SEC. 3. (a) The Secretary is authorized, subject to the civil-service laws and the Classification Act of 1949, as amended, but without regard to any provision of law limiting the number of personnel which may be employed by the Civil Aeronautics Administration, to employ and fix the compensation of such personnel as may be deemed necessary to assist the Secretary in carrying out his functions under this act: *Provided,* That to the extent practicable consistent with other duties nad assignments, the personnel and facilities of existing Government agencies shall be used to carry out the responsibilities stated in this act.

(b) The Secretary, in carrying out the provisions of section 2 of this act, may enter into contracts or other arrangements, or modifications thereof, with or without legal considerations, performance or other bonds, or competitive bidding, and, in carrying out such contracts, arrangements, or modifications thereof, may make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes.

SEC. 4. As used in this act—

(a) The term "aircraft" shall include engines, airframes, propellers, rotors, instruments, accessories, and equipment for such aircraft.

(b) The term "testing" means the operation of an aircraft incident to the procurement of a type certificate for such aircraft, and the operation of an aircraft, whether type certificated or not, in actual or simulated transport service for the purpose of determining the operating and utility characteristics of such aircraft.

(c) The term "minor experimental modifications" means any adjustment or change necessary and incident to carrying out the testing program in the interest of safety or economy of operation but does not include any major factory modification.

SEC. 5. The Secretary shall submit annually to the Congress a report on the progress made in the accomplishment of the purposes of this act, and the amounts of the expenditures made or obligated pursuant thereto, together with such recommendations as to additional legislation relating thereto as he may deem necessary.

SEC. 6. There is hereby authorized to be appropriated to the Department of Commerce not to exceed $12,500,000 to carry out the purposes of this act. When so provided in the appropriation act concerned, such appropriations may remain available until expended.

SEC. 7. This act shall become effective upon enactment, and shall expire 5 years thereafter.

Mr. WIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIER: On page 3, line 7, after the word "representatives" add the following: "of labor groups and".

Mr. BECKWORTH. Mr. Chairman, the amendment is acceptable to the committee.

Mr. WIER. Mr. Chairman, there is a dangerous deficit in cargo planes which must be remedied if we are to be able to conduct a successful airlift to Korea or to other parts of the world. Much valuable information on this deficit was given by the distinguished gentleman from Massachusetts [Mr. KENNEDY] in his address on August 1.

Secretary Forrestal in the spring of 1948 stated the military requirements to be 4,000 C–54 equivalents, and the Defense Department last January stated that the minimum requirements for the initial period of war would be 2,000 C–54 equivalents.

We have nothing like that number on hand now in commercial and military hands.

The deficit of S. 3504 before us today is its preoccupation with simply the testing phase of luxury jet passenger planes to compete with the British and Canadians.

Mr. Chairman, I insert in the RECORD at this point an editorial by the New York Times and a syndicated column by Marquis Childs, showing that the real need is for cargo-plane legislation and that this bill, S. 3504, is not sufficiently defense conscious.

I would like to ask how S. 3504 is going to help build up the enormous deficit in cargo planes?

Is it felt that cargo-plane legislation such as H. R. 448 or a national airlift bill should follow S. 3504?

Mr. Chairman, since defense is being advanced as an argument for this bill, I can see no objection to providing that the planes on which the Government's money is to be spent shall be useful to the military in emergencies. Accordingly I propose the following amendment to S. 3504: Page 2, line 5, add the following:

Such aircraft shall be capable of being readily adapted and used for military purposes.

Mr. Chairman, another defect of S. 3504 as presently written is in ignoring labor. Page 3, lines 7 through 9, specifically directs the Secretary of Commerce to consult with representatives of the "aviation manufacturing industries and of the air transport industries." The Air Line Pilots Association and other labor groups have opposed S. 3504. In order to insure that they be consulted equally with management, I propose the following amendment to S. 3504, page 3, line 7:

After the word "representatives" insert the following: "of labor groups and."

Supplementing my remarks, I include the following:

[From the Parkersburg (W. Va.) Sentinel of July 13, 1950]

"FUSTEST WITH MOSTEST" APPLIES TO KOREAN CRISIS

(By Marquis Childs)

WASHINGTON.—Across the vast watery distance of the Pacific a transport is carrying United States marines to reinforce hard-pressed American units in South Korea. At the very least those marines will be 3 weeks on the water from San Diego.

If that contingent of marines had been moved by air, they would have been in Japan in 3 days. But they could not be moved by air because there was not a sufficient airlift in being. This emphatically underscores one of the most tragic deficiencies of an emergency. This finds so much wanting.

Economy is argued in favor of the slower method of transportation. But when all the costs are added, including the bill for a naval escort to protect the transport from random and unidentified submarines, this argument falls flat. And quite apart from actual cost accounting is the over-all necessity to get there, in that familiar phrase, "fustest with the mostest." The longer the Korean war goes on, the more costly it is and the more likely it is to spread.

The Defense Department is taking some chartered space on the airlines regularly flying to Japan to carry men and materials. But this is nothing in comparison to the need.

Some months ago Maj. Gen. Laurence S. Kuter, head of the Military Air Transport Service, authorized a spot check of foreign and domestic airlines to determine how much transport suitable for military purposes would immediately to available in an emergency. The answer that Kuter's experts came up with was approximately 10 percent.

This estimate was labeled top secret and put under lock and key. One reason may have been that it would furnish such obvious ammunition for those arguing the urgent necessity to create an air merchant marine. Cargo aircraft built with Government subsidies and operating on domestic and foreign routes could be converted almost overnight to military transport.

But this proposal was vigorously opposed by most of the air transport industry. Spokesmen for the industry argued that there was no need for more cargo planes. Through the present system of mail pay, which is opposed by the Hoover Committee on Government Reorganization, the industry gets a generous subsidy—estimated conservatively at $50,000,000 a year. This is presumably, in part, to benefit national defense, although, as the Kuter study showed, the benefit is pretty small.

For nearly 2 years bills to create an air merchant marine have been "kicking around". Senator EDWIN JOHNSON'S Committee on

Interstate and Foreign Commerce. But JOHNSON, who is a master of delaying tactics when powerful friends are involved, never got around to moving any of these air merchant marine bills onto the floor. The nearest to it is a bill providing $12,500,000 for experimentation, most of which would go for development of jet passenger planes.

Chairman Hubert E. Howard, of the Munitions Board, testified last January before JOHNSON'S committee that the No. 1 transportation deficit was in transport aircraft. Asked if he had any recommendations on how to meet the deficit, Howard replied in the negative.

Merely on the question of a study of how to get more air carriers, the Civil Aeronautics Board and the Pentagon "passed the buck" back and forth for months. Both disclaimed responsibility. A compromise was timidly put forward under which the prototype of a low-cost cargo plane would be constructed and put in mothballs. To take such a prototype out of mothballs would require several weeks or months and then operational flying would be bound to show up "bugs" to be corrected.

Two months ago Langdon P. Marvin, Jr., chairman during the war of an interdepartmental air cargo priorities committee, testified that 1,200 large-type transport planes would be necessary to make up the current deficit. He pointed to repeated reports of a Russian submarine fleet five times as large as that of the Nazis in 1940.

In some respects the Berlin airlift was almost too successful. It gave people a feeling that we had what it took to do the job.

But the Berlin lift was only 250 miles long. At the peak of operation 5,000 tons a day were being transported. This war is 6,000 miles away on a narrow and difficult peninsula of the Asiatic mainland. The men who are fighting and dying in that war might be interested in knowing why there is no suitable airlift in being that could bring at least emergency help in a hurry.

[From the New York Times, of July 24, 1950.]

ADEQUATE AIRLIFT URGED—NECESSITY SEEN FOR LEGISLATION TO PROVIDE PROPER WAR TRANSPORT

To the EDITOR of the NEW YORK TIMES:

If you are wondering why the Korean fighting is taking so long, here is one very good reason: This country is badly short of airlift. Our marines are being sent over by boat, taking 3 weeks, instead of by air, taking 3 days. We do not have the cargo planes necessary to carry tanks, bazookas, and artillery. We aren't prepared to make ourselves felt quickly in Korea or in any other place. If the Russians were to make trouble in Europe, we would need a two-ocean airlift, but we don't have it.

If the Russians were to let loose their submarines, we would have to rely on airlift. Remember that the Russians now have a submarine fleet five times as big as that with which Germany started World War II. If the Russians were to seal up our ports with atom bombs, we would have to have airlift. If the Russians were to attack in the Arctic or other areas inaccessible to ships, we would have to have airlift.

In this peace-loving democracy, where our tendency is to let the other country hit the first blow, airlift is especially important to make up for lost time.

The minimum deficit between our present civil and military airlift and what we need for M-day is 5,000,000,000 ton-miles a year. This is translated into 1,200 C–54's, or 200 planes of the yet to be produced much larger freighters.

BILLS INTRODUCED

Legislation to give us this airlift was introduced in January, 1949—the Air Merchant Marine Act—by Representative KENNEDY (H. R. 448) and Senator EDWIN JOHNSON (S. 237). These bills provide for very rapid expansion of the civil airlift in this country. They provide for development and procurement of transport planes suitable for commercial cargo use in peace and readily adaptable for instant military use in war. A fleet of freight planes is both a sword and a plowshare.

The necessity for building up an air merchant marine was pointed out in a New York Times editorial on January 4, 1950, Adequate airlift.

Action on this measure to obtain adequate airlift is, however, blocked by the presence on the Consent Calendar of the Senate of a substitute bill, S. 3504. This bill is sadly deficient. It would spend public money for testing jet plush passenger planes which would take several years to develop, instead of building the cargo planes needed immediately to fly troop supplies to Korea and other trouble spots. It omits labor from the advisory councils of the Government and it denies a role to the nonscheduled airlines. It fails to provide for military use of the planes on which the public money is to be spent. Its main purpose is to outstrip the British in jet transports, a purpose now definitely secondary to defense.

We feel that this is no time to spend $12,500,000 on something of only remote connection with national defense. Jet plush jobs won't lift supplies to Korea. War transport is primarily a business of moving freight—in ratio 100 to 1 over passengers. A cargo plane can be used for both freight and troops—putting troops in bucket seats—but a plush passenger plane can be used only for plush passengers. We feel the Senate should reject this wholly inadequate measure (S. 3504), and insist on really adequate airlift legislation, such as:

ENACTMENT ASKED

1. Enactment of the air merchant marine bills (H. R. 448 and either S. 237 or S. 3507), now bottled up in the Committees on Interstate and Foreign Commerce. While these bills may need some amendments, they are basically sound and they are ready to be used. They provide, first, for putting into circulation immediately a fleet of the best air freighters already developed by our manufacturers for both commercial and military use. Secondly, they provide for future development of prototype planes, including jets and cargo planes that can carry tanks. The air merchant marine bills give labor equal representation with management, provide a role for all airlines, provide cost recovery for the taxpayers. These cargo planes would be available for instant mobilization by the President without making him wait for a declaration of war or a War Powers Act. These bills would carry out the cargo plane recommendations of the President's Air Policy (Finletter) Commission; or,

2. Enactment of a new national airlift bill, as an alternative to (1), in which the divergent interests of different aviation groups could be knit together for the purpose of providing sufficient airlift of all types for defense.

We have already been caught short without adequate airlift, and we do not want to be caught in an even worse jam.

LANGDON P. MARVIN, Jr.,
Former Chairman, Interdepartmental Air Cargo Priorities.
Maj. Gen. HUGH J. KNERR,
Former Inspector General, United States Air Force Committee.
Capt. C. H. SCHILDHAUER,
United States Naval Reserve, founder Naval Air Transport Service.
JOSEPH J. GREFIG,
International Flight Radio Officers, A. F. of L., C. I. O.
JOHN F. BUDD,
Honorary President, Aviation Section, New York Board of Trade.
RICHARD MALKIN,
Managing Editor, Air Transportation, Washington, July 18, 1950.

[From the New York Times of August 6, 1950]

WANTED: CARGO PLANES

There is sound reason for the immediate enactment of the air merchant marine bills now hanging fire in the Senate Committee on Interstate and Foreign Commerce. We have seen in Korea how crippling it can be in an emergency to be short of suitable airplanes for cargo and other logistic purposes. The Berlin airlift constituted a tremendous drain on available transport aircraft, only a handful of which were specifically suited to the carriage of heavy cargo.

The bills now pending may be subject to minor amendment, but, essentially, they would provide a fleet of the best air freighters already developed for both commercial and military use. Of equal, or greater importance is the fact that they provide for the development of prototype planes including jets and cargo aircraft able to carry tanks. Such cargo planes would be available for immediate mobilization by the President without forcing him to wait for a declaration of war or a War Powers Act. The bills carry out the widely acclaimed cargo-plane recommendations made by the President's Air Policy, or Finletter, Commission. They further provide equal representation of labor with management, furnish a role for all airlines, and set up cost-recovery provisions for the taxpayer.

The role of the aircraft industry was well expressed recently by Rear Adm. L. B. Richardson, USN, retired. It is, first, development of advanced models, the best in the world in their classes, to meet the requirements of the armed services. Secondly, it is to supply needed replacements for the Air Force and naval aviation. Thirdly, it is to maintain the ability to produce quantities required in an emergency. The rate of mobilization of our armed services, as Admiral Richardson pointed out, is directly dependent upon the rate of acceleration of aircraft production in types which range from trainers through fighters and bombers to cargo aircraft.

Government financing of prototype aircraft and of sufficient production orders to keep the aircraft industry in a healthy and immediately expandible condition is the principal measure of insurance for adequate defense. We expended and frittered away our air strength after the conclusion of VJ-day. There should be no delay now in putting into effect the wise recommendations both of the Finletter Commission and the Joint Congressional Committee on Air Policy. Adequate airlift has been proved to be a vital factor in the successful application of air power as defense power. The Berlin Airlift, Operation Haylift, and more recently, Operation Stormer on the Atlantic coast, have shown its tremendous potential. It is a factor in security in which we dare not find ourselves with too little and too late.

THE WASHINGTON MERRY-GO-ROUND—U. S. S. R. ENDS KOREAN WEATHER NEWS

[From the Washington Post of August 26, 1950]

(Drew Pearson will be back from his vacation and writing the Washington Merry-Go-Round on Monday.)

(By Fred Blumenthal)

* * * * *

In spite of the lessons of the Berlin airlift, the Air Force was caught short of transport planes at the Korean outbreak. One reason was the opposition of the big airlines and the Civil Aeronautics Board. Exactly 1 month before the Korean invasion the CAB told Congress that "the Board believes the bill relating to the establishment of a Government pool of cargo aircraft is unnecessary and undesirable at the present time."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DEANE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 3504) to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof, pursuant to House Resolution 846, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FINANCIAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a conference report on the bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT OF CIVIL AERONAUTICS ACT OF 1938

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 845 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 450) to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Administrator, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, as the resolution discloses, its purpose is to make in order the consideration of the bill (S. 450) to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Administrator, and for other purposes.

Mr. Speaker, there are no requests for time on this side of the aisle. The distinguished gentleman from New York [Mr. WADSWORTH] advises me that there are no requests for time on that side. Therefore, in the interest of expediting the business of the House, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. BECKWORTH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 450) to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Administrator, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 450, with Mr. BROWN of Georgia in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BECKWORTH. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, it is felt that this bill is necessary to make sure that the Secretary of Commerce has certain authority to delegate authority which he has. In other words, under the terms of this legislation the Secretary of Commerce can delegate to private persons the performance of certain work in connection with his duties incident to carrying on the operation of civil aviation. Also, the Civil Aeronautics Board delegates to the CAA certain jobs of work to do. This legislation would give the CAA Administrator authority to delegate certain authority which is delegated to him by the CAB, to private persons in order that they might help him carry on his work. There are about 8,000 of these so-called private individuals who do certain kinds of work for the Secretary of Commerce and for the Administrator of CAA. For 12 years at least this work has been done in part by private persons. This is not something new. It simply confirms, in a way that cannot be questioned, that authority which has been exercised for some 12 years. If the authority should be successfully challenged, I have been told it would involve a governmental expenditure of anywhere from four to ten millions of dollars.

So there is some money at stake prospectively to be spent if we are not able to pass this legislation. It passed the other body almost 2 years ago. The committee has felt that it should be passed by the House.

The latest figures I have show there are some 3,325 private pilot examiners. There are some 785 commercial pilot examiners, 89 instrument examiners, and 293 mechanic examiners. There are 1,845 medical examiners, and so on, making a total of some 8,000 private persons who do work for the Secretary of Commerce and for the Administrator of CAA.

I did not mention there are some examiners in connection with the maintenance of commercial airlines. That has been the point of controversy which has developed in regard to this legislation. However, it cannot be successfully contended that the CAA does not keep a pretty close touch with governmental personnel on the personnel that is designated by the Secretary of Commerce and the CAA to help the Secretary of Commerce and the Administrator of Aeronautics. As I understand it, today there are about 41 maintenance designees by the Secretary of Commerce. To watch carefully and observe constantly how the 41 carry on their work, there are 65 governmental employees—65 who in addition to other duties make sure that the 41 know that the planes are in proper shape as far as maintenance is concerned.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BECKWORTH. Mr. Chairman, I yield myself three additional minutes.

There are about 109 pilots who are designated by the Secretary of Commerce of the CAA to be sure that the other pilots maintain their efficiency, and the CAA has some 75 governmental employees who constantly check to be sure that the 109 designees are doing proficient jobs of work. It has not been the opinion of the committee that there is any threat to proficiency or efficiency if this kind of legislation is passed. As a matter of fact, we all must concede that the airlines are interested in safety. There might be some exceptions. In the main, however, all the airlines are interested in safety, for when one of these serious air accidents occur, no one can question the fact that the airlines suffer, and aviation in general suffers.

I repeat what I said at the beginning of this statement, that this legislation is for the purpose of definitely giving the Secretary of Commerce and the Administrator of the CAA the right to exercise that authority which, for 12 years already, they have exercised. It is hoped that the legislation will be passed.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. WOLVERTON. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in support of the legislation. This subject has had a great deal of study by the Committee on Interstate and Foreign Commerce. The committee reported the bill to the House unanimously. It has the approval of the departments of Government that would be affected by it. It is necessary, because of the fact that the important work provided for in the bill is being done by the Civil Aeronautics Authority at this time without full legislative authority. It in no way expands the work that is new being done by the Authority. It merely gives legislative authority to do what has been done by it over a period of years. It really comes to us because of a request of the Appropriations Committee, that we provide legislative authority for that which has heretofore been done, and which has been recognized in the appropriation bills that

heretofore have been passed. The Civil Aeronautics Authority has been able to save several millions of dollars each year by the use of its present system. This bill insures the continuation of the same.

By way of further explanation, the purpose of the bill, as amended, is (1) to authorize the Secretary of Commerce to delegate to properly qualified private persons certain functions under the Civil Aeronautics Act; and (2) to authorize the Administrator of Civil Aeronautics to delegate to properly qualified private persons, and to any employee or employees under his supervision, certain functions delegated to him by the Civil Aeronautics Board. The functions which may be delegated in either case are those (1) respecting the examination, inspection, and testing necessary to the issuance of certificates under title VI—dealing with safety regulations—of the Civil Aeronautics Act, and (2) the issuance of such certificates in accordance with standards properly established. Authority is granted to each such official to establish maximum fees which private persons may charge for their services in the exercise of any such delegated authority, and to rescind any delegation so made at any time and for any reason deemed appropriate by the officer delegating the authority.

The bill further provides that persons affected by any action taken by a private person exercising delegated authority may apply to the Secretary or the Administrator, as the case may be, for reconsideration of such action. The Secretary and the Administrator, respectively, are authorized to reconsider any such action by a private person either before or after the action taken by the private person becomes effective. The Secretary and the Administrator, respectively, are also authorized to reverse, change, or modify the action taken by the private person.

The private persons to whom the responsibility for certain inspections will be delegated will be under the direct supervision of the Civil Aeronautics Administration and their work will be constantly subject to review. It has been estimated that their designation will save the Government between four and five million dollars per year. The designation of these private persons will be made by the Secretary or the Administrator subject to safeguards for the protection of the public in that the Secretary and the Administrator are authorized to prescribe the standards which will be used by private persons in exercising their authority and by permitting the Secretary and the Administrator to terminate the authority whenever they deem it advisable.

I hope the bill will have the approval of the House.

Mr. BECKWORTH. Mr. Chairman, I have no further requests for time.

Mr. WOLVERTON. Mr. Chairman, I have no further requests for time.

The Clerk read as follows:

Be it enacted, etc., That title III of the Civil Aeronautics Act of 1938, as amended, is amended by adding thereto two new sections as follows:

"ASSIGNMENT OF WORK, BUSINESS, OR FUNCTIONS

"Assignment to employees

"SEC. 1. The Administrator may assign, subject to such regulations, supervision, and review as the Administrator may prescribe, any of his work, business, or functions under any provision of law (except functions vested in him under this section) and any function delegated to him by the Civil Aeronautics Board or the Secretary of Commerce, to any eligible employee or employees under his supervision for action thereon. The Administrator may at any time amend, modify, supplement, or rescind any such assignment. An employee shall be an eligible employee for purposes of this subsection if he is the Deputy Administrator, the general counsel, a service director, a division or section chief, an agent, or an employee having responsibilities of comparable importance.

"Performance of assignments

"(b) Individuals to whom assignments are so made shall have authority to perform the work, business, or functions assigned to them under this section and for such purpose shall have the jurisdiction and powers conferred by this act upon the Administrator, and be subject to the same duties and obligations. Except as otherwise provided in this section, any action of any such individual or indivduals with respect to any matter assigned to him or them shall have the same force and effect and may be made, evidenced, and enforced in the same manner as if taken by the Administrator.

"Reconsideration by Administrator

"(c) Any person affected by any action taken by any such individual or individuals with respect to any matter assigned to him or them may apply for reconsideration by the Administrator of such action subject to such reasonable limitations as may be established by the Administrator and such application shall be passed upon by the Administrator. The Administrator, upon his own initiative, may reconsider the action of such person or persons either before or after it has become effective. If, upon reconsideration by the Administrator, it shall appear that the action in question is in any respect unjust or unwarranted, the Administrator shall reverse, change, or modify the same accordingly; otherwise the Administrator shall affirm such action: *Provided,* That nothing in this subsection shall be construed as modifying, amending, or repealing any provisions of the Administrative Procedure Act.

"DELEGATION OF POWERS AND DUTIES TO PRIVATE PERSONS

"SEC. 2. In exercising and performing the powers and duties vested in him by this act, the Administrator, subject to such regulations, supervision, and review as the Administrator may prescribe, delegate to properly qualified private persons the function of performing any of such powers and duties respecting (1) the examination, inspection, and testing necessary to the issuance of certificates under title VI of this act, and (2) the issuance of such certificates in accordance with standards established by the Administrator of the Civil Aeronautics Board. The Administrator may establish the maximum fees which such private persons may charge for their services and he may rescind any such delegation at any time and for any reason which he deems appropriate."

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause and insert:

"That title III of the Civil Aeronautics Act of 1938, as amended, is amended by adding thereto a new section as follows:

"'DELEGATION OF POWERS AND DUTIES TO PRIVATE PERSONS

"'SEC. 310. (a) In exercising and performing the powers and duties vested in him by this act, the Secretary may, subject to such regulations, supervision, and review as he may prescribe, delegate to properly qualified private persons the function of performing any of such powers and duties respecting (1) the examination, inspection, and testing necessary to the issuance of certificates under title VI of this act, and (2) the issuance of such certificates in accordance with standards established by the Secretary or the Civil Aeronautics Board. The Secretary may establish the maximum fees which such persons may charge for their services and may rescind any such delegation at any time and for any reason which he deems appropriate.

"'(b) The Administrator may, subject to such regulations, supervision, and review as he may prescribe, delegate to properly qualified private persons and to any employee or employees under his supervision, any work, business, or function delegated to him by the Civil Aeronautics Board respecting (1) the examination, inspection, and testing necessary to the issuance of certificates under title VI of this act, and (2) the issuance of such certificates in accordance with standards established by the Civil Aeronautics Board. The Administrator may establish the maximum fees which such private persons may charge for their services and may rescind any delegation made by him pursuant to this subsection at any time and for any reason which he deems appropriate.

"'(c) Any person affected by any action taken by any private person exercising delegated authority under this section may apply for reconsideration of such action by the Secretary or the Administrator, as the case may be. The Secretary upon his own initiative, with respect to authority granted under subsection (a), or the Administrator upon his own initiative, with respect to the authority granted under subsection (b), may reconsider the action of any private person either before or after it has become effective. If, upon reconsideration by the Secretary or the Administrator, it shall appear that the action in question is in any respect unjust or unwarranted, the Secretary or the Administrator shall reverse, change, or modify the same accordingly; otherwise such action shall be affirmed: *Provided,* That nothing in this subsection shall be construed as modifying, amending, or repealing any provisions of the Administrative Procedure Act.'"

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROWN of Georgia, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill S. 450, pursuant to House Resolution 845, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "An act to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Secretary of Commerce and of the Administrator of Civil Aeronautics, and for other purposes."

A motion to reconsider was laid on the table.

PALISADES DAM AND RESERVOIR PROJECT

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 844, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5506) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Lands, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. WADSWORTH] and 5 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE LATE HONORABLE MARTIN S. CONNER

Mr. COLMER. Mr. Speaker, on behalf of the Mississippi delegation, it is my painful duty to announce the death of a distinguished and beloved Mississippian, former Gov. Martin Sennett Conner, on Saturday night last. "Mike" Conner, as he was known throughout Mississippi, was one of the most distinguished, capable, and efficient statesmen ever produced by the Magnolia State. His name will ever be reflected in the history of that great State as one of the brightest gems of a long list of great statesmen.

In 1916, at the age of 25, he became the youngest speaker ever to preside over the Mississippi House of Representatives. His conduct in that high office was such that the people of Mississippi, recognizing his outstanding ability and statesmanlike qualities, in 1932 honored him by electing him to the position of Governor, the highest honor it could give him. When Governor Conner was inaugurated in 1932, the State was bordering, in that year of depression, on the brink of State bankruptcy. It was unable to pay its teachers and public officials. He immediately instituted the necessary measures through the application of businesslike principles to place the State's finances on a firm and sane basis. He was responsible, during his first year in office as Governor, after a bitter fight, for having the State legislature inaugurate the first State sales tax in the United States, a measure which has since been adopted by a number of other States as a proper method of equalizing the burden of taxation. At the end of his term of office the State of Mississippi had paid its accrued obligations and was on a firm financial basis. Moreover, there was a substantial reserve in the State treasury.

"Mike" Conner was a keen lover of sports and fair play. The Southeastern Conference of Colleges and Universities, recognizing this splendid quality in him, made him its first commissioner of athletics shortly after the expiration of his term as Governor. He served with distinction and ability in this capacity for a number of years and until his failing health forced his resignation.

Governor Conner was born in my congressional district at Hattiesburg on August 31, 1891. He was graduated from the University of Mississippi, School of Liberal Arts, and later from Yale University Law School with honors. Early after reaching his maturity he married one of Mississippi's most intelligent and splendid young women, his boyhood sweetheart, Miss Alma Graham, also, of Seminary, Covington County, Miss. Mrs. Conner and daughter, Lady Rachel, who only a few months ago was married to Mr. R. A. Biggs, Jr., an outstanding young man, survive him. No wife or daughter ever had a more devoted Christian husband and father than they. He was a devout member of the Methodist Church, an active Mason and Shriner. He was my devoted and life-long friend.

"Mike" Conner, like all men in public life, had his political enemies, but friends and enemies alike had one thing in common—they all respected "Mike" Conner. He was, in his own definition, a practical politician. But he was more than that. He was a statesman; and above all else he was a man of principle, integrity, and intellectual honesty. In this day of expediency in the political forum the State and Nation can ill afford to lose men of "Mike" Conner's character. May his exemplary life and high Christian and statesmanlike qualities serve as a shining beacon light to those of us who remain in places of trust in our State and Federal Government. The State of Mississippi and the Nation have lost a truly great statesman.

The Mississippi congressional delegation join the thousands of other Mississippians in extending to his bereaved family our deepest and most sincere sympathy.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Mississippi.

Mr. RANKIN. Mr. Speaker, I join with the other members of the Mississippi delegation in expressing my profound sorrow at the loss of one of Mississippi's most distinguished sons, former Gov. M. S. Conner, whom we all called "Mike."

I have known "Mike" Conner for more than 40 years. He and I were in college together. I can safely say that Mississippi never produced a finer, a more honest, or a more high class gentlemen, and I dare say that State has never had a finer governor than "Mike" Conner. His death is a great loss to the State and to the Nation.

There is one personal remembrance that I have with reference to "Mike" Conner of which I have always been proud. The college student body took a vote, a secret ballot, on individuals of various types. On the list they had the question: What student is most likely to succeed in life?

On that point "Mike" Conner and I tied for the leading place. I said then that it was one of the greatest honors ever bestowed upon me for the student body, with which we had been both associated for years to even think of putting me in a class with that intelligent, patriotic, far-seeing Mississippian who was to render such great services as Speaker of the House of Representatives and as governor of the State in years to come.

We all mourn his untimely passing and extend our heart-felt sympathies to the members of his bereaved family.

God bless his sacred memory. His name will forever live in the annals of that great State which he loved and served so well.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, I join with my colleagues in paying deserved tribute to the memory of a great Mississippi statesman.

Governor Conner was possessed of an intellectual brilliance which outshone that of most men of his time; yet he was tolerant and considerate even of those who held views contrary to his. He was a man of vision—an accomplished and gifted orator—who applied his talents to bettering the conditions of his State and people.

The name of Martin Sennett Conner will be emblazoned across the pages of Mississippi's history in the indelible ink of achievement. It is tragic indeed, that the distinguished career of this imminent statesman should be suddenly and prematurely halted, at an age when many men in public life are just embarking upon their most productive periods. Yet, in his abbreviated career, it must be said that he worked diligently and unselfishly to leave the world better for his having lived in it. "Mike" Conner was a man of deeds as well as ability, whose only ambition was to serve his fellowman; and to that end he sacrificed his health—and ultimately, his life.

It was my privilege, during the last few years of Governor Conner's life, to visit in his home on several occasions, and to become intimately acquainted with his family. I can honestly say that I have never known a family more closely knit together by bonds of mutual understanding and Christian love. Even during the trying and prolonged confinement of his last illness, he retained the

qualities of devotion and understanding that were his responsibilities as a husband and father. He never lost his will to live, and always evidenced his abiding faith in the Christian principles which were his forte in life.

Mississippi mourns the passing of a brilliant and beloved statesman.

Mr. COLMER. Mr. Speaker, I ask unanimous consent that all Members of the Mississippi delegation may extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, in the passing of ex-Governor M. S. Conner, of Mississippi, on Saturday, September 16, 1950, after a lingering illness of several years, the State of Mississippi has lost one of the ablest governors in her history. I counted "Mike" Conner, as he was familiarly known, among my devoted personal friends. I extend to his family my sincerest sympathy in his passing.

"Mike" Conner was well prepared for public service. He was well educated. Shortly after his admission to the bar he was elected a member of the house of representatives of the State of Mississippi. During his first term he was elected speaker. By common consent, he was a splendid presiding officer. He was elected to the house of representatives to succeed himself, and was also reelected speaker of the house. He thus served as speaker of the house of representatives for 8 years from 1916 to 1924. Subsequently, he was elected and served as Governor of Mississippi for the full term of 4 years, from 1932 to 1936.

He had an outstanding record as speaker. His term was marked by constructive service. He was trained in the science of government. He possessed unusual administrative ability. He gave the State faithful and constructive service. His administration as Governor will long be remembered in Mississippi. The people of the State of Mississippi owe "Mike" Conner a debt of gratitude for his honest, capable, and faithful public service as speaker of the house of representatives and as Governor of the State.

PALISADES DAM AND RESERVOIR PROJECT

Mr. SMITH of Virginia. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, this resolution provides for the consideration of the bill (H. R. 5506) authorizing the Palisades Dam and Reservoir project in Idaho. It is a subject that has been under consideration by the Congress for some time and the bill comes to the House with the unanimous approval and recommendation of the Committee on Public Lands, which committee will discuss the merits of the legislation in due time.

Mr. WADSWORTH. Mr. Speaker, on the assumption that this bill will be discussed in the Committee of the Whole, I shall not discuss it at this time, merely state that I have no requests for time on the rule on the part of the minority.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. PETERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5506) to authorize the Palisades Dam and Reservoir project, to authorize the north-side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes.

The motion was agree to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 5506, with Mr. REGAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. PETERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, hearings on this bill were held before the Subcommittee on Irrigation and Reclamation of the Public Lands Committee; in fact, a joint hearing was held between the House and Senate committees. Extensive hearings were held and the bill was reported out, in the first instance, unanimously by the Subcommittee on Irrigation and Reclamation and reported to the full Public Lands Committee, and likewise reported out unanimously.

It had, however, certain provisions that were objected to by the Bureau of the Budget because of some nonreimbursable features. After considerable delay, the matter was submitted to the Bureau of the Budget, the Bureau's views were received, and later the subcommittee met, taking into consideration the amendments that would make the bill acceptable to the Bureau of the Budget. Those amendments were unanimously adopted by the subcommittee and the full Public Lands Committee. We think that the bill now meets the objections that have been raised against it.

This is one of the several vitally important reclamation projects throughout the West, involving maximum use of a multiple-purpose dam. When we speak of multiple-purpose dams, we think primarily of irrigation and land reclamation, but closely associated with that in most cases is hydroelectric power production. Of course, in many projects there are also important but relatively minor purposes such as flood control, fish and wildlife preservation, and the furnishing of recreational facilities. All these are involved in this project. Here, as so often is fortunately the case, a new community can be established, great new wealth with tax-paying power created by the joining of the two great purposes of reclamation of land and power production, combining these two in a working and paying partnership. The project embodied in this legislation is a good example of a sound businesslike national investment. It is a meritorious reclamation project, and I hope the bill will be readily enacted.

Mr. D'EWART. Mr. Chairman, I yield such time as he may desire to the gentleman from Idaho [Mr. SANBORN].

Mr. SANBORN. Mr. Chairman, the bill before you, H. R. 5506, is a bill to reauthorize the Palisades Dam and Reservoir project, to authorize the north side pumping division of the Minidoka project and related works, to provide for disposition of reserved space in American Falls Reservoir, and for other purposes.

These physical undertakings are all related in the solution of long standing and difficult water-use problems affecting 100,000 people on 650,000 acres of farm land and in cities and towns in the Upper Snake River Valley in Idaho. Problems, which arise primarily because of the need for supplemental storage water in the valley, will be solved by the building of the Palisades Reservoir and establishing authority with respect to the use of that reservoir and related existing storage facilities.

PALISADES DAM AND RESERVOIR

The Palisades Dam project was initially authorized in 1941 (H. Doc. No. 457, 77th Cong., 1st sess.), and the Congress has appropriated for preliminary construction work, beginning in fiscal year 1945, $3,470,785 in addition to cost of engineering and investigation. Construction of major units of the project, however, was regarded, as least administratively, as dependent on the curtailment of certain wasteful winter diversions in the valley.

Subsequent to date of initial authorization in 1941, the Bureau of Reclamation undertook a comprehensive study of the water supply and use in the valley and its report on the findings was released in December 1946. Negotiations with the water users as to curtailment of winter water use were begun immediately after release of the report. At the outset the water users raised the question of the disposition of 433,593 acre-feet of reserved space in the existing American Falls Reservoir then under lease to them. The United States proposed that this space continue to be reserved for development of new lands in accordance with plans contemplated when the reservoir was built in 1927. The present lessees of that space, on the other hand, argued that the entire space should be sold to them.

NEW UNDERGROUND WATER SOURCE DEVELOPED

While negotiations for sale of American Falls Reservoir space were going on, the possibility of developing ground water as a source of supply for a substantial portion of the new lands in the Minidoka project was explored. The result was a proven underground water supply for irrigation purposes. This made possible a compromise as to the use of the reserved American Falls space which tentatively allotted 315,000 acre-feet of space to the present lessees, 47,593 acre-feet to the north side pumping division of the Minidoka project, and reserved the remaining 71,000 acre-feet for future development of new lands in the Michaud Flats area near Pocatello, Idaho.

WATER USERS AND BUREAU REACH FULL AGREEMENT

There is now full agreement among all organized groups in the valley and the Bureau of Reclamation on disposition of the reserved American Falls space. The large number of groups involved that have worked hard over an extended period of years to secure mutual agreement on these matters are now restive regarding the long delay in enactment of H. R. 5506, which will confirm the tentative agreements and authorize the construction of the necessary facilities.

NORTH SIDE PUMPING DIVISION AND POWER UNIT AT AMERICAN FALLS DAM

The proposal to develop the north side pumping division of the Minidoka project in a large part with ground water focused attention on the problem of the most suitable source of irrigation pumping power. The conclusion reached was that completion of the 30,000-kilowatt power installation at American Falls Dam was the answer because it is especially adaptable to summer production and would afford a means of realizing a return on the investment initially made in power facilities when the American Falls Dam was built. Accordingly, the bill covers both authorization of the north side pumping division and authorization of the power installation at American Falls Dam.

POWER INSTALLATION AT PALISADES DAM TO BE INCREASED

The Palisades Dam, as now proposed to be built, is essentially the same as that initially authorized in 1941, although it is proposed now to increase the outlet capacity to permit greater flexibility in flood-control operations and, also, to increase the power installation to 112,500 kilowatts.

Instead of reserving a portion of the reservoir capacity exclusively for flood control, as originally contemplated, the operation plan now provides for the joint use, on the basis of runoff forecasts, of the entire 1,200,000 acre-feet of active space for irrigation and flood-control purposes. By operating in this manner, the reservoir will remove for all time the threat of recurrence of the disastrous floods which have often swept through the valley in the past while, at the same time, providing an adequate supply of supplemental irrigation storage water in future dry years.

The annual production of about 400,000,000 kilowatt-hours of salable power at Palisades Dam will be entirely incidental to the operation of the reservoir for irrigation and flood control. The long-standing need for this power in the area has been further accentuated by the current international situation. Palisades power plant is near the new Arco, Idaho, atomic development. Furthermore, the engineering work on the project is far enough advanced so that construction work could be started upon short notice.

SUMMARY

The $94,000,000 worth of physical works to be authorized by H. R. 5506 will provide:

First. An adequate supplemental water supply for 650,00 acres of land now irrigated but not now dependably supplied.

Second. For the development of 77,650 acres of new irrigated lands near Rupert, Idaho, all of which will be available for veterans' settlement.

Third. Protection against recurrence of past flood damages in the upper portion of the valley which are estimated to have averaged about $900,000 annually.

Fourth. A combined installation of 142,500 kilowatts of power-generating capacity at the existing American Falls Dam and at the proposed Palisades Dam.

H. R. 5506 was introduced by me on July 6, 1949. Hearings were held shortly thereafter by the Committee on Public Lands. By its Report No. 1297, dated August 22, 1949, the committee reported favorably thereon with certain amendments and unanimously recommended that the bill do pass. At that time the Department of the Interior submitted a favorable report on the bill, but was unable to advise whether it was in accordance with the program of the President. Since then the Department has received and transmitted to the Committee on Public Lands the comments of the Bureau of the Budget with respect to the proposals contained in H. R. 5506.

The Bureau of the Budget stated that the legislative proposals would be in accord with the President's program only if (1) allocations to fish and wildlife were confined to costs associated with the prevention of damage by reason of the projects; (2) allocations to recreation were limited to the costs of specific facilities in the vicinity of Palisades Dam; (3) the legislation was drafted so that, with respect to the use of the interest component for repayment of irrigation cost, there could be conformity with the policy established after the President's Water Resources Policy Commission has reported; and (4) completion of Palisades Dam is conditional on the execution of satisfactory water savings contracts.

H. R. 5506, AS AMENDED, MEETS BUREAU OF THE BUDGET REQUIREMENTS

The bill as reported by the House committee will meet all the conditions imposed by the Bureau of the Budget. The provisos to sections 1 and 2 eliminate the proposed nonreimbursable allocations by reason of benefits to fish and wildlife, and limit the recreation allocation to the cost of specific recreation facilities in an amount not to exceed $148,000. The third condition stated by budget can be met without further specific amendment and the fourth condition will be met by the provisions of section 4 (a) of the bill.

CONCLUSIONS

In conclusion I wish to emphasize the importance of enacting H. R. 5506 into law during the present session of the Congress, in order to permit the early completion of contracts with the water users' organization for the repayment of their share of construction costs, to insure the proposed saving of irrigation water, and carry out the other agreements reached during several years of negotiation and to permit prompt increase in power available for area by installation of American Falls unit.

Signing of the contracts with the water users, and proceeding with construction of the Palisades Dam, will assure the return to the Federal Treasury of the $4,000,000 investment which the Government now has in these projects in the form of engineering studies and preconstruction work.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. SANBORN. I yield to the gentleman from Mississippi.

Mr. RANKIN. Does this project generate electricity?

Mr. SANBORN. Yes; it will.

Mr. RANKIN. How much?

Mr. SANBORN. One hundred and forty-two thousand five hundred kilowatts.

Mr. RANKIN. That would be a little over a billion and a quarter kilowatt-hours a year, which is almost as much as the people of the State of Idaho used last year. The record shows they used 1,511,402,000 kilowatt-hours of electricity in Idaho last year.

Mr. SANBORN. Yes; I believe so.

Mr. RANKIN. Will that supply all the demand in that immediate area?

Mr. SANBORN. At present it will give them an ample supply. It will give power for pumping irrigation, and have surplus power to sell.

Mr. RANKIN. What provision is to be made for the distribution of this power and for the fixing of the rates?

Mr. SANBORN. That is under the authority of the Bureau of Reclamation. I believe the city of Idaho Falls would like to have quite a block of the power.

Mr. RANKIN. Is this project on the Snake River?

Mr. SANBORN. It is on the upper part of the Snake River.

Mr. RANKIN. This is the last dam, the farthest up the river you propose to go with any of these dams?

Mr. SANBORN. Yes; I believe it is.

Mr. RANKIN. It is the last dam up the Snake River?

Mr. SANBORN. Yes; at the head. The Jackson Lake Reservoir is above this reservoir, but it is already an established reservoir.

Mr. RANKIN. It is already built?

Mr. SANBORN. Yes.

Mr. RANKIN. You have no coal, no oil, and no natural gas in that area?

Mr. SANBORN. That is right.

Mr. RANKIN. So your reliance for electric energy is on the development of the water power on this stream?

Mr. SANBORN. That is right.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. SANBORN. I yield to the gentleman from Arizona.

Mr. MURDOCK. Knowing the great interest of the gentleman from Mississippi [Mr. RANKIN] in supplying rural electric power, are not facilities made available in this project for just that sort of thing, power for the pumping that will be needed on the reclamation project, and also power for other uses in the immediate area?

Mr. SANBORN. Yes.

Mr. RANKIN. It is also to be distributed to the cooperative power associations that serve the farmers of that area; is that correct?

Mr. SANBORN. A large block of it will under present plans go to the city of Idaho Falls, and then the rest will be available wherever they can make use of it.

Mr. RANKIN. According to my figures which I am just running through hastily now, you have enough power for the city of Idaho Falls?

Mr. SANBORN. Yes.

Mr. RANKIN. And at the same time there will be enough for all the farmers within the distribution radius?

Mr. SANBORN. I might say also that the atomic energy site which is being established in Idaho is in this vicinity and any surplus electric power probably can be used in that connection, too.

Mr. RANKIN. Yes, I thank the gentleman.

Mr. PETERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, I am very grateful to the distinguished gentleman from Florida [Mr. PETERSON] for permitting me these few minutes.

On the morning of September 11 there occurred in the State of Ohio a great tragedy. That was the utterly inexcusable train wreck which took the lives of 33 members of the Pennsylvania National Guard who died in that wreck. All of those young men came from my congressional district—all of them from the greater Wilkes-Barre, Pa., area. I can report to you that never in the history of this old colonial valley has there ever been such a day of sadness and of community mourning as there was on Thursday of last week when the special train from the scene of the wreck brought back to their native town the bodies of those 33 young guardsmen. We feel—and I am sure, Mr. Chairman, you concur—that truly those men were killed in action. We feel that on that morning there rose to the throne of the Almighty a new group of golden stars, although they were many thousands of miles away from the scene of action.

I may say, Mr. Chairman, that I flew to the scene of that wreck and arrived there while the bodies were being taken from the wreck. I remained there for 2 days and 2 nights with the officials of the Government, of the Army, and of the railroad. I would like to say this word of tribute to the wonderful, wonderful people in those little Ohio communities of West Lafayette, Coshocton, and the officials in Zanesville. Truly, Mr. Chairman, I saw the heart of America beating during those days. Every man, woman, and child in that area turned out and did everything that human beings could do to help us to aid the injured, to take care of those who were dead, to advise the families and friends in our community back home of what was being done, and to ease the pain and suffering in every way that human beings could do. Our community of the Wyoming Valley are eternally grateful to those fine Americans in our sister State of Ohio. As for the wreck, you have read that for it there was no rhyme, reason, or excuse; and none, I am advised, is being given.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield for a question by an old railroad man?

Mr. FLOOD. I yield.

Mr. WHITE of Idaho. Does the gentleman know anything about the rules and regulations for the protection of rear trains as applied by the great Pennsylvania Railroad?

Mr. FLOOD. Personally, I am not a railroader, and I am not aware of the technical provisions. I may say to my distinguished friend, however, that I am advised that insofar as the standing train itself was concerned the flagman seemed to have been out a proper distance from the rear of the standing train. There seems to be no doubt that the engineer of the onrushing passenger train was solely and entirely responsible for the accident that resulted.

Mr. WHITE of Idaho. Does the gentleman know that in the operation of its railroad the Pennsylvania disregards the general plan of promoting freight crews to be passenger men and that the passenger men are not experienced in the operation of trains other than to take up tickets and be ticket collectors and things of that kind? Does the gentleman know anything about a plan being followed differing from every other railroad in the United States, that east of Pittsburgh the passenger men are not experienced trainmen and do not know anything about the operation of freight trains? Does the gentleman know anything about that?

Mr. FLOOD. I personally, of course, know nothing about that. I am sure that the Pennsylvania Railroad at this moment would be grateful, and so would everybody else, if my distinguished friend would convey that information to the proper Federal authorities.

Mr. WHITE of Idaho. I want the RECORD to show that there is quite a lot of disorder in back of me. The gentleman has shown he knows nothing about his subject.

Mr. FLOOD. We feel, Mr. Chairman, that tragic though this event may be, it must be used as such an example to assure that all troop trains in transit from now on in this Nation receive every full and complete precaution that the ingenuity of man can contrive.

Secondly, Mr. Chairman, no provision was made for these men who died. When they were sworn in to the Federal service as National Guard men they should have been covered by national life insurance, but before applications could have been filed they, of course, were killed.

I introduced on Wednesday of last week legislation which I feel should immediately be considered by the proper committee of this House and passed by the Congress to correct that lack and to grant these men who died, their families and their dependents, the full amount of such insurance as though they had applied and it has been granted.

In addition, I feel that proper legislation should be passed without delay that will grant automatic coverage to anybody who enters the active Armed Forces of this Nation, immediately upon taking oath. So that for a least 60 days they are covered. When they are advised during that time of their rights so far as insurance is concerned then they might be put to an election to determine whether or not they want to continue the insurance or drop it. But, certainly, to permit this condition to exist another day is, if I may be permitted to say in view of what has occurred in Ohio, outrageous and certainly unfair to these men who have had no advantage or no opportunity to take advantage of these rights under the Insurance Act.

Mr. Chairman, the list of men killed in this tragedy follows:

WYOMING VALLEY'S TRAGEDY

At 4:20 p. m. last Sunday, September 10, 1950, a special troop train carrying the One Hundred and Ninth Field Artillery Battalion, Lt. Col. Frank Townend commanding, pulled out of the Lehigh Valley Station, Wilkes-Barre, and headed for Camp Atterbury, Ind., where the Twenty-eighth Division, of which the One Hundred and Ninth is a part, now once more in Federal service, is to train to meet the national emergency.

Leaving 15 minutes late, the cars carrying the battalion were attached at the end of the troop train which originated at Honesdale.

Monday morning at 6:15, the troop train having been stalled due to a broken air line at West Lafayette, near Coshocton, Ohio, it was rammed from the rear by the Pennsylvania Railroad's Spirit of St. Louis, running 30 minutes late and traveling 50 miles an hour at the time, the engineer having ignored all safety signals and failing to apply the brakes until almost in collision.

NO EXPLANATION

Engineer of the "Spirit," William E. Eller, 68, a man with 48 years service on the Pennsylvania and considered one of the line's best, admitted everything, assumed all guilt and could give no explanation.

In the awful carnage which resulted, 33 members of the One Hundred and Ninth Field Artillery Battalion, all from Wyoming Valley, were killed and 60 more were injured.

There never has been a tragedy to compare with it in the history of the Pennsylvania Railroad.

On Thursday, before a hushed throng which choked Central City, the 33 caskets came home, each one—flag-draped—borne on a slowly driven weapons carrier, each with a guard of honor made up of Second Army troops brought in for the occasion. The procession moved to the armory where families claimed the bodies for burial Friday, yesterday, and tomorrow.

Here is the tragic roll:

Pfc. Clyde Harding, 65 West Union Street, Kingston. Buried Friday.

Pfc. Donald C. Zieker, 17 Center Street, Hughestown. Buried Friday.

Capt. Arthur J. Thomas, 79 Price Street, Kingston. Buried Friday.

Warrant Officer William M. Wellington, 122 John Street, Kingston. Buried Friday.

Pfc. Leonard Balonis, 319 Maffet Street, Plains. Buried Friday.

Warrant Officer James F. McGinley, 207 Bennett Street, Exeter. Buried yesterday.

Sgt. Lester J. Kuehn, 24 North Empire Street. Buried yesterday.

Sgt. William C. Edwards, 94 Amherst Avenue. Buried yesterday.

Sgt. Gilbert B. Wharton, 64 North Main Street. Buried yesterday.

Corp. Larry L. Luzenski, 125 Carverton Road, Trucksville. Buried yesterday.

Corp. Carl W. Armbruster, 132 Maffet Street, Plains. Buried yesterday.

Corp. Joseph E. Fletcher, 1287 Scott Street, Miners Mills. Buried yesterday.

Corp. Thomas M. Ostraszewski, 1486 Scott Street, Miners Mill. Buried yesterday.

Corp. Martin Hornlein, 92 South Washington Street. Buried yesterday.

Corp. John L. Barna, 164 Abbott Street, Plains. Buried yesterday.

Pfc. Donald J. Jackson, 943 East Northampton Street, Laurel Run. Buried yesterday.

Sgt. Bernard S. Okrasinski, 40 Brazil Street, Miners Mills. Buried yesterday.

Pfc. Charles Norton, 216 Penn Street, Lee Park. Buried yesterday.

Pfc. Raymond Pudlowski, 19 New Street, Hudson. Buried yesterday.

Pvt. Wallace R. Ludwig, 382 Osceola Avenue, Kingston. Buried yesterday.

Pvt. William F. Tierney, 23 East Jackson Street. Buried yesterday.

Recruit Thomas Wallace, 204 Main Street, Kingston. Buried yesterday.

Pvt. William F. Sobers, 48 Laurel Street, North End. Buried yesterday.

Recruit Richard A. Royer, 313 Bowman Street. Buried yesterday.

Recruit Hugh L. Fargus, 49 Gerard Avenue, Plymouth. Buried yesterday.

Pfc. Harold Handlos, 22 Luzerne Avenue, Larksville. Buried yesterday.

Recruit William J. Dougherty, 185 Nesbitt Street, Larksville. Buried yesterday.

Pfc. Edmund Zabicki, 175 Zerbey Avenue, Edwardsville. Buried yesterday.

Recruit Eugene Carr, 114 Wilson Street, Larksville. Buried yesterday.

Staff Sgt. John W. Cox, 38 McDonald Street, Larksville. Funeral tomorrow.

Pvt. William R. Disbrow, 87 East Northampton Street. Funeral tomorrow.

Recruit Frank Martinez, 40 West Market Street. Body taken yesterday to home of mother, Mrs. Luella Carabello, 810 Fox Street, Bronx, N. Y.

Pfc. Edward W. Gallagher, 581 West Eighth Street, Wyoming. Funeral tomorrow.

(Mr. FLOOD asked and was given permission to revise and extend his remarks and include a list of the men who died in the accident referred to.)

Mr. PETERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE of Idaho. Mr. Chairman, this Palisades Dam on the headwaters of the Snake River is one of the important irrigation and general multiple-purposes dams to be constructed in the State of Idaho.

The construction of this project has been under consideration a long time. The Bureau of Reclamation made extensive examinations, surveys, and determinations a long time ago when Commissioner Page was head of that bureau. The engineers went in to determine a source of supplemental water and storage from the Snake River and decided on a place called Swan Valley to be a proper location for such a dam; however, due to the rock foundation and a faulty substructure that site was determined to be not feasible and for that reason new surveys were made. Eventually it was determined that the Palisades would be the proper place.

This dam to store water, generate power and control floods on the upper Snake River is, as I said, one of the most important projects to be constructed in south Idaho. I was surprised when representatives of the great Union Pacific Railroad told me that of all the States the Union Pacific serves, including California, that railroad got more tonnage and more freight out of Idaho than any State served by the Union Pacific.

Palisades Dam is in the upper reaches of the Snake River and will provide supplemental water for the irrigation districts that are now short of water. I refer to the famous irrigation districts that produce potatoes and farm products of all kinds in Idaho. It will also provide water to irrigate new land in and around Rupert, Idaho, and those other towns north of the Snake River. A great many veterans have located in those towns and in that area, and they have been waiting and expecting water to be put on those lands from the Snake River ever since they got out of the army. When we build the Palisades Dam this water will be made available to enlarge these irrigated areas. It will provide additional water for late-growing crops, such as sugar beets, and for late pasture in those areas where we produce so much butter and cream after the crop season.

The whole Nation has a vital stake in the construction of Palisades Dam. Those great irrigation districts in Idaho which provide so much tonnage to the great Union Pacific Railroad Co. are also some of the best markets that we have for the products manufactured in the industrial East. I wish you could go with me into the railroad yards at Twin Falls or Idaho Falls or Caldwell or any of those towns down river from Palisades and watch the unloading of products from the railroad cars that are produced in the East, such as farm machinery, utensils, almost everything that any modern community uses and needs. All of those products manufactured in the East are sold in these districts and in these communities supported by the irrigation districts in Idaho. So, as I said before, the whole country has a big stake in the further development of the irrigation districts in Idaho and in supplying the water for the dry land, of which there is so much of rich and fertile, semiarid land in Idaho. It will enrich the communities and it will enrich and enlarge the markets; it will provide homes for the veterans; it will do everything that a development of this kind does to increase the welfare and the business and the taxable income, if you please, of the people.

All I want to do in these few minutes that have been graciously accorded me by the chairman of the Public Lands Committee is to call the attention of the people of this country and of the Members of this House to the immense income that will be derived through income taxes from this kind of a development. This is the money that flows into the Treasury to support our Government, and when you are appropriating money for Palisades Dam, money that will be mostly reimbursable to the Government, you are thereby greatly increasing the source of tax revenue, both Federal and local, county and State government. We are expanding the United States; this is a growing country, and this is one of the projects that will increase the development and enlarge our tax revenue to provide funds for the Federal Government, and provide homes for war veterans.

Mr. PETERSON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Palisades Dam and Reservoir project, Idaho, heretofore authorized under the provisions of the Federal reclamation laws by the presentation to the President and the Congress of the report of December 9, 1941 (H. Doc. No. 457, 77th Cong., 1st sess.), by the Secretary of the Interior (herein called the Secretary), is hereby reauthorized under the Federal reclamation laws for construction and operation and maintenance substantially in accordance with that report as supplemented and modified by the Commissioner's supplemental report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949.

SEC. 2. There are hereby authorized for construction and operation and maintenance under the Federal reclamation laws: (a) the north side pumping division of the Minidoka project, this to be substantially in accordance with the Commissioner's report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949; and (b) for the furnishing of electric power for irrigation pumping to that division and for other purposes, power generating and related facilities at American Falls Dam. These generating and related facilities, to the extent the Secretary finds to be proper for pay-out and rate-making purposes, may be accounted for together with other power facilities operated by the Bureau of Reclamation that are interconnected with the American Falls Dam power facilities, excluding any power facilities the net profits of which are governed by subsection I of section 4 of the act of December 5, 1924 (43 Stat. 703).

SEC. 3. The Secretary is hereby authorized to contract, under the Federal reclamation laws, with water users and water users' organizations as to the use for their benefit of the heretofore reserved storage capacity in American Falls Reservoir. Not to exceed 315,000 acre-feet of that capacity shall be made available to those who have heretofore had the use of reserved capacity under lease arrangements between the United States and the American Falls Reservoir District of Idaho, the distribution of this capacity among contractors to be determined by the Secretary after consultation with the interested water users' organizations or their representatives. Of the balance of the reserved capacity, 47,593 acre-feet are hereby set aside for use under contract for the benefit of the lands comprising unit A of the north side pumping division of the Minidoka project, and 71,000 acre-feet are hereby set aside for use under contract for the benefit of those lands in the Michaud area which may hereafter be found to be feasible of development under irrigation. Contracts for the repayment of construction charges in connection with reserved capacity shall be made without regard to the second proviso of the tenth paragraph (Minidoka project, Idaho) under the heading "Bureau of Reclamation" of the act of June 5, 1924 (43 Stat. 390, 417). Such contracts shall require the repayment of all costs determined by the Secretary to be allocable to the reserved capacity, less, in the case of the 315,000 acre-feet of capacity above described, three hundred and sixty-eight four-hundred-and-thirty-fourths of revenues realized, after deduction of what the Secretary determines to be an appropriate share for operation, maintenance, and replacements, from the leasing of that capacity for irrigation purposes up to the time water first becomes available in Palisades Reservoir, and, in the case of the capacity set aside for the north side pumping division, all other revenues realized from or connected with the reserved capacity and which the Secretary determines to be available as a credit against the cost allocable to that division.

SEC. 4. (a) The continuation of construction of Palisades Dam beyond December 31, 1950, or such later controlling date fixed by the Secretary as herein provided, is hereby made contingent on there being a finding by the Secretary by the controlling date that contracts have been entered with various water users' organizations of the upper

Snake River Valley in Idaho that, in his opinion, will provide for an average annual savings of 135,000 acre-feet of winter water. If in the Secretary's judgment the failure of the requisite organizations so to contract by the controlling date at any time, is for reasons beyond the control of those organizations, he may set a new controlling date but not beyond December 31, 1951.

(b) Repayment contracts made in connection with the use of capacity in either American Falls or Palisades Reservoir may include, among other things, such provisions as the Secretary determines to be proper to give effect to recommendations referred to in section 1 of this act, and particularly those concerning the continued effectiveness of the arrangements as to the minimum average annual water savings.

SEC. 5. This act is declared to be a part of the Federal reclamation laws as these are defined in the Reclamation Project Act of 1939 (53 Stat. 1187).

Mr. PETERSON. Mr. Chairman, by direction of the Committee on Public Lands, I offer an amendment.

The Clerk read as follows:

Committee amendment offered by Mr. PETERSON: Strike out all after the enacting clause and insert the following:

"That the Palisades Dam and Reservoir project, Idaho, heretofore authorized under the provisions of the Federal reclamation laws by the presentation of the President and the Congress of the report of December 9, 1941 (H. Doc. No. 457, 77th Cong., 1st sess.), by the Secretary of the Interior (herein called the Secretary), is hereby reauthorized under the Federal reclamation laws for construction and operation and maintenance substantially in accordance with that report as supplemented and modified by the Commissioner's supplemental report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949, and as including, upon approval by the President of a suitable plan therefor, facilities for the improvement of fish and wildlife along the headwaters of the Snake River, such facilities to be administered by the Fish and Wildlife Service: *Provided*, That, notwithstanding recommendations to the contrary contained in said report (a) the Secretary shall reserve not to exceed 55,000 acre-feet of active capacity in Palisades Reservoir for a period ending December 31, 1952, for replacement of Grays Lake storage, but no facilities in connection with the proposed wildlife management area of Grays Lake shall be built and no allocation of construction costs of the Palisades Dam and Reservoir by reason of providing replacement storage to that area shall be made until the development and operation and maintenance of the wildlife management area has been authorized by act of Congress, and (b) the nonreimbursable allocation on account of recreation shall be limited to the costs of specific recreation facilities in an amount not to exceed $148,000.

SEC. 2. There are hereby authorized for construction and operation and maintenance under the Federal reclamation laws: (a) the north side pumping division of the Minidoka project, this to be substantially in accordance with the Commissioner's report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949: *Provided*, That, notwithstanding recommendations to the contrary contained in said report, (1) lease or sale of that portion of the power service system extending from the substations to the pumping plants may be made to any entity on terms and conditions that will permit the United States to continue to provide power and energy to the pumping facilities of the division, and, in the event of lease or sale to a body not entitled to preference in the purchase of power under the Federal reclamation laws, will preserve a reasonable opportunity for subsequent lease or sale to a body that is entitled to such privilege, (2) no allocation of construction costs of the division shall be made on a nonreimbursable basis by reason of wildlife benefits, and (3) there shall be, in lieu of a 40-year period, a basic repayment period of 50 years for repayment, in the manner provided in the recommendations, of the irrigation costs assigned for repayment by the water users; and (b) for the furnishing of electric power for irrigation pumping to that division and for other purposes, power generating and related facilities at American Falls Dam. These generating and related facilities, to the extent the Secretary finds to be proper for pay-out and rate-making purposes, may be accounted for together with other power facilities operated by the Secretary that are interconnected with the American Falls Dam power facilities, excluding any power facilities the net profits of which are governed by subsection I of section 4 of the act of December 5, 1924 (43 Stat. 703).

SEC. 3. The Secretary is hereby authorized to contract, under the Federal reclamation laws, with water users and water users' organizations as to the use for their benefit of the heretofore reserved storage capacity in American Falls Reservoir. Not to exceed 315,000 acre-feet of that capacity shall be made available to those who have heretofore had the use of reserved capacity under lease arrangements between the United States and the American Falls Reservoir district of Idaho, the distribution of this capacity among contractors to be determined by the Secretary after consultation with the interested water users' organizations or their representatives. Of the balance of the reserved capacity, 47,593 acre-feet are hereby set aside for use under contract for the benefit of the lands comprising unit A of the north side pumping division of the Minidoka project, and 71,000 acre-feet are hereby set aside for use under contract for the benefit of those lands in the Michaud area which may hereafter be found to be feasible of development under irrigation. Contracts for the repayment of construction charges in connection with reserved capacity shall be made without regard to the second proviso of the tenth paragraph (Minidoka project, Idaho) under the heading "Bureau of Reclamation" of the act of June 5, 1924 (43 Stat. 390, 417). Such contracts shall require the repayment of all costs determined by the Secretary to be allocable to the reserved capacity, less, in the case of the 315,000 acre-feet of capacity above described, three hundred and eighty-six four-hundred-and-thirty-fourths of the revenues realized, after deduction of what the Secretary determines to be an appropriate share for operation, maintenance, and replacements, from the leasing of that capacity for irrigation purposes up to the time water first becomes available in Palisades Reservoir and, in the case of the capacity set aside for the north side pumping division, all other revenues realized from or connected with the reserved capacity and which the Secretary determines to be available as a credit against the cost allocable to that division.

SEC. 4. (a) The continuation of construction of Palisades Dam beyond December 31, 1951, or such later controlling date fixed by the Secretary as herein provided, is hereby made contingent on there being a finding by the Secretary by the controlling date that contracts have been entered with various water users' organizations of the Upper Snake River Valley in Idaho that, in his opinion, will provide for an average annual savings of 135,000 acre-feet of winter water. If in the Secretary's judgment the failure of the requisite organizations so to contract by the controlling date at any time is for reasons beyond the control of those organizations, he may set a new controlling date but not beyond December 31, 1952.

(b) Repayment contracts made in connection with the use of capacity in either American Falls or Palisades Reservoir may include, among other things, such provisions as the Secretary determines to be proper to give effect to recommendations referred to in section 1 of this act, and particularly those concerning the continued effectiveness of the arrangements as to the minimum average annual water savings.

SEC. 5. This act is declared to be a part of the Federal reclamation laws as these are defined in the Reclamation Project Act of 1939 (53 Stat. 1187).

SEC. 6. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sums of not to exceed $76,601,000 for the Palisades Dam and Reservoir project, Idaho, $11,395,000 for the Minidoka project north side pumping division, Idaho, and $6,600,000 for the American Falls power plant.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. REGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 5506) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, pursuant to House Resolution 844, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GOVERNMENT BY THE MILITARY

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there any objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, even though we are in world war III and assuming that General Marshall is the foremost military expert of our time, his appointment as Secretary of National Defense is unfortunate.

The primary purpose of the Unification Act passed in 1947 and amended in 1949 was to eliminate waste, increase efficiency, force coordination of effort by the Army, Navy and Air Corps.

A secondary purpose was to unify civilian efforts, bring about economically increased production in time of war.

The committee which wrote the original bill, after extended hearings and long and deliberate consideration, in order to prevent one branch of the armed services from exercising undue power and thus creating jealousy on the part of the

others, incorporated in the bill a provision which reads as follows:

There shall be a Secretary of Defense, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate: *Provided*, That a person who has within 10 years been on active duty as a commissioned officer in a Regular component of the armed services shall not be eligible for appointment as Secretary of Defense.

When in 1949 the bill was amended the same provision was retained.

The necessity for the original unification bill was said to be the jealousy, the lack of coordination between the three branches of the armed services, and the waste in procurement which resulted from that jealousy and lack of cooperation.

It is obvious that the primary purpose, that is, the elimination of jealousy, of expensive, if good-natured, rivalry, between the services, will not be lessened—on the contrary, it will continue, be intensified, if an officer from either the Army, the Navy, or the Air Corps is permitted to have over-all control of our military procurement and operations.

It is only natural that one who has been trained, who has spent a large portion of his life, in one branch of the service should unconsciously be biased in favor of the school of thought of the service which has shaped his life and his activities.

General Marshall is an Army man and no matter how fair he may desire to be, when called upon, as he will be, to make decisions which will adversely affect either the Navy or the Air Corps, he will be subject to criticism by those in, or those who are partial to, those branches of the service.

Even the sponsors of this proposed change in the law admitted that the provision of the Unification Act, which prohibited the appointment of a military man as Secretary of Defense, was sound; that the proposed change be made by adopting an amendment which reads:

It is hereby expressed as the sense of the Congress that after General Marshall leaves the Office of Secretary of Defense no additional appointments of military men to that Office shall be approved.

It is inevitable, therefore, that the appointment of a military man tends to defeat the primary purpose of the Unification Act.

The Secretary of National Defense will not only direct the activities of the Armed Forces, but he will have jurisdiction over all civilian activities in time of war through the Munitions Board and the Natural Resources Board.

The Secretary of National Defense will be in a position to control the production, the transportation, in short, all activities of the civilian population.

The founding fathers wisely sought to prevent the ascendancy of a military man to the control of our Government. This they did because they had learned that control by the military meant successive wars, the loss of liberty of the citizen, the establishment of a military government.

Experience since has demonstrated the wisdom of their decision. Wherever, since our independence was obtained, a military man in any country has been given or has exercised supreme authority, the existing government has been overthrown, a military dictatorship established, the people's freedom taken from them.

It is common knowledge that in the Western Hemisphere every successful revolution has been brought about by the ascendancy of the military faction.

Again for the purpose of the argument, conceding General Marshall has extraordinary ability along military lines, it does not follow that his appointment was necessary or wise, for it is not true that he is the only man in this Nation capable of conserving our natural resources, directing and coordinating production for war.

Assuredly, the general's patriotism would make available to a civilian Secretary of National Defense his advice and experience.

Why insert an admittedly bad exception in a good law? Was the purpose to strengthen the hand of Secretary of State Acheson? Or did a fancied political expediency dictate the change? Even the stature of General Marshall, however great it may be, will not successfully hide Secretary of State Acheson.

The appointment of a civilian, as required by the Unification Acts of 1947 and 1949 would have avoided the fear, the danger of the establishment in the republic, of a military government.

TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3357) to prohibit transportation of gambling devices in interstate and foreign commerce, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. BECKWORTH, PRIEST, ROGERS of Florida, WOLVERTON, and DOLLIVER.

PERMITTING THE STATES TO ORGANIZE CERTAIN MILITARY FORCES

Mr. BROOKS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4088) to amend section 61 of the National Defense Act to permit the States to organize military forces, other than as parts of their National Guard units, to serve while the National Guard is in active Federal service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, this is a very important bill. Is there an emergency at the moment?

Mr. BROOKS. There is a real emergency. I may say that my colleague the gentleman from Missouri [Mr. SHORT] will be here in just a moment. This is an emergency measure. The bill simply reenacts the provisions of the National Defense Act which permitted us during the Second World War to let the States proceed with the organization of State militias. We have withdrawn that right, and States like Maryland and others, where the National Guard is being called out and the States are being stripped of their local defense-guard units, have no constitutional right to organize a State guard without the approval of Congress.

Our committee took this matter up this morning as emergency legislation and approved it unanimously. There is no objection. It is very important to get this measure through before adjournment.

Mr. MICHENER. In the all-out mobilization which lies before us it is possible and probable that all National Guard troops will be called into the war. The purpose of this bill is to provide for a home guard.

Mr. BROOKS. The gentleman is correct. We hope there will be no necessity for calling out all the guard units. As a matter of fact, however, some of them have already been called into active service. It is unfair to strip a State of its National Guard without permitting the State to organize some protection in place of the National Guard to maintain local law and order when it is necessary.

Mr. MICHENER. I have been asked to find out what this would cost, if the committee has given any consideration to the expense that will necessarily be entailed if this bill passes.

Mr. BROOKS. This morning I asked the witnesses who were present about the expense. There is no cash outlay under the terms of the bill. There is an obligation on the part of the United States to lend equipment needed for that purpose.

This is for uniforms and the use of armories and rifles and small arms which might be needed for that particular purpose. There is no estimate as to how many small arms will be needed; but in States that are stripped of the guard, there undoubtedly will be some need for some equipment in order to maintain a State guard unit.

Mr. MICHENER. And the Committee on Armed Services is unanimous in asking that this bill be considered at this time?

Mr. BROOKS. That is correct. Our colleague the gentleman from Missouri [Mr. SHORT] is present. He participated this morning in the discussion on this bill. I am sure we will be glad to hear from the gentleman.

Mr. SHORT. This merely is reenacting a measure which the House has heretofore passed. It is similar, if not identical, to the legislation we passed in 1944.

As the gentleman from Michigan will realize, having served in the armed services himself—although that was several years ago—in wartime when the National Guard, which is really a State organization, is federalized and brought into active service, it leaves of course a vacuum back home. This legislation merely provides there shall be set up a defense organization similar to the National Guard to serve at home in order to maintain internal security. The only

difference, as I understand it, and I am sure the gentleman from Louisiana, the chairman of our subcommitee, will correct me if I am in error, between the Senate bill and the House bill is that the House bill provides pay for these home guardsmen whereas under the Senate bill they do it on a voluntary basis without pay.

Of course we are considering the Senate bill, and while the National Guard would prefer the House measure which provides pay, they are perfectly willing under the circumstances, due to the time element, to accept the Senate bill until perhaps they can come in during the next session of Congress when further legislation may be considered. Is that not correct?

Mr. BROOKS. That is correct. Also, another point which has not been discussed is that the bill is limited in its operation to a 2-year period.

Mr. SHORT. Yes, it is limited to 2 years. The members of the home guard cannot be taken in as a unit into the Federal service, but at the same time no one who is eligible to be drafted and who may be serving in the home guard is excused from induction if his country wants him.

Mr. BROOKS. That is correct. The gentleman has made a very excellent statement.

Mr. SHORT. Mr. Speaker, I believe those are the fundamental points involved in the measure.

Mr. MICHENER. Mr. Speaker, I withdraw my reservation of objection. I feel we must be very careful in the closing days of the session in bringing out such far-reaching legislation without previous notice. I consent to this only because it has been stated that an emergency exists.

Mr. SHORT. We did report it out unanimously this morning, and while it may appear to be new legislation, it really is not new legislation. It is really reenacting legislation which we have put into effect in the past.

Mr. MICHENER. In other words it is really war legislation.

Mr. BROOKS. This legislation has been tried and tested by time. It worked well in World War II, and this bill should be passed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 61 of the National Defense Act of June 3, 1916, as amended (32 U. S. C. 194), is amended to read as follows:

"(a) No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act. Nothing contained in this act shall be construed to limit the rights of the States in the use of the National Guard within their respective borders in time of peace or to prevent the organization and maintenance of State police or constabulary.

"(b) Effective for a period of 2 years after the date of enactment of this amendment, and under such regulations as the Secretary may prescribe for the organization, standards of training, instruction, and discipline, the organization by and maintenance within any State of such military forces other than a National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of such State is in active Federal service. Such military forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States. No person shall, by reason of his membership in any unit of any such military forces, be exempted from military service under any Federal law. The Secretary of the Army is authorized, in his discretion and under such regulations as he may prescribe, to use appropriations for the Military Establishment for any expenses of the United States incident to the training of the military forces authorized by this subsection except for pay, subsistence, medical care and treatment, and transportation of members of such military forces between their homes and the places of performance of such training. The Secretary of the Army, in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military forces, to any State, upon requisition of the chief executive thereof, such arms, ammunition, clothing, and equipment as he deems necessary.

"(c) As used in this section, the term 'State' means any State or Territory of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PALISADES DAM AND RESERVOIR

Mr. PETERSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north-side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MICHENER. Mr. Speaker, reserving the right to object, this is the same bill as we passed a short while ago?

Mr. PETERSON. Yes; it is.

Mr. MICHENER. In other words, the Senate has passed the bill?

Mr. PETERSON. Yes; in a little different form.

Mr. MICHENER. And the gentleman intends to amend the bill by striking out all after the enacting clause of the Senate bill and inserting the provisions of the House bill, as passed a few minutes ago?

Mr. PETERSON. Yes, sir.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Palisades Dam and Reservoir project, Idaho, heretofore authorized under the provisions of the Federal reclamation laws by the presentation to the President and the Congress of the report of December 9, 1941 (H. Doc. No. 457, 77th Cong., 1st sess.), by the Secretary of the Interior (herein called the Secretary), is hereby reauthorized under the Federal reclamation laws for construction and operation and maintenance substantially in accordance with that report as supplemented and modified by the Commissioner's supplemental report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949, and as including, upon approval by the President of a suitable plan therefor, facilities for the improvement of fish and wildlife along the headwaters of the Snake River, such facilities to be administered by the Fish and Wildlife Service: *Provided*, That, notwithstanding recommendations to the contrary contained in said report (a) the Secretary shall reserve not to exceed 55,000 acre-feet of active capacity in Palisades Reservoir for a period ending December 31, 1952, for replacement of Grays Lake storage, but no facilities in connection with the proposed wildlife management area at Grays Lake shall be built and no allocation of construction costs of the Palisades Dam and Reservoir by reason of providing replacement storage to that area shall be made until the development and operation and maintenance of the wildlife management area has been authorized by act of Congress, and (b) the nonreimbursable allocation on account of recreation shall be limited to the costs of specific recreation facilities in an amount not to exceed $148,000.

SEC. 2. There are hereby authorized for construction and operation and maintenance under the Federal reclamation laws: (a) the north side pumping division of the Minidoka project, this to be substantially in accordance with the Commissioner's report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949: *Provided*, That, notwithstanding recommendations to the contrary contained in said report, (1) lease or sale of that portion of the power service system extending from the substations to the pumping plants may be made to any entity on terms and conditions that will permit the United States to continue to provide power and energy to the pumping facilities of the division, and, in the event of lease or sale to a body not entitled to preference in the purchase of power under the Federal reclamation laws, will preserve a reasonable opportunity for subsequent lease or sale to a body that is entitled to such privilege, (2) no allocation of construction costs of the division shall be made on a nonreimbursable basis by reason of wildlife benefits, and (3) there shall be, in lieu of a 40-year period, a basic repayment period of 50 years for repayment, in the manner provided in the recommendations of the irrigation costs assigned for repayment by the water users; and (b) for the furnishing of electric power for irrigation pumping to that division and for other purposes, power generating and related facilities at American Falls Dam. These generating and related facilities, to the extent the Secretary finds to be proper for pay-out and rate-making purposes, may be accounted for together with other power facilities operated by the Secretary that are interconnected with the American Falls Dam power facilities, excluding any power facilities the net profits of which are governed by subsection I of section 4 of the act of December 5, 1924 (43 Stat. 703). The authorizations set forth in the preceding sections 1 and 2 shall not extend to the construction of transmission lines, substations, or distribution lines, which facilities shall be constructed only pursuant to specific authorization by Congress.

SEC. 3. The Secretary is hereby authorized to contract, under the Federal reclamation laws, with water users and water users' organizations as to the use for their benefit of the heretofore reserved storage capacity in American Falls Reservoir. Not to exceed 315,000 acre-feet of that capacity shall be made available to those who have heretofore had the use of reserved capacity under lease arrangements between the United States and the American Falls Reservoir district of Idaho, the distribution of this capacity among contractors to be determined

by the Secretary after consultation with the interested water users' organizations or their representatives. Of the balance of the reserved capacity, 47,593 acre-feet are hereby set aside for use under contract for the benefit of the lands comprising unit A of the north side pumping division of the Minidoka project, and 71,000 acre-feet are hereby set aside for use under contract for the benefit of those lands in the Michaud area which may hereafter be found to be feasible of development under irrigation. Contracts for the repayment of construction charges in connection with reserved capacity shall be made without regard to the second proviso of the tenth paragraph (Minidoka project, Idaho) under the heading "Bureau of Reclamation" of the act of June 5, 1924 (43 Stat. 390, 417). Such contracts shall require the repayment of all costs determined by the Secretary to be allocable to the reserved capacity, less, in the case of the 315,000 acre-feet of capacity above described, three hundred and eighty-six four-hundred-and-thirty-fourths of the revenues realized, after deduction of what the Secretary determines to be an appropriate share for operation, maintenance, and replacements, from the leasing of that capacity for irrigation purposes up to the time water first becomes available in Palisades Reservoir and, in the case of the capacity set aside for the north side pumping division, all other revenues realized from or connected with the reserved capacity and which the Secretary determines to be available as a credit against the cost allocable to that division.

SEC. 4. (a) The continuation of construction of Palisades Dam beyond December 31, 1951, or such later controlling date fixed by the Secretary as herein provided, is hereby made contingent on there being a finding by the Secretary by the controlling date that contracts have been entered with various water users' organizations of the Upper Snake River Valley in Idaho that, in his opinion, will provide for an average annual savings of 135,000 acre-feet of winter water. If in the Secretary's judgment the failure of the requisite organizations so to contract by the controlling date at any time is for reasons beyond the control of those rganizations, he may set a new controlling date but not beyond December 31, 1952.

(b) Repayment contracts made in connection with the use of capacity in either American Falls or Palisades Reservoir may include, among other things, such provisions as the Secretary determines to be proper to give effect to recommendations referred to in section 1 of this act, and particularly those concerning the continued effectiveness of the arrangements as to the minimum average annual water savings.

SEC. 5. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sums of not to exceed $76,251,000 for the Palisades Dam and Reservoir project, Idaho, $11,395,000 for the Minidoka project north side pumping division, Idaho, and $6,600,000 for the American Falls power plant.

Mr. PETERSON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETERSON of Florida: Strike out all after the enacting clause of the bill S. 2195, and insert the provisions of H.R. 5506 as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The proceedings whereby the bill H. R. 5506 was passed were vacated, and that bill was laid on the table.

TWO MILLION FEDERAL EMPLOYEES SHOULD BE UTILIZED IN DEFENSE EFFORT BEFORE ADDING TO THE GOVERNMENT PAYROLL

Mr. REES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES. Mr. Speaker, the administration has recently called attention to the need of "tightening our belts" so we can conserve our manpower and resources for the defense effort and the Korean War. That is all well and good, but why not the Government itself set the example and do a little "tightening" of its own.

I think we all agree that in order to win this war and save our country, every effort should be made to conserve manpower, money, and material. It has been suggested by persons in high places that nondefense activities in industry and business be curtailed. Restrictions have been placed on credits, housing construction curtailed, and critical materials will be allocated.

The thing to which I want to call attention is that the Government itself should be the first to set the example. It appears the Government insists on everyone except itself curtailing nondefense activities.

The House has recently passed a huge appropriation bill amounting to more than $17,000,000,000 for defense and the Korean war. This legislation also includes funds for the employment of 200,000 employees to the already swollen Government payroll. This seems to be taken for granted. Apparently it has never occurred to anyone that Congress intended the bulk of this appropriation to go into actual defense, into the sinews of war—equipment and fighting manpower. Are we going to repeat the tragic mistakes all over again by authorizing unnecessary funds for civilian overhead?

The Federal Government today has over 2,000,000 employees. This is three times the number of production employees in the entire automobile industry, three and one-half times the employees in blast furnaces, steelworks and rolling mills, six times the number of employees in the manufacture of furniture.

With all of these 2,000,000 employees as a pool of workers trained in Government procedures and operations, no plan has been advanced for obtaining the necessary employees for our defense from our nondefense activities.

Not a single lesson has been learned from past experience. The mad whirlpool of competition for such employees is on. There is already competition between Government and private industry for trained employees and between agencies within the Government, all of which builds up costs. Meanwhile, qualified and capable employees in nondefense agencies are not utilized to the best advantage.

Government personnel men have told me that operating chiefs of their agencies are unwilling to take employees from other agencies in high grades who have demonstrated ability and long Government service. They want to retain the high grade jobs for promoting their favorite employees. They prefer to get raw recruits and start them at the bottom. Such a policy may have some merit in peacetime, but when we need all resources and all our people to be used to the best advantage, it is an expensive and profligate policy.

Right now the department and agency heads are busy trying to figure out how they can get a cut of the defense spending lest they lose some of their own prestige and influence. They ought to be thinking about what employees they could release for employment in our defense effort. The Interior Department has 65,000 employees. During the war they got along with 38,000. Surely some of these could be better utilized in defense. Agriculture Department with 84,000, Federal Security Agency with 34,000, Housing and Home Finance, 13,000—to name some others whose activities should be curtailed and employees transferred to defense activities.

Within the Defense Department itself, there are over 750,000 employees. Many of these are in activities not related to the present war situation. Before we shake our finger at the public generally for failure to give up luxuries, we had better eliminate some of the "fat" in our own Government operations.

Government agencies had better get away from thinking in terms of additional employees every time they get an appropriation. A much better and healthier thing to do is to reverse this situation and demand that all out effort be made to save everywhere in manpower and money. Allocate employment on the basis of need for prosecution of the war effort. Eliminate all activities not essential for defense. Create a spirit that everyone owes his best in Government employment. If the Government will really "tighten its belt" there will be no need for an additional 200,000 employees in Government agencies as proposed by the administration.

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 25 minutes.

LARGEST PROPAGANDA MACHINE OPERATED BY E. A. RUMELY

Mr. PATMAN. Mr. Speaker, I desire to make some remarks about the largest propaganda machine that has ever been organized in the United States or in any country on earth. The American people learned the value and the art of propaganda preceding and during World War II. Prior to that time propaganda was not recognized as a valuable weapon, but preceding our entry into World War II and during World War II the German people taught us, through their representatives, the value of propaganda.

I want to make some remarks, too, about the person who really started the German propaganda in this country. That same person is in charge of the biggest lobbying organization on earth,

that is spending more money annually for propaganda in the United States than either the Democratic Party or the Republican Party. Therefore, I think it is important that we know something about the person who has charge of the machine that is attempting to mold the opinions of the people and control public sentiment in this country.

I have here on the easel the New York Times for May 8, 1915. You will notice there the following:

Few of the liner's 1,273 victims found.
Sinking of the *Lusitania* is defended by Germany.
President sees need of firm and deliberate action.

Also the head notes:

Hit by three torpedoes, so say several survivors, adding ship was struck on both sides. Seven Americans are saved.

And over on the next page and the next page you will find editorials from the principal newspapers of the United States, denouncing the sinking of the *Lusitania* as murder, and everyone recognized that it was a step in the direction of war against the United States.

That was May 8, 1915.

Preceding that by 1 week, on May 1, 1915, a German submarine fired on and hit with a torpedo a ship called the *Gulflight*, which was American-owned and was flying the American flag. Two members of the crew, both Americans, died as a result of this attack. Then the *Lusitania* sinking came on. At that time negotiations were carried on between the director of this great propaganda machine, who was at that time representing the German Government in the United States, coming here direct from Germany, although born in the United States, to represent the viewpoint of the German people. He was negotiating for the New York Evening Mail, a very fine newspaper that was owned by Henry L. Stoddard.

Mr. Stoddard, in negotiating with this man, had heard that perhaps the German Government was buying this paper. Testimony in a criminal case discloses that when Mr. Stoddard asked this man about it—and his name is E. A. Rumely, who was cited by this House for contempt on August 30—Mr. Stoddard testified:

I asked Dr. Rumely some questions, and he said:
"He gave me his word of honor that no one not a citizen of America was interested with him in this proposition."

So evidently Mr. Stoddard was convinced of that and sold the newspaper; and it was sold to E. A. Rumely; and the money, over a million dollars, was paid by the German Government.

All right; that was just after the *Lusitania* was sunk. The testimony disclosed in Rumely's case later that he admittedly bought that paper for the purpose of slanting the news toward the German side and against the Allies. He admitted that, and all the other witnesses did.

Dr. Heinrich Albert, fiscal agent for the Imperial German Government, clinched the case against Rumely. He admitted that the money did come from the German Government, and he was the representative of the German Government, and he and this Dernberg, another representative of the German Government, made the deal possible.

So from May 21, 1915, that is when the contract of purchase was made, until June 18, 1918, this New York Evening Mail was operated exclusively by E. A. Rumely; and remember, that was 14½ months during the time the United States was in World War II against Germany. So during that time he was running this paper, operating it, slanting the news toward the German side, deceiving the American people because they did not know that the German Government owned that newspaper; and after the war was over, or just about the time it was over, it was discovered—I cannot understand why a charge of treason was not brought against Rumely; I cannot understand it, but instead of that they brought a charge of trading with the enemy under the Trading With the Enemy Act. That trial is the only one in history that I know of that paralleled the trial of the 11 Communists where the lawyers were willing to resort to any method or procedure or technicality in order to slow down or delay or help their case.

It has been said that Rumely was convicted; yes, he was convicted by a jury of 12. The trial judge refused a new trial. It was appealed to the circuit court of appeals and there affirmed; and it was appealed to the Supreme Court of the United States, and again affirmed. Sentenced to the penitentiary, he went to the penitentiary and in about 30 days Mr. Coolidge, who was a good vice president, pardoned him. Now, you know, he pardoned a lot of people during that time, a lot of people. An interesting discussion of this case appears in 293 Fed. 532.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. Briefly. I should like to develop my main theme further and then I will yield to anybody who wants to ask questions.

Mr. HOFFMAN of Michigan. Of course, but this happens to apply right here. I want to ask the gentleman a short question.

Mr. PATMAN. All right; I will answer it.

Mr. HOFFMAN of Michigan. The gentleman said that President Coolidge pardoned a lot of people.

Mr. PATMAN. Yes, sir, he pardoned a lot of people. I never could understand why he pardoned some of them.

Mr. HOFFMAN of Michigan. I think that Mr. Curley, a former Member of this House, was recently pardoned. It would be unfair, I think anyway, to criticize——

Mr. PATMAN. That is entirely different.

Mr. HOFFMAN of Michigan. To criticize the President, Mr. Truman, for pardoning Mr. Curley. The question of granting a pardon rests with the President.

Mr. PATMAN. That is an entirely different case. I will not discuss other cases with the gentleman.

Mr. HOFFMAN of Michigan. All right; now, does not the gentleman from Texas know that the pardon granted Mr. Rumely had the endorsement of Justice Stone? And that the two lawyers who were convicted with Mr. Rumely when they applied for reinstatement to the New York bar, had the endorsement for reinstatement of Justice Cardozo? Does not the gentleman know those things?

Mr. PATMAN. I have no doubt of the endorsements. When a person as important as he is convicted, he can bring in all kinds of support because he had all kinds of money behind him and a lot of influential people.

It is claimed that the lawyers failed to bring out some important facts and by reason of that the pardon was granted. Let us see who his lawyers were. They had the advice of the best lawyers in the world. Among the brilliant array of counsel for Rumely and his two coconspirators, the other defendants, two of them, you will find the name of Max B. Steuer, the outstanding trial attorney of that time, along with another one, Arthur Garfield Hayes. With those two gentlemen, in addition to other attorneys probably equally as well qualified, do you think they would fail to bring out something in a trial when it lasted 30 days? They used all kinds of witnesses. They had so many assignments of error on such technical points that the higher court judges criticized counsel for using such tactics as that, just like they criticized the lawyers in the Communist case. They used every power on earth to delay this trial and did everything they could to get their client cleared. See Two Hundred and Ninety-third Federal Report, page 532. He certainly had lawyers that were capable of bringing to bear every point that could be brought to bear in his favor.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield further?

Mr. PATMAN. I yield to the gentleman.

Mr. HOFFMAN of Michigan. Does not the gentleman know that as a matter of law a pardon wipes out all record of former convictions?

Mr. PATMAN. No; I do not know that.

Mr. HOFFMAN of Michigan. And restores full civil rights.

Mr. PATMAN. Yes; it restores civil rights; but only guilty people are pardoned. People who have been found guilty by a jury, the trial courts, the circuit courts of appeal and the Supreme Court are pardoned, but that does not mean they are not guilty. They just say their rights are restored because they have enough pressure brought to bear to get their rights restored.

Mr. HOFFMAN of Michigan. The gentleman's statement is not accurate. Innocent individuals who were unjustly convicted have been pardoned, such was the case of Mr. Rumely and it was so found by the President. Does not the gentleman know that the courts have held statements such as the gentleman is making here about Mr. Rumely if made outside where he would be not immune would subject him to a suit for libel and slander?

Mr. PATMAN. Oh, no.

Mr. HOFFMAN of Michigan. Does not the gentleman know that? I will

refer to the authorities later in the day and from the well of this House.

Mr. PATMAN. I challenge the gentleman or any Member of this Congress to read the record of the trial of E. A. Rumely and not come to the conclusion that he was guilty of treason.

Mr. HOFFMAN of Michigan. That may be so, I concede that as the record went to the jury, the verdict was justified.

Mr. PATMAN. The gentleman has not read the trial record. I have read it all. You cannot read that testimony, you cannot read those charges and the proof to sustain them, and not come to the conclusion he was a traitor to the United States Government. I challenge the gentleman to read the testimony and the charges, together with the jury's findings and the assignments of error and the court's opinion, and not come to that conclusion.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. HOFFMAN of Michigan. Now, I will concede that on the record as presented to the jury the gentleman is correct and in reply to his challenge that I read the record, I do not propose to do it, because I accept that. But I challenge him to put into the RECORD the subsequent proceedings and the recommendations of Justice Stone and of Justice Cardozo.

Mr. PATMAN. I concede they charged him with the wrong thing. They charged him with dealing with the enemy when he should have been charged with treason, although he was guilty of dealing with the enemy. It is possible when a person is charged with an incidental offense they can make a pretty good claim for clemency. He should have been charged with treason because he was guilty of treason. Imagine a man operating a newspaper in New York City with a large circulation, owned by the German Government, concealing it from the people and the officers of this country in violation of law and running that paper from April 6, 1917, when war was declared by Germany on the United States, until June 18, 1918, 14 months later, all during that time slanting the news for Germany and against the Allies.

Let me read a part of the testimony of Dr. Heinrich Albert, fiscal agent for the Imperial German Government, in that trial. He was questioned by the district attorney:

Question. You did not care about the English side, whether it was represented or not?

Answer. Exactly.

Question. Your idea was that with the Evening Mail in Dr. Rumely's hands the result would be——

Answer. The result would be the representing of the German side, as Dr. Rumely was a man who had studied in Germany and knew the German ways and means.

Question. And you had discovered that from your talks with them?

Answer. And from what Dernberg told me.

Now there it is right from the horse's mouth. You heard them admit that they bought that newspaper for the purpose of disseminating German propaganda against the Allies, trying to slant the minds and the thinking of the American people on the German side.

SINKING OF THE "LUSITANIA"

When did they do it? Right after the *Lusitania* was sunk, which eventually led us into war and which they knew would lead us into war. And, there this person was, E. A. Rumely, deceiving the American people. He even deceived the man he bought the Evening Mail from by telling him that there was nothing to that rumor. And, the jury convicted him on two major counts. They had to find him guilty on counts 4 and 5. He was convicted on the main counts by a jury under our judicial system.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I would like to complete my statement, but I will yield for a question.

Mr. WHITE of Idaho. Well, you would not want the Members of this House of Representatives to think that the English were entirely innocent of propaganda in influencing the American people, would you?

Mr. PATMAN. I am with my country. I am sure the gentleman is with his country too.

Mr. WHITE of Idaho. I certainly am.

Mr. PATMAN. Is he in favor of this German propaganda?

Mr. WHITE of Idaho. I will match the gentleman from Texas at any turn of the road. But, I do not contend that the English were entirely innocent of propaganda and of influencing the course of this Government. And, I want to say to the gentleman that the English found the Achilles heel. And, boy, did they play it and are they playing it today and directing the course of our Government. And, do not make any mistake about that.

Mr. PATMAN. England was our ally in that war, and I do not condone the acts of any German spy trying to mislead and deceive the American people in a war in which English sons and American sons lost their lives.

Mr. WHITE of Idaho. And if the English were doing the same thing they were not spies, and if the Germans were doing it, they are spies.

Mr. PATMAN. The gentleman is talking to himself now.

Mr. WHITE of Idaho. I would like to have the Members of this House and the people of the country hear me talking to myself.

Mr. PATMAN. All right.

August 29, 1950, that was on Tuesday preceding the day E. A. Rumely was cited for contempt, I made a 30-minute talk here on the floor in which I discussed this matter very fully, and I invite the attention of the Members to that statement commencing on page 13784. It is headed "Rumely, the Fascist, attempting to mold public opinion." Now this man who was convicted, who was admittedly a German spy during the war, who was trying to mislead and deceive the people during the war in which we were engaged, is still in business of trying to mold public opinion in this country. He has been spending more money than the Democratic National Committee spent. He is spending more money than the Republican National Committee is spending and, of course, he does not want to tell where that money came from. But, the House in its wisdom cited him for contempt for refusing to disclose this information on Wednesday, August 30, 1950.

In this statement I made the other day I referred to a member of his group in Rhode Island by the name of R. B. Dresser, of Edwards and Angell, Providence, R. I. He is one of the Rumely gang, and he is one that might be considered one of Rumely's revenue racketeers. I want to tell you what I mean when I refer to a Rumely revenue racketeer. We have income tax laws in this country that permit deductions for business expenses, and corporations may also make certain contributions up to a certain percent. Rumely's gang of revenue racketeers have been running to these corporations and saying, "Why pay that into the Treasury? Why, do you not let the Committee for Constitutional Government under the supervision of E. A. Rumely have a large part of that money to fight all these progressive things that are going on?"

The corportion head being convinced that way, lets Rumely have that money and it did not cost him a penny, instead of putting it in the Treasury where it would be used to pay on our deficit and our national debt. It could be paid to Rumely and they would get a tax deduction. So this organizaiton that is spending more money than either the Democratic National Committee or the Republican National Committee is financed primarily by the taxpayers through tax deductions to the extent of millions of dollars a year. That is what they are doing.

So this fellow Dresser came back the other day in a Providence, R. I., paper and said he was proud of being on Rumely's team. He said he was also for this fellow Joseph P. Kamp. He is not turning his back on Kamp and he is not turning his back on E. A. Rumely.

I call your attention to the fact that this fellow Dresser is a big Republican. He has a lot to do with the Republican Party locally and in the State of Rhode Island and in the United States, connected with the national organization. I suggested they should get rid of him. They probably have not turned their backs on him entirely yet, but the local organization evidently does not want him and the State organization does not want him, because since that speech was made he has resigned from both.

Now I suggest that the Republican National Committee, unless they want to be connected up with this largest and most vicious propaganda organization on earth, should get rid of him nationally. I would say the same thing if he was kept in the Democratic organization.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. HOFFMAN of Michigan. Maybe he is just following that precedent set by that gentleman who was an attorney for those racketeers and who was appointed to collect money for the Democrats, and who just the other day resigned from a Democratic committee. How about that?

Mr. PATMAN. I did not know we had anybody of that type collecting money for the Democrats.

Mr. HOFFMAN of Michigan. Then the gentleman does not read the papers. He did not stay long enough, perhaps for the gentleman to learn the fact, I was in error, I guess, he did not resign, it was so hot he refused to accept as I now recall. He was attorney for the racketeers and appeared for them in the crime investigation over in the Senate. After he was appointed or suggested as a member of this Democratic organization, he either quit or refused to accept in order to save embarrassment to the administration.

Mr. PATMAN. I do not care to get into a dispute on personalities. I expect we would find a lot of good people in either party, and also some bad ones.

Mr. HOFFMAN of Michigan. The gentleman has been talking little else than personalities since he began. The gentleman does not contend it is an offense to be a Republican?

Mr. PATMAN. No, not an offense at all.

Mr. HOFFMAN of Michigan. It may be a sign of lack of mentality, but it is not a criminal offense.

Mr. PATMAN. I sometimes do not understand some of them but it is each individual for himself. I have never criticized the position taken by any Member on anything; I have never done that, never have and never will.

Mr. HOFFMAN of Michigan. I can understand how a man who was financially inclined, a man in frantic pursuit of the dollar, or a juicy contract, would not belong to the Republican organization. We have been away from the trough so long it would be really foolish to be a Republican if you were just after the dollar or a lucrative job or contract with the Government.

Mr. PATMAN. This man Dresser said in a Providence, R. I., paper in answer to my criticism that the organization was trying to sneak through an amendment to the Constitution of the United States under article V, which has never been used for that purpose heretofore, but which is brought into power now for that purpose, to sneak through this amendment to the Constitution of the United States which would limit the power to tax by the Federal Government to 25 percent—since then they are advocating only 15 percent—and not have any Federal inheritance or estate taxes at all. He said the reason for that was, "Let the States tax the inheritances and the estates." Of course, if you do that, I do not think we would have to be very smart to know what would happen. A few States will advertise to the wealthy people, "Establish your residence here. We will never have an inheritance tax or an estate tax." A few States will do that. Any other States that have these laws will be compelled to repeal them or lose their wealthy people. It will probably result in the repeal of some of them.

The end result will be that there will be no inheritance taxes, there will be no estate taxes, and the Federal Government will be limited to 25 percent, under the new proposal 15 percent, which means they are trying to do indirectly what they cannot do directly.

This is what the Rumely gang want to do and the Dresser gang. They do not believe in social security, they do not belive in veterans' relief, they do not believe in the improvement of rivers and harbors for navigation, or hydroelectric dams, and things like that. They do not live in veterans' relief, they do not believe in parity prices to farmers.

They do not believe in organizations like the HOLC, which helped 3,000,000 families own their own homes and which saved the homes through the use of Government credit. The Government received every dime back with interest. They do not like organizations which finance homes for families. They know they cannot attack each one of those things and get away with it, but they are trying to make it impossible to have the money available to make the payments which are necessary. They are trying to do indirectly what they do not have the courage to attempt to do directly.

Mr. DEANE. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. DEANE. The gentleman is making a statement which is certainly news to me so far as Mr. Rumely is concerned, because I know outstanding people throughout the country, and in my section, such as ministers and other outstanding citizens, who have made sizable contributions to these organizations, no doubt; but I just wondered if these people know the exact nature of this gentleman and just who he is.

Mr. PATMAN. I doubt that they do.

FEDERAL DEPOSIT INSURANCE CORPORATION

Mr. Speaker, I am inserting herewith, permission having been heretofore obtained for that purpose, two statements—one headed "New York City bank stock prices hit highest level since 1946" published in the American Banker recently and the other on "Bank Profits," which appeared in a newspaper review published by the Federal Reserve Bank of New York.

They are self-explanatory and are as follows:

NEW YORK CITY BANK STOCK PRICES HIT HIGHEST LEVEL SINCE 1946—ESTIMATE MADE OF EFFECT OF PROPOSED REDUCTION IN FDIC ASSESSMENT ON BANK EARNINGS

The lift which Prof. Marcus Nadler's address, at the midwinter trust conference, gave to the bank stocks was continued, and the American Banker index reached 45 on February 15, which is the highest it has been since September 5, 1946.

The fact that the earning outlook for bank stocks is fairly stable, and more stable than may be the case with a number of industrial stocks, has been dramatically brought to the attention of investors by the address of the good professor. The industrial stocks are high at this writing and unquestionably some investors are thinking of taking profits and reinvesting in securities which would hold up better in case of any let-down in business activity. The bank stocks provide an excellent medium for this purpose. We think this sort of switching to bank stocks will increase.

WHAT PROPOSED REDUCTION IN FDIC ASSESSMENT WOULD DO FOR BANK EARNINGS

Kugel, Stone & Co. have sent to their customers an estimate of the effect of the proposed reduction of the FDIC assessment on the leading New York City banks. After pointing out that the Federal deficit will probably result in higher average deposits for 1950 than 1949 the estimate is based on 1949 figures. Two estimates are made of what the proposed reduction would add to the share earnings of the banks, one based on the assumption that 10 percent of assessment income will be spent for administrative expenses, actual losses, etc. The other is based on the assumption that interest income will be sufficient to cover expenditures. On this basis the following per share figures are given:

	Actual payment	Addition to per share N. O. E.	
		Assumption A	Assumption B
Bankers Trust	$0.32	$0.11	$0.12
Brooklyn Trust	2.07	.69	.77
Central Hanover	.98	.33	.36
Chemical Bank	.40	.13	.15
Chase National	.40	.13	.15
Commercial National	.38	.13	.14
First National	4.65	1.56	1.72
Guaranty Trust	1.75	.59	.65
Irving Trust	.16	.05	.06
Manhattan	.33	.11	.12
Manufacturers	.71	.24	.26
J. P. Morgan	2.16	.72	.80
National City Bank (including City Bank Farmers)	.48	.16	.18
New York Trust	.74	.25	.27
Public National [1]	.63	.21	.23

[1] On new capitalization, 605,000 shares.

BANK PROFITS

Net profits of the central reserve New York City banks during the first 6 months of 1950 amounted to $70,800,000, a rise of $8,300,000 or 13.2 percent over the corresponding 6 months of last year, according to the Federal Reserve Bank of New York. In the September issue of its Monthy Review, the bank reports that in New York City banks the dollar gain in profits arose in almost equal proportions from larger operating earnings before income taxes, from security profits and recoveries, and from a reduction in net losses and charge-offs on loans.

The SPEAKER pro tempore (Mr. BONNER). The time of the gentleman from Texas has expired.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that following the other special orders today I may be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS GRANTED

Mr. PATMAN asked and was given permission to address the House for 20 minutes tomorrow and Wednesday, following the legislative program and any special orders heretofore granted.

Mr. HOFFMAN of Michigan asked and was given permission to address the House for 10 minutes today, Tuesday, and Wednesday following the remarks of Mr. PATMAN.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. MACK] is recognized for 15 minutes.

BIPARTISANSHIP IN PEACE OR IN WAR

Mr. MACK of Illinois. Mr. Speaker, with the turbulence of international air at a maximum and with American blood flowing down the rice paddies of Korea, my attention has been centered on the lack of bipartisanship in our Government. Surely it is appalling to the men who are making this sacrifice and who are giving even life itself to the

fight against communistic aggression throughout the world, to see our two political parties at home fighting for political supremacy at any cost. I believe, as these boys must, that it is our obligation and our only salvation to forego selfish partisan interests and insist on true bipartisanship in peace or in war if we are to survive.

In my short lifetime, I have seen partisan politics sabotage the League of Nations and clear the way for World War II. I have seen partisan politics call our boys back home from Europe after World War II with the cry, "The war is over, bring our boys back home," before a peace treaty could be signed and now we have to send the boys back to finish the job. It was readily apparent at the conclusion of the war that we had the arms and strength at the front to demand and obtain a peace on our own terms, but this opportunity was sabotaged by partisan politics and we are today paying for this error in blood.

It is most unfortunate indeed that the people of America, who are in full sympathy and accord with the present American way of life, should be divided into two hostile camps by partisan politics while the forces of evil, chaos, and confusion are united under one banner, fighting together on one front in a well thought out plan to destroy our liberties, our freedoms, and our way of life.

Instead of planning to meet the challenge of communism since World War I, our people were complacently sitting back in their easy chairs trying to figure out how to defeat the party in power. We were too preoccupied with political jockeying to weigh and evaluate the communistic threat which faced us.

When we realize the havoc partisan politics has played in permitting the present chaos throughout the world, it behooves Congress to perform every act bearing on both our foreign and domestic policies through bona fide bipartisan participation. Nothing short of genuine bipartisan policies, shorn of partisan enmity, will permit Congress to enact the legislation that the common people of this Nation demand. We are never going to solve the world's ills while we are blindly divided by ridiculous partisan differences.

How successful would a corporation be if half of the board of directors went to such extremes as our minority party does, in an attempt to embarrass the president of the corporation and prevent the enactment of proposals he had sponsored?

I find it difficult to comprehend how a minority party could feel that it is their responsibility to sabotage the operation of our Government by opposing important legislation when such legislation might give credit to the party in power. In fact, one cannot help but believe that many politicians, in their quest for a campaign issue, would welcome the defeat of the American Armies in Korea, if such would obtain victory for their own party at the polls.

Political differences which are only different in the eyes and minds of partisan politicians, have brought us to the brink of ruin on many occasions. The most recent of these was World War II, which would never have been fought except for extreme partisan politics, which we all know prevented a world organization after the First World War but which people of all parties now agree is the one and only road to permanent peace. Had we joined that organization back in the days of Wilson when all nations were stable and calm and the conditions that now threaten the world were not present, there would have been no World War II or III and peace today would reign supreme throughout the world.

All loyal Americans who want to perpetuate the liberties and freedoms we now enjoy should set aside the fallacy of partisan politics with its imaginary political differences that bring good to no one but the politicians who are seeking to reap the gains of our political spoils system. We Members of Congress should rise above this level and promote true bipartisanship on all issues and work together in harmony for a peaceful world. In this crisis that confronts us today, which is threatening even life itself, all loyal Americans who want to make a success of our democracy should fight together and the people opposed to our way of life should be flying their true colors in another party.

Both of our major parties are filled to the brim with the best America can produce. It, therefore, appears ridiculous for these people to be divided when evil forces that threaten democracy, Christianity, and even civilization itself are gaining ascendency by leaps and bounds throughout the world and are making serious inroads into our own native land.

Far be it from me that I should appear as an alarmist or even that I should give aid and comfort to the pessimist, but in the present state of confusion throughout the world and in view of the threatening conditions in our Nation, it would seem to be childish to refrain from publicly taking cognizance of the encroachment of the many isms that strike at the very heart of our society.

I believe that the turmoil and war that threaten our Nation today might have been avoided by bipartisan action in Congress. I regard partisan politics and the spoils system instrumental in biasedly and prejudicially dividing the people on important bills before Congress, preventing the passage of important and necessary legislation and seriously jeopardizing our foreign policy.

If bipartisan policies were the rule in Congress, instead of the exception, then under such procedure members of both parties would be jointly instrumental in initiating all important legislation, foreign and domestic, and neither could oppose the bills purely from a political standpoint, thus avoiding partisanship in its discussion.

Both political parties are wasting precious time fighting here in the United States over trivial political differences in an effort to gain political advantages for their own party. At the same time the enemies of our way of life, a sample of which I saw at first hand last year during my visit behind the iron curtain in Communist-controlled countries of Europe, are banded together in one solid front to destroy our freedoms and our liberties, as well as our national existence.

Mr. Speaker, if we are to survive the many crises that today confront us we must, instead of being blinded by extreme partisanship, entirely ignore the imaginary differences that fallaciously exist between Republicans and Democrats and work together in peace or in war. I believe, despite the Russian threat, that with a genuine bipartisan policy in Congress peace may be a permanent institution among nations and that our boys need not have to be called periodically to be slain on the battlefield.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Montana [Mr. MANSFIELD] is recognized for 30 minutes.

THE NEW SOCIAL-SECURITY LAW

Mr. MANSFIELD. Mr. Speaker, in my opinion, one of the outstanding achievements of this Eighty-first Congress is the enactment of a law expanding and bringing up to date our social-security system. This law extends security in their old age to 10,000,000 additional Americans as a matter of their earned right, not as a matter of charity or a public dole. It raises social-security benefits to conform with higher costs of living.

I believe that our social-security system should be extended even further, so as to cover all working men and women. But the new law passed by the Eighty-first Congress is a great step forward, and I was glad to cast my vote for it.

In view of the widespread interest in this law I think it will be helpful to set forth the changes in our social-security system which it brings about.

MAJOR CHANGES SUMMARIZED

Summarized in a few sentences, the major changes are—

First, larger benefits. The people of Montana now receiving social-security payments will find that in the checks to be mailed out October 3 their benefits will be, on the average, roughly, 75 percent greater than they have been. For those who will retire after June 1952 benefits will be twice what they are now, on the average.

Second, broader coverage. On January 1, 1951, many Montanans, who up to now have not been covered by social security, will come under the system. For the first time the nonfarm, self-employed persons in business for themselves, such as grocery-store, retail-store, or gas-station owners, will have the opportunity to earn security in their later life under the social-security system.

Third. Easier eligibility: In general, it will take less years of social-security coverage before you are eligible to draw benefits. Specifically, persons who are now 65 or over, and who have had six quarter-years—a year and a half—of social-security coverage can and should apply immediately for benefits. Any retired worker as well as survivors and dependents will be able to earn $50 a month as against the present limit of $15—without losing their benefit payments.

Here, in more detail, are the answers to questions I think will be of most general interest:

HOW MUCH LARGER BENEFITS?

First. How much larger will benefits be under the new law? Benefit increases will go to two main groups of people: (a) those who are currently receiving benefits, or who will begin receiving them before 1952; and (b) those who will reach retirement age after June 1952. These are called new starts. Let me explain more fully how the new bill affects each of these groups.

IMMEDIATE INCREASES AVERAGE SEVENTY-SEVEN AND ONE-HALF PERCENT

There are approximately 30,000 people in the State of Montana who are now receiving social-security benefits. In the checks which they will receive early in October—their September payments—they will find that their payments will be, on the average, 77½ percent greater than they have been up to now.

The table below shows what the increases will be for an insured wage earner without any dependents, and for a married couple:

Retired wage earner without dependents

Now:	*New law*
$10	$20.00
$11	22.00
$12	24.00
$13	26.00
$14	28.00
$15	30.00
$16	31.70
$17	33.20
$18	34.50
$19	35.70
$20	37.00
$21	38.50
$22	40.20
$23	42.20
$24	44.50
$25	46.50
$26	48.30
$27	50.00
$28	51.50
$29	52.80
$30	54.00
$31	55.10
$32	56.20
$33	57.20
$34	58.20
$35	59.20
$36	60.20
$37	61.20
$38	62.20
$39	63.10
$40	64.00
$41	64.90
$42	65.80
$43	66.70
$44	67.60
$45	68.50
$46	68.50

Retired wage earner and wife

Now:	*New law*
$15	30.00
$16.50	33.00
$18	36.00
$19.50	39.00
$21	42.00
$22.50	45.00
$24	47.55
$25.50	49.80
$27	51.75
$28.50	53.55
$30	56.50
$31.50	57.75
$33	60.30
$34.50	63.30
$36	66.75
$37.50	69.75
$39	72.45
$40.50	75.00

Retired wage earner and wife—Continued

Now:	*New law*
$42	$77.25
$43.50	79.20
$45	81.00
$46.50	82.65
$48	84.30
$49.50	85.80
$51	87.30
$52.50	88.80
$54	90.30
$55.50	91.80
$57	93.30
$58.50	94.65
$60	96.00
$61.50	97.35
$63	98.70
$64.50	100.05
$66	101.40
$67.50	102.75
$69	102.75

These same increases apply to anyone who retired before June 1952.

The following table shows the benefits that will appear in the September checks of a widow with two children who is currently receiving benefits:

Widow with 2 children

Present benefit:	*New benefit*
$20	$40
$25	46
$30	53
$35	59
$40	67
$45	76
$50	92
$55	110
$60	117
$65	122
$70	128
$75	133

INCREASES SENT AUTOMATICALLY

You do not have to apply for the increases; they will be sent to you automatically. If, for any reason, the increase fails to show up in your October check, it will show up very soon, in full. Recipients are asked not to start writing in for information because the more letters that have to be answered, the slower the program will be in getting under way.

BENEFITS DOUBLED IN 1952

For anyone who retired after June 1952 a new formula may be used to compute benefits which will yield, roughly, twice the benefits now being received. You can begin to use this new formula just as soon as you have worked for six quarter years—or a full year and a half—under the social-security system after January 1, 1951.

The following table shows, roughly, how much the benefits will be according to this new formula:

Average monthly wage	Single	Married
$50	$25	$38
$100	50	75
$150	58	86
$200	65	98
$250	72	109
$300	80	120

The minimum primary benefit has been raised from $10 to $25 in most cases, and the maximum family benefit has been raised from $85 to $150. These changes are long overdue in bringing our social-security system into line with high living costs.

WHO WILL BE COVERED NOW?

Second. What new people will be covered under the new law? On January 1, 1951, nearly 10,000,000 people in the Nation as a whole will come under the social-security system for the first time.

THE NONFARM SELF-EMPLOYED

The largest and most important group to come under the system are the nonfarm self-employed. For the first time the druggist, the grocer, the gas-station owner, and thousands of other persons who are in business for themselves can look forward to security in their later years as an earned right, to which they have contributed during their working lifetime.

Farmers are still not included under social security; nor are many professional people, such as doctors and lawyers.

ELIGIBLE FOR BENEFITS MUCH SOONER

At this point, I should emphasize, for the benefit of these businessmen, as well as all those who will come under the social-security system now, it will be much easier for you to become eligible for benefits under the new law. If you are 62 or over on January 1, 1951, and begin your social-security coverage on that date, you will need to work only a year and a half under the system in order to be fully insured and eligible for benefit payments upon retirement. That means that you will begin to draw benefits just as soon as you reach the retirement age of 65.

AGRICULTURAL WORKERS

Agricultural workers will come under the social security program on January 1. This includes not only persons who regularly work on farms, but also the so-called borderline agricultural workers—those who work, say, in raising livestock or fur animals; or in processing or delivering crops to storage or to market; or those engaged in household work on a farm. Employees of commercial handlers of fruits and vegetables are included in this borderline group, as are employees of farmer cooperatives.

Those who regularly work on farms must work for one farm operator for 3 months before their social-security coverage even begins. After that, they must work for him for 60 full days and earn $50 in cash during each 3-month period. If they change employers, they must work regularly for 3 months before their work with the new employer begins to count for social security.

DOMESTIC WORKERS

Domestic workers in nonfarm homes will join the system next January, provided they work 24 days for one employer and receive cash wages of at least $50 during each quarter year.

VOLUNTARY COVERAGE FOR STATE AND LOCAL EMPLOYEES

With regard to the inclusion of employees of the State, and of cities, towns or counties, this is the situation; sometime after January 1, the State of Montana may, if it wishes, enter into an agreement with the Federal Government. That agreement will set forth specifically which groups of employees of the State, or of cities, towns, or counties will be covered under social security. Any State or local employee who is covered by an existing retirement system cannot be included in such an agreement. In this way existing retirement systems will be

fully protected. If any group of State or local employees is included in the agreement, then social-security coverage for all members of the group will be automatic.

Employees of the Federal Government in Montana who are not presently covered by a Federal retirement system, will be included under social security.

EMPLOYEES OF NONPROFIT INSTITUTIONS

Employees of nonprofit institutions (hospitals, churches, schools, and the like) will be covered only if the employer agrees to pay his share of the tax contribution and if two-thirds or more of the employees favor social-security coverage.

Ministers and members of religious orders will continue to be excluded.

SALESMEN AND TRUCK DRIVERS INCLUDED

The new bill will also include all full-time life-insurance salesmen, certain full-time traveling salesmen (other than house-to-house), many delivery-truck drivers, and home industrial workers who satisfy certain conditions.

HOW LONG TO QUALIFY?

Third. How long will you have to work under social security before you can start drawing benefits?

One of the greatest advantages of the new social-security law is that although the retirement age is still 65, in the future you will not have to work under the social-security system nearly as long before you are fully insured and eligible to draw benefits upon reaching the retirement age of 65.

The following table shows how many quarter years of coverage under social security you will have to have under the new law, as compared with the present law. Simply look at the figure next to your age on January 1, 1951.

Quarter years of coverage required to be fully insured

Age reached in first half of 1951	Present law	New law
76 or over	6	6
75	8	6
74	10	6
73	12	6
72	14	6
71	16	6
70	18	6
69	20	6
68	22	6
67	24	6
66	26	6
65	28	6
64	30	6
63	32	6
62	34	6
61	36	8
60	38	10
59	40	12
58	40	14
57	40	16
56	40	18
55	40	20
50	40	30
45 or under	40	40

All of the time you have worked under social security up to now still counts toward meeting your coverage requirement.

This change means three main things.

MANY AGED 65 CAN GET BENEFITS IMMEDIATELY

First, any insured worker who is now 65 or over, and who has had six quarter years—or a full year and half—of social-security coverage, can draw benefits immediately. He should apply for them at the nearest Social Security Administration field office.

Second, any worker who is 62 or over on January 1, 1951, even if he only starts his social-security coverage next year, will be eligible to begin drawing benefits just as soon as he reaches the retirement age of 65, or if he has had six quarter years—a year and a half—of coverage.

ELIGIBILITY MUCH EASIER FOR THE NEWLY COVERED

Third, and most important to the thousands who will become eligible to join the social-security system next year, it will be possible for them to begin drawing benefits upon retirement—at age 65—with much less social security coverage than now. The table above shows the tremendous improvements brought about by this law.

BENEFITS FOR SURVIVORS AND DEPENDENTS

The fourth main question of general interest is: How much will dependents and survivors receive under the new law?

The primary benefit is the basic payment made to an insured wage earner who has no dependents. Generally speaking, dependents and survivors will receive the same part of the primary as at present. This means that their benefits will also be about 75 percent higher than at present, up until 1952, and double the present levels after that.

The major changes in dependents' and survivors' benefits are:

(a) A retired worker's wife who is under 65 can receive benefits if she has a child in her care.

(b) The benefit for a dependent parent has been raised to three-quarters of the "primary" benefit of the wage earner (it has been one-half).

(c) Lump-sum death payments, though reduced to three times the primary benefit of the wage earner, are now payable to the family of every insured worker. Formerly, these payments were made only when no other member of the family was entitled to survivors' benefits at the time of the wage earner's death.

(d) Retired workers, survivors, or dependents may now earn $50 a month—as against $14.99 under the present law—without losing their benefit privileges.

Another major improvement is the provision allowing war veterans an arbitrary wage credit of $160 per month for all the time spent in the service. This provision will be of direct benefit to thousands of Montana veterans.

The adoption of the Knowland amendment in this legislation was, in my opinion, uncalled for and unnecessary. It is also unfortunate that the provision contained in the original House bill for permanently or totally disabled persons was cut out by the Senate.

Further information and details will be supplied by the local offices of the Social Security Board throughout Montana.

SPECIAL ORDER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN of Michigan. Mr. Speaker, the gentleman from Texas [Mr. PATMAN] asked for 15 minutes, I think it was, additional time, and then I secured time to follow that. If the gentleman cares to conclude his remarks before I proceed, it is all right with me.

Mr. PATMAN. The gentleman can go ahead and use his own time. I do not know that I shall use any more.

Mr. HOFFMAN of Michigan. There being no other special orders following me, I ask unanimous consent to proceed for a little while longer.

The SPEAKER pro tempore. The Chair may state to the gentleman from Michigan that the gentleman from Illinois has 20 minutes at the conclusion of the gentleman's special order.

RUMELY AND THE HOUSE COMMITTEE ON LOBBYING

Mr. HOFFMAN of Michigan. Mr. Speaker, the gentleman from Texas [Mr. PATMAN] in my humble judgment has a peculiar idea about the financing of propaganda put out by the organization headed by Mr. Rumely. He seems to think that because certain corporations or individuals contribute to that organization and, as the law permits, deduct from their income reports the amount of their contribution, that therefore the taxpayers are paying the check. Well, of course, that is true; but it is equally true, then, that every contribution made to a religious or educational organization and deductible under the law is made at the expense of the taxpayer, because he says—and correctly—otherwise the one making the contribution would have a larger income tax to pay because the donor's net income would have been larger. We might just as well agree that if one did not eat so much his tax would be higher—therefore for the good of the Government we should not eat.

Just why the gentleman from Texas [Mr. PATMAN] is concerned about the activities of the Committee for Constitutional Government I have been unable to discover, unless it be that in Texas that organization through its propaganda, through its lobby, in favor of constitutional government against the New Deal, and I might interject there the statement that not all lobbying is either improper or illegal—is making some headway.

I have noticed that the CIO Political Action Committee seems to have been in on the ground floor of the activities of the House Committee on Lobbying. I get that information because I learned from the publications of the CIO made about the time the investigations were held or about to be held that they had a list of the corporations and information from the corporations, of which inquiries had been made by the staff or some of the staff of the House Lobbying Committee; that is to say, apparently the CIO—and the A. F. of L, too—were advised of the line of procedure and what had been uncovered by the committee's investigators before even Members of the House who were not on the committee and some who were knew anything about the contents of these files.

I have noticed that both of those organizations are now using that material for campaign purposes. So apparently some of the staff of the House Committee

on Lobbying have been acting as agents for the CIO political organization making investigations, uncovering records, getting information which will be of advantage to the CIO and the A. F. of L. in their campaign against Republicans in the coming election. They pointed out, in their publications, not once but several times—I think last week was the latest in an A. F. of L. publication—that the New Deal should be supported. There was a statement in the A. F. of L. publication that voters receiving copies of The Road Ahead or the Reader's Digest condensation of The Road Ahead, receiving copies of The Constitution as published by Norton, and one or two other books, should beware of the contents of those publications that were being sent out, some of them at the expense of this Committee for Constitutional Government, because they were sent out by the Committee for Constitutional Government. It is a strange attitude to take, at least it seems so to me, to judge a publication or a philosophy by the character of the individual or organization which sends it out. The gentleman from Texas and the staff of the House Lobbying Committee seem to be functioning as agents of the Democratic National Committee.

I ran into the same thing back in 1942 when I objected on the floor of the House to the theory that the United States should join a one-world organization, haul down the Stars and Stripes, and over it fly or in place of it, in lieu of it, run up the flag of an international organization. Right away I was hailed down before a grand jury several times. When I got down there my argument was that I should be judged by the contents of my speech, not by the character of those who sent it out. It matters not whether the gospel hymns, the Lord's Prayer, the Episcopal prayer book, or the Bible is sent out by an organization of thieves or by Christians. Or does it? The point is, Is the argument put out, is the propaganda put out, disloyal or unpatriotic? Who cares who sends it out if there is nothing disloyal in it? If the argument of the gentleman from Texas [Mr. PATMAN] be followed then two or three radio commentators should be taken off the air for they are notorious liars.

So it would seem that the Committee on Lobbying, it would seem that the gentleman from Texas should find fault, if it or he desires to find fault, although, of course, it is his privilege and the privilege of the committee to do as he or it pleases, he and the committee should direct the argument against the propaganda sent out by Joe Kamp or by Rumely or by Hart. I never met Mr. Rumely, so far as I know I never saw the gentleman until a week or two ago when he was here in this building after he was a witness for the committee.

Joe Kamp I have known for years. I have never known anything about Joe Kamp that was reprehensible. I know he is charged with being anti-Semitic. He denies that. He has always been what I would describe as a patriotic fanatic. He has always been preaching against the Communists. At times he has been bitter against the fallacies of the New Deal. He is stubborn, like many others. Joe Kamp was advised when he refused to testify, when he was hailed before the Committee on Election Expenses headed by Congressman ANDERSON, later Secretary, now a member of the other body, when he was hailed before that body, which was then charged by Joe Kamp to be under the direction of and following the advice of the Communist John Abt, to comply with the committee's demand. Congressman BROWN was on that committee, as were Congressmen ANDRESEN and CHURCH. That is the committee which cited Joe Kamp for contempt because he then refused, as of today, he refused to name those who contribute to his organization.

At that time Kamp charged that the committee was being directed, its activities were being channeled, by Abt. His statement made then that Abt was a Communist was ridiculed and disregarded, but today we know that John Abt was then a Communist, that he used the committee just as today we know, though we did not know then, that Lee Pressman, according to his own statement, was a Communist and that he and his associate, Nathan Witt, were then on the payroll of the executive department, just as later were Hiss and others.

Now, as its counsel this Lobbying Committee had a man, Louis Little. When his record as an attorney and bondsman for underworld characters in Pittsburgh was exposed on the floor by your humble servant, he immediately either resigned or was fired. The committee was imposed upon.

Its staff has been engaged in getting together propaganda for the use of the CIO and AFL political action committees in favor of the New Deal, against its critics in the coming campaign. And doing it with the taxpayers' money.

Yes, the committee staff is even now and for some time has been engaged in writing a report to be used in the fall campaign to put over the New Deal candidates—and that report has been plugged over the radio time and again by the political broadcasts of New Deal and labor spokesmen.

Kamp, the gentleman from Texas will remember, was offered probation by the judge who sentenced him for contempt, and Kamp refused to accept probation because he said it might be construed as an admission that he was guilty of some offense. He was willing to go to jail rather than surrender his convictions—become a political "yes man." Of course, he was guilty of contempt because he refused to answer; a verdict was rendered against him for a technical offense by a jury. He did not deny that he refused to testify, and he went to jail. Would the gentleman from Texas do as much for his convictions? I personally think he went to jail because he wanted to go to jail. He wanted to be a martyr. Some folks want to be martyrs; I do not.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to proceed for ten additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. The gentleman from Texas [Mr. PATMAN], who sits here before me, criticizes, by inference at least those individuals and those corporations who have contributed to the Committee for Constitutional Government. Now I will ask the gentleman: He was here, I was here, there are other Members present today who were here when we had certain chain store legislation before the Congress. Now, as I recall from the well of the House in answer to my questions, the gentleman from Texas [Mr. PATMAN] admitted—and there was no implication of guilt in his admission, because it was no offense—that he himself had accepted compensation—honorarium, I think they call it, when it gets to a Congressman—for speaking either for or against. I have forgotten which side he was on.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Texas.

Mr. PATMAN. The gentleman will recall that the Robinson-Patman Act was passed June 15, 1936. There was a law in which there was a great interest. I did go over the country explaining that law, and from the questions asked from the floor—I yielded to questions every place I went, 18 different places, which were taken down in shorthand, and also recorded—a book was written on the Robinson-Patman Act. I thought I rendered a great service in doing that, and I certainly have no apology to make, because it was an honorable service and I was proud to do it.

Mr. HOFFMAN of Michigan. And I have no criticism to make of the gentleman. I am only asking, Did not the gentleman from the floor, in answer to my questions, acknowledge that he received compensation?

Mr. PATMAN. There is no secret of that. It was admitted; it was acknowledged in the newspapers and printed in the newspapers before the speeches were made.

Mr. HOFFMAN of Michigan. Certainly.

Mr. PATMAN. It was published in the newspapers.

Mr. HOFFMAN of Michigan. And there was no criticism of that.

Mr. PATMAN. Everything was aboveboard. I felt I rendered a great public service to a lot of people who were in confusion about the law. The business people appreciated my efforts to clarify a very important law.

Mr. HOFFMAN of Michigan. That is right, a valuable service, a very valuable service. And it was propaganda, was it not?

Mr. PATMAN. No; it was not propaganda.

Mr. HOFFMAN of Michigan. It was lobbying, was it not?

Mr. PATMAN. No, it was not lobbying. The law had already passed. Had I done that before the law had been passed, to propagandize for it, I would have been subject to criticism, but I did not do that. That was a case where the law was already on the statute books.

Mr. HOFFMAN of Michigan. That is not my recollection. My understanding was that the gentleman spoke in favor of the act before it was law as well as

afterward. If I am in error I stand corrected. I cannot follow the gentleman's reasoning, because if he believed in the enactment of the law I know of no reason why he should not have gone out and propagandized all over the country. I certainly do that very thing, although the difference is that I do not get paid for it. I am foolish enough, silly enough, and enthusiastic enough to whoop it up in favor of a thing in which I believe whether I am paid or whether I am not paid.

The gentleman, as I recall—if I am mistaken, he may correct me—left out of the RECORD the speech where he answered the questions I asked with reference to his compensation. Am I wrong.

Mr. PATMAN. I never heard of that before in my life.

Mr. HOFFMAN of Michigan. Oh, he did not?

Mr. PATMAN. Why ask me the question when it was published in the newspapers at the time I offered to make this trip? Everybody knew what it was for. There was no secret about it.

Mr. HOFFMAN of Michigan. My only point in making that statement is this, that I can see nothing wrong in patriotic citizens' contributing to any organization putting out material which does not contain anything which is illegal or improper. What I mean is that inasmuch as the Constitution guarantees the right of free speech, a free press, the right to petition, it is your right and my right to contribute to any individual or any organization which is expressing our views, and that it does not concern this Congress as to who pays for propaganda, for proper lobbying, for lobbying which is not illegal, which is merely the exercise of the right of free speech, as long as there is nothing illegal or improper in the views which are put out as propaganda.

Mr. WHITE of California. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. WHITE of California. Does not the gentleman realize that the gentleman from Texas has never advocated that Mr. Kamp and his people be stopped from putting out this propaganda? He merely wants it known where it came from, just as in the case of the legislation we passed on the Communists recently. Let us have them labeled. The gentleman knows that democracy has two enemies instead of one. It has fascism and communism as enemies to face. It seems to me the gentleman from Texas is merely trying to protect us from fascism just as this House tried to protect us from communism recently.

Mr. HOFFMAN of Michigan. If I understand the argument of the gentleman from Texas, it is that Rumely should be stopped from putting out this propaganda. That is my understanding.

Mr. PATMAN. No. I do not object to him putting out any propaganda so long as it is known who is putting up the money, just as if the people had known who owned the New York Evening Mail they probably would not have paid any attention to it. The facts should be known as to who is doing it. Let the people be the judge.

Mr. HOFFMAN of Michigan. Maybe I am mistaken in that the gentleman is not trying to stop this propaganda.

Mr. PATMAN. That is right.

Mr. HOFFMAN of Michigan. But that is not the understanding most people have.

The gentleman referred to Mr. Rumely as a convict. I am going to read this statement put out by the Committee for Constitutional Government, which bears upon this particular question. I read:

To all publishers, editors, columnists, radio-station owners, and commentators:

Herewith for your editorial information and your reference files—

1. BACKGROUND MATERIAL ON REFUSAL TO SURRENDER NAMES OF CONTRIBUTORS

Edward A. Rumely, as executive secretary of the Committee for Constitutional Government, Inc., in resisting what we believe to be an unconstitutional and unwarranted invasion of every citizen's right of privacy under the Bill of Rights, is acting as custodian and under direction of this committee's officers and trustees. His refusal has their full approval and support. They hope by carrying this case to the highest court, if that is necessary, to establish a precedent good as long as our constitutional government endures.

We believe this file will prove useful and important to editors and all others receiving it.

Accompanying exhibits

1. "Your Right of Privacy," statements by Dr. Rumely and Mr. Gannett.

2. Letter to Chairman ANDERSON, a legal analysis by Mr. Pettengill.

3. Booklet history of Committee for Constitutional Government, under separate cover. See pages 14–15, reprinted on reverse side of this sheet, for accurate brief statement of facts often distorted into gross libels upon Dr. Rumely.

4. Editorial from Washington Star on reverse side.

5. Statement to be released when Dr. Rumely is arraigned in Washington on Friday, October 20, and pleads not guilty.

II. WARNING OF LIBEL

Some publishers, editors, columnists, radio stations and commentators have fallen into the habit of repeating, inadvertently or maliciously, gross libels against Dr. Edward A. Rumely, and incidentally creating unjustified and damaging prejudice against the Committee for Constitutional Government.

The facts

Edward A. Rumely never was indicted as, nor was he ever convicted of being, a German agent, nor of other of the many defamatory charges loosely disseminated.

He was tried, together with two attorneys, law partners, of the well-known jurist Arthur Garfield Hays, for allegedly making a false report under the Trading With the Enemy Act in World War I. All three were convicted—by jurors, five of whom later admitted that "it was our disposition to give to the Government" (not to the accused) "the benefit of whatever doubt existed."

Suffice it to say, that within 3 weeks after the conviction, 11 of the 12 jurors recommended that their verdict be set aside by Executive clemency. And when evidence suppressed at the trial was made available, 11 of the jurors signed the petition for Dr. Rumely's unconditional pardon. A majority signed a statement saying that had they before them the evidence which was withheld, they would not have voted as they did, for conviction.

President Calvin Coolidge granted the pardon, with full restoration of citizenship, on the ground that there had been a miscarriage of justice and that the convicted men were innocent. The sentence served was one month in the Westchester (N. Y.) County Penitentiary.

Dr. Rumely was informed, and no proof that he had knowledge to the contrary was ever produced, that the funds which he borrowed to finance, in part, his purchase of the New York Evening Mail in 1915, were those of private individuals. He was informed it was the capital of Herman Sielcken, an American citizen residing at Baden-Baden, but transmitted 2 years before the United States entered the war, via the only means then available, German diplomatic channels. Under war conditions many private transactions for all countries were handled by and through government channels. The late Charles Nagel, a St. Louis attorney who was President Taft's Secretary of Commerce, cooperated in helping to make this loan for Dr. Rumely possible.

More complete details than appear on pages 14–15 of the pamphlet Needed Now (reprinted on the reverse side of this sheet) will be made available to any editor or commentator upon request.

The courts have held that to mention a conviction without also mentioning a pardon, where pardon has been granted, is libel per se. (See legal opinions on reverse side.)

[Reprinted from "Needed Now—Capacity for Leadership, Courage to Lead"]

AN OLD RED HERRING

The Minton committee's attack was the most determined campaign conducted against the Constitutional Committee by its enemies. Innuendo spreaders failed to pry into its files. They failed in efforts to discover and harass committee supporters—and to misrepresent them as "wealthy reactionaries" and "contributors of huge slush funds." Likewise they failed in their ambition to wreck the committee. They had hoped to halt its work when Senator Minton dragged into the hearing slanders on Dr. Rumely.

These slanders are now the fairly exclusive property of irresponsibles and of left-wing publications. They arise out of the case of the New York Evening Mail, of which Dr. Rumely was once editor and publisher. And an examination of the facts of the case indicates one reason for Dr. Rumely's devotion to a cause which resists arbitrary acts of government.

Dr. Rumely is a native of Indiana, where his people settled nearly a century ago. One of his grandfathers accompanied Carl Schurz to this country after the unsuccessful democratic German revolution of 1848. The Rumelys built agricultural implements. Although educated as a physician and surgeon in England and Germany, Dr. Rumely entered the family business after his father's death and, among other pioneering developments in power farming, brought out one of the first tractors. At the same time he pioneered in modern education, establishing the famous Interlaken School for Boys near La Porte.

Two years before the United States entered World War I, Dr. Rumely purchased the New York Evening Mail. It was an old ambition, paralleling the urge that led him to found his Interlaken School. Under his editorship, the Mail stood with the United States Government for the rights of neutrals—and in particular, it strongly condemned German brutality. Furthermore, the Rumely newspaper was the recognized mouthpiece of his friends Theodore Roosevelt and Gen. Leonard Wood. It fought vigorously for military preparedness and a watchful America.

In the summer of 1918, Dr. Rumely and two members of the law firm of which the senior partner was the well-known liberal,

Arthur Garfield Hays, were charged with conspiring to make an improper report to the Alien Property Custodian. This report had to do with a prewar indebtedness contracted in the purchase of stock in the Mail. The trial turned upon the point whether a report of indebtedness contracted 2 years before the United States entered World War I was technically correct. Evidence of pivotal importance was withheld from the defendants and all three were convicted upon this technicality.

A full report of this matter is available. Suffice it here to say that within 3 weeks after the conviction 11 of the 12 jurors recommended Executive clemency. Thereafter the majority of the surviving 11 jurors stated that at the time of the trial "it was our disposition to give to the Government the benefit of whatever doubt existed" and that they had expected that the conviction, with their recommendation of extreme mercy, would carry at most a monetary fine. They further stated that had the jury had the evidence which was withheld from the defendants at the time of trial, but which was later brought to attention by the Honorable Charles Nagel, who was Secretary of Commerce under President Taft and attorney for the witness whose testimony was withheld, they would have reached a different verdict. The petition of these jurors to the President concluded with the following: "Since in our judgment this new evidence would have altered our verdict or resulted in a disagreement, we therefore respectfully recommend that by the exercise of Executive clemency this verdict be now completely set aside."

Both the prosecuting attorney and the trial judge joined in recommending a pardon.

The President, following the request of the jurors that their verdict be set aside, and the supporting recommendations by outstanding national leaders, among them statements of Cabinet members and judges, granted a full and unconditional pardon to all three.

In a later proceeding for the reinstatement to the bar of the two attorneys, Mr. Justice Cardozo, then of the New York Court of Appeals, later a Justice of the United States Supreme Court, in his decision stated: "The President in granting this pardon acted in accordance with the recommendation of his Attorney General, now Mr. Justice Stone of the Supreme Court of the United States, who after examining the record expressed a belief that the petitioners were innocent." In the same decision Justice Cardozo added: "A pardon may in some conditions be a warning as significant as a judgment of reversal that the looms of the law have woven a fabric of injustice. The very case at hand is, indeed, an apposite illustration. The record makes it plain that the pardon was granted because the President of the United States was advised by his Attorney General that the petitioners were innocent."

[Editorial from the Evening Star, Washington, D. C., October 10, 1944]

THE RUMELY PARDON

In an editorial commenting on the indictment last week of Dr. Edward A. Rumely for refusing to supply the House Campaign Expenditures Committee with the names of contributors to the Committee for Constitutional Government, of which he is executive secretary, the Star stated that after the First World War he was convicted and served a prison term on a charge of violating the Trading With the Enemy Act. That complaint grew out of the purchase by Dr. Rumely of a New York newspaper before this country went to war with Germany in 1917. The prosecution contended that the German Government supplied some of the funds for the purchase, a circumstance of which Dr. Rumely denied knowledge. He and two attorneys were convicted, however, on a conspiracy charge based on a report of the transaction which they made to the Alien Property Custodian.

Later, after evidence not introduced at the trial had become available, President Coolidge commuted their sentences, pardoned all three men, and restored their civil rights. Mr. Coolidge acted on a recommendation by Harlan F. Stone, then Attorney General and now Chief Justice of the Supreme Court, who expressed the belief that the three men were innocent. In a proceeding for the reinstatement of the two attorneys to the New York bar, Chief Justice Cardozo, of the New York Court of Appeals, later an Associate Justice of the Supreme Court, also indicated his belief that the men had been unjustly convicted. Similar opinions were expressed by other prominent lawyers and jurists.

The Star's editorial did not state that Dr. Rumely had been pardoned, and it is in fairness to him that the circumstances of the pardon are published at this time.

LEGAL OPINIONS

The view has been taken that a person charged with crime may maintain an action for libel or slander if, before the speaking of the words, a pardon has been granted to him. In fact, the opinion has been expressed that even though the words charging a criminal offense expressly fixed such offense to a particular period, since which the liability to punishment therefor must have been discharged by a general pardon, yet the words were actionable, as the scandal of the offense remained. (33 Am. Jurisprudence, p. 47, sec. 16.)

In the case of a full pardon, it relieves the punishment and blots out of existence the guilt of the offender to such an extent that in the eye of the law he is innocent as if he had never committed the offense. So completely is an offense considered to be obliterated by a pardon that it has been held that pardon of treason or felony, even after conviction, will enable a man to have an action of slander for calling him a traitor or felon. (39 Am Juris., 550, sec. 51.)

Effect of Pardon. The fact that the liability to punishment is discharged by a pardon prior to the publication of words imputing a crime will not deprive plaintiff of his right to action. (36 Corpus Juris, p. 1196, sec. 106.)

A pardon is construed as a whole to carry out the intention of the grantor and should be construed most strictly against the state and most liberally in favor of the person pardoned. (46 Corpus Juris, p. 1192, sec. 31.)

When a full and absolute pardon is granted, it exempts the individual upon which it is bestowed from the punishment which the law inflicts for the crime which he has committed. The crime is forgiven and remitted and the individual is relieved from all of its legal consequences. (46 Corpus Juris, p. 1192, sec. 32.)

A pardon by the President relieves the recipient from all disability or responsibility on account of the commission of the offense for which he was pardoned. (*Rison* v. *Farr*, 24 Ark. 161, 87 AMd. 52. (C. J. 46, p. 1183).)

The gentleman also referred to Dresser.

Mr. PATMAN. Yes; Dresser, from Providence, R. I.

Mr. HOFFMAN of Michigan. I have a copy of a statement put out by Mr. Dresser, and that statement reads as follows:

SEPTEMBER 5, 1950.

STATEMENT OF ROBERT B. DRESSER, PROVIDENCE, R. I.

The CONGRESSIONAL RECORD for Tuesday, August 29, 1950 (pp. 13784–13795), contains a statement by Representative WRIGHT PATMAN, Democrat, of Texas, attacking in scurrilous and abusive language the Committee for Constitutional Government, its officers and supporters, and numerous other advocates of constitutional government and individual liberty.

I quote from the statement the following passages:

"Mr. Speaker, I rise to warn the American people and the Congress of the United States about a man, an evil man, and an evil institution he directs. This man constitutes as grave a threat to the well-being and security of the United States as any Communist within our borders, yet he is no Communist.

"He does use their tactics; for example, the constant repetition of the big lie. He defies the constitutional authority of the House of Representatives just as the Communists have consistently done. He is as fraudulent as they are. He is at least as arrogant. He wraps himself up in the cloak of our Constitution, and he assumes a super-duper patriotism. He pretends to be a defender of our freedom. Actually he would destroy it.

* * * * *

"In years past I warned you about this man and his sinister purpose. I told you who Ed Rumely was. He was an American Fascist, plain and unadulterated, when I first revealed his un-American activities in 1944. Ed Rumely is the same plain, unadulterated native Fascist today and his committee for a Fascist government in the United States, alias the Committee for Constitutional Government, is up to its old tricks of trying to fool all the people all the time on legislative matters of vital importance to the people of this Nation.

* * * * *

"Before I finish my remarks today, I shall call upon the Republican Members of this House to publicly denounce Ed Rumely, the notorious ex-convict—I will give details of his criminal past later in my remarks.

* * * * *

"Mr. Speaker, I agree with Congressman DOYLE. Rumely is a plain fraud, an ex-convict, a poisoner of the American brain. He is an illegitimate defender of the Constitution. He is a disseminator of the big lie.

* * * * *

"I am speaking to you today, hoping that my remarks will somehow get back to those unthinking, irrational millionaire suckers who are counting upon Ed Rumely and his ilk to save their America. I hope these foolish men wise up and dry up their contributions.

* * * * *

"You see, Rumely, the constitutional authority, was really interested in killing rent control and public housing to eliminate slums rather than in being what he claims to be, the great defender of American liberty and the Constitution. Dresser, bear in mind, is part and parcel of Rumely's gang.

"Dresser is appropriately the author of the brief in favor of the constitutional tax amendment, widely circulated by Rumely, which calls for limitation of the power of Congress to tax upper-bracket incomes and to dispense with the inheritance and estate taxes. Dresser is just as appropriately a board member of the National Association of Manufacturers. During the depression he was a stanch advocate of apple peddling. On August 22, 1950, the Republican Providence Journal quoted from a lengthy letter written by this same Dresser to Guy Gabrielson and all members of the Republican National Committee. According to the Providence Journal, in his statement to the Republican National Committee, he admits quoting from the long-time hate-monger Joseph P. Kamp, who at the present moment is residing in a Federal jail for contempt of Congress.

* * * * *

"This cancer on the American body politic, Rumely, and the coterie of blind Tories that support him are sending out across the Nation a book written by a psychopath named

John T. Flynn. The book, The Road Ahead, has been called by America, the liberal Catholic magazine, the road to nowhere. Flynn proves in his book the big lie that Roosevelt, Truman, the Fair Deal, the New Deal, socialism, communism are indistinguishable.

* * * * *

"Mr. Speaker, throughout my remarks I have called Ed Rumely an ex-convict. Before I finish, I promise to present the full story of how he was indicted, tried, and convicted of a most heinous crime, namely, violating the Trading With the Enemy Act in World War I.

* * * * *

"The CCG reprinted, in pamphlet form, an editorial appearing in the Hearst newspapers and sent it out all over the country. It was called Growth of Statism. It quotes one of Rumely's mouthpieces, Charlie McCarthy Pettengill.

Mr. Speaker, Mr. Pettengill was a Democratic Member of the House—he had the respect and confidence of all who know him. But let me continue to read from Mr. Dresser's statement. I read:

"Take the case of the wonderful friendship between Rumely and the crackpot anti-Semitic, self-admitted Fascist, Merwin K. Hart. Hart runs an equally violent propaganda outfit as the Committee for Constitutional Government—the National Economic Council. Frequently, Rumely and Hart have dinner together and discuss their mutual problems. I might add that they have mutual millionaire and big-business backers, including several members of the du Pont family, Sears, Roebuck, Monsanto Chemical Co., John Raskob, William Volker & Co., Armco Steel Co., Gulf Oil Corp., Albert Hawkes, J. I. Case Co., Gen. Robert E. Wood, McCrory Stores, S. H. Kress & Co., Republic Steel, and others. They do have a lot in common.

* * * * *

"Not infrequently, Rumely's CCG sends out some of Hart's weird stuff.

* * * * *

"As chairman of the House Small Business Committee in the Seventy-ninth and Eighty-first Congresses, my investigators discovered how fraudulent were the National Small Businessmen's Association and the Small Business Economic Foundation, both run by one DeWitt Emery.

* * * * *

"Now, it is a fact that Rumely, Hart, Joe Kamp, Dewitt Emery, the NAM—all advocates of extreme reaction and/or actual fascism in America—team up whenever there is a job to do against the American people. These evil men and the antidemocratic groups they represent all work with one of the worst enemies of the people: Herb Nelson, executive vice president of and lobbyist for the National Association of Real Estate Boards.

* * * * *

"Now, Mr. Speaker, I am going to present the sordid story of Ed Rumely, the convicted traitor. If all my words to this moment have been unconvincing, if everything I have said is dubbed a political smear, which it most certainly is not, what I am about to say and the documentary proof I am about to present should convince this august body that Ed Rumely deserves no more support than any of America's Judas Iscariots.

* * * * *

"Some of you may say, 'Well, he got a Presidential pardon from Coolidge,' but, Mr. Speaker, that does not wipe the record clean.

* * * * *

"I have shown that Rumely had been consistently contemptuous of the Congress, the jupdiciary, and the administrative arm of our Government. I have shown that he is deliberately weakening our war effort, just as he attempted to do in World War I. I have shown that he is a despicable man. I have shown why he should be isolated from American society. I ask that every single Member of this great Congress vote to cite Ed Rumely for contempt of the Congress of the United States when such a motion is offered on the floor of this House."

The attack follows the usual pattern used by those with which Mr. PATMAN runs. In place of a discussion of the issues on their merits, it substitutes vilification and abuse. It is the familiar smear technique of the New Deal.

Ordinarily, I would pay no attention to such an attack, but coming from one holding such a high and respected office, and in view of the part it plays in a matter of universal concern, as I shall explain later, I have decided to reply to it.

First, in regard to the attack on my good friend, Dr. Edward A. Rumely, who is repeatedly described by Mr. PATMAN as an ex-convict. If ever there was a vicious abuse of congressional privilege, this is one. Dr. Rumely is one of the ablest, finest, and most patriotic Americans I have ever known—a man who is devoting his life to the preservation of constitutional government and individual liberty in the United States of America.

Let us examine the facts on which Mr. PATMAN'S charge is based.

In the summer of 1918, Dr. Rumely and two members of a New York law firm were charged with conspiring to make an improper report to the Alien Property Custodian. This report had to do with a prewar indebtedness contracted in the purchase of stock in the Evening Mail, a New York newspaper. The trial turned upon the point of whether a report of indebtedness contracted 2 years before the United States entered World War I was technically correct. Evidence of pivotal importance was withheld from the defendants and all three were convicted upon this technicality.

Within 3 weeks after the conviction, 11 of the 12 jurors recommended Executive clemency. Thereafter, the majority of the surviving 11 jurors stated that at the time of the trial "it was our disposition to give to the Government the benefit of whatever doubt existed" and that they had expected that the conviction, with their recommendation of extreme mercy, would carry at most a monetary fine. They further stated that had the jury had the evidence which was withheld from the defendants at the time of trial, but which was later brought to their attention by the Honorable Charles Nagel, who was Secretary of Commerce under President Taft and attorney for the witnesses whose testimony was withheld, they would have reached a different verdict. The petition of these jurors to the President concluded with the following: "Since in our judgment this new evidence would have altered our verdict or resulted in a disagreement, we therefore respectfully recommend that by the exercise of Executive clemency this verdict be now completely set aside."

Both the prosecuting attorney and the trial judge joined in recommending a pardon.

The President, following the request of the jurors that their verdict be set aside, and the supporting recommendations by outstanding national leaders, among them Cabinet members and judges, granted a full and unconditional pardon to all three.

In a later proceeding for the reinstatement to the bar of the two attorneys, Mr. Justice Cardozo, then of the New York Court of Appeals, later a Justice of the United States Supreme Court, in his decision stated: "The President in granting this pardon acted in accordance with the recommendation of his Attorney General, now Mr. Justice Stone of the Supreme Court of the United States, who after examining the record expressed a belief that the petitioners were innocent." In the same decision, Justice Cardozo added: "A pardon may in some conditions be a warning as significant as a judgment of reversal that the looms of the law have woven a fabric of injustice. The very case at hand is, indeed, an apposite illustration. The record makes it plain that the pardon was granted because the President of the United States was advised by his Attorney General that the petitioners were innocent."

In Thirty-ninth American Jurisprudence, page 550, section 51, it is stated:

"In the case of a full pardon, it relieves the punishment and blots out of existence the guilt of the offender to such an extent that in the eye of the law he is as innocent as if he had never committed the offense. So completely is an offense considered to be obliterated by a pardon that it has been held that pardon of treason or felony, even after conviction, will enable a man to have an action of slander for calling him a traitor or felon."

With these facts before him, Mr. PATMAN deliberately describes Dr. Rumely as a notorious ex-convict. There are no words in the English language adequate to express my contempt for the man who so disgraces the high office he holds. His conduct creates a stench in the nostrils of every decent person.

According to Mr. PATMAN my crimes consist of the following:

1. I am charged with being part and parcel of Rumely's gang. To this charge I am proud to plead guilty.

2. I am charged with being the "author of the brief in favor of the constitutional tax amendment, widely circulated by Rumely, which calls for limitation of the power of Congress to tax upper-bracket incomes and to dispense with inheritance and estate taxes."

The reference here is to a proposed amendment to the Federal Constitution which in its most recent form (1) deprives Congress of the power to impose death and gift taxes, leaving that field of taxation exclusively to the States, and (2) limits the power of Congress to impose income taxes in peacetime to a maximum rate of 25 percent, with power, however, by a vote of three-fourths of each House, to fix a rate in excess of 25 percent, but not in excess of 40 percent, for periods, either successive or otherwise, not exceeding 1 year each.

The adoption of this amendment, which I and many others favor, and in support of which I have written a number of briefs and articles, would, in my opinion, do the following things:

(a) It would provide needed assurance, which statutory law cannot provide, against recurring abuse of the Federal taxing power, and aid greatly in the formation of much-needed venture capital.

(b) It would increase the national wealth, and, over the years, the Federal revenue.

(c) It would aid greatly in saving our free enterprise system and in providing jobs and good wages for our people.

(d) It would free the States from Federal domination and aid in preserving our present form of constitutional government.

The effectiveness of taxation as a means of establishing communism has long been known to the Communists. In the Communist platform of Karl Marx the second and third of the 10 planks are: (1) A heavy progressive or graduated income tax; (2) Abolition of all right of inheritance, in other words, a 100-percent inheritance tax.

By this means Marx knew that he could dry up the sources of capital and ultimately abolish private property, which he declared to be the objective of the Communists.

Accordingly, if communism or socialism is to be avoided it should be our objective to increase rather than decrease the capital supply.

3. Mr. PATMAN charges that, according to the Providence Journal of August 22 of this year, I admitted that in a letter which I wrote to Mr. Guy G. Gabrielson, chairman of the Republican National Committee, I quoted from "the long-time hatemonger, Joseph P.

Kamp, who at the present moment is residing in a Federal jail for contempt of Congress."

Here, again, I am proud to be classed as a friend of Joe Kamp and to quote from his excellent writings. He, like Dr. Rumely, is one of our finest and most patriotic citizens, who has devoted a large part of his life to fighting for the preservation of constitutional government and individual liberty in this country. He has been convicted of violating the Federal statute making it a misdemeanor to refuse to answer questions of a congressional committee or to produce documents subpenaed by it, and has been sent to jail. Of this I shall have more to say later.

4. I am also charged by Mr. PATMAN with opposing Federal rent control legislation and public housing.

I certainly am opposed to rent control and most vigorously so. In my opinion, it constitutes one of the most unjust pieces of legislation ever enacted by the Congress of the United States. Under it landlords have been squeezed between the arbitrary limitation of rents on the one hand and the increased costs of maintenance and taxes on the other, with the result that many landlords are compelled to operate either at a loss or with only a nominal return on their investment. Obviously, such confiscation cannot be justified on the ground that the tenant cannot afford to pay higher rents. If the tenant needs relief, it should be provided by the public as a whole through their government and not by one particular class.

That rent control has the effect of shifting to the landlord a relief burden that should be borne by the State is confirmed by the testimony last April of Edward P. Reidy, Director of the State Department of Social Welfare in Rhode Island, to the effect that abolition of rent controls would mean an estimated jump of $60,000 a month, or $720,000 a year, in the cost of the over-all public assistance supervised by his department.

But Mr. PATMAN is not interested in the hardship worked on landlords. There are more tenants than landlords and that is what counts on election day.

As for public housing, it is my position that the Federal Government's powers and duties must be reduced, not extended, if individual liberty is to be preserved, and that aid in such matters as housing is not the function of the Federal Government.

The attacks upon my much-respected friend, Merwin K. Hart, and the National Economic Council, and the many others named by Mr. PATMAN, are of the same vicious character and are deserving of equal condemnation.

There is an aspect of this matter that merits the earnest consideration of everyone who values his liberty. About a year ago the Select Committee on Lobbying Activities was created by a resolution of the House of Representatives to conduct a study and investigation of all lobbying activities intended to influence, encourage, promote, or retard legislation. Representative FRANK BUCHANAN, Democrat, of Pennsylvania, is chairman of the committee, which is composed of four Democrats and three Republicans. A large part of the time spent by the committee in its investigations has been devoted to the Committee for Constitutional Government, which is probably the most active and most influential of the organizations which are opposing many of the policies of the New Deal.

At the same time other organizations opposing various policies of the New Deal, such as Merwin Hart's National Economic Council and Joseph Kamp's Constitutional Educational League, have been investigated.

In the case of the Committee for Constitutional Government, agents of the Buchanan committee were permitted to examine the files of that organization in New York and to obtain copies of various correspondence and other papers. Out of a list of 26 questions submitted to the Committee for Constitutional Government, information was supplied by Dr. Rumely on all except one. This had to do with the names of the purchasers of books. This information Dr. Rumely declined to furnish, standing upon his rights under the first and fourth amendments to the Constitution guaranteeing freedom of speech, freedom of the press, and protection against unreasonable searches and seizures.

Because of his refusal to supply this information, the four Democratic members of the Buchanan committee voted to recommend to the House of Representatives that Dr. Rumely be cited for contempt. On August 30, the day following the above attack by Mr. PATMAN, the House, by a vote of 183 to 175, voted in favor of such citation, which may mean a criminal prosecution under the Federal statutes with a possible jail sentence and a fine for Dr. Rumely. If it is found that he had no right to refuse to supply the information the statute requires both a jail sentence and a fine. There is no option.

During the last several months, while the papers and correspondence of the Committee for Constitutional Government were being examined, scurrilous attacks have been made upon the members of its board of trustees by various labor organizations, both in their publications and over the radio, and information obtained from the files of the Committee for Constitutional Government in connection with the Buchanan committee investigation has been used in formulating such attacks.

The purpose of all this is perfectly obvious. It is, through intimidation, to stifle opposition to the New Deal and the efforts of its leaders to force socialism upon the country.

The close connection between Mr. PATMAN'S statement of August 29 and the move on the following day by the Democratic members constituting a majority of the Buchanan committee to get the House to cite Dr. Rumely for contempt is clearly disclosed by Mr. PATMAN'S own statement, which contains near the end the following paragraph:

"I have shown that Rumely has been consistently contemptuous of the Congress, the judiciary, and the administrative arm of our Government. I have shown that he is deliberately weakening our war effort, just as he attempted to do in World War I. I have shown that he is a despicable man. I have shown why he should be isolated from American society. I ask that every single Member of this great Congress vote to cite Ed Rumely for contempt of the Congress of the United States when such a motion is offered on the floor of this House."

Such a motion was offered the following day.

Couple this with the abusive attacks of the labor bosses, who apparently regard themselves as above the law and whose outstanding patriotism has been demonstrated both in the last war and in this by insisting on a policy of strikes as usual, despite the fact that American soldiers were and are daily being killed and wounded on the battlefield, and that the strikes have the unquestionable effect of crippling the country's war effort, and you have before you a clear picture of what is at stake in this attack upon the Committee for Constitutional Government and Dr. Rumely, its executive secretary. It is no less than the preservation of orderly constitutional government and individual liberty in the United States.

In the course of the debate in the House on August 30 on the motion to cite Dr. Rumely for contempt, Representative COX, Democrat, of Georgia, had this to say (CONGRESSIONAL RECORD, p. 13891):

"I have protested and I now protest to the further use of an arm of this Congress as an instrument with which to inflict vengeance upon those who have spoken up for their country. If there is anything bad in the publication of the Rumely organization such fact has not been disclosed. Mr. Speaker, I regret that I have not the time or the opportunity to pull aside the veil and reveal what is behind this whole movement. I have seen like committees operate heretofore, all under the inspiration of those leftist influences which we are now combating even in war."

Has the time come when there is no longer any right to privacy and when the private files of an individual or an organization, merely because he or it opposes the policies of the party in power, must be laid open to an investigation by Federal agents and used as a basis for vilification and abuse by those devoid of all sense of decency? If so, it is time that we ring down the curtain on the United States of America.

The language of the Wall Street Journal in an editorial appearing in its issue of Friday, September 1, is most apt.

"We believe the Buchanan committee's course, now approved by a bare majority of the House Members present, is objectionable and even dangerous. If it should succeed in suppressing the Committee for Constitutional Government, a Federal regime could silence any expression of opinion which it disliked. Freedom of speech and press existing only by governmental permission is no freedom at all."

In closing, let me say, there is one thing of which I am certain, and that is that when the obituary of the noblest experiment in constitutional government and individual liberty is written, there will be found on the list of its destroyers the name of the Honorable WRIGHT PATMAN, and not that of Dr. Edward A. Rumely.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. WHITE of Idaho. Speaking of protection to the public, may I ask the gentleman from California how the public is going to be protected from slanted news and the slanted opinions of the commentators that appear in the paper? We are not protected in any way from that, and they are influencing the readers. How are we going to be protected from slanted news that presents only one side of a case and molds public opinion? How are we going to be protected from the slanted opinions of the commentators, who are also molding public opinion?

Mr. WHITE of California. Mr. Speaker, will the gentleman yield so I may give a brief reply to the gentleman from Idaho?

Mr. HOFFMAN of Michigan. I yield.

Mr. WHITE of California. May I say to the gentleman from Idaho that I wish we could find the solution to that problem, because about 98 percent of the newspapers in my district are slanting the news against me.

Mr. HOFFMAN of Michigan. My argument boils down to this, that it appears there is an effort on the part of some of the staff of the House Lobbying Committee, an effort on the part of the gentleman from Texas [Mr. PATMAN] and others who have talked and will talk along the same line, to suppress, to prevent all propaganda, all opposition to either the New Deal and of some others to the Communist line of thought and action.

Mr. PATMAN. No.

Mr. HOFFMAN of Michigan. I do not link the two insofar as the gentleman from Texas or some of the others are concerned.

But the whole program seems to follow along the same line. If anybody

attacks the Communists, if anybody sends out anything against the Communists, he is criticized. Every Member of the House knows that. Some of us have had a rather bitter and heartbreaking experience along that line. It has been extremely difficult to separate the opponents of those of us who criticize the Communists and who also criticize the New Deal.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. PATMAN. May I request the gentleman to leave me out of that category because it does not include me.

Mr. HOFFMAN of Michigan. Just what category does the gentleman mean?

Mr. PATMAN. The category which includes anybody who is for the New Deal as defending the Communists or trying to suppress free speech. I am not trying to suppress free speech. I am not in that category. I believe in free speech. I do not object to Rumely or his organization sending out anything all over the United States as much as they want to, so long as it is known who is furnishing the money, just as we were entitled to know that the German Government was furnishing money for the New York Evening Mail.

Mr. HOFFMAN of Michigan. Where the gentleman and I differ is in this, that I say it does not make any difference who pays for it, as long as it is not improper or illegal. I do not mean to characterize the gentleman as belonging to this group which attempts to suppress opposition to the Communists at all. I do think I am justified in reaching the conclusion that the gentleman would like to silence, either by argument or otherwise, some of us, and I am one, who have so bitterly and so consistently and so vigorously criticized the New Deal.

Mr. PATMAN. I respectfully deny that.

Mr. HOFFMAN of Michigan. I thought you were a hard, consistent worker for the New Deal, and I am certain that you seek to overwhelm the critics of the New Deal, at least by argument, and I find nothing wrong in that.

Mr. PATMAN. Do you believe that Rumely was right in deceiving the American people by not disclosing who owned the New York Evening Mail during World War I?

Mr. HOFFMAN of Michigan. Without saying anything about deception in that case because I do not know whether he was guilty of deception or not, I say I do not believe in anyone deceiving anyone about anything.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. GROSS. That includes Mayor Curley, of Boston, does it not?

Mr. HOFFMAN of Michigan. I have no criticism of Mayor Curley. He was convicted and then pardoned, and so far as I am concerned, that wipes it out. If the gentleman read my extension of remarks, he will see that the courts have so held.

The SPEAKER. The time of the gentleman from Michigan has expired.

Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 15 minutes.

E. A. RUMELY

Mr. PATMAN. Mr. Speaker, I apologize to the House for asking for this additional time, but I did not quite get through with the statement I intended to make to the House, and as there were other special orders, I did not like to infringe on their time.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. PATMAN. I yield.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HOFFMAN of Michigan. Mr. Speaker, do I have a special order following the gentleman from Texas?

The SPEAKER. Following the gentleman from Texas [Mr. PATMAN] the gentleman from Michigan [Mr. HOFFMAN] has permission to address the House for 10 minutes.

Mr. HOFFMAN of Michigan. Mr. Speaker, I yield back my time, without listening to the gentleman from Texas.

Mr. PATMAN. I hope the gentleman will remain. I might have something to say that he is interested in, at least I hope so.

Mr. HOFFMAN of Michigan. I am sure it will be interesting. I will read it tomorrow. Out of respect for the gentleman's views I will remain if possible.

Mr. PATMAN. Mr. Speaker, the question was asked me, just as my time had expired, by the gentleman from North Carolina [Mr. DEANE], if innocent people had become members of this organization, the Committee for Constitutional Government. My answer to that is that I am sorry lots of innocent people have been misguided and deceived into believing it was a good organization, and they have contributed their funds. Many good people have contributed funds to have this literature printed and sent into our homes and schools and churches all over the United States of America.

It is easy for this fellow Rumely to work both sides of the street. I am a Protestant, a member of the Baptist Church. If I were to say something against a Catholic and denounce the Catholic religion I would be guilty of a wrong. I should not do that. I should not try to make people believe that another religion is not as good as my own religion. That would be wrong. That is religious intolerance. I would not be guilty of it. But this man Rumely has this man John T. Flynn, who happens to be a Catholic, to write a book, and in that book it denounces Protestant preachers. It denounces them; chapter XII. Read it for yourself. Now the Catholics can be misled the same as the Protestants. We are all just average people. They are no better nor no worse than the others. I am not criticizing any religion, but it is easy to irritate some Catholics, and it makes it easy for them to buy that literature and send it out. But when it comes to the other side of the street, that chapter about the Protestants is left out, and the Protestants are given a lot of songs and dances in opposition to a lot of things that will cause them to have a running fit and make them want to put up a lot of money to buy more of these leaflets or parts of this book. Now, this is the way it is done: For instance, they got out the Bill of Rights. Rumely's organization did that. They had it printed on colored paper. It probably cost a cent a dozen, or for 25 or 50. They sell those colored Bills of Rights to a corporation for 70 cents each. That is in the record. Seventy cents each. They got 70 cents for practically nothing. The corporation puts up a thousand or ten thousand dollars and charges it to business expense. Certainly the people are entitled to see the Bill or Rights. In truth and in fact, that is just a scheme, it is just a device for a corporation to make a contribution to partisan politics. That is all it is. That is all in the world it is. So that is what I am opposed to.

I am now going to alert the collector of internal revenue and ask him to please alert all of his agents all over the country and ask him to look at these returns, and any time they see contributions or business expenses for this Committee for Constitutional Government literature, they ought to cut it out. They ought to pay taxes on it, because it is partisan politics. That is what I say—partisan politics—and it should not be allowed any tax deduction. I will wager that these returns will be more carefully scrutinized in the future, and many of them who think they will get tax refunds or tax deductions will not get them.

A few people surrounded by Rumely are getting very rich on this. They get a percentage on all that is sold of these leaflets and booklets and papers. They can get out a book that costs 10 cents and sell it for a dollar and they make the difference, 90 cents. They get commissions, and they are getting rich on these things. So this use of propaganda is very satisfactory, from the standpoint of revenue, too.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. HOFFMAN of Michigan. Does not the gentleman know it is a fact that that organization is incorporated and that the money goes to the corporation and is accounted for under the law, and that those connected with it get salaries instead of commissions?

Mr. PATMAN. I happen to know that a lot of these moneys come in in bulk, in dollars. It could be handled any way in the world they wanted to handle it. That is what Rumely refused to tell. He refused to tell where over a half million dollars in 1 year came from or who furnished it. I think it is right that he should furnish that information. It depends on who is putting up the money for these things as to what the motive is. Just as when Rumely did not disclose that he was representing the Imperial German Government when he was running the New York Evening Mail during World War I. I would ask the gentleman from Michigan [Mr. HOFFMAN], who is a very studious person, very intelligent, and a very able debater——

Mr. HOFFMAN of Michigan. Well, now, just a moment. Will the gentleman yield?

Mr. PATMAN. He is an able debater. Being as studious as he is, and so eager

and anxious to get at the bottom of things and know all the facts, I am going to ask him to study this Rumely record of conviction, and I am going to make a prediction. Now, the gentleman says he was convicted of the wrong thing.

Mr. HOFFMAN of Michigan. No, no; I did not; I did not say that.

Mr. PATMAN. Maybe on some technicality you could not make a very strong case, maybe on some things that he might be charged with; but I do say that if you will read that entire record and if you will read the testimony you will come to but one conclusion; why was he not charged with treason, and why was there not a conviction of treason? Because he was guilty of treason; he was a traitor to his country; he was giving aid and comfort to an enemy of the United States, the Imperial German Government.

Mr. HOFFMAN of Michigan. Now will the gentleman yield?

Mr. PATMAN. I yield.

Mr. HOFFMAN of Michigan. I said before and I repeat: My understanding is that on the record as made before the jury no other conclusion could have been reached but that Rumely was guilty of the offense charged but that subsequent events and competent relevent excluded testimony showed he was not guilty of the offense with which he was charged.

Mr. PATMAN. I do not agree with the gentleman that subsequent events show he was not guilty; he was still guilty but they claim that all of the evidence had not been brought in, that this fellow Arthur Garfield and Max Steuer and other good lawyers in the case had not been good lawyers, they had fallen down on their clients and had failed to bring in testimony that they should have brought in.

Mr. HOFFMAN of Michigan. No; that is not the fact as I understand the case. The testimony was excluded by the trial court. I would say that my further understanding of the gentleman's [Mr. PATMAN'S] statement was that Rumely should have been charged with treason. What the gentleman's argument amounts to now is that the Government attorneys, the Department of Justice, the FBI, were guilty of negligence because they did not charge him with treason. The gentleman is telling us what the charge should have been.

Mr. PATMAN. I wonder, as I said before, I just marvel at the ability of people like Rumely to continue to fool and deceive the American people like they have; and it makes me wonder sometimes how safe our Government is, as to whether or not it is actually safe when they could be deceived by a man who has been convicted of being a German spy and is now permitted to send into the churches, into the homes, into the schools all this literature without disclosing who paid for it, just like he refused to disclose who paid for the New York Evening Mail; I just wonder how safe our country is.

If it is convenient I am going to bring the records in here onto the floor of the House in Rumely's case, a big truckload of records; that is what they are. It took over 30 days to try that case. You ought to read the number of lawyers they had and the number of witnesses, and the technical assignments of error. Even the high court judges criticized the attorneys for indulging in that sort of practice. You will find that he got the fairest trial on earth, just as fair as the 11 Communists received. He was convicted by the jury. The trial court refused a new trial; the circuit court of appeals affirmed the judgment, and so did the Supreme Court of the United States.

Somebody has said it was the result of war hysteria. That is not true. He was not even tried until 1920. The case was finally passed upon in 1923 by the United States Supreme Court, and I think the pardon was granted in 1924. Therefore, there was no war hysteria at that time. Mr. Coolidge, in pardoning him, also pardoned a lot of other people whom I have often wondered why in the world he pardoned.

Mr. HOFFMAN of Michigan. Now will the gentleman yield?

Mr. PATMAN. I yield.

Mr. HOFFMAN of Michigan. I have said two or three times that on the record as made—as the case went to the jury I could understand why Mr. Rumely was convicted. The subsequent events showed to me that he was wrongly, and that the President and the two men who subsequently became Justices of the Supreme Court believed that he was wrongly, convicted. The pardon was granted because the President and the then Attorney General, Mr. Harlan Stone, were of the opinion he was innocent.

You know it was only recently just a few days ago that Andy May, a colleague of ours, was pardoned.

Now, Andrew May was convicted by a jury, and perhaps on the record as it went to the jury he was guilty, but so help me, I never believed, I do not now believe that Andrew May was guilty of the offense charged against him, nor do I believe that the gentleman from Texas does.

Mr. PATMAN. I am just sticking by this one thing and will continue to refuse to bring other cases into the discussion.

Mr. HOFFMAN of Michigan. It just shows how even a Member of the House can be handled.

Mr. PATMAN. I am not going into individual cases; I will just stay on Rumely.

I challenge the gentleman to read that testimony, read the charges, read the jury's verdict and the court's opinion and not come to the conclusion he was guilty of treason to our country by aiding and abetting an enemy of the United States, giving aid and comfort to an enemy. I still insist that the gentleman should read the record and become acquainted with the facts. He will be convinced Rumely was guilty of treason.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. O'HARA] is recognized for 20 minutes.

Mr. O'HARA of Illinois. Mr. Speaker, I do not believe we should leave Washington until we have enacted an excess-profits tax law that will be strong enough to prevent any kind of war profiteering. I was among the very first to sign the statement prepared by the gentleman from Ohio [Mr. HUBER] declaring willingness to remain here at the Capital until we had passed a law completely knocking the profits, and all hope of profits, out of war.

Perhaps we face, as Chairman Symington has testified, a struggle for survival. In any event we have before us a period of heavy expense in maintaining the national security and we must pay as we go. This means sacrifice on the part of everyone, a sacrifice I am sure we are all ready to share and to carry, realizing as we do that any sacrifices we are asked to make, or can make, are small indeed compared with those made by the youth of the country in the armed services.

It is unthinkable that in this time of suffering and of sacrifice anyone in all the United States should cash in on the distresses of their countrymen. It has been well said that the defense program cannot be achieved on the basis of business as usual. Business has no rights superior to those of human rights. I insist, Mr. Speaker, that we cannot equitably tax the small income of a low-paid individual until it cuts deep into his expenditures for necessities unless we also and simultaneously impose an excess-profits tax that will trim all the fat from the profiteers.

That is why I, with many others on this side of the aisle, am ready and willing to remain here in Washington in constant attendance at the sessions of the Congress until such an excess-profits tax has been written into law. We have proved our intention by signing a pledge so to remain.

REACTIONARIES AT WORK

I regret, Mr. Speaker, that among the comparatively few Americans who are insisting that their business shall go on as usual, regardless of what befalls others, are some who are seeking to take advantage of the times to hamstring the Government of the United States by electing a reactionary Eighty-second Congress.

I could have no argument with these gentlemen if they placed their case fairly and honestly before the electors, identifying themselves and their interests, so that they stood out and could be seen and could be judged. What I do object to, as being violative of everything we regard as decent in the exchange of ideas and conflicting opinions in the functioning of our American democracy, is that they do not speak in their own names and in their own persons but through "front" organizations and through persons of publicized respectibility who are on their secret payrolls.

The gentleman from Texas [Mr. PATMAN] has just called the attention of the House to one instance of the use of such subversive practices. The story as Mr. PATMAN has just related it is so revolting that it demands the investigation not only by this body but proceeding against by the authorities charged with the administration of the criminal laws.

The gentleman from Texas, who has long been an honored member of this body and whose word is everywhere ac-

cepted as the equivalent of any bond of stoutest security, charges that an organization operating under a name suggestive of the prestige of the Constitution of the United States is actually circulating widely among Americans of the Catholic faith a book in which one chapter is devoted to denunciation of certain Protestant ministers and the same organization is circulating among Americans of the Protestant faiths, exactly the same book with the one chapter deleted and replaced with a substitute chapter denouncing Catholics.

LOW, FOUL, AND BRAZEN

Nothing so low, so foul beyond all contemplation by normal and clean minds, has ever before been attempted on a wide national scale and by persons of publicized respectability operating under a disguise-resemblance of the Constitution of the United States.

Considering that such subversive practices are backed with unlimited money, and that they are carried on with such brazen disregard of consequence, and have the support of a considerable number of good people who in the confusion of the times are easily deceived, I would be gravely alarmed, Mr. Speaker, if I did not have an abiding faith in the good common sense of the American people.

Nevertheless, I think it is a duty incumbent upon us as Members of this body to acquaint the people of America with the facts as we find them and as we know them. As the representatives of the people we owe that obligation to the people who are our masters and whom we are here to serve.

REAL-ESTATE LOBBY

It is in this connection that I wish to bring to the attention of the Congress and of the country the present activities of the real-estate lobby. Perhaps I should begin by stating that which, while it is well known to every Member of this body, may not be so well known to all of our constituents.

The real-estate lobby is not composed or representative of the small or large landlords or the legitimate builders and contractors and construction workers or, indeed, of anything or anybody which has any rightful connection with the improvement of real estate.

The real-estate lobby represents only the brokers, who own no real estate and have no investments of their own money in real-estate improvements, and the mortgage bankers.

The interest of the brokers who furnish large sums of money to the real-estate lobby is to continue the housing shortage so that they may make unconscionable brokerage fees in the sale of properties at vastly inflated values to buyers who ultimately and inevitably will be squeezed out and will lose their properties—exactly as the purchasers of gold real-estate bonds were gypped during the construction boom preceding the Republican depression of 1929.

MORTGAGE BANKERS

The interest of the mortgage bankers is to continue to get the cream in the form of interest rates on home mortgages three times more than received by legitimate banks on CCC loans to farmers. On these CCC loans to farmers the legitimate bankers actually get only 1½ percent interest, and, in addition to furnishing the use of the money, they do several times the amount of servicing required of home-mortgage bankers.

Yet, when a bill was before the second session of this Congress, of which I was privileged to be a sponsor, that would have brought the monthly cost of a home from approximately $90 to $60, the powerful real-estate lobby was able to crush it to smithereens because it provided for an interest rate on home mortgages of 3 percent. Despite the fact that, in an honest effor to bring roofs within the means of a considerable segment of our population, we were asking the mortgage bankers to accept an interest rate twice that given to farmers, the mortgage brokers would have nothing to do with it and gave the green signal to the dear old real-estate lobby.

LOBBY SEEKS IMMUNITY

It was shocking to many of us—as, indeed, it must have been to the great rank and file of men and women all over these United States—that when the necessities of the war with a ruthless communism brought the universal demand for sacrifices, the real-estate lobby, instead of accepting with willingness and with patriotism its share of the sacrifices, increased its pressure for special favors.

What the real-estate lobby fought for, when the defense-production bill came to the floor of this House, was nothing less than complete immunity from any share whatever in the sacrifices demanded and to be exacted from all other Americans.

TRYING TO BUY ELECTIONS

It therefore, will come as no surprise to most of my colleagues to learn that while we have remained here at Washington in close attention to the affairs of our country in a time of great trial and crisis the real estate lobby with money and with cunning has been industriously at work in the districts of the Members of the Eighty-first Congress who would neither respond to its siren call nor fold up and quit in the presence of its threats.

I think it is proper, however, that I should mention that this extravagantly financed campaign to take over the Eighty-second Congress by retiring the Members who would not take the nod from the brokers and the mortgage bankers is being adroitly and cleverly camouflaged.

The real estate lobby hand that pours in the money, the real estate lobby chieftains that direct the strategy of poisoned whisperings and fantastic propaganda, are hidden behind the names of many front societies and organizations, the creations of publicized respectability, but all responding to the voice of the master who writes the checks.

The Buchanan committee on lobbying threw official light on this phase when it unearthed evidence of hundreds of thousands of pieces of literature, presumably coming from organizations with high sounding names, being sent illegally through the mails under the franks of persons no longer Members of the Congress but who when in this House had been friendly to the real estate lobby.

SAME OLD CROWD

This is the same crowd which had a stranglehold on the Eightieth Congress, defeating all proposals for adequate housing legislation and thus continuing the inexcusable conditions of an acute housing shortage for the financial gain of brokers and mortgage bankers.

The American people rose in revolt and in November of 1948 elected a new Congress with the mandate to drive the vicious real estate lobby from Washington.

ISSUE IN SECOND DISTRICT

The voters in the second district of Illinois, many of them tenants who had suffered cruelly and inexcusably because of the stagnation in housing engineered by the real estate lobby, were especially concerned. Moreover, the Republican incumbent, against whom I was called upon to contest the election, while a Member of the Eightieth Congress on May 1, 1947, had offered an amendment in the interest of investors providing housing to others who by choice or necessity elect to rent rather than to own. The language quoted is exactly that of the amendment.

To the men and women—fine honorable people—who because of the housing stagnation engineered by the real estate lobby had no choice but to take whatever shelter they could find and to those good citizens who because either of financial condition or inability to find homes to purchase had the necessity of renting, this seemed to be rubbing it in.

This amendment offered on the floor of this House on May 1, 1947—in behalf of investors providing housing to others who by choice or necessity elect to rent rather than to own—provided for the mandatory increase in the rental on every residential property in the United States regardless of what the actual facts and conditions may have been in individual cases or how excessively out of line the rent may have been before the addition of the mandatory increase sought to be imposed. Even the Eightieth Congress under the control of real-estate lobby did not dare to go that far, and the amendment was rejected.

MANDATE TAKEN SERIOUSLY

The mandate that came to me with my election I accepted very seriously. The people of the district that had honored me with a vote of faith and confidence expected me to join militantly with other Members of the Eighty-first Congress in breaking the stranglehold of the real-estate lobby.

I was fortunate on coming here in being assigned to the Committee on Banking and Currency, 1 of 27 Members of the House of Representatives of the Congress of the United States charged with the responsibility for drafting all legislation having to do with housing. I shall ever be grateful to the majority leadership for placing me in the spot where I could be most helpful to the people whom I have the great honor to represent.

My record as a member of the committee and of the House is shown in the printed public hearings before our committee and in the pages of the CONGRESSIONAL RECORD. I am proud of every

line of this record, not that it shows any unusual brilliance, but that it does reflect unremitting hard work and a desire to do a good job for the people I represent and to keep the faith with them in an absolute fidelity to their interest.

Mr. Speaker, I am informed that in my enforced absence here in Washington, like other Members of this body on both sides of the aisle, remaining at my post of duty while the election campaigns go on at home, the real-estate lobby is pouring large sums of money into the Second District of Illinois in a desperate attempt to unseat me. Other members of the Banking and Currency Committee who stood behind our great and distinguished chairman, the beloved gentleman from Kentucky [Mr. SPENCE], in framing and driving to passage the most comprehensive, far-reaching and practical housing program ever enacted by any Congress in the history of our country, tell me that a similar condition exists in their respective districts. The objective of this, of course, is to return the Eighty-second Congress to the stranglehold in which the Eightieth Congress was held by the real-estate lobby.

Mr. Speaker, I am accepting the challenge of the real-estate lobby. I admit I have done much to incur the enmity of the fine gentlemen and that they are fully justified, from their standpoint, in putting me in the pot to boil. I am in no mood to come trembling to their sinners bench. Instead of being repentant that I have offended them by thinking that the welfare of my constituents came first—that decent roofs over the heads of the families of the Second Congressional District of Illinois and within their means was far more important than the pour of dollars into the pockets of brokers and mortgage bankers—I know that when I return in January of 1951 to the Eighty-second Congress I will be the same kind of servant to as well as Representative of the people of my district, not one bit changed.

As I cannot at this time leave my post of duty, and there is little likelihood of much time remaining for campaigning when I am able to return, I must leave to the voters of the Second District of Illinois, who in the final analysis are to pass judgment on whether their Representative shall serve them or shall serve the real-estate lobby, themselves and unaided by me to examine my record. That they may the more easily do this, and that the record of what I have done may be given from disinterested sources, and not hang upon my own telling thereof, I am presenting it as reflected in the public press, a few typical clippings from a large collection taken from the newspapers of the Nation during the sessions of the Eighty-first Congress.

January of 1949, the start:

[From the Chicago Sun-Times of January 1, 1949]

KEY RENT POST

WASHINGTON.—Choice committee assignments have been handed the new Chicago area Democrats in the House of Representatives.

Representative BARRATT O'HARA, Second District, Banking and Currency Committee. O'HARA, well-known Chicago lawyer and ex-newspaperman, said he was delighted with the post because of the opportunity it would give him to help draft new and tighter rent controls and promote a comprehensive housing program for the Nation.

[From the Southeast Economist of January 1, 1949]

O'HARA NAMED TO HOUSE COMMITTEE ON BANKING

Announcement that BARRATT O'HARA, the southeast side's Representative in the House of Representatives, had been named a member of the powerful Banking and Currency Committee was made Tuesday in Washington. The committee is responsible for housing and rent-control legislation, planks upon which President Truman was elected and Congressman O'HARA had campaigned in his successful effort to unseat the Republican incumbent.

"I am gratified and appreciative of the fine consideration given the Second Congressional District of Illinois," said Congressman O'HARA. "As a member of the committee I shall give everything in me to helping to solve in sound and permanent manner the problem of getting with no unnecessary delay decent roofs over the heads of families of veterans and others.

"I am happy, too," the Congressman continued, "because I now am in position to better help overcharged tenants in the district which I represent."

Extension of rent controls and investigation of alleged overcharging of apartment-hotel rents were promised by Congressman O'HARA who said the committee was determined to live up to the promises of President Truman.

February of 1949, in committee:

[From the Chicago Tribune of February 19, 1949]

WASHINGTON, February 16.—Representative O'HARA (Democrat, Illinois), and John E. Owen, president of the National Apartment Owners Association, engaged in a stormy debate today at a House committee hearing on rent control.

O'HARA criticized Chicago apartment hotel owners and charged that rents skyrocketed from $65 to $200, $220, and $250 a month when rent control was removed from apartment hotels in Chicago.

He struck also at landlords now operating Chicago rental property from which he said bondholders were "squeezed out" at 5 and 6 cents on the dollar during the depression.

Owen lashed back at O'HARA in the argument that was at times almost drowned out by the applause visiting landlords and landladies gave Owen at a public hearing of the House Banking and Currency Committee.

O'HARA: "What organizations in Chicago do you represent?"

OWEN: "The Chicago Residential Association and the Property Owners Association."

O'HARA: "Isn't it true that they represent the owners who squeezed out the bondholders at 5 and 6 cents on the dollar during the depression?"

Owen said he didn't know. O'HARA then read stories from Chicago newspapers that 100,000 employed Chicago families were living in damp basements and garages and other places "unfit for animals."

O'HARA: "Do you think Congress would be doing its duty if it gives them no relief? You believe that everybody should live in a decent home if he has the money to pay?"

OWEN: "Yes."

O'HARA: "And if people haven't the money to pay, you're through with them?"

OWEN: "There always have been people living in boxcars and slums."

March of 1949, in the House:

[From the CONGRESSIONAL RECORD of March 11, 1949]

(The House sitting as Committee of the Whole had under consideration the rent control bill of 1949.)

Mr. O'HARA of Illinois. Mr. Chairman, there are no rights as sacred as the right of honest men and women to have homes in which to live and in which to rear their families.

Unless the Eighty-first Congress in the legislation which it enacts gives priority to human rights, always of course with proper respect for the legitimate rights of property, this Congress will go down in an ignomy deeper than that of the Eightieth Congress.

The plain people of America have a right to roofs over their heads. I have heard applied to them here today the term of parasites. I do not like that sort of name calling. These decent and honest people who work hard do want at night the security of homes in which to rest. I as a Member of this Congress would regard myself as derelict in every sense of duty if I voted to throw them with their wives and their babies from their humble homes out into the storm. A vote to end rent control means just that—and everyone in this Chamber knows it.

March of 1949, apartments:

[From the Chicago Daily News of March 21, 1949]

WASHINGTON. — Representative O'HARA, Democrat, of Illinois, has not given up trying for recontrol of apartment hotels in rent legislation. He fought for recontrol in the House Banking Committee and on the House floor.

O'HARA was responsible for the "reasonable return on reasonable valuation" wording of the act as it passed the House. The bill originally read "fair return."

Fair return, says O'HARA, has been interpreted frequently by the courts in utilities cases to call for current replacement cost as a base. That, the Congressman adds, would place an inflated valuation on rental property and sharply increase rents.

June of 1949, housing:

[From the Chicago Sun-Times of June 26, 1949]

(By Gerry Robichaud)

WASHINGTON.—Three Chicago Democrats—two of them freshmen—were in the forefront of the fight for housing legislation. A Member of the House Banking and Currency Committee, which drafted the legislation (housing), O'HARA, was one of the first speakers on the measure. He recalled his long experience as a criminal lawyer when he was called upon to defend the slum-bred boys who were "not one-half as guilty as a society which tolerates a real-estate lobby," opposed to slum-clearance legislation.

[From the CONGRESSIONAL RECORD of June 22, 1949]

(The House, sitting as Committee of the Whole, had under consideration H. R. 4009, the Housing bill of 1949.)

Mr. O'HARA of Illinois. Mr. Chairman, for days as a member of the Banking and Currency Committee I sat and listened to many witnesses.

The spokesmen for the real estate lobby assured us that there was no housing shortage.

If I should go back to Chicago and tell my constituents that I place greater weight on what this real estate lobby tells me than what they see with their own eyes, and I see with my own eyes, they would have the good, common sense to wonder what had influenced me.

I am not selling out the people of Chicago to the real estate lobby.

But I do not think that the real estate lobby would have had enough money to kill housing legislation before the Eightieth Congress and to make the terrific drive that I have seen going on in the Eighty-first Congress if there had been less victimizing of veterans and others who were forced to pay exorbitant prices for homes because of a housing shortage which the real estate lobby, for its own selfish interest, was seeking to continue.

July of 1949, award from veterans:

[From the Chicago Herald American of July 24, 1949]

HONOR O'HARA ON HOUSING

An award of merit has been presented to Representative BARRATT O'HARA, Second District, Illinois, by the Cook County Council, Veterans of Foreign Wars, in recognition for his being an author of the housing bill passed by Congress. In commending O'HARA, a war veteran, for the housing legislation, the resolution said:

"It will be of inestimable value to veterans and their families."

December of 1949, looking ahead:

[From the St. Louis (Mo.) Post-Dispatch of December 15, 1949]

CONTINUED RENT CONTROLS BY UNITED STATES ARE PREDICTED BY CONGRESSMAN

WASHINGTON, December 15.—A key Congressman predicted today that President Truman will ask and Congress will approve a continuation of rent controls beyond June 30, 1950, expiration date. The spokesman was Representative O'HARA, Democrat, Illinois, a member of the House Banking Committee, who is close to the administration. He made a flat prediction that Congress will continue the rent law, although some other lawmakers close to the White House have voiced doubt that Congress will permit any Federal rent controls after June 30.

[The above Associated Press dispatch appeared under large headlines on the first page of newspapers throughout the Nation. It was the first word of encouragement to the tenants of the country from a member of the congressional committee having jurisdiction over such legislation that the powerful real-estate lobby would suffer the same crushing defeat in 1950 that it met in 1949. The prediction by Representative O'HARA was all the more significant because it came over 2 weeks before the state of the Union address by President Truman. It was the real start of the battle to keep rent control on until the acute housing shortage obtaining in the large cities was relieved. Some newspapers immediately took up the cudgels for the tenants, the following editorial being typical:]

[From the St. Louis Globe-Democrat of December 17, 1949]

RENT CONTROL UNTIL 1951

There is every reason to believe President Truman will ask Congress for another year's Federal rent controls, as Representative O'HARA predicts. Mr. O'HARA, of Illinois, is presumed to know what the administration is thinking; he is one of its congressional lieutenants. Will Congress, in the teeth of the real-estate lobby pressures, vote an extension of rent curbs? We believe it should; certainly for large metropolitan areas.

The time is not yet ripe for jettisoning this authority, disagreeable as it is to most landlords. Congressman O'HARA cited an excellent example of what would happen if the Nation shucked all rent controls.

Of approximately 40,000,000 dwellings in the Nation, only about 12,000,000 are still under rent curbs. These are in localities of intense population, where new home construction has not nearly caught up with demand. Were controls yanked from these 12,000,000 units suddenly, the result would be a public calamity. Possibly as much as one-third of the country's population would be subjected to a rent squeeze and thousands doubtless ejected from their homes.

Federal rent control machinery should be retained until dwelling construction has made considerably more progress than it has, for instance, in St. Louis.

February of 1950, housing:

[From the Chicago Daily News of February 22, 1950]

O'HARA'S MEASURE UNDERWRITES MIDDLE INCOME FINANCING

WASHINGTON.—A House Banking Committee has approved a bill for the Government to underwrite middle-income housing through cooperative societies. Representative O'HARA, Chicago, Democrat, is cosponsor of the bill.

Savings through unified action would permit reduction of insured housing costs, now about $90 a month, to $66 a month, according to committee testimony. Home buyers, under the bill, would be able to borrow at around 3 percent interest for 50 to 60 years.

May of 1950, rent control:

[From the Chicago Daily News of May 29, 1950]

CREDIT IS O'HARA'S IF RENT CURBS STAY

(By Paul R. Leach)

WASHINGTON.—If rent control is extended by Congress, BARRATT O'HARA, Second District Chicago, Democrat, will be entitled to a big assist.

All the Cook County members of both parties have been hollering for continued control to such an extent that the bill really is pointed at Chicago.

* * * * *

But it was pint-sized, white-haired, tough O'HARA, Chicago's member of the House Banking Committee which has the bill in charge, who yelled longest and loudest to get it through the committee. He's saying flatly now that if it's not passed there'll be serious trouble in Chicago, political and otherwise.

The fight started last November. Senator SPARKMAN, Democrat of Alabama, of the Senate Banking Committee, made a statement saying that when rent control expired this June 30 that would be the end of it. Nothing doing on an extension.

BRENT SPENCE, Democrat of Kentucky, chairman of the House committee called O'HARA to tell him that it looked hopeless, despite President Truman's support.

"There'll be bloodshed in Chicago if it's not continued," said O'HARA. "Let's go to work on it."

They did, enlisting big-city Members, but the State-right Southerners of both Houses wanted no more of it. In January SPENCE told O'HARA it appeared to have no chance in the House. He suggested the Senate take it up and if it passed there, it would have a better House chance.

O'HARA got after Senators DOUGLAS and LUCAS. They surveyed the Senate situation, found that it was worse off there than in the House.

Then SPENCE and O'HARA got their heads together and worked out the compromise bill. Control would be extended to December 31. If meanwhile city councils voted for more, it would be extended to June 30.

That local option won over some of the objecting southern Democrats. More were added when the provision was inserted banning recontrol of areas that had been decontrolled. Without local option and the decontrol feature the bill had no chance.

It was then approved by the Spence committee and will be taken up for House action after June 5.

July of 1950, "If We Are To Survive."

[From the New York Times of July 25, 1950]

(By Charles E. Egan)

WASHINGTON, July 24.—W. Stuart Symington, Chairman of the National Security Resources Board, told Congress today that it must promptly approve President Truman's new mobilization program if this Nation is to survive.

When Mr. Symington made his statement before the House committee (Banking and Currency), Representative BARRATT O'HARA Democrat of Illinois, interrupted to say:

"I am convinced you are not using the expression, 'If this Nation is to survive,' idly."

"Indeed not, sir," Mr. Symington asserted. "That phrase was weighted in the light of conditions which we face today."

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

SEPTEMBER 15, 1950.

Hon. SAM RAYBURN,
Speaker of the House,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby resign as a member from the Committee on Appropriations of the House of Representatives, to take effect upon proper action by the House of Representatives.

Yours truly,

ALBERT J. ENGEL,
Member of Congress, Ninth District, Michigan.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

GAMBLING DEVICES IN INTERSTATE COMMERCE—SUBSTITUTION OF CONFEREES

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WOLVERTON] may be excused as a conferee on the bill S. 3357 relating to gambling devices in interstate commerce, and that the Speaker appoint a conferee in his place.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none and appoints the gentleman from Michigan [Mr. BENNETT] to serve as a conferee in lieu of the gentleman from New Jersey [Mr. WOLVERTON]. The Senate will be notified of this action.

EXTENSION OF REMARKS

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article appearing in the New York Times magazine, the issue of September 10, with respect to our distinguished colleague the gentleman from Georgia [Mr. VINSON].

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGLE of California asked and was given permission to extend his remarks and include extraneous matter.

Mr. BLATNIK asked and was given permission to extend his remarks and include a newspaper article.

Mr. DAVIS of Wisconsin asked and was given permission to extend his remarks and include a newspaper editorial.

SENATE BILL AND CONCURRENT RESOLUTION

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 4145. An act to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes; to the Committee on Banking and Currency.

S. Con. Res. 79. Concurrent resolution directing that there shall accompany every report of a committee of conference a statement explaining the effect of the action agreed on by the committee; to the Committee on Rules.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1133. An act for the relief of Mrs. Merle Letherbury Pyle and Patricia M. Pyle;

H. R. 1500. An act for the relief of Mrs. Barbara Guanapoulos;

H. R. 1601. An act for the relief of the La Fayette Brewery, Inc.;

H. R. 3012. An act for the relief of the Wyoming National Bank of Wilkes-Barre;

H. R. 3406. An act for the relief of Ellen Fullard-Leo, widow of Leslie Fullard-Leo, Leslie Vincent Fullard-Leo, Dudley Leinanie Fullard-Leo, and Ainsely Allen Kahaelani Fullard-Leo, and the estate of Leslie Fullard-Leo, deceased, as their interests may appear;

H. R. 4901. An act authorizing the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for business purposes for a period not exceeding 25 years;

H. R. 7722. An act to provide for the acquisition and preservation, as a part of the National Capital Parks system, of the Old Stone House in the District of Columbia;

H. R. 8062. An act for the relief of the legal guardian of Charles Spiller and Glenn T. Spiller, minors;

H. R. 8641. An act for the relief of Clyde L. Watson, Jr., and Laverne F. Andrews;

H. R. 8677. An act to authorize and provide for the maintenance and operation of the Panama Canal by the present corporate adjunct of the Panama Canal, as renamed; to reconstitute the agency charged with the civil government of the Canal Zone, and for other purposes;

H. R. 8710. An act to provide for the improvement of stadium facilities at the Eastern Senior High School in the District of Columbia;

H. R. 8797. An act to exempt property of the Young Men's Christian Association of the City of Washington (incorporated under the act of Congress of June 28, 1864, 13 Stat. L. 411) from taxation;

H. R. 9362. An act to provide for the exchange of certain national park land situated in the District of Columbia for certain lands owned by the New Temple Committee, Inc.;

H. R. 9430. An act to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government service, and for other purposes; and

H. J. Res. 536. Joint resolution to provide for the reappointment of Harvey N. Davis and Arthur H. Compton as members of the Board of Regents of the Smithsonian Institution.

BILLS PRESENTED TO THE PRESIDENT

Mrs. NORTON, from the Committee on House Administration, reported that that committee did on September 16, 1950, present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 163. An act to authorize Sacramento Valley irrigation canals, Central Valley project, California;

H. R. 1025. An act for the relief of Waymon H. Massey;

H. R. 1503. An act for the relief of George Washington;

H. R. 1662. An act authorizing the Secretary of the Interior to acquire on behalf of the United States Government all property and facilities of the Rainier National Park Co.;

H. R. 1799. An act for the relief of Dr. Jacob Ornstein;

H. R. 1860. An act for the relief of Kenji Takumi;

H. R. 1920. An act to amend the Columbia Basin Project Act with reference to State lands;

H. R. 2401. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of the State of California;

H. R. 2631. An act to authorize cancellation of deportation in the case of Frank Grimaldi;

H. R. 2758. An act for the relief of the Fisher Brewing Co.;

H. R. 3274. An act to provide for the conveyance of certain historic properties to the State of Georgia, and for other purposes;

H. R. 3314. An act for the relief of the estate of the late Eulogio Reyes Suarez;

H. R. 3419. An act to amend the Merchant Ship Sales Act of 1946;

H. R. 4045. An act for the relief of Katherine L. Anderson, a civil-service employee, permanently injured through negligent treatment at the Army advisory group station hospital in Nanking, China;

H. R. 4365. An act for the relief of Fe'R. Dumaguing;

H. R. 4600. An act for the relief of the legal guardian of Janet Judith Koeninger, a minor;

H. R. 4836. An act for the relief of Xylda L. Driver;

H. R. 4891. An act for the relief of Albert E. Scheflen;

H. R. 4904. An act for the relief of the estate of Conrad L. Steele, deceased;

H. R. 5381. An act for the relief of Billy Ray Ridenour and L. L. Ridenour;

H. R. 5679. An act to authorize the transfer of certain agricultural dry land and irrigation field stations to the States in which such stations are located, and for other purposes;

H. R. 5810. An act relating to the furnishing of accommodations at Klamath Falls, Oreg., for the United States District Court for the District of Oregon;

H. R. 5941. An act to incorporate the Military Chaplains Association of the United States of America;

H. R. 5972. An act for the relief of Ivar G. Johnson;

H. R. 6020. An act for the relief of Richard H. Sears;

H. R. 6106. An act for the relief of Daniel Kokal;

H. R. 6409. An act for the relief of Mrs. Grace A. Olson;

H. R. 6489. An act for the relief of United Transformer Co. (formerly United Transformer Corp.);

H. R. 6528. An act for the relief of the Western Chemical & Manufacturing Co.;

H. R. 6537. An act to provide funds for cooperation with the Territorial school authorities of Nome, Alaska, in the construction, extension, improvement, and equipment of school facilities, to be available to both native and nonnative children;

H. R. 6640. An act to amend an act entitled "An act relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas," approved August 7, 1946, and for other purposes;

H. R. 6750. An act for the relief of Achileus Maroulis;

H. R. 6986. An act relating to the acquisition and addition of certain lands to Fort Frederica National Monument, in the State of Georgia, and for other purposes;

H. R. 6990. An act for the relief of Christina Karamanos Demas and Antonia Karamanos Demas;

H. R. 7095. An act for the relief of Rosette Selina Romano, a minor;

H. R. 7114. An act for the relief of John Joseph Griffin;

H. R. 7336. An act for the relief of Mrs. Fumie Ishibashi Akimoto;

H. R. 7393. An act for the relief of Francisco Blanco and Mrs. Celine Smith;

H. R. 7451. An act for the relief of Sumiko Fujita;

H. R. 7563. An act for the relief of Dr. Nicola Di Palma;

H. R. 7670. An act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital;

H. R. 7709. An act to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluff, Fla.;

H. R. 7733. An act for the relief of Sisters Rita Pinto de Carvalho, Maria Leite da Silva, Carmelinda Lopes de Aguiar, Maria Adozinda da Fonseca Melo, Joaquine de Jesus, and Maria Luisa Pinto Carvalho;

H. R. 7854. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon a certain claim of the Board of County Commissioners of Sedgwick County, Kans.;

H. R. 7856. An act for the relief of Mrs. Teruko Tominaga Ikeuchi;

H. R. 7881. An act to amend sections 675 and 676 of the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, regulating the disposal of dead human bodies in the District of Columbia;

H. R. 7891. An act to amend section 3224 (b) of the Internal Revenue Code, relating to the transportation of narcotic drugs;

H. R. 7934. An act to reduce and revise the boundaries of the Joshua Tree National Monument in the State of California, and for other purposes;

H. R. 7964. An act for the relief of the estate of Francis A. Waldron;

H. R. 7990. An act to incorporate the American Society of International Law, and for other purposes;

H. R. 8093. An act for the relief of Regolo Gagliacco and his wife, Gina;

H. R. 8118. An act for the relief of the estate of the late Ismael Miranda;

H. R. 8158. An act to repeal certain laws as they affect the Territory of Alaska;

H. R. 8184. An act for the relief of Michiyo Takada and her minor daughter, Michiko;

H. R. 8258. An act for the relief of Il Nai Che;

H. R. 8337. An act for the relief of William A. Hogan;

H. R. 8345. An act to amend the Columbia Basin Project Act with reference to recordable contracts;

H. R. 8362. An act for the relief of Bernard Croft;

H. R. 8401. An act for the relief of Mrs. Maurice N. Goss;

H. R. 8458. An act authorizing the Housing and Home Finance Administrator to release the trustees of Columbia University, in the city of New York, and the Citizens' Veterans Homes Association of Rockland County, Inc., from obligations under their contracts for

operation of veterans' temporary housing project, NY–V–30212;

H. R. 8523. An act for the relief of Marianna Gantschnigg and Merle Richard Gantschnigg;

H. R. 8533. An act for the relief of Emiko Nishimura;

H. R. 8534. An act to authorize the acceptance of donations of land to supplement present parkway lands along the line of the Chesapeake and Ohio Canal between Great Falls and Cumberland, Md.;

H. R. 8562. An act for the relief of Yukie Yabe and her son;

H. R. 8563. An act for the relief of Alonzo P. Brown;

H. R. 8687. An act for the relief of Angelo Messina;

H. R. 8761. An act for the relief of Susan E. Scott;

H. R. 8780. An act for the relief of Leila M. Dodd;

H. R. 8829. An act for the relief of Sisters Pasqualina Bova, Rosa Pellanda, Emilia Dei Rossi, Speranza Zoia, and Domenica Lapadula;

H. R. 8874. An act to authorize the sale of lands to the city of Flagstaff, Ariz.;

H. R. 8971. An act for the relief of Gertrude Hell;

H. R. 8975. An act to amend the Synthetic Liquid Fuels Act, as amended;

H. R. 8987. An act for the relief of Setsuko Kato;

H. R. 9055. An act for the relief of Cynthia Anne Kane;

H. R. 9056. An act for the relief of Hideko Kasahara and her minor child;

H. R. 9062. An act for the relief of Mrs. Willie G. Heath;

H. R. 9077. An act for the relief of Kimie Kurio;

H. R. 9082. An act for the relief of Mrs. Chang-Sei Kim, David Kim, and Arthur Kim;

H. R. 9086. An act for the relief of Maria Luisa Mercado;

H. R. 9087. An act for the relief of H. Dale Madison;

H. R. 9111. An act to incorporate the United States Olympic Association;

H. R. 9144. An act for the relief of Mrs. Olga Kowalik and Czeslawa Kowalik;

H. R. 9166. An act for the relief of Louis J. T. Hendrickx;

H. R. 9334. An act for the relief of Mrs. Else Samstag Yurchak;

H. R. 9434. An act for the relief of Christina Shalfeieff;

H. R. 9646. An act to authorize the President to appoint General of the Army George C. Marshall to the office of Secretary of Defense;

H. J. Res. 334. Joint resolution to amend certain laws providing for membership and participation by the United States in certain international organizations;

H. J. Res. 487. Joint resolution to confirm title in fee simple to Joshua Britton to certain lands in Jefferson County, Ill.

H. J. Res. 511. Joint resolution providing for recognition and endorsement of the Inter-American Cultural and Trade Center; and

H. J. Res. 519. Joint resolution to permit the National Grange to erect a marker on Federal land in the District of Columbia.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 47 minutes p. m.) the House adjourned until tomorrow, Tuesday, September 19, 1950, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1678. Under clause 2 of rule XXIV, a letter from the Acting Secretary, Department of State, transmitting a copy of Concurrent Resolution No. 12 of the Second Congress of the Republic of the Philippines, relative to expressing the support of the Congress of the Philippines for the bill in the American Congress to appropriate an additional sum of $100,000,000 for the Philippine War Damage Commission and requesting the President of the Philippines to negotiate for a 1-year extension of the program of said Commission to restore damaged public property, was taken from the Speaker's table, referred to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANNON: Committee of conference. H. R. 9526. An act making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes; without amendment (Rept. No. 3096). Ordered to be printed.

Mr. WHITTINGTON: Committee of conference. H. R. 4569. An act authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa; without amendment (Rept. No. 3097). Ordered to be printed.

Mr. WALTER: Committee on the Judiciary. Senate Concurrent Resolution 102. Concurrent resolution favoring the suspension of deportation of certain aliens; without amendment (Rept. No. 3103). Referred to the Committee of the Whole House.

Mr. HART: Committee on Merchant Marine and Fisheries. S. 3796. An act to amend section 4474 of the Revised Statutes, as amended, relating to the use of petroleum as fuel aboard steam vessels; without amendment (Rept. No. 3104). Referred to the Committee of the Whole House on the State of the Union.

Mr. HART: Committee on Merchant Marine and Fisheries. S. 3960. An act to amend subsection (b) of section 10 of the act of June 26, 1884, as amended (U. S. C., title 46, sec. 599 (b)); with amendment (Rept. No. 3105). Referred to the Committee of the Whole House on the State of the Union.

Mr. HART: Committee on Merchant Marine and Fisheries. H. R. 8813. A bill to amend section 4474 of the Revised Statutes, as amended, relating to the use of petroleum as fuel aboard steam vessels; without amendment (Rept. No. 3106). Referred to the Committee of the Whole House on the State of the Union.

Mr. HART: Committee on Merchant Marine and Fisheries. H. R. 9266. A bill to amend subsection (b) of section 10 of the act of June 26, 1884, as amended (U. S. C., title 46, sec. 599 (b)); with amendment (Rept. No. 3107). Referred to the Committee of the Whole House on the State of the Union.

Mr. HART: Committee on Merchant Marine and Fisheries. H. R. 8349. A bill to authorize deductions from the wages of seamen for payment into employee welfare funds; with amendment (Rept. No. 3108). Referred to the House Calendar.

Mr. BARDEN: Committee of conference. H. R. 7940. An act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes (Rept. No. 3109). Ordered to be printed.

Mr. BROOKS: Committee on Armed Services. S. 4088. An act to amend section 61 of the National Defense Act to permit the States to organize military forces, other than as parts of their National Guard units, to serve while the National Guard is in active Federal service; without amendment (Rept. No. 3110). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. S. 2835. An act for the relief of Boris Paul von Stuckenberg and wife, Maria Alexander von Stuckenberg; without amendment (Rept. No. 3098). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3306. An act for the relief of Dr. George Peter Petropoulos; without amendment (Rept. No. 3099). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3307. An act for the relief of Colvin Bernard Meik; without amendment (Rept. No. 3100). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3431. An act for the relief of Tatiana Moravec; without amendment (Rept. No. 3101). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 3824. An act for the relief of Kenneth Bruce Kohei Kozai; without amendment (Rept. No. 3102). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DURHAM:

H. R. 9689. A bill to authorize a Federal civil defense program and for other purposes; to the Committee on Armed Services.

By Mr. RIVERS:

H. R. 9690. A bill to amend the Army Organization Act of 1950 to provide more efficient dental care for the personnel of the Army, and for other purposes; to the Committee on Armed Services.

By Mr. POULSON:

H. Res. 856. Resolution to authorize the Committee on Banking and Currency to conduct an investigation with respect to removal of rent control in Los Angeles, Calif.; to the Committee on Rules.

H. Res. 857. Resolution to provide funds for the expenses of the investigation authorized by House Resolution 856; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEAN:

H. R. 9691. A bill for the relief of Charles R. Keicher; to the Committee on the Judiciary.

By Mr. KILDAY:

H. R. 9692. A bill for the relief of Konstontios N. Bellos; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2375. By Mr. PLUMLEY: Resolution of American Legion Auxiliary, Hardwick Post No. 7, of Hardwick, Vt., opposing the Hoover report plan to do away with some veterans' hospitals; to the Committee on Veterans' Affairs.

2376. By the SPEAKER: Petition of Mr. Walter C. Peterson, clerk, Los Angeles, Calif., petitioning consideration of his resolution with reference to urging the Senators and Representatives from California, wholly or partially representing districts in the city of Los Angeles, to support the recommendations of the President and comply with his request for an immediate additional appropriation for the work of the FBI in detecting plots of sabotage, spying, and infiltration; to the Committee on Appropriations.

SENATE

TUESDAY, SEPTEMBER 19, 1950

(Legislative day of Thursday, July 20, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal and blessed God, in the midst of the toiling days when the fever and fret of perilous times take their toll of bodies and spirits, we are grateful for quiet arbors of peace where, at an altar of contrition, we may bow for Thy forgiveness and cleansing.

In an hour when such vast issues are at stake may those who here serve, conscious of the great tradition in which they stand, rise to greatness of vision and soul as the anxious eyes of all the nations are upon this Chamber. We would join our petitions with unnumbered hosts today, under all skies, at the opening of the General Assembly of the United Nations, that in spite of all attempts to sabotage its mandates this world agency may be the instrument in Thy hand of averting war, of increasing understanding and of enlarging the field of peaceful cooperation among the nations. We ask it in the name of the Prince of Peace. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of Monday, September 18, 1950, was dispensed with.

LEAVES OF ABSENCE

Mr. DONNELL. Mr. President, I ask unanimous consent to be excused from the session of the Senate until 3 o'clock this afternoon so that I may attend a luncheon which is being given to the Senate Committee on the Judiciary by the American Bar Association committee on the Federal judiciary.

The VICE PRESIDENT. Without objection, leave is granted.

On his own request, and by unanimous consent, Mr. KEM was excused from attendance on the sessions of the Senate for the remainder of this week.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. RUSSELL, and by unanimous consent, the Committee on Armed Services was authorized to meet during the session of the Senate today to consider the nomination of Gen. George C. Marshall to be Secretary of Defense.

CALL OF THE ROLL

Mr. MCFARLAND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hill	Malone
Benton	Hoey	Martin
Butler	Holland	Millikin
Byrd	Humphrey	Morse
Cain	Hunt	Mundt
Chapman	Ives	Murray
Chavez	Jenner	Neely
Connally	Johnson, Colo.	O'Conor
Cordon	Johnson, Tex.	O'Mahoney
Darby	Johnston, S. C.	Robertson
Donnell	Kefauver	Russell
Douglas	Kem	Saltonstall
Dworshak	Kerr	Schoeppel
Ecton	Kilgore	Smith, Maine
Ellender	Langer	Stennis
Ferguson	Leahy	Thomas, Okla.
Frear	Lehman	Thye
Fulbright	Long	Tobey
George	McCarran	Tydings
Gillette	McClellan	Watkins
Graham	McFarland	Wherry
Green	McKellar	Wiley
Gurney	McMahon	Williams
Hendrickson	Magnuson	Young

Mr. MCFARLAND. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from Illinois [Mr. LUCAS], and the Senator from Pennsylvania [Mr. MYERS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The junior Senator from Ohio [Mr. BRICKER], the Senator from Indiana [Mr. CAPEHART], the Senator from California [Mr. KNOWLAND], the Senator from Wisconsin [Mr. MCCARTHY], and the senior Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. MCFARLAND. Mr. President, I ask unanimous consent that Senators be permitted to submit petitions and memorials, introduce bills and joint resolutions, and present routine matters for the RECORD without debate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERTSON. Mr. President, I ask unanimous consent to make a brief statement concerning a bill sponsored by the Senators from North Carolina [Mr. HOEY and Mr. GRAHAM], with respect to a new plan for acreage allotment on peanuts.

Mr. RUSSELL. Mr. President, I desire to hear the Senator speak, but I thought we were to have a period for insertions in the RECORD and other routine matters.

The VICE PRESIDENT. The Senator from Georgia is correct. The Senator from Virginia can be recognized on the pending bill to make the address.

Mr. ROBERTSON. Mr. President, I appreciate the situation, and I reserve my comments.

UNITED STATES CIVIL DEFENSE—REFERENCE OF MESSAGE FROM PRESIDENT, REPORT, AND BILL

The message from the President of the United States, dated September 18, 1950, transmitting to the Congress the report entitled "United States Civil Defense," yesterday ordered to lie on the table, was, with the accompanying report and the bill (S. 4162) to authorize a Federal civil defense program, and for other purposes, referred to the Committee on Armed Services.

PETITIONS AND MEMORIAL

Petitions, etc., were laid before the Senate, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Pension Clubs and the senior citizens of Duval County, at Jacksonville, Fla., favoring the enactment of the so-called Townsend plan, providing old-age assistance; to the Committee on Finance.

The memorial of David H. Heydenburk, of Houghton, N. Y., remonstrating against the appointment and confirmation of a special representative to the Vatican; to the Committee on Foreign Relations.

A telegram in the nature of a petition, signed by E. E. Ferrari, secretary-treasurer, embodying a resolution adopted by the Pacific Coast Association of Port Authorities, relating to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

A resolution adopted by the Department of California, the American Legion, in convention assembled at Sacramento, Calif., favoring the enactment of House bill 87, relating to the promotion of veterans of World War II in the field service of the Post Office Department; ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

S. 4165. A bill to authorize the Secretary of Agriculture to bring to Washington, D. C.,

theater productions of land-grant colleges and universities; to the Committee on Agriculture and Forestry.

S. 4166. A bill to amend the District of Columbia Emergency Rent Act, as amended, with respect to housing accommodations in hotels and housing accommodations resulting from conversion; to the Committee on the District of Columbia.

By Mr. JOHNSON of Colorado (by request):

S. 4167. A bill to authorize the waiver of the navigation and vessel-inspection laws;

S. 4168. A bill to authorize the construction and equipment of a geomagnetic station for the Department of Commerce; and

S. 4169. A bill to amend the Civil Aeronautics Act of 1938, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

(Mr. WILEY (for himself, Mr. CONNALLY, Mr. GEORGE, Mr. MCMAHON, Mr. O'MAHONEY, Mr. HUMPHREY, Mr. TAFT, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. SMITH of New Jersey) introduced S. J. Res. 206, authorizing the Reconstruction Finance Corporation to advance funds for international children's welfare work pending the making of the appropriation authorized by title V of the Foreign Economic Assistance Act of 1950, which was ordered to lie on the table and appears under a separate heading.)

INTERNATIONAL CHILDREN'S WELFARE WORK

Mr. WILEY. Mr. President, on behalf of myself, the Senator from Texas [Mr. CONNALLY], the Senator from Georgia [Mr. GEORGE], the Senator from Connecticut [Mr. MCMAHON], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Ohio [Mr. TAFT], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from New Jersey [Mr. SMITH], I have been requested to introduce a joint resolution to authorize the Reconstruction Finance Corporation to advance funds for international children's welfare work pending the making of the appropriation authorized by title V of the Foreign Economic Assistance Act of 1950. I ask unanimous consent that the joint resolution lie on the table and be printed in the RECORD, together with an explanatory statement by me. At the proper time I shall ask that it be taken up for consideration.

The VICE PRESIDENT. The joint resolution will be received and lie on the table, and, without objection, the joint resolution and statement will be printed in the RECORD. The Chair hears no objection.

The joint resolution (S. J. Res. 206) authorizing the Reconstruction Finance Corporation to advance funds for international children's welfare work pending the making of the appropriation authorized by title V of the Foreign Economic Assistance Act of 1950, was read twice by its title, ordered to lie on the table, and to be printed in the RECORD, as follows:

Resolved, etc., That notwithstanding the provisions of any other law, the Reconstruction Finance Corporation is authorized and directed, until such time as an appropriation shall be made pursuant to title V of the Foreign Economic Assistance Act of 1950, to make advances not to exceed in the aggregate $10,000,000 to carry out the provisions of such title, in such manner, at such time, and in such amounts as the President shall determine, and no interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation for this purpose. The Reconstruction Finance Corporation shall be repaid without interest for advances made by it hereunder, from funds hereafter appropriated for the purposes of such title.

The statement presented by Mr. WILEY is as follows:

STATEMENT BY SENATOR WILEY ON INTERNATIONAL CHILDREN'S WELFARE WORK

A most unfortunate and unhappy accident has occurred. The United Nations Children's Fund which has had one of the most outstanding records of achievement of any international body and which today is carrying the American flag and the flags of 43 other contributing countries around the world on behalf of assistance to children has been dropped from the supplemental appropriation bill.

Something must be done if possible before Congress closes to repair this most unhappy situation.

Of all international aid, or national American aid, in which our country has participated, none has been more effective, economical, and may I say sternly realistic, than the assistance given by the United Nations Children's Fund. Though this basically is a great humanitarian work, no organization has worked so hard with the funds entrusted to it to draw in every possible initiative and to develop respect and self-reliance within the receiving countries. This fund is operated under the principle of helping others to help themselves, each time expecting the maximum of initiative and the highest degree of matching within the receiving countries. In countries that were war-torn it has not furnished woolen clothing, but raw wool from New Zealand; which was made into cloth and clothing with the labor of the receiving country and then distributed to the neediest children in that country. It has not furnished shoes, but leather from Australia. It has not furnished layettes, but raw cotton from the United States.

The United States so far over a period of 3 years has put $75,000,000 into this operation. Other donor governments have put in a total representing the equivalent of $30,000,000. The receiving countries themselves, even those devastated by war or suffering from great economic problems have put up the equivalent of over $100,000,000.

All this work of the United Nations Children's Fund, together with the long-term measures which it has stimulated in 60 countries, on behalf of children, represents the highest of American traditions. The funds raised by this organization have been entirely allocated. If we do not provide enabling legislation in this session of Congress, its work must cease the end of December in the Middle East, where it has been furnishing the greater part of the help to 500,000 refugee children and its work in several other countries where stoppage in midwinter threatened.

This work of the Children's Fund up to now has meant health, and often even life, to millions of children, it has brought great credit upon the United Nations and the United States as its principal contributor. This legislation, authorizing the Reconstruction Finance Corporation to make advances against Public Law 535, will enable the program to continue until the Congress reconvenes and an appropriation is finalized to carry out the terms of the authorization.

AUTHORIZATION OF AGREEMENTS PROVIDING FOR UNION MEMBERSHIP AMONG RAILWAY EMPLOYEES—AMENDMENTS

Mr. HILL (for himself and Mr. TAFT) submitted amendments intended to be proposed by them, jointly, to the bill (S. 3295) to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carriers' employees for certain purposes and under certain conditions, which were ordered to lie on the table and to be printed.

JUSTICE FOR POLAND—STATEMENT BY SENATOR SMITH OF NEW JERSEY

[Mr. HENDRICKSON asked and obtained leave to have printed in the RECORD a statement on the subject, Justice for Poland, by Senator SMITH of New Jersey, which appears in the Appendix.]

THE SENATORS FROM WYOMING—EDITORIAL BY R. F. MACPHERSON

[Mr. MCFARLAND asked and obtained leave to have printed in the RECORD an editorial entitled "An Example of Teamwork," written by R. F. MacPherson and published in the Wyoming Eagle of September 15, 1950, which appears in the Appendix.]

MILITARY PREPAREDNESS—COMMENT BY ARTHUR KROCK ON REPORT OF SPECIAL COMMITTEE

[Mr. BYRD asked and obtained leave to have printed in the RECORD an article entitled "An Example of Congress at Its Best," written by Arthur Krock and published in the New York Times of September 19, 1950, which appears in the Appendix.]

AMERICAN DOLLARS—EDITORIAL FROM THE NATIONAL GRANGE MONTHLY

[Mr. CORDON asked and obtained leave to have printed in the RECORD an editorial entitled "Dollars," written by Albert S. Goss, National Grange master, and published in the National Grange monthly of September 11, 1950, which appears in the Appendix.]

RED CHANNELS BECOMES BEST SELLER—STATEMENT BY SENATOR MUNDT

[Mr. MUNDT asked and obtained leave to have printed in the RECORD a statement prepared by him and an article from the Christian Science Monitor discussing the news letter entitled "Counter Attack," which appear in the Appendix.]

A BOY DIED LAST NIGHT—EDITORIAL FROM THE BURLEY (IDAHO) BULLETIN

[Mr. DWORSHAK asked and obtained leave to have printed in the RECORD an editorial entitled "A Boy Died Last Night," written by John B. Cook, editor of the Burley (Idaho) Bulletin, and published in that newspaper on September 12, 1950, which appears in the Appendix.]

DEFENSE OF EUROPE BY AMERICAN MANPOWER—ARTICLE BY CONSTANTINE BROWN

[Mr. RUSSELL asked and obtained leave to have printed in the RECORD an article entitled "Britain, France Want Europe Defended, But at Expense of American Manpower," written by Constantine Brown and published in the Washington Evening Star of September 19, 1950, which appears in the Appendix.]

CONTRACT BETWEEN SOUTHWESTERN POWER ADMINISTRATION AND OKLAHOMA UTILITY COMPANIES

[Mr. HILL asked and obtained leave to have printed in the RECORD letters addressed by L. J. Wilhoite and Ken G. Whitaker to Hon. Oscar Chapman, Secretary of the Interior, relating to a contract between the Southwestern Power Administration and Oklahoma utility companies, which appear in the Appendix.]

VETERANS OF THE EIGHTH WAR—EDITORIAL FROM MONTGOMERY (ALA.) ADVERTISER

[Mr. HILL asked and obtained leave to have printed in the RECORD an editorial entitled "Veterans of the Eighth War," published in the Montgomery (Ala.) Advertiser of September 8, 1950, which appears in the Appendix.]

INFORMATION PROGRAM OF THE DEPARTMENT OF STATE—ARTICLE FROM DALLAS (TEX.) MORNING NEWS

[Mr. JOHNSON of Texas asked and obtained leave to have printed in the RECORD an article entitled "Texans Air Nation's Voice," written by David Botter, and published in the Dallas (Tex.) Morning News of August 27, 1950, which appears in the Appendix.]

FIFTEENTH ANNIVERSARY OF RURAL ELECTRIFICATION ADMINISTRATION—ADDRESS BY CHARLES BAKER

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an address delivered by Mr. Charles Baker, at Walla Walla, Wash., on September 11, 1950, on the occasion of the fifteenth anniversary of the Rural Electrification Administration, which appears in the Appendix.]

ECHOES FROM THREATENED RAILROAD STRIKE

[Mr. MORSE asked and obtained leave to have printed in the RECORD a copy of a statement dated August 24, 1950, addressed to New York Central System employees by G. Metzman, president of the New York Central System, and a copy of a letter dated September 1, sent to Mr. Metzman by W. P. Kennedy, president, Brotherhood of Railroad Trainmen, which appear in the Appendix.]

NEHRU'S IDEAS FOR PEACE

[Mr. MORSE asked and obtained leave to have printed in the RECORD an article entitled "Nehru's Ideas for Peace," published in the United States News and World Report on September 15, 1950, which appears in the Appendix.]

THE ROLE OF THE FEDERAL GOVERNMENT IN COMBATING CRIME—ADDRESS BY THE ATTORNEY GENERAL

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an address on the subject The Role of the Federal Government in Combating Crime, delivered by Attorney General McGrath, before the criminal law section of the American Bar Association, September 19, 1950, which appears in the Appendix.]

THE MENACE OF ORGANIZED CRIME—ADDRESS BY SENATOR KEFAUVER

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an address on the subject The Menace of Organized Crime, delivered by him before the criminal law section of the American Bar Association, September 19, 1950, which appears in the Appendix.]

THE PREPAREDNESS PROGRAM—ARTICLE BY ROBERT C. ALBRIGHT

Mr. RUSSELL. Mr. President, a few days ago the subcommittee headed by the distinguished junior Senator from Texas [Mr. JOHNSON], which had been appointed by the chairman of the Committee on Armed Services to check upon the workings of our preparedness program, made its first report. I commend this report to all the Members of the Senate for their reading. The report manifests a thorough and nonpartisan approach which is so essential to the success of this important work. More than that, it demonstrates how a committee of the Congress can be effective in assisting the executive branch of the Government in expediting the preparedness program, and effecting economies at the same time. The report is a harbinger of greater accomplishments in the days which lie ahead.

Mr. President, a notable news article has appeared in recent days regarding the work of this committee. It was written by Mr. Robert C. Albright, and appeared in the Washington Post on Sunday, September 17. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE'S NEW WAR PRODDERS LIE LOW BUT HIT HARD

(By Robert C. Albright)

If waffle-bottomed Washington is beginning to rise out of its swivel chair, a new congressional committee may have something to do with it.

Seven Senators, with a knack for prodding the war effort by dragging out and exposing uncomfortable facts, have scattered tacks in more than one official seat in and out of Government.

More than that, President Truman, who rose to fame by jabbing at soft spots in Defense Department programs back in World War II, is helping them do it.

In fact, the Senate's Johnson preparedness committee is a new version of the old Truman committee.

It has the same all for one and one for all bipartisan rules, puts quiet inquiries into what's wrong with the defense pace ahead of headline hunting.

So anonymously hush-hush has it worked that its recent preliminary report on shortcomings in surplus disposal and rubber stockpiling caught Washington by surprise, served notice that the postwar siesta was over.

A SCORCHING COMMENTARY

Here's what it said about one Washington agency which let 3 weeks go by without even replying to its urgent inquiries:

"Either the Munitions Board has a program or it has not. If it has a program it could readily be described. If it has no program it should be candidly admitted. In any event, if the diligence with which the Munitions Board addressed itself to our inquiry is any measure of the manner in which it attends to its other duties, its competence would seem to leave something to be desired."

It told how it received a polite brushoff from the Air Force on one occasion, said the Defense Department lacked any real surplus disposal policy, hit sale of surplus synthetic-rubber plants, airplane engines, and radio equipment needed in the war effort.

Since the report, the group hasn't received any more brushoffs, and in official Washington, anyway, there's been a noticeable diminution of business as usual.

Its key rubber recommendations are already being put into effect and the committee is launching "task force" investigations in these other fields: Alaskan defenses, critical items of arm and equipment, foreign cartel monopolies in strategic items, basic manpower problems, and steel and stockpiling needs.

At least one top official who gave the committee a rough time, former Defense Secretary Louis Johnson, is no longer in the Cabinet, although the seven-man group claims no hand in his resignation.

ADVICE FROM OLD HAND

Mr. Truman from the start has made it abundantly clear to all around him that he is cooperating with the committee. He received all seven members at the White House to tell them so. As an old hand at the defense investigating business, he gave them a few tips, told them the White House door was always open to them.

Mr. Truman advised them that if Truman committee history repeats itself, as it seems to be doing, the new investigating group will be up against two problems:

1. Individually and as a unit, they will find it hard to stick to their own knitting, but should try to do it anyway. They should avoid like the plague either telling the generals how to fight their battles the morning after they are fought, or slipping over into the field of foreign policy.

2. Time and again in the course of their inquiries, they will run into resistance to change. Some people, having taken a position, just don't like to change it, even if it's later proved to be wrong, he told them.

In its bare 6 weeks of existence, the new group has found both problems to be real. As for Truman tip No. 1, the committee already had a rule against Monday-morning quarterbacking, to date has lived up to it. Its main problem, well-put in Truman tip No. 2, has been how to overcome stubborn resistance to change, particularly in the military.

HEADED HOUSE INQUIRY

As Senator LYNDON B. JOHNSON, Democrat, Texas, 42-year-old chairman of the preparedness committee, put it:

"Our big job is to get the defense effort away from hardening of the arteries of imagination and ingenuity."

Though a freshman, only 2 years in the Senate, JOHNSON is no novice at defense probing. As a Member of the House, he headed the old Naval Affairs Subcommittee investigation of World War II defense efforts. That inquiry got plenty of results, but little publicity.

The late James Forrestal, Navy Secretary at the time, called its work illustrative of the cooperation that should and can exist between the executive and legislative branches of Government * * * an adjunct and an asset to the Navy Department.

Unlike the Truman inquiry, which had a special committee status, the Senate's new preparedness group is actually a subcommittee of the Senate Armed Services Committee.

The three Democrats and three Republicans serving with Johnson on the subcommittee represent a cross-section of the Senate's best talent in many diverse fields. Three of them, like JOHNSON, are freshmen, all the more on their toes because they are out to make their Senate mark.

OTHER HOUSE GRADUATES

Senator VIRGIL M. CHAPMAN, Democrat, Kentucky, came to the Senate only 2 years ago but previously served 24 years in the House. Speaker SAM RAYBURN rated him "most valuable member" of his old House Interstate Commerce Committee.

Senator ESTES KEFAUVER, Democrat, Tennessee, like CHAPMAN, crossed over from the House in the last election. He has 10 years of enlightened House service behind him, has already demonstrated his talent for sleuthing as chairman of the Senate's Kefauver crime committee.

Senator LESTER C. HUNT, Democrat, Wyoming, served as Governor of his State for 6 years before coming to the Senate 2 years ago, rising via the State legislature route, He's one of the Senate's lesser known, harder working Members.

Senator STYLES BRIDGES, Republican, New Hampshire, is the unit's lone veteran of the old Truman committee, outranks in seniority every other Senate Republican save ARTHUR VANDENBERG. BRIDGES was the first Senate Republican called in when the administration decided to fight back in Korea.

Senator WAYNE L. MORSE, Republican, Oregon, came to the Senate in 1944 after serving as public member of the National War Labor Board. One of the sharpest legal minds in

the Senate, MORSE previously taught argumentation and law, was dean of the University of Oregon Law School.

Senator LEVERETT SALTONSTALL, Republican, Massachusetts, was three times Governor of his State before he came to the Senate 6 years ago. Gentle, diplomatic, SALTONSTALL helps cement the committee's bipartisan unanimity.

TOP-FLIGHT COUNSEL

Rounding out "investigation task force" is Donald C. Cook, the 41-year-old chief counsel. Since the committee is shy of funds, Cook is working without pay, on a part-time basis. His regular full-time job: Vice Chairman of the Securities and Exchange Commission.

Cook served as chief counsel for the old House Naval Affairs Committee's defense investigation, where JOHNSON first worked with him. Cook's appointment was a good example of the committee's bipartisan team play. Knowing JOHNSON wanted Cook for counsel, Senator BRIDGES, the Texan's opposite number politically, made the motion that led to his appointment.

The committee's initial investigation, of the surplus disposal program, also came on BRIDGES' motion.

Cook, unable to serve in the Armed Forces in World War II because of poor vision, received his highest tribute from Chairman CARL VINSON (Democrat, Georgia) of the House Armed Services Committee when he concluded his job for the old Johnson subcommittee.

Said VINSON:

"Your satisfaction in a job well done for us must come from an inner satisfaction which is not decorated by medals or diplomas or put on parchment paper. We of the committee know that you manned your battle station."

As the investigation continues, the committee will draw on all the top-flight World War II experience it can reach. Men like Robert P. Patterson, former Secretary of War; Robert M. Littlejohn, General Eisenhower's quartermaster general, and Col. R. L. Harrison, the Agriculture Department's former ace food expert, may help the committee, in an advisory way, to guard against the defense mistakes of the past.

With President Truman cooperating with—in fact rooting for—the war investigating team like an old grad, chances are that official Washington will, too.

The last business-as-usual signs may come off war-related programs, and Washington may lose that waffle-bottom squat.

Until it does, the committee is plentifully supplied with tacks, and men who know where to put them.

An intensive program of investigations will spread over the remaining 3 months of this year.

A study of Alaskan defenses is just getting under way, directed by Senator HUNT. Senators MORSE and SALTONSTALL will accompany him to Alaska to probe for weak links in a vital area.

They will take a look at airfields, troops, and equipment, military-civilian relations, radar protection, housing and roads. All the time they will keep an eye out for subversive elements.

Although MORSE is up for reelection, he will skip any October campaigning, hope the gods are with him on election day. Anyway, he told the committee, Alaskan defenses are more important.

Another task force, headed by JOHNSON, will stay here in Washington and open hearings in October on ordnance problems. KEFAUVER and BRIDGES will work with JOHNSON on this study of the status of our weapons.

This three-man unit will try to find out where we stand in research, development, and utilization of critical items of arms and equipment, including bazookas, grenades, long-range projectiles, rockets, guided missiles and tanks.

"We cannot continue to be caught with inadequate plans and inadequate imagination in a world which threatens to catch fire," JOHNSON said.

Besides continuing its studies of surplus disposal kinks, rubber and other stockpiling, the committee will dig into these other defense problems:

Manpower: What is the policy and what plans are being made to get the necessary manpower for total mobilization? Shouldn't high physical standards be dropped for some forms of noncombatant service? Couldn't a man with a slight disability stand guard as well as a class A physical specimen?

Cartels: To what extent are foreign monopolies in items we must have for the war effort, raising our costs for rubber and other strategic items?

Steel: Do we have enough steel capacity in this country for future armament programs and domestic use as well? Where should we strike a balance?

All are aimed at what Alumnus Investigator Harry Truman told the seven-man group was the prime object of his World War II inquiry. He said he hoped this would be the chief goal of the Senate's new one.

"How to get the most efficient, economical, and honest defense effort possible."

Said JOHNSON: "That's all that we're trying to do."

THE PEANUT MARKETING QUOTA PROVISIONS OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. ROBERTSON. Mr. President, I desire to associate myself with the views so ably expressed on the floor of the Senate on September 13—page 14666 of the CONGRESSIONAL RECORD of that date—by the able junior Senator from North Carolina [Mr. GRAHAM] concerning S. 3135. That bill seeks to remedy a situation which unless remedied will undoubtedly destroy the support program for peanuts. It provides for the separation of peanuts into three general classes and allows the Department of Agriculture to put into effect acreage control based upon available markets for each class.

Virginia and North Carolina produce class No. 1 which includes the Virginia type of Jumbo peanut and the Valencia type, both of which are edible peanuts with only the culls being crushed for oil.

The State of Georgia produces the Runner type which is used exclusively for the production of oil. Virginia was producing edible peanuts when no peanuts whatever were being produced in Georgia because the crushing of peanuts for oil on a commercial basis did not begin in the United States until shortly before World War I. Shortly before the beginning of World War I less than 500,000 pounds a year of peanuts were crushed for oil. By 1918 it had increased to 96,000,000 pounds. But since there was no support price and peanut oil in normal times could not successfully compete with other types of vegetable oil the production dropped to 14,000,000 pounds. Then after a support price was provided the amount increased rapidly until it reached the astounding figure of 100,000,000 pounds a year and has continued since the end of World War II at substantially that rate although there was no commercial market at a fair price for the entire product.

As a result the peanut support price program has cost the taxpayers of this Nation nearly $140,000,000, the figure for the last crop being approximately $39,000,000. The support program for the 1949 crop in the four States in the southeastern area that produce oil peanuts cost $26,205,000 and amounted to a subsidy of $23.93 per acre.

Every Member of this honorable body knows that the Congress cannot indefinitely continue to pay the farmers of that area an average subsidy of $20.93 per acre to produce peanuts for oil making purposes for which there is no need and no market. That is the reason I have stated that unless we can adjust this program on a fair and equitable basis the program is going to be wrecked.

The present control program, while inadequate to control the overproduction of the types of peanuts crushed for oil, has nearly put the Virginia and North Carolina growers of peanuts out of business although the market for edible peanuts is so strong that we are importing some peanuts of that type with which to meet the demand.

As previously indicated, Virginia was growing edible peanuts when no peanuts whatever were being grown in Georgia. But under the current control program, which will be made even more drastic next year, Virginia is now devoting a smaller acreage to peanuts than she did in 1909. In 1948 the Virginia acreage was 164,000 acres. In 1950 it had been cut to 141,108 acres, and, as previously indicated, another cut is coming up for 1951. But what has happened in Georgia? I do not have the Georgia figures for 1948 but for 1950 the Georgia allotment was in excess of 800,000 acres. That situation was so palpably unfair that the Senate Agriculture Committee reported the Hoey-Graham bill by a unanimous vote. I predict that when the Senate is permitted to vote on the bill, it will pass the bill by an overwhelming majority. Far be it from me to criticize any distinguished colleague whose State is enjoying a great advantage in this peanut program for being reluctant to relinquish it. I do feel justified, however, in saying to those who take this position that the peanut-oil program in Georgia and other southeastern areas cannot possibly survive without a support price and that we are heading for the time when the entire support program will be abolished.

Personally, I do not want to see the Georgia and Alabama producers of oil peanuts wrecked. On the other hand, I do not want to see the Virginia and North Carolina producers of edible peanuts wrecked. Under a no-support program the producers of edible peanuts, for which there is a strong market, will, of course, have a better chance for survival than the producers of the oil types. But a fairer program is proposed for all producers under S. 3135, and, in my opinion, the Congress should write that bill into law before the commencement of another planting year.

Mr. BYRD. Mr. President, will my colleague yield for a statement?

Mr. ROBERTSON. I yield.

Mr. BYRD. I desire to associate myself with my colleague, who has made a very able presentation of the peanut situation affecting Virginia, and say that I heartily agree with him.

LIST OF PENNSYLVANIA NATIONAL GUARDSMEN WHO DIED IN THE OHIO TROOP-TRAIN WRECK

Mr. MARTIN. Mr. President, the Wyoming Valley of my State is resuming its everyday activity, bearing calmly and courageously the burden of tragedy and sorrow which came suddenly last week when 33 of its soldier sons were killed in the Ohio troop-train wreck.

Senators will recall that these fine young men were all members of the One Hundred and Ninth Field Artillery Battalion of the Twenty-eighth Division, the Pennsylvania National Guard. Their mortal remains have now been laid to rest, each with the solemn rites of his religious faith and with full military honors.

Mr. President, I feel it is proper at this time to inform my colleagues that Pennsylvania spared no effort to acknowledge its great debt to those who died in the service of their country. I feel it is proper also to praise the efficient manner in which all arrangements were handled by the adjutant general of Pennsylvania, Maj. Gen. Frank A. Weber, and his staff. Everything possible was done that could bring to the stricken parents, wives, and other relatives a measure of comfort and solace.

I am sure that in the heart of every American there is the deepest sympathy for those who were bereaved by the terrible tragedy.

Mr. President, I ask unanimous consent to place in the RECORD at this point in my remarks the names of these Pennsylvania boys who died for freedom in the same patriotic spirit as their comrades who face the enemy in Korea.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Battery B, One Hundred and Ninth Field Artillery Battalion

Rank	Name	Serial No.	Home address	Next of kin
Warrant officer	William W. Wellington	W6847780	122 John St., Wilkes-Barre, Pa.	Mrs. Leah Belle Wellington (mother).
Sergeant	John W. Cox	20316877	38 McDonald St., West Plymouth, Pa.	Mrs. Mary Cox (mother).
Do	William C. Edwards	33358869	600 Schuyler Ave., Kingston, Pa.	Mrs. Charles Edwards (mother), 94 Amhurst Ave., Wilkes-Barre, Pa.
Do	Gilbert B. Wharton	23814614	64 North Main St., Wilkes-Barre, Pa.	Mrs. Daisey Mae Wharton (mother).
Corporal	Larry L. Luzenski	23814667	125 Carverton Rd., Trucksville, Pa.	Mrs. Sue Luzenski (mother).
Private first class	Leonard Balonis	23814690	319 Maffett St., Plains, Pa.	Mrs. Anna Balonis (mother).
Do	Harold Handlos	23814703	22 East Luzerne Ave., Larksville, Pa.	Mrs. Bertha Handlos (mother).
Do	Clyde P. Harding	57201273	65 Union St., Kingston, Pa.	Mrs. Catherine R. Harding (wife).
Do	Ronald J. Jackson	23814695	942 East Northampton St., Laurel Run, Wilkes-Barre, Pa.	Mrs. Laura Jackson (mother).
Do	Raymond Pudlowski	23814683	19 New St., Hudson, Pa.	Mr. Rome Pudlowski (father).
Do	Donald C. Zieker	23814689	17 Central St., Hughestown, Pa.	Mrs. Dorothy Zieker (mother).
Recruit	Hugh L. Fargus	23814735	49 Gerard Ave., Plymouth, Pa.	Mrs. Mary Jones (mother).
Do	Charles Norton	23814739	216 Penn St., Lee Park, Wilkes-Barre, Pa.	Mrs. Marie Norton (wife).
Do	Richard A. Royer	23814733	313 Bowman St., Wilkes-Barre, Pa.	Mrs. John Royer (mother).
Sergeant	Lester J. Kuehn	23815200	24 North Empire St., Wilkes-Barre, Pa.	Mrs. Arlene Kuehn (wife).
Recruit	Frank C. Martinez	23814729	810 Fox St., Bronx, New York, N. Y.	Mrs. Lucile Martinez (mother).
Do	Eugene Carr	23814737	114 Wilson St., Larksville, Pa.	Mrs. Catherine Carr (wife).
Do	William J. Dougherty	23814736	185 Nesbitt St., Larksville, Pa.	Mrs. Charles Dougherty (mother).
Private first class	Martin F. Hornlein	23814685	92 S. Washington St., Wilkes-Barre, Pa.	Mr. Martin Hornlein (father).
Do	Edmund Zabicki	33108177	177 Zerby Ave., Edwardsville, Pa.	Mrs. Bertha Zabicki (mother).
Recruit	William F. Sobers	23814732	48 Laurel St., Wilkes-Barre, Pa.	Mr. William Sobers (father).

Service Battery, One Hundred and Ninth Field Artillery Battalion

Rank	Name	Serial No.	Home address	Next of kin
Captain	Arthur J. Thomas	O12955459	79 Price St., Kingston, Pa.	Mrs. Sally Thomas (wife).
Warrant officer	James P. McGinley	No ASN	207 Bennett St., Exeter, Pa.	Mrs. James F. McGinley (wife).
Corporal	Joseph E. Fletcher	23815870	1287 Scott St., Wilkes-Barre, Pa.	Mr. Merson Fletcher (father).
Do	Thomas M. Ostraszewski	23815869	1486 Scott St., Wilkes-Barre, Pa.	Mrs. Helen Ostraszewski (mother).
Private first class	Edward W. Gallagher	No ASN	581 West 8th St., West Wyoming, Pa.	Mrs. Edward W. Gallagher (wife).
Private	William F. Tierney	23815872	23 East Jackson St., Wilkes-Barre, Pa.	Mrs. Anna Tierney (grandmother).
Recruit	Thomas W. Wallace	23815880	204 Main St., Kingston, Pa.	Mrs. Estelle Wallace (mother).
Sergeant	Bernard S. Okrasinski	23815813	40 Brazil St., Wilkes-Barre, Pa.	Mrs. Stanley Okrasinski (mother).
Corporal	John L. Barna	23815817	49 McHale St., Wilkes-Barre, Pa.	Mrs. John L. Barna (wife), 164 Abbott St., Plains, Pa.
Private	William R. Disbrow	23815878	87 East Northampton St., Wilkes-Barre, Pa.	Mrs. Eleanor Disbrow (mother).
Do	Wallace R. Ludwig	23815878	382 Osceala Ave., Kingston, Pa.	Mr. Wallace Ludwig (father).
Corporal	Carl W. Armbruster	43043302	132 Maffett St., Plains, Pa.	Mr. Carl Armbruster (father).

Mr. MARTIN. Mr. President, there is a lesson in Americanism in this list of honored names.

It reflects the diverse national origins that are bound together in the greatness of our country.

It is indicative of the best traditions of American freedom, tolerance, and respect for the rights and religious beliefs of our neighbors.

As I read the list I found names of English origin, Irish, Scotch, Welsh, German, Spanish, Polish, and Slavish countries, and others.

America is so fortunate that real Americanism is distilled in the great melting pot of our Nation.

If the people of our Republic remain united in patriotic purpose and are guided by high moral and spiritual principles the world will be freed of the Godless Communist philosophy, and peace, with freedom and justice, will be restored.

EDUCATION OF IRANIAN STUDENTS IN THE UNITED STATES

The Senate resumed the consideration of the bill (H. R. 5731) to discharge a fiduciary obligation to Iran.

FEDERAL ASSISTANCE TO STATES AND LOCAL GOVERNMENTS IN MAJOR DISASTERS

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to consider House bill 8396, Calendar No. 2575.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. The Senator has made a unanimous-consent request, has he not, to bring up the bill for immediate consideration?

Mr. McCLELLAN. Yes; the disaster relief bill.

Mr. WHERRY. Mr. President, reserving the right to object, will the distinguished Senator explain what is in the bill?

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 8396) to authorize Federal assistance to States and local governments in major disasters, and for other purposes.

Mr. McCLELLAN. Mr. President, the bill was passed by the House on August 7, 1950. The Senate Committee on Public Works has favorably reported the bill, without amendment. I may say that we have before the Public Works Committee of the Senate some four or five bills on which we have held hearings, dealing with this problem. As I recall, 40 Senators were co-sponsors of one of those bills. However, this bill came from the House of Representatives, and it generally conforms to the judgment of the committee. Therefore, we reported the bill without amendment.

Mr. WHERRY. Mr. President, will the Senator yield at this point?

Mr. McCLELLAN. I yield.

Mr. WHERRY. Was the bill reported unanimously by the committee?

Mr. McCLELLAN. It was.

Mr. WHERRY. Was there a full attendance at the committee meeting of all members of the committee, on both sides, in order that all of them might have a chance to review the bill?

Mr. McCLELLAN. Does the Senator refer to the time when the bill was reported by the committee?

Mr. WHERRY. Yes.

Mr. McCLELLAN. At the time when the bill was discussed, that is generally

true. However, I cannot say that all members of the committee were there.

Mr. WHERRY. Were the minority members of the committee present at that time?

Mr. McCLELLAN. Does the Senator refer to the time when the bill was reported?

Mr. WHERRY. Yes.

Mr. McCLELLAN. A majority of the committee have signed the report, I may say to the Senator, thus reporting the bill. I cannot testify from my own recollection as to what members of the committee were present at that time.

Mr. WHERRY. When the bill was discussed, before it was reported, was there attendance at the committee meeting of minority members of the committee? Does the Senator say there is no amendment to the bill, as reported?

Mr. McCLELLAN. There is no amendment to the bill, as reported, because the general consensus of opinion was that the bill conforms largely to the views of the members of the committee.

Mr. WHERRY. There previously had been similar bills, as I understand.

Mr. McCLELLAN. Yes; and hearings had been held on them.

This bill provides authorization of an appropriation of $5,000,000, to be spent at the direction of the President, to provide relief in major disasters. Major disasters are defined in the bill.

The VICE PRESIDENT. Is there objection to the request that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 8396?

Mr. CORDON. Mr. President, reserving the right to object, I ask the Senator to delay his request until some of us who have been interested in proposed legislation of this sort, which has been pending, including a fairly well-thought-out bill in which some 30 Senators have joined, may have an opportunity to consider this measure. I think there will be no objection, but I should like to have that opportunity afforded.

Mr. McCLELLAN. Mr. President, if there is going to be any delay or if any Senator desires to consider the bill further before having it considered by the Senate, I am perfectly willing to withdraw the request. However, I feel certain that we should act on the bill before the Congress adjourns, so that funds will be authorized for these purposes.

Mr. CORDON. I join the Senator in the hope that such a bill will be acted on. I have no desire to delay action on it, but I should like to have an opportunity to look over the bill.

Mr. McCLELLAN. Mr. President, then, I shall withdraw the request for the present.

Mr. THYE. Mr. President, I should like to associate myself with the Senator from Arkansas in expressing the hope that the bill will be acted on at this time. I believe it should be passed now.

There is a companion Senate bill which has the sponsorship of a large number of Senators.

I think the proposed legislation is sound, because if a disaster should occur, then this bill would provide the means of assisting in alleviating and overcoming some of the resulting hardships, which might overtake any community.

We have had experience with similar disasters, in the case of the heavy snow storms in the Northwest and the floods in North Dakota and South Dakota last spring.

I believe the bill has been carefully thought out and has received considerable study, and it seems to me that such disaster situations would be alleviated by having the bill enacted. Therefore, I hope immediate action will be taken on the bill.

The VICE PRESIDENT. Does the Senator from Arkansas withdraw his request?

Mr. WHERRY. Mr. President, I believe that the request which was made of the Senator from Arkansas was that he temporarily withhold his request for the present consideration of the bill, until other Senators have an opportunity to study the provisions of the bill.

I am not sure whether the Senator from Oregon has had time to do so yet; but I understand that he desires that the request for the present consideration of the bill be withheld for a moment.

Mr. McCLELLAN. Mr. President, I am perfectly willing to have that done.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 450) to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Administrator, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1507. An act to amend section 10 of the act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses wh..e drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes;

S. 2195. An act to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes; and

S. 3504. An act to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6862. An act to provide for the disposition of tribal funds of the Confederated Tribes of the Colville Reservation, Wash.;

H. R. 7932. An act to amend section 2883 (d) of the Internal Revenue Code, as amended, by Public Law 448, Eighty-first Congress;

H. R. 8821. An act authorizing payment to certain States amounts withheld from grazing fees on public lands;

H. R. 9399. An act to provide a more effective method of delivering applications for absentee ballots to servicemen and certain other persons; and

H. R. 9455. An act to amend the act of September 16, 1942, as amended, so as to facilitate voting by members of the Armed Forces, and certain others, absent from their places of residence.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2317. An act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes;

S. 2822. An act to amend the Federal Deposit Insurance Act (U. S. C., title 12, sec. 264);

H. R. 577. An act to correct possible inequity in the case of a certain application for letters patent of William R. Blair;

H. R. 5101. An act to provide for the transfer to Pierce County, Wash., of certain surplus land in the Fort Lewis Military Reservation; and

H. R. 8847. An act to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes.

EDUCATION OF IRANIAN STUDENTS IN THE UNITED STATES

The Senate resumed the consideration of the bill (H. R. 5731) to discharge a fiduciary obligation to Iran.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I should like to explain House bill 5731, the pending measure. It should not take long to do so.

By way of introduction, I shall read the first paragraph of the committee report.

The Committee on Foreign Relations, to whom was referred the bill (H. R. 5731 (and an identical bill, S. 2342)) to discharge a fiduciary obligation to Iran, having considered the same, report favorably thereon, without amendment and unanimously recommend that the bill do pass.

Mr. President, the report from the House Committee on Foreign Affairs, to accompany this bill, reads in part as follows:

Having considered the same, report favorably and unanimously thereon, without amendment, and recommend that it do pass.

So both committees of the two Houses report unanimously on the identical bill, and recommend that it pass.

Mr. President, the background of the bill is rather interesting.

In 1924, Robert W. Imbrie, an American vice consul stationed at Tehran, the capital of then Persia, now Iran, was murdered by a mob. The case was settled to the satisfaction of both Governments by the compliance on the part of the Iranian Government with five demands which were made by the United States Government. Those demands consisted of an indemnity of $60,000, fixed by this Government, for the benefit of the widow, Mrs. Imbrie; the rendering of full military honors to the body of Major Imbrie while on Iranian

soil; the punishment of the individual Iranians who were guilty of the crime; indemnity for another American who was injured at the same time; and the payment of $110,000, calculated as the cost to the United States of dispatching the U. S. S. *Trenton* to Iran, to receive Major Imbrie's body and to return it to the United States for burial. It is this sum of $110,000 which is the substance of the proposed legislation.

The subsequent negotiations with the Iranian Government are set forth in the exchange of notes between the two Governments. The notes have been published (Rept. 985 of the 69th Cong., 1st sess.), to accompany House Joint Resolution 154.

I may say that measure passed the House of Representatives prior to this time.

The first note, dated July 5, 1924, was delivered by the United States minister to the Iranian Prime Minister on July 6, 1924. After describing this Government's position in regard to the injury done, the note stated as follows:

My Government desires nothing which the facts of the case do not fully justify. It approaches the situation with no wish to offend a friendly Government or to require punitive damages. It is, however, insistent that full reparation should be made, that punishment should be meted out to the guilty, that assurances be given and enforced of adequate protection for the lives of American citizens, and that the safety of its officials in Persia should be guaranteed.

My Government—

In other words, the United States Government—

does not wish at this juncture to indicate in detail the particular steps which would be considered adequate to meet the situation resulting from the killing of Mr. Imbrie. The Persian Government has already stated on its own initiative that redress for the wife of the victim would be made. This redress should also extend to the covering of the expenses which might be incurred in connection with the dispatch to a Persian port of an American man-of-war to receive the body of Vice Consul Imbrie, which should be accompanied while on Persian soil by a suitable Persian military guard of honor and rendered appropriate honors at the time of leaving Persian territory. It is further considered that an appropriate guard should, if requested by the Legation, be furnished by the Persian Government both to the American Legation and to the American Consulate, such guard to be maintained pending the notification to the Persian Government that it is no longer considered necessary.

Mr. President, the next sentence is a very important passage:

My Government has further instructed me to reserve, for a later communication, further suggestions as to the action which may be considered necessary to meet the exigencies of the situation.

Mr. President, I emphasize that passage, because the point has been made by some persons that the opinion of the Comptroller General, to which I shall refer later, has great bearing on this matter. However, I call attention here to the fact that our own Government, when the demand was first made, instructed our official to reserve for a later communication further suggestions as to the action which might be considered necessary to meet the exigencies of the situation.

I read further:

I am instructed by my Government to add that the character of any additional statement which might be made to the Persian Government would be materially influenced by the action which that government may immediately take on its own initiative to make such further redress as may be appropriate, particularly in punishing those responsible for the crime and in giving full publicity to the action taken.

That is the end of the first communication.

The reply of the Iranian Government, on July 29, 1924, with respect to this item, is stated in the following terms:

Considering the official status of Mr. Imbrie, the deceased, the Persian Government agrees with the suggestion of the United States Government that the body of Mr. Imbrie be accorded honors during the transportation. The Persian Government is concerned over this matter to such an extent that it would ship the remains of the deceased consul to America aboard a Persian man-of-war if Persia possessed one. But inasmuch as it is unable to do so, it agrees to pay the expenses which may be incurred by the dispatch of an American man-of-war to receive the remains.

After the Iranian Government had carried out its other commitments, and after the Navy had arranged to send the U. S. S. *Trenton* to Iran, the American Chargé d'Affaires on November 9, 1924, delivered a note to the Iranian Government. In that note after acknowledging gratification at the Iranian Government's compliance, the following is stated—

Mr. President, may there be order in the Senate Chamber? The exchange of notes, which I am reading, is the whole crux of the matter; and if Senators understand these notes, I think the rest of the matter is very simple.

The VICE PRESIDENT. The Senate will be in order.

Mr. FULBRIGHT. This is the reply, on November 9, 1924, following the other exchange of notes:

One question which is now outstanding between the two governments with respect to the late incident is that of the reimbursement for the expenses incurred in dispatching an American man-of-war to Persia for the return of the vice consul's remains, expenses which the Persian Government in its note of July 29 has already expressed its willingness to meet. It is anticipated that this sum will approximate $110,000.

My Government—

That is, the United States—

desires to effect a settlement of this question in a manner that will tend to promote the friendly relations between the two countries. It has, therefore, authorized me to propose that the Persian Government's undertaking in this matter be carried out by the establishment of a trust fund to be utilized for the education of Persian students at institutions of higher learning in the United States.

That was a voluntary note of the Government of the United States to the Iranian Government, on November 9, 1924. It will be noticed that in the beginning it says, "One question which is now outstanding * * *." So it is upon the basis of that note that I believe, and both committees believe, that there was intended to be established a trust of the $110,000 for the purpose set forth in that note. I continue to read from the note of our Government:

Upon receipt of information that the Persian Government is prepared to carry out this suggestion the precise arrangements which could best be made to give effect thereto can easily be determined. My Government believes that the Persian Government will be in full agreement with its view that the plan suggested will result in promoting a closer relationship and a better understanding between the peoples of the two countries.

To this the Iranian Government replied by a note of November 15, 1924:

I beg to advise that I have received your note, No. 49 of November 9, 1924, and that I have taken note of its contents. With regard to the payment of $110,000, as the expenses incurred by the dispatch of the American vessel that carried the remains of Mr. Imbrie, instructions have been sent to the Ministry of Finance to the effect that they pay the money in any manner that is feasible.

I also beg to state that the proposal of the authorities of the great Government of the United States of America that this sum be spent on the sending of Persian students to the United States is appreciated by the authorities of the Imperial Government. In expressing my thanks for this evidence of the good will of the American Government, I avail myself of this opportunity—

And so forth. The exchange of notes was released to the press by the Department at the time.

The trust agreement, represented by the exchange of notes referred to in the preceding correspondence, became effective November 15, 1924. Every payment made thereafter was made on the basis of this trust. The first payment by the Iranian Government on the $110,000 obligation was not made until December 24, 1924, subsequent to this exchange of notes. By that date this Government and the Iranian Government had already agreed that the money to be paid was to be charged with a trust for the education of Iranian students in the United States.

I do not know what could be clearer than that description of what had actually taken place and the understanding of our own Government.

As each of the four payments, in the form of bank drafts, was received it was kept intact in the Department of State. No draft was deposited in the Treasury until June 24, 1925. On February 19, 1925, the President sent a communication to Congress, together with a letter from the Secretary of State, requesting authorization action by Congress. In those communications they refer to the $110,000 as a fund. Authorization legislation passed one House but was not reached by the other before adjournment. The four drafts, under circumstances which the record does not indicate with adequate clarity, were deposited in the Treasury on June 24, 1925. On January 6, 1926, the President and the Secretary of State wrote again, to the new Congress, requesting the same action which had been requested in the preceding year. In that communication, made after the deposit in the Treasury, President Coolidge and Secretary of State Hughes asked for action by Congress "in order that the funds in question may not lie idle during the coming year."

The Congress failed to act on the requests. For various reasons no action was taken or requested by the Department of State with respect to the further execution of this trust, nor by the Iranian Government, until 1947. Congress, however, disposed of a new claim of the widow of Vice Consul Imbrie by rejecting her request for a portion of the trust fund and enacting instead a private relief act by which she was paid "out of any money in the Treasury not otherwise appropriated" the sum of $30,000 as additional compensation to that already provided by the Iranian Government to her, which, as I mentioned before, was $60,000, so that she would receive a total of $90,000.

The act, approved March 4, 1927 (ch. 526, 69th Cong., 2d sess., 44 Stat., pt. III, 1973), contained the following provision:

> The acceptance of this sum by Katherine Imbrie shall be in full settlement of all claims or demands for personal injuries suffered by her and for the death of her husband.

The $110,000 fund itself thus remained untouched.

The diplomatic and political history of the intervening period provides the chief reasons why the execution of the trust was not sought, and these reasons need not be expatiated upon. The Iranian Government has now called upon this Government to perform the trust, and the Department of State is ready and willing to do so. There can be no question that such performance would, particularly at this time, be in the best interests of both Governments.

When the drafts received from the Iranian Government, charged with the trust referred to, were deposited in the Treasury a countervailing entry should have been made setting the fund up as a trust fund. The failure to do this, irrespective of whose fault or oversight that was, cannot change the equitable nature of the obligation of the United States Government, nor remove the fiduciary character of the fund. It constituted a trust res in intention, and under the elementary rules of equity it remained and still remains a segregable trust res in the Treasury of the United States. The fact is the fund has always been considered as intact in the Treasury whenever the question has arisen and must be considered as intact now.

It is the view of the Department of State that $110,000 of the general fund of the Treasury must therefore be considered impressed with a fiduciary obligation to constitute a segregable fund which as a trust res can be traced under the usual rules governing the tracing of assets.

No action has even been taken by Congress or by the Executive which deliberately or intentionally misappropriated the $110,000 fund or announced the intention of this Government to repudiate the obligation into which the Secretary of State on the authority of the President entered with the Iranian Government to devote this fund for the education of Iranian students in the United States.

Nor is it material that the President in 1925 and 1926 asked for congressional action. While the motivation for that request may not be entirely clear, the purpose was the execution of the trust and the request may very well have been founded on the absence of precedent in 1925 for the operation of a long-term student exchange program and, perhaps, on the thought that a greater demonstration of good will toward the Iranian Government and the Iranian people would be evidenced by the message of the President to the Congress and the authorization by the Congress to execute the trust. In any event, since the enactment of the Fulbright Act—Sixtieth Statute page seven hundred and fifty-four—and the Smith-Mundt Act—Public Law 402, Eightieth Congress—no such authorization by Congress should be necessary—the authority is adequate. Furthermore, the situation today falls squarely within the system of the act of February 27, 1896, since it is proposed to distribute the $110,000 to a few "ascertained beneficiaries" who will be evident and in being when the certificates to the Secretary of the Treasury provided by the act of 1896 are signed by the Secretary of State. That was not the fact when the Congressional authorization was sought. Being a trust fund, no further authorization or act of appropriation is legally necessary by the Department. That is why the question was finally presented to the Comptroller General.

The Comptroller General, in his decisions, volume 27, page 641, held that there was not a legal trust, and he held that there should be a direction by Congress. He did not express any opinion about whether it was a proper purpose or a proper thing for the Congress to do, but he held that a direction would be required by him before he would consent to an expenditure of the fund in question by the Secretary of the Treasury. That is why we finally have this bill before us again, for the third time.

I should like to read one very short excerpt from the opinion of the Comptroller General, in order to make clear the very narrow ground upon which he held there was no legal trust. His theory is that, by the first note I read, the Iranian Government accepted the obligation to pay the $110,000, and that therefore the subsequent note, which was the proposal by our Government—and, as will be recalled, our own Government, in the first instance, made the proposal to use this money as a trust for the education of Persian students was simply a gratuitous act, and that the right of the United States to the money had already vested as a matter of law. On page 645, he says:

> Consequently, the subsequent offer on the part of this Government through the Secretary of State to use the sum of $110,000 for the education of Persian students must be regarded as a purely gratuitous gesture entirely devoid of binding or obligating characteristics.

I submit that if we are to apply strictly private laws of trust to this kind of situation, in which our own Government has stated very clearly in the note that there was outstanding this question, which was not settled, and proposed that this money be used for this purpose, our Government in many cases will be found wanting in good faith, because it is not the usual basis upon which we conduct our international relations.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ELLENDER. Had the money been paid into our Treasury when our Government made its offer?

Mr. FULBRIGHT. It had not been paid. I want to stress that point.

Mr. ELLENDER. I understood the Senator to so state and I wanted to have it clearly shown for the RECORD.

Mr. FULBRIGHT. Absolutely. I will review that situation. I know it is a little difficult to understand. The first note of July 26, 1924, was the demand for these five different things. Then the reply of the Iranian Government on July 29 was a very gracious acceptance of these demands. They wanted to do whatever was proper. I wish the Senator would note this fact. On November 9, 1924, the note said:

> The only question which is now outstanding—

This is our note—

> between the two governments is—

Indicating that the question had not been settled—

> is the question of reimbursement. It has, therefore, authorized me to propose that the Persian Government's undertaking in this matter be carried out by the establishment of a trust fund to be utilized for the education of Persian students at institutions of higher learning in the United States.

No money had been paid at that time.

Mr. ELLENDER. I repeat, there is no question in the Senator's mind that the so-called trust agreement had been perfected between the two governments before the money was paid.

Mr. FULBRIGHT. None whatever, before the money was paid. The first check or draft for money was received on December 24, which was more than a month after the note which proposed it be paid. The solicitor of the Department of State under President Coolidge in a memorandum used this language: "The same is being paid by the Persian Government following and presumably in reliance upon assurance given by the Secretary through the chargé d'affairs." I hope the Senator will follow this language. It is the language of the solicitor of the Department of State. The memorandum was written immediately after the pact. This was in 1925. It was immediately after the first draft had been paid. It was paid by four different drafts in the course of a few months.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Yes.

Mr. O'MAHONEY. Is it not a fact that the first bill which was introduced with respect to this matter, on January 9, 1926, by Representative Porter, in the first session of the Sixty-ninth Congress, provided an authorization for an appropriation, but had none of the provisions contained in the pending bill; and is it not a fact that that bill was not enacted into law?

Mr. FULBRIGHT. That bill, if I recall, was the one that passed the House.

It came to the Senate 2 days before we recessed, and it did not pass the Senate.

Mr. O'MAHONEY. It was not enacted into law.

Mr. FULBRIGHT. That is correct. This bill does contain an authorization for an appropriation.

Mr. O'MAHONEY. The present bill goes much further than that, and does authorize an appropriation.

Mr. FULBRIGHT. Yes.

Mr. O'MAHONEY. Mr. President, I should like to have the attention of the Senator from Louisiana [Mr. ELLENDER] to the question I am about to ask the Senator from Arkansas. Is it not a fact that another bill was introduced later, a year or two afterward, and that bill also failed of enactment?

Mr. FULBRIGHT. I think that is correct, if my memory serves me right.

Mr. O'MAHONEY. Is it not a fact that the Comptroller General in his report of April 16, 1948, in which he discussed this very point, stated in a memorandum addressed to the Secretary of State as follows:

> If the State Department itself viewed the funds as impressed with a trust upon their receipt, it is not apparent why some request for an accounting adjustment has not been made over the past 23 years.

Is that statement not in the report of the Comptroller General?

Mr. FULBRIGHT. I have the full report before me.

Mr. O'MAHONEY. Mr. President, I hand the report to the Senator from Arkansas.

Mr. FULBRIGHT. I do not see that it is particularly relevant, or what the significance of it is.

Mr. O'MAHONEY. The significance of it is that 23 years after the Congress of the United States had declined to act, this whole matter was forgotten by the State Department, and it was not until this recent revival in 1948 that the matter has been brought before Congress.

Mr. FULBRIGHT. Is it the Senator's theory that if one undertakes a fiduciary obligation simply by forgetting it the obligation is discharged? It never occurred to me that is sound procedure as to an individual, and certainly not as to a government. It was our duty all that time to do this. I will say to the Senator that I was brought into it as the most junior member of the Committee on Foreign Relations. Apparently no one else wanted to bother with it because it is such a relatively small amount. The widow of Mr. Imbrie has gone from one Member of Congress to another and persuaded them this is a dastardly thing.

I think it is purely a matter of principle. It ought to be done. I have about come to the conclusion that it is impossible to induce our Government to take action on a matter so small as this. If it involved $10,000,000 it would long since have been disposed of. That is the real explanation, I think. It is so small that it gets lost in recesses.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). If the present occupant of the chair may be pardoned for participating in the debate, the Senator stated a moment ago that the Government of Iran had asked that this matter be reopened. What is the date of that request?

Mr. FULBRIGHT. In 1947, I believe, the State Department said the Iranian Government had raised the question then, and I think it is true that in the intervening period it was forgotten, but I never assumed that was a discharge of a fiduciary obligation.

The PRESIDING OFFICER. The Chair does not think so either.

Mr. O'MAHONEY. The Senator from Arkansas has read from the report of the Comptroller General. I think he has correctly described that report. It is a formal statement by the Comptroller General that in his opinion these funds were not impressed with a fiduciary aspect. Is that not correct?

Mr. FULBRIGHT. That is correct.

Mr. O'MAHONEY. I wanted that to be clear in the record.

Mr. FULBRIGHT. That is clear. I did not want to mislead the Senator. I think I read sufficiently from the report to establish that fact.

Mr. O'MAHONEY. I think the Senator did. However, frequently Senators are asked questions by other Senators in the course of a presentation, and I merely wanted to make it clear, by reason of the question asked by the Senator from Louisiana, that the Comptroller General of the United States as late as the 16th of April 1948, formally reported to the State Department that in his opinion this sum was not impressed with a trust.

Mr. FULBRIGHT. I want to make very clear the grounds upon which he held that, and what the situation was. I read to the Senate the exact language of the notes which were exchanged. I think the Comptroller General is incorrect. He said the Iranian Government had clearly committed itself to pay whatever the expenses turned out to be. He said that is what they committed themselves to do in the original note. However, as I read our Government's subsequent note it clearly said that this was an outstanding matter. In other words, it was not settled, and we proposed to settle it in this way by the establishment of a trust. The Comptroller General says:

> Consequently, the subsequent offer on the part of this Government through the Secretary of State, to use the sum of $110,000 for the education of Persian students must be regarded as purely a gratuitous gesture, entirely devoid of binding or obligatory characteristics.

I do not agree with that. The Persian Government had not paid a cent. Let us assume that we had not made this offer, and they had said, "We do not know whether we will pay." We know of many cases where governments have not paid. It is not a foregone conclusion that they were going to pay. Our own Government admits that it is an outstanding matter as to how much they ought to pay with regard to the transfer of the body of Mr. Imbrie. The Persian Government never indicated that they were going to default, or anything else. They were in very friendly relations with us. Our Government said, "We propose you pay $110,000, and we will use the money for this purpose."

If that is not clearly undertaking a fiduciary relationship, I do not know how to describe it. Our own Government uses the word in its own note, I say to the Senator from Georgia. This is the language, and this was used before any money was paid. This is our own Chargé talking.

> It has therefore authorized me to propose that the Persian Government's undertaking in this matter be carried out by the establishment of a trust fund to be utlized for the education of Persian students at institutions of higher learning.

The PRESIDING OFFICER. Will the Senator yield to the Chair for a question?

Mr. FULBRIGHT. Certainly.

The PRESIDING OFFICER. Since this money was paid by the Iranian Government for the purpose of educating some of its youth, could not the trust fund have been established by the State Department, without an act of Congress?

Mr. FULBRIGHT. It could have been. There is no explanation why they did not credit it in the Treasury to a special trust fund, as was authorized under the act of 1896, which I mentioned a moment ago. I think that was an oversight. There is nothing to indicate there was any intention to do that, but it was credited to miscellaneous receipts. That is a technicality upon which the Comptroller General also partly bases his opinion. It should have been and could have been credited as a trust fund under the authority of the act of 1896.

The PRESIDING OFFICER. Since the money was being paid under those conditions, would it not have been proper?

Mr. FULBRIGHT. I think it was proper, and I think the Department was under the impression that had been done. At least they acted as if it had been in the first instance, and then they discovered that it had not been properly credited. I stated that the Department of State said that they thought it should have been credited as a trust fund under the authority of the act.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. Is it not a fact that Maj. Sherman Miles was sent to Tehran in 1924 by the State Department to supervise the action of the Iran Government in carrying out its obligations with respect to the agreement, and is it not a fact that he reported to the State Department that no one was ever punished for this crime, that as a matter of fact, the chief of police, whose duty it was to preserve order in the city at the time, was later promoted to be military governor of Tehran, and may not that be the explanation why the State Department has so long forgotten this matter?

Mr. FULBRIGHT. No; I would not say there is convincing evidence that that is a fact. I know that the widow of Mr. Imbrie has complained from time to time in her efforts to obtain this fund; and I may say, to be frank about it, that Mrs. Imbrie has persisted in her efforts to get this $110,000 in addition to the

$90,000 which she has already received. In my opinion, that is the sole reason why this case has not been settled in the past.

I have seen letters in the files in the committee. I do not remember so much the statements of Mr. Miles as I do some statements by Mr. Wallace Murray, who I believe was the chargé, or some official in the Embassy at Tehran.

There was a difference of opinion, particularly between Mr. Murray and Mrs. Imbrie. Mrs. Imbrie did not think the proper salute was fired when the ship carrying the body of her husband took off at Basra; that there should have been 21 guns fired at a particular time, but there were only 10. There were many things she thought were wrong with the honors paid to Mr. Imbrie. She also complained that the people who were responsible for the act were not punished.

From what I gathered from reading the files, Mr. Imbrie's death was caused by a mob, and it is rather difficult to say who is responsible when there is a mob. I think Mrs. Imbrie thought the chief of police should have borne the responsibility and should have been hanged at the moment. I cannot pass on all the details as to who was punished, and how. That is a matter of controversy. That is why I am not willing to say what the facts were. I can only say that there is some difference of opinion as to whether proper honors were paid on the shipment of the body of Mr. Imbrie on the *Trenton*, and whether the guilty persons were punished. But that is not the controversy here.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me to make a brief statement?

Mr. FULBRIGHT. Yes.

Mr. O'MAHONEY. Inasmuch as the Senator has seen fit to make certain comments with respect to the widow of the American vice consul who was assassinated in the performance of his duties in the capital of a foreign government, I should like to say that I have known Mrs. Imbrie for more than 20 years. While I have been a Member of the Senate I have known her, and never once has she even suggested to me that she desired to have any part of this money.

Mr. FULBRIGHT. Let me say to the Senator——

Mr. O'MAHONEY. I think the Senator's statement of depreciation with respect to the widow of an American official has really no part in this argument.

Mr. FULBRIGHT. If the Senator will pay close attention, in the first place, I do not consider that what I have said was depreciation. I am trying to state a fact, that Mrs. Imbrie has attempted to obtain this fund.

I have in my hand a letter dated August 2, 1949, which was subsequent to the introduction of the original bill. This letter is addressed to Hon. TOM CONNALLY, chairman, Foreign Relations Committee, Senate Office Building, Washington 25.

DEAR SENATOR CONNALLY: There are two bills which will come to your committee for final action; H. R. 3731 has passed House; Senate bill 2342, introduced by Senator FULBRIGHT, is still pending.

I need not read it all. I will do so, if the Senator from Wyoming desires to have me. But the last paragraph reads:

Now it is my request that I be given a hearing and present my claim for the Trenton Fund.

Your office can reach me at Metropolitan 4094.

With assurances of my appreciation, I am,

Sincerely yours,

KATHERINE IMBRIE.

That is her signature, and under it is "Mrs. Robert Whitney Imbrie, relict."

I do not know what could be plainer than that she is here stating to the chairman of the Committee on Foreign Relations, in 1949, that she wants to present her claim to this fund. If I have misinterpreted that, I apologize to Mrs. Imbrie, but I thought I was justified in saying she was seeking this fund.

I brought this letter along simply as one piece of evidence. I believe the Senator will find in the files that there are several letters, in fact, an enormous file in this matter, in one of which Mrs. Imbrie includes a great many excerpts from official documents pertaining to the matter of the shipment of the body of her husband at the port, how many shots had been fired, and whether or not due deference had been paid to the body of her husband.

I certainly do not want to reflect upon Mrs. Imbrie as an individual. I am sure she takes this very seriously. But, on the other hand, I believe our Government has an obligation. While it is true the amount is small, it is a solemn obligation undertaken by this Government for a worthy purpose, namely, to create conditions in which riots will not continue to be stirred up in one country or another, and to try to bring about, as the department says, better relations between the two countries.

If we followed the rule of an eye for an eye or a tooth for a tooth, we would never make any progress. I think this whole thing is a gesture of good will. The amount is small. I think it is indefensible to say that we do not have any obligation to discharge this undertaking, and to do everything our Government undertook to do. We were under no pressure to say we would use this fund for this purpose. We did it voluntarily, and the Iranian Government, as Mr. Hyde has said, in reliance upon our action, paid the money. I think Mrs. Imbrie is unduly excited about the details.

In all fairness, I am sure that the payment which was made, which I think was $90,000, compared with what we give on death claims in other fields, was adequate. We have never given that much where our own Government has caused a death. I believe in one case last year, at the insistence of the Senator from Wisconsin [Mr. MCCARTHY], we allowed $25,000, but before that $10,000 had been the top.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Oregon.

Mr. CORDON. I am interested in section 2 of the bill, which begins with this language:

The said sum of $110,000 shall be deemed a trust fund received by the Secretary of State under the provisions of the act of February 27, 1896 (29 Stat. 32, title 31, U. S. C., sec. 547).

Can the Senator advise me as to what the provisions of the act referred to are? I am particularly interested in whether or not the act provides for the payment of interest on trust funds.

Mr. FULBRIGHT. My curbstone opinion would be that the act does not provide for interest. It is title 31, United States Code, and reads:

All moneys received by the Secretary of State from foreign governments and other sources, in trust for citizens of the United States or others, shall be deposited and covered into the Treasury.

The Secretary of State shall determine the amounts due claimants, respectively, from each of such trust funds, and certify the same to the Secretary of the Treasury, who shall, upon the presentation of the certificates of the Secretary of State, pay the amounts so found to be due.

That is the language of the act.

Mr. CORDON. Is that the entire section?

Mr. FULBRIGHT. Yes. Prior to the Comptroller General's opinion, I believe the State Department thought this did constitute a trust under that provision.

Mr. CORDON. My next question, then, is, What is the reason for the language in the next sentence, with particular reference to this portion of it, quoting from line 12, page 2, "which fund shall be deemed, insofar as the same may be necessary, to have been heretofore appropriated as a trust fund under the said act of February 27, 1896, and the Permanent Appropriation Repeal Act, 1934, as amended," and so forth.

Mr. FULBRIGHT. The theory has been to preserve the relationship which it was thought had been established by the exchange of notes that this is a trust fund paid by the Iranians for this purpose. It is felt that as a matter of public relations the theory of its being a trust fund should be preserved, rather than that it is a gratuitous appropriation of our own funds for that purpose.

Mr. CORDON. Is it intended by that language to cure, by retroactive application, whatever error the Secretary of State may have made when he deposited the funds to the general account of the Treasury?

Mr. FULBRIGHT. That is what I think is the purpose sought to be achieved.

Mr. CORDON. Is any accrued interest credited to this account?

Mr. FULBRIGHT. It is my information that there is not, although I think a case could be made for it, because it was by our default that the money was never used for the purpose. However, I am not proposing such a thing. The bill does not provide for it, and I know of no one who contemplates any interest. I do not think anyone entertains a doubt that no interest is to be considered, unless we should provide that it shall be paid, and I am not asking that that be done.

Mr. CORDON. Is the Senator asking by reference to any of the sections of the law, that the bill make provision for interest?

Mr. FULBRIGHT. No; and the mention I made of the law of 1896 is not with the thought that interest should be paid on these funds.

Mr. CORDON. I appreciate the Senator's statement.

Mr. FULBRIGHT. It is my definite understanding that if the bill is passed, no interest will be added to the fund. It will simply provide for the amount of $110,000 which the Iranian Government deposited with our Secretary of State.

Mr. President, I hope the Senator from Wyoming does not feel that my remarks have in any way been personal or reflected upon the widow of Mr. Imbrie. That is not my purpose. I think he can understand that this is a matter with which I have been struggling. It is one of those rather small matters that require an enormous amount of time. I must say that I have spent a good deal of time on it. Last year I tried to get the bill through the Senate, and it was held up on the call of the calendar.

The question has been asked, "Why did not the bill pass the Congress?" The Senator knows that it is extremely difficult to induce the leadership ever to find time for a bill of this small consequence; therefore if it is not passed on the call of the calendar it simply is not passed. That is what has happened to this bill. I do not think the fact that it has not been passed indicates in the slightest any lack of merit in the bill.

Mr. President, I wish to read one short paragraph from the House report. I think it sort of sums up what was the unanimous view of that committee. It is as follows:

> In the committee's view, the proposition of this bill is not simply the proposition that the United States should honor its pledged word as the only course compatible with its dignity. It involves also the proposition that the United States shall manifest helpfulness toward a friendly people by providing education in American techniques to nationals who, upon completion of their studies, will be able to serve usefully in their homeland. This bill is completely in keeping with the actions taken by Congress in Public Law 402, Eightieth Congress, and Public Law 584, Seventy-ninth Congress—which represents policies in the interest both of this country and of its friends.

So I think there is every reason why under the present circumstances the Senate should pass the bill and dispose of this obligation which has been hanging over our heads for a quarter of a century.

The PRESIDING OFFICER (Mr. ELLENDER in the chair.) The bill is open to amendment.

Mr. O'MAHONEY. Mr. President, it is obvious that there are now six Members present on the floor of the Senate. That is an illustration of how sometimes bills which should not be passed are passed. Therefore, Mr. President, before I take the floor to explain some of the reasons why I have during this session objected to the passage of the bill on the call of the calendar, I must suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Hoey	Martin
Benton	Holland	Millikin
Butler	Humphrey	Morse
Byrd	Hunt	Mundt
Cain	Ives	Murray
Chapman	Jenner	Neely
Chavez	Johnson, Colo.	O'Conor
Connally	Johnson, Tex.	O'Mahoney
Cordon	Johnston, S. C.	Robertson
Darby	Kefauver	Russell
Douglas	Kem	Saltonstall
Dworshak	Kerr	Schoeppel
Ecton	Kilgore	Smith, Maine
Ellender	Langer	Stennis
Ferguson	Leahy	Thomas, Okla.
Frear	Lehman	Thye
Fulbright	Long	Tobey
George	McCarran	Tydings
Gillette	McClellan	Watkins
Graham	McFarland	Wherry
Green	McKellar	Wiley
Gurney	McMahon	Williams
Hendrickson	Magnuson	Young
Hill	Malone	

The PRESIDING OFFICER (Mr. HOLLAND in the chair). A quorum is present.

The Senator from Wyoming is recognized.

Mr. O'MAHONEY. Mr. President, the pending bill was reported by the Committee on Foreign Relations, through the distinguished Senator from Arkansas [Mr. FULBRIGHT]. The bill is entitled "A bill to discharge a fiduciary obligation to Iran."

Mr. McCLELLAN. Mr. President, will the Senator yield to me, to permit me to try to have the Senate pass at this time the small bill to which I have previously referred?

Mr. O'MAHONEY. Mr. President, I am sure the Senator from Arkansas appreciates the fact that when the absence of a quorum was suggested, there were only six Senators on the floor. Therefore, I desire to make at this time a brief statement in regard to the reasons why, in my opinion, this bill relating to Iran should not pass. If the Senator from Arkansas will bear with me, I think it would be well to postpone his request.

Mr. McCLELLAN. Very well.

Mr. O'MAHONEY. Mr. President, this entire matter arises out of the mysterious assassination of the American Vice Consul at Tehran as long ago as 1924. That diplomatic representative of the United States Government, Maj. Robert Imbrie, had served the Government of the United States with great distinction. He was our representative at Ankara at the time when great changes of social and political relationships among the people of Turkey were occurring. He was credited with having contributed very largely to the westernization of Turkey and the establishment of a much more democratic attitude among the people of Turkey. He was sent by the Government of the United States to Petrograd; in fact, he was the last representative the United States had at Petrograd, until the Soviet Government was recognized later.

He was a friend of the Finns, and he had made a great struggle to be of aid and assistance to them.

He went to Tehran; and there is every reason to believe that he was assassinated in Tehran in a riot which was caused by the Bolsheviks, whom he had offended by his actions as a representative of the United States.

Last evening, immediately before the Senate adjourned, I read into the RECORD the testimony of another diplomatic representative of the United States, Mr. Edgar Sisson, who was in Russia during the Red Revolution. He was sent there by President Woodrow Wilson. He published a book entitled, "One Hundred Red Days." In this book there is to be found the following reference to Major Imbrie:

> Intelligence channel, however, between Russia and the United States was not closed. Robert Imbrie, sent by Ambassador Francis from Vologda to be acting consul at Petrograd after the Brest-Litovsk peace reopened the city, became the active intelligence officer, and continued in that capacity after Americans left Russia, going then to the border city of Viborg, in Finland. His work, so far as I know, never has received public credit, and certainly not its deserts. Nor have I felt that his death, in Tehran, July 18, 1924, was free from mystery. He was killed, supposedly by accidental violence, in a street riot which suddenly flared up around him without understood cause. Tehran at that time was a center for a Bolshevik group plotting Asiatic turmoil. The Persian Government, because the death was in its territory, paid indemnity to Imbrie's widow and the international episode was officially closed.

Mr. Sisson then said:

> I was protected from the Bolsheviks by the publication of my report. To have harmed me afterward would have been a silly form of confession. Imbrie, however, never had that protection. He remained on distant service.

Mr. President, after the death of Major Imbrie, diplomatic representations were made to the Government of Persia, as the Senator from Arkansas has pointed out this morning in presenting the case for the consideration of the Senate. The first note, which was sent about a week after the death of Mr. Imbrie, contained this paragraph:

> My Government has further instructed me to reserve, for a later communication, further suggestions as to the action which might be considered necessary to meet the exigencies of the situation. I am instructed by my Government to add that the character of any additional statement which might be made to the Persian Government would be materially influenced by the action which that Government may immediately take on its own initiative to make such further redress be appropriate, particularly in punishing those responsible for the crime and in giving full publicity to the action taken.

There is no record that anyone was ever punished for that crime. There is no record that publicity was ever given by the Imperial Government of Persia with respect to the efforts which might have been made with respect to an attempt to find out who was responsible and why the crime was committed. But we have the testimony of Mr. Sisson, also a servant of the United States in the diplomatic service, that he was protected from the Bolsheviks, but Imbrie was not, and that the assassination, supposedly taking place in an accidental uprising of a violent street riot, was always to him a mystery. It remains a mystery, Mr. President.

After the death of Major Imbrie, and after the agreement to punish those who were responsible, the Government of the United States sent a representative to

Tehran, to see what was done. Major Sherman Miles, another distinguished American, was the man who was dispatched to Tehran in 1924 to supervise the reparations that were made. He reported to the Department of State, on August 13, 1924, that no one was accused or punished, and that the chief of police was not even reprimanded; indeed, Mr. President, within a year he was promoted to be the head of the military district of Tehran.

It has seemed to me, and no one challenges these facts, that in these circumstances the very last thing we should do would be to take this sum of $110,000, which was paid by the Government of Persia to the United States to reimburse the United States for the expense of sending the U. S. S. *Trenton* across the Atlantic and through the Mediterranean down into Persia, to bring the body of the American diplomatic representative back to the United States—I say, in the absence of any proof or showing that anyone was punished, in the face of the clear charge that the Bolsheviks were responsible, and that charge emanating from the State Department itself, it seems to me impossible to conceive that we should take that money and seek now to impress it with a trust for the education of foreign students.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I ask the Senator to pardon me for a moment. I have no objection whatever to the education of students, and I helped the Senator from Arkansas during the Seventy-ninth Congress to secure passage of the bill whereby the funds received by the United States from the sale of surplus property abroad should be used for the education of students. It is my information that, under that program—which properly bears the name of the Senator from Arkansas and is called the Fulbright program—under the program for the exchange of foreign students in 1951, when the foreign agreements are made, there will be some $67,000,000 in foreign currencies available for education. It is true that this money is in foreign currencies. But the Congress of the United States has been disposed to make some appropriations for the education of students. What I am objecting to is the use for this purpose of this particular money which was paid into the Treasury of the United States and credited to miscellaneous funds.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. FULBRIGHT. First, I want to say that certainly the Senator from Wyoming was very instrumental in having passed the legislation to which he referred. As I recall, he was chairman of the subcommittee which considered it. I appreciate the reference to it. But I think it has nothing whatever to do with this bill. With regard to the report of Major Miles, which was made, I believe, as the Senator stated, in the summer of 1924, subsequent to that time our Government made the proposal, our own State Department made the proposal that this fund of $110,000 be used for this purpose. I am not trying to justify this bill on the ground that it should permit the exchange of students or the sending of students, at all.

Mr. O'MAHONEY. I understand that fully.

Mr. FULBRIGHT. It is upon the very simple ground that we made this proposal, we undertook to set up a trust fund, and, subsequent to that offer, the money was received. It is simply a fiduciary obligation, a trust obligation, which we ought to discharge regardless of the merits.

Mr. O'MAHONEY. Mr. President, my position simply is that, in the absence of any proof that anyone was punished, in the presence of a declaration by the representative of the United States who went to Tehran to see what was done, that in fact no one was even accused, I say that no trust has ever arisen, and it should not be permitted to arise.

Mr. FULBRIGHT. But the Senator is arguing with the Government's having made the proposal. That is an entirely different approach. The fact is that the Government, knowing what the Senator says, made the proposal; it was accepted; and now he says, as I understand, "Well, it should not have made any such proposal, since all those in control of the situation had not been punished."

Mr. O'MAHONEY. No, Mr. President.

Mr. FULBRIGHT. I do not follow that at all.

Mr. O'MAHONEY. I am aware of the fact that President Coolidge sent to Congress a bill proposing that this money be used for this purpose. I am aware of the fact that two bills were introduced in the twenties, in 1926 and, perhaps, in 1928, but neither of these bills was ever enacted.

When the present effort was made to impress this money with a trust the matter was referred to the Comptroller General, and he himself in his report made the response that in his opinion no trust had arisen as a result of these exchanges. I read from page 9 of the report of the Comptroller General of the United States dated April 16, 1948. It is a letter addressed to the Secretary of State:

> If the State Department itself viewed the funds as impressed with a trust upon their receipt, it is not apparent why some request for an accounting adjustment has not been made over the past 23 years. The existence of political or other factors rendering the performance of the trust inadvisable does not explain the delay.

It was suggested, Mr. President, by the State Department, as clearly implied in these words, that the delay for more than 23 years was based upon some political or other factors. Whatever may be the truth about that, I say that the conditions which exist at the present time render it highly inappropriate that the money reparations paid for the death of an American diplomatic representative at the hands of Bolshevik rioters should be handled in the manner proposed here.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. FULBRIGHT. Does the Senator wish to hold the present Iranian Government responsible?

Mr. O'MAHONEY. No. However, other diplomatic representatives of the United States have been held by Bolsheviks. Americans have been imprisoned in China. Americans have been imprisoned in satellite countries. We received no consideration at the hands of those satellite countries. I say this is no time for us to take the action proposed by the bill.

Mr. FULBRIGHT. Does the Senator regard Iran as a satellite country?

Mr. O'MAHONEY. No; of course not. However, I am saying that when an American has been assassinated by Bolsheviks and no punishment has been meted out, certainly the last thing we should do is to take this particular money and use it for this purpose. Let the Senator introduce a bill for an appropriation under the ECA Act or any of the other authorizations but let us not take this reparation fund when there is no proof that any punishment was ever inflicted upon those who were guilty.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Yes.

Mr. CORDON. Is there anything in the record on either side of the question as to any affirmative proof that the Persian Government failed to take steps to effect punishment? I do not understand whether steps were taken. I can understand that if steps were taken the result might not be punishment for anyone, because there must be identification and proper proof. Is the record silent on the whole question?

Mr. O'MAHONEY. I cite only the fact, as I understand, that an American diplomatic representative, Maj. Sherman Miles, who went to Tehran in 1924 did in fact report to the State Department that no one was even accused of the crime, let alone punished for it, and that there was no publication, as required by the demand of the United States. That is the record.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Yes.

Mr. FULBRIGHT. I think the Senator has overstated that point. I have before me a copy of the memorandum signed by Maj. Sherman Miles, who went into this matter very thoroughly. I should like to read some of his remarks. There is a difference of opinion on the matter.

Mr. O'MAHONEY. Difference of opinion about what?

Mr. FULBRIGHT. Whether or not there was any effort made to bring to justice the persons who were guilty. The position of the widow of Mr. Imbrie is primary that the head man, that is, the man in charge of the Army, should have been punished. This memorandum clearly indicates that someone was punished. It says:

> Far from denying the complicity of the Army in the crime, which the Chief of Staff had denied, the Military Governor repeatedly emphasized his desire to bring to justice all guilty officers and men, and he said

he considered the officer of the guard of the Pehlevi Regiment on July 18 guilty of neglect of duty.

The Military Governor stated that the execution of more than one man for the murder of one man was forbidden by Sheriat law; but, nevertheless, to show respect to the American Government and to prevent the occurrence of such a crime, three men had been condemned to death. He intimated that the Sheriat law could be avoided by sentencing some of the men, not for murder, but for disobedience of orders supposed to have been given them.

The military governor's remarks were almost wholly directed towards convincing us that almost superhuman efforts had been made to secure justice, and that full justice had been or was on the point of being obtained. He was obviously perfectly satisfied with what had been done.

Apparently they thought America was going a little far in asking that more than one person be put to death for the killing of one man because that is forbidden by their law. However, I do not gather from these reports that nothing was done. Apparently our Government was not pleased that the military governor himself was not disciplined. That is what this file will reveal. It indicates that three men were condemned to death.

Mr. O'MAHONEY. The Senator will recall that in the report of the House committee, from which he himself has quoted in his report, the statement was made that either side of the issue can be cogently stated: The argument which the Senator makes, that there was a trust fund, and the argument which the Comptroller General makes, that there was no trust fund. The fact remains that a great mystery has surrounded this case from the very beginning until the end, and the testimony given by Mr. Sisson in his book, published in 1931 by the Yale University Press, was to me convincing evidence that this is a matter which should receive a great deal more consideration than it has had up to date.

I therefore move that the bill be recommitted to committee.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The question is on the motion of the Senator from Wyoming [Mr. O'MAHONEY] that the bill (H. R. 5731) to discharge a fiduciary obligation to Iran, be recommitted to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Green	Long
Benton	Gurney	McCarran
Butler	Hendrickson	McClellan
Byrd	Hill	McFarland
Cain	Hoey	McKellar
Chapman	Holland	McMahon
Chavez	Humphrey	Magnuson
Connally	Hunt	Malone
Cordon	Ives	Martin
Darby	Jenner	Millikin
Douglas	Johnson, Colo.	Morse
Dworshak	Johnson, Tex.	Mundt
Ecton	Johnston, S. C.	Murray
Ellender	Kefauver	Neely
Ferguson	Kem	O'Conor
Frear	Kerr	O'Mahoney
Fulbright	Kilgore	Robertson
George	Langer	Russell
Gillette	Leahy	Saltonstall
Graham	Lehman	Schoeppel
Smith, Maine	Tobey	Wiley
Stennis	Tydings	Williams
Thomas, Okla.	Watkins	Young
Thye	Wherry	

The PRESIDING OFFICER. A quorum is present.

Mr. CONNALLY. Mr. President, I hope the Senate will not send the bill back to committee. The bill was not only passed by the House by a very large majority, but was reported to the Senate from the Committee on Foreign Relations unanimously. The subcommittee which considered the bill prior to the action by the full committee also reported it to the committee unanimously. It seems to me that the money in question ought to be paid to Iran. The United States makes no claim to it. The widow has already received $90,000. In the last bill which was passed giving her $30,000 it was provided that it should be the last amount that would be paid. So I hope the Senate will dispose of the bill one way or the other and not leave it hanging in air.

Mr. O'MAHONEY. Mr. President, I merely desire to say there is no question involved as to what the widow of this diplomat should or should not receive. Her claim has been paid in full to my knowledge, no additional claim for payment has been made by her. The sum involved is $110,000 which was expended by the United States to bring the body of a diplomatic representative back to the United States. If the bill should be enacted the United States would be spending $110,000 more because of the assassination of one of its diplomatic representatives.

I wish Senators could read the debate which took place in the Senate in 1924 when the same proposition was rejected. The Senate in 1924 did not lightly regard the obligations which the Government and the people of the United States owe in sustaining the hands of its diplomatic representatives abroad. I think the bill has not been sufficiently studied and should go back to the committee.

Mr. ELLENDER. Mr. President, I am not a member of the Foreign Relations Committee and I confess that I am not acquainted with all the facts, but I listened with interest to my good friend the Senator from Arkansas [Mr. FULBRIGHT] when he discussed the bill. I believe the bill is a worthy one and should be passed in that it seeks to carry out an obligation which our Government owes to the Iranian Government. Judging from what the distinguished Senator from Arkansas has stated—and the evidence is all documentary—the $110,000 were paid over by the Iranian Government more or less on condition that that amount be used in order to establish a trust fund for the education of Iranian students. I believe that to be very plain. True the suggestion came from us but no payments were made until we agreed to establish the trust fund in question. The report from the Foreign Relations Committee shows that that was the purpose for which the money was to be used and much evidence was produced to sustain that view. Why the State Department did not establish the trust fund at the time the money was paid over is beyond me. It certainly had the right to do so under existing law.

As I understand the bill, and I repeat, its purpose is simply to carry out the agreement which was made back in 1924 between our State Department and the Government of Iran. I do not see any necessity for sending the bill back to the Foreign Relations Committee because all of the evidence is documentary and it was presented to the committee when the bill was up for consideration. Recommital would result in killing the bill. We have sufficient evidence before us to sustain the findings of the Foreign Relations Committee and I am hopeful that the bill will be finally passed as reported.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wyoming [Mr. O'MAHONEY] to recommit the bill (H. R. 5731) to the Senate Committee on Foreign Relations. [Putting the question.] The "noes" appear to have it.

Mr. O'MAHONEY. Mr. President, I ask for a division.

On a division, the motion to recommit was rejected.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H. R. 5731) was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1192. An act for the relief of certain Basque aliens;

S. 1208. An act for the relief of Pasch Bros.;

S. 1357. An act for the relief of Gregory Pirro and Nellie Pirro;

S. 1501. An act for the relief of Mr. and Mrs. Ray S. Berrum;

S. 2324. An act for the relief of Maria Balsam;

S. 2599. An act for the relief of Arturo Benetti;

S. 2648. An act for the relief of Carlo Fava;

S. 2835. An act for the relief of Boris Paul von Stuckenberg and wife, Maria Alexander von Stuckenberg;

S. 2922. An act for the relief of Chieko Murata;

S. 3015. An act for the relief of Walter Tyson;

S. 3018. An act for the relief of W. F. Steiner;

S. 3121. An act for the relief of Mario Juan Blas Besso-Pianetto;

S. 3306. An act for the relief of Dr. George Peter Petropoulos;

S. 3307. An act for the relief of Colvin Bernard Meik;

S. 3321. An act for the relief of Dr. Zena (Zenobia) Symeonides;

S. 3431. An act for the relief of Tatiana Moravec;

S. 3434. An act for the relief of Mikiko Anzai;

S. 3579. An act for the relief of Midshipman Willis Howard Dukelow, United States Navy;

S. 3727. An act to authorize certain construction at Griffiss Air Force Base, and for other purposes;

S. 3796. An act to amend section 4474 of the Revised Statutes, as amended, relating to the use of petroleum as fuel aboard steam vessels;

S. 3807. An act to authorize the President to appoint Col. Henry A. Byroade as Director of the Bureau of German Affairs, Depart-

ment of State, without affecting his military status and perquisites;

S. 3814. An act authorizing the Secretary of the Interior to issue patents in fee to certain allottees on the Blackfeet Indian Reservation;

S. 3824. An act for the relief of Kenneth Bruce Kohei Kozai; and

S. 3917. An act for the relief of Basilio Gorgone.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 3995. An act for the relief of Annetta Bachis, Anna Bellani, Angelina Colombo, Maria Grazia Impari, Franca Porricino, and Antonia Tirabassi;

H. R. 5083. An act for the relief of Sister Maria Emelia (Anna Bohn);

H. R. 7390. An act for the relief of Erika Kuebart and her minor son;

H. R. 7631. An act for the relief of Ottavia De Gaspare and Sandra De Gaspare;

H. R. 8452. An act for the relief or Ronald Mow and Angeline Cecilia Mow;

H. R. 8718. An act for the relief of Fred Hess;

H. R. 8769. An act for the relief of Annmarie Stritter and her minor daughter; and

H. R. 9084. An act for the relief of Hifumi Kato and her minor son, Kazuyuki Kato.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5226) to amend paragraph 207 of the Tariff Act of 1930.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 102) favoring the suspension of deportation of certain aliens.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 19, 1950, he presented to the President of the United States the following enrolled bills:

S. 2317. An act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes;

S. 2822. An act to amend the Federal Deposit Insurance Act (U. S. C., title 12, sec. 264).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles, and referred, as indicated:

H. R. 6862. An act to provide for the disposition of tribal funds of the Confederated Tribes of the Colville Reservation, Wash.; and

H. R. 8821. An act authorizing payment to certain States amounts withheld from grazing fees on public lands; to the Committee on Interior and Insular Affairs.

H. R. 7932. An act to amend section 2883 (d) of the Internal Revenue Code, as amended, by Public Law 448, Eighty-first Congress; to the Committee on Finance.

AUTHORIZATION OF AGREEMENTS PROVIDING FOR UNION MEMBERSHIP AMONG RAILWAY EMPLOYEES

Mr. McFARLAND. Mr. President, various Senators have asked me what the program is for today. There are several privileged matters which will be taken up. Two of them are veto messages. One is a conference report. In order that there may be something before the Senate, however, I move that the Senate proceed to the consideration of Senate bill 3295, Calendar No. 2263.

The PRESIDING OFFICER. The bill will be stated by title of the bill for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3295) to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carrier's employees for certain purposes and under certain conditions.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments.

Mr. WHERRY. Mr. President, will the Senator yield so I may make an inquiry?

Mr. McFARLAND. Yes.

Mr. WHERRY. Senate bill 3295 has been made the unfinished business. I now ask the Senator about the privileged matters he mentioned.

Mr. McFARLAND. The Senator from Alabama [Mr. HILL] is about to move that the Senate take up the veto message of the President on House bill 6217, which he has a right to do.

Mr. WHERRY. Yes. Is it then the intention of the distinguished acting majority leader to bring up another veto message, and then the conference reports?

Mr. McFARLAND. Either the veto messages or the conference reports will be taken up first.

Mr. WHERRY. I thank the Senator.

Mr. HILL obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me so that a House amendment to a Senate bill may be laid before the Senate?

Mr. HILL. I yield.

PALISADES DAM AND RESERVOIR PROJECT

The PRESIDING OFFICER (Mr. HOLLAND) laid before the Senate the amendment of the House of Representatives to the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, which was to strike out all after the enacting clause and insert:

That the Palisades Dam and Reservoir project, Idaho, heretofore authorized under the provisions of the Federal reclamation laws by the presentation to the President and the Congress of the report of December 9, 1941 (H. Doc. No. 457, 77th Cong., 1st sess.), by the Secretary of the Interior (herein called the Secretary), is hereby reauthorized under the Federal reclamation laws for construction and operation and maintenance substantially in accordance with that report as supplemented and modified by the Commissioner's supplemental report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949, and as including, upon approval by the President of a suitable plan therefor, facilities for the improvement of fish and wildlife along the headwaters of the Snake River, such facilities to be administered by the Fish and Wildlife Service: *Provided*, That, notwithstanding recommendations to the contrary contained in said report (a) the Secretary shall reserve not to exceed 55,000 acre-feet of active capacity in Palisades Reservoir for a period ending December 31, 1952, for replacement of Grays Lake storage, but no facilities in connection with the proposed wildlife management area at Grays Lake shall be built and no allocation of construction costs of the Palisades Dam and Reservoir by reason of providing replacement storage to that area shall be made until the development and operation and maintenance of the wildlife management area has been authorized by act of Congress, and (b) the nonreimbursable allocation on account of recreation shall be limited to the costs of specific recreation facilities in an amount not to exceed $148,000.

SEC. 2. There are hereby authorized for construction and operation and maintenance under the Federal reclamation laws: (a) the north side pumping division of the Minidoka project, this to be substantially in accordance with the Commissioner's report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949: *Provided*, That, notwithstanding recommendation to the contrary contained in said report, (1) lease or sale of that portion of the power service system extending from the substations to the pumping plants may be made to any entity on terms and conditions that will permit the United States to continue to provide power and energy to the pumping facilities of the division, and, in the event of lease or sale to a body not entitled to preference in the purchase of power under the Federal reclamation laws, will preserve a reasonable opportunity for subsequent lease or sale to a body that is entitled to such privilege, (2) no allocation of construction costs of the division shall be made on a nonreimbursable basis by reason of wildlife benefits, and (3) there shall be, in lieu of a 40-year period, a basic repayment period of 50 years for repayment, in the manner provided in the recommendations of the irrigation costs assigned for repayment by the water users; and (b) for the furnishing of electric power for irrigation pumping to that division and for other purposes, power generating and related facilities at American Falls Dam. These generating and related facilities, to the extent the Secretary finds to be proper for pay-out and rate-making purposes, may be accounted for together with other power facilities operated by the Secretary that are interconnected with the American Falls Dam power facilities, excluding any power facilities the net profits of which are governed by subsection I of section 4 of the act of December 5, 1924 (43 Stat. 703).

SEC. 3. The Secretary is hereby authorized to contract, under the Federal reclamation laws, with water users and water users' organizations as to the use for their benefit of the heretofore reserved storage capacity in American Falls Reservoir. Not to exceed 315,000 acre-feet of that capacity shall be made available to those who have heretofore had the use of reserved capacity under lease arrangements between the United States and the American Falls Reservoir district of Idaho, the distribution of this capacity among contractors to be determined by the Secretary after consultation with the interested water users' organizations or their representatives. Of the balance of the reserved capacity, 47,593 acre-feet are hereby set aside for use under contract for the benefit of the lands comprising unit A of the north side pumping division of the Minidoka project, and 71,000 acre-feet are hereby set aside for use under contract for the

benefit of those lands in the Michaud area which may hereafter be found to be feasible of development under irrigation. Contracts for the repayment of construction charges in connection with reserved capacity shall be made without regard to the second proviso of the tenth paragraph (Minidoka project, Idaho) under the heading "Bureau of Reclamation" of the act of June 5, 1924 (43 Stat. 390, 417). Such contracts shall require the repayment of all costs determined by the Secretary to be allocable to the reserved capacity, less, in the case of the 315,000 acre-feet of capacity above described, three hundred and eighty-six four-hundred-and-thirty-fourths of the revenues realized, after deduction of what the Secretary determines to be an appropriate share for operation, maintenance, and replacements, from the leasing of that capacity for irrigation purposes up to the time water first becomes available in Palisades Reservoir and, in the case of the capacity set aside for the north side pumping division, all other revenues realized from or connected with the reserved capacity and which the Secretary determines to be available as a credit against the cost allocable to that division.

SEC. 4. (a) The continuation of construction of Palisades Dam beyond December 31, 1951, or such later controlling date fixed by the Secretary as herein provided, is hereby made contingent on there being a finding by the Secretary by the controlling date that contracts have been entered with various water users' organizations of the Upper Snake River Valley in Idaho that, in his opinion, will provide for an average annual savings of 135,000 acre-feet of winter water. If in the Secretary's judgment the failure of the requisite organizations so to contract by the controlling date at any time is for reasons beyond the control of those organizations, he may set a new controlling date but not beyond December 31, 1942.

(b) Repayment contracts made in connection with the use of capacity in either American Falls or Palisades Reservoir may include, among other things, such provisions as the Secretary determines to be proper to give effect to recommendations referred to in section 1 of this act, and particularly those concerning the continued effectiveness of the arrangements as to the minimum average annual water savings.

SEC. 5. This act is declared to be a part of the Federal reclamation laws as these are defined in the Reclamation Project Act of 1939 (53 Stat. 1187).

SEC. 6. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sums of not to exceed $76,601,000 for the Palisades Dam and Reservoir project, Idaho, $11,395,000 for the Minidoka project north side pumping division, Idaho, and $6,600,000 for the American Falls power plant.

Mr. O'MAHONEY. I move that the Senate disagree to the amendment of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. O'MAHONEY, Mr. MURRAY, Mr. MCFARLAND, Mr. CORDON, and Mr. ECTON conferees on the part of the Senate.

PER CAPITA PAYMENT TO MEMBERS OF RED LAKE BAND OF CHIPPEWA INDIANS—CONFERENCE REPORT

Mr. O'MAHONEY. Mr. President, I submit a conference report on the bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment insert the following:

"That the Secretary of the Interior is authorized to withdraw as much as may be necessary from the fund on deposit in the Treasury of the United States arising from the proceeds of the sale of timber and lumber within the Red Lake Reservation in Minnesota, according to the provisions of the act of May 18, 1916 (39 Stat. 137), to the credit of the Red Lake Indians in Minnesota, and to pay therefrom $75, in two equal installments to each member of the Red Lake Band of Chippewa Indians of Minnesota who is living at the date of enactment of this act. The first installment of $37.50 per capita to be made upon the passage and approval of this act and the second installment of $37.50 per capita to be made January 15, 1951. Such installment payments shall be made under such rules and regulations as the Secretary of the Interior may prescribe.

"SEC. 2. No money paid to Indians under this act shall be subject to any lien or claim of attorneys or other persons. Before any payment is made under this act, the Red Lake Band of Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify and accept the provisions of this act.

"SEC. 3. Payments made under this act and shall not be held to be 'other income and resources' as that term is used in sections 2 (a) (7), 402 (a) (7), and 1002 (a) (8) of the Social Security Act, as amended (U. S. C., 1946 edition, title 42, secs. 302 (a) (7), 602 (a) (7), and 1202 (a) (8))."

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

JOSEPH C. O'MAHONEY,
ERNEST W. MCFARLAND,
HUGH BUTLER,
Managers on the Part of the Senate.

J. HARDIN PETERSON,
TOBY MORRIS,
WESLEY A. D'EWART,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the request for the immediate consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question now is on agreeing to the report.

Mr. WHERRY. Mr. President, will the distinguished Senator explain the conference report?

Mr. O'MAHONEY. Mr. President, the bill as originally passed by the House of Representatives provided for a payment of $100 per capita to the Chippewa Indians in the State of Minnesota.

On the floor of the Senate, when the bill was reached during the call of the calendar, the bill was amended so as to provide for a $75 payment, after the Committee on Interior and Insular Affairs had voted to reduce the payment to $50.

The House bill provided that the payment should not come within the interpretation of certain social security laws, and the House insisted upon that provision. The Senate agreed to it. That is the bill.

Mr. WILEY. Does the conference report call for a payment of $100 or a payment of $75 per capita?

Mr. O'MAHONEY. $75.

Mr. THYE. Mr. President, that payment is to be made in two installments, as I understand, one of $37.50 on the passage and approval of this measure and a second installment of $37.50 on January 15, 1951.

Mr. O'MAHONEY. Yes.

Mr. THYE. Of course we regret that the Indians are not to be paid the full amount of $100; but it is better to take three-fourths of a loaf than no loaf at all.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SPANISH-AMERICAN WAR VETERANS BENEFITS

Mr. HILL. Mr. President, I ask unanimous consent that the Senate proceed to the reconsideration of House bill 6217, the objections of the President of the United States to the contrary notwithstanding. The bill was vetoed by the President, and subsequently was passed by the House of Representatives over the President's veto. The bill is entitled "A bill to provide greater security for veterans of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, in the granting of out-patient treatment by the Veterans' Administration."

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to reconsider the bill.

The PRESIDING OFFICER. The question is, shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. WHERRY. Mr. President, if the Senator will yield, I should like to suggest the absence of a quorum.

Mr. HILL. I hope the Senator will not suggest the absence of a quorum. As he knows, under the Constitution there will have to be a yea-and-nay vote on this question.

Mr. WHERRY. Of course. However, inasmuch as the Senator from Alabama is about to make a speech on this subject, I thought perhaps I should suggest the absence of a quorum. On the other hand, I observe that there is a fairly good attendance of Senators at this time.

Mr. HILL. Mr. President, as I stated, the bill after being passed by the House and by the Senate was vetoed by the President.

It then was returned to the House, inasmuch as it was a House bill. The House, on reconsideration, by an over-

whelming vote of 321 to 12, overrode the veto.

The question now before the Senate is, Shall the bill pass, upon reconsideration, the objections of the President of the United States to the contrary notwithstanding?

The bill would provide for the giving of out-patient treatment to veterans of the Spanish-American War, including veterans of the Boxer Rebellion and the Philippine Insurrection. In order to obtain this treatment, their injuries would be deemed to be service-connected. As we know, under existing law, today all veterans who have a service-connected disability are entitled to such out-patient treatment. In fact, the veterans of World War I and World War II are entitled to a great deal more than that; they are entitled to in-patient treatment, which means that they are entitled to go to a hospital and have a bed there and be treated there and have hospitalization and medical care.

All that this bill would provide would be to give the benefit of out-patient treatment to the Spanish-American War veterans.

The bill was given careful consideration by both the House committee and the Senate committee. Two days of hearings were held by the subcommittee of the Senate Committee on Labor and Public Welfare, at which times officials of the Veterans' Administration, representatives of the Veterans of Foreign Wars, and representatives of the United Spanish War Veterans were heard. The hearings disclosed that the average Spanish-American War veteran today is 74 years of age, that these veterans are dying at the rate of approximately 9,000 a year, and that approximately 118,000 of them were living as of June 30 last. In fact, it is estimated that within the next 20 or 25 years, none of these veterans will be alive.

I think perhaps the best statement in behalf of the bill, certainly the best statement in behalf of passing the bill notwithstanding the objections of the President of the United States to the contrary, was made by a Spanish-American War veteran who is a Member of the House of Representatives. I refer to the gentleman from Illinois, Representative O'HARA. At this time I wish to quote from a statement made by him. I shall quote from his statement because as a Spanish-American War veteran, he testified in the House of Representatives from his own personal knowledge. In the House, he made a statement as to what he saw with his own eyes and what he personally experienced, and the conditions under which our soldiers in the Spanish-American War served and suffered. He stated:

> In the present instance I feel that the President has been misinformed. It is not within the range of human limitations for any man vested with the great responsibility of the Presidency to know intimately and in detail all the facts, all the circumstances, all the angles and all the phases bearing upon all of the very many questions that arise in the executive direction of a great nation and of a great people. Of necessity, and in the proper discharge of his duty, he must rely in part upon the assistance of others. I have the faith that the President would have viewed this bill in quite another light had he known the facts of the Spanish-American War as I from experience so well and so unforgettably know them.
>
> I could not be true to the memory of my comrades of a war over half a century ago, of my pup-tent mate in the Cuban campaign, a 16-year-old boy, who not a year later fell in action in the Philippines, and of many, many others, if I, one of the three veterans of the Spanish-American War in this body—

In other words, in the House of Representatives—

> did not today raise my voice to combat with the truth of personal experience conclusions honestly but erroneously arrived at by a later generation. Today I follow the spirit of the men I served with when many of them like myself were boys from high school and the twentieth century was yet unborn. Those who survive are few in numbers. They have no political strength. Their combined votes cannot affect the result in the election in a single congressional district. But I should never wish to return to this Chamber if while I am here I turned my back on them.
>
> May I be personal? I have no wish so to be; I trust that my work here has shown that my interest and my concern and my thoughts are concentrated on the great problems of the present; but I know of no other way to meet and to combat this misunderstanding of the Spanish-American War that has grown in the excitement and confusion of the 52 years of great historical events that have followed.
>
> I went to Cuba with the first outfit after the Rough Riders. Two days after the Rough Riders of Teddy Roosevelt had reached the battle front we were landing from small boats at Siboney, near Santiago. We were in action on the 1st of July 1898, and we wore in the Tropics heavy winter clothes. We had smoking Springfield rifles.

Mr. President, I am sure my distinguished colleague, the distinguished Senator from Pennsylvania [Mr. MARTIN], himself a veteran of the Spanish-American War, well remembers those old smoking Springfield rifles.

Representative O'HARA continued as follows:

> There were no medical records.

Mr. President, we recall that in those days there were no typewriters, no mimeographs, no multigraph systems, none of the various card systems and index systems and mechanical and other means of keeping records.

I quote further from the statement made by Representative O'HARA:

> There was little medicine. The beef was putrid and unfit to eat, and we subsisted in the Tropics on "sowbelly" and hardtack soaked in drippings.
>
> I returned on a transport after the surrender at Santiago, and on board that boat returning to Montauk Point only two were able to be about. There was no medicine. There were no records.
>
> After we returned from that campaign four, five, or six of my buddies from Michigan died. There were no records. I was ill for 6 months. I was in bed, after returning from that campaign. All of my life and including the period I have been a Member of the Congress I have had days when I have had coming on me fevers and chills that resulted from that campaign. I do not know of a single Spanish-American War veteran who has been more fortunate in that regard. Again I repeat, there were no records.
>
> It would be difficult for the younger veterans to visualize the conditions of food, clothing, medication, sanitation, and lack of hospitalization that were faced by the armed services in 1898.

The Representative continues, and concludes with these words:

> I can assure my colleagues that there is nothing fictional in the presumption that illnesses now sending Spanish-American War veterans to hospitals—usually and all too unfortunately for brief periods of a few weeks or a few months before the final muster call—are service-connected. The presumption in my mind—and my knowledge, if you please, comes from first-hand experience—is that they are so service-connected. If anyone holds to a different presumption, I will be only too glad to concede that he has something in the way of an argument when he produces anything even to the extent of a scrap of paper showing my own illness at Montauk Point and the ilnesses of 40 or 50 at least of my own comrades whom I saw grievously ill and some of whom died of those illnesses. Until such records can be and are produced, for the sake of all that is good and decent let us give the benefit of the presumption to these veterans.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield to the distinguished Senator from North Dakota.

Mr. LANGER. When a veteran of the Spanish-American War goes to a hospital, such as the Old Soldiers' Home, is he permitted to take his wife with him?

Mr. HILL. No, he does not take his wife with him. He cannot.

Mr. LANGER. This bill does not provide particularly for that; is that correct?

Mr. HILL. This bill does not deal with hospitalization. It does not go that far. All the bill does is to provide for outpatient treatment, which means that the patient can go to a veterans' facility, where a doctor can examine him and treat him and prescribe for him. But he does not get a bed in the facility. He does not get a hospital bed at all. All he gets is the out-patient treatment.

Mr. LANGER. But does he not get $90?

Mr. HILL. Yes. That is his pension. He is entitled to that. But this bill deals only with the one question of out-patient treatment.

Mr. LANGER. As a matter of information, I should like to ascertain whether one of the soldiers, when he goes to a veterans' home, is allowed to take his wife along with him, if he pays, or must he separate from his wife?

Mr. HILL. I would say he cannot take his wife with him. It may be that the distinguished Senator from Pennsylvania [Mr. MARTIN], who is a Spanish War veteran and very familiar with veterans' matters, can shed light on the subject. But I would say definitely that the veteran cannot take his wife with him.

Mr. MARTIN. Mr. President, will the Senator yield for another question?

Mr. HILL. I yield to the Senator from Pennsylvania.

Mr. MARTIN. Mr. President, I shall take but very little time of the Senate. While I regret exceedingly the idea of overriding the veto of a President, particularly when the President is attempting to economize as far as our country is concerned, because I am advocating economy now at every level of government, in order that we may move along in the war effort as rapidly as possible,

yet it seems to me that the distinguished senior Senator from Alabama has stated this case very clearly. The veterans of the Spanish-American War do not have well-rounded-out records. There was no opportunity in those days to keep records. I do not know whether it is commonly realized, but at the beginning of the Spanish-American War the Regular Army of the United States consisted of but 25,000 men, which is less than the equivalent of two divisions at the present time. The Army expanded rapidly. Volunteers were accepted, and they were organized into companies, regiments, brigades, and divisions. There was no opportunity to look after the records.

The average age of these men is 74. Many of them are over 80. They need this additional help. It may be interesting to recall that, aside from our having gone into the country of Mexico, the Spanish-American War was the first occasion when American troops entered another country. For less than 3 months, the troops were in Cuba, Puerto Rico, and the Philippines. The amphibious landings which were so successful in World War II were inaugurated in the landing of troops in those different islands. We were not prepared, so far as clothing was concerned. We now have tropical clothing. At that time the men went to the tropics in woolen clothing such as that which was used in the War Between the States. We did not have proper food. At that time, there was no way of keeping food through refrigeration. We did not have even ice. Much of the food was bad, and as a result, the men suffered from dysentery. They contracted malaria. The Senator mentioned the distinguished Member of the House of Representatives as having referred to that. Personally, it took me 6 years to fully recover from malarial fever. However, the Lord has been very good to me; and I have no complaint to make. I have enjoyed good health, regardless of what I sustained in the way of physical handicaps in the course of military work.

So it seems to me that this veto should be overridden. It seems to me that this should be done as a matter of justice to a group of men who pioneered in the type of military work which made it possible for us to win two World Wars. We had to pioneer not only in the matter of clothing, but also in the matter of equipment. The distinguished Senator mentioned the use of black powder. The rifles which our men used at the beginning of the Spanish-American War were effective for only 600 or 700 yards. They were opposed by men carrying the Mauser rifle, which was good up to 2,500 yards. I repeat, the food, the medical attention, and the records of the men were very imperfect. I think the President's veto should in this instance be overridden.

Mr. HILL. I thank the Senator from Pennsylvania for his contribution. The Senator is one of these veterans. He was there. He saw the situation with his own eyes. He experienced all the difficulties and hardships through which those men went.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from North Dakota.

Mr. LANGER. If the Senator will permit, I desire to ask a question of the Senator from Pennsylvania. I intend to vote to override the veto. I should like to know what provision is made for the widows of these veterans.

Mr. MARTIN. Mr. President, the widows of American soldiers are not so well taken care of as they should be. That applies to all our war widows. I have frequently stated that we ought to do more for the widows, probably, and less for the veterans, although I do not feel that we should do less for the veterans. But I may say to the distinguished Senator from North Dakota that the widows have not been given proper consideration so far as pensions are concerned. Until but a few years ago, the widow of a major general in the United States Army received but $30 a month. It is not fair. I expect to speak tonight to the widows of veterans, and I am urging them to petition the Congress that they be given more consideration. I think it is most unfair. While I am on my feet, I want to say that I have gone out to war a good many times. But I think the mothers and the wives deserve very much more credit than even the veterans. The mothers and the wives are the ones who must suffer in their homes, in private. All they can do is to pray that their loved ones may be returned. I think the Government owes a larger duty to the widows.

Mr. LANGER. I thank the Senator.

Mr. HILL. Mr. President, from a reading of the President's veto message, I think the thing which disturbed him most was the fear that we might be setting a precedent through the enactment of this legislation, a precedent which might give us trouble in the future. I think the President feared that if we pass this legislation for the benefit of our Spanish-American War veterans, we might then be forced as a matter of equity and fairness to pass similar legislation for the benefit of veterans of subsequent wars, World War I and World War II. I do not believe, however, that the President had called to his attention, or had an opportunity to obtain the facts which show the great difference between the way in which the Congress failed to provide for the veterans of the Spanish-American War and the way in which the Congress has provided for the veterans of World Wars I and II. In 1935 we had before the Congress a pension bill for the veterans of the Spanish-American War. President Roosevelt, in advocating its passage, made a very significant statement on this very subject of the difference between the treatment given Spanish-American War veterans on the one hand by our Government, and the treatment given the veterans of World War I by the Government, on the other. I desire to quote briefly from the statement of President Roosevelt, approving this pension measure for the Spanish-American War veterans, in 1935. He said:

The Congress, on many occasions, has recognized that because of complete absence of any system or policy initiated during or immediately following the Civil War, the Indian Wars, and the Spanish-American War, and because of a lack of adequate medical care from the point of view of modern standards, the veterans of these earlier wars could be compensated and taken care of only through some form of pension system.

In the case of the World War, however, the Congress at the very beginning of the war adopted an entirely new system of care and benefits. This new system applied to all who fought in the World War—

This was reference to World War I—

extended to them additional compensation if they had dependents, as well as insurance, hospitalization, vocational rehabilitation, and the adjusted-service certificates (the bonus).

The veterans of the Spanish-American War, now approaching an average age of 62 years (it was at that time, in 1935) had none of these advantages, except hospitalization in recent years. Their case, therefore, cannot be compared to the case of World War veterans. For the same reason the approval of this bill establishes no ground or precedent for pensions for the World War group. Theirs—

Meaning the World War veterans—

is an entirely different case.

Mr. President, the two cases are entirely different. Therefore, the fear which the President voices in his veto message of this bill, in light of the facts, when they are carefully examined, and when the benefits given to the Spanish-American veterans are compared with the much greater benefits given to the veterans of World War I and World War II, is not well justified. We are not setting a precedent.

Mr. President, in behalf of the bill there appeared before the House committee Judge Matthias, who is the Chief Justice of the State of Ohio. I wish to conclude my remarks by reading a few words from the testimony of Judge Matthias. Of course, Judge Matthias is a Spanish-American War veteran himself.

Judge MATTHIAS. Well, now, Mr. Davis—

Mr. Davis was the acting chairman of the House committee—

Well, now, Mr. Davis, will you permit me to refer to Judge McCord again, when we were before this committee to which I have previously referred. He told us that he was a wayward individual who was rapidly approaching the end and he realized it. He was asked whether he did not think it time to renounce the devil and all his angels, and he said, "I tell you, in the condition I am in right now, I just don't want to make enemies of anybody." [Laughter.]

I would like to say that Judge McCord is a judge of the United States Circuit Court of Appeals for the Fifth Circuit at New Orleans, is a former national commander of the United Spanish War Veterans and a distinguished and outstanding American.

Judge Matthias continues:

In any event, the payment of a bonus and the granting of other privileges to veterans of the World Wars has created no precedents for our Spanish War boys.

So, I will still continue just to talk about the Spanish-American War veterans because they are—I do not know whether you have had the opportunity to observe them as some of us have had—but they are not able to speak for themselves. We believe that they are entitled to this consideration.

But I want to read this statement:

"Too few people realize that 458,000 men served in the 'first war for humanity.' President McKinley called it the most altruistic

war in all history, and every last man went to war without being drafted. It was the only war with a foreign power which has paid dividends in billions. Proportionately more lives were lost from all causes than in any other war, and it left in its wake untold suffering by those who participated. The biting killers that carried yellow fever, malaria, and kindred diseases were discovered as a direct result of that war and the scourges that took millions of lives were wiped out by virtue of the fact that human beings in uniform died then. More millions who served in later conflicts lived because their comrades of the Spanish-American War learned through bitter experience that hearts and kidneys no longer function normally after the body is wracked with disease, and that dysentery caused by drinking foul water and eating rotten meat and maggoty food devours the bowels of those who were compelled to exist on what was served to them."

Mr. President, at this late date the Congress has an opportunity to show its appreciation to those veterans, as they come so near to the end of the road.

Mr. President, if no other Senator wishes to say anything on the subject I shall suggest the absence of a quorum so that we may take a vote on the question.

Mr. WILEY. Mr. President, in connection with the pending question, in order to save time I ask unanimous consent to have printed in the RECORD a statement which I have prepared on the President's veto message with respect to House bill 6217, together with certain correspondence and other matters relating thereto.

There being no objection, Mr. WILEY's statement, the correspondence, and other matters were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

LET CONGRESS OVERRIDE PRESIDENT'S VETO OF H. R. 6217 FOR SPANISH-AMERICAN WAR VETERANS

Mr. President, I have received from numerous Wisconsin folks well-justified protests against President Truman's veto of bill, H. R. 6217, which would provide for outpatient treatment of Spanish-American War, Philippine Insurrection, and Boxer Rebellion veterans.

I feel that the President's action was most unfortunate coming as it did at a time when Americans were once again fighting for the flag of their country. We all recognize, of course, that American medical facilities are strained at the present time, but surely we could make an effort to help these veterans—those heroic volunteers—who certainly made a special effort for their country when we called upon them.

I am including at this point in the body of the CONGRESSIONAL RECORD the text of an exchange of correspondence which I had with the department adjutant—a past department commander—of the United Spanish War Veterans of Wisconsin. I believe that this exchange, like dozens of other messages on overriding the veto, which I have received from other heroes of San Juan Hill, and from their families, expresses the views not only of Wisconsin veterans but of nonveterans as well.

Also that there be listed at this point of the RECORD the names of the officers of this distinguished United Spanish War Veterans organization. I salute these men, who in their elderly years are as true to the colors of their country as they were when they marched off in 1898.

Finally, the reprinting of a fine editorial from the September 14, 1950, issue of National Tribune—the Stars and Stripes, published here in Washington.

MILWAUKEE, WIS., *September 8, 1950.*

ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.:

Bill H. R. 6217 has been vetoed. That is unfortunate for Spanish War veterans who would benefit by the out-patient treatments provided in that bill. Kindly consider our age and grant us the privileges of that bill by voting to override the veto of the President.

GEORGE C. BAUER,
Department Adjutant and Quartermaster.

SEPTEMBER 8, 1950.

Mr. GEORGE C. BAUER,
Department Adjutant and Quartermaster, Spanish-American War Veterans, Milwaukee, Wis.:

Appreciate your telegram. I agree absolutely with you on vital importance of overriding Presidential veto of H. R. 6217. I will do everything I can along this line.

Kindest regards,

Senator ALEXANDER WILEY.

DEPARTMENT OF WISCONSIN,
UNITED SPANISH WAR VETERANS,
Milwaukee, Wis., September 8, 1950.

Hon. ALEXANDER WILEY,
United States Senator from Wisconsin,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: Thank you very much for your continued support of bills passed for the benefit of Spanish War Veterans. You have at all times been ready to render us every assistance when needed.

Your reply to my telegram which was received by me today will be read at a large gathering of Spanish War Veterans. In fact I will publicize it throughout our department in the State of Wisconsin, so that all Spanish War Veterans may know who are our friends in the Congress.

Again many thanks and with my warmest regards, with every good wish. I am,

Sincerely yours,

GEORGE C. BAUER,
Past Department Commander;
Member, National Committee on Legislation.

(Department Adjutant and Quartermaster, George C. Bauer, past department commander, 2867 North Forty-fourth Street, Milwaukee, Wis.; Department Chief of Staff, Arthur E. Schumacher, 824 Allouezze Terrace, Green Bay, Wis.; Department Judge Advocate, William F. Bauchle, past department commander, Box 283, Beloit, Wis.; Department Chaplain, Rev. George H. Willett, Iola, Wis.; Department Inspector, W. W. Biege, 429 Second Avenue, Baraboo, Wis.; Department Surgeon, Dr. Harry G. Oakland, 1651 North Twelfth Street, Milwaukee, Wis.; Department Historian, Ph. Le Blond, Grand Army Home, King, Wis.; Department Marshal, Richard Barlow, 3022 South Forty-fourth Street, Milwaukee, Wis.; Department Patriotic Instructor, William T. Schmitt, 529 South Main Street, Janesville, Wis.; Department Service Officer, Richard Strassburger, 1228 South Sixty-fifth Street, West Allis, Wis.; Department Recruiting Officer, Herbert C. Geittman, 523 Oneida Street, Beaver Dam, Wis.; Department Musician, William H. Healy, 2152 North Fortieth Street, Milwaukee, Wis.; Department Press and Publicity, A. J. Obenberger, past department commander, 1831 North Twenty-eighth Street, Milwaukee, Wis.; Department Sick and Visiting, G. Fred Huebner, 3027 North Twenty-seventh Street, Milwaukee, Wis.; Department Travel Directors, George C. Bauer, past department commander, Albert J. Obenberger, past department commander, John Ebbe, Sr., vice department commander; Department Legislative Committee, George C. Bauer, past department commander, chairman, A. J. Obenberger, past department commander, J. Stanley Dietz, past department commander, Art E. Schumacher, past department commander, William H. Zuehlke, past department commander.)

[From the National Tribune—The Stars and Stripes of September 14, 1950]

MR. CONGRESSMAN!

President Truman, on September 6, vetoed H. R. 6217, a bill designed to grant to veterans of the Spanish-American War, the Philippine Insurrection, and the Boxer Rebellion the right to out-patient treatment by the Veterans' Administration in the same manner as if their disabilities were officially recorded as being the direct outcome of their war service. This measure was approved unanimously by both Houses of Congress.

In his message of disapproval, the Chief Executive made four major points. (1) He stated that liberal standards are used now in determining service-connection, that the disabilities suffered by Spanish War veterans are common with those of other older citizens, and that claims of service-incurrence are largely fictional. (2) He asserted that these veterans are liberally recompensed, and that they are already provided with free medical and hospital care, including inpatient and out-patient treatment. (3) Mr. Truman said that the bill's provisions would place a drastic demand upon existing facilities at a time when medical services are strained. And (4), he claimed that the measure's enactment would create a precedent for veterans of later wars, would entail considerable cost, and that such provisions can be made available under social-security laws.

Each and every one of these reasons for disapproval of H. R. 6217 is false. The President has been misled by the Veterans' Administration, which somehow or other seems determined to write and interpret all veterans' laws as well as administer them. We desire, Mr. Congressman, to give you the correct information.

Liberal standards are not applied by the VA to Spanish War veterans; no rating schedules based upon Spanish War experience have ever been promulgated. In most cases their disabilities are peculiar to their service; no official disability records were kept, and they have been compelled for 50 years to treat at their own expense hearts weakened by jungle fevers, kidneys diseased by tropical illnesses, and guts rotted by foul food and water. The disabilities are real as hell.

Pension payments are not at all liberal for men with families whose ages average 75 years. These men are not given free hospital and medical care by the VA; they are not permitted in-patient or out-patient treatment by veterans' regulations. As a matter of fact, thousands of them have sought and have been denied hospitalization even when beds are available. The VA has not built sufficient beds to take care of World War I veterans alone. Spanish War veterans are being literally kicked out of hospitals to make room for younger veterans, some of them being sent home on stretchers. If beds were to be had, these elderly men in critical illness could not get to them unless they were locally situated.

Instead of placing a greater strain upon the VA, this legislation is purposed to relieve that demand, to keep these older veterans out of hospitals, to give them a chance to live and to aid them to meet the minor costs involved in purchasing essential medicines from purses strained by high living costs. Enactment of the bill should bring about savings to the Government, if properly administered.

As to precedents, the Spanish-American War veterans created their own when they

went to war, volunteers to the last man. There is no comparison whatever between their service and that of veterans of later wars, and it is foolish to attempt to create one. Sure, there will be some costs, but the care of war veterans is as much a part of the cost of wars as are the weapons furnished to fight them. And, remember, these Spanish War veterans brought back to this Nation in prizes vastly more than was spent in defeating the Spaniards.

Space forbids fuller argument, Mr. Congressman. The record is complete in committee hearings, and the reasons for treating with these men differently from others have long been recognized by the Congress. Certainly, you will not seriously consider offending them by following the theory that they—or any other veterans—will at any time go under the social-security laws.

Mr. Congressman, these veterans have never asked you to do anything they considered to be unfair. This is not a case of insulting the marines. It is one of crucifying old men who have nobody to depend upon but you. They ask for your vote to override the Presidential veto of H. R. 6217.

Mr. HILL. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hoey	Malone
Benton	Holland	Martin
Butler	Humphrey	Millikin
Chavez	Ives	Mundt
Connally	Johnson, Colo.	Murray
Cordon	Johnston, S. C.	Neely
Darby	Kefauver	O'Conor
Donnell	Kem	Robertson
Douglas	Kerr	Russell
Dworshak	Kilgore	Schoeppel
Ecton	Knowland	Smith, Maine
Ellender	Langer	Stennis
Ferguson	Leahy	Thye
Frear	Lehman	Tobey
Fulbright	Long	Watkins
George	McCarran	Wherry
Gillette	McClellan	Wiley
Graham	McFarland	Williams
Green	McKellar	Young
Hendrickson	McMahon	
Hill	Magnuson	

The PRESIDING OFFICER. A quorum is present. On the issue before the Senate a yea and nay vote is required by the Constitution of the United States. The question is, Shall the bill (H. R. 6217) pass, the objections of the President of the United States to the contrary notwithstanding? Those who favor overriding the President's veto will vote "yea." Those who favor sustaining the veto will vote "nay." The clerk will call the roll.

The legislative clerk called the roll.

Mr. McFARLAND. My colleague the senior Senator from Arizona [Mr. HAYDEN] is unavoidably detained. If he were present he would vote "yea."

I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Illinois [Mr. LUCAS] and the Senator from Pennsylvania [Mr. MYERS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER] and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

The Senator from Kentucky [Mr. WITHERS], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Oklahoma [Mr. THOMAS] are absent on official business.

The Senator from Virginia [Mr. BYRD] is absent in attendance on a meeting of the Armed Services Committee.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from Vermont [Mr. AIKEN] and the Senator from Iowa [Mr. HICKENLOOPER] would each vote "yea."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from New Jersey [Mr. SMITH] would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness, and if present, would vote "yea."

The junior Senator from Ohio [Mr. BRICKER], the Senator from Indiana [Mr. CAPEHART], the Senator from Wisconsin [Mr. McCARTHY], and the senior Senator from Ohio [Mr. TAFT] are necessarily absent. If present and voting, the Senator from Indiana [Mr. CAPEHART] and the senior Senator from Ohio [Mr. TAFT] would each vote "yea."

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Washington [Mr. CAIN], the Senator from South Dakota [Mr. GURNEY], the Senator from Indiana [Mr. JENNER] and the Senator from Massachusetts [Mr. SALTONSTALL], are detained at a meeting of the Committee on Armed Services considering the nomination of Gen. George C. Marshall. If present and voting, the Senator from Washington [Mr. CAIN] would vote "yea."

The yeas and nays resulted—yeas 58, nays 3, as follows:

YEAS—58

Anderson	Holland	Malone
Butler	Humphrey	Martin
Chavez	Ives	Millikin
Connally	Johnson, Colo.	Mundt
Cordon	Johnston, S. C.	Murray
Darby	Kefauver	Neely
Donnell	Kem	O'Conor
Douglas	Kerr	Russell
Dworshak	Kilgore	Schoeppel
Ecton	Knowland	Smith, Maine
Ferguson	Langer	Stennis
Frear	Leahy	Thye
Fulbright	Lehman	Tobey
George	Long	Watkins
Gillette	McCarran	Wherry
Graham	McClellan	Wiley
Green	McFarland	Williams
Hendrickson	McKellar	Young
Hill	McMahon	
Hoey	Magnuson	

NAYS—3

Benton	Ellender	Robertson

NOT VOTING—35

Aiken	Hayden	Pepper
Brewster	Hickenlooper	Saltonstall
Bricker	Hunt	Smith, N. J.
Bridges	Jenner	Sparkman
Byrd	Johnson, Tex.	Taft
Cain	Lodge	Taylor
Capehart	Lucas	Thomas, Okla.
Chapman	McCarthy	Thomas, Utah
Downey	Maybank	Tydings
Eastland	Morse	Vandenberg
Flanders	Myers	Withers
Gurney	O'Mahoney	

The PRESIDING OFFICER. On this vote the yeas are 58, and the nays are 3. Two-thirds of the Members present having voted in the affirmative, the bill is passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. TYDINGS subsequently said: Mr. President, the Senator from Texas [Mr. JOHNSON], the Senator from Wyoming [Mr. HUNT], the Senator from Kentucky [Mr. CHAPMAN], and I were unable to get to the Senate Chamber in time for the vote just taken overriding the President's veto, because we were in executive session considering the nomination of General Marshall to be Secretary of Defense. Although we hurried to the Senate Chamber we were unable to make it in time to be recorded on the vote. Had we been present we would have voted "yea."

Mr. MORSE subsequently said: Mr. President, I wish to make a statement similar to that just made by the Senator from Maryland [Mr. TYDINGS]. The junior Senator from Oregon asks to have the RECORD show that had he been on the floor of the Senate he would have voted to override the President's veto. The members of the Armed Services Committee were in meeting passing upon the Marshall nomination. We left as quickly as we could, upon the ringing of the bell. The roll call on this matter was one of the fastest called in the history of the Senate since I have been here. I want to say that it seems to me that when a committee is in session considering a matter of such moment as the Marshall nomination, adequate time should have been allowed the Members of the Senate to reach the Chamber to vote on a matter so important as the bill and the accompanying veto which have been under consideration by the Senate. But I want it to be understood that I have previously, in correspondence, been on record as in favor of overriding the President's veto.

The PRESIDING OFFICER. The Chair will say to the Senator from Oregon that the roll call was probably a very short one, because so many Senators are absent from the city.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

Mr. JOHNSON of Colorado. Mr. President, I submit a conference report on the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered (1), (2), (3), (4), (5), (6), (7), (8) and agree to the same.

ED. C. JOHNSON,
ERNEST MCFARLAND,
(By E. C. J.)
JOHN J. WILLIAMS,
Managers on the Part of the Senate.

DWIGHT L. ROGERS,
LINDLEY BECKWORTH,
J. PERCY PRIEST,
JAMES I. DOLLIVER,
JOHN B. BENNETT,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the conference report?

Mr. MALONE. Mr. President——

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. MALONE. Mr. President, I intend to move to refer the bill back to conference. The junior Senator from Nevada does not intend to interrupt at this time anything the Senator from Colorado [Mr. JOHNSON] may have to say by way of debate.

The PRESIDING OFFICER. The Chair will say for the information of Senators that it is the understanding of the Chair that the conference report is of such privilege that under the rule, it can be called up at once by motion.

Mr. MALONE. I understand that it can be called up, and it has been called up, but I intend to move, and will move at the proper time, that it be returned to conference for reconsideration.

The PRESIDING OFFICER. The Chair understood that unanimous consent had been requested for the consideration of the report, and the Chair was asking if any Senator objected.

Mr. MALONE. I have no objection to bringing up the report. I understand it is a privileged matter.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

FEDERAL ASSISTANCE TO STATES AND LOCAL GOVERNMENTS IN MAJOR DISASTERS

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I move that the pending business be temporarily laid aside and that the Senate proceed to consider House bill 8396, Calendar No. 2575.

Mr. JOHNSON of Colorado. Mr. President, reserving the right to object, I wish to ask the Senator how long he believes the discussion will take.

Mr. McCLELLAN. This is the disaster relief bill. If it develops that there will be discussion or debate on it, I shall immediately withdraw it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 8396.

Is there objection?

Mr. McCLELLAN. Mr. President, if the measure involves long discussion or any serious objection is raised to it, I shall immediately request its withdrawal.

Mr. WHERRY. Mr. President, there is no objection on the part of the minority leader. I should like to ask what the parliamentary situation is. In order that we may not become confused over what is before the Senate, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. What is the unfinished business, what is the temporary business, and what is now proposed to be taken up on motion of the Senator from Arkansas?

Mr. JOHNSON of Colorado. The Senator from Nebraska should ask: What is the privileged business?

The PRESIDING OFFICER. The Chair will try to advise the Senate. Senate bill 3295, to amend the Railway Labor Act, and so forth, was taken up and made the unfinished business, and then laid aside.

Mr. WHERRY. We understand that to be the unfinished business?

The PRESIDING OFFICER. Yes, that is the unfinished business. Then the Senator from Colorado [Mr. JOHNSON] asked for immediate consideration of the conference report on Senate bill 3375.

Mr. WHERRY. That is the pending business, and that is a privileged matter?

The PRESIDING OFFICER. That is the immediate pending business. The Senator from Colorado thereupon was asked by the Senator from Arkansas to yield, and did yield, for the purpose of allowing the Senator from Arkansas to move to bring up House bill 8396 for immediate consideration, with the understanding that if protracted debate resulted, it would be withdrawn.

Mr. WHERRY. That is the bill, is it not, which was brought up earlier today, but request was made that it go over temporarily until later, when the senior Senator from Oregon [Mr. CORDON] could have an opportunity to examine it?

The PRESIDING OFFICER. Yes. It is House bill 8396, to authorize Federal assistance to States and local governments in major disasters.

The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 8396) to authorize Federal assistance to States and local governments in major disasters, and for other purposes.

Mr. McCLELLAN. Mr. President, this bill is the same one that I asked the Senate to consider earlier today. Request was made by the senior Senator from Oregon that the measure be temporarily laid aside until he could have an opportunity to familiarize himself with it. Shortly thereafter the Senator from Oregon advised me that he had no objection to the bill.

As I said earlier today, the bill, which is an authorization bill, provides $5,000,000 for help to local governments and communities in major disasters. It provides that the money shall be spent through government agencies or through the Red Cross. The bill was passed by the House. The Senate Committee on Public Works considered some four or five bills of similar character, one in particular, S. 2415, which was sponsored by some 40 Members of the Senate as coauthors. After considering the matter the Senate committee concluded that the bill passed by the House, H. R. 8396, substantially conformed to its views and judgment as to what should be enacted, and therefore reported the bill without amendment. Therefore, if the bill is passed by this body there will be no necessity for a conference on it, and the bill can be sent directly to the President.

Mr. THYE. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. Yes.

Mr. THYE. Some of the bills the able Senator from Arkansas mentioned, such as S. 2415 and S. 3505, contain provisions for relief to such local units of government as a township, and in some sections of the United States a local unit of government that may not be referred to as a township but as a parish.

The reason I ask the question is that in the event of a disastrous flood condition that may strike a community or area, it may involve an entire township, and it may cause great damage to the roads, to the bridges, and to the culverts in the township. It may cause a very great crop loss and building damage, and so forth. In addition to the damage to the individual person, the individual taxpayer would be placed in a very disastrous position from the standpoint of having a township levy imposed upon him to create a fund within the township to reconstruct the bridges and the roads and so forth.

Some of us who introduced legislative measures dealing with the subject had in mind that township units should be given consideration in the enactment of legislation so there would be no question that they would participate in the Federal assistance and relief in a widespread crop damage, personal-property damage, road and bridge damage should occur within a township, causing not only personal loss but heavy township loss, which the individuals would have to take care of by means of special assessments. Such assessments would be placed on the property of the community, and the taxpayers of the community would have no relief from any other source.

I wonder if the able chairman could give us some assurance that it was the intention of the committee when it reported the bill, which contains the language "the State and local governments"

that such "local governments" shall include the smallest local government or unit.

Mr. McCLELLAN. If the able Senator from Minnesota will turn to page 2, line 23, he will find "local government" defined. The language is:

"Local government" means any county, city, village, town, district, or other political subdivision of any State.

Therefore, if a township is a political subdivision it would certainly be covered.

Mr. THYE. Last spring in the northwestern part of the State of Minnesota a flood covered much of several townships. As the flood waters receded some of the turnpike were found to be completely washed out. All the hard surfacing and the gravel was gone. Most of the bridges had been damaged. In some instances they were completely washed out, or the footings were washed out, and it was necessary to reconstruct the entire structure. In a case of that kind could we expect, under the bill, that if the township could show that it was confronted not only with a crop loss and damage to personal property but also damages to highways and bridges, some consideration would be given the township by way of extending funds to it?

Mr. McCLELLAN. With respect to highways and bridges, I call the Senator's attention to subparagraph (d) of section 3, on page 3, which authorizes this money to be spent for "work essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed in such major disaster, and making contributions to States and local governments for purposes stated in subsection (d)."

That is the authority which is contained in this measure specifically with reference to local governments, in the case of property belonging to local governments.

Mr. THYE. Mr. President, the making of temporary repairs might include throwing some type of small bridge across a creek, to accommodate traffic while the regular bridge was being built. Is that what the Senator has in mind?

Mr. McCLELLAN. The language of the bill at this point is—

making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed in such major disaster.

It is not the purpose of this bill, as I understand, to have the Federal Government take over the entire obligation of restoring everything which may be damaged.

Mr. THYE. My question does not seek to establish that the bill would provide complete relief, such as would be provided under an insurance policy.

Mr. McCLELLAN. To the extent that this measure authorizes the restoration, repair, or replacement of local government facilities, such as the facilities of townships or other political agencies, in my opinion they are covered.

Mr. THYE. The Federal Administrator of this measure or of the funds provided under it might sit down with a town board or country board and determine that a certain disaster had occurred and that there was a loss which the local unit of government could not in any way sustain, and that the Federal Government should match the funds of the local unit of government, in order to replace the facilities.

Mr. McCLELLAN. The disaster would have to be one of the major disasters of which the bill speaks. This measure is not broad enough to cover every flash flood which washes out a bridge somewhere. The disaster must reach the proportions of a major disaster, as defined in the bill. If the major disaster involved the destruction of roads in a township and all over a country, or whatever was required in order to have the disaster constitute a major disaster, then any local unit of government within the area of the major disaster would be eligible for consideration under the bill.

Mr. THYE. I thank the very able Senator for the explanation, which I am very glad to have, because there has been a question about this matter. Township units have never heretofore, as I understand, been eligible to receive Federal assistance in the event of an emergency in the nature of a flash flood, for instance, or a cloudburst which affects a great area and perhaps washes out the roads and bridges of an entire township.

Mr. McCLELLAN. I may say to the able Senator, that I do not think this measure would apply in such an instance, but I believe it would apply only where there is such destruction, caused by floods, earthquake, or storm, as to constitute, under the definition contained in the bill, a major disaster, as such.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YOUNG. Suppose a township had 10 miles of roads washed out. How could the township share in the Government assistance provided by this measure, so far as repairing those roads was concerned?

Mr. McCLELLAN. In my opinion the country could not do so, as I have tried to point out, unless there was so much damage in the area, from storm or floods, for instance, as to warrant the disaster being denominated, under the provisions of this bill, a major disaster, and if the President ordered the agencies of the Federal Government to provide such relief. If the disaster came within that definition and came within the scope of a major disaster, as defined in the bill, then any township or county or district or other local unit of government within the particular disaster area, which would be declared such by the President, would share in whatever benefits were provided.

Mr. YOUNG. How would they share? Would that depend upon the amount of the appropriation?

Mr. McCLELLAN. This measure authorizes an appropriation of $5,000,000. It does not fix any amount for any particular major disaster. All the funds would be available and at the disposal of the President, under such circumstances.

Mr. YOUNG. Does the bill provide for any particular matching system? Would a local unit of government, under such a matching system, have to match the Federal contribution up to the extent of 25 percent, 50 percent, or 90 percent, for instance?

Mr. McCLELLAN. That matter could be handled in either way, under the terms of the bill. The local unit of government could be required to make some contribution toward such restoration.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ROBERTSON. I am interested in learning from the distinguished Senator from Arkansas the details in regard to how the bill would apply to a case in which only two or three or four counties in a State were affected by a flood.

In Virginia we do not have a great Mississippi River flowing through the State and likely, when an overflow of the river occurs, to inundate several States or to flood homes on such an extensive scale as to become a national problem. Our main problem is with flash floods, which may not occur more than once in half a century—such as the flood which occurred at Bridgewater, in the valley of Virginia, last year, and caused a million and a half dollars' worth of damage in a very limited area, or the flood which occurred in Botetourt County, and in Rockbridge County, my home county, a few days ago. I saw an estimate that approximately $75,000 damage had been done to the main State roads in my home county. Much damage was also done in Botetourt County, and several people lost their lives, and many homes were lost.

Is that the kind of damage for which relief could be secured under this measure, or is this measure limited to floods of the Mississippi River, for instance, and cases in which two or three States suffer damage at the same time?

Mr. McCLELLAN. I can answer the Senator by saying that, according to the provisions of the bill—

"Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threatens certifies the need for disaster assistance under this act, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe.

Mr. ROBERTSON. Is it the Senator's interpretation that the bill would apply to whatever disaster the President might be pleased to have it apply?

Mr. McCLELLAN. That is correct; but of course the bill is intended to reach major disasters, where the local governments find that it is impossible for them to cope with the situation without having outside assistance.

Mr. ROBERTSON. Today I am receiving many telegrams about the disaster in my home county. If the Senator from Arkansas were interpreting this bill and if the Congress appropriated $5,000,000 for such disasters, I should like to know whether the Senator would fix upon any given number of persons who could obtain the relief? Or, if the Senator from Arkansas then were the President and were passing upon that matter, if two or three counties were involved and if a great deal of suffering had occurred in those counties, but the disaster was not national in scope though it was a major disaster so far as the persons who were concerned were affected, what would the Senator do in that event?

Mr. McCLELLAN. Of course, I do not anticipate that I shall ever be called upon to administer this act or any other act which imposes such a duty upon the President of the United States. I cannot answer for him, of course.

However, I think we certainly can rely upon whoever may be President of the United States having some judgment, and also having some humanitarian feelings and applying such feelings in making a decision as to what is a major disaster, where people have suffered or are about to suffer, and where the Federal Government should step in and assist.

I might add to what I have said that Senators will find that the bill requires that the Governor of the State shall certify the existence of a disaster.

Mr. ROBERTSON. Did I correctly understand the distinguished Senator to say that in his opinion there could be a major disaster which affected only one city?

Mr. McCLELLAN. I should say so.

Mr. ROBERTSON. In Virginia there could be a city of 10,000 persons which might be thus affected. The Senator would not apply a size limit to the cities which could secure such assistance, would he?

Mr. McCLELLAN. I have not done so, and neither would the bill.

Mr. ROBERTSON. Could the bill apply to any city?

Mr. McCLELLAN. Of course, I am not interpreting the bill.

Mr. ROBERTSON. I am asking for the Senator's interpretation of the bill, because some day we are going to be at the White House asking for some relief under this measure; and we wish to know what is intended when the $5,000,000 appropriation is authorized.

Mr. McCLELLAN. I am sure the Senate knows that the Congress intends to authorize the appropriation of this stand-by fund of $5,000,000 to apply to any community or locality in the United States, as I interpret the proposed law, or to any unit of government in the United States, where a major disaster occurs from one of these causes.

Mr. ROBERTSON. Let us pursue this line of inquiry a little further. Of course a county is a unit of government.

Mr. McCLELLAN. Yes.

Mr. ROBERTSON. In the opinion of the Senator, the bill will apply to a unit of government; ergo, it will apply to a county. Is that correct?

Mr. McCLELLAN. Yes; it would apply to a county.

Mr. CHAVEZ. Not only that, Mr. President, but I think we can go further in interpreting the bill. Within the local entity, the county, there might be several villages. There might be a small village of 150 persons which could be affected by a major disaster, so far as that particular village was concerned.

Mr. ROBERTSON. That is the very point I am trying to get at. If the Senator's home and my home were washed away, to us it would be a major disaster.

Mr. CHAVEZ. Certainly.

Mr. ROBERTSON. And if it affects the entire community, that certainly would be contemplated by this bill.

Mr. CHAVEZ. I think that is what was meant.

Mr. McCLELLAN. That is what I tried to say. In my opinion it could occur in one city.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from North Dakota.

Mr. LANGER. I did not get the Senator's answer to the question asked by my distinguished colleague the Senator from North Dakota [Mr. YOUNG]. There is a township which, as he says, has 10 miles washed out. Does the fund have to be matched by the township?

Mr. McCLELLAN. It is for supplemental assistance, but it does not necessarily have to be matched in every instance. Funds for temporary repairs and replacements do not have to be matched.

Mr. LANGER. Does not the Senator feel that the sum of $5,000,000 is totally inadequate?

Mr. McCLELLAN. I hope it will be adequate, but I could not give the Senator assurance that $5,000,000, or even $10,000,000, or any other sum, would be adequate to meet any situation which might arise.

Mr. LANGER. Was it not stated in the report by the Engineers that the total amount of the loss as a result of these floods and disasters would be about $32,000,000?

Mr. McCLELLAN. I do not recall that figure. The Senator may be correct.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. CHAVEZ. As I recall, the figure of the Army engineers was based on the losses sustained in large floods several years ago in the Missouri River Valley. But in that instance, the loss amounted to more than $32,000,000. It amounted to hundreds of millions of dollars.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. YOUNG. The Army engineers' estimate of the losses in the Red River Valley and in the upper Mississippi was something like $33,000,000.

Mr. McCLELLAN. Mr. President, I do not think anyone should gain the erroneous impression that it is the purpose that this bill shall apply to all losses occurring in the United States, so that everyone who sustained a loss might be compensated by the Government. If anyone is laboring under that impression, it certainly is not the intent of the Congress and it is not the intent of the sponsors of the bill. The purpose of the bill is to meet emergency needs, and to meet a situation which the local people cannot meet except at the cost of great suffering and hardship. It is not to make whole everyone who may lose property or may sustain damage. If we were going to do that, of course, the Government would get into everything. But this plan is something which has been used before. We have made appropriations such as this before. At this time we are attempting to provide for a somewhat different administration of the program. Heretofore it applied to but one governmental agency. I remember that at one time it applied to the Public Works Agency. But any agency may be called upon by the President to lend its assistance, its facilities, its tools, and its equipment for the purpose of making emergency repairs or temporary replacements.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HOLLAND. Mr. President, it seems to me that some of the questions indicate that at least certain Members of the Senate have a completely different understanding of the meaning of this bill from that which I am sure is intended. We have had disaster relief legislation before. The basis which has always been applied is that the disaster must be of such major porportions that the governor of the State in which the disaster takes place feels that it is beyond the power of the State and of the local units of government to meet it adequately. The same wording is absolutely repeated in this act, so no new field for the extension of relief is created. It is spelled out much more clearly and effectively in this bill than in the old legislation. I should like to call attention, if I may, by permission of the Senator from Arkansas—

Mr. McCLELLAN. I am very glad to yield to the Senator.

Mr. HOLLAND. I should like to call attention to the entire definition of "major disaster," as it appears in subsection (a) of section 2 of the act, which reads:

> (a) "Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other castastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster assistance under this act, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe.

It seems very clear to me, Mr. President, that this provision does not apply except in the case of major disasters, with respect to which governors find themselves unable, with State and local

legislation, to cope with the damage which has been sustained.

Mr. LANGER. Mr. President, if the Senator will yield, in my opinion the amount contained in the bill is totally inadequate, in view of the facts.

Mr. McCLELLAN. It may be. I am not insisting that it is not, but we can always increase the amount. I hope my colleagues will allow me to proceed to obtain passage of the bill. I have imposed upon the very distinguished Senator from Colorado, who yielded to me for that purpose. I feel sure we all want to pass this legislation.

Mr. LANGER. Mr. President, I move as an amendment to the bill, that at the appropriate place, the figure "$5,000,000" be stricken out and "$10,000,000" be substituted. It can do no harm. If it is not needed, we do not need to spend it.

Mr. McCLELLAN. Mr. President, ordinarily I would not be unwilling to take such an amendment to conference. However, the bill we are trying to pass is identical with the bill passed by the House. If we adopt an amendment which the House will not accept—and I think I have reason to believe that this particular amendment might not be accepted—we might find ourselves without anything. I ask Senators to bear in mind that we shall be in session again in January, and when we are in session we can always take care of emergencies if more funds are needed.

Mr. HOLLAND. I hope that the Senator from North Dakota, who is, of course, proceeding in excellent faith and from motives which I appreciate, will not insist upon his amendment, for the reasons stated by the Senator from Arkansas. A conference would make it very difficult to get this bill passed. The $5,000,000, if it is authorized, would be considerably more than any single amount we have heretofore provided for disaster relief. We shall be back here after the first of the year, and I shall be happy to join with the Senator from North Dakota in increasing the amount. But I feel that to offer an amendment at this time would jeopardize passage of the bill.

Mr. McCLELLAN. I am afraid it would.

Mr. LANGER. In view of that statement, I withdraw the amendment.

The PRESIDING OFFICER (Mr. HUNT in the chair). The Senator from North Dakota withdraws his amendment.

Mr. THYE. Mr. President, inasmuch as section 6 of the bill has been stricken, and since that was one of the provisions for which some of us were striving when we introduced the proposed legislation last winter or in the early spring, I ask unanimous consent that a very brief statement be printed in the body of the RECORD following my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

In urging adoption of legislation to coordinate Federal activities in assisting State and local governments to alleviate human suffering and property damage resulting from disasters such as floods, forest fires, blizzards, or hurricanes, I regret that authorization of grants in aid by the Federal Government for restoration of local public facilities in stricken areas is not included. Nevertheless, I believe that the pending measure is needed and will prove helpful and I hope that H. R. 8396, as adopted by the House of Representatives, and now reported by the Committee on Public Works, will be enacted in this session of Congress.

It is Nation-wide in application. It provides an orderly and continuing method of Federal assistance to States and local governments if a disaster strikes and the Governor of a State certifies the need for such assistance. It authorizes coordination of Federal activities and provides a framework for prompt and alert action. It authorizes funds to be expended in a manner similar to the authorization for the President's emergency fund, and provides reports to Congress as to the allocation of such funds.

Forty-two Members of the Senate a year ago joined in the sponsorship of a bill to authorize Federal assistance to States and local governments in major disasters and providing for appropriate coordination of relief activities, and this measure forms the basis for the pending legislation which was subsequently introduced in the House. This is a matter which has had the concern and attention of Members of the Senate in the past but unfortunately the need is not immediately apparent until a disaster strikes in one's own State, and, for that reason, it is difficult to obtain action on a comprehensive relief measure.

We have recently had in Minnesota some of the worst floods in a half century, causing a great deal of damage to property, both public and private, and resulting in suffering on the part of many individuals. We have found it regrettable, in attempting to meet our situation in Minnesota, that a measure such as this was not long since adopted by Congress. Although I know that the provisions of this bill will not affect the still present need for restoration of damaged State and local facilities in Minnesota, I am strongly in favor of the legislation in order that other States, and my own State, in the future, may not have the experience that we have had during the past year when we have found that, in spite of the sincere efforts of Federal agencies, there has not been an appropriate disaster relief organization whereby our Federal Government could fully implement its efforts in dealing with these critical needs when they arise. The legislation now before the Senate will help meet that problem in the future, and I earnestly urge that action be taken in the Senate prior to our recess at this time.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to be read a third time.

The bill (H. R. 8396) was read the third time and passed.

TRIBUTES TO SENATOR GURNEY AND SENATOR DARBY

Mr. WILEY. Mr. President, there appears in today's issue of the Washington Evening Star a tribute to one of our distinguished Members, the Senator from South Dakota [Mr. GURNEY]. I shall ask that this tribute be printed in the RECORD. First, I am very happy to read one or two of the sentences which appear in the editorial. The Senator from South Dakota has been in the Senate for a number of years, and we have all learned to love him and respect him. He is a worker. What is needed in the Senate and everywhere in America is a willingness to work.

Only recently the Senate Committee on Armed Services presented to CHAN GURNEY a scroll. It was a very unusual proceeding, but it emphasized what every member of that committee, regardless of politics, felt about the service of this very fine gentleman and Senator.

There are in this particular editorial a few sentences characterizing the man, and quoting from the language of the resolution, as follows:

In his long and distinguished service in the United States Senate, the welfare of his country and the cause of freedom everywhere have received his undivided support. Never has he given way to narrow partisan lines that served the cause of expediency.

Further, the editorial says:

And as second ranking minority member of the committee during the Eighty-first Congress, he has been a tower of strength in working for defense policies. Mr. GURNEY is a Republican, but in his work for national defense nobody ever thought of him as Republican or Democrat. He was a United States Senator, trying to serve the best interests of his country. The people of his State have decided to retire him from politics for the time being. But Mr. GURNEY leaves behind him a record of which they should be proud.

Mr. President, that is about as fine a commendation as could be given. In the Book of Books, it is stated of one that He went about doing good. That can be said of the Senator from South Dakota while he has been in the Senate. As I say, he is not the kind to make a great deal of noise or to become vociferous, but he works. This is a tribute by a newspaper which certainly cannot be classified as Republican. I am very happy at this time to ask that the entire editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRIBUTE TO SENATOR GURNEY

Members of Congress take a fatalistic view toward the vicissitudes of politics. They know that while many are called, few are chosen by the voters to remain very long at the Capitol and the departure of the defeated, at the end of a session, is marked by no ceremony expressing the regret of those who remain.

All of which makes even more unusual the unusually pleasant action of the Senate Committee on Armed Services the other day in presenting to CHAN GURNEY, of South Dakota, a scroll, memorializing in a formal way the services he has rendered to his country. One of the nice things about this gesture was that it came about spontaneously and represented the unanimous action of Mr. GURNEY's colleagues. Furthermore, it was wholly deserved. In the language of the resolution, "In his long and distinguished service in the United States Senate, the welfare of his country and the cause of freedom everywhere have received his undivided support. Never has he given way to narrow partisan lines that served the cause of expediency."

Though a member of the minority in the Seventy-ninth Congress, the Democratic administration leaned on him heavily for important legislation during the war. As first postwar chairman of the newly created Armed Services Committee of the Eightieth Congress, he helped perfect the unification legislation. And as second ranking minority member of the committee during the Eighty-first Congress, he has been a tower of

strength in working for defense policies. Mr. GURNEY is a Republican. But in his work for national defense nobody ever thought of him as Republican or Democrat. He was a United States Senator, trying to serve the best interests of his country. The people of his State have decided to retire him from politics for the time being. But Mr. GURNEY leaves behind him a record of which they should be proud.

Mr. McFARLAND. Mr. President, if the Senator will yield, I too desire to compliment the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. JOHNSON of Colorado. Mr. President, I have the floor. I am very glad to yield to other Senators who wish to join in the expressions of the Senator from Wisconsin. But first, I want to say that I join with him completely and wholeheartedly. I served on the Armed Services Committee when it was known as the Military Affairs Committee. I served all through the war with the Senator from South Dakota and I know how truthful that editorial is. I now yield to the Senator from Arizona.

Mr. McFARLAND. I am happy that the distinguished Senator from Wisconsin [Mr. WILEY] has requested permission to place in the RECORD the newspaper story about our distinguished colleague and I join with him in his commendation of the Senator from South Dakota [Mr. GURNEY], who is one of the hardest working Senators of the Senate. The Senator from South Dakota does not talk very much, but he does a great deal of work. He is deserving of every commendation that has been or may be made about him.

Mr. JOHNSON of Colorado. Mr. President, I yield to the Senator from New Mexico [Mr. ANDERSON] who is a native of South Dakota.

Mr. ANDERSON. Mr. President, I am deeply grateful to the Senator from Wisconsin for saying what he did about the Senator from South Dakota [Mr. GURNEY]. I wish I had the capacity to say about him what I have in my heart.

Those of us who were born in South Dakota—and there are five of us in this distinguished assemblage who claim South Dakota as our birthplace—are as proud as we can be to have been associated in the Senate with the Senator from South Dakota. He is a distinguished citizen of our country. He has brought credit to all of us who come from South Dakota. As a native of South Dakota, I am happy indeed that I have had the opportunity to pay this brief tribute to him.

I express the hope that before the session concludes the distinguished minority leader, the Senator from Nebraska [Mr. WHERRY], will arrange some special occasion when those of us who feel very kindly toward the junior Senator from Kansas [Mr. DARBY] may have an opportunity to express our tributes to the very wonderful and fine character and amiable disposition of the distinguished Senator from Kansas, whom I deeply regret to see leaving this body.

Mr. WHERRY. Mr. President, I do not wish to take the time of the distinguished Senator from Colorado [Mr. JOHNSON] for the purpose suggested, but I know of no better time than now. If the Senator from Colorado will permit, I think this is the opportune time to make such observations as the distinguished Senator from New Mexico [Mr. ANDERSON] has suggested. If he would rather have some other time set aside, I shall be glad to take it up with the acting majority leader. I certainly think it is fitting that those of us who wish to pay tribute to Senators who are leaving, should make such an opportunty available.

After all, the most pleasant side of our service in the Senate is made up of association, of friendships formed, and the kind memories of our colleagues and friends on both sides of the aisle. The Senator from New Mexico has referred to the distinguished Senator from Kansas [Mr. DARBY], and I heartily concur in the tribute paid to him. I have been closely associated for almost 8 years with the Senator from South Dakota on the Committee on Appropriations, and it is fitting indeed that kind words should be said of him. There are other Senators who are leaving. I did not mean to single out the Senator from Kansas and the Senator from South Dakota, but those Senators were referred to by my colleagues. I am very glad that the distinguished Senator from Wisconsin [Mr. WILEY] placed in the RECORD the editorial extolling the Senator from South Dakota. It is timely, and I wish to be associated with the Senator's remarks, as well as the remarks of other Senators.

I suggest to the acting majority leader that in arranging his program for the next day or two, he permit Senators to make such observations. I think it would be a good thing to do.

Mr. JOHNSON of Colorado. I yield to the Senator from Arizona.

Mr. McFARLAND. Mr. President, so far as the acting majority leader is concerned, I am willing to cooperate, now or at any other time, in trying to help provide time for commendation of Senators who are leaving the Senate.

While I have the opportunity I should like to say with respect to the Senator from Kansas that he has made a wonderful record in the short time he has been here. He is admired and respected by all of us who have come in contact with him. He has grasped the work of the Senate in a very short period of time, and is discharging his responsibility in a remarkable manner. I am proud to be one of those who are his friends.

Mr. JOHNSON of Colorado. Mr. President, I agree completely with what the Senator has said with respect to both Senators. I now yield to the Senator from Alabama.

Mr. HILL. Mr. President, I wish to associate myself with the richly deserved tributes which have been paid to the Senator from South Dakota [Mr. GURNEY] and the Senator from Kansas [Mr. DARBY]. I had the honor and pleasure of serving with the Senator from South Dakota on the Military Affairs Committee throughout World War II. After the war I had the honor and pleasure of serving with him on the Armed Services Committee when the Senator from South Dakota was chairman of the committee. I can bear testimony to the fact that not only was the Senator from South Dakota always hard working and indefatigable in his efforts on both of those committees, but he made many fine contributions to the legislation that involved the winning of the war, and he rendered notable service to the defense of our country after the war.

The actions of the Senator from South Dakota were always characterized by the highest and finest of motives, namely, what is for the best interests of the United States. That was the guiding principle of all his deeds on both committees.

I am delighted to pay tribute to the Senator from Kansas [Mr. DARBY]. I have been in Congress for quite a number of years, and I do not know of any man who has served in either body who in so short a time has won a stronger place in the esteem and effections of his colleagues than has the Senator from Kansas.

Mr. JOHNSON of Colorado. Mr. President, I yield to the Senator from Kentucky.

Mr. CHAPMAN. Mr. President, I am very happy to associate myself with the beautiful tributes which have been paid so justly to our two distinguished colleagues. Both of them will be greatly missed by the Senate and by the many friends they have made while serving in this body. Both Senators will always be remembered as able statesmen, sterling patriots, thorough gentlemen, and faithful friends.

Mr. JOHNSON of Colorado. I yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I wish to add my poor tribute to those so beautifully expressed on the fine public service rendered by the Senator from South Dakota [Mr. GURNEY]. It has been a rare privilege in my service in the Senate to be associated with so stalwart a character. As a member of the Naval Affairs Committee, I did not serve with the Senator from South Dakota until the unification program and the creation of the Committee on Armed Services. However, I had served with him as a member of the Committee on Appropriations, and more especially on the subcommittee which handled the gigantic appropriations which were made by the Congress for the purpose of carrying on World War II. I have never known a more conscientious public servant.

In the last days of the Eightieth Congress the Senator from South Dakota was carrying a burden which I know would have crushed a lesser man. The unification bill was in conference, and the armed services bill was in conference at the same time. With unremitting toil be brought both of those two important measures to successful conclusion.

There is not one spark of partisanship in his approach to any legislative proposal which affects the defense of the United States. He has kept himself informed as to military matters, not for the purpose of undertaking from his point of vantage to run the Committee on Armed Services, but to enable him to support those who were charged with

that responsibility. He is a great American. His word is his bond. He would be absolutely incapable of doing anything that was at all low or out of color. He will be missed in these Halls. I shall miss him as a personal and devoted friend.

Mr. JOHNSON of Colorado. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, like the Senator from Georgia [Mr. RUSSELL], I have served on the Committee on Appropriations with the Senator from South Dakota [Mr. GURNEY] throughout both of his terms in office. I can verify everything that has been said about him. Not only has he been loyal, patriotic, and diligent in his work, but he has been extraordinarily able. I have noted over and over again his great capacity for understanding the heart of every issue that has arisen. As the Senator from Georgia has stated, I have never seen the slightest indication of narrow partisanship in his approach to any problem. He has been guided solely by what he thought was best for our country.

I have not had an opportunity to serve with the Senator from Kansas [Mr. DARBY], but I have met him on frequent occasions on the floor. I think he deserves everything that has been said about him. What has been most notable to me has been the high human qualities which emanate from him.

I am very happy to have the opportunity of adding my brief words to what has been said about both these gentlemen.

Mr. RUSSELL. Mr. President, I ask that the scroll prepared by the Senate Committee on Armed Services and presented to Senator GURNEY may be printed in the RECORD, as a part of my remarks.

There being no objection, the scroll was ordered to be printed in the RECORD, as follows:

CHAN GURNEY—SENATOR, SOLDIER, PATRIOT, FRIEND

Be it known that all of the members of the Senate Committee on Armed Services intensely realize what the loss of CHAN GURNEY, our committee and Senate associate, means to the Nation and the United States.

He has labored with great fidelity and at great personal sacrifice to build up the military security of the United States, of our allies abroad, and wherever possible to erect an impregnable barrier against the spread of communistic Russian imperialism. In this difficult and arduous task he has constantly taken the initiative to strengthen and improve the common defense.

During World War II he conceived, championed, and vigorously advocated measures which aided the war effort immeasurably.

He was the first postwar chairman of the newly created Senate Committee on Armed Services, at which post he served with conspicuous distinction and in which post he played a leading part in the development of unification within the Military Establishment, the creation of sound postwar military policy and the improvement and efficiency of our armed services in weapons and men.

Likewise, throughout the Eighty-first Congress his decisive influence has unselfishly been brought to bear in support of all vital defense measures.

In his long and distinguished service in the Senate of the United States, the welfare of his country and the cause of freedom everywhere has received his undivided support. Never has he given way to narrow partisan lines that served the cause of expediency.

We appreciate him as a friend. We respect him as a man of integrity and character. We value his inestimable contribution to the preservation of our country in a war-torn and war-threatened world.

It is with the deepest and most sincere expression of friendship and admiration that we extend to CHAN GURNEY our sincerest wishes for his continued success and happiness.

Though he may be leaving the Senate he takes with him the enduring friendship and respect of all of us on the Armed Services Committee of the United States Senate who were privileged to serve with him and who have affixed their names hereto as a token of their affectionate regard.

MILLARD E. TYDINGS, RICHARD B. RUSSELL, HARRY FLOOD BYRD, VIRGIL M. CHAPMAN, LYNDON B. JOHNSON, ESTES KEFAUVER, LESTER C. HUNT, STYLES BRIDGES, LEVERETT SALTONSTALL, WAYNE MORSE, WILLIAM F. KNOWLAND, HARRY P. CAIN.

WASHINGTON, D. C., *September 14, 1950.*

Mr. RUSSELL. Mr. President, I do not want this opportunity to pass without expressing my great delight at the privilege which has been mine to know Senator DARBY, of Kansas. As a gentleman, and as a great American, all the Members of the Senate have been benefited by their acquaintance with him and their knowledge of his many fine characteristics.

Mr. MALONE. Mr. President, I wish to join my colleagues on both sides of the aisle in expressing my high regard for Senator CHAN GURNEY and Senator DARBY. It is with great regret that I realize that they are leaving the Senate, and I desire to be on record as joining with my colleagues in their tributes. In my estimation these Senators have contributed much during their service in the Senate.

Mr. WHERRY. Mr. President, I feel that if it could be worked out a definite time should be extended other Members of the Senate to pay their tributes to Senators who will not return to the Senate at the next session. Some are leaving, and naturally on both sides of the aisle there will be those who will desire to make observations in tribute to their associates.

I did not know that this matter was coming up this afternoon, but I am gratified at the friendly spirit and the voluntary tributes which have been paid offhand, extemporaneously, indicating the glowing friendship in the hearts of Senators.

I have already made some observations about my neighbor and friend, CHAN GURNEY. I wish to add that he has a fine family, and Senators on the minority side, as well as on the majority side, will miss their relations with the Gurney family as they leave Washington to return to South Dakota.

With reference to HARRY DARBY, I wish to say that I have been a Member of the Senate for 8 years, and it has fallen to my lot to have a good deal to do with the party organization in the Senate. It is one thing to get a Senator to take on his responsibilities, it is another for him to take them on voluntarily. I have not seen anyone come to the Senate who has grasped the situation here more quickly and assumed his responsibility more fully, in the length of time he has been here, than has the Senator from Kansas. He certainly has made himself felt in this body. He is a fine gentleman, in addition to his senatorial abilities, and I express the sentiments of other Senators when I say that we will be very sorry that Senator DARBY and Senator GURNEY are leaving the Senate at the end of this session.

Mr. DONNELL. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Missouri.

Mr. DONNELL. With respect to Senator GURNEY, it has not been my good fortune to serve on a committee with him. However, it has been my privilege, as it has been that of other Members of the Senate, to see him on the floor of the Senate day after day. His fidelity, his integrity, his courage, his sound judgment, and his modesty, are qualities which have endeared him to the Members of the Senate on both sides of the aisle. I express very sincere regret that we shall not see him as a Member of the Senate in the succeeding years immediately ahead.

With respect to Senator DARBY, likewise it has not been my privilege to serve on a committee with him, but it has been my opportunity in years past to know Senator DARBY in affairs of mutual interest to Missouri and Kansas. Indeed Senator DARBY is almost claimed by Missouri, because he has been so closely identified with affairs of great moment and consequence in our fine city on the western part of our border, namely, Kansas City, that we feel very deeply indebted to him for the contribution which he has made to our own State.

As I have seen him here in the Senate, and as I have heard him eulogized here this afternoon by those who have spoken, I share with all our colleagues my pride in the fact that Senator DARBY has come to our midst, has identified himself with our work, and has been such an outstanding Member of this body. His fine cordiality, geniality, courtesy, and friendship, have been obvious to all those with whom he has come in contact.

I join with the others who have expressed the happiness we have had in our association, and who regret that his term of office is so soon to expire.

I thank the Senator from Colorado.

Mr. GREEN. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Rhode Island.

Mr. GREEN. I thank the Senator heartily for his courtesy. I cannot refrain from asking to be associated with my colleagues who have expressed so eloquently and sincerely their regret at the departure of Senator GURNEY and Senator DARBY. I have had the privilege of working closely with Senator GURNEY, and among his qualities there is one which has not been sufficiently emphasized. He has not only worked intelligently and carefully, persistently and effectively, in the Committee on Appropriations, where I worked with him for many years, but he has done it with exceptional modesty, and has avoided publicity. He has not only not sought the limelight, but he has seemingly

avoided publicity in the splendid work he has done.

Mr. FREAR. Mr. President, I should like to add a few words to those which have been expressed by many Senators in paying tribute to our good and fine friends, the Senator from South Dakota [Mr. GURNEY] and the Senator from Kansas [Mr. DARBY]. It will be a great personal loss to see them leave the Senate. I had the very great pleasure of going on a trip with the Senator from South Dakota shortly after I came to the Senate. I learned to admire him and to appreciate that in all his actions he is always fair and just. Since then I have extended my love for him.

Of course, the Senator from Kansas [Mr. DARBY] has been in the Senate a much shorter time, but during that span of time it has been my privilege to have been with him and to have had him visit us in our little State of Delaware. Senator DARBY is interested in horses and cattle. His interests are not confined to the State of Kansas, but I learned recently that they extend as far as the State of Virginia.

Mr. President, it is a very happy privilege for me to express to these two Senators my heartiest wishes for success, and I know they will succeed. It will be a big loss to me to see them leave the Senate.

Mr. MORSE. Mr. President, I did not know when I arose that I was going to have the pleasure of supplementing the remarks of the Senator from Delaware [Mr. FREAR] in regard to the outstanding contributions which Senator HARRY DARBY, of Kansas, has made to the Senate since his appointment to this body in the recent past. I wish to say, as a Republican Member of the Senate, that I am very appreciative of the contributions which HARRY DARBY has made to the work of the Senate. I am very thankful to him for the courage he has displayed on many occasions.

I wish to comment particularly on the nonpartisanship of HARRY DARBY. Time and time again, as his voting record will show, he has followed very definitely a nonpartisan course in the Senate. I think he is one who is devoted to the very high political ideal of placing principle above politics, of placing what he considers to be the welfare of his country above partisanship.

I suppose I am particularly appreciative of my association with HARRY DARBY in the Senate, because, as he has demonstrated time and time again in my relations with him and in my conversations with him, he recognizes the importance of honest differences of opinion within our party. He recognizes the importance of bringing to bear upon the formation of Republican Party policies the points of view of the so-called conservatives and liberals, so that we can hammer out on the anvil of conscionable compromise a sound, middle-of-the-road course of action for our party, devoted to a forward-looking program which seeks to make the Republican Party the party of the American people.

In the Senate of the United States he has been a great credit to the people of Kansas, and to the Governor of Kansas who appointed him. I am sure that none of my elected colleagues in the Senate will misunderstand the remark I now make, because I mean only to pay a deserved compliment to the appointees to the Senate, without casting any reflection upon those of us who have been elected to the Senate. However, as I look over the roster of the Senate and as I notice the names of the Senators who are going to leave us after this session, I observe that the caliber of the appointees to the Senate has been exceedingly high, as we have seen it demonstrated in the ability of such Senators as the Senator from Kentucky [Mr. WITHERS], the Senator from North Carolina [Mr. GRAHAM], the Senator from Rhode Island [Mr. LEAHY], and the Senator from Kansas [Mr. DARBY]. I would not want anyone to infer that I think the Senate might be strengthened by the adoption of an appointive system; but it is interesting to note that the men who have been appointed to this body have carried out the high ideals of representation in the Senate of the United States.

I am very happy that I have had the privilege of coming to know these men. I am sure I bespeak the general attitude of the Senate when I wish them Godspeed and great success in their future endeavors, and trust that they will continue to serve the American public in some capacity of public service and public position.

TEMPORARY PERSONNEL FOR SMALL BUSINESS COMMITTEE

Mr. JOHNSON of Colorado. Mr. President, I understand the Senator from Rhode Island has a resolution which he desires to report from his committee, and he believes he can secure action on it in a moment or two. The last experience we had along that line it took an hour to get the measure through, but I shall be glad to yield 5 minutes to the Senator from Rhode Island to make the report and to ask for consideration of the resolution, and if it does not take longer than 5 minutes, I shall not call for the regular order.

I ask unanimous consent that the Senator from Rhode Island may have 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado requests unanimous consent that the Senator from Rhode Island be recognized. Without objection, the Senator is recognized for 5 minutes.

Mr. GREEN. Mr. President, I report favorably from the Committee on Rules and Administration Senate Resolution 354, submitted by the Senator from Alabama [Mr. SPARKMAN] on September 15, 1950, and I ask for its immediate consideration and adoption.

The PRESIDING OFFICER. The clerk will read the resolution.

The resolution (S. Res. 354) was read as follows:

Resolved, That in making the inquiry authorized by Senate Resolution 344, the Select Committee on Small Business, or any duly authorized committee thereof, is authorized to employ upon a temporary basis such technical, clerical, and other assistance as it deems advisable, and is authorized, with the consent of the head of the department or agency concerned, to utilize the services, information, facilities, and personnel of any of the departments or agencies of the Federal Government. The expenses of the committee under this resolution, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. WHERRY. Mr. President, there is no objection on my part, but I should like to ask a question.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHERRY. Mr. President, this resolution is merely a request for $5,000 additional funds for the Small Business Committee, is it not?

Mr. GREEN. The Senator is correct.

Mr. WHERRY. It has not anything to do with anything else but additional funds for the committee itself, has it?

Mr. GREEN. The Senator is correct. The committee is running rather short of funds, and it wants this small addition to the funds already appropriated.

Mr. LANGER. Mr. President, how much has previously been expended?

Mr. GREEN. Ten thousand dollars.

Mr. LANGER. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. GREEN. Mr. President, I dislike to give back any unused time, because I think it establishes an unusual precedent.

Mr. JOHNSON of Colorado. The Senator is well within the limits of the time I yielded to him.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce.

Mr. JOHNSON of Colorado. Mr. President, I am anxious to proceed with the consideration of the conference report on the so-called slot-machine bill. Senators will recall that early last year, in January or in February, the law-enforcement officers of the States, of the counties, and of the cities, requested the Department of Justice to call a crime conference with respect to racketeering and other crime offenses. The attorneys general of the States, the mayors of cities, the county attorneys, and other law-enforcement officers and agents appeared in Washington and made that request. The Attorney General of the United States arranged such a conference. It was widely attended, and great interest was shown in the work done. The President of the United States took great interest in it. I wish to read a paragraph from the address of Attorney General J. Howard McGrath, at that conference, when the President of the United States was present. His address

was only one paragraph long. The Attorney General said:

Mr. President—

He was referring to the President of the United States—

distinguished representatives of the States and municipalities, United States attorneys, ladies, and gentlemen, I am very happy to welcome you to this conference, a most important conference to Washington. We are here today to begin deliberations that can have a very serious impact for good upon our American society. Some months ago the President of the United States expressed his keen interest in this work that we are about to undertake today. Following this first reference to conditions around the United States with respect to crime, the former Attorney General, our friend, Tom Clark, requested and received from the Director of the Federal Bureau of Investigation a report upon these conditions. Bearing in mind the report on crime conditions in this country and the meeting of the United States attorneys here, it was thought wise to seize this opportunity to launch this crime conference, seeking the cooperation of all law-enforcement officers of the municipal, State, and Federal Governments. We are going to begin today that important work, a work in which all Americans are keenly interested, and we are greatly honored to have with us this morning at this conference the President. It is my supreme privilege to present to you the President of the United States.

Then the President responded with a lengthy speech in which he paid tribute to the purposes and objectives of the crime conference. I shall not read the names of all the persons present, but there are listed in the report which I have before me some names which I shall ask to be made a part of the RECORD. The list begins with Mr. Alan H. Bible, who is from the great State of Nevada, and ends with Mr. George F. Garrity. Mr. President, I ask unanimous consent that the names be placed in the RECORD, at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Mr. Alan H. Bible, Mr. Harry McMullan, Mr. Sigurd Anderson, Mr. Roy H. Beeler, Mr. McElroy, Mr. Ralph W. Farris, Mayor deLesseps S. Morrison, Mayor A. E. Cobo, Mayor Joseph Darst, Mayor Fletcher Bowron, Mayor W. Cooper Green, Mayor David L. Lawrence, Mayor William M. Wolfrath, Mayor Thomas D'Alesandro, Jr., Mr. J. P. McGrath, Miss Ann X. Alpern, Mr. Robert B. Morrison, Mr. Benjamin S. Adamowski, Mr. Joe W. Anderson, Mr. Sam M. Wear, Mr. William Marvel, Mr. Howard L. Doyle, Mr. Otto Kerner, Jr., Mr. Gerald A. Gleeson, Mr. Ernest A. Tolin, Mr. John N. McKay, Mr. Herbert S. Phillips, Mr. James T. Gooch, Mr. Whitfield Y. Mauzy, Mr. John D. Hill, Mr. George Morris Fay, Mr. Donald C. Miller, Mr. George F. Garrity.

Mr. JOHNSON of Colorado. Mr. President, when that conference completed its work it agreed to a series of resolutions. The first resolution which it adopted by unanimous vote of the delegates who were present is as follows:

Resolved, That this conference endorse the idea of Federal legislation to prohibit the shipment of gambling devices into or out of any State where the possession or use of such devices is illegal. Further, requiring Federal registration of all such machines sold within States.

That is the resolution adopted by the conference.

I wish to quote from one speech, that of Mayor Morrison of New Orleans. He said:

We have good reasons to believe that the slot-machine syndicate is controlled by Frank Costello. The shy and retiring czar of the slot-machine racket always understates his interest in rackets and government in his public denials of the facts about his potency and influence.

Mr. President, I ask unanimous consent that the additional paragraphs of Mr. Morrison's speech which I have marked be printed in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The numerous case records of his interstate operations could take our entire day. For the record I will briefly sketch a well-documented case and the one with which I am most familiar—the Costello syndicate operations in Louisiana.

According to his own Federal grand jury testimony some years ago, Costello moved his New York slot machine operations to New Orleans in 1936. He said that he sent down Dandy Phil Kastel, ex-convict and one-time associate of Arnold Rothstein, to incorporate and run the business. Today he lives and operates in Jefferson Parish above New Orleans beyond our jurisdiction.

Kastel first formed the Bayou Novelty Co., which later became the Pelican Novelty Co., and which today is the Louisiana Mint Co., to handle the distribution of slot machines and other coin devices.

From 1936 until 1946 the Costello-Kastel interests operated in New Orleans under an exclusive monopoly.

Mr. JOHNSON of Colorado. Mr. President, after the crime conference had completed its work, the Department of Justice, under the guidance of the Attorney General of the United States, Mr. J. Howard McGrath, undertook to prepare legislation on the subject of controlling gambling devices. They prepared a bill. When they had finished writing that bill they sent it to the Senate. It came, and very properly, to my Committee on Interstate and Foreign Commerce, because the bill dealt with interstate shipments of gambling devices. That is the reason it came to my committee. That is the reason I have—and the only particular reason I have—for attempting to get the bill passed by the Congress.

I had no part in writing the bill. I did not add one word to it. I did not cross one "t," or dot an "i," or change a comma, or a semicolon, or any other punctuation mark, nor did I make any other alterations or changes in the bill, but I introduced it by request. Our committee considered it, and it was reported by the committee unanimously. It came to the floor, and when it was reached on the call of the calendar it was passed in the Senate by unanimous vote. Then it went to the House, where, after some delay, hearings were held. No hearings were held in the Senate, but hearings were held in the House. I have in my hand a copy of the House committee hearings, consisting of 308 pages. It took the committee 5 days to hold those hearings. Sixteen witnesses appeared before the committee. Thirteen other statements were made with respect to the bill.

The House, in due course, passed the bill with several amendments. The House rewrote the bill, and I think it did a remarkable job in doing so. Its work was very creditable. I am entirely pleased with the work done by the House. The reason the Senate committee did not undertake to hold hearings—and it seemed to us to be a very sound reason—was that the bill prohibited the shipment of slot machines and repairs to slot machines in interstate commerce. We felt that speedy action was a very important consideration, because unless we enacted the legislation promptly shipments of slot machines and repairs to slot machines might have been made all over the United States. Of course, that would neutralize to a great extent the bill we were undertaking to pass. So we pushed the bill as rapidly as we could. But I am glad the House committee undertook a study of the bill. It is to their everlasting credit that they held hearings on it.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHERRY. I do not desire to interrupt the Senator, but at some time during the course of his observations I should like to have him answer the question: What is the difference between the Senate bill and the House bill? What is the point in issue between the two Houses, if any, which the conferees resolved, relative to the bills passed by the respective Houses?

Mr. JOHNSON of Colorado. I am very glad to speak to that question. The House struck out the definition of gambling devices contained in the original Justice Department bill, and substituted a much more specific and narrow definition, the effect of which is to limit the bill exclusively to slot machines and to exclude from the bill pin-ball machines. The conferees, I may say, agreed to this change. I should like to point out, however, that the definition is still broad enough to include slot machines which do not pay off in cash, but which pay off in merchandise.

Second. The House bill defines States to include Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam. It places these Territories in exactly the same position as the individual States with respect to the proposed legislation. Hence, the legislative assemblies of all States and Territories would have the power to authorize the transportation of slot machines into States or Territories. The Senate overlooked doing that. But the House very properly defined the State to include the Territories. That is one other thing the House did.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Colorado. Yes.

Mr. WHERRY. That is, if a State legislature convened and passed legislation in conformity with this provision, there could be transportation, could there not, into the State?

Mr. JOHNSON of Colorado. That is correct. If the legislative body of a State or one of the Territories I have named should enact legislation providing that it is not unlawful to transport slot machines and parts of slot machines

into its borders and says it approves such transport, then the Federal law does not affect such State or Territory.

THE RIGHT OF A STATE LEGISLATURE TO LEGISLATE IN ACCORDANCE WITH CONSTITUTION—THE CONTROL OF GAMPLING DEVICES

Mr. WHERRY. The bill would not apply to that particular State, does it?

Mr. JOHNSON of Colorado. No; it would not apply to that particular State or that particular area.

Mr. MALONE. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Colorado. I yield.

Mr. MALONE. The question is, Should a State legislature be able to pass legislation in accordance with the Constitution of the United States without the Federal Government breathing down their neck? Should it be necessary for any State in which the use of such gambling devices might be legal through an act of the legislature of that State at the present time, to pass a new law making the shipment of them into that State legal?

NEW LEGISLATION MUST BE PASSED

Mr. JOHNSON of Colorado. Yes; under this measure it will be necessary for the legislatures of States in which slot machines are legal to pass new legislation providing for the shipment into those States of slot machines or parts of slot machines. However, that responsibility is not a very onerous one to place upon such State legislatures, if they wish to have slot machines shipped into their jurisdictions. It seems to me it would be easy for a legislature to pass appropriate legislation, if that is what the legislature would want to have done.

Mr. MALONE. Mr. President, will the Senator yield further?

Mr. JOHNSON of Colorado. I yield.

Mr. MALONE. Then one specific difference between the bill recommended by the Attorney General to the Senate and passed by the Senate and the bill passed by the House is that in a State where the use of these gambling devices was already legal, all that it would be necessary to do under the provisions of the Senate bill would be for the governor to certify to the United States Attorney General that such was the case; is that correct?

Mr. JOHNSON of Colorado. It would be necessary for the governor to certify——

Mr. MALONE. Or for the governor and the Attorney General.

Mr. JOHNSON of Colorado. The Senate bill as introduced provides that such certification shall be made by the governor of the State to the Attorney General of the United States, and shall be published by the Attorney General in the Federal Register. In other words, that would have to be done if the governor of the State says such shipments are legal.

However, the House very properly voted to place that burden upon the legislative body in the State, because, as the reason was stated to us in conference, that would avoid the possibility of any conflict. The governor might say it was legal and proper and all right, but there might be a difference of opinion as to whether it was legal. It might be the governor's interpretation that such shipment was legal, but there might be a difference of opinion. In order to avoid any possibility of difficulty or misunderstanding of any kind, the bill as agreed to in the conference requires the legislative body of the State by affirmative action to state that it approves of the shipment into the State, in interstate commerce, of slot machines and parts of slot machines.

Mr. MALONE. Mr. President, will the Senator yield further?

Mr. JOHNSON of Colorado. I yield.

SPECIAL SESSION OF LEGISLATURE

Mr. MALONE. Then it would be necessary, would it not, in order to continue the shipment of such devices into a State, for the State to call a special session of its legislature and at that session to have such an act passed, if the legislature was not in regular session?

Mr. JOHNSON of Colorado. I do not know about the necessity to call a special session of the legislature. There is only one State in the United States in which slot machines are legal, and my information is that that State has enough slot machines to last it for 2½ years. So I do not think it would be necessary for that State to call a special session of its legislature. Undoubtedly there will be a session of the legislature within a few weeks or a few months in the State of Nevada; and the regular session of the legislature could enact that kind of law, without having a special session.

TWO AND ONE-HALF YEARS' SUPPLY

Mr. MALONE. Then it would be necessary for a new act to be passed. Where the Senator from Colorado, so far away from the State of Navada, has obtained his information that the legislature passed a law some little time ago—in 1932 I believe—making the use of such gambling devices legal, of course I have no way of knowing.

I do not know whether the Senator from Colorado thoroughly understands the gambling business.

The junior Senator from Nevada does not understand gambling, but he does know that the State legislature did pass an act making the use of such gambling devices legal, within the framework of the Constitution of the United States.

It seems to me that the Congress of the United States is going rather far afield when they attempt to make it necessary for a State to reenact a law, which is already the law, even if the State legislature were in session.

As a matter of fact, the Nevada State Legislature is not now in session, but such a proposed law is about to be approved on the floor of the Senate of the United States.

Mr. President, will the Senator yield for a further question?

Mr. JOHNSON of Colorado. No; I wish to comment on what the Senator from Nevada has said, before I yield for a further question.

The Congress has the responsibility of legislating with respect to interstate commerce. The State of Nevada does not have that responsibility or that privilege. The State of Nevada can very well legislate with respect to the enforcement of its own laws and the enactment of its own laws.

However, here we have a bill which has for its purpose the restriction of interstate commerce in slot machines. The Congress has placed in this bill a provision that if a State by its own legislature enacts legislation approving the shipment of slot machines or parts of slot machines in interstate commerce into its jurisdiction, that will be permitted.

I wish to say that this bill goes far beyond any other legislation within my experience in protecting States' rights. It protects them all the way from top to bottom. It goes farther in that respect than any other bill I have ever seen.

I do not think it is any hardship on the State of Nevada or any other State which wishes to have slot machines and parts of slot machines shipped into the State, to require that the legislature of the State pass enabling legislation. I think that is no hardship whatsoever.

SPECIAL LEGISLATION

Mr. MALONE. Mr. President, will the Senator yield further?

Mr. JOHNSON of Colorado. I yield.

Mr. MALONE. Then it is thoroughly understood that a special session will be necessary if there is to be continuity of operation?

Mr. JOHNSON of Colorado. No; it is not thoroughly understood that there will be a special session.

Mr. MALONE. If it is desired to continue to ship gambling devices into the State of Nevada and out of the State for repairs, it will be necessary for a special session of the legislature to be called. I think that is obvious to anyone.

Mr. JOHNSON of Colorado. The State of Nevada already has a 2½-year supply of slot machines, at this time.

Mr. MALONE. That is the opinion of the Senator from Colorado. I would not attempt to estimate the life of devices already there.

Mr. JOHNSON of Colorado. There are in Nevada 7,000 slot machines on which taxes are paid.

TAX COMMISSION CONTROLS GAMBLING

Mr. MALONE. Of course the tax commission in Nevada has full control of the gambling machines which are legal in Nevada. The local police departments have full control over them.

Mr. President, will the Senator yield further?

Mr. JOHNSON of Colorado. I am glad to yield.

Mr. MALONE. Under the House bill, would it be possible for unbroken shipments of slot machines to be returned to the factory for repairs, just as it would be possible for unbroken shipments of slot machines or parts of slot machines to be shipped into the State of Nevada, if the necessary steps were taken, insofar as the bill calls for action by the State legislature?

Mr. JOHNSON of Colorado. No; it would not be possible for that to be done under either the Senate bill or the House bill. Neither bill provides for that.

Mr. MALONE. Mr. President, will the Senator yield further?

Mr. JOHNSON of Colorado. I yield.

FEDERAL GOVERNMENT REGULATING STATES

Mr. MALONE. I should like to observe that it seems to me that the obvious intent of the Senate and of the House

is not to regulate the States where the operation of such gambling devices illegally occurs, but the obvious intent—and the conference committee approved such a bill—is to nullify the act of the Legislature of the State of Nevada, which it passed within the framework of the Constitution of the United States. In other words, the purpose is not to prevent the illegal use of such gambling devices in Colorado, the Senator's own State, and all other States where they are not legal; but the purpose is to prohibit their use in the State of Nevada or any State where they are legal.

Mr. JOHNSON of Colorado. The bill does not specify any particular State.

Mr. MALONE. Perhaps the Senator understands exactly how many years' supply of gambling devices there are in the State of Nevada, but the junior Senator does not have that information, but he does know that the legislature, representing all of the people of Nevada, passed legislation making the use of such devices legal.

Mr. JOHNSON of Colorado. I am trying to tell the Senator from Nevada what the Nevada supply of slot machines is, namely, 2½ years' supply.

Mr. MALONE. I do not think the Senator from Colorado knows very much about it to tell him the truth.

Mr. JOHNSON of Colorado. Then why does the Senator from Nevada interrupt me, if he does not believe what I am telling him?

PEOPLE SPEAK THROUGH LEGISLATURE

Mr. MALONE. I should like to ask some further question. The Senator's State has illegal machines. The junior Senator from Nevada represents a State where the people have spoken through their legislature making them legal.

Mr. JOHNSON of Colorado. I am glad to reply to questions; but if the Senator from Nevada does not believe the answers I give him, it is rather a waste of time for him to question me. However, I shall be glad to yield to the Senator.

Mr. MALONE. I should like to get these questions and answers in the RECORD for that very reason. I do not believe that the senior Senator from Colorado knows much about the State of Nevada. I intend to discuss this matter at some length, when it becomes necessary.

Mr. JOHNSON of Colorado. That will be wonderful.

Mr. MALONE. It will be wonderful, I am sure. The question still is the right of a legislature of a sovereign State to pass legislation within the framework of the Constitution of the United States without the Federal Government breathing down their neck

The situation is that when it is necessary to return these machines to the factory to have the machines repaired, such shipments would be impossible under the bill. So the Congress of the United States will, by the exercise of its prerogatives and its authority over interstate shipments, practically nullify an act of a State legislature of a sovereign State, passed with full consideration of the Constitution of the United States.

Mr. JOHNSON of Colorado. Mr. President, I regret that the Senator from Nevada takes such a dim outlook of the free-enterprise system as it exists in the State of Nevada. There is nothing in the world in this bill to keep someone in Nevada from setting up some sort of repair shop or factory or other means for repairing slot machines which are used in Nevada.

Mr. MALONE. Mr. President, will the Senator yield further?

Mr. JOHNSON of Colorado. I yield.

MISINFORMATION

Mr. MALONE. Naturally, I conclude that on this point the Senator from Colorado must have received information somewhat similar to that he received in regard to what he states is the 2½ years' supply of slot machines in Nevada, because, having been engaged in the field of industrial engineering for some time—but not in relation to the slot-machine business—I know that it naturally follows that a certain amount of business is required in order to justify or make feasible the establishment of a factory for the manufacture or repair of machines.

Therefore, it is not very likely that it would be feasible to set up such a factory in Nevada. It is no more likely that it would be feasible to have such a factory set up in Nevada than it is that it would be feasible to have a steam-engine factory set up in Nevada.

It is a nice thing to talk about having a 2½-year supply. The Attorney General no doubt gave the information to the distinguished Senator from Colorado, but the junior Senator from Nevada resides in Nevada. He has been in communication with several of the hotels and clubs which use these devices, and no such information has come to the junior Senator from Nevada.

Mr. JOHNSON of Colorado. I should like to say to the Senator from Nevada that 7,000 slot machines are used in Nevada, and I am sure that if they could not be repaired somewhere else, somebody in the State could set up a shop sufficiently large to repair them. There is nothing very complicated about a slot machine, and I do not take the Senator's dim view of his own State's enterprise, because I know that the people in Nevada are very alert, very wide awake, and do not let grass grow under their feet.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Colorado. I yield.

Mr. FERGUSON. I merely want to ask the Senator whether it is not a fact that if the Congress, as a legislative body, desired, it could pass a law prohibiting the interstate shipment of slot machines, even though the State Legislature wanted them shipped? So we are in effect here modifying that to the extent of allowing the State to determine its own policy. In other words, it is a matter of State's rights.

Mr. JOHNSON of Colorado. I thank the Senator for his observation. It bears out what I said a moment ago, that in drafting this bill, we leaned over backwards to give the States every opportunity absolutely to run their own affairs. We have had proposed legislation which attempted to invade the State's jurisdiction. This bill very scrupulously avoids doing that. It allows every State to run its own business.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

CONGRESS COULD PROHIBIT SHIPMENTS OF AUTOMOBILES

Mr. MALONE. I suppose we could also prohibit the shipment of automobiles in and out of the State. We could do that if the Congress of the United States were to transfer practically all of its authority to the Chief Executive, along the lines of the 1934 Trade Agreements Act transferring to the executive branch the regulation of foreign trade—to the United Nations the right to declare war without referring it to Congress, and so forth.

Mr. JOHNSON of Colorado. I hope the Senator does not think of the automobile as a gambling device.

Mr. MALONE. I did not say it was a gambling device, but I say I suppose it would be possible to prohibit the shipment of automobiles in and out of the States if Congress so desired.

Mr. JOHNSON of Colorado. Congress has power over interstate commerce.

Mr. MALONE. I may say that it is quite a gamble to ride in an automobile, at that; so it might result in saving life if the shipment of automobiles in and out of the States were limited. The Congress might take that attitude if we continue to shift all other authority to the executive branch—the Congress may be relegated to such chores.

Mr. JOHNSON of Colorado. I do not think there is much danger of anyone taking that view.

Mr. MALONE. I do not know—I have listened to debates here for 4 years, and we have gone far afield, I may say to the Senator.

Mr. JOHNSON of Colorado. I do not know of any Senator who has gone farther afield than has the Senator from Nevada in connection with the offering of very ingenious things of this kind.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Michigan.

Mr. FERGUSON. I was merely going to suggest that there is, first, a great distinction between an automobile and a gambling device, known as the slot machine. If in the protection of morals and in accordance with the public policy of the United States, the Congress determined to prohibit slot machines from moving in interstate commerce, it could be done. But the Congress has not seen fit to go that far in this bill. States' rights have been recognized, and the Congress has provided that any State which wants to have gambling devices, such as slot machines, may pass appropriate legislation and proceed to obtain them. I assume—and I know of no constitutional prohibition—that if the Congress wanted to prohibit the shipment of automobiles in interstate commerce, having full control of it at the present moment, it could do so. I should want to do a little more research, but I suppose it could pass a law prohibiting the interstate shipment of automobiles.

Mr. JOHNSON of Colorado. The Senator, of course, knows that the ship-

ment of stolen automobiles or their transportation across States lines is prohibited by Federal law.

Mr. FERGUSON. That is correct. We make it a criminal offense to transport stolen automobiles across State lines.

Mr. JOHNSON of Colorado. That is correct.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHERRY. A question has presented itself to my mind, as I have listened to the colloquy.

Mr. JOHNSON of Colorado. I say to the Senator that I have some further points to make.

Mr. WHERRY. Pardon me.

Mr. JOHNSON of Colorado. I was pointing out the differences between the House bill and the Senate version.

Mr. WHERRY. I should like to have the Senator complete his remarks, after which possibly he will answer the question I am about to ask. I do not want to interfere with the Senator's presentation, but does this law become operative when the President signs it? What happens in the intervening period of time, between the signing of the bill and its going into effect, say the first of the year? I suppose the Senator from Nevada had that question in mind when he said a special session would be required. What does the bill provide with regard to the effective date of the law?

Mr. JOHNSON of Colorado. It becomes effective upon being signed by the President. That is understood.

Mr. WHERRY. So there would be an interval between now and the convening of the next session——

Mr. JOHNSON of Colorado. Slot machines can be used. There is no interference with anyone's use of the machines.

Mr. WHERRY. It relates merely to transportation?

Mr. JOHNSON of Colorado. That is all. An opportunity has been afforded to everyone. This legislation has been before the country and before the Crime Conference for many months.

Mr. WHERRY. I understand that.

Mr. JOHNSON of Colorado. If anyone is fearful of running out of slot mamines, no doubt he will have purchased a goodly supply of them.

Mr. WHERRY. I was trying to clarify the issues. I was wondering how the matter would be handled in the interval before the taking effect of the law.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WILLIAMS. The junior Senator from Nevada indicates he is fearful lest the volume of the business of repairing slot machines in his State would not justify the establishment of a repair shop there. Is it not a fact that every type of slot machine which is legal anywhere in the United States is operated within the State of Nevada?

Mr. JOHNSON of Colorado. Yes; I am sure that is so.

PURPOSE TO PROHIBIT GAMBLING IN ILLEGAL AREAS

Mr. MALONE. Mr. President, if the Senator will yield, I may say to the Senator I do not understand, as the distinguished Senator from Michigan said, that the purpose is to regulate morals in a county or a State, or to invade the authority of the State in such matters, but what is attempted is merely to prohibit gambling devices to enter areas where they are illegal. That is why the junior Senator from Nevada was trying to discuss the matter with members of the conference committee, and with the distinguished Senator from Colorado.

If the objective were to prohibit gambling devices from being shipped to and from areas in which they are illegal, then it would be a very easy thing to provide by law that the devices could be shipped where they were legal and they could be returned for repairs, or whatever might be necessary through unbroken shipments, both ways.

The ridiculous thing is that when it is known—and the law is very clear—that slot machines are legal within a State, and the governor certifies that fact to the Attorney General, it is attempting to prevent their shipment unless the State enacts additional legislation. I take it for granted, of course, that the Senate of the United States is not in the business of trying to prevent a sovereign State from doing something which the State legislature and the governor of the State, through regular legislative acts, and acting under the authority of the Constitution, have provided for.

I did not understand that an effort was being made to prohibit in some left-handed manner the acts of a legislature representing the people of a sovereign State becoming effective.

Mr. JOHNSON of Colorado. The Senator is correct in that. There is nothing left-handed about this. We are dealing with one-armed bandits, but I do not know that they are left-handed bandits.

QUESTION IS A SOVEREIGN STATE'S RIGHT TO LEGISLATE WITHIN THE FRAMEWORK OF THE CONSTITUTION

Mr. MALONE. I understand. If the Senator will yield further, I may say that statement gets a laugh. It is always possible to get a laugh by such a remark. But I am not in the business, as the junior Senator from Nevada, of getting a laugh on the Senate floor. I am merely trying to protect a sovereign State in its authority, in carrying out the wishes of a majority of the people of a sovereign State, regardless of whether it is my State or the Senator's State, or the State of Louisiana, or the State of New Mexico, in taking whatever action the majority of the people want them to take, under the State's rights, so long as it does not contravene the Constitution of the United States.

I understand my job as a United States Senator is to protect that right.

Mr. JOHNSON of Colorado. No bill in my time, or any legislation with which I am familiar, goes so far as to protect States' rights as does the bill which came from conference. I want to proceed now to point out some of the other matters which were considered in conference.

Third. It will be noted that the conference report version changes the original Justice Department provision by requiring that the various States specifically pass laws exempting them, if they so desire, from the provisions of the new law, instead of merely allowing the governor to certify to the Attorney General, that the State now has such a law. That is what we have been talking about. The effect, therefore, is to require each State legislature to enact legislation exempting the particular State or a particular subdivision of it from the effect of the Federal law. The House eliminated the provision which would have barred the exportation of slot machines to foreign countries.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHERRY. If I understand correctly, what the provision requires is that a State can pass a law in compliance with the Federal statute, to receive into that State slot machines or parts, and so forth, so the slot machine could come into the State. A State in which slot machines may be manufactured could also pass laws permitting slot machines to come into its jurisdiction. Is that correct?

Mr. JOHNSON of Colorado. That is correct.

Mr. WHERRY. I am trying to get the issues clear. So that the State which manufactures them, if it wanted to receive slot machines for repairs, would be protected under this bill, so that a State which imported them, in the first place, when they needed repairs, could send them back and have them repaired in the State in which they were manufactured in the first place, is that correct?

Mr. JOHNSON of Colorado. The Senator is absolutely correct. The Senator from Nevada is complaining because the bill does not permit his State to ship slot machines to other States for repair. The bill does provide for that very thing, and it provides for it in this way: Most slot machines are manufactured in Chicago and shipped out of Chicago. Chicago is the slot-machine capital of the world. This bill gives the State of Illinois the right to authorize and approve shipments of slot machines into Chicago. It could approve their being shipped into Chicago in unbroken lots, or into the whole State of Illinois, if it wished to do so. The State of Illinois can do that. If the State of Illinois does it, of course the State of Nevada can ship its slot machines to Chicago for repairs. Chicago can send them back to Nevada. That is what the bill provides. It seems to me that a law could not be more liberal.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. MALONE. Does the bill say that a State legislature must reenact the law making gambling legal so that gambling devices may be shipped into the State, or that it is legal to use them in the State?

Mr. JOHNSON of Colorado. They can do either one. The legislature has complete control.

Mr. MALONE. But the legislature in Illinois would have to do that.

Mr. JOHNSON of Colorado. Yes; the Legislature of Illinois would have to do it.

STATE WHERE GAMBLING IS ILLEGAL MUST PASS LEGISLATION

Mr. MALONE. In order to take care of a State in which gambling is legal, and to permit gambling in that State, legislation would have to be passed by a State which may have no particular interest in such matters.

Mr. JOHNSON of Colorado. The Senator is stretching the point. If the State of Illinois wants to permit the repair of slot machines shipped into it from Nevada, it can provide for that very thing by legislation. The bill would take care of both States, if they wished to take care of themselves.

Proceeding with the conference report, it requires manufacturers and dealers in gambling devices to register annually with the Attorney General of the United States. The original Justice Department bill would have required registration with the Collector of Internal Revenue in the collection district in which the business is carried on. The conference report adopted the House language with respect to that matter. They would register with the Attorney General of the United States.

The conference report modifies section 5 of the Senate bill by extending the prohibition to American-flag ships on the high seas.

Furthermore, the conference report consolidates the penalty sections into a single penalty of a $5,000 fine and 2 years' imprisonment for violations of all provisions of the bill. The Justice Department bill, which the Senate had passed, provided two classes of penalties, namely, a $5,000 fine and 2 years' imprisonment for violation of section 2, which prohibits interstate transportation of gambling devices, and violation of section 5, which prohibits the manufacture, transport, possession, or use of gambling devices on Federal territory; and a $2,000 fine and 1 year's imprisonment for violation of section 3, which deals with the registration of manufacturers and dealers of devices, and violation of section 4, which deals with the marking of packages containing gambling devices. Those are the changes which have been made by the House in the original Justice Department bill, and which have been approved by the conferees.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. Yes.

Mr. WHERRY. I wish to get this matter clear in my mind, because there seem to be many issues involved. Of course, a State legislature can go as far as it cares to go with respect to the importation into its borders of slot machines. That is, they can write a law permitting the repair or manufacture of them, and still not allow their use.

Mr. JOHNSON of Colorado. That is correct. They can do that.

Mr. WHERRY. It is not necessary to permit gambling in the State of Illinois, for example, if the legislature does not wish to permit it, and still permit slot machines to come into the State for repair, or for manufacturers to send them out of the State. Am I correct?

Mr. JOHNSON of Colorado. The Senator is correct. They can send them out only to a State into which it is legal to send them. At the present time there is only one State into which it is legal to send slot machines, and that is the State of Nevada. Therefore under the bill it would be possible to have a flow of slot machines from Nevada to Chicago and from Chicago to Nevada. All that would be required would be an act of the legislature providing for it.

Returning to the conference report, on August 29 I received a letter from the Justice Department, signed by Peyton Ford, Deputy Attorney General. It deals with the House bill and the conference report which was adopted yesterday. The Attorney General wrote the first bill, which was passed by the Senate. The bill went to the House and it was changed by the House. We on the committee were eager to know whether the Attorney General was satisfied with the House bill, because of the origin of the legislation. The origin of the legislation—and I wish Senators to keep this in mind—came from the crime conference, from mayors of the great cities of the country, the attorneys general of the States, and the county attorneys of the many counties. We wanted to know what the Attorney General in his commitments to these communities thought about the bill. He said:

> In response to your request, we have examined S. 3357, an act to prohibit the transportation of gambling devices in interstate and foreign commerce, as it was amended and passed by the House of Representatives on August 28, 1950. While the amendments effect substantial changes in the measure as it passed the Senate on April 19, 1950, it is our belief that these amendments do not alter the basic objectives of the original bill. In our view, if the House amendments are accepted by the Senate, the Congress will have enacted a highly creditable piece of legislation, in keeping with the recommendations made on the subject of gambling devices by the Attorney General's Conference on Organized Crime.

The letter is signed by Mr. Peyton Ford.

So we have kept faith with the crime conference in submitting this conference report.

We have in the Senate a special committee appointed to investigate organized crime in interstate commerce.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. Yes.

Mr. WHERRY. I do not wish to interrupt the Senator, but I am trying to get all the information I can.

Mr. JOHNSON of Colorado. I am glad to yield to the Senator from Nebraska or to any other Senator who wishes to ask questions.

Mr. WHERRY. The other evening when this bill came up for discussion the Senator moved to concur in the House amendments, I believe.

Mr. JOHNSON of Colorado. That is correct.

Mr. WHERRY. Then the Senator withdrew the motion and asked for a conference, did he not?

Mr. JOHNSON of Colorado. Yes.

Mr. WHERRY. The conferees are reporting the bill with the House amendments.

Mr. JOHNSON of Colorado. Yes.

Mr. WHERRY. That is really the point at issue?

Mr. JOHNSON of Colorado. That is correct. I wish to read to the Senate some of the things that happened in conference yesterday. The conference lasted an hour. This is a part of the record that was made. The House conferees rejected two amendments proposed by the Senate conferees. I should like to have the attention of the Senator from Nevada to this language. The House conferees rejected two amendments proposed by the Senate conferees. The first amendment would have permitted the use of gambling devices as defined in the bill in any place owned or controlled by the United States if such place is in a State or subdivision thereof which has enacted a law providing for the exemption of such State or such subdivision from the provisions of section 2 of the bill.

The second amendment—and this is the amendment which the Senator from Nevada has been very much interested in—would have permitted a State which had enacted a law providing for the exemption of such State from the provisions of section 2 of the bill to ship gambling devices from such State for repairs into another State. The House conferees felt these two amendments were incompatible with the objectives of this proposed legislation, and they voted them down. They told us of course they could not consider them, and they advanced what I considered to be very sound arguments why those proposals, made by the Senate conferees, could not and should not be granted.

The Senate has created a Special Committee To Investigate Organized Crime in Interstate Commerce. Senators will recall that the committee is made up of the Senator from Tennessee [Mr. KEFAUVER], the Senator from Maryland [Mr. O'CONOR], the Senator from Wyoming [Mr. HUNT], and the Senator from New Hampshire [Mr. TOBEY] and the Senator from Wisconsin [Mr. WILEY]. Mr. Rudolph Halley is chief counsel. On August 18, 1950, the special committee issued an interim report. I should like to read one paragraph from the interim report.

> The committee favors and recommends the enactment into law of S. 3357, popularly known as the slot-machine bill, which would prohibit the transportation of these gambling instruments in interstate commerce.

Mr. President, that is the recommendation of our own committee, that this proposed legislation be enacted.

I wish to insert in the RECORD, at this point in my remarks, the bill as it was passed by the House and as adopted in conference.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That as used in this act (a) the term "gambling device" means—

(1) any so-called "slot machine" or any other machine or mechanical device an essential part of which is a drum or reel with insignia thereon, and (A) which when operated may deliver, as the result of the application of an element of chance, any money or property, or (B) by the operation of which

a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or

(2) any machine or mechanical device designed and manufactured to operate by means of insertion of a coin, token, or similar object and designed and manufactured so that when operated it may deliver, as the result of the application of an element of chance, any money or property; or

(3) any subassembly or essential part intended to be used in connection with any such machine or mechanical device.

(b) The term "State" includes Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam.

(c) The term "possession of the United States" means any possession of the United States which is not named in paragraph (b) of this section.

SEC. 2. It shall be unlawful knowingly to transport any gambling device to any place in a State, the District of Columbia, or a possession of the United States from any place outside of such State, the District of Columbia, or possession: *Provided*, That this section shall not apply to transportion of any gambling device to a place in any State which has enacted a law providing for the exemption of such State from the provisions of this section, or to a place in any subdivision of a State if the State in which such subdivision is located has enacted a law providing for the exemption of such subdivision from the provisions of this section.

Nothing in this act shall be construed to interfere with or reduce the authority, or the existing interpretations of the authority, of the Federal Trade Commission under the Federal Trade Commission Act, as amended (15 U. S. C. 41–53).

SEC. 3. Upon first engaging in business, and thereafter on or before the 1st day of July of each year, every manufacturer of and dealer in gambling devices shall register with the Attorney General his name or trade name, the address of his principal place of business, and the addresses of his places of business (in such district). On or before the last day of each month every manufacturer of and dealer in gambling devices shall file with the Attorney General an inventory and record of all sales and deliveries of gambling devices as of the close of the preceding calendar month for the place or places of business (in the district). The monthly record of sales and deliveries of such gambling devices shall show the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier. Duplicate bills or invoices, if complete in the foregoing respects, may be used in filing the record of sales and deliveries. For the purposes of this act, every manufacturer or dealer shall mark and number each gambling device so that it is individually identifiable. In cases of sale, delivery, or shipment of gambling devices in unassembled form the manufacturer or dealer shall separately mark and number the components of each gambling device with a common mark and number as if it were an assembled gambling device. It shall be unlawful for any manufacturer or dealer to sell, deliver, or ship any gambling device which is not marked and numbered for identification as herein provided; and it shall be unlawful for any manufacturer or dealer to manufacture, recondition, repair, sell, deliver, or ship any gambling device without having registered as required by this section, or without filing monthly the required inventories and records of sales and deliveries.

SEC. 4. All gambling devices, and all packages containing any such, when shipped or transported shall be plainly and clearly labeled or marked so that the name and address of the shipper and of the consignee, and the nature of the article or the contents of the package may be readily ascertained on an inspection of the outside of the article or package.

SEC. 5. It shall be unlawful to manufacture, recondition, repair, sell, transport, possess, or use any gambling device in the District of Columbia, in any possession of the United States, or within Indian country as defined in section 1151 of title 18 of the United States Code or within the special maritime and territorial jurisdiction of the United States as defined in section 7 of title 18 of the United States Code.

SEC. 6. Whoever violates any of the provisions of section 2, 3, 4, or 5 of this act shall be fined not more than $5,000 or imprisoned not more than 2 years, or both.

SEC. 7. Any gambling device transported, delivered, shipped, manufactured, reconditioned, repaired, sold, disposed of, received, possessed, or used in violation of the provisions of this act shall be seized and forfeited to the United States. All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of vessels, vehicles, merchandise, and baggage for violation of the customs laws; the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this act, insofar as applicable and not inconsistent with the provisions hereof: *Provided*, That such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws shall be performed with respect to seizures and forfeitures of gambling devices under this act by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General.

SEC. 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Mr. JOHNSON of Colorado. Mr. President, I also ask to have inserted in the RECORD at this point a statement by me describing the bill, which will be somewhat repetitious, but I think it might well go into the RECORD, as it covers the whole subject.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JOHNSON OF COLORADO

Mr. President, I think it is desirable that a brief explanation be made before requesting approval of the conference report on S. 3357, the bill prohibiting interstate transportation of certain gambling devices.

Initially, the Senator from Colorado desires to emphasize that he takes no pride of authority in this legislation. Senators should understand, however, that this bill is endorsed by practically every State and municipal law enforcement official in this country. They are on record as wanting this legislation. They and their representatives met here last February—mayors, State attorneys general, police chiefs, county attorneys—in a national crime conference which was addressed by President Harry Truman. After several days of deliberation, they passed a number of resolutions. The very first of these was a resolve requesting the Federal Government to enact legislation prohibiting the interstate transportation of certain gambling devices, particularly slot machines. The Attorney General of the United States drafted such legislation and sent it to the Senate and House of Representatives with a request that it be enacted. The request was referred respectively to the Senate and House Committees on Interstate and Foreign Commerce and on April 4, 1950, I introduced the bill by request. On April 12 our committee considered the bill in executive session and ordered it reported favorably without amendment. On April 19 the Senate passed the bill unanimously on the consent calendar. The bill was then referred to the House Committee and beginning on April 27 that committee held 5 days of hearings, subsequently reporting the bill on August 20 with amendments. In my judgment and in the view of the Department of Justice, the House amendments materially improve the bill.

Following House passage, a sudden interest developed in the legislation, concern began to be expressed about its enactment. Suggestions were even made that this bill infringed on States' rights, despite the fact that it was the States themselves, through their law-enforcement officials who initiated the bill and urged its enactment. Let me say right here and now that this is one of the few bills in the last 2 decades which is scrupulous about States' rights; it keeps the Federal Government out of State and local police powers; no Federal official is going to become an enforcement officer in any State or locality. All it does is exercise the constitutional duty of the Federal Government with respect to interstate commerce by denying the avenues of such commerce to slot machines unless a State has made the operation of slot machines legal within that State.

In view of the new interest expressed in the legislation and suggestions made that certain changes be made in the House form of the bill, we decided to ask the House for a conference. That conference was held yesterday afternoon from about 4:15 to 5:15 p. m.

At that conference I proposed, on behalf of the Senate, not only the adoption of the Senate bill, but also specifically two additional new amendments. One would have permitted a State in which slot machines are legal to ship such machines out to another State for repair. The House conferees unanimously rejected that amendment, explaining that in the first place such an amendment would nullify the entire bill, since it would permit a State in which slot machines are legal, such as Nevada, to ship machines into every State in the Union, whether or not slot machines are legal in such States. The House conferees also pointed out that if it was desirable or necessary for machines to be shipped into a State for repair or renewal, all that was necessary is for the State to pass legislation making such shipment legal.

The second amendment I offered on behalf of the Senate was to permit the legal operation of slot machines on Federal property in States where the operation of slot machines is legal. Again, the House conferees unanimously rejected the amendment, explaining that such an amendment would establish far-reaching precedents with respect to State control over Federal territory.

Thereafter, we reviewed in detail each of the House amendments, eight in all.

The House struck out the definition of gambling devices contained in the original Justice Department bill and substituted a much more specific and narrow definition, the effect of which is to limit the bill exclusively to slot machines and to exclude from the bill such other coin-operated devices as pin-ball machines. However, the definition in the House bill is still broad enough to include slot machines which do not pay off in cash and are paid off in merchandise or cash over the counter.

The House bill defines "State" to include Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam. This places these territories in exactly the same position as the individual States. Hence, the legislative assemblies of all States and Territories would have the power to authorize the transportation of slot machines into such State or Territory.

It will be noted that the House version tightens the original Justice Department language by requiring the various States to specifically pass laws exempting such States from the provisions of the new law instead of merely allowing the governor to certify to the Attorney General that the State now has such a law. The effect therefore, is to require each State legislature to enact legislation exempting that State or a particular subdivision of it from the effect of the Federal law. The House eliminated a provision which would have barred exportation of slot machines to foreign countries.

Another House amendment requires every manufacturer and dealer in gambling devices to annually register with the Attorney General of the United States. The original Justice Department language would have required registration with the Collector of Internal Revenue in the collection district in which the business is carried on.

The House modifies section 5 of the Senate bill by extending the prohibition to American-flag ships on the high seas.

Also the House consolidated the penalty sections into a single penalty of $5,000 fine and 2 years' imprisonment for violations of all provisions of the bill. The Justice Department has provided two classes of penalties: A $5,000 fine and 2 years' imprisonment for violation of section 2, which prohibits the interstate transportation of gambling devices, and violation of section 5, which prohibits the manufacture, transport, possession or use of gambling devices on Federal territory; and a $2,000 fine and 1 year imprisonment for violation of section 3, which deals with the registration of manufacturers and dealers of gambling devices, and violation of section 4, which deals with the marking of packages containing gambling devices.

It should be emphasized that the Department of Justice, which drafted the original bill, approves of the changes made by the House. I want to read from a letter from Mr. Peyton Ford, Deputy Attorney General, giving the Justice Department's views on the amended bill:

"DEAR SENATOR JOHNSON: In response to your request, we have examined S. 3357, an act to prohibit transportation of gambling devices in interstate and foreign commerce, as it was amended and passed by the House of Representatives August 28, 1950. While the amendments effect substantial changes in the measure as it passed the Senate, April 19, 1950, it is our belief that these amendments do not alter the basic objectives of the original bill. In our view, if the House amendments are accepted by the Senate, the Congress will have enacted a highly creditable piece of legislation, in keeping with the recommendation made on the subject of gambling devices by the Attorney General's Conference on Organized Crime."

Mr. President, some questions have been raised as to the specific effect of this legislation on States, or parts of States, where the possession and operation of slot machines is legal. Some Senators may have the impression that since opposition has been expressed by the junior Senator from Nevada, his State may be adversely affected by enactment of the bill.

The facts are, Mr. President, that this legislation does not impair or impede the legal operation of a slot machine in Nevada, or any place else where they are legal now, or if made legal by subsequent enactment of State or Territorial legislatures. On the contrary, it is reasonable to draw the conclusion that such places may actually be benefited by the enactment of this legislation.

For example, in Nevada slot machines are licensed by the State government. They bring in a sizable tax revenue. The operators of slot machines in Nevada, I am reliably informed, have in stock some two and a half times the number of machines actually in operation at any one time. Whether such a surplus of machines was purchased in anticipation of the enactment of this legislation I cannot say. But, operation of slot machines will continue in Nevada after enactment of this legislation just as before. There will be this added advantage to Nevada. It may well become an oasis of legal operation of the machines in the United States and in that respect will attract even more customers than ever before to play them.

Moreover, if enactment will actually result in the closing down of the large national manufacture of such machines, it is quite probable that some enterprising Nevadans will set up a repair machine shop in Reno or Las Vegas or some other city and maintain repair and replacement facilities for the machines. Thus, the enactment of the bill may actually result in promotion of small business in Nevada.

The junior Senator from Nevada has told me that he is concerned about the fact that Nevada operators of slot machines will not be able to send their broken-down machines back to the factory and get them repaired, since the bill would prohibit the interstate transportation of slot machines into States where they are not legal. I already pointed out that I offered such an amendment and that it was promptly and unanimously rejected by the House conferees as making a nullity of the entire bill. The slot-machine manufacturer in the Midwest who is now opposing the enactment of this bill says quite frankly that if it is enacted, he will shut up shop, since the legal market for machines is not large enough to warrant his operation. In short, at the present time he has no objection to helping violate State law by shipping his machines into States where the machines are illegal, but he does not want to tangle with the Federal Government when and if interstate shipment is made illegal by Federal law. So, presumably, he will stop manufacture if this bill becomes law. Obviously, then, the bill will have the effect of decentralizing the slot-machine manufacturing industry; wherever slot machines are legal small repair shops and even factories will be set up to service and maintain them.

This, then, is a great opportunity for those who favor small independent business. Frankly, I am somewhat surprised that the junior Senator from Nevada, who constantly is talking about the free-enterprise system and building up of small business, should bleed for the large slot-machine manufacturer in Illinois. And lest anyone is ready to shed tears over the Illinois manufacturer of slot machines, the Senate will be comforted to know that the manufacturer is a multimillionaire, full of years and wisdom and ready to retire to either his Louisiana plantation or his Illinois farm, as his fancy moves him.

The junior Senator from Nevada also has expressed some disfavor with a House amendment which would require the Legislature of Nevada, or any other State, to pass a bill permitting slot machines to be shipped into the State in conformity with this legislation. As the bill was originally drafted by the Justice Department, and as it passed the Senate, all that was required was for the governor of a State to certify to the Attorney General of the United States that his State has such a law. But during further consideration of this provision, and in view of the criminal penalties attached, legal experts felt that it was not good law to create a legal presumption simply on the basis of a governor's certification, and hence the House modified that provision.

Some concern has been expressed over the effect of the legislation on the operation of slot machines in various fraternal and social organizations, including officers' clubs on Federal property, such as Army posts. The bill does not change the existing situation with respect to slot-machine operation in private clubs or fraternal organizations in any State. That remains a matter of State enforcement, and the Federal Government is given absolutely no new enforcement powers by this bill. Where slot machines today are operated despite State laws making such operation illegal, I assume such operation will continue at the pleasure or discretion of the State and local enforcement officials. However, as to Federal property, the bill does prohibit the possession or use of slot machines. Frankly, I do not see how the Congress can prohibit the interstate shipment of devices which everybody acknowledges as "one-armed bandits" which do not give the customer an even break, and at the same time permit and encourage their operation on Federal territory. If such machines are bad, they are bad, and we have no business exempting Federal property from the bill and thus make every Army post or officers' club a gambling oasis.

I say again what I emphasized in the beginning, this legislation is not personal to the Senator from Colorado, or any other member of the Senate Committee on Interstate and Foreign Commerce. The Senator from Colorado has no pride of authorship; the bill came directly from the law-enforcement officials of the States and cities of this country; they urged its enactment in the first resolve of the national crime conference held here early this year; the language was drafted by the Department of Justice, and the bill was introduced by me by request in my position as chairman of the committee. Our committee considered it; reported it unanimously; and the Senate passed it without a dissenting vote. The House of Representatives, in turn, passed it unanimously, I believe. It is now before us for adoption of a conference report which concurs in House amendments which the Department of Justice formally informs us are completely satisfactory. The Senator from Colorado has done his duty. The Senate can do as it pleases about the legislation.

Mr. JOHNSON of Colorado. Mr. President, I wish to repeat the chronological history of the bill.

Following the crime conference and action by the Department of Justice, a bill was sent to the Senate, and I introduced it by request. I wish to make a point about that request. It was not my bill, I had no part in its formulation. I did not write any part of it. I have no more interest in that bill that has any other Senator or any other citizen. I do have a profound respect for the law enforcement officers of the United States and of the mayors of the cities of the United States, and when they assemble and say they are having great difficulty in enforcing the laws, I feel that I have some responsibility in trying to help them, because they have had a very difficult and onerous job. Therefore I introduced the bill by request on April 4, 1950. A similar bill was introduced in the House at the same time.

On April 12, 1950, the bill was considered in executive session in the committee and ordered reported favorably.

On April 12, 1950, it was reported by me to the Senate, and Senate Report 1482 was filed.

On April 19, 1950, the Senate passed the bill.

On April 20, 1950, it was referred to the House Committee on Interstate and Foreign Commerce.

On April 27, May 2, 3, 4, and 5, 1950, hearings were held 5 days of hearings, by the House committee.

On July 27, 1950, the bill was considered in executive session of the committee and ordered reported with amendments.

On August 20, 1950, the bill was reported by Mr. ROGERS, who filed a report on the bill, House report 2769.

On August 28, 1950, the House passed the bill with amendments.

On September 18, 1950, the conference report was agreed to by the House, the report which we have before us at the present time.

If there are any questions any Senators desire to ask which I can answer, I shall be glad to attempt to help explain the provisions of the bill. If not, I wish to say just one last word in conclusion.

I hope that at a very early hour the Senate may pass upon the conference report. I believe it is in the public interest and against the interest of racketeers and professional gamblers throughout the country. So I hope the conference report may be approved and the bill enacted.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Tennessee.

Mr. KEFAUVER. I wish to pay a very high tribute to the distinguished chairman of the Committee on Interstate and Foreign Commerce and its members for their handling of this bill, and for the very thorough consideration it has been given. While the chairman and the members of the Special Committee to Investigate Crime in Interstate Commerce have only commenced their investigation—because of the sessions of the two Houses of the Congress we have not been able to have as many hearings as we will have later—we are convinced, and our report is unanimous, on the point of approving the legislation that is proposed here today, and on commending the Senate and the House committees for bringing it up for the consideration of the Senate and the House.

As the distinguished Senator from Colorado has stated, we feel that these gambling devices are not only bad in themselves, but they are a part of the apparatus that is used in places which result in the assembling of people for other types of criminal activities. I believe the cause of better law enforcement, and reducing organized crime in the United States, will have taken a great forward step, and there will be less crime if the proposed legislation shall be enacted.

Mr. JOHNSON of Colorado. Mr. President, I am very pleased to have this observation from the Senator from Tennessee, who has devoted a great deal of time and energy and talent to the very difficult questions relating to crime. I am very glad indeed, and our committee is glad, to have his approval.

Mr. HUNT. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Wyoming.

Mr. HUNT. I, too, should like to compliment the chairman of the Committee on Interstate and Foreign Commerce, together with the chairman of the subcommittee, for the splendid work they have accomplished in getting the bill to this point in its legislative history.

Mr. President, I hope the Senate will accept the conference report, and that the bill will become the law of the land, for the reason that through the use of this instrument of gambling throughout the United States in certain areas huge fortunes are being gathered together by gangsters, ex-criminals, and that type of people, and the great injury to our economy from this activity is that they are now getting into what we might call and what we should call legitimate channels of our over-all economy. They are buying utilities, they are controlling banks, they are going into real estate, they are going into the distilling business, and they are following in those activities exactly the same practices and same methods which they used in their gambling activities.

Mr. President, I am very hopeful that the Senate will, at a very early hour this afternoon, adopt this conference report.

Mr. JOHNSON of Colorado. Mr. President, I wish to thank the Senator from Wyoming for his observations. I know he is very much interested in the whole problem of crime prevention, and he is associated with the very distinguished chairman of the committee, the Senator from Tennessee [Mr. KEFAUVER], and they are both doing grand work, along with the other members of the committee.

Mr. KEFAUVER. Mr. President, will the Senator yield further while the Senator from Wyoming is on the floor?

Mr. JOHNSON of Colorado. I yield to the Senator from Tennessee.

Mr. KEFAUVER. I wish to say that I was very much impressed by the statement of the Senator from Wyoming some time back. Actually, legislation of this kind did much to help the small fellow, because a great deal of the wages and earnings of such men, which should go for food and necessities of life, according to the experience of the Senator from Wyoming, while he was Governor of his State, were diverted to other purposes, and resulted in the depletion of the family income.

PROTECTION OF INVESTORS IN LARGE CORPORATIONS

Mr. FREAR. Mr. President, on August 8, 1949, I introduced a bill, S. 2408, designed to compel the adoption of certain basic standards for the protection of investors in large corporations. Briefly, the bill would apply to all large corporations with substantial public interest—defined as those with at least $3,000,000 of assets and 300 security holders—the disclosure, proxy, and insider-trading provisions which have been part of the working code of listed and specially regulated companies for many years under the Securities Exchange Act of 1934 and other acts.

These provisions require financial statements reflecting an accurate picture of the financial condition of the business to be filed annually with the Securities and Exchange Commission; they require proxy solicitations to disclose essential information about the matters to be voted upon at the meeting; and they require insiders to report any trading they may do in their company's securities and to pay back to the company any short-term profits made from such trading. Purely because of a historical inadvertence, which I described when I introduced the bill, only corporations subject to either the Securities Exchange Act, the Public Utility Holding Company Act, or the Investment Company Act, are today required to comply with those provisions. S. 2408 proposes to remedy this historical inadvertence and extend these standards to all companies similarly situated.

When I introduced S. 2408, I invited comments from all interested persons. The response to this invitation was most gratifying. I received thousands of letters, which have assisted me in reaching a conclusion upon the merits of the various provisions of the bill. These letters, and the testimony presented at the hearings upon the bill, which were held in February, have convinced me that the need for such legislation is clear and imperative.

However, the Banking and Currency Committee, as everyone knows, was continuously faced with one piece of urgent legislation of tremendous national importance after another, and because the committee felt this legislation required a considerable amount of study, and the time element was not as important as was the case with such legislation as rent control, housing, price and production control, it was decided the subcommittee should further study the legislation with a view to action on it one way or the other at the next session.

I therefore plan to reintroduce the measure as soon as the next Congress meets. In the meantime, I should like to discuss certain matters brought to light during the hearings as well as by various independent inquiries I have made, so that there may be adequate opportunity, in the interval before the next Congress meets, to consider and discuss the legislation in the light of this information.

The "corporation" is today a well-established instrument of our economy. I believe the great majority of corporate officials recognize their offices are public trusts. Consequently, the corporate device is today a legitimate and effective instrument for obtaining large supplies of capital to further business enterprise. If it is to remain such, I believe it essential that the confidence of investors be maintained and corporate responsibility be made the law of the land. S. 2408 is designed to accomplish this purpose.

Industry, the Executive, and Members of this Congress have all repeatedly expressed concern over the dearth of venture capital. There must be a continuous flow of such capital if we are to continue our present dynamic business expansion, with its consequent prosperity for all segments of the population. Nevertheless, in spite of some $200,000,000,000 of liquid savings available for investment, only a small portion is used to purchase equity securities. In the popular mind, common stocks, especially of lesser-known enterprises, are often associated with speculative risk, and, indeed as

to those companies which are operated behind a veil of nondisclosure, the gambling instinct may be the only impelling force toward equity investment.

But we cannot finance our economy with the equity capital it needs by appeals to the gambler's instinct. It seems to me as plain as a pikestaff that such capital will not be supplied unless there are reasonable assurances that the persons who furnish the money will be kept informed as to its use. Yet, at present, under certain circumstances, management may, and in many instances does, ignore its stewardship obligation to render a true account of the business, and it thereby closes off one of the most important means of stimulating interest in the development of the business—publicity. Except when stockholders resort to expensive litigation, management's freedom to follow purely selfish impulses is largely unrestricted when the company's securities do not happen to be subject to the Securities Exchange Act, the Public Utility Holding Company Act, or the Investment Company Act. S. 2408 is designed to provide the assurances necessary to keep open the pools of public capital.

It is not without significance that the 1949 survey of consumer finances sponsored by the Board of Governors of the Federal Reserve System disclosed that the most important deterrent to investment in common stocks is a lack of familiarity. Familiarity may be achieved only by open and free disclosures of the important factors affecting financial health. Distrust and reluctance to invest breed in an atmosphere of secrecy. S. 2408 is designed to remove these barriers between the investor and his corporation.

Even among experienced, sophisticated financial advisers and analysts there appears to be a reluctance to commit large sums to the care of corporate management which does not make the minimum complete disclosures I have mentioned. I recently saw a compilation of the common stocks held by investment companies. The 50 favorite stocks, which represented 36 percent of their entire common stock portfolio, were all stocks of companies subject to the requirements of the Securities Exchange Act. Of course, a large portion of the remaining portfolio also consisted of the stocks of registered companies, leaving a relatively minor fraction of holdings of unregistered securities. The testimony of the representatives of the National Association of Investment Companies in support of S. 2408, the former Governor of Maine, Mr. William T. Gardiner, appears to confirm my observation.

Of interest in this connection is the report prepared by the Trust Investment Study Committee of the New York Bankers Association. This study was begun in 1946 and completed in 1949. It recommended legislation, which has since been adopted by the New York Legislature, for the revision of the list of securities in which trust companies might place the funds committed to their care to include bonds and stocks listed for trading upon an exchange registered with the Securities and Exchange Commission as a national securities exchange. The report states, in part:

> We do require, however, that all bonds other than railroad bonds, which are exempt from the registration provisions of the Securities and Exchange Commission because their issuance must be approved by the Interstate Commerce Commission, must be obligations which have registered securities with the SEC. The reason for this provision is not that registration with the SEC guarantees quality, but that it does insure the availability and release of adequate information.

I believe that all responsible trustees of other people's money must agree with the basic aims of the legislation. There may be some differences of opinion concerning the scope of the bill and its precise language—these I intend to adjust where necessary—but I have heard no attempt to justify the random character and unequal application of the present laws. If it is in the public interest to require corporations to inform their security holders about such matters as their present financial condition, the background of the persons proposed by management as directors, and the trading in securities of the corporation by management, it seems to me that this information should also be required with respect to large publicly held corporations not so listed.

I have been heartened by the extent and character of support for the bill. The financial community, which presumably knows the problems of investors, has given its almost unanimous approval. Organizations such as the Investment Bankers Association, the National Association of Securities Dealers, the National Securities Traders Association, the New York Society of Corporate Analysts, the National Association of Investment Companies, the New York Stock Exchange, and the New York Curb Exchange sent representatives to testify in favor of the bill. When organizations of this character—conservative, respected members of every community—agree that legislation suggested by a bipartisan Commission of the Federal Government is essential, it seems obvious there must be compelling reasons for the enactment of the legislation.

I think it is a remarkable thing when the leaders of an industry agree with the agency which the Congress has created in that field as to the merits of a legislative proposal. It reflects favorably on both Government and industry, and such a spirit of cooperative give-and-take should be encouraged by the Congress. Of course, opposition was expressed; I would not be fairly describing our committee hearings unless I disclosed that fact. But I can fairly say that the opposition was based predominantly on misunderstanding of the bill and of its provisions for exempting companies and transactions not within its purposes. I have tried to make it crystal clear to all concerned and I reiterate, that it is not the purpose of the bill to restrict business; everyone who foresees any problem in compliance is urged to make his problem known. I want this to be a truly representative and fairly operating piece of legislation. Such opposition arguments as were voiced were presented relatively in the main by management. Security holders were almost unanimous in their support. Thus, at the time security holders clamored for legislative assistance in their attempts to obtain adequate disclosure, some management opposed such legislation and sought to protect their ability to keep operations secret. This very divergence in viewpoints seems to me to illustrate the need for the legislation.

The detailed studies completed by the Securities and Exchange Commission in 1946 and 1950 force the conclusion that this bill is timely and necessary. I will not itemize the findings contained in those studies, for copies of the reports themselves are readily available. I should like to emphasize that these studies represent an analysis of typical unregistered corporations. There may be some which follow better practices. And I am sure there are many in which management is even less sensitive to their fiduciary obligations; for only corporations making some financial material available to their security holders were examined. Those which did not even respond to a request for copies of their financial statements could not be studied. Moreover, the Commission was able to obtain access only to a limited amount of proxy material. Though seriously deficient, this material probably represents a better than average selection.

Approximately one out of every six of the companies examined failed to furnish its stockholders with one or more of the three basic financial statements necessary for even a rudimentary analysis of the state of the business. These are a balance sheet, profit and loss statement, and statement of surplus. Many companies so handled their reserves that it was impossible to determine, even with a balance sheet, the company's net worth. For example, one company with assets of over six and a half million dollars had a reserve for contingencies of two million, two hundred thousand dollars and did not mention any specific contingency for which provision was made. Let me make it clear that these do not represent cavils about fine points of accounting practice. Not only do such practices result in depriving the owners of the business of essential information about their company, but they create opportunities for concealed manipulation of security holders' right and they deter investors from risking their capital by making investment in such companies a blind adventure.

The proxy soliciting practices of these companies also represented, in most instances, an insensitivity to the rights of the owners of the enterprise. There was a minimum of disclosure and a maximum request for blanket authority. The typical notice for the election of directors did not give even the names of the directors in office or those proposed for the ensuing term. One of the items of business in one-third of the stockholder meetings was the approval and ratification of all acts of management since the preceding meeting but the nature of these acts was in no instance disclosed—a procedure tantamount to a fiduciary's

request for a blank check to cover his past and undisclosed withdrawals.

The typical proxy form had provision for only a "yes" vote upon matters to be decided at the meeting. I should like to quote from an article by Robert P. Vanderpoel, financial editor of the Chicago Herald-American, which appeared on May 3, 1949:

On May 10 stockholders of the Camden Forge Co. will be asked to approve an amendment to the concern's certificate of incorporation, changing the tenure of office of directors from 1 to 3 years with only one-third of the board to be elected each year.

Unlike the Montgomery Ward & Co. charter, which permits such change by majority action of directors, it is necessary for two-thirds of the Camden Forge stockholders to approve before this backward step can be taken.

It is unthinkable that stockholders will ratify the proposal. One businessman, in sending in his proxy against the plan, described it as "an undemocratic corporate subterfuge to perpetuate management in office."

In this particular instance, the management, with arrogant disregard of fair treatment of stockholders, makes no provision on the proxy for a negative vote.

Under normal circumstances the Securities and Exchange Commission would prevent such a one-sided presentation, but inasmuch as Camden Forge stock is not listed on a registered securities exchange the SEC lacks jurisdiction over its proxy solicitation.

Undemocratic corporate managements, intent upon concentrating more and more power in their own hands, serve to weaken the American system of private enterprise.

(At this point Mr. FREAR yielded to Mr. FERGUSON, who, by unanimous consent, addressed the Senate in regard to a statement previously made by Mr. MALONE in regard to Mr. Paul Hoffman. Mr. FERGUSON'S remarks, together with subsequent remarks by Mr. MALONE, appear in the RECORD following Mr. FREAR'S speech.)

Mr. FREAR. Mr. President, surely it must be agreed that the proxy practices disclosed by the SEC study are repugnant to our democratic tradition. If that were all to be concerned about, it would be enough. But it is another fact that underlies the failure of many of our corporations to afford an opportunity of participation in the enterprise by those who have the legal right to participate and have been and may be again called upon to risk their funds in the venture.

I have not thus far discussed corporate practices which depart from the business norm. The abuses I have mentioned, startling to me, are common. None of them can exist in those companies now subject to the Securities Exchange Act. S. 2408 is designed to eliminate such practices in other large companies with publicly held securities.

In addition, S. 2408 attempts to outlaw trading by insiders upon inside information. This is closely related to the other provisions, for by withholding accurate information the insider may take advantage of information unavailable to the public generally to trade for his own benefit. Numerous examples of such trading were called to my attention. In one instance where the security was registered on the New York Stock Exchange and the insider was therefore subject to the Securities Exchange Act, the minority stockholders compelled the insider to return almost a half-million dollars of profit made as a result of such short-term trading. In another instance, involving an unregistered security, I am informed that insiders made a three and one-half million dollar profit in 2 months. All the profit in such trading, of course, was at the expense of the security holders. There is no reason why this basic fiduciary obligation to avoid profiteering from inside information should be imposed only upon officers, directors, and 10-percent stockholders of registered companies. I believe the prohibition against such shocking conduct should apply to all large publicly held companies.

I have listened to all of the testimony upon S. 2408. I have made an exhaustive inquiry into the need for such legislation, and I have had a voluminous correspondence upon it which I have studied carefully. I have found no sound argument against enactment of the bill. As I have mentioned, such opposition as appeared arose largely from misunderstanding. For instance, one company expressed the view that the bill, if passed, would require it to list its stock. No such requirement is in the bill and none is proposed. On the contrary, the bill seeks to maintain a balance between the exchange markets and the over-the-counter markets so that neither one will have an unfair advantage over the other—and the acid test of this is that the representatives of both markets appeared and testified in favor of the principles of the bill. Another objection was voiced on the ground that the SEC would invade the intrastate field after the bill was passed. This objection ignores specific language in the bill permitting exemptions to those companies of an intrastate character.

In part, opposition to the bill was expressed as a vague fear of Government regulation. No one believes more than I do that bureaucracy in government should be discouraged. But I believe that these fears in relation to S. 2408 are unfounded and result from misconceptions and faulty analysis.

S. 2408 is not a new experiment in Government control of regulation. It neither controls nor regulates and its provisions are not new. Enterprise remains free and unrestricted under it. Stripped of its legal terminology, S. 2408 simply instructs corporate fiduciaries to inform their security holders of what the corporation is doing, and to pay profits made from short-term trading in their company's securities to the company. No less should be tolerated by our society. No more is contained in the bill. To call the administration of such a bill "regulation" is, in a sense, a misnomer. For the bill gives no power or authority to impose governmental will on any aspect whatever of management's business discretion.

Nor is the suggestion contained in the bill new. As early as the year 1847 the Connecticut Bank Commissioners recommended to the State assembly that a law be passed inhibiting the power of management over proxies and restricting the authority (of insiders) to trade and speculate in the stocks of their bank; the precise value of which stock, their peculiar means of knowledge gives them the exclusive power of determining. As early as 1858 a British court held criminally liable directors of a British bank who published a false balance sheet, paid dividends when no profits were made, and purchased bank shares with bank money to keep up the price.

Many corporations, although not now subject to the disclosure requirements of the present law, have voluntarily embraced the principles of S. 2408. I believe this represents the predominant attitude of responsible management, which recognizes the enormous benefits which flow from full disclosure. The trend in this direction is expressed in the May 29, 1950, issue of the Investment Digest under the column March of the Markets, as follows:

This trend toward complete disclosure is not the result of SEC or compulsion of any sort. It's simply becoming evident to a greater number of wide-awake businessmen that it pays.

The vice president of one of our great business enterprises recently sent a questionnaire to a group whose business it was to analyze investments, inquiring: "What was the most important thing management could do to mold the investors' attitude in favor of a company?" He summarized the answers in two words. These words were "Full disclosure."

If S. 2408, which is essentially a full disclosure bill, is enacted, I predict financing will be both cheaper and simpler. This was plainly indicated by the testimony of the securities industry, which has the job of underwriting and selling corporate stocks and bonds. Underwriters' costs, by far the largest factor in the cost of selling any new issue, are directly related to the case with which an anticipated issue of securities may be sold, and publicity of the accounts of a well-managed business is one of the best methods of creating acceptance for its securities. Financial scandals, which cast their reflection upon corporate enterprise, will be reduced.

The specific objections to S. 2408 which I have heard are the same as those voiced in the hearings upon the Securities Exchange Act of 1934. They were rejected then and were rejected by succeeding Congresses when provisions comparable to the financial reporting, proxy-soliciting, and insider-trading requirements of the Securities Exchange Act were incorporated in the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940. The Investment Company Act, it should be noted, was passed by the Congress without a dissenting vote. I believe that action sufficiently testifies to the bipartisan, noncontroversial character of the corporate reforms proposed by this bill.

It has been contended by those opposed to the bill that there exists, in almost all States, a statutory or common-law right to inspect the corporate books. From this it is argued that there is no need for the proposed legislation. Apart from the fact that the several States have varying restrictions on the right of inspection, it seems to me to be completely unrealistic to tell a stockholder in California that he may hire

an accountant and a lawyer to compel the examination of the books of a New York corporation. This procedure not only effectively deprives the average investor, with limited financial means, of his legal rights, but it often results in such interminable delay that the knowledge of the company's condition, even when obtained, is out of date. The illusory character of this right is well illustrated by the recent litigation in which minority stockholders of an important steel company attempted to obtain a list of the other stockholders so that they might circularize them in opposition to the management.

Although ultimately the Ohio Court of Appeals sustained their right to this list, it was already an old list when they acquired it, and to obtain a current list it would have been necessary to institute a new action. A new action, similarly contested, might have meant more delay, which in turn would have made the new list out-of-date. That is the dilemma into which a stockholder may be forced today. By contrast, the proxy requirements of the SEC today provide opportunity for stockholders to make their proposals and views known to each other through reasonable use of the proxy machinery. Further, information filed with the Commission is immediately available to security holders directly and through advisory services, unless, as I shall mention, there is reason for treating the information as confidential. No State has any legislation remotely comparable to the proxy and insider-trading provisions of the Securities Exchange Act, which now apply to listed securities only.

It is also argued that certain companies whose competitors do not come within the size standards of the act will thus suffer a competitive disadvantage. The desire on the part of corporate management not to disclose what it regards as its own affairs is understandable. However, the state of the business is not management's affair alone. It is inherent in the duties of management stewardship to account to and deal fairly with investors in the enterprise. Sixteen years of experience under the 1934 act demonstrate conclusively, I believe, that the Congress has struck a proper balance. There is absolutely no indication that companies at present registered suffer competitively as a result of their registration. Where information required by the act should be secret or confidential, the Commission may make such information public only when a disclosure of such information is in the public interest. And if the Commission determines that such information should not be kept confidential, the company may appeal to the courts and, if successful in the appeal, prevent any public disclosure. In the 16 years of the Commission's history, only one such appeal was ever taken, and in that case the Commission's view was sustained.

I have examined carefully and in considerable detail the rules and regulations of the Commission which have been in operation for many years in an effort to determine whether the requirements imposed by these rules and regulations are onerous. The Commission is engaged in a continuous process of simplifications, and has always been amenable to reasonable suggestions for modification of any requirement that may impose unnecessary expense or inconvenience. I am convinced that there is no hardship upon companies compelled to file the required reports. There are three types of filings required. First, there are the financial statements filed upon registration and annually thereafter. All of the information contained in these statements is readily available from the accounts which corporations of any size keep in connection with the data at present required by the Bureau of Internal Revenue. The average annual report contains only the basic financial information. Where possible, I have suggested further simplification and I am pleased to note the continuing progress in that direction made by the Commission. The second type of filing is that required whenever proxies are solicited. This averages approximately four pages in length and contains simple and relevant information about the meeting. A third type of filing does not relate to the corporation at all; it consists simply of a blank which each insider who buys or sells his corporation's securities must fill in. It is a one-page affairs with a half-dozen blank spaces. Contentions that these requirements are onerous are unfounded.

It has been said that this bill will be a burden to small business. Nothing could be further from the truth. All of my inquiries have confirmed my belief that S. 2408 can have no harmful effect upon the small enterprise. The size limits were deliberately established to avoid any possibility that any but the largest concerns would be included. It has been estimated that the 1,800 corporations with $3,000,000 in assets and 300 security holders form about one-half of one percent of the 4,000,000 business enterprises in this country. It is sheer invention to say, as one organization says, that legislation affecting so minute a proportion of the largest businesses in the country affects small business in any way. In a recent impartial study of various mediums by which business enterprises are considered "large" or "small," such as total assets, tangible net worth, annual sales, number of employees, value of product, and income, it was concluded that small business enterprises having a tangible net worth of $10,000 or less constitute 80 percent of the businesses in the country. While I would not subscribe to so extreme a limitation in defining the line between big and small business, it throws considerable shadow on the testimony offered by one witness in connection with this bill who contended that a business with $50,000,000 of assets was "small" business.

S. 2408 is, in a sense, a helping hand in what has appeared to be an irresistible trend toward publicity in corporate affairs. It is a trend which has characterized our emergence as the world's richest storehouse of private economic potential.

The revolution in lending technique predicated upon the borrower's giving a current balance sheet and other financial information was, to quote Roy A. Foulke, vice president of Dun & Bradstreet, "the most radical change in banking practice since the organization of the Bank of North America in 1781. Nothing could have been more simple, more logical, or more eventful." As with most innovations, businessmen were both resentful and skeptical of the new requirements for giving information before they could obtain money.

By 1900, the new procedure was well on its way toward providing the bond which cemented lenders and businessmen into a mutually profitable relationship. "An itemized statement," said banker James B. Cannon, "provided it is correct, is to a banker what a map is to a traveler, it points out and makes clear things and conditions that would otherwise be obscure and mysterious." The skepticism which greeted the new principle was followed by toleraton, and toleration by extension of the practices. Passage of the Income Tax Act in 1913 and of the Excess Profits Tax Act in 1917 compelled businessmen to accept the necessity of a correct system of accounting. In the meantime, the accounting profession achieved recognition, although as late as 1907 investigation by public accountants were made secretly, often at night or on Sunday.

Today no bank or other lending institution would think of providing money for a corporate enterprise without a financial statement accurately disclosing the condition of the business. I believe every investor is also entitled to such information. Common stocks today have emerged to a point where they can and should be sold only on their own merits. I believe we have arrived at that point in the historical trend where resistance to adequate disclosures to stockholders is crumbling in the same way that resistance to making disclosures to creditor crumbled some 50 years ago. The die-hards will continue to object and attempt to obstruct progress, only to find themselves ultimately in a hopeless minority. No one can contemplate the great drive toward full and accurate publicity in financial matters down through the years without realizing that the movement is still in full swing. Without S. 2408 the pockets of resistance will remain, to the damage of investors and of the economy generally. Without S. 2408 progress will be marked, as it has always been, by drastic and expensive suits against recalcitrant managements, upsetting normal business and providing a playground for litigants and speculators. I am proud of the part which I hope to share with the Congress in the movement to bring knowledge of corporate affairs to their owners and to widen the securities markets to include additional corporations in search of new capital.

POSITION OF MR. PAUL HOFFMAN IN REGARD TO PROTECTIVE TARIFFS

During the delivery of Mr. FREAR's speech,

Mr. FERGUSON. Mr. President, will the Senator yield to me for a moment?

Mr. FREAR. I yield.

Mr. FERGUSON. I wish the Senator from Nevada [Mr. MALONE] would give me his attention for a moment. I should like to discuss a matter briefly, with the understanding that the Senator from Delaware will not thereby lose his right to the floor. I ask unanimous consent

that the Senator from Delaware will not lose the floor in this connection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FERGUSON. Mr. President, on yesterday, as appears in the CONGRESSIONAL RECORD at page 15021, the Senator from Nevada [Mr. MALONE] made a statement in reference to the philosophy of Mr. Paul Hoffman. I read from the CONGRESSIONAL RECORD at that point, where the statement of the Senator from Nevada is recorded:

> I recall that Mr. Hoffman used to be the head of a great automobile corporation. I also recall that he was quoted in newspapers quite liberally sometime last year in which he said that we should import everything except automobiles—free trade on everything but automobiles.

I simply wish to say that my opinion in regard to that matter is that the statement there appearing in the CONGRESSIONAL RECORD in regard to what Mr. Hoffman's philosophy is on such matters is not a correct statement of what I understand Mr. Hoffman's philosophy to be. It is a fact that Mr. Hoffman was the head of the Studebaker Corp.; but in my opinion he has never expressed himself as being in favor of a tariff on automobiles. I do not believe such a statement has appeared, unless it was a misquotation in some newspaper or magazine article.

I have discussed this matter in the Appropriations Committee and at various other times with Mr. Hoffman, and he has always expressed himself, because of the knowledge he has of the automobile industry, as believing that there should be no tariff on automobiles—which is just the reverse of what is indicated in the statement I have read from the CONGRESSIONAL RECORD, as attributed to the Senator from Nevada.

Mr. MALONE. Mr. President, will the Senator yield, if it is understood that he will not thereby lose the floor?

Mr. FREAR. Yes; with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MALONE. Mr. President, the newspaper articles to which I referred in the course of the discussion yesterday appeared a considerable time ago.

Mr. Hoffman is so well known as favoring free trade in regard to virtually every other product, and is so well known as an automobile salesman, that at this moment I am not sure whether the quotation of his remarks which appeared in the newspapers was to the effect which has been stated, namely, that he was in favor of free trade for everything but automobiles. I do not know at the moment whether I can find the newspaper clipping, and I am uncertain whether he said he was in favor of free trade for everything other than automobiles.

However, the point I wished to make at that time was that he has been insisting that we should import on a free-trade basis practically every product, such as butter, minerals, textiles, almost every known product—knowing full well that it would be 3 or 4 years before foreign countries would be in a position to build up automobile industries which would be able to compete with the United States automobile industry, and that in the meantime it would be possible for shipments of machinery to be made from the United States to such foreign countries and for trained workmen to be established in such foreign countries, so that American automobile corporations could establish branches in those countries and could manufacture automobiles there—and, similarly, for such steps to be taken in regard to the manufacture of typewriters, heavy machinery, and so forth—and in that way take care of the possibility of competition from foreign industries.

Now that the matter has been brought to my attention, I am not certain that Mr. Hoffman said he was in favor of free trade for everything except automobiles; but certainly he has made it clear that he favored free trade, knowing full well that the automobile industry could hold its own several years longer, until it was possible for sufficient shipments of automobile-manufacturing machinery to be made to foreign countries, so that the Ford Co. and General Motors and other automobile companies could have branches well established in such foreign countries, to the end that they could import automobiles to the United States and could compete with foreign companies in the production of automobiles and the importation of automobiles into the United States.

Mr. FERGUSON. Mr. President, having talked on quite a number of occasions with Mr. Hoffman, the reason why I feel qualified to speak in regard to this matter is that the statement attributed in the CONGRESSIONAL RECORD to the Senator from Nevada [Mr. MALONE] would appear to place Mr. Hoffman in the position of favoring free trade in the case of all American industries except the automobile industry, in which Mr. Hoffman is interested; and the Senator's statement would appear to indicate that Mr. Hoffman favors and desires to have tariff protection in the case of the American automobile industry.

To the contrary, I have heard Mr. Hoffman state that he favors a tariff in the case of all industries except the automobile industry; and in regard to the automobile industry, he has said he did not favor having a tariff imposed.

Mr. MALONE. I have watched the newspapers particularly in regard to statements by Mr. Hoffman, because generally I violently disagree with the statements he makes. I have not yet seen statements credited to him as favoring a discontinuance of the 10-percent tariff on automobiles.

Mr. FERGUSON. I have heard Mr. Hoffman state on various occasions that he is in favor of having the tariff on automobiles discontinued.

Mr. MALONE. If that is Mr. Hoffman's position, I think he is correct.

As the Senator from Michigan has said, I think there are only a small number of industries in the United States which would not be ruined almost immediately by having the tariff removed. Perhaps the heavy-machinery industry and the automobile and truck industry were included in that category.

At this time I ask the Senator from Michigan if he has ever seen a public statement by Mr. Hoffman asking for a removal of the 10-percent tariff on automobiles.

Mr. FERGUSON. I do not think I have ever seen such a statement made by Mr. Hoffman publicly; nor do I know of such a statement by him, other than in the Senate Appropriations Committee and in personal conversations with me.

Mr. MALONE. But never published publicly?

Mr. FERGUSON. No.

Mr. MALONE. I thank the Senator.

Mr. FERGUSON. Mr. President, I appreciate the courtesy of the Senator from Delaware in permitting this interruption, and I ask that the colloquy be printed in the CONGRESSIONAL RECORD at the conclusion of the remarks of the Senator from Delaware.'

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MALONE. Mr. President, will the Senator yield further, under the same order to have this colloquy appear in the RECORD at the conclusion of the remarks of the Senator from Delaware?

Mr. FREAR. Yes; if the further interruption will not be lengthy.

Mr. MALONE. It will not be, I assure the Senator.

Mr. President, I believe it would be very interesting, in spite of what the junior Senator from Michigan already has said about Mr. Hoffman, for the Senate to know that in April or May, 1949, Mr. Hoffman wrote a magazine article which is very clear, and does not leave very much to the imagination. I shall read only one paragraph of the article, because I know the distinguished Senator from Delaware is anxious to conclude his remarks. Otherwise, I would make these remarks of mine rather extended.

So at this time I shall read only a portion of the article, to support what I have already said, namely, that Mr. Hoffman is a free-trader on every product which has came to my notice, and that free trade would result in the ruin of virtually all American industries, some in 60 days, and some in a year.

I quote now from the article by Mr. Hoffman:

> Secondly, we must go out of our way consciously to encourage imports from Europe. We must, in certain instances, be ready to reduce tariffs to make it possible for them to trade with us.

Nothing is said in that statement about the differential of cost due to the difference in wages or the difference in standards of living or any other differences in regard to which a differential should be provided for, in order to protect the workingmen and the investors of the United States.

I read further from the article:

> The Danes, for example, would like to send us more of their good butter in exchange for United States goods; but an inordinate tariff of 14 cents a pound prevents them from doing so.

Mr. President, at one of the famous conferences held by the State Department on foreign soil, the tariff on butter was cut following the publication of that article. As I said at the time, in other words, we are to reduce our tariffs on the products coming from Europe; and, I may say, in almost every instance, we already have cut import fees or tariffs

below the critical point which makes up the differential between the cost of production of an item in the United States and the cost of its production in Europe, due mostly to the difference in wages and the difference in standards of living, because the Europeans now have access to and are receiving our best, most up-to-date machinery, in each particular industry. Our technical know-how goes with the machinery.

In other words, I assume that the butter-producing States of the United States would be very happy to know that Mr. Hoffman advocated that the tariff be cut from 14 cents a pound to 7 cents a pound, and that the tariff was reduced, and as a result we have today in warehouses in the United States 190,000,000 pounds of butter, and we are piling up butter at the rate of 15,000,000 pounds each month.

I am very happy to have this matter come up, Mr. President, so that it can be clarified, and so that the entire attitude of ECA, as represented by Administrator Hoffman, may be spread on the RECORD.

FOREIGN TEACHER EXCHANGE PROGRAM

The PRESIDING OFFICER (Mr. MAGNUSON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2028) to permit the Board of Education of the District of Columbia to participate in the foreign teacher exchange program in cooperation with the United States Office of Education, which was, on page 2, line 5, after "effected" insert ": *Provided*, That in any one calendar year not more than ten such employees shall participate in such program".

Mr. LEAHY. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

Mr. LEAHY. Mr. President, Senate bill 2028 was recently passed by the Senate. The purpose of the bill was to permit the teachers of the public schools in the District of Columbia to participate in the foreign teachers exchange program. When the original bill was passed setting up this program, it applied to all the States, but the District of Columbia was inadvertently omitted. The purpose of the bill was to permit the District of Columbia teachers to participate in the program. The bill passed the Senate, and then went to the House. The House added an amendment, which provided that in any one calendar year not more than 10 of the teachers should participate in such program. The bill is now on the Secretary's desk, with that amendment. The amendment has the approval of the Committee on the District of Columbia.

Mr. WHERRY. Mr. President, as I understand, this is a Senate bill which had been modified through an amendment by the House. The bill originally passed the Senate on the Consent Calendar, as I recall. The adoption of the amendment referred to by the Senator from Rhode Island would place a ceiling on the number of teachers in the District of Columbia who could be placed on exchange with other countries. Is that correct?

Mr. LEAHY. That is, in any one year.

Mr. WHERRY. As the bill left the Senate, there was no ceiling on it at all; is that correct?

Mr. LEAHY. That is correct.

Mr. WHERRY. And as I understand, the ceiling now is 10 teachers for the District of Columbia; is that correct?

Mr. LEAHY. That is correct.

Mr. WHERRY. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

Mr. FREAR. Mr. President, I ask that this matter be placed at the end of my remarks.

Mr. WHERRY. Mr. President, I ask unanimous consent that this be placed at the end of the remarks by the Senator from Delaware.

Mr. LEAHY. I join in that request.

Mr. FREAR. I thank the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECEIPT OF CERTAIN EXPENSES WHILE DRAWING PENSION, ETC.

The PRESIDING OFFICER (Mr. MAGNUSON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1507) to amend section 10 of the act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes, which was, on page 3, line 10, after "1947", insert ", and shall terminate five years after the date of approval of this act."

Mr. CHAPMAN. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

Mr. WHERRY. Mr. President, may I ask the distinguished Senator from Kentucky what the House amendment does? What is its implications?

Mr. CHAPMAN. The bill admits to the payment of disability benefits former personnel of the armed services who are still serving in civilian components of the armed services.

Mr. WHERRY. I take it that was not contained in the Senate bill.

Mr. CHAPMAN. It was in the Senate bill, but the House amendment imposes a 5-year limitation on the bill.

Mr. WHERRY. The House amendment places a ceiling in the way of a 5-year limitation on the life of the proposed act. Is that correct?

Mr. CHAPMAN. That is correct.

Mr. WHERRY. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to.

The PRESIDING OFFICER. Without objection, this matter will be placed at the end of the remarks of the Senator from Delaware.

AMERICAN MERCHANT MARINE AS A VITAL DEFENSE RESOURCE

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent to insert in the body of the RECORD at this point an address which I had intended to make to the Senate this evening. It deals with our merchant-shipping interests. I know the Presiding Officer would have been very much interested in listening to the address.

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). Is there objection to the request of the Senator?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. President, I am confident that every Member of the Senate regards our American merchant marine as a vital defense resource, particularly at this time, when United States troops are fighting against tremendous odds to hold the line in Korea and when the country in addition faces a grave international crisis.

The transportation of armament and supplies across the Pacific to those brave men of our armed services is entirely dependent upon our merchant ships and tankers. Every Member of the Senate knows this. Every Member of this body knows also that we could not have won World War II without our merchant marine.

It will seem fantastic to you and to every other American citizen, therefore, to be informed that a proposal has been made, at this critical time in our history, to shrink our merchant marine for the benefit of some of our foreign competitors.

I cannot think of a more perilous policy to launch at this time. But I have in my possession the evidence that this serious threat to our national security is being proposed. It is unbelievable that such a policy would even be considered by agencies of our own Government, normally entrusted with policy matters dealing with the merchant marine.

As chairman of the Senate committee dealing with merchant marine legislation, I wish to serve notice that our committee will be alert and will act to block any attempt by anybody to cripple such a vital industry as our merchant marine.

This plan to curtail drastically the operations of our commercial fleets is disguised in recommendations designed to help western Europe improve its dollar reserves. To accomplish this the plan recommends:

1. Foreign ships should be allowed to enter the United States coastwise and intercoastal and noncontiguous trades.

2. There should be a gradual reduction and eventual elimination of all ship operating subsidies.

3. Congressional enactments, requiring that 50 percent of all Marshall plan shipments move in American vessels, should be repealed.

4. One hundred dry cargo vessels and tankers should be transferred from American to foreign flags.

Let us analyze briefly these astounding proposals. Neither this or any other nation would ever allow foreign ships to enter in direct competition with its own vessels in home waters. For the United States to do so would be disastrous to its own domestic shipping whose operating costs and wages are far higher. Our ships would be laid up and our merchant seamen thrown out of their jobs.

Reduction and eventual elimination of operating subsidies, which mean merely the parity of competitive opportunity with cheap labor foreign lines, would wipe out a substantial proportion of our overseas shipping.

The repeal of laws requiring that 50 per cent of all Marshall plan shipments move in

American vessels would repudiate a sound congressional mandate. This mandate simply means that it is only fair that American-flag ships get an even break with foreign ships in the transportation of these cargoes, which were almost entirely financed by congressional appropriations already amounting to billions of dollars.

The transfer of 100 American dry cargo vessels and tankers to foreign flags would be fantastic at any time but particularly at the present time. We may desperately need every vessel we have at any moment. Congress was wise enough to reject a similar proposal 2 years ago.

My purpose is thus exposing to you the disastrous effects of such proposals is to put the Congress on guard as to their danger. I know that they have actually been drawn up for incorporation in a general plan to bridge over the so-called dollar gap for western European nations. I strongly share in the belief that we should continue to do everything within reason that would strengthen any nation aligned with us against the encroachments of Communist expansion. But I say that it is suicide to do this at the expense of one of our vital war industries. Our merchant marine is part of our first line of defense. Any attempt to curtail its operations is as dangerous as an attempt to shrink our Air Force, Army, or Navy.

Unless the proponents of this fantastic and dangerous proposal withdraw it altogether, I am determined to propose for the consideration of the Senate a resolution to investigate the whole plan and the individuals motivating it.

STATEHOOD FOR HAWAII AND ALASKA

Mr. MORSE obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a moment?

Mr. MORSE. For a moment; yes.

Mr. O'MAHONEY. I have been hoping to be able today to make a motion to proceed to the consideration of the Alaska statehood bill. It had been assumed, when the measure dealing with the railroad unions was made a part of agenda of the Senate, that there had been complete agreement upon it, and that it would pass without a great deal of delay. It is not altogether clear that that is going to be the situation now.

I think it is not clear as yet how much time will be consumed in action upon the conference report on the slot-machine bill. That may take a little time or a great deal of time. But I am very definite in my feeling that this session of Congress should not adjourn without taking action upon the statehood bill. The railroad bill is a Senate measure which has not yet been passed by the House. The statehood bills are both measures which have been passed by the House, and for which there is a substantial majority in the Senate.

As I pointed out yesterday, the United Nations Assembly gathered today. There are a dozen Asiatic countries represented in the United Nations Assembly, and, as I stated yesterday, the United States of America is battling now to capture the minds of mankind, and particularly the minds of the people of Asia, by convincing them that we are not exponents of colonial imperialism, but stand for democracy and self-government.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am very glad to yield.

Mr. McFARLAND. I want the RECORD to show clearly that in asking that the railroad bill be made the unfinished business I was in accord with the program adopted by the Democratic Policy Committee.

Mr. O'MAHONEY. Of course.

Mr. McFARLAND. And that was understood by the Senator from Wyoming.

Mr. O'MAHONEY. Certainly.

Mr. McFARLAND. And it was agreeable to him that I should make the motion.

Mr. O'MAHONEY. Of course. There is no criticism intended of anybody. The policy committee adopted an agenda. That agenda contained all the measures which the acting majority leader has brought before the Senate since the calendar was called. But it also included the statehood bills.

Mr. McFARLAND. I understand that. I merely wanted to make it plain that no effort is being made to push those bills back.

Mr. O'MAHONEY. I know that. The Senator from Arizona has been most cooperative; but we must be realistic, and meet the facts as they arise.

Tomorrow the House of Representatives will begin to vote upon certain conference reports. There will be the conference report upon the appropriation bill, and then in due course there will be the conference report upon the tax bill, and when those two reports are out of the way, and the antisubversive bill is out of the way, there will be a strong movement to bring this session to a termination.

There has been no decision, so far as I have been able to ascertain, as to whether that termination will be by adjournment or recess. My own personal belief is that it ought to be by recess and not by adjournment, because no man living can predict now what vital defense problems Congress may have to deal with during November and December. The legislative representatives of the people of the United States should not be out of session in this great crisis. We certainly should not run the risk of not having action by the Senate upon the statehood bills which have passed the House of Representatives by overwhelming votes.

Mr. President, I rose for the purpose of advising the Senate last week I wrote once more to the State Department and to the Department of National Defense to ask them whether developments in the Pacific Ocean had in any way changed their attitude toward the statehood bills. Early in the year the Department of State, by a letter dated April 20, 1950, recommended the enactment of the statehood bills. Previously, by a letter dated April 18, signed by Secretary of Defense Louis Johnson, the Department of Defense also recommended passage of these bills.

These recommendations have now been renewed by letters dated September 15 and September 19. In both these letters, the letter of September 15 and that of September 19, it is stated that developments in the Pacific make statehood more imperative than ever before. There can be no doubt about it.

Mr. President, this afternoon I dictated a brief release to accompany these letters just received from the Department of State and the Department of Defense, and I ask unanimous consent that this release, with the letters, may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

STATE AND DEFENSE DEPARTMENTS AGAIN URGE STATEHOOD BILLS

Senator JOSEPH C. O'MAHONEY, Democrat, of Wyoming, chairman of the Senate Committee on Interior and Insular Affairs, today issued the following statement:

"State and Defense Departments have today reported to me that the Korean situation and developments in the Pacific have increased the urgency for granting statehood to Alaska and Hawaii.

"Responding to inquiries I made immediately after the Majority Policy Committee had announced that the statehood bills would be taken up this session, both Departments again have urged prompt passage of the measures now before the Senate.

"Assistant Secretary of State Jack K. McFall writes as follows for the Secretary of State:

" 'The views of the Department as set forth in the letter of April 20, 1950, have not been modified by the development of the Korean conflict. Indeed, the Department believes that the Korean situation has increased the urgency for favorable action on these bills and has rendered more compelling the reasons set forth in my letter of April 20, 1950.'

"Secretary of Defense Louis Johnson, under date of September 15, writes:

" 'I have nothing to add to the views I have previously expressed on this subject, other than to say that recent events in the Pacific seem to me to give added point and emphasis to the statements contained in my letter of April 18.'

"The significance of the restatement of the desire of the State and Defense Departments for favorable action on the statehood bills is emphasized by the fact that the agenda of the United Nations Assembly, which opened in New York today, carries approximately 73 items concerning Asia and Asiatic problems. It is not too much to say that the Pacific area is the main concern of 59 nations of the world, and that the problems of peace, liberty, and self-government in this portion of the world will occupy the attention the United Nations Assembly for the next several months.

"There are 15 free Asiatic nations represented in the Assembly: Afghanistan, Burma, China, Egypt, India, Iran, Iraq, Lebanon, Pakistan, Philippines, Siam, Saudi-Arabia, Syria, Turkey, and Yemen. All of these will be watching with interest the action of the Congress with respect to statehood. The President repeatedly has recommended statehood; the House of Representatives passed the bills by large majorities; and the Senate Committee on Interior and Insular Affairs favorably reported the measures with recommendation for their passage; it remains only for the Senate itself to act.

"Casualty lists arriving from the Korean front indicate that favorable action should not be delayed. In that conflict Hawaiian soldiers have taken the brunt of much of the fighting, and the latest casualty list published in the Honolulu Star Bulletin for September 16 (last Saturday) shows 26 dead, 136 wounded, 71 missing, and 1 prisoner of war, a total of 234. The names which appear on the casualty list are proof that the oriental races as represented in Hawaii are fighting for self-government.

"The new letters from the State Department and the Defense Department, together with the original reports, are attached."

THE SECRETARY OF DEFENSE,
Washington, September 15, 1950.

Hon. JOSEPH C. O'MAHONEY,
Chairman, Interior and Insular Affairs Committee,
United States Senate.

MY DEAR MR. CHAIRMAN: I have just received your letter of September 13 asking me if I would like to express any views with respect to statehood for Alaska and Hawaii in addition to the views which I expressed in my letter of April 18 to you.

I have nothing to add to the views I previously expressed on this subject, other than to say that recent events in the Pacific seem to me to give added point and emphasis to the statements contained in my letter of April 18.

With warm personal regards, I am,
Sincerely yours,

LOUIS JOHNSON.

DEPARTMENT OF STATE,
Washington, September 19, 1950.

Hon. JOSEPH C. O'MAHONEY,
Chairman, Interior and Insular Affairs Committee,
United States Senate.

MY DEAR SENATOR O'MAHONEY: This is in reply to your letter of September 12, 1950, regarding the Department of State's views on bills for admission of Hawaii and Alaska into the Union, and inquiring whether recent events in Korea have in any way caused the Department's views to be changed.

The views of the Department as set forth in the letter of April 20, 1950, have not been modified by the development of the Korean conflict. Indeed, the Department believes that the Korean situation has increased the urgency for favorable action on these bills and has rendered more compelling the reasons set forth in my letter of April 20, 1950.

Sincerely yours,

JACK K. MCFALL,
Assistant Secretary
(For the Secretary of State).

THE SECRETARY OF DEFENSE,
Washington, April 18, 1950.

Hon. JOSEPH C. O'MAHONEY,
Chairman, Committee on Interior and Insular Affairs, United States Senate, Washington, D. C.

MY DEAR SENATOR O'MAHONEY: This letter is further in response to your communication of March 30, 1950, in which you make reference to two bills, H. R. 331 and H. R. 49, which, if enacted, would admit the Territories of Alaska and Hawaii, respectively, into the Federal Union as States. Because I understand that your committee intends on April 24 to commence hearings on H. R. 331, which concerns Alaska, and to hold hearings beginning May 1 on H. R. 49, the Hawaiian proposal, I address this letter to you for the purpose of expressing the concurrence of the Department of Defense in both proposals.

As you know, the administration has repeatedly expressed itself as favoring Hawaiian and Alaskan statehood and both proposals have again and again been introduced by the President. On January 4, in his State of the Union message, President Truman urged that the Congress during 1950 "grant statehood to Alaska and Hawaii." The enactment of H. R. 49 and H. R. 331 would, I believe, effectively accomplish this objective.

You asked in your letter of March 30 as to whether from the point of view of national defense, it would be advantageous to extend statehood to Alaska and Hawaii, and you inquired specifically as to whether statehood would give greater strength to our military position in those areas than does the present Territorial type of local government. It is obvious that the more stable a local government can be, the more successful would be the control and defense of the area in case of sudden attack. There can be no question but that in the event of an attack any State would be immensely aided in the initial stages of the emergency by the effective use of the State and local instrumentalities of law and order. By the same token it would seem to me that, as persons in a position to assist the Federal garrisons which might exist in Hawaii or Alaska, the locally elected governors, sheriffs, and the locally selected constabulary and civil defense units all would be of tremendous value in cases of sudden peril. Therefore, my answer to your question is that statehood for Alaska and Hawaii would undoubtedly give a considerable added measure of strength to the over-all defense of both areas in event of emergency.

I am not attempting in this letter to endorse the specific language of either of the bills under consideration, but I do wish strongly to support the principle of granting immediate statehood to both the Territories of Alaska and Hawaii as in the best interest of the United States and of all of its peoples both here and in the Territories.

With kindest personal regards, I am,
Sincerely yours,

LOUIS JOHNSON.

DEPARTMENT OF STATE,
OFFICE OF THE
ASSISTANT SECRETARY OF STATE,
Washington, April 20, 1950.

Hon. JOSEPH C. O'MAHONEY,
Chairman, Committee on Interior and Insular Affairs, United States Senate.

MY DEAR SENATOR O'MAHONEY: This is to acknowledge your letter of April 7 addressed to Secretary Acheson informing him of the hearings on the Alaska and Hawaiian bills which are scheduled to open on April 24, and May 1, respectively, and inviting the Department to have a qualified officer ready to give the committee factual information and the Department's views on the possible effects of the inclusion of these Territories within the United States.

When similar proposals were before the Senate last year, you were good enough to invite the views of the Department, which were furnished to you in letters dated July 7 and June 29, 1949. The views of the Department remain as then stated. The Department perceives no objection to the provisions of these bills from the standpoint of the foreign policy of the United States and considers that the admission of these Territories to the Union would be in conformity with the traditional policy of the United States toward the peoples of Territories under its administration who have not yet become fully self-governing. It continues to feel that favorable action on these bills by the Congress would be an act in fulfillment of the obligation assumed by the United States in accepting the declaration regarding nonself-governing Territories set out in chapter XI of the Charter of the United Nations and would thus serve to support American foreign policy and strengthen the position of the United States in international affairs.

With reference to the final paragraph of your letter, the Department is glad to accept your invitation and will have a qualified officer ready to give the committee such factual information as the committee may wish to have, insofar as the Department of State is concerned.

Sincerely yours,

JACK K. MCFALL,
Assistant Secretary
(For the Secretary of State.)

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MORSE. I have the floor, and I yield.

Mr. MAGNUSON. I, of course, wish to associate myself with the remarks of the Senator from Wyoming. I do not think that any action of the Congress could have a greater psychological effect, to our good, upon our problems in the Pacific than granting statehood to Alaska and Hawaii. We can pass the bills at this session. I should like to propound a question to the Senator from Wyoming, because I am strongly in favor of action.

I believe the time has come when we are nearing the end of the session, and I propose to ask the leadership tomorrow on both sides whether or not they intend to bring up the statehood bills at this session. If they say they do not intend to bring the bills up, I certainly hope the Senator from Wyoming, who has done such an admirable job in the hearings on statehood, who feels so keenly about it, then, in all propriety, when the answer is received either "yes" or "no", will move to bring up those measures which the majority of the Senate favor. I hope he will do so.

Mr. O'MAHONEY. I thank the Senator for his statement. I must add that there is no doubt in my mind that statehood is on the agenda. That was the determination of the policy committee. I have no doubt that these bills will be brought up. If it should become necessary for me to make the motion, of course I will make the motion, but I am sure that the agenda of the policy committee of the majority will be carried out, and these bills will be brought up. It would be a tragic thing if they were not brought up, because it would be notice to the United Nations Assembly that we were unwilling to stand by the principles, in action, to which we give allegiance when we talk.

Mr. MAGNUSON. And do for our own people what we ask them to do.

Mr. O'MAHONEY. Certainly. We have to make it clear to all the world that we are standing for self-government, and the right of people to be supreme in their own affairs without totalitarian dictatorship of any kind.

In these incorporated territories there are able, free, American citizens who have contributed to the support of the Government, as in the Territory of Hawaii, where the taxes paid are greater than the taxes paid in each one of ten separate States which are already represented upon this floor, and the people who live in Alaska, those who have gone there and the natives, have, in natural resources, one of the most richly endowed Territories of all the world. We cannot refuse to act. National defense calls for action. Plain common sense and justice call for action.

Mr. MAGNUSON. Mr. President, will the Senator yield again?

Mr. O'MAHONEY. I yield.

Mr. MAGNUSON. I do not wish to take too much time——

Mr. O'MAHONEY. The Senator from Oregon enjoys this. He is with us.

Mr. MAGNUSON. He is with us in this matter. The importance of what the Senator from Wyoming has said was very strikingly brought out 8 or 9 months ago. The Senator from Wyoming knows there are two small islands in the Bering Sea, the Little Diomede and the Big Dio-

mede Islands. One is Russian territory and the other is United States territory.

Mr. O'MAHONEY. That is correct.

Mr. MAGNUSON. But they are inhabited by the same tribe or band of Eskimos, natives. Each year the natives from Little Diomede go to Big Diomede, or vice versa, for a sort of tribal get-together.

Last year was the year when the American natives' turn came to go to the Russian island. When they got there they were seized by the Russians and held captive. They were questioned day after day. One of them who had been educated in the States could speak English and understand a little Russian. He escaped and returned, and made a statement of the purport of the Russian questions. The questions were, "What kind of government is there in Alaska? Is it a Territory? Is the Governor appointed from Washington? Are the people self-sustaining? Do they have independence?" Question after question along that line was asked him. The Russians still believe that Alaska belongs to them, that we cheated them out of Alaska. This is preached to the Russian people. They are told that we treat the people of Alaska as colonials.

Mr. O'MAHONEY. The Soviet Government has declared that the government of the Czar had no right to sell Alaska to the United States of America. They are bringing that up now. It is a part of their propaganda. It is true that the people of Alaska have territorial government. It is true that natives are elected to the Territorial legislature. It is true that under Governor Gruening there has been complete equality and complete recognition of native rights. Nevertheless, the denial of statehood to these people will be made the vehicle of Russian propaganda in the Assembly of the United Nations.

It was my understanding that the opening of the Assembly of the United Nations today was delayed until late this afternoon in order that the Russian representative, Mr. Vishinsky, could arrive before the meeting was opened.

There is not a Senator on this floor who does not know the technique of Mr. Vishinsky. Are we going to put ammunition in his hands for propaganda among the Asiatic nations? Of course we are not.

The trouble is that these Territories are not represented in this body, and therefore every Member of the Senate, with his own problems on his mind, and with national problems on his mind, finds it very easy to put aside the question of Alaska and Hawaii. But the committee of which I have the honor to be chairman is clothed with the responsibility of acting upon these measures. We received the bills when they came from the House. We held hearings on them. We gave the bills close study. We improved the bills; I think there can be no doubt about that. The Delegates from Alaska and Hawaii say that the bills are much more acceptable now than they were in the form in which they came to the Senate. We have done our work in the committee. Yesterday I was happy to find that the senior Senator from Oregon [Mr. CORDON] took the floor—he in committee had been unable to vote for statehood for Alaska though he had voted for statehood for Hawaii—and said he had changed his mind about Alaska and would support statehood for Alaska.

We have the votes, and as chairman of the committee I intend to make certain that the Senate will have the opportunity of considering the bills.

Mr. WHERRY. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. WHERRY. In view of that statement by the senior Senator from Wyoming, I ask him: Is it now his intention to move at some time before the Senate adjourns or recesses this week—which we have been led to believe would occur—to take up the statehood bills for Hawaii and Alaska?

Mr. O'MAHONEY. Mr. President, I am confident that the majority leader on his return will move that they be taken up. I am confident that the acting majority leader, as soon as the opportunity is presented, will make the motion.

Mr. WHERRY. I am not attempting to secure a commitment. If that is to be the program it will affect the question of adjournment on Saturday.

Mr. O'MAHONEY. It will.

Mr. MAGNUSON. It will affect it and should affect it.

Mr. WHERRY. I know there are Senators on this side of the aisle who do not want Congress to adjourn—we might as well be honest about that matter—and the statehood bills are the bills to which they want consideration given. I have not been in on the Democratic conference, so I do not know exactly what has been done.

Mr. O'MAHONEY. That has been an oversight. I spread my arms to welcome the Senator.

Mr. WHERRY. I thank the Senator. I will attend the next meeting on that invitation. I wish to say, however, that we have been led to believe that on Saturday night a motion will be made, either that an adjournment sine die be taken, or to adjourn to a day certain. Many Senators are making their plans with the idea that that procedure will be carried out. If it is the intention of the senior Senator from Wyoming to move to take up the statehood bills I will say, knowing the persistence of the Senator from Wyoming, that that means the Senate should not even consider getting out of here on Saturday night of this week.

Mr. O'MAHONEY. I may say, with the indulgence of my good friend from Oregon, that the Senator from Nebraska expressed the opinion that he expected sine die adjournment.

Mr. WHERRY. Oh, no. I simply stated that if it was proposed to take up the statehood bills that would shelve any sine die adjournment or recess possibly at this time. I am not taking issue with respect to the bills. All I say is that if the Senator from Wyoming is serving notice that he will move to take up the bills, which he has a perfect right to do, there is no use of attempting to adjourn this week, either by sine die adjournment or to a day certain, or in any other way.

Mr. MAGNUSON. When do both sides of the House and the Senate expect to have a conference regarding the method of ending the session?

Mr. WHERRY. Mr. President, will Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. WHERRY. The only conference we have had was a very informal discussion one day last week. At that time I understood the majority leader to say that when the majority had a program ready respecting adjournment they would submit it to the minority side; that we would be advised of what the majority wanted to do. I am not in any way at this time attempting to say what we should or what we should not do. I simply say that if it is the intention of the Senator from Wyoming to move to take up the statehood bills—and certainly he would make no such move unless he expected to go through with it; he would not merely go through the motions—I should like to know of it as soon as possible. Senators on this side of the aisle have been making plans on the theory that there might be an adjournment or recess taken at the end of this week, and they would then have to change their plans.

Mr. McFARLAND. Mr. President, will the Senator from Oregon yield to me to make a statement?

Mr. MORSE. I yield.

Mr. McFARLAND. Senate bill 3295, the Railway Labor Act amendment bill, which is the unfinished business, has been temporarily laid aside for the conference report on the slot-machine bill. The latter is, of course, a privileged matter. Two or three other conference reports will be taken up. It is definitely on the agenda that the statehood bills will follow the disposition of Senate bill 3295.

The Senator from Washington [Mr. MAGNUSON] a moment ago asked both the majority and the minority what was proposed to be done. Of course, no one knows what the Senate of the United States will do, for it is composed of 96 Senators. If they decide to recess, or decide to adjourn and go home, that decision, of course, will be binding. But it was thought it would not be advisable to try to determine when we would take an adjournment until action on the conference reports had been completed. When action on the conference reports has been completed the determination will be made as to when it will be advisable to adjourn. In the meantime the statehood bills remain on the agenda, following the disposition of Senate bill 3295.

Mr. President, I think the Senate has moved along as fast as it could. The Senate of the United States does not always move as rapidly as some may want it to move, and perhaps more rapidly than others would like to see it move. But it is a democratic body and it is a good one. I do not think we should complain too much about the action of the Senate. I think we are making progress as rapidly as possible.

Mr. MAGNUSON. Mr. President, will the Senator from Oregon yield for one further suggestion?

Mr. MORSE. Yes.

Mr. MAGNUSON. In view of the entire situation, if we decide to recess—I do not think we should adjourn sine

die—it might be a very proper thing to make the Hawaiian and Alaskan statehood bills the unfinished business, and then, when we return at the end of the recess, pass the bills. That might be satisfactory to everyone concerned.

Mr. McFARLAND. That will have to be determined in the conference which will be had after the conference reports on the tax bill and the subversive-activities bill are presented.

Mr. MORSE. Mr. President, I have a few points I desire to cover on a series of subjects. I shall endeavor to be very brief about them.

First, I wish to associate myself with the remarks made by the Senator from Wyoming and the Senator from Washington on the two major points they made. I agree with them that it would be a great mistake for the Senate to adjourn sine die. I think we owe it to the responsibility of our posts and we owe it to the American people to recess to a date certain, subject to immediate call prior to that date in case national exigencies warrant our being brought back.

I believe that to be very important from the standpoint of national morale. In my opinion the American people are deserving of the reassurance that their elected representatives in the Congress of the United States are continuing on the job, even though they may take a recess to a date certain.

Secondly, I join with the Senator from Wyoming and the Senator from Washington in regard to their emphasis upon the importance of early action on the statehood bills. I am supporting those bills for a great many reasons, but I think the primary one and the sufficient one is that from the standpoint of national security these two Territories should become States. As a member of the Military Preparedness Subcommittee of the Armed Services Committee, about whose work I shall have something to say in a moment, I wish to say that I am satisfied that the lack of adequate defenses in Alaska and the threat to the security of the Nation because of that condition would never have come to pass if the people of Alaska had been represented in the Senate of the United States by two Senators, and in the House of Representatives by a Representative.

It is simply inconceivable that the elected representatives of the people of Alaska, with the power to vote in the Congress of the United States, would ever have permitted the defenses of Alaska to reach the low point they have reached. We have been forewarned of the situation for some time past. The Congress has not taken the steps which should have been taken. In my judgment, the executive branch of the Government has not taken the steps which should have been taken, to build up the defenses of Alaska.

The situation is so serious that the Military Preparedness Subcommittee of the Senate Committee on Armed Services has taken cognizance of it, and this week is sending to Alaska members of its professional staff to start the investigation which the subcommittee has authorized; and three members of the subcommittee will go to Alaska next month for hearings on the ground, after our staff of experts has done the preliminary work for us in Alaska, making it possible for us to continue with the investigation on the basis of their preliminary findings. I understand that we are to be honored by having with us on that trip also the distinguished senior Senator from Washington [Mr. MAGNUSON], who now is presiding over the Senate. On behalf of the committee, I wish to assure him that we shall welcome having him associated with us on the trip, and we shall appreciate having him there because of his great knowledge of Alaskan problems.

Mr. President, I desire now to refer to another subject.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

THE PREPAREDNESS SUBCOMMITTEE AND THE MUNITIONS BOARD

Mr. MORSE. Mr. President, what I really arose to discuss very briefly is an article entitled "Howard Quits Post in Munitions Board," which appeared on page 20 in this morning's New York Times. I ask unanimous consent to have the entire article printed at this point in the RECORD, as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOWARD QUITS POST IN MUNITIONS BOARD—CHAIRMAN RESIGNING PRAISES JOHNSON—TRUMAN NOMINATES MARSHALL AS DEFENSE HEAD

(By Anthony Leviero)

WASHINGTON, September 18—President Truman terminated today the services of Hubert E. Howard, chairman of the Munitions Board, who in his letter of resignation referred to Louis Johnson, Secretary of Defense, as a great administrator. Meanwhile, the Chief Executive legally paved the way to appoint General of the Army George C. Marshall as Mr. Johnson's successor.

The President also signed a law authorizing a five-star rank for Gen. Omar N. Bradley, and then sent a formal nomination to the Senate to confirm the chairman of the Joint Chiefs of Staff as a General of the Army.

Mr. Truman was brisk in accepting the resignation of Mr. Johnson's partisan, although the amenities were observed in the exchange of letters.

"It is with deepest regret that I have learned of your acceptance of the resignation of Mr. Louis Johnson, Secretary of Defense, a man whom I consider one of the great administrators of the country, and for whom I have the highest personal regard," wrote Mr. Howard.

RECALLS PLEDGE OF YEAR SERVICE

"When I came to Washington last fall at the request of Mr. Johnson, I promised him I would spend a year in Government service. That year has expired 1 September 1950.

"I herewith tender my resignation as chairman of the Munitions Board, Department of Defense, effective at your earliest convenience and, I hope, not later than September 30. I cannot do this without expressing my grateful appreciation of the opportunity you have given me to serve."

Mr. Howard wrote this letter last Wednesday, the day after Mr. Truman forced Mr. Johnson to resign and received from the Secretary of Defense a letter acknowledging that he made more enemies than friends while in that office.

Mr. Truman replied to Mr. Howard as follows:

"Knowing your desire for expeditious action and appreciating the fact that you have completed the year of service which you undertook to perform, I accept, effective at the close of business today, the resignation which you tendered in your letter of September 13.

HOWARD'S SERVICE IS PRAISED

"Although your letter named September 13 as the effective date for the relinquishment of your post, I am moving up that date in accordance with your further desire orally expressed to be relieved of fulltime duty as soon as possible. I am grateful for your consideration of the public interest by continuing your availability in an advisory capacity until the end of the month.

"Accept, please, my heartfelt thanks for the superior service which you have rendered the Government during a particularly critical period—a service for which your previous experience gave you exceptional knowledge and resources. Your contribution to the national security has been invaluable."

Mr. Howard was named for the board chairmanship last November. Before that he was chairman of the Personnel Policy Board of the Department of Defense. He was a Chicago coal company executive.

On September 7, the Munitions Board was strongly criticized by the Senate Armed Services Preparedness Subcommittee and reports predicting Mr. Howard's resignation became current on Capitol Hill. The subcommittee which took over the role of the old Truman Senate War Investigating Committee, declared that the Board lowered, rather than raised, the volume of rubber acquisitions for stockpiling.

PRESIDENT APPROVES BILL

The subcommittee also reported that it sought and obtained President Truman's support in halting the sale of a Government-owned rubber plant in Akron, Ohio, and had "prevented the further disposition of other Government property having a wartime use or potential."

Mr. Truman signed this morning the law passed last week that authorized the appointment of General Marshall as Secretary of Defense. Under the National Security (Unification) Act of 1947, professional military officers cannot be appointed to the office unless more than 10 years has elapsed since their last active service. Having cleared away this legal obstacle, Mr. Truman then sent the formal nomination of the general to the Senate for confirmation.

Tomorrow the Senate Armed Services Committee will meet at 2 p. m. to consider the nomination.

After signing the eanabling act relating to General Bradley, Mr. Truman sent his nomination for five-star rank to the Senate. When he is confirmed, General Bradley will join the group of war leaders who have received that rank: Generals of the Army Dwight D. Eisenhower, the late Henry H. Arnold, George C. Marshall and Douglas MacArthur; and Fleet Adms. William D. Leahy, Ernest J. King, Chester W. Nimitz, and William F. Halsey.

Mr. MORSE. Mr. President, I call particular attention to the following paragraph or two about which I wish to make special comment:

On September 7, the Munitions Board was strongly criticized by the Senate Armed Services Preparedness Subcommittee and reports predicting Mr. Howard's resignation became current on Capitol Hill. The subcommittee, which took over the role of the old Truman Senate War Investigating Committee, declared that the board lowered, rather than raised, the volume of rubber acquisitions for stockpiling.

PRESIDENT APPROVES BILL

The subcommittee also reported that it sought and obtained President Truman's support in halting the sale of a Government-owned rubber plant in Akron, Ohio, and had "prevented the further disposition of other Government property having a wartime use or potential."

The comment in regard to the action which the Board took in connection with the particular rubber plant referred to and other surplus-property plants is correct.

It will be remembered that a short time ago I commented on a large and costly advertisement which was published in at least one Washington newspaper—and I do not know how many other newspapers—by the General Tire Co., criticizing a news commentator who in a broadcast raised a serious question in regard to the desirability of selling that rubber plant to the General Tire Co. for the purpose of the manufacture of plastics.

The subcommittee of the Senate Armed Services Committee, commonly known as the "watch-dog committee," proceeded to make inquiry not only into the policies of the Munitions Board in regard to this particular matter, which apparently had been sanctioned by the Munitions Board but also into the policies of the Board in connection with surplus-property matters in general, and stockpiling in particular.

The information and evidence which the investigation by the subcommittee brought forth was partly the basis of the first report of the subcommittee, which, as the New York Times article accurately points out, was a report which met with the approval of Mr. Symington, and, through the President's endorsement and sanction of a letter of instructions which Mr. Symington sent out, based upon the report of our subcommittee, it can accurately be said, I think, that the report also met with the approval of the President of the United States.

However, the report did not begin to disclose all the evidence and information which the subcommittee had gathered in regard to the policies of the Munitions Board. There was other evidence which caused many of us to believe that at least a prima facie case existed against the efficiency of the Munitions Board in handling its responsibilities and duties prior to the Korean War, and therefore the committee scheduled a hearing, which was to have occurred this morning, at which hearing it was intended to go into the record of the Munitions Board in connection with the entire problem of the defense program and the part which the Board played or did not play in it.

The junior Senator from Oregon announced some days ago, at an earlier hearing of the Board, that it was his intention, when we got into the investigation of the Munitions Board matter, that all the testimony of all the witnesses be taken under oath. In fact, it is the intention of the junior Senator from Oregon from now on to insist upon that procedure. I think it is very important that the committee make perfectly clear that we mean business when it comes to checking into the problems of efficiency and honesty and effectiveness of the Munitions Board in connection with the prosecution of the defense program and the war effort, of which it is a part.

The resignation of the Chairman of the Munitions Board as of last night resulted in a conversation between the general counsel of the Munitions Board and the chairman of our subcommittee—and I may make clear that if he were on the floor, he would not take exception to anything that I have said in the course of these remarks—on the question as to whether the committee planned or desired to go forward with the hearing this morning. The chairman of the subcommittee reached the decision—and I think rightly, subject to further discussion in the future on the part of members of the committee—that, at least as of now, such a hearing should not be held, but that the staff of the committee should pursue a further and even more thorough inquiry into the policies of the Munitions Board. It would also seem to me fair and proper that we await the appointment of the new Chairman of the Munitions Board before we reach any further official conclusion, at least in the form of a formal report on the part of the subcommittee in respect to the policies of the Munitions Board.

What I would stress now, as a member of the subcommittee, speaking entirely for myself, is that it be recognized by the administration that the position of the Chairman of the Munitions Board should be considered pretty much as that of chief of staff for economic and industrial mobilization, just as we have a Chief of Staff for military mobilization. It is of the utmost importance that the exceedingly responsible position of Chairman of the Munitions Board be carried out by someone who thoroughly understands that the job is that of chief of staff of economic and industrial mobilization.

As one who participated very thoroughly in the preparation and hearings and debate on the so-called unification bill, the junior Senator from Oregon thinks he is in a position to say with some assurance that the Munitions Board features of that law never contemplated that the Chairman of the Munitions Board should be the representative of American industry. It was not devised in order to give industry or any other group a partisan voice in the policies of the Munitions Board, any more than labor or agriculture or any other economic group was intended to have an economic-group voice or representation in the program for economic and industrial mobilization.

It was contemplated that the Chairman of the Munitions Board should be a man of such great stature and ability and experience that he could be counted upon to understand thoroughly the complex problems of American industry and the intricate steps which must be taken in order to mobilize successfully the economy and industry of the Nation for a successful prosecution of a defense program or of a war program, if war should come to pass. The guiding principle and the controlling obligation of the Chairman of the Munitions Board should be, and must be, to develop a program which will serve the best interests of the country, irrespective of the sacrifices which it may call upon industry to make.

It is not my intention, and I am sure it is not the intention of the chairman of the subcommittee, to dwell upon past mistakes, other than to mention them in passing in order to make the record perfectly clear, and in order that notice may be served that we expect the Munitions Board to carry out the true, clear obligations inherent in the responsibilities which have been imposed on it and assigned to it in the Unification Act.

It is true, some of us are satisfied that America's defense would be in a much stronger position today if the Munitions Board had been doing a much better job than it has been doing in connection with both the surplus property problem and the stockpiling problem, as well as the other duties which were assigned to it. I sincerely hope that other departments of the Government will take note of the record which the Military Preparedness Committee has made to date, and that they will fully understand from that record that the members of the subcommittee intend to proceed on each problem that it takes under investigation with a thorough study of the facts. We intend to permit the facts to speak for themselves and also to permit the facts to fall upon all heads concerned with the facts, irrespective of consequences, because we believe that as the elected representatives of the people we have a serious duty to perform for the American people, namely, the duty of seeing to it that we function as an effective check upon various departments, agencies, and officials, who have responsibilities in connection with the defense program and the war program, both on the military mobilization side and on the side of economic and industrial mobilization.

Members of the subcommittee, based on the information which has been made available to us on a great many matters—and I am sure I now bespeak the point of view of all members of the committee—would have the American people take stock of the seriousness of the crisis which confronts us, and of the importance that all groups within the Nation proceed on a united front to do whatever may be necessary and make whatever sacrifices may be necessary in order to place the United States in the strongest possible defense position in the shortest possible time, because we believe that is the surest guaranty we have of being able to check the possibility of a third world war.

Mr. President, I now come to another subject.

The PRESIDING OFFICER. The Senator may proceed.

NATIONAL LABOR RELATIONS BOARD

Mr. MORSE. Mr. President, various members of the press have asked me for an answer to a question which I have not yet given them. I now give it to them. The question has been raised as to whether or not the motion which the junior Senator from Oregon made in a meeting of the Subcommittee on the Labor-Management Relations, which was adopted without objection, calling for an investigation on the part of the professional staff of the Committee on Labor and Public Welfare of the National Labor Relations Board was limited to the office of General Counsel or was intended to go to the policies of the Board and the practices of the Board, as well as of the office of the General Counsel.

It was the intention of the junior Senator from Oregon, it was so understood by the members of the committee, and the junior Senator from Oregon made it very clear, that the investigation should cover not only the policies, practices, and procedures of the office of the General Counsel, but the policies, practices, and procedures of the Board as well. In fact, Mr. President, it was agreed yesterday that the professional staff of the committee should proceed with the preliminary work and that at a later date the committee would decide whether or not, after Members of the Senate returned to Washington, following either a recess or adjournment, we should proceed with public hearings. It is the opinion of the junior Senator from Oregon that public hearings should be held, and undoubtedly will be held.

It is the intention of the junior Senator from Oregon to make a very careful inquiry, particularly into the practices and policies and administration of the Chairman of the Board, because he is satisfied that the controversy and the conflicts which characterized the administration of the National Labor Relations Board in recent months have been such as are typical of most controversies; namely, they have been two-sided affairs. The junior Senator from Oregon intends to find out to what extent the Chairman of the Board must show responsibility for that controversy.

It would appear in the opinion of the junior Senator from Oregon that the investigation may disclose that the National Labor Relations Board has become a very creaking piece of machinery, although I doubt if very much can be done to make the Board of maximum service to the American people in handling problems of industrial relations so long as the Taft-Hartley law is on the books in its present form. Nevertheless, Mr. President, I think the time has come for a thorough investigation and possibly a little fumigation of the National Labor Relations Board.

I think my comments and their obvious implications should leave no room for doubt as to what the junior Senator from Oregon intended when he made his motion yesterday in the Subcommittee on Labor-Management Relations that the staff of the committee be instructed to proceed with a preliminary investigation of the policies, practices, and procedures of both the office of General Counsel of the National Labor Relations Board and of the Board itself, including the Chairman of the Board.

UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION

Mr. YOUNG. Mr. President, in these closing days of this session, I wish to remind the Senate that the headquarters of the Food and Agriculture Organization of the United Nations will not much longer remain in Washington, but will be moved to Rome early next year. This is in accordance with the decision made last fall by the representatives of the 60 nations which comprise the membership of the FAO.

This move of headquarters away from the United States will undoubtedly deprive us of some of the benefits which we have enjoyed from having the FAO centered here in Washington. But we should not let the move lessen our interest in this great world agency, in the formation and operation of which Americans have played such prominent parts.

Every one of our major farm organizations has given solid backing to FAO. They had a big hand in launching it. They consider FAO as "their baby" among all the international organizations. How much our farm organizations may differ on other matters, they are united in support of the Food and Agriculture Organization.

FAO was born in this country in 1943. It is 2 years older than the United Nations, and the first of the great world organizations devoted to peace and prosperity. It has devoted itself from the start to helping the people of the world get more and better food to eat, and to aiding the farmers of every nation, including our own, to get a profitable income from their work.

It is a source of pride and at the same time a reassurance to me that a real American dirt farmer, N. E. Dodd, is at the head of this world agency. I have known of the work of Ed Dodd for years, and I am happy to take this occasion to pay tribute to him for the contribution he has made to the farmers of America and of the world. I know that under him FAO is going to continue its good work.

Ed Dodd has always served the farmer. He is an outstanding example of a man of the soil who has worked hard and unselfishly in the service of his fellowmen, first in our own country, and then throughout the world.

In a little more than a decade he rose from farming in his native State of Oregon to regional responsibilities. Later he became head of the Agricultural Adjustment Administration, and then Undersecretary of Agriculture. His wide farming and governmental experience made him the unanimous choice for Director-General of FAO to succeed its first head, the famed Sir John Boyd Orr.

Today Ed Dodd is a world farm leader. He possesses greater first-hand knowledge of agricultural problems all over the world than anyone—present or past. His success reflects credit to the United States.

I know of no man, Mr. President, whose judgment on agricultural matters is more respected in the committees of the United States Congress than that of Ed Dodd. This confidence is the result of his long years of recognized ability in this field, and to the fact that Ed Dodd's word has always been good.

The point 4 program will bring new responsibilities to FAO. I, for one, am glad that the leadership of this agency is in the hands of a man whose hard-headed experience and whose wide understanding of agricultural problems guarantee that technical assistance programs will be on a sound and practical basis.

FAO is going to need in the future enough funds to do a decent job. We have helped financially, and must do more. At a time when we are spending billions for arms, we must also spend some few millions for promoting the best long-time defense of all—a well-fed world.

The goal of a well-fed world is a difficult one, but under the leadership of Ed Dodd, FAO can march steadily toward it.

EXECUTIVE SESSION

Mr. McFARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MAGNUSON in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Interstate and Foreign Commerce.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Harold A. Lockhart, of Kansas City, Mo., to be collector of internal revenue for the sixth district of Missouri.

By Mr. TYDINGS, from the Committee on Armed Services:

George C. Marshall, of Virginia, to be Secretary of Defense;

Gen. Omar Nelson Bradley, United States Army, for appointment as General of the Army in the Regular Army of the United States; and

Maurice Robert Holt, and sundry other officers for promotion in the United States Air Force.

Mr. McFARLAND. Mr. President, I ask unanimous consent that the two nominations on the calendar which have heretofore gone over, be passed over again.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RECESS

Mr. McFARLAND. Mr. President, as in legislative session, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 13 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, September 20, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 19 (legislative day of July 20), 1950:

CIVIL AERONAUTICS BOARD

Donald W. Nyrop, of Nebraska, to be Administrator of Civil Aeronautics, vice Delos Wilson Rentzel.

Delos Wilson Rentzel, of Texas, to be a member of the Civil Aeronautics Board for the remainder of the terms of 6 years expiring December 31, 1953, vice Joseph J. O'Connell, Jr., resigned.

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 19, 1950

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, may we now yield ourselves gladly and unreservedly to the leading of Thy spirit for we cannot meet our various experiences faithfully and discharge our duties efficiently unless Thou dost gird and guide us with divine wisdom and strength.

Thou knowest how frequently we falter and break faith with Thee and our better self. When we bring our lives under the searching light and scrutiny of Thy divine law we are filled with an accusing and haunting sense of our disobedience and failure.

Humbly and confidently we would on this day join the vast multitude of believing souls in fervent prayer for the coming of that blessed time when this beautiful world, which Thou has created, shall never again be cursed by war, blasted by cruelty, and darkened by hatred.

God forbid that we should ever feel that the proclamation of the angel of peace on earth and good will among men is merely a dream and that it lies beyond the sphere of practical realization.

Wilt Thou bless in some special way the representatives of the united and freedom-loving nations as they take counsel together. Inspire them with the assurance that the God of peace is with them as they continue to affirm and champion courageously whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely and whatsoever things are of good report.

Hear us in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Woodruff, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 8847. An act to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 4136. An act to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 4569. An act authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa; and

H. R. 7940. An act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes.

AMENDING TARIFF ACT OF 1930

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5226) to amend paragraph 207 of the Tariff Act of 1930, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

After line 8, insert:

"SEC. 2. (a) The last sentence of section 3424 (a) of the Internal Revenue Code (relating to the exemption of certain lumber from the import tax) is hereby amended by striking out 'and Western white spruce' and insert in lieu thereof 'Western white spruce, and Engelmann spruce.'

"(b) The amendment made by this section shall be applicable with respect to lumber entered for consumption or withdrawn from warehouse for consumption on or after the tenth day following the date of the enactment of this act."

Amend the title so as to read: "An act to amend paragraph 207 of the Tariff Act of 1930 and section 3424 (a) of the Internal Revenue Code."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. DOUGHTON. Mr. Speaker, as passed in the House of Representatives, this bill would establish a specific rate of $1 per long ton for calcined bauxite imported for use in the manufacture of firebrick or other refractories. As explained in the report of the Committee on Ways and Means, the calcined bauxite used for making refractories is not available in this country, and the reduction in the rate of duty will not adversely affect domestic bauxite producers. Favorable reports were received from the Department of State and the Treasury Department.

The Senate amendment would extend to Engelmann spruce lumber the exemption from the import tax imposed by section 3424 (a) now enjoyed by Northern white pine, Norway pine, and Western white spruce. Canada is the sole source of imports of Engelmann spruce lumber. The removal of the excise-import tax would result in Engelmann spruce lumber being subject only to the customs duty of 25 cents per thousand board feet. The Senate amendment is identical in terms with H. R. 4430, introduced by Mr. HORAN, of Washington, upon which the Treasury Department reported that—

The proposed legislation would obviate certain administrative difficulties now being encountered, since it would no longer be necessary for customs officials to ascertain whether the imported lumber was Engelmann rather than Western white spruce. The Department, therefore, favors enactment of the proposed legislation.

According to the Tariff Commission—

The tax on the approximately 7,000,000 board feet of Engelmann spruce lumber estimated to have entered the United States in 1948 has amounted to slightly more than $5,000. This amount is small relative to the total revenue, and, as indicated above, it is very small in relation to the value of lumber imports.

Mr. Speaker, both the original House bill and the Senate amendment, therefore, appear to have merit, and I urge that the House agree to the Senate amendment.

DEDUCTIONS FROM WAGES OF SEAMEN FOR PAYMENT INTO EMPLOYEE WELFARE FUNDS

Mr. HART. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8349) to authorize deductions from the wages of seamen for payment into employee welfare funds.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 10 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade and for other purposes," approved June 26, 1884 (U. S. C., title 46, sec. 599), is amended by adding at the end thereof a new subsection as follows:

"(g) The provisions of this section shall not apply to, or render unlawful, deductions made by an employer from the wages of a seaman, pursuant to the written consent of the seamen, if (1) such deductions are paid into a trust fund established for the sole and exclusive benefit of seamen employed by such employer, and their families and dependents (or of such seamen, families, and dependents jointly with seamen employed by other employers and their families and dependents); and (2) such payments are held in trust for the purpose of providing, either from principal or income or both, for the benefit of such seamen, their families, and dependents, medical and/or hospital care, pensions on retirement or death of the seamen, life insurance, unemployment benefits, compensation for illness or injuries resulting from occupational activity, sickness, accident, and disability compensation, or any one or more of the foregoing benefits, or for the purpose of purchasing insurance to provide any one or more of such benefits."

With the following committee amendment:

Page 2, line 1, change "seamen" to "seaman."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

USE OF PETROLEUM AS FUEL ABOARD STEAM VESSELS

Mr. HART. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3796) to amend section 4474 of the Revised Statutes, as amended, relating to the use of petroleum as fuel aboard steam vessels.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4474 of the Revised Statutes, as amended (U. S. C., title 46, sec. 467), is amended to read as follows:

"SEC. 4474. When crude petroleum of a flash point not less than 150° F. is carried in the double-bottom fuel tanks of steamers using the same for fuel, the crude petroleum carried in such tanks in excess of the necessities of the voyage may be discharged at terminal ports when no passengers are on board the ship. Crude petroleum carried and discharged under these conditions will not be considered stores or cargo within contemplation of section 4472 of the Revised Statutes, as amended (U. S. C., title 46, sec. 170), and will be considered as only for use as fuel within the contemplation of section 4417a (1) of the Revised Statutes, as amended (U. S. C., title 46, sec. 391a (1))."

This bill was ordered to be read a thrid time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 813) was laid on the table.

ALLOTMENT OF WAGES OF SEAMEN

Mr. HART. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3960) to amend subsection (b) of section 10 of the act of June 26, 1884, as amended (U. S. C., title 46, sec. 599 (b)).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. RICH. Reserving the right to object, Mr. Speaker, what does the bill do?

Mr. HART. It merely extends the existing law so that seamen may, with their written consent, make allotments of their salaries to purchase United States bonds.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsection (b) of section 10 of the act of June 26, 1884, as amended (U. S. C., title 46, sec. 599 (b)), is amended to read as follows:

"(b) It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn (1) to his grandparents, parents, wife, sister, or children; (2) to his employer for the purpose of purchasing for the seaman United States savings bonds; or (3) for deposits to be made in an account opened by him and maintained in his name either at a savings bank or a United States postal savings depository subject to the governing regulations thereof."

With the following committee amendments:

Page 1, strike out all beginning on line 9, after "to", through line 10 and insert: "an agency duly designated by the Secretary of the Treasury for the handling of applications for United States savings bonds, for the purpose of purchasing such bonds for the seamen;".

Page 1, line 11, after the word "account", insert the words "for savings, or investment,".

Page 2, line 3, after the word "thereof", insert a comma and the words "or a savings institution in which such accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation".

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 9266) was laid on the table.

RELIEF OF ANNETTA BACHIS AND OTHERS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3995) for the relief of Annetta Bachis, Anna Bellani, Angelina Colombo, Maria Grazia Impari, Franca Porricino, and Antonia Tirabassi, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, strike out lines 4 to 7, inclusive, and insert:

"SEC. 2. Upon enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that said quota or quotas are available."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SISTER MARIA EMELIA (ANNA BOHN)

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5083), for the relief of Sister Maria Emelia (Anna Bohn), with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, after "required", insert "visa fee and."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ERIKA KUEBART AND HER MINOR SON

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7390) for the relief of Erika Kuebart and her minor son, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 15, after "son", insert "as of the date of their entry into the United States."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HOFFMAN of Michigan. Reserving the right to object, Mr. Speaker, how many of those bills are there?

Mr. WALTER. There are six more.

Mr. HOFFMAN of Michigan. Do they in a general way repeal the over-all immigration acts?

Mr. WALTER. They do not repeal any acts.

Mr. HOFFMAN of Michigan. But they make exceptions all the time?

Mr. WALTER. These are all technical amendments to bills that were passed by the House.

Mr. HOFFMAN of Michigan. I know, but were the bills in the beginning exceptions to get certain people into this country?

Mr. WALTER. No, they are not, because every person who is admitted under a private bill comes under the quota control, so that a quota number is deducted and the over-all number of immigrants is in nowise increased.

Mr. HOFFMAN of Michigan. Then do I correctly understand that this is sort of preferential treatment for certain individuals, and gets them in ahead of the time they would come in under the quota?

Mr. WALTER. No, none of these bills has that effect.

Mr. MICHENER. Mr. Speaker, reserving the right to object, these bills were considered thoroughly by the committee, and these amendments which have been suggested by the other body are agreeable to the committee.

Mr. WALTER. That is correct.

Mr. HOFFMAN of Michigan. Mr. Speaker, further reserving the right to object, is that assurance to all of us that they are unobjectionable in every way?

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

OTTAVIA DE GASPARE ET AL.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7631) for the relief of Ottavia De Gaspare and Sandra De Gaspare, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 15, after "Gaspare", insert "as of the date of their entry into the United States."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RONALD MOW ET AL.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8452) for the relief of Ronald Mow and Angeline Cecilia Mow, with a Senate amendment

thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 9, after "citizen", insert ": *Provided*, That the administrative authorities find that the said Ronald Mow and Angeline Cecilia Mow are the natural-born minor children of the said Peter Mow."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FRED HESS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8718) for the relief of Fred Hess, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 5, strike out "the said."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ANNMARIE STRITTER AND DAUGHTER

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8769) for the relief of Annmarie Stritter and her minor daughter, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 14, after "daughter", insert "as of the date of their entry into the United States."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HIFUMI KATO AND SON

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 9084) for the relief of Hifumi Kato and her minor son, Kazuyuki Kato, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That the provisions of the immigration laws relating to the exclusion of aliens inadmissible because of race shall not hereafter apply to Hifumi Kato, the Japanese fiancée of John B. Howenstein, a citizen of the United States and an honorably discharged veteran of World War II, and her son, Kazuyuki Kato, and that said Hifumi Kato and her above-named son may be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: *Provided*, That the administrative authorities find that the said Hifumi Kato is coming to the United States with a bona fide intention of being married to said John B. Howenstein, and that they are found otherwise admissible under the immigration laws. In the event the marriage between the above-named parties does not occur within 3 months after the entry of said Hifumi Kato and her son, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 19 and 20 of the Immigration Act of February 5, 1917 (U. S. C., title 8, secs. 155 and 156). In the event the marriage between the above-named parties shall occur within 3 months after the entry of Hifumi Kato and her son, the Attorney General is authorized and directed to record the lawful admission for permanent residence of them as of the date of their entry into the United States, upon the payment by them of the required visa fees and head taxes."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. TACKETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

[Mr. TACKETT addressed the House. His remarks appear in the Appendix.]

(Mr. TACKETT asked and was given permission to revise and extend his remarks and include statements he considers necessary for the information of the Members of the House in connection with S. 784.)

LABOR CZARS IN CONTROL

Mr. GOSSETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOSSETT. Mr. Speaker, making this statement will do me no good personally. It will bring the wrath of the political bosses down on my head. Nevertheless, it is my duty to cry out against movements that threaten the life of this Nation.

Our President, like many Members of Congress, is in effect a prisoner of the labor bosses. At the behest of the politicians, and obviously for votes, the President has just fired our most able and conscientious official in the field of labor relations, to wit: Mr. Robert Denham, General Counsel of the National Labor Relations Board. Apparently the Taft-Hartley Act is now to be misconstrued and emasculated, or wholly ignored.

The President has just imposed necessary controls on segments of the country's business, but no controls are likely to be imposed on labor. In fact, the White House has practically invited the labor bosses to demand another round of wage increases in the big industries. Apparently, we are helpless to defend ourselves against ruinous inflation. The country's credit is already impaired and our whole economy is seriously threatened by inflation and price increases.

Since this Chamber is largely filled with self-declared liberals, these words, for the most part, will fall on deaf ears. Strange that good men should brag about their part in helping to destroy a great Nation.

EXCESS-PROFITS TAX LEGISLATION

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, Congress should not adjourn until it has passed an excess-profits tax. According to the press, the House and Senate conferees have come to an agreement that makes it plain that no excess-profits-tax legislation will be reported out this year. Furthermore, if the next Congress considers legislation of this sort it is stated that it may be made retroactive to July 1 or October 1 of this year.

What is this Congress thinking of when it accepts such statements as these. If this Congress does not take action now, it is quite likely that if the next Congress does consider an excess-profits bill it will not report out a measure before next July and it may not even be retroactive. It must be remembered that the Senate Finance Committee, in its report on the tax bill, stated that an excess-profits tax, if passed, would apply to 1951 profits.

I want to ask the House this question: Is it fair to raise the taxes paid by individuals with incomes of $5,000 or less by 20 percent, beginning October 1, and at the same time, refuse to impose an excess-profits tax on corporations making the biggest profits in history? Furthermore, we must remember that due to the rise in the cost of living since June 25, 1950, the people who are going to be asked to pay this 20-percent tax have already suffered a severe loss in their take-home pay. What we will be doing, if we fail to measure up to our responsibilities on the excess-profits tax question will be to feed the greedy and penalize the needy.

NATIONAL LABOR RELATIONS BOARD

Mr. LUCAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUCAS. Mr. Speaker, it is my opinion that the law affecting labor-management relations is nullified when the office of the general counsel is vacant. I am advised by competent attorneys that no complaints may be filed by

anyone other than the General Counsel himself. The Board has no authority to accept complaints, nor may it nominate anyone for this duty, under the law.

As you know, the President has removed General Counsel Robert Denham. He has named no successor. At midnight last night this country became completely unprotected from unscrupulous acts of labor leaders or employers, acts which would be the subject of complaints filed by the general counsel. Thus, the American people are completely unprotected, at a time when defense contracts are mounting, when there is a greater market for labor and when the costs of living are surging upward.

This creates a situation which is a tinder box, unless all parties remain calm and carefully refrain from any act which might produce controversy. I am hopeful that labor will accept its responsibility and make a solemn attempt to maintain peace on the labor-management front, and that management in turn will take no steps which might result in the possibility of work stoppages. Certainly deliberate attempts to take advantage of the fact that we have no law to protect us in this emergency will be resented by the American people. We cannot carry on a war in the Far East while outlaws are running wild here at home, and I think that every person who stimulates unrest in this time of emergency is no less than an outlaw. Any restraint on our great production or on our tremendous service facilities, including our transportation systems, will certainly be abhorrent to the American people, and will justify, in my mind, a special session of Congress should such occur after our adjournment.

THE KATYN MASSACRE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, I have been advised that the Army has released information having to do with the release of a statement by Lt. Col. John H. Van Vliet, Jr., with relation to the facts and circumstances surrounding the odious Katyn Forest massacre.

Ever since this inhumane outrage was perpetrated much uncertainty has surrounded the true facts and responsibility for this crime against humanity.

Colonel Van Vliet, taken against his wishes to the scene of the crime by the Germans, now declares that from his observation on the ground it is his conclusion that this mass murder—these 3,000 separate murders—were committed by the Russians.

Each one of these dead Polish heroes was shot in the back of the head; many of them had their hands tied behind their backs. The similarity of these murders to the murders committed by the North Koreans on American troops during recent weeks is of striking similarity.

Brave little Poland was proud of its battle cry "the first to fight" against the Nazis. Poland has fought totalitarian Russia for centuries—whether it be the czarism and the Cossacks of Romanov or the communism and secret police of the Bolshevik. No longer can this heinous and revolting outrage be ignored by the governments of the civilized world.

In view of the report, heretofore secret, released by the Army, the Government of the United States should direct its delegates to the United Nations in the Security Council and in the General Assembly to formally demand the creation of a special commission of the United Nations to investigate fully and to fix responsibility for one of the most shocking and revolting offenses against man and God in world history.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

REARMING EUROPE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. RICH. Not if it is to come out of my 1 minute.

The SPEAKER. If the gentleman yields it will be taken out of his time.

Mr. RICH. I do not yield, Mr. Speaker.

Mr. RICH. Mr. Speaker, I hear many speeches made about raising taxes, but I do not hear anyone talking about injecting a little economy in spending the taxpayer's money.

This morning's paper carried the headlines that Administrator Hoffman warned against legislation cutting off ECA aid to countries giving war material to Russia and other iron-curtain countries.

Let me say that if you are going to tax the American people to send merchandise out of this country to other countries with the full knowledge that they are at liberty to send it to Russia and other iron-curtain countries and then spend our own money trying to arm those countries against Russia, it is just plumb crazy. I think every Member of Congress who votes for the ECA appropriation bill that is scheduled to come before us this week, to spend $4,000,000,000 to arm these countries ought to go home and ask his constituents what they think about his vote and whether they are going to send him back to Congress. Such spending is wrong and inconsistent. I am against it and everyone here ought to be against it.

PROTECTION AGAINST UN-AMERICAN AND SUBVERSIVE ACTIVITIES

Mr. WOOD submitted a conference report and statement on the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes.

TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE

Mr. ROGERS of Florida submitted a conference report and statement on the bill (S. 3357) to prohibit transportation of gambling devices in interstate and foreign commerce.

CALENDAR WEDNESDAY

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday this week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SPECIAL ORDER GRANTED

Mr. RICH asked and was given permission to address the House for 10 minutes on Friday following the legislative program of the day and any special orders heretofore granted.

AMENDMENT TO SOCIAL SECURITY ACT

Mr. KEATING. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEATING. Mr. Speaker, when the Congress recently enacted far-reaching amendments to the Social Security Act, one important group was omitted from consideration; that is those now serving in our Armed Forces.

Provision was made that veterans of World War II should receive a credit of $160 for each month of service. But the trouble is that a cut-off date of July 24, 1947, was provided in the legislation which would eliminate any now serving who have been drafted or voluntarily enlisted since 1947.

It is inexcusable that this neglect should continue. Our fighting forces should have the assurance of this social-security credit from the time they volunteer or are drafted into the Armed Forces of their country. This confidence that they are still making provision for their old age and the welfare of their wives and any dependents, while fighting thousands of miles away or training for combat in camps in this country, is essential if we are to preserve the morale and spirit of our Armed Forces. Men who are leaving their jobs and homes to fight the forces of aggression should be relieved as far as possible from any worries about the future well-being of their loved ones.

I am, therefore, today introducing a bill to correct this serious oversight by making the provisions of section 217 of the Social Security Act dealing with credits for veterans, applicable to members

of our Armed Forces who serve at any time during the period when United Nations forces are engaged in the Korean War.

Passage of such a measure is tremendously important to our fighting men. They are making heavy sacrifices to guarantee the future security of each one of us. It is unjust to ask them to jeopardize their own old-age security in the process. This Congress should not consider adjournment until it has acted on this simple amendment, which should meet with no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SCUDDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks and include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. SCUDDER addressed the House. His remarks appear in the Appendix.]

SAM HARDY

Mr. MASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, I was absent from the city on August 31 when my colleagues in the House paid tribute to Sam Hardy on the occasion of his retirement from service with the Ways and Means Committee.

As a member of the Ways and Means Committee, and as one who came to know Sam well, I wish to add my tribute concerning his long and valuable service, and to extend my every wish for many happy years for him and his wife in his retirement.

Sam served with the Ways and Means Committee for over 42 years. Few serve a committee of the Congress so long and so well. His cheerfulness, his efficiency, and his loyalty will be long remembered, and the committee will sorely miss his services. He is a fine American and a good friend.

SPECIAL ORDER GRANTED

Mr. REES asked and was given permission to address the House for 10 minutes on Friday next, following any special orders heretofore entered.

HOUR OF MEETING TOMORROW

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, the gentleman from Pennsylvania [Mr. RICH] obtained a special order for Friday next. Can the gentleman advise whether the House will be in session on Friday ?

Mr. PRIEST. The gentleman cannot advise just what the situation may be but he feels that the gentleman from Pennsylvania will have an opportunity to speak.

Mr. HOFFMAN of Michigan. Some of us are greatly concerned about this matter. The Republicans have a convention in Grand Rapids, Mich., on the 23d, next Saturday. They have a sort of preconvention meeting the day before. Some of the Republicans in Michigan—I do not assume the Democrats are interested—would like to get away to attend that meeting but we want to attend to our business here and we intend to. Can the gentleman be helpful?

Mr. PRIEST. May I say to the gentleman that is one reason we are meeting earlier tomorrow, to try to clear away the business.

Mr. HOFFMAN of Michigan. Could not the gentleman make it 10 o'clock?

Mr. PRIEST. It seems better to make it 11.

Mr. HOFFMAN of Michigan. Still reserving the right to object, what about this antisubversive bill, can the gentleman tell us when that will come up?

The SPEAKER. That will be the first order of business tomorrow morning at 11 o'clock.

Is there objection to the request of the gentleman from Tennessee?

There was no objection.

HON. ROBERT F. RICH

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, as we approach the conclusion of the work of this Eighty-first Congress I should like to take this opportunity to express publicly my personal appreciation of the cooperation my colleagues have given me as the minority whip during these past 2 years.

As always, we are naturally anxious for the Congress to adjourn in order that we may return to our respective homes, and yet I have a certain feeling of regret as the Congress comes to an end. I regret that a number of my colleagues, who have had many years of distinguished service, have decided to retire from congressional work. I will miss them. They will be missed by all of us. They leave us with our very best wishes for many years of good health and happiness.

I particularly wish to say a word about the distinguished gentleman from Pennsylvania, BOB RICH, who has decided not to be a candidate for reelection to the Congress. He has been one of my closest personal friends. He has been a constant joy and inspiration to me. I have visited in his home, and he has visited in mine. No man could mean as much to me as BOB RICH.

And I do not believe that any man has served in this Congress who is more highly regarded by all of us. He is a man of convictions and with the courage of his convictions. He is one of those rare individuals who has dedicated his life to the service of his fellowmen. Nothing gives BOB RICH greater pleasure than to be able to do things for others.

In the fullest sense of the word BOB RICH is a Christian gentleman. He has enjoyed life and made an immeasurable contribution to life by always extending the helping hand. And I say he has been a constant source of joy and inspiration to me.

I frequently play golf with BOB RICH. It is on the golf course under the pressure of competition that one begins to see the kind of stuff a man is made of. He likes competition—he loves it—he wants to win—he gives his best to win—but never once would he take unfair advantage in order to conquer.

As you know, BOB RICH is a successful businessman. He has been successful in everything he has undertaken. You are probably aware that he serves on the board of trustees of several schools in Pennsylvania. He continues to give of his time and energy to this work because he is interested in young people in seeing that they have opportunities to improve themselves.

There is so much that I could say about BOB RICH that I find it difficult to know just what and how to say it. There are no words that can express my personal regard and deep affection for him. I know I express the sentiment of every Member of the House when I say to him: BOB, we will miss you. We hope you will return from time to time that we may benefit from your wise counsel and stimulating personality.

AUTHORIZING TRANSFER OF FORT DES MOINES TO IOWA

Mr. WHITTINGTON. Mr. Speaker, I call up the conference report on the bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3097)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, and 5 and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Page 1, lines 6 and 7, in lieu of the language striken out by the Senate insert the following: "without consideration save as contained in this Act"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Page 1, line 9, strike out the language inserted

by the Senate and insert in lieu thereof the following: : "*Provided,* That if conveyance hereunder is made to the State of Iowa, the instrument of conveyance shall provide that said State shall not alienate title to said property or any part thereof, but shall keep it intact and use it for public purposes, and that if the United States needs the property for military purposes, it shall revert to the United States with payment to the State of the reasonable value at that time for any improvements thereon made by the State:"; and the Senate agree to the same.

WILL M. WHITTINGTON,
CLIFFORD DAVIS,
GEO. A. DONDERO,
PAUL CUNNINGHAM,
Managers on the Part of the House.

SPESSARD L. HOLLAND,
VIRGIL M. CHAPMAN,
HARRY P. CAIN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

H. R. 4569 as passed by the House authorizes and directs the transfer of about 640 acres of land, with improvements thereon, known as Fort Des Moines Army Post, now owned by the Government. This property has been declared surplus and the State of Iowa, which formerly purchased the property with funds raised by public subscription and donated it to the Government about the year 1901 as a site for an Army post, now desires to have it returned for use by its National Guard and for other public purposes.

The Senate amended the bill to make the transfer of the property discretionary, and also on a subsequent request of the Army excepted three additional building units for its use, and also at the request of the Housing and Home Finance Agency required the continued use of certain buildings now occupied by veterans as temporary housing quarters. The House conferees agreed to these amendments, Nos. 1, 4, and 5.

With respect to amendment No. 3, the Senate amended the bill to provide for payment by the State of consideration in the amount of one-half of the appraised value of the property with the improvements thereon. The conferees agreed that appropriate consideration should be made to the United States for the transfer of this property but concluded that there were several elements involved in the proposed transfer which, it was agreed, would constitute appropriate and adequate compensation. These elements are as follows: (1) The State purchased this property at a cost of $64,000 and donated it to the United States for use as an Army post, which use has been discontinued; (2) the State will devote the property to public use and will keep the property intact and return it to the United States upon payment of the fair value of any improvements added by the State in event it is needed again for military purposes; (3) the Army reserves the right to use several building units for its purposes; (4) the units now occupied by veterans as temporary housing will be maintained; and (5) the State will furnish all necessary sewerage facilities for the buildings mentioned without cost and shall furnish electricity and water at the prevailing rate in the locality or at cost, whichever is lower, so long as the buildings are used by the United States for military purposes.

Accordingly, the conferees agreed to change the language of amendment No. 3 to provide that if the land is conveyed to the State under the terms of this act, the conveyance shall provide that the State shall not alienate title to the property but shall use it for public purposes and shall keep it intact and that, if it is needed for military purposes, it shall revert to the United States. In the opinion of the conferees, this change, together with the elements mentioned above, will accomplish the purpose of the Senate amendment.

WILL M. WHITTINGTON,
CLIFFORD DAVIS,
GEO. A. DONDERO,
PAUL CUNNINGHAM,
Managers on the Part of the House.

Mr. WHITTINGTON. Mr. Speaker, I would like to say that this bill passed the House originally on the Consent Calendar. It provided for the transfer of Fort Des Moines to the State of Iowa subject to the reservation of certain buildings and to the State of Iowa furnishing sewerage facilities for the buildings. The bill was amended in the Senate to make it optional with the United States to convey the property and to require the State of Iowa to pay one-half of the appraised fair market value of the lands and improvements. It was also amended to make the transfer subject to the use of certain of the property by GI's. The bill was further amended to reserve other buildings. The House agreed to all the Senate amendments except the amendment requiring payment of half the value of the land and buildings. A substitute for the Senate amendment was agreed to by the conferees. It provides that if conveyed the State of Iowa could not alienate any of the property but would be required to keep it intact and use it for public purposes; that if needed for military purposes the title would revert to the United States upon the payment of the reasonable value of the improvements made by the State at the time of the reversion of the title.

Fort Des Moines had been declared to be surplus property. Such property was disposed of under the acts of Congress. The consideration varied but there was no set rule as to the amounts to be paid under the surplus property acts. Under the regulations, transfers were made to Federal agencies, often to State agencies, to charitable, scientific, and educational institutions for nominal considerations. The conferees believed that the consideration agreed to in the conference would be in the public interest. If needed for military purposes, the property will not be transferred. Instead of being conveyed under the statutes with respect to the disposal of war surplus property, the General Services Administration felt that Congress should pass a special act, to transfer Fort Des Moines to the State of Iowa, inasmuch as the real consideration for the transfer of the property was its use originally by the State National Guard. The conference report is unanimous.

Mr. Speaker, I have no requests for time.

Mr. DONDERO. I have no requests for time, Mr. Speaker.

Mr. WHITTINGTON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

TRADING WITH THE ENEMY ACT

Mr. BIEMILLER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1292) to amend section 32 (a) (2) of the Trading With the Enemy Act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subdivision (D) of paragraph (2) of section 32 (a) of the Trading With the Enemy Act, as amended, is amended by inserting after the words "citizenship under the law of such nation" a colon and the following: "*And provided further,* That, notwithstanding the provisions of subdivision (C) hereof and of this subdivision (D), return may be made to an individual who at all times since December 7, 1941, was a citizen of the United States, or to an individual who, having lost United States citizenship solely by reason of marriage to a citizen or subject of a foreign country, reacquired such citizenship prior to the date of enactment of this proviso if such individual would have been a citizen of the United States at all times since December 7, 1941, but for such marriage."

With the following committee amendment:

Page 2, line 5, after "marriage" insert : "*And provided further,* That the aggregate value of returns made pursuant to the foregoing proviso shall not exceed $5,000,000; and in making returns under such proviso the Alien Property Custodian shall to the extent practicable make such returns in the order in which notices of claims therefor were received and may return any property or interest if the value thereof, taken together with the aggregate value of property and interests already returned pursuant to such proviso, does not exceed $5,000,000."

"SEC. 2. There shall be included in the report made to Congress pursuant to section 6 of the Trading With the Enemy Act, as amended, a statement of (1) the names and nationalities of persons who have filed notice of claim for the return of any property or interest under section 1 of this act, the date of the filing of such notice of claim, and the estimated value of the property or interest, and (2) the names and nationalities of persons to whom returns have been made of any property or interest under section 1 of this act and the value of such property or interest."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRIFFISS AIR FORCE BASE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3727) to authorize certain construction at Griffiss Air Force Base, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Air Force, under the direction of the Secretary of Defense, is hereby authorized to establish or develop an Air Force Electronic

Development Center at Griffiss Air Force Base, Rome, N. Y., by the acquisition of land, construction, installation, or equipment of temporary or permanent public works, including buildings, facilities, appurtenances, and utilities, as follows: Alterations of buildings and the provision of related electronic test sites and instrument landing test facilities.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $3,114,500 to carry out the purposes of this act.

SEC. 3. Appropriations made to carry out the purposes of this act shall be available for expenses incident to construction, including administration, overhead planning and surveys, and shall be available until expended when specifically provided in the appropriation act.

SEC. 4. Any projects authorized herein may be prosecuted under direct appropriations, or authority to enter into contracts in lieu of such appropriations.

Mr. TOWE. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this measure provides for the removal of an Air Force electronic laboratory known as Watson Laboratories from Fort Monmouth, N. J., to Rome, N. Y. It has been the subject of great controversy in the House Committee on Armed Services and in the Senate.

Several years ago the Air Force decided that they ought to consolidate all their electronic research work at Rome, N. Y., where they had a large, unused depot. Opposition arose to the removal of the research laboratory at Cambridge, Mass., so the Air Force dropped the consolidation plan as far as Cambridge, Mass., was concerned but proceeded with the plan to take this important laboratory out of the State of New Jersey. Incidentally, it is not located in my district.

It seems to me that with the all-out effort we are making now to prepare ourselves for protection against war it is extremely ill-advised. The testimony of a high official of the Air Force yesterday indicated that if they moved this laboratory, disturbing about 1,100 technically trained men working now as a team, it would take from 6 to 9 months to get it reestablished and working effectively.

I think it is a mistake in judgment. I think also there is a slight aroma of politics involved in it. It is indeed unfortunate that in order to strengthen a congressional district defense money should be used, especially at a time like this. I hope the House will vote this measure down.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a statement I made earlier before the House Committee on Armed Services.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. TOWE. Mr. Speaker, the statement referred to follows:

STATEMENT BY HON. HARRY L. TOWE, NINTH DISTRICT OF NEW JERSEY, TO THE COMMITTEE ON ARMED SERVICES, MARCH 21, 1950

Mr. Chairman, the committee will recall that the public-works bill, H. R. 4766, which was presented to this committee during the first session of this Congress, contained an item for Griffiss Air Force Base, Rome, N. Y., which was identical to the item which appears in the present public-works bill which is before us for consideration, S. 2440 (p. 16, lines 10–14). The amount of money was also the same, $3,114,500. Of this sum, $2,181,500 was designated as the amount of money necessary to alter buildings at Griffiss Air Force Base to accommodate the electronics laboratory equipment and technical personnel located at the Watson Electronic Laboratories in New Jersey. An additional sum of $600,000 was asked for the alteration of facilities at Griffiss Air Force Base in such a manner as to provide four climatic test chambers. At this time, similar climatic test facilities are in existence at the Army Signal Corps laboratories at Fort Monmouth, N. J., and are being jointly used by the Air Force personnel at Watson Laboratories.

Now, before we consider the merits of this matter, I think that the members should understand that at the time the moving of electronics research facilities from New Jersey to Rome, N. Y., was first considered, it was intended to consolidate all of the Air Force effort in this field at Griffiss Air Force Base. The Air Force has a similar facility at Cambridge, Mass., which was considered in the original plan. They also have similar facilities at Wright-Patterson Field, and there may be other similar facilities at other bases. At any rate, by the time H. R. 4766 was presented to the committee, the only facility which was to be moved was the Watson Laboratories from Eatontown, N. J. The Cambridge facility had been deleted. I am sure that the members are well aware of the fact that pressure from the proper sources applied at the proper place will accomplish wonders.

I wanted to point out these considerations so that the members may not be misled into believing that the contemplated move of the Watson Laboratories to the Griffiss Air Force Base at Rome, N. Y., is a consolidation of the same or similar type facilities. This is not a consolidation. It is simply the moving of a facility from one place to another.

During the course of the controversy over the proposed move of this facility, numerous Members of Congress, as well as outside individuals and organizations, have expressed their desire to be objective about this situation. They have stated that they are motivated solely by the best interests of national defense and economy in government. My position is no different than theirs, but perhaps it will assume more validity when I say to you that the Watson Laboratory is not in my district. It is more than 70 miles away, and its retention or removal has no political significance to me. If the Air Force can show that the removal of this laboratory from New Jersey to New York is in the best interests of national defense and economy, then I shall join the proponents of the move. But I want to say to you that, in my opinion, they have completely failed to make a case either in the interests of national defense or economy. It is my intention to be thoroughly objective in my consideration of the comparative merits of these two sites and, with that in mind, I want to outline to you the considerations which prompt my opposition to the move.

1. The Air Force has stated that Griffiss Air Force Base, which was completed about 1944, consists of lands and facilities which cost the Government $36,000,000. Admittedly, there are a number of well-constructed, permanent-type buildings located on more than 30,000 acres of land. A number of the buildings are now vacant and the remaining buildings are being used as supply facilities. The Watson Laboratories at Eatontown, N. J., were completed about 1944, are located on 160 acres of ground which, together with the buildings thereon, cost $1,800,000. In addition to that fact, the buildings accommodate research facilities and equipment valued at more than $7,000,000. There can be no dispute that the buildings at Griffiss Air Force Base are of more permanent construction than those at the Watson Laboratories in New Jersey. Some of the latter buildings are not desirable, however; a number of them are of concrete or cinder block construction and others are of excellent frame construction, and it is in these two latter types of buildings that research and development activities are conducted. Therefore, we are confronted with the choice of spending approximately $3,000,000 in New York to accommodate these facilities, which cost is only a minor portion of the ultimate cost, or spending an equal or lesser amount to improve the facilities in New Jersey without the other disruptions which must necessarily be incurred if the move is executed. The Air Force alleges that if all of the buildings at the Watson Laboratories in New Jersey were destroyed and replaced with the type of buildings they desire, it would cost $17,000,000, and they attempt to offset the expense of the move to New York by quoting this figure, thereby proving economy in the move. To me, such comparison is ridiculous. The Air Force states that the cost of transportation of all of their technical personnel from New Jersey to New York, their household effects and the equipment to be moved would be approximately $500,000. Then according to the Air Force figures the only expense involved in this transfer appears to be the $3,000,000 for alteration and the $500,000 for transportation, or a total of about $3,500,000.

A group of engineers at the Watson Laboratories have prepared their estimates of the cost involved in this move, and I want to give you those estimates. These men are engineers and scientists who are carrying on the primary mission of the laboratories and who expect to be moved to Griffiss Air Force Base if the proposed move is executed. They state that the preparation of the Griffiss Air Force Base, including alteration of buildings, and administration costs, and labor will be $3,500,000; that the duplication of off-base sites and special facilities for testing the equipment will be $2,000,000; that the moving costs for the first 330 persons, their equipment and the laboratory equipment will be $2,800,000, and that contingent costs on contractors' claims, security checks and retraining of security personnel, delays in the development program, and the cost of coordinating two bases will be $1,650,000; and that additional yearly costs for the first year, since both bases will be in operation for at least 1 year, will be $1,500,000. This latter item includes travel cost increases between New York and Washington, New York and the Watson Laboratories in New Jersey, an increase in maintenance cost at New York and an increase in the off-base maintenance at Griffiss Air Force Base due to wider dispersion and more stringent weather. On the basis of these estimates, the total cost of the move would be $11,500,000 as contrasted to the Air Force estimate of $3,500,000. Now that is a very wide discrepancy. I want to be fair about the situation, and since I can't justify the discrepancy, I am willing to strike a balance between the two figures and, in doing so, I arrive at an estimated over-all cost of the move of $7,500,000. It is my contention that the Air Force could take no more money than the $3,500,000 which they admit it will cost them to make this move, and by repairs and new construction make a more desirable facility at the Watson Laboratories' site in New Jersey than they will have at the Griffiss Air Force Base in New York. Now, I want you to bear in mind that this is only a consideration of cold dollars and does not take into account other elements of equal or greater importance.

2. The Air Force contends that it needs an air strip adjacent to the Air Force facilities. My informants advise me that this is not of prime importance. The laboratory facility needs aircraft flights. On the rare occasions that work on the aircraft is required, it is easier and cheaper to send a man to the air strips, which are within easy driving distance of the Watson Laboratories, than to move all of Watson Laboratories to Rome, N. Y.,

to accomplish the same thing. One draws the inference from the Air Force arguments that runways are needed which will accommodate our largest type of bombers. The technicians who are doing the work do not agree with this contention. They state that almost 90 percent of the flight tests are not made by the laboratory personnel, but are made by the contractors who are manufacturing the equipment, with their own planes and from their own air fields. It is certainly true that any B–29 squadron must have sufficient flight training to maintain proficiency, and I contend that they might just as well be getting that proficiency on occasional flights from New York to New Jersey, when that type of aircraft is needed for a test, as in any other direction. To me, it is a major fallacy to charge the entire cost of such flight to the operational cost of the Watson Laboratories in its present location.

3. In its present location, the Watson Laboratories enjoy a very considerable topographical advantage over the New York site for radar testing. The topography in New Jersey is sufficiently open to permit low-level radar detection tests in any direction. It is likewise adjacent to the ocean over which a portion of the testing must be done. Neither of these facts is true at Griffiss Air Force Base. The ocean is more than 200 miles away, and the Griffiss Air Force Base is almost three-fourths enclosed by a mask of high hills which will prevent low-level radar detection tests. The only manner in which they can overcome this handicap is to build off-site testing stations in locations which are sufficiently far away from the hills surrounding the Griffiss Air Force Base as to permit the testing. It is my impression that the construction, transportation, and maintenance costs for such sites would be prohibitive.

4. If flight testing has the importance to the laboratory facility that has been indicated by the Air Force, then I insist that the relative qualities of the weather in the Rome area versus the New Jersey shore area has been obscured by thinking only in terms of weather aloft. From the ground electronics development viewpoint on flight testing, this is an emphasis which is grossly misplaced. If we assume that flight testing is being done for the purpose of collecting engineering data, ground conditions are of equal importance with weather aloft. Data requiring the use of delicate laboratory test equipment, or any outdoor experimental equipment which must be frequently adjusted, must be collected under fair weather ground conditions under which engineering personnel may be expected to work. Experimental equipment is fabricated with the intent of demonstrating techniques and feasibility of electronic operation. In this regard, early models are not designed as all-weather equipment, and thus are not winterized or greatly protected from the elements. The Rome outdoor testing would require considerable effort along these lines at a time when such work would normally be unnecessary. Knobs, controls, cabinets, and working parts would require special treatment. Cold weather can well be a greater factor in slowing down development progress than inclement weather.

Development and testing cannot be accomplished in bitter cold over the long period of time that winter exists in Rome, New York. Engineers in the Rome area and long-time residents of that area indicate that approximately 100 bad weather days may be expected per year. Since the data for the New Jersey site shows about 20 such days per year, it can be seen that a fivefold increase in nonoperable days will occur for laboratory personnel at New York. A secondary consideration is the weather aloft. The best qualitative information available indicates that the New Jersey shore enjoys much better weather conditions. A comparison between the two sites shows that at Griffiss Air Force Base, New York, a total of 76 flights were completed in 1949. One hundred and three flights were canceled due to weather. At the Red Bank Airport, adjacent to the Watson Laboratories in New Jersey, there were thirty-two nonflying days due to weather during 1949.

5. The final point which I wish to submit for your consideration involves the availability of electronics manufacturers to the respective sites.

I have before me a list of the electronics contractors associated with Watson Laboratories at Eatontown, N. J. There are a total of 121 contractors on this list. I also have before me a map showing the location of each of these contractors with relation to the Watson Laboratories at Eatontown, N. J., and the Griffiss Air Force Base at Rome, N. Y. The map very plainly shows that 4 of these contractors are located in the general area of Rome, N. Y., 30 to more than 100 miles from the Griffiss Air Force Base. The map also shows that 100 or more of these contractors are located in the vicinity of the Watson Laboratories in New Jersey, and I believe an accurate measurement would show them all to be within 50 miles of the present Watson Laboratories. All of the remaining 17 contractors are located closer to the Watson Laboratories than they are to Rome, N. Y. Now, in order to get the full significance of these facts, I think everyone should be informed of the manner in which these electronics contracts are performed. The Watson Laboratories' engineers and scientists perfect the plans for the development of a particular piece of equipment. The contract is then let and development is begun. During the course of the development, it is highly desirable that the scientists and engineers of the Watson Laboratories consult with the contractors' engineers. Under existing circumstances, this is a daily occurrence and is very easily accomplished since the personnel from Watson Laboratories can reach the contractors' plants in a very short time by automobile. While it may be true that some of these contracts could be let closer to the Griffiss Air Force Base if such facilities exist in that area, it remains a fact that New Jersey is acknowledged to be the heart of electronics research and development in the United States. The contractors' plants are there, and I think none of us would anticipate that they would be moved. I think the inevitable conclusion which we must reach is that if the Air Force is to obtain the maximum benefit from its electronics development with contractors in the New Jersey area, it must of necessity transport by air or otherwise its engineers and scientists from whatever site they may subsequently locate the Watson Laboratories. Rome, N. Y., is more than 200 miles by air from most of these contractors as contrasted to a driving distance of no more than 50 miles from the present site. If the laboratory is moved, there are two certain results: (a) the development program will be delayed due to the inconvenience of consultation between appropriate personnel, and (b) the loss of time and cost of transportation incurred by personnel going from the Rome area to the contractors will be entirely excessive.

When the proposed move of the Cambridge Laboratory was being discussed, various people very appropriately pointed out that the mission of that laboratory was basic and fundamental research which required the closest cooperation between the laboratory personnel and experts who were then working with Harvard University and MIT. I subscribe to that reason as being sufficient cause to maintain the Cambridge facility in its present location. Without that exchange of information and consultation, that facility could not accomplish the same results. In the case of the Watson Laboratories at Eatontown, N. J., I insist that the same logic applies but with a great deal more emphasis.

I recognize that the Air Force is trying to put its $34,000,000 base at Rome, N. Y., into constructive use. Its present use is extremely limited. I think there is one B–29 squadron there. Seven or eight of its permanent buildings are standing empty. But I insist that this is no reason to move the laboratory from New Jersey to Griffiss Air Force Base; it is merely an excuse.

As a completely collateral issue, I would like to point out that while the Air Force insists that it will reduce its overhead operating personnel by 205, it appears to give no consideration to the increased number of guard personnel who will be necessary to afford security protection to a base covering 5 square miles as contrasted to the present site of 160 acres. In the final analysis, I doubt that the personnel saving will be a matter of any consequence in this move. I would point out, however, that the move will cause 500 civil-service employees at the present laboratory to lose their jobs. There is no provision for their transportation to New York, and even if there were their civil-service status and seniority in New Jersey would have no protection in New York.

Mr. AUCHINCLOSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. AUCHINCLOSS. Mr. Speaker, the subject matter of this bill (S. 3727), has been intensely investigated by the Armed Services Committee not only of the House but of the Senate, and extensive hearings have been held and many witnesses heard, so there can be no doubt that the matter has been thoroughly investigated. I have studied the transcript of all of the testimony with extreme care and I have also been very close to the problem because Watson Laboratories at Eatontown is located in the district which I represent. It is my considered opinion that the removal of the Watson Laboratories from Eatontown, N. J., to Rome, N. Y., is not in the best interest of the country, particularly in the development of electronic research for the Air Force. I can state my reasons briefly for this opinion.

First. The cost estimated by the representatives of the Air Force is much less than estimates which have been worked out with extreme care and only recently rechecked by disinterested parties. These later estimates were submitted to the committee by representatives of the employees of Watson Laboratories and their estimates are many times higher than those submitted by the Air Force. Anyone who reads the testimony given before the subcommittee of the Armed Services Committee of the House last February, is forced to the conclusion that the Air Force figures were reached by very confused reasoning and the questions presented to them were never answered satisfactorily.

Second. It is contended by the Air Force that an air strip adjacent to the laboratories is necessary for the development of their work, although for some 8 years Watson Laboratories has expanded and produced most efficient results with an air strip as far distant as 25 miles. I testified before the committee that with a small expenditure of money the Asbury Park airfield could be equipped with runways of sufficient length to accommodate the planes which might be used. The Asbury Park airfield is about 5 miles distant from Watson

Laboratories. In connection with this, it might also be pointed out that in the study of radar and electronics it is impossible to have any other air group functioning from the same locality. It is stated in the Rome papers that a fighting unit is now stationed at Griffiss Air Force Base in Rome and if this is the fact, it will interfere with the electronic research. A fighter unit must always be free from any other electronic activity in order to receive and send messages; electronic research must likewise be free and enjoy continuous uninterrupted activity.

Third. The present location of Watson Laboratories has a great topographical advantage over the New York site for radar testing and electronics work. In New Jersey the country is flat and permits low-level radar detection tests in any direction. There is a great advantage in having the ocean so near over which many tests are made. The use of the ocean is emphasized by the fact that Watson Laboratories very recently acquired about 5 acres of land on Sandy Hook which they said they would need for at least 1 year to conduct various experiments. Rome is situated at the base of the Adirondack Mountains and the terrain there is hilly and broken.

Fourth. The weather in New Jersey, according to the records, is far better for the flight testing of radar than Rome and I would point out that in 1949 only 76 flights were completed at the Griffis Air Force Base and 103 flights were canceled due to the weather. At the Red Bank airport which is adjacent to the Watson Laboratories there were only 42 nonflying days during the entire year of 1949.

Fifth. The Watson Laboratories at Eatontown is situated in the center of electronics industry and the importance of this point cannot be emphasized too strongly. One hundred or more of a total of 121 contractors are located in the vicinity of Watson Laboratories in New Jersey, being within 50 miles thereof. Frequent visits by motor to these contractors are made by the staff at Watson Laboratories in connection with their work, whereas if they had to come all the way from Rome it would be a long and arduous trip. In order to really understand how significant this is, I would point out that at Watson Laboratories the engineers and scientists perfect plans for development of a particular piece of equipment and then a contract is let and the work begun with these different manufacturers. Of course, while this work is going on the scientists and engineers from Watson Laboratories must make frequent visits to consult and to supervise the work.

Sixth. The labor market for people who know about electronics is very tight and it is natural that the labor problem would be more easily solved in the vicinity of Eatontown, N. J., where electronics work is constantly being carried on. In addition to that, the Army Signal Corps at Fort Monmouth is at present expanding its work and the engineers at Watson and at Fort Monmouth are in daily consultation with each other. I am reliably advised that the authorities at Fort Monmouth are now seeking additional scientists and engineers and would be only too glad to acquire people at Watson Laboratories who did not wish to move to Rome. The result will be—if this move is completed—that many of the scientists and engineers will resign and be reemployed by the Signal Corps. These people have established their homes and families in that vicinity and naturally they do not wish to leave.

Of course, I could speak at length about the serious effect the removal of this installation would have on the community but I prefer to approach this subject—as I have done throughout the whole proceedings—from the point of view of what is best for our country's defense. By no wild stretch of the imagination can the breaking up and the disintegration of such a research development be made without seriously affecting the whole scheme of our defense.

How is the sudden haste and activity to report out of committee and act on this legislation to be accounted for? How is it that it has been permitted to lie quietly in the committee all these past 6 months without consideration? Why is it that so much feverish interest to enact this legislation has become aroused only 6 weeks before election day? Can it be that some Democratic Members of Congress need election aid and comfort? Can it be that this is another instance of playing politics with our country's defenses? That could be the fact and the mere suspicion that it might be should be enough to put an end to it. Such actions prompted by such motives are contemptible and despicable and will not be tolerated by a citizenry already aroused by the bungling and fumbling by those entrusted with the defense of the Nation.

Mr. BROOKS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this measure passed the Senate the other day with only one dissenting vote. This matter has been considered by the House Committee on Armed Services over the period of the last 8 months. It was considered three different times by the subcommittee of which I was chairman and twice by the full Committee on Armed Services. On yesterday when the vote occurred in the full committee it was 22 to 2, as I recall. There were two dissenting votes. Both Members casting those dissenting votes were contacted today and have indicated they will not object to bringing up the bill at this time.

The matter simply involves an expenditure of some $3,000,000 for defense construction which is badly needed. It should be done at once. The delay is holding up the development of the Electronic Center at Rome, N. Y. It should proceed without interruption and our committee so indicated yesterday. I hope the House will immediately pass the bill.

Mr. SHAFER. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield.

Mr. SHAFER. Is it not true that the $3,000,000 the gentleman is talking about is just the original investment?

Mr. BROOKS. No; the original investment is in the amount of $36,000,000 which was invested in a war plant at Rome, N. Y., during the war. It has an appraised value at the present time of $67,000,000, and it cost only about $36,000,000.

Mr. SHAFER. Then how much beyond the $3,000,000 will it cost for moving this laboratory to Rome, N. Y.?

Mr. BROOKS. The cost is $500,000 to remove the laboratories to Rome. The $3,000,000-plus provided in this bill is for some changes to be made largely in one of the buildings at Griffiss Air Base at Rome, N. Y. The matter has been thoroughly threshed out and everybody has indicated they are satisfied wholly with the investigation that was made, and I think the measure ought to be passed.

Mr. TOWE. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to my distinguished friend. May I say he has worked very diligently and has done everything he could to properly present the views of the people in New Jersey in this matter.

Mr. TOWE. I do not believe the gentleman means to say that everybody is in agreement that this ought to be done—the gentleman means almost everybody.

Mr. BROOKS. I accept the correction.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. TOWE) there were—ayes 34, noes 13.

So the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING PER CAPITA PAYMENT TO MEMBERS OF RED LAKE BAND OF CHIPPEWA INDIANS

Mr. MORRIS submitted a conference report and statement on the bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

PASCH BROS.

The Clerk called the bill (S. 1208) for the relief of Pasch Bros.

There being no objection, the Clerk will read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Pasch Bros., of Milwaukee, Wis., the sum of $1,937.75, which sum was paid by Pasch Bros. to the Oshkosh Brewing Co., of Oshkosh, Wis., to reimburse such company for the value of internal revenue tax stamps which had been affixed to beer manufactured by such company and which was found to have been contaminated by a material supplied by Pasch Bros. and was destroyed under supervision of Government officers, the Internal Revenue Bureau having ruled that no refund of the value of such tax stamps can be made: *Provided,* That no part of the amount appropriated

in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GERDA MOLLER ULDALL AND SON

The Clerk called the bill (S. 1344) for the relief of Gerda Moller Uldall and her son, Mikkel Moller.

Mr. DOLLIVER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MR. AND MRS. RAY S. BERRUM

The Clerk called the bill (S. 1501) for the relief of Mr. and Mrs. Ray S. Berrum.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Ray S. Berrum, of Chippewa Falls, Wis., the sum of $5,000, in full satisfaction of their claims against the United States for compensation for the death of their daughter, Dorothy Marie Berrum, who was killed by a United States marine in the District of Columbia, on or about October 5, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MIDSHIPMAN WILLIS HOWARD DUKELOW, UNITED STATES NAVY

The Clerk called the bill (S. 3579) for the relief of Midshipman Willis Howard Dukelow, United States Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Willis Howard Dukelow, midshipman, United States Navy, an ensign in the United States Navy and the Secretary of the Navy is thereafter authorized to effect his retirement or separation from the active list of the United States Navy in accordance with the provisions of title IV of the Career Compensation Act of 1949. Upon such retirement or separation the said Willis Howard Dukelow shall be entitled to receive disability retirement pay or disability severance pay as authorized by the Career Compensation Act of 1949: *Provided*, That pay as a midshipman shall in this case be deemed to be basic pay for the purposes of section 402 of the Career Compensation Act of 1949.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO APPOINT COL. HENRY A. BYROADE AS DIRECTOR OF THE BUREAU OF GERMAN AFFAIRS

The Clerk called the bill (S. 3807) to authorize the President to appoint Col. Henry A. Byroade as Director of the Bureau of German Affairs, Department of State, without affecting his military status and perquisites.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the existing provisions of law or any rules or regulations issued thereunder, the President is authorized to appoint Col. Henry A. Byroade, an officer in the Army of the United States, for a period not to exceed 2 years as Director, Bureau of German Affairs, or its successor in the Department of State, and Colonel Byroade's appointment to, acceptance of, and service as such Director of German Affairs shall in no way affect any status, office, rank, or grade he may occupy or hold in the Army of the United States or any component thereof, or any emolument, perquisite, right, privilege, eligibility for promotion, or benefit incident to or arising out of any such status, office, rank, or grade: *Provided*, That so long as he remains Director, Bureau of German Affairs, or its successor, Colonel Byroade shall receive compensation at the rate of $15,000 per annum and such traveling allowances as the Secretary of State shall prescribe, payable from appropriations made by law for the Department of State, in lieu of his military pay and allowances.

SEC. 2. In the performance of his duties as Director of the Bureau of German Affairs or its successor, Colonel Byroade shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were in no way connected with the Department of Defense or the Army of the United States or any component thereof.

SEC. 3. All periods of service performed by Colonel Byroade pursuant to the authority of this act shall be credited as active service in the Army of the United States for pay, promotion, and all other purposes.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOUTHERN CALIFORNIA EDISON CO.

The Clerk called the bill (H. R. 7735) to authorize the Secretary of the Army to grant to the Southern California Edison Co. an easement and right-of-way for electric transmission line purposes in the Santa Fe flood-control basin and the San Gabriel River improvement, California.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Army is hereby authorized, for and on behalf of the United States, to grant to the Southern California Edison Co., a California corporation, its successors and assigns, on such terms and conditions as he may prescribe, an easement and right-of-way for the construction, maintenance, operation, repair, replacement, enlargement, renewal, and removal of electric transmission lines, consisting of not more than four lines of steel towers, wires, cables, ground wires, insulators, communication circuits, and such other fixtures and appurtenances as the company may from time to time require, (1) in, under, on, over, and along a strip of land two hundred and fifty feet in width, extending across the Santa Fe flood-control basin and the San Gabriel River improvement between the mouth of San Gabriel Canyon and the Santa Fe Dam, in Los Angeles County, Calif., which strip of land is shown as unit M on drawing No. 157-K-15 of the Corps of Engineers of the United States Army, dated July 1949, revised October 24, 1949, approved by the Department of the Army and filed with the Corps of Engineers at Los Angeles, Calif., and (2) in, on, under, over, and across a parcel of land in the San Gabriel River improvement between the mouth of San Gabriel Canyon and the Santa Fe Dam, in Los Angeles County, Calif., which parcel of land is shown as unit O on drawing No. 157-K-17 of the Corps of Engineers of the United States Army, dated January 1950, approved by the Department of the Army and filed with the Corps of Engineers at Los Angeles, Calif.

With the following committee amendment:

Page 1, line 7, after the word "prescribe" insert "and at fair value,".

The committee amendment was agreed to.

Mr. DOLLIVER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOLLIVER: On page 1, line 6, after the word "assigns" insert "for a period not to exceed 50 years."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ISSUE PATENTS IN FEE TO CERTAIN BLACKFEET ALLOTTEES

The Clerk called the bill (H. R. 8877) authorizing the Secretary of the Interior to issue patents in fee to certain allottees on the Blackfeet Indian Reservation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue to the following-named persons patents in fee to their allotted lands on the Blackfeet Indian Reservation, Mont.:

Wilbur Anderson, northwest quarter of the southeast quarter of section 35, township 33 north, range 7 west, and lot 1, section 31, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and eighty-eight one-hundredths acres.

Rupert Anderson, northeast quarter of the southeast quarter of section 35, township 33 north, range 7 west, and lot 2, section 31, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and ninety-one one-hundredths acres.

Gale Anderson, east half of the southeast quarter of section 28, township 37 north, range 10 west, Montana principal meridian, containing eighty acres.

Joseph Anderson, northwest quarter of the southwest quarter of section 36, township 33 north, range 7 west, and southeast quarter of the northwest quarter of section 31, township 37 north, range 10 west, Montana principal meridian, containing eighty acres.

Pauline Anderson (Cook), east half of the northeast quarter of section 28, township 37 north, range 10 west, Montana principal meridian, containing eighty acres.

Myron W. Anderson, southwest quarter of the southeast quarter of section 35, township 33 north, range 7 west, and southwest quarter of the southeast quarter of section 24, township 37 north, range 11 west, Montana principal meridian, containing eighty acres.

Maude Marie Anderson (LeFebvre), southeast quarter of the southeast quarter of section 35, township 33 north, range 7 west, and southeast quarter of the southwest quarter of section 24, township 37 north, range 11 west, Montana principal meridian, containing eighty acres.

Collins Anderson, southwest quarter of the southwest quarter of section 36, township

33 north, range 7 west, and lot 4 of section 30, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and eighty one-hundredths acres.

SEC. 2. Said patents in fee when issued shall contain a reservation to the United States of the oil, gas, and all other mineral deposits as provided in the act of June 30, 1919 (41 Stat. 16).

With the following committee amendments:

Page 3, line 5, after the word "Anderson", insert the following: "Junior,".

Page 3, line 9, strike the word "eighty" and insert the words "eighty-two."

Page 3, line 11, strike the words "United States" and insert the words "Blackfeet Tribe of Indians."

The committee amendments were agreed to.

Mr. D'EWART. Mr. Speaker, I ask unanimous consent that the bill S. 3814 be considered in lieu of the House bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was not objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue to the following-named persons patents in fee to their allotted lands on the Blackfeet Indian Reservation, Mont.;

Wilbur Anderson, northwest quarter of the southeast quarter of section 35, township 33 north, range 7 west, and lot 1, section 31, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and eighty-eight one-hundredths acres.

Rupert Anderson, northeast quarter of the southeast quarter of section 35, township 33 north, range 7 west, and lot 2, section 31, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and ninety-one one-hundredths acres.

Gale Anderson, east half of the southeast quarter of section 28, township 37 north, range 10 west, Montana principal meridian, containing 80 acres.

Joseph Anderson, northwest quarter of the southwest quarter of section 36, township 33 north, range 7 west, and the southeast quarter of the northwest quarter of section 31, township 37 north, range 10 west, Montana principal meridian, containing 80 acres.

Pauline Anderson (Cook), east half of the northeast quarter of section 28, township 37 north, range 10 west, Montana principal meridian, containing 80 acres.

Myron W. Anderson, southwest quarter of the southeast quarter of section 35, township 33 north, range 7 west, and southwest quarter of the southeast quarter of section 24, township 37 north, range 11 west, Montana principal meridian, containing 80 acres.

Maude Marie Anderson (LeFebvre) southeast quarter of the southeast quarter of section 35, township 33 north, range 7 west, and southeast quarter of the southwest quarter of section 24, township 37 north, range 11 west, Montana principal meridian, containing 80 acres.

Collins Anderson, Jr., southwest quarter of the southwest quarter of section 36, township 33 north, range 7 west, and lot 4 of section 30, township 37 north, range 10 west, Montana principal meridian, containing seventy-nine and eighty-two one-hundredths acres.

SEC. 2. Said patents in fee when issued shall contain a reservation to the Blackfeet Tribe of Indians of the oil, gas, and all other mineral deposits as provided in the Act of June 30, 1919 (41 Stat. 16).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 8877) was laid on the table.

LOWELL HARRIS SPOTTED ELK AND BENJAMIN SPOTTED ELK

The Clerk called the bill (H. R. 6698) authorizing the issuance of a patent in fee to Lowell Harris Spotted Elk and Benjamin Spotted Elk.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue to Lowell Harris Spotted Elk and Benjamin Spotted Elk, of Winner, S. Dak., a patent in fee to the following-described land situated on the Rosebud Indian Reservation in the State of South Dakota: Allotment No. 5720, northwest quarter, section 23, township 41 north, range 28 west, of the sixth principal meridian, South Dakota, containing one hundred and sixty acres.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior is hereby authorized to sell, upon application in writing by the heirs, the trust allotment No. 5720 of John Spotted Elk, deceased Rosebud Sioux allottee, described as the northwest quarter, section 23, township 41 north, range 28 west, of the sixth principal meridian, South Dakota, containing one hundred and sixty acres, conveyance to be made by deed or the issuance of a patent in fee to the purchaser and to disburse the proceeds under supervision to the heirs."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the sale of certain inherited land on the Rosebud Indian Reservation, S. Dak."

A motion to reconsider was laid on the table.

AUTHORIZING SALE OF CERTAIN LAND OF CHARLES RED HORSE ON THE ROSEBUD INDIAN RESERVATION

The Clerk called the bill (H. R. 6701) to authorize the sale of certain allotted inherited land of Charles Red Horse on the Rosebud Indian Reservation, S. Dak.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to sell at the highest competitive bid the trust allotment No. 4566 of Albert Crooked Foot, deceased, Rosebud allottee, described as the northeast quarter of section 15, township 100 north, range 74 west, conveyance to be made by deed or the issuance of a patent in fee to the purchaser and to disburse the proceeds of such sale to Charles Red Horse, legal heir to this allotment, for his benefit: *Provided*, That the proceeds shall be regarded as trust funds and shall not be subject to liens or attachments of any character whatsoever except obligations due the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior is hereby authorized and directed to sell at the highest competitive bid the trust allotment No. 4566 of Albert Crooked Foot, deceased, Rosebud allottee, described as the northeast quarter of section 15 township 100 north, range 74 west, conveyance to be made by deed or the issuance of a patent in fee to the purchaser and to disburse the proceeds of such sale to Charles Red Horse, legal heir to this allotment, for his benefit: *Provided*, That the proceeds shall be retained as trust funds and shall not be subject to liens or attachments of any character whatsoever except obligations due the United States.

"SEC. 2. (a) The lands herein described shall not be sold after the date of enactment of this act to any purchaser, other than the Rosebud Sioux Tribe or a member thereof, unless (1) at least 90 days prior to such sale the Superintendent of the Rosebud Agency shall have been served with notice of the terms thereof and a copy of such notice, together with a description of the lands, shall have been posted by the superintendent in a conspicuous public place at such agency and have remained posted for a period of 90 days, and (2) prior to the expiration of such 90 days no bona fide offer in writing to purchase such land upon the terms specified in such notice, or upon terms more favorable to the owner, shall have been made by the Rosebud Sioux Tribe or any member thereof and a copy thereof served upon the Superintendent of the Rosebud Agency.

"(b) A certificate of the Superintendent of the Rosebud Agency stating that notice of the proposed sale was served upon him and was posted by him for a period of 90 days in accordance with the provisions of clause (1) of subsection (a) and that no offer was received in accordance with clause (2) of such subsection, when filed and recorded in the office of the county clerk and recorder of the county in which such lands are situated shall be conclusive evidence of compliance with this section. The superintendent shall furnish the certificate to the purchaser for filing and recording."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PATENT IN FEE TO ALICE BEAR SHIELD KNOCK

The Clerk called the bill (H. R. 6875) authorizing the issuance of a patent in fee to Alice Bear Shield Knock.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue to Alice Bear Shield Knock, of St. Francis, S. Dak., a patent in fee to the following-described land situated on the Rosebud Indian Reservation in the State of South Dakota: Allotment No. 4654, lots 3 and 4 and the east half of southwest quarter, section 6, township 95 north, range 78 west, of the fifth principal meridian, South Dakota, containing 161.46 acres.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior is hereby authorized to sell the trust allotment numbered 4654 of Alice Bear Shield Knock, Rosebud Sioux allottee, described as lots 3 and 4 and the east half of southwest quarter, section 6, township 95 north, range 78 west, of the fifth principal meridian, South Dakota, containing one hundred sixty-one and forty-six one-hundredths acres, conveyance to be made by deed or the issuance of a patent in fee to the purchaser and to disburse the proceeds of such sale to Alice Bear Shield Knock for her benefit."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the sale of certain allotted land on the Rosebud Reservation, S. Dak."

A motion to reconsider was laid on the table.

BASQUE ALIENS

The Clerk called the bill (S. 1192) for the relief of certain Basque aliens.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws the Attorney General be, and he is hereby authorized and directed to record the lawful admission for permanent residence of Francisco Marmaun-Villaneuva, Javier Ochoa-Luna, Gabino Esquivel-Lequineche, Estaban Cordova-Juaregui, Julian Hormaechea-Hormaechea, Miguel Alluntis-Asla, Serapio Zabala-Arrien, Sabino Gonzales-Baron, Soverino Juanarena-Ituralde, Juan Abadia, Javier Aberasturi, Pedro Aberasturi, Juan Aincioa, Lorenzo Aincioa, Lorenzo Alacano, Victoriano Andonegui, Maximo Argoitia, Gregorio Arrizabalaga, Leocadio Arrizaballaga, Silverio Artiach, Jose Asumendi, Gregorio Barruetabena, Jesus Barruetabena, Teodore Basabe, Jose Basterrechea, Lino Belausteguigoitia, Juan Beristain, Pedro Bilbao, Eugenio Cordoba Calvo, Fidel Calzacorta, Elias Calzada, Vincente Capanaga, Eugenio Cartago, Eugenio Cizur, Matias Cobeaga, Alejandro Duero, Jose Echegaray, Manuel Echegaray, Jesus Echeita, Andres Echevarria, Juan Domingo Emandia, Jose Luis Erquiaga, Rafael Fogoaga, Mariano Gabicagogeascoa, Jesus Gabiola, Felix Garate, Paulino Garate, Juan Jose Garatea, Martin Gariza, Julian Garmendia, Damian Garralda, Jose Gonzalez, Antonio Guerricaechevarria, Juan Guerricaechevarria, Lucio Guerricaechevarria, Juan Guezuraga, Augustin Gurbindo, Juan Inda, Jean Martin Irigoyen, Antonio Iturri, Esteban Iturri, Lucio Iturri, Claudio Izaguirre, Luis Jayo, Roman Jayo, Arsenio Jayo, Fidel Joraguria, Cesareo Dufur Juanarena, Alejandro Juancorena, Tiburcio Juancorena, Jose Juaristi, Juan Landa, Paulino Landa, Benito Larrea, Constancio Larrinaga, Pedro Larrinaga, Felix Larrucea, Marcelino Lartitegui, Estaguio Laucirca, Pedro Lazuen, Juan Francisco Lejarza, Miguel Marizcurrena, Eugenio Martija, Vincente Mendiolea, Victor Mirandona, Marcel Mocho, Antonio Monasterio, Bartolome Monasterio, Telesforo Muguerza, Antonio Muniategui, Jose Antonio Olabarrieta, Miguel Olano, Andres Olavarria, Luciano Olea, Pedro Onarte, Jacinto Ondaro, Pedro Artiach Ondarza, Francisco Otazua, Luis Paternain, Francisco Redin, Emilio Ricondo, Fernando Ruiz, Jesus Sanmiguel, Saturnino Santesteban, Domingo Santos, Jose Maria Sarasua, Alfonso Sario, Ramon Presto Sario, Pierre Sarry, Miguel Solaguren, Jose Antonio Telleria, Santiago Uriarte, Daniel Urien, Pedro Urguidi, Jose Urrutia, Pablo Urrutia, Anatasio Urzas, Marcos Urza, Cesareo Vara, Antonio Villanueva, Martin Villanueva, Jose Yanci, Pedro Zabala, Nicolas Zatica, Ramon Zubillaga, Juan Guerricagoitia Bengoechea, Prudencio Calzacorta Aguilezpeiti, Raimundo Urrutia-Foruria, Jose Echevarriazarraga Ibarguengoitia, Antonio Morga Urresti, Simon Vidaguren Aguirre, Nicolas Vidaguren Aguirre, Julian Uruburu Inchausti, Jose Guerricabeitia Iribar, Jose Bilbao, Fidel Leguineche, Juan Larrinaga Irazabal, Jose Manuel Mendezona, Jaime Sangroniz Arrizabalaga, Prudencio Echandia y Zabala, Jose Domingo Echandia y Zabala, Jesus Bilbao Legerburn, Manuel Basterrechea, Jose Echeandia, Santos Aboitiz, Frederico Madarieta, Gregoria Silloniz, Felipe Albizua Calzada, Pedro Olano Filibi, Felix Lezamiz Guerequeta, Julian Muruaga Ispizua, Fermin de Bilbao Jayo, as of the respective dates of their lawful temporary entry into the United States between the years 1944 and 1949, if they are found to be admissible under the provisions of the immigration laws other than those relating to quotas, upon payment of the required visa fees and head taxes.

SEC. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number for each alien named herein from the quota of the appropriate country of the first year that the said quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GREGORY PIRRO AND NELLIE PIRRO

The Clerk called the bill (S. 1357) for the relief of Gregory Pirro and Nellie Pirro.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration laws, Gregory Pirro and Nellie Pirro, of Wildrose, N. Dak., who were admitted into the United States on temporary visas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of their last entry into the United States, upon payment of the required head taxes and visa fees.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct two numbers from the nonpreference category of the first available immigration quota for nationals of Italy.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELMER BELLER

The Clerk called the bill (S. 1528) for the relief of Elmer Beller.

Mr. D'EWART. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

MARIA BALSAM

The Clerk called the bill (S. 2324) for the relief of Maria Balsam.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Maria Balsam shall be considered to be the natural-born alien child of Mr. and Mrs. Ben Rose, citizens of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTURO BENETTI

The Clerk called the bill (S. 2599) for the relief of Arturo Benetti.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the immigration laws, Arturo Benetti, who was admitted into the United States on a temporary visa, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon payment of the required head tax and visa fee.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the proper immigration quota.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARLO FAVA

The Clerk called the bill (S. 2648) for the relief of Carlo Fava.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Carlo Fava, of Newton, Mass. From and after the date of enactment of this act, the said Carlo Fava shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

SEC. 2. In the administration of the immigration and naturalization laws, the said Carlo Fava shall be considered as having been lawfully admitted to the United States for permanent residence as of the date of his last entry into the United States, upon payment of the required head tax and visa fee.

SEC. 3. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Italy.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHIEKO MURATA

The Clerk called the bill (S. 2922) for the relief of Chieko Murata.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the immigration laws relating to exclusion of aliens inadmissible because of race shall not hereafter apply to Chieko Murata, the Japanese fiancée of Sgt. Donald G. Garrett, of Denver, Colo., and that the said Chieko Murata may be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided,* That the administrative authorities find that the said Chieko Murata is coming to the United States with a bona fide intention of being married to the said Sgt. Donald G. Garrett, and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named parties does not occur within 3 months after the entry of the said Chieko Murata, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 19 and 20 of the Immigration Act of February 5, 1917

(U. S. C., title 8, secs. 155 and 156). In the event that the marriage between the above-named parties shall occur within 3 months after the entry of the said Chieko Murata, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Chieko Murata as of the date of her entry into the United States upon the payment of the required head tax and visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALTER TYSON

The Clerk called the bill (S. 3015) for the relief of Walter Tyson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter Tyson, Jersey City, N. J., the sum of $2,500. The payment of such sums shall be in full settlement of all claims of the said Walter Tyson against the United States on account of personal injuries sustained on February 14, 1944, when he was struck on Railroad Avenue, within the confines of the Bayway refinery of the Standard Oil Co. of New Jersey, located at Linden, N. J., by a United States Navy vehicle: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

W. F. STEINER

The Clerk called the bill (S. 3018) for the relief of W. F. Steiner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. F. Steiner, of Bayou la Batre, Ala., the sum of $3,500, in full satisfaction of his claim against the United States for compensation for the destruction of his oyster beds in Oyster Bay, Baldwin County, Ala., as a result of dredging operations performed by the Corps of Engineers, United States Army, in 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIO JUAN BLAS BESSO-PIANETTO

The Clerk called the bill (S. 3121) for the relief of Mario Juan Blas Besso-Pianetto.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Mario Juan Blas Besso-Pianetto. From and after the date of enactment of this act, the said Mario Juan Blas Besso-Pianetto shall not again be subject to deportation by reason of the same facts upon which any such deportation proceedings were commenced or any such warrants and order have issued.

SEC. 2. In the administration of the immigration and naturalization laws, the said Mario Juan Blas Besso-Pianetto, who entered the United States on May 21, 1946, shall be considered as having been lawfully admitted to the United States for permanent residence as of May 21, 1946, on payment of the required visa fee and head tax.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMERICAN LEGION MARNE POST, NO. 28

The Clerk called the bill (S. 3250) for the relief of Marne Post, No. 28, American Legion, New Martinsville, W. Va.

Mr. DOLLIVER. Mr. Speaker, I ask unanimous consent that this bill be passed over, without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DR. ZENA (ZENOBIA) SYMEONIDES

The Clerk called the bill (S. 3321) for the relief of Dr. Zena (Zenobia) Symeonides.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Dr. Zena (Zenobia) Symeonides shall be held and considered to have been lawfully admitted to the United States for permanent residence, as of the date of her last entry into the United States, upon the payment of the visa fee and head tax. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the proper immigration quota.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MIKIKO ANZAI

The Clerk called the bill (S. 3434) for the relief of Mikiko Anzai.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the immigration laws relating to the exclusion of aliens inadmissible because of race shall not hereafter apply to Mikiko Anzai, the Japanese fiancée of Yoshiteru Murakami, a citizen of the United States and an honorably discharged veteran of World War II, and that Mikiko Anzai may be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Mikiko Anzai is coming to the United States with a bona fide intention of being married to said Yoshiteru Murakami, and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named parties does not occur within 3 months after the entry of said Mikiko Anzai, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 19 and 20 of the Immigration Act of February 5, 1917 (U. S. C., title 8, secs. 155 and 156). In the event the marriage between the above-named parties shall occur within 3 months after the entry of said Mikiko Anzai, the Attorney General is authorized and directed to record the lawful admission for permanent residence of said Mikiko Anzai as of the date of her entry into the United States, upon the payment by her of the required fees and head tax.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BASILIO GORGONE

The Clerk called the bill (S. 3917) for the relief of Basilio Gorgone.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of 1917, as amended (8 U. S. C. 136 (e)), Basilio Gorgone, the husband of a citizen of the United States, may be admitted to the United States for permanent residence if he is found otherwise admissible under the provisions of the immigration laws.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAMM LUMBER CO.

The Clerk called the bill (S. 3965) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Lamm Lumber Co.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent that this bill and also the next two bills on the Calendar, S. 3966, to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Forest Lumber Co.; and S. 3967, to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Algoma Lumber Co. and its successors in interest, George R. Birkelund and Charles E. Siddall, of Chicago, Ill., and Kenyon T. Fay, of Los Angeles, Calif., trustees of the Algoma Lumber Liquidation Trust, be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

BERNARD SPIELMANN

The Clerk called the bill (H. R. 8478) for the relief of Bernard Spielmann.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the immigration quota limitations established under any law, Bernard Spielmann shall be granted admission to the United States for permanent residence. Upon admission of the said Bernard Spielmann to the United States for permanent residence, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the first available immigration quota for Germany.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That, for the purposes of section 12 (a) of the Immigration Act of 1924, as amended, Bernard Spielmann shall be deemed to have been born in Ecuador."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YAMAGUCHI MICHIKO

The Clerk called the bill (H. R. 8834) for the relief of Yamaguchi Michiko.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the immigration laws relating to the exclusion of aliens inadmissible because of race shall not hereafter apply to Yamaguchi Michiko, a native of Japan, the fiancée of John Mikat, a citizen of the United States and an honorably discharged veteran of World War II, and that Yamaguchi Michiko may be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Yamaguchi Michiko is coming to the United States with a bona fide intention of being married to said John Mikat, and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named parties does not occur within 3 months after the entry of said Yamaguchi Michiko, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 19 and 20 of the Immigration Act of February 5, 1917 (U. S. C., title 8, secs. 155 and 156). In the event the marriage between the above-named parties shall occur within 3 months after the entry of said Yamaguchi Michiko, the Attorney General is authorized and directed to record the lawful admission for permanent residence of said Yamaguchi Michiko as of the date of her entry into the United States, upon the payment of the required fees and head taxes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY VALSAMIS DENDRAMIS AND VASSILI G. DENDRAMIS

The Clerk called the bill (H. R. 8868) for the relief of Mary Valsamis Dendramis and Vassili G. Dendramis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the immigration and naturalization laws, Mary Valsamis Dendramis and Vassili G. Dendramis shall be held and considered to have been lawfully admitted into the United States for permanent residence as of May 25, 1946, the date of their last entry into the United States, upon payment of the required head tax and visa fee.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officers to deduct one number from the quota for Egypt and one number from the quota for Greece for the first year that such quotas are available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LENA VALSAMIS AND LUCY BALOSA VALSAMIS

The Clerk called the bill (H. R. 8869) for the relief of Lena Valsamis and Lucy Balosa Valsamis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administra of the immigration and naturalization laws, Lena Valsamis and Lucy Balosa Valsamis shall be held and considered to have been lawfully admitted into the United States for permanent residence as of the date of their last entry into the United States upon payment of the required head tax and visa fee.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officers to deduct one number from the quota for Egypt and one number from the quota for Greece for the first year that such quotas are available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ENID LOUISE NOBLE ROMICK, JR.

The Clerk called the bill (H. R. 9475) for the relief of Mrs. Enid Louise Noble Romick, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (e)), Mrs. Enid Louise Noble Romick, Jr., the wife of a citizen of the United States who served honorably in the Armed Forces of the United States during World War II, may be admitted to the United States for permanent residence if she is found otherwise admissible under the provisions of the immigration laws.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BORIS PAUL VON STUCKENBERG AND WIFE, MARIA ALEXANDER VON STUCKENBERG

The Clerk called the bill (S. 2835) for the relief of Boris Paul von Stuckenberg and wife, Maria Alexander von Stuckenberg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence of Boris Paul von Stuckenberg and his wife, Maria Alexander von Stuckenberg, as of April 18, 1949, the date on which they were lawfully admitted into the United States at the port of New York, N. Y. From and after the date of the approval of this act, and upon payment of visa fees and head taxes, Boris Paul von Stuckenberg and Maria Alexander von Stuckenberg shall be deemed to be lawfully admitted permanent residents of the United States.

SEC. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the quota for Russia for the first year that such quota numbers are available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. GEORGE PETER PETROPOULOS

The Clerk called the bill (S. 3306) for the relief of Dr. George Peter Petropoulos.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence in the United States of Dr. George Peter Petropoulos as of October 6, 1947, the date on which he lawfully entered the United States upon payment of the required visa fee and head tax.

SEC. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the quota for Greek persons of the first year that such quota is hereafter available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COLVIN BERNARD MEIK

The Clerk called the bill (S. 3307) for the relief of Colvin Bernard Meik.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the immigration laws, Colvin Bernard Meik, a British Army officer who is presently residing in Great Britain, and who was born in India of British parents, shall be deemed to have been born in Great Britain.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TATIANA MORAVEC

The Clerk called the bill (S. 3431) for the relief of Tatiana Moravec.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Tatiana Moravec shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of her last entry into the United States, upon payment of the required visa fee and head tax. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KENNETH BRUCE KOHEI KOZAI

The Clerk called the bill (S. 3824) for the relief of Kenneth Bruce Kohei Kozai.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 13 (c) of the Immigration Act of 1924, as amended, Kenneth Bruce Kohei Kozai, the minor son of Mrs. Misato Kozai, a native-born citizen of the United States, shall be deemed to be eligible for admission into the United States under the provisions of sections 4 (a) and (9) of the Immigration Act of 1924, as amended.

The bill was ordered to be read a third time, was read the third time, and

passed, and a motion to reconsider was laid on the table.

SUSPENSION OF DEPORTATION OF VARIOUS ALIENS

The Clerk called Senate Concurrent Resolution 102.

There being no objection, the Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation for more than 6 months:

A-7693367, Gibson, Ellen Pauline (nee Benson).

A-2689533, Burger, Hans Rudolf.

A-4592673, Kiladitis, Stamos Nicholas.

A-7544392, Lung, Wong Kam.

A-4532674, Poy, Tsz Fook.

A-7050910, Russos, Michael.

A-1717103, Stratis, Nicholas Costas.

A-2966189, Tsistinas, Panagiotis or Peter, or Peter Tsistinas.

A-2981686, Vavilis, George, or John Vavilis.

A-2531584, Arygridis, John, or Ioamnis Argyridis or John Argyide or John Argyrides or John Odeseas Argyridis.

A-4580270, Chitas, Petros Demetrios, or Petros Chitas or Pierre Chitas.

A-5331520, Chung, Leung.

A-7117512, Cotsimopoulos, George Theohary, or George Kotsimopoulos.

A-9767746, Daratos, Nicholas, or Nick Daratos.

A-3762786, De Pinto, Cosmo Damiano.

A-4809973, Giannatos, Panayis Michael, or Panayis Michael Jiannatos, Peter Giannatos, Peter Mihaile Gianatos, Panagis or Panagiotis Giannatos, Panagis M. Jianatos, or Peter V. Jonhaatos.

A-5127595, Jakominich, Sime.

A-5470702, McDonald, Edwin Wilson or "Mac."

A-2175881, Papapanagiotou, Georges Vaseilli.

A-4342795, Perivolaris, Sotirios Ioannis.

A-5667865, Rotondo Francesco.

A-3588422, Varrias, Christos George, or Hristos Varias.

A-4614803, Vaz Querido, Manuel.

A-4780996, Wolke, Robert Paul, or John Lange or Johannes Lange.

A-7632722, Hoffmann, Ernest Jack, or Ernest Jacques Hoffmann or Ernest Jakab Hoffmann.

A-9836887, Capparis, Ambrose Alexander.

The Senate concurrent resolution was agreed to.

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. JAVITS] is recognized for 10 minutes.

SECOND FRONT IN THE PEACE WAR

Mr. JAVITS. Mr. Speaker, the current emphasis on the mobilization effort to arm us and our allies is only one-half the peace "war" which we have to fight. The other half is the peace "war" on the economic front. I believe it is necessary to seek "peace by investment" and that this will require an expenditure to balance the approximately fifty to one hundred billion dollars additional expenditure now contemplated for increases in our Armed Forces. Accordingly, I am today introducing a resolution expressing it as the sense of the Congress that there should be established an International Development Corporation—or a World Development Authority—with a capital of $10,000,000,000 and a 50-year life, to finance investment in development programs to expand and improve productive facilities for free peoples in agriculture, industry, and communications particularly in underdeveloped countries, and to improve education, health, and public administration.

My resolution recommends that consideration be given to undertaking part of this investment program through the International Bank for Reconstruction and Development which should organize a subsidiary for the purpose of making grants or low interest, long-term loans to finance basic developments, either as a preliminary to loans to be made by the International Bank or as a basis for private investment. This appears to me to be the best plan for squaring the need for wise investment policy and administration with the effort to get away from strictly United States grants or loans on the basis of programs like the European recovery program which may meet resistance, especially in Asia. The International Bank has developed an organization of missions for the purpose of assessing the capability of countries to receive investment and for the purpose of following through on the expenditures involved which has shown marked success. My resolution calls also for cooperation with the United Nations and for direct investment on the pattern already established for the Economic Cooperation Administration by the European recovery program. The major virtue of action through the International Bank is that this is a business agency at the same time that it is an international agency affiliated with the United Nations and can better appraise without being subject to as many political pressures, the desirability of investment, the needed terms for grants to lay the basis for an investment program and the opportunities for repayment.

The limitation of capital available for an investment program through the International Bank is best shown by its fifth annual report just submitted. Out of an availability for loans of slightly over a billion dollars, the bank has already made 32 loans totaling $965,845,000. Other international investment is relatively small and mainly concentrated in the expansion of operations of existing American companies overseas.

I believe that all of us have been deeply concerned by events in Korea with the fundamental proposition that communism appears to arouse a kind of fanaticism giving men the will to fight and die though it is composed of spurious promises, intellectual slavery, and the extinguishment of all freedoms. Aside from police terror, which is coercion, one reason for its appeal would appear to be the fact that it at least promises reforms, which in areas of the world very urgently needing social and economic reforms, make a great stir. In Asia, questions of absentee landlordism and feudal systems of land tenure urgently need solution. The Communists offer a solution, spurious as it is, by collectivization of land and by forcible expropriation. This turns out to enslave the peasant and depreciates the yield but it does represent a change from the past. The same is true in respect of health, education, and social security. Cruelly and brutally does the Communist regime make changes in these fields, but it is some change and commends itself to depressed peoples in view of their present abysmally low standards.

We know that we can actually deliver vast improvements in agriculture, health, education, and social security. We know also that we can bring about greatly increased production of consumer goods which depressed peoples so ardently want. In other words, we know that as against spurious Communist promises, we can produce tangible and effective results, but the teeming millions in Asia do not know that until we bring the results to them. This is equally true of South and Central America, Africa, and the Near East where chronically depressed standards of living, unbelievably low rates of food production per capital, and low standards of health and education also make good breeding grounds for communism. In short, we must deal with the causes which create breeding grounds for communism. It is not enough to mount the Armed Forces to defeat Communist aggression. That is only half the battle. Vast amounts of invested money are required for this purpose of economic development. Most of it can be invested on a valid basis, though not at present a bankable basis because large investment is required to establish the basic conditions upon which credit standing can be based.

A recent example is the $18,500,000 loan of the International Bank to India for expansion of power facilities and mining. The loan prospectus makes clear that many times that amount of money is really needed but that projects are not yet available on a bankable basis.

I estimate the field for annual investment throughout the world under this program at about $5,000,000,000 per year beginning in 1951, divided as follows: $1,000,000,000 in the Far East; $500,000,000 in the Near East; $2,000,000,000 in western Europe; $500,000,000 in Africa; and $500,000,000 in South and Central America and in the Caribbean. Such an investment program may well have to continue for 50 years. I believe that we should be prepared to go through with it and in order to make it effective as the second front in the peace war, and that no strings about disarmament can be attached to it, such as have been attached to other plans. We have got to realize that this investment, if we want peace, is the essential corollary to mobilization expenditures. Of course, if we want a preventive war against the U. S. S. R. which I believe the American people are definitely against, then we need only to build up our Armed Forces but if we want peace, we must answer the Communists not alone with arms but with goods.

The American economic machine has been geared up to a vast output aggregating about $275,000,000,000 a year. Our economy is operating at top speed

and the added requirements for increased defense preparations will undoubtedly utilize our full productive power for a time, but this time is limited to a period of a few years. And though thereafter maintenance requirements for our defense preparations will be large, they will certainly not be great enough to occupy the great industrial machine we will have created to the full.

For example, even present estimates before the Congress show that the defense program currently will use annually only 4 percent of our total annual steel capacity or 4,000,000 tons, 7 percent of our copper supply, or 160,000 tons, and 14 percent of current aluminum production, or 100,000 tons. We are bound to face a day when this industrial machine will be capable of producing a huge surplus.

It will take from 1 to 3 years to suitably develop a program for foreign investment. We are just getting started on the so-called point 4 program under the Act for International Development provided for in Public Law 535 and investment opportunities will begin to open up very materially. Starting now with adequate capital to be able to meet these investment needs it would put us in a position to keep the American economy operating at a high level for 50 years to come.

The Jeremiahs will say, "What if a world war comes." Of course, if there is another world war an investment program such as I am proposing must be deferred and our whole economy geared to war needs, but what we want is to avoid a war and the opportunities for the world presented by such an investment program would be in my view as powerful a weapon for peace as the expansion of our Armed Forces and the development of the armed forces of the other cooperating UN powers. Though the program may take time to get under way much can be done now, and the assurance it holds out to the depressed peoples of the world is far more persuasive than fake Communist promises.

It is most significant that the program for rural reconstruction inaugurated in China as late as 1949 and following these lines of technical assistance and investment was hailed as the most constructive action taken by the United States in its relations with China incident to the civil war between the Nationalist and Communist forces. With the whole world in transition it is a time for great, not small, alternatives. My resolution seeks to balance our military efforts to preserve the peace. It seeks to present to the peoples of the world whom we wish to keep free the other half of a program typically American in concept. They know that our greatest genius is production. We offer to share the benefits of this genius with them on the basis of self-help and mutual cooperation and thereby give them a great goal to fight for so that they may realize and enjoy the well-being which comes from production.

I recognize that it is late in the session, but when Members go home they will find Americans deeply troubled about whether the only alternative we see in the present situation is another world war. My introduction of this resolution is intended to stimulate thought and discussion, so that we may be ready to launch our economic offensive to accompany our military preparedness in the Eighty-second Congress. The text of the resolution follows:

Concurrent resolution to provide a program for peace by investment to accompany the provision of Armed Forces for peace

Whereas the United States is engaged with other free peoples in a great struggle for democracy and the rights of the individual against communism and the master state; and

Whereas by virtue of its resources, its power, and its moral prestige, the United States is considered a leader of the free peoples in this struggle; and

Whereas the development of the industrial age has led whole peoples to believe that chronic poverty is no longer necessary and has made the economic well-being of peoples a crucial factor in determining whether they will follow democracy or communism; and

Whereas it is essential to the security of the free peoples that they shall have the incentive, the will to fight and the means to defend themselves against the aggression of the U. S. S. R., its satellite or puppet states and regimes, and against the infiltration of Communists; and

Whereas it is necessary that the United States should consider and develop its policies for the improvement of the standards of living of the free peoples and the economic development of underdeveloped areas in the interests of the peace and security of the United States; and

Whereas the European recovery program will come to an end with the fiscal year 1952 and certain fundamental economic problems due to the economic dislocation and the destruction of World War II affecting the most powerful free peoples organized in the Organization for European Economic Cooperation will continue thereafter; and

Whereas the problems of the free peoples of the Far East, the Near East, Africa, and the Americas require also for progress toward their solution, similar organizations for self-help and mutual cooperation; and

Whereas the Act for International Development (point 4) is excellent but inadequate to the resolution of the vast problems of economic development essential to victory in the struggle against communism; and

Whereas investment in productive resources is the most effective road to the improvement of standards of living, the reconstruction of war-torn economies, the development of underdeveloped areas and the economic development of the free peoples of the world; and

Whereas considering the magnitude of the problems involved, the United States should contemplate a total large-scale investment program with a life of 50 years; and

Whereas such an investment program should be effected through the cooperation of the Government and the private economy of the United States; and

Whereas such an investment program has the capabilities for modernizing and rebuilding the United States and stabilizing our prosperity for 50 years; and

Whereas our experience has shown that investments in productive facilities are sound and rarely involve serious capital loss: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress, in its determination to make its full contribution to peace and security for the people of the United States and the free peoples of the world, proposes that peace by investment become an integral part of our foreign policy.

SEC. 2. As a positive affirmation of our faith in the world's free peoples, and to carry on a peace offensive based on the principle of peace by investment, the Congress declares itself as favoring: (a) The establishment of an International Economic Development Corporation (or a World Development Authority), with a capital of $10,000,000,000 and a 50-year life, and powers adequate to finance investment in development programs directly designed to expand and improve productive facilities in the fields of agriculture, industry, and communications, to promote improvement in education, health, and public administration, and generally to raise standards of living and encourage the creative energies of the free peoples to develop prosperity and freedom for themselves, in accordance with the principles of a private economy. (b) Investment in whole or in part of its resources by the International Economic Development Corporation (or World Development Authority) in or through the International Bank for Reconstruction and Development, or its subsidiaries or affiliated organizations, for the purposes specified in (a) above and for the making of grants where required preliminary to or to lay the groundwork for development and investment programs. (c) The participation of other free peoples in financing such development and investment programs; and to cooperate with other United Nations agencies and organizations in connection therewith. (d) Action by the International Economic Development Corporation (or World Development Authority) to enlist in its efforts United States business, labor, and agriculture and with their cooperation and aid to make available for the benefit of the free peoples of the world our vast production and technical skills conscious of the fact that the art of peace can only be practiced through the arts of peace, and that commerce, industry, and trade for all free peoples on a foundation of freedom is the guaranty of the future that we seek to establish.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 20 minutes.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include statements, excerpts, and tables.)

COMMITTEE FOR CONSTITUTIONAL GOVERNMENT—MODERN LOBBYING

Mr. PATMAN. Mr. Speaker, I desire to call the attention of the Members to a copy of the hearings before the House Select Committee on Lobbying Activities. This report is headed "Lobbying, direct and indirect" part 5, Eighty-first Congress, second session, Committee for Constitutional Government, June 27, 28, 29, and August 25, 1950. It contains 486 pages and it reveals the methods and policies used by the biggest lobby organization on earth to mislead and deceive the American people while at the same time enriching themselves. If all of the officials of this organization received as much money as Edward A.

Rumely, the executive secretary, has received in recent years, all of them are very rich men. Take, for instance, on page 444 of this report it discloses how a radio program was conducted. The name of it was "Americans, Speak Up." In June 1949 it was started. On page 445 it gives the program numbers and the names of the people who put on the program. I venture to say that the people who listened to this broadcast did not even supect that it was carried on by the most vicious lobby on the face of the earth, headed by a man that you would not think of being used as a teacher in the public schools. Suppose a man like E. A. Rumely should apply for a position as superintendent.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. Since the gentleman spoke up, it reminds me that he had in his statement last night that Mr. Pettengill, to whom I referred, was a Democrat. I will admit that he was in Congress as a Democrat one time, but he changed his politics and became chairman of the Republican Finance Committee. I am sure it was 1936. He has not been a Democrat since that time. In fact, I do not think we will claim men who have done as he has done as members of our Democratic Party. He became a turncoat. He left our party completely and went over to the Republican Party, and has been there ever since.

Mr. HOFFMAN of Michigan, Mr. Speaker, will the gentleman yield there?

Mr. PATMAN. I yield.

Mr. HOFFMAN of Michigan. The gentleman will admit, will he not, that at least as long as the gentleman from Indiana, Mr. Pettengill, who was a Democrat, elected as a Democrat, and who served as a Democrat, was in the House, he did have the respect and confidence of the Members of the House regardless of party?

Mr. PATMAN. He was a very reactionary person as a Democrat.

Mr. HOFFMAN of Michigan. He was a good citizen, though. As usual the gentleman evades a direct answer. Mr. Pettengill served four terms, or 8 years, when he refused to be a candidate in 1939.

Mr. PATMAN. I do not see how you could reconcile his reactionary views with the platform of the Democratic Party. I always wondered about that. Finally he showed his real colors by quitting the Democratic Party and going over to the Republican Party.

Mr. HOFFMAN of Michigan. The gentleman did not consider that an act of repentance and reformation?

Mr. PATMAN. Of course, I cannot interpret his intentions or motives. That is beyond my ability.

In further reference to this book on the lobbying activities of the Committee for Constitutional Government, if you will go through this book you will find some of the most artful ways of deceiving the people that have ever been discovered. This book is very revealing.

For instance, this man Rumely contacts people by trades and professions. In that way he can appeal to them and never cause the others to be opposed to what he is saying. He writes letters to the presidents of railroad companies and makes a particular appeal just to them. Then he writes a letter to just the lawyers. He makes a particular appeal just to the lawyers. Then he writes a letter to the doctors. These letters are calculated to and do cause these people to think less of their Government all the time.

During World War I, as I showed yesterday, this man was operating a newspaper owned by the German Government, a big daily newspaper in New York City. He was hired by the German Government, paid by the German Government, carrying on a newspaper in favor of the German point of view, admittedly for the purpose of slanting news in favor of Germany and against the Allies.

I started to say a while ago when the gentleman from Michigan [Mr. HOFFMAN] interrupted me that if you were on the board of school trustees and a man by the name of E. A. Rumely should place his application before you for the place of superintendent of schools, you would not consider him for a minute.

MASS-THOUGHT CONTROL

If you were a member of a church and he was being considered for a prominent position, or as the pastor in that church, you would not consider him for a minute, because you do not want a man like that, a man who has tried to control thoughts in America in his direction. Why would you not consider him for a minute as your superintendent of schools or as the pastor of your church? For this obvious reason, that he has been in a business which is not according to the American way of life. It is an attempt at mass-thought control. That is the business Rumely has been in ever since he left Germany. He has been engaged in mass-thought control. I guess he is the only man who ever attempted it on such a large scale. Therefore, you would not consider a man who for 14½ months while our country was at war during World War I, and when our boys were dying upon the field of battle, was deceitfully operating a big newspaper here in the United States which was owned by an enemy of the United States, an enemy with whom we were at war. You would not consider a man like that at all, neither for pastor of your church nor as superintendent of your schools. Therefore, why should we pay any attention to the literature that he gets out and floods into the homes and churches and schools of America? He is not the right man to have charge of any effort at thought control in the United States of America, a democracy. I know a great many people say we have a republican form of government and that it is not a democracy. William Tyler Page, who was the author of the American's Creed, a statement of exactly 100 words, received for writing it a prize of $10,000. That statement of the American's Creed was endorsed and approved by the House of Representatives.

A DEMOCRACY IN A REPUBLIC

The American's Creed, by that great man, William Tyler Page—and he was a great man—contains the phrase, "A democracy in a republic." And that is exactly what we have in this country—a democracy in a republic. I hope everyone who can and will, will inform themselves of the people who are really running and operating and supporting financially this most vicious lobby ever organized on the face of the earth. If people knew what was behind it they would pay no attention to that literature. But you will not see much in the press about this matter at all. If you notice, very little is ever carried on the other side. There are probably some good reasons for that. The only way we have to get out the other side of the story is through the CONGRESSIONAL RECORD and through reprints of statements made on the floor of the House, and things like that.

RUMELY ET AL. *v.* UNITED STATES

If you want to study this Rumely case, I invite your attention to the decision of the Circuit Court of Appeals of the Second Circuit of July 22, 1923, in the case of *Rumely, et al.* v. *The United States* (293 Fed. Rept. 532). It is about 30 pages long. In this opinion of the circuit court of appeals, you will find the Rumely case thoroughly discussed. You will find the charges which were entered against him by the grand jury of New York, and you will find the decision of the court after the jury had found him guilty. You will find the charges he has been found guilty of. There is a long discussion of the actual facts of the case. It was shown conclusively and the jury so found that E. A. Rumely had by some hook or crook received over a million dollars in cash from the Imperial German Government and paid that money for the New York Evening Mail.

It was done in a way to make it appear that American citizens owned that paper, when American citizens did not own one penny of stock in the newspaper. It was owned by the Imperial German Government and operated by E. A. Rumely in time of World War I, obviously and admittedly for the purpose of slanting the news for Germany and against the allies in that war.

In the first place, why should people like that be allowed to operate at all? But in our country, we believe in liberties and rights, and we will tolerate many things that they do not tolerate in other countries. How long would Rumely last in a country like Russia or in any country in charge of a dictator? He would not last 1 minute. But in this country we submit to things like that because we do not want to be in the position of denying anyone any civil rights, any freedom, or any liberty.

The question is: Why should we let him operate at all? But we are not trying to stop him and his vicious group that is around him. We are just trying to see who is behind what he is trying

to tell the people in his attempt at this mass thought control that he is carrying on. He got by one time by not disclosing to the people who was behind the New York Evening Mail during World War I. He got by with that. Finally, when he was sentenced and convicted and after he was in the penitentiary 30 days, he was pardoned. That is, his civil rights were restored, but that does not remove his guilt at all. It simply restores his civil rights. But if we are going to have mass thought control in this country, we should not have it operated by a man like E. A. Rumely.

I respectfully submit that if you will read this circuit court opinion, Two Hundred and Ninety-third Federal Reporter, pages 532–560, which you will find in any up-to-date library, or in most any lawyer's office throughout the land, it is a quick and ready reference to the facts in this case. I commend it to you for reading.

If you want to go further into it and learn more about it, I suggest that you get the Assignments of Error, 4 large books, about 8 inches high 2,139 pages and 249 assignments of error. These books have some revealing information in them too. Get a copy of the testimony and the exhibits, but I warn you now, you will have to go through a truckload of papers, because this case lasted 30 full court days. During that time they used 166 witnesses and 670 exhibits and therefore in record is voluminous. But I insist, if you study this record and you study the history of this man, you will come to but one conclusion, and that is that he was guilty of treason during World War I; guilty of treason. No one can study that record and not come to that conclusion, because that is the inescapable conclusion.

MODERN, STREAMLINED, HIGH-PRESSURE, AND WELL-FINANCED LOBBY

Every school and college in America should have a supply of the copies of the hearings on Lobbying—Direct and Indirect, before the House Select Committee on Lobbying Activities. This book is part 5 of the hearings before that committee and it concerns the Committee for Constitutional Government, which is the most scientific and expertly managed and directed lobby in the United States.

This book discloses how such a modern, up-to-date lobby works by sworn testimony and copies of correspondence.

It would be well for every Congressman's constituents to be acquainted with the methods used; first, to try to deceive and mislead the people, and, secondly, to try to get the deceived people to mislead their Congressmen. In addition, every school and college should have a copy of the citation for contempt against Edward A. Rumely, the super-super international lobbyist, now confining his activities to trying to cause a depression in America so that a Fascist dictatorship can take control.

Any person who desires a copy of this book of hearings should write either to his Representative in the House, or to one of his United States Senators. I am sure the Committee on Lobbying Activities would very quickly supply the copies necessary to fill such requests.

CLAIMED JURORS MISUNDERSTOOD

The gentleman from Michigan on yesterday placed in the CONGRESSIONAL RECORD, and it appears on pags 15065, a statement of what he considers the facts in the Rumely case. In this statement, the following paragraph appears:

He was tried, together with two attorneys, law partners, of the well-known jurist Arthur Garfield Hays, for allegedly making a false report under the Trading With the Enemy Act in World War I. All three were convicted by jurors, five of whom later admitted that "it was our disposition to give to the Government [not to the accused] the benefiit of whatever doubt existed."

It will be noted that the jurors were contacted very soon after the trial and some of them said that they thought the Government should be given the benefit of the doubt. The court's charge was very plain and clear on this point. It was as follows:

Now, this is a criminal case. The defendants are charged with a criminal offense, and, under our system, they are presumed to be innocent, even after indicted, until the evidence has been introduced, and they are entitled to that presumption of innocence until the jury shall have been convinced beyond a reasonable doubt of their guilt from it—and that is true of each of these defendants—they are presumed to be innocent until proven beyond a reasonable doubt to be guilty.

* * * * *

It is true also that you must be satisfied beyond a reasonable doubt as to each of the elements necessary to constitute the offense of conspiracy. That is, you must be satisfied beyond a reasonable doubt, first, that the money that was used to buy the Evening Mail or to finance it, was money of the Imperial German Government; next, you must be satisfied beyond a reasonable doubt that the defendants knew of it at or before the time that they made the report on December 4, 1917; and, lastly, that knowing of it, they acted in concert to suppress the true character of the transaction from the Alien Property Custodian, that is, that at least two of the defendants so acted.

Another part of the charge is very interesting. It is as follows:

Now, if you are satisfied beyond a reasonable doubt that under counts 4 and 5 there was a loan or an indebtedness outstanding at the time, either on February 3, 1917, or October 6, 1917, or at any time up to the time the report was made, in any substantial amount, and that that indebtedness was due from Dr. Rumely to the Imperial German Government, and not to Herman Sielcken; and if you are satisfied beyond a reasonable doubt that the defendants or two of them know that to be the fact—knew that the indebtedness was due to the Imperial German Government and not to Herman Sielcken, at the time they made the report on December 4, 1917, and that they concertedly made a report to the contrary, knowing it to be untrue, then they should be convicted, if you believe that beyond a reasonable doubt, under counts 4 and 5 of the indictment.

There could be, however, no conviction under counts 4 and 5 of the indictment if you believe that the form of the transaction was not a loan, but a straight sale, because then the conviction if there be one should be under counts 1, 2, and 3. But if you adopt the form of the transaction as shown by the papers, to have been the actual transaction, and if you are satisfied beyond a reasonable doubt, as I say, that the money that was loaned Dr. Rumely either at the outset or thereafter, through the financing of the Evening Mail, was money of the Imperial German Government, and that there was a substantial indebtedness of that kind existing under the fourth count, either on the 3d of February 1917—one of the periods when a report was required to be made as to or at the time when the report was in fact made, December 4, 1917, or under the fifth count of the indictment, that there was a substantial indebtedness of that kind existing on October 6, 1917, which is the date charged in that count, due to the Imperial German Government from Dr. Rumely, and that the defendants, or two of them, knew of the character of that indebtedness and failed, concertedly and consciously to report it, then their guilt, as I say, would lie under the fourth and fifth counts of the indictment.

If you have a reasonable doubt as to any of those facts, then they would not be guilty at all, of course.

It will be noticed in the report of the case that Rumely was convicted under counts 4 and 5.

In the transcript of the record, the following appears:

Now, these are requested by Dr. Rumely's counsel, and I give them as part of the law in the case.

Mr. BALDWIN. Your Honor has charged most of them.

The COURT. I guess I had better read them all. I cannot separate them, unless you can [reading]:

"First. A defendant is presumed to be innocent until his guilt is established by competent legal evidence beyond a reasonable doubt. This presumption of innocence accompanies a defendant throughout every stage of the trial and the burden of proving guilt rests upon the Government and never shifts to the defendant.

"Second. Unless the jury finds that every fact essential to the crime charged in the indictment against the defendant Edward A. Rumely has been established beyond a reasonable doubt, it must acquit him.

"Third. To convict the defendant Rumely, the evidence must be such as to leave in the minds of the jury no reasonable explanation which is consistent with the innocence of the defendant Rumely as to the crime charged in the indictment. In other words, the facts proved must not only be consistent with, and point to, his guilt, but they must be inconsistent with his innocence. If the evidence can be reasonably reconciled, either with the theory of innocence or guilt, the law requires that you give the accused the benefit of the doubt and adopt the theory of innocence.

"Fourth. In considering the effect of any evidence introduced at the trial, you must follow the instructions of the court as to the purpose for which that evidence was admitted, and in case the court has limited its effect to only one or two of the defendants, you must consider it as only against him or them.

"Fifth. These instructions of the courts are given you only for your guidance"——

Mr. BALDWIN. Your Honor has charged that unquestionably. I withdraw it.

The COURT. All right.

In other words, the above discloses that one of the counsel for Rumely, Mr. Baldwin, was perfectly satisfied with the charge of the court concerning reasonable doubt and the guilt or innocence of the accused.

SYMPATHY

Rumely had tremendous support from German sympathizers and others in this country. It is, therefore, conceivable that there was terrific pressure brought to bear on every juror in the case after conviction to get statements favorable to Rumely. Influence was also exerted on public officials concerned.

In addition, one of the defendants in the case, who was convicted with Rumely, was a blind attorney by the name of Kaufmann. Considering the fact he was compelled to withdraw from Harvard College by reason of illness and as a result of his illness he lost his eyesight, and also considering the fact that notwithstanding the loss of his sight after the restoration of his health, he entered Columbia Law School from which he was graduated and thereafter took the bar examination and allowed to practice there would certainly exist in the minds of the jurors and the trial judge such a deserving person. Naturally, there would be a lot of sympathy for an attorney like that who was a defendant in the case, and in this case he having been convicted along with Rumely caused Rumely to receive any benefit that the blind attorney received. The jury in the case, the court said, was properly charged as follows:

If you believe a defendant is guilty, in spite of his previous good character, he should be convicted; but if you believe, after considering all the testimony, that there is a reasonable doubt of his guilt, by reason of his good character, then it would be proper to acquit him because of his good character.

So, it cannot be said that the jury was not properly charged in every way. There was no evidence that the defendants did not receive a fair and impartial trial according to the law and evidence.

LONGER BANKING HOURS

Mr. Speaker, a few days ago, I commented upon the policy of some of our larger banks staying open for business such a short length of time during the day. This statement attracted the attention of Mr. H. J. Stoddard, of Lansing, Mich., president of the Michigan National Bank, who wrote me as follows:

MICHIGAN NATIONAL BANK,
Lansing, Mich., September 16, 1950.

Hon. WRIGHT PATMAN,
House Banking Committee,
Washington, D. C.

DEAR MR. PATMAN: I was delighted to see your recent statement in which you said, "I deplore the practice of so many banks in adopting shorter hours."

About 3 years ago, our own bank reached the conclusion that it was a very serious injustice to have our doors closed at a time when the majority of the people could most conveniently transact their banking business. After some preparation, we shifted over to a full 6-day banking week, with hours from 9:30 a. m. to 4:30 p. m. The public acceptance of this additional service has exceeded our fondest expectations, and it has imposed no hardship on members of our staff.

The primary duty of a bank is, of course, to serve the public, as we deal wholly with their property. Unfortunately our business seems to have developed some traditions which militate against adoption of a program to meet modern needs and conditions.

Cordially yours,
H. J. STODDARD, *President.*

I am also inserting herewith an advertisement by this bank concerning banking hours. It is self-explanatory:

MICHIGAN NATIONAL BANK

Banking hours: 9:30 a. m. to 4:30 p. m. every weekday. Saturday, 9 a. m. to 4:30 p. m.

These doors are open 42½ hours a week for your banking convenience.

No more rushing to the bank at inconvenient hours.

Banking hours for our customers have been increased from 27½ to 42½ hours per week—equivalent to two full banking days for your added convenience.

The longer hours are possible because of a complete modernization of bank methods and equipment. Our staff, however, is on a 40-hour, 5-day workweek.

Come in—enjoy the longer hours. Yes, come in any time to Michigan National Bank.

Michigan National Bank, Battle Creek, Flint, Grand Rapids, Lansing, Marshall, Port Huron, Saginaw. Assets over $175,000,000. Member Federal Deposit Insurance Corporation. Complete bank and trust service.

SENATOR LYNDON B. JOHNSON OF TEXAS

We are all proud of the fine job that our distinguished junior Senator, Hon. LYNDON B. JOHNSON, is doing as chairman of the Senate War Investigating Committee. Labor, a national weekly newspaper published by the four brotherhoods here in Washington, in its Saturday, September 16, 1950, edition carried the following interesting article:

JOHNSON HAS CHANCE TO WIN FAME AS DEFENSE "WATCHDOG"—TEXAS SENATOR IS KEEPING FEET ON GROUND—HARDY HAS SIMILAR JOB IN HOUSE

In Both Senate and House, new "watchdog" committees have been given the job of seeing that Uncle Sam gets his money's worth for his billions of defense dollars.

Historians writing of the life of Harry Truman are likely to agree that his efforts as chairman of the Senate War Investigating Committee in the Second World War had more to do with his winning the nomination for Vice President, which put him in the White House, than any other factor.

With defense spending again being stepped up, a young Senator from Texas has embarked on a similar effort. Senator LYNDON B. JOHNSON, Democrat, of Texas, is still in his early forties. He came to the Senate 2 years ago, following a primary fight which he won by something less than the skin of his teeth. The Big Four Transportation Brotherhoods undoubtedly gave him that razor-edge lead.

As chairman of the Preparedness Subcommittee of the Senate Armed Services Committee, JOHNSON is setting out on a task which may win for him national prominence as it did for Truman.

KEEPING FEET ON GROUND

Up to date, he has indicated that he is keeping his feet on the ground. He has refused to hire a 10-story building or to put on a staff of 40 "executive assistants." Instead he seems bent on operating with a small appropriation and a small staff.

He has recognized the "importance of simplicity," as former Justice Brandeis put it.

JOHNSON has borrowed Donald C. Cook, Vice Chairman of the Securities and Exchange Commission, as chief counsel and has announced he will borrow expert help from other agencies as he finds need for them.

His investigation will be no witch hunt, he has promised, and its chief function will not be to provide or to seek newspaper headlines.

PLENTY OF OPPORTUNITY

If he sticks to that, there is a good chance that his efforts will be of real service to Uncle Sam. President Truman has said defense spending will be stepped up to $30,000,000,000 a year, so there will be plenty of opportunity for an alert "watchdog."

But the "experts" will be trotting up to his office by the hundreds. And so will the "public relations advisers" and all the others, ready to tell JOHNSON how to run his investigation, or just how to get his name in the papers. He will need a cool head to fight them off.

The first report of the subcommittee was a stinging attack on the "siesta psychology" of certain of the "brass hats" in the Pentagon building.

SILLY POLICY OF MILITARISTS

It said the Defense Department has continued its sales at bargain rates of material left over from the last war, while buying similar items at market prices for the new defense effort.

The Munitions Board also came in for sharp criticism for its failure to step up the stockpiling of rubber.

JOHNSON called the attention of the Senate to the way rising prices are boosting the cost of Uncle Sam's defense effort. Commodities used by the Armed Forces have gone up 50 percent or more since last April, led by rubber with a rise of 161 percent. Fuel oil costs 30 percent more and some electrical devices used in aircraft are up 175 percent, JOHNSON reported.

The committee announced plans for several other projects, including a study of the rise in the price of cartel-controlled natural rubber and surveys of steel production needs, Alaskan defenses, ordnance production, and manpower.

JOHNSON is on the right road. "Will he keep going?" Washington, always inclined to be cynical, is asking.

HARDY HEADS HOUSE PROBE

Congressman PORTER HARDY, Jr., Democrat, of Virginia, as chairman of subcommittee of the House Expenditures Committee, is working along much the same lines as Senator JOHNSON.

Judging from the way the same Hardy subcommittee uncovered waste and shenanigans in the operations of the Maritime Commission, it is expected to do a good job in seeing that Uncle Sam gets his defense money's worth.

As labor reported at the time, HARDY'S group had much to do with the abolishment of the old Maritime Commission and its replacement by a Maritime Board in the Commerce Department.

The SPEAKER. The time of the gentleman from Texas [Mr. PATMAN] has expired.

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

THE PERSECUTION OF EDWARD A. RUMELY

Mr. HOFFMAN of Michigan. Mr. Speaker, this is at least the fourth time within the last few days that the gentleman from Texas [Mr. PATMAN] has made these now familiar charges against Mr. Rumely. Again, as on previous occasions, I call to his attention and to the

attention of the Members of the House a statement of the law to the effect that a pardon in this case was granted because the man was innocent should in the mind of any fair man, prevent a repetition of the statement made by the gentleman from Texas [Mr. PATMAN]. But first, I again repeat, as I did yesterday, and you will find the remarks in the RECORD—that after this conviction to which the gentleman has referred, the President of the United States, Mr. Coolidge, after consideration and after a report by the Attorney General, granted a full pardon to Mr. Rumely.

Let me read this from 39 American Jurisprudence, page 550, and there are many other authorities, including some from the United States Supreme Court, to the same effect:

In the case of a full pardon, it relieves the punishment and blots out of existence the guilt of the offender to such an extent that in the eye of the law he is innocent as if he had never committed the offense. So completely is an offense considered to be obliterated by a pardon that it has been held that pardon of treason or felony, even after conviction, will enable a man to have an action of slander for calling him a traitor or felon.

And this paragraph from the Supreme Court of the United States:

A pardon is an act of grace by which an offender is released from the consequences of his offense, so far as such release is practicable and within control of the pardoning power, or of officers under its direction. It releases the offender from all disabilities imposed by the offense, and restores to him all his civil rights. In contemplation of law, it so far blots out the offense, that afterward it cannot be imputed to him to prevent the assertion of his legal rights. It gives to him a new credit and capacity, and rehabilitates him to that extent in his former position (*Knote* v. *United States* (95 U. S. 149, 153)); *Illinois Central Railroad* v. *Bosworth* (133 U. S. 92).

There are other decisions to the same effect.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. PATMAN. Suppose in this case that he was charged with a minor offense and was pardoned for that, but in the testimony and the record that was made in the case in which he was convicted in the minor offense it disclosed clearly that he was guilty of a major offense, to wit, treason; would the gentleman say that the pardon for the minor offense would exonerate him of the major offense?

Mr. HOFFMAN of Michigan. Oh, of course not; I would not say that a pardon for assault and battery, if I may make such an application, would excuse a man for the commission of robbery or murder; of course not.

What the gentleman's argument amounts to and all that it amounts to is that the Department of Justice, the FBI, and the law enforcement officers of the United States of America during that period were criminally negligent in that they did not prosecute a man whom the gentleman from Texas [Mr. PATMAN] now says and has repeatedly said was guilty of treason.

I do not want to be personal about this matter, but I suggest to the gentleman that if he is sincere in his convictions, if he thinks he is carrying on a holy crusade against this man whom he has referred to here so often as an exconvict, I suggest to the gentleman from Texas that he go up in the judicial district where Mr. Rumely lives and make that charge openly and publicly where Mr. Rumely may get a chance to take the gentleman from Texas into court and have the truth or falsity of this charge established. This matter the gentleman has discussed time and time again, but he does not take it to a forum where Mr. Rumely can be heard where the truth or the falsity of his charge can be determined.

Mr. PATMAN. Now will the gentleman yield?

Mr. HOFFMAN of Michigan. In just a minute. The gentleman repeatedly makes this charge, and his remarks are almost always quoted in the political organ of the CIO which, if you recall as I recall, and as other Members of the House recall for years harbored Communists in official places, who had as their attorney a known Communist—we know now he was a Communist by his own admission, Lee Pressman. Pick up any issue you wish of the CIO or even of the A. F. of L. political publications and you will find quoted the remarks, made time after time on the floor by the gentleman from Texas [Mr. PATMAN] who is furnishing ammunition—ammunition not for the Democratic Party, but for the political organizations which have almost competely taken over the party organization of the Democratic Party. Before the gentleman acts as the evidence foundry—the production line of a smear campaign—let the CIO clear its own house of Communists and their sympathizers.

Mr. PATMAN. Mr. Speaker, will the gentleman now yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. PATMAN. The gentleman brings up the point that the FBI and others were negligent because they did not charge Rumely with treason.

Mr. HOFFMAN of Michigan. If the gentleman's statement that Mr. Rumely was guilty of treason is true, that is right.

Mr. PATMAN. Looking at it from the most charitable view from their standpoint, I assume that they did not know the good case for treason that they had until after it went through the Supreme Court of the United States. And remember this, that was no New Deal court; that was a court appointed during Republican administrations.

Mr. HOFFMAN of Michigan. That was a court passing on the record as made. Now, instead of accusing them of negligence, the gentleman from Texas is accusing the FBI and the Department of Justice of ignorance.

Mr. PATMAN. No; I am not doing that.

Mr. HOFFMAN of Michigan. Then what was it?

Mr. PATMAN. They just did not have the information probably at the time.

Mr. HOFFMAN of Michigan. All right, then; if they were not negligent, if they were ignorant, they were just lazy. Their lack of information was due to a lack of diligence. The trial record, the court record were public records. The known facts evidently were not as the gentleman would like us to believe. Apparently they were not sufficient to justify any such charge as the gentleman now makes. I do not care which charge you care to make. There is something smelly somewhere, and I rather suspect it is not in this particular organization or in the home of the gentleman to whom the gentleman from Texas so often refers. I smell a smear campaign being now brewed by the staff of the House Committee on Lobbying for whom the gentleman from Texas seems to be the spokesman.

Now, you can make all the campaign material you wish and the CIO and its political organizations can print it as they have been doing as I assume they will, but I doubt very much whether you are going to get it into the minds of the people, come election day.

The gentleman from Texas [Mr. PATMAN] referred to the Committee for Constitutional Government as the greatest propaganda organization in the country. He deliberately ignores the well-known fact that the present administration—yes; and several of its bureaus—have been spending far more money, and spending it illegally, for propaganda, than has the Committee for Constitutional Government and all known propaganda organizations operating in this country.

Brannan, Ewing, and dozens of others in the executive departments have been traveling about the country at Federal expense, using material collected through the expenditure of taxpayers' dollars. They have been doing it openly and brazenly for the purpose of promulgating their own ideas, reelecting to office candidates who will favor the policies they advocate.

Even the President had the nerve to make a political trip across the Nation at public expense and to call it "nonpolitical." It is doubtful whether anyone for one moment believed that that journey at the taxpayers' expense was other than political.

It takes monumental gall for anyone connected with the present administration to, from the well of this House, complain about a private organization misusing propaganda.

It seems I recall when a committee controlled by the majority party—the Democratic Party—reported the misuse of Federal funds for political purposes in the State of Texas. Another committee, if I am not mistaken, reported the misuse in the State of Kentucky of the taxpayers' dollars for political purposes in that State.

But there is an election on and the gentleman from Texas [Mr. PATMAN] is again off on one of his so-called crusades. This time he seems to be making medicine for the CIO's Political Action Committee.

I would suggest that he look over that organization rather carefully and learn whether all of the Communists who have held responsible positions in it have been purged before he comes to the floor and attempts to tell others the way to avoid sin.

Now, we know that the President has always been against the Taft-Hartley Act, as is his right. He tried to prevent its passage. He vetoed it. Congress would not stand for that and passed it over his veto.

We know, after a conference between the heads of the A. F. of L., the CIO, and the President, along comes this request for the resignation of Mr. Denham. We know that under the law the President cannot remove Mr. Denham, because the Congress expressly wrote the law so that his removal was not subject to the will of the President as other officers are removable; nevertheless Mr. Denham upon request resigned. Let the gentleman from Texas [Mr. PATMAN] tell us whether it is proper for Mr. Truman to scuttle the Taft-Hartley law by removing Mr. Denham, appointing a stool pigeon of the CIO or A. F. of L.

So what happens? We have these two labor organizations, and so far as I know no Member of the House would deny labor the right to organize and bargain collectively, but some of us do object to those organizations posing as labor organizations while carrying on strictly political activities, using the President of the United States as their tool to thwart the will of the people as written into the Taft-Hartley Act. So after this conference we find that the President of the United States apparently is under the thumb of the heads of those two labor organizations.

I say to the gentleman from Texas by way of kindly warning, although perhaps by his talks he has protected and insured his own future, perhaps my advice and warning should be directed to other members of the party, perhaps you will find in the Nation as the Democratic Party has found in Michigan that the labor organizations have taken over your party machinery and when firmly fixed and set in the seats of power, it will not be the Democrats of the South who are nominated and elected to the Congress. It will be members of the labor organizations.

You may find in the national picture as we found in Michigan where Gus Scholle, president of the CIO, says, "Do not vote for any Republican, no matter how able, how sincere, how honest, how patriotic. If he is a Republican, remember, union members, it is thumbs down." You may find that if you hold office it will be by consent of the union bosses. Just as Mr. Truman had to clear through Sidney Hillman, you may have to clear through the head of the local union in your district.

Shortly, when those union gentlemen get the power, you Democrats of the South are going to find it is thumbs down on you and the labor organizations will have their own candidates for the offices which some of you now hold.

I hope from the bottom of my heart when that day comes the CIO will have purged itself as it has in part attempted to do, as in some instances it has done, of all those Communists who over the years, since the sit-down strikes in Michigan beginning on the 1st day of January, 1937, have dominated and controlled some of those unions.

Yes, I repeat, do not forget that Lee Pressman was general counsel of the CIO over the years. He was working hand in glove as we now know with another Communist in the National Labor Relations Board, Nathan Witt. Oh, what a wonderful little dovetailing organization. All working, not for the union or the Government which paid them, but for the Communists to whom they now admit they owed allegiance.

There are men in Congress on the Democratic side of the House like the gentleman from Indiana [Mr. JACOBS] attorney for the unions, who have made an effort to get rid of those Communists and to get rid of the racketeers and the crooks who controlled the union organizations. What happened to the gentleman from Indiana and his subcommittee when he tried to expose some of the racketeers? Well, his committee was taken away from him and he was advised that he no longer had a committee, at least the power of subpena was withdrawn.

The SPEAKER. The time of the gentleman from Michigan has expired.

SPECIAL ORDER GRANTED

Mr. HOFFMAN of Michigan asked and was given permission to address the House on tomorrow, Thursday, and Friday for 15 minutes, following the legislative program and any special orders heretofore granted.

GOOD NEIGHBORS DO NOT CHEAT EACH OTHER

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, to defeat communism abroad we must remove the economic causes that have fostered it.

The end of the eighty-first session of Congress is at hand. Its end is marked by an ever-increasing tempo of confusion and uncertainty in the United States and the rest of the world.

The situation of armed conflict in Korea and war clouds in other areas should indicate to the average citizen that our foreign economic policies have failed to provide the proper foundation for economic recovery and world peace. The billions of dollars which we have given out as doles to other nations have gained little in the way of friendship and economic stability.

Therefore the question, "Wherein have we failed?" is in order. In my opinion our foreign economic policy has been in reverse gear. We have permitted the continuation of a system of international trade, which is centuries old, to exploit the weaker nations, thus perpetuating poverty and a lack of economic progress to serve as a stepping stone for socialism and communism.

Karl Marx in a speech at Brussels, Belgium, on January 9, 1848, on free trade closed it with these words:

> But, generally speaking, the protective system in these days is conservative, while the free-trade system works destructively. * * * In a word, the free-trade system hastens the social revolution. In this revolutionary sense alone, gentlemen, I am in favor of free trade.

The present world situation proves the accuracy of Karl Marx's conclusion and in my opinion our foreign economic policy with its free-trade concept has aided communism.

Under the concepts of "free trade," society buys raw materials at the lowest possible level. This has the effect of destroying both the income from new wealth for economic expansion and the income which serves as a market for goods. The American policy has been one of protection, thus protecting the price of production and the income needed for economic progress.

At the present time the United States, with about 6 percent of the world's population, produces 25 percent of the goods and generates 45 percent of the dollar income of the world. Because of this 45 percent of the world's income which we enjoy, the United States consumes about 50 percent of all the mineral raw materials produced in the world. We produce about 50 percent of the steel and consume about 50 percent of the lead, copper, zinc, rubber, wool, coffee, and so forth, that the world produces. Some of the items, such as coffee, tin, sisal, hemp, jute, silk, and spices, we purchase entirely from other nations, and smaller amounts of other materials.

Stated in another way, we have become the economic cornerstone of the world and the United States must lead the world into a new era, not through a policy of "free trade" and exploitation, but with a program which will adjust foreign exchange and price levels to a par with the United States. The reason for this is quite obvious. The rest of the world cannot enjoy prosperity unless it is based on a prosperous United States. In turn, the United States cannot be properous on a price level which is determined by the slave labor in Russia and the impoverished world in the Far East which for centuries has suffered from exploitation under a system of colonial imperialism.

During the past few years I have followed with interest the efforts of Senator GEORGE W. MALONE, of Nevada, to revise our tariff system on a basis of equity of exchange. Under his proposal our price structure would be protected by a flexible tariff which would decrease in proportion to any adjustment upward of the price of imported products.

For example, if some product which we need is at parity with the American price level, the tariff would automatically be reduced to zero. Under such a system we could protect the prosperity of the

United States and assure stability for 45 percent of the world's markets. As the price of imports are adjusted to our price level it will increase the dollar exchange of other nations and at the same time make it possible for them to earn their own capital in a self-respecting manner instead of depending on the United States for doles.

To illustrate this point, I would like to call attention to our foreign trade in July 1950. The increase in the price of imports during the last 3 months has practically balanced our foreign-trade.

There is nothing mysterious in the improvement of our foreign-trade account. An increased price for coffee, tin, copper, cocoa, and many other items has given other nations the dollar exchange to pay for their imports from us.

In the last 10 years we have been practicing a domestic policy of parity prices for agricultural products. Our own economy reveals the interesting fact that each $1 of gross farm production generates $7 of national income.

It further reveals that a drop in national income follows the drop in gross farm income in the ratio of 7 times the loss in farm income. Unemployment ratios to the loss in farm income. In other words, if we wish to maintain a prosperous domestic economy we must provide an economic program which will pay an average of 100 percent of parity to agriculture which produces 70 percent of our raw materials or new wealth.

Recently this concept has been accepted by most of the automobile industries and incorporated in their wage contracts. Their labor is to receive an hourly wage in ratio to the cost-of-living index with an annual raise as compensation for expected efficiency of per man production.

Neither parity for agriculture nor the wage contracts in the auto industry can operate successfully under our present concept of foreign trade and a further reduction in tariffs. They can, however, operate successfully if we apply the parity concept or equity of exchange in our foreign economic policies.

The importance of a sound foreign economic policy of equity cannot be overstressed. Realism should force the conclusion that the Western Hemisphere is our first line of defense in the battle against the communistic ideology. Our first step in a sound foreign economic policy should be to notify the nations in the Western Hemisphere that we are going to stabilize our price level, which will permit the payment of present wage schedules and other cost factors. With this as a foundation, we should make such changes in our foreign economic policy as may be necessary to permit the payment of comparable prices for all the imports we may require from the Western Hemisphere to implement our own economy.

During the past 5 years the price level of our imports has averaged about 30 percent less than the price level of our exports. Our underpayment for our imports has approximated about $2,000,000,000 per year.

Had we paid a comparable price for our imports other nations would have had the dollar exchange to pay for our exports. In addition, a comparable price for our imports would automatically stabilize the currencies of South America and other nations in ratio to the American dollar.

The underpayment prevented other nations in earning an additional $2,000,000,000 of new capital with which to expand their economies and raise their standard of living.

The Inter-American Conference in Mexico City on March 8, 1945, passed the following resolution—subsection (b) of section I, Resolution 15:

> That a fair and equitable relationship should be sought between the prices of agricultural and mineral products and those of manufactured articles and that all prices should be paid to producers and consumers alike.

This resolution is in strict accord with the suggestions I have made and can be implemented by a flexible tariff as proposed by Senator MALONE. If the program outlined by the resolution had been put in practice in 1945, the economic chaos which prevails today would have been replaced by confidence and economic progress throughout the world. In my opinion, we would not be at war with Korea and we would not stand in fear of another World War. Under such a program we would have equity of foreign trade instead of exploitation. Until we are willing to pay other nations a comparable price for our imports, we have no right to profess a good-neighbor policy. Good neighbors do not cheat each other.

With a program of equity in foreign trade, we can give the world true economic leadership in proving that a capital economy provides the prosperity and economic freedom which is needed as a foundation for civil and religious freedom. Strong nations must stop the exploitation of weaker nations through underpayment for their production. To defeat communism abroad we must remove the economic causes that have fostered it.

EXTENSION OF REMARKS

Mr. WALTER asked and was given permission to extend his remarks and include the remarks he made at the American Bar Association Convention.

Mr. DOUGHTON asked and was given permission to extend his remarks and insert a brief statement explaining the Senate amendments to H. R. 5226.

Mr. HUBER asked and was given permission to extend his remarks and include an editorial.

Mr. CLEMENTE (at the request of Mr. WHEELER) was given permission to extend his remarks.

Mr. FERNÓS-ISERN (at the request of Mr. BARTLETT) was given permission to extend his remarks.

Mr. BARTLETT asked and was given permission to extend his remarks and include an editorial.

Mr. KEOGH asked and was given permission to extend his remarks in four instances and insert extraneous matter.

Mr. WALSH asked and was given permission to extend his remarks.

Mr. HEFFERNAN asked and was given permission to extend his remarks and include an article that appears in the Long Island News.

Mr. FUGATE asked and was given permission to extend his remarks and include extraneous material.

Mr. FLOOD asked and was given permission to extend his remarks and include a statement.

Mr. BRYSON asked and was given permission to extend his remarks in three instances and in each to include newspaper excerpts.

Mr. HOFFMAN of Michigan asked and was given permission to extend his remarks in three instances and in each to include extraneous material.

Mr. WHITE of Idaho asked and was given permission to extend his remarks in three instances and in each to include extraneous material.

Mr. KEARNEY asked and was given permission to extend his remarks and include an article.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. GROSS asked and was given permission to extend his remarks and include a newspaper editorial.

Mr. HERTER (at the request of Mr. AUCHINCLOSS) was given permission to extend his remarks and include a newspaper article.

Mr. HOPE asked and was given permission to extend his remarks and include extraneous matter.

Mr. WOLVERTON asked and was given permission to extend his remarks and include extraneous matter.

Mr. NIXON (at the request of Mr. PHILLIPS of California) was given permission to extend his remarks and include an article entitled "How the FBI Trapped Hiss," which is estimated by the Public Printer to cost $205.

Mr. MULTER asked and was given permission to extend his remarks in two instances, and include in one an article, notwithstanding the fact that it will exceed two pages of the RECORD and is estimated by the Public Printer to cost $410.

Mr. RANKIN asked and was given permission to revise and extend his remarks and include the Van Vliet report.

Mr. HAGEN asked and was given permission to extend his remarks in four instances and include letters, newspaper articles, and entraneous matter.

Mr. RANKIN. Mr. Speaker, I received permission a while ago to insert in the RECORD the report that came through the Department of National Defense, including Lieutenant Vliet's statement. I find that it will exceed the legal amount and is estimated by the Public Printer to cost $266.50. I ask unanimous consent that it be inserted notwithstanding the amount.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. MANSFIELD. Mr. Speaker, at the request of the gentlewoman from California [Mrs. DOUGLAS], I ask unanimous consent that she may extend her remarks and include a memorandum entitled "The Genocide Convention Should Be Ratified." She has received an estimate from the Public Printer that it will make six and one-fourth pages in the RECORD, at a cost of $512.50.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. RANKIN. Mr. Speaker, reserving the right to object, is that a communistic document approving this crazy genocide proposition they are trying to impose on the United States?

Mr. MANSFIELD. I am not at all certain what it contains.

Mr. RANKIN. Who is requesting it?

Mr. MANSFIELD. The gentlewoman from California [Mrs. DOUGLAS]. I understand, as chairman of the International Committee, she has had the staff prepare a memorandum on the question.

Mr. RANKIN. Approving it?

Mr. MANSFIELD. I do not know what her position is on it.

Mr. RANKIN. Anybody who approves that thing ought to join the Communist Party and be done with it. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. CRAWFORD asked and was given permission to extend his remarks and include two affidavits.

Mr. HELLER (at the request of Mr. PRIEST) was given permission to extend his remarks.

ENROLLED BILLS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 577. An act to correct possible inequity in the case of a certain application for letters patent of William R. Blair;

H. R. 5101. An act to provide for the transfer to Pierce County, Wash., of certain surplus land in the Fort Lewis Military Reservation; and

H. R. 8847. An act to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2317. An act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes; and

S. 2822. An act to amend the Federal Deposit Insurance Act (U. S. C., title 12, sec. 264).

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 31 minutes p. m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 20, 1950, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Florida: Committee of conference. S. 3357. An act to prohibit transportation of gambling devices in interstate and foreign commerce; without amendment (Rept. No. 3111). Ordered to be printed.

Mr. WOOD: Committee of conference. H. R. 9490. A bill to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes; without amendment (Rept. No. 3112). Ordered to be printed.

Mr. MORRIS: Committee of conference. H. R. 6319. A bill to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation; without amendment (Rept. No. 3113). Ordered to be printed.

Mr. GARMATZ: Joint Committee on the Disposition of Executive Papers. Pursuant to 59 Stat. 434; without amendment (Rept. No. 3114). Ordered to be printed.

Mr. BROOKS: Committee on Armed Services. S. 3727. An act to authorize certain construction at Griffiss Air Force Base, and for other purposes, without amendment (Rept. No. 3115). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON: Committee on Public Lands. Pursuant to House Resolution 66, first session, Eighty-first Congress; without amendment (Rept. No. 3116). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLLING:

H. R. 9693. A bill to extend the provisions of the Servicemen's Readjustment Act of 1944 to those members of the military and naval forces who are actively engaged in combat with the Communist elements of the Korean Government and who are not entitled to the benefits of the afore-mentioned act; to the Committee on Veterans' Affairs.

By Mr. KEOGH:

H. R. 9694. A bill to increase the compensation of the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the Federal circuit and district judges; to the Committee on the Judiciary.

By Mr. SCUDDER:

H. R. 9695. A bill to provide for flood-control improvements on Redwood Creek, Humboldt County, Calif.; to the Committee on Public Works.

By Mr. WHITE of Idaho:

H. R. 9696. A bill granting the consent of the Congress to the negotiation of a compact relating to the waters of the Clark Fork and Pend Oreille Rivers by the States of Montana, Idaho, and Washington; to the Committee on Public Lands.

By Mr. WIER:

H. J. Res. 543. Joint resolution directing the Federal Communications Commission to grant licenses to certain radio and television stations in the Minneapolis-St. Paul area, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JAVITS:

H. Con. Res. 285. Concurrent resolution to provide a program for peace by investment to accompany the provision of armed forces for peace; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNE of New York:

H. R. 9697. A bill for the relief of Charles A. Martratt; to the Committee on the Judiciary.

By Mr. EATON:

H. R. 9698. A bill for the relief of Walter Klem; to the Committee on the Judiciary.

By Mr. FLOOD:

H. R. 9699. A bill for the relief of Albino Anta Y. Alvarez; to the Committee on the Judiciary.

H. R. 9700. A bill for the relief of Silvestro Napoleon Ramos Canizal; to the Committee on the Judiciary.

H. R. 9701. A bill for the relief of Antonio Novoa y Guerrero; to the Committee on the Judiciary.

H. R. 9702. A bill for the relief of Manuel Bello Y. Llanez; to the Committee on the Judiciary.

By Mr. GREEN:

H. R. 9703. A bill for the relief of Luigi Galzerano; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2377. By the SPEAKER: Petition of Mrs. Nellie Williams and other citizens of Jacksonville, Fla., petitioning consideration of their resolution with reference to requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

2378. Also, petition of Mr. E. G. Jackson and other citizens of Tampa, Fla., petitioning consideration of their resolution with reference to requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

WEDNESDAY, SEPTEMBER 20, 1950

(Legislative day of Thursday, July 20, 1950)

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father who art in heaven and in the earth and in the hearts of men, hallowed be Thy name. Without Thee, our striving would be losing. Our strength is unequal to our tasks. Undergird us, we beseech Thee, with Thine enabling might in the inner man.

May those who here serve the public weal be wise interpreters of the signs of the times, the brave spokesmen of Thy will and of Thy truth which sets men free from ancient wrongs. To us, in Thy providence, has been given a place of awesome responsibility in this

supreme hour of the centuries. We would exercise that stewardship of power with anxious care and deep humility. May we here consecrate ourselves anew to the fulfillment of the aims and dreams of a new world of justice and equality for which our sons are dying on the far battlefields of freedom. Send us forth to serve the present age sure that, though the earth were removed and the mountains cast into the midst of the sea, the Lord of hosts is with us, the God of Jacob is our refuge. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 19, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 19, 1950, the President had approved and signed the following acts:

S. 3555. An act defining and regulating the practice of the profession of engineering and creating a Board of Registration for Professional Engineers in the District of Columbia; and

S. 3921. An act to provide for the temporary assignment of referees in bankruptcy, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 1292) to amend section 32 (a) (2) of the Trading With the Enemy Act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3960) to amend subsection (b) of section 10 of the act of June 26, 1884, as amended (U. S. C., title 46, sec. 599 (b)), with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6698. An act to authorize the sale of certain inherited land on the Rosebud Indian Reservation, S. Dak.;

H. R. 6701. An act to authorize the sale of certain allotted inherited land of Charles Red Horse on the Rosebud Indian Reservation, S. Dak.;

H. R. 6875. An act to authorize the sale of certain allotted land on the Rosebud Reservation, S. Dak.;

H. R. 7735. An act to authorize the Secretary of the Army to grant to the Southern California Edison Co. an easement and right-of-way for electric transmission line purposes in the Santa Fe Flood Control Basin and the San Gabriel River Improvement, California;

H. R. 8349. An act to authorize deductions from the wages of seamen for payment into employee welfare funds;

H. R. 8478. An act for the relief of Bernard Spielmann;

H. R. 8834. An act for the relief of Yamaguchi Michiko;

H. R. 8868. An act for the relief of Mary Valsamis Dendramis and Vassili G. Dendramis;

H. R. 8869. An act for the relief of Lena Valsamis and Lucy Balosa Valsamis; and

H. R. 9475. An act for the relief of Mrs. Enid Louise Noble Romick, Jr.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2477. An act to amend title 14, United States Code, so as to equalize pay and retirement benefits of a certain class of commissioned officers of the Coast Guard;

S. 2609. An act to provide a system for the treatment and rehabilitation of youth offenders, to improve the administration of criminal justice, and for other purposes;

S. 2724. An act to amend the Armed Forces Leave Act of 1946, as amended, and for other purposes;

S. 2875. An act to extend for a period of 5 years the time for appropriating and expending funds to carry out the Federal Airport Act;

S. 3000. An act to amend the War Claims Act of 1948, as amended;

S. 3123. An act to amend section 5 of the act of February 26, 1944, entitled "An act to give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes";

S. 3136. An act to authorize the Secretary of the Interior to transfer to the town of Mills, Wyo., a sewerage system located in such town;

S. 3398. An act to authorize the exchange of certain land for purposes of the Colonial National Historical Park, and for other purposes;

S. 3706. An act to amend the act of May 28, 1926 (44 Stat. 670), entitled "An act granting public lands to the county of Kern, Calif., for public park purposes;

S. 3727. An act to authorize certain construction at Griffiss Air Force Base, and for other purposes;

S. 3728. An act to implement Reorganization Plan No. 20 of 1950 by amending title 1 of the United States Code, as regards publication of the United States Statutes at Large, to provide for the publication of treaties and other international agreements between the United States of America and other countries in a separate compilation, to be known as United States Treaties and Other International Agreements, and for other purposes;

S. 3768. An act to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes;

S. 3889. An act to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States;

S. 4088. An act to amend section 61 of the National Defense Act to permit the States to organize military forces, other than as parts of their National Guard units, to serve while the National Guard is in active Federal service;

S. 4136. An act to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard;

H. R. 3995. An act for the relief of Annetta Bachis, Anna Bellani, Angelina Colombo, Maria Grazia Impari, Franca Porricino, and Antonia Tirabassi;

H. R. 4569. An act authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa;

H. R. 5083. An act for the relief of Sister Maria Emelia (Anna Bohn);

H. R. 5226. An act to amend paragraph 207 of the Tariff Act of 1930 and section 3424 (a) of the Internal Revenue Code;

H. R. 5731. An act to discharge a fiduciary obligation to Iran;

H. R. 7390. An act for the relief of Erika Kuebart and her minor son;

H. R. 7631. An act for the relief of Ottavia De Gaspare and Sandra De Gaspare;

H. R. 8452. An act for the relief of Ronald Mow and Angeline Cecilia Mow;

H. R. 8718. An act for the relief of Fred Hess;

H. R. 8769. An act for the relief of Annmarie Stritter and her minor daughter; and

H. R. 9084. An act for the relief of Hifumi Kato and her minor son, Kazuyuki Kato.

LEAVE OF ABSENCE

On request of Mr. WHERRY, and by unanimous consent, Mr. HICKENLOOPER was excused from attendance on the sessions of the Senate for the remainder of this week.

On his own request, and by unanimous consent, Mr. FERGUSON was excused until 2 o'clock today to attend a luncheon of the American Bar Association.

On request of Mr. LUCAS, and by unanimous consent, Mr. ANDERSON was excused from attendance on the sessions of the Senate for the remainder of the week.

CALL OF THE ROLL

Mr. MCFARLAND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Holland	Martin
Butler	Humphrey	Millikin
Byrd	Hunt	Morse
Cain	Ives	Mundt
Chapman	Jenner	Murray
Chavez	Johnson, Colo.	Neely
Connally	Johnson, Tex.	O'Conor
Cordon	Johnston, S. C.	O'Mahoney
Darby	Kefauver	Robertson
Douglas	Kerr	Russell
Dworshak	Kilgore	Saltonstall
Ecton	Knowland	Schoeppel
Ellender	Langer	Smith, Maine
Ferguson	Leahy	Stennis
Frear	Lehman	Thomas, Okla.
Fulbright	Long	Thye
George	Lucas	Tobey
Gillette	McCarran	Tydings
Graham	McClellan	Watkins
Green	McFarland	Wherry
Gurney	McKellar	Wiley
Hendrickson	McMahon	Williams
Hill	Magnuson	Young
Hoey	Malone	

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Connecticut [Mr. BENTON], the Senator from Arizona [Mr. HAYDEN], and the Senator from Pennsylvania [Mr. MYERS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Missouri [Mr. KEM], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The junior Senator from Ohio [Mr. BRICKER], the Senator from Indiana [Mr. CAPEHART], the Senator from Wisconsin [Mr. MCCARTHY], and the senior Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. A quorum is present.

Mr. DONNELL subsequently said: Mr. President, I ask unanimous consent that I may be excused for the absence which already has occurred on my part during today's session the absence having been due to the introduction of certain members of the bar to the Supreme Court of the United States.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. LUCAS. Mr. President, I ask unanimous consent that Senators be permitted to submit petitions and memorials, introduce bills and joint resolutions, and present routine matters for the RECORD, without debate and without speeches.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REPORT ON DISPOSAL OF ARMY EXCESS PERSONAL PROPERTY LOCATED OUTSIDE OF UNITED STATES

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Army, transmitting, pursuant to law, a report on the disposal of Army excess personal property located in areas outside the continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands, for the period July 1, 1949, to December 31, 1949, which with the accompanying report, was referred to the Committee on Expenditures in the Executive Departments.

PETITIONS

Petitions were laid before the Senate, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Forty-sixth Annual Convention of the Utah State Federation of Labor, at Richfield, Utah, endorsing the actions of the Government under the leadership of the President in the Korean crisis; to the Committee on Foreign Relations.

A resolution adopted by the Supreme Council of the United Commercial Travelers, at Salt Lake City, Utah, expressing their belief in and support of the free-enterprise system, and their opposition to state socialism; to the Committee on the Judiciary.

SALE OF SURPLUS DAIRY ANIMALS—RESOLUTION OF HOLSTEIN-FRESIAN ASSOCIATION OF WISCONSIN

Mr. WILEY. Mr. President, I have received today from Mrs. Jack Reynolds, of West Allis, Wis., secretary-treasurer of the Holstein-Fresian Association of my State, a resolution adopted unanimously by the annual convention of the association representing 40,600 members. This resolution opposes any change in the law which would deprive dairy farmers of present benefits of the law as interpreted by the courts.

Mr. President, I know from experiences on my own dairy farm in Barron County the critical problems that the farmer faces as regards fair treatment by the Internal Revenue Bureau. Sometimes city folks who have not had any experience on farms do not evidence much judgment in their interpretation of a farmer's tax returns. The farmer is ready, willing, and eager to pay his fair share of taxes, but he is not willing to have his modest profit confiscated by the Government because of unreasonable interpretation by the Treasury Department any more than any other citizen would want to be unfairly treated by the Internal Revenue Bureau. I ask unanimous consent that the text of the resolution forwarded to me by Mrs. Reynolds be appropriately referred and printed at this point in the RECORD, and that thereafter there be printed a list of the board of directors of the Holstein-Fresian Association in my State.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Resolution

Whereas under section 117 (j) of the Internal Revenue Code the courts have rendered decisions to the effect that sales of surplus dairy animals are sales of capital assets and hence that only 50 percent of the gain is taxable; and

Whereas the Treasury Department is now attempting to have Congress change the basic law so as to circumvent these decisions, which change, if brought about, will place the dairy farmer at a disadvantage as compared with the sellers of capital assets: Now, therefore, be it

Resolved by the Holstein-Friesian Association of America in annual convention assembled, That it go on record as being opposed to any change in the law which would deprive dairy farmers of the present benefits of the law as interpreted by the courts.

Resolved further, That notice to this effect be given to our Representatives in Congress and to the governmental agency having the matter in charge.

Resolved further, That we deplore the situation whereby local tax collectors refuse to follow the decisions of the courts in tax matters.

H. W. NORTON, Jr.,
Executive Secretary, the Holstein-Friesian Association of America.
SYRACUSE, N. Y., *June 7, 1950.*

The list of the board of directors of the Holstein-Friesian Association of Wisconsin was ordered to be printed in the RECORD, as follows:

Board of directors of the Holstein-Friesian Association of Wisconsin: Sam Stanchfield, president, Fond du Lac; Thomas C. Webster, vice president, Winnebago; Frank Cairns, Mazomanie; Frank Case, Oconomowoc; Harry C. Dix, Menomonie; Joseph A. Hanson, Chetek; Allen Ketts, Fort Atkinson; John Last, Lake Mills; Alex McKeown, Janesville; Henry Richter, Union Grove; Leonard Seybold, Forest Junction; John Wuethrich, Jr., Greenwood.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

H. R. 8546. A bill to amend the Philippine Property Act of 1946; without amendment (Rept. No. 2576); and

H. R. 9484. A bill to authorize the Secretary of the Treasury to effect the settlement of claims for losses and damages inflicted upon the Portuguese territory of Macao by United States Armed Forces during World War II in violation of neutral rights; without amendment (Rept. No. 2577).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce:

H. R. 9626. A bill authorizing the Secretary of Commerce to purchase the vessels *Mariposa* and *Monterey;* without amendment (Rept. No. 2578).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 20, 1950, he presented to the President of the United States, the following enrolled bills:

S. 2477. An act to amend title 14, United States Code, so as to equalize pay and retirement benefits of a certain class of commissioned officers of the Coast Guard:

S. 2609. An act to provide a system for the treatment and rehabilitation of youth offenders, to improve the administration of criminal justice, and for other purposes;

S. 2724. An act to amend the Armed Forces Leave Act of 1946, as amended, and for other purposes;

S. 2875. An act to extend for a period of 5 years the time for appropriating and expending funds to carry out the Federal Airport Act;

S. 3000. An act to amend the War Claims Act of 1948, as amended;

S. 3123. An act to amend section 5 of the act of February 26, 1944, entitled "An act to give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes";

S. 3136. An act to authorize the Secretary of the Interior to transfer to the town of Mills, Wyo.; a sewerage system located in such town;

S. 3398. An act to authorize the exchange of certain land for purposes of the Colonial National Historical Park, and for other purposes;

S. 3706. An act to amend the Act of May 28, 1926 (44 Stat. 670), entitled "An act granting public lands to the county of Kern, Calif., for public park purposes";

S. 3727. An act to authorize certain construction at Griffiss Air Force Base, and for other purposes;

S. 3728. An act to implement Reorganization Plan Numbered 20 of 1950 by amending title 1 of the United States Code, as regards publication of the United States Statutes at Large, to provide for the publication of treaties and other international agreements between the United States of America and other countries in a separate compilation, to be known as United States Treaties and Other International Agreements, and for other purposes;

S. 3768. An act to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes;

S. 3889. An act to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States;

S. 4088. An act to amend section 61 of the National Defense Act to permit the States to organize military forces, other than as parts of their National Guard units, to serve while the National Guard is in active Federal service; and

S. 4136. An act to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Oklahoma:

S. 4170. A bill to amend section 302 of the Servicemen's Readjustment Act of 1944, as amended; to the Committee on Armed Services.

S. 4171. A bill embodying the Shafer prosperity plan to promote the general welfare, increase the national income, and insure full employment through the development of foreign trade; to the Committee on Interstate and Foreign Commerce.

By Mr. FREAR (for Mr. SPARKMAN):

S. 4172. A bill to amend section 402 (a) of the National Housing Act to change the name of the Federal Savings and Loan Insurance Corporation; to the Committee on Banking and Currency.

By Mr. KNOWLAND:

S. 4173. A bill for the relief of Martin P. Pavlov; to the Committee on the Judiciary.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles, and referred, or ordered to be placed on the calendar, as indicated:

H. R. 6698. An act to authorize the sale of certain inherited land on the Rosebud Indian Reservation, S. Dak.;

H. R. 6701. An act to authorize the sale of certain allotted inherited land of Charles Red Horse on the Rosebud Indian Reservation, S. Dak.; and

H. R. 6875. An act to authorize the sale of certain allotted land on the Rosebud Reservation, S. Dak.; to the Committee on Interior and Insular Affairs.

H. R. 7735. An act to authorize the Secretary of the Army to grant to the Southern California Edison Co. an easement and right-of-way for electric transmission line purposes in the Santa Fe flood control basin and the San Gabriel River improvement, California; ordered to be placed on the calendar.

H. R. 8349. An act to authorize deductions from the wages of seamen for payment into employee welfare funds; to the Committee on Interstate and Foreign Commerce.

H. R. 8478. An act for the relief of Bernard Spielmann;

H. R. 8834. An act for the relief of Yamaguchi Michiko;

H. R. 8868. An act for the relief of Mary Valsamis Dendramis and Vassili G. Dendramis;

H. R. 8869. An act for the relief of Lena Valsamis and Lucy Balosa Valsamis; and

H. R. 9475. An act for the relief of Mrs. Enid Louise Noble Romick, Jr.; to the Committee on the Judiciary.

MOBILIZATION OF MORAL AND SPIRITUAL RESOURCES FOR NATIONAL DEFENSE—ADDRESS BY SENATOR MARTIN

[Mr. MARTIN asked and obtained leave to have printed in the RECORD a statement prepared by him, including excerpts from an address delivered by him on September 19, 1950, before the Philadelphia Chapter of the Gold Star Wives of America, on the subject of mobilization of moral and spiritual resources for national defense, which appears in the Appendix.]

VICTORY FOR SENATOR TYDINGS—EDITORIAL FROM THE WASHINGTON EVENING STAR

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "A Real Victory for TYDINGS," published in the Washington Evening Star of September 20, 1950, which appears in the Appendix.]

WHAT SHOULD BE OUR FOREIGN POLICY?

[Mr. KNOWLAND asked and obtained leave to have printed in the RECORD a text of a discussion "What Should Be Our Foreign Policy?" between Senator SPARKMAN and himself on the American Forum of the Air on September 9, 1950, which appears in the Appendix.]

ADDRESS BY HIS EMINENCE CARDINAL STRITCH

[Mr. CHAVEZ asked and obtained leave to have printed in the RECORD an address by His Eminence Samuel Cardinal Stritch at Albuquerque, N. Mex., together with the introductory remarks by Archbishop Byrne, which appear in the Appendix.]

OUR DOMESTIC SUGAR PRODUCER IN THE WORLD SETTING

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD an address by Lawrence Myers, of the Commodity Credit Corporation, at the meeting of the Western Beet Growers Association, held at Brookston, Minn., on September 6, 1950, which appears in the Appendix.]

SENATE SUBCOMMITTEE ON PREPAREDNESS—EDITORIAL FROM THE WASHINGTON POST

[Mr. DOUGLAS asked and obtained leave to have printed in the RECORD an editorial regarding the work of the Senate Subcommittee on Preparedness, published in the Washington Post of September 20, 1950, which appears in the Appendix.]

AMERICAN GARRISONS OVER THE WORLD—ARTICLE BY VERMONT ROYSTER

[Mr. JENNER asked and obtained leave to have printed in the RECORD an article entitled "The Garrisons," written by Vermont Royster and published in the Wall Street Journal of September 20, 1950, which appears in the Appendix.]

SPECULATION ON THE COMMODITY EXCHANGES—INTERVIEW WITH THE SECRETARY OF AGRICULTURE

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD a part of the text of a radio interview by Mr. Charles Collingwood with Secretary of Agriculture Brannan on September 17, 1950, which appears in the Appendix.]

NEW FOREIGN STUDIES COURSE AT UNIVERSITY OF IOWA

[Mr. GILLETTE asked and obtained leave to have printed in the Appendix of the RECORD an editorial entitled "New Foreign Studies Course at Iowa," from the Des Moines Register of September 4, 1950, together with a portion of a letter on the same subject from President Virgil M. Hancher, of the University of Iowa, which appear in the Appendix.]

INCREASE IN PRODUCTION AND INCOME—EDITORIAL FROM PIKE COUNTY DEMOCRAT OF PITTSFIELD, ILL.

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "At Least, Most People Have More Dollars," published in the Pike County Democrat, of Pittsfield, Ill., on August 16, 1950, which appears in the Appendix.]

DEMOCRACY IN WASHINGTON—EDITORIAL FROM NEW YORK TIMES

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an editorial entitled "Democracy in Washington," published in the New York Times of September 13, 1950, which appears in the Appendix.]

THE MOBILIZATION PROGRAM—ARTICLE FROM THE WALL STREET JOURNAL

[Mr. McFARLAND asked and obtained leave to have printed in the RECORD an article entitled "New Senate Committee Begins Scrutinizing Mobilization Program," written by Philip Geyelin and Ellis Haller, and published in the Wall Street Journal of September 20, 1950, which appears in the Appendix.]

TRIBUTE TO SENATOR GURNEY

Mr. McKELLAR. Mr. President, I ask unanimous consent to insert in the body of the RECORD, as a part of my remarks, an editorial that was published in the Washington Evening Star of Tuesday, September 20, 1950, concerning Senator GURNEY, of South Dakota. The editorial is entitled "Tribute to Senator GURNEY." I was delighted to see that editorial concerning CHAN GURNEY. I endorse it all along the line. He has served for many years on the Appropriations Committee. He has served with distinction and honor and faithfulness in every possible way during the entire time. He is one of the strongest and best members of the committee. Furthermore, he is one of the most perfect gentlemen I ever knew. He is kind, courteous and able. He has all the characteristics of a truly great statesman. It is with a great deal of regret that I have noted he will not be in the next Congress. I regret it more than I can say. There is no man who has a higher ideal of what a Senator ought to be than CHAN GURNEY.

He was a soldier in the First World War and made a splendid record in behalf of his country. He has been in the

Senate for 12 years and his record here, as we all know, has been of the highest. He has served a long time on the Appropriations Committee of the Senate. He has examined into the facts as to all measures before that body before voting. He is fair and just in his decisions and I believe has the respect, esteem and admiration of every member of that committee. His retirement will be a great loss to our committee, to the Senate and to our Government.

The PRESIDING OFFICER. The Senator from Tennessee has asked unanimous consent to have printed in the RECORD at this point an editorial from the Washington Evening Star. Without objection, the editorial will be printed at this point.

The editorial is as follows:

TRIBUTE TO SENATOR GURNEY

Members of Congress take a fatalistic view toward the vicissitudes of politics. They know that while many are called, few are chosen by the voters to remain very long at the Capitol and the departure of the defeated, at the end of a session, is marked by no ceremony expressing the regret of those who remain.

All of which makes even more unusual the unusually pleasant action of the Senate Committee on Armed Services the other day in presenting to CHAN GURNEY, of South Dakota, a scroll, memorializing in a formal way the services he has rendered to his country. One of the nice things about this gesture was that it came about spontaneously and represented the unanimous action of Mr. GURNEY'S colleagues. Furthermore, it was wholly deserved. In the language of the resolution, "In his long and distinguished service in the United States Senate, the welfare of his country and the cause of freedom everywhere have received his undivided support. Never has he given way to narrow partisan lines that served the cause of expediency."

Though a member of the minority in the Seventy-ninth Congress, the Democratic administration leaned on him heavily for important legislation during the war. As first postwar chairman of the newly created Armed Services Committee of the Eightieth Congress, he helped perfect the unification legislation. And as second ranking minority member of the committee during the Eighty-first Congress, he has been a tower of strength in working for defense policies. Mr. GURNEY is a Republican. But in his work for national defense nobody ever thought of him as Republican or Democrat. He was a United States Senator, trying to serve the best interests of his country. The people of his State have decided to retire him from politics, for the time being. But Mr. GURNEY leaves behind him a record of which they should be proud.

INTERNATIONAL CHILDREN'S WELFARE WORK

Mr. SALTONSTALL. Mr. President, yesterday the senior Senator from Wisconsin [Mr. WILEY] introduced Senate Joint Resolution 206, authorizing the Reconstruction Finance Corporation to advance funds for international children's welfare work, pending the making of the appropriation authorized by title V of the Foreign Economic Assistance Act of 1950. He is unable to be present this morning, and he has requested me to ask unanimous consent to have printed in the body of the RECORD a letter from Jack K. McFall, Assistant Secretary of State, in which the State Department approves the purpose of the resolution, and leaves the form of it to Congress. I ask that the letter be printed in the body of the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, September 20, 1950.

The Honorable ALEXANDER WILEY,
United States Senate.

MY DEAR SENATOR WILEY: This is in response to your request for information as to the views of the State Department regarding Senate Joint Resolution 206 authorizing the Reconstruction Finance Corporation to advance funds for international children's welfare work pending the making of the appropriation authorized by title V of the Foreign Economic Assistance Act of 1950.

The President recommended the appropriation of $15,000,000 to carry out the purposes of title V of the Foreign Economic Assistance Act of 1950. As we have previously indicated, the State Department believes that it is in the national interest to have funds available to carry out the provisions of this title. Work in the field of children's welfare has been a most significant and useful portion of the activities of the United Nations. A resolution will be considered by the General Assembly at its present session placing this work on a permanent basis within the United Nations structure. We should be in a position at this time to contribute our share to this worthwhile endeavor. We should also be in a position to make contributions, to the extent necessary, to support the present activities in this field pending the establishment of the permanent arrangements. The State Department has no views on the form of the legislation under which funds for this purpose might be made available.

Sincerely yours,

JACK K. MCFALL,
Assistant Secretary
(For the Secretary of State).

THE NATIONAL FARMERS UNION

Mr. THOMAS of Oklahoma. Mr. President, recently a Member of this body is reported to have made some suggestion to the effect that the National Farmers Union was not a patriotic organization. The officials of the organization took notice of the statement, and have prepared a reply. I have a copy of the reply in my hand, and I ask permission to have it incorporated in the body of the RECORD as part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE NATIONAL FARMERS UNION

The National Farmers Union Board of Directors adopted the following statement at a meeting in Denver Saturday, September 9, 1950 (the board is composed of all presidents of State Farmers Union organizations):

"Senator BRIDGES' attack in the Senate on the National Farmers Union has done a disservice to the cause of truth and decency by resorting to the tactics made infamous by totalitarian dictators in Italy, Germany, and Russia. His assignment to such a role in the Washington drama of terrorism and deception obviously was made because he has no Farmers Union members in his State, and therefore he can safely pretend to bravery in his name-calling. Few will envy him the responsibility he has accepted for this unsavory attack on the second oldest farm organization in the United States, an organization whose basic political philosophy has its roots deep in the American soil and in the fundamental principles of democracy.

"The speed with which fellow Senators repudiated the charges made by BRIDGES is clear indication of the lack of foundation for the statements.

"As every honest observer knows, the Farmers Union is not communistic and is not a Communist-front organization. Farmers Union officials on many occasions have denounced communism as well as other forms of totalitarianism. For example, on July 29, an official statement of the President, approved by the executive committee, charged the North Korean aggressors had been trained and agitated into waging war on South Korea by Russia.

"We, the democratically elected presidents of State Farmers Union organizations, constituting the board of directors of the National Farmers Union, and representing more than 400,000 farm people, support and approve that declaration.

"The Farmers Union will not be diverted in its determination to follow the course it has pursued for 48 years, that of fighting for the interests of family farmers, who represent the bulwark of democracy in this great Nation. We will not be muzzled by such use of fear techniques of dictatorship.

"We are for the freedom and dignity of the individual citizen, and we will continue to oppose any hysteria-spawned legislation that threatens that freedom and dignity.

"We are for the independent family farm operator, and we will continue to fight for the Brannan farm program and any other legislation that we regard as aiding family farmers.

"We are for a healthy Nation, and we will continue to fight for a national health insurance program.

"We are for the strengthening of such instruments of true democracy as farmer cooperatives, and we will continue to fight the monopolies that seek to tear down these instruments.

"We are for genuine international collaboration to build a peaceful and prosperous world, and we will continue to support wholeheartedly the United Nations.

"We herewith rededicate ourselves to the ideals of our organization and pledge ourselves to answer any and all attacks by building a Farmers Union increasingly more effective for the strengthening of democracy."

STATEMENT BY SENATOR WILEY ON WISCONSIN SENATORIAL CAMPAIGN

Mr. WILEY. Mr. President, I send to the desk a statement which I have prepared on the subject of the Wisconsin senatorial primary which was held yesterday in my State.

I will not take the time of the Senate to discuss this matter, but I ask unanimous consent that the text of this very brief statement which I have prepared be printed at this point in the body of the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR WILEY THANKS WISCONSIN VOTERS FOR THEIR SUPPORT

I want to express my sincerest appreciation to the voters of Wisconsin, both Republican voters, independent voters, and independent-minded Democrats, for their very gracious support of me in yesterday's primary for the United States Senate.

As my readers know, it was not possible for me to go home to campaign. I have been

able to visit the State but a few times within recent months, and practically all of those few addresses were devoted to nonpolitical topics before nonpartisan audiences.

These are expected to be the last days of the second session of the Eighty-first Congress, although it may perhaps resume after the November election. Therefore, I felt that it was more important for the public welfare that I remain here in Washington for last-minute legislation rather than attempt to campaign in Wisconsin. I had faith and confidence in the support of the Badger electorate and that faith has proven more than well founded.

Wisconsin has shown in its results yesterday that it is overwhelmingly devoted to Republican ideals. It recognizes that it has in the Republican Party its true champion. The tremendous degree to which the citizens voted Republican yesterday is a symbol of what will happen on November 7, not only in Wisconsin but throughout America.

I want to invite all independent-minded Democrats to vote Republican in November. We need your support; we want your support; we want the support of every citizen who believes in the American way of life, who believes in the free-enterprise system, who believes that it is important that we have in the Senate and House a check and balance against abuses of power by the President. His administration, which has been in office for 17 years, wants only rubber stamps in Congress.

Of course, the results of yesterday are no basis for overconfidence on the part of citizens of our State. On the contrary, every possible voter should go to the polls on Tuesday, November 7, whether our citizens are Democrats, Republicans, Progressives, or what have you. It is a part of our obligation to our boys fighting in Korea.

The results of yesterday are a tribute in considerable part to the great work that is being done by the Republican State voluntary committee, which I have previously commended on the Senate floor. I wish that there would be time to express thanks to all those individuals who have worked so long and hard, men like Tom Coleman, who has served the Republican Party and the voters of Wisconsin in many able capacities; men who have given themselves selflessly to the cause of maintaining good government in Madison and Republican leadership in Washington.

I want to express my sincerest congratulations to my fellow members of the Wisconsin State ticket. I know that we all regard the results of yesterday as but a greater challenge to help stimulate the people of Wisconsin during these next 6 weeks to an ever-higher appreciation of their responsibilities.

Wisconsin, famed throughout the Nation for her high political standards, is once more setting the national pace. Thanks a million, Badgers.

LEGISLATIVE PROGRAM

Mr. WHERRY. Mr. President, I should like to ask the majority leader a question. The pending business, as the majority leader knows, is the conferente report on the slot machine bill. Is it not the intention of the majority leader to have the Senate proceed with that, with the idea of attempting to complete its consideration along about 1:30 or 2 o'clock, and then bring up the Marshall nomination?

Mr. LUCAS. The Senator from Maryland [Mr. TYDINGS] is not in the Chamber at the moment. I should think the privileged matter now the pending business might be completed by 2 o'clock, but we will bring up the Marshall nomination some time after that.

Mr. SALTONSTALL. Mr. President, supplementing what the minority leader has said, I desire to go to a bar association luncheon today, if possible, and would it be possible to announce that the Marshall nomination will not be taken up before 2 o'clock?

Mr. LUCAS. If the Senator from Nevada and the Senator from Colorado will give their permission, I am sure the Senator may go. I doubt if they will conclude their remarks before the Senator returns.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce.

The VICE PRESIDENT. The Senate has before it the conference report on the so-called slot machine bill.

THE RIGHT OF A STATE LEGISLATURE TO LEGISLATE WITHIN THE FRAMEWORK OF THE CONSTITUTION PROPRIETY OF CONGRESS NULLIFYING SUCH LEGISLATION

Mr. MALONE. Mr. President, the propriety of the Congress of the United States nullifying legislation passed by a State legislature within the framework of the legislation was discussed rather thoroughly by the junior Senator from Nevada on the Senate floor yesterday. I want to make it clear again that what the junior Senator from Nevada is trying to do in this connection is to protect the right of a State, of any State, whether Nevada, Louisiana, Colorado, or Maine, through its legislature, to pass any bill within the framework of the Constitution of the United States, without having the Congress of the United States, either nullify it directly or indirectly. In that connection I wish to read paragraph 2 of the Senate bill 3357, as follows:

THE SENATE BILL

SEC. 2. It shall be unlawful knowingly to transport or cause to be transported in interstate or foreign commerce any gambling device, or knowingly to take, receive, possess, or dispose of any gambling device transported in violation of this act: *Provided*, That the provisions of this section shall not apply to the course of unbroken interstate transportation of any gambling device into any State where the use of such device is legal, as certified by the governor of the State to the Attorney General of the United States and published by the Attorney General in the Federal Register. In the absence of such certification and publication, the use of gambling devices in any State shall, for the purposes of this act, be presumed to be illegal; and all persons and officials affected by the provisions of this act shall be entitled to act in reliance upon the presumption.

Nothing in this act shall be construed to interfere with or reduce the authority, or the existing interpretations of the authority, of the Federal Trade Commission under the Federal Trade Commission Act, as amended (15 U. S. C. 41–58).

DISPATCH—RENO EVENING GAZETTE

Referring to the bill which had just passed the House, that is, H. R. 8350, Mr. President, I read briefly from a dispatch contained in the Reno Evening Gazette of August 30, as follows:

Action by the Nevada Legislature would be required under provisions of the bill which would not affect use of the slot machines in States which legalize them, but would prevent worn-out machines from being replaced by forbidding import of slot machines unless the State enacts a law exempting it from the Federal act.

The only places in which actual possession or operation of the machines would be prohibited are the District of Columbia, United States Territories, Indian reservations, military or naval posts, and waters under Federal jurisdiction.

Representative SUTTON, Democrat, of Tennessee, urged the House to lift the ban against operating machines in officers' or enlisted men's service clubs. He lost by a voice vote. He told the House slot machines afford the major revenue of service recreational clubs and that the men who play them do so as a means of "donating" to the clubs' upkeep.

APPROVE LAW ENFORCEMENT ASSISTANCE

Mr. President, the junior Senator from Nevada has no objection whatever to any legislation which would assist the proper authorities to enforce the law in any State or in the United States. Apparently the police and the current enforcement machinery in a good many States have been unable or unwilling to do anything about law enforcement. If the Senate of the United States wants to pass an act to help in any way the enforcement of the laws passed by any State legislature in any State of the Union, the junior Senator from Nevada will approve such legislation. But the bill which was finally passed by the House goes much further than the provisions contained in the Senate bill and in effect nullifies the work of the Legislature of the sovereign State of Nevada.

THE HOUSE BILL GOES BEYOND LEGISLATIVE ENFORCEMENT

I shall now read section 2 of House bill 8350 as passed by the House:

SEC. 2. It shall be unlawful knowingly to transport any gambling device to any place in a State, the District of Columbia, or a possession of the United States from any place outside of such State, the District of Columbia, or possession: *Provided*, That this section shall not apply to transportation of any gambling device to a place in any State which has enacted a law providing for the exemption of such State from the provisions

of this section, or to a place in any subdivision of a State if the State in which such subdivision is located has enacted a law providing for the exemption of such subdivision from the provisions of this section.

NULLIFIES STATE LEGISLATIVE ACTION

Mr. President, I am advised that this paragraph would cause the legislature of the State of Nevada, which has already taken the proper action declaring that certain gambling devices are legal within the State, to pass another act. The Nevada State Legislature is not now in session. The legislature could wait for action until the time for convening the regular session, or a special session could be called to pass the legislation required to conform to the bill. But I raise the question, Why is it necessary to have a State legislature to reenact legislation, or pass another act in relation to a bill, to make legal something that is already legal? The Senate bill would merely require the Governor of the State to certify to the Attorney General that the use of such devices is legal in the State. This is not objectionable.

LEGAL GAMBLING DEVICES CANNOT BE RETURNED FOR REPAIR

The next point, Mr. President, is that as reported by the Reno Evening Gazette of Reno, Nev., on August 30, the House bill prohibits the return of machines to the place of origin for repairs, or for any purpose. In other words, under the House bill, the machines could not be returned to the original manufacturer for repairs. It was explained here yesterday that if the State where the factory was located should pass an act making it legal to ship the machines into that State, then of course that could be done. But I submit, Mr. President, that the final result of this law, if the conference report is approved by the Senate and the House, will be a nullification of an act passed by a legislature representing the people of a sovereign State.

CONGRESS SHOULD NOT NULLIFY STATE LAWS PASSED WITHIN THE FRAMEWORK OF THE CONSTITUTION OF THE UNITED STATES

The point was made in the Senate many times on other occasions, and I approve of the position thus taken, that the Federal Government has continued to encroach upon the States over the past years until, if continued, it will absorb the functions of a State.

This development has been accelerated greatly in the past 15 or 20 years, until the right of a State to handle its own business has been severely curtailed. The situation in that respect now is becoming very dangerous.

In this particular case, Mr. President, action would be required by two State legislatures, widely separated. Gambling may not be legal in the State where the machines are made, and that State may have no interest in the matter. A newspaper dispatch appeared only this morning to the effect that the attorney general or Governor of Illinois, where many of these machines are manufactured, said that he is about to recommend the enactment of an act by the State Legislature of Illinois banning entirely, the manufacture of such machines. If he is about to recommend such an act, he certainly would not recommend that such machines be allowed to be shipped into the State of Illinois for repair. Therefore, what the Senate of the United States is doing, in effect, is starting the ball rolling to defeat the action of a State legislature, representing all the people of a sovereign State of the Union. It is not the first time but it is one time too many.

STATES' RIGHTS

I do not believe the Members of the Senate wish to do that. I do not believe, even though in the past they have stood for legislation to curtail States' rights, that they want to continue on that road.

At this time I am not discussing the question of whether gambling should be legal or whether gambling should not be legal. That is not the question before the Senate today. That question would require much longer debate, but it is not the present subject. The present question is whether the Senate will approve a conference report on a bill which obviously circumvents the right of a State legislature, representing the people of a sovereign State, to pass any legislation it sees fit within the framework of the Constitution.

LAW-ENFORCEMENT OFFICERS OF MY STATE OF NEVADA

Mr. President, for a long time I have been acquainted with the work of the law-enforcement officers of my State of Nevada. We have some of the highest-class law-enforcement officers in the entire United States, and they do enforce the laws. They enforce the laws because in our State the laws are such that they can be enforced. In other words, the gambling devices covered by this bill are directly under the Tax Commission of the State of Nevada. That commission issues permits for their operation. Therefore, when and if anything is wrong in connection with any of these gambling devices, the tax commission has a right to and does cancel the permit, which ends the matter. The law-enforcement officers of Nevada are now enforcing the law.

GOVERNORS OF SOVEREIGN STATES BECOME BOARD OF DIRECTORS FOR THE PRESIDENT

I say to you, Mr. President, that in my judgment, if the road upon which the Congress of the United States seems to have started to move some years ago is followed further and carried to its logical conclusion in the direction of usurping States' rights and passing legislation apparently aimed directly at the acts passed by the legislature of a sovereign State, the time will come when we may as well do away with the States entirely, and merely have the Governors of the States act as a board of directors for the President of the United States.

FREE-TRADE ECONOMIC-ONE-WORLD CONGRESS HAS TRANSFERRED MOST OF ITS FUNDAMENTAL POWERS TO THE EXECUTIVE BRANCH

Mr. President, the Congress of the United States has transferred most of its fundamental and most important constitutional powers to the executive branch of the Government. Other fundamental constitutional powers of Congress have been circumvented and slowly absorbed by the executive branch, until today Congress is left as the fund-raising and the taxing branch of the Government, but possesses very little power of a fundamental nature.

To mention a few of the congressional powers which have been transferred to the executive branch of the Government, the Congress transferred its constitutional responsibility for the regulation of foreign trade to the executive branch of the Government under the 1934 Trade Agreements Act, as extended.

CONGRESS GAVE THE EXECUTIVE ALL POWER TO FIX PRICES, TO ALLOCATE MATERIALS AND PRODUCTS, AND TO PUNISH SO-CALLED HOARDERS

The Congress also transferred to the executive branch of the Government the right to impose retail price controls and allocations and rationing of commodities, transferring that power to the executive branch of the Government under the 1950 Defense Production Act.

The Congress also provided that hoarders could be punished. I suppose the flood of propaganda issuing from the Government a few weeks ago about housewives who were hoarding sugar and various other food supplies which they utilize in the normal course of family life was responsible for action by the Congress. The Government thought that housewives were purchasing a few more of such supplies than were necessary at the moment. I suppose that under the Defense Production Act, a housewife could be punished for hoarding, although, as I pointed out at the time, the Government is the greatest hoarder of all time, hoarding more than 190,000,000 pounds of butter and nearly 200,000,000 pounds of dried eggs, and so on down the list, so that today the warehouses and the deserted airplane hangars and the caves from Maine to California are filled to overflowing with food which is spoiling because of that overpowering desire of the Government to regulate all things. However, under that same act a housewife can be punished for hoarding.

Mr. President, I ask unanimous consent to insert at this point a column by George Sokolsky this morning in the Washington Times-Herald.

There being no objection the column was ordered to be printed in the RECORD, as follows:

THESE DAYS

(By George Sokolsky)

A few things need to be said about hoarding, controls, and profiteering. When the public raided the grocers for sugar, they were responding to their experiences of both World War I and World War II when sugar became exceedingly scarce. Much of that scarcity was due to lack of shipping and to the profiteering of the Cubans, who took advantage of an unfortunate situation. There is no shortage of shipping and there is plenty of sugar in the world at this moment.

It is normal for a family to stock up, even in a land of automobiles and chain-store groceries. There is even such an instrument as a deep freeze which is being sold as a device for keeping the larder full. It used

to be that every household did that against the winter.

Senator GEORGE W. MALONE, of Nevada, has a way of putting these things very sharply. He said:

"The tirade against provident American housewives for hoarding a few extra pounds of sugar, or something else which is not scarce, comes with ill grace from an administration which is the prize hoarder of all time—192,000,000 pounds of butter, and buying up more at the rate of 9,000,000 pounds a week; 170,000,000 pounds of dried eggs, and buying up more at the rate of 15,000,000 pounds a month; 104,000,00 pounds of cheese, and buying up more at the rate of 15,000,000 pounds a month.

"The Government has hoarded $50,000,000 worth of dried milk; is buying potatoes at a rate that will cost the American taxpayers $87,000,000 this year alone—and that is only the beginning of the list. The Government is hoarding all kinds of foodstuff in caves and bulging warehouses and old airplane hangars from Maine to California."

The Government does not hoard against bad times. It hoards to keep prices high. Joseph, the son of Jacob, one of the founders of my kind, invented the ever-normal granary. It was the result of a dream in which lean cows consumed fat ones. To Joseph, an astute psychologist and politician, that meant that after 7 years of plenty there would be 7 years of famine, and during the famine everything would be consumed that was saved during the plenty.

Of course, to turn the trick at all, there had to be savings. So Joseph set up a system of filling the granaries and silos and warehouses. In the end, the Egyptians had to buy back their own wheat at steeper prices, and the government owned everything—their jewels, their furnishings, everything.

Now our system is not to scarcity but to plenty. We have so much that we fear the consequences of plenty. There is no fear of famine; the fear is that prices will go down sufficiently to encourage farmers to vote against the party in power.

We could have shipped this plethora, or part of it, to people who lack nourishing foods, but then we might upset them by raising their standards of living too rapidly. That, our wise men regard as too dangerous, although those of us who are not so wise wonder why. It seems too indecent to let butter turn rancid when so many could use it. There was a time when Americans would not have stowed food in caves when children were with insufficient food. The Children's Fund of the United Nations goes begging while we hoard eggs.

The United States is giving away dollars, but men cannot eat dollars, nor automobiles, nor radios, nor even deep freezers, nor even the Government factories that are built because of our dollars. They can eat the food our Government hoards and which we find so useless that we have no plans for disposing of it. In fact, even in time of war we plan to hoard more—not each family filling its larder, but the Government hiding it from its own people to keep up prices and to produce scarcity.

It is something for all Americans to think about, because we need to keep our consciences clean and fresh. We shall soon be rushing about preparing for Thanksgiving and then for Christmas. While we do that, perhaps we can also think of the waste, the useless, sinful waste, of food which could feed millions and now feeds nobody.

CONSTITUTIONAL RESPONSIBILITY OF CONGRESS TO DECLARE WAR TRANSFERRED TO THE UNITED NATIONS

Mr. MALONE. The constitutional responsibility of the Congress to declare war involving American troops has apparently been transferred to the United Nations and is no longer a question referred to the Congress by the President.

CONSTITUTIONAL RESPONSIBILITY OF THE SENATE TO APPROVE TREATIES BY TWO-THIRDS VOTE NULLIFIED—CONSTITUTION AMENDED BY CONGRESS WITHOUT REFERENCE TO STATES

The constitutional responsibility of the Senate to approve treaties with foreign nations by a two-thirds vote of this august body has been abrogated by the President and his State Department, through its decision to make executive agreements, instead of treaties, and to submit them to both Houses of Congress for approval by simple majority vote. I further intend to discuss the trade treaties which are being made. Every trade treaty should be approved by the Senate. However, by means of the 1934 Trade Agreements Act, that constitutional responsibility—a responsibility, not merely an authority—was transferred to the executive branch of the Government. In effect, the Constitution was thus amended, without referring the amendment to the separate States for their approval.

EXECUTIVE BRANCH RESPONSIBLE FOR FIXING FOREIGN POLICIES

The Constitution fixes in the executive branch of the Government only the responsibility of regulating the foreign policy of the United States, and not the domestic economic policy. Yet the State Department is proceeding with its plan to continue its free-trade program with the World Trade Conference to be held at Torquay, England, beginning September 28, at which time, it has been announced, negotiations will again take place for a further lowering of tariffs and import fees on 3,000 or 4,000 products, thus furthering the State Department's objective of attaining one economic world under the cover of war.

ONE ECONOMIC WORLD UNDER COVER OF WAR

Mr. President, this will not be the first conference with the objective: "One Economic World." At Geneva, Switzerland, a general conference on tariffs and trade was held in October 1948. That was the first general conference of this kind. The second general conference was held at Annecy, France, in 1949.

Mr. President, in connection with the prospective Torquay conference, which is to be held on the 28th of this month to complete the job—September 1950—I now introduce a Senate resolution, and ask that it be appropriately referred. I shall read the resolution:

THE RESOLUTION TO POSTPONE THE TORQUAY CONFERENCE

Whereas American industry is now operating under emergency regulations and controls; and

Whereas it is unfair to American industry and labor to flood this market with foreign competitive items while American industry and labor is engaged in the production for our armed services; and

Whereas the further reduction of tariff rates under the present uncertain conditions causes venture capital to withdraw from the field of investment: Now, therefore, be it

Resolved, That it is the sense of the Senate that all negotiations and conferences under section 350 of the Tariff Act of 1930, as amended, which might result in the loss of revenue to the United States Treasury be postponed so long as the Defense Production Act of 1950 is in force and effective.

The resolution (S. Res. 355) submitted by Mr. MALONE, was referred to the Committee on Finance.

REMOVING THE FLOOR UNDER WAGES AND INVESTMENTS

Mr. MALONE. Mr. President, as I have just said, it is the intention of the State Department, in my opinion, to continue its work of establishing free trade at the conference at Torquay, England, and try to complete the job of attaining one economic world, under the cover of war.

This continues the abandonment of the workingmen and investors of this Nation and removes the floor from under wages and investments and puts the workingmen of America in direct competition with the sweatshop and low-wage living standard labor of Europe, Asia, and other low-wage areas.

CURRENT POLICE ACTION ENDED UNEMPLOYMENT AND IDLE INDUSTRIES

The current war, termed a "police action" by the President, a war declared by the United Nations without the concurrence or advice of Congress, has immediately ended the unemployment situation, which had been becoming very bad as a result of the tariff reductions already brought about as a result of such former conferences. The unemployment situation has been ended. The boys are going into the Army, and manpower will again become scarce.

A large number of manufacturing establishments will be converted to the production of war material, and, of course, with the needs of the Army and with the added responsibility for food and other supplies, everyone goes to work, and all the organizations are back in the harness, working with full steam ahead. So while this is going on, our State Department, which has a three-part free-trade program, continues to carry it out.

STATE DEPARTMENT MAINTAINS FREE TRADE IS A SUCCESS BECAUSE EVERYONE EMPLOYED

A meeting will be held at Torquay, England, and, so far as possible, the job will be completed under cover of war. The State Department will point to the fact that everyone is employed and that all the industries are producing to capacity. That will be perfectly true, Mr. President, except for one item going unnoticed, except by the people who are in the business; and I shall come to that in a moment.

TINKERING WITH THE TARIFF SCARES VENTURE CAPITAL OUT OF BUSINESS

The minute we start tinkering with the tariff, the minute the Congress desires, and indicates its desire, to change a tariff rate without adequate examination and without taking into account the differential in wages and wage-standard of living between this Nation and the competitive nations, or when the State

Department does the tinkering and shows that it is likely to make changes in the tariff rates—as at Torquay where again thousands of products will have their duties cut—then, Mr. President, immediately, venture capital is scared out of business. Under such circumstances there will be no more venture capital, while investors know that during the emergency capital will probably not be injured, yet they also realize that as soon as the emergency is over venture capital will be destroyed by the competition of foreign slave labor and the sweatshop labor nations of Europe and Asia and other low-wage areas.

FOREIGN NATIONS BRAZENLY COOPERATING WITH STATE DEPARTMENT IN TAKING OVER MARKETS

Mr. President, there appeared in the Daily News Record of Thursday, September 14, a London dispatch under the headline, "United Kingdom textile leaders promise no letup in exports to United States." It is a very revealing article in that it shows that Europe intends to cooperate with our State Department to take over as much of the American market as possible under cover of war. I ask unanimous consent that the article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UK TEXTILE LEADERS PROMISE NO LETUP IN EXPORTS TO UNITED STATES—SAY CANADA ALSO STILL WILL GET TOP PRIORITY DESPITE STEPPED-UP DEFENSE PROGRAM—ATTLEE'S HIGHER PRICE WARNING HELD SIGNIFICANT IN UNITED STATES BUYING CIRCLES

(By J. W. Cohn)

LONDON, SEPTEMBER 13.—Textile trade leaders today gave assurances that exports to the United States and Canada would continue to receive top priority despite Britain's stepped-up armament program announced yesterday by Prime Minister Attlee. Mr. Attlee, in opening debate on defense in Parliament, warned that defense demands would fall on a number of British industries, among them textiles, chemicals, radio and television.

American buying circles here regard as of even greater significance than the Prime Minister's comments on the supply situation his warning that prices are going up. Mr. Attlee undoubtedly was referring to the rising costs of raw materials, of which wool is, of course, an outstanding example.

Rising raw material prices will affect British manufacturers proportionately more than American producers because the costs of raw materials comprise a larger share of the total cost of the finished product to the British manufacturer than to the American producer, who operates under much higher labor costs.

American buying representatives here point out that price gains of devaluation of a year ago already have been wiped out in most lines but that British goods has remained competitive because of rises in the American domestic market.

PRICE RESISTANCE POSSIBLE

However, they say that if British textile prices advance proportionately more than domestic prices in the near future, price resistance can be expected from American retailers and importers. They also point out that the growing acceptance of synthetic fibers by American consumers will strengthen this price resistance.

Government and quasi-Government bodies decline to comment on the reaction to Mr. Attlee's speech while the defense debate is in progress, but spokesmen for all these groups stress that there has been no official letup in the drive for dollar exports and that none is expected unless the world political situation deteriorates. Industry spokesmen are outspoken in their determination to carry on the drive for the dollar markets.

An official of National Wool Textile Export Corp., told Fairchild News Service today: "We do not expect any interference whatever with the delivery of civilian orders for America. We are not a Government department but we can certainly say that production so far envisaged for the Armed Forces is very small in proportion to the total productive capacity of industry.

"While the military will have a slightly higher priority even than orders for America, production on American accounts is also in the highest priority categories, and as these two move in different fields of production, the theoretical priority of the Armed Forces over everything else will not affect the exceedingly high priority already enjoyed by the United States.

"Wool prices in evidence for the last few months promise to shorten industry's order books with the result that American buyers should be able to secure quick deliveries in 1951."

DOLLAR DRIVE CONTINUES

A director of the Manchester Chamber of Commerce, regarded as a spokesman for the cotton textile industry, told Fairchild News Service:

"The intensity of the cotton industry's dollar drive will continue even at the expense of the home trade or shipments to other markets. Although there is no suggestion at the moment of the reintroduction of the control of distribution, under which a certain proportion of output was reserved for sale to the dollar markets, the possibility cannot be ignored.

"Organizations working for increased dollar sales such as the Dollar Exports Board and the Cotton Board, are maintaining their pressure on the textile industry to improve still further trade with the United States. Right now there are more textiles being shipped to the United States than for some time.

"This is probably due to the diversion of some American mill output to war goods, but there is not yet any indication that we can sell the United States anything but traditional lines of fine quality goods. There is, in fact, no widening of the range of goods which we can sell them, although this may come if American Government demands on its domestic industry are increased."

SEE CONTROLS REIMPOSED

Mr. Atlee's speech has, however, definitely raised fears of renewed shortages on the home market of clothing and radio and television sets. This has given rise to renewed reports that clothes rationing and other wartime controls and restrictions soon will be reimposed.

Industry leaders are anxious for the Government to proclaim in detail what is expected of trade in the future. The Manchester Guardian in an editorial today complains that "uncertainty persists as to the importance which the Government now attaches to the maintenance of the export drive."

It declares British traders would welcome immediate guidance on how far the export trade can be neglected to meet Government requirements.

"Nobody wants the restoration of wartime controls if it can possibly be avoided but it is thought that textile industries could discharge their responsibilities to the country more efficiently if they were told in general terms what was expected of them," the editorial concludes.

Hugh Gaitskell, Minister of State for Economic Affairs, stated in Parliament today that defense and exports to the dollar market must share top priority in the nation's economic program.

Mr. MALONE. Mr. President, I have a further article which appeared in the September 14 issue of the New York Times, under the headline, "British Using War for Export Drive—They Not Only Admit Situation but Truman's Experts Point Out Its Desirability."

Mr. President, under the protection of the State Department the foreign nations are brazen in their drive to take over the American market while our patriotic industrialists and workingmen are winning a war which threatens foreign nations much more than it does us.

The article is as follows:

WASHINGTON, September 14.—A British export drive inspired by this country's concentration on rearmament and defense production generally is beginning to bring complaints to officials in Washington. Exporters in this country who have visited Latin-American markets recently say that the full impact of the British competition will not be felt by producers here for 2 or 3 months, but they predict that when it does hit, American sellers will find they have lost considerable ground abroad.

As pieced together from complaints made by American business representatives in England and in Latin America, Britain is pushing her foreign sales of competitive goods by telling potential customers that this is the United States war and that this country will soon be too tied up in defense production to fill the needs of Latin-American and other customers.

PRODUCTION AIMS AT TRADE

The foreign traders charge that the reason Britain has been dragging her feet on the wing to munitions production is that she is keeping her factories going full blast on production of goods she can sell in place of American products.

Objective of the British drive, it was said, is to insure that when hostilities end this time that nation will not be found in the same desperate plight for dollars as was the case at the close of the last war. The dollar gap problem that has plagued Britain for the last 5 years and compelled her to devalue her currency a year ago has been closed temporarily by our defense spending, it was added, but it will recur again unless Britain expands her foreign outlets for goods.

Britons, according to information received here, admit they are bearing down in a post-Korean drive for business. They retort, however, that the situation is an exact duplicate, in reverse, of the way in which American businessmen behaved from 1939 until this country entered the last war and, further, that the arguments used are duplicates also of those used by us from 1914 to 1917.

BRITAIN HAS UNITED STATES BACKING

American exporters will have some difficulty in impressing Washington officials by their complaints because the Government has been urging Britain as well as other Marshall-plan nations to expand their exports to this hemisphere as a means of building up their export balances.

As a matter of fact, the Gordon Gray group of experts who have been studying the international trade problem for some months at the behest of President Truman are reported

to have come to the conclusion that it would be unfortunate if Britain and other western European nations put drastic curbs on their export sales in order to go into armament production.

CONFIRMS ONE ECONOMIC WORLD OBJECTIVE

Mr. President, this article, of course, confirms the One Economic World program which the State Department from the beginning has outlined. The three-part, free-trade program has been put into effect. The 1934 Trade Agreements Act placed in the hands of an industrially inexperienced State Department the right to determine what industries shall survive and what industries shall be sacrificed on the altar of One Economic World. The Department can make any adjustments of the tariffs and import fees they desire within a range of up to approximately 75 percent.

NO TRADE AGREEMENTS

While they say they make trade agreements, there are no trade agreements made. The agreements are for lower tariffs, and right after an agreement has been signed history shows that the European nations and other nations which have the advantage of the lower tariff under the agreements resort to quotas, embargoes, manipulation of exchange values, and every known device in order to avoid carrying out their end of the bargain; and they have been very successful.

According to the testimony of one of the assistants of the State Department, the Marshall plan was simply a stopgap to make up the trade balance deficits of such nations until such time as the markets of the United States could be divided with the participating nations, so that there would be no further such trade-balance deficits.

THE INTERNATIONAL TRADE ORGANIZATION

Then there came the International Trade Organization proposal, which would transfer from the State Department to the 59 or 58 nations of the world signing the International Organization charter the authority over the regulation of the tariffs and the import fees of the member nations, and, if you please, Mr. President, the right to allocate quotas, including quotas on production, just as our President was given the right to allocate materials under the 1950 Defense Production Act.

This is the most brazen attempt to permanently destroy the economic structure of this country ever attempted. Mr. President, it would really require a most stupid Congress to approve this the latest State Department attempt to destroy all private capital in this country.

Of course, Mr. President, the 16 Marshall plan countries of Europe have the full support of our ECA Director. The Director, in a dispatch appearing in the Wall Street Journal of September 19, is quoted as follows:

"FREE TRADE" ADMINISTRATION AGAINST WHERRY-BYRD-MALONE-KEM AMENDMENT

Marshall Plan Administrator Paul Hoffman assailed legislation which would cut off United States aid to foreign countries shipping war-type goods to Russia and her satellites.

Further along, Mr. Hoffman was quoted as follows:

Mr. Hoffman also warned that any such move as that proposed by Senator WHERRY would make it necessary to increase dollar grants from the United States to Europe.

That, of course, refers to the Wherry-Byrd-Malone-Kem amendment, which was adopted on the Senate floor.

I understand there has been a tremendous drive on the House leaders, through letters from the President, the Secretary of State, the Director of the Budget, and ECA Director Hoffman, to have this amendment stricken out. I continue:

ARMING RUSSIA FOR WORLD WAR III

This is because the amendment would eliminate a big chunk of the $3,000,000,000 annual trade between eastern and western Europe made up of manufactured products assisting Russia to consolidate her gains in the iron curtain countries and Communist China and to arm these areas, including Russia for world war III with us.

Further along in the dispatch, Mr. Hoffman is quoted as follows:

Mr. Hoffman declared that the list of goods going into arms production would include every metal, machine, and tool, to say nothing of a long list of items such as cotton, wool, and duck feathers. Nearly all Marshall plan countries doing any sizable trade with iron-curtain nations would be cut off from American aid under such a list, he said.

I quote further from the dispatch:

ECA approved an Italian action in sending 60 industrial locomotives to the Soviet for use in Russian mines. Under that agreement, however, Russia agreed to ship to Italy 200,000 tons of iron ore, 20,000 tons of manganese, 100,000 tons of petroluem, and a number of other items needed in western Europe.

Of course, Mr. President, sending material for the Marshall-plan countries to Russia to step up production to maintain and to improve conditions in her satellite nations would not be assisting Russia to prepare for world war III with us—in the eyes of the ECA Director.

NOT NECESSARY TO SECURE STRATEGIC MINERALS FROM RUSSIA

Mr. President, in that connection, having been in the engineering business over a long term of years, during which time it has been my good fortune to learn something about where these materials are purchased, I want to say now that the statements made by our State Department over the period of many months—2 or 3 years, as a matter of fact—that we must get manganese from Russia, and that we must get certain other materials from Russia, are absolutely incorrect and show colossal ignorance or worse. I hope, Mr. President, that it is ignorance, because, if it is not, then the right name for it would not be nice.

THE WESTERN HEMISPHERE—POSSIBLY SELF-SUFFICIENT

As a matter of fact the Western Hemisphere could be made self-sufficient in the production of practically all materials, strategic and otherwise, if it should become necessary. If we had any foresight at all, in my opinion, we would be doing it now.

We can get manganese from Brazil, and we can get rubber from Brazil, copper from Chile, tin from Bolivia, iron ore from Venezuela, copra, and so forth. I could mention a long list of materials which we could obtain from the 20 nations in South America and the several Central American countries. We could protect our shipping lines and transportation lines when the chips were down, which could not be done in the case of imports from Russia, more especially since Russia is named by the administration as the potential enemy. The same materials named by the ECA Director as coming from Russia are available in Africa in almost unlimited quantities.

In each instance when it became evident that the Marshall-plan countries were shipping war material, tool steel, locomotives, electrical equipment, heavy cranes, flatcars, and practically everything else which is needed to fight a war and enable the Russians to consolidate their gains in eastern Europe and Communist China, the excuse for the failure to prohibit such exports was that we must get raw materials from Russia. That is absolutely untrue. No one knows it better than the State Department. No one knows it or should know it better than Mr. Hoffman himself, the Director of ECA. It is entirely unnecessary.

Further along in this AP dispatch in the Wall Street Journal I read:

BRITISH BAN SHIPMENTS OF TOOLS TO RUSSIA NEEDED AT HOME

Britain announced a ban on export to iron-curtain countries of any machine tools the west may need for defense.

"The west may need for defense." Before this Mr. Churchill had said that they are shipping to Russia and iron-curtain countries these same machine tools. So now the ban is only on the tools needed by the west, not on the tools themselves. The surplus will continue to be exported to Russia and her satellites to prepare for world war III with us.

I read further:

Harold Wilson, president of the Board of Trade, announced this during debate in the House of Commons on a motion by Winston Churchill, Conservative leader, urging the Government to suspend export of strategic tools and materials which "might add to the war potential of possible aggressors."

Mr. Wilson said that while the embargo was made necessary by recent events and the British defense program, he could not guarantee that machine tools on order by eastern European countries would be permanently withheld. It depends on whether there is a demand for these tools by the western allies.

In other words, they intend to ship these tools to the western allies if they can produce beyond the local or home demand for them.

MOLYBDENUM SHIPPED FROM UNITED STATES TO ENGLAND, THENCE TO RUSSIA

Mr. Wilson was asked how 50 tons of molybdenum, a material used for hardening steel, was transshipped recently to Russia by a British firm after being exported by an American firm to Britain.

The Minister replied that most goods can be transshipped in Britain without formal export licenses and there was no question of infringement of regulations at the time.

In other words, any kind of goods, military or otherwise, can be transshipped to Russia without any supervision whatever.

MARSHALL-PLAN COUNTRIES TRADE TREATIES WITH RUSSIA

Mr. President, the junior Senator from Nevada, starting on March 4, 1948, from time to time put into the CONGRESSIONAL RECORD the trade treaties negotiated between the ECA countries and Soviet Russia, starting with three or four as of that date. He did not dream that the Congress of the United States could be apprised of this arming of Russia for a third world war by the Marshall-plan countries without taking action to stop such conditions through attaching proper conditions to the expenditure of ECA funds.

1949—96 TRADE TREATIES—MARSHALL-PLAN COUNTRIES AND RUSSIAN SATELLITES

In 1949 the junior Senator from Nevada again debated the question at some length, and placed in the RECORD the 96 trade treaties which had been made up to that time and were in good standing between the 16 Marshall-plan countries and Russia and her iron-curtain satellites. The junior Senator from Nevada again pointed out that the Marshall-plan countries were shipping to Russia and iron-curtain countries and to Communist China materials which would allow them to consolidate their gains in the captured areas and to prepare for world war III with this Nation.

Mr. President, it was said we were fighting a cold war. That could be so according to the definition of a cold war entertained by the State Department. If we are fighting a cold war with Russia, why at the same time should we be furnishing them the material they need in order to consolidate their gains in eastern Europe, in the iron-curtain countries, and in China. Perhaps the next day a statement is issued by the State Department saying the Department did not think Russia could contain these countries or could keep them subdued, while at the same time furnishing the very materials and goods they need to keep them under their power. How stupid can we get?

UNITED STATES FURNISHING RAW MATERIALS TO EUROPEAN ECA NATIONS SO ECA NATIONS CAN SEND RUSSIA NEEDED PROCESSED GOODS

Mr. President, how does one country keep another country under control and from revolt? Simply by furnishing them better food, better materials, and better living conditions than they had under the old regime. That is exactly what we are helping them to do. We are helping Russia to make it possible to keep these nations under her control. Many people believed, and believe now, that Russia cannot produce the materials necessary to keep these nations subdued and under her control.

In other words, if they were left alone to do the job, perhaps these iron-curtain countries and Communist China would revolt. However, if we continue the course we have followed since the passage in 1948 of the Marshall plan, the ECA Act in 1949, and its extension in 1950, and continue to ship the materials, furnish the money, and supply the industrial machinery necessary to enable the European countries to manufacture and export to Russia the necessary materials, then Russia will be able to hold satellite countries. We are assisting Russia in the cold war to supply her satellites and keep them under her control. As a consequence, we are constantly upset here and must continually arm for a threatened world war III, which many people believe we are in now. There may be a lull following Korea, but later it will break out again someplace else.

BRITISH ONLY SQUIRM TO AVOID CRITICISM BUT CONTINUES SHIPMENTS TO RUSSIA

I have another dispatch before me entitled, "Britain Restricts Tools for Soviet," written by Clifton Daniel, and published in the New York Times of September 19, 1950. It reads:

> Under pressure from its political opponents, the British Government announced tonight that it would prevent the export of several heavy machine tools that might add to the war potential of the Soviet Union and its allies. United States opinion was obviously one of the factors that influenced the Government, although it was mentioned only obliquely.

In other words, no attempt was made by Britain's Government to curtail the supplies which were going to Russia until Mr. Churchill made it an issue and the labor leaders thought they might lose control of the government. So, temporarily, they will control some part of these supplies. At Mr. Churchill's insistence, that matter was brought to their attention. I read further:

> Some of those tools, he said, had been placed on the prohibited list since they were ordered. Others, he declared, were urgently required for the reequipment of Britain's own ordnance factories. Still others, he added, "fell into the category of direct war potential but were not prohibited."
>
> Speaking of two tremendous center lathes, one of them large enough almost to fill the House of Commons, he said, "these lathes spell to me under present circumstances only the words—armaments, guns."

JUVENILE TO BELIEVE ECA NATIONS NOT ARMING RUSSIA FOR WAR WITH UNITED STATES MATERIALS

Mr. President, the junior Senator from Nevada on March 4, 1948, when he spoke 4 or 5 hours on this question, never thought it necessary to say that machine tools are used to make guns and other war materials. Everyone knows that to be so. Everyone should know by now that there has been no attempt until recently, and that only under pressure from Mr. Churchill, by the Government of England to curtail any shipment whatever to Russia or her satellite nations. Nothing has been done in the other nations.

We all know—and certainly it is commonly reported—that the French are 4 to 1 Socialist, that England has a Socialist government, and that there are many Socialist governments in the 16 foreign nations which we now have in our budget and on our payroll, in the same manner as we have the State Department on our payroll. Apparently they all seem to be working together for one cause, namely, arming our potential enemies for world war III.

AMERICAN BOYS FACING AMERICAN FINANCED MUNITIONS

I hope no one on the floor of the Senate doubts that American boys in Korea are facing the materials which are being sent to Russia and the iron-curtain countries by the nations we are financing. The goods are sent through Hong Kong into Communist China and from there into Korea. No one doubts that exactly as in 1942, 1943, and 1944, when our boys were fighting Japan in the Pacific, our boys are now again catching that stuff in their bare hands, which was financed by the taxpayers of America. The material is being sent to the 16 Marshall-plan countries. It is furnished to the ECA nations and then the processed material is going directly to the iron-curtain countries and to Communist China.

SAW SHIPMENTS TO JAPAN

I saw such shipments going out though the Golden Gate in 1937, 1938, 1939, and 1940, and they never were stopped until the Japs hit Pearl Harbor. Boatload after boatload of scrap iron and petroleum went out to Japan. Then, as soon as they hit Pearl Harbor, we sent the boys out to catch that scrap iron in their bare hands, coming out of Japanese guns. We are now repeating that tragic error with Russia. Will we never learn?

WE HAVE PROGRESSED SINCE 1938–41

We have progressed. At that time we sent only the raw material, so that the Japanese were forced to do their own manufacturing. However, we cooked up a new scheme this time, through the Marshall plan, and we are using the 16 Marshall-plan countries as just a manufacturing-in-transit center. So that this time we let Europe manufacture the goods Russia needs for use in world war III and to consolidate her gains. We save them the trouble of manufacturing their material.

The Japanese were using the petroleum and scrap iron to consolidate their gains in China. It is all happening again except that, as I have said, we are manufacturing the goods for them now, instead of requiring Russia to do her own manufacturing. Naturally, she does not have the manufacturing capacity as yet, and our accommodating State Department is seeing to it, as I have just read in the dispatches quoting the Director of ECA, that we must not stop these materials from moving, and that we must assist Russia in consolidating her gains in eastern Europe and in China—and in preparing to fight world war III.

EVERY MATERIAL IS WAR MATERIAL

Mr. President, you and I know that anything is war material. Food is war material when there is a war on or we are preparing for war. Shirt buttons are war materials. Shirts are war materials. But I say again, it is the greatest falsehood that was ever uttered in a dispatch when it is said we have to get the manganese and the chromite and the tungsten from Russia.

A NAKED AND DANGEROUS LIE—THAT STRATEGIC MATERIALS MUST COME FROM RUSSIA

Nothing could be further from the truth. We do not have to get such minerals from Russia or the satellite nations. If any further information on that score is necessary, call on me—I have spent 30 years in the business, and know where

these materials are located. This information is well known in engineering circles.

MANUFACTURES AND INDUSTRIES AFFECTED BY THE STATE DEPARTMENT'S FREE-TRADE PROGRAM

With further regard to the conference in Torquay, England, where it is presumed and it has been so announced by the State Department, on several thousand additional products the tariffs will be negotiated downward, I desire at this time to place in the RECORD a list of manufacturers classified in 12 groups, representing several hundred industries and thousands of products of importance throughout the United States.

These manufacturers have appeared before the Committee for Reciprocity Information of the State Department and other Government agencies, they appeared with their hats in their hands, almost with tears in their eyes, begging the Department not to go to Torquay, England, under cover of war and further lower tariffs on their goods, while a large part of their capacity is devoted to war work.

I shall not read the list of producers, but I shall read the 12 classifications. This is a list of the industries submitting briefs and testimony before the Committee for Reciprocity Information, in opposition to further tariff reductions.

Mr. MARTIN. Mr. President——

The PRESIDING OFFICER (Mr. ROBERTSON in the chair). Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. MALONE. I yield to the distinguished Senator from Pennsylvania.

Mr. MARTIN. Does not the distinguished Senator from Nevada think that it would be very much better if John L. Lewis, the head of the United Mine Workers of the United States, were here talking in an endeavor to protect the industries of the United States from the importations of articles from countries where there is cheap labor, instead of going out into Ohio and condemning a distinguished colleague of ours like ROBERT A. TAFT?

THE UNITED MINE WORKERS FOR A FLEXIBLE IMPORT FEE

Mr. MALONE. I do not agree with John L. Lewis in many of the things he does but I do say for him that he is unqualifiedly for a flexible import fee on American goods. He is for a floor under wages and investments. He knows how the economic system of this Nation was developed in the face of almost insurmountable obstacles. I do not agree that he should go into a State and attack any Senator, but I must say for John L. Lewis that he is for a flexible import fee to protect American workingmen and investors of this Nation.

He is the only labor leader who will speak out so far, although I shall read later some resolutions from labor organizations which show that the workingmen are beginning to understand that they are the first victims of free trade. One economic world program of the administration as administered by the industrially inexperienced State Department.

Mr. MARTIN. Mr. President, will the Senator yield further?

Mr. MALONE. I yield.

Mr. MARTIN. Is it not true that many of the rank and file of labor who study the economic conditions of the United States and of the world are beginning to be alarmed about the importations of many manufactured articles which are now coming into our country?

LABOR ORGANIZATIONS WAKING UP

Mr. MALONE. Labor is waking up; there is no question about that. Here in Washington there is an organization which has been formed, headed by Mr. Stockbein, who has formed an organization affiliated with the American Federation of Labor. There are 15 or 18 industries and labor groups affiliated with this organization.

His idea is to get labor and management together and cease fighting each other in order to win the Red fight—the free-trade fight. In the past labor organizations have been on one side and management on the other fighting each other. That may be necessary under certain conditions, but in this case the management representing the stockholders of an organization cannot join this new organization without bringing their labor organizations with them, and vice versa. Fifteen or twenty organizations have joined, and they are putting up a good fight, and represent a large area in the United States.

ADDRESSED THE AMERICAN FEDERATION OF LABOR IN 1949 ON THE FLOOR UNDER WAGES AND INVESTMENTS

Mr. President, I addressed the American Federation of Labor national convention last year at St. Paul, and spent 30 minutes on this particular subject of free trade as it affects the workingmen and the investors of America, and I never have received anywhere in this Nation a better reaction. Many said they had never before heard the subject approached from the angle of the workingmen and investors, or in fact, heard it discussed sensibly, but that always the discussion had been on high tariff or low tariff, and that no one had really understood the subject. In my own State labor organizations have passed resolutions condemning the 1934 Trade Agreements Act, and asked for a flexible import fee to take its place. In that connection, I may say that the executive committee of the Republican Party in my own State of Nevada passed the same resolution, as did the State farm bureau. The three groups are together in the State of Nevada.

Mr. MARTIN. Mr. President, will the Senator from Nevada yield further?

Mr. MALONE. I yield.

Mr. MARTIN. Is the list the Senator intends to present a list of manufactured articles only, or does it include agricultural products?

75 PERCENT OF AGRICULTURAL PRODUCTS DO NOT NEED SUBSIDIES

Mr. MALONE. It includes a partial list. It includes agricultural products covering fishing and food industries.

I intended to say further along in my address that it is estimated that 75 percent of all agricultural products do not need a subsidy if there should be established a flexible import fee so that products from the competitive countries are brought in on our level of cost. In other words, making imports competitive, articles like potatoes, flax, wheat, or any other agricultural product produced in this Nation would come in at the parity level. Such articles can be protected with a tariff; no subsidy is needed. Only wheat and cotton, to speak broadly, would need a subsidy, and that only because we produce more than we consume.

Under the flexible import fee principle anyone bringing in a competitive product would bring it in on our level of cost, like wheat, cotton, and eggs, and no surplus would develop, but under free trade, or where the tariff is low and does not affect imports, we are swamped with wheat coming from Canada, eggs from China, and cotton from other nations. Then through the appropriation of taxpayers' money we are stabilizing agricultural prices of the surrounding competitive nations as well as our own. So we need the flexible import fee or tariff for agricultural products.

Mr. MARTIN. I thank the Senator very much.

TWELVE GROUPS OF INDUSTRIES REPRESENTING THOUSANDS OF PRODUCTS

Mr. MALONE. Mr. President, there are 12 groups of industries to which I have referred:

First. Agricultural, fishing, and food industries.

Second. Chemical industries.

Third. Leather, luggage, and handbag industries.

Fourth. Glassware and china industries.

Fifth. Textile industry.

Sixth. Scientific instruments.

Seventh. Cocoa matting, fibers, cordage, and twine.

Eighth. Mining and mineral industries.

Ninth. Jewelry, silver, and diamonds.

Tenth. Paper industry.

Eleventh. Metal manufactures.

Twelfth. Miscellaneous industries.

Mr. President, I ask unanimous consent that the detached list of industries and companies may be included in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

INDUSTRIES SUBMITTING BRIEFS AND TESTIMONY BEFORE THE COMMITTEE FOR RECIPROCITY INFORMATION

1. AGRICULTURAL, FISHING, AND FOOD INDUSTRIES

Seafood Producers Association, Inc.
Gloucester Fisheries Association.
Botany Mills: Wool grease and lanolin.
The Cigar Makers' International Union.
Cigar Manufacturers' Association of America, Inc.
National Renderers Association: Vegetable, animal and marine fats and oils.
Northwest Nut Growers: Filberts.
California Fruit Growers Exchange: Exchange Orange Products Co., Exchange Lemon Products Co.

The Association of Cocoa and Chocolate Manufacturers of the United States.
Mushroom Growers Cooperative Association: Cultivated Mushroom Institute of America, Inc.
The National Confectioners' Association.
National Cheese Institute, Inc.
Crane, Martin & Snyder: For the Horse Meat Packing Industry.
National Canners Association: California Fish Canners Association, Inc., Monterey Fish Processors Association, Association of Pacific Fisheries, Maine Sardine Packers Association, Inc.: R. J. Peacock Canning Co., Holmes Packing Corp.
Department of Sea Shore Fisheries, Augusta, Maine.
Massachusetts Fisheries Association, Inc.
The National Potato and Onion Committee.
Department of Agriculture, State of Maine: Potatoes.
Florida Canners' Association: Canned citrus juices.
Northwest Horticultural Council: Fresh apples.
Corn Industries Research Foundation: Corn products.
California Fig Institute.
Halibut Liver Oil Producers.
Tung Growers Council of America.
American Tung Oil Association, A. A. L.
National Milk Producers Federation.
The Shade Tobacco Growers Agricultural Association, Inc.
Mac Andrews & Forbes Co.: Licorice.
National Apple Institute.
Maryland Commercial Watermen Association, Inc.: Seafood.
National Wool Marketing Corporation.
American Angora Rabbit Breeders Cooperative.

2. CHEMICAL INDUSTRIES

Synthetic Organic Chemical Manufacturers Association.
Food Machinery & Chemical Corp., Westvaco Chemical Division: Magnesite, dead burned and grain; barium hydroxide, barium oxide, and blanc fixe.
The Standard Lime & Stone Co.: Magnesite.
Basic Refractories, Inc.: Magnesite.
Northwest Magnesite Co. and Harbison-Walker Refractories Co.: Magnesite.
Young Aniline Works, Inc.: Dyestuffs, chemicals.
Carus Chemical Co., Inc.: Potassium permanganate.
Baugh & Sons Co.: Bone char and animal glue.
National Association of Glue Manufacturers, Inc.
The Dow Chemical Co.
Merck & Co., Inc.: Medicinal chemicals.
American Aniline Products, Inc.: Dyestuffs.
Victor Chemical Works.
Dry Color Manufacturers' Association: Chemical pigments.
Plastic Materials Manufacturers Association, Inc.
Hooker Electrochemical Co.
Consolidated Chemical Industries, Inc.
Mutual Chemical Co. of America.
Stauffer Chemical Co.

3. LEATHER, LUGGAGE, AND HANDBAG INDUSTRIES

Pocketbook Workes Union, New York.
National Authority for the Ladies' Handbag Industry.
Luggage & Leather Goods Manufacturers of America, Inc.
K. Kaufman & Co., Inc.: Leather goods.
International Handbag, Luggage, Belt, and Novelty Workers Union.
Tanners' Council of America.
National Association of Leather Glove Manufacturers, Inc.
National Leather Fibre Conference, Inc.
International Fur and Leather Workers Union.

4. GLASSWARE AND CHINA INDUSTRIES

California Art Potters Association.
Vitrified China Association, Inc.
The Homer Laughlin China Co.: China.
Coors Porcelain Co.
American Glassware Association.

5. TEXTILE INDUSTRY

Crompton Co. and Crompton-Shenandoah Co.: Velveteen industry, corduroy industry.
Forstmann Woolen Co.
The Hat Institute, Inc.
The Domestic Bagging Producers Association, Inc.: Open weave jute bagging for cotton bales.
Carpet Institute, Inc.
Stevens Linen Associates, Inc.
The National Federation of Textiles, Inc.
Cashmere Corporation of America.
Wamsutta Mills: Combed cotton goods.
Carded Yarn Association, Inc.
J. P. Stevens & Co., Inc.: Woolen, worsted, rayon, and cotton fabrics.
York Street, Flax Spinning Co., Inc: Linen handkerchiefs.
Berkshire Fine Spinning Associates, Inc.: Fine combed cotton fabrics.
Amalgamated Lace Operatives of America.
Embroidery Manufacturers Bureau, Inc.
National Knitted Outerwear Association.
Simtex Mills, Rosemary Manufacturing Co.: Table damasks.
William Whitman Co., Inc.: Worsted textiles.
Nashawena Mills: Fine cotton goods.
The American Cotton Manufacturers Institute, Inc.
The National Association of Cotton Manufacturers.
The Association of Cotton Textile Merchants of New York.
The Textile Export Association of the United States: The Southern Comber Yarn Spinners Association, the Carded Yarn Association, the Thread Institute, Inc., the Philadelphia Textile Manufacturers Association, the Narrow Fabrics Association.
Textile Workers Union of America, CIO.

6. SCIENTIFIC INSTRUMENTS

Scientific Apparatus Makers Association.
The Optical and Ophthalmic Glass, Lens, and Instrument Industry Committee.

7. COCOA MATTING, FIBERS, CORDAGE, AND TWINE

Meakins McKinnon, Inc.: Cocoa mats, matting, fibers, etc.
National Mat and Matting Co., Inc.
United States Cocoa Mat Corp.
Cordage Institute: Cordage and twine.
Soft Fiber Manufacturers' Institute: Jute, flax, and hemp.

8. MINING AND MINERAL INDUSTRIES

Kaiser Aluminum & Chemical Corp.: Aluminum.
American Zinc Institute.
Combined Metals Reduction Co. and Emergency Lead Committee: Lead and zinc.
San Francisco Chamber of Commerce: General mining.
E. J. Lavino & Co.: Ferromanganese, manganese, and chrome ores.
Reynolds Metals Co.: Aluminum.
George Benda, Inc.: Bronze powders.
American Iron and Steel Institute.

9. JEWELRY, SILVER, AND DIAMONDS

New England Manufacturing Jewelers and Silversmiths Association.
Diamond Workers' Protective Union of America.
Diamond Manufacturers & Importers Association of America, Inc.

10. PAPER INDUSTRY

American Paper and Pulp Association: Groundwood Paper Manufacturers Association; Book Paper Manufacturers Association; Writing Paper Manufacturers Association.
American Box Board Co.
Association of Pulp Consumers.
The Wall Paper Institute.
United Wall Paper Craftsmen & Workers of North America.
Fourdrinier Kraft Board Institute, Inc.: Paperboard.

11. METAL MANUFACTURES

Union Hardware Co.
Water Meters Industry.
National Association of Textile Machinery Manufacturers.
Harley-Davidson Motor Co.
Bicycle Workers Union.
Industrial Wire Cloth Institute.
Sporting Arms and Ammunition Manufacturers' Institute.
Whizzer Motor Co.: Motor bicycles.
E. C. Atkins and Co.: Circular saws and machine knives and blades.
Camillus Cutlery Co.
Associated Cutlery Industries of America.
General Phonograph Manufacturing Co., Inc.: Textile pins, comber needles.
Pittsburgh Crushed Steel Co.: Grit, shot, and sand of iron or steel.
Rodney Hunt Machine Co.: Textile wet finishing machinery.
The Sprague Meter Co.: Gas meters and regulators.
James Smith & Son, Inc.: Noble combs and improved ball winders.
Association of Manufacturers of Woodworking Machinery.
American Steel Wool Manufacturing Co., Inc.
The Anti-Friction Bearing Manufacturers Association, Inc.
Columbia Fastener Co.
National Electrical Manufacturers Association: Hydraulic turbine section.
American Machine & Foundry Co.
National Machine Tool Builders' Association.
Scott & Williams, Inc.: Knitting machinery.
Babcock & Wilcox Tube Co.: Welded tubes.

12. MISCELLANEOUS INDUSTRIES

C. K. Williams & Co.: Colors and pigments.
The Crayon, Water Color, and Craft Institute.
Bottle Fermented Champagne Producers, Inc.
Gold Leaf and Metal Foil Products Industry.
The Society of the Plastics Industry.
American Record Manufacturers Association.
Fountain Pen and Mechanical Pencil Manufacturers Association, Inc.
Lead Pencil Manufacturers Association, Inc.
Collapsible Tube Manufacturing Industry.
Fatty Acid Industry.
Columbus Coated Fabrics Corp.: Oil cloth, coated fabrics.
Finkely Umbrella Frame Co.
Candle Manufacturers Association.
William M. Ives Co., Inc.: Brush handles.
American Brush Manufacturers Association.
H. C. Spinks Clay Co.: Ball clay.
Palm, Fechteler & Co.: Decalcomania in ceramic colors.
Alsop Engineering Corp.: Filters.
A. Gusmer, Inc.: Filtermass.
National Distillers Products Corp.: Spirits.
W. H. Coe Manufacturing Co., Inc.: Gold leaf and embossing foils.

INDUSTRIES INJURED BY FREE TRADE OR FEARING INJURY

Mr. MALONE. Mr. President, I have a partial list, not complete by any means, of the industries injured or fearing injury through tariff reductions, by States.

The entire 48 States are included. I shall not read the list. I emphasize that

it is not a complete list. It is more of a comparative list to show the industries that either are injured at this time or are in grave danger, through the announced plan of the State Department to further their one economic world through the Torquay conference in England under the cover of war. Mr. President, I ask unanimous consent to have included in the RECORD at this point a list of such industries by States, the 48 States, as a part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

INDUSTRIES INJURED OR FEARING INJURY THROUGH TARIFF REDUCTIONS, BY STATES

Alabama: Luggage and leather goods, corduroy, candy, tung oil, paperboard, carded cotton yarns, textiles.

Arkansas: Corduroy, velveteen, candy paperboard.

Arizona: Copper, lead, lemons.

California: Almonds; lemon and lemon oil; olive oil; oranges and products; hops; tuna fishing; walnuts; beef and veal, fresh, chilled, or frozen; luggage and leather goods; ladies' handbags; aluminum, crude, pig, ingot, and alloys; crayons, water colors; barium chemicals; art pottery; carded cotton yarns; printing machinery; glassware; cordage and twine; lead; leather gloves; candy; mushrooms; cocoa and chocolate; bone charcoal; mineral earth pigments; canned fish; animal glue; chemicals; figs; soft fabrics; candles; handkerchiefs.

Colorado: Chemical porcelain, luggage and leather goods, lead, candy, mushrooms, angora rabbits.

Connecticut: Ice and roller skates and shoes, luggage and leather goods, ladies' handbags, chemicals, phonograph records, fur-felt hat bodies, rubber footwear, thermos bottles, watches and clocks, electric appliances, textiles, shotguns and rifles, wire cloth, candy, mushrooms, gold leaf and metal foil, wool grease and lanolin, leather fiber, carpets, animal glue, machine tools, phonograph needles and textile pins, gas meters, shade tobacco, soft fibers, filters, wall paper.

Delaware: Chemicals, mushrooms.

Florida: Sponges, ladies' handbags, candy, chemicals, tung oil, canned citrus juices, shade tobacco, paperboard.

Georgia: Luggage and leather goods, ladies' handbags, corduroy, velveteen, candy, mineral earth pigments, tung oil, shade tobacco, soft fibers, textiles, carded cotton yarns, paperboard.

Idaho: Lead and zinc, candy.

Illinois: Photoengraving and lithographing equipment, optical instruments, scientific instruments, laboratory apparatus, luggage and leather goods, ladies' handbags, potassium permanganate, fatty acids, crayons and watercolors, rubber foot wear, cellulose products, watches, glassware, paperboard, cordage and twine, lead, leather gloves, candy, mushrooms, cocoa and chocolate, mineral earth pigments, leather fiber, animal glue, machine tools, snap fasteners, hydraulic turbines, chemicals, tanneries, cornstarch, soft fibers, candles, wallpaper, handkerchiefs.

Iowa: Luggage and leather goods, leather gloves, candy, horse meat, animal glue, cornstarch.

Kansas: Lead, candy, horse meat, animal glue.

Kentucky: Whiskies and spirits, aluminum and alloys (crude), luggage and leather goods, glassware, lead, candy, ball clay, carded cotton yarn.

Louisiana: Cordage and twine, candy, tung oil, soft fibers, paperboard.

Massachusetts: Luggage and leather goods, ladies handbags, cocoa fiber door mats, paper (cigarette, bible, etc.), fur-felt hat bodies, rubber footwear, crayons and watercolors, glassware, jewelry (rosaries, etc.), textiles, textile machinery, optical glass, sea food, corduroy, velveteen, cordage and twine, candy, mushrooms, cocoa and chocolate, water meters, wool grease and lanolin, linen towels and toweling, leather fiber, carpets, animal glue, knitting machines, tanneries, shade tobacco, soft fibers, textiles, carded cotton yarn, wall paper.

Maine: Spring clothespins, luggage and leather goods, ladies handbags, paper and pulp, corduroy, canned fish (sardines), leather fiber, carpets, potatoes, fishery products, brush handles, textiles.

Maryland: Luggage and leather goods, ladies handbags, dyes and chemicals, magnesite, rubber footwear, wood brush handles, blown glassware, candy, mushrooms, mineral earth pigments, knives, sea food.

Michigan: Luggage and leather goods, paper (cigarette, Bible, etc.), electrical appliances, paperboard, candy, mushrooms, bone charcoal, motor bicycles, copper, chemicals, cornstarch, wood brush handles.

Minnesota: Luggage and leather goods, candy, soft fibers.

Mississippi: Veneer and plywood, candy, tung oil, paperboard.

Missouri: Luggage and leather goods, lead pencils, ladies handbags, crayons (watercolors, crafts), zinc and lead, cordage and twine, candy, mushrooms, cornstarch, soft fibers, wallpaper.

Montana: Lead.

Nebraska: Candy, animal glue, soft fibers.

Nevada: Zinc, lead, copper, magnesite.

New Hampshire: Leather fiber, textiles, wood brush handles.

New Jersey: Wooden umbrella handles, silk woven goods, luggage and leather goods, lead pencils, magnesite, ladies handbags, fur-felt hat bodies, rubber footwear, crayons (watercolors), chemicals and dyes, barium nitrate, pipes, and foundry products, wool goods, nickel products, glassware, cordage and twine, wire cloth, candy, mushrooms, cocoa and chocolate, water meters, wool grease and lanolin, mineral earth pigments, carpets, medicinal chemicals, licorice, soft fibers, bronze powders, ball clay, decalcomania, handkerchiefs, candles, umbrella frames, textiles, wallpaper.

New Mexico: Lead, lead scrap.

New York: Marrons, knitted berets, reeds from rattan, knitted gloves, hats (fur-felt), silk, stencil (dyed, or colored), hatters' fur, plastics, cut diamonds, luggage and leather goods, lead pencils, ladies' handbags, fatty acids, paper (cigarette, Bible, etc.), optical and ophthalmic glass, rubber footwear, crayons (watercolors), leather tanning, cocoa mats, glassware, chinaware, woolen and worsted goods, lace, carpets, linen, twine and rope, bicycles, surgical instruments, cystoscopes, toys, tools, slide fasteners, veneer and plywood, corduroy, velveteen, cordage and twine, lead, shotguns and rifles, wire cloth, leather gloves, candy, mushrooms, cocoa and chocolate, water meters, gold leaf and metal foil, wool grease and lanolin, mineral earth pigments, animal glue, saws and knives, copper, cutlery, tobacco machines, potassium nitrate, chromium chemicals, electrochemicals, cornstarch, soft fibers, umbrella frames, handkerchiefs, wall paper.

North Carolina: Ladies' handbags, paper (cigarette, Bible, etc.), corduroy, velveteen, candy, carpets, copper, handkerchiefs, textiles, carded cotton yarn, paperboard.

North Dakota: Mineral earth pigments.

Ohio: Dental burrs, luggage and leather goods, ladies handbags, cocoa mats, fatty acids, crayons and water colors, hand-made glassware, leather gloves, braids and twines, chinaware and pottery, magnesite (dolomite), cashmere products, wall paper, corduroy, cordage and twine, candy, mushrooms, mineral earth pigments, leather fiber, welded tubing, machine tools, tanneries, cornstarch, candles, oil cloth.

Oklahoma: Zinc, lead, candy.

Oregon: Filberts (not shelled), cherries, candy, mushrooms, saws and knives, apples, soft fibers.

Pennsylvania: Dental burrs, whiskys and spirits, luggage and leather goods, lead pencils, ladies handbags, bone charcoal, crayon, water colors, fur-felt hat bodies, paper (cigarette, Bible, etc.), optical and ophthalmic glass, fatty acids, mineral earth pigments, glassware, chemicals, lace, woolen goods, slide fasteners, cordage and twine, bicycle tires, leather gloves, candy, mushrooms, soft fibers, carpets, animal glue, gold leaf and metal foil, water meters, cocoa and chocolate, machine tools, woodworking machinery, chemicals, handkerchiefs, textiles, wall paper, candles, wood brush handles, umbrella frames.

Rhode Island: Luggage and leather goods, lead pencils, ladies handbags, collapsible tubes, rubber footwear, jewelry, textiles, lace, corduroy, velveteen, candy, mushrooms, gold leaf and metal foil, machine tools.

South Carolina: Corduroy, candy, handkerchiefs, textiles, carded cotton yarn, paperboard.

South Dakota: Candy.

Tennessee: Lead pencils, corduroy, lead, candy, copper, chemicals, soft fibers, ball clay, textiles, carded cotton yarn.

Texas: Luggage and leather goods, ladies' handbags, lead, candy, bone charcoal, copper, soft fibers, candles, carded cotton yarns, paperboard.

Utah: Zinc, lead, candy, copper.

Vermont: Spring clothespins, luggage and leather goods, ladies' handbags, leather gloves, candy, copper, wood brush handles, textiles.

Virginia: Luggage and leather goods, ladies' handbags, corduroy, velveteen, lead, candy, mineral earth pigments, leather fiber, ferromanganese, aluminum, textiles, carded cotton yarn, paperboard.

Washington: Narcissus bulbs, beef and veal (fresh, chilled, or frozen), luggage and leather goods, magnesite, seafood products, fruit, cordage and twine, lead, filberts, candy, mushrooms, cocoa and chocolate, halibut liver oil, electrochemicals, apples.

West Virginia: China and earthenware, handmade glassware, candy.

Wisconsin: Luggage and leather goods, ladies' handbags, rubber footwear, leather tanning, leather gloves, furs, motorcycles, cordage and twine, candy, cocoa and chocolate, water meters, mineral earth pigments, animal glue, machine tools, filtermass, wallpaper.

Wyoming: Copper, lead.

LIST OF INDUSTRIES—EMPLOYEES—AUGMENTED VALUE

Mr. MALONE. Mr. President, I have a further list of the number of employees and value added by manufacture by major-industry groups and States for 1947. The list includes the 48 States of the Union.

I emphasize first, that it is a partial list; that it is not a list of all the industries, by any means, but of the major industries; and then again that it merely purports to show the employees of these industries and the value added to the goods by such manufacture.

Mr. President, I ask unanimous consent to have the list published in the RECORD at this point as a part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Number of employees and value added by manufacture, by major industry groups and States, 1947

Major industry group	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia
20. Food and kindred products:									
Employees	11,920	3,433	9,719	120,510	15,295	8,206	5,140	19,565	26,774
Value, in thousands of dollars	55,160	20,812	41,020	851,836	92,675	48,548	22,591	92,324	133,448
21. Tobacco manufactures:									
Employees	----------	----------	----------	----------	----------	----------	----------	8,723	----------
Value, in thousands of dollars	----------	----------	----------	----------	----------	----------	----------	18,723	----------
22. Textile mill products:									
Employees	52,143	----------	----------	5,458	116	38,985	2,772	103	102,535
Value, in thousands of dollars	216,373	----------	----------	33,083	363	175,270	12,320	323	398,023
23. Apparel and related products:									
Employees	8,190	67	2,482	43,144	1,632	16,713	2,480	2,018	25,009
Value, in thousands of dollars	21,031	271	5,623	188,294	5,234	64,727	11,269	5,913	76,084
24. Lumber and products, except furniture:									
Employees	37,392	2,530	28,247	38,477	2,282	1,545	----------	15,712	33,979
Value, in thousands of dollars	101,063	12,620	81,361	226,183	8,106	7,115	----------	47,184	88,466
25. Furniture and fixtures:									
Employees	1,558	264	3,178	18,511	672	2,465	----------	2,060	5,687
Value, in thousands of dollars	4,972	1,077	11,439	91,872	2,655	9,201	----------	7,124	22,757
26. Paper and allied products:									
Employees	5,700	----------	3,159	12,128	----------	7,533	819	5,696	7,319
Value, in thousands of dollars	39,899	----------	21,887	80,710	----------	41,446	8,050	55,777	54,207
27. Printing and publishing industries:									
Employees	3,742	1,549	2,251	41,914	4,596	11,078	875	6,288	6,230
Value, in thousands of dollars	19,764	8,761	11,392	261,064	22,386	67,081	4,038	34,706	32,561
28. Chemicals and allied products:									
Employees	8,204	616	4,145	27,350	1,275	7,707	7,040	4,724	11,119
Value, in thousands of dollars	46,087	5,771	29,194	280,195	8,271	52,329	59,863	28,774	77,043
29. Petroleum and coal products:									
Employees	2,795	----------	1,193	21,472	791	----------	----------	33	489
Value, in thousands of dollars	32,691	----------	17,064	213,503	9,607	----------	----------	267	7,259
30. Rubber products:									
Employees	----------	----------	----------	----------	----------	10,672	----------	----------	----------
Value, in thousands of dollars	----------	----------	----------	----------	----------	56,660	----------	----------	----------
31. Leather and leather products:									
Employees	----------	----------	1,343	5,790	1,180	1,463	2,803	154	2,413
Value, in thousands of dollars	----------	----------	3,121	25,381	4,370	5,887	14,916	410	7,581
32. Stone, clay, and glass products:									
Employees	6,296	863	2,492	27,160	2,430	5,690	259	2,675	6,954
Value, in thousands of dollars	30,926	3,616	10,237	153,884	11,966	28,079	1,011	12,809	26,651
33. Primary metal industries:									
Employees	39,295	3,420	2,917	30,878	7,880	35,014	2,038	323	2,754
Value, in thousands of dollars	169,744	43,351	18,885	176,014	37,395	164,506	7,555	1,024	7,769
34. Fabricated metal products:									
Employees	7,364	490	758	54,135	2,326	55,873	2,104	2,158	3,456
Value, in thousands of dollars	38,249	3,679	3,517	291,323	11,261	244,454	9,535	11,571	14,951
35. Machinery (except electrical):									
Employees	6,956	----------	443	52,477	4,504	78,165	2,780	1,465	6,408
Value, in thousands of dollars	26,455	----------	2,207	284,785	22,550	387,391	12,250	6,768	26,822
36. Electrical machinery:									
Employees	----------	----------	----------	17,622	----------	33,404	----------	236	1,455
Value, in thousands of dollars	----------	----------	----------	106,603	----------	165,361	----------	1,023	8,111
37. Transportation equipment:									
Employees	7,929	166	321	112,242	663	29,465	1,103	5,409	----------
Value, in thousands of dollars	35,131	753	1,111	553,718	3,100	120,142	2,609	21,431	----------
38. Instruments and related products:									
Employees	45	6	----------	----------	360	17,172	----------	----------	86
Value, in thousands of dollars	223	35	----------	----------	1,737	75,972	----------	----------	364
39. Miscellaneous manufactures:									
Employees	600	112	841	12,959	1,804	37,660	1,334	1,248	2,568
Value, in thousands of dollars	1,455	576	2,432	61,763	6,204	177,471	4,092	3,618	8,282

Major industry group	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan
20. Food:											
Employees	6,020	138,937	44,773	46,433	27,614	24,635	28,754	8,656	32,951	44,194	47,626
Value, in thousands of dollars	43,653	1,010,268	291,404	228,710	151,922	288,814	139,137	42,409	189,486	226,956	284,824
21. Tobacco:											
Employees	----------	----------	1,353	----------	----------	9,152	----------	----------	170	377	906
Value, in thousands of dollars	----------	----------	4,108	----------	----------	41,784	----------	----------	401	1,272	3,612
22. Textiles:											
Employees	----------	10,716	6,640	----------	----------	3,586	2,347	25,810	6,168	130,274	5,996
Value, in thousands of dollars	----------	49,706	25,185	----------	----------	12,744	7,838	116,512	24,517	568,355	31,058
23. Apparel:											
Employees	----------	60,187	16,148	4,466	2,175	12,499	6,188	3,587	23,444	47,465	9,013
Value, in thousands of dollars	----------	251,318	57,256	12,198	6,818	38,475	18,986	20,613	93,695	172,497	34,043
24. Lumber:											
Employees	7,629	12,764	9,215	4,700	935	11,627	29,083	12,252	4,192	7,420	16,083
Value, in thousands of dollars	43,396	56,501	36,339	19,990	3,731	36,683	84,089	36,973	13,112	28,325	68,995
25. Furniture:											
Employees	----------	29,833	21,486	2,155	1,019	7,296	1,344	655	2,712	11,078	22,314
Value, in thousands of dollars	----------	146,953	84,870	9,263	3,492	25,928	4,613	2,207	10,070	50,274	94,922
26. Paper:											
Employees	----------	28,129	9,020	1,265	1,357	743	14,156	16,544	5,506	34,868	26,022
Value, in thousands of dollars	----------	158,113	55,788	7,846	12,024	4,695	99,217	103,156	25,262	190,680	174,319
27. Printing and publishing:											
Employees	961	91,421	15,680	9,138	5,651	6,194	3,973	1,867	9,904	34,564	21,677
Value, in thousands of dollars	4,968	541,841	82,623	55,385	26,201	28,745	23,005	8,743	54,241	174,667	136,983
28. Chemicals:											
Employees	149	46,313	20,272	5,227	5,134	4,785	12,852	695	18,133	17,983	33,940
Value, in thousands of dollars	1,609	433,059	246,144	50,977	66,990	47,935	113,482	5,336	142,559	143,428	281,118
29. Petroleum and coal:											
Employees	----------	17,051	16,500	----------	4,549	1,280	12,657	----------	2,409	2,540	3,479
Value, in thousands of dollars	----------	162,137	113,371	----------	51,118	20,215	121,998	----------	18,016	26,155	50,247
30. Rubber:											
Employees	----------	----------	15,743	2,317	----------	----------	----------	195	5,727	26,409	15,417
Value, in thousands of dollars	----------	----------	64,631	12,976	----------	----------	----------	452	27,088	132,469	85,231
31. Leather:											
Employees	14	28,729	2,614	835	138	----------	43	15,714	3,298	70,892	4,357
Value, in thousands of dollars	54	114,758	9,656	2,463	466	----------	216	47,979	10,422	326,663	23,822
32. Stone, clay, and glass:											
Employees	328	30,705	21,027	4,613	3,305	4,203	3,392	591	6,810	10,544	15,669
Value, in thousands of dollars	1,614	175,996	104,918	27,083	17,527	16,302	16,589	2,623	33,472	56,832	88,782
33. Primary metal:											
Employees	948	101,821	82,295	3,206	----------	7,749	805	409	31,306	19,796	92,606
Value, in thousands of dollars	10,492	557,712	449,218	12,939	----------	30,863	2,458	1,458	158,832	89,658	437,239

Number of employees and value added by manufacture, by major industry groups and States, 1947—Continued

Major industry group	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan
34. Fabricated metal:											
Employees	106	116,642	39,946	5,271	3,977	11,319	3,749	1,891	17,467	41,014	90,853
Value, in thousands of dollars	404	626,014	194,416	27,649	22,037	51,024	15,985	7,439	83,150	205,910	496,091
35. Machinery:											
Employees	312	217,038	80,298	34,536	5,023	10,175	1,846	6,443	10,418	86,818	143,171
Value, in thousands of dollars	1,194	1,096,146	402,520	143,421	28,024	40,461	6,533	26,728	44,269	386,936	796,178
36. Electrical machinery:											
Employees		128,649	55,143	5,127		4,589			9,047	55,804	22,049
Value, in thousands of dollars		669,755	252,527	17,795		16,010			34,812	256,953	102,073
37. Transportation:											
Employees		46,251	75,821	2,861	9,847		9,358	3,492	32,630	18,281	384,773
Value, in thousands of dollars		253,495	442,080	9,868	51,344		34,162	5,600	150,823	80,185	1,938,214
38. Instruments:											
Employees		30,978	2,611	860			102		978	16,729	4,840
Value, in thousands of dollars		144,460	10,474	3,474			248		3,680	78,175	20,058
39. Miscellaneous:											
Employees	213	42,569	11,761	6,536	628	1,720	936	1,286	5,283	41,391	12,794
Value, in thousands of dollars	918	202,248	49,980	25,898	2,386	5,853	3,396	3,443	20,500	174,304	58,529

Major industry group	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York
20. Food:										
Employees	46,565	8,133	50,803	4,079	25,154	635	1,868	47,195	1,706	135,296
Value, in thousands of dollars	279,258	33,889	331,753	26,230	156,216	3,309	9.106	354,821	7,898	977,329
21. Tobacco:										
Employees								5,337		2,208
Value, in thousands of dollars								29,829		7,527
22. Textiles:										
Employees	4,678	5,273	2,888				20,456	63,243		91,637
Value, in thousands of dollars	15,456	17,667	9,972				85,318	326,239		429,142
23. Apparel:										
Employees	9,036	11,034	37,493		1,224		2,239	69,989	295	382,846
Value, in thousands of dollars	33,684	25,563	130,549		4,167		8,592	252,037	648	2,009,113
23. Lumber:										
Employees	6,327	28,624	7,152	4,874	479		6,446	4,998	1,910	16,899
Value, in thousands of dollars	24,303	87,595	24,067	22,053	1,369		22,447	24,188	8,250	69,311
25. Furniture:										
Employees	3,182	1,559	7,515	110	984		1,373	7,996	144	37,686
Value, in thousands of dollars	13,201	2,947	28,040	135	3,956		4,885	37,900	429	187,270
26. Paper:										
Employees	8,943	4,827	9,104				5,759	21,292		65,02
Value, in thousands of dollars	61,942	36,463	41,250				33,520	154,568		373,55
27. Printing and publishing:										
Employees	18,143	1,605	21,400	1,290	4,066	407	2,345	20,152	752	166,492
Value, in thousands of dollars	105,343	6,733	116,327	6,062	21,505	2,352	10,960	109,228	3,729	1,127,727
28. Chemicals:										
Employees	4,952	4,787	15,568	435	1,456	379	498	82,527	1,237	69,066
Value, in thousands of dollars	68,205	35,342	129,257	2,149	10,926	3,115	2,801	744,601	13,738	596,038
29. Petroleum and coal:										
Employees	1,552		2,509	567	200			16,191		7,576
Value, in thousands of dollars	11,807		14,860	7,855	1,084			212,807		59,594
30. Rubber:										
Employees								16,683		8,965
Value, in thousands of dollars								80,017		48,952
31. Leather:										
Employees	1,636		42,545		241		20,070	10,200	17	69,640
Value, in thousand of dollars	8,000		117,333		513		70,107	50,945	33	293,066
32. Stone, clay, and glass:										
Employees	3,612	2,026	14,999	569	993	407	1,048	28,289	326	39,216
Value, in thousands of dollars	15,706	10,445	80,586	3,607	5,632	2,942	3,866	142,596	1,030	209,140
33. Primary metal:										
Employees	6,971	279	13,335				636	38,802		77,213
Value, in thousands of dollars	29,393	982	59,673				2,566	216,426		368,778
34. Fabricated metal:										
Employees	11,174	445	22,773	278	1,457		1,562	42,049	151	88,645
Value, in thousands of dollars	60,816	2,539	112,587	1,302	7,498		6,842	210,443	758	461,532
35. Machinery:										
Employees	24,068	1,053	20,004	107	2,547		6,234	66,038	32	137,556
Value, in thousands of dollars	128,933	3,342	109,412	321	10,462		32,209	334,610	115	678,701
36. Electrical machinery:										
Employees	15,088		18,131		2,196			94,129		101,861
Value, in thousands of dollars	68,469		89,212		10,698			393,992		459,020
37. Transportation:										
Employees	3,403		27,857		1,584			44,252		89,803
Value, in thousands of dollars	21,056		173,131		6,074			221,725		408,482
38. Instruments:										
Employees			1,980				539	17,741		83,580
Value, in thousands of dollars			8,184				1,635	80,968		414,299
39. Miscellaneous:										
Employees	8,886	231	8,435	121	1,199		1,739	41,126	305	104,764
Value, in thousands of dollars	69,972	475	32,608	523	4,266		5,573	199,140	1,102	488,046

Major industry group	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota
20. Food:									
Employees	16,716	3,590	67,003	14,487	17,761	103,370	4,539	7,787	6,827
Value, in thousands of dollars	78,430	21,848	413,216	75,969	107,767	586,025	22,985	33,928	35,246
21. Tobacco:									
Employees	32,452		2,671			19,382			
Value, in thousands of dollars	257,986		14,504			66,310			
22. Textiles:									
Employees	210,350		10,868		3,066	138,659	62,566	124,559	
Value, in thousands of dollars	846,280		58,183		12,825	621,448	282,164	558,680	
23. Apparel:									
Employees	16,644		31,291	855	1,883	140,906	2,825	10,824	
Value, in thousands of dollars	43,852		127,753	2,466	7,893	434,044	9,517	38,292	
24. Lumber:									
Employees	31,087	26	9,454	2,324	51,532	15,423	580	21,726	994
Value, in thousands of dollars	84,127	57	37,521	8,135	363,561	49,425	2,476	59,369	2,508

Number of employees and value added by manufacture, by major industry groups and States, 1947—Continued

Major industry group	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota
25. Furniture:									
Employees	27,858	18	26,291	1,222	3,472	18,645	792	2,468	----
Value, in thousands of dollars	102,447	73	128,293	4,339	15,300	73,049	2,918	6,484	----
26. Paper:									
Employees	7,859	----	31,674	382	4,551	35,280	1,988	5,846	----
Value, in thousands of dollars	47,395	----	199,107	1,994	34,653	205,773	8,467	36,879	----
27. Printing and publishing:									
Employees	5,297	970	49,943	5,057	4,493	54,686	3,258	2,025	1,152
Value, in thousands of dollars	25,369	4,865	322,283	27,542	24,311	339,556	15,925	8,994	5,566
28. Chemicals:									
Employees	9,490	31	37,318	1,589	1,155	43,648	1,349	3,637	218
Value, in thousands of dollars	58,607	482	347,226	12,127	11,750	314,720	10,239	16,595	1,644
29. Petroleum and coal:									
Employees	----	----	10,959	7,489	----	29,325	----	----	----
Value, in thousands of dollars	----	----	95,811	79,875	----	243,190	----	----	----
30. Rubber:									
Employees	----	----	83,475	----	123	15,149	6,336	----	----
Value, in thousands of dollars	----	----	381,215	----	587	81,530	27,163	----	----
31. Leather:									
Employees	1,623	----	18,184	17	335	31,094	430	29	----
Value, in thousands of dollars	10,756	----	68,293	44	1,370	125,141	1,835	143	----
32. Stone, clay, and glass:									
Employees	5,555	178	59,720	4,373	1,172	72,871	1,053	3,308	349
Value, in thousands of dollars	19,519	616	293,881	23,411	6,536	339,841	4,492	11,564	1,646
33. Primary metal:									
Employees	2,028	----	177,222	3,374	3,002	263,542	5,009	766	----
Value, in thousands of dollars	6,483	----	852,772	16,442	19,782	1,219,042	28,568	4,243	----
34. Fabricated metal:									
Employees	2,822	154	122,114	3,521	3,891	113,461	7,825	392	103
Value, in thousands of dollars	11,909	626	634,746	18,862	20,685	533,319	38,246	1,533	880
35. Machinery:									
Employees	3,954	79	227,760	6,238	3,817	136,069	17,310	----	472
Value, in thousands of dollars	17,416	252	1,251,011	37,134	19,463	665,443	69,170	----	2,398
36. Electrical machinery:									
Employees	----	----	91,540	----	880	92,659	5,289	----	----
Value, in thousands of dollars	----	----	471,593	----	5,039	509,145	24,135	----	----
37. Transportation:									
Employees	1,231	----	93,876	1,336	2,804	64,614	274	----	----
Value, in thousands of dollars	5,218	----	483,421	5,556	13,481	314,353	881	----	----
38. Instruments:									
Employees	43	----	8,308	----	----	20,678	1,712	----	----
Value, in thousands of dollars	199	----	41,381	----	----	94,270	8,354	----	----
39. Miscellaneous:									
Employees	969	59	34,932	317	1,082	30,073	22,917	721	76
Value, in thousands of dollars	2,854	318	136,796	1,096	5,110	131,334	98,206	1,382	370

Major industry group	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
20. Food:									
Employees	23,382	57,784	8,036	2,162	21,555	26,144	6,275	55,276	1,379
Value, in thousands of dollars	132,489	337,558	42,948	14,692	88,388	148,904	31,027	383,053	7,834
21. Tobacco:									
Employees	----	----	----	----	16,687	----	----	----	----
Value, in thousands of dollars	----	----	----	----	143,021	----	----	----	----
22. Textiles:									
Employees	35,885	8,164	517	4,926	33,881	573	3,917	11,110	----
Value, in thousands of dollars	121,294	29,133	1,241	17,940	167,151	2,649	14,531	42,485	----
23. Apparel:									
Employees	19,122	22,008	1,179	1,493	15,057	2,778	3,800	9,666	----
Value, in thousands of dollars	47,627	71,128	3,433	4,035	48,971	10,583	8,562	35,502	----
24. Lumber:									
Employees	19,118	30,694	----	5,481	23,268	43,034	7,979	15,813	900
Value, in thousands of dollars	51,862	95,988	----	18,569	63,399	279,458	22,497	60,704	3,566
25. Furniture:									
Employees	7,942	5,843	376	1,765	13,878	3,200	884	12,615	----
Value, in thousands of dollars	26,102	23,029	1,392	5,134	53,858	13,315	3,103	55,584	----
26. Paper:									
Employees	4,817	4,674	----	2,653	10,706	12,876	1,565	28,144	----
Value, in thousands of dollars	35,807	32,992	----	19,744	71,915	137,670	7,926	188,733	----
27. Printing and publishing:									
Employees	9,313	17,756	1,821	1,057	5,861	6,673	3,008	16,542	486
Value, in thousands of dollars	46,841	92,467	9,390	3,803	29,867	42,680	13,939	86,131	2,209
28. Chemicals:									
Employees	28,204	23,552	642	341	33,767	2,086	20,631	5,890	25
Value, in thousands of dollars	162,578	234,496	5,112	2,777	218,528	15,570	175,898	49,249	33
29. Petroleum and coal:									
Employees	----	37,696	1,427	----	291	----	2,393	1,066	2,230
Value, in thousands of dollars	----	359,680	12,222	----	1,143	----	18,614	9,586	18,363
30. Rubber:									
Employees	----	----	----	----	----	----	140	----	----
Value, in thousands of dollars	----	----	----	----	----	----	321	----	----
31. Leather:									
Employees	10,455	1,690	----	463	5,334	395	1,759	21,274	----
Value, in thousands of dollars	41,411	5,962	----	1,168	17,423	1,799	7,492	102,365	----
32. Stone, clay, and glass:									
Employees	8,332	10,629	1,092	2,592	4,667	3,320	30,270	----	330
Value, in thousands of dollars	32,787	57,646	5,627	12,583	20,456	17,203	134,629	----	1,489
33. Primary metal:									
Employees	15,151	11,682	6,544	641	3,754	8,622	21,731	24,478	----
Value, in thousands of dollars	86,104	58,337	34,099	2,042	12,801	63,319	123,665	129,998	----
34. Fabricated metal:									
Employees	14,783	13,143	871	831	5,792	4,663	10,556	36,503	----
Value, in thousands of dollars	52,607	66,826	4,212	3,285	26,660	26,719	46,082	208,563	----
35. Machinery:									
Employees	5,508	23,299	717	7,128	1,657	5,312	3,170	94,048	124
Value, in thousands of dollars	24,256	129,575	3,215	30,686	6,096	25,233	14,996	467,567	752
36. Electrical machinery:									
Employees	1,224	1,946	8	----	----	827	4,675	28,128	----
Value, in thousands of dollars	5,089	12,163	21	----	----	4,594	24,517	138,771	----
37. Transportation:									
Employees	5,012	20,735	----	----	16,505	22,068	----	30,328	----
Value, in thousands of dollars	22,649	91,893	----	----	70,751	76,579	----	165,998	----
38. Instruments:									
Employees	----	921	27	----	----	----	80	5,746	----
Value, in thousands of dollars	----	3,681	94	----	----	----	296	23,152	----
39. Miscellaneous:									
Employees	2,734	3,284	348	1,460	1,824	1,412	1,418	9,545	----
Value, in thousands of dollars	8,428	14,458	1,742	4,703	5,316	6,044	3,759	52,331	----

Source: Census of Manufactures, 1947.

Mr. MALONE. Mr. President, I have a partial list of States, including New York, Connecticut, Pennsylvania, Illinois, and Indiana, showing the industries in these particular States claiming injury through tariff reductions. It also shows the number of employees in these industries, including some smaller industries, and the value added by manufacture in each particular case in these States. I ask unanimous consent that the list may be printed in the RECORD at this point.

The list includes smaller industries not classified altogether as major industries.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Industries claiming injury through tariff reductions

NEW YORK

Industry	Number of employees	Value added by manufacture
Fur-felt hats	1,515	$7,071,000
Knitted gloves	3,229	9,750,000
Fur goods	14,371	112,707,000
Luggage	3,918	16,637,000
Ladies' handbags	14,962	59,078,000
Leather tanning	4,875	46,969,000
Carpets	17,354	86,651,000
Lace	1,197	6,273,000
Linen	8,020	40,372,000
Woolen and worsted goods	11,087	54,048,000
Cutlery	5,856	28,438,000
Bicycles	1,149	5,138,000
Umbrellas	1,353	7,010,000
Crayons and pencils	2,145	7,988,000
Optical instruments	4,309	17,782,000
Surgical instruments	1,914	9,098,000
Toys	15,242	61,837,000
Glassware	4,563	20,468,000
Leather gloves	6,701	18,601,000
Cocoa products	2,680	24,523,000
Copper rolling	6,767	43,616,000

Other products on which employment and value added by manufacture is not ascertainable:

Marrons	Shotguns and rifles
Knitted berets	Wire cloth
Silk	Candy
Plastics	Mushrooms
Cut diamonds	Water meters
Fatty acids	Gold leaf
Cigarette paper	Wool grease and lanolin
Reeds	Mineral earth pigments
Rubber footwear	Animal glue
Cocoa mats	Saws and knives
Chinaware	Tobacco machines
Twine and rope	Potassium nitrate
Tools	Chrome chemicals
Slide fasteners	Electrochemicals
Veneer and plywood	Cornstarch
Corduroy	Soft fibers
Velveteen	Handkerchiefs
Cordage	Wallpaper
Lead	

CONNECTICUT

Industry	Number of employees	Value added by manufacture
Chemicals	7,707	$52,329,000
Textiles	38,985	175,270,000
Rubber	10,672	56,660,000
Hatters fur	828	4,332,000
Electrical appliances	8,481	42,837,000
Footwear, shoes	418	1,692,000
Leather products	1,463	5,887,000
Watches, clocks	10,552	42,398,000
Insulated wire	2,316	11,263,000
Machine tools	8,294	35,391,000

Other products on which employment and value added by manufacture is not ascertainable:

Shotguns and rifles	Needles and pins
Wire cloth	Gas meters
Candy	Shade tobacco
Mushrooms	Soft fibers
Gold leaf and metal foil	Filters
Wool grease and lanolin	Wallpaper
Leather fiber	Phonograph records
Carpets	Ladies' handbags
Animal glue	Thermos bottles

Industries claiming injury through tariff reductions—Continued

PENNSYLVANIA

Industry	Number of employees	Value added by manufacture
Chemicals	43,648	$314,720,000
Textiles	138,659	621,448,000
Handbags	2,237	7,163,000
Fur-felt hat bodies	3,676	14,300,000
Machine tools	2,089	8,266,000
Wood working machinery	798	4,897,000
Umbrellas	906	3,181,000
Brushes	680	3,046,000
Glassware	18,011	74,642,000
Woolen goods	15,099	69,426,000
Lace goods	3,309	17,423,000
Cocoa and chocolate	4,809	45,976,000
Whiskies	4,677	59,047,000
Candy	15,602	105,017,000
Carpets	16,731	111,585,000
Optical glass	232	866,000
Luggage	1,272	6,143,000

Other products on which employment and value added by manufacture is not ascertainable:

Dental burrs	Slide fasteners
Lead pencils	Cordage and twine
Bone or charcoal black	Bicycle tires
Crayon and water colors	Leather gloves
Cigarette paper	Mushrooms
Handkerchiefs	Soft fibers
Wallpaper	Animal glue
Candles	Gold leaf and metal foil
Fatty acids	Water meters
Mineral earth pigments	

ILLINOIS

Industry	Number of employees	Value added by manufacture
Scientific instruments	2,256	$9,483,000
Optical instruments	782	3,057,000
Watches and clocks	8,414	32,366,000
Luggage	1,787	6,765,000
Small leather goods	103	402,000
Chemicals and allied products	46,313	433,059,000
Leather tanning and finishing	3,902	28,180,000
Glass containers	7,054	40,601,000
Paperboard containers	11,467	68,331,000
Leather gloves	656	1,907,000

Other products on which employment and value added by manufacture is not ascertainable:

Photographing and lithographing equipment	Cocoa and chocolate
Laboratory apparatus	Mineral earth pigments
Ladies handbags	Leather fiber
Potassium permanganate	Animal glue
Fatty acids	Machine tools
Crayons and water colors	Snap fasteners
Rubber footwear	Hydraulic turbines
Cellulose products	Cornstarch
Cordage and twine	Soft fibers
Lead	Candles
Candy	Wallpaper
Mushrooms	Handkerchiefs

Industries injured or fearing injury through tariff reductions

INDIANA

Product	Number of employees	Value added by manufacture
Pressed and blown glassware	8,392	$43,042,000
Cutlery, hand tools, hardware	4,430	19,693,000
Jewelry and silverware	1,177	6,320,000
Paperboard containers and boxes	4,211	29,280,000
Industrial organic chemicals	712	10,279,000
Woolen and worsted fabrics	668	2,703,000

Other products on which employment and value added by manufacture is not ascertainable:

Luggage and personal leather goods	Mushrooms
Crayons, water colors, crafts	Animal glue
Candy	Cornstarch
	Wallpaper

GREAT DAMAGE RESULTED FROM INDISCRIMINATE LOWERING OF TARIFFS AND IMPORT FEES

Mr. MALONE. Mr. President, from a wide selection of letters and briefs covering the agriculture, fishing, and food industries throughout the country, and from the list which has just been submitted for the RECORD, it is evident that great damage and increasing unemployment have resulted from lower tariffs brought about by the Trade Agreements Act of 1934, and by the tariffs adjusted since then at Geneva and at Annecy, France.

WAR CURED UNEMPLOYMENT—IDLE INVESTMENTS CAUSED BY FREE TRADE

Mr. President, I again emphasize the fact that the unemployment situation brought about by the State Department's free trade program has been cured by the war. The capacity of plants, many of them manufacturing war materials, will be taxed to capacity, and other plants, of course, will have all they can do to furnish the American public with its needs. Therefore, during such emergency there will be very little noticeable effect on these industries from lower tariffs, because they are engaged in the war effort. Of course, in some cases they are manufacturing products which they usually manufacture, but there is less competition due to the war effort and increased consumption.

Nevertheless, Mr. President, as I have said before, and as the dispatches from London to the New York Times show, foreign nations are continuing to try to establish markets for their goods in this country and are pressing their exports to the United States under cover of war, so that at the end of the war the industries which return to their usual production and to the competitive field will find foreign competitors with their products and their trade-marks already established.

FOREIGN PRODUCTS AND TRADE MARKETS ESTABLISHED

Anyone who has had anything to do with industry understands what it means to have a competitive product established when he returns to the market with his usual production.

Furthermore, Mr. President, at the conference which will take place in Torquay, England, where it is the fully announced intention of the State Department to complete the job of free trade under cover of the war, it will be found that our industries will be in direct competition with the industries operating under low-wage living standards throughout the world. In other words, they will be in competition with sweatshop labor of Europe and Asia and other low-wage areas.

AMERICAN WORKINGMEN AND INVESTORS IN DIRECT COMPETITION WITH SWEATSHOP LABOR

Industry using such sweatshop labor will be engaged in direct competition with the workingmen and the investors of this country.

The commodities and items represent industries as diversified as licorice, potatoes, onions, apples, corn, figs, tung-oil nuts, milk, tobacco, mushrooms, cocoa and chocolate, lemons and lemon oils, filberts, lards and fats, cigars, cheese, horse meat, wool grease, wool and rabbit fur, fisheries and sea-food producers.

I have in my office approximately 200 briefs—in many cases copies of briefs, with supplements, which were pre-

sented to the Committee for Reciprocity Information—begging that the industries that prepared them be not further interfered with, and that their products be not included among the three or four thousand products the tariff duties on which the State Department has already announced will be reviewed.

Venture capital has been scared out of such industries through the threatened interference of the State Department.

SUPPORTING DATA—COMMON POINT OF AGREEMENT, TARIFF OR IMPORT FEES

With respect to each of the particular products I have just enumerated, a brief will be found in my office, and ready reference for any material or any supporting data which any Senator or any Representative or anyone else would like to review.

While each industry inherently is different, a ccmmon point of agreement is that the lower tariffs resulting from the Trade Agreements Acts have been injurious, and to each particular industry in turn. By and large the increased demand during wartime—World War II—alleviated the situation which existed in 1939. It was in 1941, Mr. President, at about the time production started to drop and competition from foreign nations started to become very tough, that unemployment really appeared to be noticeable and dangerous in this country. Then World War II came along.

WAR CURES UNEMPLOYMENT

War is a very potent thing in doing away with unemployment and competition from foreign countries since, as the junior Senator from Nevada has just said, war cures unemployment, and also lessens competition, because so many firms have to go into the production of war materials, and young men into the Army. In an emergency competition is practically eliminated. So, the real effect was not felt until 1946 following the World War II.

Since then the imports from competitive industries in Europe and Canada have greatly increased, particularly as a result of the desire to build up dollar reserves.

THE DOLLAR BALANCE HOAX

Mr. President, dollar reserves—dollar balance—is a slogan. We are always selling a bill of goods to the taxpayers through a slogan. We first create the dollar shortage ourselves through the Marshall plan teaching nations to overspend, and then attempt to cure it by dividing our markets so that the increased trade and the increased exports to us will make up the trade balance deficit.

In other words, we adopt the Marshall plan, or we loan money—we call it a loan, but it really is a gift—and in addition the money coming from the Import-Export Bank or the World Bank, to various areas throughout the earth creating a condition so that we must continue giving the money or divide our markets through removing the tariffs, removing the floor under wages and investments.

The Marshall plan money went directly to the countries involved. So they have then a certain amount of dollars, which were meant to meet exactly the trade balance deficit of each one of the nations each year which was created through spending more than they earn—just as an individual has a dollar shortage if he spends more than he earns. There was no question that making up trade-balance deficits was the purpose of the Marshall plan, really paying debts already created or to be created. The situation then was referred to as the "dollar shortage," a slogan sold to but not understood by our taxpayers. We must then divide our markets, so the State Department says, as the Marshall plan tapers off, so there will be no trade-balance deficits—or to make up the dollar balance, since we would, in that event, no longer give them any cash.

NO HIGH TARIFF—NO LOW TARIFF

No one here, least of all the junior Senator from Nevada, has ever said he is for a high tariff or a low tariff. What we suggest the flexible import will do is to represent the differential of cost of production due to the difference between the standard of living wages in this country and in the competitive nations. We are asked by the State Department to remove or lower the existing tariffs or import fees so that a fifty-cent to a two-and-one-half-dollar-man in the foreign competitive nations may come in direct competition with a ten-dollar-man or a twelve-dollar-man employed in this country.

AMERICAN LABOR STANDARDS CANNOT COMPETE WITH FOREIGN LOW WAGE LIVING STANDARDS

How can we compete under such circumstances? Practically every material we import except certain rare materials such as coffee and tin can be produced satisfactorily in the United States on the basis of an equal competition with any other nation, and the Western Hemisphere could be made practically self-sufficient in the production of such materials—and we should endeavor to bring that condition about for national-security reasons alone. No one has ever asked for a tariff for protection against imports coming from a country which had the same wage-living standards.

Of course it is the stated objective of the State Department to raise the standard of living of all other countries, but the actual result under the "free trade" policy will be to lower the standard of living of the people of the United States, and not raise appreciably the living standards of such foreign nations.

EXPLORED MOST FOREIGN COUNTRIES

It has been my good fortune to have visited most of the countries of the world, including those of Europe and Asia. It is all very well to say that by lowering tariffs and import fees, which make up for the differences in wages and standards of living, we are going to raise the standard of living in all the rest of the world. However, the actual result will be to lower the standard of living and the wage standards in the United States without the required result in foreign countries.

A LARGE WORLD MAP SHOULD BE REQUIRED IN CONGRESSIONAL OFFICES

Mr. President, I have in my office, on the wall, a map of the world, about 12 feet long and 7 feet high. It is just opposite my desk. Every time I begin to listen to the arguments that by dividing the markets of the United States, removing the floor from under wages and investments it will be possible for us to raise the living standards of such countries to our level; whenever I am tempted to believe some of the propaganda issued by the State Department to the effect that in a few months or in a few years we are going to raise the standard of living of the rest of the world, without lowering our own correspondingly; and whenever I begin to believe that we can take the new grandiose plan of Gordon Gray, for instance, a world-wide, global WPA, with billions of dollars furnished annually by the United States Treasury each year through collections from our own taxpayers—whenever I begin to "fall" for that propaganda, I simply look at that map of the world, and make a mental comparison of the size of the United States with the size of the rest of the world, and I compare the 150,000,000 people of the United States to the 2,500,000,000 people of the world, about 75 percent of whom have virtually no standard of living whatever, and the remainder very low; and at once I begin to get my feet back on the ground, and realize that to permanently help ourselves and the remainder of the world we must ourselves remain strong and economically sound.

COMPETITIVE IMPORTS GREATLY INCREASED

Since 1946 the importation of the products of competitive industries in Europe, Asia, and Canada has greatly increased. Those countries divide our markets, thus making it possible for their products to come into the United States markets, to be sold here for our dollars in competition with our own workingmen and investors. I should like to ask a question in that connection. After those foreign products have taken over our market, and after our young men are either on the streets, unemployed, or are in the Army, what do we think the people of the United States will use for money as a means of making purchases, no matter how cheap might be the imported articles? The difference in wage rates—sometimes a difference of 3 to 1 up to 20 to 1—as between the United States and the foreign countries, is largely responsible for the difference in prices. To some extent the damage done by foreign competition has been largely met by agricultural price supports called subsidies, and import quotas.

AGRICULTURE SUBSIDY UNSUCCESSFUL WITHOUT FLEXIBLE IMPORT FEE

I say again that we have lowered our tariffs and import fees to the point where we were being swamped with foreign agricultural products. So we have a subsidy system. As I have said to the distinguished Senator from Pennsylvania [Mr. MARTIN], 75 percent of the agricultural products of the United States do not need a subsidy if we have a flexible import fee to make up that difference.

But if we have no such import fee, wheat and potatoes and flax and eggs and virtually every other agricultural product can be imported into the United States from lower-wage competitive nations, and then we are virtually setting a

United States parity price for foreign competitors and inviting their surplus imports.

STORING OUR OWN EGGS—EATING CHINESE EGGS—NEED FLEXIBLE IMPORT FEE

For instance, we buy eggs from China, purchasing them at prices much lower than the prices at which eggs can be purchased in the United States. As a result, we purchase for the United States market a large part of the dried egg production of China; we eat the lower-cost Chinese eggs and store our own dried eggs in caves in Kansas. However, if a flexible import fee had been in effect, the result would have been that those eggs would have been brought into the United States at a price on a parity level with the cost of production in the United States, and in that case the cave in Kansas would not be nearly as full as it is now, because we would not have to stabilize the price of eggs in China, in Canada, or anywhere else, along with the price of eggs in the United States. We are buying the eggs that the Chinese need, and as a result many Chinese are starving.

But we buy the eggs from China, just because someone there—probably the Communist regime—wants to get money with which to engage in a war, probably against us.

THE NATIONAL MILK PRODUCERS

Mr. President, the National Milk Producers Federation makes this point very clear. It says:

> Since this country is committed to a high standard of living and to price supports which are above world levels, import controls must be established to make up the difference. A price-support program operated without adequate import controls, would in effect amount to an attempt on the part of the Government to raise world-price levels and would invite the dumping of world surpluses at our door.

WOULD HAVE MARKET BEFORE IMPORTING PRODUCT UNDER FLEXIBLE IMPORT FEE

A flexible import fee will be effective, because no one ever brings any product into the United States and pays a parity price tariff unless he has a market here for that product. Under the import-fee system, that product would be brought into the United States at a price sufficient to enable our labor and investors to stay in competition. In such case, only the amount of that product actually needed here would be imported.

When the National Milk Producers Federation says that—

> A price-support program operated without adequate import controls, would in effect amount to an attempt on the part of the Government to raise world price levels and would invite the dumping of world surpluses at our door—

That is exactly what it did do, and that is exactly what it is doing now, in the absence of a flexible import fee.

SEAFOOD PRODUCERS—WAGES AND TARIFF

The Seafood Producers Association, of New Bedford, Mass., points out that while wages have increased 25 percent since 1946, the ad valorem rate of 9 percent has had decreasing effect, and that many of the vessels formerly engaged in fillets fishing have had to turn to trash fishing, and that many have had to go out of business altogether. Most of the fishing industries feel that even a resumption of the 1930 tariff is wholly inadequate to meet their present needs, and that a much more drastic approach to the whole problem must be taken by the Government to prevent the collapse of the whole industry.

Mr. President, these statements are made in the briefs of these organizations, not simply in oral testimony by their representatives. These organizations have presented their briefs to the Committee for Reciprocity Information.

INFLATION—CONGRESS' FAULT

In connection with the point that the Seafood Producers Association makes, it is necessary to call attention to the fact that the value of our money is not static. For instance, assuming that foreign costs did not appreciably increase, while ours did, the 9-percent ad valorem tariff rate which has been in effect on sea food for several years is just a little more than half of that amount, perhaps 5 percent in terms of effective tariff as of today with the current purchasing power of money, as compared with the situation in 1943 or 1944.

ASSOCIATED PRESS COMMODITY PRICE INDEX

The Associated Press commodity index—and I shall have more to say about it in the next day or two—is based on the prices of 35 products. That index appears every morning in the newspapers. In 1944 it was around 100 percent. Since the war's end, the value of money has gone down by leaps and bounds. That is, the purchasing power of the dollar is decreasing fast. As a matter of fact, before the war or the "police action," as termed by the President, in Korea, that price index was up to around 169 and this morning it is between 192 and 193—meaning that the tariff of 9 percent now amounts to less than 5 percent, on the basis of our own inflationary dollars.

CONGRESS MANIPULATES PURCHASING POWER OF OUR DOLLAR; PEACETIME DEFICIT

So we, in the Congress manipulate the money of the United States by appropriating more money than the United States Government can currently collect from the taxpayers of the Nation. We in Congress do that every year. We call it deficit financing. This year the deficit will be as high as $40,000,000,000. We had a peacetime deficit of $5,000,000,000, before the police action in Korea began.

The President of the United States has declared that the action in Korea is a police action, not a war. But before that action began, our money was cheapening at such a rate that the interest rate could not make up the amount lost annually by the lost purchasing power.

THE GULLIBLE CONGRESS

So the peacetime deficit-financing plan, Mr. President, is annually proposed and accepted by a gullible Congress, which already has turned over to the executive branch of the Government most of its fundamental powers, and which follows the executive branch almost implicitly in the case of appropriations.

CONGRESS FOLLOWED EXECUTIVE RECOMMENDATIONS

I defy anyone, Mr. President, to point to a case in which the Congress has reduced by more than 5 percent any overall annual appropriation the President has requested during the last 18 years.

So long as that condition continues, and so long as the executive branch of government asserts that deficit financing must be continued, asserting that even in peacetime the President cannot pay the expenses of operating the Government by means of the tax which we are able to collect from the Nation's taxpayers, we shall have a continuing increase in the price index.

PRICE INDEX SYSTEMS

I am glad there are price index systems, such as the Bureau of Labor Statistics wholesale price index and the Bureau of Labor Statistics consumers price index, and the Associated Press index. They speak for themselves.

It is not necessary for a Member of the Senate to rise on the floor of the Senate and say that the Korea situation did not cause the inflation we now have and that the Korea situation did not cause all the debt we now have, because the record is clear that the price indexes had moved from approximately 100 to 169 in a period of 5 years before Korea and that the 1950 fiscal year's deficit was about $5,000,000,000 before Korea. This was caused largely by Congress following the President in his deficit-financing program.

INFLATION WILL NOT BE STOPPED BY THIS ADMINISTRATION

It will never be stopped, with such an organization in power, as long as Congress listens to the constant purring about more money to spend from a power-drunk administration.

One urgent reason for the increase in prevailing tariff rates or at least for holding the level where it is now, is to combat the disastrous effect of the devaluation of European currencies. After this devaluation the concurrent decrease in the ad valorem rate more than offsets the protective differential originally enacted. The National Cheese Institute in a brief presented to the Committee for Reciprocity Information points out, in this respect, that the devaluation has been 30 percent in the United Kingdom, 39 percent in France, 46 percent in Argentina and 10 percent in Canada.

GOVERNMENT CREATES COMPETITION

Mr. Donald Laher, of the California Fish Canners Association, points out that competition to many industries comes as a result of the United States Government's efforts to stimulate trade in Germany and Japan. MacArthur's headquarters in Japan have so encouraged the tuna and sardine industries that not even the other foreign competitors like Peru, with their low-wage scales, can compete with Japanese prices, let alone the American industries. In his brief, Mr. Laher says:

> A lot of us feel that tariffs won't help us, that even a hundred percent tariff will do no good. But we have to have such protection as the tariff will give until the Government faces the problem realistically and gives us some other protection. We don't want

an iron curtain in the United States, but we do demand an opportunity to maintain our industry in its proper state against prices caused by living and standards so far below ours that they place us in an uncompetitive position.

Mr. President, a flexible import fee will protect this industry. That, however, is the written word of a man in the industry. He is harassed to death, he cannot pay his wage scales, he must go out of business. All that a properly adjusted tariff ever did was simply to put the domestic producer in a competitive position.

THE FLEXIBLE IMPORT-FEE PRINCIPLE

The flexible import fee suggested by the junior Senator from Nevada introduced in the Senate in 1948 and again in 1949, and then offered as a substitute for the extension of the 1934 Trade Agreements Act last September, simply provides that the tariff shall act to bring about a fair and reasonable competitive position of the American producer. It is based on the principle of fair and reasonable competition, and under that bill, a Foreign Trade Authority would be created simply turning the long experienced Tariff Commission into a Foreign Trade Authority, and giving that Commission the same authority in the field of fixing tariffs and import fees on the principle of fair and reasonable competition—as the Congress long since gave the Interstate Commerce Commission fixing freight rates for the carriers—on what basis? On the basis of a reasonable return on investment. It will be remembered that, before we had an Interstate Commerce Commission, almost every railroad had a different rate for every major shipper. That did not work. So the matter was finally turned over to the Interstate Commerce Commission, to fix freight rates for the carriers on the principle and on the basis of a reasonable return on investment.

SERVED ON THE PUBLIC SERVICE COMMISSION OF NEVADA

The junior Senator from Nevada served on the Nevada Public Service Commission for 8½ years. We held many hearings for the Interstate Commerce Commission. Many factors are taken into account, as they would be taken into account in establishing the "fair return" on the investment, in fixing tariffs and import fees just as many factors would be taken into account on the basis of fair and reasonable competition. In the case of the Interstate Commerce Commission they find the value of the utility; they consider the first cost; they consider replacement cost; they consider amortization and many other factors in order to determine a reasonable value of the property. But out of the dozens of factors considered, it finally adds up to but one thing—the proper valuation on the utility, and then comes the amount of interest that is to be allowed.

A reasonable return on the value is arrived at through a consideration of the hazards of the business. If it is a long-established railroad running through an agricultural community, and everyone knows, or concludes that values are not likely to change very much, a very low rate of return is allowed. However, in the case of a mining camp or of a war industry, or something that might at almost any time find its patronage decreasing, a higher rate of interest would be allowed.

But it must be a reasonable rate of return, and it is left in the hands of the Interstate Commerce Commission to fix the rates for the interstate carriers and in the hands of the State railroad commissions to fix the rates for intrastate carriers.

My proposed foreign-trade commission would proceed in exactly the same manner to determine the tariff or import fee on the basis of fair and reasonable competition.

DETERMINING THE FAIR AND REASONABLE TARIFF RATE

The Foreign Trade Authority would have the duty to determine a fair and reasonable competitive tariff or import fee on each product. Some may say, "You cannot ascertain the cost of production in a foreign nation." That is true in many cases—and it is made true deliberately. In other words, the governments go into the business, as England has done, for example; indeed she is now about to take over the steel mills. When they go into the business, they establish markets for certain goods in our country, often selling for less than the cost of manufacture, and making it up through manipulation of the exchange value of their currency or in some other way; through subsidies, or through the subsidizing the supply of food for the workers, so that their costs cannot be ascertained.

DECLARED CUSTOMS VALUE—OFFERED-FOR-SALE COST

But, Mr. President, two of the factors which this Foreign Trade Authority are authorized to consider would be the offered-for-sale price in this country and the declared customs value. That information is available, and, once the Authority used that method, soon enough they would come forward with their real costs.

FEDERAL REGULATION INCREASE COST

In the agricultural line an important point is that our standards are often higher because of the laws of the Pure Food and Drug Act. This protection is highly desirable, and yet it adds another item of expense to the selling price of a commodity which is not felt by foreign competition. This was pointed out by the Cocoa Manufacturers of the United States in their brief, claiming that competitive products were able to pass through customs at very low tariff rates.

Many of the different agricultural industries point out the anomalous situation in which the Government with one hand is subsidizing the production and on the other is trying to lower the tariffs on imports of the same industries. The briefs show in many instances why the former tariff rates of 1930 should be reinstated, and in all cases it is evident that continued downward revision in the face of increased foreign competition will be disastrous.

CHEMICAL INDUSTRIES

Mr. President, the group of chemical industries named by the junior Senator from Nevada earlier in his address are scattered over many States of the Union. Their representatives have appeared before the Committee for Reciprocity Information to express opposition to the contemplated reduction of duties on a large number of their products in the forthcoming negotiations at Torquay, England. The appearance of the representatives of these industries was motivated by a justified fear for the very life of their enterprises and a deep concern for the national security.

THREAT OF LOWERING TARIFF SCARES OFF VENTURE CAPITAL

Mr. President, as the junior Senator from Nevada pointed out earlier in his address, the mere fact that there is a threat of lowering the tariffs and of continued tinkering with the tariff and import-fee machinery, immediately scares away from business every dollar of venture capital.

Investors who already have their money invested in industries of course must do the best they can to operate them or sell at a sacrifice. Naturally, there is no buyer; they cannot sell and get their money, because everyone is fearful of State Department action. But no investor, though he were worth a million dollars, would invest $2 in a chemical industry, threatened as it is with extinction through a lowering of the tariff, and by the activities of the representatives of the State Department who, having purchased their tickets, are on their way to give away anything that can be given away for some fancied advantage for a foreign policy, the like of which this country has never seen.

WE HAVE NO DEFINITE FOREIGN PLANS

As the junior Senator from Nevada has said many times on this floor, we really have no definite foreign policy. But we are continually trading our economic health.

SCHEDULES THREATENED IN CHEMICAL INDUSTRY

The list of products on which negotiations for duty reductions are planned is so extensive that the entire field of our chemical industry could be mortally injured. The commodities which fall in this category come under the heading of "Schedule 1, Chemicals, oils, and paints" in the Tariff Act of 1930, and the list is almost complete.

Among those who appeared is the Synthetic Organic Chemical Manufacturers Association, which, in particular objected to reductions on products listed under paragraphs 27 and 28 of the Tariff Act of 1930. The chemicals, derivatives of coal tar, are used for dyes, medicines, and a host of vitally important intermediates—chemicals used for further production of end products.

CHEMICAL INDUSTRIES TRAVELED EUROPE TO COMPARE COSTS

This Association of Makers of Synthetic Organic Chemicals had engaged a group of business consultants who traveled to Europe to analyze the effect

of differentials of cost abroad, and of devaluation and cartels, on the imports of such chemicals into the United States.

Exhibits submitted on behalf of this association prove that foreign costs in the most important competitive producer nations—United Kingdom, Germany, France, Italy—are up to 48 percent less than domestic costs. The main factor, reducing foreign costs, is the price of labor. For instance, a chemist earns only 64 cents an hour in France, 56 cents in Italy, 79 cents in the United Kingdom, and 83 cents in Germany. That compares with an over-all average hourly wage in the United States chemical industry of $1.57 an hour. The chemical industries' labor costs, generally, are 4 to 6 times higher in the United States than abroad, and since production in the chemical industry does not lend itself to mass production methods, costs are quite proportionate to the actual labor costs involved.

All the witnesses before the Committee for Reciprocity Information pleading for the chemical industry pointed out the vital importance of their industrial capacity as well as their research facilities, for national defense. The history of the effort that had to be made in World War I to establish a chemical industry to make this country independent from German imports, is well known. If the duties on all or even a substantial part of these chemicals are reduced, we may have to face the same fearful problem again.

DESTROY INDUSTRY—NATIONAL SECURITY THREATENED

Mr. President, I want to say in that connection, that we can see it on every hand. We passed a defense bill, and a large appropriation. Now we see the President appointing men to head the organizations, many of these with little experience in the jobs for which they are appointed.

We know that we have inadequate stockpiles of strategic and critical minerals and materials.

We know that 70 percent of our mines are closed down. Why? Because in most cases the indiscriminate lowering of tariffs and import fees without any study of what the differential in the cost of production may be between the low wage living standards of competing foreign nations and this country. So we rock along. Experienced men say we should build up our stockpiles. Experienced men say that we should have a "going concern" mining industry. But nothing is done.

COPPER, LEAD, MERCURY, AND TUNGSTEN TARIFFS

After the tariffs on lead and zinc, for example, had been lowered materially, after the tariff on copper had been taken off, and after the tariffs on mercury and tungsten and most other strategic materials had been removed, thereby closing our mines through foreign competition, the junior Senator from Nevada introduced a bill in the Senate in 1948, and again in 1949, which would have furnished one-half of the development costs in mining.

THE MALONE MINING BILL

The bill would have paid one-half of the cost in searching for new ore deposits in underground exploration, and would have furnished funds to maintain in workable condition some of the mines which can produce strategic and critical minerals and materials, but which under present conditions do not find this feasible. Such mines would have been ready for a police action such as the President says we have in Korea, in which the matter of a declaration of war is sidetracked around Congress and given over to the United Nations. The United Nations puts us in the war, but it does not furnish the strategic and critical minerals and materials for the war-necessary munitions.

Among the chemicals industries which appeared before the committee are the makers of magnesite, a vital material for steel making. Negotiations are proposed with Austria, for duty reductions in this commodity. Austria's magnesite production is in the shadow of the iron curtain. So we will now buy it from Austria.

BUY MAGNESITE FROM AUSTRIA—CAN BE PRODUCED HERE

The production of magnesite in Austria is in the shadow of the iron curtain. I hope that Russia and other potential enemies will give us a breathing spell after General MacArthur solves the problem in Korea. He seems in a fair way of doing it.

I have every confidence that he will do it if we give him the men and the material and if the State Department keeps out of his hair. I hope we have a breathing spell, and I hope we profit by the experience we had in World War II, when the junior Senator from Nevada served the Senate Military Affairs Committee as a special consultant. At that time he was out in the Pacific with General MacArthur in 1943 and in Alaska in 1942—following the Japs into Dutch Harbor. He was close to the War Production Board and its work. Mr. President, 70 to 90 percent of the shipping from South Africa, which brought chrome, manganese, and other minerals, which we should have stockpiled prior to that war, were destroyed.

SEVENTY TO NINETY PERCENT OF SHIPPING DESTROYED

Seventy to ninety percent of the shipping was sunk by German submarines. God knows what the percentage would be now with the snorkel submarine in Russian hands. Probably it would be nearer 100 percent. So I hope the people of this country will rise up and make it known to Congress that Congress should take back the authority to regulate tariffs and import fees, and not allow an industrially inexperienced State Department to continue wrecking the security and the national economy of this country. I repeat: Austria's magnesite production is in the shadow of the iron curtain.

NECESSARY DRUGS FOR NATIONAL SECURITY

Merck & Co., Inc., in their presentation in opposition to tariff cuts on chemicals, pointed out that one paragraph alone, paragraph 5, proposing duty reductions, includes such drugs and antibiotics as streptomycin and penicillin, vitamins, and also 150 miscellaneous chemical compounds important for medical research and development. The progress in research and development in many fields of chemistry and medicine could be seriously hampered by undermining the economic foundations of this research. Much of the most important work in these fields is carried on by industry itself, and its economic health is necessary to the physical health and well-being of our people in war and peace.

Mr. President, that is a terrific point. Private money does not go into research and manufacture of materials and products that will not be competitive in the market. It will not go into business at all, much less spend millions of dollars for exploration and on laboratory work. The product must be competitive to pay the freight, and that, Mr. President, is impossible with the tariffs under the jurisdiction of the State Department.

THE DRY COLOR MANUFACTURERS

The Dry Color Manufacturers Association appeared before the Committee for Reciprocity Information in opposition to reductions of duties on chemical color pigments. This industry, which is a vital and integral part of our chemical industry, points out that its products are essential for peace and for war. Camouflage paints, colored smoke bombs, basic compounds for the manufacture of jet engines and machine gun barrels, materials for incendiary bombs, including napalm, which was so much in the news lately, and other war materials are produced by this industry. The low-priced foreign importations have already reduced production in this domestic industry through the loss of export markets.

MUCH NATIONAL DEFENSE MONEY WASTED

Mr. President, I point out at this time that billions of dollars are being made available to businessmen and industry. Much of it is being wasted because a great percentage of it will be loaned to people who have no experience in business.

GOVERNMENT AS A PARTNER

They are plunging into a new business or are suddenly enlarging plants. Much of the money will be wasted. But, Mr. President, I point out to the Senate that today no one will go into business and no investor will invest venture capital unless he has the Government as his partner. The Government will have to lend money through the RFC or appropriate money outright for an industry because there is no assurance of a continuing peacetime industry following the war. So an investor will not put venture capital into the business. Mr. President, when the Government becomes a partner we get close to Government ownership. Of course the junior Senator from Nevada believes that that is the ultimate end of our present Socialist Government.

A SOCIALIST GOVERNMENT

It is a Socialist Government that we have at this time. It is patterned after the British Government. It is the objective of many persons who are directing our Government today to do what the junior Senator from Nevada has pointed out would be the result of low-

tariffs—lack of production and driving venture capital out of business, with the Government becoming the ultimate necessary partner of the businessman.

WAGE COMPARISONS—CHEMICALS

A duty reduction on many of its basic products would bring about the low-cost foreign competition which would cost us dearly in security, employment, and production. It was pointed out that this industry pays an average wage of $69.49 per week compared with $21.78 per week in England for comparable employment.

Mr. President, that is less than one-third, think of it, and we blithely go along and threaten further tariff reductions which would put our workers and investors in further direct competition with the sweatshop labor of Europe, Asia, and other low-labor-cost countries.

Another representative of the domestic chemical industry before the Committee for Reciprocity Information was the Plastic Materials Manufacturing Association, which presented objections to duty reductions on plastic materials.

The basis of their objection is the fear that the increased productive capacity for plastics in Europe may lead to surplus production seeking an outlet in the United States with subsequent displacement of United States labor.

EUROPEAN NATIONS ENTER AMERICAN MARKETS UNDER COVER OF WAR

Earlier in my address I pointed out, in a dispatch from London, that that was exactly the objective of the English authorities, to continue under cover of war to displace as many products in the United States as possible so that they would have their industries established following the war.

It was stated that there was no shortage of plastic materials and that, in fact, there was some surplus capacity for plastics production in the United States. Tariff protection at adequate levels is felt to be essential to prevent the unfair competition from low-cost labor and devalued currencies swamping the United States market.

Some special plastic materials were considered so essential during wartime that the entire production was turned over to the Armed Forces. In other fields, during World War II, plastics cushioned the effect of the withdrawal of metals for war production providing many consumer goods which were normally made of metal. The plastics industry is an essential part of our chemical industry and is thus worthy of protection from severe injury by adequate and fair tariffs on products made with low-paid labor.

FAIR AND REASONABLE COMPETITION

In other words, Mr. President, they are entitled to fair and reasonable competition, not ruinous competition, where the only alternative to unemployment is to lower wages, and, in addition, write off investments down to such a level that there can be competition.

Barium hydroxide and potassium permanganate, vital raw materials for many industrial uses, are also to be considered for duty reduction. An interesting fact in this connection is that present competition in potassium permanganate comes from Czechoslovakia and the Russian zone of Germany.

Glue of animal origin, bone char and bone black made from the same raw materials, namely animal bones, is also threatened with a duty reduction. The bone char and bone black industries, using raw materials imported from the Argentine, are necessary for the sugar refining industry and for water filtering, and in time of national emergency, should be regarded as essential. Animal glue is of such importance in many industrial fields, that during wartime, allocations of this commodity was handled by the War Production Board. Postwar imports have been rising tremendously, and any serious injury to our domestic manufacturers may be very costly in wartime.

The Dow Chemical Co. pointed out, in their objection to tariff cuts on chemical manufactures, that cuts were contemplated on products which accounted for more than 75 percent of their income.

In this particular industry, Dow Chemical Co., it is estimated that the overall cost of labor is 65 percent of the total cost of production. Wages in the chemical industry in Great Britain, for instance, are in the neighborhood of 50 cents per hour, whereas the Dow Chemical Co. averages $1.82 per hour. Thus labor cost in this company is 360 percent of the cost for labor in the most competitive plants in England.

I quote from a statement made by a representative of the Dow Chemical Co.:

In our brief we stated our contention that lowering chemical tariffs will weaken the national defense and here is how it will: In time of war our industrial machine must meet exacting requirements. It is necessary that we have the best in explosives, the best in high-temperature alloys, the best in mechanized equipment, the best in fuel for our planes, the best in lubricants, the best in medicinals, the best in protective clothing for those who will fight our battles. All these will be created by an aggressive research program supported by the chemical industry. The point that we are making is this: Progress is a continuous process. And we emphasize that progress in chemistry is being made everyday by all nations.

CONTINUOUS BUSINESS NECESSARY

Mr. President, we do not make this progress in laboratory experiments and in manufacturing improvements when it is impossible through this "free trade" policy to continue in business in peace time. These improvements are not made. While we may appropriate billions of dollars now, when industries have had to curtail such experiments it means that we do not have the advantage of having the benefit of these processes and new products which can be created by a continuous process which is the result of a competitive tariff, that is to say, a fair and reasonable competitive tariff.

Another chemical on which the tariff may be reduced is potassium nitrate. These tariffs are threatened at the coming Torquay conference. And yet this very chemical potassium nitrate had to be specially fostered during World War II to bring about the necessary added production.

Potassium nitrate, among other uses, finds application in the making of high octane gas, heat treating of metal, optical glass, and the rubber industry. The reduction of the 1 cent per pound duty on this chemical may make us ultimately dependent on foreign sources. Our very security would be endangered.

IMPOSSIBLE TO PROTECT SHIPPING IN EMERGENCY

I have already described the impossibility of shipping these goods and protecting the shipments from these countries in time of war. The submarines during World War II were able to sink 70 to 90 percent of our shipping, and the new snorkel submarine probably would increase that percentage to a considerable extent. So, putting it squarely on the basis of the cost to the American people, if we were allowed during peacetime to keep these industries going, so that we could furnish our domestic needs even in emergencies, the cost would not be appreciably more and we would be secure in any emergency.

ATTACK UPON CHEMICAL INDUSTRIES

In summing up, it must be said that the forthcoming negotiations at Torquay, England, seem to have been planned as a wholesale attack against the chemical industry of the United States.

The chemical industries are not singled out alone; as can be seen by the groupings, there are 12 groups of industries which have presented briefs before the Reciprocity Trade Committee of the State Department. They are not singled out at all. Of course, they were closer to their own business and did not know, perhaps, that this applied equally to all industries in the United States. It is probably the first time that negotiations are planned which propose to cut tariffs on almost a complete schedule of commodities listed in the Tariff Act of 1930. Of paragraphs 1 to 97 of the Tariff Act of 1930, making up schedule 1, only the following paragraphs are exempt from negotiations for duty reduction: paragraphs 14, 17, 19, 25, 32, 33, 42, 48, 62, 64, 74, 76, 77, 79, 89, 90, 91, and 96. In many cases negotiations are planned in the whole range of products specified in each paragraph.

Duty reductions on even 50 percent of these chemicals could permanently impair the war-making potential of this Nation, and can well mean the permanent loss of the paramount position of the United States in the field of chemical and medical science. Research for new products and for new ways of combating disease and death costs money, and, to a very large degree this money springs from the profits of a healthy chemical industry. This research, always important, but now, with war clouds on the horizon, of vital necessity, must be assured for the very safety and health of the United States. Dependence of foreign sources of supply in many chemical raw materials is the very height of insecurity. This insecurity can and will be achieved if we let the State Department march further on the path of free trade, which in these times means a one-way street to doom.

Mr. President, I come now to the classification of leather, luggage, and handbag industries.

LEATHER, LUGGAGE, AND HANDBAG INDUSTRIES

A series of letters and briefs sent to me by the leather working and handbag industries give definitive proof of the damage done by the Government's tariff and trade agreement policies. These companies are directly concerned about the possibility of an increased downward revision this September at Torquay, and they point out that while they are barely managing to survive under present conditions, further decreases in tariffs would endanger present wage scales and make the entire industry subject to flooding by foreign markets.

TAXING CORPORATIONS—ONLY INDIRECT TAX ON WORKERS

Mr. President, very often on the Senate floor I have noticed, in the discussion of both the taxing programs and free-trade programs, Senators will make very learned and eloquent speeches about taxing corporations, and say that we are going to lower the tariffs on products made by large corporations and industries.

Mr. President, the junior Senator from Nevada wants to take this opportunity to say there never was a greater hoax perpetrated on the American people than that contained in the statement that when corporation taxes are raised that the workingmen's taxes are not raised. The workingmen work for a corporation and buys its products, and when the corporation's taxes are raised it either goes out of business or raises the price of its articles to meet the tax. The corporation asks and secures a reduction of wages for the workingman as an answer to raised taxes—raises the price of its products or goes out of business.

CALUMET-HECLA GOOD EXAMPLE

With respect to tariffs, a good example is that of the Calument-Hecla copper mine in Michigan. When the tariff on copper was removed, the owners went to their workers and asked them if they would take a voluntary reduction in pay until something could be done. The company then wrote down its investment in accordance with the reduction in wages, and kept on operating for a while with greatly reduced production.

So the people could see that the removal of the tariff on copper in that case had a direct effect on the workingmen and their families as to their living standards.

THE WORKINGMAN SUFFERS FIRST

We now have an administration which says it is for the workingman, the forgotten man. It is the forgotten man, it is the workingman, that a reduction in tariff or import fees affects first.

He is the man who suffers when a reduction has to be made in the working hours; he is the man who suffers when a company has to lower wages or go out of business. It appears that the administration is looking both ways at once, and has been doing so for 18 years; on the one hand patting the workingman on the back and saying, "Stay with us and we will give you high wages," and on the other hand lowering the tariffs and putting the American workingman in direct competition with the workers in the sweatshop countries of Asia and Europe, whose living standards are much lower than our own. Thus through directed inflation it actually lowers the purchasing power of the wages he gets.

NO DIFFERENCE WHERE SWEATSHOP LABOR IS LOCATED

Mr. President, I stated before the national convention of the Glassworkers Union in Toledo this year that it makes no difference whether the sweatshop labor is located in New England or in old England. When we remove the tariff or import fee which makes up the differential of cost between the wages and the living standards in England or in any other area and our own country, then our workingmen are in direct competition with sweatshop labor, and are moved back 50 years overnight.

SUBSIDIES AS A SUBSTITUTE FOR TARIFFS

Then the administration invents a method of subsidies to keep those particular businesses that the administration wants to remain in business. A subsidy, Mr. President, is no substitute for a tariff simply because if the Congress of the United States forgets to appropriate the money for the subsidy some day the industry is dead. It has no convalescent period. It is dead. Whereas if a tariff or import fee is established by law there must be appearances before committees, there must be hearings on the proposal. If we were to establish the flexible import fee principle as a substitute for the 1934 Trade Agreements Act, as suggested by the junior Senator from Nevada, and create a foreign trade authority, then the hearings would have to be had before that authority, and the reductions in the tariff, if any, would have to be made on the principle of fair and reasonable competition. The authority would have no discretion. Otherwise, if the principle is violated as provided in the bill, a joint resolution of the two Houses would stop it from going into effect.

That is the difference between a subsidy through payments to an industry through a bureau and a tariff or import fee imposed by law. It is the difference between venture capital going into a business or the Government going into financing of private business.

These leather industries, ranging from shoe board and fiber to ladies' handbags, from leather gloves to luggage material, and including each grade of processor from tanners to cutters, are united, both management and labor, in denying the national policy of encouraging foreign trade which conflicts with home industry. They point out that most of their companies are in small towns, and that their workers, many of whom are highly skilled technicians, are not able to make a rapid change to another industry. The laissez-faire theory that one can switch rapidly from a marginal industry to one of more economic value sounds fine until it is put into effect, and then when 40,000 workers may lose jobs as they would in the luggage industry or, as 16,000 would in the ladies' handbag industry, the fallacy is evident.

In the brief presented to the Committee for Reciprocity Information by the National Authority for the Ladies' Handbag Industry it is observed that 75 percent of the cost of a finished product is in the leather materials and in the labor. Comparative wage scales are shown in which it can be seen that the average wage for a 40-hour week with all social benefits included is $51 in comparison to $24 in England, $16 in France, $21 in Germany, $34 in Italy, $16 in Argentina, and $14 in Cuba for a 48-hour week without the other benefits.

DIFFERENCE IN WAGES—LEATHER INDUSTRIES

The industry in this country pays $51, and is in direct competition with workers receiving as little as $16 in France and in Argentina, and as little as $14 in Cuba for a 48-hour week.

In Italy, where some of the finest leather in the world is produced, most highly competitive leather, the workers receive a little more than half the wages workers engaged in similar occupation in the United States receive.

Despite this there has been continual reduction in the tariff rates. The 1938 rate of 35 percent ad valorem was reduced in agreement with the United Kingdom in 1939 to 25 percent, and in 1941 by agreement with Argentina to 17½ percent ad valorem. Finally, by the Geneva agreements in 1948 the applicable rates to all other countries were reduced to 20 percent, and a preferential agreement with Cuba brought the rate down to 14 percent. That is the country in which the workers are paid $14 a week as against payment of $51 a week to the workers in this country.

A particular point made now is that the greatest postwar competition has come from the industries in western Europe, recently subsidized by ECA aid.

COMPETITION SUBSIDIZED BY ECA

I hope Senators present will note in connection with what is said in the matter of the leather industries and luggage and the handbag industries, that a particular point is made by these industries now, that the greatest postwar competition has come from the industries in western Europe recently subsidized by ECA. The industries here receive no subsidies, neither can they benefit from currency manipulations. What value is attained by subsidizing foreign competition when it puts our own workers out of a job?

In the brief of the American leather glove industry the interesting point is made that the application of the most-favored-nation principle is particularly disadvantageous. When this is applied to heavy industry, the future effect can be fairly well forecast, but in the case of handicraft industries new competition can spring up from unexpected sources and have a detrimental effect. So much depends here on having a tariff to counteract cheap foreign labor, whereas in larger industries the backlog of expensive capital equipment acts as an inherent protection.

In other words, expensive equipment, large equipment, did act as a deterrent until the United States of America started financing the equipment and sending

our own equipment overseas, and having the taxpayers of the United States of America furnish their own competition.

The Pocketbook Workers Union points out that American methods and American equipment in the equivalent French industry have increased production by 300 percent, and that this competition has as of June 1, already put 6,000 employees out of work, with another 5,000 only employed part time.

Altogether, the effect of further tariff cuts in the leather-glove and handbag industries would be to drive these companies right out of business. Let us not subsidize European competition to a point where our own workers suffer, but rather let us give them enough protection to provide at least a minimum standard of competition.

INCREASED PRODUCTION WITHOUT ADEQUATE MARKETS

Mr. President, it will be remembered that when we first mentioned the Marshall plan everyone said, "More production is the necessary thing. If we can only secure increased production, all of the European problems will automatically disappear. If only the European nations had the production capacity." A few of us on the Senate floor, including the junior Senator from Nevada, brought up that delicate question of where would they dispose of the increased production. It was a very delicate undertaking to oppose anything that had Uncle Sam's name on it headed for Europe at that moment, especially a blank check, but the junior Senator from Nevada, having been in the industrial engineering business for a good many years before coming to the Senate of the United States, knew that there is one other point that has to be considered when we are establishing increased production capacity, and that is markets. Where will you sell your product? In all the 30 years' engineering experience the junior Senator from Nevada has had, the last half of it in largely industrial work, it has never been my experience to be employed by a firm which did not have or could not secure additional production capacity.

But first, Mr. President, when one asks for venture capital, investment, when one is going to pay back money borrowed—when one is not going to obtain out of Uncle Sam's pocketbook money which comes directly from the taxpayers of America to throw down the drain—then, Mr. President, the first factor is the market. One goes out and makes a survey of the competitive markets first.

If it is found that the raw materials or the transportation or the markets are not available so that it is not possible to build a factory of economic size and market the production, the business is not undertaken.

The available markets are the first thing an industrial engineer determines.

LOOKED FOR EUROPEAN MARKETS

They are what I looked for in Europe when I was there in October and November 1947. Where are the markets for the goods that are to be produced by the factories which are to be developed through the use of ECA funds? The markets were not in Europe. There are two reasons why the markets were not there. One reason is that the European countries will not trade with each other. They apply all manner of barriers against each other. A condition of trade among the countries of Europe can be brought about only by the creation of a United States of Europe, similar to the United States of America.

Many of the countries over there are little larger than some of our States, and some of the European countries are smaller than a number of our States. However, each of those countries has its own complete government set-up, kings, dictators, and so forth. That system in itself is most expensive. It is similar to the situation where a group of Army officers pool their funds in order to obtain sufficient money for an officers' mess, when they are in the field. They find out how many enlisted men will serve that mess, and they add the cost of feeding them, because they will be fed first. So it is that it is necessary to feed the governments first.

A $17,000,000,000 COMMITMENT—BEVIN-MARSHALL PLAN

After the State Department and the President and all of the pressure group, including the pressure coming from Mr. Bevin, of England, whose plan it was in the first place, were able to get from the United States of America a total of $17,000,000,000 to use in furnishing competition for American industry and workmen, we find that as of today, as Mr. Churchill has said recently, the countries of Europe are not as able to defend themselves as they were 3 years ago, when the plan began; and today they have even less inclination to do so.

WHAT—AFTER INCREASED PRODUCTION?

Nevertheless, the $17,000,000,000 authorization was made, and $5,600,000,000 was appropriated the first year, and the European countries began to build industrial plants. The great industrial engineers whom the State Department employs, figured out this program, and determined that all that was needed by the European countries was production. So they made it possible for those countries to produce goods. Then what happened?

SUDDENLY DISCOVERED MARKETS WERE NECESSARY

The engineers returned to the United States and said that it was necessary to find a market for the goods they were producing in Europe; and they said that if a market for those goods was not found, it would be necessary for the United States to appropriate more money for the program.

So they put on the "heat" for more "free trade"—for "One Economic World," which they say they must have to prevent war. They say we must divide the markets of America in favor of these foreign countries to create markets for the ECA investments.

For the first time, the State Department and the President and the "great brains" who are running all the Marshall plans, the UNRRA's, and the Gray plan which is now coming up, the plans for a world WPA, suddenly realized that they must make it possible for the goods thus produced in Europe to be sold somewhere. So now it is proposed that we divide the markets of the United States of America, which were the means of enabling us to provide the ECA money in the first place, in order to make it possible to build the industrial plants in Europe, with the result that the industrial capacity of Europe now is far beyond what any of those countries ever had before and they must absorb this Nation's markets to justify the ECA investment—it is a great scheme of small men. It is never-ending. It must continually grow or the realities will catch up with it.

AMERICAN GLASSWARE

Mr. President, the American glassware and china industries have suffered tremendously because of the increase in the importation of foreign glassware and china products. The seller's market which existed immediately after the war left room for both domestic and imported goods; but beginning in 1949, and again this year, the market has slackened to such a degree that foreign goods have almost taken over our domestic markets.

Is not that a fine state of affairs? We have already expended almost $10,000,000,000 of Marshall plan funds, and Mr. Hoffman is putting on the heat, every day, in endeavoring to have the European countries increase their industrial productive capacity, and the heat is being put upon the United States to open the United States markets to the goods produced in those foreign countries to pyramid the fantastic scheme.

So, Mr. President, with that combination, and with the help of the Congress of the United States, with the pressure from the President of the United States, and in spite of the complaints of American industry, we have fooled the taxpayers of the United States into engaging in such a round robin. First the taxpayers provide funds with which to overbuild European industrial plants so that they become capable of producing goods for which those countries have no markets.

In the second place, we open our own United States markets to the goods thus produced in those foreign countries, by those very same industrial plants financed by American taxpayers. Then finally, we come right back to where we began asking for more taxpayers' money for a global scheme to continue the same stupid arrangement with our own workmen becoming unemployed very rapidly, with our own industries shutting down.

TWICE IN A DECADE

Then along comes the police action in Korea to save the day a second time in a decade. The Korea incident took up the slack in our employment, and almost immediately absorbed the capacity of many of our industries, and began to alleviate the situation, just as occurred in 1941, when, as we were faced with the greatest unemployment of all time, in the period from 1939 to 1941, with our workmen becoming unemployed right and left, and with investments being ruined by the closing of industrial plants, all of a sudden there was a war, when, in 1941, the Japanese attacked Pearl Harbor.

THE YOUNG MEN GO TO WAR

So we became involved in that World War, and our young men began to join the Armed Forces, as many as 14,000,000 of them in 4 years. As a result, suddenly there was a manpower shortage, instead of unemployment of our workingmen—of whom between 10,000,000 and 12,000,000 had been unemployed. So the situation was completely reversed. The resultant wartime activity among virtually all our industries naturally ironed out the threatened unemployment and loss of investment situation which previously had existed.

Recently we were faced with a very similar situation; but the Korean situation pulled us out of that.

Three times in the present generation we have had such a condition develop under Democratic Presidents. It is getting a little monotonous by now. I do not believe our country can stand much longer the administration continually keeping us out of wars.

NEED UPWARD REVISION OF TARIFF—NOT LOWER

Mr. President, almost complete representation from the glass, china, porcelain and pottery industries shows the deplorable condition which has come about just within the last year, according to the memorandum which I have before me.

Evidently this memorandum was written just about the time of the development of the Korean situation. These industries would like an upward revision made under the escape clause of the Tariff Act. However, far from getting that, they are fighting to stop further cuts in import rates, this fall, at the Torquay conference.

RISE IN IMPORTS

State Department and ECA encouragement to European countries to close the dollar gap, has meant a tremendous rise in imports of competitive merchandise, at prices which cannot be touched by American producers.

Mr. President, that situation is another case of the encouragement by Paul Hoffman, Director of the ECA, who has directed the ECA to make it possible to have the products of European industries brought into the United States in order—so we are told—to "close the dollar gap." Mr. President, that business of "closing the dollar gap" is the greatest hoax which ever has been perpetrated upon the American people. We create the dollar gap ourselves. We promised $17,000,000,000, and appropriated $5,500,000,000, which was appropriated the first year, to make up the trade-balance deficits of those countries.

HOW STUPID CAN WE GET

Then unless we divide our markets to take the place of the decreasing Marshall plan there is a so-called dollar gap. We put our own workers out of employment and ruin our own investments just to close the dollar gap, so-called, which we created ourselves. How silly, how stupid can we get, Mr. President?

Since about 65 percent of the selling price of glassware and pottery goes for wages, there is a more direct connection and contrast in wage scales than would be true in heavier industry, where the capital equipment would be a factor. Mr. Wells, of the Homer Laughlin China Co., of Newell, W. Va., says that while average earnings of all employees in his industry are $1.40 per hour, in England they are 40 cents, in Germany 30 cents, in Italy 20 cents, and in Japan 10 cents per hour. The low-labor costs in the foreign countries make the handicraft industries particularly vulnerable; and when currency devaluation is added to the cheap foreign labor, even the present tariff rate gives very little protection. Mr. Wells says that 25 percent of the 20,000 pottery makers are completely unemployed at present, and the workweek for the balance will not average more than 32 hours.

GLASSWORKERS UNEMPLOYED

So in the United States today about 25 percent of the pottery and glassware workers are unemployed, and practically all those who remain employed are only partially so. Twenty-five percent of them are entirely unemployed; in other words, approximately 5,000 of those workers are unemployed at the present time.

NEW GLOBAL AID PLANS

So, Mr. President, we can see where we are going as a result of the great plan of Mr. Gray, who is an understudy of the great Secretary of State, Mr. Acheson. At a matter of fact, Mr. Acheson should have been fired, instead of Mr. Louis Johnson, if there was going to be any firing done to save face.

However, we can see that this great global plan of Mr. Gray may be a great success, it can pull the present plan out of the fire by increasing the taxpayers' deficit; in fact, we are going to include all the world in this one. To date we have just been experimenting with the 16 Marshall plan countries, but now it is proposed that we include in the new plan every country, by name. This plan might require, annually, almost as much as the 4-year Marshall plan has required altogether—the great Marshall plan, which Bevin formulated in England before Marshall ever heard of it.

Mr. Marshall mentioned it casually in a Harvard speech and Mr. Bevin took it on the first bounce and in 30 days told us how much it would cost us. If we establish factories in all the countries of the world, and if we have no tariffs, which is the State Department's objective, and considering the 10-cent labor in Japan, the 40-cent labor in England, and practically no wages in some of the countries of Africa, then the administration's objective of one economic world averaging the living standards of all of the nations, including our own, will be realized.

Then we cannot protect ourselves—let alone any other parts of the world. The one economic world would be complete. Mr. President, of course your heart goes out to the people of China. The junior Senator from Nevada has traveled over the greater part of China. In Shanghai one can watch Chinese trotting up and down the banks of the canals with a bamboo stick about 4 feet long across their shoulders, with 15 pounds on one end of it and 20 on the other. What they are doing brings them very little pay. There is no standard of living in China. They live up to the food supply, and die off to it.

THE ANSWER IS NOT TO DESTROY AMERICA

I wish I knew the answer to the problem of the food supply in China and India, but the answer is not to destroy the living standards of the United States of America, or to bring them down to the level of the standards in other countries.

INCENTIVE TO RAISE WAGES

The answer may be to create an incentive for increasing the 40 cents an hour wage of England, where wages have been frozen. I call attention to that—a labor government freezing wages. Mr. President, why do they freeze wages? Because of free trade. They freeze wages to hold the cost of manufacture down. Free trade is an incentive to come under any agreements they have made with us.

I call attention to the fact that if we had a flexible import fee to make up the differential of cost, and if they had the difference paid into the United States Treasury, even an Englishman would know, after he had encountered the tariff once or twice, that he had just as well pay additional wages to his employees. Then they might raise their own living standard of wages and create a market at home, and as they raised their wage living standard they would be given credit under an import-fee system for any rise in their living standards through a corresponding lowering of our import fee, and when they are living about as we are in this country, free trade, the common objective of all of us, would be almost immediate and automatic. But we are following the wrong principle. We say we want them to raise their living standards, but the policy we are following encourages the holding down of living standards.

The glassware companies are not only worried about the future if tariff rates are cut, they are in a desperate plight right now. Carl Gustkey, of the Imperial Glass Co., in Bellaire, Ohio, wires that business is 65 percent off because of sales of imports in this country, and that the total number employed has fallen from 600 to little over 300. The Viking Glass Co., of New Martinsville, W. Va., now is able to employ only 145 of its 300 employees, a direct evidence that the whole community suffers for lack of tariff protection. These are examples not of what might happen with further cuts, but actually of what is going on right now. The situation in their town is typical of the desperate plight in all of the glass and pottery industries.

One particularly alarming side of the situation is that much of the foreign competition in glass and pottery comes from Czechoslovakia. Still a party to the Geneva agreements, this Moscow-controlled satellite is able to cut prices on exports to the United States in an arbitrary manner without regard to actual profit and loss. Our Government refuses to block imports from Czechoslovakia, as it claims that any change

would be illegal under the GATT or Geneva agreements and would harm the other countries as well, because of the workings of the most-favored-nation clause.

THE MOST-FAVORED-NATION CLAUSE

Mr. President, I should merely like to remark at this point that the most stupid thing that could possibly be done by any nation on earth is to make agreements with one country to reduce tariffs, and immediately make the reduction, as we do, apply to every other country in the world. Let us take tungsten as an example. The tariff on tungsten was cut from 50 to 38 cents a pound. The effect was to close every tungsten mine in the United States of America. It meant nothing to the tariff cutters then, and probably it means nothing to them now, that we have no tungsten, no operating mines, and but very little tungsten in the stockpile. That means little, except that there is but one substitute for tungsten and that is molybdenum, of which there is a limited production. Tungsten is needed for the manufacture of tool steel, for the manufacture of armor plate for ships. But that means nothing to them, nor does it mean anything that we do not have a going-concern mining industry, and do not have an adequate stockpile.

AGREEMENT WITH CUBA

So, Mr. President, with whom do you suppose this agreement was made? This agreement to cut the tariff was made with Cuba, which produces very little tungsten. I am merely citing this as an illustration. It is done in order to quiet the fears of the American people, with the thought that, first, Cuba produces very little tungsten, so no one thought any harm would be done, not understanding the most-favored-nation clause. So the agreement was made, the tariff was cut, and immediately it applied to every nation in the world, including Burma and China, which produce most of the world's supply, and Mexico. What happened? The tungsten industry closed down. I want the Senate of the United States to know that. That is exactly where the textile industry was headed, where the petroleum industry was headed, and where all the other industries of the United States of America were headed.

The wage and living standards are such in this country, where the difference is so great compared with the competitive countries, that it was impossible to compete.

THE PETROLEUM INDUSTRY

There is no question that the petroleum industry was headed, not for a complete shutdown, but to a curtailment which would ruin the industry. The coal industry was also closing down. Why? Because of the low cost oil that could come from the Middle East. The junior Senator from Nevada explored that field rather thoroughly, and saw nearly all the oil wells in the Middle East where 50,000,000,000 barrels were blocked out. Most of this petroleum could be laid down on the Atlantic seaboard at a lower cost than it could be produced from our own oil wells, and at a lower cost than the cost of producing coal in this country for fuel, and transporting it a very great distance to industrial centers where it is used to produce steam power for furnaces, and for other purposes.

GLASS NOT AN ISOLATED CASE

Mr. President, it is not an isolated case that Carl Gustkey cited of the china and glassware industries. They are still shut down and headed for further tariff cuts. Of course, if we can afford a war about every 4 or 5 years, and put the boys in the Army, and then get our industries at work producing materials and sell, let us say, about $60,000,000,000 of deficit financing to the taxpayers of the country each year, in the form of bonds, everything will be all right; we shall have prosperity but it is a terrible price to pay for the stupid blundering of an inept State Department.

I suppose that most Senators think we are going to appropriate perhaps $20,000,000,000 or $30,000,000,000. I am here today, Mr. President, to say that we shall be appropriating $60,000,000,000 a year, not $30,000,000,000, and we shall have prosperity. We shall also have our money values depreciating at an accelerating rate and no one can predict the ultimate consequences. Certainly most insurance values and savings will be wiped out.

It is a sorry situation indeed when men and women who are paying taxes to support ECA must lose their jobs because of competition from a potential enemy country. Something must be done quickly to protect our glass and pottery industries. They are fast collapsing under present tariff rates and further tariff decreases would become their death warrant.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Illinois?

Mr. MALONE. I am happy to yield to the senior Senator from Illinois, provided I do not thereby lose the floor.

Mr. LUCAS. What I should like to do——

Mr. JOHNSON of Colorado. Mr. President, as I understand, only two speeches on the same subject can be made in one day?

The PRESIDING OFFICER. The Chair respectfully states in answer to the Senator from Colorado that it would be possible to make two speeches in one day on any one question.

Mr. JOHNSON of Colorado. The Senator from Nevada, when he yields the floor, has made one speech, I presume. Is that correct?

The PRESIDING OFFICER. Though the Chair did not put the question, the Senator from Nevada in effect asked unanimous consent that he might yield to the Senator from Illinois without prejudicing his right to the floor.

Mr. MALONE. Mr. President, I think I said I would be glad to yield, provided I did not thereby lose the floor.

The PRESIDING OFFICER. Is there objection to the Senator from Nevada's yielding, without losing the floor?

Mr. JOHNSON of Colorado. I object to that request.

The PRESIDING OFFICER. The Senator from Colorado objects.

Mr. LUCAS. I ask unanimous consent that I may make a brief statement, without prejudicing or jeopardizing the rights of the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that he may be permitted to make a brief statement, without prejudicing the right of the Senator from Nevada to the floor. Is there objection? The Chair hears none, and it is so ordered.

Mr. LUCAS. Mr. President, what I wanted to do, I may say to the Senator from Colorado was to move that the Senate proceed to the consideration of executive business, and then consider the nomination of Gen. George C. Marshall to be Secretary of Defense. I think it is important that the Senate act as speedily as possible upon this nomination. As a result of debate which took place last week, I may say I do not believe it would take over 25 or 30 minutes to have the nomination confirmed. Of course, a quorum call would be necessary. I respectfully ask the Senator from Colorado whether he will permit us to do that. I should like to have the nomination of the very noted General of the Army confirmed as speedily as possible.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. JOHNSON of Colorado. I am very anxious also to expedite the important business of the Senate and I know of no business before the Senate which equals in importance the confirmation of the nomination of a Secretary of Defense. I am very glad to see that and all other business before the Senate expedited. However, we are confronted today with a situation of this kind: We are in the middle of a one-man filibuster. We have before the Senate a conference report, and we have had nearly 3 hours of debate. We have had approximately 5 minutes of debate on the conference report, and the rest of the time has been spent on questions that circle the globe, indeed, it seems that we have circled the globe three or four times this afternoon. I do not know how many more times we shall have to circle it before the report is disposed of. I do not know of any other way to preserve the dignity of the Senate than to keep right on. When a Senator threatens to filibuster a conference report, to the end that he will defeat the report, I think there is only one thing to do, and that is to remain on the subject until it is disposed of.

The Senator is entitled to two speeches on a question in one day. The Senator from Nevada has had one of them. If this nomination is taken up I presume it will be considered that he has made one speech and that he would begin on his second speech. With that kind of understanding I would be very glad to have the majority leader make the motion that the Senate proceed to the consideration of executive business.

Mr. LUCAS. Will the Senator from Nevada agree that he has made one address, and permit us to proceed to the consideration of the nomination of General Marshall as Secretary of Defense?

The PRESIDING OFFICER (Mr. SALTONSTALL in the chair). The Chair understands that the Senator from Nevada yielded to the Senator from Illinois under a unanimous-consent agreement that he would not lose the floor by so yielding.

Mr. MALONE. The junior Senator from Nevada yielded only to permit the Senator from Illinois to make a statement, not for any other purpose, and with the understanding that the junior Senator from Nevada would not lose the floor.

Mr. LUCAS. I thoroughly understand, but I was wondering whether the Senator from Nevada would agree with the Senator from Colorado [Mr. JOHNSON] that the 2½ hour address he has made may be considered as one speech on the subject, and that after the nomination of General Marshall is disposed of he would proceed with his second address.

Mr. MALONE. I am very happy to yield so the Senate may consider the nomination of General Marshall, with the understanding that I do not lose the floor and that I may then continue with my first speech on the subject.

Mr. LUCAS. Mr. President, will the Senator from Colorado, who is always fair, lenient, and tolerant——

Mr. JOHNSON of Colorado. When we start hearing adjectives like that I always weaken. However, I do not want to block any important business of the Senate by taking an arbitrary stand. On the other hand, I want to give notice that I shall stay on the floor and shall object to every unanimous-consent request which is made from now on until the conference report is disposed of. However, I shall not object if the majority leader makes the kind of request he has in mind.

Mr. LUCAS. I am very grateful to the Senator from Colorado, and I think he is well within his rights in saying that no other business shall be transacted until we shall have finished consideration of the conference report. I am willing to hold a night session in behalf of the Senator from Colorado, if necessary, so that we may finish consideration of the conference report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois [Mr. LUCAS] that the Senator from Nevada [Mr. MALONE] yield the floor temporarily without losing his right to the floor and his right to resume as his first speech the one he has been making on the subject of the conference report?

Mr. WHERRY. Mr. President, does the Senator from Illinois intend to suggest the absence of a quorum?

Mr. LUCAS. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. LUCAS. Mr. President, I move that the Senate proceed to the consideration of executive business for the purpose of considering the nomination of George C. Marshall, of Virginia, to be Secretary of Defense.

Mr. WHERRY. When consideration of the nomination has been concluded, the Senate will automatically return to consideration of the legislative business?

The PRESIDING OFFICER. The Senator from Nebraska correctly states the parliamentary situation.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of George C. Marshall, of Virginia, to be Secretary of Defense?

Mr. LUCAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hoey	Malone
Butler	Holland	Martin
Byrd	Humphrey	Millikin
Cain	Hunt	Morse
Chapman	Ives	Mundt
Chavez	Jenner	Murray
Connally	Johnson, Colo.	Neely
Cordon	Johnson, Tex.	O'Conor
Darby	Johnston, S. C.	O'Mahoney
Donnell	Kefauver	Robertson
Douglas	Kerr	Russell
Dworshak	Kilgore	Saltonstall
Ecton	Knowland	Schoeppel
Ellender	Langer	Smith, Maine
Ferguson	Leahy	Stennis
Frear	Lehman	Thomas, Okla.
Fulbright	Long	Thye
George	Lucas	Tobey
Gillette	McCarran	Tydings
Graham	McClellan	Watkins
Green	McFarland	Wherry
Gurney	McKellar	Wiley
Hendrickson	McMahon	Williams
Hill	Magnuson	Young

The PRESIDING OFFICER. A quorum is present.

Mr. TYDINGS. Mr. President, so far as I know there is no opposition and no objection to the confirmation of Gen. Omar Nelson Bradley to be General of the Army, and following his nomination there are certain routine nominations in the Army and Air Force. So I would suggest that before the Marshall nomination is considered the other nominations be disposed of. I ask unanimous consent for their immediate consideration, and that they be confirmed.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the nomination of George C. Marshall be temporarily withdrawn and that the nomination of Gen. Omar Nelson Bradley and certain routine nominations be taken up in place thereof. Is there objection? The Chair hears none.

GEN. OMAR NELSON BRADLEY

The Chief Clerk read the nomination of Gen. Omar N. Bradley to be General of the Army in the Regular Army of the United States.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. TYDINGS. Mr. President, I ask for action on the other nominations.

UNITED STATES AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the United States Air Force.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nominations?

Mr. TYDINGS. Mr. President, I ask unanimous consent that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations are confirmed en bloc.

NOTIFICATION TO PRESIDENT

Mr. TYDINGS. Mr. President, I ask unanimous consent that the President be notified immediately of the confirmation of General Bradley.

Mr. DONNELL. Mr. President, will the Senator not indicate the reason why the rule of the Senate should be abandoned with respect to General Bradley's nomination?

Mr. TYDINGS. My observation has been that in wartime, when we have troops fighting, promotions of this character are usually put through very quickly. It is very important, when General Bradley is meeting with his opposite numbers in Britain or France, that he have the rank which permits him to enjoy equality, so to speak. Most of the British generals are field marshals, and a five-star general in our country is the equivalent of a field marshal in England. General Bradley is having frequent conferences with the field marshals of other governments, and I think it would be very fitting if he were clothed immediately with the rank of General of the Army.

I understand that the Senator from Missouri would be well within his rights and well within the logic of the matter if the circumstances were normal. In my judgment, the present situation justifies an exception to the general rule.

Mr. DONNELL. I make no objection.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the President be forthwith notified of the confirmation of the nomination of Gen. Omar N. Bradley. Is there objection? The Chair hears none, and it is so ordered.

HAROLD A. LOCKHART

Mr. TYDINGS. Mr. President, I now ask that the nomination of General Marshall be considered.

The PRESIDING OFFICER. Will the Senator from Maryland permit the Chair to place before the Senate the nomination of Harold A. Lockhart, to be collector of internal revenue for the sixth district of Missouri? Is there objection to the confirmation of the nomination of Mr. Lockhart?

Mr. WHERRY. Mr. President——

Mr. TYDINGS. Mr. President, if the Senator from Nebraska will yield, the Senate went into executive session to consider the nomination of General Marshall. I have no objection to Mr. Lockhart, but my thought is—and I say this with all deference to everyone concerned, and I do not want to be captious about it—that if the Lockhart nomination is going to bring on any discussion——

Mr. WHERRY. There will be no discussion at all on my part. I was merely going to ask if the purpose of the request was that all the other nominations on

the Executive Calendar be confirmed before we consider General Marshall's nomination.

The PRESIDING OFFICER. All the other nominations, except that of General Marshall and that of Mr. Lockhart, have been confirmed.

Mr. WHERRY. That is the purpose, then, of passing over temporarily the nomination of General Marshall and taking up that of Mr. Lockhart, is it?

The PRESIDING OFFICER. It is.

Mr. WHERRY. I have no objection.

Mr. DONNELL. Are we now considering the nomination of Mr. Lockhart?

The PRESIDING OFFICER. Yes.

Mr. DONNELL. It is not my purpose to oppose in the slightest the nomination of Mr. Lockhart. I do not recall having met him, but I have made some investigation of him, and while I am not a member of the committee to which the nomination was referred, I have taken pleasure in sending in word indicating that I think the nomination should be confirmed. I trust it will be confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Harold A. Lockhart to be collector of internal revenue for the sixth district of Missouri?

The nomination was confirmed.

ANNOUNCEMENT OF EXECUTIVE SESSION TOMORROW—LEGISLATIVE PROGRAM

Mr. LUCAS. Mr. President, if the Senator from Maryland will permit, I should like to advise the Senate that sometime tomorrow the Senate will proceed to consider executive business for the purpose of considering the nomination of Morris L. Ernst to be a member of the Advisory Board for the Post Office Department, and of Emory Byington Smith to be an associate judge of the Municipal Court for the District of Columbia.

Mr. WHERRY. Mr. President, will not the distinguished majority leader state to the Senate his answer to the Senator from Nebraska a moment ago about the possible date for a recess?

Mr. LUCAS. Perhaps it is important, and if the Senator from Maryland will permit me to take a few minutes, I should like to advise the Senate with respect to the program which was more or less agreed upon by the Democratic policy committee a couple of hours ago.

We have before us now the question of the confirmation of the nomination of General Marshall. We also have awaiting action the conference report, which is the pending business, on the bill in which the Senator from Colorado and others are interested. There is also the conference report on the bill dealing with internal security. The conference report has been agreed to by the House this afternoon, and the Senator from Nevada would like to have it considered by the Senate some time today. There is also the conference report on the supplemental appropriation bill.

In addition to that, we hope to take up the scrap metal bill, Calendar 2260, House bill 5327, and the union shop bill, S. 3295. After conferring with the Senator from Connecticut and the Senator from Arizona, I am in position to state that I believe we will be able to get the scrap metal bill through without much trouble.

Calendar No. 2512, House Joint Resolution 516, authorizing the President to conclude and give effect to agreements for settlement of international conflicts involving enemy property, has been reported unanimously by the Committee on Foreign Relations, and the Senator from Texas [Mr. CONNALLY] advises it should take only a short time to dispose of it.

Another bill is House bill 9313, Calendar No. 2578, providing for disposal of surplus food commodities, reported favorably by the Committee on Agriculture and Forestry. I am of the opinion that bill will not take very long. Following that we will conclude for this session, with the further understanding that a motion will be made to take up the bill involving statehood for Alaska, and if we can make that the unfinished business we will then proceed to take a recess, if the Senate will agree to it, to a day certain, namely November 27.

I now yield to the Senator from Nebraska.

Mr. WHERRY. Is it not the majority leader's program that the work of the Senate will be completed by Saturday night of this week, so that if the motion is made it will be made at that time for a recess until November 27?

Mr. LUCAS. I want to make every effort to have the Senate recess at that time.

Mr. President, I did not mention the tax bill, but it is my understanding that the conference report on the tax bill will not be ready for consideration before Friday of this week. Consequently it will be Saturday before we will be able to take a recess.

Mr. WHERRY. Mr. President, I do not want to delay the Senate at all, but I think it is highly important that the conference report on the internal-security measure be laid before the Senate, so we will have it before us for action. Is the report to be brought up today?

Mr. LUCAS. If we can convince the Senator from Nevada [Mr. MALONE] that he should cease and desist with the argument he is making so we may vote on the conference report, we could get to the internal security conference report tonight.

Mr. WHERRY. The point I was going to make, if the distinguished majority leader will yield, is that if that report could be presented today I think we might have sufficient time, by Saturday, to vote on the bill if the President takes adverse action on it by that time. That might have some bearing on the recess. That is the reason I made the suggestion.

Mr. LUCAS. The Senator from Nebraska is correct. That is why we should dispose of the conference report sometime tonight, so we can send it on to the White House and let the Executive do what he will with it. It is my understanding that he is not going to delay action on it. In other words, we will have the answer within a short while one way or the other.

Mr. WHERRY. I hope that course will be followed because if the idea is to have Congress get away by Saturday night, certainly what happens with respect to that conference report will have a bearing on whether the Senate will recess.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. JOHNSON of Texas. May I ask if the distinguished majority leader has foreclosed the possibility of bringing up the Canadian River bill, which was unanimously passed by the House, and favorably reported by the Senate committee?

Mr. LUCAS. I have not foreclosed it, no; but it is my understanding that the Senator from New Mexico [Mr. CHAVEZ] is very much interested in opposition to the bill, and if there are going to be any long speeches made on it, I thought it could go over until the twenty-seventh of November, and we can possibly take it up during that session.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. TYDINGS. Mr. President, five or six Senators have asked me to yield. I should like to accommodate them all. If there is anything more important than getting our defenses in shape I do not know what it is. I hope Senators will not think I am discourteous if for the time being I should like to proceed with the nomination of General Marshall.

Mr. CHAVEZ. Mr. President, will the Senator be so kind as to yield? The Senator from Texas asked a question of the majority leader.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New Mexico?

Mr. TYDINGS. I yield to the Senator from New Mexico.

Mr. CHAVEZ. The Senator from Texas asked the majority leader respecting the bill relating to the Canadian River. I want to let the Senator from Illinois know that if he does bring up that bill on motion Congress is not going to quit on Saturday.

NOMINATION OF GEN. GEORGE C. MARSHALL TO BE SECRETARY OF DEFENSE

Mr. TYDINGS. Mr. President, I ask that the Senate now proceed with the consideration of the nomination of General Marshall.

The PRESIDING OFFICER. The nomination will be stated.

The Chief Clerk read the nomination of Gen. George C. Marshall, of Virginia, to be Secretary of Defense.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to this nomination?

Mr. TYDINGS. Mr. President, I hope Senators will bear with me, because I am not going to detain the Senate myself for more than 3 minutes. We have before us the nomination of Gen. George C. Marshall to be Secretary of Defense. I am not going to seize this late hour in a busy Congress, to eulogize General Marshall. The man himself is a walking eulogy of the very best in Americanism.

His life is known to us all. He has labored long in the vineyard of democratic institutions, American freedom, and he has been perhaps one of the most stalwart men to build up our national defense of any man I know. As Chief of Staff in World War II his record was outstanding. We may find fault with him here and there, we may differ with him here and there, but the over-all imprint of victory in the Atlantic and the Pacific is an outstanding one.

There are conscientious Members of this body who feel that it is a mistake, even in a critical period like this, to take a military man and make him Secretary of Defense. I have no quarrel with that point of view. Those Members are sincere. They have their own reasons for thinking this is a bad thing to do. I believe that in the situation which confronts us in Korea and the situation which confronts us in a war-torn world, we are amply justified in making an exception when we feel that we are securing a man of the experience and the rich background of familiarity with the world picture that George Marshall has.

As I have thought it over to myself I have asked: "Where is there another man in America who has the ripe and rich experience that would qualify him to fill this place? And always the answer comes back: There does not seem to be any.

So I hope, without detaining the Senate, we may have a yea-and-nay vote on this question, so that those who feel differently may have an opportunity to register their displeasure with the breaking of the precedent. But I hope we will not have a long discussion, and that the nomination may be speedily confirmed. Certainly if we can all register our posisions, with what has been already said on the legislation which made it possible for General Marshall to assume this duty, we have all made our position pretty clear. I hope the Senate will not delay this matter, and that we can have action on it quickly.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Maryland asks that when the vote is taken on the nomination of General Marshall it be taken by the yeas and nays.

The yeas and nays were ordered.

Mr. MCMAHON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement by the junior Senator from Connecticut [Mr. BENTON] in praise of Gen. George C. Marshall.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BENTON

Mr. President, this Nation has been blessed with leaders who though unheard of in normal times somehow rise to their eminence in a period of crisis. This rise to leadership from obscurity is the final leavening of the democratic process, and it is the final tribute to freedom and free nations that they can count on a high caliber of leadership when the times call for it. This historical tradition seems peculiar to democracies. It is difficult to define why this is so except perhaps that free nations provide the climate and soil for the growth of great men.

Such a man is Gen. George C. Marshall, who served his Nation brilliantly in two World Wars, headed the Allied effort during World War II, and served his Nation again as Secretary of State at a time when this Nation needed leadership. As a result of today's Senate action and President Truman's wise judgment, General Marshall is now the new Secretary of Defense. History has destined him for the role of a man whose country will not let him retire.

To the tribute already heaped on his shoulders along with the new responsibilities I would like to add these observations for I learned to know and respect him when I served as Assistant Secretary of State when he headed the State Department.

I congratulate the Senate for supporting the President's appointment of General Marshall as our new Secretary of Defense. General Marshall brings to his new job the experience of a lifetime of achievement and service to his country.

The grave responsibilities of the armed security of this Nation have been placed in capable hands.

Mr. KNOWLAND. Mr. President, I do not intend to delay the Senate more than 10 minutes, and probably for a shorter period of time. I have a very few remarks to make, and then I desire to place some material in the RECORD which I think has a bearing on the action which the Senate is undoubtedly going to take today.

In view of the fact that there was a different approach to the Far Eastern and to the Formosa problems, as between Secretary of State Acheson and Secretary of Defense Louis Johnson, which contributed, at least, to the resignation of Secretary Johnson and the appointment of General Marshall, I desire briefly to touch on the events at the General Assembly of the United Nations on yesterday.

Let no opponent of appeasement take satisfaction out of the General Assembly vote yesterday against the India and Soviet Union motions.

What appeared on the surface to be the strong stand of Secretary of State Acheson is no strong stand at all. It was a plea to delay the basic decision of Red China's admission into the United Nations and not to reject it. There is a vast difference. In diplomacy surface indications are often used to cover up and becloud far-reaching decisions that are in the making.

The groundwork is now being undertaken at the General Assembly for a far eastern "Munich." The open advocates are the Soviet Union, India, and Great Britain. The one nation which could, if it would, prevent this tragic event from taking place is the United States. Our position is that we will vote against the rape of the Republic of China but will not try to influence others to the same course and that we will not use our veto when the matter finally comes before the Security Council.

While the American people for a time may be deceived by such tactics the victim, the Republic of China, will not be nor will the conscience of the free world.

Various feelers are being put out through the press that an interim trusteeship of Formosa might be in order. To the French and the British may I point out that any yielding to Communist pressure against Formosa by taking such an out will establish a precedent to rise and plague them in the future. In the event of such pressure against Indochina, Hong Kong, and Malaya, are Britain and France prepared to take the medicine of United Nations trusteeship that they seem so willing to prescribe to the Government of the Republic of China. If not, why not. An even stronger case might be made.

In Formosa there is no issue of colonialism, for there is a sovereign Asiatic government in control of its own territory. There are more people on Formosa than constitute the population of Australia or Greece. There are more troops, over 500,000 in number, than constitute all the United Nations forces now fighting in Korea, plus the British and French garrisons in the Far East, plus the national armies of the Philippines, Thailand, and Burma combined. The Republic of China is a government which was their and our wartime ally. Yet, with no more consideration than Chamberlain and Daladier showed in making a deal with Hitler at Munich at the expense of the Republic of Czechoslovakia, Britain, and France are now preparing to sacrifice the Republic of China. For shame. The mess of pottage they receive in this move of expediency over principle will not last them for long. British trade and British possessions will remain theirs only at the whim and will of the new Soviet satellite. British "kow tow" to Mao Tse-tung will only bring Britain more blood, sweat, and tears, for the Asiatics will recognize that move for what it is—an abject surrender; and the band-wagon psychology is no more unknown to Asia than it is to the Western World.

What the Governments of Great Britain and France do in this instance is, to be sure, the direct concern of their own people. The people of the United States cannot be expected to be entirely disinterested, in view of the realities of the world situation. Nor, let me point out, will there always be an administration in power in Washington which is so complacent.

Mr. President, I merely wish to conclude by reading some excerpts from the hearings before the Committee on Naval Affairs of the United States Senate, in the Seventy-ninth Congress, second session, in connection with the consideration of Senate bill 2044, "a bill to promote the common defense by unifying the departments and agencies of the Government relating to the common defense." Those hearings were held in April, May, and July 1946. I read now from page 13 of the hearings:

Senator THOMAS. That is one reason why we have an Under Secretary, so that there could be no vacancy at the top; and then if you keep in mind first of all the fundamental that there shall be civilian control at all stages, but there should never be civilian interference with the professional at any stage.

Senator TYDINGS. I understand that, but suppose the Secretary of Common Defense and the Under Secretary, just for the sake of an extreme position, were both away and it was necessary to take some immediate action, would the top Secretary for the

Army or the top Secretary for the Navy or the top Secretary for the Air Force be in command, or would the Chief Assistant Secretary of Common Defense be in command?

* * * * *

Senator THOMAS. They are all civilian; that is kept throughout the bill from top to bottom, excepting when we get over into the Director of the Central Intelligence Agency of the Council of Common Defense where we may have a professional man there. I think it is mandatory that there be civilian control at every stage, but not, let me say, civilian interference. In my mind, and I know in the minds of Senators AUSTIN and HILL, the three of us who have talked so much about this, we want to make larger the ability to work with our professionals in the armed forces.

Senator MCCLELLAN. Is there anything in the bill which would prevent a high-ranking officer from resigning his commission in order to accept one of these appointments as Secretary?

Senator THOMAS. There is nothing in the bill. I doubt very much whether that would ever follow under our scheme.

Senator HILL. The language in the bill concerning these Secretaries reads: "Who shall be appointed from civilian life by the President." Of course if a man resigned I take it that he would go back to civilian life, but it would be a clear violation of what would seem to me to be the spirit of this act.

Senator MAGNUSON. You don't think the Senate would confirm him, do you?

Senator HILL. I don't think it would, and I don't think the President of the United States would appoint him in the first instance. So far as I am concerned I wouldn't object to an amendment saying that no man who has held a commission in the Army or Navy would be eligible, but there you would run into the difficulty of where you might have a man who had served for a short period during the wartime.

Mr. President, at the request of the Senator from Maryland, I shall not delay the Senate at this time; but I now ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, the remaining excerpts from those hearings, which are documented.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Senator GERRY. Well, you might want some man who was in the Army or the Navy. I don't see any objection to it.

Senator MCCLELLAN. I am not raising any objection. I merely state that as I understand the spirit of this bill it is to try to keep it in civilian hands.

Senator BROOKS. There are three outstanding examples in taking General Bradley to run the Veterans' Bureau, General Marshall to be special representative in China, and General Smith as Ambassador to Russia. We are certainly on a trend of pulling them out of military service and putting them where we want to, so if you want to keep it separate you had better write such a provision in, because your precedents are all against you.

Senator MAGNUSON. My idea was to discourage the trend of military men taking these jobs.

Secretary FORRESTAL. Within the Navy Department the Bureaus which are concerned with procurement of matériel and personnel are directly under the Secretary rather than the Chief of Naval Operations, but the close relationship between the Secretary's office and the Chief of Naval Operations is such that very few, if any, differences arise as to the relations between the Bureau and the Secretary. In the Army the corresponding special staff functions are under the Chief of Staff. In other words, he sets the policy and the supply arms and services of the Army do not have access to the Secretary. That is a fundamental difference in organization.

That the Army system places temptation in the way of an ambitious supreme Chief of Staff cannot be questioned, in my opinion. By dominating the Secretary of Common Defense and the Joint Staff, as S. 2044 would permit him to do, he could mold military and possibly national policy to suit his ends. And that Senator BYRD, is what I meant, that while the Secretary is nominally and legally over his Chief of Staff, a strong, intelligent, and able Chief of Staff could create, in practice, the reverse condition.

As an indication of the extent to which the supreme Chief of Staff could control every facet of our national security, I again refer to the provisions in S. 2044 concerning the military budget. In it the military budget is integrated in the Joint Staff under the domination and direction of the Chief of Staff. Then, without even submitting it to the Council of Common Defense for adequate civilian review, the budget would go straight through the Secretary of Common Defense—with him privileged to make comment upon it—and then delivered to the President. Adequate civilian control over that budget, in my opinion, would be lacking, and an unbalanced military budget might easily result from such a system. That system might result in upsetting the proper balance of the military services, and that is a very dangerous possibility.

Senator TOBEY. You may have said this or you may not have before I came in; but would you care to say that it is your belief that this bill to unify the services originated with the Army?

Admiral KING. That is my understanding.

Senator TOBEY. Do you know who, in the Army, was the bellwether of the flock or father of the idea?

Admiral KING. General Marshall.

Senator TOBEY. And he has remained, up to the present time, a consistent advocate of this procedure?

Admiral KING. Yes; it was General Marshall. As I think Secretary Forrestal said, it was the general who said that we should accept the principle of the single head and then work out the details.

Senator TOBEY. He has picked out a nice job there.

Admiral KING. To me it looks like trying to work out the problem backward.

Mr. Charles E. Wilson, president, General Electric Co. * * * Considering the traditional nature of military organizations, it seems inevitable to me that the institution of the proposed Secretary of Common Defense, with his administrative assistants, all empowered to administer a program than merely to coordinate it, and all standing above the assistant secretaries charged with the responsibility for the Army, Navy, and Air programs in the official structure, is bound to create an inflexible one-way street which will be both undemocratic and inefficient in its operations. Personally I would question to good judgment of a man willing to undertake this position, and should instinctively distrust his power for evil, even his human fallibility. * * *

Be cautious lest you innocently plant the seeds of a military dictatorship, through tremendous consolidation of authority. Military dictators have made lots of history, and in the end have invariably brought themselves and their countries down in ruins.

HEARINGS BEFORE THE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS, HOUSE OF REPRESENTATIVES, EIGHTIETH CONGRESS, 1ST SESSION, ON H. R. 2319, A BILL TO PROMOTE THE NATIONAL SECURITY—APRIL, MAY, JUNE, AND JULY 1947

Mr. HOLIFIELD. I shall not detain the witness very long. I have only a few questions to ask you Mr. Secretary. In the first place, I agree with the other members of the committee that the Secretary of National Defense is given a great deal of power. I think that that power is justified in view of the fact that he is a civilian selected by the President and appointed with the advice and consent of the Senate, is he not?

Secretary PATTERSON. Yes, sir.

* * * * *

Mr. MANASCO. At that point, let me ask a question. If that be true, Mr. Secretary, why not just have a Joint Chiefs of Staff if you are not going to let the Secretary of National Defense have a veto power over their decisions?

Secretary PATTERSON. You have got to have a civilian power at the top of the structure.

Mr. MANASCO. But if he dare not overrule it——

Secretary PATTERSON. There must be a civilian at the top and not military.

Mr. DORN. I asked Secretary Patterson this question, Mr. Chairman, and I am going to ask these gentlemen that because they are professional men in the naval and military line. You do not see any danger of the Secretary of National Defense becoming a possible dictator or taking over the Government of this country, do you?

General NORSTAD. Since he is given no authority which is not now in the hands of the President, since he operates clearly under the direction of the President, since he is appointed by the President and subject to confirmation by the Senate, I cannot see that there is any possibility of that.

Admiral SHERMAN. I would like to add my answer to that.

Mr. DORN. Thank you.

Admiral SHERMAN. That I think this is one of the most fundamental and important points in connection with this legislation. The British defense organization is all responsible to the defense committee of the Cabinet. In other words, to a group of civilian officials with constitutional responsibilities and under the British Constitution, the Cabinet has them. This bill proposes to set up a National Security Council which will have statutory responsibility for advising the President on these important matters. In that regard the two are roughly comparable.

Under the Security Council, and to coordinate the Military Establishment, this bill sets up civilian secretaries, but under them the military command is in the Joint Chiefs of Staff. There is no single military Chief of Staff. The British likewise have no single military Chief of Staff. Under the Russian organization and as existed in Germany, you have the totalitarian form of government; you have the totalitarian form of military command, which sets a single military Chief of Staff. It is a fundamental policy of the Navy Department, if I may extend this, to oppose the establishment in this country of a single military Chief of Staff.

Mr. DORN. And you had in Germany interference by Hitler himself who was a civilian, and it was in the tactical and strategic decisions of his high command, and under this bill it would be impossible for America; is that right, General?

General NORSTAD. That is right; yes, sir.

Mr. DORN. That would be impossible.

Mr. CHENOWETH. I have just one question, General. You are fully convinced, are you, from what is written into this bill, that this legislation is part of a definite pattern for the military to become predominant in this country, and thus replace civilian authority? Are you satisfied that this is the picture before us?

General EDSON. Yes, sir; this bill has all the potentialities of permitting the military eventually—in the next war, in my opinion, and possibly before, during the preparations of war—to assume a dominant position over all elements of the National Government.

Mr. CHENOWETH. This is not the will and desire of the American people. This is not in line with American tradition, is it?

General EDSON. No, sir.

Mr. CHENOWETH. In other words, we are departing from American ideals and concepts of government in this measure.

General EDSON. Definitely.

* * * * *

Mr. WILSON. Do you think that this bill, by its terms, makes the Secretary of National Defense more powerful than the President of the United States?

General EDSON. Not within the terms of the bill, sir, but as the head of a single Military Establishment which controls approximately one-third of the national appropriations per year, and which has a powerful propaganda agency—public relations—which can influence the public in favor of legislation desired by the Military Establishment, I think he has power which begins to approximate that of the President, sir.

Mr. WILSON. I have been under the impression all the time that this bill made the Secretary of National Defense entirely subject to the orders of the President of the United States.

General EDSON. His relationship in that respect is the same as the Secretary of any other department, but I believe that the Secretary of the Navy, Mr. Forrestal, has testified before this committee and the Senate committee, not only this year but heretofore, that the Secretary of any military department must depend largely upon the advice which he receives from his military advisers.

I think it is quite evident in the testimony given before this committee that the Secretaries of the War and Navy Departments are, in effect spokesmen for the military people in those Departments. I think it is properly so. That is their job. But the fact remains that the Secretary of this single Military Establishment will be representing the military people rather than representing the President.

CONGRESSIONAL RECORD, VOLUME 93, PART 7, WEDNESDAY, JULY 9, 1947

Mr. BALDWIN. I might point out, Mr. President, that the National Security Council is entirely as I recall it, a civilian organization.

Mr. SALTONSTALL. Does the Senator agree with me when I say that the purpose of creating the National Security Council is not to set up a new function of government with extraordinary powers, but solely to provide an organization to give advice to the President, not on general affairs of state, but through civilian groups, on affairs of state affecting the national security and tending to make the military forces more efficient? Is not that correct?

Mr. BALDWIN. Many times, when the subject of reorganization of our Armed Forces has come before the Congress, it has been opposed by some on the basis that it would pave the way to military control of our Government, and to its ultimate overthrow, and military dictatorship. It is very well that Americans should be fearful of that possibility. This suspicion of the military is traditional to our people, although throughout the history of the United States there has never been any justification for it.

The framers of the Constitution, mindful of the military tyranny abroad in the world at that time, provided adequate safeguards against military domination in a newly founded government. In the first place, they provided that the civilian head of the state, the President, should be the Commander in Chief of the Armed Forces, as he still would be under the bill. Congress cannot change the Constitution of the United States.

Furthermore, all the executive departments which administer the Armed Forces are controlled by civilian secretaries. Of course, the Secretary of National Security will be a civilian.

* * * * *

Mr. BALDWIN. The question of civilian control, as I have said, has been raised repeatedly in the discussions. Although the Armed Forces of the United States are at present under stringent civilian control, and although there has never been any legitimate fear that such control might be lessened or was becoming undermined, the unification bill, it seems to me, greatly increases civilian control over the Army, Navy, and Air Force.

Let us examine into that for a moment. In the first place, the traditional and constitutional control of the President as Commander in Chief of the armed services remains unchanged. Secondly, the Congress, with its constitutional responsibility for the raising and supporting of armies and navies, will, as in the past, continue to control appropriations and statutory authority for the Armed Forces.

Next, the Secretary of National Security is a civilian official who acts as a delegate of the President. The Secretary is expressly forbidden in the bill to establish a military staff. In fact, emphasis is placed on the civilian aspect of his office by the spelling out of four principal civilian assistants to aid him. He is to have no military assistants.

The Secretary of each of the departments which administers the Army, the Navy, and the Air Force is also to be a civilian, as are his Assistants and Under Secretaries. These departments are entirely controlled by civilian heads, and the military personnel therein are subordinate to civilian direction.

Certainly these provisions in the bill in no way lessen this civilian control. In fact, if anything, they increase that control by one echelon; that is, by the addition of a Secretary of National Security. * * *

I think one great thing the bill accomplishes is that it brings into closer contact with the Armed Forces themselves a larger number of civilians than ever. That was true during the war, and one thing the bill does is that it continues and preserves those relationships with these new agencies, several of which are controlled in large part by civilians.

For example, the National Security Council is composed of a civilian Secretary of State, a civilian Secretary of National Security, the civilian Secretaries of the Army, Navy, and Air Force, the Chairman of the National Security Resources Board, a civilian executive secretary, and such other members as the civilian President may designate. Military domination of that body hardly seems likely. * * *

In a word, there has always been adequate civilian control over the Armed Forces. Now that we have found a need for wider civilian participation in the national security, we are proposing in this bill an increase in the civilian control to be exercised what might be termed the national, not merely the military, mobilization of the United States in the interests of its own existence. * * *

Mr. HILL. But the authority to compel teamwork, to provide for over-all planning, to eliminate waste and duplication, to advise the President responsibly and intelligently on interservice differences, is established in the person of the civilian Secretary of National Security. * * *

Furthermore, as I have previously stated, the bill does not set up a supreme military commander. No military authority exists above the commanding officers of the three co-equal components. * * *

Military planning is a problem of tremendous and growing scientific complexity. It is a problem which requires the broadest possible knowledge of the several arms' missions, potentialities and status; it requires a broad vista of foreign intelligence, and of current and future scientific developments. This demands not only the full-time individual attention of a single over-all civilian authority, but also the integrated effort of a large staff of specialized and capable military and scientific advisors and professional planners. * * *

We have learned that our resources in men and materials are far from inexhaustible in modern war. We must plan now to hoard and ration them. All our plans must call for their most economical and efficient use. This requires a single security organization under a single responsible civilian secretary. * * *

Mr. MORSE. Even with the elimination of the single military Chief of Staff there have been voiced objections that the proposed single Secreary of National Security, albeit a civilian, would have too much power to be safe, would abrogate the powers of the President, and would become a czarlike authority unto himself—a dire menace to our form of government. * * *

The traditional civilian control of our Armed Forces is guaranteed. The civilian Secretary of National Security is superior to the three military commanders—Army, Navy, and Air Force. There is no single military Chief of Staff. The top Secretary views the over-all problem of national assistant to the President and advisor to the Congress on the general subject. * * *

Every precaution has been taken by the Army and Navy representatives who drafted the original bill, and by your committee in amending it to its present form, to insure adequate civilian control. * * *

The various civilian agencies and the key civilian officials provided in the bill assure the traditional (and essential, if our system of government is to continue) civilian control of the Military Establishment. Together with the Joint Chiefs of Staff, these civilian agencies comprise an organ which can plan and prepare for the United States to meet the threat of a total war. * * *

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, July 8, 1947.

Hon. FORREST C. DONNELL,
United States Senate,
Washington, D. C.

DEAR SENATOR DONNELL: This is in response to your telephone inquiry of this morning as to whether there is any provision in the Federal statutes or in the Constitution of the United States which would require either the Secretary of War or the Secretary of the Navy to be a civilian.

You are advised that neither the Constitution nor any Federal statute requires that the incumbents of these Cabinet positions be civilians. However, no officer of the Army on the active list is permitted to hold any civil office, whether by election or by appointment, and every such officer who accepts or exercises the functions of a civil office thereby ceases to be an officer of the Army and his commission is thereby vacated (10 U. S. C. 576; R. S., sec. 1222).

Prior to the act of August 5, 1882 (22 Stat. 238), specifically authorizing such temporary designation, it was held that the prohibition of the above statute was sufficiently broad as to preclude a general of the Army from serving even temporarily as Secretary of War during the absence of the Secretary without vacating his commission as general of the Army (14 Op. Atty. Gen. 200).

No statutes similarly restricting Navy officers in the acceptance of civil employment have been noted.

Sincerely yours,

ERNEST S. GRIFFITH,
Director, Legislative Reference Service.

CONGRESSIONAL RECORD, VOLUME 93, PART 7, SATURDAY, JULY 19, 1947

Mr. WADSWORTH. The Secretary of Defense must be a civilian, and, of course, his ap-

pointment must be confirmed by the Senate. * * *

The war council found here is, in my judgment, of real importance. It is to be composed of the Defense Chairman, and three Secretaries and the three Chiefs of Staff of the sevetral departments, and is for emergency purposes in the event a decision should be made with respect to operations, and it brings together three civilians along with three professional soldiers. But you will notice in all this set-up so far that the civilians prevail. The heads of every one of these agencies except the Joint Chiefs of Staff, are all civilians from the top down. * * *

In fact, I want to emphasize, as I have already tried to do, that this bill, despite some of the suggestions to the contrary, does in my judgment absolutely preserve civilian control, in accordance with our traditions and under the provisions of our Constitution.

Mr. MANASCO. In summary, Mr. Chairman, I would like to emphasize that any bill designed to unify our armed forces must incorporate two basic features.

First, it must establish a responsible civilian head over our armed forces with necessary authority to unify their common efforts. * * *

Mr. MARTIN. Mr. Chairman, several of the opponents to H. R. 4214, including Rear Admiral Zacharias and several of my colleagues, have alleged that this pending unification bill will permit military domination of the United States. To me such a fear is pure rubbish. I have never been able to understand just how this domination by the military is supposed to come about. This bill provides for an increase in civilian control of the military rather than the diminution thereof. * * *

Now, I am sure that every member of the Armed Services Committee and the House itself will join me in my desire to protect our form of government. I think this bill protects our form of government both from within and without. It retains civilian control over the military and thus preserves a traditional principle of this country while at the same time it strengthens our military posture toward the rest of the world. * * *

Mr. OWENS. Mr. Chairman, the gentleman who just preceded me mentioned that we need have no fear of a military dictator, and one of the gentlemen who preceded him also said it would be more or less ridiculous to say the same, because of the fact that we shall have civilian personnel on the board. * * *

Mr. BROWN of Ohio. In my mind the people are afraid of just one thing in connection with this bill and in connection with many other matters that have come before this Congress in recent months and recent years, and that is they are afraid of a military government, some sort of a superdictatorship which might arise in this country. * * *

Mr. WILSON. The framers of our Constitution, mindful of military tyranny abroad in the world at that time, provided adequate safeguard against military domination in their newly founded Government. In the first place they provided that the civilian head of the State, the President, would be Commander in Chief of the Armed Forces. Furthermore the executive departments which administered the Armed Forces are controlled by civilian secretaries. * * *

No; there is no justifiable fear of military domination under this unification bill. The safeguards written in the Constitution, the democratic background of our professional Armed Forces, and the long history of a civilian-controlled Federal Government conclusively convinced even the most cautious of us that the fear of military domination is a humbug.

HOOVER COMMISSION REPORT TO THE CONGRESS, FEBRUARY 1949

THE NATIONAL SECURITY ORGANIZATION

Recommendation No. 2

(a) That the principle of unified civilian control and accountability be the guiding rule for all legislation concerned with the National Military Establishment and that full authority and accountability be centered in the Secretary of Defense, subject only to the President and the Congress.

Commissioners Hoover, Flemming, Monasco, and Mead dissent from the recommendation to change the designation of the service Secretaries to Under Secretaries as they believe that the importance of these positions, the magnitude of the departments, and the danger of diluting civilian control over the military at the departmental level by a change of titles, outweigh considerations favoring a change.

Separate dissenting statement by Vice Chairman Dean Acheson and three commissioners strongly support the creation of a single chief of staff over the Joint Chiefs of Staff to be called the Chief of Staff for the Armed Services.

TASK FORCE REPORT—APPENDIX G, JANUARY 1949

As guides to its conclusions and recommendations, the committee adopted the following basic criteria:

1. * * *.

2. That civilian influence must be dominant in the formulation of national policy and that civilian control of the Military Establishment must be clearly established and firmly maintained.

3. * * *.

4. Centralization of authority.

The committee's conclusion that a greater measure of centralized authority is required within the military establishment compelled consideration of the question of where this authority should be located.

Should it be placed in the hands of a military commander or in the instrumentalities of civilian direction? The committee, accepting the basic principle of civilian control over the military forces which has stood throughout our history, finds that the authority in the Military Establishment should be placed firmly in the Secretary of Defense.

"The committee does not believe that a Chief of Staff—a commander over all the armed services—is needed. The Secretary of Defense, and constitutionally, the President, occupy this role. This tremendous authority should not be transferred from civilian to military hands, with consequent danger to our democratic institutions."

CONGRESSIONAL RECORD, VOLUME 95, PART 8, TUESDAY, AUGUST 2, 1949

Mr. HOFFMAN. Yes; we fear Stalin because he is a dictator, seeks to expand his power, and would, I repeat, destroy our prosperity, our happiness, and our freedom.

But, strange as it may seem, here at home, here in the Nation's Capital, we fail to recognize or to protect future generations against dictatorship.

During the past 16 years, the expansion of the power of the executive departments, of the head of those departments—the President of the United States—has been increased until today it is a threat to legislative constitutional government. * * *

And, within the executive department, the military clique, trained and proficient to grasp and exercise power, each day gains and exercises more control, not only over our military program, but over our civilian life.

These military men—and I question not their motives, because undoubtedly, like Stalin, they think they know best—are, in their field, in their sphere of action, would-be dictators, just as we are told that Stalin, on the world stage, is a would-be dictator.

Two years ago we were told by the administration spokesmen, the heads of the departments, that a unification bill was necessary if our national security was to be preserved. * * *

That bill, we were told, was designed to give the Nation economy and greater efficiency. It contained provisions which gave the military authority over what had always heretofore been considered civilian activities.

It laid the groundwork for a domination of civilian operations, by those in or connected with the Military Establishment, but apparently it did not go far enough and those who, within the armed services, are always seeking more power, greater authority, were not content; hence the present bill. * * *

The Congress of the United States has gone on record repeatedly ever since 1903 against the Prussian-type national general staff and against an all-powerful Chief of Staff of our armed forces, and the Congress went on record in 1947 against absolute "merger" of our armed forces. The Eighty-first Congress now proposed to go on record, again, against these dangers to our American way of life.

In the preamble of the National Security Act Amendments of 1949, Congress states its intention "not to establish a single Chief of Staff over the armed forces nor an armed forces general staff."

The preamble also states that it does not intend to "merge" the three services, but only to provide for their "coordination and unified control."

These are splendid sentiments, but are they enough?

Are they enough when we know that there is a small but powerful group of our military men who want one of their clique to wield the power of a single Chief of Staff? And when we have, even within our Congress, a few misguided men who have already proclaimed publicly that "next year" they will have a new bill before Congress for complete merger of our armed forces?

As much as we respect the purely "military" ability of men like General Bradley and General Vandenberg, I am shocked to hear them say before a congressional committee that they believe in a single Chief of Staff of all the armed forces. General Gruenther, Director of the Joint Staff, has given his opinion before the House Armed Services Committee that we would have a single Chief of Staff in 5 years.

Forewarned should be forearmed.

What good are pious sentiments if the opening wedges for a Nazi-Prussian consolidation of military power are already hidden in the law, ready for pressure-group hammers within the Eighty-second, Eighty-third and Eighty-fourth Congresses? * * *

Mr. Eberstadt testified before the committee that:

"If you create one single department I would dare to prophesy that it is not very long before the logic of events will compel you to create a single Military Chief of Staff.

"The CHAIRMAN. That is the next step isn't it?

"Mr. EBERSTADT. That is the next step. That is the next and natural development."

President Hoover pointed to the danger which might grow out of so large a grant of power to one individual.

Mr. KNOWLAND. Mr. President, I shall vote against the confirmation of the nomination of General Marshall.

Mr. KNOWLAND subsequently said: Mr. President, I had intended to ask permission to make an insertion at the time I made my remarks, but, having neglected to do so, I now ask unanimous

consent to have printed, following my remarks, an article which appeared in the Wall Street Journal of Tuesday, September 19, dealing with the proposals now under way in the United Nations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RED CHINESE—ACHESON INTENDS TO RECOGNIZE THEM AND ADMIT THEM TO THE UN—AIM: TO MAKE A TITO OUT OF MAO; BUT WE WON'T MOVE UNTIL AFTER KOREA—BEVIN FAILS TO GET ACTION NOW

(By Ray Cromley)

Secretary of State Acheson secretly has decided to recognize Red China.

And to let the Red Chinese into the United Nations.

"We've got to," says one Acheson aide. "It's inevitable. If we can't talk to them we can't ever hope to make a Tito out of China's Communist leader Mao Tse-tung—and that's what we want to do."

So Mr. Acheson intends to recognize China's Reds—and let them in the UN.

But not right now.

He wants to let them stew awhile. He thinks we'll get along better with them if we're a little reluctant.

And he wants to wait till the Korean War is over, so no Russian Red, or any other Red, will think we gave Red China recognition under pressure—as a bribe to stay out of the Korean War.

ON THE EIGHTH DAY

This decision to recognize China became known as Mr. Acheson and his aides move today into their eighth straight day of international conferences here in New York at the Waldorf Astoria Hotel.

The talkfests have included both the semi-regular Big Three Foreign Minister Conferences among representatives of the United States, Britain and France and the annual North Atlantic Pact talks among the United States, Canada and 10 allied western European nations.

There have been, too, a series of two-country talks between Mr. Acheson and Britain's Foreign Secretary Ernest Bevin; between Mr. Acheson and France's Foreign Minister Robert Schuman; and between Mr. Acheson and several other European Foreign Ministers in this period before the opening of the annual General Assembly of the United Nations at Flushing Meadows in New York.

THE BEVIN THESIS

Britain's Bevin had wanted in these meetings to sell Mr. Acheson on recognizing Red China pronto and on voting for her entry into the United Nations now, quick.

He failed.

But not for want of trying. Mr. Bevin and his aides urged in this vein:

Right now is the time to win Red China's Mao away from Stalin—before he's too deeply committed to the Kremlin's program. Recognition and UN membership for China's Communists right now would help keep them out of the Korean War; if the Chinese Reds got in it on Russia's side, they'd be in too deep ever to get away from Stalin.

It's easy to talk with the Red Chinese now, the Bevin argument continues. Britain's envoys in Peiping say the Reds seem always willing—and sometimes eager—to discuss things with them.

Keeping the Red Chinese out of the UN plays right into Russia's hands. "The Russians—even while pushing for UN membership for the Red Chinese—actually are doing their best to keep the Red Chinese out," says one British aide. (The Russians do their pushing in such a way that the West is forced to vote the Red Chinese down to keep from looking like appeasers.) Stalin, the British say, wants to keep Red China walled off from the West until he can get the Red Chinese to do something rash like fighting in Indochina or Korea; that would tie them firmly to him.

Mr. Bevin personally feels that now is the time for a grand gesture that would win the Chinese over as friends—or at least beckon them our way. He compares China with India. He says the Indians didn't like the British when the British controlled India but that London's grand gesture—freedom—worked, and the Indians now are Britain's friends. Similar treatment, he thinks, will work for China. Recognize them, he urges. Let them into the UN. Even give them Formosa—that's not too big a price to pay.

This quick western generosity might be very slow in getting results, Mr. Bevin admits. He thinks in terms of perhaps as long as 5 or 10 years—maybe even more. Some of the British officials around him say it might never work.

THE ACHESON ARGUMENT

Mr. Acheson and his aides agree with Mr. Bevin and his assistants that Mao can be weaned away from Stalin. It's a gamble, they believe, but worth a try.

But they disagree with Mr. Bevin's tactics.

The Americans say: Wait a bit.

If we wait, Acheson and his experts contend, Russia will put her foot in it. She'll go too far in China.

The Americans argue thus:

The Chinese and the Russians both want bases, strategic zones, minerals and other rights in China's fringe lands—Manchuria, Turkestan, and Inner Mongolia. There's been Russo-Chinese rivalry over these nominally Chinese lands for centuries. That rivalry is deep—and it seems to be continuing now. Sooner or later it may cause trouble between Mao and Stalin.

The Russians are sending hundreds of advisers into China. Russian advisers often make the mistake of being too domineering. Maybe they will make that mistake in China.

The Russians have certain "police" rights in Manchuria now—especially along the major railway line. They've promised to give these rights up. But the Kremlin has always found it hard to give anything up, Mr. Acheson's aides recall. If the Russians are reluctant in Manchuria, Mao will be miffed.

China needs the west. To build up his country, Mao must have western industrial goods. He can get a bare trickle of what he needs from Russia. He's a practical man; he'll realize, sooner or later, he must turn to the west.

Mao is a Nationalist Red, according to the Acheson view. When China's interests conflict with Russia's, he'll look out for China first, this argument runs.

As Mao thus drifts away from Stalin and begins to act independent, as Marshal Tito has done in Yugoslavia, "then our chance will come," says one Acheson aide.

As this drift begins—if it ever does—the Acheson policy would grant more and more to the Communists of China.

They might be permitted a seat on the UN Council on little more than Mr. Acheson's hopes. The United States would not vote in favor of seating the oriental Reds, but would be willing to compromise with the Bevin attitude to the extent of letting the Council majority seat them, without any American veto. That compromise could come even before the end of the Korean fighting, though Mr. Acheson would prefer to wait.

The day when we'd actually vote in favor of seating Mao's delegate would come a little later—not until after the Korean settlement.

Diplomatic recognition of the Communists would lag somewhat—some United States experts think it might come very rapidly after Korea, while others think it might take months or a year. To go this far, the State Department would require some evidence that our diplomats would at least be treated with courtesy—not flung in jail as in the Angus Ward incident.

To go all the way—for instance, perhaps let the Communists take over Formosa—they would want a more substantial demonstration of the hoped-for trend toward Titoism. Such final concessions are deemed so far in the future that there is no clear-cut agreement on State Department policy.

Mr. ROBERTSON. Mr. President, I shall delay the Senate only a few minutes before the vote is taken on this nomination.

Needless to say, I shall vote for confirmation of the nomination of General Marshall. I agree fully with what the Christian Science Monitor said about him in an editorial last week—that he is more of a statesman than a soldier; more of an able administrator than a fiery commander; and the antithesis of the "man on horseback."

It is unnecessary for me to repeat what I said about General Marshall last week.

Mr. President, this is the last opportunity I may have—because I hope the Congress will either adjourn or take a recess at the latter part of the present week—to make a comment about the ECA, which has been of grave concern to me. As members of the Appropriations Committee well know, I have in the committee battled for the ECA program. I thought it was necessary when we began it, and I think it has done a great deal of good. However, conditions have changed greatly since we began that program.

Through the first 15 months—from April, 1948, through June 1949—the total allotment to Great Britain was $1,619,000,000, or 27 percent of the total assistance program.

In the period from June, 1949, through June, 1950, Great Britain received $921,000,000, or 26 percent of the total.

In the current program, Great Britain is expected to receive approximately $500,000,000, or 20 percent of the total.

In October 1948, the International Monetary Conference was held in Washington. My good friend, John McCloy, was then President of the World Bank. He telephoned me at my home and asked me to come to his home and have dinner there with Sir Stafford Cripps, the British Ambassador, and several others who were attending that conference. I felt pleased that he would invite me, and I thought he had some good reason for doing so. I was in the midst of my campaign for reelection to the Senate, but nevertheless I took the time to go to that dinner. When I got there, I found that he wanted me to urge Sir Stafford Cripps not to go into the program of nationalization of the British steel industry. I spent most of the evening, after dinner, arguing that question with him. All that Sir Stafford Cripps would say was, "We are not getting the production we need; private industry does not have the funds to expend, and the Government does have the funds. Therefore we must do it."

I told him of cases in this country in which our Government, through the RFC had helped to finance private in-

dustry. I cited the case of the Fontana Mills. I said there was no reason why the British Government could not lend them the money. But nationalization was a part of the Labor Party program.

We have directly shipped to Great Britain $16,300,000 worth of machine tools. Britain has had a shortage of machine tools, and today Britain has a shortage of machine tools. That is one reason why I put in the RECORD the complaint from the chairman of the board of the British company which holds a machine-tool contract with Russia, begging and imploring his Government to take some action that would relieve him from legal responsibility if he refused to ship to Russia machine tools which Russia could use directly for the war effort against Great Britain and against the United States and against our allies. I voted for the Wherry amendment, after we put it in proper form, to provide that any nation that we are aiding which sends to Russia materials of war will get no more aid from us.

So, Mr. President, I think the time has come for us to have some understanding with the nations we are aiding.

I saw in the newspapers that it is now proposed that there be a new ECA or Marshall aid plan or some other kind of plan which will start, not with 14 nations but with 40 nations, and not with a contemplated program of $5,000,000,000 in the first year, and then taper off to smaller amounts, but will start with $10,000,000,000.

Mr. President, this week we are going to vote for a tax bill which will increase the tax load of the people of the United States by $5,000,000,000. That will be followed, early in the winter, by an excess-profits tax on corporations, thus adding another $5,000,000,000 to that amount. When we add those tax burdens to the present tax burden, the result will be that the people of the United States will be the most heavily taxed democracy in the world.

What will happen to our debt? At the present time it is already up to $262,000,000,000. The indirect debt will carry it to over $20,000,000,000 more. When we begin to spend the $30,000,000,000 which we have appropriated for our defenses, we shall have a five billion or six billion or seven billion dollar deficit, and it will increase, if our defense expenditures increase to $40,000,000,000 or $50,000,000,000 a year, as may be necessary.

Mr. President, it will break our financial backs if we try to take on any more ECA rehabilitation programs.

When our allies in western Europe say, under the military aid program, "If you send us 10 divisions, we will supply 20 divisions, and that will make 30 divisions over here, and they will be strategically placed and well armed, and will be able to stop twice as many attackers"—just as occurred in Korea, where, when the attack came, our soldiers were strategically placed, having been able to choose the battleground, and the result was that our casualties were far less than those of the attackers.

Very well, Mr. President; but when the European countries raise those divisions, we shall not know whether those European countries will pay for them or we shall have to pay for them. That is something which we should find out. The French Cabinet, a few months ago, fell over the issue of increasing taxes to pay for an expanded defense program. We cannot pay our own bills and all of the defense bills of our allies.

I am very happy we are going to have a man in charge of defense who has the confidence of military leaders all over the world. I know he can do this job. But he must have some cooperation in the matter of foreign policy, too. He is an able man and a very fearless man, and he will have opinions of his own. But I wanted to take this opportunity to say before the Senate that there are some loose ends yet about our program to stop aggression by Russia in a way that is not going to break our financial backs. I recognize that the Labor Government of Great Britain has the right to socialize anything over there that it pleases, provided it has the votes. Last Tuesday, it had the votes, by a margin of 6. But how are they paying for it? With our money, not directly but indirectly. We cannot get away from that, Mr. President, because they took our money to help finance their expensive social reforms.

Great Britain is undoubtedly the best ally, the best friend we have in the world. We are justified in giving her a big part of the ECA fund. But we had a proposal coming from France, which the nationalization of steel vitally affects. Foreign Minister Schuman said, "We need greater production of steel and coal, and if we can reach an agreement for international control, so to speak, of the Ruhr and the other great steel and coal areas, we can then break through the tariff barriers and the currency restrictions, and we can get the steel we need for our war industry." Great Britain said, "Well, let us see the blueprint." Now, before the blueprint is prepared, before it is even started, Great Britain is going to become, as a nation, a competitor in the steel business. Do not tell me that will not break up the plan.

It is very important for us to work out some plan for a strong military force in Germany. The three-power meeting in New York made a great advance along that line, but they simply have provided, from a military standpoint, for a police force.

The small countries of Europe know how often the Germans have started a war. They are not willing that Germany have a national army at this time; but there is no reason why Germany could not have a force integrated with a United Nations force, or something of that kind. Certainly they have made a start in authorizing 40,000 or more men to be trained in the basic principles and with some small arms.

Mr. President, I apologize for taking up so much time, but these, to me, are some very vital matters which not only affect our future but will affect the work that General Marshall has to do. I hope those in charge of this program will give some consideration to a better use of the counterpart fund for our billions of dollars. We do not actually control the counterpart fund. It was suggested to me yesterday by a man who has spent 8 years in Germany, the last 6 working there as a farm expert, that if we had but taken the counterpart funds and taken surplus trained experts from Germany, from Austria, from Japan, and wherever there was such a surplus, and sent them into underprivileged countries, using the currencies of the counterpart fund, we should not have to bother about appropriating big sums for point 4. He says that what we plan to put into point 4 now will be but a drop in the bucket, and that if we have to employ others and pay with our money for all the experts needed, we had better figure on a billion dollars. But we could have worked it under the counterpart fund.

So, Mr. President, I again apologize for taking up the time of the Senate, this late in the session, but we are facing another war unless we and our allies can become strong enough to stay the hand of the aggressor, and the time has come for a show-down in Europe as to whether our funds are to be used for mutual defense or social reform.

Mr. WHERRY. Mr. President, I am amazed at the speech which has just been delivered. I think it is the best speech the able Senator from Virginia has made since he has been in the Senate. I commend him for his observations. I am glad that a man of his ability has at last seen the light, and I hope that we may have other confessions as sincerely made as the one he has made, and that we can now provide for an America that will go forward in such a way as to protect the free-enterprise system and maintain our own security, so that we may then do what we can to help other nations of the world.

Mr. WATKINS. Mr. President, I esteem General Marshall as a very great and loyal American. Even so, I do not intend to vote for the confirmation of his nomination as Secretary of Defense, because I am convinced that it is contrary to the traditions and basic policies of the United States to name a military man to a post which I sincerely believe should be filled by a civilian. This nomination, in my opinion, seems to me to place expediency above principle. Surely, in a population of over 150,000,000 people, there can be found a capable and efficient civilian who can fill this position with honor and the efficiency demanded by the office.

I remind Members of the Senate that there was a period in American history when the question of expediency versus principle came to the front. Another great Virginian, George Washington, was given invitations to accept various positions, even to become President of the United States for the third time. But he believed as a matter of principle

that this should not be done. The country was young, it was without funds and experience. It did not seem to have anyone who could take the place of the great President and Revolutionary hero, George Washington, and yet, under those dire circumstances, he refused to yield to expediency. He stood for principle and I am sure the verdict of history sustains his decision.

For these reasons, Mr. President, I do not intend to vote to confirm the nomination of General Marshall.

Mr. CAIN. Mr. President, the junior Senator from Washington will consume less than 5 minutes of the time of the Senate. He hopes to use these valuable minutes well.

Mr. President, the junior Senator from Washington must vote against the nomination of General Marshall to become the Secretary of Defense for the same fundamental reason that he voted last Friday, September 15 against H. R. 9646, a bill which authorized Gen. George Marshall to become an exception to the American principle and code that no military man should become the head of our American defense establishment.

General Marshall appeared before the Senate Armed Services Committee yesterday. The Senator from Washington defined his opposition to the pending nomination before the committee and directly to General Marshall.

I now desire to offer only one unusual comment, which came from General Marshall because he is an extremely honest man, and then restate what I said yesterday to the Senate Armed Services Committee and to General Marshall.

During the hearing of yesterday one of the members of the committee posed this question to the witness, General Marshall:

> I do not find that you ever expressed yourself on the necessity for such civilian control. Do you recall having made any public statements in that connection?

General Marshall replied:

> Now, to go directly to your question, the only public statement I recall having been made was as a second lieutenant, and I thought then we would never get anywhere in the Army unless a soldier was Secretary of War. As I grew a little older and went through some of our military history, particularly the Philippine Insurrection, I came to the fixed conclusion he should never be a soldier.

During yesterday's hearing the Senator from Washington took about a minute to say this:

> Mr. Chairman, there is but one observation I wish to make in the presence of General Marshall and the committee. I want to say to General Marshall that because he is a professional military man, and I like to point out that he is one of the most distinguished persons in the annals of American military history, who has been nominated for the post of Secretary of Defense, which I believe completely should be filled by a civilian, there is absolutely nothing I can or would do to secure this post for General Marshall. If General Marshall was a combination, which no man could possibly be, of the finest characteristics and abilities of Alexander, Caesar, Napoleon, Wellington, Grant, Lee, Foch, Pershing, Eisenhower, and Bradley, I would not vote to confirm General Marshall as Secretary of Defense. In my opinion, America will not solve her problems by endeavoring to find a soldier, old or young, to carry out burdens which ought to be borne and conquered by civilian citizens. I wish, however, to state directly to General Marshall, that should the Armed Services Committee favor your nomination and if the Senate confirms it, as seems most likely, the Senator from Washington will stand always ready to be of assistance to your responsibilities in every conceivable way. On the assumption that you, General Marshall, will shortly become America's Secretary of Defense I wish you well, sound-health, and long life.

Mr. IVES. Mr. President, the administration has demonstrated an inherent weakness when in this time of crisis the President feels forced to call from retirement to arduous and active duty a great American who, because of age and impaired health and very distinguished past public service, is fully entitled to retirement. Surely his past performance and outstanding record have earned for Gen. George C. Marshall the deep veneration and genuine affection with which he is held by most Americans. Surely General Marshall is deserving of that repose of mind and care of body which should be the reward for many years of valiant and unselfish and extraordinary service to his country.

That General Marshall is willing in this hour of need thus to be called back to active duty bespeaks his great patriotism. This unselfish act on his part should cause his critics to pause in their attacks upon him.

I recognize, of course, that he must assume a share of the responsibility for the shortcomings of our State Department where he was forced to play a role for which he appears to have been wholly miscast. But blame here can never dim the luster of his preeminent and magnificent achievement as a military leader. No one has been mentioned as better qualified than he for the position of Secretary of Defense.

I recognize also the apprehension expressed by many over the seeming violation of established principle in placing a member of our Armed Forces at the head of our Defense Establishment. In time of peace I myself would vigorously oppose such action. But we are at war—declared or otherwise.

Furthermore, the legislation which has paved the way for this exception is limited solely to General Marshall himself, and his age and physical condition would indicate that his tenure is likely to be of comparatively short duration. My chief concern is not that he will assume too great authority or serve too long, but that he may not be able to serve long enough. It seems to me that any exception we may be obliged to make in meeting this situation is a thoroughly safe exception which will set no precedent that can act later to bedevil us.

Much has been spoken about the availability of some qualified civilian for the position of Secretary of Defense, but I daresay that no civilian can be named who would receive unanimous approval or perhaps less criticism than that which has been directed at General Marshall. I am no believer in "the indispensable man," but I do believe that a person who right now is preeminently qualified should be given prior consideration.

Were the services of General Marshall now to be rejected, have we any knowledge that an alternative appointee would be his equal or indeed half so able? The record of the present administration in dealing with matters of this kind has not been impressive, and my own feeling is that, were we to demand a substitute for General Marshall, we might in effect be "jumping from the frying pan into the fire."

We know General Marshall. We know his distinguished record as a military leader. We know that he should be successful in filling this critical assignment. Of what other person, civilian or otherwise, can we say more?

Mr. MARTIN. Mr. President, I shall be very brief. I have known Gen. George C. Marshall since I was a very young man. General Marshall became a professional soldier in the hard way. He did not get an appointment to West Point. However, he desired to be a soldier and, as we all know, he went to the great Virginia Military Institute in Virginia. In 1907 he graduated from the Command and General Staff College. He came to Pennsylvania's National Guard in order to put into effect some things he had learned in the college with reference to the movement of soldiers. We were still training American soldiers in accordance with plans advocated and employed during the War Between the States. When General Marshall came to the Pennsylvania National Guard we were at war in the Philippines. He conceived an idea which was carried to successful conclusion in World War II. It was the war of movement, in which infantry soldiers, combined with the other arms of the service, could be moved quickly and in fighting condition to the point of attack.

It is unfortunate that we must call General Marshall from retirement. As the able Senator from New York [Mr. IVES] has so well stated, he is entitled to a rest. From a military standpoint, no man in the history of the world has had greater burdens placed on his shoulders than General Marshall. However, knowing General Marshall as I do, he feels that every man, regardless of his own attitude of mind, wants to do what he can for the ideals of his country. At this time the American people need to be united.

There has been much talk about professional soldiers heading the Department of Defense. I have had prepared a list of the Secretaries of War. They are 63 in number. Twenty-one, or exactly one-third, had military records. Five of them came from the professional military ranks. I sincerely hope that General Marshall's nomination may be confirmed by the Senate.

Mr. President, I ask unanimous consent to have the list inserted in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Secretaries of War

No.	Title and name	Incumbency	Business profession	Military service
1	Maj. Gen. Henry Knox, self-educated (Massachusetts).	1789–94	Stationer and bookseller	Militia; Revolution, 8.
2	Col. Timothy Pickering, Harvard, 1763 (Massachusetts).	1795	Lawyer, judge	Militia; Revolution, 7.
3	James McHenry, Dublin University (Maryland)	1796–1800	Physician, politician	Revolution, 7.
4	Samuel Dexter, Harvard, 1781 (Massachusetts)	1800–1801	Lawyer, Representative, Senator	
5	Maj. Gen. Henry Dearborn (Massachusetts)	1801–09	Physician, Representative	Militia; Revolution, 7; War of 1812, 3.
6	William Eustis (Massachusetts)	1809–13	Physician	Revolution, 7.
7	Brig. Gen. John Armstrong, Princeton (Pennsylvania).	1813–14	Public service, Senator, diplomat	Revolution, 7; War of 1812, 1.
8	James Monroe, William and Mary, 1768 (Virginia)	1814–15	Lawyer, delegate, Senator, diplomat, governor, President.	Revolution, 3.
9	William H. Gawford (Georgia)	1815–16	Teacher, lawyer, Senator, diplomat, judge	
10	John C. Calhoun, Yale, 1804 (South Carolina)	1817–25	Lawyer, Representative, Senator	
11	James Barbour, self-educated (Virginia)	1825–28	Lawyer, governor, Senator, diplomat	
12	Maj. Gen. Peter B. Porter, volunteers, Yale, 1791 (Connecticut).	1828–29	Lawyer, Representative	War of 1812, 3.
13	John H. Eaton (Tennessee)	1829–31	Senator, diplomat	
14	Brig. Gen. Lewis Cass (New Hampshire)	1831–36	Lawyer, Territorial governor, diplomat, Senator	War of 1812, 2.
15	Joel B. Poinsett (South Carolina)	1837–41	Scholar, Representative, diplomat	
16	John Bell, Nashville University (Tennessee)	1841	Lawyer, Representative, Senator	
17	John C. Spencer, Union College (New York)	1841–43	Lawyer, Representative, judge	
18	James M. Porter (Pennsylvania)	1843–44	Lawyer, judge	War of 1812.
19	William Wilkins (Pennsylvania)	1844–45	Manufacturer, banker, Senator, diplomat	
20	William L. Marcy, Brown, 1808 (Massachusetts)	1845–49	Lawyer, editor, judge, Senator, governor	Do
21	George W. Crawford, Princeton, 1820 (Georgia)	1849–50	Lawyer, Representative, governor	
	Ad interim Gen. Winfield Scott, William and Mary (Virginia).	1850	Soldier	Regular Army, War of 1812, Mexican War, Civil War.
22	Charles M. Conrad (Louisiana)	1850–53	Lawyer, Representative, Senator	
23	Col. Jefferson Davis, U. S. Military Academy, 1828 (Mississippi).	1853–57	Soldier, Representative, Senator, President, Confederate States of America.	Regular Army, 7; Mexican War, 2.
24	John B. Floyd, College of South Carolina, 1826 (Virginia).	1857–60	Lawyer, Governor	
25	Maj. Gen. Joseph Holt, St. Joseph's, Bardstown (Virginia).	1861	Lawyer	Judge Advocate General, subsequently to term as Secretary of War.
26	Simon Cameron, self-educated (Pennsylvania)	1861–62	Editor, contractor, banker, Senator	
27	Edwin M. Stanton, Kenyon, 1833 (Ohio)	1862–68	Lawyer	
	Ad interim, Gen. U. S. Grant, U. S. Military Academy, 1843 (Ohio).	1867	Soldier	Regular Army, 11; Civil War, 4.
28	James M. Schofield, U. S. Military Academy, 1853 (New York).	1868–69	do	Regular Army, 8; Civil War, 4; Regular Army, 3.
29	Maj. Gen. John A. Rawlins, self-educated (Illinois)	1869	Lawyer	Civil War, 4; U. S. Army, 3.
	Ad interim, William T. Sherman		Soldier	See biography.
30	Maj. Gen. William W. Belknap, Princeton, 1848; Georgetown (New York).	1869–76	Lawyer	Civil War, 4.
31	Alphonso Taft, Yale, 1833 (Ohio)	1876	Teacher, lawyer, judge	
32	James D. Cameron, Princeton (Pennsylvania)	1876–77	Banker, railroad president	
33	George W. McCrary (Iowa)	1877–79	Lawyer, Representative	
34	Alexander Ramsey, Lafayette (Pennsylvania-Minnesota.	1879–81	Lawyer, Representative, Territorial Governor, governor, Senator.	
35	Robert T. Lincoln, Harvard 1864 (Illinois) (son of President).	1881–85	Lawyer, diplomat	Civil War.
36	William C. Endicott, Harvard, 1847 (Massachusetts)	1885–89	Lawyer, judge	
37	Redfield Proctor, Dartmouth, 1851 (Vermont)	1889–91	Lawyer, businessman, governor	Civil War, 3.
38	Stephen B. Elkins, Missouri, 1860 (Ohio)	1891–93	Lawyer, Territorial Delegate, Representative, industrialist, financier.	Civil War.
39	Daniel S. Lamont, Union College (New York)	1893–97	Civil servant, Presidential secretary, financier	
40	Maj. Gen. Russell A. Alger (Ohio-Michigan)	1897–99	Lawyer, lumberman, governor, commander GAR	Civil War, 3.
41	Elihu Root, Hamilton, 1864; New York University, 1867.	1899–1904	Lawyer	
42	William H. Taft, Yale, 1878	1904–8	Lawyer, judge, Governor Philippines	
43	Luke E. Wright, University of Mississippi (Tennessee).	1908–9	Lawyer, Governor General Philippines, diplomat	Civil War, 3 (Confederate).
44	Jacob M. Dickinson, University of Nashville, 1871 (Tennessee).	1909–11	Lawyer	Civil War (Confederate).
45	Henry L. Stimson, A. B. Yale 1888; A. M. Harvard, 1889; LL. D. St. Andrews University, Scotland, 1930.	1911–13	Lawyer (See later biography under No. 54)	
46	Lindley M. Garrison, University of Pennsylvania, 1886 (New Jersey).	1913–16	Lawyer, public service	
	Ad. interim, Maj. Gen. Hugh L. Scott U. S. Military Academy, 1876.	1916	Soldier	US Army, 41.
47	Newton D. Baker, Johns Hopkins, 1892; Washington-Lee, 1894 (West Virginia-Ohio).	1916–21	Lawyer, mayor, Cleveland	
48	John W. Weeks, U. S. Naval Academy, 1881 (New Hampshire).	1921–25	Banker (Hornblower & Weeks), Navy officer, Representative, Senator.	3.
49	Col. Dwight F. Davis, Harvard, 1900; LL. B. Washington University, 1903 (Missouri).	1925–29	Lawyer, Governor-General, Philippine Islands, public service.	World War I (Distinguished Service Cross), Organized Reserve Corps.
50	James W. Good, Coe College, 1892; University of Michigan, 1893 (Iowa).	1929	Lawyer, Representative	
51	Col. Patrick J. Hurley, Bacone, 1905; LL. B. National University, 1908 (Oklahoma).	1929–33	Lawyer	Militia, 5; National Guard, 3; World War I, 2; Organized Reserve Corps.
52	George H. Dern, University of Nebraska (Utah)	1933–36	Mine operator, businessman, Governor	
53	Harry H. Woodring (Kansas)	1936–40	Banker, Governor	World War I.
54	Col. Henry L. Stimson, A. B. Yale, 1888; A. M. Harvard, 1889; LL. D. St. Andrews University, Scotland, 1930.	1940–45	Lawyer, Governor General Philippine Islands, Secretary of State, public service.	World War I, 2.
55	Maj. Robert P. Patterson, Union College, 1912; LL. S. Harvard, 1915.	1945–47	Lawyer, judge	World War I (Distinguished Service Cross).
56/1	Brig. Gen. Kenneth Royal, University of North Carolina, 1914; Harvard, 1917 (North Carolina).	1947–49	Lawyer	World War I, 2; World War II, 4.
	SECRETARY OF ARMY			
56/2	Capt. Gordon Gray, University of North Carolina, 1880; Yale, 1933 (North Carolina).	1949–50	Lawyer, publisher	World War II, 4.
56/3	Maj. Frank Pace, Princeton, 1933; Harvard, 1936 (Arkansas).	1950	Lawyer, public service, Director Bureau of Budget	World War II, 4.

Mr. JOHNSON of Texas. Mr. President, today the United States Senate has the opportunity to deliver a powerful message to all men who love freedom, and to all men who look to the United States of America for strength and leadership.

We can say to the world today: The Senate of the United States, and the people of America, are united behind the leadership of George Marshall.

We can say to the world that on matters affecting the military strength of the United States, no dissension, no disunity, no quarreling and no bickering will be allowed to mar the united front which we present to enemies of freedom.

POLITICS IS THROWN OUT WINDOW

We can say that when a question arises involving the military strength and the national security of America—which means the strength and security of the world—politics is thrown out the window.

We can say it by a speedy and overwhelming endorsement of George Marshall—a man who is known and respected everywhere in the world where a newspaper is available or a radio is heard.

When our Nation was in swaddling clothes, another great man named Marshall wrote, from the Supreme Court

bench, words which I will seek to use as a guide. John Marshall came from the same family which produced George Marshall.

During those bitter and tense hours when Aaron Burr stood trial for treason, Mr. Justice Marshall wrote: "Much has been said in the course of this argument on points which the court feels no inclination to comment particularly, but which may perhaps not improperly receive some notice."

Certainly I feel no inclination to comment on those arguments made last week on the floor of this Senate regarding the patriotism or the character of George Marshall. Our enemies no doubt already have taken some notice of those arguments.

My only inclination is to discuss the legitimate questions of principle upon which some 20 men based their votes.

BASIC POLICY UNCHANGED

When that bill came before the Armed Services Committee, I was among those who opposed a change in basic policy. I believed then, and I believe today, that the Defense Department should be directed by a civilian.

Mr. President, we did not vote to change that basic law. We voted a bill to permit George Marshall, the civilian, to become Secretary of Defense.

None would debate his capacity as a soldier. The question is, Does he qualify as a civilian?

Most of the members of the Armed Services Committee, and most of the Members of the United States Senate, believe that he does qualify as a civilian.

The facts are that since George Marshall put away his uniforms he has served in the highest civilian capacity possible in our Government below the rank of President.

As the Senator from Massachusetts so aptly said last week, George Marshall has a very broad civilian viewpoint. He is not in any sense of the word a militaristic man.

You know, and Senator LODGE implied, that the entire aim of the law is to guard us from men on white horses—to prevent a militaristic man from gaining a place of high power.

To picture George Marshall as a man on a white horse, greedy to seize power, is a manifest absurdity.

PRECEDENTS FOR APPOINTMENT

In the course of these arguments, something was said of precedents.

Those precedents were brushed over lightly. The names used were those of Maj. Gen. Henry Knox, our first Secretary of War; and two men well remembered in the State from which I come: Generals Grant and Sherman.

General Knox, who served by appointment of George Washington as Secretary of War for 9 years, was also a professional soldier for 9 years before resigning his commission to accept appointment as Secretary of War. Grant and Sherman were dismissed as unimportant because of their brief tenures.

But if Senators want precedents for men with military records serving in civilian posts, it is a fact that 22 Presidents named 38 men with military experience to the posts of Secretary of War and Secretary of the Navy.

The names of these appointees have been long forgotten except in musty records. So let us call the roll of the Presidents who appointed them:

Washington, John Adams, Jefferson, Madison, John Quincy Adams, Jackson, Tyler, William Harrison, Fillmore, Pierce, Johnson, Grant, Garfield, Cleveland, McKinley, Theodore Roosevelt, Taft, Harding, Coolidge, Hoover, Franklin D. Roosevelt, and Harry Truman. All of them appointed men with military service as Secretaries of War or as Secretaries of the Navy.

Whether these distinguished Presidents considered their appointees were military men or civilians, they did consider them the best men available.

Nor do I have a mystical yardstick to determine whether by education, feats of arms, or length of service, they qualify as professional military men. I can report that the ranks of these men—and I am excluding Knox, Grant, and Sherman—ranged from one who entered as a private, to a brigadier general. I find among them graduates of West Point and Annapolis. I find on my list terms of military service of 3, 8, 9, and 45 years. I even found one who was a Confederate general before he was a Secretary of War.

SOLDIERS CAN BE CIVILIANS

These facts are listed with no intention of drawing a parallel with General Marshall. I simply call history to witness that soldiers can also be civilians, just as civilians can be soldiers. In time of crisis, the President and the Congress have not debated whether a man is a civilian or a military man. We have only tried to get the best man available for whatever job was to be done. Fresh in my own memory are such instances as Patrick J. Hurley, Walter Bedell Smith, Lucius Clay, Jimmy Doolittle, Eddie Rickenbacker, Bill Donovan—they are men who find one uniform as familiar as the other.

For emphasis, let me repeat. I do not say that any one, or all, of these instances parallel the case of George Marshall. I merely attempt to underline two points:

One, in time of crisis we have brought in military men for civilian jobs. We have not paused for debate over how long or how well those men served in either capacity, as a soldier or a civilian.

Two, in time of crisis, we have brought in civilians for military jobs.

PRINCIPLE OVER PARTISANSHIP

Because these points are to me so self-evident, and because I want to be fair and tolerant of every man's views, I approach with some hesitancy the question of how far partisan politics enters into the opposition of George Marshall.

I examined the roll call by which the Senate last week passed the bill authorizing George Marshall's name to be submitted for confirmation. Only 21 Members of the Senate opposed the bill. Only 1 of that 21 was a Democrat.

Less than half of the total Republican membership in this body voted against the bill, and even in voting against it they did not, on the whole, criticize the man. Examining that record, I found only two Senators who opposed George Marshall the man. So far as the record reflects, those other 19 consider him thoroughly qualified. Their opposition was to a bill; their fight was for a principle.

By the vote, it was indicated that those who voted for a principle rather than against a man have made their position abundantly clear. All the world may see it. But that fight is behind us.

The vote has been cast on the principle involved. We now approach the vote on the man.

That man will be confirmed, so confirmation is not a question. The only question left for us is whether we will scuttle politics and present a unified front to our common enemy. Our load is heavy enough on the international front without the additional ballast of politics.

I urge my colleagues to join with us today in sending a message to the world by our vote for a man—a man who is qualified under the law to hold the post; a man who is qualified by what the British, when they presented to him a decoration following the war, called "unfailing wisdom, high principles, and breadth of view that have commanded the deep respect and admiration of us all"; a man who is trusted by our allies; a man who has courage, fortitude, vision, and a rare quality of self-effacement.

UNITY WITHOUT COERCION

If this vote could be overwhelming for George Marshall today, the Voice of America tomorrow would tell the world that democracy is a system of government in which men can achieve unity without coercion.

The people of America would be comforted in the knowledge that a man they trust is once more at the helm and that the United States Senate is above partisanship, on questions involving our national unity.

Those far-flung trouble spots of the world, the Near East and the Far East, Iran, Indochina, India, Greece, Turkey, western Europe, and all those nations faced with the choice of looking to us, far away, for leadership, or to their neighbor, Russia, for domination, would be strengthened in their resolve to cast their lot with a unified America.

This vote today can strengthen us, unite us, enable us to show a solid front to confused, distressed nations which look to America as the only rock of refuge in a world swept by storms.

This vote could bring new hope to free peoples everywhere.

THE ALTERNATIVE: DIVIDE AND RULE

And we cannot avoid the unhappy alternative.

This vote today can breed more doubts and fears.

George Marshall can be used as a political whipping boy. Reasons can be given. There can be justifications, explanations, expostulations, contentions, protests, politicking, arguments, and debates to world's end, and it will all add up to this: Divide and rule.

Shall we unconsciously fall victim to the doctrine of divide and rule, the motto for conquerors and dictators everywhere—the very bible of communism?

Whatever tears this Nation apart on matters affecting world security is grist for the Russian propaganda mill. If they

can divide us, they weaken us; and our weakness adds to the strength of the drive for world communism.

If they sufficiently divide us they can rule the world. And a single inch of division among us is distorted by their powerful propaganda weapons into a mile of confusion and doubt in the minds of those people who must choose between us and Russia.

Within minutes after this vote is cast, the short wave from behind the iron curtain will be gleefully sowing those seeds of doubt and confusion across the face of the earth.

DISSENSION PROFITS OUR ENEMIES

George Marshall will be our defense chief. Further dissension will profit only the enemies of democracy.

I respect every man's principles and his right to follow, in his voting, the dictates of his conscience. It is my sincerest hope, however, that the message which goes out to the world from the Senate when we complete our deliberations today will give no aid and comfort to the enemy.

My vote will not be a vote to create doubt and confusion in the minds of the men who are fighting for us and dying for us at this very moment in Korea.

My vote will be for George Marshall.

Mr. DONNELL. Mr. President, I had not intended to speak upon this subject, and I shall endeavor to make my remarks as brief as possible.

To my mind, it is not easy to decide whether a Senator who on the 15th of September voted against the bill under which Gen. George Marshall would be qualified for appointment should now vote for or against the confirmation of his nomination. Up until September 15, 1950, the policy adopted by Congress had been that no military man should be Secretary of Defense. It will be recalled that the National Security Act of 1947 provides:

That there shall be a Secretary of Defense, who shall be appointed—

I emphasize by the expression of my voice the words—

from civilian life by the President, by and with the consent of the Senate.

It will be further recalled, Mr. President, that in the National Security Act of 1947 Congress declared in effect that even if a man be in civilian life he is still ineligible for appointment as Secretary of Defense if he has within 10 years been on active duty as a commissioned officer in a Regular component of the armed services. The language of the National Security Act of 1947 which reinforces the earlier provision which I quoted is—and I quote it verbatim:

A person who has within 10 years been on active duty as a commissioned officer in a Regular component of the armed services shall not be eligible for appointment as Secretary of Defense.

So, Mr. President, I take it that until the fifteenth day of this month the policy adopted by Congress had clearly been that no military man should be Secretary of Defense, and that even if a person be in civilian life he would still be ineligible for appointment if within the preceding 10 years he had been on active duty as a commissioned officer in a Regular component of the armed services.

Mr. President, to my mind that principle declared by Congress in the National Security Act of 1947 is a sound and correct policy, and I so expressed myself on the floor of the Senate on the afternoon of September 15. Perhaps some will recall that on that occasion I said—and I quote from page 14928 of the RECORD:

Mr. President, the pending bill means a departure, and a serious departure, from the sound principle recognized in the National Security Act of 1947, recognized in the report of the committee, and recognized in the action of the House of Representatives today, namely, that the office of the head of the Defense Department of the Nation shall be a civilian, not a military man.

In the next column I stated:

So if we pass this bill, regardless of what we may consider the present emergency, nevertheless, it is a step, it is a precedent, it is a dangerous departure from the traditions of the United States.

Mr. President, I still hold the opinion I entertained when those statements were made by the present speaker on the floor of the Senate on the afternoon of September 15. But Congress took a contrary view to that which the present speaker took, to that which the 21 Members of this body who voted against the bill took on that occasion. Congress, as I see it, on the afternoon of September 15 changed its previous view as to the effect of military status being a disqualification, and changed it solely, however, as to this one man, Gen. George C. Marshall.

Mr. President, I do not agree with that position of the Congress. To my mind, it was a mistake for Congress to take that position. But, nevertheless, it has taken it, and as the preceding speaker, the Senator from Texas, has pointed out, that is the present view of Congress, namely, that the military status of Gen. George C. Marshall is not a disqualification to his appointment as Secretary of Defense.

Mr. President, I may inadvertently misquote the Senator from Texas, whom I do not see on the floor at the moment, and, if I do, I ask his pardon. But I understood him to say in substance a few moments ago that Congress the other day, meaning September 15, took the view that General Marshall should be eligible as a civilian, not as a military man. If I correctly understood the Senator from Texas, I do not agree with his statement to that effect. To my mind, it is perfectly clear in Senate bill 4147, and the language which I quote, I assume is in the bill as we actually passed it, that is, House bill 9646, and if I am wrong I shall ask to be corrected—as follows:

So long as he—

That is, General Marshall—

holds the office of Secretary of Defense, General Marshall shall retain the rank and grade of General of the Army which he now holds in the Army of the United States and he shall continue to receive the pay and allowances (including personal money allowance) to which he is entitled by law, and in the event the salary prescribed by law for the office of Secretary of Defense exceeds such pay and allowances, General Marshall shall be authorized to receive the difference between such pay and allowances and such salary.

So, as I understand the action taken by Congress on the 15th day of September, we did not accept the qualifications of General Marshall as a civilian. We accepted the view that he was a military man, but Congress conceded, against the votes of some of us, 21 votes in this body, that in the case of General Marshall his military status should not be a disqualification.

Therefore, Mr. President, as I see it, those of us who voted on the 15th day of September against H. R. 9646 are in this situation. Up until that date the policy adopted by Congress had clearly been that no military man should be Secretary of Defense, no man who has within 10 years been on active duty as a commissioned officer in a Regular component of the armed services should be Secretary of Defense, but, on the 15th day of September of this year it was decided by Congress, notwithstanding the contrary views of some of us, that the military status of one man, namely, General Marshall, should not operate as a disqualification under the law against him.

So as I see it this afternoon we are confronted by that state of the law—the general rule being as set forth in the National Security Act of 1947 that no person shall be a Secretary of Defense who is not appointed from civilian life, and so forth, but that in the case of this one individual the fact that he is a military man shall not constitute a disqualification.

Mr. President, this man has been nominated. The President of the United States has declared that in his opinion this man should be selected, and he has selected him, subject to action by the Senate. So, Mr. President, as I see it, the question for me to decide is, in determining what my vote shall be: Is this man, George C. Marshall, qualified? Perhaps I am entitled to take into consideration in my own mind the fact that he is a military man, but when I take that into consideration I must also recall the fact that Congress, notwithstanding the views of 21 of us in the Senate, and some I assume in the House of Representatives—has taken the position that his military status is not a disqualification as to him.

So, Mr. President, I approach the proposition this afternoon presented on the basis of whether or not General Marshall is qualified. While I regard it as a distinct mistake for us to have deviated from the rule that no military man shall be Secretary of Defense, I undertake to say and do say this afternoon that as to his qualifications I believe General Marshall is properly equipped.

Therefore, Mr. President, it is my privilege this afternoon, notwithstanding the difficult decision which I had to make—and perhaps some others of us may have had to make, to announce that my vote will be in favor of the confirmation of the nomination of General Marshall.

Mr. TYDINGS. Mr. President, I shall detain the Senate for not more than 30 seconds. I desire to read a dispatch

which may or may not be true, which has just come over the press service in this building:

> We have asked Tokyo to check a report from Inchon that United States officers have told General MacArthur a column of tanks and infantry from Manchuria is moving southward toward Seoul.

I do not know whether that is true or not, but every hour, every minute, is very very precious. We have no Secretary of Defense. The gravest decisions must be made. While I appreciate the fact that there has not been a word uttered here that is not appropriate in this debate, in view of the gravity of the situation I hope we can fill this office immediately. [Cries of "Vote!" "Vote!" "Vote!"]

The VICE PRESIDENT. The yeas and nays having been ordered, the Secretary will call the roll. All Senators in favor of the confirmation of the nomination of General Marshall to be Secretary of Defense will vote "yea." Those opposed will vote "nay."

The Chief Clerk proceeded to call the roll.

Mr. MARTIN (when his name was called). On this vote, I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The roll call was concluded.

Mr. CORDON (after voting in the affirmative). I believe I am recorded as voting "yea." I have had, and I have, a pair with the senior Senator from Ohio [Mr. TAFT]. If he were present and voting, he would vote "nay." I ask that my vote be canceled, for I honor my pair with the Senator from Ohio, and withhold my vote.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Connecticut [Mr. BENTON], the Senator from Arizona [Mr. HAYDEN], and the Senator from Pennsylvania [Mr. MYERS] are absent on public business.

The Senator from Arkansas [Mr. FULBRIGHT] is unavoidably detained on official business.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

I announce further that if present and voting the Senator from Connecticut [Mr. BENTON], the Senator from California [Mr. DOWNEY], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. MAYBANK], the Senator from Pennsylvania [Mr. MYERS], the Senator from Florida [Mr. PEPPER], the Senator from Alabama [Mr. SPARKMAN], the Senator from Utah [Mr. THOMAS], and the Senator from Kentucky [Mr. WITHERS] would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness, and his pair has been announced previously by the Senator from Pennsylvania [Mr. MARTIN].

The Senator from Indiana [Mr. CAPEHART] and the Senator from Wisconsin [Mr. MCCARTHY] are necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations, and, if present, would vote "yea."

The Senator from Ohio [Mr. BRICKER], who is necessarily absent, is paired with the Senator from Missouri [Mr. KEM], who is absent by leave of the Senate. If present and voting, the Senator from Ohio would vote "yea" and the Senator from Missouri would vote "nay."

The Senator from Ohio [Mr. TAFT] is necessarily absent and his pair has been announced previously by the Senator from Oregon [Mr. CORDON].

The Senator from Michigan [Mr. FERGUSON] is detained on official business.

The result was announced—yeas 57, nays 11, as follows:

YEAS—57

Anderson	Holland	Magnuson
Byrd	Humphrey	Morse
Chapman	Hunt	Mundt
Chavez	Ives	Murray
Connally	Johnson, Colo.	Neely
Darby	Johnson, Tex.	O'Conor
Donnell	Johnston, S. C.	O'Mahoney
Douglas	Kefauver	Robertson
Dworshak	Kerr	Russell
Ellender	Kilgore	Saltonstall
Frear	Leahy	Schoeppel
George	Lehman	Smith, Maine
Gillette	Long	Stennis
Graham	Lucas	Thomas, Okla.
Green	McCarran	Thye
Gurney	McClellan	Tobey
Hendrickson	McFarland	Tydings
Hill	McKellar	Wiley
Hoey	McMahon	Williams

NAYS—11

Butler	Knowland	Watkins
Cain	Langer	Wherry
Ecton	Malone	Young
Jenner	Millikin	

NOT VOTING—28

Aiken	Flanders	Pepper
Benton	Fulbright	Smith, N. J.
Brewster	Hayden	Sparkman
Bricker	Hickenlooper	Taft
Bridges	Kem	Taylor
Capehart	Lodge	Thomas, Utah
Cordon	McCarthy	Vandenberg
Downey	Martin	Withers
Eastland	Maybank	
Ferguson	Myers	

So the Senate advised and consented to the nomination.

Mr. FULBRIGHT subsequently said: Mr. President, I did not hear the bells in time to reach the Chamber before the Senate voted on the confirmation of General Marshall to be Secretary of Defense. Had I been present I would of course have voted to confirm the nomination of General Marshall.

Mr. TYDINGS. Mr. President, in view of the present world situation and the fact that it may be a grave one, and in view of the fact that the report I have just read may be authentic, I ask unanimous consent that the President be notified immediately of the confirmation of the nomination.

The VICE PRESIDENT. Is there objection?

Mr. DONNELL. Mr. President, reserving the right to object—although I shall not object—I should like to make a brief statement with respect to my position in regard to the matter of notification.

I think the Senator from Maryland is quite familiar with my view; and, if I am not mistaken, in general he has been in accord with the view I have suggested in previous instances.

Mr. TYDINGS. That is correct.

Mr. DONNELL. There have been some cases in which I have consented to notification of the President.

However, while so many Senators are in the Chamber, I should like to have the RECORD show the basis on which I object generally.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. TYDINGS. I hope the Senator from Missouri will forgive me, for I do not mean this as an affront; but if the Senator from Missouri will consent to have the notification agreement entered, provided it is understood that the Senator from Missouri will be next recognized immediately thereafter, I shall appreciate it very much.

Mr. DONNELL. I have no objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland that the President be immediately notified of the confirmation of the nomination?

Without objection, it is so ordered; and the President will be notified forthwith.

Mr. TYDINGS. I thank the Senator from Missouri.

Mr. DONNELL. I thank the Senator from Maryland, also.

Mr. President, I desire to call attention to the fact that notification to the President carries a very important legal implication and effect. Rule XXXVIII of the Rules of the Senate provides, among other things:

> 3. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next 2 days of actual executive session of the Senate.

Mr. President, in the case of *United States* v. *Smith* (286 U. S. 6, at p. 35) the Court refers to the effect of an order of notification, in the following language:

> The natural meaning of an order of notification to the President is that the Senate consents that the appointment be forthwith

completed and that the appointee take office.

So the effect of a notification to the President is, as I see it—and certainly it is in a case such as this one—that the Senate waives the right of reconsideration.

That right is not an unimportant one. Indeed, it was referred to in the argument of the distinguished counsel for the Senate in the very case to which I have referred—as appears at page 11 of the report—as "this valuable power," referring, as I understand, to the power of reconsideration.

So when we notify the President, we have, in effect, as I understand the law, waived the right of reconsideration in cases such as this, certainly.

Mr. President, in the case at hand, under all the circumstances—those suggested by the Senator from Maryland and those with which all of us are conversant—I deem it advisable that we should waive the right of reconsideration.

However, I wish it understood most distinctly that the action taken in this particular case does not in any sense, to my mind, constitute a reason for deviation in general from the rule of the Senate.

I thank the Senator.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Albert H. Kleffman, of Hibbing, Minn., to be collector of customs for customs collection district No. 35, with headquarters at Minneapolis, Minn., which was referred to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Ernest E. Killen, of Harrington, Del., to be collector of internal revenue for the district of Delaware.

By Mr. JOHNSON of Colorado, from the Committee on Interstate and Foreign Commerce:

Donald W. Nyrop, of Nebraska, to be Administrator of Civil Aeronautics, vice Delos Wilson Rentzel; and

William B. Ellis, and sundry other persons, for appointment in the United States Coast Guard.

By Mr. JOHNSON of Texas, from the Committee on Interstate and Foreign Commerce:

Delos Wilson Rentzel, of Texas, to be a member of the Civil Aeronautics Board, vice Joseph J. O'Connell, Jr., resigned.

By Mr. O'CONOR, from the Committee on Interstate and Foreign Commerce:

Robert W. Williams, of Maryland, to be a member of the Federal Maritime Board.

By Mr. CONNALLY, from the Committee on Foreign Relations:

John M. Allen, and sundry other Foreign Service officers, to be consuls general, consuls, and vice consul in the Diplomatic and Foreign Service.

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

Sundry postmasters.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Kent, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 8396) to authorize Federal assistance to States and local governments in major disasters, and for other purposes, and it was signed by the Vice President.

LEGISLATIVE SESSION

The Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the agreement, the Senator from Nevada [Mr. MALONE] yielded the floor with the understanding that, without objection, the Senate would return to the consideration of legislative business following action on the nomination.

The Senator from Nevada is recognized.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. MALONE. I yield.

Mr. McCARRAN. I wish to propound a unanimous-consent request.

Mr. MALONE. I am glad to yield to the distinguished senior Senator from Nevada.

Mr. McCARRAN. Mr. President, there is at the desk a conference report, sent to us from the House—the House having approved it this afternoon—on House bill 9490, the Internal Security Act of 1950. I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of the conference report on the Internal Security Act.

The VICE PRESIDENT. Is there objection?

Mr. MALONE. Mr. President, reserving the right to object, let me say that I have understood it was agreed that I would yield the floor temporarily, in order to permit the Senate to vote on the question of confirmation of the nomination of General Marshall, but with the understanding that my address would be resumed following the vote on the nomination, just as if there had been no interruption.

The VICE PRESIDENT. That is correct; and, under that agreement, the junior Senator from Nevada has been recognized, and now he has yielded to the senior Senator from Nevada, his colleague.

Mr. MALONE. I yield to the senior Senator from Nevada with the understanding, of course, that I shall not lose the floor.

The VICE PRESIDENT. When the requested unanimous-consent agreement is entered into, immediately upon the disposition of the conference report on the Internal Security Act, automatically the other conference report will again be before the Senate.

Is there objection to the unanimous-consent request propounded by the senior Senator from Nevada?

Mr. JOHNSON of Colorado. Mr. President, reserving the right to object, let me say that if the unfinished business is laid aside, under such a request, of course the junior Senator from Nevada will lose the floor, and thus will be charged with one speech on this day. I do not see how that could be avoided.

Reserving the right to object, this matter has now been before the Senate since August 28. I have been in charge of it. I have no particular or personal interest in this legislation. As I stated yesterday, it came as a result of a crime conference called by the law enforcement officers of the United States and of all the States and major cities.

The Attorney General and the Department of Justice, with the sanction and approval of the President, developed this legislation. But it had the approval of the President and of the crime conference. It came to us and has been pending; and, while it has been a privileged matter since August 28, I have stepped aside for this thing and that, important matters which required attention and were far more important, perhaps, than this legislation. But there ought to be a limit somewhere along the line. Today we are confronted with a one-man filibuster, and it seems to me that we have got to resist that sort of thing somewhere. I know the urgency of the matter regarding which the senior Senator from Nevada has requested unanimous consent. I am entirely in sympathy with the measure. He is sponsoring a bill which should go to the White House, and we should have the action of the President, either for or against it, before the Congress recesses. The time is very short. I am in full sympathy with the proposed law. But I hope that, if I do not object at this time, it will be understood by all Senators that when I take a firm stand from now on that the pending measure must be settled one way or other and that it must come to a vote, I shall not be charged with acting arbitrarily or contrary to the welfare of the Nation.

The VICE PRESIDENT. Is there objection to the request of the senior Senator from Nevada?

Mr. CHAVEZ. Mr. President, reserving the right to object, let me say to the Senator from Colorado [Mr. JOHNSON] that I think he has been most patient. He has been as tolerant as one could be. What is to prevent our voting?

Mr. JOHNSON of Colorado. If I may be permitted to say so, we have encountered a one-man filibuster.

Mr. CHAVEZ. Is that going to prevent the Senate from making decisions and coming to conclusions? We should proceed in an orderly way. I think I now know how I shall vote. I think I am against the one-armed bandit.

Mr. McCARRAN. Mr. President, I am asking unanimous consent that we may take up the conference report on the internal security bill, so that we may dispose of it. After that, it seems to me that the Senate could resume consideration of the pending business.

The VICE PRESIDENT. Such consideration would be resumed automatically at the conclusion of consideration of the conference report.

Mr. WHERRY. Mr. President, reserving the right to object, I want the Senate to know that the distinguished junior Senator from Nevada has agreed not to object to the unanimous consent request—not "agreed," but he has told me that, if it were brought up, he would consent to such a request, because of the importance of the internal security bill. I hope no further observations will be made in any way intimating that the Senator from Nevada is conducting a filibuster for the purpose of delaying the work of the Senate. He has a perfect right to talk on the conference report which is before the Senate, and I hope there will be no further objection. The junior Senator from Nevada stated that he would not object, because of the importance of the internal security bill, and in order to enable us to get it to the President. He has indicated that he would be glad to consent to the consideration of the report. I hope there will be no further objection.

Mr. MALONE. Mr. President, reserving the right to object, I, of course, did not miss the very pointed observation made by the distinguished senior Senator from Colorado, that a one-man filibuster was in process. The best definition I have ever been able to get of a "filibuster" is that it is an argument with which one does not agree, and that if one agrees with the position taken by the speaker in his argument, it then becomes a profound debate. So I wish that the Senator could confine himself to argument on the bill.

Mr. President, if I may have the understanding that I may resume the floor in continuation of my address, as originally agreed, I shall then yield to my colleague, the distinguished senior Senator from Nevada [Mr. McCARRAN], to enable him to proceed with the conference report.

The VICE PRESIDENT. Is there objection to the request of the senior Senator from Nevada?

Mr. KEFAUVER. Reserving the right to object, inasmuch as the statement of the managers on behalf of the conference appeared in the RECORD only this morning, and is very lengthy and detailed, I wonder if the distinguished senior Senator from Nevada does not feel that we might let the report go over until tomorrow. It was debated in the House of Representatives this afternoon, and, if it is acted upon here this afternoon we shall be without the benefit of the record of what was said in the House. In order that we may have fuller consideration of the conference report, I wonder whether the Senator does not feel that it should go over until tomorrow.

Mr. McCARRAN. Mr. President, I hope the Senator will not persist in that suggestion. This question should be disposed of. The bill should go to the White House, so that the President may act upon it promptly. I understand—though I know it only from rumor—that the President intends to act on it promptly. I hope the Senator from Tennessee will not persist in that suggestion.

Mr. KEFAUVER. I shall be forced to object to the unanimous-consent request.

The VICE PRESIDENT. The Senator from Tennessee objects. The senior Senator from Nevada may move to take up the conference report, if he wishes.

Mr. McCARRAN. Mr. President, I move that the Senate proceed to the consideration of the conference report on the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes.

Mr. MALONE. Mr. President——

The VICE PRESIDENT. Does the junior Senator from Nevada yield for that purpose?

Mr. McCARRAN. Mr. President, will my colleague yield for that purpose?

Mr. MALONE. I will yield to my colleague, the distinguished senior Senator from Nevada, with the understanding, as I have said repeatedly, that I shall be allowed to resume my address at the end of the proceedings, as a continuation of my first speech.

The VICE PRESIDENT. That, of course, involves unanimous consent. Is there objection to the request of the junior Senator from Nevada?

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. I think there is one more question involved. If the senior Senator from Nevada makes the motion, and it is agreed to, it will deprive the junior Senator of the floor. When the other proceedings are completed, and the Senate returns to the pending business, is it not a fact that the junior Senator may continue with his first speech?

The VICE PRESIDENT. Technically, under the rule, the motion of the senior Senator from Nevada would displace the business which has been pending—not merely temporarily—and another motion would be required in order to get it before the Senate again.

Mr. WHERRY. In other words, the Senate would then start over again, the same as though it were an entirely different subject; is that correct?

The VICE PRESIDENT. The Senate would proceed ab initio.

Mr. MALONE. Then, Mr. President, I understand that I may continue with my first address; is that correct?

The VICE PRESIDENT. It would be in the nature of a first address, because the subject would be before the Senate anew.

Mr. MALONE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MALONE. I understand that if I should yield for the purpose of the motion, I would lose the floor; and that, when I resumed I would be starting my second speech; is that correct?

Mr. WHERRY. No.

The VICE PRESIDENT. Let the Chair state the situation. If the motion made by the Senator's colleague should prevail, it would displace the conference report which has been under consideration, and it could come before the Senate again only on motion. If the junior Senator from Nevada should be recognized on that consideration, he would then be making his first speech.

Mr. MALONE. Mr. President, I yield to my distinguished colleague, the senior Senator from Nevada.

Mr. WHERRY. Mr. President, will the Senator first yield to me?

Mr. MALONE. I yield.

Mr. WHERRY. Let me say to the distinguished Senator that if this motion prevails, the question in which he is interested will be completely displaced, and, when it is finally brought up again, it will be brought up exactly as though it had not previously been before the Senate. Any Senator has the right to speak twice on the motion.

The VICE PRESIDENT. The junior Senator from Nevada has yielded, conditionally. The question now is on agreeing to the motion by the senior Senator from Nevada to proceed to the consideration of the conference report on House bill 9490.

Mr. JOHNSON of Colorado. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JOHNSON of Colorado. Do I correctly understand that the motion by the senior Senator from Nevada is in order because it is a privileged matter?

The VICE PRESIDENT. No.

Mr. JOHNSON of Colorado. In other words, even by a vote of the Senate a privileged matter could not be displaced for a matter which is not privileged, could it?

The VICE PRESIDENT. Yes; if a Senator who desires to take up something else is recognized and makes a motion to proceed to the consideration of some other matter, and the motion is agreed to, it displaces the conference report.

Mr. JOHNSON of Colorado. Would that be true, even though it were not a privileged matter?

The VICE PRESIDENT. Yes; even though it were not a privileged matter. But this is a privileged matter. A conference report is privileged. That means that any Senator who obtains the floor may ask unanimous consent to consider it, or may move to consider it. But it is not privileged to the extent that a Senator who has the floor on some other subject may be taken from the floor in order to permit the motion to be made. But if the Senate votes in favor of the motion of the senior Senator from Nevada, and the matter is then disposed of, the Senator from Colorado can immediately move that the Senate proceed to the consideration of the conference report which has been under consideration.

Mr. KEFAUVER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KEFAUVER. I understood that the Chair had recognized the junior Senator from Nevada. My inquiry is, If the Chair recognized the junior Senator from Nevada, should we not proceed automatically to the consideration of the conference report presented by the Senator from Colorado?

The VICE PRESIDENT. The junior Senator from Nevada yielded to the senior Senator from Nevada for the purpose of making a motion. The senior Senator from Nevada has made his mo-

tion. That motion is now before the Senate.

Mr. KEFAUVER. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KEFAUVER. I did not understand that unanimous consent was asked that the junior Senator from Nevada yield to the senior Senator from Nevada for the purpose of making a motion. If such unanimous consent had been asked, I would have objected.

The VICE PRESIDENT. Unanimous consent is not required. The junior Senator from Nevada yielded the floor to the senior Senator from Nevada to make a motion, which did not require unanimous consent. The motion is in order.

Mr. KEFAUVER. Under the circumstances I withdraw my objection to the original unanimous-consent request.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Kent, its enrolling clerk, announced that the House had passed, without amendment, the bill (S. 3437) to amend the Atomic Energy Act of 1946.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6480) to revise title 18, United States Code, entitled "Crimes and Criminal Procedure."

The message further announced that the House insisted upon its amendment to the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PETERSON, Mr. MURDOCK, and Mr. SANBORN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5372) to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and of Standing Rock Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PETERSON, Mr. MORRIS, and Mr. D'EWART were appointed managers on the part of the House at the conference.

PROTECTION AGAINST UN-AMERICAN AND SUBVERSIVE ACTIVITIES—CONFERENCE REPORT

Mr. McCARRAN. Mr. President, I submit a conference report on the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, and I move that the Senate proceed to its consideration.

The VICE PRESIDENT. The report will be read.

The legislative clerk read the report.

(For conference report, see pp. 15265–15279, House proceedings, CONGRESSIONAL RECORD of September 20, 1950.)

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

The motion was agreed to, and the Senate proceeded to consider the report.

The VICE PRESIDENT. The question is on agreeing to the report. The Chair would like to suggest that the Senate has before it a very important matter. Senators are entitled to hear the explanation of the conference report, and the chairman of the committee is entitled to respectful hearing. If any Member is compelled to converse, the Chair hopes he will depart from the Chamber.

Mr. McCARRAN. Mr. President, the conference report on the Internal Security Act is a unanimous report. What is more, every action taken by the conferees was without objection. In other words, there was no dissent by any of the conferees to anything that was done in the conference, and no conferee has objection or takes exception to anything in the conference bill.

It will not be my purpose, Mr. President, to go into excessive detail with respect to this bill. With respect to some of the more important phases of it, however, I believe I should make some comment.

The first 17 sections of the bill which passed the Senate constituted the text of the so-called Mundt-Ferguson-Johnston bill. Somewhat similar provisions were contained in the Wood bill, as it passed the House. In conference, the conferees kept in principle, all the features of both the House bill and the Senate bill. The conferees accomplished this by first substituting the Wood bill for the first 17 sections of the McCarran bill, and then, using that framework, wrote in those provisions of the Senate bill which had not been contained in the House bill.

Written in in this way was section 4 (a) of the Senate bill, making it a criminal offense to conspire to perform any act which will substantially contribute to the establishment in the United States of a totalitarian dictatorship under foreign control. Also written into the conference bill was the Senate provision prohibiting the issuance of a passport to any member of a Communist-action organization.

Of course, the Senate provision that "Nothing in this act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States, and no regulations shall be promulgated hereunder having that effect" was written into the bill, and appears as subsection (b) of section 1 of title 1.

As Senators who are familiar with the legislative history of this legislation already know, the language of this provision was originally suggested by the counsel for the American Newspaper Publishers Association after I had asked him for an opinion with respect to my earlier bill, S. 595.

The conferees did what I believe my colleagues will find to have been a very good job of integrating and clarifying the provisions of the Wood bill, on the one hand, and the Mundt-Ferguson-Johnston bill, on the other hand, in merging them into what may be referred to as the conference bill. In this connection, Mr. President, I was much amused by a cartoon appearing in a Washington morning newspaper day before yesterday, which portrayed this bill as a beast of rather hybrid character. The cartoon was amusing; but it was intended, I think, to convey the idea that because the conference bill is not the product of any one man's hand or mind, it is somehow undesirable. Mr. President, I know that Senators realize, even if all newspaper cartoonists do not, that the best legislation is that which has become the product of many minds, through the committee and conference procedures.

This bill is the product of many minds, and it has come out of conference a stronger bill, in many respects, yet at the same time, a bill more clearly constitutional in its provisions than either of the two bills which went into conference.

A fine example of the effective work of the conference committee is the rewriting of section 5 of the bill. As rewritten by the conferees, this section does not present the serious constitutional question which was presented by some of the provisions of section 5 of the House bill; and at the same time, the provisions of the section have been clarified and made plainer.

This section retains the prohibition against a member of a Communist-action organization working in a defense facility; but the offense would not arise until after the Communist-action organization itself had been registered or required to register, and until after the defense facility had been designated and proclaimed as such, and notice of this proclamation had been posted in the facility in such a way as to give reasonable notice to all its employees.

In a number of other places in the bill, the conferees have rewritten language, or written new language, which smooths out rough spots in the bill, improves it from the constitutional standpoint, and clarifies the meaning of its provisions.

In connection with the first 17 sections of the bill, the principles involved were so thoroughly debated on the floor of the Senate that I feel there is little I need say except that the principles approved by the Senate are all retained in this bill. It might do no harm to point out specifically that the O'Mahoney amendment requiring that the Attorney General accompany his petition for registration of a Communist organization with a statement of the facts upon which he relies, has been included in the conference bill; and the proviso sponsored by the Senator from Tennessee [Mr. KEFAUVER], declaring that subsection 4 (a), which concerns the offense of conspiracy to perform an act which would substantially contribute to the establishment of a totalitarian

dictatorship in the United States, under foreign control, shall not apply to the proposal of a constitutional amendment also has been retained in the conference bill.

In section 13 of the bill, relating to proceedings before the subversive activities control board, the conferees added new language providing that where an organization or individual declines or fails to appear at a board hearing—and this connotes proper notice to such organization or individual—the board may act on the case in the absence of such individual or organization; and that where in the course of any hearing before the board, a party or counsel may be guilty of misbehavior which obstructs the hearing, such party or counsel may be excluded from further participation. These provisions were deemed necessary to protect against contumacy or disrespect for the board's authority.

In section 14, the conferees inserted language permitting the United States Court of Appeals for the District of Columbia to transfer actions brought under this bill, for review of decisions by the board, to the court of appeals of the circuit in which the petitioner may reside. This should operate to take some of the burden off the Court of Appeals for the District of Columbia.

The latter part of title 1 of the bill—from section 18 to the end of the title—represents matter which was in the McCarran bill as approved by the Senate, but which was not contained in the House bill.

All of these provisions have been retained, with a single exception. The one provision which has been deleted is the provision of the McCarran bill which would have required a neighborhood investigation of each applicant for naturalization in advance of the granting of naturalization. This particular provision, which does not appear in the conference bill, would have made such an investigation mandatory in all cases. The conference bill merely provides the machinery for making adequate investigations of applicants for naturalization, and leaves it to the discretion of the Immigration and Naturalization Service to determine what investigations are to be made, and whether neighborhood investigations are to be undertaken in every case.

The conferees also struck out the proviso inserted in the Senate upon motion of the Senator from Arizona [Mr. McFARLAND] which would have relieved owners of vessels or transportation lines from all liability for fines or refunds or other expense incident to the detention or deportation of aliens who, at the time of embarkation, held unexpired visas. The conferees felt that this provision, as written, was too broad; but it was the understanding of the conferees that the principle embodied in this stricken proviso will be given careful attention in connection with the new omnibus immigration bill, upon which it is anticipated Congress will act during the next session.

Except for these changes which I have mentioned, and one or two technical corrections, the provisions of title 1 beginning with section 18 until the end of the title, and constituting the provisions taken from S. 595, from S. 1832, and from the text of S. 3455, were accepted by the conferees without change.

Mr. President, that brings us down to title 2 of the bill, which constitutes the Emergency Detention Act of 1950.

Senators will remember that this proposal originated with a bill, the text of which was offered by the Senator from Illinois [Mr. LUCAS], as an amendment to the McCarran bill. The senior Senator from Nevada, feeling that the provisions of this amendment were unconstitutional, for reasons which he had already stated to the Senate, rewrote the language of the proposed amendment, and offered the rewritten version as a substitute for the Lucas amendment, which was accepted by the Senator from Illinois.

At the time of offering this substitute, the senior Senator from Nevada stated that he was not yet completely satisfied with the constitutionality of the provisions embodied in this amendment, but that he felt further improvements should be made in conference.

In the spirit of that statement, the conferees have made a number of changes in title 2; and the result is a title which, in the opinion of the senior Senator from Nevada, will be upheld when a case testing its constitutionality reaches the Supreme Court of the United States, as such a case undoubtedly will.

Mr. President, I do not wish to take the time which would be needed to go into detail with respect to all of the changes made by the conferees in this section; but there are a few high lights which I believe should be pointed out to the Senate.

In authorizing the Attorney General to prescribe regulations for the administration of the title, the conference bill specifically directs that no such regulation shall require or permit persons detained under the provisions of this title to perform forced labor, or to perform any tasks not reasonably associated with their own comfort and well-being, or to be confined in company with persons who are confined pursuant to the criminal laws of the United States or of any State.

The conferees eliminated a provision under which evidence of past investigations made of a person might be used as evidence to indicate the probable complicity of such person in acts of espionage or sabotage. It was the feeling of the conferees that the fact that a man has been investigated is not of itself any evidence that the man is guilty of anything at all. Specific evidence produced by a prior investigation would, of course, be admissible; but not the mere fact that an investigation has been made.

With respect to the matter of due process in proceedings before the board and in judicial review, the conference bill includes a number of changes, altogether representing substantially increased safeguards for any individual who might be subject to detention under this title.

The conferees have also written into the title a specific provision that nothing contained in the specific provisions for judicial review shall be construed to deprive any person of any relief to which he may be entitled under the Administrative Procedure Act.

The whole section respecting procedure before preliminary hearing examiners, in cases of persons apprehended under this title, was rewritten in conference; and Senators will find upon examination that the rewritten section in this regard gives such persons far more rights, and far more protection, than was given to persons apprehended or detained in connection with the relocation of Japanese during the recent war.

In total, Mr. President, the bill which the conferees have brought back to the Senate is a composite of all of the best thinking of both Houses of the Congress with respect to the ways and means for dealing with the problems of espionage and sabotage and subversives, and particularly the threat of the world Communist conspiracy, in all its phases.

This is a strong bill, there is no question about that.

This a thorough bill; it touches upon all angles of approach to the problem.

This is a tough bill; it does not stand for any nonsense from Communists. But it is a fair bill. It does not—and I should like to stress this, Mr. President, for what I am about to say is a refutation of charges which Communists and Communist sympathizers have hurled at this legislation before, and will hurl again—this is a fair bill; it does not contain any provisions which may properly be designated as thought police, it does not provide for guilt by association, it does not violate the constitutional guaranties of civil liberties.

Mr. President, this is a good bill. It is a bill which will help this Nation in its fight against world communism, by providing assistance in keeping subversives out, and by providing weapons for fighting them after they are here. I hope, Mr. President, that the Senate will speedily, and by an overwhelming vote, adopt this conference report.

Mr. President, let me now say just a word in conclusion. There is nothing more sacred in the world today than the Constitution of the United States. It is the foundation stone on which we rest. We had that in mind during all the hours the conferees worked. Today the Constitution of the United States is the hope of the world. It sometimes seems to me that there was something greater present than the minds of men when they formulated that sacred instrument, and for my part, and for the part of the conferees on both sides, no one would even tolerate approaching anything which we believed to infringe upon the rights guaranteed by the Constitution.

Mr. President, ours is a Government under law, and we had that in mind from beginning to end. The bill now presented to the Senate has within it the spirit of those who had in mind the thoughts which I have tried to express.

Mr. LEHMAN and Mr. HOLLAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nevada yield; and if so, to whom?

Mr. McCARRAN. I yield first to the Senator from New York.

Mr. LEHMAN. I do not wish to ask a question at this time. I should like to have the floor.

Mr. McCARRAN. Then I shall yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, before asking my question, I desire to compliment the senior Senator from Nevada for his persevering and unremitting, and I think highly conscientious and patriotic efforts, in behalf of the drafting of a strong and constitutional measure in this vital field.

At the same time I wish to compliment the Senator from South Dakota [Mr. MUNDT], the Senator from Michigan [Mr. FERGUSON], and the Senator from South Carolina [Mr. JOHNSTON]. It seems to me that the bill has all the aspects of a bipartisan, nonpartisan, truly American approach.

Mr. President, there are two questions only which I should like to address to the distinguished Senator from Nevada, if I may, relative to matters in which I was actively interested at the time the bill was being considered by the Senate. The Senator will recall that the Senator from Louisiana [Mr. ELLENDER] and the junior Senator from Florida joined in presenting for consideration of the Senate, and the Senate adopted as an amendment, a provision referred to generally in the debate as the anti-court-picketing provision. The Senator from Florida has not had the opportunity carefully to study the conference measure. Does it still retain that amendment?

Mr. McCARRAN. That provision is still in the conference bill.

Mr. HOLLAND. Was it subjected to any substantial change in conference?

Mr. McCARRAN. No; it was not subjected to any substantial change, but was subjected to careful scrutiny and careful thought.

Mr. HOLLAND. I thank the Senator. I wish to ask a second question. The Senator will recall that when the Senator from Illinois [Mr. LUCAS] offered an amendment, which was a part of the so-called Kilgore substitute, but was offered by the Senator from Illinois as an amendment to incorporate in the so-called McCarran bill the detention camp provisions of the so-called Kilgore amendment, the Senator from Florida advanced the suggestion that the Lucas proposal covered too great a territory, and offered an amendment which would have excluded those situations where an invasion was simply imminent, had not been accomplished, and also would have excluded the declaration by a joint resolution of Congress of a state of emergency in the absence of either declaration of war, invasion or insurrection or rebellion in aid of an enemy of the United States. The Senator from Florida recalls that in redrafting the Lucas amendment more carefully the Senator from Nevada [Mr. MCCARRAN] incorporated in his amendment, which became part of Senate bill, the identical wording suggested by the Senator from Florida.

The question is: Does the conference measure retain the larger wording that was included in the original Kilgore bill, or is it limited entirely to the three situations covered by the amendment of the Senator from Florida, that is the situations in which there is actual invasion, situations in which there is a declaration of war, situations in which there is insurrection and rebellion within our country in aid of an enemy of the United States?

Mr. McCARRAN. I may say that it includes the three provisions.

Mr. HOLLAND. And only those three?

Mr. McCARRAN. Invasion of the territory of the United States or its possessions, declaration of war by Congress, or insurrection within the United States in aid of a foreign enemy.

Mr. HOLLAND. It therefore eliminates the two items contained in the Kilgore substitute which at least, in the opinion of the Senator from Florida, would have made the measure unconstitutional?

Mr. McCARRAN. That is correct.

Mr. HOLLAND. I thank the Senator.

Mr. GRAHAM. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nevada yield; and if so, to whom?

Mr. McCARRAN. I yield to the Senator from North Carolina. I hope the Senator from New York will pardon me.

Mr. LEHMAN. I can wait.

Mr. GRAHAM. I should like to say to the Senator from New York that I am not going to make a speech. I simply wish to ask some questions for clarification.

Mr. LEHMAN. So far as I am concerned, we have plenty of time.

Mr. GRAHAM. I know how thoroughly familiar the Senator from Nevada is with the contents of the report. I notice the Senator said that there is no effort, by the conference bill, to control thought. I call attention to the language on page 5, section 3, subparagraph (13). I have not had a chance to read the report thoroughly, but I wish to ask two or three questions.

According to section 3, paragraph (13)—

> The term "advocates" includes advises, recommends, furthers by overt act—

And then adds these four words—

> and admits belief in.

That is, the term "advocates" includes "admits belief in." Is that not getting into the area of thought?

Mr. McCARRAN. No. That of itself is an overt act. If a person admits belief in, that is an overt act.

Mr. GRAHAM. That is, if he just admits he has the idea?

Mr. McCARRAN. If he admits belief in the doctrine. If he admits it, then he advocates it.

Mr. GRAHAM. What I am getting at is he admits he has the idea. The question just asked by me dealt with the language on page 5, in section 3, paragraph (13).

I now refer to page 21, section 21. House bill 4703, passed by the House, and Senate bill 595, the companion bill, included not only subsections (a) and (b), but also a subsection (c) which would give the power to the President to designate other defense areas from which could be excluded dangerous persons. Subparagraph (c) is not included in the pending conference report.

Mr. McCARRAN. It is not.

Mr. GRAHAM. I thought that subparagraph as contained in S. 595 was an important provision with respect to security. Why was not subsection (c) included?

Mr. McCARRAN. We thought it too great a power to be in the hands of one individual.

Mr. GRAHAM. It was considered to be too great a power to give to the President even for purposes of security?

Mr. McCARRAN. Yes.

Mr. GRAHAM. Next I refer to section 22, subsection (2) on the same page. It would exclude from the United States—

> (2) Aliens who, at any time, shall be or shall have been members of any of the following classes—

And so forth. Suppose a person who had been a Communist had had a real sincere conversion; perhaps he had been in the diplomatic service of the Soviet Union, and he wanted to seek asylum in the United States. It seems to me the security officers of the United States would like, for purposes of information, for example, to let him in. I am thinking of men like Kravchenko, who wrote I Chose Freedom.

Mr. McCARRAN. I think I anticipate the Senator's question. Let me say that under existing law the Attorney General can admit such an individual.

Mr. GRAHAM. It takes from the Secretary of State the discretion which he formerly had. Does it not also take from the Attorney General his discretion?

Mr. McCARRAN. No. The existing law leaves it in the Attorney General's jurisdiction.

Mr. GRAHAM. I have read the report hurriedly since I received it only a little while ago. It seems to me that it not only takes such a matter out of the hands of the Secretary of State to give his approval, but also takes the discretion away from the Attorney General who might very much wish to have such a person come here.

Mr. McCARRAN. No; he can admit him unless he finds that the admission of the individual would endanger the security of the United States.

Mr. GRAHAM. A hasty reading of the report did not indicate that to me.

On page 29, section 25, we find the following:

> SEC. 305. (a) No person shall hereafter be naturalized as a citizen of the United States—
>
> * * * * * *
>
> (5) who writes or publishes or causes to be written or published, or who knowingly circulates, distributes, prints, or displays, or knowingly causes to be circulated, distributed, printed, published, or displayed—

And I may paraphrase from there on "books which contain the ideas of, let us say, Marx, Engels, or Lenin, or others."

Mr. McCARRAN. Let me say to the Senator that all of subsection (5), except that which is under (v), the last four lines of the paragraph, is the present law on the statute books today, and has been for a long time.

Mr. GRAHAM. Does the Senator mean to say that an anti-Communist who was a printer in a publishing house in London, which publishes Marx' books, let us say, could not be naturalized as a citizen of the United States because he

was affiliated with a company which published those books?

Mr. McCARRAN. Since 1917 that has been the law, and it is the law now. All except the language under (v), the last four lines of the paragraph.

Mr. GRAHAM. Well, I think that is a bad law.

Mr. O'CONOR. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield to the Senator from Maryland for a question, and I apologize again to the Senator from New York.

Mr. LEHMAN. The Senator need not apologize.

Mr. O'CONOR. May I ask the Senator a question which I think might serve to clarify one phase of the matter brought up by the junior Senator from North Carolina? He referred to the fact that the conference report does not disclose any change with reference to the presently existing provision permitting the Attorney General to allow to come into the country persons who may fall into these categories. Is it not a fact that that provision of law was not subjected to any change, and therefore remains on the books hereafter as it was before, so that the Senator will not find it in the conference report, but that that discretion will still remain in the Attorney General?

Mr. McCARRAN. The Senator is correct. I may say that we brought that very thing up in the Committee on the Judiciary.

Mr. GRAHAM. Mr. President, one more question. Will the Senator yield?

Mr. McCARRAN. I yield.

Mr. GRAHAM. I next refer to section 25 (5) on page 29. This provision could exclude most desirable aliens as future citizens. Suppose a youth today of the caliber of Benjamin Franklin was a printer in a London publishing house, and suppose that publishing house publishes books with which we do not agree, such as the works of Karl Marx, Engels, and so forth. Nevertheless, libraries, colleges, and universities have stood on the principle that such books should be available to be studied and to be compared. How else can we find out what is good, if we cannot compare the good with the bad or with the unsound?

I am afraid that if we say we are going to keep out a man who had been a printer who worked in an English publishing house publishing Communist or Socialist books, the next move would be to keep out the books themselves. This provision would exclude the man even though he were anti-Communist.

Mr. McCARRAN. The Senator is talking about the present law, which has been the law since 1917. It relates to one "who knowingly prints and circulates." That is the present law. If the Senator does not like the law, I suggest that the only cure would be an amendment to that law.

Mr. GRAHAM. I think it is a bad law. I cannot vote for the reenactment of such a law as proposed in the conference report.

Mr. McCARRAN. Mr. President, I now yield the floor.

Mr. LEHMAN. Mr. President, I am opposed to the conference report on the so-called internal security bill. I am opposed to it because I think major portions of this measure will harm and prejudice our internal security. I think this measure, if it were to become law—and I hope with all my heart that it does not—will do more to advance the cause of the Communists in this country than any other single thing we, or even Moscow, could do.

There are some good parts in this measure. They are the parts recommended by the FBI, the Department of Justice, the intelligence agencies of the armed services, and by the President. Those parts were included in the administration's first internal security bill, Senate bill 4061, and subsequently in the Kilgore bill, Senate bill 4130. I cosponsored and supported both those bills. The conference report also includes a version of the spy and saboteur detention bill, which I helped to write and which I supported, and which was also included in the Kilgore bill, Senate bill 4130.

But the inclusion of these good and necessary provisions in the conference report, in this revised version of the Mundt-Ferguson and the McCarran omnibus bills, does not cure and does not even mitigate the essential and overriding evils inherent in the McCarran and Mundt-Ferguson bills which are included in this conference measure.

That legislation will do much more harm in promoting subversive and harmful activities of Communists in this country—and abroad—than all the good the other provisions of this conference report can possibly do.

I say that this proposed legislation will inevitably drive the Communists underground. I do not see how this can be contradicted. Real and dangerous Communists simply will not register. True, they will be violating the law. But it will be necessary not only to catch, but to convict, them of failing to register.

It will have to be proven that they are Communists. It will be necessary to prove in courts of law that these individuals are Communists. That will force the FBI to disclose all its agents and sources of information within the Communist Party. The legal processes will take years. Meanwhile, the avowed and open Communists will be thriving on the martyrdom which they love, while the really dangerous subversives will be doing their dangerous and deadly work behind the cover of all the confusion and uproar which the enforcement of this law will bring about.

In the process, hundreds of innocent persons will be charged with being Communists because this ill-conceived legislation makes definitions and criteria of Communist and Communist-fronts which are so broad that they can include almost every liberal in America. They can include labor organizations, church groups, social welfare groups, and even fraternal groups. The innocents will be the only ones to suffer. The real Communists will thrive and multiply.

As was pointed out in the debate, nothing we can do will prevent the Communist leaders from filing registration lists padded with the names of hundreds of patriotic Americans—liberals—whom the Communists regard as their worst and most deadly enemies, and whom the Communists would be glad to have thrown to the lions of public hysteria, because the men and women whom the Communists here and abroad fear the most are the real and the sincere liberals.

Mr. President, I shall not long persist in these arguments. These points were all made last week when the Senate approved this maladroit legislation. I hope that the Senate and the country will shortly come to realize that this is pro-Communist rather than anti-Communist legislation. It is dangerous legislation. Although there were only seven of us who voted against the McCarran bill last week, we are far from alone in our sentiments. The great mass of thinking men and women in this country are not joined in the current hue and cry.

Many great patriotic organizations in this country and patriotic leaders of thought are deeply convinced, as I am, that the preponderant vote of the Senate was against the public interest and was against the best interests of our country.

I should like to quote from a telegram I received from Mr. William Green, president of the American Federation of Labor, who is acknowledged by all of us here to be as fine and as upstanding an American as any man in this great country of ours. Mr. Green, in his wisdom gained through years of struggle and participation in the public affairs of this Nation, telegraphed to me, in part, as follows:

> The officers and members of the American Federation of Labor are opposed to S. 4037 (the McCarran bill), our opposition is based upon two facts. First, if said measures become law it would serve to drive Communists underground and make it more difficult to deal with them. Second, interpretation of these measures by the courts may provide that free democratic labor organizations such as the American Federation of Labor would be subjected to some of the provisions of these acts. Because of these implications we call upon our friends in Congress to vote against the adoption of these measures.

I have received a letter on the same subject from Mr. Philip Murray, president of the CIO. The same characterization I applied to Mr. Green can be applied with equal force to Mr. Murray. There is no more God-fearing, America-loving individual in the public eye than Mr. Murray. He is fresh from brilliant and successful battles in ridding his own great union of the Communist vermin. I quote from his letter to me:

> In reading your speech against this ill-considered bill, I was deeply impressed with the dangers it carries for liberal and labor organizations, under the guise of allegedly regulating subversive activities. With deep insight into the probable working of this proposed statute, you and six of your senatorial colleagues acted in statesmanlike manner in casting your votes against a pernicious series of proposals which threaten so many of our traditional American civil liberties.

Finally, Mr. President, I quote from an editorial which appeared in this morning's Washington Post, a newspaper pub-

lished in this great Capital, and one of the great independent newspapers of America. The Washington Post wrote:

The difficulty of the President's choice stems only in part from the fact that he must veto the entire Internal Security Act if he wishes to keep the Wood bill from becoming law. The difficulty is compounded by the fact that most of his own supporters on Capitol Hill voted for the omnibus legislation in the final showdown. No doubt it would be embarrassing to him as well as to them if he should publicly dissociate himself from their decision. Moreover, any temperance or rationality in dealing with the Communists is considered politically disastrous today.

Nevertheless, it is precisely in such a situation that a Presidential veto serves its most significant constitutional function. The bill passed so overwhelmingly by Congress is panic legislation. It contains features of which this country will be ashamed when sobriety returns. The prestige of the President's office ought to be interposed in an effort to stem the panic, even if the effort now seems a hopeless one and overriding of the veto is considered inescapable. For the sake of the historical record, if for no other reason, the President of the United States ought to register his opposition to an act which flouts the Nation's best traditions. And perhaps it is not too much to hope that leadership of this sort will inspire the palsied Members of the Senate who saddled the President with this painful responsibility. Courage, no less than panic, can be contagious.

Mr. President, I ask the unanimous consent of the Senate to insert the full text of this editorial in the body of my remarks at this point.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Without objection, it is so ordered.

The editorial is as follows:

HARD CHOICE

The internal security bill agreed upon by House and Senate conferees will impose upon the President a most difficult duty. It contains provisions which he specifically asked Congress to adopt and which are needed to protect the country from the danger of espionage and sabotage. It contains drastic provisions for the internment of dangerously disloyal persons in case of war, insurrection or invasion—provisions which the President did not think it necessary to request but which might well seem acceptable to him. And it contains the substance of the Wood bill which, when it was adopted by the House as a separate measure a fortnight ago, the President said he would veto. The Wood bill has not been made any less objectionable by virtue of being packaged with other more reasonable measures.

The difficulty of the President's choice stems only in part from the fact that he must veto the entire internal security act if he wishes to keep the Wood bill from becoming law. The difficulty is compounded by the fact that most of his own supporters on Capitol Hill voted for the omnibus legislation in the final showdown. No doubt it would be embarrassing to him as well as to them if he should publicly dissociate himself from their decision. Moreover, any temperance or rationality in dealing with the Communists is considered politically disastrous today.

Nevertheless, it is precisely in such a situation that a presidential veto serves its most significant constitutional function. The bill passed so overwhelmingly by Congress is panic legislation. It contains features of which this country will be ashamed when sobriety returns. The prestige of the President's office ought to be interposed in an effort to stem the panic—even if the effort now seems a hopeless one and overriding of the veto is considered inescapable. For the sake of the historical record, if for no other reason, the President of the United States ought to register his opposition to an act which flouts the Nation's best traditions. And perhaps it is not too much to hope that leadership of this sort will inspire the palsied Members of the Senate who saddled the President with this painful responsibility. Courage, no less than panic, can be contagious.

Mr. LEHMAN. There have also appeared in recent days editorials in the Christian Science Monitor, the St. Louis Globe Democrat, and the St. Louis Post Dispatch, all urging the setting aside of this legislation. I ask unanimous consent that the editorials from these newspapers on this subject be printed in the body of the CONGRESSIONAL RECORD at this point in my remarks.

There being no objections, the three editorials were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor of September 15, 1950]

NO JOB FOR AMATEURS

We would stake a good deal on an assertion that everybody in the United States, from archconservatives in both major parties clear through the ranks of the Socialists would heartily support legislation which would thoroughly dispose of the actual menace in domestic communism.

The Kilgore portion of what has come to be known as the McCarran bill aims at the core of the danger. In event of declaration of war or imminent invasion, foreign-inspired insurrection, or other circumstances declared a national emergency by Congress and the President, it would empower the Government to round up and intern all foreign agents, saboteurs, spies, and members of the Communist Party. It also would protect and facilitate the individual's right to judicial review.

The trouble is Congress seems likely either to drop the Kilgore sections or to lump them with provisions which threaten not only to smother freedom of opinion and to harm many sincere and loyal people, but also actually to hamper apprehension of the real subversives. And the President will have no choice but to sign or veto in toto what comes to him.

This newspaper already has pointed out how the arbitrary power to declare any group subversive and compel it to label everything it says or prints "Communist front" could be turned to choke off any reform at the moment unpopular or misunderstood.

Of more immediate concern is the prospect of swamping the FBI with the task of seeing to it that every one of some 60,000 Communists registers, and that the roster of every alleged "front" organization is complete and correct. The dangerous spies and saboteurs won't register. In fact, not many take the risk of tying up with suspect organizations. The few that have would go underground while the FBI ferrets out political ideologists whose attempts to persuade Americans already have failed dismally.

As we have remarked before: We don't like rats around the national farmstead. But we are chary of amateur "exterminators" who propose a little poison for the general water supply—especially when even that wouldn't get many rats.

[From the St. Louis Globe-Democrat of September 9, 1950]

TO COMBAT THE RED MENACE

The Communist menace in the United States is real—and ominous. Make no mistake about that. J. Edgar Hoover has told the Senate that at least 12,000 of the most dangerous Reds are known to the FBI. More than 400 of them live in Missouri, largely in the St. Louis area. They are as real a threat to this Nation's security as the Reds we are fighting in Korea. The problem is no longer whether we are threatened from within, but how best to protect ourselves against espionage, sabotage and other subversive acts.

There is no disagreement in Washington as to the blunt fact that we need to strengthen our security laws. The difference of opinion arises over the most effective method of achieving security. The Senate is considering the McCarran bill, which among other provisions would require all Communists and Red front organizations to register. President Truman has announced that he will not sign the measure if it is approved by the Senate. The House has already passed it.

Mr. Truman has his own program for tightening up our security. He has asked for an additional $6,000,000 for the FBI, to enable it, in Mr. Hoover's phrase to "put the Communists to bed and get them up in the morning." The President urges that the statute of limitations be extended for peacetime espionage beyond 3 years; that persons receiving instructions regarding subversive activities from a foreign government be required to register, and that the Attorney General be permitted to supervise aliens subject to deportation and to require them to report at regular intervals.

The bill would make it a crime for a Communist, or a member of a Communist-front organization to hold a position in the Federal Government or a defense set-up. The measure provides stiff penalties for a Government employee who gives Government secrets to a foreign agent and for a foreign agent found guilty of attempting to secure such information. The statute of limitations would be extended by the bill to 10 years.

Neither the President, nor the American people would quarrel with these new teeth in the security laws. But the provision for the registration of Reds is unsound.

To attempt to control communism in this country by registration is as futile as was the attempt to enforce prohibition. It would inevitably drive the Reds farther underground make more difficult the task of keeping them under surveillance, and saddle the Department of Justice with an impossible enforcement burden, as Attorney General McGrath has pointed out.

More dangerous, perhaps, it might easily lull this country into a false sense of security, by the assumption that once the Reds are registered we could relax. There is also the grave temptation to yield to a Nation-wide witch hunt which could do the cause of democracy immeasurable harm at home and abroad.

The President has wisely warned against a wave of hysteria. Registration of Communists is as unwise as the proposal to outlaw the Communist Party in this country.

History is replete with reminders of the futility of outlawing an idea. Laws and the courts can deal with individuals who violate our security, as recent Communist convictions have demonstrated. Legislation has never had effective jurisdiction over people's minds.

On this point the President's words deserve repetition. "Once a government is committed to the principle of silencing the opposition," he said in his message to Congress, "it has only one way to go, and that is down the path of increasingly repressive measures until it becomes a source of terror to all of its citizens, and creates a country in which everyone lives in fear. * * * It would be tragic if we were to frighten ourselves into destroying those very liberties which are the basis for our moral leadership in the struggle for peace."

It is now apparent that if Congress is to provide the safeguards our security demands, it must modify the McCarran bill. Mr. Truman has served notice he will veto any legislation which contains these registration provisions, and with Congress straining at the bit to go home, there will be no second chance to revise the measure.

It is in the interest of our national security that Senate sponsors of the bill yield on this point and eliminate the registration requirements.

[From the St. Louis Post-Dispatch of September 13, 1950]

MCCARTHYISM PAYS OFF

A sad measure of our times is the vote in the Senate on the catch-all bill of Senator MCCARRAN to regulate so-called subversives. Ostensibly, the Nevadan's omnibus measure is to make it more difficult for Communists to operate. Actually, his bill falls short in important respects and goes much too far in others.

Yet when the roll was called on final passage only seven Senators voted "no." They were: GRAHAM, of North Carolina; GREEN, of Rhode Island; KEFAUVER, of Tennessee; LEAHY, of Rhode Island; LEHMAN, of New York; MURRAY, of Montana; and TAYLOR, of Idaho.

In a sense those who stood up against the 70 "aye" votes were even fewer than 7, since 3 of them will not be in the Senate next year. GRAHAM, of North Carolina, was defeated for nomination to succeed himself. TAYLOR, of Idaho, finished second in a primary race. LEAHY, of Rhode Island, is an appointed Senator who retires when a successor is elected in November. The only Senator with the standfast courage to oppose the bill who must face the voters this fall is LEHMAN, of New York. Considering how much is at stake for him, he deserves a special salute for standing firm against the stampede.

To their credit Senators like Illinois' LUCAS and DOUGLAS, Oregon's MORSE, Minnesota's HUMPHREY, West Virginia's KILGORE, and Connecticut's BENTON tried valiantly to beat back the McCarran bill's registration provisions with a substitute providing for incarceration of Communists in the event of war or national emergency. But even that was in itself a measure of our hysteria since it borrowed the technique which General De Witt used against the Americans of Japanese descent after Pearl Harbor. In the end, these Senators found the cause hopeless and voted for passage.

The case against the McCarran bill has been stated on this page more than once. The bill seeks to punish people for what they think and for their associations. It is couched in vague terms which would jeopardize the rights of all. Indeed, it could even help the Communists by confusing them with some thoroughly loyal citizens.

How could a bill which can so easily lead to the smearing of innocent persons and of patriotic organizations be passed by a vote so overwhelming?

The answer is November 7. Many administration Senators who are up for election are afraid to go before the people with a vote against the McCarran-Mundt-Ferguson-Wood round-up in their record. Dixiecrats and old guard Republicans are glad to put the President in a hole by dumping this bill on his desk.

Mr. Truman has said that he will veto the McCarran bill. If he does so in the face of this vote, it will be perhaps the single most courageous political act of his official life. Yet unless he does veto it and is thereafter sustained by Congress, the United States will dangerously restrict its own liberty at the very time it fights for freedom in Korea. It will have handed an awesome propaganda weapon to the Kremlin.

The Post-Dispatch believes that many Senators must already be unhappy about their votes in favor of this repressive, thought-controlling bill. Again a salute to those who did not yield. They have the great satisfaction of clear consciences. When the chips were down, they did not give in to McCarthyism.

Mr. LEHMAN. Mr. President, there are many other editorials which I have seen but which I do not have at hand, or which have already appeared in the CONGRESSIONAL RECORD. I refer to such newspapers as the New York Times, the New York Herald Tribune, the Providence Journal, the Newark Evening Ledger, the Boston Herald, the Boston Traveller, the Toledo Blade, the St. Louis Star-Times, and the Chicago Daily News.

Mr. President, are these newspapers unmindful of the Communist threat? Do these newspapers wish to give comfort to communism in America? Do these newspapers wish to leave unprotected the internal security of America? No, Mr. President, a thousand times no. These newspapers take the same position as I do. These newspapers wish to see a strong, a defended, a secure America, but they also wish to see preserved a great, fearless and free America.

Mr. President, I have received letters of high praise on my stand on this legislation. I have also received letters of violent censure. I have no illusions about the effects of my actions in this matter on my political fortunes. But I can assure the Senate that I have slept easier, my mind has been freer, and my conscience has been at rest since I cast my vote. I am proud of that vote. I shall be proud to vote today against this conference report. I hope that many others will join us in this stand.

PRESTON L. WATSON—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a conference report on the bill (H. R. 1056) for the relief of Preston L. Watson as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. CHAPMAN in the chair). The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1056) for the relief of Preston L. Watson as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the text of the bill, and agree to the same with amendments as follows: On page 1, line 4, after the word "claim", insert "with such interest as the court may determine,"; on page 2, line 10, after the word "waive", insert "the defense of lack of authority of the Department of Justice or its officers in making said agreement and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

WARREN G. MAGNUSON,
FRANK P. GRAHAM,
Managers on the Part of the Senate.
WILLIAM T. BYRNE,
THOMAS J. LANE,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

Mr. WHERRY. Mr. President, will the Senator state briefly what is involved?

Mr. MAGNUSON. This is a bill which allows the heirs of Preston L. Watson to go into the Court of Claims. The Senate did not include in the bill a provision which is usually included, to the effect that should recovery be had in the Court of Claims interest could be allowed. The House inserted an amendment to that effect.

Mr. WHERRY. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

ORDER FOR RECESS

Mr. LUCAS. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in recess until 12 o'clock noon tomorrow, Thursday, September 21, 1950.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL HOUSE BILLS REFERRED

The following additional bills were each read twice by their titles, and referred to the Committee on Rules and Administration:

H. R. 9399. An act to provide a more effective method of delivering applications for absentee ballots to servicemen and certain other persons; and

H. R. 9455. An act to amend the act of September 16, 1942, as amended, so as to facilitate voting by members of the Armed Forces, and certain others, absent from their places of residence.

PROTECTION AGAINST UN-AMERICAN AND SUBVERSIVE ACTIVITIES

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes.

Mr. KEFAUVER obtained the floor.

Mr. FERGUSON rose.

Mr. KEFAUVER. Does the Senator from Michigan wish me to yield?

Mr. FERGUSON. I shall want the floor a little later. I may reply. I do not think generalities should stand on the record without being answered by those who are members of the conference.

Mr. KEFAUVER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEFAUVER. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded and that further proceedings under the call be suspended.

The PRESIDING OFFICER (Mr. CHAPMAN in the chair). Without objection, it is so ordered.

Mr. KEFAUVER. Mr. President, I realize the futility of discussion of this conference report and the fact that most Members of the Senate have made up their minds about this matter at the present time. I did feel, however, that before the measure was sent to the President for his action, and while it was still before the Senate for consideration, at least some time should be taken in pointing out to the Members of the Senate and to the public in general just what sort of bill it is we are being asked to pass today and what its implications and meanings are.

Mr. President, so far as the conference report itself is concerned, I received a copy of it only a few moments ago. It is very much like what was passed by the Senate on Tuesday of last week. Among the few exceptions perhaps the principal one is the so-called detention section. Under this provision the Department of Justice may pick up and detain a person as to whom they think there is reasonable ground to believe such person will probably engage in espionage or sabotage, or in other words that he is dangerous to the national security in time of war, insurrection, or invasion. Instead of making it a temporary provision, to take care of an emergency situation for 3 years, however, under the terms of the conference report the provision is made permanent legislation.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. WILEY. Is there any evidence to indicate that the Communist movement in its penetration of all the sectors of the earth is but a temporary condition?

Mr. KEFAUVER. I will say to the Senator from Wisconsin that I hope it is a temporary condition. I feel that we will be strong by being free and by trying to get other nations in the world to work for and fight for the liberties which have made America great. Then we have an opportunity some time in the future of subduing and defeating the Communist movement.

I will say to my dear friend, the Senator from Wisconsin, that we will never defeat and destroy the Communist movement by adopting totalitarian methods of our own. Giving up the precious liberties, which we have fought so hard to obtain, will not persuade the neutral people of the world that they should come to our side instead of going over to the other side.

In any event, I say to the Senator that 3 years would give the Congress of the United States an opportunity to examine into the matter further and to observe the operation of the law in that period and in the light of conditions that may then exist. I think the Kilgore provision with respect to detention—and I was one of the sponsors of the Kilgore bill—would be a far better provision at this time. I should hate to think, as apparently some Members of the Senate think, that we shall be confronted with this situation for eternity. Therefore I think the bill is made worse by the fact that that 3-year limitation was stricken out in conference. We knew we were dealing with new legislative authority for emergency detention, and we who originally sponsored the bill felt it essential to require congressional review and action if its provisions were to endure beyond the period of 3 years.

Mr. WILEY. Mr. President, will the Senator yield further?

Mr. KEFAUVER. Yes.

Mr. WILEY. As I understand the distinguished Senator from Tennessee, he is of the opinion that because the bill would become permanent legislation instead of having a terminal date of 3 years that of itself is a serious detriment to the bill? In other words the absence of the 3-year termination date makes it a bad bill?

Mr. KEFAUVER. No; I do not say that this change alone makes it a bad bill. However, there has been a great deal of controversy about the whole matter. The authors of the conference report apparently have tried to go both ways. They tried to preserve the due process of law as provided in the fifth and sixth amendments of the Constitution, saying that the writ of habeas corpus is not suspended, and then in effect say that this legislation which may seriously restrict the operation of the writ of habeas corpus shall be a permanent addition to our basic law. Therefore there is a great deal of added difficulty about the detention section as written into the present bill, which will require a good deal of working over.

I do think it would be greatly in the public interest if the provision could have contained a termination date of 3 years, at which time we could review the law in the light of conditions existing at that time. That could be done after experience with constitutional interpretations and decisions as to whether the law can be set aside under conditions such as exist now.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. KEFAUVER. I cannot yield until I have answered the Senator's question. As Senators know, the Constitution, in article I, section 9, provides:

> The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require.

Whether under the provisions of this bill the writ of habeas corpus can be suspended is a very close question. If the writ of habeas corpus cannot be suspended or restricted in its operation when other remedies are provided, it will be very hard to keep a person in confinement and give him due process under the fifth and sixth amendments at the same time, namely, a speedy trial, the right to be confronted with persons who are to testify against him, and so forth. Therefore I think it would have been much better, and the bill would have been stronger if the 3-year termination had been left in it. I yield further to the Senator from Wisconsin.

Mr. WILEY. Is that the alternative? In other words, the objections which the Senator has mentioned would be cured if a 3-year terminal date were inserted?

Mr. KEFAUVER. No; that is only one of my objections. I will say that if the Senator will listen to what I have to say on the subject I shall try to tell him some of the other objections I have to the bill.

Mr. WILEY. If the Senator will yield further I should like to make an observation.

Mr. KEFAUVER. I was merely trying to explain to the Senate the differences between the bill as it passed the Senate and the conference report. That was my only purpose.

Mr. WILEY. If the Senator will yield, I should like to make one comment. The distinguished Senator is chairman of the Special Committee to Investigate Organized Crime in Interstate Commerce. I am a member of the committee. We are investigating what we call interstate crime, particularly relating to gambling. We are so concerned with gambling that we reach out and subpena people and pull them across the borders of States. We reach half way across the Nation. Some of us have become quite concerned with what we call the penetration and infiltration of the Marxist doctrine. We have seen nations taken over and millions of people become slaves. Having seen that happen we sense in it a tremendous danger to the liberties of our country.

The committee has gone over the antisubversive bill very conscientiously. Yet we hear on the floor of the Senate generalities expressed which criticize the bill as it is now before us. The main point of the argument seems to be that the safety and liberty of the people affected should be preserved. In my opinion there is much talk beside the point. It seems to me that we should provide a fire department, because we think it is imperatively necessary now to stop the conflagration from spreading to America. I think this bill is such a measure. If there is any alternative we should consider it. However, we have considered all alternatives, and under the direction of the distinguished chairman of the Committee on the Judiciary we went over them line by line, paragraph by paragraph. We had the judgment of the best lawyers in America. Are we to disregard that judgment, and perhaps postpone action? Are we to have no weapon to meet the situation? Having said that, sir, I thank the Senator.

Mr. KEFAUVER. I hope the Senator will remain to hear what I have to say about other specific, definite objections I have to the bill.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I wish first to make a short reply to the Senator from Wisconsin. In connection with the Senator's remarks, I hope he will believe me when I say that no one in the United States Senate is more anxious than the junior Senator from Tennessee to protect the Government of the United States from the dangers of Communists, spies, saboteurs, and fifth columnists. He recognizes that they threaten the security of the United States, that they

have created grave problems to be dealt with.

I think the Congress owes it to itself and to the Nation to pass the best security legislation we can which will not infringe upon the constitutional liberties and rights that our forefathers fought so dearly to win. I will say further to the distinguished Senator from Wisconsin that as a matter of fact the parts of the bill that really do some good for the security of the Nation—and there are many parts to this bill—are not the provisions that were brought out by the Committee on the Judiciary after long consideration to which the Senator from Wisconsin has referred. The parts of the bill that have some teeth in them are the parts that provide for the detention of dangerous Communists, fifth columnists, spies, and saboteurs whenever we are at war or in case of invasion or insurrection.

As a matter of fact, the bill introduced by the distinguished Senator from West Virginia [Mr. KILGORE], and cosponsored by a number of us, contained stronger provisions for taking care of that sort of situation—the security of the United States—and I was of the opinion that that security was what we were considering. We should not be involved with thought control, ineffective or harmful registration, and this, that, and the other; we are concerned about the security of the United States.

The bill which the Senator from West Virginia [Mr. KILGORE] introduced, and for which many of us debated and worked and voted, contained real provisions and had real teeth in it. That was not adopted. As a matter of fact, the committee in accepting the bill submitted by the majority leader [Mr. LUCAS] greatly weakened the bill, and the conference committee did not do anything to put some teeth back into it. It was greatly weakened from its form as introduced by the distinguished Senator from West Virginia, and I will show the Senate why.

Section 102 of the Kilgore bill permitted the President to proclaim an internal security emergency in case of "imminent invasion" and in case of a declaration of an emergency by Congress, in addition to the other conditions kept in the bill—war, invasion, or insurrection.

That was, upon the request of the Senator from Nevada, and I think the Senator from Michigan [Mr. FERGUSON] and others, deleted when it was introduced as a supplement to the McCarran bill by the majority leader. But that would have given us now, if the Congress and the President adjudged a serious emergency to exist, a right to take into custody and to put into internment camps the dangerous fifth columnists and saboteurs in our Nation. Now that provision has been taken out, so that actually, by what has been done by the conference in not accepting the bill which would give the Nation some security at once, the security of the Nation has been weakened.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KEFAUVER. I cannot yield at this time.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. KEFAUVER. I might say that the provision for immediate detention in the event of a great national security emergency would not be sufficient to deny his rights to due process under the fifth and sixth amendments to anyone charged with possible espionage or sabotage. It was on that theory, however, I think, that it was claimed that that section would not be constitutional.

Consequently I rewrote that section and incorporated it in a new bill—S. 4163—which would comprise all of the really effective provisions for national security now before the Senate. I thereupon introduced the bill last Friday.

I wanted to get this introduced so that its germane provisions could have a great deal of consideration by the conference committee. The question was brought out in another form in this new draft, and in order to get the issue before the conference and the House and the Senate, I introduced this other bill, Senate bill 4163, on Monday. I hoped it might be considered by the conference committee and by the Congress. It contained terms which I think would meet the constitutional test and which would immediately put into effect classification 4 of the Kilgore bill, whereby the individuals referred to could have been interned at the present time if the Congress had adopted this section, and the President had said that the national security required it.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. KEFAUVER. In a moment. On page 8 of Senate bill 4163—and this is one of the reasons why I think this whole matter should be considered 3 years from now again—under section 2, subsection (b), it is stated, paraphrasing, that whenever it is determined by the United Nations, or by the United Nations Security Council, that a nation or nations are guilty of unprovoked aggression in violation of the Charter of the United Nations, and the Armed Forces of the United States are engaged in hostilities in behalf of the United Nations, in that event such unprovoked aggression shall be considered, for the purposes of this act, as levying war against or adhering to the enemies of the United States, giving them aid and comfort.

I think such a provision would have enabled us to sustain the validity of emergency detention and the consequent restrictions upon the writ of habeas corpus in a situation of that kind. Also it would have put into effect immediately the laws against treason. There is nothing about the laws against treason included in the measure we have before us, because article III, section 3, of the Constitution, provides that treason against the United States "shall consist only in levying war against them, or, in adhering to their enemies, giving them aid and comfort." There is not any declaration in the bill we have before us which would justify putting into operation the laws against treason.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. KEFAUVER. If this amendment had been adopted, there would have been substantial, immediate protections against treason, espionage, and sabotage.

I am going to yield to the Senator from West Virginia for 2 or 3 minutes.

Mr. KILGORE. Mr. President, the question I want to ask is this: The statement was made in a letter from John W. Davis that the bill originally proposed was unconstitutional. That letter has never been introduced into the RECORD. I think it should be, and I ask the Presiding Officer to request the chairman of the Committee on the Judiciary to introduce that letter in the RECORD, because in that letter Mr. Davis says it might be constitutional to do various things.

There is another point I want to raise, namely, that the current bill before the Senate is not the bill passed and approved by the Committee on the Judiciary of the Senate—over my objection, I may say—or the bill approved by the House, but an entirely different bill which in itself repeals the Smith law and various other internal-security measures which we now have on the statute books.

I wish to ask the distinguished Senator from Tennessee whether we are seeking to take punitive action against Communists, or are we seeking to preserve the internal security of the United States? I believe that is a proper question to ask anyone, and I ask the Senator from Tennessee whether he would approve this body incorporating internal security legislation, or purely punitive legislation, against a group of which we may not approve. I remember the APA——

Mr. KEFAUVER. Mr. President, will the Senator permit me to answer his question? He is going to ask another question, and before he does I should like to answer the first one.

The Senator asked me whether the purpose was to try to give the United States security, or whether we are going to embark upon some effort to enforce thought control. I will say that if the purpose of Congress was to give the Nation security against fifth columnists, dangerous Communists, or saboteurs, so that they would not thwart our war effort and disrupt the Nation, then we should have adopted the Kilgore bill, because that included provisions for strengthening the laws against espionage and sabotage, as recommended by the President, and the important detention provisions which the McCarran bill and the Mundt-Ferguson bill did not include.

It was such a bill as that that should have been adopted. But rather than doing that, we have gotten into a situation which I am afraid is going to result in irreparable and permanent injury to the individual liberties of our people, which is going to result in enforcing conformative thought, which is going to reduce freedom of speech, and which is going to deter the press from stating its frank opinions.

I wish to say to the Senator from West Virginia that America has grown and become great and strong because we have had these constitutional rights, and this bill, in my opinion, is a step toward taking many of them away.

Mr. KERR. Mr. President, will the Senator yield?

Mr. KEFAUVER. I cannot yield until I finish answering this question.

The second part of the question was about Mr. John W. Davis' letter. I wish

to say frankly that every letter I have seen from Mr. Davis, and every statement I have seen from Charles Evans Hughes, Jr., who unfortunately passed away some time back, and from Seth Richardson, and former Attorney General Tom Clark, casts a great deal of doubt on the constitutionality of the McCarran bill. Naturally it casts a great deal of doubt on the constitutionality in view of the wide open so-called guide in the bill, which I shall discuss later, when read in conjunction with the case of Winters against New York, decided March 29, 1948, and reported in 388 United States Reports, at page 507. The Court said:

> There must be ascertainable standards of guilt. Men of common intelligence cannot be required to guess at the meaning of the enactment. The vagueness may be from uncertainty in regard to the persons within the scope of the act, * * * or in regard to the applicable tests to ascertain guilt.

What is going to happen, in my considered judgment, is that we are going to get some Communist or Communist-front people finally arrested, they are going to the Supreme Court, and because of the vagueness of the definition, or the guide set out in the bill, as analyzed in the letters and in the statements of all these distinguished attorneys, they are going to be let out by the Supreme Court. Then we are going to have the situation hung upon us which Mr. J. Edgar Hoover described and deplored before a House committee—we are going to make martyrs of a bunch of Communists, and give them the status of martyrs, although they are not entitled to such a role.

I hope the chairman of the Committee on the Judiciary will produce the letter.

Mr. KILGORE. Mr. President, will the Senator yield further?

Mr. KEFAUVER. I yield.

Mr. KILGORE. The Senator stopped me before I finished my last question, and I should like to complete it. The Senator is no doubt aware that we have an election this year, and I am wondering if it is advisable to run for membership in a body that might cease to exist if the things that are thought of in connection with this bill should occur.

Mr. KEFAUVER. I think it would be very unfortunate if they should occur.

Mr. KILGORE. Mr. President, the other question is this: Is it the opinion of the Senator that we should proceed with legislation seeking merely to punish a group of persons who may think adversely to us, and adversely to our ideas of government, or should it be advisable to follow the theory of safeguarding against the results of the activity of that type of people by enacting laws that would preserve the internal security of the United States against aggression from within and aggression from without, without adopting the idealistic theory that every dangerous person is going to come forward and say, "Yes, I am dangerous to the economy of this country."

Mr. KEFAUVER. In answer to that I can say, Mr. President, that America is never going to find security in suppression; America is never going to find any security in beating down ideas. America is going to find strength only in freemen who have the right to speak and think as they wish. In that connection, however distasteful some of the persons, who have strange ideas, or who are crackpots, or what not may be, I think in a free government a great deal of good has come from letting them pop off whenever they want to so long as they do not advocate the use of force and violence in an effort to destroy the Government.

In the city of Seattle, Wash., there is a square——

Mr. McCARRAN. Mr. President, will the Senator yield for a question

Mr. KEFAUVER. I should like to finish the sentence.

Mr. McCARRAN. Is there anything in the conference bill that prevents persons from popping off?

Mr. KEFAUVER. Yes, there is, and if the Senator will remain long enough I shall certainly show him. The Senator brought forth a bill which would even prevent anyone from proposing a constitutional amendment. That is how well the bill was prepared. Only after we had submitted that matter to him, and we had thought it over and had worked it out did the Senator finally agree to let the Constitution stand to the extent that here in the United States a person should have the right to advocate a constitutional amendment. If the Senator from Nevada had had his way no one could ever propose another constitutional amendment. Of course, the courts would strike down any such provision.

Mr. McCARRAN. Mr. President, in view of the fact that the Senator from Tennessee has referred to the Senator from Nevada, I wish to ask him a question. Does not the Senator know that no provision in any bill which I presented would at all interfere with the presentation of a resolution providing for a constitutional amendment? The bill did not include any such provision.

Mr. KEFAUVER. Then, if the Senator did not think it was necessary, why did he accept my amendment providing that section 4 (a) should not apply to the submission of a constitutional amendment? Does the Senator accept superfluous language that has no meaning? Of course section 4 (a) would prohibit the submission of any constitutional amendment.

Mr. O'CONOR. Mr. President, will the Senator yield so I may assist in clearing up a slight misunderstanding?

Mr. KEFAUVER. I yield.

Mr. O'CONOR. The Senator from West Virginia [Mr. KILGORE] has stated that the opinion of Mr. John W. Davis has not been produced.

Mr. KEFAUVER. I said a letter.

Mr. O'CONOR. A letter containing an opinion. I may say that the Committee on the Judiciary incorporated in its formal report to the Senate on S. 2311, the Mundt-Ferguson-Johnston bill, the entire letter from Mr. John W. Davis, and inserted in its report the entire text of Mr. Davis' opinion as contained in his letter. Subsequently, in the consideration of the McCarran bill that letter was again read into the record. So the entire text of it has been before the Senate on two or three occasions.

Mr. KEFAUVER. I do not know what opinions of Mr. John W. Davis have been placed in the record, but I certainly have here in my hand an opinion in which he says:

> I repeat, that unless these definitions have an ascertainable legal content their use throughout the remainder of the act must render it unenforceable.

I think there have been some changes from tweedledum to tweedledee.

Mr. O'CONOR. Can the Senator give the date of that letter?

Mr. KEFAUVER. The date does not appear on it. I think there have been some changes in the standards from tweedledum to tweedledee, but in my opinion, after having gone through the standards in the original bill, which almost everyone agreed were too vague to stand the test of constitutionality, I can see very little difference between the standards contained in the original bill and the McCarran bill of today. So, in my mind, Mr. Davis' opinion, and I think it means a great deal, as I read it, as well as the other opinions of other eminent lawyers, indicate that the bill is unconstitutional.

Mr. O'CONOR. Mr. President, I am quite certain the Senator from Tennessee is reading from the 1948 letter of Mr. Davis. The letter I refer to is the latest one from Mr. Davis, written this year. The opinion in the letter referred to by the Senator refers to an entirely different piece of legislation.

Mr. KEFAUVER. Mr. President, if the Senator from Maryland will point out any substantial difference between the language of the original bill which Mr. Davis says is unconstitutional and the language of the pending bill I might agree with him. The original bill was said by Mr. Davis to be unconstitutional. It has been changed a little bit. Now the lawyers are uncertain whether it is going to be sustained or not. That fact in itself is a demonstration of the danger of passing the bill.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. MAGNUSON. A great deal has been said in all the hearings and on the floor and in other discussions of the bill about taking away the constitutional rights, the civil liberties, of American citizens. I do not want to argue that point, but I wonder if the Senator will agree with me that it is not possible by a piece of legislation to take away any constitutional rights. The Constitution stands, does it not, in spite of any laws we may pass?

Mr. KEFAUVER. Nevertheless, over a period of many, many years rights can be suppressed.

Mr. MAGNUSON. No piece of legislation can change the Constitution.

Mr. KEFAUVER. That is correct.

Mr. MAGNUSON. And the rights we have under the Constitution are inalienable.

Mr. KEFAUVER. Of course, we hold up our hands and agree to support the Constitution. However much any one

of us might want to vote for an anti-Communist bill, because it is so labeled and because there is today a great popular wave in this country in favor of voting for any legislation designed to effectuate that purpose, however unconstitutional it may be, I think it is our duty to pass legislation which will be constitutional beyond doubt. That duty resides with us.

Mr. MAGNUSON. I do not disagree with the Senator at all.

Mr. KEFAUVER. While I am discussing the subject with the Senator from Washington I wish to refer to his State. I began to say something a few moments ago which I did not have an opportunity to finish. I said that neither America nor any other free nation can ever gain security by suppression. In Seattle, Wash., there is a square called, I believe, Victory Square. A very distinguished Federal judge, who came from the State of Tennessee, showed me Victory Square. We went there. Someone was making a crackpot speech. Six or eight people were listening to him. The judge said: "This is the best investment in democracy, liberty, and good government we have here, because it enables these people to get various matters off their chests. But," he said, "if you should suppress this man and prevent him from speaking in this facility provided for that purpose in the city of Seattle, instead of having an audience of 10 persons he would have an audience of 100 or a thousand, and that audience would pay some attention to what he was saying."

I wonder if the Senator from Washington has had much experience with such matters.

Mr. MAGNUSON. I have had a great deal of experience with them. When I was district attorney I received many complaints and many requests that we abolish our little Hyde Park in the city of Seattle, but we never did abolish it. We let anyone who wished to do so speak there. If I thought the bill would have the effect of preventing any such a thing, I would not be for it.

Mr. KEFAUVER. Then the Senator had better read the bill again, section 4 (a).

Mr. MAGNUSON. I lived with the bill for 6 months in the Committee on the Judiciary, as the Senator from Tennessee did. I lived with the original bill for another 6 months. There is a great difference of opinion respecting these matters, but I agree with the Senator from Maryland that the bill before us is much different than the one we had before us originally.

Mr. KEFAUVER. Yes; it is very different from the other. Some teeth have been added to the latter bill. The President's recommendation for strengthening the law against espionage and sabotage has been added. The provision dealing with that matter was submitted by the distinguished Senator from Washington. Most of the Kilgore bill, which had real teeth in it, to protect the national security, was added. But I will say that as to thought-control and registration and prosecution and the suppression of thinking of innocent people the pending bill is much the same as the original bill.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. LEHMAN. Not being a lawyer I am not in a position to discuss the fine constitutional questions, even though as Governor of New York for 10 years I probably have had the privilege of having signed more laws than any man in modern times. I do not attempt, however, to discuss constitutional questions. I can approach the subject only from the common-sense standpoint, as to how the bill affects the men and women of the country. As I understand—and the Senator will correct me if my question is not apposite—one of the criteria of a Communist-front organization is the degree of devotion, from the point of view of policy or position of the Communist Party. That is correct, is it not?

Mr. KEFAUVER. That is correct.

That is under the fourth subsection of section 13 (f).

Mr. LEHMAN. Yes.

Let us assume that an association of perfectly responsible, respectable persons, possibly including Members of the United States Senate, were organized with the specific and sole purpose of opposing the European recovery plan, the military aid program to our allies, and universal military training. Let us assume that some of our distinguished colleagues in the Senate belonged to the organization and were officers of it. I have heard many of my distinguished colleagues oppose those three proposals heart and soul. In doing so they were absolutely and complete following the Communist line, even though I absolve all of them of the slightest Communist sympathies or leanings. However, under those circumstances, why could not they be declared to be members of a Communish-front organization?

Mr. KEFAUVER. They could, and they could be required to register, and could be subjected to all the requirements of this measure on the ground that at least they belonged to a Communist-front organization.

Mr. LEHMAN. Yes.

Mr. KEFAUVER. I shall tell the Senate why that would be done. On page 4 of the conference report, in section 3, subsection (2), under the heading "Definitions," Senators will note the following:

> (2) The term "organization" means an organization, corporation, company, partnership, association, trust, foundation, or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together for joint action on any subject or subjects.

That means that such persons might today form, merely for a temporary purpose, not as a permanent organization, such a group or organization. Even if they were to form such an organization for only 1 day, and even though that organization might have only one purpose, in relation to one particular subject—which might be, for instance, opposition to the war in Korea—and even though a group of Senators might join together and state that they were opposed to the war in Korea, even though they were to form such a group or association for only that purpose, and for only 1 day, nevertheless, under the provisions of the conference report to be found on page 15, among the definitions and statements of standards and of what constitutes a Communist-front organization, we find—in subsection (f) of section 13, and in subsection (4) thereof—the following criterion:

> (4) the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2.

So if such persons were to organize for only 1 day, and if they were to oppose the Korean War or the Marshall plan, and did so as an organization, that organization could be brought before the Board and could be termed a Communist-front organization, and every member of the organization would have to register.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. I think the Senator from Tennessee is under a very great misapprehension, because he has indicated by his last statement that he thinks that solely by showing that the organization has been found wanting under the standard covered by subsection 4 of section 13 (f), that organization could be established as being a Communist-front organization, whereas if the Senator will read the conference report carefully, he will find that, in addition, the organization must have its practices measured against the standards outlined in subsections (1), (2), and (3), all of which go vastly further than subsection (4) and have to do with matters and activities which are Communist or Communist action.

Mr. KEFAUVER. I am very sorry to disagree with the distinguished Senator from Florida, but I think he is incorrect. Such organizations do not have to be guilty of all the things listed in the four subsections of section 13 (f). They might be guilty of only one of them, because subsection (f) says:

> In determining whether any organization is a Communist-front organization the Board shall take into consideration—

And then the four subsections are listed.

That language does not state that such an organization must be proven guilty of anything. The first three criteria may not apply in any respect; but a group of Senators might join together and might oppose the Marshall plan—and in that respect they would be following the Communist line; they would not be deviating from the Communist line one iota in doing so; and the Board would be perfectly within its rights in determining that although the other three criteria did not fit that organization yet the fourth criterion did fit it; and the Board would determine the organization to be a Communist-front organization.

I say that under this measure anyone who forms any organization for any purpose, anyone who wishes to have intellectual liberty, anyone who does not wish to have conformity of political purpose, anyone who wishes to protect free-

dom of speech and freedom of the press, had better watch out, because in this measure there are words and clauses which, in the hands of ruthless enforcement officers, or even in the hands of enforcement officers who might have the temperament which is found among many American people today, could strike down things for which America has stood, for which our country has fought many wars, and for which we are fighting today.

I know that the answer will be, "Well, you cannot assume that we are not going to have Attorneys General who will not be appreciative of individual liberties and who will not want to protect civil rights and who will not want to see that the rights of the people under the Constitution are protected."

However, Mr. President, after all, ours is a Government of laws, not a Government of men. Is the Congress going to pass a law for a particular purpose, whether good or bad—in this case, in an effort to strike a blow at Communists—simply on the statement that it is assumed that such a law will be enforced by liberal enforcement officers?

In World War I, we had laws by which persons were put in concentration camps. We have had ruthless enforcement officers. We have had many law-enforcement officers who acted in accordance with the clamor of the day. In our history there have been occasions when such legislation has been enacted because of great clamor and public appeal. In the days of the alien and sedition laws, when we were in a dispute with France over the Jay treaties, the gerat mass of the American people wanted laws on that subject enacted, just as there is a great clamor today for the enactment of the sort of law some of us are opposing now, which would repeal the Constitution in part. But in my opinion the American people will be very much ashamed if they do such a thing, because this measure does not give the Nation any security. It is only a catch-all, a gathering together of all kinds of phrases dealing with very delicate constitutional problems, in an effort to try to force people into conformity in respect to thinking, speaking, and writing.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. MUNDT. I wish to have the Senator from Tennessee yield so I can straighten out a matter which I think should be straightened out in the interest of justice and integrity, and in order to avoid doing injustice to the chairman of the Judiciary Committee, the distinguished senior Senator from Nevada [Mr. McCARRAN]. A little earlier in the remarks of the Senator from Tennessee, he made a statement which, if I understood him correctly, I do not believe represents what he had in mind.

Mr. KEFAUVER. Then I am glad the Senator is bringing up the matter.

Mr. MUNDT. Yes. I wish to pursue this point for a moment with the Senator, because I know he is eminently fair in his presentations.

As I understood the Senator from Tennessee, he said that the Senator from Nevada, the chairman of the Judiciary Committee, had brought before the Senate a bill by which he would have prevented anyone from offering an amendment to the Constitution.

In the first place, that part of the language was not in the bill which was written by the Senator from Nevada, but it was part of the language of the Mundt-Ferguson bill. The language to which the Senator from Tennessee was referring is, I know, the language of section 4 (a) of the conference report, from which I shall now read:

> SEC. 4. (a) It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, as defined in paragraph (15) of section 3 of this title, the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual.

The Senator from Tennessee will recall that during the debate we had quite a colloquy about that matter.

Mr. KEFAUVER. That is correct.

Mr. MUNDT. At that time, the Senator from Tennessee raised the question of whether that language would apply to an amendment to the Constitution.

I told him, inasmuch as I am one of the coauthors of the bill, that nothing was further from our minds, and that we thought the bill could not conceivably relate to the offering of an amendment to the Constitution.

When we came to the debate, the Senator from Tennessee again raised that question. I went to speak to him personally, and I said to him, "ESTES, here is an amendment you have offered, which would insert the words 'Provided, that it shall not apply to the offering of an amendment to the Constitution of the United States.'"

Mr. KEFAUVER. That is correct.

Mr. MUNDT. I said to the Senator from Tennessee, "There is not one member of the committee and there is not one of the authors of the bill who even remotely dreams the bill could be interpreted as doing that. If you want to offer that amendment, I will rise in the Senate and I will say that we have no objection to your amendment, because it states in specific language exactly what we think is in the bill now."

I think the distinguished Senator from Tennessee will agree that was the procedure by which the amendment was offered and accepted; and I think he will also agree that the RECORD should not stand as containing a statement that the chairman of the Judiciary Committee was endeavoring to have enacted into law legislation which would preclude the offering by any citizen of the United States of an amendment or of amendments to the Constitution of the United States.

Have not I stated correctly the sequence of those events?

Mr. KEFAUVER. I believe that is correct.

Mr. MUNDT. I thank the Senator.

Mr. KEFAUVER. I believe the Senator from South Dakota did not speak to me on the day when I actually offered the amendment; I believe his statement was made before that time. However, that is beside the point.

If I have made any incorrect statement about the distinguished chairman of the Judiciary Committee, of course I apologize. It seemed to me to be as clear as night and day, and it was certainly amply clear after reading the opinions of Mr. John W. Davis and Mr. Charles Evans Hughes, Jr., that one of the fatal weaknesses of section 4 (a) was that it would prevent anyone from proposing a constitutional amendment to do anything he desired to do. That was pointed out in very definite language in the opinion by Mr. John W. Davis. Of course, the distinguished Senator from South Dakota is not a member of the Judiciary Committee. However, all the leading lawyers talked about the shortcomings of section 4 (a), saying that it would not permit the offering of certain kinds of constitutional amendments. So, regardless of whether the chairman of the Judiciary Committee felt that those lawyers were correct, and regardless of what anyone else might have thought, the bill was reported with section 4 (a), which would have precluded the offering of a constitutional amendment along certain lines. I think the truth of that statement is further substantiated by the fact that the Senate adopted my amendment, and also by the fact that the conference adopted it; and I am glad that the amendment has been included to that extent.

Mr. President, I think we should today consider for a moment what we are trying to do in the world. We have come to the point where two great nations are opposed to each other ideologically and in combat. There are many people throughout certain nations who have not made a decision as to the direction in which they intend to go. One concept is based upon the idea of force, the idea of one party, the idea of no rights or freedoms, particularly no freedom of speech. It is a totalitarian concept. Today we are fighting to keep the world, including ourselves, from that kind of philosophy, and to protect ourselves from it. I refer to the philosophy which is now called communism.

On the other hand, we have what we hope is the free democratic concept, under which people enjoy individual liberties, under which they can grow great and strong, and can develop and use their ingenuity, through intellectual freedom, through thinking, through speaking, through suggesting ideas, and through reading. We have always had the idea that we did not care what a man read or what he said; that that was a healthful sign in a democracy; and that democracy, regardless of what we read, would stand up against any other kind of concept that one might read about; further, that it strengthens one to know what other people are thinking and what is going on in other parts of the world.

Mr. President, I fear that what we are doing today is taking a great step backward in the struggle against totalitarian dictatorship. In my humble opinion, to a very considerable extent we are adopting the same methods. Make a note of this: If we pass this bill, we shall see innocent people prosecuted for what they

say, what they read, and what they think. No longer will we be able to exercise the great rights and liberties which our Constitution gave us.

If that is the way in which to fight the totalitarian concept, then I am sadly mistaken. I do not think we are ever going to defeat a totalitarian government by adopting that government's methods and, so to speak, getting into bed with it. This ought to be a time for the expansion of our democracy and the encouragement of freedom, when we should encourage people to think, to read, and to speak out. It has even come about that today if anyone does not follow the popular concept, if he expresses a different idea, he is called a Communist. He is smeared and ridiculed everywhere. Even on the floor of the Senate, when some perfectly loyal and great American citizens were making speeches about this bill, I heard Members of the Senate say, "You do not want to be defending the Communist-front organizations, do you? You do not want to be defending the Communists, do you?"

Mr. President, when we reach such a situation in the Senate, we had better stop and take another look at this subject. In these times, I believe that the way to win friends for our ideology, and the way to defeat communism, is by showing that democracy is better than other systems. Freedom, as our forefathers intended we should practice it, is what men all over the world, in their hearts really want, and what they are eventually going to have. So I do not think we are holding the torch high by the passage of this kind of legislation. We cannot win our fight against the Communist ideology merely by passing laws of this sort. As expressed in the New York Times of September 14, in an editorial:

> This bill would strike primarily at beliefs; the real danger to our country lies far more in actual or potential espionage or sabotage at the hands of Russian sympathizers who may or may not be members of the Communist Party than in the public expressions of Communist belief, however offensive, mendacious, and contemptible such expressions may be.

I also read from the Chattanooga Times of August 21:

> A law may prevent a man from calling himself a Communist; it won't change his beliefs, and it is his belief and not a label which makes him a danger. No law can be strong enough to combat an idea; it can be overcome only by a better idea, a more enduring principle.

That is the great American philosophy, Mr. President, and yet we find in the picture today a kind of hysteria surrounding us, so that any Senator who stands on the floor of the Senate and tries to assert that which he conscientiously believes is unpopular and almost condemned. The greatest encouragement is derived from the press of the Nation and the press releases regarding the tremendous danger in this bill. The press has been willing to speak out. Editorials appearing in the leading newspapers throughout the country point out that this is a blow to liberty, to freedom of the press, that it represents a retrogression in our position of leadership in the world today. That is the great hope. I may be mistaken, but the principle is so right that, one of these days, I have an idea that perhaps what I am saying may mean something, even though it may not mean anything today.

Mr. President, we are talking about security. Let us inquire a little bit further into this matter of security. A robot nation, a nation protected by robots, might have perfect security; but it would not have freedom. No doubt the people of Russia feel that they have absolute security, and that they have an omnipotent dictator and a politburo which can handle any problems. Very likely they believe that they have nothing to fear, that they can work on their cooperative farms, and that everything is fine. They feel that they have security.

Mussolini gave his people security. Hitler gave his people security. But, Mr. President, they did not give them freedom; and freedom, after all, is the thing that is going to last. We are not giving the people of the United States freedom under this bill. If we are merely to consider security in relation to our war effort, sabotage, espionage, fifth columnists, and saboteurs, the Kilgore bill, together with the Magnuson bill, contained provisions which were sought by the President, and would give us security.

The pending measure contains certain provisions to the effect that Communists may not hold jobs in the Government. We already have such a law.

The bill provides that Communists may not obtain passports. We already have such a provision. A great many of the provisions which are contained in the pending bill, about which so much is made, are provisions to which I have no objection, but we have most of them already.

Mr. President, I wish to pass on to a few other matters in connection with the bill which I think we should consider before it is finally acted upon.

First, under the standards or guides contained in section 13, both as to Communist-front organizations and Communist-action organizations, the trouble lies not in an organization established over a long period of time, foreign-dominated and foreign-financed, in connection with the application of these standards. The trouble lies in the fact that a group of people may establish an organization overnight, let us say, to take a position which may not be in conformity with the prevailing line of thinking in the United States. Under subsection (f) they could be classified by the Board as a Communist-front organization. Furthermore, if they have a secret meeting they can then be classified as a Communist-action organization, under subsection (e). There lies the great danger. But someone will say, "Perhaps the Board would not convict them."

Mr. President, as surely as we pass this bill, there will be vigilante committees looking over these organizations and saying, "Here is a group which is not in favor of the Marshall plan. Let us report it. Let us have a trial before the Board. Let us have a long proceeding about it." And if the Board is activated by the same hysteria which I have recently observed in Washington, most of the suspects will be convicted. The mere fact that they are innocent people and are brought to trial will do the Nation a great deal of harm. To the Communist-action part of the registration provisions I think there can be no constitutional objection. However, it is impossible to require someone to register just because he may express a thought that he wants to express. We cannot require someone to register merely because he wants to say, "I am against the war in Korea." We cannot require an organization to register if it is guilty of a violation of subsection 4 of section (f), of section 13, because they make expressions which may be identical or go along with some of the ideas expressed by Communists.

There may be a group of farmers in North Dakota who could get together and say, "We are not in favor of this foreign policy, and we are not going to conform to it. We are not in favor of a certain war effort." They may meet and express that opinion. At the moment this may be the position of the Communist Party also. We cannot require people like that to register. Yet, under the provisions of this bill they would be required to do so.

In Texas a community adopted an ordnance requiring a labor group to register before it was permitted to meet. The sentiments expressed by the labor group are very much against the sentiments of the community. Therefore an ordinance was passed against the group, which prohibited them from meeting or making speeches in order to organize. In the case of Thomas against Collins the Supreme Court said:

> If the exercise of the rights of free speech and free assembly cannot be made a crime, we do not think this can be accomplished by the device of requiring previous registration as a condition for exercising them and making such a condition the foundation for restraining in advance their exercise and for imposing a penalty for violating such a restraining order.

That is a constitutional difficulty about the Communist-front organizations, as they may be defined under this bill. What would happen? Suppose we hailed someone before the Supreme Court for doing nothing more than making a speech which could be considered to come under subsection 4 of section (f) of section 13? They would come before the Supreme Court, which had rendered the decision in the case of Thomas against Collins and the registration provision might well be held invalid. In that way we would be making martyrs of a good many people.

Passing on to another point in reference to the registration provision, in the opinion of the Attorney General of the United States, the President of the United States, and some expressions which have been made by J. Edgar Hoover, the Director of the Federal Bureau of Investigation, and every expression that has been made by the head of our Central Intelligence Agency, our Army and our Navy, this registration provision is not the way to get at the problem. It would do more harm than good. In their opinion this provision would not do any good.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. FERGUSON. Will the Senator show us evidence that the Central Inteligence Agency or Mr. Hoover objected to the bill?

Mr. KEFAUVER. I did not say they objected to the bill. Mr. Hoover makes no recommendation one way or the other relative to legislation. However, in his 1949 report Mr. Hoover says registration is not the way to meet this problem.

Mr. FERGUSON. Does he not say, "outlaw"?

Mr. KEFAUVER. No; he says registration. Anyway, he has recently repeated practically the same thing before the House committee, and he has said it before another House commitee also. I think we have all talked with people in the FBI and we know their position on this matter, and I think I have correctly stated it. The Senator says Mr. Hoover recommended against "outlawing." This bill would substantially outlaw the party.

Mr. FERGUSON. Will the Senator give us the page of the Hoover report where that is stated?

Mr. KEFAUVER. I will tell the Senator what I will do. I do not have the report with me, but I shall try to get it and put the quotation into the RECORD. Whatever it is, that is what he said. At any rate, I am stating my best recollection of his statements.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KEFAUVER. I have read his testimony. I know the FBI believes this bill would do more harm than good. It would not protect the internal security of the United States against the dangers of fifth columnists, Communists, and saboteurs.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. MUNDT. I know the Senator does not want to put words into the mouth of J. Edgar Hoover, who is always very careful not to take a position on any legislation. The statement to which the Senator from Tennessee refers was placed in the RECORD by the junior Senator from New York [Mr. LEHMAN]. He quoted it from the 1949 report. In it J. Edgar Hoover said he did not believe that outlawing the Communist Party would do the job. He did not mention "register" or "registration." He did not say a single word about registration, yes or no.

Mr. KEFAUVER. Then the word is "outlaw." Very well, that is what it is. I appreciate the correction. I do not see that there is substantial difference between outlawing the Communist Party and placing it under the sections which are contained in this bill. The provision is the same as outlawing it, for all practical purposes.

Letters of the Attorney General reflect the opinion of Mr. Hoover, who, after all, is in charge of our national security and our internal security against fifth columnists and saboteurs. To whom must we look in order that saboteurs and fifth columnists do not sabotage our efforts? Who is responsible? Who is responsible if we do not appropriate five or six million dollars for additional agents? I think it is time that some of us stop being amateur FBI boys, and stop thinking that we know more about how to catch spies, saboteurs, and fifth columnists than the people in the Department of Justice. We should start listening to them. Mr. McGrath's letter is very definite on this point. Indeed, Mr. Hoover does not think it would be possible to operate under this bill or do any good whatsoever.

Suppose this bill is enacted and put into effect. Suppose we start to register people. What will happen? Somebody would have to round up all these people. Who is going to round them up? Of course the FBI agents. The Federal Bureau of Investigation has a list of about 13,000 persons, I understand, about half of whom are agents. In World War II the FBI had 15,000 personnel. The FBI agents would have to go forth, investigate and try to determine whether or not a person should register. They would have to find out whether a group of farmers, for example, who oppose a policy of the administration are actually a Communist-front organization. They would have to do that, instead of looking for spies, saboteurs, and fifth columnists, and trying to protect the internal security of the Nation. That is what would happen.

Suppose the bill is enacted into law, and it is necessary that an accused person appear before the Board. Who will present the evidence? Who will make out the case? The Federal Bureau of Investigation. How will they make out a case? The FBI agent will have to go before the Board. The FBI does not want to divulge their files. As a matter of fact, they cannot divulge their files.

Suppose the Board decides against an accused person, and suppose he claims he is not a Communist. What happens then? He can appeal to the Circuit Court of Appeals for the District of Columbia. There again a case must be made out. That case would have to be made out by the FBI. Then a long time is consumed while the appeal is pending. From the decision of that court the person can appeal to the Supreme Court by filing a petition for certiorari. Dangerous Communists will not register easily. If a Communist should not want to register, there is no way in the world forcing him to register within 3 or 4 years under the administration and legal procedures set forth in the bill. That will not do any good immediately. It took many months to try the 11 Communists in New York. A hearing is held. The Board handles the matter for a year or a year and a half. A long wait intervenes, and then the case goes to the circuit court of appeals.

Mr. FERGUSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GRAHAM in the chair). Does the Senator from Tennessee yield to the Senator from Michigan?

Mr. KEFAUVER. Not at this time. Then 3 months is allowed in which to file a petition for certiorari to the Supreme Court. Then 90 days are provided in which to file a brief. Then the Attorney General has 30 days in which to file a reply brief. I do not know what will be accomplished, except to have the FBI chasing people around and trying to decide whether they should register. The FBI should be doing something else. The FBI agents will be put in such a position that they will be asked to divulge their evidence. They cannot divulge their evidence. I intended to bring with me an article which was published in the Saturday Evening Post 3 or 4 weeks ago. It was written by a very distinguished former governor of Ohio. It is a story of an FBI agent, and of his activities. He tells about being in Pittsburgh and being a member of the Communist cell there. I think he was an officer of the organization, and, as I recall, secretary of the group. He left a daily report for the FBI, and even came here with a group of Communists to visit some Members of Congress. He could not even tell his wife and family what he was doing. He suffered some embarrassment because it was rumored that he was at Communist meetings. He pointed out in the article, "There is a fifth column in this country, but for every fifth column J. Edgar Hoover has a sixth column."

What is going to happen when that man is required to register? Is it fair to this agent, who, in order to know what the Communists are doing, and keep his finger on them so that he can pick them up whenever it is necessary, to be required to register? He will be held up to ridicule and scorn, and it will not be any consolation to him or his family that perhaps he knows and J. Edgar Hoover knows he is not guilty at all. But if he does not register, of course, the Communists will be suspicious. They will say, "You must be an FBI agent. You do not register."

Mr. President, I think it would be a fine thing if we could register all the burglars in the country, thus having them confess that they were burglars. Perhaps they had not been convicted, but they were burglars, they met the classification, had associated with bad people, and had been arrested several times. We should pass a law to register all burglars, all murderers, and all thieves. If someone thought a man was going to be guilty of sabotage, we should pass a law requiring him to register. I do not imply that registration will keep anyone from committing burglary or murder. I cannot see that registration will give any protection.

In the first place, we would not get them registered. In the second place, it is fundamentally opposite to our system of judicial concept just to say to all law violators, "You must register, so that we will know who you are."

I should like to say a few words now about section 4 of the bill. That is the section which, in my opinion, is literally loaded with dynamite. It is the section which will come home to plague Congress in the days to come, in my opinion, like no other bit of legislation that has ever been passed since I have been a Member of the Senate.

Mr. President, section 4 (a) of the bill says:

> It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act—

"Any act" can be a speech. "Any act" can be reading a book. "Any act" can be anything. So we are substantially ruling out the soap-box orator.

It continues—

which would substantially contribute to the establishment * * * of a totalitarian dictatorship.

What does "substantially contribute" mean? That is a new grouping of words in legal terminology, so far as I know. Is speaking substantially contributing? Does a newspaper which prints an article "substantially contribute?" Somebody might believe what was said by a newspaper. Would that be substantially contributing? I suppose that if the circulation were large it would have a great influence.

The criteria of what constitutes force and violence is left out of this section, and in the mind certainly of Mr. Seth Richardson, and in all the interpretations we have had before, they are necessary if the law is to meet the constitutional test.

Let us take subsection (b), which provides:

It shall be unlawful for any officer or employee of the United States or of any corporation the stock of which is owned by the Reconstruction Finance Corporation, to communicate in any manner—

And so forth. That does not mean one has to steal a document, or that he has actually to see it stolen. He might have heard about it fifth-hand.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator from Texas.

Mr. CONNALLY. I am supporting the bill, but I ask to be excused for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONNALLY. I thank the Senator from Tennessee.

Mr. KEFAUVER. This subsection says it shall be unlawful to communicate in any way any information that has been classified by the President or any division of the Government with the approval of the President. That is paraphrasing it.

It does not require that the information be communicated to a Communist, or to the representative of any unfriendly government. It may be to a representative of a friendly government. It may be in a conference in which the person would feel he had a right to be in order to talk things over with representatives of friendly governments. It does not require that it be with intent to harm the United States.

Mr. President, is not that placing a terrific burden upon the press of the Nation? Suppose they print or communicate something that turns out to be classified, or even something that is of no particular importance and yet is classified; of course, any representative of a foreign government could read it. Are we to subject the press to that sort of sanctions? Are we to require them to be sure that every word they use in all the mess and confusion of Washington is marked "classified"?

I should say that if I were a member of the press reporting things in Washington I would be scared to death of everything I printed, because I might be passing on something which might turn out to be classified. Then it would be a justiciable issue as to whether I knew or had reason to believe it had been classified. The scope of the activities of the commentators on the radio and the column writers is going to be greatly limited by section 4 (b).

I offered a perfectly reasonable amendment providing the addition of the words "with intent to harm the United States," and in the bill I introduced I tried to make some exceptions which would make it a workable provision.

Furthermore, Mr. President, I do not see why there should be picked out a little corporation which happens to have a Government loan, and has part of its stock up as collateral. Laws should be understandable, people should be able to understand whether they come within the provisions of the law. We cannot expect an employee of some small corporation, whose officers come to Washington to secure a loan from the Reconstruction Finance Corporation, to know whether they have a loan or not. Yet, that one fact may mean the difference between guilt and innocence, and violation of section 4 (b).

It is perfectly all right for John Jones on the street to pass on any information he may have. If someone tells him we have so many tanks, he may tell Malik. There is nothing in the section to punish him for that. But if an employee of the Kaiser-Frazer Co., or the Waltham Watch Co., or any other company which happens to have some of its stock hocked with the Reconstruction Finance Corporation, should hear third-hand some information and tell a friendly representative from Canada or England, he would be guilty of violating every provision and every requirement of section 4 (b).

As to that, again it is said our officials must use common sense in enforcing criminal laws, but I say we must live under law; this must be a government of law and not of men.

There is another provision which will cause us a great deal of embarrassment in our efforts to negotiate with friendly allies in a general war effort, in operating under the Atlantic Pact, for instance. What are we doing in the Atlantic Pact? Under it there is a military council which goes into all sorts of confidential matters with the 12 signatories to the pact. Naturally they are going to pass on restricted information. Is it fair, in the first place, to put our representatives, who are dealing with the representatives of other governments, under the burden of finding out whether information is classified or whether they have been authorized to give out information? Is it fair to place friendly majors and colonels and ambassadors with whom we may be doing business under the penalty of violating the law of the United States with regard to something to which they refer, or to place upon them the burden of finding out whether someone is authorized to say something, or whether the President has classified certain material? It would have been so easy to rewrite the section. We offered amendments seeking to do that, and why they were not accepted by the conferees, I do not know.

Mr. President, the registration section provides that when the officers of a Communist organization or Communist-front organization register the organization, if they do not register all the members, then the members have to come forward and register themselves. Of course, they ought to register if that if the law. But we are dealing with legal principles. Can we constitutionally pass a law which requires a person to register and give evidence against himself, and say that he is a member of the Communist Party? In my opinion, that section is thoroughly unconstitutional. I cannot see any basis on which it can be sustained. If the organization does not register a person, that person has to register himself. The Constitution provides in the fifth amendment:

Nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.

The framers of the bill recognized that the section in question would not stand up as it was, so they put into the bill section 4 (f), which provides, as found on page 7 of the conference report, in part:

Neither the holding of office nor membership in any Communist organization by any person shall constitute per se a violation of subsection (a) or subsection (c)—

And so forth.

The fact of the registration of any person under section 7 or section 8 of this title as an officer or member of any Communist organization shall not be received in evidence against such person in any prosecution for any alleged violation of subsection (a) or subsection (c) of this section.

In other words, insofar as the bill is concerned the fact that registration has taken place and that a person is disclosed to be a member, cannot per se be used in evidence, insofar as subsection (a) and subsection (c) are concerned.

But, Mr. President, that is not what the shooting is all about; that is not what the controversy is about. The controversy is over the question: By registering can we make a person give evidence against himself that he has violated the Smith Act, title 18, section 2385, which provides that membership in a party whose purpose is to overthrow the government is a violation of the Smith Act? There is nothing in the bill which provides that when a person registers that fact shall not be used in evidence against him in connection with the Smith Act. Yet that is the act under which the 11 Communists were prosecuted. That is an effective law.

It might be said that under the Smith Act it is necessary to prove two things. It is necessary to prove membership and it is necessary to show that the individual encouraged the overthrow of the Government. The mere fact of registration proves one of them. The mere fact of registration may not prove the other, namely, that a person has the intent to overthrow the Government. But, Mr. President, it has been held ever since Chief Justice Marshall made the Aaron Burr decision that a person cannot be

called upon to give testimony against himself in any part of the chain of the evidence that goes to prove a crime of which one might be convicted or any part of the prosecution.

Certainly the main link in the chain in cases involving violations of the Smith Act is what a man is required to tell about himself under section 4 (f) of the McCarran bill. He is required to register. The fact of registration can be proved against him in a prosecution under the Smith Act. That is unconstitutional.

Chief Justice Marshall's decision in the Aaron Burr case has been the law ever since it was written. It has been quoted, and it has been followed. It is that if five things must be shown in order to constitute a crime, a person cannot be required to incriminate himself as to any one of those five things. Under the Smith Act there are two requirements of proof. One is the proof of membership and the other of intent to overthrow the Government. According to this bill, the individual is required to give evidence against himself as to the first prerequisite—membership in the Communist Party.

Mr. President, I shall not go into all the cases on that point, but as I remember a few months ago there was the case of the United States against Rosen, which I believe came up from the Second Circuit Court of Appeals. As I remember, the case grew out of the Hiss case. In that case, attempt was made to have an individual tell to whom he sold an automobile. It was involved in some aspect of the Hiss case. He refused to tell to whom he sold the automobile because that might be one link in the chain that would have to be proved that would make him guilty under the Smith Act or some other act. The circuit court of appeals sustained the individual's position in that matter, and the Supreme Court denied writ of certiorari. Yet, we have such a provision in the bill.

Another leading case on the subject is Counselman against Hitchcock, which reiterates the position in the Burr case.

I wish to allude briefly to one or two other matters in connection with the bill. In section 22, subsection (G), we find the following:

> Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, or display, any written or printed matter advocating or teaching * * * the economic, international, and governmental doctrines of world communism or the economic and governmental doctrines of any other form of totalitarianism—

Shall be deported. Let us see what that means. It means that an alien who is legally here, who has an interest in a book store where Mein Kampf is sold, or where the works of Lenin and Stalin are sold, or books on the philosophy of any of the dictatorships throughout the century, would be guilty and would have to be deported.

Mr. President, have we come to the point where democratic free American citizens cannot read about other philosophies of government? Are we not strengthening our own democracy by reading about and learning of the weaknesses of totalitarianism?

Mr. President, I remember that not so many years ago, the whole British Nation laughed to scorn and ridiculed, and members of the House of Parliament literally turned out of office, a leader of Great Britain, Lord Halifax, who when he came back from Dunkirk, 2 months after his return, stood on the floor of the House of Commons and said, "I have not yet read Mein Kampf." The newspapers of this country and of Great Britain held him up to the highest ridicule because he had not even read the pattern set up by Hitler in Mein Kampf. Yet we are going to deport an alien who is legally here, if he operates a bookstore, or if he works in a print shop where Mein Kampf might be printed or if he circulates it or if he carries it around or distributes it or displays it.

Mr. President, I imagine we could go to Brentano's today and find a thousand books telling about the governmental doctrine of some form of totalitarianism. Throughout the centuries there have been totalitarian governments which are described in history books and other books. I imagine a world history would at least print what was the ideology of Hitler or Stalin or Lenin, or what was the ideology of Tito. Yet if the book contained anything of that sort and any alien had anything to do with it, he would be subject to being deported.

Mr. President, some may say, "Well, he is an alien anyway, and he ought to be deported."

I presume that is the answer to the argument; but in my opinion it is not a very good answer, because I do not know anyone who himself or whose ancestors have not been aliens, if we go back far enough. That is true of everyone except the Indians. We are proud of our alien population, made up of people from practically every nation in the world. That shows that we can live together and get along together and have been able to build the greatest Nation God has ever blessed.

We have built here a Nation dedicated to freedom and liberty, with the right of free speech, the right of individual initiative, and the right of individual thinking. We have made that achievement in 160 years. Our achievement has far surpassed the achievements of any other nation, although some of them have had civilizations lasting for 5,000 or 6,000 years. We have not made this achievement on the basis of suppression or on the basis of attempting to control the speech or the thoughts of the people of our country. We have made this achievement by means of the strength of free men and individual liberty.

Mr. President, let us consider the aliens. Some persons say aliens should be deported, so they will not be able to cause any trouble, anyway. However, that is not what the Constitution provides. Under the Constitution, an alien is entitled to the full protection of the due process clause of the Constitution; an alien is entitled to a speedy trial; an alien cannot be convicted for any crime of which a citizen of the United States cannot be convicted.

I remember that some years ago there was a statute of Arizona, I believe, which discriminated against aliens. In the Corigan case, as I recall, that statute came before the Supreme Court, and the Court said that an alien is entitled to all the protections of the Constitution, including the due process clause.

The State of California tried to pass an ordinance to prohibit aliens from engaging in certain types of business, but the Supreme Court struck down that ordinance.

Another provision of section 22 is very interesting, Mr. President. I would require the Attorney General, after certain powers were transformed to him, to deport any foreign, diplomatic, or international representative who abandoned his status as such, and continued to be a Communist. I think it is fairly stated in section 22 that if a person is seeking haven in the United States—perhaps from Yugoslavia—and if he wishes to give up the Communist Party, and come to the United States, we should let him do so. As a matter of fact, we have encouraged that, because such persons can give us information and can keep us advised. Our policy has been to make it possible for some of the repentant leaders to come to this country and advise us. However, under this provision I think that would not be possible.

There is another section of the conference report to which I wish to call attention. On page 22, in paragraph (D) of subsection (2), of section 22, we find a provision by which aliens who are in the United States can be deported if they are members of an organization which advocates or if they advocate "the economic, international, and governmental doctrines of world communism or the economic and governmental doctrines of any other form of totalitarianism."

Of course, a totalitarian form of government is defined as a one-party government. We have never been interested in what kind of government another nation has had. Any Spaniard is a member of an organization which would come under that definition of totalitarianism. Any Titoist or any citizen of Yugoslavia who might come to the United States is a member of a foreign government which would come under that definition of totalitarianism. Are we going to permit such persons to come to the United States on perfectly legitimate business? A short time ago the Senate voted for the making of a loan to Spain. Frankly, I have been very much disturbed about the vote I cast at that time. I thought that measure authorized a loan, rather than directed that one be made. The vote I cast on that occasion has bothered me a great deal; I think I made a mistake at that time. Are we to grant that loan, and yet are we going to refuse to permit the citizens of that country to come to the United States and do business with us?

Mr. President, there are many other provisions of the conference report which I could discuss.

I shall conclude by saying that I am strongly in favor of the passage of any and all proposed legislation which it is necessary to enact for our internal security, to protect us from saboteurs, fifth

columnists, and Communists who would attempt to do us harm. I am entirely in favor of protecting our company from anyone who would interfere with our our effort in behalf of the United Nations or our preparation for any possible greater conflict. I am very hopeful that before Congress ends this session, we shall write such a bill.

I joined in the cosponsorship of the Magnuson bill, which contains provisions which were not in the McCarran bill originally, although they are very necessary in order to strengthen the present laws against sabotage, espionage, and interference with defense installations, factories, railroads, and so forth. I think the enactment of those provisions is absolutely necessary.

We know that we must have internal security, and that there are in this country some persons—fortunately there are not very many of them—who are willing to interfere with our security. I refer to fifth columnists, dangerous Communists, and others. I wish to do everything we possibly can do to prevent such persons from carrying out their plans. So I joined in sponsoring the Kilgore bill, and I voted for the Kilgore bill, which would enable the Department of Justice to detain such persons and take them out of circulation, so that they could do no harm when a state of emergency exists or when we are at war or when we have an insurrection or when our country or our possessions are invaded. Those are provisions of law which we need.

We also need to have enacted a law, as provided in the measure I have joined in introducing, to be put into immediate operation whenever the United States is fighting in behalf of the United Nations. We need to enact a law which would put into operation at such time the law against treason, a law which would meet the constitutional requirements for the application of a law against treason.

We also need to enact a law to put into operation all the laws against espionage and sabotage. Let me discuss that matter for a moment. I do not think those laws will be put into operation by the conference report which now is before the Senate, because the various measures which provide heavy penalties for espionage, sabotage, and what not, all contain the provision: "and when in a state of war" such and such a thing shall occur.

Mr. President, the war thus referred to was, of course, the war between the United States and Germany, Italy, and Japan. However, at the present time we are not in a state of war; therefore, that law would not furnish any protection whatsoever in the case of sabotage or espionage by Koreans or by Russian Communists who might do anything to harm us in connection with the Korean conflict, because technically we are not in a state of war with Korea.

Mr. Foley, who is head of the section of the Department of Justice having to do with this subject, has expressed grave doubt as to whether the present laws providing severe penalties in the case of sabotage and espionage would be applicable, because we now have a peace treaty with Italy; and the governments of Germany, Austria, and Japan with whom we were at war are now nonexistent. So we are not in a state of war with them, insofar as such acts are concerned. Consequently, certainly those laws furnish us no protection in the case of the Korean conflict.

So, Mr. President, although I welcomed the opportunity to vote for the Kilgore bill and the Magnuson bill, and although I want the Kilgore bill to be made even stronger, so that it would apply to a time of emergency, I do not think it will add anything to the security of the United States at this time for us to enact legislation dealing with the problem as proposed by the McCarran bill. I am certain that if we do so we shall weaken our democracy by passing unconstitutional legislation, by requiring persons to give evidence against themselves, by trying to enforce conformity of thought, by doing away with freedom of speech, in many instances, and freedom of the press, and by doing away with many of our cherished liberties.

So, Mr. President, for those reasons I find many objections to the basic McCarran bill.

So far as I am concerned, I am perfectly willing to remain here until we can draw up a bill which will meet the condition which should be met. So far as I am concerned, whenever Mr. J. Edgar Hoover and the Department of Justice recommend the passage of a measure which will require the registration of Communist-action organizations or Communist-front organizations, and when we write into such a measure sufficient guaranties to prevent the smearing of innocent persons and to make sure that the law will not be declared unconstitutional by the courts, I will favor it. I cannot but think that, with all the inherent dangers in the McCarran bill to what we hold dear, we ought at least to listen to the voices of experts who know and to the words we have from the people upon whom we must rely. It makes no difference what we think of J. Howard McGrath, the Department of Justice, the FBI, or the Director of the FBI; it is upon the Department of Justice and upon Mr. Hoover that we must rely. If they want legislation of this kind, and if proper safeguards are written into it, that is another thing. But it is not for us, as a group of amateurs who want to advance some ideas of our own, to infringe upon constitutional rights and pass an act which would be unconstitutional in many important respects, and which would interfere with the rights and freedom of the people, when the Nation's principal enforcement officer has not asked for it and does not want it. It is more than I can understand.

Mr. President, I yield the floor.

Mr. LANGER. Mr. President, I do not believe there is a Member of the Senate who is better qualified to speak upon the merits of this bill than is the senior Senator from North Dakota. As a member of the Judiciary Committee, I attended all its meetings. I personally filed minority views. The minority views were afterward concurred in by four other Senators. But my reason for saying that I am peculiarly well qualified to discuss this bill is that during World War I I was attorney general of North Dakota.

During World I we organized in North Dakota among the rank and file of the people what was known as the Nonpartisan League of North Dakota. The organization spread to Montana, South Dakota, Washington, Kansas, Nebraska, and all the way down to Texas. If I were to relate today the treatment which certain State officials of North Dakota received in some of the other States, Senators would not believe it.

For example, this organization endorsed Burton K. Wheeler, in the State of Montana, for governor. Remember, please, this was a nonpartisan organization. It was organized to fight those who for 50 years had robbed the common people of the Northwest. It is unbelievable that at that time, for example, an insurance company in Montpelier, Vt., lending money on a first farm mortgage in North Dakota, would charge 12 percent interest. It is unbelievable that all the public money in the State should be deposited in private banks. The banks paid the State of North Dakota one-half of 1 percent interest, and at times no interest at all, though lending money at the rate of 6, 7, 8, 9, 10, 11, and even 12 percent.

The organization had in its platform five planks, one of them being to provide for the organization and creation of the Bank of North Dakota. Another plank provided for a State-operated insurance plan. It provided that in order that the farmer should be paid for his dockage on his grain and get a fair price, the State of North Dakota should own and operate its own mill and elevator. We had upon our backs every large trust in America. The grain trust, the insurance trust, and the bankers' trust were all there. Mr. Burton K. Wheeler, before he got through, was arrested in Montana. An effort was made to disgrace him. But it got nowhere. Four or five years previously an effort was made to "get" Bill Borah, when he espoused the same doctrine in Idaho. Bill Borah was arrested. The enemies of the people went over into the State of Minnesota and tried to bar Gov. Floyd Olson from holding office. They came to North Dakota and asked the governor to arrest me. Talk about persecution—they applied it ruthlessly.

After the people out there had been robbed for many years, they finally said, "We will amend the constitution of the State of North Dakota." They went to the polls, and by a vote of 3 to 1, in a constitutional manner, amended the State constitution to provide that the State could engage in the operation of certain State industries, particularly a mill and elevator. At that time, under our constitution, in order that the people might not be influenced by a mob, it was provided that there should be a vote on the question 2 years later. With every single daily newspaper against us, 2 years later we adopted the constitutional amendment.

One would believe that the men who were in power would carry out the will of the people. But the governor of our State was a cousin of the late Mark Hanna, of Ohio, the man who elected William McKinley President, the man

who had been chairman of the Republican National Committee. The people voted 3 to 1 in 1911, and 4 to 1 in 1913. The men in power paid absolutely no attention to the will of the people.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. LANGER. I prefer not to yield, though I yield this once to the Senator from Oregon.

Mr. MORSE. I wanted to ask the Senator whether that was not really the beginning of what was known as the "Ohio gang."

Mr. LANGER. Possibly. There is but one way to fight trusts, and that is to have the common people organize. There is only one thing of which the politicians are afraid, and that is that they will be beaten at the polls. They do not want to get licked at election time. The common people have the votes. So we simply organized a Nonpartisan League and said, "On Lincoln's Birthday, in every one of our 2,292 precincts, we are going to meet. Regardless of race, color, or creed, we are going to meet for the purpose of taking the situation over and electing delegates to a convention." Those delegates met on Washington's Birthday in every county and city in the State. I was only a young fellow at that time, county attorney of Morton County, North Dakota. I have always thanked Almighty God that I had a chance to take part in that great crusade.

We met on Washington's Birthday and nominated members for the legislature. By secret ballot we elected delegates to a State convention. At that State convention we endorsed an entire ticket. We did not ask whether they were Democrats or Republicans or what-not. Each of the 500 delegates received a piece of paper, and we spent 2 days drawing up the platform. The third day we began to nominate candidates. We took a piece of paper, and each one could write down as many names as he wished for the office of Governor, for example. The names were placed on a large blackboard, and each delegate voted for one candidate. The candidate who received the lowest number of votes was dropped from the board. We voted again and again until but one name was left on the blackboard, and he became our nominee for Governor. He happened to be a Republican. The man we nominated for Lieutenant Governor was a Democrat. One of the other men nominated by the delegates was a Socialist. There were 13 to be nominated for various offices. When we got through, they stood before the convention and pledged each other support, and then the convention decided what ticket we would run on, whether the Democratic, Republican, or Independent. That was the beginning of the Non-Partisan League, an organization which from that day to this has been one of the most dominant organizations in the State of North Dakota.

Mr. President, I stated that we nominated Burton K. Wheeler, of Montana. We nominated Mr. Schwellenbach, in the State of Washington; George Norris and former Senator Howell, of Nebraska; and we backed old "Bob" La Follette in the State of Wisconsin. We had a magnificent organization.

Then came World War I. Anyone who is interested can go to the Library of Congress in Washington and consult the file of the Fargo Forum, where he will learn that members of this organization were called Reds, Freelovers, Socialists, I. W. W.'s—every name that the big business interests could possibly think of. And all the time they were looking for some kind of law under which to arrest us. Mr. Frazier was elected Governor. Later he came to Washington, and for 18 years rendered magnificent service in the Senate. I see before me the distinguished senior Senator from Tennessee [Mr. McKELLAR]. Surely he must remember what was done to "Bob" La Follette in this Chamber. Before we were organized in 1913 we decided to have a convention in St. Paul, Minn. At that time we said, "If you are going to draft soldier boys, we are going to draft the wealth of the country." Only a few days ago we heard the distinguished Senator from Oregon state that he wanted to take the profit out of war. The keynoter at that meeting was none other than Robert M. La Follette. Mr. President, a resolution was introduced in the Senate to expel Robert M. La Follette from the United States Senate. The Associated Press had misquoted him. In the report of the speech it had left out the word "no." Former Senator Borah spoke. From that moment on, Mr. President, they were marked men.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. MORSE. I merely wish to state that the junior Senator from Oregon has the original manuscript from which the then senior Senator from Wisconsin Robert M. LaFollette, read on the platform in St. Paul on that historic night.

Mr. LANGER. The Senator will remember that the word "no" was left out by the Associated Press.

Mr. MORSE. The word "no" was in the original manuscript.

Mr. LANGER. Yes; and the Associated Press reported it without the word "no". Two years afterward, when the Senate had refused to expel him, the Associated Press apologized. I am glad the Senator from Oregon has that manuscript in his possession. I remember going to Minnesota to support a man by the name of Lindberg for Governor. He was the Attorney General of my State. Magnus Johnson was with me. We got into a truck and went out into the country to speak. We had an American Flag flying on the truck. The sheriff of the county came over and said, "You cannot talk in this county." When we went into the next county, again with an American flag flying and with Magnus Johnson in the truck, the sheriff of that county said, "You cannot talk in this county." We went to a third county where there was a friendly sheriff. Then Magnus Johnson delivered his speech. Do Senators know what the people of Minnesota did with those who were fighting Magnus Johnson? They threw them out of office at the first opportunity. They sent Shipstead to the United States Senate, and elected Floyd Olsen Governor. They elected him by more than a half-million votes, the largest majority by which they had ever elected a Governor. That happened in the great State of Minnesota.

Representative John M. Baer was elected in North Dakota. He was the great cartoonist in the labor press. Magnus Johnson was elected when he ran against the Governor who had appointed the same kind of board that is sought to be established here. Magnus Johnson came to the United States Senate.

Mr. President, I could not go home and face the people of North Dakota if I did not stand on the floor of the Senate and protest against the enactment of this kind of measure. We saw what happened the other day on the floor of the Senate. The senior Senator from New Hampshire [Mr. BRIDGES] rose and called members of the Farmers Union and their leaders Communists. Any time a man gets out and fights against war profiteers he is labeled a Communist. Whenever he does that, he is going to be investigated. He is going to be arrested if he can be arrested. Mr. President, I have had experience with at least one crooked Federal judge. I have that advantage over some other Senators. A crooked Federal judge is far worse than any Communist. A crooked Federal judge is appointed for life.

Mr. President, I have no time or use for any Communist. I am perhaps just as patriotic as is the average Senator. The record in the War Department will show that I offered my life three times for my country. However, I have never sold a truth to serve a lie. Just because something is unpopular does not bother me one bit. The thing is either right or wrong. So long as I am in the Senate, and so long as I think a thing is wrong, I will be against it; and when I think it is right, I will be in favor of it, regardless of whether a Democrat or Republican sponsors the measure. The senior Senator from New Hampshire rose the other day and said that the leaders of 37,000 American farmers in North Dakota, members of the Farmers Union, were Communists. I answered that statement. I caused the Government to spend the sum of $5,000, as the newspapers claim, to print my speech on that subject. With the insertions, it required 69 pages at a cost of $5,000. Some of the press took it up as though it was something terrible that a United States Senator should cause an expenditure of $5,000 by defending 37,000 farmers, or 148,000 people altogether, who were assailed by the speech delivered by the Senator from New Hampshire. The only thing I am sorry about, Mr. President, is that I did not know the Senator from New Hampshire was going to make a speech. I dropped in by accident, and the address I delivered was entirely extemporaneous. If I had had an opportunity to prepare a speech I could have delivered a much better speech. I could have made a speech twice as long, and really brought to the attention of the American people some of the things that some persons have been trying to do to the rank and file of the people.

When the junior Senator from Tennessee [Mr. KEFAUVER] was speaking a short time ago the name of J. Edgar Hoover came up. What did J. Edgar Hoover say? What did the Attorney

General of the United States say? Fortunately today at a meeting of the American Bar Association Mr. J. Howard McGrath, the Attorney General of the United States, delivered an address. Mr. McGrath is the boss of J. Edgar Hoover. He spoke on the very subject that we are discussing tonight. I should like to read a portion of what the Attorney General said:

One of the vexing problems of our time, to which three branches of Government have given their attention, is what might be labeled the domestic containment of communism. To understand the policies adopted so far, and what should be done in the immediate future regarding domestic communism, there should be clarity of understanding as to what the problem is and what the dangers are which require the application of criminal laws.

The Attorney General said just this afternoon:

In my view, the problem is one of guarding our internal security, and the principal dangers requiring sanctions are espionage, sabotage, and subversion. If that can be made clear much misty, obscure thinking can be dispelled. Communism as a political doctrine has never had success with or appeal to the overwhelming majority of the American people. As a political party, the Communists have captured only a minute portion of the total vote and have won virtually no office of national importance. In the American market place of competitive ideas, freely exchanged, present-day communism is bankrupt. The dictatorship of the proletariat looks no different and offers no more than the dictatorships of the Fascists and the Nazis.

The Attorney General continued:

Is it, then, to suppress the expression of bankrupt ideas that we must enact criminal laws, tread upon the constitutional guaranties of free speech, and in general conduct ourselves with complete lack of confidence in our institutions? Obviously, such a course would amount to nothing less than pinning the wings of martyred angels upon the devil's advocates.

But when, to serve the ends of a foreign power and to destroy or weaken our Government, Communists or any others engage in espionage or sabotage or other unlawful acts of subversion, then we are confronted with a clear and present danger warranting the taking of swift penal and remedial action.

I want every Senator to note what the Attorney General says, because here is the crux of the entire argument.

Our national security statutes and administrative security programs cover these activities. The statutes and programs deal with treason, seditious conspiracy, advocating the overthrow of the Government by force or violence, sabotage, espionage, registration of foreign agents, perjury and the making of false statements, exclusion and deportation of subversive aliens, exclusion or removal of disloyal persons from Government employment, denial or cancellation of passports, and denial of income-tax exemptions to subversive organizations or of tax deductions for contributions made to them.

Let me interpolate, the Attorney General says, "You have already got that law," just as Tom Dewey said in his debate with former Governor Stassen in May 2 years ago.

The Attorney General continues:

Under the criminal statutes, to name but a few of the cases, there were convicted of treason Chandler, Best, Gillars (Axis Sally), Toguri (Tokyo Rose), Monti, Burgman, and Kawakita. Dennis and 10 other leaders of the Communist Party of the United States were convicted of conspiracy to advocate and teach the overthrow of the Government of the United States by force and violence, and to organize the Communist Party of the United States to so teach and advocate. Viereck was convicted of violating the Foreign Agents Registration Act. Coplon and Gubitchev were convicted of espionage, and Gold and others are currently being prosecuted for espionage. Hiss and Bridges were convicted of perjury, and Marzani of false statements to his superiors in Government service. In the case of aliens advocating or teaching overthrow of the Government by force and violence, in the period 1947–50, approximately 200 Communists were excluded from entry into the United States at the borders and ports of entry; and deportation cases are now in process against over 200 Communists on similar charges. As I stated earlier, the Government employee loyalty program required a check by the FBI of about 2,500,000 employees. Full field investigations were made in about 12,000 cases, resulting in dismissal of 128 Government employees and exclusion from employment of 102 applicants and conditional employees.

Now listen to what the Attorney General then said:

In some few particulars, the basic statutes I have mentioned need improvement. The President so urged in his recent message to Congress on August 8, 1950, and there are a number of pending bills which contain provisions to accomplish this. For example, certain language of the espionage laws should be clarified, the statute of limitations for peacetime espionage should be lengthened, the coverage of the Foreign Agents Registration Act should be expanded, and stricter supervision should be provided in the case of aliens against whom there are orders for deportation but who cannot be deported because no country will accept them. Most important, the President should be authorized, in time of war or national emergency, to extend antisabotage regulations for protecting military installations and facilities to include other property and places as he shall designate in the interest of the national security, in order that there may be excluded from industries and facilities relating to the national security persons suspected of a purpose to engage in sabotage or espionage. If we are able to exclude potential saboteurs from defense plants, and keep the individual troublemakers out of vital places, as was done during World War II, we can afford to ignore the soap-box oratory. Proposed registration of Communist Party and front organization memberships, and labeling of their printed political publications, count for little in fighting wily persons trained in and bent upon intrigue and deception.

We appear to be going through a period of public hysteria, in which many varieties of self-appointed policemen, and alleged guardians of Americanism, would have us fight subversion by prescribing an orthodoxy of opinion, and stigmatizing as disloyal all who disagree or oppose them. This hysteria appears in vigilante groups who decree and execute beatings of purported Communist sympathizers; or, who, in more polite circles, intimidate radio advertisers into silencing performers whom they say have Communist leanings. Another manifestation is the recent proposal to investigate the fitness of the Federal judiciary because of displeasure with a decision directing the release on bail of Harry Bridges pending his appeal of a conviction for perjury.

Some proposals for legislation contain the same shrill overtones of hysteria. One proposal to alter our naturalization and nationality laws (H. J. Res. 238), which the President vetoed on September 9, was drafted so broadly as to permit depriving naturalized citizens of their citizenship if they were affiliated with organizations which advocate changes in our form of government even by constitutional means.

Mr. President, this was a great speech the Attorney General delivered today, one of which Americans may well be proud. It was a fearless speech. It was a brave speech.

The Attorney General continued:

Not very long ago Mr. Justice Jackson stated for the Supreme Court in the famous flag salute case (*Board of Education* v. *Barnette* (319 U. S. 624)) the resounding answer to proposals that would coerce uniformity of sentiment and opinion, when he said:

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

The Attorney General then said:

Techniques of suppression and compelling adherence to the "party line" are the very mark of communism itself in lands where it holds sway. We cannot afford to be misled into believing that we will be providing machinery to combat espionage and sabotage by adopting such techniques.

If, in truth, our object is to counteract at home, as well as abroad, Communist ideology and propaganda, we have at hand much more powerful and enduring weapons and defenses than repression.

That is what this bill is:

It is well recognized that communism has been most successful in taking over in places where human misery has prevailed, where economic security and recognition of human rights were nonexistent for the great majority of the people. To the downtrodden, communism has offered the lure of security and freedom, though always postponing the realization. It has been shrewd enough to aline its propaganda with the just as well as the unjust complaints, and has not hesitated to invent a few of its own. It has played for all their worth alleged differences and inequalities of class, of race, and of religion.

We are not unaware of the imperfections of our society, and, aided with the hand glass of our own self-appraisal, we have set out to correct our shortcomings and eliminate inequalities. In the fields of employment, housing, education, and social security, large-scale programs have been put into effect, and have made tremendous inroads upon the poverty, ignorance, and suffering from disease and old age which existed even in this land of plenty. We have not stopped. The programs in this direction have been renewed and expanded to enable Americans to realize a higher standard of living and a greater measure of economic security than ever before. Certainly this is assured, if peace in the world can be maintained.

In addition, we have instituted, and are realizing, more slowly perhaps, programs to eliminate inequalities in opportunities and in the enjoyment of civil rights.

The most heartening progress has been made in the field of education, where slowly but surely the paralyzing grip of segregation is being loosened. The recent decisions of the Supreme Court, in the field of higher education (*Sweatt* v. *Painter*, 339 U. S. 629; *McLaurin* v. *Oklahoma State Regents*, 339 U. S. 637), are landmarks in this field. There is a spreading feeling of the people expressed in local determinations, many of them voluntary, to eliminate grade school and other forms of segregation. I need not go into the details of the programs, as yet unrealized; or the progress in such matters as the elimination of segregation in interstate transportation, the striking down of racially

restrictive covenants in the sale and use of land, and the protection of racial minorities against discrimination in collective bargaining arrangements. The point is that, in total, these programs represent a goal, the gradual attainment of which is being worked for by all thinking Americans, and which is now in sight. As accomplishments are achieved in reaching the goal, they will eradicate division and class-consciousness, they will unify us in meeting hostile threats from abroad, they will solidify our international relationships with the many nationalities and races of the world.

If Communist propaganda is a threat, our best answer is this kind of actual demonstration that democracy works, that democracy provides for its people security, equality, and freedom.

Mr. President, I have here the speech delivered by Mr. Tom Dewey. I wonder if the Senators who drew up the bill ever read the speech of Mr. Dewey, as given in the course of the famous debate with Mr. Stassen in May 1948? This is what Mr. Dewey said:

The fact is that the czars of Russia were the first people in the world to follow this idea of outlawing the Communist Party. They whipped them and they drove them to Siberia, they shot them, and they outlawed them. In the year 1917 Lenin and Trotsky were exiled. What was the result? The outlawing gave them such colossal following such enormous popularity, such great loyalty on the part of the people that they were able to seize control of all Russia with its 180,000,000 people, and the first nation to outlaw Communists became the first Communist nation.

That is what I do not want to happen to the United States of America. For 25 years Mussolini outlawed communism, and they grew and flourished underground despite their punishment and their killing and their shooting. As a result, 4 weeks ago the Communists and their allies polled more than 30 percent of the vote in the recent Italian election.

In all of Nazi Europe the Communists were underground and they emerged at the end of the war so strong that they were so popular the French Maquis and others almost seized power in the governments of Europe at the end of this war because of the enormous strength that came to them from the underground.

And Czechoslovakia is another example, and I am grateful to Mr. Stassen for bringing it up. For 7 years in Czechoslovakia the Communists were forced underground by the Nazi tyranny, and in those 7 years they developed such enormous strength that they were able to complete the liberalization of Czechoslovakia, which we could have done, but our troops were pulled back and the Russian troops were allowed to go into Prague and they were able, before long, to take over the whole nation because they had flourished in the dark, underground.

Here is an issue of the highest moral principle. In the present issue the people in this country are being asked to outlaw communism. That means this: Shall we in America, in order to defeat the totalitarian system which we detest, voluntarily adopt the method of that system?

I want the people of the United States to know exactly where I stand on this proposal because it goes to the very heart of the qualification of any candidate for office and to the inner nature of the kind of country we want to live in. I am unalterably, wholeheartedly, and unswervingly against any scheme to write laws outlawing people because of their religious, political, or social or economic ideas.

I am against it.

Mr. President, as the junior Senator from Tennessee said a few moments ago, the provisions with respect to dealing with the Communist Party and all that sort of thing represent no more than changes from tweedledee to tweedledum.

Mr. President, I ask unanimous consent to have printed at this point in my remarks the minority views which I filed in connection with the Mundt-Ferguson bill at the time that matter came before the Committee on the Judiciary. Those views are to be found on page 14319 of the CONGRESSIONAL RECORD of September 7, 1950.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS (TO ACCOMPANY S. 2311)

This bill, if enacted, would constitute the greatest threat to American civil liberties since the alien and sedition laws of 1798. Like that bill, it is the product of hysteria and frantic, unthinking fear. Like that bill, it would strike at the very foundations of our democratic institutions—the right of the people to speak their minds, to hear every viewpoint on public questions, and to associate together freely to advance their common views. Like that bill, it merits the opposition of all who cherish liberty.

Under the guise of protecting our democratic institutions against an alleged threat of subversion from foreign agents who seek to overthrow our Government by coercive means, it is proposed to regiment the thinking of the American people and to impair or prevent the free exercise of constitutionally guaranteed freedom of speech and association.

It is proposed to confer on a politically appointed board vague and, therefore, unrestricted power to outlaw associations of citizens whose views and policies are considered by it to be dangerous. Under these vague powers trade-unions and other organizations which may seek to alter the status quo or oppose this or that governmental policy, by lawful means, with no evil intent, could be branded as traitorous agents of foreign governments or movements. Their members could be relegated to the position of second-class citizens—made subject to economic and social outlawry.

In the effort to avoid obliteration, voluntary associations of citizens would be compelled to conduct witch hunts to determine the views and associations of their members, to fear to express their views on any controversial questions, to encourage their members to spy and inform on each other.

It is proposed to punish as a crime mere membership in an organization which has failed to destroy itself by registering when ordered to do so, to make criminal the agreement to do any act, however innocent and lawful, which a court might find would substantially contribute to the establishment within the United States of a totalitarian dictatorship.

In the atmosphere created by this bill the American tradition of freedom could only stifle and die. That is why the trade-union movement represented by the AFL, the CIO, and the Brotherhood of Railroad Trainmen, has expressed its vigorous opposition to this bill. That is why the National Farmers' Union has opposed the principles which underlie this bill. That is why the National Association for the Advancement of Colored People and the American Jewish Congress have expressed their opposition to such a bill. That is why the American Civil Liberties Union and the National Lawyers Guild have opposed the bill. That is why the most distinguished constitutional lawyers, including those whose opinions were sought by the Senate Judiciary Committee, have said that the principles which underlie this bill are repugnant to the Constitution, which every Senator is sworn to uphold. These authorities include the late Charles Evans Hughes, Jr.; John W. Davis; Seth W. Richardson, Chairman of the Loyalty Review Board; and Zechariah Chafee, Jr., of Harvard.

What emergency can be pointed to as a possible justification for this departure from our constitutional principles which have served us so well for more than 150 years, and through two world wars? Ours is the strongest Government and Nation in the world. Does anyone seriously believe that it can have anything to fear from the continued exercise of constitutional rights by the people? Attempts to overthrow the Government, sabotage, espionage, treason, armed civilian groups, must be stopped, and proved foreign agents should be required to register. Any forcible resistance to law should be punished. Attempts to undermine the loyalty, discipline, or morale of the Armed Forces should be a crime. But all of these are now punishable as crimes, or required under existing law. This bill has no connection with any of these actual dangers, except perhaps sections 4 (b) and 4 (c), concerning the unauthorized disclosure of classified information which have no proper place in this bill.

The political party which enacted the alien and sedition laws soon met the wrath of the people. That party was swept from the American scene at the first ensuing national election. I fervently hope that reason will prevail over hysteria in the Senate of the United States when the time comes to vote upon this measure. In that event, I am confident that Senate bill 2311 will suffer the resounding repudiation it deserves.

SECTION BY SECTION DISCUSSION OF THE BILL

Section 2. Necessity for legislation

This section makes it appear that the bill is directed solely at the Communist Party of the United States, without naming it. It amounts to a legislative finding that this party is an agent of Moscow and that it endeavors to overthrow our Government by conspiratorial and coercive tactics, and to set up a totalitarian dictatorship here under the control of Moscow. Since being a foreign agent without registering as such (and the Communist Party has not registered), or attempting to overthrow the Government by force (coercive tactics), are crimes, this section is a declaration of guilt by legislative fiat. Former Attorney General Tom Clark has said that "a statute which would define the nature and purposes of an organization or group by legislative fiat is likely to run afoul of the due process requirements. *Manley* v. *State of Georgia* (279 U. S. 1 (1929))." (Hearings on H. R. 5852, p. 424.) However obvious the truth of these proposed findings may seem to many Senators, it is a fact that the Communist Party has never been prosecuted for being a foreign agent without registering, or for attempting to overthrow our Government. Under our constitutional system people are presumed to be innocent until proven guilty before a court and jury according to due process of law.

Section 3. Definitions

Because these definitions must be considered with other criteria referred to in section 14 and they are connected with the registration sections (7 and 8) they will be discussed at a later point in this report.

Section 4 (a). Unlawful agreements

This section makes it a crime for any person—

"Knowingly to combine, conspire, or agree with any other person to perform an act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual. For purposes

of this subsection, the term 'totalitarian dictatorship' means a form of government characterized by (1) the existence of a single political party, with such identity between such party and its policies and the government and governmental policies of the country in which it exists as to render such party and the government itself indistinguishable for all practical purposes, and (2) the forcible suppression of all opposition to such party."

This section requires proof of no overt act or evil intent. All that need be found is an agreement to do some perfectly lawful and peaceful act which, in the opinion of a court, would, if the agreement were carried out, "substantially contribute" to the establishment of the described dictatorship. Who can say with definiteness where the boundaries lie of that vague phrase?

Would an unbalanced budget, compulsory health insurance, Federal low-rent housing, or the Brannan farm-subsidy bill substantially contribute to the establishment of such a dictatorship? Some people seem to think so. What about the peaceful advocacy of socialism? In truth the answer is very much a matter of political judgment. But mere membership in or cooperation with the Communist Party, which by the "findings" in section 2 seeks to establish such a dictatorship, would seem to come clearly within the probable intent of this section, though the individual had done no unlawful act, or any act for that matter.

What is the precise meaning of the words "vested in, or exercised by or under the domination or control of"? I do not see how the average American can understand such vague or indefinite terms. But I know that it is an elementary principle of our Constitution that a criminal law which an ordinary citizen cannot be expected to understand violates the due-process clause. I also know that mere speech which is not uttered under such circumstances as to create an immediate and very serious clear and present danger to the state, or a mere peaceable assembly or association, cannot be punished consistently with the first amendment. Yet it is clear that this section could strike at just such speech or assembly.

"A failure of a statute limiting freedom of expression to give fair notice of what acts will be punished and such a statute's inclusion of prohibitions against expressions, protected by the principles of the first amendment, violates an accused's rights under procedural due process and freedom of speech or press." *Winters* v. *New York* (383 U. S. 507 at pp. 509–510 (1948)).

Charles E. Hughes, Jr., discussing the corresponding section of H. R. 5852, said:

"Manifestly, this (the section) would include attempts to bring about such result by expression of opinions through speech or publication, or by participation in peaceable assemblies, designed to bring about changes in the Government through orderly processes of amendment to the Constitution. Statutes which spread as wide a net as that violate the first amendment." *Stromberg* v. *California* (283 U. S. 359 (1931)); *Herndon* v. *Lowry* (301 U. S. 242, 249–250, 255, 260–261 (1936)). See *Schneiderman* v. *United* States (320 U. S. 118, 137–138, (1943)).

"In addition, section 4 fails to meet the test of due process which requires that the definition of a crime must be sufficiently definite to be a dependable guide to the conduct of the individual and to the court and jury which passes upon his guilt or innocence. This is true of the critical terms * * * 'vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual' * * *" (p. 416 of hearing on H. R. 5852).

Referring to the same section Seth W. Richardson said:

"I am inclined to the view that before section 4 of the act can be deemed a proper exercise of the power of the Congress to protect the country against threatened danger, the bill should provide that efforts to establish a totalitarian dictatorship must be accompanied by force and violence and by unconstitutional procedures." (P. 444 of hearings on H. R. 5852.)

Sections 4 (b) and 4 (c)

I have previously commented on these sections. If they were proposed as amendments to the Espionage Act, or separated from the rest of the bill, I should undoubtedly support them.

Sections 5 and 6

These sections make it a crime for a member of a Communist political organization which has registered or been ordered to do so to seek or hold nonelective office, or employment under the United States, or to seek or use a passport.

The major objection to these sections is that they apply the unconstitutional doctrine of guilt by association. People may be reduced to second-class citizenship for mere membership in a proscribed organization. The conduct or the views of the individual are irrelevant. But under our laws guilt is personal.

"Under our traditions beliefs are personal and not a matter of mere association, and that men in adhering to a political party or other organization notoriously do not subscribe unqualifiedly to all of its platforms or asserted principles." *Schneiderman* v. *United States* (320 U. S. 118 (1943), (p. 136)).

Sections 3 (3), 3 (4), 7, 8, 14 (e), and 14 (f), registration, and so forth

Section 3 (3) defines a Communist political organization. The definition provided is vague indeed. We find such expressions as "some but not necessarily all, of the ordinary and visual characteristics of a political party." But how many are "some"? What are the ordinary and usual characteristics of a political party? The words "substantially dominated or controlled" are even more indefinite.

This definition is amplified and made much more indefinite by the criteria to be considered by the Subversive Activities Control Board in deciding which organizations must register as a Communist political organization, set forth in section 14 (e).

Each of the eight criteria mentioned begin with the words "the extent to which," but there is no indication of the extent that is to be deemed significant. There is no indication of the number of criteria, if more than one, that must be present to justify condemnation.

The first criterion refers to the organization's policies being carried out to effectuate the policies of the foreign government, followed by the vague terms "in which is vested, or under the domination or control of," and "direction and control of." It is not specified that there be any proof of intent to effectuate such policies of a foreign government. It is made clear that policies, another word for views, can be made the basis for branding an organization as a traitorous foreign agent whether or not these views have some connection with an effort or purpose to establish a dictatorship.

The second criterion refers directly to views and policies—the area of speech protected by the first amendment. The fact that there is an unspecified amount of similarity between its views and those of a foreign government is enough to condemn an organization, and this is true regardless of the irrelevance of those similarities to any purpose to establish a totalitarian dictatorship.

The third criterion refers to the extent to which it receives aid directly or indirectly from or at the direction of such foreign government. There is no indication whether the organization must know or have reason to believe that aid received indirectly from such source was so derived. Presumably if there are Communists in an organization, and they aid the group, and contribute funds, or pay dues, the organization could be condemned without ever doing anything which has any relation to a purpose or effort to establish a dictatorship. The whole organization could be condemned because an unspecified number of its members were or were believed to be Communists, and whether or not the organization knew they were Communists.

The fourth criterion refers to the extent to which it sends members abroad for instruction or training in the policies or tactics of the world Communist movement. It is not clear whether attendance at a public foreign international peace or scientific conference in which Communists took part would be enough to bring condemnation, or whether the purpose and intent must be to obtain instruction connected in some way with a purpose or effort to establish a totalitarian dictatorship.

The fifth criterion is substantially the same as the next preceding one, and subject to the same objections. It refers to the organization reporting to the foreign government, or its representatives. What is a report? Who is a representative? If an organization sends a representative to a public international conference wholly unrelated to a discussion of methods of establishing a dictatorship, and Communists take part, is the organization "reporting" under this section if the delegate expresses the organization's views?

The sixth criterion relates to the extent to which its principal leaders or a substantial number of members are subject to such foreign governments, etc. How many is a substantial number? What is the meaning of the words "subject to"? Obviously a minority of its members or leaders could condemn the whole organization because of their state of mind. This is true even if the organization has never done anything remotely connected with a purpose or effort to establish a dictatorship. The element of guilt by mere association is apparent.

The seventh criterion relates to the extent to which the organization keeps its membership, records, meetings, and information concerning it "secret" (another word for private), and resists efforts to obtain such information. There is no indication of whose efforts to secure information must be resisted. Keeping such records private certainly has no necessary connection with an illegal or nefarious purpose. All kinds of organizations do not publicize their closed meetings. Trade-unions engaged in organizational efforts undoubtedly keep their meetings secret in certain places hostile to union organization. In some places branches of the National Association for the Advancement of Colored People may keep their membership lists secret. Trade-unions generally have resisted disclosure of their membership lists. Minority groups which have been visited with hostility in their communities no doubt attempt to shield their members' identity. But this has no necessary connection with a purpose to establish a dictatorship.

The eighth criterion is substantially identical with the sixth criterion, the vague term "subordinate allegiance" being similar to the words "subject to," and this criterion is open to the same objections.

Thus it is apparent that the vagueness of the definition in section 3 (3) infects, and is in turn infected by the vagueness in section 14 (e). Because of this vagueness the power of the Board would be arbitrary and unlimited. Any organization which seriously criticized the status quo could be branded as a Communist political organization, and thus destroyed. No organization could register as a traitorous agent of a foreign dictatorship seeking to establish a foreign controlled dictatorship here and could survive. Yet if it didn't register, its officers would face fantastic penalties of imprisonment. Moreover, absolutely nothing germane to the finding to be made by the Board need be proven.

Section 3 (4) defines a Communist-front organization as one under the control of a Communist political organization, or primarily operated for the purpose of giving aid and support to such an organization, or the world Communist movement. This definition is, therefore, dependent upon the vague definitions of a Communist political organization, and inherits all of that indefiniteness. In addition, the term "control" has no clear meaning. The aid given to such an organization may be wholly unconnected with the purpose of any Communist political organization to establish a totalitarian dictatorship. It may cooperate in such objectives as antidiscrimination—protection of civil rights or liberties—social-welfare legislation, and so forth.

The four criteria referred to in section 14 (f) as elements to be considered by the Board in determining which organizations must register as "Communist fronts" are on a par with the criteria in section 14 (e). They increase the vagueness rather than diminish it. There is no indication how many of the four criteria must be present. All of them begin with the words "the extent to which," without any indication of the extent which is to be deemed significant.

The first criterion relates to the number of persons active in the management, direction, or supervision, whether or not holding office therein, who are representatives of any Communist political organization or the world Communist movement. Again, a few individuals can condemn the whole group, even though the organization has done nothing objectionable, or related to a purpose or effort to establish a dictatorship. There is no suggestion that the organization or members as a whole must know of the representation or connection of the individuals mentioned. Who is a "representative"? What is required to fall within the term "active"?

The second criterion refers to the source from which an unspecified portion of its "support" is derived. This criterion is substantially identical with the third criterion of section 14 (e) and subject to the same objections.

The third criterion refers to the extent to which its resources or personnel are used to further the political objectives of a Communist political organization. Again, there is no requirement that the organization have any intent or purpose to further such objectives. There is no suggestion that the objectives furthered must be connected with a purpose or effort to establish a totalitarian dictatorship. The mere similarity of some political objectives would be enough to bring condemnation and destruction upon an organization.

The fourth criterion refers directly to the identity of some positions adopted by it on matters of policy with some policies adopted by a Communist political organization. The penalty for views held is here clearly expressed. There is no indication that these views must in some way be related to a purpose or effort to establish a totalitarian dictatorship.

Thus it must be said that here, too, an organization can be destroyed on the basis of vague and irrelevant standards, for the mere exercise of the constitutionally guaranteed rights of freedom of speech and association. On the basis of such standards, individuals can be blacklisted and their means of livelihood destroyed, their social relations disrupted. Over and above the penalties visited upon the organizations and individuals affected is the far-reaching interference with the right of the people generally to hear every viewpoint, and the pervasive threat of denunciation which would be made to hang over every group of dissenters—and it has been said that we are a nation of dissenters.

These are the definitions upon the basis of which the registration provisions in sections 7 and 8 operate. They make the registration requirements the most dangerous and far-reaching abridgments of freedom of speech and association and of due process of law thus far seriously considered in the Senate of the United States, for they would permit the board, to be created under section 13, a mere politically appointed commission, operating according to loose administrative procedures, to dictate what organizations could continue to exist, what views could be propagated, and to deprive citizens of the ordinary rights of other citizens, on the basis of mere membership in a proscribed organization. Under our democratic system of government, no board or commission can or should be granted such a power to dictate political orthodoxy.

As Mr. Justice Jackson has said:

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *West Virginia State Board of Ed.* v. *Barnette* (310 U. S. 624 (1943)).

Indeed, the requirement of registration as a condition to the exercise of freedom of speech has been held to violate the Constitution.

"As a matter of principle a requirement of registration in order to make a public speech would seem generaly incompatible with an exercise of the rights of free speech and free assembly. * * * If the exercise of the rights of free speech and free assembly cannot be made a crime, we do not think this can be accomplished by the device of requiring previous registration as a condition for exercising them and making such a condition the foundation for restraining in advance their exercise and for imposing a penalty for violating such a restraining order. So long as no more is involved than exercise of the rights of free speech and free assembly, it is immune to such a restriction." *Thomas* v. *Collins* (323 U. S. 516 (1945) at pp. 539-540).

It is no answer to the demonstration of persuasive vagueness in this bill, that it is believed that the Board will exercise good judgment, and use its power wisely.

"Proof of an abuse of power in the particular case has never been deemed a requisite for attack on the constitutionality of a statute purporting to license the dissemination of ideas—it is not merely the sporadic abuse of power by the censor but the persuasive threat inherent in its very existence that constitutes the danger to freedom of discussion." *Thornhill* v. *Alabama* (310 U. S. 88, 1940, at p. 97).

In this connection the statement of the Supreme Court in *Stromberg* v. *California* (283 U. S. 359 (1931)) is worthy of note:

"The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system. A statute which upon its face, and as authoritatively construed, is so vague and indefinite as to permit the punishment of the fair use of this opportunity is repugnant to the guaranty of liberty contained in the fourteenth amendment (at p. 368)."

Section 9. Keeping of registers, etc.

This section requires no comment.

Section 10. Membership in certain Communist political organizations

This section make it a crime (punishable by fine up to $5,000 and imprisonment up to 5 years) to remain a member of the Communist political organization if he knows that a final order is in effect requiring his organization to register and it has failed to do so after 30 days have elapsed. This is a pure case of guilt by association, and punishment for mere inaction. Since it is unlikely that any organization can register and exist, this section is intended either to guarantee its destruction, or to open many thousands of persons to criminal prosecution for no more than the exercise of their constitutionally guaranteed right of association. This section is obviously affected by all the constitutional infirmities of the registration sections.

Section 11. Use of the mails, etc.

This section makes it a crime for an organization required to register, or for any person acting for it, to mail anything in interstate or foreign commerce without labeling the wrapper "Disseminated by ———, a Communist organization," or to broadcast anything unless such broadcast is preceded by a similar announcement.

This section violates the first amendment prohibiting Congress from making any law abridging freedom of the speech or press because it requires opprobrious labeling intended to discourage reading or a hearing, without regard to the contents of the matter to be mailed or broadcast.

As Charles Evans Hughes, Jr., said, when discussing the corresponding provision of H. R. 5852:

"The publications and broadcasts which are thus required to be identified as Communist-inspired may be on any subject, however far removed from any international Communist objective or even any domestic Communist program. The language of many of the decisions of the Supreme Court supports the view that the concept of free speech contemplates that ideas and opinions should be judged solely on their merits. In the Thomas case (*Thomas* v. *Collins*, supra), Mr. Justice Jackson, in his concurring opinion, said (p. 545) that while the State is entitled to protect the public, through licensing, from those who seek for one purpose or another to obtain its money, 'It cannot be the duty, because it is not the right of the State to protect the public against false doctrine' with respect to Communist-front organizations, which might, within the definition, exist chiefly for relief or other humanitarian purposes, the obligation to label themselves as Communists' organizations appears particularly onerous." (Hearings on H. R. 5852 at p. 419.)

Section 12. Denial of the deductions and exemptions

There is no comment on this section except that it is effected by the infirmities of the registration sections.

Sections 13 and 14. Subversive Activities Control Board, and proceedings before Board

Little need be added here to what has already been said regarding the extraordinary and unprecedented powers intended to be conferred on the Board. But the substitution of an administrative body for the duly constituted courts is undoubtedly a violation of due process. The destruction of organizations, and the severe penalties which can be visited upon their members are matters of vast importance both to those concerned and to the democratic process which is the basis of our institutions. Where the smallest penal offense, or a suit over any substantial sum of money is involved, we have always assured a right of trial in the courts before a jury if desired. No less can be justified or permitted when so much more is at stake.

The Supreme Court has indicated that full due process of law before the courts is required in a case involving a lesser penalty than here. When the Congress adopted a statute to prohibit the employment of certain individuals who in its opinion had engaged in "subversive activities," that Court compared the penalty imposed to that administered for special types of odious and dangerous crimes, and declared that it was

the intention of the Constitution "to safeguard the people of this country from punishment without trial by duly constituted courts." (*United States* v. *Lovett* (328 U. S. 303 at 316–217).)

Seth W. Richardson made a similar point when discussing the similar provisions of H. R. 5852. He said:

"The trial in a proper court, in the first instance, of the question of the guilt of the citizen, under whatever form the accusation may be made, is too important a step in the application of a penal statute to the citizen to be curtailed even by the allowance of full appeal rights. An appeal is not the same thing as the original trial, nor does it protect the rights of a defendant in an equal degree, particularly where the findings of the public prosecutor as to the facts might weigh heavily with the appellate court, since 'preponderance of the evidence' is always an indefinite term and depends largely upon the view, or possibly the indolence, of an appellate court * * * the duties of the Attorney General should be confined to the matter of registration, investigation, and prosecution, and that questions as to whether a particular organization is of such a character or activity as to justify registration should depend upon the judgment of a court of competent jurisdiction under a proper proceeding brought in such court by the Attorney General for such purpose." (Hearings on H. R. 5852, p. 446.)

Section 15. Judicial review

By this section a party aggrieved by any order entered by the Board may obtain a review in the Court of Appeals for the District of Columbia. But no evidence may be presented before that court, and the findings of the Board are conclusive if supported by a preponderance of the evidence. The comment of Mr. Richardson on the nature of this review, quoted above will not be repeated here. The appellate court must make its decision on the basis of the same vague standards used by the Board. Our courts were not established to pass judgment on ideas and associations, but only on the actions of men. For them now to begin the witch-hunting function could only serve to undermine the respect in which our courts are now generally held.

It is, moreover, a very inadequate remedy for most individuals and groups to oblige them to come from the place of their residence, perhaps in California, to Washington to seek this inadequate appeal.

Section 16. Penalties

By section 16 (a) (2) each day of failure to register is made a separate offense punishable by fines up to $5,000 and imprisonment up to 5 years. Other penalties are of a similar order. Thus the officer of an organization required to register has these alternatives: He can register, and thereby destroy his organization and subject his members to untold penalties, while placing himself in danger of life imprisonment for any omission of a necessary fact or misstatement. He cannot register and face imprisonment for life. He can resign and/or dissolve his organization. The alternative he will choose is perfectly obvious. The organization will cease to exist. It is, therefore, apparent that any claim that this is a disclosure bill is entirely erroneous. No one will register. Every group attacked would be forced to disappear. It is probable that only the Communist Party would continue to exist underground as it has done everywhere under every form of suppression. Many people believe that it would grow more powerful under those conditions.

For the foregoing reasons, among others, this bill should be emphatically rejected.

WILLIAM LANGER.

Mr. LANGER. Mr. President, a few days ago the Farmers Union was attacked on this floor. We also saw in the newspapers a statement to the effect that a proposal had been made to outlaw the National Lawyers Guild. That guild has a membership of 3,800 lawyers. In my opinion, with perhaps three or four exceptions, the same kind of lawyers will be found in the American Bar Association. In my opinion, the lawyers in the National Lawyers Guild are just as loyal as is any Senator upon this floor. The statement to which I refer appeared in the newspapers.

On last Saturday, without prior notice to the group affected and without according them any opportunity to answer the charges, the House Committee on Un-American Activities issued a report attacking the National Lawyers Guild. It called this association of thousands of attorneys sworn to uphold our Constitution the "legal bulwark of the Communist Party." It asked the Attorney General to list this bar association as "subversive."

Now I have read this extraordinary document. I was shocked and amazed to see how a committee of this Congress has abused its power in this case. The sensational and often unsupported charges and name calling of this committee, and its unusual methods, have frequently brought down upon it sharp criticism from distinguished Americans, even including Presidents of the United States. This kind of performance has led to the introduction of bills, some of which are now pending, to reform and regulate congressional investigating committees. This report suggests that such measures are deserving of serious consideration.

What is the basis of the committee's charge that the National Lawyers Guild is the legal bulwark of the Communist Party? The answer is that the guild, acting as a friend of the court, has filed legal briefs in some cases involving actual or alleged Communists, to argue constitutional questions which it believes are raised by these cases. It is said that a few guild members, as individuals, have represented alleged or actual Communists—that in two cases a total of seven guild members out of thousands handling many thousands of cases allegedly behaved improperly toward the court—and that the guild has opposed legislation like the Mundt-Ferguson bill, and investigating committees like the House Committee on Un-American Activities.

Since when has it been subversive for any lawyer to represent any client? The Supreme Court has recognized that the right to effective counsel is a constitutional prerogative in criminal cases (*Powell* v. *Alabama* (287 U. S. 45, 1932)). And under the canons of legal ethics it is a lawyer's duty never to reject the cause of the defenseless, or delay any man's cause, for considerations personal to himself. The ideal of our law is that every man is entitled to exact justice, regardless of his race, color, religion, or political belief.

At a time like this, when concern over communism is causing many people to lose their heads and to forget the great American tradition of civil liberties, our country is fortunate that there are lawyers with courage enough to defend those traditions—to help assure that all Americans, including the Communists, have the protection against unjust punishment which the law provides.

In the past the lawyers who defended unpopular causes and individuals were pilloried with their clients and their causes, just as is being attempted now. But in time they were the lawyers most honored by the American people. Darrow, Altgeld, and more recently, Wendell Willkie, who defended the Communist leader Schneiderman, served this tradition and helped create it.

What I have said about lawyers defending clients applies even more strongly to a bar association which is active in the defense of what it believes are constitutional liberties. The traditional concepts of individual freedom and of the limitations of governmental power are challenged in this period as never before in our history.

A bar association which undertakes to participate, as friend of the court, in the cases involving the decision of these issues, and in the discussion of legislation, like the Wood-McCarran bill, deserves to be honored, not abused. It renders a valuable public service, whether one agrees with its views or not. It recognizes a responsibility to be vigilant in defense of constitutional principles which is the responsibility of us all, and especially of the bar.

It may be true that it has acted in many cases where the accused persons were Communists or alleged Communists, and that in those cases it has argued in support of the constitutional right claimed by them. But that appears to be a reflection of whose rights are under sharpest attack. The great issue of our time is whether Communists shall continue to be allowed the rights of other citizens—whether constitutional protections for all citizens are to be undermined in order to curb the Communists. As I understand it, the guild has stood for the principle that liberty is indivisible, that mere speech and association cannot constitutionally, and should not, be punished directly or indirectly; that our democratic system depends on limiting punishment to unlawful overt acts. We have nothing to fear from ideas; we have everything to fear from their suppression. These, I believe, are sound American principles. Their defense is loyal and patriotic, not subversive.

It is said that there are Communists in the guild. In fact, the committee names four members of the guild who it believes are or were members of the Communist Party, one of them deceased. It also says the guild has 3,891 members. None of these four is claimed to be now or to ever have been an officer of the guild. That is a percentage of about one-tenth of 1 percent. I would be surprised if many churches do not have a higher percentage.

I believe that is true of the churches in Michigan and in Alabama and in South Dakota and in many other States, including Louisiana.

So much for the "legal bulwark" charge. What else do they charge this bar association with? They say that on some questions the guild's position of policy is similar to that of the Communist Party. From this, the committee concludes that the guild follows the

party line. But this similarity is true of countless loyal American organizations. Let us take some examples from this report. The guild opposed the Taft-Hartley Act, including the anti-Communist oath. So did most of the labor movement, including Philip Murray and John L. Lewis. The guild opposed universal military training in peacetime. So did a great many labor and church organizations. The guild called for nonintervention in the internal affairs of China in 1946 and, more recently, for recognition of the Communist government in China. So do the anti-Communist governments of India and England. The guild called for severance of diplomatic and economic relations with Franco Spain. So did the General Assembly of the United Nations, and so forth.

To infer dictation from similarity of views on some questions is a most dangerous practice. The report is an excellent illustration of these dangers and of the injustices that can result from it. The guild has condemned communism and the Soviet invasion of Finland, as the report itself shows. One week before the report was issued, the guild condemned the North Korean invasion of South Korea, and gave its support to the United Nations action directed against that aggression. But these sharp disagreements with the committee preconceived prejudice made no impression.

The National Lawyers Guild, according to the report, has been most critical of the House Committee on Un-American Activities, and of many things strongly supported by members of the committee. It is such opposition which the report evidently seeks to stifle.

I say dissent is the lifeblood of democracy. When we begin to silence dissent, we are injuring the vitality of the democratic process.

I sincerely hope the Attorney General will not be misled by this unfortunate and unfair report into yielding to the request of the House Committee on Un-American Activities to list this good and useful organization.

Mr. President, at the hearings before the Committee on Un-American Activities of the House of Representatitves, in the Eighty-first Congress, second session, there is the testimony of Mr. George D. Riley, a representative of the American Federation of Labor. I ask unanimous consent to have that testimony printed at this point in the RECORD, as a part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GEORGE D. RILEY

Mr. RILEY. Is it the pleasure of the committee that I read this statement?

Mr. TAVENNER. Yes. For the benefit of the record I would like to get your name and position.

Mr. RILEY. My name is George D. Riley. I am a member of the legislative committee of the American Federation of Labor.

Mr. TAVENNER. I would like to ask you the same question we have asked all witnesses appearing here.

Mr. RILEY. I know what it is, and I will be very happy to answer that. I am not now nor have I ever been nor do I ever intend to be a member of the Communist Party, Fascist Party, or any other un-American party.

Mr. TAVENNER. You may proceed to read your statement or make an oral statement, as you choose.

Mr. RILEY. I would prefer, with the permission of the Chair, to read it.

Mr. WOOD. Very well.

Mr. RILEY. Mr. Chairman and gentlemen, no organization has fought communism longer or more consistently than the American Federation of Labor. Nor have we limited our fighting only to communism. Further, we were first to get into Europe to pick up the economic pieces in an attempt to reconstruct the Continent. In addition, as early as 1945 we launched an intensive campaign on the World Federation of Trade Unions as communistic. Instead, we organized, in league with other free-trade unionists, the new International Confederation of Free Trade Unions, of which, I am sure, you have been reading.

The American Federation of Labor is one of the 66 actively participating organizations in the anti-Communist conferences now proceeding. Senator MUNDT addressed that conference recently. But it should be noted that the conference failed to endorse the Mundt bill or the Nixon bill or the Wood bill.

Everything done by the American Federation of Labor is on a strictly voluntary basis. This practice has convinced us that our educational work has succeeded. The A. F. of L. has no Communist problems. Our unions well know the the perils of communism, as we do the perils of other anti-American isms. The consequence has been we have gone out, as the first line of defense, both externally and internally, and have done something about it, in fact a great deal. We certainly are not without full information and much documentation on the manner in which Hitler, Mussolini, and Stalin have dealt with unions. I might add we also know a few things about Trotzkyism, which, though dormant or underground for the moment, nevertheless is entitled to be fully patrolled continually.

It is because of our knowledge of these isms that we are convinced the bill H. R. 7595 goes only in one direction. Yet this is not the main objection we have to this proposed legislation. We are on record from several conventions as opposed to the manner in which this bill has been drawn. Following is the language of our executive council from 1949, which report was adopted unanimously by the St. Paul convention:

"S. 1194 by Senators MUNDT and JOHNSTON of South Carolina, and S. 1196 by Senator FERGUSON, bills designed for the protection of the United States against un-American and subversive activities, were introduced and referred to the Senate Judiciary Committee. We testified in opposition to the bills, although we are in complete accord with the idea of protecting the United States from all un-American subversive activities from without or within the country, the terms of the bills are un-American in themselves."

That was directed at the 1949 version, because this convention was held in October, and referred specifically to S. 1194 and S. 1196.

"The A. F. of L., for many, many years has been in the forefront of the battle against Communists, Fascists, and other un-American groups. Not only have we warned our affiliates against them, but, by circular letters we have requested that the Communists be denied membership. We abhor and detest all such isms but the terms of the bills are such that we cannot support them as they would indirectly deprive the voters of this country the right to freely express themselves at the polls. We have full confidence that they will never elect a communistic or other subversive party to take control of this country.

"The Mundt-Johnston bill—

I am now getting to the bill that was considered and reported out recently by the Senate committee, Mr. Chairman.

"The Mundt-Johnston bill sets up a Subversive Activities Control Board of three with extraordinary powers over minority political parties and voluntary organization of citizens. The Board is permitted to designate political parties or voluntary organizations as Communists or Communist-front organizations. If the bill becomes law, such political organizations must register with the Attorney General and disclose the names of their membership and Communist-front organizations must register and name their officers publicly. All material sent out by them, by air or ordinary mail, must be designated as coming from a 'commie' source. Members of these political organizations could not hold nonelective Federal positions or secure passports. While the Board would not have the authority to outlaw organizations as designated by the Board, such organizations so designated would be terribly hampered. The bill would permit the setting of precedents which might result disastrously to labor organizations themselves and for these reasons, as above stated, we oppose it.

"The difficulty of enacting legislative protection against the activities of the Communist Party and their agents lies in defining such acts and providing penalties without also restricting the rights and liberty of free citizens. The most effective action and defense against these subversive groups and persons lies with voluntary organization.

"Each organization has the responsibility of keeping its own membership free of these subversive agents of foreign governments and its prestige unembarrassed by those who work to destroy the freedom of democracy. Each organization must keep its membership informed on Communist tactics, Communist Party undertakings, and Communist-front organizations.

"With dependable information free citizens can protect themselves. We have a right to expect equally great care on the part of the Government in selecting personnel and enforcing immigration and passport law."

That concludes the quote from that report which was adopted unanimously by the St. Paul convention, Mr. Chairman.

The present bill, H. R. 7595, is practically a duplication of other bills, with only minor alterations. Substantially it is the same. For this reason, the A. F. of L.'s comments are substantially the same. As completely convinced as we are that the Communists must be dealt with forthrightly and unequivocally, we believe that the end justifies the means only so far as it does not do the same kind of violence to innocent persons and organization as the disease we have set out to curb and cure. This is said fully mindful of the 2-to-1 decision last Wednesday in the Dorothy Bailey case, wherein it was said that the state must come first for consideration, then the individual. Of course, this matter is still not settled finally by the court of appeals, but is going up to the Supreme Court.

In the A. F. of L. we believe that the same effects can be accomplished, national unity can best be served, and processes for which we express the greatest endearment can be most adequately preserved if we look where we are going while we are on our way.

The Mundt-Nixon bill, as it was finally amended and as it finally pased the House, purports to be an attempt to control, if not outlaw, Communist activities in the United States. This is accomplished by broadly defining what constitutes Communist political organizations and Communist-front organizations, and requiring organizations coming within such definition to register with the Attorney General and disclose its officers and members. Various penalties are then imposed upon any person who is a member of a Communist political organization, among them being loss of right to seek Federal office, loss of Federal job, loss of passport rights

and public exposure, and finally, the organizations themselves are denied exemption from income-tax laws and are restricted in the use of the mails.

Whether an organization is or is not a Communist organization is to be determined through administrative hearings conducted by the Attorney General. Appeals from his determinations can be carried to the Court of Appeals for the District of Columbia, but the Attorney General's finding is conclusive if supported by the preponderance of the evidence.

The foregoing constitutes a broad summary of the lengthy 28-page bill.

After entitling the act the "Subversive Activities Control Act of 1950" in section 1, section 2 specifies in the various subparagraphs the necessity for the legislation. The Congress makes legislative findings to the effect that a Communist totalitarian dictatorship is characterized by identification of party and government, ruthless suppression of opposition, and denial of all civil liberties. It is further found that a world Communist movement exists whose purpose it is to establish a Communist totalitarian dictatorship in all countries. Direction and control of this movement is vested in a Communist dictatorship of a foreign country. This dictatorship uses political organizations in other countries as constituent elements of the world movement, such political organizations being controlled directly by the foreign dictatorship and having no independent existence.

The political organizations which are a part of the movement are organized on a secret basis and often operate through organizations known as Communist fronts, which, again, are operated so as to conceal the true character and purposes of the organization. Individuals participating in the world Communist movement, in effect, repudiate their allegiance to the United States and transfer it to a foreign country. The movement has already installed a Communist dictatorship in a number of countries, and the movement constitutes a clear and present danger to the security of the United States and the existence of free American institutions.

Section 3 contains the various definitions. The most important of these are the definitions of "organization," "Communist political organizations," and "Communist-front organization."

An "organization" is defined to include any group, incorporated or unincorporated, which is "associated together for joint action on any subject or subjects." This definition would include, clearly, all labor organizations.

It is noted that H. R. 7595 has eliminated a considerable amount of verbiage in section 3 under "definitions" which was contained in the 1948 version. In 1948, the bill went to some length to particularize on the nature and scope of forbidden activities. At that time the American Federation of Labor pointed to some highly objectionable features. For example, we said that the "characteristics of a political party which it may be reasonable to conclude" were under control of a foreign government was untenable language. It is gratifying to note that our suggestions at that time were sufficiently acceptable to be considered. May we hope that the bill can be further constructed to relieve it of ambiguities which would allow some future Attorney General who might have the same type of thinking as did A. Mitchell Palmer, for example, to pounce upon labor unions for good clean fun and laughs and to read into the law all sorts of inferences personal whim might suggest.

A combination of almost any two of the qualifying subsections in the 1948 bill could easily have lent themselves to providing a basis for finding that an organization in question is a "Communist political organization."

Now it so happens that there are some labor groups which stand for adequate housing programs, national health programs, Government regulation of utilities, including telegraph and railroads. And there are some others which think that poll taxes should be abolished. At the same time the Communists have seized upon these themes as something to allow them to make headway by cashing in on this or that campaign. How easy it can be for an Attorney General or, in the present bill, the Board administering the "Subversive Activities Control Act of 1950," to find that because Communists sponsor some of the same things as some labor unions, that the labor unions per se are guilty of supporting communism.

It may be far-fetched to say that the Board possibly would seize upon the fact that unions would stand guilty of being under control of a foreign government because of their use of the strike weapon, it nevertheless is true that Russian revolutionists, Lenin and Stalin, have preached the doctrine of incitement to strike. I might add that Leon Trotzsky would not have been unfamiliar with the same idea. But unions were striking before Messrs. Trotzsky, Lenin, and Stalin got going as a team. May I comment that the Trotzskyites have been given far too little notoriety in recent years. Merely because they are today's underdogs in the world Communist conflagration is no reason for overlooking them. I cannot imagine they are any friends of ours by reason of their presently losing battle with Uncle Joe.

I have read the Senate report accompanying S. 2311, the companion to H. R. 7595. I note some judicial discussions and while I am no constitutional authority and do not intend to get into a discussion on that point, may I suggest the decisions in two cases, as cited by our own legal department, in regard to hostile officials and the acts they could commit under a law favorable to their purposes. Our legal department has suggested that condemning a group by association because it has espoused causes which espousal came long ago would, by indirection, be in the self-same classification as a more recent aggregation which got its direction from abroad would have a questionable constitutional connotation. In this connection is cited the United States Supreme Court's determination in *Board of Education* v. *Barnette* (319 U. S. 624), where the Court said:

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us."

The Supreme Court likewise has condemned the same concept in *Bridges* v. *Wixon*, Mr. Justice Murphy speaking, as follows:

"The doctrine of personal guilt is one of the most fundamental principles of our jurisprudence. It partakes of the very essence of the concept of freedom and due process of law * * * It prevents the persecution of the innocent for the beliefs and actions of others." (See Chafee—Free Speech in the United States (1941), pp. 472–475.)

In the 1948 bill from which some language has been deleted in the present bill it would have been permissible to conclude that any organization whatsoever concerning which "it is reasonable to conclude" must have been getting its directions from far-away places, could be adjudged by the Board to be subversive. I have not heard of an administrative or quasi-judicial board which did not draw "reasonable conclusions" in its own judgment and which would not do everything to support and justify its "reasonable conclusions." But thanks to this committee, that particular language was left out of this bill.

Section 4 makes specific acts unlawful and punishable by heavy fine and imprisonment. These are attempting to establish a totalitarian dictatorship under direction of a foreign government, performing any act with intent to bring about the establishment of such dictatorship, actively to participate in any movement to bring about such dictatorship, or to conspire to do any of the foregoing, and an alleged violator may be persecuted any time during his entire life.

It would seem that in the face of such penalties, some further recognition is needed for a lifelike case which happened in 1944. A man who previously had admitted to a Senate committee that he had cavorted closely with Communists then said he had been mistaken in his choice of associates and had decided to mend his ways. Later he was nominated and confirmed for one of the highest offices in the gift to any man in the executive branch, despite demonstrated background. I find nothing forbidding the appointing power and the Congress itself to agree to the selection of persons such as this.

It is important to return to the theme of this presentation, i. e., the definitions in the bill continue to be too broad and too loosely worded. We are not offering a brief for the American Civil Liberties Union, but merely offer this as an example. Would it be possible for this or some similar organization to know whether it might be adjudged a Communist organization and thus subject to the calumnies and restrictions of the act? Where would the Americans for Democratic Action stand—and here again I certainly am offering no brief for the ADA—once this bill is enacted in its present form? The ADA stands for some of the same things as some other organizations. And there have been and there may still be some Members of Congress who have been said to "agree" (as used in section 4 (a)) with certain history-making events now going on the world around. I cannot find in the bill where such Members would be subject to the law's provisions, unless they too are to be classed as "officers and employees."

With these remarks, Mr. Chairman, I conclude my testimony, prayerful that there will continue to be further improvements made in this bill and mindful that the intentions of this committee are well in line with the thinking of the American Federation of Labor, though all the methods are not in agreement.

And finally, I want to tell you of the individual invitations which you will receive soon to attend the Flag Day observance at the Sylvan Theater under auspices of the Government Employees' Council of the American Federation of Labor. I have the honor to be a cochairman, along with William C. Doherty, vice president of the A. F. of L. It is our earnest desire that everyone who believes as we do will be there June 14, and will stand up and be counted while we give the pledge of allegiance. I hope all of you will make it a date.

Mr. WOOD. Mr. MCSWEENEY, do you have any questions?

Mr. MCSWEENEY. Mr. Riley, I have no right to speak for the committee, but I do believe we are encouraged by the fact that these veteran organizations, together with your splendid organizations of labor groups, are determined that no subversives shall infiltrate into your organizations and undermine the foundations on which you have had such a fine degree of success.

Mr. PILEY. The A. F. of L. went rat-chasing some years ago. I don't know how many they found, but they have been chasing them a long time.

Mr. MCSWEENEY. Don't you feel if each of those organizations puts on its own determined campaign to see that no subversives get in, then we will drive them out in the open and they will have to take on their own organization, which we can earmark?

Mr. RILEY. How often we overlook the importance of education. We have had an education bill in Congress for many years which has made no headway. Adult education is important also.

Mr. MCSWEENEY. I served in Italy during the war 3 years, and in talking to once-members of the American Federation of Labor I found the first method used by the Communists in Italy was the infiltration of labor unions in Italy. I hope fraternal organizations and every organization will make its own determined effort to prevent the infiltration of subversives.

Mr. RILEY. I had the honor of being a BPOE for many years, and 25 or 30 years ago I knew it was the ritual, and I understood it still is the ritual, the week Flag Day falls there is considerable to-do about the importance of that flag and the meaning to us. If all organizations would do that, we wouldn't be in this situation today.

Mr. WOOD. Mr. MOULDER.

Mr. MOULDER. It appears from your statement and the statements I have heard by veteran organizations that there really is no difference in the objective of the organizations to discourage and eliminate subversive activities. Your criticism is directed at the method as proposed by the bill that you have referred to as H. R. 7595?

Mr. RILEY. Yes, sir.

Mr. MOULDER. And particularly the Subversive Activities Control Board. As you express it in your statement, whether an organization is or is not a Communist organization engaged in subversive activities as defined in this bill is a matter for the arbitrary determination of the Board?

Mr. RILEY. That is right.

Mr. MOULDER. And, as I understand your contention, and it certainly is in accord with my belief, before any person or citizen should be deprived of his citizenship rights of freedom or liberty or property, he is entitled to due process of law, and it is a fundamental right of a citizen to have a trial by jury when anything is in issue involving his rights, liberty, or his property.

Mr. RILEY. This country is strong enough to lick totalitarian methods without legislation. For example, you use the word "agree" in section 4 (a) under the heading "Certain Prohibited Acts" on page 8, beginning at line 10: "It shall be unlawful for any person knowingly to combine, conspire, or agree with * * *." That is going considerably out of the way to read a person's mind, unless there is some action that goes with that agreeing. The word "agree," if left to stand alone, and it seems to stand alone there, can cover anything.

Mr. MOULDER. Is it your opinion that an administrative board is inclined sometimes to become a prosecutor instead of a disinterested or impartial board or body to determine the facts?

Mr. RILEY. That is happening every day in the present Presidential procedure on disloyalty, and it is only the checks and balances of the Richardson Commission—some cases I have knowledge of have come out against the accused, but on review they came out in favor of the acused. You have all had experience with these bureaucratic setups. You know what bureaucracy can do. Bureaucracy did it in Italy and Germany and is doing it in many parts of the world today.

There is a bill on which hearings were held down the hall yesterfday in the Post Office Committee. It proposes to take out of the job on sight Joe Doaks or anyone else, by bureacratic fiat, if it is decided in the mind of the bureaucracy that he is a bad security risk. Well, that bill has no counterbalance in it. There is a review proedure where the man who wants to get rid of a person may do so on a review basis. This is an important thing we are doing, dealing with a person's life and limb. We can do violence to ourselves while we are attempting to do violence to our enemy.

You have done a splendid job up to this point. In 1948 you had some pretty strong language, "reasonable doubt," and that sort of thing. What is reasonable doubt? The sky was the limit. It was all a part of the mental process.

Well, I could fulminate the rest of the day, but I know you don't want me to do that. We believe in this sort of thing, too, but there are ways of doing it and ways of not doing it.

Mr. WOOD. Mr. VELDE.

Mr. VELDE. We all appreciate the fact that the A. F. of L. and its affiliates are doing everything you can on Americanism to oppose any totalitarian dictatorship, especially communism, in your unions. I don't want to pry into the affairs of your executive council, but can you tell us whether a vote was taken on the Mundt-Nixon bill and the outcome of the vote?

Mr. RILEY. The report of the executive council is headed "Mundt-Nixon Bill," and the very statements and principles I read all appear under that heading. Further along in the book there appears the convention action, and the convention action was unanimous. It must have been voted on or it could not have been unanimous.

Mr. VELDE. No one called for a roll call?

Mr. RILEY. I don't think so. My goodness, I don't know how many delegates were present. It was a national convention, and the voting strength is numbered in hundreds of thousands, and, if only one vote was counted for each unit, 160 names would have to be called.

I don't know whether there was a roll call. If you want me to check that, I will.

Mr. VELDE. No, it is not important. I wanted to know how unanimous this action was.

Mr. RILEY. Minutes are kept and the proceedings go into minute detail further along. I was speaking in terms of the report of the executive council plus the action of the convention itself. I will be glad to look it up and see if there was a roll call.

Mr. VELDE. If you have time, I will appreciate it.

Mr. RILEY. I will be glad to do it.

Mr. VELDE. As far as H. R. 7595 is concerned.

Mr. RILEY. That is the one I have been discussing.

Mr. VELDE. I have been discussing the original Mundt-Nixon bill. On this bill have you had an executive council meeting; that is, on H. R. 7595?

Mr. RILEY. This is a new bill introduced on March 7, 1950. We only have our meetings in the fall. Of course, there are interim executive council meetings quarterly; however the last one started on January 30, before this bill went in.

Mr. VELDE. I had in mind whether or not the things deleted from the original Mundt-Nixon bill might change the opinion of the executive council of the A. F. of L.

Mr. RILEY. It certainly moderated the opinion on it, but it will be the last of April or first of May before there is another executive council meeting. If you can wait until then, I certainly will ask that they consider it at that time.

Mr. VELDE. We are always glad to have the opinion of labor organizations such as the A. F. of L. I wonder if you have a feeling yourself that no legislation is needed at all?

Mr. RILEY. I haven't said we don't need legislation to protect this country.

Mr. VELDE. It appears to me that over a period of years we have had this kind of problem constantly with us.

Mr. RILEY. Absolutely, and it is getting more intense, and the remedies proposed need to be intense.

Mr. VELDE. It appears to me we have not, by ordinary means of exposition of the problem, been able to combat it successfully. I am referring to the case of Alger Hiss and other American Communists in this country who have been operating for a long time and we have been unable to do anything with them under our laws.

Mr. RILEY. You only got Mr. Hiss by indirection, as being a perjuror rather than having committed the act.

Mr. VELDE. Your personal opinion is that there should be some law passed, or some laws we already have, amended to handle the problem?

Mr. RILEY. This committee is entitled to a lot of applause. It is like buying a new automobile. You have to go under 35 miles an hour at first to keep from stripping the gears. You have a new car here.

Mr. WOOD. General Kearney.

Mr. KEARNEY. I want to add my thanks for your very complete statement, particularly your thoughts on education. I think all organizations, whether fraternal or otherwise, should bring to the attention of their membership the situation as it exists today, and possibly a lot of legislation could be done away with entirely. There should be Flag Day observances all over the Nation such as you will have on June 14.

Mr. RILEY. We take our hats off to no one when it comes to our work on Americanism.

Mr. KEARNEY. I notice on page 2 of your statement you refer to the passport situation. As it stands now, the Department of State has a right to deny a passport to any individual for various reasons.

Mr. RILEY. I was pointing out some of the high spots.

Mr. KEARNEY. As I understand your remarks, the American Federation of Labor does not object to legislation on this subject provided it is the type of legislation that should be enacted; that is, that protects individuals against thought control or persecution?

Mr. RILEY. We don't want to be caught in the middle because maybe sometime some of our affiliates might have been thinking in terms of public ownership and the Socialist Party.

Mr. KEARNEY. Don't you agree in many cases we hear of today a lot of individuals were brought into Communist-front organizations through what, to me, is a sucker list. They are innocent people who just get caught. For instance, an individual might be vitally interested in the peace of the world, and some committee comes to him and says: "We would like you, as an outstanding citizen, to join our committee and come out for peace." Then the committee might turn out to be a Communist front.

Mr. RILEY. Do-gooders. He wakes up some morning and finds his picture on the front pages as a subversive. Some years ago there was a person in the Government here who was invited by the Washington Book Shop to get her name on their list, and they said: "Look how much money you can save on phonograph records and books." This committee finally cited that outfit, and she was horrified. She comes from up-State New York, the heart of America, and this was the first time she had come to Washington, to work in the Government.

Mr. KEARNEY. I agree with you that up-State New York is the heart of America.

Mr. MOULDER. Mr. Chairman, I would like to ask a question.

Mr. WOOD, Mr. MOULDER.

Mr. MOULDER. Briefly summarizing your views on this proposed legislation, is it this: That you are not opposed to the passage of legislation which has as its objective the elimination of the dangers of un-American or subversive activities?

Mr. RILEY. Not in the slightest.

Mr. MOULDER. But you are appealing to the committee to conscientiously study the proposed legislation and to eliminate any provisions that might be based on passion or prejudice?

Mr. RILEY. That is right.

Mr. MOULDER. So that such legislation will protect the fundamental laws of our country

as to due process of law so that no innocent person might be injured?

Mr. RILEY. You will let a lot of guilty ones go through, but you will protect the innocent ones.

Mr. WOOD. I believe I can assure you that the membership of this committee is in hearty accord with your view that utmost diligence should be given to see that whatever legislation this committee may report in this field shall have such protection so that no innocent person shall be injured thereby.

Mr. RILEY. Mr. Mandel called me a couple of weeks ago, and I came up here and he said: "What are the objections to this bill? What is wrong with it?" As a matter of fact, I pointed out as many suggestions for improvement as I did objections to the bill in its present form. For example, I pointed out that the words "stations," "reservations," "outposts," of no sort are mentioned. You have everything else. I also pointed out that, while you are talking about periodicals and magazines and radio, you haven't mentioned one form of communication which to me was quite obvious, because I used to be in the field, and that is a publication where an organization or a printing outfit can incorporate and immediately upon completing the job go out of business. It didn't seem to me that type of publication was included. I made some suggestions for improving the bill; so I think I ought to get 50–50 on this thing.

The second observation I wanted to make is in line with Mr. Kearney's questioning a while ago. In 1945, shortly after the Labor Party came to power in England, there was held at Blackpool, England, a meeting of the Federated Trade-Union Congress, and there were sent from the A. F. of L. two fraternal delegates, one of whom is our national secretary and treasurer, Mr. George Meaney. George let go a broadside on those fellows that awakened them. He let them know not only that he felt they were lackadaisical or in the doldrums but that American labor was not. That was in the spring of 1945. I don't think the war was over, or it was just getting over. He pointed out to the British that as long as they stayed in the World Trade-Union outfit they were doing down the drain and the suction would carry still more along.

He was almost hooted down, "Withdraw, withdraw," but he had the courage of his convictions and he said, "No, I am going through with those remarks," and he went through with them. That was the opening gun in our modern fight on communism and other "isms."

Mr. WOOD. This committee is cognizant of the efforts of your organization, and we feel your organization is entitled to commendation for the fight you have made against this menace to the American way of life.

Mr. RILEY. It is swell of you to say that.

Mr. WOOD. I express to you the appreciation of the committee for your time in coming here and for the information you have given us.

Mr. RILEY. Thank you, Mr. Chairman.

Mr. LANGER. Then there is the testimony of Arthur Garfield Hays, of the American Civil Liberties Union. I ask unanimous consent to have his testimony printed at this point in the RECORD, as a part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF ARTHUR GARFIELD HAYS

Mr. RUSSELL. Will you state your full name, please?

Mr. HAYS. Arthur Garfield Hays.

Mr. RUSSELL. You are appearing here as a representative of the American Civil Liberties Union; are you not?

Mr. HAYS. I am.

Mr. RUSSELL. Mr. Hays, what position do you hold with the American Civil Liberties Union?

Mr. HAYS. I am general counsel of the American Civil Liberties Union, associated with Morris Ernst, who is also general counsel, and I am also a member of the board of directors of the Civil Liberties Union.

Mr. RUSSELL. Mr. Hays, it has been the policy of this committee to ask witnesses testifying concerning proposed legislation whether or not they are at the present time a member of the Communist Party or whether they have been at any time a member of the Communist Party. I would like to ask you that question.

Mr. HAYS. My answer is "No." That is a curious question to ask one who has devoted his life to fighting totalitarian government.

Mr. RUSSELL. There is a reason. I will not explain it now.

Do you have a prepared statement?

Mr. HAYS. I have, but I would like to read only the conclusion.

Mr. RUSSELL. Mr. Chairman, I ask that Mr. Hays be permitted to read such parts of his statement as he desires, and that the rest be placed in the record.

Mr. WOOD. If Mr. Hays wants it placed in the record.

Mr. HAYS. Yes. The main part has to do with the law and an analysis of the bill, and I imagine you are tired hearing that by now, so I would like to devote myself to the philosophy of the whole thing.

Mr. WOOD. You may proceed, and the statement in its entirety will be included in the record.

(The statement above referred to is as follows:)

"My name is Arthur Garfield Hays. I am general counsel of the American Civil Liberties Union, and a member of its board of directors. I am appearing here today in behalf of the American Civil Liberties Union in opposition to Mr. Nixon's bill, H. R. 7595.

"The American Civil Liberties Union is completely and unalterably opposed to communism. We are equally opposed to any violation of the civil liberties guaranteed in our Constitution—freedom of speech, due process, and all the other great foundations of our democracy. It would be tragic if we were to deprive ourselves of those civil liberties which distinguish our political system from totalitarianism in a misguided effort to combat that totalitarianism. We believe that H. R. 7595 represents an unconstitutional violation of those civil liberties. We believe, moreover, that contrary to its claimed effect, its passage would materially aid the cause of communism, undermining that very structure of the American Government and the American society which it ostensibly is meant to buttress.

"There are already adequate laws now on the statute books to combat any "clear and present danger" from communism, which is all the proponents of this bill seek to safeguard against. Among these are the Espionage Act, operative only in time of war (50 U. S. C. A. 33), the Peacetime Sedition Act (18 U. S. C. A., secs. 9–13), the Subversive Organizations Registration Act (18 U. S. C. A., secs. 14–17), and the Foreign Agents Registration Act (22 U. S. C. A., secs. 611–621).

"While we are strenuously opposed to the views of those who would be immediately affected by H. R. 7595, we must recognize the perils to which legislation of this type would expose the whole Nation.

"Today Communists are condemned as un-American because their motives are suspected; and so, if H. R. 7595 were to become law, those who furthered the Communists' program would be penalized. What of tomorrow? May the Congress of some future day conclude that other political faiths are equally "un-American" and "subversive" and must, therefore, be subjected to restraints and penalties? Will it be the Progressive Party tomorrow? The Socialist Party next week? And then the Democrats? And then the Republicans? Can we safely accept the proposition that the advocacy of ideas may be forbidden, without reference to specific acts of a criminal nature? We think that our whole constitutional development shows that actions, not beliefs or ultimate goals, must be the sole tests of legality.

"Chief Justice Hughes declared a decade ago: 'The greater the importance of safeguarding the country from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press, and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government' (*De Jonge* v. *Oregon* (299 U. S. 353, 365)). These words have apt application to the present problem. If it be true, as H. R. 7595 seeks to declare, that our American institutions are threatened by advocacy of a totalitarianism alien to our traditions, we must meet the threat not by direct or indirect repression but by free political discussion which is the very cornerstone of democracy. And in this connection it is well to recall Mr. Justice Jackson's observation that 'freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order' (*West Virginia State Board* v. *Barnette* (319 U. S. 624, 642)).

"ANALYSIS OF THE BILL

"After declaring a necessity for this legislation (sec. 2), and defining certain terms (sec. 3), the most important of which are Communist political organization (subsec. 3) and Communist-front organization (subsec. 4), the bill makes certain provisions against sedition (sec. 4); and then provides for the registration of all organizations of the type listed above, and imposes certain penalties upon members and officers of such organizations. These latter provisions will be referred to henceforth as the registration and penalization provisions, as distinguished from the sedition provisions, which will be discussed first.

"A. THE 'SEDITION' PROVISIONS

"Section 4 creates criminal penalties entirely independent of any organizational registration or nonregistration. It provides in subsection (a) that 'it shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, the direction and control of which is to be vested in, or exercised by or under the denomination or control of, any foreign government, foreign organization, or foreign individual.' This is punishable by a possible fine of $10,000 or imprisonment for 10 years, or both, plus ineligibility for public office.

"It should be noted that strictly domestic efforts to establish totalitarianism are left untouched.

"There is a definition of what constitutes a 'totalitarian dictatorship.' Beyond this, all is confusion. The language of subsection (a) is so vague that one would not know with any certainty what actions would subject one to criminal liability. What exactly is prohibited in the injunction against 'knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment * * * of a totalitarian dictatorship'? It should be noted that there is not even a requirement that the person

accused intends to bring about the forbidden result; it is enough if the agreement to perform some act is a conscious one.

"Just what does this catch-all prohibit? It is quite clear that this provision on its face is not applicable to acts alone, but to speech and publication as well. The avowed purpose of the Nixon bill is to prevent the establishment of a totalitarian dictatorship. If the bill becomes law, and a person advocates its repeal, is he then performing an 'act which would substantially contribute to the establishment * * * of a totalitarian dictatorship'?

"Is an attorney who defends a Communist in a political case guilty under this section? If a group files a brief amicus in the appeal of the Communist leaders from their conviction under the Smith Act and helps secure its reversal, is this a criminal conspiracy? Is a person who contributes to the defense funds of the Communists a criminal under this subsection? Is publication of a pamphlet proposing peaceful and legal amendment of the Constitution to establish a 'totalitarian dictatorship' outlawed? If Mrs. Roosevelt again invites Paul Robeson to appear on her television program, is she to be indictable under this section? Do the publishers of the Daily Worker publish at their peril? Is it criminal to publish Das Kapital or to put it in a library? Where is the line to be drawn?

"We believe this section to be clearly unconstitutional on its face. As the United States Supreme Court stated in the case of *Winters* v. *New York* (333 U. S. 196): 'Where a statute is so vague as to make criminal an innocent act, a conviction under it cannot be sustained (*Herndon* v. *Lowery*, 301 U. S. 242, 259).' It should also be noted that the court in the Winters case cited as authority the case of *State* v. *Diamond* (27 N. W. 477, 202 P. 988), which held unconstitutional a statute punishing 'any act of any kind whatsoever which has for its purposes or aim the destruction of organized government * * * or to do or cause to be done any act which is antagonistic to or in opposition to such organized government * * *' The language of that statute was remarkably similar to section 4 (a) of H. R. 7595. (See also *Stromberg* v. *California*, 283 U. S. 359, 369.)

"B. THE 'REGISTRATION AND PENALIZATION' PROVISIONS

"1. In general: The proponents of the bill have frequently contended that the purpose of the registration provisions of the bill is mere disclosure. This is demonstrably untrue. For registration of a 'Communist political organization' automatically bars its members from seeking passports or holding Federal employment; registration of a 'Communist-front organization' automatically requires it to label all its publications moving in interstate commerce and all its radio broadcasts as those of 'Communist organization,' a requirement applicable as well to the propaganda of 'Communist political organizations.' Moreover, adequate laws already exist providing for mere registration.

"Registration will not disclose to the public or to the Government anything they do not already know. There is no doubt but that the FBI and the House Committee on Un-American Activities already have all information which could possibly be obtained by registration; and Communists and communism have repeatedly been exposed by governmental authorities and in the press. Moreover, Communists have already announced that they would not comply with the provisions of this bill. As Senator MUNDT has stated:

" 'I don't believe that all the Communists in America are going to register simply because the law says that they should, and I think that we're still going to need the FBI, still going to need the House Committee on Un-American Activities and a great number of other alert people to find the people who decline to register' (from Meet the Press, Station WOR, Mutual Broadcasting System, March 17, 1950, 9:30–10 p. m., e. s. t.).

"In their noncompliance, Communists will inevitably increase their underground activities. It is not enough to answer that the most dangerous parts of the Communist 'apparatus' are already underground. Ninety percent of an iceberg is invisible, too; but sailing in dangerous waters would not be made safer were the entire iceberg to be unseen. Moreover, while the argument that a law will not be complied with is normally not a valid argument against its enactment, the fact that a bill whose avowed purpose is disclosure will paradoxically result in an attempt at complete concealment would seem persuasive evidence that the bill would do more harm than good were it to become law.

"If indeed the time has come for disclosure, assuming that this law would become effective, it would seem far better to require all organizations seeking to influence public opinion to disclose, than to single out merely the Communist groups. Our way of life is quite possibly now threatened more seriously by the Ku Klux Klan than by the Communist Party, yet this and native Fascist groups are exempt from registration. Indeed, any registration required by the Attorney General of a Communist political organization because of its views and policies (sec. 14 (e) (1)) or because of the alleged identity of its views with a foreign government or organization (sec. 14 (e) (2)) would seem to be clear violation of the constitutional principle against prior restraints on beliefs or opinions.

"There would seem to be great doubt whether organizations may be subject to special treatment by law because of views alone. Certainly, it would not be maintained that a statute subjecting an organization to criminal penalties merely because of its beliefs, in the absence of any acts on its part, would be constitutional. (See *De Jonge* v. *Oregon*, supra; *Taylor* v. *Mississippi* (319 *U. S.* 583).) Registration which is akin to licensing would similarly seem to fall within the constitutional ban. (See various Jehovah's Witnesses leaflet cases; e. g., *Lovell* v. *Griffin* (303 U. S. 444); *Schneider* v. *Irvington* (308 U. S. 147); and *Murdock* v. *Pennsylvania* (319 U. S. 105).)

"Proposals for disclosure may be sustained where related to some Federal function, such as special postal rates or identification of foreign agents. But in no law covering such cases have specific groups or organizations easily identified been singled out for special treatment. This, we believe, is not only sound public policy but good constitutional law.

"Moreover, the imposition of penalties for nonregistration by legislation rather than by judicial trial would be an unconstitutional bill of attainder. A bill of attainder is defined as a legislative act which inflicts punishment without a judicial trial (*Cummings* v. *Missouri* (4 Wall. 277)). The present bill constitutes a congressional determination that in effect all members of a 'Communist political organization' are automatically subjected to certain penalties merely by the fact of membership. The bill, by the registration provisions, removes the right of privacy from them. They may not obtain or seek privileges, such as passports or Federal jobs, to which other persons are eligible. It is hard to see a distinction between a statute prescribing certain oaths as a condition to practice law in the Federal courts and a statute such as the one under consideration. If the Supreme Court has ruled the former unconstitutional because of some presumption of guilt which would be the basis for the denial of the privilege, then the latter, which does not merely presume guilt but finds it conclusively, must also fall (*Cummings* v. *Missouri*, supra; *Ex parte Garland* (4 Wall. 333); and see, as particularly in point, *United States* v. *Lovette* (328 U. S. 303, 315, 317).)

"We do not doubt, furthermore, that while Congress may define conspiracy it is the responsibility of the courts alone to decide what groups fall within the definition. The definition of a "Communist political organization" is an ill-disguised method to define the Communist Party as an international conspiracy. The use of the term "Communist" brings the statute within the Lovett case's dictum that "legislative acts, no matter what their form, that apply to named individuals or to easily ascertainable members of a group * * * are bills of attainder" (*United States* v. *Lovett*, supra 315).

2. In detail: (a) Definitions of organizations required to register: There are two basic terms in the bill—"Communist political organization" (sec. 3 (3)) and "Communist-front organization" (sec. 3 (4)). The first is obviously aimed at the Communist Party. But neither is defined with sufficient precision. Moreover, it would appear that a finding could be based on any one or more of criteria set forth in section 14, many of them wholly unrelated and entirely lawful.

"(i) A 'Communist political organization' is defined in section 3 (3) as an organization which is controlled by a foreign government or foreign political organization, and which is operated 'primarily to advance the objectives of * * * (the) world Communist movement." But section 14 (e), in addition to setting forth certain relevant considerations, sets forth additional considerations upon which such findings may be predicated, including the extent of nondeviation of its views and policies from those of foreign Communist governments or organizations and the extent to which the organization and its members operate in secrecy and resist efforts to obtain information as to their membership. This last criterion in effect permits a finding that an organization is a Communist political organization when such organization claims it is not and therefore resists its registration. Protestations of innocence are thus turned into admissions of guilt.

"(ii) A 'Communist-front organization' is defined in section 3 (4) as an organization which is controlled by a 'Communist political organization' or primarily operated to give aid and support to a 'Communist political organization,' a Communist foreign government, or the 'world Communist movement.' But, under section 14 (f), either of these criteria can be established on the basis of the identity of persons active in management, the sources or use of funds and the positions taken by the organizations on matters of policy. This last provision in effect might permit characterization of an organization as Communist merely because some of its views coincide with Communist policy, though the group may indeed have no sympathies with communism whatsoever.

"(iii) We submit that any such definitions must inevitably restrict freedom of speech and assembly of the organization and its members, in violation of the first amendment to the United States Constitution, by limiting their rights to meet in private and their right to take what position they choose on national or international matters, unless they register and submit to the penalties appertaining to registration. Even registration without penalty would be unconstitutional. We wish to call specific attention to the Supreme Court's ruling in *Thomas* v. *Collins* (323 U. S. 516), where it was held that 'As a matter of principle, a requirement of registration in order to make a public speech would seem generally incompatible with the exercise of free speech and assembly.' In addition, such catch-all definitions transgress the requirements of certainty imposed by

the due-process clause of the fifth amendment. (See *Winters* v. *New York* (333 U. S. 196).)

"(b) Administrative procedures: Section 7 of the bill requires registration with the Attorney General within 10 days after its enactment or within 30 days after an organization acquires its Communist character. A member of an organization who knows it to be registered as a Communist political organization and who knows that he is not listed as a member by the organization must within 60 days thereafter register as such with the Attorney General (sec. 8). If the Attorney General has reason to believe that a nonregistered organization or individual should have registered, he brings proceedings before the Subversive Activities Control Board appointed by the President (sec. 13) for a determination of this question. The Board holds public hearings (sec. 4 (d)) and may require attendance of witnesses and production of relevant documentary evidence any place within the United States (sec. 14 (c)). This would seem to be an undue burden upon witnesses who might have to travel cross-country. The Board then makes appropriate findings and orders (sec. 14). Provision is made for proceeding for cancellation of registration if an organization claims it is entitled to same (ibid.). An organization or individual must register within 30 days after the order becomes final (sec. 7 (c) (3) and (10)). Membership thereafter in an organization which has failed to register is a crime (sec. 10).

"(c) Judicial review: Section 15 allows judicial review by the Court of Appeals of the District of Columbia with final review by the United States Supreme Court. The findings of the Board are to be conclusive if supported by the preponderance of the evidence.

"Since it is contemplated that the Subversive Activities Control Board will determine which organizations are within the scope of the law, the Government may contend in a prosecution under the law that it need only show failure to register, failure to label speeches or printed matter or continuance of membership, and that the order of the Subversive Activities Control Board if upheld on appeal is conclusive. That, we submit, is in violation of the provisions of the sixth amendment which guarantees trial by jury and a right of confrontation of witnesses (*Kirby* v. *United States*, 174 U. S. 47).

"(d) Contents of registration statement: The registration requirements of section 7 require the annual listing of officers and an accounting of receipts and activities with a statement of the sources of funds. The Attorney General is authorized to specify the details. These are required of both types of organizations. 'Political' but not the 'front' organizations must also list annually the names and addresses of members. The Attorney General is required to notify any individual listed as a member, who is given an opportunity to contest his listing before the Attorney General with right of appeal to the Board.

"Section 9 provides that the registration data is available for public inspection and that the Attorney General should annually submit to Congress a list of organizations and of the data given, including names of members.

"(e) Penalties—(i) criminal: Membership in a nonregistered organization is made unlawful 30 days after the Board's final order requiring registration (section 10). The default of the organization in failing to comply with the law is thus imputed to each member, thereby resulting in the commission of a separate crime by each member for further adherence to the organization. As Mr. Justice Jackson stated, "* * * if any fundamental assumption underlies our system, it is that guilt is personal * * *" (*Korematsu* v. *U. S.* (323 U. S. 214).) Section 10 is therefore unconstitutional. (See Mr. Justice Murphy in *Bridges* v. *Wixon* (326 U. S. 135).)

"An organization which has failed to register pursuant to section 7 is liable to a fine of between $2,000 and $5,000. Those individuals who had the duty to register for the organization and an individual who failed to register pursuant to section 8 are liable to the same fine plus imprisonment for 2 to 5 years. Each day of failure to register is a separate offense. Thus, organizations not registering could be fined as much as $1,725,000 per year, and individuals who are punishable for this offense could be made to stand the penalty of life imprisonment. False statements in registration statements are punishable just as severely.

"(ii) Other noncriminal penalties: Though nonregistered organizations are subject to the penalties listed directly above, registered organizations and their members are subject to other penalties. Both compliance and noncompliance with the law thus paradoxically subject persons and organizations to penalties.

"(a) Denial of tax deductions and exemptions: Registered organizations and those who have not registered though finally ordered to by the Board are denied exemption from Federal income tax, under section 101 of the Internal Revenue Code, and contributors thereto cannot take a deduction (sec. 12).

"(b) Nonavailability of Federal employment: Section 5 makes it unlawful for a member of a 'Communist political organization,' when there is in effect a final order requiring it to register or when it is registered, to hold any nonelective office or employment under the United States. In addition, anyone who employs such an individual in that capacity with knowledge that he is a member of such an organization is guilty of a crime.

"We submit that the loyalty program has adequately protected the Government against Communist infiltration. Not only is this provision therefore absolutely unnecessary, but it also imposes disability merely on the basis of organizational affiliation and not on the basis of personal illegal acts. We have consistently opposed the blanket proscription of persons from Government service merely because of their affiliations. They may be totally out of sympathy with the subversive policies of that organization, or may have just joined because of personal reasons. We find no justice in the broad scope of this bill whatever may be the question of its constitutionality.

"(c) Denial of passports: Section 6 makes it criminal for a member of such an organization described in (b) immediately above even to apply for a passport. If a Government officer or employee merely has reason to believe that the applicant is such a member, he is guilty of a crime if he issues the passport. Thus, mere suspicion is made a ground for denial of the privilege.

"Moreover, we have always been of the opinion that there should be as few restrictions as possible on travel, both into and out of the United States. We see no justification for the restrictions here imposed.

"(d) 'Red label' requirement: Under section 11, it is unlawful for a registered organization or for an organization finally ordered to register or for any person acting in its behalf to use the mails or other means of interstate commerce to distribute literature without printing on the wrapper that it is 'Disseminated by ———, a Communist organization.' So, too, a broadcast or telecast must be preceded by a statement that 'The following program is sponsored by ———, a Communist organization.' Pause for station identification is now replaced by pause for ideological identification. There would thus seem to be a double violation of the rule against prior restraints. Cf. the Collins case, mentioned on page 10 of this memorandum, which we believe correctly states the law.

"Moreover, this provision would have the inevitable effect of smearing any good cause the Communists might espouse in the minds of those who judge ideas, not on the basis of validity, but on their source. On the other hand, Communists would be careful to embark publicly on only the worthiest crusades and those who judge ideas by their validity will then ascribe all good causes the Communists may espouse, to the Communists. Whatever the result, only the Communists will gain."

(This last part of the foregoing statement, headed "Conclusions," was read by Mr. Hays, as follows:)

"Communism and all its works were never at a lower ebb in the American mind than they are today. No group, except the Nazis, has ever been so scorned and reviled by the general public. This has happened without any such law as H. R. 7595 proposes.

"Its enactment would inevitably boomerang. Communists will be driven completely underground where it will be more difficult to combat them. The only important fear which we need have of Communists in this country today is that they will provoke us into suicide, by destruction of our own free activities.

"May I insert a statement I have often made, that I think the Communists are dangerous in the United States today, but not for the accepted reason. I think they are dangerous, not for what they might do, but for what they might persuade us to do.

"Judgment as well as emotion must be used in combating our enemies; it does one little good to attempt to crush his enemy below by jumping out of a tall building in the hope he will score a direct hit.

"Our supreme interest in defeating this bill is self-interest—the self-interest of all of us Americans who are not Communists but are, on the other hand, uncompromising opponents of all totalitarian dictatorship. It must be remembered that it was Czarist Russia in which repressive measures were first taken against Communists—and that it was Czarist Russia in which communism scored its first victory. Police-state tactics will not destroy communism. Only counterpropaganda and more democracy will. By refusing to adopt this bill, America will strike the heaviest possible blow against communism, and preserve its own democracy."

Mr. HAYS. Mr. Chairman, in discussing the philosophy of this bill I am much more interested in non-Communists than I am in Communists; the effect it has on society in general rather than the effect it has on the Communist. I myself am not fearful of the Communists themselves. I think they have been tremendously publicized, and that helps popularize the movement. It has an emotional appeal which has been well advertised. I think that arouses the emotions that keep people in the party.

Mr. WOOD. Mr. Hays, pardon me for interrupting. I understood you, in your opening remarks, to say communism today is at the lowest ebb it has been in years.

Mr. HAYS. I am of the opinion in 1920 it was more popular than it is today because it had the sympathies of people who were half Socialist and thought it might be interesting to see how it developed. Since then, everybody knows it is a purely totalitarian slave government, so I don't think it has the sympathetic support of the people that it had then.

I know some of my friends who were liberals gave it their sympathetic support. I don't think it was so much of a reflection on a man to be a Communist in those days as it has been, I would say, since the German-Russian pact, and as it is today. So I think whatever influence they may have had in the beginning has been greatly lessened as time has gone on.

I think further it is not only the unpopularity of the people who belong to the party; it has come to be a question of freedom. We

had Communists on our board until 1940. Since 1940 no one has been permitted to be on the board unless he will commit himself as being opposed to totalitarian government. Those Communists were fighting for civil liberties, but we found if we were to be effective we should have no one on the board unless he would reject anything connected with totalitarian government.

Mr. WALTER. Don't you think that is due to the fact the people have come to a realization of the Communist system?

Mr. HAYS. Partly, and I think we all agree in time of war, Communists would form a fifth column, but I don't know of any law that can be passed that would punish people for the views they hold and for what might happen in the future.

The Communists can't get enough support in New York, where they are strongest, to keep their name on the ballot. They did in 1920. They have no one in the legislature, and no one in the Senate and House with one possible exception.

Why this fear? Entirely aside from that, it is the effect of bills of this kind on non-Communists that concerns me. For instance, under this bill the Communist Party is obliged to register the names of members of the party. Now, then, I haven't as much confidence in those who are in the Communist Party as perhaps your committee. I think they would do anything to promote their cause, whether it is good, bad, indifferent, or vicious. What if the Communists filed a lot of names of people who are not Communists? They could put on their list every labor-union leader in the United States. They might put Dean Acheson on their list. Then you have long proceedings to find out if the people on their list are Communists. What is to prevent that sort of thing? Are the Communists too honest to do that? It would be wise strategy on their part. Suppose they put some workingman on their list who is not a Communist, but who has no money to fight it? What effect might it have on people strongly opposed to communism if the Communists wanted to make use of this strategy?

Take members of your Subversive Activities Control Board. These men, appointed at $12,500 per year with no other business, would probably have the greatest power of judgment than any three men in the United States. We all assume they would be honest, disinterested men. Might I suggest the names of Dies, Thomas, and McCarthy—being in the Senate McCARTHY probably would not take it—or perhaps Mr. RANKIN might be a substitute. Imagine a board like that, with very definite views, full of suspicions, determining whether a person is a Communist or not.

In reading this bill, I should say the Progressive Party would have to register under section 14 (e). I have no brief for the Progressive Party, but I think it is a pretty dangerous situation where the judgment might apply to many people who are not Communists. Take section 14 (e). Among the criteria by which one is to determine whether a group is a Communist political organization are the following:

"(1) The extent to which its policies are formulated and carried out and its activities performed, pursuant to directives or to effectuate the policies of the foreign government or foreign governmental or political organization in which is vested, or under the domination or control of which is exercised, the direction and control of the world Communist movement referred to in section 2 of this act."

I don't know of any point in foreign policy that was espoused by Russia that was opposed by the Progressive Party. I may be wrong, but I think they followed the party line very closely, not intentionally, but I think their views were that way. Yet I don't doubt the patriotism of a large part of the Progressive Party.

Take subsection (2):

"The extent to which its views and policies do not deviate from those of such foreign government or foreign organization."

I don't think their foreign policy deviated from the party line, in spite of Mr. Wallace's insistence that he was opposed to totalitarianism.

Take subsection (7):

"The extent to which (i) it fails to disclose, or resists efforts to obtain information as to, its membership (by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method); (ii) its members refuse to acknowledge membership therein; (iii) it fails to disclose, or resists efforts to obtain information as to, records other than membership lists; (iv) its meetings are secret; and (v) it otherwise operates on a secret basis."

Well, I am sure that is true in various parts of the country where people are fearful of being called Communists.

Take section 14 (f). Among the criteria by which the Board is to determine whether any organization is a "Communist-front organization" are the following:

"(1) The extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives of, any Communist political organization."

I think one of the troubles with the Wallace movement was they got in the hands of the Communist Party after a while, although I think they started independently.

"(2) The extent to which its support, financial or otherwise, is deprived from any Communist political organization."

Suppose the Communist Party contributed the campaign funds; that would be a criterion for determining the Progressive Party is a Communist-front organization.

"(3) The extent to which its funds, resources, or personnel are used to further or promote the political objectives of any Communist political organization."

The same there.

"(4) The extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist political organization."

How about that?

I think if a thoroughly honest, sincere man was on the Board he would probably say the Progressive Party had to register. Suppose they didn't register. In the first place, they wouldn't know the names of their members; I presume they wouldn't. I know of no political party that does know the names of its members except the actual Communist Party. They don't know the names of the members so they can't register. But suppose they try, and send in as many names as they can. Everything they do has to be denominated as a Communist proposal. Suppose they don't register. They take the chance of being found to be a Communist political organization and somebody being fined thousands of dollars a day for failure to register.

You would destroy any new minority party if it espoused things you didn't like or if you thought it was affiliated with the Communist Party. And you would leave the determination to three men.

I am trying to avoid any legal discussion, but I tell you it is wrong. If I were asked today what is the greatest threat to liberty, I would say this: That in past times any law that was not so definite that anybody could understand it was unconstitutional. Today I think all along the line we are beginning to pass indefinite laws. In the past we had judgment by courts after an Anglo-Saxon trial. Now we have judgment by commissions. This country is developing into a state where we have indefinite laws with judgments by commissions. I think that is the greatest threat to the country, and I know of no better example than this law.

Mr. MOULDER. Mr. Chairman.

Mr. WOOD. Mr. Moulder.

Mr. MOULDER. Then is it your contention and argument that the ultra-conservative groups, which were referred to by President Roosevelt as "economic royalists," are using fright psychology by adopting communism as a scare to frighten the people, in their efforts to oppose liberal legislation?

Mr. HAYS. I haven't any question about that. I should think we might learn from Hitler and Mussolini, the means by which they rose to power, and when they got in power they fastened a real menace on the people. I have too much confidence in the American people to believe anybody in the United States can bring that about.

Mr. WALTER. If a political organization should adopt the labor platform in toto and advocate that type of nationalism for certain industries in the United States, don't you feel under the provisions of this law that group would be considered subversive?

Mr. HAYS. I have no doubt of it. You might have a group so afraid of communism they would adopt anything new. I have often stated, under the Feinberg law in New York relating to teachers, if a teacher wanted to keep her job I could tell her what to do. If a teacher says, "War with Russia is inevitable; we should drop bombs on her tomorrow," she would be considered anti-Communist. She also ought to support the Marshall plan. She ought to support the Allies together.

My feeling is that bills of that kind are making Americans timid. I think it is more important to have courageous citizens say what they think, rather than people afraid of expressing themselves.

I am against all disclosure laws, incidentally. I think that would practically end liberty. A thing like that would have killed the abolition movement in the early days. When, in addition to the general disclosure law, you have penalties on those that disclose themselves, you are making people timid of any connection.

I don't believe you could get a group of men in Washington today who would discuss any political question honestly that is controversial. They are hush-hush affairs. No man will express himself in a group of friends where he might be called a Communist, right or wrong. I know many people who are patriotic who belong to many front organizations. As one man said: "I walk the road I think is right, and I don't get off because other people get on."

I personally have never belonged to a front organization, but I have been asked to join such and such organization and I would ask who were on the Board, and perhaps they would say Roger Baldwin and Norman Thomas, and I would say all right, then pretty soon they would have other names on it. It might be a front. I have learned that and do not join, but many of their purposes I have strongly approved of from time to time. Why any person should have his character assailed because of associations or views is beyond my comprehension. You are making people timid. I am a little timid myself. I subscribed to that Trenton Six trial. When I wrote out my check to the Civil Rights Congress I wondered if I should pay in cash. I have a good law practice, but a man in my position, even, has that thought. Just think how timid most men, depending on their jobs or positions, must be.

I don't know whether the Wallace party would come under that law. If the Civil Liberties Union asked for the repeal of this law, I do not know whether we might be held as doing something in the interest of a foreign totalitarian government.

"It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would

substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government."

Suppose one proposed the repeal of this law if it were passed; is he contributing to this movement that would promote the establishment of a totalitarian dictatorship? I do not know; neither does anyone else.

I notice in the report of the majority of the committee the statement was made they did not want to ban the Communist Party, and they gave as reasons it might drive them underground, and that in Canada it did not work, they merely changed the name.

Some people are for the bill because it does drive the Communist Party out; some are in favor of it because it does not.

If you examine the Stassen-Dewey bill, Stassen was for it because it banned the Communist Party; Dewey was for it because it did not ban the Communist Party.

How can you conceive of any political group getting along if they have to take the penalties provided in this bill?

People of course will quit the party. It certainly will drive the party underground. In Ireland they banned the party under Parnell and others, and it would come up under another name.

At the beginning of the Communist Party they used to threaten direct action in the United States instead of political action, and we liberals thought the thing for America to do was develop a political action, because so long as you have the right to vote by secret ballot you have nothing to fear, but when you lose that you have lost the basic right of democracy.

Take the leftist propaganda we have heard for years. Now we are practically preventing them from engaging in political action.

If the committee does not feel it would be wise to ban the Communist Party, I can't conceive why the committee should be in favor of this bill, because it does the very thing the committee said would be unwise.

I mentioned the effect the bill would have on those who are not Communists, by citing the Progressive Party and what the Communist Party could do by making false lists. There are perhaps 70,000 Communists in the United States, as fixed, I think, by Hoover; and Professor Chafee pointed out that is one-twentieth of 1 percent. It is like being in a ball park with 40,000 people, and 20 are Communists. Are we so weak that we need to fear those 20?

There are plenty of laws that penalize actions that are subversive or dangerous or violent. I have often said that the leftist party is always the target in the United States, and I imagine in any country. To me it is a good thing for society, because I think it is a good thing to have a gadfly to continually pick on us.

I was surprised to find that the first plank in our party platform was a public school system. The second plank was abolition of inheritance. The third was income tax; and the fourth was reforestation. While each of those things at one time was considered radical, under the democratic system when they suit your needs you adopt them.

In 1924, in the La Follette campaign, of which I was chairman in New York, we were the Reds. When Roosevelt came in, we were way behind the bandwagon compared to 1924.

The Communists made the Socialists respectable, and sometime we will have a more radical party than the Communist Party that will make the Communist Party conservative.

There are a few people in this country associated with a country that is a danger to the United States. I think what is attempted to be done by this bill is like burning books. I would prefer having them carrying on their activities in the open. It would enable them to let off steam. It stops fear and hate and all the social vices that come along when people are afraid. It shows you where people stand. I like the old American doctrine: "Let them talk. This is a free country; ain't it?"

Usually if you let those people talk they put out enough rope to hang themselves.

Why this lack of confidence in the American people? After all, the Communists aren't getting anywhere in this country. Nothing arouses my indignation more than when I am told the Communists are to be credited with all the hell-raising in this country. You would think the Communists can lead thousands of workingmen by their noses. I don't think they are entitled to the credit they are getting.

You would think a Communist teacher can infiltrate the school children.

Who gives them that credit? I don't know anybody who gives it to them except the Communists and reactionaries. The American people have always had guts. They have always raised cain.

In a country like ours the people can be trusted, and they have demonstrated this throughout history. Look at the alien and sedition acts. Look at the anti-Catholic acts. Remember the Knights of Labor, then the A. F. of L., then the IWW's, then the Socialists. The Communist situation today is just like the Socialists of the twenties. The Socialists were defended by Charles E. Hughes. Then came the CIO. They were controlling this country. And in accordance with our democratic traditions the CIO started doing away with Communists. Today we are against Communists because we are fearful of trouble with Russia. Are they entitled to all the credit we give them?

I have known most of these men. I have known Browder and Bob Minor. They are a very confused crowd of men. I often wonder at the credit we give them. They haven't gotten to first base. Yet you would think, by these bills in Congress, the American people were not to be trusted and we had to have bills to protect us from ourselves. I think it is an insult to the American people.

Mr. WOOD. Any questions?

Mr. WALTER. No.

Mr. HARRISON. No questions.

Mr. WOOD. We deeply appreciate your coming here and the information you have given us, and hope it didn't cause you too much personal inconvenience.

Mr. HAYS. I have traveled farther to get my views across.

Mr. WOOD. Thank you.

Mr. LANGER. Then there is the testimony of representatives of the American Veterans Committee. I ask unanimous consent to have that testimony printed at this point in the RECORD, as a part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF MICHAEL STRAIGHT AND LEONARD A. NIKOLORIC

Mr. WALTER. State your names, please, for the record.

Mr. STRAIGHT. My name is Michael Straight. I am the national chairman of the American Veterans Committee.

Mr. NIKOLORIC. My name is Leonard A. Nikoloric. I am a lawyer with the firm of Arnold, Fortas & Porter in Washington. I have advised the American Veterans Committee with respect to this bill.

Mr. TAVENNER. Mr. Straight, will you state your official position with your organization?

Mr. STRAIGHT. I am the national chairman of the American Veterans Committee.

Mr. TAVENNER. It is the practice and custom of this committee and committees of the Senate to ask each witness appearing on subversive questions whether or not he is now or has ever been a member of the Communist Party, so I would like to ask you that question.

Mr. STRAIGHT. I am not and have never been a member of the Communist Party.

Mr. TAVENNER. Do you have a prepared statement?

Mr. STRAIGHT. We have a prepared brief which I understand you would like to have submitted for the record rather than read out loud. I would like to make a few spontaneous remarks regarding our feelings on this matter, which are not legal. The brief contains our legal interpretation of the bill.

Mr. TAVENNER. That is satisfactory.

Mr. STRAIGHT. Mr. Nikoloric has prepared this brief, and in the brief we explain why we feel the bill before you is unconstitutional. We feel that any effort along the lines of this bill to legislate in matters of opinion is probably unconstitutional. We feel in this particular case if the bill were enacted by the Congress and were upheld by the Supreme Court, then, because the bill attempts to legislate by fiat, and because it attempts to punish people for association and opinion without the safeguards of common law, it would open up not only the Communist Party but other organizations in this country to a threat of prosecution for holding adverse opinions to the normal trend of the time.

The Veterans of Foreign Wars, as a principal proponent of this bill, has declared, as has the Marine Corps League, that the world-government movement is treasonable.

Mr. KEARNEY. Let me interrupt you on that point you have brought out here. Have they declared the world-government movement treasonable?

Mr. STRAIGHT. The chairman of the Marine Corps League has, and I believe the Veterans of Foreign Wars has too.

Mr. KEARNEY. I will take issue with you on that. I don't think they have. I have been strongly criticized for being one of the sponsors of the world-government bill, but I am a past commander of the Veterans of Foreign Wars, and no spokesman for that organization, to my knowledge, has ever declared the world-government movement a treasonable movement.

Mr. STRAIGHT. I could show you some briefs that I believe indicate that position. In a speech in Boston the chairman of the Marine Corps League has declared the world-government movement to be treasonable.

Mr. KEARNEY. That is not the Veterans of Foreign Wars.

Mr. STRAIGHT. No, it is not. Advocates of world government are placed in jeopardy if this bill were considered constitutional.

If there were no legal objections to this bill, we would still think the political objections to this bill were overriding. We share much of the opinion of many witnesses who have appeared before this committee that the Communist Party is a party directed from abroad by a foreign power. We believe it does advocate the overthrow of the Government by force and violence. We believe in many cases the Communist Party is used as a reception center and a training ground for espionage agents on behalf of a foreign power.

However, we don't believe that the Communist Party today is a clear and present danger. We do not believe it can be isolated, and that it can be found to be concentrated in a very few front organizations such as this bill supposes. On the contrary, we believe the Communist Party can be found to be working in a very broad field of political organizations, perhaps in some of the organizations that have testified against this bill.

We believe that since the Communist Party makes a practice of deception, makes a practice of attempting to confuse Communist Party members with non-Communist Party members, it is very hard to differentiate between non-Communists and Communists.

We recognize the Communist Party will be affected by legislation passed by the Congress, but we think nonetheless the advances

and retreats made by the Communist Party in American life are made at the fighting fronts of organizations in which the Communist Party is attempting to carry its policy.

Mr. Kearney, you know in your home town of Schenectady a fight has been waging for a long time between Communist leaders and the electrical workers, and from a superficial knowledge of that fight I can't believe it will be resolved by what is done in Washington. I think it will be resolved by what is done in Schenectady.

Mr. KEARNEY. By the union.

Mr. STRAIGHT. That is right.

Mr. Chairman, we always come down to specific cases in matters of this kind, and in asking whether this bill will help or hinder those of us who are opposed to the Communist Party, I would like to mention the experience of our own organization, the American Veterans Committee, in this matter.

I think most of the veterans' organizations at some time have been infiltrated by members of the Communist Party. The Communist Party, after the war, laid down as a policy of its veterans affairs director that the Communist Party should infiltrate the American Legion.

The American Veterans Committee was formed in 1945, and between 1945 and 1947 the Communist Party continually attacked the American Veterans' Committee in the Daily Worker. After the American Veterans Committee made considerable progress and carried on a fight for emergency veterans' housing and other issues in which the Communists apparently felt we were making a strong appeal to the householder and veteran and worker, they reversed their line and attempted to infiltrate our organization. As far as we know they assigned some of their top veteran leaders to capture our organization. That fight went on for 4 years. The non-Communists, such as Mr. Nikoloric and myself, counterorganized. We had for a time two caucuses working with considerable secrecy. We were forced to adopt some of the Communist tactics to combat them. In the course of that fight the non-Communists demonstrated their ability to outthink and outwork the Communist minority.

Mr. WALTER. Wasn't that due entirely to the fact that you were able to spot the Communists?

Mr. STRAIGHT. No. That is a very important point. We could not today name a single Communist in our organization who was active. We had John Gates who belonged and paid dues, but he was not active. He came to our meetings and directed his caucuses from hotel rooms. Today we would be unable to tell you who was a Communist in our organization and who was a Communist sympathizer, which is precisely why we have come here to explain our views.

In a series of steps, in which we were required to take more and more aggressive action to clear our good name, we finally drove the Communist Party out of the American Veterans Committee completely, to the extent they are now setting up their own front. But we did it without violating any statutes in the States in which we operate. We were taken to court by the Communist Party several times, and we were upheld.

I think in doing that we set a pattern for all responsible organizations to follow. I think it is harder to tackle this problem in a voluntary organization than in a union, which is an involuntary organization. We demonstrated this could be done.

Mr. VELDE. Will you explain what you mean by a voluntary organization as distinguished from an involuntary organization?

Mr. STRAIGHT. A worker must belong to a trade-union in a closed-shop plant in order to qualify for worker's benefits, and therefore he is compelled to stick out that fight, and if he is in the minority he has to fight it through. I think a trade-union in a closed shop is a situation where if a man wants to get out of the union he has to change plant or change his trade. In our organization there is nothing that compels a man to remain in the organization. He can go join another organization.

Mr. VELDE. Membership in a labor union you would say is voluntary or involuntary?

Mr. STRAIGHT. I didn't use the word "involuntary." I said if a man wants to work in a closed-shop plant he has to belong to a trade-union.

Mr. VELDE. I think the man who belongs to a trade-union is a voluntary member.

Mr. STRAIGHT. I am not saying it to reflect on the trade-union movement. It is more voluntary in an organization such as our own than in an organization which has a basic monetary appeal. No one gains materially by belonging to our organization.

I would like to raise this question: Would it help in this kind of struggle we have been through to have the kind of legislation now before you? I would think it would not. As I suggested in reply to your question, Mr. Chairman, the Communist Party was long underground in our organization. We didn't know who they were and didn't know how they operated. We were only able to watch, as far as we could, the kind of signals they were developing. It so happened those signals were published in the Daily Worker. Had the Communist Party been underground, it would have been harder for us.

The efforts of the Communists were directed to winning away the veterans in this organization without experience in dealing with Communist propaganda but with some degree of acceptance of at least some of the slogans put out by the Communists. The ability of non-Communists to fight depends on the issues on which they are allowed to fight. We made the fight on the Marshall plan, and the Marshall plan appealed to a great majority of non-Communists. We made the fight on the Atlantic Pact and military assistance. On all those issues we were able to drive a wedge between Communist Party members and those who might be deceived on housing and other issues. To the extent the issue was the defense of civil rights, we were unable to drive any wedge, because on that issue there is no surface distinction between the Communist Party and our organization.

Also, Mr. Chairman, I think this kind of legislation weakens many organizations which, in my opinion, are the strongest bulwarks against the advance of the Communist Party in this country. If there seems to be some threat that an organization will be brought up before your Subversive Activities Control Board, or mentioned in some way, then a good many people of good will will choose not to come in and fight it out, but to get out and let the Communists take over an organization of that kind.

Mr. KEARNEY. Isn't it a fact with a lot of the organizations today, and isn't that the reason the Communist minority has secured control of particular organizations, because the real Americans get a little tired of going to those meetings and continually fighting when all they wanted when they joined was a life of peace?

Mr. STRAIGHT. That is a real reason which we have experienced in our organization, but I would add if those people you are talking about felt that by coming in and slugging it out they were exposing themselves to prosecution for belonging to an organization infiltrated by Communists, that would not help us.

I do not say you have not provided some safeguards in this bill, but I feel under section 14 an unprincipled man might charge the American Veterans' Committee with violation of the law. I don't think that charge would stick, but I think the charge itself would be sufficient to destroy our organization, which is conducting an effective fight against the Communist Party. We have in the past supported many issues the Communist Party has also supported.

Mr. WALTER. Don't you think the safeguards set up with respect to hearings are adequate? It is more than a mere charge; it is a public hearing. And certainly it seems to me that with the appeal there are ample safeguards against just a charge unsupported by facts.

Mr. STRAIGHT. I should say if the appeal were held here under the Appeal Board in Washington, and if in that appeal we should be cleared completely, back in communities 500 or 600 miles from Washington where the news leaks down and becomes simplified, the fine points of debate known to you here would not be brought down. We found when we brought out an anti-Communist resolution, just the linking of the name of the American Veterans' Committee with Communists in itself was a major cause for hurting our organization back in the communities. If we were charged by some irresponsible person with violating the law, we would lose two-thirds of our membership by reason of the charge.

Mr. KEARNEY. Do you mean your organization suffered from introducing an anti-Communist resolution?

Mr. STRAIGHT. Yes, sir.

Mr. KEARNEY. How is it that other organizations of veterans who always introduce such a resolution annually have not suffered?

Mr. STRAIGHT. Because we are a smaller organization than the American Legion, for example, and a new organization. In Oklahoma there are one or two Communists. The linking of Communists with the American Veterans' Committee appeared for the first time in the press and we lost members when they found we had a problem.

Mr. VELDE. How many members does your organization have?

Mr. STRAIGHT. Approximately 8,000. We are having a membership drive now and we expect to have 25,000 members. We have 300 chapters.

Mr. KEARNEY. What was your top membership?

Mr. STRAIGHT. 20,000.

Mr. KEARNEY. And now it is 8,000?

Mr. STRAIGHT. It will be 20,000 or 25,000.

Mr. KEARNEY. Wasn't that due to membership of members of the merchant marine?

Mr. STRAIGHT. We lost very few of them. The fact we had to make this fight cut down our membership.

As I said, we are not a political organization and not a partisan organization. We are trying to bring about changes that will make it more difficult to have a depression in this country. We think the Communist Party might be a threat in the event of a depression, as it was in the last depression, and we don't want to see another depression. We think the Communist Party might be a threat in the event of another war, and we don't want to see another war. We think the Communist Party is on the run, and we think it can be kept on the run by continuing prosperity. We believe if it becomes a clear and present danger, then by that time communism will have triumphed in the rest of the world before it becomes a threat in this country. We think the critical front is in Berlin, southeast Asia, India, and Rome. We think it is an illusion to believe Americans can gain security by attempting to drive underground or destroy a little band of shabby men on Fourteenth Street whom we think we can lick by normal constitutional measures within existing laws. We think to the extent we create that illusion, that illusion is a point in favor of Joseph Stalin.

We stand on the well-tried principles of Abraham Lincoln, who said: "Place the chains of bondage on others and you will make yourself the willing victim of the first tyrant that comes among you."

We have been in the front lines of a fight that is very much among us today.

Mr. TAVENNER. Will you submit the legal brief?

Mr. STRAIGHT. Yes, sir. I have it right here.

(The brief above referred to is as follows:)

"Mr. Chairman and gentlemen, Mr. Michael Straight, chairman of the American Veterans' Committee, has stated the policy considerations which lead the American Veterans' Committee to oppose H. R. 7595. My statement will be confined to a short discussion of what we consider to be some of the constitutional objections to the bill.

"The first long section of the bill, which is No. 2, purports to set out 11 findings of fact. The purpose of this section is obviously to keep the courts from reviewing the basic facts which will justify the Congress in passing such sweeping and restrictive legislation. It is elementary that this type of legislation can only be deemed constitutional when there is a clear and present danger to the United States and its institutions. The purpose of the section is to legislate a finding of fact that such a clear and present danger exists and to deny to the courts the ordinary review of the facts.

"This process has always been deemed unconstitutional. The Congress cannot legislate a state of facts in order to justify legislation. This is known as legislative fiat and has many times been held violative of the due-process clause.

"An example of a Supreme Court holding was cited by Attorney General Tom C. Clark when he appeared before this committee on February 5, 1948. (The case is *Manley* v. *State of Georgia*, which appears at 279 U. S. 1.) At page 6 of the report it is said:

"'A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repeal it violates the due-process clause. * * * Mere legislative fiat may not take the place of fact, in the determination of issues involving life, liberty, or property.'

"A study of the cases reveals that the Manley case has never been reversed or even seriously questioned. Furthermore, this bill embodies much more sweeping findings of fact than any legislation declared unlawful by the cases in question.

"Directing the committee's attention to subsection 11, which is the finding that there is a clear and present danger to the security of the United States, the American Veterans' Committee agrees with the testimony that has already been presented here to the effect that no such clear and present danger exists.

"There are on the statute books between 20 and 30 pieces of legislation specifically designed to take care of the menace of international communism. To name just a few of them, there is the Smith Act of 1940 which provides that any conspiracy to overthrow the Government by force or violence is a criminal offense. The Voorhis Act requires any organization subject to foreign control to register. There is the Foreign Agents Registration Act, amended in 1942, which requires all agents of foreign powers to file statements with the Department of Justice and to label clearly any political propaganda disseminated by them. In the event it is determined that the American Communist Party is in fact the agent of a foreign power, the provisions of this act are sufficiently broad to include that party. There are also innumerable treason, sedition, sabotage, and conspiracy laws. Furthermore, there are laws which prohibit the employment by the United States of any person who advocates the overthrow of the Government by force or violence.

"Many times in the past precipitous action has been advocated to punish nonconformists in the name of a clear and present danger. The men who have been remembered by history have been those who recognized that strict adherence to the requirements of the Constitution should prevail in the face of public hysteria. One has only to recall the Alien and Sedition Acts passed by those who felt that the French Revolutionists constituted a clear and present danger to the United States. In the 1830's there was a widespread movement to outlaw the Roman Catholics. The Know-Nothings felt that they, too, constituted a clear and present danger to the United States and were agents of a foreign power. The Know-Nothings wanted to outlaw the Roman Catholic Church and pass laws prohibiting Catholics from holding public office. After the First World War the Bolshevik scare led us to undertake legislation in the name of a clear and present danger which we now regret. Our history has proved, not only in strict and legal compliance with the terms of the Constitution, but in practical terms, the wisdom of refraining from transgressing the principle that democratic freedom, whether we like it or not, means freedom even for those we loathe. The American Veterans' Committee further believes that the finding in subparagraph (9) is extremely dubious.

"In the interests of brevity I shall not discuss section 3, which defines the terms of the act. These definitions have been characterized to this committee previously as being too broad constitutionally to permit of criminal prosecution.

"Our main objection to this legislation is found in section 4. This section is particularly objectionable in that it makes unlawful free thought and the right of free political activity and association which are simply the exercise of rights guaranteed to all by the Constitution.

"It is true that section 4 was undoubtedly framed in the belief that a clear and present danger to the United States exists. But even if the Congress could legislate by fiat a clear and present danger, the activities to be punishable must be overt actions endangering public peace and order. The Constitution has never permitted thought and association or other activities, which in themselves did not lead to breach of the peace, to be punished. An example of how zealously the courts safeguard this constitutional mandate is to be found in the Supreme Court's decision in the Terminiello case last term. This case appears at 337 U. S. 1. It is said in the majority opinion at page 4 that:

"'A function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.'

"We are not alone in voicing our fears of this section. Senator ESTES KEFAUVER has stated:

"'I have grave doubts as to the constitutionality in that it may violate guaranties of freedom of press, speech, and individual liberty, * * * especially those contained in section 4.'

"Senator KILGORE has stated with respect to the final draft of S. 2311, the companion bill to H. R. 7595, that:

"'It is fundamentally a sedition bill.'

"The New York Bar Association is also on record as opposing the enactment of the bill because of 'disapproval of the sedition provisions.'

"The activities prohibited by section 4 are so broad that they violate the provisions of the first amendment. This amendment, as you know, guarantees the right of freedom of religion, speech, press, and peaceful assembly. Section 4 (a) renders it unlawful for any person to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment in the United States of a totalitarian dictatorship. There are so many cases which declare this type of legislation unconstitutional that they hardly need repeating here. Any person in the United States has the constitutional right to believe that a dictatorship as defined by the bill is the best form of government for this country so long as he does not directly take action in accordance with his belief that leads to a substantial breach of the peace. One of the leading Supreme Court cases embodying this principle is *Schneiderman* v. *United States*, which came down in 1943 and is reported at 320 U. S. 118. In this case the Government attempted to cancel Schneiderman's naturalization because it developed that he was a member of the Communist Party. The Court upheld Schneiderman's right to believe as he saw fit and said at page 139:

"'Whatever attitude we may individually hold toward persons and organizations that believe in or advocate extensive changes in our existing order, it should be our desire and concern at all times to uphold the right of free discussion and free thinking to which we as a people claim primary attachment. To neglect this duty in a proceeding in which we are called upon to judge whether a particular individual has failed to manifest attachment to the Constitution would be ironical indeed.'

"The Court gave particular attention to the rights of an individual to affiliate himself with any particular political party or group he chooses. At page 136 it said:

"'Under our traditions beliefs are personal and not a member of mere association * * * men in adhering to a political party or other organization notoriously do not subscribe unqualifiedly to all of its platforms or asserted principles.'

"It is important to note that this statement by the Supreme Court renders erroneous the blanket finding in section 2, subparagraph 9, to the effect that all individuals who willfully participate in world communism constitute in effect a clear and present danger.

"H. R. 7595 goes further than to punish any act contributing to the establishment of a dictatorship. The registration provisions of sections 7 through 11 punish membership in the Communist Party or in Communist-front organizations. This is not enough. There is no more fundamental guaranty of freedom than the constitutional maxim that neither Congress nor any other body can prescribe what shall be orthodox in terms of political belief, religious worship, or any other matter of opinion. These sections are designed clearly to punish, directly or indirectly, Communist or leftist ideology or association. No doubt these sections are couched in terms of registration and identity of propaganda, but the net effect of them is to subject any member of the Communist Party or a so-called front organization to public opprobrium. We have seen in the last few days what this means. Even when simple allegations are made public that a man is a Communist sympathizer he is threatened by his neighbors, his family is subjected to scorn and degradation, and he is more than likely to lose his job.

"Such opprobrium is punishment. We submit that in subjecting persons to such punishment the proposed legislation violates the sixth amendment which guarantees the rights of trial by jury and confrontation of witnesses.

"We should not be confused by recent cases which hold that the Federal Government has an arbitrary right to fire whomever it chooses. These provisions of the act have nothing to do with the right of the Government to fire. They concern the right of every citizen to live in peace and to think as he chooses.

"Furthermore, these sections require organizations to adopt a characterization as Communist or Communist-front with which they may not agree. These characterizations may be quite inaccurate. Certainly members of the organization may consider them inaccurate regardless of the leadership. Yet these very members who may not clearly understand the objectives of the organization are subject to punishment only because they have innocently become associated with organizations required to register by the act.

"But public opprobrium is not the only kind of punishment levied by H. R. 7595. Section 12 denied organizations tax deduc-

tions. Section 5 declares it unlawful for a member of a registered organization to seek public employment.

"Even less understandable are the terms of section 6. Subparagraph (a) punishes a member of a registered organization by declaring it unlawful for any member to apply for a passport or to use any passport. Furthermore, the wisdom of this provision is questioned. In practical terms encouraging Communists or Communist sympathizers to leave the country might well be the best way to handle the problem of subversives.

"It is worthy of note that section 6 (b) places a tremendous burden upon passport officials, declaring it a crime to issue a passport to any member of a registered organization if the issuing officer has reason to believe that the applicant is a member of a registered organization.

"The constitutional objections with respect to individual freedom of thought also apply to the sections dealing with the establishment and activities of the Subversive Activities Control Board, section 13 and following. This board is directed to determine whether any organization is a Communist political organization. Certain vague standards are suggested for the consideration of the Board. These organizations may be labeled as undesirable solely on the basis of ideas and opinions rather than on the basis of unlawful and overt acts.

"In determining whether any organization is a Communist political organization, the Board is directed to take into consideration not a single activity which could possibly be construed as unlawful. The same thing applies in the determination of whether an organization is a Communist-front organization. Most objectionable is the provision of section 14 (a) (4) which establishes as a criterion for labeling an organization 'Communist front' 'the extent to which the positions taken or advanced by it from time to time on matters of policy which do not deviate from those of any Communist political organization * * *.' It is not our purpose in presenting this statement to build up straw men or to cite to the committee fantastic possibilities of the restrictions on freedom that could occur pursuant to this proposed legislation. We do not believe that this bill is consciously directed toward breaking labor unions, promoting anti-Semitism, or any of the other scare possibilities raised by some of its opponents. This provision, however, makes it dangerous for any organization to support perfectly legitimate objectives which are also supported by the Communists or by Communist-front organizations. The American Veterans' Committee is on record as opposing the poll tax, as advocating civil rights legislation, housing bills, and the repeal of the Taft-Hartley Act. Presumably, according to this bill and in particular the cited section of it, we are eligible for designation as a Communist-front organization in spite of our long record of opposition to communism. This fact in itself should be adequate demonstration that these standards are violative of the constitutional provisions against guilt by association without citation of Supreme Court cases.

"There is one other basic constitutional defect in this bill which deserves attention. It is fundamental and elementary in criminal law that a statute drawn in vague and indefinite terms violates the right of an accused under the due-process clause to be fairly apprised of the charge or charges made against him. An example of this is *Stromberg* v. *California* (283 U. S. 359), where the Supreme Court said at 309:

"'A statute which upon its face * * * (is) * * * vague and indefinite * * * is repugnant to the guaranty of liberty contained in the fourteenth amendment.'

"Time does not permit an analysis of all of the 38 pages of this act in terms of this requirement. Picking one at random, which has been improved over its counterpart in earlier proposed legislation, it is declared unlawful to perform any act which would substantially contribute to the establishment of a dictatorship in the United States. These terms are so broad that the provisions of *Herndon* v. *Lowry* (301 U. S. 242) apply. It was there said:

"'The statute, as construed and applied, amounts merely to a dragnet which may enmesh anyone who agitates for a change of government. * * * No reasonably ascertainable standard of guilt is prescribed. So vague and indefinite are the boundaries thus set to the freedom of speech and assembly that the law necessarily violates the guaranties of liberty. * * *'

"Throughout the bill the terms 'movement,' 'facilitate or aid,' or 'any act' appear over and over again; such words have no common meaning and are capable of the widest construction.

"Those provisions of the bill establishing standards for declaring an organization to be a Communist political organization or a Communist-front organization are so vague that they scarcely need discussion in terms of the requirements of the Constitution.

"It is obvious that this bill has been drafted with a complete understanding of the constitutional hazards involved. Every effort has been made to avoid the pitfalls. In spite of careful draftsmanship the bill proves one thing: It is impossible constitutionally by criminal legislation to outlaw the nonconformist. The reason for this is a simple one. The Constitution is an instrument to protect the nonconformist. It was designed to prevent us from employing despotic measures in a free society to rid ourselves of those whose opinions we loathe.

"As expedient as it may be to effect the outlawing of the Communist Party, this bill proves that it cannot be done constitutionally. Whatever the practical advantages may be—the American Veterans Committee believes there are none—we pay a price for freedom. That price is the necessity to fight by constitutional means ideologies the purpose of which is to destroy the very freedom within the framework of which we must operate.

"The American Veterans Committee would like to thank the committee for this opportunity to make its views respecting H. R. 7595 known."

Mr. WALTER. I think the record should show the presence of Messrs. MOULDER, VELDE, KEARNEY, and WALTER.

Any questions?

Mr. MOULDER. At the beginning of your statement you made some reference to your opinion that communism did not constitute a menace or danger in this country. I assume you confine that to a political party in this country, or were you referring to communism being a danger in the world-wide movement?

Mr. STRAIGHT. I think it is a very grave danger on a world-wide front, and I think it is a danger in this country, but I think this legislation justifies the action proposed by finding the Communist Party to be a clear and present danger as defined by Mr. Justice Holmes, and I think in that sense the Communist Party is not a clear and present danger at the present time.

Mr. WALTER. Mr. VELDE.

Mr. VELDE. I don't want to inquire into the activities of the American Veterans Committee, but would you mind telling us what percentage of your membership is opposed to this legislation? Do you think it is unanimous?

Mr. STRAIGHT. I would think it is unanimous; yes. I have just completed a tour of our New England chapters, and they made it a point to ask me to testify before this committee.

Mr. VELDE. I suppose you would say no legislation of any kind is necessary?

Mr. STRAIGHT. Mr. Nikoloric feels the legislation presently on the statute books is sufficient. We don't see how it is possible to legislate on an issue of this kind, involving matters of opinion.

Mr. VELDE. I think you realize the Communist Party of the United States took the lead during the last war in attempting to obtain our military secrets. Do you think we have been successful in convicting members of that espionage ring?

Mr. STRAIGHT. No, sir; but I think the remedy is to tighten the espionage laws. I think the Communist Party is used as a recruiting grounds for espionage agents.

Mr. VELDE. How would you go about tightening the espionage laws? I understood you to say a while ago the present laws were sufficient.

Mr. STRAIGHT. I am not legally briefed on that. Perhaps Mr. Nikoloric could answer that.

Mr. NIKOLORIC. I haven't studied the espionage acts with any thoroughness. However, in general, 2 days ago I counted 27 laws specifically designed to take care of the Communist problem in this country. They range from treason, which would take place in wartime, then there are espionage laws, the Voorhis Act, the Smith Act. There isn't anything I think you are accomplishing here that is not adequately taken care of in those acts. In the espionage law I understand the limitation is a little short, and there are some loopholes.

Mr. VELDE. Do you agree with Mr. Straight that the laws are not sufficient to handle the espionage problems?

Mr. NIKOLORIC. I haven't read any hearings on whether you believed the espionage agents were getting by under the present laws. I don't know if that is the case. But if it is, you should be able to take care of that under the Espionage Act rather than legislating on opinion.

Mr. WALTER. This bill does not do legislating as to opinion, and you have addressed all your remarks to that issue.

Mr. STRAIGHT. That is right.

Mr. NIKOLORIC. I was here yesterday, for example, and heard Father Parker testify. I think you agree with me that there is nothing dangerous about Father Parker. I don't agree with him on certain matters; however, if you are going to punish a man like Father Parker, which you will in effect do under this act, I think you are going too far. I think he has been fooled by people in his organization, and I don't agree with him, but I respect his constitutional right to do whatever he chooses so long as he doesn't commit any dangerous acts. He is entitled to his beliefs, whether you agree with him or not.

Mr. KEARNEY. Do you agree with his thoughts that the Communist Party is not dedicated to the overthrow of this Government by force and violence?

Mr. NIKOLORIC. Let me put it this way, General: I have met many people labeled "Communists" and "Communist sympathizers," and many of them, in my opinion, do not advocate the overthrow of the Government by force and violence.

Mr. KEARNEY. But it is the policy of the leadership, and the sworn statement of the head of the Communist Party in the United States?

Mr. NIKOLORIC. Certainly. I agree with you on that score.

Mr. KEARNEY. I agree with you there are many individuals who might be on what I would call the fringe who certainly do not believe in the overthrow of the Government by force and violence, but that is the intent of the party itself and of the party leaders, and you have their sworn statements to that effect?

Mr. NIKOLORIC. That is right.

Mr. STRAIGHT. Up to this time there has been no legislation on opinion. You have no precedent for punishing people by reason of association.

Mr. WALTER. Have you any objection to that portion of the bill which would require

Communist political organizations to publish their financial statements?

Mr. STRAIGHT. We have tried to follow very closely this whole matter of disclosure, and we believe if disclosure were applied to all organizations it might well be applied to Communist political organizations and Communist fronts, but I don't think we are showing too careful a distinction between the organizations required to make disclosure.

Mr. NIKOLORIC. I want to add one thing to that. There is a very clear line in the Supreme Court. If this bill, for example, required any organization to make full disclosure, that would be one thing, but inasmuch as it discriminates against Communist political and front organizations, in my opinion it is clearly unconstitutional.

Mr. WALTER. I don't agree with you, because the courts have passed on whether political organizations should be required to make financial statements. Those statutes have been tested and held to be constitutional.

Mr. NIKOLORIC. What you have done here, you have legislated by fear of a clear and present danger. If you are able to do that your discriminatory provision could well be declared constitutional. The key is section 2. I don't think it is constitutional.

Mr. WALTER. Applying the Holmes decision——

Mr. NIKOLORIC. You have done that by legislative fear. The court must make a finding of a clear and present danger, and not the Congress. We have studied this bill very carefully, and whoever drafted it I think is clearly aware of these constitutional pitfalls; but the bill proves to me it is impossible to legislate constitutionally on this question.

Mr. WALTER. May I direct your attention to section 14 (e) (2) on page 27?

Mr. NIKOLORIC. I might say I am not and never have been a member of the Communist Party, since I have opened my mouth here.

Mr. WALTER. Read beginning at line 25 on page 27, section 14 (e) (2): "the extent to which its views and policies do not deviate from those of such foreign government or foreign organization."

I believe "such" refers to a Communist-dominated foreign government. Might it not be possible that if the Socialist Party of the United States should adopt the platform of the Socialist Party of England, it might come within the purview of this statute?

Mr. NIKOLORIC. I think it might. As I read the line of cases having to do with the vagueness of criminal statutes, I don't think the criteria in section 14 (e) and (f) are sufficiently tight. As soon as you tighten them up, the Communists will duck out of another door.

In section 14 (f) (2), for example, there are two objections to it. One is that the standards are so vague by which you are subjecting a so-called front organization to the restrictions of this bill. In the second place, as Mr. Straight pointed out, there are certain areas in which there is agreement between the American Veterans Committee and the Communist Party—housing, civil rights, and the like. It is possible that a board or prosecutor under this act could cite us under the registration provisions pursuant to this subsection.

You never know who is going to be hit by a bill until you find who is sitting in the Attorney General's office and who is sitting on the Board. As you know full well, a bill can say one thing, but it depends in whose hands the enforcement lies what is going to happen under the bill.

I want to make it very clear that neither Mr. Straight nor myself want to raise any scare possibilities in connection with this bill. We don't think it is directed at anything but Communists. We don't think it is anti-Semitic, anti-Negro, or anti anything else but anti-Communist.

Mr. KEARNEY. These are simply hearings on a particular bill that the committee has not gone into executive session to revise, but if the committee saw fit to revise the bill to meet your objection, would you then be in favor of the legislation?

Mr. NIKOLORIC. I would be against it. I can't speak for Mr. Straight.

Mr. KEARNEY. You are against any legislation on the subject?

Mr. NIKOLORIC. I think the present laws are adequate. In spite of what Senator MCCARTHY says, we have found only one spy, Judith Coplon, and there is some doubt—I don't doubt she is a spy, but she was encouraged by the State Department to take those papers.

Mr. KEARNEY. There is always a question in the minds of some people as to whether a party who is found guilty was framed.

Mr. NIKOLORIC. I didn't say she was framed.

Mr. KEARNEY. Having been a district attorney for many years, I don't know many criminals who were ever tried and convicted who were not absolutely innocent.

Mr. NIKOLORIC. I followed the Coplon case with a great deal of interest, and I am not in sympathy with any espionage agent, but there certainly was an effort on the part of the Department to encourage her to take this stuff up to New York when they set a trap. She took it and she is guilty, but they had to work hard.

Mr. KEARNEY. You have to work hard in any case to catch a criminal. That case has not been decided by the court of appeals.

Mr. MOULDER. You are raising a defense of entrapment?

Mr. NIKOLORIC. I am not defending it, but I don't think the Government is riddled by spies. Judith Coplon was the only one caught, and there is some question about how important that was. In my opinion she was a neurotic girl.

Mr. KEARNEY. I don't think our Government is riddled by spies, but I think possibly a good many should be gotten rid of.

Mr. NICKOLORIC. That may be so.

Mr. VELDE. Do you think there was a Communist espionage group in this country during the war, members of which are still in this country and have not been prosecuted?

Mr. NICKOLORIC. I would be very disappointed in Joseph Stalin if he didn't. I would be disappointed if America didn't have espionage agents in Russia. You fellows had me in the Pacific 4½ years, so I don't know what happened here during the war.

Mr. VELDE. I was in the war, too.

Mr. NIKOLORIC. I would be very disappointed in Stalin's ability if there weren't Russian espionage agents here.

Mr. VELDE. I don't care if you are disappointed in Stalin's ability, but if there was an espionage ring in this country, don't you think the members should have been prosecuted?

Mr. NIKOLORIC. They certainly should have been prosecuted. You might put that both ways. I think if they catch our boys they would have a right to prosecute them, too.

(Representative Moulder leaves hearing room.)

Mr. WALTER. The position you take is that under title 18 of the code there is legislation covering every field of espionage activity?

Mr. NIKOLORIC. That is right.

Mr. VELDE. The point I make is that we have not been successful in prosecuting the Communist spy ring, and I think this legislation is one means by which we can assist our Government in combating this espionage ring. If we had this bill, which would require the registration——

Mr. NIKOLORIC. What are you doing here, Mr. VELDE, at the risk of seeming impertinent, you are assuming that this bill is going to require some spies to register. What happens to the thousands of others who are not spies?

Mr. WALTER. And the spies are the last persons who will register.

Mr. NIKOLORIC. Certainly.

Mr. VELDE. We don't expect them to register, but this bill will enable us to prosecute them for failure to register.

Mr. NIKOLORIC. This doesn't have anything to do with espionage.

Mr. VELDE. The Communist Party would have to register.

Mr. STRAIGHT. Would you expect the majority of Communists to register? I wouldn't.

Mr. VELDE. I doubt it.

Mr. STRAIGHT. It seems to me the Communist Party would merely go a little deeper underground if this bill is enacted. The only way to root it out is destroy its base. We think they could pose as martyrs and confuse the issue.

Mr. VELDE. If you could suggest a way to handles this problem without legislation, I would be more than willing to vote against this bill, if we had some way of handling this problem.

Mr. KEARNEY. With respect to the section on treason, I am in favor of revising that particular section to make it apply to peacetime treason. As it is now, it only deals with enemies, and in peacetime we have no enemies.

Mr. NIKOLORIC. That is certainly a possibility. One thing that upsets me about this bill, I do not see a single provision in this bill that will accomplish what I consider a very lofty purpose. I don't like espionage agents floating around Washington any more than you do, but I don't see a single provision that would take care of that.

Mr. VELDE. I tried to explain this bill could act as a tool. We recognize that the espionage ring in this country, the most serious one, is directed by the Communist Party through the Russian Embassy and consulate here. If we require the registration of these Communist Party members and they fail to register, then they are liable for prosecution. It is one way of bolstering our espionage laws that we have now.

Mr. NIKOLORIC. If I were a Communist and an espionage agent and this bill passed, I would sever my connection, as far as a label is concerned, with the Communist Party. I wouldn't have to register. I would just go underground.

Mr. VELDE. But if you are still determined to be a member of a Communist-front group or a subversive, you are still required to register.

Mr. WALTER. Anything further?

(No response.)

Mr. WALTER. Thank you, gentlemen.

Mr. TAVENNER. Mr. Chairman, a letter has been received from Prof. William G. Rice, a professor of law at the University of Wisconsin. He expresses his regret at not being able to be here, but I want to incorporate his letter and argument in the record.

Mr. WALTER. Without objection it will be incorporated in the record at this point.

(The letter above referred to is as follows:)

UNIVERSITY OF WISCONSIN,
LAW SCHOOL,
Madison, March 27, 1950.

CHAIRMAN AND MEMBERS OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
House of Representatives,
Washington, D. C.

GENTLEMEN: If it were possible for me to travel to Washington at this time, I would have asked to testify before your committee on H. R. 7595. Since it is not possible and since I believe my experience in teaching and practicing law and working for several years for the Government justify me in requesting you to ponder my views, I beg leave to present this statement for your consideration and records.

I am opposed to H. R. 7595 unless it is radically amended. While procedurally it is better than the Mundt bill that passed the House in the Eightieth Congress, I consider it on the whole bad legislation.

Subsections (b) and (c) of section 4 are either unnecessary or inadequate. I suspect they are unnecessary because the offense is provided for by other statutes. But if a new statute concerning disclosure of clas-

sified information is needed, it should clearly apply to unauthorized communication to all persons. That is, the limitation of lines 6 to 10 and 19 to 22 on page 9 should be struck out so that the prohibitions cover communications to whomever made and by whomever obtained.

This makes it unnecessary in subsection (f) to mention subsection (c). In subsection (d) the penalty of ineligibility, it seems to me, should not be automatic, but should be imposable at the discretion of the court.

The apparent purpose of the rest of the bill is to cause disclosure of Communist activity. The method chosen largely defeats this purpose, for the bill provides penalties for disclosure as well as for nondisclosure. If disclosure is desired, then rewards—or at least no legal penalties—should be attached to disclosure. For example, sections 5, 6, and 12 should be reversed. Contributions to registered organization should be deductible for income tax purposes (if the organization is charitable, educational, and so forth) and members should be in the position as other persons who seek jobs or passports. Registration might be even rewarded as by providing that a registered party may not be barred from the ballot in any State, which would facilitate disclosure of Communist leaders and plans.

However, if the purpose is not to cause disclosure, but to penalize Communists' organizations and persons, the statute is muddled. The straightforward way would be to set up a criminal procedure by which individuals should be tried by jury and if found guilty should be punished (as under sec. 4). If imprisonment or fine is too severe a penalty, it would not be cruel or unusual punishment to deprive them only of certain rights (passport, public employment, vote) as felons are now deprived while they are imprisoned and thereafter. I am far from sure that such a law would be constitutional. But it would be more likely to pass the courts than this bill. For what is set up here is not a normal trial of individuals for a public crime according to the law of the land, but a semipenal administrative adjudication resulting in penalties due to association.

If limited to public employment, the plan is, however, basically proper for some administrative organ has to decide whether a person should or should not be employed. But it should be noted that the present system of determination by the Attorney General that certain organizations are subversive provides evidence against their members, while the bill before you creates a bar against members of Communist political organizations (even against their serving as dogcatchers) but does not change the rule as to members of Communist-front organizations.

The pending bill entrusting to a board, rather than to a presenting officer, the decision on whether organizations are Communist, with full provision for hearing and review, is an improvement upon our present system. But the fact of membership in either type of organization ought to remain only evidence (not a bar) against applicants for employment. Decision as to employment should always be on the basis of individual character and ability—like decision as to innocence or guilt of crime.

I am much dissatisfied with section 6. The State Department today can deny passports for good or bad reasons and the applicant has no recourse. In my opinion this authority has been abused. To meet this injustice I believe Congress should provide recourse to an administrative agency outside the State Department for persons who desire to have a public investigation of the grounds for denial or revocation of passports. Moreover, I think it is unwise absolutely to bar members of Communist political organizations from holding passports. Frequently we wish to facilitate their leaving the country voluntarily. But clearly each case should be decided on its merits, though the fact of membership in a Communist organization may properly be weighed in deciding on their worthiness to travel abroad under United States protection. Enlistment by Americans in organizations that are tied to other foreign governments (Spain, Israel, Vatican) also should be cause for investigation but not for automatic veto.

I doubt whether enough is gained by requiring the filing of all names of contributors to Communist organizations and all members of Communist political organizations, to warrant the elaborate reporting required by section 7. Would not the sort of reports required of labor unions by the Taft-Hartley Act be sufficient? I have not considered this question from enough angles to have reached a firm opinion.

The most fundamental objection to the bill is that the standards it lays down are so vague that a partisan board could use its power to cripple any group that it disliked. For instance, a Senator McCARTHY in such a position could rule that since a certain organization of which Judge Kenyon or Professor Jessup is a member has taken a position, let us say, in opposition to or in support of the admission of some applicant state to membership in the United Nations, which position is the same as that of the Soviet Union, therefore the organization is a Communist political organization and must so label all its public statements, and Judge Kenyon or Professor Jessup may not be employed by the United States or obtain a passport for any purpose. For the test "the extent to which its views and policies do not deviate from those of such foreign government" can easily be used by a board containing two Senator McCARTHYS to debilitate such an organization. Operated by appointees of an autocratic president like Peron, the board could easily find ground to list as "Communist" any opposition party and to make the listing stick with the courts, unless they concluded, as seems not unlikely, that the whole act is unconstitutional as an invasion of freedom of speech.

With deletion of this nondeviation test of "Communist" and omission of the rubber words "the extent to which" from all the tests, I would favor the transfer of the function now performed by the Attorney General to the proposed board.

Finally, it is extravagant to pay $12,500 apiece to three men for doing the very light job that the bill assigns to them. When one compares this load with that of most administrative agencies, one wonders whether self-respecting men of high quality could be found who would accept so easy an assignment. Yet obviously it is a very responsible job requiring high quality and expensive talent, and one that can be better done by three persons than by one. I suggest, therefore, that the board be given additional duties. I should think it would be not inappropriate, for instance, to give to such a board review of the State Department's refusals and cancellations of passports of Americans (the question of nationality is adequately covered by the Nationality Code, 8 U. S. C. A. 903) and perhaps of its refusals and cancellations of visas of aliens within or seeking to enter the United States. Also, once its heavy initial duties are completed, the Loyalty Review Board might be merged with the proposed Subversive Activities Control Board. But I am sure that Congress would be wasting the public money to set up the latter Board with no duties except those set forth in the bill before your committee.

Sincerely yours,

WILLIAM G. RICE,
Professor of Law.

Mr. LANGER. There is also the testimony of the representatives of the National Association for the Advancement of Colored People. I ask unanimous consent to have that testimony printed at this point in the RECORD, as a part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF CLARENCE MITCHELL

Mr. TAVENNER. Will you state your full name and address, please?

Mr. MITCHELL. My name is Clarence Mitchell. Do you want my office address or home address?

Mr. TAVENNER. Your office address will be sufficient.

Mr. MITCHELL. One Hundred Massachusetts Avenue, Washington, D. C.

Mr. TAVENNER. Do you appear here at this legislative hearing as a representative of the National Association for the Advancement of Colored People?

Mr. MITCHELL. That is correct.

Mr. TAVENNER. Mr. Mitchell, you heard the question that I asked Mr. Thomas as to whether or not he is now or has ever been a member of the Communist Party, and the reasons why I asked him that question. I would like to ask you that same question.

Mr. MITCHELL. I am happy to answer it, sir, but before I do so I would like to say I do not believe it is a fair question. I answer it in this fashion: I have not ever been a member of the Communist Party, and I am not now a member of the Communist Party. I am not a member of any political party. I am a voter in the State of Maryland, and I am registered as an independent. But, as I said, that is an unfair question, because it immediately precludes from appearing before this committee many of the people who would be on trial under a bill of this kind. Presumably there are people who may, for sincere and personal reasons, wish to be members of the Communist Party, and they may want to come here and object to this bill, but I suppose if they had to answer that question they very likely would not come.

Mr. TAVENNER. But don't you think the committee is entitled to knowledge of the real representation that a person makes when he appears before this committee?

Mr. MITCHELL. I think so, and my real representation, of course, is the National Association for the Advancement of Colored People, but the question you ask is whether I am connected with the Communist Party, and that is why I feel that it is not a fair question.

Mr. TAVENNER. Do you have a prepared statement?

Mr. MITCHELL. I do, and with permission of the committee, I would like to read it, because, as in all these things, if one sticks to just an oral presentation he is likely to get too long, and if you have no objection I think I can dispose of it in a few minutes.

Mr. TAVENNER. There is another question I would like to ask before you go into that. A subcommittee of this committee has recently been conducting hearings in the Territory of Hawaii, and it was brought out in the course of the testimony there that the national organization of the NAACP withdrew the charter of the local organization in the Territory of Hawaii. Do you have any knowledge of the reasons for which that was done, such as whether or not it was because of Communist infiltration into that particular group?

Mr. MITCHELL. No, I don't have any knowledge of why the charter was withdrawn. As a matter of fact, I did not know it had been. But I am certain there has never at any time been any question of so-called communism in the branch in Hawaii. If the charter was withdrawn, I am sure it was because the branch was inactive or did not conform to our policy. I can understand that administratively it would be difficult to give proper direction to a branch as remote as Hawaii with our limited funds, but I am

positive there was no question of communism involved.

Mr. TAVENNER. Very well. Proceed.

Mr. MITCHELL. The National Association for the Advancement of Colored People is opposed to H. R. 7595 now under consideration by your committee.

The NAACP's decision to oppose this proposal is based on our traditional fight to protect civil rights. Our opinion represents the views of American citizens who for 41 years have made up their own minds without coercion or pressure, and who have courageously stood by their convictions.

This bill purports to protect the United States against certain un-American and subversive activities. It is impossible to see how proposals of this kind can do anything other than undermine the basic freedoms of our country.

The powers vested in the three-man loyalty board, which this bill would establish, are so sweeping that almost any organization might be affected, ranging from a college fraternity which holds secret meetings to a labor union which refuses to divulge a list of its members.

The net effect of such a law would be to replace the supposed menace of communism with a concentration-camp atmosphere in which all persons who seek to promote social progress would be suspected of activities against the best interests of the United States. Many of them would be unjustly harassed and prosecuted under this law.

This bill could be likened to an effort to jail persons who are the victims of cancer instead of seeking the cause and cure of cancer.

Even under the investigation of Government employees, some amazing things are happening to persons who believe in justice and fair play. Under the program established by Executive order, investigators make an effort to determine whether the persons being investigated associated with colored people if they are white, and whether they associate with white people if they are colored.

We have never been able to determine what relevance this would have to the question of loyalty, but apparently the investigators consider it of great significance. The nearest we have ever come to an explanation of why this kind of data would be important in a loyalty investigation is that it is part of the pattern allegedly followed by the Communists. This pattern, according to the explanation, includes recognition of colored people as social equals.

In the State of Oklahoma there is a respected colored newspaper known as the Black Dispatch. Mr. Roscoe Dunjee, the editor of this newspaper, is a man of great courage and a splendid example of the things our country stands for. Under the present loyalty program, one of his former employees has been dismissed from a job because she worked for Mr. Dunjee's newspaper. The basis for the dismissal was that at one time the newspaper published an editorial which some investigator thought was indicative of communistic sympathy on the part of the editor. There is nothing to show that the person charged had anything to do with writing the editorial. There is nothing to show that she agreed or disagreed with its contents. But in the eyes of the investigator her employment on the staff of the newspaper was in itself a reason for believing that she was disloyal.

In another situation, the president of a branch of our organization organized a picket line to protest against job discrimination in the Sears, Roebuck Co. He was charged with disloyalty and suspended from his Government employment on the ground that somehow Communists had gotten into the picket lines. There was nothing to show that, if the Communists were in fact present, they were there with his permission. There was nothing to show the movement was stimulated or inspired by the Communist Party. Yet, this employee was suspended because an investigator believed that the action of fighting for economic justice was part of a Communist program.

"The whole method of investigation and hearings followed by the top loyalty board is contrary to what we believe citizens should have in the way of a fair trial and the right to confront their accusers. Even if the board finds a man innocent after he has been unjustly accused, who is to repay that person for the anxiety and shame suffered by any loyal citizen who suddenly finds himself charged with being a traitor simply because he was active in the cause of civil rights or some other kind of venture that by an amorphous code is considered un-American?

We have had sufficient experience under the present system of investigating Government employees on charges of disloyalty to know that there are many serious dangers inherent in a trial which is based on evidence submitted by confidential informers. This bill is silent on that point. Therefore, it would be possible for the board established by H. R. 7595 to use on private citizens the same questionable methods now in effect for Government employees.

H. R. 7595 describes a totalitarian dictatorship as a form of government which limits freedom of speech, freedom of press, and results in maintenance of control over the people through fear, terrorism, and brutality.

There are a great many colored people living in South Carolina, Georgia, and Alabama who know that this language is a very accurate description of life in some parts of those States. Four years ago a brutal lynching occurred in Monroe, Ga. Those who participated in it lined up in military formation and shot down four colored persons in cold blood. As yet, those responsible for this lynching have not been apprehended. What is worse, the antilynching bill, which would curb this kind of mob violence, is being smothered in committees headed by Members of the House and Senate who come from the same States in which brutality and mob violence are at their very worst.

The colored people of these States cannot believe that the threat of communism is a more serious menace to their freedom than the actual and present danger of mob violence. Since 1922, when the Dyer antilynching bill was passed by the House, every Congress has failed to give protection against lynching.

We are told that when elections are held in Communist countries, everyone votes, but the results are always the same. The goal of those who oppose the right to vote for colored people is a free election in which only white supremacy candidates can win. This is the reality we face in South Carolina and Alabama. To colored people this bill may be a very good bear trap, but what we need is a cage to contain the wildcats who are tearing up our civil rights.

Any colored man who faces the threat of job discrimination that now exists in the Nation's Capital, where he cannot operate a streetcar simply because of his race, would be certain to tell the members of this committee that action on fair-employment-practice legislation is much more important for the preservation of our democracy than the passage of H. R. 7595.

There is little difference between the language describing treachery and infiltration set forth in this bill and the incredible conduct of certain Members of the United States Senate, certain governors of Southern States, and others who are currently engaged in a battle for control of the Democratic Party. On the one side we have those persons who are seeking to win control under the guise of protecting States' rights, and on the other side, we have alleged liberals who boast that because they are a part of the Democratic Party they have been able to keep the civil rights legislation from passing by undemocratic methods.

There are some sections of the country where any Government official who deals fairly with racial minorities would be considered a Communist and taking his orders directly from the Kremlin. You gentlemen have only to consult the pages of the CONGRESSIONAL RECORD to find substantiation of this.

As an illustration, I cite the remarks of a former member of this committee, Congressman JOHN RANKIN, of Mississippi, which appear on page 2178 of the CONGRESSIONAL RECORD for February 22, 1950.

In referring to fair-employment-practice legislation which was then under consideration he said: "You are driving through a piece of communistic legislation that Stalin promulgated in 1920." There is not a scintilla of evidence to support that statement; but under H. R. 7595 it could undoubtedly be used to frighten off many sincere but timid backers of FEPC.

Mr. KEARNEY. Will the gentleman yield?

Mr. MITCHELL. Certainly, sir.

Mr. KEARNEY. I come from the State of New York, and we have a fair-employment-practice bill on our statute books, and I don't think Mr. Stalin had anything to do with the passage of that bill.

Mr. MITCHELL. I am certain he didn't, and I am certain he had nothing to do with the bill under consideration at the time the comment I have read was made. I thank the gentleman for his remark.

It must be a source of great comfort to dictators everywhere that we are all busy fighting the Communists while ignoring the President's civil-rights program.

If, as has been announced in this bill, it is the intention of those who framed it to fight communism because communism is an evil, then I would suggest that the attack be positive. I would suggest that we begin now to strengthen the weak spots in our democracy so that it will in fact be the most attractive form of government.

I offer as a positive example of what I mean the recent announcement by the Catholic Church that three of its institutions in the State of Kentucky will admit colored students without discrimination and without regard to any factor except scholastic fitness.

I offer as an example the State of New York, which has passed a law prohibiting segregation in housing that is built with the support of public funds.

I offer as an example the fight our own organization is making before the Supreme Court of the United States against the so-called separate but equal doctrine, under which one segment of the population is set apart and humiliated simply because of color.

The presence of Attorney General J. Howard McGrath and Solicitor General Philip B. Perlman in the United States Supreme Court a few days ago arguing against this odious doctrine is the kind of positive action that is needed to meet the threat, if there be a threat, of any foreign ideologies. Their words, calling for the recognition that all citizens of the United States are equal before the law, show that the Government is officially opposed to such doctrines. This is the best possible way of prolonging the life of democracy. H. R. 7595 is one of the most effective ways of shortening that life.

Under section 2 this bill states that:

"In the United States those individuals who knowingly and willfully participate in the world Communist movements, when they so participate, in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement."

It appears that the framers of this bill were faced with the practical question of whether they should outlaw the Communist Party. However, all of us know that the idea of making a political party unlawful is not acceptable to the majority of the American people.

Subsection (f) of section 4 carefully points out that holding office or membership in a Communist organization shall not constitute a violation of the law. In short, this bill makes communism a crime but does not punish those who openly admit that they are members of the party or Communist-front organizations.

H. R. 7595 proclaims to the people of the United States that evil persons known as Communists live in a house that is carefully described by the wording of the bill. But there is no suggestion that these persons be dealt with. Instead, it is proposed that Government assemble a raiding party to slip around to the kitchen entrance and arrest the so-called servants in the house of communism. In this bill the servants are defined as members of Communist-front organizations who fail to register as such.

In the history of our country there have been many movements and causes which have been considered dangerous to the welfare of the Nation. Time has demonstrated that these have merely been tests of the strength of our free institutions.

During the pre-Civil War period, the fugitive slave laws were willfully and effectively violated by men and women who knew this legislation could mean the death for freedom for all people in the United States. Some of them went to jail. Some of them died. But history has demonstrated the correctness of their position and the value of the service they performed for the Nation.

On the other hand, we have seen various rabble-rousers and miniature dictators who have attempted to establish foreign ideologies or native tyranny in our own time. There have even been those who attempted to establish an arm of the Nazi philosophy in the United States. They have been repudiated by the people.

It should be noted in passing that H. R. 7595 makes no mention of ideologies based on race which were responsible for World War II.

In section 3, this bill provides that the term "Communist political organization" means any organization in the United States having some, but not necessarily all, of the ordinary and usual characteristics of a political party. Section 14 (e) (2) provides that in making a determination of whether an organization is a Communist political organization, among those things it will be necessary to take into consideration is the extent to which the views and policies of the organization do not deviate from those of a foreign government or a foreign organization.

It seems clear that these portions of the two sections mentioned, when taken together, establish a most undemocratic basis for ensnaring innocent people who are members of organizations and groups whose principles and objectives happen to coincide with the announced principles and objectives of the Communist political organization.

These sections say that every generous citizen must closely examine and diligently study the aims and purposes of any organization to which he may make a contribution, no matter how small. The reason he must make such a diligent study is that the giving of a contribution may be considered as an application for membership. Years later he may find that by the simple act of making a small gift to what he considered a worthy cause he has placed his name on a list of subversive individuals in the hands of the Attorney General of the United States. Thus, 25 cents given to a cause that he has forgotten may be the thing that places him among traitors to his country.

Should this bill pass, it undoubtedly will come before the Supreme Court for a determination of its constitutionality.

Successful or unsuccessful, the court action would be of a great benefit to our enemies, because it would reveal that America had resorted to police-state methods in stamping out an unpopular movement. It would say to the world that we have lost faith in our democratic processes and that we find it necessary to use the very totalitarian methods that we now condemn in order to maintain the integrity of our Government.

The NAACP does not believe it is necessary to adopt totalitarian methods in America to protect democracy. I am certain that this is also the view of the majority of American people.

If communism and democracy are mortal enemies and one or the other must be destroyed, then, certainly, we cannot hope to save democracy by making it like communism. If Communist governments deny free speech to their citizens, then we cannot stop their encroachments by denying free speech to our own citizens. If communism brands whole classes of citizens as persons who must be interned in concentration camps or assigned to slave labor battalions, we cannot destroy it by consigning our own citizens to a similar fate.

We cannot overcome a real or imagined threat of foreign ideologies by the enactment of harsh legislation which will silence the voice of reform in our own country. If we are to win the present battle for first place in world leadership, we must give positive evidence of action to safeguard the civil liberties of all of our citizens, even those with whom we may vigorously disagree.

Mr. HARRISON. Any questions, Mr. Kearney?

Mr. KEARNEY. No. I want to thank you, Mr. Mitchell, for appearing and for your very fine statement.

Mr. MITCHELL. Thank you.

Mr. LANGER. Then there is the testimony of Mrs. Alexander Stewart, who appeared in behalf of the Women's International League For Peace and Freedom. Mrs. Stewart is a lady who offered the first prayer ever to be offered by a woman in the House of Representatives of the United States of America. I ask unanimous consent to have her testimony printed at this point in the RECORD, as a part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF MRS. ALEXANDER STEWART

Mr. TAVENNER. Will you state your full name and address, please?

Mrs. STEWART. Mrs. Alexander Stewart, 625 Fullerton Parkway, Chicago.

Mr. TAVENNER. And you are appearing here as a representative of what group?

Mrs. STEWART. I am appearing in behalf of the Women's International League for Peace and Freedom. I am president of the United States section.

Mr. TAVENNER. You have heard my question to the other witnesses as to whether they are now or have ever been a member of the Communist Party; and the reasons for asking that question. I would like to ask you that same question.

Mrs. STEWART. No; I have never been and am not and do not expect to be.

Mr. TAVENNER. Do you have a prepared statement?

Mrs. STEWART. I do.

Mr. TAVENNER. Will you file it with the reporter as a part of this proceeding, and make such comments as you would like, or read it, if you wish.

Mrs. STEWART. I would like to read it, if I may.

The Women's International League for Peace and Freedom was founded in 1915 in the midst of the First World War. We are celebrating our thirty-fifth anniversary this year. Jane Addams became its first international president, and held this office until her death. She and Emily Greene Balch, who is now honorary international president, are the only two American women to win the Nobel peace award, and they did their work through the Women's International League for Peace and Freedom.

Throughout its history the league has maintained a policy and a program consistent with the ideas of its founders. As an international and interracial organization, it aims to work by nonviolent means for the establishment of those political, economic, and psychological conditions both at home and abroad which can assure peace and freedom.

Let me quote directly our definitions first of peace, then of freedom, as they appear in our statement of principles and policies.

"Peace: The peace for which we work is much more than the absence of war or maintenance of order through dominance of force. It is a positive principle in human relations and can be found only where there is free cooperation for the common good.

"Freedom: Liberty of the human spirit is a basic value. Although freedom must be exercised with much responsibility and individuals in society must accept much control in the common interests, nevertheless they must have the right to contribute to decisions and to express differing opinions through free democratic processes."

The Women's International League for Peace and Freedom has always believed that peace and freedom are inseparable.

The present disintegration of our culture is a demonstration of the deep-seated injustices in our economic and political structures. The only answer to the threat of totalitarianism is the development of a democratic social order in which the dynamic forces of scientific discovery and economic change can be utilized to enrich the life of all the human family.

Since the guaranty of freedom of speech is necessary to a democratic society, the league views with alarm the growing tendency to interfere with freedom of opinion by the use of loyalty tests. We vigorously oppose all forms of discrimination against individuals on the basis of political opinions. Fully recognizing the danger of either Fascist or Communist totalitarianism, the league believes that such forces can be best opposed by open discussion and by the strengthening of our own democratic procedures, rather than by attempts at direct control.

We oppose this bill because it is an attempt at direct thought control. It has the effect of undermining the right of free speech, free thought, and peaceful political action and assembly of people who have committed no crime against the Government but who, as members of a proscribed organization, are subjected to intimidation, persecution, and loss of livelihood.

Section 2 of this bill amounts to a legislative finding that the Communist Party is an agent of a foreign government and that it is attempting to overthrow the United States Government by conspiracy and to substitute a totalitarian dictatorship. Since being a foreign agent without registering as such and attempting to overthrow the Government by force are crimes, a member of the party is automatically found guilty of these crimes without a trial. Such action is diametrically opposed to our constitutional democratic system of justice, under which an individual is considered innocent until proven guilty before a court and jury according to due process of law.

Not only does the Communist Party come within the scope of this legislative finding, but an indeterminate number of organizations may be proscribed if their views on certain subjects coincide with the views of the Communist Party. One of the characteristics of American life, thought, and achievement has been the open expression of the faith, hope, dreams, and ideas of many minds. This process of sharing ideas

and ideals has offered the opportunity for rejecting the lesser good and discovering the best. The best in achievement is never reached by one set of ideas alone, but by the challenge which comes in open expression and exchange of varying viewpoints and even conflicting ideas. It is important to democracy that this growth of thought be encouraged rather than curtailed. This bill, which requires the registration of both permanent and temporary organizations as "Communist political" and "Communist front" on the basis of vague definitions and indefinite criteria, and requires the labeling of all mail and broadcasts, thus preventing an unprejudiced hearing of their views, makes free exchange impossible.

Under section 14 (e) there are eight criteria set forth by which the Subversive Activities Control Board is to determine which organizations shall be required to register. Each criterion begins with the words "the extent to which," but there is no indication what extent is significant. There is, furthermore, no indication how many of the eight criteria must be present.

All of the statements are indefinite and, therefore, difficult to interpret and apply, but the one that seems particularly dangerout is that which reads "the extent to which its views do not deviate from those of such foreign government or foreign organization." If such foreign government or foreign organization opposed any part of the foreign or domestic policies of our Government, then opposition to the same policy by any organizations, regardless of its reasons, might make it suspect under this criterion. Organizations which take policy positions that do not deviate from certain policies of the Communist Party, such as opposition to racial discrimination, in favor of national health programs or Federal housing, could be branded as Communist-political or Communist-front organizations and probably be destroyed. Any organization, whether permanent or temporary, which is working for social or economic change, could, under this vague definition, be considered subversive, no matter how democratically it operates.

Any organization which is required to register as a Communist-political or Communist-front organization must submit a complete statement of all moneys received and expended, including the sources from which received by the organization, during the 12 months next preceding the filing of such statement. Organizations required to file as Communist-political organizations must submit a list of the names and addresses of each individual who was a member at any time during the period of 12 months preceding the filing of the statement.

Any individual may have contributed to one special project sponsored by an organization which is required to register, yet his name is published as a contributor to the organization. An individual may have joined the organization before he knew the organization was considered subversive, yet he is, by the listing, branded as subversive. This registration will immediately brand all members and contributors as subversive. Employers will be suspicious of these listed individuals and there is every possibility that this suspicion will lead to dismissal and blacklisting for future employment.

Although the individual member may not believe in the violent overthrow of the Government, he is considered subversive by the very act of membership in an organization which, under vague definitions, is found to be Communist political. This makes an individual guilty by association in spite of the fact that guilt by association is clearly against our democratic institutions. It has been true that under our traditions beliefs are personal and not a matter of mere association and that men in adhering to a political party or other organization do not subscribe unqualifiedly to all of its platforms or asserted principles. (*Schneiderman* v. *United States* (320 U. S. 118 (1943), p. 136).)

We already have laws to punish treason and other criminal acts against the security of our Government. This bill cannot make us more secure. Rather than making us more secure, it destroys confidence, increases fear, and adds to the hysteria in which creative thought and life and considered judgment, so essential to effective democratic procedures, becomes increasingly difficult if not impossible.

The national board of the United States section of the Women's International League issued this statement on loyalty tests and bills in the spring of 1949, with which I wish to close my statement:

"The widespread support of bills designed to control subversive activities is a sure sign of the increasing fear sweeping over the American people. Recognition of and respect for basic rights are sure to diminish in times of danger, and rights are readily sacrificed in the name of the public good.

"In opposing loyalty bills, Committees on Un-American Activities (Federal and State), the Women's International League for Peace and Freedom is neither blind to present dangers nor indifferent to the public good. We base our opposition on the following grounds:

"1. Proposed measures, while purporting to protect democracy, are themselves subversive, since they undermine the basic principle of democracy—faith in the ability of the individual to think for himself.

"2. Measures designed to suppress one view, such as communism, are sure to lead to the suppression of other ideas which go counter to accepted social patterns.

"3. Such measures obscure the clear distinction that should be maintained between thought and action. No person should be tried or condemned because of opinion, or because of association with others holding unpopular opinions. While it is frequently difficult to distinguish between an idea and an incitement to action, since all ideas sincerely held are likely to eventuate in action, failure to make this distinction leads to a situation in which men are afraid of critical thinking.

"4. The climate of unthinking conformity induced by such measures endangers future progress. In all fields, greater knowledge can be obtained only if there is the possibility of criticizing established ideas and of examining all possible alternatives. While no suppressive measures can prevent the freedom of the individual to think for himself, they make such independent thinking more difficult by persecuting those who practice it.

"5. The machinery necessary to administer such measures tends toward the creation of a police state in which critical, courageous, and far-sighted citizens are sometimes put at the mercy of ignorant and unscrupulous spies and informers."

Whatever the dangers may be from fifth columns, the greatest danger lies, we believe, in our lack of vigorous faith in our own democratic institutions. The best defense of freedom, we believe, is the practice of freedom.

Mr. HARRISON. Thank you very much.

Mr. LANGER. Then there is the statement of Prof. Zechariah Chaffee, of the Harvard Law School. I ask unanimous consent to have his statement printed at this point in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ZECHARIAH CHAFFEE

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., March 15, 1950.

Hon. JOHN S. WOOD,
House Committee on
Un-American Activities,
House Office Building,
Washington, D. C.

DEAR MR. CHAIRMAN: If you will permit me to file this statement in opposition to a bill (substantially like S. 2311) entitled "To Protect the United States Against Un-American and Subversive Activities," I shall be most grateful.

Inasmuch as it is not infrequent to misunderstand and even misrepresent the motives of citizens who have opposed certain anti-Communist measures, I want to let you know briefly what sort of person is here objecting to this bill. A member of the Rhode Island bar, I have taught law at Harvard Law School since 1916, being now Langdell professor. My courses for many years have comprised equity, negotiable instruments, and banking law, trade-marks, and unfair competition. I have published many books and articles on those subjects, besides three books on freedom of speech and press, and have occasionally advised practitioners on problems within my field of teaching. I have participated in several cases in the United States Supreme Court and elsewhere involving freedom of speech and religion, but always as a friend of the court. Never have I been retained or paid by any individual or private organization for work involving civil liberties, because I wish to consider only the interest of the public when I speak or write on such matters. I was consultant for the National Commission on Law Observance and Enforcement, formerly a member of the United Nations Subcommission on Freedom of Information and of the Press, and one of the United States delegates to the United Nations Conference on Freedom of Information in Geneva. Also, I was the draftsman of the Federal Interpleader Act of 1936 (now 28 U. S. Code, secs. 1335, 1397, 2361), under which millions of dollars in conflicting claims against insurance companies and other corporations have been expeditiously adjudicated. My chief activity, outside of teaching and scholarship, has been serving for 40 years as a director of Builders Iron Foundry, a manufacturing business in Providence which has done important work for the Government at various times. Since 1943 I have been chairman of the board.

In short, I am one of the large number of old-fashioned Americans trying to do their own jobs as well as they can, who care a good deal about our Bill of Rights and about maintaining American traditions of freedom and tolerance. We like the kind of country in which we grew up, and we want it to stay that kind of country for our children and our grandchildren. Because we detest totalitarianism, we are greatly disturbed by proposals, such as this bill, to copy any of the methods which totalitarian nations use for keeping a tight control over the thoughts and expression of individuals, over their political activities when they do not meet the approval of officials, and over the exchange of views among individuals in publications and meetings.

I

My main objection to this bill is that I see very little evidence to support the recital that the world Communist movement presents "a clear and present danger * * * to the existence of free American institutions." Let me begin by reviewing the acts

of Congress which now protect our Government and institutions from attacks through violence or other unlawful action.

First, a statute enacted in 1861 (U. S. Code, new title 18, sec. 2384) punishes conspiracy "to overthrow, put down, or to destroy by force the Government of the United States, * * * or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States * * *." This was considered adequate to protect the Government when the Confederate Army was within 100 miles of Washington. In 1867 it was supplemented by another statute punishing conspiracy to commit any offense against the Government with any overt act, no force being required (U. S. Code, new title 18, sec. 371). These two statutes kept us safe from any serious consequences of internal disaffection in time of peace for three quarters of a century. Without any sedition act, we came through the panic of 1873, the panic of 1893, the panic of 1907, and the great depression of 1929–33. The absence of any prosecutions against revolutionists under either of these laws demonstrates that the sky has been clear of forcible revolution for a good many years.

Still, in 1940 Congress wanted more than the old conspiracy statutes. So it created two new types of criminal offenses in the Alien Registration Act. To begin with, it made the Espionage Act of 1917 applicable in time of peace, so as to punish anybody who advocated insubordination, disloyalty, and so forth, in the Armed Forces (U. S. Code, new title 18, sec. 2387). This measure was urged as essential to protect the Army and Navy from Communist organizations. Yet the only reported case under it was the abortive prosecution of about 30 Fascists and anti-Semites in Washington in 1944. The fact that there is no reported case under this statute against a Communist proves one of two things. Either Communist activities to demoralize the Armed Forces never have amounted to much, in which event there seems to be no need for more legislation for the same purpose; or else the 1940 statute has been very successful in putting a stop to such Communist activities, and if so why do we have to have a new law to safeguard soldiers and sailors?

The other part of the 1940 statute, commonly distinguished as the Smith Act (new title 18, sec. 2385), makes it a serious crime to advocate the overthrow of any government in the United States by force, or to be an organizer or a member of any group of persons which advocates such overthrow. This is the first peacetime Federal sedition law since the ill-fated Sedition Act of 1798. It goes very far toward reaching anybody who belongs to what the new bills define as a Communist political organization. If there were really a clear and present danger in this country from world-wide communism, anybody would naturally expect that this Smith Act would have been invoked again and again during recent years. On the contrary we find just three prosecutions. The first was several years ago, *Dunne* v. *U. S.* (138 Fed. 2d 137 (1943)). Although there was a good deal of wild talk by the men who were convicted in this case, their organization amounted to little more than a small outlaw labor union and, being Trotskyites, they were about as far removed as possible from the Communist dictatorship of the Soviet Union, which is described in the pending bill as the fountainhead of danger to our own country. The second was the abortive Washington prosecution of Fascists, already mentioned. Surely, Stalin's influence over American citizens could not have created an overwhelming peril to our Nation when the Smith Act lay dormant for 8 years before any of Stalin's admirers were thought worth prosecuting.

At last, 11 leaders of the Communist Party of America were indicted. They were convicted last autumn in New York City. The Government's case at this trial enables us to get a pretty good idea whether these 11 men and their organization have put our country in deadly danger. There was certainly some obnoxious behavior by the defendants in the courtroom and the witnesses for the prosecution recounted some pretty objectionable talk at the various Communist meetings which they attended. Yet was there anything in the Government's evidence to scare any American citizen of normal guts? I talked with scores of people of varying political and economic views while the Government witnesses were testifying. Only two or three of them even brought up the case in conversation. Nobody was the least bit scared; nor did I see alarm expressed by a single editorial or a single letter to the editor of a newspaper. It was about the least exciting news of the day.

The low temperature of this trial was significantly indicated by the accounts of the Government's case in the New York Times. Out of 39 issues reporting the misdeeds of the most prominent members of the leading Communist organizations, the trial was front-page news for a little less than half the time (only 19 issues). This is hardly the way the chief newspaper in the country behaves when the Nation is at death's door. Very possibly the conviction of these 11 men will be upheld on appeal, but has anybody lain awake at night a single minute from terror because of the testimony against them?

Consequently, I see no need for supplementing the drastic penalties of the Smith Act by another and much more sweeping sedition law.

Some have argued that Communist spies make this bill necessary. Yet the Criminal Code already contains comprehensive legislation against espionage (new title 18, secs. 791–797). I see no evidence that these present statutes are working so badly that an entirely different remedy like this bill is necessary. There is no reported appellate decision about a Communist spy since Gorin was arrested in December 1938 (312 U. S. 329), and I know of no trials connected with spying between 1939 and 1948. With such a long gap it looks as if the existing laws have been pretty effective as laws go. The recent trials of Hiss, Miss Coplon, and Gubitchev show that some spying has taken place but they also prove that the FBI is very much on the job. Hence there is no cause for alarm. The documents which got into the possession of Whittaker Chambers are 10 years old, and much better precautions against leakage now exist in Government offices. The documents disclosed by Miss Coplon were not of great importance to the Russians or anybody else. And although the existing statutes have not prevented all spying, there is no reason to suppose that this bill would do so either. Anybody who is wicked enough to be a spy and willing to brave the severe penalties of the espionage statutes will not shrink from violating a law which requires him to register as a Communist. If the present statutes against spying are thought to be defective, the proper remedy lies in amending those statutes so as to aim directly at spies, and not in roaming all over the lot against thousands of people, most of whom would never dream of being spies.

The postal and interstate commerce provisions of this bill (sec. 11) are unnecessary to prevent the transmission of really dangerous communications, because existing statutes make matter nonmailable for violating the Espionage Act or advocating treason, insurrection, forcible resistance to a law of the United States, arson, murder, or assassination (new title 18, secs. 1461, 1717) deny the second-class mailing privilege to such matter by Supreme Court interpretation (255 U. S. 407), and make imported books, etc., of this sort seizable (19 U. S. Code, sec. 1305). It would be easy to amend a present criminal statute regulating interstate commerce (new title 18, sec. 1462) to reach the same classes of matter if this be thought desirable.

Finally, in connection with the registration provisions in this bill, it is important that we now have two statutes requiring registration in particularly serious situations. Anybody who acts as the agent of a foreign government must register (except diplomats, consuls, etc.); and any organization "subject to foreign control" must register if it is engaged in political activity or if it aims to control, seize, or overthrow the Government of the United States by force (22 U. S. Code, secs. 233–233g; new title 18, sec. 2386). Anybody within these two statutes who fails to register before acting incurs severe criminal penalties. Now, if the Communist Party of America or any other group in this country really satisfied the definition of a "Communist political organization" (sec. 3 (3) in H. 7595), then there is no need of a new law to make it register. It can be compelled to do so any day under the existing statutes just mentioned. The fact that these two statutes have not been enforced against the Communist Party or its leaders indicates that all the talk in section 2 of the bill about American Communists creating "a clear and present danger" of a totalitarian dictatorship in the United States, is like the report of Mark Twain's death—grossly exaggerated.

To sum up in two sentences this survey of the present United States Code:

If American Communists and fellow travelers are as dangerous as the supporters of this bill make out, then there is enough legislation already with teeth in it to take care of these people; so no new law is needed.

If, on the contrary, existing statutes are now violated by what these people are saying or doing, then they can't be very dangerous; so no new law is needed.

II

Let us now turn from the law to the facts. How many Communists are there in the United States? The United Press said 70,000 in 1947, out of a total population of 143,382,000 (World Almanac, 1949, pp. 544, 164); and Mr. J. Edgar Hoover recently gave a lower figure of 60,000 Communists. Thus Communists form one-twentieth of 1 percent of all the people in our country. The odds are 1,999 to 1 in favor of free institutions. Suppose a football stadium holding 40,000 people. The chances are that 20 of them would be Communists and 39,980 would not. Remember, too, that it is not a question of 20 dynamiters or 20 men with concealed weapons, for then they could be arrested at once under the ordinary criminal laws. Just 20 unarmed persons who have not violated any existing Federal or State law or conspired to violate any existing Federal or State law or conspired to violate any existing law. But they have learned bad ideas about politics from foreigners and foreign books, they are thinking bad thoughts about these bad ideas, they are telling them to each other and to any outsiders who are willing to listen. And hence we are told that without this new sedition law we are helpless to prevent them from harming the other 99.95 percent of us, who have on our side only the city and State police, almost every newspaper and school teacher and professor and preacher, the Federal Bureau of Investigation, the Army, the Air Force, and the Navy, never forgetting the marines.

Shades of Valley Forge and Iwo Jima! If we no longer want to be the land of the free, at least let us be the home of the brave.

I fully recognize that the Communist Party in Czechoslovakia was a danger to the freedom of Czechoslovakia, and the same is probably true of Italy and some other countries. It does not follow that the inclusion of less than one-twentieth of 1 percent of our population in a Communist Party here is a real danger to our institutions and our freedom under the very different conditions in this country. We have a very strong Government equipped with existing legislation and efficient Federal police. Our Government does not need any such novel bill as this in order to deal effectively with any actual conspiracy against its existence or any actual effort toward violent revolution. Where inside this this country are the facts which justify the establishment of unheard-of regulatory machinery, the expenditure of large sums of money in its operation, and the severe punishment of American citizens because somebody or other has not filled out a piece of paper?

It is now nearly 30 years since my work as a student of freedom of speech led me to pay considerable attention to the activities of Communists in this country. Although they are as detestable as ever, it is my considered opinion that they are far less dangerous today than they were in 1919–20, soon after the Russian revolution. During those early years (1919–20) that revolution was to many Americans the symbol of a better world. It was assumed to be a heaven on earth. To many idealists it at least appeared possible that men might build a fruitful society without having to seek their own profit. Today, however, few of those who dream of a city of God can ignore the ugly facts in Moscow. Radicals of my acquaintance who used to speak of Russia as a land of hope are now reduced to saying that it is no worse than any other country. Also social and economic conditions in this country have vastly improved since 1919. The reasons for revolutionary discontent which then existed have been greatly lessened by the legislation under Mr. Roosevelt, the high wages paid during the war and since, the realization that Americans of every sort fought and suffered side by side during the war. The spiritual health of the Nation is far better than in 1919. We have a much greater immunity to revolutionary radicalism.

III

Sometimes I wonder whether the supporters of measures like this bill have been worrying so much about Communists that they have forgotten what freedom-loving Americans are like. They would be the last people to fall easy victims to the ideology of a country where nobody can speak his own mind unless he agrees with the ruling class, where there is only the party convention and only one man to vote for at an election, where labor unions are state-run bureaus, where men can be grabbed out of their beds in the dead of night with no charge against them and be hidden away from their families for weeks, where hordes of people are moved from their old homes at the will of some official and ordered to live and work in some barren place 2,000 miles away. Although communism now has behind it a powerful nation, which was not the case 30 years ago, this makes military problems more serious but I believe it decreases whatever attraction it has had for American citizens. If there is one thing American history teaches, it is that most of our citizens intensely detest any possible foreign influences over our own political policies. The very fact that joining the Communist Party means constantly taking sides with a foreign government against our own Government is enough to keep most American radicals from having anything to do with that party. And then there are more material considerations, though by no means sordid. Think of the billions of dollars invested in life insurance and savings banks, the pride a man has in knowing that he is giving his children a better start in life than he had himself, the satisfaction of acquiring a home, a car, a motorboat, a little cottage on the beach. These bulwarks against communism are infinitely stronger than all the acquisitions and registrations and prosecutions that could ever be devised.

The only possibility of communistic control of this country, leaving out the chance of foreign conquest, would come, I believe, from the destruction of this confidence which the great mass of our citizens now have in their own future and that of their children's future. Imagine a prolonged period of enormous unemployment; the dollar buying what a dime buys now, and perhaps worth a nickel next week, who knows; ever-mounting taxes; the national revenue heavily mortgaged for decades by unwise commitments to groups of the aged at the expense of active men and women and their children; voters hating and despising the men they themselves have put in office because they had nobody better to choose from. That is when communism might grow by leaps and bounds, not because of what the 70,000 Communists say but because of what the hopeless facts say. Maggots live in rotten meat.

A friend of mine met a Communist in France. He was a man of considerable wealth, and my surprised friend asked him, "Then why on earth are you a Communist?" "Because any government is better than the kind we have been having for years and years." It is that sort of spirit which, if it should be widespread in this country, might lead us into communism.

It is up to you gentlemen in the House of Representatives and the Senate to make sure that no such blinding discouragement and financial demoralization shall ever threaten us. Better yet, it lies in your power to do many things which will constantly strengthen the confidence of citizens in the future and in their institutions. The cure for internal disaffection is not sedition laws, but normal Federal and State statutes to redress genuine grievances. The safeguard against communism and any other sort of disloyalty is to keep on working hard to make this a better country to live in.

IV

A further objection to the pending bill is that, while it purports to be necessary to preserve "free American institutions" it gravely impairs some of the most precious of those institutions—freedom of speech and press and assembly, which our ancestors put at the very head of our Bill of Rights. Without bothering you with an extensive discussion of the meaning of those freedoms, I merely pointed out what will be illustrated later by passages from several great exponents of the first amendment, that the American tradition of freedom of speech and press and assembly is that words as such shall not be punished or restricted, however objectionable the ideas they express. Peaceable language should be left alone by law, for the proper remedy for it is peaceable language on the other side. An especially strong claim to immunity is possessed by speeches and publications concerning political issues and candidates for office, because they are an essential part of the process of self-government. The only words which may properly be made unlawful are either (1) immediately injurious like libel and obscenity, or (2) closely connected with commonly recognizing wrongful acts, e. g., an incitement to murder or to desert from the Armed Forces.

The present bill is not limited to the two exceptional situations just mentioned. Let me run through it rapidly to bring out this point.

Section 4 punishes any persons who agrees with another to perform "any act" which would "substantially contribute to the establishment in the United States of a totalitarian dictatorship." There is no requirement of the use of force or other unlawful methods at any time. The "act" may be wholly peaceable. It may be one of the commonest political activities, like nominating a candidate for office who is pledged to the specified policy.

Section 6 keeps a man within this country because of his association with men of specified political views, with no consideration of his own unfitness to travel abroad and with no reference to any unlawful act. The denial of a passport may amount to a severe penalty on a person with bona fide reasons for going abroad.

All the registration provisions relating to a "Communist political organization" restrict normal political processes without regard to any unlawful act.

The registration provisions for "Communist-front organizations" have no relation to any unlawful act, but are imposed because of the expression and exchange of opinions.

The burdens in section 11 on use of the mails for letters as well as printed matter have no relation to any unlawful acts or to the character of the language sent by mail.

In case any of your committee should conclude that the trial of Communist leaders in New York last year shows sufficient unlawful acts to take them and the Communist Party of America outside the traditional protection for freedom of speech, I would respectfully direct your attention to the fact that this bill is not limited in its application to that particular party. For example, if there had been such a law passed 2 years ago, the Progressive Party headed by a former Vice President of the United States might, for all we know, have been ruled to be a "Communist political organization," and the same thing may happen in 1952 if this bill be enacted. Moreover, the "Communist front" provisions obviously extend to other organizations than the Communist Party of America. It is impossible to justify the sweeping provisions of this bill by saying that it reaches only particular groups who do not deserve to have any freedoms anyway. You never know whom a sedition bill is going to hit until the authorities start shooting with it.

Put the provisions of this bill alongside the following statements by four exponents of the American tradition of freedom of speech and press and assembly, two of them great Democrats, two others great Republicans.

Thomas Jefferson said in his first inaugural in 1801, during the apprehensions caused by the French Revolution:

"If there be any among us who wish to dissolve this Union, or to change its republican form, let them stand undisturbed, as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know indeed that some honest men have feared that a republican government cannot be strong; that this Government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm on the theoretic and visionary fear that this Government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest Government on earth."

Justice Holmes said in a famous dissenting opinion in 1919 (250 U. S. 616) during the period of great excitement about Russians in this country who ardently supported the Russian Revolution:

"But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that the truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment. Every

year if not every day we have to wager our salvation upon some prophecy based upon imperfect knowledge. While that experiment is part of our system I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country * * *. Only the emergency that makes it immediately dangerous to leave the correction of evil counsels to time warrants making any exception to the sweeping command, 'Congress shall make no law abridging the freedom of speech.' "

A few months later, Charles Evans Hughes objected to the exclusion from the New York Legislature of five duly elected Socialists, who were considerably less radical than Communists. That situation is closely parallel to the pending bill. Although it does not actually bar Communists from being candidates for elective office, the burdensome registration provisions and the possibility of prosecutions under section 4 will make it very difficult for any member of a "Communist political organization" and probably a "Communist-front organization" to participate in normal political processes. So Hughes' condemnation of any proposal to disenfranchise men merely for belonging to a group is highly relevant to the bill you are considering. He said (New York Times, January 10, 1920):

"If there was anything against these men as individuals, if they were deemed to be guilty of criminal offenses, they should have been charged accordingly. But I understand that the action is not directed against these five elected members as individuals but that the proceeding is virtually an attempt to indict a political party and to deny it representation in the legislature. This is not, in my judgment, American Government. * * *

"I understand that it is said that the Socialists constitute a combination to overthrow the Government. The answer is plain. If public officers or private citizens have any evidence that any individuals, or group of individuals, are plotting revolution and seeking by violent measures to change our Government, let the evidence be laid before the proper authorities and swift action be taken for the protection of the community. Let every resource of inquiry, of pursuit, of prosecution be employed to ferret out and punish the guilty according to our laws. But I count it a most serious mistake to proceed, not against individuals charged with violation of law, but against masses of our citizens combined for political action, by denying them the only resource of peaceful government; that is, action by the ballot box and through duly elected representatives in legislative bodies."

Hughes as Chief Justice uttered principles equally relevant to the pending bill. In 1931, he said (283 U. S. 359):

"The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system. A statute which upon its face, and as authoritatively construed, is so vague and indefinite as to permit the punishment of the fair use of this opportunity is repugnant to the guaranty of liberty contained in the fourteenth amendment."

And in 1937 he released a man who had spoken at a meeting of the Communist Party, where no unlawful conduct was urged by anybody. He was convicted merely because the Communist Party was held to advocate criminal syndicalism and sabotage. Hughes said (299 U. S. 353):

"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press, and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means."

Finally, Alfred E. Smith spoke out against the expulsion of the Socialist assemblymen in 1920 (see his Progressive Democracy, 273):

"Our faith in American democracy is confirmed not only by its results but by its methods and organs of free expression. They are the safeguards against revolution. To discard the methods of representative government leads to the misdeeds of the very extremists we denounce—and serves to increase the number of the enemies of orderly free government."

After you have read these extracts by four of the men who did most to make "free American institutions" what they are today, I respectfully request you to reread the pending bill and see how far it departs from the principles cherished and declared by Jefferson, Holmes, Hughes, and Al Smith.

V

My next objection is drawn from the past experience of the Nation. This is not the first time when fears of the infiltration of revolutionary radicalism from Europe has led earnest men to demand drastic laws against speeches and publications. A hundred and fifty years ago patriots terrified of the French Revolution got your predecessors to enact the Sedition Act of 1798. It is commonly regarded as one of the greatest follies in our history. Happily it expired in 2 years by its own terms. Again, after the First World War, Congress was repeatedly urged to pass a new peacetime sedition law. Revolutionary groups were much more vocal than now. Violent acts occurred, like a bomb exploded near the house of the Attorney General. Still, Congress refused to do anything, and nobody now regrets that refusal. The years that followed proved that the law which eminent men said was indispensable to save the country was not needed at all. The names of the men who supported the bills of 1798 and 1919–20 have long ago slipped into oblivion, but we remember Jefferson, Holmes, Hughes, and Al Smith for their courageous insistence that we must trust open discussion to bring us safely through.

That courage, we are now told by proponent of a bill like this, is out of date. The United States never had to face Stalin before. But in 1798–1801 it had to face the French Revolution and Napoleon. And in 1919–20 it had to face Lenin. His army was not so big as Stalin's, but he was a far abler master of revolutionary tactics. The lawyers who drafted the Sedition Act of 1798 and the judges who enforced that law were firmly convinced that they were stamping out a foreign menace fully as dangerous as the foreign menace which confronts us today. Indeed, they used much of the same arguments as those urged for these bills now, with France the villain instead of Russia, and Switzerland replacing Czechoslovakia as the victim to forecast the fate of our own Republic if we do not save ourselves by passing a sedition law.

Listen to the dire prophecies with which, in 1799, a committee of the House of Representatives urged the continuance of the Sedition Act for 2 years more (9 Annals of Congress, 299–2):

"If it be asserted * * * that our security arises from the form of our Constitution, let Switzerland, first divided and disarmed by perfidious seductions, now agonized by relentless power, illustrate the consequences of similar credulity. * * *

"France appears to have an organized system of conduct toward foreign nations; to bring them within the sphere, and under the dominion of her influence and control. It has been unremittingly pursued under all the changes of her internal policy. Her means are in wonderful coincidence with her ends; among these, and not the least successful, is the direction and employment of the active and versatile talents of her citizens abroad as emissaries and spies."

As late as January 1801, after the Federalists had lost the Presidency, one of them was still trying to get the House to prolong the statute, by charging French agents with buying several American newspapers with foreign money for the purpose of spreading disaffection (10 Annals of Congress, 957–958).

In 1919–20 you can find the same kind of fears as today eloquently expressed in House and Senate hearings, by the Lusk committee reports in New York, and in the New York Assembly, where the outline of the case against the five Socialists described their party as "having the single purpose of destroying our institutions and Government and substituting the Russian-Soviet Government, * * * an antinational party whose allegiance is given to the Internationale and not to the United States." This corresponds almost word for word with passages in section 2 of the pending bill.

Everybody agrees now that the fears of subversive organizations in 1798–1801 and 1919–20 were much exaggerated. That ought to be a warning to your committee. Isn't there a pretty good chance that, a few years from now, all the scare words in section 2 of this bill will sound just as panic-stricken as the passages I have quoted from the Lusk committee and the opponents of Jefferson?

Every great war, especially a war accompanied by revolutions, is followed by a difficult settling-down period. The anxieties and strains of war do not die out the moment hostilities stop. People go on being worried because they have been worried so long, and all sorts of economic and social adjustments caused by the dislocations of war bring new reasons for anxiety. It took over 10 years for us to get back to normal after our own Civil War. The constant tension breaks out in all sorts of queer ways, and one frequent manifestation of it is fear of internal disaffection. The English went through a terrible period of this sort after the long Napoleonic wars: they enacted any number of suppressive statutes, and soldiers shot down workmen who were attending a peaceful meeting at Peterloo. We experienced the same kind of thing in a milder form after the First World War during the so-called Red Menace. In such times of disturbance and anxiety, sedition laws were demanded as indispensable, but soon the tension began to relax, the fears proved unwarranted, and the country went on safely with its traditional freedoms.

We are going through such a settling-down process today. It is particularly difficult for all sorts of causes—the magnitude of the devastation, the delay in the peace treaties, the diverse character of the victorious nations, the unprecedented formation of a world-wide permanent union, and so on. We have plenty of real worries, and it is quite natural that they should be reflected in some false worries as well. All the more reason for keeping our heads.

It is like walking up at 2 in the morning and trying to solve all your problems at once. A wise man tells himself that some of those problems won't amount to much in daylight. He faces the immediate tangible tasks squarely, and stops tearing himself to pieces over vague, remote, conspiratorial perils. Usually they vanish next morning. If not, they shrink into concrete problems which can be taken up when they actually arise as part of the ordinary course of life.

I have read a good many regrets that particular sedition laws were passed. Never, given the lapse of 2 or 3 years, have I known anybody to regret that a sedition law was rejected.

The principles which Jefferson used to allay apprehensions in his time are equally valid in our time. Meet unlawful action with action; proceed against real spies and real plotters as he prosecuted Aaron Burr and approved the dismissal of Genêt. Meet objectionable ideas from abroad by living up to our own ideas—give increased drawing power to our great traditions of democracy and freedom.

VI

My final point before I take up the bill in detail is very important. Its enactment would disastrously impair our influence over other freedom-loving peoples.

If we leave aside military considerations, the best way to combate the spread of communism in western Europe and elsewhere is to give increased drawing power to the great traditions of democracy and freedom. These war-torn countries want more than weapons, more than food and machinery. They are eager for ideals to strengthen the spirit and make life worth living. Communism, we are told, operates like a religion; it is presented as the vision of a better world. Yet Jefferson and Lincoln had a great vision. During the nineteenth century it possessed the appeal of a religion to bring millions to our shores. In order to hearten the discouraged peoples of the twentieth century, we must keep that vision bright—not, this time, to attract them to America but to enable them to rebuild their lives in their own homes, so that the freedom which Jefferson and Lincoln did so much to give us will be a reality in many part of the world.

More than words is needed. Unless our acts show that we believe in our democratic ideals, we lessen the chance of winning wavering men to democracy.

In my experience with foreigners in the United Nations, I have been constantly impressed by the way our prevailing adherence to the ideals of our Bill of Rights helps to close up the ranks of freedom-loving countries in opposition to undesirable measures. On the other hand, I have seen how much harm is done whenever we conspicuously depart from our professed basic principles. It lays us open to damaging charges of hypocrisy and pretense, which are hard to meet. There is no doubt that such attacks based on concrete facts do impress men from many countries whose support we need, and sometimes they are thus pried apart from the United States delegation on critical votes.

Now, freedom of information is one of the big issues in the United Nations at the present time. A treaty of great value to facilitate the work of foreign correspondents, which was originally projected by our State Department, has been put in final form by the General Assembly. Over and above this, freedom of speech and press is an American ideal which means a very great deal to the citizens of countries where censorship and every sort of gross suppression have prevailed in recent years. So, the way we maintain freedom of speech and press or the way we depart from it is bound to have a tremendous effect, for good or bad, upon delegates from countries like Holland, Norway, India, and Australia.

Consequently, if we enact a new sedition law like this bill, it will do us great harm among our natural friends in the United Nations. They know well how much suppression is made possible by the vague definitions in this bill. We just can't defend such a sedition law against the bitter attacks of our opponents, and still less against the distrust of our friends. Our professions of love for open discussion will ring hollow in their ears. And matters will be much worse when enforcement starts, with numerous inquisitions by the Subversive Activities Control Board, mail opened, nonregistrants prosecuted, lists gone through with a fine-toothed comb, and all the rest of it. Frenchmen, Belgians, Dutchmen, Norwegians, Danes have had years of experience with that sort of thing under totalitarian occupations, and it leaves a stench in their nostrils.

The way for us to spread abroad freedom of speech is to live up to it ourselves. The rejection of this bill will be a telling demonstration that we are governed by the principles of Thomas Jefferson.

VII

Analysis of the actual operation of the bill

It is time to examine the bill in some detail and see how it is likely to work. The bill may conveniently be studied under five different aspects: (1) The purely criminal provisions in section 4; (2) the general registration machinery; (3) registration of a "Communist political organization"; (4) registration of a "Communist-front organization"; (5) practical considerations about various enforcement provisions.

1. The purely criminal provisions of section 4: The bill is much more than a registration measure, although it is sometimes represented to be merely that. It imposes many serious penalties upon the expression of opinions and upon membership in organizations which are stigmatized because of their opinions. Notably, section 4 has no connection with the registration requirements. It punishes any sort of participation in the novel and very vague crime of establishing a totalitarian dictatorship in the United States. Whatever this crime means, it goes far beyond the speech which is punishable under the Smith Act.

Nobody knows how unexpectedly a sedition law can be construed unless he has studied into such matters. The draftsman and the legislators have certatin particular situations in mind, but its actual use may be against some kind of conduct which they never dreamed of. Thus a New York statute which was passed after the assassination of President McKinley to punish anarchists has never been used against an anarchist, but it was drastically enforced against Gitlow and other Communists, who are at the opposite pole of political thought from anarchists (234 N. Y. 159 (1922); 234 N. Y. 132, 539 (1922); 266 U. S. 652 (1925)). A still more striking illustration is an existing Federal statute, which looks absolutely clear. It punishes with imprisonment up to 5 years a willful "threat to take the life of the President * * *" (new title 18, sec. 871). What could be plainer? At once we think of the need of shutting up the man who writes the President that he will be shot unless a certain bill is vetoed. But that is not the way this statute has worked out. A man in Beaumont, Tex., got into a violent argument about Wilson's war policies and exclaimed "I wish Wilson was in hell, and if I had the power I would put him there." He was convicted under this law and the courts held his revolting language was punishable as a threat to kill the President—how could he be in hell unless he were dead? (Bulletins of Department of Justice on Interpretation of War States, No. 101; 250 Fed. 449.)

So, if this bill passes, you cannot tell what sort of people will ever be punished for agreeing to aid in establishing a totalitarian dictatorship, but you can be sure that they will be very different people from anybody that you have in mind in the spring of 1950.

I have already pointed out that these provisions do not involve any use of force or unlawful acts. It will be a crime for two men to agree that one of them will run for Congress on a platform which a particular jury considers to involve a totalitarian dictatorship.

Subsection (b) of section 4 relates to acts of disclosing secret information, something most people regard as wicked now. Hence this provision is entirely different from most of the bill. If we need any new law against such wrongful acts, it seems to belong in a separate amendment to the espionage statutes, and not in a sedition bill. Moreover, if a secret is worth classifying as such, why hide it only from Communists and let it out to Fascists, columnists, and ladies at large? This country contains many more blabbers than conspirators. Here as elsewhere in the bill, I find provisions which only an emergency can justify, and which consequently have no place in a permanent statute such as this is intended to be.

Whatever else your committee may decide to do with this bill, I hope that you will strike out section 4 at all events. It is a straight sedition law of the most reprehensible sort. We came through the months between the fall of France and Pearl Harbor without needing any such protection against the much more powerful totalitarian dictatorship of Hitler, and we certainly do not need any such extraordinary statute now.

2. The general registration machinery: This is mainly described in sections 13–17 of the bill. We can expect that if the bill becomes law, the procedure will operate in three successive stages:

1. Some organizations may register voluntarily or may do so after receiving some sort of notice that a proceeding for registration is to be begun. Some individuals within section 8 may also register of their own accord. There will also probably be defaults by organizations and individuals in cases before the Subversive Activities Control Board. In all these situations the administration of the law will really begin and end in the office of the Attorney General.

2. Contested cases will be heard and decided by the Subversive Activities Control Board, to which I shall return in a moment.

3. Either the Government or an organization (or individual) required by the Board to register may under section 15 (a) get judicial review in the Court of Appeals in the District of Columbia and perhaps in the Supreme Court.

It is my well-considered opinion that by far the most important of these three stages is the second stage, before the Board. Except for purposes of passing on questions of constitutionality, judicial review may not play an important part for at least two reasons. In the first place, going to court is expensive and the financial resources of organizations under fire will often be small anyway; they will be further crippled by the denial of income-tax advantages under section 12, which is likely to scare off contributors as soon as proceedings start against an organization, without waiting for the final order. A recent Treasury ruling denying exemption for gifts to organizations which the Attorney General has listed as subversive is already demoralizing to the financial condition of such organizations. In the second place, all the evidence against an organization or on its behalf will be taken before the Board. The reviewing court has no power to receive any new evidence. Now, any lawyer knows the way in which testimony shapes up depends considerably upon the competence, experience, and fairness of the person or persons presiding at the trial. It is true that the court can send a case back for additional evidence and further findings, but all this will happen in the same Board. If its attitude is definitely hostile to an organization or an individual, he may well feel that it is not worth his time and his money to seek judicial review on an unsatisfactory record. At all events, whatever the frequency of resort to the courts, it is plain that the bill gives very important powers to the Subversive Activities Control Board.

Therefore the operation of this statute depends very largely on the three persons composing the Subversive Activities Control Board, set up by section 13 (a). Who are they, what will be their experience, are there any safeguards to induce them to behave like

judges rather than law-enforcers and policy-makers, are they independent of executive control or congressional control, does the compensation attract men of unusual ability?

The bill states no qualifications except that the three members are to be appointed by the President and confirmed by the Senate. They get a salary of $12,500 each, serve for 3 years, and may be removed by the President for cause. Thus, it depends pretty much on the President whether the Board consists of men fit to be judges and make competent and impartial decisions in a novel and very controversial field.

Now, we come to a disturbing provision. The three members of the Board "shall not engage in any other business, vocation, or employment" (sec. 12 (d)). What sort of men will be willing to do nothing except examine the affairs of suspected subversive organizations, all day long, week in and week out, for 3 years? Sifting the good from the bad requires historical and sociological training and insight plus judicial capacity of a high order, but there is none of the variety which makes a judge's work appealing. The danger is that nobody who is really fit for this task will touch it with a 10-foot pole. What you are likely to get is either political hacks attracted by one of the highest-paid jobs in Government service, or else persons fired by a zeal for Red hunting.

Tremendous powers over the lives of private citizens will be possessed by the three men on this Board. They can shape political action, blast reputations, deprive Government employees and workmen of their jobs with small hope of getting other employment. Even if organizations condemned by the Board get judicial review, they will not have much of a chance to reverse its decision. On the assumption (which seems to me doubtful) that this bill is constitutional, its definitions of a "Communist political organization" and a "Communist-front organization" are so wide that it will be hard for judges to say that the Board was wrong in bringing an organization within those definitions. As usually happens in court review of administrative decisions, the judges may be reluctant to substitute their own judgment in place of the judgment of the officials, except in cases where the officials are plainly mistaken.

Only a terrible danger to the Nation could justify Congress in placing these enormous powers in the hands of three men who may not have the training and experience of judges and will not possess the life-tenure which the Constitution considers essential to assure the independence of men who make vital decisions. Once more I ask your committee—does such a terrible danger really exist?

3. The registration of "Communist political organizations." Perhaps something can be said for requiring all political parties and all organizations which are somehow associated with politics to register, but this bill does nothing like that. It imposes on particular political parties or organizations very serious burdens from which other political parties, and so forth, are wholly free. Section 7 of the bill requires those parties which the Board singles out to file the names and addresses of all members (perhaps 70,000 for the Communist Party), to repeat this full list every year, to keep accurate records of such names and addresses and of moneys received and expended, to file an annual financial statement. And every omitted name or address, every inaccuracy, may mean 2 years in prison for the party officers. Imagine what this would mean if it had to be done by the Republican Party or the Democratic Party.

But those are good parties, the supporters of the bill may say, and the bill hits only bad parties. Sifting bad parties from good parties is the job of the voters, by the American tradition, and not the job of Congress or Government officials. We have had confidence that most of the voters would recognize a bad party when they saw it and keep away from it. The fate of the Know-Nothing Party, which incited prejudice against recent immigrants, and the failure of the Communist Party to win any important office anywhere or even a single Presidential elector, show that this confidence in the voters is amply justified.

Only once hitherto has Congress tried to take over the job of sifting out a bad political party. That was when the Federalists passed the Sedition Act of 1798, under which the owners and editors of the four chief Jeffersonian newspapers in the country were indicted, and several other editors and well-known Jeffersonian politicians were convicted and sent to prison. (See F. M. Anderson, The Enforcement of the Alien and Sedition Laws, annual report of American Historical Association (1912) 115.) This example proves that the definition of what is a bad political party may depend on the ideas of the particular people in power, who can shape the definition to cripple the adversaries they would like to get rid of.

The pending bill uses a different method to sift out a bad party. It is a method much more likely to succeed in breaking up an opposition party than the Sedition Act of 1798, which gave the vital decision to 12 jurymen, whereas this bill puts the control in the hands of three officials selected by the party in power. The basic idea in this method is to pick out characteristics of an objectionable sort which are possessed by some members of the party you want to smash, then brand the whole party with those objectionable characteristics, and consequently make it carry a heavy load in the political race against competing parties which run unburdened.

Now, this may seem very clever when it is used against parties with a communistic tinge, but it is a game two can play at. Once Congress passes this bill and gets people accustomed to the method of having officials sift out bad parties instead of letting the voters do it themselves, other laws can be drafted with new definitions of badness to hit some party which has nothing to do with communism. There is no logical limit to the possibility of thus proscribing an opposition party, for every party has some members with qualities capable of arousing intense and widespread detestation.

Let us imagine that the method of this bill had become familiar by the time the Republican Party was founded. Among its members were many prominent abolitionists, who had urged or even participated in violations of the fugitive-slave law. So in 1858 the Democratic Congress passed a statute defining a "disloyal political party" as one which "is dominated or controlled by persons who advocate resistance to or disobedience of any law of the United States duly enacted." The statute compelled such a party to register, with all the consequent disabilities now contained in H. R. 7595. A "Disloyal Activities Control Board" appointed by President Buchanan and comprising two Democrats and one Southern Whig, determined that the Republican Party was dominated by law-breaking abolitionists. This decision was affirmed by a majority of the Supreme Court which had lately refused to free Dred Scott. So the Republican Party had to register, list the names and addresses of all its members every year, mark all its mail "Disseminated by the Republican Party, a disloyal organization," and no Republican could hold any Federal office. Would Lincoln have been willing to run on the disloyal ticket? Would he have been elected?

What is the need of introducing such a method of political proscription among free American institutions in order to get rid of the Communist Party of America, which is so nearly dead already as a political party that it hasn't nominated a candidate of its own for President for at least two elections? As Senator Carter Glass remarked, "What's the use of wasting dynamite when insect powder will do?"

The reply may be made that, although the Communist Party amounts to nothing in elections, it still exists as an organization making policies and spreading propaganda of a bad sort, and hence this bill is necessary to break it up completely. How much good will that really do? Probably, if this bill be enacted, there will no longer be any organization called the Communist Party. My guess is that it will not register, but simply go out of existence within 30 days after the President signs this bill. See section 7 (c) (1). Then nobody can be punished for failure to register. The present 70,000 Communists very likely join other political parties. They will be no less harmful than they are now, because they will continue to have the same ideas and probably be more resentful than ever, on account of this new law. And there is no reason to expect that they will stop meeting together in some way or other. Anybody who has studied the history of Irish societies which were working to give Roman Catholics the vote, in the days of Daniel O'Connell, can tell pretty well what will happen. Every time a particular society was declared unlawful, it was promptly dissolved and its former members started a new society to do exactly the same thing. The same process was repeated under Parnell. (See my Free Speech in the United States, 473–474.) So we can expect the formation of a large number of Shakespearean societies, Dante institutes, chess clubs, indoor-baseball associations, etc. Meanwhile you will no longer know whether there are 70,000 Communists at heart or 700,000. In short, if we are scared about the possibility of Communists under the bed, let us cling hard to the existing system which encourages most of them to get on the bed where we can see them.

Finally if you drive the present Communists into other political parties, they may be able to do much more damage than now. Candidates will be found in those lawful parties who will promise extreme measures in order to satisfy their new left-wing members. As for the former Communists who will not vote at all after the party vanishes, we shall be wise to remember that the prime cause of all dangerous political agitation is discontent and that outlawing Communists is likely to double their discontent. So long as they are a lawful political party, they can say, "This isn't such a bad country after all, for at least it does give us a chance to vote for the man we want to." But if you outlaw their party, then they can say, "This country won't let us earn a decent living and now it won't even let us vote. So let's try something else."

We ought not to discuss this bill as if it affected only one political party—the Communist Party of America. That is the chief target of the bill, but its enforcers do not have to stop there. How about following up the large number of former Communists who join the Progressive Party, which they supported at the 1948 election? A good many Democrats have excellent reasons for wanting to cripple the Progressive Party; it is common knowledge that Mr. Wallace drew many votes away from Mr. Truman last November. So there may be strong pressure in favor of proceeding against the Progressive Party under the Mundt-Nixon law before the 1952 election.

Suppose that the Progressive Party convention is held early in July 1952 and renominates Mr. Wallace. A few days later the party learns that it is charged with having become a "Communist political organization" or at least a "Communist-front organization," which seems reasonably possible under the provisions of sections 3 (4) and 14 (f) of the bill. Hence the Attorney General, relying on section 7 (c), notifies the Progressive Party

to register within 30 days after the convention. If it does register, the Progressive Party and its members will have to run the whole campaign under the stigma of being a "Communist organization" with all the disadvantages imposed by this bill.

So the officers decide not to register the Progressive Party with the Attorney General, but to fight the issue through the Board and the courts until the final order is handed down under section 15 (b). Mr. Wallace and the officers of the party know that they will have to conduct the campaign with the opprobrium caused by the Government evidence in contemporaneous hearings before the Board, but at least, so they think, they will escape all the disabilities and penalties in this bill.

But are they right about escaping the penalties of fines and imprisonment under section 16 (a)? I don't believe so. The bill has a joker in it. Of course, if the final order is in favor of the Progressive Party, nobody can be punished. The trouble will come if they contest without registering, and then the final order goes against them. Let us suppose that the court decides early in December 1952 that the Progressive Party is a Communist political organization and became such at its presidential convention early in July. This decision reaches back to its initial failure to register, which the statute required to be done within 30 days after the convention. (You can't ignore section 7 (c) (1) and (2), in spite of clause (3) immediately afterward.) That means that the officers of the party had the duty, by section 7 (h), to register early in August and also to file a statement listing the names and addresses of every member of the Progressive Party. Since a million people voted for Wallace in 1948, this is quite a job to do in 30 days. Well, they didn't do it, and so the officers are liable to the penalties provided by section 16 (a) (2): "each individual having a duty" under section 7 (h) "to register or to file any registration statement * * * on behalf of such organization * * * shall, upon conviction of failure to so register," and so forth, "be punished for each such offense by a fine of not less than $2,000 * * * or imprisonment for not less than 2 years * * *, or by both." I do not see how the officers can get away from this punishment, if they lost the registration case.

Furthermore, 4 months or over 120 days must elapse between early December when they do actually register in accordance with the court's decision. The bill says (p. 36, lines 22–24) that "each day of failure to register * * * shall constitute a separate offense." Therefore any officer of the party who had a duty to register is liable to a fine of not less than $240,000 or imprisonment of not less than 240 years, or both.

It is my well-considered opinion that any good lawyer who was consulted by the officers of the Progressive Party in July would have to advise them that they ran a very serious risk of this enormous punishment unless they registered early in August. Human nature being what it is, most of these officers would probably resign at once. It would be pretty hard to get anybody to direct the campaign after the end of July. The Progressive Party would be broken up right away by fears of losing the registration contest. Even if it won that contest in court in December, it would be just as broken up in August.

Now, I am very far indeed from being an admirer of Mr. Wallace, but does your committee want to make it possible for the party in power to eliminate an opposing party in the way the Federalists tried to crush the Jeffersonians by the Sedition Act of 1798?

To sum up this matter of "Communist political organization," probably the Communist Party of America does have some links with Moscow, and certainly some of its members engage in talk and organizational activities which are very repulsive to most Americans. But even if anything is gained by breaking up a party which comprises only one-twentieth of 1 percent of our population, the Smith Act of 1946 is amply sufficient. So is it wise, for the sake of getting rid of the Communist Party, to enact still another sedition law, which can easily be used to break up some other party to which many honest patriotic citizens belong and to warp and demoralize the normal processes of self-government? To pass this bill in order to hit Communists is like using a hammer to swat a wasp on baby's head.

4. The registration of a Communist-front organization: Most of what has just been said is applicable to these organizations, except that only officers and not members have to be listed in registration statements and annual reports. Inasmuch as this part of the bill is likely to reach many more groups, whose purposes are often cultural as well as political and who are engaged in exchanging ideas rather than winning elections, the interference with the lives of private citizens is much more extensive than in the case of Communist political organizations.

Here again, there is something to be said for a general registration law requiring all groups, which attempt to influence public opinion to disclose the pertinent facts about themselves through systematic procedures. The harmfulness of nondisclosure is by no means confined to Communist-front organizations. For instance, virulent anti-Semitic circulars and pamphlets falsely and libelously accusing long lists of well-known decent citizens with being disloyal are often widely mailed by organizations with high-sounding names, which take good care not to mention their authors and the men who put up the money. A broad statute to break through this vicious anonymity of defamers of every sort is recommended in the 1947 report of the President's Committee on Civil Rights. (To Secure These Rights, 51–52, 164.) On the other hand, my book on Government and Mass Communication (vol. II, 489–494) presents some serious doubts whether such a statute will be a desirable remedy for vicious anonymity; it is likely to be enforced inefficiently and in a haphazard way, and to stifle more good views than bad views.

At all events, if Congress thinks a compulsory-disclosure law for propaganda is needed, then it is needed for all sides of political, racial, and religious controversies. Such a law should seek to force into broad daylight all the enemies of democracy and not just a particular portion of them as in this bill, leaving the rest to remain the darkness they love "because their ways are evil."

Leaving the lopsidedness of this bill for later attention, let us see what this part of the bill actually does. It enables three Government officials to pick out certain groups and classify them as Communist-front organizations. They are then subjected to numerous burdensome obligations from which social and propagandist groups are normally free. They must register, file lists of officers, keep supervised records and accounts, file annual reports, etc., under very severe penalties. Contributions will be reduced by their loss of income-tax deductions (sec. 12). Finally, they must label every publication and the outside envelopes of all mail as coming from a Communist organization. This novel stigma recalls the practice of medieval princes to require Jews to wear special marks on their coats.

All this virtually outlaws whatever organizations the three officials object to. They will probably die under these burdens. If they do continue, they will have lost most of their moderate members and be wholly in the hands of extremists who don't care. Thus they will be rendered more harmful than before.

Along with section 4, these Communist-front provisions are the most harmful parts of the bill and so must be discussed at some length. First, I should like to point out the great dangers of thus interfering by law with freedom of discussion through organizations. The bill proposes to twist out of all recognizable shape one of the leading traditions of American life, which is the possibility of freely forming associations for all sorts of purposes, religious, political, social, and economic.

If we look back over our national history, we see that many of the most significant political and social changes began with the efforts of some small informal group, which started as the object of considerable dislike on the part of the ordinary run of citizens. The abolition of slavery grew out of Garrison's Antislavery Society and similar associations. The nineteenth amendment is the culmination of the activities of a few unpopular women in the middle of the last century. The election of Senators by the people, the Federal income tax, and several other reforms largely originated with the Granges and the Populists. One can think of plenty of additional illustrations of the free and easy formation and operation of propagandist groups in American life. Sometimes they have succeeded and sometimes they have failed, but the point is that American political, social, and economic institutions have developed to a very large extent through the the interaction of numerous informal groups. The appearance of a group favoring one side of an issue often brought about a group of opponents, and the public profited from its opportunity to judge between their competing presentations of both sides of an important national problem. What I want to hammer home to you gentlemen is that freedom of speech under the first amendment has from the very beginning meant more than the liberty of an isolated individual to talk about his ideas or put them into print. From the very beginning, freedom of speech has involved the liberty of a number of individuals having a common purpose to associate themselves for the advocacy of that purpose. Thus freedom of speech and freedom of assembly fit into each other. They are all related to the possibility of petitioning Congress and the State legislatures for redress of grievances, and I am sure that everybody feels that the right of petition is only part of the wider freedom to submit the views of the individual or the group to the people at large for judgment.

There have been times when a particular type of groups has obtained such strength that it has become a matter for legal regulation. A conspicuous example of this is found in the labor unions, which were given legal recognition and the support of an administrative board by the Wagner Act and were later compelled by the Taft-Hartley Act to exercise their bargaining power under certain restrictions. Never before, however, has Congress undertaken to regulate opinion groups in their formative stages when they are far from having attained any practical power to dominate political or economic affairs.

It may be argued, however, that the so-called Communist-front organizations present an entirely new problem because they have objectionable purposes and include objectionable persons in their membership.

This brings me to my second point. It has always been true of a great many propagandist organizations that their purposes were denounced by numerous law-abiding citizens and that their membership included some extremists whose actions or ideals were open to serious adverse criticism. The books are full of denunciations by prominent citizens of abolitionists, women suffragists, labor unions, Populists, etc., which would more than match anything which has been written about the Joint Anti-Fascist Refugee Committee or the National Lawyers Guild or the National Council of American-Soviet Friendship or any of the other contemporary organizations listed as subversive by your committee and the California legislative committee. The situation as to membership is much the

same now as it has always been. Propagandist organizations are not likely to be made up of men and women with conventional ideas. Such men and women are satisfied with society as it is. They have their own organizations like the Rotary clubs. The very nature of a propagandist organization is that it wants to change something, and the ordinary run of people don't want change. Obviously, then, the propagandist organization is likely to be made up of the kind of people who do want change. Such people vary a good deal.

The core of the propagandist organization often consists of those whom Woodrow Wilson described as "forward-looking men and women," who disagree with the complacency of the ordinary run of citizens about some issue but still are fairly moderate in the changes they desire and so do not seriously offend their neighbors. Yet these are rarely the only members of a propagandist organization. In addition, it is likely to include what Theodore Roosevelt called "the lunatic fringe." The organization opposed to slavery had members of urged violations of law, such as rescuing fugitive slaves and transporting them to Canada on the Underground Railway. Some of them even favored or participated in the attempt of John Brown to start a slave-rising in Virginia. Some groups of women suffragists had members who strongly sympathized with the law-breaking activities of the English militant women and would have imitated them in this country if given the opportunitly. Time and again the whole labor movement has been denounced as lawless because some unionists undoubtedly engaged in violence against their employers and nonunion workers. Some prohibitionists smashed saloons like Carrie Nation. Examples could be multiplied, but enough has been said to make it absolutely plain that there is nothing new on the adherence of extremists to organizations with desirable or at least legitimate purposes.

Hence we should not be surprised or frightened if it be true that some contemporary organizations for upholding the rights of minorities attract some members who are more in sympathy with communism than the rank and file of the organization like. It is equally possible that organizations for upholding free speech or a fair trial or other fundamental constitutional rights may attract extremists whose interest is not in constitutional rights but in getting a Communist off. In short, it is inevitable that the membership of organizations formed to bring about change should include some persons who want a great deal of change.

The supporters of this bill assume that the moderate members of an organization always have a solemn obligation to oust the extremists or else resign themselves. But this is by no means plain. Throughout the history of this country, the propagandist organizations which I have been describing were engaged in a hard fight against determined opponents. Their chances of winning this fight would have been clearly weakened if they had also waged an internal war with their own extremists or if they had got out and stopped supporting the cherished purpose of the organization. The practical question must have arisen hundreds of times: Was it better to put up with the extremists and continue the fight for an important cause, or disrupt the organization and probably kill the cause?

Now, I ask you gentlemen to consider what would have happened in the history of our country if the policy of this bill had been embodied in law during the nineteenth century. Of course, the tests for outlawing an organization would have been different from those laid down by this bill. Those tests would have been aimed at the kind of organization whose purpose was hated by the authorities of the particular period. Yet the general principle would have been exactly the same. The idea is to condemn an organization because of the objectionable ideas or conduct of its extremists and thus make it difficult for the moderates in the organization to accomplish their basic purpose.

For example, suppose that the standards of permissible membership in antislavery societies had been fixed by a board chosen by slave-owners and the owners of northern cotton mills. What an easy victory for these friends of slavery if they could have thus driven most abolitionist organizations out of existence or compelled them to operate under degrading labels. Again, suppose that the associations of employers and their friends in Congress had been able to set up a board to outlaw a trade union or federation of trade unions which was affiliated with men devoted to industrial violence.

When the membership and policies of an opinion-forming organization can be judged and controlled by outsiders with governmental power, all sorts of opportunities for the suppression of legitimate ideas arise. The officials, being outsiders, may be rather unsympathetic with the legitimate purposes of the organization. There is a tremendous temptation to opponents of these legitimate purposes to influence the selection and the behavior of the controlling officials. The presence of extremists can easily be made an excuse for outlawing an organization when the real reason for getting rid of it is not fear of the extremists but hatred of the legitimate purposes. The organization is suppressed, not because it might promote a revolution, but because it might win elections and produce legislation.

There are many important public questions to be settled in this country today, on which much can be said on both sides. In order to attain a wise solution of these questions, we need to preserve the unimpeded flow of discussion. Examples of such questions are these: Should we (a) oppose the totalitarian regime in Spain; or (b) resume normal diplomatic and commercial relations with Spain? Should we (a) give some measures of legal recognition to the present government of China; or (b) continue to supply billions of dollars to Chiang Kai-shek? Should we (a) do our best, in spite of tremendous handicaps, to cultivate friendship with the Russian people and explore every possible opportunity for peaceful adjustment of differences; or (b) assume the inevitability of a devastating war? Should we (a) decrease financial and military aid to western Europe; or (b) continue or increase such aid? Should we (a) refuse to arm western Germans for fear of a revival of the Nazis; or (b) arm them as a bulwark against the Soviet Union? These are vital questions, on which honest and reasonable men differ. They cannot be wisely decided unless individuals and opinion-forming organizations on one side are left as free to present their views as are those on the other side.

What is significant for the purposes of this bill is that in every one of these questions an organization which takes the (b) side cannot possibly be touched while any organization which takes the (a) side can conceivably be outlawed. Although there are plenty of honest reasons why many patriotic American citizens stand for the (a) side, it happens in every case that this side coincides with the views of the Soviet Union and its supporters, whose reasons are quite different. Now, one of the factors which the Subversive Activities Control Board can take into consideration in determining whether an organization is "Communist-front" is, by section 14 (b) (4), "the extent to which the positions taken * * * by it * * * on matters of policy do not deviate from those of any * * * Communist foreign government * * *." Thus the bill loads the dice against organizations which condemn Spanish totalitarianism or the wastefulness of Chiang Kai-shek, which urge all possible steps to avoid an atomic war, etc. Not only does this bill leave organizations on the (b) side untouched, no matter if they include Fascists, anti-Semites, and advocates of religious and racial hatred, but also the bill greatly aids those on the (b) side by silencing a large number of their most vigorous opponents. Insofar as there are errors on the (b) side, you will be increasing public danger enormously by making it very difficult for those errors to be combated by reason. It seems to me a frightful mistake to create such a warping of public opinion at the very time the Nation needs, more than ever before, to stand firmly by the principles of Thomas Jefferson.

Actual experience amply justifies the expectation that the vague characterization of "Communist-front organizations" in section 3 (4) and section 14 (b) of this bill will be used to outlaw or suppress many organizations which serve very desirable purposes, even if they do include some leftist people among their supporters. Remember always that everything depends on the three men who make up the Subversive Activities Control Board. We can guess what sort of groups will be classified as "Communist-front" from the list of subversive organizations made by Attorney General Clark (New York Times, December 5, 1947), by your committee in past years, and by legislative committees in California (see, for example, Third Report, California Senate Investigating Committee on Education (1948) page 47). The lop-sided character of these determinations is demonstrated by the California list, which includes organizations opposing totalitarianism in Spain but none of those upholding it, many organizations favoring peace but none of those urging a devastating war, several organizations on behalf of Negroes but none of those upholding white supremacy. Its bias on purely domestic issues is proved by its including committees for freeing Tom Mooney, who was freed by the Governor of California; a committee to free Earl Browder, who was freed by the President of the United States; a committee for the defense of political prisoners, who are guaranteed "the assistance of counsel" by the sixth amendment to our Constitution; the Committee for the Reelection of Congressman Marcantonio, who was a much entitled to have active supporters as any other Congressman; and a committee to abolish the poll tax, which is surely a subject for legitimate political activity.

The reasoning by which many of these and other organizations are condemned consists of heaping one dubious inference on another dubious inference. An individual, A, is condemned because he belongs to X organization. Then the Y organization is condemned because it includes A. Then B is condemned because he belongs to the same organization as A. That brings down the Z organization, to which B also belongs. Since C, a fellow member of B in Z, is also a member of the X organization, that proves that X is subversive and we are right back where we started with no real evidence at any stage of the argument. When you discover that A and B are men like Prof. Charles A. Beard and Senator FRANK P. GRAHAM, of North Carolina, the absurdity of this whole process ought to be manifest to any man of common sense. Nowhere is there any indication of Beard's position as one of our greatest recent historians or of Senator GRAHAM's eminence as an educator and a citizen. Only the so-called subversive organizations to which such men belong are listed, without any indication of the eminent professional associations which have honored them. Unfortunately, this line of reasoning is by no means limited to the California legislative committees. For instance, you can find plenty of it in recent statements by Senator MCCARTHY.

The ease with which a desirable organization can be condemned as Communistic on the basis of very thin evidence is shown by Prof. Walter Gellhorn of Columbia in an article on the wholly unfounded redlisting

of the Southern Conference for Human Welfare by your committee when it had another chairman and different members (60 Harvard Law Review 1193, October 1947). Anything can happen when people get started on this business of outlawing groups, not for any crimes committed by either the group or any of its members but for having some vaguely bad ideas or some vaguely bad members. Judge Dorothy Kenyon and Ambassador Philip Jessup are denounced to a Senate committee for belonging to various "subversive organizations" such as the Institute of Pacific Relations. When it is pointed out that this institute included many persons of the highest reputation, the reply is made that any organization can attract some good members. Yet, the attackers insist on judging both the institute and Mr. Jessup by the supposed bad members and not by the admittedly good members. The whole business is based on the maxim "Give a dog a bad name and hang him".

There is no reason that I can see for expecting the Subversive Activities Control Board to be more discriminating than a United States Senator or than the California legislative committee, or than your own committee in past years. The enactment of this bill will create a tremendous risk of outlawing a considerable number of groups of law-abiding people with inquiring minds, engaged in furthering some end which they believe to be in the very best interests of the United States. And, on the other hand, this law will encourage those who hate the patriotic purposes of such groups to do all they can to suppress them by influencing the selection of the three officials on the Control Board and by bringing pressure of every sort upon those officials. Instead of an orderly and enlightened search for the truth and wise policy, public opinion will be formed by coercion and intrigue. This bill asks us to establish government by misrepresentation.

5. The practical considerations about various enforcement provisions: The various penalties provided by this bill for organizations which are registered or ought to register are very severe and will interfere greatly with the lives and liberties of American citizens who have committed no acts of force or violence and most of whom have not been proved to be dangerous individuals. Always remember that, if real criminality does exist, it can be reached under present statutes, so that this bill is unnecessary to deal with anything which is now unlawful.

The first penalty is fine or imprisonment, with the oppressive cumulative provisions already mentioned. In addition to what has been said, it should be noted that under section 8 an individual who has done nothing in the way of wrongful conduct or wicked words except that he is adjudged to be a member of a "Communist political organization," without having his name listed, will be fined $2,000 or imprisoned for 2 years for every day he neglects to register. He will be punished worse than any counterfeiter, not because he is bad but because of the activities of other people. This conception of guilt by association is adhorrent in a free country. (See the article by John Lord O'Brian in 61 Harvard Law Review 592, April 1948; and my book on Free Speech in the United States, pp. 472–484.)

The second penalty is exclusion from Federal employment, under section 5 (a) (2), of any member of a "Communist political organization." This is not just a question of not employing Communists in Government jobs. The bill may (as already pointed out) bar any supporters of Henry Wallace. This prohibition includes teaching in the Washington public schools. Furthermore, prospective employees who are open to any possible suspicion may easily be kept out of such teaching and other Government work without any determination by the Subversive Activities Control Board that they really are members of a proscribed organization. This will happen because section 5 (b) punishes any official who knowingly employs a member of such an organization. Consequently, if the official in charge of employment has any doubts, he will turn the suspected applicant away in order to save his own skin. He will not want to run any chances of going to prison himself.

In view of the President's loyalty order, it is hard to see the slightest need for this fresh combing-over of Government employees. The completion of the loyalty check resulted in the discharge of one three-hundredths of 1 percent of Federal employees. Only one-tenth of 1 percent resigned while under suspicion, many of them probably because they preferred private jobs where they were treated like honest men. Not one among the millions of employees subjected to the loyalty test has been indicted for a crime (New York, May 21, 1949, p. 37). The loyalty review boards are composed of men with experience in important work, who are more likely to be competent and impartial than the Board set up by this bill.

The third penalty is the denial of a passport under section 6 to members of a "Communist political organization." We are constantly blaming the Russians for not allowing anybody whom their Government dislikes to travel abroad, and yet we are now proposing to do much the same thing ourselves. Of course, the existing law allows anybody who is personally dangerous to be refused a passport. Why isn't that enough to keep the country safe?

The fourth penalty is the exclusion from mails and express under section 11 of publications relating to the affairs of a "Communist political organization" or of the numerous bodies which are likely to be classed as Communist-front. This includes letters as well as printed matter, by section 3 (6), so long as the letter is intended to be read by more than one person. How can any enforcement official tell that the contents of a sealed letter violate this bill without opening the letter? Therefore, section 11 involves breaking into private correspondence, one of the most odius forms of petty tyranny.

Taking an over-all view, I predict that many other kinds of prying besides opening letters will be rampant if this bill is to be effectively enforced. The hearings before the Subversive Activities Control Board cannot help being inquisitions into men's "dangerous thoughts." Conversations will be reported by participants, so that men will begin wondering whether it is safe to say anything to supposed friends. People will eavesdrop on their neighbors. Secret police will be multiplied to catch all these new crimes. Spies will be introduced undercover into suspected organizations in the hope of collecting evidence. This has already been going on extensively in the Communist Party, and the Government evidence in the recent trial in New York City reveals that at least three undercover agents of the United States were actually engaged in persuading men to become Communists and take part in what their official employers considered to be criminal conspiracy against the United States (New York Times, April 13, 1949, p. 22, col. 2; May 3, p. 3, col. 7; May 18, p. 19, cols 4–5). It is only a step to agents provocateurs, spies who incite organizations to commit unlawful acts for the sake of getting damaging evidence against those organizations—the sort of thing which the La Follette committee showed to be going on inside labor unions. (See what Oliver, a spy planted in English radical groups after Waterloo, used to do. Hammond, The Skilled Labourer, 341–376.) You get a man changing so often from revolutionist to spy and back again that he does not know himself which he is. It is like Russia under the Czars. (See Joseph Conrad, Through Western Eyes.) It is bad enough to have numerous undercover spies inside the Communist Party. The passage of this bill will spread them into a whole new flock of suspected organizations, many of them much more legitimate than that party. No doubt, all sorts of queer devices are sometimes necessary to catch really dangerous criminals, like gangsters and violent revolutionists, but the enforcement methods which this bill requires are a terribly high price to pay for tracking down nothing except objectionable ideas.

In 1920 Gov. Alfred E. Smith of New York vetoed a bill which authorized the attorney general to conduct investigations of violations of the State sedition law. He said (Progressive Democracy, p. 275):

"There is no just cause for providing any different method for enforcing the criminal anarchy statute from that employed in enforcing the other penal laws of the State—through the agencies of the grand jury, the magistrate, and the district attorneys of the respective counties of the State. The traditional abhorence of a free people of all kinds of spies and secret police is valid and justified and calls for the disapproval of this measure."

In this statement, I have not gone into questions of constitutionality. The main question is the wisdom of this bill and not its validity. Even if it be constitutional, it is most unwise and, therefore, it ought not to be passed.

Still, you may care to have my opinion on the constitutional aspects of the bill. An opinion that a statute is unconstitutional is, in one sense, a prediction that five Justices of the Supreme Court will declare it invalid. Any prudent man ought to be very cautious about making such a prediction. I can, however, say with assurance that the Court must overthrow this law if it continues, as in recent years, to adhere to the principles laid down by Mr. Justice Holmes in *Abrams* v. *United States* (p. 14, above), and by Chief Justice Hughes in *Stromberg* v. *California* and *De Jonge* v. *Oregon* (both quoted on p. 15). The vague definitions of wrongful speech and group activities in this bill and the way it loads the dice in the discussion of important public issues constitute interferences with freedom of speech and assembly far more insidious than those which have been repeatedly blocked by the Supreme Court. The declaration of clear and present danger in section 2 (11) would be brushed aside in a moment as a gross distortion of the facts by either of the two great judges just named or by Chief Justice Stone or Mr. Justice Murphy.

Yet, the task of you gentlemen is greater than a mere prediction of what the Court will do. As Mr. Justice Holmes notably said, "Congress is the ultimate guardian of the liberties of the people" as much as the courts (194 U. S. at 270). To you primarily was the first amendment addressed:

"Congress shall pass no law * * * abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble; and to petition the Government for a redress of grievances."

Restrictions, like libel laws which were customary in 1791, may be regarded as not "abridging" these great freedoms, and other restrictions like the Espionage Act have been similarly sanctioned as necessary to carry out the express affirmative powers of Congress over war, the postal services, and so on. But, if there was one thing which the framers of the first amendment hated and meant to get rid of, it was peacetime sedition laws. The Sedition Act of 1798 betrayed that hope. True, no court declared it constitutional, but you, the Members of Congress, did so emphatically when you repaid the fines of the men convicted under that act (see 250 U. S. at 630). Do not you betray that hope again, by establishing a control over opinions and assembly and petition far more rigid and poisonous than anything ever dreamed of by the minions of George III.

IX

And now, in conclusion, I return to the wisdom of this bill. We are told that these novel penalties, this novel machinery, this unheard-of prying into the exchange of opinions, are "necessary * * * to preserve the sovereignty of the United States as an independent Nation * * *." Do you really believe that is so? Will the country really be ruined if you drop this bill and rely on all the present statutes I have described and on the patriotism and good sense of the American people and their ability to reach sound conclusions through untrammelled discussion? Is it not enough to justify this tight supervision of private lives that Communists are pesteriferous people or indulge in big talk about taking over our Government. The question is whether they are within a million miles of doing so. Jefferson said in 1801: "I believe this the strongest Government on earth." Because I confidently share his belief, I hope very much that your committee will reject this unheard-of bill. We are engaged in a conflict of ideas, between our own great principles of freedom and the detestable dogmas of totalitarianism. The best way, the only sure way to prevail in that contest is to stand firmly by those principles of freedom and not, as this bill does, water freedom down by borrowing some of the most hateful practices of the totalitarians. To do that would be to surrender early in the contest much of what we hold most dear.

Mr. LANGER. Then there is the statement of William Green, president of the American Federation of Labor, and one of the outstanding patriots in the entire United States of America. I ask unanimous consent to have his statement printed at this point in the RECORD, as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIAM GREEN, PRESIDENT, AMERICAN FEDERATION OF LABOR

AMERICAN FEDERATION OF LABOR,
Washington, D. C., March 27, 1950.

Hon. JOHN S. WOOD,
Chairman, Committee on Un-American Activities, House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: When I received the letter you sent me a short time ago, I called upon our legal department to make an analysis of the bill you referred to—H. R. 7595. My request was complied with. A report of the analysis of said bill was sent me by the representatives of our legal department, and I enclose herewith copy of said report.

After giving careful consideration to the bill and to the analysis made by our legal department, I concluded that there did not seem to be any good reason why such a bill as H. R. 7595 should be passed by the Congress of the United States. We can deal with the Communist question which H. R. 7595 seeks to deal with in a satisfactory way without resorting to the enactment of legislation such as is included in H. R. 7595.

Very sincerely yours,

WM. GREEN,
President, American Federation of Labor.

Attached is a section-by-section analysis of a bill introduced by Congressman NIXON which we understand is identical to S. 2311, recently favorably reported by the Senate Judiciary Committee by a vote of 12 to 1.

H. R. 7595 is similar in all substantial respects to S. 1194 and S. 1196, presented, respectively, by Senators MUNDT and FERGUSON at the 1949 session of Congress and concerning which an analysis has previously been given. Prior to the analysis of S. 1194 and S. 1196, an analysis of the original Mundt bill, H. R. 5852, presented in 1948, has been made. A representative of the American Federation of Labor appeared and testified in opposition to these previous bills, and we assume his statement and these analyses are available. The present bill (H. R. 7595), while it does correspond to the 1949 Mundt bill in many respects, has been amended to meet some—but not all—of the objections advanced by the American Federation of Labor. The principal differences between the present bill and the 1949 Mundt bill are as follows:

1. That portion of section 4 relating to conspiracy has been amended by substituting in the present bill the phrase "contribute to the establishment of a dictatorship" in place of the phrase, "facilitate or aid in the establishment of a dictatorship." This serves to considerably narrow the scope of the prohibition and limit its application. However, it is our view, as expressed to you in previous analysis, that there is inherent in this section danger to labor organizations.

Under the previous bill analyzed, the Attorney General, upon receiving a registration statement from a Communist organization, was required to notify any individual named therein as an officer or a member of such listing and the Attorney General was prohibited from making the individual's name public until 30 days after notification to him of his listing as an officer and member so that he could have an opportunity to contest this listing before publication. The present bill extends this period of 30 days to 60 days.

The present bill establishes a "Subversive Activities Control Board" instead of a "Subversive Activities Commission" as was provided for under the previous bill, and the composition of the Board is considerably changed. Under the previous bill the Commission was composed of three members designated by the President from the Department of State, Department of Commerce, and the National Military Establishment, who serve without additional compensation. Under the new bill the Board consists of three members appointed by the President by and with the consent of the Senate. These members are prohibited from engaging in any other employment or business and shall be paid a salary of $12,500 a year. Thus, there is assured a much greater degree of impartiality and freedom from control by superior governmental officers.

Under the present bill, individuals or organizations appearing before the Board are entitled to counsel and it is required that a stenographic record of the proceedings be kept. These safeguards were not present in the bill previously considered.

Some of the factors to be considered by the Board under the present bill in determining whether an organization is a Communist-front organization have been more definitely worded than was the case under the previous bill. This greater explicitness in language does form some greater measure of protection. However, it must be pointed out that most of the factors to be considered by the Board, under the present bill, in determining whether organizations are communistic are, word for word, those contained in the bill previously considered, and these factors were quite strongly criticized by representatives of the American Federation of Labor at the time the previous bill was being considered.

As heretofore stated, with the exception of the changes noted, the present bill appears to be, in general, identical to the bill previously analyzed by us. Except for these changes the objections heretofore made to this previous bill have not, in our opinion, been overcome.

SECTION-BY-SECTION ANALYSIS OF H. R. 7595

SECTION 1

The act is given the short title of "Subversive Activities Control Act, 1950."

SECTION 2

Section 2 deals with the necessity for this legislation. It contains 11 subsections. This action states that there is a world-wide revolutionary political movement designed to establish a Communist totalitarian dictatorship in the world through a single world-wide political organization; that the establishment of a totalitarian dictatorship results in the destruction of fundamental freedoms that characterize a representative form of government; that a totalitarian dictatorship is characterized by a single political party, organized on a dictatorial basis, with an identity so close to the government itself as to be indistinguishable from it; that control of the world Communist movement is vested in a Communist dictatorship of a foreign country; that in exercising this control this dictatorship utilizes political organizations in various countries, and these organizations are mere parts or segments of a single world-wide Communist organization and are subject to that organization's direction and control; that such political organizations seek to carry out the objectives of the world-wide Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships subservient to the most powerful existing totalitarian dictatorship; that the Communist organizations in various countries are organized on a secret conspiratorial basis and operate substantially through organizations commonly known as Communist fronts; that due to the nature and scope of the world Communist movement, travel of its agents and representatives from country to country in furtherance of its objectives is essential; that individuals in the United States or in foreign countries who knowingly and willfully participate in the world Communist movement repudiate their allegiance to the United States or such foreign country, as the case may be, and transfer it to the foreign country in which is vested the direction and control of the world Communist movement; that the most powerful existing Communist dictatorship has already caused the establishment of ruthless Communist totalitarian dictatorships in numerous foreign countries and threatens to establish similar dictatorships in still other countries; and that the recent success of Communist methods in other countries and the nature and scope of this movement presents a clear and present danger to the security of the United States and requires Congress to enact legislation recognizing the existence of this world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

SECTION 3

This section deals with definitions. The terms "person" and "organization" are very broadly defined and include, among other things, "associations" and any "group of persons, whether or not incorporated, permanently or temporarily associated together for joint action on any subject or subjects."

A "Communist political organization" is defined as "any organization in the United States having some * * * of the ordinary and usual characteristics of a political party which (A) is substantially dominated and controlled by the foreign government or foreign governmental or political organization controlling the world Communist movement * * *, and (B) operates primarily to advance the objectives of such world Communist movement * * *."

The term "Communist-front organization" means "any organization in the United States

(other than a Communist political organization, and other than a lawfully organized political party which is not a Communist political organization) which (A) is under the control of a Communist political organization, or (B) is primarily operated for the purpose of giving aid and support to a Communist political organization, a Communist foreign government, or the world Communist movement * * *."

The term "Communist organization" means a "Communist political organization or a Communist-front organization."

SECTION 4

This section makes it unlawful for "any person" knowingly to conspire with any other person to perform any act "which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual."

The term "totalitarian dictatorship" is defined as a form of government characterized by the existence of a single political party with an identity indistinguishable, for all practical purposes, from that of the government itself and the forcible suppression of all opposition to such party. (It is here to be noted that this section, at this point, embraces "any person," and that "totalitarian dictatorship" embraces not only Communist dictatorship but all forms of totalitarian dictatorship controlled or exercised by any foreign government, organization, or individual.)

Section 4 also makes it unlawful for any Federal officer or employee to communicate any information, classified by the President or by the head of any governmental agency with the approval of the President, as affecting the security of the United States, to any person whom such officer or employee knows or has reason to believe to be an agent of any foreign government or officer or member of any Communist organization, with knowledge or reason to believe that such information has been so classified, unless such officer or employee shall have been specially authorized by the head of such governmental agency to make such disclosure.

This section finally makes it unlawful for any agent of a foreign government or any officer or member of a Communist organization knowingly to receive or attempt to receive from a Federal officer or employee such classified information, unless special authorization for such communication has first been obtained from the head of the governmental agency having custody over such information.

The penalty provided for a violation of section 4 is a $5,000 fine or 10 years imprisonment, or both. In addition, a person convicted loses his right to hold public office. The statute of limitations applying to an offense under section 4 is fixed at 10 years. Under subsection (f) it is expressly stated that the holding of office or membership in any Communist organization by any person shall not constitute a violation of section 4.

SECTION 5

Section 5 deals with the employment of members of Communist political organizations. Section 5 (a) provides that, when an organization is registered or there is in effect a final order of the Subversive Activities Control Board requiring an organization to register as a Communist political organization, it shall be unlawful for any member of such organization, with knowledge that such order has become final. (1) in seeking or accepting any Federal office or employment to conceal his membership, or (2) to hold any nonelective Federal office or employment.

Section 5 (b) provides that when an organization is so registered or is so required to register, it shall be unlawful for any Federal officer or employee to appoint or employ any individual as a Federal officer or employee, knowing that such individual is a member of such an organization.

SECTION 6

Section 6 (a) provides that, when such an organization is so registered or is required to so register, it shall be unlawful for any member, with knowledge that such order has become final, (1) to apply for a United States passport or its renewal, or (2) to use or attempt to use such passport.

Section 6 (b) provides that, when an organization is so registered or is so required to register, it shall be unlawful for any Federal officer or employee to issue a passport to or renew the passport of any individual, knowing or having reason to believe that such individual is a member of such organization.

SECTION 7

Section 7 provides that each Communist political organization and each Communist-front organization (including any organization required by a final order of the Board to register as either) shall register with the Attorney General on a form prescribed by him. Such organization in existence on the date of the enactment of the act shall register within 30 days after the enactment date. Such organizations coming into existence after such enactment date shall register within 30 days after their creation. An organization required to register by final order of the Subversive Activities Control Board shall do so within 30 days after such order becomes final.

The registration shall be accompanied by a registration statement prescribed by the Attorney General, disclosing the name of the organization and the address of its principal office, the name and last known address of each individual who then is or within 12 months preceding that time was an officer of the organization, with the office designated and a brief statement of the duties of each individual as such officer, an accounting of all moneys received and expended (including sources from which received and purposes for which expended) by the organization for the period of 12 months next preceding the filing of the statement. In the case of a Communist political organization, the name and last known address of each individual who was a member at any time during the 12-month period immediately preceding the filing of the statement, must be disclosed, and, in the case of an officer or member whose name is required to be shown in such a statement, each name used by him or by which he is or was known must be stated.

Every organization registered under this section must file with the Attorney General on February 1 following the year of registration, and each year thereafter, an annual report containing substantially the same information required in the registration statement. Every organization registered must keep, in the manner prescribed by the Attorney General, accurate records and financial statements. Every Communist political organization registered must keep, in the manner prescribed by the Attorney General, accurate records of the names and addresses of the members of the organization and of those "persons" who actively participate in the activities of such organization.

The Attorney General is required to send to each individual listed, in any registration statement or annual report filed, as an officer or member of the organization, a written notice of such listing as early as practicable. Upon written request of any individual, so notified, who denies such office or membership, the Attorney General must forthwith investigate the truth or falsity of such denial. If he is satisfied the denial is correct, the Attorney General must strike the name of such individual from the registration statement or annual report. If he declines or fails to strike the name of such individual within 5 months after the receipt of the individual's request, the individual may file a petition for relief with the Board.

If an organization fails to register or to file a registration statement or annual report, as required, it is made the duty of its executive officer and its secretary, and of any other officer or officers prescribed by the Attorney General, to register for such organization or to file the statement or annual report, as the case may be.

SECTION 8

This section provides that each individual who is a member of any organization which he knows to be registered as a Communist political organization, but which has failed to include his name in the membership list filed with the Attorney General, must, within 60 days after obtaining such knowledge, register with the Attorney General as a member of such organization.

SECTION 9

Section 9 provides that the Attorney General shall keep a register of Communist political organizations and Communist-front organizations, which shall include the names and addresses of all such organizations registered under the act, and the various registration statements and annual reports required to be filed.

These registers shall be open for public inspection. It is provided, however, that the Attorney General shall not make public the name of any individual listed as an officer or member of any Communist organization until 60 days after the transmittal of the notification required by section 7 to be sent to such individual. If the individual, prior to that time, requests the removal of his name from any such list, the Attorney General shall not make public the individual's name until 6 months after the receipt of this request or until 30 days after the Attorney General shall have denied the individual's request and shall have transmitted notice of such denial to him, whichever is earlier. The Attorney General is required to submit to the President and to Congress, on or before June 1 of each year (and at any other time when requested by either House by resolution), a report including the names and addresses of the organizations listed in the registers and the names and addresses of the individuals listed as members of the organizations contained in the registers.

SECTION 10

Section 10 makes it unlawful for any individual to become or remain a member of any organization if he knows there is in effect a final order of the Subversive Activities Control Board requiring such organization to register as a Communist political organization, and more than 30 days have elapsed since such order has become final and such organization has not registered as a Communist political organization.

SECTION 11

Section 11 makes it unlawful for any organization which is registered under the act, or is required by final order of the Board to register, or for any person acting for or on behalf of any such organization, to transmit through the mails or through any means or instrumentality of interstate or foreign commerce any publication which it is reasonable to believe is intended to be circulated among two or more persons, unless such publication and the envelope or wrapper in which it is enclosed bears the printed notation that the publication is disseminated by a Communist organization and bears the name of that organization.

It is also unlawful for such an organization to broadcast any matter over any radio or television station in the United States unless such matter is preceded by a statement that the program is sponsored by a Communist organization and that organization is named.

SECTION 12

Section 12 prohibits the deduction for Federal income-tax purposes of any contribution

made to or for the use of any organization if at the time of the making of such contribution such organization is registered under the act or is required under the act to register by final order of the Subversive Activities Control Board.

It also provides that no organization shall be entitled to exemption from Federal income tax for any taxable year if at any time during that year such organization is registered under the act or is required to register by final order of the Subversive Activities Control Board.

SECTION 13

Section 13 establishes the Subversive Activities Control Board. It is to be composed of three members appointed by the President. The term of the members shall be 3 years, subject to removal by the President for neglect of duty or malfeasance in office. Two members of the Board shall constitute a quorum, and each member of the Board shall receive a salary of $12,500 per year, shall be eligible for reappointment, and shall not engage in any other business or employment. The Board is required at the close of each fiscal year to make a report in writing to the Congress and to the President and account for all the moneys it has disbursed.

It is made the duty of the Board, upon application by the Attorney General or by any organization, under section 14 of the act, to determine whether any organization is either a Communist political organization or a Communist-front organization. The Board is also required, upon application, to determine whether any individual is a member of any Communist political organization registered or, by final order of the Board, required to be registered.

The Board is empowered to appoint personnel and to pay them and to make rules and regulations for the performance of its duties.

SECTION 14

Section 14 provides that, whenever the Attorney General shall have reason to believe that any organization or individual required to register under the act has not done so, he shall file with the Board and serve upon such organization or individual a petition for an order requiring such organization or individual to register. Any organization or individual registered under the act may, but not oftener than once in each calendar year, make application to the Attorney General for the cancellation of such registration and (in the case of such organization) for relief from obligation to make further annual reports. Within 60 days after the denial of such application, the organization or individual concerned may petition the Board for an order requiring the cancellation of such registration and (in the case of such organization) relieving such organization of obligation to make further annual reports.

In a situation where the Attorney General declines or fails to strike the name of an individual from the registration statement or annual report filed under the act, that individual may file with the Board a petition for an order requiring the Attorney General to strike his name from that registration statement or annual report.

Upon the filing of any petition under this section, the Board, or any member thereof, or any examiner designated thereby, may hold hearings and receive evidence. Provision is made for the compulsory attendance of witnesses and the production of books, papers, etc., at these hearings. Failure to comply with the subpena can result in a court order to comply, and failure thereafter can be punished as contempt of court. All hearings are to be public, and each party has the right to the assistance of counsel. A stenographic record must be taken of the testimony of each witness, and a transcript of such testimony must be filed in the office of the Board.

Section 14 further provides that, in determining whether any organization is a Communist political organization, the Board shall take into consideration a number of detailed factors, among them being the extent to which the organization's policies are formulated and carried out pursuant to directives or policies of the foreign agency in which is vested the direction and control of the world Communist movement, the extent to which its views and policies do not deviate from such foreign agency, the extent to which it receives financial or other aid from or through such foreign agency, the extent to which it sends agents to any foreign country for instruction or training in the fundamentals of the Communist movement, the extent to which it reports to such foreign agency, the extent to which its principal leaders or a substantial number of its members are subject to or recognize the disciplinary powers of such foreign agency, the extent to which it fails to disclose information as to its membership, its members refuse to acknowledge membership, its meetings are secret, and the extent to which its principal leaders or a substantial number of its members consider their allegiance to the United States as subordinate to their obligations to such foreign agency.

In determining whether any organization is a Communist-front organization, the Board must take into consideration the extent to which persons who are active in its management are also active in the management of any Communist political organization, Communist foreign government, or the world Communist movement, the extent to which its support is derived from any Communist political organization, foreign government, or world movement, the extent to which its funds or personnel are used to promote the political objectives of such Communist agencies or movement, the extent to which positions taken or advanced by it on matters of policy do not deviate from such Communist political agencies or movement.

If, after hearing, the Board determines that an organization is a Communist political organization or a Communist-front organization, it shall make a report, including findings of fact, and shall issue an order requiring such organization to register. If it determines that an individual is a member of a Communist political organization, it shall make a report and issue an order requiring that individual to register. If the Board determines that an organization is not a Communist political organization or a Communist-front organization, it shall make its report and serve upon the Attorney General an order denying his petition for an order requiring such organization to register. If the Board determines that an individual is not a member of any Communist political organization, it shall make its report and serve upon the Attorney General an order denying his petition for an order requiring such individual to register.

Where a petition for cancellation of registration has been filed by an organization and denied by the Attorney General and the Board determines that the organization is not a Communist political organization or a Communist-front organization, it shall make its report and serve upon the Attorney General an order requiring him to cancel the registration of such organization and relieve it of the requirement of filing further annual reports.

Where a petition for cancellation of registration has been filed by an individual and denied by the Attorney General and the Board determines that the individual is not a member of any Communist political association or (in the case of an individual listed as an officer of a Communist-front organization) that the individual is not an officer of a Communist-front organization, it shall make its report and serve upon the Attorney General an order requiring him to strike the name of such individual from the registration statement or annual report upon which it appears, or to cancel the registration of such individual under section 8, as may be appropriate.

In a case where the Attorney General has declined or has failed to strike the name of an individual from a registration statement previously filed by that individual or by a Communist political organization or a Communist-front organization and the Board determines that the individual is not a member of any Communist political organization or an officer of a Communist-front organization, as the case may be, it shall make its report and serve upon the Attorney General an order requiring him to strike the name of such individual from the registration statement or annual report, or to cancel the registration of such individual.

In the case of a request made by an organization for cancellation of its registration and the Board determines that such organization is a Communist political organization or a Communist-front organization, it shall make its report and issue an order denying the organization's petition for cancellation. In the case where such request for cancellation is made by an individual and the Board determines that the individual is either a member of a Communist political organization or an officer of a Communist-front organization, it shall make a report and serve on such individual an order denying his petition for an order requiring the Attorney General to strike his name from any registration statement or annual report, or to cancel the registration of such individual.

SECTION 15

Section 15 (a) provides that the party aggrieved by any order entered by the Board under section 14 may obtain a review of such order in the United States Court of Appeals for the District of Columbia by filing in the court, within 60 days from the date of service upon it of such order, a written petition praying that the order of the Board be set aside. The court has power to affirm or set aside the order of the Board. The findings of the Board, however, as to the facts, if supported by the preponderance of the evidence, shall be conclusive. The judgment and decree of the court shall be final, except that it shall be subject to review by the Supreme Court of the United States upon certiorari.

Section 15 (b) specifies the time, under varying conditions, when Board orders become final.

SECTION 16

Section 16 deals with penalties. If there is in effect with respect to any organization or individual a final order of the Board requiring registration under the act, any such organization, upon conviction of failure to register, to file any registration statement or annual report, or to keep records, and any such individual, upon conviction of failure to register or file a registration statement or annual report, when required to do so under the act, shall be punished for each offense by a fine of not less than $2,000 or more than $5,000, or imprisonment for not less than 2 years and not more than 5 years, or by both such fine and imprisonment. If any individual willfully makes any false statement or willfully omits to state any material fact in a registration statement or annual report filed under the act, he shall, upon conviction, be subject to the same punishment above mentioned for each offense. Each false statement and each willful omission to state a material fact is regarded as a separate offense, and each listing of the name or address of any one individual is regarded as a separate statement.

Any organization which violates section 11 (the use of the mails, etc., to transmit a publication without identifying it as a Communist publication, and the broadcasting over radio or television unless it is preceded by a statement that the broadcast is sponsored by a Communist organization) shall be fined not less than $2,000 and not more than $5,000. Any individual who violates section

11 or sections 5 (relating to employment of members of Communist political organizations), 6 (relating to passports to members of Communist political organizations), 10 (relating to membership in certain Communist political organizations, where such an organization has not registered although required to do so by final order of the Board) is subject to a fine of from $2,000 to $5,000 or imprisonment for not less than 2 years and not more than 5 years, or to both such fine and imprisonment.

SECTION 17

Section 17 provides that the Administrative Procedure Act shall be applicable to the exercise of functions by the Board under the act, except to the extent that the act affords additional procedural safeguards for organizations and individuals.

SECTION 18

Section 18 states that, if any provision of the act or the application thereof is held invalid, the remaining provisions, or the application of such remaining provisions, shall not be affected thereby.

Mr. LANGER. Then there is the statement of James G. Patton, president of the National Farmers Union. I ask unanimous consent to have his statement printed at this point in the RECORD, as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JAMES G. PATTON, PRESIDENT, NATIONAL FARMERS UNION, SUBMITTED TO THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES, MARCH 31, 1950, IN OPPOSITION TO H. R. 7595 AND H. R. 3903

By this time, it should be clear to everyone that repressive legislation of the kind before this committee not only does not achieve the objectives it is designed to achieve but actively interferes with the fulfillment of the best in American traditions.

H. R. 7595, the Mundt-Nixon bill, has been before Congress some time now. Its provisions are well known and it is not necessary at this time to go at length into its specific provisions.

The National Farmers Union always has regarded this legislation as unconstitutional and that it authorizes invasions of individual liberties which are repugnant to the basic character of our national existence. Denial of the fundamental guaranties of individual liberties contained in the Bill of Rights and elsewhere in the Constitution cannot but weaken that magnificent document as a whole.

Perhaps we should recall the experience of the American people with national prohibition. During the dismal period when the eighteenth amendment was in force, disrespect for law had extended so far as to include disrespect for the Constitution itself. The genius and spirit of the American people tends toward the utmost possible personal freedom compatible with the orderly workings of society. It is our firm conviction that legislation such as the Mundt-Nixon bill goes as much counter to this spirit as did the eighteenth amendment, and that ultimately any such legislation is bound to become a dead letter.

The unfortunate part of such procedure, however, is that while this was happening great damage might be done to the public faith in the Constitution itself.

Aside from the constitutional objections, we also feel that such bills as the Mundt-Nixon bill inevitably tend to cast the American people in the image of totalitarianism. As we see it, the greatest danger we have to face in the years immediately ahead is the temptation to fight fire with fire. In other words, if we adopt suppressions of thought, of speech, of assembly, and even of belief, every instance of such suppression brings us closer to the kind of policy against which we are invoking these various suppressions. The best hope of America is now as it always had been the strict and faithful adherence to the best in American precedence in history. That best, as it differentiates us from other peoples, is embodied primarily in the assurances of personal freedom contained in the Bill of Rights.

As for H. R. 3903, the Wood bill, we have somewhat the same objections but on a minor scale to this bill as we have to H. R. 7595. H. R. 3903 is the same type of legislation. Its provision for barring Government workers from contributing to organizations officially labeled as subversive appears to us to be simply another way of cluttering up the statutes. The executive branch now has a wholly adequate system of assuring the loyalty of governmental employees. In fact, we believe that the so-called loyalty check program itself is an extravagant misuse of Government power and that the question of treason is such as to call for careful and scientific investigation by investigative agencies rather than the elaborate machinery now in existence. In any case, existence of the present system certainly makes it unnecessary further to overload the statutes in this field.

As to the provisions in the bill which would attempt to extend this kind of screening to private employees of firms obtaining governmental defense contracts, we regard these as wholly fantastic. The establishment of the kind of comprehensive snoopery that would be required to enforce such a provision would involve an enormous amount of useless expense to the Government, wholesale invasions of personal liberties, and a genuine foundation for an American police state. We regard this proposal as so alien to anything American, as we conceive it, that we consider it unnecessary to go into further detail as to our reasons for opposing it.

In summary, we urge that the committee permanently table both of these measures.

Mr. LANGER. Then there is the statement submitted in behalf of the National Fraternal Council of Negro Churches. I ask unanimous consent to have that statement printed at this point in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON H. R. 7595 FILED WITH THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES BY REV. WILLIAM H. JERNAGIN ON BEHALF OF NATIONAL FRATERNAL COUNCIL OF NEGRO CHURCHES, U. S. A., INC., AND NATIONAL BAPTIST SUNDAY SCHOOL AND BAPTIST TRAINING UNION CONGRESS

Mr. Chairman, I appear before your committee in my capacity as national affairs consultant, executive board member, and past president of the National Fraternal Council of Negro Churches, U. S. A., Inc., with offices at 318 Third Street SW., Washington, D. C. The council represents 11 denominations and 7,000,000 Negro church members throughout the country. I also appear on behalf of the National Baptist Sunday School and Baptist Training Union Congress, of which I am president.

We have reviewed the Mundt-Nixon bill, published March 7, 1950. In our opinion, it will not eliminate un-American activities. All information and statistics known to us show that the problems experienced by every person or persons in every sphere of American life hit with double impact upon the nonwhites, of whom Negroes comprise the majority. It is being increasingly recognized by Negroes, therefore, that the decisive test of any bill or measure designed to alleviate the basic problem facing American citizens must turn on the degree to which the program or measures operate fully and effectively for all races by equalizing, more or less, their opportunities throughout American life.

Instead of studying the Mundt-Nixon bill, therefore, we feel this committee should be studying ways of eliminating the real un-American practice of denying equal opportunity in America to Negroes, which prevents them from developing and utilizing their human and material resources. We firmly believe that a basic change must occur in the un-American conditions of inadequate educational facilities for Negroes, poor housing, poor health facilities, high taxation without representation, and the lack of jobs and positions where qualified.

The church is also aware of the effects that the Mundt-Nixon bill will have on the millions of American citizens whose deep, abiding desire is world peace. Under the disguise of seeking out subversive action, it will prohibit those citizens from speaking for peace. We point out, Mr. Chairman, that world peace is not to be attained by depriving our people of their constitutional rights of speech and action, but by creating for them an opportunity in which to develop normal, healthy lives. The world looks to America for guidance, the role of leadership is ours. We must, therefore, possess a moral and spiritual responsibility commensurate with our position of leadership.

The Mundt-Nixon bill would set up a false idol on the altar of American democracy. It would destroy freedom of conscience, and substitute for individual judgment the arrogant decree of Government authority. It would, in effect, tell the American people that they could no longer think for themselves, but would have to accept the opinion of a Government board in Washington on matters in which the people are vitally concerned. It has been our experience that any organization which has ever taken leadership in the struggles of the Negro people was always accused of being "radical" or "subversive," or in recent years, "Communist." A former leading member of this very committee, Representative RANKIN, repeatedly made that charge against advocates of the FEPC, and against those who wanted to abolish segregation in our Nation's Capital.

On February 22, 1950, during the debate on the FEPC bill in the House, Representative RANKIN said: "You are driving through here a piece of communistic legislation that Stalin promulgated in 1920." During the same day's debate, Representative MURRAY, of Tennessee, made a similar statement. He said, "Article 123 of the Constitution of the Union of Soviet Socialist Republic is the authority and forerunner for this type of vicious legislation * * *. It would be a serious blow to our present form of government and would finally result in a totalitarian form of government." These statements are reported on pages 2177 and 2178 of the CONGRESSIONAL RECORD. It is pretty obvious that if Congressmen RANKIN and MURRAY, or any men who think as they do, were given the power to administer the Mundt bill, support of the FEPC bill would be outlawed.

Now we observe that in this very bill before you, the basis is laid for suppressing all legitimate struggles of our people, on the same grounds. In section 14, paragraph F, of H. R. 7595, are listed the factors to be considered by the proposed Government Board in deciding what organizations are to be listed as subversive. Foremost among these factors is "the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist political organization."

Thus, under the guise of combating communism, the bill would effectively stop all protests on the part of our people against social and economic injustices, and it would intimidate those white persons of good will who seek to apply the Golden Rule which implies treating all men as brothers, regardless of race and color. Since the Communist Party is known to advocate passage and en-

forcement of laws extending equal rights to Negroes, the leading Negro organizations of the country certainly "do not deviate" from the Communist position on this important matter of policy.

The convention during our recent annual session of the National Fraternal Council of Churches, April 25–27, 1950, in Buffalo, N. Y., unanimously adopted the following resolution regarding this bill:

"Whereas the Mundt-Nixon bill at present before Congress of the United States of America will, in our opinion, end several cardinal principles of our way of living, namely, freedom of speech, and freedom of assembly and other such freedoms;

"*Be it resolved*, That this organization go on record as opposing its passage; and be it further

"*Resolved*, That we make clear the fact that we are convinced of the intent and design of the bill to destroy and deprive citizens of the freedoms aforementioned; and that we should make a direct appeal to the Senators and Congressmen from our several districts throughout the Nation urging that they use their good offices and suffrage to defeat the passage of this bill; and be it further

"*Resolved*, That we request our people in every hamlet and town to make this appeal to their respective Senators and Congressmen.

"Respectfully submitted,

"Dr. A. C. WILLIAMS,
Chairman.

"Dr. O. M. LOCUST,
Secretary.

"Rev. J. W. P. COLLIER, Jr.,
"Bishop R. C. LAWSON,
"Rev. J. R. PLUMMER,
"Rev. J. W. HAWKINS,
"Rev. A. BURTON.

"Passed by unanimous vote Thursday, April 27, 1950, E. Franklin Jackson, secretary."

This bill would bring concentration camps to America, and Negroes would be the first to fill them. Negroes will not give up the fight for full freedom, no matter how much terror is inflicted upon them. They will continue to fight today as they did during the days of slavery. However, they have the right to wage that struggle without the shackles of the Mundt-Nixon bill.

I say to you, gentlemen, with all gravity and sincerity that the Negro people from long and bitter experience, know how to recognize a lynching. The Mundt-Nixon bill is an attempt to lynch the Negro people with a political tar and feathers. We are as much threatened by this red tar as our people have been by the kind the Klan has used against us.

May God our Father in whom we live and move and have being, keep this Nation free from fetters that bind until it shall become indeed the "land of the free and the home of the brave."

Mr. LANGER. Also, Mr. President, I ask unanimous consent to have printed at this point in the RECORD the testimony of Thomas E. Harris, assistant general counsel of the Congress of Industrial Organizations.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF THOMAS E. HARRIS

Mr. TAVENNER. You are Mr. Thomas E. Harris?

Mr. HARRIS. That is correct. I am assistant general counsel of the Congress of Industrial Organizations, and I appear here on its behalf.

I have prepared a written statement. If it is agreeable to the committee. I would like to submit that statement for the record and orally only to summarize or paraphrase it.

Mr. HARRISON. It is so ordered. The statement will be submitted at this point.

STATEMENT OF THE CONGRESS OF INDUSTRIAL ORGANIZATIONS IN OPPOSITION TO THE NIXON AND WOOD BILLS (H. R. 7595 AND 3903), SUBMITTED BY THOMAS E. HARRIS, ASSISTANT GENERAL COUNSEL

INTRODUCTORY

The Congress of Industrial Organizations opposes the Nixon bill (H. R. 7595) as it has opposed its various predecessors. And it likewise opposes the Wood bill (H. R. 3903).

Our reasons for opposing these bills may be simply summarized. We do not think these bills are necessary. We believe that communism can be, and is being successfully combated in the United States without resorting to measures as extreme as those provided in these bills. And we think that these bills are not only unnecessary but are dangerous: That they are wholly irreconcilable with the freedom of speech, thought, and belief which are the essence of a free society.

I. NATURE OF COMMUNIST THREAT

In our view such measures as the Nixon bill entirely misconceive the nature of the Communist threat to the United States. The ultimate factual assumption of these bills is that there is actually grave danger that the Communist movement in this country, acting conspiratorially and through front organizations, will overthrow the Government of the United States.

Such a fear, we think, is absurd. It credits the American Communist movement with a strength it does not begin to possess. And it shows a woeful lack of faith in the strength of American democracy.

The factual assumptions thought to justify the Nixon bill are set out in detail in the bill itself, as findings. The ultimate finding that the Communist movement threatens to subvert our democratic society is based on several preliminary findings, some of which we think are plainly unrelated to fact.

Section 2 (7) declares that the Communist organizations in various countries are organized on a secret, conspiratorial basis and operate to a substantial extent through camouflaged Communist-front organizations. Section 2 (10) declares that "the most powerful existing Communist dictatorship has, by the traditional Communist methods referred to above * * * already caused the establishment in numerous foreign countries, against the will of the people of those countries," of Communist dictatorships. Then follows, in section 1 (11) the ultimate finding that "the recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions * * *."

These findings, as a description of how the Communists have come into power in various countries in recent years, bear little relation to the facts of history. Communist control of Poland, Hungary, Bulgaria, Rumania was not brought about by conspiracy and the use of front organizations. It was brought about by the Soviet army, which occupied those countries and established Communist governments. In Czechoslovakia and China it was not underground conspiracy or front organizations which enabled the Communists to seize power. In Czechoslovakia the Communists came into power as a minority government. The Communists suppressed all rival political parties by force and terror. Undoubtedly, a major reason why the Communists were not resisted by force was the presence of Soviet armies on the Czech borders. In China the Communists came to power as the result of a successful military campaign by the Communist armies.

Thus, there is nothing in recent experience abroad to suggest that the world Communist movement is able to overthrow governments by conspiratorial methods and use of front organizations. And there is nothing in our experience in this country to suggest that there is any real danger of Communists overthrowing the Government. The very use of front organizations is a confession of weakness, since, as the Nixon bill states, the purpose of using such organizations is to enlist the support of persons who would not support Communists or communistic programs. Parenthetically, it may be pointed out that if secret and conspiratorial methods of operation are regarded as especially dangerous, that is not a reason for passing the Nixon bill, but for rejecting it. Mr. J. Edgar Hoover has pointed out that such measures as the Nixon bill would drive the American Communist Party underground, and make more difficult the FBI's task of surveillance.

There is no indication that the Communist movement in America is gaining strength, and every indication that its power is receding, and has been ever since 1932. In Presidential elections, the Communist Party and its predecessors increased their strength from 33,000 in 1924 to 49,000 in 1928 and to 103,000 in 1932. In 1936, however, the Communist vote declined to 80,000, and in 1940 it was down to 49,000. The Communists have not run their own candidate for President since 1940, but have endorsed candidates of other parties, so that no figures are available as to the vote polled by the Communists in 1944 or 1948. However, there would seem to be little question that the strength of the party in this country has continued to diminish throughout that period, due to prosperous conditions here, more widespread understanding of the nature of the Communist movement, and, in recent years, to increasingly bad relations between this country and Russia. Mr. Matthew Cvetic, who recently appeared before this committee, estimates the present strength of the American Communist Party at forty to fifty thousand.

This situation certainly does not seem to call for new sweeping anti-Communist legislation, which would not only deny civil rights to Communists but would put at hazard the civil rights of everyone else. The Communists are steadily losing strength in this country. They constitute no conceivable threat to the stability of the Government, except in the possible eventuality of war with Russia.

It is no doubt true that the Communist Party serves as a recruiting ground for Russian spies. But the way to deal with espionage is by punishing spying. If the present statutes against spying are defective, the proper remedy is to amend them, and the House recently passed a bill for that purpose—H. R. 4703. That bill was passed at the request of the Department of Justice, to correct what the Department thought to be weakness in the espionage laws. The Department has not requested that the Nixon bill be passed, and has repeatedly expressed grave doubts as to the constitutionality of such bills.

II. ADEQUACY OF EXISTING LAW

From the strong pressure both in the Eightieth Congress and the present to pass a bill like the Nixon bill, one might suppose that there were no existing law dealing with the supposed danger, or that the statutes now on the books were in fact inadequate to meet the supposed peril.

Such is not the case.

Since 1790 this country has had on the books a law defining and punishing treason. While this law defines treason narrowly, it is worth remembering that that narrow definition was written into the Constitution itself by men who were familiar with the oppressive use which had been made of the treason

laws by the British Government. Our Constitution was adopted only 6 years after this country had secured its independence, and at a time when it was surrounded by a hostile British Empire to the north and a hostile Spanish Empire along the entire southern and western frontiers. Powerful Indian tribes within our frontiers were yet unsubdued. Even in that perilous situation our forebears preferred to define treason narrowly, and take the chance that this Nation could defend itself against enemies from within, rather than risk the oppression by government which British experience showed might stem from a broader treason law.

From the bills which are proposed in this Congress, one can only conclude that either this Nation had grown smaller, weaker, and less secure since 1790, or that our devotion to freedom and civil liberty is less than that of our ancestors.

The criminal statutes also have sections dealing with "rebellion or insurrection," "conspiracy to overthrow * * * or to destroy" the Government by force, and a very broad provision making it criminal to advocate or teach the desirability or propriety of overthrowing the Government "by force or violence."

It was under this last provision—which is known as the Smith Act, and was enacted as part of the Alien Registration Act—that the 11 Communist leaders were tried and convicted in New York. If the constitutionality of the Smith Act is ultimately sustained in that case, it is most difficult to see how there can be any possible need for the Nixon bill.

The report of this committee last year, reporting out the Mundt-Nixon bill, stated that existing legislation was inadequate because the Communist Party operated secretly. This statement is a non sequitur. Secrecy may increase the problem of detection, but can hardly be met by passing more laws.

Moreover, the FBI does not seem to have found it impossible to penetrate the Communist Party. Mr. Raymond Whearty, of the Department of Justice Criminal Division, recently stated that the Department of Justice has 12,000 prosecutions awaiting the outcome of the trial of the 11 Communist leaders, and that it could prosecute thousands more except that it must protect its confidential informants. It is thus not surprising that the Department of Justice sees no need for legislation such as the Nixon bill. Indeed it has stated that such legislation would materially increase the problem of law enforcement.

Finally, the Criminal Code contains elaborate provisions requiring the registration of certain organizations. These organizations include every organization subject to foreign control, which is defined as including any organization which "accepts financial contributions * * * or support of any kind directly or indirectly, from, or is affiliated, directly or indirectly, with, a foreign government, or * * * a political party in a foreign country, or an international political organization." It requires the registration of any organization which engages both in political activity and in civilian military activities, and the latter is defined as including, among other things, any form of organized activity which in the opinion of the Attorney General constitutes preparation for military action. It requires the registration of every organization, the purpose or aim of which is the overthrow of the Government by force or violence. Failure to register is punishable by a fine of $10,000 and an imprisonment of 5 years.

These provisions obviously cover exactly the same subject matter as does the Nixon bill, and even utilize approximately the same mechanism. If the existing provisions are in any particulars defective, it would appear that the appropriate course would be to amend them, not to enact a new law, in part duplicating, and in part conflicting with the existing legislation.

As regards the Wood bill, as the Department of Justice has already pointed out, the loyalty of Federal employees is now subject to scrutiny under the loyalty program administered under Executive order. Employees of private contractors who will have access to restricted information are likewise required by the Atomic Energy Commission and the Department of Defense to secure loyalty clearance. We agree with the Department of Justice that there is, therefore, no need for the Wood bill.

I would like to make it clear that we are not endorsing all of the legislation that is already on the books. All that we are saying is that, with such provisions already on the books, there is no occasion for additional legislation.

III. THE NIXON AND WOOD BILLS INFRINGE CIVIL RIGHTS

We have sought to show that there is no need for the Nixon or Wood bill. But we do not regard those bills as merely harmless or unnecessary. They violate civil rights whose protection is basic to our democratic system.

At this point, we would like to call the attention of this committee to the specific provisions of the Nixon and Wood bills which, in our judgment, violate constitutional rights of due process, freedom of speech, press, and assembly.

1. The bills regulate opinion, not conduct: A very basic objection to both of these bills is that their purpose is to police and regulate not action or conduct, but thought and expression. Under these bills organizations and individuals are punished, restrained, and regimented solely on the basis of political opinions, rather than on the basis of overt acts of disloyalty.

It has been traditional in this country, and in other democratic countries, to allow the widest possible freedom of thought and expression. Belief and speech hostile to the existing system of government is not only tolerated, but is protected by our Constitution, unless it takes the form of advocating some course of conduct in circumstances such as to make it probable that unlawful action will in fact ensue. In the language used by Mr. Justice Holmes in first enunciating what has since been known as the clear and present danger test, freedom of speech can be restricted only if "the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils the Congress has a right to prevent" (*Schenck* v. *United States* (249 U. S. 47, 52)). More recently, in *Bridges* v. *California* (314 U. S. 252), the Supreme Court said (p. 263): "What finally emerges from the 'clear and present danger' cases is a working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished."

And still more recently, in *Thomas* v. *Collins* (323 U. S. 516, 530): "Only the gravest abuses, endangering paramount interests, give occasion for permissible limitation."

In the Eightieth Congress, the sponsors of the Mundt-Nixon bill sought to justify its restriction of freedom of thought, speech, and assembly on the ground, among others, that the bill proceeded only against organizations, and did not prevent individuals from maintaining or advocating abstract views concerning the subjects dealt with in the bill. But if freedom of thought and freedom of speech has any meaning, particularly in the political field, it must necessarily include the right to create and work through organizations. For, under the political systems which have developed in the democratic countries, effective political action means group action—action through political parties, labor unions, and other associations.

The right to create, to solicit others to join, and to act through such organizations is, therefore, protected by the Bill of Rights. It is the form which the freedom of assembly of earlier times takes in a more populous country and a more complicated society. Such groups often afford the only effective vehicle for the exercise of free speech. The Supreme Court has specifically held that the right to solicit others to join organizations is protected by the first amendment. It said:

"It was not by accident or coincidence that the rights to freedom in speech and press were coupled in a single guaranty with the rights of the people peaceably to assemble and to petition for redress of grievances. All these, though not identical, are inseparable. They are cognate rights * * * and therefore are united in the first article's assurance" (*Thomas* v. *Collins* (323 U. S. 516, 530)).

If, therefore, the restrictions which this bill places upon freedom of thought, speech, and assembly can be justified under our Constitution, or reconciled with democratic principles, it cannot be on the basis that organizations rather than individuals are regulated. The only justification would be some overwhelming necessity for the legislation. We submit that no such necessity exists.

2. The bills threaten the existence of all progressive organizations: The Nixon bill deals with two types of organizations: Communist political organizations and Communist-front organizations.

A Communist political organization is defined in section 3 (3) as having "some, but not necessarily all, of the ordinary and usual characteristics of a political party," and which (a) is controlled by the foreign government or organization controlling the world Communist movement, and (b) operates primarily to advance the objectives of that movement. However, we are at a loss as to why this definition is included in the bill, since it does not seem to be controlling for any purpose.

For section 13 (a) of the bill creates a Subversive Activities Control Board, which is to determine whether an organization is a Communist political organization. In making this determination, the Board is not referred to the definition in section 3 (3), but is to take into consideration a long list of factors enumerated in section 14 (e). These include the extent to which the organization's policies are formulated to effectuate the policies of the foreign government or organization controlling the world Communist movement; the extent to which its views and policies do not deviate from those of such foreign movement or organization; the extent to which it sends members to any foreign country for instruction in the principles of the world Communist movement; the extent to which it fails to disclose or resists efforts to obtain lists of its members, and so on and so on. There are eight numbered paragraphs enumerating considerations of this type. One of the paragraphs has numerous subdivisions. The Board is directed to take all of these factors into consideration, but is not told what weight it shall give to any particular factor, or even that it must find the existence of a certain number of these factors before concluding that an organization is a Communist political organization. It is, therefore, apparent that an organization may be labeled as a Communist political organization solely on the basis of ideas and opinions, rather than on the basis of illegal acts.

The provision in the bill that resistance to efforts to obtain membership lists is a hallmark of a Communist political organization is particularly objectionable to labor organizations, which have learned through long experience that the submission of such lists is the first step to a blacklist through which an organization may be completely destroyed.

A Communist-front organization is defined in section 3 (4) as any organization which is either under the control of a Communist political organization, or is primarily operated for the purpose of giving support to a Communist political organization, a Communist foreign government, or the world Communist movement. This definition also seems to be meaningless, since the Subversive Activities Control Board is again, in section 14 (f), furnished with a list of entirely different criteria which it is to take into consideration in determining whether any organization is a Communist-front organization.

These criteria are the identity of the persons active in the management of the organization "whether or not holding office therein;" the sources of its support, financial and otherwise; the uses made by it of its resources and personnel, and the extent to which the position taken by the organization from time to time on matters of policy does not deviate from the position taken by any Communist political organization. Here again, the Commission does not have to find that all or any stated number of these factors exist.

Thus, under this bill, if a few Communists are active in connection with a labor organization, even though they do not hold office, that fact alone could furnish the basis for a finding of the Subversive Activities Commission that the organization is a Communist-front organization.

The proposed bill could very easily condemn an organization as illegal solely because its policies happen to coincide with those of the Communist Party. Thus, support by a labor organization of objectives also supported by Communists, such as the abolition of the poll tax, enactment of an adequate housing program, and the protection of civil rights, could under the standards proposed by the bill, furnish the basis for the conclusion that the organization is a Communist-front.

Under these provisions, not only labor organizations but other progressive organizations could be branded as subversive and destroyed. The CIO is familiar with the indiscriminate use of such terminology by the House Committee on Un-American Activities. Both CIO and CIO-PAC have been repeatedly and wrongfully denounced as Communist, Communist-front, and totalitarian organizations. In its 1944 report, the House Un-American Committee denounced CIO-PAC as representing "a subversive Communist campaign to subvert the Congress of the United States by its totalitarian program." There is no particular reason to suppose that the Subversive Activities Control Board set up in this bill would be any more responsible or any less reactionary than this congressional committee has been.

The Nixon bill is not just another routine measure. This bill is in fundamental conflict with our constitutional form of government and with the premises of a democratic society.

If the Nixon bill shows an indifference to civil rights, the Wood bill flaunts them even more callously. It would give the Attorney General the power, by fiat, without a hearing, and subject to no review whatever, to destroy any organization. For the Wood bill would make it a crime for any Federal employee, or any individual in private industry employed in connection with the performance of any national-defense contract, to be a member of or to support any organization designated as subversive by the Attorney General. That an organization so designated by the Attorney General could not survive under the bill is a point which scarcely needs to be labored.

The Wood bill thus gives the Attorney General absolute power to determine what organizations may exist. We have no hesitation in stating that that proposal is nakedly totalitarian.

We think it is bad enough that the Attorney General now lists organizations as subversive without any sort of hearing or any opportunity to the organization to disprove the charge. We hope that the Supreme Court will supply this deficiency by holding that an organization listed as subversive is entitled to judicial review.

But what the Wood bill would do would be much worse. At the present time, membership in organizations on the Attorney General's list is treated as evidence pointing to possible disloyalty, but as evidence which may be rebutted. As the Department of Justice has correctly pointed out, there is a vast difference between that and making mere membership a crime.

There is, we think, no question whatever but that the Wood bill would be held unconstitutional. The Supreme Court has squarely held that mere membership in the Communist Party may not be punished (*De-Jonge* v. *Oregon* (299 U. S. 353)).

3. The penalty provisions of the Nixon bill are vague, oppressive, and unconstitutional: The Nixon bill requires Communist political organizations and Communist-front organizations to register as such, and to file certain information with the Attorney General. The bill requires both types of organizations to file a list of all officers and full financial statements of receipts and expenditures. In addition, Communist political organizations are required to submit a full list of members, and any member whose name is not submitted is required to register himself. All of these data are to be available for public inspection.

Both Communist political organizations and Communist-front organizations are required by the bill to label all mail intended for more than one person as: "Disseminated by ———, a Communist organization." They are also required to initiate all radio broadcasts which they sponsor with this announcement: "The following program is sponsored by ———, a Communist organization."

An additional disability which is imposed upon Communist political organizations and Communist-front organizations is the loss of tax exemptions which they would otherwise enjoy.

Where an organization is ordered to file and register, and fails to do so, a fine from $2,000 to $5,000 may be imposed. Where the failure is due to the decision of a particular executive officer, the prescribed punishment for such an officer is a fine of from $2,000 to $5,000 or imprisonment from 2 to 5 years, or both. Each day of failure to register constitutes a separate offense.

In the Eightieth Congress the sponsors of the Mundt-Nixon bill, which was the predecessor of this bill, argued that it was a mild measure because it did not outlaw organizations labeled as "Communist political organizations" or "Communist-front organizations." Such a claim is completely misleading. There can be no question that the registration requirements amount to destruction. This is so for the obvious reason that organizations which are made to register are subject by legislative fiat to the stigma of disloyalty. Any claim that this bill does not destroy or outlaw these organizations reduces itself to the assertion that the bill compels them to commit suicide, rather than destroys them outright.

Of course, it is obvious that if these organizations enjoy a right under the Constitution to exist and to carry on their activities through the exercise of civil rights, then that right may not be impaired even by a registration requirement—not to speak of the mail and tax disabilities which are likewise written into the bill. In *Thomas* v. *Collins* (323 U. S. 516, 539), the Supreme Court said: "As a matter of principle a requirement of registration in order to make a public speech would seem generally incompatible with the exercise of free speech and free assembly."

The blacklist which would result from registration would in itself be sufficient to destroy an organization. For there can be no question but that persons listed as members of Communist political organizations would thereafter be unable to secure jobs. Indeed the labeling last year of certain Hollywood writers as Communists led their employers to breach written employment contracts. Such a blacklist would likewise be possible in the case of a Communist-front organization, even though such organizations are not required to submit membership lists, since they are required to disclose the sources of their funds, and that information would serve to identify contributors to the organization.

The bill carries certain additional penalties directed against members of the condemned organizations. Thus, under the bill, it is unlawful for any member of a Communist political organization to hold any nonelective office or employment with the Federal Government or apply for a passport. Any Government official who appoints or employs any such individual, or who issues a passport to such an individual, is likewise guilty of a violation of the law Penalties for violation of these provisions are a fine of not less than $2,000 nor more than $5,000, or imprisonment for not less than 2 or more than 5 years, or both.

Section 4 of the bill appears to apply both to organizations and individuals. This section of the bill makes it illegal for any "person," defined elsewhere as either an individual or organization, knowingly to conspire with any other person to perform any act which would substantially facilitate the establishment in this country of a totalitarian dictatorship under foreign domination. A violation of this section is punishable by fines up to $10,000, imprisonment up to 10 years, or both.

One objection to this provision of the bill is that it does not require that the action which would aid the Communist movement be undertaken for that purpose or with that intention, but only that it be done knowingly. "Knowingly" in criminal statutes has sometimes been interpreted as requiring only a conscious act, and under the strictest construction means only that the defendant contemplated, or should have contemplated, the consequences of his acts.

Suppose for example, that the United Steelworkers of America, in bargaining collectively with the United States Steel Corp., requests a reasonable wage increase—one needed by the workers to maintain a decent standard of living—and the directors of the corporation reject the request. Certainly it could be said that the rejection of such a request would substantially facilitate the establishment of a Communist regime in this country by depriving the workers of a decent standard of living, and creating hostility between labor and capital. The directors of the United States Steel Corp. could thus be indicted and sent to jail under this provision for rejecting the union's demand. On the other hand, the union could just as well be convicted under the bill for putting forward a demand which might tend to create industrial strife and thus aid the Communist Party.

Section 4 of the Nixon bill is not aimed at acts or conduct, which are capable of precise definition. Rather it is the intention of this section to punish as a crime mere advocacy, argument, or persuasion, whether or not calculated in the circumstances to lead to the immediate commission of overt illegal acts. As we have already stressed, the Supreme Court has consistently ruled that mere advocacy of ideas, however odious, cannot, under our Constitution, be restrained or punished.

4. The Nixon bill's procedures ignore common-law safeguards: One would expect that a bill which imposes such drastic penalties upon organizations and individuals would

scrupulously adhere to the time-honored procedural protections which are the boasts of the Anglo-American legal and constitutional systems. This would include provision for fair trial on the issues before a judge and jury and the application of the usual rule that a defendant in a criminal case is presumed innocent until proved guilty and must be convicted upon evidence establishing guilt beyond a reasonable doubt. If an organization refuses to accept the brand or stigma which the bill would stamp upon it, certain procedural requirements are laid down to permit the Attorney General, not through a criminal proceeding, but through an administrative proceeding, to impose the bill's brand on them. Under these administrative procedures the Subversive Activities Control Board is authorized to make an administrative finding, after a hearing, that the organization involved is a "Communist political organization" or a "Communist-front organization."

The Commission's hearing, like all administrative hearings, is without jury and wholly lacking in those protections to the defendant which would obtain in a criminal trial. The hearing itself is not before a judge but before a Federal board.

It should also be borne in mind that the Attorney General does not merely prosecute the accused organization; he likewise is charged with the task of investigating the organization. In so doing, he is authorized by the law to subpena the books and records of the organization and to compel testimony. Such a provision would, of course, permit the Attorney General a virtually unlimited power of search over the internal affairs and membership lists of such organizations as labor unions.

The bill provides that the findings of the Subversive Activities Commission that an organization is illegal, within the meaning of the bill, may be appealed to the Court of Appeals for the District of Columbia within 60 days. Such a review, of course, would consider only questions of law.

The legislative findings upon which the statute rests, the trial procedure, and the review procedure make mockery of our constitutional guaranties which have been developed for the protection of defendants in criminal cases.

5. Summary: The Nixon bill is a serious threat to our most cherished constitutional safeguards.

It imposes penalties upon association and opinion rather than upon overt actions.

The bill is so loosely drawn that it could impose a black-out upon the civil rights of thousands of individuals who would be driven from progressive organizations out of fear that the vague provisions might be made applicable to them.

Penalties and disabilities are imposed upon individuals, not as a result of unlawful activities but merely upon the basis of affiliation or association. Moreover, the operation of various provisions would permit the creation of a blacklist, so obnoxious to our traditions.

The bill wipes out the fundamental protections for defendants in criminal cases. It substitutes administrative procedure for due process of law.

The definitions of the bill would make it possible for the Attorney General to proceed against labor organizations, and the vague character of the bill's standards would make possible a tremendous expansion of its scope.

At best, the vagueness of the bill affords no security to the fair use of the opportunity for free political discussion. The bill is strewn with terms which have no precise legal meaning and which will force reasonable men to act at their peril. In *Stromberg* v. *California* (283 U. S. 359, 369), the Supreme Court stated:

"The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system. A statute which upon its face, and as authoritatively construed, is so vague and indefinite as to permit the punishment of the fair use of this opportunity is repugnant to the guaranty of liberty contained in the fourteenth amendment."

More recently, in *Winters* v. *New York* (333 U. S. 507) the Supreme Court held:

"A failure of a statute limiting freedom of expression to give fair notice of what acts will be punished and such statute's inclusion of prohibitions against expressions, protected by the principles of the first amendment, violates an accused's rights under procedural due process and freedom of speech or press."

There can be no question that the Nixon bill is so pervasively vague as to impose broad pressures and restraints upon the exercise of rights of political expression. Moreover, as the Supreme Court has repeatedly pointed out, vagueness in a statute involving civil rights lays the basis for discriminatory and unfair application. Such discrimination is easily directed against minority groups, who, more than other groups, need the shield of constitutional protection.

CONCLUSION

That this country should be considering legislation so repressive of political and civil rights at a time when it is in no real danger from the Communist movement in America is surely little to our credit. Our fears, and the lengths to which it is suggested we should go to soothe them, present an unflattering contrast to the recent conduct of France and Italy. In those nations, which have no such tradition of continuous democratic government as we have, the local Communist Parties possess real strength, or did a short time ago. The Russian armies were and are close indeed to the borders of those nations. Yet neither France nor Italy resorted to any such extreme measure as outlawing the Communist Party or passing repressive legislation. Today the democratic forces in those countries, with the aid of ECA, have gained greatly in strength, while the local Communist movements have lost adherents. If those countries, gravely threatened, could show such devotion to democracy, surely it is not necessary for this Nation, of all countries the most secure from any internal threat, to turn away from its democratic tradition.

Mr. HARRIS. The CIO opposes both the Nixon bill and the Wood bill, as we have opposed the various predecessors of the Nixon bill.

Our reasons for opposing these bills may be fairly simply summarized. In the first place, we don't think they are necessary. We think the Communist movement in America can be combated and is being successfully combated now without resorting to measures which would endanger civil liberties, as we believe these measures would.

In the second place, we think these measures are not merely unnecessary and harmless; we think they violate the Bill of Rights in many respects in that they attempt to regulate thought and are contrary to the traditions of our American society.

As to the nature of the Communist threat to this country, the Nixon bill and the various similar bills which have been under consideration contain rather elaborate statements of fact as to how the Communist movement operates secretively, conspiratorially, and through front organizations to get the support of people who would not support it if they recognized the Communist movement as such. It recites that in numerous foreign countries the Communists have succeeded in taking over power, and that these recent successes in foreign countries constitute a clear and present danger to the United States.

All of that, we think, is a pretty inaccurate description of what is going on abroad. We think it is far too flattering to the Communist movement. We don't think it has taken over power by conspiracy and the use of front organizations, and we don't think it has come into power by the strength of Communists in such countries as Poland, Hungary, Bulgaria, and Rumania. The Communists did not come into power in those countries by using secretive front organizations, nor by conspiratorial activities. The Soviet armies occupied those countries and established Communist governments. To say the secretive-front organizations of the Communist Party in the United States threaten to take over power is absurd. I would say the United States has never been more secure from internal threat than it is now.

If you look at the figures on the strength of the Communist Party in this country, beginning in 1924 it polled some 33,000 votes in the presidential election. In 1932 it reached its peak vote of slightly over 100,000. By 1940 it was down to 49,000. The Communists have not run a separate candidate for President since 1940; so, there hasn't been any independent voting of the Communist Party, but there is no reason to believe they have gotten more powerful than they were in 1940. People understand more now than they did then the nature of the Communist movement. Many people fooled in 1940 are no longer fooled. The country is more prosperous now. The Communists reached their peak in 1932 during the depression.

Mr. Matthew Cvetic, in his recent testimony before this committee, estimated the strength of the Communist Party in this country now at 40,000 to 50,000. Surely, no one thinks those 40,000 to 50,000 can overthrow the Government? At this time we are trying to strengthen the anti-Communists in France and Italy by arms and other assistance. It is absurd for us to adopt antidemocratic legislation and make a finding that there is a clear and present danger that the Communist movement will overthrow the Government. Thus, factually, we think there is no need for this legislation.

In the second place, there is a good deal of law already on the books designed to cope with any attempt to overthrow the Government of the United States. We have had a law against treason since 1790. We have had laws against seditious conspiracy since 1861. One was passed at the outset of the Civil War. The Smith Act and the Alien Registration Act are broader. The Smith Act, under which the 11 Communist leaders were recently tried and convicted in the Southern District of New York, makes it a crime to advocate the overthrow of the Government by force or violence or by any illegal or unconstitutional means. If the constitutionality of that statute is eventually sustained on appeal, or if the constitutionality of its application in that case is ultimately sustained, it is impossible to see how there is any possible need for the Nixon bill.

The report of this committee last year, when it reported out the Mundt-Nixon bill, said it was necessary because the Communist Party operated secretly. The fact it operates secretly may make the problem of detection more difficult, but that problem cannot be met by passing more laws.

The FBI does not seem to have found it impossible to make detection. Mr. Raymond Whearty, acting head of the criminal division of the Department of Justice, recently said that the Department of Justice has 12,000 prosecutions awaiting the outcome of the appeal of the 11 Communist leaders, and that it could prosecute thousands more but for the desire to keep its confidential informants under cover. If that is true, they must have the Communist movement under scrutiny from top to bottom.

The Smith Act is also a part of the Alien Registration Act passed in 1938 and amended in 1940, which requires the registration of

certain organizations. It utilizes the same mechanism as the Mundt-Nixon bill. It requires the registration of "every organization subject to foreign control," and that is defined as including any organization which "accepts financial contributions * * * or support of any kind, directly or indirectly, from, or is affiliated, directly or indirectly with, a foreign government, or * * * a political party in a foreign country, or an international political organization."

It requires the registration of every organization the purpose or aim of which is the overthrow of the Government by force or violence. Failure to register is punishable by a fine of $10,000 and an imprisonment of 5 years.

Those provisions very closely parallel though they do not go as far as what would be done by those of the Nixon bill. The Nixon bill makes no attempt to fit itself into existing legislation or to meet the needs of the Department of Justice as described by the Attorney General or the Director of the FBI. The Director of the FBI has repeatedly said that any legislation that would drive the Communist Party underground would make their problem more difficult.

I do not say we necessarily endorse all legislation on the books; that we endorse the Smith Act or any other legislation on the books. The point I make is that, with those statutes already passed, there is no need for passing additional legislation. That is the point of view the Department of Justice has repeatedly expressed.

I would like to go through the Nixon bill in some detail and point out just wherein we think it is unconstitutional or otherwise objectionable.

I think there are two basic constitutional objections to the bill. The first is based on the due-process clause, first amendment, freedom of assembly. Certainly the bill restricts freedom of speech, restricts freedom of political activity, and restricts freedom of thought. Restriction of those activities is permissible, under decisions of the Supreme Court, only if there is a clear and present danger that needs to be met by the legislation in question. We do not think there is any such clear and present danger, so we think this legislation would be unconstitutional under the first and fifth amendments.

A second major objection to the bill is that it operates as a legislative determination of guilt. Under our constitutional system, whether the Communist movement or Communist Party or any organization is guilty is a question that must be left for the courts to determine. It is not a question for the legislature to determine. For the legislature to pass a bill determining guilt violates the due-process clause and is a bill of attainder. This bill does do exactly that, It states the guilt of the world-wide Communist movement. It does not set up a procedure for accusing the Communist Party of advocating the overthrow of the Government by force and violence. It finds what it is doing a crime, and does not leave it to the court to make that finding.

Under this bill, the only question remaining for the Subversive Activities Control Board to decide in the case of organizations accused of being Communist political organizations or Communist-front organizations is to identify the organizations as falling within the criteria specified in the bill. Once that identification is made, their guilt is established by Congress.

That, quite clearly, under the decisions of the Supreme Court, cannot be done. In that respect, this bill differs from the Smith Act or the Alien Registration Act. The Smith Act prohibits advocacy of overthrow of the Government and leaves it to the court to decide if the organization or individual has pursued that conduct. While the finding of clear and present danger justifies restrictions on freedom of speech and other rights protected by the due-process clause, I don't think it would justify the passage of a bill of attainder.

I would like to turn for a moment to section 4 of the bill. This section makes it unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship. It then defines totalitarian dictatorship.

In the first place, this provision as written would prohibit peaceful advocacy. It would prohibit a person from proceeding by absolutely constitutional means to change the form of Government of the United States.

If some Congressman or Senator wants to introduce a constitutional amendment to abolish the American form of government and to institute the Soviet form of government, he has an absolute right under the American Constitution to do it. He has a constitutional right to advocate any change, advocate the establishment of any form of government, so long as it is by legal and constitutional means. However, that would be prohibited by section 4 (a).

There is no requirement in section 4 (a) that the act which contributes to the establishment of a totalitarian dictatorship must be unlawful, that it must be through the use of force, that it must be through the use of illegal means. Even abstract advocacy of a constitutional amendment would be prohibited by that section. Therefore, it is clearly unconstitutional.

In the second place, the section does not require intent. It provides that the act which would substantially contribute to the establishment of a totalitarian dictatorship be done knowingly. Knowingly in criminal statutes has sometimes been interpreted as requiring only a conscious act, and under the strictest construction means only that you foresee or should have foreseen the probable consequences of your act. That language is far too broad.

This point has been made by many other witnesses, I am sure. It could be met by amending the provision to read any act intentionally contributing to the establishment, and so on. Why that amendment has not been made, I don't know.

Mr. KEARNEY. Mr. Chairman, may I interrupt? The reason why, I presume, is we are just hearing the witnesses now, and when we go into executive session we will take up the bill paragraph by paragraph.

Mr. HARRIS. This point was made in the Senate committee, and certain changes were made in the Senate committee of that character, but this one was not.

Mr. HARRISON. You mean the patron of the bill did not make the change? This bill has not been considered in whole or in part by the committee.

Mr. MCSWEENEY. Would you rather have the amendments put on the Smith Act, or have a new act?

(Representative MOULDER enters hearing room.)

Mr. HARRIS. If we are really concerned with buttoning up holes in existing legislation, I should think the proper method would be a conference with Justice Department officials in which they could express their opinions as to what holes there were and what was necessary to button up those holes. That was done, I believe, in regard to the recent statute on espionage which passed the House the other day, H. R. 4703. That bill was drawn up to amend the existing espionage statutes. It was drawn up in collaboration with the Department of Justice to meet a need they found to exist.

Mr. VELDE. What is the attitude of the Department of Justice with regard to this bill, the Nixon bill?

Mr. HARRISON. They submitted a statement.

Mr. VELDE. What was the purport of their statement?

Mr. HARRISON. Opposition to the bill.

Mr. VELDE. Opposition to H. R. 7595?

Mr. HARRISON. That is my understanding. They submitted a statement.

Mr. VELDE. My understanding is that the Department of Justice, with some exceptions, approves the Nixon bill.

Mr. HARRIS. They submitted a letter dated March 21, addressed to Mr. Wood, chairman of this committee, from Peyton Ford, the Assistant to the Attorney General. They devote most of their time to H. R. 3903, that is the Wood bill, and they state they oppose the Nixon bill for the reasons they stated in the Senate and stated last year on the Mundt-Nixon bill.

Mr. HARRISON. They filed a copy of the letter they had written the Senate committee.

Mr. HARRIS. They point out that Mr. Hoover has always said it would make his problem more difficult to drive the Communists underground, and if they are upheld on the Smith Act prosecution they think they have all the legislation they need, and if they are not upheld, additional legislation could be drafted in the light of the court opinion.

Mr. VELDE. As I recall, the Department of Justice, did not question the constitutionality, with a few exceptions, of H. R. 7595.

Mr. MCSWEENEY. I was interested in your statement that the internal security of this country was never stronger than today. I was in Europe last year. You mentioned the votes polled by Communists in elections. Do you think that is good evidence of their strength or do you think they are proceeding in other methods that would not show up in elections?

Mr. HARRIS. The vote rolled up by the Communist Party in France and Italy has been falling off. I think the problem of the Communist Party will be a continuing one in those nations, particularly as long as the Russian armies are as close to the borders as they are.

Mr. VELDE. I wonder if the same is true of China?

Mr. HARRIS. In China the Communists came in power as a result of a long and successful military campaign, and as a result of the virtual collapse of the Nationalist Army.

Mr. VELDE. You think no underground network had penetrated China?

Mr. HARRIS. I don't think so. I think the very fact front organizations are used is a confession of weakness. Front organizations are used to suck in people who would not support the movements if they knew they were Communist dominated. I think the description in the findings of front organizations' secretive activities is a pretty fair description of the way Communists have worked in this country, but I don't think they have gotten very far, and I don't think they will overthrow the Government by working that way.

Mr. VELDE. Do you realize that the actual Communist Party members in Russia totaled a little over 100,000? I don't know if that is exact, but in comparison to 80,000 which Mr. Hoover said are in the United States, that is a fair comparison.

Mr. HARRIS. You mean the Communists in Russia totaled 100,000 in 1917 when they took power?

Mr. VELDE. It hasn't been that long ago.

Mr. HARRIS. They list their membership occasionally. I think it runs two or three million. But the size of the Communist Party in Russia now simply depends on how many people the Government lets into the party. They are an elite governing class. When the Communists took power in Russia in 1917 they were no doubt small in numbers, but the Russian electorate was small. We are not dealing with a country where a democracy had ever existed. The number of people who voted was trivial. The Kerensky regime first went in, but with the chaotic conditions then existing they were unable to retain power. But I don't think any of them had mass control.

Mr. VELDE. Isn't it true that in all countries where the Communists have taken over the number of Communists was relatively small?

Mr. HARRIS. Yes; but the Communists didn't take over; the Soviet armies took over. I did not say that under certain circumstances the Communist army might not constitute a clear and present danger. What I say is that the Communist movement is not an internal threat. Our country is internally secure.

Mr. VELDE. Do you think the American Army could handle this problem within the confines of the United States?

Mr. HARRIS. I think the Department of Justice can handle it in the United States under existing legislation. I don't think you need the Army for that. I think the problem is being handled, and I think the Communist movement is growing progressively weaker.

If I may turn back to the detailed provisions of the bill, I have a couple more comments of a somewhat different character. From the standpoint of the committee, it seems to me it is perhaps too loosely drafted to serve the purpose you want. A person who does something that contributes to the establishment of a totalitarian dictatorship is punishable only if it is a totalitarian dictatorship of the type described here. Suppose a person engages in sabotage. To prove that is one thing. To prove he intends thereby to facilitate the establishment in this country of a totalitarian dictatorship under foreign domination is something else.

Another peculiarity of your definition of totalitarian dictatorship, it overlooks the old-fashioned dictatorship. It requires "the existence of a single political party, with such identity between such party and its policies and the government and governmental policies of the country in which it exists as to render such party and the government itself indistinguishable for all practical purposes."

It apparently would be all right to establish a government of the Franco type, or a dictatorship with no party at all. You are concerning yourself with future intention—with thoughts. It is simpler to make criminal an overt act to overthrow the Government. That is criminal now. If it is an act to overthrow the Government what difference does it make what type of totalitarian dictatorship he has in mind when he does it?

Section 5 prohibits the employment by the Federal Government of members of Communist political organizations. That, again, is quite plainly a bill of attainder. It determines that members of those organizations are guilty and it penalizes them by depriving them of Government employment. Bills comparable to this were held unconstitutional after the Civil War in *Cummings* v. *Missouri* and I believe in *Ex parte Garland*. Congress passed a law that no lawyer could practice before the United States Supreme Court unless he took an oath, in effect, that he had not aided the Confederacy. That was held unconstitutional. An act of a similar nature affecting the teaching profession was held unconstitutional. Recently an act of Congress prohibiting the employment of Lovett et al. was held unconstitutional. I think section 5 falls squarely within the dictum of those cases.

Section 7 requires Communist political organizations and Communist-front organizations which have been found by the Board to be such to register as Communist political organizations or as Communist-front organizations. Elsewhere in the bill, Communist political organizations and Communist-front organizations are required to label all mail intended for more than one person as: "Disseminated by ———, a Communist organization." It is also required that their radio programs carry the announcement: "The following program is sponsored by ———, a Communist organization."

I don't believe under the Constitution any person can be compelled to admit his guilt. Even if he were found guilty by the courts and lost every appeal, he cannot be compelled to say that he did the prohibited act.

Some years ago the National Labor Relations Board sought to follow a practice of compelling employers to post a notice that they would cease and desist from doing whatever the Board had found they had done. Finally an employer raised the point he could not be forced to post a notice that he would cease and desist, because that would constitute an admission he had done it, and Judge Learned Hand held he could not be compelled to admit his guilt. Now the practice has been changed so that the notice says they will not do such and such, without containing any admission that they have done it.

I think those requirements of admission of guilt may well violate the constitutional provisions against self-incrimination, also.

The heart of the bill is probably in the sections which provide how the Board shall determine what is a Communist political organization. That is section 14 (e). There, again, the factors which are used to identify Communist political organizations are not themselves anything illegal or prohibited by law. They are such factors as the extent to which its views and policies do not deviate from those of such foreign government or foreign organization. None of the criteria used for identification are of themselves criminal conduct or illegal. All that remains for the Board to do is identify the organization as falling within the described category which violates the bill-of-attainder provision.

One of the criteria listed for identifying a Communist political organization is the extent to which it fails to disclose its membership. This provision is particularly objectionable to labor organizations, which have learned through long experience that, if the employer gets the membership list, he may use all sorts of means to dissuade membership in the union. The Labor Board, recognizing that, has repeatedly held that employer surveillance of union meetings or employer attempts to get membership lists violate the act. Yet under this bill the practice of labor organizations to conceal membership lists might identify them as Communist political organizations.

That is only one of several criteria, but the Board is told to take all of these criteria into consideration, and is not told what weight it shall give to any particular one, or even that one cannot be used as the basis for such finding.

One of the criteria for determining whether an organization is a Communist-front organization is the extent to which the positions taken by it from time to time on matters of policy do not deviate from those of any Communist political organization. That provision is highly objectionable. It could be used to label many labor organizations as Communist-front organizations. It will certainly be recalled that during the entire period after the attack of Germany on Russia and up until the end of the Japanese war, the policies of the Communist Party did not deviate from those of the national administration in this country.

When we come to the judicial-review provision, I take it that it is meant to give the Government an appeal, although that is not entirely clear. Section 15 (a) says that the party aggrieved by any order entered by the Board under subsection (g), (h), (i), or (j) of section 14 may obtain a review of such order, and those subsections include orders acquitting the organization. It is rather unusual to give the Government an appeal in what is essentially a criminal proceeding.

I think that completes my detailed comments on the Nixon bill.

Mr. KEARNEY. Mr. Chairman, before the witness gets to the Wood bill, I would like to ask him a question. You mentioned in your testimony something about the Treason Act that was placed on the statute books in seventeen hundred and something.

Mr. HARRIS. Seventeen hundred and ninety.

Mr. KEARNEY. Do you agree with me that that particular statute should be changed to include acts of treason in times of peace as well as in times of war?

Mr. HARRIS. The Constitution defines treason, and the act passed in 1790 is in almost the precise language of the Constitution. I think the Constitution defines treason something like this, that treason against the United States shall consist only of adhering to its enemies and giving them aid and comfort in time of war. I doubt that could be changed.

Mr. KEARNEY. Unless there was a constitutional amendment?

Mr. HARRIS. Yes. However, I think the problem can be taken care of and is taken care of by the bills on espionage such as the one recently passed by the House, H. R. 4703. I don't see that it matters whether you call it treason or not. The kind of conduct you have in mind is covered by H. R. 4703.

Mr. KEARNEY. That is what I had in mind, any conduct that would give aid and comfort to our enemies, whether in time of war or in time of peace.

Mr. HARRIS. The very narrow definition of treason was written into the Constitution by men who knew of the oppressive use which had been made of the treason laws by the British Crown. I think it is true that wars are no longer as clear cut as they were then. They don't start with a formal declaration of war. So I think measures like the one recently passed by the House are necessary now.

Mr. VELDE. In that connection, I wonder if you have knowledge of the espionage ring operating in this country under Soviet control during the war, of American Communists and members of the Russian diplomatic service? Do you have any knowledge of that?

Mr. HARRIS. None at all. I read the newspapers.

Mr. VELDE. If there was such an espionage ring operating here during the war, do you think members of that ring could have been prosecuted under the treason statute?

Mr. HARRIS. I don't think they could under the treason statute, but I think there are statutes they could have been prosecuted under. You see, Russia and this country were allies during the war, and sending information to Russia would hardly be giving aid and comfort to our enemy.

Mr. VELDE. I understand that, but do you think they could have been prosecuted under the Wartime Espionage Act?

Mr. HARRIS. Yes, sir.

(Representative KEARNEY leaves hearing room.)

Mr. VELDE. Under the peacetime espionage statute, the statute of limitations runs after 3 years. I think that was increased to 10 years.

Mr. HARRIS. I believe it was in H. R. 4703.

Mr. VELDE. Yes; it was increased to 10 years as far as the House is concerned. I take it your position is that the other statutes in effect on this subject, chiefly the espionage statutes now on the books, are sufficient if they are properly enforced?

Mr. HARRIS. As amended by H. R. 4703, assuming that goes through the Senate. If the Department of Justice says they are not sufficient, I think their recommendation should be given careful consideration.

Mr. VELDE. I think we all realize we can pass laws and more laws, and the important thing is that the laws are enforced. I don't think it would do any good to pass this law unless it is enforced. Maybe our problem lies in that direction.

Mr. MCSWEENEY. I am especially interested in your testimony because your organization

has made an effort to purge itself of Communist trends; yet, you are very careful to guard the rights of the individuals. I think that is a very salutary attitude to have. But I again want to press the question: Do you think we ought to have some other legislation so that we can reach peacetime difficulties, or do you think we have enough on the statute books now to take care of it?

Mr. HARRIS. Apparently the Department of Justice feels that it needs the additional protection afforded by H. R. 4703.

Mr. MCSWEENEY. That would be enough?

Mr. HARRIS. I think that would be enough. I take the Department's word for it that that is enough.

Mr. MCSWEENEY. Don't you think labor unions have done a splendid job of purging their groups, but we must watch groups probably more susceptible to being infiltrated?

Mr. HARRIS. I think people in this country are now pretty well aware of the practice of Communists in infiltrating innocent organizations, and I think most people probably are on the watch these days.

Mr. MCSWEENEY. And you don't think we are in much danger from within?

Mr. HARRIS. I don't think we are in any danger from the Communist movement from within.

Mr. MCSWEENEY. That is very encouraging.

Mr. VELDE. Do you have an executive council in the CIO that makes decisions as to legislation, or how is that done?

(Representative MCSWEENEY leaves hearing room.)

Mr. HARRIS. The top governing body of the CIO is the annual convention. Between conventions the executive board is the top governing body, and between meetings of the executive board the president makes decisions. On such matters as the Mundt-Nixon bill, the CIO executive board and conventions have been passing resolutions for years against such bills.

Mr. VELDE. Was that done in this particular case?

Mr. HARRIS. Of course, it wasn't done on this particular bill, which was not pending at that particular time. I don't believe the last convention passed on it because it wasn't a critical issue at the time. I think that either the 1947 or 1948 convention adopted a resolution against the Mundt-Nixon bill.

Mr. VELDE. But, as far as this bill is concerned, you have not had an opportunity to determine if the membership is opposed; have you?

Mr. HARRIS. No.

Mr. VELDE. Would you mind telling the committee by whom your statement on this legislation was approved?

Mr. HARRIS. I talked to Mr. Murray about it generally and he directed me to testify against the bill. The details of the testimony are my own.

Mr. VELDE. I think you did a wonderful job, and I appreciate your being with us.

Mr. HARRISON. Did you want to discuss the Wood bill?

Mr. HARRIS. Just for a moment.

The Wood bill would prohibit a member of the Communist Party or of any organization listed as subversive by the Attorney General from being a Federal employee or from being employed in connection with the performance of any national-defense contract.

For the reasons I have already stated, I think that is unconstitutional as a bill of attainder; that is, as a legislative determination of guilt, a legislative determination delegated in part to the Attorney General.

The Department of Justice has filed its letter on this bill, and points out that it is going very far indeed to make it a crime to be a member of any organization which the Attorney General lists as subversive. Under the loyalty program, membership in such an organization is one piece of evidence which may be taken as raising a question of an employee's loyalty, but he is entitled to rebut that by showing he joined the organization innocently and that he is a loyal citizen.

It seems to me it would be inadvisable to give the Attorney General the right to destroy organizations by fiat. I think the practice the Department of Justice follows at the present time of listing organizations as subversive without a hearing or any opportunity to the organizations to disprove the charge, and without judicial review, is objectionable. We hope the Supreme Court will supply this deficiency by holding that an organization listed as subversive is entitled to judicial review.

The Wood bill, however, would be far worse than that, as it would make it a crime for any Federal employee, or any individual in private industry employed in connection with the performance of any national-defense contract, to be a member of or to support any organization designated as subversive by the Attorney General.

Mr. HARRISON. What is the punishment provided for membership in such an organization?

Mr. HARRIS. Three thousand dollars; 3 years' imprisonment.

Mr. HARRISON. To be a member of a Communist-front organization?

Mr. HARRIS. To be a member of an organization designated as subversive by the Attorney General.

Mr. VELDE. That applies to persons employed by the Federal Government?

Mr. HARRIS. Or to persons employed on any national-defense contract. Say the United States Steel Co. makes plates for battleships and has twenty or thirty thousand employees working in that particular plant. I suppose the steel plant would have to come to a complete stop until all those persons belonging to any organization the Attorney General has listed would be investigated.

It seems to me the bill is foolish; it is unconstitutional, and, you might say, there is no earthly excuse for it.

I have nothing else, sir.

Mr. HARRISON. Mr. MOULDER?

Mr. MOULDER. No questions.

Mr. HARRISON. Is the Smith Act founded on a finding of clear and present danger?

Mr. HARRISON. No; it does not contain that finding. I was a little puzzled by the Government's statement in the letter to Mr. WOOD that the Wood bill was of doubtful constitutionality, for one reason, because it didn't contain a finding of clear and present danger. The Smith Act does not contain any such finding. The sedition acts, like the Smith Act, traditionally have not had such a finding. They merely make it a crime to advocate the overthrow of the Government by force and violence. When a particular conviction under a bill like the Smith Act comes before the Court on appeal, it can be upheld constitutionally only if the Court finds there was a clear and present danger that the speech of the individual convicted would lead to illegal conduct.

In the trial of the 11 Communists in New York, Judge Medina said whether there was a clear and present danger was a question for the judge; that it was up to him to decide whether the testimony showed there was a clear and present danger that the advocacy of the overthrow of the Government might lead to overthrow. In other words, Medina's determination that there was a clear and present danger must be upheld on appeal. That determination of constitutionality applies as to that case, but in the next case that test would have to be met.

Mr. HARRISON. Then, if you are right that there is no clear and present danger, the courts will invalidate the conviction of the 11 Communists?

Mr. HARRIS. What would be a clear and present danger which would justify one kind of statute might not justify another. For example, it is much easier to prove clear and present danger from advocating the overthrow of the Government than it is from setting up front organizations. The two don'ts stand on exactly the same footing.

Mr. HARRISON. I understood you to say there is no danger internally from Communists today.

Mr. HARRIS. I was not too impressed by the evidence the Government produced in New York. I don't think it showed they had achieved much or had any real power to carry out their objectives.

Mr. HARRISON. If the courts agree with you, they will invalidate that conviction; won't they?

Mr. HARRIS. The Department of Justice, in its letters to the Senate Judiciary Committee and to this committee, seemed to suggest that if that conviction was invalidated this bill would fall. The objection to this bill on the bill-of-attainder point would still exist, however, even if the Smith Act conviction were upheld.

Mr. HARRISON. As I said, if the courts agree with your position as to clear and present danger, the conviction in New York will have to be reversed?

Mr. HARRIS. I expect that they might say there is a clear and present danger which justifies prohibiting the overthrow of the Government by force and violence, but not such a clear and present danger as justifies penalizing Communist-front organizations.

Mr. HARRISON. Do you think there is any clear and present danger from the Communists convicted in New York?

Mr. HARRIS. The trial went on for several months, and I only read sporadic reports. Judge Medina had to listen to it all, and he is a man for whose judgment I have considerable respect, but I was not too impressed with the showing the Government made of clear and present danger.

Mr. HARRISON. But, if Judge Medina's ruling is correct, then there is a clear and present danger if he is affirmed?

Mr. HARRIS. If he is affirmed, there is a clear and present danger of having leaders of the Communist Party advocate overthrow of Government by force and violence. There is no requirement that anybody do anything illegal in this bill. It is just a finding.

Mr. HARRISON. I would like to ask you a question along one other line. You don't mean to advocate here that the Government has got to find somebody guilty of a crime in order to deny him employment by the Government of the United States; do you?

Mr. HARRIS. No; I don't think that at all.

Mr. HARRISON. In other words, the holding of a Government position is not a right but a privilege; isn't it?

Mr. HARRIS. We get into two different points here. One is the constitutional point, and the other is the abstract point of what one thinks the Government should do. On the constitutional point, the decisions are, I think, not yet in final shape. I don't think the courts have said the last word. The Supreme Court has taken a case of an organization listed by the Attorney General as subversive. It will be asked to review an individual loyalty case in the Bailey case. In *United Public Workers* v. *Mitchell*, about 5 years ago, in upholding the Hatch Act, the Supreme Court said of course a law would be unconstitutional which said no Republican or Negro or Jew could serve as an employee. That seems to say that are constitutional limits on how far Congress can go in setting up qualifications for Government employees.

Mr. HARRISON. There was a day when employment would be denied to Republicans and Negroes, but to the victor belongs the spoils.

Mr. HARRIS. The spoils system certainly holds in America. Whether that means there is no constitutional problem in discharging Government employees, or whether the courts will say Government employees do have certain constitutional rights, we don't know the answer. I think they should have rights, myself.

Mr. HARRISON. Possibly we put too much stress on loyalty rather than on security. A man might be loyal and at the same time an unwise selection for a responsible Government position solely from the standpoint of his views.

Mr. HARRIS. I think that is true, and I am also afraid that the loyalty procedures and widespread publicity given to charges against the loyalty of Government employees will make it more and more difficult for the Government to get the right kind of employees.

Mr. HARRISON. You wouldn't advocate the appointment of a Secretary of State who believed in the forceful overthrow of the Government of the United States, or who believed in communism; or you wouldn't advocate the appointment of a Secretary of State who was opposed to the Marshall plan; would you?

Mr. HARRIS. No. I think members of the Communist Party should be barred from all sensitive jobs. Whether they should be barred from jobs that do not involve security, I don't know.

Mr. HARRISON. Suppose he was completely loyal but his temperament was such he had to tell everything he knew. The Government should not be in a position where it could not discharge him without judicial review such as you advocate?

Mr. HARRIS. At the present time, Government procedure has fallen short of even judicial review. In a loyalty board hearing the employee does not see the FBI file; he isn't told who the witnesses against him were; he isn't told what is in the FBI file. The board which decides the case does not even know the identity of the informants named in the FBI file. You could give an employee a much fairer hearing than that and still stop short of a full-fledged trial or judicial review.

Mr. HARRISON. I am not talking about his loyalty. Suppose he is a man who can't keep a secret. A lot of people are that way. Don't you think the Government should be able to get rid of employees who divulge its secrets, no matter how innocently?

Mr. HARRIS. Certainly.

Mr. HARRISON. Any further questions?

Mr. TAVENNER. Mr. Harris, there is one question I did not ask you when you were sworn in which it is the practice of this committee and other committees of the House and Senate to ask all witnesses testifying on subversive matters. The question is, Are you now or have you ever been a member of the Communist Party?

Mr. HARRIS. I am not a member and have never been.

Mr. TAVENNER. That is all.

Mr. HARRISON. Thank you, Mr. Harris. That was very informative testimony.

Mr. LANGER. Then there is the statement submitted in behalf of the Methodist Church, by Bishop John Wesley Lord. I ask unanimous consent to have that statement printed at this point in the RECORD, as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE METHODIST CHURCH, BOSTON AREA, BISHOP JOHN WESLEY LORD, BOSTON, MASS.

STATEMENT ON THE NIXON BILL (H. R. 7595) TO BE PRESENTED BEFORE THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

It needs to be remembered that the totalitarian has conquered when a democratic people abrogates its civil liberties and adopts totalitarian techniques to meet totalitarian threats.

I am opposed to the Nixon bill because it does just this and, if passed, would abrogate America's long-cherished freedom. I sincerely believe, as a churchman seeking to perpetuate the spiritual principles upon which this Nation is founded, that legislation of this pattern is more in accord with police-state governments than it is with democratic governments, and ultimately will destroy the rights of a free people.

There is an element of risk ever present in a democratic state. This risk, we must take if we are to maintain our faith in man and his essential dignity before God. To seek to remove this risk by destroying a political party is to jeopardize the rights of all political parties in our land. Our faith in present American institutions is such that we believe subversive elements can be contained and made ineffective, if we have the will to do so, by present existing legislation. I cannot believe that this proposed legislation could make our Government more secure than it is; for, ultimately, all security must reside in the free will and consent of those who are governed. To penalize those who may differ with us is to aggravate and not to remove the cause of discontent.

Communism is an ideology that must be answered by a better ideology that demonstrates its ability to bring more of liberty, equality, and fraternity to mankind. A dynamic democracy in which the ethical ideals of religion are, within the conditions of freedom, translated into the realities of justice and brotherhood is impregnable to Communist infiltration, however virulent.

The Nixon bill, by setting up a "Subversive Activities Control Board" to prepare a list of "Communist-political" and "Communist-front" organizations, by granting the right to impose harsh penalties on members of such organizations, and by severely penalizing individuals who aid such proscribed organizations, does not strengthen, but rather weakens, democracy in America. Thus, I oppose it as un-American and contrary to the highest spiritual and political interests of our country. If this theory of government were accepted, it could lead to, and make secure, a totalitarian dictatorship in this country.

Mr. GREEN. Mr. President, will the Senator yield to me?

Mr. LANGER. For what purpose does the Senator request that I yield?

Mr. GREEN. I have several resolutions from the Committee on Rules and Administration.

Mr. LANGER. I shall conclude my remarks within 5 minutes.

Mr. GREEN. I also have resolutions from the Foreign Relations Committee. They are noncontroversial in nature, and I hope they can be adopted very quickly.

Mr. LANGER. I shall conclude my remarks in a few minutes.

Mr. GREEN. I thought perhaps the Senator from North Dakota would yield to me for that purpose before he yielded the floor.

Mr. LANGER. Mr. President, I ask unanimous consent that a statement I have prepared, together with the conclusions to which I have referred, be printed at this point in the RECORD, as a part of my remarks, in order that the arguments which I believe to be sound, in regard to why the conference report should not be adopted, may appear in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR WILLIAM LANGER, OF NORTH DAKOTA, ON THE MCCARRAN BILL

If the work done by the Senate on September 12 is not set aside on reconsideration, I believe that it will go down in history as a black day for our country—a day of shameful abandonment of our great American heritage of freedom and justice.

On that day I could not accept the fact that further deliberation would not lead many Senators to wish that they had voted otherwise—in accord with their reason and the American tradition—rather than according to fear, hysteria, or assumed expediency. That is the only reason I voted with the majority. I wanted to be in a position to move for reconsideration. I know that the true interest of our country requires a different view of the sacred principles of individual liberty than are embodied in this bill.

The discussion which took place here concerning the merits of this legislation seems to me to have lost sight of the main issues. The question argued was whether one version or another would hit the Communists harder. The question argued was whether this or that proposal would have a better chance of escaping the condemnation of the Bill of Rights. I think these are not the main questions raised by this legislation.

Our country progressed from a colony to become the greatest and most powerful country in the world because it was built on firm foundations. The most essential of all these are the constitutional principles of freedom of speech and association. Our Secretary of State recently referred to these first principles as the right to dissent. That he suggested was the No. 1 principle for which western civilization stood, and would fight, if necessary. Other fundamental American principles, respect for which has made our country great, are the guaranties of a fair judicial trial before punishment, and punishment for personal guilt only, following proof beyond a reasonable doubt. These are the guaranties of due process of law. These are the principles which mainly distinguish democracy from totalitarianism. These are the principles we are supposed to be defending everywhere in the world.

And these are the very principles which are attacked by this bill, as never before in our history. I say it is plain that under the guise of protecting our internal security this bill would attack its very foundation. That foundation lies in an informed public opinion—in the people's confidence that they are sovereign, possessing certain inalienable rights—in their confidence that any needed changes in the Government or its policies can be made through the democratic process. True popular support can only rest on these things.

What must be said about this bill is that if it becomes law we shall have a different kind of a country than we have had until now. We shall no longer have a truly free and democratic country resting secure in the confidence of an informed and sovereign people. We shall have a country of enforced orthodoxy—a country where vigorous and effective dissent from the will of those temporarily in power will be perilous or impossible. Such organizations as Farmer-Labor, Liberal, or any party may well be doomed.

The President of the United States was right when he said: "Once the Government is committed to the principle of silencing the voice of opposition it has only one way to go and that is down the path of increasing repressive measures until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear."

This viewpoint which until now has found so little support in this august body, insofar as this measure is concerned, is supported, I am convinced, by the majority of the American people. The Mundt-Ferguson bill, embodied in this measure, elicited the vigorous condemnation of substantially the entire labor movement, of the principal organizations of the Jewish and Negro people, and of every other group which had previously indicated its vigilance in defense of civil liberties. They want no part of such a measure. They know that the best defense of our internal security is in the strength of our dem-

ocratic institutions and in the well-being of the people.

I want to remind you of some of the things these loyal American organizations said about the Mundt-Ferguson bill, now contained in this bill.

More recently, on September 16, a group of 130 noted Americans urged the President to veto this measure in a petition which they signed.

[From the Sunday Compass of September 17, 1950]

"The petition was initiated by Miss Emily Greene Balch, Nobel peace prize winner for 1946; Dr. Thomas Mann, Nobel literature prize winner for 1929; Prof. Zechariah Chafee, Jr., of Harvard University Law School; Dr. Linus Pauling, of the California Institute of Technology; Dr. Mark A. Dawber, executive secretary emeritus of the Home Missions Council of North American; Prof. Robert Morss Lovett, former Governor of the Virgin Islands; Bishop W. J. Walls, secretary of the board of bishops of the A. M. E. Zion Church; and Dean John B. Thompson, of the Rockefeller memorial chapel at the University of Chicago.

"RIGHTS IN JEOPARDY

"The message said:

" 'The future of the Bill of Rights is now in your hands. The Wood bill which has passed the House and the companion McCarran bill in the Senate, would sweep away traditional American concepts of civil rights. They propose to regulate opinion. Hence, they threaten the right to dissent and clearly contravene the freedom of speech guaranteed in the Bill of Rights. Moreover, the proposed legislation would place in jeopardy the right of association and thus would terminate freedom of assembly and the right to petition the Government for redress of grievances.

" 'Mr. President, these bills are opposed by numerous religious, educational, professional, labor, fraternal, Negro, Jewish, and veterans' organizations, which we believe represent the vast majority of the American people. This type of legislation is a product of the passion of the times. In your message to the Congress, you aptly said, "We must not be swept away by a wave of hysteria. * * * Once the Government is committed to the principle of silencing the voice of opposition, it has only one way to go and that is down the path of increasingly repressive measures until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear." ' "

The more responsible press of the country has also seen the issue clearly.

On September 3 the Chicago Sun-Times said editorially:

"There is a great danger for democracy in any law which causes innocent persons to live in fear of their government. There is more danger in such a climate than there is from the American Communist movement."

A few days earlier the St. Louis Post-Dispatch spoke editorially in the same vein:

"A sad measure of our times is the vote in the Senate on the catch-all bill of Senator MCCARRAN to regulate so-called subversives. Ostensibly, the Nevadan's omnibus measure is to make it more difficult for Communists to operate. Actually, his bill falls short in important respects and goes much too far in others.

"Yet when the roll was called on final passage only seven Senators voted 'No.' They were: GRAHAM, of North Carolina; GREEN, of Rhode Island; KEFAUVER, of Tennessee; LEAHY, of Rhode Island; LEHMAN, of New York; MURRAY, of Montana; and TAYLOR, of Idaho.

"In a sense those who stood up against the 70 'aye' votes were even fewer than 7 since 3 of them will not be in the Senate next year. GRAHAM, of North Carolina, was defeated for nomination to succeed himself. TAYLOR, of Idaho, finished second in a primary race. LEAHY, of Rhode Island, is an appointed Senator who retires when a successor is elected in November. The only Senator with the standfast courage to oppose the bill who must face the voters this fall is LEHMAN, of New York. Considering how much is at stake for him he deserves a special salute for standing firm against the stampede.

"To their credit Senators like Illinois' LUCAS and DOUGLAS, Oregon's MORSE, Minnesota's HUMPHREY, West Virginia's KILGORE, and Connecticut's BENTON tried valiantly to beat back the McCarran bill's registration provisions with a substitute providing for incarceration of Communists in the event of war or national emergency. But even that was in itself a measure of our hysteria since it borrowed the technique which General De Witt used against the Americans of Japanese descent after Pearl Harbor. In the end, these Senators found the cause hopeless and voted for passage.

"The case against the McCarran bill has been stated on this page more than once. The bill seeks to punish people for what they think and for their associations. It is couched in vague terms which would jeopardize the rights of all. Indeed, it could even help the Communists by confusing them with some thoroughly loyal citizens.

"How could a bill which can so easily lead to the smearing of innocent persons and of patriotic organizations be passed by a vote so overwhelming?

"The answer is November 7. Many administration Senators who are up for election are afraid to go before the people with a vote against the McCarran-Mundt-Ferguson-Nixon-Wood roundup in their record. Dixiecrats and Old Guard Republicans are glad to put the President in a hole by dumping this bill on his desk.

"Mr. Truman has said that he will veto the McCarran bill. If he does so in the face of this vote, it will be perhaps the single most courageous political act of his official life. Yet unless he does veto it and is thereafter sustained by Congress, the United States will dangerously restrict its own liberty at the very time it fights for freedom in Korea. It will have handed an awesome propaganda weapon to the Kremlin.

"The Post-Dispatch believes that many Senators must already be unhappy about their votes in favor of this repressive, thought-controlling bill. Again a salute to those who did not yield. They have the great satisfaction of clear conscience. When the chips were down, they did not give in to McCarthyism."

On September 14 the New York Times also supported the President's expressed intention to veto any bill containing the Mundt-Ferguson proposals. Though it failed to recognize that the Kilgore detention center bill contained some of the same evils, its reasoning is worthy of note:

"THE SENATE ON SUBVERSION

"As it passed the Senate Tuesday evening, the McCarran antisubversive bill is something of a hodgepodge. On the credit side, it now includes as a last-minute addition the Kilgore detention-center bill, which goes to the heart of the Communist problem. And it retains a few useful technical provisions that would strengthen existing security laws. But the fact that the bill embraces some good features does not alter the more important fact that it would impose infringements on the freedom of thought, speech, press, and political association that Americans have always held dear. It is noteworthy that HERBERT H. LEHMAN, of New York, was one of the seven Senators who voted against this measure.

"Of course it is necessary to protect our country from the menace of Communist aggression, whether in the form of Russian imperialism or of internal espionage and sabotage. But it has been and still is our belief that the principal features of the McCarran bill, far from achieving this goal, would interfere with it. Its registration provisions would ensnare Federal authorities in interminable litigation, while the Communist Party itself would be blithely going underground or making its appearance under a succession of aliases. Its prohibitory language is so broadly worded that there would be danger of involving in the toils of the law perfectly loyal citizens of leftist or radical or even merely unpopular views. Its immigration sections give vent to Senator MCCARRAN'S own peculiar version of the know-nothingism that was rejected in this country nearly a century ago. This bill would strike primarily at beliefs; the real danger to our country lies far more in actual or potential espionage or sabotage at the hands of Russian sympathizers who may or may not be members of the Communist Party than in the public expressions of Communist belief, however offensive, mendacious, and contemptible such expressions may be.

"The Kilgore bill, on the other hand, would deal directly with activists at a time of danger. It would afford concrete protection from that which we fear. Mr. Hoover speaks of the existence of some 12,000 dangerous Communists on whom the FBI has its eye. The Kilgore bill would give a legislative basis, replete with constitutional guaranties, for the police action that undoubtedly should be taken against this 'hard core' in an emergency.

"It is obviously too much to hope that the House and Senate will now agree on the Kilgore bill alone. We would like to see them come up with an antisubversive measure that the President can sign; but we hope that he sticks to his announced decision to veto the McCarran bill, and that he will veto anything that looks like it."

OTHER EDITORIAL COMMENT

All of this comment is reaching toward the main point which has been so nearly overlooked in the earlier debate. We talk about the necessity to legislate against acts of subversion, against spies and saboteurs, against those who may strive to overthrow our Government. But we would not have to argue over such a bill. Agreement would be quick and unanimous on any proposal to enact or strengthen existing laws dealing with such activities. Insofar as this bill moves in that direction, I am for it wholeheartedly.

The main sections of this legislation, however, are directed primarily not at criminal acts of any kind. They would punish rather the mere expression of views—the peaceful association of people for legitimate even though possibly unpopular views. The President of the United States was correct when, referring to the Mundt-Ferguson sections of this bill on August 8, he said:

"Legislation is now pending before the Congress which is so broad and vague in its terms as to endanger the freedoms of speech, press, and assembly protected by the first amendment. Some of the proposed measures would, in effect, impose severe penalties for normal political activities on the part of certain groups, including Communists and Communist Party-line followers. This kind of legislation is unnecessary, ineffective, and dangerous.

"It is unnecessary because groups such as the Communists cannot accomplish their evil purposes in this country through normal political activity. They will be repudiated by the people as they have always been.

"It is ineffective because it does not get at the real dangers from the Communists in this country. These dangers come, not from normal political activity, but from espionage, sabotage, and the building up of an organization dedicated to the destruction of our Government by violent means—against all of which we already have laws.

"This kind of proposed legislation is dangerous because, in attempting to proscribe for groups such as the Communists, certain activities that are perfectly proper for everyone else, such legislation would spread a legal dragnet sufficiently broad to permit the prosecution of people who are entirely innocent or merely misguided. As far as the real conspirators against our institutions are concerned, such legislation would merely have the effect of driving them further underground and making it more difficult to reach them. Furthermore, if such legislation were held unconstitutional, as it well might be, it would make martyrs out of our worst enemies and create public sympathy for them.

"Extreme proposals of this type reflect the widespread public concern about communism which most of our people feel today. In some communities, this concern has resulted in the enactment of unnecessary or unconstitutional laws or ordinances designed to suppress subversive activity.

"We must not be swept away by a wave of hysteria."

It is true that these various expressions of viewpoint do not undertake to prove their assertions that the Mundt-Ferguson sections of this bill would stretch a net so wide as to trap all whose views or associations might be strongly disapproved by a politically appointed Board. It would be inappropriate to attempt that fully in editorials or statements. In my minority report, however, dissenting from the approval of the Mundt-Ferguson-Johnson bill, I took the time to analyze the bill section by section primarily from the standpoint of this question—the reach of the bill into the area of speech and association wholly unrelated to spying, sabotage, or any attempts to overthrow our Government.

But the conflict between the Mundt-Ferguson sections of this bill and the fundamentals of our democratic system goes beyond its almost unlimited scope. It permits the brand of "subversive" to be attached to individuals and groups, and their livelihood or existence to be jeopardized or destroyed, without due process of law. Men may be subjected, under these provisions, to public odium and economic blacklisting, reduced to the status of pariahs and second-class citizens, without a judicial trial, and without judicially acceptable proof of guilt beyond a reasonable doubt. This is punishment of the worst kind. Yet less safeguards are provided than for a case involving a few hundred dollars or a minor misdemeanor. This is no technical argument though I believe it has sound technical validity. I address myself to your sense of fair play—to your conscience. Is it not un-American to impose such a punishment by mere administrative process?

But much more is at stake here than the good name and livelihood of individuals. To destroy a voluntary organization of citizens, and make no mistake about it, an order to register would do that, is to jeopardize the most essential pillar of our democratic system.

Voluntary associations of citizens to promote their common views and interests are the only means by which the common people can hope to make their will effective in governmental policy. Men of wealth can purchase the means to disseminate their views widely through the media of mass communication. They are a relative handful. The ordinary citizen has to pool his resources with others through voluntary associations to get his voice heard. To permit the easy destruction of such associations by those in power, whoever they may be, through mere administrative processes, is to vest in government a terrible power, inimical to a vigorous democracy. To do so is to demonstrate that we place a lower value upon the essentials of the democratic process than upon a claim for so many dollars.

This bill contains additional evils of which I must speak. If the Hobbs and Kilgore sections of these bills are enacted we shall be going further down the road to totalitarianism than I have thus far indicated. For under these provisions men—thousands and tens of thousands of them—will be sent to prison or concentration camps, not for what they have done, or even just for what they have thought or said, but because of what someone believes they might do at some indefinite future time. If such a principle be accepted, no man is safe; liberty would rest largely upon the discretion of a few appointed men.

Under the Hobbs sections, aliens ordered deported could be imprisoned or detained for life any place in the world chosen by the Attorney General for only one reason. Not because they had done something for which they had not already been punished. But solely and exclusively because no other place could be found that would give them refuge. Even pending a final determination that the alien was deportable, the Attorney General, in his sole and exclusive discretion, could detain the suspected person without bail. This is not the even justice in which our country has taken pride. This is not the due process of law which the Constitution guarantees to aliens as well as citizens. This is not humane. This does not suggest a due regard for human dignity.

And why is this section, rejected by the Congress during the past 10 years, now to be enacted? Because of fear—fear that the alien might do something in the future if allowed to be at large. That is the impetus for this entire bill—fear—cold unreasoning fear.

The Kilgore detention section is made of the same stuff. It would authorize the detention for the duration of an emergency of indefinite extent any person, citizen or alien, who the Attorney General, or his appointee, might feel "may commit espionage or sabotage." This power of detention is almost without any limitation since the Attorney General need not disclose the evidence on which he bases his conclusion to detain the person; the Attorney General and the Board of Detention Review are "authorized" to consider evidence of the kind referred to in section 109 (h). But these criteria may be disregarded and any other criteria used. Thus there are no real standards to control the exercise of the extraordinary power delegated to the Attorney General.

Without standards and without the requirement to present the evidence on which detention may be based (if the Attorney General thinks disclosure may be "dangerous" to the national safety), the right of review provided is meaningless. The court must sustain a detention order if it is supported "by evidence," which may consist merely of the Attorney General's statement that he has information the source of which he cannot disclose. The person to be detained cannot know from reading the bill what conduct on his part may result in his detention. We here cannot know, so vague is the criterion, whether a hundred, a thousand, or a hundred thousand will be detained.

In no case would it be necessary to prove that any detained person had ever done a wrongful act. Sections 109 (h) (3) and (4) make it clear that mere membership in the Communist Party at any time after January 1, 1949, or something similar to that, could be a sufficient basis for detention. Yet I have not heard that Communists have ever been indicted for sabotage, and our troops have been fighting against a Communist government in Korea for nearly 3 months. I do not think that we have a right to presume guilt or the likelihood of criminal action from mere membership in any organization.

Imprisonment for suspicion cannot be reconciled with our American heritage of freedom and justice. Detention is imprisonment. Imprisonment without overt acts, previously declared in clear language to be criminal, and without proof beyond a reasonable doubt in a court of law, has no place in our country. And I do not believe that the maintenance of our national security can be furthered by the introduction of concentration camps for those whose political views we abhor. That is the totalitarian way—not the American way.

Some of the Senators who voted for this measure recognized these points very clearly during the debate. It might not be amiss to remind them of some of the things they said.

On September 8 the junior Senator from Michigan said:

"Mr. FERGUSON. The difficulty the Senator from Michigan finds in replying to the Senator's question is that he is too familiar with the Constitution of the United States, the heritage of the people of the United States, and the history of the United States to square the internment section of the bill with our traditions. I have gone over the ideals we have as Americans. By properly constituted law we have prohibited a person from taking a step to commit a crime, where one is in position to do it, intending to do it, and is intercepted. That is held to be an attempt to commit a crime. But that is as far as we have ever gone. We have never gone so far as to go down into the recesses of a man's mind, into his thoughts, and say that because he had the thought of committing a crime we were going to make it a crime and were going to mete out punishment—whether it is called imprisonment, detention, or anything else—we just have not gone, that far in the United States.

"We fought the Revolutionary War because we did not believe in the British system, and our forefathers were very careful to provide in the fifth amendment that a citizen should be protected against deprivation of life, liberty or property except by due process of law, and in the sixth amendment that in all criminal prosecutions a man shall have the right of speedy and public trial by a jury of his peers, and the right of counsel and to confront the witnesses against him and summon witnesses in his own behalf. The provision in the concentration camp section of the bill we are discussing is the first of its kind that I have ever seen, and I believe it to be a grievous departure from those basic guaranties of liberty which are in the Constitution.

"I desire to do all I can to help against the Communist or any other subversive element, but I have to square by own conscience with the historical background of the Anglo-Saxons, and particularly with our traditions here in the United States, and with the written Constitution of the United States."

Senator MUNDT also had some very apt remarks to make in sharp criticism of the Kilgore provisions on that same day. He said in part:

"The Attorney General shall have power delegated to him by the President to put fellow citizens, native-born Americans, in concentration camps, according to this language in the substitute.

"Let us look at page 34:

"'The Board may, by one or more of its members, or by such examiners or agents as it may designate, conduct any hearing necessary to its functions in any part of the United States.'

"Mr. President, that creates a swarm of Gestapo agents in this country, a whole swarm of unknown politicians, to travel around the country locking up in concentration camps, without charges and without a trial, anyone whom they may dislike or who, they may think, is contemplating sabotage. Mr. President, I am not exaggerating. Let me quote specifically from the language of the Kilgore substitute bill, so that the next speaker, if he cares to do so, can comment upon it, because he should be more conversant with the bill than am I. I read from page 34, section 109, of the Kilgore-Douglas-Humphrey-Kefauver-Benton substitute which they propose in lieu of the Mundt-Ferguson provisions:

"It should be remembered that one man is the Board, because the definition says:

" 'The Board may, by one or more of its members or by such examiners or agents as it may designate, conduct any hearing necessary to its functions in any part of the United States.'

"So we would have 9, perhaps 90, and, if jobs are really scarce, perhaps 900 or 9,000 Gestapo agents traveling around America—and I quote from their substitute—

" '(1) to review upon petition of any detainee any order of detention issued by the Attorney General.'

"That is his appeal. Some obscure political agent reviews it and says, 'No.' Perhaps by that time they will be saying, in Gestapo language, 'Nein, nein,' or as a Communist agent would say, 'Nyet, nyet.' On the other hand perhaps they may be still American enough just to say, 'No, no.'

"The second thing they can do is—

" '(2) to determine whether there is a reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage.'

"These traveling clairvoyants will hold the hearings and finger carefully the crystal ball to determine whether any man being interrogated might conceivably be thinking about engaging in espionage or sabotage.

"Mr. FERGUSON. That would be thought control.

"Mr. MUNDT. It would be worse than thought control. It would be control by clairvoyants."

On September 11 the distinguished chairman of the Committee on the Judiciary, my friend Senator MCCARRAN, was extremely sharp in his attack on this provision. He said in part:

"This title, Mr. President, is one of the most startling products of legislative draftsmanship which has ever been printed under the sponsorship of a United States Senator. It is a workable blueprint for the establishment of the dictatorship of the proletariat in the United States; but it is not workable under any of the accepted standards of Americanism which include preservation of the fundamental freedoms guaranteed in the Bill of Rights."

I believe that those remarks are as applicable to the detention camp provisions today as they were when they were made.

Let us not lose our heads. We have managed well until now in all times of crisis by adhering to the American tradition of freedom and democracy. Because we did that we were strong. We were victorious in battle. Our country continued to progress, effecting needed changes by the democratic process. Our law-enforcement agencies have always been equal to the task of detecting and prosecuting lawlessness. There is no reason to believe that they are no longer equal to the task.

The supporters of this measure declare they want to expose or confine active members of the Communist Party. But the party will not register. It would be outlawed. The members who could be apprehended would be imprisoned, or perhaps detained. That would not stop their activity. It would only increase the difficulty of keeping their activities under surveillance. The case against outlawry was never better stated than by Gov. Thomas E. Dewey. During the debate with Governor Stassen in 1948, he said in part—

Mr. President, I have already read Governor Dewey's statement in the RECORD, so it will not be necessary to have it placed in the RECORD again.

Insofar as this measure is intended to strengthen existing law applicable to wrongful acts, as distinguished from speech, association, or suspicion, and due process of law is provided for, I favor it. This is true of section 4, except for section 4 (a). With these additions I am convinced that the existing legislation is ample to cope with any real threats to the internal security of our country.

It has always been true that if the prosecuting authorities were given greater leeway to use coercion for instance in securing confessions, or to conduct searches and seizures at will, more crimes could be detected or prevented. Some risks are inherent in a democratic society—in life itself. But we have run these small risks rather than to jeopardize our democratic institutions. I say that the national interest and the dictates of our oath to uphold the Constitution require that we adhere to the American tradition.

This measure would produce a nation only partly free with at least a vast segment living in fear, at the mercy of bureaucrats able almost at will to wreck their lives. And there would be other millions here and elsewhere in the world losing faith in democracy as they watch the spectacle of men ruined or imprisoned because or what they believe or because of what some Government official believed they might do if allowed the liberty guaranteed to all men who commit no crime in a democracy. Thus the validity of our democratic creed would be undermined and in time destroyed.

We would surely do more damage to the structure of our society and our influence in the democratic world by adopting this measure, than the small group of Communists in our country could ever do, working under the constant close surveillance of the FBI. There is still time to turn back. Let us show the world that we are not afraid—that we still have faith in our democratic institutions. Let us defeat this measure.

Mr. LANGER. Mr. President, I hold in my hand a book entitled "The Palmer Raids." One of the chapters of the book is entitled "The Deportation Act." That chapter is short, comprising only 1½ pages of the book. I ask unanimous consent that that chapter, beginning with the heading "The Deportation Act," near the bottom of page 11, and including all of page 12 and the first half of page 13, be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE DEPORTATION ACT

First Congress passed a law: the Deportation Act of October 16, 1918. This act provided for deportation of aliens who are anarchists, that is to say, persons who do not believe in any form of organized government, and of aliens who believe in or advocate the overthrow by force or violence of the United States Government or who are members of any organization that advocates the overthrow of government by force.

Of course, sometimes a law works out peculiarly. Take, for example, the Espionage Act of 1917 and its amendment known as the Sedition Act of 1918. Not one bona fide spy was ever tried or convicted under this law. But 877 citizens were convicted under this law from June 30, 1917, to June 30, 1919, without one proved act of injury to the military services.

Eugene Victor Debs, whom nearly a million voters wanted for President, went to jail under this law. The Socialist Victor L. Berger, of Wisconsin, was excluded from his seat in Congress because of a conviction under this act, a flimsy conviction later reversed by the United States Supreme Court. Under this law the freedom of the press was trampled on, and newspapers like the New York Call and the Milwaukee Leader were barred from the mails.

Now see what happened with this 1918 Deportation Act. Although it was worded against "aliens" and "anarchists," it was brandished at once as a weapon of propaganda against "Reds"—as ever a rather general and loose term. On January 8, 1919, the New York World, headlined on page 1: "Meet 'Red' peril here with a plan to deport aliens."

The subhead ran: "All Bolshevists in America Being Listed by Departments of Labor and Justice."

Next it was used, but not against "Reds" and not against anarchists. It was used against militant trade-unionists and foreign-born workers. On Lincoln's Birthday, 1919, 54 members of the Industrial Workers of the World (IWW) were ordered deported.

But the war had ended. Opposition to such antilabor tactics was growing. For their part the workers had borne the brunt of the war and were not ready to submit tamely when a big business organ announced: "Wartime wages must be liquidated." Having learned the worth of tradeunions, they were not willing to give them up even in the face of a powerful open-shop offensive by the employers. In 1919 more millions of workers went on strike than ever before in our history to win union recognition, to improve their hours and pay. Great struggles occurred in steel and stockyards, in coal, textiles, and clothing, a general strike in Seattle, even a police strike in Boston.

On the employers' side of the fence no holds were barred in resisting every effort of the workingmen to win their legitimate demands. It was the heyday of the blacklist and the paid strikebreaker, of injunctions and antilabor violence. Here the usefulness of the Deportation Act was most clear. It could serve to divide the workers themselves, to raise a fever heat against the foreign-born, to paralyze the most militant.

The Department of Labor was then the authority which had responsibility for deportations. It moved, but it could not move fast enough to satisfy certain interested parties. Something was needed to scare the public, to whip up hysteria.

Something was provided.

Mr. LANGER. Mr. President, I wish to compliment the distinguished junior Senator from New York [Mr. LEHMAN] for the remarks he made in the Senate today. I was particularly impressed with what he said in three paragraphs of his speech. He said:

I say that this legislation will inevitably drive the Communists underground.

Mr. President, I call attention to the fact that that is exactly what Tom Dewey said would happen if we try to outlaw the Communist Party. The mere fact that the sponsors of this measure say it would not outlaw the Communist Party, merely means that the Communists will go underground, rather than register.

The distinguished junior Senator from New York also said in the course of his remarks:

I do not see how this can be contradicted. Real and dangerous Communists simply will not register. True, they will be violating the law. But it will be necessary not only to catch but to convict them of failing to register.

It will have to be proved that they are Communists. It will be necessary to prove in courts of law that these individuals are Communists. That will force the FBI to uncover all its agents and sources of information within the Communist Party. The legal processes will take years. And meanwhile the avowed and open Communists will be thriving on the martyrdom which they love, while the really dangerous subversives will be doing their dangerous and deadly work behind the cover of all the confusion and uproar which the enforcement of this law will bring about.

Mr. President, I call the particular attention of the Senators now in the Senate Chamber to the following statement which the distinguished junior Senator from New York [Mr. LEHMAN] made in the course of his speech to the Senate today:

> And in the process, hundreds of innocent persons will be charged with being Communists because this ill-conceived legislation makes definitions of Communist and Communist fronts which are so broad that they can include almost every liberal in America. It can include labor organizations, church groups, social welfare groups, and even fraternal groups. The innocents will be the only ones to suffer. The real Communists will thrive and multiply.

Mr. President, I refer again to what I said at the beginning of my remarks, namely, that we have had the Senator from New Hampshire [Mr. BRIDGES] rise on the floor of the Senate and claim that the Farmers Union is a Communist-front organization. Any radio organization not now in existence which may later be created will have its operations interfered with. Those who are fighting for many worth-while causes, the rank and file of the people are going to be labeled very promptly, as in the case of the Nonpartisan League of North Dakota, as bolsheviks, free lovers, IWW's, Socialists, and every other thing that could possible be thought of when it comes to name calling.

Mr. President, I may not be in the Senate long, but so long as I am here, no matter how unpopular the cause, I am going to represent the common people. I am going to oppose measures which I know in my heart are dangerous to them and which, in my opinion, are a disgrace to American democracy. Just think of it, Mr. President, concentration camps are being talked of in the United States of America.

I voted for this bill recently in the Senate, perhaps 3 or 4 days ago. I called attention of the Senate to the fact that I waited until all other Senators had voted. I then rose and voted "yea." Why? So that I might move to reconsider the vote. We then decided it was best not to so move, but to wait until the conference report came to the Senate.

I filed minority views in the Judiciary Committee. I am proud of that report. So far as I am concerned, I am perfectly willing to let the future judge whether the vote I am going to cast against this conference report is a vote in behalf of true Americanism, freedom, and true democracy, or whether it is the opposite.

Mr. President, I repeat what I said a moment ago: I never told the truth to serve the hour. Time and again I have cast a vote alone in committee and on the floor of the Senate. The people of my State only demand that a Senator follow his conscience. I am entirely satisfied that when the people of the United States become as familiar with this measure as I am, if it finally becomes law, they will repudiate it, just as they repudiated the alien and sedition laws a half century or so ago.

CONSIDERATION OF CERTAIN BILLS

Mr. GREEN. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of two bills which have been passed by the House and which have come to the Senate, and which the Committee on Rules and Administration unanimously recommended be acted upon now.

Mr. McCARRAN. Can the Senator tell us about how long it will take?

Mr. GREEN. It will only take a few minutes, and it is very desirable to have these bills acted upon. I am perfectly willing to put a 5-minute limitation on the time.

Mr. SALTONSTALL. Reserving the right to object, are these two bills related to the matter of soldier voting?

Mr. GREEN. They are.

Mr. SALTONSTALL. And the need for passing them quickly is that they will be of no avail, unless that is done. Is that correct?

Mr. GREEN. That is correct.

Mr. SALTONSTALL. Is there to be any discussion of them?

Mr. GREEN. No. I see no necessity for any discussion. They have passed the House, and were reported unanimously by the committee.

Mr. SALTONSTALL. Mr. President, I do not want to interfere in any way with the Senator from Nevada and the Senator from Michigan, but, reserving the right to object, I understand that the bills which are now to be submitted by the Senator from Rhode Island concern the right of soldier voting and provide for the distribution of ballots. Is that why the Senator is making the request?

Mr. GREEN. It is.

Mr. McCARRAN. If the two bills will not require more than 5 minutes I am willing to consent that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Rhode Island may proceed.

FACILITATION OF VOTING BY MEMBERS OF THE ARMED FORCES, AND CERTAIN OTHERS—REPORT OF A COMMITTEE

Mr. GREEN. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, the bill (H. R. 9455) to amend the act of September 16, 1942, as amended, so as to facilitate voting by members of the Armed Forces, and certain others, absent from their places of residence, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MUNDT. Reserving the right to object, I simply desire to say, as a member of the Committee on Rules and Administration, we have gone over these bills and have reported them unanimously. I think they should be handled with the greatest of expedition.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

EFFECTIVE METHOD OF DELIVERING APPLICATIONS FOR ABSENTEE BALLOTS TO SERVICEMEN—REPORT OF A COMMITTEE

Mr. GREEN. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, the bill (H. R. 9399) to provide a more effective method of delivering applications for absentee ballots to servicemen and certain other persons, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

The being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF PHILIPPINE PROPERTY ACT OF 1946

Mr. GREEN. Mr. President, the bill (H. R. 8546) to amend the Philippine Property Act of 1946, was reported to the Senate today by the Committee on Foreign Relations. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. McCARRAN. Mr. President, that seems to me to involve something more than was contemplated when we laid aside the pending business. I must object.

The PRESIDING OFFICER. Objection is heard.

CLAIMS FOR DAMAGES TO PORTUGUESE TERRITORY OF MACAO

Mr. GREEN. Mr. President, the bill (H. R. 9484) to authorize the Secretary of the Treasury to effect the settlement of claims for losses and damages inflicted upon the Portuguese territory of Macao by United States Armed Forces during World War II in violation of neutral rights was reported to the Senate today from the Committee on Foreign Relations. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. McCARRAN. I must object to that, because I do not know the scope of it.

The PRESIDING OFFICER. Objection is heard.

RELIEF OF THE PAN AMERICAN UNION

Mr. GREEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 2570 (H. R. 5902) for the relief of the Pan American Union.

The PRESIDING OFFICER. Is there objection?

Mr. McCARRAN. Mr. President, that bill has not gone to the Committee on the Judiciary, where it sounds as though it should have gone. I am not familiar with the bill, but the title indicates that it should have gone to the Committee on the Judiciary.

Mr. GREEN. It was referred to the Committee on Foreign Relations, which unanimously reported it favorably.

Mr. McCARRAN. I must object.

The PRESIDING OFFICER. Objection is heard.

PROTECTION AGAINST UN-AMERICAN AND SUBVERSIVE ACTIVITIES—CONFERENCE REPORT

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes.

Mr. HOLLAND. Mr. President, I had not intended to speak upon this conference report, and I shall speak only briefly. But there are a great many Senators who have supported the measure, now shown by the conference report, and who believe strongly in its efficacy, in its soundness, and in its essential patriotism. I cannot leave unanswered some of the statements which have been made in the arguments against the adoption of the conference report. These arguments have gone so far as to say that fraternal organizations, labor organizations, welfare organizations, religious organizations, and all types of informal organizations existing only for as much as a day, may become guilty, lose their civil rights, be subjected to the difficulties of being convicted as Communist-controlled or Communist-front organizations under the provisions of this act.

Mr. President, I do not think that any of those statements are sound or are supportable for one moment by the wording of the bill.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I shall be glad to yield after I complete this brief statement.

As an illustration of the unsoundness and the looseness, and, I think, the decided carelessness of these charges made, I believe, without any figment of reality or without their being at all provable, is the statement made this afternoon in his able argument by my good friend the junior Senator from Tennessee [Mr. KEFAUVER]. I read that part of his statement which I think shows rather clearly how far those who are opposing this legislation have gone in the hysteria which they have manifested at the imminent passage of fair and forceful legislation on this subject. The charge has been made that there is hysteria on the part of the advocates of this bill. The charge has been made that the advocates of this bill are the ones who are running about in panic because of their fear that something terrible is about to happen to the Nation and have gathered together in this bill some ideas which are wholly un-American and not in accord with our traditions.

Mr. President, I do not believe that to be the case, and I read this statement of the junior Senator from Tennessee as illustrative simply of this type of charge, which I believe to be wholly unsupportable, as to the meaning and the effect of this bill. I am quoting from the Senator from Tennessee:

A group of Senators might join together—

At another place in his remarks he says "for as much as a day"—

And might oppose the Marshall plan.

At another place he said, "might oppose the carrying on of the Korean War."

And in that respect they would be following the Communist line. They would not be deviating from the Communist line one iota in doing so, and the Board would be perfectly within its rights in determining that, although the other three criteria did not fit that organization, yet the fourth criterion did fit it, and the Board would determine the organization to be a Communist-front organization.

Mr. President, to me that is the sheerest nonsense. It is nonsense to say that the Attorney General of the United States would conclude on such a showing that a case existed under this act. It is utter nonsense to conclude that the Board would make a finding on that sort of showing that a Communist-front organization had been disclosed. It is pure nonsense to think that upon review of that evidence by the United States Court of Appeals for the District of Columbia, or by any other circuit court to which the issue may have been referred for review such finding would be upheld on such flimsy, unsatisfactory, and unimportant evidence. Of course, it must not be forgotten that the right of certiorari to the Supreme Court exists above and beyond the procedure to which I have adverted.

Mr. President, in order that the record may be clear on this point I think it would be helpful for us to review what is involved.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I shall be very glad to yield when I have concluded my remarks. I think I should set forth in the RECORD what is involved, as is shown by the bill in the definition of what is a Communist-front organization, and what is established by the bill as the procedure to be followed, so that there can be no question at all that anyone hearing such statements, which I regard as wholly unsound and unsupportable, will be kept from being unduly concerned about this act, which was so carefully worked out.

First, with reference to a Communist-action organization, I think I should say that it is very clear that no one objects to proceeding against Communist organizations as such. Objections have been largely made to the procedure outlined against Communist-front organizations. So the quotations from the act which I shall now put into the RECORD will have to do solely with Communist-front organizations.

First, the definition of a Communist-front organization:

(4) The term "Communist-front organization" means any organization in the United States (other than a Communist-action organization as defined in paragraph (3) of this section) which (A)—

This is the first requirement—

is substantially directed, dominated, or controlled by a Communist-action organization, and—

I read the second requirement, and it is an additional requirement, not an alternative one—

and (B) is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title.

Mr. President, it is crystal clear that in order to be a Communist-front organization an organization must come up to that definition, as must be proven and established under the system of law prevailing in the United States, which would still prevail after this act is enacted. It would have to come up to those standards. First, it must be substantially directed, dominated, or controlled by a Communist-action organization, and, second, it must be primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title.

It is no small thing to charge, it is no easy thing to establish, and it is no small thing to have proven that an organization, as defined in this act, is a Communist-front organization.

Mr. President, I am asking Senators and anyone else in the United States who may be interested: Does such a definition apply to the average church, to the average labor organization, to the average social club, to the average fraternal club, or to a group of Senators supporting a measure which they believe to be in accord with the best interests of the United States? Let us remember that is the definition and that is the state of facts that must be charged and established in order to constitute an organization as a Communist-front organization.

Mr. President, coming to the next point—and I shall not attempt to go into all the procedural matters—section 13 fully prescribes and lays down the proceedings before the Board which must take place, all the way from the time when the Attorney General, having determined in his discretion that a charge should be made, proceeds by making the charge, down to the final order of the Board.

I shall not attempt to cite all the procedure, but I shall read at this time only subsection (d) of section 13, because it has been said this afternoon on the floor of the Senate on more than one occasion that this proceeding departs from the fundamentals of American procedure, that this adopts the procedure of the Communist-dominated countries, that this is, in short, Communist procedure. As I said, I shall not read all the procedural requirements, but I shall read subsection (d) of section 13, so that it may clearly appear in the RECORD how truly American this proceeding is, and how full and complete is the security given to organizations which are charged with being Communist-front organizations. I read:

(d) (1) All hearings conducted under this section shall be public. Each party to such proceeding shall have the right to present its case with the assistance of counsel, to offer oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. An accurate stenographic record shall be taken of the testimony of each witness, and a transcript of such testimony shall be filed in the office of the Board.

Mr. President, if that be Communist procedure, we are practicing Communist procedure in every court of the land. That is the essence of a fair hearing and a fair trial in every trial court in the United States, from the highest to the lowest. That is the basis upon which a trial is held. It is wholly American. It smacks not at all of the closed "star chamber" proceedings to which we have become accustomed from the reports of trials that were held in some of the central European satellite nations in recent years. Full right is provided to have counsel of one's own choice, to offer evidence, to make cross examination, to have a record kept, and to have that record available as a matter of public record. In every respect this method of trial and the whole proceeding lives up completely to the requirement of the Anglo-Saxon system of fair trial and procedure. It can be measured very fairly against procedural requirements in the law courts of any State of this land, or in the Federal courts.

Mr. KERR. Mr. President, will the Senator yield?

Mr. HOLLAND. I shall be glad to yield when I have concluded my address.

Mr. President, I next give my attention to the requirements with respect to the trial of an alleged Communist-front organization. Four things must be considered by the trial board. These are not the only things that may be considered. After all, what is sought to be established is that the organization is a Communist-front organization. I have already read the two essential requirements. Both requirements must be proven and established before a ruling can be successfully made and upheld that an organization has been established to be a Communist-front organization.

I read now the four provisions, which amount to rules of evidence and mandatory directions to the trial board. Four facets of inquiry must be gone into, and not one of them may be ignored. I read subsection (f) of section 13:

(f) In determining whether any organization is a "Communist-front organization", the board shall take into consideration—

The Senate will note: "The board shall take into consideration." It does not say "may take into consideration." It must take into consideration. It must take into consideration four elements:

(1) The extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives of, any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and—

That is the first field of mandatory inquiry.

The second field of mandatory inquiry is—

The extent to which its support, financial or otherwise, is derived from any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

The third mandatory requirement is:

The extent to which its funds, resources, or personnel are used to further or promote the objectives of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2.

And here is the fourth mandatory field of inquiry:

The extent to which the positions taken or advanced by it from time to time on questions of policy do not deviate from those of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2.

Mr. President, I mention these four matters for two reasons, first, to show that all four of them must be investigated; and that such requirement is made mandatory. Second, to call to the attention of the Senate the absurdity of any conclusion that upon merely finding that to some extent the positions taken by any specific organization happen to comply with the Communist program, there may be a finding made and successfully sustained that a Communist-front organization has been discovered and established to be such.

Nothing could be further from the fact, nothing could be more ridiculous, than to attempt to establish such a conclusion from this wording.

Mr. President, there are many men sitting in the Senate who have served as trial judges. Every one of them, I suspect, has had a formula of instructions he has given time after time, over and over again, to trial juries sitting in cases which were being heard in the various courts of the land. I can now hear a trial judge intoning, in his words of wisdom, as he addresses the jury, something like this:

"In passing upon the credibility of all witnesses, the jury may take into consideration the interest that any witness has in the result or outcome of the case, and the demeanor of any witness or witnesses upon the witness stand."

Mr. President, that does not mean that when a man charged with murder has himself appeared on the witness stand, and has adopted a hang-dog expression, the jury is instructed, therefore, to conclude that he is guilty, and that he should be hanged. Quite to the contrary, it merely lays down a group of directions and a set of formulas under which the law has found it safe to operate, and which the trial judge is telling the jury it has a right to use and should regard as sound rules in passing upon the facts of the case, and in meeting together and formulating and returning a verdict.

Mr. President, that is all these four matters are. They are all mandatory fields of inquiry, and no verdict of this Board would be sustainable merely on the ground that, as stated by the Senator from Tennessee, a group of Senators had for as much as a day decided that they should work together to oppose the Marshall plan, and that therefore they should be found to be a Communist-front organization because Communists oppose the Marshall plan. No such ridiculous conclusion as that can be read into this proposed law by any rule of reason or by any standard of interpretation on the statutory law. To the contrary, after they have gotten through measuring the facts and the proof against all four of these matters, and any other fields in which the evidence gives them light, it is the duty of the Board to determine whether or not it has been shown that a Communist-front organization is here and has been established to be such.

In order to make this part of the RECORD complete, I merely wish to reread the two elements which must be established as having been proven in the particular case before any organization charged with being a Communist-front organization may be properly established as being such organization. Those two required elements are these: First, that that organization "is substantially directed, dominated or controlled by a Communist-action organization," and, second, that it "is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title."

Mr. President, I believe it is unnecessary to discuss this matter further, but I think it should be clearly apparent to everyone who wants to look and read that by no perfervid stretch of the imagination, no matter how hysterical—and that word has been used—no matter how full of panic—and that word has been used over and over again as descriptive of those who favor this bill—by no degree of hysteria or panic can anyone who wants to follow the rule of reason read into this sound and salutary measure any provisions which would justify such a conclusion as that which I have heard stated here by no less than four Senators in the course of the debate on the bill, namely, that it is broad enough to cover fraternal organizations, labor organizations, church organizations, social organizations, and all the various other types of organizations in wholly legitimate activities including the meeting of three or four Senators together to oppose the Marshall plan, or to oppose the conduct of the war in Korea.

Mr. LEHMAN. Mr. President——

The PRESIDING OFFICER (Mr. STENNIS in the chair). Does the Senator from Florida yield to the Senator from New York?

Mr. HOLLAND. I yield.

Mr. LEHMAN. The Senator has said there was no reason for concern on the part of the various organizations he has enumerated, labor organizations, fraternal organizations, church organizations, and the like. I have in my files a great number of communications expressing very great concern over this bill.

Let me say that I am afraid that the Senator may not have been present when I made my speech earlier in the day. It seems to me the best witnesses with regard to the feelings of the labor unions are the heads of the two great national labor unions, the American Federation of Labor and the CIO. Certainly no one can speak with greater authority than they, and if the Senator will permit me, I should like to read again what those two men said.

Mr. HOLLAND. Mr. President, I should be perfectly willing to do so, but I think that to conserve time I should

say to the able Senator that I heard his speech in full this afternoon, and heard his quotations.

The PRESIDING OFFICER. The Senator can yield only for a question.

Mr. LEHMAN. May I ask the Senator, then, if he does not think that the testimony of Mr. William Green and Mr. Philip Murray certainly should be given very great weight in the discussion of this matter?

Mr. HOLLAND. I have heard a good bit of concern loudly voiced by the ultraliberal fringe in our Nation. There has been enough of it voiced to cause the people who are not lawyers to have concern. I have found on the part of labor organizations in my own State repeated insistence upon the enactment of this proposed legislation, and repeated insistence upon the fact that we shall not leave our country unprotected in the present situation.

I am bound to say that my conclusion, after hearing read this afternoon the communications from the two able presidents, is that these men have been listening to some of our ultraliberal friends who have in their hysteria developed an abnormal fear that all the precious rights of our American heritage were going to be swept away here by men who, instead, are not swept away by hysteria, but who feel that our Nation's plight is one which deserves our serious consideration, and who do not yield to this babbling of our ultraliberal friends—for in my judgment it is simply that.

Mr. LEHMAN. Because of the fact that I must confine myself to questions, I am rather limited, but I wish to ask the distinguished Senator from Florida whether he thinks that Mr. William Green, of the American Federation of Labor, or Mr. Philip Murray, of the CIO, would be likely to be affected by hysteria, as many other people, candidates for office, or holders of public positions, are affected as a result of the possibility of political retaliation on the part of the electorate who have been misled, and to whom misrepresentations have been made, and who have no understanding of the real facts. Certainly Mr. Green and Mr. Philip Murray are not affected by such things.

So, I would again ask the distinguished Senator whether he does not think that their testimony should be given very great weight. They are not affected by these things. That is perfectly clear.

Mr. HOLLAND. Mr. President, the view of the Senator from Florida is that the two able gentlemen whom the Senator has mentioned have been swept off their feet to some degree by the hysterical charges which have been aimed by testimony and by public utterances from ultraliberal people against the bill we are considering, and they are fearful because of their having been told that their rights will in some way be jeopardized.

I defy any person, here or elsewhere, to show how any legitimate labor organization, any legitimate religious organization, or fraternal organization, social organization, or any other of the kinds we have been talking about, can, even remotely, be harmed by the bill.

If perchance there be some organizations which have practiced and are now practicing the kinds of misconduct described in the standard set up as a description for a Communist-front organization, then indeed there is room for their concern. But the Senator from Florida believes that there is no great concern in the minds of the Members of the Senate, certainly there is none in his mind, and, he believes, none in the mind of the Senator from New York, about the apprehension of those organizations who themselves have transgressed, and who, having transgressed, realize that there is a very good chance that they are going to be haled before the bar of public opinion for what they are, namely, Communist-front organizations, respectable cloaks for the hard core of communism.

The Senator from Florida, in short, has not been able to feel that the hysteria is on his side of the fence. He has been very strongly persuaded that it has been present, first, in the minds of those who know they are going to be affected by the bill; second, in the minds of those good people who, nevertheless, are ultraliberal, and who fear that in everything which is new and everything which proposes to meet a new problem by forceful methods, there is something which is going to undermine the American principles of liberty and freedom.

Mr. LEHMAN. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. LEHMAN. I am sure the Senator in his characterizations does not include among all those who have some reason to hide behind the cloak of so-called hysteria for their opposition to the bill the President of the American Federation of Labor, the President of the CIO, or the junior Senator from New York, all of whom, I may say, have fought Communism just as forcefully as any Member of the Senate, and all of whom for a great many years, have abhored communism with all the force of their hearts and souls and minds and bodies, and who are deeply interested in taking measures to curb and stamp out communism, but at the same time are desirous of protecting the liberties and the rights of the people of the United States, liberties and rights which are a birthright, and which we cannot possibly dare to neglect.

The PRESIDING OFFICER. The Chair will have to rule that the Senator from Florida cannot yield for anything but a question.

Mr. LEHMAN. My question was a long one, Mr. President.

Mr. HOLLAND. Let me say first, in response to the Senator from New York that my respect for him is unbounded. I know he gave a son in the last war. I know something of the patriotic service he has rendered not only to his State but to his Nation, and, I think, to the world, in the handling of UNRRA and in other regards. Not for a great deal would the Senator from Florida have the Senator from New York think that anything he has said reflects upon the Senator from New York.

As to the two heads of the great labor organizations, the Senator from Florida will simply repeat briefly what he has already said. He thinks those two fine gentlemen are being swept away by the hysterical charges and countercharges and the frantic utterances and claims and counterclaims of numerous ultraliberals who, from one end of the Nation to the other, are holding up their hands in horror and saying, "We must not do a thing until after war is declared." I call to the attention of the Senate the fact that even here upon the floor of the Senate there were those who felt that there was no problem until we were actually in war; that there was no problem until the house was actually burning; and that therefore they proposed as a complete substitute for this measure, which affords immediate treatment of this problem, a so-called substitute the operation of which was to begin at the time of war or imminent declaration of war.

Mr. KERR. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. KERR. Does the Senator find anything in the bill which in any wise restricts freedom of thought or freedom of speech?

Mr. HOLLAND. The Senator from Florida does not think that freedom of thought and freedom of speech are in the slightest diminished by this measure.

Mr. KERR. Nor even remotely touched?

Mr. HOLLAND. The test of a Communist-front organization, which is the softest organization, described under the bill, is twofold, and the Senator from Florida has placed that test in his remarks and in the RECORD. He reads it again. This is the softest, the weakest kind of an organization which can be proceeded against under the bill. Understand, members of such an organization do not fall in the category of members of the Communist-action organizations. This is a weapon against the organization as such, and here are the definitions.

First. That it must be "substantially directed, dominated, or controlled by Communist-action organizations." Now if there is a church which is so controlled, which I gravely doubt, let us find it out. And on top of that, second, "It must be primarily operated for the purpose of giving aid and support to a Communist-action organization, to a Communist foreign government, or to the world Communist movement referred to in section 2 of this title."

In response to the Senator from Oklahoma, the Senator from Florida would say that that, being the weakest definition of the softest organization——

Mr. KERR. Would the Senator use the word "minimum"?

Mr. HOLLAND. "Minimum" is a good word. The minimum requirement of any organization to be adversely affected by the bill.

Mr. KERR. In other words, unless there is at least that much shown.

Mr. HOLLAND. Yes, and even then the members of that organization would not be adversely affected except by the public's knowing perhaps in some cases of their membership. But the organization as such would be brought into the open, if it fulfilled the tests and was shown to fulfill them by the evidence in the case as to which there is this full procedural right to review it, just as

much so as there is in the most serious criminal case known to our law. It seems to me that it is hard to say that there is thought control or control of freedom of speech when those are the minimum tests under which hostile action can be taken under the provisions of this bill, and then only to bring into the open an organization and show what it is, a cloak of respectability around the shoulders of the hard core of communism.

Mr. KERR. And in any event, upon any adverse finding by the board, the right of appeal is given in broad language either to the organization or to any individual member.

Mr. HOLLAND. The Senator is correct. The Senator from Florida has read into the RECORD only the procedure up to the time of the hearing by the board. But he thinks he should say for the RECORD that the bill does provide full and complete right of judicial review which the Senator will find in section 14, primarily addressed to the United States Court of Appeals for the District of Columbia, but it may be assigned by that court to another circuit court of appeals.

Mr. KERR. To the circuit court of the residence of the accused?

Mr. HOLLAND. Either one. It comes in the first instance to the United States Circuit Court of Appeals for the District of Columbia. If there be a large number of such cases or if there be other good reasons, such as serving the convenience of the people affected, the court here can, for reasons sufficient to itself, farm out the cases to the other circuit courts of appeal. And then after that is done, the bill is very careful to make it very clear that there is no surrender of any right in any other case of going to the Supreme Court of the United States.

Mr. KERR. Mr. President, I call the Senator's attention to the language on page 17, under which, if I correctly understand it, if the case is transferred it must be transferred to the circuit court of the residence of the organization or the individual accused.

Mr. HOLLAND. That is correct. It cannot of course be transferred to a remote circuit court of appeals.

Mr. KERR. And then following that appeal, if the ruling is adverse, the right of certiorari to the Supreme Court is specifically granted.

Mr. HOLLAND. If it is not granted, it is preserved very carefully so that there cannot be any question of its continuance as an existing remedy. I hardly need to remind the able Senator, himself an able attorney, that that is the ultimate right in any other case, no matter how serious. If a man's whole fortune is bound up in it, if his life is bound up in it, if his life and his whole fortune are bound up in it, the same course is available under our law. And by this bill he is given those same rights. There is preserved every single procedural right which is found within our law.

Mr. KERR. Is it not a fact that the Senator finds that even some rights may be enlarged a little?

Mr. HOLLAND. Without question, that is the case.

Mr. MUNDT. Mr. President, will the Senator yield merely for the purpose of underscoring and emphasizing the points the Senator has so vividly brought out, and what he has so euphoniously referred to, I believe, as the minimal operational formula of the bill, which is certainly one that deals with the Communist-front organizations? In that case individuals are not touched at all; individuals do not have to register; there are no curtailments against individuals. In that case it deals only with organizations and the officers thereof.

Mr. HOLLAND. Mr. President, I thank the Senators.

In closing I simply want to repeat, as I have already said, that it seems to me there has been enough of this charge of hysteria on the part of the advocates of the measure. I put down these words while one Senator was debating, as a partial symposium of the various complimentary references made by him to those who for reasons which they regard as patriotic and as soundly so, are supporting the bill. He spoke of the hysteria which dominates the proponents of the bill. He spoke of the panic which has the advocates of the bill in full rout. He spoke of the palsied Members of the Senate—I believe he was quoting when using those words, but those were the words—"palsied Members of the Senate" who found it possible to support this measure. He used various other words of that kind indicating that those who support the bill are supporting it not because they believe it is right, not because they believe it is just, not because they believe our country needs it, but for some entirely unsound, chimerical reason which has swept them off their feet and has completely unseated their power of logic.

Mr. President, so far from that being the case, I think the RECORD should show that this measure is the product of more than 2 years of the hardest kind of work, that it is the product of bipartisan effort. The Senator from Florida spoke today, just after the senior Senator from Nevada presented the conference report, of the fact that this measure is bipartisan, in that the Senator from Nevada [Mr. MCCARRAN], and the Senator from South Carolina [Mr. JOHNSTON] happens to have been particularly actively associated with this measure, as Senators on their side of the aisle; and the Senator from South Dakota [Mr. MUNDT] and the Senator from Michigan [Mr. FERGUSON] were particularly actively associated with the measure, as Senators on the other side of the aisle. The Senator's comment could go much further, because a great many other Senators have played very active parts in the development of this measure. Senators who were not members of the committee have studied this measure eagerly and earnestly.

Let no one think that we have been unmindful of the fact that loose and hysterical and panic-stricken cries have been going up, sometimes from persons who would be hit by the operation of the bill, sometimes from persons who simply have that trend of mind and seem to believe that our heritage of rights and part of our glorious freedom are being swept away by this measure. We have gone into this matter carefully.

If the record of the consideration of this measure is read carefully, Senators will see that numerous Members of the Senate, not serving on the committee concerned with this measure, have taken an active part in its consideration, offering amendments which now make clearer and better certain portions of this measure, as it has come out of the conference committee, and as it now, I hope, is about to be enacted into law. The Senator from Louisiana [Mr. ELLENDER], whom I now see in the Chamber, is one to whom that description applies. The Senator from Wisconsin [Mr. WILEY] is another. Various other Senators, whom I now see in the Senate Chamber, have taken similar parts. The Senator from Florida has had a small part in the work.

This measure represents the collective, patriotic thinking of men who believe our country needs some such measure enacted into law; who do not believe that this measure is perfect at all, but who do know that they have put tremendous study into it, in the effort to make it constitutional and in the effort to meet a positive and mandatory need which exists in our Nation today, and to which our people cannot longer be blind.

Mr. WILEY. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. WILEY. Is not the Senator aware of the fact that in the Eightieth Congress the Mundt-Nixon bill was passed by the House of Representatives and came to the Senate; that at that time I was privileged to be chairman of the Senate Committee on the Judiciary, and in that committee we held extensive hearings in regard to what we may say are the fundamentals of the portion of this measure known as the Mundt-Nixon bill? Those hearings were extensive. Witnesses appeared, evidence was taken, and some of the best lawyers of the country testified. The Senator from Michigan [Mr. FERGUSON] and other Senators worked on that measure with the committee in the Eightieth Congress. There was not any particular fear, nor was there any hysteria. There was the thought that we were facing a situation which has gradually developed into a serious condition, for which we seek to find a remedy. I can assure the Senator that there was no hysteria then, nor is there any now.

I am sure the Senator from Florida is aware of that fact; is he not?

Mr. HOLLAND. Indeed I am aware of that fact; and I have been tremendously impressed by the deliberate, thoughtful, patriotic way in which the committees which have been charged with working on this bill have gone about drafting a good one. I believe it is a good one, and I believe we would be exceedingly derelict in our duty if we did not do our level best to pass it and make it operative immediately.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question.

Mr. WATKINS. Can the Senator from Florida inform us again of the number of organizations which have studied the bill and, in substance, have

endorsed the various sections or provisions of the bill?

Mr. HOLLAND. I am not able to do so, but I am very glad the Senator has asked the question.

A while ago I noticed that, in the course of his able remarks, the senior Senator from North Dakota [Mr. LANGER] mentioned one statement which he had inserted in the RECORD, and I understood him to describe it as a statement coming from the Methodist Church. Mr. President, I happen to be a Methodist, and there are a number of other Members of this body who support this bill and who are Methodists. I have heard from many Methodist preachers and some Methodist bishops who support this bill. I believe that anyone who assumes to speak for the Methodist Church in opposition to this measure is assuming a right which he does not have, because I do not believe he speaks or can speak for more than an infinitesimally small fraction of that faith or, for that matter, for any substantial portion of any other of the good, religious groups in this Nation.

It is characteristic of the looseness with which this measure has been opposed, that it is charged that the Methodist Church takes a position against this measure, and that the American Federation of Labor takes a position against this measure, whereas, Mr. President, if my files indicate anything, they indicate that most of the Methodists who have written to me are strongly in favor of this measure; that most of the members of the labor organizations—both the American Federation of Labor and the CIO—who have written to me are strongly in favor of this measure; and that most of the members of the Railroad Brotherhoods who have written to me are strongly in favor of this measure.

I do not believe there is any great denomination or any great group in the United States which does not believe that this Nation has need for the enactment of this measure now, and does not hope that this measure will be enacted and will become effective at the earliest possible moment. I strongly hope and firmly believe that the conference report will be adopted.

Mr. FERGUSON. Mr. President, I wish to thank the junior Senator from Florida [Mr. HOLLAND] for his remarks on this measure, and for his contributions to a more perfect understanding of it.

I was of the opinion that there would be very little debate on this conference report. When the chairman of the committee, the distinguished senior Senator from Nevada [Mr. MCCARRAN], made the conference report the order of business I assumed that it would be agreed to immediately, in view of the exhaustive debate on this legislation which we so recently concluded.

However, that has not been the case. On the contrary, repeated charges have been made this evening, on this floor, with respect to the conference report and this measure.

The junior Senator from Florida [Mr. HOLLAND] has again distinguished himself this evening by analyzing a few of those charges. I know that all the members of the committee of conference—the junior Senator from Michigan being one of them—wish to thank the Senator from Florida for the service he has rendered here tonight on the floor of the Senate in analyzing some of the things which have been said in opposition to this measure.

Mr. President, I do not know of a piece of legislation with regard to which generalities have been so freely and so loosely used as in the attempts to defeat the present measure. Very frankly, the authors and sponsors of the bill have felt handicapped, in their debates, by the need to meet such ambiguities and generalities. We have earnestly sought to keep the debate in the channels of specific analysis, but constantly we have been met by generalities.

I wish to pay tribute again to the distinguished chairman of our committee, who has rendered great service not only to his own State but to the United States and to the world by the work he has done in regard to this measure. When he took the floor this evening to explain the conference report, he pointed out clearly and concisely the provisions contained in the report. Nowhere have the criticisms of this measure which have been made tonight and previously pointed to the sections of the conference report as a basis for the allegations which have been made against it.

When the junior Senator from New York [Mr. LEHMAN], in speaking here on this subject the other day, said that this measure would proscribe labor unions, churches, and similar groups, the Senator from Michigan said that was not a fact. Again tonight I state that there is not a word or a provision in the conference report from which an inference can be drawn that such a charge is true. I think it is time that this charge should be laid at rest, and I again make this positive statement, so that it will be a part of the record.

Tonight we have also heard the statement made that Thomas E. Dewey, of New York, was opposed to this measure. The apparent basis of this statement is the fact that in 1948 Governor Dewey expressed himself as being opposed to the outlawing of the Communist Party. Mr. President, I say to the Members of the Senate and for the permanent record that there is not a word in this measure which will outlaw the Communist Party.

It has also been stated here that there is no distinction between outlawing the Communist Party and requiring registration by the members of the Communist Party, which is a central purpose of the pending measure. I say to those who believe that, and who have so stated that opinion on this floor, that such is not a fact. When the Congress required lobbyists to register, did that requirement result in outlawing lobbying? No, Mr. President, and neither does the pending bill outlaw the Communist Party.

It is said that if this measure is enacted, we shall have taken away from the President and the Congress the right to put the treason statute into effect.

Mr. President, I hope that when members of the bar, men who have spent their lives as lawyers, are moved to make statements of that sort, they will first reread the Constitution. Certainly they should do so. If they will read the annotated Constitution, they will see one or two sentences there which make clear that since treason is a constitutional crime Congress has nothing to do with that offense except to provide for the punishment of treason. Yet some of the statements which have been made would appear as an attempt to state that we are seeking to suspend the treason laws of this land, by this legislation.

Mr. President, let me read one of the provisions of the Constitution:

> SEC. 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Mr. President, in the annotated edition of the Constitution of the United States, following section 3, there is a citation as follows:

> The definition of treason by the Constitution itself prohibits Congress from making any other acts of the citizen than those specified treason.[1] No other acts than those defined in the Constitution can be declared to constitute the offense. Congress can neither extend, nor restrict, nor define the crime. Its power over the subject is limited to prescribing the punishment.[2]

At that point there are footnotes reading as follows:

> [1] Charge to Grand Jury (30 Fed. Cas. No. 18271 (1861)).
> [2] *United States* v. *Greathouse* (26 Fed. Cas. 15254 (1863)).

Mr. President, the RECORD should be straight. I do not wish to take the time of the Senate to answer each and every one of the charges which have been leveled against this measure. The fact that I do not do so, however, is not to be construed as meaning that I do not challenge them, nor as an admission that I believe them well-founded in any degree, when laid alongside the actual language and provisions of the conference report.

I believe as a matter of fact that we have heard each of these charges and arguments before. I believe they have been thoroughly refuted on this floor. I refer to the speeches which were made previously by me and by the distinguished leader of the Judiciary Committee, the senior Senator from Nevada [Mr. MCCARRAN], and by the junior Senator from South Dakota [Mr. MUNDT].

Tonight we have heard a further and a brilliant refutation by the distinguished junior Senator from Florida [Mr. HOLLAND], and again I wish to express my appreciation and endorsement of the remarks he has made on this subject.

Mr. President, this measure has had the benefit of the thinking of many great lawyers on this subject. We drew heavily on the advice and opinion of great legal minds in framing this bill. We had further consultation with some of our leading constitutioual authorities in the course of the conference. Now, let me read what happened at the American

Bar Association meeting in Washington just today, at which were convened approximately 4,000 members of the American bar. The press report of today's meeting reads in part as follows:

The assembly of the American Bar Association this afternoon approved a resolution calling upon President Truman to sign the McCarran anti-Communist bill now pending in the Senate. The house of delegates of the bar association is expected to consider a similar resolution tomorrow.

Mr. President, it should be realized that this legislation is in essence a legal matter. But it also should be realized that those who have spent their lives in the law are very jealous of the rights of the people. I would say that there are none who are more jealous of those rights. It is very significant, then, when members of the legal profession express themselves on this subject.

I want to add that I was privileged to sit as a member of the conference that reported this bill, and I can say that I have never sat in a conference where the members spent more time or took more care upon every word of a bill than they did upon this.

I want to pay tribute tonight to the distinguished junior Senator from Maryland [Mr. O'CONOR] for his conscientious efforts in the conference committee, and for his work upon the floor, in relation to this bill. He has been a distinguished governor, he has been a distinguished member of the bar for many years. By his efforts in connection with this legislation I feel that he has added to his distinctions.

Also, I want to pay my respects to the senior Senator from Wisconsin [Mr. WILEY], who, I am proud to say, started out many years ago by attending the University of Michigan, and returned to his native State to become a prosecuting attorney. As ranking minority member and former chairman of the Judiciary Committee of the United States Senate, he, too, is a distinguished student of the law and a respector of its principles. He, likewise, has given his full time and attention to this legislation from its initial hearings in the Senate through the final conference.

With the distinguished chairman of the Judiciary Committee, to whom I have paid sincere tribute on many occasions during the course of debate on this legislation, these Senators are typical of the legal minds who have given their time and thought to this bill. The results of their deliberations now bear the fitting endorsement of the great legal profession of this country.

It is with the deliberations of such men behind us that I can state on the Senate floor, to the Senators here and to the public and for the record of history, that this bill does not control or attempt to control thought; that it does not violate any of the constitutional guaranties of free speech, free press, or free assembly.

Those are the charges that have been made against this legislation. Those charges have not been particularized or, if they have, they have been refuted individually. I stand now as one who has lived his adult life with the law, and as one who is devoted to every principle of American law, and deny such charges in general.

Mr. WATKINS. Mr. President, will the Senator yield for a question?

Mr. FERGUSON. I yield.

Mr. WATKINS. Is it not true that most of the members of the Federal judiciary and also of the State courts of the United States are members of the American Bar Association?

Mr. FERGUSON. I do not know the exact membership of the American Bar Association nor the number of judges who are among its members, but I think that would be a fair statement.

Mr. President, I do not think this conference report requires further discussion on my part. As I have stated, I could outline each one of these issues and charges which have been brought up here, about what this legislation would do, and what it would not do. I merely want to say that, for those who are interested, they may follow the debates and hearings, as previously recorded, and they may look at the reports of the Judiciary Committee and of the conference committee which have been filed. In so doing, they will find that this is sound legislation.

In the conference report, for instance, students will note the manner in which title II, which was the Kilgore substitute bill in its original form, has been revised. I would call those revisions to the particular attention of those who sponsored the substitute originally, and who have been expressing their opposition to the present measure.

The so-called substitute adopted as an amendment to the McCarran bill, would have placed in concentration camps any person who conceivably might commit an act of espionage or sabotage. The language used was "persons who may commit," and so on. I know many Senators were greatly distressed by those words.

The conferees likewise were disturbed by that language. After consultation with outstanding constitutional lawyers the conference committee was careful to change the "may" to the words "probably will" engage in espionage or sabotage.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MAGNUSON. When the Senator refers to the substitute bill, he refers, I assume, to the amendment which was introduced.

Mr. FERGUSON. That is correct.

Mr. MAGNUSON. He does not refer to the substitute which was introduced in committee, does he?

Mr. FERGUSON. No. The distinguished Senator is correct, and I am glad he corrected me on that, so the RECORD will be clear. I have referred to what is known as the Kilgore substitute.

Mr. President, the conferees retained in the bill a provision which the junior Senator from Michigan introduced on the floor and which he was very anxious to have kept. It was described as surplusage by the distinguished majority leader when it was introduced and accepted, but to the contrary it is a very vital and meaningful part of this legislation. I refer to the provision which states specifically that we do not suspend or authorize suspension of the writ of habeas corpus in this legislation, so that the people would preserve their rights. This is a vital provision because Congress may suspend that privilege under certain conditions, or delegate authority for its suspension. I wanted, and the conferees agreed, no such inference to be drawn from this bill.

We also provided in no uncertain words that the basis for detention under title II was not a crime, and the statute was not intended as a punishment for a crime. Accordingly, we said that those to be detained could not be imprisoned at hard labor, or any other kind of labor except as required by their own health and welfare, and that they could not be confined with those who were confined for criminal activities.

Mr. President, this is a carefully drawn bill in its entirety. It is a bill which will do the job it is intended to do, if those who are to administer it have the will to do that job here in America.

Mr. MUNDT. Mr. President, I shall not detain the Senate long before we vote. As a matter of fact, I had not intended to speak at all on the pending conference report since I have so often discussed this measure in this Congress but I feel, as does the Senator from Michigan, that some of the statements which were made this evening and this afternoon should not go into the RECORD unchallenged, because they will comprise a part of the permanent record on which judges and and students will base their reflections and decisions in the years to come.

I should like first of all to extend my congratulations to the conference committee of the Senate and House, which has done a splendid job, an extraordinary good job, it seems to me, in bringing about a meeting of minds on the various points of view which have existed in the Congress as how best to deal with the current menace of communism. They have brought together into one very workable and logical bill, based on sound constitutional ground, a difference in point of view which existed on the Senate floor, and they have brought together the points of view of the Senate and House.

I think that the distinguished Democratic Representative from Pennsylvania, Representative FRANCIS E. WALTER, was correct when he said recently that in his long experience in the House of Representatives no single bill has had as long or as careful consideration as the particular Communist-control measure on which we are about to vote, from the standpoint of its approval as it comes from the conference committee. It has been studied, analyzed, discussed, and refined ever since the original version of this legislation was introduced by me as H. R. 4422 on July 26, 1947.

I congratulate the conference committee on an exceedingly well done job, and I, too, want to associate myself with the splendid analysis made by the junior Senator from Florida [Mr. HOLLAND] this evening. It seems to me he has taken up the points as they were presented by the spokesmen representing

a conflicting point of view, the junior Senator from New York and the junior Senator from Tennessee, and has pointed out item by item, and point by point, that their worries, their objections, their arguments are not founded upon the actual letter of the legislation as it comes to us from the conference committee, which completely safeguards against the things they fear.

I have said over and over and over again not only on the floor of the Senate but often on radio platforms and public platforms that if anyone can find one single word or phrase or paragraph of this legislation which strikes at freedom of speech or freedom of thought or freedom of assembly or freedom of the press, I shall be the first to move to repeal it, and I think I at one time said on this floor I would eat all the bills which had been produced by the Government Printing Office which contained it. I can assure Senators such repressions are simply not in this bill.

There are panicky people and excitable people and hysterical people who feel that they must be there, some place, and they look around and hunt for them, but they simply are not any place in the legislation. I think critics of that type arrive at those problems and those concerns much as the junior Senator from Tennessee [Mr. KEFAUVER] must have arrived at his worries when he was discussing the legislation with us here late this afternoon and early this evening, because he said he was disturbed by section 4 (a), and he said that he thought section 4 (a) was written so that any act might be construed to be a substantial act, and that consequently it might bring almost any individual into conflict with the law. I beg of the junior Senator from Tennessee to read the whole sentence, not merely to snatch up different phrases, not merely to pick up isolated clauses of a single sentence.

If we read the entire sentence, it will be found that it is certainly as clear as the path to the country schoolhouse, that this act in section 4 (a) has to be an act which is engaged in by conspiratorial efforts, an act which will substantially contribute to the destruction of freedom in America and which is designed to deliver this country to a totalitarian power dominated from abroad. It has to be that kind of act. That is why I associated myself with the junior Senator from Tennessee in trying to bring ease to his mind, and, I hope, support to the bill, by adding the language, that the introduction of a constitutional amendment could not be considered, by any remote circumstance, to be that kind of act.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. MUNDT. I yield.

Mr. LONG. I am in substantial agreement with the Senator's argument, but I wonder whether he would give us some idea, in order to clarify this point, as to what type of act he has in mind, which would substantially contribute to delivering this country to a totalitarian power.

Mr. MUNDT. They would have to be acts which would have to be such that one specific case could not possibly provide a pattern. I can conceive, however, how a group of individuals meeting in a conspiratorial basement some place in the middle of the night for the purpose of setting in motion a clandestine effort to take over the White House in the form of a coup d'etat, who were motivated by the instructions which they received from some Communists coming down here from New York, affiliated with the international Communist apparatus, would certainly be that kind of substantial evidence. That is merely one illustration. There could be other kinds of acts which would run into conflict with section 4 (A). I hope it will be reassuring to the Senator from Tennessee and to others to quote from what I consider a rather significant statement, because it is one of those offhand statements in which men are usually inclined best to tell the truth. An inquiring reporter from the Times-Herald, roaming around in Washington at the time of the American Bar Association convention—which is now taking place in Washington—asked a number of distinguished lawyers and individuals this question:

What curbs should be placed on Communists at this time?

I want to quote the answer given by William A. Schnader, of Philadelphia, Pa. He is former attorney general of Pennsylvania. He said:

I'm for registering them and following proposals of the Mundt-Ferguson bill, which is fully constitutional. It was my duty to examine the validity of this bill as chairman of the American Bar Association Committee on the Bill of Rights. The bar association confirmed our conclusion that the bill would be sustained if Congress passed it.

May I say for further consolation and reassurance to the junior Senator from Tennessee, for whom I have a profound affection, having fought, bled, and died with him on many occasions in the House of Representatives, and continuing our contest here in these dignified surroundings, that at the present session of the American Bar Association a committee of 12 lawyers has been studying this specific legislation for several days. I have been keeping them supplied with copies of the conference report literally before the ink was dry, sending them down by hand. I sent the last 12 copies of them down last night. I sent them to the chairman of the committee, who, I may say, is a distinguished citizen of the Senator's home State, with whom he and I served as Representatives. He is Walter Chandler, who for a long time has been the distinguished mayor of the city of Memphis. He is the chairman of the bar association committee. The committee reported to the assembly unanimously today that they not only felt this conference report legislation was constitutional, but they urged Congress to approve it and the President to sign it. So the Senator from Tennessee will find some assurance and support from people in his own State, who feel that this is a constitutionally sound approach to curb a very serious internal and international menace.

Mr. KEFAUVER. Mr. President, I understood that the proceedings of a conference committee were secret. At least in the beginning it was impossible to get a copy of the report. I wonder whether the Senator would come under the provisions of section 4 (b) for divulging confidential information without authority of the President or a duly established department.

Mr. MUNDT. I can say that the junior Senator from South Dakota has no fear whatsoever that he will fall within the purview of this bill. However, I believe this latest suggestion is a much more reasonable possibility than some of the other strained possibilities which were raised by the junior Senator from Tennessee earlier today. Naturally I waited until the full conference reports were available. I did not send them partial reports before the conclusions of our committee were available.

Mr. KEFAUVER. I understood the Senator to say that he sent them before the ink was dry.

Mr. MUNDT. That's right, before the ink was dry I sent them.

Mr. KEFAUVER. I understood the Senator to say that he sent them before the ink was dry and that he sent them page by page.

Mr. MUNDT. I did not say I sent them page by page. I said before the ink was dry.

Mr. KEFAUVER. Were they released to the public before the ink was dry?

Mr. MUNDT. I presume so, because I am one of the public.

Mr. KEFAUVER. It was not possible for the Senate to get copies before the ink was dry. I was unable to get one.

Mr. MUNDT. I think it was. If the Senator had shown the same diligence as the junior Senator from South Dakota he could have received as many copies as I did. Perhaps even more, because the Senator is a member of the Judiciary Committee. I had to kibitz around the corner and operate through keyholes.

Mr. KEFAUVER. I want to say to the distinguished Senator from South Dakota that I do not think it should be necessary to kibitz to get copies of a conference report. I was not able to get one until around noon today. That is one of the distressing things about this confidential information. I was at the Department of Justice late this afternoon. They told me, for instance, that they mark things confidential that a third or fourth assistant can read, which the President in the White House also marks confidential. We have some material marked confidential by the President which a third or fourth assistant from the top also marks confidential.

Mr. MUNDT. I am not sure of the pertinence of the Senator's question. I do not think it has anything to do with the colloquy now in progress. So far as marking matters confidential, under this legislation it must be done by the President or someone authorized by him to do it. I do not want to get into all of these details. However, I do want to say again categorically that there is nothing in this legislation anywhere that even remotely curtails freedom of press, freedom of speech, freedom of assembly, freedom of the use of the ballot, or any of the other freedoms guaranteed to loyal

American citizens. The only curtailment to be found in the bill is that a man who is found to be a Communist is denied the freedom of holding a Federal job, if it is an appointive job; he is denied freedom of espionage; and freedom to get a passport to travel abroad.

He can still exercise the freedom of trying to get elected. However, it must be done in the open. What we do actually in this legislation is make Communists operate in the open. They must either operate in the open or go to jail. They must register. May I say in justice to the Senators who originally introduced what we call the concentration-camp features of the bill or the detention features of the bill, which I thought and still think were too severe and were unconstitutional under their first form, as they now appear in the conference report, I believe they provide a salutary addendum to the bill. I think they are worth while. As I envision the way the bill would now operate, it would enable loyal Americans to ferret out Communists in their own midst, to protect themselves against propaganda, and enable them to reject and repel front organizations. It would enable them to protect their schools, churches, and other organizations against Communist infiltration. It would permit Americans to meet them in the open market place, where they try to grapple for the minds of men, because we would know Communists for what they are. If things get so tough that war breaks out or an invasion or insurrection ensues, and there is not time for good loyal Americans to expose and defeat Communists by these devices, the detention features come into play, and the Communists can be locked up and held in custody. I think strung together these features make up a splendid piece of legislation to safeguard our internal security in times of either peace or war.

Mr. President, the effect of this legislation is already becoming felt. While the Senator from Michigan [Mr. FERGUSON] was tearing a dispatch off one news ticker, I was tearing another one off the companion ticker. I have before me an Associated Press dispatch from New York reading:

NEW YORK.—Communist leaders urged party members at a poorly attended Madison Square Garden peace rally last night to defy the Communist Registration Act if it becomes law.

Mr. President, I have read every issue of the Communist Daily Worker very carefully for the last 90 days, especially since we got the 70-to-7 vote in favor of this legislation. I have read great, long, wordy editorials, great big three-quarter page ads about the big peace rally in Madison Square Garden for the purpose of getting the President to veto the bill and urging the left-wing organizations to wire the White House demanding a veto. They sent 41 persons down recently to get an interview with the President. They have sent petitions urging a Presidential veto. The Communists have been working day and night. This was to be the big hip-a-doo, a last big demonstration that the left-wing Americans in New York did not want this bill to pass. So I like that phrase "poorly attended rally." I read on:

The 10,000 Communists and sympathizers who filled little more than half the Garden—

Little more than half the Garden was filled. That is still half too much—

cheered wildly as four—

Not 10,000—

as four of the party's national committeemen vowed they would ignore the provisions of the McCarran-Mundt-Kilgore bill now near passage in Congress.

So the Communists in New York defy America. They tell Congress, the White House, and the Attorney General, "We are going to defy the law." The four of them are going to go to jail, where law violators ought to go, Communists or not. The article goes on:

The rally, which marked the thirty-first anniversary of the party in the United States, attracted 5,000 fewer persons than last year's rally.

What is happening? The Communists and their dupes are beginning to feel a little bit uncomfortable now, sitting out in the open where people know who they are, because they recognize if they have to come out in the open and register, they will have to worry about this legislation. They cannot sneak-thieve around any more. I am not worrying so much about the hard-core Communists. The most important point in this legislation, as I see it, is the part that exposes the front organizations and the part that registers these Communists. We all know of people in our own communities who have been deceived into joining Communist-front organizations.

I recall the fact that my good friend the junior Senator from North Carolina [Mr. GRAHAM] told me his experience of how he was deceived into joining an organization which later turned out to be a Communist organization. He was man enough to admit it, get himself out of it, and reject and renounce the organization. How important it is to good patriotic men like the junior Senator from North Carolina to know in advance which organizations are Communist-front organizations and not to fear that one will endanger his reputation because he innocently went into an organization which at the time he did not know was even remotely connected with the Communists.

May I point out that most of the argument made by the junior Senator from Tennessee, on constitutional grounds, dealt with the part of the bill of which he is coauthor, the part dealing with detention camps, which he himself introduced and which was accepted. It is the part of the legislation which the conference committee in its wisdom has couched and rewritten in constitutional terms after consultation with some of the best constitutional lawyers in America.

I hope we can pass this legislation unanimously this time, without even seven dissenting votes. I think if we do that America for the second time will be ringing out a declaration of independence. In the first Declaration of Independence we freed ourselves from the red coats representing a foreign army and a ruler who was trying to dominate America. In this declaration of independence by this legislation we can free America from the red creeds of a foreign dictator again trying to dominate America.

I still believe the President is going to sign the bill, and I hope he will. I know he should. He can do it realizing that this is a bipartisan evoluntionary piece of legislation which he never need remember as having been thought out originally by a Republican source.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. KNOWLAND. Would not the Senator say that a vote in the House of Representatives of 312 to 20 obviously indicates it is a bipartisan piece of legislation?

Mr. MUNDT. Certainly, and a vote of 70 to 7 in the Senate shows it is considered a bipartisan piece of legislation here as well. One of the most vigorous and effective speeches made against it tonight was delivered by a Republican, and another was delivered against it by a Democrat.

We meet this legislative proposal on the basis of how our minds function in grappling with an immediate dangerous problem. There is no partisanship in this, there is no one trying to gain any personal or political credit in it, no motive except a desire to secure safety for America by providing bipartisan support for a measure essential to our nati nal security.

If the President should veto the bill, however, I believe and predict Congress will establish an all-time American record for passing a bill over a Presidential veto by bipartisan effort, with maximum speed and maximum support.

If we have to meet a veto, let us reflect that America made its Declaration of Independence in the first instance by the early patriots refusing to be dominated by the executive branch of the then government and by doing instead what as Americans they felt they must do to remain freemen. I hope we will take the same stand for freedom again, should a Presidential veto necessitate such action.

Mr. O'CONOR. Mr. President, I ask unanimous consent to insert in the RECORD opinions as to the constitutionality of the proposed legislation from the American Bar Association and from Mr. John W. Davis. I also ask that a statement by me bearing on the constitutionality of the bill be inserted in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL ANALYSIS BY THE AMERICAN BAR ASSOCIATION

AMERICAN BAR ASSOCIATION,
STANDING COMMITTEE ON
BILL OF RIGHTS,
Philadelphia, Pa., February 24, 1950.

HON. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR MCCARRAN: You have requested the views of the American Bar Association regarding the constitutionality of Senate bill 2311 of the Eighty-first Congress,

first session (popularly known as the Mundt-Ferguson-Johnston bill), which is a redraft of H. R. 5852 of the Eightieth Congress, second session (popularly known as the Mundt-Nixon bill).

The president of the American Bar Association referred your request to its standing committee on Bill of Rights for the reason that the constitutional objections to S. 2311 have been based principally on its alleged violation of the freedoms guaranteed by the Bill of Rights.

S. 2311 is entitled "A bill to protect the United States against certain un-American and subversive activities, and for other purposes."

Section 2 of the bill details 11 findings by Congress as a result of evidence adduced before various committees of the Senate and of the House. The first, second, and eleventh of these findings are as follows:

"(1) There exists a world Communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide Communist political organization.

"(2) The establishment of a totalitarian dictatorship in any country results in the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

* * * * *

"(11) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necssary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent Nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States."

The intervening findings relate the identity between the sole political party and the government in a totalitarian dictatorship; the fact that the world Communist movement is directed and controlled by the Communist dictatorship of a foreign country; that the Communist dictatorship in that foreign country, in furthering the purposes of the world Communist movement, causes the establishment of and utilizes in various countries political organizations which are constituent elements of the world Communist movement; that such political organizations are not free and independent organizations but are mere sections of a single world-wide Communist organization and are controlled and directed by, and subject to the discipline of, the Communist dictatorship of that foreign country; that the political organizations thus established in various countries endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the Communist totalitarian dictatorship of that foreign country; that such political organizations seek to attain their objectives by conspiratorial and coercive tactics instead of through the democratic processes of a free elective system; that, in addition, these Communist organizations operate to a substantial degree through organizations commonly known as Communist fronts, which are generally maintained in such a way as to conceal the facts as to their true character and purposes and their membership; that to attain the objectives of this Communist movement, travel of members, representatives, and agents of the movement from country to country is essential; that in the United States the participants in the world Communist movement, in effect, repudiate their allegiance to the United States and transfer it to the foreign country which controls the world Communist movement; and that, in pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has by the foregoing methods, already caused the establishment in numerous foreign countries against the will of the people of those countries, of ruthless Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

S. 2311 seeks in a number of ways to protect the security of the United States and the existence of free American institutions against the clear and present danger which the Congress believes to exist:

1. Section 4 (a) provides that—

"It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual. * * *"

For the purposes of section 4 (a), "totalitarian dictatorship" is defined as—

"* * * a form of government, not representative in form, characterized by (1) the existence of a single political party, with such identity between such party and its policies and the government and governmental policies of the country in which it exists as to render such party and the government itself indistinguishable for all practical purposes, and (2) the forcible suppression of all opposition to such party."

We pause here to point out that, by definition, a totalitarian dictatorship would necessarily put an end by force to the rights of free speech, press, and assembly.

2. Except with special authority, it is unlawful for any officer or employee of the United States or of any Federal agency to communicate to any representative of a foreign government or to any officer or member of a Communist organization information obtained in the course of his official duties or employment of a kind which has been classified by or with the approval of the President as affecting the security of the United States (sec. 4 (b)).

3. It is made unlawful for any agent or representative of any foreign government or any officer or member of a Communist organization knowingly to obtain, receive, or attempt to obtain or receive, from any officer or employee of the United States, or any department or agency thereof, any information which such officer or employee is prohibited from revealing (sec. 4 (c)).

4. Every Communist political organization and every Communist-front organization is required to register with the Attorney General, and in connection with registration to file a registration statement containing certain detailed information. Any organization registered with the Attorney General must annually file with him a report bringing the information included in the registration statement up to date, and each Communist political organization so registered is required to keep accurate records of the names and addresses of its members and of persons who actively participate in its activities. Organizations of both types are required to keep accounts of moneys received and expended (sec. 7). There is no criminal sanction for a violation of this section unless there is in effect a final order of the Subversive Activities Control Board, requiring the organization to register (sec. 16).

5. Every individual who is a member of any organization which he knows to be registered as a Communist political organization, but which has failed to include his name upon its list of members filed with the Attorney General, is required to register within 60 days after obtaining such knowledge (sec. 8). Again, no criminal sanction applies in the absence of a final order of the Subversive Activities Control Board.

6. The Attorney General is required to keep a register of Communist political organizations and a register of Communist-front organizations which must include certain detailed information, which shall be kept open for public inspection, with certain provisos (sec. 9).

7. A Subversive Activities Control Board is established for the purpose of holding hearings, making determinations, and issuing orders to register in cases brought before it by the Attorney General whenever he has reason to believe that any organization which has not registered as required by the act is in fact an organization of the kind required to be registered, or that any individual who has not registered is in fact required to do so (secs. 13 and 14).

There is provision for judicial review of orders made by the Board (sec. 15).

8. It is provided that, when there is in effect a final order of the Board requiring an organization to register as a Communist political organization, it shall be unlawful for any member of such organization who knows that the order has become final in seeking or accepting any office or employment under the United States to conceal the fact that he is a member of such organization, or to hold any nonelective office or employment under the United States. There is a correlative provision rendering it unlawful for any officer or employee of the United States to appoint or employ any individual as an officer or employee of the United States with knowledge that such individual is a member of an organization against which a final order to register is in effect (sec. 5).

Strangely enough, under this section it would not be unlawful to employ a member of a Communist political organization which had registered voluntarily.

9. It is rendered unlawful—again when a final order of the Board requiring an organization to register as a Communist political organization is in effect—for any member of such organization, with knowledge that such order has become final, to apply for, or use, or attempt to use any passport issued by or under the authority of the United States, or for any officer or employee of the United States to issue or renew a passport for any such individual, knowing that such individual is a member of such organization (sec. 6).

10. It is made unlawful for any individual to become or remain a member of any organization if he knows that a final order of the Board is effective requiring such organization to register under section 7 of the act and more than 30 days have elapsed since such order became final and such organization is not registered under section 7 (sec. 10).

11. It is rendered unlawful for any organization which is registered under section 7, or against which a final order under section 7 is effective, or for any person acting on its behalf, to transmit through the mails or by any means or instrumentality of interstate or foreign commerce any publication, unless such publication and any envelope, wrapper, or other container in which it is mailed or otherwise circulated or transmitted, bears the legend "Disseminated by [name of organization], a Communist organization," or to broadcast any matter over any radio or television station in the United

States unless introduced by the statement, "The following program is sponsored by [name of organization], a Communist organization" (sec. 11).

12. Tax exemptions are denied to any organization if it is registered under section 7 or if there is a final order requiring it to register under section 7, and tax deductions are disallowed for any contribution to any such organization (sec. 12).

Section 3 of the act contains careful definitions of "organization," "Communist political organization," "Communist-front organization," "Communist organization," "publication," and "interstate or foreign commerce."

For a violation of section 4 of the act, the penalty is a fine of not more than $10,000 or imprisonment for not more than 10 years, or both, and disqualification to hold any office or place of honor, profit, or trust under the United States.

For violations of sections 5, 6, 7, 8, 10, or 11 of the act, section 16 provides fines ranging from $2,000 to $5,000, or, in the case of individuals, imprisonment for not less than 2 nor more than 5 years, or both.

Many of the objections urged against H. R. 5852 of the Eightieth Congress (the Mundt-Nixon bill) were directed at the vagueness of that bill's provisions. In our opinion, these objections have been eliminated in S. 2311.

We have little difficulty in reaching the conclusion that the provisions of sections 5 to 16, inclusive, are within the power of the Congress.

We repeat the finding made by the Congress in section 2 (11):

"The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States."

While findings of the Congress are not conclusive on the courts, they cannot lightly be set aside when, as here, they are based on extensive hearings, and the examination of many witnesses, and exhibits. See *Nebbia* v. *New York* (291 U. S. 502, 516 (1934)) and compare *United States* v. *Butler et al.* (297 U. S. 1 (1936)) with *Mulford et al.* v. *Smith et al.* (307 U. S. 38 (1939)).

That the activities of Communist and Communist-front organizations in the United States present a clear and present danger to our institutions would probably be the consensus not only of the Congress but of a majority of the well-informed population of the United States today. Indeed, it would be difficult for any court to assert with any factual justification that the findings set out in section 2 of S. 2311 are unwarranted and that they cannot, therefore, be accepted as a reasonable basis for the preventive measures afforded by sections 5 to 16 of the bill.

We do not mean to say that there cannot be vigorous differences of opinion regarding the policy of the bill, but we have not been requested to express our opinion on policy. It is only the constitutional aspects of the bill which we are considering.

Sections 5 to 16 do not prohibit membership in a Communist or Communist-front organization. They merely require that the existence of such organizations be publicly made known by registration with the Attorney General and that membership in them likewise be made public.

Assuming any element of danger to our free institutions, to the sovereignty of the United States, and to the continued existence of our representative form of government resulting from the activities of such organizations, it is our view that the Congress has the power to require the publicity involved in the requirements for registration and disclosure; to curtail the use of passports by members of such organizations; and to withhold income-tax exemptions from, and to withdraw the allowance of income-tax deductions for contributions to, such organizations.

The validity of the registration provisions will doubtless be attacked as in conflict with the decision of the Supreme Court in *Thomas* v. *Collins* (323 U. S. 516 (1945)).

That case involves the constitutionality of a conviction for violation of a restraining order issued under a Texas statute requiring labor organizers to register with the secretary of state and to procure organizer's cards from that official before soliciting membership in labor unions. Despite the order, the defendant Thomas made a speech and issued a general and a specific invitation to membership in the union. Holding that the sentence for contempt rested as much on the speech and general invitation as on the specific invitation, the former being protected by the first amendment, the Court reversed the conviction, saying, at page 540:

"If the exercise of the rights of free speech and free assembly cannot be made a crime, we do not think this can be accomplished by the device of requiring previous registration as a condition for exercising them and making such a condition the foundation for restraining in advance their exercise and for imposing a penalty for violating such a restraining order. So long as no more is involved than exercise of the rights of free speech and free assembly, it is immune to such a restriction. If one who solicits support for the cause of labor may be required to register as a condition to the exercise of his right to make a public speech, so may he who seeks to rally support for any social, business, religious, or political cause. We think a requirement that one must register before he undertakes to make a public speech to enlist support for a lawful movement is quite incompatible with the requirements of the first amendment."

And the Court cited with approval the controlling principle in *De Jonge* v. *Oregon* (299 U. S. 353 (1937)), at page 365, as follows:

"The question, if the rights of free speech and peaceable assembly are to be preserved, is not as to the auspices under which the meeting is held but as to its purpose; not as to the relations of the speakers but whether their utterances transcend the bounds of the freedom of speech which the Constitution protects. If the persons assembling have committed crimes elsewhere, if they have formed or are engaged in a conspiracy against the public peace and order, they may be prosecuted for their conspiracy or other violation of valid laws. But it is a different matter when the State, instead of prosecuting them for such offenses, seizes upon mere participation in a peaceable assembly and a lawful public discussion as the basis for a criminal charge."

However, there is a vast difference between the requirement that an organizer for a labor union register, and a requirement that Communist and Communist-front organizations and their members register, in view of the legislative findings of S. 2311 to which we have referred.

The existence of labor unions is in accordance with the policy of the United States as declared by the Congress in legislation going back many years. Membership in a labor union cannot, ipso facto, be regarded as in any way hostile to the principles of freedom underlying our institutions and guaranteed by the Constitution. On the other hand, Communist and Communist-front organizations, as defined in S. 2311, have as their objective the destruction of our freedoms and the substitution for our present representative government of a dictatorship under foreign control.

There can be no danger to American institutions in the mere existence of a labor union; there can readily be clear and present danger in the covert existence of a Communist or Communist-front organization as defined in S. 2311.

We may believe that the fruition of the danger involved in the activities of Communist and Communist-front organizations in this country is a long way off, but the Congress is not obliged to wait until success of the conspirators is imminent before taking appropriate protective steps.

In any event, we fail to see in the requirements of registration and disclosure any violation of the fundamental rights of those required to register and reveal their identify. Indeed, the principle of registration has received judicial sanction (*Cantwell* v. *Connecticut* (310 U. S. 296, 306 (1940)), *New York ex rel. Bryant* v. *Zimmerman* (278 U. S. 63 (1928)).

The most troublesome question presented by S. 2311 relates to the validity or invalidity of section 4 (a) which we have previously quoted.

The statute has been made definite to conform to the standards of *Winters* v. *New York* (333 U. S. 507). In our opinion, it satisfied the requirements of the three other cases on the point: *United States* v. *Petrillo* (332 U. S. 1, *Gorin* v. *United States* (312 U. S. 19), *Kovens* v. *Cooper* (93 L. Ed. 379).

No person or organization is named in section 4 (a)—the criminal section—and therefore no question of bill of attainder is involved.

May the Congress constitutionally proscribe a conspiracy to perform an act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship—one of the characteristics of which is the forcible suppression of all freedoms—the direction and control of which is to be vested in a foreign government, foreign organization, or foreign individual?

It must be generally accepted that the Congress has inherent power to do all things necessary to preserve the foundations of organized government as it exists under the Constitution, to protect the sovereignty of the United States, and to prevent the overthrow of government by unlawful means.

This inherent power has been recognized to the ultimate in time of war. As between the exercise of any powers deemed necessary for the successful prosecution of a war and the rights of the individual, the latter must always give way.

In *Schenck* v. *United States* (249 U. S. 47 (1919)), the Supreme Court upheld a conviction based on the mailing of printed circulars in pursuance of a conspiracy to obstruct the recruiting and enlistment service, contrary to the Espionage Act of 1917. At page 51, Mr. Justice Holmes said:

"But it is said, suppose that that was the tendency of this circular, it is protected by the first amendment to the Constitution. Two of the strongest expressions are said to be quoted respectively from well-known public men. It well may be that the prohibition of laws abridging the freedom of speech is not confined to previous restraints, although to prevent them may have been the main purpose, as intimated in *Patterson* v. *Colorado* (205 U. S. 454, 462). We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done (*Aikens* v. *Wisconsin* (195 U. S. 194, 205, 206)). The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic. It does not

even protect a man from an injunction against uttering words that may have all the effect of force (*Gompers* v. *Bucks Stove & Range Co.* (221 U. S. 418, 439)). The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no court could regard them as protected by any constitutional right. It seems to be admitted that if an actual obstruction of the recruiting service were proved, liability for words that produced that effect might be enforced. The statute of 1917 in section 4 punishes conspiracies to obstruct as well as actual obstruction. If the act (speaking, or circulating a paper), its tendency, and the intent with which it is done are the same, we perceive no ground for saying that success alone warrants making the act a crime (*Goldman* v. *United States* (245 U. S. 474, 477))."

In *Gitlow* v. *People of New York* (268 U. S. 652 (1925)) the Supreme Court sustained the conviction of our individuals for the statutory crime of criminal anarchy, which was defined as "the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocacy of such doctrine either by word of mouth or writing is a felony."

The defendants were Communists and had circulated the left-wing manifesto advocating practically the same conduct which is the program of the present-day Communist organizations.

The Court said at page 666:

"It is a fundamental principle, long established, that the freedom of speech and of the press which is secured by the Constitution does not confer an absolute right to speak or publish, without responsibility, whatever one may choose, or an unrestricted and unbridled license that gives immunity for every possible use of language and prevents the punishment of those who abuse this freedom (2 Story on the Constitution, 5th ed., sec. 1580, p. 634; *Robertson* v. *Baldwin* (165 U. S. 275, 281); *Patterson* v. *Colorado* (205 U. S. 454, 462); *Fox* v. *Washington* (236 U. S. 273, 276); *Schenck* v. *United States* (249 U. S. 47, 52); *Frohwerk* v. *United States* (249 U. S. 204, 206); *Debs* v. *United States* (249 U. S. 211, 213); *Schaefer* v. *United States* (251 U. S. 466, 474); *Gilbert* v. *Minnesota* (254 U. S. 325, 332); *Warren* v. *United States* ((C. C. A.) (183 Fed. 718, 721)). Reasonably limited, it was said by Story in the passage cited, this freedom is an inestimable privilege in a free government; without such limitation, it might become the scourge of the Republic.

"That a State in the exercise of its police power may punish those who abuse this freedom by utterances inimical to the public welfare, tending to corrupt public morals, incite to crime, or disturb the public peace, is not open to question (*Robertson* v. *Baldwin* (supra, p. 281); *Patterson* v. *Colorado* (supra, p. 462); *Fox* v. *Washington* (supra, p. 277); *Gilbert* v. *Minnesota* (supra, p. 339); *People* v. *Most* (171 N. Y. 423, 431); *State* v. *Holm* (139 Minn. 267, 275); *State* v. *Hennessy* (114 Wash. 351, 359); *State* v. *Boyd* (86 N. J. L. 75, 79); *State* v. *McKee* (73 Conn. 18, 27)). Thus it was held by this Court in the Fox case, that a State may punish publications advocating and encouraging a breach of its criminal laws; and, in the Gilbert case, that a State may punish utterances teaching or advocating that its citizens should not assist the United States in prosecuting or carrying on war with its public enemies.

"And, for yet more imperative reasons, a State may punish utterances endangering the foundations of organized government and threatening its overthrow by unlawful means. These imperil its own existence as a constitutional State. Freedom of speech and press, said Story (supra) does not protect disturbances to the public peace or the attempt to subvert the Government. It does not protect publications or teachings which tend to subvert or imperil the Government or to impede or hinder it in the performance of its governmental duties (*State* v. *Holm* (supra, p. 275)). It does not protect publications prompting the overthrow of government by force; the punishment of those who publish articles which tend to destroy organized society being essential to the security of freedom and the stability of the State (*People* v. *Most* (supra, pp. 431, 432)). And a State may penalize utterances which openly advocate the overthrow of the representative and constitutional form of government of the United States and the several States by violence or other unlawful means (*People* v. *Lloyd* (304 Ill. 23, 34)). See also *State* v. *Tachin* (92 N. J. L. 269, 274) and *People* v. *Steelik* (187 Cal. 361, 375). In short, this freedom does not deprive a State of the primary and essential right of self-preservation, which, so long as human governments endure, they cannot be denied (*Turner* v. *Williams* (194 U. S. 279, 294)). In *Toledo Newspaper Co.* v. *United States* (247 U. S. 402, 419) it was said: 'The safeguarding and fructification of free and constitutional institutions is the very basis and mainstay upon which the freedom of the press rests; and that freedom, therefore, does not and cannot be held to include the right virtually to destroy such institutions.'"

We realize that in its recent decisions the Supreme Court has used strong language in upholding the rights of the individual under the first amendment. Thus, in *Terminiello* v. *Chicago* (337 U. S. 1 (1949)), Mr. Justice Douglas, speaking for the majority of the Court in a 5-to-4 decision said, at page 4:

"The vitality of civil and political institutions in our society depends on free discussion. As Chief Justice Hughes wrote in *De Jonge* v. *Oregon* (299 U. S. 353, 365), it is only through free debate and free exchange of ideas that Government remains responsive to the will of the people and peaceful change is effected. The right to speak freely and to promote diversity of ideas and programs is therefore one of the chief distinctions that sets us apart from totalitarian regimes.

"Accordingly a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech, though not absolute (*Chaplinsky* v. *New Hampshire*, supra (pp. 571–572), is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest. See *Bridges* v. *California* (314 U. S. 252, 262); *Craig* v. *Harney*, (331 U. S. 367, 373). There is no room under our Constitution for a more restrictive view. For the alternative would lead to standardization of ideas either by legislatures, courts, or dominant political or community groups."

In S. 2311, the Congress has declared, after long and tedious hearings, that there is a clear and present danger "of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest."

Short of actual attack by force, what more serious threat can there be to constitutional government and to the Bill of Rights itself than a substantial contribution to the establishment within the United States of a totalitarian dictatorship under the direction and control of a foreign government?

It must not be overlooked that section 4 (a) does not interfere with free speech, the freedom of the press, or the right of assembly, as such. It interdicts conspiracies to perform acts which would substantially contribute to the unlawful result involved in the establishment here of a totalitarian dictatorship under foreign control.

The Terminiello case reversed a conviction under a Chicago ordinance prohibiting persons from making or assisting in making, inter alia, breaches of the peace. The defendant was charged with violating the ordinance by violent speech at a public meeting.

Similarly, in *De Jonge* v. *Oregon*, the Supreme Court set aside a conviction under a State statute for assisting in the conduct of and speaking at a public meeting called for the purpose of protesting against certain raids on workers' halls and homes and against the shooting of striking longshoremen by Portland police. In his speech, the defendant urged the audience to assist in obtaining members for the Communist Party and to attend the meeting of the party to be held on the following evening. On searching the hall, the police found a quantity of Communist literature. In its opinion, the Supreme Court said (288 U. S. at 359):

"* * * The stipulation does not disclose any activity by the defendant as a basis for his prosecution other than his participation in the meeting in question. Nor does the stipulation show that the Communist literature distributed at the meeting contained any advocacy of criminal syndicalism or of any unlawful conduct. * * *"

In *Herndon* v. *Lowry* (301 U. S. 242 (1936)), the Supreme Court set aside a conviction under a Georgia statute for holding meetings for the purpose of recruiting members of the Communist Party and soliciting contributions for its support; but in so doing the Court referred at length to its previous decisions in *Gitlow* v. *New York*, supra. At page 258, the Court said:

"It is evident that the decision sustaining the New York statute furnishes no warrant for the appellee's contention that under a law general in its description of the mischief to be remedied and equally general in respect of the intent of the actor, the standard of guilt may be made the 'dangerous tendency' of his words.

"The power of a State to abridge freedom of speech and of assembly is the exception rather than the rule and the penalizing even of utterances of a defined character must find its justification in a reasonable apprehension of danger to organized government. The judgment of the legislature is not unfettered. The limitation upon individual liberty must have appropriate relation to the safety of the State. Legislation which goes beyond this need violates the principle of the Constitution. * * *"

In essence, the Court held that, as construed by the Supreme Court of Georgia (p. 262):

"* * * a defendant need not advocate resort to force. He need not teach any particular doctrine to come within its purview. Indeed, he need not be active in the formation of a combination or group if he agitate for a change in the frame of government, however peaceful his own intent. If, by the exercise of prophesy, he can forecast that, as a result of a chain causation, following his proposed action a group may arise at some future date which will resort to force, he is bound to make the prophesy and abstain, under pain of punishment, possibly of execution. Every person who attacks existing conditions, who agitates for a change in the form of government, must take the risk that if a jury should be of opinion he ought to have foreseen that his utterances might contribute in any measure to some future forcible resistance to the existing government he may be convicted of the offense of inciting insurrection. Proof that the accused in fact believed that his effort would cause a violent

assault upon the State would not be necessary to conviction. It would be sufficient if the jury thought he reasonably might foretell that those he persuaded to join the party might, at some time in the indefinite future, resort to forcible resistance of government. The question thus proposed to a jury involves pure speculation as to future trends of thought and action. Within what time might one reasonably expect that an attempted organization of the Communist Party in the United States would result in violent action by that party? If a jury returned a special verdict saying 20 years or even 50 years the verdict could not be shown to wrong. The law as thus construed, licenses the jury to create its own standard in each case. * * "

The distinction between the Gitlow case and *Herndon* v. *Lowry* is that in the former the New York statute "denounced as criminal certain acts carefully and adequately described," whereas the Georgia statute contained "no reasonably ascertainable standard of guilt."

It is noteworthy that in no case has the Supreme Court denied the power of the Congress to adopt such measures as it deems necessary to provide for the common defense, to preserve the sovereignty of the United States as an independent Nation, and to guarantee to each State a republican form of government—three functions which belong to the Nation as distinguished from the States.

Section 4 (a) of S. 2311 specifically defines the nature of the offense at which it is aimed. A person must "knowingly" combine, conspire, or agree to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, the direction and control of which is to be vested in or exercised by or under the domination or control of any foreign government, foreign organization, or foreign individual. And for the purposes of the subsection, "totalitarian dictatorship" means a form of government not representative in form, characterized by (1) the existence of a single political party so organized as to render the party and the government itself indistinguishable, and (2) the forcible suppression of all opposition to such party. That would mean the end of such rights as freedom of speech, freedom of the press, and peaceable assembly.

Anyone entering into a combination, conspiracy or agreement to do any act aimed at the consummation of the establishment here of a totalitarian dictatorship under the domination of a foreign power, could not help knowing that he was violating the prohibition of the statute.

We do not think that the guaranties of the first amendment entitle any individual or group of individuals to engage in conspiracies to perform acts aimed at the destruction of the very freedoms which the first amendment guaranties.

And it would be a rather drastic conception of judicial power which would authorize any court to say that after many months of hearings and the examination of a legion of witnesses and voluminous documents, the Congress was not justified in finding as a fact that the present-day activities of Communist and Communist-front organizations present a "clear and present danger to the security of the United States and to the existence of free American institutions."

Unless any court would be willing to say that the findings of the Congress were wholly unwarranted, we believe that it would be bound to sustain as constitutional in its entirety S. 2311.

Very truly yours,

WM. A. SCHNADER,
Chairman.

Charles P. Curtiss, dissenting.

ANALYSIS BY JOHN W. DAVIS

DAVIS, POLK, WARDWELL,
SUNDERLAND, & KIENDL,
New York 5, N. Y., February 10, 1950.

Hon. PAT MCCARRAN,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: I apologize for my delay in answering your letter of January 17 in reference to Senate bill 2311. I can only plead in excuse the constant pressure of other matters. On several occasions I have undertaken to make response only to be diverted by demands which were more instantly compelling.

Undoubtedly S. 2311 is an improvement over the predecessor bill, H. R. 5852. The term "Communist political organization" is now, as I think, adequately defined by the two criteria which are set up, to wit: (*a*) That it is substantially dominated or controlled by the foreign government or foreign governmental or political organization controlling the world Communist movement; (*b*) that it operates primarily to advance the objectives of such world Communist movement. These are both criteria capable of being made certain by the introduction of adequate proof. So also as to the "Communist-front organization" which is (*a*) under the control of a Communist political organization, or (*b*) is primarily operated for the purpose of giving aid and comfort to a Communist political organization, a Communist foreign government, or the world Communist movement. Whatever the difficulties of proof, these are facts susceptible of ascertainment. I think these provisions comport with the legal maxim, "Id certum est quod certum reddi potest."

Section 4 (a) raises, by its language, certain questions which are not entirely free from doubt. Indeed the charge of indefiniteness may be leveled against it. The bill does not purport expressly to forbid Communist political organizations or membership in them. On the contrary, there is provision for registration of the organization and, second, for registration of its members who are called on to come forward in their own names if the organization fails to do so. Ventilation rather than prohibition seems the primary purpose. Section 4 (a) however forbids one to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment of a totalitarian dictatorship under foreign domination or control. Would mere membership in a Communist political organization which is duly registered or required to register, constitute an act such as section 4 (a) proscribes? If so, is there not inherent, contradiction between these sections, and might not a person called on to register as a member claim that he would involuntarily incriminate himself by so doing? On the other hand, it is possible that the courts would interpret the words "perform any act which would substantially contribute to the establishment", etc., etc., synonymous with the familiar phrase "aid, abet, and assist," the section seem to be "the direction and membership aside. The cardinal words control of which is to be vested in or exercised by or under the domination or control of any foreign government, foreign organization, or foreign individual." It seems unlikely that the section is intended to forbid public advocacy of a totalitarian form of government in the United States, absent foreign domination or control. Perhaps these questions of construction can be avoided by revision of the section or even by its omission entirely.

As a matter of draftsmanship, I question a phrase employed in section 14 (e) of the bill, page 27 printed copy. The board is directed to take into consideration the "extent to which," etc. The use of this phrase implies, does it not, that the attention of the board is to be directed, not to the performance of specific acts but to their spread or frequency. Would it not improve the definiteness of the criteria if they read, for instance, (1) whether its policies are formulated, etc., etc.? The substitution of the word "whether" for "the extent to which" might be worth consideration by your committee.

The other constitutional questions which might be raised seem to me to be adequately answered by the memorandum of July 29, 1949, of Mr. Ogleby of the American Law Section, which you were good enough to send me. I have nothing to add to the review which he makes.[1]

Again, I express no opinion on the policy or the necessity of such an act. I note the Attorney General's reservations concerning it. If, however, it is enacted in its present form, I think the act, in its main features will survive constitutional attack.

I am sure you join me in lamenting the untimely death of Mr. Charles Evans Hughes, Jr.

Believe me,

Very sincerely yours,

JOHN W. DAVIS.

STATEMENT BY SENATOR O'CONOR

Before the Senate votes on the conference report on the bill H. R. 9490, the Internal Security Act of 1950, there are several matters to which I believe I should, as a conferee, invite the attention of my colleagues.

Many charges have been made, Mr. President, against this bill, and against some of its component parts.

For instance, about a year and a half ago, and soon after the chairman of the Judiciary Committee, the Senator from Nevada [Mr. MCCARRAN], had introduced the bill S. 595 (which has now become one of the component parts of the present Internal Security Act) the charge was made that S. 595 threatened freedom of the press. The chairman of the committee took that charge seriously, and sought expert advice on the question. His correspondence with Mr. Elisha Hanson, counsel for the American Newspaper Publishers Association, has already been inserted in the CONGRESSIONAL RECORD during debate on this bill. Mr. Hanson, an eminent constitutional lawyer, and one of the foremost authorities in the United States on questions affecting freedom of the press, suggested the inclusion of certain language, which the chairman of the committee thereafter sponsored. That language has come down into the bill now before the Senate, and, indeed, appears at the very beginning of this bill. I believe that is a good place for it, and I think it important to stress the fact that this language is in the bill. I refer to subsection (b) of section 1 of title I of the conference bill, which reads as follows:

"Nothing in this act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect."

That language, of course, as it now appears, modifies the whole act, not merely those portions which were taken over from Senator MCCARRAN'S bill, S. 595.

As Senators know, the bill now before us, in its conference version, also includes certain provisions which first came to the Senate in the bill S. 1832, also introduced by the chairman of the Committee on the Judiciary. That bill, incidentally, passed the Senate unanimously on a recent call of the calendar. However, certain of the provisions which come down from S. 1832 have

[1] Memorandum by Robert Ogleby, Legislative Reference Section, Library of Congress, which was used as the basis of the constitutional discussions in this report.

been the object of assertions that they involve the curtailment of the rights and liberties of foreign-born citizens of the United States.

I believe it is important to make the record perfectly clear on that point. The provisions in this bill which appeared originally in S. 1832 concern themselves with aliens entirely, and almost entirely with subversive aliens. They do not affect the constitutional rights of any American citizen, whether born in this country or born elsewhere.

The first 17 sections of this bill, Mr. President, are the result of merging, in conference, the provisions of the so-called Wood bill, reported from the Un-American Activities Committee of the House, and which passed the House by an overwhelming vote, with the similar provisions of the McCarran omnibus bill, which represented the text of the so-called Mundt-Ferguson-Johnston bill. These are the provisions requiring the registration of Communist organizations.

In merging these two bills, the conference committee first adopted the provisions of the Wood bill as a framework, and then proceeded to fit into that framework all of the provisions from the Senate bill which were not already there.

Thus, the conferees have retained—and I think this is tremendously important—the conferees have retained in its entirety the provisions of subsection 4 (a) of the Senate bill, making it unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual. In connection with this provision, the Senate proviso, disavowing application of the section to the proposal of a constitutional amendment, was adopted by the conferees.

There has been some substantial misunderstanding with regard to the effect of this provision; and it will do no harm to restate here and now the constituent elements of the offense which this section will create.

First, it must be a conspiracy.

Second, it must be a conspiracy to perform an act. This is not a matter of thought control. This is not a matter of guilt by association. This involves the performance of an act—the act of conspiracy.

Third, this must be an act such as would substantially contribute to the establishment within the United States of a totalitarian dictatorship.

Finally, the totalitarian dictatorship envisioned as a result of the conspiratorial act must be a dictatorship to be directed and controlled by or under foreign domination.

That provision, with those constituent elements, clearly violates none of the rights of any American citizen to advocate, by any peaceful means, a change in the form of Government of the United States.

To show the latitude which is possible under this language, Mr. President, it would not even be an offense to perform an act in furtherance of the establishment of a totalitarian dictatorship in this country, so long as it was not proposed or contemplated that the dictatorship would be under foreign control.

There has been a great deal of criticism of this provision. It has been charged that the provision is unconstitutional. This provision has had the careful and meticulous attention of some of the best constitutional lawyers in the United States. In their opinion, and in the opinion of the junior Senator from Maryland, this provision is completely constitutional; and certainly it is not being too harsh to propose that it shall be an offense for a person to conspire to perform an act which would substantially contribute to the establishment of a foreign-controlled, totalitarian dictatorship in the United States.

Speaking personally, the junior Senator from Maryland is exceedingly gratified that the conferees unanimously retained this provision in the bill.

It is to be noted that in addition to this provision, making such conspiracy a criminal offense, the conferees also retained in the bill a provision that the person convicted of such conspiracy shall thereafter be ineligible to hold any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

There is a provision in this conference bill, carried over from the House bill, to which attention should be called. This is the provision in section 5 of the bill, which would let the Secretary of Defense designate defense facilities in which, for reasons of national security, the employment of Communists is undesirable; and, after such designation, and after posting of notice thereof in the facility, would make it an offense for a Communist to remain employed or to seek employment in the facility in question.

As this provision originally came from the House, it attempted to establish a category of such facilities—the House defined them as "defense plants"—and apply the ban on employment of Communists in all plants in the category. In rewriting the provision, the conferees have based it in each case upon the specific finding and proclamation by the Secretary of Defense that the national security requires such a ban. On this basis, the provisions in question appear entirely constitutional; though there may have been some doubt whether they were constitutional in the form in which they came from the House.

Senators are of course aware that section 22 of this bill rewrites and expands existing law with respect to aliens who shall be excludable from admission into the United States. All of this section, exactly as it passed the Senate, is included in the conference bill, with the exception of a new provision, approved by the Senate, authorizing the denial of immigration rights and privileges to the citizens or subjects of any country which might have refused to accept any alien who had entered the United States upon the basis of documents issued by that country, and who had subsequently been ordered deported from the United States.

As rewritten in conference, this provision is that:

"Upon the notification by the Attorney General that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Secretary of State shall instruct consular officers performing their duties in the territory of such country to discontinue the issuance of immigration visas to nationals, citizens, subjects or residents of such country, until such time as the Attorney General shall inform the Secretary of State that such country has accepted such alien."

The principal changes involved in this new language are:

First, the method is changed. Instead of letting the Attorney General order the denial of immigration privileges, the Attorney General is to notify the Secretary of State, and the Secretary of State is to instruct consular officers to discontinue the issuance of immigration visas. This places the actual suspension of immigration visas in the hands of the Secretary of State, who normally handles relations with foreign countries.

Second, where the bill as it passed the Senate was only permissive, the conference bill makes it mandatory for the Secretary of State to instruct the consular officers to discontinue the issuance of visas to the nationals, citizens, subjects or residents of any country when the Attorney General has notified the Secretary that such country has upon request denied or unduly delayed acceptance of the return of an alien whom this country has ordered deported. Furthermore, the Secretary of State is required to continue his instructions with regard to the discontinuance of the issuance of visas, until he is informed by the Attorney General that the country in question has accepted the alien.

Senators will see that the new language accomplishes substantially the same result as the original language, insofar as it creates a lever to be used in securing necessary travel papers for aliens who have been ordered deported; but it is believed the new language is more acceptable to the Department of State, and more in keeping with the customary procedure in international relations.

Senators who were interested in the proviso written into the bill through amendment on the Senate floor, sponsored by the Senator from Arizona, Mr. MCFARLAND, with respect to the liability of steamship companies and airlines to pay fines or refunds or expenses incident to deportation, or to the detention of aliens pending deportation, will be glad, I am sure, to know that the action of the conferees in eliminating this proviso is not to be taken as a rejection of the proposal on principle. The action of the conferees in this regard was based on a feeling that, first, this proviso was in terms too broad in its application; and, second, that it referred to a matter which had nothing to do with national security, and which should more properly be treated in the bill to revise the immigration and naturalization laws, which is pending before the Judiciary Committee, and which it is expected will get action early in the next session of the Congress.

The conferees eliminated a provision which was in the Senate bill, requiring the conducting of neighborhood examinations of all applicants for naturalization. However, the conferees left in the bill authority for the employment of necessary examiners and other personnel to conduct such investigations, and left it to the discretion of the Immigration and Naturalization Service whether such examination should be conducted in any or all cases.

The portion of the bill on which the conference committee did the largest rewriting job was title 2, the Emergency Detention Act provisions. This title was reworded in many respects, with a view particularly to strengthening its constitutionality. As reported from the conference, this title stresses throughout that what is contemplated is not penal servitude, but only civil detention. As an example of how this distinction has been stressed, it may be noted that the conferees wrote in a provision that no person detained under the provisions of this title is to be confined in company with any person who are confined pursuant to the criminal laws of the United States or of any State. It is also provided in the conference version of this title that no person detained thereunder shall be required or permitted to perform any forced labor, or any tasks at all which are not reasonably associated with his own comfort and well-being. This provision entirely negatives the conception of penal servitude.

The conferees struck out a provision limiting the effect of this title to 3 years from the date of its enactment, and thus the conference bill would make this title permanent legislation. In this connection, it should be pointed out that this is stand-by legislation only; it is a weapon ready at hand, to be used if needed, but only if needed. In time of war, invasion, or insurrection in aid of a foreign power, it is not to be doubted that some form of detention of dangerous aliens and others constituting security risks to the United States would be put into effect. This bill provides a blueprint for such detention, with all of the procedural safeguards, and all of the guaranties of due process, and all of

the protections of civil liberties, which could be written into such a plan.

In closing, let me point out that while the conferees have stricken out section 115, with respect to appointment of subcommittees to carry out supervision over the operations under this bill, this action of the conferees does not mean that the conferees rejected the idea of congressional supervision. The section in question was stricken because it required the appointment of subcommittees; and since the authority already rests in committees of the Congress, under the Legislative Reorganization Act, to carry out supervision over the activities of agencies in the executive branch of the Government which are within the jurisdiction of such committees, it was felt that this language, if it had any effect, might have only the effect of narrowing the authority for such supervision, with respect to this bill, to subcommittees, rather than leaving such authority in the full committee in each House.

There was also the question of whether supervision over the operations of this title should, in the House of Representatives, be through the Judiciary Committee of the House, or through the Un-American Activities Committee. This was a matter with respect to which the Senate conferees did not wish to exercise judgment, and it was felt that under all the circumstances, the simplest and most desirable course of action was simply to eliminate this section entirely.

I have not attempted to analyze this bill in detail. I have only, as I promised my colleagues I would, touched upon a few of the high spots. In closing, I desire only to reaffirm my sincere conviction that this legislation is constitutional in all respects, and that it is, in all respects, both necessary and desirable from the standpoint of our national security. All of the findings in this legislation are amply supported by the facts, and by the record. This Nation faces, today, such a clear and present danger from the world Communist conspiracy that it is not only the right, but the duty, of those who legislate for the Nation, to take the steps necessary to provide protection against the threat. Enactment of this legislation, Mr. President, will be a major blow at the world Communist conspiracy; and the junior Senator from Maryland will cast his vote for this conference report with pride, and with the conviction that he is acting for the best interests of the United States of America.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. FERGUSON and other Senators asked for the yeas and nays, and they were ordered.

Mr. McCARRAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Butler	Ives	Martin
Cain	Johnson, Colo.	Millikin
Chapman	Johnson, Tex.	Morse
Connally	Johnston, S. C.	Mundt
Cordon	Kefauver	Neely
Darby	Kerr	O'Conor
Donnell	Kilgore	Russell
Dworshak	Knowland	Saltonstall
Ecton	Langer	Schoeppel
Ellender	Leahy	Smith, Maine
Ferguson	Lehman	Stennis
Frear	Long	Thye
Fulbright	Lucas	Tobey
Graham	McCarran	Watkins
Green	McClellan	Wherry
Gurney	McFarland	Wiley
Hendrickson	McKellar	Williams
Hill	McMahon	Young
Hoey	Magnuson	
Holland	Malone	

The VICE PRESIDENT. A quorum is present. The question is on agreeing to the conference report on H. R. 9490. The yeas and nays have been ordered. As many as favor the conference report will vote "yea" as their names are called. Those opposed will vote "nay." The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. O'CONOR (when Mr. TYDINGS' name was called). I announce that the senior Senator from Maryland [Mr. TYDINGS] is absent on public business. If present he would vote "yea."

The roll call was concluded.

Mr. LUCAS. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Connecticut [Mr. BENTON], the Senator from Arizona [Mr. HAYDEN], and the Senator from Pennsylvania [Mr. MYERS] are absent on public business.

The Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Illinois [Mr. DOUGLAS], the Senator from Iowa [Mr. GILLETTE], the Senator from Georgia [Mr. GEORGE], the Senator from Minnesota [Mr. HUMPHREY], the Senators from Wyoming [Mr. HUNT and Mr. O'MAHONEY], the Senator from Montana [Mr. MURRAY], and the Senator from Oklahoma [Mr. THOMAS] are unavoidably absent.

The Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

I announce that if present and voting, the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senator from Connecticut [Mr. BENTON], the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. GILLETTE], the Senators from Wyoming [Mr. HUNT] and Mr. O'MAHONEY], the Senator from South Carolina [Mr. MAYBANK], the Senator from Pennsylvania [Mr. MYERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Utah [Mr. THOMAS] would vote "yea."

I announce further that on this vote the Senator from Arizona [Mr. HAYDEN] is paired with the Senator from Montana [Mr. MURRAY]. If present and voting, the Senator from Arizona would vote "yea," and the Senator from Montana would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Missouri [Mr. KEM], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The junior Senator from Ohio [Mr. BRICKER], the junior and senior Senators from Indiana [Mr. CAPEHART and Mr. JENNER], the Senator from Wisconsin [Mr. MCCARTHY], and the senior Senator from Ohio [Mr. TAFT] are necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

If present and voting the Senator from Maine [Mr. BREWSTER], the senior and junior Senators from Ohio [Mr. TAFT and Mr. BRICKER], and the Senator from New Hampshire [Mr. BRIDGES], the senior and junior Senators from Indiana [Mr. JENNER and Mr. CAPEHART], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Missouri [Mr. KEM], the Senator from Wisconsin [Mr. MCCARTHY], the Senator from New Jersey [Mr. SMITH], and the Senator from Michigan [Mr. VANDENBERG] would each vote "yea."

The result was announced—yeas 51, nays 7, as follows:

YEAS—51

Butler	Holland	Millikin
Cain	Ives	Morse
Chapman	Johnson, Colo.	Mundt
Connally	Johnson, Tex.	Neely
Cordon	Johnston, S. C.	O'Conor
Darby	Kerr	Russell
Donnell	Knowland	Saltonstall
Dworshak	Long	Schoeppel
Ecton	Lucas	Smith, Maine
Ellender	McCarran	Stennis
Ferguson	McClellan	Thye
Frear	McFarland	Tobey
Fulbright	McKellar	Watkins
Gurney	McMahon	Wherry
Hendrickson	Magnuson	Wiley
Hill	Malone	Williams
Hoey	Martin	Young

NAYS—7

Graham	Kilgore	Lehman
Green	Langer	
Kefauver	Leahy	

NOT VOTING—38

Aiken	George	O'Mahoney
Anderson	Gillette	Pepper
Benton	Hayden	Robertson
Brewster	Hickenlooper	Smith, N. J.
Bricker	Humphrey	Sparkman
Bridges	Hunt	Taft
Byrd	Jenner	Taylor
Capehart	Kem	Thomas, Okla.
Chavez	Lodge	Thomas, Utah
Douglas	McCarthy	Tydings
Downey	Maybank	Vandenberg
Eastland	Murray	Withers
Flanders	Myers	

So the conference report on H. R. 9490 was agreed to.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

Mr. JOHNSON of Colorado. Mr. President, I move that the Senate pro-

ceed to consider the conference report on Senate bill 3357.

The VICE PRESIDENT. The Senator from Colorado moves that the Senate proceed to consider the conference report on Senate bill 3357, which has heretofore been under consideration.

The motion was agreed to, and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. MAGNUSON and Mr. MALONE addressed the Chair.

The VICE PRESIDENT. The Senator from Colorado [Mr. JOHNSON] has the floor.

Mr. MALONE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. MALONE. Was it not understood that by unanimous consent the Senator from Nevada should have the floor when action had been taken on the conference report?

The VICE PRESIDENT. No; it was not. All the proceedings in regard to the conference report heretofore were nullified. The Senator from Nevada will be recognized at the proper time.

Mr. MAGNUSON. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield.

INTERNATIONAL CONVENTION FOR NORTHWEST ATLANTIC FISHERIES

Mr. MAGNUSON. Mr. President, without displacing the business before the Senate, I ask that the Chair lay before the Senate the amendments of the House to the bill 2801, the North Atlantic Fisheries Convention.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2801) to give effect to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, and for other purposes, which were, on page 7, after line 2, insert:

(d) Nothing in this act shall be construed to limit or to add to the authority of the individual States to exercise their existing sovereignty within the presently defined limits of the territorial waters of the respective States.

On page 8, line 3, strike out all after "court." down to and including "determine." in line 5.

Mr. MAGNUSON. I move that the Senate concur in the amendments of the House. It is a matter in which all New England Senators have been interested. The House amendments provide that the various States may regulate those engaged in the fishing industry when there is a violation of the terms of the treaty.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. SALTONSTALL. I have taken the matter up with the fishing interests in my area and I understand they are fully in accord with the House amendments.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Washington that the Senate concur in the House amendments.

The motion was agreed to.

ADMINISTRATION OF PERFORMANCE-RATING PLANS FOR CERTAIN FEDERAL OFFICERS AND EMPLOYEES—CONFERENCE REPORT

Mr. MALONE obtained the floor.

Mr. FREAR. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Delaware?

Mr. MALONE. I yield, Mr. President, with the understanding that I do not lose the floor thereby.

The VICE PRESIDENT. By unanimous consent the Senator from Nevada may yield to the Senator from Delaware without losing the floor. Is there objection? The Chair hears none.

Mr. FREAR. Mr. President, I submit a conference report on the bill (H. R. 7824) to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7824) to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: On page 5, line 10, of the House engrossed bill insert after the period the following:

"If an officer or employee with a current performance rating of satisfactory has not requested and obtained a review of such rating as provided in subsection (a), such officer or employee, upon written appeal to the chairman of the appropriate board of review established under subsection (b), shall be entitled, as a matter of right, to a hearing and decision on the merits of the appealed rating."

And the Senate agree to the same.

J. ALLEN FREAR, Jr.,
RUSSELL B. LONG,
HENRY C. DWORSHAK,
Managers on the Part of the Senate.
TOM MURRAY,
JAMES O. DAVIS,
EDWARD H. REED,
Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. FREAR. Mr. President, the Senate Post Office and Civil Service Commitee has made an exhaustive study of the so-called efficiency rating plan now in effect in the executive branch of the Government. Extensive hearings were held during the Seventy-ninth, Eightieth, and Eighty-first Congresses, and several attempts have been made to streamline the present system.

H. R. 7824 is the culmination of all these studies and is, in our opinion, not only a very great timesaver but will eliminate a great deal of the expense required to investigate numerous appeals cases.

A suggestion was made by the conference committee to require the rating officer to set forth in writing, in detail, wherein the performance of an individual merited an outstanding rating. This would be approved by the agency head or his designated representative. It was the opinion of the majority of the conferees that such an amendment would greatly reduce the number of employees selected for this outstanding rating and would indirectly also reduce the number of appeals from the satisfactory rating to the outstanding rating. It was felt, however, that since the inclusion of this amendment would add new material and although it was the sense of the conference committee that this amendment be made a part of the bill, the amendment was not adopted.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. LONG. Mr. President, will the Senator from Nevada yield to me for a brief observation?

Mr. MALONE. I yield to the Senator from Louisiana if I do not lose the floor by yielding.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, with reference to the conference report about which the Senator from Delaware just spoke, I should like to mention that the Classification Act for the Federal service by this report is changed in several respects. The highest rating would be "outstanding," and it was thought by the conferees that there should be a much smaller percentage of persons rated as outstanding under the new classification than are presently rated as "excellent" by the present standards.

The junior Senator from Louisiana offered an amendment to attempt to see to it that the intention of the bill would be carried out by requiring that a classifying officer should have to set forth in detail in writing the reasons why an employee should be rated "outstanding," and that the "outstanding" rating should not be effective until it had been approved by the agency head or his designated representative.

The conference generally agreed to the idea, but because it might have been in conflict with the House rules, that amendment was not written in in conference, it being understood that the Civil Service Commission could probably accomplish the same results by regulations promulgated by it.

LT. COL. CHARLES J. TREES

Mr. McCARRAN. Mr. President, will the Senator from Nevada yield?

Mr. MALONE. I yield to the Senator from Nevada with the understanding that I do not lose the floor thereby.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCARRAN. I ask the Chair to lay before the Senate a message from the House of Representatives on House bill 5244.

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 5244) for the relief of Lt. Col. Charles J. Trees, Army of the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCARRAN. Mr. President, on July 27, 1950, the House passed H. R. 5244, for the relief of Lt. Col. Charles J. Trees. The bill would have conferred jurisdiction on the United States District Court for the Southern District of Indiana to hear, determine, and render judgment upon the claim of Colonel Trees. Upon referral to the Senate Committee on the Judiciary, the bill was amended to provide for an outright award of approximately $21,000 to the claimant and the Senate concurred in the action of the Judiciary Committee on September 13, 1950, and passed the bill as recommended by the committee. On September 15, 1950, the House disagreed to the Senate amendments, requested a conference and appointed conferees.

Mr. President, I move that the Senate insist on its amendments, agree to the request of the House for a conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. EASTLAND, Mr. KEFAUVER, and Mr. JENNER conferees on the part of the Senate.

The VICE PRESIDENT. The Senator from Nevada is recognized.

Mr. MUNDT. Mr. President——

Mr. MALONE. I yield to the distinguished Senator from South Dakota if I do not thereby lose the floor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

TRIBUTE TO SENATOR GURNEY

Mr. MUNDT. Mr. President, late yesterday afternoon, while the Senator from South Dakota was detained at another meeting, a number of Senators engaged in some very delightful colloquies concerning my distinguished colleague the senior Senator from South Dakota [Mr. GURNEY], and in the nature of farewell statements they wished him well and commented upon his splendid work which he is about to terminate in the United States Senate. The junior Senator from South Dakota regrets that he was not in the Chamber at that time and wishes now to associate himself with all those friendly and complimentary tributes which were so well merited by his senior colleague and which were so generally extended by Members of the Senate.

The junior Senator from South Dakota can say with complete conviction that he is confident that no Member of the United States Senate has ever had a more cooperative or friendly colleague to work with than has the junior Senator from South Dakota in the 2 years that he has been privileged to be associated in this body with Senator CHAN GURNEY.

I recall that it was in 1936, at a time when the Democrats were riding herd in South Dakota with a bright set of spurs and a heavy whip, that Senator GURNEY was then engaged in the oil business, in Yankton and in Sioux Falls, S. Dak.; and the present junior Senator from South Dakota was then peacefully engaged as a college professor and in the farm-management and investment business in his home town of Madison, S. Dak. Both of us began campaigning for election to Congress, the senior Senator from South Dakota for the Senate, and I for the House of Representatives. Both of us were defeated by our Democratic opponents in that election.

In 1938 we were elected, and both of us have served in the Congress ever since.

Mr. President, it is with a real sense of regret and remorse that I find my colleague about to move into some other area of activity, so that the happy, friendly, and cooperative relationship which I have enjoyed with him in Congress for some 12 years is about to be brought to an end.

The senior Senator from South Dakota, Mr. President, has been able to learn much better than his junior colleague the importance of the axiom that silence is a virtue. He has made himself a great many friends on both sides of the aisle by his very careful devotion to duty in this body. He has made few speeches but he has worked hard and effectively for State and Nation.

The junior Senator from South Dakota has looked with pleasure on certain newspaper reports that perhaps the public career of his colleague has not come to an end, and certainly wishes to join with other Senators in extending to Senator CHAN GURNEY, grand fellow that he is, the best of luck, in whatever lies before him.

TEMPORARY FUNDS FOR INTERNATIONAL CHILDREN'S WELFARE WORK

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. MALONE. I shall be very happy to yield to the distinguished Senator from Tennessee, provided I do not thereby lose the floor.

The VICE PRESIDENT. Without objection, it is so ordered; and the Senator from Tennessee is recognized.

Mr. KEFAUVER. Mr. President, in conjunction with the senior Senator from Wisconsin [Mr. WILEY], I wish to ask unanimous consent for the immediate consideration of Senate Joint Resolution 206, which would authorize the Reconstruction Finance Corporation to advance funds for international children's welfare work pending the making of the appropriation authorized by title V of the Foreign Economic Assistance Act of 1950.

The joint resolution would authorize the Reconstruction Finance Corporation to loan sums not to exceed $10,000,000 for that purpose, pending the making of the regular appropriation, which has been authorized.

I understand that the matter has been passed on by the Senate several times. The passage of this joint resolution will enable this organization to carry on its work until the regular appropriation funds are finally made available.

The VICE PRESIDENT. The Senator will have to ask unanimous consent that the pending business be temporarily laid aside for the consideration of the joint resolution.

Mr. KEFAUVER. Mr. President, I ask such unanimous consent.

The VICE PRESIDENT. It there objection?

Mr. JOHNSON of Colorado. Mr. President, reserving the right to object, will that take the pending business off the floor?

The VICE PRESIDENT. No; it will not, except temporarily.

The joint resolution will be read, for the information of the Senate.

The joint resolution (S. J. Res. 206) authorizing the Reconstruction Finance Corporation to advance funds for international children's welfare work pending the making of the appropriation authorized by title V of the Foreign Economic Assistance Act of 1950, introduced by Mr. WILEY, for himself, Mr. CONNALLY, Mr. GEORGE, Mr. MCMAHON, Mr. O'MAHONEY, Mr. HUMPHREY, Mr. TAFT, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. SMITH of New Jersey, was read, as follows:

Resolved, etc., That, notwithstanding the provisions of any other law, the Reconstruction Finance Corporation is authorized and directed, until such time as an appropriation shall be made pursuant to title V of the Foreign Economic Assistance Act of 1950, to make advances not to exceed in the aggregate $10,000,000 to carry out the provisions of such title, in such manner, at such time, and in such amounts as the President shall determine, and no interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation for this purpose. The Reconstruction Finance Corporation shall be repaid without interest for advances made by it hereunder, from funds hereafter appropriated for the purposes of such title.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee [Mr. KEFAUVER] that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of the joint resolution?

Mr. WHERRY. Mr. President, I am not going to object to the request for the immediate consideration of the joint resolution; but I should like to have the distinguished Senator from Tennessee or the distinguished Senator from Wisconsin make a statement about the joint resolution, so that the Members of the Senate will be advised in regard to what provisions it contains.

Mr. WILEY. Mr. President, if the Senator from Nevada will yield, I shall be very happy to give a brief explanation of the joint resolution.

Mr. MALONE. Mr. President, I shall be happy to yield, if I do not thereby lose the floor.

The VICE PRESIDENT. The Senator from Nevada has yielded to the Senator from Tennessee for a purpose obviously known to the Senator from Nevada; and the Senator from Nevada is temporarily

taken off the floor while the other matter is under consideration. Therefore, it is not necessary for him to yield.

Mr. WILEY. Mr. President, yesterday I introduced Senate Joint Resolution 206, by request. It appears on the face of the joint resolution itself that the Senator from Texas [Mr. CONNALLY], the Senator from Georgia [Mr. GEORGE], the Senator from Connecticut [Mr. MCMAHON], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Ohio [Mr. TAFT], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from New Jersey [Mr. SMITH] have joined with me in sponsoring the introduction of the joint resolution.

Mr. President, of the $100,000,000 originally authorized for the International Children's Fund (Public Law 472), $75,000,000 had been appropriated and fully matched by other Government contributions as of June 30, 1950. This year the Senate recommended extension of the authorization for $25,000,000, but the conferees reduced the figure to $15,000,000, and gave the President wide discretionary powers in the use of this money. [Public Law 535.]

The Bureau of the Budget and the Department of State requested $15,000,000 for international children's welfare work, and this figure in turn was cut to $12,500,000 by the Senate Appropriations Committee, with a proviso that the money should be available only for the International Children's Emergency Fund, since the fund was the only existing organization which was justified before the committee.

This appropriation was approved, first, without a single dissenting vote by the Senate, and, second, on a yea-and-nay vote was specifically exempted from the 10-percent cut across the board. The House conferees opposed the proviso; and as a result the Senate-House conference on the omnibus appropriation bill, instead of deleting the proviso, completely eliminated the provision for international children's welfare work.

At the request of the Senate and the Secretary of State, the Senate Appropriations Committee restored the appropriation of $12,500,000 in the supplemental appropriation bill. This item was again supported without opposition on the Senate floor, but was eliminated in the conference.

The only way in which this country can now meet its commitment to match the contributions of other governments for this program will be for the Reconstruction Finance Corporation to advance funds for international children's welfare work, pending the making of the appropriation authorized by title V of the Foreign Economic Assistance Act of 1950.

I wish to say that the value of this program can be stated succinctly as follows:

In less than 3 years of operation the fund has:

(a) Provided supplementary feeding, according to its resources, for 5,000,000 to 8,000,000 children daily. In 1950, UNICEF lifted 150,000,000 pounds of dried skim milk from United States surplus stocks at a nominal price, and is prepared to utilize other surpluses through noncompetitive channels, such as school lunch programs, hospitals, orphanages, and so forth, if the United States appropriation is continued.

(b) In cooperation with the Scandinavian Relief Societies, has tested and vaccinated, when necessary, more than 30,000,000 children against tuberculosis.

(c) In cooperation with the World Health Organization, it is rendering medical assistance to some millions of children, in underdeveloped countries against syphilis, yaws, and malaria.

(d) Supplied raw materia's to be processed into children's shoes, coats, and cloth for 6,000,000 children.

(e) Provided milk-processing equipment essential to the establishment of safe milk standards for children in eight countries in Europe.

(f) Trained hundreds of doctors, nurses, and social workers in practical problems of child care and welfare.

(g) The fund is the only United Nations program which had already distributed supplies in Korea prior to the invasion, and it is now stockpiling relief supplies in cooperation with the unified command to provide additional assistance as soon as conditions permit.

FINANCIAL RESOURCES

As a commodity supply operation, UNICEF receives no support from the annual assessment to the United Nations, but is financed by voluntary contributions from governments, persons, and organizations. The United States stimulates these contributions from other governments by matching them on a 72–28 percent ratio, and the total value of these government contributions is in turn matched by the recipient countries. Thus, over a period of 3 years, the fund has raised more than $215,000,000 for special assistance to children, of which United States has contributed about 35 percent.

At present, UNICEF has less than $200,000 for new allocations; and unless new resources are made available immediately, supplies for emergency programs (a) for refugees in Korea, the Middle East, Pakistan, and India, and (b) Greece and Yugoslavia will have to cease at the end of this month; and the supply line for the long-term programs in southeast Asia and Latin America will end as of the first of the new year.

Let me also say that the International Children's Emergency Fund was established by the United Nations General Assembly in December 1946, principally for the purpose of providing relief and rehabilitation for children of countries which had been the victims of aggression, and member states and individuals were invited to contribute to the fund.

In the Foreign Relief Act of May 1947, Congress authorized American contributions of up to $40,000,000 for the fund, provided that after the first $15,000,000, American contributions could not exceed 57 percent of the total budget.

Title II of the Foreign Economic Assistance Act of 1948 continued the availability of the unexpended portion of these funds to June 30, 1949, and authorized an additional appropriation of $60,000,000, thus increasing the total amount authorized for American contributions to $100,000,000. A proviso was inserted that American contributions could not exceed 72 percent of all contributions made after May 31, 1947.

LEGISLATIVE ACTION

Contributions were not made to the full extent authorized and, as the unexpended balance was to have reverted to the Treasury on June 30, 1949, the matter again came before the committee in the Eighty-first Congress. The House on June 7, 1949, passed H. R. 2785 continuing the availability of the funds to June 30, 1950. This bill was reported by the Senate Foreign Relations Committee June 28, and passed the Senate June 30. In its final form, the legislation contained a proviso that "it is the expressed intention of Congress that such participation by the United States shall cease on June 30, 1950."

The subject again came up in connection with the Foreign Economic Assistance Act of 1950. The committee took no action, but an amendment continuing the unexpended funds for still another year, to June 30, 1951, was offered on the Senate floor by Senator TAFT for himself and 18 other Senators. The amendment was adopted without debate when Chairman CONNALLY agreed to take it to conference.

The conference committee amended this provision to authorize a specific appropriation of $15,000,000 and to make it available, in the discretion of the President, for contributions to a permanent UN agency that might be established for children's welfare work. No funds, however, have been appropriated for this purpose in the Foreign Aid Appropriation Act of 1950.

LEGISLATIVE HISTORY AND DOCUMENTS

H. R. 2785 reported in House May 11, 1949, House Report 569—minority views, part II.

Passed House, June 7, 1949, CONGRESSIONAL RECORD, June 7.

Reported in Senate, June 28, 1949, Senate Report 595.

Passed Senate, June 30, 1949, CONGRESSIONAL RECORD, June 30, 1949.

House agrees to Senate amendments, July 6, 1949, CONGRESSIONAL RECORD, July 6, 1949.

Signed by President, July 14, 1949, Public Law 170.

Mr. President, I believe I have stated the imperative need for the enactment of the joint resolution. Certainly we have proceeded thus far to do a fine job in aid of the children, and we cannot now let them down.

If Senators will note those who have joined in sponsoring the joint resolution—and I am sure many others would have done so, had they had an opportunity to join in sponsoring it—and will consider the importance of this matter, I feel sure that there will be general agreement that the joint resolution should be passed without delay, in order that this great humanitarian program which, after all, is the very basis of the successful achievement of a sound program in Europe, may be furthered.

The VICE PRESIDENT. Is there objection to the request for unanimous consent that the pending business be

temporarily laid aside, and that the Senate proceed to the consideration of the joint resolution?

Mr. McKELLAR. Mr. President, I reserve the right to object.

The VICE PRESIDENT. Very well; the Senator from Tennessee is recognized.

Mr. McKELLAR. Mr. President, let me say that this same appropriation has been before the Appropriations Committee for several years.

The other day it went to the committee of conference in connection with the appropriation bill. The Senate conferees have not yet reported, and I do not understand that the conferees on the part of the House have reported. This item is before the conferees. I have supported it, and I believe that something of the sort should be done.

However, on almost the last day of the session, at nearly 11 p. m., to ask that the Appropriations Committee be wholly disregarded, would amount to giving the committee the run-around. Certainly the procedure here proposed would be a very very unusual way to handle such a matter.

Therefore, on behalf of the Appropriations Committee, I am compelled to object; and I do object.

Mr. WILEY. Mr. President, will the Senator from Tennessee withhold his objection for a moment, please?

Mr. McKELLAR. Of course.

Mr. WILEY. I have already stated that this appropriation has been approved by the Senate, without a single dissenting vote, and I have already stated that on a yea-and-nay vote in the Senate this appropriation was specifically exempted from the 10-percent cut straight across the board.

However, in conference this item was taken out. On the other hand, the Senate has approved it.

In view of the fact that the Appropriations Committee of the Senate has approved this item, in view of the fact that the Senate as a whole has approved it, and in view of the terrific challenge which is presented in this most important situation, I am sure that the proposal to have this joint resolution passed at this time is not a proposal to impinge upon the authority of the Appropriations Committee, because that committee has already acted on this matter.

Mr. President, I believe that the Senate should take prompt action on the joint resolution, and thus do a job which the Members of the Senate will never regret having done.

Mr. McKELLAR. Mr. President, speaking in ordinary, plain, everyday language, let me say that the present proposal is simply to give the Senate Appropriations Committee the run-around, after this matter has been handled by the committee. The committee fought for it in conference. Everything which possibly could be done has been done to get this item through; but we were not able to get it through.

Therefore, Mr. President, I am compelled to object.

The VICE PRESIDENT. The Senator from Tennessee objects.

The Senator from Nevada is recognized.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce.

Mr. MALONE. Mr. President——

Mr. KEFAUVER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. MALONE. I shall yield in a moment, Mr. President. However, at this time I have the floor, and I do not yield yet. I will yield in a moment.

The VICE PRESIDENT. That cannot be done unless the Senator yields for the purpose requested, by unanimous consent.

Mr. MALONE. Mr. President, I have not yielded as yet, but I shall be happy to yield in a moment.

MOTION TO RECOMMIT

I now move to recommit the bill to the conference committee, on the ground that the House has not yet agreed to the conference report.

The VICE PRESIDENT. The Senator from Nevada moves that the conference report——

Mr. MALONE. Then, I shall be happy to yield to the distinguished Senator from Tennessee.

The VICE PRESIDENT. Just a moment. Let the Chair state the question.

Mr. WHERRY. Will the Vice President state the parliamentary situation?

The VICE PRESIDENT. The Senator from Nevada moves that the conference report on this so-called slot machine bill be recommitted to the committee of conference.

Mr. MALONE. On the ground that the House has not yet acted upon the conference report.

Mr. KEFAUVER. Mr. President——

Mr. JOHNSON of Colorado. Mr. President, a point of order.

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. MALONE. I promised to yield to the distinguished Senator from Tennessee, which I do, provided I do not thereby lose the floor. Following that I shall be happy to yield to the Senator from Colorado for a question.

The VICE PRESIDENT. The motion is made to recommit the conference report. The Senator from Colorado rose, the Chair understood, to make a point of order.

Mr. JOHNSON of Colorado. I withdraw the point of order, in view of the explanation which the Senator has made.

The VICE PRESIDENT. The question now is on the motion to recommit the conference report.

Mr. KEFAUVER. Mr. President, will the Senator from Nevada yield?

Mr. MALONE. Mr. President, I wish to discuss the motion, but I shall be happy to yield, in the meantime, to the distinguished Senator from Tennessee, provided I do not thereby lose the floor.

The VICE PRESIDENT. The Senator from Tennessee, as the Chair understands, desires the Senator from Nevada to yield in order that he may move to take up another bill. Does the Senator yield for that purpose, provided he does not lose the floor?

Mr. MALONE. I yield for that purpose, if it is understood, by unanimous consent, that the junior Senator from Nevada does not lose the floor, and that it does not count as one speech against him in this debate.

Mr. LANGER. I object.

The VICE PRESIDENT. To what does the Senator from North Dakota object?

Mr. LANGER. I object to giving consent that the Senator may yield without losing the floor.

The VICE PRESIDENT. The Senator from North Dakota objects.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Nevada yield?

Mr. MALONE. I shall be very happy to yield to the distinguished senior Senator from Colorado for a question.

Mr. JOHNSON of Colorado. I move to lay——

The VICE PRESIDENT. The Senator from Nevada has a right to yield to the Senator from Colorado, for a question only, of course, without unanimous consent.

Mr. MALONE. I will yield to the Senator from Colorado for a question with the understanding that I do not lose the floor by so yielding.

The VICE PRESIDENT. The Senator would not lose the floor merely by yielding for a question.

Mr. MALONE. A question, then, is what I yield for.

The VICE PRESIDENT. To whom does the Senator yield?

Mr. MALONE. I yield to the distinguished Senator from Colorado.

Mr. JOHNSON of Colorado. Mr. President, I move to lay the motion of the Senator from Nevada on the table.

The VICE PRESIDENT. The Senator did not yield for that purpose. The Senator only yielded for a question. A motion is not a question.

Mr. KERR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Oklahoma for a question?

Mr. MALONE. I am glad to yield for a question.

Mr. KERR. Mr. President, will the Senator yield for a unanimous-consent request by the junior Senator from Oklahoma, with the understanding that he does not lose the floor by acceding to the request of the Senator from Oklahoma?

Mr. MALONE. I shall be happy to yield under those conditions, provided I do not lose my position on the floor.

The VICE PRESIDENT. By unanimous consent, the Senator may yield for that purpose.

RECESS TO 11 A. M. TOMORROW

Mr. KERR. The junior Senator from Oklahoma asks unanimous consent that the Senate stand in recess until 11 o'clock

a. m. tomorrow, with the understanding that the Senator from Nevada will have exercised his privilege of making his first speech on the conference report now before the Senate.

Mr. MALONE. Mr. President, I am now making my first speech on the motion to recommit, and with that understanding that I shall have completed my first speech on the motion to recommit, I would be very happy to give my consent.

The VICE PRESIDENT. The motion to recommit is the pending question. The Senator from Oklahoma asks unanimous consent that the Senate stand in recess until 11 o'clock a. m., with the understanding that the Senator from Nevada will then begin his first speech.

Mr. KERR. No, Mr. President, with the understanding that the Senator from Nevada will have made his first speech.

Mr. MALONE. On the motion to recommit?

Mr. KERR. On the motion to recommit; and that it will be considered that he has made his first speech.

The VICE PRESIDENT. The Chair will modify his statement. He misunderstood the Senator from Oklahoma. The Senator from Oklahoma asks that the Senate stand in recess until 11 o'clock tomorrow, with the understanding that, upon taking a recess, the Senator from Nevada will have completed his first speech on the motion to recommit. That is the way the Senator from Oklahoma stated it. Is there objection? The Chair hears none, and the Senate will stand in recess until 11 o'clock a. m. tomorrow.

Thereupon (at 10 o'clock and 54 minutes p. m.) the Senate took a recess until tomorrow, Thursday, September 21, 1950, at 11 o'clock a. m.

NOMINATION

Executive nomination received by the Senate September 20 (legislative day of July 20), 1950:

COLLECTOR OF CUSTOMS

Albert H. Kleffman of Hibbing, Minn., to be collector of customs for customs collection district No. 35, with headquarters at Minneapolis, Minn., in place of Viena P. Johnson.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 20 (legislative day of July 20), 1950:

DEPARTMENT OF DEFENSE

George C. Marshall, of Virginia, to be Secretary of Defense.

COLLECTOR OF INTERNAL REVENUE

Harold A. Lockhart, to be collector of internal revenue for the sixth district of Missouri.

IN THE ARMY

APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES

Gen. Omar Nelson Bradley, United States Army, to be General of the Army in the Regular Army of the United States, under the provisions of an act of Congress approved September 18, 1950.

UNITED STATES AIR FORCE

The nominations of Maurice Robert Holt et al., for promotion in the United States Air Force, which were confirmed today were received by the Senate on September 18, 1950, and appear in full in the Senate proceedings of the CONGRESSIONAL RECORD for that date, under the caption "Nominations," beginning with the name of Maurice Robert Holt, which appears on page 15026, and ending with the name of Mary Louise Sutton, which appears on 15027.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 20, 1950

The House met at 11 o'clock a. m.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal God, our Father, we pray that Thou wilt daily illumine our minds and hearts with Thy divine light and share with us Thy divine wisdom.

May we enter upon each new day with a calm and courageous spirit and a glorious vision of a better world. In all our plans and purposes, in all our deliberations and decisions may we endeavor to blend our wills with Thine, lest the vision fade and we wander in darkness.

Inspire us with an earnest longing to build the social order upon the principles of justice and righteousness.

Grant that sentiments of friendship and brotherhood may permeate the life of all the members of the human family. May these sentiments become more natural, more impartial, and more powerful.

In Christ's name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Woodruff, its enrolling clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 5731. An act to discharge a fiduciary obligation to Iran; and

H. R. 8396. An act to authorize Federal assistance to States and local governments in major disasters, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1507. An act to amend section 10 of the act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes; and

S. 2028. An act to permit the Board of Education of the District of Columbia to participate in the foreign teacher exchange program in cooperation with the United States Office of Education.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2195) entitled "An act to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. O'MAHONEY, Mr. MURRAY, Mr. MCFARLAND, Mr. CORDON, and Mr. ECTON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6319) entitled "An act to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation."

The message also announced that the Senate having proceeded to reconsider the bill (H. R. 6217) entitled "An act to provide greater security for veterans of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, in the granting of out-patient treatment by the Veterans' Administration," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

INTERNAL SECURITY ACT OF 1950

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3112)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'Internal Security Act of 1950'.

"TITLE I—SUBVERSIVE ACTIVITIES CONTROL

"SECTION 1. (a) This title may be cited as the 'Subversive Activities Control Act of 1950'.

"(b) Nothing in this Act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect.

"NECESSITY FOR LEGISLATION

"SEC. 2. As a result of evidence adduced before various committees of the Senate and

House of Representatives, the Congress hereby finds that—

"(1) There exists a world Communist movement which, in its origins, its development, and its present practice, is a worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization.

"(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

"(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

"(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

"(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a worldwide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

"(6) The Communist action organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments by any available means, including force if necessary, and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

"(7) In carrying on the activities referred to in paragraph (6), such Communist organizations in various countries are organized on a secret, conspiratorial basis and operate to a substantial extent through organizations, commonly known as 'Communist fronts', which in most instances are created and maintained, or used, in such manner as to conceal the facts as to their true character and purposes and their membership. One result of this method of operation is that such affiliated organizations are able to obtain financial and other support from persons who would not extend such support if they knew the true purposes of, and the actual nature of the control and influence exerted upon, such 'Communist fronts.'

"(8) Due to the nature and scope of the world Communist movement, with the existence of affiliated constituent elements working toward common objectives in various countries of the world, travel of Communist members, representatives, and agents from country to country facilitates communication and is a prerequisite for the carrying on of activities to further the purposes of the Communist movement.

"(9) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement.

"(10) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

"(11) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law.

"(12) The Communist network in the United States is inspired and controlled in large part by foreign agents who are sent into the United States ostensibly as attachés of foreign legations, affiliates of international organizations, members of trading commissions, and in similar capacities, but who use their diplomatic or semidiplomatic status as a shield behind which to engage in activities prejudicial to the public security.

"(13) There are, under our present immigration laws, numerous aliens who have been found to be deportable, many of whom are in the subversive, criminal, or immoral classes who are free to roam the country at will without supervision or control.

"(14) One device for infiltration by Communists is by procuring naturalization for disloyal aliens who use their citizenship as a badge for admission into the fabric of our society.

"(15) The Communist movement in the United States is an organization numbering thousands of adherents, rigidly and ruthlessly disciplined. Awaiting and seeking to advance a moment when the United States may be so far extended by foreign engagements, so far divided in counsel, or so far in industrial or financial straits, that overthrow of the Government of the United States by force and violence may seem possible of achievement, it seeks converts far and wide by an extensive system of schooling and indoctrination. Such preparations by Communist organizations in other countries have aided in supplanting existing governments. The Communist organization in the United States, pursuing its stated objectives, the recent successes of Communist methods in other countries, and the nature and control of the world Communist movement itself, present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

"DEFINITIONS

"SEC. 3. For the purposes of this title—

"(1) The term 'person' means an individual or an organization.

"(2) The term 'organization' means an organization, corporation, company, partnership, association, trust, foundation, or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together for joint action on any subject or subjects.

"(3) The term 'Communist-action organization' means—

"(a) any organization in the United States (other than a diplomatic representative or mission of a foreign government accredited as such by the Department of State) which (i) is subtsantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world Communist movement referred to in section 2 of this title, and (ii) operates primarily to advance the objectives of such world Communist movement as referred to in section 2 of this title; and

"(b) any section, branch, fraction, or cell of any organization defined in subparagraph (a) of this paragraph which has not complied with the registration requirements of this title.

"(4) The term 'Communist-front organization' means any organization in the United States (other than a Communist-action organization as defined in paragraph (3) of this section) which (A) is substantially directed, dominated, or controlled by a Communist-action organization, and (B) is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title.

"(5) The term 'Communist organization' means a Communist-action organization or a Communist-front organization.

"(6) The term 'to contribute funds or services' includes the rendering of any personal service and the making of any gift, subscription, loan, advance, or deposit, of money or of anything of value, and also the making of any contract, promise, or agreement to contribute funds or services, whether or not legally enforcible.

"(7) The term 'facility' means any plant, factory or other manufacturing, producing or service establishment, airport, airport facility, vessel, pier, water-front facility, mine, railroad, public utility, laboratory, station, or other establishment or facility, or any part, division, or department of any of the foregoing. The term 'defense facility' means any facility designated and proclaimed by the Secretary of Defense pursuant to section 5 (b) of this title and included on the list published and currently in effect under such subsection, and which is in compliance with the provisions of such subsection respecting the posting of notice of such designation.

"(8) The term 'publication' means any circular, newspaper, periodical, pamphlet, book, letter, post card, leaflet, or other publication.

"(9) The term 'United States', when used in a geographical sense, includes the several States, Territories, and possessions of the United States, the District of Columbia, and the Canal Zone.

"(10) The term 'interstate or foreign commerce' means trade, traffic, commerce, transportation, or communication (A) between any State, Territory, or possession of the United States (including the Canal Zone), or the District of Columbia, and any place outside thereof, or (B) within any Territory or possession of the United States (including the Canal Zone), or within the District of Columbia.

"(11) The term 'Board' means the Subversive Activities Control Board created by section 12 of this title.

"(12) The term 'final order of the Board' means an order issued by the Board under section 13 of this title, which has become final as provided in section 14 of this title.

"(13) The term 'advocates' includes advises, recommends, furthers by overt act, and admits belief in; and the giving, loaning, or promising of support or of money or anything of value to be used for advocating any doctrine shall be deemed to constitute the advocating of such doctrine.

"(14) The term 'world communism' means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist movement.

"(15) The terms 'totalitarian dictatorship' and 'totalitarianism' mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party.

"(16) The term 'doctrine' includes, but is not limited to, policies, practices, purposes, aims, or procedures.

"(17) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be conclusively presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

"(18) 'Advocating the economic, international, and governmental doctrines of world communism' means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

"(19) 'Advocating the economic and governmental doctrines of any other form of totalitarianism' means advocating the establishment of totalitarianism (other than world communism) and includes, but is not limited to, advocating the economic and governmental doctrines of fascism and nazism.

"CERTAIN PROHIBITED ACTS

"SEC. 4. (a) It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, as defined in paragraph (15) of section 3 of this title, the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual: *Provided, however,* That this subsection shall not apply to the proposal of a constitutional amendment.

"(b) It shall be unlawful for any officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, to communicate in any manner or by any means, to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any Communist organization as defined in paragraph (5) of section 3 of this title, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless such officer or employee shall have been specifically authorized by the President, or by the head of the department, agency, or corporation by which this officer or employee is employed, to make such disclosure of such information.

"(c) It shall be unlawful for any agent or representative of any foreign government, or any officer or member of any Communist organization as defined in paragraph (5) of section 3 of this title, knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of the United States or of any department or agency thereof or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, unless special authorization for such communication shall first have been obtained from the head of the department, agency, or corporation having custody of or control over such information.

"(d) Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine of not more than $10,000, or imprisonment for not more than ten years, or by both such fine and such imprisonment, and shall, moreover, be thereafter ineligible to hold any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

"(e) Any person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after the commission of such offense, notwithstanding the provisions of any other statute of limitations: *Provided,* That if at the time of the commission of the offense such person is an officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, such person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after such person has ceased to be employed as such officer or employee.

"(f) Neither the holding of office nor membership in any Communist organization by any person shall constitute per se a violation of subsection (a) or subsection (c) of this section or of any other criminal statute. The fact of the registration of any person under section 7 or section 8 of this title as an officer or member of any Communist organization shall not be received in evidence against such person in any prosecution for any alleged violation of subsection (a) or subsection (c) of this section or for any alleged violation of any other criminal statute.

"EMPLOYMENT OF MEMBERS OF COMMUNIST ORGANIZATIONS

"SEC. 5. (a) When a Communist organization, as defined in paragraph (5) of section 3 of this title, is registered or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful—

"(1) For any member of such organization, with knowledge or notice that such organization is so registered or that such order has become final—

"(A) in seeking, accepting, or holding any nonelective office or employment under the United States, to conceal or fail to disclose the fact that he is a member of such organization; or

"(B) to hold any nonelective office or employment under the United States; or

"(C) in seeking, accepting, or holding employment in any defense facility, to conceal or fail to disclose the fact that he is a member of such organization; or

"(D) if such organization is a Communist-action organization, to engage in any employment in any defense facility.

"(2) For any officer or employee of the United States or of any defense facility, with knowledge or notice that such organization is so registered or that such order has become final—

"(A) to contribute funds or services to such organization; or

"(B) to advise, counsel or urge any person, with knowledge or notice that such person is a member of such organization, to perform, or to omit to perform, any act if such act or omission would constitute a violation of any provision of subparagraph (1) of this subsection.

"(b) The Secretary of Defense is authorized and directed to designate and proclaim, and from time to time revise, a list of facilities, as defined in paragraph (7) of section 3 of this title, with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section. The Secretary shall cause such list as designated and proclaimed, or any revision thereof, to be promptly published in the Federal Register, and shall promptly notify the management of any facility so listed; whereupon such management shall immediately post conspicuously, and thereafter while so listed keep posted, notice of such designation in such form and in such place or places as to give reasonable notice thereof to all employees of, and to all applicants for employment in, such facility.

"(c) As used in this section, the term 'member' shall not include any individual whose name has not been made public because of the prohibition contained in section 9 (b) of this title.

"DENIAL OF PASSPORTS TO MEMBERS OF COMMUNIST ORGANIZATIONS

"SEC. 6. (a) When a Communist organization as defined in paragraph (5) of section 3 of this title is registered, or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful for any member of such organization, with knowledge or notice that such organization is so registered or that such order has become final—

"(1) to make application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States; or

"(2) to use or attempt to use any such passport.

"(b) When an organization is registered, or there is in effect a final order of the Board requiring an organization to register, as a Communist-action organization, it shall be unlawful for any officer or employee of the United States to issue a passport to, or renew the passport of, any individual knowing or having reason to believe that such individual is a member of such organization.

"(c) As used in this section, the term 'member' shall not include any individual whose name has not been made public because of the prohibition contained in section 9 (b) of this title.

"REGISTRATION AND ANNUAL REPORTS OF COMMUNIST ORGANIZATIONS

"SEC. 7. (a) Each Communist-action organization (including any organization required by a final order of the Board, to register as a Communist-action organization) shall, within the time specified in subsection (c) of this section, register with the Attorney General, on a form prescribed by him by regulations, as a Communist-action organization.

"(b) Each Communist-front organization (including any organization required, by a final order of the Board, to register as a Communist-front organization) shall, within the time specified in subsection (c) of this section, register with the Attorney General, on a form prescribed by him by regulations, as a Communist-front organization.

"(c) The registration required by subsection (a) or (b) shall be made—

"(1) in the case of an organization which is a Communist-action organization or a Communist-front organization on the date of the enactment of this title, within thirty days after such date;

"(2) in the case of an organization becoming a Communist-action organization or a Communist-front organization after the date of the enactment of this title, within thirty days after such organization becomes a Communist-action organization or a Communist-front organization, as the case may be; and

"(3) in the case of an organization which by a final order of the Board is required to

register, within thirty days after such order becomes final.

"(d) The registration made under subsection (a) or (b) shall be accompanied by a registration statement, to be prepared and filed in such manner and form as the Attorney General shall by regulations prescribe, containing the following information:

"(1) The name of the organization and the address of its principal office.

"(2) The name and last-known address of each individual who is at the time of filing of such registration statement, and of each individual who was at any time during the period of twelve full calendar months next preceding the filing of such statement, an officer of the organization, with the designation or title of the office so held, and with a brief statement of the duties and functions of such individual as such officer.

"(3) An accounting, in such form and detail as the Attorney General shall by regulations prescribe, of all moneys received and expended (including the sources from which received and the purposes for which expended) by the organization during the period of twelve full calendar months next preceding the filing of such statement.

"(4) In the case of a Communist-action organization, the name and last-known address of each individual who was a member of the organization at any time during the period of twelve full calendar months preceding the filing of such statement.

"(5) In the case of any officer or member whose name is required to be shown in such statement, and who uses or has used or who is or has been known by more than one name, each name which such officer or member uses or has used or by which he is known or has been known.

"(e) It shall be the duty of each organization registered under this section to file with the Attorney General on or before February 1 of the year following the year in which it registers, and on or before February 1 of each succeeding year, an annual report, prepared and filed in such manner and form as the Attorney General shall by regulations prescribe, containing the same information which by subsection (d) is required to be included in a registration statement, except that the information required with respect to the twelve-month period referred to in paragraph (2), (3), or (4) of such subsection shall, in such annual report, be given with respect to the calendar year preceding the February 1 on or before which such annual report must be filed.

"(f) (1) It shall be the duty of each organization registered under this section to keep, in such manner and form as the Attorney General shall by regulations prescribe, accurate records and accounts of moneys received and expended (including the sources from which received and purposes for which expended) by such organization.

"(2) It shall be the duty of each Communist-action organization registered under this section to keep, in such manner and form as the Attorney General shall by regulations prescribe, accurate records of the names and addresses of the members of such organization and of persons who actively participate in the activities of such organization.

"(g) It shall be the duty of the Attorney General to send to each individual listed in any registration statement or annual report, filed under this section, as an officer or member of the organization in respect of which such registration statement or annual report was filed, a notification in writing that such individual is so listed; and such notification shall be sent at the earliest practicable time after the filing of such registration statement or annual report. Upon written request of any individual so notified who denies that he holds any office or membership (as the case may be) in such organization, the Attorney General shall forthwith initiate and conclude at the earliest practicable time an appropriate investigation to determine the truth or falsity of such denial, and, if the Attorney General shall be satisfied that such denial is correct, he shall thereupon strike from such registration statement or annual report the name of such individual. If the Attorney General shall decline or fail to strike the name of such individual from such registration statement or annual report within five months after receipt of such written request, such individual may file with the Board a petition for relief pursuant to section 13 (b) of this title.

"(h) In the case of failure on the part of any organization to register or to file any registration statement or annual report as required by this section, it shall be the duty of the executive officer (or individual performing the ordinary and usual duties of an executive officer) and of the secretary (or individual performing the ordinary and usual duties of a secretary) of such organization, and of such officer or officers of such organization as the Attorney General shall by regulations prescribe, to register for such organization, to file such registration statement, or to file such annual report, as the case may be.

"REGISTRATION OF MEMBERS OF COMMUNIST-ACTION ORGANIZATIONS

"SEC. 8. (a) Any individual who is or becomes a member of any organization concerning which (1) there is in effect a final order of the Board requiring such organization to register under section 7 (a) of this title as a Communist-action organization, (2) more than thirty days have elapsed since such order has become final, and (3) such organization is not registered under section 7 of this title as a Communist-action organization, shall within sixty days after said order has become final, or within thirty days after becoming a member of such organization, whichever is later, register with the Attorney General as a member of such organization.

"(b) Each individual who is or becomes a member of any organization which he knows to be registered as a Communist-action organization under section 7 (a) of this title, but to have failed to include his name upon the list of members thereof filed with the Attorney General, pursuant to the provisions of subsections (d) and (e) of section 7 of this title, shall, within sixty days after he shall have obtained such knowledge, register with the Attorney General as a member of such organization.

"(c) The registration made by any individual under subsection (a) or (b) of this section shall be accompanied by a registration statement to be prepared and filed in such manner and form, and containing such information, as the Attorney General shall by regulations prescribe.

"KEEPING OF REGISTERS; PUBLIC INSPECTION; REPORTS TO PRESIDENT AND CONGRESS

"SEC. 9. (a) The Attorney General shall keep and maintain separately in the Department of Justice—

"(1) a 'Register of Communist-Action Organizations', which shall include (A) the names and addresses of all Communist-action organizations registered under section 7, (B) the registration statements and annual reports filed by such organizations thereunder, and (C) the registration statements filed by individuals under section 8; and

"(2) a 'Register of Communist-Front Organizations', which shall include (A) the names and addresses of all Communist-front organizations registered under section 7, and (B) the registration statements and annual reports filed by such organizations thereunder.

"(b) Such registers shall be kept and maintained in such manner as to be open for public inspection: *Provided*, That the Attorney General shall not make public the name of any individual listed in either such register as an officer or member of any Communist organization until sixty days shall have elapsed after the transmittal of the notification required by section 7 (g) to be sent to such individual, and if prior to the end of such period such individual shall make written request to the Attorney General for the removal of his name from any such list, the Attorney General shall not make public the name of such individual until six months shall have elapsed after receipt of such request by the Attorney General, or until thirty days shall have elapsed after the Attorney General shall have denied such request and shall have transmitted to such individual notice of such denial, whichever is earlier.

"(c) The Attorney General shall submit to the President and to the Congress on or before June 1 of each year (and at any other time when requested by either House by resolution) a report with respect to the carrying out of the provisions of this title, including the names and addresses of the organizations listed in such registers and (except to the extent prohibited by subsection (b) of this section) the names and addresses of the individuals listed as members of such organizations.

"(d) Upon the registration of each Communist organization under the provisions of this title, the Attorney General shall publish in the Federal Register the fact that such organization has registered as a Communist-action organization, or as a Communist-front organization, as the case may be, and the publication thereof shall constitute notice to all members of such organization that such organization has so registered.

"USE OF THE MAILS AND INSTRUMENTALITIES OF INTERSTATE OR FOREIGN COMMERCE

"SEC. 10. It shall be unlawful for any organization which is registered under section 7, or for any organization with respect to which there is in effect a final order of the Board requiring it to register under section 7, or for any person acting for or on behalf of any such organization—

"(1) to transmit or cause to be transmitted, through the United States mails or by any means or instrumentality of interstate or foreign commerce, any publication which is intended to be, or which it is reasonable to believe is intended to be, circulated or disseminated among two or more persons, unless such publication, and any envelope, wrapper, or other container in which it is mailed or otherwise circulated or transmitted, bears the following, printed in such manner as may be provided in regulations prescribed by the Attorney General, with the name of the organization appearing in lieu of the blank: 'Disseminated by ———, a Communist organization'; or

"(2) to broadcast or cause to be broadcast any matter over any radio or television station in the United States, unless such matter is preceded by the following statement, with the name of the organization being stated in place of the blank: 'The following program is sponsored by ———, a Communist organization'.

"DENIAL OF TAX DEDUCTIONS AND EXEMPTION

"SEC. 11. (a) Notwithstanding any other provision of law, no deduction for Federal income-tax purposes shall be allowed in the case of a contribution to or for the use of any organization if at the time of the making of such contribution (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board requiring such organization to register under section 7.

"(b) No organization shall be entitled to exemption from Federal income tax, under section 101 of the Internal Revenue Code, for any taxable year if at any time during such taxable year (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board requiring such organization to register under section 7.

"SUBVERSIVE ACTIVITIES CONTROL BOARD

"SEC. 12. (a) There is hereby established a board, to be known as the Subversive Activities Control Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three members of the Board shall be members of the same political party. Two of the original members shall be appointed for a term of one year, two for a term of two years, and one for a term of three years, but their successors shall be appointed for terms of three years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

"(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and three members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

"(c) The Board shall at the close of each fiscal year make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees of the Board, and an account of all moneys it has disbursed.

"(d) Each member of the Board shall receive a salary of $12,500 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

"(e) It shall be the duty of the Board—

"(1) upon application made by the Attorney General under section 13 (a) of this title, or by any organization under section 13 (b) of this title, to determine whether any organization is a "Communist-action organization" within the meaning of paragraph (3) of section 3 of this title, or a "Communist-front organization" within the meaning of paragraph (4) of section 3 of this title; and

"(2) upon application made by the Attorney General under section 13 (a) of this title, or by any individual under section 13 (b) of this title, to determine whether any individual is a member of any Communist-action organization registered, or by final order of the Board required to be registered, under section 7 (a) of this title.

"(f) Subject to the civil-service laws and Classification Act of 1949, the Board may appoint and fix the compensation of a chief clerk and such examiners and other personnel as may be necessary for the performance of its functions.

"(g) The Board may make such rules and regulations, not inconsistent with the provisions of this title, as may be necessary for the performance of its duties.

"(h) There are hereby authorized to be appropriated to the Board such sums as may be necessary to carry out its functions."

"PROCEEDINGS BEFORE BOARD

"SEC. 13. (a) Whenever the Attorney General shall have reason to believe that any organization which has not registered under subsection (a) or subsection (b) of section 7 of this title is in fact an organization of a kind required to be registered under such subsection, or that any individual who has not registered under section 8 of this title is in fact required to register under such section, he shall file with the Board and serve upon such organization or individual a petition for an order requiring such organization or individual to register pursuant to such subsection or section, as the case may be. Each such petition shall be verified under oath, and shall contain a statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such order.

"(b) Any organization registered under subsection (a) or subsection (b) of section 7 of this title, and any individual registered under section 8 of this title, may, not oftener than once in each calendar year, make application to the Attorney General for the cancellation of such registration and (in the case of such organization) for relief from obligation to make further annual reports. Within sixty days after the denial of any such application by the Attorney General, the organization or individual concerned may file with the Board and serve upon the Attorney General a petition for an order requiring the cancellation of such registration and (in the case of such organization) relieving such organization of obligation to make further annual reports. Any individual authorized by section 7 (g) of this title to file a petition for relief may file with the Board and serve upon the Attorney General a petition for an order requiring the Attorney General to strike his name from the registration statement or annual report upon which it appears.

"(c) Upon the filing of any petition pursuant to subsection (a) or subsection (b) of this section, the Board (or any member thereof or any examiner designated thereby) may hold hearings, administer oaths and affirmations, may examine witnesses and receive evidence at any place in the United States, and may require by subpena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed relevant, to the matter under inquiry. Subpenas may be signed and issued by any member of the Board or any duly authorized examiner. Subpenas shall be issued on behalf of the organization or the individual who is a party to the proceeding upon request and upon a statement or showing of general relevance and reasonable scope of the evidence sought. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. Witnesses summoned shall be paid the same fees and mileage paid witnesses in the district courts of the United States. In case of disobedience to a subpena, the Board may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear (and to produce documentary evidence if so ordered) and give evidence relating to the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. No person shall be held liable in any action in any court, State or Federal, for any damages resulting from (1) his production of any documentary evidence in any proceeding before the Board if he is required, by a subpena issued under this subsection, to produce the evidence; or (2) any statement under oath he makes in answer to a question he is asked while testifying before the Board in response to a subpena issued under this subsection, if the statement is pertinent to the question.

"(d) (1) All hearings conducted under this section shall be public. Each party to such proceeding shall have the right to present its case with the assistance of counsel, to offer oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. An accurate stenographic record shall be taken of the testimony of each witness, and a transcript of such testimony shall be filed in the office of the Board.

"(2) Where an organization or individual declines or fails to appear at a hearing accorded to such organization or individual by the Board pursuant to this section, the Board may, without further proceedings and without the introduction of any evidence, enter an order requiring such organization or individual to register or denying the application of such organization or individual, as the case may be. Where in the course of any hearing before the Board or any examiner thereof a party or counsel is guilty of misbehavior which obstructs the hearing, such party or counsel may be excluded from further participation in the hearing.

"(e) In determining whether any organization is a 'Communist-action organization', the Board shall take into consideration—

"(1) the extent to which its policies are formulated and carried out and its activities performed, pursuant to directives or to effectuate the policies of the foreign government or foreign organization in which is vested, or under the domination or control of which is exercised, the direction and control of the world Communist movement referred to in section 2 of this title; and

"(2) the extent to which its views and policies do not deviate from those of such foreign government or foreign organization; and

"(3) the extent to which it receives financial or other aid, directly or indirectly, from or at the direction of such foreign government or foreign organization; and

"(4) the extent to which it sends members or representatives to any foreign country for instruction or training in the principles, policies, strategy, or tactics of such world Communist movement; and

"(5) the extent to which it reports to such foreign government or foreign organization or to its representatives; and

"(6) the extent to which its principal leaders or a substantial number of its members are subject to or recognize the disciplinary power of such foreign government or foreign organization or its representatives; and

"(7) the extent to which, for the purpose of concealing foreign direction, domination, or control, or of expediting or promoting its objectives, (i) it fails to disclose, or resists efforts to obtain information as to, its membership (by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method); (ii) its members refuse to acknowledge membership therein; (iii) it fails to disclose, or resists efforts to obtain information as to, records other than membership lists; (iv) its meetings are secret; and (v) it otherwise operates on a secret basis; and

"(8) the extent to which its principal leaders or a substantial number of its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization.

"(f) In determining whether any organization is a 'Communist-front organization', the Board shall take into consideration—

"(1) the extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of or as representatives of any Communist-action organization. Communist foreign government, or the world Communist movement referred to in section 2; and

"(2) the extent to which its support, financial or otherwise, is derived from any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(3) the extent to which its funds, resources, or personnel are used to further or

promote the objectives of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(4) the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2.

"(g) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

"(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order requiring such organization to register as such under section 7 of this title; or

"(2) that an individual is a member of a Communist-action organization (including an organization required by final order of the Board to register under section 7 (a)), it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order requiring him to register as such under section 8 of this title.

"(h) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

"(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order denying his petition for an order requiring such organization to register as such under section 7 of this title; and send a copy of such order to such organization; or

"(2) that an individual is not a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order denying his petition for an order requiring such individual to register as such member under section 8 of this title; and send a copy of such order to such individual.

"(i) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

"(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order requiring him to cancel the registration of such organization and relieve it from the requirement of further annual reports; and send a copy of such order to such organization; or

"(2) that an individual is not a member of any Communist-action organization, or (in the case of an individual listed as an officer of a Communist-front organization) that an individual is not an officer of a Communist-front organization, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order requiring him to (A) strike the name of such individual from the registration statement or annual report upon which it appears or (B) cancel the registration of such individual under section 8, as may be appropriate; and send a copy of such order to such individual.

"(j) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

"(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order denying its petition for the cancellation of its registration and for relief from the requirement of further annual reports; or

"(2) that an individual is a member of a Communist-action organization, or (in the case of an individual listed as an officer of a Communist-front organization) that an individual is an officer of a Communist-front organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order denying his petition for an order requiring the Attorney General (A) to strike his name from any registration statement or annual report on which it appears or (B) to cancel the registration of such individual under section 8, as the case may be.

"(k) When any order of the Board requiring registration of a Communist organization becomes final under the provisions of section 14 (b) of this title, the Board shall publish in the Federal Register the fact that such order has become final, and publication thereof shall constitute notice to all members of such organization that such order has become final.

"JUDICIAL REVIEW

"SEC. 14. (a) The party aggrieved by any order entered by the Board under subsection (g), (h), (i), or (j) of section 13 may obtain a review of such order by filing in the United States Court of Appeals for the District of Columbia, within sixty days from the date of service upon it of such order, a written petition praying that the order of the Board be set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the Board shall certify and file in the court a transcript of the entire record in the proceeding, including all evidence taken and the report and order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm or set aside the order of the Board; but the court may in its discretion and upon its own motion transfer any action so commenced to the United States Court of Appeals for the circuit wherein the petitioner resides. The findings of the Board as to the facts, if supported by the preponderance of the evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material, the court may order such additional evidence to be taken before the Board and to be adduced upon the proceeding in such manner and upon such terms and conditions as to the court may seem proper. The Board may modify its findings as to the facts, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by the preponderance of the evidence shall be conclusive, and its recommendations, if any, with respect to action in the matter under consideration. If the court shall set aside an order issued under subsection (j) of section 13 it may, in the case of an organization, enter a judgment canceling the registration of such organization and relieving it from the requirement of further annual reports, or in the case of an individual, enter a judgment requiring the Attorney General (A) to strike the name of such individual from the registration statement or annual report on which it appears, or (B) cancel the registration of such individual under section 8, as may be appropriate. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in title 28, United States Code, section 1254.

"(b) Any order of the Board issued under section 13 shall become final—

"(1) upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; or

"(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a United States Court of Appeals, and no petition for certiorari has been duly filed; or

"(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a United States Court of Appeals; or

"(4) upon the expiration of ten days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or the petition for review dismissed.

"PENALTIES

"SEC. 15. (a) If there is in effect with respect to any organization or individual a final order of the Board requiring registration under section 7 or section 8 of this title—

"(1) such organization shall, upon conviction of failure to register, to file any registration statement or annual report, or to keep records as required by section 7, be punished for each such offense by a fine of not more than $10,000, and

"(2) each individual having a duty under subsection (h) of section 7 to register or to file any registration statement or annual report on behalf of such organization, and each individual having a duty to register under section 8, shall, upon conviction of failure to so register or to file any such registration statement or annual report, be punished for each such offense by a fine of not more than $10,000, or imprisonment for not more than five years, or by both such fine and imprisonment.

For the purposes of this subsection, each day of failure to register, whether on the part of the organization or any individual, shall constitute a separate offense.

"(b) Any individual who, in a registration statement or annual report filed under section 7 or section 8, willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made or information given not misleading, shall upon conviction thereof be punished for each such offense by a fine of not more than $10,000, or by imprisonment for not more than five years or by both such fine and imprisonment. For the purposes of this subsection—

"(1) each false statement willfully made, and each willful omission to state any fact which is required to be stated, or which is necessary to make the statements made or information given not misleading, shall constitute a separate offense; and

"(2) each listing of the name or address of any one individual shall be deemed to be a separate statement.

"(c) Any organization which violates any provision of section 10 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000. Any individual who violates any provision of section 5, 6, or 10 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment.

"APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

"SEC. 16. Nothing in this title shall be held to make the provisions of the Administrative Procedure Act inapplicable to the exercise of functions, or the conduct of proceedings, by the Board under this title.

"EXISTING CRIMINAL STATUTES

"SEC. 17. The foregoing provisions of this title shall be construed as being in addition to and not in modification of existing criminal statutes.

"AMENDING TITLE 18, SECTION 793, UNITED STATES CODE

"SEC. 18. Title 18, United States Code, section 793, be and the same is hereby amended to read as follows:

"'§ 793. Gathering, transmitting, or losing defense information.

"'(a) Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, research laboratory or station or other place connected with the national defense owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments, or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are the subject of research or development, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense; or

"'(b) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

"'(c) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or

"'(d) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

"'(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or

"'(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer—

"'Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"'(g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.'"

"PERIOD OF LIMITATION

"SEC. 19. An indictment for any violation of title 18, United States Code, section 792, 793, or 794, other than a violation constituting a capital offense, may be found at any time within ten years next after such violation shall have been committed. This section shall not authorize prosecution, trial, or punishment for any offense now barred by the provisions of existing law.

"AMENDING ACT OF JUNE 8, 1938

"SEC. 20. The Act of June 8, 1938 (52 Stat. 631; 22 U. S. C. 611–621), entitled 'An Act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes', as amended, is hereby further amended as follows:

"(a) Strike out the word 'and' at the end of section 1 (c) (3), insert the word 'and' at the end of section 1 (c) (4), and add the following paragraph immediately after section 1 (c) (4):

"'(5) any person who has knowledge of or has received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, unless such knowledge, instruction, or assignment has been acquired by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party or unless, by reason of employment at any time by an agency of the United States Government having responsibilities in the field of intelligence, such person has made full written disclosure of such knowledge or instruction to officials within such agency, such disclosure has been made a matter of record in the files of such agency, and a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security;'.

"(b) Add the following subsection immediately after section 8 (d):

"'(e) Failure to file any such registration statement or supplements thereto as is required by either section 2 (a) or section 2 (b) shall be considered a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.'

"SECURITY REGULATIONS AND ORDERS AND PENALTY FOR VIOLATION THEREOF

"SEC. 21. (a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both.

"(b) Every such regulation or order shall be posted in conspicuous and appropriate places.

"AMENDING ACT OF OCTOBER 16, 1918

"SEC. 22. The Act of October 16, 1918, as amended (40 Stat. 1012, 41 Stat. 1008, 54 Stat. 673; 8 U. S. C. 137), be, and the same is hereby, amended to read as follows: 'That any alien who is a member of any one of the following classes shall be excluded from admission into the United States:

"'(1) Aliens who seek to enter the United States whether solely, principally, or incidentally, to engage in activities which would be prejudicial to the public interest, or would endanger the welfare or safety of the United States;

"'(2) Aliens who, at any time, shall be or shall have been members of any of the following classes:

"'(A) Aliens who are anarchists;

"'(B) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

"'(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States, (ii) any other totalitarian party of the United States, (iii) the Communist Political Association, (iv) the Communist or other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state; (v) any section, subsidiary, branch, affiliate, or subdivision of any such association or party; or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt;

"'(D) Aliens not within any of the other provisions of this paragraph (2) who advocate the economic, international, and governmental doctrines of world communism or the economic and governmental doctrines of any other form of totalitarianism, or who are members of or affiliated with any organization that advocates the economic international, and governmental doctrines of world communism, or the economic and governmental doctrines of any other form of totalitarianism, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under the authority of such organization or paid for by the funds of such organization;

"'(E) Aliens not within any of the other provisions of this paragraph (2), who are members of or affiliated with any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, unless such aliens establish that they did not know or have reason to believe at the time they became members of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered acquire such knowledge or belief) that such organization was a Communist organization.

"'(F) Aliens who advocate or teach or who are members of or affiliated with any organization that advocates or teaches (i) the overthrow by force or violence or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage;

"'(G) Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating (i) the overthrow by force or violence or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage; or (v) the economic, international, and governmental doctrines of world communism or the economic and governmental doctrines of any other form of totalitarianism.

"'(H) Aliens who are members of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subparagraph (G).

"'(3) Aliens with respect to whom there is reason to believe that such aliens would, after entry, be likely to (A) engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security; (B) engage in any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unconstitutional means; or (C) organize, join, affiliate with, or participate in the activities of any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950.

"'SEC. 2. The provision of paragraph (2) of section 1 shall not be applicable to any alien who is seeking to enter the United States temporarily as a nonimmigrant under section 3 (1) or 3 (7) of the Immigration Act of 1924, as amended (43 Stat. 153; 8 U. S. C. 201).

"'SEC. 3. No visa or other documentation shall be issued to any alien who seeks to enter the United States either as an immigrant or as a nonimmigrant if the consular officer knows or has reason to believe that such alien is inadmissible to the United States under this Act. The case of an alien within any of the categories enumerated in section 1 shall not be defined as an emergency case within the meaning of section 30 of the Alien Registration Act of 1940 (54 Stat. 673; 8 U. S. C. 451).

"'SEC. 4. (a) Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in section 1 (1) or section 1 (3) of this Act or (except in the case of an alien who is legally in the United States temporarily as a nonimmigrant under section 3 (1) or 3 (7) of the Immigration Act of 1924, as amended) a member of any one of the classes of aliens enumerated in section 1 (2) of this Act, shall, upon the warrant of the Attorney General, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this Act, irrespective of the time of their entry into the United States.

"'(b) The Attorney General shall, in like manner as provided in subsection (a) of this section, take into custody and deport from the United States any alien who at any time, whether before or after the effective date of this Act, has engaged, or has had a purpose to engage, in any of the activities described in paragraph (1) or in any of the subparagraphs of paragraph (3) of section 1, unless the Attorney General is satisfied, in the case of any alien who engaged in any activity within category (C) of paragraph (3) of section 1 that such alien did not know or have reason to believe at the time such alien became a member of or affiliated with the organization referred to in category (C) of paragraph (3) of section 1 (and did not thereafter and prior to the date upon which such organization was registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950 acquire such knowledge or belief) that such organization was a Communist organization.

"'SEC. 5. Notwithstanding the provisions of sections 16 and 17 of the Immigration Act of February 5, 1917, as amended (39 Stat. 885–887; 8 U. S. C. 152, 153), which relate to boards of special inquiry and to appeal from the decisions of such boards, any alien who may appear to the examining immigration officer at the port of arrival to be excludable under section 1 shall be temporarily excluded, and no further inquiry by a board of special inquiry shall be conducted until after the case is reported to the Attorney General and such an inquiry is directed by the Attorney General. If the Attorney General is satisfied that the alien is excludable under section 1 on the basis of information of a confidential nature, the disclosure of which would be prejudicial to the public interest, safety, or security, he may deny any further inquiry by a board of special inquiry and order such alien to be excluded and deported.

"'SEC. 6. (a) The provisions of the seventh proviso to section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875; 8 U. S. C. 136), relating to the admission of aliens to the United States, shall have no application to cases falling within the purview of section 1 of this act.

"'(b) The provisions of the ninth proviso to section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875; 8 U. S. C. 136), relating to the temporary admission of aliens to the United States, shall have no application to cases falling within the purview of section 1 (1) and 1 (3) of this act. The Attorney General shall make a detailed report to Congress in any case where the authority granted in the ninth proviso above is exercised on behalf of any alien excludible under section 1 (2).

"'(c) Notwithstanding the provisions of the tenth proviso to section 3 of the Immigration Act of February 5, 1917, as amended (39 Stat. 875; 8 U. S. C. 136), or any other law—

"'(1) the provisions of section 1 (1) and 1 (3) shall be applicable to any alien within the purview of section 3 (1) of the Immigration Act of 1924, as amended (43 Stat. 153; 8 U. S. C. 201), except ambassadors, public ministers, and career diplomatic and consular officers who have been accredited by a foreign government recognized de jure by the United States and who are accepted by the President or the Secretary of State, and the members of the immediate families of such aliens, who shall be subject to exclusion under the provisions of section 1 (1) only pursuant to such rules and regulations as the President may deem to be necessary; and

"'(2) the provisions of section 1 (1) shall be applicable to any alien within the purview of section 3 (7) of the Immigration Act of 1924, as amended (43 Stat. 153; 8 U. S. C. 201); the provisions of section 1 (3) shall be applicable to any such alien except a designated principal resident representative of a foreign government member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669), accredited resident members of the staff of such representative, and members of his immediate family.

"'(d) The proviso to section 15 of the Immigration Act of 1924, as amended (43 Stat. 153; 8 U. S. C. 201), relating to the departure of any alien who has failed to maintain status under section 3 (1) or 3 (7) of said Act shall not be applicable in the case of any alien who would be subject to exclusion under the provisions of section 1 of this Act if he were applying for admission.

"'SEC. 7. Upon the notification by the Attorney General that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject or resident thereof, the Secretary of State shall instruct consular officers performing their duties in the territory of such country to discontinue the issuance of immigration visas to nationals, citizens, subjects, or residents of such country, until such time as the Attorney General shall inform the Secretary of State that such country has accepted such alien.

"'SEC. 8. (a) Any person who knowingly aids or assists any alien excludable under section 1 to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such alien to enter the United States, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

"'(b) Any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this Act, thereafter and without the express authorization of the Attorney General return to or enter the United States or attempt to return to or to enter the United States shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a term of not more than 5 years; and shall, upon the term-

ination of such imprisonment, be taken into custody, upon the warrant of the Attorney General, and deported in the manner provided in the Immigration Act of February 5, 1917.

" 'SEC. 9. Any statute or other authority or provision having the force or effect of law, to the extent that it is inconsistent with any of the provisions of this Act, is hereby expressly declared to be inapplicable to any alien whose case is within the purview of this Act.

" 'SEC. 10. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act, or the application of such provisions to other persons or circumstances, shall not be affected thereby.'

"AMENDING SECTION 20 OF IMMIGRATION ACT OF FEBRUARY 5, 1917

"SEC. 23. Section 20 of the Immigration Act of February 5, 1917, as amended (39 Stat. 890; 57 Stat. 553; 8 U. S. C. 156), is hereby amended to read as follows:

" 'SEC. 20. (a) That the deportation of aliens provided for in this Act and all other immigration laws of the United States shall be directed by the Attorney General to the country specified by the alien, if it is willing to accept him into its territory; otherwise such deportation shall be directed by the Attorney General within his discretion and without priority of preference because of their order as herein set forth, either to the country from which such alien last entered the United States; or to the country in which is located the foreign port at which such alien embarked for the United States or for foreign contiguous territory; or to any country in which he resided prior to entering the country from which he entered the United States; or to the country which had sovereignty over the birthplace of the alien at the time of his birth; or to any country of which such an alien is a subject, national, or citizen; or to the country in which he was born; or to the country in which the place of his birth is situated at the time he is ordered deported; or, if deportation to any of the said foregoing places or countries is impracticable, inadvisable, or impossible, then to any country which is willing to accept such alien into its territory. If the United States is at war and the deportation, in accordance with the preceding provisions of this section, of any alien who is deportable under any law of the United States, shall be found by the Attorney General to be impracticable or inconvenient because of enemy occupation of the country whence such alien came or wherein is located the foreign port at which he embarked for the United States or because of other reasons connected with the war, such alien may, at the option of the Attorney General, be deported (1) if such alien is a citizen or subject of a country whose recognized government is in exile, to the country wherein is located that government in exile, if that country will permit him to enter its territory; or (2) if such alien is a citizen or subject of a country whose recognized government is not in exile, then, to a country or any political or territorial subdivision thereof which is approximate to the country of which the alien is a citizen or subject, or with the consent of the country of which the alien is a citizen or subject, to any other country. No alien shall be deported under any provisions of this Act to any country in which the Attorney General shall find that such alien would be subjected to physical persecution. If deportation proceedings are instituted at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that cannot be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this Act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation lines by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this Act. If deportation proceedings are instituted later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this Act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Attorney General to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this Act shall be punished by the imposition of the penalties prescribed in section 18 of this Act: *Provided*, That when in the opinion of the Attorney General the mental or physical condition of such alien is such as to require personal care and attendance, the said Attorney General shall when necessary employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed. Pending final determination of the deportability of any alien taken into custody under warrant of the Attorney General, such alien may, in the discretion of the Attorney General (1) be continued in custody; or (2) be released under bond in the amount of not less than $500, with security approved by the Attorney General; or (3) be released on conditional parole. It shall be among the conditions of any such bond, or of the terms of release on parole, that the alien shall be produced, or will produce himself, when required to do so for the purpose of defending himself against the charge or charges under which he was taken into custody and any other charges which subsequently are lodged against him, and for deportation if an order for his deportation has been made. When such an order of deportation has been made against any alien, the Attorney General shall have a period of six months from the date of such order within which to effect the alien's departure from the United States, during which period, at the Attorney General's discretion, the alien may be detained, released on conditional parole, or upon bond in an amount and specifying such conditions for surrender of the alien to the Immigration and Naturalization Service as may be determined by the Attorney General. If deportation has not been practicable, advisable, or possible, or departure of the alien from the United States has not been effected within six months from the date of the order of deportation the alien shall become subject to such further supervision and detention pending eventual deportation as is authorized hereinafter in this section. The Attorney General is hereby authorized and directed to arrange for appropriate places of detention for those aliens whom he shall take into custody and detain.

" '(b) Any alien, against whom an order of deportation, heretofore or hereafter issued, has been outstanding for more than six months shall, pending eventual deportation, be subject to supervision under regulations prescribed by the Attorney General. Such regulations shall require any alien subject to supervision (1) to appear from time to time at specified times or intervals before an officer of the Immigration and Naturalization Service for identification; (2) to submit, if necessary, to medical and psychiatric examination at the expense of the United States; (3) to give information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information whether or not related to the foregoing as the Attorney General may deem fit and proper; and (4) to conform to such reasonable written restrictions on his conduct or activities as are prescribed by the Attorney General in his case. Any alien who shall willfully fail to comply with such regulations, or willfully fail to appear or to give information or submit to medical or psychiatric examination if required, or knowingly give false information in relation to the requirements of such regulations, or knowingly violate a reasonable restriction imposed upon his conduct or activity, shall upon conviction be guilty of a felony, and shall be fined not more than $1,000 or shall be imprisoned not more than one year, or both.

" '(c) Any alien against whom an order of deportation is outstanding under (1) the Act of October 16, 1918, as amended (40 Stat. 1012, 41 Stat. 1008, 54 Stat. 673; 8 U. S. C. 137); (2) the Act of February 9, 1909, as amended (35 Stat. 614, 42 Stat. 596; 21 U. S. C. 171, 174–175); (3) the Act of February 18, 1931, as amended (46 Stat. 1171, 54 Stat. 673; 8 U. S. C. 156a); or (4) so much of section 19 of the Immigration Act of 1917, as amended (39 Stat. 889–890; 54 Stat. 671–673, 56 Stat. 1044; 8 U. S. C. 155) as relates to criminals, prostitutes, procurers or other immoral persons, anarchists, subversives and similar classes, who shall willfully fail or refuse to depart from the United States within a period of six months from the date of such order of deportation, or from the date of the enactment of the Subversive Activities Control Act of 1950, whichever is the later, or shall willfully fail or refuse to make timely application in good faith for travel or other documents necessary to his departure, or who shall connive or conspire, or take any other action, designed to prevent or hamper or with the purpose of preventing or hampering his departure pursuant to such order of deportation, or who shall willfully fail or refuse to present himself for deportation at the time and place required by the Attorney General pursuant to such order of deportation, shall upon conviction be guilty of a felony, and shall be imprisoned not more than ten years: *Provided*, That this subsection shall not make it illegal for any alien to take any proper steps for the purpose of securing cancellation of or exemption from such order of deportation or for the purpose of securing his release from incarceration or custody: *Provided further*, That the court may for good cause suspend the sentence of such alien and order his release under such conditions as the court may prescribe. In determining whether good cause has been shown to justify releasing the alien, the court shall take into account such factors as (1) the age, health, and period of detention of the alien; (2) the effect upon the national security and public peace or safety; (3) the likelihood of the alien's following a course of conduct which made or would make him deportable; (4) the character of the efforts made by such alien himself and by representatives of the country or countries to which his deportation is directed to expedite the alien's departure from the United States; (5) the reason for the inability of the Government of the United States to secure passports, other travel documents, or deportation facilities from the country or countries to which the alien has been ordered deported; and (6) the eligibility of the alien for discretionary relief under the immigration laws.

" '(d) Should any alien subject to the provisions of subsection (c) unlawfully return to the United States after having been released for departure or deported pursuant to this section, the previous warrant of deportation against him shall be considered as reinstated from its original date of issuance.

" '(e) If any alien subject to this section is able to depart from the United States, except that he is financially unable to pay his passage, the expense of such passage to the country to which he is destined may be paid from the appropriation for the enforcement

of this Act, unless such payment is otherwise provided for under this Act.'

"AMENDING ALIEN REGISTRATION ACT OF 1940

"SEC. 24. (a) Section 35 of the Alien Registration Act of 1940, approved June 28, 1940 (54 Stat. 675; 8 U. S. C. 456), is hereby amended to read as follows:

"'SEC. 35. Any alien required to be registered under this title who is an alien resident of the United States on January 1, 1951, and on January 1 of any succeeding year, shall, within ten days following such dates, notify the Commissioner in writing of his current address. In the case of an alien for whom a parent or legal guardian is required to apply for registration, the notice required by this section shall be given by such parent or legal guardian.'

"(b) Subsection (b) of section 36 of the said Act is hereby amended to read as follows:

"'(b) Any alien, or any parent or legal guardian of any alien, who fails to give written notice to the Commissioner, as required by section 35 of this Act, shall, upon conviction thereof, be fined not to exceed $100 or imprisoned not more than thirty days, or both.'

"AMENDING SECTION 305 OF NATIONALITY ACT OF 1940

"SEC. 25. Section 305 of the Nationality Act of 1940, as amended, is hereby amended to read as follows:

"'SEC. 305. (a) No person shall hereafter be naturalized as a citizen of the United States—

"'(1) who advocates or teaches, or who is a member of or affiliated with any organization that advocates or teaches, opposition to all organized government; or

"'(2) who is a member of or affiliated with any Communist action organization that is registered or required to be registered under the provisions of section 7 of the Subversive Activities Control Act of 1950; or

"'(3) who, while not within any of the other provisions of this section, advocates the economic, international, and governmental doctrines of world communism or the economic or governmental doctrines of any other form of totalitarianism, or who is a member of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism, or the economic and governmental doctrines of any other form of totalitarianism, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under authority of such organization or paid for by the funds of such organization; or

"'(4) who advocates or teaches or who is a member of or affiliated with any organization that advocates or teaches (i) the overthrow by force or violence or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage; or

"'(5) who writes or publishes or causes to be written or published, or who knowingly circulates, distributes, prints, or displays, or knowingly causes to be circulated, distributed, printed, published, or displayed, or who knowingly has in his possession for the purpose of circulation, publication, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage; or (v) the economic, international, and governmental doctrines of world communism or the economic and governmental doctrines of any other form of totalitarianism; or

"'(6) who is a member of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subparagraph (5).

"'(b) The provisions of this section or of any other section of this Act shall not be construed as declaring that any of the organizations referred to in this section or in any other section of this Act do not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means.

"'(c) The provisions of this section shall be applicable to any applicant for naturalization who at any time within a period of ten years immediately preceding the filing of the petition for naturalization is, or has been found to be, within any of the classes enumerated within this section, notwithstanding that at the time petition is filed he may not be included within such classes.

"'(d) If a person who shall have been naturalized after January 1, 1951, shall within five years next following such naturalization—

"'(1) become a member of or affiliated with any organization, membership in or affiliation with which at the time of naturalization would have precluded such person from naturalization under the provisions of this section; or

"'(2) become a member of any organization, membership in which at the time of naturalization would have raised the presumption that such person was not attached to the principles of the Constitution of the United States and not well disposed to the good order and happiness of the United States, under the provisions of this section

it shall be considered prima facie evidence that such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained by fraud or illegal procurement.

"'(e) Any alien who has been at any time within ten years next preceding the filing of his petition for naturalization, or is at the time of filing such petition, or has been at any time between such filing and the time of taking of the final oath of citizenship, a member of or affiliated with any Communist-front organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, shall be presumed to be a person not attached to the principles of the Constitution of the United States and not well disposed to the good order and happiness of the United States, and unless he shall rebut such presumption he shall not be naturalized as a citizen of the United States: *Provided*, That the provisions of this section shall not apply to any person who shall be a member of or affiliated with any such Communist-front organization who shall, within three months from the date upon which such organization was so registered or so required to be registered, renounce, withdraw from, and utterly abandon such membership or affiliation, and who thereafter ceases entirely to be affiliated with such organization.'

"AMENDING SECTION 325 OF NATIONALITY ACT OF 1940

"SEC. 26. Section 325 of the Nationality Act of 1940, as amended, is hereby amended to read:

"'SEC. 325. (a) Any periods of time during all of which an alien who was previously lawfully admitted for permanent residence has served honorably or with good conduct, in any capacity other than as a member of the armed forces of the United States, (1) on board a vessel operated by the United States, or an agency thereof, the full legal and equitable title to which is in the United States; or (2) on board a vessel whose home port is in the United States, and (A) which is registered under the laws of the United States, or (B) the full legal and equitable title to which is in a citizen of the United States, or a corporation organized under the laws of any of the several States of the United States, shall be deemed residence within the United States within the meaning of section 307 (a) of this Act, if such service occurred within five years immediately preceding the date such alien shall file a petition for naturalization. Service with good conduct on vessels described in clause (1) of this subsection shall be proved by duly authenticated copies of the records of the executive departments or agency having custody of the records of such service. Service with good conduct on vessels described in clause (2) of this subsection may be proved by certificates from the masters of such vessels.

"'(b) Any alien who (1) was excepted from certain requirements of the naturalization laws under the provisions of this section prior to this amendment, and (2) has filed a petition for naturalization under this section prior to the date of approval of this amendment may, if such petition is pending on the date of approval of this section as amended, be naturalized upon compliance with the applicable provisions of the naturalization laws in effect upon the date such petition was filed.'

"AMENDING SECTION 329 OF NATIONALITY ACT OF 1940

"SEC. 27. Section 329 of the Nationality Act of 1940, as amended, is hereby amended by adding a new subsection (c), as follows:

"'(c) Except as otherwise provided in this Act, no person shall be naturalized unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this Act and of the immigration laws. The burden of proof shall be upon such person to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration visa, if any, or of other documents concerning such entry, in the custody of the Commissioner. No person shall be naturalized against whom there is outstanding a final finding of deportability, and no petition for naturalization shall be finally heard by a naturalization court if there is pending against the petition a deportation proceeding pursuant to a warrant of arrest issued under the provisions of this or any other Act: *Provided*, That the findings of the Commissioner in terminating deportation proceedings or in suspending the deportation of an alien pursuant to law, shall not be deemed binding in any way upon the naturalization court with respect to the question of whether such person has established his eligibility for naturalization as required by this Act.'

"AMENDING SECTIONS 333 AND 334 (B) OF NATIONALITY ACT OF 1940

"SEC. 28. (a) Section 333 of the Nationality Act of 1940, as amended, is hereby amended to read:

"'SEC. 333. (a) The Commissioner or a Deputy Commissioner shall designate employees of the Service to conduct preliminary examinations upon petitions for naturalization to any naturalization court and to make recommendations thereon to such court. For such purposes any such employee so designated is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner for naturalization, to administer oaths, and to require by subpena the attendance and testimony of witnesses, including petitioner, before such employee so designated and the production of relevant books, papers, and documents, and to that end may invoke the aid of any court exercising naturalization jurisdiction as specified in section 301 of this Act; and any such court wherein the petition is filed may, in the event of neglect or refusal to respond to a subpena issued by any such employee so designated or refusal to testify before such employee so designated, issue an order requiring such person to appear before such employee so designated, produce relevant books, papers, and documents if demanded, and testify; and any failure to obey such order of the court may be punished by the court as a contempt thereof. The record of the preliminary examination authorized by this subsection shall be admissible as evidence in any final hearing conducted by a naturalization court designated in section 301 of this Act.

"'(b) The record of the preliminary examination upon any petition for naturalization may be transmitted to the Commissioner and the recommendation with respect thereto of the employee designated to conduct such preliminary examination shall when made also be transmitted to the Commissioner.

"'(c) The recommendation of the employee designated to conduct any such preliminary examination shall be submitted to the court at the hearing upon the petition and shall include a recommendation that the petition be granted, or denied, or continued, with reasons therefor. In any case in which the recommendation of the Commissioner does not agree with that of the employee designated to conduct such preliminary examination, the recommendations of both such employee and the Commissioner shall be submitted to the court at the hearing upon the petition, and the officer of the Service in attendance at such hearing shall, at the request of the court, present both the views of such employee and those of the Commissioner with respect to such petition to the court. The recommendations of such employee and of the Commissioner shall be accompanied by duplicate lists containing the names of the petitioners, classified according to the character of the recommendations, and signed by such employee or the Commissioner, as the case may be. The judge to whom such recommendations are submitted shall, if he approve such recommendations, enter a written order with such exceptions as the judge may deem proper, by subscribing his name to each such list when corrected to conform to his conclusions upon such recommendations. One of each such lists shall thereafter be filed permanently of record in such court and the duplicate of each such list shall be sent by the clerk of such court to the Commissioner.

"'(d) After the petition for naturalization has been filed in the office of the clerk of the naturalization court, the petitioner shall not be permitted to withdraw his petition, except with the consent of the Commissioner. In cases where the Commissioner does not consent to withdrawal of the petition, the court shall determine the petition on its merits and enter a final order accordingly. In cases where the petitioner fails to prosecute his petition, the petition shall be decided upon its merits unless the Commissioner moves that the petition be dismissed for lack of prosecution.'

"(b) Section 334 (b) of the Nationality Act of 1940, as amended, is amended to read as follows:

"'(b) The requirement of subsection (a) of this Section for the examination of the petitioner and witnesses under oath before the court and in the presence of the court shall not apply in any case where a designated examiner has conducted the preliminary examination authorized by subsection (a) of Section 333; except that the court may, in its discretion, and shall, upon the demand of the petitioner, require the examination of the petitioner and the witnesses under oath before the court and in the presence of the court. If the petitioner is prevented by sickness or other disability from being in open court for the final hearing upon petition for naturalization, such final hearing may be had by a judge or judges at such place as may be designated by the court.'

"AMENDING SECTION 335 OF NATIONALITY ACT OF 1940

"SEC. 29. Section 335 of the Nationality Act of 1940, as amended, is amended to read:

"'SEC. 335. (a) A person who has petitioned for naturalization shall, before being admitted to citizenship, take in open court one of the oaths set forth in subsection (b) of this section (1) to support the Constitution of the United States; (2) to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen; (3) to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic; (4) to bear true faith and allegiance to the same; and (5) to bear arms on behalf of the United States when required by law, or to perform noncombatant service in the Armed Forces of the United States when required by law: *Provided,* That any such person shall be required to take the oath prescribed in subsection (b) (1) of this section unless by clear and convincing evidence he can show to the satisfaction of the naturalization court that he is opposed to the bearing of arms or the performance of noncombatant service in the Armed Forces of the United States by reason of religious training and belief: *Provided further,* That in the case of the naturalization of a child under the provisions of section 315 or 316 of this Act the naturalization court may waive the taking of either of such oaths if in the opinion of the court the child is unable to understand their meaning.

"'(b) As provided in subsection (a) of this section, the petitioner for naturalization shall take one of the following oaths:

"'(1) I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States or perform noncombatant service in the Armed Forces of the United States when required by law; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature; or

"'(2) I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely and without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature.

"'(c) In case the person petitioning for naturalization has borne any hereditary title, or has been of any of the orders of nobility in any foreign state, the petitioner shall in addition to complying with the requirements of subsections (a) and (b) of this section, make under oath in open court to which the petition for naturalization is made, an express renunciation of such title or order of nobility, and such renunciation shall be recorded in the court as a part of such proceedings.

"'(d) If the petitioner is prevented by sickness or other disability from being in open court, the oath required to be taken by subsection (a) of this section may be taken before a judge of the court at such place as may be designated by the court.'

"AMENDING SECTION 304 OF NATIONALITY ACT OF 1940

"SEC. 30. Section 304 of the Nationality Act of 1940, as amended, is hereby amended to read as follows:

"'SEC. 304. No person except as otherwise provided in this Act shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot demonstrate—

"'(1) an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language: *Provided,* That this requirement shall not apply to any person physically unable to comply therewith, if otherwise qualified to be naturalized, or to any person who, on the date of approval of this amendment, is over fifty years of age and has been legally residing in the United States for twenty years: *Provided further,* That the requirements of this section relating to ability to read and write shall be met if the applicant can read or write simple words and phrases to the end that a reasonable test of his literacy shall be made and that no extraordinary or unreasonable conditions shall be imposed upon the applicant; and

"'(2) a knowledge and understanding of the fundamentals of the history, and the principles and form of government, of the United States.'

"AMENDING CHAPTER 73, TITLE 18, UNITED STATES CODE

"SEC. 31. (a) Chapter 73 of title 18, United States Code, is amended by inserting, immediately following section 1506 of such chapter, a new section, to be designated as section 1507, and to read as follows:

"'§ 1507. Picketing or parading.

"'Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any soundtruck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"'Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.'

"(b) The analysis of such chapter is amended by inserting, immediately after and underneath item 1506, as contained in such

analysis, the following new item: '1507. Picketing or parading.'

"SEPARABILITY OF PROVISIONS

"SEC. 32. If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"TITLE II—EMERGENCY DETENTION

"SHORT TITLE

"SEC. 100. This title may be cited as the 'Emergency Detention Act of 1950'.

"FINDINGS OF FACT AND DECLARATION OF PURPOSE

"SEC. 101. As a result of evidence adduced before various committees of the Senate and the House of Representatives, the Congress hereby finds that—

"(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a world-wide Communist organization.

"(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

"(3) The system of government known as totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

"(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

"(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

"(6) The organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

"(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

"(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

"(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

"(10) The experience of many countries in World War II and thereafter with so-called "fifth columns" which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

"(11) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, war, or insurrection in aid of a foreign enemy, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

"(12) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

"(13) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

"(14) The detention of persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage is, in a time of internal security emergency, essential to the common defense and to the safety and security of the territory, the people, and the Constitution of the United States.

"(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect and defend the Constitution, the Government, and the people of the United States.

"DECLARATION OF 'INTERNAL SECURITY EMERGENCY'

"SEC. 102. (a) In the event of any one of the following:

"(1) Invasion of the territory of the United States or its possessions,

"(2) Declaration of war by Congress, or

"(3) Insurrection within the United States in aid of a foreign enemy,

and if, upon the occurrence of one or more of the above, the President shall find that the proclamation of an emergency pursuant to this section is essential to the preservation, protection and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an 'Internal Security Emergency'.

"(b) A state of 'Internal Security Emergency' (hereinafter referred to as the 'emergency') so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

"DETENTION DURING EMERGENCY

"SEC. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General, is hereby authorized to apprehend and by order detain, pursuant to the provisions of this title, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage.

"(b) Any person detained hereunder (hereinafter referred to as 'the detainee') shall be released from such emergency detention upon—

"(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

"(2) an order of release issued by the Attorney General;

"(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

"(4) a final order of release by a United States court, after review of the action of the Board of Detention Review, or upon a writ of habeas corpus.

"PROCEDURE FOR APPREHENSION AND DETENTION

"SEC. 104. (a) The Attorney General, or such officer or officers of the Department of Justice as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

"(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage; and

"(2) an application for an order to be issued pursuant to subsection (d) of this section for the detention of such person for the duration of such emergency.

Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

"(b) Warrants for the apprehension of persons under this title shall be served and apprehension of such persons shall be made only by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension shall be furnished to any person apprehended under this title.

"(c) Persons apprehended or detained under this title shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other ac-

commodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

"(d) Within forty-eight hours after apprehension, or as soon thereafter as provision for it may be made, each person apprehended pursuant to this section shall be taken before a preliminary hearing officer appointed pursuant to the provisions of this section. Such hearing officer shall inform such person (1) of the grounds upon which application was made for his detention, (2) of his right to retain counsel, (3) of his right to have a preliminary examination, (4) of his right to refrain from making any statement, and (5) of the fact that any statement made by him may be used against him. Such hearing officer shall allow such person reasonable time and opportunity to consult counsel. If such person waives preliminary examination, the hearing officer shall forthwith issue an order for the detention of such person, and furnish to him a copy of such order. If such person does not waive examination, the preliminary hearing officer shall hear evidence within a reasonable time. Such person may introduce evidence in his own behalf, and may cross-examine witnesses against him, except that the Attorney General or his representative shall not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge. Such hearing officer shall record all evidence offered by or on behalf of such person and all objections made by such person to his detention. If from the evidence it appears to the preliminary hearing officer that there is probable cause for the detention of such person pursuant to this title, such hearing officer shall forthwith issue an order for the detention of such person, furnish to him a copy of such order, and advise such person of his right to file with the Detention Review Board established by this title a petition for the review of such order. If from the evidence it appears to the preliminary hearing officer that probable cause for the detention of such person has not been shown, such officer shall issue an order discharging such person from detention, and shall furnish a copy of such order to such person. Upon the entry of such order, such person shall be released from custody by the Attorney General and by any subordinate officer or employee of the United States having custody of such person. Within seven days after the entry of any such order, the preliminary hearing officer shall prepare and transmit to the Attorney General, or such other officer as may be designated by him, (1) a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether any order issued for the detention of such person shall be continued in effect or revoked, and (2) any additional written representations or evidence which the detainee or his legal counsel may wish to file with the Attorney General. A copy of such report shall be served promptly upon the detainee or his legal counsel. Preliminary hearing officers may be appointed by the President, without regard to the civil service laws but subject to the Classification Act of 1949, in such numbers, and may serve at such places, as may be necessary for the expeditious consideration of cases involving persons apprehended pursuant to this section. No person who has, within the three years preceding the date of his appointment, served as an officer or employee of the Department of Justice shall be appointed as a preliminary hearing officer.

"(e) The Attorney General, or such other officers of the Department of Justice as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

"(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible consistent with national security, the evidence supporting a finding of reasonable ground for detention in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States.

"(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary to promote the effective administration of this title. No such regulation shall require or permit persons detained under the provisions of this title to perform forced labor, or any tasks not reasonably associated with their own comfort and well-being, or to be confined in company with persons who are confined pursuant to the criminal laws of the United States or of any State.

"(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this title.

"DETENTION REVIEW BOARD

"SEC. 105. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the 'Board') which shall consist of nine members, not more than five of whom shall be members of the same political party, appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of one year each, three for terms of two years each, and three for terms of three years each, but their successors shall be appointed for terms of three years each, subject to termination of the term upon expiration of this title, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

"(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

"(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board and of all pending appeals in the courts from orders of the Board, the President shall within a reasonable time dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

"SEC. 106. (a) Each member of the Board shall receive a salary of $12,500 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

"(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be paid out of appropriations made therefor, and there are hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for that purpose.

"SEC. 107. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may conduct any hearing necessary to its functions in any part of the United States.

"SEC. 108. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this title. All procedures of the Board shall be subject to the applicable provisions of the Administrative Procedure Act.

"SEC. 109. (a) Any Board created under this title is empowered—

"(1) to review upon petition of any detainee any order of detention issued pursuant to section 104 (d) of this title;

"(2) to determine whether there is reasonable ground to believe that such detainee probably will engage in, or conspire with others to engage in, espionage or sabotage;

"(3) to issue orders confirming, modifying, or revoking any such order of detention; and

"(4) to hear and determine any claim made pursuant to this paragraph by any person who shall have been detained pursuant to this title and shall have been released from such detention, for loss of income by such person resulting from such detention if without reasonable grounds. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

"(b) Whenever a petition for review of an order for detention issued pursuant to section 104 (d) of this title or for indemnification pursuant to the preceding subsection shall have been filed with the Board in accordance with such regulations as may be

prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the petitioner and the Attorney General at a place therein fixed, not less than fifteen days after the serving of said notice and not more than forty-five days after the filing of such petition.

"(c) In any case arising from a petition for review of an order for detention issued pursuant to section 104 (d) of this title, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

"(d) (1) Any member of the Board shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board or any hearing examiner conducting any hearing authorized by this title. Any hearing examiner of the Board may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(e) (1) Notices, orders, and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

"(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify, to have compulsory process for obtaining witnesses in his favor, and to cross-examine adverse witnesses.

"(g) In any proceeding before the Board under this title the Board and its hearing examiners are authorized to consider under regulations designed to protect the national security any evidence of Government agencies and officers the full text or content of which cannot be publicly revealed for reasons of national security, but which the Attorney General in his discretion offers to present. The testimony taken before the Board or its hearing examiners shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

"(h) In deciding the question of the existence of reasonable ground to believe a person probably will engage in or conspire with others to engage in espionage or sabotage, the Attorney General, any preliminary hearing officer, and the Board of Detention Review are authorized to consider evidence of the following:

"(1) Whether such person has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, and whether such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or whether such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or whether, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies and such disclosure has been made a matter of record in the files of the agency concerned;

"(2) Any past act or acts of espionage or sabotage committed by such person, or any past participation by such person in any attempt or conspiracy to commit any act of espionage or sabotage, against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States;

"(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government.

"(i) The authorization of the Attorney General and the Board of Detention Review to consider the evidence set forth in the previous subsection shall not be construed as a direction to detain any person as to whom such evidence exists, but in each case the Attorney General or the Board of Detention Review shall decide whether, on all the evidence, there is reasonable ground to believe the detainee or possible detainee probably will engage in, or conspire with others to engage in, espionage or sabotage.

"(j) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention.

"ORDERS OF THE BOARD

"SEC. 110. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued pursuant to section 104 (d) of this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question probably will engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking the order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody; and shall forthwith serve a copy of such order upon the detainee.

"(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amounts of such indemnity; and shall forthwith serve a copy of such order upon such claimant. If upon all the testimony taken in any proceeding involving a claim for indemnity or for the ascertainment of any such claim, the Board shall determine that the claimant is not entitled to receive such indemnity, the Board shall state its finding of fact in sufficient detail to apprise the claimant of the grounds for its decision and shall issue and serve upon the claimant an order denying such claim and dismissing his petition so far as it pertains to such claim.

"(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee probably will engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact in sufficient detail to apprise the detainee of the grounds for its decision and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

"(d) In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within twenty days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"JUDICIAL REVIEW

"SEC. 111. (a) Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section.

"(b) In the case of any order of the Board granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

"(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review or enforcement in any United States court of appeals for the circuit wherein the petitioner is detained or resides by filing in such court within sixty days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of sixty days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered, the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by reliable, substantial, and probative evidence, shall be conclusive.

"(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by reliable, substantial, and probative evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

"(e) The commencement of proceedings by the Attorney General for judicial review under subsection (b) of this section shall, if he so requests, operate as a stay of the Board's order.

"(f) Any order of the Board shall become final—

"(1) upon the date of entry thereof by the Board, if such order is not subject to judicial review, or

"(2) upon the expiration of the time allowed for filing a petition for review or enforcement, if such order is subject to judicial review and no such petition has been duly filed within such time; or

"(3) upon the expiration of the time allowed for filing a petition for certiorari, if such order is subject to judicial review and the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

(4) upon the denial of a petition for certiorari, if such order is subject to judicial review and the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

"(5) upon the expiration of ten days from the date of issuance of the mandate of the Supreme Court, if such order is subject to judicial review and such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

"(g) Nothing contained in this section shall be construed to deprive any person of any relief to which he may be entitled under the Administrative Procedure Act.

"CRIMINAL PROVISIONS

"SEC. 112. Whoever, being named in a warrant for apprehension or order of detention as one as to whom there is reasonable ground to believe that he probably will engage in, or conspire with others to engage in, espionage or sabotage, or being under confinement or detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title or shall escape, attempt to escape or conspire with others to escape confinement or detention ordered and instituted pursuant to this title, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"SEC. 113. Whoever knowingly—

"(a) advises, aids, assists, or procures, the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one to whom there is reasonable ground to believe that such person probably will engage in, or conspire with others to engage in espionage or sabotage; or

"(b) advises, aids, assists, or procures the escape from confinement or detention pursuant to this title of any person so named; or

"(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such confinement or detention; or

"(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section,

shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"SEC. 114. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

"DEFINITION

"SEC. 115. For the purposes of this title, the term 'espionage' means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this Act, and the term 'sabotage' means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this Act.

"SEPARABILITY OF PROVISIONS

"SEC. 116. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby. Nothing contained in this title shall be construed to suspend or to authorize the suspension of the privilege of the writ of habeas corpus."

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

JOHN S. WOOD,
FRANCIS E. WALTER,
BURR P. HARRISON,
JOHN MCSWEENEY,
RICHARD NIXON,
HAROLD H. VELDE,
BERNARD W. KEARNEY,
Managers on the Part of the House.

PAT MCCARRAN,
JAMES O. EASTLAND
(by PAT MCCARRAN),
HERBERT R. O'CONOR,
ALEXANDER WILEY,
HOMER FERGUSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text of the House bill struck out all after the enacting clause and inserted a substitute. The report of the conferees recommends a substitute for both the House bill and the Senate amendment.

The Senate also amended the title of the bill. The Senate recedes on this amendment.

The substitute agreed to in conference has two titles, and the entire act is given the short title "Internal Security Act of 1950." The differences between the bill as passed by the House and the substitute agreed to in conference are explained below.

Title I of the conference substitute, which is given the short title "Subversive Activities Control Act of 1950," contains provisions (sections 1 through 17, and section 32) based upon and, except as explained below, the same as the provisions of the bill as it passed the House. Title I also contains provisions (sections 18 through 31) based upon, but differing in numerous respects from, sections which were in the Senate amendment and which dealt with matters not covered by the bill as it passed the House.

Title II of the conference substitute, which is given the short title "Emergency Detention Act of 1950," is substantially similar to title II of the Senate amendment, although a number of important changes were made by the committee of conference. The House bill contained no provisions comparable to title II.

TITLE I

SECTIONS 1 THROUGH 17, AND SECTION 32

The following explanation points out the differences between the bill as it passed the House and sections 1 through 17, and section 32, of title I of the conference substitute, except for clerical, clarifying, and conforming changes which are not substantive in character.

Section 1

Subsection 1 (b) of title I of the conference substitute is a provision taken from the

Senate amendment, and provides as follows:

"(b) Nothing in this act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect."

Section 2

This section of title I states the findings made by the Congress in support of the necessity for the enactment of title I. A number of additional paragraphs (paragraphs 11 through 14) taken from the Senate amendment with modifications have been added because of the inclusion in title I of section 18 through 31.

Section 3

This section contains the definitions which are to be applicable to title I.

Paragraphs (3) and (4), defining the terms "Communist-action organization" and "Communist-front organization," have been changed, and it is believed that these paragraphs as modified more clearly express their original intent.

Paragraph (7) of this section, in the bill as passed by the House, defined the term "defense plant," this definition being applicable to the provisions of section 5. In the conference substitute this paragraph has been modified so that it defines the term "facility" and the term "defense facility." The reasons for this change are set forth in the explanation of section 5 appearing hereafter.

Paragraphs (14) through (19) contain definitions which did not appear in the House bill, and these, taken from the Senate amendment, have been added because of the inclusion in title I of section 4 (a) and sections 18 through 31.

Section 4

One major difference between the provisions of the House bill and title I of the conference substitute is that there is included as section 4 (a) of the conference substitute a provision, taken from the Senate amendment, which provides that—

"(a) It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, as defined in paragraph (15) of section 3 of this title, the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual: *Provided, however,* That this subsection shall not apply to the proposal of a constitutional amendment."

Another change in section 4 is that in subsection (d), which prescribes the penalty for any violation of the section, it is provided that in addition to punishment by fine or imprisonment in the case of conviction, the person convicted shall "thereafter be ineligible to hold any office, or place of honor, profit, or trust created by the Constitution or laws of the United States." This additional provision is taken from the Senate amendment.

The first sentence of subsection (f) of section 4 was not in the bill as it passed the House. This sentence provides that—"neither the holding of office nor membership in any Communist organization by any person shall constitute per se a violation of subsection (a) or subsection (c) of this section or of any other criminal statute." A similar sentence was included in section 4 (f) of the Senate amendment, but the Senate provision did not contain the words "per se" or the words "or of any other criminal statute."

Section 5

Section 5 of title I, relating to employment of members of Communist organizations, and to the contribution of funds or services to such organizations, is in general similar to section 5 of the bill as it passed the House, but it has been modified, particularly in the provisions relating to what were, in the House bill, called defense plants.

Under this section as it passed the House it was provided that the Secretary of Defense should determine and designate the identity of each defense plant as such term was defined in section 3 (7). Under section 3 (7) a defense plant was defined as any plant, factory, or other manufacturing or service establishment, or any part thereof, engaged in the production or furnishing, for the use of the Government of any commodity or service determined and designated by the Secretary of Defense to be of such character as to affect the military security of the United States.

Section 3 (7), and the provisions of section 5 relating to the designation of defense plants by the Secretary of Defense, have been modified in the conference substitute so as to broaden the concept of defense plants to cover any appropriately designated plant, factory or other manufacturing, producing, or service establishment, airport, airport facility, vessel, pier, water-front facility, mine, railroad, public utility, laboratory, station, or other establishment or facility, or any part, division, or department of any of the foregoing. Because of this broader coverage, section 3 (7) has been changed so as to define the two terms "facility" and "defense facility."

The test to be applied by the Secretary of Defense in designating an establishment or facility as a "defense facility" is prescribed in section 5 (b), and he is authorized by that subsection to make such designation in the case of any facility, as defined in section 3 (7)—"with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section."

In section 5 of the bill as it passed the House it was not specifically required, when the Secretary of Defense designated a "defense plant" that the designation made by him be made a matter of public information. In the modified section 5 (b) the provisions regarding designation have been changed so as to provide that the Secretary of Defense shall designate and proclaim, and from time to time revise, a list of the facilities designated by him, cause the list of such designated facilities, or any revision thereof, to be published in the Federal Register, and promptly notify the management of any facility so listed. It is made the duty of such management to post conspicuously, and to keep posted, notice of such designation in such form and in such place or places as to give reasonable notice thereof to all employees of, and to all applicants for employment in, such facility. The definition of "defense facility" in the revised section 3 (7) is so written that the criminal prohibitions in section 5 (a) relating to defense facilities will be applicable in the case of any particular designated facility only if the facility is included in the list published in accordance with section 5 (b), and only if the facility is in compliance with the provisions respecting the posting of notice of its designation as a defense facility.

Secton 5 (a) and (c) of the bill as passed by the House made it unlawful for any member of a Communist organization seeking, accepting, or holding any nonelective office or employment under the United States, or in a defense plant, to conceal his membership in such organization. In the corresponding provisions of the conference substitute, sections 5 (a) (1) (A) and (B), the words "or fail to disclose" have been inserted after the word "conceal."

In section 5 (c) of the bill as it passed the House it was made unlawful for a member of a Communist organization to engage in any employment in a defense plant. In the corresponding provision in the conference substitute, section 5 (a) (1) (D), this prohibition is made applicable only in the case of members of a Communist-action organization.

Section 5 (b) of the bill as it passed the House provided that when a Communist organization is registered, or there is in effect a final order of the Board requiring it to register, it shall be unlawful for any officer or employee of the United States to contribute funds or services to such organization. In the conference substitute, in section 5 (a) (2) (A), this prohibition is also made applicable to any officer or employee of a defense facility.

Section 6

In this section of title I, relating to denial of passports to members of Communist organizations, an additional provision, taken from the Senate amendment, has been included. This subsection is a follows:

"(b) When an organization is registered, or there is in effect a final order of the Board requiring an organization to register, as a Communist-action organization, it shall be unlawful for any officer or employee of the United States to issue a passport to, or renew the passport of, any individual knowing or having reason to believe that such individual is a member of such organization."

Section 13

This section of title I, relating to proceedings before the Subversive Activities Control Board, has been modified by adding at the end of subsection (a) thereof a sentence, taken from the Senate amendment, which provides that each petition filed with the Board by the Attorney General shall be verified under oath and shall contain a statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of an order requiring an organization or individual to register.

Section 13 has also been modified by inserting in subsection (d) thereof a paragraph (2) reading as follows:

"(2) Where an organization or individual declines or fails to appear at a hearing accorded to such organization or individual by the Board pursuant to this section, the Board may, without further proceedings and without the introduction of any evidence, enter an order requiring such organization or individual to register or denying the application of such organization or individual, as the case may be. Where in the course of any hearing before the Board or any examiner thereof a party or counsel is guilty of misbehavior which obstructs the hearing, such party or counsel may be excluded from further participation in the hearing."

Section 14

Under section 14 of the bill as passed by the House it was provided that an aggrieved party could obtain review of an order of the Subversive Activities Control Board by filing a petition in the United States Court of Appeals for the District of Columbia, but no authority was granted for the transfer of the action to any other court. This section of the conference substitute has been modified so that, while the United States Court of Appeals for the District of Columbia is the only court in which an aggrieved party may file a petition for the purpose of obtaining review, the court is given authority in its discretion and upon its own motion to transfer any action so commenced to the United States court of appeals for the circuit wherein the petitioner resides.

AMENDMENTS TO TITLE 18, UNITED STATES CODE, AND TO THE IMMIGRATION AND NATURALIZATION LAWS

The Senate amendment contained sections 18 to 31, inclusive, consisting principally of

amendments to certain provisions of title 18, United States Code, and of the immigration and naturalization laws. None of these sections was contained in the House bill. The conference substitute retains, with numerous modifications, these provisions of the Senate bill. The sections as they appear in the conference substitute are explained below.

Gathering, transmitting, or losing defense information

Section 18 of the conference substitute amends section 793 of title 18, United States Code.

The first paragraph of section 793 now provides that no person shall, for the purpose of obtaining information respecting the national defense with intent and reason to believe that such information is to be used to the injury of the United States or to the advantage of any foreign nation, go upon, enter, fly over, or otherwise obtain information concerning certain facilities and other places connected with the national defense. The amendment made by the conference substitute (which redesignates the paragraph as subsection (a)) adds research laboratories and stations, and places where material or instruments for use in time of war are the subject of research or development, to the list of facilities and places to which the paragraph applies.

The fourth paragraph of section 793 prohibits any person having possession of, access to, or control over certain documents and records from willfully communicating, transmitting, or attempting to communicate or transmit such documents or records to any person not entitled to receive them, and from failing to deliver them on demand to officials who are so entitled. Under the amendment made by the conference substitute, the paragraph (which is redesignated as subsection (d)) applies only to cases in which the possession, access, or control is lawful; unauthorized possession, access, or control is dealt with, in a substantially identical manner, in a separate new subsection (e). In addition, the conference substitute adds to the list of the documents and records to which the paragraph applies a new category comprising defense information which the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation; and (in addition to prohibiting communication, transmittal, and attempted communication or transmittal) it prohibits any such person from delivering or attempting to deliver such documents or records, and from causing or attempting to cause such documents or records to be communicated, delivered, or transmitted, to a person not entitled to receive them.

The fifth paragraph of section 793 (which is redesignated as subsection (f)) penalizes any person who, being entrusted with or having lawful possession or control of certain documents, records, or other information relating to the national defense, through gross negligence permits them to be removed or delivered in violation of his trust or to be lost, stolen, abstracted, or destroyed. The amendment made by the conference substitute provides that the paragraph shall apply to instruments and appliances as well as to the documents, records, and information now specified therein, and adds a penalty for failure to make prompt report of any such loss, theft, abstraction, or destruction.

The amendment made by the conference substitute adds to section 793 a new subsection (g), which prescribes a separate penalty for conspiracy to violate any of the other provisions of the section.

Period of limitation

Section 19 of the conference substitute provides that an indictment for any violation of section 792, 793, or 794 of title 18, United States Code, may be found at any time within 10 years after such violation. An exception is included to make it clear that this 10-year period of limitation will not apply to any violation constituting a capital offense. Under existing law (secs. 3281 and 3282 of title 18) indictments for capital offenses may be found at any time without limitation, while indictments for all other offenses must, in the absence of express provision to the contrary, be found within 3 years after the commission of the offense.

Registration of foreign agents

Section 20 (a) of the conference substitute amends section 1 (c) of the act of June 8, 1938 (relating to the registration of certain persons employed by agencies to disseminate propaganda in the United States), by including a new category of persons within the definition of the term "agent of a foreign principal." The new category consists of persons who have knowledge of or have received instruction or assignment in the espionage, counterespionage, or sabotage service of a foreign government or political party, but it does not include (1) persons who acquired such knowledge, instruction, or assignment by reason of service with the United States Government or with the government of a State or political subdivision thereof, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, (2) persons who acquired such knowledge solely by reason of academic or personal interest and not under the supervision of or in preparation for service with a foreign government or political party, and (3) persons who have made full disclosure of such knowledge or instruction to officials of a Federal agency dealing with intelligence, if such disclosure has been made a matter of record in the files of such agency and the Attorney General or the Director of Central Intelligence has determined in writing that registration would not be in the interests of national security.

Section 20 (b) of the conference substitute amends section 8 of such act of June 8, 1938, to provide that failure to file any registration statement or supplement required under that act shall be considered a continuing offense for as long as the failure exists, notwithstanding any statute of limitation or other statute to the contrary.

Violation of security regulations

Section 21 of the conference substitute provides that whoever willfully violates any regulation or order promulgated or approved pursuant to lawful authority by the Secretary of Defense or any military commander designated by him, or by the Director of the National Advisory Committee for Aeronautics, relating to the protection or security of certain military property or of certain other installations and facilities connected with the national defense, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both. The section further requires that such regulations and orders be conspicuously posted in appropriate places.

Amendment of act of October 16, 1918, relating to exclusion and deportation of subversive aliens

Section 22 of the conference substitute rewrites the act of October 16, 1918 (8 U. S. C. 137), in order to strengthen the provisions of such act which relate to the exclusion and deportation from the United States of subversive aliens.

The first section of such act, as amended by section 22 of the conference substitute, contains the following new provisions:

(1) Paragraph (1) provides for the exclusion from the United States of aliens seeking to enter for the purpose of engaging in activities which are prejudicial to the public interest and dangerous to the welfare or safety of the United States, whether or not such aliens seek to enter the United States solely, principally, or incidentally for such purpose. Existing law merely provides for the exclusion of aliens if the Attorney General knows or has reason to believe that such aliens are seeking to enter the United States to engage in activities which would endanger the public safety of the United States.

(2) Paragraph (2) (C) provides for the exclusion from the United States of aliens who are members of or affiliated with the Communist party of the United States and certain other totalitarian parties and organizations, including the direct predecessors or successors thereof, irrespective of the name which such party or organization has used in the past, now uses, or may adopt in the future.

(3) Paragraph 2 (D) provides for the exclusion from the United States of aliens not within any other provisions of paragraph (2) who advocate the doctrines of world communism or any other form of totalitarianism, or who are members of or affiliated with any organizations that advocate such doctrines.

(4) Paragraph 2 (E) provides for the exclusion from the United States of aliens not within any other provisions of paragraph (2) who are members of or affiliated with any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, unless such aliens establish that they did not know or have reason to believe, prior to the date upon which such organization was so registered or so required to be registered, that such organization was a Communist organization.

(5) Paragraph 2 (G) retains the provisions of the act of October 16, 1918, with respect to the exclusion of aliens who write, publish, and distribute matter advocating or teaching the overthrow of the Government of the United States by force, violence, or other unconstitutional means, and certain other subversive activities; but adds a provision which includes in such subversive activities so advocated or taught the economic, international, and governmental doctrines of world communism and governmental doctrines of world communism and governmental and economic doctrines of any other forms of totalitarianism.

(6) Paragraph (3) provides for the exclusion from the United States of aliens with respect to whom there is reason to believe that they would, after entering, be likely to engage in espionage, sabotage, public disorder, or other subversive activity, or to organize, join, affiliate with, or participate in the activities of any organizations registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950.

Section 2 of the act of October 16, 1918, as amended by section 22 of the conference substitute, makes paragraph (2) of the first section of such act (which relates to exclusion from the United States of aliens who advocate or believe in subversive doctrines or are members of subversive organizations) inapplicable to any alien seeking to enter the United States for a temporary period in the nonimmigrant status of (1) an accredited official of a foreign government recognized by the Government of the United States, and his family, attendants, servants, and employees, under section 3 (1) of the Immigration Act of 1924, as amended (8 U. S. C. 203 (1), or (2) a representative of a foreign government in or to an international organization, or an alien officer or employee of such organization, and his family, attendants, servants, and employees, under section 3 (7) of the Immigration Act of 1924, as amended (8 U. S. C. 203 (7)). This exemption recognizes the fact that, as long as the United States has diplomatic relations with Communist countries or their satellites, it is necessary to permit the entry of representatives, officials, and employees of such countries and members of their families who may advocate or believe in subversive doctrines or are members of subversive organizations. It is to be noted, however, that such aliens would be subjected to the exclusion and expulsion provisions of sections 1 (1) and 1 (3) of the act of October 16, 1918, as amended by the conference substitute.

Section 3 of the act of October 16, 1918, as amended by section 22 of the conference substitute, provides that no visa or other documentation shall be issued to any alien seeking to enter the United States as an immigrant or nonimmigrant if the consular officer knows or has reason to believe that such alien is inadmissible to the United States under such act. Section 30 of the Alien Registration Act of 1940 (8 U. S. C. 451) permits an alien to enter the United States without a visa in an emergency case defined by the Secretary of State. Section 3 of the act of October 16, 1918, as amended by the conference substitute, further provides that an alien within any of the categories enumerated in the first section of such act shall not be defined as an emergency case within the meaning of section 30 of the Alien Registration Act of 1940.

Section 4 (a) of the act of October 16, 1918, as amended by section 22 of the conference substitute, provides that aliens within the classes excluded from the United States under the first section of such act shall, upon warrant of the Attorney General, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917. In general, this provision covers those classes of aliens seeking to enter the United States to engage in subversive activities, aliens who advocate or believe in subversive doctrines or are members of subversive organizations, and aliens with respect to whom there is reason to believe they would engage in such activities after entry. This section is made applicable to the classes of aliens specified in the act of October 16, 1918, irrespective of the time of the entry into the United States of any alien within such classes.

Section 4 (b) of the act of October 16, 1918, as amended by section 22 of the conference substitute, provides for the deportation from the United States, in the same manner as provided in section 4 (a) of such act, of any alien who has engaged or has intended to engage in any of the subversive activities specified in paragraphs (1) and (3) of the first section of such act. This section provides an exception in the case of any alien who became a member of or affiliated with the Communist Party of the United States or certain other totalitarian parties and organizations, as specified in paragraph 2 (C) of the first section of such act, if the Attorney General is satisfied that such alien (1) did not know or have reason to believe, at the time he became a member of or affiliated with any such party or organization, that such party or organization was a Communist Party or organization, and (2) did not thereafter and prior to the date on which such organization was registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950 acquire such knowledge or belief.

Section 5 of the act of October 16, 1918, as amended by section 22 of the conference substitute, provides that any alien who appears to the examining immigration officer at the port of arrival to be excluable under the first section of such act shall be temporarily excluded, and no further inquiry by a board of special inquiry authorized by sections 16 and 17 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 152, 153), shall be conducted until after the case is reported to the Attorney General and such an inquiry is directed by him. The section further provides that if the Attorney General is satisfied that the alien is excludable under the first section of such act on the basis of confidential information, the disclosure of which would be prejudicial to the public interest, safety, or security, he may deny any further inquiry by a board of special inquiry and order the alien to be excluded and deported.

Section 6 (a) of the act of October 16, 1918, as amended by section 22 of the conference substitute, provides that the seventh proviso in section 3 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 136 (p)), shall not apply to cases coming within the purview of the first section of such act of October 16, 1918, as amended. Such seventh proviso authorizes the Attorney General to waive exclusion provisions of the immigration laws in the case of an alien who is returning after a temporary absence abroad to an unrelinquished domicile in the United States of seven consecutive years.

Section 6 (b) of the act of October 16, 1918, as amended by section 22 of the conference substitute, provides that the ninth proviso in section 3 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 136 (q)), shall not apply to cases coming within the purview of paragraphs (1) and (3) of the first section of such act of October 16, 1918, as amended. Such ninth proviso authorizes the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, to permit the temporary admission of otherwise inadmissible aliens.

Section 6 (c) of the act of October 16, 1918, as amended by section 22 of the conference substitute, provides that paragraphs (1) and (3) of the first section of such act (relating to exclusion of aliens seeking to enter the United States to engage in subversive activities and aliens with respect to whom there is reason to believe they would engage in subversive activities after entry) shall apply to any alien who is within the purview of section 3 (1) of the Immigration Act of 1924 (relating to the nonimmigrant status of officials of foreign governments recognized by the United States and their families, attendants, servants, and employees). Subordinate officials of foreign governments are subject to paragraphs (1) and (3); but there are exempted from such paragraphs ambassadors, public ministers, and career diplomatic and consular officers who (1) have been accredited by a foreign government recognized de jure by the United States, and (2) are accepted by the President or the Secretary of State, and the members of the immediate families of such aliens. However, it is further provided that any such alien so exempted shall be subject to exclusion from the United States under paragraph (1) of the first section of the act of October 16, 1918, but only pursuant to such rules and regulations as the President may deem necessary.

Section 6 (c) further provides that paragraph (1) of the first section of the act of October 16, 1918, shall apply to any alien within the purview of section 3 (7) of the Immigration Act of 1924, which relates to the nonimmigrant status of representatives of foreign governments in or to an international organization and their families, attendants, servants, and employees. The effect of this provision is to exclude aliens within such class seeking to enter the United States solely, principally, or incidentally to engage in subversive activities. It is also provided that paragraph (3) of the first section of such act of October 16, 1918, shall apply to any such alien except a designated principal resident representative of a foreign government which is a member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act and accredited resident members of the staff of such representative and members of his immediate family. The foregoing provision has the effect of excluding from the United States any such aliens with respect to whom there is reason to believe that they would engage in subversive activities specified in paragraph (3) of the first section if permitted to enter the United States.

The provisions of section 6 (c) are to be effective notwithstanding the tenth proviso in section 3 of the Immigration Act of February 5, 1917 (8 U. S. C., 136 (r)) which makes inapplicable to accredited officials of foreign governments the provisions of such act of February 5, 1917, or any other law relating to the exclusion, admission, and deportation of aliens.

The proviso in section 15 of the Immigration Act of 1924, as amended (8 U. S. C. 215), provides that no alien who has been admitted to the United States under section 3 (1) or 3 (7) of such act as an official of a foreign government, or as a member of the family of such official, or as a representative of a foreign government in or to an international organization or an officer or employee of an international organization, or as a member of the family of such representative, officer, or employee, shall be required to depart from the United States without the approval of the Secretary of State. Under existing law this bar to deportation applies even though the alien has lost his status under such section 3 (1) or 3 (7). Section 6 (d) of the act of October 16, 1918, as amended by section 22 of the conference substitute, states that such proviso shall not apply in the case of any alien who would be subject to exclusion under the first section of such act of October 16, 1918, as amended.

Section 7 of the act of October 16, 1918, as amended by section 22 of the conference substitute, provides that when the Attorney General notifies the Secretary of State that any country, upon request of the United States, denies or unduly delays acceptance of the return of any alien who is a national, citizen, or resident of that country, the Secretary of State shall instruct consular officers performing their duties in the territory of that country to discontinue the issuance of immigration visas to nationals, citizens, subjects, and residents of such country until the Attorney General informs the Secretary of State that such country has accepted the return of such alien. This section attempts to remedy the situation which results from the refusal of a foreign country to accept the return of aliens who are deportable from the United States.

Section 8 of the act of October 16, 1918, as amended by section 22 of the conference substitute, contains new penalty provisions.

Section 8 (a) provides that any person knowingly aiding or assisting any alien excludable under section 1 to enter the United States or conniving or conspiring with any person or persons to allow or permit any such alien to enter the United States, shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than 5 years, or both.

Section 8 (b) provides for imprisonment for 5 years, followed by deportation, in the case of any alien who is convicted of returning, or attempting to return, to the United States, without the authorization of the Attorney General, after he has been deported pursuant to the provisions of the act of October 16, 1918.

Section 9 of the act of October 16, 1918, as amended by section 22 of the conference substitute, makes inapplicable to any alien within the purview of such act any statute, or other authority or provision having the force or effect of law, to the extent that it is inconsistent with such act.

Section 10 of the act of October 16, 1918, as amended by section 22 of the conference substitute, contains the usual separability provision.

Amendment of section 20 of the Immigration Act of February 5, 1917, relating to deportation of aliens

Section 23 of the conference substitute amends section 20 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 156), in order to provide more effective control over, and to facilitate the deportation of, deportable aliens.

Subsection (a) of such section 20, as contained in section 23 of the conference substitute, retains certain provisions of the existing section 20 and also makes the follow-

ing changes in, and additions to, such existing section 20:

The first sentence of such subsection (a) broadens the authority of the Attorney General under existing law to determine the country to which an alien unlawfully in the United States may be deported. The existing first sentence of section 20, which listed the countries to which an alien may be deported, is restrictive in scope. The new first sentence of subsection (a) provides that an alien may be deported to the country specified by the alien if such country is willing to accept him into its territory. In addition, it gives the Attorney General more latitude in effecting the deportation of a deportable alien (1) by enlarging the list of countries and places to which such alien may be deported if the country specified by such alien is unwilling to accept him into its territory or if he does not specify any country, and (2) by permitting the Attorney General to select the country or place to which such alien may be deported, within his discretion and without priority of preference because of the order in which such countries and places are set forth in the new sentence. It is further provided that no alien shall be deported to any country in which the Attorney General finds that such alien would be subjected to physical persecution.

Section 20, as now in effect, provides that pending the final disposal of the case of any alien taken into custody, the alien may be released under bond of not less than $500, with security approved by the Attorney General and conditioned that such alien shall be produced when required for a hearing on the charges against him, and for deportation if he is found to be unlawfully in the United States. Subsection (a) of section 20, as contained in the conference substitute, changes this provision of existing law by authorizing the Attorney General, in his discretion, to hold arrested aliens in custody or release them under bond of not less than $500, with security approved by him, or on conditional parole. It is further provided that, among the conditions of any such bond or terms of release on parole, there shall be a condition that the alien shall appear, when required, to defend himself against the charge or charges on which he was taken into custody and any other charges subsequently lodged against him, and for deportation if an order for his deportation has been made.

Subsection (a), as proposed to be amended, further provides that when an order of deportation is made against any alien, the Attorney General shall have 6 months within which to effect the departure of such alien. During such period the Attorney General, in his discretion, may detain the alien or release him on conditional parole or on bond. Full discretion is given the Attorney General in determining the amount of the bond and the terms and conditions of the bond or parole agreement. If deportation is not practicable, advisable, or possible, or if departure of the alien from the United States has not been effected, within 6 months after the date of the order of deportation, the alien becomes subject to further supervision and detention pending eventual deportation. Authority is given to the Attorney General to arrange for appropriate places of detention for those aliens whom he takes into custody and detains.

In addition to the changes appearing in subsection (a), explained above, the following new provisions are added to such section 20 by section 23 of the conference substitute:

Subsection (b) provides for the supervision, under regulations of the Attorney General, of any alien against whom an order of deportation has been outstanding for more than 6 months. The subsection also provides that any alien who willfully fails to comply with such regulations, or who willfully fails to appear before an officer of the Immigration and Naturalization Service for identification or give information or submit to medical or psychiatric examination, or who, knowingly gives false information, shall, upon conviction, be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Subsection (c) provides that any alien against whom an order of deportation is outstanding under the act of October 16, 1918, as amended, or under one of certain other specified provisions of law which relate to the deportation of criminals, prostitutes, procurers, or other immoral persons, anarchists, subversives or persons of similar classes who shall willfully fail or refuse to depart from the United States within 6 months from the date of such order of deportation or the date of enactment of the Subversive Activities Control Act of 1950, whichever date is the later, or who shall willfully fail or refuse to make timely application for travel or other documents necessary to his departure, or who shall connive or conspire, or take any other action, to prevent or hamper his departure pursuant to such order of deportation, or who shall willfully fail or refuse to present himself for deportation as required by the Attorney General, shall upon conviction be imprisoned not more than 10 years. The subsection does not make it illegal for any alien to take proper steps for the purpose of securing cancellation of an order of deportation outstanding against him or for the purpose of securing his release from custody. The subsection also provides that the court may for good cause suspend the sentence of such alien and order his release under such conditions as the court may prescribe. The subsection sets forth various factors which the court shall take into account in determining whether the release of such alien is justified.

Subsection (d) provides that if any alien subject to subsection (c) unlawfully returns to the United States, after being released for departure or deported pursuant to section 20, the previous warrant of deportation against him shall be considered as reinstated from its original date of issuance.

Subsection (e) provides that if an alien subject to section 20 is unable to depart solely because of his financial inability to pay his passage, the expense of such passage may be paid from the appropriation for the enforcement of the Immigration Act of February 5, 1917, as amended, unless such payment is otherwise provided for under such act.

Alien residents—Notice of address

Section 35 of the Alien Registration Act of 1940 now provides that any alien required to be registered under that act shall notify the Commissioner of Immigration and Naturalization of each change of residence and new address within 5 days from the date of the change, if he is a resident of the United States, and if he is not such a resident, to notify the Commissioner of his address at the expiration of each 3 months' period of residence in the United States. Under the amendment made by section 24 of the conference substitute, any alien required to be registered under that act who is an alien resident of the United States on January 1, 1951, and on January 1 of any succeeding year, shall, within 10 days following such dates, notify the Commissioner of his current address.

Amendments to the Nationality Act of 1940

Section 25 of the conference substitute amends section 305 of the Nationality Act of 1940, in three major respects. First, it is provided that no person shall be naturalized who (1) is a member of or affiliated with a Communist-action organization that is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, (2) advocates certain doctrines of world communism or any other form of totalitarianism, or is affiliated with an organization that does so, or (3) writes, publishes, distributes, or prints any material advocating such doctrine. Second, it is provided that if any person naturalized after January 1, 1951, becomes a member of or affiliated with any organization, membership in or affiliation with which at the time he was naturalized would have barred his naturalization or would have raised a presumption that he was disloyal, it shall be prima facie evidence of disloyalty and, in the absence of countervailing evidence, the order admitting him to citizenship may be set aside. Third, it is provided that an alien's membership in or affiliation with a Communist-front organization within 10 years before filing a petition for naturalization, or at any time between filing and becoming a citizen, shall raise a presumption of disloyalty which bars naturalization unless the alien can rebut the presumption; this provision does not apply where the alien abandons membership in or affiliation with the organization within 30 days after it is registered or required to be registered under the Subversive Activities Control Act of 1950.

Section 26 of the conference substitute amends section 325 of the Nationality Act of 1940, which relates to naturalization of aliens who serve on certain American vessels. Changes are made in order to limit the application of section 325 to aliens who were lawfully admitted for permanent residence before such service and to service on vessels fully owned by the Federal Government or an American citizen or corporation, and otherwise to restrict the application of the section.

Section 27 of the conference substitute adds a new subsection (c) to section 329 of the Nationality Act of 1940. This subsection provides that lawful admission for permanent residence shall be a prerequisite to naturalization and that the burden of proof shall be on the alien to show the time, place, and manner of his entry and that his entry was lawful. The new subsection also provides that no person shall be naturalized who has outstanding against him a final finding of deportability and that no petition for naturalization shall be finally heard by a naturalization court if there is pending against the petitioner a deportation proceeding pursuant to a warrant of arrest. Finally, the new subsection provides that the findings of the Commissioner of Immigration and Naturalization in terminating deportation proceedings or suspending the deportation of an alien shall not be binding on the naturalization court on the question of whether the person involved has established his eligibility for naturalization.

Section 28 of the conference substitute amends section 333 of the Nationality Act of 1940 so as (1) to strengthen the subpena powers of persons conducting preliminary examinations on petitions for naturalization, (2) to authorize the admission of the record of the preliminary examination as evidence in any final hearing conducted by a naturalization court, (3) to provide that where the recommendation of the person conducting the preliminary examination conflicts with that of the Commissioner of Immigration and Naturalization as to what action should be taken on the petition, the views of both persons shall be presented to the court, and (4) to provide that action shall be taken on all petitions except those withdrawn with the consent of the Commissioner.

The Senate amendment to such section 333 contained a proposed subsection (a) which would have required the making of a personal investigation of each person petitioning for naturalization, in the vicinity or vicinities in which such person has maintained his actual place of abode and in the vicinity or vicinities in which such person has been employed or has been engaged in business or work for the 5-year period immediately preceding the filing of his petition for naturalization. This subsection has not been included in the conference substitute. It was felt that while such investigations should be made in all cases where

necessity appears, which can be done under existing law, this provision of the Senate amendment would have required a very large increase in Government personnel, involving great expense.

Section 29 of the conference substitute amends section 335 of the Nationality Act of 1940 to provide that there shall be included in the oath required for naturalization a provision that the petitioner will bear arms on behalf of the United States or perform noncombatant service when required by law. However, if the petitioner satisfies the naturalization court that he is opposed to bearing arms or to performing noncombatant service by reason of religious training or belief, he may take an oath which does not include a promise to bear arms or to perform noncombatant service.

Section 30 of the conference substitute amends section 304 of the Nationality Act of 1940. Section 304 now requires that a petitioner for naturalization be able to speak English, but the amendment requires that the petitioner be able to read, write, and speak English. Exceptions to such requirements are made for petitioners physically unable to comply with them, and for petitioners over 50 who have legally resided in the United States for more than 20 years. The amendment also requires a petitioner to have a knowledge and understanding of the fundamentals of the history, and the principles and form of government, of the United States.

Picketing or parading with intent to obstruct administration of justice

Section 31 of the conference substitute amends title 18 of the United States Code by adding thereto a new section 1507. The new section imposes a fine of not more than $5,000 or imprisonment for not more than 1 year, or both, upon any person who pickets, parades, or demonstrates (by means of sound truck or otherwise) in or near a courthouse or any other building occupied or used by a judge, juror, witness, or court officer, with the intent of interfering with, obstructing, or impeding the administration of justice or of influencing any judge, juror, witness, or court officer in the discharge of his duty.

TITLE II

Title II of the conference substitute, which is given the short title "Emergency Detention Act of 1950," is substantially similar to title II of the Senate amendment, although a number of important changes were made by the committee of conference. The House bill contained no comparable provisions.

This title is intended to provide authority under which the executive branch in time of internal-security emergency may cause the apprehension and detention of persons as to whom there is reasonable ground for belief that they probably will engage in espionage or sabotage activities in violation of existing provisions of law prohibiting such offenses. It is the purpose of this title to provide for the protection of the Nation in time of such emergency by the exercise of the war powers of the Constitution in such manner that persons who constitute a serious internal-security menace may be rendered harmless before they have had opportunity to perform acts which might well result in the incapacity of the United States to defend itself adequately in time of grave peril. The detention of such persons during such an emergency also may be necessary for their own protection from physical violence in the event of public excitement incident to an attack from abroad. The existence of an orderly procedure for the segregation of such persons at such time is calculated to preserve public confidence in the capacity of duly constituted public officers to protect the internal security of the Nation, and thereby avoid the occurrence of lawless efforts at the suppression of subversives which might result in grievous harm to individuals who in fact are completely loyal to our Government and our institutions.

The managers on the part of the House were fully cognizant of the need for provisions of this character, but gave serious consideration to the constitutional questions involved in any such legislation. They concluded that the precedents afforded by court decisions sustaining the validity of the Japanese relocation program in effect during World War II provide ample authority for the enactment of legislation to attain this objective. After the adoption of perfecting amendments designed more fully to protect the interests of the individuals who would be affected thereby and to insure the observance of procedural due process of law in the administration of such program, agreement was reached on this title.

The salient features of title II, as so amended, are set forth hereinafter.

Section 101 contains appropriate findings of fact and a declaration of the purpose of the Congress in enacting this title. The findings contained therein in large part are analogous to those contained in section 2 of the House bill, but include additional findings which set forth the considerations which demonstrate the need for the enactment of detention legislation.

Section 102 provides for the proclamation of a state of internal security emergency at which time the provisions of this title would become operative, and for the termination of such emergency. Such emergency can be brought into existence only upon a finding by the President that it is essential "to the preservation, protection and defense of the Constitution, and to the common defense and safety of the territory and people of the United States." No such proclamation can be issued by the President unless there has been an invasion of the territory of the United States or its possessions, a declaration of war by the Congress, or an insurrection within the United States in aid of a foreign enemy. Any such state of emergency can be terminated at any time by proclamation of the President or by a concurrent resolution of the Congress.

When there is in existence such a state of emergency the President, acting through the Attorney General, is authorized to issue a written warrant for the apprehension of each person as to whom there is reasonable ground to believe he probably will engage in, or conspire with others to engage in, acts of espionage or sabotage (secs. 103–104). Such warrants may be issued only upon probable cause, supported by oath or affirmation, and must describe particularly the person to be apprehended. Within 48 hours after apprehension, or as soon thereafter as provision for it may be made, each person so apprehended must be accorded a preliminary hearing before a preliminary hearing officer appointed by the President for such purpose. To insure the impartiality of such preliminary hearing officer, it is specifically provided that no person may serve as such if within 3 years theretofore he has served as an officer or employee of the Department of Justice. The preliminary hearing officer is required to advise the person so apprehended of his legal rights, to allow him reasonable opportunity to consult counsel, and to grant to him on application a hearing. If hearing is requested, the person apprehended must be allowed to introduce evidence on his own behalf and to cross-examine witnesses against him, except that the Attorney General or his representative shall not be required to furnish information if he believes that to divulge such information would be dangerous to national security. A record of such testimony shall be made. If the hearing officer is satisfied on the basis of the testimony so offered that there is probable cause for the detention of the person apprehended, such officer shall, on application made by the Attorney General, issue an order for his detention, furnish to him a copy of such order, and advise him of his right to receive the administrative review of his case described hereinafter. If, after such hearing, the preliminary hearing officer is not satisfied that probable cause for detention has been shown, such officer will have full authority to discharge such person from custody. This provision was considered necessary to protect harmless persons from detention as a result of such mistakes in identity as might well occur during any effort to locate quickly in time of emergency, those persons who present an internal security menace to the Nation. Within 7 days after the hearing, the preliminary hearing officer is required to transmit to the Attorney General a report setting forth the result of the hearing, together with his recommendations on the merits of the question whether such person should be detained, and such written representations or evidence as the detainee or his counsel may wish to file after the hearing.

Persons detained pursuant to any such order are to be confined in such places of detention as may be prescribed by the Attorney General, and he is charged with the duty of providing for such detainees transportation, food, shelter, and such other accommodations and supervision as may be necessary. Persons so detained, while in confinement, shall not be required to perform any involuntary labor or tasks not reasonably required for their own maintenance, health, and safety, and cannot be confined in company with persons who are in confinement pursuant to conviction under any of the criminal laws of the United States or of any State. It is emphasized that the detention of any person under this title will not constitute punishment for any alleged crime, but is provided for only to protect the Nation against the peril of the disruption of internal security in time of grave emergency and such detention therefore must not be permitted to take on the characteristics of penal servitude which are associated with the confinement of persons convicted of crime. Any person so detained shall, under section 103, be released from such detention upon (1) the termination of the state of internal security emergency by proclamation of the President or by concurrent resolution of the Congress, (2) the issuance by the Attorney General, at any time and for such cause as may satisfy him, of an order of release, (3) the issuance of a final order of release by the Board of Detention Review described hereinafter, or (4) the issuance of a final order of release by a Federal court after the review provided for by this title, or upon a writ of habeas corpus. Section 116 provides specifically that nothing therein contained shall be construed as suspending, or authorizing the suspension of, the writ of habeas corpus. These provisions are believed to provide protection and safeguards to persons apprehended or detained under this title which are markedly greater than those accorded to persons whose relocation was ordered during World War II purusant to legislation then in effect.

Section 105 provides for the establishment of a Detention Review Board consisting of nine members, appointed by the President by and with the advice and consent of the Senate, who shall receive annual salaries of $12,500. Not more than five of the nine may be members of the same political party, and the members will be appointed for terms of 1, 2, and 3 years, subject to the termination of such appointments and the abolition of the Board upon the termination of the state of internal-security emergency for which such Board was created. The abolition of any such Board will be without prejudice to the establishment of a new Board in the event of the occurrence of a new state of internal-security emergency. Any member of such Board may be removed

by the President, upon notice and hearing, only for neglect of duty or for malfeasance in office.

To expedite the proceedings of the Board, it may establish divisions of not less than three members each, which may exercise all of the powers of the Board, and it may conduct hearings through hearing examiners subject to the provisions of the Administrative Procedure Act.

The Board is authorized by section 109 to review upon the petition of any detainee any order for his detention issued under this title, and is charged with the duty of determining in each case whether there is reasonable ground for the detention of such person. It is authorized after hearing, to issue such order confirming, modifying, or revoking the detention order as it deems appropriate. Section 109 contains elaborate provisions to insure that each hearing before the Board will be full and complete, and that the petitioner will be accorded all of the procedural rights normally granted to parties to administrative proceedings under other civil provisions of law. Among the rights specifically included are the rights (1) to have compulsory process for obtaining witnesses, (2) to cross-examine adverse witnesses (subject to the limitation that, under such regulations as the Board may prescribe, the Attorney General may not be required in any hearing to divulge any evidence which cannot be publicly revealed for reasons of national security), (3) to be advised in as full detail as possible of the evidence to be brought against him, and (4) to be represented by counsel. Subsection 111 (g) provides specifically that nothing contained in this title shall deprive any person of any relief to which he would otherwise be entitled under the Administrative Procedure Act.

In determining whether there is reasonable ground for the detention of any person, the Attorney General, preliminary hearing officers, and the Board are specifically authorized to consider, together with other available evidence, evidence concerning (1) any past participation by the person concerned in the espionage, counterespionage, or sabotage service of any foreign government, foreign political party, the Communist Party of the United States, or any other organization seeking to overthrow the Government of the United States or of any political subdivision thereof by force and violence, (2) any past acts of espionage or sabotage committed by such person, or any attempt or conspiracy to commit any such acts in which he might have participated against the United States, and (3) any past activities of such person in the espionage or sabotage operations of, or the holding after January 1, 1949, of membership in, the Communist Party of the United States or any other organization seeking to overthrow the Government of the United States or any political subdivision thereof by force and violence. It is specifically provided that the introduction of evidence to the effect that any person has engaged in any such activities, or has held any such membership, shall not of itself require that he be detained, and that whether there is reasonable ground for his detention as a menace to internal security must be determined in each instance upon the basis of all of the evidence adduced. Under paragraph (1) of subsection 109 (h) no adverse inference is to be drawn against any person solely on account of evidence showing that (1) he has participated in espionage or counterespionage activities in the service of the United States or any political subdivision thereof, (2) his knowledge of such activities was acquired solely by reason of academic or personal interest not associated with service for any foreign country or organization, or (3) he has acquired knowledge of or has participated in any espionage, counterespionage, or sabotage activities, if in connection with employment at any time by the Department of Justice or the Central Intelligence Agency, he has made full written disclosure of such knowledge and activities and such disclosure has been made a matter of record in the files of the agency concerned.

To afford relief for any person who may be found to have been detained under this title without reasonable cause, paragraph (4) of subsection 109 (a) authorizes any person detained under this title to petition the Board for a determination that he has been detained without reasonable cause and for the entry of an order requiring the Attorney General to pay to such person an indemnity in such amount as the Board shall determine to be necessary to compensate such person for loss of earnings during the period of his detention. No provision is made for the inclusion in such indemnity of any punitive damages.

Section 111 provides for judicial review of orders of the Board. Such review may be obtained by any petitioner other than the Attorney General, as a matter of right, from any order of the Board denying in whole or in part the relief sought by him. In addition, subsection 111 (a) provides that, in the event that the Attorney General, or any other officer or employee acting under his control, should fail to carry into effect any final order of the Board granting relief to such petitioner, such person may by petition obtain judicial enforcement of such order. No judicial review is granted to the Attorney General with respect to any order of the Board requiring the release of any person from detention, but the Attorney General is accorded judicial review of any order of the Board to the extent that such order grants to any petitioner any money indemnity for loss of earnings. The petitioner may obtain judicial review in the United States court of appeals for any circuit wherein he is detained or wherein he resides by filing in such court a written petition praying that such order be modified or set aside. In the case of any order of the Board denying a petition for release from confinement or for any indemnity, the petition for review must be filed within 60 days after the service upon him of such order. Any petition for the enforcement of any order of the Board granting relief to any petitioner may be filed at any time within a period of 120 days after the date on which such order becomes final.

Each order of the Board must be accompanied by written findings of fact in sufficient detail to apprise the petitioner of the basis for the order entered. Upon the filing of any petition for judicial review, the Board is required to transmit to the court a duly certified transcript of the proceedings before the Board, including the evidence taken therein. As in the case of proceedings conducted under the Administrative Procedure Act, the findings of the Board as to the facts shall be conclusive upon the court only if such findings are supported by reliable, substantial, and probative evidence. Any judgment or decree entered by the court of appeals will be subject to review by the Supreme Court upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code. Orders of the Board not subject to judicial review become final upon the date of their entry by the Board. Orders of the Board subject to judicial review become final only upon the completion of such review, or upon the failure of the party concerned to exercise his right to seek such review, as set forth in subsection 111 (f) of this title.

Sections 112, 113, and 114 of this title provide criminal penalties for persons who seek wrongfully to defeat the purposes of the title by the performance of the specific acts described therein. Section 112 punishes willful evasion or resistance of apprehension pursuant to this title, escape from apprehension or confinement pursuant thereto, and attempts or conspiracies to perform such acts. Section 113 punishes any person who advises, aids, assists, or procures, certain action by any other person, including evasion of or resistance to apprehension; the escape from detention or confinement; and any attempt or conspiracy to perform any such act. Section 114 punishes any person who shall willfully resist, prevent, or interfere with any Board member or any agent thereof in the performance of his duties pursuant to this title.

Section 116 contains a separability provision in the usual form.

JOHN S. WOOD,
FRANCIS E. WALTER,
BURR P. HARRISON,
JOHN McSWEENEY,
RICHARD NIXON,
HAROLD H. VELDE,
BERNARD W. KEARNEY,
Managers on the Part of the House.

CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 279]

Allen, Ill.	Havenner	O'Sullivan
Allen, La.	Hébert	Perkins
Anderson, Calif.	Heller	Pfeifer, Joseph L.
Angell	Hill	Pfeiffer, William L.
Barrett, Wyo.	Hinshaw	Philbin
Bates, Ky.	Hoffman, Ill.	Phillips, Tenn.
Bennett, Mich.	Holifield	Plumley
Blatnik	Howell	Poage
Bolton, Md.	Johnson	Potter
Bosone	Jonas	Poulson
Boykin	Keefe	Powell
Breen	Keogh	Quinn
Buchanan	Kerr	Rains
Buckley, N. Y.	Klein	Redden
Canfield	Kruse	Reed, Ill.
Carroll	Kunkel	Sadowski
Case, S. Dak.	Larcade	Sanborn
Celler	LeFevre	Scott, Hugh D., Jr.
Chatham	Lichtenwalter	Shelley
Christopher	Linehan	Smathers
Cooley	Lyle	Smith, Ohio
Coudert	Lynch	Taurielio
Davenport	McCarthy	Taylor
Davies, N. Y.	McCormack	Thornberry
Dawson	McMillen, Ill.	Van Zandt
Dingell	Mack, Ill.	Velde
Dollinger	Mack, Wash.	Vorys
Doyle	Martin, Iowa	Vursell
Ellsworth	Meyer	Wagner
Engel, Mich.	Miller, Calif.	Werdel
Fellows	Morgan	Whitten
Fernandez	Morrison	Widnall
Flood	Morton	Willis
Furcolo	Moulder	Wilson, Ind.
Gillette	Murdock	Withrow
Gilmer	Murphy	Wolcott
Gordon	Murray, Tenn.	Woodhouse
Gorski	Nicholson	Woodruff
Granger	Nixon	Zablocki
Gregory	Noland	
Hall, Edwin Arthur	Norton	
Hand	O'Brien, Mich.	
	O'Konski	

The SPEAKER. On this roll call 303 Members have answered to their names. A quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

INTERNAL SECURITY ACT OF 1950

The SPEAKER. The gentleman from Georgia [Mr. WOOD].

Mr. WOOD. Mr. Speaker, your committee of conference, together with the conferees from the other body, have

spent many days in the consideration of the matters at variance between the two branches of the Congress with respect to the legislation proposed in this bill.

We feel that we have brought to the two bodies the best legislation of which we are capable in order to approach the subject of strengthening the internal security of this Nation and at the same time preserve the constitutional rights of all of its citizens.

I was very much impressed with the complete unanimity of purpose with which the various members of the conference committee approached the subject. It is, I believe, significant that all the matters at variance between the two branches were finally ironed out and approved without a single dissenting vote. Indeed, there was not a single vote taken; all matters were ultimately approved by unanimous consent in the conference committee.

I also desire to publicly acknowledge the very valuable services that were rendered to our committee by the staff of both committees as well as by the legislative counsel. Their assistance to us was most invaluable.

If I may be permitted, I should like briefly to explain some of the provisions of the bills which were at variance and which have been ironed out and composed to the satisfaction of the conference committee.

I shall try to cover, as briefly as I can, what was done by the conference committee, with particular reference to the essential differences between the bill agreed to in conference and the bill which the House passed on August 29.

The statement accompanying the conference report contains a full explanation, and I shall not attempt to cover in detail all of the points explained in that statement.

As the Members of the House will recall, the House bill required Communist-action organizations and Communist-front organizations, referred to in the bill as Communist organizations, to register with the Attorney General and to file with the Attorney General certain specified information, including, in the case of Communist-action organizations, the names of members.

It was further provided that if any such organization failed to register, it should be the duty of its officers to register for it.

Also, upon a failure of a Communist-action organization to comply with an order requiring it to register, the duty to register was placed on every member of the organization. Where a registered Communist-action organization failed to include the name of any member on the list required to be filed, the bill made it the duty of each member whose name was omitted to register as a member of the organization.

The bill provided for a Subversive Activities Control Board, and set up a procedure by which the Board, upon petition filed by the Attorney General, and after appropriate hearing, could by order require any organization or individual to comply with the registration requirements. Appropriate provisions were included with respect to judicial review of orders of the Board.

The bill also provided for a procedure before the Board by which registered organizations or individuals would be able to have their registrations canceled in appropriate cases.

In addition to these registration provisions, the House bill contained numerous other provisions, among which were the following:

The bill made it unlawful for Government officials to communicate to any agent of any foreign government or to any officer or member of a Communist organization information classified as affecting the security of the United States, and also made it unlawful for an agent or representative of a foreign government or an officer or a member of a Communist organization to obtain or receive from any Government official, without authorization, any information of such classified character.

Certain other provisions were included in the House bill, to be applicable when a Communist organization was registered or required by a final order to register. These included the following:

First. A prohibition against a member of the organization concealing the fact of his membership in seeking any nonelective office or employment under the United States or in seeking employment in a defense plant, and a prohibition against any such member holding any nonelective office or employment under the United States or engaging in employment in a defense plant.

Second. A prohibition against any officer or employee of the United States, or any individual employed in a defense plant, contributing funds or services to such organization.

Third. A prohibition against any member of such organization making application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States, or using or attempting to use any such passport.

Fourth. A prohibition against the organization using the mails to transmit publications, or using radio or television to broadcast any matter, without revealing the name of the organization and identifying it as a Communist organization.

Fifth. Provisions denying deductions for Federal income tax purposes in the case of contributions to such organization, and denying to such organization any exemption from Federal income tax under section 101 of the Internal Revenue Code.

The Senate amendment contained provisions of the same general character as most of those of the House bill. The House conferees firmly believed, however, that the provisions of the House bill were preferable, and I am glad to report that on the subjects covered by the House bill sections 1 through 17 of the conference substitute, except for clarifying changes and certain points which I will now mention, consist essentially of the bill as passed by the House.

Section 4 (a) of the conference substitute was taken from the Senate amendment, no such provision being in the House bill. That provision makes it unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual. It is specifically provided that this prohibition shall not apply to the proposal of a constitutional amendment.

Changes have been made in section 5, and I desire to explain briefly the modifications made in this section and in section 3 (7) in relation to defense plants.

These provisions have been changed for two general purposes:

First. They are modified to broaden the concept of defense plant to cover not only plants, factories, or other manufacturing or service establishments, engaged in activities which may be important to the security of the United States, but also certain other types of establishments or facilities which may be important to such security. This broadening is accomplished by including in the revised section 3 (7) a definition of "facility" which includes, in addition to plants, factories, or other manufacturing or service establishments, airports, airport facilities, vessels, piers, water-front facilities, mines, railroads, public utilities, laboratories, stations, or other establishments or facilities.

Second. These provisions also have been modified with a view to affording a greater degree of certainty for purposes of the operation of those prohibitions contained in section 5 which in the conference substitute relate to "defense facilities," and which in the House bill related to "defense plants." The certainty to which I have reference has to do with the question of availability of information as to whether a particular facility is, at any given time, an appropriately designated "defense facility." It is provided in section 5 (b) of the conference substitute that the Secretary of Defense shall designate, and publish in the Federal Register, a list of those facilities with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a). He is required to notify any facility placed on the list, and the management of the facility is required to post notice that it has been so designated. The definition of "defense facility" in section 3 (7) is so written that the prohibitions of section 5 (a) relating to defense facilities will apply with respect to a particular facility only if such facility is in compliance with the provisions respecting the posting of such notice of its designation.

In the passport provision, section 6, there has been included as subsection (b) a provision taken from the Senate bill which provides that when an organization is registered or required by order to register it shall be unlawful for any officer or employee of the United States to issue a passport to, or renew the passport of, any individual knowing or having reason to believe that such individual is a member of such organization.

In section 13, relating to proceedings before the Subversive Activities Control Board, a new paragraph (2) has been added to subsection (d). It provides that where an organization or individual refuses or fails to appear before the Board at a hearing granted to it or to him, the Board may forthwith enter an order requiring registration or denying the application made. It further provides that the Board may exclude from any hearing parties or counsel guilty of misbehavior which obstructs the hearing.

A provision has been included in section 14 which will permit the United States Court of Appeals for the District of Columbia to transfer cases to the United States court of appeals for the circuit wherein the petitioner resides.

In addition to the provisions which I have discussed, title I of the conference substitute contains a number of provisions, sections 18 through 31, which are based on sections contained in the Senate amendment. Most of these provisions are amendments to existing law, and they are explained in detail in the statement accompanying the conference report. It is not practicable for me to go into them fully because the provisions are long and complicated, but I may say in general that they have the general purpose of strengthening existing law with respect to protection of defense information; lengthening statutes of limitations in the case of certain criminal offenses; strengthening existing law with respect to registration of foreign agents; imposing appropriate penalties for violation of security regulations; strengthening existing law relating to the exclusion and deportation from the United States of subversive aliens; providing more effective control over, and facilitating the deportation of, deportable aliens; strengthening the existing law relating to registration of aliens; amending the Nationality Act of 1940 to provide for stricter requirements and more effective checks in the case of persons who are or may be subversive; and prohibiting picketing or demonstrations in or near any courthouse, or any other buildings occupied by a judge, juror, witness, or court officer, with the intent of interfering with the administration of justice or bringing to bear improper influence.

Title II of the conference substitute, which is given the short title "Emergency Detention Act of 1950," is patterned upon title II of the Senate amendment, no comparable provision being contained in the House bill.

Many changes were made in this title by the committee of conference, primarily for the purpose of safeguarding and protecting constitutional rights in every possible way.

It is the purpose of this title to provide a means by which the Nation may be protected, in time of critical emergency, from the activities of persons who are likely to constitute a serious internal-security menace. The objective is to provide a civil detention procedure through which such persons may be rendered harmless before they have had an opportunity to perform acts which might well result in the inability of the United States to defend itself in time of grave peril.

The detention powers granted by this title may be exercised only if there has been an invasion of the territory of the United States or its possessions, a declaration of war by Congress, or an insurrection within the United States in aid of a foreign enemy, and only if, after one or more of the foregoing has occurred, the President finds that the proclamation of an emergency is essential to the preservation, protection, and defense of the Constitution, and to the common defense and safety of the territory and people of the United States.

Upon the declaration of an emergency by the President under such circumstances, this title would authorize the President, through the Attorney General, to issue a written warrant for the apprehension of each person as to whom there is reasonable ground to believe he probably will engage in, or conspire with others to engage in, acts of espionage or sabotage. Such warrants could be issued only on probable cause, supported by oath or affirmation, and would have to describe particularly the person to be apprehended.

Prompt opportunity for hearing would be afforded, before a preliminary hearing officer, to any person apprehended. If the preliminary hearing officer is satisfied on the basis of testimony offered that there is probable cause for the detention of the person apprehended, such officer would, on application made by the Attorney General, issue an order of detention and advise the apprehended person of his right to obtain administrative review of the order. The preliminary hearing officer would have full authority to release the apprehended person if probable cause for detention were not shown to his satisfaction.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. WOOD. I yield to the gentleman from Mississippi.

Mr. RANKIN. What does the bill contain with reference to Communist-front organizations? When they go underground they will operate through Communist fronts. I just wondered if you reach them in this bill as amended.

Mr. WOOD. Yes; we provide for Communist-front organizations that have been so designated by the Board. It requires them to register the same as Communist action organizations, except they are not required to give the full list of their membership.

Mr. RANKIN. I thank the gentleman.

Mr. WOOD. Persons detained would be confined in places of detention prescribed by the Attorney General, and he is charged with the duty of providing for such detainees transportation, shelter, and such other accommodations and supervision as may be necessary. Persons so detained could not be required to perform any involuntary labor or tasks not reasonably required for their own maintenance, health, and safety.

Any person detained would be released from detention upon (1) the termination of the state of emergency by proclamation of the President or by concurrent resolution of the Congress, (2) the issuance by the Attorney General, at any time and for such cause as may be satisfactory to him, of an order of release, (3) the issuance of a final order of release by the Board of Detention Review, the creation of which is provided for by the title, and before which a detainee may get review of the order under which he was detained, or (4) the issuance of a final order of release by a Federal court after the review provided for by the title, or upon a writ of habeas corpus.

Provisions are included under which the Board would have authority to determine any claim by a person who shall have been detained and shall have been released from such detention, for loss of income by such person resulting from such detention if without reasonable grounds. Upon issuance of a final order for such indemnification the Attorney General would be authorized to make payment of such indemnity.

What I have said is a brief outline of the essential features of title II of the conference substitute.

It is to be noted that the detention of any person under this title will not constitute punishment for any alleged crime, but is provided for only to protect the Nation against the peril of disruption of internal security in time of grave emergency.

Mr. KEARNEY. Mr. Speaker, will the gentleman yield?

Mr. WOOD. I yield to the gentleman from New York.

Mr. KEARNEY. As I understand this bill, and I think the gentleman from Georgia will agree with me, it is designed to protect the rights of the individual but at the same time it is, as the papers say, a tough bill. It is a tough bill for the enemies of this country. It is legislation that is long overdue.

Mr. WOOD. I heartily agree with the gentleman and the suggestion he makes. I will say that the committee was very zealous in its efforts to accomplish just those purposes. The paramount purpose and objective, of course, and the thought of the committee was to protect the American Government and its people from an enemy that is in our midst, yet we ought never to lose sight of the very grave importance of protecting the rights and liberties of the citizens of America as guaranteed under the Constitution.

It is believed that the provisions of this title provide protections and safeguards to persons apprehended or detained which are greater than those accorded to persons whose relocation was ordered during World War II pursuant to legislation then in effect.

The committee of conference made every effort to provide all possible protections and safeguards consistent with the objective of affording protection against acts of sabotoge and espionage which might render the United States impotent to defend itself in time of critical emergency.

In submitting this conference report, Mr. Speaker, I reiterate that in this field, which is admittedly a virgin field, your committee has done the very best it could. We believe we have a bill which will be workable and which will at least aid materially in strengthening the security of the Nation. I hope the conference report will be adopted.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Speaker, it has been said here as well as in the press that this legislation is being forced on the American people for one purpose only, and that purpose is to protect the American Government. I submit, Mr. Speaker, the best protection the American Government can have is its Constitution and faith in the intelligence of the American people. The difference between me and the proponents of this legislation is that I believe in the Constitution and I have faith in the intelligence of the American people to live up to the democratic traditions of this Nation and preserve its institutions.

Mr. Speaker, all that one can do as one reaches the end of the road of American liberty with this legislation at this stage is to summarize. Here we are now ready to do what? We are ready to violate the constitutional prohibition against bills of attainder. We are ready to adopt the system of adjudication of guilt by legislation. We are ready to violate completely the first amendment. We are ready to substitute incarceration without trial for our guaranties of a fair trial. We are ready to violate the time-honored principle of giving even the worst criminal in our midst a fair trial. We are ready to establish in America the political Bastille, the concentration camp, and the labeling of our citizens. We are ready to violate the fifth amendment and establish the practice of self-incrimination. Under the guise of protecting the American people you destroy their liberties with this legislation. Under the guise of protecting the American Government, with this legislation you undermine and subvert the very foundations upon which our Government is established—its Constitution.

Our Nation is changing as a result of legislation of this kind, and as a result of thinking of this kind. We are not going forward. Change means progress, but in this case change means retrogression. We are carrying our country back to the period of dark reaction which followed the adoption of the Bill of Rights, we are carrying our country back to the period of the alien and sedition laws. We are carrying the Nation back to the period of the fugitive slave laws, and the period of the Dred Scott decision, and the period of hysteria which followed World War I, when the Legislature of the State of New York went so far as to take five of the elected representatives of the Socialist Party and expel them from the assembly despite the election mandate of the people.

But as we look back we find that there has always been one great defender of our country and that is our people. They nullified those alien and sedition laws. They fought them and came through. Those laws were repealed and the men responsible for them who were riding high, wide, and handsome over the liberties of the people and who were doing so ruthlessly and with impunity were thrown out. We saw what happened to the fugitive slave laws and the Dred Scott decision and to the "slaveocracy." The men who were important public officials in the days following World War I, and who were responsible for the Palmer raids and for the expulsion of the Socialist assemblymen in the State of New York, and for the railroading of militant workers in various sections of this country were repudiated by the people. Those men have been cast into ignominious oblivion.

Today in the United States, and this is what is tragic, what is the governing factor in the ruling circles of America? It is fear. We might as well face it—it is fear—fear that has impelled men and women publicly to cowardly beat their breasts and supinely declaim against communism so as to make certain that no one will have the slightest suspicion that they may be called Communists. We see public officials cringe, going to extremes to make certain that nobody may point the finger at them. What is the result? We find petty tyrants setting themselves up to point the finger at some one or another. We find people setting themselves up as self-appointed judges, as we witness in the House of Representatives sometimes when we see self-appointed judges of what is patriotism and what is loyalty.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. WOOD. Mr. Speaker, I yield one additional minute to the gentleman from New York.

Mr. MARCANTONIO. And we find what? We find that fear today is making the rulers of America act as people did in the days of witch hunting; people accusing each other; whispering "Is he loyal?" "Is he disloyal?" We saw, even in this House of Representatives the loyalty of a man like General Marshall being impugned. This is not a healthy state of mind. It is not a healthy condition. This disease makes America really sick. You are not saving America. You are endangering America. For what? One-twentieth of 1 percent of the American population. That is the Communist population in this country; depriving them of their rights, as was done in Germany. And in so doing what are you doing? You substitute fascism and tyranny for our democratic precepts. You are enveloping the whole 150,000,000 Americans in an atmosphere of fear. You are supplanting the Constitution with this legislation and you are killing the America of Jefferson and Paine, of Lincoln and Oliver Wendell Holmes; and the America of the abolitionists, of the men who fought and died to abolish the slave laws and repeal the alien and sedition laws. You are killing the America of the American Revolution.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. WOOD. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, undoubtedly the House was not surprised at the speech of the gentleman from New York [Mr. MARCANTONIO]. He was in his usual form.

But let me say to you that this bill is one of the greatest steps forward ever taken by the Congress of the United States. We are not going to have our country destroyed by these enemies within our gates, if it is humanly possible to prevent it.

I take great pride in this measure, because I realize that if it had not been for my efforts in this House in 1945, we would have had no Committee on Un-American Activities.

In 1945, you will remember that I offered the amendment to the rules which created the Committee on Un-American Activities as a standing committee of the House. If I had lost that amendment, you would have had no Committee on Un-American Activities, and the chances are that Alger Hiss would now be Secretary of State, or Assistant Secretary of State, directing our international affairs, just as he did at Yalta when we were sold out to Communist Russia.

Again, you could not have had this legislation, because up to that time the Committee on Un-American Activities was simply a temporary committee, with no power to report legislation.

We have had these Communists, and Communist-front organizations, invade every State and every community, stirring up trouble from one side of the country to the other. We are beginning to smoke them out. For 5 years we have been persecuting the wrong people for the Katyn disaster, the murder of 11,000 Poles, which I put in the RECORD yesterday, at page A6665. I wish you would read the letter from Lieutenant Colonel Van Vliet, showing that the Russians murdered those officers. Yet we have been hanging German soldiers, civilians, and doctors, or they have been hanged and the United States has been given credit for their execution by those Communists who have been pretending to represent us abroad.

The most dangerous force in America today is communism. When you get on their trails the Communists go underground. A lot of them are underground now, who are on the Federal pay rolls, on the State pay rolls, and on the municipal pay rolls. Then they work through Communist fronts, such as the Southern Conference for Human Welfare, for instance, which has long since been exposed. The gentleman from New York [Mr. MARCANTONIO] talks about liberty.

Thomas Jefferson and George Washington would not have stood a moment for the things that have been taking place here in the United States in recent years.

They have even gone so far that they have eliminated the teaching of American history in a large percentage of the public schools of the Nation. Over two-thirds of the colleges do not require a knowledge of American history. What are we coming to? It is time for us to get back to the Constitution, to the American way of life, to American policies laid down by Washington, Jefferson, Franklin, and the other great leaders of the past. It is time we give the world to understand that America is not only going to be free, but that we are not going to be sabotaged and destroyed by these enemies within our gates. If they do not like this country, let them get out of it—and stay out. But we do not intend for them to destroy it. Let us pass this bill by a unanimous vote and let the world know that we are going to protect this country at all costs.

Mr. WOOD. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Speaker, I bow to no man in or out of this Congress in a desire to preserve this country and its good, true—yes, divine principles of democracy.

Time is too brief to call again to your attention the arguments that were raised against the Mundt-Nixon bill 2 years ago and then against the present bill a short time ago when we considered it. They are still valid against this bill.

I do wish, however, to call your attention to two things about the bill as it is now presented to you by the conferees which make it a worse bill than when we first considered it. I say again I have nothing but the highest praise for the members of the committee and the conferees who bring forth this bill and this conference report; I appreciate their motives and their desire to do the right thing as they see it, but they have allowed their zeal and enthusiasm to run away with them; in attempting to accomplish a good purpose they are giving us a very bad bill.

I took the trouble to write to the Secretary of Defense and ask him specifically whether or not the provision in the original bill requiring the Defense Department to identify each defense plant would in any way impair our national security—and at that time all the bill required was that he determine and designate the defense plants. The bill now provides that not only must he make such determination and designation but also that he must publish in the Federal Register such determination and designation of every defense plant. The Secretary of Defense referred my inquiry to the Munitions Board. The Chairman of the Munitions Board, Hubert E. Howard, wrote me as follows. I will not read the entire letter but just that part that applies to the provision I am talking about. He says, and I quote:

> The complete public divulgence of all existing defense plants would furnish valuable information to present and potential enemies of national security.

If you pass this bill you will direct the Department of Defense to prepare a handbook for every enemy or potential enemy of this country, in effect telling him where he can find the places to go and sabotage.

Mr. McSWEENEY. Mr. Speaker, will the gentleman yield?

Mr. MULTER. I yield.

Mr. McSWEENEY. Will the gentleman note subsection (b) of section 5 which requires the application of the provision? In other words, if he does not feel that it requires the application of the provision as an emergency measure the Secretary does not need to publish a list of the plants. It is only as required under his concepts.

Mr. MULTER. Once he makes a determination that our national security requires him to designate a plant as a defense plant, he must publish that in the Federal Register and give notice to our enemies that these are our vital projects; these are our defense plants. You can never again have a secret Manhattan project, or, for that matter, any secret defense project if this bill becomes law.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from Virginia.

Mr. HARRISON. I wonder why, if the Director of the Munitions Board felt such a valid objection to this feature of the bill, he did not bring it to the attention of the conferees in order that a detail of that kind might be worked out, but wrote a private letter to the gentleman?

Mr. MULTER. I cannot answer as to why he did not direct it to the attention of the conferees. I made an inquiry, he answered me. I say to you it was the duty of the conferees and of the committee to consult with the Defense Department and with the Munitions Board to find out whether this would or would not impair the national defense.

Mr. HARRISON. Is the Munitions Board trying to keep secret its objections to this bill?

Mr. MULTER. Of course not. If it was, it would have ignored my inquiry.

Another very bad provision in this bill is the new—to this House—first sentence in subsection (f) of section 4 which provides that neither holding of office nor membership in any Communist organization by any person shall constitute per se a violation of this bill or, and I quote, "of any other criminal statute."

I venture to predict that if this bill becomes law you not only vitiate one of the most important parts of the Smith law, but you will give a new argument and defense to the 11 Communists recently convicted in the Federal court in New York of crimes against the United States, as proscribed in the Smith law.

In conclusion, let me say to you that the same arguments were urged in support of the sedition laws of 1798 that were heard in support of this legislation. The four reported cases that I have examined of prosecutions under that law disclose that in every case the convicted defendant was a Republican whose only offense was opposition to enactment into laws of bills sponsored by their political opponents in the Federalist Party.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. WOOD. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, I cannot in good conscience vote for the approval of this conference report. I have within me too deep a love of country and too strong a devotion to the Constitution of my country, and the spirit in which it was written, to permit a sense of political expediency, on the eve of an election, to permit me to become a party to the destruction of that Constitution, piecemeal, and the repudiation of its spirit.

I am not afraid of the destruction of the United States of America by the 54,000 Communists whom Mr. Hoover of the FBI, who enjoys the confidence of the American people, has declared to be the total number within our population of many millions. Our country can start on the road to the abyss only when, in the confusion and perplexity of present situations, we start turning our backs on the fundamental and eternal truths that have been written into the Declaration of Independence and of the Constitution of the United States.

The purported purpose of the conference bill is to save us from the mischief which can be done by 54,000 persons in a land of 150,000,000. I have too much respect for the intelligence and the good hearts and the clean minds of my fellow Americans to concede that they stand in danger of corruption even if the 54,000 were permitted to run at large and unchecked. The gentleman from North Dakota [Mr. BURDICK], if I remember correctly, stated that there are 25 Communists in his State. What opinion could I possibly have of the fine and virile men and women of North Dakota, if I thought them so weak in character and so lacking in ordinary common sense that a handful of 25 individuals, most if not all of them without local standing and friendships, could lead them to turn against their country and its Government and their own interest?

But if we admit that there are in the United States 54,000 Communists, or more than that figure, and that their subversive methods are reprehensible and that they do constitute a positive menace to the national safety, how does this measure propose to deal with them and the problem they present?

In a nutshell, all that this measure does by way of proceeding against the subversive activities of the Communists is to require that they come forward and by registration accept certain disqualifications. I have had too long an experience with the laws and with the courts and with the administration of justice to believe that you can end or check the crime of pocket-picking, or the crime of burglary, or the crime of treason, by passing a law compelling pickpockets, burglars, or traitors, as the case may be, to step up and register.

Mr. Hoover of the FBI, who certainly is better qualified than any man in America to know, says that you cannot do it in that way. Mr. Hoover does have an interest, because in the final analysis it is Mr. Hoover we must look to to ferret out and apprehend the traitors. I am willing to venture the suggestion that Mr. Hoover at this very moment, and as the result of months and years of alertness and of industry, has cards upon every man and woman in this country subject to possible suspicion of being a traitor, and that the vigilance of the FBI, even though its objective is not permitted to be defeated by fanfare, would be most reassuring and heartening to the country if the same headlines and the same wide publicity that are given to what we in the Congress say and do could be accorded to good policing and espionage without destroying their efficiency.

I do not question the sincerity of my colleagues who believe that this measure will be effective in thwarting the nefarious conspiracies and the subversive plottings of those who are disloyal and those who are misguided. If I disagree with them on the matter of procedure against disloyal conduct, for which we share in common a loathing, I respectfully suggest that it may be because my own experience in the criminal courts and in the study of the influences that determine

human conduct have occupied many years of my life before I came to this Congress. The telluric, the anthropological, so many elements go into what we are; and as we live lives and have experiences gradually we become classified and fall into general groups with approximately the same reactions and habits as others in the same group. Such a highly efficient organization as the FBI takes recognition of this. Men and women of disloyal character, who are capable of doing things of a sneaky nature, that is of being subversive in the sense we have in mind here will never be caught by a law commanding them to come forward and expose themselves.

I could not in good conscience vote for a bill which I understand Mr. Hoover of the FBI has said flatly would be a handicap, and not a help, to him in his very serious job of combating communistic infiltration. Especially I could not so vote and in good conscience if the conclusions I understand reached by such an outstanding and universally respected authority as the distinguished head of the FBI so exactly coincided, as they do, with my own conclusions based upon many years of specialized study and experience.

I will speak briefly on what I covered at greater length in my remarks on the Shelley amendment when the Woods bill was under consideration in the House sitting as Committee of the Whole. The pattern we are fitting in this bill, when it becomes the law of the land and is applied in other situations entirely removed from any connection with communism, can be employed by those coming into temporary power to destroy completely the association of good men and women joined together in the common cause of advancing under the law their own welfare and the conditions of their employment.

It can become under cunning hands the implement for the destruction of every labor organization, church federation, fraternal society and association of any nature whatsoever, of free and independent men gathered together for the doing of good works for the common betterment of their lot and the uplifting of mankind.

Mr. WOOD. Mr. Speaker I yield such time as he may desire to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Speaker, I am in full accord with the conference report that submits to us today the Internal Security Act of 1950.

The purpose of the bill is to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations and their members.

This bill is the result of long and comprehensive hearings both in Senate and House. It represents the combined thought and study of a group of able and conscientious men. It is their desire to protect the liberty and the freedom we enjoy under our form of government against the subversive activities of Communist organizations, and, their members who are constantly seeking ways and means of destroying our Government.

The necessity of this legislation is set forth in section 2 of the bill. It reads as follows:

SEC. 2. As a result of evidence adduced before various committees of the Senate and House of Representatives, the Congress hereby finds that—

(1) There exists a world Communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization.

(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic to a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of world-wide Communist organizations and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The Communist action organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments by any available means, including force if necessary, and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In carrying on the activities referred to in paragraph (6), such Communist organizations in various countries are organized on a secret, conspiratorial basis and operate to a substantial extent through organizations, commonly known as "Communist fronts," which in most instances are created and maintained, or used, in such manner as to conceal the facts as to their true character and purposes and their membership. One result of this method of operation is that such affiliated organizations are able to obtain financial and other support from persons who would not extend such support if they knew the true purposes of, and the actual nature of the control and influence exerted upon, such "Communist fronts."

(8) Due to the nature and scope of the world Communist movement, with the existence of affiliated constituent elements working toward common objectives in various countries of the world, travel of Communist members, representatives, and agents from country to country facilitates communication and is a prerequisite for the carrying on of activities to further the purposes of the Communist movement.

(9) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement.

(10) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(11) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law.

(12) The Communist network in the United States is inspired and controlled in large part by foreign agents who are sent into the United States ostensibly as attachés of foreign legations, affiliates of international organizations, members of trading commissions, and in similar capacities, but who use their diplomatic or semidiplomatic status as a shield behind which to engage in activities prejudicial to the public security.

(13) There are, under our present immigration laws, numerous aliens who have been found to be deportable, many of whom are in the subversive, criminal, or immoral classes who are free to roam the country at will without supervision or control.

(14) One device for infiltration by Communists is by procuring naturalization for disloyal aliens who use their citizenship as a badge for admission into the fabric of our society.

(15) The Communist movement in the United States is an organization numbering thousands of adherents, rigidly and ruthlessly disciplined. Awaiting and seeking to advance a moment when the United States may be so far extended by foreign engagements, so far divided in counsel, or so far in industrial or financial straits, that overthrow of the Government of the United States by force and violence may seem possible of achievement, it seeks converts far and wide by an extensive system of schooling and indoctrination. Such preparations by Communist organizations in other countries have aided in supplanting existing governments. The Communist organization in the United States, pursuing its stated objectives, the recent successes of Communist methods in other countries, and the nature and control of the world Communist movement itself, present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent Nation, and to guarantee to each State a republican form of Government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

There are some who do not think of communism as a serious menace in this country. Such are apt to think of the issue as merely a "red herring" and not entitled to serious consideration. President Truman has been one of such, if we are to judge by his words. On April 24, 1950, in an address at Washington, D. C., he was reported to have said:

We know that the greatest threat to us does not come from the Communists in this country, where they are a noisy but small and universally despised group. * * * Under the supervision of the (Loyalty Review) board, the loyalty program has rid the Government of all employees who were found to be disloyal, and they were only a tiny fraction of 1 percent. * * *

There are proportionately fewer Communists in this country than in any large country on earth. They are noisy and they are troublesome, but they are not a major threat.

Opposed to the views expressed by the President we have the words of J. Edgar Hoover, FBI Director, that were expressed by him in an address delivered a few days after that of the President. On May 2, 1950, in an address delivered at New York City, J. Edgar Hoover said:

The Communist Party possesses a well-knit, closely disciplined, destructive force of approximately 55,000 members in the United States. Behind this force of traitorous Communists, constantly gnawing away like termites at the foundation of American society, stand a half million fellow travelers and sympathizers ready to do the Communist bidding. These individuals, though not identified as Communists, are extremely dangerous to the internal security of this Nation.

Communist members, body and soul, are the property of the party. * * * At times, the Communists achieve gains out of all proportion to their numerical strength. That is the secret of Communist success.

Mr. Truman seems to feel that only a tiny fraction of 1 percent of these termites in the Government is too small a number to be concerned with.

Every thinking citizen knows that it takes only one disloyal person to betray a vital defense secret. A thousand Alger Hisses in strategic places in the Government, a thousand is still only a tiny fraction of 1 percent, could do—in fact, have already done—irreparable damage to American security. And Hiss, of course, was never caught in any loyalty board's screening process. Neither was Judith Coplon. In 1917, when the Communists took over Russia, there was only 1 Communist in Russia for every 2,777 Russians. Today, in 1950, in the United States, there is 1 Communist Party member for every 2,700 Americans.

J. Edgar Hoover warned Congressmen on February 3, 1950, that 48 percent of the membership of the Communist Party is in the basic industry of this country. In this manner, they would be able to sabotage essential industry in vital defense areas in the event of a national emergency. But Mr. Truman has said they are not a major threat. Whose opinion would you take—J. Edgar Hoover's or Harry S. Truman's on this subject?

It is impossible for me to understand how anyone can treat the subject of Communist activities in any way other than as a serious threat to the welfare of our Nation. It is equally difficult to understand upon what basis we continually show a disposition to coddle or appease Russia. The violation of treaty obligations, obstructionism in the solution of international problems, and territorial expansion by Russia gives unmistakable evidence of the purpose and intent of the Soviet Union. This relates not only to its attitude toward our own country but to the other nations as well. I would be difficult, if not impossible, to find a single treaty or agreement that has been entered into by Russia, since the war, that has not been broken in its entirety, or in some important part or parts.

In our own relations with Russia we need go no further than to examine the promises it made as a basis of obtaining its recognition by the United States in 1933, after nearly 16 years of nonrecognition. A letter from Maxim Litvinov, the Peoples Commissar for Foreign Affairs, to President Roosevelt, dated November 16, 1933, contains the following:

I have the honor to inform you that coincident with the establishment of diplomatic relations between our two Governments, it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

1. To respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way and to refrain from interfering in any manner in the internal affairs of the United States, its territories or possessions.

2. To refrain, and to restrain all persons in Government service and all organizations of the Government or under its direct or indirect control, including organizations in receipt of any financial assistance from it, from any act overt or covert liable in any way whatsoever to injure the tranquillity, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and, in particular, from any act tending to incite or encourage armed intervention, or any agitation or propaganda having as an aim, the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its territories or possessions.

3. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives of officials of any organization or group—which makes claims to be the Government of, or makes attempt upon the territorial integrity of, the United States, its territories or possessions; not to form, subsidize, support or permit on its territory military organizations or groups having the aim of armed struggle against the United States, its territories or possessions, and to prevent any recruiting on behalf of such organizations and groups.

4. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in, the political or social order of the whole or any part of the United States, its Territories or possessions.

A reading of the above letter in the light of happenings, since that time, and, especially the present, indicates that not only has every promise been broken but there is hardly a line of the entire letter that has not been disregarded. This has been true from the very time the letter was sent. It would seem that there never was any intention on the part of Russia to carry out its undertakings or make good its solemn promises. Throughout all the years that have intervened its paid agents have worked insidiously, under cover and in the dark against our Nation. They have corrupted Government officials, stolen, or otherwise unlawfully obtained, secret government files. They have carried on an espionage system in our country that seeks to weaken and destroy our Government.

What further justification is necessary for this Nation to protect itself and its people against such insidious and unlawful conduct? The conduct of the Soviet Union toward us has necessitated the course we now pursue in enacting the legislation now under consideration. To do otherwise would serve notice that we are a nation of weaklings or Pollyannas, who didn't have the spirit to stand up and protect our sovereign rights. Our duty is plain. Enact this bill and then bring to justice those who violate its provisions. Let us show in this matter, and, on every other opportunity that is afforded, that the spirit of America is not dead, but liveth.

Mr. WOOD. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. CARROLL].

Mr. CARROLL. Mr. Speaker, this is a very, very difficult bill to debate. Of course, it cannot be adequately discussed in the short time allotted. Entirely aside from the legal aspects of this bill, I would like to speak to the Members for just a moment on certain features because this may be the last time we will have an opportunity to debate this important issue in this session.

About 2 weeks ago, several thousand people were assembled in the city auditorium in Denver to help Gen. Ike Eisenhower, Palmer Hoyt, and other prominent Colorado citizens launch a great world crusade for freedom. This program was broadcast Nation-wide by all four major networks and millions of Americans must have heard the call to rededicate themselves to the cause of freedom. What is the purpose of this crusade? It is to implement the Voice of America—to set up radio outposts all over the world to undertake to get the truth in back of the iron curtain. General Eisenhower said:

This crusade is a campaign sponsored by private American citizens to fight the big lie with the big truth. It is a program that has been hailed by President Truman and all others who have heard of it as an essential step in getting the case for freedom heard by the world's multitudes.

To further this great program, last Sunday, September 17, another great throng assembled to hear the tolling of the Freedom Bell—a 20-ton bell which was to sound the call to arms for freedom. Again General Eisenhower, Palmer Hoyt, and other Colorado leaders participated in this event. Eisenhower

stated, and I quote from a newspaper which I hold in my hand before you:

> Every time the bell tolls we hope new facts and new understandings will go out to the world.

As the Freedom Bell began its thunderous peal, General Ike continued his statement:

> The tolling of the bell will carry to the world a message that there is justice, mercy, decency, and just plain fairness in this land of ours.

In this newspaper story it is related that—

> After the ringing of the bell the people turned away quietly, with a new hope that a global war can be avoided by telling the truth to the world.

With these statements I concur wholeheartedly.

Mr. Speaker, I should like to digress from this line of thought to say that I want to disassociate myself from the position taken in this debate by the gentleman from New York [Mr. MARCANTONIO]. The voting record of not only myself but other members of the Democratic Party of the North and West with reference to international affairs is, on every important issue, separate and distinct and in opposition to the voting record of the gentleman from New York [Mr. MARCANTONIO].

Let us review the record briefly. Who has been waging the fight to stem the tide of communism in the Middle East and in Europe? Under the leadership of President Truman, Democratic and Republican leaders, farm leaders, religious leaders, federated women's clubs, veterans' organizations, and all of the great leaders of labor unions, including the AFL, the Railroad Brotherhoods, the CIO, and other independent union leaders have joined together for the past 3 years in support of a strong political, economic, and military program to combat and spread of communism.

First came the Greece-Turkey program. Next, the Marshall plan. Then the Berlin blockade was met with firmness and positive action. Following that the North Atlantic Pact and a mutual assistance program and other measures are concrete evidence of our determination. Many of us believe we must go forward with a positive, dynamic, political, and economic anti-Communist program in the Far East. Our record is crystal-clear on each and every one of these issues which are of tremendous importance to the strengthening of the United Nations, to the peace of the world, and to our own security and survival.

In the past 4 years all of us have witnessed the growing decline of the Communist Party in this Nation. Intelligent understanding and full information of the aims and objectives of Soviet imperialism have done much to contribute to the demoralized state in which the Communist Party finds itself today in this Nation. This always will be the case—we always can beat the evil and sinister influence of communism with intelligent democratic action.

The question then arises, Is the passage of this bill necessary to meet the threat of communism in this great Nation? As I understand it, J. Edgar Hoover says we have about 54,000 Commies in this Nation. In my own State, Colorado, it is reported that we have about 200. Insofar as I know, there is not a prominent citizen identified with that party. As a matter of fact there is not a Communist threat in Colorado, nor, may I add, is there a Communist threat in the whole of the Rocky Mountain area.

In view of existing world conditions I agree there is a need and I shall support legislation designed to strengthen the internal security of the United States against the acts of dangerous Communists, subversives, or fifth columnists. We can meet this situation here and now by drafting new laws or by extending the scope of the provisions of existing statutes. This is the position of the President of the United States and I support his position in this matter wholeheartedly.

In the bill under consideration are many provisions which I should like to see become a part of the law of this land. There are other provisions, however, which could be and probably would be used to undermine the rights of all American citizens as guaranteed by the Bill of Rights.

The repugnant provisions of this bill, if not in themselves completely unenforcible, impose an enforcement problem of such magnitude as to compel the FBI and the Department of Justice to devote all of their time and attention to the shadow of Communist registration, rather than to the substance of Communist criminal activity affecting the internal security of this Nation.

In short, we can improve internal security laws without jeopardizing our rights under the Constitution if we are willing to remain on the job by passing, at least, those measures which have been recommended by the President of the United States, the Department of Justice, and the FBI.

Senator KEFAUVER has introduced a bill in the other body and today I am introducing a similar bill in this body which, along with the so-called Celler and Kilgore bills, can be used as a basis for considering many new and constitutional approaches to this security problem. I do not endorse all of the provisions of all of these bills but in the main, with mature and deliberate consideration, we can bring out a bill much superior to the one upon which we are being called to vote today.

Mr. Speaker, in the past months many of the most outstanding Americans have been subjected to the vilest sort of smear attack. Without going into great detail, it is significant to note that General Marshall, Secretary of Interior Chapman, James Patton, president of the Farmers Union, and many other outstanding Americans and prominent organizations have been the innocent victims and the principal targets of irresponsible, unprincipled smearmongers. The pattern of this smear campaign makes it unmistakably clear that there is an underlying motive to confuse and to spread fear and hysteria among the people. It is only in the wake of such confusion, fear, and hysteria that legislation such as this would even be considered. I say to you that such fear and hysteria as there is, exists only in the Nation's Capital. Certainly, I sense none of it in my own State of Colorado and from the editorial comment throughout the Nation on this issue, the great newspapers, Democrat, Republican, and independent, are opposed to this type of legislation. In my humble opinion, the American people do not want this type of legislation.

I am certainly not going to quarrel with my friend the gentleman from Pennsylvania [Mr. WALTER] and other fine members on this committee. They have done a far superior job than was the case in the Eightieth Congress. However, I cannot agree with my friend, the gentleman from Mississippi [Mr. RANKIN], when he says the Southern Conference for Human Welfare is a Communist front.

Mr. RANKIN. Mr. Speaker, it sounded ridiculous for the gentleman from Colorado to try to read the southern Democrats out of the Democratic Party.

Mr. CARROLL. The gentleman from Mississippi thinks that the FEPC was Moscow-instigated. Well, some of us disagree with him. We are not going to stop all social progress or protest in this Nation by favoring this type of legislation.

If I were the President of the United States, and I had an opportunity to write a veto message on this bill, I would fire a shot for freedom that would be heard around the world, using the crusade for freedom and the Voice of America. All of the people of the world should be told the action certain to be taken by this body today does not reflect the spirit, nor should it be construed to be the "voice" of America. There is no hysteria in this Nation. We know where we are going. There is no fear among our people, for we know what we can accomplish.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. WOOD. Mr. Speaker, I yield the gentleman one additional minute.

Mr. CARROLL. Mr. Speaker, that is the message to be delivered—faith, strength, courage, hope—for upon this food feeds the spirit of freedom-loving people everywhere. Or shall we send the message, as we wage this great moral and psychological battle against the forces of communism, shall we demonstrate that this great Nation of 150,000,000 people is cowering in abject fear and has become hysterical over the existence of a comparative handful of Communists already well known to the FBI?

Mr. Speaker, we are the strongest, richest, most powerful nation in the history of the world. Ours is a position of leadership among the democratic nations of the world. Craven action now will undermine that leadership. This bill in its present form should not be approved.

Mr. WOOD. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. KEARNEY].

Mr. KEARNEY. Mr. Speaker, as I have said before, this legislation is long overdue. I am in favor of the report, and I intend to vote for it. By the passage of this conference report, I will say to the gentleman from Colorado, my

friend, Mr. CARROLL, the message will go out to all Americans that we here in the Congress of the United States are going to do those things necessary for the protection and security of our country.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. KEARNEY. I yield to the gentleman from Mississippi.

Mr. RANKIN. The gentleman from Colorado undertook to belittle the fact that there was a small number of Communists in this country, when it is well known there is a larger percentage of Communists in this country than there was in Russia when they took over.

Mr. KEARNEY. Mr. Speaker, I do not intend to go into any discussion whatsoever of the provisions of the bill. This has been thoroughly discussed by the distinguished chairman of the Committee on Un-American Activities, who has covered generally all phases of the bill with the exception of those provisions pertaining to what I call the passport sections. These sections I understand will be discussed by the gentleman from Pennsylvania [Mr. WALTER], a member of the committee and also a distinguished member of the House Judiciary Committee which has to do with the various immigration bills that come before the House.

I know of the great intent of purposes that the conferees from both the Senate and the House had during the several days we were in conference trying to reach an agreement on the two bills. I know that from my own personal observation during those several days of conference that there was a spirit of unanimity insofar as the reporting out of a bill was concerned which would, to all intents and purposes, protect the internal security of our Nation. I am thoroughly satisfied that the bill is constitutional. I am thoroughly satisfied that the rights of the individual have been protected under the conference report now before the House. I am thoroughly satisfied that the thought in the minds of all the conferees to do those things necessary for the internal security of our country have been done and the House has now before it a tough bill, but a tough bill for the enemies of our country.

As I have stated before, this legislation is long overdue and should have been enacted years ago. I could never quite figure out in my own mind why we were fighting communism in all parts of the world and letting it run rampant in our own country. I believe by the passage of this conference report, a great step has been taken toward protecting our American way of life. I am convinced that the Members of the House after having read the conference report will pass the bill by an overwhelming vote.

Regardless of the remarks emanating from certain organizations and individuals in the past, this bill is not a "witch hunt." This bill is simply and solely a bill to protect our Nation in such critical times as we are now going through and will be for years to come.

I am happy to be considered as one who will vote for the passage of a bill which protects the internal security of my country, believing as I do that the internal security of America comes first.

Mr. WOOD. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I shall vote against this bill. I shall vote against this bill, even though I believe that there are some deficiencies in our existing anti-espionage and antisabotage laws. The legislation contained in this conference report is worse than no legislation at all, and as a matter of fact, will make much more difficult the job of the FBI in keeping tab on Communists in this country.

I am not an expert in matters of this type, and I must turn to experts for advice. To my mind, J. Edgar Hoover, the head of the Federal Bureau of Investigation is the outstanding expert on such matters in our country. It is his job to head the force which must protect our people and our Nation from Communist espionage and sabotage. J. Edgar Hoover has indicated he is opposed to this bill, because it will drive the Communists underground and make his task infinitely more difficult. It will be almost impossible to administer the act.

Another expert on such matters is Paul Jensen, a crack wartime counterintelligence officer, and incidentally, a lifelong Republican. Jensen served as the commanding officer of the Seventh Army Counterintelligence Corps under General Patton; as commander of the Counterintelligence Corps School in Africa, which trained all counterintelligence men for the Sicilian and Italian operations, and as a counterintelligence staff officer with the Ninth Army and with SHEAF. Jensen, too, is opposed to the bill. He calls it an amateurish attempt at counterintelligence, designed to catch headlines, but not spies.

Mr. Speaker, professional experts oppose the method proposed by the McCarran bill to fight the Communists. As a matter of fact, recent FBI reports unmistakably indicate that, because it seems certain that this legislation will pass, the Communist Party has accelerated its burrowing underground. The party is shuffling its leadership, destroying its records, and urging its members to join respectable organizations, such as churches and schools, which would offer safe refuge.

The 11 top Communists are on their way to jail under the Smith Act, for having engaged in a conspiracy to overthrow our Government by force. Their conviction before Judge Medina has already been sustained by the court of appeals and is now pending before the Supreme Court of the United States. In the face of that conviction, which establishes that Communists are part of an international organization devoted to overthrowing the United States by force, can you possibly imagine that hard-core Communists would come from underground into the sun to register under the McCarran bill as Communists? The sponsors of the bill say that if they do not register, they will be put in jail. But we know that if they do register as Communists, they are also subject to jail sentence.

It is impossible for me to believe that Communists, faced with jail in either event, would come up to announce the fact that they are Communists. Of course, they will not register. Rather, they will disguise their efforts in every way they can. The party will be dispersed, the members will meet secretly, and the job of the FBI will be multiplied tenfold.

So that the McCarran bill is not only ineffective; it is actually harmful to our best interests, if we want to protect ourselves from commie sabotage.

In the second place this bill creates a sounding board for vicious rumor and innuendo, contrary to the American spirit of fair play. It will invite attacks by the most reactionary elements in the country against fine, patriotic, anti-Communist organizations and people, and the use of the smear technique to throttle liberal causes. It gives a petty politician a weapon with which to destroy any group or association which dares to disagree with him. It places in jeopardy the right of any person to have a different opinion.

We will have another series of attacks of the lowest kind made upon the character and reputations of people, exactly like the petty, partisan, political attack made in the other body, a few days ago against Gen. George Marshall. Whom almost all of us revere for his unselfish devotion to duty and the public interest.

Or take the attack made the other day on Secretary of the Interior Oscar Chapman, when an attempt was made to brand him as "pro-commie". This tirade was so fantastic that even the Republican Policy Committee immediately disclaimed any responsibility for the statement and any authorization for the person making it. They were not going to be trapped on that one as they had been in the past, because they are beginning to realize that the American people are beginning to recognize the smear technique for what it is—a political tool.

Mr. Speaker, the American people are known for their approval of fair play. They believe in giving a man a fair chance and a fair trial. While they may facetiously say about a person they do not like: "Let's give him a fair trial and then hang him," they are becoming increasingly revolted with the smear technicians who hang their victims first and never give a fair trial. The American people do not approve of lynching in any form, and that includes the lynching of reputations, for a man's reputation is as sacred as a woman's honor, more important, frequently, than life itself.

The attack upon liberal anti-Communist organizations began even before the debate was concluded in the other body, when the charge was made that the Farmers' Union is a Communist-front organization. It is interesting to note that again the attacker was a member of the Republican Party and the group attacked was the only pro-Democratic organization among the big three farm groups. One of the charges made in support of the accusation was that it favored the Brannan plan. It favored the Brannan plan. Only a few months ago, everybody was criticizing the present farm program. Do you remember the potato surplus? Is it wrong, therefore, to suggest a possible improvement in the present farm policy? Is the Brannan

plan anything more than one man's idea?

The American Federation of Labor favors the Brannan plan. Does that fact make it a commie-front organization? Of course not. No organization has done more to fight communism on the rugged battleground of labor organizing and elsewhere than has the A. F. of L. Yet, under the specious reasoning of the argument made in the Senate, the A. F. of L. could be so condemned. It seems ridiculous, but it is possible under this bill.

And the fact that it might stand trial and clear itself is important—but even were it cleared, irreparable damage would already have been done. Clearance by a trial board can never fully erase or bring complete vindication to a group labeled as tinged with communism. Immediately its effectiveness is impaired, its members disappear. It is easier to drop a membership than fight in such circumstances. It is interesting to remember at this point, that under the Taft-Hartley law an employee need not belong to a labor union, so long as he pays his dues. If his union is charged with communism taint, he may believe it much more expedient to drop his membership. He can limit his application to mere dues payment, as compelled by law.

No, Mr. Speaker, America will cease to be the land where different opinions bring progress. Fear and shame are powerful gags, and I do not want to tape up the mouths of those who want to think and speak differently, even in unpopular opinions. It is the Communist we must beware of—the international plotter, the saboteur, the spy, against whom we must protect ourselves. Let's do it effectively—not by an un-American act of this type.

Sure we can use additional legislation, but one does not burn down a house to get at a rat, which is what this bill proposes to do. We have much protective legislation on the books now. We have the Conspiracy Act of 1861, and we have the Smith Act under which the 11 Communist leaders were jailed, an act which could be employed against other Communist subversives.

Furthermore, all foreign agents are required to register under the Foreign Agents Registration Act. Presumably this applies to Communists, inasmuch as they are agents for Russia. In addition, of course, we have our immigration laws, some good espionage laws, and the Government's loyalty program. We are not unprotected from the communistic menace at the present time.

I am aware of the fact that we must make compromises in almost every type of legislation. Few bills are perfect. Our task here is to balance our need for security with the maintenance of our American freedoms. True, freedom is not an absolute right, particularly when we are faced with an emergency such as exists today; but this bill is bad because it has not attained the necessary balance. It leans so much toward security as to preclude, in dangerous degree, the exercise of justifiable differences of opinion. We are not fighting the right of a person to differ in viewpoint. We seek protection from acts of espionage and sabotage.

I would vote for certain portions of this bill if they were separately presented. But I believe sincerely that the evils in this bill are so overwhelming, they overbalance the desirable provisions, and I must therefore vote against it.

Mr. WOOD. Mr. Speaker, I yield such time as he may desire to the gentleman from Nebraska [Mr. STEFAN].

WHY I FIGHT COMMUNISM

Mr. STEFAN. Mr. Speaker, I fight communism because communism is a deadly enemy of my country. Communism, if victorious in the United States, would wholly destroy our democratic institutions, defile the historic rights and privileges of Americans, and trample under foot the ideals of Christianity. This Nation, conceived in liberty and grown to world stature by the magnificent exercise of tolerance, freedom, and justice, would become but an outpost of Soviet imperialism. I fight communism, as a Member of Congress and as a private citizen, because I desire wholeheartedly and passionately to strengthen the arm of freedom.

Speaking in most simple terms, communism is a blight which deadens the souls of men and of nations. Wherever the winds of Communist tyranny blow, life, as we understand it, cannot exist. The individual personality and institutions of freedom are melted, under the impact of Communist tyranny, into a vast sea of terror and violence. Christian concepts of life, justice, hope and mercy are degraded. Brute force and stark fear become the watchwords of the day. Communism means death—death to the young and to the old, the destruction of the past and the forfeiture of the future.

As a Member of Congress, I have seen, time after time, how Communists work. The story is one of deceit, hypocrisy, and duplicity. They seek, while operating behind a cloak of democracy and justice, to steal our freedoms. Not only that, they are working ceaselessly to make us steal our own freedoms—by having us fight their battles without our even knowing it. That is the vital danger of communism today—that Americans do not recognize a Communist for what he is, a despicable liar, a creature dead to honor—and allow themselves to be fooled into supporting his Communist programs and pursuing his Communist ends.

The best way to fight communism, as a private citizen, as a member of the Government, or in any other capacity, is to unmask Communist hypocrisy and to focus the withering blaze of truth upon this cancerous conspiracy. A Communist cannot work in the open. Fresh air and communism do not mix. The Communist prefers—in fact, he must, work underground, in the torturous burrows of stealth, intrigue, and dishonor.

The Communists are past masters of double-tongued language. Each day we, in Congress, receive letters and postcards protesting the passage of certain legislation or denounce a decision taken by the Government, Now, most certainly, it is a prerogative and a responsibility of citizens to let their elected representatives know how they feel on the issues of the day. I most sincerely believe in this practice. It is this very practice which discloses more than the letters themselves. Upon carefully reading, we notice that there is, in some of the mail, a definite pattern, a pattern which is indelibly marked with the fingerprints of Communist hypocrisy. Letter after letter, postcard after postcard, parrots the same line—the Communist Party line. The handwriting may vary, the postmarks may vary, the names may vary—but all of these letters spring from a common source, the deep well of Communist pollution. They are intended to high-pressure Congressmen, to provide a false impression of public opinion, to cause Senators and Congressmen to act hastily—and thereby vote against the best interest of America. That is another reason why I fight communism, the philosophy of trickery and chicanery.

Let us examine communism from another angle. The Communist press, during recent months, has been working feverishly for what they call "peace." Communists throughout the Nation have been circulating the so-called Stockholm peace petition, a petition which they claim has been signed by millions of people in many countries. Let us be frank. This peace petition is a fraud and a fake. It is duplicity compounded. The irony of Communists talking peace. Communist hordes, without warning or provocation, attacked South Korea. Russian power holds in subjugation whole nations, Poland, Czechoslovakia, Bulgaria, Rumania, Hungary, Latvia, Estonia, Lithuania. Communist fifth columnists are buried within the hearts of countless nations, including our own, ready to spring, at a moment's notice, to strangle liberty. Peace. Nonsense. They thrive on brutal aggression. The word "peace" to a Communist means but one thing: the complete victory of communism throughout the world. Only then, in the double-tongued Communists reasonings, can there be "peace." In that type of "peace" there is no room for you and me, for the rights of freedom-loving citizens, either in America or in our allied nations. In actual fact the Stockholm peace petition is a calculated Communist device for Americans: first, to disarm themselves, physically, mentally, and spiritually; second, to sugar-coat Communist imperialism and deceit; and third, to make more easy the ultimate achievement of Communist aims.

Communism must be recognized for what it is, a philosophy which denies the dignity of the human personality, which glorifies the power and omnipotence of the state, and unblushingly emphasizes the role of the few over the many. It is antidemocratic, antireligious, antimoral. I indict communism for the betrayal of every principle which has given strength to western society. To compromise with communism, as some dupes would like us to do, is the same as compromising with evil—it cannot be done. Communism must be completely liquidated. It must be overthrown by the validity, strength, and power of the democratic philosophy. Communism means the triumph of evil, the complete reverse of the values which you and I know to be the source and strength of democracy.

I am today fighting communism, with all my strength, because I know that, if America is to survive, the Communist must be defeated. I love America. I cherish the ideals which have made this Nation great. I want America to grow stronger and stronger, both in material things and in spiritual values. Because I want these things to be so, I fight communism. It is a task not only for a Member of Congress, for the Government of the United States, for the brave boys in Korea, but also the task of the citizen in the home, the school, the church—the individual wherever he may be. We live together, we must fight together. This must be democracy's answer to the challenge of communism's vile philosophy—wholehearted cooperation, day and night, to make our Nation ever stronger against enemies both within and without.

Mr. WOOD. Mr. Speaker, I yield such time as he may desire to the gentleman from New Jersey, Dr. EATON.

Mr. EATON. Mr. Speaker, I am in favor of this legislation because I consider one drop of deadly poison in the stomach to be a very bad thing for the entire system. I look upon communism as that drop of deadly poison. It is our duty to eliminate it as quickly as possible and put real Americanism in its place.

Mr. WOOD. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to revise and extend their remarks on this conference report at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HOBBS. Mr. Speaker, "a pink is one who is too yellow to be red."

Mr. SCRIVNER. Mr. Speaker, this measure reported by the conferees incorporates necessary and essential, yet reasonably and carefully safeguarded, provisions for the internal protection of this Republic.

It serves no purpose to sacrifice the lives and blood of young Americans in far-off places fighting Communist aggression unless we also fight that same atheistic Communist foe here at home.

An adequate national defense will protect us from foes from without. This bill will protect our Nation from its foes within our borders.

With the guiding principle of what is in the best interest and for future interest of this Nation I could not and would not do other than vote for this bill. It includes so many protective devices so long advocated not only by myself, but by the American Legion, VFW, and so many other patriotic organizations.

Mr. Speaker, no loyal American citizen ever need worry about running into trouble under this law.

No loyal alien need fear it.

Mr. BRYSON. Mr. Speaker, it is heartening that after so long a delay and much controversy, we are today given the privilege of voting upon a bill sufficiently inclusive as to properly deal with those who would destroy us, either from without or within, under the terms of the pending bill, H. R. 9490.

The fact that we have not had adequate legislation on this vital subject long before now is not to be laid at the doorstep of this House. Several splendid bills have passed the House at various times in recent months by overwhelming majorities, one of which was sponsored by me. These measures are still dormant in the other body. I have carefully read the Conference Report and am in full accord with the statements on the part of our managers. A subject as controversial as communism and what to do about its infiltration and spread within our own borders naturally has a tendency to divide us. From expressions I have heard and indications otherwise, I predict that in the event there is a roll call this morning the vote on this measure will unmistakably indicate to the President that the House would override any veto he applied hereto.

We have ofttimes heard that the law of self-preservation comes first. This is simply human nature. Unless we gird our loins and protect our way of life, forces inimical to our ideals will eventually destroy us.

I am delighted to see my colleagues from sections of this great country into which have filtered peoples from all over the world boldly standing for this needed protection. Those of you who come from the populous sections to the east, middle west, and even far west are to be more greatly commended than those of us who come from the deep south because we have little or no foreign elements. It is paradoxical that that very section of our great country which sought to divide it in the sixties is the same section which holds it together now.

Time will not permit a lengthy discourse or elaboration on this all-important subject. I simply want to repeat and reemphasize my intention of voting for this report and I hope to see it become law, any veto to the contrary notwithstanding.

Mr. McDONOUGH. Mr. Speaker, for a long time I have been advocating and vigorously supporting the need for adequate legislation for the control of subversive activities in the United States.

On February 13, 1947, I stated in the House of Representatives the following in connection with the introduction of my House Resolution 99 for the purpose of defining communism.

In my opinion, it is time that communism is defined so that there will be no question about its insidious influences and the effect it is having on the people of the United States.

I have introduced this resolution for the purpose of establishing a clear definition of communism that can be easily understood. Heretofore there has been no clear definition, and because of this, many people have sympathized with communism and have become influenced to believe in it. Communism, as a political policy, or as a way of life, is inimical to the people of the United States and incompatible with our form of government. It advocates deceit, conspiracy, confusion, subversion, revolution, and the subordination of man to the state. It is not a political policy alone, but it is an international conspiracy and an anti-Christian ideology that would destroy the purposes of the American Government as set forth in the Constitution and the Bill of Rights.

It is time the Congress recognizes the truth about communism, and sets forth a clear definition of it for the protection of the people of the United States.

The House Un-American Activities Committee has recently done this Nation a great service by exposing and revealing the activities of Gerhard Eisler reported to be the top Communist in this country. This committee now under Republican leadership is doing an outstanding job. Communism must be revealed and exposed and stamped out wherever it is found.

The State legislatures of the various States should study and review their statutes and outlaw the Communist Party in their States. Communism is not a political party, and it should not be be recognized as such by any State in the Union.

The people of the United States must be aroused to its dangers and the House of Representatives should clearly define it so that the people of the Nation will have no doubt as to its meaning.

Americanism and communism cannot mix. Christian democracy and communism are incompatible. Freedom and liberty as we know them cannot tolerate communism. We must be vigilant and alert to the wiles and insidious influences it is attempting to inflict upon us. In our schools, in the press, through the radio, and our motion pictures, its agents, and in many cases its unsuspecting adherents, are expounding the theories of communism.

It should be defined so that all will be aware of its dangers to our way of life in the United States.

I trust that the Members of the House will read this resolution, and urge its passage in the near future.

House Resolution 99 reads as follows:

Whereas communism as a political policy, or as a way of life, is inimical to the people of the United States; and

Whereas communism advocates deceit, conspiracy, confusion, subversion, revolution, and the subordination of man to the state; and, because of its practice of deceit and confusion, its real purposes and intentions are clouded and misunderstood to the extent that many persons in the United States have been influenced to believe in and sympathize with communism; and

Whereas there is a pressing need for a clear and easily understandable definition of communism in order to protect the people of the United States from its insidious influence: Now, therefore be it

Resolved, That communism be defined and declared to be not a political policy, but is an international conspiracy and an anti-Christian ideology which advocates and practices deceit, confusion, subversion, revolution, and the subordination of man to the state, and which has for its purpose and intention the overthrow of any democratic form of government by force and violence, if necessary; and be it further

Resolved, That any person, either citizen or alien, adhering to or expounding the purposes and intentions of communism, should be exposed and revealed as an enemy of the United States and dealt with accordingly.

I have consistently urged the adoption by Congress of legislation which could control Communist activities in the United States for the protection of our Nation. Since the end of hostilities in

World War II we have seen the Communist program in action carrying out its conquest through treachery, deceit, infiltration, espionage, sabotage, corruption, and terrorism in country after country, and it is an ever-growing threat to the national security of the United States.

The Un-American Activities Committee of the House reports that there is incontrovertible evidence of the fact that the Communist Party of the United States is dominated by such totalitarian dictatorship and that it is one of the principal instrumentalities used by the world Communist movement, in its ruthless and tireless endeavor to advance the world march of communism.

The city and county of Los Angeles have both adopted ordinances to control communism by registration of all those affiliated with communism.

Immediate measure for adequate control of Communists in the United States must be taken now. No longer can this Nation afford to delay. Our law-enforcement agencies must be empowered to require registration of members of the Communist Party and Communist foreign agents. The Communist registration bill should have been passed years ago. It must be passed now for the defense of our Nation.

Mr. CELLER. Mr. Speaker, if the Wood bill is bad, this conference report is worse. It combines the evil and the vice of both the Wood and McCarran bills. It is a marriage whose progeny will be chaos and confusion. In my long experience I have never seen such a hodge-podge of ill-thought-out and Draconian provisions.

Voting favorably is a way to achieve quick political capital out of the Communist fear and menace. I want none of such capital. The Constitution is knocked into a cocked hat. We are acting like children playing with dangerous instruments. We shall suffer and repent. Citizens will be ridden out on a rail. Bills of attainder will be filed against them. They will be deemed guilty by legislative fiat. Forgotten is Magna Carta and the Declaration of Independence and the Lincoln's inaugural addresses. We play ducks and drakes with the Bill of Rights. A day of reckoning must come. The future finger of shame will point to this House.

Many of the Members who will vote for this bill will make campaign speeches and addresses to all manner and kind of societies and organizations proclaiming the right of free speech, assembly, and press but it will be difficult for them to square their protestations with their favorable vote on this bill, which is a denial of those rights. They are like a man who wears two faces under one hat. Their votes belie their words.

Recently, Robert H. Jackson, Associate Justice of the Supreme Court, said, as follows:

> These are difficult times for the bench and the bar. The law works best in periods of calm. To work well it requires patient hearings, calm deliberation, and detached judgment.

No calm judgment, no patient hearing, attended this conference report.

Judge Jackson also said that disturbed times, such as those prevailing today, often require hasty decisions and sometimes seem to call for decisions based on zeal rather than an objective justice.

He remarked that it would be a deplorable thing if lawyers permitted the administration of justice and the punishment of subversive elements to get out of the hands of the regularly constituted legal authority.

What we do today is deplorable. We are indeed letting hypocrisy and hysteria govern our actions and allowing all caution and constituted authority to get out of hand. Judicial decency is thrown to the winds. We are making decisions in haste but we will have to repent and suffer thereby in leisure.

Mr. HUGH D. SCOTT, JR. Mr. Speaker, I am supporting this bill. No loyal American has anything to fear from it. Any disloyal American, any traitor or subversive within our borders is put on notice that our Government will have the power to punish those who would destroy us from within. Understandably the bill is not popular with Alger Hiss or Harry Bridges. Neither is it popular with those who would not turn their backs upon the Hiss's and their crafty ilk. Of course it is not popular with Dean Acheson, nor with the phony liberals. The appeasement gang in Washington have lost sight of the country's security in their anxiety to preserve their own personal job security through the votes and the support of left-wing groups. This bill furnishes the tools to protect the Nation. The plumbers who will be expected to use the tools are a bungling lot, all thumbs and alibis; but, if they fail to use this bill for the protection of our country and our people they assume a terrible responsibility for which they must and will be held accountable.

Mr. WOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I regret that I find it necessary in my humble judgment to take exception to the remarks made by the gentleman from Colorado [Mr. CARROLL]. When he made a statement in substance to the effect that the record would show that the northern and western Democrats had gone along with this program against communism, he left the implication, of course, very pointedly that the southern Democrats had not done so. He further implied that the Southerners had not opposed the gentleman from New York [Mr. MARCANTONIO] in his efforts in these matters, and, although I am not authorized to speak for the group on the left (the Republicans), he also implied that they had gone along with the gentleman from New York [Mr. MARCANTONIO].

I think the record will show that from the very beginning, if there was any group in this House, and I regret again that I have to speak in a sectional vein, which has consistently opposed communism, it has been that group in this House from the South. I confess we have had no monopoly on it. But if we are going to make comparisons and count noses, when the philosophy of the gentleman from New York [Mr. MARCANTONIO] was being opposed before it was popular to do so, and there was a little group in this House that consistently followed him, it was not the southern group. On the contrary, I take pride in the fact that the southern group has taken the leadership here in opposing that philosophy.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Georgia.

Mr. COX. Does not the gentleman remember the story of the rascal with the chicken in the sack hollering "Stop, thief"?

Mr. COLMER. The contribution of the gentleman from Georgia is always appreciated.

Mr. CARROLL. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I must yield to the gentleman from Colorado.

Mr. CARROLL. I agree entirely with the gentleman. Certainly the southern Democrats, to the best of my recollection, in almost every instance, have voted to strengthen the international security of this Nation insofar as the Greek-Turkish loan, and the Marshall plan, and every program. If I left that impression, I did not intend to do so.

Mr. COLMER. I accept the gentleman's clarification. I am so glad that he has seen fit to correct what appeared to be a false implication.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I am compelled to yield to my colleague from New York.

Mr. MARCANTONIO. I thank the gentleman for yielding to me, to give me an opportunity to make this short statement. I have refrained from making this statement for a long time. But I think the time has come for me to say this. I hate to speak of myself, but I am compelled to do it. I have stood by the fundamental principles which I have always advocated. I have not trimmed. I have not retreated. I do not apologize, and I am not compromising, and I am not running away as the others who now run away and apologize.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. WOOD. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALTER] as much of the remaining time as he may desire to use.

Mr. WALTER. Mr. Speaker, if there has been any hysteria displayed in the consideration of this legislation, it comes from those who do not desire legislation in this field. For many months the Committee on Un-American Activities has listened to a perfect stream of witnesses disclosing beyond any peradventure of doubt their connection with a plot which, if permitted to extend, would overthrow the Government of the United States. We have listened ad nauseum to those people who are beneficiaries of this, the greatest form of government on the face of the earth, and the conclusion which the committee reached was not reached quickly. Nobody was hysterical. We have simply come to the conclusion that there were many things which had to be done in order to protect the blessings of this Republic.

I shall not direct my remarks to the entire bill. The distinguished chairman of the committee has given a very fine outline of it. However, I do wish to direct my remarks to those sections which amend the immigration and naturalization laws because there have been some charges made that those sections were incorporated in this measure without full and complete consideration.

Mr. MULTER. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. MULTER. I think the gentleman would like to correct his statement, and to have the RECORD show that with one exception every Member of the House who voiced objection to this bill voted for the Celler substitute in order to accomplish, as we thought it could be accomplished, the desirable result to be obtained.

Mr. WALTER. But that was just your own opinion. You did not hear all of the witnesses which the Committee on the Judiciary heard and which the Committee on Un-American Activities heard. We reached a different conclusion. The gentleman is entitled to his opinion.

Mr. MULTER. I am simply directing my remarks to the gentleman's statement.

Mr. WALTER. Mr. Speaker, I decline to yield further.

Mr. Speaker, the immigration laws which are being amended, were enacted in 1917 and 1918 when nobody had the slightest idea of the extent of the international Communist plot, and of the methods of subversion it uses. Immigrants were prevented from coming to the United States if they were "advocating the forceful overthrow of the Government of the United States"—anarchists. Since that time there has been developed a different concept of world revolution. All that has been done by the conferees has been to bring the immigration and naturalization laws up to date. The sections with respect to deportation have been amended for the same purpose. We have recognized the fact that certain people have come to the United States with diplomatic visas and passports, who are here only for the purpose of committing acts of subversive plotting or of sabotage. The law has been amended so that with proper safeguards around those people, they can be excluded at our doors or directed to leave the country.

Then, again, there is this question of other countries refusing to take people who have been ordered deported. We attempted to do something about that in the Hobbs bill. I believe, with all due respect to my colleagues on the conference, that the Hobbs bill, as reported by the Committee on the Judiciary, was a stronger bill. However, the section which relates to the provision of the Hobbs bill, which is in this conference report, is a good one. But we have gone a step farther and we have provided for retaliation against those countries which refuse to take back their nationals who have been ordered deported. Should a country, upon request, deny or unduly delay acceptance of the return of its national or citizen, the Secretary of State is being instructed to order that immigration visas shall not be issued to citizens, nationals, or residents of such country. This retaliatory measure will, however, be applied only in the territory of such country, so that refugees, exiles, displaced persons, and so forth, who have been driven out from behind the iron curtain will not be penalized. It certainly seems to me that that is a very sensible provision.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. STEFAN. My interest in the Hobbs bill was in the 102 Communist subversives, most of them from Russia, who have been guilty of violating the laws of this country, all the way from larceny to homicide, and who are running at large, out on bond and parole, well supplied with money—criminals running around the United States. We lost track of some of them. How do you safeguard them? The Hobbs bill provided for locking them up. Do you in this bill provide for locking them up?

Mr. WALTER. Yes. Under the provision of this conference report, where they have failed to depart, as ordered to do, prosecution can be lodged and the court within its discretion, can either direct that they be incarcerated, or can release them, under whatever terms are just and proper in the opinion of the court.

Mr. STEFAN. Do the provisions of the bill, on which we have conference report, satisfy the Attorney General and the immigration people as to these 102 subversives who are running around the country?

Mr. WALTER. I am quite certain that they do. More than that, there are 2,900 other people, criminal——

Mr. STEFAN. But I am referring to these 102 who have been convicted of crime, who are Communists, who are out on parole and out on bond, running all over the United States today. The immigration people and the Department of Justice want them locked up. Does this bill take care of that?

Mr. WALTER. It makes that possible, within the discretion of the court.

Mr. LODGE. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. LODGE. The gentleman is making an interesting and informative statement. I would like to say that in the State of Connecticut we have almost 1,000 Communists, according to reliable reports. That is 67 percent more than in the rest of the country. We have 46 percent of the Communists in New England, and it is not a coincidence that we turn out 46 percent of the war production in New England. I believe there is a clear and present danger of sabotage in the State of Connecticut.

Mr. WALTER. I trust this bill will afford the protection which we hope it will provide.

In closing, I want to call your attention to this fact: The question of the constitutionality of the emergency detention title has been raised. During World War II the President of the United States by Executive order based on existing law, issued orders far more stringent than are the provisions under this Emergency Detention Act. There was no hearing for those people who were picked up only because their parents were Japanese. Those people had no redress whatsoever. Most of them were born in the United States, but under the provisions of the Emergency Detention Act, situations of that sort can be dealt with adequately, with proper safeguard to the rights of American citizens.

In one case involving an American citizen by the name of Gordon Kiyoshi Hiradayashi, who refused to register for evacuation and detention, the Supreme Court in a unanimous decision delivered by Mr. Chief Justice Stone on June 21, 1943, answered in the negative a question of law upon which the Circuit Court of Appeals for the Ninth Circuit desired instructions. The question pertained to unconstitutionality of the delegation by Congress of its legislative power in imposing certain restrictions upon American citizens. This is what the Supreme Court said:

> Since the Constitution commits to the Executive and to Congress, the exercise of the war power in all the vicissitudes and conditions of warfare, it has necessarily given them wide scope for the exercise of judgment and discretion in determining the nature and extent of the threatened injury or danger and in the selection of the means for resisting it. * * * Where, as they did here, the conditions call for the exercise of judgment and discretion and for the choice of means by those branches of the Government on which the Constitution has placed the responsibility of warmaking, it is not for any court to sit in review of the wisdom of their action or substitute its judgment for theirs.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. WOOD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. KEARNEY and Mr. MARCANTONIO demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 313, nays 20, not voting 96.

[Roll No. 280]

YEAS—313

Abbitt	Bryson	Davis, Tenn.
Abernethy	Buchanan	Davis, Wis.
Addonizio	Buckley, Ill.	Deane
Albert	Burke	DeGraffenried
Allen, Calif.	Burleson	Delaney
Andersen, H. Carl	Burnside	Denton
	Burton	D'Ewart
Andresen, August H.	Byrne, N. Y.	Dolliver
	Byrnes, Wis.	Dondero
Andrews	Camp	Donohue
Arends	Canfield	Doughton
Auchincloss	Carlyle	Durham
Bailey	Carnahan	Eaton
Barden	Case, N. J.	Elliott
Baring	Cavalcante	Elston
Barrett, Pa.	Chatham	Engle, Calif.
Bates, Mass.	Chelf	Evins
Battle	Chesney	Fallon
Beall	Chiperfield	Feighan
Beckworth	Clemente	Fenton
Bennett, Fla.	Clevenger	Fisher
Bennett, Mich.	Cole, Kans.	Flood
Bentsen	Cole, N. Y.	Fogarty
Bishop	Colmer	Forand
Blackney	Combs	Ford
Boggs, Del.	Cooper	Frazier
Boggs, La.	Corbett	Fugate
Bolling	Cotton	Fulton
Bolton, Md.	Cox	Gamble
Bolton, Ohio	Crawford	Garmatz
Bonner	Crook	Gary
Boykin	Crosser	Gathings
Bramblett	Cunningham	Gavin
Brehm	Curtis	Golden
Brooks	Dague	Goodwin
Brown, Ga.	Davenport	Gore
Brown, Ohio	Davis, Ga.	Gorski

Gossett	Lodge	Rooney
Graham	Lovre	Sadlak
Granahan	Lucas	St. George
Grant	McConnell	Sanborn
Green	McCulloch	Sasscer
Gross	McDonough	Saylor
Guill	McGrath	Scott, Hardie
Gwinn	McGregor	Scott,
Hagen	McGuire	Hugh D., Jr.
Hale	McKinnon	Scrivner
Hall,	McMillan, S. C.	Scudder
Leonard W.	McSweeney	Secrest
Halleck	Mack, Ill.	Shafer
Harden	Macy	Sheppard
Hardy	Madden	Short
Hare	Magee	Sikes
Harris	Mahon	Simpson, Ill.
Harrison	Mansfield	Simpson, Pa.
Hart	Marsalis	Sims
Harvey	Marshall	Smathers
Hays, Ark.	Martin, Mass.	Smith, Kans.
Hays, Ohio	Mason	Smith, Va.
Hedrick	Merrow	Smith, Wis.
Heffernan	Michener	Spence
Herlong	Miles	Staggers
Herter	Miller, Md.	Stanley
Heselton	Miller, Nebr.	Steed
Hobbs	Mills	Stefan
Hoeven	Mitchell	Stigler
Hoffman, Mich.	Monroney	Stockman
Holmes	Morgan	Sullivan
Hope	Morris	Sutton
Horan	Morton	Taber
Howell	Murdock	Tackett
Hull	Murray, Wis.	Talle
Irving	Nelson	Tauriello
Jackson, Calif.	Norblad	Taylor
Jackson, Wash.	Norrell	Teague
Jacobs	O'Brien, Ill.	Thomas
James	O'Hara, Minn.	Thompson
Jenison	O'Neill	Tollefson
Jenkins	O'Toole	Towe
Jennings	Pace	Trimble
Jensen	Passman	Underwood
Johnson	Patman	Velde
Jones, Ala.	Patterson	Vinson
Jones, Mo.	Peterson	Wadsworth
Jones, N. C.	Phillips, Calif.	Wagner
Judd	Pickett	Walsh
Karst	Polk	Walter
Karsten	Preston	Weichel
Kean	Price	Welch
Kearney	Priest	Wheeler
Kearns	Rabaut	Whitaker
Keating	Ramsay	White, Calif.
Kee	Rankin	White, Idaho
Kelley, Pa.	Reed, N. Y.	Whitten
Kelly, N. Y.	Rees	Whittington
Kennedy	Regan	Wickersham
Keogh	Rhodes	Widnall
Kilburn	Ribicoff	Wigglesworth
Kilday	Rich	Williams
Kirwan	Richards	Wilson, Okla.
Lane	Riehlman	Wilson, Tex.
Lanham	Rivers	Winstead
Latham	Robeson	Wolcott
LeCompte	Rodino	Wolverton
Lind	Rogers, Fla.	Wood
Linehan	Rogers, Mass.	

NAYS—20

Aspinall	Dawson	O'Hara, Ill.
Biemiller	Douglas	Powell
Blatnik	Eberharter	Roosevelt
Burdick	Huber	Sabath
Carroll	King	Wier
Celler	Marcantonio	Yates
Chudoff	Multer	

NOT VOTING—96

Allen, Ill.	Granger	McMillen, Ill.
Allen, La.	Gregory	Mack, Wash.
Anderson, Calif.	Hall,	Martin, Iowa
Angell	Edwin Arthur	Meyer
Barrett, Wyo.	Hand	Miller, Calif.
Bates, Ky.	Havenner	Morrison
Bosone	Hébert	Moulder
Breen	Heller	Murphy
Buckley, N. Y.	Hill	Murray, Tenn.
Cannon	Hinshaw	Nicholson
Case, S. Dak.	Hoffman, Ill.	Nixon
Christopher	Holifield	Noland
Cooley	Javits	Norton
Coudert	Jonas	O'Brien, Mich.
Davies, N. Y.	Keefe	O'Konski
Dingell	Kerr	O'Sullivan
Dollinger	Klein	Patten
Doyle	Kruse	Perkins
Ellsworth	Kunkel	Pfeifer,
Engel, Mich.	Larcade	Joseph L.
Fellows	LeFevre	Pfeiffer,
Fernandez	Lichtenwalter	William L.
Furcolo	Lyle	Philbin
Gillette	Lynch	Phillips, Tenn.
Gilmer	McCarthy	Plumley
Gordon	McCormack	Poage
Potter	Shelley	Willis
Poulson	Smith, Ohio	Wilson, Ind.
Quinn	Thornberry	Withrow
Rains	Van Zandt	Woodhouse
Redden	Vorys	Woodruff
Reed, Ill.	Vursell	Young
Sadowski	Werdel	Zablocki

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Vorys for, with Mr. Klein against.

Mr. Murphy for, with Mr. Holifield against.

Mr. Perkins for, with Mr. Havenner against.

Mr. Hébert for, with Mr. Joseph L. Pfeifer against.

Mr. Nixon for, with Mr. Javits against.

General pairs until further notice:

Mr. Rains with Mr. Vursell.

Mr. Redden with Mr. Van Zandt.

Mr. Kruse with Mr. Withrow.

Mr. Heller with Mr. Angell.

Mr. Morrison with Mr. Ellsworth.

Mr. Howell with Mr. Fellows.

Mr. Dollinger with Mr. Hoffman of Illinois.

Mr. Lynch with Mr. Jonas.

Mr. Moulder with Mr. Werdel.

Mr. Kerr with Mr. Woodruff.

Mrs. Woodhouse with Mr. Reed of Illinois.

Mrs. Norton with Mr. Poulson.

Mr. Gilmer with Mr. Potter.

Mr. Gordon with Mr. William L. Pfeiffer.

Mr. Zablocki with Mr. Nicholson.

Mr. Young with Mr. Meyer.

Mr. Fernandez with Mr. Martin of Iowa.

Mr. Doyle with Mr. Case of South Dakota.

Mr. Buckley of New York with Mr. Coudert.

Mrs. Bosone with Mr. Engel of Michigan.

Mr. Breen with Mr. Hill.

Mr. Gregory with Mr. Mack of Washington.

Mr. O'Sullivan with Mr. Hinshaw.

Mr. O'Brien of Michigan with Mr. Hand.

Mr. Noland with Mr. Wilson of Indiana.

Mr. Miller of California with Mr. O'Konski.

Mr. Larcade with Mr. Barrett of Wyoming.

Mr. Bates of Kentucky with Mr. Gillette.

Mr. Davies of New York with Mr. Edwin Arthur Hall.

Mr. Dingell with Mr. Lichtenwalter.

Mr. Granger with Mr. Smith of Ohio.

Mr. Furcolo with Mr. LeFevre.

Mr. Patten with Mr. McMillen of Illinois.

Mr. McCarthy with Mr. Plumley.

Mr. Thornberry with Mr. Keefe.

Mr. Lyle with Mr. Kunkel.

Mr. Shelley with Mr. Allen of Illinois.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SCHOOL OPERATING EXPENSES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Mr. BARDEN. Mr. Speaker, I call up the conference report on the bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3109)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7940), to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"DECLARATION OF POLICY

"SECTION 1. In recognition of the responsibility of the United States for the impact which certain Federal activities have on the local educational agencies in the areas in which such activities are carried on, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following sections of this Act) for those local educational agencies upon which the United States has placed financial burdens by reason of the fact that—

"(1) the revenues available to such agencies from local sources have been reduced as the result of the acquisition of real property by the United States; or

"(2) such agencies provide education for children residing on Federal property; or

"(3) such agencies provide education for children whose parents are employed on Federal property; or

"(4) there has been a sudden and substantial increase in school attendance as the result of Federal activities.

"FEDERAL ACQUISITION OF REAL PROPERTY

"SEC. 2. (a) Where the Commissioner, after consultation with any local educational agency and with the appropriate State educational agency, determines for the fiscal year beginning July 1, 1950, or for any of the three succeeding fiscal years—

"(1) that the United States owns Federal property in the school district of such local educational agency, and that such property (A) has been acquired by the United States since 1938, (B) was not acquired by exchange for other Federal property in the school district which the United States owned before 1939, and (C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 per centum or more of the assessed value of all real property in the school district (similarly determined as of the time or times when such Federal property was so acquired); and

"(2) that such acquisition has placed a substantial and continuing financial burden on such agency; and

"(3) that such agency is not being substantially compensated for the loss in revenue resulting from such acquisition by (A) other Federal payments, or (B) increases in revenue accruing to the agency from the carrying on of Federal activities with respect to the property so acquired,

then the local educational agency shall be entitled to receive for such fiscal year such amount as, in the judgment of the Commissioner, is equal to the continuing Federal responsibility for the additional financial burden with respect to current expenditures placed on such agency by such acquisition of property, to the extent such agency is not compensated for such burden by other Federal payments. Such amount shall not exceed the amount which, in the judgment of the Commissioner, such agency would have derived in such year, and would have had available for current expenditures, from the property acquired by the United States (such amount to be determined without regard to any improvements or other changes made in or on such property since such acquisition), minus the amount which in his judgment the local educational agency derived from other Federal payments and had available in such year for current expenditures.

"(b) For the purposes of this section—

"(1) The term 'other Federal payments' means payments in lieu of taxes, and any other payments, made with respect to Federal property pursuant to any law of the United States other than this Act.

"(2) Any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933, as amended, shall not be regarded as Federal property.

"(c) Where the school district of any local educational agency shall have been formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at the time it files application under section 5) for any fiscal year to have (1) the eligibility of such local educational agency, and (2) the amount which such agency shall be entitled to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school distrit as the agency shall designate in such election.

"CHILDREN RESIDING ON, OR WHOSE PARENTS ARE EMPLOYED ON, FEDERAL PROPERTY

"SEC. 3. (a) For the fiscal year beginning July 1, 1950, and for each of the three succeeding fiscal years, each local educational agency which provides free public education during such year for children who reside on Federal property with a parent employed on Federal property shall be entitled to an amount equal to the number of such children in average daily attendance during such year at the schools of such agency, multiplied by the local contribution rate (determined under subsection (c)).

"(b) For the fiscal year beginning July 1, 1950, and for each of the three succeeding fiscal years, each local educational agency of a State which provides free public education during such year for children who reside on Federal property, or who reside with a parent employed on Federal property part or all of which is situated in such State, shall be entitled to an amount equal to the number of such children in average daily attendance during such year at the schools of such agency, multiplied by one-half the local contribution rate (determined under subsection (c)). If both subsection (a) and this subsection apply to a child, the local educational agency shall elect which of such subsections shall apply to such child.

"LOCAL CONTRIBUTION RATE

"(c) The local contribution rate for a local educational agency for any fiscal year shall be computed by the Commissioner of Education, after consultation with the State educational agency and the local educational agency, in the following manner:

"(1) he shall determine which school districts within the State are in his judgment most nearly comparable to the school district of the agency for which the computation is being made: and

"(2) he shall then divide (A) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which he is making the computation, which the local educational agencies of such comparable school districts made from revenues derived from local sources, by (B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year.

The local contribution rate shall be an amount equal to the quotient obtained under clause (2) of this subsection. If, in the judgment of the Commissioner, the current expenditures in those school districts which he has selected under clause (1) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in the school district of the local educational agency for which the computation is being made, a level of education equivalent to that maintained in such other districts, the Commissioner may increase the local contribution rate for such agency by such amount as he determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors.

"LIMITATION ON ELIGIBILITY; LIMITATIONS ON PAYMENT

"(d) (1) No local educational agency shall be entitled to receive any payment for a fiscal year under subsection (a) or subsection (b), as the case may be, unless the number of children who are in average daily attendance during such year and to whom such subsection applies—

"(A) is ten or more; and

"(B) amounts to 3 per centum or more of the total number of children who are in average daily attendance during such year and for whom such agency provides free public education.

Notwithstanding the provisions of clause (B) of this paragraph, the Commissioner may waive the 3 per centum condition of entitlement contained in such clause whenever, in his judgment, exceptional circumstances exist which would make the application of such condition inequitable and would defeat the purposes of this Act.

"(2) Notwithstanding the preceding provisions of this section, where the average daily attendance at the schools of any local educational agency during the fiscal year ending June 30, 1939, exceeded 35,000—

"(A) such agency's percentage requirement for eligibility (as set forth in paragraph (1) of this subsection) shall be 6 per centum instead of 3 per centum (and those provisions of such paragraph (1) which relate to the lowering of the percentage requirement shall not apply); and

"(B) in determining the amount which such agency is entitled to receive under subsection (a) or (b), the agency shall be entitled to receive payment with respect to only so many of the number of children whose attendance serves as the basis for eligibility under such subsection, as exceeds 3 per centum of the number of all children in average daily attendance at the schools of such agency during the fiscal year for which payment is to be made.

"ADDITIONAL PAYMENTS DURING PERIOD IMMEDIATELY FOLLOWING IMPACT

"(e) Where—

"(1) a local educational agency is entitled under subsection (a) or (b) to receive a payment for any fiscal year with respect to the education of a child; and

"(2) under State law, the eligibility of such agency for State aid with respect to the free public education of such child is determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid with respect to the free public education of other children in the State; and

"(3) such agency is not yet eligible to receive for such child part or all of such State aid,

the payment under subsection (a) or (b), as the case may be, shall be increased by an amount equal to the amount of State aid for which such agency is not yet eligible.

"ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES

"(f) Whenever the Commissioner determines that—

"(1) a local educational agency has made preparations to provide during a fiscal year free public education to a certain number of children to whom subsection (a) or (b) applies; and

"(2) such number has been substantially reduced by reason of a decrease in or cessation of Federal activities,

the amount to which such agency is otherwise entitled under this section for such year shall be increased to the amount to which, in the judgment of the Commissioner, such agency would have been entitled but for such decrease in or cessation of Federal activities, minus any reduction in current expenditures for such year which the Commissioner determines that such agency has effected, or reasonably should have effected, by reason of such decrease in or cessation of Federal activities.

"CERTAIN FEDERAL CONTRIBUTIONS TO BE DEDUCTED

"(g) In determining the total amount which a local educational agency is entitled to receive under this section for a fiscal year, the Commissioner shall deduct (1) such amount as he determines such agency derived from other Federal payments (as defined in section 2 (b) (1)) and had available in such year for current expenditures (but only to the extent such payments are not deducted under the last sentence of section 2 (a)) and (2) such amount as he determines to be the value of transportation and of custodial and other maintenance services furnished such agency by the Federal Government during such year.

"SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE

"INCREASES HEREAFTER OCCURRING

"SEC. 4. (a) If the Commissioner determines for the fiscal year beginning July 1, 1950, or for any of the three succeeding fiscal years—

"(1) that, as the result of activities of the United States (carried on either directly or through a contractor), an increase in the number of children in average daily attendance at the schools of any local educational agency has occurred in such fiscal year, which increase so resulting from activities of the United States is equal to at least 10 per centum of the number of all children in average daily attendance at the schools of such agency during the preceding three-year period; and

"(2) that such activities of the United States have placed on such agency a substantial and continuing financial burden; and

"(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance but is unable to secure sufficient funds to meet the increased educational costs involved,

then such agency shall be entitled to receive for the fiscal year for which the determination is made, and for each of the two succeeding fiscal years (but in no event for any fiscal year ending after June 30, 1954), an amount equal to the product of—

"(A) the number of children which the Commissioner determines to be the increase in average daily attendance, so resulting from activities of the United States, in the fiscal year for which payment is to be made; and

"(B) the amount which the Commissioner determines to be the current expenditures per child necessary to provide free public education to such additional children during such year, minus the amount which the Commissioner determines to be available from Federal, State, and local sources for such purpose (not counting as available for such purpose either payments under this Act, or funds from local sources required to meet current expenditures necessary to provide free public education to other children).

The number of children which the Commissioner determines under clause (A) to be the increase in average daily attendance for any fiscal year shall not exceed the number of all children in average daily attendance at the schools of such agency during such year, minus the number of all children in average daily attendance at the schools of such agency during the preceding three-year period. The determination under clause (B) shall be made by the Commissioner after considering the current expenditures per

child in providing free public education in those school districts within the State which, in the judgment of the Commissioner, are most nearly comparable to the school district of the local educational agency for which the computation is being made.

"INCREASES HERETOFORE OCCURRING

"(b) (1) If the Commissioner determines in any fiscal year ending before July 1, 1954,—

"(A) that, as the result of activities of the United States (carried on either directly or through a contractor), an increase in the number of children in average daily attendance at the schools of any local educational agency has occurred after June 30, 1939, and before July 1, 1950; and

"(B) that the portion of such increase so resulting from activities of the United States which still exists in such fiscal year amounts to not less than 25 per centum (or to not less than 15 per centum where, in the judgment of the Commissioner, exceptional circumstances exist which would make the application of the 25 per centum condition of entitlement inequitable and would defeat the purposes of this Act) of the number of all children in average daily attendance at the schools of such agency during the fiscal year ending June 30, 1939; and

"(C) that such activities of the United States have placed on such agency a substantial and continuing financial burden; and

"(D) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance but is unable to secure sufficient funds to meet the increased educational costs involved.

then such agency shall be entitled to receive for the fiscal year in which the determination is made, and for each succeeding fiscal year ending before July 1, 1954, an amount determined as follows: For the fiscal year ending June 30, 1951, 100 per centum of the product determined as provided in paragraph (2); for the fiscal year ending June 30, 1952, 75 per centum of such product; for the fiscal year ending June 30, 1953, 50 per centum of such product; and for the fiscal year ending June 30, 1954, 25 per centum of such product.

"(2) The product referred to in paragraph (1) for a fiscal year shall be an amount equal to—

"(A) the number of children which the Commissioner determines to be the increase in average daily attendance at the schools of such agency, so resulting from activities of the United States, which still exists in such fiscal year (determined as provided in clauses (A) and (B) of paragraph (1)); multiplied by

"(B) the amount which the Commissioner determines to be the current expenditures per child necessary to provide free public education to such additional children during such year, minus the amount which the Commissioner determines to be available from Federal, State, and local sources for such purpose (not counting as available for such purpose either payments under this Act, or funds from local sources required to meet current expenditures necessary to provide free public education to other children).

The number of children which the Commissioner determines under clause (A) to be the increase in average daily attendance which still exists in any fiscal year shall not exceed the number of all children in average daily attendance at the schools of such agency during such year, minus the number of all children in average daily attendance at the schools of such agency during the fiscal year ending June 30, 1939. The determination under clause (B) shall be made by the Commissioner after considering the current expenditures per child in providing free public education in those school districts within the State which, in the judgment of the Commissioner, are most nearly comparable to the school district of the local educational agency for which the computation is being made.

"CERTAIN CHILDREN NOT TO BE COUNTED

"(c) In determining under this section (1) whether there has been an increase in attendance in any fiscal year and whether any increase in attendance still exists in any fiscal year, and (2) the number of children with respect to whom payment is to be made for any fiscal year, the Commissioner shall not count—

"(A) children with respect to whom a local educational agency is, or upon application would be, entitled to receive any payment under subsection (a) or (b) of section 3 for such fiscal year, and

"(B) children whose attendance is attributable to activities of the United States carried on in connection with real property which has been excluded from the definition of Federal property by the last sentence of paragraph (1) of section 9.

"LIMITATIONS ON ELIGIBILITY AND PAYMENT

"(d) Notwithstanding the preceding provisions of this section, where the average daily attendance at the schools of any local educational agency during the fiscal year ending June 30, 1939, exceeded 35,000—

"(1) such agency's percentage requirement for eligibility under subsection (a) shall be 15 per centum instead of 10 per centum, and its percentage requirement for eligibility under subsection (b) shall be 30 per centum instead of 25 per centum (and those provisions of subsection (b) (1) (B) which relate to the lowering of the percentage requirement shall not apply); and

"(2) in determining the amount which such agency is entitled to receive under subsection (a) or (b), the agency shall be entitled to receive payment with respect to only so many of the number of children for whom the agency would otherwise be entitled to receive payment under such subsection, as exceeds (A) in the case of subsection (a), 10 per centum of the number of all children in average daily attendance at the schools of such agency during the fiscal year for which payment is to be made, or (B) in the case of subsection (b), 25 per centum of all children so in average daily attendance.

"CONSULTATION WITH STATE AND LOCAL AUTHORITIES

"(e) All determinations of the Commissioner under this section shall be made only after consultation with the State educational agency and the local educational agency.

"METHOD OF MAKING PAYMENTS

"APPLICATIONS

"SEC. 5. (a) No local educational agency shall be entitled to any payment under section 2, 3, or 4 of this Act for any fiscal year except upon application therefor, submitted through the State educational agency and filed in accordance with regulations of the Commissioner, which application gives adequate assurance that the local educational agency will submit such reports as the Commissioner may reasonably require to determine the amount to which such agency is entitled under this Act.

"CERTIFICATION AND PAYMENT

"(b) The Commissioner shall, for each calendar quarter, certify to the Secretary of the Treasury for payment to each local educational agency, either in advance or by way of reimbursement, the amount which the Commissioner estimates such agency is entitled to receive under this Act for such quarter. The amount so certified for any quarter shall be reduced or increased, as the case may be, by any sum by which he finds that the amount paid to the agency under this Act for any prior quarter was greater or less than the amount which should have been paid to it for such prior quarter. Upon receipt of such certification, the Secretary of the Treasury shall, prior to audit or settlement by the General Accounting Office, pay to the local educational agency in accordance with such certification.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"(c) If the funds appropriated for a fiscal year for making the payments provided in this Act are not sufficient to pay in full the total amounts to which all local educational agencies are entitled, the Commissioner shall reduce the amounts which he certifies under subsection (b) for such year for payment to each local educational agency by the percentage by which the funds so appropriated are less than the total necessary to pay to such agencies the full amount to which they are entitled under this Act.

"CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

"SEC. 6. In the case of children who reside on Federal property—

"(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

"(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make such arrangements (other than arrangements with respect to the acquisition of land, the erection of facilities, interest, or debt service) as may be necessary to provide free public education for such children. To the maximum extent practicable, such education shall be comparable to free public education provided for children in comparable communities in the State.

"ADMINISTRATION

"SEC. 7. (a) In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

"(b) The Commissioner shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

"(c) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of receipts and disbursements.

"USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

"SEC. 8. (a) In carrying out his functions under this Act, the Commissioner is authorized, pursuant to proper agreement with any other Federal department or agency, to utilize the services and facilities of such department or agency, and, when he deems it necessary or appropriate, to delegate to any officer or employee thereof the function under section 6 of making arrangements for providing free public education. Payment to cover the cost of such utilization or of carrying out such delegated function shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

"(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may occasion assistance under this Act, shall to the maximum extent practicable comply with requests of the Commissioner for information he may require in carrying out the purposes of this Act.

"(c) Such portion of the appropriations of any other department or agency for the fiscal year ending June 30, 1951, as the Director of the Bureau of the Budget determines to be available for the same purposes as this

Act, shall, except to the extent necessary to carry out during such year contracts made prior to the enactment of this Act, be transferred to the Commissioner for use by him in carrying out such purposes.

"(d) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available during the period beginning July 1, 1951, and ending June 30, 1954, for the same purposes as this Act, except that nothing in this subsection or in subsection (c) of this section shall affect the availability of appropriations for the maintenance and operation of school facilities on Federal property under the control of the Atomic Energy Commission.

"DEFINITIONS

"SEC. 9. For the purposes of this Act—

"(1) The term 'Federal property' means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Such term includes real property leased from the Secretary of the Army, Navy, or Air Force under section 805 of the National Housing Act, as amended, for the purpose of title VIII of such Act. Such term also includes real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States. Such term does not include (A) any real property used by the United States primarily for the provision of services to the local area in which such property is situated, (B) any real property used for a labor supply center, labor home, or labor camp for migratory farm workers, or (C) any low-rent housing project held under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the United States Housing Act of 1937, the Act of June 28, 1940 (Public Law 671 of the Seventy-sixth Congress), or any law amendatory of or supplementary to any of such Acts.

"(2) The term 'child' means any child who is within the age limits for which the applicable State provides free public education. Such term does not include any child who is a member, or the dependent of a mmeber, of any Indian tribal organization, recognized as such under the laws of the United States relating to Indian affairs, and who is eligible for educational services provided pursuant to a capital grant by the United States, or under the supervision of, or pursuant to a contract or other arrangement with, the Bureau of Indian Affairs.

"(3) The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(4) The term 'free public education' means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State.

"(5) The term 'current expenditures' means expenditures for free public education to the extent that such expenditures are made from current revenues, except that such term does not include any such expenditure for the acquisition of land, the erection of facilities, interest, or debt service.

"(6) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities or providing free public education.

"(7) The term 'State educational agency' means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

"(8) The term 'State' means a State, Alaska, Hawaii, Puerto Rico, or the Virgin Islands.

"(9) The terms 'Commissioner of Education' and 'Commissioner' mean the United States Commissioner of Education.

"(10) Average daily attendance shall be determined in accordance with State law; except that, notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the attendance of uch child at such school shall be held and considered (A) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (B) not to be attendance at a school of the local educational agency receiving such tuition payment or entitled to receive such tuition payment under the contract."

And the Senate agree to the same.

GRAHAM A. BARDEN,
TOM STEED,
ROY W. WIER,
SAMUEL K. MCCONNELL, Jr.,
CARROLL D. KEARNS,
Managers on the Part of the House.

LISTER HILL,
PAUL H. DOUGLAS,
HUBERT H. HUMPHREY,
ROBERT A. TAFT,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7940) to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause. The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted in the following outline, except for incidental changes made necessary by reason of agreements reached by the conferees and except for minor clarifying changes:

FOUR-YEAR LIMITATION

The House bill contained no limitation on the period during which appropriations were authorized to carry out the provisions of the bill. The provisions of the Senate amendment, however, related only to the 3-year period ending June 30, 1953.

The conference substitute limits the authorization of appropriations to carry out its provisions to the 4-year period beginning July 1, 1950, and ending June 30, 1954.

FORMULA FOR MAKING PAYMENTS

In general: In general, the conference substitute follows the formula of the House bill for determining the eligibility of local educational agencies and the amounts which they are entitled to receive. There are, however, two changes: The first relates to the eligibility requirements for all local educational agencies, and the second relates solely to large cities.

Eligibility requirements: Under the Senate amendment it was made more difficult for local educational agencies to qualify in certain cases, and, in addition, the amount which local educational agencies were entitled to receive was reduced in certain cases by requiring the agencies to "absorb" part of the federally caused attendance.

Under the conference substitute, the eligibility requirements under section 3 (a) are more difficult to meet than they were under the House bill in that an agency will be eligible for the full local contribution rate only with respect to those children who reside on Federal property with a parent employed on Federal property. Thus, under the conference substitute, some of the children with respect to whom the agency would have been eligible under the House bill for the full local contribution rate (that is, children who reside on Federal property, but not with a parent who is employed on Federal property) must now be counted under section 3 (b), where the rate of payment is one-half of the local contribution rate. Furthermore, the conference substitute contains, in section 3 (b), the restriction of the Senate amendment with respect to the employment of the parent (that is, that the employment of the parent must be on Federal property situated in the same State as the school district of the local educational agency concerned).

The above changes in the formula of the House bill bring the formula used more closely in line with the corresponding provisions of S. 2317 of this Congress, which relates to school construction in areas affected by Federal activities.

Cities with 1939 attendance in excess of 35,000: The second change in the formula of the conference substitute, as contrasted with the formula of the House bill, also brings the provisions of the conference substitute more closely in line with the corresponding provisions of S. 2317. Under this change, in the case of any local educational agency which had an average daily attendance of more than 35,000 in the fiscal year 1939, (1) the eligibility requirements for agencies qualifying on the basis of children residing on Federal property or on the basis of children of parents employed on Federal property are raised from 3 to 6 percent of the total average daily attendance of such agencies, and (2) the eligibility requirements for agencies qualifying with respect to sudden and substantial increases in attendance are raised from 10 to 15 percent of total average daily attendance for such increases hereafter occurring, and they are raised from 25 to 30 percent for such increases occurring prior to July 1, 1950. In addition, under the conference substitute the provisions which authorize the Commissioner of Education to waive the eligibility requirements under certain specified circumstances will not apply with respect to these larger local educational agencies.

Furthermore, those local educational agencies which had attendance in excess of 35,000 in fiscal 1939 are required to "absorb" part of the federally caused attendance. That is to say, in the case of children for whom payments are made by reason of their residence on Federal property or by reason of the employment of their parents, the local educational agencies will receive payment only for so many of such children as exceed 3 percent of their total average daily attendance. With respect to children for whom such agencies qualify by reason of a sudden and substantial increase in attendance hereafter occurring, such agencies will be entitled to payment for only so many of such children as exceed 10 percent of their total average daily attendance. Finally, with respect to children for whom such agencies qualify by reason of a sudden and substantial increase in attendance, occurring before July 1, 1950, such agencies will be entitled to receive payment only for so many of such children as exceed 25 percent of their total average daily attendance.

COMPUTATION OF FEDERAL CONTRIBUTION RATE IN SUDDEN AND SUBSTANTIAL INCREASE CASES

Section 4 of the conference substitute provides for Federal payments to local educational agencies having substantial increases in average daily attendance as a result of Federal activities. Subsection (a) of section 4 pertains to attendance increases during the fiscal years beginning after June 30, 1950, while subsection (b) pertains to increases that have occurred after June 30, 1939, and before July 1, 1950. In each case the Federal payment to educational agencies which meet the prescribed eligibility requirements is determined by multiplying the number of children constituting a federally caused increase in attendance by an amount equal to the current expenditure per child necessary to provide free public education to such additional children, minus the amount available for such purpose from Federal, State, and local sources. Under the House bill, the Commissioner of Education, in determining the amount available from local sources for the federally connected children, would have had to include a proportionate amount per child out of all the sums available from local sources, since presumably any sums available from local sources would be available alike for federally connected children as for all other children. Thus, under the House bill some local educational agencies might have had to operate with less money than they actually needed to educate all of their children, since all their local revenues would have been distributed evenly among all children (Federal or non-Federal) and they would have received from the Federal Government only enough additional money to enable them to meet the full cost of the children with respect to whom Federal payments are made. The Senate amendment, on the other hand, would have excluded from the calculation of sums available from local sources any funds required to meet current expenditures necessary to provide free public education to children other than those with respect to whom Federal payments were made under this section. The conference substitute follows the Senate amendment in this respect.

REDUCTION OF SECTION 4 (B) ELIGIBILITY REQUIREMENTS IN CERTAIN HARDSHIP CASES

Subsection (b) of section 4 of the conference substitute is designed to provide Federal assistance to school districts which experienced, between June 30, 1939, and July 1, 1950, a sudden and substantial increase in attendance caused by Federal activities. To be eligible for Federal assistance under this section, the federally caused increase in attendance must be not less than 25 percent of the total number of children in average daily attendance in 1939. Under the House bill this 25-percent requirement would have been reduced to 15 percent where the school district of the educational agency was formed at any time after 1938 by the consolidation of two or more school districts. The conference substitute changes this provision to permit a reduction in the requirement to not less than 15 percent whenever, in the judgment of the Commissioner, exceptional circumstances exist which would make the application of the 25-percent requirement inequitable and would defeat the purposes of the bill.

GRAHAM A. BARDEN,
TOM STEED,
ROY W. WIER,
SAMUEL K. MCCONNELL, Jr.,
CARROLL D. KEARNS,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that Mr. REES be given permission to extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. REES. Mr. Speaker, Common School District No. 178, known as the Planeview School, in my congressional district, was organized as a new school district in 1943 when thousands of workers came to the area to work in aircraft factories near Wichita.

A Federal public housing project was constructed at Planeview to house the workers and their families. This is a separate new district out in the country and away from the city. The boundaries are identical with the boundaries of the Federal housing project. Everything in the school district is owned by the Federal Government and the Government determines what local taxes shall be. Most of the people in this housing project work in private industry in that area.

As I understand it, it would appear that under the terms of section 3 (b) of this bill, the school district would receive one-half of the local share of the cost of educating children who live on the property but whose parents are employed on private property. A very large percentage of these men are employed at aircraft plants that have contracts with the Federal Government.

One-half of the local contribution rate in this bill is not sufficient to operate the schools in Planeview. This is true because the payments in lieu of taxes are deducted from the total amount of the Federal payment and the school district has no other way to collect local funds to meet the remaining share of the cost. This is true because the school district is all federally owned and the rentals on the property are paid to the Federal Government.

I hope you understand that the State and local authorities do contribute substantially to the support of these schools. I observe that the committees that considered this problem in their wisdom provided for the handling of exceptional circumstances in cases of this type.

Section 6 of the bill entitled, "Children for Whom Local Agencies Are Unable to Provide Education," says, and I quote:

SEC. 6. In the case of children who reside on Federal property—

(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make such arrangements (other than arrangements with respect to the acquisition of land, the erection of facilities, interest, or debt service) as may be necessary to provide free public education for such children. To the maximum extent practicable, such education shall be comparable to free public education provided for children in comparable communities in the State.

This section is a special section to take care of situations that do not follow a normal pattern. Planeview school district does not follow the normal pattern of other school districts in the State or in most other States.

Now I am asking the question whether the plight of Planeview School that I have described will be taken care of under section 6 of this bill. If it is not covered by this section, then this school district will be unable to operate school services for more than 6 months.

In order that you may know the importance of this matter, Planeview is almost a city within itself, located several miles out of town near the big Boeing and Beechcraft plants, where thousands of workers are engaged in building planes and other war equipment. I understand the population of Planeview at present numbers more than 12,000 people. The school enrollment is approximately 3,000. You can understand the importance of this problem. I make this statement so you can understand the importance of this problem.

I should add further that under the original House bill, it was our opinion that Planeview would be adequately taken care of. Now we want to make sure that we are taken care of under this legislation as agreed upon by the conference committee.

Mr. BARDEN. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to the gentleman from North Carolina.

Mr. BARDEN. Under the conference report, it was intended that one-half the local contribution rate would be paid to local school agencies that educate children who live on Federal property and whose parents are employed on private property. However, I believe it may be possible under the particular facts which exist at the Planeview district for the commissioner of education to afford relief under section 6 of this bill. A final answer will require more detailed information than is available at this time.

Mr. MCCONNELL. If the gentleman will yield, I would like to concur in the statement just made by the chairman of our committee.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DONDERO. Mr. Speaker, in the Detroit, Mich., area and within a radius of 20 miles there are over 14,000 children on half-day sessions of school. There are 5,000 more who are attending school in basements, portables, and other kinds of makeshif schoolrooms, including the health and physical educational facilities of a penal institution and the County Training School for Delinquent Children.

Both the House and Senate have accepted the reports of the Committee on Education and Labor and have authorized the construction of educational facilities for educating children in war-impacted areas. The committee with the assistance of other Government agencies analyzed these needs most care-

fully and conservatively estimated the cost for maintenance, operation, and building construction at $200,000,000.

The conference committee has recommended an appropriation of much less than the amount needed to meet the requirements. This reduction will allow schools in my congressional district to secure but a pittance of their requirements. Because of State laws, boards of education cannot obligate the district for any educational purposes beyond actual receipts.

I would like to cite the Livonia Township School District as an example. The school population has increased 140 percent during the war period. These people tried to meet the housing needs of children brought into the district because of Federal activity by voting three bond issues within a 4-year period and increased their tax rate 17 mills above the constitutional limit. Also, they have bonded themselves within 1.6 percent of the constitutional limit.

For the foregoing reasons, I heartily support the findings of the House Education and Labor Committee's investigation and recommendation that an appropriation be made in a substantial sum of the authorization.

SENATE BILL 784—A WORTHY MEASURE

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, on August 31, under House Resolution 818, time was granted and part of it was to be allotted to rebut objections which had been presented to the House against S. 784. The objections were identical with and a repetition of the Maritime Commission's contentions alleged prior to 1946 as adverse to the right of the claimant companies to have the balance of their cash bond returned to them. These aforesaid contentions of the Maritime Commission have now been proven in courts and before congressional committees as sham and invalid fabrications. No opportunity to properly rebut the objections was had on August 31, because the time allotted therefor was mainly used up, "out of order," on political discussions of other matters. Consequently, I wish to now extend my remarks in support of this worthy measure of justice.

Mr. Speaker, S. 784, entitled "An act for the relief of the First, Second, and Third National Steamship Companies," is a meritorious bill that seeks to correct an injustice of long standing. Any attempts to fabricate contentions or conjure objections alleged as adverse to the clear purpose of the bill, S. 784, are based either on woeful, inexcusable lack of knowledge of the facts or on nonjustifiable disregard for all of the evidence now in the record and available to any Member of Congress.

The claims have not been before the House since all of this evidence was assembled. The fact remains that the efficiency of the congressional system of thorough investigations of all facts and circumstances connected with a case such as this, which is of public interest and warrants the attention of the Congress, has brought into the light all probative facts and factual circumstances. The congressional committees ascertained that the attempts to undermine the rightful status of the companies herein concerned were conjured by suppression of evidence, by distortion of facts, by invalid contentions; by disregard of evidence. These attempts have had the same pattern of motivation, namely, to prevent, or at least to procrastinate, the day when a return of the balance of their cash bond would be mandated by Congress, as now provided for in the proposed legislation in S. 784.

Mr. Speaker, the congressional committees have condemned these attempts at frustration of justice in no uncertain terms. The following excerpts from the exhaustive report No. 2135, published May 25, 1950, of the Committee on the Judiciary of the House of Representatives of this Eighty-first Congress are noteworthy. They deserve careful consideration and proper evaluation:

The salient facts and circumstances in this case were investigated in every respect, including reports and data from courts and all pertinent governmental departments.

* * * * *

There does not remain any excuse for misunderstanding of any phase of the subject matter; the evidence on record is comprehensive, exhaustive, and complete.

* * * * *

The case is before Congress because the Fleet Corporation's treasury did not return and refund all or any part of the cash sum that became due on January 5, 1921. After withholding all of this sum for 15 years, on October 7, 1935, the Fleet Corporation returned a part, to wit: $250,000 by its check for this amount, and to date has not yet returned the balance of the companies' cash security deposits, namely, the precisely ascertained sum of $384,256.26. The Government became the successor of the Fleet Corporation in 1936, by virtue of the Merchant Marine Act, passed June 29, 1936.

* * * * *

The above congressional reports record the fact that the Government as the successor in interest of the Fleet Corporation and as its liquidator still retains at present (May 1950) the companies' funds in the amount of $384,256.26, without moral, equitable, legal, or justifiable warranty; the restitution of these funds, as provided in S. 784, as a matter of fact and in reality, does not come from any source of public funds or taxpayer funds and is not a drain on such public funds; this restitution does only constitute, in effect, a return of private funds, of which the Government is a custodian without having any right to continue such custody.

The Fleet Corporation was discontinued by the mandate of Congress; it appears a matter of simple justice to have the Congress use its discretion to mandate the successor of the Fleet Corporation to return to the companies the balance of their cash surety funds which the Fleet Corporation should have returned when due. * * * Congress only can provide and order the return of such funds.

In the course of the debate preceding the unanimous passage of S. 784 by the Senate on July 6, 1949, when the matter was fully discussed by such able Senators as Senator McCarran, Senator McGrath, Senator Wherry, Senator Gurney, Senator Johnston, and Senator Hendrickson, the following noteworthy statements were made:

By Hon. CHAN GURNEY: "I am convinced that this money has been withheld too long, and that Congress should pass the bill and place the money back where it belongs."

By Hon. J. HOWARD MCGRATH: "The case stands out as one of the great injustices done to an American."

* * * * *

An attempt to object to the present bill, because in the past Executive disapproval frustrated the actions for relief by previous Congresses, is an unwarranted contention; it has now been thoroughly proven that veto of previous relief measures was based on misinformation and misapprehensions.

* * * * *

Two former Attorneys General and the incumbent Attorney General have recognized that the previous vetoes were brought about by misconceptions.

* * * * *

The attempt to construe the payment of $250,000 as a contention that its effect made this case a res adjudicata is wholly unwarranted as a justifiable reason for confiscating the companies' remaining unreturned funds of $384,256.26.

* * * * *

Attempts to object to the bill by the assertion of vexatious, invalid, inequitable, and fabricated pretexts and contentions, or by framed-up accounting, have been severely condemned by the competent Senate Committees on the Judiciary of the Eightieth and the Eighty-first Congresses, in their conclusions set forth in the above-named Senate reports; such attempts have been classified by the Senate committees as "ignoble" "not worthy of attention," "unworthy of consideration," "the opposite of fair dealing, justice, and equity," and "beyond serious consideration."

* * * * * * *

The aforesaid attempts would require an assumption that the evidence now gathered in the record is to be disregarded, that the President's statement as to the origin of the case is false; that the former officials of the Shipping Board-Fleet Corporation who informed the Internal Revenue Bureau, who also testified in court, whose testimony to date is unrebutted, all committed perjury, knowingly or by ignorance; and that the ascertainment of facts by the Internal Revenue Bureau is in error and to be set aside as untrustworthy and against the true interests of the Government, and that the taxes found by this dependable governmental bureau are based on false premises; and that the finding of facts by four congressional committees is condemned as found in error and be set aside; that the Board-Fleet Corporation's official reports to Congress in 1920–21 as to their heavy cash losses as a result of excess of operating costs of their vessels over income are wrong; that the Board's official reports to Congress as to the maritime conditions existing in 1920–21 were false; that the suggestions of former Attorney General Cummings and former Attorney General Jackson to leave the matter to the judgment and discretion of the Congress were not well grounded.

* * * * *

That such aforesaid assumptions are beyond serious consideration needs no comment.

Mr. Speaker, if the Members of this Eighty-first Congress will examine the evidence in this case and its history, they will approve the conclusions which the hundreds of esteemed Members of previous Congresses have expressed in their congressional reports and in their actions in previous Congresses. The Members of the House may be assured that their Committee on the Judiciary in its above-quoted report expressed the considerate opinion and findings of those competent members of the committee who made

adequate studies of the facts pertinent to this bill.

This bill is justified on equitable, legal, and moral grounds.

Mr. Speaker, the following excerpts from the House Judiciary Committee's report are also very noteworthy:

It is pertinent to remark that Schundler and his companies undeniably rendered a distinct service to the United States Government in saving the United States Government harmless from a serious loss during the period that his companies and he had the vessels under their management, custody, operation, and use. That his companies and he have been treated unjustly to date is undeniable.

* * * * *

It is incredible that the bill could be contrary to the President's program for the budget; the President could not want to endorse a policy of retaining in the custody of the Treasury Department for public use these private cash funds, withholding same without warranty, contrary to the constitutional law pertaining to private property.

* * * * *

The Congress has always pursued the policy that the foundation of good government rests squarely on justice. No President, no Attorney General, no conscientious Government official would knowingly permit the confiscation of the private property of a citizen. If perchance such would happen, Congress would correct it as soon as such injustice would come to its knowledge. The Congress has always maintained the policy that there cannot ever be finality on the part of the Government without justice.

In this case whenever an Attorney General has become acquainted with the actual facts he has endeavored to bring about justice.

Three Attorneys General have now declared their views to Congress that the relief is within the discretion and judgment of the Congress.

* * * * *

Congress has the prerogative and constitutional right to act as a tribunal in this case.

* * * * *

The Senate bill, S. 784, will correct the injustice inflicted on the companies for so many years.

Mr. Speaker, S. 784 simply proposes to correct an injustice of long standing. It proposes to, at long last, settle a claim in the only honorable way it can be settled. The bill should be passed unanimously by this House.

IF UN IS TO SUCCEED, MEMBERS MUST BACK IT WITH MORE THAN WORDS

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BURDICK. Mr. Speaker, I never did have any faith in the Atlantic Pact, and the reason was that I knew we would have to put up all the money and do the most of the fighting to help Europe save itself. France will not agree to our plan of making peace with western Germany and permit that country to arm herself. With the potential threat of Russia against all capitalistic countries, western Germany would be an important factor; but if we keep her virtually a prisoner of war, she cannot defend herself. The Germans are first-class fighters, as we all know, and with a world-wide contest possible, we should permit them to get into position to defend not only themselves but aid in defending all of the Atlantic Pact countries.

France should be told to get in line or be left out of any defense agreement. Other countries should agree to a plan of defense, or we should walk right off and leave them to their own resources. If this trouble starts in western Europe, those countries affected will have to work and bleed with the rest of the defenders. If they would rather be overrun by the Russians than to line up with us to defend them, they should be told that straight from the shoulder.

We should make peace with Japan at the earliest possible moment. We are holding her a prisoner with no chance to protect herself; the many good divisions that could be equipped in Japan will insure the protection of Japan, for which we are now responsible, and which will, in a war, contribute fighters who know jungle warfare. Why are we holding back on peace with Japan? If we wait until Russia agrees to a peace, we will be right where the United Nations is today. After a week of oratory, Russia sits down with a veto and there we are. With this Russian veto always in prospect, the United Nations can accomplish just exactly nothing. After one veto the members argue for another week only to be squelched with another veto. As far as actually doing anything, the UN is about as valuable to putting down invasions as a fifth wheel on a wagon.

Where would the defense of South Korea have been if all waited for the United Nations to send troops? Since we are to do all of the financing and most of the defending 10,000 miles from home, the United Nations should wake up and get into action.

Russia is probably counting on the impotency of the United Nations, but that impotency should end, and every nation which is a member contribute to a power which will stop aggression. Russia claims she is not mixed up in the Korean War. That ballyhoo will do to present to the Security Council, but the fact is, the whole aggression scheme was engineered by the Russians, and most of the world can see that.

When Russia discovers that we mean what we say and are not afraid to say it, she may be convinced that there is a limitation to her sphere of action. It should be well known in every nation that we do not seek the territory of any nation; all we want is peace. We do not want any Russian territory, nor do we intend or wish to interfere with the kind of government Russia wants for herself, but we do know that there can be no peace while Russia is fomenting aggressive action in other countries. This is a capitalistic Government, as are all of the governments of our allies. Personally I believe there is room enough on this globe for both the communistic and capitalistic governments to exist in peace, and there would be if Russia were content to remain within its own sphere of action. To preserve peace in this situation each form of government should know and observe its own limitations and permit other people to live as they choose to live.

We are satisfied with our own Government. It has stood the test of 184 years since the Declaration of Independence, and in this Government today the citizens have the greatest degree of independence and freedom of action of any government that ever existed. We fight among ourselves about the means by which we can make this Government more responsive to freedom, but when it is in danger of being destroyed, the people always have, and I hope always will rise up to defend it. If Russia knew the overwhelming desire of the people of the United States to keep the Government we have, she would understand that the chance of spreading her doctrine here is doomed to failure before it starts.

There is no occasion to be alarmed over the spread of communism in the United States. Why some people think so is because those who are satisfied with our Government, without bettering conditions and keeping this democracy directed against all appeals for a better life among the people, are so determined in their action that they brand everyone who seeks to make the Declaration of Independence mean what it says, as Communists, pinks, or left wingers. These self-styled patriots have means to carry on a propaganda campaign of smear against all progressives in the hope that the people will be willing to let them run the Government and throw out everyone who is guilty of thinking or uttering the least word of criticism against the Government. They have made some inroads, but when the people wake up to the fact that their Government is in danger of being supplanted by a dictatorship, this false propaganda will be known for what it is. Russian communism is responsible for much of this situation. By her conniving and dealing with agents and employees of this Government, to obtain information for her own advantage, she has made it possible to set up in this country a campaign of intolerance, fanaticism, and hysteria which does not stop with Communists, but millions of loyal American citizens who are guilty of no crime except thinking for themselves, have been engulfed in this wild and maddened hysteria.

If war comes, those who have been wrongfully smeared by the propagandists will be found fighting shoulder to shoulder with their accusers. The chances are that in the event of war the accusers will be waving the Stars and Stripes, and the accused will be doing the fighting. But whatever appellations have been placed upon progressive people, in this unthinking period of hysteria, they mean to defend this Government and contribute all they have to keep, maintain, and protect a Government that offers more liberty and freedom to every citizen than any government ever established on this earth.

WHERRY AMENDMENT

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my re-

marks at this point in the RECORD by including a letter from Mr. Omar B. Ketchum, of the Veterans of Foreign Wars.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The letter is as follows:

Hon. JOHN E. RANKIN,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN: It is my understanding that on Wednesday, September 20, 1950, the House of Representatives will take up for consideration the conference report on the bill H. R. 9526, providing for supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes. It is also my understanding that the House will consider by separate vote the so-called Wherry amendment, which would deny economic or financial assistance to any country permitting the exportation of arms, armament, or military material to the Soviet Union or any so-called Soviet satellite country.

The fifty-first National Encampment, Veterans of Foreign Wars of the United States, meeting in Chicago, Ill., August 27 to September 1, 1950, had under consideration the subject matter of the Wherry amendment. Subsequently, the encampment adopted a 10-point security program, one of which would recommend to the President and the Congress that economic aid under the Marshall plan be withdrawn immediately from any nation supplying such strategic or essential materials to Soviet Russia and/or her satellites.

The amendment should and ought to commend itself to the favorable consideration of the Congress. How can we rehabilitate the economy of a nation within the framework of democratic capitalism if the nation's trade in turn enhances the growth of an economic and ideological system which is the antithesis of ours? Are we not then nurturing the seeds of our own destruction? If the economic rehabilitation of any democratic country is dependent upon the maintenance of traffic in arms, armament, or other military material with a nation behind the iron curtain, then the Congress may as well pause to reconsider the soundness of the whole European recovery program.

This paradox of the taxes of our people directly or indirectly strengthening the war potential of Soviet Russia and her satanic entente can be resolved only by the Congress taking a firm stand in support of the Wherry amendment.

In behalf of the Veterans of Foreign Wars of the United States, I strongly urge that you vote for this amendment when the conference report on H. R. 9526 is considered in the House on Wednesday, September 20, 1950.

Respectfully yours,
OMAR B. KETCHUM, *Director.*

SPECIAL ORDERS GRANTED

Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 3 minutes today, following any special orders heretofore entered.

Mr. STAGGERS asked and was given permission to address the House for 5 minutes today, following any special orders heretofore entered.

STOP IRON-CURTAIN COUNTRY PRODUCTS NOW

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, there is pending in the House a resolution calling for the appointment of a select committee to investigate and study the existing situation with respect to entry into the United States of goods produced in foreign countries, in order to determine what action by the Congress is necessary to prevent the importation of such merchandise.

May 15, 1950, I introduced House Concurrent Resolution 205, requesting that the President should take such action as may be necessary to rescind foreign trade agreements negotiated with any foreign country, if such country is Communist controlled. Several Members of Congress endorsed this resolution and introduced identical measures, but as yet we cannot obtain action on it.

We must realize the seriousness of flooding our markets with foreign-made glassware and other goods, particularly from Communist-controlled countries. If this action is not stopped we will seriously impair and endanger the means of livelihood of our own workers. Wages paid our skilled American workers average almost four times the wages paid to European workers outside the iron curtain. We, of course, have no figures on wages behind the iron curtain. We cannot stand this type of competition. American labor is high-priced labor, for which let us be thankful, since it means that we are more productive than other lands.

The small businesses of the United States cannot meet the competition of the countries behind the iron curtain. Because of the increasing importation of cheap-labor foreign-made products, our plants are working at only 50 percent of last year's rate. The workers are getting tired of promises. The time has come for Congress to take action.

We cannot compete with slave labor, which we know Soviet Russia and and her satellites are using. Why should we give trade preference to communistic countries when they are doing everything they can to block our endeavors to help the world recover from the ravages of war. We are spending millions of dollars for defense, yet we are leaving the back door open to communism by continuing our trade with Russia and her satellites.

THE TAX BILL CONFERENCE REPORT

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that I may have until midnight tomorrow within which to file a conference report on the bill H. R. 8920, the tax bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. HESELTON asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. LATHAM (at the request of Mr. MICHENER) was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. HAGEN asked and was given permission to extend his remarks in the RECORD in three instances and include extraneous matter, letters, newspaper excerpts, etc.

Mr. BECKWORTH asked and was given permission to extend his remarks in the RECORD and include two articles.

Mr. PACE asked and was given permission to extend his remarks in the RECORD.

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. FLOOD asked and was given permission to extend his remarks in the RECORD in three instances.

Mr. BIEMILLER asked and was given permission to extend his remarks in the RECORD in two instances and include extraneous matter.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks and include extraneous matter.

Mr. GRAHAM asked and was given permission to extend his own remarks.

Mr. DAGUE (at the request of Mr. GRAHAM) was given permission to extend his remarks and include extraneous matter.

Mr. KEATING asked and was given permission to extend his remarks and include extraneous matter.

SUPPLEMENTAL APPROPRIATION BILL, 1951

Mr. CANNON. Mr. Speaker, I call up the conference report on the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 3096)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 17, 18, 20, 21, 22, 29, 30, 33, 42, 47, 60, 64, 67, 80, 101, 107, 108, 117 and 118.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 10, 11, 12, 13, 23, 28, 32, 34, 35, 37, 43, 59, 61, 63, 65, 66, 70, 72, 73, 76, 77, 79, 81, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96, 98, 105, 106, 110, 111, 112, 113, 114 and 115, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert "and including services as

authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), $100,000"; and the Senate agree to the same.

Amendment numbered 6; That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$9,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$63,855,850"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the first sum named in said amendment insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"CONSTRUCTION

"For an additional amount, for 'Construction', $500."

And the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$375,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows: In lieu of the matter stricken by said amendment insert:

"(a) In making appointments in the government service the Civil Service Commission shall make full use of its authority to make temporary appointments in order to prevent increases in the number of permanent personnel and no employee in the Federal civil service promoted, transferred or appointed to a position of higher grade shall be eligible, in the event of separation from the service through reduction in force, to reinstatement at a grade above the grade held by such employee on September 1, 1950; and all reinstatements, transfers or promotions to positions in the Federal civil service shall be temporary and for positions subject to the Classification Act of 1949 shall be made with the condition and notice to the individual reinstated, transferred or promoted that the classification grade of the position is subject to post-audit and correction by the appropriate departmental or agency personnel office or the Civil Service Commission;".

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 9, 14, 15, 16, 24, 25, 26, 27, 36, 38, 39, 40, 41, 44, 45, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 69, 71, 74, 75, 78, 82, 83, 88, 97, 99, 100, 102, 103, 104, 109, 119, and 120.

CLARENCE CANNON,
W. F. NORRELL,
JAMIE L. WHITTEN,
JOHN J. ROONEY,
J. VAUGHAN GARY,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
KARL STEFAN,
Managers on the Part of the House.

KENNETH MCKELLAR,
ELMER THOMAS,
RICHARD B. RUSSELL
(except 40–41),
PAT MCCARRAN,
JOSEPH C. O'MAHONEY,
CHAN GURNEY,
HOMER FERGUSON,
KENNETH S. WHERRY,
GUY CORDON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

CHAPTER I

District of Columbia

Amendment No. 1, Office of Civil Defense: Appropriates $100,000, instead of $290,000 as proposed by the Senate and $30,000 as proposed by the House and adds language as proposed by the Senate.

Amendments Nos. 2 and 3, Office of Administrator of Rent Control: Appropriates $113,100 as proposed by the Senate, instead of $75,000 as proposed by the House and allows language as proposed by the Senate making $34,000 of the amount available for the payment of terminal leave only.

Amendment No. 4, Public Schools: Corrects typographical error.

Amendments Nos. 5 and 6, Health Department, operating expenses: Appropriates $9,000, instead of $18,000 as proposed by the Senate and adds new section title as proposed by the Senate.

Amendment No. 7, Operating expenses, Gallinger Municipal Hospital: Appropriates $50,000, instead of $71,000 as proposed by the Senate.

Amendment No. 8, Capital outlay, Gallinger Municipal Hospital: Deletes Senate proposal of $68,500 as proposed by the House.

Amendment No. 9, Public Welfare: Reported in disagreement.

Amendment No. 10, National Capital Parks: Appropriates $40,000 as proposed by the Senate.

Amendment No. 11, Audited claims: Appropriates $60,942 as proposed by the Senate, instead of $60,636 as proposed by the House.

Amendment No. 12, Judgments: Appropriates $1,203 as proposed by the Senate, instead of $1,171 as proposed by the House.

CHAPTER II

Legislative branch

Senate

Amendment No. 13: Inserts a heading as proposed by the Senate.

Amendments Nos. 14 and 15: Pertain to appropriations for the Senate and are reported in disagreement.

House of Representatives

Amendment No. 16: Provides for payment to beneficiary of a deceased Member, and is reported in disagreement.

Architect of the Capitol

Amendment No. 17, Completion of Rotunda Frieze, Capitol: Strikes out the proposal of the Senate for an appropriation of $20,000 for this purpose.

CHAPTER III

Department of State

Amendment No. 18, American Sections, International Commissions: Strikes out the Senate proposal to make an additional appropriation of $105,669 to be available for expenses of the Inter-American Tropical Tuna Commission.

Amendment No. 19, International Information and Educational Activities: Appropriates $63,855,850, instead of $62,655,850 as proposed by the House and $77,612,000 as proposed by the Senate. $1,000,000 of the increase over the House proposal is for Exchange of Persons and the remainder, $200,000, is for Libraries.

Amendment No. 20, International Information and Educational Activities: Authorizes the transfer of not to exceed $5,000,000 additional to other appropriations of the Department of State as proposed by the House, instead of $7,760,000 as proposed by the Senate.

Amendment No. 21, International Information and Educational Activities: Authorizes the use of not to exceed $15,212,000 in counterpart funds as proposed by the House, instead of $19,600,000 as proposed by the Senate.

Amendment No. 22, International Information and Educational Activities: Restores the House language.

Department of Justice

Amendment No. 23, Federal Bureau of Investigation: Appropriates $6,000,000 for salaries and expenses, including the purchase of two hundred additional passenger motor vehicles as proposed by the Senate.

Amendment No. 24, Immigration and Naturalization Service: Reported in disagreement.

Department of Commerce

Amendment No. 25, Civil Aeronautics Administration, Land Acquisition, Additional Washington Airport: Reported in disagreement.

Amendment No. 26, National Bureau of Standards, Construction of Laboratories: Reported in disagreement.

Amendment No. 27, Maritime Activities, Ship Construction: Reported in disagreement.

The Judiciary

Amendment No. 28, Other Courts and Services, Salaries of Judges: Makes the appropriation under this head in the General Appropriation Act, 1951, available for payment of the salary of the judge of the district court of Guam as proposed by the Senate.

CHAPTER IV

Treasury Department

Amendment No. 29, Salaries and expenses, Division of Disbursement, Bureau of Accounts: Strikes out the proposal of the Senate to appropriate the additional sum of $355,000 for this purpose.

Amendment No. 30, Salaries and expenses, Office of the Treasurer: Strikes out the proposal of the Senate to appropriate the additional sum of $27,000 for this purpose.

Amendment No. 31, Salaries and expenses, Bureau of Internal Revenue: Appropriates $2,500,000, instead of $3,760,000 as proposed by the Senate; and increases the amount available for stationery from $1,500,000 to $1,573,680 as proposed by the Senate.

Amendment No. 32, Salaries and expenses, Secret Service Division: Appropriates an additional amount of $76,700 and increases the limitation on the purchase of passenger motor vehicles from fifteen to twenty-one, as proposed by the Senate.

Post Office Department

Amendment No. 33, Requiring the Postmaster General to petition the Interstate Commerce Commission for rate increases on fourth-class mail: Restores the provision in the House bill. It is the opinion of the conferees that the inclusion of this language will strengthen the Post Office Department's position in connection with the rate increase applications on the part of the railroads before the Interstate Commerce Commission, in that the Commission will be aware of the intent of Congress to require the Postmaster General henceforth to fix the rates on fourth-class mail at a level to produce sufficient revenue to pay the costs thereof.

CHAPTER V

Amendment No. 34: Inserts a chapter heading as proposed by the Senate.

Federal Security Agency

Office of Education

Amendment No. 35: Inserts a heading as proposed by the Senate.

Amendment No. 36, Promotion and further development of vocational education: Reported in disagreement.

Amendment No. 37: Inserts a heading as proposed by the Senate.

Amendment No. 38, Salaries and expenses: Reported in disagreement.

Amendment No. 39, Salaries and expenses: Reported in disagreement.

Amendment No. 40, Payments to school districts: Reported in disagreement.

Amendment No. 41, Grants for surveys and school construction: Reported in disagreement.

Public Health Service

Amendment No. 42, National Institutes of Health: Strikes out the proposal of the Senate to appropriate additional funds under this heading for the fiscal year 1951.

Social Security Administration

Amendment No. 43: Inserts a heading as proposed by the Senate.

Amendment No. 44, Bureau of Old-Age and Survivors Insurance: Reported in disagreement.

Amendment No. 45, Grants to States for public assistance: Reported in disagreement.

Amendment No. 46, Salaries and expenses, Bureau of Public Assistance: Appropriates $50,000 instead of $250,000 as proposed by the Senate.

Amendment No. 47, Salaries and expenses, Children's Bureau: Strikes out the proposal of the Senate for an additional appropriation for this item.

Amendment No. 48, Grants to States for maternal and child welfare: Reported in disagreement.

Offices of the Commissioner and the Administrator

Amendments Nos. 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58: Relate to appropriations for these offices, and are reported in disagreement.

CHAPTER VI

Department of Agriculture

Amendment No. 59: Changes chapter heading as proposed by the Senate.

Amendment No. 60, Bureau of Animal Industry, research facilities: Eliminates $24,500,000 inserted by the Senate for the construction of a laboratory for research on foot-and-mouth and other animal diseases.

CHAPTER VII

Department of the Interior

Amendment No. 61: Changes a chapter number as proposed by the Senate.

Bureau of Indian Affairs

Amendment No. 62, Health, education, and welfare services: Reported in disagreement.

Amendment No. 63, Payment to Choctaw and Chickasaw Indians: Appropriates $10,500 as proposed by the Senate.

Bureau of Reclamation

Amendment No. 64, General investigations: Strikes out the proposal of the Senate to appropriate $50,000. The planning work on the Weber Basin project may be accomplished with funds already available.

National Park Service

Amendment No. 65: Inserts a heading as proposed by the Senate.

Amendment No. 66, Management and protection: Appropriates $40,000 as proposed by the Senate.

Amendments Nos. 67 and 68, Construction: Strike out the proposal of the Senate to appropriate $3,000,000 but approve the proposal of the Senate to appropriate $500.

Territories and Island Possessions

Amendment No. 69, Construction of roads, Alaska: Reported in disagreement.

CHAPTER VIII

Executive and independent offices

Amendment No. 70: Changes a chapter number as proposed by the Senate.

Funds Appropriated to the President

Amendment No. 71, Expenses of defense production: Reported in disagreement.

Civil Service Commission

Amendment No. 72, Salaries and expenses: Appropriates an additional amount of $1,000,000 for this purpose and increases the limitation on travel expenses from $438,013 to $466,000 as proposed by the Senate.

Displaced Persons Commission

Amendment No. 73: Inserts a heading as proposed by the Senate.

Amendments Nos. 74 and 75, Relating to funds appropriated to the Displaced Persons Commission: Reported in disagreement.

General Services Administration

Amendment No. 76, Public Buildings Service, acquisition of land in the District of Columbia: Appropriates $525,000 for such purpose, as proposed by the Senate, instead of $500,000, as proposed by the House.

Amendment No. 77, Strategic and critical materials: Authorizes the use of not to exceed $14,000,000 of funds appropriated for this purpose for plant reactivation as proposed by the Senate, instead of $6,000,000 as proposed by the House.

Amendment No. 78, Emergency operating expenses: Reported in disagreement.

National Science Foundation

Amendment No. 79, Salaries and expenses: Appropriates $225,000 for this purpose as proposed by the Senate.

Selective Service System

Amendments Nos. 80 and 81, Salaries and expenses: Restore the provisions in the House bill fixing a limit of $50,000 for travel expenses of employees attached to National Headquarters and $400,000 for such expenses of employees attached to State Headquarters; and appropriates $20,476,000, as proposed by the Senate instead of $19,360,030, as proposed by the House.

Amendment No. 82: Reported in disagreement.

Tennessee Valley Authority

Amendment No. 83, Appropriation of additional funds: Reported in disagreement.

Veterans' Administration

Amendment No. 84, Automobiles for disabled veterans: Appropriates $375,000, instead of $300,000 as proposed by the House and $450,000 as proposed by the Senate.

CHAPTER IX

Civil functions of the Army

Amendment No. 85: Changes a chapter number as proposed by the Senate.

Amendment No. 86, Rivers and harbors, maintenance and improvement of existing river and harbor works: Appropriates $4,000,000 for this purpose as proposed by the Senate. This sum is provided for use exclusively for expediting work on the McNary and Chief Joseph dams and no funds are included in the bill for the Ice Harbor Lock and Dam.

CHAPTER X

Defense

Amendment No. 87: Changes a chapter number as proposed by the Senate.

Amendment No. 88, Quartermaster Corps, Clothing and equipage: Reported in disagreement.

Amendment No. 89, Medical Department: Appropriates $29,350,000 as proposed by the Senate instead of $11,446,000 as proposed by the House.

Amendment No. 90, Medical Department: Strikes out language proposed by the House.

Amendment No. 91, Expediting production: Strikes out language proposed by the House and inserts language proposed by the Senate.

Amendment No. 92, Construction of ships: Appropriates $163,450,000 instead of $160,000,000 as proposed by the House.

Amendment No. 93, Increase and replacement of naval vessels: Appropriates $40,000,000 as proposed by the Senate.

Amendment No. 94, Ordnance for new construction: Appropriates $21,550,000, instead of $25,000,000 as proposed by the House.

Amendment No. 95, Medical care: Appropriates $26,715,000, instead of $16,431,000 as proposed by the House.

Amendment No. 96, Medical care: Strikes out language proposed by the House.

Amendment No. 97, Department of the Navy: Reported in disagreement.

Amendment No. 98, Facilities: Strikes out words, "sections 355 and", as proposed by the House, and inserts the word "section", as proposed by the Senate.

Amendment No. 99, Acquisition and construction of real property: Reported in disagreement.

Amendment No. 100, Mutual Defense Assistance: Reported in disagreement.

Amendment No. 101, Section 106: Strikes out language proposed by the Senate.

Amendment Nos. 102, 103 and 104, Sections 107, 108 and 109: Reported in disagreement.

CHAPTER XI

Foreign aid

Amendment No. 105, Foreign aid: Adds chapter title as proposed by the Senate.

Amendment No. 106, Funds appropriated to the President: Adds section title as proposed by the Senate.

Amendment No. 107, Mutual defense assistance: Deletes language and $4,000,000,000 proposed by the Senate, as proposed by the House. A motion on this item will be offered in connection with amendment No. 100.

Amendment No. 108, International children's welfare work: Deletes language and $12,500,000 proposed by the Senate.

Amendment No. 109, International development: Reported in disagreement.

CHAPTER XII

Claims for damages, audited claims, and judgments

Amendment No. 110: Changes a chapter number as proposed by the Senate.

Amendments Nos. 111 and 112: Appropriate $35,001,053 for such purposes as proposed by the Senate instead of $34,339,115 as proposed by the House.

CHAPTER XIII

General provisions

Amendment No. 113: Changes chapter heading as proposed by Senate.

Amendment No. 114: Changes section number as proposed by Senate.

Amendment No. 115: Changes section number as proposed by Senate.

Amendment No. 116: Restores the language proposed by the House with clarifying amendments.

Amendments Nos. 117 and 118: Restores section numbers as proposed by House.

Amendments Nos. 119 and 120: Reported in disagreement.

CLARENCE CANNON,
W. F. NORRELL,
JAMIE L. WHITTEN,
JOHN J. ROONEY,
J. VAUGHAN GARY,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
KARL STEFAN,
Managers on the Part of the House.

Mr. CANNON. Mr. Speaker, briefly summarizing the conference report, the total budget estimates considered by the House aggregated $16,852,484,598. The bill as it passed the House carried total appropriations of $16,771,356,077.

The Senate increased the total amounts carried by the bill to $17,196,735,669.

Total appropriations agreed to in conference thus far amount to $17,076,072,285, and in addition to that amount the items (as passed the Senate) remaining in actual disagreement and herewith returned propose to add an additional $5,543,565.

The reduction effected by conferees below the Senate bill (exclusive of amounts in actual disagreement) total $115,119,819.

Reductions below Budget estimates (exclusive of amounts in actual disagreement) aggregate $221,042,784.

Of course the usual yardsticks do not apply as the bill is largely for the military establishment. All the moneys affected, or sought to be affected, are in the few nonmilitary items.

Mr. Speaker, if no one desires time for debate, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. CANNON. Mr. Speaker, there are a number of amendments that are in purely formal technical disagreement but on which there is general concurrence.

I ask unanimous consent that the House consider en bloc those amendments in technical disagreement upon which a motion to recede and concur will be offered, as follows: Nos. 14, 15, 16, 45, 48, 51, 52, 56, 69, 74, 75, 82, 83, 88, 97, 99, 102, and 103.

Mr. MARCANTONIO. Mr. Speaker, reserving the right to object, I am not familiar with these amendments and I doubt if many Members are. I understand there are some legislative provisions inserted in the Senate.

Mr. CANNON. No such provision is affected by the pending proposal.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from New York.

Mr. TABER. There is nothing in these amendments that anybody should be much excited about. They are routine things, many of them items for the housekeeping affairs of the Senate that are beyond the pale of authority, and we had to bring them in in this way.

Mr. EBERHARTER. Mr. Speaker, reserving the right to object, did the gentleman from Missouri read amendment No. 44?

Mr. CANNON. Amendment No. 44 will come up separately. It is not included.

Mr. EBERHARTER. That is an amendment in agreement.

Mr. CANNON. For technical reasons we will offer a separate motion on 44. It is not included in this request.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Senate amendments referred to follow:

Senate amendment No. 14: Page 7, line 3, insert the following:

"SENATE

"The appropriation for salaries of officers and employees of the Senate contained in the Legislative Branch Appropriation Act, 1951, is made available for the employment of an additional clerk at the basic rate of $1,500 per annum by each Senator from the State of Alabama, the population of said State having exceeded 3,000,000 inhabitants."

Senate amendment No. 15: Page 7, line 10, insert the following:

"CONTINGENT EXPENSES OF THE SENATE

"Stationery: For an additional allowance for stationery of $300 for each Senator and the President of the Senate, for the second session of the Eighty-first Congress, $29,100, to remain available for obligation until January 2, 1951."

Senate amendment No. 16: Page 7, line 16, insert the following:

"For payment to Bessie L. Bulwinkle, widow of A. C. Bulwinkle, late a Representative from the State of North Carolina, $12,500."

Senate amendment No. 45: Page 20, line 12, insert the following:

"GRANTS TO STATES FOR PUBLIC ASSISTANCE

"For an additional amount for 'Grants to States for public assistance,' $80,000,000; and appropriations granted under this head for the current fiscal year shall be available for aid to the permanently and totally disabled as authorized by law."

Senate amendment No. 48: Page 21, line 1, insert the following:

"GRANTS TO STATES FOR MATERNAL AND CHILD WELFARE

"For an additional amount for 'Grants to States for maternal and child welfare,' $8,250,000: *Provided,* That such additional amount shall be allotted on a pro rata basis among the several States in proportion to the amounts to which the respective States are entitled for the fiscal year 1951 by reason of section 331 of the Social Security Act Amendments of 1950."

Senate amendment No. 51: Page 21, line 16, insert the following:

"In the administration of title XIV of the Social Security Act, as amended by the Social Security Act Amendments of 1950, payments to a State under such title for any quarter in the current fiscal year after September 30 may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval."

Senate amendment No. 52: Page 22, line 1, insert the following:

"Grants to States, next succeeding fiscal year: For making after May 31 of the current fiscal year, payments to States under title XIV of the Social Security Act, as amended by the Social Security Act Amendments of 1950, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title to be charged to the appropriation therefor for that fiscal year."

Senate amendment No. 56: Page 22, line 21, insert the following:

"OFFICE OF THE GENERAL COUNSEL"

Senate amendment No. 69: Page 27, line 16, insert the following:

"CONSTRUCTION OF ROADS, ALASKA

"For an additional amount for 'Construction of roads, Alaska', $7,500,000, to remain available until expended."

Senate amendment No. 74: Page 31, line 12, insert the following:

"Funds appropriated for the expenses of the Displaced Persons Commission shall be available for use in connection with agreements with international agencies for the use of their transportation and other facilities for the transfer of persons as provided for in section 12 of the Displaced Persons Act as amended, and the Commission may make payment in advance or by reimbursement for expenses incurred by such agencies in rendering assistance to the Commission in carrying out the provisions of such act."

Senate amendment No. 75: Page 31, line 21, insert the following:

"Funds appropriated for the expenses of the Commission shall be available for loans as provided in section 14 of the Displaced Persons Act, as amended."

Senate amendment No. 82: Page 36, line 12, insert the following: ": *Provided further,* That the provisions of section 3679 of the Revised Statutes, as amended by section 1211 of the General Appropriation Act, 1951, shall not apply with respect to appropriations for funds available to the Selective Service System for the fiscal year ending June 30, 1951."

Senate amendment No. 83: Page 36, line 18, insert the following:

"TENNESSEE VALLEY AUTHORITY

"For an additional amount for 'Tennessee Valley Authority', $28,500,000, to remain available until expended: *Provided,* That the amount of the funds made available by the Independent Offices Appropriation Act, 1951, for administrative and general expenses of the corporation for the fiscal year 1951, is increased from '$4,026,000' to '$4,250,000'."

Senate amendment No. 88: Page 40, line 11, insert the following: ", and in addition to the amount herein appropriated, contracts may be made for the purchase of 100,000,000 pounds of raw wool, woolen garments, fabrics, and knitting yarns for use of all the armed services;"

Senate amendment No. 97: Page 45, line 14, insert the following:

"Section 201 of the act of August 25, 1941 (55 Stat 681) is hereby amended by adding a proviso at the end thereof as follows: '*Provided,* That a commissioned officer on the active list of the Navy, not below the rank or grade of rear admiral, appointed as Deputy Comptroller of the Navy, pursuant to section 402 (b) of the National Security Act amendments of 1949, shall, while so serving, if not otherwise entitled to a higher rank, pay, and allowances, be entitled to receive the pay and allowances of rear admiral, upper half: *Provided further,* That a commissioned officer on the active list of the Army not below the grade of colonel, assigned as special assistant to the Comptroller, Department of Defense, shall, while so serving, if not otherwise entitled to a higher grade, pay, and allowances, be considered to hold the

grade of brigadier general for all purposes and shall receive the pay and allowances of an officer of that grade'."

Senate amendment No. 99: Page 48, line 9, insert the following:

"For an additional amount, subject to the enactment into law of H. R. 9612, or S. 4118, Eighty-first Congress, for 'Acquisition and construction of real property', to enable the Secretary of the Air Force, subject to the approval of the Secretary of Defense, to carry out the purposes of the Air Engineering Development Center Act of 1949, Public Law 415, Eighty-first Congress, as amended, $25,000,000, to be available until expended, and, in addition thereto, the Secretary of the Air Force is authorized to enter into contracts for the purposes of H. R. 9612, or S. 4118, in an amount not to exceed $32,500,000."

Senate amendment No. 102: Page 51, line 19, insert the following:

"SEC. 107. Appropriations available during the fiscal years 1950 and 1951 for the pay and allowances of midshipmen appointed under paragraph (b) of section 3 of the act of August 13, 1946 (60 Stat. 1058), as amended (34 U. S. C. 1020b), shall be available for a 50 per centum increase of the pay of such midshipmen while in flight training or on other flight duty."

Senate amendment No. 103: Page 52, line 1, insert the following:

"SEC. 108. Funds appropriated under the head 'Civil engineering' in this, or any other Act, for the fiscal year 1951 shall be available in an amount not to exceed $3,000,000 for the purchase of passenger motor vehicles for additional as well as for replacement, requirements;".

Mr. CANNON. Mr. Speaker, I move that the House recede and concur in the Senate amendments.

The Clerk read as follows:

Mr. CANNON moves that the House recede from is disagreement to the amendments of the Senate numbered 14, 15, 16, 45, 48, 51, 52, 56, 69, 74, 75, 82, 83, 88, 97, 99, 102, 103, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 9: Page 4, strike out lines 16 to 19, inclusive, and insert:

"For all expenses necessary to continue a system of nurseries and nursery schools for the day care of school-age and under-school-age children in the District of Columbia through June 30, 1951, including personal services, $100,000."

Mr. NORRELL. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. NORRELL moves that the House recede from its disagreement to the amendment of the Senate No. 9, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

"For all expenses necessary to liquidate the system of nurseries and nursery schools for the day care of school age and under school age children in the District of Columbia by December 31, 1950, including personal services, $50,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: Page 11, line 21, insert:

"IMMIGRATION AND NATURALIZATION SERVICE

"Notwithstanding the provisions of any law or any order, regulation, or agreement made or issued thereunder, any alien employed in the United States in 1949 pursuant to an agricultural labor contract made under the authority of the ninth proviso of section 3 of the Immigration Act of 1917, as amended, shall for purposes of such contract or any bond or agreement made by the employer of such alien in connection therewith be presumed, in the absence of evidence to the contrary, to have left the United States in accordance with the terms of such contract on or prior to March 31, 1950."

Mr. NORRELL. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. NORRELL. I yield to the gentleman from New York.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman explain the motion he has made?

Mr. NORRELL. Mr. Speaker, this is an amendment that was included by the Senate. However, as I understand it, this question has been considered by the Agricultural Committee of the House. The amendment involves a number of bonds executed by the farmers to laborers from Mexico regarding the harvesting of last year's crop. One of the requirements of the bonds was that the farmers would return the laborers to Mexico when their contract had been fully executed. Among other things the bonds provided for the return of the Mexicans to their country, covering the expenses of the laborer back to Mexico not to exceed, I believe, $25.

The farmers last year were in great need of additional agricultural labor. The local labor was all used; it was all exhausted; they had none left, and they had additional crops to be harvested, otherwise they would have ruined. So, they arranged to execute these bonds and import Mexican labor with the provision in the contract that when the contract was fully executed they, the farmers, would technically see to it that the Mexicans were returned to their country. Now, the work was done; the wages were paid; everything as I understand it was done that was supposed to have been done under the bonds, except this one thing. A large number of the Mexicans, when they got their last pay check, decided they wanted to go home. The farmer had no way of detaining them. They had no way of corralling them and making them stay. They were free; they were in the great land of the United States, and under our system of government they were recognized as Mexican nationals. They were treated decently. They simply decided to go back home, many of them; in fact, I think most of them. Now, going back to their own country was not in strict technical compliance with the regulations of the Immigration and Naturalization Service. They should have been reported to the authorities at the Mexican border and complied with the required procedure. This is the only legal way of showing their return to their Nation. The bonds required that this procedure would be followed. However, many of the farmers who used this Mexican labor have written letters to many of these workers who returned to Mexico. The letters were written to them at their Mexico address. They were registered. Return receipts were requested. The return receipts have been received from many of them, and we know they have gone back to Mexico. But, Mr. Speaker, that was not in full compliance, with requirements of the Immigration Service, because when they entered their country they were supposed to be checked with the Immigration Service at Laredo. And, after going through this technical procedure, the bonds on these laborers would have been released or canceled.

The only thing this amendment does is to say: Now, then, these farmers in Texas and Arkansas and other States, whose Mexican labor had gone back to Mexico, you are not going to have to pay this bond to guarantee that they return because they are already there. But, if any are found anywhere in this country the Immigration Service under the bonds would call on the farmers to pay the amount due, and that relationship is not in any way changed. The only thing this amendment does is to relieve the farmers from the payment of the bonds when the Mexican nationals have gone back to Mexico.

Mr. ROONEY. Mr. Speaker, will the distinguished gentleman yield?

Mr. NORRELL. I yield to the gentleman from New York.

Mr. ROONEY. Mr. Speaker, I am unalterably opposed to this amendment which is solely legislation on an appropriation bill, has nothing to do with appropriations, and which was ill-advisedly inserted in the bill on the floor of the other body. I opposed as vigorously as I could the adoption of this language during the meetings of the conferees on this supplemental appropriation bill and I today refused to make the motion now made by my good friend the gentleman from Arkansas [Mr. NORRELL] that the House recede and concur in this Senate language.

I say to you that you might just as well do away with and abolish the bond which is presently, and for some time has been, in existence to guarantee the maintenance of status and the departure of these alien agricultural workers. The adoption of the language proposed by the gentleman from Arkansas would strike a veritable blow at American labor. It would be a renewal of the status and situation that existed before provisions were wisely made by this Congress to assure the decency, as human beings, of the persons who come across the Mexican border and work on our farms. I repeat, I am opposed to this amendment and I shall vote against it.

Mr. NORRELL. In connection with what the gentleman from New York has said, summing it all up in three or four words, this amendment means, Do you want the farmer to pay $25 to send Mexican labor back to Mexico, when he has already returned—actually is in Mexico now? I admire the gentleman from New York, JOHN ROONEY, but I differ with him on this matter, and I hope the amendment will be adopted.

Mr. ROONEY. If this language were to be adopted, the United States Treasury would not derive the substantial revenues it is entitled to as the result

of forfeiture of these bonds. This is strictly legislation on an appropriation bill. In this matter the other body has usurped the prerogatives of the House Legislative Committee, the Committee on the Judiciary, and its Subcommittee on Immigration and Naturalization. Legislation is every once in awhile inserted in a bill by the Appropriations Committee in order to save money for the taxpayers, but in this instance it is inserted in order to disburse some of the taxpayers' money which would rightly inure to the Treasury of the United States as the result of the violation of the conditions of these bonds.

I should advise the House that Mr. George D. Reilly, member of the legislative committee of the American Federation of Labor, telephoned my office this morning and stated that they were in receipt of a wire from William Green, their president, who is at the A. F. of L. convention in Houston, bitterly opposing this amendment.

I trust the House will vote down the pending motion to recede and concur so that we may further insist in our disagreement with the other body on this legislative amendment.

Mr. NORRELL. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, these people brought in laborers through the State Department to work on their farms. At the time they brought them in, they signed an undertaking with the Government, subject to a penalty on an average of $25 a head, that they would pay the expenses of getting these people back to Mexico.

I can see no reason why the United States Government should suffer a loss on this. Some of the workers ran away from the farms where they were left, and the farmers as a result cannot deliver them back. I do not see why we should pass any bill releasing them from any such amount of penalty as that, when we brought the workers over here for the purpose of helping out these same farmers. That is a little bit beyond me to understand.

Mr. ROONEY. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. ROONEY. Is not the pending amendment really in the nature of a private relief bill for the relief and benefit of all those who executed these bonds in favor of the United States Government?

Mr. TABER. All except the last part of the gentleman's statement is true. It is in favor of those people who have signed the bond.

Mr. ROONEY. That is exactly what I claim.

Mr. WIGGLESWORTH. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. WIGGLESWORTH. Is it not also true that if this temporary labor remains in this country indefinitely it will be unfair to American labor?

Mr. TABER. That is correct. We have no right to keep these people here forever. We made an agreement with them, with the Government of Mexico, to send them back and why we should at this time throw that agreement overboard and try to release these people for whose benefit this thing has been done, from their liability under the bond, if the liability should arise, is beyond me.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. CRAWFORD. The week before last, while I was visiting on a farm in my district in Saginaw County, six of these migratory workers were delivered to that farm one evening about 6 o'clock. I was there the next day at noon. Four of those workers slipped out under cover of darkness and left word with the two workers remaining that they were leaving for New Jersey. Now is it the proposal to make the Michigan farmer pay $100 premium on the four men who flew away from his farm and supposedly went to New Jersey? If so, I personally do not see any justice in making that farmer pay that money.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. MICHENER. What kind of bonds are given here? Are they surety bonds?

Mr. TABER. No, they are bonds signed by individuals. The individual is the one who is liable. It is not a surety bond.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. WHITTEN. I would like to answer the question raised by the gentleman from Michigan [Mr. CRAWFORD]. The bond would be forfeited. That is what the law provides now. This amendment would relieve him from forfeiting that bond. Your Michigan farmer would have to pay $25 unless he went and arrested these employees and held them and turned them over to the immigration authorities. If he did that, then he would be indicted and convicted of peonage. That is the reason for this language in this bill. The farmer is helpless to protect himself. The State Department needs to work out a better system than we have now.

Mr. TABER. Of course no one would be arrested for peonage. The fact of the matter is that where anyone knows that a crime has been committed he has the right to arrest someone who he knows and has seen commit the crime. These people by running away and evading the obigation which they owe to the farmer are in the United States illegally and in violation of the immigration laws.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. NORRELL. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. PHILLIPS].

Mr. PHILLIPS of California. Mr. Speaker, if the Members of the House will listen to me carefully for about 3 minutes, I think I can explain what this argument is all about. It is very difficult for an eastern farmer to understand the problems of a western farmer. Yet the easterner is very glad indeed to have the food each year which is supplied from the areas in which this labor is needed.

To me, this is more of a bookkeeping transaction than it is anything else. It has no reference, as the gentleman from New York [Mr. ROONEY] suggested upon the conditions of labor under which these men work. The alternative to an amendment like this every few years, would be to put men in some kind of a corps, or behind wire fences, because a certain small percentage, usually averaging 3 to 6 percent, skip out of labor which is brought into the country under contract and sent back to Mexico. Investigation has shown that a large number of them go back into Mexico. They simply do not report to the farmer when they leave, nor to the Immigration Service. It is up to the State Department, the Justice Department, to help work this out with the farmers. The farmer is not trying to avoid his bond. This has nothing to do with the basic question of whether you believe that this imported labor is necessary or not. It is simply a question of whether you want to carry over a small number of skips from the bookkeeping of last year into the bookkeeping of this year or next year.

I am decidedly in favor of this provision because it will save money in the Department of Justice, and it will in no way relate to whatever feelings you may have for or against the problem of using imported labor.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS of California. I yield.

Mr. RICH. What is this going to do with the Justice Department or the State Department in trying to see that eventually these people are captured and returned to their own countries, rather than to permit them to run around this country, whether they are Mexicans or some other foreigners, filling up this country with foreign people who have no right here and who probably will later on apply for citizenship? Can we not stop this?

Mr. PHILLIPS of California. This has nothing to do with that, because the Immigration Service, whether you vote this or not, is constantly trying to get these Mexicans, in our case, and other nationals in other cases, returned to their own countries, and as long as we supply the money for that Service it will continue to carry out its duties.

The SPEAKER. The time of the gentleman from California has expired.

Mr. NORRELL. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. PACE].

Mr. PACE. Mr. Speaker, the only reason I am imposing on your time is that I appear on behalf of the Committee on Agriculture. It happens that our committee went into this question some weeks ago rather fully. We had the State Department and the farmers before the committee. As a result, the committee set up a special subcommittee. The chairman asked me to act as chairman. We are going into the territory where this type of labor is used. I hope we will be able to consult with the Mexican Government and clear up this question.

I would like to tell the story, and I hope that you will understand it.

A California farmer or a New Jersey farmer or an Arkansas farmer is in a critical situation. His crops are being destroyed and he needs some help and he is unable to get it. The Mexican Gov-

ernment and the United States Government have an arrangement. The Mexican Government sends in, and the Immigration Service accepts, so many thousand Mexican workers to come in here every year. As a condition of that employment they now make the employer—not the Mexican—they make the employer give a bond for $25, guaranteeing the return of that Mexican worker to Mexico. The testimony before the committee was that the farmers came in and said: "We have asked to make the worker a party to it. They make us give give a bond. A man comes to our farm and we are required to provide adequate housing and to pay the prevailing wage, but we have no control over him. We cannot lock him up at night. If we did, we could be indicted for peonage. We cannot stop him if he wants to walk away, yet they make us give a bond of $25 for a person over whom we have no control, by which we are expected to guarantee to deliver him to the Mexican border."

They say, "We have asked the State Department and Immigration Service: Why do you not let us hold $25 out of the man's pay? We will give it to him when he leaves the country; we will insure accountability; let us make him a party and let us keep $25 or $50 out of his pay and if necessary turn it over to the Immigration Service and let it be delivered to the Mexican worker when he reports at the point of exit from the United States." "Oh, no! We cannot do that." Fortunately, we now have a man at the head of this Service there in the State Department who appeared before our committee; and if you will read the hearings you will see where he testified that the arrangement we have now is unsatisfactory and that he intends to devote his time to bringing about a correction of it. Our committee is working for that and we intend to keep on working for it. We hope to confer with the Mexican authorities. I for one would never approve of the arrangement we have whereby a worker could come to a farm and be free to leave when he pleases, yet saddle the farmer with responsibility for his appearance at a certain time and certain place but give him no control over the man.

I am told that although the Mexicans return voluntarily in the overwhelming majority of cases when these bonds are sought to be forfeited the Mexicans are back home, for they have sent letters down there to be signed by the addressee only and they were signed. At the time they want to forfeit the bond the Mexican is back home. Why should we exact the $25 per head guaranty from the farmer when the Mexican is already delivered of his own motion? Our committee went into it. The testimony is that all the conditions that have been required as to wages and all the conditions that have been required as to housing accommodations have been met. They are not always good, they are not the best, I admit that—this whole thing needs to be gone into, and I may say in passing, if she will pardon me, that the gentlewoman from California [Mrs. DOUGLAS], has been working on this problem and she is still working on it. I hope some sound, sensible program can be worked out to deal with this situation. I insist that under those conditions it is not right to hold the farmer responsible for a man's delivery back to a point yet give him absolutely no control over him, not even letting him hold back a little of his pay to be delivered to him when he returns to his country.

Our committee intends in October to go into this situation thoroughly and hold hearings in the West and Arkansas, Mississippi, Missouri, Tennessee. We will also go into New Mexico and Texas. I hope as a result of that investigation these things will be eliminated. I hope in its wisdom this House will approve this amendment and relieve these farmers.

Mr. GATHINGS. Mr. Speaker, will the gentleman yield?

Mr. PACE. I yield.

Mr. GATHINGS. I agree heartily in the remarks of the distinguished gentleman from Georgia who has been appointed the new chairman of the Migratory Labor Subcommittee of the Committee on Agriculture.

Mr. PACE. And the gentleman himself has been appointed a member of the subcommittee and is familiar with the matter.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. PACE. I yield.

Mr. MARCANTONIO. I cannot understand why legislation of this character should be brought in in a conference report on a supplemental appropriation bill. This is not the only piece of legislation brought in here.

Mr. PACE. Of course, I have no comment as to that feature of it.

Mr. NORRELL. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Speaker, what the gentleman from Georgia [Mr. PACE] has said with reference to this proposal is very accurate, and I am in agreement with his statement.

The amendment should be agreed to.

The question has been raised here about not getting American labor to do this work. This proposal began during the World War when it was not possible to get American labor to go out and do this kind of stoop work. I may say very frankly that I would prefer to employ American labor if we could get it. We cannot get it today, and I doubt very much if we shall be able to get American labor to go out and work in the fields to do this stoop labor. It is not only down through the South where Mexican and other foreign labor is employed. We also need them in the canning industry, in the canning of fruits and vegetables, and we need them in the production of sugar beets and in the general production of vegetables that go to market as fresh vegetables and also as fresh fruit.

If we had the American labor in this country, I would say: Let us keep the others out of the United States.

If the laboring men of our country want to pay higher prices for their food, all they have to do is to shut out this foreign labor and we will not get the food produced in the United States. Unfortunately, the situation is such that we must have stoop labor in order to do this work. If those who have spoken against this proposal are willing to have their people go out and do this kind of labor, that is all right with me, but I would like to see them do it.

We had a very unfortunate situation with the Government of Mexico in regard to bringing Mexican laborers into this country. The State Department has worked out a very stringent contract that is hard to comply with in reference to providing housing and other conditions that must be met. I felt at one time that we should cut off negotiations with Mexico and get our foreign stoop labor from Jamaica and some of the other areas.

Mr. WIGGLESWORTH. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Will the gentleman advise the committee as to the number of Mexican laborers brought into this country annually under this proposal?

Mr. AUGUST H. ANDRESEN. I cannot do that. Perhaps some of my colleagues can answer the gentleman's question.

Mr. GATHINGS. In 1949 there were 111,000 who came over here to do this work in the various fields of endeavor.

Mr. WIGGLESWORTH. In what year?

Mr. GATHINGS. In 1949.

Mr. PHILLIPS of California. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from California.

Mr. PHILLIPS of California. That is the maximum. They come in for a brief time, then go back. The largest number would be used immediately adjacent to the border and the same men come over every year. They live just across the line and come over to do this work.

I would like to dispel the idea that this is advantageous economically. It is more costly. However, American labor does not do this kind of work.

Mr. AUGUST H. ANDRESEN. May I ask the gentleman from California if he can secure American labor for this kind of work?

Mr. PHILLIPS of California. No; we cannot get this kind of worker unless we make the statement that American labor is unavailable. We are not permitted to use this labor if American labor is available.

Mr. AUGUST H. ANDRESEN. The man who employs these Mexican laborers cannot lock them up overnight or have a policeman looking after them all the time.

Mr. PHILLIPS of California. The statement has been made on the floor that the number of these men involved is 2,000,000. That is incorrect. The largest number would be in the neighborhood of 100,000 men for an entire season. That is from the peak of the season until it dies off later.

Mr. AUGUST H. ANDRESEN. I understand only 3 percent are those who have stayed in this country.

Mr. ROONEY. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from New York.

Mr. ROONEY. Is it not a fact that there are over 2,000,000 so-called wetbacks, Mexicans, that cross the border during the course of a year?

Mr. AUGUST H. ANDRESEN. This has nothing to do with wet-backs.

Mr. ROONEY. It certainly has quite a lot to do with the wet-backs. Without a bond you are inviting Mexicans to cross the border, 2,000,000 and many, many million more, to compete with American labor.

Mr. AUGUST H. ANDRESEN. I may say to the gentleman that maybe it would be a good thing if we could get wet-backs over here to do this work, then we will not have to go to all of this trouble in order to get the laborers to produce the food.

Mr. GATHINGS. I want to say that the farmer would not send his trucks down there to the Mexican border and agree to house them, keep them, pay the transportation cost and the medical expenses, unless he absolutely needed that labor and could not get it from any other source.

Mr. AUGUST H. ANDRESEN. That is correct. Furthermore, I will say to the gentleman that the Mexican Government makes our employers go halfway down to Mexico City or further to pick up this labor. They cannot get them along the border.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. I wonder what the gentleman would do with the wool-growing industry where you have to have experienced men in charge of your flocks and to handle your flocks on the grazing lands. You have a big investment in 2,000 sheep. When the local employees walk out on you, what are you going to do about it?

Mr. AUGUST H. ANDRESEN. I recognize you must have this kind of labor to take care of sheep.

Mr. WHITE of Idaho. That is a very fine remark, and I certainly appreciate the gentleman's suggestion.

Mr. NORRELL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, this amendment simply tries to do justice. The State Department and Immigration Service worked out an impracticable agreement with the farmers which required those farmers to make a $25 bond per worker to get this Mexican labor. Well, the bonds were made and the Mexican labor came over. There was a great demand last year for Mexican labor. Some neighboring farmer could come over to this Mexican group and say, "Now, I will give you 25 cents a hundred more, or so much more a day if you will come over and harvest my cotton or work for me." And, the Mexican laborer would say, "All right, I will go and work for you." There was nothing that the farmer who made the bond could do to protect himself. Workers would go from one place to the other. The only reason the farmer entered into such an impractical and unworkable agreement was that he was desperate for labor. That labor harvested much of our cotton crop. So, in view of the fact that the farmer has done all he could to deliver the man back to the Immigration Service, and having had no control over him, it seems to me that in justice, all we can do is pass this amendment so you will absolve him from further responsibility under the bond. No one should have expected him to make it in the first place, because he had no control over the laborer.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. I think the gentleman is entirely correct. I think it is very unjust to expect the farmer to become liable to the extent that he must pay when these men quit their employment, and certainly the farmer should be liable only to the extent that he should report immediately to the Immigration Service when these men disappear.

Mr. MAHON. They have done that. But, it is not a matter of leaving at night; they leave any time they want to if they get higher wages and the farmer has no chance to protect himself. This amendment, while it really does not belong in an appropriation bill, will take care of the situation.

Mr. NORRELL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Speaker, I am of the opinion that this is a matter of considerable importance. Nobody will deny that it is substantive legislation. It certainly has no place in this bill. The Committee on Appropriations, in my opinion, had no right to tackle this subject at all. The Committee on the Judiciary or the Committee on Agricultlure is the committee to have handled this matter. We will be in session again very shortly, and this matter should go to a legislative committee. This is legislation in effect covering many, many hundreds of persons who want private relief from statutory law. Now, we all know that bondsmen in cases before the court must come to Congress in order to get relief from any bond that is put up in a matter before the Federal court where the bond has been forfeited. Here we are giving private relief to a great number of bondsmen, and certainly the matter is of enough importance to go before a legislative committee. It affects, in my opinion, the immigration laws of this country, I think it would be very unwise to approve the motion. I trust the Members will really consider this from the proper standpoint. We ought to have some safeguards against those foreign laborers who come here, some of whom do not want to go back to their home country. That is what many, many thousands are going to do in the future if we pass this blanket relief measure today. It will be a precedent not easily set aside.

Mr. NORRELL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Speaker, I am not going to make any presentation here in behalf of trying to save $25 for some person in California or elsewhere because I do not think it is the thing for me to do under the circumstances in which this situation is being discussed. However, I do say this: We who are here functioning in legal concepts should take considerable thought when we saddle upon an American citizen an impossible situation, to wit, you ask the farmer to take charge of a body and then you put him in the penitentiary if he does not if our laws are applied. It does not look to me like good legislation.

Let me say to those who are protesting this proposal because of the possible results on our national economy, on my desk this morning was a report on the manpower available within the United States. It was supplied by one of our departments of Government. This report clearly indicates that insofar as the wartime requirements are concerned at present our ability to have agricultural help has reached a period of oblivion. We, in the West and the Midwest, who are using this system to get crops onto the market and produce them for the requirements that presently prevail have to have help from some source. If this Congress is going to quibble about jurisdiction over a proposal of this character, it is about time we folded up and went home.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. SHEPPARD. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Is it not true that if this amendment is agreed to substantially the same situation will obtain as did obtain prior to a year ago, when this bond was first required?

Mr. SHEPPARD. There is no question about it.

Mr. PHILLIPS of California. Mr. Speaker, will the gentleman yield?

Mr. SHEPPARD. I yield.

Mr. PHILLIPS of California. The gentleman from Pennsylvania [Mr. EBERHARTER] said this would encourage people to come in in the future. The fact is that this refers only to the past season, not even to the present season. This is the mopping up of the little cases they were unable to trace down and send back.

Mr. SHEPPARD. That is all this proposal does.

Mr. NORRELL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. DOUGLAS].

Mrs. DOUGLAS. Mr. Speaker, one of the Members, the gentleman from Georgia [Mr. PACE], I believe, referred to the fact that I have been interested in migrant labor in our State of California. I have been interested in migrant labor—not just Mexican migrant labor, may I point out, but American migrant labor. Last winter children died in the San Joaquin Valley from starvation—the children of American migrant workers.

Mexicans, under an agreement with the Mexican Government, were brought into the United States as agricultural workers during the war because we did not have the manpower to produce the food that was essential to win the war. After the war was over we continued to bring Mexicans to the United States as agricultural workers. Actually, when we look at the figures we see that more Mexicans have come in illegally than

legally. We continued to import foreign labor even when we had unemployment in the fields.

This whole question as to whether or not we ought to continue to import agricultural labor has been heatedly debated for the past 2 years. It is a very big question. It is a question that affects not only the farmers, it is a question that affects farm employees, American men and women, who earn their living working in the fields.

In California we have had unemployment in the fields. Children died last winter from malnutrition.

The President has appointed a commission to study all the facts relating to labor in the fields and to make recommendations in relation to the further importation of Mexican labor.

I do not believe the pending amendment should be added to an appropriation bill.

Mr. NORRELL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Speaker, I do not purport to be an authority in the field of migratory labor, but I do have a very keen recollection of the time not so long ago when the farmers of the South and West were so anxious to obtain this labor and were coming to the Congress and asking for help to obtain it from Mexico.

The Congress in effect, as I recall it, said: "Yes; we will be glad to help you to get Mexican labor, providing among other things, you sign a bond—a very small bond—to see to it that at the conclusion of the employment of any laborer that you hire, the laborer is returned across the border into Mexico."

The employers undertook that obligation freely. I am sure they were glad to undertake the obligation in order to have the benefit of the migratory labor from Mexico.

Now it is suggested that the present system is not practical, that it is not working fairly and that in place of the required bond it would be preferable to allow the employer to withhold part of the worker's pay as a guaranty of his return to Mexico.

There may be some better plan than that which is now in effect on the statute books, but if we agree to the motion now pending and the House recedes and concurs, the presumption will be that every migratory worker—every one of the hundreds of thousands of workers—who have come across the border from Mexico has returned to Mexico, in the absence of definite evidence to the contrary.

I think that is going altogether too far. I think it is unfair to American labor.

I think, as a previous speaker has suggested, that if there are any changes to be made in the present law, they ought to be made after consideration by a legislative committee and not in connection with this appropriation bill.

Mr. GATHINGS. Mr. Speaker, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. GATHINGS. The gentleman stated something about the hundreds of thousands of Mexicans at large in this country. I just want to say to the gentleman that there are only 10,000 of them that have been unaccounted for and have not gone back across the border through the regular channels of the Immigration Service. It is believed that 9,000 out of the 10,000 are back home with their families.

Mr. WIGGLESWORTH. If they are in fact back home, it would seem to be a very simple matter to establish the fact. I referred to the number of migratory laborers who have come across the border into this country.

Mr. GATHINGS. In every instance, every time the Immigration Service has apprehended one of these Mexican nationals, and have carried them back down there, the farmer has paid the cost of that transportation.

Mr. WIGGLESWORTH. I think the employers who signed the bonds ought to honor them.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. NORRELL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, I am certainly in favor of this amendment. I would like to ask the Members of the House where they think the farmers are going to get workers in the next 5 to 10 years to produce the foods, fats, and fibers needed in the United States? We are raising an army. You go out in the farm districts of the central West, and the Rocky Mountain region, and the Southwest and Southern States today and show me any supply of labor that you can depend upon. You will have to bring them in from old Mexico and from Jamaica, and from the British West Indies and from Puerto Rico, and from any other place that you can find farm workers, if you can get them at all. There is no reason why the farmer should have to pay what the amendment would cancel out. If the national has returned across the border into old Mexico, then there is no justice in our forcing the farmers to pay such a bond if a man has been returned; why is it so utterly impossible for an agricultural operator to get consideration in matters of this kind in the face of the fact that this Congress and previous Congresses have marched down the line and given labor their power under various collective bargaining agreements which pushes the price of manufactured products, which the farmer has to pay, higher and higher and higher? If you want him to support the economy, let the farmer live also. I do not have anything against organized labor or against any other group of our people, but I insist if you are going to do everything in the name of organized labor, if you are going to support your economy, once in a while you will have to think a little bit about the man who runs the farm and tills the soil of the United States, and the wage he is to get for his work.

I am for the amendment and hope it is adopted.

The SPEAKER. The time of the gentleman from Michigan [Mr. CRAWFORD] has expired.

Mr. NORRELL. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I hope the Members will listen to me for just a moment so that I will have a chance to call attention to some facts in regard to the pending motion.

For many years we have had some Mexican laborers come into this country to assist in gathering our crops during peak seasons. Up until this past year they have worked that matter out on a different basis from that which prevailed last year. For last year the State Department required this bond. The Congress did not pass any law requiring this identical bond, but the State Department, in trying to work it out, worked out this bond. I want to call attention to the fact that the bond requires the farmer to turn these Mexican nationals back over to the immigration authorities else he forfeits $25. The farmer has no right to arrest such Mexican or to hold him or to take him, and if the man runs away the farmer is helpless to go and get him because he will not work or runs off home.

Let us see what this amendment does. The amendment does not free the farmer from paying the $25. It provides that "in the absence of any evidence to the contrary, it is presumed the man has gone back home." Under the amendment if there is any proof or rather any evidence that the Mexican national is not back home, the farmer would still pay the bond. But the State Department, in the exercise of its discretion and judgment, has held to a rather hard and fast rule. They have even held that the farmer had to pay the $25 bond, although the farmer had written a letter to the man at his old home in Mexico and the man had received it and the farmer had got his return receipt. But they held even then that the farmer had to pay the bond. That policy is too harsh and is unfair. So it was that this amendment was written, which says this, that in the absence of any evidence—not conclusive evidence, but in the absence of any evidence—if the man ran off and is gone, it is presumed that he went back home. If there is any evidence to the contrary, you can proceed with the collection of this bond.

Now, here is the one further fact you should consider: True it is, that if there is work to be done in this United States, we want American people to have the right to do it first. I tell you however that in the section I know of local labor will have the right to do the work first because if you have ever farmed and have had to go through the State Department and sign these contracts guaranteeing the type of houses, guaranteeing everything under the sun that they require, you would put up with even very trifling labor before you would go through that red tape to obtain Mexican workers. But we are in war. I just attended a meeting of the cotton people, where the demands of this Government for cotton production for next year were submitted. They are almost unbelievable. We cannot meet the Government's demands in that field or many other fields unless we use all the American labor available and such other as we may be able to get on the right kind of terms and conditions. If you will approve the pending motion. I believe

the Immigration Service will work out a sound program for the use of this labor this year. The system calling for this type of bond is impractical.

Mr. NORRELL. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas [Mr. NORRELL].

The question was taken; and on a division (demanded by Mr. ROONEY) there were: ayes 81; noes 34.

Mr. ROONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken and there were—yeas 160, nays 172, not voting 97, as follows:

[Roll No. 281]

YEAS—160

Abbitt	Elliott	Murray, Wis.
Abernethy	Engle, Calif.	Norblad
Albert	Evins	Norrell
Allen, Calif.	Fisher	O'Hara, Minn.
Andersen, H. Carl	Frazier	Pace
	Fugate	Passman
Andresen, August H.	Gathings	Patman
	Gore	Peterson
Andrews	Gossett	Phillips, Calif.
Arends	Grant	Phillips, Tenn.
Aspinall	Gross	Pickett
Barden	Guill	Preston
Battle	Hagen	Priest
Beall	Halleck	Rankin
Beckworth	Harden	Rees
Bentsen	Hare	Regan
Blackney	Harris	Richards
Boggs, La.	Harvey	Riehlman
Bonner	Hays, Ark.	Rivers
Boykin	Herlong	Robeson
Bramblett	Hobbs	Rogers, Fla.
Brooks	Hoeven	Sanborn
Brown, Ga.	Holmes	Scrivner
Brown, Ohio	Hope	Scudder
Bryson	Horan	Sheppard
Burdick	Hull	Sikes
Burleson	Jackson, Calif.	Simpson, Ill.
Byrnes, Wis.	Jackson, Wash.	Sims
Camp	Jenison	Smathers
Cannon	Jensen	Smith, Kans.
Carlyle	Johnson	Smith, Va.
Chatham	Jones, Ala.	Smith, Wis.
Chelf	Jones, Mo.	Steed
Chiperfield	Jones, N. C.	Stigler
Cole, Kans.	Judd	Stockman
Colmer	Kilday	Tackett
Combs	Kruse	Talle
Cooper	Lanham	Teague
Cox	LeCompte	Thomas
Crawford	Lovre	Thompson
Cunningham	McDonough	Tollefson
Curtis	McMillan, S. C.	Trimble
Dague	Mahon	Velde
Davies, N. Y.	Mansfield	Wheeler
Davis, Ga.	Marsalis	White, Calif.
Davis, Tenn.	Marshall	Whitten
Davis, Wis.	Mason	Whittington
Deane	Miles	Wickersham
DeGraffenried	Miller, Nebr.	Williams
D'Ewart	Mills	Wilson, Ind.
Dolliver	Mitchell	Wilson, Okla.
Doughton	Monroney	Wilson, Tex.
Durham	Morris	Winstead
Eaton	Murdock	Wolcott

NAYS—172

Addonizio	Bolling	Carroll
Auchincloss	Bolton, Md.	Case, N. J.
Bailey	Bolton, Ohio	Cavalcante
Baring	Brehm	Celler
Barrett, Pa.	Buchanan	Chesney
Bates, Mass.	Buckley, Ill.	Chudoff
Bennett, Fla.	Burke	Clemente
Bennett, Mich.	Burnside	Clevenger
Biemiller	Burton	Cole, N. Y.
Bishop	Byrne, N. Y.	Corbett
Blatnik	Canfield	Cotton
Boggs, Del.	Carnahan	Crook
Davenport	Karsten	Price
Delaney	Kean	Rabaut
Denton	Kearney	Ramsay
Dondero	Kearns	Reed, N. Y.
Donohue	Keating	Rhodes
Douglas	Kee	Ribicoff
Eberharter	Kelley, Pa.	Rich
Elston	Kelly, N. Y.	Rodino
Fallon	Kennedy	Rogers, Mass.
Feighan	Keogh	Rooney
Fenton	Kilburn	Roosevelt
Flood	King	Sadlak
Fogarty	Kirwan	St. George
Forand	Lane	Sasscer
Ford	Latham	Saylor
Gamble	Lind	Scott, Hardie
Garmatz	Linehan	Scott, Hugh D., Jr.
Gary	Lodge	
Gavin	McConnell	Secrest
Golden	McCulloch	Shafer
Goodwin	McGrath	Short
Gorski	McGregor	Simpson, Pa.
Graham	McGuire	Spence
Granahan	McKinnon	Staggers
Granger	McSweeney	Stanley
Green	Mack, Ill.	Stefan
Gwinn	Macy	Sullivan
Hale	Madden	Sutton
Hardy	Magee	Taber
Harrison	Marcantonio	Tauriello
Hart	Martin, Mass.	Taylor
Hays, Ohio	Merrow	Underwood
Hedrick	Michener	Wadsworth
Heffernan	Miller, Md.	Wagner
Herter	Morgan	Walsh
Heselton	Morton	Walter
Hoffman, Mich.	Multer	Weichel
Howell	Nelson	Welch
Huber	O'Brien, Ill.	White, Idaho
Irving	O'Hara, Ill.	Widnall
Jacobs	O'Neill	Wier
James	O'Sullivan	Wigglesworth
Javits	O'Toole	Wolverton
Jenkins	Patterson	Wood
Jennings	Polk	Yates
Karst	Powell	

NOT VOTING—97

Allen, Ill.	Hébert	Patten
Allen, La.	Heller	Perkins
Anderson, Calif.	Hill	Pfeifer, Joseph L.
Angell	Hinshaw	
Barrett, Wyo.	Hoffman, Ill.	Pfeiffer, William L.
Bates, Ky.	Holifield	
Bosone	Jonas	Philbin
Breen	Keefe	Plumley
Buckley, N. Y.	Kerr	Poage
Case, S. Dak.	Klein	Potter
Christopher	Kunkel	Poulson
Cooley	Larcade	Quinn
Coudert	LeFevre	Rains
Crosser	Lichtenwalter	Redden
Dawson	Lucas	Reed, Ill.
Dingell	Lyle	Sabath
Dollinger	Lynch	Sadowski
Doyle	McCarthy	Shelley
Ellsworth	McCormack	Smith, Ohio
Engel, Mich.	McMillen, Ill.	Thornberry
Fellows	Mack, Wash.	Towe
Fernandez	Martin, Iowa	Van Zandt
Fulton	Meyer	Vinson
Furcolo	Miller, Calif.	Vorys
Gillette	Morrison	Vursell
Gilmer	Moulder	Werdel
Gordon	Murphy	Whitaker
Gregory	Murray, Tenn.	Willis
Hall, Edwin Arthur	Nicholson	Withrow
	Nixon	Woodhouse
Hall, Leonard W.	Noland	Woodruff
	Norton	Young
Hand	O'Brien, Mich.	Zablocki
Havenner	O'Konski	

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Whitaker for, with Mr. Murphy against.

Mr. Bates of Kentucky for, with Mr. Heller against.

Mr. Gregory for, with Mr. Havenner against.

Mr. Hébert for, with Mr. Miller of California against.

Mr. Morrison for, with Mr. Shelley against.

Mr. Gilmer for, with Mr. Klein against.

Mr. Kerr for, with Mr. Holifield against.

Mr. Larcade for, with Mr. Buckley of New York against.

Mr. Rains for, with Mr. Dollinger against.

Mr. Redden for, with Mr. Philbin against.

Mr. Perkins for, with Mr. Gordon against.

Mr. Cooley for, with Mr. Moulder against.

Additional general pairs:

Mr. Sadowski with Mr. Van Zandt.

Mrs. Norton with Mr. Nicholson.

Mrs. Bosone with Mr. Allen of Illinois.

Mr. Lucas with Mr. Jonas.

Mr. McCarthy with Mr. Woodruff.

Mr. O'Brien of Michigan with Mr. Withrow.

Mr. Thornberry with Mr. Vursell.

Mr. Sabath with Mr. Reed of Illinois.

Mr. Patten with Mr. Poulson.

Mr. Furcolo with Mr. Case of South Dakota.

Mr. Brien with Mr. Angell.

Mr. Lyle with Mr. Ellsworth.

Mr. Doyle with Mr. Coudert.

Mr. McCormack with Mr. Fulton.

Mr. Vinson with Mr. Fellows.

Mrs. Woodhouse with Mr. Meyer.

Mr. Young with Mr. Nixon.

Mr. Zablocki with Mr. Martin of Iowa.

Mr. Noland with Mr. Mack of Washington.

Mr. Fernandez with Mr. Gillette.

Mr. Dingell with Mr. Hand.

Mr. Willis with Mr. Vorys.

Mr. Dawson with Mr. Potter.

Mr. Allen of Louisiana with Mr. Hoffman of Illinois.

Mr. UNDERWOOD changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. ROONEY. Mr. Speaker, I move that the House insist on its disagreement to the amendment of the Senate No. 24.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 25: Page 13, line 3, insert:

"LAND ACQUISITION, ADDITIONAL WASHINGTON AIRPORT

"For expenses for the acquisition of land, interests therein, and appurtenances thereto, for the site and appurtenant facilities, for an additional public airport within or in the vicinity of the District of Columbia, as authorized by Public Law 762 of the Eighty-first Congress, approved September 7, 1950, to remain available until expended, $2,150,000, of which not to exceed $250,000 shall be available for administrative expenses of the Civil Aeronautics Administration in connection therewith, including personal services in the District of Columbia, printing and binding and services as authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a)."

Mr. ROONEY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. ROONEY moves that the House recede from its disagreement to the amendment of the Senate numbered 25, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"LAND ACQUISITION, ADDITIONAL WASHINGTON AIRPORT

"For expenses for the acquisition of land, interests therein, and appurtenances thereto, for the site and appurtenant facilities, for an additional public airport within or in the vicinity of the District of Columbia, as authorized by Public Law 762 of the Eighty-first Congress, approved September 7, 1950, to remain available until expended, $1,000,000."

Mr. ROONEY. Mr. Speaker, in behalf of the managers on the part of the House, I offer this motion to recede and concur with an amendment, which would reduce the amount for acquisition of land for the additional Washington airport from $2,150,000 to $1,000,000.

Most all legislation is finally arrived at as the result of compromise.

In this particular instance, the majority of the conferees, for whom I now speak, conscientiously felt that $1,000,000 would be sufficient at this time to start the project of acquiring land for the additional Washington airport. As far as I am personally concerned I see no saving in this reduction as the full amount will eventually have to be paid.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from New York [Mr. ROONEY].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: Page 13, line 17, insert:

"NATIONAL BUREAU OF STANDARDS

"CONSTRUCTION OF LABORATORIES

"For an additional amount to carry out the purpose of the appropriation 'Construction of laboratories' provided in the General Appropriation Act, 1951, $1,900,000, to remain available until expended: *Provided*, That this additional appropriation shall be in lieu of the amount appropriated and of the contract authorization for construction of a guided missile laboratory contained in the aforementioned act: *Provided further*, That this appropriation shall be available for modification and improvements to existing buildings and facilities at Corona, Calif., and such other expenses as may be necessary in relocating the National Bureau of Standards guided missile laboratory: *Provided further*, That upon this property being declared surplus by the Department of the Navy and its transfer and use being approved by the General Services Administrator, the Department of Commerce shall take full legal title thereto without reimbursement therefor."

Mr. ROONEY. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment.

Mr. PHILLIPS of California. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. ROONEY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Speaker, I would like to call attention to what I consider a rather appealing factor involved in this proposal as it comes over from the Senate, and I would like in particular to address myself to those Members of the House who have been recognized as the economy bloc. At the inception of World War II the Navy requested appropriations for hospital facilities in California. There existed in California property that was very adaptable to their purposes. We of the Congress appropriated a total of $17,000,000-plus for the purpose of acquiring this property and converting it into a military hospital. In the early part of this year and due to the type of relinquishment orders emanating from the Secretary of Defense this particular property at Corona, Calif., was declared surplus to the requirements of the United States Navy. Shortly thereafter there appeared a request on the part of the Veterans' Administration for additional appropriations to construct a hospital in accordance with their plans of construction procedure they had in mind. Several Members, not all from California, called upon the Veterans' Administration to take advantage of the institution that was all ready to operate which had been paid for by taxpayers' funds. For some good reason I have never been able to ascertain, the Veterans' Administration rejected the opportunity to save the taxpayers of this country $17,000,000 plus, and are as far as I know at the moment continuing their plan to construct a new hospital some 42 or more miles from the present site of the Corona Hospital project. However, that is water over the dam so far as the situation seems to prevail at the moment.

There has been, as you know, provided in military requirements a large portion of electronic scientific investigation of laboratory character that is headed up in the National Bureau of Standards, and a large part of that electronics application has to do with guided missiles. We have on the west coast in Inyokern a project that is applying all of its effort to the development of long-range guided missile operations, and today you have millions of dollars invested in that operation. You have another operation at Point Mague, Calif., dealing with the shorter range factors of the same function. The Bureau of Standards operation would take place if this paragraph were permitted to remain in the bill within the mileage range of 62 miles plus from Inyokern and about 62 miles from Point Mague. We are confronted with a situation of saving some money, and I call this specifically to the attention of my friends on the committee and Members of the House. When you talk about economy, are you willing to practice it when everything is handmade to accomplish that purpose? We have here a department of government that already has under this proposal $1,900,000 to remain available until expended for the purpose of having the Bureau of Standards provide the wherewithal and structures to perform its function and its laboratorial requirements; on the other hand, you have this taxpayers' monument that is presently costing $28,000 plus a month to remain in a standby status.

I want to say to my friends on the right-hand side of the aisle, do not expect me to go back to California and try to defend the kind of an operation that causes unnecessary expense because I cannot and will not do it.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. SHEPPARD. I yield to the gentleman from Missouri.

Mr. SHORT. I want to take this opportunity to tell the Members of the House that the gentleman from California [Mr. SHEPPARD], who is chairman of the Subcommittee on Appropriations for the Armed Services, has done a magnificent job, has always been open-minded, sympathetic, considerate, and kind to any of our claims.

Now in just about 7½ minutes we are going to meet over in the office of our distinguished chairman of the Armed Services Committee with the Secretary of War. This is not a clandestine meeting, although it is secret. I want the world to know that we are going to meet in there and we are going to consider this hospital situation. It is simply desperate. Without revealing any secrets I can say that the Air Force has only about one-third of its requirements, the Army has only 40 percent of its requirements, the Navy can pretty well take care of itself for the next few weeks unless it is called upon to furnish beds for others. This is something I am announcing now because every Member of the House on both sides of the aisle is going to hear a lot about it.

In closing I want to thank the gentleman from California [Mr. SHEPPARD], who has always fought in season and out of season for the rights and benefits that our veterans deserve.

The SPEAKER. The time of the gentleman from California has expired.

Mr. ROONEY. Mr. Speaker, I yield the distinguished gentleman from California three additional minutes. Mr. Speaker, will the gentleman yield to me?

Mr. SHEPPARD. I yield to the gentleman from New York.

Mr. ROONEY. Mr. Speaker, I must compliment the gentleman from Missouri [Mr. SHORT] for the contribution he has made to this debate. He has just made the most convincing statement possible on behalf of the position taken by the House conferees with regard to this item, which I shall shortly explain in detail.

Mr. SHORT. Mr. Speaker, I do not want to trespass upon your time because I must leave shortly, but, Mr. Speaker, every single one of you who represent from 280,000 to 500,000 people is going to be confronted with this proposition. May I say, Mr. Speaker, that our casualties are far greater than most Members or the American people know. Again I want to thank the gentleman from California, HARRY SHEPPARD, who is in season and out of season, in Congress and out of Congress, seeing to it that we have adequate facilities. That is all I have to say.

Mr. SHEPPARD. I thank the gentleman from Missouri. I appreciate the courtesy he had shown me. However, I am not the chairman of the Armed Services Appropriations Committee. I have the distinction of being its vice chairman.

Mr. SHORT. The gentleman is a powerhouse.

Mr. SHEPPARD. I was chairman of the committee, with the acquiescence of this Congress, that appropriated the funds in the original $17,000,000 to buy the Corona hospital. And I say this to my friend the gentleman from Missouri [Mr. SHORT], I want it understood that I am not in any manner attempting to take away from the military its hospital requirements, and if you at this time are prepared to tell me that you and your committee are going to see that this $17,000,000 of expenditure is going to be used, I will back away from this issue. But, in the absence of an assurance, do not expect me to go out west ar any other place and try to justify this institution standing idle. I expect common sense to prevail to the extent this property is used by some department of Government especially for a hospital if demands justify its use for that purpose.

Mr. ROONEY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. PHILLIPS].

Mr. PHILLIPS of California. Mr. Speaker, this is a very simple proposition. This property has cost the United States Government some 15 or 17 million dollars. It is not in use. It was used for a hospital, but it was not originally intended for a hospital. It is adapted to the use needed by the Bureau of Standards for war experiments. By this change of language, which appropriates no additional money, you tell the Department of Commerce to save the money which it would otherwise spend on duplicate buildings for the Bureau of Standards. You say it shall use buildings that are already owned by the Government. There is an immediate saving, Mr. Speaker, of at least $1,300,000 and all the subsequent savings which would come with the additions which the Bureau would request in the future.

The final sentence of the wording in the supplementary bill says that it must be approved by the General Services Administration, and if GSA believes it would be better used for some other purpose, it would not be approved for this. No additional money is appropriated. There is a marked saving of money by an aye vote upon my preferential motion.

Mr. Speaker, I understand—this is perhaps just rumor—that the principal argument advanced against using the buildings for the Department of Commerce was that the United States Government might sell them for 15, 16, or 17 million dollars. Mr. Speaker, that is neither correct in fact nor is it correct in experience. We know that the United States Government does not sell buildings it had during war for what it paid for them. We know that it sells for a small price and it sells at a discount up to 90 percent for educational or health usage. An economy vote on this bill is a vote for the preferential motion to recede and concur.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS of California. I yield to the gentleman from New York.

Mr. KEATING. Under whose jurisdiction is this building?

Mr. PHILLIPS of California. It was just released by the Department of the Navy in order that the Department of Commerce, which had requested it, might have it. It is now in the process of being requested by the Department of Commerce, which has the authority to build a brand new building, but the Bureau of Standards would prefer to use the building which exists. This change of language in the bill now before us supports the request.

Mr. KEATING. If the General Services Administration felt that it was more necessary as a hospital than for this purpose, it could still be used for a hospital under the gentleman's preferential motion?

Mr. PHILLIPS of California. The gentleman is correct. If the General Services Administration felt that it was not desirable for this purpose, the final sentence of the wording in the bill says that the approval of the General Services Administration must be given.

Mr. KEATING. In other words, do I understand this proviso is discretionary and not mandatory so far as the General Services Administration is concerned?

Mr. PHILLIPS of California. My friend from New York is saying that that is not so, but I say it is so.

Mr. KEATING. Which friend from New York is the gentleman talking about?

Mr. PHILLIPS of California. The gentleman from New York [Mr. ROONEY]. I say that that is so and the wording so indicates in that sentence which says "Provided, further, that this property being declared surplus by the Department of the Navy and its use approved by the General Services Administration." That approval by the GSA is the stipulation to which the gentleman from New York [Mr. KEATING] refers. I say that it will be used for the best purposes, and that the economy program will be served by my motion.

Mr. ROONEY. Of course, the gentleman from California knows we are talking about a laboratory for the guided-missile program of the National Bureau of Standards?

Mr. PHILLIPS of California. And other war experiments.

Mr. ROONEY. And surely the gentleman from California realizes that when we set up such a laboratory we are not going to set it up to have them move out in 4 or 5 months?

Mr. PHILLIPS of California. I know we are setting it up for permanent experimental work for the Department of Commerce.

Mr. ROONEY. Will the gentleman now change the answer he made to the question of the gentleman from New York [Mr. KEATING]? I am gratified that the gentleman from California indicates that I am correct.

Mr. PHILLIPS of California. If the Department of Commerce gets it, with the approval of the Government Services Administration, to be used for that, I know we will save a year and a half of valuable time in the war crisis which exists today. If the House, or any committee, feels it should be reopened for hospital use, then I hope some action to that end will be taken immediately. Today we have a $17,000,000 property standing unused in California.

Mr. ROONEY. Mr. Speaker, I now yield myself 5 minutes.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. ROONEY. I shall gladly yield to the distinguished gentleman from New York.

Mr. TABER. I should like to have the gentleman develop, if he can, just what the present situation is with reference to this laboratory, as to whether or not the money has been appropriated, where, and how this thing would operate. It is rather in a jumble.

Mr. ROONEY. I may say to the gentleman from New York that that is exactly what I am now going to attempt to demonstrate.

The National Bureau of Standards is admittedly in need of a laboratory building for its guided-missile program. The Committee on Appropriations and the subcommittee of which I have the honor to be the chairman is thoroughly in accord with the necessity for that program and its objectives. At the time of consideration of the regular omnibus appropriation bill for fiscal year 1951, the National Bureau of Standards, with the approval of the administration and the Bureau of the Budget, asked the committee for $1,900,000 to construct such a laboratory. The committee gave it to them in toto, as did the House and Senate, and the omnibus appropriation bill has now become a public law. The National Bureau of Standards, therefore, has $1,900,000, the total amount they asked for, for the construction of a new laboratory for their exact purpose.

The gentleman from California [Mr. PHILLIPS] would have us on this day and under the circumstances recounted by the gentleman from Missouri [Mr. SHORT] turn over to the National Bureau of Standards a palatial hospital in which the Government has a capital investment of $13,000,000 and which is not fitted for this purpose at all. Are you going to move part of the equipment of the National Bureau of Standards here in the District of Columbia out to this beautiful former hotel at Corona, Calif., the cost of replacement of which is about $40,000,000, and which has an outdoor swimming pool with a grandstand and indoor marble baths? Are you going to move the National Bureau of Standards insofar as this one project, guided-missiles, is concerned, out to this palatial hotel hospital, which has an artificial lake, when all they need is a brand new building fitted for their purposes, which they can construct for $1,900,000, which money they already have?

Further, let me point out in connection with using this beautiful hospital building on the west coast, the floor load there is only 50 pounds a square foot, while the floor load presently used by the National Bureau of Standards here in Washington is at least 150 pounds a square foot.

The gentleman from California, for whom I have the highest respect, my distinguished friend [Mr. SHEPPARD], said that this was an opportunity to save the taxpayers of this country $17,000,000-plus. That is not the fact. I regret that I must differ with him, because I know how hard he has worked to get the Bureau of Standards to take over the Corona property.

You have a valuable property at Corona owned by the Government, which could be sold for far in excess of $1,900,000, for which amount you would have a new building erected specifically for a laboratory. Or, in line with the remarks of the gentleman from Missouri [Mr. SHORT], this property can immediately, and for only $400,000, be reactivated as a 1,000-bed military hospital. It is right on the west coast. It does not need to be converted into a hospital. It can be reactivated as a 1,000-bed hospital at a cost of only $400,000.

The present request to take over this palatial and valuable California property is the idea of Dr. Condon, the Director of the Bureau of Standards, and is not as far as I know the idea of the Bureau of the Budget or of the administration.

There has been no approval of this request, although the matter had been

pending for some time, by the Bureau of the Budget. Furthermore, prominent doctors have said that it is the finest tuberculosis hospital in the world, a hospital which under present world conditions and with the military action now taking place in the Pacific, can be reactivated at a cost of only $400,000.

I further want to point out to the House that the area of this property at Corona, Calif., is 715 acres, with approximately 1,500,000 square feet of floor space. About 500,000 square feet is for warehouse purposes. Of the remaining 1,000,000 square feet, only 100,000 square feet would be used for the guided-missile laboratory. The National Bureau of Standards proposes to hold the other 900,000 square feet for possible new facilities that the Bureau might need for other work and for possible setting up of duplicate facilities to those they now have. Inasmuch as it is located near the coast, decentralization value is doubtful.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

Mr. ROONEY. I yield.

Mr. GAVIN. I want to compliment the gentleman on his very fine statement. This morning we listened to the men who are in a position to know. And from what they tell us, this hospital situation is a critical one, and before we get through we will need every available hospital and every available hospital bed that we have. To make such a change now and convert this hospital, which would be available almost immediately for rehabilitation, and reactivation, into some sort of electronic laboratory would be a very drastic mistake. My friend the gentleman from Missouri, DEWEY SHORT, pointed out here a few moments ago that we are now going to assemble to discuss this hospital question. I want to state to the Members here that this situation is a serious one and under no circumstances should we tamper with this hospital, which can be made available for use any time the need may arise.

Mr. ROONEY. The gentleman is absolutely correct; I thank him.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. ROONEY. I yield.

Mr. RICH. I congratulate the gentleman, too, on his very fine statement, because if we are going to take care of the veterans in line with the legislation that the Congress has already passed and in view of the demands that are going to be made to build hospitals, we do not want to give up any hospitals that we may now have for any other purpose of government. Furthermore, if what the gentleman says is correct, we are going to be able to build the building for a great deal less than what this hospital cost.

Mr. ROONEY. Yes; the new laboratory building will only cost $1,900,000.

Mr. RICH. It is about time the Congress of the United States got a little common sense here and tried to economize. This is the place to economize.

Mr. ROONEY. I thank the gentleman for acknowledging my common sense.

Mr. PHILLIPS of California. Mr. Speaker, will the gentleman yield?

Mr. ROONEY. I yield.

Mr. PHILLIPS of California. The gentleman from New York knows that we do not resist the idea of a hospital. The gentleman from New York, however, should tell you, Mr. Speaker, that the departments to whom this has been offered as a hospital have turned it down as not being suitable for that purpose. It is more suitable for the purpose for which it is now proposed to be used. I want to ask the gentleman a question.

Mr. ROONEY. At this point may I say that the gentleman from California is again incorrect, because in the proposed agreement between the Navy Department and the National Bureau of Standards there is a recapture clause. The gentleman is familiar with that, is he not?

Mr. PHILLIPS of California. My question is this: You say that all that is involved is $1,900,000 on one side and the cost of this property on the other. The gentleman has been here a long time. Did he ever know any agency of Government to start out with only one building and then stop there? Has he not ever heard of them asking for more buildings and more buildings and more buildings? They would be available immediately, in this institution.

Mr. ROONEY. The gentleman well knows I am generally always suspicious of appropriations requests, and that I proceed on the premise that the department or agency must convince me as one Member of the House and of the Appropriations Committee that the amount they ask for is absolutely necessary. In this particular instance I am thoroughly convinced that we must as soon as possible have a guided-missile laboratory.

We have already given them the full amount requested for this purpose, $1,900,000. Let us have a new laboratory building built expressly for that purpose and not take over a palatial hotel, a $40,000,000 hotel, with swimming pool and grandstand and everything else, except a golf course.

Mr. Speaker, I now ask that the House vote down the motion of the gentleman from California to recede and concur, so that the House may further insist upon its disagreement with the other body insofar as this item is concerned.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ROONEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from California [Mr. PHILLIPS].

The question was taken; and on a division (demanded by Mr. PHILLIPS of California) there were—ayes 7, noes 84.

So the motion was rejected.

Mr. ROONEY. Mr. Speaker, I move the previous question on the motion to insist on the disagreement of the House to the Senate amendment.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from New York [Mr. ROONEY].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 27: Page 14, line 22, insert the following:

"SHIP CONSTRUCTION

"The appropriation and contract authority made available for 'Ship construction' by the General Appropriation Act, 1951, shall be available for the purchase or requisition of vessels under authority now or hereafter vested in the Secretary of Commerce."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: Page 18, line 10, insert the following:

"PROMOTION AND FURTHER DEVELOPMENT OF VOCATIONAL EDUCATION

"For an additional amount for carrying out the provisions of section 3 of the Vocational Education Act of 1946 (20 U. S. C. 15), section 4 of the Act of March 10, 1924 (20 U. S. C. 29), section 1 of the Act of March 3, 1931 (20 U. S. C. 30), and section 1 of the Act of March 18, 1950, Public Law 462, Eighty-first Congress, $3,457,240: *Provided*, That the apportionment to the States under the Vocational Education Act of 1946 shall be computed on the basis of not to exceed $23,267,00 for the current fiscal year."

Mr. FOGARTY. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 38: Page 18, line 22, insert the following:

"For an additional amount for 'Salaries and expenses,' Office of Education, $347,000: *Provided*, That this paragraph shall be effective only upon enactment into law of H. R. 7940, Eighty-first Congress."

Mr. FOGARTY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. FOGARTY moves that the House recede from its disagreement to the amendment of the Senate numbered 38, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$173,500."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: Page 19, line 1, insert the following:

"For an additional amount for 'Salaries and expenses', Office of Education, $665,000: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 2317, Eighty-first Congress."

Mr. FOGARTY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. FOGARTY moves that the House recede from its disagreement to the amendment of the Senate numbered 39, and concur therein with an amendment, as follows: In

lieu of the sum named in said amendment insert "$332,500."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: Page 19, line 5, insert the following:

"PAYMENTS TO SCHOOL DISTRICTS

"For payments to local educational agencies for the maintenance and operation of schools as authorized by law, $23,000,000: *Provided*, That this paragraph shall be effective only upon enactment into law of H. R. 7940, Eighty-first Congress."

Mr. FOGARTY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. FOGARTY moves that the House recede from its disagreement to the amendment of the Senate numbered 40, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$11,500,000."

Mr. BARDEN. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. BARDEN moves that the House recede and concur in Senate amendment No. 40.

Mr. FORAND. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Speaker, Senate amendment No. 40 deals with the $23,000,000 that was put in by the Senate to take care of payments to the school districts as provided in the bill H. R. 7940. There is a provision following in amendment No. 41 that appropriates money for construction purposes.

This item was not before the House when this appropriation bill was considered in the House; it was inserted in the Senate. The Committee on Education and Labor has been working on this bill for a good part of the year, and subcommittees went all over the country, as you have heard before, and as you understood when the bill was passed.

There is a certain amount of cost involved in this, and this bill includes money for the operation of some of the schools on military bases that heretofore have been paid for 100 percent by the military, the Army, the Navy, and the Air Corps. These branches of the military service want to get out of the school business, and that is why this bill was passed.

When it comes to fixing the amount, the Budget Bureau cut it lower than we thought it could be operated on, which was $23,000,000. We took into consideration the fact that it would not be very long before the first of the year and that the balance of the amount probably could be appropriated later in the year.

What the conference did was simply to take a pencil and divide the amount by 2.

How are you going to operate a school, how are you going to employ teachers, how are you going to pay salaries if you cannot guarantee the operation of the school any longer than January 1? I am not afraid of anybody accusing me of being wasteful of public funds, because I do not know of anybody in the House who has been more conservative in that field that I over a long period of years, but to me it is perfectly absurd and foolish to take an appropriation of this kind and think you can provide a logical and practical application by simply taking a pencil and dividing by 2 what all the facts showed was a minimum amount to begin with. If someone could give me some information as to why they did it, I might reason with them; but this takes care of the funds that were provided in the Wier bill; this takes care of the funds that have heretofore been furnished by the Navy and the Army at these base schools, together with taking care of the impacts that are being created by reactivation of these various fields, and so forth. The local communities have suffered terrific impacts.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. BAILEY. The gentleman might also state that it includes appropriations for additional school facilities caused by the Wherry Housing Act.

Mr. BARDEN. Of course that is part of this; yes. We must take care of these emergencies. A certain percentage of the rents on this Government housing should be set aside to take care of these impacts caused by the Government, and that was the purpose of the legislation that we brought to the floor of the House: To have the Government take its share of responsibility when it stepped into a locality.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. THOMAS. Perhaps it takes 30 to 40 days to prepare the proper estimate of $23,000,000. It is common knowledge that within the next 6 to 12 months many other Federal institutions in the way of plants and so forth will be opened up that were not taken into account when this item of $23,000,000 was prepared.

Instead of $11,500,000 doing the job, it looks like it is going to take nearer thirty to thirty-five million dollars to do the job during the coming fiscal year 1951.

Mr. BARDEN. The gentleman is right. We have trimmed the bill as close as you could trim it. We estimated it would take somewhere in the neighborhood of that. When the Senate put the $23,000,000 in, we were a bit skeptical of that taking care of the direct obligation and responsibilities. Then when they took 23,000,000 and divided it by 2, thereby stating that $11,000,000 will do it, Mr. Speaker, I say it will not do the job. We are just simply nullifying the act.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. FOGARTY. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I am sure there must be some misapprehensions and misunderstanding on the part of the esteemed Appropriations Committee about this matter of Federal aid to those schools which have had to have Federal assistance as a result of the impact upon them because of Federal installations in those respective communities.

In brief, here is the picture: During the war it was found that these communities where thousands of defense workers were brought in could not operate without Federal assistance. In many instances small communities, where the Government had large shipyards, munitions factories, and other defense establishments, had their population doubled, tripled, and even quadrupled. Local revenues were, therefore, totally inadequate for the operation and maintenance of these schools. In fact, the Government even built school buildings running into millions of dollars in order to house this overflow of school population. The Government, also, built thousands of housing units to house these workers, thereby taking valuable property off of the local tax rolls.

The result was the enactment of the Lanham Act, wherein a provision was made for supplementing the budgets of these overcrowded communities for the operation of the swollen school systems. I take some humble pride in the fact that I was instrumental in having that provision written into the Lanham Act.

After the cessation of hostilities, unfortunately, for the school systems, these defense workers did not move out of the communities, and, although the war was over, the children were still in these communities to be educated. Therefore, for the past several years we have had to fight each year on the floor of this House to get adequate assistance to carry on these schools. These appropriations have run around an average of $7,500,000 a year.

But this year the Committee on Education and Labor appropriately saw fit to make a study of the whole situation and to bring in legislation of a permanent nature which would meet the situation.

As a result of this study and its resulting findings that committee introduced and this Congress passed H. R. 7940. Under this bill, in addition to the schools to which I have referred and which have received their assistance through the Lanham and Wier Acts, all other communities with Federal installations, which have heretofore received their funds through the several Appropriations Subcommittees, were brought into the picture. These included such communities and activities as the Atomic Energy Commission schools in Tennessee and the Army and Navy installations throughout the country. In other words, under this bill, H. R. 7940, all of these schools needing Federal assistance to supplement their local budgets as a result of the impact upon the communities from Federal installations were pooled in the one bill. This was an appropriate action.

Now, let us see what has happened and what the Appropriations Committee has done. The following summary gives the picture:

SUMMARY OF REASONS WHY APPROPRIATION RECOMMENDED BY CONFEREES IS INSUFFICIENT

1. Estimate of need by House committee before expansion of defense activities, $32,000,000.

2. Appropriation request by President of $23,000,000 plus $4,900,000 transfer, making total of $27,900,000, which is a minimum.

3. Senate approved this amount.

4. Conferees cut $23,000,000 in half, leaving $11,500,000, plus $4,900,000 transfer.

5. Reasons this is insufficient:

A. H. R. 7940 adds 200 new districts seriously in need but ineligible under temporary legislation of the past few years.

B. Estimate of $32,000,000 made before Korean War.

C. Wherry housing program will place 40,000 to 50,000 new Federal housing units on Federal reservations this year. School district gets no income for most of this housing.

D. Great expansion in existing defense and war production areas.

E. Reactivation of other areas.

It will be observed, therefore, that the Appropriations Committee, in its commendable zeal to make some economies, has just arbitrarily cut the figure placed in the bill by the Senate of $23,000,000 in half.

I repeat that the committee's zeal for economy is commendable. And I believe, further, that no one in this House familiar with my record will charge me with a lack of desire to econmize wherever possible. But it is difficult for me to understand how the Congress can appropriate billions for national defense and for assistance to foreign countries in this fight against communism and at the same time penalize the children of this country by denying them an opportunity for an education. For I emphasize, Mr. Speaker, that if the amendment offered by the distinguished and conservative gentleman from North Carolina, the chairman of the House Labor and Education Committee, does not prevail most of these schools will have to close after about a 4-month term.

Again, Mr. Speaker, I point out that if the committee's action in cutting these funds to $11,500,000 stands, the schools, heretofore receiving assistance under the Lanham and Wier Acts, will receive practically nothing because it is obvious that the children at the Atomic Energy and the Army and Navy installations are not going to be permitted to go without proper educational facilities. In fact, according to the Government agencies' recommendation of $32,000,000 for the over-all program, the eleven and one-half million would not be sufficient to care for the needs of these new items brought in under the new bill. And it is obvious, therefore, that the schools heretofore receiving assistance under the Lanham and Wier Acts would be lucky if they got one million rather than the seven and one-half that they have heretofore been receiving.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from New York.

Mr. TABER. I am wondering if the gentleman could tell us what was paid out last year by our different departments for this purpose. I understand this year there is $4,900,000 in one place and there was in 1950 a total of $12,000,000, according to the justification submitted to the committee. Now, then, $4,900,000 plus the $11,000,000 would make approximately $16,000,000, which is more than the current year by quite a considerable amount.

Mr. COLMER. I do not know that I could answer the gentleman accurately or correctly under the circumstances here because I do not have those figures. However, I am informed that last year, for these additional units that I refer to, there was somewhere in the neighborhood of $17,500,000. Now, you bear in mind that in addition to that you have this Wherry housing bill which is for military installations. And, incidentally, all of these estimates were made prior to the Korean situation, so, therefore, you have a greater impact and a greater need for this school aid now than you had prior to the Korean situation.

Mr. Speaker, permit me to say to my colleagues that I think I know something about this problem, having wrestled with it through the past several years. In fact, this problem exists today in three separate communities in my district—Pascagoula, Biloxi, and Moss Point, Miss. And in this connection, Mr. Speaker, I desire to submit the following statement which was incorporated in the report of the Special Investigating Subcommittee of the Committee on Education and Labor with reference to my home town of Pascagoula. The statement, in brief, is as follows:

PASCAGOULA, MISS.

The Pascagoula rural separate school district is located in Jackson County, Miss., on the Gulf of Mexico. During the 1938–39 school year the population of the city was approximately 4,500 with a school enrollment of 920. On about February 1, 1939, the Ingalls Shipbuilding Corp. was established in Pascagoula for the purpose of building ships for the Maritime Commission. During the next 5 years the school enrollment increased to approximately 4,300 students, an increase of approximately 470 percent.

The 1940 census showed approximately 1,500 privately owned residential housing units in Pascagoula. Various agencies of the Government constructed some 5,200 housing units during the next 5 years. At the same time, much of the shipyard construction was built with Federal funds. The total result was a tremendously increased population living in federally owned, nontaxable housing, working at an industrial plant partially owned by the Federal Government and thus off the tax rolls.

The problem of financing the Pascagoula rural separate school district is just as serious today at it was during any of the war years, except that it is reduced in scope. There are currently 1,152 federally owned residential units available for renting. On October 1, 1949, 1,016 of these units were rented. The present schedule of the nontaxable Ingalls Corp. calls for the employment of hundreds of additional employees, with the result that the current school enrollment of 2,300 is expected to reach 2,800 by the end of the current school year. Presently, about 900, or approximately 40 percent, live in federally owned houses. Payments in lieu of taxes on this housing provide only approximately $18 per child to apply to their educational cost. This amount, together with all other funds payable from the State and other current sources because of the presence of these children in the school district, approximates $30 per child. With the estimated 1949–50 cost of $115 to $120 per child, this leaves approximately $90 per child for the school district to provide from local tax sources.

Both the local and State governments have made maximum efforts to provide funds for the operation of this school district. Maximum local levy for current operation is provided on assessed valuation, which has been increased approximately 350 percent. Current costs are maintained on a lower level than in other school systems of approximately the same size in the State. State aid has been increased 500 percent from approximately $12,000 in 1939 to $63,000 in 1949. Local tax collections have increased 400 percent from approximately $25,000 in 1939 to approximately $100,000 in 1949.

Facilities for housing the currently expanded school population were provided by the local district voting its legal limit in bonds and by construction of four other buildings with Federal funds. The 40 additional classrooms so provided and the existing facilities used on a double-shift basis (two sets of pupils per day in each room), have permitted a partially satisfactory educational program for these children. The half-day session (or double shift) was maintained in this district throughout the war period. Some children have gone through the first eight grades without having had the opportunity of a full-day schedule. Although beginning this year, half-day sessions were eliminated, the increasing enrollment will require half-day sessions again before the end of the current school year.

The financial problem in this school district is caused by a large housing project off the tax rolls, and by the exemption from local taxation of a substantial portion of the industry employing these people. This industrial establishment is operated by the Ingalls Shipbuilding Corp. on lease from the Maritime Commission. Exact figures on the value of these leased properties are not available but a conservative estimate indicates that if taxes were paid on these properties at the normal assessment rate, this income would go far toward solving the financial problem of this school district.

Under the conditions described above, it is impossible to finance a school program in Pascagoula without Federal aid. With a constantly shifting school population making school personnel needs uncertain, and with some 30 to 40 percent of the school budget dependent on the action of Congress on a year-to-year basis, experience shows that qualified teaching personnel is quite reluctant to accept positions under these circumstances. This coupled with the fact that local salary schedules are below those of competing school systems, creates a very difficult local situation.

In conclusion permit me to point out that this House overwhelmingly passed H. R. 7940 only a few months ago. There was little opposition to it. I do not believe that the House will now reverse itself by denying to these children, who they then found were entitled to these educational opportunities, this assistance which is so badly needed.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has again expired.

Mr. FOGARTY. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. STEED].

Mr. STEED. Mr. Speaker, I want to address my remarks not only to this amendment, but the one which follows it, since the two subjects are so closely related.

In the first place, I would like to go back and remind you Members of the House of this fact: These two bills, H. R. 7940, which provided for maintenance and operation, and S. 2317, which provided for buildings, were brought here on the floor of the House, as you remember, after two subcommittees, composed of 10 members of the Committee on Education and Labor, spent many months working on them. And you were told at that time that at least 9 of these 10 committeemen represented congressional districts which had none of these projects in them. So, we have been working

on something which did not directly concern us. We told you that we had prepared legislation which would clear up this situation in about 500 or 600 school districts throughout the States. You took our word on that because those bills were passed through the House without any dissenting votes.

With this action here, I just want to tell you this one thing: With the appropriations cut as the conferees have cut them you simply are not going to have the problem solved like we thought it was going to be when we passed the bills. You do not have enough money here to do the job that we told you we were trying to do.

Both these figures are absolute minimums. Unless this difference is restored, you might just as well go back to the school districts in your district and tell them that the help they expect and that they deserve will not be forthcoming because it will be impossible to get it.

I wanted to get myself off the hook with the Members of this House by explaining to you that what we told you we were trying to do when the bills authorizing this were passed has now been defeated because sufficient money to carry it out has not been provided here.

The proposition is simply this: In passing this legislation you have declared that the Government of the United States has a certain responsibility to the school districts when it creates a certain problem in those districts. That has been made the law by act of Congress. Here you are refusing to set up sufficient funds to carry out what the Government has said it owes as a responsibility to these school districts. The ones who are going to suffer if this matter is not corrected are these 300,000 school children who are trying to get an education in these five or six hundred affected districts. They are the ones who are going to pay the price if we fail here to keep faith and carry out, by making enough money available, the two bills we have already passed in this session of Congress and that were brought to you after all this work.

I thought you ought to know that. I thought that in defense of those of us who worked on the subcommittees and who came in here and made certain representations to you as to what we had worked out for these districts, I should say that this will not be done unless the money is here provided for it. I did not want any Members of the House coming to me afterward and jumping on me saying that the matter was not as we had represented it to be. The key to it is right here. Unless these two items are restored to the amounts asked by the Senate, your district is not going to get the help you thought it was going to get when you passed those bills.

Mr. FOGARTY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BURKE].

Mr. BURKE. Mr. Speaker, I had the good fortune to serve as chairman of one of the subcommittees that held hearings on this item. Our objective was to take this problem and draft legislation that would accomplish the purpose in two ways: First, we wanted to draft legislation that would meet the Federal responsibility adequately and fully, and secondly, we wanted to provide a standard, orderly way by which the Federal responsibility could be judged and paid for by the Federal Government.

Up until the subcommittee started work on this legislation the problem had been handled in a rather hodge-podge, hit-or-miss way. We wanted to gather together all phases of the problem and create a standard way by which the problem would be met. I think we have done that.

This amendment would cut to a figure below the amount the armed services are now spending or have been spending in the past for this purpose. Particularly at this time when the armed services are expanding, the morale problem that would be created by such a cut-back would cause a greater expense to our Federal Government than any savings that might be made in dollars and cents by the cut.

Mr. FOGARTY. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Speaker, I want to join those who have spoken in behalf of this measure. The committee reduction is taking money out of the educational funds for the children of those who are making a sacrifice in our national defense efforts. This cut deprives their children of the chance to get a decent schooling. You are seeing by this cut the Congress repudiate and hack up, after 2 years' study, its own bill to straighten out the tangled and difficult matter of carrying the Government's rightful share of the load which the Government owes to these war-impacted communities.

After we have straightened this out through the Committee on Education and Labor, we find on 2 minutes' notice that the Committee on Appropriations with a lead pencil undoes this work and cuts in half the amount which is the bare minimum for these schools to exist.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MONRONEY. I yield.

Mr. BROWN of Ohio. I am very grateful for the remarks that the gentleman is making on this very important legislation, because I have taken a great deal of interest in it. I know that the members of the special subcommittee of the House Committee on Education and Labor spent many months in making these studies and surveys. They appeared before the Committee on Rules and brought before our country incontrovertible evidence of the need for these funds. The only thing the Congress has done in passing these two authorization bills is to correct an injustice and to provide that the Federal Government meet its obligations to these local school districts and to the children of America. I hope the House will restore these cuts which have been made, in my opinion, without justification, in this appropriation bill.

Mr. MONRONEY. I thank the gentleman for his contribution.

Mr. Speaker, this very bill, while it appropriates almost $17,000,000,000 for national defense, short-changes the children of the people who are doing the most to give us a decent national defense. The men in the services and the men in the defense plants will feel the damage of this cut. It throws back the load on communities which are already overbonded and overtaxed and which have exceeded their tax limitations to educate children of these defense areas. It throws the burden back on those communities. All you can do is put the kids out of the school. Instead of cutting funds in half we must realize the load has been doubled. We all should realize that the defense needs and impacts on these 600 school districts will grow greater, and not less in the next year as our rearmament program is expanded. I ask that we adopt the amounts allowed by the Senate.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. FOGARTY. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. HAYS].

Mr. HAYS of Arkansas. Mr. Speaker, many of the things that I had planned to say have been said by previous speakers. It was, however, my honor to serve as chairman of the Committee of the Whole House on the State of the Union on the day that this provision for maintenance expense was passed upon. I heard every word of that debate. The gentleman from Oklahoma is correct. If we should fail to raise this appropriation in accordance with the motion of the gentleman from North Carolina, we will have reversed ourselves. The debate developed the fact that for the first time in the Eighty-first Congress the Committee on Education and Labor was completely unanimous in reporting a bill.

I want to make this point, Mr. Speaker, and if I am in error, I yield to anyone to correct me. If we fail to adopt the gentleman's motion, we will have failed to provide for the affected districts as that basic legislation authorizes. We will have reduced it by this action. On the other hand, if after this increase is voted it is found that the amount of money needed has been miscalculated by the gentleman from North Carolina [Mr. BARDEN] not one single dollar will be wasted. The ceiling is fixed and the formula is rigid.

The House of Representatives made no mistake in adopting that bill. You do not have to go back to your districts to find these critical situations. We read of them in the Washington newspapers and we can even observe the situations in Maryland and Virginia for example. I happen to know of situations where empty churches and dwellings are used because other buildings are not available. It is particularly important that we appropriate now the full fund because generally the schools are administered on an annual basis. They need to know now that the basic law will be lived up to.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HAYS of Arkansas. I yield.

Mr. BROWN of Ohio. I have in my possession a telegram received from school districts in the Wright-Patterson Air Base, not in my district but in other districts, to the effect that those schools will be compelled to close by Christmas if they are not given help. Right now

they are conducting schools in old abandoned busses, attempting to house the children. The Federal Government, the great rich American Government, can spend money all over the world and yet it is unable to meet its own obligation to the children in those areas. I say it is a crying shame.

Mr. HAYS of Arkansas. The gentleman is correct. We are spending at the rate of $85,000,000 each day on our defense program, and here we are, having to plead for an appropriation for a year which represents only 5 or 6 hours cost of the defense program.

Mr. HOLMES. Mr. Speaker, will the gentleman yield?

Mr. HAYS of Arkansas. I yield.

Mr. HOLMES. I fully agree with the sentiments expressed by the gentleman. The impact of these projects in certain areas is bringing on the terrific hardships and it is necessary that the Federal Government meet its obligation to many of these school districts.

Mr. HAYS of Arkansas. And it is the Federal Government's responsibility.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. FOGARTY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. RIVERS].

Mr. RIVERS. Mr. Speaker, I want to add my fairly meek voice, in this chamber of reverberation, to what has already been said. It is difficult for one of my make-up to follow such an array of people as have preceded me on this subject, but I want you to know that I am just as honest as you are and my problems are just as acute as are yours.

Where I come from we have a pretty tough proposition of schooling our children on our own. But when the Federal Government comes down there and superimposes upon us and upon our taxpaying districts a job which we cannot do, we think it is the Federal Government's obligation to correct that. We think it so strongly, and so does this House, that we passed two acts recently adopting the principle of making money available for this purpose, instead of coming here each year, hodgepodge, as we have, begging for money and fighting the Appropriations Committee.

Incidentally, in my district we have not only the largest naval base but we have a boot camp for the best police force in the world, the United States Marines.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I have got to yield.

Mr. RICH. If those Members who are talking about wanting this money appropriated for education would just stay on the floor, shortly we will have an opportunity to strike out $4,000,000,000 for aid to foreign countries and we might be doing something for the American boys and girls who are coming on.

Mr. RIVERS. And we will do something for your State if you will stick with us. We are glad to have you.

Now let me say this: The Congress has made permanent legislation, permanent authorization for this purpose. It is our duty to now make the money available. If we do not, the people in your district and in mine and the rest of the Nation will say, and will rightly say, that the Eighty-first Congress is the greatest bunch of hypocrites ever assembled under the name of the Constitution of the United States.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. FOGARTY. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. PRESTON].

Mr. PRESTON. Mr. Speaker, I would like to point out what I think is a typical example of the need for this money. It is not only typical but it is a glaring example as well.

In the district I represent the Federal Government owns 280,000 acres of land which was acquired in World War II. At the conclusion of World War II it maintained this land in an inactive status. This large body of land, the fourth largest purchase in the history of the United States, is adjacent to a town with a population of 1,500 people. The nearest city is 38 miles away. They have brought a thousand civilian employees into this camp. They have put 9,000 troops there, and are making preparation for a maximum of over 50,000. Here is this little town with a small schoolhouse faced with this proposition. They telephoned me and asked me: "What are you going to do about it?" I referred them to Mr. Cleveland Bailey's bill and told them what the Congress would do. I said: "You can borrow the money to keep the school operating; you can have faith in what Congress is going to do." Surely we are not going to break faith with them now.

Another factor in that situation: The commanding officer of the camp said, "You will need to have 15 additional teachers on the job." In all conscience we must keep faith with these people and provide the funds necessary.

This is not a dreamed-up figure that the Bureau of the Budget sent to Congress; it is based on the most careful calculation, based on evidence given to a subcommittee of the Committee on Education and Labor; it is a concrete figure; it is a firm figure. To recklessly cut it in half reflects on my own committee and shows indifference to the problem and not the intelligent approach to it that it deserves.

I hope we adopt these amendments and restore these funds to the bill as they should be.

Mr. FOGARTY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. WIER].

Mr. WIER. Mr. Speaker, if at any time in the past or the future I have taken or shall take this floor to make an appeal it has not been or cannot be more earnestly than I do at this moment. I took 2 months of my time when I should have gone home last fall to spend on this committee. I visited the State of Massachusetts; I visited Michigan, Ohio, Kentucky, Georgia, South Carolina, Virginia, and all through this eastern part of the country. The testimony we heard and the conditions we saw and the efforts of the educators to give over 300,000 children in these United States a decent education or at least some significant part of an education was tragic.

What we have is some 300,000 little kids in this country who are in need of this education, who have no schools at the present time to go to, or in most cases they have only part-time schools.

At this time I make this one plea for 300,000 children of this Nation as well as the educators who participate in the almost unbearable situation of trying to provide those kids with an education. I plead with this House to restore the funds inserted by the Senate so that some word of encouragement can go out to these 300,000 children and the educators who are struggling with the problem of training them.

Mr. CHELF. Mr. Speaker, will the gentleman yield?

Mr. WIER. I yield.

Mr. CHELF. I commend the committee and the gentlemen for the great effort and time they have put into the study of this problem, and the perseverance they have devoted to it. I hope the House will sustain the gentleman in his effort.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WIER. I yield.

Mr. RICH. Does not the gentleman think that it will be a lot better to aid these children in this way than to tax each one of them $25 for the item you have in this bill to arm these foreign countries? It would be a whole lot better, would it not?

Mr. WIER. No; I cannot agree with the gentleman.

Mr. FOGARTY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, I want to say just three things, if I may: To begin with, this is the first time I have ever seen in this House a subcommittee appointed as was this one, without a single man who had any interest in the subject matter for his own district. My hat is off to the committee and its members for the work they have done; it has been a wonderful job.

The second point is that so many of us from the South have supported this motion that I think the House should be assured that it is no case of sectionalism; it is simply a case of Uncle Sam's putting so many training centers and war industries in the salubrious climate and delightful temperatures of the South during the war, and this burden came to us inevitably.

The condition cited by the gentleman from Georgia [Mr. PRESTON] cannot compare with one case in my district, where in 1940 according to the last census we had a total of 503 people in one small community, yet within 60 days after the plants were built there were 27,000 workers employed, not counting their wives and children.

So it is absolutely impossible for Childersburg, Ala., a place that is as fine as they grow but which grew too fast to get along without the aid that this authorization bill provides. We are asking that both of these amendments so eloquently spoken for by the gentleman from Oklahoma [Mr. STEED] be adopted, because we know that there is no other way. Childersburg has 210 more children in grammar grades now than we had during the peak. The war plants

are completely shut down, except that they are being kept in a stand-by situation.

Mr. STEED. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. Of course, I am delighted to yield to the gentleman from Oklahoma.

Mr. STEED. Is it not true these children come from other sections of the United States; so they are not southern children, they are everybody's children from all over the United States?

Mr. HOBBS. Certainly. There are none of them local. We could educate our own. All these extra children were brought in by Uncle Sam and laid upon our doorstep. The third point is that school teachers must be contracted with on a school-year basis. We need the maintenance and operation $23,000,000 now for the superadded child-load of the Nation.

Mr. FOGARTY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. McCONNELL].

Mr. McCONNELL. Mr. Speaker, it is usually my objective in this House to cut down appropriations; however, I am up here for a different purpose today.

I am quite surprised, as I consider the work the Education and Labor Committee members have done; the unanimous way in which the bill was passed by both Houses of Congress, that suddenly at the last minute the House Appropriation Committee proposes to cut the original figure in half to an amount which I believe is lower than the amount needed to operate the program during the current fiscal year. When you consider that this program that we have put together on a permanent basis this year, really consolidates more permanently what has been done in a temporary way in the past, when you consider that we have spent in other years large sums of money—last year I believe the amount appropriated was about $17,000,000, now we are going to cut this to $11,500,000—it just does not make good sense to me. Therefore I plead with you that we use not only our heads and reason but also our hearts in considering the motion to restore the amount to $23,000,000, which the gentleman from North Carolina [Mr. BARDEN] has offered. I heartily endorse and support it.

Mr. FOGARTY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I rise in support of the motion offered by the gentleman from North Carolina [Mr. BARDEN]. I just want to make one point clear here this afternoon.

This is not an appropriation to give anybody anything. This is an appropriation to pay a just obligation, as has been said, technically for the local school communities in this country but actually what it is, is an obligation of the Federal Government to the children of school age who have been dislocated by virtue of Federal activities, whereby the Federal Government has taken up by purchase, property that would otherwise be taxed to provide for the education of these children.

Mr. Speaker, these children pass this way only once. If they do not get an education in childhood the chances are they do not get their education at all.

I simply want to express the opinion that I believe the Government should be as honest as it expects its citizens to be. This is an obligation that the Government owes, and it would be utterly disgraceful for us to adjourn without meeting that obligation.

Mr. BARDEN. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from North Carolina.

Mr. BARDEN. I would like to call the attention of the gentleman to the fact also that these funds are not paid to the States or to the State central school system. These funds provided here go directly to the local communities and are justified on the basis of what happens in the local communities, and it is entirely to relieve them and not the State.

Mr. JACOBS. To relieve them of a tax base that was destroyed by the Government taking up the property in that community; that is correct.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Florida.

Mr. SIKES. I think we should bear in mind that if what is proposed here prevails, for every million dollars that we spend to educate children, we are going to be spending $700,000,000 in this bill for war.

Mr. JACOBS. That is correct.

Mr. FOGARTY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. COMBS].

Mr. COMBS. Mr. Speaker, I want to compliment the Committee on Education and Labor and its subcommittees for the tremendously fine job they have done. Ever since I came to Congress nearly 6 years ago I have been interested in this problem of education and have observed the need of this kind of a program. This, for the first time, is a genuine approach that supplies a permanent base and sets up standards to meet the problem of increased school enrollment caused by governmental activity.

I want to call attention to one thing that may not be generally understood, and I am going to use my own State as an example. Down our way Texas helps to meet this problem in that these temporary children who come into a school district to be educated are treated exactly like the permanent children; that is, the school district receives the State apportionment for them. But in Texas, as in many other States, a large part of the educational cost falls on the local school district. In Texas, all of it falls on the districts for buildings and facilities, and a large part for operation. It costs about $110 per child for operation, and the State puts up about $55. There is a little district between Beaumont and Orange where people live but many work outside the district. At this time the district is bonded to the limit. Buildings are wholly inadequate. They have three classes meeting in school busses, three classes in each auditorium. Teachers are loaded, 60 children per teacher, trying to meet the problem created as a result of governmental activities in the area. Now, that local school district receives no tax benefits from these defense industries. That was a little community that was getting along fine, educating its children until these newcomers came in. They cannot close the doors of the schoolhouses to these children. Yet that is a problem that the Government created in the interest of national security and safety and defense. We ought to meet it, and I am heartily in favor of the amendment proposed by the gentleman from North Carolina. We will be doing simple justice by meeting an obligation which this Government owes to the people in such communities throughout the Nation. The adoption of the Barden motion will provide sufficient funds to meet the problem for the time being—and I hope it will be adopted.

Mr. FOGARTY. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. MORRIS].

Mr. MORRIS. Mr. Speaker, it does seem to me that with such a vital thing as education, and especially with the set-up as it is, these authorization bills having come from the Committee on Education and Labor by unanimous report and coming from gentlemen who have no personal interest in this subject matter, and having passed this House so overwhelmingly—I believe the record shows by unanimous vote—it does seem to me that before we go along with any cut of the figures that were carefully assembled and were agreed upon by the Budget and by the committee and put in the bill by the Senate—before we should agree on a cut, that those who would cut should make a clear and convincing statement and argument based on figures and facts, as it relates to this vital problem, and not just on guesswork.

Certainly, as has been suggested here by several speakers, the work that has been done by this great Committee on Education and Labor and its subcommittee should not be thwarted, and our children should not go without proper educational facilities just on a hit-and-miss proposition. It has been clear and convincing to me and I believe to all of us that these original amounts are necessary to carry out this program. Unless these amounts are used instead of the reduced amounts, the authorization cannot be carried out, as called to our attention by the distinguished gentleman from Oklahoma, my colleague who is on the committee [Mr. STEED]. So I appeal to you that we should not go along with the cut but should be for the motion offered by the gentleman from North Carolina [Mr. BARDEN] to restore the original amounts.

Mr. FOGARTY. Mr. Speaker, I yield such time as he may desire to the gentleman from Missouri [Mr. IRVING].

Mr. IRVING. Mr. Speaker, I have asked for this time that I may point out to the Appropriations Committee and the Members of the House the necessity of restoring the full amount of funds that the Senate amendments to H. R. 7940 and S. 2137 called for.

I was a member of the subcommittee that held hearings and conducted surveys in various sections of the country in order that our full committee and the House might have the factual information with which to guide them in making the very important decisions that were called for. The legislation

that was drafted by our committee, as was brought out in the debates at the time of its passage, was conceded to be as fine and in as good shape as any that had been brought to the floor of the House this session. It took almost a year of hard work by the important House Committee on Education and Labor to complete its studies and drafting work. Mr. Speaker, again I say as a member of this great committee who participated in this work, that I feel competent to advise the Members of the House on this very important subject. It is with the utmost confidence because of the experience and knowledge gained through these exhaustive studies that I do so.

I feel that the conferees have not only acted unwisely but also surely not in the interests of economy or of the country.

In saying this it is not in any manner of being critical of them, because I realize that they are trying to do a job of saving money, for which I give them due credit. I have always gone along with any sound proposal for economy in the affairs of our Government. I have consistently voted and spoken for such measures and will continue to do so when I am convinced that the propositions I am called to vote upon will accomplish that end and still be in the best interest of our country. In this instance I feel that this would not be so, and would ultimately prove detrimental. Certainly such false economy will prove extremely costly in the long run, as I see it.

Again, Mr. Speaker, let me say that the great Committee on Appropriations and its distinguished and capable chairman, the Honorable CLARENCE CANNON, of Missouri, also all of its members and the many fine subcommittee chairmen, have done a tremendously good job in their efforts to bring about real economy and efficiency in the Government. No one should overlook the handicaps that they have worked under. First, an economy drive which at times was unrealistic, and then with the Korean situation bringing about almost the reverse type of thinking and pressure, they are to be complimented for their steadfastness of purpose. However, I feel sure that it will be developed here today before this discussion has ended that the conferees on this appropriation bill were not in the possession of the necessary facts relative to the scope of this legislation. By that I mean that it was aimed to bring, under this one law, all of the many items previously taken care of by many other public laws. Further, the purpose was to correct many inequities created by these various laws, also to take care of many old problems that had been overlooked as well as many new ones that have developed since the passage of these laws. Consequently, their estimate of the amount of money necessary for the proper and reasonable fulfillment of these intentions has been shown to be inaccurate and totally inadequate by many of the previous speakers.

In order that the Members of Congress may be in a better position to consider the situation of the Government in the aftermath of the last crisis, the present one or any future ones in its relation to our public schools as affected by its own activities, I will make a few well-thought-out observations of my own upon this subject. I feel that no emergency should interrupt the education of the children of this country. This, in my opinion, is one of the most fundamental responsibilities that any nation has and one that should be considered as a permanent obligation. While we are at war with dictators and all forms of totalitarianism as we were in the last war and as we now find ourselves in because of the present situation, we should actually be expanding our educational programs.

We are now discussing appropriations for two bills that are in no way general Federal-aid legislation but rather has to do only with the obligations and responsibilities of the Federal Government. These are definitely due to its military and defense activities and so, in all fairness and justice, cannot be sidestepped or only halfway taken care of.

I am sure that the various State and local educational groups, as well as those of the Federal Government, realize that while we are spending so freely for the defense of democracy, that all must be sure that its very sources are not neglected.

Many intelligent and well-informed people, along with numerous forward-looking groups, have expressed strenuous opposition to the curtailing of school expenditures during periods of national emergencies or temporary economic recessions. No one here will deny that the children of those who are fighting or are otherwise employed in the defense of our country should not have equal educational opportunities with those of parents not so engaged. No indeed. I feel that the sacrifices of these heroic and patriotic citizens cannot at all times be measured; nor can any recompense be offered them in the way of material rewards that would prove adequate. Certainly no monetary reward suffices, whereas the decent consideration of their families' general welfare, including the education of their dearest possessions—their children—will do a lot for their morale, as well as giving them additional confidence in the justice and righteousness of the cause they are so valiantly fighting to uphold.

Who would feel that they are not even more deserving? Surely no one here feels that they are not entitled to and must be provided with adequate and qualified teachers, along with proper school-plant facilities. This country owes those things to these parents and their children. Surely we cannot justify nor condone longer those emergency measures of World War II which, at most, should have been temporary ones. No one can say that abandoned school busses, hallways, boiler rooms, basements, shacks, converted commercial buildings, attics, ramshackle barracks, and numerous other makeshift school housing, with their improper lighting, heating, and toilet facilities, are warranted, justifiable, or economical. Terribly overcrowded classrooms, causing half-day sessions midst unhealthful, poorly ventilated, insanitary conditions, with too heavy teacher loads—with neither segregation of age groups possible nor recreation facilities available. Think of it. This has been going on for nearly 10 years in some instances. Yes; think what that means to those that have only been afforded half-day sessions. Well, you might say that they have been already deprived of 5 years of their elementary and secondary schooling. It seems to me that this is an indictment of the guardians of this future generation. What does this do to the conscientious, hard-working teachers? I would say that it would be discouraging and disheartening, to say the least. Is it any wonder that many gave up and were lured into the defense plants and other better-paying positions? Mr. Speaker, I intend to dwell a little more upon this phase of this serious problem later on in the course of my discussion. I feel that the Congress had previously taken an unequivocal stand in favor of adequate financial support of the schooling of these children when they passed these two pieces of legislation, namely, H. R. 7940 and S. 2137. They were, as you all know, passed by the House and Senate not so long ago with no opposition or very little, if there was any.

The members were well aware of the approximate cost, as the most accurate and reliable estimates that could be obtained were given them at that time. Does it seem reasonable or sensible for us to permit the conferees to force this body to accept an arbitrary cut of 50 percent in the Senate figures which would leave an amount that, in our best judgment, would prove totally inadequate? I am sure that if questioned about this matter that they would have to admit, because of the late passage of this legislation, which was after the main appropriation requests were studied, that it was necessary for the request for these funds to be included at practically the last moment in this supplemental appropriation bill that is before us. Therefore, it was impossible for either the Senate or House committee or the conferees to make any study or have any hearings that would indicate that our committee had made any errors in its estimation of the amount necessary. And certainly nothing can lend any credit to their action in deliberately attempting to cut this fund in half. This, my colleagues, is a very serious matter and should not be treated in such a callous manner. This is not true economy nor is it fair to those parents who desire only reasonable and equal opportunities for their children. It must be remembered that they are our future citizens, many of whom will be the leaders in business and the affairs of the Government. They must not be denied such opportunities because we have failed to meet our obligations. We have accepted this responsibility in the adoption of educational training provisions for many of the parents in the GI bills. Why not provide adequately for the normal or usual education of their children?

It cannot be denied that education provides greater possible opportunities for human progress, resulting in better living, fuller lives for all with a corresponding higher type of citizenry. It is a barrier against communism, and is as much a part of our national defense as bombs and bullets. Therefore, Mr.

Speaker, any pretext of economy, supposedly necessitated by national defense, is absurd. Let us examine the cost of illiteracy in this country. What does it do to our Armed Forces when a goodly percentage of those examined are rejected for this reason alone, besides those that cannot qualify because of their physical condition. Both the mental and physical rejections would be greatly lessened if decent educations had been had by these less fortunate boys and girls.

Mr. Speaker, if I may be permitted, I would like to digress for a moment or so from the precise phase of the subject that is now under discussion to one that is very closely related. I feel that there must be other Members of the House that are as keenly interested in the immediate solving of another serious educational problem that is not touched upon in these bills. Nevertheless, the situation is just as grave and was brought about by the last war and promises to become again equally aggravated by our present foreign crisis, teachers' salaries. Yes; that is the problem that I am so concerned about. The salaries of those responsible for the education of our children. We know from the surveys and reports how pitifully low they are in many rural sections, also in many of the towns and cities of this great Nation. What has happened is this. During the last war job opportunities in defense plants and other defense work, including Government, lured thousands of teachers away from that profession. While living costs have risen steadily and are still increasing, who can blame these underpaid teachers for bettering themselves so that they might live decently and with dignity. Many of the unskilled jobs were paying far more than these highly trained and well-educated men and women were paid. Many thousands of them found that these new jobs paid better and required less effort, less study, and far less attention and ability, along with shorter hours. Consequently, they have not and will not return to teaching as long as such inequities exist. What has this done? We all know what has happened. It has left a tremendous shortage of qualified teachers. Not only that, but fewer young people are choosing this as a profession. It does not take much looking about to discover that this condition still exists and very little progress has been made in the way of eliminating this crucial shortage. A few less qualified people have been employed but that will certainly prove detrimental to our educational program as it has already lowered the high quality of our standards in many instances. Who is to blame? Surely not the teachers. How long can our school system stand this constant drain upon an already diminishing supply of teachers without a serious break-down of elementary and secondary school systems. It is well known that the supply has not begun to catch up from the severe shock of the last war and now we are apparently confronted with another crisis.

It is not a mass-production problem nor an assembly-line proposition where we order the manufacture of thousands of teachers and have them turned out in a few months. No, my friend. You realize, as well as I do, that it takes years to prepare young men and women as first-class teachers. Mr. Speaker, and Members of Congress, let us do something now about this serious problem that confronts our beloved country before it is again too late. Let us not procrastinate any longer. Let us do something at once to make this age-old, time-honored, and highly respected profession at least halfway attractive from a financial standpoint so that those who occupy it may live respectably with dignity and a semblance of security. We cannot, as I have said before, afford to lose any more to other occupations and must be able to recruit others now and steadily in the future for years to come. It is our duty to find time to give recognition to their true worth and the invaluable service that they are rendering to this Nation. An assurance of a decent living with, shall we say, a saving wage so that they may put away something for a home and the time when they should retire in moderate comfort. Not too much I would say, for those who are charged with the responsibility of daily preserving our way of life. Yes, by building characters, molding and modeling good citizens, inculcating into the young minds of their students the treasured ideals left by our forefathers.

Mr. Speaker, a teachers' salary bill, H. R. 5939, which in no way could be considered discriminatory or controversial legislation, has for months been before our great House Committee on Education and Labor of which it is my privilege to be a member. I have, on numerous occasions, urged that action be taken on this vitally important legislation, both in speeches on the floor of the Congress and in our committee as well. We should act now before any salary or price controls are adopted or before the least amount of inflation or further rise in living costs can further adversely affect these people whose salaries are now most inadequate. They certainly fall within the category of the white-collared group or fixed-income group as far as salaries being fixed, is concerned. Almost universally they sign their contracts for at least 1 year and perhaps longer in some instances with no opportunity for adjustments. I hope that what I have said will impress upon the minds of those listening, the dire need for some affirmative action now.

In order to make this more impressive and to further substantiate some of the statements I have made here today, I would like to quote from a short magazine article by the noted CBS commentator, Edward R. Murrow:

> The latest Census Bureau figures show that half the adults in the country have not had as much as 2 years of high-school training. In the last 10 years half a million teachers left their jobs. * * * There are another 100,000 teaching jobs still unfilled. It is estimated that we are short 300,000 classrooms. * * * There appears to be little doubt that we must have the guns and the gear for the conflict that impends. But the choice in a free society is not between guns and butter; matters of the mind cannot safely be neglected.

Now, Mr. Speaker, these figures are astounding and should convince everyone of us that the House should support the motion of the gentleman from North Carolina, which calls for the restoration of the amounts called for in the Senate amendments and should also immediately consider the teachers' salary and a general school-construction bill as soon as possible. This is the sound and sensible thing for this body to do. Let us bolster the very cornerstones of democracy by such actions today by being fair to the children of this country. Let us do something far more constructive than investigating crime in this country by doing one of the things that will eliminate the direct cause of much of this crime. How will education do it? By cutting down the number of potential criminals who usually come from the illiterate and uneducated. That would be economy, as we know what the crime bill of this country amounts to yearly. It would go a long way toward paying for the things that I have suggested. Let us think it over and get busy now.

Mr. FOGARTY. Mr. Speaker, I yield such time as he may desire to the gentleman from Washington [Mr. TOLLEFSON].

Mr. TOLLEFSON. Mr. Speaker, the motion to effect the restoration of the cut in the appropriations for assistance in the maintenance and operation expenses of schools in federally impacted areas has my complete support. The Education and Labor Committee gave full and thorough study and consideration to this subject. Their bill received the unanimous approval of the House, indicating that the measure was sound. The studies of the committee show clearly the need for this financial assistance by these particular schools. The Federal Government has a definite obligation in this field. Congress should appropriate sufficient funds to meet that obligation. The same can be said for the construction-aid funds which will come before the House after we vote on this item. I trust that the House will vote to restore the cuts.

Mr. FOGARTY. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. SCUDDER].

Mr. SCUDDER. Mr. Speaker, I rise in support of the matter now pending before us. The House approved H. R. 7940 in the belief that funds could be provided under its provisions for several hundred school districts throughout the Nation under pressure of Federal activities for maintenance and operation of their school facilities. The action of the conferees in reducing the $23,000,000 figure to half of that amount, or $11,500,000 plus certain transfers amounting to $4,900,000, will not be sufficient to carry out the intent of Congress in this field.

In my district in California there are several school districts—particularly in Marin County, adjacent to San Francisco—where Federal activity has resulted in huge increases in school enrollment. Not only is this true at Hamilton Air Force Base, where 500 units of Wherry Act housing have been approved, and of the other military installations in the county, but also at small communities like Two Rock, in Sonoma County. Half of the enrollment of this school now consists of children of military personnel. These military installations are, of course, not subject to local taxation. There is also the possibility

of reactivation of Camp Beale, the wartime military post in Yuba County.

The need is apparent for these funds, Mr. Speaker. I urge that the full amount be appropriated. To do otherwise would, in my opinion, be a case of false economy.

Mr. FOGARTY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, I would ten times or a thousand times rather spend this money for the education of our American boys and girls in order that they might be prepared for the effect of this bill, on their future, proposing to spend $4,000,000,000 to arm the countries of Europe. Give this money to the boys and girls of America so they can save themselves. It is a matter of life or death with them. Unless you do that, God save America and save these children. I do not know why you do not do it.

Let me say that your responsibility goes further than that. When you come to vote this $4,000,000,000 to arm these countries just remember you are doing the wrong thing, and every one of you may be called upon to account for this at some future day.

Now is the time to educate our boys and girls so they can earn money, prepare themselves to follow suitable occupations, and know what to do, to get out of the great hole in which you are paving the way to leave them.

Mr. FOGARTY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I do not know, but from the drift of things this afternoon, perhaps I am a voice crying in the wilderness. But I do feel and always have felt that we should know what we are doing so far as possible. I read from the justification submitted by the Office of Education:

> During the fiscal year 1950 the estimated expenditure for assistance to local school districts by the several departments of the Government was approximately $12,000,000. This amount included an appropriation to the Bureau of Community Facilities in accordance with the Wier Act of $7,050,000.

With the $11,500,000 which this bill carries and the $4,913,000 that is carried in the general apropriation bill there will be available for this purpose $16,500,000, an increase of 33⅓ percent, or a little more over what was had before. That $4,500,000 will take care of approximately 56,000 additional children. There is not a reason in the world why they cannot carry this thing along and get along all right with the amount of money which is carried here, together with the $4,913,000 which will be added to it.

Mr. BARDEN. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. BARDEN. I have such great admiration for the gentleman and for the many fights he has put up for economy, but I am very sorry that he is not in full possession of the facts in connection with this.

Mr. TABER. Did not the Bureau of Education deliver the facts to the committee?

Mr. BARDEN. But the gentleman forgets the Bureau of Education did not give you all the facts. For instance, let me call this to the gentleman's attention. The Wier bill which the gentleman referred to as having taken care of all the situations, missed doing a complete job by a long shot, for the simple reason we put into the Wier bill a provision that the local schools must show a deficit. In a good many States of the Union, as is the case in my own State, we put folks in jail who make up deficit budgets. Therefore, we find the situation where at one base down there nearly 700 children did not get 1 penny because the official said, "We are not going to violate the State law."

Mr. TABER. Do you not think that the 56,000 extra children here provided for at $80 apiece, would take care of the situation?

I do not want to be stingy with the children, but it seems to me that we have amply provided for them.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FOGARTY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, at the outset I think I should say that the Committee on Appropriations of the House has not had any time to give this subject any consideration. The bill authorizing the expenditure of funds for this purpose had not passed the House by the time the regular appropriation bill was before us. So as a result the Department of Education appeared before the Senate committee just a few days ago to justify this expenditure of money for the Department of Education. We have not had an opportunity to listen to any testimony or read the hearings which were held by the Senate Committee on Appropriations. I think in all frankness I should say, and I think it is the universal opinion of everyone in the House, that the subcommittee and the full Committee on Education and Labor have done a good job in bringing a bill before the House and having it passed; but at the same time, I think this is legislating and appropriating in a pretty fast way. This is a new program. We realize that the Budget presented a figure of $23,000,000 and that the Senate approved the full sum which was offered by the Bureau of the Budget.

But the hearings were not very complete over in the other body when they were held before the Appropriations Committee. I think as a result of the timing on this appropriation bill, and the vast amount that is entailed in the appropriation that we are called upon to make today, this sum of $11,500,000 will be sufficient. We must remember that we are not operating on a full year's program at this time. Here we are going into the 1st of October. This appropriation was based on a yearly sum of $23,000,000, but that amount, $23,000,000, will not be used, because we will be into October or perhaps November before any of this money is expended.

There are other things in this bill that I would like to have seen included in the appropriation bill we have before us at this time. There are many important items in this bill that I think deserve much more consideration than has been given to them.

There was an appropriation passed by the Senate, which the House conferees refused to go along with. We just passed two bills the 1st of August establishing two national institutes, one for rheumatism and arthritis, and metabolic diseases, and one for neurological diseases and blindness. When the Budget Bureau approved the sum of $13,000,000 to set up those two institutes, which were approved by the unanimous vote of this Congress only last August, the conferees even refused to appropriate a single dime for that purpose, even though we have 7,000,000 afflicted with arthritis and over 200,000 blind people that the Federal Government is helping. Then we have 700,000 children today that are afflicted with cerebral palsy. Those are some of the things that we could do if we wanted to help the youth of our Nation. That is a program that any Member of Congress could not conscientiously vote against, if he had an opportunity, but because of the parliamentary situation today, even though we did not have any hearings on this side of the Capitol, we were not able as a Committee on Appropriations to decide whether or not any funds should be appropriated for those purposes.

I am in full agreement with this program of education. My State is affected by it. They want this money, too, but in all serious consideration, I think the $11,500,000 is a pretty good start in this direction. We must remember that we are going to be back here in all probability after the elections in November, and if we are not, then we are going to reconvene in January. One of the first things the next Congress will take up will be the hearings on appropriations, because they will start immediately after the 1st of January.

Mr. HOBBS. Mr. Speaker, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. HOBBS. Do you not have to contract with the teachers for a whole school year, and does not the school year just now start?

Mr. FOGARTY. In answer to that, if this bill had passed Congress last spring, and if we had considered and passed it last spring, I would say "Yes" to the gentleman from Alabama, but this authorization did not pass this House until after the school year had started this year. Here we are called upon within a week or two to come in and appropriate funds for a bill that has just passed the House and the Senate and signed into law at this time.

I submit in all seriousness, as a friend of this program, as one who is vitally interested in it, and as one who thinks that the committee has done a splendid job in bringing this bill to the floor of the House that the $11,500,000 is enough to start this program with. Let us see where we go from there.

The SPEAKER. The time of the gentleman from Rhode Island [Mr. FOGARTY] has expired.

The question is on the motion that the House recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. FOGARTY) there were: ayes 110, noes 18.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 41: Page 19, line 11, insert the following:

"GRANTS FOR SURVEYS AND SCHOOL CONSTRUCTION

"For grants to the States for surveying their needs, and for planning construction programs, for elementary and secondary school facilities; and for grants for emergency school construction to school districts in federally affected areas, $24,500,000, to remain available until expended, and in addition contracts may be entered into in an amount not to exceed $25,000,000 for the purposes of this paragraph: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 2317, Eighty-first Congress."

Mr. FOGARTY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. FOGARTY moves that the House recede from its disagreement to the amendment of the Senate numbered 41, and concur therein with an amendment, as follows: In lieu of the first-named sum in said amendment insert "$12,250,000"; and, in lieu of the second-named sum in said amendment, insert "$12,500,000."

Mr. BARDEN. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. BARDEN moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur in the same.

Mr. FOGARTY. Mr. Speaker, in view of the vote on the last amendment I join in the motion to recede and concur.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: Page 20, line 2, insert the following:

"SALARIES AND EXPENSES, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

"The amount authorized to be expended from the Federal old-age and survivors insurance trust fund, for 'Salaries and expenses, Bureau of Old-Age and Survivors Insurance,' by the Federal Security Agency Appropriation Act, 1951, is increased from '$45,988,000' to '$60,488,000', and the limitation under this head in said act on the amount available for dues or fees for library membership is increased from '$404' to '$594.' "

Mr. FOGARTY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. FOGARTY moves that the House recede from its disagreement to the amendment of the Senate numbered 44, and concur therein with an amendment, as follows: In lieu of the sum of "$60,488,000" named in said amendment insert "$53,988,000."

Mr. FOGARTY. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Speaker, I want to call the attention of the membership here to what the House conferees have agreed to in Senate amendment No. 44. I have a statement here which contains the facts and I would like to read it for the benefit of the membership.

Amendment No. 44—

This is the portion which the conferees agreed to—

reduces the supplemental amount to the Bureau of Old-Age and Survivors Insurance from $14,500,000 to $8,000,000.

This means that only one-half of the claims of the 1,000,000 additional beneficiaries under the Federal old-age and survivors insurance system can be acted upon during the present fiscal year.

Proper records cannot be established for the 10,000,000 persons brought into the Federal old-age and survivors insurance system.

Mr. Speaker, one of the finest acts that has been passed by this Congress, and I think it is so recognized by the people at large, were the amendments to the Social Security Act, wherein we brought under coverage an additional 10,000,000 persons, wherein we in some instances almost doubled the benefits and wherein in other instances we increased the benefits an average of 70 percent. That act and those amendments, under the appropriations contained in this conference report, cannot be properly administered. Plans cannot be properly made for administering the act, bringing in these 10,000,000 additional beneficiaries, and increasing the benefits of all those now on the rolls.

This reduction from $14,000,000 down to $8,000,000 is not, in fact, an appropriation. This is money that is already in the trust fund. It was recommended that $14,500,000 be taken from the trust fund in order to properly administer the act as amended and to make the payments. The House conferees have agreed to reduce that to $8,000,000.

Mr. Speaker, if we are going to cut the appropriations so that the people of the country at large will not get the benefit of the amendments to the Social Security Act that we passed this year, we are just nullifying one of the finest actions this House has taken in many, many years.

May I ask the chairman of the Subcommittee on Social Security Legislation, the gentleman from Rhode Island [Mr. FOGARTY], is it not a fact that at all times in the past, whenever the Budget Bureau approved these payments from the trust funds—it is nothing more or less than a calculation as to how much money will be needed to pay these benefits—that those requests have always been approved by the Appropriations Committee?

Mr. FOGARTY. They have always been approved to a certain extent, because they always knew they could get it next year. The money was there to get it. They had no trouble getting it whenever they needed it.

Mr. EBERHARTER. And this is more or less a sum they need because they only pay out of the trust fund valid claims. So what benefit would there be to reduce the appropriation from $14,500,000 to $8,000,000?

Mr. FOGARTY. So far as over-all effect on the national budget, it will have no effect at all.

Mr. EBERHARTER. So that this gesture is going to result in crippling the fulfillment of the Social Security Act amendments that we passed this year.

The Social Security statement also says:

Only one-half of the claims of the additional beneficiaries under the Old Age and Survivors Insurance program can be acted upon up to the end of next year.

Now, do you want to cut out the claims of 500,000 legitimate beneficiaries? That is what the action of the conferees does in this instance, and I submit that the Committee on Appropriations certainly should have found out these facts from the hearings and should have given this money to the Social Security beneficiaries because, as was said very well by the gentleman from Rhode Island, no effect is had whatsoever on the budget by this appropriation. So, I want the membership to know that, and I hope that when we reconvene, and I hope it will be within about 6 weeks, this situation will be corrected. My understanding is that because the conferees have reached agreement that no action can be taken today which will correct this very regrettable situation.

Mr. FOGARTY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to proceed out of order, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I have asked for this time, which has been so graciously granted me, and for permission to speak out of order, because the people of Ohio are shocked and angry over the speech made by Averell Harriman before a labor conference in Texas a day or so ago.

The Harriman speech was entirely in bad taste. It indicates that despite the grave crisis in which America finds itself at the moment that political considerations come first; Mr. Harriman's speech should not have been made by a man who has the record and the reputation of being the architect of the administration's appeasement policy toward Soviet Russia. Certainly, no man who sat as an adviser to Roosevelt at Yalta and participated in that tragic conference has the right to question the patriotism or Americanism of any citizen of the United States, let alone that of Senator ROBERT A. TAFT.

Mr. Harriman has been serving, as I understand it, as our ambassador at large to carry out the Nation's economic recovery program, which we have been told is a bipartisan program designed to bring peace to the world and to strengthen America in the fight against communism. Yet, Mr. Harriman stoops to the lowest form of political skullduggery in his attempt to smear Ohio's great senior Senator, ROBERT A. TAFT, and to misrepresent the position that he has taken on public issues.

It might be well for the record to show here that almost universally every news-

paper in the country except those with a pinkish tinge, is editorially condemning Mr. Harriman's action. As an example, I call your attention to the editorial in the Washington Star this evening, which I understand the gentleman from Pennsylvania [Mr. McCONNELL] has already put in the RECORD.

I also want to call your attention to Mr. Harriman's own unsavory record. Mr. Harriman comes from a line of railroad tycoons. His father was designated by the original Roosevelt, Theodore, as a "male factor of great wealth." Averell Harriman was a fellow student of Dean Acheson. He has long been a close friend and associate of Alger Hiss. He has followed the "pinko" line throughout the years. The radicals in this country have long boasted that Harriman was one of the millionaire captives of their group. For him to attempt to attack and smear the character of a man like Senator ROBERT A. TAFT has caused the people of Ohio to rise up in righteous indignation. I want to predict here and now, on the floor of the House, that tactics like those engaged in by Averell Harriman will assure the reelection of Senator TAFT.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. JENKINS. I was about to ask the gentleman, is he not thoroughly convinced that this sort of a diatribe will result in a benefit to Mr. TAFT politically, because of all the things that anybody has ever said about BOB TAFT in the House, nobody has ever challenged his patriotism nor his honesty nor his ability?

Mr. BROWN of Ohio. That is entirely correct. Every newspaper in the country today, almost without exception, is editorially pointing that out.

Any citizen may disagree with BOB TAFT, as to some position he has taken, but no one can question his honor, his integrity, or his patriotism. I say to you, it is a shame and an outrage that a man holding high Federal office, such as that held by Mr. Harriman, should restort to such unfair and un-American tactics in a political campaign.

So I take the floor of the House to denounce Mr. Harriman's statement as a falsehood, and as part of the planned smear campaign being followed by the radicals in an attempt to defeat Senator TAFT. But the attempt to mislead the public by such attacks on Ohio's senior Senator will backfire. The people of Ohio will show their resentment of the Harriman viciousness by their votes for TAFT in November. On the 7th of that month the American people in Ohio and other States will reject and repudiate the plans of those who wish to change this country over into some sort of a socialized state.

Mr. FOGARTY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: On page 21, line 10, insert the following: "Salaries and expenses, Office of the Commissioner."

Mr. FOGARTY. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: On page 21, line 12, insert the following:

"For an additional amount for 'Salaries and expenses, Office of the Commissioner', $20,000, together with an additional amount of not to exceed $10,000 to be transferred from the Federal old-age and survivors trust fund."

Mr. FOGARTY. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 22, line 9, insert the following: "Office of the Administrator."

Mr. FOGARTY. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 54: On page 22, line 10, insert the following:

"SALARIES, OFFICE OF THE ADMINISTRATOR

"For an additional amount for 'Salaries, Office of the Administrator', $32,000, together with an additional amount of not to exceed $24,000 to be transferred from the Federal old-age and survivors insurance trust fund."

Mr. FOGARTY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. FOGARTY moves that the House recede from its disagreement to the amendment of the Senate numbered 54, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SALARIES, OFFICE OF THE ADMINI TRATOR

"For an additional amount for 'Salaries, Office of the Administrator', $24,000 to be transferred from the Federal old-age and survivors insurance trust fund."

Mr. FOGARTY. Mr. Speaker, I should like the RECORD to show that we intend that the amount in this amendment be allocated for audit and regional office expenses.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 55: Page 22, line 15, insert the following:

"SALARIES AND EXPENSES, DIVISION OF SERVICE OPERATIONS

"For an additional amount for 'Salaries and expenses, Division of Service Operations', $8,500, together with an additional amount of not to exceed $26,000 to be transferred from the Federal old-age and survivors insurance trust fund."

Mr. FOGARTY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. FOGARTY moves that the House recede from its disagreement to the amendment of the Senate No. 55, and concur therein with an amendment, as follows:

"SALARIES AND EXPENSES, DIVISION OF SERVICE OPERATIONS

"For an additional amount for 'Salaries and expenses, Division of Service Operations', $26,000 to be transferred from the Federal old-age and survivors insurance trust fund."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 57: Page 22, line 22, insert the following:

"For an additional amount for "Salaries, Office of the General Counsel", $20,825, together with an additional amount of not to exceed $61,845 to be transferred from the Federal old-age and survivors insurance trust fund."

Mr. FOGARTY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. FOGARTY moves that the House recede from its disagreement to the amendment of the Senate numbered 57, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

"For an additional amount for 'Salaries, Office of the General Counsel', $61,845 to be transferred from the Federal old-age and survivors insurance trust fund."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 58: Page 23, line 1, insert the following:

"For an additional amount for 'Salaries, Office of the General Counsel', $25,000: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 2317, Eighty-first Congress."

Mr. FOGARTY. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment.

The motion was agreed to.

Mr. CANNON. Mr. Speaker, in view of the lateness of the hour and in view of the fact that we have now disposed of all items under "Labor and Federal security," I ask unanimous consent that consideration of the remainder of the bill be deferred until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXCESS-PROFITS TAX

Mr. RODINO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Speaker, I am a lawyer by profession, not a minister. But the time has come, I feel, when somebody in this august body should arise and deliver a requiem—a requiem for the patriotic fervor of our forefathers that apparently has expired even in these sacred chambers of Government.

This week, as I have watched Congress prepare to recess until after the November elections without facing vital taxation problems, I have asked myself, Would there be a United States of America today if the fathers of our country had placed their personal welfare above the welfare of a vast new land that was struggling for birth as a free nation?

And I have asked myself if there will be a United States of America tomorrow if we lawmakers continue to place our personal welfare and prejudices above the welfare of the 150,000,000 people we represent? Will there be a United States of America tomorrow if we lawmakers continue our ostrich-like behavior of refusing to face the unpleasant facts, of refusing to act on tax legislation which may be unpopular with certain segments of our constituents, but which, nevertheless, is vital to the future of our country?

Privately, I am sure, each of us will admit that, with the threat of communistic enslavement hanging over all the freedom-loving nations of the world, we must support with our lives and with our pocketbooks the democratic way of life to which we all are dedicated. No one will deny that we must have a powerful fighting force in readiness and we must continue to give aid to our less-fortunate allies if the depraved ambitions of the Kremlin are to be contained. And we will all agree that to do this, we must spend money—a great deal of money—and that the bill cannot be paid unless we pay the sacrifice in increased taxation.

But publicly, we seem unwilling to commit ourselves on the bitter facts which we admit to be the truth. For weeks, as a Member of Congress, I have watched as we have bickered and fought over one of the most vital points of our tax program—that of adequate excess-profits taxation.

Soak the little fellow. Let John Q. Citizen foot the bill. That seems to have been a prevailing philosophy among certain Members of Congress who have successfully scuttled all efforts at passage of the President's tax program. But there has been a prevailing reluctance to pass a law that would make big business foot its share of the bill.

I ask you, Why should big business be permitted to make huge profits in these dark days of national emergency? If the man on the street is going to have to tighten his belt and make sacrifices, big business should be asked to do no less.

In the future we are going to be funnelling billions of dollars in war-emergency contracts into the myriad industries of this Nation. Now is the time to make sure that much of this money be returned to the Government in the form of excess-profits taxes, in order that we, as a Nation, can operate on a pay-as-you-go basis as nearly as possible. If the average man is going to be asked to attempt to shoulder most of the cost of building a citadel against communism while big business pockets enormous profits, we as Members of Congress will be responsible for leading our future generations down the path to a fast and total bankruptcy.

Big business has as much a share in our way of life as does the man on the street. And we should make sure that big business does its share. I say that we Members of Congress will betray our people and our country if we recess at this time without completing action on the tax program, including the excess-profits proviso which so many seem to find such a bitter pill to swallow.

These are times that call for immediate decision and immediate action. The forces of evil in this world are not going to sit back and wait until we settle our petty differences here before they move against us. With American men fighting and dying on a distant battlefield to protect the principles of freedom, the least sacrifice we can make is to stay here on the job until we have licked this taxation bugaboo.

JOINT COMMITTEE ON DEFENSE PRODUCTION

The SPEAKER. The Chair lays before the House the following communication for the information of the House.

The Clerk read as follows:

Hon. SAM RAYBURN,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Pursuant to section 712 (a) (2) of the Defense Production Act of 1950 (Public Law 774, 81st Cong.), I hereby appoint the following members of the Committee on Banking and Currency of the House of Representatives as members of the Joint Committee on Defense Production: PAUL BROWN, WRIGHT PATMAN, BROOKS HAYS, RALPH A. GAMBLE, HENRY O. TALLE.

Respectfully,
BRENT SPENCE, *Chairman.*

COMMITTEE TO INVESTIGATE EDUCATION AND TRAINING PROGRAM UNDER SERVICEMEN'S READJUSTMENT ACT

The SPEAKER. Pursuant to the provisions of House Resolution 474, Eighty-first Congress, the Chair appoints as members of the Select Committee To Conduct an Investigation and Study of the Education and Training Program Under the Servicemen's Readjustment Act the following Members of the House: Mr. TEAGUE, chairman; Mr. ENGLE of California, Mr. EVINS, Mr. BOLLING, Mr. CHUDOFF, Mr. KEARNEY, Mr. WEICHEL, Mr. BEALL, Mr. SCUDDER.

PALISADES DAM AND RESERVOIR PROJECT

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, with amendments of the House thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PETERSON, MURDOCK, and SANBORN.

SETTLEMENT CONTRACTS WITH SIOUX INDIANS FOR CERTAIN LANDS AND RIGHTS, MISSOURI RIVER DEVELOPMENT

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5372) to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PETERSON, MORRIS, and D'EWART.

PERMISSION TO ADDRESS THE HOUSE

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks, and I ask those remarks appear in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. McDONOUGH addressed the House. His remarks appear in the Appendix.]

PALISADES DAM AND RESERVOIR PROJECT

Mr. PETERSON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report and statement on the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CRIMES AND CRIMINAL PROCEDURE

Mr. DURHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6480) to revise title 18, United States Code, entitled "Crimes and Criminal Procedure," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That (a) the analysis of chapter 33 of title 18, United States Code, immediately preceding section 701 of such title, is amended by inserting, immediately after and underneath item 709, the following new item:

" '710. Cremation urns for military use.'

"(b) Title 18, United States Code, is amended by inserting immediately following section 709 of such title, a new section, to be designated as section 710, as follows:

" 'SEC. 710. Cremation urns for military use.

" 'Whoever knowingly uses, manufactures, or sells any cremation urn of a design approved by the Secretary of Defense for use to retain the cremated remains of deceased members of the Armed Forces or an urn which is a colorable imitation of the approved design, except when authorized under regulation made pursuant to law, shall be fined not more than $250 or imprisoned for not more than 6 months, or both.' "

Amend the title so as to read: "An act to amend title 18, United States Code, entitled 'Crimes and Criminal Procedure.' "

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this amendment?

Mr. DURHAM. The bill H. R. 6480 is to enact a statutory provision for cremation urns for military use. It is a unanimous report from the committee, and the Secretary of Defense has requested this permission.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TO AMEND THE ATOMIC ENERGY ACT OF 1946

Mr. DURHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3437) to amend the Atomic Energy Act of 1946.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain this bill?

Mr. DURHAM. Mr. Speaker, the main purpose of this measure can be stated briefly. Heretofore the General Manager of the Atomic Energy Commission has been appointed by the President, and with the consent of the Senate. It has been felt by the committee, and it is the unanimous report of the committee, that the General Manager should be placed under the authority of the Commission. This is the primary purpose of this bill.

The General Manager carries a heavy responsibility in carrying out his duties and must have a wide knowldege of industry requirements. At the present time he draws a salary of $15,000, under the original act. This would give the Commission authority, if trying to secure a man for this billion-dollar enterprise, to raise the salary up to $20,000 if they care to do so.

It will be recalled that we passed an act which raised the salaries of the Secretary of Army, Navy, and Air Force up to $18,000. This would raise four of the present Commissioners' salaries from $15,000 to $18,000. The Chairman of the Commission would draw $20,000 under this measure.

That is the primary purpose of the bill.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DURHAM. I yield.

Mr. RICH. I have great confidence in the gentleman from North Carolina, and I do not think that the things he is asking for are too much, considering the great amount of money we are spending under this program for the Atomic Energy Commission. But we Members of Congress, or at least I, know so little about what this program is or what we are doing that I would like to ask the gentleman from North Carolina this question——

Mr. DURHAM. I appreciate the kind words of the gentleman from Pennsylvania with reference to his confidence in me, and I may say to him that if I felt as well about all national-defense matters as I do about the job that has been done in this Commission I would feel much better.

I am not permitted to state the increase that has been made in this project, except to say that it has been satisfactory. These scientists especially, and the Commissioners also, are making sacrifices in taking these jobs; and I feel that the increase is justified. In some of the recent salary increase bills I think probably we have raised the salaries too high, but an Under Secretary is drawing this salary at the present time with probably but half the responsibility borne by a member of this Commission.

Mr. RICH. I may say that I am not at all questioning the salaries that have been asked for here. I think they are probably all right, but what I am interested in is to know from Members who are familiar with the operations of this Commission whether the great amount of money we are spending is for the best interests of our country.

Mr. DURHAM. I definitely feel that it is being spent wisely and with good judgment for primarily our own protection in the field of national defense. We know today we are supreme in this field and can assure the gentleman from Pennsylvania of this. I have a great admiration for the gentleman's desire to secure a dollar's worth for the expenditure of a dollar. I am grieved the gentleman is retiring from this body. I can say he has served his Nation nobly and well.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the next-to-last sentence of section 2 (a) (2) of the Atomic Energy Act of 1946 is amended to read as follows: "Each member, except the Chairman, shall receive compensation at the rate of $18,000 per annum; and the Chairman shall receive compensation at the rate of $20,000 per annum."

SEC. 2. Section 2 (a) (4) (A) of the Atomic Energy Act of 1946 is amended to read as follows:

"(A) a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate fixed in the Commission's discretion but not to exceed $20,000 per annum."

The bill was ordered to be read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDER GRANTED

Mr. LANE asked and was given permission to address the House for 5 minutes today following any special orders heretofore entered.

PERSONAL ANNOUNCEMENT

Mr. O'SULLIVAN. Mr. Speaker, I was unavoidably delayed because the plane on which I was traveling this morning from Omaha did not arrive on time. I was not, therefore, present to vote on the conference report accompanying the bill H. R. 4940, the Internal Security Act of 1950. Had I been present I would have voted for the conference report.

The SPEAKER. Under previous order of the House, the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 1 hour.

THE PARTITION OF IRELAND

Mr. FOGARTY. Mr. Speaker, at the present time there are pending before the Committee on Foreign Affairs several resolutions concerning the partition of Ireland. While hearings were held on these resolutions in April of this year, no formal action has been taken by the committee to report an appropriate resolution to the floor. I had hoped that the Members of the House might have had an opportunity long before this to express their approval of Ireland's right to unity, and I still hope that it may be possible before the present session of Congress is ended.

I can readily appreciate that there are many vital international situations with which the Congress is seriously concerned and which have demanded the immediate attention of congressional committees. However the mere fact that the situation in Ireland does not threaten world peace at this moment, nor present a dangerous Communist problem, nevertheless it is a serious problem and one that is filled with danger.

The parallel between the unjustifiable boundary which was created in Korea and the inexcusable partition of Ireland is too evident to call for comment. Let me emphasize once again that when Ireland was partitioned, no one in all Ireland desired the division of that country. It was only to satisfy the demands of British political intrigue and to maintain an unlawful stranglehold on Ireland to the benefit of British imperialism that the London Parliament passed the law,

which attempted to create two nations out of this small island people. No Irishman, sitting in that Parliament, voted for the act.

Ireland is a separate island with an historic unity and a oneness of her people, that is unequaled by any other nation in all of Europe. Only since 1920 has there been a division drawn between parts of the 32-county nation, with 6 of these counties cut off from the rest by a meandering line drawn across the countryside. That border is just as nebulous and as nonsensical as the line across the thirty-eighth parallel in Korea. No nation will long tolerate the unwarranted occupation or division of their country, but will instead constantly strive to regain the occupied territory and reunite the entire country.

The situation in Ireland is bound to continue to hamper amicable relations with Great Britain so long as the border remains. The time to remedy this condition is in advance of gunplay or other strife, and it is for this reason that I have urged that our State Department use what means it may properly employ to effect a solution of this matter now. The importance of a united Ireland is all too evident to even a casual student of European defense problems. The last war demonstrated that all too clearly, and if for no other reason than because of western European defense strategy, our State Department should take action.

Ireland was promised by Great Britain during the First World War that they would be given an independent form of government following the war. Relying on these promises 300,000 Irish volunteered for service in that war and 50,000 casualties were suffered in an effort to maintain the right of small nations to determine their own form of self-government and to retain their freedom. Rather than carry out those promises, so freely given, Britain instead used every means at her command to prevent the Irish from securing self-government, even to the extent of splitting up the country when it was realized that the establishment of the Republic of Ireland could not be prevented.

Today the situation in Europe remains a constant threat to the peace of the world. This situation is largely due to the manner in which Germany has been divided up, following the war, with each of the major powers being in control of a sector of that country. It is the partition of Germany which gives rise to the uncertainties and misunderstandings between east and west. In the event of armed conflict in Western Europe, military strategy will require the full cooperation of all the countries of western Europe. The present effort to rearm these nations on a uniform plan under the terms of the Atlantic Pact is a far-reaching effort to consolidate the defense forces of the west.

It is necessary to point out, however, that all this planning is of little avail, when the most important link in the northwest corner of the line of defense is not only left out of the Atlantic Pact, but is likewise left totally unarmed and without the means of adequately arming itself for even ordinary defense. Ireland is the most westerly of the European nations and so closest to the United States, the base of supply for European defense. Yet this island, of great strategic importance, is left open to attack and occupation by a hostile power. It is idle for the Foreign Ministers of the Atlantic Pact nations to discuss defense strategy, as they are now doing in New York this week, if they do not take into consideration the situation of Ireland.

Ireland is not, nor can be, a member of the Atlantic Pact nations, so long as Britain continues to occupy any portion of Irish soil. The terms of the Atlantic Pact require each member nation to guarantee the territorial integrity of each of the other nations for a period of 20 years. With Britain falsely claiming the six counties of northeastern Ireland as a part of her empire, Ireland cannot sign the pact and thereby renounce her rightful claims to sovereignty over all of Ireland. An attempt to do so by any Irish leaders would be immediately denounced and rejected by the people of Ireland, and rightly so. Hence, so long as partition continues in Ireland, Europe cannot look to Ireland as a supply base or a staging area from which to carry out the effective defense and protection of western Europe. Yet sound military planning demands that Ireland be included in any logical program for the defense of Europe against attack, the type of attack that can be expected in any future warfare in Europe. To bring Ireland into the defense picture, requires first that you bring all Ireland into a united whole, that partition be ended, and that British imperialism in Ireland cease.

I feel strongly on this subject because the position of Ireland in relation to the rest of Europe is of far greater military importance than that of England itself. Apart from this the moral right and legal justice demand that the expressed will of the Irish people to enjoy the full independence of their entire country should be recognized. We cannot honestly claim to be the champion of the rights of small nations to be free, and yet refuse to face the facts as they exist in Ireland. It is not antagonism toward Great Britain that motivates me. Quite the contrary, it is a desire to help Great Britain solve a problem that is both difficult and delicate. The United States can very properly initiate the steps necessary to bring about an end to the partition of Ireland and thus give to Great Britain an honorable and acceptable means of ending this controversy to the satisfaction of both Great Britain and Ireland.

In an effort to focus attention on the Irish border question, I offered an amendment this year to the Marshall plan legislation when it was before the House during March. The amendment, which I offered, was the same as the one which I had presented the year before. This amendment was a studied and deliberate effort to help Great Britain bring about an end of the Irish border if she was to continue to receive our financial assistance towards recovery. I believed then and I believe now that Britain would welcome an opportunity to gracefully terminate this division of Ireland and yet not impair her prestige in doing so.

The amendment I offered was accepted by this body in the Committee of the Whole by a very substantial vote. However, we did not press the issue when the legislation came to final passage, because of the assurances given to myself and my colleagues that this matter would be given prompt consideration by the Committee on Foreign Affairs. The distinguished chairman of that committee, the gentleman from West Virginia [Mr. KEE], in response to the question Congressman JAVITS, a member of the Foreign Affairs Committee, stated on the floor:

> Within 10 days after the passage of this bill (referring to the Marshal plan), I shall call a meeting of the Committee on Foreign Affairs and give a hearing upon these five resolutions which I hold in my hand with a view to the committee voting out one of them.

Subsequently the chairman did call a meeting of his committee and a full hearing was held. Not a single voice was raised at that hearing in opposition to the elimination of partition in Ireland, in spite of the universal publicity given to the matter.

Although those hearings were held on April 28, the Foreign Affairs Committee has not yet voted out any one of the resolutions, either in the original or a modified form. While I appreciate the many responsibilities of the chairman and the numerous problems before his committee, nevertheless, I hope that it may yet be possible for his committee to meet and take favorable action in this regard. I feel that the gentleman from West Virginia is not adverse to this legislation in view of his statement on the floor at the time he was urging that the amendment I had offered to the Marshall plan be withdrawn. At that time he said, on March 29:

> If the amendment offered by the gentleman from Rhode Island were a separate resolution, I think now that I would perhaps be glad to support it; but it really has no germaneness to the purposes of the bill.

In view of the attitude of the chairman [Mr. KEE] and because of the great interest of so many Members of the House, I urge the Committee on Foreign Affairs to take action on these resolutions and report one of them to the House for its consideration.

Much time and effort has been devoted to the question of the partition of Ireland. This work should not now prove of no avail. Instead we should be given an opportunity to complete the action on this matter and bring the issue to a vote in the House before the end of the present session. I am confident that an expression by the House of Representatives urging that all Ireland should be united, provided the majority of all the people of all of Ireland so indicate, would carry great weight before the British Parliament in London. This would be especially so, if our State Department would join in urging Britain to respond to the expression of the opinion of this body, both in the interests of the rights of the Irish people to their full independence as well as for the benefit of European defense and the mutual cooperation of all the western European nations in economic recovery. The time for action is now. For once let us anticipate possible

danger and disaster on the international front by eliminating the cause of trouble ahead of time.

I might speak at great length on this subject, but the equities of the case speak for themselves. The injustice of partition, the continuing friction it engenders, the threat to peace and harmony all demand prompt action. I do hope that we may have prompt and favorable action by the members of the Foreign Affairs Committee and that an appropriate resolution may be brought before the House for immediate consideration.

Mr. ROONEY. Mr. Speaker, will the distinguished gentleman yield?

Mr. FOGARTY. I yield.

Mr. ROONEY. Is it not the fact that at the hearing before the subcommittee of the House Committee on Foreign Affairs on April 28 last, not a single witness appeared in opposition to the resolution introduced by the gentleman from Rhode Island which was then under consideration before that committee?

Mr. FOGARTY. That is absolutely correct, and that was after a great deal of publicity had been given to the holding of the meeting on that day.

Mr. ROONEY. Mr. Speaker, I wish to commend my good friend, the gentleman from Rhode Island, upon the statement he has made to the House today. I agree with him that action should be taken by this House promptly on the matter of the abolition of partition in Ireland.

Mr. DAVENPORT. Mr. Speaker, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Pennsylvania.

Mr. DAVENPORT. Mr. Speaker, I wholeheartedly endorse the sentiments expressed by the distinguished and able Congressman from Rhode Island. In my short period in the House I have consistently supported every movement which might tend to solve this unfortunate problem of partition which exists in the Irish Nation. I am satisfied that if only good will existed on both sides of the problem, as it certainly exists on the side of the Irish Republic, the question of partition could be solved with a minimum of friction. We, of the United States, are friendly with both parties to the dispute, and it has been a constant source of surprise to me that our good offices have not been utilized to mediate the question.

It seems to me that it would be in our own interests to act as arbiters and to achieve a friendly settlement of this long-standing issue. A solution would, as I have before stated in this House, in all probability bring Ireland into that circle of nations now known as the North Atlantic Pact. In that connection I would like to mention as matters are at present Ireland is one of the few nations in Europe that has no effective means of defense against the peril which overshadows Europe today. Some months ago I brought this question of defense of Ireland to the attention of the House Committee on Foreign Affairs dealing with the military-assistance program. I mentioned that Ireland is in need of arms, and I quoted for the information of that committee the text of a statement made by the Irish Minister for External Affairs on June 6 last to a United Press correspondent. With the permission of the House I should like to read that statement:

"Of all the European countries this side of the iron curtain Ireland is the most completely anti-Communist. We are probably the only western European nation with no Communist Party. In the event of war the Irish people would resist any attempted invasion more unitedly and determinedly than any other nation in Europe. For that reason I should think the United States would do well to furnish us with the necessary armaments beforehand," Sean McBride, Irish Minister for External Affairs, said. He also said that Ireland is unable to join the North Atlantic Pact while part of "our territory" remains under British rule. But he said that in any future conflict between Soviet Russia and the west she would resist Communist invasion with all her strength. "For that reason," he said, "I should think the United States would do well to furnish us with the necessary arms in advance."

It will be noted that Mr. McBride said that Ireland is having increasing difficulty in obtaining the armaments she requires from Great Britain. And that he suggests that it would be in the interests of both the United States and Ireland that an adequate supply of defense armament be made available to Ireland for defense in time of war.

I should like also to mention that Dr. O'Higgins, the Irish Minister for Defense, speaking in the Irish Parliament, mentioned that Ireland was deficient in the means of defense—that such weapons as the Irish Army had are obsolete and that they could only obtain new arms—and I quote the Minister's own phrase—"in driblets"—and that such arms as they were getting were being purchased in Great Britain. I might mention, also, that the Minister of Defense said that there is no arms industry in Ireland and that not even shotgun shells could be made in the country. Under the circumstances, it seems to me that the position of Ireland in regard to arms is a question which ought seriously to come under the consideration of this country.

It is my understanding that Ireland is in full sympathy with the objects of the Atlantic Pact. The reasons for nonadherence to this treaty are fully explained in a document recently published which gives the texts of exchanges between the State Department and the Irish Government relative to an invitation extended to Ireland to become a member of the Atlantic Treaty group. In the document the Irish Government expresses general sympathy with the aims and objects of the Atlantic Treaty and, in my interpretation, implies regret that because of the continued partition of the country by one of the signatories of the pact, it is not practical politics for the Irish Government to enter into any commitment involving military action jointly with the state responsible for the continuance of partition. The reasons adduced for not accepting the invitation to join the pact are in my opinion valid, but nevertheless, it is made clear that the Irish Government is, as I have previously stated, in favor of the objects of the Atlantic Treaty and, for that reason, I suggested to the House Foreign Affairs Committee that full consideration be given to the possibility of including Ireland's name in the program of military aid so that the country may have access to the proper arms necessary for defense. Some of the countries already in the list are farther from home and less important to the security of America than Ireland, our nearest neighbor to the east.

Some months ago, a retired officer of the British Navy, Brig. Gen. Eric Dorman O'Gowan, in a speech at the Overseas Writers Club here in Washington, mentioned that Ireland was in the present situation "a gap in our Atlantic wall of defense." This speech was inserted in the CONGRESSIONAL RECORD by a distinguished member of the Armed Services Committee, the Honorable PHILIP PHILBIN, of Massachusetts. Brigadier O'Gowan, speaking as a soldier acquainted with the difficulties of defense and speaking with the knowledge of long years of staff work, said that it was strategically unwise to consider Atlantic defense complete when it lacked Ireland as a defensive factor therein. He spoke of the necessity of approaching the problem of Ireland from a realistic point of view and with due deference to those who direct our foreign policy, I am of the opinion that it would be completely in the realistic interest of the United States if we could have Ireland armed with defensive weapons and I would urge that this gap in our defense wall be blocked by the provision of adequate defensive weapons to the Irish Nation.

There is no danger of communism in Ireland, and no danger that the arms will fall into communistic hands. The same, unfortunately, might not be said of other countries. If Europe should fall in the advance of the aggressor, we might well find that our best investment of arms and training would have been the relatively small amounts which we might expend in equipping the defense forces of the Irish Republic. That territory might conceivably be our last line of defense in Europe and indeed a springboard for reentry into Europe.

Today the Foreign Ministers of the three great western democracies, the United States, Great Britain and France, are considering in New York measures of security for Europe, and the Ministers of the Atlantic Pact countries are, I understand, also to meet and deliberate upon security measures to be taken for Europe. I would venture to recommend to them if it were our responsibility that in their deliberations they should consider the possibility of making a joint recommendation for the mediation of this partition problem so that Ireland as a united country may be enabled to join with them in their common cause.

Mr. LANE. Mr. Speaker, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Massachusetts.

Mr. LANE. Mr. Speaker, I am happy to join with my colleague, the gentleman from Rhode Island [Mr. FOGARTY], in urging favorable consideration of the various resolutions now pending before the Foreign Affairs Committee. It has been my pleasure to have introduced one of these resolution concerned with ending the partition of Ireland. In fact, I believe that I was the first to introduce

such a resolution before the Congress, having been concerned over this situation for a long period of years. However, I am not in the position of one who insists upon favorable action on the resolution I have introduced nor even on the suggestion I have made for handling this controversy. I am willing to have the committee exercise its mature judgment as to the type and form which the resolution should take. But I do urge most strongly that action be taken at this time in order that the border question in Ireland may be speedily brought to an end.

Others have spoken of the military reasons for uniting Ireland as an added incentive to bringing about justice to a small nation, which is unable to wage war in order to achieve her rights and which is unwilling to resort to such means to accomplish her desire for unity. Ireland has been employing every peaceful and legitimate means at her command to end this controversy with Great Britain, and I am sure that our encouragement will mean much in helping to find a solution to this problem.

Not only is the unity of Ireland a necessity from strategic reasons, but it is also of primary importance to the economic welfare of Ireland herself. The existence of the border in Ireland has created numerous difficulties and has thwarted the full development of both sections of the Nation, industrially and agriculturally. Railroads, power projects, and highways, all are hampered by reason of the existence of this border.

The industrial area of Belfast should be an integral part of the industry of all Ireland, of which it constitutes nearly a half. The agriculture of the northeastern section can best be advanced in cooperation with the development of agriculture in the rest of Ireland. The six-county area is not economically self-sufficient, and only when joined with the rest of Ireland is the whole nation enabled to progress and develop as it should.

At the present time we are working to augment the resources of the European nations and to improve the economy of western Europe. Ireland can play an important part in this program as she has already demonstrated by the great strides she has made since the war, through her own efforts and our assistance. Through the unification of the entire country the same progress can be maintained in all 32 counties and the economic stability of the six county area be greatly enhanced. This area during the years of depression proved to be the No. 1 area of Great Britain and Northern Ireland. Recovery was slowest and suffering greatest in this theoretic country, which should have been allowed to remain part and parcel of Ireland, which it naturally is. More relief had to be granted to the six counties than any other so-called British area, and that largely because the area simply was not adequate to maintain itself.

In promoting the economic recovery of Europe, the unifying of Ireland is as important a step as is the mechanization of agriculture or the revitalization of the soil. In an effort to promote the economic recovery we should urge that this vital step be taken to re unite these two sections of Ireland in order to develop greater self-sufficiency. The economic reasons for unification are as strong as the strategic or military reasons. However the cause of justice itself is the most compelling of all reasons, and on this ground alone, we should urge the reunification of Ireland, without regard to other means of justification for our taking action in this regard.

Throughout the centuries Ireland has waged a constant battle for freedom. Unable to achieve freedom at home, her sons and daughters joined the fight for freedom in various countries throughout the world, but in none more than here in America. The action of this House in requesting that Ireland be granted an opportunity to reunite her country, would be small thanks indeed for the generous aid Ireland gave us in our struggle for freedom and independence.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. McDONOUGH. Mr. Speaker, I join with my colleage the gentleman from Rhode Island in his appeal for action by the House Committee on Foreign Affairs on the resolution now pending before that committee on this very vital question. There are many parallels which can be drawn between the situation in Korea and Ireland. The one thing that is very glaring and which, to my mind, is no parallel at all, is that the United States acted quickly in the Korean situation and up to now we have done nothing so far as giving aid and comfort to Ireland in the matter of freedom of the six northern counties which have been separated from Ireland as a whole and for too long. I think the Committee on Foreign Affairs of the House has had plenty of opportunity to consider this question and if it were brought to the floor of the House for action, there is little question in my mind that there would be a favorable vote by the House which would make a great impression upon the need for the settlement of this age-old ancient question that has irritated the freedom of so many freedom-loving Irish people for so long. Freedom is dear to everyone, but it seems sometimes it is more dear to the Irishman who knows freedom and has fought valiantly for it across the world in practically every army of the world and for the freedom of practically every nation in the world, only to be denied that freedom in his own beloved Ireland. It seems to me that the very least we can do as a nation is to lend our support to helping Ireland obtain her fair and just rights to settle this long-delayed question of partition, by a free, uncontrolled nation-wide vote of all Ireland to settle once and for all the question of unity and freedom in this courageous and valiant nation, Ireland.

A glaring comparison between the Korean and the Irish situation is, in my opinion, best outlined in a letter recently written to President Truman by Mr. John J. Reilly, national vice president, American League for an Undivided Ireland, which I desire to insert in the RECORD in my remarks at this point, with the hope that this RECORD will be read by the Committee on Foreign Affairs, and that it will make an impression upon the obligation and duty that committee has to report this resolution to the House for action before this Congress adjourns.

The SPEAKER. Without objection, the extension may be made.

There was no objection.

The letter referred to is as follows:

THE PRESIDENT OF THE UNITED STATES,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: We are in complete agreement with the terms of your message to Congress proposing $150,000,000 in new economic aid for the Republic of Korea.

We are also in agreement, in principle, with the motives that prompt this and the many similar efforts that have distinguished your administration, and we hope that both Houses of Congress will continue to support you in your far-seeing plan to establish "peaceful and prosperous conditions in the world."

A comparison of the situation confronting the Republic of Korea with the situation that confronts the (de jure) Republic of Ireland reveals that both are in many respects identical. The two countries are struggling to overcome the result of long periods of occupation and exploitation by foreign powers, even while a portion of each is still forcibly occupied and partitioned—in the case of Ireland against the will of 85 percent of the populace.

The conditions in both cases are so strikingly similar that we have taken excerpts from your observations and recommendations in respect to Korea, and applied them to Ireland. We respectfully invite your attention to this application, as follows:

KOREA

"The people of the United States have long had sympathetic feelings for the people of Korea. * * * All Americans who have come to know the Korean people appreciate their fierce passion for freedom and their keen desire to become an independent nation.

"The debilitated state in which the Korean economy was left by the Japanese has been accentuated by the separation of the hydroelectric power, coal and metal and fertilizer industries of the north from the agricultural and textile industries of the south, and by the effects of continuing Communist agitation.

"Korea has become a testing ground in which the validity and practical value of the ideals and principles of democracy which the Republic is putting into practice are being matched against the practices of communism which have been imposed upon the people of North Korea. The survival and progress of the Republic toward a self-supporting, stable economy will have an immense and far-reaching influence on the people of Asia.

"Moreover, the Korean Republic, by demonstrating the success and tenacity of democracy in resisting communism, will stand as a beacon to the people of northern Asia in resisting the control of the Communist forces which have overrun them.

"The Republic of Korea, and the freedom-seeking people of North Korea held under Soviet domination, seek for themselves a united, self-governing and sovereign country, independent of foreign control and support and with membership in the United Nations.

"The United States has a deep interest in the continuing progress of the Korean people toward these objectives. The most practical aid which the United States can give toward reaching them will be to assist the Republic to move toward self-support at a decent standard of living. In the absence of such assistance there can be no real hope of achieving a unified, free, and democratic Korea.

"If we are faithful to our ideals and mindful of our interest in establishing

peaceful and prosperous conditions in the world, we will not fail to provide the aid which is so essential to Korea at this critical time."

IRELAND

The people of the United States have long had sympathetic feelings for the people of Ireland. All Americans who have come to know the Irish people appreciate their fierce passion for freedom and their keen desire to become an independent nation.

The debilitated state in which the Irish economy was left by the British has been accentuated by the separation of the manufacturing industries of the north from the agricultural industry and hydroelectric power of the south, and by the effects of continuing British interference and agitation.

Ireland has become a testing ground in which the validity and practical value of the ideals and principles of democracy which the Republic has put into practice are being matched against the police state practices which have been imposed upon the people of northeastern Ireland. The survival and progress of the Republic toward a self-supporting, stable economy will have an immense and far-reaching influence on friends and enemies of democracy alike.

Moreover, the Republic of Ireland, by demonstrating the success and tenacity of democracy in resisting communism (which, unfortunately, has obtained a foothold in the occupied portion of the country) and imperialism, will stand as a beacon to other oppressed peoples in resisting the forces that have overrun them.

The Republic of Ireland, and the freedom-seeking people of northern Ireland held under British domination, seek for themselves a united, self-governing and sovereign country, independent of foreign control and support and with membership in the United Nations and the Atlantic Alliance.

The United States has a deep interest in the continuing progress of the Irish people toward these objectives. The most practical aid which the United States can give toward reaching them will be to assist the Republic to move toward self-support at a decent standard of living. (These objectives can best be accomplished by the dissolution of the partition of their country). In the absence of such assistance, there can be no real hope of peacefully achieving a unified, free and democratic Ireland.

If we are faithful to our ideals and mindful of our interest in establishing peaceful and prosperous conditions in the world, we will not fail to provide the aid which is so essential to Ireland at this critical time.

The Irish partition grievance may popularly be considered of little relative importance, but while principles fundamental to justice and peace are being violated; while a friendly, democratic nation is assailed by another whose destinies we are safeguarding; while the helpless victim of that continued assault is thereby unable to accept membership in the North Atlantic Alliance, thus regretfully weakening our own security, we are forced to the conclusion that the matter is of serious consequence to us—so serious, indeed, that our immediate interest seems to justify and compel our intervention.

Because of the tremendous responsibilities of your office, Mr. President, and the grave matters to which your attention is daily devoted, it is possible that you have had little time to give to this question. We feel assured, however, that your administration, which has gained a reputation for candid and honest statesmanship, will concern itself with this age-old injustice. A demonstration of sincerity and good will in this instance will furnish additional proof of the readiness of your administration to cooperate generously in the solution of other major international disputes that may now seem insoluble.

Prompted by the warm feeling engendered among our people by your statement on Korea, may we express the hope that the honesty and forthrightness of your beliefs may in the near future be applied to the denial of basic human rights caused by the partition of Ireland.

Sincerely yours,

JOHN J. REILLY,
National Vice President, American League for an Undivided Ireland.

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GORSKI] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. GORSKI. Mr. Speaker, Ireland is fundamentally a democratic and freedom-loving country—it has sent its missionaries throughout the world preaching the principles of Christian civilization and the democratic way of life.

Ireland wishes to be able to play its full part in protecting and preserving Christian and democratic principles and ideals but is confronted with a difficulty not easily surmounted. The occupation of her six northeastern counties by British forces against the will of the majority of the Irish people has presented a problem and is the only one outstanding cause of friction and misunderstanding between Ireland and Britain.

It is only fitting that we bring out, today, the unjust condition which exists. The Foreign Ministers of the Atlantic Pact nations are meeting in New York now. Ireland cannot join that pact because of the partition of her country. She could not afford to enter into an alliance with the state which was responsible for the partition of Ireland, which continues to occupy a portion of the country with its armed forces, and which supports the undemocratic practices of a dictatorship. Ireland was partitioned by an act of the British Parliament in 1920 and it has been resented not only by the native Irishmen but also by the Americans who have descended from that freedom-loving country.

The continuance of the partition of Ireland is a violation of Ireland's territorial integrity and is a denial in her case of the elementary democratic right of national self-determination.

It is important, therefore, that the House Foreign Affairs Committee take action on the resolution favoring the abolishment of partition.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FOGARTY. I yield.

Mrs. ROGERS of Massachusetts. I only wish I were still a member of the Foreign Affairs Committee, in order that I might have an opportunity to fight in that committee to bring this resolution to the floor. Ireland has always fought for freedom in every country.

Mr. FOGARTY. I thank the gentlewoman.

The SPEAKER. The time of the gentleman from Rhode Island has expired.

CIVIL DEFENSE

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CANFIELD. Mr. Speaker, the President says legislation is necessary for proper civil defense and pending action by the Congress he indicates he will set up out of emergency funds a temporary or makeshift organization.

Ever since the report of the atomic explosion in Russia I have been urging the development of a national program of civil defense. Belatedly, the National Security Resources Board has appraised the danger facing so-called target cities and has made recommendations. Unlike taxes we cannot make civil defense retroactive and I contend Congress should meet its responsibility now.

I feel also that postponement of action to take the profits out of war and the shelving of the Hawaii-Alaska statehood bills may prove costly. I oppose the program to rush adjournment.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CANFIELD. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I know that the gentleman is one of the pioneers for a permanent national civilian defense program. I am delighted that the administration has decided to have one. I agree that the legislation should be passed now, and that we should not adjourn until action is taken on it. I introduced a bill for the purpose of creating a national civilian defense.

Mr. CANFIELD. I am aware of that, and I know the gentlewoman has always pioneered in this effort.

Mrs. ROGERS of Massachusetts. The gentleman has fought steadily day after day for it.

CIVILIAN DEFENSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute now, in lieu of the special order that I have been granted for later.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, as I stated recently, I am very glad the President has decided to create a Department of National Civilian Defense with a head in Washington. It is vital for the security of our country and for the mental security of our people. They have been very anxious over the situation. I think the Congress should not adjourn until this has been accomplished, and also until the bill that would give the veterans in hospitals their mustering-out pay. Apparently, unwittingly an error was made in the bill that passed the committee giving retirement instead of compensation discharge to the men, so they lost their mustering-out pay. It means an enormous amount to the men who are still in hospitals awaiting their discharge, because they will lose their mustering-out pay. That should be passed before we adjourn. No one will

object to it; it was an error in the legislation.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that on Thursday and again on Friday I may address the House for 20 minutes following the legislative program and any special orders heretofore entered for the respective days.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include certain extraneous matter.)

EX-CONVICT ED RUMELY, THE SELF-APPOINTED MINISTER OF PROPAGANDA, KEEPS REPUBLICAN LEADER IN LINE

Mr. PATMAN. Mr. Speaker, I hold in my hand three tremendously interesting clippings from the Republican newspapers in the city of Providence, R. I.

The first clipping is from the Evening Bulletin dated Friday, September 1—3 days after I delivered a speech revealing once again the subversive activities of the ex-convict, Edward A. Rumely, and his committee for a Fascist government in the United States, alias Committee for Constitutional Government.

On page 1 of the Providence Evening Bulletin is this headline: "Dresser answers PATMAN attack on Rumely, self." To the credit of the Evening Bulletin, a Republican newspaper, let me say that they published, along with Robert Dresser's statement, a fair account of what I said on August 29 concerning Mr. Dresser, one of Rumely's oberleutnants. I had documentary proof that Dresser was part and parcel of Rumely's gang. In the 2 weeks that followed, the Rhode Island press and radio kept commenting on my remarks and Dresser's defense of Rumely and himself. Then, on September 15, top of page 1, there appeared this article I hold in my hand, with the headline "Dresser resigns R. I. GOP finance committee post" and the subheadline "Says he believes his action is what Levy, senatorial candidate, desires."

Three days later, in the Providence Evening Bulletin, on page 1, is the third article, Levy-Dresser Differences Not Resolved. The article contains a most significant statement from Republican senatorial candidate Levy which I quote:

It is true that Mr. Dresser and I hold opposite views on fundamental matters of importance. In addition, there are differences of opinion as to how the campaign should be organized and conducted. I am concerned that these differences have not been relieved since Mr. Dresser published his letter of withdrawal.

I believe that there is room within the framework of the Republican Party for all active workers and patriotic Americans who are concerned for our country's future.

And then, continued the article:

While Levy declined to enlarge, his reply was interpreted in some measure as accentuating the clash between him and other Republicans of Dresser's beliefs concerning what the party should stand for in the campaign.

Mr. Speaker, in my remarks of August 29, I asked the question: Will the Republicans never turn their back on Ed Rumely and his ilk? I had questioned the strange kinship between the Republican Party and some of the principal owners and operators of that party with the proven Fascist, Edward A. Rumely, and his personal anti-American activities committee, alias the Committee for Constitutional Government. I had stated that Robert Dresser, prominent Providence, R. I., attorney, was part and parcel of Rumely's gang. I had also quoted in my remarks of the 29th a statement from the Providence Journal that Dresser admitted quoting in a letter to Guy Gabrielson, Republican National Chairman, from the writings of the longtime hatemonger, Joseph P. Kamp. Kamp, you will recall, was one of the pro-Nazis indicted by the Government for treason during World War II. Kamp, you will also recall, is in or just got out of jail for contempt of Congress, and on August 31 was cited again for contempt of Congress for failing to reveal the source of the money which enables him to carry on his nefarious activities. Dresser said in his statement:

I am proud to be classed as a friend of Joe Kamp and to quote from his excellent writings.

One of the clippings I hold in my hand quotes James H. Readia, Jr., chairman of the finance committee, who said that Dresser's withdrawal from the committee is a very real tragedy to the party in Rhode Island.

Readia said, according to the article, that no man in the party has been more instrumental in raising campaign funds.

Just think of that, this valuable Republican, Dresser, an oberleutnant of Ed Rumely, proud to quote from the long-time hatemonger, is a vital cog in the Republican machine in Rhode Island and nationally.

But Republican senatorial candidate Austin Levy cannot stomach all this. Here is a man, a Republican, who does turn his back on the Rumelys, the Dressers, and the Kamps. He does not want the Republican Party to become a Fascist party. He says:

I believe that there is room within the framework of the Republican Party for all active workers and all patriotic Americans who are concerned for our country's future.

Evidently, and quite accurately, he did not classify Rumely, Dresser, and Kamp among these. For his common sense and his patriotism, I, a Democrat, commend Austin Levy, the Republican.

But do we hear any statement from GOP Chairman Guy Gabrielson turning his back on such characters? From him there is an ominous, loud, and revealing silence.

Now, the gentleman from Michigan, CLARE HOFFMAN, during the course of his remarks in the House on September 18, inserted in the RECORD a statement from Mr. Dresser which quoted from my remarks of August 29 concerning Edward Rumely, his committee, and his oberleutnant, Robert Dresser. Then, after these quotations lifted out of context, the gentleman from Michigan says that they follow—

The usual pattern used by those with which Mr. PATMAN runs. In place of a discussion of the issues on their merits, it substitutes vilification and abuse. It is the familiar smear technique of the New Deal.

Significantly, the gentleman from Michigan is paraphrasing what Robert Dresser said about my statement.

The Providence Evening Bulletin of September 1 said that the Patman attack, according to Dresser, "omits all discussion of issues on their merits and confines itself to vilification and abuse. It is the familiar smear technique of the New Deal."

Now, of course, both of these statements imply that I made charges without backing them up. Consequently, in fairness to all, I shall now quote what Dresser left out of context from my remarks of August 29 and which the gentleman from Michigan inserted in the RECORD. At the same time, I shall also quote from my remarks of August 29 the supporting evidence.

EFFORTS TO PREVENT PEOPLE GETTING THE TRUTH

It is a curious fact that the day after I delivered my remarks concerning Rumely, Dresser, and the Committee for a Fascist Government in the United States it was impossible to buy a copy of the CONGRESSIONAL RECORD. A member of my staff tried to do so but to no avail.

We learned that Rumely's friends had been to work and gobbled them all up so that neither the press nor the American people would be able to learn what I had revealed. I therefore welcome the opportunity to reply to Mr. Dresser's statement as inserted in the RECORD by the gentleman from Michigan. My remarks had been lifted out of context. I only hope that the press this time will be able to get ahold of today's RECORD and then send out across the land what anti-American activities Rumely, Dresser, and their friends carry on.

And I hope the press will not be intimidated by Rumely's gang. There are no libel suits when you tell the truth.

Dresser's first quotation from my speech, as put in the RECORD of September 18 by the gentleman from Michigan [Mr. HOFFMAN], is as follows:

Mr. Speaker, I rise to warn the American people and the Congress of the United States about a man, an evil man, and an evil institution he directs. This man constitutes as grave a threat to the well-being and security of the United States as any Communist within our borders, yet he is no Communist.

He does use their tactics; for example, the constant repetition of the big lie. He defies the constitutional authority of the House of Representatives just as the Communists have consistently done. He is as fraudulent as they are. He is at least as arrogant. He wraps himself up in the cloak of our Constitution, and he assumes a superduper patriotism. He pretends to be a defender of our freedom. Actually he would destroy it.

* * * * *

In years past I warned you about this man and his sinister purpose. I told you who Ed Rumely was. He was an American Fascist, plain and unadulterated, when I first revealed his un-American activities in 1944. Ed Rumely is the same plain, unadulterated native Fascist today and his committee for

a Fascist government in the United States, alias the Committee for Constitutional Government, is up to its old tricks of trying to fool all the people all the time on legislative matters of vital importance to the people of this Nation.

I shall now reinsert some portions of my speech which are pertinent to the aforementioned:

WHAT IS A FASCIST AND FASCISM?

Now, the word "Fascist," like the word "Communist," has been bandied about rather loosely in recent years. Ed Rumely and his crowd would call anyone a Communist who voted for any legislation designed to aid the general public. The Daily Worker would call anyone who disagreed with the Moscow party line a Fascist.

I will tell you precisely what I mean by Fascist and fascism, and in the course of my remarks you will learn that Ed Rumely and his extreme, reactionary committee fit the descriptions.

Just what is a Fascist? A Fascist is a man who is totally and absolutely antidemocratic. A Fascist is a man who in reality does not believe in the rights of man. A Fascist is a man who, ignoring all human rights, worships property rights and power. Such were the kind of men who put Hitler into power, and before Hitler, Mussolini.

Just what is fascism? The late, renowned Heywood Broun called it a "dictatorship from the extreme right, a government which is run by a small group of large industrialists and financial lords. The mere presence of the Supreme Court, a House of Representatives, a Senate, and a President would not be sufficient protection against the utter centralization of power in the hands of a few men who might hold no office at all."

Fascism cynically denies the ability of the people to govern themselves through their own chosen representatives. Under fascism, as under communism, the individual is a vassal of the state. Under fascism the rich get richer and the poor more downtrodden. Under fascism monopolies are handed over to the chosen few in the government hierarchy. Under fascism labor unions are used to suppress labor. Under fascism taxation is not based upon ability to pay; the tax load is thrown upon those least able to pay while the rich are encouraged to become wealthier. Under fascism any forward-looking legislation such as social security, soil conservation, veterans benefits, public housing, national health insurance—all such legislation is ridiculed and dubbed socialism or communism.

Under fascism, just as under communism, religions are ridiculed, because the individual would look to a higher power than the state. The state cannot tolerate people looking to any power higher than itself.

Gentlemen, practically every piece of propaganda turned out the past decade or more—running into tens of millions of copies of speeches, articles, and statements—from Ed Rumely's phony constitutional committee has been saturated with the obnoxious odor of fascistic bias. This propaganda, if we examine a single item, would not necessarily prove fascistic, but when you add all of the material together, you cannot escape the fact that what Ed Rumely and his committee are trying to perpetrate upon the American people is a violently reactionary government, which adds up to the Fascist state.

Let me repeat that: A single item from Ed Rumely's propaganda machine may or may not be fascistic, but through the years, adding all the component parts, he and his committee spell but one thing for America: fascism.

Now, regarding my remarks about Rumely being the disseminator of the big lie, let us see what I said on the subject which Dresser did not include in his statement inserted by Congressman HOFFMAN:

RUMELY, CCG, AND THE BIG-LIE TECHNIQUE

The big lie that Ed Rumely spews, hoping that by repeating it the people will come to believe it truth, is that everything that has happened in America since the advent of Franklin D. Roosevelt is socialistic and communistic, and he does not differentiate between new dealism, the Truman Fair Deal, socialism, or communism—this cruel untruth in spite of the fact that one major corporation in America last year made $600,000,000 net after all taxes. Rumely would have the people believe that white is black and black is white. He tries to frighten people with scare words. He is against rheumatism, socialism, communism. Well, who is not?

But let us see what he means by socialism or communism. Ed Rumely and his committee, which consistently through the years has worked against the best interests of the people of the United States, have fought, when badly needed, all rent-control and low-rent and veterans' housing bills. Such measures he calls socialistic or communistic. He tried to do away with the income tax on high-bracket incomes.

"SOCIALISM—COMMUNISM"

He fought labor's magna carta, the Wagner Act, using the same scare words: "Socialism—communism." Rumely wants labor to believe that unions are against their own interests, that the Taft-Hartley law is the finest thing that ever happened to labor. He tries to make people who are benefited by the minimum-wage law believe that those who favor such legislation are plotting to undermine the country and make them unemployed. The minimum-wage law is dubbed socialistic or communistic.

And so, too, every other forward-looking measure part and parcel of the Roosevelt and Truman programs. Day in, day out, year in, year out, he seeks to divide the country, to make the farmer believe that anything that benefits labor will work against the farmer and vice versa. Those measures designed to help the people are socialistic or communistic, and those who espouse such measures are Socialists, Communists, or planners and fellow travelers.

Gentlemen, if this renegade, Rumely, had his way and could succeed in abolishing all of our social legislation passed since 1933 under Roosevelt and Truman, we would have complete anarchy in America. We would have what the Communists pray for—revolution in America.

The big lie is contained all through his propaganda, about which I said:

HOW A FASCIST PROPAGANDA MILL OPERATES

Millions of dollars have been collected by Rumely to run his propaganda mill. In 1944 his committee issued a pamphlet which contains the following statement:

"In mobilizing and educating public opinion on constitutional issues, the committee has sent out since 1937:

"Eighty-two million pieces of literature—booklets, pamphlets, reprints of editorials and articles, specially addressed letters, and 760,000 books.

"More than 10,000 transcriptions, carrying 15-minute radio talks on national issues, besides frequent national hook-ups for representatives of the committee.

"Three hundred and fifty thousand telegrams to citizens to arouse them to action on great issues.

"Many thousands of releases to daily and weekly newspapers."

Rumely's auditor reported that in 1943 26,456,636 pieces of literature were printed. In lobbying reports on file with the Clerk of the House of Representatives, the Fascistic Committee for Constitutional Government lists the following expenditures:

1946	$216,575.39
1947	460,908.11
1948	450,000.63
1949	620,632.07
First 6 months (1950)	517,580.19

I repeated that he was a disseminator of the big lie in the following words:

He is completely antidemocratic and antisocial. He would destroy America's freedom. He would make the rich richer; the poor poorer. He is the willing and paid agent of the most selfish and short-sighted wealthy individuals in America.

Dresser quoted me as follows:

I am speaking to you today, hoping that my remarks will somehow get back to those unthinking, irrational millionaire suckers who are counting upon Ed Rumely and his ilk to save their America. I hope these foolish men wise up and dry up their contributions.

The following, which Dresser failed to quote, is pertinent to the afore-mentioned. It will indicate who some of Rumely's millionaire backers are.

Now let me quote from a telegram signed by patriarch Lammot du Pont, one of the most unreconstructed Tories in America, who has not learned that, if you do not throw a bone to a hungry dog, the dog might bite you. Mr. du Pont is one of the principal donors to any and all reactionary causes, including the lost cause of the GOP. Wires Mr. du Pont to a host of big corporation executives:

"Last year we and other Delaware citizens helped finance America's future. * * * Treasury ruled gifts deductible. Please make your company's check payable America's Future, Inc., care of William J. Laird, Wilmington Trust Co."

America's Future is one of Ed Rumely's phony front organizations.

THE THIN ODOR OF PEW AND OTHERS

Mr. J. Howard Pew, one of the principal owners and operators of the Grand Old Party, who for nearly two decades has thrown vast sums away in 48 States and nationally for the lost cause of the GOP, also worked hard sending telegrams for Rumely's front organization, America's Future.

Now, let us take a look at the ex-convict's stationery for his Committee for Constitutional Government. Partial list of advisory board:

"Edward H. Moore, Tulsa, Okla.: Ed Moore was a one-term Republican Senator who thought that the Congress of the United States operated exclusively for millionaires.

"Frank E. Gannett, Rochester, N. Y.: This New York publisher ran for the Vice Presidential nomination several times. Even the old guard wing of the GOP could not stomach this Fascist-minded gentleman.

"Louis J. Taber, Columbus, Ohio: An alleged farm leader whose advice to farmers has long been that of a glassy-eyed banker. Taber was a Hoover farm adviser, and you remember what happened to the farmers under the administration of the great engineer.

"J. H. Gipson, Caldwell, Iowa.: State director, Republican State Advisory Committee, in 1945.

"O. R. McGuire, Washington, D. C.: Was counsel for the National Association of Property Owners and Taxpayers, an arch-Republican outfit.

"Mrs. Henry Doorly, Omaha, Nebr.—Her husband owns and operates the Omaha World Herald that is so fiendishly Republican it frequently makes Colonel McCormick's Chicago Tribune look like a pro-administration newspaper by comparison."

And so on down the list it goes so far as Rumely's advisory board is concerned.

Now, it is a well-known fact that most upper-income people, particularly corporation heads and monopoly chietains, are Republicans. Let me quote from a letter, signed by Rumely, written to a Member of Congress:

"Attached hereto a booklet, Suggestions, by Robert B. Dresser, one of our trustees, of which the first 60,000 are going into circulation currently. One of our trustees, Harvey Fruehauf, is sending 6,600 copies to his stockholders, writing them, urging them to speak up to Congress. He is also writing to corporation presidents urging them to distribute this to their stockholders.

"Last spring the trustees voted to begin a long-range program of education on the tax issue. A copy of the resolution is enclosed. We distributed several hundred thousand Would You Like To Double Your Income? last spring and arranged in selected districts to have friends of the committee enlist 20 to 30 leading individuals to write to their Representatives."

The Harvey Fruehauf mentioned above is the wealthy trailer manufacturer on Rumely's advisory board who spends a fortune on lost causes, including the GOP. I cited the afore-mentioned letter because it shows how stockholders are fooled by such moral deviates as Rumely and his venal henchmen. Now, let me quote from a letter written to Mr. Fruehauf on November 19, 1948, signed by Ed Rumely:

"As we are asking you to write to the 17,000 corporation presidents, we asked Ed Hutton to write to 20,000 individuals worth $500,000 to $1,000,000 and over. Copy of his letter is attached. * * *

"If you care to, you might say 'This committee is in no way political. If it were, I would not support it * * * but it does try to shield public officials regardless of party from the revenge tactics of the rulers of labor monopolies. It distributes to the public nonpartisan educational material on vital constitutional and free-enterprise issues that are under consideration.'

"I do hope that we can have on Monday your O. K., for your letter is the only good key that we have to open the door to the most important group that we must reach immediately."

Parenthetically, I shall add that Mr. Edward F. Hutton, 61 Broadway, New York, N. Y., is the principal partner of E. F. Hutton & Co., one of the largest Wall Street brokerage houses. He also finances lost causes such as the GOP.

FIGHTERS FOR FREEDOM GROUP

Now I want to quote from a long letter, dated October 7, 1949, from Ed Rumely to former Republican Senator Albert Hawkes, who at one time was president of the National Association of Manufacturers:

"Your telephone call was a source of great encouragement.

"A grass-roots organization across the Nation is a major job which the committee could not undertake except for its 12-year-long background. During this period we have accumulated a list of about 75,000 who have given financial support aggregating a total of $5,500,000. Mainly, these same supporters have projected America's Future, contributing to it an additional $1,000,000.

"During the last 8 months we have been carefully, step by step, preparing the Fighters for Freedom movement."

Dresser lifts out of context the following:

This cancer on the American body politic, Rumely, and the coterie of blind Tories that support him are sending out across the Nation a book written by a psychopath named John T. Flynn. The book, The Road Ahead, has been called by America, the liberal Catholic magazine, the road to nowhere. Flynn proves in his book the big lie that Roosevelt, Truman, the Fair Deal, the New Deal, socialism, communism are indistinguishable.

The following from my August 29 speech is pertinent to the afore-mentioned:

RUMELY, CCG, JOHN T. FLYNN, AND THE "KINGDOM OF GOD" OFFEND PROTESTANTS

In this book Rumely distributes by the hundreds of thousands is a chapter called The Kingdom of God. I will quote from this chapter because I do not believe that the Republican Party wishes deliberately to offend the great mass of churchgoers in America. If they do not wish to do this, then the Republican Tories who keep Rumely going had better see that he at least eliminates part of chapter 10 before he mails it out so promiscuously and the Republicans endorse it so enthusiastically.

"There is an organization known as the Federal Council of Churches of Christ in America. Its constituent members are 25 Protestant denominations in America. These denominations claim to represent 142,354 local congregations with a membership of 27,000,000 Christian men and women and youth. This organization is governed by about 450 representatives—delegates from the constituent denominations. But the actual directing body is an executive committee of 80 members.

"What the political and social views of these 80 members may be I do not know. But I do know that this powerful council issues periodicals, pamphlets, books, and booklets and sends out preachers to preach the gospel, and that it is by all odds the most powerful apparatus in existence for propaganda among the Christian laity of America. And I know, moreover, and assert, that many of the men most powerful in directing its affairs are using its machinery to promote the interests of a Socialist revolution in America."

A postal card soliciting bulk purchases of The Road Ahead says:

"If you and others help distribute to millions this eye-opening book, they will see the perils ahead and reverse our movement into socialism."

Mr. John T. Flynn must enjoy poking into hornets' nests—and his buddy, Ed Rumely, too—because right now the most important single Protestant church organization in America is after them for spreading such lying propaganda as I have just quoted.

In America it is an accepted practice for political demagogs and crack-brained authors to malign their Government. But when two of such like Ed Rumely and John T. Flynn malign the Federal Council of Churches of Christ in America, our greatest Protestant organization, they may have started something they had not reckoned with. They may have cast the rope that will hang both of them.

I call this to the attention of my esteemed Republican colleagues so that they will not be led to the same scaffold.

RELIGIOUS INTOLERANCE

Speaking as a Baptist, I would be guilty of religious intolerance were I to denounce the Catholic Church. There is no danger of my doing so. I detest bigots. I risked my life to vigorously oppose and condemn the KKK at a time when the Klan was riding high, but speaking as a Protestant, I resent the Catholic John T. Flynn's denouncing leading, world-renowned members of the Protestant church, and furthermore I condemn vigorously the distribution of such false propaganda in the Protestant homes and Protestant churches throughout the United States as contained in the book the Road Ahead.

Dresser's defense statement as inserted into the RECORD by the gentleman from Michigan again lifts out of context the following:

You see, Rumely, the constitutional authority, was really interested in killing rent control and public housing to eliminate slums rather than in being what he claims to be, the great defender of American liberty and the Constitution. Dresser, bear in mind, is part and parcel of Rumley's gang.

The following from my August 29 remarks is pertinent to the above.

Ed Rumely wrote a letter to Mr. R. B. Dresser of Edward & Angel, 15 Westminster Street, Providence, R. I. I will not bother you with the full content of the letter. A few lines will certify the point that I wish to make. Mr. R. B. Dresser, incidentally, was a delegate to the 1944 and 1948 Republican Presidenial conventions of milk-of-human-kindness ROBERT TAFT.

Wrote Ed Rumely to Dresser:

"The committee spent almost $10,000 last June going back home to stir up support for killing the rent-control bill in committee. I did this on the urging of Chicago real-estate men."

Further on, Rumely complains to the Taft delegate:

"The real-estate people do not realize first that it takes money to fight a battle against union pressure with its vast treasuries, and second that they cannot expect individual small contributors to put up the funds needed for an effective campaign. When rent control and public housing come up in Congress at least 500,000, or preferably 700,000 or 800,000, people should be reached with literature and as many as possible aroused to speak up."

Dresser's statement quoting my remarks of August 29, inserted in the RECORD by the gentleman from Michigan, contained the following:

Mr. Speaker, I agree with Congressman DOYLE. Rumely is a plain fraud.

The afore-mentioned quote did not go on to say why I considered the man a fraud and why I agreed with Congressman DOYLE, of the House Lobby Investigating Committee. Rumely had contended before that committee that he was an educator and a publisher and, therefore, did not have to furnish records of those who put up the money for him to carry on his political propaganda mill. Here is the quote of Congressman DOYLE I used to show that Rumely is a fraud:

RUMELY THE FRAUD

Earlier in my remarks, I said that the former inmate of a United States jail, Ed Rumely, was a fraud. The subterfuges I have just presented to you show that I was not exaggerating. Here is some more proof.

Rumely says that his Committee for Constitutional Government is an "educational institution," and that he is really a publisher as well as an educator. My esteemed colleague, the gentleman from California, CLYDE DOYLE, a member of the House Select Committee on Lobbying Activities, gave the lie to this one. Said the gentleman from California [Mr. DOYLE]:

"The Committee for Constitutional Government is one of the heaviest spending lobbying groups on record. It has reported spending over $2,000,000 since the Lobbying Act went into effect, and yet has never revealed the identity of its big financial supporters.

"From time to time this organization has described itself as an ordinary commercial publisher. This lobbying organization dif-

fers from commercial publishers in many respects, some of which are:

"1. A commercial publisher takes the normal risks of operating a private business—he does not beg the public for money to help him carry on.

"2. A commercial publisher expects to pay income tax on his receipts—he does not seek tax exemption.

"3. A commercial publisher is in business for profit; he is not primarily an advocate. He does not constantly grind out pamphlets, leaflets, books, etc., which present only one side of the subject.

"4. A commercial publisher does not couple his publishing activities with incessant appeals to the citizenry to bring pressure to bear on Members of Congress in order to influence legislation.

"The commercial publishers of the United States are not governed by the Federal Lobbying Act in any way, and need not file reports under it. They are not attempting to influence legislation; they are attempting to make money. They should not be confused by attempts of out-and-out lobbying organizations to conceal their activities from Congress and the public.

"The Committee for Constitutional Government has also attempted to liken itself to educational institutions; but it ignores the following facts:

"1. An educational institution does not spend millions of dollars in pamphleteering campaigns designed to influence congressional action on legislation.

"2. An educational institution does not engage in a constant campaign for funds to carry on lobbying activities.

"3. An educational institution does not couple its activities with incessant appeals to the citizenry to bring pressure to bear on Members of Congress in order to influence legislation.

"4. An educational institution presents both sides of the question in an objective fashion for appraisal. It does not continually present only one viewpoint on each issue it considers.

"Considering all the afore-mentioned we can reach but one conclusion: Edward A. Rumely is not an educator. He is not a publisher."

As further proof that Rumely is a fraud, I also said, on August 29:

The Select Committee on Lobbying Activities discovered a subterfuge designed by Rumely's conniving brain to avoid revealing the source of large contributions from millionaires. The Committee for a Fascist Government, alias Committee for Constitutional Government, and its phony front organizations—such as Fighters for Freedom, America's Future, and the Constitution and Free Enterprise Foundation (note the patriotic names Rumely gives his enterprises)—print and distribute books, produce radio shows, and feed propaganda generally. Rumely, incidentally, gets a 4-percent commission (above $16,000 sales) on every book sold.

By law, the names of all contributors of $500 or more must be reported under the Lobbying Act. So Rumely calls money sent to him "contributions" only if it is less than $490. These contributions are used to distribute Rumely's propaganda booklets and to pay for his office overhead. If you send in more than $490, he will take it, but he will not call it a "contribution" even though you do. He uses it to finance the distribution of his books, just as he uses the small contributions, but this time he calls it a sale of books. He may or may not use it to pay office overhead, too. The Lobbying Committee could not find that out because he refused to give a constitutionally established committee of the United States Congress information that it was legally authorized to obtain.

Usually the purchaser of Rumely's "bunkum" does not know where the books, pamphlets, and other fascistic material are sent. Sometimes Rumely asks the mass purchaser to signify what schools and universities he would like to saturate with his poison. Very often the sucker complies.

The sale of books and literature operation has another purpose to the so-called Committee for Constitutional Government besides hiding the identity of its financial backers. It has been used as an inducement for individuals and corporations to supply the CCG with funds on the basis of a tax benefit to the purchaser—donor. The 1944 leaflet soliciting book purchases and direct contributions contains this statement:

"It is legal for corporation funds to be expended for the purchase of literature to educate employees, or the public, as to necessity for preserving those constitutional principles of law and order upon which the successful maintenance of free enterprise and the corporate activities of all stockholders depend."

* * * * *

INTERNAL REVENUE MOVES INTO CCG

The Bureau of Internal Revenue got wise to Rumely's fraud and ruled that CCG was not an educational institution and was, therefore, not entitled to a tax-exempt status and that contributions to it were not tax-exempt.

So the long-time conspirator, Rumely, figuring out another way to fleece Uncle Sam, came up with his ingenious device to make it profitable taxwise for the simple-minded fat cats to give their silly money to CCG. The amount involved in applying this device is not held to $490; it is unlimited. The purchasers of the books and pamphlets donate the con-man Rumely's propaganda to churches and universities for distribution and thus enjoy an income-tax exemption based upon such donations.

Rumely makes all the arrangements and handles all the money although Sumner Gerard is officially the treasurer or agent. The fat cat gets his tax exemption, and hoaxed schools and churches distribute the malicious misinformation and half-truths to students, teachers, and church members. As an example of how this deceitful man operates, I quote from a letter sent out in the fall of 1947 by CCG:

"If you have not yet used up your 15-percent tax deductible allowance, or if your company has not yet used its 5 percent of net allowance for educational and philanthropic work, make a contribution to colleges to distribute this book. Presidents of schools have asked for 65,000 copies, which we will supply as soon as donors have been found. For this special purpose, make your check payable to Sumner Gerard, agent. Mr. Gerard will earmark and make the funds available to colleges for purchase of Norton books. Committee for Constitutional Government, Inc."

Dresser's statement lifting the following quotations from my August 29 remarks, as inserted on September 18 by the gentleman from Michigan, is as follows:

Take the case of the wonderful friendship between Rumely and the crackpot anti-Semitic, self-admitted Fascist, Merwin K. Hart. Hart runs an equally violent propaganda outfit as the Committee for Constitutional Government—the National Economic Council. Frequently, Rumely and Hart have dinner together and discuss their mutual problems. I might add that they have mutual millionaire and big-business backers, including several members of the duPont family, Sears, Roebuck, Monsanto Chemical Co., John Raskob, William Volker & Co., Armco Steel Co., Gulf Oil Corp., Albert Hawkes, J. I. Case Co., Gen. Robert E. Wood, McCrory Stores, S. H. Kress & Co., Republic Steel, and others. They do have a lot in common.

* * * * *

Not infrequently, Rumely's CCG sends out some of Hart's weird stuff.

* * * * *

As chairman of the House Small Business Committee in the Seventy-ninth and Eighty-first Congresses, my investigators discovered how fraudulent were the National Small Businessmen's Association and the Small Business Economic Foundation, both run by one DeWitt Emery.

* * * * *

Now, it is a fact, that Rumely, Hart, Joe Kamp, DeWitt Emery, the NAM—all advocates of extreme reaction and/or actual fascism in America—team up whenever there is a job to do against the American people. These evil men and the antidemocratic groups they represent all work with one of the worst enemies of the people; Herb Nelson, executive vice president of and lobbyist for the National Association of Real Estate Boards.

The following quotations from my remarks of August 29 are pertinent to the afore-mentioned. Moreover, the hearings of the House Lobby Investigating Committee on Herb Nelson and the Real Estate Lobby, Merwin K. Hart, Joe Kamp, and Edward A. Rumely, recently printed in Government documents, give further ample proof of all allegations I made concerning the tie-up of these characters and their groups. I refer the Members of the House to those documents, which are now available.

Organizational connections have been maintained between Rumely and Hart through groups of which Hart was a member or of which he was cofounder with one or more of Rumely's stooges for his constitutional government set-up.

RUMELY, CCG, AND AMERICAN ACTION—FASCISTS ALL

Such a connection existed in American Action, whose cofounders were Hart and the Fascist-minded radio commentator, Upton Close. Sam Pettengill, one of Rumely's ex-lieutenants in CCG, was in at the beginning of American Action. Close's fascistic radio series was sponsored by the National Economic Council. His manager, Leo F. Reardon, was a former confidential adviser to Father Coughlin. Another strand in this web of fascism shows Thomas N. Creigh, former general counsel for the Cudahy Packing Houses, and head of the Chicago branch of Hart's National Economic Council, a founder of American Action. American Action financial supporters were Gen. Robert E. Woods, of Sears, Roebuck; Col. Robert R. McCormick, Ernest T. Weir, and you guessed it, Lammot du Pont.

Another organization in Rumely's black spider web of reaction is one I know about from personal experience. As chairman of the House Small Business Committee in the Seventy-ninth and Eighty-first Congresses, my investigators discovered how fraudulent were the National Small Businessmen's Association and the Small Business Economic Foundation, both run by one DeWitt Emery.

In a report issued by the committee of which I have the honor to be chairman, it is disclosed that Emery was indiscreet enough to boast of his big-business backers, including United States Steel, Sears, Roebuck, Republic Steel, Chrysler Corp., Goodyear Tire & Rubber, American Rolling Mill Co., Inland Steel, and B. F. Goodrich, plus the big oil companies: Standard Oil of New Jersey, Standard Oil of Indiana, Socony-Vacuum, and the Texas Co. Emery was one of Rumely's hand servants in the formation of

American Action, Inc., where Rumely was represented directly through Samuel B. Pettengill.

Mr. Speaker, Dresser's statement as printed in the RECORD lifted from the context the following:

Now, Mr. Speaker, I am going to present the sordid story of Ed Rumely, the convicted traitor. If all my words to this moment have been unconvincing, if everything I have said is dubbed a political smear, which it most certainly is not, what I am about to say and the documentary proof I am about to present should convince this august body that Ed Rumely deserves no more support than any of America's Judas Iscariots.

* * * * *

Some of you may say, "Well, he got a Presidential pardon from Coolidge," but, Mr. Speaker, that does not wipe the record clean.

* * * * *

Mr. Speaker, throughout my remarks I have called Ed Rumely an ex-convict. Before I finish, I promise to present the full story of how he was indicted, tried, and convicted of a most heinous crime, namely, violating the Trading With the Enemy Act in World War I.

* * * * *

Before I finish my remarks today, I shall call upon the Republican Members of this House to publicly denounce Ed Rumely, the notorious ex-convict—I will give details of his criminal past later in my remarks.

* * * * *

I reinsert my remarks pertinent to the aforementioned.

RUMELY, THE CONVICTED TRAITOR

Now, Mr. Speaker, I am going to present the sordid story of Ed Rumely, the convicted traitor. If all my words to this moment have been unconvincing, if everything I have said is dubbed a political smear, which it most certainly is not, what I am about to say and the documentary proof I am about to present should convince this august body that Ed Rumely deserves no more support than any of America's Judas Iscariots. Just as Judas turned against Christ, so did this man Rumely turn against his country in its time of great trial. You may discount, should your conscience permit, all of his fascistic activities since the formulation of his committee of black reaction, but you cannot discount the pertinent fact that this man was charged, tried, and convicted of trading with the enemy of the United States.

Some of you may say, "Well, he got a Presidential pardon from Coolidge," but, Mr. Speaker, that does not wipe the record clean. A thousand pardons cannot erase the fact that this subversive character, who deserves the affection and support of no man really interested in the welfare of his Nation, was charged, tried, and convicted of trading with the enemy even though his case went to the highest court in the land—the United States Supreme Court. Mr. Speaker, I will now tell the sordid story.

Edward A. Rumely was born in La Porte, Ind. He was of German descent and received strong Germanic home training. His early education in the United States was of the best, including attendance at Rensselaer College (Indiana) and 2½ years at Notre Dame. At the age of 18 he left for Europe to continue his education. He remained at Oxford, England, for over a year and then went to Germany. He studied at the University of Heidelberg for a year and then spent 3½ years at the University in Freiburg, where he took his degree in medicine in 1906. During his stay in Germany he made the acquaintance of many prominent German educators and industrialists. Being at an impressionable age, he became thoroughly indoctrinated with Germanic ideas with which he was daily in contact.

RUMELY WANTED TO PRUSSIANIZE AMERICAN YOUTH

Upon his return to the United States, Rumely had the urge to spread Germanic ideas in the United States. As a start, he founded the Interlaken School for Boys. The school's bulletin observed: "Dr. Rumely is carrying out in American form the soundest ideas of German education," and further remarked: "It is almost solely by the power of its new type of education that Germany has forged to the front in the last 25 years.

World War I soon came along and Rumely felt that the American press was not presenting the Kaiser's side of the war to the public. As Rumely himself expressed it: "There was a great deal of resentment against biased reports that were coming and that bias I had recognized was due to the absence of a news flow from the Central Powers." Rumely received $200,000 from Dr. Heinrich F. Albert, the fiscal agent of the Imperial German Government, which was used for an advertisement in the foreign-language press of the United States. It was entitled "An Appeal to the American People" and was against furnishing aid to the Allies.

After extensive conferences with pro-German groups in the United States, including agents of the German Embassy, a much larger sum of the Kaiser's money—$1,200,000—was also made available to Rumely for the purpose of purchasing a newspaper to disseminate pro-German propaganda to the American people. To avoid having the ownership of the newspaper—the New York Evening Mail—appear in the name of the German Government or in the name of an agent who was a German national, the transaction took the form of a loan to Rumely of funds which were used for the purchase of the paper.

Later, as I have indicated, Rumely was indicted, tried, and convicted of violating the Trading With the Enemy Act, and served a term in prison. Specifically, he was convicted of conspiring to defraud the United States by obstructing and preventing the United States from seizing the indebtedness which Rumely owed to the German Imperial Government and making false and misleading reports to the Alien Property Custodian by concealing the fact of such indebtedness.

THE COURT GIVES LIE TO RUMELY'S LIE

Rumely is no ordinary rabble-rouser, but is a shrewd and diabolical operator, sensitive to all phases of public relations work and the techniques of influencing public opinion. Like some of the political and economic prevarications that he has repeated through the years in the hope that repetition will result in belief, he has consistently maintained that he was not a German agent in World War I, knowing that public knowledge of such conduct would detract from the effect of his present propaganda work. Nevertheless, Rumely had a fair trial and was convicted by a jury of 12 of his fellow Americans. Rumely has denied, and continues to deny, the fairness of his trial. Here, in part, is what the United States circuit court of appeals had to say about his trial:

"The trial began on November 3, 1920, and occupied 30 court days. During the trial 166 witnesses were examined, 670 exhibits were received in evidence, and the record fills 4 volumes of 2,139 printed pages. There are 249 assignments of error, which occupy 116 printed pages. Of these assignments of error, 206 relate to the admission or exclusion of evidence, 24 to the charge to the jury, 7 to the denial of motions to set aside the verdict, 8 to the denial of motions to dismiss the indictment, and 3 to the denial of motions requiring the Government to elect on which counts it would go to trial. We have on several occasions condemned the practice of taking so numerous assignments of error. The practice is not conducive to the administration of justice in appellate courts. Many such assignments of error are inconsequential, and of so little importance that the court should not be asked to review them.

* * * * *

"The omission of comment upon all the errors assigned must not be construed as due to the failure of the court to consider them. We have examined this case carefully, the indictment, the admission and exclusion of evidence, the charge of the court, and whatever errors have been assigned. We have found no sufficient reason, in any of the errors assigned, which would justify this court in setting the judgment aside. The defendants had a fair trial under a valid indictment. The jury has found them guilty, and we cannot say that there was no evidence which could justify the verdict which has been rendered.

"Judgment affirmed."

May I call to the attention of those who are interested in the pertinent parts of the court testimony, included in my remarks of August 29, which show why Rumely was convicted of trading with a foreign enemy—the German Imperial Government. Of course, Mr. Dresser would not be interested in this matter. I suggest that members of the Republican Party look up that testimony I presented because I am sure that they do not want to be linked in any way with one convicted of trading with an enemy of the United States.

In closing, I will repeat the lines of the poet Byron which I quoted in my remarks of August 29. They apply so very accurately to this man, Ed Rumely, as well as to those who are closely linked to him. Dresser would ignore these lines; as would Joe Kamp, Merwin K. Hart, and Edward A. Rumely. It was similar men of another day that Byron described in these words:

There is no traitor like him whose domestic treason plants the poinard within the heart which trusted to his truth.

EFFECT OF A PARDON

The courts have held that a pardon far from wiping out guilt the acceptance of an executive pardon may imply a conviction of guilt.

Rumely and his Fascist gang are trying to threaten the press as disclosed in a statement inserted in the CONGRESSIONAL RECORD on page 15065 by the Honorable CLARE HOFFMAN, of Michigan. It is under the heading "Warning of libel" on that page. Incidentally, the statement about libel is not a correct statement. The gentleman from Michigan [Mr. HOFFMAN] has also told the House that a pardon relieves the punishment and blots out of existence the guilt of the offender to such an extent in the eye of the law he is as innocent as if he had never committed the offense. This is not according to the law as I read it.

OPINION OF AMERICAN LAW SECTION, LEGISLATIVE REFERENCE SERVICE

At my request, a statement has been prepared by the American Law Section of the Legislative Reference Service of the Library of Congress on the effect of an executive pardon. It is a very com-

prehensive statement and is inserted herewith:

THE LIBRARY OF CONGRESS,
Washington 25, D. C., September 20, 1950.
To: Hon. WRIGHT PATMAN.
From: American Law Section, Legislative Reference Service.
Subject: Effect of an Executive pardon.

Your inquiry is whether or not the Legal Opinions appearing on page 15066 of the CONGRESSIONAL RECORD for September 18, 1950, are correct. Insofar as these Legal Opinions (which consist with one exception of citations to American Jurisprudence and Corpus Juris) purport to demonstrate that a full executive pardon "blots out the existence of guilt" and restores the one pardoned to a state of complete innocence as if the offense had never occurred, they do not appear to be in accord—as a general proposition—with the more accepted view today as evidenced by authoritative decisions and commentators on the subject. We express no opinion, however, as to the reasons motivating the pardon involved in the discussion on pages 15065–15066 of the RECORD, supra, or as to the facts therein stated concerning the asserted innocence of the persons involved. In view of the limited time afforded for reply to your inquiry, we have confined this discussion to an examination of the general precedents, without attempting to state variations which may result in particular types of situations.

It is true that in *Ex parte Garland* ((1866) 71 U. S. 333), the Supreme Court made some very broad statements concerning the efficiency of a pardon to restore innocence. These statements have often been quoted generally in subsequent cases where a more precise statement was not necessary. See discussion in Williston, Does a Pardon Blot Out Guilt? ((1915) 28 Harv. L. Rev. 647); see, e. g., *Illinois Central R. Co.* v. *Bosworth* ((1890) 133 U. S. 92) and other cases cited in 39 Am. Jur., Pardon, Reprieve and Amnesty, section 51, note 15 (referred to in the "Legal Opinions" above); *Re Stephenson* ((1942) 243 Ala. 342, 10 So. (2d) 1); *State of Oklahoma ex rel. Cloud* v. *Election Board of State of Oklahoma* ((1934) 36 P. (2d) 20). And, admittedly, in a few jurisdictions these statements have been applied literally. See cases vited in *People* v. *Biggs* ((1937) 9 Cal. (2d) 508, 71 P. (2d) 214).

Nevertheless, the better view today seems to be that while a full pardon removes most of the legal consequences and disabilities of the offense and halts further punishment therefor, it does not bring to the pardoned man treatment equal in all respects to that accorded a person who has never committed the offense. In other words, an executive pardon does not erase the fact of a finding of guilt. *In re Spenser* ((C. C. D. Oreg. 1878) 22 Fed. Case No. 13,234); *People ex rel. Prisament* v. *Brophy* ((1941) 287 N. Y. 132, 38 N. E. (2d) 468, cert. den. 317 U. S. 625); *Lyons* v. *Goldstein* ((1943) 290 N. Y. 19, 47 N. E. (2d) 425); *People* v. *Biggs*, supra; *Boles* v. *Laws* ((C. App. D. C. 1930) 45 F. (2d) 669 (dictum that a pardon does not annul the act nor relieve from all consequences of it)); Williston, *op. cit.* supra; Humbert, The Pardoning Power of the President (1941) 76–79; Note ((1916) 4 Calif. L. Rev. 236). As stated in Note ((1913) 13 Col. L. Rev. 418), "The pardon * * * cannot obliterate the fact of the commission of the felony or of the moral guilt of the offender * * *." In Humbert, *op. cit.* supra, 77, the author, referring to *Ex parte Garland*, supra, said that the "Court's generalization that a pardon blots out guilt and makes the offender in the eye of the law 'as innocent as if he had never committed the offense' and 'makes him, as it were, a new man' is not only false but also contrary to early English precedents from which the generalization is derived." Similarly, in *In re Spenser*, supra, the court, after quoting from the Garland case, said: "I do not suppose the opinion is to be understood as going to the length of holding that while the party is to be deemed innocent of the crime by reason of the pardon from and after the taking effect thereof, that it is also to be deemed that he never did commit the crime or was convicted of it. The effect of the pardon is prospective and not retrospective * * *. But it does not change the past and cannot annihilate the established fact that he was guilty of the offense." After examining English authorities the court further said: "From these authorities it is plain that a pardon does not operate retrospectively. The offender is purged of his guilt, and thenceforth he is an innocent man; but the past is not obliterated nor the fact that he had committed the crime wiped out."

Some decisions of the Supreme Court since *Ex parte Garland* also indicate that this is the correct view. (Humbert, op. cit. supra, 76–79.) See *Bradford* v. *U. S.* ((1913) 228 U. S. 446), and particularly *Burdick* v. *U. S.* ((1915) 236 U. S. 79), where it was stated by the Court that one to whom a pardon is offered may reject "escape by confession of guilt implied in the acceptance of a pardon * * * preferring to be the victim of the law rather than its acknowledged transgressor—preferring death even to such certain infamy." The Court, in discussing the distinctions between legislative immunity and a pardon, also said:

"The latter carries an imputation of guilt; acceptance a confession of it. The former has no such imputation or confession. It is tantamount to the silence of the witness. It is noncommittal. It is the unobtrusive act of the law giving protection against a sinister use of his testimony, not like a pardon requiring him to confess his guilt in order to avoid a conviction of it."

Supporting this analysis of the general problem are statements from some leading State cases. In *People* v. *Biggs*, supra, the Supreme Court of California declared:

"Appellant relies largely upon a number of declarations by various authorities as to the general effect of a pardon. The following are examples: 'The power to pardon is something more than the power to release from servitude. "Pardon" is the remission of guilt, amnesty, oblivion, or forgetfulness.' *People* v. *Hale* (64 Cal. App. 523, 533, 222 p. 148, 152). 'The effect of a pardon (under the rules of the common law) is to make the offender a new man; to acquit him of all corporal penalties and forfeitures annexed to that offense for which he obtains a pardon; it gives him a new credit and capacity.' *People* v. *Bowen* (43 Cal. 439, 442, 13 Am. Rep. 148), quoting from Blackstone's Commentaries. 'A pardon reaches both the punishment prescribed for the offense and the guilt of the offender; and when the pardon is full, it releases the punishment and blots out of existence the guilt, so that in the eye of the law the offender is as innocent as if he had never committed the offense. * * * If granted after conviction, it removes the penalties and disabilities, and restores him to all his civil rights; it makes him, as it were, a new man, and gives him a new credit and capacity.' *Ex parte Garland* (4 Wall. 333, 380, 18 L. Ed. 366). Similar expressions may be found in numerous other cases.

"But the somewhat extravagant language occasionally employed must be contrasted with the actual decisions of the courts. It is universally established that a pardon exempts the individual from the punishment which the law inflicts for the crime which he has committed; and generally speaking, it also removes any disqualifications or disabilities which would ordinarily have followed from the conviction. To say, however, that the offender is 'a new man,' and 'as innocent as if he had never committed the offense,' is to ignore the difference between the crime and the criminal. A person adjudged guilty of an offense is a convicted criminal, though pardoned; he may be deserving of punishment, though left unpunished; and the law may regard him as more dangerous to society than one never found guilty of crime, though it place no restraints upon him following his conviction. The criminal character or habits of the individual, the chief postulate of habitual criminal statutes, is often as clearly disclosed by a pardoned conviction as by one never condoned. The broad generalizations quoted above are, if taken too literally, logically unsound as well as historically questionable."

Likewise, in *People ex rel. Prisament* v. *Brophy*, supra, the New York Court of Appeals, after referring to *Ex parte Garland*, stated:

"Literally, of course, an executive pardon cannot blot out of existence the guilt of one who committed a crime. At most it can wipe out the legal consequences which flow from an adjudication of guilt. In Ex parte Garland, supra, the court gave to the Presidential pardon no greater effect. The court decided only that 'the effect of this pardon is to relieve the petitioner from all penalties and disabilities attached to the offense of treason, committed by his participation in the rebellion. So far as that offense is concerned, he is thus placed beyond the reach of punishment of any kind' (4 Wall. 381). To illuminate a decision in which a bare majority of the court concured and which was rendered while the passions roused by the rebellion still clouded the judgment of most citizens, the court used, appropriately enough, a metaphor; but metaphors cannot appropriately be used to justify a conclusion which would follow logically only if the metaphor were not a figure of speech but an accurate description. The logical difficulties which must follow if the metaphor used by the court in Ex parte Garland were accepted as a premise from which legal consequences inexorably follow are made manifest by what was said and decided by the court in Matter of ———, an attorney, 86 N. Y. 563, especially at page 569.

"The Supreme Court of the United States, indeed, has itself rejected the implications lurking in the metaphor it used in Ex parte Garland. In *Burdick* v. *United States* (263 U. S. 79, 90; 35 S. Ct. 267, 269; 59 L. Ed. 476), the Court pointed out that, far from wiping out guilt, the acceptance of an executive pardon may imply a confession of guilt."

Further, in *Lyons* v. *Goldstein*, supra, the New York Court of Appeals also pointed out:

"Executive clemency does not eliminate the fact of conviction; it merely results in ending further punishment * * * 'A pardon proceeds, not upon the theory of innocence, but implies guilt. If there was no guilt, theoretically at least, there would be no basis for pardon. It is granted, not as matter of right, but of grace * * * A party is acquitted on the ground of innocense. He is pardoned through favor * * * If the judgment was erroneous, the remedy was by appeal or by application to set it aside, and not by pardon.'"

Moreover, in *Knote* v. *U. S.* ((1878) 95 U. S. 149), the Supreme Court pointed out that a pardon cannot make amends for the past and undo what has been done. And, if character of a stated kind is a necessary qualification for some post or office, the fact that an individual has been convicted of a crime and then pardoned does not necessarily make him eligible. Williston, op. cit. supra; note ((1916) 4 Calif. L. Rev. 236) (a pardon "does not restore the ex-convict to a state of innocence nor in any way represent that he is as honest, reliable, and upright as if he had constantly maintained the character of a law-abiding citizen"). As

stated in *State ex rel. Attorney General* v. *Hawkins* ((1886) 44 Ohio State 98, 5 N. E. 228):

"Whatever the theory of the law may be as to the effect of a pardon, it cannot work such moral changes as to warrant the assertion that a pardoned convict is just as reliable as one who has constantly maintained the character of a good citizen."

It may be noted also that the Legal Opinions here under consideration in three instances cite statements purporting to demonstrate that one who is pardoned may bring an action for libel or slander against one who refers to such offense as having been committed by the person pardoned. Without attempting any analysis of the law of libel and slander in this respect in the limited time afforded for reply to your inquiry, it may be observed that in 33 American Jurisprudence, Libel and Slander, section 16, cited in the Legal Opinions as authority for this view, the sole case there cited is referred to in the following manner: *Shipp* v. *McCraw* (7. N. C. (3 Murph.) 463, 9 Am. Dec. 611 (discussed, not decided)). The second reference in the Legal Opinions is to 39 American Jurisprudence, Pardon, Reprieve, and Amnesty, section 51, wherein the sole supporting case cited is *People* v. *Bowen* (43 Cal. 439, 13 Am. Rep. 148). As the above quotation from *People* v. *Biggs*, supra, demonstrates, this California case is one which the California Supreme Court later described as using somewhat extravagant language which the court in effect repudiated. The third reference is to 36 Corpus Juris, page 1196, section 106, wherein the supporting cases cited are *Shipp* v. *McCraw*, supra, and two English cases which we have not had an opportunity to examine.

ROBERT S. OGLEBAY,
American Law Section.

SEPTEMBER 20, 1950.

WHAT CHIEF JUSTICE MARSHALL SAID ABOUT PARDON

In the case of the *United States* v. *Wilson* (7 Pet. U. S. 150, 160 (1833)), Chief Justice Marshall said:

A pardon is a deed, to the validity of which delivery is essential and delivery is not complete without acceptance. It may then be rejected by the person to whom it is tendered and if it be rejected we have discovered no power in the Court to force it on him.

INCREASED INTEREST RATES OPPOSED

Mr. Speaker, permission having been granted, I am inserting in the CONGRESSIONAL RECORD at this time my statement, which was released to the press on Monday, September 18, 1950, with reference to the recent actions of the Federal Reserve System and its open-market committee. It is as follows:

I have been deeply interested in the recent actions of the Federal Reserve System and its open-market committee, as high-lighted in recent news stories. Since the Federal Reserve System is a creature of the Congress, it becomes incumbent upon the Congress to familiarize itself with Federal Reserve policies and their effects upon managing the Federal debt and the operations of the Federal Government generally.

I understand that the Treasury's current $13,570,000,000 refunding of debt on a 1¼ percent interest basis is in effect being refinanced at a higher actual rate to the taxpayers. It is reported that the Federal Reserve System is sustaining a loss in its open-market operations. This reduces the profit of the Federal Reserve System which normally is turned into the Treasury's general fund.

What has been the effect of this moderate action on the part of the Federal Reserve System? Has it helped to control inflation? What has been the price in terms of the cost of servicing our Federal debt of over $250,000,000,000? A rise of a full percentage point in interest rates involves an increase of $2,500,000,000 in the annual Federal budget. Even the relatively small increase in interest rates that has occurred in the last 5 years has been said to contribute substantially toward increasing the interest obligations of the Government by nearly a billion dollars a year, despite the fact that the total Federal debt is somewhat lower than in 1945. How much further should interest rates be allowed to rise, or should they be reduced?

Such are the questions that led me to ask the Joint Committee on the Economic Report to make an intensive examination of recent happenings in the short-term money market. The staff has been asked to present the facts with respect to recent changes in interest rates and especially their effects on business borrowing, commercial credit, costs of Government borrowing and inflation generally. Upon completion of the staff report this fall, members of the committee will decide whether or not hearings should be held and committee action taken.

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 5 minutes.

OUR BEST DEFENSE AGAINST COMMUNISM

Mr. STAGGERS. Mr. Speaker, in this time of strife it is imperative that we look for moral guidance in the teachings of Christ. Our Nation was built on the faith of our founding fathers. Because of their reliance upon our Creator in meeting the problems which confronted them we are today a leader in the world. If we expect to continue as a great nation and the builders of peace we must look to our morals. Our only future lies in our spiritual wisdom.

Our best defense against communism is Christianity but we cannot achieve this with a willing spirit but weak hands. Surface cheerfulness alone is no effective defense against human problems. Something more substantial is needed. We have prized our religious heritage and it is necessary that we do not now neglect our moral goals or we will be faced with disintegration.

We must take our lessons from history and build our spiritual fences at home; in our family life and in our every day life. We would not now be faced with atom destruction of the world if every person had Christ in his life. We would have no fear of war or international problems if we had Christ in our hearts. Instead we would be thinking I am my brother's keeper. Under these conditions communism could not exist.

Culture and a high standard of living is not enough. These have existed with other nations that have fallen before the sword. Our right to vote would be of no avail if we do not have high Christian morals to live by. Democracy is an empty form of government if Christ is not in it. Without Christianity it is impossible to make democracy live.

I give to all Americans this little poem for a creed:

MYSELF

I have to live with myself, and so
I want to be fit for myself to know;
I want to be able as the days go by
Always to look myself in the eye.
I don't want to stand with the setting sun
And hate myself for the things I've done.
I want to go out with my head erect;
I want to deserve every man's respect.
But here in the struggle for fame and self
I want to be able to like myself.
I don't want to look at myself and know
That I'm bluster and bluff and empty show.
I never can hide myself from me
I see what others may never see;
I know what others may never know.
I never can fool myself, and so
Whatever happens, I want to be
Self-respecting and conscience-free.
And I hope you'll live your whole life through
The way I really wish to do;
So under the Blood of Christ I'll live
And He will grace and wisdom give.

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. LANE] is recognized for 5 minutes.

SPAIN PRESSURES UNITED STATES OLIVE OIL IMPORTERS AND CONSUMERS

Mr. LANE. Mr. Speaker, in June and July of this year American importers had contracted for 17,000 tons of olive oil from the new Spanish crop for $460 a ton.

These were contingent upon the issuance of export licenses by the Spanish Government.

As these licenses had never been held up before, some importers made contracts for future delivery in the United States.

Then, without fair warning, the dollar diplomats at Madrid announced on Monday, September 11, that no export licenses would be issued unless the price was jumped from $460 to $650 a ton, or a whopping increase of 41 percent.

It appears that the Spanish Government believes in leapfrog inflation, instead of the creeping variety. But the shock to American importers is one from which they may not recover unless the Spanish Government revises its drastic order. A gradual increase in the price of olive oil to which the contracting parties could adjust their purchases would seem to be the legitimate way of meeting this economic problem.

American importers freely admit that some increase was justified, since the price originally agreed upon for the Spanish crop was considerably below the prevailing prices paid for the same commodity in Italy and Tunisia. They also recognize that contracts between exporters and importers are conditional for their fulfillment upon the issuance of export licenses.

But a 41-percent hike, and jet-propelled, is something for which they were not prepared, and to which they cannot adjust themselves without a serious financial set-back.

They just cannot do business on such an explosive basis.

There are thousands of people in my district—and millions throughout the Nation—to whom olive oil is as essential in the preparation of a meal as butter is to others. Of an estimated United States consumption of 30,000 tons a year, more than half comes from Spain.

Price pressures within the American economy, as it changes to a semiwartime footing, have edged the cost of living up by a few percentage points, putting the squeeze on many family budgets.

You can imagine what would happen if the price of a necessity went up 41 per-

cent overnight. The consumers would revolt.

But on a small scale, and in respect to one commodity, that is exactly what another Government is doing to that section of our public for whom no meal would be worthy of the name without the tasty assistance of olive oil. For them it comes close to being an auxiliary staff of life.

The Spanish Government was ill-advised in taking such extreme action and without consulting the importers. It would have been reasonable to confer on this problem and to arrange for a gradual increase that would permit importers to make the necessary readjustments in their resale of the oil in the United States.

The impetuous action of the Spanish Government is hardly calculated to win friends and influence people in the United States.

At a time when Madrid expects financial assistance from us, as a matter of course, this trade blunder will be interpreted in certain quarters as impatient pressure tactics, to which our people will not react favorably.

I suggest that the State Department take up this matter with Spain and effect a workable compromise. Our importers must not be stuck on contracts which they made in good faith. Our consumers must be given some notice of the gradual price increases that may be necessary.

The Spanish Government should be politely reminded that international trade and international good will do not flourish in an atmosphere where one nation takes complete advantage of the other.

I am sure that if this problem is reconsidered, a compromise solution can be found that will be mutually satisfactory.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HELLER (at the request of Mr. MULTER) for an indefinite period, on account of illness.

To Mr. DOLLINGER (at the request of Mr. MULTER) for an indefinite period, on account of illness.

EXTENSION OF REMARKS

Mr. KLEIN (at the request of Mr. RODINO) was given permission to extend his remarks and include an editorial.

Mrs. DOUGLAS asked and was given permission to extend her remarks in seven instances and include extraneous matter.

Mr. RICH asked and was given permission to extend his remarks and include an article by Willard Edwards.

Mr. BOLLING asked and was given permission to extend his remarks and include extraneous matter.

Mr. KEOGH (at the request of Mr. DAVENPORT) was given permission to extend his remarks and include an address by Peter Campbell Brown, Assistant Attorney General.

Mr. BYRNE of New York asked and was given permission to extend his remarks in two instances, and in one to include a letter from friends in Albany relative to the reduction in tariff on paper-makers felts, and in the other a statement regarding the bill S. 784.

Mr. JENSEN asked and was given permission to extend his remarks and include matters pertaining to four watersheds in his district.

Mr. HOPE asked and was given permission to extend his own remarks.

Mr. MARTIN of Massachusetts asked and was given permission to extend his remarks and include a radio address by Mr. BROWN of Ohio.

Mr. JENISON asked and was given permission to extend his remarks in two instances and in each include extraneous matter.

Mr. CRAWFORD asked and was given permission to extend his remarks in two instances; and in one to include an editorial and in the other an affidavit.

Mr. FORD asked and was given permission to extend his remarks and include two editorials.

Mr. MCCONNELL asked and was given permission to extend his remarks and include an editorial from the Washington Star.

Mr. BOYKIN (at the request of Mr. PATMAN) was given permission to extend his remarks in three instances; in two to include extraneous matter, and in the third to include a statement, notwithstanding the fact it will exceed two pages of the RECORD and is estimated by the Public Printer to cost $297.

Mr. HERLONG (at the request of Mr. BENNETT of Florida) was given permission to extend his remarks.

Mr. BLATNIK asked and was given permission to extend his remarks in two instances and include in each an article.

Mr. MOULDER (at the request of Mr. PRICE) was given permission to extend his remarks in two instances.

Mr. PHILLIPS of California. Mr. Speaker, yesterday I asked on behalf of the gentleman from California [Mr. NIXON] that he be permitted to extend his remarks and include certain extraneous matter which exceeds the amount allowed. I made the request on the wrong item, and now make it on the item on which I thought I was making it yesterday. The amount involved is $218.68. I ask unanimous consent that the extension may be made, notwithstanding the fact that in exceeds two pages of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ENROLLED BILLS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3995. An act for the relief of Annetta Bachis, Anna Bellani, Angelina Colombo, Maria Grazia Impari, Franca Porricino, and Antonia Tirabassi;

H. R. 4569. An act authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa;

H. R. 5083. An act for the relief of Sister Maria Emelia (Anna Bohn);

H. R. 5226. An act to amend paragraph 207 of the Tariff Act of 1930 and section 3424 (a) of the Internal Revenue Code.

H. R. 5731. An act to discharge a fiduciary obligation to Iran;

H. R. 7390. An act for the relief of Erika Kuebart and her minor son;

H. R. 7631. An act for the relief of Ottavia De Gaspare and Sandra De Gaspare;

H. R. 8396. An act to authorize Federal assistance to States and local governments in major disasters, and for other purposes;

H. R. 8452. An act for the relief of Ronald Mow and Angeline Cecilia Mow;

H. R. 8718. An act for the relief of Fred Hess;

H. R. 8769. An act for the relief of Annmarie Stritter and her minor daughter; and

H. R. 9084. An act for the relief of Hifumi Kato and her minor son, Kazuyuki Kato.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2477. An act to amend title 14, United Code, so as to equalize pay and retirement benefits of a certain class of commissioned officers of the Coast Guard;

S. 2609. An act to provide a system for the treatment and rehabilitation of youth offenders, to improve the administration of criminal justice, and for other purposes;

S. 2724. An act to amend the Armed Forces Leave Act of 1946, as amended, and for other purposes;

S. 2875. An act to extend for a period of 5 years the time for appropriating and expending funds to carry out the Federal Airport Act;

S. 3000. An act to amend the War Claims Act of 1948, as amended.

S. 3123. An act to amend section 5 of the act of February 26, 1944, entitled "An act to give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada, to protect the fur seals of the Pribilof Islands, and for other purposes;

S. 3136. An act to authorize the Secretary of the Interior to transfer to the town of Mills, Wyo., a sewerage system located in such town;

S. 3398. An act to authorize the exchange of certain land for purposes of the Colonial National Historical Park, and for other purposes;

S. 3706. An act to amend the act of May 28, 1926 (44 Stat. 670), entitled "An act granting public lands to the county of Kern, Calif., for public-park purposes";

S. 3727. An act to authorize certain construction at Griffiss Air Force Base, and for other purposes;

S. 3728. An act to implement Reorganization Plan No. 20 of 1950 by amending title 1 of the United States Code, as regards publication of the United States Statutes at Large, to provide for the publication of treaties and other international agreements between the United States of America and other countries in a separate compilation, to be known as United States Treaties and Other International Agreements, and for other purposes;

S. 3768. An act to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes;

S. 3889. An act to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States.

S. 4088. An act to amend section 61 of the National Defense Act to permit the States to organize military forces, other than as parts of their National Guard units, to serve while the National Guard is in active Federal service; and

S. 4136. An act to include the Coast Guard within the provisions of the Selective Service Act of 1948 and to authorize the President to extend enlistments in the Coast Guard.

BILLS PRESENTED TO THE PRESIDENT

Mrs. NORTON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On September 19, 1950:

H. R. 577. An act to correct possible inequity in the case of a certain application for letters patent of William R. Blair;

H. R. 1133. An act for the relief of Mrs. Merle Leatherbury Pyle and Patricia M. Pyle;

H. R. 1500. An act for the relief of Mrs. Barbara Guanapoulos;

H. R. 1601. An act for the relief of the La Fayette Brewery, Inc.;

H. R. 3012. An act for the relief of the Wyoming National Bank of Wilkes-Barre.

H. R. 3406. An act for the relief of Ellen Fullard-Leo, widow of Leslie Fullard-Leo, Leslie Vincent Fullard-Leo, Dudley Leinanie Fullard-Leo, and Ainsely Allen Kahealani Fullard-Leo, and the estate of Leslie Fullard-Leo, deceased, as their interests may appear.

H. R. 4901. An act authorizing the Eastern Band of Cherokee Indians, North Carolina, to lease certain lands for business purposes for a period not exceeding 25 years.

H. R. 5101. An act to provide for the transfer to Pierce County, Washington, of certain surplus land in the Fort Lewis Military Reservation.

H. R. 7722. An act to provide for the acquisition and preservation, as a part of the National Capital Parks system, of the Old Stone House in the District of Columbia.

H. R. 8062. For the relief of the legal guardian of Charles Spiller and Glenn T. Spiller, minors;

H. R. 8641. An act for the relief of Clyde L. Watson, junior, and Laverne F. Andrews;

H. R. 8677. An act to authorize and provide for the maintenance and operation of the Panama Canal by the present corporate adjunct of the Panama Canal, as renamed; to reconstitute the agency charged with the civil government of the Canal Zone, and for other purposes;

H. R. 8710. An act to provide for the improvement of stadium facilities at the Eastern Senior High School in the District of Columbia;

H. R. 8797. An act to exempt property of the Young Men's Christian Association of the City of Washington (incorporated under the act of Congress of June 28, 1864, 13 Stat. L. 411) from taxation;

H. R. 8847. An act to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes;

H. R. 9362. An act to provide for the exchange of certain national park land situated in the District of Columbia for certain lands owned by the New Temple Committee, Inc.;

H. R. 9430. An act to amend the act entitled "An act to authorize certain administrative expenses in the Government service, and for other purposes," approved August 2, 1946 (60 Stat. 806), to simplify administration in the Government services, and for other purposes; and

H. J. Res. 536. Joint resolution to provide for the reappointment of Harvey N. Davis and Arthur H. Compton as members of the Board of Regents of the Smithsonian Institution.

On September 20, 1950:

H. R. 3995. An act for the relief of Annetta Bachie, Anna Bellani, Angelina Colombo, Maria Grazia Impari, Franca Porricino, and Antonia Tirabassi;

H. R. 4569. An act authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa;

H. R. 5083. An act for the relief of Sister Maria Emelia (Anna Bohn);

H. R. 5236. An act to amend paragraph 207 of the Tariff Act of 1930 and section 3424 (a) of the Internal Revenue Code;

H. R. 5731. An act to discharge a fiduciary obligation to Iran;

H. R. 7390. An act for the relief of Erika Kuebart and her minor son;

H. R. 7631. An act for the relief of Ottavia De Gaspare and Sandra De Gaspare;

H. R. 8452. An act for the relief of Ronald Mow and Angeline Cecilia Mow;

H. R. 8718. An act for the relief of Fred Hess;

H. R. 8769. An act for the relief of Annmarie Stritter and her minor daughter; and

H. R. 9084. An act for the relief of Hifumi Kato and her minor son, Kazuyuki Kato.

ADJOURNMENT

Mr. MANSFIELD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until tomorrow, Thursday, September 21, 1950, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HART: Committee on Merchant Marine and Fisheries. H. R. 9538. A bill to amend subsection (1) of section 4551, of the Revised Statutes, as amended, to exempt additional vessels from the requirements thereof; with amendment (Rept. No. 3117). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 8851. A bill to authorize the Secretary of the Treasury to transfer by quitclaim deed to the Browns Point Improvement Club a small strip of land at Coast Guard light station facility, Browns Point, Pierce County, Wash., with amendment (Rept. No. 3118). Referred to the Committee of the Whole House.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 9322. A bill to clarify and consolidate the authority to require the establishment and maintenance of aids to navigation on private structures in or over navigable waters of the United States, with amendment (Rept. No. 3119). Referred to the Committee of the Whole House on the State of the Union.

Mr. HART: Committee on Merchant Marine and Fisheries. H. R. 9681. A bill to authorize the waiver of the navigation and vessel-inspection laws, with amendment (Rept. No. 3120). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON: Committee of conference. S. 2195. An act to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes (Rept. No. 3121). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ADDONIZIO:

H. R. 9704. A bill to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes; to the Committee on Banking and Currency.

By Mr. KEATING:

H. R. 9705. A bill to permit Civil War veterans to receive hospital treatment in hospitals of their choice if Veterans' Administration facilities are not available in their locality; to the Committee on Veterans' Affairs.

H. R. 9706. A bill to grant the benefits of section 217 of the Social Security Act, as added by the act of August 28, 1950 (Public Law 734, 81st Cong.), to veterans of the Korean war; to the Committee on Ways and Means.

By Mr. McMILLAN of South Carolina:

H. R. 9707. A bill to amend the District of Columbia Revenue Act of 1937 to provide for the transfer of registration of motor vehicles upon the death of owners thereof without payment of a new registration fee; to the Committee on the District of Columbia.

By Mr. CARROLL:

H. R. 9708. A bill to protect the internal security of the United States against certain un-American and subversive activities and to provide for the emergency detention of persons who may commit acts of espionage and sabotage, and for other purposes; to the Committee on Un-American Activities.

By Mr. HERLONG:

H. R. 9709. A bill to strengthen the common defense by providing for expansion and the production and processing of ramie in the United States; to the Committee on Armed Services.

By Mr. KLEIN:

H. R. 9710. A bill to assist the large cities of the United States in planning and constructing facilities designed to serve as garage and parking areas in time of peace and as protective shelters in time of atomic war, and for other purposes; to the Committee on Armed Services.

By Mr. O'NEILL:

H. R. 9711. A bill to provide free postage for members of the Armed Forces of the United States; to the Committee on Post Office and Civil Service.

By Mr. HUGH D. SCOTT, JR.:

H. R. 9712. A bill to authorize the President to permit certain persons from the Republic of Korea to receive instruction at the United States Naval Academy; to the Committee on Armed Services.

By Mr. COLE of Kansas:

H. R. 9713. A bill to confer jurisdiction upon the United States district courts with respect to claims against the United States of certain employees of the Bureau of Prisons, Department of Justice; to the Committee on the Judiciary.

H. R. 9714. A bill to provide for the payment of certain traveling expenses of retired employees of the Bureau of Prisons, Department of Justice; to the Committee on Post Office and Civil Service.

By Mr. WEICHEL:

H. R. 9715. A bill to amend section 1205 of title XII of the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. BUCHANAN:

H. R. 9716. A bill to make a preliminary survey of certain tributaries of Turtle Creek, Pa., to prevent reoccurring flood damage; to the Committee on Public Works.

By Mr. CELLER:

H. R. 9717. A bill to authorize the Secretary of Agriculture to bring to Washington, District of Columbia, theater productions of land-grant colleges and universities; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions, were introduced and severally referred as follows:

By Mr. LANE:

H. R. 9718. A bill for the relief of Joseph Urban; to the Committee on the Judiciary.

By Mr. O'TOOLE:

H. R. 9719. A bill for the relief of Jose dos Barros Lopes; to the Committee on the Judiciary.

H. R. 9720. A bill for the relief of Antonio Felope Moises; to the Committee on the Judiciary.

By Mr. SMITH of Virginia (by request):

H. R. 9721. A bill for the relief of Dezso Szilagyi; to the Committee on the Judiciary.

By Mr. WHITE of Idaho:

H. R. 9722. A bill for the relief of the George B. Henly Construction Co.; to the Committee on the Judiciary.

SENATE

THURSDAY, SEPTEMBER 21, 1950

(Legislative day of Thursday, July 20, 1950)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou God of our salvation, cause us to know Thy loving kindness in the morning; for in Thee do we trust. Give us, we beseech Thee, that lowly and humble heart, emptied of presumptuous pride which is the only shrine where any altar pleasing to Thee can be raised. In these molten times, waiting to be molded into the pattern of Thy purpose, make plain to us Thy plan and Thy way. May our own spirits be quarries out of which stones for the new temple of humanity may be fashioned. Reveal unto us the means Thou wouldst have us use to establish justice and peace among men in all the earth. Make our America, we pray, more and more the hope of all who suffer and the dread of all aggressors who would enslave the human spirit. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 20, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

SPECIAL JOINT REPORT OF FEDERAL SECURITY ADMINISTRATOR AND RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Labor and Public Welfare:

To the Congress of the United States of America:

Pursuant to section 5 (k) (2) of the Railroad Retirement Act, as amended, I transmit herewith a special joint report of the Federal Security Administrator and the Railroad Retirement Board.

HARRY S. TRUMAN.

THE WHITE HOUSE, *September 21, 1950.*

(The report accompanied a similar message to the House of Representatives.)

RESOLUTIONS OF RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES, DEPARTMENT OF MARYLAND

Mr. O'CONOR. Mr. President, one of the factors which have made for continuing progress in our country, I am convinced, is the opportunity given to individuals and groups interested in betterment of any phase of Federal activities to present their views on matters which they consider important and to have these views given the consideration they merit by the responsible officials. Along with this fundamental American right to express themselves on matters which they consider of prime importance, members of the Reserve Officers Association of the United States, Department of Maryland, have forwarded to me four resolutions adopted at the annual State-wide convention held in Baltimore, Md., which deal with matters of immediate interest to the thousands of Reserve officers in the United States.

These resolutions not only represent the convictions of this very splendid group of loyal American citizens but they are an expression of opinion that is a result of the cumulative experience of the members of the association in the fields where improvement is sought.

They present an objective viewpoint on these questions which may prove to be very valuable and which certainly deserve the attention of our military leaders and of the country.

I present the resolutions for appropriate reference, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

Whereas it is essential that one vertical echelon be created in the Department of the Air Force to insure that matters of the Reserve are not lost in a maze of other important missions: Be it

Resolved, That this department, in convention assembled, favors the creation, by congressional action, of a Reserve Bureau to execute matters pertaining to the Reserve, and pending the passage of appropriate legislation, that a Reserve Command be created, by the Secretary of the Air Force, headed by a general officer charged with the single responsibility of administering the Reserve.

This is to certify that the above resolution was unanimously adopted on the 13th day of May 1950.

CHARLES S. SMITH,
Major, TC-Res, President.

Attest:

RALPH C. CELIA, Jr.,
Second Lieutenant, USAFR,
Assistant Secretary.

Whereas it has been the traditional policy of this Nation to depend for its defense upon a small, well-trained, and well-equipped Regular Establishment supported by a large Reserve-type force: Be it

Resolved, That this department, in convention assembled, opposes the concept that the Reserve force is to provide "fillers" for other units and to provide an interim cadre and instructional staff until selective service adequately functions and favors the continuance of the policy, originating with General Washington, of depending for full defense upon well-trained and well-equipped Reserve-type units in being.

This is to certify that the above resolution was unanimously adopted on the 13th day of May 1950.

CHARLES S. SMITH,
Major, TC-Res., President.

Attest:

RALPH C. CELIA, Jr.,
Second Lieutenant, USAFR, Assistant Secretary.

Whereas an older and mature officer regardless of rank is capable of serving in staff and administrative positions in noncombat units: Be it

Resolved, That this department, in convention assembled, favors a restudy of over-age-in-grade provisions with the view toward their entire elimination as to all officers in noncombat units.

This is to certify that the above resolution was unanimously adopted on the 13th day of May 1950.

CHARLES S. SMITH,
Major, TC-Res., President.

Attest:

RALPH C. CELIA, Jr.,
Second Lieutenant, USAFR, Assistant Secretary.

Whereas it is essential that there be offices at the top echelon of the Departments of the Army, Navy, and Air Force to insure the role of the Reserve: Be it

Resolved, That this department, in convention assembled, favors the permanent creation of the office of assistant secretary for Reserve affairs and the office of assistant chief of staff for Reserve affairs in each of the three Departments of Army, Navy, and Air Force.

This is to certify that the above resolution was unanimously adopted on the 13th day of May 1950.

CHARLES S. SMITH,
Major, TC-Res., President.

Attest:

RALPH C. CELIA, Jr.,
Second Lieutenant, USAFR, Assistant Secretary.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. McCARRAN:

S. 4174. A bill for the relief of Cilka Elizabeth Ingrova; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

S. 4175. A bill for the relief of Emma Burr; to the Committee on the Judiciary.

By Mr. LEHMAN:

S. 4176. A bill to amend the Social Security Act to provide more adequate Federal grants to Puerto Rico and the Virgin Islands for public assistance; to the Committee on Finance.

By Mr. LEHMAN (for himself and Mr. MURRAY):

S. 4177. A bill to improve the old-age and survivors insurance system, to add protection against disability, and for other purposes;

S. 4178. A bill to amend the Social Security Act to provide Federal grants-in-aid to the States for public assistance to needy disabled persons; and

S. 4179. A bill to amend the Social Security Act, as amended, to provide Federal grants to the States for medical care for public assistance recipients, and for other purposes; to the Committee on Finance.

S. 4180. A bill to amend the Public Health Service Act to authorize greater assistance to the States in extending and improving health services for the prevention and reduction of chronic diseases;

S. 4181. A bill to amend the Public Health Service Act to authorize grants to the States in extending and improving diagnostic outpatient health services; and

S. 4182. A bill to authorize loans to assist in the establishment of clinics or medical groups designed to afford improved diagnostic service or improved diagnostic and curative service; to the Committee on Labor and Public Welfare.

By Mr. LEHMAN (for himself, Mr. HUMPHREY, and Mr. MURRAY):

S. 4183. A bill to amend the Public Health Service Act and the Social Security Act to authorize greater assistance to the States in extending and improving the health services and facilities available to rural areas; to the Committee on Labor and Public Welfare.

ADDRESS BY SENATOR O'CONOR AT 1950 BARRY DAY CELEBRATION

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD an address delivered by him before the Society of Commodore John Barry, USN, at the 1950 Barry Day celebration at Philadelphia, Pa., on September 10, 1950, which appears in the Appendix.]

LEGAL AID—ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtain leave to have printed in the RECORD an address on the subject of legal aid, delivered by him before the legal aid section of the American Bar Association, in session at the Mayflower Hotel, September 21, which appears in the Appendix.]

ADDRESS BY HON. ADLAI E. STEVENSON, GOVERNOR OF THE STATE OF ILLINOIS, BEFORE THE AMERICAN BAR ASSOCIATION

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an address delivered by Hon. Adlai E. Stevenson, Governor of the State of Illinois, at the annual meeting of the American Bar Association, section on criminal law, at Washington, D. C., on September 19, 1950, preceded by the introductory remarks of Hon. Arthur J. Freund, of St. Louis, Mo., which appear in the Appendix.]

INTERNATIONAL INFORMATION AND EDUCATIONAL EXCHANGE PROGRAM—STATEMENT BY SENATOR BENTON

[Mr. McMAHON (for Mr. BENTON) asked and obtained leave to have printed in the RECORD a statement prepared by Senator BENTON on the subject of the International Information and Educational Exchange Program, which appears in the Appendix.]

PROCLAMATION OF CONSTITUTION DAY BY GOVERNOR BOWLES OF CONNECTICUT

[Mr. McMAHON (for himself and Mr. BENTON) asked and obtained leave to have printed in the RECORD an article entitled "'Constitution Day' Proclaimed," published in the Bridgeport (Conn.) Sunday Herald of September 17, 1950, which appears in the Appendix.]

TITLE TO SUBMERGED LANDS BENEATH NAVIGABLE WATERS—STATEMENT BY NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

[Mr. O'CONOR (for himself and Mr. TYDINGS) asked and obtained leave to have printed in the RECORD a statement outlining the position of the National Association of Attorneys General on the subject of the title to submerged lands beneath navigable waters within the boundaries of the several States, which statement had been presented by Mr. Hall Hammond, Attorney General of Maryland, at a hearing before the Committee on Interior and Insular Affairs, which appears in the Appendix.]

COURAGE PAYS OFF—EDITORIAL FROM THE WASHINGTON POST

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled, "Courage Pays Off," published in the Washington Post of September 21, 1950, which appears in the Appendix.]

BOSONE PLAN FOR INDIANS—ARTICLE FROM WASHINGTON POST

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an article entitled "Bosone Plan for Indians," written by Harold Ickes, and published in the Washington Post of September 17, 1950, which appears in the Appendix.]

CIVIL RIGHTS—ARTICLES FROM CHARLOTTE (N. C.) NEWS

[Mr. GRAHAM asked and obtained leave to have printed in the RECORD three articles entitled, respectively, "Of Civil Rights—I," "Of Civil Rights—II," and "Of Civil Rights—III," written by John P. McKnight and published in the Charlotte News of September 12, 1950, September 13, 1950, and September 14, 1950, which appear in the Appendix.]

JENNER NEEDN'T WORRY—EDITORIAL FROM CHICAGO DAILY TRIBUNE

[Mr. WHERRY asked and obtained leave to have printed in the RECORD an editorial entitled "Jenner Needn't Worry," published in the Chicago Daily Tribune of September 21, 1950, which appears in the Appendix.]

MILWAUKEE'S INTEREST IN THE 1950 CAMPAIGN—STATEMENT BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him entitled "Milwaukeeans Speak," which appears in the Appendix.]

STATEHOOD FOR HAWAII AND ALASKA—STATEMENT BY SENATOR GRAHAM

[Mr. GRAHAM asked and obtained leave to have printed in the RECORD a statement prepared by him dealing with statehood for Hawaii and Alaska, which appears in the Appendix.]

STATEHOOD FOR ALASKA AND HAWAII—ARTICLE BY LOWELL MELLETT

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an article entitled "Congress Could Strike Real Blow for Loyalty—Pass Statehood Bills," written by Lowell Mellett and published in the Washington Evening Star of September 21, 1950, which appears in the Appendix.]

EIGHTEEN FROM PENNSYLVANIA ARE VETERANS—ARTICLE BY HERMAN A. LOWE

[Mr. THYE asked and obtained leave to have printed in the RECORD an article entitled "Eighteen from Pennsylvania Are Veterans," written by Herman A. Lowe, and published in the Philadelphia Inquirer of September 21, 1950, which appears in the Appendix.]

CAN WE PICK STATESMEN?—EDITORIAL FROM THE FARM JOURNAL

[Mr. THYE asked and obtained leave to have printed in the RECORD an editorial entitled "Can We Pick Statesmen?" published in the October 1950 issue of the Farm Journal, which appears in the Appendix.]

HAVE WE LICKED FOOT AND MOUTH?—ARTICLE BY PAUL FRIGGENS

[Mr. THYE asked and obtained leave to have printed in the RECORD an editorial entitled "Have We Licked Foot and Mouth?" written by Paul Friggens, and published in the October 1950 issue of the Farm Journal, which appears in the Appendix.]

THE ONE HUNDRED AND TENTH INFANTRY FEDERALIZED FOR FIFTH TIME—ARTICLE BY CAPT. ROBERT H. CAMPBELL

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an article entitled "The One Hundred and Tenth Infantry Federalized for Fifth Time," written by Capt. Robert H. Campbell, public information officer, One Hundred and Tenth Infantry, and published in the Washington (Pa.) Reporter of September 9, 1950, which appears in the Appendix.]

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce.

Mr. McFARLAND. Mr. President, I move to lay on the table the motion of the Senator from Nevada [Mr. MALONE] to recommit to the committee of conference the bill, S. 3357, to prohibit the transportation of gambling devices in interstate and foreign commerce.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

Mr. McFARLAND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Darby	Johnston, S. C.	Thye
Donnell	Knowland	Wherry
Ferguson	McFarland	Wiley
Graham	McKellar	Young
Green	Malone	
Johnson, Colo.	Martin	

Mr. McFARLAND. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Virginia [Mr. BYRD], the Senators from Wyoming [Mr. HUNT and Mr. O'MAHONEY], and the Senator from Kentucky [Mr. WITHERS] are absent on official business.

The Senator from California [Mr. DOWNEY], and the Senator from New York [Mr. LEHMAN] are necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Connecticut [Mr. BENTON], the Senator from Iowa [Mr. GILLETTE], the Senator from Arizona [Mr. HAYDEN], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Maryland [Mr. TYDINGS] are absent on public business.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKEN-

LOOPER], the Senator from Missouri [Mr. KEM], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The junior and senior Senators from Ohio [Mr. BRICKER and Mr. TAFT], the junior and senior Senators from Indiana [Mr. JENNER and Mr. CAPEHART], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. A quorum is not present.

The Secretary will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators, and Mr. CORDON, Mr. DWORSHAK, Mr. ELLENDER, Mr. HENDRICKSON, Mr. HILL, Mr. HOLLAND, Mr. HUMPHREY, Mr. KEFAUVER, Mr. KERR, Mr. MCCLELLAN, Mr. ROBERTSON, Mr. RUSSELL, Mrs. SMITH of Maine, and Mr. THOMAS of Oklahoma answered to their names when called.

The VICE PRESIDENT. A quorum is not present.

Mr. MCFARLAND. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. CAIN, Mr. CHAVEZ, Mr. HOEY, Mr. O'CONOR, Mr. LUCAS, Mr. LONG, Mr. MCMAHON, Mr. MAGNUSON, Mr. KILGORE, Mr. MUNDT, Mr. SCHOEPPEL, Mr. FULBRIGHT, and Mr. DOUGLAS entered the Chamber and answered to their names.

Mr. CAIN. Mr. President, may I propound a parliamentary inquiry?

The VICE PRESIDENT. It is not in order to do so at this time; there is not a quorum present.

Mr. CAIN. I thank the Chair.

After a little further delay, Mr. BUTLER, Mr. MCCARRAN, Mr. GEORGE, Mr. CONNALLY, Mr. CHAPMAN, Mr. STENNIS, Mr. ECTON, Mr. MILLIKIN, Mr. FREAR, Mr. GURNEY, Mr. IVES, Mr. JOHNSON of Texas, Mr. LANGER, Mr. LEAHY, Mr. MCCARTHY, Mr. MORSE, Mr. MURRAY, Mr. NEELY, Mr. SALTONSTALL, Mr. TOBEY, and Mr. WATKINS entered the Chamber and answered to their names.

The VICE PRESIDENT. A quorum is present. The question is on the motion of the Senator from Arizona (Mr. MCFARLAND.)

Mr. WHERRY and Mr. MALONE addressed the Chair.

Mr. WHERRY. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. I make the point of order that the motion of the Senator from Arizona is out of order.

The VICE PRESIDENT. The Senator will state his reasons.

Mr. WHERRY. On page 15264 of the RECORD of September 20, we find that a unanimous-consent request was presented by the distinguished Senator from Oklahoma [Mr. KERR]. I quote from the statement of the Vice President:

> The Senator from Oklahoma asks that the Senate stand in recess until 11 o'clock tomorrow, with the understanding that, upon taking a recess, the Senator from Nevada will have completed his first speech on the motion to recommit. That is the way the Senator from Oklahoma stated it. Is there objection? The Chair hears none—

The unanimous-consent request of the junior Senator from Oklahoma was as follows:

> Mr. KERR. The junior Senator from Oklahoma asks unanimous consent that the Senate stand in recess until 11 o'clock a. m. tomorrow, with the understanding that the Senator from Nevada will have exercised his privilege of making his first speech on the conference report now before the Senate.

That was followed by a statement of the junior Senator from Nevada, as follows:

> Mr. MALONE. Mr. President, I am now making my first speech on the motion to recommit, and with that understanding that I shall have completed my first speech on the motion to recommit, I would be very happy to give my consent.

Mr. President, I cannot at the moment place my finger on the language concerning the point in question, but I think the Senator from Oklahoma stated at some point in the colloquy that the Senator from Nevada was to have the floor.

Mr. LUCAS. No.

Mr. WHERRY. I may be mistaken about it. If I am, and if the first speech has been concluded, I withdraw the point of order.

The VICE PRESIDENT. The Chair was particular to pay attention to the request of the Senator from Oklahoma. There was nothing in it that included a unanimous-consent request that the Senator from Nevada should have the floor.

Mr. WHERRY. The passages I read certainly do not prove it, but I thought from the colloquy it was understood that the Senator from Nevada was to have the floor. But I am unable at the moment to place my finger on the language.

The VICE PRESIDENT. The Chair thinks the Senator is mistaken about it.

Mr. WHERRY. Then, if I am mistaken, I will ask the distinguished Senator——

The VICE PRESIDENT. The Chair will state that, following the recess, the Chair asked the Parliamentarian whether there was anything in the unanimous-consent agreement giving the Senator from Nevada the floor, and the Chair's impression was confirmed by the Parliamentarian.

Mr. WHERRY. I think the distinguished Vice President is correct in stating that there is nothing to that effect in this language; and, so far as that is concerned, the distinguished Senator from Nevada can continue to speak on the motion.

The VICE PRESIDENT. The motion to table is not debatable.

Mr. WHERRY. But I say he may make other motions, and may speak as long as he wants to.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona to table the motion of the junior Senator from Nevada to recommit the conference report on the bill S. 3357 to the committee of conference. [Putting the question.]

The motion was agreed to; so Mr. MALONE's motion to recommit was laid on the table.

The VICE PRESIDENT. That leaves the parliamentary situation the way it was before the motion was made. The conference report is before the Senate for consideration. The Senator from Nevada.

Mr. MALONE. I move that consideration of the conference report be postponed until Saturday, September 23.

Mr. JOHNSON of Colorado. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. JOHNSON of Colorado. I move to lay the motion on the table.

Mr. MALONE. Mr. President, I have not yielded.

The VICE PRESIDENT. Let the Chair state the parliamentary situation.

Mr. MALONE. I have not yielded to anyone to make any motion.

The VICE PRESIDENT. When a Senator has made a motion he is not automatically entitled to the floor.

Mr. MALONE. I am on my feet.

The VICE PRESIDENT. It is, and has always been, within the discretion of the Chair to recognize either the Senator who makes a motion or another Senator. If the Senator from Nevada does not think the Chair is correct in his ruling, he can consult the precedents.

Mr. MALONE. I think the Chair has an advantage.

The VICE PRESIDENT. I am not trying to take any advantage. After a Senator makes a motion it is within the discretion of the Chair to recognize the Senator who made the motion or another Senator, and he violates no rule of practice or the right of any Senator if he recognizes another Senator, either to discuss the motion or to move to lay it on the table.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. I agree with the distinguished occupant of the chair that the Chair can recognize any Senator. I also agree that by all the precedents after a motion is made the Senator who made the motion is not automatically entitled to recognition. The Chair may wish to recognize another Senator. I agree that when a motion is made, the

Senator who made it must secure recognition again, and is not automatically recognized.

The VICE PRESIDENT. That is correct.

Mr. WHERRY. On the other hand, inasmuch as the distinguished Senator from Nevada is attempting to get his address relative to the conference report in the RECORD, I feel it is rather rough treatment to cut him off by a motion to lay his motion on the table. The Senator from Nevada is attempting to express himself on his motion to postpone consideration of the conference report to a day certain. He may have some valid reasons to advance why it should be done, and he should be given the opportunity to present his arguments in the RECORD.

While I agree academically with the procedure outlined by the Chair, I nevertheless feel that the Senator from Nevada should be permitted to present his view, especially since he was on his feet asking recognition.

The VICE PRESIDENT. The Senate can remedy the situation by voting down the motion to lay on the table the motion made by the Senator from Nevada, if the Senate desires to hear further discussion of the question.

Mr. WHERRY. Mr. President, I agree with that also, but that is not the point I was making. Of course the Senate can vote to lay the motion on the table. So far as that is concerned, the Senator from Nevada could continue to talk on the conference report, and he could make a thousand motions, if he desired to do so. However, this is only the second motion he has made, and it is a motion to postpone consideration of the conference report to a day certain. If he has any justification for making the motion I feel he should be permitted to present his arguments for the RECORD. Of course, then the Senate can take any action it pleases.

The VICE PRESIDENT. The Chair respects the views of the Senator from Nebraska. However, under the circumstances the Chair believes he is not only within his rights but within the proprieties to recognize a Senator to make a motion to lay on the table the motion made by the Senator from Nevada. Under the circumstances prevailing, the Chair recognized the Senator from Colorado, who then made his motion.

The question is on agreeing to the motion of the Senator from Colorado [Mr. JOHNSON] to lay on the table the motion of the Senator from Nevada [Mr. MALONE]. [Putting the question.] The "ayes" appear to have it.

Mr. MCCARRAN. I ask for a division.

On a division the motion was agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. MCCARRAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Some business having intervened since the last call of the roll, the suggestion of the absence of a quorum is in order. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Butler	Holland	Martin
Cain	Humphrey	Millikin
Chapman	Ives	Morse
Chavez	Johnson, Colo.	Mundt
Connally	Johnson, Tex.	Murray
Cordon	Johnston, S. C.	Neely
Darby	Kefauver	O'Conor
Donnell	Kerr	Robertson
Douglas	Kilgore	Russell
Dworshak	Knowland	Saltonstall
Ecton	Langer	Schoeppel
Ellender	Leahy	Sparkman
Ferguson	Long	Taylor
Frear	Lucas	Thomas, Okla.
Fulbright	McCarran	Thye
George	McCarthy	Tobey
Graham	McClellan	Watkins
Green	McFarland	Wherry
Gurney	McKellar	Wiley
Hendrickson	McMahon	Young
Hill	Magnuson	
Hoey	Malone	

The VICE PRESIDENT. A quorum is present. The question is on agreeing to the conference report.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, and it was signed by the Vice President.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce.

The VICE PRESIDENT. The question is on agreeing to the conference report.

MOTION TO DEFER GAMBLING DEVICE BILL

Mr. MALONE. Mr. President, I intend to make a motion to defer the consideration of the conference report until a day certain, and I wish now to speak on that motion.

The VICE PRESIDENT. The motion the Senator previously made has been laid on the table.

Mr. MALONE. It is another motion I intend to make.

The VICE PRESIDENT. The Senator is not making his motion now?

Mr. MALONE. I am not making the motion at this time. The reason why I intend to make the motion, and the reason for my previous motion to postpone the consideration of the conference report to a day certain, is that I have a telegram from the attorney general of the State of Nevada, my State, which reads in part:

> Nevada Gambling Act does not contain exemption stated in your telegram as being required by language of H. R. 8350. It appears that further legislation would be required before gambling devices could be transported into State under present language of H. R. 8350. As you know, Nevada Legislature is not now in session.

Mr. President, I understood yesterday, from the debate with the senior Senator from Colorado, and from reading the bill, that it would be necessary for the State of Nevada to take further action by its legislature, that, although the use of these devices is now legal, by a Nevada legislative act, it would be necessary after passage of this bill for the legislature to pass another act entirely to legalize the shipment of such devices into the State of Nevada. Naturally, the legislature is not now in session, so there would be a lapse of time before we would have a regular session, and it is a little unusual to require——

LEAVE OF ABSENCE

Mr. MILLIKIN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MALONE. I am happy to yield to the junior Senator from Colorado for a unanimous-consent request, if I do not lose the floor thereby.

The VICE PRESIDENT. Is there objection to the Senator yielding to the Senator from Colorado for the purpose of making a unanimous-consent request?

Mr. JOHNSON of Colorado. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. JOHNSON of Colorado. I am not going to object to this request, but I wish to give notice now that all unanimous-consent requests from now on will be objected to. Furthermore, I desire to put the Senator who has the floor on notice that I am going to watch very carefully, and if he yields to any Senator for other than a question, I am going to make a point of order that he has had one speech on the subject to which he is addressing himself.

Mr. MILLIKIN. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. MILLIKIN. I ask unanimous consent to be indefinitely absent from the Senate, which I hope will not go past January 3 of next year. [Laughter.]

The VICE PRESIDENT. Without objection, that part of the request that pertains to the time up to January 3 is agreed to.

Mr. LUCAS. Mr. President, reserving the right to object——

The VICE PRESIDENT. The Senator from Illinois.

Mr. MALONE. Mr. President, does this debate mean that another Senator has secured the floor?

The VICE PRESIDENT. Not at all. A Senator has a right to object to any unanimous-consent request.

Mr. MALONE. I have objected to anything that jeopardizes my position on the floor.

The VICE PRESIDENT. This does not jeopardize it.

CONDITIONS AFFECTING PROSPECTIVE RECESS OF CONGRESS

Mr. LUCAS. Mr. President, in discussing the question of the absent Senators with the clerk on our side of the aisle, I find that there are not too many Senators in the city over the number necessary for a quorum. I am not going

to object to the unanimous-consent request made by the distinguished junior Senator from Colorado. I had hoped that we might tomorrow night take a recess until the 27th of November, if we could get the legislation now pending out of the way, and take care of a few other bills. It may be that we will not get through Friday, and not get through Saturday, as a result of what is going on now. If this filibuster continues—and apparently it is in full force and effect at the present time—it is perfectly all right with me, if the Senate wants to stay around here another week, but Senators going home may be called back, because there is a certain amount of business we must take care of.

I do not know what the President of the United States is going to do with the anti-Communist bill. Certainly we are not going to leave here until we find out exactly what is going to happen to that. The President may not get word to the Senate until Monday. I do not know when he is going to send the word. If he is going to veto the bill, I hope he will return it either today, tomorrow, or Saturday. But I have no advance information as to what the President is going to do.

I serve notice now on Senators who have their railroad tickets in their hip pockets that they would better take cognizance of the fact that if we do not have a quorum at hand so as to be able to transact business, someone is likely to be sent for. I say that in the utmost good faith, without attempting to intimidate or threaten anyone at all. There is a certain amount of business which must be transacted before we leave. I am not saying this to my good friend, the Senator from Colorado, because he is going to stay here, I understand, until the business is over. I merely make the statement so that other Senators may understand that if they go home, they go home at their own risk, if they leave before we finish the business that must be transacted.

I repeat what I said a moment ago, that if we could end the filibuster which is now on—but apparently we are not going to be able to—we could then proceed to consider the railroad bill, and two or three other small matters, and probably dispose of the tax bill tomorrow, as well as a veto message on the anti-Communist bill, if it comes tomorrow, and it would be my hope that we might late tomorrow night finish the session. But certainly the way things are moving now it is doubtful if we will finish Saturday night, and if the filibuster which is now in progress continues, and there is no opportunity to finish on Saturday night, the Senator from Illinois will proceed to move a recess until Monday next, and then the Senate will come back and perhaps sit another week, and then after that perhaps we will be here another week.

If we get into the question of statehood for Alaska and statehod for Hawaii, we will be around here another month. If that is what Senators desire, it is perfectly all right with the Senator from Illinois. That is apparently what some folks would like to see happen, as things are now moving. I make this statement for whatever it may be worth.

Mr. MILLIKIN. Mr. President, will the Senator from Nevada yield, without prejudice to his rights, so that I may obtain action on my request?

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado [Mr. MILLIKIN] that he be permitted to be absent according to his request? The Chair hears no objection.

Mr. WHERRY. Mr. President, will the Senator from Nevada yield so that I may ask a question of the majority leader, without prejudicing his right to the floor?

Mr. MALONE. I will yield, if I do not lose the floor or jeopardize my position.

The VICE PRESIDENT. The Senator, of course, understands the rule.

Mr. MALONE. I understand the point. Will the Chair put the unanimous-consent request?

Mr. JOHNSON of Colorado. I object to the unanimous-consent request.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent that the Senator from Nevada may yield to the Senator from Nebraska to ask a question of the Senator from Illinois. Is there objection?

Mr. JOHNSON of Colorado. I object.

The VICE PRESIDENT. The Senator from Colorado objects.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1192. An act for the relief of certain Basque aliens;

S. 1208. An act for the relief of Pasch Bros.;

S. 1357. An act for the relief of Gregory Pirro and Nellie Pirro;

S. 1501. An act for the relief of Mr. and Mrs. Ray S. Berrum;

S. 1507. An act to amend section 10 of the act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes;

S. 2028. An act to permit the Board of Education of the District of Columbia to participate in the foreign teacher exchange program in cooperation with the United States Office of Education;

S. 2324. An act for the relief of Maria Balsam;

S. 2599. An act for the relief of Arturo Bennetti;

S. 2648. An act for the relief of Carlo Fava;

S. 2835. An act for the relief of Boris Paul von Stuckenberg and wife, Maria Alexander von Stuckenberg;

S. 2922. An act for the relief of Chieko Murata;

S. 3015. An act for the relief of Walter Tyson;

S. 3018. An act for the relief of W. F. Steiner;

S. 3121. An act for the relief of Mario Juan Blas Besso-Pianetto;

S. 3306. An act for the relief of Dr. George Peter Petropoulos;

S. 3307. An act for the relief of Colvin Bernard Meik;

S. 3321. An act for the relief of Dr. Zena (Zenobia) Symeonides;

S. 3431. An act for the relief of Tatiana Moravec;

S. 3434. An act for the relief of Mikiko Anzai;

S. 3579. An act for the relief of Midshipman Willis Howard Dukelow, United States Navy;

S. 3796. An act to amend section 4474 of the Revised Statutes, as amended, relating to the use of petroleum as fuel aboard steam vessels;

S. 3807. An act to authorize the President to appoint Col. Henry A. Byroade as Director of the Bureau of German Affairs, Department of State, without affecting his military status and perquisites;

S. 3814. An act authorizing the Secretary of the Interior to issue patents in fee to certain allottees on the Blackfoot Indian Reservation;

S. 3824. An act for the relief of Kenneth Bruce Kohei Kozai;

S. 3917. An act for the relief of Basilio Gorgone;

H. R. 6480. An act to amend title 18, United States Code, entitled "Crimes and Criminal Procedure";

H. R. 7940. An act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes;

H. R. 9399. An act to provide a more effective method of delivering applications for absentee ballots to servicemen and certain other persons; and

H. R. 9455. An act to amend the act of September 16, 1942, as amended, so as to facilitate voting by members of the Armed Forces, and certain others, absent from their places of residence.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 21, 1950, he presented to the President of the United States the following enrolled bills:

S. 1192. An act for the relief of certain Basque aliens;

S. 1208. An act for the relief of Pasch Bros.;

S. 1357. An act for the relief of Gregory Pirro and Nellie Pirro;

S. 1501. An act for the relief of Mr. and Mrs. Ray S. Berrum;

S. 1507. An act to amend section 10 of the act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes;

S. 2028. An act to permit the Board of Education of the District of Columbia to participate in the foreign teacher exchange program in cooperation with the United States Office of Education;

S. 2324. An act for the relief of Maria Balsam;

S. 2599. An act for the relief of Arturo Benetti;

S. 2648. An act for the relief of Carlo Fava;

S. 2835. An act for the relief of Boris Paul von Stuckenberg and wife, Maria Alexander von Stuckenberg;

S. 2922. An act for the relief of Chieko Murata;

S. 3015. An act for the relief of Walter Tyson;

S. 3018. An act for the relief of W. F. Steiner;

S. 3121. An act for the relief of Mario Juan Blas Besso-Pianetto;

S. 3306. An act for the relief of Dr. George Peter Petropoulos;

S. 3307. An act for the relief of Colvin Bernard Meik;

S. 3321. An act for the relief of Dr. Zena (Zenobia) Symeonides;

S. 3431. An act for the relief of Tatiana Moravec;

S. 3434. An act for the relief of Mikiko Anzai;

S. 3579. An act for the relief of Midshipman Willis Howard Dukelow, United States Navy;

S. 3796. An act to amend section 4474 of the Revised Statutes, as amended, relating to the use of petroleum as fuel aboard steam vessels;

S. 3807. An act to authorize the President to appoint Col. Henry A. Byroade as Director of the Bureau of German Affairs, Department of State, without affecting his military status and perquisites;

S. 3814. An act authorizing the Secretary of the Interior to issue patents in fee to certain allottees on the Blackfeet Indian Reservation;

S. 3824. An act for the relief of Kenneth Bruce Kohei Kozai; and

S. 3917. An act for the relief of Basilio Gorgone.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE — CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce.

MOTION TO RECOMMIT MADE

Mr. MALONE. Mr. President, I wish to make it perfectly clear at this moment that I am not objecting to any business coming before the Senate except to the conference report. I have moved, and the motion has been tabled, that the conference report be recommitted to the conference committee, and I announced I would make a further motion, but I will yield for any business which any Senator can get unanimous consent to bring before the Senate.

BILL INTERFERES WITH SOVEREIGNTY OF A STATE

Mr. President, I merely wish to put the blame where it belongs. As I started to say a moment ago, I have a telegram from the Attorney General of Nevada stating that it would require a special session of the legislature now to take care of business as it is conducted in Nevada, uninterruptedly, and it is perfectly legal for the legislature of a sovereign State to act in this matter.

I understand from the debate that not only the legislature of the State of Nevada must pass a bill to make it legal to ship the machines or the gambling devices into Nevada, regardless of the fact that it is perfectly legal there but——

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. MALONE. I am happy to yield for a question.

Mr. HOLLAND. I should like to ask the Senator when the next regular session of the Legislature of the State of Nevada will be held, under the Nevada Constitution.

RECONVENING OF NEVADA LEGISLATION NOT AN ISSUE

Mr. MALONE. The next session will be held at the beginning of the year 1951, but that has nothing to do with the question I am raising, namely, that this bill requires that a new act be passed. I was just coming to the point that it is also necessary for the Legislature of Illinois to pass an act to make it legal to return the machines to the factory. I have sent for the clipping which bears on that subject. The Governor of Illinois has said substantially—and I hope I do not misquote him—that he is about to recommend to the legislature that the whole matter of manufacturing the machines be made illegal. That does not look as if there will be a recommendation from the Governor to the Legislature of Illinois that a gambling device can be returned to Illinois. The two States must necessarily pass acts to that effect.

Mr. HOLLAND. Mr. President, will the Senator yield for a further question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Florida?

Mr. MALONE. I yield to the Senator from Florida for a question.

Mr. HOLLAND. I should like to ask the distinguished Senator whether he will state for the RECORD precisely what the objection of the Senator and of his State is to the legislation as it is now incorporated in the conference report.

OBJECTIONS TO BILL

Mr. MALONE. I will say to the junior Senator from Florida that my specific objection—I think he must already know what it is, if he has listened to the debate—is simply that the State Legislature of Nevada must pass a new act, and that there will be a lapse of time before the act can be passed. Furthermore, my objection is based on the fact that another State, Illinois, entirely dissociated from the State of Nevada, a State having its own legislature, and of course its own sovereignty, must also pass an act relating to the matter, although that State has no interest whatever in the laws of the State of Nevada. Based on the statement made by the Governor of Illinois, which I was about to quote, it is likely that he will recommend that the whole business be declared illegal. It is therefore very unlikely that the Governor of Illinois would recommend that any law be passed permitting gambling devices being shipped back into the State of Illinois.

If the junior Senator from Florida can figure out any way by which the State of Nevada can continue to exercise its own sovereignty under such conditions, the Senator from Nevada would be very happy to have a written explanation of it. I suppose I shall have to wait, however, until the Senator delivers his speech on the subject.

CONGRESS INTERFERES WITH STATE'S RIGHTS

The junior Senator from Nevada is making the specific point that the Congress of the United States has no business to interfere in a roundabout way or in a direct way by preventing the carrying out of a provision of a law passed by the Nevada Legislature, which represents the sovereign State of Nevada and the people of Nevada. My point is that the Congress has no business to circumvent and prevent that which may be done under an act passed by the Nevada Legislature within the framework of the Constitution of the United States.

CONGRESS HAS SURRENDERED TOO MANY POWERS

Mr. President, I wish to emphasize, however, that I can understand how a Congress of the United States that would transfer its obligations and its rights to regulate the national economy, to regulate foreign trade, and permit instead such regulation to be made by the executive, without sufficient debate of the subjects involved, or even an understanding of them, can take such action as is now intended to be taken.

I can understand how a Congress of the United States, which turns over to the Executive the right not only to regulate prices and allocate materials, but to arrest a housewife for hoarding because she lays in a 6 months' supply of foodstuff, can take such action as is now proposed to be taken.

I can understand how a Congress of the United States that would put into the hands of the United Nations the right to declare war, and would even take that right out of the hands of the United States itself, such a Congress is willing to take the action now proposed to be taken.

I can understand how a Congress which would allow the Executive to bypass it in the matter of trade treaties, or any other kind of treaties, so that such treaties no longer come to the Senate for a two-thirds vote of approval, but are sent to both Houses for action by majority vote, can take the action proposed to be taken.

I can understand how such a Congress can be induced to interfere in regulating gambling devices in a State 3,000 miles away from Washington.

LAW ENFORCEMENT IS A WORTH WHILE GOAL BUT NOT NEVADA'S BUSINESS

Mr. President, I want the Senator from Florida to understand my position in this matter. The junior Senator from Nevada has no objection to Congress passing a law providing that the Federal Government shall assist the peace officers of the various States to enforce the law. The fact that the local peace officers do not enforce the law in Florida is not the responsibility of the legislature of Nevada. The fact that the peace officers of the city of Washington evidently do not enforce the law is not the responsibility of the legislature of Nevada. I have a list of slot machines which are being operated in Washington which is nearly as long as the time I have been away from home. They are operating in the city of Washington. The mere fact that the committees of Congress, which are supposedly helping in the work of governing the affairs of Washington, have not succeeded in having the law enforced by the local police officers is no business of the State Legislature of Nevada. But I can understand that when States cannot enforce their own laws, States such as Florida and others, apparently, including Illinois, can have their representatives come to the Congress of the United States and try to have Congress regulate the business of a State 3,000 miles away, and take over the function of the legislature of that sovereign State. I can now, for the first time since I entered this body, understand that, Mr. President.

CONGRESS HAS SURRENDERED TOO MANY DUTIES

We have practically nothing else to do here but appropriate money. That is the stature of the Congress of the United States today. We have transferred almost every other function to the Executive. So we can come here and appropriate money, and make long and involved speeches about foreign policy, although the Constitution of the United States provides what the duties of the Congress shall be, which duties do not include foreign policy. So we are restricted to debating matters with respect to which we can do nothing but approve, matters which the President might send to the Congress; and he is not sending anything of consequence. He is sidetracking the Congress. He has been doing so, by the vote of Congress itself, during the past 18 years. I hope I have made myself clear to the junior Senator from Florida.

BAN ON SLOT MACHINES IN ILLINOIS LIKELY

Mr. President, I have in my hand a clipping from the Washington Post of yesterday, from an article written by Chalmers M. Roberts, a Washington Post reporter. I shall read it for the benefit of the Senator from Florida and other Senators who might take exception to the position taken by the junior Senator from Nevada. This is what he said about the Governor of Illinois:

Gov. Adlai E. Stevenson, of Illinois, said yesterday—

He is in Washington attending a meeting of attorneys general or governors—

he was considering an attempt to end the manufacturing of slot machines in Chicago, home of all 10 American firms which make the one-armed bandits.

He said his administration was considering a court move under an old law which forbids manufacture of gambling devices near military installations. He noted that Chicago is now an Army headquarters.

The Governor's remarks came at the close of an address to the criminal law section of the American Bar Association meeting at the Justice Department.

He noted with satisfaction that Congress is about to finish enactment of a bill to ban interstate shipment of slot machines except into States where they are legal under local law. Since the slot machine manufacturers also make legitimate coin machines as well such as music and soft drink dispensers, the move to bar them in Chicago might result in an end to their manufacture by the present makers at least.

Mr. Roberts wrote further:

ACTION SEEN TODAY

The Senate yesterday considered a conference report on the slot-machine bill but was unable to reach a vote because of objections from Senator MALONE (Republican, Nevada). He objected because the bill will make it illegal for any of Nevada's 7,000 slot machines to be shipped back to Chicago for repair. A Senate vote today and quick House action are in prospect, however.

Stevenson told of his use as "a last resort" of State police to break up the slots in Illinois where Federal taxes are paid on 2,700 machines although they are illegal under State law.

Here we find a governor admitting that he cannot enforce a law. He admits that he knows how many machines there are operating in Illinois, that he knows where they are, but he cannot get the police to enforce the law.

LAW ENFORCEMENT IS A MATTER OF PRINCIPLE

Let me say to the junior Senator from Florida and other Senators that anyone can enforce a law if he wants to enforce it. We enforce the law in Reno, Nev. We enforce the law in Las Vegas, Nev. Not only are the slot machines and the gambling devices operated under State law but through the permit system they are under the tax commission of the State of Nevada. But the State of Florida, the State of Illinois, and other States, as well as the District of Columbia, over which the great Senate of the United States has partial jurisdiction, are unable to enforce the law. The statement of inability to enforce the law is one of the weakest excuses I have heard in my life. Any law-enforcement officer who wants to do so can enforce a law in a State. Naturally there is money in circumventing the law, and many do circumvent the law. But in Nevada we do not have to pay off anyone. The State legislature declares gambling to be legal. But the Congress of the United States, having nothing else to do but make appropriations and fix tax rates which the people of the United States cannot pay, thus putting legitimate enterprises out of business, for untold hours holds hearings on a bill which would circumvent a law passed by a State legislature 3,000 miles away.

THE DEBATE CONCERNS NOT THE LEGALITY OF GAMBLING BUT STATE SOVEREIGNTY

Mr. President, the debate today, the debate yesterday, the debate in which the junior Senator from Nevada has participated from the beginning is not whether gambling should be legal or not. That is a question which might occupy this august body for a considerable time. The junior Senator from Nevada is not debating the question whether gambling should be legal or not. The junior Senator from Nevada represents a sovereign State of this Nation whose legislature has spoken for the people of that State and said that slot-machine gambling is legal. So I am simply objecting, as I have heard other distinguished Senators stand on the Senate floor for several hours at a time objecting to the same principle—that the Congress of the United States should not go out of its way left-handedly or in any other way to circumvent the action of a State legislature taken under the Constitution of the United States of America. That is what the junior Senator from Nevada is debating today, and he intends to stand here and debate it for some time.

Why it should become so important to States which are unable to enforce their own laws, to interfere with the laws of the State of Nevada, I am at a loss to tell.

LAW ENFORCEMENT IS A STATE MATTER

I understood the senior Senator from Colorado to say—and I hope I do not misquote him—that there are slot machines in Colorado. I live in a State where operation of such machines is legal. I lived in that State when such operation was not legal. I say to the Senate without fear of contradiction that any man appointed to be chief of police of Washington, D. C., can, if he wants to do so, clean up the slot-machine situation in the District in a week. The same is true with respect to Colorado. The machines there can be cleaned out in a week if the State police have any guts and honesty. But Representatives of States which are not able to take care of their own situation come to Congress and attempt to undo the action of the State legislature of a sovereign State, taken within the purview of the Constitution of the United States.

Mr. President, at this point I wish to read an editorial or a special article appearing in a newspaper published in Ely, Nev., under date of September 6, 1950:

Did you know that gambling in Nevada may be illegal after all? We didn't either, until the other day, after Congress passed the slot-machine bill. Nevada was supposedly exempt from the bill, but the word now is that Nevada's ancient antigambling measure, passed back before the turn of the century, was not repealed when the State legislature passed the so-called "wide open" gambling bill in the early thirties. Actually, according to what we are told, the latter legislation provided only for policing and licensing, and did not repeal the old measure. So now all the operators of slot machines in Nevada find themselves in a pickle-ment. They can get neither new machines nor replacement parts for their present machines. It had been believed that the Governor could issue a proclamation and shipments to Nevada could be made under its terms. Now, it is reported, it has been found that the Governor does not have the power to issue the proclamation because the old antigambling law is still on the books. It will take an act of the legislature to give relief to the slot operators.

Congressman WALTER BARING, aware of this hitch, did his best to get the Congress to send the bill back to committee, but Congress, all hepped up over the big crime-control wave now sweeping the country, paid him little heed. Meanwhile, one Ely slot-machine man tried to get some new one-armed bandits the other day and was informed that the biggest manufacturer in the country (in Chicago) had closed down his plant—awaiting developments. The legislature doesn't meet until January, of course, and in the meantime a lot of machines are going to stop gulping coins—and stop spewing them out—which they do on occasion—I'm told.

According to Billboard magazine, Congressman BARING declared the antislot bill was highly discriminatory against a single group of manufacturers. He also warned that it would wipe out Nevada's law and require the State to adopt a new enabling act. He declared the bill to be an invasion of State's rights. Despite his fireworks, however, there were only about nine other Congressmen that voted with him.

Mr. President, I shall continue with my speech. I hope I have made it abundantly clear to the junior Senator from Florida, and also to any other Senator who cares to listen, why I am on my feet and why I intend to speak for some time.

TEXTILE INDUSTRY AMONG MANY INJURED BY TARIFF CUTS

Continuing my discussion of yesterday, let me say that one of the industries most seriously injured by the Reciprocal Trade Agreements Act is also an industry which employs a large labor force. The textile manufacturers have been hard hit by the continued downward trend of tariff rates until today they have reached a point where any further reduction of the tariff would seal their

fate. Their opinions have been expressed in briefs submitted to the Committee for Reciprocity Information, in which the textile manufacturers request consideration at the Torquay Conference which is to be held during the latter part of this month.

Letters have come to my office from many persons representing virtually every side of the textile trade, including fiber weavers; carpet makers; woolen, rayon, and cotton manufacturers; the fabric and webbing industries; the lace and embroidery makers; the corduroy and velveteen fabricators—in fact, virtually every branch of the textile industry. Those representatives are unanimous in deploring the serious nature of the widespread damage which has been done to them by competitive imports. As loyal Americans, they see the need to build up our European trade, but they object to the State Department's policy of subsidizing imports for the ostensible purpose of closing the dollar gap.

THE MYTH OF THE DOLLAR GAP

Mr. President, yesterday I explained what the so-called "dollar gap" really amounts to. It is created by the Marshall plan, by the Export-Import Bank, by the World Bank, and by other methods of giving money outright, or lending money, beyond the capacity of the nations to whom the money is loaned or given, to earn dollars. Therefore, a dollar gap is created when the gift money ceases to flow to those nations. So first we give away the money, and then we are forced to, as our ECA Director and the State Department say that we must, divide our markets to allow foreign goods to come into the United States without being subject to any tariff or import fee which would equalize the difference between the cost of production in the foreign countries and the cost of production in the United States.

Those imported goods displace American goods, and thus bring about unemployment among American workingmen and severe losses among American investors. The result, as the ECA Director has so aptly stated—and no one has ever misunderstood him—is that we then stop, to a certain extent, the flow of cash to the other countries. In short, that situation is what is called by some persons "the dollar gap"; and they propose to narrow or close it by dividing our markets. I shall refer to that matter later at some greater length.

NEW GLOBAL AID PLAN

Mr. President, we now are confronted with several other grandiose plans. I see in the morning newspapers dispatches to the effect that Mr. Hoffman now wishes to have the United States spend $150,000,000; and I shall discuss that matter further in a short time.

AMENDMENT OF TRADING WITH THE ENEMY ACT

Mr. McCARRAN. Mr. President, will the Senator yield, so that I may ask a question which will also be directed to the attention of the Senator from Colorado?

Mr. MALONE. I am glad to yield for a question.

Mr. McCARRAN. Mr. President, will the Senator yield, so that I may have a message from the House laid before the Senate and thereafter seek to have the Senate approve certain action taken by the House of Representatives?

Mr. MALONE. I shall be happy to yield for that purpose, if I do not thereby lose my position on the floor.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The junior Senator from Nevada requests unanimous consent that he be permitted to yield for the purpose of permitting the Chair to lay before the Senate a matter coming from the House of Representatitves.

Is there objection?

Mr. JOHNSON of Colorado. Reserving the right to object, Mr. President, let me ask the Senator whether the matter referred to is with respect to the internal security bill.

Mr. McCARRAN. No; it is with respect to Senate bill 1292, a bill to amend the Trading With the Enemy Act.

The House has amended that bill; and if this matter is laid before the Senate, I shall move that the Senate concur in the amendment of the House of Representatives. Action on this matter will not take more than 1 or 2 minutes.

Mr. JOHNSON of Colorado. Mr. President, I shall not object.

The PRESIDING OFFICER. Without objection, unanimous consent is granted.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1292) to amend section 32 (a) (2) of the Trading With the Enemy Act, which was, on page 2, line 5, strike out "marriage," and insert "marriage: *And provided further*, That the aggregate value of returns made pursuant to the foregoing proviso shall not exceed $5,000,000; and in making returns under such proviso the Alien Property Custodian shall to the extent practicable make such returns in the order in which notices of claims therefor were received and may return any property or interest if the value thereof, taken together with the aggregate value of property and interests already returned pursuant to such proviso, does not exceed $5,000,000.

"SEC. 2. There shall be included in the report made to Congress pursuant to section 6 of the Trading With the Enemy Act, as amended, a statement of (1) the names and nationalities of persons who have filed notice of claim for the return of any property or interest under section 1 of this act, the date of the filing of such notice of claim, and the estimated value of the property or interest, and (2) the names and nationalities of persons to whom returns have been made of any property or interest under section 1 of this act and the value of such property or interest."

Mr. McCARRAN. Mr. President, this is a bill to amend the Trading With the Enemy Act, so as to permit returns of vested property to persons who lost their citizenship solely by reason of marriage to a citizen or subject of a foreign country, and have since reacquired such citizenship, and should have been American citizens at all times since December 7, 1941, except for such marriage.

The House has amended the bill by adding a proviso that the aggregate value of all returns of vested property made pursuant to this provision shall not exceed $5,000,000.

Estimates presented to the House committee by the Office of the Alien Property Custodian indicated that probable value of all property affected by the bill to be about $4,500,000; and this House proviso is simply in the nature of a precaution that returns under the proviso shall not exceed the $5,000,000 limitation. I am informed that the House amendment is satisfactory to the sponsor of the Senate bill, the Senator from Rhode Island [Mr. GREEN].

Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada that the Senate concur in the amendment of the House of Representatives to Senate bill 1292.

The motion was agreed to.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce.

Mr. MALONE. Mr. President, it has been pointed out that it is perfectly natural for the United States to have its exports exceed its imports, and that when the levels do come together, it is usually a forerunner of a business decline.

Mr. Butland, of the J. P. Stevens Co., whose 36 mills employ 23,000 people in 9 States, argues that since 1900, United States exports have far exceeded imports, except during the depression; but that when business is good, the balance of world trade widens out in our favor. He claims that it is a terrible inequity to give foreigners textile machinery to help them build up export programs, which will in turn destroy our high wage level.

"BALANCED" TRADE DEMANDED BY THE FREE-TRADERS

We have had very learned lectures by the ECA Director, by the State Department, and by the so-called trade experts in the State Department, to the effect that we must balance the trade between the United States and the nations of Europe; that is to say, in each case—and the State Department's experts pin the matter down to individual countries—we must allow the commodities which those countries import into the United States and sell in our country to equal in value the commodities which we export to them and sell there.

BALANCED TRADE IS A FANTASY

Mr. President, I refer again to my industrial engineering experience, when it was necessary many times to compare the trade balances between various States and between nations. I say that the trade balance method is not the way trade operates. Of course, when we call the trade-balance situation to the attention of the public, by means of the tremendous propaganda machine the State Department has at its disposal, and when that propaganda is presented

in such an emphatic way, with quotations from prominent persons, including the heads of university departments, and so forth, who give out learned interviews, that makes a convincing argument. However, actually, trade does not work on the basis of the trade balances. There may be as many as 3, 4, 5, 6, 8, or possibly 10 exchanges of commodities before balance is achieved.

In that connection, there may be trade between many of the nations of Europe. There are approximately 20 European nations, 16 of which are participants in the Marshall plan. When we sell a certain commodity to one of those nations, that nation in turn may sell it to another European nation; and that nation, in turn, may sell it to a third nation. Finally that trade comes to its natural balance or level, if it is left to the exporters and importers of each nation, with no government interference, no attempt by a government to put its finger into the pie or to try to make the trade of each nation balance by itself. Such governmental interference is the cause of the terrible upheaval which often occurs in trade relations.

GOVERNMENT INTERFERENCE STOPS TRADE

When such interference is allowed to take place, then traders naturally do not trade. They do not sell or buy, when the necessary monetary credits are not available. But in peacetime it is natural for the entire world, including South America, the European nations, the people of the South Seas, Australia, China, India, to engage in trading, and the intricate network of trade naturally balances itself, because when it does not balance, it is impossible to trade.

ECA MONEY MAKES UP TRADE BALANCE DEFICIT

We have very learned lectures by experts in the State Department, who say, "We had to have in the Marshall plan money $5,000,000,000 or $6,000,000,000 in 1948, practically the same amount in 1949, and another amount in 1950, because that makes up the trade-balance deficit of the ECA nations."

But they did not call it a trade-balance deficit, however, until the junior Senator from Nevada stood upon the floor of the Senate for several hours at a time, on several occasions, explaining that that was exactly what it was. Finally, nearly everyone began to call it the trade-balance deficit which we were making up.

WHAT IS A TRADE-BALANCE DEFICIT?

Now, Mr. President, what is the trade-balance deficit? It is spending beyond one's means, beyond one's income, beyond one's earning capacity. It is the same with a nation as with an individual, who has a trade-balance deficit if he spends $100 a month more than he makes. I have had that happen to me many times, but the only cure for it was to look at the entire card, and either increase the earnings or decrease the buying. That is the problem. But apparently it is not understood. Either it is not understood by the State Department, or the Department is clever enough through propaganda to make enough people believe in its position, and to echo it on the Senate floor and in the Hall of the House of Representatives.

1934 TRADE AGREEMENTS ACT PERVERTED

Mr. President, in this company's brief it is stated that:

> The Trade Agreements Act, which runs until June 1951, was started off in 1934 as a promise of aid to get us out of a slump by helping us to increase our exports. It is irony that the act should now be used as a device to give away our markets to foreigners; more especially because of the current emphasis on closing the dollar gap. Proponents of the dollar crisis talk as though our currency had failed somehow. Actually it is the British pound and other currencies that have been sick. The effect of their devaluation was to wipe out the protective ad valorem rate which was supposed to be enough to maintain our textile industries in a fair competitive position.

THOUGHT AND ANALYSIS ARE NECESSARY ON THIS SUBJECT

Mr. President, I know that Senators have very little time; they are very busy men, but it might be profitable some time to shut the office door and take a few minutes to think about this question. I wonder what Senators would have called it, had the situation been reversed, and we were the ones asking for the money. Mr. President, can you understand, can you visualize it being called a pound gap? No, it would not have been a pound gap; we would have paid through the nose for everything we ever got, and the chances are we would not have gotten anything until we again became a satellite nation. It is a matter of salesmanship, and I have said on the Senate floor before, and repeat now that England has one of the best propaganda machines operating in this country which the world ever saw to help the State Department sell these silly, stupid propositions to the American people. How stupid can we become? I have asked that question a good many times.

TEXTILE INDUSTRY OPPOSITION TO TARIFF CUTS TO RESUME THE SUMMARY OF THE PLIGHT OF THE TEXTILE INDUSTRY

Another strong claim against downward revision comes from Mr. Hermann of the Handkerchief Industry Association. Linen handkerchief competitors in the United Kingdom have been able to increase exports greatly since the 1947 Geneva agreements, despite a 15-percent protective differential. Much of this increased selling power has come through the 30-percent devaluation of the pound, which represents an actual decrease in cost production abroad, while production factors here are continually on the climb.

DEVALUATION WAS SCREENED BY TRADE AGREEMENTS ACT EXTENSION DEBATE

Mr. President, the junior Senator from Nevada on the Senate floor in September 1949, at the time the international conference, participated in by Canada, England, and the United States, was in session here, prophesied that devaluation of currency would come. He pointed out, when the extension of the 1934 Trade Agreements Act was being debated, that the conference was timed to divert public attention from the most important debate on the Senate floor in a century—that of giving away the markets of this country and of removing the floor under wages and investments.

INFLATION NOT A RECENT DEVELOPMENT

Mr. President, yesterday, also in a discussion of this subject, the junior Senator from Nevada pointed out that the inflation was not caused by the advent of the Korean war, or the "police action" as the President chooses to call it. That was not the fundamental cause of the inflation in this country. It is not what is causing it at this moment, any more than any other single factor which enters into it. What were those fundamental factors? Everyone on this floor is talking economy, everyone is talking about saving money, and at the same time voting for greater appropriations than the world ever saw before or ever dreamed of. It was never dreamed that one nation would make such appropriations to run a government for one year—appropriating more money every year since the end of World War II than the taxpayers could pay, more money than could be collected from the taxpayers. So what? We have deficit financing.

DEFICIT FINANCING

That is not what it is called when a man goes to a bank and tries to borrow money because his living expenses are exceeding his income. That is not called deficit financing. Bankers never did call it that. What the banker would do would be to have the man sit down and have a talk with him and he would say to him, "If you cannot increase your earning power, you had better decrease your expenses." That, Mr. President, is exactly what a government must do, unless it wants to live off the fat and make the final crash into bankruptcy worse than it would have been if it had faced the facts, and started again on a sound basis.

TEXTILES FACE LOSS OF MARKETS

Since England makes both the linen fabrics and finished materials, a further decline in our tariff would mean that all her raw fabrics would be turned into manufactures there, and not sent to us. So a reduction in this case would have the double-barreled effect of cutting off raw materials and losing the entire sales market as well.

Mr. President, that was stated by Mr. Hermann, representing a great industry in this country, a man who understands his industry much better than does the State Department and much better than do Senators who give it some small attention when a matter comes up for debate affecting an entire industry, its many employees, and its investors.

LITTLE CONSIDERATION GIVEN TO COST FACTORS

It might be expected, of course, that the House would do that. But the Senate is supposed to be the greatest deliberative body in the world. Yet Senators three times not only enacted or reenacted the 1934 Trade Agreements Act, which put into the hands of an industrially inexperienced State Department the right to say what industries shall survive in this country, and what industries shall be destroyed on the altar of one economic world. What do they do with these industries? How do they handle them? Have they tried to figure out the cost of production, including the world cost of production on a certain item, and tried to make the

tariff fit that differential, so we may maintain our living standard? No, Mr. President, their idea is to trade our domestic markets away—to trade them away for some fancied advantage which may be derived from some other source.

PRESIDENT ADMITS THE PROGRAM

Inadvertently, I think, on August 29 the President of the United States wrote a letter to that effect. I want to read a paragraph from the letter; and come back to it later. It is a reference to the copper tariff, but it could apply equally well to textiles or to precision instruments or to lumber and wood products or to any other industry. What I am calling attention to is the policy—the program. In the second paragraph of a letter addressed to the Ambassador of Chile, the President said:

> The decision to reinstate once again a suspension of this tax—

The reference is to the tariff on copper—

> is one that is to be taken by the United States Congress on the basis of multiple considerations affecting the national interest. The factors involved include questions of domestic economy, international trade, and foreign policy.

Mr. President, the junior Senator from Nevada has said that that is what the administration is doing. He has said that from the time he came to the Senate in 1944. We now have the President of the United States saying the same thing—inadvertently, I think.

TEXTILE INDUSTRY IS SACRIFICED FOR NATIONAL INTEREST

One argument for general reduction of tariff rates has been that particular consideration can be given to any one industry under the escape clause if it is especially injured. Advocates of further trade agreements this year at Torquay argue that the national interest warrants over-all reduction, and that individual complaints can still be remedied by the provisions of the escape clause. The Crompton Co., which represents nearly 100 percent of the corduroy and velveteen manufacturers, points out, however, that up to this time the escape clause has never been invoked, regardless of how seriously our industry has been damaged. Also the relief machinery is so slow that the time lag would mean irreparable damage before anything could be done.

ESCAPE CLAUSE ALLOWS NO ESCAPE

Mr. President, it is well known, and it has been debated on the Senate floor, that the so-called escape clause is impractical and therefore incapable of enforcement, because when they invoke that clause in order to give relief to this velveteen industry, a part of the textile industry, and a substantial part, or to a certain faction in the mineral industry, or to certain types of wood products in the lumber industry, or any other industry, such as the precision instrument manufacturers, all the other countries affected under the most-favored-nation clause are allowed to take action. Therefore, the State Department is correct in that, once we make the agreement, it is impractical to change it, and it is so loaded down with intricate machinery and certain acts that the nations are forced to take, or may take, that, once enmeshed in that web, it is impossible for this Nation to extricate itself.

FOREIGN TEXTILE WAGES ARE LOW

As in many industries the main reason that foreign textile manufacturers can undercut us is because of their lower wage scales. Labor costs constitute a high percentage of the final sales value of woven goods. An example of the extremes is given by the Stevens Linen Co., of Webster, Mass., makers of towels. In the flax textile industry their hourly rates average $1.20, whereas in England they are $0.33, in Belgium, $0.36, and in Japan only $0.09.

Mr. President, that is 9 cents an hour. It is almost unbelievable, but there it is. That is the competition that we are setting up for our labor and our workers in the United States. Yet we have the audacity to stand on the floor of the Senate and say that we are for the working men of America while cutting the floor from underneath them in one fell swoop.

The Japanese have even added more fabrics to some of their materials in order to reach a lower tariff classification, which they alone can afford to do. Mr. President, low-paid-labor nations alone can afford to do it—9 cents an hour as against $1.20 an hour. That is the living standard differential. That is the wage standard differential. We have the audacity to stand on the Senate floor and continue to speak in defense of an industrially inexperienced State Department's right to put industry out of business, and investors and workers on the streets. We blithely wash our hands.

THE MOST-FAVORED-NATION CLAUSE

In connection with Japan, and relating also to Italy, many textile men complain that these countries will not be attending the Torquay Conference, but will nevertheless benefit from it.

Mr. President, do Senators realize what that means? It means that Japan, Italy, and other countries will not attend the Torquay Conference. However, any reduction in tariff rates on any material will be extended to every nation on earth through the most-favored-nation clause. It is unbelievable, but that is exactly what the Congress of the United States provided for in the 1934 act, and periodically by extending the provisions of the original act. This act keeps the power over tariffs in the hands of the Executive, which in this case means the State Department.

This is particularly true of the silk and rayon items, according to the National Federation of Textiles. Their argument is that the principle of reciprocity cannot possibly be followed when the major beneficiaries of action by the United States will not be present to reciprocate. It seems incongruous to build up the prestige of the Japanese raw silk industry as SCAP—MacArthur's organization in Japan—has done, and then to lower tariffs on imported silk products.

MAC ARTHUR NOT AT FAULT

Mr. President, there is no stronger supporter of General MacArthur and his policies than the junior Senator from Nevada. General MacArthur is a fighter. He has amply proven that in the South Pacific in World War II, and he is proving it again in Korea. He knows more about fighting a war than all the rest of us put together. In the humble judgment of the junior Senator from Nevada, some would like to fire him. At least propaganda has been poured out from the State Department to the effect that something is wrong with MacArthur. However, that did not start until the then head of the Department of Defense visited MacArthur in Japan and, he was getting good advice, started to follow it. Mr. Johnson did not last very long; and they hope to get MacArthur, too. Mr. President, MacArthur, in charge of Japan, is doing exactly what the Chair would do, or what I would do. In other words, he is taking care of Japan. Therefore he does not have any advisers in the State Department or anywhere in the administration to advise him that what he is doing in certain cases is injuring the industry of the United States. He has never claimed to be an industrial engineer. He does not claim any experience in that business. All MacArthur claims to be is a fighting man, and he is that. He claims that he can carry out his policies and assist in the economic reorganization of the country of which he is in full control. He is doing that.

Mr. President, it was my pleasure to visit General MacArthur in November of 1948. I had two long conferences with him before I left for Shanghai, China. The first time I had seen him was in the South Pacific in 1943 at Port Moresby, when he was fighting a really tough fight. I will not go into that now. I made a report on the subject. Incidentally that report did not sit very well in Washington.

There is no coordination between what MacArthur is doing in Japan, what McCloy is doing in Germany, and what we are doing in the United States. McCloy is undoubtedly doing a great job in Germany. I know McCloy. He is a very capable man. I have the highest regard for him, both personally and professionally. However, he is given no advice as to whether what he is doing in Germany will or will not fit in over here. No one is telling McCloy or MacArthur that imports from Japan and Germany disturb our whole economic structure. If these policies are brought to their logical conclusion, they would make it practically impossible for any nation to survive, let alone Germany or Japan.

JAPANESE IMPORTS DANGEROUS TO OUR INDUSTRY

It is clearly more highly to our advantage to import the raw silk for our manufacturers to use than it is to import Japanese made products that compete with our own. This is obviously one pointed indication of the muddled thinking that has gone into the policy of our subsidizing foreign products for export to the United States.

The textile industries' claims for recognition in the Torquay conference are especially important in that, contrary to most other industries who merely fear downward revision of the tariff scales, they have already been damaged by the present rates. A further reduction would be disastrous and would lead to the flooding of our markets by cheap foreign woven goods.

THE SCIENTIFIC INSTRUMENT MAKERS INDUSTRY

Mr. President, we come now to scientific instruments, the sixth group on the list, inserted in the CONGRESSIONAL RECORD during yesterday's debate. One small but vital industry has been hit hard by tariff reductions, and measures will soon have to be taken or our national defense structure will be impaired. The scientific instrument manufacturers have appealed to the Committee for Reciprocity Information that their products be recognized as essential to national defense. Under the present tariff regulations, makers of optical glass and lenses, telescopes, laboratory and surgical appliances, and other instruments of research have had their market cut from under them by foreign competition. The employees of this industry are highly skilled and after long training and apprenticeship they must be paid commensurate to their abilities. Workmen in competing foreign industries do not receive similar recompense for their knowledge, and thus, the wage scale differential is even greater here than in the average industry.

The Scientific Apparatus Makers Association in testimony before the Committee for Reciprocity Information, relative to the Torquay Conference in September this year, says that wages for skilled instrument workers in the United States average $1.50 per hour. That is contrasted with 50 cents per hour in the United Kingdom, 34 cents in Germany and France, 27 cents in Italy, and 12 cents in Japan.

EVEN HIGHLY SKILLED WORKERS ARE UNDERPAID

Mr. President, those skilled men represent expert grinders of lenses. It is impossible to become a proficient and experienced lens grinder in less than 2 to 4 years. This is their reward in foreign countries: 12 cents an hour in Japan, 27 cents an hour in Italy, 34 cents an hour in Germany and France, and 50 cents an hour in the United Kingdom. It is exactly one-third of what it is in the United States of America. We must realize that a proficient lens grinder, experienced in the business, is just as proficient in one country as in another. He works just as fast in one country as in another. There is no difference, except in the wages.

Their brief states:

> Skilled hand operations can be performed just as fast in Europe and Japan as in the United States. The result is, their cost of production is far below ours. In some cases this differential amounts to as much as 1000 percent. Competition in unit production cost is essentially a question of relationship between the wages of American and foreign workmen.

The brief goes on to show that skilled workmen cannot be trained overnight, and when a sudden call comes in a national emergency, as it did during World War II when demand increased 600 percent, the men must be ready to work at once, not after a delayed training period, when the men may have scattered because of lack of work in their own industry, and we would not be training other men to take their places.

ACTUAL EXAMPLES WERE SHOWN ON SENATE FLOOR

Mr. President, in September 1949, I spoke at some length on this question, at the time when it was proposed to extend the 1934 Trade Agreements Act. At that time I offered the flexible import-fee principle as a substitute, and on my desk I had 8 or 10 illustrations of the difference in the compensation of workmen as reflected in the retail sales of the materials in this country. For example, I remember that there was a 500-power microscope made in Japan, and a 500-power microscope made in this country. It was not possible to tell the difference between the two microscopes across the desk. I have had some experience with microscopes, having been in the engineering business for a long period of time, and I could not tell the difference by looking at the microscopes. The difference was, however, that one sold at retail for $125, and the other for $302. The difference was that the $125 microscope was made by men drawing 9 to 12 cents an hour; the $302 microscope was made by men drawing from $1.50, or a little less, to $2.40 an hour.

WAGES MEANS LIVING STANDARD

Mr. President, the difference in the living standards of these men was unbelievable. I visited Japan, and went to several factories there. The workmen there know nothing else, so they are, of course, more or less satisfied with their living standards. They eat rice, or some substitute. There are few things they have to eat, and they have very few clothes to wear. Living conditions are almost unimaginable. But in this country the men grinding the lenses live as you and I live, Mr. President. They have just as much to eat, they have a variety of clothes to wear, they take their places in the community, they contribute to the community chest, pay their taxes, and are good citizens.

Mr. President, do we want to destroy that condition? That is exactly what the Senate of the United States voted for when it voted to extend the 1934 Trade Agreements Act in September of last year. Every Senator and Representative who voted for the extension of that act since 1934 is just as guilty as the ones who first voted for it.

STATE DEPARTMENT ACTING ACCORDING TO ITS AVOWED PHILOSOPHY

We can expect nothing better from an internationally minded States Department. We can expect nothing better from a State Department that is controlled almost absolutely from across the water. But we could expect more study and consideration from the Senate of the United States and the Congress of the United States, the Members of which live in communities where there are standards of living comparable with the positions of the citizens.

SCIENTIFIC INSTRUMENTS NEEDED FOR DEFENSE

The industry holds that scientific instruments are as much a part of national defense as guns and tanks, and that it is foolish to be dependent on foreign countries for precision and optical tools when we would never think of using foreign sources for planes, ships, or atomic bombs. Our foreign sources of supply have been cut off 39 percent of the time since 1914, and no technical firm is able to expand and contract on a very rapid basis. This makes it essential that enough protection be given to maintain at least a core around which an emergency defense effort could be centered.

Mr. President, these are the men who are making the instruments which are found in the planes in which our boys are flying in fogs over Korea. These are the men who make the instruments which cover the panel in front of an aviator, which no one can understand without several years of training. One little mistake on the part of these men, one little rough job, may cost the life of an aviator. So what do we do? We blithely turn the whole business over to the State Department to determine whether or not that business shall remain in the United States, or be sacrificed on the altar of "one world." They are sacrificing it, and are ready to go to Torquay, England, and complete the job.

Particular competition, especially within the last year, has come from Japan, and she would be the one to benefit the most from increased tariff reductions at Torquay. Japan's precision industry expanded tremendously during the war, the quality was improved, and now almost 80 percent of the production is exported to the United States to provide a useful source of dollar exchange.

FREE TRADE A FALLACY

Mr. President, the fallacy which was sold to the American people was that we must allow everything manufactured in foreign countries to come into the United States without a protective tariff, without charging the differential which makes up the difference between the wage and living standards of this country and the standards of the competitive nations. That is the fallacy that is sold. In every paper we pick up we find a statement that Mr. Hoffman, the Director of the ECA, is encouraging and insisting that more imports come into the United States. The State Department is insisting on the same thing.

Mr. President, this might be a subject which would occupy the time just for today if it were not a tragedy. But, what is being done is a tragedy, and it is a tragedy supported by the Congress of the United States. That is unbelievable, but it is true.

CURRENCY MANIPULATION

Exports of the American scientific manufactures have almost ceased due to foreign competition in areas where softer currencies can be used. In case the definition is not sufficiently plain, "soft currency" is a currency the value of which is manipulated, which does not have a rock-bottom value, and concerning figures on which the exchanges of the world are not taken. It has been claimed the pound is worth $2.80. No one would pay more than $2.05 or $2.06 for it.

In South America there were two, three, and sometimes five exchange values for the money, according to

whether they were selling goods or purchasing goods, or whether they needed to trade with one nation or another nation. To give an example, there is a letter in my file, and much evidence has been presented in the past months before a Senate committee—and this testimony is readily available—showing instances where a buyer wanted to buy an article from a manufacturer in this country. A permit, apparently, was granted, and everything was all right, but the real value of the money in the country concerned was less than 2 pesos to the dollar. Those importing goods into that country had to pay 3½ pesos to the dollar, however.

Mr. President, all they had to do for some other country's currency was to make the price 2 pesos, or 2½ pesos, or 3 pesos, and the other country got the business. The American people are being sold down the river in that manner. No one understands this manipulation, and no one is inquisitive enough to investigate it, but that is what is going on under our very noses.

In the scientific instrument industry American mass production methods are of no value, since the labor element in the total production cost may be as high as 70 percent. There is no such thing as mass production in the grinding of lenses.

Because of the great differential in wage scales, and because of the vital part that is played by them in national defense, further reductions in tariffs on imports of scientific instruments would be a blow not only to the industries themselves, but to the country as a whole.

COCOA MATTING, FIBER, AND CORDAGE

One small but vital industry makes a strong appeal for recognition at the Committee for Reciprocity Information. The cocoa mat, fiber, and cordage manufacturers plead a case of injury which has been done to them by increased imports. This industry has an A rating with the Munitions Board, for strategic and critical materials, and during the war had to expand fourfold to meet the Army and Navy requirements.

The hard fiber, cordage, and twine industry, comprising 23 mills in 11 States, was called upon to expand its facilities from a normal output of 100,000,000 pounds to 350,000,000 in 1944. Despite this tremendous increase, the Government still had to purchase 40,000,000 pounds more from Cuba and Mexico to complete the total supply needed. If tariffs are lowered again this year, most of the domestic market will be taken by imports from the United Kingdom, the Netherlands, and Belgium. This will mean that conversion again to a wartime basis, with the probable loss of European supply sources, would become even more difficult, as the domestic plants would then have lost their skilled labor.

LABOR'S SKILL CAN BECOME A CASUALTY

Mr. President, that perhaps is not understood by the American people. Certainly it is not understood by the State Department, which use its propaganda machine for the purpose of selling the idea that we can get along without this skilled labor. What will happen under free trade is that the skilled labor will be scattered, and when the pressure is put on in a national emergency, labor will not be available, and it will be impossible to develop such skills on short notice. The same is true with respect to mines, the same is true with respect to textiles, the same is true with respect to any other business. For instance, the precision-instrument business, which I have just described.

ONLY WAGE STANDARDS DISTINGUISH UNITED STATES FROM FOREIGN COMPETITION

The Columbian Rope Co. points out that the cordage industry is not opposed to world trade in any way whatsoever, since all the fibers used—manila and abacá from the Philippines; sisal from Africa, Java, and Brazil; henequen from Mexico and Cuba; and jute from India—have to be imported. In addition, the machinery comes from the United Kingdom, the end result being that the only difference in production costs lies in the wage scales. In other words, there is no difference in the machinery, no difference in the method of manufacture; simply a difference in the wage scale. Naturally, this places us at a distinct disadvantage, and threatens our higher standard of living.

COCOA MAT INDUSTRY ALMOST ELIMINATED

The cocoa mat industry has a claim equally strong as that offered by the cordage and rope manufacturers. Cocoa matting was used extensively by the Navy for deck covering and ship fenders, and would be again in another emergency. This may not be possible, however, as the decision at the Geneva Conference to reduce the tariff to the full 50 percent on cocoa matting has almost eliminated the domestic industry. It is likely that another war would close off our foreign sources of supply, and it would then be too late to revive a defunct domestic industry. It is for this reason, vital to our national security, that present tariff rates must be reviewed, and that no more cuts be permitted. The competition comes mostly from India, where low wage scales permit sale of cocoa matting at 21 cents per square foot. Add to this the 10 cent duty, and the total is still 7 cents less than the minimum production cost of 38 cents quoted by the Meakins McKinnon Co., of Lockport, N. Y.

ELIMINATION OF INDUSTRIES IS OFFICIAL POLICY

Mr. President, this is not a new policy, evolved by the administration. It has been the policy for 18 years. It is the announced policy of the administration. It is a three-part free-trade program which the junior Senator from Nevada has spoken about many times on the Senate floor. It is a deliberate program to bring about a one-economic world in which every nation, according to its ability, produces and does what it can do best. A one-economic world means that everyone will be on the same living standard. I described yesterday a big map I have in my office, which I often consult when I hear increasing talk to the effect that we are going to support the world, that we are going to divide what we have with an area so infinitely great compared with our own area. When I contemplate some of those fantastic things, I take a look at the map and get my feet on the ground and make a new start.

FREE TRADE CAN ONLY TAKE PLACE BETWEEN NATIONS WITH AN EQUAL STANDARD OF LIVING

What we must have is a policy which will mean a differential of cost of production represented by a tariff or an import fee, flexible, so that as the world raises its living standards the tariff and import fee can come down. Of course there would be no tariff on any product we do not manufacture or produce in our own country. As other people raise their living standards credit would be given them, and, Mr. President, when they are living about like we are, our common objective will be reached almost automatically. The credit given in the reduction of any tariff or import fee will come about through the elimination of the differential in costs of production. By following this course we preserve our national economy, we preserve our living standards, while we are helping other nations to help themselves. We also preserve our national security. How many envious nations are there in the world who would like to see this Nation on a par with them, so we could not defend ourselves? I would be very sorry to see such a situation come about.

LABOR COSTS IN INDIA AND THE UNITED STATES ARE 11 TO 1

Much the same competitive factor is evident in the soft fiber industry, which manufactures material of sizes halfway between that of thread and rope. Imports of jute come mostly from India, where the average hourly rate of 6.7 cents, about 6¾ cents, compares with $1.14 for American workers. Even granting some extra degree of efficiency to the American, the labor cost comparison would still be around 11 to 1. Jute manufacturers, however, are in a better position than the flax thread makers, since in their case, tariff reductions have resulted in a ratio of over 80 percent of imports to domestic production.

There is a real and present danger to this small industry from cheap foreign competition, which will either drive our cordage and jute manufacturers out of business or will force them to lower wages and general standards of performance.

ONLY BY LOWERING OUR WAGES, WRITING OFF OUR INVESTMENTS CAN WE COMPETE

Of course there is never any doubt that industries can remain in business, after tariffs are cut. All they have to do when the differential of cost of production is ignored by the lowering of the tariff or import fee is simply to lower wages and write off the investments to meet the foreign competition. That is a very simple matter, and apparently the administration is for such a policy. At least it has permitted it to be followed for 18 years.

Since these industries are so vital in times of emergency, we must not be so short-sighted as to let them lose all their present productive capacity. The only way that they can keep that is by review and revision of the present tariff scales. Downward revision at Torquay would be disastrous.

That, Mr. President, is exactly what is contemplated. The products of these industries are included in the 3,000 or

4,000 products that are to suffer a downward revision of their tariffs, at Torquay, England; in other words, to complete the job of the one-economy world under the cover of war.

MINING AND MINERAL INDUSTRIES

Mr. President, the mining and mineral industry is a very great industry, and among the minerals produced in this industry there is a large number of what we call strategic and critical minerals. Strategic and critical minerals are those that are not produced in sufficient quantity in the United States, and protection of such minerals is in most instances needed to increase production or to hold firm the present industry.

ALUMINUM, LEAD, ZINC APPEAL UNDER THE ESCAPE CLAUSE

This group of industries comprises those manufacturers and producers who are engaged in the production of primary metals and minerals. All of the industries whose attitude to tariff reductions is outlined below, appeared before the Committee for Reciprocity Information, except the producers of aluminum, Kaiser Aluminum, and Reynolds Metals Co., both of which have asked the Tariff Commission for investigation and relief under the escape clause in the general agreement on tariff and trade. I believe that to be the stand taken by most of the aluminum industry. It is in a fair way of being drastically reduced by reducing the tariff and import fees. Protection of this very important industry is essential to national defense as well as to our peacetime economy.

Since aluminum was not included in the list of products which were considered for negotiations at Torquay, England, an appearance before the Committee for Reciprocity Information would have served no purpose.

On the other hand, however, in addition to the appearance before the CRI, the Emergency Lead Committee and the American Zinc Institute have also appealed to the Tariff Commission for investigation and relief under the escape-clause provision. The lead and zinc producers thus were forced not only to appeal the reduction of duties on their respective products in the past but also to object to a new reduction of the tariffs on lead and zinc.

In addition to the already mentioned producers, this outline also includes the statements made by the steel industry, represented by the American Iron & Steel Institute, the statement by Lavino & Co. against tariff reductions on ferromanganese, and a brief objecting to reducing duties on bronze and aluminum powder.

THE MINING INDUSTRY

The first part of this summary will concern itself with the mining industry.

Mr. President, I am merely giving you a summary of the briefs and testimony by these industries. I have in my office perhaps 125 or 150 individual briefs and statements which go into great detail and give sufficient reasons why these industries should be preserved for the national security, for employment, and for taxation purposes.

MINING IS A SPECIAL FIELD OF INDUSTRY WITH ITS PECULIAR PROBLEMS

Of the utmost importance is a general statement before the Committee for Reciprocity Information on the importance of our domestic mining industry to the health and safety of this country, and to severe toll that was taken already by duty reductions made in previous negotiations. To quote from the brief of Mr. S. H. Williston, representing the Tariff and Policy Subcommittee of the San Francisco Chamber of Commerce:

> There are certain basic underlying facts in the mining industry which are not appreciated by the nonmining fraternity, and it is extremely important that these points be emphasized.

It is extremely important that these points be emphasized:

First, a great deal of time is required in order to discover, develop, and put into production an underground mine.

Second, the maintenance of mines in standby condition, but without engaging in mining, is almost prohibitively expensive.

Third, nearly every ore body differs from other ore bodies to such an extent that extended research is necessary in order to make possible proper or adequate recovery of the minerals therefrom, after the initial mining has taken place.

RESEARCH IS NECESSARY FOR FINDING METHODS OF RECOVERY

I shall give an example of that particular phase of the work. At Pioche, Nev., where one of the largest deposits of zinc and lead known in the United States exists, the ore is a complex. The Combined Metals Reduction Co., of Salt Lake City, worked for many years in the laboratories in an attempt to find a process by which the metals in that ore could be reduced by means of a commercially feasible process. Of course, Mr. President, metals can always be got out of ores if the work is done in laboratories, but the question is whether the process thus developed will be commercially feasible. For instance, gold can even be produced in a laboratory, but the only trouble is that it costs more to produce gold in a laboratory than to mine gold—in other words, more than the set price for gold, which is $35 an ounce. Of course, there is no scarcity of gold in the world; gold occurs in many places, including sea water, and can be recovered. However, in many cases the cost of recovery puts the operation entirely beyond the range of economic feasibility.

NO SCARCITY OF METALS OR ORES, BUT OF VENTURE CAPITAL

So it is in regard to metal ores generally. There is no scarcity of ores in the United States, and there is no scarcity of metals. However, there is a scarcity of venture capital which will willingly be applied to the discovery of these deposits and to the work in the laboratories to determine feasible methods of reducing the ores commercially.

All of us have seen in this country many smart men who had a good education and were very well informed, but were unable to demonstrate to the satisfaction of those associated with them the economic feasibility of the work they proposed to do, or of the new methods they proposed to develop. Therefore, such men have been unsuccessful.

LONG-RANGE RESEARCH IS NECESSARY

So it is, Mr. President, that the operators of virtually every base-metal mine in the United States must engage in long-range laboratory experiments to determine a feasible method of reducing the ores commercially. In many cases, after long and expensive experiments are conducted, failure is encountered. At the present time, failure is often encountered following such experiments because of the lack of funds caused by the reduction by the State Department of the import fees on zinc and lead. Of course, for a time there was complete removal of the tariff on copper. Already the State Department has taken upon itself to reduce the tariff on copper from 4 cents a pound to 2 cents a pound, although a tariff of 2 cents a pound is not sufficient, even though that much of the tariff has been reinstated.

VENTURE CAPITAL WANTS LONG-RANGE SECURITY

In short, Mr. President, the general public does not understand that venture capital will be invested in sufficient amounts not only for furthering the discovery of mineral deposits, but also for following through by means of expensive laboratory experiments, which always involve the chance of failure to arrive at a commercially feasible method of operations, when the mining companies and the individuals engaged in that work believe there is a chance or a reasonable hope of finally obtaining a profit.

However, today the State Department is busily engaged in removing the chance for profit at the end of such long, costly, and involved operations in the mining industry. The State Department is not the only agency of the United States Government which is doing so; but since the Congress of the United States has placed in the hands of industrially inexperienced State Department the right to lower the tariff and import fees indiscriminately on industries of every nature, the result simply is that the State Department is in a position to make selective reductions of tariffs and import fees.

STATE DEPARTMENT HAS STRANGLE HOLD OVER UNITED STATES ECONOMY

So the State Department selects the industries which it wishes to survive in the United States, and it also selects the industries which it wishes to have destroyed in the United States. The State Department is doing that every day.

Now its so-called experts are preparing to leave for the conference at Torquay, England; they have purchased their tickets, and are ready to go there to complete the job of creating "one economic world," under the cover of war, although they have no idea of considering the expenses involved in such complicated industrial operations as those involved in the mining industry. They do not consider the economic situation in the United States of America, where we have the social-security system, unemployment insurance, and virtually

every other safeguard which man can devise for the protection of the workingmen, and where, in addition, the workingmen are paid—as I have pointed out today several times—anywhere from three times the amount of the highest wages paid anywhere else in the world, including England and Canada, up to 20 times the amount of the wages in some countries. This means that the standard of living in the United States, as well as the wage standard here, is anywhere from 3 times to 20 times the standard of living and the wage standard level in other countries.

Mr. President, in line with Mr. Williston's statement, it is obvious that because of the situation he describes in the mining industry, practically all incentive is destroyed and practically all venture capital is driven out of that business.

His fourth point is that it often takes a long time to get a mineral treatment plant to function efficiently. I have just been discussing that situation.

His fifth point is that standby mines or standby plants without personnel trained in their operations are all but useless.

CALIFORNIA MINE EMPLOYMENT DOWN

I quote further from the statement made by Mr. Williston:

In the State of California, according to statistics supplied by the California Department of Industrial Relations Division of Labor Statistics and Research, the number of civilians employed in metal mining in California between 1940 and March 1950 has declined by 72.3 percent.

In other words, there was a decline of approximately three-fourths in employment in the metal mines in the State of California, which, incidentally, is one of the greatest mining States in the Nation, or at least it has been; it would be again if the senseless, stupid, free-trade policy of the State Department and the present administration could be ended.

I quote further from the statement by Mr. Williston:

In early 1950 metal mining payrolls had declined 84.3 percent in relation to the State's total payrolls since 1940.

This means that in early 1950, the metal-mining payrolls were only 15.7 percent of what they had been in relation to the State of California's total payrolls in 1940.

I go on to quote from the statement by Mr. Williston:

A recent study of exploration and development activities for critical and strategic metals within the United States was recently completed by the Mining and Metallurgical Society of America, one of our eminent technical societies. The results of that study indicated that exploration and development for the strategic metals has fallen off by 95 percent in relation to 1940.

Mr. President, that is exactly what I was discussing a moment ago, when I said that venture capital will not go into a business when the State Department can, without any regard to or any knowledge of the industry concerned, but merely offhand, without consulting anyone, destroy that industry overnight. So Mr. Williston has gathered the statistics in regard to the effect of that policy.

THE MINING SUBSIDY BILLS

The Senate will remember that previously I introduced two mining bills. One of them was introduced in 1948, and it passed the Senate. The other one, the O'Mahoney-Malone bill, was introduced in 1949, and it was passed by the Senate and went to the House of Representatives. However, both bills were defeated in the House.

What made those bills necessary in the first place, Mr. President? There would be no more reason for a subsidy for the mining industry than there would be for any other industry in the United States if we had a flexible import fee system and if the Congress would reassume its constitutional responsibility to regulate the national economy through the regulation of foreign trade, which the Constitution says in so many words is not only the authority but the responsibility of the Congress.

THE KOREAN WAR AVERTED DISASTER CAUSED BY STATE DEPARTMENT POLICY

However, Congress saw fit to extend the 1934 Trade Agreements Act, which places in the hands of the most inexperienced and inept State Department or foreign office which ever has served any nation on earth, the right to destroy an industry offhand. Our State Department has really destroyed the mining industry in the United States, just as the State Department is destroying the precision-instrument industry, and just as the State Department was in a fair way to destroying the lumber and wood products industry, the textile industry, the glassware and crockery industry, and many other of the important industries of the United States, until the Korean situation developed. Then, immediately, the unemployment situation was cured; and many of the industries immediately began to engage in various types of defense work. Regardless of any other factor, the increased demand for production, as a result of the development of the Korean situation, has revived many of those industries.

This revival has happened twice within the past 10 years. Twice we have seen a situation in which the workingmen and the investors in this country faced with being destroyed were saved by war. It is a very expensive method of saving our economy to have a war every 10 years.

Continuing to quote Mr. Williston:

Exploration and development for the precious metals had declined by 90 percent; that exploration and development for the critical metals, copper, lead and zinc, had declined by 60 percent and that the overall average for the continental United States indicated a 70-percent decline in the search for new metal deposits and the development of those already known.

Mr. President, that was the result of a study by the Mining and Metallurgical Society of America, one of our eminent technical societies.

NUMBER OF MINES DECLINED SHARPLY

I quote further from Mr. Williston:

Certain statistics regarding underground mining operations in the Western States are available. In the State of California, according to Mr. Averill, of the California Division of Mines, the number of operating lode mines declined by 76 percent in the period of 1940 to 1949.

Mr. President, it is almost unbelievable that an industry in this country could be destroyed in that period of time, one of the most important industries in the United States of America in peace or war. Where will we get these minerals—manganese, tungsten, lead, zinc, chromite, and the many other necessary minerals, when our own mines are shut down and the men who know the business are scattered, and when it is impossible to start the mines operating again on a moment's notice?

WE WERE IN GRAVE DANGER IN WORLD WAR II

During World War II, we tried to obtain manganese and chromite to a large extent—from South Africa. There were unlimited amounts of them there. The only problem was getting them into the United States. At that time it happened that the junior Senator from Nevada, serving as special consultant to the Senate Military Affairs Committee had access to and sat in at meetings of the War Production Board. We rather assisted each other to worry about this problem, because we did not have sufficient stockpiles of those minerals, just as today we do not. Then, however, our mines were in much better shape than they are now. Now more of our mines are closed, that is, a greater percentage of them are closed. But the tariffs had not been tampered with quite so much up to that time. What happened? The record will show that between 70 and 90 percent of the shipments of these strategic and critical materials, without which it is impossible to make steel, and without which it is impossible to fight a war, were sunk by submarines. Every pound of steel contains manganese. There is plenty of manganese in the United States. It merely happens that our deposits are low grade. There is a great deposit in southern Nevada and there is a great deposit in South Dakota, but it runs from 15 to 20 or 25 percent, and is expensive to recover. Of course, during peacetime, our Government would not allow an adequate tariff on manganese, so that these deposits could be developed and thus assure adequate domestic production. We could not have manganese in a standby condition, as, for example, a steam power plant standby, so that we could turn a switch and the power would go into the line when the other power fails.

WE WILL BE IN DANGER AGAIN

That is what we need in this country. But no—not with our State Department; that is impossible. So we depend on transportation from great distances. The record will show that from 70 to 90 percent of the manganese and chromite shipped from South Africa, during a long period of the war, was sunk by German submarines. With the schnorkel submarine in the possession of Russia, perhaps the losses of shipping would be nearer 100 percent. But the stupid, inane policy continues, fostered and encouraged by the Congress.

UTAH, OREGON, NEVADA HAVE ALSO LOST MINES

I quote further from Mr. Williston:

In the State of Utah, according to Mr. James K. Richardson, Secretary of the Utah Mining Association, the number of mines shipping their production to smelters in Utah declined by 89 percent in the period 1940 to February 1950.

In the State of Oregon, according to Mr. F. W. Libbey, Director, State Department of Geology and Mineral Industries, the number of underground producing lode mines declined by 95 percent from 1940 to early in 1950.

In the State of Nevada, according to Mr. A. E. Bernard, Inspector of Mines at Carson City, Nevada, the number of underground lode mining operations declined by 66⅔ percent between 1940 and early 1950.

The decline in underground metal mining operations in these Western States has thus declined from 66⅔ percent to 95 percent and from our California statistics employment has fallen in similar amounts.

WAR CURES UNEMPLOYMENT

Mr. President, of course employment is important in peacetime. In the opinion of the junior Senator from Nevada we were headed for one of the greatest unemployment periods which this country had ever seen. We had reached an unemployment figure of 5,000,000 or 6,000,000 prior to the outbreak of the Korean war, and we had 10,000,000 or 12,000,000 partially unemployed. Of course, the Korean incident remedied that. Even a "police action" cures an unemployment situation. But the cure of the unemployment situation is only caused by an emergency, which finds us with insufficient stockpiles of strategic materials and with the mines closed down. Now we are starting to go to war again. The present Congress appropriates large sums of money for the national defense, and for specially created committees, bringing in inexperienced men to head them, as usual.

Let us frankly explore the situation. We shall pass a bill calling for the expenditure of billions of dollars. Expense is of no account whatever. We shall go out and spend 10 times the amount of money that would have been needed earlier, to try to locate the minerals which we could have obtained at one-tenth the cost had we simply applied ourselves to a decent, reasonable principle of protection of American workingmen and investors.

This, then, is the picture in the domestic mining industry in 1950, and yet, further tariff reductions are contemplated on zinc and lead, and the policy of the past is not being reviewed under the escape-clause provision.

THE LEAD INDUSTRY

Let us take a closer look at the lead industry. The Emergency Lead Committee asked for investigation and relief under the escape clause to have the duty on lead restored to the former level or preferably to a higher level than that obtaining under the Tariff Act of 1930. The reason for this request is the most serious effect of the increasing imports of lead on the mining industry of the country.

Mr. President, in peacetime an industry can be forced to the wall by imports. Whether strategic or not strategic, industry can also be forced to the wall. Those imports cannot be made in wartime. Any time there is a declared war, any time Russia declares war, or starts a war without declaring it, these imports will be automatically cut off.

No one doubts that the snorkel submarines are surrounding us at this moment in the Atlantic and the Pacific Oceans. Many of them have been sighted, according to newspaper reports, simply exploring our shores. When the word goes out that our ships are being sunk, that will be the last of our imports. Perhaps 5 or 10 percent may evade the snorkel submarines. That is the position into which the inept and stupid policy of the State Department has put our Nation.

SPECIFIC DUTIES ON LEAD WERE REDUCED BY ECONOMIC FORCES

It was pointed out that the specific duty on lead actually provided for "variable" tariff on lead, since at an increase in price the specific duty represented less and less protection. So, for instance, when the tariff on lead was determined to be 1½ cents per pound on ore and 2⅛ cents per pound on metal in 1930, these rates of duty gave 27.2 percent and 38.5 percent protection, respectively. After the increase in all commodity prices, which of course also affected lead, and following the reduction of lead tariffs, the amount of protection accorded lead metals and ores amounted to only 6.8 percent and 9.7 percent, respectively.

Here, for example, are the figures of imports as a percentage of domestic mine production: The 1930–39 weighted average was 11.3 percent, in 1949 that percentage was 98.3 percent. In February 1950 that figure had risen to 114.3 percent.

Since an increasing percentage of imports consists of pig and scrap lead, domestic smelters are also suffering from the increasing imports.

REASONS FOR INCREASING DUTIES ON LEAD

In addition to the application under the escape clause, the Emergency Lead Committee filed an objection with the Committee for Reciprocity Information against further reductions on lead ore and metal, pointing out that they had asked for an increase of duties on lead by the maximum of 50 percent above the rate provided for in the Tariff Act of 1930, because of the drastic effect on the domestic lead-mining industry of the following factors: First, devaluation of foreign currencies; second, inflation here at home; third, reduction of duties on lead.

Let us understand the effect of these three factors. The truth is never given to the American public by the State Department, in discussing their so-called trade treaties, which, of course, in reality are only agreements to reduce our tariffs.

DEVALUATION

The devaluation of foreign currencies had the effect simply of lowering the cost of production in the foreign nations, and so devalued their currency that it enabled them to come in under any tariff or import fee, even had it been correct at the time of the devaluation—which it was not, because there had already been a reduction of duties.

INFLATION

The second factor, of course, is inflation here at home. I shall have more to say on that subject before the session closes. The Associated Press price index which appears every day in the newspapers shows that in 1944 the price index was about 100. That is the same as it was in 1926. That is normal. It was normal again, according to the index, in 1943 or 1944. In the 5 years since World War II closed, the index has climbed to 193.7, as of this morning. It has had highs and lows. Today it is 193.7. That is by no means all due to the Korean war. It is due largely to the action of Congress in appropriating more money every year than the taxpayers can pay. That is called deficit financing; we run into inflation, and we print money as fast as we can. We are still doing it. Now we have a legitimate excuse. We must provide money now. However, during peacetime we had no such excuse. We kept it up just the same. Mr. President, most of the inflation did not come since the Korean war. It came between 1944 and June 27, 1950, or whatever day the police action was declared by the United Nations in Korea. I understand it is a police action. According to the President it is not a war. War was declared by the United Nations, not by the Congress of the United States. That is a very grave distinction in the book of the junior Senator from Nevada.

UNEMPLOYMENT, CLOSED MINES, CAUSED BY IMPORTS

In addition to the devaluation of foreign currencies and the inflation here at home, which I have already described, the reduction in the duty on lead further affected the mining industry in this country.

In the brief to the CRI it was pointed out that increasing unemployment and closed mines were following in the wake of lead imports, and danger to our national security is imminent because stockpiling, at best, is only a stopgap measure.

Mr. President, the stockpiles are woefully inadequate. Everyone who is familiar with the situation knows that to fight a war requires adequate stockpiling of strategic minerals and going concerns in the mining industry. We have neither at this time, because of the inept policies of the State Department.

ZINC INDUSTRY ALSO ENDANGERED

In the case of zinc, opposition to inclusion of zinc and zinc ores and salts in the negotiations for reduction of tariffs was presented by the American Zinc Institute, and the Combined Metals Reduction Co., the New Mexico Miners and Prospectors Association, and the Utah Mining Association acting together.

The basis of the arguments presented for zinc are very much like the ones for lead; hundreds of smaller mining properties in Utah, Nevada, and New Mexico have closed due to imports from low-cost foreign sources.

The drop in the number of mines operating between 1940 and now should

give warning to all that our security based on relative self-sufficiency is waning. Let us quote from the brief of Mr. Herres of the Combined Metals Reduction Co.

UTAH IS BADLY HURT

Mr. Herres is one of the most experienced and studious men in the mining industry, and he is a student of this very problem.

Mr. Herres said:

In 1940, before the war, 212 mines were shipping ore to Utah mills and smelters. Difficulties arising from the war and its aftermath, such as manpower shortages, high costs, and lack of incentives for exploration and development, reduced the number of nonferrous mines to 28 in 1948. The drop in metal prices brought about by offerings of foreign zinc and lead at less than the cost of domestic production reduced the number further in 1949 until today there are only six mines in Utah mining zinc-lead ores in tonnages of consequence. One of the four Salt Lake Valley smelters closed down permanently last year. Since January 1, 1949, over 2,000 workers have lost their jobs in Utah nonferrous mines, mills, and smelters.

NEVADA CUSTOM MILL CLOSED DOWN

Mr. President, the same condition obtains in my State of Nevada. Recently the last custom mill in the State closed down. Custom mills have always been promoted, and are good for a mining area in which ore is obtained from many sources. A custom mill may obtain ore from three different States and many different small mining camps. A custom mill is important in a community so that prospectors and small miners can get together when otherwise they might be unable to finance a mill. Perhaps a property is not of such a size that it would support a mill. To operate a custom mill it is only necessary to find a string of ore within a reasonable distance of the mill. That ore can then be shipped in any time they can dig the ore with their own labor. If the business warrants, they can hire a few men. In that way they can stay in business. That is why it is a good thing to have a custom mill in a community. However, Mr. President, the last one in the State of Nevada closed down only a few days ago because of the increase in cost due to the many factors with which we in Congress have had a great deal to do.

INCREASED COST DUE TO INFLATION

I refer to our action, for example, in passing more appropriations than the taxpayers are able to pay. So now we have deficit financing. I understand that some people blame the President, and I suppose he suggested it. However, I also blame the Congress for going along. We are not compelled by the Constitution to enact any appropriation bill simply because the President recommends it. Of course appropriations get votes. Appropriations which run from forty to fifty billion dollars always get votes. Deficit financing alone pyramided inflation. No one can deny that we have inflation. I have cited the Associated Press index, the wholesale price index, and the consumer price index of labor statistics. I have also cited the AP index. That tells the story, Mr. President. No one in the White House or in Congress can go to the people and say, "We didn't do it. There was no inflation until the Korean war came along."

Mr. President, the cold record is there. It shows exactly when inflation came along. It is not hard to understand. Inflation comes along because of large appropriations which the taxpayers cannot pay. Naturally, the more money we have, the more money we print, the more money is circulated, the less we can buy with it, and the higher wages the workers must have. No Senator will say that they should not be able to buy with the wages they get today in any industry the same amount of groceries and the same amount of clothing that they could buy 10 years ago. If we follow that reasoning to its logical conclusion, and consider that the AP price index rose from 100 in 1943 to 193.7 this morning, we shall be raising the wages of many people. We shall be almost doubling wages, in fact. The custom mills simply could not stand the doubling of wages. That is the reason they closed.

I quote further from Mr. Herres:

The story for New Mexico is much the same. In March 1950, 1,100 fewer workers were employed in mining than during March 1949. Of 72 operations producing during the war 7 remained in May of this year.

TARIFF CUTS ON THE ONE SIDE AND INFLATION ON THE OTHER

Our problem briefly is that in 1939 when the zinc price was around 5 cents, tariff protection amounted to 1.4 cent, or 28 percent. Now with zinc at 12, the proposed protection is 0.70 cent, or 5.8 percent.

I am sure that Members of the United States Senate, the greatest deliberative body in the world, could not have understood these figures when they voted the great appropriations which increased inflation, and still vote for an extension of the 1934 Trade Agreements Act. That is the law upon which the State Department bases its free-trade program. Senators could not have understood this stupid policy of the State Department when they upon several occasions extended the act.

Mr. President, I am happy to say that this matter will come before the Senate again in 1951, and I hope that by the grace of God the junior Senator from Nevada will be able to stand on his feet, as he is doing now, and as he did in September 1949, and argue against the extension of that dangerous act, and for the substitution of the flexible import fee, which will protect the workers and investors of the United States, and furnish some incentive for the raising of wages in European countries and in other low-wage and sweatshop labor areas.

WAGES MUST BE MEASURED BY THE VALUE OF THE DOLLAR

I continue the quotation:

Studies indicate average labor costs in lead and zinc mines have increased some 135 percent over 1939 costs and supplies 113 percent.

Mr. President, I have described inflation as the basis of the increase in cost. Naturally the labor cost must increase. I do not know anything that makes me more tired than to hear someone say, "The workers are asking for more money," after an inflation that has taken away the purchasing power of the dollar, and they are only asking to get it back. It is another stupid thing to say that if a man is getting $10 today, or $5 today, in a year from now, when the index reaches three hundred or four hundred, as it could easily do, by doubling again, he should now be getting $20 and $10, respectively, in place of the original wages.

We are trying to hold up the standards of living, and not to take a paper dollar and stretch it from here to the Rocky Mountains, and say "You must keep the same number of dollars, regardless of the amount of groceries it will buy."

I quote further:

LOW-WAGE COMPETITION

In contrast to these earnings, wage rates in some of the South American, Asiatic, and South African countries producing lead and zinc ores are as low as 10 cents an hour.

Imagine that, Mr. President, 10 cents an hour labor in competition with American labor, direct competition, because the machinery used and the methods used in most cases are exactly the same as in this country.

I visited the mines in South Africa, the great gold mines at Johannesburg. Mr. President, what kind of machinery do you suppose they used? They used the same kind of machinery that is used here, and in some cases it is even better. There are places in South Africa where it is possible to trace veins of manganese and chromite for miles in an airplane.

In discussing this matter with the President of the Union of South Africa, and also with General Smuts, who has since died, and with the Minister of Finance, I said that if I were 20 years younger and not in the United States Senate I believe I would simply use the telephone and talk with somebody in the United States who needed manganese and chromite, and if I could get a long enough list of these deposits I would go to work to make some money.

What kind of machinery would I put into those mines? Would I take second-rate machinery? I have heard the talk all over the country to the effect that, of course, with our improved methods and machinery no one can compete with us. I would get the most up-to-date machinery available anywhere, and perhaps be ahead of any of the mines in the United States, because the mining machinery here is several years old.

I would then get the shop bosses and superintendents from Utah and other places and pay them premium wages, and take them to South Africa, and work the Negroes, who would get 40 or 50 cents a day. It takes four or five of them to do the work of a good Irishman, but it is possible to hire three or four of them and still save several dollars a day.

What would happen? We would have to do what I have advocated ever since I have been in the Senate, and 20 years before that, namely, have a flexible import fee to make up the difference in cost of production. Then what would happen? The flexible import fee would be reduced as the standards of living of those people rose. If there was no incentive to hold the wages down, the wages of the Negroes in South Africa

would be raised and they would create a little market of their own. Finally, when their living standard went higher, free trade would be automatic. I quote further:

WAGES ARE LOW ALL OVER THE WORLD

Our wages are two to two and one-half times British wages. Only Canadian and Australian wage scales and living standards approach ours, but even in those countries wages are considerably lower, amounting to around $1.10 to $1.25 an hour in currencies lower in United States dollars by 9.1 percent in Canada and 30.5 percent in Australia.

That is quite a percentage. It is possible to ship ore a long way for 30 percent lower wages.

I quote further:

DEVALUATION OF CURRENCIES

Currency devaluation for all countries in the sterling group amounts to 30.5 percent; for Mexico, 43.8 percent; Belgium, 12.3 percent, and Peru, 56.2 percent, to mention a few important examples. Devaluation provides a competitive advantage to the foreign producer in terms of ores and metals sold for American dollars by reason of wages paid in devalued money to the worker in foreign mines.

The investment and exploration are not keeping pace with the demand for metals, and the reason lies in the uncertainty of the long-range price as it is affected by tariffs. "Who will venture to invest the large sums necessary for the exploration and development of lead-zinc mines without some assurance of price stability in the market for his product?"

No one would any more think of doing that than of investing in a new textile mill in New England, or a new mine, anywhere. If it falls to the lot of some Senators to discuss this matter with the textile interests of New England when they go home, or if they happen to make a visit to New England, or happen to find some one with whom they can discuss the situation they will find that the New England businesses cannot sell their factories at any price, and certainly no new venture capital is going into a new business there when somebody is tinkering with the tariffs; and that is what the State Department has been doing for 18 years.

Mr. Herres asks: "For national security there is no substitute for mines with capacity for sustained and adequate production of metals and minerals important for military and civilian needs."

The case of aluminum, as presented to the Tariff Commission under the application for relief under the escape clause is little different, although aluminum and semifabricated aluminum are not now considered for further reduction.

WE BUILD OUR OWN FOREIGN COMPETITION

Kaiser Aluminum and the Reynolds Metal Co. present a powerful case of foreign competition having been created with American funds during the emergency of the last war. I well remember that when that competition was created. At the moment I cannot quote the figures, but something like $100,000,000 was given a company to go into Canda, build new power plants, and create an aluminum industry there, which everyone knew could compete with our own industry and practically run out of business an aluminum company in this country, in the absence of an import fee, or some protection against the lower wages and the lower-cost power and the lower Canadian cost of production. That was financed by the Congress of the United States, with money appropriated by the Congress, endangering an industry in this country, that is absolutely necessary for national defense and of course necessary for employment.

Canada has become the cheapest producer of aluminum in the world, due to excellent available bauxite, cheap power, lower labor cost, and devaluation of the Canadian dollar.

IS GOVERNMENT PARTNERSHIP THE ONLY SECURITY LEFT TO THE INVESTOR?

Mr. President, those are almost insurmountable obstacles to an investor in this country. If this policy of cutting tariff and import fees continues, while Mr. Kaiser and Mr. Reynolds went into the aluminum business with a rush of enthusiasm, in a little while they will try to get their money out. Then see what will happen. Perhaps we wonder why Mr. Kaiser was given so much money during the period of the last war. Perhaps we might have objected to Mr. Kaiser getting all that money. Mr. Kaiser may have had some inside information. He may have known that the State Department was going to continue these stupid policies of free trade. He may have known that the Department was going to be backed up by the administration in these policies, and the only way in which survival was possible was to have the Government as one's partner. That may have been the reason why Mr. Kaiser was so careful to have the Government, through the RFC, as his partner, in the steel industry in southern California, because then it becomes a matter of a little more than academic interest to save Mr. Kaiser, in order to save the Government money invested in him through the RFC. Now the Government is with him in the automobile industry to the extent of $40,000,000 or $50,000,000. I say it can be that he is just a little ahead of the pack, that he knows that the free-trade policy is going to continue, and that the only way to survive in the business world is to have the Government as a partner.

HELPING SMALL BUSINESS IS A FRAUD UNDER PRESENT POLICIES

I say, Mr. President, that if that is the case, if we are going to continue on that Government ownership road, then all the talk we hear in Congress about helping small business or helping any business, is academic from now on. What do we do in Congress? We talk about helping business, but we destroy business by what we do in Congress, by appropriating more money each year than the taxpayers can pay, with resultant inflation blowing up like a storm cloud. Everyone knows that is happening. Some simply deny it; that is all.

PRODUCTION COSTS IN CANADA

The costs of Alcan, the sole Canadian producer, are 3 to 4 cents lower than average United States costs. Now this natural advantage has been enhanced by a substantial reduction of aluminum tariffs, and imports have taken an increasingly larger share of the domestic market.

The Kaiser brief states that in 1947—before the 33⅓-percent concession in duty—United States imports amounted to 31,000,000 pounds, or only 2.7 percent of United States production annually.

Mr. President, I have at least seen one thing I did not expect to see, and that is a turning down of Mr. Kaiser by any Government committee or department. At least he has not been successful in his plea before the Tariff Commission. That is one disappointment Mr. Kaiser has suffered, and practically the only one that has come to the attention of the junior Senator from Nevada for 15 years.

ALUMINUM IMPORTS SOAR

In 1948 imports rose to 166,000,000 pounds, or 13 percent of United States production. In November 1948 the imports mounted to 19 percent of domestic production, and in December of that year the figure stood at 36 percent.

Mr. GURNEY. Mr. President, will the Senator yield for a question?

Mr. MALONE. Yes; Mr. President, I would be happy to yield for a question.

Mr. GURNEY. Will the Senator from Nevada yield to enable me to present a unanimous-consent request for printing, provided the Senator from Nevada does not lose the floor?

The PRESIDING OFFICER. The Senator from South Dakota ask unanimous consent that the Senator from Nevada may yield for that purpose.

Mr. LUCAS. Mr. President, I shall have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. MALONE. Mr. President, in comparison with the 31,000,000 pounds imported in 1947, in 1948 the imports rose to 166,000,000 pounds, or 13 percent of United States production, as against 2.7 percent of the United States production in 1947. That is due to a number of factors; the lowering of the tariff and the devaluation of the Canadian currency, and our own inflation.

More than 90 percent of the benefit of duty reduction on aluminum has gone to Canada, which accounted for 51 percent of United States imports in January and February of 1949, but which provided 98 percent of United States imports in November and December of that year.

Imports of semifabricated aluminum, to give an example, rose from less than 100,000 pounds in 1947 to 16,000,000 pounds in 1948, after the duty reduction became effective.

For the health of the domestic aluminum industry which may soon again be called upon to make supreme efforts for a war, it is necessary to cancel the concessions made on aluminum tariffs, and to reestablish a tariff rate of 4½ cents and 7 cents for aluminum pig and semifabricated aluminum, respectively.

FERROMANGANESE PRODUCERS IN DANGER

Also appearing before the Committee for Reciprocity Information in opposition to tariff cuts, was Lavino & Co., producers of ferromanganese and supplying 10 to 15 percent of the high carbon ferromanganese produced in the United States.

When duties on the raw materials are taken into consideration, the present

duty on ferromanganese amounts, at present prices, to about 3.9 percent. The reduction contemplated at Torquay could go as low as 1.9 percent. In the last 3 years, the present duty has held imports to about 10 percent of domestic production, and it is feared that any lowering of the tariff will increase imports to a point dangerous to the domestic ferromanganese-smelting industry.

It was pointed out that domestic capacity could supply a 100 percent operating steel industry, and it is felt that an increasingly large dependence on imports would seriously endanger the national security status of the steel industry by making us dependent on foreign sources of ferromanganese.

BRONZE POWDERS

Another industry, small but essential, is engaged in the production of bronze powders and aluminum bronze powders. These materials are used in the manufacture of carbon brushes for electric motors and for drift signals for the Air Force. It is felt that the present duty is insufficient to make up the difference in labor costs between German and domestic production, and any tariff cut would increase the already substantial competition. Foreign markets have almost entirely been lost to German competition. For these reasons this company appeared in opposition to tariff reductions, George Benda, Inc.

THE POLICY OF IRRESOLUTION IN OCCUPIED AREAS

It is well known, of course, that we have been furnishing for a considerable time almost $1,000,000,000 to Germany annually. Of course, that $1,000,000,000 goes for a great variety of activities. We allowed her industrial plants to be shipped to England, France, and various other European nations, and to Russia. By the way, Mr. President, some of those plants went to Russia and to the iron-curtain countries with the avowed purpose of reducing Germany to an agrarian state. Now, Mr. President, we seem suddenly to have realized that we have disarmed practically the only two fighting nations in Europe and in Asia, that is Germany and Japan. So the debate is waxing heavy now as to whether or not we will rearm those nations. In order to rearm them they must first have some industrial production. So the money of the United States taxpayers is being used to replace machinery and other necessary items for resuming production.

CREATING OUR OWN FOREIGN COMPETITION

As I have previously said in this discussion, Mr. McCloy is a high-grade man. He was formerly an assistant to the Secretary of War during World War II. Mr. McCloy is doing the job for Germany which he was sent over there to do, but he has very little cooperation from the State Department along the line of preserving American industry. In other words, there again, just as in Japan, and just as through the Marshall plan, we increase the capacity for production without having markets for the increased production of the European nations. We were building up production without any markets. So Mr. McCloy, not knowing the difference, for he is an attorney, proceeded to carry out the orders of the State Department, which has no interest, apparently, in American industry anyway. Thereby we are creating in Germany competition for our own industries.

I point out, just as American industries point out, that in case of war, in case of a sudden emergency, a world emergency, it perhaps would be impossible to secure highly strategic materials from either Germany or Japan. We are building up an industry at our own expense in these two nations just as we are doing in Europe through the Marshall plan, utterly ignoring the fact that we must continue, in order to safeguard America by protection of our own national security, to keep our own industries healthy, so they may be going concerns. This is, of course, impossible under free trade, with the competitive wages in Germany and Japan and generally in Europe, of employees working in plants financed by the money of the taxpayers of America.

IRON AND STEEL

The last industry in this group to appear before the Committee for Reciprocity Information is the American Iron and Steel Institute, which expressed opposition against tariff reductions on steel products. The present duties are said to be nominal and do not represent a barrier against international trade.

Mr. President, it might seem—and I have heard many learned discussions on the subject on the Senate floor—that the steel industry and other great industries can take care of themselves and need no protection. But I point out that in Sweden and in various other countries of Europe there are high-class workmen engaged in these industries. The Germans have high-class workmen engaged in these industries. I point out that with the differential in the living-wage standards there is no power on earth which can keep imports from these nations in peacetime from destroying or severely hurting such industries as the tool industry, the high-grade steel industry in this country, and the tinplate industry. This is fully realized by the steel industries, but they are becoming almost reconciled to the policies of the State Department. They have been unable to do anything about the matter for 15 or 18 years. Certainly that is a terrible way to proceed to preserve our industries.

WAR HAS CURED UNEMPLOYMENT AGAIN

However, that has been the recent experience; on each occasion—first in 1939–40, and now in 1948–49—when unemployment was becoming a serious problem and when the injury done by the State Department's policies was becoming apparent, a war has begun. Of course, this time it is called a police action, although it is quite a husky police action, I observe in passing. Nevertheless, the President calls it a police action. However, that police action or war—whichever it should be called—was not declared to be such by the Congress of the United States. In fact, the Congress has no idea—or at least I, as one Member of the Senate, do not know what the international policy, if any, of the United States will be.

WHAT IS OUR POLICY?

In other words, Mr. President, what are we going to do? General MacArthur now is rather close to the thirty-eighth parallel. Is it not about time to let the American people know whether General MacArthur will be made to stop at the thirty-eighth parallel or whether he will be allowed to continue to the northern boundary of North Korea? If he is successful in going that far, as no doubt he will be, unless the situation develops into a general war, will he proceed from the northern boundary of North Korea, which is within approximately 96 miles of Vladivostok, to Vladivostok and, if so, will he eventually proceed to Moscow?

So, Mr. President, it is about time the American people knew what their sons are fighting about.

The present police action in Korea is taking up the slack in employment among United States industries, and it is reviving those industries, by means of the development of a wartime economy. However, such a wartime economy is most expensive. The cost will be very great, not the $30,000,000,000 the President is talking about, but very likely $60,000,000,000. The President is giving us the news, in that respect, in small doses, so that the American public can withstand the impact. The final impact will not be felt until after the election has occurred; but very soon the bad news will become known to the American people, namely, that we are actually a police state; and the American people will be required to dig up the amount of money thus required, each year.

EXISTING TARIFFS DISTORTED

It was pointed out that the fact that duties on steel products were specific, actually decreased the effective tariffs because of the increase in prices. Of course, prior to this moment I have stated in the course of my remarks the fact that the inflation which the Congress has deliberately caused by its own action actually results in lowering the effective tariffs. In addition, of course, the continual tinkering by the State Department with the tariffs makes the situation that much worse.

That factor, coupled with the fact that the European countries are expected to have a considerable amount of excess industrial plant capacity at the end of the period of the Marshall plan, increases the danger to American industries of unfair competition from the products of the industrial plants located in foreign countries. Most of the export potential of those foreign countries will seek a market in the United States.

WHILE WE ARE IN A WAR ECONOMY FOREIGN IMPORTS WILL TAKE OVER OUR MARKETS

It will be recalled that yesterday on the floor of the Senate, I presented several news dispatches which indicated—and, as a matter of fact, actually stated in so many words—that there would be no letup in England in regard to forcing a market in the United States during the war period. It is also definitely proved that Britain was forcing trade with Russia and the iron-curtain countries, even over the objections of Mr. Churchill, who tried to force a general election in Britain on the issue of preventing such exports from Britain to Russia and the iron-curtain countries.

TIN PLATE WILL BE IN OVERSUPPLY

Mr. President, the most feared excess industrial capacity of foreign countries is in the tin-plate industry. The tremendous expansion of European tinplate productive capacity is expected to outstrip the demand in Europe, and it is feared that much of the excess tin plate will invade the United States domestic market.

PRODUCTION IS LESS DIFFICULT THAN FINDING MARKETS

In that connection, it is very interesting to note that the ECA has financed several steel mills in Europe and now is busy financing several steel mills in South America, while, of course, it is continuing to finance the steel mills in Europe. However, the ECA never dreams that it will be necessary for the products of those mills to have a market. That is the last thing the State Department's experts ever think of. All the State Department's so-called experts on steel, textiles, fabrics, and other products think of is increased production. They believe that by increasing production everyone will be prosperous. Of course, Mr. President, the experience of the past 100 years demonstrates conclusively that increased production, unless accompanied with increased markets, spells ruin for the industries concerned.

THE FLEXIBLE IMPORT FEE PRINCIPLE

Mr. LONG. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Nevada yield to the Senator from Louisiana?

Mr. MALONE. I yield.

Mr. LONG. Is it the contention of the Senator from Nevada that the flexible tariff or flexible import-fee system which he advocates should apply to all industries or merely to the industries which now are protected by an American tariff?

PRINCIPLE OF FLEXIBLE IMPORT FEE APPLIES TO ALL COMMODITIES PRODUCED IN THE UNITED STATES

Mr. MALONE. No; I say that the flexible import-fee principle should apply to all production; but of course there would be no tariff on any article not produced in the United States, because it is not necessary to develop a competitive situation in the case of articles not produced in the United States.

For instance, let us consider petroleum, in which I know the distinguished junior Senator from Louisiana is greatly interested. Under the flexible import-fee system, the tariff or import fee on petroleum would represent the differential required in order to bring about fair and reasonable competition.

All of us know that petroleum imports from the low-wage countries of the Middle East, where 50,000,000,000 barrels of petroleum are known to be blocked out—and in my judgment within 5 years that amount will perhaps be found to be nearer 75,000,000 or 80,000,000 barrels—could be laid down in the United States at a much lower cost than fuel—including oil and coal—could be produced in this country and shipped any distance at all, for the production of steam power and for other uses.

Mr. LONG. Is it the contention of the Senator from Nevada that his flexible import-fee system should not apply to subsidies to American industry, to enable it to export, but only to protect it in order that it might enjoy the benefit of the domestic United States market?

Mr. MALONE. That is true.

Mr. JOHNSON of Colorado. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Colorado. The two Senators are engaging in a colloquy which is not based on questions, but is based upon general statements; and that results in taking the Senator from Nevada off the floor.

The PRESIDING OFFICER. As the Chair understood the situation, the junior Senator from Louisiana did ask a question of the junior Senator from Nevada.

Mr. JOHNSON of Colorado. He did at first; but after the answer was made to the question, then the two Senators began an argument, based on general statements back and forth, which is contrary to the rule.

Mr. LONG. Mr. President, I ask that the Official Reporter read the last statement I made.

The PRESIDING OFFICER. The Chair thinks the Senator from Louisiana was asking a further question, or was in the process of doing so.

The Senator from Louisiana has asked that the last statement made by him, prior to the making of the point of order, be read; and it will be read by the Official Reporter.

The Official Reporter (Herbert N. Budlong) read as follows:

Mr. LONG. Is it the contention of the Senator from Nevada that his flexible import fee system should not apply to subsidies to American industry, to enable it to export, but only to protect it in order that it might enjoy the benefit of the domestic United States market?

Mr. MALONE. That is true.

The PRESIDING OFFICER. The Chair understood the Senator from Louisiana to ask a question, and the Chair will have to rule accordingly.

BASIC DETERMINATIONS TO BE MADE BY FOREIGN TRADE AUTHORITY

Mr. MALONE. Mr. President, in answer to the question of the distinguished junior Senator from Louisiana, let me say that many factors can be taken into consideration by the Foreign Trade Authority in connection with the plan I propose. Such an Authority would reconstitute, for instance, the present Tariff Commission. In that connection, let me point out that the Interstate Commerce Commission, for instance, proceeds on the basis of determining what is a reasonable return on the investment.

The system I have been discussing would result in having the tariff or import fees fixed on a basis which would result in fair and reasonable competition. Under those conditions, Mr. President, it naturally would be impossible for some American enterprises to export their goods in competition with goods produced in foreign countries by low-wage labor. But that, of course, is the case right now. However, after all, the purpose of the tariff would be to fairly protect the American domestic market.

In other words, under such a system the foreign producers would have their own markets and perhaps would have access to the United States domestic market; but the result of the system I propose would be that the Middle East producer of oil would have access to the United States market only on the basis of fair competition with the Louisiana producers of oil. That system would not preclude the shipment of oil into the United States, but it would result in the establishment of a tariff which would create a fair and reasonable competitive situation.

Mr. LONG. Mr. President, will the Senator yield for a further question?

Mr. MALONE. Yes; I am happy to yield for a question.

Mr. LONG. If an American firm wished to produce manganese, the product the Senator from Nevada mentioned a short time ago, and if manganese were laid down in the United States, as a result of imports, at, let us say, one-half the cost of producing manganese in the United States, would the proposal of the Senator from Nevada mean that all manganese imported into the United States would have to be imported at a tariff sufficient to make up the difference between the cost of production of such foreign manganese and the cost of production of manganese in the United States, if a United States concern went into the business of mining or producing manganese?

FAIR AND REASONABLE COMPETITION IS THE CRITERION

Mr. MALONE. That would be the effect, let me say, Mr. President, in response to the question propounded by the distinguished junior Senator from Louisiana. In other words, the tariff on manganese, in order to be effective, would have to be sufficient to make up the difference between the cost of production in the foreign country where the manganese was produced, plus the freight, of course, and the cost of production of manganese in the United States, and thus to establish a fair and reasonable competitive situation.

Of course, there is no question that at the present time—and the distinguished junior Senator from Louisiana will soon see that we shall be crying our eyes out because we cannot get enough manganese imported—if we became engaged in a general war, the manganese situation could make it almost impossible for us to engage in such a war successfully.

So, Mr. President, because of national security and because of the employment problem and the tax problem, the establishment of the principle I advocate is amply justified, according to my view of the matter.

By a tariff or import fee fair and reasonable competition is what is created. There is no question whatever of a high or low tariff. It is often said that it is impossible to determine the costs of foreign producers. That is true, because in many cases the Government goes into business, and there is Government ownership in certain countries. The Government may subsidize food and various

other things. The statement is true with respect to any ordinary manner of determining costs. But the proposed Foreign Trade Authority would be enabled to take into account the two factors which are always known, namely, the declared customs value and the offered-for-sale price in the American market. Of course, when we start to do that, costs become readily determinable.

Mr. LONG. Mr. President, will the Senator yield for another question?

Mr. MALONE. I am very happy to yield.

Mr. LONG. Does the Senator undertake by his flexible tariff to make it possible for all American industries to produce more or less at their capacity, by reason of enjoying the local domestic market?

COMPETITION ASSURES AN OPEN MARKET ON A FAIR BASIS

Mr. MALONE. I do not think it would guarantee a capacity production, because what we create with a tariff, or an import fee, under a Foreign Trade Authority, as suggested in the bill introduced by the junior Senator from Nevada, is a fair and reasonable competitive market. In other words, it would confer no advantage to Louisiana oil as against imported eastern oil, but all producers in Louisiana would be assumed that the competition with eastern oil would be fair and reasonable. It is not designed to keep out imports, and it would not do so.

But when imports come in, they would come in on the competitive level of costs, so the venture capital invested here in the business would not be destroyed.

Mr. LONG. Mr. President, will the Senator yield for another question?

Mr. MALONE. I am very happy to yield.

Mr. LONG. Is it the position of the Senator from Nevada that tariffs should be such that a foreign producer could sell oil in the United States at a small profit, and also that a local producer could sell oil at a profit?

COSTS AND FAIR AND REASONABLE RETURN ARE DETERMINED

Mr. MALONE. It would create a fair and reasonable competitive plan. Domestic production and imports might not be in exact balance at all times, of course, but with a flexible import fee, the authority could review it at any time on the application of local producers, or a committee of Congress, or of foreign producers, or in any other manner. In other words, it is comparable, as the junior Senator from Nevada has often said on the Senate floor, to the principle of a fair and reasonable competitive atmosphere, the objective of the Interstate Commerce Commission in fixing rates for common carriers.

PUBLIC UTILITY REGULATION IS SUCCESSFUL

The Senator knows as a matter of history that for many years practically all the railroads had different rates for each major shipper. Finally the Congress created the Interstate Commerce Commission to fix freight rates for carriers in a uniform manner and based upon a principle. The principle was a fair and reasonable return on the investment. The junior Senator from Nevada served several years on the railroad commission in Nevada, which had absolute jurisdiction of intrastate utilities. The State law is practically uniform with the interstate law—there is the same authority, the same principles. There are always many factors, sometimes perhaps a hundred, to be considered in determining what the value of the public utility might be. The original cost, of course, is considered, as is replacement cost, the degree and extent of amortization, and many similar factors.

But when an answer was finally arrived at, it represents the value of the utility, and the rate of return. A fair and reasonable return on the investment, determined in that manner, would include also consideration of the hazards involved. Such is the principle of reasonable return with respect to a public utility. For instance, if the utility were in a mining camp, a logging camp, or something that might become useless at almost any year in the future, there would be a higher rate of return. If an agricultural community, which, everyone was satisfied, would continue to exist for an extended period of time, there would be a lower rate of return. But the return must always represent what is considered to be a reasonable rate of return. The law is such that when the Interstate Commerce Commission or, within the State, the railroad commission, or public utility commission, considers all the factors that are included, the decision is final, except for judicial appeal. If the court holds that the rate of return was not determined in a legal manner, or certain factors were not properly considered, it can change the rate.

FOREIGN TRADE AUTHORITY OPERATES ON SIMILAR BASIS

But my plan is patterned on the principle that the Authority would have full power to fix tariffs and import fees on a basis of fair and reasonable competition. In that respect it would be comparable to the Interstate Commerce Commission in the field of fixing freight rates.

LOGROLLING WAS BAD

Of course, we all realize the advantage of such a system. When Congress was trying to fix tariff rates in detail, naturally there was considerable logrolling, because each Senator could not be entirely familiar with every industry. Every Senator was more familiar with the industries in his own State. There was a trading of favors, producing a consensus or result which might be called logrolling. In order to get away from that, we placed the administration of our tariffs in the hands of an industrially inexperienced State Department, which has no interest in America industry, and which is interested only in foreign questions and the logrolling of diplomacy. There is only a one-way street, and the opportunity for a reasonable and competitive situation is destroyed, without the benefit of any experience on the part of those who control the policy.

The junior Senator from Nevada is not saying that in order to remedy that situation the tariff question should be brought back to the Senate floor. The proposed legislation would simply create an Authority, similar to the Interstate Commerce Commission in the freight-rate field, with complete jurisdiction in this field; and the only way the Congress could intervene would be through a joint resolution of the two Houses. Such resolution could prevent any tariff fixed by the Authority from becoming effective. Congress would retain authority to supervise the Commission or Authority which it created, but it would place the Authority on a nonpartisan basis, which is what the Tariff Commission is now, and allow it to do the work, charging it with responsibility, as in the case of the Interstate Commerce Commission. Thus the Foreign Trade Authority is the alternative to logrolling, and yet the Congress would reassume the responsibility over the domestic economy given it under the Constitution.

Mr. LONG. Mr. President, will the Senator yield for a further question?

Mr. MALONE. I yield.

Mr. LONG. Is it the feeling of the Senator that foreign nations should be compelled, when they ship into this country, to accept a corresponding amount of American goods in return, on the principle of reciprocal trade, or would there be no such provision?

FOREIGN TRADE WILL NOT BE REGULATED

Mr. MALONE. There would be no such provision. Any such provision would, of course, be impossible and unworkable. Interference by the State Department and by governments in the field of trade is what caused the trouble initially, because, if trade is allowed among nations, as the junior Senator from Nevada pointed out earlier in his address, it is unnecessary that the trade between two specific nations be exactly in balance. That it must so balance, is a fallacy which has been sold to the American people by means of State Department propaganda. But trade among several nations naturally balances itself.

THE BALANCE OF TRADE

Perhaps the total trade of 8 or 10 nations would be involved in a balance. It would be a natural balance. It would be like water finding its level because the United States would trade with England, and perhaps it would sell England more than England buys, or vice versa, or we might trade with Canada or with South American countries, and trade among all the nations involved would naturally balance. That is the thing that has been interfered with, as one might interfere with a corn sheller by throwing a monkey wrench into the machine and breaking the teeth. Trade balances itself; meaning, of course, that no nation can consistently buy more than the value of what it produces in terms of value of over-all production. A nation cannot possibly pay in excess of that value, any more than an individual can. Both the distinguished Senator from Louisiana and the junior Senator from Nevada make a certain amount of money. We do not make very much here, that is true, but in our business we may make a little more. But the point is that we do have a certain earning capacity. But if we consistently buy more than we earn, we shall eventually have to go to the banker. The difference is that we must talk with the banker, while European nations talk only with the Department of State.

WE MAKE UP THE SO-CALLED DOLLAR GAP

They get cooperation from the State Department to the detriment of our taxpayers. But in our own case, after about the third trip we make to the bank, the banker concludes that we are living beyond our means. He makes us sit down and listen to a little talk, the substance of which is that we must either increase our earning capacity or decrease our buying. That is what we call a shortage of dollars. We have all experienced it throughout our lives, whenever we have gone crazy and bought more than we produced. Of course, there is no way on earth of continuing this program, except exactly as the State Department says. First, we create a dollar shortage abroad. We send dollars over there. Then we say that for every dollar which the Marshall plan drops off, we must allow a certain amount of imports from the particular country, or countries, to displace our own domestic production, in order to make up the difference. Whenever we displace it to the extent of $17,000,000,000 every 4 years, theoretically the objective is reached. In the book of the junior Senator from Nevada, that means one economic world. There is simply a balancing—an averaging—of living standards throughout the world.

I know that the distinguished Senator from Louisiana is a student of this subject. It has fallen to the lot of the junior Senator from Nevada to visit most of these nations. There are 2,500,000,000 people in the world. With 150,000,000 of them in the relatively small area of this country, we can see nothing in an average except that it is like pouring a glass of water into the city reservoir, thinking that we are thereby going to raise the level of the water in the city reservoir. The glass is emptied, and the reservoir looks about as it did before.

Mr. LONG. Mr. President, will the Senator yield for a further question?

Mr. MALONE. I am very happy to yield for another question.

Mr. LONG. Following the Senator's reasoning, if the United States had such a tariff policy, and assuming that we had higher costs because of the higher standard of living there would be no need for any other nation to have a tariff on the importation of American products, would there?

TARIFFS NOT NECESSARY BETWEEN AREAS OF EQUAL LIVING STANDARD

Mr. MALONE. Certainly not, except that, of course, some tariffs are used for revenue purposes only and are no hindrance to trade. If we continue to average our living standard with that of the world, however, like averaging the wealth of a man who has $2,000,000 with the wealth of the man who has but $2, there is nothing that the man with the money can do except lose—and that is exactly what we are doing. On the other hand, if we had a tariff policy, there would be an incentive for people in other lands to raise their living-wage standard. So long as we have no tariff, or a tariff lower than the differential cost, there is an incentive on their part for holding wages down and making them lower and lower, in order to come under the tariff structure and sell in the world market, and thus they keep down the very earning power with which to buy from America.

KEEPING WAGES DOWN WILL BE NO ADVANTAGE UNDER FLEXIBLE IMPORT FEE

A labor government freezing wages, if anyone can imagine that. They did it in order to force products into the United States. If we had a flexible import fee, which would make up the difference in a competitive atmosphere, they could not take over the market. If they could not bring their products here without the advantage of lower prices due to low tariffs, they would raise their standard of living at home. If they raised their standard of living, perhaps finally they would be living as we are. That is the objective of the junior Senator from Nevada, as well as of all the bright-eyed State Department experts, but the Senator wants to arrive at it on a high level of living standards, whereas the State Department is willing to sacrifice our standards. Our objective is free trade. The minute the people of the other countries raised their living standard and it approached that of this country, free trade would be almost the automatic and immediate result. We should encourage them to raise their standard of living.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. MALONE. Yes.

Mr. LONG. If the Senator's proposal worked the way he hopes it would work, it would be possible for a foreign nation to get from this Nation the various things it needed for its industry and commerce, and trade them, if desired, with other nations.

TRADE TAKES PLACE BETWEEN AREAS OF DEMAND

Mr. MALONE. Naturally that works out. Naturally no country would buy anything it did not need. The only time other countries take things they do not need is when they are given to them, because no one wants to look a gift horse in the mouth. As a matter of fact, we are trying to force trade between the United States of America and European countries, which are highly developed processers and manufacturers. They are almost as highly developed as we are, although their labor costs are only a fraction of ours. To do that is the same as having two barbers in the same block trying to make a living by shaving each other. We are forcing them to take things they do not need, and we are forcing ourselves to take things we do not need. It simply does not work. Our trade future is in South America, where industrial processes are not so highly developed. As for Asia, we have already lost China. We are no longer regarded as their friend.

TRADE CONTROLLED BY GOVERNMENTS IS UNNATURAL

We force trade with England and we force it with other nations. I have just described Germany and Japan in the precision instrument business. That is a very highly technical business. It takes from 3 to 4 years to train a man in the business. A Japanese or a German trained in that business is just as good as an American. There is no difference in their production, except in the wages. In the end, of course, we are out of business.

I am very fond of General MacArthur and Mr. McCloy. They are doing a great job, but under direction of the State Department they are helping to ruin the United States, and deceiving the American workingmen and investors. How is it accomplished? In those countries industries are built up based on false dreams, because when we wake up over here they will not have a market. We are trying to interfere with the regular flow of trade. The people who are trying to undertake to do it are the most ignorant people on earth with respect to natural economies. Those people are in the State Department.

To resume the discussion of the tin-plate industry: In the last 30 years the domestic tin-plate industry has exported from 10 to 25 percent of its production. Many of those export markets are now being lost, and, with European production increasing, will hardly be recaptured. The loss of exports, plus increased imports, are enough to deal a very severe blow to the domestic tin plate and steel rolling mill industry.

OUR POLICY IS TWO-FACED

Mr. President, there is no objection to production in other nations, or to every nation becoming self-sufficient from its own efforts. There is no objection to that from the standpoint of this Nation. It is perfectly all right with us for any nation to undersell our people, if we are stupid enough to allow our own people to be put out of business and out of employment, and our investments to be destroyed while trying to hold the standard of living we have established over a long period of years.

Mr. President, that is what we are being two-faced about. Congress is just as bad as the administration, because Congress is charged by the Constitution of the United States with the regulation of foreign trade, which means the regulation of our national economy. In the last analysis Congress must take the blame when it tells America that we must hold up our standard of living and then encourages lower import fees and tariffs in order to allow direct competition between our own labor and the sweatshop labor, the low wage labor, and low standard living labor of Europe and Asia. We are two-faced. We should face the American people and tell them the truth. Should we tell them that we believe our living standard is too high? Many people believe that we are living on too high a standard. The junior Senator from Nevada does not believe we are. It is always a matter for argument. However, no human being, if he wishes to be consistent, can say that he wants to keep up our standard of living and at the same time reduce tariffs and import fees, and thus put the low-cost labor of the world in direct competition with our own workers. That is utterly inconsistent. It is simply a dishonest way of meeting a fair and square question.

DIVISION OF OUR MARKETS IS DELIBERATE

Mr. President, as I said a moment ago, regular competition forces a nation to raise itself by increased production and increased efficiency. The thing to which representatives of industry object is that

we tax our own people, our own taxpayers, to raise the money to establish the industrial plants in Europe and other areas of the world, and then lower the tariffs to allow the foreign producers to take our markets. It is obvious that there are not enough markets to go around; and by the course being followed by the State Department we are deliberately bringing about our own downfall.

It is inconceivable to the junior Senator from Nevada that Senators do not understand that problem. Of course the junior Senator from Nevada long ago decided that there were a good many people in the State Department who did not understand the problem, and through ignorance are following someone else's program. At this moment it is the opinion of the junior Senator from Nevada that there are people in the administration, or supporters of the administration who do understand the problem, and they understand that we are destroying our national economy, only to be saved periodically by a war. That is a very poor way to operate.

RAW MATERIAL IMPORTS ARE A LARGE SOURCE OF DOLLARS ABROAD

Moreover, although imports of tin plate would earn dollars, much foreign exchange would remain unearned abroad, since the tin industry in this country is dependent on many imported products for production, such as the tin itself, which accounts for about 20 percent of the cost of tin plate, palm oil, and even some of the iron ore. For each ton of imported tin plate there would be a considerable drop in the imports of the constituent materials or materials essential to the manufacture of tin plate.

LET US FREE TRADE FROM INTERFERENCE

Mr. President, at this point let me say that there are many opportunities for trade between nations, which the businessmen of the various countries will work out, if allowed to do so without interference by highly paid nonentities who believe they know exactly how to solve an economic problem. No man alive can take into consideration all the economic factors which operate in the world, with 60 or 70 nations, and every type of people. That is impossible.

ECONOMIC FREEDOM FINDS ITS OWN SOLUTIONS

It is impossible in a little engineering business of the type of the junior Senator from Nevada has operated for 30 years. It is impossible in a downtown department store, or in a little corner cigar store. It will be found that men working in those businesses are not working a 6-hour day, a 4-hour day, or an 8-hour day. They are working 14 and 18 hours a day. They are worrying about what they will do, how far ahead they must buy supplies, and what must be done to keep their employees busy when business falls off.

Mr. President, the thing that makes this country great is not the three or four people at the top, with great and grandiose ideas and a feeling that they understand all about economics, or that all that has to be done is to give them enough money and they will fix everything. Mr. President, give them enough money and they will fix the taxpayers of this country. They will fix business so that it will not work under any circumstances or any conditions. They do not have enough knowledge to know what they do not know; and one in that state is the most ignorant man on earth.

In sum, the Committee for Reciprocity Information was urged to use a most cautious approach to the reductions of duties on steel products. The duties, now, are below those of the Tariff Act of 1913, which was an act of very low duties, and which will be remembered as the Underwood Tariff Act.

IN 1914 THE WAR SAVED US FROM THE EFFECT OF LOW TARIFFS

The war came along in 1914, and purchases were made in Europe and elsewhere. In 1917 we got into the war, so that we had a war economy. Everyone was busy. No one noticed the Underwood tariff law; no one noticed what had been done. But following the armistice, in 1918, our armies came back from France, or wherever they were, and we started in business again. But by 1921 the business of this country was practically destroyed, and the President had to call a special session of the Congress, which raised the tariff duties in order to protect the business of the Nation.

DEPRESSION NOT CAUSED BY HIGH TARIFFS

Mr. President, I have heard many times that the Smoot-Hawley tariff law caused the depression. About the only statement one can make is that the Smoot-Hawley tariff bill was enacted in 1930, and the depression started in 1929. That ought to answer the question, but the idea has been so thoroughly sold by special writers throughout the country that those phrases are mouthed without people thinking what they are saying.

Mr. President, for 70 years tariffs and import fees have been political issues. The two-party system has worked on the tariff question, and tariff policies of the two parties have been different. The Democratic Party has always been a free trade party, the Republican Party has always been a protective tariff party, advocating an import fee which represented the difference between the costs and wage standards and standards of living in competitive countries and those in this Nation.

FLEXIBLE TARIFF NOT NEW

I admit that the tariff has been administered very awkwardly at times. But we make progress. The flexible tariff was suggested as long ago as 1922, it was made a part of the tariff act, but in 1934 it was all nullified in favor of the 1934 Trade Agreements Act, taken over by the State Department, and it never had a chance of operation. But now more improvements have been added, and we believe a way has been found to make it work, as was explained a while ago in response to a question by the distinguished Senator from Louisiana.

Because of the many nontariff trade restrictions of other nations, and because almost all countries protect their infant industries, the United States is almost the only Nation providing free access to imports of steel. However, the very low tariffs should not be reduced to swell the trickle of imports to a tide.

JEWELRY, SILVER, AND DIAMONDS

THE NEW ENGLAND MANUFACTURING JEWELERS' AND SILVERSMITHS' ASSOCIATION

Mr. George R. Frankovich, executive secretary of the association, writes that five Government departments have formed bureaus, whose mission is to assist small business in every way possible. The jewelry industry needs these bureaus much less than it needs relief from ruinous Japanese, German, and Czechoslovakian competition.

The views of this industry, one of the few remaining bulwarks of truly free enterprise in this country, is set forth in the brief submitted to the committee for reciprocity information by the association.

The jewelry industry in New England that is represented by the New England Manufacturing Jewelers' and Silversmiths' Association, has as its membership 350 manufacturers of jewelry and allied products. It is largely a low and medium priced industry, and should be distinguished from the high priced jewelry industry which is located in the New York-New Jersey area. Because of the changeability in popularity of the type of product manufactured by this industry group, it is impossible to apply mass-production techniques. It was revealed in the 1947 census that the average worker in a jewelry plant produces in production value less than $5,000 a year. This should be compared with the great mass-production industries in the country, such as automobiles, whose employees add, with the modern tools of mass production, over $10,000 of value to the products a year. Great capitalization for tools and equipment is unnecessary, in this small industry, therefore there are many small shops. In 1947 there were reported 2,655 plants in the country engaged in producing jewelry. The average jewelry plant employed 22 people. There were approximately 60,000 people engaged in jewelry production that year. This industry is, therefore, a small-business industry; it must be kept extremely flexible.

IMPORTANCE OF SMALL BUSINESS

Mr. President, I wish to emphasize at this point that the important things in this country are the multitudes of small businesses. There are hundreds and thousands of small businesses, little noticed by anyone except their customers and those from whom they buy their materials. Those little businesses all pay taxes, they all pay wages, they account for a large number of employees, as the one to which I have referred has a total of 22 employees. Many shops have one or two employees, but those shops are just as important in the industrial and economic picture as any industry in comparison with the wages they pay and the taxes they pay.

SMALL BUSINESS GREATLY HURT

The brief states that they agree with Mr. Hoffman's policy in ECA that the importation of commodities that do not offer direct competition to the products of American mass production industries are certainly the items that will take the most dollars to Europe. They are, at the same time, certainly the products that will most seriously interfere with

the small business of this country. The mass production industries are well able to compete against any flood of foreign products of this nature, and need not be particularly worried about the specialized hand-worked foreign product that will always have some limited market here.

But the jewelry industry competes with foreign competition on practically an equal basis. The tremendous differential between the wage rates of Japan, Czechoslovakia, France, and Germany are reflected in an almost equal differential in prices between the American product and the foreign product. The jewelry industry of this country is one of the most susceptible to foreign competition, and one which at this time can ill afford the competition that it has and is going to have in the immediate future. The trade restrictions that have been applied in all major consuming countries of the world have restricted this industry's trade so that it could not export when competition was low; and now that the competitive position of Germany, Japan, and the others has returned, it cannot hope to match the low-cost products of these countries.

The decreasing domestic market and decreasing export market of real jewelry items are given as additional reasons why tariff reductions should not occur on other metal items of a jewelry nature. Again unfair competition from low-cost Japanese producers, whose items range in price from 40 percent to 70 percent of the American product, is cited as a serious threat to the security of the workers and of the businesses producing similar domestic items.

Again, Mr. President, we find ourselves building up in Japan a competitive industry that destroys the American workingmen and the American investors.

DIAMONDS

The Diamond Workers' Protective Union of America and the Diamond Manufacturers & Importers Association of America, Inc., have submitted statements protesting the proposed reduction in the present import rate of 10 percent on cut diamonds.

They base their protest on the following four points:

First. A reduction of the tariff duty will destroy the diamond-cutting industry in the United States.

Second. Even if not destroyed, the reduction would be paid by the laborers, the diamond cutter, from his wages, and would result in drastic wage reductions and unemployment.

Third. A reduction in the duty would destroy or seriously upset the industry in Puerto Rico, going counter to the acknowledged policy of the United States to industry in Puerto Rico.

Fourth. The defense and security of the United States would be adversely affected.

Fifth. No dollar earnings would accrue to any country needing dollars.

It must be emphasized that 90 percent of all cut diamonds, domestic and foreign, are consumed in the United States. The United States industry exists, not for export, but for domestic consumption.

The industry has survived in the United States because the tariff, when added to the production cost of larger sizes of diamonds, has given a safety margin to domestic manufacturers. A highly skilled Belgian diamond cutter earns about $20 per week—and most times less—while his American counterpart earns an average of $90 per week. This vast difference in wage levels is due to the difference in specialization. American diamond cutters specialize in the larger and more expensive stones, and the Belgian worker on the smaller diamonds, in the production of which the wage cost is a major factor.

It is important to note that the cost of rough or uncut diamonds is identical to all, and that the major source of uncut diamonds, England, gives no advantage to anyone. A comparison of labor costs shows the need of the 10-percent tariff for the survival of the industry in the United States.

PAPER INDUSTRY

The American Paper and Pulp Association is the over-all association of the pulp and paper industry which, together with paperboard, is the sixth largest industry in the United States. World War II demonstrated beyond the shadow of a doubt that the pulp and paper industry is one of the most vitally essential industries in this country and that applies in peace as well as in war.

This association has submitted a brief to the Committee for Reciprocity Information opposing any further reductions in duty rates on paper as contemplated in the pending negotiations at Torquay, England. In conjunction with the brief they sent us are the briefs filed by the Book Paper Manufacturers Association, the Groundwood Paper Manufacturers Association, and the Writing Paper Manufacturers Association, the latter association including photographic paper manufacturers and the thin paper group.

Other companies and associations from which we have received similar material protesting the reduction of tariffs are the American Box Board Co., the Association of Pulp Consumers, the United Wall Paper Craftsmen and Workers of North America, and the Wall Paper Institute. They all take this stand, further reduction of duty will be disastrous to domestic industry and employment.

PAPER INDUSTRY SUFFERED ALREADY

The American Paper and Pulp Association states that previous reciprocal trade agreements have caused serious injury to sections of the paper industry and the pending third round of tariff reductions may bring this industry to a point where our national needs will be imperiled by inability of remaining mills to produce the types of paper essential to the Nation's welfare. Reduction in existing paper duty rates may be thought to follow the policies of ECA. The industry says that this is not so. Such reduction would have no appreciable effect upon the dollar gap of any European country but would almost solely benefit Canada. Canada already receives over a half billion United States dollars a year as a result of exports to this country of paper and paper making materials, while maintaining a prohibitive tariff wall against paper made in the United States.

TRADE AGREEMENTS NOT RECIPROCAL

Mr. President, I desire to call attention at this point to a very grave situation. The State Department says that it wants to have continued the reciprocal trade agreements, which, of course, are not trade agreements at all but agreements to lower tariffs. The State Department wants to lower tariffs on the theory, which it has sold to a trusting public in the United States of America, that they are promoting two-way trade. The junior Senator from Nevada has already explained that whereas we lower our tariffs and remove the floor from under wages and investments in this country, destroying the workers and the investors, the European countries and other foreign countries use subterfuges. They impose quotas, embargoes, specifications, use manipulation of currency, and in other ways they proceed to stop the trade, and, as a matter of fact, in many cases they retain an outright tariff or import fee.

CANADA DISCRIMINATES AGAINST AMERICAN PAPER

Mr. President, it is stated without fear of contradiction that Canada already receives more than one-half billion United States dollars a year as the result of exports to this country of paper and paper-making material, while maintaining a prohibitive tariff wall against the paper made in the United States.

I should like to say in passing that that is no new situation. It is maintained all over the world. There is no real objective of the State Department policy except to level the standard of living of this country with that of a one economic world. We have various committees, headed mostly by ex-members of the administration, promoting a one world political philosophy all over the United States, in the guise of the ITO. Thank God several of the States that asked for such an outrageous thing have repealed the acts of their legislatures in that regard when they found out what was going on.

ONE ECONOMIC WORLD PRECEDES ONE POLITICAL WORLD

I also thank God that the Congress, gullible as its Members have been, did not fall for that. But the committees I referred to are still in existence, selling their one economic world political philosophy. What is being overlooked by the Congress of the United States and by the people of America is the fact that the State Department, since the advent of the 1934 Trade Agreements Act, is selling a one economic world philosophy—indeed something greater than a one-world economic philosophy—knowing full well that once there is in existence a one economic world, there is naturally a one-world political policy in existence. Those in the State Department who know what is going on, which is a very small percentage, I may say, know that that is being done and that that is the real objective.

INFILTRATING COMMUNISM

What is being done is the same as what the Communists have done. Several years ago the Communists were trying to become a third party. They were

going to defeat the major party. Sometime ago, they gave up that plan and directed their efforts to infiltrating a majority party, and they have done just that, Mr. President. The Democratic Party as represented in Washington, is a Socialist Party, which is just one step ahead of a Communist Party. There is no fundamental difference between a Socialist and a Communist and a Fascist. Will anyone say what the difference is between them? The only difference the junior Senator from Nevada can determine is that a Communist will shoot you to bring about his utopia, and to put him into power, and the Socialist will spend you into doing it; and that is what we are doing here as fast as it can be done.

SOCIALISTS HAVE TAKEN WASHINGTON

The President of the United States and the State Department recommend deficit spending. What is that? It is the ultimate ruin of any nation in the world. This country is spending above its income, and doing so in peacetime. And so by infiltrating one of the major parties Socialists and Communists are bringing about their ideas in government.

The Encyclopedia Britannica in defining socialism, communism, and fascism, makes no distinction as to the ultimate objective. The ultimate objective is a perfect government, with the government owning everything and the individual owning nothing. All three—Socialists, Communists, and Fascists—are exactly alike in their ultimate objective. The Democratic Party, as represented in Washington, has turned ours into a socialistic government. In order that the conservative members of the Democratic Party may get their party back, they will have to help the Republicans beat the Socialist outfit which is now in power. Of course, the Republicans, if put in power, would try to pay the country's debts, and spend less, and then the Democrats would win again and get their party back. They cannot succeed in getting it back by themselves.

Mr. President, a really dangerous Communist today does not carry a card. A smart man who is going to turn Communist with the purpose of injuring the Government, would not even join a church. He would not even have as much as a toothpick on him by which he could possibly be convicted. There is no way of getting at him unless he is caught cold in an act of treachery.

THE REMINGTON AND LEE CASES

How did we get the two men out of the Department of Commerce—Mr. Michael Lee and Mr. Lieberman—before that? How did we get Mr. Remington out who is now indicted in New York? The junior Senator from Nevada did not say that Mr. Lee was a Communist. He said he was a dangerous security risk to the United States of America, and proved it before a subcommittee. That is how we got him out. The association, to which I previously referred, asks that if the United States is to turn toward free trade, that the same free-trade principle be applied to outgoing as well as to imported merchandise.

That is a fine thing to ask. In other words, they ask that Canada have no tariff. But Canada does have a tariff; and, similarly, all the other nations of the world will find some subterfuge for imposing a tariff or other trade barrier, after they cut their tariff in accordance with the trade agreement with us.

MIGRATION OF INDUSTRY

It is easily pointed out how the earlier trade agreements caused injury to the paper industry. As a result of one-sided reciprocity, the newsprint industry migrated to Canada. Of course it is well known that when the tariff was lowered, the newsprint industry moved to Canada. That is exactly what all other industries intend to do under such circumstances, namely, leave the United States, if they can get out of the United States alive. Of course, if only one industry moved from the United States to another country, its absence might not be noticed particularly, if that industry comprised only a small segment of our economy. However, a mass migration of industries from the United States to other countries would be noticed at once, because in that event there would not be left in the United States any money, any wages, any investors, or anyone who would be able to buy the products of those industries. Therefore, in the long run, industries would defeat their own ends by embarking on such a policy.

The reductions that now are pending would expand this damage over a wider section of the industry. Continued one-sided reciprocity can only result in forcing manufacturers of other grades of paper to curtail production here and to devote their capital to expansion across the border. That is a fine outlook. Further reductions in the tariff would result in the movement of the remainder of the paper industry across the border, into Canada. Canada now has the benefit of the large investments which already have been made in that industry, because it was not economically feasible to make them in the United States.

VOLUME OF PAPER IMPORTS

Some import statistics quoted from the Paper and Pulp Association brief are as follows:

In 1948 the total value of imports of all paper and pulp, dutiable and free, was $710,000,000. Nearly $700,000,000 of this total was in duty-free pulp and newsprint. In the dutiable field, imports have risen sharply since the last full prewar year. In 1938 imports of dutiable papers were $11,000,000 in value. In 1948, imports of dutiable papers were valued at $21,174,703. In 1949, when there was a temporary recession in all business, imports were $12,793,170. In 1950, however, imports have begun to rise again, and for the first 2 months of this year were at an annual rate of $14,000,000. The unit value of imports dropped with the depreciation of foreign currencies, with the result that every dollar in imports represented more pounds of imported paper than the same dollar would have meant a year ago. Imports in tonnage therefore increased at a greater ratio than is seen in the dollar value.

NO PERIOD OF WAITING TO SEE RESULTS

A point that is made very often by the industries which are being injured by lowered tariffs is that the trade agreements negotiated in 1939 did not become wholly effective until after the end of the war. Without waiting for a return to normalcy or an opportunity for appraisal of the effects of the 1939 reductions, a new series of tariff rate reductions at Geneva became effective January 1, 1948. The result was immediate curtailment of plans for expansion to meet the growing domestic demand. Although productive capacity increased 565,000 tons a year in 1949, and 432,600 in 1950, the increases scheduled for 1951 total only 57,350 tons. In other words, there is no longer an incentive to expand this country's paper-producing resources.

In the report, an example is given of evidence that the trade agreement policy which drove the newsprint industry into Canada is today operating to force a migration of the next higher grade of paper in the same direction:

The average rate of duty computed on actual imports of all printing papers in 1949 was 8.8 percent. Shipments of higher-grade book paper already arriving from England are priced at a basis which means a duty rate of only 6.3 percent. Actual shipments through one Canadian border port in February were at a computed rate of 8 percent. The Canadian rate on this grade of paper is 22½ percent. True reciprocity would require that Canada reduce its rate of duty to the same figure as that levied by the United States. Anything above this figure is favoritism to Canada at the expense of the United States.

PRICE OF SUBSIDIES INCREASED BY IMPORTS

Mr. President, the living standard in Canada is very little below that of the United States. Therefore, Canada can be used as a good example of the point made in this connection. The tariff, if any, should be the other way, namely, not a tariff on the products going into Canada, but a tariff on the products coming into the United States. Today wheat, potatoes, and many other Canadian products come into the United States. When an agricultural subsidy is paid, the result is an accumulation of a hoard of agricultural products in the United States, importing the same commodities just increases the stocks of goods paid for by the United States taxpayer.

Today the Canadian dollar is worth perhaps 88 or 90 cents in the United States; the reduction on the basis of the exchange rate is very small, because of the small difference between the two living standards. Therefore, using Canada as an example, tariffs and flexible import fees should be used to bring back home certain types of industries which have migrated to Canada. A tariff or flexible import fee should also be used to stop from coming into the United States commodities which we are required to take off the market in order to maintain the parity price or whatever other price is established by the Congress on those commodities in the United States.

SUBSIDIES ARE EXPENSIVE AND UNNECESSARY

Many persons know that from 75 to 80 percent of the agricultural products of the United States would not need a subsidy if a flexible import-fee system were established. The use of such a system would prevent us from establishing a parity price for the products of the nations surrounding the United States, as we are at the present time. We are supporting the price of dried eggs coming into the United States from China, on wheat and potatoes being imported from Canada, and on many other prod-

ucts being imported from other foreign countries—imported commodities which fill the warehouses and the airplane hangars and the caves throughout the United States.

HIGH PRICES AND GOVERNMENT HOARDING ARE INCOMPATIBLE

Mr. President, it is a disgrace for the United States to have nearly 200,000,000 pounds of butter—and much of it spoiling—although in the countries where that butter is produced, many persons are in dire need of the butter for food. That situation is all the more a disgrace when we realize that a flexible import fee would have resulted in keeping the butter where it belongs—in the countries where it is produced, and where imports have been kept from skyrocketing by a quota on butter imports.

As I have stated in the Senate many times, we know that the Director of ECA and the State Department have long advocated a reduction in the tariff on butter. They finally succeeded in having it reduced, the last time, from 14 cents a pound to 7 cents a pound. The result is that there is no real protection from imports of butter. I refer to butter only as an example; exactly the same situation applies in the case of other imports.

Mr. President, the brief to which I have referred lists 14 other grades of paper and paperboards involved in the pending Torquay negotiations. Some of these have already been mentioned, and the briefs are at hand. In the paper industry, where grades often everlap, many mills make papers of widely different grades. As a result, any adverse impact of a tariff reduction on one specific grade cannot fail to have a definite, though possibly indirect, effect on other grades.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table giving the comparative rates of duty on the principal papers scheduled for negotiations at Torquay, England.

The PRESIDING OFFICER. Without objection——

Mr. JOHNSON of Colorado. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MALONE. Mr. President, I shall read the table:

Comparative rates of duty, principal papers scheduled for negotiations at Torquay

	United States [1]	Canada	England
Newsprint	Free	12½ percent	Free.
Printing	8.8 percent	22½ percent	20 percent.
Paperboards	10 percent	do	15 percent.
Tissue	11.4 to 14 percent	do	16⅔ percent.
Decorated	11.1 to 19 percent	25 percent	20 percent.
Photographic	5 percent	Free	Do.
Filtering	9.3 to 25.6 percent	22½ percent	16⅔ percent.
Cigarette	30 percent	15 to 20 percent	Do.
Paper, not specifically provided for	do	22½ percent	20 percent.
Weighted average on all dutiable papers	12.28 percent	do	16⅔ percent minimum.

[1] Equivalent ad valorem.

The discriminatory character of these comparative rates is self-evident. The heaviest increases in imports have been in the grades where the duty rates are already the lowest and with the widest spread between United Staes and foreign tariffs.

In conclusion, the American Paper & Pulp Association makes this far-reaching statement:

Reductions will work hardship on United States paper mills, their financial supporters, and paper-mill labor. Reductions will work hardship on all forms of labor participating in the production of supplies for the mills. Reductions will work hardship on farmers and woods workers who cut pulpwood for paper mills. Reductions will work hardship on every community in which the profitable operation of a paper mill is a vital factor in that community's business prosperity.

METAL MANUFACTURES

Mr. President, in the case of metal manufactures, a great many industries, comprising every variety of metal manufactures, have apprised us of the desperate situation in which they now find themselves. This type of industry, which bore the brunt of the defense effort during the war, has been threatened by the reductions on tariffs until it is now at a point where further revision at this year's conference at Torquay would be disastrous.

Letters have come to us from widely diversified industries which are engaged in the manufacture of such products as steel tubing, knitting and textile machinery, cutlery, phonographs, water meters, woodworking machinery, ball bearings, hardware, motorcycles, bicycles, circular saws, and small arms and ammunition. Each of these industries was converted in wartime to some essential task, and all of them fear cutbacks now which would later impair conversion to a full wartime basis.

HARLEY-DAVIDSON MOTORCYCLES IN DIRE STRAITS

Mr. President, a particular company which has come to the attention of the junior Senator from Nevada is the long-established Harley-Davidson Motorcycle Co., established by the grandfather of the present operator of the business in a back yard many years ago. Recently, England has taken over the Indian Motorcycle Co. in this country, with all the distributing agencies throughout the country, and is using the distribution system for distributing its own motorcycles, which sell at a very much lower price, due, of course, to the low wage and living standards prevailing in England. It was a great shock to me to see an established industry, one nearly half a century old, being destroyed through subterfuge and through the connivance of an inept State Department in an administration which is bent on carrying out a three-part free-trade program for the establishment of one economic world.

CUTLERY MAKERS HURT

A good example of an important small manufacturing company now facing trouble is the Camillus Cutlery Co., of Camillus, N. Y. In peacetime, makers of pocketknives and fine cutlery, during the war, this company was able to produce bayonets, sheath knives, jackknives, and machetes, all of which were essential to the fighting men. For its services it received the E award with three stars. It is the sole industry in the village of Camillus, and everyone in the town is directly or indirectly dependent on its support. The average wage rate is $1.47 per hour, as compared with $0.30 in Germany, the chief competitor. The wages constitute five times the price of materials; similar material selling in Germany at the same rates. The company fears further tariff reductions which would turn the whole domestic market over to German exporters, and disable it in the face of the national emergency. It is small companies like Camillus that will be wiped out if a more equitable and far-sighted tariff policy is not enacted. To reduce the tariffs more at Torquay this month would be sheer folly at the present time.

ADMINISTRATION PAYS ONLY LIP SERVICE TO SMALL INDUSTRIES AND WORKERS

Mr. President, we have an administration which is always giving lip service to small business. This statement shows how it works out. Small business is the first to suffer, simply because it does not have the mass production facilities which the large companies have. No administration can be for small business and at the same time be for a haphazard reduction of tariffs and import fees which form the basis of fair and reasonable competition for the workers and investors of the United States, any more than it can give lip service to the workers and say that it is for the forgotten man and for the workers. The administration continues to pull the floor from under the entire working force in the United States by the indiscriminate lowering of tariffs and import fees, without any regard to the differential of cost due to wages and standards of living. In this country, on a free-trade basis nothing can be done except to lower wages and write off investments by the amount necessary to meet competition, unless a tariff or import fee on a fair and reasonable competitive basis is maintained.

MACHINE TOOLS ARE ESSENTIAL

Having seen the question from the side of the small manufacturer, let us look at it now from the point of view of an industry on which all others are dependent—machine-tool manufacturing. The National Machine Tool Builders' Association, representing almost all the American machine-tool companies, presents a strong case in favor of protection of this vital industry. Emergency production schedules to be used at the outbreak of war, representing a 6 months' production period, could not be put into effect now before a year and a half.

Mr. President, that is a sad commentary on the principles on which business is conducted in this country. We face the destruction of an absolutely essential industry, the tool-making industry, placing it in a position where, with an emergency coming on, it would take a

year and a half to put a schedule of war production into effect.

MARSHALL PLAN AIDS RUSSIA

That is the criticism which has been leveled at our State Department, and at legislation passed by this Congress which is now almost 3 years old. I refer to the Marshall plan. Criticism has been leveled at this plan by the junior Senator from Nevada for the very reason that the tool makers of England, the manufacturers of war materials, and the manufacturers of materials which would be helpful in consolidating the gains of Russia in the eastern European countries and Communist China are selling their goods, and the Marshall plan countries are trading with those countries, the same as in peacetime. There are 96 trade treaties, Mr. President, which the junior Senator from Nevada has placed in the CONGRESSIONAL RECORD. They are in good standing; and under them there is being shipped to Russia and her satellites practically every commodity that is necessary in order to fight world war III with us. Both the Marshall plan, and allowing the trade treaties with Russia are a disgrace to this country, and a disgrace to the Senate of the United States for having allowed them.

MACHINE-TOOL EMPLOYMENT DOWN

Employment has dropped from 112,000 to 36,000. Before production could be restored, men would have to be retrained, and new equipment installed. That is why it would require a year and a half to put into effect a production schedule which would normally be installed in less than 6 months. This would mean, as a natural consequence, that all other industries would be held up in their production schedules until the necessary machine tools could be turned out.

The unsound condition of the industry results from two primary causes; harmful domestic policies of the administration and serious difficulties in the overseas markets.

EXPORT MARKETS FOR MACHINE TOOLS LOST

This second failure is a result of the policy of foreign governments and of the ECA of blocking the sale of American machine tools in foreign countries if that machine can be obtained anywhere in a soft-currency country. In other words, our ECA Director will not allow any machine tools to be sold in Europe which can be obtained in a soft-currency country. That is a fine commentary on the administration and on the Congress of the United States, for supporting a plan which would put into effect any such policy. This is done despite the fact that many foreign industrialists are willing to pay higher prices for American equipment to obtain greater efficiency.

Mr. President, our reciprocal tariff policy has meant that duties are to be lower than the foreign duties exacted against our machine tools. At the same time, after duties have been paid on German and British products, they are sold at 50 to 75 percent below the level of United States prices. It is an intolerable situation, which would be remedied by our insistance on reciprocity on the part of European competitors.

RECIPROCITY A HOAX

There, again, we encounter the same situation that the State Department says is causing it to make reciprocal reductions in tariffs, whereas, as a matter of fact, there is no honest reciprocity. Of course, it is an unworkable, stupid policy, even if there were reductions, because there is no way that a $10 or $15 man can compete with a $2 man or a $3 man, using the same tools, in the manufacture of the same products. But, to have it turned around so that the tariff is on the other side is idiotic beyond description, and intolerable. It could perhaps be regarded as merely stupid, if it were not tragic. It is either rank stupidity or something worse, and it is the result of the policy that is being followed by our administration.

VITAL MACHINE-TOOL INDUSTRY NEEDS PROTECTION

If this is not agreed upon, then our tariffs should be raised to a point at which this vital industry will be sufficiently protected. In no case should duties be lowered further at Torquay.

One of the largest of metal manufacturers is the bicycle industry. There are 56 main producers of bicycles in the United States, in addition to many smaller manufacturers who produce essential repair and replacement parts. As represented by the Bicycle Institute of America, they are unanimous in declaring that the present duty of 30 percent does not compensate for the 50-percent lower cost of foreign products. This is true particularly in the case of parts manufacturers, for whom further decreases in tariff rates would be disastrous. One example of this is the bicycle chain, which comes from Czechoslovakia with a United States sale price of 42 cents as contrasted with 72 cents for the same American product. This satellite country is not even to be represented at the Torquay Conference; yet she would be a direct benefactor of any duty reduction.

MOST-FAVORED-NATION CLAUSE HELPS EVERYONE BUT THE UNITED STATES

Of course, it should be thoroughly understood now that through the most-favored-nation clause any reduction in a tariff to any nation is immediately available to every nation on earth. Therefore it is available to Russia. It is available to the other iron-curtain countries. It is available to China. As a matter of fact, all we are doing is building up Russia and the iron-curtain countries through the Marshall plan. We provide the money and equipment for the 16 Marshall-plan countries to carry out their 96 trade treaties. Perhaps there are more treaties in existence. All the trade treaties which the junior Senator from Nevada could obtain at the moment were 96. Many of those were so confidential that the official in the State Department held them in his hand while the junior Senator from Nevada examined them. Only about half of the treaties could be left with the junior Senator from Nevada for examination. Many of them were written in foreign languages and not translated. That shows how the truth is withheld from the people of America. Mr. President, I dare say now that until the junior Senator from Nevada exposed those treaties no one on the floor of the Senate knew about them. If anyone on the floor of the Senate knew about them they did not mention that fact. Certainly 99 percent of the American public did not know anything about them. Perhaps 100 percent did not know anything about them.

THE BRITISH ARE SMART

Even British bicycle manufacturers and the Americans importing their goods are against further reduction, as this would mean reduction of the high British tariff, which at present virtually assures a domestic monopoly. The British can already undersell our prices, so that further tariff reductions by us would be one more step in the wrong direction.

The claim of the motorcycle industry is as strong as that of the bicycle manufacturers, in addition to the fact that British competition threatens the wartime potential of the industry.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The Senate will be in order. If the Senator from Nevada will suspend for a moment, the Senate will receive a message from the House of Representatives.

Mr. MALONE. I would appreciate it if the Senate would be in order.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 14, 15, 16, 27, 40, 41, 45, 48, 51, 52, 56, 62, 69, 74, 75, 82, 83, 88, 97, 99, 102, 103, and 109 to the bill; that the House receded from its disagreement to the amendments of the Senate numbered 9, 25, 38, 39, 44, 54, 55, 57, 71, 78, 100, 104, 119, and 120, to the bill, severally with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate numbered 24, 26, 36, 49, 50, 53, and 58 to the bill.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce.

Mr. MALONE. Mr. President, resuming debate following receipt of a message from the House, which has precedence.

Mr. President, the junior Senator from Nevada wants to make it abundantly clear that he will relinquish the floor at any time that an agreement can be made to bring any legitimate business before the Senate—that he is not attempting to delay the important work of the Senate.

What the junior Senator from Nevada is attempting to do is to stem the tide of an 18-year-old power-mad administration to continue its mad rush to complete the subjugation of the sovereign States of this Nation.

He is trying in the only way open to him to preserve the right of a legislature representing all of the people of a sovereign State to pass any legislation that the people of that State want passed, within the framework of the constitution of the United States—without the Congress continually getting in its hair.

MOTORCYCLES ARE NEEDED IN WAR

Mr. President, over 120,000 motorcycles were delivered by the Harley-Davidson Co. to our Armed Forces and those of our allies during the war, and it would be folly not to support this essential industry on a secure peacetime basis. British exports to us since the devaluation of the pound last September have risen as high as 75 percent of our total output in some months, and this is in addition to their monopoly throughout the British Empire.

CURRENCY MANIPULATION INCREASES UNITED STATES IMPORTS

It was done by the manipulation of their currency, as the junior Senator from Nevada has pointed out many times on the floor. Britain is not the only offender. Many nations operate in the same way. They defeat the announced objective of those treaties. Of course, the State Department and the administration know it. The administration knows it as well as or better than the industries themselves. As a matter of fact, what we do is utterly to destroy the market. We not only destroy our foreign markets but we open our own gates to imports. Since the devaluation of the pound, British exports have risen as high as 75 percent of our total output in some months. This is in addition to British preferential treatment throughout the Empire.

Mr. President, we must not visualize the British Empire as only England. About a year and a half ago on the Senate floor during debate on the exchange value of the pound and the manipulated value of it, the junior Senator from Nevada named 58 nations and entities which are contained in the British Empire. The British have had as many as 25 to 28 different valuations of their pound. It is manipulated in accordance with whether they are buying or selling, whether they want to trade with a certain customer or country, or whether they want to favor a certain customer or country. The British are past masters in foreign trade, whereas the United States, and especially the pitifully inadequate and inept State Department, are not. When our representatives sit across the table from the experienced representatives of foreign nations, who have been representing foreign trade for hundreds of years, it is like a neophyte sitting down in a professional poker game. The neophyte knows he will lose everything he has, but he does not know just when it will happen.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question?

Mr. MALONE. I am happy to yield for a question.

Mr. MAGNUSON. Would he not be in the same position as the fellow who played a slot machine?

Mr. MALONE. A slot machine does pay off sometimes. Besides, the Government is not playing the slot machines. The Government is playing a 100 percent losing game, and it is the administration of which the senior Senator from Washington is a part.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. MALONE. I am glad to yield for a question.

INCREASE OF FEDERAL TAXES ON SLOT MACHINES

Mr. JOHNSON of Colorado. Does the Senator know that when the last tax bill was being considered by the Committee on Finance a proposal was made in the committee to increase the tax on slot machines to $250 a year by the Federal Government?

Does the Senator know that the Senator from Colorado opposed that amendment on the ground that a bill was before the Senate which we hoped to have enacted, which might to some extent stop the racketeering which is incident to the operation of slot machines?

Does the Senator know that if this bill is not enacted by the Congress at this time it is the purpose of the Senator from Colorado to offer an amendment to the next tax bill to increase the tax on slot machines to $1,000 per slot machine annually, and that that kind of tax would raise for the United States, on the basis of present licensed slot machines, $200,000,000, and that it would cost the State of Nevada, as its part of that tax, in the neighborhood of $7,000,000?

Does the Senator realize that the defeat of this bill is likely to cost the citizens of his State $7,000,000 annually in taxes?

Mr. MALONE. Mr. President, I would expect almost anything from the Senator from Colorado after this bill. I ask that the reporter read the first question of the Senator from Colorado.

The Official Reporter (Charles J. Drescher) read as follows:

Mr. JOHNSON of Colorado. Does the Senator know that when the last tax bill was being considered by the Committee on Finance a proposal was made in the committee to increase the tax on slot machines to $250 a year by the Federal Government?

Mr. MALONE. There was a rumor that someone had introduced a bill to that effect. I did not understand that it was the Federal Government doing it. I understood it was some Senator who thought perhaps that much could be collected. I was not surprised, because apparently the principle of all this legislation is to nullify an act of the Legislature of the State of Nevada. There is apparently no connection between the arguments which are made and a reasonable solution of the problem, because certainly the junior Senator from Nevada is not objecting to regulating or prohibiting a slot machine in any area in the United States, except in the State of Nevada, where the State legislature has said it is legal. So the junior Senator from Nevada will say again, and make it very clear to the senior Senator from Colorado, that he is only defending the right of the Nevada State Legislature to pass an act within the framework of the Constitution without the Federal Government breathing down its neck.

It is possible for the Federal Government to do this thing through the Congress of the United States. There is no question about its legality, I suppose, but there certainly is in the mind of the junior Senator from Nevada a question of propriety. It is a question of how far we are to go on the floor of the Senate in nullifying the acts of a sovereign State through its legislature, under the framework of the Constitution.

Now I will ask the reporter to read the second question.

Mr. CHAVEZ. Mr. President, may I ask the Senator a question?

Mr. MALONE. I am happy to yield to the Senator.

Mr. CHAVEZ. I am attempting to get the idea of the Senator as to the question of States' rights, of the right of the State of Nevada, as the Senator has just stated, through its statutory legislature, to pass a law which will permit slot machines, which may in turn be taxed by the Federal Government.

In my State completely the reverse is the case, and I should like to propound a question to the Senator from Nevada. In my State slot machines are prohibited completely. Nevertheless the Federal Government taxes slot machines. Has the Senator any views as to that?

GOVERNMENT IS CONFUSED

Mr. MALONE. Mr. President, someone quoted a very eminent authority on taxing and revenue raising some time ago. I cannot repeat the quotation correctly, and do not know the originator of the statement, but he said that it was not necessary for one part of the Government necessarily to know what another part of the Government is doing.

I suppose that had something to do with the theory that in the old days, when liquor manufacture was illegal. At the same time the Government collected so much a gallon in revenue and chased the moonshiners all over the timber country in the United States to catch

up with them, and get the $2.50 a gallon, or whatever it was; and yet it was illegal to make it.

Mr. CHAVEZ. Mr. President, will the Senator yield further?

Mr. MALONE. I yield.

Mr. CHAVEZ. I really am trying to get oriented as between the philosophies of the two ideas. It has always been my contention, and I have tried to accept the view, that laws were passed as a matter of public policy, whether by the Federal Government or by the local State governments. What does the Senator from Nevada think of a State government, or the Federal Government, which, in order to get a little revenue, would pass laws which might be contrary to public policy, so far as a local agency or entity was concerned?

Mr. MALONE. I think they would be in very small business. But Congress has transferred so much of its fundamental authority to the executive it has very little left, except to go into the States and start regulating hen houses, and playrooms, and the various activities of the folks in the States.

I should like to answer the question in this manner; I think it is very poor business for the Federal Government to interfere, indirectly or in any other way, with the State legislature, representing a sovereign State, which has proceeded within the framework of the Constitution of the United States.

Mr. CHAVEZ. At that particular point, let me say that it happens that in my State we find completely the reverse of the conditions which exist in Nevada. As I understand, under a constitutional provision Nevada permits slot machines. In my State the legislature, under the same type of constitutional function, prohibits slot machines. I am not discussing the merits of the question. I assure the Senator from Nevada that I am against slot machines, but that is neither here nor there; I believe in law.

The point I am trying to make is, should the Federal Government in one instance, in order to collect a little revenue under the Federal law, be a participant in allowing a system to prevail which is contrary to a local law?

FEDERAL TAXATION REDUCES STATES' REVENUE

Mr. MALONE. In my opinion the Federal Government has its fingers in the States' hair so deep now that it is almost impossible for a State to operate, almost impossible to find taxes to collect in which the Government does not have its fingers.

The answer to the Senator's question is "No"; the Senator from Nevada does not believe the Federal Government should interfere in any way with the action of a sovereign State through its regularly elected legislature, which has passed laws conforming to the Constitution of the United States.

Mr. CHAVEZ. Then, if I understand the Senator correctly, he means that Nevada, under his interpretation of the local government, has a right to permit slot machines, provided the local legal authorities say so, and New Mexico, through its legal authority, through its legislature, through its constitutional functionaries, has a right to prohibit them.

Mr. MALONE. The Senator from Nevada most thoroughly believes in that system. If the legislature of the State of New Mexico wanted to vote "dry," or prohibit liquor coming into the State, I should say they would have all the right in the world to do that under the purview of the Constitution of the United States, but it would not be up to the Congress to pass a law taxing liquor $500 a gallon in order to prohibit liquor going into some State, as the distinguished Senator from Colorado has threatened the State of Nevada with a $1,000 tax on a slot machine in order to stop slot machines from being operated in the State of Nevada. I think the Congress of the United States would be in very poor business in doing that. However, with the amount of fundamental authority which Congress has deliberately pitched into the lap of the Executive of this Government, it is just about to be relegated to that form of subordination.

To return to metal manufactures:

The claim has been made by British manufacturers that their product, being smaller and of lighter construction than the American model, was not in direct competition and that therefore the tariff scale would not apply. This argument was sufficiently strong to cause a tariff decrease in 1947, but it should not be allowed to deceive the Torquay negotiators again this year.

Equally strong representations come from the steel-wool industry, the textile machinery industry, and manufacturers of ball bearings. All of these companies bear witness to the harm already done by competitive imports since 1947. Each builds a good case for an immediate increase in tariff rates, and yet their pleas have entirely been confined to consideration at this year's conference at Torquay. All of the metal manufacturers are important in wartime, and their potential strength must not be so cut down that they can no longer be used. This is the primary factor to be borne in mind at the Torquay conference.

MISCELLANEOUS INDUSTRIES

We have received copies of briefs and testimony which have been submitted to the Committee for Reciprocity Information from a good many industries which do not fall in the general categories already summarized. These miscellaneous industries produce a wide variety of commodities and can in no way be lumped together except in one major respect, namely they are all protesting the reduction in tariffs on foreign products entering this country in competition with their own. They all claim severe injury, even to the point of complete ruination of their businesses, if steps are not taken to protect them from foreign low-wage-labor produced goods. Many of these industries, though small, are vital to our national defense, and therefore, in the present national emergency serious consideration should be given to this evidence.

These industries will be listed here separately with pertinent information taken from their briefs and statements.

Gold leaf and metal foil products industry—Dollar volume of these products consumed in the United States

Tariff act paragraph:	
383. Gold leaf unmounted, or mounted on equivalent backing	$1,500,000
328B. Stamping and embossing materials of bronze powder, or Dutch metal powder, or aluminum powder, mounted on paper or equivalent backing and releasable from the backing by means of heat pressure	350,000
1557. Stamping and embossing materials of pigments, mounted on paper or equivalent backing, and releasable from the backing by means of heat and pressure	87,500

The aircraft industry uses pigments for markings on aircraft. It is understood that current research in several fields, including electronics, indicates a potential need for some of these products in other defense or security projects. The number of trained employees in the industry totals about 4,600, and it is estimated that at least 20,000 other persons are directly or indirectly dependent upon this industry for their livelihood.

Available information indicates that foreign labor costs are approximately 70 to 80 percent lower than United States labor costs.

WORKINGMEN OF AMERICA ARE ENDANGERED

Mr. President, I should like to emphasize again at this juncture that the main attack by the State Department under its free-trade policy and one-economic-world policy centers on the workmen of America. The investors would be ruined, incidentally. But investors generally have a couple of dollars in their pockets. Sometimes they borrow money with which to buy stock. Usually, however, they have a little money. They would lose the money they had invested. That, of course, would be ruinous to those who have saved their money all of their lives and have invested their money in what they thought would give them an income in their old age. But, Mr. President, the terrible thing about the policy is that the workingmen of America suffer first. It is a direct attack on the very people the administration says it wants to help. If we had an extended peace period, it would "help" them out of their jobs entirely.

FOREIGN RAW MATERIALS' COSTS 40–55 PERCENT LOWER

Recognizing that foreign competitors have to pay more than we do for some of their materials and supplies, we estimate that the foreign cost of these products is from 40 to 55 percent lower than United States cost, before adding the present tariff.

Lowering of the tariff on any of these products could be expected to immediately bring into this country an overwhelming volume of foreign products.

MANUFACTURERS OF COLORS AND PIGMENTS

The domestic mineral earth pigment industry consists of 20 producing companies with 25 plants in 11 States. In 1948 total production was 111,317 short tons with a value of $10,957,422. Synthetic iron oxides and iron hydroxides totaled 34,935 short tons valued at $6,640,800. Approximately 2,500 people are employed, many technically trained.

Mineral earth pigments are used by a broad cross-section of basic American industry important to national economy and security. During World War II mineral earth pigments were classed as critical materials for military use and several were under WPB control. They are used in 88 current Government specifications. The industry approximately doubled its capacity in the early 1940's to satisfy large military requirements and new important chemical uses. In the event of another emergency the Government would be almost wholly dependent on domestic producers for its requirements.

Both Canadian and English oxides are now delivered in this country with existing tariff rates at prices appreciably lower than domestic oxide prices. Wage rates in both countries are lower than those of United States manufacturers. Any cost saving of imported pigments due to a lower tariff rate would not affect the consumer cost of manufactured goods.

Higher labor and material costs confine the sale of United States production of iron oxides to domestic markets, as they cannot compete with foreign suppliers in world markets with present currency conditions.

THE CRAYON, WATER COLOR, AND CRAFT INDUSTRY

Manufacture of paints and colors, commonly known as artists', school, students', and children's paints or colors, is generally performed in conjunction with allied products such as crayons, chalk, and modeling clay. These commodities comprise art supplies of school grade that are used almost in their entirety in the public and private schools of the country. These items are for children's use and for beginning art students' use.

The individual companies are key companies in the small communities in which the manufacturing plants are located. The average weekly wage for the industry is $68.56 for men.

Since the ad valorem duty on assembled paint sets of school grade was lowered from 70 percent to 50 percent in 1948, the importation of the assembled paint sets has more than doubled as compared with 1946. Existing rates do not create any trade barrier to foreign importations, for foreign importations are now coming in and are on the decided increase. Selling prices of imported assembled paint sets are substantially lower than those of domestic producers, after present duties are added. When there is taken into account the currency devaluation in Europe, particularly in England, the result of further lowering of rates on supplying our schools with our domestic art supplies is obvious. Even assuming that this result is defended on the ground that it is aiding British or European industry, at the expense of American—an assumption acceptable only in the most extreme circumstances—there is still another very important factor to be considered: namely, that the items imported from Europe meet neither the health standards or the standardized color standards of our domestic product.

NOT ONLY COSTS BUT ALSO HEALTH STANDARDS LOWER ABROAD

Another factor which is not taken into consideration in this country is the fact that foreign countries have no such standards as we have here. In the matter of food supplies, they have no health standards or provisions for examination such as we have. But we import such materials haphazardly, not only perhaps ruining the workingmen and the investors in industry, but endangering the health of the people of this country.

Further reductions are an immediate danger to a small industry which supplies our public and private schools. If half or even all the American market were usurped by foreign importations, this would hardly be a drop in the bucket in closing the so-called dollar gap.

"DOLLAR GAP" IS A SLOGAN

Mr. President, it is a pitiful thing to see our industries come hat in hand to an industrially inexperienced State Department which talks about a dollar gap that is neither understood by the State Department nor by the people who are discussing it. "Dollar gap" is a catch phrase. The country has been run on catchwords and phrases for 18 years. First we had "Save the world for democracy." Then we had "The four freedoms." We have at least a dozen or so so-called national slogans which were sold to the American people, slogans which have nothing whatever to do with the vital fundamental subject at all, but are used to put over something, not to convince the American people. The American people are not convinced by these slogans; they are bewildered. The purpose of the slogans is to keep them bewildered and to bypass and put over such a policy as the free-trade policy, a policy which pulls the floor from under wages and investments and which ruins wage earners and investors alike in this country. Such a policy emanates from an administration which says it is for the forgotten man. He is forgotten now, I promise you. If we did not have a war every 6 or 7 years to put him back to work or put him in the Army, he would be on the streets in droves so thick that unemployment insurance would not be a drop in the bucket, and the moneys we appropriate and secure from the taxpayers of America could not possibly take care of the unemployed.

BOTTLE FERMENTED CHAMPAGNE PRODUCERS, INC.

Under the Tariff Act of 1930 the duty on champagne and sparkling wine was $6 per gallon. This was reduced to $3 per gallon by the 1936 French trade agreement. It was further reduced by the 1947 Geneva agreement to $2 per gallon on champagne and sparkling wine valued at not more than $6 per gallon and to $1.50 per gallon where the value was more than $6 per gallon.

Imported French champagnes are being offered in the principal eastern champagne markets at prices below the production cost of American champagne. California champagne producers are unable to compete with the low production costs and ocean-shipping costs as compared with our rail costs. The advantage which the eastern champagne producers have over California producers in shipping savings is more than wiped out by increased costs of production of eastern champagnes and sparkling wines.

NATIONAL DISTILLERS PRODUCTS CORP.

A reduction in the tariff rate now for imported spirits would mean that for the third time in 11 years Canadian and British whiskies would be benefited. In 1939 the duty was reduced from $5 per proof gallon to $2.50 per proof gallon. In 1948 the rate was reduced from $2.50 per proof gallon to $1.50. During this same period the excise rate on domestic distilled spirits was raised from $2 per proof gallon to $9. While the United States beverage-distilling industry is still awaiting promised relief from high wartime taxes the only relief so far granted has been to Scotch and Canadian whisky, on which the import tax was reduced.

DEVALUATION ONLY USED TO INVADE OUR MARKETS

There was an example, Mr. President. When the pound was devalued, many arguments were made for its devaluation, one of them being that it would reduce prices. But the only reduction in prices was made in commodities which could be made competitively, which could compete in the market. No reductions were made in any product coming from the European nations or any other nation with respect to which there was no competition here. In other words, in every case they charged what the traffic would bear, Mr. President.

The trade agreement negotiations in Torquay, England, on September 28, by themselves will have an important effect upon the United States economy. As far as the United States beverage distilling industry is concerned, a further reduction in import duties on Canadian and Scotch whisky, in conjunction with the Customs Simplification Act and the retention of excise taxes at war emergency levels, could scarcely be more damaging if all three had been rolled into one international plot for the express purpose of breaking the back of a substantial United States industry and sabotaging the job opportunities now enjoyed by approximately 800,000 persons.

THE SOCIETY OF THE PLASTICS INDUSTRY

There are approximately 550 domestic plastic manufacturers represented by this society, with an estimated 100,000 employees engaged in all phases of the plastics industry, ranging from the semiskilled machine and equipment operators to highly skilled tool and die makers.

Most of the pay rates on the skilled and semiskilled jobs now range from $1 an hour upward to $3.75 an hour, which rates are materially in excess of all labor rates for which data is available in foreign plants which might be brought into

more active competition with the domestic plastics industry by any lowering of existing tariff rates.

The domestic plastics industry has been heavily drawn upon during the war by the armed services for thousands of parts which could not be constructed as economically or effectively from any other known material. As a result of these heavy military demands, the industry has experienced a rather rapid growth.

With the plastics industry facing a period of severe domestic competition, any reduction in the tariff with respect to plastic materials or articles would seriously affect the well-being of the domestic industry.

Briefs have been received from several other industries which can be included in this plastics group. They are:

American Record Manufacturers Association, makers of phonograph records; Tariff Act, paragraph 1542.

Fountain Pen and Mechanical Pencil Manufacturers Association, fountain pens; paragraph 1550.

Finkel Umbrella Frame Co.; paragraph 1554.

William M. Ives Co., Inc., manufacturers of brush handles; paragraph 1506.

American Brush Manufacturers Association; paragraph 1506.

LEAD PENCIL MANUFACTURERS ASSOCIATION, INC.

Pencils and leads are such commonly accepted articles that many people do not realize how indispensable they are both in war and in peace. The essentiality of pencil production in this country is recognized by the National Security Resources Board, with whom a plan of operation in time of emergency has been worked out.

The 1930 tariff rates on lead pencils and leads were intended to compensate for the lower costs of production in foreign countries. Not only has the cost of manufacturing pencils domestically increased tremendously since 1930, thereby sharply reducing the protection afforded by the tariff, but in some classifications the rate of duty has actually been reduced as a result of the Geneva negotiations.

Unskilled factory labor rates in this country advanced from 1930 to 1946 from an industry average of about 30 cents an hour to 75 cents an hour. Since 1946, because of the general increase in wage rates and the recent enactment of the amended wage and hour law, unskilled wage rates rose still further, to about 85 cents an hour. In the period from 1930 to the present time, the average cost of the amount of California wood slats required to produce a gross, 144, of pencils has increased from 18 cents to about 45 cents. The cost of graphite, waxes, oils, colors, lacquers, fabricated metals, packaging materials, and printing has advanced at least proportionately. The industry's cost increases from 1930 to the present time on the average exceed the entire 1930 duty. The industry has survived because of increased efficiency, improved processes and equipment, higher productivity per worker, and the fact that World War II and its aftermath prevented a large influx of foreign pencils into this country and world markets.

The total dollar volume of the American pencil industry is so small that even if foreign-made pencils captured the entire domestic market, the resulting benefit to international trade would be insignificant in relation to the damage to owners and workers in the American pencil industry in time of peace and the critical injury to the Armed Forces and the entire American economy in time of war.

COLLAPSIBLE-TUBE-MANUFACTURING INDUSTRY

Since 1930 this industry has had its tariff production reduced, in the case of undecorated articles, by 50 percent; and in the case of decorated articles, by more than 50 percent. The available tariff information conclusively shows that the effect of these cuts has not been ascertained.

The collapsible-tube-manufacturing industry is a small industry, but it is an important one. During World War II, half of its production was on high priority, for millions of collapsible tubes for flash-burn ointments for the Navy, for medicinals for the Medical Corps, for poison-gas salve for the Chemical Warfare Service, for morphine for use with hypodermic needles, for toothpaste and shaving cream for all the forces, for K-ration-kits, and so forth. Such tubes are the lightest, most sanitary, and least easily broken of all packages.

Germany and Japan, both potential competitors—both being rehabilitated by our Government—will eventually enter our market; and in the light of the cheap labor of both Germany and Japan, they will be able to compete with this American industry, even if the original rates were restored.

Mr. WATKINS. Mr. President, will the Senator yield for an insertion in the RECORD?

Mr. MALONE. I shall be happy to yield for an insertion in the RECORD, if I do not thereby lose my position on the floor.

Mr. WATKINS. Mr. President, I ask unanimous consent that the Senator from Nevada may yield to me for that purpose without losing the floor.

The PRESIDING OFFICER. Does the Senator from Nevada yield for the pupose of the requested insertion?

Mr. MALONE. Mr. President, I would not yield for the purpose of permitting an insertion to be made in the RECORD, except if unanimous consent is given that I shall not thereby lose my position on the floor.

The PRESIDING OFFICER. Does the Senator from Nevada ask unanimous consent that he may yield for that purpose, without losing his right to the floor?

Mr. WATKINS. Mr. President, I so requested; and I supposed the Senator from Nevada would join in the request, if he is willing to yield.

Mr. MALONE. I am perfectly willing to yield for the purpose requested, if I do not thereby lose my position on the floor.

The PRESIDING OFFICER. Does the Senator so request?

Mr. WATKINS. I do.

The PRESIDING OFFICER. The request is that the Senator from Nevada be permitted to yield to the Senator from Utah, to permit the Senator from Utah to make an insertion in the RECORD, without thereby causing the Senator from Nevada to lose his right to the floor.

Is there objection?

Mr. JOHNSON of Colorado. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MALONE. Mr. President since 1946, the wage scale of this industry has increased 40 percent. From these figures it is obvious that the foreign cost, plus existing duty, would permit a landed cost which would be much lower than our cost of production. That duty has since been cut; our costs have been increased 100 percent, and any further reduction would be based upon sheer speculation.

FATTY-ACID INDUSTRY

The fatty-acid industry is an essential industry to the general welfare of the public—to the industrial life of the United States, and to the general national defense. Some of the uses of the products of fatty acids for manufacturing purposes are resins, pharmaceuticals, rubber compounds, carbon-black dispersers, leather, alkyd resins for plastics, lubrication greases, waterproofing, insecticides, and so forth. In World War II, this product was an essential ingredient in the incendiary bomb, in liquid use in the flame thrower, and for rustproof coatings for equipment such as barges, docks, tanks, motors, trucks, airplanes, and mechanical parts. Glycerine made by this industry is also an essential war product. Any serious impairment of the production of fatty acids would lead directly to unemployment in many other industries.

The present status of the industry is vastly different from its status in prewar days, or that of a few years ago. Wages have increased since 1938 by approximately 133 percent, or more than double the wages paid their employees in 1938. The capacity for production of all fatty acids, including stearic acid and oleic acid, has been increased over 500 percent since 1938. This increase, amounting to over $41,000,000 in investment, was largely necessitated by demands made by our Government during the recent war.

Within the last few years, chemical technology brought this industry into an arm of the chemical industry, and by so doing has brought it directly into competition with Germany, a low-cost chemical producer, as well as Belgium, the Netherlands, Russia, and Argentina.

The increased investment, increased productive capacity, increased cost of supplies and materials, and increased wages and taxes argue strongly for the protection of what might be termed an infant industry, of which no accurate cost figures are available, either abroad or in the United States.

COLUMBUS COATED FABRICS CORP.—OILCLOTH PRODUCTS, ETC.

If tariff on oilcloth and coated fabrics is reduced to the point at which foreign production can undersell this industry in the United States as well as in foreign markets, there will be a number of unfavorable results.

First. The industry will suffer possibly even to the extent that it cannot continue.

Second. The cost to the Government for price support on cotton and linseed oil will be greatly magnified.

Third. The persons employed in this plant will be greatly reduced in earnings or without work and the years of training in the operation of a very efficient mass-production industry will be completely lost.

Fourth. The American people will be forced to purchase and use imported materials which were made cheaply and not at all equal in quality and attractive styling to the present American-made goods.

Production in this industry involves the use of 10,000,000 pounds of American cotton per year, 3,000,000 pounds of linseed oil per year, both supported in price at Government expense.

CANDLE MANUFACTURERS ASSOCIATION—CANDLES

Present tariffs—paragraph 1536, candles: Of wax, 14 percent ad valorem; other, 27½ percent ad valorem.

This industry presents the following reasons why these prevailing rates should not be lowered:

First. An industry stemming from colonial times.

Second. A product required in national defense to such an extent as to utilize the full capacity of the industry.

Third. High essentiality of labor and materials under war conditions.

Fourth. An overcapacity of more than 5 to 1.

Fifth. Increased labor costs of 25 percent from 1946 to 1950 with labor rates well above those prevailing in competitive countries.

Sixth. A decline in sales of 17.45 percent since 1946.

Seventh. Unknown effects of pending legislation (International Trade Organization. H. J. Res. 236 and Customs Simplification Act, H. R. 8304).

Eighth. Full impacts of currency devaluations in competitive countries not yet felt in our markets.

ITO—THE LAST STEP

Mr. President, at this point in the RECORD I may say that the International Trade Organization, about which this industry expresses great fear, would be one of the final moves in the one-economic-world policy which this administration has furthered from its inception. It was started, of course, with transferring the constitutional responsibility of the Congress of the United States to the executive department, presently being exercised by the State Department, and was aided by UNRRA, by lend-lease, by the $3,750,000,000 loan to England, which had been making up the trade-balance deficits of that area for a considerable time. We had the Marshall plan suggested for the express purpose of making up the trade-balance deficits until such time as the State Department, under the 1934 Trade Agreements Act, could divide the markets of this Nation to the extent that there would be theoretically no trade-balance deficits. The first step in abdicating the constitutional responsibility of the Congress of the United States to regulate foreign trade, and place it in the hands of the administration, was taken by the Congress in a simple act of changing, in effect, the Constitution of the United States, without referring it to the States for their approved, when Congress passed the 1934 Trade Agreements Act. With that responsibility once placed in the executive department and administered by the State Department, we now face the International Trade Organization.

Mr. President, what is the International Trade Organization, which has been made officially a part of the Democratic platform, by the State Department, and by adoption? I shall explain what it is. It is an organization of anywhere from 55 to 70 countries, whatever number of countries may join the organization, which was 54 at the last report. They will all join it, because they can do nothing but win, while we can do nothing but lose. The Congress of the United States, if the Senate approves the International Trade Organization—and I have great hope that the Members of the Senate will find out which way we are headed and will not approve it—will transfer to the International Trade Organization—in which we yould have one vote, the same as Siam—all our rights to fix tariffs and import fees of the United States. And furthermore, we would assign to the ITO the right to fix quotas on production. Would that not be fine for the United States? If we are raising too much wheat in the United States, these great, learned people, most of them from Oxford, Harvard or some other internationally known school, would sit around the table, with all the information available as to how much wheat, how many pairs of shoes, how much corn, and how many precision instruments of different types would be utilized during the ensuing year, and they would parcel out the production to the nations of the world. We would have 1 vote out of the 70 or 50, as the case might be, just as Siam, a little nation in southeastern Asia.

The junior Senator from Nevada visited Bangkok and various other places in Siam, and flew over most of the nation.

SIAM PRODUCTIVITY LOW; TRACTORS ARE NOT NEEDED YET

The people of Siam are small, weighing about 120 pounds. They cut rice with a little hook about a foot long, in the shape of an arc, and stand little less than knee deep in the water while cutting the rice. One man can cut about enough rice to keep his family and another family alive. Of course, the State Department wants to ship tractors to them. But I should say, after a thorough examination of the country, that what they need is first to learn to use a scythe, before we send them any tractors. Nevertheless, they would have the same vote in the International Trade Organization as the United States of America.

The junior Senator from Nevada visited the Congress at Bangkok, in Siam—a pitiful little congress. Of course, if the King sent word to them to do it, they would abolish themselves. I may say that they had shot the King but a few weeks before the junior Senator from Nevada arrived. They have since appointed or chosen another King, however the selection is made. Nevertheless, it is a fine little nation, with a wonderful people.

I point out again and emphasize the fact that of the world's population of 2,500,000,000, we have the greatest industrial organization. We produce most of the manufactured goods, and have the highest living standard in the world. So if we should become a member of the International Trade Organization, our tariffs and import fees would be fixed and our quotas of production would be set by the Organization.

QUOTAS ON PRODUCTION UNDER ITO

As I said a moment ago, if we were producing too many shoes, Siam could be authorized to purchase shoes to be produced by Czechoslovakia. The World Trade Organization is the one of which the manager of the Fatty Acid Industries is complaining. He says they do not know what the effect would be. If anyone knows what the effect would be, the junior Senator from Nevada would be very happy to get the information. Nevertheless, the Congress of the United States, every time the matter comes up, extends the 1934 Trade Agreements Act, and appropriates money for the purpose of paying the trade balance deficits of certain countries, at least two of them, doing exactly the same thing the International Trade Organization would do, alone. After we have the ITO, we shall automatically have one economic world. Nothing else could result. Still, I understand that the ITO was seriously considered in committee; and, after some of the things which have been proposed and accepted by the Congress of the United States, I was not surprised.

BLEACHED BEESWAX

The Candle Manufacturers Association also submitted a brief protesting reduction in tariff rates on bleached beeswax. These reasons are as follows:

First. An outlet for a product of the American farmers.

Second. Large top-secret uses for the product during the war. An essential element for the medical department.

Third. An overcapacity of 4.4.

Fourth. High essentiality of labor and materials under war conditions.

Fifth. A high labor factor in the cost of production.

Sixth. Increased labor costs of at least 15 percent since 1946.

Seventh. Labor rates much above those prevailing in the countries from which competition can be expected.

Eighth. A decline in sales since 1946.

Ninth. Unknown effects of pending legislation (International Trade Organization, H. J. Res. 236, and Customs Simplification Act, H. R. 8304).

Tenth. Full impacts of currency devaluations in competitive countries not yet felt in our markets.

BALL CLAY INDUSTRY

This is another industry which, in the matter of currency manipulation, fears the International Trade Organization.

A brief was submitted to CRI in behalf of the H. C. Spinks Co., of Paris, Tenn., and six other companies producing ball clay.

This is a very important mineral. It is used, and has no substitute, in the

manufacture of electric porcelain for use not only by private industry and in the building of private homes, but also in the high-tension electrical porcelain insulators that are used on transmission lines and as insulators in the power plants, transformers, and so forth. Ball clay is also used in the making of insulators for radio and radar apparatus, searchlight equipment, and other necessary electrical equipment used by our Armed Forces for national defense. The refractory ball clays produced by this industry are also used in making refractories necessary in producing steel, aluminum, and glass, as well as some control apparatus that is used in tempering guns, tanks, truck parts. Ball clays are, of course, also used extensively in making dishes and sanitary wares. Vitreous porcelain plumbing fixtures contain the ball clays produced by this industry.

At the present time the tariff on ball clays is $1 per long ton of 2,240 pounds. Our American ball clay industry does business on a 2,000-pound ton, and if the tariff is considered on this basis, then the tariff on imported clay is really only 89 cents per ton. It is the opinion of this industry that in no event should this amount be reduced; rather that it should be raised. According to the United States Bureau of Mines, in 1948 there was mined and shipped 298,979 short tons of ball clay and there were imported to this country from the United Kingdom, Germany, Canada, and Brazil 28,744 long tons of common blue and ball clay. Therefore, about 9.7 percent of the ball clay sold in the United States was imported.

This industry states that the deposits of ball clay in this country are of sufficient extent, and quality is sufficiently good to satisfy all of the industry and no restriction that might be placed on the importer by reason of a tariff or any other means of control would in any way work a hardship on the American manufacturer.

They ask for consideration, also, of their increases in cost of production due to:

First. The freight-rate increase, which has increased the cost to their customers.

Second. Increase in labor expenses within the last few months.

Third. Cost of equipment, supplies, and materials.

Fourth. Devaluation of foreign currencies, which has reduced the cost from 10 to 30 percent.

Fifth. Since it is necessary for these companies to continue to explore for new deposits, it is necessary to spend large sums of money on such exploration.

PALM, FECHTELER & CO.—DECALCOMANIA IN CERAMIC COLORS

This company manufactures various types of decalcomania and is the second largest producer of decalcomania being used in the decoration of pottery. The company supplies, for the most part, United States producers of decorated household ware. It also produces and sells cold decalcomania, used for name plates, window signs, truck decoration, and marking machinery.

They summarize their position regarding tariff reductions on this product as follows:

First. This product contains a large labor component and any reduction in manufacture in the United States is bound to displace more skilled workers who cannot be absorbed elsewhere at their specialized skills or without considerable adjustment.

Second. Curtailment of manufacture in the United States will bring about a reduction of imports of raw material used.

Third. Productive capacity in the United States is adequate and operations are presently so marginal that competition at lower prices would be impossible.

Fourth. Modern equipment in the United States has been installed and the purchase in the United States of substantial additional equipment can be anticipated.

Fifth. Former suppliers of imports cannot be aided in the coming negotiations, at least insofar as the company is for the most part concerned, as they are now in the eastern zone of Germany. Concessions would only encourage the springing up of presently nonexistent sources of competition.

Sixth. Foreign competition already has an advantage compared with before the war, in that part of the duty is on a poundage basis—30 cents per pound on decalcomania on duplex paper, almost the exclusive type of importation—which results in a reduced ad valorem equivalent, as costs and value have risen.

Seventh. Faster communications and transportation have lessened the obstacles to foreign competition, which are inherent in distance, especially as relates to speedy transmission of sketches and proofs of designs, and emergency deliveries.

A. GUSMER, INC.—FILTERMASS

Filtermass is used for the filtration of beer, gelatine, vinegar, pharmaceutical products, and fruit juices. However, 99 percent of the sales are with the brewing industry.

The information available regarding foreign costs is only general. Filtermass is made from new cotton waste derived from the manufacturers of dry goods. European filtermass is made from old rags which sell for one-third of the price of new cotton waste.

Old rags require hand sorting and hand processing. On account of high American labor cost the use of old rags is too high, while, on the other hand, European manufacturers have the advantage of low rag costs and low labor costs to underbid American manufacturers.

Past imports in the years 1936 to 1938 amounted to approximately 800,000 to 700,000 pounds per year. The filtermass, then, used to be imported principally from Germany. At present, we have to reckon with competition from Belgium and a reduction in duty will make this competition more severe.

Prior to 1939 only one manufacturer existed in the United States and he was only doing a very limited business. Most of the filtermass was imported from Germany at prices so low that American manufacturers could not successfully compete. At present, three manufacturers are in existence. If the importation of filtermass should be encouraged by tariff reduction, American manufacturers would be severely hurt and the industry may revert to its prewar standard and rely principally on importation. Our organization would lose its men with their technical skill and it is unlikely that it could be revived in another emergency.

ALSOP ENGINEERING CORP.—FILTER MATERIALS

Filters and filter discs are subject to keen competition especially from European countries and specifically Germany.

The total output of this company is approximately $800,000 per year of all its manufactured products.

Filtration in general is an absolutely essential part of a great many, if not all, chemical and industrial manufacturing processes, in the processing of all types of chemical solutions, sirups, drugs, oils, and so forth. This company has supplied its equipment and filter materials and supplies to a great many branches of the National Government, including all of the Armed Forces—including, too, many of the experimental plants and particularly the Oak Ridge, Tenn., plant, and right at this present time this General Government business represents a very substantial part of the over-all volume of business.

From figures recently obtained through European sources, this industry has figures available showing that at the present time German manufacturers, particularly, are producing and offering comparable asbestos and paper filter discs at what would be approximately 30 percent below domestic prices, and in this connection it is quite evident that any substantial reduction in import duties on such materials would result in quite severe competitive conditions as far as we are concerned.

It is almost certain that the number of competitors in foreign countries can be expected to increase.

TARIFFS DO NOT PREVENT IMPORTS

Mr. President, it has often been said that proponents of a tariff want it high enough to prevent imports. Therefore I am submitting a list of commodities, selected at random, which are imported into the United States in appreciable quantities, or even large quantities, despite the existence of a parity tariff. This list merely shows that the imposition of a tariff does not determine whether imports will come into the the country at all, but tariffs merely regulate the amounts of a given commodity to enter our market. An importer or a foreign country will not pay the tariff unless there is a known market for the product. On some of the examples I will submit the tariff has been reduced to a point at which imports endanger domestic producers. In other cases, domestic production would be supplemented by imports at practically any tariff rate, but a flexible import fee making up the differential of cost largely due to the difference in the wage-living standard does not affect needed imports. Tariffs and import fees can therefore be regarded as the most efficient floor under wages and investments. The argument,

therefore, that any tariff should be removed, including the copper tax, is fallacious, until the demand is satisfied.

The products which are imported into this country include petroleum, spirits, wines, automobiles, motorcycles, wool, sugar, perfumes and toiletries, barytes ore, kaolin, fluorspar, mica, steatite, earthenware. china, glassware, scientific instruments, cameras, binoculars, manganese ore and concentrates, molybdenum ore and concentrates, tungsten, tantalum, steel ingots, and so forth, jewelry, card clothing, sewing needles, knives and cutlery, watches and parts, bicycles, textile machinery, antimony, cadmium, mercury, lead and ores, zinc and ores, wood, tobacco, meat and cattle, powdered milk, powdered eggs, fish, silk, textiles, corduroys, velveteens; carpets, gloves—knit, gloves—leather, shoes—leather, lace, cordage, paper, wood pulp, furs and pelts.

Mr. President, it is only a partial list I have submitted, but it shows that a tariff, making up part of the differential between the standards of living in this country and the standards of living in foreign competitive nations, does not stop imports, but instead prevents the displacement of American industry and the loss of our markets.

COPPER A SYMBOL

Mr. President, I now wish to take as an example the proposed free trade in copper, and I desire to read a letter that was written by the President of the United States to the Ambassador from Chile on August 9, 1950. I have many times said on the Senate floor that the aim and objective of the State Department is not to protect the workingmen and investors of America in their standards of living, it is not to arrange a tariff or an import fee that makes up the differential in cost between the wages and living costs in this country and competitive nations, it has no connection with those matters at all, but that this policy is aimed at advantage in foreign affairs, advantage in arranging foreign policy. In other words, the Department will trade an industry in this country to a foreign nation for a fancied advantage in some foreign policy which they may at the moment think they want to establish.

PRESIDENT STATES FREE-TRADE OBJECTIVE

Mr. President, while I have said many times on the Senate floor that this is the administration's objective, and that they do use American jobs and investments in that manner, this letter from the President is the first time I ever saw the President of the United States specifically state that was the case. Therefore, I wish to read the President's letter to the Chilean Ambassador, signed "Harry S. Truman." It reads:

THE WHITE HOUSE,
Washington, August 29, 1950.

MY DEAR MR. AMBASSADOR: I have read with great interest your memorandum of August 21, in which you express your concern over the malicious propaganda disseminated by the Communists in Latin America in order to exploit to their advantage the recent expiration of the suspension of the United States excise tax on copper.

The decision to reinstate once again a suspension of this tax is one that is to be taken by the United States Congress on the basis of multiple considerations affecting the national interest. The factors involved include questions of our domestic economy, international trade, and foreign policy.

That is a direct statement, showing exactly what the President of the United States is doing: trading down the river the copper industry, the independent copper mines of the United States, and preventing venture capital from going into this business in the future, in trade for some fancied foreign policy.

Further in the letter the President said:

At present, there is diversity of opinion in this country concerning this tax, determined by the various segments of industry and labor most immediately affected. After careful study of all the problems involved, I have recommended further suspension of the tax and the House of Representatives has approved such extension for a period of 1 year. I hope very much that the Senate will take similar action in the very near future.

Mr. President, after careful study of all the problems involved, what do we find they are? The President enumerated them in the second paragraph of his letter, and the factors include the foreign policy.

With this foundation I wish to discuss the matter, using copper as simply a symbol for all other products. I say that the extension of free trade in copper, or the lowering of the tariffs on the various products I have enumerated this afternoon, is a direct violation of a long-established principle of providing a floor under wages and investments through a tariff or import fee representing the differential in the wage standards of living between this country and the competitive nations.

The enactment of the bill to extend free trade in copper would threaten our national security, as well as the employment of workers, and taxable property in our own country, through discouraging the investment of venture capital.

Mr. President, using copper, textiles, precision instruments, lumber, wood products, petroleum, crockery, and minerals, as symbols of the free-trade program, I may say that many other industries, as well, are in exactly the same position as the mining business.

I call attention to the fact that the industries I have enumerated are singled out for removal of protection for the workers and investors.

Thousands of other products have been severely shaken and endangered through the operations of the State Department acting under the authority of the 1934 Trade Agreements Act as extended, under which Congress transferred its constitutional responsibility to regulate foreign trade to the executive branch of the Government. The State Department was given the authority to lower tariffs and import fees up to approximately 75 percent after perfunctory hearings.

First, the 1934 Trade Agreements Act gave them authority to lower such fees and duties 50 percent, but in the extension of the act in 1945, an additional 50-percent leeway was added, making a total of 75 percent, providing the duty had been lowered the first 50 percent, and then the second 50 percent afterward.

Further hearings are scheduled at Torquay, England, in September, with the avowed purpose of further lowering the tariffs and import fees on American products—venture capital is being frightened out of the investment field in these industries and bills are being introduced at this time to provide Government funds to replace the venture investment capital, which we formerly took for granted would be adequate for the growth of business.

The extension of the "free trade" provision on copper, for example, was simply a trial run. Other industries and products that will be and have been affected in a similar situation, include textiles, crockery, glassware, lumber and wood products, petroleum, precision instruments, watches, wool, hides, agricultural products, steel and steel fabricated products, mining products generally—such as tungsten, mercury, manganese, lead, zinc, aluminum, and, in fact, practically all American production except automobiles and the heavy machinery production which the foreign countries are not yet fully equipped to produce. I shall have more to say of this later.

All of these products are protected by a tariff or import fee—and in no case are needed imports kept out through such protection.

Mr. President, much has been said about the war effort and what a great thing it is to have free trade during a war. I want to say to you that the tariff or import fee principle representing the floor under wages and investments on American products is a national defense measure and applies especially to the strategic and critical minerals and materials produced in this country.

This is in direct conflict with any idea that such a tariff or import-fee hinders the war effort.

On the contrary a tariff actually is a national security measure.

IMPORT FEE ESTABLISHES MARKET ON BASIS OF FAIR AND REASONABLE COMPETITION

Mr. President, in normal times an import fee or a tariff as applied to American-produced products establishes a floor under wages and investments and encourages the continuance of venture capital into the business stream of the Nation, both during peace and wartimes.

In addition such an import fee, which should be flexible, assures the foreign nations a place in the American market on a basis of fair and reasonable competition.

That is all a tariff or import fee has ever been when fairly administered.

Mr. President, it should be thoroughly understood that a tariff or import fee simply makes up the differential between the wage and standard of living, and protects the American workers, and keeps us in the business of producing strategic minerals and materials. Without the tariff we would not be in the business; and once war is declared, as has been amply proved during war years, especially during World War II, the shipping lanes cannot be kept open. During certain periods of World War II from 70 to 90 percent of such shipping was sunk.

Now, with improved submarines, perhaps nearly 100 percent would be destroyed.

There is no question of a high or low tariff. The tariff or flexible import fee, representing the differential of cost of production between this Nation and competitive countries, assures the investor of venture capital in a business, that he will not be destroyed as soon as a supply of the product can be made available from the low-wage living standard countries.

MINERALS FOR DEFENSE NEED VENTURE CAPITAL

It might seem that the existence of a tariff during wartime would not be of interest to us. But I will say that it is of the gravest interest to this country. Capital will independently go into the business of producing strategic minerals or materials which need to be produced for the war effort if such strategic minerals or materials are protected by a tariff or import fee which makes up the difference between the wages and standards of living, because capital knows it can be assured that as soon as the war is over the business will not be destroyed.

CAPITAL ONLY AVAILABLE IN PARTNERSHIP WITH GOVERNMENT

Unless capital has such assurance given it by way of tariff or import fee provided for by law, the only private capital available will be in partnership with the Government.

Mr. President, let me emphasize: No private capital is going into strategic minerals and materials unless the Government of the United States becomes its partner. That can be guaranteed. If the Government is the partner of the investor in such business and invests Government capital either through the RFC or by direct appropriations made by the Congress, then, of course, it is to the interest of the Government not to ruin the investor entirely following the war. But no one is going to trust the Government now since the State Department has been tinkering with the tariff for 18 years, and has now reduced the tariff and import fees to such an extent that they form practically no protection to any industry without a corresponding reduction in wages and investment.

The strategic materials we produce in this country are protected by a tariff or import fee, even though these have been manipulated down to the point by the State Department where there is really no protection.

Much has been said about the war effort, about what a great thing it is to have free trade during the war. I want to say that the tariff or import-fee principle merely represents a protection of venture capital that goes into business in an emergency or any other time and assures that it will not be destroyed at the end of the emergency.

TARIFF ASSURES INVESTORS AND WORKERS THEY WILL NOT BE DESTROYED

The tariff, then, properly administered, preferably on a flexible basis, assures a market in the United States for these foreign nations on a basis of "fair and reasonable" competition; and further, it assures the domestic producer that he will not be destroyed while paying the standard American wages.

So the tariff or import-fee principle not only assures a market for the foreign nations on a "fair and reasonable" competitive basis, but it assures the domestic producer, after he has invested his money, a place in his own market on that same basis.

Is it not time, Mr. President, that we consider the American worker and investor and give them equal access to their own market? That is all a tariff or an import fee, properly administered, does.

Mr. President, in peacetime the "fair and reasonable" competitive basis establishes a market for foreign production as well as for production in this country and assures an adequate, domestic production for national security, employment, and for the development of taxable property.

"GOING CONCERN" MINING INDUSTRY—STOCKPILE NECESSARY

To secure maximum production of our strategic and critical minerals, for example, such as copper, tungsten, mercury, lead, zinc, aluminum, molybdenum, and vanadium, without which we cannot live in peace or fight in war, it is necessary to have a healthy, "going concern" mining industry. Our national security demands an adequate standby stockpile of such minerals—and a "going concern" mining industry. The security of this Nation demands as well a going-concern general economy, which can only be maintained through the continued investment of venture capital.

I say again that the continued investment of venture capital can only be maintained through a protection of such investment so that the investors can be assured that, while the price may be temporarily high on account of a temporary emergency, the capital investment will not be destroyed at the end of the emergency.

This condition can be attained only through the continuous protection of the labor and capital investments in the business, which can be done only by a tariff or import fee, preferably flexible and adjustable.

WARTIME—NATIONAL SECURITY PARAMOUNT

Of the three categories of safety—national security, employment, and the development of taxable property, which is what makes this country go in peacetime—we are concerned mainly with national security in wartime.

The haphazard lowering of the tariffs or import fees on products and materials produced in this country in competition with foreign low-cost labor and most especially abolishing such protection altogether at any time is an open invitation to an enemy during a period of our Nation's emergency to concentrate on stopping imports entirely.

If we were not already in the business of producing all the products necessary for our economy, and if we did not have the trained men and the factories, and if we did not keep them in business in peacetime, an enemy which concentrated upon isolating our country from the places of origin of such imports by destroying the shipping, could bring us down without any further attack at all.

During World War II the chromite and manganese, for example, necessarily had to come from South Africa, Cuba, South America, and the Philippines. It was estimated at one time that from 75 to 90 percent of the ships leaving South Africa for the United States with such material were destroyed by German submarines. Now with the snorkel submarine in the hands of the Russians there is no question that the casualties of shipping from South Africa or South America would be near 100 percent.

The precision instruments, clothing, lumber, steel, and many other products cannot be shipped from foreign countries in time of an emergency—hence we must have going-concern industries for national security as well as an integrated economy.

IMPOSSIBLE TO DEPEND UPON IMPORTS IN WARTIME—UP TO 90 PERCENT SHIPPING LOST

Mr. President, I had the opportunity of serving with the Senate Military Affairs Committee during World War II as a special consultant, and the Senator from Colorado [Mr. JOHNSON] served as chairman of the Subcommittee on Strategic and Critical Minerals and Materials. We wrote the report on strategic and critical minerals, a copy of which I hold in my hand. It was not a pretty report. It was a terrific report, showing that at that time we were obliged to import most of the materials we needed in several of the categories, and due to the extreme shipping hazards, we almost lost the war at that moment.

The scarcity of such minerals is coming again in this current emergency just as it did in those days of 1941 to 1945. In that connection I hold in my hand an illuminating article published in the Washington Post of August 12, 1950. The article deals with what we have been doing along this line. It is entitled "Lagging Stockpile" and is written by Mr. Marquis Childs. I read from the article in part, as follows:

> One of the things that almost no one in Washington talks about—publicly—is the status of stockpiles of strategic materials. This is a grisly kind of secret because nobody wants to expose the deficiencies to public view.
>
> On vital materials, such as aluminum, copper, manganese, tin, and rubber, the totals give no comfort at all. In some instances they are truly frightening. It is very much like the story of the early years of World War II when raw material deficiencies caused such harrowing concern as Nazi submarines sank American cargo ships almost at will.
>
> In view of this, it is astonishing to discover a behind-the-scenes dispute in which the same old forces seem to be dragging anchor. The dispute is over manganese, one of the scarcest metals and one that is absolutely essential. It is the "cement" that must go into every bit of steel that is made.
>
> The only country in the world with large known deposits of high-grade manganese is Soviet Russia. In the past a considerable share of our imports has come from Russia. But in the past 2 years this has been reduced to a trickle.
>
> That has made it imperative to develop new sources of supply. A group of engineers-promoters came to Washington to urge development of manganese deposits their company had staked out in New Mexico. They were not asking for Government loans or aid. But they did want a contract from the Government agreeing in advance to buy the ore they produced at a sufficient price.
>
> Because the New Mexican deposits are not so rich as the ore imported from Russia, the

processing cost is naturally higher. The independent company proposed to install a processing furnace—these are in surplus left over from World War II—at Deming, N. Mex., to do the job.

It would seem to have been a natural in view of the acute shortage of a metal that is in reality more precious than the gold hoarded in Fort Knox. But, just as in World War II, the company's representatives in Washington found officials either strangely reluctant, or, in some instances, deliberately obstructive.

They became convinced that this was due to the influence of the world steel cartel which has long dominated the manganese picture. The United States Steel Corp. had pushed the development of a manganese project in the Gold Coast of Africa. This was a high producer. But in the first months of World War II only 5 out of 100 shipments escaped German subs, according to one report.

The mysterious dragging of feet continued. The Bureau of Mines "lost" a report on the extent of the manganese deposits in the Southwest. Secretary of Commerce Charles Sawyer was urging development of manganese in Brazil. Jess Larson, Administrator of the key General Services Administration, and his aides talked about the excessive cost of the New Mexican development and the possibility that the independent company might lose money.

Mr. President, I now read from a dispatch from the Wall Street Journal.

Taconite, low-grade iron ore, may get a healthy fillip from Uncle Sam if Congress approves the President's defense program.

Domestic miners of manganese, essential in steelmaking, are also expected to ask the Reconstruction Finance Corporation for production loans if pending legislation passes.

STOCKPILING NEGLECTED

At this point I wish to emphasize what I have said previously today, in the course of this address, namely, that while it would be relatively inexpensive to encourage the development of the production of strategic and critical minerals in this country in time of peace, apparently the United States Government has no interest at all in having sufficient stockpiles of such minerals developed in time of peace and in having a growing mining industry developed in the United States, but when an emergency develops, billions of dollars immediately are appropriated and thousands and millions of dollars lost in experimenting and in forcing investments in the mining business without having adequate exploration made. In the course of one of these emergencies, perhaps more Government money is lost as a result of such forced exploration than the amount of money it would have cost the Government to maintain the peacetime industry.

LONG-RANGE COST OF MAINTAINING MINING INDUSTRY IS NOT HIGH

I read further from the article from the Wall Street Journal:

Most manganese has been imported to this country, with a large part coming from Russia until recent months. Domestic manganese producers have such high costs that they can't compete with the foreign product and have for some time been seeking Government subsidies to get their mines into production at least on a standby or a stockpiling basis.

For the most part, Mr. President, while the manganese deposits in Russia and in other areas of the world are of higher quality in many cases than the deposits in the United States, yet it is well known that very little subsidy, if any, would be necessary, and only a very nominal tariff or import fee would be necessary in order to have the differential between the wage-cost-of-living standards of the two countries made up by means of such a tariff. In other words, if the wage-cost-of-living standards of the two countries could be equalized by means of a flexible import fee, then very little additional expense would be incurred, over and above what the imported material cost, and that additional expense would be well worth while in order to have sufficient stockpiles developed and maintained in the United States.

However, the administration has constantly refused to take advantage of the "buy America" clause in the case of stockpiling, or at least the administration has refused to do so until very recently, in the last 30 or 60 days. The administration has consistently refused to take advantage of the "buy America" clause until the emergency is upon us.

In connection with the work I did as a special consultant of the Senate Military Affairs Committee in World War II, I kept in very close touch with the War Production Board, and at all times I had the secret information that the shipping casualties were from 70 to 90 percent, in the case of strategic and critical minerals. The same percentage of losses from that cause would apply to other imported products during that period.

EXPANSION IN WORLD WAR II WAS EASY

What saved us in those days, Mr. President? We were saved by the fact that until World War II, we had had a tariff and import fee on many of the strategic and critical minerals and materials, for example, on tungsten and mercury. In addition, the tariff had kept us in the precision-instrument industry, and the tariff also protected the general business structure of the country.

In the case of tungsten, for example, the tariff was 50 cents a pound on the tungsten content of ore and concentrates. That tariff approximately made up the differential of cost in the wage-living standards and other factors applying as between the United States and the competitive countries, principally China and Burma. Of course, today China is in other hands, and Burma is in real danger. The tungsten deposits in northern Burma are in the hands of the Communists, as is well known. So those sources of supply are lost to us.

It will be remembered that tungsten and mercury are among our scarcest minerals.

It will also be remembered that our domestic tungsten and mercury mine production became almost sufficient in production within 6 months after imports fell off through the shipping casualties in World War II, because before the war we were producing about 45 percent of the domestic consumption of these indispensable metals.

We had in the United States sufficient trained workers, and we knew where the deposits were. Many of them had already been developed to a certain extent. So we expanded that industry to such an extent that within 6 months we had almost sufficient production of those strategic metals in that wartime period. That could not possibly have been done if the miners had been scattered.

When the State Department lowered the tariff on tungsten from 50 cents to 38 cents per pound of contained tungsten, it closed every tungsten mine in the United States—just as the suspension of the copper tariff closed the independent copper mines. Of course, tariffs are not effective during a war because the price goes above the peactime fair and reasonable competitive price, but the tariff is a definite floor under the wages and investments in the business, and investors are assured that their investment is safeguarded following the emergency—there is a floor under the price, and they are assured that they will not be destroyed at the end of the emergency.

Production can be expanded during the emergency if we already have the trained men and the trained managers. That is the reason we were able to become almost self-sufficient in the production of tungsten and mercury within 6 months following the declaration of war in 1941. If we had not been in the business to that extent, God knows what would have happened in that war, and what will happen in this war if it becomes general is yet to be determined.

WE MUST MAINTAIN INDUSTRY FOR SECURITY

The same is true in the case of other indispensable industries, namely, that so long as we possess the trained and experienced workers and so long as they have the necessary know-how, the industries can be expanded in time of need. However, once the workers are disbanded because of the impact of foreign competition, it is not easy then to reassemble the workers or to train new ones. That process takes time; and it is quite possible that the industry would have gotten into extremely bad shape before we could begin to obtain sufficient domestic production.

WORKERS SCATTERED—DIFFICULT TO RESUME PRODUCTION

Mr. President, as a result of the State Department's short-sighted "free trade" policy, the American tungsten miners are scattered. Many of them are not available, and many, no doubt, will be in this war before we wake up and find that we have to have them in the mines.

Mr. President, the same thing is now happening to the employees of the independent copper mines of this Nation, and it was well begun in many other industries prior to the development of the Korean situation, at which time the suddenly stepped-up demand resulted in putting the idle men to work.

LABOR WAS SHORT AND DEMAND WAS DESPERATE

I remember that early in World War II—and the Senator from Colorado [Mr. JOHNSON] will also remember this—we were crying on each other's shoulders in the Senate Military Affairs Committee and in the subcommittee of which the Senator from Colorado [Mr. JOHNSON] was vice chairman, wondering how to get the miners back to work, after we suddenly realized that we must expand the domestic tungsten production and the domestic tungsten-mining industry, inasmuch as a sufficient supply of tungsten was essential in connection with the wartime effort.

Finally, we decided to recommend calling out of the Army four or five thousand miners and letting them go back to their jobs; and as long as they kept their jobs they were deferred from Army service. If they quit their jobs, they were drafted back into the Army. We had to proceed on that basis during World War II.

Mr. President, it seems that at the present time we are in a fair way to being confronted with a similar condition, because we have followed a short-sighted policy. Obviously, it is impossible to begin a mining industry overnight or in a short time. Many months are required to assemble the crews and to do the necessary exploration. Whether in peacetime or in wartime, the necessary tariffs and import fees must be provided so as to establish a floor under wages and investments and to assure a feasible price below which the price of those minerals is unlikely to go. Then, and only then, will venture capital be available.

ADMINISTRATION'S OBJECTIVE ALMOST OBTAINED

Of course, Mr. President, if the objective is to run out of business the concerns which have been engaged in such industries and to discourage venture capital from going into business in those industries and in other industries which are of great importance to the United States—and I am convinced that is the objective of certain officials of the United States Government—then, of course, we are about to attain that objective, without the flexible tariff or import fee as a floor under wages, and investments at the end of an emergency, to serve as a cushion protecting the workers and investors. Any investors going into business must and will, if the Government needs a product badly enough, have the Government as a partner, and the Government will be printing the bulk of the money. So we must quit talking about private business, perhaps giving it lip service, and destroy it by our direct actions in the Senate and in the House.

I mentioned copper, tungsten, and mercury, but the principle applies equally to textiles, scientific instruments, and many other products. Prices will go above stabilized prices in wartime, but if there is a tariff and if we keep going-concern industries, and if we have the trained men available, the wartime price will increase the normal production, and venture capital will continue to be invested, since those industries cannot be destroyed at the end of the emergency.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GRAHAM in the chair). Does the Senator from Nevada yield to the Senator from Illinois?

Mr. MALONE. I yield for a question.

Mr. LUCAS. May I inquire of the able Senator how much time he expects to consume before he finishes his speech?

Mr. MALONE. I have not estimated the time, but I may say to the distinguished Senator from Illinois that I think it will be a considerable time.

Mr. LUCAS. Probably two or three more hours?

Mr. MALONE. It could be.

Mr. LUCAS. I thank the Senator.

AMERICAN WORKERS VERSUS SWEATSHOP LABOR OF EUROPE, ASIA, AFRICA

Mr. MALONE. Mr. President, the necessity is to get venture capital into the mining business in peacetime as well as in wartime because they know immediately the war is over, the price will drop below the feasible level in the absence of the stabilizing tariff or import fee. Mr. Chairman, in the absence of such a stabilizing import fee or tariff, the labor in this country is placed in direct competition with the sweatshop labor of Europe, Asia, and Africa. It is simply a matter of paying American wages—the tariff represents the difference.

The situation now, due to the lowering of tariffs by the State Department, is that the tungsten and mercury mines in the United States have closed. The United States miners have scattered. The same is true as applied to the independent copper mines. Let me quote from the June 1950 issue of the Engineering and Mining Journal. The quotation is from an article headed, "Tariff rates, history, and negotiable ranges," and is as follows:

> The Mexican, Paraguayan, Geneva, and Annecy agreements contain escape clauses permitting the cancellation of rates on single commodities if a suitable finding of fact is made that the new rates are seriously injurious to established domestic industries. However, experience has demonstrated that the Government is loath to utilize the escape clauses. Thus, a domestic industry seeking action under escape clauses is well advised to defer its application for relief until genuine distress from added imports due to reduced duties is incontrovertible.
>
> The last general tariff law was the act of 1930 (Smoot-Hawley tariff). The Reciprocal Trade Act, originated in 1934 and renewed at intervals since, permits the administration to raise or lower preexisting rates 50 percent in making reciprocal trades with other nations. A new base for flexing was provided as of January 1, 1946.
>
> In 1947 the practice of making bilateral agreements was abandoned in favor of round-table negotiations involving several nations. The first of these was at Geneva, 1947; the second at Annecy, 1949; and a third will be held at Torquay, England, in September 1950.

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a table showing the present duty and the reductions in such duty, appearing in the Engineering and Mining Journal, from which I have just quoted.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Mineral	Present duty	How last established	When done	1945 rate	Negotiable range	Act of 1930 rate
Aluminum, crude:						
Scrap	1½ cents per pound	Geneva	1948	3 cents per pound	1½ to 4½ cents	4 cents per pound.
Other	2 cents per pound	do	1948	do	do	Do.
Antimony:						
Regulus or metal	1 cent per pound	do	1948	2 cents per pound	1 to 3 cents	2 cents per pound.
Needle or liquated	¼ cent per pound	do.[1]	1948	¼ cent per pound	⅛ to ⅜ cent	¼ cent per pound.
Antimony ore	Free	Mexico [1]	1943	Free		Free.
Asbestos, unmanufactured	do			do		Do.
Barite, crude:						
Product of Cuba	$3.20 per ton	Geneva [1]	1948	$3.20 per ton	$1.60 to $4.80	$3.20 per ton.
Other than product of Cuba	$3.50 per ton	do.[1]	1948	$4. per ton	$2 to $6	$4 per ton.
Barite:						
Ground or otherwise manufactured.	$7.50 per ton	do.[1]	1948	$7.50 per ton	$3.75 to $11.25	$7.50 per ton.
Bauxite, crude	50 cents per ton	do	1948	$1 per ton	$0.50 to $1.50	$1 per ton.
Beryllium ore	Free			Free		Free.
Bismuth	3¾ percent ad valorem	Peru	1942	3¾ percent		7½ percent per valorem.
Cadmium	3¾ cents per pound	Geneva	1948	7½ cents per pound	3¾ to 11¼ cents	15 cents per pound.
China clay	$1.25 per ton	do	1948	$1.75 per ton	$0.87½ to $2.62½	$2.50.
Chromite	Free	do.[1]	1948	Free		Free.
Cobalt	do	do.[1]	1948	do		Do.
Columbite	do			do		Do.
Copper, metal and in ore	2 cents per pound [2]	Geneva	1948	4 cents per pound	2 to 6 cents	4 cents per pound.[3]
Feldspar, crude	25 cents per ton	Canada	1939	25 cents per ton	12½ to 37½ cents	$1 per ton.
Fluorspar:						
Containing more than 97 percent of calcium fluoride.	$4.20 per ton	Mexico	1943	$4.20 per ton	$2.10 to $6.30	$5.60 per ton.
Containing not more than 97 percent of calcium fluoride.	$6.30 per ton	do	1943	$6.30 per ton	$3.15 to $9.45	$8.40 per ton.
Fullers earth:						
Unwrought and unmanufactured.	50 cents per ton	Geneva	1948	$1 per ton	$0.50 to $1.50	$1.50 per ton.
Wrought or manufactured	$1 per ton	do	1948	$2 per ton	$1 to $3	$3.25 per ton.
Iron ore	Free	Iran	1944	Free		Free.

[1] Bound.
[2] Waived by Public Law 42, expiring June 30, 1950.
[3] Excise tax, Revenue Act of 1932.

Mineral	Present duty	How last established	When done	1945 rate	Negotiable range	Act of 1930 rate
Lead	1¼6 cents per pound [4]	Mexico	1943	1¼6 cents per pound	0.85 to 2.55 cents per pound	2½ cents per pound.
Lead in ore	¾ cent per pound [5]	do	1943	¾ cent per pound	0.6 to 1.8 cents per pound	1½ cents per pound.
Magnesium	20 cents per pound	Geneva	1948	40 cents per pound	20 to 60 cents	40 cents per pound.
Magnesite, crude	15/64 cent per pound	do	1948	15/32 cent per pound	15/64 to 45/64 cent	15/32 cent per pound.
Manganese in ore ferruginous (containing over 10 but less than 35 percent manganese).	¼ cent per pound	do	1948	½ cent per pound	¼ to ¾ cent	1 cent per pound.
Ferro and chemical grades (containing 35 percent or more manganese):						
Product of Cuba	Free	do.[1]	1948	Free		Free.
Other than product of Cuba.	¼ cent per pound		1948	½ cent per pound	¼ to ¾ cent	1 cent per pound.
Mica, unmanufactured:						
Valued at not above 15 cents per pound.	4 cents per pound	Argentina	1941	4 cents per pound	2 to 6 cents	4 cents per pound.
Valued above 15 cents per pound.	2 cents plus 15 percent ad valorem.	Annecy	1950	4 cents per pound plus 25 percent.	2 to 6 cents plus 12½ to 37½ percent.	4 cents per pound plus 25 percent ad valorem.
Films and splittings:						
Below 0.0012 inch	12½ percent	do	1950	25 percent	12½ to 37½ percent	25 percent.
Above 0.0012 inch	20 percent	do	1950	40 percent	20 to 60 percent	40 percent.
Mica, ground or pulverized	15 percent ad valorem	Geneva	1948	15 percent ad valorem	7½ to 22½ percent	20 percent ad valorem.
Molybdenum in ore	17½ cents per pound	Mexico	1943	17½ cents per pound	8.75 to 26.25 cents per pound.	35 cents per pound.
Nickel and nickel in alloy	1¼ cents per pound	Geneva	1948	2½ cents per pound	1¼ to 3¾ cents	3 cents per pound.
Ochers:						
Crude	⅛ cent per pound	do	1930	⅛ cent per pound		⅛ cent per pound.
Washed or ground	⅛ cent per pound	do	1948	¼ cent per pound	⅛ to ⅜ cent	⅜ cent per pound.
Platinum, unmanufactured	Free	United Kingdom [1]	1939	Free		Free.
Pyrites	do	do	1939	do		Do.
Quicksilver	25 cents per pound		1930	25 cents per pound	12½ to 37½ cents	25 cents per pound.
Sulfur	Free	United Kingdom [1]	1939	Free		Free.
Talc:						
Crude	⅛ cent per pound	Geneva	1948	¼ cent per pound	⅛ to ⅜ cent per pound	¼ cent per pound.
Powdered or pulverized:						
Valued at not more than $14 per ton.	10 percent ad valorem	do	1948	17½ percent	8¾ to 26¼ percent	35 percent ad valorem.
Valued at more than $14 per ton.	35 percent ad valorem		1930	35 percent	17½ to 52½ percent	Do.
Tantalite	Free			Free		Free.
Titanium ore	do			do		Do.
Tungsten in ore	38 cents per pound	Geneva	1948	50 cents per pound	25 to 75 cents	50 cents per pound.
Tripoli	Free	Mexico [1]	1943	Free		Free.
Vanadium ore	do	Peru [1]	1942	do		Do.
Zinc	7/8 cent per pound	Geneva [1]	1948	7/8 cent per pound	0.7 to 2.1 cents per pound	1¾ cents per pound.
In ore	¾ cent per pound	do	1948	¾ cent per pound	0.6 to 1.8 cents per pound	1½ cents per pound.

[1] Bound.
[4] Rises to 1.7 cents per pound at end of unlimited national emergency.
[5] Rises to 1.2 cents per pound at end of unlimited national emergency.

COPPER A SYMBOL—OTHER AMERICAN PRODUCTS SAME CATEGORY

Mr. MALONE. Mr. President, the immediate pressure has been on copper for some unknown reason. The reason is perhaps not entirely unknown. The President of Chile has joined with the two large companies which control the Chile copper and the larger share of the production in this country, in doing a first-rate lobbying job in the United States Congress.

DIFFERENCE IN WAGE-LIVING STANDARDS: PRODUCTION COST

The difference in cost of production is in the neighborhood of 10 to 12 cents per pound. I could not furnish the exact information, because it is not made public by the operating companies, but most of the difference is absorbed by the companies and by the nation of Chile.

The difference in production costs is due mostly to labor, which is paid around $2.40 in Chile and about $11.17 a day in the copper mines of America.

REQUIRES TIME TO REPAIR IDLE MINES—ASSEMBLE WORKERS

During the war it is almost impossible to open up a new mine because there is a prospecting job to be done first, and then an exploration job, and then the assembling of mining equipment, and so on. It is a 4- or 5-year job even to find a good deposit of minerals. In many cases, of course, there is no chance of finding new mineral deposits when there is no protection for the workingmen and the investors in the industry; therefore, no new venture capital will be placed in the business, and no prospectors will spend their time working without pay in order to find something which will have no value when it is discovered.

The chances are against finding it during wartime. It is a continuous job of finding new metal, of prospecting and exploration and development that must go on continuously and which is made possible only by a tariff or an import fee forming a floor under investments to protect the venture capital and labor interested in the business, as one would build a warehouse. It must be a continuous operation.

VENTURE CAPITAL INDISPENSABLE

A copper, zinc, or lead mine, in order to be profitable, as in the case of a coal mine or the production of oil, must have over a long period of years a relatively substantial market at a profit in order to maintain the business, keep trained men in the business, and encourage venture capital. This principle applies equally, of course, to practically all other industries.

Mr. President, we were in exactly the same position in petroleum production prior to our getting into this war. If the war continues, there will be such an increased demand for oil that, of course, again the existing producers will be in good shape: but little exploration will continue in peacetime because there is not a sufficient tariff or import fee on the oil at this time to equalize the cost of imports from the Middle East. Of course, without tariff protection the imports from the Middle East oil fields can close down production from our own oil fields and coal mines that are furnishing fuel at a considerable distance from the point of production to produce steam power and for other uses. Such imports are coming in at this time. I think the distinguished Senator from Texas [Mr. CONNALLY] complained at length about imports from foreign sources on the Senate floor, and tried to have quotas set on imports.

MICHIGAN MINES—FLOOD—WAGES LOWERED

It is difficult and expensive to reopen mines which have been out of production. For example, there was a situation in Michigan that is described in a brief prepared and submitted by the Governor of Michigan, Mr. G. Mennen Williams, entitled "The Crisis in the Copper Country of Michigan." An excerpt from this brief says:

> During the early summer of 1939 the price of copper fell so low that the Calumet and Hecla Consolidated Copper Co., of Calumet, Mich., could no longer mine its conglomerate workings at a profit. The outlook for improved prices was bleak and the amygdaloid mines were producing at a slight profit, so the company pulled out the pumps in the conglomerate mines and the workings filled with water.
>
> The water had scarcely filled these mines when the coming of war made copper a critical metal: our national security demanded every ounce available. Engineers immediately began a survey of the cost of reopening the conglomerate at Calumet. Their conclusion was that in several years' time the workings could be pumped out and retimbered at a cost of about $20,000,000. Twenty million dollars was a lot of money and the war wouldn't wait several years. Millions of pounds of copper had to stay where it was, and the metal remained on the critical list throughout the war.

PETROLEUM IN SAME POSITION AS COPPER

Since the oil situation has been mentioned, Mr. President, I should like to say that petroleum is in exactly the same

position as the mining industry, particularly in respect to the production of copper, in that the competitive situation in the Middle East is such that one cannot pay the high wages of $10 to $15 a day in the oil fields in this country and compete with the cheap production abroad. Production was recently severely curtailed in the oil-producing States, and I think it is still curtailed. Of course, the outbreak in Korea has changed the situation, and perhaps now the petroleum industry will come back into its own, because there will be additional consumption and perhaps less imports, if the international situation remains dangerous.

As I say, the war will bring increased demand, and luckily it has not been curtailed long enough to stop exploration, scatter the oil workers, and destroy investments. If we had gone on 10 years or 5 years more, we would be in the same position in which we are now with regard to tungsten and mercury and, as a matter of fact, copper from independent mines.

Mr. President, the question has been raised whether we are injuring Chile with the reimposition of the copper tax. It is said that this is a foreign relations question, and a foreign policy matter. The letter from the President of the United States said that it was a foreign policy matter. He did not intend to protect the workers and investors in the copper industry. In effect, what he said was that the factors involved include questions of our domestic economy, international trade, and foreign policy. In other words, a direct trading of the workers and investors in the copper industry down the river for some fancy gain in diplomatic relations with Chile.

Mr. President, the 2 cents a pound tax, by the way, is utterly inadequate. Even a 4-cent tax, which we had in the beginning, probably would not be adequate at this time, due to the inflation which has been brought about by the deficit-financing policy of the administration. That policy, of course, was approved by the Congress of the United States. However, the State Department has split the tariff in two, for no reason whatsoever. It was done simply in an arbitrary deal which was made with another country. In other words, during the year or two we were discussing and arguing about whether a tariff should be put on copper, and whether the Congress thought the tariff should remain on copper, the State Department took it upon itself to split the tariff in two. It reduced it 50 percent. Therefore it is relatively ineffective.

Of course, we are entirely familiar—and I hope the President is entirely familiar—with the import quotas, embargoes, manipulations of foreign currencies, exchange rates, and import licenses, which keep us from trading with other countries. Chile as a nation practices manipulation of monetary exchanges and utilizes embargoes, import licenses, and government taxes on imports. That is done in order to prevent imports from the United States of America, which the State Department says should be promoted.

Nevertheless, the copper tax reduction happened. The 2-cent tax on copper will help somewhat, although inadequately, to keep the American independent copper industry alive as an incentive for capital. At least, after the emergency, if the State Department will leave the copper industry alone, and if Congress will leave it alone, they will have that much of a cushion to support the investors of the Nation.

IMPORTS OF COPPER WOULD NOT STOP

The only possible chance that any imports would be curtailed at all would be through increased production in this country due to an import fee or tariff. Tariffs or import fees certainly do not curtail imports. They have nothing whatever to do with curtailing imports, for only demand determines the amount of imports from Chile or any other source.

The only effect a tarff has, as I have already outlined, when a tariff is in effect, is to permit only products for which there is a market to come in. Without a tariff they can swamp the market. If, through a subsidy, we were to try to support the market for copper, as we do in the case of agricultural products, and the products come in, it would amount to stabilizing the price at a parity level based on prices in surrounding countries which can ship the product into the United States. So what we would be doing would be to appropriate money out of the United States Treasury to stabilize the products of foreign countries. A tariff would prevent such a thing from coming to pass, and it is the only thing that would prevent it. It would prevent unneeded materials from coming into the country.

When Congress extended the suspension of the copper tax last year, I remember walking across the floor to the chairman of the Committee on Finance, the Senator from Georgia [Mr. GEORGE], and saying, "We will close the independent copper mines in the United States of America if we do this." The chairman was very reasonable about it. He said, "I would consent to 1 year if others would agree to it." They did agree to it. Luckily they did, Mr. President. I said, "Well, Congress will be meeting again. If what I predict does not happen, we can extend the suspension of the import tariff or tax."

What I predicted did happen. All but a very few of the independent copper mines in the United States were closed, and in those that remained open labor had to take a reduction in wages, and investors wrote down their investments. Those few mines continued to operate on a smaller scale.

Mr. President, this is a national security matter. I hope Senators will examine a world map showing the location of Chile in relation to the United States. The copper deposits in Chile are on tidewater. In southern Chile they are very near the ocean. One snorkel submarine could destroy most of their installations in 48 hours, and we would be without copper. If the enemy did not actually destroy the mine installations, let me warn the Senate that in the last war, as I have already stated, shipping was destroyed to the extent of from 70 to 90 percent when we tried to get important materials from South Africa and other sources.

CHILE WILL NOT SUFFER

Any possible increases in domestic production would, as I mentioned before, reduce to that extent the imports from Chile. I refer to the normal peacetime imports. Now, however, with the war on in Korea—or, as the President chooses to call it, with the police action on—both imports and domestic production would be stepped up because of increased price and demand. So, as a matter of fact, in the event of war we would import more copper than ever before, unless the foreign mines were destroyed.

The whole point of mentioning national security is the analogy between the tungsten and the mercury industry during World War II. Those mining industries were not restricted to their normal capacity, like power plants, which cannot readily increase production. At a certain price they can produce a certain amount of metal. With a rise in the price they can often double and treble their production in the ordinary mines. During the war we increased copper production in domestic mines up to 1,100,000 tons for the peak year.

NO SHORTAGE OF ORES

I wish to say in all seriousness that there is no scarcity of mines, and the known deposits of metals, but there is, based on certain fundamental economic factors, a limited number of feasible mines. If zinc were priced at 6 cents a pound, perhaps there would be only 10 mines, but raise the price to 20 cents, and there would be 30, and put it at 30 cents, and there might be a thousand zinc mines in the country.

One would think, from watching the State Department operations and reading their learned treatises, that their idea is to save these mines. That is what the State Department and the other departments of the Government want to do, apparently; they say their idea is to save our metal in the ground for emergencies. Save what metal? In order to have mines, there must be continued exploration work, continued mining. Mining is a going-concern industry. When one is in the business there may be a profit to be made on a certain concentration of ore, such, for example, as 1-percent tungsten. Many mines were working on the basis of 1 percent of tungsten, and when the tariff was lowered, the mines were closed. On the other hand, if we had raised the price of tungsten from, let us say, 15 or 16 dollars a unit, for which it was selling before the war, to $28 a unit, as during World War II, we would now be almost self-sufficient in the production of tungsten. If it had become necessary to get more tungsten, and we had raised the price to $35 a unit, I have no doubt we would have produced more tungsten than we needed in World War II, and would have had a surplus.

So the State Department seems to think that all we have to do is to quit mining, quit discovering metal—as in the case of petroleum, just so it is in the

ground some place—and wait for the emergency. But how are we to get it out; that is the problem. It is a major problem, unless we have explored lower grade prospects.

WE NEED GOING-CONCERN MINING INDUSTRY

One would think, from the releases coming from the various departments of the Government, that what we do is to save all our metal, and when we want it, hitch up a team of broncos to a buckboard and go up with a hay knife and get it out of the mountains. That is how the Harvard miners do it. The real miners cannot do it that way. The real miners understand the situation.

An adequate price affects production, naturally, and especially in the independent mines. But to fight a war we must have a going-concern mining industry plus adequate stockpiles of strategic minerals, depending upon the extent of domestic production.

Mr. President, at this moment we have neither a going-concern mining industry nor adequate stockpiles, and there will be more wailing and gnashing of teeth in the next 6 months if the Korean police action develops into a war than has been heard for some time, in the effort to increase the production of these metals.

TAMPERING WITH THE TARIFF DISCOURAGES VENTURE CAPITAL

Mr. President, we do not produce enough copper at this time, but we might if the tariff had not been tampered with. I want to say that tampering with the tariff is almost as bad as removing it, because the tampering shows the threat of possible removal. The Congress, in 1934, transferred its constitutional responsibility to regulate foreign trade by tariffs and import fees, and to regulate the national economy, to the Executive. This, of course, means that the State Department, the way this is set up, has that authority given by two acts, the first one to make a 50-percent reduction, and the second 50 percent more, which adds up to a maximum of 75 percent. A 75-percent reduction in any tariff or import fee is the same as free trade, because there can be no competition at all with foreign imports unless there is a severe lowering of the standard of living here to meet the standard of living of the competitive country, just as the Calumet & Hecla Consolidated Copper Co. did when the tariff was removed on copper. It lowered wages, and its employees were willing to lower their wages so that they could continue working. The company did lower wages, and wrote off the investment to such a point that they could keep operating on a limited scale, because the community was dependent on the mine.

Mr. President, it is a fine business the Senate and the Congress find themselves in when they are removing the floor under the wages and investments of workers and investors of the United States.

CONGRESSIONAL TRANSFER OF AUTHORITY

As I have previously said, Congress did transfer all its fundamental authority to the Executive, and continually extends the transfer by extensions of the 1934 Trade Agreements Act. What can people think of a Congress that would stand for being sidetracked by a President of the United States and deprived of the right to consider a declaration of war when American troops are going on foreign soil, or of a Congress that would stand for being sidetracked in making treaties? Instead of a treaty being submitted to the Senate, and two-thirds of the Senate approving it, they are made as Executive agreements. Treaties are turned into agreements and submitted to both Houses of Congress for bare majority approval, because, of course, even in this country it is impossible to elect a Senate of the United States two-thirds of which would approve some of the trade treaties which have been made by the State Department. If any Congress would agree to a transfer of so much of of its authority, I can understand it might do almost anything.

So I say, Mr. President, with this power over tariffs in the hands of the Secretary of State and with his record showing he does not consider the differential of cost of production between the competitive countries and this country in fixing tariffs and import fees, you have effectively stopped the flow of venture capital into businesses affected by tariffs, such as the precision instrument, the lumber, mining, glassware, pottery, lumber and wood products business, and many other American industries.

The people who are in those industries have to stay there. They have to do the best they can with their investments, but no new venture capital will be available. If this tariff had not been tampered with, if the 4 cents per pound tariff had not been tampered with at all, if Congress had not shown a disposition to interfere with it, venture capital would be flowing into the copper mining business at a great rate. I have a telegram from a producer in Battle Mountain, Nev.—that is, he was a producer—from the Copper Canyon Mining Co., Robert H. Raring, president, dated July 26.

I shall read the telegram. It does not differ from many other telegrams which the junior Senator from Nevada has received from many other States, notably, from the Vermont copper companies, copper companies in Michigan, and other States throughout the Nation, wiring their thoughts. This is a typical telegram, which reads as follows:

Respectfully solicit your continued efforts before Senate Finance Committee for restoration of moderate tariff on copper imports. According to official Bureau of Mines statistics, Nevada copper production in May 1950 was only 63 percent of monthly average for year 1940. This downward trend will continue despite world situation until venture capital for new mines is protected against savage market raids of cheap-labor products, foreign metals. Labor is biggest cost in mining and 2-cent tariff would help equalize position of domestic producers. Production costs of foreign metal well below domestic costs cause of wage differentials, and continued duty-free imports only swell coffers of foreign producers at expense of American workmen——

Mr. GRAHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. MALONE. I yield for a question. I ask unanimous consent that I may be allowed to yield. I shall be very happy to yield for any purpose if I do not lose my position on the floor.

The PRESIDING OFFICER. Does the Senator make a unanimous-consent request that he be allowed to yield?

Mr. MALONE. The Chair may make the unanimous-consent request that I be allowed to keep my position on the floor exactly as it is now.

The PRESIDING OFFICER. Is unanimous consent given for the Senator to yield to the Senator from North Carolina?

Mr. GRAHAM. It will take me about half a minute.

Mr. JOHNSON of Colorado. I object.

The PRESIDING OFFICER. Objection is heard, and the Senator from Nevada will proceed.

Mr. MALONE. The telegram continues:

Continued duty-free imports only swell coffers of foreign producers at expense of American workmen and hamstring efforts to start up new domestic mines. Restoration of tariff need not increase consumer price. Production cost differential between foreign and domestic metal sufficient to absorb moderate tariff despite any propaganda to contrary. Keystones of our national health are agriculture and mining. Agriculture was never better and mining was never worse. In the interest of self-preservation invoke spirit of Paul Revere to awaken Americans in these mournful times against soft-headed thinking and pink-tea diplomacy. Let us look to our own ramparts and man them like Americans. Regards.

COOPER MINING CO.,
ROBERT H. RARING,
President.

Mr. President, I wish to say at this juncture that it is not the objective of the junior Senator from Nevada to prevent any business being transacted on the Senate floor. He intends to debate the pending question at some greater length and retain his position on the floor. But if Senators desire to secure unanimous consent to transact business, the Senator will be glad to have that done, providing he does not lose his position on the Senate floor. With that stipulation, the junior Senator from Nevada will gladly yield for such purposes. It is not his purpose to hold up any business that is pressing for action. He does not intend to do so and does not intend to be blamed for doing so.

I should like to insert a telegram from Mr. A. E. Petermann, vice president, Calumet & Hecla Consolidated Copper Co., Calumet, Mich. His comments on differences of cost of production are worth noting.

Reurtel have asked Oliver Dom Pierre, Senator FERGUSON's secretary, to furnish you with a copy of a brief prepared for Finance Committee hearing. I have mailed copies to Senator GEORGE and all members of the committee, and in addition, have asked Dom Pierre to file 15 copies with committee.

Proportion of labor cost to total cost is probably higher in mining than in production of any other commodity. This is so because the raw-material cost is low, being essentially only depletion. Tremendously high standard of living in this country is inevitably due to high wages.

Foreign producers of metals have same advantages as domestic producers in respect to

improved methods, mining equipment, and so forth. In large part these are supplied them by American capital. Therefore, foreign producers, having cheap labor with low living standard, have lower cost than domestic producers.

Where the basic cost difference is not compensated by high-grade ore, or situation permitting cheap production, such as open pits, inevitable result is to place American producer in extremely poor position to compete with foreign producer.

American producer cannot arrive at wage scale which will compete with African-Chilean. Therefore, except in times of extreme demand American producers must sell at level which means no profit. Since extreme demand is only occasional and temporary, incentive to find and develop new underground mines is lacking. Free-trade attitude simply cuts all protection from domestic producer.

Call your attention to facts that United States copper production has declined from over 1,000,000 tons per year to 840,000 tons per year since end of war. This largely due to unstable price condition and to free imports since April 1947.

Have no information relative to zinc, lead, or other strategic metals, but am sure same situation exists.

A. E. PETERMANN.

Mr. President, the manipulation of the tariff, the fear that Congress will manipulate a tariff on the slightest occasion, discourages the very capital that Mr. Raring is talking about, the venture capital to prospect, to explore and to develop new mines. At this point, I ask permission to enter into the RECORD a table showing the change in the number of mines in operation. It is a sad, sad, story, Mr. President.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Without objection, the table will be printed in the RECORD.

The table is as follows:

Gold, silver, copper, lead, zinc lode, and placer mines in production totals, by States, for selected years

State	1939	1940	1941	1948	1949[1]
Alaska	------	[2] 1,142	[2] 855	298	270
Arizona	------	1,300	989	399	396
California	------	1,866	1,559	436	408
Colorado	------	1,130	894	294	274
Idaho	------	926	855	272	264
Montana	------	972	937	284	326
Nevada	------	1,010	877	386	327
New Mexico	------	343	248	93	83
Oregon	------	304	244	61	62
South Dakota	------	92	51	6	3
Utah	------	212	179	120	99
Texas	------	6	9	5	3
Washington	------	171	117	51	33
Wyoming	------	37	20	3	4
Alabama	1		2	------	------
Georgia	25		18	2	2
New Jersey	3		2	2	2
New York	2		3	3	3
North Carolina	17	58	7	------	1
Pennsylvania	1		1	1	1
South Carolina	6		7	------	------
Tennessee	8		13	11	13
Virginia	6		4	1	1
Arkansas	------		32	6	2
Kansas	------		58	79	70
Illinois	------		6	23	23
Kentucky	------	416	8	14	11
Michigan	------		7	11	9
Missouri	------		93	90	60
Oklahoma	------		120	119	100
Wisconsin	------		123	41	43
	------	------	447	383	------
Total	------	9,985	8,338	3,091	2,893

[1] Estimates.
[2] Including dredges.

Source: Minerals Yearbook and Bureau of Mines.

Mr. JOHNSON of Colorado. Mr. President, reserving the right to object——

Mr. MALONE. Mr. President——

The PRESIDING OFFICER. The Senator from Nevada asked leave to have printed in the RECORD as a part of his remarks a table, which was admitted by the Chair. Does the Senator from Colorado wish to be heard upon it?

Mr. MALONE. Mr. President, it has already been done. I have not yielded for any purpose.

Mr. JOHNSON of Colorado. Mr. President, I object, if unanimous consent is asked.

Mr. MALONE. Mr. President, I submit that the table has already been admitted into the RECORD. I have not yielded the floor. I have not yielded for any question.

The PRESIDING OFFICER. The Chair has already ruled. The Chair did not understand there was objection. In case another such request is made he will be careful to observe whether any Senator does object.

Mr. JOHNSON of Colorado. I thank the Chair.

FIRST PROSPECTS—SMALL MINES—THEN CHANCE FOR BIG MINES

Mr. MALONE. Mr. President, in order to have big mines you first must have small mines. In order to have small mines you first must have prospecting and exploration. Someone has to find those prospects, and there has to be a chance to make money on the time and the money expended. Miners know that. Investors in mines know that. They know that hundreds and perhaps thousands of prospects have to be made before a mine is discovered. They know that it is necessary to explore hundreds of small mines before a large mine is located. It is a well-known fact in the West that more money is lost in mining than is made in mining. But venture capital will take that risk, because each person thinks his judgment is better than the next man's. Mining will continue so long as it receives protection through a tariff or import fee which makes up the differential and if such protection is provided by law, not by Executive order or by some regulation issued by a fly-by-night Government official who is here today and there tomorrow, of whom no one heard before he became a Government official and probably will never hear of after he has ceased to be a Government official.

FEDERAL GOVERNMENT DOES NOT PAY TARIFF—FABRICATED PRODUCTS TO GOVERNMENT NOT AFFECTED

Mr. President, since this free-trade extension has been directly tied to the present war effort, I want to read the facts into the record: That the Government does not pay itself a tariff. If it did pay duties, it would make little difference because it would be putting it from one pocket into the other pocket. But during the war there was an Executive order in effect that no tariff would be paid on Government imports.

Mr. President, it is also said that tariffs paid by private companies increase cost to the Federal Government. I think it is clear that there would be no money lost if the private producers—the sellers to the Government—paid the tariff because the cost of the fabricated copper articles, for example, to the Government is only increased by the tariff on the copper content, and the Government would have collected the same amount when it was imported. So it is moved from one pocket to the other. It is questionable whether the order upon which duty-free entry is based was legally sound. It may not have been legally sound, but was put in force and is still in force. It is based on an ancient statute intended to give the United States Navy the power to import ships' supplies that they buy in foreign countries without paying a tariff on them. It was stretched to cover something that surely never was intended.

The point I want to make is that it makes no difference anyway. The Government would collect the duty and then pay the same amount to the processor in any case. If a private purchaser pays a tariff direct and then sells his goods to the Government, it still is no different. Let me put it this way:

Any articles imported for use in national defense and purchased by the Government are in fact duty-free, despite any and all taxes or import fees that may have been paid on them.

For example, if a woolen manufacturer imports raw wool and pays duty on it, this duty is reflected in the price of the woolen uniforms to the Government. The part of the total price which is due to any duty, however, would be offset by the revenue received through the duty. Any tariff on Government-purchased articles would therefore merely represent a bookkeeping transaction, transferring a sum of money from Government expenditure to Government revenue.

In wartime, many war materials like tungsten and maganese, are allocated to arms manufacturers from stockpiles, imports for which were duty-free.

Any arguments, therefore, that tariffs and import fees are a hindrance to war production and national security are fallacious. So it makes no difference anyway, no matter who pays the duty. I want to make that entirely clear. I would very much like to have questions asked now if there is any doubt about it.

Mr. President, the harm is done the industry since, by the very fact that Congress is continually nibbling at the protection of American workers from the low-wage living standard foreign nations, venture capital is effectively stopped.

PROVISION EXEMPTING FEDERAL GOVERNMENT FROM TARIFF PAYMENTS

Mr. President, an appropriation act for the Navy Department approved June 30, 1914, contained the following provision. This is the provision earlier referred to:

The Secretary of the Navy is authorized to make emergency purchases of war material abroad: provided, that when such purchases are made abroad, this material shall

be admitted free of duty. (U. S. C. title 34, sec. 568.)

By Executive Order 9177, dated May 30, 1942, the President, under the authority of title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Cong.), extended to the Secretary of War, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation the authority possessed by the Secretary of the Navy under the above-quoted provision of the act of June 30, 1914.

Purchases by the United States Maritime Commission were included in the exemption by Executive Order 9495 of October 30, 1944, purchases by the Secretary of Commerce by Executive Order 9768 of August 9, 1946, and purchases by the United States Atomic Energy Commission by Executive Order 9829 dated February 21, 1947.

It is abundantly clear that the tariff has nothing to do with the Government purchases for stockpile purposes or for any other purpose whatsoever.

Section 12 or Public Law 413, Eightieth Congress, Armed Services Procurement Act of 1947, granted the Secretary of the Army and the Secretary of the Air Force the same authority with respect to the emergency purchases of war materials abroad as the Secretary of the Navy has in respect to such purchases under the above-mentioned act of June 30, 1914.

So this act becomes important simply because the advocates of free trade in the case of every product, including copper, say free trade is a wartime necessity and that we must have free trade so that we shall not hinder the war effort. Mr. President, the tariff on these commodities is a national security measure in itself, because without such a tariff, we would not be in the business of producing those commodities, in the first place, but for Government uses the tariff is meaningless. Also, the minute the State Department, which under the 1934 Trade Agreements Act is allowed to do so, begins nibbling at the tariff and shows its disposition to interfere with the tariff, at the moment it interferes with the national security, by stopping the flow of venture capital into such businesses which are needed in connection with the war effort.

By Executive Order 9903 of November 12, 1947, the President terminated the authority of the Secretary of Agriculture and the Reconstruction Finance Corporation to import materials free of duty under Executive Order 9177, and the United States Maritime Commission under Executive Order 9495, and of the Secretary of Commerce under Executive Order 9768. Accordingly, at present only the Secretary of the Treasury and the United States Atomic Energy Commission are authorized to import, duty-free, emergency purchases of war materials by virtuc of Executive order; but the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force are granted such authority by law. The authority of the Secretary of the Treasury and the United States Atomic Energy Commission under the Executive order will expire 6 months after the termination of World War II and may be sooner terminated by congressional or Presidential action.

However, it will be remembered that there never has been an official termination of World War II. What we are engaged in now is, therefore, simply an extension of World War II, legally, at least. It would be hard to start a third world war or a police action which would take the place of a third world war, until we terminated World War II. So all these acts are in full force and effect, unless slightly modified by Executive order.

Mr. President, section 502 (d) (6) of Public Law 152, Eighty-first Congress, Federal Property and Administrative Services Act of 1949, provides that any imported materials which the authorized procurement agency shall certify to the Commissioner of Customs to be strategic and critical materials procured under the Critical Materials Stockpiling Act—60 United States Statutes 596—may be entered free of duty. Under this authority the Bureau of Federal Supply, General Services Administration, may import duty-free strategic and critical materials for stockpiling purposes.

That applies equally to any material which is on the strategic material list, and it would include a large number of products.

Under the temporary exemptions from import duties, scrap iron, scrap steel, relaying and rerolling rails, and nonferrous metal scrap were exempt from duty by Public Law 497, Seventy-seventh Congress. Exemption was originally scheduled to run from March 14, 1942, until the termination of the unlimited national emergency; but by Public Law 384, Eightieth Congress, the exemption was made terminable at the close of June 30, 1949. Duties have been assessed on such scrap since July 1, 1949, except for copper scrap, the import tax on which remained under suspension under the copper-tax legislation referred to below.

Lead: Public Law 725, Eightieth Congress, provided for the duty-free entry of lead during the period June 20, 1948, to the close of June 30, 1949. This exemption was not extended.

Copper: The import excise tax on copper, including copper scrap, was suspended by Public Law 42, Eightieth Congress, from April 30, 1947, to the close of March 31, 1949. The suspension was extended to the close of June 30, 1950, by Public Law 33, Eighty-first Congress. Since July 1, 1950, the copper tax, reduced from 4 cents per pound to 2 cents per pound in the general agreement on tariffs and trade, has been applied to imports of copper.

I shall not go into further detail in respect to this matter; but lead and zinc are in exactly the same category as copper. We produce approximately from two-thirds to three-fourths of our domestic consumption requirements of copper. In the case of zinc and lead, we produce more than one-half of our domestic requirements. Imports supply the remainder.

The average monthly figures, stated in short tons, for the domestic production of copper in 1949 was 75,670. The imports were 45,679 short tons; the total supply was 121,349 short tons; the domestic consumption was 87,769 short tons. All of the preceding are average monthly figures.

In other words, the domestic production, stated as a percentage of the total supply, was 62, based on the average monthly consumption and production in 1949.

The domestic production, stated as a percentage of the domestic consumption, was 86.

The figures for zinc and copper are shown in short tons. They show that in 1949 the domestic production from the known mines was 583,882 short tons; the imports of zinc amounted to 240,879 short tons; the imports of slab zinc amounted to 126,924 tons—or a total of 367,803 short tons. The percentage of imports was 62.99.

I am reading these figures for the special purpose of showing that zinc is in exactly the same position that copper is in; that if we could justify free trade on copper, we could also justify it on zinc, because approximately the same proportion of the domestic consumption is produced in the United States; that is to say, we do not produce as much as we consume, and therefore it is necessary to encourage production.

It is just as reasonable to suppose that we should remove the tariff entirely from lead and zinc, as from copper. As a matter of fact, it has been severely reduced by the State Department; and the domestic companies have been severely injured thereby, as can be seen by examining the table from which I have been reading.

So, Mr. President, lead and zinc are in exactly the same category. The only difference is that we do not have the president of a foreign nation visiting in the United States, so far as I know, lobbying to have the tariffs completely removed from imported lead and zinc.

MANUFACTURERS WANT FREE TRADE ON WHEAT THEY BUY—TARIFF ON WHAT THEY SELL

The fabricators of copper products, brass, and so forth, want to keep the suspension of copper tariffs because they are interested in availability of cheap raw material supplies, they say. I suppose we are human like everyone else; we want to buy anything we have to buy as cheaply as possible and want to sell everything at a profit. The fabricators of brass products which contain between 60 percent and 90 percent copper have a tariff of anywhere from 15 to 60 percent ad valorem on all their products—and need it to stay in business. I do not hear the brass fabricator people asking for removal of the tariff on their brass fabricated and manufactured products.

They could not live 60 days without the protection unless a war was on, so the Government took all their production at a higher price, because they cannot any more compete with the low wages of the foreign competitive nations in the production of these fabricated products than the copper men can compete with the foreign low-wage labor in the production of copper.

Mr. President, the junior Senator from Nevada does not object to, but as a matter of fact is in favor of, tariffs on brass fabricated products. He understands that it is necessary to have a floor under wages and investments as a protection against the low-wage and slave labor of the world. But he objects to having representatives of companies come here as a front for copper mines and a copper-producing country, and with straight faces trying to get free trade on the product which they buy, and trying to maintain a tariff of 15 to 65 percent on the products which they sell.

So in the case of brass products particularly, the rates of duty on manufactured and semimanufactured goods run from 15 to 65 percent ad valorem. Any one honestly interested in the welfare of the consumer of copper goods would have to be consistent and advocate also the cutting of tariffs on the brass semimanufactured and manufactured goods. I quote briefly from a table which shows the tariffs on such brass fabricated products. We have, for example, manufactures of brass trouser and suspender clamps with an ad valorem tariff of 45 percent. There are many other products of like nature, including perfume and other fancy bottle caps, bases for electric-lamp bulbs, electric fixtures, curtain rings, automobile key blanks, desk furnishings, printer's rulers, hardware, plumbing fixtures, and other familiar, typical, and widely used articles—all under a 45-percent ad valorem tariff. These products, manufactured from brass, contain anywhere from 60 to 90 percent copper. Earrings, bracelets, and other jewelry, valued at more than 20 cents, but not over $5 a dozen, for pieces or parts, had a 110-percent rate of duty under the Tariff Act of 1930, whereas the current rate is 55 percent.

By the way, on the first manufactured articles which I mentioned, the 1930 Tariff Act provided a 45-percent ad valorum tariff, which has never been changed.

TIME TO AGREE ON PRINCIPLE—QUIT SHARPSHOOTING

This type of argument has been going on for 75 years. Luckily it is not often effective. However, such arguments lend weight to the State Department in its free trade, one economic world program; they play one producer against another, and eventually whip them both. In other words, if the brass fabricating companies continue their free-trade advocacy with respect to raw materials, they may eventually be whipped into line, and then, when they are left standing alone, the State Department will get them. That is the plan which has been followed for 18 years, a plan to separate the groups, never to let them get together, with each industry begging for its life, or being promised a little here, a little there, and a little delay, so that each one of them thinks it is getting along satisfactorily, and they can be whipped one at a time. The textile industries cannot win this fight alone. The mining industries cannot do so, nor the timber and wood products people, the precision instrument people, or the crockery people. Producers of agricultural products cannot win it alone. But, Mr. President, we have just about come to the end of the road. The industries are beginning to get together. The petroleum industry cannot win the fight alone; it would be run out of business or severely curtailed. But when the petroleum industry, the mining industry, the textile industry, the crockery industry, the precision instrument industry, the timber and wood products industry, and a hundred other industries get together and understand this subject and work on principle, they will whip the ears off the stupid State Department policy so quickly that it will hardly be noticeable.

COPPER TARIFF DOES NOT AFFECT COST TO GOVERNMENT OR FABRICATORS

If the brass fabricators paid directly the 4- or 2- or 5-cent tariff, whatever it should be, and, of course, it should be adjusted according to the differential of cost between this country and the competitive nations, due mostly to the wage and standard of living, instead of just haphazardly lowering such tariffs and import fees with no thought or no rhyme or reason, the Government would get the 4 cents as they paid it. Then when they sold their products to the Government again the Government would pay it back to them and there would be no loss and no gain. It does not make any difference whether the private fabricators buy the copper from the foreign country direct or whether the Government buys it. No effect is felt upon the national defense and the security of the American people.

PAY AMERICAN WAGES

In the case I have shown, the Government buying directly pays no tariff. The tariff is a floor under wages and investments. So, as a matter of fact, even in peacetime, if the Government were buying the copper from domestic producers, the tariff simply prevents the price from going below the feasible mining cost. The Government would be paying the standard wages incorporated in the cost of the product, instead of trying to hold the price down so the workers have to lower their wages to keep producing. That is the only difference, and I think our Government should be the first to do just that.

COPPER A SYMBOL IN AMERICAN PRODUCTION

Copper is only a symbol in this whole problem of tariffs and import fees. There is not one iota of difference between copper, lead, zinc, and textiles, precision instruments, wood and wood products, petroleum, agricultural products, and scores of other goods produced by American workers. Agricultural products now have a subsidy, of course. If it were not for the subsidy, half of the farmers, maybe two-thirds of them, in the United States would be out of business, or very broke indeed.

FLEXIBLE TARIFF OR IMPORT FEE

I may say right here that if there was a flexible import fee applicable to agricultural products, 85 percent of the agricultural products of the United States of America would not need a subsidy. That is easily demonstrable. It is exactly the same principle as that regarding petroleum from the State of the senior Senator from Texas [Mr. CONNALLY]. It is the same as the products from every State in the Union. I am prepared to show that.

DIPLOMATIC RELATIONS NOT AFFECTED

I want to say again that there is little chance of injuring diplomatic relations or international relations with any nation, including Chile. The only possible chance of a reduction in imports from Chile would be through the increased production in this country brought about by the attracted venture capital investment through the stabilized price—the floor under wages and investments—in exactly the same manner that the ad valorem tariff on brass-fabricated products stabilizes the price in that field, and we need such assurance especially because of national security.

The tariff is a stabilizer for the price—it would have little or no effect during a war, because so much more copper will be used and so many more textiles, so much more of everything, that practically everything anyone can produce can be sold at a profit.

PRODUCTION PROSPECTS, SMALL MINES, LARGE MINES

Suppose it were peacetime and it did reduce the amount of copper shipped from Chile by the amount of our increased production coming from 50 or 100 new mines and prospects working in this country that might develop a few larger mines. It takes many of these prospects and small mines to have a chance to develop one large mine. The security of this Nation is the most important thing and not to be confused through a consideration of a few pounds of material more or less to be purchased from a foreign nation.

NATIONAL DEFENSE

I want to say to you that the copper tax is a matter of national security. With these 50 to 75 or 100 or 150 new copper mines, a rise in price in an emergency such as this would increase production of copper a substantial amount and even more if the price went up further.

This rise would take place if snorkel submarines destroyed access to the Chilean deposits, which could happen in 48 hours. If they did not destroy the mine installations, they could sink, as they did before, vessels coming from South Africa and South America with strategic and critical minerals and materials. At this point, I know that we are in no position to stop the submarines. So, Mr. President, from a foreign-relations point of view, as I said, the tax will not reduce the imports from Chile now. It has nothing to do with international relations. However, if it did reduce it by 50,000 tons or 75,000 tons in the peacetime future, is it not worth it to have additional national security? The same is true with regard to petroleum and many other products.

Is it not worth while to have copper and petroleum available so that production can be immediately increased if necessary? The United States is all the protection Chile has. She should cooperate with us in more national security, not less.

UNITED STATES PETROLEUM RESOURCES ADEQUATE

Until about a year ago, for 17 years, starting in 1932 or 1933, the Secretaries

of the Interior, and others in the current administration, have been telling us how we must save the oil for national defense. They said, "Do not use this oil. Do not drill for more oil wells. Save it." We heard that from Mr. Ickes from the time he took office until he left.

In 1948 the junior Senator from Nevada made three speeches on the subject of oil. He made one at San Antonio, Tex., before the independent oil producers; one in New York City before the governors of oil-producing States, and another one in Chicago, before the American Petroleum Association. That was in November of 1948. The junior Senator from Nevada, in opening each one of those addresses, said that the United States of America cannot possibly run out of petroleum fuels except by design. That was going exactly contrary to the great Secretary of the Interior, who was supposed to have had all the information that was available on the subject. The reason why we could not possibly run out of petroleum fuels was that while we knew we had 25,000,000,000 barrels blocked out in underground oil, we also knew that that was 5 times more than the petroleum fuels we had blocked out a few years previous to that date. The great Secretary of the Interior was saying that we must save our oil or run out of petroleum. He said that all we had was 5,000,000,000 barrels. We use more petroleum in a few years than we had explored for at that time. Still we have 5 times as much oil blocked out. We increase our reserves every year, even at the rate we are using petroleum.

OIL SHALE A LARGE RESERVOIR OF OIL

Mr. President, let us assume that we did run out of underground oil, which in the humble judgment of the junior Senator from Nevada we would not do in a hundred years if we protected the industry and venture capital went into the industry through a flexible import fee. The basis upon which the junior Senator from Nevada made that statement three times during 1948—and apparently he must take some credit for stemming the tide of propaganda—was that we had 100,000,000,000 barrels of petroleum fuels in oil shale, which was located all the way from Nevada, Utah, and Colorado, to some of the Midwestern States. It extended through 8 or 10 States. It represented a tremendous tonnage of oil shale, capable of producing 100,000,000,000 barrels of petroleum fuel oil. The process for producing such fuels was completely feasible in a laboratory. It was almost commercially feasible at that moment, as well. It was commercially feasible at a few cents more a barrel. In wartime, of course, the cost is no longer a controlling factor. Therefore a few cents more a barrel would not matter.

Therefore, Mr. President, there is no danger of running out of oil. At the time the junior Senator from Nevada made that statement the formula for producing petroleum fuels from coal was in about the same position and about in the same stage as the production of synthetic rubber was prior to World War II. It was a very feasible process in the laboratory at that time. Right now, Mr. President, petroleum from shale is not quite feasible commercially. However, if we knew we were going to run out we could get an appropriation and construct plants in which to pursue experiments. By the time we needed the oil we would have a process of manufacturing petroleum fuels from coal.

OIL FROM COAL

In 1948 the junior Senator from Nevada said that there was available a thousand years' supply of petroleum from coal. Mr. Ickes is gone. About a year after he left office he stopped talking about running out of oil.

Mr. President, many businesses in this country require experts. The Government appoints certain persons to head a great government bureau and almost immediately those persons become experts in every kind of business. Mr. Ickes was a so-called expert in more business ventures than any human being who ever served in the Government. As a matter of fact, he knew nothing about any of them. With a great stream of propaganda flowing out through the Department of the Interior he could scare people half to death. He would say we were out of oil. He would say we could not fight a war, so we must start a suit to regain the tidelands. He said that if we ever lost those tidelands we should have no reserves. He won the tidelands suit.

TIDELANDS OIL

I hope Congress will someday have the gumption to upset it. I do not know whether it will or not. The main reason the Supreme Court gave for its decision was that we needed the oil for national defense and national security. In fact, we need it about as much for national security as we need free trade on copper. It is in the same category.

Mr. President, I venture to say that if the enemy destroyed the Chilean mine installations, and we had a tariff of 4 cents a pound on copper, with all the mines remaining open, this Nation could be much more secure.

There is a price—and I do not know the price because it has not been tried—for copper at which the United States of America could produce all the copper we need in any period. The junior Senator from Nevada personally knows of copper deposits which would start coming into production at 25, 27, and 30 cents a pound. No one has ever heard of those deposits except the communities in which they are located and the investors who financed the exploration. I hope the price does not go to 30 cents or 35 cents a pound. However, I say tonight that we had better get back into the copper business, in case our supply from Chile is shut off by the snorkel submarine. We have been putting up a bluff for a long time. Some day someone may call our bluff suddenly. Of course, the American people will come through. That is the way we would have to do it.

Mr. President, I have read into the RECORD a telegram from Robert Raring, of Battle Mountain, Nev. I have dozens of briefs and wires which I could read into the RECORD, but I believe it is not necessary to do so to convince any fair-minded person that a reasonable tariff or flexible import fee on copper is necessary. Certainly it should not be necessary to prevent the extension of free trade with the small tariff of 2 cents that remains.

I want to say again that until Congress quits its continual nibbling at the tariff structure of this country venture capital will continue to back away from business investments. All that tariff ever was was a floor under wages and investments and it encouraged venture capital to go into business, because no matter where the price goes, no matter how great in times of temporary shortage, investors know there is a floor under that investment below which it is not likely to go. That is the only reason why venture capital goes into a business. It has a hope of a profit at the end of the rainbow.

VENTURE CAPITAL

You could not sell a share of independent copper stock in the United States of America today to anyone even if he had $10,000,000 unless he thinks the war is going to last long enough and he might get his investment back, but not in peacetime. The people who have their money in these mines, like Bob Raring, at Battle Mountain, and like the investors in the mine about which the Governor of Michigan writes—they have to do the best they can to get their money out of the mines' continued operation, but no new money will come in. Anybody who is not in the oil business would not enter it if we did not have a tariff on oil.

SUBSIDIES VERSUS TARIFFS

The difference between subsidies and tariffs and import fees is a very important one. In a subsidy the Congress appropriates money from the taxpayers of the United States of America every year. There is a continual danger in, for instance, a subsidy to agriculture, because when the payments grow, the people get alarmed and then Congress may not appropriate the subsidy money, and then everybody is broke.

There is no convalescent period. But a tariff is not subject to any bureau; it is not subject to an appropriation every year. It is based on principle.

The tariff, of course, should be adjustable, but a tariff that is not adjustable is better than no protection at all. So, if you have a tariff, it is a matter of principle by law. Therefore, if this principle is followed for several years and there is no interference with the tariff, no interference with the import fees, then venture capital will start back into business; because investors know that must be changed to change the principle. Committee hearings must be held; it must pass both Houses of Congress; and, lastly, the President must sign it.

Free-traders know then that they have to go before a Senate committee; that they have to go on the floor of the Congress; that they have to get the signature of the President to bring about a change. The continual manipulation and the continual nibbling at this protection of venture capital—the floor under wages and investments—has severely shaken the economic structure of this country.

Mr. President, even a police action, which has now cured temporarily the unemployment situation in this country,

and is in a fair way to putting industry back onto a profitable basis, is too great a price to pay to escape from a free-trade policy every 10 years.

PRODUCTS AFFECTED BY THE TARIFF IN SELECTED STATES

Each Member of the Senate has in his State several products affected by the tariff, but on which reductions have been made, or will be made. I have a compilation of producers and industries, by States, which have been, or fear they will be, injured by cheap foreign competition.

Mr. President, I ask permission to enter into the record just a partial list of the products that are in exactly the same category as copper, except that we do not have as yet an open lobby representing the President of a nation where these products are produced, demanding the removal of the tariff. We have what the State Department calls reciprocal trade treaties, made under the 1934 Trade Agreements Act. Of course, such trade treaties never were reciprocal, were never intended to be, and do not operate that way, as everyone can see now, for the very simple reason that when foreign nations agree to lower a tariff, they immediately establish quotas and embargoes, and manipulate their currency values, impose a permit system for imports, and defeat our objective from the outset.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

INDUSTRIES INJURED OR FEARING INJURY IN STATES

Georgia: Luggage and leather goods, ladies' handbags, corduroy, velveteen, candy, mineral earth pigments, textiles.

Texas: Luggage and leather goods, ladies' handbags, lead, candy, bone charcoal, petroleum.

Virginia: Luggage and leather goods, ladies' handbags, corduroy, velveteen, lead, candy, mineral earth pigments, leather fiber.

Colorado: Chemical porcelain (scientific apparatus), luggage and leather goods, lead, candy, mushrooms, petroleum.

Oklahoma: Lead, candy, petroleum.

Ohio: Dental burrs, luggage and leather goods, ladies' handbags, cocoa mats, fatty acids, crayons and water colors, glassware, leather gloves, braids and twines, chinaware and pottery, magnesite (dolomite), corduroy, cordage and twine, candy, mushrooms, mineral earth pigments, leather fiber.

Nebraska: Candy, animal glue.

Delaware: Chemicals, mushrooms.

Illinois: Photoengraving and lithographing equipment, optical instruments, scientific instruments, luggage and leather goods, ladies' handbags, potassium permanganate, fatty acids, crayons and water colors, rubber footwear, cellulose products, watches, glassware, paperboard, cordage and twine, lead, leather gloves, candy, mushrooms, cocoa and chocolate, mineral earth pigments, leather fiber, animal glue, petroleum.

North Carolina: Ladies' handbags, paper for cigarettes and Bibles, etc., corduroy, velveteen, candy, carpets, textiles.

Pennsylvania: Dental burrs, whiskies and spirits, luggage and leather goods, lead pencils, ladies' handbags, bone charcoal, crayons and water colors, fur-felt hat bodies, paper for cigarettes and Bibles, etc., optical and ophthalmic glass, fatty acids, lace, mineral-earth pigments, glassware, chemicals, woolen goods, slide fasteners, cordage and twine, bicycle tires, leather gloves, candy, mushrooms, animal glue, gold leaf and metal foil, water meters, cocoa and chocolate, carpets, petroleum.

Maine: Spring clothespins, luggage and leather goods, ladies' handbags, paper and pulp, corduroy, canned fish, leather fiber, carpets, textiles.

CURRENCY MANIPULATION PERMITS, ETC.

Mr. MALONE. Mr. President, I want to say to you just briefly that I have a great deal of information on how foreign nations' currency is manipulated in most of the foreign countries for trade advantage. For example, in Colombia, an importer wanted to buy a certain product made in the United States. They gave him the exchange, but what happened? They said he must pay 3½ pesos to the dollar used to purchase the goods in America.

The official exchange is 1.96 pesos to the dollar. So the competing countries—it happened to be that in that case England and Scotland were the chief competitors—so Colombia could give importers from other countries 2 pesos, 2½ or even 3—to the dollar—and the deal was off as far as the Americans were concerned.

That is one way currencies are manipulated through exchange controls. I have gone into some detail on the Senate floor about this manipulation. Of course, we are all familiar with the latest lowering of the pound last year, which had a tremendous effect on trade agreements that had been made before. Even if they were allowed to be carried out without the quotas and embargoes and manipulations day by day that they exercise, the lowering of the pound would simply nullify every trade agreement that had been made up to that time. It is a form of trade piracy, the effect of which is apparently little understood in this country.

WAGE AND INCOME MANIPULATION

Mr. President, I want to say that there is a well-understood deal in the agreements between the major copper companies and the Chilean Government. I want to give you some detail in regard to this because it is the crux of the wage-living standard of that country. The Chilean Government has four basic exchange rates in relation to the dollar. These are set up so as to provide the Government with maximum dollar balances, even though Chilean importers and exporters often receive far less than the full dollar value of the respective articles.

The official government rate of 19.37 pesos to the dollar must be used by the large mining companies and to cover costs of operation of the mines in Chile. Each dollar earned only represents 19.37 pesos for them, while at the free rate each dollar is worth 90 pesos. The result is that the Chilean exchange authorities make a profit of 70 pesos on each dollar. In addition, there is a substantial export tax on Chilean copper.

There have been intimations that the duty of 2 or 4 cents would affect the Chilean workers' wage rates—and cause labor disturbances—even threats of communism.

It may not be generally known and understood in this country that the amount that the Chilean worker receives for his day's work has little or no relation to the price of copper—but is dependent upon the peculiar system of using different exchange values for different purposes.

To show the relation to copper under the present system, if the sale price were 20 cents per pound, a Chilean exporting 5 pounds would receive approximately a dollar. Excluding transportation and marketing costs, the Chilean Government would then take this dollar and give the Chilean copper firm 19 pesos. The Government would thus have made 70 pesos on the transaction.

On the other hand, a Chilean wishing to import something from the United States, for example, a camera film costing $1, would have to take 43 pesos to the Chilean foreign-exchange office in order to receive that needed dollar. If he were going to buy some less essential item or were to visit the United States, he would have to spend from 65 to 98 pesos, depending upon the current rate of exchange—probably in the neighborhood of 80 to 90 pesos—on the free market to get his dollar. And a Chilean miner earns only approximately 225 pesos a day, or between $2.40 and $3.75, depending on the current rate of exchange, because he cannot avail himself of the low rate for the pesos in buying the dollar. He simply takes what the market says the dollar is worth, which, of course, as I previously said, is from 65 to 98 pesos.

Any reduction of copper exports to the United States could easily be compensated by the Chilean Government by according a more favorable exchange rate to Chilean copper exporters, since the worker does not benefit in any case. The total amount of dollars earned by the Chilean economy would have to be accordingly less.

The second rate of 25 pesos, or the export draft rate, is limited to use for imports of newsprint. The third rate of 31 pesos to the dollar is used for converting nitrate export proceeds, for most official transactions, and for certain basic imported commodities. The fourth rate of 43 pesos to the dollar is the banking rate or the one used in the exchange derived from industrial and agricultural exports.

In addition to these rates the Chilean Government has begun the practice of licensing temporary individual export transactions at rates of anywhere from 50 to 100 pesos and connecting them with all imports at the same rate.

The free or curb exchange rate is 90 pesos to the dollar, which rose from 60 in 1948 to 100 pesos to the dollar at the end of 1949, and then fell again to 90 in 1950. The Chilean Government eventually plans to have a fixed rate of 60 to the dollar to cover all transactions, hoping that through devaluation the free rate will also find this level.

Mr. President, further I want to review briefly the arguments that have been used in this connection. I read the testimony that has been presented in the House hearings and Senate hearings. Now I want to take up each of the argu-

ments presented for the tax suspension, and answer each one briefly.

First. The political and economic foreign relations, particularly with Chile, would suffer through the reimposition of the copper import tax. I referred to Chilean exchange manipulation just now, and shall not explain it again. At present demand for copper, it is unlikely that imports would be reduced below the present level in any case. Any increase in domestic production of copper would not take place immediately and it would be a moderate increase in any case. The imposition of the tax would, however, produce the effect that any slump in the market would not close down our mines before we reduce the imports from foreign sources, and the peacetime stabilization effect of the tariff on venture capital would be effective at once.

The second argument is that Chile is largely dependent upon copper exports for foreign exchange and revenue. It is more important to preserve the standard of living of our own miners and the national security here than to consider livelihood abroad. Besides, as was pointed out, imports will only be affected through the reimposition of the tax at present demand levels by the relatively small increase in the domestic production at this time.

DOMESTIC PRODUCTION CONTROLLED

Mr. President, third, it is said that the 2-cent copper import tax would immediately be reflected in the selling price of copper and brass products. In the past the differential in cost of foreign and domestic copper has rarely exceeded 1 cent, even when the copper import tax was 4 cents per pound.

In the beginning it is possible that price rises up to 2 cents may take place. However, after a short period of readjustment, it is likely that the domestic copper price will again approach the level of the world price for copper. As I have already said, in part it is a manipulated price, since it is a controlled price. The recent increase in price, and the shortage of copper, is a move obviously designed to increase the demand for the copper tax suspension.

The production in this country is entirely controlled, since the closing of the independent copper mines, by three major companies, and two of those major companies entirely control the Chilean production, which is the competitive country at the present time. At this point I ask permission to insert a short memorandum on the control of brass fabricators by the major copper producers. It is an interesting document, Mr. President.

FABRICATORS

What constitutes the fabrication industry: The fabricator is the principal customer of the primary copper producer. Here most of the copper is put into semifinished form of sheets, rods, wire, extruded or rolled shapes, and so forth, which constitute the raw materials for a vast industry of processors of articles for final consumption or of parts for the products of other industries. The stream fans out from about 20 primary copper establishments in the United States to more than 5,000 processors, not including the electrical and machinery manufacturers, who use large quantities of copper and copper products.

There are about 30 companies in the United States generally recognized as important fabricators and users of raw copper, the latter being, for the most part, the large electrical manufacturers such as General Electric, Westinghouse, and so forth. The more important of the fabricators are owned or controlled by one or the other of the great copper producers, giving them completely integrated operations from the mines to the finished brass and copper products. Thus, for example:

American Smelting & Refining Co. has interlocking directorate with General Cable Corp.

Kennecott Copper Corp. controls Chase Brass & Copper Co., Inc., American Electrical Works, now Kennecott Wire & Cable Co.

Anaconda Copper Mining Co. controls American Brass Co., Anaconda Wire & Cable Co.

Phelps-Dodge Corp. controls National Electric Products Corp., Habirshaw Electric Cable Co.

From 75 to 80 percent of the fabricating industry is owned or controlled by the three major copper companies, and of course they are being used as a front before Congress to secure the extension of the free-trade provision.

Each of the fabricators listed above represents the merger or acquisition of various concerns well known in the past as important producers of copper and brass products. The only important fabricators not now controlled by the copper producers are Bridgeport Brass Co.; Scovill Manufacturing Co.; Okonite Co., wire and cable; and Muller Brass Co. Revere Copper & Brass Co., Inc., has interlocking directorate with American Smelting & Refining Co., so it is controlled in that manner.

The American Smelting & Refining Co. does not produce enough copper for its own account to supply the fabricators in which it is interested, so these fabricators must depend in part on purchases of copper in the open market.

The source of this information is the report of the Federal Trade Commission on the copper industry, in 1947, pages 54 to 55.

The brass fabricators controlled by the three major-name copper producers produce approximately 75 to 80 percent of all the brass-fabricated products in this country.

I wish to read into the RECORD the arguments that have been raised here and in the House hearings and their refutations.

It is said that the demand exceeds the domestic supply, and will do so for some time to come.

Mr. President, at present levels of production, and in the light of the present war crisis, it is likely that the demand for copper will remain relatively high for some time to come. The 2 cents per pound tax or tariff is not designed to keep imports out nor is it designed to increase the price of copper to the domestic user. The tax will merely represent an inadequate floor under wages and a small measure of protection for the domestic copper mining industry. The tax will fulfill its purpose mainly in the case of a severe drop in copper prices. In that case, the tax will serve as a small price cushion and will make up to a small degree the differential in cost of production between foreign and domestic copper.

Second, it is said that the tax will reduce the competitive position of copper by causing the use of substitutes to a greater degree.

This argument runs counter to the argument that the tax will increase copper prices. To the extent that the copper price will be increased and substitutes will be used in the few fields in which they are feasible, the pressure in copper demand would be taken off and the use of substitutes would thus become a balancing factor on the price of copper and copper products.

Next, it is said that stockpiling would be jeopardized by reducing the available supply of copper.

Mr. President, the reimposition of the tax would have no appreciable effect on the amounts of copper available for either commercial imports or for Government stockpiling. Foreign nations, particularly Chile, are badly in need of dollars and will continue to supply the American market with copper in order to gain much-needed foreign exchange.

The availability of copper for stockpiling would not be reduced by the 2-cents-per-pound tax or tariff.

It is argued that the domestic industry is operating at peak peacetime production.

Although it is undoubtedly true that the rate of domestic production is high for normal peacetime conditions, it is also true that large numbers of the independent mines are closed, partly due to the price drop in 1949, following the suspension of the tax until June 30, 1950. The added production that can be brought into play by reopening the properties, whose owners have been reluctant to do so because of the uncertainty of the copper market, has been estimated at 80,000 to 100,000 tons annually. The reason that the owners of these mines have refused to open them is that, in order to undergo the necessary expenses of reopening, a continued high price for copper would have to be assured.

The very fact, as I have stated before in the course of this speech this afternoon, that the Congress has shown that it is willing to tinker with the tariff, scares off any of the independent copper-mine owners, who would have to invest a considerable amount of capital in the mines in order to reopen them.

The reimposition of the 2-cent tax or tariff would represent a small factor, but an important factor, in assuring independent miners a return adequate to justify the expense of pumping water out of the mines and of retimbering the properties. As far as a consistently fair return for copper mining can be assured through the operation of the 2-cent tax

or tariff, new venture capital will go into copper mining and exploration for new deposits will take place and thus assure the Nation a continued supply of copper. Only a healthy and operating industry can undergo the expense of exploration and development, and the 2-cent tax or tariff will, to a small degree, assure just that.

It is said that new discoveries of ore deposits are not made as fast as the depletion of old ones takes place.

Mr. President, the same answer as the one made to the preceding argument applies to this one, plus the following: Coupled with new exploration and exploitation of deposits, there must be research for new technology which will make the use of low-grade deposits economically feasible. This research requires money and a healthy mining industry.

It is said that further suspension of the copper tax would reduce the price of copper.

Mr. President, realizing that the 2-cents-a-pound tax or tariff 's only a small part of the cost differential between domestic and foreign production, it is clear that the 2-cents-per-pound tax or tariff cannot completely stabilize copper prices. As was pointed out earlier, the domestic price of copper will probably soon approach the world price and will provide a cushion for extreme fluctuations of the domestic price.

Stockpiling costs would be increased, it is said.

Mr. President, I have previously discussed that assertion. Stockpiling can be done without payment of tariffs, and any argument that the security of the Nation would be endangered by this 2-cent-per-pound tax or tariff is dangerous and fallacious. In other words, it was amply shown that the tax or the tariff is not paid by the Government when the Government is engaging in stockpiling of copper or in the accumulation of such copper for any other use.

Under such circumstances, the copper comes in free of any tax or duty.

. In the hearings before the House, Mr. Phelps, vice president of Westinghouse Electric Corp., testified that Chile might reduce her exports to the United States by as much as 15 percent, irrespective of any such replacement of imports by increased domestic production.

What made Mr. Phelps take the figure of 15 percent, unless he was informed of such a figure by Chilean interests? Could this be regarded as a form of blackmail?

It is said that investment in and development of the mining industry is dependent upon the long-range price picture, irrespective of tariffs on copper.

It is undeniably true that the development of copper mines and the prospecting in the industry is guided by the prospective price picture. We cannot argue that the 2-cents-per-pound tax or tariff will guarantee the domestic producer a permanently feasible price. This low tariff will merely represent a small measure of protection. If we use the same factors today as we used in 1932 for the determination of the tariff necessary to compensate for the differences in the cost of production here and abroad, the copper tariff would have to be in the neighborhood of 8 cents per pound, whereas in 1932 it was determined that 4 cents per pound would give domestic production adequate protection.

Mr. President, the continued inflation since 1932, and especially in the past few years, has lowered the protection afforded by any specified amount of tax or tariff. Of course, the end of that development or trend is not yet. As a matter of fact, if we continue along the road on which we have chosen to travel, perhaps in another 5 years the result will be that the purchasing power of money in the United States will again be cut in half, as I stated earlier in these remarks.

If the 4-cents-a-pound tax was correct in 1932, based on the computation of the index price, with the 1926 level of prices calculated as being 100, then a tariff or tax of 8 cents a pound is about correct at this time, based on the computation of the price index as of today. In other words, we in the Congress are bringing about the change; it is being done here on the floor of the Senate and on the floor of the House of Representatives. We never have stopped bringing it about.

We complain about inflation, and we say we are going to stop inflation. Yet we in Congress vote for more appropriations every year—more than any other government in the history of the civilized world has ever dreamed of. Before long we shall be making further appropriations, the exact amount of them depending entirely, of course, upon the course of the war, or the police action, as the President chooses to call it; and then there will be further deficit financing, which is necessary in wartime.

Mr. LEHMAN. Mr. President, will the Senator yield for an insertion in the RECORD and the introduction of some bills? That is all I have.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New York?

Mr. MALONE. Mr. President, the junior Senator from Nevada would be happy to yield for the purpose suggested, provided that, by unanimous consent, he would not lose his position on the floor.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. JOHNSON of Colorado. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Nevada.

Mr. MALONE. Mr. President, the much more steeply rising costs in this country as compared with foreign production, and the devaluation of foreign currency, has brought about this change in the picture.

In talking with various Government agencies, I found a general consensus of opinion that the reimposition of the excise tax will be reflected in the prices of semimanufactured goods containing copper. However, on many final copper products the effect will be so small as to be practically negligible, and all press reports that the consumers would suffer through higher prices must be regarded as grossly exaggerated.

Here is an example of the incidence of the copper tariff on the retail price of an article such as a compact or a lipstick case made of copper or copper alloys: A compact made of brass weighing 2 ounces and assuming a copper content of 60 percent will contain 1.2 ounces of copper. At the present price of 22 cents per pound for copper the value of the actual copper contained in the compact would be worth approximately 1.65 cents. At a retail price of 1.65 cents for the compact only 1 percent of the retail price would be in payment for the actual copper used. If the tariff on copper were reimposed, the additional cost of 2 cents per pound for the tariff would represent an additional cost for the compact of 0.15 cent—fifteen one-hundredths of a cent—or approximately one one-thousandth percent of the retail price of the compact. That is the kind of scarehead that we find in the newspapers—that a reimposition of the copper tax would be paid by the consumers. It would be approximately one one-thousandth percent of the retail price of the compact. Even assuming a great deal of waste of copper during the process of manufacture, one could hardly say that the increased cost of copper would be a hardship for the consumer.

In general it must be said that the effect of reimposition of the copper tariff would be least noticeable in those commodities which require a great deal of labor in their production. It is pretty safe to say that the increased cost will be absorbed by the retailer, the jobber, or the manufacturer. However, there are other categories of goods which are heavier in weight and in which the actual copper cost represents a higher percentage of the final price. In housing, for instance, a great deal of copper is used for plumbing, heating, and other installation. If we assume that 250 pounds of copper are used in a house, the increased tax or tariff on copper would amount to $5 per house. If we realize that copper is generally only used to any great extent in houses in higher-price brackets—$15,000 and up—the increased copper price will represent thirty-three one-thousandths percent of the total cost of a $15,000 house. Mr. President, that is cutting it pretty thin. I do not think it would be noticed very much by a consumer.

Let us look at the effect of the copper tax or tariff on the price of an automobile. The proponents of the further suspension of the copper tariff argue that any further increase in price may well lead to a further search for and use of a substitute for copper. In addition it is feared that any price slump that may occur in the copper industry will have more severe repercussions if the price is artificially hiked through the reimposition of the copper tariff. It is also argued that after the 1949 recession the copper industry is again working at, or near, capacity and that the reimposition of the tariff will not greatly increase domestic production of copper.

During the last few years imports of copper have been necessary, and it is considered hardly likely that at present

consumption rates the tariff will change that picture significantly.

As it was pointed out earlier, the reimposition of the tariff on copper will have no appreciable effect on the import situation at the present high prices. Should copper wholesale, however, fall considerably on the world market, domestic copper producers would find themselves producing below the break-even point and copper purchasers would prefer to buy imported copper at lower prices. The 2-cent copper tariff therefore only represents a 2 cents per pound margin of safety for the domestic producer. Should world copper prices fall to more than 2 cents below the break-even point of domestic copper mines, our copper industries would again largely suspend operations. It must be realized that domestic copper mines vary in their break-even point and that so-called marginal mines can only operate profitably at a high copper price and those would be the first to suspend operation in the case of a price break. The 2-cents-per-pound tariff would merely represent a 2-cent safety margin protecting the domestic market from excessively competitive imports. That is a very narrow factor of safety for a floor under wages and investments in this country, when we are paying $11.17 a day for a copper miner, as against $2.40 to $3.75 a day in Chile or in some other foreign country. In regard to production cost, foreign copper is produced at far lower rates than domestic copper, and the 2-cent tariff only represents a small part of that difference in cost of production. This is a strong argument for the flexible-import-fee bill.

In summing up, we may say that any fear of a significant increase in the price of commodities containing copper is without foundation. On the other hand, at the present condition of the domestic economy, it is doubted that the reimposition of the copper tariff will change the copper supply situation to any great extent. It must be added that in the case of a serious drop in copper price, the 2-cents-per-pound tariff may represent a small measure of protection for the domestic industry, although that amount of tariff is not enough to compensate for the much lower cost of production of imported copper.

It has been found impossible to locate exact figures and examples of the effect of the copper tariff on the retail price of certain commodities. There are thousands and thousands of different products containing copper and it is almost impossible to find out what percentage of copper is contained in the products or in their alloys. It has been found, for instance, that in brass plumbing fixtures alone the percentages of contained copper vary from less than 60 percent to more than 90 percent. In the case of lipsticks, it is very difficult to find out how much of the cost of the lipstick must be apportioned to the case and how much to the actual lipstick; furthermore, the case may be made of any number of copper alloys and the actual chemical analysis would be almost impossible to obtain.

I have here a table listing articles which are dutiable under the Tariff Act of 1930, as amended, and which are taxable under the copper-import excise tax for the copper contained therein. The tax of 2 cents per pound on the copper contained is levied in addition to the regular tariff. Any articles containing copper which are not provided for in paragraphs 316, 380, 381, 387, 1620, 1634, 1657, 1658, 1659 of the Tariff Act of 1930 are taxable at the rate of 1½ cents per pound of the weight of the article if copper is the component of chief value. Articles which are not composed of copper as chief value, but which contain 4 percent or more of copper, are taxable, in addition to their regular duty, at the rate of 1½ percent ad valorem, or three-eighths of a cent per pound, whichever is lower.

In other words, all articles containing copper, specifically provided for in the above paragraphs, are taxable for all copper contained. Other articles are taxed depending on whether they are in chief value of copper, or, if not, whether they contain 4 percent or more of copper. In either case, they are taxed, in addition to the normally applicable duty, on the weight of the article, and not on the copper contained.

EFFECT OF COPPER TAX

Mr. President, I refer now to paragraphs 316, 380, 381, 387, 1620, 1634, 1657, 1658, 1659 of the Tariff Act of 1930, under which all products containing copper are separately dutiable under section 3425 of the Internal Revenue Code. The description of each article, together with the tax rate or tariff rate on such article, is given in the table, which I shall read in part only, and for which I ask unanimous consent to have inserted at this point in the RECORD.

Telegraph, telephone, and other wires and cables composed or iron, steel, or other metal (except gold, silver, platinum, tungsten, or molybdenum), covered with or composed in part of cotton, jute, silk, enamel, lacquer, rubber, paper, compound, or other material, with or without metal covering: 17½ percent ad valorem.

Wire rope: 1¼ cents per pound, but not less than 10 percent nor more than 20 percent ad valorem.

The table follows:

Effect of copper tax

[Pars. 316, 380, 381, 387, 1620, 1634, 1657, 1658, 1659 of the Tariff Act of 1930, of which all products containing copper are separately dutiable under sec. 3425 of the Internal Revenue Code]

IRC sec.	Description	Tax rate
3425	Copper-bearing ores and concentrates and articles provided for in pars. 316, 380, 381, 387, 1620, 1634, 1657, 1658, or 1659 of the Tariff Act of 1930:	
	Copper-bearing ores and concentrates	2 cents per pound on copper content.
	If products of Cuba	Free.
	Copper sulfate	2 cents per pound on copper content.
	Other	Do.
	All articles dutiable under the Tariff Act of 1930, not provided for heretofore in this section, in which copper (including copper in alloys) is the component material of chief value.	1½ cents per pound.
	All articles dutiable under the Tariff Act of 1930, not provided for heretofore in this section, containing 4 percent or more of copper by weight.	1½ percent ad valorem or ⅜ cent per pound, whichever is the lower.

Tariff Act of 1930 Par.	Description	Duty	Plus copper tax of 2 cents per pound
316 (a)	All wire composed of iron, steel, or other metal, n. s. p. f. (except gold, silver, platinum, tungsten, or molybdenum).	15 percent ad valorem	
	All flat wires and all steel in strips not thicker than ¼ inch and not exceeding 16 inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced.		2 cents per pound tax throughout on copper content.
	Not thicker than 0.01 inch	7½ percent ad valorem	
	Thicker than 0.01 and not thicker than 0.05 inch	10 percent ad valorem	
	Thicker than 0.05 and not thicker than ½ inch	12½ percent ad valorem	
	All wire, iron, steel, or other metal coated by dipping, galvanizing, sherardizing, electrolytic, or any other process with zinc, tin, or other metal:		
	Round iron or steel wire, valued at not above 6 cents per pound	The rate for the wire of which it is made and 0.1 cent per pound additional.	
	Other	The current rate for the wire of which it is made and 0.1 cent per pound additional.	

Effect of copper tax—Continued

Tariff Act of 1930 Par.	Description	Duty	Plus copper tax of 2 cents per pound
316 (a)	Telegraph, telephone, and other wires and cables composed of iron, steel, or other metal (except gold, silver, platinum, tungsten, or molybdenum), covered with or composed in part of cotton, jute, silk, enamel, lacquer, rubber, paper, compound, or other material, with or without metal covering.	17½ percent ad valorem	
	Wire rope	1¼ cents per pound, but not less than 10 percent nor more than 20 percent ad valorem.	
	Wire strand	17½ percent ad valorem	
	Spinning and twisting ring travelers	35 percent ad valorem	
	Wire heddles and healds	25 cents per 1,000 and 30 percent ad valorem.	
(b)	Ingots, shot, bars, sheets, wire, or other forms, n. s. p. f., or scrap, containing more than 50 percent of tungsten, tungsten carbide, molybdenum carbide, or combinations thereof.		2 cents per pound tax throughout on copper content.
	Ingots, shot, bars, or scrap	30 percent ad valorem	
	Sheets, wire, or other forms	40 percent ad valorem	
380	German silver, or nickel silver, unmanufactured	20 percent ad valorem	
	Nickel silver sheets, strips, rods, and wire	30 percent ad valorem	
381	Copper in rolls, rods, or sheets	1¼ cents per pound	
	Copper engravers' plates:		
	Not ground	3½ cents per pound	
	Ground	5½ cents per pound	
	Copper tubes:		
	Seamless	3½ cents per pound	
	Brazed	5½ cents per pound	
	Seamless copper tubing	3½ cents per pound	
	Brass rods, sheet brass, brass plates, bars, and strips	2 cents per pound	
	Muntz or yellow metal sheets, sheathing, bolts, piston rods, and shafting	do	
	Brass tubes:		
	Seamless	do	
	Brazed	6 cents per pound	
	Seamless brass tubing	2 cents per pound	
	Brass angles and channels	6 cents per pound	
	Bronze rods and sheets	2 cents per pound	
	Bronze tubes	do	
387	Phosphor-copper or phosphorus-copper	3 cents per pound	
1620	Bells, broken, and bell metal, broken and fit only to be remanufactured	Free	
1634	Brass, old brass, clippings from brass or Dutch metal, all the foregoing, fit only for remanufacture.	do	
1657	Composition metal of which copper is the component material of chief value, n. s. p. f.	do	
1658	Copper ore		2 cents per pound on copper content throughout.
	Regulus of copper		
	Black or coarse copper		
	Cement copper		
	Old copper, fit only for remanufacture		
	Copper scale		
	Clippings from new copper		
	Copper in plates, bars, ingots, or pigs, not manufactured or specially provided for	Free	
1659	Copper sulfate or blue vitriol, copper acetate, and subacetate or verdigris	do	

Let me say, again, that 70 to 80 percent of the fabricated-brass production in this country is controlled by the three major mining companies, two of which are adamant in their position that free trade on copper be extended. On brass products containing 70 to 80 percent of copper a tariff or import fee of from 15 to 65 percent ad valorem is maintained, which is necessary to pay American wages in this country and compete with the low-wage living standards in the competitive country, to which, of course, the junior Senator from Nevada enters no objection. As a matter of fact, I am heartily for such a tariff or import fee to stabilize the price at a competitive level for all products produced in this country.

LET US NOT BUY ABROAD AT SLAVE-WAGE RATES

It is the opinion of the junior Senator from Nevada that we should not try to hold the price of the products which we buy from foreign nations down to a slave wage level. In my opinion, we would have much better diplomatic relations and much better international relations if we paid a price for those products which would allow them to pay their labor eventually on a scale comparable to our own, instead of putting us in competition with such labor and insisting that we either put our men on relief or force them to work for a lower wage in this country.

Mr. President, that goes for all the industries which I have mentioned, and not only copper, because copper is merely a symbol. I have used it as a symbol during the latter part of my address. The same principle applies to almost every product produced in the United States, unless we can refer temporarily to heavy construction machinery, farm machinery, and perhaps automobiles, which we perhaps have not had time to export. Particularly with respect to American machinery, it probably will be proposed to establish the business in foreign countries at the expense of American taxpayers. That will come. I predict that it will come within 5 years. Perhaps it will come in less time. I refer to it as a peacetime operation, of course. The police action in Korea, as the President terms it, may continue to grow. But if peacetime conditions prevail, this is what will happen.

Mr. President, let us have an import-fee system, so that we can equalize the price differential, and, to the extent that we purchase abroad, foreign countries can raise the wage and living standards of their workers to our standard. A good example is the situation in Chile, where copper producers get only 19.37 pesos for each United States dollar earned, compared with a free market value of 90 pesos for the dollar. No wonder wages in Chile are so low, when the Government retains most of the foreign-exchange earnings.

Paying a price to foreign nations comparable to our own standard would be a very much improved method over the one we are using now, which is a continual threat of removing what little floor under wages and investments now exists. Whenever the wage-living standards reach the American standard, no tariff or import fee will be necessary.

At this point let me say that the junior Senator from Nevada intends to have more to say about the equalization in price, or paying a fair price to the South American producers and to other world producers, and not holding the price down as much as we can simply because we are the main consumers and main purchasers from those governments. It may be interesting to note that over a period of years many of the nations in South America, based on the 1926 100-percent index and based on the price of a pound of copper and other materials, can purchase only a fraction of the same goods in America at this time, due to inflation in this country.

Mr. President, the purpose of a tariff or import fee is to provide a floor under wages and investments. It means that, regardless of the fluctuations in price, there is a stabilized level below which it should not go, provided that such tariff or import fee correctly represents the differential of cost between this Nation and the competitive countries, mostly represented by the difference in the wage-living standards.

Whether the domestic production is 60 percent or 100 percent of the domestic consumption, the principle is the same, provided that the tariff is based on the principle of "fair and reasonable" competition. A market is then established for foreign nations' goods on the same

basis as for the domestic producer, but not at an advantage, as it is now, under the free-trade policy of the administration and the State Department. The tariff, or import fee, simply supports the economic structure of our own country on the wage-living standards established by its own citizens. The principle, of course, should be applied to all products in all industries.

My flexible-import-fee bill, S. 1965, now in the Senate Finance Committee, provides that the long-experienced Tariff Commission would be turned into the Foreign Trade Authority, since this more nearly represents its work; and that Authority would have the same latitude in the field of adjusting the tariffs and import fees on a basis of fair and reasonable competition as the Interstate Commerce Commission was given the responsibility of fixing the freight rates for the carriers on the basis of a reasonable return on the investment.

THE PERIL POINT VERSUS THE FLEXIBLE IMPORT FEE

The much-discussed peril point would simply require the President to write Congress a letter in case the State Department lowered the tariff or import on any United States product below the Tariff Commission's estimate of the point of injury to domestic producers, while the flexible import fee is established on principle. If we accept any provision of that nature, we are then on record for the principle set out in the 1934 Trade Agreements Act, as extended, with the exercise of the President's judgment, as it benefits abroad, overcoming the damage to industry in this country—and he is already on record that sacrificing an industry here is no reason to stop the indiscriminate handling of our own tariffs and import fees to provide additional imports into this country.

Again, Mr. President, the reason why the peril-point application would have little effect is merely because the economic relationships are continually changing, and while the peril-point provision today might be feasible, tomorrow conditions might be different. Where a flexible import fee can be manipulated and adjusted to the differentials in cost, the President can only be notified of the peril point, and it would have no practical application.

NO CONSIDERATION OF A HIGH OR LOW TARIFF

There would be no consideration of a high or low tariff or import fee, but the flexible import fee would at all times be adjusted to the differential of cost, due mostly to the difference in the wage-living standards.

The tariff or import fee would be lowered as the foreign nations' living standards were raised, and when such standards approximated our own then the common objective of free and unrestricted trade would be the almost immediate and automatic result.

The tariff or import tax on copper has, unfortunately, been lowered from 4 cents to 2 cents, which is woefully inadequate, but, nevertheless, through its permanent restoration, the principle is established and venture capital and the workers in the industry would regain confidence that Congress is again operating upon a principle and not sharpshooting.

I think it is time that the people of this country woke up, and I think they are waking up now. I have wires and resolutions from labor organizations, proving that the working people are beginning to realize the danger to their future.

Mr. President, I should like to call attention to resolutions adopted in my own State of Nevada on the flexible-import-fee question, as compared with the free-trade program of the administration and the State Department as represented by the 1934 Trade Agreements Act. I shall first read a resolution adopted by the Nevada Republican State Executive Committee, a domestic and foreign policy resolution, for the 1950 platform of the party. This was adopted on November 15, 1949, at Reno, Nev.

I read:

DOMESTIC AND FOREIGN POLICY RESOLUTION, NEVADA REPUBLICAN STATE EXECUTIVE COMMITTEE, 1950 AND 1952 PLATFORM

The Nevada State executive committee passed an official resolution on November 15, 1949, offering the flexible-import-fee principle as a substitute for the 1934 Trade Agreements Act, as amended—and called for the defeat of the International Trade Organization legislation—and for definite conditions on further gift-loans to Europe.

The resolution:

"Whereas the selective-free-trade policy adopted by the State Department, based upon the Trade Agreements Act, is removing the floor from under wages and investments—causing unemployment and loss of taxable property; and

"Whereas the proposed International Trade Organization, consisting of 58 nations, each with one vote, to which it is suggested that this Nation assign all of its right to adjust tariffs and import fees for the protection of the workingmen and investments in the United States of America, would complete the job of wrecking our economy; and

"Whereas, the policy of making up the trade-balance deficits of the European nations (16 ECA nations) in cash each year without definite conditions for its utilization is simply reestablishing the century-old feud and rivalries among such nations: Therefore, be it

"*Resolved*, That the Republican State Executive Committee of Nevada hereby adopts and recommends to the National Republican Committee for adoption an American domestic and foreign policy:

"1. A domestic (national) policy.

"A. The flexible-import-fee principle, based upon "fair and reasonable" competition, administered by a reorganized, experienced Tariff Commission, to be known as the foreign trade authority, in the same manner as the long established Interstate Commerce Commission adjusts freight rates for the carriers on a basis of the principle laid down by Congress, of a "reasonable return" on the investments, to be substituted for the 1934 Trade Agreements Act, as extended.

"Under the flexible-import-fee principle a market is immediately established for the goods of foreign nations on a basis of "fair and reasonable" competition with our own—they cannot in good conscience ask for more.

"2. A foreign (international) policy—as a condition of further aid to Europe.

"A. Integrity of private investments.

"B. A United States of Europe, including Germany, without trade barriers of any kind.

"C. Free covertibility of the European currencies in the terms of the dollar.

"D. Equal access to the trade of the nations of the world—subject only to the action of such individual nations; be it further

"*Resolved*, That the so-called bipartisan policy, including the support of the administration's three-part free-trade program has destroyed our traditional floor-under-wages policy and has contributed materially to the defeat of the Republican Party; and

"That the haphazard lowering of the import fees and tariffs, without regard to the differential of the cost of production, due largely to the difference in living standards of this country and the foreign competitive nations, has severely injured the mining, petroleum, agricultural, textiles, pottery, lumber, precision instruments, and many other industries, thereby causing unusual unemployment and loss of taxable property; and

"That we are, by our own actions, removing the floor under wages and investments in this Nation and in effect transferring American jobs to foreign soil."

I shall now read an excerpt from resolutions on domestic and foreign policy dated December 2, 1949, adopted at the thirtieth annual meeting of the Nevada State Farm Bureau. This was at Ely, Nev. I read:

[Excerpt from resolutions adopted at the thirtieth annual meeting of the Nevada State Farm Bureau, Ely, Nev., December 2, 1949]

DOMESTIC AND FOREIGN POLICY

Resolution No. 17

Whereas the selective-free-trade policy adopted by the State Department, based upon the Trade Agreements Act of 1934, is lowering the American living standards through the lowering of wages and is causing unemployment and a subsequent decline in the demand for agricultural products: Therefore, be it

Resolved, That the Nevada State Farm Bureau adopts and recommends that the American Farm Bureau Federation support a domestic and foreign policy containing the following features:

I. FOREIGN POLICY

(a) Protection of private investments in foreign countries;

(b) Free convertibility of European currencies in terms of dollars;

(c) Consolidation of the European nations into a United States of Europe, and the erasing of all present trade barriers; and

(d) Equal access to the trade of all nations of the world, subject only to the action of the individual nations.

II. NATIONAL POLICY

(a) Set up a flexible import fee which would be based upon fair and reasonable competition administered by a reorganized, experienced Tariff Commission in the same manner as the long-established Interstate Commerce Commission adjusts freight rates for the carriers on the basis of the principle laid down by Congress, of a reasonable return on the investment. Under a flexible-import-fee principle, a market is immediately established for the goods of foreign nations on a basis of fair and reasonable competition with our own—other nations in good conscience cannot ask for more. By so doing, America's domestic agricultural market would be greatly stabilized and cease to be a dumping ground for world surpluses. We are a land of agricultural abundance striving to maintain a standard of living unparalleled by any other nation in the world; be it further

Resolved, That the lowering of import fees and tariffs without regard to the differential of the cost of production due largely to the difference in living standards of this Nation and of foreign competitive nations has a demoralizing effect on our agricultural markets as well as those of other industries, thereby causing unemployment and loss of revenue to the American farmer.

Mr. LUCAS. Mr. President——

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator

from Nevada yield to the Senator from Illinois?

Mr. MALONE. I shall be very happy to yield for a question.

Mr. LUCAS. Did the Senator present that resolution to the farm bureau of his own State, and was it adopted?

Mr. MALONE. I understand they wrote the resolution themselves and adopted it.

Mr. LUCAS. I was not clear as to who was responsible for the resolution. It sounded so much like the argument the Senator has made here so long that I was trying to give him credit for the resolution, but I guess I was wrong in my assumption.

Mr. MALONE. It could be that in 5 or 6 years even the senior Senator from Illinois might understand it. I hope so.

Mr. LUCAS. At least it would take that long.

Mr. MALONE. I have great hope. I do not think it will. I think that if we follow the Senator's tracks in Illinois we will find him advocating a tariff duty.

I shall now read a resolution by Pioche Union, Local No. 407, CIO:

PIOCHE, NEV., *January 17, 1950.*

Senator G. W. MALONE,
Senate Office Building.

DEAR SIR: By unanimous vote Pioche Union, Local No. 407, CIO, disapprove part 4 plan of the President which includes the International Trade Organization Agreement and urge that you do everything possible to substitute flexible import fee as outlined in your talk at Pioche, Nev., on December 15, 1949.

Yours truly,

THOMAS L. HUTCHINGS,
President, Local No. 407.

Mr. President, I have another telegram from East Ely, Nev., dated January 19, 1950, reading as follows:

EAST ELY, NEV., *January 18, 1950.*

Senator MALONE,
Senate Office Building:

We call your attention to the following resolution adopted by the White Pine County Central Labor Council. Whereas the selective "free trade" policy is removing the floor from under American wages and investments, causing unemployment and loss of taxable property, and whereas the haphazard lowering of the import fees and tariffs without regard to the differential of the cost of production, due largely to the difference in living standards of this country and foreign competitive nations, has severely injured the nonferrous mining industry, therefore be it

Resolved, That a telegram be sent to each of our National Senators, asking them to do what they can toward correcting this deplorable situation.

DOUG HAWKINS,
President, White Pine County Central Labor Council.

Mr. President, I have a letter from the International Association of Machinists, Sparks, Nev., as follows:

INTERNATIONAL ASSOCIATION
OF MACHINISTS,
LOCAL LODGE NO. 705,
Sparks, Nev., September 16, 1949.

Re flexible import fee.

Hon. GEORGE W. MALONE,
United States Senate,
Washington, D. C.

SIR: The legislative committee of Local Lodge No. 705, International Association of Machinists, Sparks, Nev., reported favorably on the matter of the flexible import fee. Whereupon the membership unanimously instructed the legislative committee to inform you that Local Lodge No. 705, International Association of Machinists, Sparks, Nev., has gone on record in favor of the flexible import fee.

The legislative committee wishes to commend the Senator for his hard work and initiative.

Yours truly,

SATIRIOS SOUKAROS,
Chairman.
GEORGE H. SHELTON,
JOHN L. ROBERTSON,
Legislative Committee.

Also a telegram from the Property Owners' Association, Inc., of Clark County, Nev. Clark County is one of the largest counties in my State, located in southern Nevada, including Hoover Dam, formerly Boulder Dam. It is as follows:

LAS VEGAS, NEV., *January 12, 1950.*

Senator GEORGE W. MALONE,
Washington, D. C.:

Urge you to support a flexible import and export tariff bill for protection of our domestic industries and curtailment of foreign spending.

PROPERTY OWNERS' ASSOCIATION,
INC., OF CLARK COUNTY, NEV.,
HELEN E. CRANER, *Secretary.*

Mr. President, in connection with the resolutions read by the junior Senator from Nevada which were adopted by the Republican State Central Committee of Nevada, the State Farm Bureau of Nevada, and the various labor organizations, I wish to read at this time the foreign-trade plank adopted by the Republican National Committee on February 6, 1950.

The foreign-trade plank, excerpts from the Republican principles and objectives adopted on February 6, 1950, by the Republican National Committee, in cooperation with the Republican policy committees of the United States Senate and the House of Representatives in Washington, D. C.:

We favor the promotion of world trade on the basis of fair and reasonable competition and we assert that this can be done within the Republican principle that foreign products of underpaid foreign labor shall not be admitted to this country on terms which endanger the living standards of the American workman or the American farmer, or threaten serious injury to a domestic industry. A strong American economy is a vital factor for our security.

This is in line with the flexible-import-fee bill offered as a substitute for the 1934 Trade Agreements Act—the first part of the administration's three-part "free trade" program—in September of 1949—and is now in the Senate Finance Committee as a regular bill.

The foreign-trade plank in the National Republican platform is also in accord with the resolutions passed in 1949 by the Nevada Republican State executive committee, the Nevada State Farm Bureau, and by the Pioche Union, Local No. 407, CIO, the White Pine County Central Labor Council, the legislative committee of Local Lodge 706, International Association of Machinists, and the Property Owners' Association of Clark County, State of Nevada.

Mr. President, when the Congress of the United States surrendered its authority over the domestic economy of this country, an authority which was given it under the Constitution, the plan was to leave to the Executive the negotiations of so-called trade agreements with individual countries in order to help the export industries of the United States. From all we can find out today, the surrender of congressional authority was not intended to allow the State Department to engage in wholesale tariff reductions, which now have become a form of foreign aid.

In other words, new reductions of tariffs are frankly to take the place of the Marshall plan and other types of foreign aid so that the industries selected by the State Department may be sacrificed on the altar of one economic world and one objective.

Until 1947, when the first multilateral tariff parley took place at Geneva, Switzerland, the State Department had made trade agreements with a large number of foreign countries on an individual, bilateral basis. Beginning with Geneva, the State Department has used the authority of the 1934 Trade Agreements Act to call into being a new instrument of American foreign aid, called the General Agreements on Tariffs and Trade. At Geneva the United States engaged in multilateral tariff reduction negotiations with some 22 countries, reducing American tariffs to the lowest point in many years.

Although the reduced tariffs, through the operation of the most-favored-nation clause, became available to all nations, it was decided to permit additional countries to enter the General Agreements on Tariffs and Trade through the participation in new tariff negotiations at Annecy, France, where 10 additional countries took advantage of that offer. At the same time further reductions of duties on products imported into the United States were negotiated. In a few weeks now a new conference will take place, again under the authority of the 1934 Trade Agreements Act and on the same basis as the GATT. This conference is to take place at Torquay, England, where upward of 3,500 products are planned to be further affected by tariff reductions. The Torquay conference, to start on September 28, will involve again the original members of the GATT and Annecy, plus some new countries which have shown interest in directly benefiting by further lowered American tariffs.

It is to be noted again that, while the State Department did, no doubt, secure some lower tariffs in foreign countries, no benefit was ever gained thereby. In other words, quotas, embargoes, and many manipulations were immediately resorted to; and it has degenerated into a one-way street, and has never operated in any other way. Of course, as I said before, it has become a way of paying off the other nations, a substitute for cash outlays.

The countries which will meet at Torquay are the following: Australia, Austria, Belgium, Brazil, Canada, France, Federal Republic of Germany, Guatemala, Korea, Luxemburg, New Zealand, the Netherlands, Norway, Peru, Turkey, Union of South Africa, and the United Kingdom. Of these countries the following have not participated in the two preceding tariff negotiations: Austria, Germany, Guatemala, Korea, Peru, and Turkey. We must assume that the other countries which signed the preceding

two agreements have derived all the benefits they can expect to get from the United States through tariff negotiations and have decided not to contribute further. However, because of the nature of the most-favored-nation clause, they will also get the benefits of any reduction of duties which are negotiated at Torquay. After the Torquay conference, and assuming that the new countries will sign the agreement, 39 countries in all will have negotiated with the United States under the authority of the 1934 Trade Agreements Act as used at Geneva for the first time, and the range of permissible tariff reduction left has been reduced to a degree where further profitable reductions for other countries will not be possible.

In connection with the Senate resolution submitted yesterday by the Senator from Nevada to discourage what is meant to be done at the Torquay conference, I wish to refer to a press dispatch from the Washington bureau published in the New York Journal of Commerce of June 1, 1950:

ADDED TARIFF CUTS SEEN WEAKENING ECONOMY, DEFENSE

WASHINGTON, May 31.—Further reductions in American tariff rates on chemicals from foreign countries would weaken this country's national defense, in the middle of a cold war, would correspondingly strengthen the military potential of unfriendly nations, and, in addition, would endanger the United States economy and full employment, chemical industry leaders maintained here today.

They testified before the Committee on Reciprocity Information, which is gathering information for use when reciprocal trade agreements are discussed at Torquay, England, this fall. At that time 17 nations will meet with representatives of this country to consider a third round of American tariff reductions.

SEES GAINS FOR SOVIETS

William M. Rand, president of Monsanto Chemical Co. and also chairman of the board of the Manufacturing Chemists Association, said:

"The reduction of American tariffs at this time would stimulate still further the construction of more and more chemical plants within the Russian orbit and in areas subject to seizure or control by the Soviets. Foreign competition is unfair when State-controlled industries employ slave labor, currency devaluation, exchange rate juggling, State trading, and other ruthless trade practices which are not and cannot become a part of our system of free competition among private enterprises."

Donald K. Ballman, general sales manager for Dow Chemical Co., said further tariff reductions would force some United States producers out of business and make it impossible ever to develop some of the most critical materials of the future.

Victor E. Weliman of the Calco Chemical Division of American Cyanamid Co. stated that tariff concessions at Torquay leading to importation of foreign intermediates would emasculate the synthetic organic chemical industry to the extent that it would be of little help in future emergencies.

RESEARCH IMPERILED

He pointed out that organic-chemical products made from coal tar are so integrated that reductions of tariffs on some of them would be equivalent to reductions on all of them.

If Government-subsidized foreign companies are able to cut into the domestic chemical market, he contended, it could reduce profits of American companies to a point where the American companies would have difficulty in supporting new research activities or in making any emergency changes. He pointed out that the American industry cannot operate profitably, if production falls below 85 percent of rated capacity.

Similar views were expressed by B. M. Reynolds, vice president of Merck & Co., who argued that further tariff reductions at this time not only would weaken national defense but would jeopardize future research progress, including further progress in developing new drugs to combat disease. Such research, by Merck, it was pointed out, has made possible isolation of the new vitamin B_{12}, partial synthesis of the new wonder drug, cortisone, and other important achievements.

IMPORTANT DEFENSE INDUSTRY

P. K. Lawrence, E. I. du Pont de Nemours & Co., said that loosening the restrictions on any intermediate coal-tar chemicals was dangerous. He cited prewar exports of so-called trick intermediates, which had no market in themselves, but which were quickly converted in foreign-owned plants to commercially important dyestuffs.

Lawrence called the production of intermediates "the most important industry to our defense," since they are used in so many explosives and other war goods. There are 100 domestic producers making more than 1,000 different intermediates, he said.

Any lowering of the tariff on fats, oils, and oil-bearing materials will have a disastrous price effect upon United States producers, John Lee Coulter, consulting economist representing the National Renderers Association, told the agricultural panel of the Committee for Reciprocity Information today.

The enormous expansion of United States fats and oils production since the war has altered the prewar situation in which this country was a large net importer of fats and oils, Coulter pointed out. He said the huge potential producing capacity of the tropical countries is becoming a serious threat to the United States, and fats and oils from these areas could break the market here if a favorable tariff allowed them to enter virtually without restriction.

A further dispatch from the New York Journal of Commerce, under date of June 23, 1950, reads as follows:

GENEVA TARIFF PACT MAY BAR UNIFIED EUROPE—SCHUMAN, STIKKER PLANS CONFLICT WITH GATT; UNITED STATES AIDES IN QUANDARY

(By Oscar E. Naumann)

WASHINGTON, June 22.—Integration of European industry, as proposed by the Schuman and Stikker plans, may be roadblocked by the General Agreement on Tariffs and Trade (GATT) which was negotiated at Geneva in 1947.

Paradoxically, GATT, to which 32 nations now belong, was initiated by the United States as a means of freeing world trade from the very hindrances and complexities which the European integrators are trying to eliminate insofar as western Europe is concerned.

THREAT TO INTEGRATION

Now, however, GATT poses a real threat to European integration.

The threat so far apparently has been overlooked by European planners, or at least relegated to the realm of myriad details which economic experts are to work out.

Nevertheless, GATT is no mere detail problem which the European economists will be able to solve without a good deal of international haggling. Officials at various embassies here as well as at the State Department haven't been able to come up with a clear-cut answer so far.

WOULD END QUOTAS

This is the situation:

1. The Schuman proposal contemplates the elimination of all import and export quotas on coal and steel and the elimination of all import duties on these commodities. The Stikker plan proposes the same treatment for others, on an industry-by-industry basis.

2. All of the countries of western Europe—i. e., all of the countries being considered for integration—are members of GATT.

3. GATT specifically states that if any member country reduces a duty toward another country it must make that lower duty available to all GATT members. This is the most-favored-nation principle.

Of course, when such concessions actually are made, as I have pointed out, then the European nations and other nations making them immediately set up roadblocks—in the form of quotas, embargoes, manipulations of their currencies, government controls and purchases, and so forth—which immediately eliminate all possible benefit which the United States might hope to obtain.

I read further from the article:

If the French, Germans, Benelux countries, Austria, and Italy, for instance, were to integrate their steel industries and eliminate import duties on the products, that elimination of duties would have to be extended to the United Kingdom, the United States, and all the other members of GATT.

This may well be a sound and practical reason for the British to stay out of European integration. If the Continent eliminates duties on steel or textiles or any other commodity under integration proposals, the British have only to sit back and reap the advantages without giving any duty reduction in return.

Mr. President, of course that is what they have been doing with us for a generation, under the 1934 Trade Agreements Act, as administered by the State Department.

I read further from the article:

In such a situation it certainly will be advantageous for some countries to refuse to join integration plans.

DIFFERENT FOR EUROPE

Because of the condition laid down in GATT, European countries will be in a different situation than the United States. If the European countries are not in balance-of-payments difficulties with each other—and they may not be in such difficulties much longer—they will have no justification for maintaining import quotas vis-à-vis each other.

Mr. President, if those countries would maintain honest currencies in terms of the United States dollar, without currency manipulation, then there would be no objection on my part to having the United States lend money to finance private industry in any countries of that sort, with the money to be loaned on the same terms as those laid down in the RFC's rules regarding loans to be made to private industry in the United States; and the money could be loaned through the World Bank or any other bank set up under the Government. However, that is not what the governments of the other countries want. They want a gift of money to further their Socialist ends.

I read further from the article:

So long as they are in balance-of-payments difficulties with the United States, GATT members may continue the import quotas raised against United States goods.

But if the Continent integrates its steel industry and is not in payments difficulties

with the British, it cannot maintain import quotas against British steel or other goods. At any rate, the program urged by the Economc Cooperation Administration calls for the elimination of import quotas within Europe regardless of the Schuman or Stikker proposals.

This means that any European country that refuses to join an integration scheme can insist that the more favorable quota and tariff schedules of the integrated countries be made available to it under the terms of GATT.

Mr. President, that was one of the amendments offered by the junior Senator from Nevada to the ECA Act, and it means that European nations must show themselves willing to form a United States of Europe without barriers of any kind. All we have done through the Marshall plan, or at least one of the things we have done, is to reestablish the age-old feuds and barriers which have plagued the European countries for a century. I continue:

Some integration proponents believe that the reduction or elimination of tariffs in Europe, even when extended to the United States under GATT, would not bring American competition into Europe, because the import quotas would keep out United States goods. Their reasoning is correct, but it extends only through the period during which the payments difficulties continue.

Mr. President, here is a statement which supports a statement which has already been made during the course of this address by the junior Senator from Nevada, that foreign quotas keep our exports from going abroad anyway. In other words, there is no such thing as concession on the part of European countries.

After that, GATT says the import quotas must be removed. For some of the western Europe countries that day isn't too far off.

European countries, after complaining for years about the allegedly high level of United States tariffs, will have little stomach for lowering their own duties without receiving a reciprocal reduction from the United States.

SEE NO ESCAPE

Officials at several embassies here have looked through the GATT articles of agreement to find an escape from this situation, but so far haven't been able to come up with a convincing one. The problem, it is known, has been cabled back to several European ministries.

The State Department, to which the problem hadn't occurred, said as far as it could see the only alternative would be to amend GATT. This would take a two-thirds vote of the members, or 21 countries. There are some very grave doubts whether that many countries would be willing to vote against what amounts to their own self-interest.

If you can get a tariff cut without giving one in return, why amend GATT?

That is exactly what they have been getting ever since 1934. I read further:

MIGHT SIMILARIZE TARIFFS

One solution suggested by a proponent of the Stikker plan would have the European countries similarize their tariffs rather than eliminate them entirely for the integrated industries. This might be a partial answer.

However, the duties would have to be equalized at the lowest level of the existing duty, since GATT prohibits duty increases.

That is a wonderful situation. We are to be a member of GATT, yet GATT prohibits duty increases. We have been under the impression all the time that the 1934 Trade Agreements Act made it possible to raise tariffs to the extent of 50 to 75 percent, as well as to lower them 75 percent. Now, since we are members of GATT, that is impossible. I read on:

However, the duties would have to be equalized at the level of the existing lowest duty, since GATT prohibits duty increases. If they were not similarized at the lowest existing duty, the uniformity of tariff rates called for by both the Schuman and Stikker plans would not be achieved.

Even an equalization of duties would give all other GATT members an unearned advantage in the integrating countries that had to bring their import levies down to the lowest level.

Mr. President, I have further a press dispatch from the Journal of Commerce of New York, of Tuesday, June 20, 1950. It is entitled "Tariff Policy Uncertainties Seen Unsettling to Industry," and a subhead reads "New Trade Proposals Held Real Threat to Organic Chemical Unit—Administration's Program Viewed as Imperiling Free Enterprise System in This Country and Undermining Our National Defense Strength."

Mr. President, I ask unanimous consent to have this press dispatch inserted at this point as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON of Colorado. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MALONE. Mr. President, this article is by Mr. Howard Huston, and reads as follows:

The history of the organic chemical industry is such that it has always had to be acutely aware of chemical developments in foreign countries.

In 1914, for all practical purposes, no organic chemical industry existed in the United States. When supplies of chemicals, however, were cut off from Europe, there began the slow struggle for the creation of a domestic organic-chemical industry. Following the First World War the need for protective tariffs was recognized by President Wilson, but it was not until 1922 that a tariff bill was passed, under which there has grown up the chemical industry as it exists today.

At the present time, however, there are three important matters concerning foreign-trade policy which are before the Congress of the United States and any one of these will deeply affect the future prospects of the industry. These are the proposals for the reduction of chemical tariffs under the Reciprocal Trade Agreements Act, the hearings which are being held looking toward the approval of the Habana Charter setting up the International Trade Organization, and the proposed Customs Simplification Act of 1950.

RECIPROCAL TRADE AGREEMENTS

The chemical industry in the United States is considerably disturbed by the rise of a strange doctrine in Washington which holds that, in order to encourage imports from Europe, it may be necessary for certain legitimate American industries to become expendable victims of the cold war. Indeed, serious injury to, or even bankruptcy of, American firms seems to be no ground for cutting off foreign imports.

Mr. President, that seems to confirm the conclusion which the junior Senator from Nevada had reached over a period of 15 years prior to coming to the Senate of the United States. In the nearly 4 years that he has been here, he has come to the conclusion that a strange and dangerous policy has grown up in the administration, and that this strange and dangerous policy has been adopted by the greatest deliberative body in the world, the United States Senate, and extended from time to time to allow this strange custom to be continued. I continue:

The textile industry, the watch industry, the tanning industry, and others are already realizing that, spurred on by Washington, Europeans are taking a large slice of their markets. Undoubtedly the drive to close the dollar gap is increasing imports. Equally it is very evident that it is stirring up an old-fashioned tariff squabble.

The industrialist in the chemical industry in the United States does not generally believe that any amount of management ingenuity can compete against labor rates in Europe, which are one-sixth to one-third of the labor rates that are paid in the United States.

In the appearance of many chemical executives before the Committee for Reciprocity Information, the theme has in most cases been the same—that to reduce American tariff rates on chemicals would weaken the chemical industry, you weaken our national defense—thus automatically strengthening the military potential of unfriendly nations.

Mr. President, I am very glad that I have had an opportunity to read this dispatch to the Senate. The junior Senator from Nevada long ago concluded that that was a fact, that we are strengthening the military potential of unfriendly nations. I continue:

It is not generally realized how fully the chemical industry is integrated—how the chemical industry must be integrated both technologically and economically if it is to furnish those indispensable materials required by all major industries, if it is to operate efficiently, and if it is to be subject to full-scale mobilization in time of emergency.

Many parts of this industry are dependent one upon the other.

GOVERNMENT PLANNING IS DANGEROUS

Mr. President, let me say at this point that the junior Senator from Nevada has not thus far taken the time of the Senate to explain what he has experienced in that connection, but at Hoover Dam or Boulder Dam, where there is 700,000 horsepower, the cheapest power, or at least on a par with any power in the United States, the State of Nevada withdraws a percentage of this power, and is using the power.

The junior Senator from Nevada served as State engineer of his State. He served on the Colorado River Commission, and served on the Railroad Commission of his State for 8½ years. Industries are integrated Mr. President. An industry locates near Hoover Dam, formerly Boulder Dam, and starts production. Another industry locates there because the product of the first industry is available. So it goes, until there are perhaps 30, 40, or 50 industries which depend on each other. Then the State Department comes along and conceives the brilliant idea—and, of course, it has industrial engineers and graduates of fine schools—that all it has to do is to destroy one of these industries by means of a tariff reduction, and it will hurt the economy only to that extent.

Mr. President, it can very possibly explode the whole integrated group of industries. To ruin 1 means to ruin 20. It is like throwing a monkey wrench into a corn sheller. It looks as though only a few teeth will be knocked out. However, it spoils the whole operation for everyone. That is exactly what the State Department has been doing and has set about to do deliberately for the last 18 years. The Congress goes along with the State Department. The Senate passes any bill it is asked to pass, without question. Anyone who questions a proposed measure is made to seem unpatriotic. He is considered unpatriotic if he does not want to give away a whole set of industries.

In many cases chemical manufacturers are themselves big customers of other chemical manufacturers.

That is exactly what the junior Senator from Nevada has said. One industry feeds upon another. That is the reason we have industrial centers. So the State Department sets about pulling one industry out, and they think no harm is done.

To take away part of the industry, therefore, you may well disrupt the whole of the balanced structure.

That is exactly the point the junior Senator from Nevada has been trying to make. If one pulls a sufficient number of bricks out of a wall, the whole wall will crumble. The State Department keeps looking for bricks every day to pull out, and then says, "Are you hurt?" Mr. President, when an industry is ruined, it is too late for it to complain.

IMPORT PRESSURE INCREASING

The problem is a very real one, because foreign competition is already making itself felt in the United States. Plants in western Germany, according to the Chief of the Economic Cooperation Administration to western Germany, hope to slash their dollar gap and increase their production by negotiating tariff cuts at the session to take place at Torquay in September.

The resolution which the junior Senator from Nevada introduced in the Senate yesterday was aimed at the Torquay conference. The purpose of the resolution was to stop this idiotic conference. The intention of the junior Senator from Nevada was to stop the stupid policy of continuing to pull bricks one by one out of a wall in a house that was constructed over a period of 100 years.

American industrialists are, on the whole, long-suffering and they are anxious to do their part to promote international trade, but they do not believe that it will be for the best interest of the world to adversely affect our domestic market. It is something of a paradox that money paid by American industrialists through Washington to ECA should be used to encourage the building of plants in Europe which will take away those industrialists' markets.

Mr. President, I agree that it is a paradox. That is one of the kindest things that can be said about it. What the junior Senator from Nevada calls it is wrecking the national economy of America, either through ignorance or something worse. I like to think it is ignorance. However, how anyone can be that ignorant is more than the junior Senator from Nevada can understand.

William Rand, president of Monsanto Chemical Co., said recently:

"Even though the organic-chemical industry might be able to compete with foreign competition on a fair trading basis, it cannot hope to survive the inroads created by state-trading slave labor, devaluation, artificial exchange rates, and other unorthodox practices. Actual production costs mean nothing to a totalitarian state or to a nation famished for American dollars."

Mr. President, I am more than happy that I have been able to read into the CONGRESSIONAL RECORD this dispatch from a person who understands what he is writing about. He understands what experienced men have been talking about. What the junior Senator from Nevada has been trying to explain on the floor of the Senate ever since his trip to Europe in 1947 and his trip throughout Asia and around the world in 1948 is exactly what this gentleman says in this paragraph.

This is where a flexible import fee would work through a foreign-trade authority with authority to adjust tariffs and import fees. Such an authority would immediately take cognizance of the facts. Tariffs and import fees would be based on the devalued customs value, and the offered-for-sale price in this country. When those two factors are taken into consideration, in the humble opinion of the junior Senator from Nevada, the truth as to the real cost of production will come out in a very short time.

EFFECT ON EMPLOYMENT

Not only the chemical industrialists but the labor leaders as well are worried about the unemployment which will inevitably follow if there is any considerable reduction in chemical production. H. A. Bradley, president of the A. F. of L. International Chemical Workers Union, recently sent this telegram to the chairman of the Committee for Reciprocity Information:

LABOR IS WAKING UP

I have just informed the Chair that labor is waking up, because they are the first to suffer through the policy of free trade, the stupid policy of removing the floor under wages and investments, and putting $2.50-an-hour labor in competition with the sweatshop and slave labor in Europe and Asia, and putting our standard of living and wages in competition with the standard of living and wages of Europe and Asia. The workers of America are not stupid. They were promised many things if they would accept the program of this administration. They never were informed that it would mean free trade and direct competition with the sweatshop labor of Europe. At Toledo, Ohio, 2 weeks ago, before the National Glassworkers Union, I said:

It doesn't make any difference where the sweatshop labor is located, whether it is in old England or in New England. If you remove tariffs and import fees, which make up the differential in cost, you are in direct competition with the sweatshop labor in Europe, and you are set back 50 years in one. It makes no difference what fancy name you call it. Whether you call it reciprocity or by some other name, you are out on the street or you are taking the wages they get in Europe, plus the freight. That is what it means.

I am happy to read what Mr. H. A. Bradley, president, A. F. of L. International Chemical Workers Union, recently said in a telegram to the chairman of the Committee for Reciprocity Information:

Change in tariffs for medicinal and pharmaceutical chemicals and most other chemical products at the present time will affect job security of 600,000 employees in this important industry.

It will affect the jobs of 600,000 employees in this important industry. Still the State Department goes blithely on. They have their tickets. They are on their way to the conference in England to complete the job—free trade—one economic world—throwing their hats in the air. They are all educated people. They know exactly how it is going to work. Everybody in the world will live exactly alike. Suddenly all the Chinese, all the Indians, all the Malayans, all the Indonesians, will live as we are living, just as soon as we get free trade. He proceeds:

In order not to impair jobs of chemical workers and the national security, the forthcoming international conference must not lower tariff rates of chemical products. We deem this matter of vital importance.

Emil Rieve, president of the CIO Textile Workers Union, recently expressed the opinion that it would be better for the United States just to give away any surplus goods it may produce than to "buy foreign goods at the cost of unemployment at home."

Mr. President, that has the earmarks of a better idea than we have been following. I agree with Mr. Rieve of the CIO that that has the earmarks of a much sounder policy. At least the boys keep working until they get to the point when the Treasury of the United States cannot sell any more bonds, and then we can start even again.

LABOR-MANAGEMENT COUNCIL

The organization of the National Labor-Management Council is significant because its purpose is to consider problems arising from foreign trade and from laws and legislative proposals pertaining to it and to securing cooperative action in dealing with such problems. The organization has the participation of both labor and management. O. R. Strackbein, its president, recently stated:

"The object of the tariff is to prevent our wage and labor standards from crumbling under the onslaught of foreign competition which finds its advantage in lower wages and poorer working conditions."

Mr. President, I am well acquainted with Mr. O. R. Strackbein. As a matter of fact, he has worked with me in times past in determining some of these differentials, and I am heartily in sympathy with what he says here. I am in sympathy with his organization. I think he has an idea there, because for 18 years it has been the objective of the administration to divide labor and management. But Mr. O. R. Strackbein, I say to the distinguished Members of the Senate, has an idea that labor cannot join his organization unless they bring the management with them, and vice versa. In other words, they must come in with clean hands and they must come

in with an objective of preserving the workers' wages and investment. Therefore, he says:

The object of the tariff is to prevent our wage and labor standards from crumbling under the onslaught of foreign competition which finds its advantage in lower wages and poorer working conditions.

Mr. Strackbein will not let a labor organization join his organization unless its brings management with it, as I have said, and I think he has a good idea, which may start a fashion in labor relations, getting management and labor back together. As with a man and his wife, they may have trouble, but if there is outside trouble, they settle that first. That is exactly what a group of workers should do in working for an industry. The success of the industry means more to the men working for it than it does to management.

LABOR'S STAKE IN INDUSTRY

I have talked to workers in my own State, in mining camps, and to other groups of workers, and I have said that very thing, that, "The success of the industry means more to you than to management." That is because when a man gets to be a manager he at least has training, so that his earning power is increased, and if he is suddenly out of a job he can find a place to go because he has now become known in the community, and perhaps outside of the community, and he has special training. He can get another job even if he loses what money he has and is required to move. But a man working with his hands, with no special training except in one job, like mining, or in a chemical industry, with a house half paid for and kids in school, and with no money saved—where does he go? He is through. He goes on relief. So I say that Mr. Strackbein has a good idea here, and I am for him. I have been doing all I can during the last 18 months, since he started this organization, to help him.

The American chemical industry does not ask that any margin of authority be conferred upon it.

That is what I have been explaining in my address. The flexible import fee regulated by the authority which would be created under the flexible-import-fee bill would not result in an advantage for the producer, but would create a market value on the basis of fair and equal competition. Foreign producers would have an equal break in our markets with domestic producers, but no advantage. They will ask for an advantage, and our State Department says they must have it, but I say they cannot consistently ask for it and hope to get it. But I trust that the change in sentiment in this counry coming through the labor organizations, as illustrated in the resolutions I have read earlier in my address and the statements I am reading now, will bear fruit. I guarantee that when they become prevalent enough they will bear fruit. Everybody can hear that racket. Some may miss every other kind of noise, but it will be different when the labor organizations wake up and find that their jobs are being pulled out from under them, just like a rug being pulled out from under one's feet, and a war does not come along to put the unemployed in the Army and put all the industries to work in some kind of military production.

Sometime I hope we will have a long enough peace period so that we will be out of an emergency. We have now had an 18-year-old emergency, either a peacetime emergency or a war emergency. Let us have a period of peace and see how it works.

I continue to read:

The American chemical industry does not ask that any margin of advantage be conferred upon it. It does ask for competitive parity with imports. With constantly increasing wage rates, with constantly increasing minimum wages, with the necessity of keeping a high level of national income to carry the tax burden, it becomes increasingly evident that only a fair tariff can maintain this parity.

I am delighted that the distinguished Senator from Colorado insisted that I read this dispatch, because I believe it worth while for the Senate to hear it read.

As more imported chemicals come into the United States, there will, of course, be less outlay for plant expansion, there will be less new investments in capital goods. Thus, another avenue of worker absorption will be narrowed and another source of taxation closed. There is a great awakening to the need of a new approach to the import question.

Mr. President, how many times have I made the remark in the past 3 years that there is need for a new approach to this trade question? A new approach has been furnished by the junior Senator from Nevada in the suggestion of the flexible import fee administered by the Tariff Commission changed into a foreign trade authority.

There is a great awakening, Mr. President, and it does me a lot of good to see this.

There is a great awakening to the need of a new approach to the import question. This approach has the great virtue of concerning itself with one of the more important phases of import competition, the effect on our workers and our living standards.

Mr. President, I am certainly happy that we have finally gotten around to the point where we can discuss an organization, and notice the effect on our workers and our living standards and our investments the present method of free trade is having. This method will destroy the investors along with the workers. The workers will either be unemployed, or they can accept lower wages, just as was done in the Calumet Copper & Hecla Co. case when the tariff was taken off copper.

The success and effectiveness of the chemical industry has been measured by the quality of performance and the findings of its research workers in the laboratory. Intensive research accounts for the constant development of the industry and its increasing contribution to health, comfort, and the national defense.

The growth of research in the chemical industry has been extraordinary. In the last 10 years it has increased over threefold. Staffs of highly trained chemists, engineers, physicists, mathematicians, and specialists of many other types are not only essential to the production of existing products, their improvement and new discoveries, but all of these men must be paid out of the sales of existing products.

Mr. President, there is no Government subsidy in this business. All the workers must be paid, and all the expenses must be paid out of the sale of existing products. It would be wonderful if we could resell that idea to the United States of America; let us pay our bills out of the existing products of the business. We might even exist without deficit financing.

THREAT TO DEFENSE STRENGTH

A lowering of tariff rates will stimulate imports and reduce sales. This inevitably means a reduction in research staffs and it means that many of the younger men would no longer find the field of chemistry attractive as a career. We cannot afford at this period in our history to dissipate one of our most valuable national resources—a kind of resource that cannot be restored overnight—a type of industrial machinery that cannot be started with the throwing of a switch.

Of course, I would not expect the State Department to understand that kind of a statement. But I have tried to explain this afternoon that the mining industry cannot be started by throwing a switch. Many of these industries require trained men to work in them. They require special machiuery. Their factories must be in a going condition, and kept in that condition. The new organization which is trying to secure a stockpile of strategic and critical minerals and materials will soon find that out. They will find that there is no stockpile in existence; that there is no going-concern mining industry. That was not of importance to them. They never thought of it until the war was on—or what the President insists on calling a "police action."

Modern war is technological combat in which all aspects of technology are involved. A loss of any of our research abilities would be serious enough in time of peace, but it would be tragic if war should come.

Mr. President, this was written on the 20th of June just before we inherited our war. So it is tragic now.

General McAuliffe has pointed out that so long as this country can keep ahead of a potential enemy in the field of chemistry, there may not be another war.

PREPAREDNESS NEGLECTED

That is what the junior Senator from Nevada has been trying to express on the Senate floor during the 4 years he has been here. It would have been well if we had taken the precaution of keeping ahead of the other fellow, and as was suggested by the junior Senator from Nevada on the Senate floor at that time, had taken the advice of the aviation commission which reported late in 1947 and in 1948. The Aviation Commission suggested that we allocate $16,800,000,000 for a 5-year program for aviation. When it was suggested we create a 35,000-plane striking force, the junior Senator from Nevada said, "Let us have the Armed Services Committee check this report." It was suggested that instead of $17,000,000,000 for 4 years of the Marshall plan we take $1,000,000,000 and set it aside and offer to loan

through the World Bank to private industries in those countries, to any private industries that came up to the specifications of feasibility upon examination. It was proposed to lend the money in exactly the same manner as the RFC does, and under the same rules as money is loaned to a GI in this country to get him started, or as loans are made to any industry in time of stress, that it be done under no more stringent or no more lenient rules. But, Mr. President, we would not loan a billion dollars in that manner in 10 years in Europe. That is not what they want. They want us to give them the money beyond their earning power, which of course only means giving it to them from the taxes paid by the taxpayers of the United States.

This is certainly true, and so long as our chemical industry is allowed to go ahead unhampered, the unhampered progress and expansion of the past few years will continue. So far as the growth of this industry is hampered by the encouragement of foreign producers to take its domestic markets, just so far do we run serious risks to our national security and our economic stability.

It is repeatedly pointed out that there exists an escape clause whereby the Tariff Commission can give assistance to any industry which is threatened with extinction. That this assistance is more theoretical than real is attested to by the fact that there have been 16 applications filed under the so-called escape clause with the United States Tariff Commission under which industries seek relief from excessive imports.

Of these 16, only one advanced beyond a preliminary study stage. This was an application protesting the influx of clothespins, and on this the Tariff Commission recommended to the President that nothing be done.

Clothespins. They are important, too, Mr. President. They create employment and taxable property, and they should have a tariff. But the clothespins and chemical industries, so far as being continuing industries and encouraging private investment and venture capital are concerned, should be treated by exactly the same principle.

All of the other applications were dismissed by the Commission as being without merit.

INTERNATIONAL TRADE ORGANIZATION

The Foreign Affairs Committee of the House of Representatives has held hearings during the past month on House Joint Resolution 236, a resolution which proposes that Congress approve the International Trade Organization Act.

There seems to me little doubt that there is almost complete unanimity in the chemical industry on the belief that we should have world-wide economic cooperation. There is almost equal unanimity in the belief that this cannot be secured through the International Trade Organization.

The original concept first published by our own State Department in 1945 was generally approved by most of the students of international relations. As negotiations proceeded, however, at London, at Geneva, and at Habana, the original concept and purpose was almost lost, and the document which is now before us shows closely that the interests of the participating nations were so divergent that there has emerged only a document of compromise. Its adoption could only result in confusion and a weakening of the position of the United States.

WORDING SEEMS ARDUOUS

One of the greatest objections to the charter is that it tries to solve too many economic problems in too great detail. Its ambiguous wording conceals a lack of real agreement on principle. The Manufacturing Chemists' Association, the Synthetic Organic Chemical Manufacturers Association, and the Chemical Alliance have all gone on record through briefs and oral presentations in opposition to the Habana Charter.

Mr. President, it is about time that the Habana Charter, so-called, is understood, because its application would simply mean, as I pointed out earlier today, that we would transfer to the International Trade Organization, an organization of anywhere from 55 to 70 nations, the right to fix tariffs and import fees on the part of our country. We would assign to that organization, if such action were approved by the Congress of the United States, the right to fix the tariffs and import fees of our country; we would also assign to them the right to fix production quotas. Would it not be wonderful to have 58 or 65 or 70 learned individuals, all graduates of some great economic school, such as Oxford, Harvard, or other top institutions, sitting around the board with all the information necessary, knowing exactly how many pounds of beans the people of the world are going to eat next year, knowing how many pairs of shoes they are going to wear, knowing how much wheat they will need, and deciding on what should be done? Then there would automatically be secured a one economic world, and then, of course, there would be a one political world.

Mr. President, the International Trade Organization is on the must list of the President for this year. Perhaps the Senate has forgotten that it is on the must list of the administration of the President of the United States for this year. If we approved the ITO we would not need to come back, because we would not have anything left to do. There is nothing now left for us to do except to appropriate money.

I read further from the dispatch:

Dr. Elvin H. Killheffer, in his able appearance before the board, said:

"The most serious disagreement of all concerns a planned versus a free economy."

Now we are getting to the point, Mr. President, in other words, a planned economy versus a free economy.

Of course, what the great brains in the State Department want is a planned economy; and I suppose the desire to have a planned economy is not confined to those in the State Department, either, or else the Congress would not be passing, without dotting an "i" or crossing a "t," practically speaking, virtually every bill that is sent to it.

I read further:

"The charter is a catalog of what governments will do. The members of the proposed international bureaucracy called ITO are governments. The charter recognizes state controls and ownership and state trading. This, in turn, requires state planning, and all of this is state socialism, the antithesis of private enterprise, which we in the United States believe in."

Mr. President, as I said earlier in my remarks, we now have a Socialist government in the city of Washington; and there is no difference between a Socialist government and a Communist government, except the Communists will shoot the opposition in order to bring about the government the Communists want, whereas the Socialists will simply spend the opposition into doing what they want. In short, Mr. President, a Communist would seem to be simply an impatient Socialist; that is all.

I read further from the article:

LIBERTIES SEEN PERILED

The charter in its present form calls for a planned international economy, an international economy in which the rules and regulations for the international distribution of products made by American industry will be promulgated by an administrative board of the ITO.

I read further:

This means that we will be forced to abandon many traditional American principles. In place of these we will have to accept planned economy and full-scale political control of production, trade, and monetary exchange.

ITO ON THE MUST LIST

The principles of free, private, competitive enterprises are not found in the charter. Yet these principles are the basis upon which our country has operated during all its history and upon which are founded all of the liberties of the American people.

The escape clauses are of such a nature that they will apply to almost every other country, but they will not apply to the United States. In the document as it is now before Congress it does not generally forbid quota restrictions—

In other words, Mr. President, the article states that the ITO would not prohibit import quota restrictions on the one hand, but would make arrangements for the control of production in certain surplus producing industries. After we analyze all the double talk in which the proponents of the ITO indulge, we find that the purpose of ITO is exactly what I have just stated it to be. When we state its purpose in one paragraph—which is the way to have it stated so that we can understand it—when we have all of the 105 pages of the ITO Charter boiled down into one paragraph, we find that ITO means only two things: First, that in the case of every nation which joins the International Trade Organization, the ITO will have the right to fix and regulate the tariffs and import fees of that nation and of every other member nation; and, second, the ITO will have the right to control the production of each member nation—in short, to do just what the writer of this article has stated: To set the quotas for the various nations which participate in the International Trade Organization.

When the International Trade Organization has made what it calls an estimate of how much each nation will consume each year, then the ITO will determine how much production is necessary; and that production will be allocated among the various member nations in accordance with a determination which will be made by the ITO, regardless of what the production of the various nations was before that time.

I read further from the article:

It does not eliminate preferential tariffs, it does not remove discriminatory practices in

world trade, it does not make impossible intergovernmental commodity cartels; and the imposition of quantitative import restrictions for the purpose of promoting economic development or restriction is permitted.

In other words, the ITO will have the right to expand the development of a country or to restrict the development of a country which is a member of the ITO.

I read further from the article:

GAINS HELD ONE-SIDED

All of these are granted to other countries for the purpose of promoting economic development or reconstruction, as a means of correcting balance of payment difficulties and other exceptions which could lead to widespread discrimination and could be a source of irritation and damage to the trade of any nation discriminated against.

There are many other objections to the charter because it does not properly safeguard the interests of the United States. The charter could be amended without the assent, or over the dissent, of the United States.

In other words, once the United States signs the charter of the International Trade Organization, the United States will not be able to get out of that Organization for 3 years. Even then, 6 months' notice will be required; and, of course, the charter can be amended at any time by majority vote.

I read further from the article:

Since the charter carries authority for extensive exceptions and special dispensations, this might become a grave danger to the trade and economic well-being of the United States.

WOULD SIGN BLANK CHECK

Under the provisions "to foster and assist industrial and general economic development, particularly of those countries which are still in the early stages of industrial development," the United States would for all practical purposes be signing a blank check.

Mr. President, we are used to signing blank checks. That is exactly what the Senate and House of Representatives signed when they passed over to the Executive, by means of the 1934 Trade Agreements Act, the constitutional responsibility of Congress to regulate foreign trade; and, of course, in turn the Executive placed that power in the hands of the State Department.

The Congress has signed blank checks for 18 years now. So I do not see why Congress should balk at signing one more blank check, although I am glad that I am here to oppose it for as long as I can stand on my feet.

Mr. President, the article from which I have been reading then states:

These provisions might impose enormous financial burdens upon us and might become a dangerous drain on the resources and productive system of the country.

All of that may be true; but we have some citizens of our own who propose a tremendous financial drain on our Nation, for today Mr. Hoffman proposes that the United States spend $150,000,000,000 in the fight for peace.

Mr. President, I shall reach that point a little later in the course of my remarks.

In addition to dividing our markets, with the 1934 Trade Agreements Act used as the vehicle, the proposal for the new International Trade Organization is a very interesting proposition. Perhaps we have not heard the last of it, either.

The article further states:

On the other hand, we would be obliged to grant all member nations access on equal terms "to the markets, products, and productive facilities which are needed for their economic prosperity and development."

Among all the nations joining the ITO, we would be the only one which would have a market in which $2 worth of goods could be sold for $2; it would not be possible to do that in any other of the member nations, unless we were to give it the money with which to pay for the goods.

In short, Mr. President, the proposal is that the United States simply throw its markets into the common pot.

I read further from the article:

This might well oblige us to supply other countries with capital funds and productive facilities.

Mr. President, we have embarked on that road, anyway. We have embarked on a program of giving away $17,000,000,000 in 4 years. However, now Mr. Hoffman proposes that the United States spend $150,000,000,000 "in fight for peace"—and spend it along the same lines, I judge.

Recently I saw a dispatch, although I neglected to clip it, to the effect that Mr. Gordon Gray is now arranging for one of the great, global, WPA programs under which no country would be slighted. That is a great scheme. However, the International Trade Organization would do the same thing, if we accepted it without amendment or modification, as a result of not reading the charter of the ITO before signing it. Earlier in the year it seemed likely that we would do so, when the President put the ITO on his "must" list, and when it became a part of the Democratic Party's platform.

According to this article, the ITO—

Would not even give us the right to deny free access to our markets to countries who do not cooperate in good faith in promoting economic progress and peaceful relations among the nations of the world.

That is exactly what I said a while ago, the ITO will fix the tariffs and import fees. In other words, in the case of the United States market, the ITO would remove all tariffs and import fees, with the result that then there would be free trade in our market. In such event, there would be no protection or floor under wages and investments in the United States, and no protection for the workers and investors of the United States.

Mr. President, it is a great idea, and there are plenty of prominent persons who have been promoting the ITO.

I remember that in the course of the week when the ECA was before the Senate last summer, I dared the proponents of ITO to bring it to the Senate floor. I made that remark twice. I think they made up their minds that they did not have the necessary votes at that time, and so they decided they would hold up the ITO until they thought they could promote a little more infiltration—I believe it was described in that way—among the Members of the greatest deliberative body in the world.

I read further from the article:

EFFECT ON INVESTMENTS

The charter does not provide adequate safeguards for the protection of foreign investments. These provisions are written almost entirely from the point of view of the recipient country.

Well, Mr. President, we are accustomed to that too. There are Members of Congress who are almost apologetic over the fact that the blank check is not larger, the check which we are sending to these countries such as England, France, and others. We send them a blank check. We give the money and the goods to the government itself, and here this man has the temerity to object to a blank check. Of course, I agree with him, but until now we have been more or less in the minority. I continue:

Such investments might be expropriated or nationalized. In fact the charter tends to remove such protection as private investments can enjoy.

Mr. President, the Members of this august body will remember that one of the amendments offered by the junior Senator from Nevada to the ECA bill was designated to guarantee private investments in those countries. The amendment, it will be remembered, was overwhelmingly defeated on this floor. I continue:

In this connection it should be noted that the charter states "the members recognize that international investment, both public and private * * *." The use of the word "public" in this connection is particularly interesting. Certainly this opens up the possibility of investments being available through governments and recognizes once again the concept of controlled economies.

Books could be written on the ITO and the present proposed charter. Because of the fact that the language is so ambiguous and that there was no clear meeting of minds, it would be almost impossible for any group of men to arrive at an agreed interpretation of the charter.

ITO AND PRIVATE ENTERPRISE

If the United States accepts this charter, it will commit itself finally and irrevocably to the acceptance of a political and economic heresy that will make for the destruction of private enterprise and the dissolution of individual liberty.

The reasons why the chemical industry opposes this charter are well set out in the statements submitted by the SOCMA that say:

"It is our firm opinion that the charter in its present form will:

"1. Allow discrimination against the United States.

"2. Promote socialism.

"3. Increase difficulties for balance of payments.

"4. Risk national security.

"5. Surrender to others a great part of control of tariff policies.

"6. Create world bureaucracy, forcing us to abandon many of our Federal laws to do this."

UN CHARTER THE SUPREME LAW OF THE LAND

Mr. President, we started on that road in a case arising in the great State of California, where an alien land law came before the court. The State court decided that since the United States is a

member of the United Nations, we can no longer have discriminatory laws, and the law was held invalid. Whether it was held to be unconstitutional or not, I do not know, but it was held to contravene the provisions of the United Nations Charter. So whatever the Congress of the United States signed or approved in the way of a United Nations Charter, seems yet open to exploration.

As time goes on, it will be necessary to explore it more carefully, because we now find that it declares war for us. Congress no longer has any authority to declare war—at least, a police action, as the President of the United States keeps on calling the conflict in Korea, where our boys are being slaughtered by the hundreds. If it is a police action, it is a little beyond anything the junior Senator from Nevada is familiar with. But I suppose inasmuch as the President calls it a police action, that is what it is. To me it looks like a war, and I imagine it does to the buck privates in the rear rank, too. It looks a great deal like a war. And, Mr. President, I know something about war. I was considered to be—I was—one of the best sergeants in the Fortieth Division. Of course, there sometimes arises a little difference of opinion as to such matters, but we did not take examinations in those days; we settled things in the usual way; and the later-to-be junior Senator from Nevada survived in his rank of sergeant. So I know about that rear rank business, and I do not doubt but that the soldiers of the American Army think they are in a war in Korea, although the Congress seems to have no authority to declare war any more. That question is not referred to us. It is referred now to the United Nations. So I wonder what the Congress of the United States and the Senate approved at the time it approved the United Nations Charter. Perhaps it remains to be seen. The article continues:

"7. Offer our exhaustible natural resources to others under terms which may be very unattractive to us."

Mr. President, I owe a deep debt of gratitude to the senior Senator from Colorado for having forced me to read this article. I am finding more support in this dispatch by Howard Huston, in the Journal of Commerce of Tuesday, June 20, than I thought existed. I shall get in touch with these organizations almost immediately. The article continues:

"8. Provide no definite protection for American foreign investments, except in the very few countries with which the United States has treaties of commerce dealing explicitly with such matters."

CUSTOMS SIMPLIFICATION ACT

On May 1 there was introduced into Congress H. R. 8304 which had for its avowed purpose the simplification of United States customs procedure. This bill was introduced by the Honorable ROBERT L. DOUGHTON, chairman of the Ways and Means Committee, and was referred to that committee for its consideration.

This bill, which is commonly called the Customs Simplification Act of 1950, proposes to amend certain of the special and administrative provisions of the Tariff Act of 1930—

CUSTOMS SIMPLIFICATION ACT

Mr. President, the junior Senator from Nevada has heard of this simplification act, and it does amend certain parts of the 1930 Tariff Act, just as the United Nations apparently amended the Constitution of the United States and the constitutions of the States, as the Charter of the United Nations is now the law of the land, since it has been approved. The article continues—

some sections of the Internal Revenue Code and some paragraphs of the tariff rate schedules which contain administrative regulations.

It is claimed for the bill that it will reform customs procedures so that the importing of all sorts of goods, not just chemicals alone, will be easier and cheaper.

To the extent that this bill is actually a customs simplification act, it is generally supported by the chemical industry, both through its trade organizations and by individual companies.

RATE-MAKING SECTION

There are, however, to be found in this bill certain extraneous matter which has no relation whatsoever to customs simplification, which in fact goes into rate-making procedure and which should have no part in a simplification bill of this kind.

Mr. President, we are accustomed to all manner of round-about and left-handed regulations of something we start out to do, something which at first has the support of everyone, but in the end has the support of no one who has anything to do with the proposal and who understands what is being done. That is the reason for the presence of the junior Senator from Nevada on the Senate floor at 10 o'clock at night. The article continues:

These provisions are found in sections 13 and 14 of the proposed bill. They eliminate the American selling price as applied to articles 27 and 28 of the present Tariff Act and propose to substitute for it a complicated plan of arriving at the tariff rates to be applicable on competitive products.

It will, in fact, take years to get the basic data upon which to make the computations which will result in the equivalent rates based on export value and in the meantime, during these years, there will be two bases for valuation paralleling each other, the new export value and the American value.

Mr. President, that is very important in connection with a fixed tariff and an import fee. If it were adjustable and flexible, as the junior Senator from Nevada has often suggested on the floor of the Senate—and he introduced a bill to bring that about—it could be adjusted in either case, but when it is a fixed tariff, then it is subject to interpretation probably of some customs officer who could be directed as to what to do; and then it is a very dangerous thing, because, if we have certain tariffs based on a certain value, it makes a difference whether the tariff rate is based on the value from the standpoint of the nation shipping the product to the United States, or the value from the American point of view. It probably makes the difference between ruining an industry here and allowing some floor under the wages and investments of the American people.

This is not the first time the junior Senator from Nevada has been apprised of the fact that this bill contained these provisions—and I do not think it was an accident. So far as the junior Senator from Nevada is concerned, not over 10 percent of the legislation which comes before the Senate of the United States—at least since he has been here, and he is now completing 4 years of service—has been free from a sleeper. Every department, when it sends us a piece of legislation, starts out with an objective. They start out with a nice preamble. But somewhere in the body of the bill, and it is generally lengthy so that it takes a good part of the day to read it and understand it, there will be found a sleeper. The result is that if the bill is passed, Congress will have done something it never intended to do in the whole wide world. I suppose the bureaus of the Federal Government have plenty of time and plenty of employees; they have smart, keen, acute attorneys, who spend their time inserting sleepers in bills, which, judged by the preamble, would ordinarily cause us to say, "That sounds all right; I will vote for it."

The junior Senator from Nevada had a recent experience with some of these fellows in a hearing in the Committee on Interior and Insular Affairs, where an argument arose about the bills which were introduced. The attorney for the Justice Department said, "We have introduced many bills. We introduced a bill on this subject and on that." I finally became a little tired of it. This happened several times over a period of about an hour, and I inquired, as gently as I could, whether they had started voting on bills yet. I said, "I thought it was only Senators and Representatives who introduced and voted on bills." But they have gotten us used to this sort of thing. They cannot imagine a Representative or a Senator who would not allow them to introduce a bill, or why a Representative or Senator would want to read the bill before it was introduced.

FOREIGN SET-UP

This is highly unsatisfactory to the organic-chemical industry and is being strongly opposed. The manufacture of these chemicals abroad has been principally in the hands of a few large companies in the United Kingdom, Switzerland, Germany, France, and Italy. Some of these manufacturers are now located within Russia and the satellite countries. Japanese and German production is being rapidly restored.

Since March 4, 1948, the junior Senator from Nevada has been complaining that the Marshall plan countries are making trade treaties directly with Russia and iron-curtain countries, arming them for a third world war with us, and helping the Soviet Union to consolidate their gains in iron-curtain countries and in China.

In that connection, Mr. President, I think I shall advert to an editorial written by E. F. Tompkins, and published in the New York Journal American on the 20th of September 1950. It is entitled "Arming the Enemy."

Mr. President, it is a great satisfaction to the junior Senator from Nevada to find that someone is making his speeches for him, or at least is relieving him of

the necessity of doing all the argument on this point. The Journal American had done a fine job on June 20. Now Mr. E. F. Tompkins, one of its editors, has also done a fine job. The editorial says:

If the American people have not lost their capacity for self-government, they will resist the devious manner in which their resources and their donations are being pilfered to arm Soviet Russia.

Mr. President, he is a much better writer than I am. I admire a writer of this kind, and wish I had the gift to put down my thoughts as this writer puts his down. He expresses exactly my thoughts, but I did not have the gift to write them as this editorial writer has done.

On August 26, Mr. Winston Churchill alleged that thousands of machine tools are being manufactured in England for the Russians, and that 50 Russian "inspectors" have access to plants where secret British war production is going on.

THE ITALIAN PEACE TREATY COST US MANY DOLLARS

Well, Mr. President, as a matter of fact I hark back to the first year I served as a Member of the Senate, and the first measure I had to vote against. I have been fairly consistent since then. It was the Italian treaty. We forced the Italians to process for Russia—I am talking from memory now—materials to which would be added a value of $350,000,000 by manufacture. Those materials would be processed for Russia and Czechoslovakia. The Italians agreed to process them for nothing, that is, without any wages or expenses of any kind. The stipulation was that the raw materials would be furnished, and the Italians would process them so as to add to them the value of $350,000,000.

I am sure Senators will agree that is a most ingenuous way of doing things. That treaty was debated as thoroughly and as strongly as the yearling Senator from Nevada could debate it. In trying to find some approach to what we were doing to the Italians, I had my administrative assistant and his staff work up for me the number of Italians it would require, working for full time, 260 working days a year, or whatever the number of working days are in a year, for 7 years, to process the amount of materials that would add the value of $350,000,000 to those materials. It was found that it would take 198,000 Italians, working 7 years full time.

I sent him back to determine what it would cost. I did that because I knew no one would pay the bill but Uncle Sam. Russia would not pay it. Certainly the Italians could not pay it. They did not even have enough to eat. I wanted to find out what it would cost to board those Italians for 7 years. He went back and estimated, I think, three or four persons to the family, eating their customary diet, over a period of 7 years. The cost was estimated at a little under a billion dollars.

So we will find, turning back to that early date in the service of the junior Senator from Nevada, that he determined it would take almost 200,000 Italians, working 7 years and costing a billion dollars to feed them, to do that work. That included the cost of 14,000 foremen. Those workers would process the work that the Russians wanted them to process.

We have put up that billion dollars since then in various ways, and the end is not yet. In other words, the outlay has only started. The fact that nearly all the Senators who had voted for it were crying about it after a year, did not help the Italians very much. We set them back a long way with that treaty. Of course, the Russians had access to the production schedules. They knew all about the processing. They had their people in Italy to supervise the work. Now to continue with the editorial:

A few days later the Socialist Board of Trade confirmed the charge.

The Socialist Board of Trade in England, which is headed by Mr. Wilson, or was a short time ago.

It was also disclosed that Russian orders have priority over British concerns, whose own product is needed for British defenses.

That seems to be reasonable, because all 16 Marshall plan countries have these trade treaties, and they are furnishing Russia, iron-curtain countries, and Communist China with everything necessary for world war III, and it seems reasonable they would have priority, because they ordered everything first.

The only reply of Socialist Prime Minister Attlee was that tools have little strategic value and anyway, the British Socialists have a trade agreement with Russia—and mean to keep it.

Mr. Attlee's idea of the strategic value of tools may be different from that of those who have had some experience with the subject. With tools it is possible to make other tools. With tools it is possible to make munitions.

This, of course, violates the purpose of the Marshall plan, in which Socialist Britain is the largest beneficiary.

On September 5, under orders from London, British customs authorities at Hong Kong prevented two American oil companies from sending a shipload of aviation gasoline to Formosa.

This was plainly a service to the Chinese Communists, whom the British Socialists have recognized, and who are supporting and supplying the Communist war in Korea against the United States and the United Nations.

Another revelation was that 50 tons of molybdenum—a steel alloy useful in making jet engines—had been shipped from this country to England and transshipped to Russia.

Molybdenum is used for a variety of uses. It is partly a substitute for tungsten; it is a hardener of steel; it is required for tool steel and projectiles. A considerable amount of molybdenum was produced in the State of Colorado. So we shipped 50 tons of molybdenum to Russia. That is a considerable amount of molybdenum. It is like shipping 50 tons of soda to someone to make biscuits. It will last quite a long time. It is used about in the same proportion in making steel.

Furthermore, the Economic Cooperation Administration has publicly admitted that plants in western Europe, financed with Marshall-plan dollars, are delivering machine tools behind the iron curtain—under permit from American military authorities.

Again it was said that the materials lacked strategic use and that the countries involved had old trade agreements with Russia which still are honored.

There may be a few things about which one can fool the junior Senator from Nevada, but one of them is not molybdenum. He is familiar with the use of molybdenum. Whenever a nation has large quantities of molybdenum, it will also have a considerable number of penetrating bullets, a considerable amount of armor plate, and much tool steel.

There is a double fraud in these underhanded transactions.

It is fraudulent to use American funds, or American materials, to arm Soviet Russia when the funds and materials are supposedly supplied to arm the United States and western Europe against Russian aggression.

It is equally fraudulent to pretend that the tools reaching Russia are not war goods.

The second fraud has been expertly exposed by Mr. Tell Burna, general manager of the National Machine Tool Builders Association.

"Machines of these types," Mr. Burna has said, "are of vital use in the production of war material.

"For all we know, the tanks and guns used today by the North Korean Army may have been made on machine tools, the production of which our own ECA money helped to finance."

Is that not a wonderful thing? I should think we would be proud of our ECA and the Marshall plan, arming Russia with the implements of warfare to be used in North Korea, probably many of them made with the very tools we furnished, and which were shipped from England and the other Marshall plan countries to Russia, and then to China through Hong Kong. I should think we would be very proud of that record.

The major facts are known to Members of Congress.

Obviously, Congress should do something about the traitorous situation before Congress adjourns.

THE "DON'T ARM RUSSIA" AMENDMENT

I am happy to say that Congress did something, though not very much. It was watered down, and became a very weak amendment. However, all the leaders of this great Government of ours have written letters to Congress against leaving the amendment in the bill.

Mr. President, I resume the article from the Journal of Commerce dispatch of Tuesday, June 20, where I find such a thorough understanding on the Customs Simplification Act, of what has been going on and what is suggested not only by the 1934 Trade Agreements Act and the Marshall plan, but the International Trade Organization, which is the summation and end of all things. I read:

Some of these manufacturers are now located within Russia and the satellite countries. Japanese and German production is being rapidly restored.

Export, as well as domestic prices for these products are rigidly controlled. They have been manipulated in the past and there is every reason to believe that they will be manipulated in the future. It becomes plain, therefore, that there is no firm basis for establishing an "export value" in a com-

mercial sense for these products. Such export values in these countries have been, and it appears probably will be arbitrarily fixed for the purpose of underselling like products in the United States.

OTHER OBJECTIONS

Export value will also be subject to the fluctuation of foreign exchange and the variety of prices for the same product in different countries.

In either of these situations is there an adequate remedy in the proposed administrative procedures which will permit appropriate values to be made and duties assessed accordingly?

On the other hand, American valuation makes for certainty and assurance with respect to the protection available to domestic producers.

What the administration is attempting is merely another trick, another bureau trick, to put a sleeper in a bill and slip it through Congress so that, although a tariff is supposed always to apply to the American value, that principle is made not to apply. We are passing plenty of bills which have sleepers in them, which sometimes tend to destroy something we did not know they affected, or something which we are for. Of course we are for simplification of customs, but I say to Senators that we are not for simplification of customs to the point that we would change the effective rate of the tariff. That is one thing the junior Senator from Nevada is not for, and it is my guess that not 2 percent of the Members of the Senate and the House knew the bill contained that provision, and it was never intended that it should be discussed.

Such valuations are based on fact as brought about by competitive conditions in the United States. Under this arrangement, the United States has been successful in building up an organic-chemical industry which is vital to the United States in times of peace. The loss of it, or any of its closely integrated elements, would be tragic in time of war.

So we hurry along, we pass bills almost by title; but it would be tragic in time of war.

DANGERS TO THIS COUNTRY

The industry as a whole does not believe that the Tariff Commission can successfully apply section 14 because there are at the present time literally thousands of products manufactured in this industry which are classified under paragraphs 27 and 28 of the Tariff Act. To list them alone is an enormous task. To arrive at their export value, which is a requisite in figuring an ad valorem equivalent, would seem to be impossible because of the absence of imports of the great majority, unless the Commission, without question, accepts the statement of foreign manufacturers or exporters as to such export value. It is clear that this would in itself be a risky and dubious procedure.

Recently, the Imperial Chemical Industries of England purchased an American company and the Ciba Co. of Switzerland has started to erect a plant in Toms River, N. J. These companies will probably make finished dyes by purchasing intermediates here from domestic producers, or by importing intermediates from Europe, dependent upon their relative costs.

It would appear that these operations might well be patterned after those of General Aniline Corp. when it was owned and operated by the German I. G. cartel. It would appear reasonable to expect that other European manufacturers might adopt similar programs.

If these provisions affected only the organic chemical industry it would in itself be serious enough. Actually, however, it goes far beyond that. The ultimate effect would be great on the textile industry, the tanning industry, the agricultural industry—in fact, all of the consuming industries in the United States.

The seriousness of this matter is already recognized by labor, in particular the A. F. of L. They are not only opposing tariff cuts under the Reciprocal Trade Agreements Act but have recognized that matters of the nature mentioned in this article have become a sizable and major matter of importance to them. They recognize the danger to the 600,000 chemical workers in the United States.

The chemical industry is ready and willing to lend its support to the Customs Simplification Act of 1950 to the extent that it really simplifies customs administrative procedure. This is not the case in articles 13 and 14 of the proposed act and they should be deleted therefrom.

Mr. President, as I said in an earlier address, we are, through our own actions, making it unprofitable to invest venture capital in the economic structure of the Nation, and then claiming that more Federal organizations must be set up to furnish Government money for that purpose—the trend is toward Government control of capital—in place of private control, which constitutes a Socialist form of government.

And yet any form of totalitarianism—socialism, communism, or fascism—is repugnant to the American people.

Through such control we are gradually setting up a totalitarian form of government which could be converted almost immediately into either a Socialist, a Communist, or a Fascist control.

TOTALITARIANISM

The Encyclopedia Britannica says of the totalitarian forms of government:

Socialism: Reduced to its simplest legal and practical expression, means the complete discarding of the institution of private property.

Communism: A term often loosely used to denote different systems of social organization aiming at common property of the means of production, or at an equal distribution of wealth and income, or both. Historically the term was frequently used as identical with socialism, as was done by Karl Marx and Friedrich Engels in their famous Communist Manifesto (1848).

Fascism: The general framework of (the Fascist) organization was based on the fact that their employer is the state either directly or indirectly. "Fascist social theory denied that the state is merely an instrumentality of the citizenry that the state is welfare, and asserted that the state is the supreme end to which the needs and interest of its citizens, individually or collectively, have to be subordinated."

TOTALITARIAN GOVERNMENTS VERSUS ORGANIZED GROUPS

The ultimate objective of all forms of totalitarianism, whether it be socialism, communism, or fascism, is the perfect state, with the individual owning nothing. To be successful, they must destroy all strong organized groups, including religious, labor, and fraternal organizations.

THIS NATION'S RESPONSIBILITY

The trend of government, through Executive recommendations and resulting congressional action, has been toward Executive and bureaucratic control by Executive order and away from principles and constitutional government. It is the responsibility of Congress to prevent Executive control of this Government so that a Cardinal Mindszenty incident could not happen here.

INDEPENDENT BRANCHES OF GOVERNMENT

Understanding of the individual lust for power which drives men, temporarily in high office, to strive for control of government, motivated the founding fathers in setting up not only the three independent branches of government—the legislative, judicial, and the executive—but a clear division between the Federal and States' rights; that is, the specific fields in which each could legislate and exercise control.

DUTIES SPECIFICALLY DEFINED

The three branches of the Federal Government were set up independent of each other and their duties specifically defined by the Constitution of the United States.

That same Constitution then defined the rights of the separate States as those rights and duties of government not specifically granted to the Federal Government. All other rights were specifically reserved to the respective States.

Only through a republican form of government—the representatives elected by the people—can such a free government survive, and then only through a constant awareness and alertness by the sovereign people themselves.

FREEDOM NOT INHERITED

History discloses that freedom is not inherited; it is demanded and secured at great secrifice by the people of a nation and retained only so long as the people demand it. Mr. President, retained only so long as the people demand it. Constant vigilance is the price of freedom.

Totalitarianism in the form of socialism, communism, or fascism, often comes in the guise of assistance to special groups, powerful at the moment, which are either willing to ignore the totalitarian trend, for the continued special attention—or who do not realize that the principle adopted to help them, may in fact be used against them.

REPUBLICAN FORM OF GOVERNMENT—BENJAMIN FRANKLIN

During the last two decades there has been much loose and irresponsible talk in describing the forms of government of the nations of the world—including our own.

Benjamin Franklin said, in 1789:

We have given you a republic, if you can keep it.

George Sokolsky has recently defined our form of government:

By no definition is the United States a democratic state. It is a representative republic.

We have, thank God, been able to maintain the Republic—the republican form of government handed down to us by Benjamin Franklin and his associates.

We have maintained the same representative republican form of government. We do not have a democratic form of government. As a prominent

Democrat recently said on the floor of the United States Senate:

> Democracy is not a form of government—democracy is a spirit of government.

In the United States the government that Benjamin Franklin and his associates handed down to us is a republican-representative government where the people of the United States elect their representatives through processes laid down in their Constitution—and the duly elected representatives make the laws under which the economic structure and the conduct of the people are regulated.

CONSTITUTIONAL AMENDMENT

One of the greatest safeguards of our republican representative form of government set up by the Constitution of the United States was the unwritten law that no person might be elected to the Presidency for more than two consecutive terms.

The Eightieth Congress passed an amendment to the Constitution, which was submitted to the States making that unwritten law—first established by George Washington—the law of the land. Twenty-four States have approved the amendment—12 additional States must approve it to be effective.

MAKING POLITICAL COWARDS OF BUSINESSMEN

The Congress of the United States has set up an Executive-decree government during the last 18 years. This Executive-decree government is making political cowards out of the businessmen, and many otherwise independent organizations of this Nation.

It is necessary for you to know, as a basis for what I am about to say, that I am a Republican—and then to define the specific fundamental difference between the two major political parties—since we have a definite two-party system and your choice of government is exercised through such two-party system—it is necessary to know and understand the specific difference in principle of the two major parties in order that an intelligent decision by an individual may be made.

I will say to you that the Republican Party strayed for a long while—it lost its bearings and fell into the hands of its enemies—it fell into the hands of the camp followers and the "mee too'ers"—because it had lost its zip and positiveness, which can only come from knowing where it is going.

REPUBLICAN PARTY POSITION

I am glad to say to you now that the Republican Party has quit following false prophets. The Republican Party is definitely opposed to the Democratic Party program of tying the regulation of the national economy to its foreign policy.

The Republican Party is definitely opposed to the often-reaffirmed platform of the Democratic Party of promoting unlimited imports of the products of the low-living standard and slave-labor foreign nations of the world.

It is for a floor under wages and investments—to preserve the standard of living of the working men and women of America—built up independently over a century of time.

DEMOCRATIC PARTY POLICY

It is necessary to define the exact principles of the two major parties as a foundation for any choice you may wish to make in the road ahead.

The pronounced foreign policy program of the Democratic Party—often reaffirmed—was set down in detail by Assistant Secretary of State Willard H. Thorp, in his testimony before the congressional House Ways and Means Committee in January of last year when he said, first:

> The Trade Agreements (Act) program is an integral part of our over-all program for world economic recovery.

Under the Trade Agreements Act the markets of this Nation are being divided with the countries of the world to the point that theoretically there will be no further trade-balance deficits—the 1934 Trade Agreements Act, as extended, removed the floor under American wages and investments—and stopped the flow of venture capital into the business stream of our Nation—the simple expedient of putting into the hands of the industrially inexperienced State Department the power to lower the tariffs and import fees approximately 75 percent after perfunctory hearings.

Second:

> The European recovery program (Marshall plan or ECA) extends immediate assistance on a short-term basis to put the European countries back on their feet.

The ECA appropriation is designed to make up the trade-balance deficits of the 16 Marshall-plan countries in cash and goods each year—our chief export is cash—until such time as the markets of this Nation have been divided with the European countries and our living standards lowered to those of such nations.

Third:

> The International Trade Organization, upon which Congress will soon be asked to take favorable action, provides a long-term mechanism—each part of this program is important. Each contributes to an effective and consistent whole.

Mr. President, the ITO, which has just been described in a press dispatch I read to the Senate to which the junior Senator from Nevada subscribes, transfers the regulation of our national economy to a foreign-controlled organization consisting of 58 nations, each with 1 vote—we would have the same vote as Siam—it simply makes permanent a condition sought through the 1934 Trade Agreements Act, as extended—and the ECA.

If and when the ITO is approved by the Congress of the United States, we are assigning the regulation of our foreign trade into the hands of the foreign nations of the world—all with an eye to obtaining a part of our high standard of living market.

The Secretary of State, Dean Acheson, has said:

> It is hardly possible any longer to draw a sharp dividing line between the economic affairs and political affairs. * * * Each complements and supplements the other. They must be combined in a single unified and rounded policy.

Through the 1934 Trade Agreements Act the Congress of the United States transferred its constitutional responsibility to regulate the national economy to the industrially inexperienced State Department—the ITO would make a second transfer to the control of the foreign nations.

Both Secretary of State Acheson and his assistant, Mr. Thorp, have appeared before that same House committee early in 1950 and urgently requested that the International Trade Organization be approved at an early date.

FINAL ABANDONMENT OF WORKINGMEN AND INVESTORS

This pronouncement marked the final abandonment of the workingmen and investors of our own Nation—in favor of the one-economic-world theory of averaging the living standards of the nations of the world—and no further venture capital for business development or stabilization could possibly be available, since the State Department can choose the industries that are to survive and those that are to be sacrificed.

THE THREE-PART "FREE TRADE" PROGRAM

This, then, is the three-part free-trade program tying the national economy to the foreign policy—to which the Democratic Party is irrevocably committed—and upon which they have staked their entire combination domestic and foreign policy. This is the well-known bipartisan foreign policy—that for so long wrecked the Republican Party—and is moving toward merging this Nation with a foreign-controlled one economic world.

Spokesmen for the administration say that they have adopted this three-phase, free-trade program to average our standard of living with the foreign nations of the world, on the theory best expressed by one of their slogans that, "you cannot be prosperous in a starving world"; that we must divide our markets—the basis of our own income—with the nations of the world, and average the living standard of nations of the world—they say—to avoid world war III, to avoid the war which that very policy apparently has led us up to at this very moment. It is that party's avowed method of establishing world peace.

THE 1950 REPUBLICAN PLATFORM

The Republican Party, on the other hand, believes in protecting American workers and investors against the competition of low-wage foreign goods. In other words, the Republican Party believes in maintaining our standard of living while we assist the foreign nations to raise their own standards.

It believes that the best safeguard of the peace of the world is a strong American economy.

The Republican Party believes that the regulation of the foreign policy should stop at the water's edge.

It believes that the domestic policy and the foreign policy should remain separated, just as the Constitution of the United States provides.

It does not believe that imports from the low-cost and slave-labor foreign nations should be allowed to endanger American industry nor the standard of living of the working men and women and the farmers of America.

It does not believe in exporting American jobs to foreign soil.

The 1950 Republican platform specifically establishes that party's definite and unmistakable position in the development of foreign trade. The statement of principles says:

We favor the promotion of world trade on the basis of fair and reasonable competition, and we assert that this can be done within the Republican principle that foreign products of underpaid foreign labor shall not be admitted to this country on terms which endanger the living standards of the American workman or the American farmer, or threaten serious injury to a domestic industry. A strong American economy is a vital factor for our security.

THE FLEXIBLE IMPORT FEE

This means that a flexible-import-fee principle must be substituted for the 1934 Trade Agreements Act, as extended. Under the flexible-import-fee system there would be no consideration of a high or low tariff or import fees, but such import fee would be at all times correctly represent the differential in labor-living standards between here and abroad.

It would reestablish a floor under wages and investments, and again would encourage the investment of American venture capital, the lifeblood of continued industrial growth and employment, and the development of additional taxable property in this Nation.

Such flexible import fees would be lowered in accordance with any improvement of the foreign nations' living standards, and when their living standards and working conditions approximate our own. Then the common objective of free trade between this country and the foreign nations of the world would be almost automatic and immediate.

Our own economy and employment would not collapse in the process.

Eighty-five percent of the agricultural production of this Nation does not need a subsidy if the flexible-import-fee principle is substituted for the 1934 Trade Agreements Act.

POLICIES OF TWO PARTIES DIAMETRICALLY OPPOSED

No one can possibly support the principles of the Republican Party and also approve the Democratic Party's combination domestic and foreign free-trade program at the same time, since the fundamental principles of the two parties are diametrically opposed. Bipartisan foreign policy, like reciprocal trade, is a catch phrase to sell the "one-economic-world" philosophy to the American people and again to destroy the effectiveness of the Republican Party.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GRAHAM in the chair). Does the Senator from Nevada yield to the Senator from Illinois?

Mr. MALONE. I am happy to yield for a question.

Mr. LUCAS. Mr. President, I make a point of order against eating in the Senate of the United States. I do not think we have yet reached the point where we should make the Senate a restaurant. I do not believe we ought to lower the dignity of the Senate by having sandwiches eaten here in the Senate Chamber.

Mr. MALONE. Mr. President, I do not remember yielding for any comments by the distinguished Senator from Illinois; I do not remember yielding for anything except a question.

Mr. LUCAS. Mr. President, I made the comments, whether the Senator yielded or not.

Mr. MALONE. I suppose the Senator made the comments; but if he wishes to make it a personal matter, let him come over here, so it can be done.

Mr. LUCAS. Mr. President, I claim the floor.

Mr. MALONE. Mr. President, I claim the floor. I did not yield for any such comment. I am the one who has the floor. I yielded for a question, but the Senator from Illinois started to talk.

It is imperative that a thorough understanding of the fundamental differences in the two major political parties should be had so that an individual may make his choice in the regular manner.

THE 1934 TRADE AGREEMENTS ACT

It must be understood that Congress transferred its constitutional responsibility to regulate foreign trade, to regulate the national economy through the regulation of imports, to the executive branch of the Government, through the 1934 Trade Agreements Act, and by that action placed in the hands of an industrially inexperienced State Department the fate of the workingmen and investors of this Nation, and by that act effectively destroyed the flow of venture investment capital into the business and industrial life of this Nation.

By that act the Congress also placed in the hands of the State Department the right to say what industries would be preserved and what industries in this Nation would be sacrificed on the altar of "one economic world."

The Constitution places in the executive branch of our Government the responsibility for fixing the foreign policy. Therefore, Congress also by that act alone tied the regulation of the national economy to the foreign policy.

RESULT IS UNEMPLOYMENT AND LOSS OF TAXABLE PROPERTY

As a result of the administration's three-part, free-trade program, the textile, mining, lumber and wood products, the precision instrument, watch, crockery, petroleum, coal, and many other industries have been forced to curtail production. That program can only result in severe unemployment, a reduced standard of living, and continued losses to the investors of this Nation.

INTERNATIONAL TRADE ORGANIZATION

The International Trade Organization—on the must list of the President for legislation to be passed at this session of Congress—would now transfer the regulation of our national economy from the executive branch—the State Department—directly into the complete control of the foreign nations of the world, through the simple expedient of transferring the authority over our national economy into the hands of the foreign nations which want to sell their products, produced by the lower living standard and slave labor, into the markets of this country.

In this proposed set-up, where are the sovereign people of the Republic of these United States?

The ITO is set up to include the 58 nations, with 58 votes. The United States would have one vote, the same as the smallest member nation's vote; and that Organization would have the power not only to regulate our national economy, through fixing the tariffs and import fees of its member nations, but also to set quotas of production for the countries signing its charter.

We can theoretically withdraw from the ITO after 3 years and 6 months' notice, but after 3 years we would be so bloody that it is unlikely that any withdrawal could be effected.

THE MARSHALL PLAN—ECA

The ECA—formerly the Marshall plan—is a stopgap arrangement to make up in cash and goods the trade balance deficits of the 16 ECA European countries until such time as the markets of this Nation can be divided with the other nations of the world, so that theoretically there would be no trade-balance deficits.

The taxpayers of America furnish the money to install the necessary industrial machinery in foreign countries to manufacture products that must be sold in competition with our own workingmen and investors. This fact alone discourages all future venture capital.

The administration's three-part free-trade program then included the 1934 Trade Agreements Act, as extended, the ECA, formerly the Marshall plan, and the International Trade Organization.

Mr. President, what is the practical difference between importing the products of cheap labor and importing the cheap labor itself? It is hardly consistent for the Democratic Party to support one and not support the other. As a matter of fact, Mr. President, anyone who supports free trade cannot consistently vote against free immigration. Under the administration's three-part, free-trade program, the workers of the United States are set back 50 years, and are placed in direct competition with the sweatshop labor of the other nations of the world.

Now we have the "bold new program," so called. I have before me a newspaper dispatch which describes it. I wish to read the dispatch, which relates to Mr. Hoffman's statement or proposal that the United States spend $150,000,000,000 in a "fight for peace":

Hoffman proposes United States spend $150,000,000,000 in fight for peace.

That money, I suppose, is additional to all other appropriations. We can tell better, after I have read the dispatch whether it is additional to the great, bold new program, point 4, in which we guarantee our own investments in foreign nations, which already have established the rules and regulations of nationalization and socialization of capital so that we know we have lost before we start. We simply make an appropriation to cover the guaranty, and make the American people believe for a time that the money will be safe; but it will always be lost, as is usual in all these programs.

This dispatch appeared in the Washington Post this morning, September 21, 1950, by Sam Stavisky, Post reporter:

Hoffman proposes United States spend $150,000,000,000 in fight for peace.

NEW MONEY FOR PEACE

A fight for peace, waged with the same vigor that the free world waged war, was proposed yesterday by ECA Administrator Paul G. Hoffman.

To 15 foreign editors visiting this country under auspices of the American Society of Newspaper Editors, Hoffman outlined a five-point program, made up in its essentials of policies already in operation, in varying degrees.

I think it was suggested by the junior Senator from Nevada—and perhaps by other Senators on the Senate floor—that once a foot was in the door, a very wide opening could be made. Perhaps we could go back to the real foot in the door, which was UNRRA, and then come along to the $3,750,000,000 given to England, as a loan, spelled "g-i-f-t." Then, in order to help England further, we took in additional countries. So we have the 16 Marshall-plan countries and appropriate for them $17,000,000,000. We now have a world program calling for $150,000,000,000. It does not say here—at least not so far—whether this is a part of the Gordon Gray setup that is being prepared by the State Department, or by Gordon Gray, under the State Department, or whether this plan is in addition. I should not be particularly surprised if it were in addition to the $150,000,000,000. I read:

The military phases of this program, he told the group, would cost the American people forty to fifty billion dollars a year for the next 3 years, in order to lift the Nation to an appropriate level of strength. His whole program included steps to:

MUST AUGMENT FORCES

1. Prevent the Kremlin from going to war by amassing sufficient military strength in the United States and the nations of the free world.

"This is a tough assignment," Hoffman said, "one which the free world cannot readily carry out."

I suggest that he is speaking with authority, because, after his having spent 3 years conducting the affairs of Europe and spending money at a rate never before heard of in the history of the world, it is now said by Mr. Churchill that the western European countries are less able to defend themselves than they were before the program started. So I suppose Mr. Hoffman is an authority about what it would take to do the job. The article continues:

For the United States to do its share on the military front, Hoffman estimated, it would take a military budget of forty to fifty billion dollars for the next 3 years to bring our Nation up to full strength.

Mr. President, we have expended $90,000,000,000 since World War II ended, and we have appropriated $60,000,000,000 in the last 4 years for military purposes. So I expect his estimate is not far off. Yet we ended up with nothing, as we discovered too late and to our sorrow. A distinguished auditor reported that 18 cents out of every dollar went for munitions. He did not say what the other 82 cents was used for, but I presume it was expended for entertainment around Washington—parties for the brass and the entertainment that naturally goes along with them. Of course, we are now acclimated to all this business, so $150,000,000,000 on top of the $17,000,000,000 shows that it rather eases off gradually. It does not take place all at once so the shock will not kill the taxpayer. The taxpayers are very sick, I guarantee, but probably they will take it by reason of the fact that a little bit is being done at a time.

If Gordon Gray's proposal is on top of the $17,000,000,000, it is going to give a shock. If it is included in it, perhaps it is not quite so bad. Perhaps that would be relief enough, so that the taxpayers would swallow the rest of it. I continue:

The other free nations would have to make a proportionate financial sacrifice.

2. Help build up the economic strength of the countries threatened by communism.

"We must give the people in these countries something to live for and something to fight for," Hoffman declared.

Apparently for 2,000 years they have had nothing to live for, nothing to fight for. Of course, it appeared to me there were plenty of people, and there has been no decrease in the population. So there must have been something to live for and something to fight for. But Mr. Hoffman has discovered now there is no particular objective, no reason for these nations to live or to keep prepared to protect themselves. So we must then tax ourselves out of existence, in order to give them something to fight for. I continue:

3. Strengthen the democratic institutions and processes of the nations of the free world.

Now, if he can find any democratic nations, or republican nations or any other kind of nations that are not Socialist, and that do not have a dictator, or a king, or some other form of government entirely separated from any form of government we know anything about here, or then he has made quite a discovery, which it was not possible for the junior Senator from Nevada to make on the trip he made throughout the world. The article continues:

4. Hold out hope for the people of Russia and her satellites that they, too, may someday join the free world.

That is wonderful. We have held out hope since 1933, and it seems to me that the first hope which was held out to the Russians was when they were recognized in the first year of the Democratic administration in 1933, and from then on, our troubles started. So how much more hope we can hold out to them is not made exactly clear in the dispatch. I continue:

Hoffman estimated that 80 percent of the people in Russia and Communist-dominated countries could be eventually reached on this front.

I have no doubt about it. I think Mr. Hoffman could reach anyone with $150,000,000,000. He reached a vast number of people with $17,000,000,000.

5. Make the people of the world understand, through truthful propaganda—

What kind of propaganda have we been putting out? Of course, I do not agree with the propaganda that is being put out, but this is the first time I have ever heard one of the faithful suggest that they start putting out truthful propaganda. Of course, it is a good idea; I agree with it—

that the democratic way of life is the best way of life.

"The Kremlin has outsmarted us and outspent us on the information front," Hoffman said. In France, he said, the Communists spent 15 times as much fighting the Marshall plan as this country did to put it over.

To skeptics who might ask: "Why should Russia wait until the free world gets strong enough to contain the Kremlin?" Hoffman replies there is no certain answer to such a question. He stressed, however, that the free world could have a reasonable hope that Russia would not go to war now or in the near future for several reasons:

1. The United States has better atom bombs and more of them.

Mr. President, if we do, if we have enough atom bombs, and if we are ready, the question might be asked, What are we waiting for? They are murdering our boys tonight in the fog and in the mountains of Korea. What are we waiting for if we have all these bombs and are ready?

2. The Korean war has shown Russia that it can't take western Europe through a coup, but would have to engage in a long, hard war to do so.

Yes, Mr. President; all the military authorities the junior Senator from Nevada knows anything about say it would take about 30 days of long, hard fighting in order for Russia to take Europe. Also, the military authorities agree it will take $100,000,000,000. A great general in France said that was the amount which would be required in order to arm Europe, so that it could fight Russia successfully. He added that it would require several years, probably from 5 to 10 years. That is what they say. Of course, Mr. Hoffman probably is a better military adviser than any of the generals France has developed over the period of the past 30 or 40 years.

3. The Kremlin fears that its troops might become "contaminated" by western ideas and ways should Russia send its 300 divisions into a general war with the free world.

Hoffman said he had it from reliable authority that "contamination" of Russian troops has been a serious trouble wherever they have come in contact with the free countries.

Mr. President, I suppose Mr. Hoffman knows. During the war, it fell to my lot to make a report on Alaska. We were to investigate the presence of Japs in the harbor. We first went to Nome. I went across a little channel there. Japanese planes had landed there twice. Just before I arrived, a Russian plane had landed and put a guard around a Japanese plane. By order of the colonel in charge of the field, no one was allowed to approach the plane. None of our people were allowed to get inside the plane or look it over or even to get close to it. However the Russian pilots and Russian observers saw everything in our camp. They investigated and explored all over the place.

Mr. President, Mr. Hoffman may know what he is talking about. The junior Senator from Nevada would not want to take issue with such a great military

authority; but he could have some reasonable doubts.

It is his belief, Hoffman said, that this is the most potent of all reasons as to why Russia would prefer to avoid a risk of a general war.

The ECA chief also attempted to answer what he called another $64 question on the part of those who would take a skeptical view toward his containment proposal.

Of course, it is not reasonable that anyone should take a skeptical view of a $150,000,000,000 idea that Mr. Hoffman might pull out of the air. I cannot understand why anyone should take a skeptical view of anything that cost that much.

This view is summed up in the following question: "Assuming the Western World can successfully contain Russia while averting war, what's to be done about Communist Russia's attitude toward the free democracies?"

I might also ask the question: "What does it matter what Russia's attitude is toward the free democracies if she can be contained?" That would be a reasonable question, Mr. President.

Hoffman repied to his own question that he doesn't quite know the answer to this one, but that be believes that if Russia can be contained long enough, and if the West can keep throwing the Kremlin off balance—

Korea would be a good example of a straight left or a left hook that would throw a man off balance in the kind of fight we are now waging—

as it has with the Marshall plan and the United Nations action on Korea, the people inside Russia will themselves change the government.

Mr. President, it is not a new thought that people might change their government.

WHAT HAPPENED TO OUR AIRPOWER?

The aviation committee of the President and the aviation committee of Congress suggested in 1947 that we should have a 35,000-plane striking force. They said it would take $16,800,000,000 over a 5-year period. What became of the idea? Many of us in Congress tried to get a 70-group air force put together. I recall the Senate took it out of the hands of the President and passed it with the President against it. What happened to it? It was defeated in some manner along the road, because when we pushed the button there certainly was not a 70-group air force to take off the ground.

"So long as the free world contains Russia, an eventual split can be expected among the leaders of the Kremlin," Hoffman said, "and a revolt can eventually be expected among the people."

MONROE DOCTRINE IS NEEDED

Mr. President, the junior Senator from Nevada has suggested from the time he arrived in the Senate that the way to contain anyone was to set out specific areas and describe those areas and name the nations in the world whose integrity is important to our ultimate safety, and say, as Monroe said in 1823—and these are not his exact words, but they are the meaning of his language—that any nation which sought to extend its government into those areas would be considered as committing an overt act against the United States. In the old days, Mr. President, everyone knew what that meant. We said what we meant, and we kept our word. As a result of the Monroe Doctrine, the Western Hemisphere is still here, and the doctrine itself kept us out of war for a long time.

A DEFINITE POLICY NEEDED

In the past 18 to 20 years we have had no foreign policy. No one knows what we are fighting for. One day it is said that we will not fight to defend a certain area. The next day we go into a conflict with an insufficient force to win a fight. The American people do not know what we are doing in Korea, or how far we will go. They do not know whether we are there for our ultimate safety. They do not know whether we are to put out fires wherever an insurrection starts. It is said the United Nations sent us to Korea. The record shows that we sent ourselves and then asked the United Nations to back us up. No record has been made as to where we will stop when we start north in Korea. In other words, we do not know the areas in the world for which we will fight. The other nations have not been informed what we will fight for. We have wasted 5 years. We have wrecked the greatest war machine the world ever saw. Then we waited 5 years to get ready.

"The collapse of the Kremlin rulers will come before the end of the present decade," Hoffman predicted, "if we wage peace on all fronts."

"It it not too much to hope for a new Russian Government, a non-Communist government, that can participate in a free world at peace by 1960," he said.

The ECA Administrator emphasized there was nothing official or formal about his proposal. It's something he evolved during 30 days of hospitalization following a recent operation, Hoffman disclosed. He was not permitted to read while he was bed ridden, so he dwelled upon the possibilities of averting a third world war and attaining peace for the world. He spoke to the journalists at a luncheon in the Carlton Hotel.

It may have been a good idea if we could have gotten Mr. Hoffman to spend those 30 days very early in his administration of ECA. Anyone who in 30 days can evolve an idea to spend $150,000,000,000, can accomplish anything. Certainly he should be employed steadily and we should not lose his services when the Marshall plan money is gone. Certainly we should cook up something with which to keep him employed.

POINT 4

Now I come to point 4. That is the bold new program originally put forward in principle by Henry Wallace and then by Earl Browder. It is designed to carry on where ECA leaves off. It will prove to be one more siphoning out of the United States Treasury of money for areas which are set for socialization and nationalization. Members of the Senate will recall that the junior Senator from Nevada on a number of occasions offered an amendment which would have required the protection of the integrity of private business. I think it was four times the junior Senator from Nevada offered such an amendment. It was overwhelmingly voted down, because President Truman had in mind the bold new program, under which all he had to do was to give other nations the money. In other words, let them have the money, and then appropriate another amount of money to guarantee the investment. It is very simple. Guaranteeing the integrity of private investments by the country in which the investments are made should be a definite and firm condition of any further aid from the United States. It is definitely the responsibiltiy of the recipient country to establish a business climate which encourages private investment, and our State Department should make such a condition a part of our foreign policy.

POINT 4 HELPS HOLD COLONIAL AREAS

Much of the private investments to be guaranteed under point 4, or the bold new program, are to be expended in colonial areas, including the Far East and Africa, thus further guaranteeing the integrity of the colonial system which has been exploited for from 100 to 300 years. In other words, under the guise of democracy, American taxpayers will be carrying the burden of the moribund colonial system. It will be done by what the inhabitants of Asia call foreign devils.

Mr. LANGER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCLELLAN. A point of order. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MALONE. Mr. President, it has been the good fortune of the junior Senator from Nevada to visit these areas in the Far East. I would venture the suggestion that what we are doing is throwing the money behind the empire-minded nations and behind the empire system and empire slavery in those areas, where we are royally hated by every citizen within the area.

LET US BACK THE PEOPLE—NOT THE RULERS

Mr. President, I am not the Secretary of State, I am not the President of the United States. I have no over-all solution for this problem, but a simple suggestion that the condition of the empire nation areas be reassayed. Here we are backing the French leader in Indochina, and every Indochinese knows that if they are successful they will continue the empire slavery. It seems that we have been given two choices, either to back the Russian leader or the French leader. Why would it not be feasible to back the common people in one of those countries for a spell? It might be a very good idea to find out where the people are, and the people who want to be liberated from the empire-minded nations and do not want to become slaves. It would not be a bad idea if we explored that part of the deal, and if we would show ourselves friendly to these peoples, and quit backing the empire-minded nations in these areas, in the Malayan States, in Indochina, and in the African territory, in the Sudan, where I stopped and visited with the British Governor, where with American money they were putting in peanuts. It did not pan out well, but it was not his money, and he was not worrying much

HELPING COLONIALISM IS HURTING OUR PRESTIGE

I stopped and took a look, flew the entire length of the Nile from Cairo, went to Johannesburg, back to the Belgian Congo, along the Gold Coast, along the West Coast, and to Morocco. We had a representative from Morocco telling us about Morocco for the last 6 months, and he was just about correct in what he said. The Marshall plan was being used against the private investor in Africa. That is not hard to prove. If we would go into these countries and get acquainted with the people who live there we would find they are people such as we are. The greatest difference is lack of opportunity. We should quit supporting the empire-minded nations that hold them in slavery, and not support the Communist leader, but just find the people themselves, and for a while be for the folks who own the country, or who ought to own the country, whose ancestors lived there for 5,000 years. It could be possible we would have more success in containing communism.

ARE WE THE ONLY ONES TO SEE EUROPE'S DANGERS?

Mr. President, if we contained communism with the Marshall plan for 2½ years, with $17,000,000,000 at our back, and Mr. Churchill, one of the greatest leaders in Europe for all time, if not in the world, says they are less able to defend themselves today than they were when we passed the Marshall plan, what kind of a deal is that? Men on the Senate floor, men all over the United States are giving interviews, and I suppose the next interview will be from Mr. Hoffman, saying that we must send from 10 to 20 divisions of our own boys to Europe to show the right spirit, to encourage them so that they will enlist in their own armies. Twenty divisions of American boys must be sent as bait to get them to enlist in their own armies for their own protection.

OPEN-ENDED COMMITMENTS

Mr. President, I recall the debate that occurred in the Senate, I think in 1948, about the time I broke openly with our distinguished friend, the senior Senator from Michigan [Mr. VANDENBERG], and I am very sorry to note that he has not entirely recovered and returned to the Senate floor.

The debate on the Vandenberg resolutions may be recalled by some on the Senate floor tonight, when the junior Senator from Nevada spoke, and he was the only one who took issue with him, as the RECORD will show, when he said that if we approved those resolutions we could not refuse to accept any treaty or any agreement that was sent to the Senate by the President, because we were inviting him to do that, giving him an open invitation.

Mr. President, I believe I said at that time on the Senate floor—the RECORD will show whether I did or not—that if we approved those resolutions, those open-ended resolutions, with no prescription at all as to the kind of treaty to be made or the kind of organization to be formed, it would be the first time in the history of the Senate that it ever approved an agreement between nations or States ahead of time, without specifically wording them. I do not know that we ever did that with foreign nations before, but I have known agreements between States to be approved ahead of time, written in detail, word for word, the periods and commas all in place. When we approve in advance, the agreements must be made exactly as the agreements were written on the Senate floor, or if an agreement comes back with one comma changed, it must be approved. But not so with the Vandenberg resolutions. They were open-ended. We invited what we got. The Senator from Michigan [Mr. VANDENBERG] said, "No; we do not have to approve this treaty when it comes." When it came, we did approve it, and never changed a word.

Then we had the North Atlantic Pact. The junior Senator from Nevada said at that time that if we went into the North Atlantic Pact it meant furnishing arms to Europe. Those who took part in the debate said, "No, it does not mean that we will furnish arms." But the junior Senator from Nevada had been in two wars, and watched these people operate before, and did not come to the Senate for his health in the first place. He came here to try to do what he could to make some sense out of some things which he thought were wrong.

So the Senate approved the North Atlantic Pact. After that the arms bill came in. It came in through the back door. It will be found in the record somewhere what the junior Senator from Nevada said. I would like merely to outline what I said at that time.

At first, there were the Atlantic resolutions, then the North Atlantic Pact, then the arms. The junior Senator from Nevada ended his remarks by saying, "The boys and girls are next going to Europe." Any sane person knew what it was leading to. So here we are with our feelers out. The Secretary of the Navy was sent to some college to make a speech, and he suggested a preventive war. That was received with such horror that it was denied all through the administration that he spoke with authority.

WHY ARE WE NOT TOLD WHAT THE TRUTH IS?

Mr. President, how silly can we be? How stupid can we be that we will not even discuss these things with each other? How stupid could we be on the Senate floor when we thought that every man connected with the Vandenberg resolutions and the Atlantic Pact and the arms pact did not know that the next thing would be a suggestion of men going to Europe? Why do we not tell the American people the truth for a change? Why do we not say what we are going to do? The American people would appreciate a little frankness sometime.

Now we have suggestions that from 10 to 20 divisions go to Europe. What after that? What is it said they are for? They are to be sent as bait, to encourage the Frenchmen and encourage the Englishmen and encourage the Italians to enlist in their own armies for their own protection. Can anyone tell me what would happen if the situation were reversed? They would laugh at us. What manner of people are running this Government?

LET CONGRESS OPERATE UNDER THE CONSTITUTION AGAIN

Mr. President, in the humble opinion of the junior Senator from Nevada, Congress should take back the authority with which the Constitution charges it. It should rescind the 1934 Trade Agreements Act and replace it with a flexible import fee by law so that the industries of this country would know what they were doing. It should take out of the hands of the stupid State Department the regulation of the national economy, which they are trading for fancied advantage in foreign policy. It was acknowledged in a letter by the President that that is what they are doing it for. It will some day be a famous letter, especially the one paragraph where he says it was to take the floor out from under wages and investments. That is not the way he said it, but he said the reason why we did it was because of trade policy, of foreign policy. "We want to take it all into consideration, so we will trade the boys down the river for a fancied advantage in Chile."

So, Mr. President, I want to ask that Congress again look at the Constitution and work accordingly. Let Congress reassume its constitutional obligations. It should take authority over the domestic economy away from the State Department. The power over the national economy tied to the foreign policy is the jugular vein of the whole organization. The one-worlders could not move without it, because they are bribing every nation in the world with the bait of dividing markets. That is what the bait is. It is sickening.

WISCONSIN AGRICULTURE AND THE 1950 ELECTION

Mr. WILEY. Mr. President, I ask unanimous consent that there be printed in the Appendix of the CONGRESSIONAL RECORD the text of a statement which I am preparing on the subject of Wisconsin Agriculture and the November 1950 Election.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISSUES IN THE 1950 ELECTION CAMPAIGN

Mr. WILEY. Mr. President, I am in the process of preparing a general review of the issues facing the electorate of Wisconsin in the Tuesday, November 7, election. I ask unanimous consent that the text of this statement be printed in the Appendix of the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR EXTENSION SERVICE

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a statement which I have prepared as one of the joint sponsors of Senate bill 110, providing for a Labor Extension Service.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, as one of the joint sponsors of the bill, S. 110, for a Labor Extension Service, I want to record my regret that no action has been taken since it was favorably reported, for the second time, by the Committee on Labor and Public Welfare, on Feb-

ruary 21, 1949. I feel sure that the other sponsors of the bill share my disappointment.

Speaking for myself, I want to point out that we have found time, days and weeks, to discuss and vote on other legislation infinitely less important, infinitely less in the public interest than this bill for the establishment in the Department of Labor of a service for more than 47,000,000 wage and salary earners in our Nation.

A Labor Extension Service outlined in S. 110 is now more necessary than ever in this period of world crisis, when the productive system of our democracy will be strained to the utmost. Under these conditions, harmonious and fair relations within industry are essential.

Referring to the report of the Committee on Labor and Public Welfare of February 21, 1949, I quote the conclusion:

"It is the considered opinion of the committee that the extensive hearings and investigations on this subject have disclosed the existence of a need for a federally financed labor extension program national in scope, the satisfaction of which is of utmost importance and concern to many millions of our citizens, and that such hearings and investigations have provided a basis for intelligent legislative action with respect to the satisfaction of that need.

"The Commitee on Labor and Public Welfare therefore reports S. 110 and recommends and urges its prompt enactment."

This recommendation from the committee holds good today. This legislation is long overdue. The working out of intelligent, fair, and peaceful solutions of industrial relations is a matter of public concern. It is a vital part of the democratic mobilization of our human and material resources in the struggle for survival.

Industrial workers and others in the lower-income groups of our population have for the most part been limited by the force of circumstances to education confined to the primary grades. Few have completed high school, and still fewer have been able to begin a university education. Because of this hard fact, labor's part in the field of labor relations often reflects not only limited experience, but also a limited knowledge of relevant facts and limited facilities for dealing with such facts.

Nothing less than our maximum strength and intelligence as a nation of free individuals is enough for national security in the global conflict between freedom and totalitarianism. We need the more rapid diffusion of more and better knowledge among all our people.

For its part, labor is asking help in getting such access to that knowledge as other segments of our population already enjoy. The well to do have enough financial resources to take advantage of the public and private subsidized institutions. Many farmers also have this privilege because the Federal Government, pursuant to the principles set up under the Morrill Act of 1862, has maintained the Agricultural Extension Service.

That act, be it noted in passing, established a national policy of promoting the diffusion among the people of useful knowledge for the benefit of agriculture and the mechanic arts, and for the benefit of the human beings engaged in those occupations. Federal funds devoted to the Agricultural Extension Service, which serves some 6,000,000 farm families, aggregate $26,000,000 a year. S. 110 does not carry a money figure, but it is estimated that the amounts finally determined to be adequate would be much smaller proportionately than the amount appropriated for the Agricultural Extension Service, in view of the fact that educational facilities available to nonagricultural wage earners and their families are somewhat better than those available to farm people. However, since the total to be served would be in the neighborhood of 47,000,000 nonagricultural wage and salary earners, the ultimate cost might be somewhat greater than the total now being appropriated for the benefit of 6,000,000 farm families, though the per capita cost would be smaller.

This Labor Extension Service bill derives from the Morrill Act of 1862. Justin Morrill, a Senator from Vermont, was a blacksmith farmer. He knew the needs of the worker and he knew the needs of the farmer. He introduced the bill in the Congress of 1857. It met with considerable opposition and did not pass until 1862, when, in the middle of the War Between the States, it was signed by Abraham Lincoln. It is to the eternal credit of this Republic that in the midst of the severe Civil War that tested whether or not the Union would endure, the Congress had the wisdom to provide for the healing influence of education for all the people.

The Morrill Act set up two aims, training in agricultural science and the mechanic arts. A system of land-grant colleges was established by the Morrill Act, but it was not until 1914 that legislation passed which provided for the Extension Service derived from the Morrill Act in the Department of Agriculture. It was in 1946, 84 years later, that the workers of this country petitioned the Congress to create and implement a Labor Extension Service for the nonagricultural workers of the Nation.

Mr. President, for the record, I include at this point in my remarks a summary of the provisions of this bill, which, to my mind, would, if passed, do more for industrial justice and peaceful relations between management and labor than the swarm of one-sided, vindictive, harassing, anti-democratic, and trouble-making punitive devices in the so-called—the miscalled—Management Labor Relations Act of 1947:

"ANALYSIS BY SECTIONS OF S. 110

"DECLARATION OF PURPOSES AND POLICY

"Section 1: This section declares the intent of Congress to make educational extension services available to wage earners of the United States and establishes for this purpose in the Department of Labor a Labor Extension Service to administer, in cooperation with institutions of higher education in the States, a program which will supplement but not duplicate existing agricultural extension services. It is declared to be congressional policy that the purpose of the program shall be to enable the Secretary of Labor, through a program of disseminating useful knowledge among wage earners, to provide a means for conserving the creative capacities of workers, and to promote cooperative relations and mutual understanding between labor and management.

"PROGRAM OF THE LABOR EXTENSION SERVICE

"Section 2: The bill provides for the establishment of a Labor Extension Service in the Department of Labor and specifies that its program shall include the following: Promotion of the welfare of wage earners and their industries by making available to wage earners information enabling them to present their contributions to production as a basis for compensation and to become informed on practices in writing and carrying out collective-bargaining agreements and on the principles and techniques in labor-management relations appropriate to assure full and continuous production and employment in a free-enterprise economy. The program would be devised to furnish wage earners, in addition, with information on living and working conditions and on labor law and legislation and its administration. It would be designed to promote constructive labor-management relations and wider understanding on the part of wage earners of American economic and labor history, on the importance of the free-enterprise system, and the significance of democratic processes, and to instill in them awareness of their rights and their responsibilities to the public, to management, and to their coworkers, and their relationship to the development of democracy in the United States.

"THE LABOR EXTENSION DIVISION

"Section 3: This section establishes a Labor Extension Division in the Department of Labor headed by a Director appointed by the President with the advice and consent of the Senate. The Secretary of Labor would be authorized to appoint needed personnel and, in consultation with the National Labor Extension Council, to formulate general policies for the act's administration and to approve rules and regulations necessary to carry out the purposes of the act issued by the Director of the Labor Extension Division.

"THE NATIONAL LABOR EXTENSION COUNCIL

"Section 4: The National Labor Extension Council created by this section would advise the Secretary of Labor and the Director of the Division in formulating general policies. This Council would consist of 12 members appointed by the Secretary, 6 to be chosen from a panel submitted by educational institutions offering labor extension services and designated as cooperating institutions, and 6 from a panel selected by labor organizations national in scope. Members of the Council would hold office for overlapping 3-year terms and would meet at the request of the Secretary but in any case at least twice a year.

"STATE LABOR EXTENSION BOARDS

"Section 5: It is provided that in order to qualify for Federal grants under the act, the Governor of each State shall appoint a State labor extension board consisting of from 8 to 12 members chosen in equal numbers from a panel submitted by State-wide labor organizations and from a panel submitted by cooperating institutions offering labor extension services.

"REQUIREMENTS FOR STATE PLANS

"Section 6: Plans for participating in the program would be required to be approved and submitted by the State labor extension board to the Secretary of Labor who would be required to approve any plan which meets specified requirements. To be approved, a plan would be required to summarize the services requested from cooperating institutions, including evidence of requests therefor by labor organizations addressed to cooperating institutions; provide that institutions, including labor-management institutes operated by cooperating institutions, may apply to the State board for designation as cooperating institutions and for inclusion in the program; contain a statement of the purposes, procedures, and methods to guide institutions using the funds provided for under authority of the act; provide that cooperating institutions shall establish conveniently located extension centers; furnish evidence that funds will be expended on a nondiscriminatory basis for labor extension services to both wage earners and nonwage earners without regard to race, creed, color, sex, national origin, or membership or nonmembership in any labor organization; provide that at least 25 percent of the Federal allotment will be matched by State, college, or university appropriation, or by contributions, fees, or grants in kind by individuals (reasonable or nominal fees could also be required of individuals receiving labor extension services) or by groups or educational or research institutions; contain a complete budget; provide a schedule of times and places of activities under the program; provide methods of administration to assure proper and efficient operation of the plan, including the establishment of an office responsible, under the supervision of the State board, for such administration; and provide for reports by the State boards to the Secretary of Labor as required. It is specifically provided, however, that no agency or officer of the Federal Government may exercise any control over any

cooperating institution and that such institutions shall be protected against any form of control under the act with respect to their administration, personnel, courses of study or the content thereof, or teaching methods.

"APPROPRIATIONS AND ALLOTMENTS

"Section 7: This section authorizes the appropriation of funds necessary to carry out the act's provisions, including necessary administrative expenses of the Department of Labor, and provides that allotments shall be made by the Secretary of Labor to each State submitting an approved plan in proportion to the number of nonagricultural wage earners in the State. The fixing of a minimum annual allotment for each State is reserved to the Congress. The bill provides that the Secretary shall certify to the Treasury Department the amount to be paid to each cooperating institution as determined by the State board, and that these amounts shall be paid by the Secretary of the Treasury to the officer or agency designated by the State law to receive the payment for disbursement to the cooperating institutions in accordance with the applicable State laws. This section also provides that allotments shall be expended solely pursuant to plans approved by the Secretary of Labor, permits cooperating institutions to expend Federal funds in executing contracts entered into with other institutions for the purpose of carrying out approved labor extension programs, and permits expenditure of funds only for purposes which are constitutionally permissible.

"STATE BOARD REPORTS AND FUND-MATCHING REQUIREMENTS

"Section 8: State boards would be required to submit annual reports of their operations under the act to the Secretary of Labor. It is provided that allotments made to any State remaining unexpended or unpaid to any State at the end of any fiscal year shall be available for expenditure or payment to such State until the end of the succeeding fiscal year, but no payment shall be made to a State out of its allotment for any fiscal year until its allotment for the previous fiscal year has been exhausted or has ceased to be available. It is further provided that no payment may be made to any State in any year until a sum equal to 25 percent of its annual allotment has been appropriated for the year by the legislature of the State, or has been provided by college or university contributions or grants in kind by individuals or groups or educational or research institutions participating in the program of labor extension services in the State.

"REPORTS TO CONGRESS

"Section 9: This section requires the Secretary of Labor to make an annual report to Congress detailing the operations and activities in the field of labor extension work in all the States under the act.

"WITHHOLDING FUNDS

"Section 10: This section provides that if the Secretary of Labor finds, after opportunity for hearing is given the State labor extension board, in any State that there is failure by such State to comply substantially with any provision required to be included in the plan, no further payments shall be made to such State until he is satisfied that such failure to comply no longer exists.

"DEFINITIONS

"Section 11: This section defines 'wage earners,' 'State,' 'cooperating institutions,' and 'bona fide labor organization.'

"The term 'cooperating institution' includes any land-grant college or university and other institutions of higher education eligible to receive funds under the acts of Congress providing for agricultural extension work and other public or private nonprofit colleges, universities, or research agencies, approved by the State board.

"This definition has been changed slightly from the definition carried in S. 1390 of the Eightieth Congress. The definition of 'cooperating institution' in that bill included the following additional language—'which under State law is eligible to receive and expend public funds for educational purposes.'

"That language has been omitted from the present bill in view of the fact that section 7 of the bill requires that all disbursements to cooperating institutions must be made 'in accordance with the applicable State laws.'

"The term 'bona fide labor organization' includes any voluntary association of employees, not company-dominated, formed for the purpose of advancing the interests of its members with respect to such matters as wages, hours, and conditions of employment.

"MISCELLANEOUS PROVISIONS

"Sections 12 and 13 contain the usual separability provision and the short title 'Labor Extension Act of 1949,' respectively."

It was pointed out in hearings on this bill that the Congress has recognized the need for a Voice of America speaking to other peoples. We need, within America, speaking to ourselves and among ourselves, this same Voice of America. We need better means of communication among our own people, through the facilities of the institutions of higher learning, so that the facts and the wisdom and the skill may be shared and used by the wage earners, as they are used by those who can afford to attend these institutions for a regular course of study, and as farmers have access through the Agricultural Extension Service.

Mr. President, I quote from the testimony given in support of this bill in 1948. These words are as true today as they were 2 years ago—2 years before the Communist attack on South Korea and upon the conscience and courage of the free world:

"Democracy has been described as the most difficult, delicate, and finest form of government evolved by the mind of man. In this showdown period in world history, when events race hourly toward a climax in the contest between democracy and a totalitarianism based upon shrewdness and force at the top and obedience at the bottom, this bill may be deemed urgent legislation. We will be strong as a democracy to the extent that all our people, including the 47,000,000 wage and salary earners, know and understand the essential facts about their plants, their industry, the community, their State, their Nation, and the relation of all these to world events."

Mr. President, a long time ago, as time speeds in this atomic age, on the morning of February 18, 1948, testifying in support of a similar bill, favorably reported but not acted on in the Eightieth Congress, I testified at length and in detail regarding the philosophy and the provisions, and what was, to my mind, the transcendent importance of this legislation. I wish to quote briefly from my testimony on that occasion. I find that what I am about to quote wears well and is as valid now as it was then:

"As has been stated to the committee by Mr. Marion H. Hedges out of his lifetime of experience and study in practical labor relations as a representative of the International Brotherhood of Electrical Workers, A. F. of L., there can be cooperation only among equals. This bill is intended to help labor come to the shop, the factory, the mill, and the mine, to the negotiating table and before city councils, State legislatures and the Congress equally equipped with the important facts of modern life in our industrialized economy, and with equal skill in their use. As Mr. Hedges so aptly stated, this bill is not to be dismissed as class legislation; it is rather a bill to rectify and remove class discrimination.

"In asking for enactment of this bill, what is labor asking for in this bill? Not for jobs; not for cash benefits; not for any protection; not for any rights as workers, as parties in collective bargaining; not for security on the job or when unemployed, disabled or overage. No wage or salary earner would ever receive one penny in cash or in material things under this bill. Labor is asking simply that the Federal Government, as it has long done successfully for the 6,000,000 farm families and to the extent of $24,000,000 in Federal funds last year, help the institutions of higher learning make available to labor useful facts and skill in their use.

"This service would be available not only to labor officials, including international officers and officers of local unions, including the shop stewards who make the day-to-day difference between peaceful and discordant industrial relations—assuming good will on the part of management—but equally to all wage and salary earners, whether or not they are members of labor unions.

"To me, as one who has had some experience as a teacher and a labor mediator and arbitrator, this request is the most important constructive proposal that labor has offered in many years. Moreover, considered in the context of recent actions by the Congress, it is a challenge that, in my opinion, the Congress cannot fail to accept. Here is labor, in many respects blamed unfairly for industrial unrest since the war and for an inflation of which it is a principal victim, coming back to the Congress to ask that services, long available to management and agriculture, be made available to wage and salary earners so that they may better meet their responsibilities as employees and as citizens.

"This is new evidence of a durable faith that under our form of government and from this Congress all citizens may expect equal treatment, equal service, equal justice under law."

Mr. President, if our civilization survives, if our Nation survives, if we either avoid atomic global war or if we salvage our civilization and our form of government out of such a war, this bill will one day become law. I here and now pledge that I shall join with others in reintroducing this bill in the Eighty-second Congress, if I shall be elected a Member of that Congress; and I shall do all in my power to see that the durable faith that American workers have in progress under our Constitution shall be rewarded by the creation of the service for which they have so long asked this body in vain.

This is a pledge, Mr. President. I ask others to join me in making that pledge to the wage and salary workers of America.

EXECUTIVE SESSION

Mr. LUCAS. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. GRAHAM in the chair) laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the Committee on Interstate and Foreign Commerce.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nominations on the calendar.

ADVISORY BOARD FOR THE POST OFFICE DEPARTMENT

The legislative clerk read the nomination of Morris L. Ernst, of New York, to be a member of the Advisory Board for the Post Office Department.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DISTRICT OF COLUMBIA

The legislative clerk read the nomination of Emory Byington Smith, of the District of Columbia, to be an associate judge of the municipal court for the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

The PRESIDING OFFICER. Without objection, the nominations in the Diplomatic and Foreign Service will be confirmed en bloc.

ADMINISTRATOR OF CIVIL AERONAUTICS

The legislative clerk read the nomination of Donald W. Nyrop, of Nebraska, to be Administrator of Civil Aeronautics.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

CIVIL AERONAUTICS BOARD

The legislative clerk read the nomination of Delos Wilson Rentzel, of Texas, to be a member of the Civil Aeronautics Board for the remainder of the term of 6 years expiring December 31, 1953.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

FEDERAL MARITIME BOARD

The legislative clerk read the nomination of Robert W. Williams, of Maryland, to be a member of the Federal Maritime Board for the term expiring June 30, 1954.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTOR OF INTERNAL REVENUE

The legislative clerk read the nomination of Ernest E. Killen, to be collector of internal revenue for the district of Delaware.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES COAST GUARD

The legislative clerk proceeded to read sundry nominations in the United States Coast Guard.

Mr. LUCAS. Mr. President, I ask that the nominations in the Coast Guard be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the United States Coast Guard are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. LUCAS. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

ADJOURNMENT TO 11:30 A. M. TOMORROW

Mr. LUCAS. I move the Senate adjourn until 11 a. m. tomorrow.

Mr. WHERRY. Mr. President, that motion is not debatable, but will the Senator withhold it for a moment?

Mr. LUCAS. I withhold it for the moment.

Mr. WHERRY. It is now quite late tonight. It takes a long time to secure a quorum. If the Senator wants the Senate to adjourn until 11 o'clock tomorrow, I shall not object, but I believe we will get along just as fast if we meet at 12 o'clock.

Mr. LUCAS. Under the circumstances it would require about an hour to secure a quorum.

Mr. WHERRY. Whatever the majority leader wants is all right with me. I simply suggest we adjourn till 12 o'clock.

Mr. LUCAS. I will split the difference with the Senator from Nebraska.

Mr. WHERRY. Very well. I will settle for 11:30.

The PRESIDING OFFICER. Does the Senator change his motion to 11:30?

Mr. LUCAS. I move the Senate adjourn until 11:30 a. m. tomorrow.

The motion was agreed to; and (at 11 o'clock and 30 minutes p. m.) the Senate adjourned until tomorrow, Friday, September 22, 1950, at 11:30 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate September 21 (legislative day of July 20), 1950:

IN THE COAST GUARD

The following-named persons to be chief radio electricians in the United States Coast Guard:

August Dannenberg
Edward C. Brichta
Gabriel V. Denisov

The following-named persons to be chief pay clerks in the United States Coast Guard:

Harold E. Major
Hobart W. Means

CONFIRMATIONS

Executive nominations confirmed by the Senate September 21 (legislative day of July 20), 1950:

ADVISORY BOARD FOR THE POST OFFICE DEPARTMENT

Morris L. Ernst, of New York, to be a member of the Advisory Board for the Post Office Department.

DISTRICT OF COLUMBIA

Emory Byington Smith, of the District of Columbia, to be an associate judge of the municipal court for the District of Columbia. (New position.)

DIPLOMATIC AND FOREIGN SERVICE

To be consuls general of the United States of America

John M. Allison — Clifton R. Wharton
John N. Plakias

To be consuls of the United States of America

John M. Kavanaugh — Paul W. Frillmann
Charles P. McVicker, Jr. — Julian P. Fromer
James W. Boyd — W. Clyde Dunn

To be a vice consul of the United States of America

Roger P. Ross

ADMINISTRATOR OF CIVIL AERONAUTICS

Donald W. Nyrop, of Nebraska, to be Administrator of Civil Aeronautics.

CIVIL AERONAUTICS BOARD

Delos Wilson Rentzel, of Texas, to be a member of the Civil Aeronautics Board for the remainder of the term of 6 years expiring December 31, 1953.

FEDERAL MARITIME BOARD

Robert W. Williams, of Maryland, to be a member of the Federal Maritime Board for the term expiring June 30, 1954.

COLLECTOR OF INTERNAL REVENUE

Ernest E. Killen, to be collector of internal revenue for the district of Delaware.

UNITED STATES COAST GUARD

To be commander

William B. Ellis

To be lieutenant commanders

Peter Madison — Charles V. Rudolph
James F. Mace — Andrew F. Mackay
Stephen B. Heck — Charles P. Moffett
Glen S. Jennings — Alfred M. Haynes
Michael J. Bruce

To be lieutenants

Joseph E. Gould — Eric G. Grundy
Robert W. Smith — Jay P. Dayton
James P. Flessas — Richard H. Hagadorn
Robert Adamson — Robert J. Carson
David Gershowitz — Hugh C. McCaffrey
Dono W. Moore — Merle L. Harbourt

POSTMASTERS

HAWAII

Sakae Matsuura, Lawai.

MASSACHUSETTS

Thomas E. Hennessy, Danvers.
Harold V. Gunnason, North Adams.

MICHIGAN

Irma B. Hogan, Linden.
Ralph B. Baker, Ovid.
Schuyler D. Wade, Swartz Creek.
Wesley M. Dawson, Ypsilanti.

MINNESOTA

Clyde E. Allen, Champlin.
Catherine T. Merrill, Glencoe.
Viola B. Pederson, Holloway.
Martin E. Jensen, Luverne.
Joseph C. Budik, Redwood Falls.

NEBRASKA

Milan Dale Nickel, Western.

NEW YORK

George C. Pharmer, Lake George.
Edmund R. Williford, Schroon Lake.
Robert L. Patterson, Thousand Island Park.

NORTH DAKOTA

Anadine A. Ensor, Belcourt.

OHIO

George R. Spencer, Fredericksburg.
Luther C. Brokate, Fremont.
Marjorie G. Liff, Harrisburg.
Ralph C. Scott, Londonderry.
Marion C. Schleinhege, Lucasville.
Grover P. Wires, Tontogany.

PENNSYLVANIA

Norman L. Lausch, Adamstown.
George Harold Smith, Charleroi.
John W. Supancik, Claridge.
John W. Allen, Elkland.
James R. Wilson, Fairchance.
Joseph E. Summers, Graterford.
Jessie Evelyn Scott, Guyaux.
Joseph L. Kruth, Harmarville.
Edward M. Ank, Harrison City.
Francis X. Walsh, Jessup.
Dale W. Salsgiver, Kelly Station.
Henry E. Warmkessell, Landingville.
Charles J. Bennett, Jr., Mount Joy.
Joseph B. Luff, Richboro.
Russell S. Powell, Sr., Riegelsville.
Thomas H. McMahon, Rosemont.

Raymond A. Bucher, Schaefferstown.
James L. Woodard, Shinglehouse.
Evlyn A. Boehringer, Silverdale.
Francis B. Reed, Sumneytown.
Earle V. Miller, Union City.

SOUTH DAKOTA

Charles S. Adams, Burke.

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 21, 1950

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou who hast dispelled the darkness of the night and illumined the earth with the radiant splendor of a new day, we rejoice that Thou art always bestowing upon us the blessings of Thy bountiful providence and unfailing love.

We pray that we may now open widely the doors of our minds and hearts to the promptings and persuasions of Thy Holy Spirit and receive a vivid and vital experience of Thy guiding and sustaining presence as we address ourselves to tasks which are far beyond our own finite wisdom and strength.

Daily our thoughts go out to the men on the far-away battlefields who are serving our country with great fidelity and fortitude. Grant that we may never be guilty of a careless and complacent temper of soul as we think of the tremendous struggles and sacrifices which they are making to safeguard the heritage of freedom which we are privileged to enjoy.

May we be loyal partners with all who are seeking to open the way toward a happier and more abundant life for all mankind. Hear us in the name of our blessed Lord who went about doing good and was moved with compassion for needy and suffering humanity. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on September 20, 1950, the President approved and signed bills and a joint resolution of the House of the following titles:

On September 20, 1950:

H. R. 3314. An act for the relief of the estate of the late Eulogio Reyes Suarez;

H. R. 4891. An act for the relief of Albert E. Schefien;

H. R. 5941. An act to incorporate The Military Chaplains Association of the United States of America;

H. R. 5972. An act for the relief of Ivar G. Johnson;

H. R. 6986. An act relating to the acquisition and addition of certain lands to Fort Frederica National Monument, in the State of Georgia, and for other purposes;

H. R. 7990. An act to incorporate the American Society of International Law, and for other purposes;

H. R. 8337. An act for the relief of William A. Hogan;

H. R. 8362. An act for the relief of Bernard Croft;

H. R. 8563. An act for the relief of Alonzo P. Brown; and

H. J. Res. 536. Joint resolution to provide for the reappointment of Harvey N. Davis and Arthur H. Compton as members of the Board of Regents of the Smithsonian Institution.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Woodruff, its enrolling clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 9399. An act to provide a more effective method of delivering applications for absentee ballots to servicemen and certain other persons; and

H. R. 9455. An act to amend the act of September 16, 1942, as amended, so as to facilitate voting by members of the Armed Forces, and certain others, absent from their places of residence.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2801. An act to give effect to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 5244) entitled "An act for the relief of Lt. Col. Charles J. Trees, Army of the United States," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EASTLAND, Mr. KEFAUVER, and Mr. JENNER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 1056. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Preston L. Watson as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased;

H. R. 7824. An act to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes; and

H. R. 9490. An act to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes.

ENROLLED BILLS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 9490. An act to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes.

WAIVER OF NAVIGATION AND VESSEL-INSPECTION LAWS

Mr. HART. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9681) to authorize the waiver of the navigation and vessel-inspection laws.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. The head of such department or agency is authorized to waive compliance with such laws to such extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency, whenever he deems that such action is necessary in the interest of national defense.

SEC. 2. The authority granted by this act shall continue until such time as the Congress by concurrent resolution or the President may designate.

SEC. 3. The joint resolution entitled "Joint resolution authorizing the Commandant of the United States Coast Guard to waive compliance with the navigation and vessel-inspection laws administered by the Coast Guard," approved March 31, 1947 (61 Stat. 33), as amended, is repealed.

With the following committee amendment:

Page 2, line 4, strike out "continue until" and insert "terminate at."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING SUBSECTION (1) OF SECTION 4551 OF THE REVISED STATUTES, AS AMENDED

Mr. HART. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9538) to amend subsection (1) of section 4551 of the Revised Statutes, as amended, to exempt additional vessels from the requirements thereof.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. HART. Mr. Speaker, this bill amends the Revised Statutes, which now requires that certain frequent reports be made by owners of vessels. The bill exempts the owners of seagoing barges, tugs, towboats, and certain ferries, if not engaged in international commerce, from compiling those reports. They have been found to be of no public benefit and administratively burdensome.

Mr. MARTIN of Massachusetts. And the Department itself does not care to receive these reports?

Mr. HART. The Department has recommended the passage of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsection (1) of section 4551 of the Revised Statutes, as amended (U. S. C., title 46, sec. 643 (1)), is amended by striking out the third sentence and inserting the following sentence in lieu thereof: "This subsection shall not apply to (1) seagoing barges; (2) tugs; (3) towboats; (4) any ferry, if such ferry is employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and is not engaged on an international voyage; and (5) other vessels employed exclusively in trade on lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors."

With the following committee amendments:

Page 1, line 3, strike out the figure "(1)" and insert the letter "(l)."

Page 1, line 4, strike out the figure "(1)" and insert the letter "(l)."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to amend subsection (l) of section 4551 of the Revised Statutes, as amended, to exempt additional vessels from the requirements thereof."

A motion to reconsider was laid on the table.

AIDS TO NAVIGATION

Mr. HART. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9322) to clarify and consolidate the authority to require the establishment and maintenance of aids to navigation on private structures in or over navigable waters of the United States.

The clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. HART. Mr. Speaker, this bill gives authority to the Coast Guard to prescribe light signals for bridges. Under the General Bridge Act of 1946 this authority was omitted from the act, and the bill brings the act into conformity with the Coast Guard's historical jurisdiction over the markings of bridges.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 85 of title 14, United States Code, is amended to read as follows:

"§ 85. Aids to maritime navigation on private structures; penalty

"Any person owning or operating any bridge, pier, wharf, dolphin, boom, wier, breakwater, bulkhead, jetty, dike, dam, causeway, or similar structure in or over any navigable water of the United States shall establish, maintain, and operate at his own expense such lights and signals for the protection of maritime navigation as the Secretary shall prescribe. Refusal or failure to establish, maintain, or operate such signals or lights, or to obey any of the lawful rules or regulations relating thereto, shall be deemed a misdemeanor, and shall subject such person to a fine not exceeding the sum of $100 for each offense. Each day during which a violation continues shall be considered as a new offense."

SEC. 2. Section 18 of the Federal Water Power Act, as amended (U. S. C., 1946 ed., title 16, sec. 811), is amended by striking out the words "Secretary of War" in the first sentence and inserting in lieu thereof the words "Secretary of the Department in which the Coast Guard is operating."

With the following committee amendments:

Page 1, line 7, after the word "person", insert the following: "or public body, or instrumentality, excluding an agency of the United States,".

Page 1, line 8, strike out the word "occupying."

Page 2, line 5, after the words "shall prescribe.", insert a new sentence as follows: "The Secretary shall prescribe reasonable rules and regulations relative to the maintenance of lights and signals for the protection of maritime navigation."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT

The SPEAKER. In view of the legislative conditions, the Chair would prefer not to recognize Members to address the House for 1 minute, but will recognize Members to extend their remarks.

EXTENSION OF REMARKS

Mrs. KELLY of New York and Mr. PRICE asked and were given permission to extend their remarks.

Mr. WHITE of California asked and was given permission to extend his remarks and include a letter.

Mr. REED of New York asked and was given permission to extend his remarks in four instances and in each include extraneous matter.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in two instances and in each include extraneous matter.

Mr. PATTERSON asked and was given permission to extend his remarks in two instances and in one include a newspaper article.

Mr. BOGGS of Delaware asked and was given permission to extend his remarks and include extraneous matter.

Mr. MORTON asked and was given permission to extend his remarks in two instances, and in one include extraneous matter.

Mr. KEATING asked and was given permission to extend his remarks in two instances and include editorials.

Mr. MACY asked and was given permission to extend his remarks and include editorials and other extraneous matter, notwithstanding the fact that it will exceed two pages of the RECORD and is estimated by the Public Printer to cost $225.50.

Mr. BENNETT of Michigan asked and was given permission to extend his remarks.

Mr. SCRIVNER asked and was given permission to extend his remarks and include a news report from the Lawrence Journal World, reporting a speech by the chancelor of the University of Kansas.

SPECIAL ORDER GRANTED

Mr. SUTTON asked and was given permission to address the House for 10 minutes today, following the legislative program and any special orders heretofore entered.

SEARCH FOR PEACE

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, now that we are making better progress in war, let us not assume that we can put all our eggs in one basket. The search for peace through the United Nations should continue unabated.

Among those who want to be our allies in the search for peace, at least one has much influence in Asia, where our prestige diplomatically is lowest. I speak of India, whose efforts for peaceable settlement of Asiatic problems should be encouraged, not rebuffed.

It is not necessary that we accept proposals which appease the Reds in order to induce India to use her great influence in ways favorable to American world objectives. Asia knows that during World War II and during the postwar years she occupied a secondary place in American thinking. She is not convinced that our plans for Asia today are other than those of imperialistic exploitation. India can help greatly to convince Asia that we really do want a better understanding of the mind and heart of Asia.

GET EVIDENCE AGAINST NORTH KOREAN WAR CRIMINALS—NOW

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, what do our men in the front lines think of the battle of words in the UN?

We had better find out directly from those who are really fighting back against the aggressors.

I believe that the time has come to cut out the shadow-boxing in the United Nations and get down to business.

The indiscriminate use of the veto must be curtailed, an effective UN police force must be organized, and the North Korean war criminals must be indicted without further delay.

The precedent for such action was established following World War II, but the proceedings dragged on without end. Many criminals escaped because valuable evidence was lost through delay.

The people of the United States have been outraged by the unprovoked aggression against South Korea and by the mounting evidence of atrocities committed against our troops. They have been amazed by the feeble protests, unsupported by any definite action on the part of the UN, to assemble the case against the North Korean Communists, at once.

No wonder our fighting men ask if the diplomats really understand what they

are up against when the reaction in the UN is limited to speeches that are spiced up at times by a daring bit of name-calling. The word-and-gesture duel at the UN has become a feature television show that entertains some on the home front, but fails to satisfy any of the men on the fighting fronts. The GI's would like to see the UN track down those who are responsible for the crimes against their buddies including the accessories before the fact.

I ask, therefore, that our representatives to the UN be instructed to press for action on this issue.

Reporters, photographers, GI's who saw what was done by the enemy to their helpless buddies—all should be called to appear as witnesses before the UN so that no evidence will be lost when the war criminals are finally brought to trial. By this we shall prove to our fighting men and to the world that the United Nations is determined to punish these evildoers for their crimes against humanity.

THE THIRTY-EIGHTH PARALLEL

Mr. HUGH D. SCOTT, JR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HUGH D. SCOTT, JR. Mr. Speaker, the Hiss Survivors Association down at the State Department, who wear upon their breasts the Cross of Yalta, are waiting for Congress to go home before they lift the curtain on the next act in the tragedy of Red appeasement. Dean Acheson's symphony are composing a new movement in their "Let's Not Be Nasty to the Commies" oratorio. In order to appease their erstwhile friend "Good Old Joe," to whom they have ceded half of Europe and most of Asia, they now plan to subvert our military victory by calling a halt at the thirty-eighth parallel. The scheme is to cringe behind this imaginary line leaving to the UN—and to Russia's veto—the possibility of muddling through a solution to the problem of a united Korea.

Any attempt to call off our forces or to remove them from Korea before the entire nation has been unified and a free Republic assured simply means that we will have to do the job over again at perhaps greater cost in blood and toil and sweat and tears.

While in Taegu, Korea, during the actual shelling of that city I talked to two members of the UN commission and asked them what they thought about stopping at the thirty-eighth parallel. Both of them asserted in strong terms that it would be the utmost folly to hope further to appease the Reds by any such irresolute action. Of course, I do not know what they will do if our Government applies pressure upon them through their governments.

I do know that long before the victory is won the Acheson crowd are pursuing a policy which will give it away. Giveaway programs at home merely weaken the economy and increase the cost of living. A giveaway program in Korea is treasonable and you had better be prepared to warn your constituents what the State Department is up to.

PREPARATION OF UNIFORM CATALOG

Mr. HARVEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HARVEY. Mr. Speaker, it was my privilege on Tuesday last, to visit our naval supply depot at Mechanicsburg, Pa., in company with Congressman DAWSON, chairman of the Committee on Expenditures in the Executive Departments, and Congressman BONNER, chairman of the subcommittee. Our purpose was to consider the progress of the joint effort of the War Munitions Board and General Services Administration in preparing the uniform catalog. The plan has the approval of the Congress and is being followed by our committee of the House. I think it will be of interest to the Members to know something about this endeavor and its progress.

As a member of the Rizley subcommittee of the Eightieth Congress, I helped investigate the complaints coming to the Congress concerning the ineffectiveness and inefficiency of the War Assets Administration. We found that the great losses entailed in this disposal program were due mostly to the fact that the armed services which provided the surplus had no uniform system of cataloging their purchases and the War Assets Administration was forced to sell, in many instances, their stock on a pig-in-a-poke basis. President Roosevelt had recommended as early as 1943 that this uniform catalog be established but it was not until 1947 that a start was finally made. By this time most of World War II surplus had been disposed. It was determined however that this same mistake should not be repeated.

The War Munitions Board, because it had the money, embarked upon the task by Executive order and with the pledged cooperation of the various components of the armed services. The committee of which I happen to be a member, sponsored Public Law 152, which brought under one administration the purchasing, disposal, and housekeeping duties of the Federal Government, and called this new agency the General Services Administration. We realized that the Federal Government was the largest single purchaser in the country even in peacetime. It was also recognized that should we have another war that General Services Administration would be the disposal agency for the generated surplus. This emphasized the need for a coordinated and integrated policy between the armed services and General Services as to cataloging or a uniform system.

You see, without a uniform policy of cataloging purchases, their disposition by the Government either by sale to private business or gift to our educational and health institutions would be ineffective. Due to a common agreement between the Congress, the armed services, and General Services Administration the cataloging effort initiated by the War Munitions Board became a joint effort to develop a uniform catalog.

It was contemplated last spring that this catalog would be completed by 1952. When another war appeared imminent Secretary Johnson urged that greater effort be made to complete this task within another year.

Our visit to the Mechanicsburg installation was to view the center of this cataloging project. We were impressed with the progress that was being made but even more with the possible savings that will accrue. One example was cited in which a single cotter pin had 1,108 different listings and consequent numbers. The elimination of duplicate or near-duplicate listings will enormously decrease the storage and inventory problems, to say nothing of sale in case any material is declared surplus. Another example cited was that savings of millions of dollars could be effected by buying an item from the lowest-cost producer. For example, a bushing—variously labeled—was listed at prices ranging from $32 to $57, although the item was identical in every instance.

Great savings will also accrue by having a coordinated purchasing policy, thus avoiding unwarranted competition between various components of the armed services for similar items. Most of you can doubtless recall instances during World War II when the Army and Navy were bidding against each other for items thus needlessly increasing the ultimate cost. Or due to the fact that they had no uniform catalog, one branch of the service might have a deficit of an item that the other service had in surplus but there was no way in which the surplus could meet the deficiency. It would be like trying to order an item from Sears with a Montgomery-Ward catalog number.

The problem, Mr. Speaker, is not going to be an easy one to solve, but progress is being made and with intense application may be completed by 1951 instead of 1952 as originally contemplated. To do so will save millions in view of our stepped-up purchasing program. We came back from Mechanicsburg with the impression that this very important project should have the complete support of the Congress and careful observation by our Committee on Expenditures in the Executive Departments.

PRESTON L. WATSON

Mr. BYRNE of New York submitted the following conference report and statement on the bill (H. R. 1056) to confer jurisdiction on the Court of Claims to hear and determine the claim of Preston L. Watson as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased:

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3122)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1056) for the relief of Preston L. Watson as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased, having met, after full and

free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate to the text of the bill, and agree to the same with amendments as follows:

On page 1, line 4, after the word "claim", insert "with such interest as the court may determine,".

On page 2, line 10, after the word "waive", insert "the defense of lack of authority of the Department of Justice or its officers in making said agreement and"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

WILLIAM T. BYRNE,
THOMAS J. LANE,
Managers on the Part of the House.

WARREN G. MAGNUSON,
FRANK P. GRAHAM,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1056) for the relief of Preston L. Watson as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill as passed the House was—

"That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim, together with interest thereon, of Preston L. Watson, as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased, against the United States for alleged loss and damage suffered by the said Robert A. Watson arising out of certain transactions involving the purchase of three thousand five hundred tons of sugar in the Republic of Argentina in June 1920 the importation into the United States of one thousand nine hundred tons thereof and the neglect, refusal, and failure of the Department of Justice of the United States to provide for the distribution thereof in accordance with the terms of a written agreement between claimant's decedent and said Department; and to enter such decree or judgment against the United States for such loss and damage as equity and justice shall require.

"SEC. 2. In the proceedings upon such claim before the Court of Claims, the United States shall not avail itself of the defense that the Department of Justice of the United States or its officers acted without legal authority in making said agreement or fixing restrictions with regard to the importation and disposition of such sugar.

"SEC. 3. Suit upon such claim may be instituted at any time within six months after the date of enactment of this Act, notwithstanding the lapse of time, laches, or any statute of limitations. Proceedings for the determination of such claim and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended."

The Senate amended the bill striking out all after the enacting clause and inserting the following:

"That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear, determine on the merits, and to render in accordance therewith, judgment upon the claim of Preston L. Watson, as administrator of the goods, chattels, rights, and credits which were of Robert A. Watson, deceased, against the United States for alleged loss and damages suffered by Robert A. Watson arising out of certain transactions between said Robert A. Watson and the Department of Justice of the United States, involving the purchase and importation of sugar from the Republic of Argentina in June 1920, and the alleged neglect, refusal, and failure of the Department of Justice to provide for the distribution thereof in accordance with the terms of a written agreement between claimant's decedent and said Department.

"SEC. 2. Suit upon such claim may be instituted at any time within six months after the date of enactment of this Act, notwithstanding the lapse of time, laches, or any statute of limitations. Proceedings for the determination of such claim, and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which said court has jurisdiction under section 1491 of title 28 of the United States Code: *Provided*, That this Act shall be construed only to waive the immunity from suit of the Government of the United States with respect to the claim of Preston L. Watson, as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased, and not otherwise to effect any substantive rights of the parties."

At the conference the following amendments were agreed upon:

On page 1, line 4, after the word "claim", insert "with such interest as the Court may determine,".

On page 2, line 10, after the word "waive", insert "the defense of lack of authority of the Department of Justice or its officers in making said agreement and".

WILLIAM T. BYRNE,
THOMAS J. LANE,
Managers on the Part of the House.

SPECIAL ORDER GRANTED

Mr. DAVIS of Georgia asked and was given permission to address the House today for 10 minutes, following any special orders heretofore entered.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce, and ordered printed.

To the Congress of the United States of America:

Pursuant to section 5 (k) (2) of the Railroad Retirement Act, as amended, I transmit herewith a special joint report of the Federal Security Administrator and the Railroad Retirement Board.

HARRY S. TRUMAN.

THE WHITE HOUSE, *September 21, 1950.*

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

SEPTEMBER 20, 1950.

Hon. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Merchant Marine and Fisheries.

Yours respectfully,

JAMES B. HARE.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. DOUGHTON. Mr. Speaker, I offer a resolution (H. Res. 858) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That EDWARD J. ROBESON, Jr., of Virginia, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. SMITH of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 282]

Allen, Ill.	Heller	Pfeifer, Joseph L.
Allen, La.	Herlong	Pfeiffer, William L.
Anderson, Calif.	Hill	Philbin
Angell	Hinshaw	Plumley
Barrett, Wyo.	Hoffman, Ill.	Poage
Bates, Ky.	Holifield	Potter
Bosone	Javits	Poulson
Breen	Johnson	Powell
Brehm	Jonas	Quinn
Buckley, N. Y.	Jones, Mo.	Rains
Case, S. Dak.	Keefe	Redden
Celler	Kerr	Reed, Ill.
Chatham	King	Ribicoff
Chelf	Klein	Roosevelt
Christopher	Kunkel	Sabath
Chudoff	Larcade	Sadlak
Cooley	Lodge	Sadowski
Coudert	Lyle	Shelley
Davies, N. Y.	Lynch	Smathers
Dawson	McCarthy	Smith, Ohio
Dingell	McCormack	Tackett
Dollinger	McMillen, Ill.	Thornberry
Dondero	Mack, Wash.	Underwood
Doyle	Magee	Van Zandt
Eaton	Martin, Iowa	Vorys
Ellsworth	Meyer	Vursell
Engel, Mich.	Miller, Calif.	Wadsworth
Fernandez	Morrison	Werdel
Fulton	Moulder	White, Idaho
Gillette	Multer	Willis
Gilmer	Murphy	Withrow
Gordon	Murray, Tenn.	Wood
Granger	Nicholson	Woodhouse
Gregory	Nixon	Woodruff
Hall, Edwin Arthur	Noland	Yates
Hand	Norton	Young
Hare	O'Brien, Mich.	Zablocki
Havenner	O'Konski	
Hébert	Patten	
	Perkins	

The SPEAKER. On this roll call 309 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOUR OF MEETING TOMORROW

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SUPPLEMENTAL APPROPRIATION BILL, 1951—CONFERENCE REPORT

The SPEAKER. The unfinished business is the further consideration of the

amendments in disagreement in the conference report on the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951.

The Clerk will report the next amendment in disagreement, Senate amendment No. 62, which appears on page 24 of the bill.

The Clerk read as follows:

Senate amendment No. 62: Page 24, line 19, insert:

HEALTH, EDUCATION, AND WELFARE SERVICES

"For an additional amount for 'Health, Education, and Welfare Services' for the purpose of cooperating with Independent School District No. 5, Cass County, Minn., at Walker, Minn., for the construction, extension, equipment, and improvement of public school facilities at Walker, Minn., as authorized by the act of July 1, 1940 (54 Stat. 707, 708), the act of July 24, 1947 (61 Stat. 414), and the act of August 17, 1950 (Public Law 709, 81st Cong.), $80,000, to remain available until expended."

Mr. KIRWAN. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I am disappointed that this motion has been made because it represents one of the most outrageous operations on the part of the bureaucracy in this Government that I have ever heard of. The Congress in 1942 appropriated $65,000 on the budget estimate for participation with the local school districts in the construction of the schools for these Indians in Minnesota.

In 1949 there was an additional authorization bill and a budget estimate, and instead of $65,000, $100,000 was provided. A clause in the agreement says that the plans must be approved by the Commissioner of Indian Affairs. The plans which were prepared and submitted to the Commissioner of Indian Affairs provided for leaving out the blackboards in connection with the construction, leaving out all of the plaster except the ceiling plaster, the leaving out of all interior painting, the omission of all insulation from the boiler and heating pipes, and the omission of all finished hardware, as well as omitting $8,000 of electrical wiring and a large number of other miscellaneous items.

Mr. Nichols, the Acting Commissioner of Indian Affairs, signed an approval of the plan, with all of these items left out, which make it an incomplete and unusable job. The Lord knows what Dillon Myer, the present Indian Commissioner, would do. Perhaps he would have done worse.

Frankly, the local community has been imposed upon by the Commissioner of Indian Affairs. On the other hand, it looks as if they wanted to be imposed upon or they would not have left out all of these things which I have described. Now they want $79,000 more to finish the job. Frankly, I am willing to meet our responsibility toward the education of Indian children, but I do not like this way of doing business. I cannot approve of this kind of business and I hope the Congress will not approve of it.

The SPEAKER. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. KIRWAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am not going to take issue with the gentleman from New York [Mr. TABER]. What he has just told the House about the $80,000 in question in this conference report is true. It may be, as he indicated, bad judgment, bad work, or bad planning. But the legislative committee, delegated by the House to consider measures of this sort, met on the 15th of August, after the general appropriation bill had been passed, and the legislative committee heard all the evidence and they voted to approve this $80,000 item. The appropriation bill, at that time, had already passed through the House and the Senate. There was no way to put it in the bill at that time. There was no use going to the Budget Bureau because the appropriation bill had already passed the House and the Senate. In the conference between the two Houses the Senate put in the $80,000, and rightfully so. Yesterday we appropriated millions of dollars in this bill to build schools all over this great country, and I was for that. But here is $80,000 for real Americans, original Americans, native Americans, up in the State of Minnesota. We owe an obligation to these first citizens of ours, and I urge the House to approve this amount. Remember, the Government already has $100,000 invested in this school building. Are we going to throw this $100,000 out of the window because somebody failed to do his job? Are we going to let these Indians down at a time they are looking to us for assistance? I do not think we will shirk our responsibility at this time.

I can agree with the gentleman from New York that there may have been bad planning all along the line, but the legislative committee met and authorized the payment of the $80,000 to finish this job and the appropriation bill had already passed both the House and Senate when that committee met.

I hope the House will approve the $80,000 requested, and I ask for the approval of this body to this very meritorious, worth while, and necessary request.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio [Mr. KIRWAN].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 71: Page 28, line 3, insert:

"FUNDS APPROPRIATED TO THE PRESIDENT

"EXPENSES OF DEFENSE PRODUCTION

"For expenses necessary to enable the President to carry out the provisions of the Defense Production Act of 1950 (Public Law 774, approved September 8, 1950), including personal services in the District of Columbia; printing and binding; health service programs as authorized by law (5 U. S. C. 150); rents in the District of Columbia; payment of claims pursuant to law (28 U. S. C. 2672); purchase and hire of passenger motor vehicles and aircraft; employment of aliens; exchange and advance of funds without regard to sections 3648 and 3651 of the Revised Statutes; and expenses of attendance at meetings concerned with the purposes of this appropriation; $60,000,000: *Provided*, That the authorizations, limitations, or restrictions, governing the availability of funds for administrative expenses of Government corporations and other agencies, for the current fiscal year, are hereby waived to such extent as may be determined by the President to be necessary in order for such corporations or agencies to carry out their assigned functions under the Defense Production Act of 1950."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment as follows: In lieu of the sum named in said amendment insert "$30,000,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 78: Page 33, line 3, insert:

"EMERGENCY OPERATING EXPENSES

"For necessary emergency expenses of the General Services Administration not otherwise provided for, for operation, maintenance, protection and repair of public buildings and grounds to the extent that such buildings and grounds are under the control of the General Services Administration for such purposes as are provided for in Public Law 152, Eighty-first Congress, as amended; including printing and binding; personal services in the District of Columbia and elsewhere; rental of buildings or parts thereof in the District of Columbia and elsewhere, including repairs, alterations, and improvements necessary for proper use by the Government without regard to section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a); restoration of leased premises; moving Government agencies in connection with the assignment, allocation, and transfer of building space; furnishings and equipment; and payment of per diem employees employed in connection with any of the foregoing functions at rates approved by the Administrator of General Services or his designee, not exceeding current rates for similar services in places where such services are employed, $15,740,000."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 78 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$15,000,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 100: Page 48, line 23, strike out down to and including line 11 in page 49.

Mr. MAHON. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 100 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment and add, before the period in the last line there-

of, the following: ": *Provided, however,* That the President at any time before the actual delivery of any defense articles to any other country may transfer the same to the United States Department of Defense for the use of such department."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 104: Page 52, line 6, insert:

"SEC. 109. In order more effectively to administer the funds appropriated to the Department of Defense, the President, to the extent he deems it necessary and appropriate in the interest of national defense, may authorize positions to be placed in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949 in accordance with the procedures and standards of that act, and such positions shall be additional to the number authorized by section 505 of that act. Grades 16, 17, and 18 now in the Defense Establishment may be increased by an additional number of one-third of each grade now employed in that Establishment."

Mr. MAHON. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 104, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 109. In order more effectively to administer the funds appropriated to the Department of Defense, subject to the provisions of section 1302 of this act, the President, to the extent he deems it necessary and appropriate in the interest of national defense, may authorize positions to be placed in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949 in accordance with the procedures and standards of that act, and such positions shall be additional to the number authorized by section 505 of that act. Under authority herein, grades 16, 17, and 18 now in the Defense Establishment may be increased by an additional number of not more than one-third of each grade now employed in that Establishment."

The motion was agreed to.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, amendment 104, which was placed in the bill by the Senate, grants to the President the authority to permit the Department of Defense to employ additional personnel in grades 16, 17, and 18, the salaries of which range from $11,200 to $14,000 per annum. Such additional number not to exceed one-third of the number now employed in each of such grades. At the present time I am informed that not to exceed 77 employees can be employed which would limit this provision to the employment of not to exceed 26.

It is not the purpose of the committee in agreeing to this amendment to permit the Department of Defense to make promotions from within Government employees to fill these grades. The purpose of creating these higher grades was to enable the Government to secure the services of specially qualified persons to perform highly important and technical jobs. The committee proposes to see to it that the authority provided in this amendment is not used as a means for promoting presently employed governmental personnel. I have so instructed the clerk of the subcommittee so there be no abuses of authority herein proposed.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 109: Page 53, line 19, insert:

"INTERNATIONAL DEVELOPMENT

"Notwithstanding the provisions of section 414 of the Act for International Development (title IV of the Foreign Economic Assistance Act of 1950, Public Law 535, 81st Cong., approved June 5, 1950), present employees of the Government may be assigned to duties under that act and the funds appropriated for the purposes of that act by Public Law 759, shall be available to pay the salaries and expenses of such employees pending investigations of such employees by the Federal Bureau of Investigation and reports thereon to the Secretary of State for the period of not to exceed 3 months from the date of the enactment of this act."

Mr. GARY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 119: Page 58, line 18, insert:

"SEC. 1303. When determined by the President to be necessary, the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended by section 1211 of the General Appropriation Act, 1951, shall not apply, during the current fiscal year, to any appropriations, funds, or contract authorizations, available to the executive departments for carrying out the provisions of the act of August 9, 1950 (Public Law 679); and for the purposes of said act of August 9, 1950, the Secretary of the Treasury may, during the current fiscal year, transfer such amounts as may be necessary from appropriations to the Coast Guard for "Operating expenses", fiscal year 1951, to appropriations to the Coast Guard for "Acquisition, construction, and improvements", and the limitation on number of aircraft on hand at one time, provided in the General Appropriation Act, 1951, shall not apply with respect to said act of August 9, 1950."

Mr. GARY. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. GARY moves that the House recede from its disagreement of the Senate numbered 119, and concur therein with an amendment, as follows: In line 11 of said amendment, after the word "necessary", insert: "(not to exceed $10,000,000)."

The motion was agreed to.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I submitted, and the House Appropriations Committee, the House of Representatives, and the conference committee accepted, the civil-service provisions of this bill. There are a number of reasons why they should be adopted.

First. During the last war the total number of permanent positions and permanent grade classifications was greatly inflated, a condition which has carried over to the present. This serious job inflation which developed during World War II was due to (a) the inability of the Civil Service Commission to control the classification levels of positions, particularly in the defense agencies, and (b) the fact that most appointments, transfers, and promotions of career employees in such defense agencies and elsewhere were made on a permanent basis. As a result positions in the first seven grades, which cover the major portion of Federal employees, were raised several grades during the war on a permanent basis. It is roughly estimated that this has added $1,000,000,000 per year to the annual payroll costs of the Government. Personnel figures for two of the larger departments of government showing the shift of persons from the lower to the higher grades between 1939 and 1949 are as follows:

	1939	1945	1949
Commerce Department:	*Percent*	*Percent*	*Percent*
Grades 1, 2, and 3	52	30	21
Grades 5, 6, and 7	17	40	42
State Department:			
Grades 1, 2, and 3	48	36	20
Grades 4, 5, and 6	40	49	53

Why the Civil Service Commission has not already issued regulations to accomplish substantially what this provision provides I do not know. Certainly it should have done so. It has been approximately 3 months since the beginning of the emergency in Korea and no action has been taken by the Commission to meet the situation. While defense agencies have authority to make temporary appointments, evidence received indicates that regular agencies are being required to fill vacancies with permanent appointees, even though the employees leaving for military service or defense work are clearly entitled to reemployment at the end of the emergency. This practice will leave the agencies at the end of the emergency with two permanent employees for each such regular position vacated.

Firm action must be taken now to prevent a repetition of the World War II experience if this Government is to remain solvent. This legislation will result in a saving of from one-half to one billion dollars a year and will permit the Government at the end of the emergency to return easily to its present number of employees at present grade levels, something we were unable to get done after the last war.

Second. One of the worst discriminations which occurred during the last war was against those individuals who went into the military service. Their progress in the Government stopped at the level held upon entrance in the military service. Many of those who stayed behind were promoted rapidly and obtained permanent status at much higher

grades at the end of the war. This provision will eliminate such discrimination in the future by placing all employees of the Government on an equal footing with respect to transfers, promotions and job retention rights.

Third. The problem of recruiting large numbers of experienced people rapidly at the beginning of the last war for defense work was met principally by establishing more generous grades in the defense agencies, rather than by placing all personnel transfers and promotions on an equal footing and encouraging employees to transfer on a temporary basis where they could make their maximum contribution to the war effort. This provision will encourage employees to transfer to military or defense work for patriotic reasons since they can be assured of reemployment rights at the end of the emergency at the same grade and salary held on September 1, 1950, with the further assurance that some employee has not moved into his place on a permanent basis while be helped his country in time of war.

There are a number of technical points which have come to my attention in connection with this provision which I would like to comment on at this time in order to facilitate interpretation and administration of this legislation.

The new language will not interfere with the use of registers of eligibles in making appointments during the emergency period. This method of recruiting should be continued by the commission to assure the highest quality of new appointees. This will be possible even where appointments are temporary, since temporary employment with the Government is as permanent as a position in private industry.

Furthermore, this provision will have no effect on permanent status or retirement privileges of career employees. Acceptance of temporary promotions or transfers by permanent personnel will not change these privileges.

Automatic within-grade promotions will not be affected by this language. Persons affected by reduction in force may be given temporary advances in the regular manner after reinstatement at their last grade and salary.

It is intended that this provision cover the entire Federal service, including agencies exempt from the competitive civil service, such as the FBI and TVA. This provision will not rescind the President's recent order covering certain employees under civil service.

It is my opinion and that of our committee that this legislation is not entirely restrictive and is fair to Federal career employees. In this connection, I wish to reemphasize the fact that all employees will be treated alike under this provision. While promotions will be temporary, those which have been meritoriously made will undoubtedly be made permanent at the end of the emergency, particularly where the position is not required to take care of a person returning from the military or a defense activity.

It does hold the status quo of permanent promotions and positions so that we can take another look at the end of the emergency, and then do what is right. I believe we must take this action.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 120: Page 59, line 9, insert:

"SEC. 1304. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), arms or armament or military matériel or articles or commodities which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration may be used in the manufacture of arms, armaments, or military matériel; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity of the nature or class described."

Mr. CANNON. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON moves that the House recede from its disagreement to the amendment of the Senate No. 120, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 1304. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country whose trade with the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea) is found by the National Security Council to be contrary to the security interests of the United States."

CALL OF THE HOUSE

Mr. WHITTEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 283]

Allen, Ill.	Chatham	Engel, Mich.
Allen, La.	Chelf	Fellows
Anderson, Calif.	Christopher	Fernandez
Angell	Chudoff	Fulton
Barrett, Wyo.	Cooley	Gamble
Bates, Ky.	Coudert	Gillette
Blatnik	Davies, N. Y.	Gilmer
Bosone	Dawson	Gordon
Breen	D'Ewart	Granger
Brehm	Dingell	Gregory
Brooks	Dollinger	Gwinn
Buckley, N. Y.	Doyle	Hall,
Burke	Durham	Edwin Arthur
Case, S. Dak.	Eaton	Hand
Celler	Ellsworth	Hare
Harris	Martin, Iowa	Redden
Havenner	Meyer	Reed, Ill.
Hays, Ark.	Miles	Ribicoff
Hébert	Miller, Calif.	Sabath
Heller	Morrison	Sadlak
Herter	Moulder	Sadowski
Hill	Multer	Shafer
Hinshaw	Murphy	Shelley
Hoffman, Ill.	Murray, Tenn.	Smith, Ohio
Holifield	Nicholson	Tackett
Horan	Nixon	Teague
Javits	Noland	Thornberry
Jennings	Norton	Underwood
Jonas	O'Brien, Mich.	Van Zandt
Jones, Mo.	O'Konski	Vorys
Keefe	Patten	Vursell
Keogh	Perkins	Wadsworth
Kerr	Pfeifer,	Werdel
Klein	Joseph L.	White, Idaho
Kunkel	Pfeiffer,	Wier
Larcade	William L.	Willis
Lodge	Philbin	Withrow
Lyle	Plumley	Woodhouse
Lynch	Poage	Woodruff
McCarthy	Potter	Yates
McCormack	Poulson	Young
McMillen, Ill.	Powell	Zablocki
Mack, Wash.	Quinn	
Magee	Rains	

The SPEAKER. On this roll call 320 Members have answered to their names. A quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

SUPPLEMENTAL APPROPRIATION BILL, 1951—CONFERENCE REPORT

The SPEAKER. The gentleman from Missouri [Mr. CANNON] is recognized.

Mr. RANKIN. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read, as follows:

Mr. RANKIN moves that the House recede from its disagreement to the amendment of the Senate No. 120 and concur in the same.

Mr. CANNON. Mr. Speaker, the motion offered by the gentleman from Mississippi is preferential, but I have control of the time. I yield myself 5 minutes.

The SPEAKER. Does the gentleman from Missouri desire to divide the motion?

Mr. CANNON. Mr. Speaker, I ask that the motion be divided.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. CANNON. Mr. Speaker, this amendment, the last amendment in the bill, is the most ill-conceived, the most inexpedient, the most mischievous in its effect upon our international relations, and the most menacing to world peace that has ever been offered to any appropriation bill within my recollection.

It is opposed and decried by every organized factor in our national economy: High ranking members of the United States Chamber of Commerce oppose it; organized labor opposes it; organized agriculture opposes it; the diplomatic corps opposes it; the highest military authorities oppose it; the President of the United States sends us a letter which will presently be read from the desk in which he analyzes its untoward effect upon our international relations and our efforts to maintain the peace of the world.

The amendment was hastily drawn; so hastily drawn that the author has since sought at every opportunity to change it. In the conference he urged the conferees to agree to a modification,

and asked that when it came to the House, that the House modify it.

It was offered on the floor of the Senate. There were no hearings on it; there was no evidence or testimony of any kind upon it; there were no justifications; no official, either military or diplomatic, was consulted. It sprang, like Minerva, full-grown from the brow of Jove.

But, Mr. Speaker, every major organization in our national economy, motivated by a sense of responsibility and a comprehensive knowledge of the subject and the objectives to be sought, are vigorously and actively opposed to the proposal.

I ask unanimous consent that the Clerk may read in my time a telegram from Mr. William Green, president of the American Federation of Labor.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read as follows:

HOUSTON, TEX.,
September 19, 1950.

Hon. CLARENCE CANNON,
Chairman,
House Appropriations Committee,
Washington, D. C.:

In behalf of American Federation of Labor, I urge that Wherry amendment to supplemental appropriations bill now pending in Congress be decisively defeated. Wherry amendment if adopted would impose upon western European nations policies which they are not in position to accept. We do not want to interfere with freedom of European nations to shape their economic and political policies. It would be dictatorial to apply sanctions to them. Enactment of Wherry amendment would play into hands of American enemies by destroying assistance which they desperately need at this critical time. I appeal to Members of Congress to defeat Wherry amendment decisively.

WM. GREEN,
President, American Federation of Labor.

Mr. CANNON. Mr. Speaker, the following telegram has been received from Mr. Philip Murray, president of the Congress of Industrial Organizations:

WASHINGTON, D. C., *September 21, 1950.*

Hon. CLARENCE CANNON,
Chairman, House Appropriations Committee, House Office Building.:

The Congress of Industrial Organizations whilst agreeing wholeheartedly with the wholesome objective that we all seek of preventing the strengthening of the Soviet Union and its satellites is firmly opposed to the proposed Wherry amendment. This is not the way to accomplish our objective but in effect would actually tend to defeat the very aims that we all have at heart.

PHILIP MURRAY,
President, Congress of Industrial Organizations.

Mr. Speaker, communications have also been received from Mr. James Patton, president of the Farmers Union; Mr. Allan Kline, president of the American Federation of the Farm Bureau; Mr. Albert Goss, master of the Farm Grange; and Mr. Fred Heinkle, president of the Missouri Farmers Association, unanimously and emphatically opposing the adoption of the pending amendment.

Mr. Eric Johnston, who served as president of the United States Chamber of Commerce, and who visited Russia and toured that country some years ago, urgently insists that the amendment should be defeated.

General Bradley, Chief of Staff of the United States Army, and therefore the most eminent military authority in the world, sends the following letter:

THE JOINT CHIEFS OF STAFF,
Washington, D. C., September 19, 1950.

Hon. CLARENCE CANNON,
House of Representatives.

DEAR MR. CANNON: The purpose of this letter is to urge you to do your utmost to eliminate the amendment to the supplemental appropriations bill, 1951, which is designed to cut off economic and financial assistance to countries which ship not only arms and armaments but articles or commodities, having military significance, to the Soviet Union or its satellites.

The amendment, in its present form, places upon the Secretary of Defense the responsibility for certifying which commodities fall within its scope. Since this certification is to be based primarily upon military considerations, the Joint Chiefs of Staff will undoubtedly be called upon to advise the Secretary concerning the articles or commodities to be certified by him. The definition of articles or commodities subject to certification is extremely broad. As a consequence, it is my opinion that the administrative burden involved will be disproportionate to the results which this amendment is designed to achieve. In fact, this burden may prove to be such that the amendment will be unworkable.

I believe that the mandatory language of the amendment will seriously handicap the strenuous military efforts which we are now making to build up the collective defensive strength of western Europe. The task of building this military strength rests in no small degree upon our ability to secure the wholehearted cooperation of the western European nations. Cooperation is always a two-way street. It rests upon mutual recognition by each party of problems of the other. I do not believe that we can succeed in our efforts to obtain cooperative action in the military field if we attempt thus to coerce the western Europeans.

While I have directed this letter primarily to the effect of the amendment upon our military objectives in western Europe, it will also have far-reaching consequences on our military programs in other parts of the world.

Sincerely,

OMAR N. BRADLEY.

Mr. Speaker, the adoption and enforcement of this amendment would be attended by far-reaching consequences of the most drastic and serious character. It would tie the hands of both State and military establishments. It would permit no discretion on the part of either regardless of circumstances or contingencies.

It would disrupt and disorganize the carefully constructed cooperation with our allies on which we must rely for accord and collaboration in the defense of western Europe. We are endeavoring to build up the collective defense strength of the noncommunistic nations. It cannot be done by such means as are proposed in this amendment. Coercion will defeat the very ends we seek. We must secure general accord through mutual trust and consideration and that is not to be attained through such implications as are carried in the pending amendment.

Nothing would be gained by such a drastic and arbitrary about face in our foreign policy. As a matter of fact shipments from the Marshall countries to Russia and her satellites have reached an inconsequential residuum. Embargoes have been in effect for the last 2 years and no materials of especial military importance are crossing the borders. And for every item shipped to iron-curtain countries we are receiving in return valuable strategic materials of which we are in short supply. Even on the small scale on which exchange is being made, our returns far outweight our shipments in relative military value.

But the amendment involves absurd restrictions. It ought to be called the duckfeather amendment. Strange as it may seem duck feathers are on the official list of proscribed materials. They are used in the accouterment of jet airplanes. So, if Italy, for example, should ship 1 pound of duck feathers to Roumania, Italy would thereby become automatically ineligible to economic and financial assistance of any character. If a pound of iron or a reel of wire were transmitted from France to Poland no further economic cooperation with France would be permitted under the Wherry amendment. As will be seen, it would be an administrative monstrosity.

General Bradley says that under a strict interpretation of the amendment, food, buttons, which might be used on uniforms, leather which might be used in army shoes, and so forth would be contraband. In short, the effect of the adoption of the amendment would be to practically suspend trade relations and drive friendly countries, in self preservation, into the Soviet political orbit, thereby increasing decisively the trade and influence of eastern Europe.

Mr. Speaker, the Senate amendment, if adopted, would lead to an impossible situation. It is impracticable, unworkable and destructive of amicable relations with our allies. It endangers our relations with friendly nations without any compensatory advantages whatever. It is fraught with peril to the peace of the world.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Speaker, it was not my intention to speak on this question until I heard of the serious situation that is presented to the House. We have just been conducting investigations in executive session where we have had to listen to the testimony of very important officials from the State and the Defense Departments of our Government.

I am here to tell you it would be disastrous if this amendment were to be adopted. With all the earnestness at my command I urge the House to reject this amendment unanimously, because it embodies within its terms possibilities of great evil.

Mr. CANNON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry. I want to know if I am entitled to time. This is my amendment we are debating.

The SPEAKER. If the gentleman from Missouri will yield for a parliamentary inquiry. The gentleman from Missouri has the floor.

Mr. RANKIN. I understand, Mr. Speaker, but this is my motion. It is my understanding I am entitled to time on it. There has been so much misrepresentation here I think the House ought to know the facts.

The SPEAKER. The gentleman from Mississippi will have time if the gentleman from Missouri yields it to him.

Mr. TABER. Mr. Speaker, amendment No. 120 was introduced in the Senate by Senator WHERRY. It was introduced after it became evident that there must be some action on the part of the Congress to prevent the filtering through to the communistic crowd of arms, ammunition, and war matériel. That Senator is entitled to great credit for bringing this matter to the attention of the Senate. The author of that amendment has provided one thing that is absolutely necessary, and that is not contained in this language that the chairman of the committee has indicated he offers as an amendment: That is, an absolute prohibition to furnish things where they send arms, ammunition, or military matériel. That is something that must be done if we are going to get results.

Now, just to show you the kind of thing this is, and this is not a personal proposition with me: Winston Churchill on August 26 alleged that machine tools were being manufactured in England for the Russians and that 50 Russian inspectors have access to plants where secret British war production is going on. That is an indication, out and out, that action, and affirmative action, on the part of the Congress, is required.

I have prepared with great care a substitute amendment which would take care of the meat of the things that the author of the Senate amendment 120 provided for. I believe that the things I have provided will meet the situation. It absolutely prohibits the giving of aid from the Economic Cooperation Administration to any country that supplies arms, ammunition, or military matériel.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Missouri.

Mr. CANNON. Of course, the gentleman understands that no amendment to the pending amendment is in order.

Mr. TABER. Unless we should vote down the previous question, and that, I hope, will be done.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Indiana.

Mr. HALLECK. And also if the amendment offered by the gentleman from Missouri is voted down, then it would be in order for the gentleman from New York to offer his amendment as a substitute.

Mr. TABER. That is correct.

Mr. CANNON. But until the pending amendment is voted down, no further amendment is in order.

Mr. TABER. Or unless the previous question is voted down.

Mr. RANKIN. Mr. Speaker, will the gentleman yield further?

Mr. TABER. I yield.

Mr. RANKIN. I want to call attention to the fact that the last organization of real Americans that I know anything about passing on this matter is the Veterans of Foreign Wars. Turn to the CONGRESSIONAL RECORD on page 15305 and you will see the letter from the head of the Veterans of Foreign Wars, where their convention went on record in favor of this Wherry amendment.

Mr. TABER. I think the Wherry amendment can be improved upon to a certain extent. But, there must be included in the language that we adopt the absolute prohibition of aid in the nature of arms, ammunition or war matériel.

Mr. RANKIN. Mr. Speaker, if the gentleman will yield further, I agree with the gentleman, but I am not willing to turn our destiny over to the United Nations, those nations that are using our money to trade with Communist Russia. That is what this will do.

Mr. TABER. We must adopt something that will protect the interest of the United States.

Mr. RANKIN. Absolutely.

Mr. TABER. And that is one thing that we must be sure of. I do not think that the amendment offered by the gentleman from Missouri goes far enough to meet the situation.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Minnesota.

Mr. JUDD. Is it not true that the amendment which the gentleman has drafted and which will be offered in case the previous question is voted down, will do what the Wherry amendment was designed to do, namely, stop trade with Russia and her satellites that would be detrimental to our security, but without putting a strait-jacket on the ECA, requiring it to stop all aid to any country that shipped anything that could conceivably be used in the making of arms and armaments?

Mr. TABER. That is right.

Mr. JUDD. It will make it workable and accomplish the objective.

Mr. TABER. It will accomplish the objective and it will do it better.

I submit a copy of the amendment I propose to offer:

Mr. TABER moves to recede and concur with an amendment as follows: In lieu of the matter contained in the amendment No. 20 insert the following:

"SEC. 1304. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall hereafter be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which shall hereafter export or knowlingly permit the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), arms or armament or military matériel or articles or commodities, trade in which is determined by the Secretary of Defense (after consultation with the Administrator of the Economic Cooperation Administration) to be detrimental to the security of the United States; and the Secretary of Defense, after such consultation, is hereby authorized and directed to certify to the Administrator of the Economic Cooperation Administration."

Mr. CANNON. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, the problem now confronting the House of Representatives is a very serious one. I would have no part in impunging the motives of any Member of the House of Representatives on either side of the aisle. There is no doubt but that every Member wants all trade with Russia and the satellite countries eliminated that is not in the best interests of the program for building up western Europe and strengthening the United States. That is undoubtedly the position of all Members of the House and the objectives we are seeking.

If we were in a position to supply all of the requirements of western Europe by way of trade, in other words, if the people of western Europe could buy from us everything they needed to buy and could sell to us everything they needed to sell—if these people could live without any interchange with the rest of the world, that would be one thing, but it is perfectly obvious that a great deal of trade, if western Europe is going to be built up, must take place among the nations of Europe.

There used to be a time when only the rifle and the cannon and a few other things were considered military supplies, but in a modern total war everything must be considered of military significance. Somebody said something about duck feathers. Duck feathers are important. Feathers go into sleeping bags. We have recently ordered thousands of them for our own troops, and we are going to order many more. If Holland should supply a few duck feathers to one of these countries it would be material that could very well be used in a military program. There is hardly anything that is not military material at a time of total war, so we find ourselves in the position, then, of trying to meet a situation with something realistic.

An amendment has been offered which authorizes and directs the National Security Council, made up of the President, the Secretary of Defense, the Secretary of State, Mr. Symington of the National Security Resources Board, and others, to make the decisions with respect to trade with any of these countries and cut off ECA support to any country whose trade is against the best interests of the United States and our defense effort.

Mr. GARY. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Virginia.

Mr. GARY. The National Security Council, if I am not mistaken, was created by the Eightieth Congress in the National Security Act to handle matters of this kind. Is that not correct?

Mr. MAHON. I believe that is true. It was a good enactment, and in fairness I point out that it was taken when the House was under the control of the Republican Party.

If you were going to enforce an amendment such as the Wherry amendment you would have to have a carpetbagger or a policeman at every factory in western Europe, and you would have to police every border in western Europe and every shipping establishment in order to have complete knowledge of every interchange of goods. It would be an impossible task; it would be an unworkable situation. It would not succeed. It would bring on confusion and chaos and bad feeling. So the substitute amendment which has been offered does give us the protection which we all desire and saves us from a proposal which would do great disservice to our national interests.

When Members come to Congress they begin with their first vote the building of a record. I did it, you did it, we all did it. Speaking only for myself, I have tried to build a record of never having voted during my service here against a program or project designed to strengthen the United States. I am trying to maintain a 100 percent record for promoting the defense of our own country. I may have been wrong in some of my conclusions, but my objective has been the best interest of the United States, and it has no doubt been yours.

Now, what is the national defense picture here for those of us who are anxious to establish or maintain a record of voting for the security of the United States? I do not know of any man in whom I have more faith than General Bradley. He is a down-to-earth wholesome man, a great military man and a statesman of real stature. He has been the key man working with the Western European countries in building up their defenses. Many of the officials of Western Europe have been here, and many of us have greeted them while they were here. General Bradley has a very important task in connection with correlating this work of strengthening Western Europe, because every time Western Europe gets a bit stronger we can relax a little bit in our expenditure of our own American dollars for the maintenance of a free world. What does General Bradley say about the Wherry amendment? I do not know of any higher authority so far as this particular matter is concerned than General Bradley. He says, in a letter to the chairman of the committee:

The purpose of this letter is to urge you to do your utmost to eliminate the amendment.

If you stand with that man, then you are standing certainly on firm ground, and he is talking about something he knows something about. He is not talking about something of which he is ignorant. That would be different. This is a thing he has been giving his life to in recent months. He says he writes to urge you to do your utmost—not to make a gesture, but to do your utmost to eliminate the amendment. I am not going to fly in the face of that admonition in view of all the facts and circumstances. I think most Members of the House will pause and consider well before they do so.

He further proceeds:

I believe that the mandatory language of the amendment will seriously handicap the strenuous military efforts which we are now making to build up the collective defensive strength of western Europe.

In other words, he says this amendment would throw a monkey-wrench into the machinery which is in operation for the upbuilding of the defenses of western Europe and the strengthening of this country and our efforts to prevent war, or in the event that global war does come our efforts to win such a war. To repeat, he says the amendment would throw a monkey-wrench into the machinery for peace.

Therefore, upon that authority and in view of all the facts and circumstances, those of us who want to cut out all trade which is not in the best interest of the United States can get in the same boat with this man Bradley, and can vote for the substitute amendment which would leave the decision as to trade policies to the National Security Council.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield briefly.

Mr. RANKIN. As a matter of fact this material is being supplied to Russia and being supplied by Russia to northern Korea. In other words, the United States is financing both sides of this war at the present time.

Mr. MAHON. So, Mr. Speaker, I leave this case to the conscience of the individual Members of the House. I do not doubt for a moment that we all, on both sides of the aisle, have the same objective. But the Wherry amendment is unworkable. It destroys something that we have spent billions of dollars to build up. Do you know what we have done? We have voted $5,200,000,000 at this session of the Congress for the military aid program. We have provided $26,000,000,000 for our own army and navy and air force. To take a step which would destroy the value of what we have spent or authorized thus far is something I do not believe the Members of the House are going to do.

We have got to work together to get the job done on this proposition and in keeping with those who are best advised, and with the man who has the strongest voice in the operations policy of this military-assistance program, General Bradley. So I stand upon that firm foundation, and I believe thoughtful Members of the House who wish to build a voting record that will stand the test of the years will vote against the Wherry amendment and will vote for the substitute which has been offered by the chairman, the gentleman from Missouri [Mr. CANNON].

Mr. Speaker, I insert at this point for printing in the RECORD the complete text of the letter from Gen. Omar N. Bradley, chairman of the Joint Chiefs of Staff, to the gentleman from Missouri [Mr. CANNON], chairman of the House Committee on Appropriations.

THE JOINT CHIEFS OF STAFF,
Washington, D. C., September 19, 1950.

Hon. CLARENCE CANNON,
House of Representatives.

DEAR MR. CANNON: The purpose of this letter is to urge you to do your utmost to eliminate the amendment to the supplemental appropriations bill, 1951, which is designed to cut off economic and financial assistance to countries which ship not only arms and armaments but articles or commodities, having military significance, to the Soviet Union or its satellites.

The amendment, in its present form, places upon the Secretary of Defense the responsibility for certifying which commodities fall within its scope. Since this certification is to be based primarily upon military considerations, the Joint Chiefs of Staff will undoubtedly be called upon to advise the Secretary concerning the articles or commodities to be certified by him. The definition of articles or commodities subject to certification is extremely broad. As a consequence, it is my opinion that the administrative burden involved will be disproportionate to the results which this amendment is designed to achieve. In fact, this burden may prove to be such that the amendment will be unworkable.

I believe that the mandatory language of the amendment will seriously handicap the strenuous military efforts which we are now making to build up the collective defensive strength of western Europe. The task of building this military strength rests in no small degree upon our ability to secure the wholehearted cooperation of the western European nations. Cooperation is always a two-way street. It rests upon mutual recognition by each party of problems of the other. I do not believe that we can succeed in our efforts to obtain cooperative action in the military field if we attempt thus to coerce the western Europeans.

While I have directed this letter primarily to the effect of the amendment upon our military objectives in western Europe, it will also have far-reaching consequences on our military programs in other parts of the world.

Sincerely,

OMAR N. BRADLEY.

The SPEAKER. The time of the gentleman from Texas [Mr. MAHON] has again expired.

Mr. CANNON. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Speaker, I am 100 percent in favor of the objective of the Wherry amendment.

I am 100 percent for it, because over the years we have had assurance after assurance that the problem we are concerned with now—the problem of controlling the shipment of arms, armament, and military matériel behind the iron curtain—was being solved; but it never has been solved.

A year ago when I was in Germany, there were several people working on this particular problem. Assurances were given at that time that it would soon be brought under control.

The fact is that it is not yet under control.

Therefore, I repeat, Mr. Speaker, I am 100 percent for the objectives sought by the Wherry amendment.

I believe, however, that the language of the amendment can and should be modified.

If the previous question is voted down, the gentleman from New York [Mr. TABER] will offer another alternative to the Wherry amendment. In a word, there will then be before us three variations of language.

There will be the Wherry amendment, which prohibits economic or financial assistance in the event of the known or permitted exportation of "arms or armament or military matériel, or articles or commodities which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation

Administration may be used in the manufacture of arms, armament, or military matériel."

Then there will be the Cannon amendment which limits the prohibition to those countries whose trade with the U. S. S. R. or its satellites "is found by the National Security Council to be contrary to the security interests of the United States."

Finally there will be the Taber amendment which will apply the prohibition in the event of the known or permitted exportation "of arms or armaments or military matériel or articles or commodities, trade in which is determined by the Secretary of Defense to be detrimental to the security of the United States."

In my opinion, the language of the original Wherry amendment goes too far. It includes any article or commodity that may be used in the manufacture of arms, armament, or military matériel.

In my opinion, the amendment suggested by the gentleman from Missouri [Mr. CANNON] does not begin to go far enough. It speaks only of trade. It says nothing specifically of arms, armament, or military matériel. It is far too general, as far as I am concerned.

In my opinion, the Taber amendment covers the situation adequately. It deals specifically with arms, armament, and matériel and in addition with articles and commodities trade in which is determined to be detrimental to the security interests of the United States.

I hope that the House will vote down the previous question when it is moved, in order to make it possible for the Taber amendment to be presented and approved in place of the original Wherry amendment.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. COLMER. Would the gentleman again state the difference in the language? I do not quite get the difference between the Taber amendment and the Wherry amendment.

Mr. WIGGLESWORTH. The Taber amendment prohibition would apply in the event of the exportation of arms or armaments or military matériel, specifically; and in addition, to article or commodities, trade in which is determined by the Secretary of Defense to be detrimental to the security of the United States, and to those articles and commodities only.

The Wherry amendment would apply in respect to any article or commodity which may be used in the manufacture of arms, armament, or military matériel.

Mr. SMITH of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. SMITH of Wisconsin. Is there any question at all in the gentleman's mind that billions of dollars' worth of matériel are going behind the iron curtain today from the United States and from the countries of western Europe?

Mr. WIGGLESWORTH. I do not know the value of the matériel, but I have no question that it is continuing to go behind the iron curtain.

Mr. SMITH of Wisconsin. I have a statement in my possession which shows that in 1949 the western European countries sent behind the iron curtain $1,242,000,000 worth of war matériel, and that the United States in 1949 sent $207,000,000. How can we possibly justify these figures to the boys who are fighting in the fox holes of Korea?

Mr. WIGGLESWORTH. I think it is obvious and has long been obvious that the situation must be controlled. Those countries which we are aiding must understand our position in the matter.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. CANNON. Will the gentleman also state the amount of rare commodities and materials which we secured in exchange which were worth much more from a military point of view than the commodities we sent them?

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. CANNON. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. STEFAN], a member of the committee.

(Mr. STEFAN asked and was given permission to revise and extend his remarks and include a newspaper article relative to the proposed amendment.)

Mr. STEFAN. Mr. Speaker, I support the proposed Taber amendment and urge its adoption because I feel that this measure should put a prohibition upon the sending of potential war matériel to our potential enemies. The CONGRESSIONAL RECORD is full of documentary proof that a tremendous amount of this matériel is going to Russia and her satellites from countries that are receiving Marshall plan funds. Some of these tables inserted in the CONGRESSIONAL RECORD by Members of the House and Members of the other body, indicate that more than a billion dollars worth of potential war matériel has been shipped to Russia and her satellites from the United States and Marshall plan countries in a period of 12 months. We are told that it is now proposed to extend Marshall plan aid to not only 14 nations, but to 40 nations, and not with an estimated outlay of $5,000,000,000 in the first year, and then taper off to smaller amounts, but will start with $10,000,000,000.

I, therefore, see no reason why this House should not approve the Wherry amendment as proposed to be amended by the gentleman from New York [Mr. TABER] to give the Secretary of Defense the power to stop shipment of potential war matériel to potential enemies, from the United States and countries that receive large amounts of money supplied by the taxpayers of the United States. Certainly the men who are fighting communism in Korea and who have seen Russian-made machine guns and other equipment made in satellite countries, at the war front would approve the means of excluding American tax dollars from the production of weapons of war for use by our Communist enemies. The casualty list from the war front today is such that it convinces me that any argument against the stopping of the flow of potential war matériel into the hands of enemies shooting at our own soldiers is a weak argument.

As this Congress is about to recess, I call attention to the fact that some real answer must be made to the people and the taxpayers regarding the condition of their Treasury and how careful a check we are keeping on the expenditure of their money. We are about to complete consideration of the tax bill which will increase the taxes of the people by $5,000,000,000 and we are told this will be followed by an excess-profits tax, adding another $5,000,000,000. The result will be that the people of the United States are to be the most heavily taxed individuals in the world. Very little is being said about our public debt which at the present time is close to $260,000,000,000, and I am informed that the indirect debt would carry it to over $20,000,000,000 more. We will soon start spending the $30,000,000,000 which we have appropriated for National Defense which will mean a deficit of $5,000,000,000 or $7,000,000,000 and that deficit is bound to increase as our defense expenditures jump to $40,000,000,000 or $50,000,000,000 a year as has been predicted.

It appears that another supplemental appropriation bill is on the way and that it will run between $10,000,000,000 and $20,000,000,000. This bolsters my argument that it is time to check and double-check our expenditures and if our objective is to fight communism, there is no reason why an amendment such as is now proposed, should not be placed in this bill to stop United States dollars from adding to Communist power.

Mr. Speaker, I have great admiration for Mr. Paul Hoffman, the Administrator of ECA, who I am happy to report has regained good health after a serious surgical operation. I was with Mr. Hoffman at the first meeting of the 16 foreign ministers and heard Mr. Hoffman lay the conditions of the ECA program down to these foreign ministers in no uncertain terms. I realize that there are many things which cannot be publicly said while dealing with foreign governments. Mr. Hoffman is the last man who would want war material to be shipped to our present or potential enemies. His son is in the service and two others are in the Reserves ready to be called. Paul Hoffman is a great American and this debate is in no way a criticism upon his patriotism, loyalty, or efficiency. I feel that now we are at war, Mr. Hoffman would not object to some kind of amendment to this bill which would strengthen his hand. Several amendments have been shown to me. The amendment offered by the gentleman from Missouri [Mr. CANNON], in my opinion, does not go far enough. The difference between the proposed Taber amendment and the Cannon amendment is that the Cannon amendment does not prohibit the shipment of arms and material of war. On the other hand, the Taber amendment specifies arms and is in fact a prohibition against the shipment of arms and material of war. The Taber amendment, also, in my opinion, carries out the principles embodied in the Wherry amendment. The House is now confronted with this proposition. The Taber amendment is not before it for consideration but will be permitted for consideration if the Cannon amendment is voted down. Therefore, I feel that in order to strengthen our arm against communism, the House should vote down the Cannon

amendment and then be given the opportunity to vote on the Taber amendment. If the Cannon amendment succeeds in passing, then all we have left to do is to urge the conferees, when they get together in conference with the Senate, to strengthen the Cannon amendment by adopting some of the phraseology embodied in the Taber and Wherry amendments.

By leave granted me, I include the Cannon amendment and also the Taber amendment:

CANNON AMENDMENT

SEC. 1304. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country whose trade with the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea) is found by the National Security Council to be contrary to the security interests of the United States.

PROPOSED TABER AMENDMENT

Mr. TABER moves to recede and concur with an amendment as follows: In lieu of the matter contained in the amendment No. 20 insert the following:

"SEC. 1304. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall hereafter be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which shall hereafter export or knowingly permit the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), arms or armament or military material or articles or commodities, trade in which is determined by the Secretary of Defense (after consultation with the Administration of the Economic Cooperation Administration) to be detrimental to the security of the United States; and the Secretary of Defense, after such consultation, is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration."

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. STEFAN. I yield to the gentleman from Minnesota.

Mr. JUDD. Is it not true that almost nobody here is asking approval of the Wherry amendment as such? We believe it goes too far and is unworkable. There is no point in beating the Wherry amendment, except to put in its place an amendment that will better do the job.

Mr. STEFAN. We believe in the objectives of it, however, and we are trying to improve it. If we vote down the previous question on the Cannon amendment and consider the Taber amendment that should pass.

Mr. Speaker, newspapers and magazines have been filled with stories about "war-goods pipeline to Russia." The CONGRESSIONAL RECORD has been filled with tables placed therein by Members of both bodies indicating that the loopholes to Russia and her satellites have not been closed against the movement of potential arms and ammunition from ECA countries. I do not wish to burden the RECORD with voluminous articles, but two of them have unusual significance and, by leave granted me, I include the article appearing in the Omaha (Nebr.) World-Herald for Monday, September 4 and the article in the United States News and World Report of recent date:

[From the Omaha (Nebr.) Morning World-Herald of September 4, 1950]

UNITED STATES COPPER GOES TO REDS—SHIPPED FROM BRITAIN IN GENERATORS

LONDON.—A number of the large generators now installed or being installed in Russia and a number of motors and other electrical appliances going into Russia's new factories undoubtedly contain copper sent to Britain as a gift from the American taxpayer, it was learned Sunday night.

The facts are these:

During the 29 months of the Marshall program, copper valued at about $375,000,000 has been imported by the British Government. More than one-fourth of the copper—or $97,600,000 worth—was paid for by the American Government with Marshall funds.

ARRIVED IN WAREHOUSES

ECA inspectors checked to make certain the American-bought copper arrived in Government warehouses but from then on could follow the metals no longer.

The British Government sold its total copper supply, including the American gift copper, to British manufacturers. Large quantities went to electrical manufacturers.

During the period of Marshall aid, Britain has sent to Russia generators worth more than $30,000,000, motors and similar equipment worth another seven million, and electrical appliances worth another $3,500,000.

TOTAL EXCEEDS ONE HUNDRED MILLION

Sales of other machinery, most of which contained substantial amounts of copper, brought British shipments to Russia of copper using goods up to more than fifty-five millions during the Marshall period time.

If there are added sales during the earlier postwar months, when Britain was living off the $3,750,000,000 American gift loan, the total exceeds $100,000,000.

Because all copper went into one big pool, it can be assumed that since American taxpayers provided more than a fourth of Britain's total copper supply more than a fourth of the British-made copper-using goods sent to Russia contain gift copper from America. In modern industry, a nation's war potential depends largely on electrical capacity.

[From the United States News and World Report of September 22, 1950]

WAR-GOODS PIPELINE TO RUSSIA—WEST PERMITS HUGE LEAKS THROUGH SATELLITES

Tools and machinery are rolling into Russia from the west. Goods are moving through, and around, allied embargoes.

British trade is only a small part of total. Soviet agents are buying German steel, Italian bearings, French TNT, etc.

United States is trying to cut off shipments of war-related products. But plugging all the east-west loopholes looks impossible.

BERLIN

West German industrialists, often aided by German officials, are shipping millions of dollars' worth of contraband goods related to war making to Russia and her allies. The illegal trade has reached such alarming proportions that it is turning the German Ruhr into one of Russia's secondary arsenals, in the words of a British intelligence officer.

The Communists are getting such contraband supplies as seamless steel tubing, ball bearings, machine tools, precision instruments, special steels, rolling-mill equipment, chemicals, trucks, and other gear useful in building up the war potential of the Soviet bloc.

Russia does no direct buying. Instead the Kremlin uses its satellites as purchasing agents and obtains other supplies through brokers in such scattered places as Switzerland, Holland, Sweden, Austria, and Hong Kong. The biggest leak is across the lightly patrolled border between east and west Germany.

So loose is the German export-control system that allied authorities can't find out precisely what goods are moving eastward. Records are so confused that they reveal nothing. Valuable machine parts appear as scrap. Seamless steel tubing is listed as iron pipe. Industrial diamonds show in the records as precious gems.

Recently a big Ruhr firm was caught illegally shipping steel tubing to an east German trading company by wrapping the tubing in aluminum wire and declaring it as aluminum cable for export. A large Kiel firm has been shipping port equipment to Antwerp and Rotterdam, but intelligence officers discovered it was winding up in the east German port of Rostock. Four Ruhr firms recently sold contraband steel to Soviet purchasers through a $2,300,000 deal set up in Switzerland.

The big increase in shipments of goods related to war began last winter when the allies turned over export controls to the German Government. Most of the illegal shipments have gone out covered by legal documents. Customs inspection at West German borders has detected few of the false declarations. Shipments to East Germany get a cursory inspection. Shipments from West Germany to Berlin by highway are examined only occasionally and railroad cargoes go virtually uninspected.

Total West German shipments to Soviet-bloc areas now are running at upward of $200,000,000 a year. The biggest flow is to Communist-dominated East Germany. Shipments under an East-West German trade agreement have amounted to $50,000,000 in the last 11 months. Goods worth probably twice that amount have moved outside the trade agreement. West German exports to Communist countries other than East Germany are running at a rate of $74,000,000 a year, twice as high as last year. Hungary is the biggest customer.

Some German firms are doing business with the Communists for political reasons—they think they are buying "insurance" against a Communist take-over in West Germany. Mostly, however, the deals are simply a matter of profit. Russia's agents pay good prices. They keep their promises and pay off promptly, usually on a cash-and-carry basis. German companies know they face hard competition in western markets—so they turn to the easy and lucrative markets in the east.

American and British officials here are convinced that halfway export controls, now being applied, can never be effective in Germany. They believe the only way to stop war-contraband shipments to the east is to launch all-out economic warfare, virtually cutting off all trade. But that would shoot sky high the costs of supporting the West Germans, a step the western allies are not yet prepared to take.

LONDON

The suspicion is growing abroad that the countries the United States is strengthening against Russia are, in turn, helping the Russians get ready for war.

Britain's Labor Government, prodded by Winston Churchill, is halting deliveries of military equipment, including jet planes, which have been going to countries outside the North Atlantic Pact. It is reexamining contracted shipments of British-made machines and materials to east Europe. British businessmen themselves are complaining

about the deals that force them to do business with Moscow.

Facts behind these complaints show how the Russians are dickering all around the world to get the war equipment they can't buy from the United States.

In the first 4 months of this year, the British sent Russia a million dollars' worth of machine tools—10 times the quantity exported in the same months of 1949. Russian contracts are taking between 10 and 15 percent of Britain's production of heavy machine tools at a time when machine tools of other types are being delivered to the British by the United States.

Deliveries of British electrical generators to the Soviet Union ran 50 percent ahead of the 1949 rate in the first 4 months of this year.

British-made Diesel engines have been going to Russia under a $15,400,000 contract. The Russians also have contracted for $5,000,000 worth of mining equipment and big machine presses.

Russia is buying British-controlled rubber at the rate of 240,000 tons a year. Purchases so far this year already exceed the total bought in 1949. Satellite Czechoslovakia is buying up rubber at the rate of 200 tons a day.

Most of the British goods going to east Europe is being delivered now under trade agreements made 2 and 3 years ago. The argument of some Britons is that Russia is going to get machine tools one place or another, so Britain might as well have the business. The Russians, in turn, are sending grain and timber to the British—essentials that would have to be bought elsewhere with scarce dollars if Russian-British trade ended.

What worries some military men more than the current Russian-British trade is the fact that the Russians managed to buy about 50 of Britain's better jet engines before their export was banned 2 years ago. One aviation expert says that copying the engines and putting them into mass production may have given the Russians one of the biggest, fastest jet-fighter forces in the world.

There is talk now that Britain might embargo shipments to Communist-controlled countries if they take equipment needed for rearmament at home. As it stands, Britain forbids the sale to Russia of war implements or war-useful machines. But the British list is not as strict as that of the United States. So some of the things Russia can't buy in America have been going Russia's way after a little careful shopping in Britain.

PARIS

By one means or another, the Russians are getting everything from electric motors to explosives from France. A steady supply of war-making machinery is moving under the iron curtain to Russia and her Communist neighbors.

No guns, tanks, munitions, or planes get through from France. Arms shipments are banned. But much of the material Russia buys—either directly or through intermediaries—can be converted quickly for use in war industry or for actual combat gear.

Such things as machine tools, industrial machinery, abrasives, iron and steel wire and tubing, boilers, pumps, motors, automobiles, railroad equipment, electrical equipment and metals of all kinds are sold with the permission of the French Government. By roundabout channels the Russians also are managing to get such war essentials as ball bearings, industrial alcohol and TNT. Traders in neutral countries are used as the go-betweens. There is no way to estimate the size of this trade.

Western Europe has sharply increased exports of such items as bearings, metals and machine tools since the United States stopped selling them to Russia's part of the world 2 years ago.

France recently received about $6,000,000 worth of lead from the United States through the Marshall plan—and lead is one of the biggest items in France's exports to Russia. One Italian plant that has received large amounts of Marshall plan aid makes ball bearings, many of which, some observers fear, fall into Russian hands. Italian gear-cutting machinery is another suspected export.

Not long ago a $118,000 machine tool big enough to make rocket launchers left the United States for Rotterdam. It continued on through until it reached a destination behind the iron curtain.

French exports directly to eastern European countries, excluding Russia, doubled from 1948 to 1949. France sent $75,000,000 worth of goods to Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, and Yugoslavia in 1949, against $37,000,000 in 1948. Actual trade with Russia is small, but much of the machinery and material sold to the satellites ends up in the Soviet Union.

A new United States policy to crack down on friendly countries sending goods potentially useful in war to eastern Europe may tighten trade regulations between west and east. But, up to now, much of the stuff needed to build a war industry is still moving to Russia.

The SPEAKER. The time of the gentleman from Nebraska has expired.

DEMOCRATS WANT TO DO BUSINESS WITH RUSSIA AS USUAL—SOLDIERS DO NOT UNDERSTAND THIS INCONSISTENCY

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SMITH of Wisconsin. Mr. Speaker, the amendment seeks to deny economic or financial assistance to any foreign country which shall knowingly export or permit to be exported arms or military material or other commodities to the Union of Soviet Socialist Republics or to any of its satellite countries.

On two previous occasions Mr. Speaker, I have addressed the House and called attention to the shipment of tools and machinery that was going into Russia directly and indirectly through the satellite countries from the United States and our western European allies. I pointed out at that time that the trade in heavy machine tools, power generators, mining equipment, machine presses, automobiles, railroad equipment, electrical equipment and industrial machinery went behind the iron curtain from Britain and France and other countries to the tune of almost a billion and a half dollars in 1949. In that same period the United States shipped behind the iron curtain $207,000,000 worth of the same kind of material.

Mr. Speaker, there is reliable information coming out of Berlin to the effect west German industrialists are shipping millions of dollars of contraband goods related to war-making to Russia and her allies. This illegal trade has reached such alarming proportions that it is turning the German Ruhr into one of Russia's secondary arsenals according to a report by a British intelligence officer. I repeat again that the Communists are getting such contraband supplies as seamless steel tubing, ball bearings, machine tools, precision instruments, special steels, rolling mill equipment, chemicals, trucks and other gear useful in building up the war potential of the Soviet bloc. It is true that Russia does no direct buying, instead the Kremlin uses its satellites as purchasing agents and obtains other supplies through brokers in such scattered places as Switzerland, Holland, Sweden, Austria and Hong Kong. But the biggest leak is across the lightly patrolled border between east and west Germany.

Mr. Speaker, a report from London is to the effect that there is a growing suspicion that the countries the United States is strengthening against Russia are in turn helping Russia get ready for the next war. Recently Winston Churchill prodded Britain's Labor Government and accused it of working against the interest of the United States and its allies. According to a United States News and World report it appears that the Russians are attempting to buy war equipment from other countries that they cannot buy directly from us. It is reported that in the first 4 months of this year the British sent to Russia a million dollars' worth of machine tools, 10 times the quantity reported in the same months of 1949. Russian contracts are taking between 10 and 15 percent of Britain's production of heavy machine tools at the time when machine tools of other types are being delivered to the British by the United States. Just think of it, deliveries of British electrical generators to the Soviet Union ran 50 percent ahead of 1949 in the first 4 months of this year. In addition, Russia is said to be buying British-controlled rubber at the rate of 240,000 tons a year. Purchases so far this year exceeded the total purchased in 1949. Satellite Czechoslovakia is buying rubber at the rate of 200 tons a day. The British defend their position, Mr. Speaker, by saying that all British goods shipped to east Europe are being delivered under trade agreements made 2 and 3 years ago, and they contend that Russia is going to get machine tools from someone so why not from the British. Business as usual.

When we consider, Mr. Speaker, that Russia has managed to buy about 50 percent of Britain's better jet engines before a ban was made we can appreciate that we are placing in the hands of an avowed enemy the potential equipment that someday will be used to kill our sons.

Mr. Speaker, from Paris comes the report that the Russians are getting everything, from electrical motors to explosives from France. A steady supply of war-making machinery is moving under the iron curtain to Russia and her Communist neighbors, according to a United States News and World Report of September 22. This magazine reports that such things as machine tools, industrial machinery, abrasives, iron and steel wire and tubing, boilers, pumps, motors, automobiles, railroad equipment electrical equipment, and materials of all kinds are sold with the permission of the French Government. Again not directly, but through roundabout channels as traders in neutral countries are used as the go-betweens. Actually there is no way to estimate the size of this trade.

France recently received about $6,000,000 worth of lead from the United States through the Marshall plan, and lead is one of the biggest items in France's exports to Russia. One Italian plant that has received large amounts of Marshall-

plan aid makes ball bearings, many of which, some observers fear, fall into Russian hands. Italian gear-cutting machinery is another suspected export. Not long ago a $118,000 machine tool big enough to make rocket launchers left the United States for Rotterdam. It continued on through until it reached a destination behind the iron curtain.

Mr. Speaker, we are in the same position today with reference to Russia as we were 10 years ago with Japan. I well remember, 10 years ago, when our colleague, the distinguished gentleman from Minnesota [Mr. JUDD], who had just returned from China, went back and forth across this country calling attention to the fact that the scrap iron, the oil and gasoline that we were sending to Japan would be used against us in the event of a war with that country. He personally presented his case to President Roosevelt. We know what happened, and we acknowledged the error of our ways. Are we so naive at this date and in view of our previous experience to think that it is still good business to provide our potential enemy with the sinews of war? How can you explain that satisfactorily to the mothers and fathers of the boys who are dying and who are about to die when that war with Soviet Russia comes? I respectfully urge the adoption of the amendment that I have offered.

Mr. CANNON. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, I brought this question up because our boys are dying by the thousands in Korea as the result of this trading with Russia. They are being killed by machinery, by instruments, that are either manufactured in the United States or are paid for with American money. The American people are not willing for us to continue to finance that gang behind the iron curtain and have them supply the instruments of destruction to kill our boys on foreign soil.

The supporters of this Cannon amendment seem to have had letters or telegrams from everybody except Harry Bridges. I have not heard a telegram from Harry Bridges read yet. It will probably come later.

But, I want to read you a letter from the Veterans of Foreign Wars. Every member of the Veterans of Foreign Wars has served in a war and on foreign soil. This letter was sent to several Members, but especially one was addressed to me. The letter reads as follows:

HON. JOHN E. RANKIN,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN: It is my understanding that on Wednesday, September 20, 1950, the House of Representatives will take up for consideration the conference report on the bill H. R. 9526, providing for supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes. It is also my understanding that the House will consider by separate vote the so-called Wherry amendment, which would deny economic or financial assistance to any country permitting the exportation of arms, armament, or military material to the Soviet Union or any so-called Soviet satellite country.

Now, do not let these fellows get the feathers in your eyes that they have been talking about. This is not a feather question; it is a question of supplying the matériel that goes to destroy America.

The Fifty-first National Encampment, Veterans of Foreign Wars of the United States, meeting in Chicago, Ill., August 27 to September 1, 1950, had under consideration the subject matter of the Wherry amendment. Subsequently, the encampment adopted a 10-point security program, one of which would recommend to the President and the Congress that economic aid under the Marshall plan be withdrawn immediately from any nation supplying such strategic or essential materials to Soviet Russia and/or her satellites.

The amendment should and ought to commend itself to the favorable consideration of the Congress. How can we rehabilitate the economy of a nation within the framework of democratic capitalism if the nation's trade in turn enhances the growth of an economic and ideological system which is the antithesis of ours? Are we not then nurturing the seeds of our own destruction? If the economic rehabilitation of any democratic country is dependent upon the maintenance of traffic in arms, armament, or other military material with a nation behind the iron curtain, then the Congress may as well pause to reconsider the soundness of the whole European recovery program.

This paradox of the taxes of our people directly or indirectly strengthening the war potential of Soviet Russia and her satanic entente can be resolved only by the Congress taking a firm stand in support of the Wherry amendment.

In behalf of the Veterans of Foreign Wars of the United States, I strongly urge that you vote for this amendment when the conference report on H. R. 9526 is considered in the House on Wednesday, September 20, 1950.

Respectfully yours,
OMAR B. KETCHUM, *Director.*

Mr. ROONEY. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from New York.

Mr. ROONEY. I wonder if the gentleman knows—and I say this to him as one of the conferees present at the conference—on this bill—that the author of the Wherry amendment, of which he is speaking, sought to amend it in conference, and thereby admitted that it was improperly drawn.

Mr. RANKIN. Yes, but he did not admit its destruction, which the Cannon amendment would do.

Mr. Speaker, I hope the Cannon substitute is voted down. If it is substituted for the Wherry amendment, it will probably cost the lives of a hundred thousand American boys.

If we can defeat this Cannon substitute, then I feel sure we can adopt the Wherry amendment, or the Taber substitute, which carries out the intent of the Wherry amendment.

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLMER. Mr. Speaker, this matter of stopping the shipment of war supplies and war potentialities to Russia and her satellite countries is one that I feel most keenly about. In fact, at the risk of being considered self-serving, I remind the older Members of the House and call the attention of the newer ones to the fact that in 1945 the postwar policy committee of the House, of which I had the honor to serve as chairman, recommended that a board be set up to screen the shipments to Russia and her satellites. This was a few months after the cessation of hostilities and immediately after my committee had spent 2 months in Europe, 2 weeks of which time were spent in Russia in an on-the-spot study of world conditions.

Subsequently, in March 1947 I introduced House Concurrent Resolution 36, which would have stopped, if enacted into law, the appeasement policy of Russia and among other things (a) insured the registration, screening, and means of control of all contracts made with these governments by citizens and others within the jurisdiction of the United States, including contracts for the acquisition of technical processes, engineering and other skills, and the production know-how of industrial processes, and (b) controlled deliveries of goods to such governments produced under such contracts where necessary to protect the national security.

Again, in the consideration of the original as well as the subsequent Marshall-aid bills, I offered amendments which, in substance, were similar to the so-called Wherry amendment under consideration here today. One of those amendments was adopted by the House, but later was nullified in the Senate.

It, therefore, follows, Mr. Speaker, that I shall vote against the previous question in order that the Wherry amendment may be voted on by this House or in its stead the Taber amendment which is, in my judgment, an improvement on the Wherry amendment. Should the previous question prevail, of course, under the parliamentary situation, there would be nothing left but the amendment offered by the chairman of the Appropriations Committee, the gentleman from Missouri [Mr. CANNON]. I do not favor the Cannon amendment because, again, it is more appeasement. However, it is certainly better than no law, and I shall vote for it rather than to have no pronouncement by the Congress on this important subject.

Mr. Speaker, in conclusion permit me to say to you and my colleagues that it is unthinkable to me that we should not attach proper restrictions to the money, which we are giving to the European nations for the defeat of communism, when those restrictions, such as the one which we are now discussing, are in our own national interest. Too long have we expended our wealth and denied our people at home in order to help the peoples of Europe in their fight against communism without protecting our own national interest. It simply does not make good nonsense to send money and materials to European nations and then permit those nations to use that money and those materials in trading with the enemy of free peoples, Russia and her satellites. I hope this House will vote down the previous question and give the House an opportunity to vote on the Wherry and Taber amendments

ECA FUNDS SHOULD NOT BE USED TO BUY WAR GOODS FOR RUSSIA

Mr. REES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES. Mr. Speaker, I am in favor of and support the amendment in the conference report on H. R. 9526, the supplemental appropriations bill, to prohibit economic or financial assistance to countries who export to Russia or its satellites arms, armament, or military matériel or articles or commodities used in the manufacture of arms, armament, or military matériel.

During the first 4 months of 1950 the British Empire exported more than $6,000,000 worth of electrical machinery to Russia. It also sent to Russia more than $1,000,000 worth of machine tools, which was almost 10 times as many machine tools as were exported by the British Empire to Russia during the same period in 1949.

Recently the press reported that the managing director of the second largest tool-manufacturing concern in Great Britain had stated that his organization was so taken up with orders for Russia that it could not furnish any material—not even so much as a pin—to any British consumer for 2 years.

During 1949 Belgium, Luxemburg, France, and the United Kingdom exported to Russia and her satellite nations millions of dollars worth of arms, explosives, iron, steel, aluminum, brass, copper, lead, zinc, tin, electrical goods, machinery, motor vehicles, automobile tires, chemicals, transportation equipment, and optical, surgical, scientific, and photographic instruments and apparatus.

Under the situation which has developed within recent months in Korea it does not appear that the American taxpayers should be furnishing economic aid under the ECA to countries who are using American assistance to purchase material which eventually will turn up in Russia or its satellites as war goods.

It has been known for some time that ECA countries are exporting to Russia and her satellite nations certain materials which the Secretary of Commerce will not permit to be exported from this country.

The effect of this amendment under consideration would merely charge the Secretary of Defense and the National Security Board with the responsibility of making certain that export of any one of the ECA countries to Russia or her satellites is not useful in the manufacture of arms, armament, or military matériel. The amendment does not prevent free trade between the countries of the world, but is an assurance to the American people that the billions of dollars which we are providing the democracies of the world will not be used to put bullets and shells in the guns of the northern Koreans for the slaughter of our boys. Also, it means that it will be made certain that the democracies of the world will not unwittingly aid the Communist nations in building up an arsenal to be used against us at some future date.

Within the past few weeks I have received many letters from constituents who have read alarming reports in the newspapers as to the exports which Great Britain has made or is making to Russia. The assumption is that these exports are being purchased with American dollars provided under ECA funds. It is difficult to explain why the United States must spend, during fiscal year 1951, approximately $32,000,000,000 in national defense and at the same time provide funds to the democracies of the world for them, in turn, to ship vital equipment to the Communist countries.

It is regrettable this action comes too late to prevent damage already done by our foreign relations advisers who seem to have faith in the actions of Communist countries. I trust the approval of this legislation will have a salutary effect upon Communist nations and their satellites.

Mr. CANNON. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. GARY].

Mr. GARY. Mr. Speaker, no Member of this House has fought any harder to stop the flow of war materials into Russia and the satellite countries than I. My distinguished friends, the gentleman from Nebraska [Mr. STEFAN], and the gentleman from New York [Mr. ROONEY], who are members of the subcommittee handling the appropriations for the State and Commerce Departments, will, I am certain, substantiate that fact. In the Eightieth Congress, when I served on that committee, time and again I questioned the State and Commerce Department representatives who appeared before our committee, and our committee insisted that this trade cease.

I do not think we have done a bad job in this respect. When the ECA was created, the Congress gave the director of that organization one of the most difficult tasks that has ever been assigned to any public administrator. He was dealing with 18 to 20 different countries. All of those countries at that time were sending materials into Russia, as was also the United States. The flow of materials into the Communist countries at that time was in the hundreds of millions of dollars.

Our trade is divided generally into three classes. The first class we will call the triple-A class, which consists of arms, ammunition, and atomic energy materials. The shipping of that class of materials has stopped altogether today. The ECA Administrator has been able, not by using the bludgeon of coercion, as the Wherry amendment would require him to do, but by working with these countries and obtaining their cooperation, to get them to stop even the slightest trickle of arms, ammunition, and atomic energy materials into the Communist countries.

The second classification is high-priority materials other than arms, ammunition, and atomic energy materials. The ECA Administrator has cut the flow of those materials into Communist countries to less than 10 percent of the amount it was when he took over. That 10 percent represents items which are of questionable classification. Some of them are materials which the United States considers would aid the Soviet Union, while some of the other countries disagree. The proper agencies are engaged at this very moment in working out those items so that we can determine which of the items should fall in the classification of strategic materials so that every dollar of those materials may be stopped.

There is a third class which are not strategic materials, but which may be used indirectly and remotely in the prosecution of war.

That is where the duck feathers come in. The reference to duck feathers is not a jest at all. That has been one of the items of serious consideration in classification. Duck feathers can be used to manufacture warm clothing for aviators. Under the Wherry amendment I tell you that if Holland sent 100 pounds of duck feathers into Poland the ECA Administrator would be required immediately to stop all aid to Holland. Now you do not want that.

I am in absolute accord with the purposes of the Wherry amendment, but I say to you it does not accomplish even what its author seeks to accomplish.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. GARY. I yield.

Mr. TABER. The trouble with the Cannon amendment is that it does not meet the picture.

Mr. GARY. The Cannon amendment does this, which I think is proper. The Eightieth Congress, which was a Republican-controlled Congress, passed the National Defense Act, and that act sets up the National Security Council to perfect the national defenses and prosecute war. The Cannon amendment gives the National Security Council the power, whenever any country is dealing with one of the Communist countries in a manner which is detrimental to the security interests of this country, to stop all aid to that country.

On this third classification which I have mentioned, in which the commodities are not strategic materials, we have not tried to stop trade. There must be some trade between the east and the west. What we have considered in that respect is whether or not, when we send any of those materials into Russia, we can get materials which we need in return so that in the final analysis the balance, so far as strengthening the war effort, will be on our side.

For example, just let me cite to you one example: There has been a great deal of talk about a shipment to Russia of 60 locomotives of 35,000 tons each from Italy. What did Italy get in return for those 60 locomotives? That is the thing you do not hear anything about. Italy received 200,000 tons of iron ore, 20,000 tons of manganese, 2,500 tons of asbestos, 100,000 tons of pig iron, 75,000 tons of steel ingots, 100,000 tons of petroleum, 3,000 tons of copper, 800 tons of nickel, 300,000 tons of high-grade wheat. Those are the things that Italy needs to rehabilitate her economy and to strengthen and increase her war potential to the point that they can be helpful allies to us in time of war.

Do you not think that was a good trade? Somebody has to pass on whether the trade is good or bad on these nonstrategic items. Frankly I want to say to you, and I have made this statement on the floor time and time again, that in my judgment the Director of the ECA is one of the ablest administrators in the entire United States. I think he has done a magnificent job in handling this flow of strategic materials to other countries.

If we cut that trade off altogether, then what would happen? We have either to supply those countries or they go without. If we supply them, the materials must be paid for out of the taxpayers' pockets in this country. Manganese and certain items of that kind we cannot supply because we are in short supply ourselves.

I have before me a letter from the President of the United States with reference to this question which I consider to be one of the most important problems which this Congress has faced during this entire session. I want to read it to you. It was addressed to the chairman of the Appropriations Committee.

SEPTEMBER 20, 1950.

HON. CLARENCE CANNON,
Chairman, Committee on Appropriations, House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: When the Senate passed H. R. 9526, the supplemental appropriation bill for 1951, it added an amendment, offered by Senator WHERRY, which would require the United States to cut off economic and financial assistance to all countries which export to the Soviet Union or its satellites any articles which might be used for the production of military matériel. This amendment is of such grave importance, and is fraught with such danger to the United States and to world peace, that I feel I must make a special request to the Congress to eliminate it in completing action upon this bill.

No one can quarrel with the ostensible purpose of the amendment—to weaken the war-making potential of Communist-dominated countries—and on the surface the amendment may seem to be a plausible means for accomplishing that end. But the fact is that it would defeat its own purpose and accomplish substantially the opposite result from that intended—it would weaken the free nations more than it would weaken the Soviet bloc.

The amendment applies not only to arms and armaments but to any articles that could be used for the production of military matériel. Since almost all goods and commodities can be used for the production of military matériel in one way or another, the amendment, if effective, would require a substantially complete embargo on trade between western and eastern Europe. The countries participating in the European recovery program have embargoed the export of arms and armaments to eastern Europe for some 2 years. But trade in other commodities has continued to some extent. This trade works both ways, of course. Countries of western Europe obtain from it goods which are vital to their economic and military strength—the very strength we are helping to build up. To cut this trade off suddenly would bring about dislocations in the western nations that would more than offset any advantages that might be gained.

The appropriate agencies of the Government have been negotiating, and will continue to negotiate, with countries receiving aid from us in order to curb trade that would aid the war potential of the Soviet bloc, and to do this in a way that would protect the strength of friendly nations. These negotiations have produced very substantial results, and I am confident they will continue to do so. This method, which permits selective and cooperative treatment of the host of varying problems in this field, is far superior to the arbitrary blanket approach prescribed in the amendment now in question.

The amendment affects countries in the Near East and Far East, as well as in Europe. Some of these countries do not have strong traditional ties with the western world. It is important to us to develop and strengthen these ties, which is one of the aims of our assistance programs. While they are friendly to the United States, the trade of those countries with the Soviet Union may be so important to them economically that they would have no alternative but to forego the limited economic aid which we now make available to them. The amendment leaves no room for negotiation, and accordingly would tend to force such countries into the Soviet orbit, in spite of their friendship for the United States. The amendment would also have most unfortunate effects on our relations with the Latin-American countries. I am sure these are results wanted by nobody who supports the amendment.

Before legislation of this character is adopted, we ought to be sure that we would get more out of it than we would lose. I am convinced that this amendment in its present form would not accomplish the purpose intended but, on the contrary, would do much more harm than good.

Consequently, I earnestly urge the Congress to leave the amendment out of the bil.

I am sending a similar letter to Senator MCKELLAR.

Sincerely,

HARRY S. TRUMAN.

The SPEAKER pro tempore (Mr. COOPER). The time of the gentleman from Virginia [Mr. GARY] has expired.

AMENDMENT 120 TO SUPPLEMENTAL APPROPRIATION BILL

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLVERTON. Mr. Speaker, the amendment now under consideration was adopted by the Senate because of certain existing conditions that make it imperative that something be done. The fact is that critical and strategic material shipped from this country is reaching Russia or its satellite countries.

The demand that this practice be stopped grows out of the experience we gained from World War II. Prior to that war you will all remember that we shipped scrap iron to Japan that was returned to us in the form of bullets after the war commenced. Thousands of our boys were killed on the islands of the Pacific as a result of this foolish policy upon our part. Notwithstanding that disastrous experience, we are now doing the same thing only in a more aggravated form. It is being done on the theory that the channels of trade must be kept open if economic recovery is to be achieved in western Europe. In other words, it seems that we think more of the dollar gain than we do of the loss of the lives of our boys. There is no doubt in my mind that the lives of American boys in Korea have already been lost because of our foolishly permitting exporters from this country to send strategic materials to western European countries to be sold on the open market, and thereby reach Russia or its satellite countries.

About 2 weeks ago Frank Edwards, radio commentator sponsored by the American Federation of Labor, made the startling revelation that a shipment of molybdenum, a highly important ingredient used in the process of hardening steel, has been shipped by an American exporter to England, and that after reaching that country it was transferred to a Russian ship destined for Russia.

As a result of this exposé a special committee of your Committee on Interstate and Foreign Commerce started an investigation. We have conducted hearings and taken testimony. Witnesses have appeared from the Commerce Department, State Department, and ECA. We expect to have additional witnesses from the Department of Defense and then call witnesses from outside of the departments who can give information on the subject.

Although there has only been a limited number of hearings, yet it has been sufficient to demonstrate that great quantities of critical and strategic materials have gone out of this country to western European nations and that the same or similar materials have been shipped from those countries into Russia or its satellite nations. Furthermore, it has developed that there is extreme laxity in the operation of our control procedures, under the act which Congress passed which has made all this possible.

The policy of our State Department, Commerce Department, and ECA in this matter seems to be based upon the idea that we must keep the channels of trade open, and, that if the nations of western Europe are to be rehabilitated, then they must carry on trade relations with eastern Europe. Of course, no one doubts the benefits to be derived by trade, but it is a foolish policy when extended to critical and strategic materials and products that have a war potential. We are told that it is a delicate matter to object to other nations carrying on this type of trade, that they must be approached carefully and with due regard to their feelings, and that our departments of Government are working to that end. But the business is still going on, and our boys are dying in a cause that is fundamentally for the protection, not only of the Republic of South Korea, but of our allies in Europe as well as ourselves. While the diplomats are conferring, our boys are dying.

This whole idea, of stepping lightly for fear of treading on some sensitive toes, is difficult for me to understand or to justify. Our Nation is the backbone of the fight against communism and Russian aggression. We have spent, and, are spending billions of dollars to strengthen the European nations against the aggressor. Why should we spend billions of dollars to protect them and give a sense of security to them if they are continuing to sell goods having a war potential that strengthens the military forces of the aggressors? It just does not make sense to me. It is time we began to be realistic.

This demand for a more realistic policy is not confined to this country. In England, Winston Churchill has called his government to account. Prime Minister Atlee justifies the business as usual policy, between his country and Russia, on the ground that they are fulfilling contracts previously made. Why not then depend upon Russia to protect them? Why do business with Russia and depend upon us to spend billions of dollars to provide them, and, other western European nations, with the necessary weapons of defense? Again, I say it does not make sense. It is time for a change of policy by us, by Great Britain and all the rest of the western European nations, who claim to be our allies. Let us be allies in a policy of security as well as recovery.

Some very interesting information has come to me through British news dispatches from London. From this source I learn that shipments from Great Britain to the Soviet Union, by the end of this year, will almost double the amount of goods shipped in 1938. In addition to the increased British-Russia trade, the Soviet Union has a big sterling balance which they are using to buy strategically important raw materials—rubber, tin, and wool—in Britain.

In 1938, Britain shipped goods valued at 6,462,000 pounds sterling. In the first 7 months of 1950, British exports amounted to 6,300,000 pounds sterling, and by January 1, this is expected to grow to a value between 11,000,000 and 12,000,000 pounds sterling.

British manufacturers of war potential materials who have contracts with Russia have requested the British Government to rescind export licenses so they can halt work on production for Russia and turn their lathes over to making war materials for the United Nations defense of Korea. Answering the British manufacturers, Prime Minister Attlee said his government would see to it that the trade with Russia did not weaken Britain's defenses. However, Attlee did not say that Britain would prevent her exports from strengthening the Russia economy and therefore the Red war potential.

J. R. Greenwood, chairman of a large British industrial firm which is making machine tools for the Soviet Union and who wants to cancel his contract, disagreed with Attlee that such exports did not adversely affect the nation's defenses. Greenwood argues:

> Labor and raw materials are scarce, and deliveries to Russia are made at the expense of customers at home and friendly nations; the British Government's order of April 9, 1948, which the Prime Minister said closed the door on the export of goods of military value, contained loopholes permitting the shipment of tools of highly strategic value to Russia; it was plain lunacy to permit a potential enemy to see the extent of British resources.

Greenwood concluded:

> Apparently we plan to continue to export our urgently required machine tools to the U. S. S. R. and get what we require from the United States.

From the Foreign Letter of the Whaley-Eaton Service, dated September 12, 1950, I learn that British public opinion is not convinced by Attlee's defense of shipments of military potentials to Russia. The advantage seems to be all with the latter. The unfavorable trade balance for the United Kingdom was in millions of pounds, 30.5 in 1948, 13 in 1949, and is running at the rate of 33 so far this year. Russia has clearly been able to acquire large sterling balances. Her imports of rubber, which were only 9,000 tons in 1946, rose to 105,000 in 1949. In terms of generators, electric motors, earth-moving machines and machine tools, Russia has been taking 11 percent of Britain's total exports.

It is immaterial whether the electrical products shipped to Russia could have been used in Britain. The point is that the labor and materials employed on the Russian orders could have been used to increase domestic generating capacity, which is 25 percent below minimum needs.

This whole matter takes on more and more serious proportions the deeper one delves into it. For instance, a few days ago I was startled to read on the ticker tape of a wire service, the following:

> FRANKFURT—The Americans clamped down harder today on the shipping of strategic supplies to iron-curtain countries by stopping 356 former United States Army trucks headed for Hungary.
>
> Several carloads of unidentified materials also were held up at West Germany's eastern border, the American High Commission announced. The trucks were being delivered by a West German sales agency.
>
> Three days ago the Americans stopped 30 rail carloads of machines and machine tools on their way to Russian-occupied east Germany and Communist-ruled countries of eastern Europe.
>
> The Allied High Commission is reported to have directed the West German Government to plug up the loopholes through which such supplies are pouring.
>
> Officials are said to have pointed out the foolishness of contributing to the war potential of possible eastern aggressors at a time when the defense and possible rearmament of West Germany is being considered as vitally necessary.
>
> The trucks held up today were part of 1,000 the Hungarian Government ordered from the German agency which had bought them from Army surpluses.

I have in my possession the latest facts and figures as to kind of materials, quantities, and value entering trade between west and east Europe. These are from the reports and data submitted to our committee by the Departments of Government. They show an astounding situation that makes necessary either a change of policy upon our part or legislation that will correct the entire situation.

I am aware that it might not be the easiest thing to accomplish, but it is too important to the security of this Nation and our allies to permit further delay in providing a remedy.

Mr. CANNON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the distinguished gentleman from Indiana.

Mr. HALLECK. I wish the RECORD to show at this point that I have sought to get time to say something on this very important matter and have been refused time.

I want to clarify one thing. I have talked to the author of this Senate amendment, Senator WHERRY, within the last few hours, and all of this talk about his running out on his amendment is not the truth.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. RICH. I do not yield.

Mr. HALLECK. The gentleman has yielded to me, and I have the floor. The people of this country are getting pretty tired of this continual appeasement of Russia and Russian satellite countries. A lot of folks have not forgotten that at one time the people down at the other end of the avenue talked us out of a resolution to investigate the sale of scrap iron and oil to Japan. The people are not going to put up with any nonsense in connection with this very definite matter. The substitute offered by the gentleman from Missouri [Mr. CANNON] is just as good as nothing. What we should do is to vote down the previous question and adopt the substitute that will be offered by the gentleman from New York [Mr. TABER].

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. RICH. I do not yield to anybody.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 3 minutes remaining.

Mr. RICH. Mr. Speaker, I hope you Members of Congress know that you have in this bill $4,000,000,000 that you are going to give to foreign countries to arm them. That means $25 for every man, woman, and child in America. A family of six it means $150. Can you stand such enormous expenses on our people? You spend and you tax and you tax.

Now, suppose you give this money to arm these foreign countries. You have sent our marines over to Korea to fight a war. They are being killed each day; many and many of them. They die and their families suffer.

Why you give this money to arm? You only prepare for war in foreign countries. We have had enough war. Why do you not stop it? You are going too far in war—war does not help any one—everybody suffers. Then from the money that you give these foreign countries they take all the implements of war or things necessary to make implements of war and ship them into Russia, and some of these foreign countries will ship anything they can send to Russia in order to make a dollar. They send this material into Russia and the Russians use it against our marines and our soldiers. I tell you it is a crime against the American soldier. You send things to Russia to fight our own people. I say it is a shame and a crime.

Remember the reminder of the gentleman from Indiana who told us a few minutes ago how we shipped oil and scrap iron into Japan before World War II. You remember what happened; it will happen again if you do not stop fortifying others with our tax money. Oh! What a shame.

I am for the protection of America, the American soldier, the American people, and our form of government.

I saw an article here a while ago gotten up by the New Dealers in which

I was charged with being a hundred percent Red. Well, if I am a hundred percent Red I want you to know that I am an American and I am working for America. Whoever put that statement out was either drunk, pink, or yellow. You go tell that to the marines, the greatest fighting organization in the world.

It seems to me that with the taxes the American people are having to pay today in order to furnish the money to fight and supply the things that are necessary to keep our boys going over there, there should be a Wherry amendment to this bill. I cannot understand why you do not want such an amendment on the bill. I do not think this amendment is too strong; I do not think anything we can do to stop the use of American taxpayers' funds to supply materials of war behind the iron curtain is too strong. We must protect our soldiers and we must protect our civilization.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Missouri.

Mr. CANNON. I wish to say in response to the statement made by the gentleman from Indiana that Senator WHERRY in conference, in the presence of every manager on the part of the House and the Senate, wanted this amendment changed and said he depended on the gentleman from New York [Mr. TABER] to make corrections in the House.

Mr. RICH. Why is it here? Why should we not have provisions in the bill to protect our American boys? Why is it not a good thing? Why is it we have so many Members here who want to help other countries? For God's sake, why do you not help America? Help the boys you send to the front to fight for America.

Mr. CANNON. Mr. Speaker, I yield the balance of my time to the distinguished Speaker of the House, the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I would not take the floor or impose myself upon you if I did not feel so very deeply about what might happen to us if the Senate amendment were agreed to. I do not know of anybody, certainly none who has spoken here today except the gentleman from Mississippi [Mr. RANKIN] who is not proposing some change in the Senate amendment.

The President of the United States, the head of the Army, and the Administrator of ECA, are all deeply disturbed about the Senate amendment. On yesterday morning Paul Hoffman came to see me—and I join the gentleman from Virginia [Mr. GARY] in the compliment he paid to Paul Hoffman; I doubt if we have a finer administrator of any act we have passed in the last several years than Paul Hoffman has been as the head of ECA. He was more deeply disturbed on yesterday when he came to my office than I have ever seen him or known him to be.

We do not have too many friends in the world. We need them as we never needed them before. In my opinion, we live in the most dangerous time that anyone has ever lived in during the history of our Republic. To say we are going to cut off now, probably without any rhyme or reason, trade and commerce of practically every kind and character would fall heavily upon those who have been friendly to us. We would be giving them up. Let me say that if it had not been for European aid I doubt if there is a country in Europe today that would not be under the arms of the Soviet Union.

Mr. Speaker, the Senate amendment is a terrible mistake. Let me repeat that everybody in any position of responsibility in the Government of the United States feels the same way about it.

Let us modify this amendment, let us give somebody the authority and the discretion to do something about it, the authority to administer it in a sane, in a sound way, that will be safe for the people of the United States and safe for the people who are allied with us the world over.

So I trust that when the time comes and the gentleman from Missouri offers his motion to recede and concur with the amendment that has been read at the desk we will adopt that motion. Nobody could hate communism and all it stands for more than I do and I know that every Member of this House as a patriotic American feels the same way I do.

Let us not make a mistake, let us not give up the ground we have gained, let us not give up the friends that we so badly need in this terrible hour in the history of the world.

Mr. CANNON. Mr. Speaker, I move the previous question on the motion to recede.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Missouri moves the previous question.

Mr. RANKIN. Mr. Speaker, I have a right to propound a parliamentary inquiry to learn what the parliamentary situation is. There is no use of the Chair trying to run over the House in this way.

The SPEAKER. The gentleman is making a statement that is not justified by any facts——

Mr. RANKIN. Yes; it is.

The SPEAKER. In the lifetime of the present occupant of the chair and the Chair deeply resents any such implication.

Mr. RANKIN. All right. I propound a parliamentary inquiry.

The SPEAKER. If the gentleman will quit talking in the wrong tone——

Mr. RANKIN. The gentleman from Mississippi is going to stand his ground.

The SPEAKER. The Chair will permit him to propound his parliamentary inquiry.

Mr. RANKIN. The motion now before the House is a motion to concur in the Senate amendment. As I understand it, the Cannon amendment is an amendment to that one. Do we not vote on that amendment before the previous question is ordered?

The SPEAKER. The parliamentary situation is this: The gentleman from Missouri offered a motion to recede and concur with an amendment. The gentleman from Mississippi offered a preferential motion to recede and concur in the Senate amendment. The gentleman from Missouri asked for a division of the question. The question is on ordering the previous question on the motion to recede. That is the parliamentary situation.

Mr. CANFIELD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANFIELD. Would it be in order to make a unanimous-consent request now that all three approaches to this problem be read to the House so that the House will be fully informed as to what is going on?

The SPEAKER. The Chair thinks we should vote on ordering the previous question first.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion that the House recede from its disagreement to the Senate amendment.

The motion was agreed to.

Mr. CANNON. Mr. Speaker, I move that the House concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON moves that the House concur in the amendment of the Senate numbered 120 with an amendment as follows:

"SEC. 1304. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country whose trade with the Union of Soviet Socialist Republics or any of its satellite countries, including Communist China and Communist North Korea) is found by the National Security Council to be contrary to the security interests of the United States."

Mr. CANNON. Mr. Speaker, I move the previous question.

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. If the previous question is voted down, would it then be in order for the gentleman from New York [Mr. TABER] to offer an amendment to the pending amendment?

The SPEAKER. The gentleman from New York or any other Member would be in order in offering an amendment to the amendment offered by the gentleman from Missouri.

The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 112, noes 93.

Mr. TABER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 149, not voting 113, as follows:

[Roll No. 284]

YEAS—167

Addonizio	Bailey	Battle
Albert	Barden	Beckworth
Andrews	Baring	Bennett, Fla.
Aspinall	Barrett, Pa.	Bentsen

Biemiller	Gorski	Morgan
Blatnik	Gossett	Morris
Boggs, La.	Granahan	Murdock
Bolling	Grant	O'Brien, Ill.
Bonner	Green	O'Hara, Ill.
Brooks	Hardy	O'Neill
Brown, Ga.	Harris	O'Sullivan
Buchanan	Hart	O'Toole
Buckley, Ill.	Hays, Ark.	Passman
Burdick	Hedrick	Patman
Burke	Heffernan	Peterson
Burleson	Herlong	Preston
Burton	Hobbs	Price
Byrne, N. Y.	Howell	Priest
Camp	Huber	Rabaut
Cannon	Irving	Ramsay
Carlyle	Jackson, Wash.	Regan
Carnahan	Jacobs	Rhodes
Carroll	Jones, Ala.	Richards
Cavalcante	Jones, Mo.	Robeson
Chatham	Jones, N. C.	Rodino
Chesney	Karst	Rogers, Fla.
Clemente	Karsten	Rooney
Combs	Kee	Roosevelt
Cooper	Kelley, Pa.	Sheppard
Cox	Kelly, N. Y.	Sikes
Crook	Kennedy	Sims
Crosser	Kilday	Smathers
Davenport	King	Smith, Va.
Davis, Tenn.	Kirwan	Spence
Dawson	Kruse	Staggers
Deane	Lane	Steed
DeGraffenried	Lanham	Stigler
Delaney	Lind	Sullivan
Denton	Linehan	Sutton
Donohue	Lucas	Tauriello
Doughton	McGrath	Teague
Durham	McGuire	Thomas
Eberharter	McKinnon	Thompson
Elliott	McMillan, S. C.	Trimble
Engle, Calif.	McSweeney	Vinson
Evins	Mack, Ill.	Walsh
Feighan	Madden	Walter
Flood	Mahon	Welch
Fogarty	Mansfield	Whitaker
Forand	Marcantonio	Whitten
Frazier	Marsalis	Whittington
Fugate	Marshall	Wickersham
Garmatz	Miles	Wier
Gary	Mills	Wilson, Okla.
Gathings	Mitchell	Wilson, Tex.
Gore	Monroney	

NAYS—149

Abbitt	Hagen	O'Hara, Minn.
Abernethy	Hale	Pace
Allen, Calif.	Hall,	Patterson
Andersen,	Leonard W.	Phillips, Calif.
H. Carl	Halleck	Phillips, Tenn.
Andresen,	Harden	Pickett
August H.	Hare	Polk
Arends	Harrison	Rankin
Auchincloss	Harvey	Reed, N. Y.
Bates, Mass.	Hays, Ohio	Rees
Beall	Herter	Rich
Bennett, Mich.	Heselton	Riehlman
Bishop	Hoeven	Rivers
Blackney	Hoffman, Mich.	Rogers, Mass.
Boggs, Del.	Holmes	St. George
Bolton, Md.	Hope	Sanborn
Bolton, Ohio	Horan	Sasscer
Bramblett	Hull	Saylor
Brown, Ohio	Jackson, Calif.	Scott, Hardie
Bryson	James	Scott,
Byrnes, Wis.	Jenison	Hugh D., Jr.
Canfield	Jenkins	Scrivner
Case, N. J.	Jennings	Scudder
Chiperfield	Jensen	Secrest
Clevenger	Johnson	Shafer
Cole, Kans.	Judd	Short
Cole, N. Y.	Kean	Simpson, Ill.
Colmer	Kearney	Simpson, Pa.
Corbett	Kearns	Smith, Kans.
Cotton	Keating	Smith, Wis.
Crawford	Kilburn	Stanley
Cunningham	Latham	Stefan
Curtis	LeCompte	Stockman
Dague	LeFevre	Taber
Davis, Ga.	Lichtenwalter	Talle
Davis, Wis.	Lovre	Taylor
D'Ewart	McConnell	Tollefson
Dolliver	McCulloch	Towe
Dondero	McDonough	Velde
Elston	McGregor	Wagner
Fallon	Macy	Weichel
Fellows	Martin, Mass.	Wheeler
Fenton	Mason	White, Calif.
Ford	Merrow	Widnall
Gamble	Michener	Wigglesworth
Gavin	Miller, Md.	Williams
Golden	Miller, Nebr.	Wilson, Ind.
Goodwin	Morton	Winstead
Graham	Murray, Wis.	Wolcott
Gross	Nelson	Wolverton
Guill	Norblad	Wood

NOT VOTING—113

Allen, Ill.	Hand	Patten
Allen, La.	Havenner	Perkins
Anderson, Calif.	Hébert	Pfeifer,
Angell	Heller	Joseph L.
Barrett, Wyo.	Hill	Pfeiffer,
Bates, Ky.	Hinshaw	William L.
Bosone	Hoffman, Ill.	Philbin
Boykin	Holifield	Plumley
Breen	Javits	Poage
Brehm	Jonas	Potter
Buckley, N. Y.	Keefe	Poulson
Burnside	Keogh	Powell
Case, S. Dak.	Kerr	Quinn
Celler	Klein	Rains
Chelf	Kunkel	Redden
Christopher	Larcade	Reed, Ill.
Chudoff	Lodge	Ribicoff
Cooley	Lyle	Sabath
Coudert	Lynch	Sadlak
Davies, N. Y.	McCarthy	Sadowski
Dingell	McCormack	Shelley
Dollinger	McMillen, Ill.	Smith, Ohio
Douglas	Mack, Wash.	Tackett
Doyle	Magee	Thornberry
Eaton	Martin, Iowa	Underwood
Ellsworth	Meyer	Van Zandt
Engel, Mich.	Miller, Calif.	Vorys
Fernandez	Morrison	Vursell
Fisher	Moulder	Wadsworth
Fulton	Multer	Werdel
Furcolo	Murphy	White, Idaho
Gillette	Murray, Tenn.	Willis
Gilmer	Nicholson	Withrow
Gordon	Nixon	Woodhouse
Granger	Noland	Woodruff
Gregory	Norrell	Yates
Gwinn	Norton	Young
Hall,	O'Brien, Mich.	Zablocki
Edwin Arthur	O'Konski	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Tackett for, with Mr. Brehm against.

Mr. Murphy for, with Mr. Nicholson against.

Mr. Morrison for, with Mr. Withrow against.

Mr. Havenner for, with Mr. Hand against.

Mr. Multer for, with Mr. Smith of Ohio against.

Mr. Heller for, with Mr. Reed of Illinois against.

Mr. Miller of California for, with Mr. Case of South Dakota against.

Mr. Holifield for, with Mr. Gwinn against.

Mr. Dollinger for, with Mr. Martin of Iowa against.

Mr. Moulder for, with Mr. Hoffman of Illinois against.

Mr. Kerr for, with Mr. Potter against.

Mr. McCormack for, with Mr. Coudert against.

Mr. Klein for, with Mr. Fulton against.

Mr. Yates for, with Mr. Woodruff against.

Mr. Bates of Kentucky for, with Mr. Jonas against.

Mr. Gregory for, with Mr. Allen of Illinois against.

Mr. Underwood for, with Mr. Gillette against.

Mr. Gordon for, with Mr. Meyer against.

Mr. Breen for, with Mr. Plumley against.

Mr. Rains for, with Mr. Sadlak against.

Mr. Noland for, with Mr. Nixon against.

Mr. Granger for, with Mr. Poulson against.

Mr. Gilmer for, with Mr. McMillen of Illinois against.

Mr. Keogh for, with Mr. Hinshaw against.

Mr. Patten for, with Mr. Werdel against.

Mr. Celler for, with Mr. Kunkel against.

Mr. Zablocki for, with Mr. Engel of Michigan against.

General pairs until further notice:

Mr. Redden with Mr. Van Zandt.

Mr. Philbin with Mr. Hill.

Mr. O'Brien of Michigan with Mr. Barrett of Wyoming.

Mr. Burnside with Mr. Angell.

Mr. Chelf with Mr. Anderson of California.

Mr. Chudoff with Mr. Mack of Washington.

Mr. Dingell with Mr. O'Konski.

Mr. Doyle with Mr. Wm. L. Pfeiffer.

Mr. Shelley with Mr. Vorys.

Mr. Fernandez with Mr. Wadsworth.

Mrs. Woodhouse with Mr. Ellsworth.

Mr. Magee with Mr. Eaton.

Mr. Larcade with Mr. Edwin Arthur Hall.

Mr. Hébert with Mr. Vursell.

Mr. BOLTON of Maryland changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. CANNON] that the House concur in the Senate amendment with an amendment.

Mr. JUDD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 286, nays 30, answered "present" 1, not voting 112, as follows:

[Roll No. 285]

YEAS—286

Abbitt	DeGraffenried	Jones, Mo.
Addonizio	Delaney	Jones, N. C.
Albert	Denton	Judd
Allen, Calif.	D'Ewart	Karst
Andersen,	Dolliver	Karsten
H. Carl	Dondero	Kean
Andresen,	Donohue	Kearney
August H.	Doughton	Kearns
Andrews	Douglas	Keating
Arends	Eberharter	Kee
Aspinall	Elliott	Kelley, Pa.
Auchincloss	Elston	Kelly, N. Y.
Barden	Engle, Calif.	Kennedy
Baring	Evins	Kilburn
Barrett, Pa.	Feighan	Kilday
Bates, Mass.	Fenton	King
Battle	Fisher	Kirwan
Beall	Flood	Kruse
Beckworth	Fogarty	Lane
Bennett, Fla.	Forand	Lanham
Bentsen	Ford	Latham
Biemiller	Frazier	LeCompte
Bishop	Fugate	LeFevre
Blackney	Furcolo	Lichtenwalter
Blatnik	Gamble	Lind
Boggs, Del.	Garmatz	Linehan
Boggs, La.	Gary	Lovre
Bolling	Gathings	Lucas
Bolton, Ohio	Gavin	McConnell
Bonner	Golden	McCulloch
Boykin	Goodwin	McDonough
Bramblett	Gore	McGrath
Brooks	Gorski	McGregor
Brown, Ga.	Gossett	McGuire
Brown, Ohio	Graham	McKinnon
Bryson	Granahan	McMillan, S. C.
Buchanan	Grant	McSweeney
Buckley, Ill.	Green	Mack, Ill.
Burdick	Gross	Macy
Burke	Guill	Madden
Burleson	Gwinn	Mahon
Burton	Hagen	Mansfield
Byrne, N. Y.	Hale	Marsalis
Byrnes, Wis.	Hall,	Marshall
Camp	Leonard W.	Martin, Mass.
Canfield	Harden	Merrow
Cannon	Hardy	Michener
Carlyle	Hare	Miles
Carnahan	Harris	Miller, Nebr.
Carroll	Harrison	Mills
Case, N. J.	Hart	Mitchell
Cavalcante	Harvey	Monroney
Chatham	Hays, Ark.	Morgan
Chesney	Hays, Ohio	Morris
Chiperfield	Hedrick	Morton
Clemente	Heffernan	Murdock
Cole, Kans.	Herlong	Murray, Wis.
Cole, N. Y.	Herter	Nelson
Colmer	Heselton	Norblad
Combs	Hobbs	Norrell
Cooper	Hoeven	O'Brien, Ill.
Corbett	Holmes	O'Hara, Ill.
Cotton	Hope	O'Hara, Minn.
Cox	Howell	O'Neill
Crook	Huber	O'Sullivan
Crosser	Irving	O'Toole
Cunningham	Jackson, Calif.	Passman
Curtis	Jackson, Wash.	Patman
Dague	Jacobs	Patterson
Davenport	James	Peterson
Davis, Tenn.	Jenkins	Phillips, Calif.
Davis, Wis.	Jensen	Phillips, Tenn.
Dawson	Johnson	Polk
Deane	Jones, Ala.	Preston

Price	Scudder	Thompson
Priest	Shafer	Tollefson
Rabaut	Sheppard	Trimble
Ramsay	Short	Velde
Rees	Sikes	Vinson
Regan	Simpson, Ill.	Wagner
Richards	Sims	Walsh
Riehlman	Smathers	Walter
Rivers	Smith, Kans.	Weichel
Robeson	Smith, Va.	Welch
Rodino	Spence	Whitaker
Rogers, Fla.	Staggers	Whitten
Rogers, Mass.	Stanley	Whittington
Rooney	Steed	Wickersham
Roosevelt	Stefan	Widnall
St. George	Stockman	Wier
Sanborn	Sullivan	Wigglesworth
Sasscer	Sutton	Wilson, Ind.
Saylor	Talle	Wilson, Okla.
Scott, Hardie	Tauriello	Wilson, Tex.
Scott, Hugh D., Jr.	Taylor	Wolcott
Scrivner	Teague	Wolverton
	Thomas	

NAYS—30

Abernethy	Horan	Rich
Bennett, Mich.	Hull	Secrest
Bolton, Md.	Jenison	Simpson, Pa.
Clevenger	Jennings	Smith, Wis.
Crawford	Mason	Taber
Davis, Ga.	Miller, Md.	Towe
Fallon	Pace	Wheeler
Fellows	Pickett	White, Calif.
Halleck	Rankin	Williams
Hoffman, Mich.	Reed, N. Y.	Winstead

ANSWERED "PRESENT"—1

Marcantonio

NOT VOTING—112

Allen, Ill.	Heller	Pfeiffer,
Allen, La.	Hill	William L.
Anderson, Calif.	Hinshaw	Philbin
Angell	Hoffman, Ill.	Plumley
Bailey	Holifield	Poage
Barrett, Wyo.	Javits	Potter
Bates, Ky.	Jonas	Poulson
Bosone	Keefe	Powell
Breen	Keogh	Quinn
Brehm	Kerr	Rains
Buckley, N. Y.	Klein	Redden
Burnside	Kunkel	Reed, Ill.
Case, S. Dak.	Larcade	Rhodes
Celler	Lodge	Ribicoff
Chelf	Lyle	Sabath
Christopher	Lynch	Sadlak
Chudoff	McCarthy	Sadowski
Cooley	McCormack	Shelley
Coudert	McMillen, Ill.	Smith, Ohio
Davies, N. Y.	Mack, Wash.	Stigler
Dingell	Magee	Tackett
Dollinger	Martin, Iowa	Thornberry
Doyle	Meyer	Underwood
Durham	Miller, Calif.	Van Zandt
Eaton	Morrison	Vorys
Ellsworth	Moulder	Vursell
Engel, Mich.	Multer	Wadsworth
Fernandez	Murphy	Werdel
Fulton	Murray, Tenn.	White, Idaho
Gillette	Nicholson	Willis
Gilmer	Nixon	Withrow
Gordon	Noland	Wood
Granger	Norton	Woodhouse
Gregory	O'Brien, Mich.	Woodruff
Hall, Edwin Arthur	O'Konski	Yates
	Patten	Young
Hand	Perkins	Zablocki
Havenner	Pfeifer,	
Hébert	Joseph L.	

So the motion was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Bates of Kentucky with Mr. Allen of Illinois.
Mr. Gregory with Mr. Woodruff.
Mr. Underwood with Mr. Eaton.
Mr. Kerr with Mr. Van Zandt.
Mr. Patten with Mr. Meyer.
Mr. Gilmer with Mr. Brehm.
Mr. Hébert with Mr. Angell.
Mr. Morrison with Mr. Coudert.
Mr. Tackett with Mr. Withrow.
Mr. Fernandez with Mr. Anderson of California.
Mr. Rains with Mr. Barrett of Wyoming.
Mr. Redden with Mr. Potter.
Mr. Granger with Mr. Reed of Illinois.
Mr. Gordon with Mr. Sadlak.
Mr. Zablocki with Mr. Vorys.
Mrs. Woodhouse with Mr. Vursell.
Mr. Yates with Mr. Fulton.
Mr. Young with Mr. Ellsworth.
Mr. Larcade with Mr. Mack of Washington.
Mr. Miller of California with Mr. Martin of Iowa.
Mr. Moulder with Mr. Case of South Dakota.
Mr. Perkins with Mr. Werdel.
Mr. O'Brien of Michigan with Mr. Jonas.
Mr. Chudoff with Mr. Hand.
Mr. Breen with Mr. Gillette.
Mrs. Bosone with Mr. Nicholson.
Mr. Burnside with Mr. Nixon.
Mr. Dingell with Mr. O'Konski.
Mr. Shelley with Mr. Poulson.
Mr. Havenner with Mr. Hoffman of Illinois.
Mr. Holifield with Mr. Hinshaw.
Mr. McCormack with Mr. Edwin Arthur Hall.
Mr. Stigler with Mr. Hill.
Mr. Rhodes with Mr. William L. Pfeiffer.
Mr. Magee with Mr. McMillen of Illinois.
Mr. Doyle with Mr. Engel of Michigan.

Mr. MARCANTONIO changed his vote from "yea" to "present."

Messrs. HALE, ARENDS, GUILL, BROWN of Ohio, JENKINS, AUGUST H. ANDRESEN, CURTIS, BEALL, BRYSON, and SHAFER changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

SPECIAL ORDER GRANTED

Mr. RICH asked and was granted permission to address the House for 10 minutes today, following any other special orders heretofore entered.

Mr. BURNSIDE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THE NEED FOR UNITY

Mr. BURNSIDE. Mr. Speaker, I fully realize that it is almost useless to ask for unity of purpose this near a general election. Yet that is exactly what I am going to ask. I am asking my colleagues—and all Americans everywhere—to close ranks and face our Nation's perils with calm courage, determination, and singleness of purpose.

In the days that lie ahead we will have to spend many more billions of dollars for building up our military might. Many men will have to go into the armed services and we here at home will have to pay more taxes and buy fewer civilian goods. We will have to do this to inspire respect—and, if necessary, fear—in those who must be held in check if America and the world are ever to enjoy freedom, security, and peace. In accepting these sacrifices and inconveniences, I think it is important that we remember what makes them necessary.

In an election year, it is natural that some people should try to place all the blame on the Democratic Party, and others should try to place all the blame on the Republican Party. No doubt men of both parties have made mistakes, but neither is to blame for our present difficulties. The blame rests squarely with Communist Russia, and the insane ambition of the men in the Kremlin to dominate the world.

Russian policies are based on the doctrine that she will never be completely secure until communism is spread throughout the world, with "Mother Russia" as the dominant nation. All of her actions since the end of World War II have clearly been pointed toward that objective. Where she could annex more territory, she has done so. Where she could send her armies, she has installed totalitarian government slavishly subservient to Moscow. Where there has been poverty and discontent, she has tried to foment civil war and discord. Where none of these techniques have been effective, she has used propaganda, international bad faith, espionage, and sabotage to try to weaken the nations that still have the strength and courage to resist.

Against this ruthless, unprincipled foe, we will have to concentrate all our moral and physical resources—or perish as a free nation.

That is why I am pleading with all Americans to unite in our struggle against this common enemy. That does not mean that we must refrain from criticizing those in power. There is always room for honest criticism. But it does mean that we should always keep uppermost in our minds the most important objective—survival of the United States of America as an independent, prosperous nation of free individuals.

If we keep that objective in mind, there will still be room for plenty of honest criticism and for unlimited free discussion of political issues in the democratic tradition.

Mr. Speaker, I am asking my colleagues and all Americans to put first things first, second things second, and third things third.

First. Our deadly struggle against world communism.

Second. Criticism of mistakes, inefficiencies, and injustices in our Government.

Third. Personal political advantage.

To keep this order of things clearly in mind in public affairs will require restraint from all of us, for it is always a great temptation to put self-interest before the interest of the country as a whole. But we must resist that temptation, for the more moderation and self-discipline we exhibit, the more chance we have of surviving in the face of the world-conquering ambitions of the madmen of the Kremlin.

SPECIAL ORDERS GRANTED

Mr. EBERHARTER asked and was given permission to address the House for 20 minutes on tomorrow, following the legislative program and any special orders heretofore entered.

Mr. O'HARA of Minnesota asked and was given permission to address the House for 1 hour on tomorrow, following any special orders heretofore entered.

ADMINISTRATION OF PERFORMANCE-RATING PLANS FOR CERTAIN OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT

Mr. DAVIS of Georgia submitted a conference report and statement on the bill (H. R. 7824) to provide for the

administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes.

Mrs. ST. GEORGE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

PARCEL POST RATES

Mrs. ST. GEORGE. Mr. Speaker, amendment 33 to H. R. 9526, as written into this legislation by the House and concurred in by the other body, is an excellent amendment in that before funds appropriated to the Post Office Department may be withdrawn from the general funds of the Treasury the Postmaster General shall certify in writing that he has requested the consent of the Interstate Commerce Commission to the establishment of such rates as will result in parcel-post revenues equaling the expenditures for handling that class of mail matter.

This action has been required by law for approximately 36 years, but the Post Office Department has failed to carry out its responsibilities. Since 1946 the Post Office Department has been faced with mounting deficits. Members of the Post Office and Civil Service Committee and other Members of Congress have constantly reminded the Postmaster General of his responsibility to initiate administrative action to increase parcel-post rates. This is the first effective action that the Congress is taking to enforce the law.

This provision was included in H. R. 9526 as it passed the House, and I know that even as late as when this bill was being considered by the Senate Appropriation Committee the Postmaster General asked that the language be deleted, although at the same time he admitted that the law at the present time directs the Postmaster General to take the action which this provision of the Appropriation Act will require.

With the mounting postal deficit Congress has been faced with the problem of raising postal rates. On January 1, 1949, postal-rate increases amounting to $150,000,000 were placed into effect. This year the House passed a postal-rate-increase bill of an equal amount. Previous to these rate increases there have been no rate-increase bills that anywhere near approach them either in amount of increase or complexity of rate structure.

In the Eightieth Congress a study was made of the postal-rate structure. A bill which I introduced was recommended favorably by the House Post Office and Civil Service Committee. This bill would have required more realistic recommendations from the Post Office Department with regard to postal-rate structures, and the task force on the Hoover Commission adopted the suggestions of the House Post Office and Civil Service Committee in their recommendations.

Postal-rate bill, H. R. 2945, provides that the Postmaster General establish the rates on the special services. This bill is still awaiting action in the other body. I trust that if this provision is put into effect the Postmaster General will approach his responsibility thereunder more affirmatively than he has his responsibilities to take action on parcel-post rate increases.

Under the provisions of Public Law 231, a far-reaching research and development program was established in the postal service. Part of this program is the establishment of a division to study postal rates and make recommendations to the Congress. It is rather revealing to learn that the Post Office Department has been making rate recommendations covering a rate structure collecting revenues of over a billion and a half dollars a year without any permanent unit to study these rates and their relationship to the users of the mails.

I believe that far-reaching steps have been taken in solving the postal rate problem, but they can be no more effective than the administration charged with the responsibility of carrying them out.

Mr. REES. Mr. Speaker, in my opinion, the gentlewoman from New York is entitled to much credit for the work she has done on the problem of postal rate-making procedures, both in the Eightieth Congress and the present Congress.

One has but to read the Hoover Commission recommendations on postal rate revision and the recommendations of the task force to realize that she has presented the solutions and the logic from which are developing constructive changes in our postal rate-making procedures.

LEGISLATIVE PROGRAM FOR THE REST OF THE DAY

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I take this time to ask the acting majority leader what the program will be for the rest of the day.

Mr. PRIEST. Mr. Speaker, there are two minor conference reports in which there is unanimous agreement from the Committee on Public Lands. There are one or two resolutions from the Committee on House Administration which I understand are pretty well agreed to. Following consideration of these matters we propose to take up the bill H. R. 9219 scheduled for consideration earlier in the week. That is for the rehabilitation of the Five Civilized Tribes. There is a rule on it calling for 1 hour of general debate. I believe that is all for the remainder of the afternoon. I might say to the minority leader that consent has already been obtained to convene at 11 o'clock tomorrow morning.

Mr. MARTIN of Massachusetts. Has the gentleman heard of what action the President will take upon the so-called security bill?

Mr. PRIEST. No; the gentleman has not.

Mr. MARTIN of Massachusetts. I wish he would convey to the President our hopes he can make a decision early tomorrow.

Mr. PRIEST. I feel certain that the President will make up his mind.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

HON. JOHN JENNINGS AND HON. SAM HOBBS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. Mr. Speaker, only the experienced know how intimate is the relationship between members of a hard-working congressional committee. It is in the committee room that a Member demonstrates the stuff that is in him. If he is industrious, capable, courteous, and tolerant, he is sure to have the respect, confidence, and affection of his colleagues.

I have served on the Committee on the Judiciary for many years with the gentleman from Alabama [Mr. HOBBS] and the gentleman from Tennessee [Mr. JENNINGS], who are retiring at the end of this session. Both meet the specifications I have just mentioned.

The gentleman from Alabama [Mr. HOBBS] has the longer service in the Congress and on the committee. When the Democrats were in power, he was my subcommittee chairman and, when the Republicans were in power—a very short time in recent years—I was his chairman. We never had any politics on our subcommittee, and I am sure under Judge HOBBS' leadership the committee has accomplished much good, and that this is a better country because of some of the legislation sponsored and placed on the statute books through Judge HOBBS' effort. He is one of the best lawyers in the Congress. He is legally and fundamentally sound and, with this background, plus extensive practical experience as an advocate and as a judge, it is perfectly natural that he should be a legal leader in the House. Debate in the House on any profound legal question is not completed until Judge HOBBS has spoken. The rank and file of the membership usually await his arguments before reaching a final conclusion. This is as high a compliment as I could pay any member of the committee.

Judge HOBBS is retiring voluntarily because of ill health, and it is the hope of the entire membership of the House that less arduous work, more time to play, and Selma, Ala., sunshine will do the job, and that in the not too far distant future Judge HOBBS will regain his former vigor and be available for some public service for which he is so adequately and particularly qualified. Few, if any, men will be missed more when the Eighty-second Congress convenes. We all wish for SAM HOBBS every good thing in life.

There has been real grief in the House since the announcement that Judge JENNINGS, of Tennessee, is to retire. The judge occupies a unique position in our midst. Another great jurist, and I am sure a great advocate and trial lawyer, as

well as one of the most effective, logical, and entertaining debaters in Congress, his profound logic is always garnished with apropos wit and humor. In other words, he knows how to make his point, and then he is blessed with the ability to present his proposition in a way that the listeners cannot forget.

As chairman and as ranking member of the Subcommittee on Claims of the Committee on the Judiciary, he has been the watchdog of the Treasury and has by his tireless work, close attention, and great legal ability saved millions of dollars for the taxpayers of the Nation.

I understand the judge is going to return to Tennessee and reenter the practice of the law. We all know he will succeed in that field, and his many warm friends—and that includes all of us—in the Congress are hoping he will later return to the work for which he is so eminently fitted and which he has so satisfactorily accomplished. Judge, we will be thinking of you down in your native Tennessee, and it will not take much imagination to envision you with your saddle horse, your hound dogs, and your fishing tackle. Whatever path you choose, here is hoping that it leads to pleasant places.

PALISADES DAM AND RESERVOIR PROJECT

Mr. PETERSON. Mr. Speaker, I call up the conference report on the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3121)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the Palisades Dam and Reservoir project, Idaho, heretofore authorized under the provisions of the Federal reclamation laws by the presentation to the President and the Congress of the report of December 9, 1941 (House Document Numbered 457, Seventy-seventh Congress, first session), by the Secretary of the Interior (herein called the Secretary), is hereby reauthorized under the Federal reclamation laws for construction and operation and maintenance substantially in accordance with that report as supplemented and modified by the Commissioner's supplemental report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949, and as including, upon approval by the President of a suitable plan therefor, facilities for the improvement of fish and wildlife along the headwaters of the Snake River, such facilities to be administered by the Fish and Wildlife Service: *Provided*, That, notwithstanding recommendations to the contrary contained in said report (a) the Secretary shall reserve not to exceed fifty-five thousand acre-feet of active capacity in Palisades Reservoir for a period ending December 31, 1952, for replacement of Grays Lake storage, but no facilities in connection with the proposed wildlife management area at Grays Lake shall be built and no allocation of construction costs of the Palisades Dam and Reservoir by reason of providing replacement storage to that area shall be made until the development and operation and maintenance of the wildlife management area has been authorized by Act of Congress, and (b) the nonreimbursable allocation on account of recreation shall be limited to the costs of specific recreation facilities in an amount not to exceed $148,000.

"SEC. 2. There are hereby authorized for construction and operation and maintenance under the Federal reclamation laws: (a) the north side pumping division of the Minidoka project, this to be substantially in accordance with the Commissioner's report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949: *Provided*, That, notwithstanding recommendations to the contrary contained in said report, (1) lease or sale of that portion of the power service system extending from the substations to the pumping plants may be made to any entity on terms and conditions that will permit the United States to continue to provide power and energy to the pumping facilities of the division, and, in the event of lease or sale to a body not entitled to preference in the purchase of power under the Federal reclamation laws, will preserve a reasonable opportunity for subsequent lease or sale to a body that is entitled to such privilege, (2) no allocation of construction costs of the division shall be made on a nonreimbursable basis by reason of wildlife benefits, and (3) there shall be, in lieu of a forty-year period, a basic repayment period of fifty years for repayment, in the manner provided in the recommendations, of the irrigation costs assigned for repayment by the water users; and (b) for the furnishing of electric power for irrigation pumping to that division and for other purposes, power generating and related facilities at American Falls Dam. These generating and related facilities, to the extent the Secretary finds to be proper for pay-out and rate-making purposes, may be accounted for together with other power facilities operated by the Secretary that are interconnected with the American Falls Dam power facilities, excluding any power facilities the net profits of which are governed by subsection I of section 4 of the Act of December 5, 1924 (43 Stat. 703). The authorizations set forth in the preceding sections 1 and 2 shall not extend to the construction of transmission lines, subsections, or distribution lines unless such facilities are for the purposes of interconnecting the power plants herein authorized, or for the delivery of power and energy for use in connection with the construction, operation, and maintenance of the projects herein authorized.

"SEC. 3. The Secretary is hereby authorized to contract, under the Federal reclamation laws, with water users and water users' organizations as to the use for their benefit of the heretofore reserved storage capacity in American Falls Reservoir. Not to exceed three hundred and fifteen thousand acre-feet of that capacity shall be made available to those who have heretofore had the use of reserved capacity under lease arrangements between the United States and the American Falls Reservoir district of Idaho, the distribution of this capacity among contractors to be determined by the Secretary after consultation with the interested water users' organizations or their representatives. Of the balance of the reserved capacity, forty-seven thousand five hundred and ninety-three acre-feet are hereby set aside for use under contract for the benefit of the lands comprising unit A of the north side pumping division of the Minidoka project, and seventy-one thousand acre-feet are hereby set aside for use under contract for the benefit of those lands in the Michaud area which may hereafter be found to be feasible of development under irrigation. Contracts for the repayment of construction charges in connection with reserved capacity shall be made without regard to the second proviso of the tenth paragraph (Minidoka project, Idaho) under the heading "Bureau of Reclamation" of the Act of June 5, 1924 (43 Stat. 390, 417). Such contracts shall require the repayment of all costs determined by the Secretary to be allocable to the reserved capacity, less, in the case of the three hundred and fifteen thousand acre-feet of capacity above described, three hundred and eighty-six four-hundred-and-thirty-fourths of the revenues realized, after deduction of what the Secretary determines to be an appropriate share for operation, maintenance, and replacements, from the leasing of that capacity for irrigation purposes up to the time water first becomes available in Palisades Reservoir and, in the case of the capacity set aside for the north side pumping division, all other revenues realized from or connected with the reserved capacity and which the Secretary determines to be available as a credit against the cost allocable to that division.

"SEC. 4. (a) The continuation of construction of Palisades Dam beyond December 31, 1951, or such later controlling date fixed by the Secretary as herein provided, is hereby made contingent on there being a finding by the Secretary by the controlling date that contracts have been entered with various water users' organizations of the Upper Snake River Valley in Idaho that, in his opinion, will provide for an average annual savings of one hundred and thirty-five thousand acre-feet of winter water. If in the Secretary's judgment the failure of the requisite organizations so to contract by the controlling date at any time is for reasons beyond the control of those organizations, he may set a new controlling date but not beyond December 31, 1952.

"(b) Repayment contracts made in connection with the use of capacity in either American Falls or Palisades Reservoir may include, among other things, such provisions as the Secretary determines to be proper to give effect to recommendations referred to in section 1 of this Act, and particularly those concerning the continued effectiveness of the arrangements as to the minimum average annual water savings.

"SEC. 5. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sums of not to exceed $76,601,000 for the Palisades Dam and Reservoir project, Idaho, $11,395,000 for the Minidoka project north side pumping division, Idaho, and $6,600,000 for the American Falls power plant."

And the Senate agree to same.

J. HARDIN PETERSON,
JOHN R. MURDOCK,
JOHN SANBORN,
Managers on the Part of the House.

JOSEPH C. O'MAHONEY,
JAMES E. MURRAY,
ERNEST W. MCFARLAND,
GUY CORDON,
ZALES N. ECTON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2195), to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

S. 2195 as amended in conference sets forth in the last sentence of section 2 that transmission lines, substations, or distribution lines can only be constructed under the provisions of this act if such facilities are for the delivery of power and energy for use in connection with construction, operation, and maintenance of the projects herein authorized, thereby limiting such construction to the projects themselves. It is believed that this was the intent of the Senate wording and the conferees merely wish to clarify the provision.

Old section 5 of the House amendment has been deleted for the reason that it is not deemed advisable to make this act a portion of the Federal reclamation law.

Section 5 of the conferees' amendment retains the original authorization for an appropriation of not to exceed $76,601,000. The difference of $350,000 in the Senate amendment from the House amendment was occasioned by a misunderstanding as to an item for wildlife management which was nonreimbursable and not included in the original estimate, and therefore should not be deducted.

All other provisions of the Senate and House measures are the same.

J. HARDIN PETERSON,
JOHN R. MURDOCK,
JOHN SANBORN,
Managers on the Part of the House.

Mr. PETERSON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

INDIANS—SETTLEMENT OF CONTRACTS

Mr. MORRIS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill H. R. 5372.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RED LAKE BAND OF CHIPPEWAS

Mr. MORRIS. Mr. Speaker, I call up the conference report on the bill (H. R. 6319) authorizing a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3113)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment insert the following:

"That the Secretary of the Interior is authorized to withdraw as much as may be necessary from the fund on deposit in the Treasury of the United States arising from the proceeds of the sale of timber and lumber within the Red Lake Reservation in Minnesota, according to the provisions of the Act of May 18, 1916 (39 Stat. 137), to the credit of the Red Lake Indians in Minnesota, and to pay therefrom $75, in two equal installments to each member of the Red Lake Band of Chippewa Indians of Minnesota who is living at the date of enactment of this Act. The first installment of $37.50 per capita to be made upon the passage and approval of this Act and the second installment of $37.50 per capita to be made January 15, 1951. Such installment payments shall be made under such rules and regulations as the Secretary of the Interior may prescribe.

"SEC. 2. No money paid to Indians under this Act shall be subject to any lien or claim of attorneys or other persons. Before any payment is made under this Act, the Red Lake Band of Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify and accept the provisions of this Act.

"SEC. 3. Payments made under this Act shall not be held to be 'other income and resources' as that term is used in sections 2 (a) (7), 402 (a) (7), and 1002 (a) (8) of the Social Security Act, as amended (U. S. C., 1946 edition, title 42, secs. 302 (a) (7), 602 (a) (7), and 1202 (a) (8))."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

J. HARDIN PETERSON,
TOBY MORRIS,
WESLEY A. D'EWART,
Managers on the Part of the House.

JOSEPH C. O'MAHONEY,
ERNEST W. MCFARLAND,
HUGH BUTLER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H. R. 6319) to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The effect of such conference was that the original bill, as passed by the House, was adopted except that the $100 payment, as authorized by the House and amended to $75 by the Senate, was reduced to $75 to be paid in two equal installments in amounts of $37.50. Thus the bill agreed to in conference is the same as originally passed the House except the per capita payment of $100 was reduced to that of $75, and in turn each $50 payment reduced proportionately to $37.50.

In conformity with such action, the title was amended.

J. HARDIN PETERSON,
TOBY MORRIS,
WESLEY A. D'EWART,
Managers on the Part of the House.

Mr. MORRIS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FIVE CIVILIZED TRIBES

Mr. McSWEENEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 843 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9219) to promote the rehabilitation of the Five Civilized Tribes and other Indians of eastern Oklahoma, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Lands, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. McSWEENEY. Mr. Speaker, I yield one-half hour to the gentleman from Ohio [Mr. BROWN], and yield myself 5 minutes.

Mr. Speaker, the bill H. R. 9219 is to promote the rehabilitation of the Five Civilized Tribes and other Indians of eastern Oklahoma.

In going over the report, I think you will find that the Indians have been one of our best borrowers. In other words, their percentage of repayment has been very high. I do not know the attitude of each Member of this great House on this subject, but I feel the finest thing we can do for an Indian is to let him be self-supporting and let him feel that he is not receiving the bounty of America but is being allowed to participate in America's economic development. That is what this bill makes possible. He can borrow money from the Government. Of course, it is a revolving fund, which he will pay back. I think this is one step forward toward making Indians truly a part of America's economic program.

Mr. BROWN of Ohio. Mr. Speaker, as the gentleman from Ohio [Mr. McSWEENEY] has stated, House Resolution 843 makes in order with 1 hour of general debate the bill H. R. 9219, which would provide for the expenditure of about $10,000,000 to promote the rehabilitation

of the Five Civilized Tribes and other Indians of eastern Oklahoma.

I have not been fully informed on details of this legislation. I understand there has been some controversy over it. While some of the Members believe this is an exceptionally good bill, others are opposed to it or believe it should be amended so as to give the country back to the Indians, in view of the present situation. However, I believe the House should adopt this rule and consider this bill in order to clear its legislative schedule.

Mr. Speaker, I now yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this is a very dangerous bill. There have been passed bills of similar character for Indians in other places, but in those bills it has been required that there be a guaranty from the Indians of repayment of the funds advanced. Here they have refused to do anything of the kind. Here we are letting out all the rich Indians in Oklahoma. There are a lot of them who have gotten rich out of oil that has been found on their lands. We are not asking them to guarantee the repayment of the loans it is proposed in the bill that the Government advance to try to rehabilitate the rest of them.

Why we should play favorites and why we should do such things as that and approach the proposition on that basis is beyond my understanding. I doubt very much the desirability of bills of this kind, anyway, because if there is going to be any approach to this problem on a constructive basis it should be on the basis of all of them being treated alike in an omnibus bill that would cover the whole thing. We have had piecemeal legislation. The legislation has not only been piecemeal but it has been subject to favoritism.

Mr. McSWEENEY. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. McSWEENEY. The gentleman has an intimate knowledge of the loans that the United States Government has made to the Indians. Is not the record of the Indians rather good so far as the percentage of returns to the Government on money borrowed? That is what I gather from the hearings.

Mr. TABER. I do not have too much knowledge of that. On the other hand, I do not believe that we should make fish of one group and fowl of another. That is what this bill does. It plays favorites. I am surprised that the committee brought it in in this shape. I think it is entirely wrong to approach anything like this in this way.

Mr. McSWEENEY. I am not acquainted with the former Indian loan bills passed by the House. Did they demand guaranties?

Mr. TABER. The legislation with reference to the Montana Indians required that the Indians guarantee a payment of these loans. Here we have an outstanding group of rich Indians in Oklahoma who are being given a favor as against the Indians in Montana.

Mr. JENNINGS. Mr. Speaker, will the gentleman yield.

Mr. TABER. I yield.

Mr. JENNINGS. Are these Indians for whom it is said this bill is to be a benefit free to seek employment and work anywhere in the United States?

Mr. TABER. I do not know of any reason why they cannot. I do not know of anyone who would keep them from it. According to what I understand, a large percentage of these Indians are able to earn a living and take care of themselves. There are a few, a small percentage of about 8 or 10 percent, who are in a very low income bracket. Most of them are in a much better condition. It would seem to me that all these rich Indians who have had the benefit of selling the oil on their lands and getting royalties ought to be obliged to guarantee the payment of these loans. It seems to me outlandish that we should let the Montana Indians pay back the money and guarantee to pay it back, then play favorites with the other people.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BROWN of Ohio. Mr. Speaker, I yield five additional minutes to the gentleman.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. KEATING. I agree entirely with what the gentleman is saying. It seems to me we should treat all the Indians in the same way. I note under section 3 that loans are to be made and that under section 4, as I read it, 20 percent of the sum appropriated could be used for other than loans. Is it the gentleman's point that under the part which is to be used for loans there should be some guaranty on the part of the people other than the ones who are getting the loans?

Mr. TABER. I think that where these loans are made in this way the members of the tribe should guarantee it.

Mr. KEATING. That is, that the wealthy members of this tribe should be the people primarily responsible to see that this money is returned to the Government?

Mr. TABER. That is right.

Mr. KEATING. Do I understand correctly, and I would be glad if either the gentleman or one of the members of the committee would explain this, that section 4 provides 20 percent of the sum appropriated here may be parceled out as grants without any provision for reimbursement? If that is a correct interpretation of it, was that provided in previous legislation heretofore enacted with reference to the Indians?

Mr. TABER. I would not be able to answer that.

Mr. D'EWART. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. D'EWART. The gentleman from New York [Mr. KEATING] has asked two questions. First, in regard to the guaranty. It is not a question of individual Indians guaranteeing these loans in any of these bills. It is a question of the tribe, where the tribe has an estate, guaranteeing the loans. Some of the tribes have large estates. We have one in California, the Agua Caliente, which has an estate of about $15,000,000. In cases where those tribes have wealthy estates, we felt that they should at least guarantee a part of the loan, if not all of it.

Mr. KEATING. And that applies to the Montana Indians?

Mr. D'EWART. In certain instances that applies to the Montana Indians.

Mr. KEATING. Is the gentleman from New York [Mr. TABER] correct in his statement that the deal for the Montana Indians was not nearly as favorable as this deal which is now being made with the Oklahoma Indians?

Mr. D'EWART. That is true; and I have some correspondence to that effect.

Mr. KEATING. Does the gentleman know, as a member of the committee, of any reason why we should make a different deal for the two tribes?

Mr. D'EWART. It was brought out in the hearings on the bill H. R. 9219 that these Indians in Oklahoma are not organized as tribes, with tribal estates, as the Indians in Montana.

Mr. KEATING. Could the gentleman answer my inquiry regarding section 4, whether it is a fact that 20 percent of the sum appropriated is to be parceled out as grants rather than as loans?

Mr. D'EWART. That is correct. The 20 percent varies in different bills, but in this bill it is 20 percent. The purpose is to make a grant to these Indians, the thought behind it being that these loans will be made to totally destitute Indians for the rehabilitation of those people. If you would make it all loan, you would put them in a position where you could get none of it back. We follow this practice in the case of farm security loans, where there is total destitution and you want to rehabilitate a worthy person. You must give them some start in the hope of getting the rest of it back. That is the thought behind this 20 percent.

Mr. KEATING. In that respect, is it the same as or different from the arrangement made with reference to the Montana Indians?

Mr. D'EWART. I am not sure that the percentage is the same, but in all the bills there is the grant provision, none of them exceeding 20 percent.

Mr. JENSEN. Mr. Speaker will the gentleman yield?

Mr. TABER. I yield.

Mr. JENSEN. Is it not a fact that in the regular Interior Department appropriation bill for Indians there is some money provided for the relief of these Five Civilized Tribes, as well as the rest of the Indians?

Mr. D'EWART. That is right. There is also a revolving fund that amounts, with the present appropriation, to a total of some $12,000,000. It has been around five to seven million dollars. However, that total amount is not adequate to do the job that we need to do. Somebody raised the question a short time ago as to the repayment of these loans. If you will turn to page 5 of the report, you will find that the repayment of these loans made under this revolving fund has been quite good. In fact, it has been excellent, as a whole.

The SPEAKER. The time of the gentleman from New York [Mr. TABER] has again expired.

Mr. BROWN of Ohio. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. JENSEN. Mr. Speaker, will the gentleman yield further?

Mr. TABER. I yield.

Mr. JENSEN. I am happy to say that the record of the Indians in paying off their indebtedness to the Government has been very good, but I cannot quite understand why you bring in a bill at this time for the relief of Indians, where you will take 20 percent of this $10,000,000 which the bill provides that can be spent for relief; that is, pure grant, when, after all, we had a hearing at the time the Indian Service came before the subcommittee on the Interior Department appropriation bill and we took these matters up. We thought we were providing enough. We were very liberal in granting relief to the needy Indians. Now, to bring in this particular bill for a specific group of Indians, I am afraid would not go well with the rest of the Indians.

Mr. D'EWART. I would say to the gentleman from Iowa [Mr. JENSEN] that the precedent for this bill will be found in the Navajo legislation, wherein we set up a $80,000,000 authorization for a fund to rehabilitate the Navajo Indian Reservation.

We do this because we recognize that we have a peculiar situation which needs special treatment and which must be properly handled if we are ever to rehabilitate those Indians.

Mr. JENSEN. I recognize what was done for the Navajos.

Mr. D'EWART. On that precedent other tribes have come to our committee and asked that they have similar treatment because they, too, said they had peculiar conditions that needed a special loan and revolving fund.

Mr. JENSEN. Yes; and I am sure the gentleman will remember that conditions on the Navajo reservation are so much worse than on any other reservation that they should not be used for comparison at all.

Mr. D'EWART. I know the situation is very, very bad there.

Mr. JENSEN. But in the case of the Five Civilized Tribes in Oklahoma, as the gentleman from New York has explained, they are, generally speaking, in pretty good financial condition. There is a certain percentage which your report shows need relief, and that relief is being given to them, I think, to the degree that all the rest of the Indians of the Nation are getting relief in the regular appropriation bill. If the Indian Service would administer the funds we appropriate in the regular appropriation bill in a manner which is equitable and just to all Indians, there would be sufficient relief.

I think this is dangerous business, to come in here at this late hour and request relief funds for a particular tribe of Indians, especially Indians who have been getting along pretty well, comparatively speaking.

Mr. D'EWART. Let me say that the ranking Republican member on the Interior Appropriation Subcommittee, and also the whole committee, were very generous in their appropriations. The appropriation to the Indian Bureau this year was the largest in history.

Mr. JENSEN. That is right.

Mr. D'EWART. I do not say that more funds could not be used to the advantage of the rehabilitation of certain tribes; I think that is true; but the appropriations this year were very good.

Mr. JENSEN. I thank the gentleman. I had something to do with that; and I am pleased to say that my colleague, the gentleman from Pennsylvania [Mr. FENTON], had a great deal to do with it, because he is a doctor and he was especially interested in the problem of health. He has done great work on that committee and seen to it that the Indians had proper care as far as health and education were concerned, and so on.

Now I should like to ask the gentleman this question: Here we have the balance of this bill, or approximately 80 percent of it, which would be $8,000,000 for loans. I think the record of the Indian service, as far as loans to needy Indians are concerned, has not been so good in a lot of instances.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. McSWEENEY. Mr. Speaker, I yield the gentleman from New York two additional minutes.

Mr. JENSEN. If the gentleman from New York will let me proceed a little further: If the gentleman will remember, in the last session of the Eightieth Congress we appropriated $150,000 to be lent to the Navajo Indians to buy milk animals because old Collier had taken the milk goats away from the Indians and made them buy sheep. Then the Grazing Service told them they were overgrazing and made them sell half of their sheep. We were then asked to lend that money to the Indians who needed a milk goat or two

I understand there has not been a single loan made up to date for that purpose, so I am wondering if this $8,000,000 is going to be treated in that manner.

Mr. HOFFMAN of Michigan. Where do you get the eight?

Mr. JENSEN. Eighty percent of $10,000,000 is $8,000,000.

Mr. HOFFMAN of Michigan. Is the gentleman going to vote against the bill?

Mr. JENSEN. I think this bill has been hastily considered and it should go back for more consideration before the House passes on it.

Mr. D'EWART. Nobody knows better than the gentleman from Iowa that in connection with several of these tribes throughout the country we have a difficult situation and only by giving those Indians a chance to rehabilitate themselves are we ever going to help them so that they will become self-supporting independent citizens. It is going to take special treatment. We have got to face that fact if we are going to make them self-supporting citizens of the country.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BROWN of Ohio. Mr. Speaker, I express my appreciation to the gentleman from New York for his explanation of this matter.

Mr. McSWEENEY. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. MORRIS].

Mr. MORRIS. Mr. Speaker, I hold in my hand the hearings in regard to this bill and if you will examine them you will see that this bill was not hastily considered. We gave it the most careful and earnest consideration.

It seems to me, Mr. Speaker, that there is a serious error here; in fact, I know there is a serious error, although I am sure it is a good-faith error, in indicating that we have played favoritism. Why, I could ask a number of you to stand up over there on that side who have come to our committee and we have been happy to help you with your bills.

The truth of the matter is that four bills similar to this one have been passed for Members on the minority side and their States, two for our late beloved friend from North Dakota [Mr. Lemke] and two for the distinguished and outstanding Member of this House, our good friend, the gentleman grom Montana [Mr. D'EWART]. Those bills are similar, they are all of the same pattern. Of course, there must be some detailed differences because of the different circumstances involved, but you will find that in regard to the loans to these Indians, whether those loans were secured by tribal funds or property or not, the record in regard to those loans is far ahead of the record of many white people of America. These Indians have made an outstanding record in this Nation in the returns that these good people have made on the loans which have been made to them.

I just call your attention to this fact that it would be tragic, in my judgment, for us to turn this bill down. Since you have raised the question of partisanship—I would not have raised it—but certainly you good friends over there are not going to maintain a partisanship issue at this time since the record will show that we passed four bills for gentlemen on your side.

Mr. JENSEN. Mr. Speaker, if the gentleman will yield, I want the gentleman to leave politics out of it.

Mr. MORRIS. I will yield in just a moment after I finish my statement. I say, it would be tragic, gentleman, if we should become involved in a partisan issue, and I certainly do not want the bill to be involved in a partisan issue, because our committee does not feel that way. There is no partisanship on our committee. We did not pass four bills just because they were Republican bills, of course not. We passed them because of the merits of the bills. But, we passed them.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. MORRIS. I yield to the gentleman from Iowa.

Mr. JENSEN. The gentleman is the only man that has injected partisan politics into this at all.

Mr. MORRIS. No; I beg your pardon.

Mr. JENSEN. Just because I happen to be a Republican and am proud of it, I did not raise the question of partisanship or politics at all.

Mr. MORRIS. No; I did not accuse the gentleman of it at all. I based my statement on the statement made by the gentleman from New York. Probably I used the wrong word in saying "partisanship" and I withdraw that

statement. He said "favoritism." Maybe I had in mind the fact that this bill applies to my own beloved State, not from my district, but over on the east side of my State, and maybe I had in mind a matter that the gentleman did not in any way indicate. But, the gentleman from New York did say that this bill was showing favoritism. But, gentlemen, it is not showing favoritism. There was never any effort on the part of this committee to show any favoritism toward any particular group. We were here trying to do for these good Indian people what we have done for good Indian people in other parts of the United States.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. MORRIS. I yield.

Mr. JENSEN. Certainly there is no favoritism or partisan politics done in connection with those Five Civilized Tribes as far as this bill is concerned because, as I understand, they are about evenly divided between the Democratic Party and the Republican Party.

Mr. MORRIS. Let me clear up this question. I will say to the distinguished gentleman from Iowa that I probably used the wrong term there. If I left any inference at all that he or anyone else was trying to inject partisanship in it, I withdraw it, because I did not mean it. What I intended to say was that the distinguished gentleman from New York had suggested that favoritism was being played here. I know he said it in good faith, no doubt, because of the terms of this bill. But, gentlemen, I assure you never was there any intention on the part of our committee to play politics nor to play partisanship.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MORRIS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. I have in my home county and district Pottawatomie and Ottawa Indians, and they are taking care of themselves, farming and in business. Had I not better introduce a bill to take care of them?

Mr. MORRIS. Probably the gentleman should.

Mr. HOFFMAN of Michigan. Have I been negligent?

Mr. MORRIS. No, I do not say that. Just let me read this to you.

Mr. HOFFMAN of Michigan. No. Just tell me about my good Indians. I do not care about the Oklahoma Indians.

Mr. MORRIS. Let me read this. As to these particular tribes the record shows that there are 1,026 families, not individuals, but families, who have an annual income of below $449. There are 2,810 who have between $500 and $999. There are 6,850 who have from $1,000 to $1,499 and there are 3,514 who have over $1,500. That is why I made the statement that it would be tragic if a partisanship charge or charge of favoritism should defeat the bill. And I withdraw any suggestion of charge of partisanship. I did not mean to accuse anybody of playing politics. I was trying to defend against the charge of favoritism.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. McSWEENEY. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. BROWN of Ohio. Mr. Speaker, I yield the gentleman 3 minutes.

Mr. RICH. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, this is my last will and testament.

Mr. Speaker, I have been a Member of Congress for 18 years. Soon after I became a Member of this body, I heard the deceptive voice of a former President proclaim to the people of the United States that our Government under Republican administrations was too extravagant, and loudly promise he would reduce the cost of Government at least 25 percent if he were elected President.

The people took him at his word and were sufficiently gullible to believe he was telling the truth. They accordingly elected him President because of this promise to reduce governmental expenses 25 percent under the cost of Republican expenditures. They believed no man could make such promises and not fulfill them. But he deceived them woefully. Instead of reducing governmental expenses 25 percent, he increased them tremendously until today instead of an indebtedness of approximately twenty-one billions at the time he took office, our Nation under him and his successor has a bonded indebtedness in excess of $260,000,000,000, with an ever-increasing annual tax roll.

I was shocked and appalled at this deception and perfidy. I tried in every way since I have been here to cut down governmental expenses, all to no avail. Almost daily I arose in this Chamber and asked, "Where are you going to get the money?" For my persistence and courage in asking this question I have received hundreds of commendatory letters from every section of America. I have been called "Where are you going to get the money RICH," and importuned not to retire from Congress but to continue asking the question. However, since I have now uttered this slogan for 18 years and shall voluntarily return to private life, I now hope patriotic Members of this body will continue to ask the same question. It is a slogan more necessary today than when the former President first started us down the road to both moral and financial bankruptcy. It must be continued after I have departed from this body and answered my last roll call.

Therefore, being conscious of the necessity that the question, "Where are you going to get the money?", should not be permitted to die after my retirement from this body, I do hereby will, give, and bequeath said question to my friend, the Honorable LEON HARRY GAVIN, of the Nineteenth District of Pennsylvania, a patriot of unquestioned and well-known standing, to use daily in this body during his congressional life, and at his departure, to give and bequeath it to such patriotic successor as may to him seem most appropriate and just.

In witness whereof, I do hereby sign my name and affix my seal this 21st day of September A. D. 1950. ROBERT F. RICH.

Witness: All the Members of the House of Representatives.

May I say to the gentleman from Pennsylvania [Mr. GAVIN] that I want him as executor to see that this request is carried out. I now yield to the gentleman from Pennsylvania.

Mr. GAVIN. Mr. Speaker, this is a rather startling announcement, and a tremendous responsibility that I am asked to assume—to be the one selected to carry on the tradition of our good friend, the gentleman from Pennsylvania, BOB RICH, and ask, "Where are we going to get the money?"

It is to be regretted that BOB RICH will not be a candidate again. He played a most important part in the Congress of the United States and his work will be long remembered. He is one of the outstanding Members of the House and has won for himself the hearty commendations of the membership on both sides of the aisle.

He will leave a place that will be difficult to fill and the grave responsibility he is charging me with is one that will keep me on the alert.

I want to say to my colleagues that I consider BOB RICH a sound, clear thinker, a patriotic, devoted, loyal American who has had the interests of his country and his people at heart at all times. He is one of the most outstanding men ever sent to the Congress of the United States from the great State of Pennsylvania. The phrase he coined—"Where are we going to get the money?" will be long remembered.

It is a phrase that should be reiterated here day after day because of the fact the old ship of state is wallowing in heavy seas and headed toward the rocks of bankruptcy. If we had cut down on our domestic spending and put our money into the national-defense program, we would be in a position to meet the heavy demands that are now being made and will be made upon us.

So I want to assure my good friend that, although it is a difficult assignment, I will to the best of my ability keep before the House his historic phrase, "Where are we going to get the money?" even though it will, in the future as it has in the past, fall upon deaf ears.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. McDONOUGH. In spite of that oft-repeated phrase which has been willed to the gentleman from Pennsylvania [Mr. GAVIN], has Mr. RICH—or do you, Mr. GAVIN, have any idea where we are going to get the money? Can you give us an answer to that question?

Mr. GAVIN. That is very difficult to answer, and really I would have to give it considerable thought because it is a problem with which we have been confronted here during the past 18 years. BOB RICH has been asking this question day in and day out for years, and he has never had an answer—although the national debt has been steadily mounting, and it is now about $258,000,000,000. Certainly I cannot answer the question. The responsibility for answering this question belongs to the people who have

been advocating these spending programs over a long period of years. They are the ones to answer, "Where are we going to get the money?" The American taxpayer would be greatly interested in knowing the answer, too.

Mr. BARRETT of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. BARRETT of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks following the gentleman from Pennsylvania [Mr. GAVIN].

Mr. GAVIN. Mr. Speaker, reserving the right to object and I will not object, however, I would like to know what are the gentleman's remarks about?

Mr. BARRETT of Pennsylvania. To show possibly where we can get the money.

Mr. GAVIN. Good. We will certainly be glad to have any suggestions. They would be timely.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. BARRETT]?

There was no objection.

Mr. BARRETT of Pennsylvania. Mr. Speaker, my entire constituency is gravely concerned that Congress is planning to recess without having taken action on excess-profits-tax legislation. The recent action of the Congress in instructing the House Ways and Means Committee to prepare an excess-profits-tax measure for consideration when the Congress reconvenes in November of this year has been of some consolation to them, but I am taking this means of stressing the importance of insuring the average American citizen of protection from the ruthless profiteers who have already capitalized on the present conflict in Korea by effecting exhorbitant increases in prices during the past several months.

The Eighty-first Congress, by its rapid action on legislation to increase our Armed Forces and to appropriate funds to meet the crisis in Korea, has given the American public the confidence that the United States stands willing and able to repel foreign aggressors. However, unless we enact the necessary legislation to protect our citizens from the gouging profiteers who have attacked our home front with piercing price tags, we cannot possibly be victorious in the present challenge to our democratic way of life.

It is not necessary for me to quote statistics to prove the abnormal increase in the wholesale price index of all commodities throughout the Nation since the outbreak of the armed conflict in Korea. Such data have been inserted in the RECORD heretofore and, furthermore, the housewife and small-business man needs only to review her or his cash balance for the past 3 months to detect the venom of big business.

The added cost to the Federal Government to carry out its present program to adequately defend the United States and our obligations as a member of the United Nations must, of course, be absorbed in the form of higher taxes. If, as provided in the new revenue act the private individual with a fixed income or small-business establishment is to be called upon to pay higher income taxes, there is absolutely no reason why big business should not be called upon simultaneously to increase its contribution toward the cost of operating our governmental affairs. Ever since the shooting began in Korea, prices began to shoot upward. The same large companies which have not as yet been called upon to make a greater contribution toward the Government immediately increased the prices of all the things which are the necessities of life. They did this before there was a shortage of anything and without any increased labor costs. They are already profiteering from the great masses of people who are and will be called upon to make tremendous sacrifices and who are being taxed at a higher rate themselves.

The need for excess-profits-tax legislation is a must, not only in the sense of equality, but also as a step necessary to fill the inflationary gap caused by the increased deficit as a result of the appropriations needed to maintain an effective defense program. The revenue derived from this source would diminish the difference between the amount spent and the amount taken in by the Government in taxes and thereby stabilize our national economy. By cutting down the inflationary gap we can avoid all-out price and wage controls and prevent prices from skyrocketing and avoid rationing.

I sincerely hope that the Eighty-first Congress will maintain its splendid record of protecting the welfare of the average American citizen by reimposing the excess-profits tax without delay.

Mr. McSWEENEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MRS. ELIZABETH GREEN

Mr. STANLEY. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 859), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there shall be paid out of the contingent fund of the House to Mrs. Elizabeth Green, widow of Preston Green, late an employee of the House of Representatives, an amount equal to 6 months' salary at the rate he was receiving at the time of his death and an additional amount not to exceed $350 toward defraying the funeral expenses of said Preston Green.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SYMPOSIUM ON EXECUTIVE REORGANIZATION

Mr. STANLEY. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Con. Res. 284) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the symposium entitled "Executive Reorganization" be printed as a House document, and that 2,500 additional copies be printed, of which 2,000 copies shall be for the use of the House Committee on Expenditures in the Executive Departments and 500 copies for the use of the Senate Committee on Expenditures in the Executive Departments.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK OF THE HOUSE TO APPROVE PAYMENTS OF GRATUITIES DURING RECESS OF CONGRESS

Mr. STANLEY. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 860) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the period of any adjournment or recess of the House after the close of the second session of the Eighty-first Congress until January 3, 1951, the Clerk of the House is authorized to pay out of the contingent fund of the House an amount equal to 6 months' salary of any deceased employee of the House at the rate such employee was receiving at the time of his or her death and an additional amount not to exceed $350 toward defraying the funeral expenses of any such employee to whomever in the judgment of the Clerk is justly entitled thereto subject to the approval of the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPENSES OF SELECT COMMITTEE CREATED BY HOUSE RESOLUTION 474

Mr. STANLEY. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 832) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the expenses of the investigation and study to be conducted by the select committee created by House Resolution 474 not to exceed $40,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

With the following committee amendment:

Page 1, line 3, strike out "$40,000" and insert "$30,000."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL EXPENSES, HOUSE COMMITTEE ON LOBBYING ACTIVITIES

Mr. STANLEY. Mr. Speaker, by direction of the House Committee on Administration, I offer a privileged resolution (H. Res. 828) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the expenses of the investigation and study to be conducted by the Select Committee on Lobbying Activities, created by House Resolution 298, not to exceed $25,000, including expenditures for the employment of investigators, attorneys, and

clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

With the following committee amendment:

Page 1, line 3, strike out "$25,000" and insert "$20,000."

Mr. LECOMPTE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LECOMPTE. This is a privileged resolution?

The SPEAKER. It is.

Mr. LECOMPTE. Is it in order for me to offer an amendment, or will the gentleman from Virginia yield that I may offer an amendment to the committee amendment?

The SPEAKER. The gentleman from Virginia can yield to the gentleman to offer an amendment.

Mr. STANLEY. Mr. Speaker, I yield to the gentleman from Iowa to offer an amendment.

Mr. LECOMPTE. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Mr. LECOMPTE offers the following amendment to the committee amendment: Strike out "$20,000" and insert in lieu thereof "$10,000."

Mr. LECOMPTE. Mr. Speaker, this resolution was introduced in good faith by the gentleman from Pennsylvania [Mr. BUCHANAN] who is chairman of the special committee engaged in studying lobbying activities, but at that time the gentleman from Pennsylvania felt he needed $25,000. The House Administration Committee, after some investigation, concluded that $20,000 would be sufficient, but I have talked with a number of members of the Committee on Lobby Investigation, and I think it is expected to bring the entire proceedings to a close at an early date. So I am of the opinion that $10,000 should be sufficient to clean up the job.

I should like to say to some of the Members on this side of the aisle who have expressed to me the opinion that they did not want to give this committee any more money, or not more than $5,000, I think $10,000 is a splendid compromise. The investigation was ordered by the House a year ago, and this is a subject well worth study.

Mr. BUCHANAN. If the gentleman will yield, I agree to the gentleman's amendment without any question.

Mr. LECOMPTE. Is the gentleman going to tell the House how soon he expects to have the printed report ready for distribution?

Mr. BUCHANAN. Five copies of the hearings, of which there are 10, have already been released. The others are in a state of publication. The report of the committee will go to the printers this week end, that is now a third revision of the report. No issuance of that report has as yet been made public, although there have been some excerpts, or parts of it possibly, released. Nevertheless, it will be a matter of about 2 weeks, I understand from the Government Printing Office, before we shall get the galley proof on that draft. So after the committee has given that galley proof full consideration, which will probably take a week or 10 days, the report will be made available. As to when that will be released, I should not think that it will be ready by the 15th of October. There will be some 5,000 copies of that report printed, of which about 10 for every Member of Congress will be apportioned.

Mr. LECOMPTE. Do you think that $10,000 will be sufficient to clean up the work of your committee?

Mr. BUCHANAN. I think that the amount will be sufficient to complete the work of the committee.

Mr. STANLEY. If the gentleman from Iowa has concluded his remarks, I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the action of the gentleman from Virginia in yielding to me.

I am not going to oppose this amendment or this resolution, with the understanding, of course, as the gentleman from Pennsylvania has pointed out, that the amount appropriated is to be used simply for the purpose of making the report, and winding up the affairs, of the committee.

I was interested in the remarks of the chairman of the committee, the gentleman from Pennsylvania [Mr. BUCHANAN] as to when the committee report would be ready. It is my understanding that the Congress is to soon recess until sometime in late November. Most of us will be quite busily engaged in other activities during the month of October. There is grave question in my mind whether the committee can get back to Washington and can give the time necessary to the discussion of the so-called interim report of the committee before Congress reconvenes.

I am wondering if I can have assurance from the chairman that there will be no interim report put out, either officially or unofficially, either through action of the committee or action of the staff, prior to the time the full committee has met here to go over and to either approve or disapprove the report.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. BUCHANAN. I may say in answer to the gentleman's query that adequate time will be given to the full committee to peruse and analyze the report.

Mr. BROWN of Ohio. If it is necessary to wait until after the election——

Mr. BUCHANAN. I cannot assure the gentleman of that.

Mr. BROWN of Ohio. Then I want to serve notice now on the chairman of the committee and to the Members of the House that I reserve the right to submit a minority report.

Thus far there has been no discussion in the committee, to my knowledge, no detailed discussion at any rate, of the so-called interim reports which have already been printed and published. I am very much distressed and disturbed over the fact there have been continuous leaks from our committee, quotations in the newspapers and in the press of the country from files which had never been made a part of the official committee hearings records, or had not been brought to the attention of the full committee. I am hoping some action can be taken so that in the weeks ahead the material which has been obtained by this committee and by its staff under subpena and by other methods, will not be used for the purpose of smearing Members of Congress or other individuals, and that there will be no interim report put out unless the minority and the majority members of the committee get an opportunity to sit down and discuss this whole report matter, as we ought, in the American way.

I hope it will be possible to draft a report which is factual, and tells the whole story as to both sides of the street, and gives the true picture as it was developed in the committee hearings, without resorting to attempts to mislead anyone, or to misrepresent what the hearings actually show. We should also get down to the place pretty soon where we do that which we were ordered to do by the House: Bring in some sort of recommendation as to how we can better the lobby law. Thus far we have had much discussion of one thing, the lobby technique used on both sides of the street, and we have found such technique followed to be almost identically the same, whether by liberal or conservative groups—just that and nothing more.

Mr. LECOMPTE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. LECOMPTE. Does the gentleman say that the committee has not yet discussed lobbying?

Mr. BROWN of Ohio. No; we have not discussed the betterment of existing law. We have not yet got down to considering or discussing what should be done to amend the Lobby Act, or what we should do to correct and better the law. Instead of that we have had a great many lengthy hearings in which the committee brought in certain people, pried into their affairs and discussed their activities. But what are we going to about it? That is what I am trying to find out.

Mr. LECOMPTE. How long has this committee been in existence?

Mr. BROWN of Ohio. I believe it was created last October and started work in December with the staff and then began hearings in March. My only interest in bringing this problem up, and it is not a pleasant task or a pleasant thing I am doing, is because I have the firm conviction that someone or some group or groups have been using the committee as a vehicle to attempt to mislead the public, and to blacken the names and reputations of certain individuals and groups, by not giving a true picture or a completely factual report as to what we have learned on lobby activities. I certainly will not approve any biased, unfair report. I shall be compelled to put in a minority report, unless the report prepared by the staff can receive the approval of all members of the committee as being a fair report.

Mr. BUCHANAN. I may say that the purpose of all committees, of course, is to try to reach an agreement on a report.

That will certainly be the purpose of the House Committee on Lobbying Activities. That being the case, naturally the minority will be given an opportunity to file a minority report.

The SPEAKER. The question is on the amendment offered by the gentleman from Iowa [Mr. LECOMPTE] to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPEAKER AUTHORIZED TO DECLARE A RECESS

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that it may be in order at any time during the balance of this week for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS ON CONFERENCE REPORT ON THE SUPPLEMENTAL APPROPRIATION BILL

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the conference report on the supplemental appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FIVE CIVILIZED TRIBES

Mr. PETERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9219) to promote the rehabilitation of the Five Civilized Tribes and other Indians of eastern Oklahoma, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 9129, with Mr. GORE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. PETERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. STIGLER].

Mr. STIGLER. Mr. Chairman, before entering into a discussion of the pending measure, I want to take this opportunity of thanking the members of the House Rules Committee for granting this rule. This bill will mean so much to the Indians of the eastern part of Oklahoma. It will ultimately mean the complete economic emancipation of those who are in the lowest income group from the supervision of the Indian Bureau and rehabilitate them so they can live on a par with the average white citizen.

I too would pay tribute to my distinguished colleague from Oklahoma [Mr. MORRIS], the chairman of the House Indian Affairs Subcommittee of the Public Lands Committee, whose reputation for being a hard worker is unexcelled in this body.

His committee, so I have been advised, has considered more Indian legislation under his leadership than any other previous House Indian Affairs Committee. I have had many Indians throughout the United States come to my office after appearing before the gentleman's committee and sing his praises as well as other members of his committee.

The splendid cooperation I have received from my other colleagues in Oklahoma is also worthy of honorable mention. Messrs. ALBERT, GILMER, STEED, MONRONEY, WICKERSHAM, and WILSON, who have Indian citizens in their congressional districts, have rendered valuable service to the Indians of these tribes in getting this piece of legislation before this body.

This bill, H. R. 9219, only affects Oklahoma, particularly the eastern part, where the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Indians, known as the Five Civilized Tribes, are located. The Five Civilized Tribes jurisdiction comprises some 40 counties in eastern Oklahoma. Their original habitat was east of the Mississippi River ranging all the way to the Atlantic seaboard. Generally speaking, the Cherokees were in the vicinity of Georgia and North Carolina; the Choctaws just west; the Chickasaws a bit north and west; the Seminoles somewhat to the south; and the Creeks farthest west.

All were removed to the Indian Territory, now the State of Oklahoma, in the 1830's. Their removal was the subject of a very renowned book called The Trail of Tears. It describes the misery, hardships, and the many deaths over the route. The removal evoked much bitterness.

When hearings were conducted before the House Indian Affairs Subcommittee on this bill, testimony was given showing the economic conditions of these Indian tribes. They were divided into four groups, namely:

Group 1, 7 percent, enjoy highest living standard which the State affords.

Group 2, 44 percent, middle-class, comfortable homes, well fed and clothed.

Group 3, 27 percent, low income, bad housing, difficult living, but not on relief.

Group 4, 22 percent, lowest standard, bad housing, disease, frustration, and all on relief.

Thus it will be seen that group No. 1 needs no financial assistance. Group No. 2 requires a source of credit for operation, purchase of land, and so forth, which many of them are unable to attain through regular credit channels. Group No. 3 can be rehabilitated through employment service, loans for land and education, housing, livestock, equipment, and operating expenses. Group No. 4 cannot be rehabilitated by credit alone, but must first be brought up to a subsistence level by grants and small loans after which some of them can then be raised by further grants and larger loans.

There are approximately 64,000 Indians residing within the area of the Five Civilized Tribes comprising some 14,200 families. Of this total population, approximately 26,000 are designated as restricted Indians. The Indian Agency which has jurisdiction over these Indians is located at Muskogee, Okla., which is in my district.

The purpose of this bill is as stated in its title—rehabilitation of the Indians of the Five Civilized Tribes. It is believed this can be brought about by:

First. Revising the revolving loan provision to include land purchases on long-time plan for rehabilitation;

Second. Extending revolving loan purchases to include small business loans for other than farming;

Third. Expanding educational loan fund for deserving Indian youths;

Fourth. Devising some formula for erecting low-cost serviceable houses on time payment; and

Fifth. Providing an employment and replacement unit under Indian Service supervision to cooperate with State and Federal employment agencies for the placement of the able-bodied, substandard Indians.

Section 2 authorizes an appropriation of $10,000,000 as a revolving credit loan created to assist in carrying out the purpose of the bill. These funds will be in addition to the fund contained in the revolving fund created by the act of June 18, 1934 known as the Wheeler-Howard Act and the act of June 26, 1936, known as the Oklahoma Welfare Act.

Section 5 (a) authorizes loans to individual Indians and to associations and corporate groups of Indians organized pursuant to the act of June 26, 1936, in the area of eastern Oklahoma occupied by the Five Civilized Tribes.

Section 4 authorizes the use of not to exceed 20 percent of any amounts appropriated under authority of section 2 of the bill to assist Indian borrowers during initial periods of operations of their credit-financed enterprises and with their education advancement. This amount is nonreimbursable. It is designed to help particularly those Indians who come within group No. 4 classification. The section further provides that nonreimbursable funds cannot be used for payment of taxes nor for payment of principal or interest on loans.

The act of Congress of April 26, 1906, closed the rolls of the Five Civilized Tribes except for some minor children living March 4, 1906, whose parents had been enrolled as members of these tribes. When the rolls of the tribes were finally approved, they showed the following number of Indians duly enrolled:

Cherokees	38,242
Chickasaws	5,978
Choctaws	20,471
Creeks	12,029
Seminoles	2,155
Total	78,875

According to a recent report of W. O. Roberts, area director of the Five Civilized Tribes, the situation today in the Five Civilized Tribes finds a contrasting state of affairs among our Indian people. The operations of State laws, citizenship, and increasing responsibilities thus placed upon Indians has worked very well for many. Many of our Indians of one-quarter or more Indian blood, and certainly those of less than one-quarter

blood are fully adjusted into the affairs of the area about them. They will be found among the successful doctors, lawyers, ministers, businessmen, farmers, skilled laborers, artists, musicians, and so forth. But on the other hand, it is certainly true that there are a very considerable number of Indian people in each and all of the Five Tribes who have not been able to adjust to the demands around them. Part of the difficulty may be found in the fact of poor selection of land to begin with. The less experienced and discerning were forced to take allotments back in the hills where the land was of exceedingly poor value. The fact of poor resources meant a corresponding slowness in the development of schools, good churches, business activity, good roads, and other evidences of progress. Such communities remained in a neglected state and as the land escaped from the Indians, white operators contributed further to community decline by denuding timberland and setting up a grazing or range type use of lands, pushing Indians farther aside. As a consequence, much of the third generation following statehood will be found in a sadly neglected state of affairs. The problem is essentially one of social and economic rehabilitation. The basic stock is good. If proper opportunities are brought into the area, progress is inevitable. We believe this bill is the answer to their needs.

Some statistical data regarding population of these tribes may be interesting. The following was prepared on January 3, 1950, by the area director for the Five Civilized Tribes for the Subcommittee on Indian Affairs of the House Public Lands Committee:

Regarding population

(a) Estimated total number of Indians of one-fourth or more degree of Indian blood by tribe:

Choctaw	16,000
Chickasaw	3,200
Cherokee	25,600
Creek	16,640
Seminole	2,560
Total	64,000

(b) Estimated total number under 18 years for each tribe, on basis of 46 percent of population being under 18 years of age:

Choctaw	7,360
Chickasaw	1,472
Cherokee	11,776
Creek	7,654
Seminole	1,178
Total	29,440

(c) Estimated total number of females for each tribe, on basis of 49 percent of population:

Choctaw	7,840
Chickasaw	1,568
Cherokee	12,544
Creek	8,154
Seminole	1,254
Total	31,360

(d) Estimated total number of males for each tribe, on basis of 51 percent of population:

Choctaw	8,160
Chickasaw	1,632
Cherokee	13,056
Creek	8,486
Seminole	1,306
Total	32,640

(e) Estimated total number of full-bloods for each tribe:

Choctaw (32 percent of population)	5,120
Chickasaw (13 percent of population)	416
Cherokee (20 percent of population)	5,120
Creek (36 percent of population)	5,990
Seminole (40 percent of population)	1,024

Summarizing, may I say, Mr. Speaker, that it is the concensus that this bill will provide the vehicle which will allow all of our Indians in the Five Civilized Tribes area in the lower and middle income bracket to take their places as most desirable and thrifty citizens of the community where they are. The objective cannot be attained without this help. Enactment of such legislation is long past due. In view of the fact that the Indians whom this legislation is designed to assist, are still wards of the Government, our Government has a solemn obligation and a sacred trust to extend every assistance possible which will assist them in attaining economic independence. Until this is done a great debt remains unpaid. I trust, Mr. Chairman, this bill will pass.

Mr. D'EWART. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, there seems to be some misunderstanding as to this bill, the history behind it, and the purpose of the legislation.

This bill authorizes a rehabilitation program for the Five Civilized Tribes of Indians in Oklahoma. It provides for a well-rounded economic development program of these Indians, based on the experience we have had in other legislation and in rehabilitating Indians on other reservations.

The first legislation of this kind related to the Navajo Indians. We had that bill up 2 years ago. It was vetoed by the President, and after revising it, this Congress passed it again. It provides for a large sum of money, some $80,000,000 or $90,000,000, for the rehabilitation of the Navajo Reservation Indians. That bill was passed only after a long and extensive study. The program was based on experience in handling rehabilitation of the Indians.

Since then we have had applications from different tribes for a somewhat similar program. I believe there is one in North Dakota, one in Minnesota, and two in Montana, the Navajo bill, and this one for the Oklahoma Indians.

It is based on a loan program to a large extent. Several years ago the Congress set up a revolving loan fund for rehabilitation of the Indians. We set up a Bureau inside the Indian Service for the handling of that revolving loan fund. It started out with a small appropriation, and has grown to where last year I believe it was $7,000,000. I think it was increased to $12,000,000 by the Appropriations Committee this year, when you include repayments that have been made that have added to the fund.

We have had a great deal of experience in handling the fund. It has worked out very well. The repayments have been good. The effect on the Indians has been good, by and large. The experience we have gained in handling the fund has helped us in writing this bill. The loans are sometimes made to individual Indians and sometimes to associations, and at other times to the Indian organization, depending on the circumstances and conditions in the particular tribe. The experience gained from the revolving fund loans shows that it has been wiser to make the loans to associations and permit these associations of Indians in turn to lend that money to the individual Indians, the association guaranteeing the loan. That, of course, is based on the experience we have had in making loans to white farmers under the AAA program. The repayments have been good. The interest has been repaid, and on the whole, the experience has been good on these loans. I visited the Indians in Florida this spring. There we made a large loan for the rehabilitation of those Indians. They invested the money in cattle. The Indians in Florida have a very good loan program at this time. They have some 2,000 cattle. We were told on our visit there that in a matter of 2 or 3 years the loan would be repaid 100 percent. That means the complete rehabilitation of the Indians there.

So, based on the experience we have had in other cases we have brought in 5 or 6 bills for the rehabilitation of individual Indian tribes, the loans to be made on the basis of the experience we have gained in making revolving-fund loans and rehabilitation loans. I think if we are going to give these poorer Indians, the Indians with incomes of less than $400 the chance to rehabilitate and develop themselves to the point where they will have the capacity, the experience and background to carry on, some such program as this is necessary. Possibly this is not the right program, but it is the only one we have been able to develop to date. I think we should go along with this kind of program at this time until we find a better way to rehabilitate the Indians.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. D'EWART. I yield.

Mr. KEATING. I asked the gentleman from Oklahoma to yield when he had the floor, but the gentleman declined to do so. The purpose of my question is this: There has been talk, as he said, of possible favoritism here. Can the gentleman tell us very simply whether this bill is the same kind of bill which we passed for other Indians in other parts of the country, or whether it is different, and if so in what respect it is different.

Mr. D'EWART. This bill differs in the case of one or two of the other bills in that the tribe is not asked to guarantee the loan. I might say none of these bills have passed the other body except the Navajo bill. They are all there and it seems to me they are going to stay there. This bill, however, does differ from one or two of the other bills in that the tribe itself is not asked to guarantee the loans. If these loans are made through the association of the Civilized Tribes, then the association undoubtedly will be asked to guarantee the loans.

Mr. KEATING. Has the Navajo bill passed both House and Senate, and is it now law?

Mr. D'EWART. The Navajo bill passed both Houses about a year ago.

Mr. KEATING. Did that bill contain a provision for guaranteeing the loans which has been referred to here?

Mr. D'EWART. I would not want to say for certain, but I do believe it is guaranteed only by associations not by the tribe. The Navajo bill has only been in operation about a year—it carries an authorization of some $80,000,000; but I believe the Appropriations Committee appropriated eight or nine million under that program this year, and it is just barely getting started.

Mr. KEATING. Have we ever passed any bill relating to Indians which did not contain a guarantee provision?

Mr. D'EWART. None of them have become law that I know of.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. D'EWART. I yield.

Mr. ALBERT. Is there not a difference between those Indians who live on reservations, and whose property is tribal property, and the Indians of the Five Civilized Tribes, who have no tribal lands but who are individual citizens and live separately?

Mr. D'EWART. I would say that the witnesses from Oklahoma made that point before the committee. I will have to admit that I was not wholly satisfied with it, because those Indians have had judgments against the United States for rather large sums of money. I believe they have claims against the United States Government at this time. Those claims and those judgments could doubtless be used to guarantee these loans, if they were willing to do so.

The CHAIRMAN. The time of the gentleman from Montana has again expired.

Mr. D'EWART. Mr. Chairman, I yield myself two additional minutes.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. D'EWART. I yield.

Mr. TABER. I wonder why it is, at a time when we are importing foreign labor from Mexico, and a great deal of it goes into States bordering on Oklahoma, that these people are not put to work at farm work and allowed to earn a living, instead of importing Mexican labor.

Mr. D'EWART. I am glad the gentleman from New York brought up that point. One of the items for which the nonreimbursable part of this bill will be used is to provide guidance for off-reservation work. I think the gentleman will remember that a couple of years ago we appeared before his committee and asked for a small sum to help the off-reservation work for employment of Indians outside the Navajo Reservation. The committee granted a few thousand dollars for that purpose. I will say to the gentleman that has been one of the most successful programs we have had to rehabilitate the Navajo Indians, up to date. I visited the Navajo Indian Reservation last fall, and every able-bodied Navajo Indian was out working, under the guidance of the program that was set up. There were applications for more Indians than there were Indians able to go.

When you take an Indian who cannot speak English, who has had no education, and put him on a railroad job or in a mining job or in a beet field, he must have some guidance in order to get those funds back to his family, in order to meet the social conditions surounding his job, and also guidance under the law so that he will get unemployment insurance when he gets home. Therefore, that program for guidance of off-reservation work for Indians has been one of the most successful efforts that we have had so far in rehabilitating the Indian.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. D'EWART. I yield.

Mr. CANFIELD. The gentleman from New York [Mr. TABER] points out that many of the Indians are extremely wealthy, and I believe the report bears out that statement.

Can the gentleman tell me if these wealthy Indians are engaged in any charitable enterprise for their less prosperous brothers?

Mr. D'EWART. I have never visited Oklahoma. I am not in a position to answer that question.

The CHAIRMAN. The time of the gentleman from Montana has again expired.

Mr. PETERSON. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Chairman, I rise in support of House bill 9219, a measure which will be of inestimable value to the members of the great Five Civilized Tribes who reside principally in eastern Oklahoma.

I cannot undertake a discussion of the merits of this proposal without first commending my colleague, the gentleman from Oklahoma [Mr. MORRIS] for the tireless and conscientious effort he has devoted to this matter and for the dispatch with which he has brought it to the floor of this House. His efforts will be appreciated not only by the Five Civilized Tribes but by the entire State of Oklahoma, because, in the final analysis, this bill will be of inestimable value to all of the people of our State.

I also want to take just a moment to congratulate our colleague, the gentleman from Oklahoma [Mr. STIGLER] who is the author of this bill. No Member of this House has manifested more constructive statesmanship with respect to the problems of the Five Civilized Tribes. I believe that, if you will check the various measures he has sponsored through to enactment since his election to Congress, you will agree with me that his record in this field is unsurpassed in the annals of Congress.

This is a rehabilitation measure. A vital, active program of this kind is sorely needed. While some 10 percent of the members of these tribes enjoy the highest standard of living known to our people, many of them, particularly in remote agricultural regions in the hill country of our State, live on submarginal land and have neither the educational opportunities, economic resources, nor technical skills to raise their living standards even to minimum levels. Many of them have been reared on farms and, with a little help, would make successful farmers. They need money to purchase land or equipment with which to carry on their operations. In some cases they need advice on modern farming practices. They are not asking for charity. This bill merely authorizes loans, on convenient terms, for business, agricultural, and educational purposes.

In my judgment there are two main reasons why legislation of this kind is necessary:

First. Funds now made available to these tribes under present legislation are inadequate to do the job.

Second. Restrictions on these loans under existing law are such that in many instances, if not in most instances, these loans cannot be made to those who need it most. Credit restrictions are too severe. The emphasis in making these loans should be on the character of the borrower and not on his collateral.

In my judgment no measure ever submitted to this House will do more for the rehabilitation of the Five Civilized Tribes in Oklahoma than the pending bill. I hope the House will pass it without a dissenting vote.

Mr. D'EWART. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, the approach to this proposition to my mind is entirely wrong; in other words, here is a group of people who are said to have incomes—a thousand families of them with incomes of under $500; and 2,800 families with incomes of under $1,000; and yet we have the spectacle in Texas, in Arkansas, and adjoining States of the farmers bringing in a lot of laborers from Mexico who are just as different from the standpoint of language and custom as are the Indians—and these people not earning money enough to live on. The whole picture does not present evidence that the governmental authorities have used any sense at all in approaching this problem.

Ten million dollars is provided in this bill.

The income of these people in the last year is reported to have been $22,607,000, according to the committee's report. That report indicates that of this income $16,400,000 was from agriculture; $2,000,000 from welfare assistance—I suppose that came from the Federal Government; and $2,718,000 from oil rights.

It would seem as if when the Federal Government is being asked to give $10,000,000 to set these Indians up in business that we should ask a guaranty from the different tribes to which the loans and advances are made. Frankly, I do not believe it is the right approach at all.

The Senate has passed nothing except the Navajo bill. The probabilities are that they will not, and under all the circumstances it is to my mind a great mistake that we pass this bill.

This whole problem should be considered in one bill and they should all be treated alike. In Montana the tribes were required to guarantee the repayment of loans; and there is not any reason why these people should not. In other words we ought not to treat one group one way and another group another way. A great deal better effort should be made by the Indian agencies to help provide the employment service

that would be needed to get these people to work. I cannot understand why the farmers in these States will pay the railroad fares of workers brought from Mexico and not be willing to pay the railroad fare of Indians and employ them and help them make a living.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. KEATING. The point was made by one of the Members from Oklahoma that there is some reason why these Indians should be treated differently because they are not living on reservations. The gentleman is more of an Indian expert than I. Is it not a fact that they are organized into tribes and that the tribes could guarantee these loans just the same even though they are not living on reservations?

Mr. TABER. I understand that is so.

Mr. KEATING. There are tribal funds, are there not?

Mr. TABER. I have not been given the details of it; I do not know whether the committee has or not, but I understand that a number of these Indian tribes have claims against the United States right now.

Mr. PETERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. HAGEN].

Mr. HAGEN. Mr. Chairman, I rise in support of this very meritorious measure because it is about time that we do something for the Indians of our country. This is a way of getting them off the relief rolls and getting them into some sort of program of rehabilitation, industry and business, getting them into private enterprise and thus carry out the American way of life instead of keeping many of them on dole and relief all the time.

We recently passed a bill appropriating many millions of dollars for loans to Europe. Later on we passed the so-called point 4 program covering Africa and other parts of the world. There was not much opposition to those bills. All of that money, many billions, is virtually a gift. It will never be paid back.

However, the bill now under consideration for our own native Americans, sets up a fund of $10,000,000 to be lent, not given, mind you, to the Indians for business enterprise or for any other endeavor by which they can make a living for themselves. This money will be lent only on worth-while enterprises and on application. The money will be paid back with interest. You have the integrity, the word, and the fine record of similar experience of these Indians that this money will be paid back.

Mr. Chairman, this is an investment in private enterprise, it is an investment in an effort to lift up the level of the destitute Indians of that area and there should be no opposition to it. I am sure most all of the Republicans will support this very meritorious bill as the Republicans always have supported Indian legislation in the past.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield to the gentleman from Arizona.

Mr. MURDOCK. I can verify what the gentleman has said about this being a good investment and the money will be repaid. I know personally many of these Indians from the Five Civilized Tribes who are in charge of just this sort of work. The repayment of similar moneys has been phenomenal, it has been almost 100 percent. The gentleman is exactly right about this being a good investment to set these people on their feet.

Mr. HAGEN. I thank the gentleman. The problems of the various tribes of Indians throughout the country are different. I have a bill, H. R. 9017, pending, covering the Indians of Minnesota. Their opportunities and problems are different than those of Oklahoma. If I get reelected to this House, I hope to push my bill through for the welfare of the Indians of the State of Minnesota. It is a bill to promote the rehabilitation of the bands of Chippewa Indians in the State of Minnesota, located on the Red Lake, White Earth, Greater Leech Lake, Bois Fort or Nett Lake, Mille Lac, Fon du Lac, Grand Portage, and Vermillion Lake Indian Reservations, and for other purposes.

Mr. D'EWART. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Chairman, I am sure that every Member of this House who knows anything about the Indian problems and how this House is operated and how the Committee on Appropriations for the Indian Service has functioned over the past 8 years since I have been a member of this committee knows that I am one Member who has insisted that the Indians be treated properly. I may say, too, that I was chairman of the committee when we called the Director of the Indian Health Service and of the Indian Educational Service before the committee on several occasions and insisted that the Indians have better hospitals, have better schools, and be treated in the manner they deserve. So no one can accuse me of being against the Oklahoma Indians or the Montana Indians or the Oregon Indians, or, in fact, any Indians in the whole of these United States because, certainly, I have been their friend.

However, this is the problem we face today on every Indian Reservation as well as with these Five Civilized Tribes in Oklahoma. We set them out on a bunch of rocks and dust and mountains and expect them to make a living, instead of appropriating money for soil conservation and moisture conservation to build up their land. We let their land go to pot year in and year out, and it becomes less productive as time goes on. Here we have a request for $10,000,000 to loan money to these Five Civilized Tribes, but we are not going to do a thing to build up that soil on which they must make a living. We can appropriate $10,000,000 this year, we can appropriate $100,000,000 next year, and keep on appropriating for those Five Civilized Tribes and all the rest of the Indians in America, and their living conditions will get worse and worse and worse until we build up their soil on which they live so that they can make a living. We are going at this whole thing backward.

Whenever we appropriate in this manner for any Indian tribe we are not doing them justice. We should take this $10,000,000 and go down there and get soil-conservation technicians and show those Indians how to conserve their soil, and to make it more productive. Then in a few years their problem would be solved. They would not ask for any money. They would not ask for any loans. That holds true of every Indian reservation in America today.

The small crops that they raise down there are insignificant, as the report will show. Why? Because they have no soil on which to raise a decent crop. Then they get sick because the food that is grown in that soil does not have the right elements, so they do not receive the right kind of nutriments to keep them healthy, let alone keep them well fed. So, we keep on. It is a vicious circle that we have gotten into with this Indian problem, and, as I say again, it will never be solved until we build up their soil so that they can make a living on it. Mother Earth is the only economic generating plant we have in this world, and when the power from Mother Earth is so weakened that it will not raise the stuff to feed those Indians like the rest of us folks, then we are in trouble. You could build a 100-foot wall around the Navajo Reservation and put all the factories and all the smart people in the world in there, and if you did not build up that soil they would starve to death. So, we are going at this time completely backward. This money will be wasted.

If I thought for a minute that this money would do those Indians any good I would be up here fighting for them, but we are doing them a distinct disservice with this kind of business.

I wish you who represent those Indians down there would see to it that you get some appropriations to build up their soil. Then in a few years they will be so well off that your Indian problem will be solved and you will not have to be coming back here asking for $10,000,000 or $1,000,000 or even $100 to support these Indians.

Mr. PETERSON. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. DEANE].

Mr. DEANE. Mr. Chairman, I take this time to make a brief observation and likewise to ask the distinguished chairman of the committee a question or two.

There is located in the congressional district of one of the highly esteemed members of the Committee on Public Lands—who is absent today in view of the serious illness of his mother, and I refer to Mr. REDDEN, my own colleague from North Carolina—a large group of Cherokee Indians. I think I am correct in saying that the forebears of the Cherokees described in this legislation formerly came from North Carolina. The question I wish to address to the chairman is this: What do the Cherokees of North Carolina now receive that the Cherokees covered by this bill are not receiving?

Mr. D'EWART. If the gentleman will yield, I visited that reservation a short time ago. We examined what we thought was necessary to rehabilitate that tribe. We decided we could not do better than to build a tourist camp and a theater

at the east entrance to the Smoky National Park. We loaned the Indians money for that program. Just this week I talked to a man who was very much interested in that project and he told me that that theater had been full every day this summer and they had come to the point where they needed more funds now to extend and enlarge that tourist camp. We loaned them the money for what they needed, and they were able to rehabilitate themselves through that.

Mr. PETERSON. Mr. Chairman, will the gentleman yield?

Mr. DEANE. I yield to the gentleman from Florida.

Mr. PETERSON. Just this last week we passed a bill allowing them to lease certain lands not far from the parkway, a public road. As the gentleman from Montana said, we sent a committee down there, and those were the needs they stressed most. They are also eligible under the Wheeler-Howard Act.

Mr. DEANE. Are the Cherokees in North Carolina eligible for the type of loans that are allowed under this bill?

Mr. PETERSON. Not under this bill, but they are eligible under the general borrowing fund and under the Wheeler-Howard Act for loans. Provision has been made for them.

Mr. DEANE. Is that true of other tribes scattered throughout the country?

Mr. PETERSON. If their problem is such and their tribal account is such that they would be eligible, they would have a right to come in and ask for consideration under the act. They would rather deal with the tourist travel than engage in agriculture.

I may say that the gentleman from North Carolina was very diligent in connection with this matter.

Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. MORRIS].

Mr. MORRIS. Mr. Chairman, this bill among other things provides as follows:

> That the Secretary of the Interior is hereby authorized and directed to undertake, within the limits of the sums from time to time appropriated under authority of law, a program of basic economic and other improvements for the benefit of the members of the Five Civilized Tribes (Cherokee, Chickasaw, Choctaw, Creek, and Seminole) and other Indians living in the area of eastern Oklahoma occupied by the Five Civilized Tribes. Such program shall include assistance to the Indians in obtaining employment and adjustments related thereto. The purpose of such program is the establishment of such Indians on a self-supporting basis and the conservation, development, and more efficient utilization of their resources, both physical and human, to the end that Federal services and supervision with respect to such Indians may be discontinued as no longer necessary.

In other words, the purpose of the law is to rehabilitate the Indians and help them attain an economic and educational status so that they eventually will no longer be wards of the Government. We are moving forward with that program. It seems to me the program has a very worthy objective indeed. This $10,000,000 which is provided here is not a gift, it is a loan. It is true that 20 percent of it is not reimbursable, but that is a provision which has been put in all of these bills. I believe the amount has varied in some of the bills. I believe one bill provided that 17 percent was not reimbursable, and another one went down as far as 10 percent not being reimbursable, but I am sure that at least one and perhaps several have provided that 20 percent of the amount is not to be reimbursable, just as this bill provides.

Mr. Chairman, I do not want to fuss with any individual in the House, and that has never been my intention. I did not refuse to yield to my good friend, the gentleman from New York [Mr. KEATING]. I have the highest regard for the gentleman. I yielded to other gentlemen, but my time was limited and I could not yield to him.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I yield.

Mr. KEATING. If I used the word "refuse", I would like to correct the RECORD. I knew the gentleman is very generous in yielding at all times. I have the same high regard for the gentleman as he has stated he has for me, and I would not want the RECORD to indicate anything to the contrary.

Mr. MORRIS. I thank the gentleman a great deal. I appreciate that. I certainly mean every word that I say, and I know the gentleman means every word he says.

No, Mr. Chairman, I would not want to fuss with any of the gentlemen on either side of the aisle about this matter. I do want to make the RECORD clear, and I believe it is clear now, that we on our committee are trying our best to solve the problems of the Indians as they are presented to us, regardless of where they come from. We have had some very knotty problems in our committee. We have passed a number of bills. I see my good friend, the gentleman from New York [Mr. REED], one of the great and distinguished Members of the House of Representatives. He will testify to that fact. We passed legislation with reference to the Indians in the great State of New York.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I yield.

Mr. TABER. And that bill with reference to the Indians in the State of New York removed the Indians from the United States courts and placed them under the jurisdiction of the New York State courts.

Mr. MORRIS. I see the gentleman's point, but I want to proceed now and show you that our committee is taking these matters as they come. We have dealt with the Indians from California, Utah, New Mexico, and Arizona, and to some extent with the Indians of North Carolina. We have not dealt with their problems as much as I think we can and as much as I hope we will. I think we can do more. I might explain this to the gentleman from North Carolina [Mr. DEANE]. The Cherokees want some industries on their reservation there in North Carolina. We passed a bill which will help them to get some industries, at least one industry. We have considered bills with reference to the Indians in North Dakota, and South Dakota, Montana, Oklahoma, and most all over the Nation. We are certainly not trying to show any favoritism for one section as against another. We are just not doing that. The truth of the matter is simply that each tribe does present, to some extent, an individual problem. I believe all Members will agree as to that. If you want to do justice you cannot treat every tribe exactly alike, because if you do you will not be meting out justice.

I give you my word of honor and I believe you gentlemen will accept it, that certainly there has been no disposition on the part of any member of our committee, whether on the left side or the right side of the aisle to show favoritism to any group in any way.

I want to express my sincere appreciation to all the members of the committee.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I yield.

Mr. REED of New York. I would like to call to the attention of the Members of the House that during the wars the United States has been engaged in in recent years, the Indians have contributed more to the Red Cross and have bought more bonds and have contributed more soldiers in proportion to their population than any other race.

Mr. MORRIS. I thank the gentleman. In conclusion, Mr. Chairman, I want to say I appreciate from the bottom of my heart the expression on the part of the author of this bill with regard to what little I have done to help pass this bill. Although I know he is sincere in his compliments yet I feel that they are more than I deserve. We have worked hard on this bill in the committee, the same as on other bills.

The distinguished gentleman from Oklahoma [Mr. STIGLER], who has Indian blood himself, is one of the very best Members of this House. We all know that. He is certainly a most distinguished and outstanding legislator. I also sincerely appreciate the expression on the part of my colleague, another truly outstanding Member of this House, the gentleman from Oklahoma [Mr. ALBERT], who also has a number of these Indians in his district; both have worked diligently and effectively in behalf of this bill. I express my sincere appreciation to the distinguished and outstanding member of our committee, the gentleman from Montana [Mr. D'EWART] who is on the other side of the aisle, for his help in this matter, as well as to all other members of our committee. I assure you that we know that we are not infallible. Certainly we make mistakes, but it is our sincere and honest purpose to bring good legislation here, free from any bias or prejudice.

I wish to express my appreciation to the other Members of the Oklahoma delegation who have been working with the committee in regard to this bill and other Indian bills.

Finally, I want to express my very great appreciation to the great chairman of this Public Lands Committee, the gentleman from Florida [Mr. PETERSON], who has been so helpful to all of us.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. MORRIS] has expired.

Mr. PETERSON. Mr. Chairman, I yield such time as he may desire to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I am heartily in favor of this bill. I am sincerely supporting it. This is not due entirely to the fact that my good friends from Oklahoma are sponsoring the measure and my good friend, Judge MORRIS, has been chairman of the subcommittee which reported the bill, although these facts do have a great influence upon my favorable attitude toward it. I sincerely favor the bill because I think that it is a businesslike step toward enabling these Indians in eastern Oklahoma to better their economic status in life and to make them self-supporting. I know personally the condition of some of these Indians, especially the Cherokees, but before I indicate my reasons for supporting the legislation I want to express appreciation for the good work of Chairman MORRIS who conducted the hearings and also Congressman D'EWART, of Montana, who has taken a prominent part in all Indian matters.

Congressman TOBY MORRIS represents a district in western Oklahoma and I believe has few if any Indians of the Five Civilized Tribes as his constituents. However, he has thrown himself valiantly into this fight as he has on numerous other occasions where the welfare of Indians in remote parts of the country was involved. As I told him on the floor of the House at the time the Navajo rehabilitation bill was enacted, "He has builded better than he knows."

Great confusion has appeared in the discussion today on this bill. I have heard gentlemen say that we should treat all Indians alike in legislating for them. Now that needs some qualification. Certainly I do not favor discrimination. Certainly we should deal with all Indians fairly and justly with as much wisdom as we possess, but we cannot treat them all exactly alike in such rehabilitation bills involving economic and social matters. Many times in the Indian Affairs Committee I have used the expression, "There are Indians and Indians." There is a great range of difference among our American Indians in the scale of their economic and social and cultural progress. I regard Cherokees as standing very high on the list. I could name some reservation Indians in the far Southwest, ranking very low on that same scale. Obviously what would be wise for one would not be wise for the other. Certainly it would not be wise or proper to apply to the Five Civilized Tribes the same standards which we applied to the Navajos who are reservation Indians.

Of course Navajos are just as truly American citizens as are Cherokees, but there is a vast difference in their economic and cultural situation. Cherokees are no longer under tribal government, they do not own land and other property in common as do the Navajos, for they hold their property as American citizens individually, therefore it would be improper and unworkable to require the whole tribe to guarantee the return of the loans which may be made to them under this legislation. A few of them are fairly well fixed, others are very poor. Their relationship is more social and fraternal than the legal tribal relationship which they once had.

I have personally some knowledge of the richer and also of the poorer members of these tribes because I lived among them many years ago. I visited with a Cherokee friend at Tahlequah, Okla., last Christmastime, a man about my own age. He later became a university graduate, but forty-odd years ago he graduated from the old Cherokee Male Seminary near Tahlequah, Indian Territory. While at his home last Christmas other Cherokee men visited us and told me a great deal about business matters and other economic conditions among all classes of those Indian citizens.

One of them, a businessman told me, and he also stated the same on the witness stand before our committee handling this bill, that he had been for years instrumental in lending funds to his Indian neighbors high and low, rich and poor, and that the percentage of collections was extraordinarily high. He was not a glass-eyed banker but one of the old school—a splendid judge of human nature, a level-headed businessman, and close enough to those to whom loans were made that he was able to report a higher percentage of collections and a smaller percentage of losses than is usual in such lines of credit business. With such Cherokee men as these friends and others like them, in charge of the loan program contemplated in this bill it would not only be in safe hands but would undoubtedly be highly fruitful in an economic and business sense. This constitutes my reason for supporting the bill.

Mr. PETERSON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I take this time merely to show for the record that this is no effort to favor this group of Indians over others. Whatever provision might seem to favor them is due to the peculiar situation existing. It is intended in this bill that the various groups should guarantee, where they have their committees, through committees rather than a tribe. Under the Navajo bill, since the question arose I went back and looked it up, and there is no provision there for guarantee. That was an outright rehabilitation bill. I find that in the bills we passed recently two of the bills had the same percentage with reference to grants as does this bill.

The testimony before the Subcommittee on Indian Affairs showed clearly that a greater portion of the loans would be paid back. It has been the feeling of the committee that it is much better to have loans than grants, and have these loans paid back. It is shown clearly that in one case a loan of $700 was made to an Indian and he was rehabilitated and ultimately deposited in the bank $3,500 the next year. He repaid the loan.

A similar provision was made with reference to a loan of $500, where it was paid back and the man had a $1,000 toward the rehabilitation of his farm. I urge the passage of the bill.

Mr. PETERSON. I have no further requests for time, Mr. Chairman.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to undertake, within the limits of the sums from time to time appropriated under authority of law, a program of basic economic and other improvements for the benefit of the members of the Five Civilized Tribes (Cherokee, Chickasaw, Choctaw, Creek, and Seminole) and other Indians living in the area of eastern Oklahoma occupied by the Five Civilized Tribes. Such program shall include assistance to the Indians in obtaining employment and adjustments related thereto. The purpose of such program is the establishment of such Indians on a self-supporting basis and the conservation, development, and more efficient utilization of their resources, both physical and human, to the end that Federal services and supervision with respect to such Indians may be discontinued as no longer necessary.

SEC. 2. There is hereby authorized to be appropriated in addition to the revolving fund created by the acts of June 18, 1934 (48 Stat. 986), and June 26, 1936 (49 Stat. 1968), the sum of $10,000,000 to assist in carrying out the purposes of this act. Sums collected in repayment of loans made from such fund and sums collected as interest or other charges thereon shall be credited to such fund, and shall be available for the purposes for which the fund was established. Individuals of less than one quarter degree of Indian blood shall not be eligible for financial assistance made available through such fund under authority of sections 3 and 4 of this act.

SEC. 3. (a) The Secretary of the Interior or his authorized representative, in accordance with rules and regulations prescribed under the act of June 18, 1934, as amended, is authorized to make loans for any purposes calculated to carry out the provisions of this act, from amounts appropriated under authority of section 2, to individual Indians and to associations and corporate groups of the Five Civilized Tribes, organized pursuant to the act of June 26, 1936 (49 Stat. 1957), as of the date of the approval of this act (including other Indians living in the area of the Five Civilized Tribes).

(b) Reimbursement to the United States for any loan made from amounts appropriated under authority of section 2 shall be made within 30 years from the date on which such loan is made: *Provided,* That no loan shall be made with a maturity date later than June 30, 1980.

SEC. 4. The Secretary of the Interior or his authorized representative, is authorized to use, on a nonreimbursable basis, not to exceed 20 percent of any amount appropriated under authority of section 2 of this act to assist individual Indians in carrying on enterprises during initial periods of operations, and to assist individual Indians in educational advancement. No amount authorized to be used under authority of this section shall be used to make payments of taxes, principal, or interest, or any part thereof, on loans made under authority of this act.

SEC. 5. The Secretary of the Interior shall prescribe such rules and regulations with respect to loans made to individual Indians and to associations and corporate groups under this act, loans by associations and corporate groups to their members, and assistance provided on a nonreimbursable basis under section 4, as may be necessary to secure the United States against financial loss and to carry out the purposes of this act.

With the following committee amendment:

Page 2, line 7, strike out the balance of the page down to and including line 19 on page 3, and insert:

"SEC. 2. There is hereby authorized to be appropriated the sum of $10,000,000 for the establishment of a revolving fund to assist in carrying out the purposes of this act. Sums collected in repayment of loans made from such fund and sums collected as interest or other charges thereon shall be credited to such fund, and shall be available for the

purposes for which the fund was established. Individuals of less than one-quarter degree of Indian blood shall not be eligible for financial assistance made available through such fund under authority of sections 3 and 4 of this act.

"SEC. 3. (a) The Secretary of the Interior is authorized to make loans, from the revolving fund established by this act, to individual Indians and to associations and corporate groups organized pursuant to the Act of June 26, 1936 (49 Stat. 1967), in the area of eastern Oklahoma occupied by the Five Civilized Tribes, for any purposes calculated to carry out the provisions of this act.

"(b) Reimbursement to the United States for any loan made from the revolving fund established by this act shall be made within 30 years from the date on which such loan is made: *Provided*, That no loan shall be made with a maturity date later than June 30, 1980.

"SEC. 4. The Secretary of the Interior is authorized to use, on a nonreimbursable basis, not to exceed 20 percent of the amounts appropriated for the revolving fund established by this act to assist individual Indians in carrying on enterprises during initial periods of the operations, and to assist individual Indians in educational advancement. No amount authorized to be used under authority of this section shall be used to make payments of taxes, nor of principal or interest, or any part thereof, on debts incurred under authority of this act."

Mr. TABER. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER to the committee amendment: On page 4, line 16, after "1980," strike out the period, insert a comma and the following: "and unless the tribe involved shall guarantee the payment of the loan."

Mr. TABER. Mr. Chairman, I have offered this amendment to try to bring this bill in line with bills that have been passed for other Indians. There is not any reason in the world why the tribes involved in this set-up should not guarantee repayment of the loans.

Mr. STIGLER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. STIGLER. Would the gentleman mind telling the House how he expects his amendment to work?

Mr. TABER. Just like similar provisions work in other places where the tribes guarantee the repayment.

Mr. STIGLER. Is the gentleman aware that the Congress on April 26, 1906, passed an act to wind up the affairs of the Five Civilized Tribes and that the tribal governments were dissolved as of that date?

Mr. TABER. The gentleman means they have no tribes and no property or anything else?

Mr. STIGLER. Very, very little, sir.

Mr. TABER. Very, very little. I understand that a lot of these people have claims against the Government that are pending presently.

Mr. STIGLER. That is true, but they are individual claims.

Mr. TABER. Why should not those claims be involved in something like this?

Mr. STIGLER. What the gentleman proposes would be absolutely impossible under the law at the present time.

Mr. TABER. I do not think so

Mr. STIGLER. I do not want to argue with the gentleman, but I feel very, very positive about it.

Mr. TABER. The gentleman means that they have not any tribes at all?

Mr. STIGLER. They have no tribal status now. As I said a moment ago, Congress on April 26, 1906, passed an act entitled "An act to wind up the affairs of the Five Civilized Tribes." Prior to that there were tribal governments, we had our courts and we had our schools supported from tribal funds, but with the approach of the white man legislation was passed by the Congress looking ultimately to allotments in severalty of the land which each tribe owned in common at that time. Back in February of 1893, Congress passed legislation authorizing the creation of what was known as the Dawes Commission which went ahead and made an enumeration of the different members of the tribes which ultimately led to individual allotment of tribal property and the tribes own very very little property at this time.

Mr. ALBERT. Mr. Chairman, will the gentleman yield further?

Mr. TABER. I yield.

Mr. ALBERT. For the information of the gentleman from New York—and I believe the gentleman from Oklahoma [Mr. STIGLER] will verify this, he having been attorney for the Choctaws for a number of years, every claim against the Government became a claim of an individual citizen because by act of Congress these different members of the tribes became citizens of the United States and their tribal affiliation was abolished. So these claims which do exist are claims of individuals against the Government.

Mr. TABER. The gentleman means there are no tribal claims against the Government whatever?

Mr. ALBERT. The claims are brought in the name of the tribe, but the equities belong to the individual citizens and are required to be paid to them as soon as they go into tribal funds.

Mr. TABER. How could a suit be brought in the name of a tribe if the tribe does not exist? That is something beyond the understanding of an ordinary lawyer. You cannot do such things.

Mr. STIGLER. Mr. Chairman, will the gentleman yield further?

Mr. TABER. I yield.

Mr. STIGLER. I do not want to have the membership misled. At the present time the Choctaw and Chickasaw Indians do have a claim pending before the United States Indian Claims Commission. The claim on behalf of the Choctaws amounts to approximately $8,000,000. A judgment was handed down giving them approximately $3,000,000. It has not been determined yet whether that decision of the court will be appealed. But outside of that the Choctaws and the Chickasaws have very, very little tribal domain that is owned in common, all the land has been allotted individually.

Mr. TABER. Even that $3,000,000 is a considerable amount. It probably would be at least half as much as could possibly be loaned under this bill. I still do not believe we should pass up an opportunity to require these folks to pledge their securities just like other people have to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER] to the committee amendment.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 14, noes 30.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GORE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 9219) to promote the rehabilitation of the Five Civilized Tribes and other Indians of eastern Oklahoma, and for other purposes, pursuant to House Resolution 843, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. PETERSON. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

LOBBYING ACTIVITIES

Mr. FURCOLO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD in two instances.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FURCOLO. Mr. Speaker, I had not intended to speak today about lobbying but the colloquy between Mr. BROWN of Ohio and Mr. BUCHANAN changed my mind.

It has been suggested by several Members who have been interested in the activities of various lobbying groups that I once again call to the attention of the Congress a matter I discussed back in January 1949.

I think rather than take the time to make a lengthy speech, I am merely go-

ing to insert at this point a copy of remarks I made back in January of 1949:

Mr. FURCOLO. Mr. Speaker, I respectfully call the attention of Members of the Congress to something new that I have inaugurated in the Second Congressional District of Massachusetts. Several of the Congressmen who have asked me for details of the plan have suggested that I bring it to the attention of all the Members at the opening of this session of the Congress.

I have established a congressional council for the Second Massachusetts District. It is an experiment in democracy that is intended to give the people a greater voice in Government than they now have. The congressional council is basically and fundamentally the creation of a people's lobby. It is aimed to subject the Congressman to the only type of lobbying power he is not subjected to at the present time: a lobbying power of the average, everyday citizens who are the constituents we represent.

We all know that every Congressman is constantly lobbied by various interests and pressure groups. I do not use the word "lobby" in its sinister or underhanded connotation because a great part of the lobbying that is done is carried on openly and publicly. Most so-called lobbying is simply an attempt by certain interests to persuade the Congressman to think and vote along certain lines. That is the function of those who lobby for farmers, labor unions, manufacturers and industrialists, veterans, old-age groups, and so on.

A great part of the legislation passed by Congress, both good and bad, has been written or promoted by lobbyists. The influence lobbyists may have on our legislation is perhaps indicated by statistics which show that in the last Congress over a thousand registered lobbyists spent over a reported $6,000,000 in their attempts to show why certain legislation should be passed or defeated. There were, of course, other unregistered lobbyists who spent unreported sums of money for the same purpose.

Lobbying can be both beneficial and harmful. It is beneficial when it brings to the Congressman's attention certain facts and arguments showing why certain legislation will be good or bad. That educational phase of lobbying is advantageous to the country. Lobbying is harmful when it does not disclose all the material facts to those who must vote on legislation that will affect all the people. Unfortunately, the average lobbyist's function is merely to represent his particular client's side of the story. He skillfully performs that duty without feeling any obligation to ascertain or inform the Congressman of the effect of that legislation upon other groups or segments of the population whose interests may be adverse or conflicting to the lobbying influence.

I assume that lobbying either should not or cannot be abolished. Its educational benefits should certainly be retained. While its deleterious effects can probably never be completely suppressed, they should at least be controlled. Is there any reasonably practicable way to achieve that result?

I can merely outline my own suggestion which, to the best of my knowledge, has never before been tried. Briefly it is this: I have called upon many of the leading citizens of my district to form what I have termed a congressional council. The group is nonpartisan and nonpolitical and has not been hand-picked by me. Of the 45 members only 5 were selected by me. The rest were chosen by their own organizations or by virtue of their election by the people.

My district is composed of 3 cities and 17 towns and has the usual segments of population in all walks of life and varieties of occupations. The cooperation that has been extended to me by the citizens in accepting the duties of membership on the congressional council is perhaps best illustrated by a quick break-down of the membership of the council.

Members from the local town and city governments include the 3 mayors and 14 selectmen, 1 from each town. The boards of selectmen of three towns did not accept my invitation to send a representative to the council. The three large labor organizations in my district, the A. F. of L., the CIO, and the Brotherhood of Railroad Trainmen, each sent a representative selected by the organization itself and not chosen by me. The same is true of the veterans of World Wars I and II, each group sending a veteran. The chamber of commerce has a representative as does the local association of employers, the nearest approach to the NAM in my district. Farming interests are represented by an editor of the National Grange publication and by a small farmer who is not a member of the Grange. There is also a small-business man and a nonunion workingman. The council has one member who is fairly representative of the needs and wants of the old-aged. The high schools have cooperated by sending two seniors who have the point of view of the coming generation. A representative of the fish and game and wildlife conservation interests is also on the council because my district has thousands of people who are outdoor life enthusiasts. There being several institutions of higher learning in the district, the council also has a professor of economics and a professor of government among its membership. Education is also further represented by the presence on the council of the author of the nationally known Springfield plan, which is the local school system's answer to the racial problem. Four of the five large newspapers in the district have sent representatives as have the two radio stations. These representatives are not there in any reportorial capacity but rather from the public service viewpoint. Incidentally, the council's meetings are public and are covered by reporters who are not members. Two representatives from the State legislature, known in Massachusetts as the general court, are also on the council. We also have at least one white-collar office worker, a Federal employee, and three housewives, one of whom is a widow with two small children. I selected the housewives myself because, at least to date, we don't have any organization of housewives, whether that is fortunate or unfortunate. However, I felt it was important to have the viewpoint of women who have to do the buying and run a home on the pay envelope.

I probably have not mentioned all the membership of the congressional council but what I have said should indicate the general make-up. It is a cross-section of my district. I believe that anyone in the district who looks at that congressional council can feel that someone in his walk of life, with his general problems and needs, and with his viewpoint, is on the council.

Geographically, the council includes people from every section of the district; politically, it is divided about equally between Democrats and Republicans. With people of every race, creed, and color, the congressional council is truly an experiment in democracy conducted in the melting pot of the world.

The functions of the congressional council are many and varied and, because there is no precedent for it, we are of necessity proceeding by trial and error method. Probably its primary function is to enable the Congressman to rapidly obtain a cross-section opinion on the effect of legislation upon his district. He knows how legislation will help or hurt because the members of the council, who are representatives of the walks of life from which they come, keep him posted. Of course, he is not bound in any way by their opinions—but he at least knows their opinions and then acts as he himself sees fit, having their opinions in mind.

Secondly, the council knows what is going on. It keeps a constant check on the activities of the Congressman and thus brings the Government closer to the people and the people closer to the Government. I think that is a worth-while goal, especially in a democracy we want to keep. Experience in other parts of the world proves that when the people get away from the government it is not long before the government gets away from the people.

Thirdly, the existence of the council makes it almost impossible for a Congressman to be lobbied without the knowledge of the people of his district—and it insures the Congressman that he will always get all sides of the story. He is sure of that because someone who knows a different side of the problem is on the council, comprised as it is of representatives of manufacturers, farmers, labor, both union and nonunion—small business, landlords, tenants, taxpayers, employers, veterans, education, Federal employees, housewives, town, city, and State officials, old-aged, youth, and so on.

Fourth, the congressional council should be helpful to the district even in noncongressional matters. It brings together in one body all the leading officials of the towns and cities in the district, which should tend toward greater cooperation by the local governments of the district. It also brings into one group many of the outstanding civic leaders and public-spirited citizens of the district, making possible joint action by influential people that should benefit the residents of the district.

Fifth, it provides an ideal sounding board for various nonmember organizations and groups which wish to create a public opinion for or against some project.

Unquestionably, there are, of course, certain disadvantages from the purely personal point of view of a Congressman. The congressional council can be politically dangerous to a Congressman if the members seek to use it for political obstructionism and other partisan tactics. I am confident no one in the group in my district has accepted membership with that aim in mind. However, in my opinion, even the possibility of that happening is unworthy of consideration when weighed against the tremendous good that can be accomplished for the district by a congressional council.

Secondly, let no Congressman adopt the congressional council plan through any desire to ease the burdens of his office. It increases the burden. It will keep a Congressman alert and of necessity make him better informed because the council wants to know more than just a vote. It will also want to know the why and wherefore of that vote.

As one who has not yet earned his spurs in the Halls of Congress, I have been hesitant and reluctant to present this topic to those who have already won respect and admiration for their legislative service. I do so only because of the urgings of those Members to whom I have described the congressional council plan and who feel that it should be brought to the attention of all the Members of the Congress.

I cannot give any proof that a congressional council will succeed admirably or fail miserably in its purposes. I can merely briefly outline its machinery and goals. I repeat that, to the best of my knowledge the plan has never before been tried any place. Consequently, the congressional council in my district is proceeding by trial and error method. There will undoubtedly be changes in its membership, procedure, and functions, as the passage of time proves the need.

The congressional council is purely a voluntary plan, not created by legislation. Strictly speaking, it has no legislative function. Yet I believe that if each Congressman adopted what I have termed the congressional council plan, it would help promote

more good legislation and prevent more bad legislation than anything I can think of. I offer it for the consideration of Members of the Congress.

NATIONAL SECURITY

Mr. FURCOLO. Mr. Speaker, I want to take just a few minutes to try and enlist the support of Members in connection with a matter that I know is of great interest to all of us and the Nation.

I am hopeful that any Members who feel there may be any merit to my suggestion will communicate with the President.

I think everyone in the Nation has been concerned about cases that have been tried in the Federal courts involving espionage and other matters touching upon the national security. We are all fully aware of the fact that very often certain information should not be made public in court in the interest of national security. We are also aware of the fact that the problem of protecting documents, reports, and other material vital to national security may very easily afford protection to people working against the national security.

We are all also fully aware of the necessity of giving any defendant in a criminal case every possible protection. We are aware of long-established rules of evidence that are intended to give a defendant every possible protection.

We now find ourselves in a situation where the right to security of an individual defendant may well be in conflict with the right to security of over 150,000,000 other people. We have had many cases in court where there was a conflict between the desire to protect an individual at all costs and the desire to protect the security of the Nation at all costs.

Of course, we all fully realize that very often the ultimate goal to security for everyone in the Nation is only reached by protecting the security of the individual. However, there is also the thought that the Constitution may not require the security of the Nation to be sacrificed for the security of one individual.

I do not intend to take the time today to go into the many reasons for the suggestion I am about to make, or to indicate what my own thoughts are on any changes that should or should not be made. I merely want to point out that recent experiences in espionage cases indicate very clearly the need of some revision of existing criminal procedure in such cases where the security of the country is involved. It seems to me that some study should be made of the entire situation. Many of the present rules of law and rules of evidence may need a second look at this time.

I believe the way to approach the situation is not to try and do a piecemeal job, but rather to have a real study of it made. I think the President should appoint a commission, made up of outstanding law professors, trial attorneys, and judges, and other authorities to study the entire problem and to make recommendations.

After the recommendations have been made, I think they should be closely scrutinized by other groups, including people who may have no knowledge of law but who are interested in protecting individual rights.

I made such a suggestion to the President back in 1949. I do not know whether that is the best way of approaching the problem or not, but I feel such a suggestion should be considered. I hope the Members will also think about it so that, if they agree with me, they may also express themselves to the President. I know the President wants to take every possible step to prevent espionage and to protect our security.

I want it clearly understood that this suggestion is not to be interpreted as meaning that I believe we should immediately change the rules of evidence and that we should abolish every protection that is given to defendants. That is not my thought at all.

The most that should be drawn from the statement I am making today is that I believe there is a very real problem that should be considered by the best legal minds of this Nation. It never hurts to have a study made of any subject and it may do a great deal of good.

We may not all agree on whether or not there should be any changes made in criminal court procedure but we can agree on the fact that, right now, it is far from perfect. Under it, our law-enforcement agencies are often placed in the position of being unable to proceed against persons who are using constitutional safeguards for the purpose of destroying the Nation and the Constitution.

It is not my purpose today to arrive at any conclusion except to point out that an over-all survey by legal experts is very badly needed. I wish to again call the attention of the Members to it before adjournment.

WAYMON H. MASSEY

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 286.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is requested to return to the House of Representatives the enrolled bill (H. R. 1025) for the relief of Waymon H. Massey. If and when said bill is returned by the President, the action of the presiding officers of the two Houses in signing said bill shall be deemed rescinded; and the Clerk of the House is authorized and directed, in the reenrollment of said bill, to make the following corrections: In line 7 of the House engrossed bill preceding the word "negligence" insert "alleged", and at the end of bill insert *"Provided, however,* That nothing in this act does or shall constitute an admission of liability on the part of the United States."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MESSRS. WHITTINGTON, PETERSON, AND PACE

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. Mr. Speaker, one of the real compensations coming from service in Congress is the acquaintances made and the friendships formed. Yes, the membership frequently disagrees on political, sectional, and economic problems. Yet when the end of a Congress approaches, we do not think of these differences. We appraise our colleagues at their true worth as friends and patriots, each striving to do that which he believes to be in the best interest of his country.

I have in mind at the moment three Members coming from the deep South who are voluntarily retiring. I refer to the gentleman from Mississippi [Mr. WHITTINGTON], the gentleman from Florida [Mr. PETERSON], and the gentleman from Georgia [Mr. PACE].

WILL WHITTINGTON announced his retirement preceding the last election but was prevailed upon by his constituents to continue for one more term. The end of that term approaches. It has not been my privilege to ever serve on a committee with any of these gentlemen. Mr. WHITTINGTON, a typical southern gentleman, is an expert in the field of flood control, water transportation, and rivers and harbors legislation. No man in the Congress—yes, I am safe in saying, no man in the country—is more familiar with the problems confronted by the Congress in these fields. He has been a congressional leader down through the years and his sound judgment and initiative have inured in a general way to the best interests of the country. It will be difficult to replace him; however, he is entitled to less work and more leisure in the afternoon of life, and I bespeak for him and his splendid wife all good things possible in the days that are to come.

Everything that I have said about Mr. WHITTINGTON obtains so far as J. HARDIN PETERSON is concerned. He, too, is an expert in the field covered by the Public Lands Committee over which he has so efficiently, satisfactorily, and courteously presided. Regardless of political affiliations, I know of no one in the House who relishes PETE'S voluntary retirement. As I understand, he is only retiring from Congress and will enter the active practice of the law associated with his son in the great State of Florida. Many of the Members will accept his invitation and go to Florida to fish and enjoy life when opportunity presents itself—the gentleman from Michigan has already accepted that invitation. The country will be the poorer because Mr. PETERSON has declined to be a candidate for reelection. To know PETE is to love him, and I join with the others in wishing him health, happiness, prosperity, and success in the future.

STEPHEN PACE, of Georgia, is another expert in his field who will not return to the Eighty-second Congress. There is no man in Congress who has a better grasp of the agricultural problems of the Nation than has the gentleman from Georgia. He is a true southern Democrat, but forgets his politics as a member of the Agriculture Committee. He has been the genuine friend and benefactor

of the farmer, whether he grows peanuts, cotton, wheat, corn, potatoes, livestock, or what have you. I would not be exactly fair to myself if I did not say that STEVE never forgets the peanut, tobacco, and cotton farmer, other farm products to the contrary notwithstanding.

When I came to Congress 32 years ago, the most I knew about peanuts was that they were good to eat and were readily purchasable from the peanut roasters in all of our cities and villages in the North. Many others from the North had similar limited knowledge about peanuts. All who have served with STEVE PACE down through the years are pretty well educated concerning the habits, the possibilities, and the place in our economic picture of the lowly peanut. It is going to be some job for any man from the peanut, tobacco, or the cotton areas to fill the big shoes STEVE is leaving in Washington. Time will dim the memory of this genial Member, but his works will live after him. Good luck and happy landing, STEVE.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLVERTON. Mr. Speaker, very distressing and disturbing news from Camden, N. J., has just been brought to me. Orders have just come from Washington that necessitates the immediate laying off of 2,000 workers in the New York Shipbuilding Co. plant. This follows a layoff of 1,000 last week at the same shipyard. This means that nearly one-half of the skilled shipworkers now employed at this shipyard have been laid off.

The news is distressing to me from the standpoint of the workers who lose their employment. It will undoubtedly create great hardship to the workers and their families. It is also disturbing to me because of what seems a failure on the part of someone in the Government at Washington to fully appreciate the importance of keeping together, at this critical time in our war effort, an efficient and adequate force of skilled shipbuilders. When skilled workers are lost to the shipbuilding industry it means that others less skilled must be found to take their place when the Government enters upon a shipbuilding program. This means delay in construction and added cost to the Government.

Why is it that Government officials permit conditions like this to occur? Is there any doubt that the need exists at the present time for an extensive shipbuilding program? There is no doubt that skilled ship workers will shortly be in great demand if the program of the Maritime Commission is to be carried out. Then, as this will be the case, why create conditions that necessitate laying off 3,000 workers at this time?

This matter is serious. It needs an immediate remedy. Something must be done about it. Foreign nations recognize the importance of ships. Their yards are busy while ours are closing down. Even Japan has 17 yards busily engaged at this time building ships. All the shipbuilding countries of western Europe are busy. If these nations getting financial help from the United States can build ships to give employment to their workers, then why cannot we do it for our workers? It looks to me that our departments of Government will have to be stirred to action. Maybe the protest strike will be a means of awakening official Washington to the importance of the matter. Certainly, I will make every effort to bring a more realistic program into being.

I repeat, I think it is regrettable that at this critical time in the history of our country, when the necessity exists for a shipbuilding program, that this skilled force of workers should be dismissed. I do hope that by some arrangement by Admiral Cochrane of the Maritime Commission, it will be found possible to put these men back to work and thereby save their skills for the shipbuilding program that is in prospect.

PERSECUTION

Mr. HOFFMAN of Michigan. Mr. Speaker, the gentleman from Texas [Mr. PATMAN], notwithstanding the fact that Dr. Edward A. Rumely, executive secretary of the Committee for Constitutional Government, Inc., was pardoned for an offense for which he was convicted, continues to insert in the RECORD misleading statements, designed to show the guilt of Edward A. Rumely.

In addition, the gentleman from Texas has repeatedly from the floor in the past month, but so far as I have been able to learn, not elsewhere where he would not be permitted to claim immunity, charged that Mr. Rumely was guilty of a more serious offense.

This morning there came to my desk from Dorothy G. Pope, assistant secretary of the Committee for Constitutional Government, the following memorandum and documents.

In justice to Mr. Rumely, to show the situation as it really existed, I now read that memorandum and certain other documents which accompanied it.

MEMORANDUM RE UNITED STATES OF AMERICA v. EDWARD A. RUMELY, S. WALTER KAUFMANN, NORVIN R. LINDHEIM

The conviction of Dr. Edward A. Rumely, in 1920, for conspiracy in making an improper report to the Alien Property Custodian, on a prewar indebtedness, was followed by a full and unconditional pardon by the President.

The pardons to Dr. Rumely and to his codefendants were made by the President in accordance with the recommendation of Attorney General Harlan F. Stone, now Mr. Justice Stone of the Supreme Court of the United States, who, even before his appointment as Attorney General, had written a letter to the President to the effect that in his opinion there was an absence of adequate evidence of criminal intent in the case, that the defendants had been gravely prejudiced upon their trial, and that they were in fact innocent, notwithstanding the judgment of conviction and its affirmance.

Not only did the prosecuting attorney, and the trial judge also, recommend the pardon, but a majority of the jurors signed a petition urging that their verdict be set aside. Many outstanding national leaders joined in commending Dr. Rumely to the President who granted a pardon also to the two attorneys who had prepared the report and who had been convicted with him. These attorneys were members of a law firm of which the senior partner was the well-known liberal, Arthur Garfield Hays.

The report to the Alien Property Custodian had set forth Dr. Rumely's indebtedness to an American citizen, resident in Germany, but the prosecution claimed that the money was furnished by the German Government. The indebtedness was for money borrowed by Dr. Rumely to purchase stock in a corporation controlling the New York Evening Mail. The trial involved this technical charge.

The report to the Alien Property Custodian was in accordance with his knowledge and belief that the money had been furnished by the individual in question. As pointed out in the opinion of the circuit court of appeals "there was no direct proof" of knowledge that the German Government was the principal in the transaction. Commenting on this point in his afore-mentioned letter to the President, the Honorable Harlan F. Stone wrote:

"Under these circumstances, the suggestion in the judge's charge that 'imputed knowledge' on the part of the defendants was sufficient to justify a conviction and that the jury was not under the necessity of finding actual knowledge on the part of the defendants, was unfortunate and tended to prejudice the rights and interests of the defendants committed to the jury."

The majority of jurors, in their subsequent petition to the President for extreme clemency, themselves admitted that they had given "to the Government the benefit of whatever doubt existed," and that their original verdict was coupled with the recommendation of "extreme mercy" with the thought in mind that the verdict of conviction "would carry with it at most a monetary fine." Within 3 weeks after the conviction 11 of the 12 jurors petitioned the President for "extreme clemency."

The trial was held under the difficulties of war conditions, and, as pointed out in the aforesaid letter of the Hon. Harlan F. Stone, "at the time of the trial, public sentiment was inflamed." Of paramount importance, however, is the fact that certain valuable evidence, withheld from the defendants at the trial, was later brought to attention by the Hon. Charles Nagel who had been a member of President Taft's Cabinet and who was the attorney for one of the most important witnesses in the case.

The majority of the jurors, upon learning of this new evidence, petitioned the President, urging that this verdict be now completely set aside, "since in our judgment this new evidence would have altered our verdict." These jurors pointed out in their petition that the case was of a highly technical and complex nature and, with respect to the newly discovered evidence, that had they had the testimony, the picture that the evidence left with us would have been fundamentally different.

The Hon. Charles Nagel, in presenting the new evidence, stated in a telegram:

"The new facts in my statement which I sought to bring to attention of President are undisputed. They demonstrate it seems to me that defendants had very good reason for making the report to alien property custodian as they did. Whoever may have been responsible at the time there is no practical question now that the withholding of these facts from defendants and from jury at trial resulted in grave miscarriage of justice. Add to this the amazing errors committed in trial all to prejudice of defendants and all disregarded by appellate court for purely technical reasons and it seems to me you have case that presents peculiar grounds for executive intervention. What we need today is old-fashioned American magnanimity."

After the President granted a full and unconditional pardon to all three defendants, the two attorneys brought a proceeding for reinstatement to the bar. The decision in

that case by the New York court of appeals as to the effect of the Presidential pardon was written by the then Chief Justice Cardozo, later Mr. Justice Cardozo of the United States Supreme Court, who pointed out:

"The President in granting this pardon acted in accordance with the recommendation of his Attorney General, now Mr. Justice Stone of the Supreme Court of the United States, who after examining the record expressed a belief that the petitioners were innocent."

Judge Cardozo pointed out further:

"Their prayer was reinforced by lawyers and judges of distinction who asserted * * * an abiding and reasoned distrust of the justice of the verdict."

Judge Cardozo then added:

"A pardon may in some conditions be a warning as significant as a judgment of reversal that the looms of the law have woven a fabric of injustice. The very case at hand is indeed an apposite illustration. The very case at hand is indeed an apposite illustration. The record makes it plain that the pardon was granted because the President of the United States was advised by his Attorney General that the petitioners were innocent. At no time has the circuit court of appeals expressed an opinion to the contrary."

Judge Cardozo concluded his decision with a reminder from Kent's Commentaries that:

"Courts do not forget 'that under the most correct administrations of the law, men will sometimes fall a prey to the vindictiveness of accusers, the inaccuracy of testimony, and the fallibility of jurors.'"

Both the attorneys, having been convicted with Dr. Rumely under the conspiracy charge, were accordingly reinstated to the bar, following the Presidential pardon of all three. In the proceeding brought by the two attorneys for their reinstatement, the court's expressions as to their innocence, are applicable equally to Dr. Rumely, since, as was pointed out by the original trial judge in his charge to the jury, "one defendant alone could not be guilty," and that "a conspiracy is charged as the sole crime and it requires at least two, under the United States law, to form a conspiracy." And, as pointed out in the aforesaid letter of the Honorable Harlan F. Stone, "under the facts of the case which appear on the record, if Kaufmann is innocent, Lindheim must have been also." It therefore follows as a necessary corollary that Rumely "must have been also."

The petition for the attorney's reinstatement was presented to the court by the Honorable William D. Guthrie, who became president of the New York City Bar Association. He characterized the verdict and sentence in this case as "not warranted by the evidence," and that "the result and consequent punishment have constituted a cruel miscarriage of justice."

Mr. Guthrie pointed out that the Association of the Bar of the city of New York on whose application the original orders of disbarment had been entered, then "caused an independent investigation on the merits to be made by its appropriate committees" and thereupon formally certified to the court that it concurred and joined in the petition for reinstatement; and that a number of judges and lawyers, "each of whom had made an examination of the record, certified their several conclusions, to the effect that both the petitioners were innocent and that no evidence was adduced to warrant the conviction of either of them or even the submission of their cases to the jury."

Among the judges and lawyers, referred to as aforesaid, were United States Circuit Judge Julian W. Mack, ex-Presiding Justice Morgan J. O'Brien of the appellate division, first department, former United States Circuit Judge Walter C. Noyes, former justice of the New York Supreme Court Joseph M. Proskauer, Mr. Louis Marshall, member of the firm of Guggenheimer, Untermyer & Marshall, Ogden L. Mills, then a member of Congress, Jackson E. Reynolds, and others.

The Honorable Irving Lehman, then associate judge of the New York Court of Appeals, now chief justice of said court, also submitted a personal expression, declaring:

"I think I have made it entirely plain to everyone connected with that case that I am thoroughly convinced of their innocence and more than anxious to see the injustice which I believe has been done to them by a mistaken verdict of the jury righted so far as it can be righted."

The Honorable Morgan J. O'Brien, expresiding justice of the appellate division, first department, pointed out that he was "impelled by a sense of justice" to testify.

The Honorable Julian W. Mack, former United States circuit judge, pointed out in his affidavit that he was familiar with the record and that he has never doubted that the verdict of the jury was wrong.

The Honorable Walter C. Noyes, former United States circuit judge, pointed out in his affidavit:

"I made a long and minute examination of the printed record and bill of exceptions and became convinced as a result that there was not sufficient evidence in the case to warrant the court in submitting it to the jury."

The affidavit of Louis Marshall, member of the firm of Guggenheimer, Untermyer & Marshall, pointed out:

"As a result of the study which I gave to the case, I was not only satisfied that there was legal error * * * but, above all, * * * that the jury was not justified in rendering a verdict of guilty. Further reflection has satisfied me of the correctness of my conclusion, and for that reason I deem it my duty to this court and to the legal profession to join in the request."

Of no less effect was the expression submitted by national leaders urging the Presidential pardon of Dr. Edward A. Rumely.

In a letter to President Coolidge at that time. Col. E. M. House, stated:

"I think it is only fair to Dr. Edward A. Rumely to say that during the war and while he was directing the policy of the New York Evening Mail, he did everything, as far as I recall, to point out the pending food shortage and to suggest practical means for its increase. If there was any disloyal note struck in the Mail while under his direction it failed to come to my notice."

Also in a letter to the President, written by the Reverend James A. Burns, C. S. C., president emeritus of the University of Notre Dame, it was stated:

"I have all along maintained a full conviction of the innocence of Mr. Rumely with respect to the charge upon which he was condemned. I followed the court record in his case so far as possible but saw no grounds in the evidence adduced against him to change this conviction. My lifelong acquaintance with him has led me to regard him as an honorable, high-minded, and patriotic American and I think him altogether incapable of the offense with which he was charged. I saw Mr. Rumely from time to time during the war period, both before he took charge of the New York Mail and after he took charge of it. * * * I never heard the least echo from him of any sentiment which would be inconsistent with the truest patriotic spirit. Mr. Rumely comes of a family which made a distinguished record in the early pioneer days in Indiana, a family whose name became a synonym for honesty and honorable business dealing."

In a letter to the President's secretary, also at that time, by E. G. Liebold, general secretary to Henry Ford, he asserted:

"There has always been a strong feeling in Mr. Ford's mind that certain persons were desirous of making an example of Rumely and compelling him to endure this persecution. The fact that Mr. Ford's name was largely linked up with him caused us to investigate, the result of which has been that we have been unable to find anything which would equal the crime he is supposed to have committed. * * * During the 15 years or more of his association with the doctor, Mr. Ford has found him to be a man thoroughly honest, of sterling character, and above all, an American citizen of whom this country could feel justly proud, even during the whole period of the war, and notwithstanding the fact that he is of German descent. * * * On behalf of Mr. Ford I am only adding this to the many other communications which I understand likewise speak very highly of Dr. Rumely."

Among such many other communications submitted were letters by Gen. Leonard Wood, then Governor-General of the Philippine Islands; Ben Strong, then Governor of the Federal Reserve Bank of New York; Hon. Harry S. New, Postmaster General of the United States; Hon. John Weeks, Secretary of War; Gutzon Borglum, the noted sculptor, and many others.

In his letter Gutzon Borglum stated:

"I read the Mail during the entire period of Rumely's ownership, because it was the organ through which Colonel Roosevelt was expressing his war and preparedness policies in which I was interested, and never found anything but the most constructive and helpful attitude toward our national life. I feel that in the interests of justice the President should act to set aside this war verdict."

To the same effect was a letter from Harrington Emerson, president of the Emerson Engineers Efficiency Counselors, that Dr. Rumely was a 100-percent American; that he read the Mail regularly and never saw a disloyal article; and that "he had more vision than any man I ever knew, and although I was older than his father he was an inspiration to me."

S. S. Strattan, president of the Commercial Acceptance Trust, wrote to the President:

"I am strongly of the opinion that the verdict was unjust and would not have been rendered except for the stress of war feeling at that time. * * * I feel that Dr. Rumely and his friends are asking for justice, not mercy."

Commissioner Magnus W. Alexander, of Massachusetts, wrote to the President as "a matter of simple justice";

"Always, so far as my contact with him showed, his purpose was the betterment and strengthening of our country. * * * After an acquaintance with Dr. Rumely for a period of about 15 years, during which time I had frequent opportunity to discuss with him a wide range of public questions and to see his public work bearing upon these questions, as evidenced in his editorial writings and policy in the New York Evening Mail and in other ways, I never found any indication of any national or political interest other than that which focused in the welfare of the United States. Had it been otherwise, the late President Roosevelt would surely not have continued until the last his faith and personal contact with Dr. Rumely."

Corroborative of such "faith and personal contact" of the late President Roosevelt with Dr. Rumely, many letters were submitted, with permission of his widow. One such letter, written by Theodore Roosevelt to the Honorable Charles Evans Hughes, stated:

"Dr. Rumely is one of the unhyphenated Americans of German descent who is an American through and through."

Another letter, written privately by Theodore Roosevelt to Dr. Rumely, stated:

"That's a capital letter of yours and I shall read it and the enclosed editorials with the greatest interest. I am genuinely impressed. Can you not come out here some afternoon and let me see you and have a full talk with you—of course a purely confidential talk not for publication."

Other letters by Theodore Roosevelt to Dr. Rumely stated:

"Of course, you are right about the food business, and about the industrial and agricultural plans.

* * * * * * *

"I feel that I personally owe you much for having given me that comparison of Mexico to the Balkans. Of course, you remember that it was you who did it. Of course, I absolutely agree with you about the agricultural business.

* * * * * * *

"Those are first class editorials.

* * * * * * *

"I am really indebted to you for having brought Archbishop Ireland. I thoroughly approve the way you are handling the corporation question.

* * * * *

"I am as usual genuinely obliged to you for what you have done. It is important. By the way, I have already adopted something like what you suggest in the way of taxation."

The effect of these letters were commented upon in a letter to the President by C. E. Holmes, of Westfield, Mass., for Executive clemency, as follows:

"To my mind the most convincing material consists of an extensive correspondence between the doctor and Theodore Roosevelt covering the years 1915–18 when the bias of the editor's mind would most likely have appeared, though none of this material was allowed to be introduced at the trial. They were united by an exceedingly close friendship and Mr. Roosevelt evidently relied upon the doctor as one of his most trusted advisers and used his paper as a valued channel of communication to the public. This correspondence convinces me:

"First, of the most unqualified loyalty of the editor to the ex-President in his prospective campaign of 1916–20. And the latter was anything but pro-German.

"Second, that Mr. Roosevelt had the utmost confidence in the editor as a drafter and interpreter of the outstanding policies of the time.

"Third, that the editor actually rendered most valuable service in working out the policies upon which Mr. Roosevelt hoped to go once more before the country. As his patriotism was unexcelled his absolute confidence in the editor and owner of the Mail should weigh much."

The extent of Colonel Roosevelt's friendship for Dr. Rumely was further the subject of a letter written also by Robert McDowell Allen, formerly an attorney with the Department of Justice in the Theodore Roosevelt administration, to the President, for Executive clemency, to the following effect:

"He was very close to Colonel Roosevelt. He belonged to the trusted few whom that great leader drew to himself—those who mass facts before taking action, who have clear insight into the problem and constructive methods. The country needs to continue to utilize the services of such a man to bring about a better understanding between races and classes and to establish a stronger national unity."

Speaking of Dr. Rumely's operation of the Mail, the same writer stated:

"The Daily Mail became one of my daily afternoon newspapers. The firmness and breadth of its editorial and news policy toward both industrial and civil progress and the constructive methods employed were of the useful kind seldom equaled and never surpassed in American journalism. * * * There is absolutely no doubt in my mind of his loyalty to his country in both fact and deed, from start to finish, and not only is this true, but I believe that the Mail made a substantial contribution both toward the formation and the establishment of the policy and program which mobilized our men and resources for victory."

Corroborative of such policy in Dr. Rumely's operation of the Mail, was a letter by Charles F. Speare, financial editor of the Mail for about 15 years until the end of 1918, and Washington correspondent of the Mail in 1917–18, who wrote to the President:

"I am very pleased to state that at no time, either in connection with my work in Wall Street or in Washington, did Dr. Rumely suggest or try to influence me in anything that I wrote, either on financial subjects or on business or national questions."

To the same effect was the letter written to the President by I. K. Russell, chief news writer on the Mail, as follows:

"I know Rumely only as my employer. I have no social fellowship with him but I want to feel that our country drives right in its thrusts for punishment. * * *

"I received orders every day from Dr. Rumely through all the period during which he was under suspicion. I brought an enormous amount of anti-German news to him, for decision as to whether we should print it. The decision in every case was "print." I do not believe I could look a man in the eye every day for 2 or 3 years and not know whether his heart was true or not. And I am compelled to say that in every act in which I contacted him as the chief news writer on his paper during his Evening Mail publishership, he so behaved that I am convinced it would be utterly impossible for him to have been consciously beholden to the German Imperial Government. In American affairs he was a devoted Progressive. * * * In that time America had no publicist so ardent for preparedness as Dr. Rumely; I know as the man assigned to write scores and hundreds of articles for that cause."

To the same effect was a letter written by a nonemployee, the Reverend John A. Ryan, D. D., director of the department of social action of the National Catholic Welfare Council:

"I will say that I saw the New York Evening Mail pretty regularly during the first 7 months of the year 1918, and that I never found anything in the paper that was disloyal or likely to hamper the war activities and purposes of the United States. Indeed, I had two personal experiences of the contrary tendency in the policy of the paper's management. Two articles which I sent in were rejected on the ground that they might be regarded as critical of the national administration, and of the war policies of Great Britain. The first was a discussion of the Nonpartisan League of North Dakota; the second dealt with the issue of conscription in Ireland, and was somewhat severe upon Lloyd George. A journal which objected to these two articles could not, under the most extreme construction of loyalty, be fairly deemed disloyal."

Dr. Rumely's activities other than as publisher of the Mail were the subject of a submitted letter, written at that time by Leigh M. Griffith, technical expert for the National Advisory Committee, who wrote to Dr. Rumely:

"I believe that this committee fully appreciates the importance of the early development and the ultimate possibilities of the engine of this type and your patriotic interest in working to this end is greatly appreciated."

Equally favorable references were made in other letters as to Dr. Rumely's contribution in the field of education.

In conclusion, S. S. McClure, a close associate of Dr. Rumely in his operation of the Mail, wrote generally to the President at that time:

"He was always in his approach to American questions and in his conduct of the paper wholeheartedly American. From my most intimate association with Dr. Rumely during the entire period in question, I know, as far as it is humanly possible for one man to know another's mind, that the statements that he made to the Government in connection with the Mail were those that he himself believed to be true. I would not write you, I would not make these statements to you except that I want to prevent as far as I can a great wrong being done to a very lovable, splendid, and innocent man."

The full and unconditional pardon was granted by the President on January 19, 1925, 9 months after the defendants had already served their sentence of 30 days in the penitentiary under the President's earlier commutation of sentence. The Attorney General, in his official report recommending such pardon, pointed out that their exceptional high character warranted such pardon at that time without waiting the customary requisite lapse of years otherwise prescribed. The pardon proceedings are on file with the Department of Justice in Washington, D. C. A certified copy of the pardon is on file with the record of the case in the United States District Court for the Southern District of New York.

Thus, the President of the United States did not forget just as Mr. Justice Cardozo did not forget, that: "Under the most correct administrations of the law, men will sometimes fall a prey to the vindictiveness of accusers, the inaccuracy of testimony, and the fallibility of jurors."

In conclusion, the warning of Mr. Justice Cardozo is here reiterated, that:

"A pardon may in some conditions be a warning as significant as a judgment of reversal that the looms of the law have woven a fabric of injustice. The very case at hand is indeed an apposite illustration."

REPORT OF THE ATTORNEY GENERAL, PARDON DIVISION (JAMES A. FINCH, PARDON ATTORNEY)

(Pardon attorney—exhibit No. 14, (p. 403))

LIST OF PARDONS, COMMUTATIONS, AND RESPITES GRANTED BY THE PRESIDENT DURING THE FISCAL YEAR ENDING JUNE 30, 1925

Name of applicant: Norvin R. Lindheim, S. Walter Kaufman, and Edward A. Rumely ([redacted]).

District and offense: New York, southern. Conspiracy to defraud the United States and conspiracy to commit an offense against the United States in violation of section 37, C. C. U. S. and sections 7 and 16 of the Trading With the Enemy Act.

Sentence and date: December 20, 1920. Each, 1 year and 1 day in the Atlantic Penitentiary. (Judgment affirmed.)

Recommendation of Attorney General: On March 13, 1924, President Coolidge commuted the sentences of all three petitioners to 1 year in the Westchester County Penitentiary at White Plains, N. Y., and on April 11, 1924, again commuted the sentences to 1 month in the same pentitentiary. Petitioners served their terms as commuted and were released on April 18, 1924. It developed during the investigation of this case that the applicants were all men of high character and uniformly so regarded. The Attorney General advised that they be granted full and unconditional pardons to restore their civil rights.

Action of President and date: January 19, 1925. Pardon granted to restore civil rights.

NEW YORK, *September 18, 1916.*

CHARLES E. HUGHES, ESQ.,
Republican National Headquarters,
New York City.

MY DEAR MR. HUGHES: This will introduce to you Dr. Edward A. Rumely, who is supporting you very strongly in the editorial columns of the Evening Mail. Dr. Rumely is one of the unhyphenated Americans of German descent who is an American through and through.

He is an expert in the processes, especially the industrial processes, which has

given the Germanic Empire its extraordinary strength; and he has been peculiarly useful to me in connection with matters looking to a better handling of America's industrial and social life.

With high regards, I am,

Faithfully yours,

THEODORE ROOSEVELT.

NAGEL, KIRBY, ORRICK & SHEPLEY,
St. Louis, October 26, 1927.

JOHN R. MONTGOMERY, Esq.,
Chicago, Ill.

DEAR MR. MONTGOMERY: I was detained in the East longer than I had expected; but I have now looked up my files and am prepared to give you what information I can about the question which arose in Dr. Rumely's case, and which you now have particularly in mind.

The fact is that I had known Dr. Rumely for some years, and while he was more of a progressive than I could bring myself to be, we nevertheless discussed a good many questions very frankly and unreservedly. During the early stages of the war I saw him very rarely, because for a period of several years I did not go to New York at all. When I did see him later on he discussed the policy of his newspaper, the Mail, with great freedom, and I gathered that such men as ex-President Roosevelt were entirely conversant with his attitude. So much for the general picture.

Some time later it was suggested to me in my office that Mrs. Busch might be interested in the Mail, and inasmuch as the paper was in financial difficulty, it might be my duty as her counsel to make my inquiries. I went to New York and investigated the matter as closely as I could, leaving with the impression that Mr. Sielckin was very substantially interested in the paper in connection with Dr. Rumely, and that while Mrs. Busch might be interested, there were no facts or suggestions presented to me that in my opinion were sufficiently substantial to justify my stepping into the case without direct orders from her, which, of course, she was in no position to give, owing to her absence in Germany. She was then a very old lady, and had remained on the other side expecting, as most people did, that the war would not last long, and that she might be spared the inconvenience and danger of an ocean trip under war conditions.

In the meantime, I had represented Mrs. Lilly Busch in her claim to have her property returned to the Alien Property Custodian. In that connection I had advised the authorities of everything I knew, and, indeed, appeared before the grand jury in New York to give them such information as I had. Mrs. Busch returned in 1918, and in my first interview in answer to my question, she told me that she had never been interested in the Mail. She told me also that Mr. Sielckin, in 1916, had called on her and told her that he was interested in a newspaper in this country, and had invited her to join in the undertaking. It is my impression that Mrs. Busch at a later interview told me that she had again heard from Mr. Sielckin but had not acknowledged his letter, hoping to have another opportunity to see him, which was, however, prevented because of his continued very serious illness.

All this information I gave to the United States district attorney in New York before the case against Dr. Rumely and others was tried. I felt at liberty to do so because the information had come to me while I represented Mrs. Busch in her effort to regain her property, in which she ultimately succeeded. I wanted very much to give the same information to the defendants, because it seemed to me to be probably controlling in the case. Mrs. Busch was not called as a witness, but was permitted to make a statement in writing, which merely recited the fact that she had never been interested in the paper, but which was silent as to Mr. Sielckin's interest. I considered the question very seriously, conferred with my partners about it, and we concluded that inasmuch as the information had come to me in my capacity as counsel, I had no right to divulge it unless and until I was released by my client. That release I could not at the time obtain.

After the defendants had been found guilty and efforts were being made for a new trial, a certain document was submitted to me which indicated that Mr. Sielckin (who by the way was an American citizen abroad) during the war had given a power of attorney in connection with the New York Mail, to the firm of Hays, Kauffman & Lindheim. In connection with these documents the possible interest of Mrs. Busch was referred to. I felt that in view of this state of facts Mrs. Busch ought to speak in justice to herself and to the defendants, and this she concluded to do.

I enclose for your information an affidavit made by her at the time, which confirms what I am now saying to you, and which practically contains the essential information upon which I have relied.

When the application for pardon was submitted to the President, I sent him a statement upon the same lines which I have now submitted to you and, as you know, the pardon was granted.

It has always been difficult for me to reconcile my own conduct. Professionally, I think I was right. In every other sense it has been the source of the most profound regret. I had given the information to the authorities and, to be entirely frank, I think it was the plain duty of the prosecutor to have that information brought to the attention of the court. Perhaps he assumed that the defendants had the same information and for their own reasons did not use it. That, however, I now know not to have been the fact. The defendants did not know that this information was to be had, and were convicted without the use of evidence to which in my judgment they were clearly entitled.

If there is any other information that I can give, I shall be glad to supply it. In closing, I say that I have always believed that Dr. Rumely made his statement in strict conformity with his own information at the time, and my relation to him since then can be reconciled only with my entire conviction of his innocence at the time.

Sincerely yours,

CHARLES NAGEL.

UNITED STATES OF AMERICA,
DEPARTMENT OF JUSTICE,
December 15, 1943.

Pursuant to title 28, section 661, United States Code (sec. 862, Revised Statutes), I hereby certify that the annexed paper is a true copy of the original record in the Department, of the pardon to restore civil rights of Edward A. Rumely granted by President Coolidge on January 19, 1925.

In witness whereof, I have hereunto set my hand, and caused the seal of the Department of Justice to be affixed, on the day and year first above written.

JAMES P. MCGRANERY,
The Assistant to the Attorney General.

Calvin Coolidge, President of the United States of America;

To all to whom these presents shall come, Greeting:

Whereas Edward A. Rumely was convicted in the United States District Court for the Southern District of New York upon two counts of an indictment, charging respectively conspiracy to defraud the United States and conspiracy to commit an offense against the United States, in violation of section 37 of the Criminal Code and sections 7 and 16 of the Trading With the Enemy Act, and on December 20, 1920, he was sentenced to imprisonment for 1 year and 1 day in the United States Penitentiary at Atlanta, Ga., which judgment was affirmed by the Circuit Court of Appeals, Second Circuit; and

Whereas several respites were granted by me to the said Edward A. Rumely, and on March 13, 1924, his sentence was commuted to imprisonment for 1 year in the Westchester County Penitentiary, White Plains, N. Y., and on April 11, 1924, a second commutation was granted reducing the imprisonment to 1 month; and

Whereas it has been made to appear to me that the said Edward A. Rumely is a fit object of further clemency:

Now, therefore, be it known, that I, Calvin Coolidge, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby grant unto the said Edward A. Rumely a full and unconditional pardon, for the purpose of restoring his civil rights.

In testimony whereof I have hereunto signed my name and caused the seal of the Department of Justice to be affixed.

Done in the District of Columbia this 19th day of January, in the year of our Lord one thousand nine hundred and twenty-five, and of the independence of the United States the one hundred and forty-ninth.

CALVIN COOLIDGE.

By the President:

HARLAN F. STONE,
Attorney General.

Apparently the gentleman from Texas [Mr. PATMAN] is attempting to manufacture campaign material for the CIO. Apparently the gentleman's efforts are directed in support of a program to silence all those who have opposed the New Deal, the Fair Deal, and their political fallacies.

The SPEAKER. Under previous order of the House, the gentleman from Kansas [Mr. REES] is recognized for 10 minutes.

THE PRESENT POLICY OF SPENDING AS USUAL MUST COME TO A STOP—NONDEFENSE EXPENDITURES SHOULD BE CUT TO THE BONE

Mr. REES. Mr. Speaker, within the last few weeks the Congress has approved appropriations of $59,500,000,000 to finance the Federal Government for the year beginning July 1, 1950, to June 30, 1951. It is the biggest appropriation of any year in the history of our country.

This means that every man, woman, and child in the United States, if he pays his share, owes the Federal Government $400 for carrying on the expenses of Federal activities just for 1 year. Put it another way. Every family would be charged with a tax of $27 per week just to carry on the expenses of your Government and mine.

Approximately $32,000,000,000 of this amount is for the defense of our country. The remainder, $27,000,000,000, is for nondefense items, of which $6,000,000,000 is in fixed charges, such as the interest on the public debt, which today amounts to the astronomical figure of $267,000,000,000. It is estimated by Treasury officials that the revenue for the year will be approximately $37,000,000,000, leaving a deficit of $22,000,000,000 more to be added to the Federal debt.

To the average citizen these are merely figures of such gigantic proportions that a billion dollars more or less makes little difference. Of course, all necessary expenditures for defense purposes must

be taken care of, but nondefense spending is bound to result in greater inflation, and the average person, especially the wage earner and his family, will recognize the additional billions in the increased prices for necessities of life.

I cannot too strongly stress the necessity of keeping the economy of our country sound. It is a matter that affects every man, woman, and child throughout our broad land. I would like to add right here that the aim of communism is to weaken our country. I should further add that our economy becomes weaker when we spend taxpayers' money for activities not absolutely needed, and thereby inadvertently and indirectly contribute to such weakness.

The Bureau of the Budget, which is the adviser of the President relating to the expenditure of funds, has the power, at the direction of the President, to impound any portion of such funds when expenditures are not advisable.

When the appropriation bills were under consideration in the House, I objected strenuously to the spending of money not required for our defense program and not necessary to carry on our civilian activities. It is my view that out of the $27,000,000,000 for nondefense appropriations, at least 25 percent, or $8,000,000,000, can be saved by the executive branch.

I voted against a number of "pork barrel" projects that I deemed unnecessary in a national emergency. This money should not be expended, especially now.

For example, the Senate increased swollen "pork barrel" projects in the House bill by $135,000,000. There are a number of unnecessary items of expenditures that make up millions of dollars. For example, there is an item of $286,000 for visitors' facilities and an exhibition building at Shasta Dam, Calif. This is just one of a hundred items that are certainly nonessential at the present time.

That part of the $60,000,000,000 for nondefense spending is based upon past records of Government expenditures. Here are some of the additional items: $335,000,000 for travel and subsistence for Federal employees in nondefense activities. I know that a great deal of expense is required for necessary travel of people in Government. Look at that figure for a moment. On this basis, every one of the 2,000,000 Federal employees could go by pullman from Washington to Denver, spend 2 days with all expenses paid, and return to Washington. Certainly this item could be materially reduced.

Activities can be reduced in nondefense agencies so that thousands of employees may be released and transferred to defense agencies, and thereby save at least two or three hundred million dollars.

Our Government spends $10,000,000 a year for the purchase of gasoline, tires, parts, and maintenance of 26,000 automobiles owned by nonmilitary agencies of Government. There are several hundred in Washington. Of course, the Government agencies need automobiles, but surely not 26,000. This big expense could be reduced materially and relieve to some extent the taxpayers' load.

I am sure that people of our country are willing to support the defense of our country, but they do not want it wasted, for example, on such purposes as paying personnel to run propaganda machines for Government agencies. Recent congressional investigations reported 40,000 employees being paid $75,000,000 a year to tell the public how good the Federal agencies are. This is just another example of unnecessary expenditure and unnecessary use of manpower.

I have supported reorganization proposals designed to carry out the Hoover Commission recommendations where funds could be saved. The Commission has stated that if its recommendations were made effective, they would save approximately $3,500,000,000. It appears, however, that as fast as Congress puts the Hoover Commission recommendations into effect, some other device is found to spend taxpayers' money needlessly.

Past mistakes of the administration in handling military and foreign policy matters are no excuse for future conduct in dealing with these problems. Certainly, we cannot excuse excessive and nonessential government spending on the ground that our Government is too large to be controlled. The American people have been kept in a state of perpetual emergency for the past 20 years. If our children are to live to enjoy the fruits of our labors and our attempts to secure peace and world prosperity, we must begin to preserve our national economy from destruction from within as well as from aggressors outside our borders.

It is clear that Communist forces at large in the world are intent upon destroying our way of life. To destroy the economy of this country will lead in that direction.

Mr. Speaker, we are living in strenuous times. Our representative form of government is on trial. In order to remain strong from within, it is necessary that we cut every nonessential expenditure to the very limit. People of this country will have to quit making unnecessary demands upon the Federal Treasury, and the same thing goes for the various municipalities and groups who are seeking appropriations and authorizations from the Federal Treasury. Mr. Speaker, the present policy of spending as usual must come to a stop.

Each and every nondefense item must be weighed in the balance as to whether such expenditure is absolutely needed in view of the national and international situation. Every item of Federal expenditure must be cut to the bone so we may have funds to support the boys now fighting in Korea and boys who will soon go to other parts of the world in defense of freedom and liberty.

Mr. Speaker, these are not normal times. They are serious times. The grim fact is that our representative government is being put to the supreme test. The gruesome part of the burden must be carried by the young men in the Armies, Navies, Marines, and Air Forces we send abroad. Certainly it is not too much to ask the present generation to work a little harder and cast aside its luxuries. We should be willing to make sure the economic sacrifices that are needed for the preservation of our Nation and the freedom and liberty which are our heritage are not destroyed.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 15 minutes.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

RUMELY, BRAINS AND SPEARHEAD OF THE MOST VICIOUS LOBBY IN THE UNITED STATES, TRYING TO DECEIVE CONGRESS AND THE PEOPLE ABOUT HIS SPYING AND DISLOYAL RECORD

Mr. PATMAN. Mr. Speaker, the Committee for Constitutional Government that was organized by and operated for 13 years by E. A. Rumely is the best-financed and most powerful lobby in the United States. Rumely gets his funds from wealthy individuals and corporations by promising that such payments and contributions are tax-free. In this way he has diverted millions of dollars from the Treasury to himself for partisan political purposes. The Federal deficit is made larger at a time when Rumely is abusing the Government officials for operating on a deficit.

Rumely is not the right kind of a person to have charge of a propaganda campaign to control the thoughts and views of the people. He was convicted for trading with the enemy during World War I and the evidence in that case discloses that he was guilty of treason. A record of his case can be found in most any law library. The reference is 293 Federal Reporter 532.

MISLEADING AND UNTRUE INFORMATION

There have been certain statements made on the floor of this House in regard to a pardon that President Coolidge granted this fraud, Rumely, for the crime of failing to report that he was running a newspaper with German Government money when we were at war with that country. There also have been statements made on the floor and insertions put in the RECORD about an alleged suppression of evidence by the Government —some making this charge directly and others by strong implication. Finally, the claim is made that Rumely was given his pardon because of the so-called suppression of evidence.

Now, I do not believe that my Republican colleagues would purposely mislead the House nor do I think that they want to mislead the House. I do not think that they are familiar with the facts of his conviction or his pardon or they would join me in exposing him for what he was and what he is—a fraud, pure and simple. Yes, Rumely even succeeded in deceiving my Republican colleagues about the circumstances and the reasons for his pardon. For instance, the gentleman from Ohio [Mr. BROWN], speaking in Rumely's defense when he was cited for contempt of this House on August 30, had this to say:

> But it was not long after he was convicted in World War I, as a result of borrowing money from an American citizen to buy a New York newspaper, that it developed

evidence which would have cleared him had been suppressed by the Government. Eleven of the twelve members of the jury, when they found out the purport of the evidence which had been suppressed, signed a petition to the Attorney General of the United States—a man named Harlan F. Stone—who, after carefully studying and reviewing the case, requested the then President of the United States, another New England man, Calvin Coolidge, to pardon Rumely.

He was not only given full pardon but also restored completely to citizenship.

See page 13892 of the CONGRESSIONAL RECORD. On September 18, the gentleman from Michigan [Mr. HOFFMAN] at page 15058 of the RECORD had this to say:

Mr. HOFFMAN of Michigan. The gentleman's statement is not accurate. Innocent individuals who were unjustly convicted have been pardoned, such was the case of Mr. Rumely and it was so found by the President.

The gentleman from Michigan also had a statement in defense of Rumely by Robert B. Dresser, Republican national committeeman from Rhode Island, put in the RECORD at page 15066. At page 15067 the following appears:

Within 3 weeks after the conviction, 11 of the 12 jurors recommended executive clemency. Thereafter, the majority of the surviving 11 jurors stated that at the time of the trial "it was our disposition to give to the Government the benefit of whatever doubt existed" and that they had expected that the conviction, with their recommendation of extreme mercy, would carry at most a monetary fine. They further stated that had the jury had the evidence which was withheld from the defendants at the time of trial, but which was later brought to their attention by the Honorable Charles Nagel, who was Secretary of Commerce under President Taft and attorney for the witnesses whose testimony was withheld, they would have reached a different verdict. The petition of these jurors to the President concluded with the following: "Since in our judgment this new evidence would have altered our verdict or resulted in a disagreement, we therefore respectfully recommend that by the exercise of executive clemency this verdict be now completely set aside."

Both the prosecuting attorney and the trial judge joined in recommending a pardon.

The President, following the request of the jurors that their verdict be set aside, and the supporting recommendations by outstanding national leaders, among them Cabinet members and judges, granted a full and unconditional pardon to all three.

On September 19, at page 15139, the gentleman from Michigan [Mr. HOFFMAN] stated:

Again, as on previous occasions, I call to his attention and to the attention of the Members of the House a statement of the law to the effect that a pardon in this case was granted because the man was innocent should in the mind of any fair man, prevent a repetition of the statement made by the gentleman from Texas [Mr. PATMAN].

Now some of these remarks are absolutely inaccurate and the others are misleading.

First. Did the Government suppress evidence? No. The Government had nothing to do with any suppression of evidence and no evidence was suppressed by anyone. The fact of the matter is that Charles Nagel, a man friendly with the defendants, did not come forward and tell them of a conversation he had with his client, Mrs. Busch, one of those Rumely claimed had furnished him money to buy the Mail. The conversation was merely that she had been approached regarding a possible investment in a newspaper. This does not change the essential fact that she did not invest in the paper as Rumely claimed and that the money in fact was furnished by the German Imperial Government. Incidentally, the so-called evidence, even if volunteered by Nagel at the trial, would have been hearsay evidence and therefore legally incompetent. The important thing, however, is that the claim is repeatedly made, directly or by implication, that the Government suppressed evidence. The charge is completely false.

Second. The second claim made by my Republican colleagues is that Rumely was really innocent and that his pardon resulted from the disclosure of Nagel's evidence. Actually, Rumely was guilty as sin, and his pardon was not a result of disclosure of evidence or a belief in his innocence.

What are the facts? At the time of Rumely's pardon, President Coolidge was pardoning many people convicted of political and quasi-political crimes that were committed against the United States during the war. It was his policy to do so. A pardon does not mean that a person is innocent, merely that he has been excused and restored to his former status.

As for Rumely's own case, there is nothing in the proceedings leading up to his pardon to indicate that he was pardoned because it was thought that if the evidence which Rumely now alleges was suppressed by the Government—and which I have indicated was not—had been brought forward he would have been found innocent. The reason assigned for the pardon of Rumely and his codefendants may be found in the report of the Attorney General for the fiscal year 1925 at page 403. It states:

It developed during the investigation of this case that the applicants were all men of high character and uniformly so regarded. The Attorney General advised that they be granted full and unconditional pardons to restore their civil rights.

I think the House should learn the nature of Rumely's pardon. It was a pardon granted to restore his civil rights. It did not mean that he was unjustly convicted. It was not thought that Nagel's testimony would have made any difference. He was just pardoned as were many others. In my statement before the House on yesterday, I discussed the effect of an Executive pardon. This part of my speech is on page 15338 of the CONGRESSIONAL RECORD of yesterday, September 20. I also inserted a statement from the Library of Congress, which is very interesting. To prove to the House that the Department of Justice was not impressed with Nagel's disclosure, I am going to point out certain important dates.

Rumely was not pardoned until January 19, 1925. He began to serve his sentence in March of 1924. He served time until April 18, 1924. Nagel obtained his release to speak as early as December 1921. By November of 1923 Rumely was able to induce some of the jurors to sign his prepared statement. Remember that Rumely started to serve in 1924 and was not pardoned until 1925, almost a year after his release. Now, I submit to this House that if Nagel's disclosure convinced anyone that Rumely was innocent and that he was pardoned as a result thereof, it would not have taken from December 1921 until January 1925. And even more persuasive is the fact that the Department of Justice and the President, having this information along with the ready-made statement signed by some of the jurors, allowed Rumely to serve time in jail. If these things convinced the President and the Attorney General of Rumely's innocence and if he were pardoned because it was thought he was innocent, he would have been pardoned before he served time. They had the facts before he served time. I submit to this House that the phony argument about his innocence and pardon is just another thread in Rumely's fabric of lies.

Let us examine Dresser's phony claim to the jury's position about guilt or innocence a little closer. Even if the jurors recommended clemency it does not mean they were of the belief that Rumely was innocent although his defenders would like us to believe it.

This petition of some of the jurors regarding Nagel's disclosure was a prepared one. No juror wrote it. They might have been disposed to sign it since it was then 3 years after the trial. Notice the language "altered our verdict or resulted in a disagreement." The ones that signed could have been convinced that one of their fellow jurors might not have voted for conviction. Note that not one of the jurors said that he individually would have voted for Rumely's acquittal. Note, too, that this was executed at a time when it was the disposition of the country to forgive our exenemies and our traitors.

Moreover, Rumely and his defenders have neglected to state that some of the jurors were a bit strong-minded and saw through the subterfuge. They insisted on stating that it was only insofar as any prison sentence or loss of citizenship was concerned. In other words, they were still convinced of his guilt and insisted on saying so even though they were willing to go along with the prevailing policy of forgiveness.

I repeat that this pardon business is phony. It is only more evidence that Ed Rumely is a fraud today. He was guilty in World War I and he is trying to deceive the country now. We may forgive a dog for biting us, but we should be wary of it in the future.

CLEMENCY ACTION—RUMELY CASE

November 9, 1923: Respite of 60 days granted.

January 5, 1924: Further respite of 60 days granted.

March 13, 1924: Sentence commuted to 1 year in the Westchester County Penitentiary, White Plains, N. Y.

April 11, 1924: Sentence commuted to the period of 1 month.

April 18, 1924: Released.

January 19, 1925: Pardon granted to restore civil rights.

The SPEAKER. Under previous order of the House, the gentleman from Tennessee [Mr. SUTTON] is recognized for 10 minutes.

CREATING SELECT COMMITTEE TO INVESTIGATE ALLEGED PRACTICES IN THE SALE OF CHILDREN

Mr. SUTTON. Mr. Speaker, I have just introduced a resolution which, if adopted, would create a select committee with powers to conduct an investigation and study of the alleged practices in the sale of children by institutions charged with their care. I introduced this resolution because it is not confined to any one State but goes into interstate commerce and, according to the FBI, they have no authority to investigate the matter.

I regret that the great volunteer State of Tennessee is receiving so much unfavorable publicity because of the alleged "racket" directed at the head of the Memphis branch of the Tennessee Children's Home Society, concerning the acceptance of money for children, many of whom have not been legally adopted through court decrees.

According to newspaper articles, more than 1,000 babies have probably been involved in illegal adoption proceedings, manipulated through the Memphis branch of the Tennessee Children's Home Society, and exported in interstate traffic mostly to the States of New York and California. It is alleged that this practice has been going on for 20 years.

According to newspaper information, reports received by State officials show that where transportation costs of adoption amounted to no more than $100, foster parents were charged $750. Many heart-rending stories have been printed concerning the purchase of babies from the Memphis institution.

It has now come to light, that many of the true parents of infants who were left in the care of the Memphis Society, are now asking that their children be returned and, upon investigation, have learned that their children have been, heretofore, in some cases, adopted under the laws of the State of Tennessee, but, in numerous other cases, have been assigned to new homes in violation of the State laws relating to the adoption of children.

In fact, it is believed that in many instances no legal procedure of any kind has been instituted.

A Hayti, Mo., father and World War II veteran, according to newspaper reports, recently issued a statement in Memphis saying that Miss Tan, who, until her death on last Sunday, September 15, was the head of the Memphis branch of the Tennessee Children's Home Society, had hoodwinked him into signing papers authorizing placement of his three children for adoption.

Other stories appearing in the press were from Edward Russell, a father, 31 years of age, stating that he had not seen his children since December 7, 1949, when they were turned over to Miss Tan. He stated that he believed that he would have them back as soon as he had procured employment. Russell admitted that he had signed adoption papers, but stated that the matter was misrepresented to him by Miss Tan.

According to reports from certain investigations, high profits, in the baby-adoption racket, through collection of excess traveling expenses, have been made. One of the stories appearing in the paper was to the effect that a woman from Pasadena, Calif., wrote to the head of the Memphis institution that she and her husband had paid $187 for a baby they never received. The money reportedly represented one-half of the investigator's traveling expenses. The California woman stated that her home was approved and highly praised by the children's home investigator, but that they were surprised when informed that they would have to pay an additional amount of about $400. When the baby failed to arrive, she wrote the late head of the Memphis society, but was informed that her application had been canceled, but the $187 was never returned.

Many other heart-rending stories have been printed regarding the proposed baby traffic, which, of course, would and should be thoroughly investigated if my resolution is adopted.

According to the press, it is estimated that between 90 and 95 percent of the babies who have been placed by the Memphis home have been sent to California and New York. According to information reaching me, there is a shortage of babies available for adoption in the State of Tennessee, and since children are apparently being designated to out of the State foster parents in wholesale numbers, this is a matter that directs itself to the Federal Government, since it involves interstate traffic, and I know that the members of this Body will agree that it is high time that a thorough and far-reaching investigation be made.

Many of the stories appearing in the press are heartbreaking indeed. I have had occasion to discuss the matter with the law-enforcement agencies of the Federal Government and to make a hurried search of the Federal laws, and was astounded to learn that there is nothing that can be done to prohibit such practice under the laws now in force and effect.

I am, of course, humiliated that this racket would be directed to my home State. Hence, I hope that the Members of Congress will lend their whole-hearted assistance to me in procuring the passage of this resolution immediately, in order that such a terrible practice may be forever eliminated. The penalty should and must be severe, and I know that if a congressional investigation should prove that a racket of the type that is being described in the papers, is being permitted to exist in the United States, that the good mothers and fathers of this Nation will be elated to know that the strong arm of the Federal Government has moved into the picture and will apprehend and imprison those who are guilty of such frauds, and who go to such inhuman extent in their lust for gold.

Of course, the entire population of this Nation is gravely concerned over reports of this kind, and I am happy to say that the authorities of my home State of Tennessee have expressed great concern over the matter. I am informed that the Governor will recommend that the laws of the State of Tennessee be amended to such an extent that persons in whose care infants have been placed, who reside in Tennessee, will be slow indeed to take a chance on violating the laws relating to adoption, provided that they can have the cooperation of the Federal Government in cases involving interstate adoption, or where the laws of the State of Tennessee could not be enforced.

I understand that recently some investigators representing the State of Tennessee and who are, at this time, investigating the alleged baby black market, contend that it is probable that within the last 10 years that the returns from this illegal practice has returned the participants a million dollars or more. Reportedly, the former head of the Memphis society owned considerable real-estate holdings, including a hotel on the west coast, a tourist home, her Memphis residence, and a duplex, also situated in the city of Memphis.

Certainly there are many, many signs of fraud in connection with this racket, and I sincerely hope that the Congress will concur with me that a congressional committee should investigate such charges and allegations, then recommend to the Congress laws to do away with such unbelievable racketeering practices.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Georgia [Mr. DAVIS] is recognized for 10 minutes.

(Mr. DAVIS of Georgia asked and was given permission to revise and extend his remarks and include a resolution and other extraneous matter.)

ATLANTA CITY SCHOOLS

Mr. DAVIS of Georgia. Mr. Speaker, a suit was filed in the United States District Court in Atlanta on September 19, 1950, in behalf of certain Negro children against Miss Ira Jarrell, superintendent of the Atlanta city schools, and the members of the city board of education.

I am informed that the suit alleges in substance that Negro children can only secure equal educational opportunities with white children by being allowed to attend school with white children.

This suit removes any doubt which previously existed, if any did exist, that the real objective of the Negro agitators is social equality and is not to obtain fair treatment in educational opportunities.

The Negroes of Georgia, and particularly those in the Fifth Congressional District of Georgia, have for a long time been accorded educational advantages, paid for almost entirely by white people, far superior to those which they have earned, or which they have shown themselves to be entitled through their own efforts.

The white people of Georgia, and of my district and county, have carried this burden, and have carried it uncomplainingly. It has been well known that the Negroes could not and would not provide educational facilities through their own efforts. Had their school opportunities and facilities been limited to such as their own taxes would have paid for, it is doubtful if provision could have

been made for Negro children as a whole to finish the first grade.

I will give you an illustration of the situation to which I refer: In my home county of De Kalb in the State of Georgia, 2,042 Negro children are enrolled in the county public school system.

Negro property owners in De Kalb County pay school tax upon 1,348 parcels of real estate, total valuation $357,320; net valuation after deducting the homestead exemptions, $77,600. Negro property owners pay taxes upon 842 items of personal property, gross valuation $77,950; net valuation after homestead exemption, $50,750. These property owners thus pay school tax upon $128,350 of taxable property. Our school tax rate is 15 mills, or $1.50 per $100.

The total amount of school taxes paid by these property-owning Negroes is $1,925.35.

The county operates four Negro school busses to haul Negro children to the county public schools at an annual expense of $2,000 each, or a total for school bus expenses of $8,000.

The total school taxes paid by the Negroes of De Kalb County into the county school system is less than one-fourth the actual money spent by the county to haul them to the schoolhouses.

Our county spends per child per year for school purposes an average of $85.33 per child enrolled. If the white taxpayers did not pay these school expenses for Negro children, the $1,925.35 would provide less than $1 per school year for the 2,042 Negro children who attend the county public schools.

I said a moment ago that the school tax money paid by Negroes would carry them no further than the first grade. That was a mistake. If that were all the money they had for their children's educational facilities, it would not begin to be enough to carry them through the first grade. It would hardly carry them through the first four letters of the alphabet.

Another fact shown by the school tax figures is that on ad valorem property taxes paid by white people in that county the homestead exemption amounts to 40 percent of the taxable value of the property involved, while the homestead exemption on the Negro-owned property is 70 percent of the taxable value of the property, and thus on Negro-owned property, taxes are collected only upon 30 percent of the tax valuation of such property, in the aggregate.

The charge by Negro agitators, as well as white agitators, that Negroes and Negro children do not receive fair or just treatment from an educational standpoint is the veriest tommyrot. Upon a recent visit home I inspected a newly constructed Negro grammar school and a newly constructed Negro school gymnasium, and found them to be the equal of any white school or gymnasium in the district, and superior to many white schools and gymnasiums in the district.

We would not hear this agitation at all about Negro schools or about abolition of segregation in schools, on trains, in the Army, and elsewhere were it not for a vile political scheme between President Truman, his civil-rights agitators, the Supreme Court of the United States, and the National Association for the Advancement of Colored People, through which the present national leadership of the Democratic Party, with the connivance of the Supreme Court as it is presently constituted, are pandering to the Negroes for political support by destroying segregation through judicial legislation. Congress has consistently refused throughout the years to pass laws destroying segregation, and this vile scheme has been devised to circumvent the will of the people as expressed by their representatives in Congress.

The fact that a majority of the present nine men composing the personnel of the Supreme Court, most of whom are purely political appointees, have decided to overrule the law of the land, and to undertake to force their own personal views upon the people of the country through the makeshift subterfuge of a judicial decision, does not make such action either constitutional or acceptable.

The power to change the law of the land rests in the legislative department. It does not rest in the judicial department.

The present Supreme Court has been grossly guilty of attempting to change the laws of this land by what amounts to nothing more nor less than judicial legislation. Such action is reprehensible. It is as much a violation of the Constitution as it would be for the Congress to undertake to render legal decisions in place of the Supreme Court, or to act as Commander in Chief of the Army in place of the President.

I made a speech on this subject in the House of Representatives on August 15, 1949. At that time I said with reference to these attempts to legislate judicially:

> It is time for the bar of the Nation to take note of this practice. It is time for Congress to take note of it, and time for the people to take note of it.
>
> It is important that adequate protection be afforded from those—whether they be zealots, fanatics, or merely well-meaning judges—determined to force radical doctrines upon an unwilling, but helpless, citizenry.
>
> One of the evils of such a system is that it destroys respect for both the courts and the law.
>
> The decisions of such a court have no permanent value as precedents.

This movement to abolish segregation, which is currently being advocated by the zealots, the fanatics, the crackpots, the Communists, and the fellow travelers, is a part of the Communist Party line, and a part of the Communist Party program.

It is the duty of sensible, patriotic American citizens, who believe in America, her people, and her institutions to resist them, and to see to it that these fuzzy doctrines do not gain a foothold.

I have resisted every such effort, including efforts of the same fanatics, radicals, and zealots, to establish an FEPC law. I shall continue to resist all such efforts. I am glad that the Governor of Georgia has declared himself, and I am glad that the Democratic Party of the State of Georgia has declared itself, and taken a firm stand upon these questions.

A hostile Federal Government tried to cram these doctrines down the throats of the southern people in reconstruction days. Our people had the stamina then to defeat the zealots, the fanatics, and the crackpots of that day and time in their efforts to achieve the same purpose these present-day crackpots, zealots, and fanatics are undertaking to achieve.

The time has come again when action must be taken—when the people of our section again must say to all usurpers of power, whether it be the Supreme Court, whether it be the President, or whoever it may be—"Thus far you may come, but no farther." That time is here, and I am glad to see the authorities of our State and of our party taking that firm stand. I will support them in it.

I commend the governor of our State for the stand which he has taken in declaring himself upon these matters.

I commend the Democratic Party of the State of Georgia for the resolution which it adopted at the convention in Macon, Ga., on Wednesday, August 9, 1950.

The resolution adopted at the Macon convention is as follows:

Convention Resolution 7

1. On June 5, 1950, the Supreme Court of the United States rendered its opinions in the cases of *Sweatt* v. *Painter et al.*, and *McLaurin* v. *Oklahoma State Regents for Higher Education et al.*, whereby that Court ordered Negro students admitted to the University of Texas Law School, established for white students by the State of Texas, and struck down the separation of the races at the University of Oklahoma, notwithstanding the laws of Texas and Oklahoma required that the white and colored races be separately educated.

2. In both of these cases said Court declined to reaffirm the principle long regarded as settled, and, in the year 1896, specifically laid down, by that Court in the case of *Plessy* v. *Ferguson*, that the several States may recognize that there are differences between the white and colored races, and provide separate and substantially equal public facilities. In the case involving the University of Texas Law School it had been adjudicated by the Court of Appeals and the Supreme Court of Texas that the privileges, advantages, and opportunities for the study of law afforded Negro students at Texas State University for Negroes were substantially equivalent to those offered by the State to white students at the University of Texas. In the case involving the University of Oklahoma, the State of Oklahoma, complying with the orders of the United States district court, had admitted the Negro student there involved to the University of Oklahoma, designating for him and the white students separate seating and eating arrangements.

3. It is clear that if these cases be followed there can be no separate educational systems. In the Texas Law School case the Court ruled that for a colored school to be equal to a white school the position and influence of the alumni must be the same, and the schools must have equivalent standing in the community and in traditions and prestige; and, further, that the Texas university for Negroes was not equal to that for white students because white students were excluded from the Negro university. In the Oklahoma case, the Court held that the Negro student was not furnished the same educational opportunities as the white students, although he received the same instruction, from the same professors and the same books, and at the same time and place.

4. Under the doctrine of these decisions the races must be educated together in the public schools beginning with the first grade.

5. These decisions were announced the same day as that of Henderson against

United States, et al., which case involved separation of the races on railroad dining cars. The Attorney General of the United States intervened in the Henderson case, at the direction of the President of the United States, and urged the Court to lay down the rule that there could be no separation of the races by law under any circumstances. This intervention of the President of the United States undoubtedly influenced the Supreme Court of the United States to depart from established principles of law and lay down the new and radical doctrine stated above.

6. The Constitution of the United States does not confer upon the Federal Government any jurisdiction whatever over the educational systems of the individual States. All power, jurisdiction, and authority over their educational systems are reserved to the several States by the United States Constitution in the tenth article of amendment thereto, whereby all powers except those expressly delegated to the United States are reserved to the individual States or to the people. The Supreme Court of the United States is a part of the judicial branch of the Federal Government, and the Constitution of the United States does not confer upon the Federal courts any power over matters reserved to the States.

7. Article VIII, section I, paragraph I of the Constitution of the State of Georgia expressly provides: "Separate schools shall be provided for the white and colored races."

8. Every State has the natural right to defend those parts of its social system which are essential to the happiness, peace, progress, and welfare of its citizens, and essential to the maintenance of its civilization: Now, therefore, be it

Resolved by the Democratic Party of the State of Georgia in convention duly assembled in the City of Macon on this August 9, 1950, as follows:

First. We condemn the action of President Truman in directing the Attorney General of the United States to assume before the Supreme Court of the United States the position that all separation of the races by law should be forbidden. Particularly do we condemn such agitation of these destructive doctrines at a time when the perilous position of our country was known or should have been known by those whose first duty it is to defend this Nation from its enemies. The Federal Government should devote less time and energy in its attempt to destroy the South, and more effort toward defending our common country from its foreign foe.

Second. The decisions of the Supreme Court of the United States above referred to are an unlawful and unwarranted abuse of power and authority. They cannot be justified as lawful on the ground that the Court has jurisdiction to construe and interpret the United States Constitution. That Constitution does not deal with State educational systems and contains nothing on the subject requiring construction or interpretation.

Third. Georgia was not a party to these decisions and in our opinion they are not binding on us.

Fourth. We applaud the position of Gov. Herman E. Talmadge with reference to said decisions, as stated by him in the recent campaign before the people, in that he pledges that at all hazards the separate school system of this State will be maintained as long as he is governor. We in turn pledge him our support in this regard and stand ready to do whatever is necessary to this end.

Fifth. It shall be the duty of the nominees of this convention, said decisions to the contrary notwithstanding, to uphold, maintain, and defend the provisions of the Constitution of this State that there shall be separate schools for the white and colored races. Upon election to their respective offices, it shall be their duty to maintain this law with all the resources of the State and every power at their disposal, which duty each nominee, by acceptance of his nomination, pledges himself to perform.

Sixth. We call upon the Georgia Senators and Representatives in Congress to introduce in that body appropriate legislation amending the judiciary laws of the United States so that said laws shall expressly provide that no court of the United States shall ever have jurisdiction to entertain any suit directed against the maintenance of separate schools for the white and colored races in those States which provide for such dual system.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. RICH] is recognized for 10 minutes.

(Mr. RICH asked and was given permission to revise and extend his remarks and include a table.)

GOVERNMENT SPENDING

Mr. RICH. Mr. Speaker, when this session of the Eighty-first Congress adjourns I will have completed nearly 18 years of service for the people of my district in Pennsylvania who have honored me as their selection to represent them in this honorable body.

Today out of the entire membership of this body, there are only 30 remaining who served in the Seventy-first Congress. A lot of water has run over the dam since 1930. We have had good times and bad, both during peace and war. Our population has grown from approximately 122,000,000 to an estimated 152,000,000 today, an increase of nearly 25 percent in 2 decades. With the growth of our population there has come about great changes in our social and economic life. Millions of new voters have taken their places in our political life, and it is indeed a tribute to our form of representative government to know that 30 of my colleagues back in 1930 are still here today representing their districts.

In the years that I have served with you, I have learned to admire and respect the Americanism which has so often been exhibited in your actions in this body. During the trying day of the late World War no group of men and women ever worked harder and more faithfully to preserve the ideal of freedom and liberty upon which this Nation was founded. Although we sometimes differed on policies there never was any radical differences on principles. We voted billions upon billions of dollars to save our country in time of war. Today, in the most kindly spirit, I warn you, my colleagues, that the sacrifices we made, and the regulation and regimentation to which we willingly submitted during the war, can destroy this Nation if longer continued in time of peace.

With a public debt of over $256,000,000,000 we have got to put our financial house in order, or inflation and finally deflation will destroy America from within, more easily and more quickly than it can possibly be destroyed by an enemy attacking from without. Now for a quick look backward. 1929 is a year many of us who are here today still remember. This was the year in which President Hoover, on July 24, proclaimed the Kellogg-Briand Antiwar Treaty in effect. At that time 62 nations pledged themselves to renounce war as an instrument of national policy. The world was full of hope and prayers were said almost in every nation for the success of the treaty.

I recall now that on December 3, 1929, President Hoover sent a message to Congress in which he recommended that the normal income tax rates applicable to individuals for the calendar year 1929 be reduced from 5, 3, and 1½ percent, to 4, 2, and ½ percent, and that the tax on corporations be reduced from 12 to 11 percent.

I recall also, that 1929 was the year in which the stock market crashed downward with estimated losses of $50,000,000,000 falling on the shoulders of 25,000,000 persons. At that time, and ever since, this speculative loss was hailed as a dreadful calamity. Yet not 1 acre of our land had been destroyed and our productive capacity was intact. This old bogey, the stock market crash of 1929, has been used as ammunition ever since by politicians for the New Deal and the Fair Deal, and all the rest of the deals, some secret, which have brought our Nation to the verge of bankruptcy today, in spite of the fact that our banks are overflowing, and our pockets are filled with an irredeemable paper currency whose buying power is now at the lowest ebb of all time.

APPROPRIATIONS OF THE SEVENTY-FIRST CONGRESS

In three sessions the Seventy-first Congress appropriated a total of $10,240,236,661. During the first session of the Seventy-second Congress the appropriation was $5,785,252,641.

The Democrats tooks over the House during the first session and elected John N. Garner, Speaker. In those days, the Democrats were as careful with the public moneys as the Republicans, and in the second session they appropriated only $7,692,447,339.

From here on things began to happen mighty fast. The money of the people was appropriated and spent for all kinds of new schemes cooked up by the small group of brain trusters the President gathered around him, and whom Dr. Wirt of Gary, Ind., testified were out to lead the President by slow degrees into a new economic order in which all control would be by the Government.

From 1933 to 1939 our tax money was squandered and wasted on all kinds of socialistic schemes to lift us out of the depression. We tried to buy prosperity by all kinds of work relief jobs, and in every year we built up the public debt and increased the cost of Government. The leaf raking, and similar projects paid off only in the loss of morale and self-respect by some and the dependence upon Government largess by the many.

During the 20 years that I have served in this body, I frequently have inquired: "Where are you going to get the money?"

No one seems to have had an answer, so I will now answer my own question. Unless we quit appropriating money, which we do not have in the Treasury, for all kinds of schemes all over the world, we are going to drain the resources of our country, bleed our own people down to their last dollar, and bring about a

change in our form of Government, that none of you who are here today will like.

We are bankrupting the greatest Nation ever to have existed in all the days of mankind. We are destroying liberty under the greatest document ever conceived by the mind of man—our own American Constitution.

We started on the down-hill road to inevitable disaster back in 1909, when some weak-minded politicians, not satisfied with the Government and the Constitution as it then was, decided we ought to imitate some of the European nations and have an income tax. The only reason for an income tax at that time, so far as I can find out, was because we were prosperous in those days. Our national debt was only $1,148,315,000, an average of $12.69 per capita. A dollar in those days was worth a dollar. It was backed by gold and could be exchanged for gold at its face value. I find that our dollar was so good that less than a billion dollars of the public debt bore interest, for the simple fact that we then had old non-interest-bearing notes outstanding in the amount of $276,000,000 that no one seemed desirous of cashing.

How different are things today. The interest on the public debt now amounts to more each year than we were spending back in 1929 for the whole cost of the Federal Government.

Again I repeat, we started on the down hill road, when 42 of the States ratified the fifteenth amendment to the Constitution and it went into effect on February 25, 1913.

In a few short words, the Congress of the United States was given the power to tax, which, as has been so well and frequently said, is also the power to destroy.

Under the fifteenth amendment, there is no limit on the taxing powers of Congress except their own conscience.

Using the taxing power, it is entirely possible to tax a business out of existence, the workers out of jobs, and people out of their property and homes. We have made this Nation almost 100 percent tax slaves, an accomplishment which none should be too proud about.

Next in order will be the making of a Nation of political slaves out of the people, unless the Congress acts to curb the spending by refusing to make appropriations out of any money in the Treasury when we all know the Treasury is empty.

Mr. Speaker, in every year since 1931, the Congress has appropriated more money than the bureaucrats have been able to spend or give away, except in the fiscal years 1945 and 1947.

In this short time we have appropriated and spent over $715,000,000,000 which amount is greater than the total value of all the physical assets of the North American Continent, including Puerto Rico, Hawaii, and the island of the Caribbean.

During this same period the Treasury has collected more than $476,000,000,000 in revenue of various kinds, and the public debt has risen from approximately $17,000,000,000 in 1929 to more than $256,000,000,000 today.

Even during the fiscal year 1950, for which the appropriations totaled $46,497,456,897, it now appears that nowhere near this amount can possibly be spent by June 30, so the administration is going to claim the benefits of a big saving, when as a matter of fact the expenditures are running over half a billion more than they were in fiscal 1949, and the receipts are running a billion dollars below the 1949 level as of May 25, 1950.

We have built up the public debt $3,500,000,000 in the past 11 months and this borrowing and spending by the Government is one of the contributing factors to the inflation which makes every man's dollar worth less in the market place.

At this point in my remarks, Mr. Speaker, I insert a table showing the appropriations, the net receipts of the Treasury, the expenditures from the Treasury and the surplus or deficits by years from 1934 to the estimates for fiscal 1950.

TABLE 1.—*Appropriations by fiscal years, net receipts of the Treasury, expenditures reported, and surplus or deficit (—) reported for each year. Source: Annual Report of the Secretary of the Treasury, 1949, and S. Doc. No. 125, 81st Cong., 1st sess.*

Fiscal year	Appropriations	Receipts, net	Expenditures reported	Surplus or deficit (—)
1934	$7,692,447,339	$3,064,267,912	$6,693,899,854	—$3,629,631,943
1935	7,527,559,327	3,729,913,845	6,520,965,845	—2,791,052,100
1936	9,579,757,330	4,068,936,689	8,493,485,919	—4,424,549,230
1937	10,336,399,272	4,978,600,695	7,756,021,409	—2,777,420,714
1938	9,183,701,740	5,802,185,636	6,978,802,234	—1,176,616,598
1939	10,338,996,189	5,103,396,943	8,965,554,983	—3,862,158,040
1940	11,447,634,076	5,264,663,044	9,182,682,204	—3,918,019,161
1941	16,878,865,241	7,227,281,383	13,386,553,742	—6,159,272,358
1942	57,792,715,367	12,696,286,084	34,186,528,816	—21,490,242,732
1943	147,071,208,961	22,201,501,787	79,621,932,152	—57,420,430,365
1944	114,564,008,594	43,891,672,699	95,315,065,241	—51,423,392,541
1945	67,614,266,774	44,761,609,047	98,702,525,172	—53,940,916,126
1946	69,780,137,109	40,026,888,964	60,703,059,573	—20,676,170,609
1947	35,734,209,164	40,042,606,290	39,288,818,630	753,787,660
1948	35,982,887,708	42,210,770,493	33,791,300,649	8,419,469,844
1949	41,675,480,957	38,245,667,810	40,057,107,858	—1,811,440,048
1950	46,497,456,897	[1] 31,431,944,838	34,404,079,358	—2,972,134,520

[1] Receipts, expenditures, and deficit for fiscal 1950 to May 15, 1950.

The appropriations listed from 1936 to 1950 do not include payments from trust fund receipts, which for fiscal 1950 alone were reported to amount to $6,517,603,514.

REVENUE ACT OF 1950—CONFERENCE REPORT

Mr. DOUGHTON submitted a conference report and statement on the bill (H. R. 8920) to reduce excise taxes, and for other purposes.

EXTENSION OF REMARKS

Mr. HOFFMAN of Illinois (at the request of Mr. ARENDS) was given permission to extend his remarks and include a magazine article.

Mr. TABER asked and was given permission to revise and extend the remarks he made earlier this afternoon and include a copy of an amendment that he proposed to offer.

Mr. HOBBS asked and was given permission to extend his remarks and include extraneous matter.

Mr. BOLLING asked and was given permission to extend his remarks and include an editorial.

Mr. BOLLING asked and was given permission to extend his remarks and include extraneous matter which will exceed two pages of the RECORD and is estimated by the Public Printer to cost $191.34.

Mr. SHAFER asked and was given permission to extend his remarks.

Mr. SHORT asked and was given permission to extend his remarks in two instances and in one include the address delivered by the former Representative from New York, Hon. John J. O'Connor, and in the second include the Optimist's Creed.

Mr. GAVIN asked and was given permission to extend his remarks and include a news article.

Mr. KING asked and was given permission to extend his remarks and include editorials appearing in California newspapers.

Mr. KEAN asked and was given permission to extend his remarks on the subject of planning for civilian defense.

Mr. CANFIELD asked and was given permission to extend his remarks and include an article appearing in the New York Herald Tribune.

Mr. MILLER of Nebraska asked and was given permission to extend his remarks and include a newspaper item.

Mr. GWINN asked and was given permission to extend his remarks on the use of the congressional frank.

Mr. McGUIRE asked and was given permission to extend his remarks in two instances.

Mr. DAVIES of New York (at the request of Mr. McGUIRE) was given permission to extend his remarks in four instances.

Mr. HAGEN asked and was given permission to extend his remarks and include a report and other extraneous matter, notwithstanding the fact that it will exceed two pages of the RECORD and is estimated by the Public Printer to cost $266.50, and further to extend his remarks in three instances and include articles and letters.

ENROLLED BILLS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6480. An act to amend title 18, United States Code, entitled "Crimes and Criminal Procedure";

H. R. 7940. An act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes;

H. R. 9399. An act to provide a more effective method of delivering applications for absentee ballots to servicemen and certain other persons; and

H. R. 9455. An act to amend the act of September 16, 1942, as amended, so as to facilitate voting by members of the Armed Forces, and certain others, absent from their places of residence.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1192. An act for the relief of Basque aliens;

S. 1208. An act for the relief of Pasch Bros.;

S. 1357. An act for the relief of Gregory Pirro and Nellie Pirro;

S. 1501. An act for the relief of Mr. and Mrs. Ray S. Berrum;

S. 1507. An act to amend section 10 of the Act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes.

S. 2028. An act to permit the Board of Education of the District of Columbia to participate in the foreign exchange program in cooperation with the United States Office of Education;

S. 2324. An act for the relief of Maria Balsam;

S. 2599. An act for the relief of Arturo Bennetti;

S. 2648. An act for the relief of Carlo Fava;

S. 2835. An act for the relief of Boris Paul von Stuckenberg and wife, Maria Alexander von Stuckenberg;

S. 2922. An act for the relief of Chieko Murata;

S. 3015. An act for the relief of Walter Tyson;

S. 3018. An act for the relief of W. F. Steiner;

S. 3121. An act for the relief of Mario Juan Blas Besso-Pianetto;

S. 3306. An act for the relief of Dr. George Peter Petropoulos;

S. 3307. An act for the relief of Colvin Bernard Meik;

S. 3321. An act for the relief of Dr. Zena (Zenobia) Symeonides;

S. 3431. An act for the relief of Tatiana Moravec;

S. 3434. An act for the relief of Mikiko Anzai;

S. 3579. An act for the relief of Midshipman Willis Howard Dukelow, United States Navy;

S. 3796. An act to amend section 4474 of the Revised Statutes, as amended, relating to the use of petroleum as fuel aboard steam vessels;

S. 3807. An act to authorize the President to appoint Col. Henry A. Byroade as Director of the Bureau of German Affairs, Department of State, without affecting his military status and perquisites;

S. 3814. An act authorizing the Secretary of the Interior to issue patents in fee to certain allottees on the Blackfoot Indian Reservation;

S. 3824. An act for the relief of Kenneth Bruce Kohei Kozai; and

S. 3917. An act for the relief of Basilio Gorgone.

ADJOURNMENT

Mr. DAVIS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.), under its previous order, the House of Representatives adjourned until tomorrow, Friday, September 22, 1950, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

1679. Under clause 2 of rule XXIV, a letter from the Secretary of the Army, transmitting the first report of the Department of the Army relative to the disposal of Army excess personal property located in areas outside the continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands, covering the period between July 1, 1949, and December 31, 1949, pursuant to section 404 (d), title IV, of the Federal Property and Administrative Services Act of 1949, was taken from the Speaker's table, referred to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOOD: Committee on Un-American Activities. Report on the National Lawyers Guild, pursuant to House Resolution 5, Seventy-ninth Congress, first session, without amendment (Rept. No. 3123). Referred to the Committee of the Whole House on the State of the Union.

Mr. DOUGHTON: Committee on conference. H. R. 8920. A bill to reduce excise taxes, and for other purposes; without amendment (Rept. No. 3124). Ordered to be printed.

Mr. MURRAY of Tennessee: Committee of conference. H. R. 7824. A bill to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes; without amendment (Rept. No. 3125). Ordered to be printed.

Mr. STANLEY: Committee on House Administration. House Concurrent Resolution 284. Concurrent resolution authorizing the printing of the symposium entitled "Executive Reorganization" as a House document, and providing for additional copies thereof; without amendment (Rept. No. 3127). Ordered to be printed.

Mr. STANLEY: Committee on House Administration. House Resolution 832. Resolution providing for the expenses of the investigation and study to be conducted by the select committee created by House Resolution 474. With an amendment (Rept. No. 3128). Ordered to be printed.

Mr. STANLEY: Committee on House Administration. House Resolution 828. Resolution authorizing the expenses of the investigation and study to be conducted by the Select Committee on Lobbying Activities; with an amendment (Rept. No. 3129). Ordered to be printed.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. Report on activity of the Committee on Interstate and Foreign Commerce, Eighty-first Congress, pursuant to section 136 of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress; without amendment (Rept. No. 3130). Referred to the Committee of the Whole House on the State of the Union.

Mr. HART: Committee on Merchant Marine and Fisheries. H. R. 9715. A bill to amend section 1205 of title XII of the Merchant Marine Act, 1936, as amended; with an amendment (Rept. No. 3131). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORRIS: Committee of conference. H. R. 5372. A bill to authorize the negotiation, approval and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and of Standing Rock Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes; without amendment (Rept. No. 3132). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BYRNE of New York: Committee of conference. H. R. 1056. A bill for the relief of Preston L. Watson as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased; without amendment (Rept. No. 3122). Ordered to be printed.

Mr. STANLEY: Committee on House Administration. House Resolution 859. A bill for the relief of Mrs. Elizabeth Green; without amendment (Rept. No. 3126). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL:

H. R. 9723. A bill to authorize the Secretary of Agriculture to bring to Washington, D. C., theater productions of land-grant colleges and universities; to the Committee on Agriculture.

By Mr. FLOOD:

H. R. 9724. A bill to create a Susquehanna Watershed Commission, and for other purposes; to the Committee on Public Works.

By Mr. RODINO:

H. R. 9725. A bill to provide free postage for members of the Armed Forces of the United States; to the Committee on Post Office and Civil Service.

H. R. 9726. A bill to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes; to the Committee on Banking and Currency.

By Mr. CROSSER:

H. R. 9727. A bill to authorize the training of an adequate backlog of airmen to meet the civil and military needs of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVENPORT:

H. R. 9728. A bill to make a preliminary survey of certain tributaries of Turtle Creek, Pa., to prevent reoccuring flood damage; to the Committee on Public Works.

By Mr. ROOSEVELT:

H. R. 9729. A bill to amend the Social Security Act to provide more adequate Federal grants to Puerto Rico and the Virgin Islands for public assistance; to the Committee on Ways and Means.

By Mr. CROSSER:

H. J. Res. 544. Joint resolution providing for the transfer of funds from the old-age and survivors' insurance trust fund to the railroad retirement account; to the Committee on Ways and Means.

By Mr. SUTTON:

H. Res. 861. Resolution creating a select committee to conduct an investigation and study of alleged practices in the "sale" of children by institutions charged with their care; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS of Louisiana:

H. R. 9730. A bill for the relief of Martin M. Sorensen; to the Committee on the Judiciary.

By Mr. TAURIELLO:

H. R. 9731. A bill for the relief of Dr. Francesco Drago; to the Committee on the Judiciary.

By Mr. WILSON of Texas:

H. R. 9732. A bill conferring jurisdiction upon the United States District Court for the Northern District of Texas to hear, determine, and render judgment on certain claims of Charlie Joe Starnes; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2379. By the SPEAKER: Petition of E. D. McKinnon, secretary, St. Paul Trades and Labor Assembly, St. Paul, Minn., relative to enactment of an excess-profits tax; to the Committee on Ways and Means.

SENATE

FRIDAY, SEPTEMBER 22, 1950

The Senate met at 11:30 o'clock a. m.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou whose approval we seek above the hollow applause of men, we pause in the midst of thronging duties and confused issues that Thou might lift upon us the light of Thy countenance. Inspire and guide with the spirit of understanding these Thy servants, the few among the many, in a great and crucial day lifted by their fellows to high pedestals of power and influence. May their words and counsels so laden with possibilities to affect this stricken generation add to the world's store of good will and be for the healing of the nations. May the tyranny of expediency never bend our conscience to low aims which betray high principles.

Hear, Thou, our prayer as out of the depths we cry, bowing at the world's great altar stairs which slope through darkness up to Thee. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MCKELLAR, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 21, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 21, 1950, the President had approved and signed the following acts:

S. 1640. An act to amend section 4 of the act of March 1, 1911 (36 Stat. L. 962; 16 U. S. C. 513), relating to membership of the National Forest Reservation Commission;

S. 2822. An act to amend the Federal Deposit Insurance Act (U. S. C. title 12, sec. 264);

S. 3768. An act to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes; and

S. 4118. An act to increase the appropriation authorization for the Air Engineering Development Center.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9219. An act to promote the rehabilitation of the Five Civilized Tribes and other Indians of eastern Oklahoma, and for other purposes;

H. R. 9322. An act to clarify and consolidate the authority to require the establishment and maintenance of aids to navigation on private structures in or over navigable waters of the United States;

H. R. 9538. An act to amend subsection (1) of section 4551 of the Revised Statutes, as amended, to exempt additional vessels from the requirements thereof; and

H. R. 9681. An act to authorize the waiver of the navigation and vessel-inspection laws.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 284. Concurrent resolution authorizing the printing of the symposium entitled "Executive Reorganization" as a House document, and providing for additional copies thereof; and

H. Con. Res. 286. Concurrent resolution requesting the President to return H. R. 1025.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2801. An act to give effect to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, and for other purposes; and

S. 3437. An act to amend the Atomic Energy Act of 1946.

LEAVES OF ABSENCE

On request of Mr. WHERRY, and by unanimous consent, Mr. MORSE was excused from attendance on the session of the Senate for the remainder of the week.

On his own request and by unanimous consent Mr. ROBERTSON was excused from attendance on the Senate tomorrow if there should be a session.

REPORT ON FEDERAL CATALOG PROGRAM

The VICE PRESIDENT laid before the Senate a letter from the Director of the Staff of the Munitions Board, Washington, D. C., transmitting, pursuant to House Concurrent Resolution 97, Eighty-first Congress, second session, a joint report on the Federal Catalog Program by the Munitions Board and General Services Administration, dated August 1950, which, with the accompanying report, was referred to the Committee on Armed Services.

PETITION

The VICE PRESIDENT laid before the Senate the following resolution of the Legislative Assembly of the Virgin Islands, which was referred to the Committee on Armed Services:

RESOLUTION OF THE FIFTEENTH LEGISLATIVE ASSEMBLY OF THE VIRGIN ISLANDS OF THE UNITED STATES, FIRST SESSION 1950, PETITIONING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO TAKE FAVORABLE ACTION ON THE REQUEST OF THE GOVERNMENT OF THE VIRGIN ISLANDS FOR THE ESTABLISHMENT OF NATIONAL GUARD UNITS IN THE VIRGIN ISLANDS

"Whereas on several occasions the government of the Virgin Islands has requested the Federal Government to provide for the establishment in the Virgin Islands of units of the National Guard; and

"Whereas as a result of these requests, bills have been introduced into the Houses of Congress for the purpose; and

"Whereas it is believed that, with the world condition being unsettled as it is, the existence and efficient functioning of units of the National Guard in the Virgin Islands could do much in collaboration with the present home guard units to assist in providing proper and adequate military and civilian defense for this military outpost of the United States; and

"Whereas the people of the Virgin Islands fully support the requests and urgent appeals of the government of the Virgin Islands to the Federal Government for the establishment of units of the National Guard of the Virgin Islands, and through their elected representatives in the legislative assembly, desire to so express themselves: Now, therefore, be it

"Resolved and it is hereby resolved by the Legislative Assembly of the Virgin Islands in session assembled, That the President and Congress of the United States are hereby petitioned to favorably respond to the urgent appeals and grant the request of the Government of the Virgin Islands to establish in the Virgin Islands units of the National Guard; and be it further

"Resolved and it is hereby further resolved, That this resolution be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives, the Secretary of the Interior, and the Governor of the Virgin Islands."

Thus passed by the Legislative Assembly of the Virgin Islands of the United States on September 11, 1950.

Witness our hands and the seal of the Legislative Assembly of the Virgin Islands this 11th day of September A. D., 1950.

OMAR BROWN,
Chairman.
EARLE B. OTTLEY,
Secretary.

REPORT OF A COMMITTEE

Mr. LEAHY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9524) to supplement the District of Columbia Teachers' Leave Act of 1949, reported it without amendment and submitted a report (No. 2579) thereon.

RELATIONS WITH INTERNATIONAL ORGANIZATIONS—PERMISSION FOR COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS TO FILE REPORTS AFTER ADJOURNMENT

Mr. O'CONOR. Mr. President, the Subcommittee on Relations with International Organizations of the Committee on Expenditures in the Executive Departments has a number of reports under preparation which may be ready for issuance within the next few months.

They deal with the very important field of expenditures and efficient management of the United Nations and other major international organizations in which the United States Government plays such a vital role.

For the Committee on Expenditures in the Executive Departments, I request unanimous consent to file reports during the adjourned period.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 22, 1950, he

presented to the President of the United States the following enrolled bills:

S. 2801. An act to give effect to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, and for other purposes; and

S. 3437. An act to amend the Atomic Energy Act of 1946.

INVESTIGATION OF LOYALTY OF STATE DEPARTMENT EMPLOYEES—INDIVIDUAL VIEWS OF SENATOR HICKENLOOPER

Mr. WHERRY. Mr. President, recently the Senator from Iowa [Mr. HICKENLOOPER], as a member of the subcommittee of the Committee on Foreign Relations investigating the loyalty of employees in the State Department, under Senate Resolution 350, obtained unanimous consent to file at a subsequent time his individual views in respect to the matter.

He has not yet been able to do so. In his behalf, I ask unanimous consent that he be permitted to file and have inserted in the final issue of the RECORD, to be published after the proposed adjournment, such views as he may prepare.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DWORSHAK:

S. 4184. A bill for the relief of the George B. Henly Construction Co.; to the Committee on the Judiciary.

By Mr. MYERS:

S. 4185. A bill for the relief of Desiderio Fischer; to the Committee on the Judiciary.

By Mr. LEHMAN:

S. 4186. A bill for the relief of Walter Duschinsky; to the Committee on the Judiciary.

By Mr. CAIN:

S. 4187. A bill providing for the issuance of a patent in fee to Lauyish E. Vivian; and

S. 4188. A bill providing for the issuance of a patent in fee to Lauyish E. Vivian, Timans Vivian Gardafee, and Eulalia Vivian Gardafee; to the Committee on Interior and Insular Affairs.

By Mr. KEFAUVER:

S. 4189. A bill for the relief of Anastasia Cakste, and her daughters, Anna and Catherine Cakste; to the Committee on the Judiciary.

(Mr. JOHNSON of Colorado introduced Senate bill 4190, to increase the rate of tax on slot machines from $100 per year to $1,000 per year, which was referred to the Committee on Finance, and appears under a separate heading.)

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles, and referred, as indicated:

H. R. 9219. An act to promote the rehabilitation of the Five Civilized Tribes and other Indians of eastern Oklahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

H. R. 9322. An act to clarify and consolidate the authority to require the establishment and maintenance of aids to navigation on private structures in or over navigable waters of the United States;

H. R. 9538. An act to amend subsection (1) of section 4551 of the Revised Statutes, as amended, to exempt additional vessels from the requirements thereof; and

H. R. 9681. An act to authorize the waiver of the navigation and vessel-inspection laws; to the Committee on Interstate and Foreign Commerce.

PRINTING OF MANUSCRIPT ENTITLED "HISTORY OF U. S. S. 'SOUTH DAKOTA'" (S. DOC. NO. 234)

Mr. GURNEY. Mr. President, there is on permanent display at the University of South Dakota a very fine model of the famous battleship *South Dakota*, familiarly known as battleship *X*. I ask unanimous consent that a manuscript entitled "History of the U. S. S. *South Dakota*," prepared at my request by the Navy Department, be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PRINTING OF REPORT OF BOARD OF ACTUARIES OF CIVIL SERVICE RETIREMENT AND DISABILITY FUND (S. DOC. NO. 235)

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent to have printed as a Senate document the Twenty-ninth Annual Report of the Board of Actuaries of the Civil Service Retirement and Disability Fund for the fiscal year ended June 30, 1949.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

REPUBLICANS-FOR-LUCAS LEAGUE—RADIO INTERVIEW WITH SENATOR LUCAS

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD the radio script of a broadcast of an interview with Senator LUCAS by Paul Potter, cochairman of the Republicans-For-Lucas League, on September 22, 1950, which appears in the Appendix.]

TRANSPORTATION OF UNITED STATES MAIL—STATEMENT BY SENATOR O'CONOR

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD a statement prepared by him on the subject of transportation of United States mail, which appears in the Appendix.]

LEGISLATIVE RESPONSIBILITY FOR JUDICIAL REORGANIZATION—ADDRESS BY ASSOCIATE JUSTICE CLARK

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD the text of an address entitled "Legislative Responsibility for Judicial Reorganization," prepared by Hon. Tom C. Clark, Associate Justice of the Supreme Court of the United States, for delivery at the judiciary dinner of the United States on September 19, 1950, which appears in the Appendix.]

WHITE HOUSE-LABOR OPPOSITION TO SENATOR TAFT—EDITORIAL FROM PHILADELPHIA INQUIRER

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an editorial entitled "The White House-Labor Gang-up on Senator TAFT," published in the Philadelphia Inquirer of September 20, 1950, which appears in the Appendix.]

RESPONSIBILITY OF LABOR UNIONS UNDER ANTITRUST LAWS—ARTICLE BY LEWIS WOOD

[Mr. ROBERTSON asked and obtained leave to have printed in the RECORD an article entitled "Trust Curbs Asked by Bar for Unions," by Lewis Wood, published in the New York Times September 22, 1950, which appears in the Appendix.]

EFFORT TO SCARE SENATOR JENNER FROM ATTACK ON GENERAL MARSHALL—ARTICLE FROM WASHINGTON TIMES-HERALD

[Mr. CAPEHART asked and obtained leave to have printed in the RECORD an article entitled, "Jenner Tells of Effort To Scare Him From Attack on Marshall," written by Walter Trohan and published in the Washington Times-Herald of September 22, 1950, which appears in the Appendix.]

THE EVIL GOOD MEN DO—EDITORIAL FROM CONCORD (NEW HAMPSHIRE) MONITOR

[Mr. CAPEHART asked and obtained leave to have printed in the RECORD an editorial entitled, "The Evil Good Men Do," published in the Concord (N. H.) Daily Monitor of September 19, 1950, which appears in the Appendix.]

NEWS LETTER BY FRANK C. HANIGHEN

[Mr. CAPEHART asked and obtained leave to have printed in the RECORD a portion of a news letter dated September 20, 1950, written by Frank C. Hanighen, which appears in the Appendix.]

TEXAS WATCH DOG—ARTICLE FROM TIME MAGAZINE

[Mr. CHAPMAN asked and obtained leave to have printed in the RECORD an article entitled "Texas Watch Dog," published in the September 18, 1950, issue of Time Magazine, which appears in the Appendix.]

REPORT OF TYDINGS COMMITTEE INVESTIGATING CERTAIN CHARGES—EDITORIAL FROM THE HURONITE AND THE DAILY PLAINSMAN

[Mr. MCCARTHY asked and obtained leave to have printed in the RECORD an editorial entitled "Senate Whitewash Is a Black Mark," published in the Huronite and the Daily Plainsman, of Huron, S. Dak., for July 21, 1950, which appears in the Appendix.]

SENATOR WILEY'S EDUCATIONAL MOTION PICTURE

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him relating to a 16-mm. educational motion picture dealing with the problems of American Government in the Korean emergency, which appears in the Appendix.]

COMMUNIST ACTIVITIES IN THE UNITED STATES

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him, together with a list of selected important events relating to Communist activities in the United States from 1948 to 1950, which appear in the Appendix.]

THE FAITH OF OUR STARS—ARTICLE IN CHRISTIAN HERALD MAGAZINE

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article, "The Faith of Our Stars," published in the Christian Herald Magazine for August 1950, which appears in the Appendix.]

SECRETARY MARSHALL AND THE CHINA POLICY—EDITORIAL FROM THE WASHINGTON POST

[Mr. CAPEHART asked and obtained leave to have printed in the RECORD an editorial entitled "Marshall on the Spot," published in the Washington Post of September 21, 1950, which appears in the Appendix.]

SENATOR JENNER AND SECRETARY MARSHALL—EDITORIAL FROM BEDFORD, IND., DAILY TIMES-MAIL

[Mr. CAPEHART asked and obtained leave to have printed in the RECORD an editorial entitled "BILL JENNER and Secretary Marshall," published in the Bedford (Ind.) Daily Times-Mail of September 19, 1950, which appears in the Appendix.]

FOR THE WORLD'S CHILDREN—EDITORIAL FROM NEW YORK TIMES

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD an editorial entitled "For the World's Children," published in the New York Times of September 20, 1950, which appears in the Appendix.]

SENATOR BAKER OF OREGON AND THE BATTLE OF BALLS BLUFF—ADDRESS BY GRANT CONWAY

[Mr. HUMPHREY (for Mr. MORSE) asked and obtained leave to have printed in the RECORD an address delivered by Grant Conway, vice president of the Oregon State Society of Washington, on the subject of Senator Baker, of Oregon, and the Battle of Balls Bluff, delivered at Balls Bluff, Va., on April 9, 1950, which appears in the Appendix.]

DEDUCTION OF ADVERTISING AND PROPAGANDA EXPENSE AS A LEGITIMATE COST BEFORE TAXATION—LETTER FROM NORMAN THOMAS

[Mr. HUMPHREY (for Mr. MORSE) asked and obtained leave to have printed in the RECORD a letter dated September 18, 1950, addressed to Hon. George A. Schoeneman, Commissioner of Internal Revenue, by Mr. Norman Thomas, on the subject of the deduction of the cost of advertising and propaganda as a legitimate cost before taxation, which appears in the Appendix.]

ADDRESS BY MORRIS L. ERNST BEFORE THE SECTION ON CRIMINAL LAW, AMERICAN BAR ASSOCIATION

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD an address delivered by Morris L. Ernst before the section on criminal law of the Amarican Bar Association on September 20, 1950, at Washington, D. C., which appears in the Appendix.]

SENATOR TOBEY'S REPLY TO THE CHICAGO TRIBUNE

[Mrs. SMITH of Maine (for Mr. TOBEY) asked and obtained leave to have printed in the RECORD a brief statement prepared by Senator TOBEY referring to an editorial in the Chicago Tribune of September 21, together with a copy of a letter written by Joseph Medill, founder of the Chicago Tribune, in 1863, which appears in the Appendix.]

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 284) authorizing the printing of the symposium entitled "Executive Reorganization" as a House document, and providing for additional copies thereof, was referred to the Committee on Rules and Administration.

RESOLUTIONS COMING OVER FROM PREVIOUS DAY

The VICE PRESIDENT. There are three resolutions coming over from a previous day. Without objection, they will be postponed without prejudice.

SUMMARIES OF RECORD OF EIGHTY-FIRST CONGRESS

Mr. WHERRY. Mr. President, I ask unanimous consent to have printed in the Appendix of the CONGRESSIONAL RECORD for today a statement of the record of the Eighty-first Congress, first and second sessions to date. I further ask unanimous consent to have printed in a later issue of the CONGRESSIONAL RECORD a final statement of the legislative record of this Congress to the date of the pending recess. I ask unanimous consent that this final summary of the legislative record of the first and second sessions of the Eighty-first Congress be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

QUESTIONS AND ANSWERS ABOUT THE NOVEMBER ELECTION

Mr. WILEY. Mr. President, I am preparing a sort of information-please statement—a series of questions and answers about the 1950 election. This material will be shortly completed and I ask unanimous consent for it to be printed in the Appendix of the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

TRAINING OF TROOPS FOR ACTION IN KOREA—TELEGRAM FROM RESIDENTS OF ABERDEEN, WASH.

Mr. CAIN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement I have prepared with relation to a telegram I have received indicating distress and unhappiness on the part of a number of citizens who live in Aberdeen, Wash., who are the parents and families of Americans who are today among our Armed Forces in Korea, or are being trained for possible service in Korea.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, on September 18, 1950, the Senator from Washington received a telegram of distress and real unhappiness from a number of citizens who live in Aberdeen, Wash. These citizens are parents and families of Americans who are today among our armed forces in Korea or are being trained for possible employment in Korea. Those who signed the telegram think they have reason to believe that some of our forces, with particular reference to the Marine Corps, are not being adequately trained before they are committed to action in Korea. Their questions are demanding of a full and honest answer and the Senator from Washington sought to satisfy their inquiry by conferring with the headquarters of the United States Marine Corps.

Under date of September 19, M. H. Silverthorn, major general, United States Marine Corps, Assistant Commandant of the Marine Corps, wrote to me in explaining the policies which guide the Marine Corps in training and preparing marines for service in Korea or elsewhere.

In hope that the information I have will be of service to my colleagues in the Senate and in the House of Representatives, I ask unanimous consent that the telegram which I received from my constituents and my letter from General Silverthorn be printed at this point in my remarks.

Senators will note that General Silverthorn has made no reference to the question of how 17-year-old boys are being used in Korea or overseas. By telephone General Silverthorn explained that even though a boy who is younger than 18 may be sent overseas, it is the Marine Corps policy, and their combat unit commanding officers in the field have so been instructed, not to include in combat units those whose age is less than 18. This means that 17-year-olds have or may be sent overseas for duty, but these youngsters are not committed to action.

In writing to a friend the other day I pointed out that the war in Korea and its consequences are going to bring death, inconvenience, sacrifices, and real suffering to millions of Americans. Because these tragic realities are self-evident all of us must do all we can to explain the policies and procedures of our Government to the American citizen who pays the bill in blood and money. My constituents in Aberdeen are entitled to have an opportunity to understand the policies of their Government. In this instance the Marine Corps has recognized the complete validity of the questions raised in Aberdeen, Wash., and it has endeavored to satisfy these questions in a frank and prompt way.

ABERDEEN, WASH., *September 18, 1950.*

Senator HARRY CAIN,
Senate Office Building,
Washington, D. C.:

We, the undersigned, as parents and relatives of the Aberdeen Reserve Marines, demand that they and all Marines be given a thorough training course to properly prepare them for the slaughter in Korea. We have absolute proof that many are being shipped over with 4 weeks' training, some less, at the most, 10 weeks; also, that 17-year-old boys should have at least 1 year's training before being shipped to fight fanatics who have been trained from 4 to 6 years.

Earl Kessinger, father of Robert and Earl Kessinger; Mary Kessinger, mother of Robert and Earl Kessinger; Richard Shedd, father of Louis Shedd; Daisy A. Perry, mother of Kenneth A. Perry; Orin A. Knutson, father of Jerome F. Knutson; Clyde Towns, father of Raymond Towns; Mavis Towns, mother of Raymond Towns; Stanley Smith, father of Stanley R. Smith; Marit Smith, mother of Stanley R. Smith; Cecil W. Taylor, father of Donald A. Taylor; Elizabeth Taylor, mother of Donald A. Taylor; Mabel F. Davidson, grandmother of Donald A. Taylor; Wm. H. Fogo, father of Richard H. Fogo, age 16; R. R. Caldwell, father of R. H. Caldwell; Frank Mandich, father of Robert S. Mandich; Mrs. Arlene Mikovilich, wife of Steve Mikovilich; Matt Bebich, brother of John Bebich; Minor W. Stuart, father of Ivan W. Stuart; Max Dotson, father of Benny A. Dotson; Edna Dotson, mother of Benny A. Dotson; Ora A. Stuart, mother of Ivan W. Stuart; Rosi A. Taylor, mother of Fariel E. Taylor; Chas. Farnsworth, father of Robert D. Farnsworth; Mrs. Delsie J. Bair, mother of Alfred E. Pierce; Louise Greenstreet, Alona, Wash., friend of Craig Greenstreet, Alona, Wash.; Mr. and Mrs. Antone Mikovilich, parents of Steve Mikovilich; Mary Mikovilich, sister of Steve Mikovilich; Mrs. L. A. Pearson, wife of Laurence O. Pearson; Mr. and Mrs. Dennis Nichols, parents-in-law of Lawrence O. Pearson; Mr. and Mrs. Nels Erickson, father of Elwood Erickson; Mr. and Mrs. Fred Lukes, in-laws of Steve Mikovilich; Mrs. Fred Bird, mother of Robert McCalister; William J. Bird, father of Harold Bird; Mrs. E. G. Shimmin, friend; Mrs. Leonard Nelson, sister of Frank E. Silvan; Mr. and Mrs. Ellis Field, mother of Quentin Mitchell; Mrs. P. J. Harrington, mother of Thomas B. Harrington; Mr. P. J. Harrington, father of Thomas B. Harrington; Mr. and Mrs. Quincey Smith, parents of Oliver H. Smith; Mr. and Mrs. Emil Jacobson, parents of Judson Adams; Mr. and Mrs. K. J. Smith, parents of Doyle Robert Smith.

DEPARTMENT OF THE NAVY,
HEADQUARTERS UNITED STATES
MARINE CORPS,
Washington, D. C., September 19, 1950.

Hon. HARRY P. CAIN,
United States Senate,
Washington, D. C.

MY DEAR SENATOR CAIN: I am outlining herein the policies we have established and are following with regard to the Reserve marines recently brought to active duty.

It is a fundamental policy of the Commandant of the Marine Corps that all Reserves will receive the maximum training which it is possible for us to give them prior to their assignment to overseas combat units. It is readily apparent that the state of training of these young men at the time they came to active duty varied between very wide limits. Some, of course, were combat veterans, others had had practically no prior training. Accordingly, we have divided these men into three categories:

Veterans: We have a sizable group of men who have had prior service. Most of these served during World War II and many had considerable combat experience. Since the war their training has been continued in the Organized Marine Corps Reserve. Insofar as the situation permits, these men receive intensive training prior to their assignment to overseas combat units. However, as a general rule, these men are sufficiently trained to permit their assignment to combat units in the case of emergency requirements.

Nonveterans: This group is composed of men without prior Regular service but who have received training in the Organized Reserve. Also in this general category are the men of the Volunteer Reserve even though some of these men have had prior service in the Marine Corps. All of the men in this group will normally receive intensive training and combat conditioning. This will be done either in the training and replacement command or in regularly organized combat units at training camps within the continental United States. The specific purpose of the training and replacement command is to give the training that men require just prior to their assignment to combat units. The minimum training period is 4 weeks. Longer periods are used when the situation permits. In many cases the training received by nonveterans in the Organized Reserve has been so extensive as to justify a decision by the commanding general to assign these men to combat units. In such cases the training which these men have received is far in excess of that given to newly enlisted men prior to their assignment to combat units.

Recruits: In this group are the men with no prior service in the regular Marine Corps and only limited training in the Marine Corps Reserve. These are considered as untrained men and will be sent through the Marine Corps recruit depots for a normal period of training. After completing the recruit depot course of training, they will receive at least 4 weeks additional training prior to being assigned to a combat unit for overseas duty.

In addition to establishing these categories, the Commandant has charged the commanding generals responsible for forming and training combat units with insuring that the Reserves assigned to these units have had training commensurate with such assignment.

It is the intention of the Commandant to insure that every marine who goes into the combat area has had the training required for combat duty. We are using every means at our disposal to insure that this is done.

In order to utilize combat-trained marines now serving in security detachments such as navy yard guards and the like, we are relieving some of these men with Reserves who have sufficient training for security duty but who do not yet have the high degree of training required for combat. It may well be that some of these Reserves will eventually be assigned to combat units but not until they have been properly trained.

In any event, I feel that I can safely assure you that no untrained marines are scheduled for overseas duty in combat units. I sincerely hope that this information will relieve the concern of the relatives of these young men. I will appreciate it if you will assure them that the Commandant does not intend that any marines will serve in the combat area until they are adequately trained for this duty.

None of the information in this letter is in any way classified and if you feel that it would be useful to publish it or send copies to your constituents, please feel free to do so.

Sincerely yours,
M. H. SILVERTHORN,
Major General, United States Marine Corps, Assistant Commandant of the Marine Corps.

CONDITIONS IN ITALY—STATEMENT BY SENATOR CAIN

Mr. CAIN. Mr. President, I had desired to address the Senate on two subjects, but in view of the impending recess of the Senate, and in an effort to save time, I am going to ask that the statements be printed in the body of the RECORD.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement I have prepared regarding reaction to an address which I delivered in the Senate on September 11, particularly the reaction of the Italian Defense Minister, Mr. Pacciardi.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, the junior Senator from Washington has discovered a ray of sunshine in the otherwise rather cloudy European sky and he wishes briefly to tell his colleagues about it.

On Monday, September 11, the Senator from Washington offered to the Senate his evaluation of the present day military-preparedness status of the nations with whom America is joined in the Atlantic Pact. During the course of his report, the Senator from Washington had this to say in part about Italy:

"Italy stands forth as an interesting situation. The Atlantic Peace Treaty provides that its Army shall consist of not more than 250,000. In the light of political uncertainties and disturbances in Italy, this total peace treaty strength can only be characterized as an internal security force. At the present time the Italian Army mostly represents so many men in uniform. Anyone would be fairly accurate in referring to these bodies as constituting a police force. If Italy could presently commit a self-contained combat unit I would be completely surprised. Italy's situation is the more distressing because on paper it has been given the assignment of being the eastern flank of western Europe and the Mediterranean Sea. The assumption appears to be that the Mediterranean can be protected by establishing its eastern flank in the middle of the sea. That this situation is perilous and the assignment an impossible one is a modest understatement."

I believe this thumbnail sketch to be both accurate and realistic. No person has attempted to deny its validity. I offer the evaluation because the Senate wants to know just as much as it can about the strength possessed by each of our allies.

The ray of sunshine, Mr. President, comes from the reaction to what the Senator from Washington said about Italy by the Italian Defense Minister, Mr. Pacciardi. I hold in my hand a press clipping from Rome under the date of September 16. The article was written by Reynolds Packard and reads, as follows:

"ROME, September 16.—Defense Minister Pacciardi said on the United States Aircraft Carrier *Mondoro* today that Italy is ready to equip 12 army divisions. He spoke in accepting the first group of 36 airplanes to be delivered by the United States to Italy under the mutual defense assistance program.

"At the same time he lit into United States Senator HARRY P. CAIN, Republican, Washington, for belitting Italy as a fighting nation.

" 'Senator CAIN recently remarked it would be a marvel if Italy were able to make ready one efficient division,' he said, 'Well, let me tell him that the Italian Government has the will and means to equip and make ready not only one but 12 divisions'."

The Senator from Washington has not belittled Italy in his evaluation of Italy's current military posture or status of preparedness. He has merely advised the Senate and America that Italy is in no position to resist an aggressor or to wage war today.

The Italian defense minister has said the very same thing. Mr. Pacciardi has spoken of what Italy intends to accomplish. He has said that the Italian Government has the will and means to equip and make ready not only one but 12 divisions.

This is the best news the Senator from Washington, as an American, has heard from Italy for a long time. The Italian defense minister has publicly stated that Italy intends to do something in the future. Every American will derive some satisfaction from this public declaration. All of America ought to wonder and watch how long it will take Italy to equip, train, and ready 12 divisions for combat. America will continue to assist the Italian Government in making these divisions possible. When these divisions have been created the western world will be much better prepared to protect itself. Until these divisions have been created there can be no conceivable assurance of strength or security in the eastern Mediterranean area.

Since 1945 and since the Atlantic Pact was organized the western world has talked a very great deal and devoted but little effort to creating fighting forces. This fact is not subject to denial by anyone. What pleases me tremendously about the statement made by the Italian defense minister in Rome on September 16 is that he said that he and the Italian Government were prepared and determined to undertake some serious and difficult labor. I want to congratulate the Italian defense minister for his declaration. I want him to know that a good many thoughtful Americans consider September 16, 1950 to have been an important day. These Americans will use September 16 as the yardstick by which they will judge Italian performance. If Italy is ready to equip 12 divisions every member nation of the Atlantic Pact has a legitimate right to wonder how long it will take Italy to satisfy her own promise to the western world.

CLAIM OF WILLIAM H. HOWE, OF HAMMOND, IND.

Mr. ECTON. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD a copy of a communication which I have received from W. H. Howe, of Hammond, Ind.

Mr. Howe homesteaded in Montana and still has property there. He is a Spanish-American War veteran and sets forth his reasons for a claim which he has had against the Federal Government for the past 34 years.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HAMMOND, IND., *September 12, 1950.*
Hon. ZALES N. ECTON,
Senator from Montana,
Washington, D.C.

MY DEAR SENATOR: For 34 years I have submitted sincere details to my Government for a just and merciful refund of their 1916 error and mistake. At that time I had homesteaded 6 long years near Big Arm, Mont., and tried to enlarge our farm of 80 acres to better support my little family there. The Indian Department had a good plan of advertising their timber for contract sale by public notices 30 days for sealed bids on specified areas of their timbered lands. This I did in April-May, 1916, never surmising that this same Indian office would stoop so low as to sell 50,000 feet of same timber, on same hill, to one J. D. Lott at same time while their contract sale to us was in due process of completion.

We properly mailed our bids; they notified us that we were the only bidders; when muddy roads got better the forester came up, accepted our deposit on said contract, and signed up before Notary Copeland in May 1916 with 1 year in which to remove the good timber.

We discovered this double sale on July 4, 1916. We had gone up over the ridge between us to cut the timber. We returned home, perplexed. We wrote a letter at once notifying this Agent Morgan of their sad mix-up, and asked for relief and proper adjustment. No such relief was given. We kept the peace; we took no lumber. It looked like a bad double-crossing blunder. * * * We went up again on November 1, 1916, to start cutting this timber, and found many logs still criss-cross the only driveway up that mountain trail, and some sawed up into stove lengths. We were saddened and dismayed that our own Government should be so negligent to sincere homesteaders on its contract. We returned home and wrote this same Indian Agent Morgan, now to kindly allow us to surrender their timber contract to us and his office to refund our deposit money thereon, by reason of their uncalled-for mix-up.

Agent Morgan promptly replied saying he wished to so do, but first must get the permission of the United States Commissioner at Washington. And for this refund we have appealed in vain all these 34 years. They have rejected all offers for settlement, all our suggestions for peaceful arbitration, for mutual settlement on a 50–50 basis also failed. They have opposed consideration of three bills before Congress, by Congressman WOOD, by Senator JENNER, and your own S. 3648 for agreeable settlement. They have refused easy possible settlement by reasonable exchanges of some of their adjoining idle, vacant, unsold acres there by way of deed or by 11-year lease plan to me. Finally now we reluctantly offered to accept a cash settleman plan (S. 3648) with a fee of $20 per year for clerical service and interest involved these 34 years.

Three times in the last 20 months we have laid this earnest appeal upon President Truman's desk for his perusal and attention to direct an honest and honorable solution for this refund claim. Today this appeal makes the fourth opportunity to rectify the error and help start his Indian Bureau off with a cleaner slate.

This ignoring their own contract back in 1916, and upholding the same for so long a time, gives our Indian youth a good example to go out and do likewise; a bad incident for any good line of business.

So far, in their reports, they fail to mention the main point of the whole affair—that they failed to uphold and respect their own contract for selling certain specified timber, and at same time issued an open permit sale of 50,000 feet to blunder up the whole deal. I have no quarrel with J. D. Lott who asked to buy that timber. The Indian Department has not washed their hands as yet of the ugly mess.

We send out SOS calls for ships in distress. We hurry investigators at once when railroad wrecks (Ohio) occur. Our country builds fine soldier homes and hospitals to nicely care for its veterans, but takes too damn long time to restitute properly on their vitiated sale contract to a '98 veteran and homesteader as above explained. This homesteader, veteran, and teacher has properly appealed for meritorious settlement for these 34 years. Should he wait longer?

Their contract plainly states, "refund would be made of all moneys paid in excess of timber cut." We cut no timber when their own needless vitiation act was discovered. Hence this Indian Department is out of step at this late hour to try to say that Howe failed to carry out his contract. Shame of all shames at this late hour for them to still oppose any and all forms of setlement on this honest claim. Their refusal so to do has lost all honor and merit to them in this sort of unfriendly deal.

This is indeed bad business for any commercial company, much less for our Government, to try to justify itself on any matter like this. To keep unearned money any longer reflects badly on the whole administration. My forgiving hand is out and will try to forget this sad chapter as soon as they restitute in a reasonable manner. I trust that your request once again will get favorable results before this session of Congress adjourns. Patience can cease to be a virtue, especially when we get penalized for being tardy on tax returns. With the best of good wishes, I beg to remain,

Yours very truly,

WM. H. HOWE.

HEALTH AND SOCIAL-SECURITY PROBLEMS

Mr. LEHMAN. Mr. President, yesterday I introduced eight bills dealing with health and social-security problems. These bills were offered by myself and in some cases in association with Senator MURRAY, and in one bill with Senator HUMPHREY. I ask unanimous consent that the text of these bills with brief explanations of them be printed in the body of the RECORD. I was not able to ask for permission to do this yesterday because of the parliamentary situation.

There being no objection, the bills and explanations were ordered to be printed in the RECORD, as follows:

S. 4176

A bill to amend the Social Security Act to provide more adequate Federal grants to Puerto Rico and the Virgin Islands for public assistance

Be it enacted, etc., That section 1108 of the Social Security Act relating to the limitation on payments to Puerto Rico and the Virgin Islands is hereby repealed.

S. 4177

A bill to improve the old-age and survivors insurance system, to add protection against disability, and for other purposes

Be it enacted, etc., That this act may be cited as the "Federal old-age, survivors, and disability insurance amendments."

MAXIMUM BENEFITS

SEC. 101. (a) Subsection (a) of section 203 of such act is amended by striking out "$150" wherever it occurs and inserting in lieu thereof "$200."

(b) Subsections (b), (c), (g), and (j) of section 203 of such act are amended by striking out the word "seventy-five" wherever it occurs, and inserting in lieu thereof "seventy."

DEFINITION OF WAGES

SEC. 102. (a) Section 209 of such act is amended by striking out subsection (a) and inserting in lieu thereof the following two subsections:

"(a) That part of the remuneration which, after remuneration (other than remuneration referred to in subsections (c) through (k), inclusive, of this section) equal to $3,600 with respect to employment has been paid to an individual during the calendar year 1951, is paid to such individual during such calendar year;

"(b) That part of the remuneration which, after remuneration (other than remuneration referred to in subsections (c) through (k), inclusive, of this section) equal to $5,400 with respect to employment has been paid to an individual during any calendar year after 1951, is paid to such individual during such calendar year;".

(b) Section 209 of such act is further amended by striking out the letters "(b)", "(c)", "(d)", "(e)", "(f)", "(g)", "(h)", "(i)", and "(j)", and inserting in lieu thereof "(c)", "(d)", "(e)", "(f)", "(g)", "(h)", "(i)", "(j)", and "(k)", respectively.

SELF-EMPLOYMENT

SEC. 103. (a) Section 211 of such act is amended by striking out paragraph (2) of subsection (a) and renumbering paragraphs (3) to (7) accordingly.

(b) Paragraph (1) of subsection (b) of such section is amended by striking out the words "(A) $3,600, minus (B) the amount of the wages paid to such individuals during the taxable year; or" and inserting in lieu thereof the following:

"(A) For any taxable year beginning prior to 1952, (i) $3,600 minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(B) For any taxable year beginning after 1951 (i) $5,400, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

(c) Paragraph (3) of subsection (c) of such section is amended by inserting after the final semicolon, the word "or";.

(d) Paragraph (4) of subsection (c) of such section is amended by striking out the words "such order; or" at the end of the subsection and inserting in lieu theerof the following: "such order."

(e) Such section is amended by striking out paragraph (5) of subsection (c).

CREDITING OF SELF-EMPLOYMENT INCOME TO CALENDAR QUARTERS

SEC. 104. (a) Section 212 of such act is amended by striking out, in the first sentence, the words "determining average monthly wage and" and inserting in lieu thereof the following: "determining average monthly wage, year of coverage, and."

SEC. 105. Subparagraph (B) of paragraph (2) of subsection 213 (a) of such act is amended by striking out clauses (ii) and (iii) and inserting in lieu thereof the following:

"(ii) if the wages paid to any individual in the calendar year 1951 equal or exceed $3,600, or in any calendar year after 1951 equal or exceed $5,400, each quarter of such year shall (subject to clause (i)) be a quarter of coverage;

"(iii) if an individual has self-employment income for a taxable year beginning after January 1, 1951, and before January 1, 1952, and if the sum of such income and the wages paid to him during such taxable year equals $3,600, or if such individual has self-employment income for a taxable year beginning after January 1, 1952, and if the sum of such income and the wages paid to him during such taxable year equals $5,400, each quarter any part of which falls in such year shall be a quarter of coverage; and."

QUARTERS OF COVERAGE

SEC. 106. (a) Section 214 (a) (2) of such act is amended by striking out "or (B) 40 quarters of coverage." and inserting in lieu thereof:

"(B) twenty quarters of coverage within the 40-quarter period ending with the quarter in which he attained retirement age or with any subsequent calendar quarter or ending with the quarter in which he died; or

"(C) forty quarters of coverage;

not counting as an elapsed quarter for the purposes of subparagraph (A), and not counting as part of the 40-quarter period referred to in subparagraph (B), any quarter any part of which is included in a period of disability (as defined in section 219 (i) unless such quarter is a quarter of coverage."

(b) Section 214 (a) of such act is further amended by adding at the end thereof the following new paragraph:

"(4) If an individual upon attainment of retirement age is not, under paragraph (2), a fully insured individual but (were it not for his attainment of retirement age) would have been entitled to a disability insurance benefit for the month in which he attained retirement age or for any subsequent month, he shall be a fully insured individual beginning with the first month for which he would have been so entitled to disability insurance benefits."

(c) Section 214 (b) of such act is amended by striking out the period at the end thereof and inserting ", excluding from such 13-quarter period any quarter any part of which is included in a period of disability unless such quarter is a quarter of coverage."

BENEFIT AMOUNTS

SEC. 107. (a) Section 215 of such act is amended by striking out subsection (a) and inserting in lieu thereof:

"PRIMARY INSURANCE AMOUNT

"(a) (1) Except as provided in subsection (d), an individual's 'primary insurance amount' means the sum of (A) his basic amount and (B) (1) percent of his basic amount for each of his years of coverage. When the primary insurance amount thus computed is less than $25, it shall be $25.

"(2) An individual's 'basic amount' means 50 percent of the first $100 of his average monthly wage plus 15 percent of the next $350 of such wage."

(b) Paragraph (2) of subsection (b) of section 215 is amended to read:

"(2) An individual's 'starting date' shall be December 31, 1936, or December 31, 1951, whichever results in the higher average monthly wage."

(c) Paragraph (3) of subsection (b) of section 215 is amended as follows:

(1) In subparagraph (A), by striking out "or became entitled to old-age insurance benefits, whichever first occurred" and inserting in lieu thereof "or, if earlier, became entitled to old-age insurance benefits or disability insurance benefits."

(2) In clause (i), subparagraph (B), by striking out "or became entitled to old-age insurance benefits, whichever first occurred," and by inserting in lieu thereof, "or, if earlier, became entitled to old-age insurance benefits or disability insurance benefits,".

(d) Section 215 is further amended by striking out subsections (c) and (d), and inserting in lieu thereof the following:

"YEAR OF COVERAGE

"(c) For purposes of this title, a 'year of coverage' means a calendar year in which the sum of the wages paid to an individual and the self-employment income credited to such year (as determined under section 212) was not less than $200, except that no year any part of which is included in a period of disability shall be a year of coverage.

"DETERMINATIONS MADE BY USE OF CONVERSION TABLE

"(d) (1) The primary insurance amount of any individual (A) to whom a primary insurance benefit or old-age insurance benefit was paid for any month prior to 1952, or (B) who died prior to 1952 and on the basis of whose wages (i) any individual was paid a monthly benefit for any month prior to 1954 or (ii) a lump-sum death payment was made prior to 1954, shall be the amount appearing in column II of the following table on the line on which in column I appears his primary insurance amount as in effect or as calculated by the provisions in effect prior to January 1, 1952; and his average monthly wage shall, for the purposes of section 203 (a), be the amount appearing on such line in column III.

Conversion table

Primary insurance amount on Dec. 31, 1951	Primary insurance amount on Jan. 1, 1952	Assumed average monthly wage for purpose of computing maximum benefit
$20	$25.00	$50.00
$21	27.60	53.00
$22	29.50	56.00
$23	31.00	58.00
$24	32.30	61.00
$25	33.40	63.00
$26	34.40	65.00
$27	35.30	66.00
$28	36.20	68.00
$29	37.00	69.00
$30	37.80	71.00
$31	38.60	72.00
$32	39.50	74.00
$33	40.50	75.00
$34	41.70	78.00
$35	43.10	80.00
$36	44.60	83.00
$37	46.10	85.00
$38	47.60	88.00
$39	49.00	90.00
$40	50.40	93.00
$41	51.70	95.00
$42	52.90	97.00
$43	54.00	100.00
$44	55.00	103.00
$45	56.00	108.00
$46	57.10	114.00
$47	58.30	119.00
$48	59.40	125.00
$49	60.60	131.00
$50	61.70	138.00
$51	62.90	144.00
$52	64.00	150.00
$53	65.20	155.00
$54	66.30	161.00
$55	67.40	166.00
$56	68.40	171.00
$57	69.40	176.00
$58	70.30	180.00
$59	71.20	185.00
$60	72.00	189.00
$61	72.80	193.00
$62	73.60	197.00
$63	74.50	202.00
$64	75.50	207.00
$65	76.60	213.00
$66	77.70	219.00
$67	79.00	226.00
$68	80.40	234.00
$69	82.70	250.00

"(2) In case the insurance amount of such an individual referred to in paragraph (1) falls between the amounts on any two consecutive lines in column I of the table, the primary insurance amount of such individual and his average monthly wage for purposes of section 203 (a) shall be determined in accordance with regulations of the Administrator designed to obtain results consistent with those obtained for individuals whose primary insurance amounts were shown in column I of the table."

(e) Subsection (e) of section 215 is amended by striking out "in the case of any calendar year after 1950, the excess over $3,600" and inserting in lieu thereof "in the case of the calendar year 1951, the excess over $3,600 and in the case of any calendar year after 1951 the excess over $5,400".

(f) Paragraph (2) of subsection (f) of section 215 is amended by striking out "if not less than six of the quarters elapsing after 1950 and prior to the quarter in which he filed such application are quarters of coverage" and inserting in lieu thereof "if he has not less than 2 years of coverage after 1951 and prior to the divisor closing date determined by his date of application."

(g) Paragraph (3) of subsection (f) of section 215 is amended as follows:

(1) In subparagraph (A) strike out "entitled to old-age insurance benefits" wherever it occurs, and insert in lieu thereof "entitled to old-age insurance benefit or disability insurance benefits";

(2) In subparagraph (B) strike out "or became entitled to old-age insurance benefits, whichever first occurred" wherever it occurs and insert in lieu thereof, "or, if earlier, became entitled to old-age insurance benefit or disability insurance benefits".

VETERANS OF WORLD WAR II

SEC. 108. (a) The first sentence of paragraph (1) of section 217 (b) is amended to read as follows:

"(b) (1) Any World War II veteran who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 25, 1947, and who died during the period of 3 years immediately following his separation from the active military or naval service of the United States shall be deemed to have died a fully insured individual whose primary insurance amount is the amount determined under section 215 (c)."

(b) The first sentence of paragraph (2) of section 217 (b) is amended to read as follows:

"(2) Upon an application for benefits or a lump-sum death payment on the basis of wages and self-employment income of any World War II veteran who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 25, 1947, the Federal Security Administrator shall make a decision without regard to paragraph (1) (B) of this subsection unless he has been notified by the Veterans' Administration that pension or compensation is determined to be payable by the Veterans' Administration by reason of the death of such veteran."

(c) The first paragraph of section 217 (d) is amended to read as follows:

"(1) The term 'World War II' means the period beginning with September 16, 1940, and ending with the date specified in a concurrent resolution of the two Houses of Congress as the date of the termination of World War II for the purpose of this act."

DISABILITY INSURANCE BENEFITS

SEC. 109. Title II of the Social Security Act is amended by adding after section 219 the following:

"PERMANENT AND TOTAL DISABILITY INSURANCE BENEFITS

"Conditions of entitlement

"SEC. 220. (a) (1) Every permanently and totally disabled individual (as defined in subsection (h)) who—

"(A) has not attained retirement age;

"(B) has filed application for disability insurance benefits;

"(C) is insured for disability insurance benefits; and

"(D) has been under a disability throughout his waiting period,

shall be entitled to a disability insurance benefit for each month, beginning with the first month after his waiting period in which he becomes so entitled to such insurance benefits and ending with the month preceding the first month in which any of the following occurs: He ceases to be a permanently and totally disabled individual, dies, or attains retirement age. Such individual's disability insurance benefit for any month shall be equal to his primary insurance amount (as defined in sec. 215) for such month.

"(2) The term 'waiting period' means, with respect to the disability of any individual, the period beginning with the calendar month in which occurred his disability determination date (as determined under subsec. (c)) and ending at the expiration of the sixth calendar month following such month.

"(3) An individual who would have been entitled to a disability insurance benefit for any month had he filed application therefor prior to the end of such month shall be entitled to such benefit for such month if he files application therefor prior to the end of the sixth month succeeding such month; except that the provisions of this paragraph shall not apply for purposes of determining a period of disability (as defined in subsec. (i)), or when a disability determination date occurred.

"(4) No application for disability insurance benefits filed prior to 7 months before the first month for which the applicant becomes entitled to receive such benefits shall be accepted as an application for purposes of this section.

"Determination of insured status

"(b) An individual is insured for purposes of disability insurance benefits if he had not less than—

"(1) six quarters of coverage (as determined under sec. 213 (a) (2)) during the 13-quarter period which ends with the quarter in which his disability determination date occurred; and

"(2) twenty quarters of coverage during the 40-quarter period which ends with the quarter in which his disability determination date occurred.

In case such individual was previously entitled to disability insurance benefits, there shall be excluded from the count of the quarters in each period specified in paragraphs (1) and (2) any quarter any part of which was included in a period of disability unless such quarter is a quarter of coverage.

"Disability determination date

"(c) An individual's disability determination date shall be whichever of the following days is the latest:

"(1) The day the disability began;

"(2) June 30, 1952;

"(3) The first day of the thirteenth month prior to the month in which he filed such application; or

"(4) The first day of the first quarter in which he would be insured for disability insurance benefits with respect to such disability if he had filed application therefor in such quarter.

"Determination of disability

"(d) The Administrator shall make adequate provision for determination of disability and redeterminations thereof at necessary intervals; he shall provide for such examination of individuals as is necessary for purposes of determining or redetermining disability and entitlement to benefits by reason thereof. An individual shall not be deemed a permanently and totally disabled individual unless he furnishes such proof of his disability as may be required by regulation; and unless the evidence in the case affirmatively establishes his disability. Reexamination for redetermining the disability of an individual shall be made at periodic intervals except that the Administrator may dispense with such reexaminations of an individual after he has been entitled to disability benefits for 2 years upon finding that such examinations serve no further purpose. Official medical examinations may be performed in existing medical facilities of the Federal Government if services are readily available, and by impartial private physicians, clinics, hospitals, or other medical facilities designated for conducting such examinations. In the case of any individual submitting to an examination to determine his disability there may be paid (1) the necessary travel expenses (including subsistence expenses incidental thereto), either on a flat rate or a commuted basis, of such individual in connection with such examination, and (2) if the examination is made by an individual who is not an employee of the United States, there may be paid, either directly or through appropriate Federal or State departments, agencies, or commissions the necessary fees, costs of tests, and necessary travel expenses, either on a flat rate or a commuted basis, for such examination. There is hereby authorized to be appropriated for each fiscal year from the trust fund such amount as may be necessary for the purpose of this subsection.

"Reduction of benefit

"(e) (1) Where a benefit is payable to any individual under this section and a workmen's compensation benefit or benefits have been or are paid to such individual on account of the same disability for the same month, such individual's benefit under this section for such month shall, prior to any deductions under section 221, be reduced by one-half, or by an amount equal to one-half of such workmen's compensation benefit or benefits, whichever is the smaller.

"(2) In case the benefit of any individual under this section is not reduced as provided in paragraph (1) because such benefit is paid prior to the payment of the workmen's compensation benefit, the reduction shall be made by deductions, at such time or times and in such amounts as the Administrator may determine, from any other payments under this title payable on the basis of the wages and self-employment income of such individual.

"(3) If the workmen's compensation benefit is payable on other than a monthly basis (excluding a benefit payable in a lump sum unless it is a communication of, or a substitute for, periodic payments), reduction of the benefits under this subsection shall be made in such amounts as the Administrator finds will approximate, as nearly as practicable, the reduction prescribed in paragraph (1).

"(4) In order to assure that the purposes of this subsection will be carried out, the Administrator may, as a condition to certification for payment of any disability insurance benefit payable to an individual under this section (if it appears to him that there is a likelihood that such individual may be eligible for a workmen's compensation benefit which would give rise to a reduction under this subsection), require adequate assurance of reimbursement to the trust fund in case workmen's compensation benefits, with respect to which such a reduction should be made, become payable to such individual and such reduction is not made.

"(5) For purposes of this subsection, the term 'workmen's compensation benefit' means a cash benefit, allowance, or compensation payable under any workmen's compensation law or plan of the United States or of any State.

"Termination of entitlement to benefits by Administrator

"(f) In any case in which an individual has refused to submit himself for examination or reexamination in accordance with regulations of the Administrator, or has without good cause refused to take all steps necessary to obtain and to accept rehabilitation services available to him under a State plan approved under the Vocational Rehabilitation Act (29 U. S. C., ch. 4) after being directed by the Administrator to do so, the Administrator may find, solely because of such refusal, that such individual is not a permanently and totally disabled individual or that his disability (previously determined to exist) has ceased. The Administrator may find that an individual is not a permanently and totally disabled individual or that his disability (previously determined to exist) has ceased, if such individual is outside the United States and the Administrator finds that adequate arrangements have not been made for determining or redetermining such individual's disability.

"Cooperation with agencies and groups

"(g) The Administrator is authorized to secure the cooperation of appropriate agencies of the United States, of States, or of the political subdivisions of States and the cooperation of private medical, dental, hospital, nursing, health, educational, social, and welfare groups or organizations, and where necessary to enter into voluntary working agreements with any of such public or private agencies, organizations, or groups in order that their advice and services may be utilized in the efficient administration of this section.

"Definitions of 'disability' and 'permanently and totally disabled individual'

"(h) For the purposes of this title—

"(1) the term 'disability' means (A) inability to engage in any substantially gainful activity by reason of any medically demonstrable physical or mental impairment which is permanent, or (B) blindness; and the term 'permanently and totally disabled individual' means an individual who has such a disability; and

"(2) The term 'blindness' means central visual acuity of 5/200 or less in the better eye with correcting lenses. An eye in which the visual field is reduced to 5° or less concentric contraction shall be considered for the purposes of this paragraph as having a central visual acuity of 5/200 or less.

"Definition of 'period of disability'

"(i) As used in this title the term 'period of disability' means, with respect to any individual, a period of one or more consecutive calendar months for each of which such individual was entitled to a disability insurance benefit and the six calendar months preceding the first month of such period of one or more consecutive calendar months, except that if such individual ceases to be entitled to disability insurance benefits with respect to a disability because he dies or attains retirement age, the month in which such individual died or attained such age, as the case may be, shall also be included in the period of disability with respect to such disability.

"Rehabilitation

"(j) There is hereby authorized to be appropriated for each fiscal year from the trust fund such amount as may be necessary to provide rehabilitation services for the rehabilitation of disabled individuals who are entitled to disability insurance benefits or serving a waiting period for such benefits, where it appears that such services may aid in enabling such disabled individuals to return to gainful work. Insofar as practicable, such services shall be provided through utilization of the services and facilities of State agencies (or corresponding agencies in the case of Territories or possessions) cooperating with the Federal Government in carrying out the purposes of the Vocational Rehabilitation Act, as amended (29 U. S. C., ch. 4). Agencies providing such services shall be reimbursed for the cost thereof.

"DEDUCTIONS FROM DISABILITY INSURANCE BENEFITS

"Events for which deductions are made

"SEC. 221. (a) Deductions, in such amounts and at such time or times as the Administrator shall determine, shall be made from any payments or payments under this title to which an individual is entitled, until the total of such deductions equals such individual's benefit under section 220 for any month—

"(1) in which such individual rendered services as an employee (whether or not such services constitute employment as defined in section 210) for remuneration of more than $50; or

"(2) for which such individual is charged, pursuant to the provisions of subsection (c) of this section, with net earnings from self-employment (as determined pursuant to subsection (d)) of more than $50; or

"(3) in which such individual fails to submit himself for examination in accordance with regulations of the Administrator; or

"(4) in which such individual refuses without good cause to accept rehabilitation services available to him under a State plan approved under the Vocational Rehabilitation Act after direction by the Administrator to do so; or

"(5) in which such individual is outside the United States if the Administrator finds that adequate arrangements have not been made for determining or redetermining the existence of the disability of such individual.

The Administrator may, if in his judgment it will aid in the process of rehabilitation of any individual, suspend or modify the application of paragraphs (1) and (2) of this subsection for any month during which such individual is receiving rehabilitation services under a State plan approved under the Vocational Rehabilitation Act; except that the Administrator may not so suspend or modify the application of such paragraphs for any month after the eleventh month following the first month for which such suspension or modification was applicable.

"Occurrence of more than one event

"(b) If more than one event occurs in any one month which would occasion deductions equal to a benefit for such month, only an amount equal to such benefit shall be deducted. The charging of net earnings from self-employment to any month shall be treated as an event occurring in the month to which such net earnings are charged.

"Months to which net earnings from self-employment are charged

"(c) For the purposes of subsection (a) (2) of this section—

"(1) If an individual's net earnings from self-employment for his taxable year are not more than the product of $50 times the number of months in such year, no month in such year shall be charged with more than $50 of net earnings from self-employment.

"(2) If an individual's net earnings from self-employment for his taxable year are more than the product of $50 times the number of months in such year, each month of such year shall be charged with $50 of net earnings from self-employment, and the amount of such net earnings in excess of such product shall be further charged to months as follows: The first $50 of such excess shall be charged to the last month of such taxable year, and the balance, if any, of such excess shall be charged at the rate of $50 per month to each preceding month in such year until all of such balance has been applied, except that no part of such excess shall be charged to any month (A) for which such individual was not entitled to a benefit under this title, (B) in which an event described in paragraph (1), (3), (4), or (5) of subsection (a) occurred, or (C) in which such individual did not engage in self-employment.

"(3) As used in paragraph (2), the term 'last month of such taxable year' means the latest month in such year to which the charging of the excess described in such paragraph is not prohibited by the application of clauses (A), (B), and (C) thereof.

"(4) For the purposes of clause (C) of paragraph (2), an individual will be presumed, with respect to any month, to have been engaged in self-employment in such month until it is shown to the satisfaction of the Administrator that such individual rendered no substantial services in such month with respect to any trade or business the net income or loss of which is includible for the purposes of this subsection in computing his net earnings from self-employment for any taxable year. The Administrator shall by regulations prescribe the methods and criteria for determining whether or not an individual has rendered substantial services with respect to any trade or business.

"Special rule for computation of net earnings from self-employment

"(d) For the purposes of this section, an individual's net earnings from self-employment for any taxable year shall be computed as provided in section 211 with the following adjustments:

"(1) Such computation shall be made without regard to the provisions of subsections (c) (1) and (c) (4), of section 211; and

"(2) Such computation shall be made without regard to the provisions of sections 116, 212, 213, 251, and 252 of the Internal Revenue Code.

"Penalty for failure to report certain events

"(e) Any individual in receipt (on behalf of himself or another individual) of benefits subject to deduction under subsection (a) because of the occurrence of an event specified therein (other than an event described in paragraph (2) thereof) shall report such occurrence to the Administrator prior to the receipt and acceptance of a disability insurance benefit for the second month following the month in which such event occurred. If such individual knowingly fails to report any such occurrence, an additional deduction equal to that imposed under such subsection shall be imposed, except that the first additional deduction imposed by this subsection in the case of any individual shall not exceed an amount equal to 1 month's benefit even though the failure to report is with respect to more than 1 month.

"Report to Administrator of net earnings from self-employment

"(f) (1) If an individual is entitled to any disability insurance benefit during any taxable year in which he has net earnings from self-employment in excess of $50 times the number of months in such year, such individual (or the individual in receipt of such benefit on his behalf) shall make a report to the Administrator of his net earnings from self-employment for such taxable year. Such report shall be made on or before the fifteenth day of the third month following the close of such year, and shall contain such information and be made in such manner as the Administrator may by regulations prescribe. If the individual fails within the time prescribed above to make such report of his net earnings from self-employment for any taxable year and any deduction is imposed under subsection (a) (2) of this section by reason of such net earnings—

"(A) such individual shall suffer one additional deduction in an amount equal to his benefit for the last month in such taxable year for which he was entitled to a disability insurance benefit; and

"(B) if the failure to make such report continues after the close of the fourth calendar month following the close of such taxable year, such individual shall suffer an additional deduction in the same amount for each month during all or any part of which such failure continues after such fourth month;

except that the number of the additional deductions required by this paragraph shall not exceed the number of months in such taxable year for which such individual received and accepted disability insurance benefits and for which deductions are imposed under subsection (a) (2) by reason of such net earnings from self-employment. If more than one additional deduction would be imposed under this paragraph with respect to a failure by an individual to file a report required by this paragraph and such failure is the first for which any additional deduction is imposed under this paragraph, only one additional deduction shall be imposed with respect to such first failure.

"(2) If the Administrator determines, on the basis of information obtained by or submitted to him, that it may reasonably be expected that an individual entitled to disability insurance benefits for any taxable year will suffer deductions imposed under subsection (a) (2) of this section by reason of his net earnings from self-employment for such year, the Administrator may, before the close of such taxable year, suspend the payment for each month in such year (or for only such months as the Administrator may specify) of such benefits payable to him; and such suspension shall remain in effect with respect to the benefits for any month until the Administrator has determined whether or not any deduction is imposed for such month under subsection (a). The Administrator is authorized, before the close of the taxable year of any individual entitled to benefits during such year, to request of such individual that he make, at such time or times as the Administrator may specify, a declaration of his estimated net earnings from self-employment for the taxable year and that he furnish to the Administrator such other information with respect to such net earnings as the Administrator may specify. A failure by such individual to comply with any such request shall in itself constitute justification for a determination under this paragraph that it may reasonably be expected that the individual will suffer deductions imposed under subsection (a) (2) of this section by reason of his net earnings from self-employment for such year."

WEEKLY DISABILITY BENEFITS

SEC. 110. Title II of such act is amended by adding after section 221 (added by sec. 109 of this act) the following:

"WEEKLY DISABILITY BENEFITS

"Conditions of entitlement to weekly disability benefits

"SEC. 222. (a) (1) Every individual who—

"(A) is insured under the provisions of subsection (e);

"(B) is not entitled to old-age insurance benefits under section 202 (a), or disability insurance benefits under section 220;

"(C) is under a temporary disability (as defined in subsection (g));

"(D) has had a waiting week in his benefit year and after June 30, 1952; and

"(E) has filed an application for weekly disability benefits in accordance with regulations of the Administrator,

shall be entitled to a weekly disability benefit for each full week of temporary disability following such waiting week; except that, if an uninterrupted spell of temporary disability for an individual in a benefit year continues into his next benefit year, the requirement of clause (D) of this paragraph shall not apply with respect to temporary disability occurring within such spell in such new benefit year.

"(2) Any such individual who continues to be under temporary disability a part of a week in an uninterrupted spell of temporary disability and who meets the requirements of paragraph (1) shall be paid an amount equal to one-seventh of his weekly disability benefit for each day of temporary disability in such part week.

"(3) For purposes of this subsection—

"(A) the term 'week' means a period of seven consecutive days as defined in regulations of the Administrator;

"(B) the term 'waiting week' means the first period of seven consecutive days on each of which an individual is under temporary disability in a benefit year;

"(C) the term 'uninterrupted spell of temporary disability' includes any temporary disability occurring within 21 days following a waiting week or a day with respect to which

an individual is entitled to benefits under this subsection.

"Conditions of entitlement to maternity benefits

"(b) Every female individual—

"(1) who is insured under the provisions of subsection (e) or has established a benefit year for purposes of subsection (a) which has not terminated,

"(2) who has filed a claim for maternity benefits in accordance with regulations of the Administrator, and

"(3) with respect to whom the quarter preceding the quarter in which she filed such claim was a quarter of coverage or was a quarter in which she was entitled to benefits under subsection (a) for not less than 4 weeks,

shall be entitled to receive a maternity benefit for each week after June 30, 1952, during which she performs no service (other than in connection with her household), if such week ends prior to the ninth week following the day on which she gives birth to a child and begins after such birth or after a physician certifies, in accordance with regulations of the Administrator, that in his opinion she will give birth to a child in not more than 8 weeks; except that in no case may benefits be paid under this subsection for more than 14 weeks with respect to the same pregnancy. No benefits under this subsection shall be paid with respect to any pregnancy for any week after the week in which the insured individual dies or the child (or children if there is a multiple birth) is born dead or dies.

"Amount of weekly disability benefit

"(c) (1) An individual's 'weekly disability benefit' shall, subject to the provisions of subsection (e), be the amount appearing in column B, C, D, or E of the following table, as determined by the number of his dependents, on the line on which there appears, in column A, the wage interval which includes the amount of his wages paid in that quarter of his base period in which the total of his wages was highest. For purposes of this paragraph the number of dependents of an individual shall be determined for a benefit year as of the first day of such benefit year:

"Table

A	B	C	D	E	F
Highest quarterly wages	Benefit amount without dependents	Benefit amount with 1 dependent	Benefit amount with 2 dependents	Benefit amount with 3 or more dependents	Qualifying wages
$130.00 to $149.99	$8	$9	$9	$9	$260
$150.00 to $166.99	8	10	10	10	260
$167.00 to $183.99	8	10	11	11	260
$184.00 to $207.99	8	10	11	12	260
$208.00 to $233.99	9	11	12	13	351
$234.00 to $259.99	10	12	13	14	390
$260.00 to $285.99	11	14	15	16	429
$286.00 to $311.99	12	15	16	17	468
$312.00 to $337.99	13	16	17	19	507
$338.00 to $363.99	14	17	19	20	546
$364.00 to $389.99	15	18	20	21	585
$390.00 to $415.99	16	20	21	23	624
$416.00 to $441.99	17	21	23	24	663
$442.00 to $467.99	18	22	24	26	702
$468.00 to $493.99	19	23	25	27	741
$494.00 to $519.99	20	24	26	28	780
$520.00 to $545.99	21	26	28	30	819
$546.00 to $571.99	22	27	29	31	858
$572.00 to $597.99	23	28	30	33	897
$598.00 to $623.99	24	29	32	34	936
$624.00 to $650.99	25	30	33	35	976
$651.00 to $678.99	26	32	34	37	1,018
$679.00 to $707.99	27	33	36	38	1,062
$708.00 to $737.99	28	34	37	40	1,107
$738.00 to $768.99	29	35	38	41	1,153
$769.00 to $800.99	30	36	39	42	1,201
$801.00 to $833.99	30	38	41	44	1,251
$834.00 and more	30	39	42	45	1,302

"(2) For purposes of this subsection, the term 'dependent' means, with respect to an individual, an unmarried child (including a stepchild or adopted child) who is under the age of 18 and is living in the same household with such individual or receiving regular contributions toward his support from such individual; and a wife who is living in the same household with such individual and who is not regularly engaged in rendering services for remuneration or in any occupation for profit.

"(3) The maximum of the weekly disability benefits to which an individual shall be entitled in any benefit year shall be an amount equal to 26 times his weekly disability benefit. In the case of any individual who—

"(A) prior to the termination of a continuous spell of disability during part of which he was entitled to weekly disability benefits, reaches the maximum of his weekly disability benefits; or reaches the end of his benefit year and is not an insured individual under subsection (e) for purposes of a new benefit year;

"(B) is not entitled to primary insurance benefits under section 202 (a); and

"(C) at the beginning of such continuous spell of disability, was insured under the provisions of section 220 (b),

he shall, notwithstanding the first sentence of this paragraph, be entitled to weekly disability benefits until such spell ends or has lasted for six consecutive calendar months, whichever first occurs.

"Amount of maternity benefit

"(d) An individual's 'maternity benefit' for any week shall be the same amount as she would receive if she were entitled to a weekly disability benefit for such week, except that if such week does not occur within a benefit year which she has established for purposes of subsection (a), her application for maternity benefits shall be deemed to be an application for weekly disability benefits for purposes of establishing such a benefit year.

"Determination of insured status for weekly disability benefits

"(e) (1) An individual shall be deemed to be insured for purposes of weekly disability benefits under this section if he has been paid wages during his base period totaling not less than the amount in column F of the table in subsection (c) on the line on which, in column A, there appears the wage interval which includes the amount of his wages paid in that quarter of his base period in which the total of his wages was highest; except that if any individual has not been paid such an amount during his base period he shall be deemed insured for purposes of such benefits if he has been paid not less than $260 in his base period, but his weekly disability benefit shall be the amount appearing in column B, C, D, or E, as is appropriate, on the lowest line on which there appears, in column F, the total of his wages in his base period or, if such total falls between two amounts in such column F, on the line on which there appears the smaller of such two amounts in such column. Notwithstanding the foregoing provisions of this paragraph, an individual shall not be deemed to be insured for purposes of such weekly disability benefits unless he has been paid remuneration for employment in at least two quarters of his base period, has been paid wages totaling not less than $130 in the quarter during his base period in which the total of his wages was highest, and has been paid wages totaling not less than $260 during his base period.

"(2) An individual's 'base period' means the four completed calendar quarters immediately preceding the fourth calendar month prior to the month in which his benefit year begins.

"(3) An individual's 'benefit year' means the one-year period beginning with the day as of which he first files application under subsection (a) on the basis of which he can become entitled to benefits or receive credit for a waiting week under such subsection, and thereafter the one-year period beginning with the day as of which he next files such an application for benefits under such subsection after the end of his last preceding benefit year.

"Simultaneous entitlement to benefits

"(f) (1) In the case of any individual who is entitled for one or more weeks in a month to benefits under subsection (a) or (b) and is also entitled for such month to any other benefits under this title, he shall be paid for for such month only an amount equal to such benefits under subsection (a) or (b), or an amount equal to such other benefits, whichever is the higher.

"(2) No benefit shall be paid under subsection (b) to an individual for any week for which such individual is entitled to receive benefits under subsection (a).

"(3) No payments shall be made to an individual for any week under subsection (a) if he has received or receives any workmen's compensation benefit on account of the same temporary disability for such week or for a month which includes such week.

"(4) In order to assure that the purposes of paragraph (3) will be carried out, the Administrator may, as a condition to certification for payment of benefits under subsection (a) (if it appears to him that there is a likelihood that an individual entitled to benefits under such subsection may be eligible, as the result of temporary disability, for a workmen's compensation benefit which would give rise to a denial of payment under such paragraph (3)), require (A) adequate proof that such individual has taken or will take all steps necessary to secure workmen's compensation benefits with respect to such temporary disability, and (B) adequate assurance of reimbursement to the trust fund in case workmen's compensation benefits, with respect to which such denial of payment should be made, are paid to such individual and payment is not denied under paragraph (3). All amounts paid to the Administrator under this paragraph shall be deposited in the trust fund.

"(5) For purposes of this subsection, the term 'workmen's compensation benefit' means a cash benefit, allowance, or compensation payable under any workmen's compensation law or plan of the United States or of any State.

"Definition of temporary disability

"(g) For the purposes of this section, the term 'temporary disability' means inability of an individual to perform his most recent, customary, or reasonably similar work (as determined in accordance with regulations of the Administrator) by reason of any medically demonstrable illness, injury, or other impairment.

"Federal service

"(h) For purposes of determining eligibility for and amount of benefits under this section, service in the employ of the United States or any wholly or partly owned instrumentality thereof shall not be regarded as employment within the meaning of section 210 (a)."

SEC. 111. The amendments made by this act shall take effect January 1, 1952.

S. 4178

A bill to amend the Social Security Act to provide Federal grants-in-aid to the States for public assistance to needy disabled persons

Be it enacted, etc. That title XIV of the Social Security Act is hereby amended by striking out the words "permanently and totally" wherever they appear in such title.

S. 4179

A bill to amend the Social Security Act, as amended, to provide Federal grants to the States for medical care for public-assistance recipients, and for other purposes

Be it enacted, etc., That subsection (a) of section 3 of the Social Security Act, as amended (42 U. S. C. 302), is amended to read as follows:

"SEC. 3. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter beginning with the quarter commencing January 1, 1951, (1) in the case of any State other than Puerto Rico and the Virgin Islands, an amount, which shall be used exclusively as old-age assistance, equal to the sum of the following proportions of the total amounts expended during such quarter as old-age assistance in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $50—

"(A) three-fourths of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $20 multiplied by the total number of such individuals who received old-age assistance for such month; plus

"(B) one-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A); and (2) in the case of Puerto Rico and the Virgin Islands, an amount, which shall be used exclusively as old-age assistance, equal to one-half of the total of the sums expended during such quarter as old-age assistance in the form of money payments under the State plan; not counting so much of such expenditure with respect to any individual for any month as exceeds $30, and (3) in the case of any State, an amount, which shall be used exclusively as old-age assistance other than in the form of money payments, equal to one-half of the total amounts expended during such quarter as old-age assistance other than in the form of money payments under the State plan, not counting so much of such expenditure with respect to any month in such form as exceeds the product of $6 multiplied by the total number of individuals who receive old-age assistance under the State plan for such month; and (4) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan or for old-age assistance, or both, and for no other purpose."

SEC. 2. Subsection (a) of section 403 of the Social Security Act, as amended (42 U. S. C. 603), is amended to read as follows:

"SEC. 403. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to dependent children, for each quarter, beginning with the quarter commencing January 1, 1951, (1) in the case of any State other than Puerto Rico and the Virgin Islands, an amount, which shall be used exclusively as aid to dependent children, equal to the sum of the following proportions of the total amounts expended during such quarter as aid to dependent children in the form of money payments under the State plan, not counting so much of such expenditure with respect to any dependent child for any month as exceeds $27, or if there is more than one dependent child in the same home, as exceeds $27 with respect to one such dependent child and $18 with respect to each of the other dependent children, and not counting so much of such expenditure for any month with respect to a relative with whom any dependent child is living as exceeds $27—

"(A) three-fourths of such expenditures, not counting so much of the expenditures with respect to any month as exceeds the product of $12 multiplied by the total number of dependent children and other individuals with respect to whom aid to dependent children is paid for such month, plus

"(B) one-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A), and (2) in the case of Puerto Rico and the Virgin Islands, an amount, which shall be used exclusively as aid to dependent children, equal to one-half of the total of the sums expended during such quarter as aid to dependent children in the form of money payments under the State plan, not counting so much of such expenditure with respect to any dependent child for any month as exceeds $18, or if there is more than one dependent child in the same home, as exceeds $18 with respect to one such dependent child and $12 with respect to each of the other dependent children, and (3) in the case of any State, an amount which shall be used exclusively as aid to dependent children other than in the form of money payments, equal to one-half of the total amounts expended during such quarter as aid to dependent children other than in the form of money payments under the State plan, not counting so much of such expenditures with respect to any month in such form as exceeds the product of $6 multiplied by the total number of individuals over the age of 18 and $3 multiplied by the total number of individuals under the age of 18, with respect to whom aid to dependent children is paid under the State plan for such month; and (4) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for aid to dependent children, or both, and for no other purpose."

SEC. 3. Subsection (a) of section 1003 of the Social Security Act, as amended (42 U. S. C. 1003), is amended to read as follows:

"SEC. 1003. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter, beginning with the quarter commencing January 1, 1951, (1) in the case of any State other than Puerto Rico and the Virgin Islands, an amount, which shall be used exclusively as aid to the blind, equal to the sum of the following proportions of the total amounts expended during such quarter as aid to the blind in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $50—

"(A) three-fourths of such expenditures, not counting so much of the expenditures with respect to any month as exceeds the product of $20 multiplied by the total number of such individuals who received aid to the blind for such month, plus

"(B) one-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A), and (2) in the case of Puerto Rico and the Virgin Islands, an amount, which shall be used exclusively as aid to the blind, equal to one-half of the total of the sums expended during such quarter as aid to the blind in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $30, and (3) in the case of any State, an amount, which shall be used exclusively as aid to the blind other than in the form of money payments, equal to one-half of the total amounts expended during such quarter as aid to the blind other than in the form of money payments under the State plan, not counting so much of such expenditure with respect to any month in such form as exceeds the product of $6 multiplied by the total number of individuals who received aid to the blind under the State plan for such month; and (4) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for aid to the blind, or both, and for no other purpose."

SEC. 4. Subsection (a) of section 1403 of the Social Security Act, as amended, is amended to read as follows:

"SEC. 1403. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the permanently and totally disabled, for each quarter, beginning with the quarter commencing January 1, 1951, (1) in the case of any State other than Puerto Rico and the Virgin Islands, an amount, which shall be used exclusively as aid to the permanently and totally disabled, equal to the sum of the following proportions of the total amounts expended during such quarter as aid to the permanently and totally disabled in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $50—

"(A) three-fourths of such expenditures, not counting so much of the expenditures with respect to any month as exceeds the product of $20 multiplied by the total number of such individuals who received aid to the permanently and totally disabled for such month, plus

"(B) one-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A); and (2) in the case of Puerto Rico and the Virgin Islands, an amount which shall be used exclusively as aid to the permanently and totally disabled, equal to one-half of the total of the sums expended during such quarter as aid to the permanently and totally disabled in the form of money payments under the State plan, not counting so much of such expenditure with respect to any individual for any month as exceeds $30, (3) in the case of any State, an amount, which shall be used exclusively as aid to the permanently and totally disabled other than in the form of money payments, equal to one-half of the total amounts expended during such quarter as aid to the permanently and totally disabled other than in the form of money payments under the State plan, not counting so much of such expenditure with respect to any month in such form as exceeds the product of $6 multiplied by the total number of individuals who received aid to the permanently and totally disabled under the State plan for such month, and (4) in the case of any State, an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for aid to the permanently and totally disabled, or both, and for no other purpose."

S. 4180

A bill to amend the Public Health Service Act to authorize greater assistance to the States in extending and improving health services for the prevention and reduction of chronic diseases

Be it enacted, etc., That this act may be cited as the "Prevention of Chronic Disease Act."

SEC. 2. Section 314 of the Public Health Service Act, as amended (42 U. S. C., 246) is amended by redesignating subsections (c),

(d), (e), (f), (g), (h), (i), (j), and (k) as subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively, and by inserting after subsection (b) the following new subsection:

"(c) To enable the Surgeon General to assist, through grants and as otherwise provided in this section, States, counties, health districts, and other political subdivisions of the States in establishing and maintaining more adequate public health services for the early detection of chronic diseases, for the referral of persons found to be suffering with chronic disease to appropriate medical personnel, hospitals, clinics, and agencies, for testing and demonstrating methods of providing more adequate clinic, hospitalization, treatment, home-care services and community planning, and, in cooperation with other agencies, for the prevention and reduction of chronic illness and for restoring the chronically ill to useful and productive activity, including grants for demonstrations and for training of personnel, there is hereby authorized to be appropriated for each fiscal year a sum not to exceed $10,000,000. Of the sum appropriated for each fiscal year pursuant to this subsection there shall be available an amount, not to exceed $2,000,000, to enable the Surgeon General to provide demonstrations and to train personnel for State and local health work and to meet the cost of pay, allowances, and traveling expenses of commissioned officers and other personnel of the Service detailed to assist States, at their request, in carrying out the purposes of this subsection."

SEC. 3. Whenever subsection (c), (d), (e), (f), (g), (h), (i), (j), or (k) is referred to in section 314, such reference is hereby redesignated as subsection (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively.

S. 4181

A bill to amend the Public Health Service Act to authorize grants to the States in extending and improving diagnostic out-patient health services

Be it enacted, etc., That this act may be cited as the "Aid to Diagnostic Clinics Act."

SEC. 2. Section 314 of the Public Health Service Act, as amended (42 U. S. 246) is amended by redesignating subsections (c), (d), (e), (f), (g), (h), (i), (j), and (k) as subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively, and by inserting after subsection (b) the following new subsection:

"(c) To enable the Surgeon General to assist, through grants and as otherwise provided in this section, States, counties, health districts, and other political subdivisions of the States in establishing and maintaining more adequate out-patient services in hospitals and health centers for the early detection of disease, for the referral of persons found to be suffering with disease to appropriate medical personnel, hospitals, clinics, and agencies, and for providing more adequate treatment, home-care services and community planning for the ambulatory sick, including grants for demonstrations and for training of personnel, there is hereby authorized to be appropriated for the fiscal year 1952, a sum not to exceed $25,000,000 and for each fiscal year thereafter a sum not to exceed $50,000,000. Of the sum appropriated for each fiscal year pursuant to this subsection, there shall be available an amount not to exceed $2,000,000 to enable the Surgeon General to provide demonstrations and to train personnel for State and local health work and to meet the cost of pay, allowances, and traveling expenses of commissioned officers and other personnel of the Service detailed to assist States, at their request, in carrying out the purposes of this subsection."

SEC. 3. Whenever subsection (c), (d), (e), (f), (g), (h), (i), (j), or (k) is referred to in section 314 such reference is hereby redesignated as subsection (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively.

A bill to authorize loans to assist in the establishment of clinics or medical groups designed to afford improved diagnostic service or improved diagnostic and curative service

Be it enacted, etc., That this act may be cited as the "Assistance to Diagnostic and Health Clinics Act."

PURPOSE AND AVAILABILITY OF FUNDS

SEC. 2. (a) In order to encourage the development of medical practice of the highest quality, the Surgeon General of the Public Health Service is authorized, in accordance with the provisions of this act, to make loans for acquisition and equipment of facilities and for maintenance and operation for 3 years, to assist in the establishment of clinics or medical groups designed to afford improved diagnostic service, or improved diagnostic and curative service.

(b) The Surgeon General, after consultation with the Federal Hospital Council (hereinafter referred to as the "Advisory Council") is authorized to approve loans under this part of not to exceed $10,000,000 during the fiscal year ending June 30, 1952, and not to exceed $20,000,000 during each of the four succeeding fiscal years; but any part of such sums not utilized by approval of loans during the fiscal year for which authorized may be utilized in a subsequent fiscal year, not later than June 30, 1956. There is hereby authorized to be appropriated such sums as are necessary to make the loans authorized by this act.

ELIGIBLE BORROWERS

SEC. 3. (a) A loan under this act shall be made only (1) to a group of physicians (or physicians and dentists) authorized by the law of the appropriate State to render medical services (or medical and dental services, respectively) who undertake to render services in the manner set forth in this section; or (2) to a medical school, teaching hospital, or other public or private organization, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, undertaking to maintain a staff of physicians (or physicians and dentists) for the rendition of services in such manner.

(b) No loan shall be made under this part unless the application contains assurance satisfactory to the Surgeon General that the group, or the practicing members of the organization's staff, will throughout the period of the loan—

(1) as their principal professional activity and as a group responsibility, engage in the coordinated practice of medicine (or medicine and dentistry), with a systematic pattern of close professional cooperation and supervision, and with a unified system of record keeping;

(2) include such qualified specialists as the Surgeon General may in accordance with regulations require, and, in the case of a group or organization undertaking to render curative as well as diagnostic services, such proportion of physicians undertaking to engage in the general or family practice of medicine as the Surgeon General may in accordance with regulations require;

(3) maintain or have access to such hospital facilities, such laboratory and other diagnostic and therapeutic equipment and facilities, and such administrative, technical, and nursing staff, as may be necessary for the services to be rendered;

(4) occupy common quarters in which the practice of the group will be centered, and utilize in common the equipment, facilities, records, and staff of the group or available to it; and

(5) render services to individuals without discrimination on account of race, creed, color, or national origin.

PURPOSE AND TERMS OF LOANS

SEC. 4. (a) Loans may be made under this act for the whole or any part of the cost of acquisition of facilities, and the whole or any part of the cost of acquisition and installation of initial equipment, found by the Surgeon General to be necessary for the establishment of a clinic or group meeting the requirements set forth in section 3. The cost of acquisition of facilities shall, for purposes of this part, include the cost of construction of new buildings, including the cost of necessary land; or the cost of purchase and of expansion, remodeling, or alteration of existing buildings; and shall include the cost of architects' fees, and the cost of any necessary off-site improvements.

(b) Loans may also be made under this part to assist in meeting the cost of maintenance and operation, for not more than 3 years, of any clinics or groups meeting the requirements set forth in section 3. Any such loan for the first year shall not exceed 10 percent, for the second year shall not exceed 7 percent, and for the third year shall not exceed 4 percent of the cost of acquisition or the estimated value of the facilities and equipment utilized by such clinic or groups.

(c) Loans shall bear interest at the rate of 2 percent per annum; but the Surgeon General may reduce the rate or waive the payment of interest during a period of not to exceed 3 years after the making of the loan.

(d) Each loan shall be repayable at such times and in such amounts as may be agreed upon by the parties, except that no repayment of principal shall be required within 3 years after the making of the loan, and except that the entire principal shall be repayable within not to exceed 10 years after the making of the loan. Upon the maturity of any loan the Surgeon General may renew it or any unpaid portion of it for one additional term of not to exceed 10 years.

(e) If the Surgeon General, after opportunity for hearing, finds that any clinic or group to which a loan has been made under this part is failing to comply with any assurance given by it pursuant to section 3, the Surgeon General may after due notice accelerate the loan and demand accelerated or immediate repayment of the balance of principal due thereunder.

(f) The Surgeon General may require such security for the repayment of any loan under this part as he finds necessary and practicable. Such security may include a mortgage or other lien upon the facilities of the clinic or group.

APPROVAL OF LOANS, REGULATIONS, AND STANDARDS, ADMINISTRATION

SEC. 5. (a) To facilitate the consideration and approval of loans the Surgeon General shall, after consultation with appropriate State authorities and with the Advisory Council, draw up, periodically revise, and be guided by a tentative plan for the geographic distribution of clinics or groups throughout the United States, with a view to the greatest effectiveness of the facilities and services to be promoted under this act.

(b) In considering applications for loans the Surgeon General shall (subject to clauses (1) and (2) of this subsection) give preference to applications made by medical schools, dental schools, teaching hospitals, or groups affiliated therewith, and to groups systematically associated in any regional arrangement for the provision of medical services. It shall also take into account—

(1) the extent to which the applicant can give assurance of continuing to operate in accordance with the requirements of section 3 for the duration of the loan; and

(2) the need for such facilities in the area proposed to be served by the applicant.

(c) the Surgeon General, with the advice of the Advisory Council and approval of the Federal Security Administrator, shall make

regulations for the purposes of this act, including regulations providing standards for—

(1) qualifications for and the number and kinds of specialists to be represented in each group, having regard to the kind of area to be served by the group, the incidence of cases requiring the services of particular kinds of specialists, the number and kinds of specialists available in such areas: *Provided*, That the Surgeon General, with the advice of the Advisory Council, may require a group to make arrangements to assure access to certain specialty services instead of requiring their inclusion in the group, and may make alternative requirements in individual cases to meet needs peculiar to a particular area;

(2) in the case of groups undertaking to provide curative as well as diagnostic services, the number of physicians undertaking to engage in the general or family practice of medicine; and

(3) adequate quarters, staff, equipment, records, and access to hospital or other facilities, having regard to the need in the area for the particular type of facility.

A bill to amend the Public Health Service Act and the Social Security Act to authorize greater assistance to the States in extending and improving the health services and facilities available to rural areas

Be it enacted, etc., That this act may be cited as the "Rural Health Act."

DECLARATION OF PURPOSE

SEC. 2. The purpose of this act is to assist the several States to improve the health services available to people living in rural areas and to migrant workers and their families in such areas by—

(a) extending and strengthening public health organizations in rural areas and in communities serving rural areas;

(b) extending and strengthening basic public health services and maternal and child health and crippled children services in such areas and communities;

(c) encouraging physicians, dentists, and other needed professional and technical personnel to establish private practice in rural areas for the provision of medical and related services; and

(d) encouraging the organization of voluntary group health service plans for making medical and related services more readily available to rural people.

EXTENSION OF BASIC PUBLIC HEALTH ORGANIZATION AND HEALTH SERVICES IN RURAL AREAS

SEC. 3. (a) Section 314 of the Public Health Service Act, as amended (42 U. S. 246), is amended by redesignating subsections (c), (d), (e), (f), (g), (h), (i), (j), and (k) as subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c) To enable the Surgeon General, through grants, to assist States, counties, health districts, and other political subdivisions of the States—

"(1) in the training of personnel for rural public health work and in the maintenance, extension, and improvement of the public health organizations and the basic public health services in rural areas and in communities serving rural areas, including surveys of rural health conditions and needs (in cooperation with other State and Federal agencies conducting investigations in the same or related fields) and programs for rural health education;

"(2) in alleviating existing shortages in the number of the professional and technical persons serving the health needs of rural people, through (A) guaranties of minimum annual incomes or similar payments to such persons practicing in rural areas which are unable to provide sufficient income to attract or hold such persons, (B) assistance in defraying the initial transportation and equipment costs of such persons moving into rural areas, (C) assisting qualified candidates for medical and related professional education, who agree to practice for stipulated periods in rural areas needing such persons, to defray part or all of the costs of such education, and (D) through similar measures: *Provided*, That any such payment or other assistance to such a person may be conditioned upon his agreeing to furnish preventive and similar health service at the request of public health authorities in the area;

"(3) in enabling persons engaged in rural medical and related practice to furnish a high quality of service by assisting them to attend special postgraduate courses and by making consultative services more readily available to them;

"(4) in organizing and maintaining clinics for rendering medical, dental, and related health services to migratory workers and their families in rural areas, during periods when the professional and technical personnel and facilities ordinarily available to provide such services in the area are overtaxed by the influx of such persons; and

"(5) in providing diagnostic and treatment equipment to public and other nonprofit agencies and institutions serving rural areas, upon condition that such equipment be made available without discrimination on account of race, creed, and color and be used in accordance with standards established by the State health agency,

there is hereby authorized to be appropriated for each fiscal year a sum not to exceed $20,000,000."

(b) The subsection herein designated as subsection (e) is amended to read:

"(e) For each fiscal year, the Surgeon General, with the approval of the Administrator, shall determine the total sum from the appropriation under subsection (a), the total sum from the appropriation under subsection (b), and, within the limits specified in subsection (d), the total sum from the appropriation under that subsection which shall be available for allotment among the several States. He shall, in accordance with regulations, from time to time make allotments from such sums and from the sums appropriated pursuant to subsection (c) to the several States on the basis of (1) in the case of subsections (a), (b), and (d), the population and, in the case of subsection (c), the rural population, (2) in the case of subsections (a) and (b), the extent of the venereal disease problem, the extent of the tuberculosis problem, and the extent of the rural health needs, respectively, and, in the case of subsection (d), the extent of the mental-health problem and other special health problems, and (3) the financial need of the respective States. Upon making such allotments the Surgeon General shall notify the Secretary of the Treasury of the amounts thereof."

(c) The subsection herein designated as subsection (g) is amended by inserting immediately after the phrase "or subsection (c)" the phrase ", or subsection (d)".

EXTENSION OF MATERNAL AND CHILD HEALTH SERVICES AND SERVICES TO CRIPPLED CHILDREN IN RURAL AREAS

SEC. 4. (a) Part 1 of title V of the Social Security Act, as amended, is amended as follows:

(1) Section 501 is amended by striking out "$16,500,000" and inserting in lieu thereof "$20,000,000".

(2) Section 502 (a) (2) is amended to read as follows:

"(2) Out of the sums appropriated pursuant to section 501 for each fiscal year the Federal Security Administrator shall allot $10,000,000 as follows: He shall allot to each State $60,000 and such part of $5,070,000 as he finds that the number of live births in such State bore to the total number of live births in the United States, in the latest calendar year for which he has available statistics; and he shall allot to each State such part of $1,750,000 as he finds that the number of live births in rural areas in such State bore to the total number of live births in rural areas in the United States, in the latest year for which he has available statistics."

(3) Section 502 (b) is amended to read as follows:

"(b) Out of the sums appropriated pursuant to section 501 for each fiscal year the Administrator shall allot to the States (in addition to the allotments made under subsection (a)) $8,250,000, according to the financial need of each State for assistance in carrying out its State plan, as determined by him after taking into consideration the number of live births in such State; and $1,750,000 according to the financial need of each State for assistance in carrying out its State plan, as determined by him after taking into consideration the number of live births in rural areas in such State.

(4) Section 503 (a) is amended by inserting, immediately before the semicolon at the end of clause (5) thereof: ", and especially for such extension and improvement in rural areas".

(b) Part 2 of title V of the Social Security Act, as amended, is amended as follows:

(1) Section 511 is amended by striking out "$15,000,000" and inserting in lieu thereof "$20,000,000".

(2) Section 512 (a) is amended to read as follows:

"SEC. 512. (a) Out of the sums appropriated pursuant to section 511 for each fiscal year, the Federal Security Administrator shall allot $10,000,000 as follows: He shall allot to each State $60,000, and $5,070,000 to the States according to the need of each State as determined by him after taking into consideration the number of crippled children in such State in need of the services referred to in section 511 and the cost of furnishing such services to them, and shall allot $1,750,000 to the States according to the need of each State for such services in rural areas, as determined by him after taking into consideration the number of crippled children in such areas in need of such services and the cost of furnishing such services."

(3) Section 512 (b) is amended to read as follows:

"(b) Out of the sums appropriated pursuant to section 511 for each fiscal year, the Administrator shall allot to the States (in addition to the allotments made under subsection (a)) $8,250,000 according to the financial need of each State for assistance in carrying out its State plan, as determined by him after taking into consideration the number of crippled children in such State in need of the services referred to in section 511 and the cost of furnishing such services to them; and $1,750,000, according to the financial need of each State for assistance in carrying out its State plan, as determined by him after taking into consideration the number of such children in rural areas in such State and the cost of furnishing such services to them."

SUMMARY BY SENATOR LEHMAN OF BILL TO LIBERALIZE FEDERAL GRANTS FOR PUBLIC ASSISTANCE TO PUERTO RICO AND THE VIRGIN ISLANDS

I have today introduced a bill repealing the limitation on Federal payments to Puerto Rico and the Virgin Islands which was included in the Social Security Act Amendments of 1950. Section 1108 of the Social Security Act provides that Puerto Rico may not receive any more than $4,250,000 in the fiscal year and the Virgin Islands may not receive more than $160,000. These are the only two instances in the Social Security Act in which there is a maximum dollar payment on the total amount of Federal grants. I believe that this limitation is unfair and

discriminatory against American citizens in Puerto Rico and the Virgin Islands.

The bill which I have introduced would repeal this section of the Social Security Act so that Puerto Rico and the Virgin Islands would be eligible to receive the amount determined in accordance with the matching formula provided for Puerto Rico and the Virgin Islands in titles I, IV, X, XIV of the Social Security Act relating to grants to the States for old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled, respectively.

SUMMARY BY SENATOR LEHMAN OF FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AMENDMENTS

In association with Senator MURRAY I have today introduced a bill improving and liberalizing the existing Federal old-age and survivors insurance program, and adding insurance protection against disability. In addition to providing for a substantial increase in the amount of the insurance benefits payable to aged persons, widows, and orphans the bill also provides for insurance benefits to persons who are disabled. Among the important improvements in the insurance program which are incorporated in the bill are:

1. Increase in the amount of insurance benefits payable to beneficiaries now on the rolls.

2. Increase in maximum wage base from $3,600 to $5,400 per year, thus making it possible for wages up to $450 per month to be credited for benefit purposes.

3. Increase in the maximum monthly insurance benefit to $200 per month instead of $150 under existing law.

4. Liberalization of the retirement test by reducing the age from 75 to 70, after which an individual may draw full benefits while continuing to work in insured employment.

5. Payment of cash insurance benefits to persons permanently and totally disabled after a waiting period of 6 months of disability.

6. Payment of weekly disability benefits to persons temporarily disabled, such benefits to be paid for 26 weeks after a waiting period of 1 week. The bill provides that benefits of $8 to $30 a week will be paid to a temporarily disabled individual depending upon his previous wages. These amounts will be increased in relation to the number of his dependents, but in no case to more than $45 a week to an individual with three or more dependents.

7. Extending the provisions giving wage credits to veterans of World War II so as to include persons in the military service at the present time. Under this provision military service during the Korean crisis will be included under the insurance program.

MEMORANDUM BY SENATOR LEHMAN ON BILLS TO PROVIDE MORE ADEQUATE HEALTH SERVICES

In association with Senator MURRAY I have today introduced six bills providing for more adequate health benefits to the people of the United States. Senator HUMPHREY has also joined in sponsoring one of these measures.

PREVENTION OF CHRONIC DISEASES

The bill for the prevention of chronic diseases authorizes an appropriation of $10,000,000 per year to the Surgeon General of the Public Health Service for grants to the States. These grants would be used by the State in establishing and maintaining more adequate public health services for the early detection of chronic diseases, for the referral of persons found to be suffering from chronic disease to appropriate medical personnel, hospitals, clinics, and agencies, for testing and demonstrating methods of providing more adequate clinics, hospitalization, treatment, home-care services and community planning, and, in cooperation with other agencies, for the prevention and reduction of chronic illness and for restoring the chronically ill to useful and productive activity.

AID TO DIAGNOSTIC CLINICS ACT

The aid to diagnostic clinics bill provides for Federal grants to the States in the amount of $25,000,000 per year for the fiscal year of 1952, and for each fiscal year thereafter, $50,000,000. These grants are to be made available by the Surgeon General of the Public Health Service to the States for the purpose of establishing and maintaining more adequate out-patient services in hospitals and health centers for the early detection of disease, for the referral of persons found to be suffering with disease to appropriate medical personnel, hospitals, clinics, and agencies, and for providing more adequate treatment, home-care services and community planning for the ambulatory sick.

ASSISTANCE TO DIAGNOSTIC AND HEALTH CLINICS ACT

The assistance to diagnostic and health clinics bill provides for loans for the acquisition and equipment of facilities and for maintenance and operation of clinics or medical groups designed to afford improved diagnostic and curative services. The bill authorizes the sum of $10,000,000 for the fiscal year 1952 and $20,000,000 for each of the four succeeding years. These sums are to be used as loans to be made by the Surgeon General of the Public Health Service to groups of physicians (or physicians and dentists) who undertake to render diagnostic and curative service on a group basis.

The object of the bill is to encourage the development of medical practice of the highest quality on a group basis. The object is to provide loans to groups that wish to get started but find financial difficulty during the first 2 or 3 years. By assisting these groups with low-interest loans it is hoped that it can be demonstrated that such group practice of medicine can be made available to more people in the United States.

RURAL HEALTH ACT

The rural health bill provides for additional Federal grants to the States by the Public Health Service and the Children's Bureau to improve health services available to rural areas and to migrant workers and their families in such areas. The bill provides for an additional appropriation of $20,000,000 to the States for public health services in rural areas and for $3,500,000 additional for maternal and child health services, and $5,000,000 for crippled children's service. The purpose of this bill is to assist the States in training additional personnel for rural public health work, in alleviating existing shortages of professional personnel in rural areas, in organizing and maintaining clinics in rural areas and in providing more adequate maternal and child health services and services to crippled children in rural areas.

MEDICAL CARE FOR PUBLIC ASSISTANCE RECIPIENTS

The bill providing more adequate medical care for public assistance recipients is an amendment to public assistance provisions of the Social Security Act. The bill provides for Federal grants to the States for medical care along the lines recommended by the Advisory Council on Social Security to the Senate Committee on Finance. This proposal has been approved by the American Medical Association and by other national organizations concerned with health matters. The amendment provides that the Federal Government will match expenditures made by the States for medical care to public assistance recipients within certain maximum limitations. The amounts paid to the States for this purpose are to be in addition to the amounts already authorized to be paid to the States within limitations of existing law, such as the $50 a month (of which $30 is Federal funds) authorized for the aged, the blind and the permanently and totally disabled.

DISABILITY ASSISTANCE

The disability-assistance amendment provides for amending title IV of the Social Security Act by striking out the words "permanently and totally" wherever they appear in such title. The effect of this amendment is to remove the restriction of providing Federal grants to the States only to permanently and totally disabled persons. It would thus make it possible for Federal grants to be paid to the States for assistance to any disabled individual whether temporarily or partially disabled. The bill would still give complete freedom to the States to decide which disabled individuals they wish to receive assistance. Many individuals apply to the State welfare departments for assistance who have been sick and have exhausted all of their savings. By making it possible for such individuals to receive assistance before they become permanently and totally disabled it may be possible to get them back on their feet, thus helping them to become self-supporting and reducing the long-run cost of relief from the Federal Government, the States and the localities.

FAREWELL STATEMENT BY SENATOR GRAHAM

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a statement which I have prepared on the eve of my departure from the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF FRANK P. GRAHAM, SENATOR FROM NORTH CAROLINA

Mr. President, in support and appreciation of the trust of my colleagues in the Senate, who have generously given me their faith and friendship, I wish to make a statement from the record of my opposition during the last 20 years to fascism, communism, imperialism, and other forms of special privilege and totalitarian tyranny. As I am about to take my leave I am moved to say that I shall treasure all the days of my life the associations, the faith and friendship of dear friends on both sides of the aisle. When over a year ago I expressed my interest in appearing before the Joint Committee on Atomic Energy, the chairman of the committee told me that there was then no one on the committee or in the Senate who had any question about my loyalty or my Americanism and that he saw no need for such an appearance.

In appreciation of this faith, I am making this simple statement of facts in their balanced context in the RECORD for reference by those whose own faith needs no statement.

This statement will not consist of protestations of patriotism. Rather it will mainly be a record of facts, as I recall them, which tell their own story of loyalty, in whatever presence, to the things for which America was founded and to the substance as well as to the forms of our Americanism. I have run the risks of taking sides in the midst of events which could not wait for certificates of safety and conformity while freedom itself was embattled by fascism, communism, imperialism, privilege, and monopoly on many fronts in a fearful world.

I would be lacking in candor if I did not express the hope that the present hazard of the smear will not cause any of us so to fear the free impulses of the human spirit and voluntary enterprises and associations of Americans in humane causes that we will stay safely on the sidelines and refuse to

take part in the struggles and the hopes of the people for a fairer world.

Along with countless loyal Americans I took sides, on committees and off committees, against fascism, communism, and imperialism. I took sides for the freedom of the human mind, the dignity of the human being, and the autonomy of the human spirit. I took sides in the South and in the Nation for the fairer consideration of Jews, Catholics, Negroes, and the foreign born; for fairer consideration of children, teachers, industrial workers, farmers, little-business people, and consumers.

The facts herewith presented are organized under the six main topics: (I) The Committees, A and B; (II) The Moscow Summer School; (III) Three Letters; (IV) The Attack by Moscow Radio and Press; (V) The Oak Ridge Institute: and (VI) Excerpts From Talks and Statements, made by me during the last 20 years.

I.

THE COMMITTEES

When Mussolini, Hitler, and Franco were the aggressors I joined committees against fascism and nazism. When Stalin was the aggressor I joined committees against the Communist dictatorship and to aid Finland against Communist aggression. When Japan was the aggressor I joined a committee to aid China against Japanese imperialism. During the infamous Stalin-Hitler pact I joined committees to aid Britain when the little island home of our democracy, almost alone, held the lines of hope for freedom in the Western World. I supported providing the 50 destroyers for Britain, lend-lease, and selective service, and joined committees and made statements against any and all Fascist, Nazi, Communist, and imperialist aggressors.

In the last 20 years I joined perhaps 100 organizations in expression of many educational, religious, economic, social, agricultural, industrial, scientific, political, historical, international and humane interests and in behalf of many causes and movements. Under Executive Order 9835, the Attorney General has listed 159 subversive organizations of all kinds. Of all the organizations I joined, or sponsored, four were later placed on the Attorney General's list as Communist fronts.

A. The four on the Attorney General's list

I never knowingly joined a Communist-front organization. Along with many loyal Americans I was connected with four later to be listed as front organizations under the President's Executive Order, 9835. I was not a member or sponsor of any of the four either at the time or for some time before they were placed on the Attorney General's list under this order. I have, of course, not joined any after it was placed on the list. One of the four I resigned from 7 years before the Attorney General placed it on this list. I was a sponsor of a 4-day conference held under the auspices of one. The four on the Attorney General's list under Executive Order 9835 were:

1. The Medical Bureau and the North American Committee To Aid the Spanish Democracy. The Medical Bureau was largely sponsored by loyal American professors in the medical schools of Hopkins, Chicago, Northwestern, Illinois, Harvard, Yale, Columbia, California, and Stanford. I became a sponsor when Mussolini, Hitler, and Franco were combined. As a sponsor of this committee I sent a contribution for a hospital in Madrid. When this committee, which had combined with another committee to aid the Spanish Democracy, died, I did not join the successor organization. My position on Spain may be summarized as follows: I was for lifting the embargo so that the Spanish Government could look to the western democracies rather than lean on the Soviet Union. I was appalled by the atrocities and tyrannies of both the Communists and Fascists in Spain which undermined the cause of the self-determination of the Spanish people. On or off the committees to aid the Spanish Democracy, I was and am for the self-determination of the Spanish people through free elections and other democratic procedures of freedom.

2. The second of the four was the China Aid Council, which was affiliated with the American League for Peace and Democracy. As a sponsor of the council, but not of the league, I sent two contributions for hospitals in China where there were treated the wounded of the Chinese armies fighting the Japanese invaders. I refused to sign a statement favoring the collaboration of the Chinese Nationalists with the Chinese Communists.

3. The third was the American Committee for the Protection of the Foreign Born, the only one which continued in existence. I became a sponsor of the fourth annual conference of the American Committee for the Protection of the Foreign Born, which was held in March 1940. The New York Times on December 7, 1939, had said: "A committee headed by President Emeritus William Allan Neilson, of Smith College, with Ernest Hemingway as cochairman, plans a conference in Washington. * * * The American Committee for Protection of Foreign Born deserves nonpartisan support. * * * Antialien campaigns of whatever nature are a sickening travesty of Americanism. We can contribute nothing of more value to a sick world than proof that men and women of different racial origins can get along together peaceably and democratically." The attitude of the New York World-Telegram in its editorial is summed up in this sentence: "The movement (the American Committee for Protection of Foreign Born) for sanity and decency toward aliens is true Americanism."

In March 1941, I withdrew from the committee, as already had withdrawn its chairman and a number of others. My letter of withdrawal, dated March 29, 1941, was as follows:

"Since I have not been able to keep in first-hand touch with the work of the American Committee for the Protection of the Foreign Born, and since it seems that its principal purpose has been subordinated to or confused with other interest, I am writing this note to withdraw from the committee.

"When my good friend, Dr. William Allan Neilson, asked me to join. I gladly did so in view of an unfair drive against the foreign-born. I will continue to do what little I can in behalf of the rights and welfare of the foreign-born."

4. I sponsored a 4-day conference held at Tuskegee Institute in 1942 under the auspices of the Southern Negro Youth Congress. I find that the congress was later placed on the Attorney General's list. Although I was not a member of the congress, I feel that a conference to promote an all-out war effort held under the auspices of the congress should be noted here. This conference was not listed in connection with me in the statement of a member of the House Committee on Un-American Activities, in his report to the House, but I list it here for the record. The slogan of the 4-day conference was "Negroes Fight for America." The chief of the advisers of this conference was the president of Tuskegee, Dr. F. D. Patterson, one of the most loyal and respected citizens of Alabama. I did not attend the conference, but President Patterson has written me about it as follows:

"It has recently come to my attention that the meeting of the Southern Negro Youth Conference held on the campus of Tuskegee Institute in April 1942, has been criticized on the basis that some of the participants in this meeting are now considered communistic. This is greatly disturbing to me, and since I know you joined me and other educators in sponsoring this conference, I feel that I, as president of Tuskegee Institute, should give the impressions that I gained of the meeting as it transpired on the campus of Tuskegee Institute. I attended most of the sessions though I could not attend them all. At no time did I see any action or hear any statement which would imply disloyalty to the United States or sympathy with any disloyal movement or subversive activity. * * * The Tuskegee conference was, according to my general impression, dedicated to the all-out participation of American citizens in the war effort."

B. Other committees cited either not a member of or not on the Attorney General's list

I was never a member or sponsor of the International Labor Defense. I declined to attend a conference held under the auspices of the International Labor Defense. I sent greetings in declining the invitation. Greetings to the conference were sent by the Attorney General of the United States, several Senators, Representatives, and other loyal Americans. Because of my championship of social legislation and the right of workers to organize in unions, some spokesmen for the industry wrongfully suggested that I was virtually a pro-Communist enemy of the southern textile industry; at the same time, when I and some other acknowledgedly loyal North Carolinians were interested in having the guilt or innocence of the defendants charged with murder determined on the basis of the law and the facts and were opposed to having the trials become a sounding board for Communist propaganda, we were no less wrongfully denounced by some representatives of the International Labor Defense as being tools of the southern mill barons.

I declined to sponsor the American League for Peace and Democracy on the eve of its southern drive. I signed a statement against aggression which was circulated by the league.

I was never a member of the committee to free Earl Browder. Although I opposed the Communist principles for which Mr. Browder stood, I signed a petition for his release, as did many loyal Americans, in view of the fact that he had served as long a period of his just sentence as was customary in such cases. Mr. Wendell Willkie issued a strong statement favoring his release. The President released Browder, who was later dismissed from the Communist Party because he favored international cooperation for winning the peace as well as for winning the war.

I was not a member or sponsor of the American-Soviet Friendship Council. As sponsor of a dinner given under the auspices of the council, I joined Secretary Cordell Hull, Secretary Henry L. Stimson, generals of the Army, Senators, Representatives, governors of States, and scores of other loyal Americans as sponsors of the dinner, on the twenty-fifth anniversary of the Red Army, in the salute to the Red Army for holding the gates at Stalingrad as did all Americans, not in tribute to totalitarian communism but in salute to the soldiers who bravely defended the soil they loved and who helped to win the war. King George of England and Gen. Douglas MacArthur in Australia joined in the world-wide salute to the Red Army.

In 1939 I joined the Committee for Democracy and Intellectual Freedom composed of more than 50 representatives of American colleges and universities. This committee was never listed by the Attorney General. Included in this list were the names of many of America's most distinguished scientists, some of whom were responsible for the decisive American development of atomic power. The purpose of the committee was to preserve intellectual freedom in America and provide a haven for refugee scientists. At its chief meeting in February 1939, it was

presided over by the anti-Communist professor, H. C. Urey; was participated in by Jan Masaryk, later a martyr to the cause of anticommunism; and was sponsored by, among others, a professor who was to be twice wounded and cited for heroism in the crucial fighting as an officer of the United States marines in the Pacific.

I was never a member or sponsor of the National Federation for Constitutional Liberties, nor was I so listed by the members of the House committee, yet I wish it noted here that I find that I signed a statement circulated by the federation supporting Secretary Stimson and the War Department in its policies of commissioning officers without regard to political views. Since the close of the war and during the cold war I have supported the War Department in having a different policy which bars from receiving commissions anyone who is a member of the Communist Party or who has such totalitarian views.

I was a member, a chairman, and an honorary president of the Southern Conference for Human Welfare. My position with regard to this organization was expressed in a statement made in January 1949: "I have always been opposed to communism and all totalitarian dictatorships. I opposed both Nazi and Communist aggression against Czechoslovakia and the earlier Russian aggression against Finland and later Communist aggression against other countries. I was for aid to Britain against Germany when Germany had the pact with Russia. I was a member of the William Allen White Committee and the Fight for Freedom Committee.

"During the period of my active participation, the overwhelming number of members of the Southern Conference were to my knowledge anti-Communists. There were several isolationist stands of the conference with which I disagreed. The stands which I supported as the main business of the conference were such as the following: Federal aid to the States for schools; abolition of freight-rate discrimination against southern commerce, agriculture, and industry; antipoll tax bill; antilynching bill; equal right of qualified Negroes to vote in both primaries and general elections; the unhampered lawful right of labor to organize and bargain collectively in our region; agricultural cooperative societies; tenant farmers' union; soil conservation; the industrial development of the South; minimum wages and social security in the southern and American tradition. It was for a number of years one South-wide organization open to all citizens of both races in which whites and Negroes could work together simply as human beings for building up the South. There has been no general meeting for about 2 years.

"I have from the beginning been a member of Americans for Democratic Action which debars Communists from membership. I belong to the wing of the ADA which supported President Truman all the way [for the presidential nomination].

"I have continued to support the Baruch-Acheson-Lilienthal plan for the inspection and control of atomic energy resources and consider the Russian refusal to cooperate a major setback for whole world.

"I was on committees against Hitler, Mussolini, and Franco in Spain; for aid to China against Japan; against sending scrap-iron to Japan; for civil liberties and on other such committees during last score or more of years. I joined with generals of the United States Army during the war in sponsoring a salute to the Red Army holding the gate at Stalingard. I am still glad that the gate held and pray that the energies of Stalingrad will not be turned for further aggressions against freedom. The overwhelming majority of the people along with whom I sponsored these committees were well known as loyal Americans. If members of these committees had ulterior aims it was then without our knowledge and has never had our approval. From past experience I am aware of Communist technique of infiltration into organizations which have good purposes. However, I do not now renounce any stand I made for human freedom.

"I supported the major domestic and foreign policies of Woodrow Wilson and Roosevelt including such Roosevelt policies as lifting the embargo, providing the 50 destroyers to Britain, and lend lease to the Allies. I have from the beginning supported the Marshall plan.

"I support Mr. Jessup's strong statement of the American stand in the Security Council against Communist and Dutch attempts to destroy the Republic of Indonesia.

"At the University of North Carolina we stand for the lawful freedom of our students to have their own political organizations. The far largest number are Democrats, the next largest number are Republicans, and the third largest number are States Rights Democrats. There are a number of followers of Norman Thomas. There are a fewer number who are followers of Henry Wallace who include a dozen or so Communists to whom we accord and will continue to accord the lawful freedom of this community.

"Our faculty with all their intellectual freedom are conservative or liberal in the highest American tradition and will be protected in their freedom as honorable university teachers and lawful and decent American citizens.

"I have been called a Communist by some sincere people. I have been called a spokesman of American capitalism by Communists and called a tool of imperialism by the radio from Moscow. I shall simply continue to oppose Ku Kluxism, imperialism, fascism, and communism whether in America, Indonesia, or behind the 'iron curtain.'"

During the period of my active participation in the work of the Southern Conference for Human Welfare, I wrote a resolution which, after a bitter struggle, was overwhelmingly adopted in 1940, as follows:

"We deplore the rise of dictators anywhere, the oppression of civil liberties, the persecution of minorities, aggression against small and weak nations, the violation of human rights, and democratic liberties of the people by all Fascist, Nazi, Communist, and imperialist powers alike which resort to force and aggression instead of the processes of law, freedom, democracy, and international cooperation."

Written in 1940, this resolution has not lost its timeliness in its stand for human freedom against totalitarian dictators and imperialists.

I opposed the American Peace Mobilization and protested with some other members of the Southern Conference against the unauthorized connection of the conference with the American Peace Mobilization. When some of the leaders of the Southern Conference for Human Welfare went into the Progressive Party the overwhelming majority of the members indignantly refused to go, and the conference soon came to an end.

I joined with a group headed by Mr. Harold Ickes in strongly condemning the Communist Party line positions of the Progressive Party. Previously I had joined a group of some 80 Americans in a public statement condemning the principles, the purposes, and methods of the Communist Party in the United States.

I have always been for the freedom of the human mind, the dignity of the human being and the freedom of economic enterprise, not as the privilege or monopoly of the few but with its freedom and opportunities open to all.

II.

THE CHARGE ABOUT BEING ON THE STAFF OF THE SUMMER SCHOOL OF THE UNIVERSITY OF MOSCOW

With regard to the widely publicized charge that I was once a member of the staff of the summer school of the University of Moscow the following are the facts. I have never been on the staff of the University of Moscow or its Summer School. I have never been in Russia. I was for the 1 year of its existence a member of the national advisory council of the Institute of International Education in New York. The institute had established centers of international education in such capitals as Buenos Aires, London, Berlin, Paris, Prague, Vienna, Geneva, and Madrid. After the United States recognized Russia, the institute promoted an Anglo-American section of the summer session of the University of Moscow. The board of trustees of the institute, which, as a part of its general program of international education, sanctioned this summer session at Moscow, was composed of such patriotic and well-known Americans as John Bassett Moore, Thomas W. Lamont, John Foster Dulles, Frank Aydelotte, Virginia Gildersleeve, and Stephen Duggan, director. As advisors to these loyal American directors of the Institute, I was one of the sponsors of the summer session at Moscow, along with William A. Neilson, Harry W. Chase, R. M. Hutchins, H. W. Odum, Charles R. Mann, Susan Kingsbury, Edward R. Murrow, and others.

The institute had the simple purpose of promoting international understanding and preventing another world war. The Anglo-American section of the summer session, organized in 1934, came to an end in 1935 because of the opposition of the Soviet Government. Our advisory council was therefore dissolved.

The iron curtain was already falling in 1935 on projects for spreading international information so generously welcomed in many other capitals of the world. The Kremlin did not want American youth behind the curtain, even for a summer session. The project lasted 1 year and died by arbitrary action of the Soviet Government in 1935.

III.

THREE LETTERS TELL THEIR STORY

During the Russian aggression against Finland, I wrote, on December 20, 1939, the Committee on Boycott of Aggressor Nations:

"Thank you for your letter and the enclosure of Dr. Woolley's statement. I join unreservedly with her in the stand which she has clearly and fairly taken. I approve the extension of the committe's program to include a boycott of Russian goods, because Russia has become a ruthless aggressor nation."

On January 8, 1940, I wrote this to the Committee for Cultural Freedom:

"The freedom and fairness of the work of your Committee for Cultural Freedom has so impressed me that I am considering a recent resolution not to join any more committees for the season. If it is in order to reconsider your invitation, I wish to accept membership on your committee.

"One of the things that has impressed me most is that your committee recognizes the dangerous nature of totalitarian aggression and totalitarian restriction of freedom, whether Communist or Fascist, whether German or Russian.

"In case you do not need additional membership, I am nevertheless enclosing a check for $5 toward the work of your committee as my small support of the sound principles of freedom for which you stand."

On February 12, 1949, I wrote to the Secretary of State as follows:

"This little note is simply to express my deep appreciation as one citizen for your clear and timely protest against the conviction of Cardinal Mindszenty. There appears to be a concerted policy to crush the freedom of religion not only in Russia, but also in the satellite nations. The defenseless churches and religious groups in these satellite nations especially need a bold voice speaking out which will be heard behind the 'iron curtain.' I am sure George Allen has

made your protest a part of the Voice of America!

"Another purpose of this note is to say to you that I know Bishop Garber, former dean of the School of Religion at Duke University, and know that he would not do a dishonorable thing even in the cause of human liberty. He and his associates need the support of us all at this time.

"I am glad that you are there to give the moral content of your voice and the Voice of America to the bewildered and stricken peoples whose religious freedom and civil liberties are being ruthlessly struck down wherever the Communist dictatorship asserts its ruthless power. I sometimes fear that the Communist dictatorship has become an even more monstrous threat to the freedom of the human mind and the moral autonomy of the human spirit than the dictatorship of Hitler, Mussolini, and the Japanese war lords, if possible, Secretary Marshall, for whom I came to have the highest esteem and affection, with the backing of our great President, laid out the ground work for stopping external and internal aggression. The opportunity and the challenge have come to you with his continued backing and through the able support of James Webb, Dean Rusk, George Allen, and their associates for helping people to recover themselves and through continuous broadcasts of the ideas and the ideals of freedom and democracy to push back the iron curtain to Russian frontiers and to undermine dictatorships in the minds and hearts of people everywhere."

IV.

WHAT THE MOSCOW RADIO AND THE COMMUNIST PRESS IN MANY PARTS OF THE WORLD HAVE SAID

The magazine Red Fleet, February 13, 1949, contained an article entitled "After the Conclusion of the Armistice on the *Renville:*

"At the beginning of last December, Dutch-Indonesian talks began on the American warship *Renville*, in the harbor of Batavia, with the participation of the so-called Good Services Commission appointed by the Security Council. The Commission includes representatives of the United States, Australia, and Belgium, and all its efforts were directed toward helping the Dutch colonizers to smash the resistance of the Indonesian Republic. The American delegate, GRAHAM, played the first fiddle. The United States succeeded, having undertaken to protect the Dutch imperialists, in dragging through the Security Council a decision to cease military operations while leaving the troops of both sides on the line which they occupied at the moment the decision was passed.

"Nevertheless the provocative activities of the Dutch were not condemned by the Trilateral Commission of the Security Council, although they sounded as a clear challenge to the UN. Moreover, somewhat later the Commission approved the new Dutch proposals. Their significance is that the Indonesian Republic must become a component part of the Dutch colonial state—the United States of Indonesia—and must thereby give up its independence. The American delegate, GRAHAM, was particularly insistent that the Republic should join the United States of Indonesia. It is no matter of chance that this same condition became the main point in the armistice agreement. * * *

"This new and latest agreement for an armistice bears the label 'Made in the U. S. A.' It encourages the Dutch aggressors. The Indonesian press points out that the consent of the Republic to join in the so-called United States of Indonesia is the result of direct pressure from the United States of America.

"Further developments have confirmed this. GRAHAM used the usual devices of dollar diplomacy. All his attention was devoted to cementing reactionary elements and creating reliable assistance from them for United States penetration of Indonesia. Where coaxing did not help, GRAHAM had no hesitation in using ordinary threats.

"American intervention has considerably complicated the situation in Indonesia. At the end of January, under direct pressure from Wall Street, the Government of Sjarifuddin, which had represented all the democratic forces of the country, resigned. The new Government formed by the leader of the national party, Hatta, was organized under pressure of the three-power commission and of GRAHAM in particular. Representatives of the Socialist and other left parties did not participate in this government, which the Indonesian telegraph agency called a right cabinet without the support of a majority of parliament. The accession to power of the pro-American Government of Hatta was greeted with indignation all over the country. In many cities demonstrations took place demanding that the people's government of Sjarifuddin return to power.

"Thus the armistice concluded under Wall Street dictation has merely aggravated the situation in Indonesia. The good services Commission dispatched by the Security Council has rendered an extremely doubtful service to peace. Acting on the United States program it supported the Dutch imperialists, who are helping American monopolists to seize the riches of Indonesia."

Tass, February 21, 1948:

"Discussion of the Indonesian question was renewed on the 17th of February in the Security Council. Statements were made by the members of the Trilateral Commission of Mediation, consisting of representatives from the United States of America, Australia, and Belgium. The representatives of the United States of America, GRAHAM, and the Belgian, Van Zeeland, sought to whitewash the Dutch aggressors and at the same time to minimize the concessions made by the Indonesian Republic."

Pravda, under the heading "Colonial deal under the sign of the UN," carried the following:

"The attention of the world public is again fixed on Indonesia, whose 70,000,000 people have become the victims of a foul colonial deal accomplished aboard the *Renville*. As a result of gross pressure exerted by the so-called good services commission, which acted under the stamp of the UN, and in which the American delegate played first fiddle, the Government of the Indonesia Republic was compelled to sign an enslaving agreement with the Dutch aggressors who invaded the country.

"The Commission really did give good services to the American-Dutch imperialists, and no wonder the State Department hastened to express gratitude to it."

The following item is translated from the Communist Daily, De Waarheid, The Hague, January 31, concerning an address of the Communist member, Paul de Groot, in the Second Chamber of the Netherlands Parliament on January 30:

"Mr. GRAHAM, of the Committee of Three, has misused his position in order, under cover of the Security Council, to strive for an expansion of American power in Indonesia."

A Moscow broadcast by Tass of January 28, 1949, in English Morse to Europe, said:

"JAKARTA.—Press circles report that the situation in Indonesia is growing increasingly complicated, owing to the intervention of reactionary Wall Street circles. Reportedly the resignation of the Sjarifuddin Cabinet came as a result of direct American pressure. GRAHAM, American representative in the three-party commission, is attempting to muster reactionary elements from the Nasjoemi Party and National Party which are assigned the role of reliable bulwark for Wall Street's expansion policy in Indonesia."

The following is taken from broadcast of U. S. S. R. station Tashkent, in English to India, Pakistan, and the Middle East, on February 11, 1948:

"A few weeks later United States representative GRAHAM, instead of carrying on his work of mediation, gave a lecture in Jakarta. He attempted to intimidate the Indonesian public by stating that America has 'the most powerful atom bomb in the world'. Such are the activities of the United States imperialists in Indonesia. By means of threats, blackmail, arms, and atomic psychosis they are attempting to dismember Indonesia and convert it into a colony of theirs."

These charges broadcast over the Moscow radio and published in the Communist press that I was a tool of Wall Street in a conspiracy against the Indonesian Republic were of course a characteristic part of the Soviet propaganda line of misrepresentation to discredit the United States of America. These charges were as false as the charges in some of the Dutch publications in Java and in Holland that I was in a conspiracy with the Indonesian Republicans against the Kingdom of the Netherlands, or the charges of some representatives of American and Dutch business interests that I was prejudiced in favor of the Republic and unfair in my condemnation of the delays in negotiations and defiance of the United Nations by the representatives of the Kingdom of the Netherlands.

The talk in Jogjakarta and in Batavia on atomic developments was a plea for the international control and the humane use of atomic power. The conferences with the leaders of the major Indonesian political parties were in behalf of their support of the *Renville* agreement as the best settlement for which the agreement of the parties could be secured. These major parties staunchly supported the moderate Republican Government in its attachment to the *Renville* agreement.

At an appropriate time, the facts, now stored in restricted documents, will be the basis for the story of the efforts of the United Nations Committee of Good Offices, without power to arbitrate or even to mediate, informally to guide the parties in the acceptance of a balanced settlement of this deeply bitter dispute.

The Committee of Good Offices need have no fear of, but rather welcomes, the day of the publication of the balanced story.

V.

CONNECTIONS WITH THE OAK RIDGE INSTITUTE OF NUCLEAR STUDIES

Inasmuch as the unanimous clearance of me as president of the Oak Ridge Institute Board was made by the Atomic Energy Commission against the recommendation of its Security Board, I should first make clear my relation to the Oak Ridge Institute.

When I resigned as president of the University of North Carolina to go to the United States Senate, my connection with the institute automatically ceased under the bylaws of the institute I had not been appointed president of the board by the Atomic Energy Commission. As a layman, I was unanimously elected chairman of the Council of University Representatives and president of the board of directors of the institute by the representatives of the 14 southern colleges and universities, including institutions from Catholic University in Washington to the University of Texas, which composed the institute.

My responsibility, with the other members of the council and the board, was to help make general policies and to uphold the hands of the director of the institute, who was the full-time executive, in carrying out these policies. The members of the council and the board serve gladly without compensation. Their satisfaction comes from having had and continuing to have a pioneering part in that portion of the program of the Atomic Energy Commission which seeks (1) to advance research in the basic physical and biological sciences in the colleges and universities, and in the agriculture and industries of the South and the Nation; (2) to utilize specifically atomic energy in the improvement of the soils and in the treatment of diseases such as cancer and leukemia;

and (3) to emphasize the humane possibilities of atomic science in the service of all people.

With patriotic recognition of the development of atomic power as a major weapon for the defense of the Nation and of freedom in the world, the institute board was never unmindful of the universality of science, of the humane potentialities of atomic energy, and of the hope that atomic power might yet some day draw together the nations of the world in creative cooperation rather than drive them fatefully apart in mutual self-destruction. The members of the board included some of the preeminent scientists who had a part in the capture of atomic power for the United States in the struggle against the Fascist totalitarian tyranny. These patriotic scientists, who helped to crush one monstrous tyranny, would not later have unanimously chosen to serve with a chairman who could not have been trusted with the security of his country and the cause of human freedom in the present cold war between the free peoples and another monstrous totalitarian tyranny.

The representatives of the participating southern colleges and universities, who elected their chairman, knew him long before the members of the Atomic Energy Commission passed on him. The Atomic Energy Commission, with knowledge of the charges and allegations, unanimously cleared the chairman as an American whose loyalty to his country and to human freedom were tested by stands against Fascist dictators when they were the aggressors, by stands against Communist dictators when they were the aggressors, by stands against imperialism, and by other stands for the freedom of the mind and the liberties of the people.

VI.

REPRESENTATIVE EXCERPTS FROM STATEMENTS AND TALKS MADE BY ME DURING THE LAST 20 YEARS

It may be helpful to let the RECORD speak in statements made by me chronologically submitted here from 1931 to 1950.

July 23, 1931 to the North Carolina Press Association:

"It is the responsibility of the State administration to work out the ways and means by which State bookkeeping and State development are cooperative and not antagonistic parts of the same great processes in the building of this commonwealth. * * * Under the load of gigantic debts, deficits, and depressions we have cut expenses to the bone. We are calling on great latent resources of mind and spirit. Yet with all possible economies we cannot pinch our way through. If we would come through we must invest in intelligence, we must develop the untapped resources of the human mind and the human spirit, we must build, we must create our way out from the depression into prosperity and from poverty into general power.

"Basic as are the matters of deficits, debts, and the depression, there is something more fundamental at stake back of them all. In tightening up our budgets we must not lose our democracy. One of the greatest needs in America is a reassertion, in the teeth of cynicism, of our faith in Americanism and in a deeper and wider use of the ways and powers of democracy. Dictatorships encroach upon the ideas and processes of democracy all over the world, whether as fascism in Italy, bolshevism in Russia, the war lords in China, and special interests in America. The privileged interests would cut down on the equal opportunities of the people. The springs of American democracy were once kept running and open in the wide free lands to the west. For almost 300 years that was the chief economic and social factor in American history. But the last territorial frontier has gone. Today the new frontier and the chief economic and social factor in American life is public education all the way from the primary grade through the university graduate school. The springs of American democracy will be kept open and free there or nowhere. If we go back there, if we fail there, we fail everywhere. We may unnecessarily sacrifice our democracy in the name of economy and sacrifice our children in the name of business. We may go forward in the forms of progress and go backward in the substance of our being, get obsessed in the financial, and neglect our public responsibility for the spiritual worth and capacity of every personality in this commonwealth. We may get bewildered by the outward mechanical contacts of our civilization and forget the inward spiritual content of our lives."

November 11, 1931, in the inaugural address to a university convocation at Chapel Hill:

"Freedom of the university means the freedom to study not only the biological implications of the physical structure of a fish but also the human implications of the economic structure of society. It means freedom from the prejudices of section, race or creed; it means a free compassion of her sons for all people in need of justice and brotherhood. It means the freedom of the liberated spirit to understand sympathetically those who misunderstand freedom and would strike it down. It means the freedom for consideration of the plight of unorganized and inarticulate peoples in an unorganized world in which powerful combinations and high pressure lobbies work their special will on the general life. In the university should be found the free voice not only for the unvoiced millions but also for the unpopular and even the hated minorities. Its platform should never be an agency of partisan propaganda but should ever be a fair forum of free opinion. Freedom should never mean a loss of the sense of lawful and moral responsibility to the trustees and the people from whom the university came and to whom her life returns manifold.

"But this freedom of the university should not be mistaken for approval of those who are merely sophisticated or who superficially exploit either the passing currents or great human causes or who fundamentally debase the deep human passions and poison the springs from which flow the waters of life. Such an abuse of freedom has the scorn of scholars whose intellectual integrity and wholesome life are a source of freedom. True freedom of self-expression is not the sort that leads to self-exploitation or to self-deterioration but rather to the self-realization of the whole personality for the good life. No abuse of freedom should cause us to strike down freedom of speech or publication which are resources of a free religion and a free state."

On November 14, 1934, spoken by me to the National Conference on Economic Security, Washington, D. C., called by the President to consider an American program of social security:

"A few of the American people desire present economic recovery without any fundamental social repairs or reconstruction. A few call for a violent reconstruction regardless of present recovery. Others consider that a sound reconstruction is the only basis for a real recovery. Most of our people are opposed to a mere recovery of the old regime and a false prosperity which would bring on another cruel collapse. This security is not to be achieved through tyranny and the regimentation of a dictatorship. It is not the security of the complacent privilege and power of the few, but the shared security of the many. It is to be a constitutional and lawful security through the cooperation of the government, management, and labor. Real security never comes at the sacrifice of real liberty. The people must preserve the substance and spirit of the old liberties through a new security. An increase in economic security should mean an advance in human liberty and social well-being. Human beings in cooperating to win security against wild animals, the elements, and the wilderness did not thereby destroy their individual initiative and daring enterprise, but rather liberated for higher reaches the mind and spirit of man. Raising the levels of economic security widens the areas of intellectual enterprise and spiritual aspirations of the whole human personality. The road from savagery to civilization has been marked by victories for security against the hazards of the jungle and organized society.

"The American people, in response to a gallant but patient leadership propose to win this security for themselves without the illusions of a return to the old regime and its false prosperity and without a resort to violent revolution, dictatorship and the false security of tyranny. Neither do they propose to drift along.

"Earlier historic transitions have been more regional in their processes and slow in their world influence. The transitions and adjustments were processes of generations and slow centuries. Social drift did not then, as now, mean swift and wide social tragedy. The vast and dynamic mechanical framework now flung around the earth gathers up wars, revolutions, depressions and unemployment anywhere and implicates men everywhere. The pull of a trigger in a remote village or the press of a button in a financial capital may release pent-up forces that go on the wires of the world and engulf mankind in international murder or vast unemployment. Either we are to master our great industrial civilization and give human beings security or we are to see it drift into unregulated self-destruction. Americans who, with scientific knowledge and mechanical device, have won a physical mastery of this great continent, will not long stand baffled and afraid along the social frontiers of a civilization which has not yet mastered the hazards of modern society.

"We vitally need the information and views of public-spirited citizens. We bring, we trust, minds open for the facts and the experience of states and nations. The advisory committee seeks to learn before advising. We will keep our feet on the ground in the valleys of our day's work even while we look into the hills yet to be climbed. We must preserve and carry on the goods in the old society. We need to be patient for facts and fair to all interests and groups. We must work and think from day to day in a world of insecurity and grim realities and dream a bit sometime that the old society may yet become the great society of liberty and opportunity, security, and happiness, for more and more of the people of America and the world."

On August 28, 1935, at the Williamstown Institute of Human Relations:

"The present world crisis, immediately consequent upon the wreckage and miseries of the war and the depression, has called into question the values of liberal democracy as the valid way of life in the modern world. This crisis, in its several manifestations, brought into experimental being communism in Russia, the recent labor government in Britain, fascism in Italy, nazism in Germany, and the New Deal in America. * * *

"The New Deal, in the view of some, is simply one of the most dramatic of the exits of liberal democracy as it seeks to regear the American political system to the engines of a dynamic economic society. It is, in kindred view, both the tired sign of an era that is dying and the fresh breath of an age that is being born. In the view of others, it is but the futile finger in the hole in the dike, sooner or later to be overwhelmed by the oncoming flood of revolution which, it is held, will make a new and more adequate channel for the strong, swift currents of human life.

"In the view of others, the New Deal is a brave and hopeful attempt to bring into

intelligent relation the existing frame of government, the economic structure of society, and the human spiritual needs of millions of forgotten men. In the midst of these many different views of contemporary processes, history is not in position to write either the epitaph of the old society or the preamble of the new.

"If this New Deal—by New Deal we mean not the mere measures of a party but the present struggle and democratic hopes of the people of all parties for readjustment—if some new deal or a modified or enlarged new deal fails to establish a new balance of 'technologicol abundance' and fair distribution, then neither historical perspective nor prophetic insight is required for the opinion that the road of wayfaring men does not lead back to the old regime. The juncture of the deep moving forces of war and depression, power engines and revolutions, misery and aspirations, have changed the world that was beyond the power of the recovery and restoration of the old regime. In the event of further calamities, will the American road be to the right toward a Fascist dictatorship with its promise of security through the power of the corporate or the totaliarian state, or will it be the road to the left toward th Communist dictatorship with its promise of social security and human development through a planned and integrated economy of work? * * *

"This country is unsuited to a political dictatorship of either the Communist or Fascist form. * * * The Americans are the most individualistic of modern peoples. The first Americans and millions since were selected on the basis of initiative and the will to get away from restriction of government or church or the stratification and regimentation of privilege. Thomas Jefferson's Declaration of Independence and Adam Smith's Wealth of Nations coincided to the year as the formal birth cries of American independence and economic freedom. Industrial liberty became a part of the philosophy of political freedom. The freedom of a continent opened a wide frontier to them and developed their robust self-reliance through the successive generations of three centuries.

"The frontier has left its deep mark upon the ideas, character, manners, and procedures of their children. The diversity of their economic life, their wide regionalisms with deep conflicts of interest, their far-flung centers of diverse opinions, newspapers, and universities, their historic federalism and constitutional checks and balances with a traditional set against political dictatorship, all combine to make improbable, though not impossible, any despotism that relies on military force rather than on the constitutional forms and methods of liberal democracy.

"Moreover, the farmers and industrial workers have enough power in combination to prevent a Fascist dictatorship. For a Communist dictatorship there appears less chance, even with a change in the traditional attitude of the American workers. The farmers and the urban middle class overwhelmingly outweigh the proletariat who are apt to recede in economic power before the technological advance. There is apparently no present prospect of a Fascist dictatorship of businessmen or a Communist dictatorship of the proletariat in America. * * *

"In this war-shocked and depression-ridden world, the people, disillusioned and despairing, ask for honest work and real security. If democracy can offer work, freedom and security, industrial enterprise and social control, then the way for America is straight ahead on the high road toward the new balance of the advancing technology and an expanding democracy.

"On the way up the high road, the American people are in the midst of what may be the saving readjustments of our political and economic system to the social and spiritual needs of the people. The need for readjustments involves the development of social controls correspondingly competent to cope with both the concentration of economic power and the failure in the distribution of the 'technological abundance'; provision for agriculture as an equal partner in our economic society; the wise management of money as the medium instead of the control by money as the master of the exchange of goods and services; the valid recognition of the responsibilities and values of managers and technicians, stockholders, workers and consumers, in the organization of industry, the political mechanisms of the Government, and the economic structure of society; and the gradual and free development through education and religion of the higher incentives in economic enterprise to develop the spiritual worth of every personality and to share the abundant fellowship of truth, goodness, and beauty of the human brotherhood of the sons of God.

"As we meet in this college, historic with high traditions and distinguished for liberal learning, we are deeply conscious of the creative participation of the colleges and universities in the carrying on of civilization. Light, liberty, and the social impulse find their home with youth in the colleges or nowhere. Here the doors and windows must be open for the winds of the whole world. As the crosswinds of an age blow through the college halls, the colleges have the responsibility of keeping a balanced place in the curriculum, for the deep riches of the past and the wide social needs of the changing world. Under the wise guidance of teachers with cultural, social and spiritual insights, the revision of the curriculum, in the long run of history, can be one of the steps in the reconstructions of our civilization.

"Yet with all our efforts for human understanding and social adjustment through a compensating economy, Federal grants-in-aid to States, judicial reinterpretation, constitutional amendments, a new bill of human rights, and educational curricular revision, this chapel reminds us that without a sense of human brotherhood and the sacred worth of every personality, 'they labor in vain who build the house.' Our great religious communions search us through with their faith and ideals.

"The Jewish people who gave us the highest conception of the one God, the sovereignty of the moral law and the greatest book, the greatest life, and one of the greatest cultures in all history, speak to us today through their old and new prophets in the deep moral tones of personal goodness and social justice.

"The Catholics represent to us the unity of mankind and a universal sympathy for human beings everywhere in need of mercy and compassion. They bear the cross far and near with its call to sacrifice and heroism in the sharing and giving of life.

"The Protestants stand for the individual, his intellectual freedom and his spiritual autonomy. Without mediation of bishop or king but as individuals in the congregation in direct communion with their Lord, they made over their churches and their states in the name of the people and under the authority of God.

"For them all there still speaks the Carpenter's Son, at once Jew, Catholic, Protestant, Son of Man and Son of God, who shared all that He had with all mankind. After 2,000 years we crucify mankind and crucify Him with our religious bigotry and persecution, racial hatreds, wars, and motives of gain for ourselves. Today, as sincere Jews, Christians, and human beings, without divisions in His spirit, as we stumble along on our human pilgrimage, may we ever press forward together in the eternal adventure toward the Kingdom of God."

August 29, 1939, at the Williamstown Institute:

"The religious conception of one God and one human family, of all men as brothers and as sons of God, is the source of the conception of freedom and democracy in the modern world. The Jewish, Catholic, and Protestant religions, despite all their failure and incrustations, have in unacknowledged brotherhood given to the world the basic spiritual conceptions of human dignity and human freedom and must stand together now in their spiritual defense against ideas and forces which would tear them down. Jews, Catholics, and Protestants, in the sincerity of their religion, have the responsibility of developing attitudes of mind and heart in individuals who will welcome and make common cause with ideas and movements making for the equality of opportunity basic to the freedom, dignity, and development of brothers of men and sons of God. The often cruel acquisitiveness of modern society, the world war, the world depression, and world-wide human miseries, have combined to challenge the sincerity of our religion, the intelligence of our education, and to shake the very foundations of freedom and democracy in the present world.

"The Nazi government seeks to subordinate religion to the purposes of the national state in Germany; the Communist government seeks by law and policy to eliminate religion from the life of the people in Russia. Freedom and democracy, twin products of religious conceptions, are now crushed or renounced in more than half the world. Above the spiritual conceptions and humane spirit of religion rise the strident claims and cruel power of national glory and historic imperialism in Fascist Italy, ruthless racialism in Nazi Germany, atheistic materialism in Communist Russia, inhuman militarism in autocratic Japan, and much that is un-Christian in finance-industrialism in western European, British imperial, and American democracies.

"In democratic America we are asking ourselves searching questions. Why have people in so many parts of the world turned away from democracy with its universal suffrage parliaments, the rule of political majorities, its guaranties of freedom of worship, assembly, petition, speech, and the press, and the processes of law for persons and property? Why, in their stead, have people in so many lands turned to, or accepted, the tyrannies of dictators and the regimentations of the totalitarian state? Many and complex economic, social, political, military, psychological, and spiritual causes prepared the way for, and many diverse factors entered into, the rise to world power of the modern totalitarian states. Not the least of these causes, the one which concerns us now, is the long failure of democracy to satisfy some of the basic needs of the human body and some of the highest aspirations of the human spirit. Democracy had provided equality of suffrage but not equality of opportunity; the freedom to worship but not the right to work; the freedom of assembly and the right of collective petition but not the freedom of the self-organization of workers and the equality of collective bargaining; corporate privilege but not agricultural parity; and political liberty but not social security against the hazards of modern society.

"The democracies, in general, with their dominant position, and America, in particular, with its unparalleled possession of the resources of abundance, presented to the world the disillusionments of the insecurity of peace in a world of armaments, poverty of farmers in a world in need of food, child labor and sweatshops in the midst of unemployment, loss of farms and homes in a society largely based on them, poverty and dependence of men and women after lives of faithful work, injustice to Negroes and to other racial and religious minorities, oligarchic corporate manipulation of stockholders, regimentation of workers, and wide

misinformation of consumers, the use of the historic documents of human freedom in behalf of economic power over the freedom of human beings, vast unemployment in the midst of universal need, hunger amid plenty, and disillusionment and despair in a world of youth and opportunity. The old political liberties and social drift of a more static society are tragically insufficient to meet the vast economic changes, the financial crises, and the deep human needs of our dynamic modern society.

"Despite this insufficiency, despite all the failure, frustrations, and betrayals of freedom and democracy, people everywhere held on to the hopes of freedom and democracy. Those who struck them down had to plead to the people that revolution and dictatorship were only transitions to a larger freedom and a more real democracy. The dictators, in recognition of the people's abiding dream, and in fear of the people's instruments of freedom, resorted to ruthless force, liquidated the opposition, abolished or subjugated parliaments, labor unions, and churches, and destroyed the freedom of the press, the radio, the schools and universities, and terrorized minorities and individuals, whose combined liberties would make impossible the maintenance of the dictatorship of a totalitarian state. * * *

"We find it more comfortable to overlook the fact that the ways of the Jewish-Christian teaching and the ways of the American dream have not yet been really tried. In fairness to this hope as an alternative to the Fascist and Communist ways of the totalitarian dictatorship, and in fairness to the youth and the future of the world, we must not in prideful complacency, cynical disillusionment or cowardly despair, deny and betray the early promise of the American dream. * * *

"The representatives of great corporate enterprises can recall with sincere and historic pride that capitalism was a decisive factor in the overthrow of feudalism, in the liberation of the common man, land and labor from the vested control of the feudal lords, and in the liberation of industry and commerce from the monopolies of the decadent guilds. A free capitalism is historically recognized as one of the main pivots in the transition from the medieval to the modern world. The liberated individuals of the rising middle and capitalist class moved from victory to victory in ideas, church, State, commerce and industry. With initiative, inventive genius, and far-flung enterprise they developed industry on a scale which required gigantic corporations for gigantic national and international trade. These corporations gathered the savings of people anywhere to meet the wants of people everywhere. Geared to vast reservoirs of capital and to steam, electric, and gas-power engines, they have thrown around the earth a mechanical framework, which, with all its economic strains and social failures, still holds up the structure of the modern but threatened world.

"This historic achievement provides part of the basis of a stanch devotion to the principles of economic individualism."

In September 1940, at the opening university convocation, I said:

"Our democracy is caught between the dynamic powers of fascism and communism. Our continent, placed between two great oceans, nevertheless reverberates with the mighty impact of forces in Europe and Asia. * * *

"The dictators have already with quick terrorism taught 12 little nations and two great historic democracies in Europe and one great Republic in Asia that there can be no peace for them in a totalitarian world. The case for the democraeies is not all white and the case for the dictators is not all black. Yet the democracies with all their faults and failures give the world's peoples, including the German people, more hope of the opportunity to struggle for peace, freedom, democracy and humane religion as the basis of them all. The dictators magnify the philosophy of force, glorify war as an instrument of totalitarian power and expressly despise freedom and democracy. The democracies with their own imperfect freedom are struggling to save the freedom to struggle for freedom. In the present world struggle the issue for the democracies with all their failures, injustices and frustrations, and with their freedom now in the balance somewhat because of them, has been made cruelly clear. Stripped down to the most precious things of the human spirit and to the humane liberties of common men, the central issue is human liberty, the freedom to struggle for freedom and justice in the nations, and the freedom to struggle for the organization of justice and peace in the world."

June 18, 1942, in the Ryan Aeronautical opinion written by me for War Labor Board, the closing paragraph follows:

"Finally, this maintenance of a voluntarily established union membership provides three basic guarantees: First, it guarantees democracy in America against the tragedy both of the disintegration of responsible unions during the war and against the defenselessness of industrial workers after the war; second, it guarantees, through responsible union leadership and stable union membership in the crucial transition from war to peace, against a violent revolution and the rise in America of a Fascist, Communist, or imperialistic dictatorship; and third, it affords one of our chief hopes that the all-out production for destruction in winning the war will be reconverted into all-out production for organizing plenty for America and the stricken and hungry peoples still hopeful for freedom, justice, and peace all over the world."

July 16, 1942, I wrote the opinion on Union Security Issue for the National War Labor Board in the Little Steel case:

"We have in this dispute the conflicting rights of the more than two-thirds majority of the workers who are in this union and of the less than one-third of the workers in each of the four companies who are outside the union.

"In this case the Board protects the rights of the majority and the minority, rejects the union's demand for a union shop and compulsory check-off, and rejects the companies' demand for no change in present union status. The Board decided in favor of the voluntarily accepted maintenance of membership and check-off of those members of the union who are in good standing on the fifteenth day after this directive order, or who may thereafter voluntarily join the union. This provision is not a closed shop, is not a union shop, and is not a preferential shop. No old employee and no new employee is required to join the union to keep his job. If in the union, a member has the freedom for 15 days to get out and keep his job. If not in the union, the worker has the freedom to stay out and keep his job. This freedom to join or not to join, to stay in or get out, with foreknowledge of being bound by this clause, as a condition of employment during the term of the contract, provides for both individual liberty and union security.

"This decision provides against coercion and intimidation of the worker into membership in the union. * * *

"High on Hitler's list of the institutions of democracy early marked for the destruction necessary to clear the way for the rise of the Nazi dictatorship were and are the church, the parliament, the corporation, and the labor union. These four institutions are the focal-motive force of the four main chapters in the rise of human freedom. The freedom of human beings to organize in autonomous groups has been won through long struggles in the fields of religion, politics, business, and labor.

"The power of the great Roman Empire struck down the unrecognized and despised organizations of early Christians but the little congregations of lowly believers became the Church Universal, which transformed the sackable city of Rome into the unsackable city of God, transmitted the ancient learning, resynthesized western culture, built the cathedrals, founded the universities, and despite all its faults and failures, with its Hebraic-Christian conception of the brothers of men and the sons of God, has been for the longest period the most beneficent organization in history.

"The church, in its turn of predominance, tried to block the rise to absolute power of the new autonomous nations within the ecclesiastical dominion. Then the new absolute national monarchies, having become entrenched in independent power, sought to check the rise to increasing power of the autonomous organization of the people's representatives in Parliament. Yet Parliament won its struggle for collective bargaining with the king, and their written agreement became the English Bill of Rights, which, since 1689, has been the charter of constitutional government for all nations which have followed the traditions of the English-speaking peoples.

"It was historically logical that the democratic idea of autonomous organization, which achieved victories in the fields of religion and politics, should become an issue in the fields of commerce and industry. The commercial and industrial middle classes, which, through autonomous corporations, soon established their dominant positions in modern society. The corporations helped to overthrow feudal serfdom and gathered the savings of people anywhere in the service of people everywhere. The English Parliament having become a stronghold of the commercial and industrial leaders, and an instrument of corporate power, prohibited workingmen from organizing in behalf of better conditions of life and labor. The struggle of industrial workers to organize and win the reluctant recognition of legislative bodies, the courts, and the corporations, is the latest chapter in the democratic struggle of human beings for autonomous organization around a great human need. The movement of working people against heavy odds to win a simple share in the control of their own lives is one of the great human movements of the last 100 years and is at the center of the struggle for freedom and democracy in our time.

"The freedom and independence of the labor union is of the essence of historic Americanism. The little band of religious Pilgrims who, in seeking the right to organize for the worship of God without the consent of king or bishop, after many vicissitudes in a foreign land and across uncharted seas, still clinging to their principles of piety and autonomous religious organization, fetched up on the wintry shores of Massachusetts where their spiritual heroism made Plymouth Rock one of the foundation stones of self-government in America. One year before the Pilgrims reached American shores, Sir Edwin Sandys led a movement in the London Company to recognize the self-organization of the settlers in Virginia. The less-farsighted businessmen said it would ruin the business enterprise to give these workingmen the right to share in the regulation of their conditions of life and labor. But the intelligent idealism of Sir Edwin Sandys prevailed over the fears of the more practical minded businessmen. Thus was born the first representative assembly in the new world. The democratic idea of autonomous political organization, later federated in the American union, whose American standard was first raised on the banks of the James River in old Virginia, still flies its flag high in all the western world. The freedom and security of the right of all human beings to organize in churches,

legislatures, corporations, and labor unions is part of the basic meaning of our American freedom and is at the heart of what the war is all about. Hitler is out to destroy the freedom of America and the free basic institutions of democracy everywhere. The struggle over the freedom and security of the union is, therefore, one of the latest episodes in the American chapter of the rise of democracy in the modern world, and is at the very center of the global struggle between the United Nations and the Axis powers."

In June 1946, in the Harvard University commencement address:

"In this age of the power of machines we need to recognize the power of ideas. In this age of mechanical invention, we need the adaptations of political social inventions. In this age of the scientific mechanism, we need the saving values of spiritual idealism.

"In our insistent awareness of the many different factors and forces and their interacting power in the complex of history, we find an idea may often interfuse all other influences with its spiritual power. With due consideration of the powerful factors and forces—geographic, economic, political, religious, imperial and traditional—which focused upon the Eternal City as the center of the ecclesiastical dominion rising upon the ruins of the old political empire, it was an idea, a great idea, the idea and aspiration of a divine compassion and of a universal brotherhood of men which transformed the sackable city of Rome into the unsackable City of God. This noble and catholic idea represents the unity of mankind and a universal sympathy for human beings everywhere in need of mercy, and compassion. This idea became Flesh, became a Person in the Judean hills whose followers have carried the cross far and near, across seas and centuries with its call to justice and heroism in the sharing and giving of life. This idea for 2,000 years has interfused our medieval and modern western world with hopes of human brotherhood unfulfilled to this hour.

"Not only does the spread of ideas interfuse a whole society, but the lowering of the level of ideas lowers the level of the life and history of an age.

"It was not only the disintegration of the Roman Empire and the decline of the ancient learning in the disorder of the times but it was also the lowering of the level of ideas for adaptation to the untutored, though vigorous, minds of the barbarian conquerors which produced the intellectual recession called the Dark Ages. Scholasticism represents the far upward climb of the western mind, under the tutelage of the church, from the ideas of the Dark Ages to the ideas of the great medieval synthesis which found its stronghold in the universities of the later Middle Ages. The medieval universities, for all their ecclesiastical limits upon ideas, yet with an inner ferment of ideas and quest for learning, with their revival of Greek philosophy and medicine, Roman law and Arab science, along with the rise of towns, trade, and the handicrafts arts, prepared the way for the revival of learning.

"The ideas and spirit of the ancient learning, long lost or neglected, recovered to transcend medieval boundaries, blew like a fresh wind across the face of Europe, lifted to the sunrise of a new day. Scholasticism gave way to humanism, other worldly ideas to the ideas of the ancient world, ascetic self-repression to esthetic self-expression. Giving momentum and significance to the Renaissance was a great idea. The conception of the human being as worthy of the dignity and joy of living; the creative impulse for self-expression in scholarship and the fine arts; the noble appreciation of the human form and the human spirit, the beauty of nature and the grandeur of life—all these were a part of the revival of learning and the new liberation of old ideas in that efflorescence of the human spirit called the Renaissance. * * *

"The compass made possible the discovery of America, the rounding of Africa, the circumnavigation of the globe, and converted the oceans from barriers into highways of trade between old and new continents whose vast resources have these centuries been pulsing through the trade arteries of the world.

"The little compass was thus a big factor in extending the commercial revolution whose capital and capitalism released the serf from the land, the land from the lord, and the lord from his own privileged power. * * *

"The compass expanded the commercial revolution. The commercial revolution gave a mighty impetus to the rise of the middle class. The middle class became a significant factor in the Renaissance, the Reformation, the rise of the national state, science, parliament, the revolutionary struggles for political, civil, and economic liberties, and in the coming of the industrial revolution. * * *

"The leadership or dominance of any group or race or nation based on special privileges, monopolies, tyranny rather than on the freedom and equal opportunity of all people, regardless of race, color, creed, or party, is a frustration of the American dream and Christian hope."

In mid-December 1948, these views were expressed by me on Indonesia:

"The real issue is between the United Nations, as committed both by its Charter and the *Renville* agreement, and the colonial powers, as presently committed by their votes in the Security Council. The United Nations has the moral power of the world's forum of free democratic nations.

"The two main sources of opposition to the democratic principles of the *Renville* agreement are two small but powerful combinations: (1) the Dutch financial-imperialistic-militaristic paternalistic combination which first misleads and then misrepresents the great Dutch people; and (2) the Soviet dictators, who first mislead and then misrepresent the great Russian people. Both the Dutch imperialists and the Russian imperialists are opposed to the basic principles of the *Renville* agreement such as civil liberties at all times, unhampered communication, transportation, and exchange, plebiscites or free elections after full discussion, and a free constitutional convention organized by democratic procedure with representation in proportion to the population. The Dutch imperialists do not intend that these principles of freedom be available to all the leaders of Indonesia for free appeals to the Indonesian people. Free leadership in fair and open discussion would insure that the guiding principle of the United States of Indonesia would not be Dutch domination but Indonesian self-determination. The combination of Soviet dictators not only does not want these principles applied in Korea, Poland, Rumania, Bulgaria, Hungary, Yugoslavia, Czechoslovakia, and Germany, but also does not want them publicized within the Soviet Union itself. Neither imperialism nor dictatorship can long exist with the morally enduring *Renville* principles of freedom, equality, and self-determination. Imperialists, in their case, and dictators, in their situation, will violate agreements by which such principles might get high international sanction for application by peoples in colonies, in satellite states, or in the vast dominions behind the iron curtain.

"The Dutch imperialistic combination, powerful but not permanently in control of the government of the humane people of the Netherlands, have die-hard allies in France and Belgium, but the world is thankful in the faith that they are decreasingly fewer in those great nations and fewer still in Great Britain and even less in the United States. President Truman, unbeholden to any privileged group or vested power, fresh from his memorable personal victory as a common man for the common people, is by every profession of faith and sympathy, on the side of peoples struggling to be free. Secretary Marshall, his loyal right arm, is, on behalf of the United States in the United Nations, the champion of the peoples' peace and the peoples' freedom from the tyranny of hunger and fear, and is against totalitarian and imperialistic aggression anywhere. President Truman and Secretary Marshall stand together, with the moral weight of the American people, against both the subjection of weaker peoples and the dark cloture of the iron curtain over the light of the human mind and the moral autonomy of the human spirit. They stand for the fulfillment of the *Renville* agreement as signed by the Governments of the Netherlands and the Republic pledging the self-determination of the Indonesian peoples."

In March 1949, at the mass meeting of 5,000 North Carolinians, this excerpt from a talk:

"In this time of global crisis between the false appeals of totalitarian dictatorship and the ways of freedom and democracy, the best answer to the dictatorships of both the left and the right is to make American democracy and human freedom work in a world in need of the best which youth has to give."

On May 27, 1949, to the Dialectic and Philanthropic Literary Societies at the University of North Carolina, I spoke as follows:

"It is good to be in this place and to meet again with the members of these historic societies in whose halls will always cluster some of the happiest memories of my and your college days. The Di and the Phi have their foundations in the eighteenth century beginnings of the university which has given birth to the American Revolution. The self-government of a free people made necessary the democratic self-education of the people and their leaders in the university of the people.

"In the historic halls of the Philanthropic and Dialectic Literary Societies were born and nourished the freedom of inquiry, discussion and debate, the honor system and student self-government in this university. In keeping with these high traditions the student legislature passed its resolutions against any required oaths regarding the political, economic, or religious views of faculty and students. The trustees in their wisdom left matters which involve the balancing of such a complex matter as the freedom of the mind and the security of the Nation to the chief university administrative officers and their faculty advisers who are elected by the three general faculties of our threefold university to advise the administration on basic policies. This wise decision maintains the historic academic autonomy of the university with its final responsibility to the trustees, the legislature, the people, and the brotherhood of all free universities in our modern world.

"The legislature wisely passed no laws and the board of trustees wisely passed no regulations against the freedom of the human mind. The trustees also wisely held that the question of the character, competence, values, and patriotic loyalty of members of the staff were a first responsibility of the able and devoted chief administrative officers of the university with their faculty advisers.

"At such a critical time it is well that the American people do not allow our well-grounded fear and hatred of the Communist dictatorship to subvert our free institutions and change our historic American way of life into totalitarian ways. It is our faith that the American people will keep the democratic perspective and the fair balance of a free people. Once in fear they passed the alien and sedition laws, but in a calmer mood they soon restored the basic freedom of petition, inquiry, discusison, and publication on which America was so largely

founded. These precious freedoms have since been preserved to this hour.

"In time of actual war the people in self-defense have always safeguarded the security and future freedom of the country by restrictions on the freedom of those who would engage in treasonable, subversive, or disloyal activities. A nation cannot have freedom long without security and cannot have security long without freedom. The precedents of war restrictions on individual freedom are a clear part of our historic tradition of the self-defense of both security and freedom. The present world situation confronts America and all free peoples with an unprecedented situation in which we have neither the security of an assured peace nor the actuality of war. The American Union and the Soviet Union are engaged in a new kind of struggle called the cold war. We cannot have the unrestricted freedoms of peace and must not have the severe limitations of actual war. We devoutly trust that the twilight of the cold war will not turn into the darkness of the unthinkable tragedy of a third world war. In the struggles toward the dawn we are groping for free light and fair balance of both freedom and security.

"The responsibility of the cold war will ultimately be adjudged by better informed minds than my own. I am not unaware that America and the free nations have some responsibilities for which they are answerable to themselves and the God of history. The frustrations and deficiencies of our own Nation and the other democracies, the corruption in China, and the imperialism in the African, Pacific, and Asiatic world, are a part of the sins of the democratic world, in which we all must share. But in my limited view the largest blame for the cold war falls most heavily upon the government of the Soviet Union.

"The Soviet Union, instead of continuing the Allied cooperation which won the war and could have won, and could yet win the peace, obstructed the continuation of this cooperation; broke the pledge for the self-determination of peoples; subjugated little nations by force or threat of force and internal subversion; picked off nations, one by one, and locked them behind the iron curtain of the police state; carried on sabotage of European recovery; made war on religion; obstructed, by abuse of the veto in the United Nations, international procedures; blockaded Berlin; and in the midst of the world-wide hopes for peace and for the world-wide fear of atomic bombs, rejected the United Nations plan for the international control of atomic power.

"Atomic power and its secrets thus became one of the chief centers of tension and fear in the cold war. With international control and sharing of atomic knowledge and power against its use for the destruction of civilization and for its use for the construction of a more productive, humane, and fairer world, all the people and their scientists would have these blessings of the freedom of the human mind and spirit adventuring along the farthest frontiers of free research and creative cooperation toward a better life for all people. Without this cooperation, without the international agreement for its control and use, atomic research and the industrial know-how for the production of its terrible power became one of the prime objectives of the espionage of the Soviet Union.

"Against this international, national, and psychological background, the resulting fears of the American people are understandable. To those officials of the Government who have been the objects of this fear, such an understanding, I feel sure, has been to them a source of perspective and forgiveness rather than rancor and resentment. They would agree it is important that the press, radio, and congressional investigation have clear freedom even if some individuals have to 'take it' meantime. If they can stand and 'take it' long enough the American people always rally in fairness to those individuals who, themselves are free, competent, and loyally devoted in the service of their country. In the invisible world of God and the human spirit truth is mighty and will prevail.

"The Atomic Energy Commission is by experience in a new field seeking to develop policies which will protect the freedom of scientific inquiry and the security of the Nation. Two principles have evolved: One for civilian control and the other for a security check for all engaged in the research program of the Commission. The universities are seeking to preserve their freedom and at the same time to find an answer to the question as to whether a member of the Communist Party is under such a discipline and party-line tyranny of a foreign power that he is not free to teach in accordance with the principles of a free university. Not the universities but the Communists themselves have made necessary the consideration by the Nation and by the universities their responsibility regarding the freedom of those who seek to destroy freedom. Upon the establishment of the fact and nature of this party-line control over the mind will depend the ultimate policy of our universities throughout the democratic world. In the field of atomic research during the period of the cold war, both the Atomic Energy Commission and the universities must safeguard both security and our freedom. No university will, we are sure, close its doors to any qualified student under the Constitution, laws, and Bill of Rights on account of his economic, political, or religious views.

"The Atomic Energy Commission, the National Research Council, and the Joint Congressional Committee on Atomic Energy, have directed one of the most unprecedented and stupendous scientific and industrial enterprises of history with ability, patriotism, and dedication to America and the cause of freedom and peace in the world.

"May we not rely mainly on economic, military, and atomic power for the security of America. May we stand staunch and constant for the freedom, recovery, international cooperation and the peace of all people. Let us be strong and increasingly free and fair in our own democracy and thus raise the standard to which all people, even in this dark world, can look with hope for freedom, justice, and peace."

Nineteen hundred and forty-nine: Here is a concluding statement in my last report to the Board of Trustees of the University of North Carolina:

"The universities, along with parliaments and cathedrals, towering from the later Middle Ages across all the transitions of the modern age, still abide as among the most influential and noble institutions of western civilization. The medieval universities, for all their limits and lags, as centers of ideas, prepared the way for the revival of classical ideas in the Renaissance and of scriptural ideas in the Reformation. The recovery of old ideas led to the discovery of the New World and gave impulse to a new movement in religion.

"The revival of learning led to the advancement of learning in the scientific revolution of the seventeenth century. The new conception of science which turned men's minds from accepting old ideas to finding new ideas, and from mere speculation to zestful experimentation with new instruments of precision, entered into the ideas of the philosophic revolution of the eighteenth century, which in turn produced the ideas, attitudes, and engines of the industrial revolution. These intellectual and economic revolutions led to the second scientific revolution of the last 50 years, during which the idea of the nuclear nature of the atom and the capture of its gigantic power have brought us to the outpost of the atomic age. In the long run of history, we find that ideas themselves are not only more powerful than engines; but that without ideas there would be no engines. Engines are subject to the hand of man and the hand of man is subject to the mind and spirit of man.

"America, whose thought was originally an inheritance of European thought, has long continued to inherit and borrow its basic theories from the Old World. In view of the destruction of much of the resources and vigor of European people it is now the imperative obligation of a powerful America to be the home of original ideas; of basic research; of the ideas and theories, upon which depend our spiritual and intellectual health and our scientific and technological progress. As the basic scientific, ethical, humane, and spiritual ideas and ideals of the American schools, colleges, and universities go, so goes America. As America and the other democracies go, so go up or down the humane and spiritual hopes of mankind. * * *

"Modern men find themselves as biological organisms in possession of unmastered dynamic scientific mechanisms; an unchanging human nature with a slow-changing social mind and motive caught in the meshes of a fast-changing mechanical civilization; the multiplication of mechanical contacts without a deepening of spiritual content; political and economic ideas evolved in the handicraft age reaching over with their lags and controls in the age of the power engine; and the shibboleths of liberty which came flaming from the soul of a Thomas Jefferson in behalf of forgotten men in the eighteenth century turned in reverse against the freedom and equal opportunity of forgotten millions in the twentieth century.

"As noble repositories of the great tradition of humane learning and as scientific guardians of the tested and true, the colleges and universities, reflective and creative parts of our modern society, are also parts of the social lag. The colleges and universities were mainly scholastic in renaissance times, dominantly classical in scientific times, powerfully but narrowly scientific in the midst of complex economic and social change and too often reluctantly social minded and apologetically philosophical and spiritual amid one of the crucial crises of human history. * * *

"The college curriculum needs more recognition of philosophy and religion as the basis of an intellectual and spiritual synthesis of the physical and moral, the vocational and liberal, personal freedom and social responsibility, stability, and progress, ethics and politics, work and justice, democracy and excellence, religion and learning, and man as belonging both to the world of nature and to the world of the spirit in our one world. * * *

"Grown on this soil, Americanism is not a frail plant that must be falsely protected with intolerance or terroism by those without faith in the depth of its rootage or the robustness of its timber. Its roots are deep in the teachings of our religion, the traditions of our country, and the ideals of our university. Jesus said, 'Know the truth and the truth shall make you free.' He met fallacy with understanding and hate with His great love. The wise Gamaliel sought to calm his fearful-minded colleagues in the Sanhedrin who feared the subversive power of new and fervent agitators, in these wise and reassuring words, 'If this counsel or this work be of men it will come to naught but if it be of God, you cannot overthrow it.' John Milton in the midst of a bitter public controversy over the threatened suppression of free speech and free opinion, said, 'Give me the liberty to know, to utter and argue freely according to conscience above all liberties.' Thomas Jefferson said, 'Truth is the proper and sufficient antagonist to error and has nothing to fear from the conflict.'

"The safety and welfare of America is imperiled by the irresponsible smearing of

distinguished scientists who are the first line of both the national defense and the humane advance. The security of the Nation depends upon the quality of research. The men and women at these farthest outposts of research, in the interest of both the security of America and the welfare of the world, should not be besmirched without a chance to be heard. A fair hearing is the essence of Americanism. Any scientist or other person guilty of treason or betrayal of a public trust or guilty of any crime against the national security should be exposed and tried in the courts. The innocent should not be smeared in the headlines. The conviction of any traitor, not the smearing of many patriots, is the American way.

"To be American in the great American tradition is sometimes miscalled un-American. To stand by our historic American Bill of Rights is not a subversive activity. It is unfair to our religion and our Americanism to call communistic the most decent, humane, and spiritual hopes of mankind. The more Americans who understandingly and sincerely subscribe to the Constitution and its Bill of Rights, the better for America and the world.

"The freedom of the college means not only the freedom to inquire and publish the theological implication of the geologic structure of the earth, and the biological implication of the physical structure of a fish, but also the human and spiritual implications of the economic structure of society and the international moral implication of the nuclear structure of the atom.

"The Hebrews discovered the moral sovereignty of the one God; the Greeks made us aware of man as a person of noble proportions and creative capacities; and modern man has, with microscope, test tube, and telescope, uncovered the world of nature, matter, and things. The world of science, of things, of machines and gadgets, crowds hard upon the conception of both God and man. The world of science, technology, and things, needs the saving balance and deeper meaning of the liberal arts, the humane tradition and the spiritual conception of man and the universe. Without a sense of values, ethical and humane, and without the insights of the human spirit, the discoveries of one generation become glibly exalted above the wisdom and insights of 100 generations. Modern science, industrialism and materialism need the balance of the humane and social studies, need philosophy and religion to prevent a destructive impact upon the conception of the freedom, dignity, integrity, and moral autonomy of the individual human being.

"In our threefold university and in the modern world you have become acquainted with the discoveries and ideas of the scientific age which includes the seventeenth century mechanistic conception of the universe; the eighteenth century theory of the free and automatically self-balancing economic system; the nineteenth century theory of evolution with the identification of man with animals in their primitive struggle for survival; and the twentieth century behavioristic psychological conception of man as an organism of drives, reflexes, and reactions, developing amid the power of environment; the twentieth century theory of relativity in both the physical and the moral world; and the latest theories of the atom, once ultimate, now revealed as a whirl of undetermined energy and power. The ideas of biological evolution should be balanced with the ideas of spiritual evolution. The ideas of the physical descent of man from the lower animals should be balanced with the ideas of the spiritual ascent of man toward the likeness of the Son of God as the brother of all men. * * *

"Whether we start with machines or with ideas, we find ourselves with both at the same juncture of human affairs and look ahead with the same prayer and the same humane hope. As surely as the Italian and Iberian peninsulas were the home of the commercial revolution and Britain was the island home of the industrial revolution, so America is the continental home of the atomic revolution. May our country, with her ideas, her mechanisms and her universities not fail mankind in this tragic hour. Rather may America, in rising to the responsibility of her power, become more democratic in her own life, and, in responding to the opportunity for her greatness, become more enlightening in her own moral radiance in a darkening world. May our America, under God, in generous aids for the self-recovery of the nations, give the energies of food, and the hopes of freedom and peace to all the people of the earth."

I close my statement with some introductory and concluding paragraphs in my statement to the Senate for the Magnuson bill:

"PRESENT BACKGROUND OF THE NEED FOR INTERNATIONAL SECURITY

"Against the hopes of the American dream of human liberty and equal opportunity and against the faith of free peoples in the international organization for justice and peace on earth, there has risen the mighty power of the Communist totalitarian dictatorship for the domination of the world. The President of the United States standing in a great tradition and speaking courageously for the peaceful, productive, and hopeful people of America, has drawn the lines of freedom and peace against the aggressions and designs for world dominion of the Communist police state.

"In the confusion between the designs of dictators for war and the yearnings of the people for peace, amid disillusionment and hope, and confronted with the problems of internal security against subversion and international security against aggression, we need again and again to remind ourselves of what is in the minds and the hearts of the people.

"COMPARISON OF ATTITUDES OF AMERICAN AND SOVIET GOVERNMENTS

"The American people, with all our differences and all our faults, have the basic hopes of a common faith. The American people fervently desire freedom and peace for themselves and all the people on earth. With all their hatred of the totalitarian dictatorship, they yearn for peace with the great but tragically misled Russian people. They covet no land, intend no aggression, and want no war. With faith in their own ideas and way of life, they would have ideas free in the peaceful struggle between ideas in the world's free competitive marketplace of ideas without any tyranny over the bodies, the minds, and spirit of man. This freedom of the people to choose their ideas, their institutions, and their ways of life, is part of the heritage and hope of the human pilgrimage toward freedom, justice, and peace on earth. In the people's passion for peace the Government of the United States has gone far in its efforts for cooperation with the Government of the Soviet Union both during and after the Second World War.

"After the First World War the United States renounced the League of Nations and failed the hopes of mankind. After the Second World War the Soviet Union has obstructed the United Nations and has failed the humane hopes of the peoples of the world. * * *

"SIX FACTS STAND OUT

"Above all our own faults and frustrations, above all the charges and countercharges, six facts stand out for informing those peoples of the earth whose minds have not been twisted with misinformation and hate, which from behind the iron curtain day after day through the months and years, fill the air waves and the ears of the peoples of the world.

"1. Instead of continuing the cooperation of the allied nations in winning the war, the Soviet Union deliberately obstructed the purposes and procedures of the United Nations for winning the peace.

"2. The United States, with the stupendous capacity for war productions and the mightiest fighting power, quickly reconverted for peaceful production most of its industrial war plants and demobilized most of its fighting forces while the Soviet Union kept its war plants in heavy production and its armies mobilized in larger forces than the combined armies of America and western Europe.

"3. The United States, with its then monopoly of atomic bombs, supported, and the Soviet Union blocked, the plan of the United Nations for the international control and inspection of atomic power for the production of the good life for all instead of for the destruction of all life.

"4. The United States supported, and the Soviet Union blocked, the holding of free elections under the United Nations for the self-determination of all the Korean people in one independent and united Republic of Korea.

"5. The United States supports, and the Soviet Union seeks to block, the policies of the United Nations for repelling the aggression by Communist North Korea against the Republic of South Korea.

"6. Instead of keeping its promise to stop the subversions of international communism against the internal security of the United States and other free peoples, the Soviet dictatorship, through its control of international communism, continues its conspiracies and subversions against human freedom in all lands."

A detailed presentation of the Magnuson bill was concluded with a general appeal.

"In this, the most critical time for freedom in the world, may our America be strong in industrial, agricultural, military, and moral power, in internal security, national defense, and in her leadership, through the United Nations, for international cooperation with all the free peoples of the earth. Let us without stint back up the brave young men in Korea with their backs to the sea and their faces to a foe backed up by a totalitarian dictatorship reaching across two continents. Let us stand for the freedom and self determination of big and little people, in east and west, in their fight against fascism, communism, and imperialism anywhere. While we hold and strengthen the lines to the utmost in this crisis, we must realize that ideas in the free minds and democratic faith in the hearts of the people, are more powerful and enduring than bombs. The best way, for the long hard pull, to fight godless international communism, which would engulf the world under the unresting tides of its uneasy tyranny, is to have faith in God against Whose moral sovereignty the most powerful dictatorship will break to pieces; to hate tyranny and injustice; and to love people everywhere; and yet be ready and determined to fight for human freedom and international cooperation against the most powerful and monstrous tyrannies organized in our time to subjugate the bodies, minds, and spirit of all men to the ruthless will of the totalitarian police state.

"Through faith in God and love of man, the light of liberty will, we trust, yet shine through the iron curtain of men's minds. The warmth of human brotherhood will yet melt away the iron curtain of men's hearts. The peoples with their hope of freedom and peace still fly their flags high in the Western World and across the eastern seas, where people of all faiths, races, colors, and nations, look up in prayer to the God of us all for one free and federated world neighborhood of human brotherhood, we pray God in our time."

THE SUPPLEMENTAL APPROPRIATION BILL, 1951—CONFERENCE REPORT

Mr. McKELLAR. Mr. President, I submit the conference report on House

bill 9526, the supplemental appropriation bill, 1951, and ask for its immediate consideration.

The VICE PRESIDENT. The Chair feels that since the Senate adjourned last night, and that there will be a morning hour, the Senate should probably go through the morning hour procedure which is required under the rule.

Mr. WHERRY. Mr. President, what was the ruling of the distinguished Vice President?

The VICE PRESIDENT. The Senator from Tennessee can ask for consideration of the report during the morning hour if he wishes to do so. I do not know how long the routine business will take.

Mr. WHERRY. Mr. President, last night, before the adjournment, the majority leader stated that he wanted the Senate to adjourn because he desired to bring up, in the morning hour, two bills, I believe. I am not sure if that is so or not. There is no objection on my part if it is desired, after the morning hour, to consider the conference report on the appropriation bill.

Mr. McKELLAR. The appropriation bill is a very important measure.

Mr. WHERRY. There is no objection on my part to the consideration of it as quickly as possible.

Mr. McKELLAR. The conference report has been delayed unduly, and I hope we can dispose of it today.

Mr. WHERRY. There is no objection on my part to having the report taken up in the morning hour.

The VICE PRESIDENT. The Senator from Tennessee has asked that the conference report on the supplemental appropriation bill be considered.

Mr. McKELLAR. Mr. President, I ask that the conference report be made the unfinished business.

The VICE PRESIDENT. If the Senator will send it forward, it can be reported and made the unfinished business.

Mr. McKELLAR. Mr. President, I submit the report. I do not want to object to Senators presenting routine matters during the morning hour. It is agreeable to me that that be done.

Mr. WHERRY. Mr. President, do I correctly understand that unanimous consent has been requested that after the morning hour has been concluded, the unfinished business be the conference report on the appropriation bill? If so, I think that is agreeable.

Mr. McKELLAR. Mr. President, I make that request.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The conference report submitted by Mr. McKELLAR is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 17, 18, 20, 21, 22, 29, 30, 33, 42, 47, 60, 64, 67, 80, 101, 107, 108, 117, and 118.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 10, 11, 12, 13, 23, 28, 32, 34, 35, 37, 43, 59, 61, 63, 65, 66, 70, 72, 73, 76, 77, 79, 81, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96, 98, 105, 106, 110, 111, 112, 113, 114, and 115, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "and including services as authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a), $100,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$9,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$63,855,850"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the first sum named in said amendment insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"CONSTRUCTION

"For an additional amount, for 'Construction', $500."

And the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$375,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the matter stricken by said amendment insert:

"(a) In making appointments in the government service the Civil Service Commission shall make full use of its authority to make temporary appointments in order to prevent increases in the number of permanent personnel and no employee in the Federal civil service promoted, transferred or appointed to a position of higher grade shall be eligible, in the event of separation from the service through reduction in force, to reinstatement at a grade above the grade held by such employee on September 1, 1950; and all reinstatements, transfers or promotions to positions in the Federal civil service shall be temporary and for positions subject to the Classification Act of 1949 shall be made with the condition and notice to the individual reinstated, transferred or promoted that the classification grade of the position is subject to post-audit and correction by the appropriate departmental or agency personnel office or the Civil Service Commission;."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 9, 14, 15, 16, 24, 25, 26, 27, 36, 38, 39, 40, 41, 44, 45, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 69, 71, 74, 75, 78, 82, 83, 88, 97, 99, 100, 102, 103, 104, 109, 119, and 120.

KENNETH McKELLAR,
ELMER THOMAS,
RICHARD B. RUSSELL
(except 40–41),
FAT McCARRAN,
JOSEPH C. O'MAHONEY,
CHAN GURNEY,
HOMER FERGUSON,
KENNETH S. WHERRY,
GUY CORDON,
Managers on the Part of the Senate.

CLARENCE CANNON,
W. F. NORRELL,
JAMIE L. WHITTEN,
JOHN J. ROONEY,
J. VAUGHAN GARY,
LOUIS C. RABAUT,
JOHN TABER,
R. B. WIGGLESWORTH,
KARL STEFAN,
Managers on the Part of the House.

THE CALL OF THE ROLL

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bricker	Hill	McMahon
Butler	Hoey	Magnuson
Byrd	Holland	Malone
Cain	Humphrey	Martin
Capehart	Ives	Mundt
Chapman	Jenner	Murray
Chavez	Johnson, Colo.	Myers
Connally	Johnson, Tex.	O'Conor
Cordon	Johnston, S. C.	Robertson
Darby	Kefauver	Russell
Donnell	Kerr	Saltonstall
Douglas	Kilgore	Schoeppel
Dworshak	Knowland	Smith, Maine
Ecton	Langer	Stennis
Ellender	Leahy	Thomas, Okla.
Ferguson	Lehman	Thye
Frear	Long	Tobey
Fulbright	Lucas	Tydings
George	McCarran	Watkins
Graham	McCarthy	Wherry
Green	McClellan	Wiley
Gurney	McFarland	Williams
Hendrickson	McKellar	Young

Mr. MYERS. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from South Carolina [Mr. MAYBANK], the Senator from Florida, [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Connecticut [Mr. BENTON), the Senator from Iowa [Mr. GILLETTE], the Senator from Arizona [Mr. HAYDEN], and the Senator from West Virginia [Mr. NEELY] are absent on public business.

The Senator from California [Mr. DOWNEY], and the Senator from Idaho [Mr. TAYLOR] are necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senators from Wyoming [Mr. HUNT and Mr. O'MAHONEY], and the Senator from Kentucky [Mr. WITHERS] are absent on official business.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth ses-

sion of the General Assembly of the United Nations.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Missouri [Mr. KEM], the Senator from Colorado [Mr. MILLIKIN], the Senator from Oregon [Mr. MORSE], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Ohio [Mr. TAFT] is necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The VICE PRESIDENT. A quorum is present.

WAYMON H. MASSEY — RETURN, REENROLLMENT, AND CORRECTION OF BILL

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 286, which was read by the legislative clerk, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is requested to return to the House of Representatives the enrolled bill (H. R. 1025) for the relief of Waymon H. Massey. If and when said bill is returned by the President, the action of the Presiding Officers of the two Houses in signing said bill shall be deemed rescinded; and the Clerk of the House is authorized and directed, in the reenrollment of said bill, to make the following corrections: In line 8 of the House engrossed bill preceding the word "negligence" insert "alleged", and at the end of bill insert: ": *Provided, however*, That nothing in this Act does or shall constitute an admission of liability on the part of the United States."

Mr. McCARRAN. I move that the Senate agree to the concurrent resolution.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nevada.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. Must there not be unanimous consent to present the concurrent resolution?

Mr. McCARRAN. I would ask unanimous consent.

Mr. WHERRY. Reserving the right to object——

The VICE PRESIDENT. It comes as a message from the House, and the Chair is laying it before the Senate for consideration.

Mr. WHERRY. I have no objection to that, but I want to object to the concurrent resolution's being offered when that time comes. Does not that require a unanimous-consent request?

Mr. McCARRAN. That is what I am requesting now.

The VICE PRESIDENT. The Chair advises the Senator from Nebraska that the Chair does not think that is so. It is a message from the House, which has a certain privilege, and the question is on agreeing to the concurrent resolution.

Mr. WHERRY. Mr. President, that is the point I should like to argue. I have no objection to the relief provided for in the bill, but I am objecting to this procedure. If the Vice President will give me a moment, I should like to say a word or two in order to keep the procedure straight and in order that we may know what we are doing. It seems that the concurrent resolution attempts to correct a bill which the President is about to veto. For that reason, I think the concurrent resolution has the same force and effect as a bill, and, therefore, in order that it may come properly before the Senate for amendment, or otherwise, it ought to be done by unanimous consent. I cannot understand how it can be taken up in any other way.

Mr. McCARRAN. Mr. President, I think it could be brought up on motion.

Mr. WHERRY. That is correct.

The VICE PRESIDENT. Under the rule—and it is done frequently—the Chair lays before the Senate a concurrent resolution of this sort, asking for the return of the bill for a correction. It is a private relief bill.

Mr. WHERRY. Yes.

The VICE PRESIDENT. That, of course, would make no difference so far as the rule is concerned.

Mr. WHERRY. I understand, Mr. President, but this goes beyond a clerical correction of a bill. This concurrent resolution would change a provision in the bill, which is legislation. Therefore I think it does not fall within the class of a clerical error. This is on a motion, is it not?

The VICE PRESIDENT. No; the Chair lays it before the Senate automatically as a message from the House.

Mr. WHERRY. It is debatable, is it not?

The VICE PRESIDENT. Yes.

Mr. WHERRY. I do not object to its being laid before the Senate.

The VICE PRESIDENT. It does not require unanimous consent.

Mr. WHERRY. I shall not object.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

Mr. McCARRAN. Mr. President, what is the parliamentary situation?

The VICE PRESIDENT. The resolution is before the Senate.

Mr. McCARRAN. I move that the concurrent resolution be agreed to.

Mr. WHERRY. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska desire to be heard?

Mr. WHERRY. Speaking now on the motion, I ask the distinguished Senator from Nevada this question: Is not this a concurrent resolution which requests the President to return a bill now on his desk and authorizes the reenrollment of the bill with certain changes?

Mr. McCARRAN. Yes.

Mr. WHERRY. This is the procedure normally used to correct some clerical error in the enrollment of a bill.

Mr. McCARRAN. Yes.

Mr. WHERRY. In the case of House Concurrent Resolution 286, the changes proposed go beyond the correction of a mere clerical error, do they not?

Mr. McCARRAN. In one particular I would say that is correct.

Mr. WHERRY. Is not this the situation: The White House has sent word back to the sponsor of the bill that it will be vetoed unless these changes are made?

Mr. McCARRAN. I do not know.

Mr. WHERRY. If that is not true, why did it come back?

Mr. McCARRAN. I would conjecture that perhaps the sponsor has been advised that the President would veto it. However, that is mere conjecture on my part.

Mr. WHERRY. Mr. President, there is nothing inherently objectionable in the amendment to this private relief bill, and I am not objecting to the bill. However, this is the first time I can recall when it has been proposed to legislate by means of a concurrent resolution, in order to amend a bill after it has reached the President's desk. I am not concerned with the effect in this particular case, but I am very much concerned, Mr. President, with respect to the precedent involved.

If we are to adopt a policy of changing a bill to meet the President's request after it has reached his desk, under the threat of a veto if a change is not made, I think we are taking too long a step toward changing the established legislative processes. That is my only point. I do not want to be disrespectful to the President. No doubt he is right in returning the bill. However, it seems to me we are asked to establish a very dangerous precedent, namely, that if it is desired to correct a bill which would otherwise be vetoed, have the bill returned and in haste adopt a concurrent resolution.

The principle is the important thing, Mr. President. Because of the principle involved, and not because of the merits of the particular relief bill in question, or the amendment which is proposed to be made in the bill by this concurrent resolution, I would feel that I would have to object if unanimous consent were asked. Of course I could resist the motion, but I do not want to detain the Senate. But when a situation arises that a bill has gone to the President which he does not want to veto, except for one item, it is a new procedure to attempt by a concurrent resolution to take out the objectionable item. I point that out in all sincerity. I have nothing but constructive criticism to offer. I have no objection to the bill; but the procedure we are asked to adopt may in future years create a rather dangerous precedent.

Mr. McCARRAN. Mr. President, the insertions proposed should have been inserted in the bill as it was passing

through the legislative process. The insertion to which the Senator from Nebraska principally objects is:

Provided, however, That nothing in this act does or shall constitute an admission of liability on the part of the United States.

Such clause is customarily inserted in claims bills. In this particular bill it was omitted. The other proposal is to insert the word "alleged" before the word "negligence." Here again the thought is carried that the Government is not to be held liable. Those are the real corrections.

I go along with the Senator from Nebraska in everything he has said, from the standpoint of the principle of legislating in this manner, but I say to the Senator that as to this particular bill, while in principle his observations are wise and well grounded, I do not think they are well founded.

Mr. WHERRY. I should like to ask the Senator whether he would put these changes in the category of a clerical error, for the purpose of legislative history? If the Senator from Nevada says this is a clerical error, I shall have no objection to it. I do not object to correcting clerical errors. I feel, however, that we should not establish a precedent. I should want the RECORD to show that this is not establishing a precedent of legislating by concurrent resolution on an item that ought to be corrected because of the possible suggestion of a veto. That would establish a very dangerous precedent.

Mr. McCARRAN. I should like to go along with the Senator from Nebraska in his last expression. However, as to what he chooses to call a clerical error I would rather say that it was an error that should be charged to the Chairman of the Judiciary Committee in not seeing to it that the items were in the bill originally.

Mr. WHERRY. If that is the interpretation of the distinguished Senator from Nevada, that it is not new legislation, but only correcting a clerical error, I shall have no further objection. However, I want it strictly understood that we are not establishing a precedent of legislating by concurrent resolution.

Mr. JOHNSTON of South Carolina. Mr. President, I should also like to associate myself with what the Senator from Nebraska has said, namely, that we should not set a precedent. At the same time, we are coming to the close of this session, and we must do some things which otherwise we would not want to do. This bill affects a constituent of mine in South Carolina, and I am very anxious that the amendment be put in the bill. From a legal standpoint, the amendment would take something away from my constituent when he went to court. At the same time, I hope the Senate will adopt the concurrent resolution.

Mr. WHERRY. I was not discussing the merits of the claim at all. I said I had no objection to it. I am not questioning the relief afforded, or the provisions of the bill. I have already made my statement on that point. The Senator from Nevada has done his best to say that this comes under the procedure of correcting a clerical error, although I do not see how it can be so construed. However, if that is the legislative history and we are not establishing a precedent, I shall not object.

Mr. FERGUSON. As I understand, this bill authorizes the filing of a suit. Therefore, if Congress found that negligence existed, making the Government liable, there would be very little, if anything, left for the court to adjudicate. What Congress is about to do now is to leave that question open for a judicial body to determine. In other words, the court will be asked to determine whether a cause of action exists.

Mr. McCARRAN. And it is the customary thing to do.

Mr. FERGUSON. I appreciate that.

Mr. McCARRAN. It is customary for the Judiciary Committee to see that this language is inserted in claims bills.

Mr. FERGUSON. As a matter of fact, the Committee on the Judiciary always sees to it that Congress does not adjudicate the issue, but allows it to be adjudicated by a court of justice under regular rules of procedure. For that reason I think we could afford to adopt the resolution as if we were passing new legislation, and treat it on that basis.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nevada [Mr. McCARRAN].

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8920) to provide revenue, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5372) to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and of Standing Rock Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7824) to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes.

The message also announced that the House had passed a bill (H. R. 8851) to authorize the Secretary of the Treasury to transfer by quitclaim deed to the Brown's Point Improvement Club a portion of a small strip of land at Coast Guard light station facility, Brown's Point, Pierce County, Wash., and to transfer by quitclaim deed the remaining portion of such strip to the County of Pierce, State of Washington, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 6319) to authorize a $75 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and it was signed by the Vice President.

HOUSE BILL REFERRED

The bill (H. R. 8851) to authorize the Secretary of the Treasury to transfer by quitclaim deed to the Brown's Point Improvement Club a portion of a small strip of land at Coast Guard light station facility, Brown's Point, Pierce County, Wash., and to transfer by quitclaim deed the remaining portion of such strip to the county of Pierce, State of Washington, was read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

PALISADES DAM AND RESERVOIR PROJECT—CONFERENCE REPORT

The VICE PRESIDENT. The morning business is concluded.

Mr. McFARLAND. Mr. President, that would bring up another matter, and before that is done, I wish to bring up a conference report.

The VICE PRESIDENT. The Senator may ask unanimous consent.

Mr. McFARLAND. I am about to ask unanimous consent that the Senate proceed to the consideration of the conference report on H. R. 2195.

The VICE PRESIDENT. The Senator from Arizona asks unanimous consent that the other conference report be temporarily laid aside.

Mr. WHERRY. Will the Senator yield for a parliamentary inquiry?

Mr. McFARLAND. I yield.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. WHERRY. A unanimous-consent request was presented by the distinguished chairman of the Committee on Appropriations at the beginning of the session, was it not, that at the conclusion of the morning hour the unfinished business would be the conference report on the appropriation bill?

The VICE PRESIDENT. The Senator is correct. That is the unfinished business which the Senator from Arizona asks unanimous consent to lay aside temporarily.

Mr. McFARLAND. Mr. President, I submit a conference report on the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in

American Falls Reservoir, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "That the Palisades Dam and Reservoir project, Idaho, heretofore authorized under the provisions of the Federal reclamation laws by the presentation to the President and the Congress of the report of December 9, 1941 (House Document No. 457, Seventy-seventh Congress, first session), by the Secretary of the Interior (herein called the Secretary), is hereby reauthorized under the Federal reclamation laws for construction and operation and maintenance substantially in accordance with that report as supplemented and modified by the Commissioner's supplemental report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949, and as including, upon approval by the President of a suitable plan therefor, facilities for the improvement of fish and wildlife along the headwaters of the Snake River, such facilities to be administered by the Fish and Wildlife Service: *Provided*, That, notwithstanding recommendations to the contrary contained in said report (a) the Secretary shall reserve not to exceed 55,000 acre-feet of active capacity in Palisades Reservoir for a period ending December 31, 1952, for replacement of Grays Lake storage, but no facilities in connection with the proposed wildlife management area at Grays Lake shall be built and no allocation of construction costs of the Palisades Dam and Reservoir by reason of providing replacement storage to that area shall be made until the development and operation and maintenance of the wildlife management area has been authorized by act of Congress, and (b) the nonreimbursable allocation on account of recreation shall be limited to the costs of specific recreation facilities in an amount not to exceed $148,000.

"SEC. 2. There are hereby authorized for construction and operation and maintenance under the Federal reclamation laws: (a) the north side pumping division of the Minidoka project, this to be substantially in accordance with the Commissioner's report and the recommendations incorporated by reference therein, as approved and adopted by the Secretary on July 1, 1949: *Provided*, That, notwithstanding recommendations to the contrary contained in said report, (1) lease or sale of that portion of the power service system extending from the substations to the pumping plants may be made to any entity on terms and conditions that will permit the United States to continue to provide power and energy to the pumping facilities of the division, and, in the event of lease or sale to a body not entitled to preference in the purchase of power under the Federal reclamation laws, will preserve a reasonable opportunity for subsequent lease or sale to a body that is entitled to such privilege, (2) no allocation of construction costs of the division shall be made on a nonreimbursable basis by reason of wildlife benefits, and (3) there shall be, in lieu of a 40-year period, a basic repayment period of 50 years for repayment, in the manner provided in the recommendations, of the irrigation costs assigned for repayment by the water users; and (b) for the furnishing of electric power for irrigation pumping to that division and for other purposes, power generating and related facilities at American Falls Dam. These generating and related facilities, to the extent the Secretary finds to be proper for pay-out and rate-making purposes, may be accounted for together with other power facilities operated by the Secretary that are interconnected with the American Falls Dam power facilities, excluding any power facilities the net profits of which are governed by subsection I of section 4 of the act of December 5, 1924 (43 Stat. 703). The authorizations set forth in the preceding sections 1 and 2 shall not extend to the construction of transmission lines, substations, or distribution lines unless such facilities are for the purposes of interconnecting the power plants herein authorized, or for the delivery of power and energy for use in connection with the construction, operation, and maintenance of the projects herein authorized.

"SEC. 3. The Secretary is hereby authorized to contract, under the Federal reclamation laws, with water users and water users' organizations as to the use for their benefit of the heretofore reserved storage capacity in American Falls Reservoir. Not to exceed 315,000 acre-feet of that capacity shall be made available to those who have heretofore had the use of reserved capacity under lease arrangements between the United States and the American Falls Reservoir district of Idaho, the distribution of this capacity among contractors to be determined by the Secretary after consultation with the interested water users' organizations or their representatives. Of the balance of the reserved capacity, 47,593 acre-feet are hereby set aside for use under contract for the benefit of the lands comprising unit A of the north side pumping division of the Minidoka project, and 71,000 acre-feet are hereby set aside for use under contract for the benefit of those lands in the Michaud area which may hereafter be found to be feasible of development under irrigation. Contracts for the repayment of construction charges in connection with reserved capacity shall be made without regard to the second proviso of the tenth paragraph (Minidoka project, Idaho) under the heading 'Bureau of Reclamation' of the act of June 5, 1924 (43 Stat. 390, 417). Such contracts shall require the repayment of all costs determined by the Secretary to be allocable to the reserved capacity, less, in the case of the 315,000 acre-feet of capacity above described, three hundred and eighty-six four-hundred-and-thirty-fourths of the revenues realized, after deduction of what the Secretary determines to be an appropriate share for operation, maintenance, and replacements, from the leasing of that capacity for irrigation purposes up to the time water first becomes available in Palisades Reservoir and, in the case of the capacity set aside for the north side pumping division, all other revenues realized from or connected with the reserved capacity and which the Secretary determines to be available as a credit against the cost allocable to that division.

"SEC. 4. (a) The continuation of construction of Palisades Dam beyond December 31, 1951, or such later controlling date fixed by the Secretary as herein provided, is hereby made contingent on there being a finding by the Secretary by the controlling date that contracts have been entered with various water users' organizations of the Upper Snake River Valley in Idaho that, in his opinion, will provide for an average annual savings of 135,000 acre-feet of winter water. If in the Secretary's judgment the failure of the requisite organization so to contract by the controlling date at any time is for reasons beyond the control of those organizations, he may set a new controlling date but not beyond December 31, 1952.

"(b) Repayment contracts made in connection with the use of capacity in either American Falls or Palisades Reservoir may include, among other things, such provisions as the Secretary determines to be proper to give effect to recommendations referred to in section 1 of this act, and particularly those concerning the continued effectiveness of the arrangements as to the minimum average annual water savings.

"SEC. 5. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sums of not to exceed $76,601,000 for the Palisades Dam and Reservoir project, Idaho, $11,395,000 for the Minidoka project north side pumping division, Idaho, and $6,600,000 for the American Falls power plant."

And the Senate agree to same.

JOSEPH C. O'MAHONEY,
JAMES E. MURRAY,
ERNEST W. MCFARLAND,
GUY CORDON,
ZALES N. ECTON,
Managers on the Part of the Senate.

J. HARDIN PETERSON,
JOHN R. MURDOCK,
JOHN SANBORN,
Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to temporarily laying aside the conference report on the appropriation bill and proceeding to consider the conference report just read?

There being no objection, the Senate proceeded to consider the conference report.

Mr. WATKINS. Mr. President, I have no objection to the present consideration of the conference report, but I should like to have the Senator who presided over the conference give us an explanation of the bill finally adopted by the conferees.

Mr. McFARLAND. Mr. President, the only difference between the conference report and the original bill is that the amendment which was offered by the Senator from Michigan [Mr. FERGUSON], which restricted the building of all power lines, was modified to the extent of permitting the building of power lines which are necessary to carry out project purposes. For any other purposes it would be necessary to come to Congress and get authorization, just as was provided by the amendment of the distinguished Senator from Michigan.

Mr. FERGUSON. In other words, Mr. President, those in charge of the project would be allowed to use the power lines to build a dam, to build a project, would they not?

Mr. McFARLAND. I do not know about building a dam, but I might say to the distinguished Senator that some pumping plants have to be operated, and power plants could be built and pumping plants operated, and connections could be made with other works necessary for the operation of the project, but for any other extensions an authorization of Congress would be required.

Mr. WATKINS. As I understand, then, the amendment is broad enough to permit the Bureau of Reclamation to build transmission lines to the pumps on the farms?

Mr. McFARLAND. That is correct.

Mr. WATKINS. Irrespective of whether there are transmission lines there now or not?

Mr. McFARLAND. The original bill provided that if there are transmission lines, the Bureau can make contracts as to those.

Mr. WATKINS. That has not been changed?

Mr. McFARLAND. That has not been changed.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

ORDER OF BUSINESS

The VICE PRESIDENT. The Chair asks the Senator from Tennessee about

the request he made about the appropriation bill conference report being made the unfinished business. The Chair does not recall whether the Senator asked that it be made the unfinished business at the conclusion of the morning business or the conclusion of the morning hour.

Mr. McKELLAR. At the conclusion of the morning hour.

The VICE PRESIDENT. That will not conclude until 1:30 o'clock. The morning business is already over. If the Senator meant at the conclusion of the morning hour, that is one thing. Is that what the Senator meant?

Mr. McKELLAR. I do not remember what I asked, but I am perfectly willing to have the RECORD speak for itself.

The VICE PRESIDENT. The Chair will assume, then, that that was what the Senator meant.

Mr. LUCAS. Mr. President, the reason why the Senator from Illinois moved for an adjournment last night was in order to obtain consideration of a couple of small bills which have been pending on the calendar for some time, believing that the morning business would be concluded in time so that the Senate could take up these two small bills, and probably finish with them before 1:30 o'clock.

The senior Senator from Texas [Mr. CONNALLY], the distinguished chairman of the Committee on Foreign Relations, has a bill he desires to have considered.

The VICE PRESIDENT. The Chair will interpret the request of the Senator from Tennessee [Mr. McKELLAR] to be that he desires to have the conference report taken up at the conclusion of the morning hour.

SETTLEMENT OF INTERCUSTODIAL CONFLICTS INVOLVING ENEMY PROPERTY

Mr. CONNALLY. Mr. President, I desire to call up House Joint Resolution 516, which is on the approved list of the policy committee. It is a short measure.

The VICE PRESIDENT. Does the Senator from Texas ask unanimous consent for the present consideration of the joint resolution?

Mr. CONNALLY. I do.

The VICE PRESIDENT. The clerk will state the joint resolution by title.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 516) authorizing the President, or such officer or agency as he may designate, to conclude and give effect to agreements for the settlement of intercustodial conflicts involving enemy property.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. WHERRY. I believe the distinguished Senator from Texas is about to make a statement about the measure. Was it unanimously reported from his committee?

Mr. CONNALLY. So far as I know, it was.

Mr. WHERRY. There is no particular controversy over it?

Mr. CONNALLY. None at all.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 516) was considered, ordered to a third reading, read the third time, and passed.

SUSPENSION OF DUTIES AND IMPORT TAXES ON METAL SCRAP

Mr. GEORGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2260, House bill 5327.

The VICE PRESIDENT. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 5327) to continue until the close of June 30, 1950, the suspension of duties and import taxes on metal scrap, and for other purposes.

Mr. GEORGE. Mr. President, this is a bill to which there was no objection in the Senate Committee on Finance. It has been reported favorably. In fact, it was sent back to the committee because it became necessary to amend the effective date of the bill, and it was again reported.

The distinguished Senator from Connecticut [Mr. MCMAHON] is present, and he announced his purpose of offering an amendment relating to copper. That is a controversial question. If the Senator will withhold his amendment to this bill, I can assure the Senate that the bill is wholly noncontroversial, and simply suspends until next June the present tariff duties on metal scrap. Of course, it is very essential for war purposes that we have action on the bill at this session.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. MARTIN. Mr. President, it is very important that this bill be passed. There is a lack of scrap metal in America at the present time. The steel manufacturers are paying enormous prices for scrap in order to carry out their part in aiding the war effort. It is very essential that this bill be passed, and passed now, at this session, because if it is not, it will not be effective, since an effort is being made now all over the Nation to gather up scrap. This particular scrap would be of great aid to the war effort.

I do not know whether there is any objection, but if there is any question about it, I should be glad to answer it. As Senators know, I come from what is known as the center of the steel industry, and steel cannot be produced without scrap. It is not possible to make good steel out of total ores. It is necessary to mix them with scrap. Therefore, it is very important that this bill be passed.

Mr. WHERRY. Is this the bill to which the distinguished Senator from Connecticut was going to offer an amendment relative to copper?

Mr. GEORGE. This is the bill to which he was prepared to offer an amendment.

Mr. WHERRY. The bill does not now contain the amendment, does it?

Mr. GEORGE. No, it does not.

Mr. WHERRY. Does the Senator from Connecticut intend to offer the amendment before the bill is passed?

Mr. MCMAHON. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield to the Senator from Connecticut.

Mr. MCMAHON. I believe it would be futile for me to offer the amendment to the bill at this time. I should like to do so, but my past attempts to have this very necessary amendment agreed to have come to naught on two prior occasions.

I should like to have the RECORD show that I have consulted with those opposed to the amendment, and I suggested to a few of the Senators that possibly an amendment could be offered which would provide that when the price went below 21½ cents, the Tariff Commission would notify the President, and then the tariff would be reinstated. That seemed to me to be the most generous kind of a proposal. But I was informed by the Senator from Nevada [Mr. MALONE] that he would not listen to it, and of course we know that at this stage of the session, if one Senator wants to hold up a bill he is able to do so provided he does not collapse either physically or mentally.

So I have decided not to offer the amendment, providing there is no other controversial amendment to be offered to the bill. If there is, of course we might as well consider the copper amendment. I do not know whether any amendment of a controversial nature will be offered to the bill. I may say, Mr. President, that I am very anxious that the bill be passed, because it will help a little bit to ameliorate a very bad situation.

Mr. WHERRY. Mr. President, reserving the right to object again, I want to thank the distinguished Senator from Connecticut for making that statement. In view of the fact that the copper amendment now is not going to be offered, according to the statement of the Senator from Connecticut, there is no objection on my part, and I think the bill should be passed. I hope it will be passed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. McFARLAND. Mr. President, will the Senator from Georgia yield?

The VICE PRESIDENT. Does the Senator from Arizona reserve the right to object?

Mr. GEORGE. Mr. President, if I have the floor, I yield to the Senator from Arizona.

Mr. McFARLAND. Mr. President, I reserve the right to object. I want to state that I appreciate the statement made by the Senator from Connecticut and his attitude in not offering the amendment. It is an amendment that would require careful consideration, and one that could not be properly considered on the floor of the Senate. It is one that those of us who are interested in the copper industry would have to send to our people so as to give them opportunity to study it. So I greatly appreciate the Senator's attitude in this regard.

We in the West feel it is very important to retain the tariff, or this tax on copper, in order to stabilize the copper industry. The Senator has made a new and different approach, which will take more consideration than we can give it on the floor. I greatly appreciate his not offering the amendment. I have no objection to the scrap bill being passed without the amendment.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 5327) to continue until the close of June 30, 1950, the suspension of duties and import taxes on metal scrap, and for other purposes, which had been reported from the Committee on Finance with an amendment.

Mr. WILEY. Mr. President, I send to the desk an amendment intended to be proposed by myself, the Senator from Vermont [Mr. AIKEN], the senior Senator from Minnesota [Mr. THYE], the senior Senator from Colorado [Mr. JOHNSON], the Senator from Vermont [Mr. FLANDERS], the Senator from Utah [Mr. WATKINS], the junior Senator from Minnesota [Mr. HUMPHREY], the Senator from Wisconsin [Mr. MCCARTHY], the junior Senator from Washington [Mr. CAIN], the senior Senator from Washington [Mr. MAGNUSON], the Senator from Michigan [Mr. FERGUSON], the Senator from South Dakota [Mr. GURNEY], the Senator from Utah [Mr. THOMAS], the Senator from Indiana [Mr. CAPEHART], the Senator from Nevada [Mr. MALONE], the Senator from North Dakota [Mr. YOUNG], and the junior Senator from Colorado [Mr. MILLIKIN].

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. WILEY. I desire to read the amendment into the RECORD so that at this time those who listen can understand it. It is the so-called fur amendment:

At the end of the bill insert the following new section:

"SEC. 3. The President shall take such steps, in accordance with existing law, as may be necessary to establish for each calendar year import quotas on undressed mink, undressed muskrat, and undressed silver-fox furs, not to exceed 25 percent of the domestic production during the preceding calendar year of each such product, respectively."

Mr. President, I ask that the amendment be stated.

The VICE PRESIDENT. The Secretary need not read it again, since the Senator has just read it.

Mr. WILEY. Mr. President, I desire to speak to the amendment.

The VICE PRESIDENT. The Senator from Wisconsin is recognized.

Mr. WILEY. Mr. President, I am in favor of the metal scrap bill, House bill 5327. I am frank to say that I would also have been in favor of what has been suggested as the modified copper amendment, if it had been placed on the bill. I believe the national situation is such that both these tremendously important materials are greatly needed. But the amendment I have presented likewise suggests a tremendous need to the Nation. By our foolishness we have virtually put out of business a great industry. That industry, Mr. President, is not simply localized in my State. Each of the Senators who have signified their assent to the amendment have seen a vital business in their State literally thrown out the window by the way we have permitted the import of furs. We have seen hundreds of legitimate enterprises ruined. We have seen some of the best workers in the Nation put out of work, all because we have permitted Russian furs—I repeat—because we have permitted Russian furs to come in and ruin the market.

It is perhaps unnecessary to go into details in explaining the plight of our domestic fur industry. Most Senators are aware of the liquidation that is taking place, especially if fur farming is an important industry in their States.

Mr. President, I may say parenthetically that I am not one who has taken a great deal of time of the Senate in recent months. I think I could put it all into one package by saying that I have spoken not to exceed 30 minutes in months. I have devoted my time to committee work. So I should like to have the attention of my associates, because I am speaking not only for a vital segment of the economy of my own commonwealth, but for a sizable part of the economy of other States.

As I have indicated, on recent occasions during hearings of the Senate Finance Committee, the seriousness of the fur import situation has been pointed out. I know that members of the committee were hopeful that the acute condition could have been somewhat relieved by a substantial reduction of the fur excise tax, so that the fur market could have been expanded to help absorb the tremendous increase in fur imports. But in view of the casualty that has befallen the excise-tax bill it is imperative that immediate action be taken to place a limited curb on fur imports, as set forth in the proposed amendment.

As has been pointed out in the recent hearing on the tax bill, American fur producers have been caught in the squeeze. While fur sales have declined 50 percent during the past several years, imports have increased 300 percent. That is a brilliant way to take care of a good loyal group of Americans.

This morning I sat in the hearing held by the crime committee and was privileged to catechise one of the chaps who are always exercising their constitutional privilege not to answer, on the ground that answers might incriminate them. Among other things I found out that he had been a soldier in 1918. I tried to bring to his attention the imperative need of exercising his innate loyalty to the Government in this crisis. I called his attention to the fact that perhaps he had divided loyalties; that he had a loyalty to his gang; but that there was a greater loyalty, a loyalty to his Nation. I told him that should be his great loyalty, rather than loyalty to crimesters and big bosses who were termiting the United States. I could not get anywhere with him. He was making profit out of crime.

But in the fur industry, Mr. President, we have a group of our citizens who are making profits out of their honest labor. The country itself, by its inept approach to this economic problem, has taken away from them their livelihood. I might say it is also damaging the economic return that the Nation itself receives, because they have been good income producers and taxpayers, and now they do not have any income to be taxed. So I am speaking for this group of men who have had a pretty raw deal from their Government, which permits Russian furs to termite and damage their livelihood and industry.

I also want to reemphasize the fact that it is well known that more than 30 percent of the imported furs come from Russia. Let us stop just a moment and reflect on that. Are we thoughtless children or are we men who have a responsible duty to perform to maintain this Nation of ours? We cannot maintain it if we continue to do what has been done to those engaged in the fur-producing industry. All my amendment proposes to do, and all that the fine group of Senators cosponsoring it are seeking to do, is to ask that the President be directed to take appropriate action.

Mr. President, just a word or two about the amendment. It is not an attempt to solve the entire problem of the fur-producing industry, but is directed at giving reasonable protection to those in greatest need. Imports of mink, silver fox, and muskrat account for only approximately 12 percent of the total dollar value of our present fur imports, but they make up an important part of our domestic fur-producing industry. I am sure the Senators from Louisiana, where a considerable number of muskrats are raised, can give the Senate a very vivid picture of the serious condition the fur producers of their State are in.

It is interesting to note from the figures of the Fish and Wildlife Service that the muskrat catch in Louisiana dropped from 6,000,000 pelts in 1943 to 3,000,000 in 1949. The reason for the sharp decline is that present prices do not pay the cost of harvesting the crop. The Tariff Commission's figures reveal that total imports of muskrat pelts have increased from 1,000,000 pelts in 1943 to 4,000,000 pelts in 1949. Imports of muskrat pelts from Russia show the greatest increase, an increase from 500,000 pelts in 1943 to more than 2,000,000 pelts in 1949.

The figures reveal that our domestic production of mink pelts has remained virtually static since 1947, at approximately two and one-third million pelts, while on the other hand, imports of mink pelts have increased from 320,000 in 1946 to more than 1,000,000 in 1949, or a 400-percent increase. Those furs come from Russia.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question?

Mr. WILEY. I yield for a question.

Mr. MAGNUSON. I should like to associate myself with what the Senator from Wisconsin is saying, because in my home town of Seattle, which is one of the large fur markets, most of the Russian imports of furs are landed. The furs coming from Russia have just about wrecked the Seattle fur market.

Mr. WILEY. I thank the Senator from Washington for his contribution to this discussion.

Mr. LUCAS. Mr. President, I submit that the Senator from Washington did not ask a question, although he was yielded to for one. In view of the fact that we are now operating in the morning hour, I shall have to object to any statements which may be made in the time of the Senator from Wisconsin.

The VICE PRESIDENT. The Senator can yield only for a question. Of course

it is not always possible to tell in advance whether what a Senator is about to say will be a question.

Mr. WILEY. I thank the distinguished Presiding Officer—I was about to say "the distinguished presiding elder." I thank the Chair very much.

The VICE PRESIDENT. Do not make it too "elder." [Laughter.]

Mr. WILEY. I thank the Chair. I recognize him as one of the youngsters of this body.

Mr. THYE. Mr. President, will the Senator yield for a question?

Mr. WILEY. I yield for a question.

Mr. THYE. I should like to ask the able senior Senator from Wisconsin if I may be associated with him in his remarks on this fur question?

Mr. WILEY. I am very happy to have the distinguished senior Senator from Minnesota get on board the wagon.

Mr. President, the seriousness of the situation is reflected in the financial statement. Thus far I have discussed this matter more or less in general terms. Now, however, I shall get down to specific items.

I know that all Members of Congress wish to return home. However, I would rather stay here and do the job which should be done, even though I, too, have an election coming on. I think we could make a serious mistake if, in our desire to get back onto the hustings, so to speak, we forgot to do our job in Washington. We should remain here as long as there is a job here for us to do.

Mr. President, I was saying that the seriousness of the situation which I have been discussing is reflected in the financial statement of the fur-farming industry. In that industry, the cost of production remains the same, namely, $18 a pelt. The average price of mink pelts in 1949 dropped to the prewar level of $13.50, but the cost of production remained at $18.

Mr. President, most other segments of American industry have received better treatment than that. This small industry shows an operating loss in excess of $10,000,000 in 1949.

Mr. President, I ask that particular attention be given to the statement I am about to make. I know from my own experience that more than a thousand farmers who have engaged in this industry have been forced out of business.

At this point, perhaps, I may digress somewhat.

Mr. KNOWLAND. Mr. President, will the Senator yield for a question?

Mr. WILEY. I yield.

Mr. KNOWLAND. Is the Senator from Wisconsin familiar with the fact that the dollar credits which are received from the Soviet Union are available for use in subversive work in the United States, where persons engaged in that work need dollars in furthering that type of activity?

Mr. WILEY. Let me say to the distinguished Senator from California that I do not have definite and concrete proof of that, but I have information that that is a fact, even though I do not have definite proof of it.

Really, Mr. President, I often wonder at the naiveness of Americans. Have not we learned from our experience at Yalta? Have not we learned from our experience in Korea? Have not we learned now from the lessons of history, which have been taught in the last two World Wars, and particularly since then, in our dealings with Russia, that we must be realists in approaching the problem with which the world is confronted because of Russia? We know that communism is attempting to take over the economic life and ruin the economic health of the United States, as well as the political life and health of our Nation. We know that the Russians are attempting to destroy the economic, political, and religious philosophy of our people.

The effect on our fur market of the importation of Russian furs is disastrous on one economic segment of the United States. In many respects we are becoming dupes at the hands of the Russians.

So, Mr. President, the argument I make today calls for serious consideraton. The question I am dscussing may be said to be provincial in some aspects; yet it is not really provincial, because it relates to a large geographic portion of the United States.

It is true that the argument I am now making might be considered provincial, in the sense that this subject relates particularly to what might be called one small economic front of the United States. However, it is not provincial when we realize that this matter affects the economic health of the Nation, and also has a definite effect on the political and religious health of the United States, especially when we realize, as has been suggested by the distinguished Senator from California, that by the importations of foreign furs we are making it possible for outside forces to continue their work of sabotage and their work of exerting a disintegrating influence upon our people generally. So I thank the Senator from California for asking that question.

Certainly, Mr. President, we are too naive. Sometimes we get so close to the forest that we cannot see the trees. This is merely one of the penetrating techniques Russia is using. In permitting such importations to continue, we are permitting the Russians to cut the throats of many American farm families, thus injuring the economic life of the Nation and the income of numerous Americans.

So, Mr. President, under these circumstances, it is essential that we give overall consideration to this amendment.

Mr. WATKINS. Mr. President, will the Senator yield for a question?

Mr. WILEY. I yield for a question.

Mr. WATKINS. Is the Senator familiar with the news dispatches which report that members of the Longshoremen's Union have been refusing to unload Russian furs coming into the United States?

Mr. WILEY. Yes, I am familiar with that incident. Sometimes when we read something of that sort, we appreciate the statement of Abraham Lincoln, when he said that God must have loved the common man, for He made so many of them. Lincoln also made a statement indicating that by and large wisdom is to be found among the common men, but is not found so often in high places.

In this case it is apparent that, whether intuitively realizing the situation or whether having reasoned out the logic of the matter, the common people have arrived at the proper conclusion, the conclusion that this is the hour of decision. Certainly we must make decisions of this sort in order to save ourselves from the penetrating and deteriorating influences of the Marxist concept.

Mr. WATKINS. Mr. President, will the Senator yield for a further question?

Mr. WILEY. I yield.

Mr. WATKINS. Does not the fact which I have just mentioned indicate that the American people are far ahead of the Congress in respect to having a sound understanding of the steps Russia is taking to obtain dollars in the United States, to be used in aiding Russia's interfering actions in our country?

Mr. WILEY. Of course, I would not say that the common people are always ahead of the Congress in their thinking. When Congress has sufficient opportunity to plan and to think ahead, congressional thinking always is excellent. On the other hand, when Congress is required to work into the midnight hours, when it is pushed by fears of what may happen in the political field, and when it is confronted with 15,000 bills in one Congress, as is the case in the Eighty-first Congress, the result is that it is overworked and overtired and may lag behind. As a result, in many cases, Congress finds itself unable to absorb what it should absorb, in the way of information and facts. In many instances the people give directives. What the Senator from Utah has referred to is a directive on the basis of which we in Congress should take constructive action.

Mr. WATKINS. Mr. President, will the Senator yield for another question?

Mr. WILEY. I yield for another question.

Mr. WATKINS. Is it not true that Congress has had this amendment, in substance, or the provisions of this amendment, before it on other occasions, and has adopted the substance of it as part of another measure? Then, on a subsequent occasion, when the conference report was returned, by the switching of some votes, the conference report was approved, and was not returned for a further conference so that insistence might be made that the amendment remain in the particular measure. Does the Senator have that situation in mind?

Mr. WILEY. I think that is substantially correct, but I must say that the initial fault was not that of Congress. Congress has been inept—to use perhaps a mild adjective—in failing to exercise its legislative authority and in taking directions from those in the Government departments who are supposed simply to advise, not to direct. That is the source of much of the trouble in connection with this matter.

The trouble has been accentuated because of the idea which has been entertained in some quarters that we must not do anything to provoke the Russians, or to provoke Joe Stalin. It is only recently that—thank God—in the office of Secretary of State and in the office of the President we have observed a reversal of that policy, which indicates that the naïveté there has gone out the

window. That was not true a year or so ago.

The VICE PRESIDENT. The Senator will suspend until the Senate is in order.

Mr. WILEY. I thank the Chair.

The VICE PRESIDENT. The Chair is making a desperate effort to preserve order, and he would like to have the cooperation of Senators and others in that effort. This is an important matter. This is an important day. The Chair does not know whether we shall finish our work today or not; he hopes so. But, regardless of that, on the last day of any session there is confusion and a desire to secure the passage of legislation. It is not conductive to good order for Senators or others to continue talking in an audible voice. The Chair has called attention time and again to the acoustics of this room, whereby a whisper can be heard from one end of it to the other. It is just as much a disorder for conversation to be going on behind this screen—which is usually the case—as on the floor. The Senator from Wisconsin will proceed.

Mr. WILEY. I thank the Chair. The point I was making was that I believe our officials in the executive branch have changed their technique of placating the Russians to one of speaking with definiteness and certainty. Certainly the Secretary of State so indicated in addressing the United Nations Assembly, and our former colleague, Senator Austin, has spoken in no uncertain terms. But the reason this amendment has not been adopted heretofore was that we took advice from the executive branch, whereas we are supposed to give advice and consent on the matter of legislative policy. We took the advice that we had to handle certain individuals such as Joe Stalin with kid gloves. Stalin and his group cannot be handled with kid gloves. There is but one technique which Stalin understands, and that is force. The sooner all Americans become aware of the truth of that conclusion, the sooner we shall have peace, and the sooner we shall be prepared—actually prepared, instead of merely prepared on paper—to meet any emergency.

We have recently gone through the sad experience of having the domestic silver-fox industry wiped out. That has taken place since the late war, as a result of the tremendous influx of foreign furs.

A wonderful silver-fox industry was developed in my State. It has now been stabbed in the back. That industry, which was built up by much effort, and which the Nation needed, not only to provide jobs and pelts but to provide income for the Nation, has literally gone bankrupt; and we in Congress have failed the developers of the industry. Shall we continue to fail them? I do not think it is necessary. I think that, even now, some of the people downtown, as I call them, have been considering themselves, as certain of our labor leaders have been considering themselves, the legislative segment of the Government.

Yes, they legislate. One of them is quoted as having said, "We do not need the legislative branch. We originate the ideas—they merely put them into law." Not any more, Mr. President. America is alerted to the challenge. We have had too much infiltration by mental saboteurs in that branch of our Government. If they were not Communists, they had the idea of sabotaging the good old American sound-sense ideas. There has been too much of that. We are now on our own, Mr. President. We are here to make America strong again—economically strong, politically strong, spiritually strong. Even if this should be the last day of the session, let us not run out on our real functions.

The Department of Agriculture, through the Farmers Home Administration, is making a desperate attempt through emergency loans to try to revive this industry, or at least keep alive a small foundation breeding herd so we will not have to go to Russia and buy breeding stock when this industry recovers. The amendment is designed to keep foreign countries from smothering out its life as soon as it begins to revive.

A repetition of the same condition that has wiped out our silver fox industry will wipe out our mink and muskrat industries if something is not done immediately to prevent it.

The amendment is not severe, and the small roll-back would largely fall on Russia and her satellite countries, whose imports have increased most. For example, using figures based on imports during 1949, imports of muskrats would be cut back 21 percent. This entire reduction could be absorbed by eliminating a part of Russian muskrat imports. No friendly country would need to be affected. I emphasize that point. We do not have to limit imports from any friendly country. But we must limit imports from an unfriendly country.

I wish to make my position clear in relation to that matter, because I am sensitive to the fact that, before World War II, there were in Russia more than 70 different nationalities, speaking 70 different tongues. It was probably the impact of Hitler's forces on their way to Stalingrad which provided a united front and which gave Stalin the real power of unification which he now possesses. I do not believe that the common individual in Russia is a part of the Russian gang.

Sometime ago I heard a rather authoritative statement to the effect that in the Stalin party there are not more than 5,000,000 of the 200,000,000 Russians. I am sensitive to the fact that we cannot and should not do things which would probably create greater antagonism between the common man in Russia and this Nation. But the regime in Russia is the most autocratic regime the world has ever seen. A small group controls the thinking, the economy, and the political functioning of the people and of the Government. So we must be realistic. We must realize that unless we take the necessary steps to stop the penetration by Stalinites into our economic, political, and religious life, we shall be failing not only this generation, but generations to come. That is why I say we must do what is necessary to be done; and this is one of those things which should be done. Think of the encouragement it would give to the thousands who are employed in the fur industry. Think of the thousands of fur farmers who have been put out of business. But that is not all. Think of the industry. Think of the economic health of the community. The fur farmer who employs 50 or 60 men deposits hundreds of thousands of dollars in the local bank. The local bank now gets nothing. The local merchant now gets nothing.

So, Mr. President, what I am thinking about is that we should not forget that we owe a responsibility to inject an economic current into the various communities, as well as to give economic substance to the builders of America.

Imports of mink, based on the past 4 years, would be cut 14 percent. Elimination of mink imports from Russia and countries under her control would account for 11 percent of the reduction.

Imports of silver fox would not be reduced because our domestic market is broken so badly that foreign countries can use their fox furs for bartering purposes with other countries to a greater advantage.

It should be emphasized that such limited control is not directed at, nor would it have the effect of, expanding or increasing domestic production, but would result in giving the small protection necessary so that those who are now in the business might continue to operate and not be forced out of business.

Anyone who understands the fur business knows that a small rise in raw-pelt prices does not materially affect the price of fur articles, as the price of raw fur accounts for only approximately 20 percent of the price of the finished product.

Numerous efforts and appeals have been made to the various agencies of Government concerned, but for one reason or another nothing has been done, as is usually the case with small business. There we are, Mr. President.

We who claim to be the exponents of small business have an opportunity to demonstrate that we are in favor of small business. Not by words, but by action. We need action, Mr. President. What will we do about it? I say it is the responsibility of Congress to see to it that this small industry is not wiped out.

The amendment is merely a directive to put into action relief provisions of the escape clause of the Reciprocal Trade Agreements Act by providing a reasonable amount of protection. That is all it would do. The amendment would apply to only three kinds of furs out of 33 kinds of furs which are imported. If the amendment had been in effect during the past 3 years it would have reduced our total fur imports approximately 4 percent. It is asinine to tax the product of an industry that is going broke, and for the Government to make loans to keep it alive, in order to help to finance foreign-aid programs to stop the spread of communism abroad.

We could really meditate on that subject. Too often we engage in asinine economic procedures. I say it is asinine to tax the product of an industry that it going broke, and then have the Government make loans to keep it alive, in order to help finance billion dollar aid programs to stop the spread of communism abroad.

Mr. President, does it make sense to call to arms the sons of fur farmers to go

to war to stop communism in Korea, where they are fighting and dying, and have their business wiped out by the importation of furs from Russia?

It is not very often that I use such strong language. However, I am getting more or less into the mood, because I heard yesterday that the distinguished Vice President was coming out to my State to hand me a package like the one the President handed me 6 years ago. I feel I must use rather strong language in looking after a small business like the fur business.

Mr. McFARLAND. Mr. President, will the Senator yield for a question

Mr. WILEY. I am happy to yield to the Senator from Arizona for a question.

Mr. McFARLAND. Did the Senator mean to imply that he is making a political speech?

Mr. WILEY. Mr. President, that is the usual method my friends follow. I am arguing a principle, and the Senator from Arizona wants to know whether I am talking politics. I shall be very happy to discuss politics if I am provoked into it.

Mr. KERR. Mr. President, will the Senator yield for a question?

Mr. WILEY. Yes.

Mr. KERR. Is the Senator interested in the defeat of the bill or the adoption of his amendment?

Mr. WILEY. In the adoption of my amendment.

Mr. KERR. Is he aware of the fact that at 1:30 the bill goes back to the calendar, and if it is not acted upon it dies for the day?

Mr. WILEY. I so understand. The distinguished Senator from Oklahoma was not present when I began my remarks. He knows very well that I have not been one who has been taking much time of the Senate. I have always yielded to my somewhat rather prolix colleagues, who apparently like to talk every day.

Mr. President, I now ask that there be printed in the RECORD at this point as part of my address schedules A, B, C, and D, which go into considerable detail on this subject.

There being no objection, the schedules were ordered to be printed in the RECORD, as follows:

SCHEDULE A

TABLE 1

Year	Millions of dollars
1930 to 1939	50
1940	75
1941	106
1942	70
1943	93
1944	127
1945	146
1946	242
1947	124
1948	163
1949	105

TABLE 2.—*Collections from excise tax on furs*

Fiscal years	1947	1948	1949	1950
Millions of dollars	97.4	79.5	61.9	46.0

TABLE 3.—*Tax rate compared to imports*

	1930-40	1941-43	1944-49
Excise-tax rate	None	10 percent.	20 percent.
Imports	52 million.	89 million.	151 million.

TABLE 4.—*Russian imports compared to total fur imports*

[Millions of dollars]

Year	Total	Russia
1940	74	13
1941	104	22
1942	69	15
1943	90	18
1944	124	32
1945	143	26
1946	238	69
1947	124	41
1948	162	38
1949	105	24

SCHEDULE B

TABLE 1.—*Total fur imports compared to imports of muskrat, mink, and silver fox*

[In millions of dollars]

Year	Total fur imports	Total imports, muskrat, mink, silver fox	Percent to total
1946	242	17	7
1947	124	18	14
1948	163	18	11
1949	105	20	19

TABLE 2

Year	Total domestic raw fur production	Total domestic production muskrat, mink, silver fox	Percent of muskrat, mink, and silver fox to total domestic production
1946	131	69	53
1947	102	64	64
1948	118	67	59
1949	112	54	48

SCHEDULE C

TABLE 1.—*Domestic muskrat production*

	1943	1947	1948	1949
Domestic muskrat production.	18 to 20 million.	16 to 18 million.	14 to 16 million.	12 to 14 million.
Louisiana	6 million.	6 million.	3 million.	2½ million.

TABLE 2.—*Imports of muskrat*

[In thousands]

	1943	1947	1948	1949
Total muskrat imports	1,393	2,613	3,162	3,799
Imports from Russia	411	1,424	1,857	2,147

TABLE 3.—*Imports of mink compared to domestic production*

[In thousands]

	1946	1947	1948	1949
Domestic production [1]	2,096	2,255	2,640	2,520
Imports	320	763	639	1,200

[1] 70 percent mink produced on farms.

SCHEDULE D—EFFECT OF AMENDMENT ON IMPORTS

TABLE 1.—*Muskrats*

Estimated domestic production in 1950	12,000,000
Quota of 25 percent of domestic production	3,000,000
Imports, 1949	3,800,000
Reduction of	800,000
Percent reduction	21

TABLE 2.—*Mink*

Estimated domestic production in 1950	2,500,000
Quota of 25 percent of domestic production	625,000
Imports average 1946-49	730,000
Reduction of	105,000
Percent of reduction	14

TABLE 3.—*Silver fox*

Estimated domestic production, 1950	32,000
Quota 25 percent of domestic production	8,000
Imports average, 1947-49	3,000
Reduction	None
Percent reduction	None

Mr. WILEY. Mr. President, I thank the Vice President for his courtesy and his friendship throughout my service in the Senate, because this may be my last opportunity to speak on the floor of the Senate. I also thank my associates for their friendship and courtesy. With that I conclude, Mr. President. I shall suggest the absence of a quorum, unless the amendment is accepted. I ask the Senator who is in charge of the bill whether he will accept the amendment? He, too, was in favor of the amendment.

Mr. GEORGE. I do not have the floor.

Mr. LUCAS. Will the Senator from Wisconsin withhold his suggestion of the absence of a quorum?

Mr. WILEY. Yes.

The VICE PRESIDENT. Does the Senator yield the floor?

Mr. WILEY. Yes.

Mr. GEORGE. Mr. President, it is utterly useless to place this amendment on the bill. It would be entirely futile to do it. Time after time I have attempted to aid the fur farmers. The Committee on Finance has attempted to assist them. A few months ago such an amendment was adopted by this body, and it went to conference. It had the same effect, at least in part, as this amendment would have. The House conferees positively refused to accept the amendment. I held the conference report for several months. I held it not for 1 month, but for several months, in order to give those who were interested in the protection of fur farmers an opportunity to call on the President and the State Department, and to take any other steps that they thought should be taken, in order to bring about some quota restrictions on fur imports. That was done not once, but two or three times. The Committee on Finance has attempted to come to the assistance of the fur farmers in the United States. We had a great deal of sympathy with the problem. I am not at all sure that the imports they complain about are the basis of their trouble. However, they thought they were. At least, Mr. President, it was desirable to make some effort to prevent suffering by that industry.

If this amendment is attached to the bill, it will mean the end of the bill. We fought it out with the House. We kept the bill in conference many weeks. The distinguished Senator from Colorado [Mr. MILLIKIN], who is not present today, made the hardest possible fight to have the conferees accept an amendment which he thought might be of some service. It was unavailing. Then we held it in conference for months, to undertake to make some readjustment of the matter.

The pending bill is a very simple one, and it is important. It permits the bringing in of scrap metals, which are so absolutely vital tc the defense of the country and which are in such short supply at the present time, as the distinguished Senator from Pennsylvania [Mr. MARTIN] has himself told the Senate. If there were the slightest hope that something could be accomplished for the fur farmers by accepting the amendment, I should be happy to do so. However, I know that it would mean the end of the bill if this amendment were imposed on it. The bill must go back to the House anyway, because one amendment has been added which simply changes the date in the bill, and the title has been changed. If the House does not act on it, scrap will be excluded for the time being, and perhaps for months. I know the Secretary of Defense and others have told us that this was a vitally necessary bill.

Mr. President, I shall make a motion to table the amendment, because if it cannot be tabled, the bill is defeated. I therefore move to lay on the table the amendment offered by the distinguished Senator from Wisconsin [Mr. WILEY].

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

The VICE PRESIDENT. The Secretary will state the committee amendment.

The LEGISLATIVE CLERK. On page 3, line 2, after "June 30", it is proposed to strike out "1950" and insert in lieu thereof "1951."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. If there are no further amendments to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to continue until the close of June 30, 1951, the suspension of duties and import taxes on metal scrap, and for other purposes."

AUTHORIZATION FOR AGREEMENTS PROVIDING FOR UNION MEMBERSHIP—AMENDMENT OF RAILWAY LABOR ACT

Mr. HILL. Mr. President, I move that the Senate proceed to the consideration of Senate bill 3295, to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carrier's employees for certain purposes and under certain conditions.

Mr. McKELLAR. Mr. President, I shall not object if this does not interfere with the agreement as to the conference report on the appropriation bill.

The VICE PRESIDENT. Until 1:30 o'clock the motion is in order, and is not debatable.

Mr. McCARRAN. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. What is the parliamentary situation?

The VICE PRESIDENT. The Senate is still in the morning hour, and until 1:30 o'clock a motion to proceed to consider a bill is in order. At 1:30 o'clock automatically the conference report on the appropriation bill will be taken up for consideration.

The question is on agreeing to the motion of the Senator from Alabama. [Putting the question.] The Chair is in doubt. Those who favor proceeding to the consideration of the bill will rise and stand until counted. Those opposed will not rise. The motion is rejected.

Mr. LUCAS subsequently said: A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. May I inquire as to whether or not the bill which the Senate has just voted not to consider will be the pending business following the disposition of the conference report on the appropriation bill?

The VICE PRESIDENT. On the disposition of the conference reports, as and when they come up and are disposed of, it will be the unfinished business, having been heretofore made the unfinished business.

Mr. WHERRY. That is correct; it has been made the unfinished business, and after the conference report on the appropriation bill has been concluded, it will be taken up.

SUPPLEMENTAL APPROPRIATION ACT, 1951—CONFERENCE REPORT

Mr. McKELLAR. Mr. President, is the morning hour closed?

The VICE PRESIDENT. It will not be closed until 1:30 o'clock, 15 minutes from now. The Senator may move to consider the conference report, however.

Mr. McKELLAR. Mr. President. I move that the Senate proceed to consider the conference report on H. R. 9526, the supplemental appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

Mr. McKELLAR. Mr. President. I move the adoption of the conference report.

Mr. WHERRY. Mr. President. I do not wish to hold the Senate up a moment, but inasmuch as we are starting the consideration of the conference report 15 minutes earlier than it had been supposed we would, does not the Senator feel that inasmuch as some Senators might have thought that there would be a quorum call, a quorum call would now be in order?

Mr. McKELLAR. I am perfectly willing to yield for that purpose.

Mr. WHERRY. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Bricker	Hill	McMahon
Butler	Hoey	Magnuson
Byrd	Holland	Malone
Cain	Humphrey	Martin
Capehart	Ives	Mundt
Chapman	Jenner	Murray
Chavez	Johnson, Colo.	Myers
Connally	Johnson, Tex.	O'Conor
Cordon	Johnston, S. C.	Robertson
Darby	Kefauver	Russell
Donnell	Kerr	Saltonstall
Douglas	Kilgore	Schoeppel
Dworshak	Knowland	Smith, Maine
Ecton	Langer	Stennis
Ellender	Leahy	Thomas, Okla.
Ferguson	Lehman	Thye
Frear	Long	Tobey
Fulbright	Lucas	Tydings
George	McCarran	Watkins
Graham	McCarthy	Wherry
Green	McClellan	Wiley
Gurney	McFarland	Williams
Hendrickson	McKellar	Young

The VICE PRESIDENT. A quorum is present.

Mr. McKELLAR. Mr. President, I move the adoption of the conference report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. WHERRY. Mr. President, what will the procedure be after the conference report is agreed to?

The VICE PRESIDENT. The amendments will be taken up.

Mr. WHERRY. I have no objection.

Mr. McKELLAR. The amendments will be taken up separately.

Mr. WHERRY. Very well.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 9526, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
September 12, 1950.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 14, 15, 16, 27, 40, 41, 45, 48, 51, 52, 56, 62, 69, 74, 75, 82, 83, 88, 97, 99, 102, 103, and 109 to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, and concur therein:

That the House recede from its disagreement to the amendment of the Senate No. 9 and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert:

"For all expenses necessary to liquidate the system of nurseries and nursery schools for the day care of school age and under school age children in the District of Columbia by December 31, 1950, including personal services, $50,000."

That the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"LAND ACQUISITION, ADDITIONAL WASHINGTON AIRPORT

"For expenses for the acquisition of land, interests therein, and appurtenances thereto, for the site and appurtenant facilities, for an additional public airport within or in the vicinity of the District of Columbia, as authorized by Public Law 762 of the Eighty-first Congress, approved September 7, 1950, to remain available until expended, $1,000,000."

That the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$173,500".

That the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$332,500."

That the House recede from its disagreement to the amendment of the Senate numbered 44, and concur therein with an amendment as follows: In lieu of the sum of "$60,488,000" named in said amendment, insert "$53,988,000".

That the House recede from its disagreement to the amendment of the Senate numbered 54, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

SALARIES, OFFICE OF THE ADMINISTRATOR

"For an additional amount for 'Salaries, Office of the Administrator,' $24,000 to be transferred from the Federal old-age and survivors insurance trust fund."

That the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SALARIES AND EXPENSES, DIVISION OF SERVICE OPERATIONS

"For an additional amount for 'Salaries and expenses, Division of Service Operations', $26,000 to be transferred from the Federal old-age and survivors insurance trust fund."

That the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"For an additional amount for 'Salaries, Office of the General Counsel', $61,845 to be transferred from the Federal old-age and survivors insurance trust fund."

That the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$30,000,000".

That the House recede from its disagreement to the amendment of the Senate numbered 78 and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$15,000,000".

That the House recede from its disagreement to the amendment of the Senate numbered 100 and concur therein with an amendment as follows: Restore the matter stricken by said amendment and add, before the period in the last line thereof, the following: ": *Provided, however,* That the President at any time before the actual delivery of any defense articles to any other country may transfer the same to the United States Department of Defense for the use of such Department."

That the House recede from its disagreement to the amendment of the Senate numbered 104 and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 109. In order more effectively to administer the funds appropriated to the Department of Defense, subject to the provisions of section 1302 of this act, the President, to the extent he deems it necessary and appropriate in the interest of national defense, may authorize positions to be placed in grades 16, 17, and 18 of the general schedule of the Classification Act of 1949 in accordance with the procedures and standards of that act, and such positions shall be additional to the number authorized by section 505 of that act. Under authority herein, grades 16, 17, and 18 now in the Defense Establishment may be increased by an additional number of not more than one-third of each grade now employed in that establishment."

That the House recede from its disagreement to the amendment of the Senate numbered 119 and concur therein with an amendment as follows: In line 11 of said amendment, after the word "necessary", insert "(not to exceed $10,000,000)".

That the House recede from its disagreement to the amendment of the Senate numbered 120 and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 1304. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country whose trade with the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea) is found by the National Security Council to be contrary to the security interests of the United States."

That the House insists upon its disagreement to the amendments of the Senate numbered 24, 26, 36, 49, 50, 53, and 58, to said bill.

Mr. McKELLAR. Mr. President, I am going to ask unanimous consent that the Senate vote on the amendments of the House to Senate amendments numbered 9, 25, 38, 39, 44, 54, 55, 57, 71, 78, 100, 104, and 119 first. I shall ask that the Senate concur in those several amendments. I wish to explain that there was practically no controversy respecting those amendments; certainly there was not sufficient controversy to justify sending them back to the House. The great controversy arose over amendment numbered 120. My request for a vote now deals with amendments up to 119. I believe Members on both sides of the aisle will agree that there was substantially no controversy respecting those amendments.

Mr. WHERRY. Mr. President, will the Senator yield for a question so I may have the matter clear in my mind?

Mr. McKELLAR. Yes.

Mr. WHERRY. Does the Senator from Tennessee ask that the Senate first consider all the amendments he enumerated?

Mr. McKELLAR. Yes; en bloc.

Mr. WHERRY. En bloc instead of separately. The only amendment that would then be left for consideration is amendment numbered 120.

Mr. McKELLAR. No, there are some amendments after No. 120, but they will be taken up separately.

Mr. WHERRY. I have no objection.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. GURNEY. Mr. President, I wish to make the statement on behalf of the conferees on the part of the Senate on this side of the aisle, after having checked with the other conferees, that I agree to the statement made by the Senator from Tennessee that the House action on all the amendments referred to up to amendment numbered 120 should be satisfactory to the Senate.

Mr. McKELLAR. I think so.

The VICE PRESIDENT. Is there objection to the request that the amendments mentioned be voted on en bloc?

Mr. CORDON. Mr. President, reserving the right to object, am I to understand that the request is to consider all the amendments in disagreement except amendment No. 120?

Mr. McKELLAR. No; the amendments up to No. 120, and then I shall ask that amendment No. 120 be considered separately, because there was substantial controversy respecting it. But there are seven other amendments after that amendment which will be voted on separately.

Mr. CORDON. The amendments which will be voted on en bloc are those numbered below 120?

Mr. McKELLAR. Yes.

Mr. CORDON. Will the Senator identify the ones that he excludes from his unanimous-consent request?

Mr. McKELLAR. Beginning with No. 24 and going to No. 58.

Mr. CORDON. From No. 24 to and including No. 58?

Mr. McKELLAR. Yes.

Mr. CORDON. I have no objection.

Mr. McKELLAR. I thank the Senator.

The VICE PRESIDENT. The question is on agreeing en bloc to the amendments referred to.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. Yes.

Mr. SALTONSTALL. I shall not object to what the Senator asks. I understand that the conference committee eliminated the provision placed in the bill by the Senate dealing with the sum of $12,500,000 to the International Children's Fund, did it not?

Mr. McKELLAR. It did; yes.

Mr. SALTONSTALL. That being so my question is: If the conference report is accepted, will the Senator continue the objection he made the other night to an authorization to the children's fund of a loan by the RFC of $10,000,000? I say that, because the Senate has twice adopted a provision for $12,500,000.

Mr. McKELLAR. Yes, and the House has twice adopted an entirely different procedure by striking it out, and it has been stricken out. It has twice been voted on by the House. If we were to put the provision back into the bill or send it back to conference it would not be of a particle of avail because the House is adamant on that point.

I wish to say that I favor the amendment. When it was first brought up I favored the proposal, and when it was placed in the second bill and was taken to conference I favored it. But the fact

is that it has had two trials in the Senate and two trials in the House. The two Houses are absolutely at cross purposes on the provision. I will say to the Senator from Massachusetts that it is impossible to have the provision adopted at this time. I hope the Senator will not undertake to ask me to commit myself in advance concerning it.

The VICE PRESIDENT. The question is on agreeing en bloc to the amendments mentioned by the Senator from Tennessee.

The amendments were agreed to en bloc.

Mr. McKELLAR. Mr. President, I now move that the Senate concur in the amendment of the House to the amendment of the Senate No. 120. That is what is known as the Wherry amendment, and has been the subject of controversy.

Mr. WHERRY rose.

Mr. McKELLAR. Will the Senator permit me to make a statement about it? I shall not take too long in doing so.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. Yes.

Mr. WHERRY. The Senator has moved that the Senate concur in the amendment adopted by the House to the amendment of the Senate No. 120.

Mr. McKELLAR. Yes.

Mr. WHERRY. That is a debatable question, and I assure the Senator that after he has made his explanation I shall desire to discuss the amendment. I shall be as brief as I can. I want to be as cooperative as possible so as to expedite action on this bill.

Mr. McKELLAR. Mr. President, I know the Senator does. I wish to say respecting the Wherry amendment that if we were considering it at any other time than the present, when we face a serious international situation, I am inclined to think I would agree to an amendment of that nature. It is a very plausible amendment. But let us not forget that the Government of the United States is in a somewhat critical position. We are in a controversy with Russia, express or implied—I do not know which, from reading the newspapers—and we need friends in the world. The President is the Commander in Chief of our Armed Forces.

Mr. WHERRY. Mr. President, the distinguished Senator from Tennessee is explaining the amendment adopted by the House to the so-called Wherry amendment. I wish we could have order in the Senate Chamber. I can scarcely hear the Senator. He has a bad cold, and is not in the best voice. It is an effort for him to speak. Can we not have order so that we may hear the distinguished Senator's explanation of the amendment.

The PRESIDING OFFICER (Mr. HOEY in the chair). The Senate will please be in order. Senators will cease conversation on the floor.

Mr. McKELLAR. I thank the Senator from Nebraska. I do have a cold, and it has gone to my throat, I am sorry to say.

Mr. WHERRY. I realize that.

Mr. McKELLAR. Mr. President, in the situation we are in I doubt if there is a Senator who does not really feel that we need friends in the world at this time. The situation has gone so far that if we adopt the Wherry amendment it may, in my judgment, cause us very serious trouble in our foreign relations. I do not know what is going to be the outcome of the Korean war. I do not know whether it is merely a preliminary effort on the part of Russia to take charge of the world, or whether she is going to take another whirl at it. Many people have expected that by reason not only of her position in Germany, but because she controls so much of Germany she might undertake to attack France at any time. She might attack other European countries. There is no telling what she may do. I sincerely hope she will not do so.

I think one of the worst things that could happen to the world at the present time would be if we were forced to go into war. I pray God that we may not have a war. However, we have a threatened war on our hands, and the situation is such that we are obliged to make and to keep as many friends as possible, in case we shall become involved in such a war.

In that connection, a policy has been established by the President and his Cabinet, who are the heads in administering our affairs. They are very much opposed to the Wherry amendment.

Mr. President, I wish to say that in the committee I voted against the Wherry amendment, but not because it did not appeal to me, for it does appeal to me, and I expect that it appeals to everyone. I have no doubt about that. At any other time, I would assume that the amendment would be adopted by the Senate. However, in our present situation it is necessary for us to be exceedingly diplomatic. To cut off what we are giving now to other nations, might have dire consequences and might have an adverse effect on the war. I would hope that would not be the case, but no one can tell.

For that reason, I believe that the substitute adopted by the House of Representatives should be concurred in by the Senate. We should concur in it for diplomatic reasons, and for reasons of our own defense.

Mr. President, who will have to pass on this matter? There will be five judges who will have to do so. One of them is the distinguished Vice President. The five judges will be the members of the National Security Council, namely, President Truman, Vice President Barkley, Secretary Acheson, Secretary Marshall, and Chairman Symington. I imagine those gentlemen feel very much as I do about this matter, namely, that but for the present war situation, the amendment should be made stronger.

However, under the circumstances, under the conditions now existing, I believe it would be unwise not to leave the matter up to a commisison of this kind. All its members are patriotic gentlemen. We have served here in the Senate with one of them, and we know all of them. We know about what they will do. I believe they are true Americans. I believe they will look after the American interests.

For that reason, Mr. President, I shall urge the Senate to concur in the substitute which has been adopted by the House of Representatives. I hate to do so, on account of my great friendship, respect, esteem, and admiration for my distinguished friend the Senator from Nebraska, who sits across the aisle from me, who is smiling at me now, and whom I like very much, as I have ever since he has been in the Senate.

However, this matter concerns our national safety. It is a matter about which we should not make a mistake and one we should consider very carefully.

If, later on, it should be determined that the amendment the House has adopted is not sufficiently strong, the amendment can be changed. However, it seems to me that we ought not to take a radical step at this time. We should wait until after the present trouble in the world is over. I hope that will not be long, but it may be.

Mr. President, at this point I wish to read a very sensible communication which I received yesterday about this matter:

THE WHITE HOUSE,
September 20, 1950.

MY DEAR MR. CHAIRMAN: When the Senate passed H. R. 9526, the supplemental appropriation bill for 1951, it added an amendment, offered by Senator WHERRY, which would require the United States to cut off economic and financial assistance to all countries which export to the Soviet Union or its satellites any articles which might be used for the production of military matériel. This amendment is of such grave importance, and is fraught with such danger to the United States and to world peace, that I feel I must make a special request to the Congress to eliminate it in completing action upon this bill.

No one can quarrel with the ostensible purpose of the amendment—

That is what I stated in effect awhile ago, namely, that in ordinary times it would be perfectly proper—

to weaken the war-making potential of Communist-dominated countries—and on the surface the amendment may seem to be a plausible means for accomplishing that end. But the fact is that it would defeat its own purpose and accomplish substantially the opposite result from that intended—it would weaken the free nations more than it would weaken the Soviet bloc.

The amendment applies not only to arms and armaments but to any articles that could be used for the production of military matériel. Since almost all goods and commodities can be used for the production of military matériel in one way or another, the amendment, if effective, would require a substantially complete embargo on trade between western and eastern Europe. The countries participating in the European recovery program have embargoed the export of arms and armaments to eastern Europe for some 2 years. But trade in other commodities has continued to some extent. This trade works both ways, of course. Countries of western Europe obtain from it goods which are vital to their economic and military strength—the very strength we are helping to build up. To cut this trade off suddenly would bring about dislocations in the western nations that would more than offset any advantages that might be gained.

The appropriate agencies of the Government have been negotiating, and will continue to negotiate, with countries receiving aid from us in order to curb trade that would aid the war potential of the Soviet bloc, and to do this in a way that would protect the strength of friendly nations. These negotiations have produced very substantial

results, and I am confident they will continue to do so. This method, which permits selective and cooperative treatment of the host of varying problems in this field, is far superior to the arbitrary blanket approach prescribed in the amendment now in question.

The amendment affects countries in the Near East and Far East, as well as in Europe. Some of these countries do not have strong traditional ties with the Western World. It is important to us to develop and strengthen these ties, which is one of the aims of our assistance programs. While they are friendly to the United States, the trade of those countries with the Soviet Union may be so important to them economically that they would have no alternative but to forego the limited economic aid which we now make available to them. The amendment leaves no room for negotiation, and accordingly would tend to force such countries into the Soviet orbit, in spite of their friendship for the United States. The amendment would also have most unfortunate effects on our relations with the Latin-American countries. I am sure these are results wanted by nobody who supports the amendment.

Before legislation of this character is adopted we ought to be sure that we would get more out of it than we would lose. I am convinced that this amendment in its present form would not accomplish the purpose intended but, on the contrary, would do much more harm than good.

Consequently, I earnestly urge the Congress to leave the amendment out of the bill.

I am sending a similar letter to Representative CANNON.

I received this letter a few days ago, and I wanted to read it into the RECORD. I have tried to point out substantially what the President has pointed out. I think he is right about it. The Constitution makes him the head of our Army of defense. Under the President, the Secretary of State is the head of our Government agency dealing with foreign relations. I believe that the other gentlemen on the National Security Resources Board, including our splendid Vice President, will do their duty in this connection. If they do not Congress can and should act.

Mr. WHERRY. Mr. President, I deeply appreciate the words of commendation by the distinguished senior Senator from Tennessee. I wish to say at the outset of my remarks that, if it would not be termed "horse or mule trading," I could say the same thing of the distinguished Senator. I admire him. He is the chairman of our committee. He knows that I love him, and that I like to cooperate in every way I can with the distinguished chairman.

I also point out that he said he agreed with the purposes of this amendment, and that, were it not for the present conditions in which we find ourselves, he might go along with the amendment. He did not say he would, but he said he might; and I appreciate that statement.

The Senate amendment would apply only in time of war, and only when the United States is carrying out a decision of the Security Council of the United Nations. The condition which we are attempting to remove is the situation in which the western European countries, who are receiving ECA funds and other benefits from the United States, are exporting war-potential goods to Russia and her satellites. They are shipping arms, armaments, military matériel, articles and commodities which the Secretary of Defense may, after a finding, prohibit from being shipped by the countries which are now receiving assistance from us. That is the only reason for the amendment. Now is the time to correct this situation—that is, when we are fighting a war. That is the reason for the Senator's amendment, and its only justification.

Inasmuch as the distinguished Senator from Tennessee has now moved to concur in the House amendment, the junior Senator from Nebraska intends to offer an amendment to the House substitute for the Senate amendment, regarding the shipment of war materials to Russia and her satellites.

Putting is as briefly as possible, I desire to expedite the work of the Senate. I realize that we are approaching the closing hours of this session, and I further realize that Senators are anxious to go home. This is one of the most important issues which has come before the Congress. Regardless of adjournment, the Congress ought to remain here as long as may be necessary in order to secure the adoption of this amendment in order that we may be sure the financial and economic aid we are giving to ECA countries shall not be returned to our boys in Korea in the form of bullets, tanks, or other armaments, made from the materials transshipped to Russia and the satellite nations.

Mr. MALONE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. WHERRY. I am glad to yield.

Mr. MALONE. Mr. President, I should like to ask the junior Senator from Nebraska whether he agrees with the junior Senator from Nevada that any material, almost regardless of what kind it is, whether it be food, clothing, steel, tools, or anything else which we send into a country when preparing for war, or when we actually are in war, or in a "police action," may be of assistance in arming those countries against the United States? Such materials should not be sent into the satellite countries, into Communist China, or into Russia, to find their way into Korea or into any other war area, or war front. We are either in danger from Russia, or we are not. If we are, is it good sense on our part to assist her in any way whatever?

Mr. WHERRY. Mr. President, there are those who feel that the interpretation placed upon the exporting of goods would be exactly in line with what the distinguished Senator from Nevada has said; that is, that any material which may aid the enemy is detrimental to the welfare of the United States. But I point out that the amendment which the Senate adopted does not go nearly that far.

In the first place, in the interest of our own Armed Forces the Secretary of Defense certainly should prohibit arms or armament or military matériel from going behind the iron curtain.

Mr. MALONE. Mr. President, will the Senator yield further?

Mr. WHERRY. In a moment.

The so-called Wherry amendment provides only that, after the Secretary of Defense makes a finding that whatever is being sent may be used to manufacture arms, armament, or matériel, then, and only then, is it mandatory for him to certify what goods are being used for the manufacture of arms, armament, and military matériel.

That provision is misunderstood by some of those who have talked about this amendment and also those who have written about it. I hope I have made it clear that a discretionary power is given the Secretary of Defense to make a finding. That does not mean that he must make a finding as to every article or commodity. The amendment applies only to those articles or commodities as to which he makes a finding; and he makes the finding on the basis of what is being used for the manufacture of arms, armament, or military matériel, for the benefit of the enemy. That is as clear as crystal. There is nothing in the amendment to stop trade between countries on a peacetime basis, or on a wartime basis, if that trade does not come within the prohibition.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. WHERRY. I am glad to yield.

Mr. MALONE. I should like to ask the Senator a question, but I should first like to say that the junior Senator from Nevada has always felt that if we are in a cold war, we should not arm our enemy.

Mr. WHERRY. That is true.

Mr. MALONE. We should not support our enemy. We should not in any way build him up economically. It has been felt by many informed people that Russia should be enabled to manufacture the necessary matériel in order to hold her satellite nations, and Communist China, provided we did not assist her.

Mr. WHERRY. I understand that.

Mr. MALONE. In other words, the Marshall plan has helped hold the satellite countries, including Communist China, under the arm of Russia. All civilian goods are now going in.

Let me ask a further question. The junior Senator from Nevada understands that the amendment was watered down.

Mr. WHERRY. Certainly.

Mr. MALONE. It was not the kind of amendment which the junior Senator from Nevada or the junior Senator from Nebraska, and, probably, the Senator from Virginia [Mr. BYRD] and the Senator from Missouri [Mr. KEM] wanted. But before Senators joined in offering the amendment, and saw it watered down, we drafted as strong an amendment as we could. It conforms, to a certain extent, to the joint resolution introduced by the junior Senator from Nevada in January, and which has been frequently debated. But the Senator from Nebraska would say, would he not, that the amendment as it now stands, even further watered down by the House, would force the Secretary of Defense to pronounce tools, tool steel, electrical equipment, and various other kinds of equipment which could be used in such manufacture, war material? Does not the Senator believe that it would still include such materials?

Mr. WHERRY. Mr. President, I may say that that question will be answered in the course of my remarks, but, if I may be permitted, I should like to get

into the RECORD this very short statement in order that we may get action. If I do not answer the question in my direct remarks I wish the Senator would call it to my attention again.

I know that Members of this body are quite familiar with the primary issues involved. As has been so well stated by the chairman of the committee, the Senate amendment has a good purpose. The subject has been debated over and over again. The amendment has been offered in connection with several pieces of legislation. It was offered as an amendment to the ECA authorization bill itself. The vote on the amendment was 39 to 33.

Yes, it has been debated over and over again in this body, and it was in the light of this information that the Senate finally suspended the rule, by a vote of 50 to 23, and unanimously adopted the amendment offered by the distinguished Senator from Missouri [Mr. KEM], the Senator from Nevada [Mr. MALONE], the Senator from Virginia [Mr. BYRD], and the junior Senator from Nebraska.

But plainly there is considerable misunderstanding elsewhere as to what the amendment purports to do, and the burden of my mission today is to attempt to explain it in the light of the legislative history.

The most misleading statement of all—and this has been reiterated many times by officials of the executive branch—is that the Senate amendment would have the effect of stopping all trade betwen Great Britain and other countries with Soviet Russia and her satellites.

Apparently, the explanations in this body and the language of the Senate amendment itself have meant nothing to those who have failed to carry out section 117 (D) and section 118 of the basic ECA Act.

Their sole purpose obviously is to prevent this Congress, the policy-making branch of the Government, from passing legislation that will make it mandatory upon them to act and providing a penalty in the form of denying further financial and economic assistance to countries that persist in sending war matériel to Soviet Russia and her satellites.

The junior Senator from Nebraska agrees with the observation made by the senior Senator from Georgia [Mr. GEORGE], that the time has come for the Congress to exercise its prerogative and pass mandatory legislation to stop, insofar as it lies within our power to do so, the merchants of death in foreign countries, who callously, and for greed of money, send articles and commodities used in the manufacture of armaments and military matériel to Soviet Russia and her satellites, while our young men are fighting and dying on the battlefields of Korea.

Our people will long remember that the merchants of death sent scrap iron and aviation gasoline to Japan. How many of the youth of our land are dead or wounded as a result? How many? The estimate is incalculable.

Mr. President, my head would hang in shame if I left this session of Congress failing to do my utmost to stop the damnable and unconscionable practice of recipients of financial and economic aid from the United States in increasing the war potential of Communist Russia and her satellites. The junior Senator from Nebraska wholeheartedly believes that this same patriotic motive is embraced by every other Member of this body, and of the other legislative body as well.

That the majority leadership of the other body recognized the importance and urgency of enacting legislation at this session is obvious from the offering by them of a substitute for the Senate amendment. If there were no need, as was stated in the letter of the President, why did Representative CANNON offer a substitute amendment to close up the loopholes? I ask the question, Mr. President.

With all due respect, the junior Senator from Nebraska points out what every Member of this body can see, that the House substitute is completely devoid of any mandatory language, making it plain that it is the will of the Congress that the time has come for positive, affirmative action, which was contended for so forcefully by the senior Senator from Georgia [Mr. GEORGE] when the amendment passed the Senate. There must be an immediate end to the vacillation which has prevailed for so long, during which time machine tools and many other articles plainly usable by the Communist war machine and undoubtedly being so used, have been sent into iron curtain countries.

To refresh the memory of Members of the Senate, I shall read from the basic law. I read from section 117 (d) of Public Law 472, Eightieth Congress:

(d) The Administrator is directed to refuse delivery insofar as practicable—

That is the discretionary power—

to participating countries of commodities which go into the production of any commodity for delivery to any nonparticipating European country which commodity would be refused export licenses to those countries by the United States in the interest of national security.

That is the flat statement in the basic law. It says: "Insofar as practicable." It has not been adhered to by the Administrator, regardless of his contentions to the contrary. Section 118 provides:

The Administrator shall terminate the provision of assistance under this title to any participating country whenever he determines that, (2) because of changed conditions, assistance is no longer consistent with the national interest of the United States.

I claim that conditions have changed, and I would like to make it mandatory upon the Secretary of Defense, if he recognizes those changed conditions, to do exactly what is asked for in the provisions of the Wherry amendment. I have read from the basic law. That provision was in the law when it was enacted in the Eightieth Congress. The key words in that law are "insofar as practicable."

Mr. President, let us now examine the House amendment which we are asked to accept. It is practically in the same language as the amendment introduced by the junior Senator from Nebraska, for himself and others. I read the proposed House amendment:

SEC. 1304. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country whose trade with the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea)—

That is almost identical with the language of the Senate amendment—it goes on to say:

is found by the National Security Council to be contrary to the security interests of the United States.

That has the same discretionary language of the present law, sections 117 and 118, from which I read to the Senate, with the one exception that the National Security Council is now to be the agency rather than Administrator Paul Hoffman.

Whom do we have as members of the National Security Council? They are the President of the United States, the Vice President, the Secretary of State, the Secretary of Defense, and the Chairman of the National Security Resources Board, who is Mr. Symington. Mr. Hoffman would be their agent, and he would continue to do in the future exactly as he has done in the past. He would carry out the wishes of the administration family, and I think rightly so.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WHERRY. Yes.

Mr. SALTONSTALL. I listened to the Senator's reading of the statute. Is there not also this difference, that the words in the House amendment are "contrary to the security interests of the United States," whereas the words quoted from the statute are "because of changed conditions"?

Mr. WHERRY. Section 118 provides:

Because of changed conditions, assistance is no longer consistent with the national interest of the United States.

Section 117 (d) provides:

The Administrator is directed to refuse delivery insofar as practicable to participating countries of commodities which go into the production of any commodity for delivery to any nonparticipating European country which commodity would be refused export licenses by the United States in the interest of national security.

I claim that the House amendment goes no further than the present statute. If the Administrator should exercise these prohibitions it would be helpful in the interest of national security. My contention is that he has not done so. Because existing law is discretionary, the Senate and the House of Representatives should enact a mandatory provision demanding that the Secretary of Defense make the determination as to what is

a commodity or article that can be manufactured or fabricated into arms, armaments, or military matériel, instead of leaving it as a discretionary action by the ECA Administrator.

Mr. SALTONSTALL. Mr. President, will the Senator yield further, or would he rather not yield at this time?

Mr. WHERRY. I am glad to yield. I may say that one provision is negative and the other is affirmative. Insofar as results are concerned, I do not believe that we would get any more out of the House amendment than we are getting out of the present law.

Mr. SALTONSTALL. There is this difference also: Under the House amendment the responsibility is placed on the National Security Council, of which the President is the head, and of which the Secretary of Defense and the Secretary of State are members. I served on the Armed Services Committee, which drafted the act. I know that the spirit of the act was to make the President, as Commander in Chief, and head of our foreign policy, the responsible head. Now we are putting the responsibility up to the responsible head to determine whether the security of the United States is affected.

Mr. WHERRY. I agree with the Senator that the Commander in Chief is the head of the National Security Council. I do not believe that we shall accomplish any more under the new arrangement than we have accomplished under the present provision of law, although I agree that the wording is different.

I point out to the Senator from Massachusetts that we find in the House amendment nothing but purely discretinary authority. The question is whether we wish to abdicate our responsibility or whether Congress should write in a mandatory provision as to what should be done. The key to the House amendment, which is the chief key to the basic law, is that it is discretionary. Therefore, unless the authority is used, we have no more than we had in the first place.

The problem is recognized by referring it to the National Security Council, but there is not a word or phrase in this amendment which assures action in the future which would be any different than the shadow boxing with the problem which the ECA Administrator, under the direction of the Secretary of State, has done in the past. Certainly if we judge the future by the past action, the same thing will be done.

Much as I admire Mr. Hoffman personally, and I say that sincerely, I think he is one of the best supersalesmen I have met in a long time, and I compliment him for it—he is more adept in offering excuses for inaction, than he is in getting action for the protection of our country, should war come with the potentially enemy countries now being supplied by the merchants of death.

The CONGRESSIONAL RECORD is bulging with evidence of the increase in shipments of strategic war materials to Communist Russia and her satellites.

The socialist government of Great Britain, for months, said it was impossible to do anything about the shipments by British nationals to the Russian orbit, but the British Government a few days ago did find a way to put on a partial block. They simply ruled that a survey had to be made to see how much of these war supplies were needed by Britain and her associated countries.

It is equally apparent that in the other body of this Congress, the sentiment is substantially to the effect that mandatory legislation, meeting our responsibilities as lawmakers, is both feasible and possible. In that body a motion to recede and accept the Senate amendment in its entirety was sidetracked without reaching a vote.

Let me tell my colleagues about the procedure. I do not wish to violate any confidence, but inasmuch as Mr. CANNON said what was done in the conference committee, I think I have a perfect right to open up the subject.

When this amendment went before the conferees, Mr. CANNON turned it over to the manager of the committee, Mr. Gary. Mr. Gary started to read some letters he had received from the Government agencies, and I rose and said, "Mr. Gary, I am satisfied those letters were written relative to the first amendment offered by the Junior Senator from Nebraska, and since we have modified the amendment, if you will read it, certainly you will find that that criticism does not apply."

I got that observation out, and the distinguished chairman, Mr. CLARENCE CANNON, of Missouri, made the observation, "It does not make a bit of difference what you think about this amendment. It is required by the rules of the House that the amendment go back to the House in disagreement, and the House has to take a vote on it." If that statement is not correct, I should like to have someone challenge it.

The amendment went back under those conditions. Some deputy administrator of the ECA made the statement over the weekend that the conferees had received a tough letter, and after the tough letter, the conferees decided to take the amendment back to the House and see what they would do about it.

I do not know whether or not there was a tough letter among those received by House Members, but the letters were not read in the committee. We started to read them, and it was said, "The House will have to take the amendment back," and we said, "We will let you take it back and vote on it."

The first thing they did over there, from a procedural point of view, was to move to recede and offer an amendment in place of the Senate amendment. Someone asked for a division, the House divided, and on a vote of 112 to 93, I believe it was, they receded. That is how close the vote was. Finally, when they receded Mr. CANNON, who was the manager in control, rose and moved his amendment. I read that amendment earlier in my remarks.

After Mr. CANNON read his amendment it was necessary to vote it up or down. In the meantime the distinguished Representative from New York, [Mr. TABER] got on the floor and said he would offer an amendment the minute the other amendment was voted down, and he read it into the RECORD. While it was not exactly the same as the Senate amendment, it went a long way toward carrying out the same purposes.

When he sat down they asked for a vote on the previous question, and a vote on the previous question was to determine whether one was for the Cannon amendment or for the Senate amendment. That vote was 167 to 149, a difference of only 18 votes. Nine votes would have changed the entire situation. That was the test vote as to whether or not the Senate amendment or the House amendment was to be adopted.

The point I wish to bring out is that the Members of the House did not get a chance to vote on the so-called Wherry amendment, and they have not had a chance to vote on the Senate amendment in the House of Representatives. I understand that when the conferees took the question back to the House it was required that there be an up and down vote on it.

I am not complaining about what happened in the House. No doubt everything they did was according to the rules. But I point out that the House membership never did have a chance to vote on the acceptance or rejection of the amendment the Senate sent to the House. It was a vote on the previous question, which meant that if they were for the Cannon amendment they would vote "yea," and if they were for the Senate amendment or some other amendment, they would vote "nay." To my mind that was the test vote on the bill.

When the substitute which is now before the Senate was debated for some time in the other body, a motion to invoke the previous question was made. This, of course, was a test of strength between those who favored mandatory legislation, and those who favored restatement of the present law, with the added frill of making the National Security Council the repository of the problem. Either they were for the Senate amendment, or they were going to vote for the John Taber amendment, which had in it the mandatory provision.

As I have already said, on the motion to adopt the previous question the vote was 167 to 149. Thus debate was curbed by a margin of only 18 votes. A change of nine votes would have caused the motion to fail. That would have opened the way to adopt the Senate amendment or the John Taber amendment, if it ever could have been reached for a vote in the House.

If the result had been the other way, Members of the House in favor of Congress doing something about the problem, instead of merely passing the buck to an administrative agency, would have brought forth a motion to accomplish that purpose.

But the Senator from Nebraska clings to the belief that an overwhelming majority of the other body would vote for workable mandatory legislation. I say, "workable mandatory legislation," and I say to my distinguished friend the Senator from Tennessee that really that is the clear issue involved, whether it is to be discretionary or is to be mandatory. I think they would do that if they could have pin-pointed in the legislation the type and character of articles

and commodities that it is hoped to prevent from going to our potential enemy.

The distinguished chairman of the committee read this letter to the Senate this morning. The first part of it eulogized the purpose of the Senator from Nebraska in the amendment and said "If it only could be done," but the objection the President finds to the second part of the amendment is this:

> This amendment is of such grave importance, and is fraught with such danger to the United States and to world peace, that I feel I must make a special request to the Congress to eliminate it in completing action upon this bill.

That is just the old technique. Whenever the Executive does not want some legislation passed, in come the letters. How they come. Some understand them and some do not. I think I can convince my colleagues before the debate is concluded that there has been much misunderstanding about the purport of the Senate amendment. I say that to come here and seek to impose on the Congress the Executive will, and ask it to abdicate just because of statements that are made, not backed up by facts, is not the way to legislate. I say that with due respect to the office of the Presidency, and also with due respect to Mr. Truman himself.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WHERRY. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator will recall that so far as I was concerned I voted against the amendment, and so far as my recollection goes, I never conferred with any member of the administration before the vote was taken.

Mr. WHERRY. Oh, yes, I am not charging the Senator with anything at all. The Senator voted against the motion to suspend the rules.

Mr. McKELLAR. That is correct.

Mr. WHERRY. I do not think he voted against the amendment. I did not hear an audible vote against it. It was a voice vote, and I did not hear any vote against the Senate amendment when it was put to a vote. I thought it was a unanimous vote.

The President says further:

> No one can quarrel with the ostensible purpose of the amendment.

Everybody is for this amendment, but there is something wrong with it. The chairman is for it, the President is for it, Hoffman is for it, but do not do it now. Let us wait awhile. The conditions are not right. Something has to happen before we can act. Everybody is for it.

They are all for it, but when they come to vote, it is different. If it is a good thing, and everybody wants to do it, what we must do is resolve our differences, if there are any between the House and the Senate, and bring back legislation which both Houses can approve before we go home. That is my plea today.

The President goes on to say:

> The amendment applies not only to arms and armaments but to any articles that could be used for the production of military matériel.

He agrees with me in that. He intimates that he is not objecting to the Secretary not sending tanks, or arms, to Russia, but he says:

> Since almost all goods and commodities can be used for the production of military matériel in one way or another, the amendment, if effective, would require a substantially complete embargo on trade between western and eastern Europe.

I say to the distinguished chairman, and to the President of the United States, that they have not analyzed the Senate amendment. It does not do any such thing. They have not studied the wording.

As I have stated under the Senate amendment, the Secretary of Defense would have the discretionary power to make a finding as to what articles or commodities he himself believes may be used in the manufacture of arms, armament, and military matériel.

That does not mean that he shall make a finding on every article or commodity. That does not mean that he is going to stop the shipment of all goods.

In fact, if we could only get the Administrator to prohibit the shipment from western Europe to the satellite countries and Russia of the very goods the Secretary of Commerce will not permit to be exported from the United States, it would result in a big step in the right direction. But we are not doing even that. The junior Senator from Missouri [Mr. KEM] placed in the RECORD, as did the junior Senator from Nebraska, a list of the materials being shipped by the western European countries into the satellite nations; materials which the Secretary of Commerce will not permit manufacturers in the United States to ship into those countries.

The President misunderstands the purpose of the amendment. I think if he would sit down and study it coolly and collectively, and not depend upon someone else for advice with respect to the legislation—if he would analyze the amendment—he would be in favor of it.

It vests with the Secretary of Defense the sole right to make a finding—of what? Of what articles or commodities the Secretary of Defense finds are used in the manufacture of arms and armaments and military matériel. After he makes the finding, then it is absolutely mandatory that he certify that fact to the Administrator; then it becomes mandatory upon the Administrator to place a prohibition on those goods, and that no further economic or financial assistance be given to the country in question if it continues such shipments. That is all there is to it.

Mr. President, the basic misunderstanding respecting the Senate amendment is that its purpose is to stop economic and financial aid to any recipient country that trades in any respect with Soviet Russia or her satellites.

In order to make it absolutely plain so that any one who can read the English language will understand, the junior Senator from Nebraska is now going to offer an amendment to the House amendment in the nature of a substitute.

Mr. President, I offer the amendment at this time.

The VICE PRESIDENT. The Secretary will report the amendment.

The LEGISLATIVE CLERK. In lieu of the matter proposed to be inserted by the amendment of the House it is proposed to insert the following:

> SEC. 1304. During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which shall hereafter export or knowingly permit the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea) arms or armament or military matériel, or articles or commodities (such as metals, minerals, tools, or facilities), which the Secretary of Defense finds and certifies to the Administrator of the Economic Cooperation Administration, may reasonably be expected to be used in the manufacture of arms, armaments, or military matériel; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity of the nature or class described.

Mr. WHERRY. Mr. President, I wish to explain the proposed amendment. The amendment is submitted in order to comply with the request of Representative JOHN TABER, one of the conferees on the part of the House. He wanted to know if I would be willing to accept a proposal for the inclusion of two words, "shall hereafter." The words are inserted in about the middle of the amendment. However it never was the intention to make the provision of the amendment retroactive. I thought it was very clear that it was not to be retroactive. But in order to make the language indelibly clear, I accepted the proposed modification and inserted the words "shall hereafter," so the language would be "no economic of financial assistance shall be provided * * * to any country which shall hereafter export," and so forth. The purpose of this phrase is to make the stoppage of economic and financial aid apply to shipments made after the date the amendment would become law.

The next change is after the words "or articles or commodities,". I have attempted to describe what commodities and what articles are intended by the sponsors of the amendment to be included. I have inserted the words "(such as metals, minerals, tools, or facilities)." I did that only to give an idea of what was meant.

Congressman GARY said the original Wherry amendment would result in stopping the exportation of duck feathers behind the iron curtain. Of course, if the Secretary of Defense, after a finding, determined that duck feathers were being used to manufacture arms, armaments, or military matériel then it would be mandatory upon him to place a prohibition on the exportation of duck feathers. But that observation is so ridiculous that it is not necessary to answer it. In order to explain to Mr. GARY

or anyone else what is intended we have inserted the words "such as metals, minerals, tools, or facilities."

Mr. CORDON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CORDON. In any event is it not true that a finding must be made by the Secretary of Defense that the articles or commodities of whatsoever nature, class, or kind, "may be reasonably expected to be used"?

Mr. WHERRY. That is true.

Mr. CORDON. Not "may be used," or "could be usable," but that in reason may be expected to be used?

Mr. WHERRY. I thank the Senator for the observation. He has made a statement relating to the next point, which is really the key to the modification. I certainly never intended, nor was it intended by the cosponsors or anyone else, completely to cut off trade. The amendment relates only to materials used in the manufacture of arms and armament and so forth. So a phrase has been included—a phrase which carries out the rule of reason in the interpretation of the amendment—"(such as metals, minerals, tools, or facilities)"—and then follow the words "which the Secretary of Defense finds and certifies to the Administrator of the Economic Cooperation Administration, may reasonably be expected to be used in the manufacture of arms, armaments, or military matériel," and so forth.

I do not know how the language can be made more plain or more clear.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. DONNELL. I ask the Senator whether, by the insertion of the words, "(such as metals, minerals, tools, or facilities)" the Senator has in mind that the rule of construction would apply that, inasmuch as specific items are mentioned, the broader term, "commodities," and the broader term, "articles," would be limited to those of like nature, under the general rule of ejusdem generis; that the articles and commodities which are mentioned shall be of like nature to "metals, minerals, tools, or facilities."

Mr. WHERRY. That is exactly what I intended by the amendment. And if the Senator wants to go any further and make any suggestion with respect to the language, I shall be glad to have him do so. But I wish to say that that is exactly what was intended.

The most important difference between the amendment, as adopted by the Senate unanimously and the amendment of the junior Senator now before the Senate, is that the pending amendment spells out the character of prohibited articles or commodities that would be useful to our potential enemy's war machines—its military forces.

The attention of the Senate is invited to the phrase, "may reasonably be expected to be used in the manufacture of arms" and so forth.

Throughout debates on this subject the proponents of the amendment emphasized that in the enforcement of the amendment a rule of reason would apply. Lawyers know the meaning of that phrase in legal terminology.

So, Mr. President, to make indelibly clear that no catastrophe for east-west trade is involved in the pending amendment, the rule of reason is here applied. It is expressly understood that the purpose is not to prohibit ECA countries from trading in countless thousands of commodities.

The conception that anything that tends to strengthen a country economically, morally, or financially is a war commodity definitely has no connection with the matter now before the Senate.

I repeat: Strategic materials, minerals, metals, tools, aviation gasoline, electronics, machine tools are the things that should not be shipped to Communist Russia or her satellites by ECA countries. We are not even shipping those materials to Russia ourselves. Do not ever forget that. We are not doing it ourselves.

The administration, acting under law, has been quick to forbid American exporters to send certain war-potential materials to Russia. Adoption of the pending substitute amendment simply applies that same principle to countries that the United States is aiding economically and financially. Let us be consistent in this matter.

If it is wrong for our own business firms to ship certain things to Russia, why should shipment of these same articles by their competitors in other countries be condoned?

Mr. President, I urge adoption of my amendment with confidence that reasonable Members of both branches of the Congress will get together on a reasonable amendment that they will write into law what the policy of this country shall be.

If the Senate adopts the amendment it will go back to the other body for action. This is the only amendment that would be under consideration by the House; it would be the only point in controversy left in the bill. It would go back to the other body and the Members of that body, which reconvenes, I believe, at 3:15 or 3:45 today, will have an opportunity to vote directly on the question whether they favor a mandatory provision to stop the shipment of machine tools, minerals, metals, electronics and other articles that are now going to Russia from ECA countries.

Mr. President, I do not wish to prolong the discussion at all. I should like to say, in conclusion, that all the observations made by Mr. Hoffman to the effect that we have stopped the shipment of war potential materials to Russia and the iron curtain countries are not true. The statement by one of his deputies that we have stopped 90 percent of those shipments simply is not in accordance with the facts. I have previously placed in the RECORD a statement of some of the materials which we have shipped to those countries. I had a very difficult time obtaining the figures I submitted, and they were not complete. They apply to only 3 or 4 countries out of the 16. More complete information was requested from the Department of Commerce and ECA, time and time again.

This week I requested of the chairman of the Appropriations Committee that the ECA be required to furnish a list of the materials which have been shipped by ECA countries to eastern Europe, in 1949 and through the first and second quarters of 1950. Mr. President, the ECA does not have those figures. The ECA has only meager figures for 1949; they are not complete in respect to countries or commodities. All the ECA has for the first quarter of 1950 is a few figures; second quarter 1950 are not available. So, Mr. Hoffman cannot possibly know what goods are being shipped, if his own agency cannot produce the figures. It was not able to produce them before the Appropriations Committee, and it cannot produce them now. Yet the ECA officials make such excessive statements—for instance, that 90 percent of such shipments have been stopped and curtailed. They make such statements with the thought in mind of saying, in effect, "Just trust us, boys; give us another chance, and we will do what you want done, without any legislation."

Mr. President, I should like to call attention to some of the goods which have been and are being sold behind the iron curtain by Britain: heavy machine tools; Diesel engines for power generators; mining equipment, such as coal cutters, and so forth; heavy machine presses; jet engines.

Just think of that, Mr. President. The shipment of jet engines was stopped, finally, under a Government order, but Russia got about 50 of them.

The following war goods are being sold behind the iron curtain by France: Automobiles, railroad equipment, electrical equipment, industrial machines, steel wire and tubing.

The following equipment is sold behind the iron curtain by France, through dealers in "neutral countries," such as Switzerland: Ballbearings, TNT, industrial alcohol.

The following equipment is being sold behind the iron curtain by Germany: Hard-steel products, precision instruments, machine tools.

The source of this summary information is an article in the September 22 issue of United States News and World Report.

Mr. President, I am not one who has been around the world once or twice and then, upon returning, has proceeded to tell everyone else how to solve all the problems of the world. However, I have been in Germany twice. On both occassions I found that it was very difficult to determine what goods were being shipped between western Germany and eastern Germany. That is a very difficult matter to determine. I am sure the ECA Administrator will say that, if he is asked about it.

Mr. President, I should like to refer to one other matter, and then I shall be through.

CLARENCE CANNON, who is the manager for the House conferees, made a statement in the House which I wish to read. This is part of a statement which he made to the House of Representatives in regard to this matter:

Mr. Speaker, this amendment—

Mr. CANNON was speaking of the Senate amendment—

The last amendment in the bill, is the most ill-conceived, the most inexpedient, the most mischievous in its effect upon our

international relations, and the most menacing to world peace that has ever been offered to any appropriation bill within my recollection.

I wish to say to Mr. CANNON, with all due respect to his position, that the amendment has been the subject of a great deal of work. It has been drafted and redrafted. It has been modified to accommodate, if possible, all the opposition. I think there never has been an amendment offered by four Members of the Senate who were more sincere in their purpose. The amendment must have a great deal of merit, because even Mr. CANNON himself and the distinguished chairman of the Senate Appropriations Committee, the Senator from Tennessee [Mr. MCKELLAR], admit that the amendment has a good purpose; and they say the only question is as to how the amendment is written.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CORDON. Is it not a fact that when the conferees considered the amendment, the managers on the part of the House took the view that because the President and others had advised Members of the Congress that the amendment should not become the law, they—the House conferees—felt they must oppose it; but no opportunity was afforded to the House to modify or clarify in any way the amendment? The conferees on the part of the House simply took the position that in any event the amendment must go back to the House in disagreement, and nothing further was done. That procedure might well be subject to criticism. If the Senate amendment was ambiguous or if it was not properly drafted, it might well have had the attention of the entire conference, had the managers on the part of the House felt that they should go forward in an attempt to make good that which the Senate had passed.

Mr. WHERRY. I wish to say that the distinguished Senator has absolutely stated the truth and the facts. I have already gone into that matter in some detail. The Senator's observation is absolutely correct, and I appreciate it. He only omitted to state that I said to the conferees that I would accept a modification of the amendment by means of the addition of two words, namely, "shall hereafter"; and I authorized Mr. TABER to modify the amendment to that extent on the floor of the House.

A little latter in his speech in the House of Representatives, Mr. CANNON said that communications in opposition to the amendment had been received from many organizations, including several farm organizations; and he made this statement:

> It is opposed and decried by every organized factor in our national economy: High-ranking members of the United States Chamber of Commerce oppose it; organized labor opposes it; organized agriculture opposes it * * *.
>
> Mr. Speaker, communications have also been received from Mr. James Patton, president of the Farmers Union; Mr. Allan Kline, president of the American Federation of the Farm Bureau; Mr. Albert Goss, master of the Farm Grange; and Mr. Fred Heinkle, president of the Missouri Farmers Association, unanimously and emphatically opposing the adoption of the pending amendment.
>
> Mr. Eric Johnston, who served as president of the United States Chamber of Commerce, and who visited Russia and toured that country some years ago, urgently insists that the amendment should be defeated.

Mr. President, I do not have time to run around and find out all the things that the propaganda agencies of the executive departments can find out. However, I have a tremendous amount of respect for Albert Goss, the master of the National Grange. I think he is a very honorable man, and I have had many, many consultations with him in regard to farm matters. I simply could not believe that Albert Goss would be opposed to the amendment if he had examined it and understood it. So I called him up. Here is what he authorized me to say:

> Albert Goss, master of the National Grange, was quoted by Mr. CANNON as being opposed to the Wherry amendment. I talked to Mr. Goss—

This memorandum refers to a conversation which I had with Mr. Goss—

> on the telephone this morning, and he said he is wholeheartedly and enthusiastically in favor of what the junior Senator from Nebraska is trying to accomplish.
>
> Mr. Goss said, however, that he felt my amendment should be amended to make it doubly certain that the purpose is to stop the shipment of strategic war materials and things that any reasonable man knows are going into the Russian war machine.
>
> Mr. Goss said that the amendment that I am offering now meets with his approval, and that with this amendment in the bill, it should accomplish the purpose that we all seek to attain.

Mr. President, that is the amendment just offered which clarifies, as much as I can clarify, what are strategic materials.

That communication comes from one of the finest gentlemen I have ever known. Believe me, Mr. President, he would not make that statement if he did not mean it.

Then I called the United States Chamber of Commerce. I very seldom have occasion to call them; I do not often know who their officials are. However, I asked for someone who could give me information about the legislative work or the Government work of the Chamber of Commerce, and was referred to the executive vice president, Mr. Arch Booth. He flatly denied that the United States Chamber of Commerce had in any way taken a position on the Wherry amendment.

He told me on the telephone this morning that this matter had never been discussed at any meeting of the Chamber of Commerce and its directors, and that reports that the Chamber was opposed to the Wherry amendment are completely in error.

Mr. CANNON did not say the Chamber of Commerce was opposed to the amendment, but he said:

> High-ranking members of the United States Chamber of Commerce oppose it.

However, the executive vice president of the Chamber of Commerce says that, so far as he knows, no director of the United States Chamber of Commerce has made any statement about the Wherry amendment.

Mr. President, it is true that Mr. William Green, of the American Federation of Labor, wrote a letter to a high-ranking Member of the House of Representatives in opposition to the Wherry amendment. That is true, and I have a copy of the letter. If it made any difference, I would have the letter printed at this point in the RECORD. Mr. Green is dead against the Wherry amendment.

However, the strange thing is that in Houston, Tex., the membership of the American Federation of Labor are demanding the passage of a resolution calling for the shutting off of all trade between this country and Russia and her satellites, if you please. I do not know whether they will pass the resolution; I am not a member of that body. However, I am not sure that Mr. Green is speaking for the entire membership of the American Federation of Labor. My judgment is that if Mr. Green had understood the amendment which was adopted by the Senate and if he could see the modification we are proposing now, he would be wholeheartedly in support of the amendment. I do not see how any good American could fail to be.

Mr. President, let me read now from an editorial which appeared in the Washington Post this morning. The editorial proceeds to discuss what the President said about the so-called Wherry amendment. In a moment I shall ask consent to have the entire editorial printed in the RECORD, but at this point I wish to discuss the part of it which is most important to me:

> In our opinion, however, opponents of the Wherry amendment have exaggerated the danger of trade strangulation, since the Secretary of Defense would have the responsibility of deciding what articles might be used in the manufacture of arms or military matériel.

Mr. President, that is the whole crux of the amendment.

I now ask unanimous consent to have the entire editorial printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post for September 22, 1950]

THE WHERRY RIDER

The House has rejected the Wherry rider to the $17,000,000,000 emergency-defense appropriation bill and approved a substitute administration proposal giving the National Security Council power to withhold aid to any nation whose trade with Russia is found to be contrary to the security interests of the United States. It is to be hoped that the action of the House will induce the Senate to accept this substitute in place of the more rigid Wherry amendment which would cut off economic and financial aid to any foreign country exporting to Russia or her satellites arms and military materials or articles that might be used in their manufacture.

In a letter to the chairmen of the House and Senate Appropriations Committees urging defeat of the Wherry amendment President Truman says that it would require a substantially complete embargo on trade between western and eastern Europe. To cut off such trade suddenly would, he points out, deprive ECA countries of Russian goods which are helping to build up their economic and military strength. ECA Administrator Hoffman confirms this opinion, and points out that without the supplies obtained by

the west through trade with the east, an additional $5,000,000,000 would have been required to ship an equivalent amount of supplies from dollar areas at American expense. In other words, it would cost a great deal more than it is worth to impose a sweeping ban on shipments of goods to Russia.

In our opinion, however, opponents of the Wherry amendment have exaggerated the danger of trade strangulation, since the Secretary of Defense would have the responsibility of deciding what articles might be used in the manufacture of arms or military material. Assuming that he would use his authority discreetly and show good judgment, it might be possible to stop the flow of military goods without resort to destructively sweeping embargoes such as President Truman and ECA Administrator Hoffman fear. Undoubtedly the Senate vote for the Wherry amendment was influenced by the fact that the Secretary of Defense would have considerable discretionary powers of determination.

The chief objection to the amendment is not so much the effect on trade as the method employed to cut off trade that would strengthen Russia's war-making potential. It leaves no room for negotiation, as the President says. Moreover, to quote Mr. Hoffman, "Nations that have to be bullied into compliance with a unilateral decision on the part of the United States would not prove stanch friends when the fighting gets tough." What is required, as the Washington Post pointed out in a recent editorial, is a common policy developed in consultation with aided nations to prevent particular munitions and materials of war from reaching Russia. In other words, the kinds of goods to be banned should be determined through friendly agreements with our allies, not dictated by us. A further objection to the amendment cited by General Bradley is that it would impose heavy administrative burdens on the Joint Chiefs of Staff, in addition to handicapping the "strenuous military efforts which we are now making to build up the collective defensive strength of western Europe."

The substitute amendment passed by the House would give the President, who heads the Security Council, the discretionary authority to decide when to halt economic aid. And he would, no doubt, regard it as a reserve power to be used only if mutually acceptable agreements with friendly trading nations could not be achieved.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. WHERRY. I am glad to yield.

Mr. MALONE. I should like to ask the distinguished junior Senator from Nebraska why it is that, on the one hand, we insist that we must continue to furnish money and industrial machinery to enable the ECA countries to produce goods to rearm Russia and to furnish her with the goods she needs to consolidate her gains in eastern Europe and in China, and on the other hand we give only lip service to something that we know should be done.

Mr. WHERRY. I thank the Senator for his observation.

Mr. President, I wish to conclude. I have done the best I could. I never in my life offered a piece of legislation more sincerely than I offer this amendment. I have never heard a more eloquent speech on the Senate floor than the speech made by the distinguished Senator from Georgia [Mr. GEORGE], in which he stated that the time had come when it is necessary for us, as a legislative body, to take this position.

All I want the Senate to do, if it will, is to accept this modification. It is stated as clearly as it can be stated. It sacrifices nothing. The rule of reason is applied in the amendment.

I should appreciate it if the distinguished chairman of the Committee on Appropriations would join me in my position, as I think he ought to do, and I will state why. The Senate should not recede from its position. It adopted the Senate amendment unanimously. The Senate conferees should stand fast on the Senate position. However, I appreciate the personal feelings of the distinguished Senator. But the least we can do, and the least he can do, is to vote for the adoption of this amendment. I should like to see it adopted unanimously and taken back to the House, and to let the House determine whether it will accept it. I think it will. If it does not, we shall then at least have a conference. It will not take long. So far as I am concerned, I guarantee to the Senator from Tennessee that if our differences with the other body cannot be settled within a reasonable period of time, I shall be willing, in order to expedite matters, to come back and vote the disagreement up or down, and I shall be completely satisfied.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WHERRY. If the Senator will let me conclude this observation, I shall appreciate it. The Senate wrote my amendment into the bill. The House and Senate conferees have never had an opportunity to resolve their difference, for the House conferees said "We have to take it to the House itself and have a vote on it." That was agreed to. It was my intention then, and I think it was the intention of the other conferees, that if there continued to be a disagreement, an opportunity would be afforded to attempt to resolve the differences over the amendment. I tell Members of the Senate that we did not have that opportunity. The Senator from Tennessee will, I know, correct me, if I am in error.

So, in order to expedite matters I should like to make this suggestion: The House is in session, and if the Senate will adopt this modification, let it be taken back to the House and let the House vote on it. If it is approved, we shall then have settled the issue. If it is not approved, we can then decide what to do. So I beg of the distinguished chairman to at least give us that opportunity, in order to carry out the position of the Members of the Senate.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WHERRY. I am now glad to yield to the Senator from Massachusetts.

Mr. SALTONSTALL. If the amendment of the Senator from Nebraska were adopted, would that not mean that the Secretary of Defense would have to get a list of all the exports sent by all countries who are receiving ECA aid to every other country in the world, and that he would have to go over the list weekly, monthly, or daily, in order to find out what was going on?

Mr. WHERRY. Mr. President, the distinguished Senator is bringing up a subject which many of us have brought up. Such a thing would be administratively impossible. I do not at all agree with the Senator's observation.

In the first place, if I were Secretary of Defense and this amendment were a part of the law, the first thing I would do would be to ascertain whether Great Britain was shipping tools to Russia, and if she was shipping tools—which she is doing—and if Russia is using those tools to manufacture tanks, I should prohibit it. I would surely make a fight, and I would certainly certify to the Administrator, "Comply with the mandatory provisions of the act of Congress." Then I would go to the next item that I thought was of military value, to the next, and so on. Believe me, before I got through, I would have a list of articles which should not be sent from the western countries to the eastern countries, and into the hands of potential enemies.

It would be a very simple matter to get a list from the Secretary of Commerce, who has already prohibited the exportation of many materials for arms, armament, and war matériel. But I answer in the affirmative, that finally it would be up to the Secretary of Defense to stop the shipment of any material which could be used in the manufacture of arms, armament, or military matériel. It would be up to him to make that finding. It is discretionary as to whether he shall make the finding. After he makes the finding, certainly the Administrator would have to carry it into effect.

Mr. President, I yield the floor.

Mr. ROBERTSON. Mr. President, I parted company with the distinguished chairman of the Appropriations Committee on the Wherry amendment. It will be recalled that he opposed it, and that he and 22 other Members of the Senate voted against suspending the rule in order that it might be considered. I felt, though, that we were dealing with an issue which was of such great importance to the American people that the Senate ought to have the privilege of voting on it.

After we voted to suspend the rules, I then bitterly criticized the first Wherry amendment. I said that in my opinion it meant the virtual cessation of trade between western Europe and the satellite countries, and also with Russia, and that it would amount to dollar imperialism on our part, and an attempt to force our will upon the trade of those countries as the price of accepting or receiving ECA aid.

I think there was merit in the Wherry amendment, for which I voted. I do not think it was in proper form, but when the distinguished Senator from Nebraska accepted the amendment offered by the Senator from Oregon [Mr. CORDON] it was in much better form than his original amendment, and it was the only one I had an opportunity to vote on.

As I said on the floor of the Senate last Wednesday, I think the time has come when we need to have a showdown with the countries to whom we are furnishing billions of dollars of aid, as to whether they are going to put our mutual defense first, or are going to put social reforms or some other objectives

first. I want to go on record to that effect.

I think the revision now proposed by the distinguished Senator from Nebraska of the amendment the Senate adopted is much better than the original amendment. In other words, I feel that we all have in mind the same objective, and the issue, as I see it, is merely as to what is the best thing to do at this time. Our distinguished chairman tells us that he is very definitely of the opinion that the best thing to do at this time is to accept the Cannon amendment. He tells me that we cannot vote to send this back to the House for a vote, that a vote adopting a modified Wherry amendment means sending this bill back to conference.

Mr. WHERRY. That is correct; is it not?

Mr. ROBERTSON. He does not know how long it would be in conference. But the logical effect might be that we could not conclude this session of the Eighty-first Congress tonight as we have contemplated.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. WHERRY. Is it not a fact that everything in the bill, except the one amendment, has been agreed to, or, if not yet agreed to, it will be?

Mr. ROBERTSON. The chairman told me there are several things in the bill——

Mr. WHERRY. Two others have to go back, anyway.

Mr. ROBERTSON. No; on the contrary.

Mr. WHERRY. Very well. Then, if they do not, it is the only amendment which would be in conference. What is the difference whether the amendment is taken back to conference, or whether the bill itself is? Everything has been settled except the one amendment. What I should like do, if possible, is to get a vote on the amendment.

Mr. ROBERTSON. I shall explain what the chairman told me. There are several Members of the Senate who do not like everything that is in the conference report. They would like the provisions of which they do not approve to be taken back to conference. But they said, "This is a military bill. This is a bill which the defense needs, and needs quickly." If it does not have to go back to conference because of the Wherry amendment, the conference report will be agreed to and we shall end this legislation so far as the Senate is concerned, and send it on its way to the White House for approval.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. WHERRY. Does not the Wherry amendment take care of a military matter, which is concerned with the fact that the ECA countries are furnishing arms and the ammunition with which to kill our boys? What is more clearly a military matter than that? And what is the difference if Congress does stay here for another day? I ask the Senator, now, whether he can look with favor upon a discretionary statute, when he believes that it ought to be mandatory.

Mr. ROBERTSON. It is not a question, in the opinion of the Senator from Virginia, of Congress staying here for another day or whether it stays here for a good part of next week. It goes far beyond that, in my opinion. But, in view of the fact that the President says this is not a workable piece of legislation, that the ECA Administrator says it is not workable from an administrative standpoint, that General Bradley says it is not workable from an administrative standpoint, and the House has voted 286 to 30 to accept what has now come to be known as the Cannon amendment, there would not be the slightest assurance that if we would send this bill back to the House we would do more than to wind up just as the vote on the Cannon amendment has already wound up. If there were only 30 who stood out to the end against the Cannon amendment, we have no assurance at all that a majority will eventually be secured in the House for the Wherry amendment. That is point No. 1.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. ROBERTSON. I am trying to be brief, but I yield.

Mr. WHERRY. I also am trying to be brief. But the Senator has been a Member of the House. Let us get the record clear. The distinguished Senator will agree with me that the vote on the previous question of 167 to 149 was a decisive vote on the Cannon amendment. It was not the last vote, by which a bill is simply passed. The Senator would rather have something than nothing, would he not?

Mr. ROBERTSON. That is possibly true. But I think it is also true that, from a party standpoint, it would be going back to the Democrats in the House and challenging their confidence—in whom? In the President of the United States, the Vice President of the United States, the Secretary of State——

Mr. McKELLAR. The Secretary of Defense.

Mr. ROBERTSON. The Secretary of Defense, and Mr. Stuart Symington. They are the men who will pass on this question under the Cannon amendment. Now, do not tell me that if the amendment goes out of the Senate and back to the House, on the ground that we are not going to trust our own national security to the hands of that group, that it is going to be an easily determined issue when it gets back to the House, for those who have voted 286 to 30 to trust that group are not going to quickly reverse their positions and say, "No, we have decided we are not going to trust them."

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. WHERRY. The distinguished Senator knows, does he not, that the President would not order enforcement, but that it would be done by an administrator?

Mr. ROBERTSON. I know the President is a much-burdened man.

Mr. WHERRY. He would delegate the authority.

Mr. ROBERTSON. I think when an issue of national security arises, the President could pass on it, and the President would pass on it. I yield to the distinguished Senator from Tennessee.

Mr. McKELLAR. Having been a Member of the House for as long a time as the Senator from Virginia has been, and familiar as he is with the conference which has gone on between the two Houses on this bill, does the Senator from Virginia believe there is any possible chance, even a remote one, of changing the action of the House on this particular amendment?

Mr. ROBERTSON. It is my honest conviction, Mr. President, that there is very little, if any, chance of changing the position which the House has taken.

Mr. President, under Jefferson's Manual, it is not permissible for a Member of the Senate to make any comment about a Member of the House, or what any Member of the House says or does. However, I believe I do not violate the rule in Jefferson's Manual by saying that the chairman of the House Committee on Appropriations, who is the chairman of the managers on the part of the House, is a very able man, well equipped to defend his views in any forum. I hope that does not violate the rule in Jefferson's Manual in connection with whether we could prevail upon the House conferees and the House to accept our viewpoint.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. WHERRY. That does not relieve the Senate conferees of the responsibility of maintaining the position of the Senate. We have not had an opportunity to do that. Certainly we have a right to try to resolve the differences between the Senate amendment and the House amendment. We never had an opportunity to do that. I have already paid my compliments to the distinguished chairman of the House committee, Representative CANNON. Certainly he is a good manager; in fact, he is so good that he has completely avoided a vote on the Senate amendment, and has had the House amendment brought to the Senate instead. Why cannot we resolve our differences? That is what a conference committee is for.

Mr. ROBERTSON. I was seeking the opportunity to make a brief comment on whether or not we should risk additional days of the session in conference over a bill on which time is of the essence, in order to accomplish something more than would be accomplished by the Cannon amendment. With all due deference to the distinguished Senator from Nebraska, I cannot agree with him that there is no practical difference between the language of section 118 of the ECA Act and the Cannon amendment. To remind my colleagues of what is involved, I shall read the language of the act, to which no doubt the distinguished Senator from Nebraska referred when he said it was the same language. We can end our economic aid—when? "Because of changed conditions, assistance is no longer consistent with the national interest of the United States."

That is the language of the act.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. ROBERTSON. The Senator from Nebraska said it was the same language as is found in the Cannon amendment. I read from the Cannon amendment:

Is found by the National Security Council to be contrary to the security interests of the United States.

Mr. WHERRY. Will the Senator read from section 117 of the act? It covers the same provision. It is not in the same words, but it has the same force and effect in accomplishing the result. I know the Senator from Virginia is a fair-minded man.

Mr. ROBERTSON. I still do not agree with the Senator from Nebraska.

Mr. WHERRY. I ask the Senator from Virginia to read that portion of the act.

Mr. ROBERTSON. I do not agree with the Senator, but I shall read the section in order to comply with the request of the Senator. I shall read it so the Senate may judge for itself:

The Administrator is directed to refuse delivery insofar as practicable to participating countries of commodities which go into the production of any commodity for delivery to any nonparticipating European country which commodity would be refused export licenses to those countries by the United States in the interest of national security.

Then we come to section 118, which cuts off aid when it is inconsistent with our national interest.

It is only fair to treat the two together. I still say that in my humble opinion the Cannon amendment goes much further than that, and the question comes down logically to whether or not the mandatory provision, as distinguished from the discretionary provision, which we place in the hands of those who are definitely in charge of our destiny, would accomplish more. Those who are charged with the responsibility are the President, the Vice President, the Secretary of State, the Secretary of Defense, and the Chairman of the National Security Resources Board. They are charged not only with building up our defense but also with the responsibility of seeing to it that no country which we are aiding under the ECA Act does anything inimicable to our interests. Therefore, I say on this issue I shall stay with the chairman of the committee. He has been in Congress for a long time. I have found him to be a very able leader. I have differed with him on occasions. Funds for ECA was one of the occasions on which I differed with him. However, he is a very wise and able leader. When he tells me he is very definitely of the opinion that we can accomplish what is necessary to be accomplished, I agree with him.

Mr. President, I do not want to see nations into which we are pouring billions of dollars furnish war materials to Russia and her satellites, but I have heard the statement made by responsible people that the volume of exports of so-called war materials from the ECA countries has been greatly exaggerated. The main issue, as I mentioned a few days ago in my brief remarks on the subject, is the shipment of machine tools from Great Britain to Russia. Clearly it is wrong to do that. Mr. Churchill condemned it. I inserted in the RECORD an editorial on the subject which was published in the leading newspaper of Edinburg, which quoted the chairman of the board of the company which had a contract with Russia to furnish the machine tools. He was begging and pleading with his country to release him from the contract. He asked his government not to permit him to ship those machine tools to Russia. He said Russians are in his factory, and can see how he is producing the machine tools, and can also see everything that is being produced for the military effort of Great Britain. Everyone knows that is wrong. It is bound to be wrong.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. ROBERTSON. Yes.

Mr. WHERRY. If the Senator does not want the merchants of death to continue to profit from that business, why does he not favor a law to stop it?

Mr. ROBERTSON. I have tried to show that I do favor a law to stop it. I favor a workable law. The distinguished Senator from Nebraska said he did not want a law that was not workable. He claims mandatory legislation would be workable. I told him the President of the United States said it would not be workable. Mr. Hoffman said it would not be workable.

I am not sure, even if we were to prevail on the House to accept our amendment, that we would not be inviting a veto of this appropriation bill, because my information is that those in charge of this delicate situation in our foreign relations do not favor it. They believe that to adopt the Senate amendment would aid the propaganda of those who say we are using this channel to force the western European countries to trade with us and to keep away from anyone else.

In dealing with conditions as they exist today, when we never know when the fighting in Korea may spread to some other communistic area, with the threat of having hundreds of thousands of communistic troops bear down on the backs of our boys, I would rather leave the matter as it stands. After all, Congress will return in 2 months. This provision is not a part of the appropriation bill. It is in the form of a rider. There were no hearings on it. There was no opportunity to get the views of those who had to administer the provision. They have told us that they could not work under it. As I have said, Congress will be back in 2 months, and certainly nothing will make our situation irreparable in 2 months.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. ROBERTSON. I shall be glad to yield in a moment. When we return we can see how the provision is being carried out, and we can say whether those who administer it have lived up to the spirit and the letter of the provision that we do not want countries who are the beneficiaries of our aid to be doing things that will hurt us in the event we have to stand with our backs to the wall against a military invasion.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. WHERRY. Such exports have not been stopped during the past two and a half years. The Senator himself has condemned the practice. He has asked that we stop the shipping of machine tools to Russia and her satellites. However, the Senator does not want a law. All that the Senator holds out is the hope that we will get better administration than we had before. Is that not the situation?

Mr. ROBERTSON. No. Mr. Attlee said more than that. He said:

We entered into a contract with Russia in 1947. That was a year before the cold war started in Berlin and before the Berlin airlift started. We needed lumber and wheat. We could get it from Russia or from hard-currency countries. We did not have the hard currency. We bargained with Russia to give us wheat and lumber, and in return we said we would give them machine tools. Russia has delivered the wheat and lumber. Now what are we to do? Are we going to cancel out on Russia?

It is not an easy problem. Therefore I would rather leave a matter of this kind to the sound discretion of the five leading men in charge of our military effort. I yield the floor.

Mr. LUCAS. Mr. President, I should like to make just a short statement in connection with the amendment before the Senate. As I recall, yesterday or the day before, the Senate unanimously made General Bradley a five-star general, demonstrating beyond peradventure of a doubt the complete confidence which Members of the Senate have in him.

What did General Bradley say about this amendment? I shall take the time of the Senate to read the letter he wrote to Representative CANNON on September 19:

Hon. CLARENCE CANNON,
House of Representatives.

DEAR MR. CANNON: The purpose of this letter is to urge you to do your utmost to eliminate the amendment to the supplemental appropriations bill, 1951, which is designed to cut off economic and financial assistance to countries which ship not only arms and armaments but articles or commodities having military significance to the Soviet Union or its satellites.

The amendment, in its present form, places upon the Secretary of Defense the responsibility for certifying which commodities fall within its scope. Since this certification is to be based primarily upon military considerations, the Joint Chiefs of Staff will undoubtedly be called upon to advise the Secretary concerning the articles or commodities to be certified by him. The definition of articles or commodities subject to certification is extremely broad. As a consequence, it is my opinion that the administrative burden involved will be disproportionate to the results which this amendment is designed to achieve. In fact, this burden may prove to be such that the amendment will be unworkable.

I believe that the mandatory language of the amendment will seriously handicap the strenuous military efforts which we are now making to build up the collective defensive strength of western Europe. The task of building this military strength rests in no small degree upon our ability to secure the wholehearted cooperation of the western European nations. Cooperation is always a two-way street. It rests upon mutual recognition by each party of problems of the other. I do not believe that we can succeed in our efforts to obtain cooperative action

in the military field if we attempt thus to coerce the western Europeans.

While I have directed this letter primarily to the effect of the amendment upon our military objectives in western Europe, it will also have far-reaching consequences on our military programs in other parts of the world.

Sincerely,

OMAR N. BRADLEY.

Mr. President, that is exactly what we try to do when we write into the law a mandatory provision of this kind. It is an attempt to coerce the western democracies, who are now enjoying the benefits of the ECA plan, and such coercion, as General Bradley says, is not in the best interest of this country or of the other countries at this particular moment, at least when we are all endeavoring to cooperate to meet the onrush of communism not only in Europe, but throughout the world.

Mr. President, as has been said over and over again, as a result of the vote taken in the House of Representatives on this amendment, we know that the House is not going to accept any other proposition which might be submitted by the Senate, and I say to Senators that if they desire to recess until November 27, as of this date—and I think we can do it yet tonight—they had better vote this amendment down. Otherwise, if it carries, it means the bill goes back to conference, and it will mean a conference tomorrow, and we may come back Monday, and when we come back Monday, something else may start, and we may be here another week or 10 days.

That is a matter for the Senate to decide, of course, but, in view of the unusual vote that was taken in the House of Representatives against this amendment, I sincerely hope the Senate will follow in line and vote down the amendment, in order that we may have a conference report upon which we can agree, and settle this appropriation bill today.

Mr. CORDON. Mr. President——

The VICE PRESIDENT. The question is on agreeing to the House amendment to Senate amendment No. 120.

The Senator from Oregon.

Mr. CORDON. I have difficulty in getting recognized.

The VICE PRESIDENT. The Chair feels it his duty, when he is acting as Presiding Officer, to present the pending question to the Senate. All the Chair was doing was presenting the question before he recognized the Senator from Oregon.

Mr. CORDON. Reiterating the presentation of the matter.

Mr. President, I have heard some strange arguments this afternoon. To me they spell this, that the administration whip has cracked, and the boys must step in line.

Every man has a right to his own opinion, and to act as he chooses. I question none of that. I have, in fact, a belief that there is an obligation for those who here represent the party of the executive department to do all they conscientiously can to support that department. There is no criticism about that.

However, Mr. President, I do rise to discuss, if not to criticize, the arguments which have been presented here, not with reference to an obligation to go along with the executive department, but the arguments which have been presented to the Senate in the guise of logical statements of reasons why the Senate should today undo the thing which it did, by unanimous vote, when this bill was before it.

Mr. President, if what we did then deserved the unanimous vote of the Senate, it deserves better arguments for its repudiation today than we have heard. To think that there should be offered to the Members of the Senate as a reason for not acting in behalf and in support of its own judgment, the fact that perhaps we cannot get away this evening!

There are many people representing the American Nation today who would like to get away this evening, but they cannot leave. If they have to remain on the firing line, and if others have to join them on the firing line, they may be faced there with the disastrous results of what we do here today.

Mr. President, this is not just a matter of minor policy, this is not just a question of selection of a method of reaching a desired end. This is a question of whether the United States Congress, as the voice of the people of the United States, has the courage and the backbone to write into words and into law its commands, or whether it is willing to abdicate its responsibility and say, "Well, the National Security Council will take care of all this. We have confidence in our President, we have confidence in Mr. Symington, and so on. We know they will take care of it."

If we believe that, let us write nothing. Let us just offer the pious hope, as such, and we can leave this evening.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. CORDON. I yield for a question.

Mr. ROBERTSON. I was wondering whether the Senator understood the Senator from Virginia to make the point, not that we needed to get away by tonight or next week, or Friday night of any particular week, but that the five men most responsible for our defense had advised us that in their opinion the amendment which the Senate adopted was not workable, and urged us to accept the amendment which the House had adopted. That is the issue, and that is the only issue.

Mr. CORDON. Mr. President, I greatly appreciate the views of my friend from Virginia. He is a good legislator and a good American. I did not put any words into his mouth; he put them there, and the RECORD discloses the discussion with reference to closing the session this evening.

I wish to say that I listened very carefully to his presentation in favor of the Congress abdicating its authority to the five men. I thought I was discussing that matter. I shall further discuss it if necessary.

Let me say to my friend from Virginia that the amendment as it is now before the Congress is not the amendment which they or any of them discussed. The amendment which is before the Congress is an amendment by the sponsor, the junior Senator from Nebraska, to meet their objections; and if those objections are reasonable, it does meet them.

Let us remember, this is not a question of refusing further to consider the question. The House substitute seeks to substitute for a flat mandatory prohibition which perhaps was too strict, too narrow, as it came from the Senate—the amendment was prepared hurriedly—words that represent a pious hope and confidence in another approach. One may accept that language if one so desires. But I conceive it to be an obligation of a Member of the United States Senate, inherent in the oath he took when he came into the Senate, to support the Constitution and the laws of the United States to legislate. As I see it, we are perilously close to the edge when we delegate that legislative authority to somebody else. There is not a word in the House substitute amendment that represents anything else but utter abdication of legislative power. There is not one single criterion in it to direct the officials in charge as to what they shall do. That yardstick is in the present amendment. That yardstick, that direction, that command is in the proposed law that is offered by the Senator from Nebraska. It is not a hard and fast action that must be taken willy-nilly. There has been put into it that which the courts have said time and again the legislative department can put in—that is the right to use discretion in determining facts, but when the facts are found, then the discretion ceases and the law's command stands. That is what the amendment does.

Mr. President, the Wherry amendment is a prohibition of doing the things that some speakers have said they desire to have done, that even those who have complained of the original amendment all hoped would be done, and that they sought to do this way and that way and the other way. It does nothing more than command that that be done, once the Secretary of National Defense has reached the conclusion that if it be not done we are arming our enemy.

It is said that this is coercion, that this is duress. Where is there coercion? Mr. President, in the last analysis 150,000,000 people have tightened their belts, have time after time cut down on their way of life, have cut millions from appropriations for themselves in order to help the ECA countries, without any thought of financial return. I was one of those who went along with the Congress in that move. I am still with the Congress in that move. But if we voluntarily seek to rehabilitate those people to raise them above anything they have ever known before, can it be said we are coercing them when we say, "We will not help you if you help to arm our enemy"? Mr. President, if that is coercion, put me in the class with the coercionists.

Mr. President, I simply wish to say here this afternoon that I am one of the advocates before the court, and that the people of the United States sit in judgment. I am willing to accept their judgment. I hope those who take the contrary view join me in that willingness.

Mr. KNOWLAND. Mr. President, I am not going to support the amendment offered today by the Senator from Nebraska, though I had supported the amendment here on the floor of the Senate when it was before us a few days

ago. I believe the Senator from Nebraska and the Senator from Oregon are to be congratulated in having done a constructive job for the American people and for the Government in calling up their original amendment and pinpointing the problem in a way that has not been done before. However, I do not quite agree with the Senator from Nebraska that the results of what he achieved the other day will be completely nullified if we support the amendment which came to us from the House. To the contrary, I think that perhaps the language which is now in the conference bill may be much stronger than the Senator from Nebraska believes it to be. I call his attention to the fact that men holding positions of responsibility in the executive branch of the Government would be unmindful of their obligations and the times if they overlooked or lost sight of the fact that the Senate of the United States, by more than a two-thirds vote, had suspended the rules of this body, and had written into an appropriation bill—where as a practical matter it had no place to be—legislation of this importance directing that the Economic Cooperation Administration see to it that our allies who are receiving aid from us do not permit a leak of war materials, or tools to make the same, to a power which is supporting forces which our own troops are engaged in fighting as we now meet here.

I think the significance of that will not be overlooked by the executive branch of the Government. I also feel that the President of the United States, General Bradley, the responsible heads of the ECA, those who serve on the National Security Council, have taken a great obligation onto their shoulders when they ask the Congress of the United States to modify the language of the amendment that was originally adopted here, and take this discretionary power. Hereafter they have on their shoulders the responsibility for any tools which go to the Soviet Union or to its satellites and are used against American forces any place in the world. They will now assume that responsibility to the American people and to the Congress. I think the Congress of the United States, the press of the country and the American people are going to observe very closely from here on out just how they have discharged that responsibility which they have now assumed. When we return in November, or when we meet again as a new Congress in January we will ask a full accounting. If we find that the British Government has continued to permit the shipment of machine tools, used to build tanks that are in turn used against our forces in Korea or elsewhere, the responsibility will be clear to the people and the Congress.

Speaking as one who will not support the amendment today of the Senator from Nebraska, I want to say, and I want the record to be very clear, that so far as I am concerned, when we come back here, either in November or in January, I shall be prepared at that time, if the executive branch of the Government has not closed these loopholes which we know exist throughout the world, to take such action at that time as will bring about the enactment of mandatory legislation. I believe there will be many other Senators both on this side of the aisle and on the other side of the aisle, who are going to support the bill as it came from conference, and are not going to support the Wherry amendment, who will also be prepared to support mandatory legislation.

So I do not want any interpretation to be written into the record that some of us who are not supporting the amendment of the Senator from Nebraska believe that this matter is not of the most urgent importance. Now that the executive branch of the Government has assumed responsibility I hope that they will do it diligently so that we will not be awakened in facing a common foe.

Mr. WHERRY. Mr. President, I should like to make a very brief statement in answer to the remarks of the distinguished Senator from California. The executive branch already has the responsibility he says he wants to impose upon it next November or next January if they do not do any better than they are doing now. That is no justification for voting against a provision which would make it mandatory for the executive branch to act. The President is Commander in Chief of the Army. The Vice President is in his Cabinet. They are the ones who tell Mr. Hoffman what to do. For 2 years they have failed to carry out their discretionary powers under existing law. They are charged with that responsibility now. Therefore I want the record to show that we need to correct their mistakes by a law which directs them to act; which is a mandate from the Congress. They are not assuming a new responsibility because of the passage of this House-amended version, which to my mind does not do any more than what the law already says they shall do.

The VICE PRESIDENT. The question is on the substitute amendment offered by the Senator from Nebraska [Mr. WHERRY] for the House amendment to Senate amendment No. 120.

Mr. WHERRY. Mr. President, on that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bricker	Hill	Magnuson
Butler	Hoey	Malone
Byrd	Holland	Martin
Cain	Humphrey	Mundt
Capehart	Ives	Murray
Chapman	Jenner	O'Conor
Chavez	Johnson, Colo.	Robertson
Connally	Johnson, Tex.	Russell
Cordon	Johnston, S. C.	Saltonstall
Darby	Kefauver	Schoeppel
Donnell	Kerr	Smith, Maine
Douglas	Kilgore	Stennis
Dworshak	Knowland	Thomas, Okla.
Ecton	Langer	Thye
Ellender	Leahy	Tobey
Ferguson	Lehman	Tydings
Frear	Long	Watkins
Fulbright	Lucas	Wherry
George	McCarthy	Wiley
Graham	McClellan	Williams
Green	McFarland	Young
Gurney	McKellar	
Hendrickson	McMahon	

The PRESIDING OFFICER (Mr. HOLLAND in the chair). A quorum is present.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. Will the distinguished occupant of the chair please state the pending question?

The PRESIDING OFFICER. The question is on agreeing to the substitute offered by the Senator from Nebraska [Mr. WHERRY] for himself and the Senator from Oregon [Mr. CORDON] to the House amendment to Senate amendment No. 120, which is referred to as the Wherry amendment or the ECA amendment.

On this question the yeas and nays have been ordered.

Those who favor adoption of the substitute offered by the Senator from Nebraska and the Senator from Oregon will vote "yea"; those who oppose adoption of the substitute will vote "nay."

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Connecticut [Mr. BENTON], the Senator from Iowa [Mr. GILLETTE], the Senator from Arizona [Mr. HAYDEN], the Senator from Pennsylvania [Mr. MYERS], and the Senator from West Virginia [Mr. NEELY] are absent on public business.

The Senator from California [Mr. DOWNEY] and the Senator from Idaho [Mr. TAYLOR] are necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Nevada [Mr. MCCARRAN] is unavoidably detained on official business.

The Senators from Wyoming [Mr. HUNT and Mr. O'MAHONEY] and the Senator from Kentucky [Mr. WITHERS] are absent on official business.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth session of the General Assembly of the United Nations.

I announce further that if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Connecticut [Mr. BENTON], the Senator from Pennsylvania [Mr. MYERS], the Senator from West Virginia [Mr. NEELY], and the Senator from Kentucky [Mr. WITHERS] would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] is absent by leave of the Senate

as a representative of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Ohio [Mr. TAFT] is necessarily absent.

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Missouri [Mr. KEM], who is absent by leave of the Senate, is paired with the Senator from New Jersey [Mr. SMITH], who is absent by leave of the Senate as a representative of the American group to the Interparliamentary Union. If present and voting, the Senator from Missouri would vote "yea" and the Senator from New Jersey would vote "nay."

The Senator from Colorado [Mr. MILLIKIN], who is absent by leave of the Senate, is paired with the Senator from Oregon [Mr. MORSE], who is also absent by leave of the Senate. If present and voting, the Senator from Colorado would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 28, nays 39, as follows:

YEAS—28

Bricker	Ferguson	Mundt
Butler	George	Schoeppel
Byrd	Hendrickson	Tobey
Cain	Ives	Watkins
Capehart	Jenner	Wherry
Cordon	Langer	Wiley
Darby	McCarthy	Williams
Donnell	Magnuson	Young
Dworshak	Malone	
Ecton	Martin	

NAYS—39

Chapman	Humphrey	McFarland
Chavez	Johnson, Colo.	McKellar
Connally	Johnson, Tex.	McMahon
Douglas	Johnston, S. C.	Murray
Ellender	Kefauver	O'Conor
Frear	Kerr	Robertson
Fulbright	Kilgore	Russell
Graham	Knowland	Saltonstall
Green	Leahy	Smith, Maine
Gurney	Lehman	Stennis
Hill	Long	Thomas, Okla.
Hoey	Lucas	Thye
Holland	McClellan	Tydings

NOT VOTING—29

Aiken	Hickenlooper	O'Mahoney
Anderson	Hunt	Pepper
Benton	Kem	Smith, N. J.
Brewster	Lodge	Sparkman
Bridges	McCarran	Taft
Downey	Maybank	Taylor
Eastland	Millikin	Thomas, Utah
Flanders	Morse	Vandenberg
Gillette	Myers	Withers
Hayden	Neely	

So the substitute was rejected.

The question recurs on the motion of the Senator from Tennessee to agree to the House amendment.

TRIBUTE TO LOUIS JOHNSON

Mr. THOMAS of Oklahoma. Mr. President, before the final vote is taken on this conference report, I desire to occupy the floor but a few moments.

Earlier in the session, the Congress made available to the Military Establishment some $13,000,000,000 plus. That was the result of a budget estimate made in peacetime. The hearings were conducted in peacetime. Later, because of the outbreak of the Korean war, supplemental estimates were sent to the Congress. Hearings were held upon those estimates. When the conference report is approved and when the bill is signed by the President, it will make available to the Military Establishment approximately $10,500,000,000 additional. This $10,500,000,000 added to the $13,000,000,000 plus, will make a very large sum, something in excess of $23,000,000,000, available to the Military Establishment.

Formerly, in peacetime, when the hearings were begun on this supplemental bill, the Honorable Louis Johnson was the Secretary of Defense. At that time our fortunes in Korea were not going very well, and because of those reverses, and because of things which I shall not take time now to catalog, a vast amount of criticism has been leveled at the former Secretary of Defense. The former Secretary has now retired, so I desire to file for the RECORD a statement expressing my appreciation of the services rendered by the former Secretary of Defense, Mr. Louis Johnson. I ask unanimous consent to make the statement a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR THOMAS OF OKLAHOMA

I rise to pay my respects to the departing Secretary of Defense, the Honorable Louis Johnson, who in the face of unfounded criticism has, through the impact of his dynamic leadership, provided for many of the basic essentials of preparedness. Under his direction, the Department of Defense has maintained combat forces in a high state of readiness, has developed teamwork among the services through unification, has gotten the most for every defense dollar, and has worked in collaboration with other nations of the free world to strengthen our collective security. I am confident that when these accomplishments are fully known, his achievements will win the praise and gratitude of the great majority of patriotic Americans.

As chairman of the appropriations subcommittee dealing with the Military Establishment, it was my privilege to hear Louis Johnson on a number of occasions express forthright views on matters affecting the security of the United States. Countless economies sponsored by Secretary Johnson which did not undermine the national defenses of our country were presented to our committee—many of which were considered in determining the amounts to be appropriated.

It is a matter of record that under his administration there has been marked improvement in the combat potential and a substantial increase in the size of the Armed Forces. Let me cite a few examples from testimony before our committee. In March 1948, 177 vessels of the active fleet were either immobilized or reduced to limited operations due to insufficient personnel. On June 25, 1950, when the Republic of Korea was invaded, every ship in the active fleet was capable of getting under way and moving into action. In early 1948, the Air Forces stood at 337,000 men. On June 25 of this year, at 448,000. In March 1948, the Army strength was 542,000—on June 25, 1950, 630,000. Between March 1948 and June 1950, the actual manpower strength of the Army's mobile striking force—the general Reserve—was increased by 165 percent.

You will remember that, during the year prior to June 1950, more than 170,000 civilian employees were released by the Department of Defense and the CONGRESSIONAL RECORD is replete with citations of speeches by Members of Congress calling for such reductions. As a corollary to this reduction, some stations were closed. Proof that all were not needed is evident since, even today, in this emergency, not all of the stations have been reopened, nor have all of the civilian employees been rehired.

It is easy to jump on the band wagon and dig up a scapegoat at whom to point a finger for the shortcomings of some of our past policies. Many questions have been asked as to what was done with the $90,000,000,000 of public funds which the Department of Defense is supposed to have spent the last 5 years. Yet the record shows that in the 18 months that he was Secretary, the Department of Defense made expenditures of less than $20,000,000,000, but increased the amounts spent for hardware.

Under Secretary Johnson, the Department of Defense was able within the same total dollars spent to increase sharply the percentage of the military dollar which could be spent for tanks, ships, aircraft, weapons, ammunition, and other heavy items. In 1947, we were able to devote only 6 cents out of every dollar to such equipment. In the last year, we had increased this percentage to 19½ cents out of every dollar—and in the supplemental appropriation, which recently passed this body, 65 cents out of every dollar will go for this vital hardware.

It is significant that in the August 21 issue of Time magazine which, as you know, is often violently antiadministration, it is stated "but the more important fact is that never before in all our history have we been so nearly prepared at the start of any war as we were at the start of this one."

In no small measure the success of the North Atlantic Treaty organization is due to the efforts of Secretary Johnson. Under his direction, 12 sovereign nations reached agreement on matters vital to the security of the free world in a matter of a few weeks. In this short time—almost unheard of in international negotiations—decisions, which under normal circumstances would have taken months, even years, were reached.

Louis Johnson was one of those rare public servants who refused to permit political considerations to interfere with his concept of efficient operation. If it was a crime to introduce economies, which saved public funds without impeding preparedness for national defense, then Louis Johnson was guilty of that crime.

My regard for Louis Johnson is enhanced by my own personal experience. It is true, of course, that a prophet is without honor in his own country, so it is with no particular satisfaction that I call your attention to the fact that, upon my return from Europe last year, when I strongly advocated including western Germany in the plans for our common defense against communism, I was promptly vilified by certain newspapers and pressure groups and condemned in no uncertain terms by some of my colleagues in the Senate. Yet if my voice was in any way instrumental in sowing the seeds which have burgeoned into the present preponderance of opinion favoring this action, I feel that my small contribution has not been in vain. For today, I think I can say that most of our American people see this step as an essential to any effective plan to deter and contain Soviet communism's grandiose dreams of extension through aggression.

When Mr. Acheson, the Secretary of State, and the High Commissioner of western Germany both came out recently in favor of including western Germany in our collective security plans, the very people who had condemned my position were the first to endorse these views.

The frailties of human nature being what they are, I do not expect these former critics to acknowledge error in their treatment of either Secretary Johnson or myself, but I do plead with this august body to make every

effort not to hamper the preparedness of the United States in this time of national emergency by their refusal to accept ideas which are vital to the welfare of the United States.

BLOCKADE-RUNNING IN THE FAR EAST

Mr. MAGNUSON. Mr. President, before the final vote—and I shall not take much of the time of the Senate on this matter—I have a bit of information which has an indirect bearing on the subject just voted on, to which I want to call the attention of the Senate. It is in the form of a letter which has been forwarded to me as chairman of the Subcommittee on Merchant Marine. I have conferred with the distinguished chairman of the Committee on Interstate and Foreign Commerce regarding this matter. We thought it best that we should call it to the attention of the Senate and of the public, because we intend to investigate immediately and go to the source of the whole situation. I am going to ask permission of the Senate—and I know Senators will bear with me—to withhold information as to the source of the letter, at this time, for obvious reasons. But it has a great deal of bearing not only upon this entire subject but upon our problem in the Far East, and in the Korean war. It is from a merchant seaman aboard an American-flag merchant ship, plying in far-eastern waters at the present time. He says:

I quit my job in Manila and returned to the high seas with the Navy's permission. I left Manila on August 1 and have not heard from you except for one letter in June or around the beginning of July. I am on a ship I am ashamed to be aboard, but I am getting plenty of low-down on what is going on. We are blockade-running from Kobe, Japan, to Taikyu and Tsingtao in Communist China. We are hauling thousands of drums of oil and gasoline, 55 gallons—

That refers to the quantity of the drums—

and steel armor plate, tools and parts to the damned Reds. What do you think of that, John? And that isn't all. The worst is somewhat along the line. In the United States Army is O. K. these shipments. Whether he realizes it is going is unknown as yet. I contacted the Third District CIC in Kobe, United States Army, and they were amazed, but yet everything has been okayed for shipment. We left Kobe and we are now going into Yokohama to load more contraband. We are due around Tsingtao about the 17th, so if you guys sight us you ought to blow this—

I delete the next word—

sky-high even though she flies the American flag. This ship and the company are a disgrace to the United States and the merchant marine. Now, I will tell you how it works. The American oil company ships this stuff in barrels to Japan to make it look like it is for the army and civilian use there. Then, when it gets there, they store it in a warehouse for a few weeks. Then they get permission to reship it, presumably from one Japanese port to another, but it gradually arrives on a ship bound to Communist China.

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. MAGNUSON. I shall yield in a moment.

Mr. WILEY. Mr. President, will the Senator give us the date of the letter?

Mr. MAGNUSON. The date of the letter was prior to the 17th of this month. It was written between the 1st of September and the 17th.

This is sketchy information, but the letter itself was written by a merchant seaman to a United States naval officer in service with the Seventh Fleet, now on the blockade around Formosa. That is why he uses the expression, that if the Seventh Fleet should sight this particular ship, even though it flies the American flag and is in the American merchant marine, they ought to blow it to pieces.

We are going to subpena the American line, of which the ship flies the colors, and, if necessary, we are going to subpena the merchant seaman himself who is aboard the ship, and such other members of the crew as may be necessary in order to trace this matter to its source. If this is happening in our own American merchant marine, then it is even worse than certain of the things which were mentioned here today in the discussion of the so-called Wherry amendment. It is a very serious matter.

I am sure that the high American Army officials in Japan have no knowledge of this matter, nor would they countenance it for a minute. But, in a large scale operation involving such things, sometimes someone slips up. I desire to cast no reflection upon the general in charge, or upon what is referred to as "scrap" in the handling of affairs in Japan, because I am sure, as I say, they would not countenance it for a moment. But it is a matter that we should investigate quickly. Surely those who are doing this—if it is true—are not only violating the laws of the United States but are doing something which is decidedly criminal.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. I have the permission of the chairman of the committee to look into the matter. I have already called the Navy and the Coast Guard, because I know the name of the ship aboard which the man now is. I shall find out where the ship is and what is going on. I do know it follows a pattern, because both the Senator from California and I have received very accurate reports that in Hong Kong a great deal of this contraband is being handled and much blockade running is going on, mainly through sales by British subjects. Large quantities of oil are going to Communist China through Hong Kong. It should be stopped.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes.

Mr. KNOWLAND. Does not the Senator from Washington agree that a copy of the letter which he has read to the Senate should be sent to the President of the United States and to the Security Council, which will deal with this problem under the amendment to the appropriation bill which the Senate is now considering?

Furthermore, does not the Senator from Washington agree that there is considerable responsibility on the part of the Government of the United States for letting those oil shipments through and letting armor plate, which this man says is aboard the ship, get to Red China, when we know that war material has been infiltrated across the North Korean border? At any time Manchurian troops may be used against our troops in Korea.

Is it not also true that until the President's declaration on the 27th of June the Navy and the Chinese Republic was operating a fairly successful blockade of the coast of Communist China and preventing this type of shipments from reaching Red China?

Is it not further true that after the 27th of June, by the direction of the President of the United States, the Republic of China had to call off its blockade in the interest of our so-called Formosa neutrality policy?

When we discouraged the Republic of China from continuing to blockade the Chinese coast to prevent such shipments from going through their lines, this Government and the President of the United States assumed a considerable responsibility for any shipments that reach the Communist regime.

Mr. MAGNUSON. I may say to the Senator from California that of course neither the President of the United States nor anyone else in the Government would allow such a thing to happen. The Senator from California knows, as I do, from having spent a good deal of time in that area, that it is very hard for any government to keep track of all the shipments on the China Sea and in that general region. Blockade running has been going on there for a long time.

Mr. KNOWLAND. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I should like to finish the statement. I do not want any implication cast that it is the fault of anyone in our Government. I should like to find out if it is the fault of any shipping company flying the American flag. If it is, it is a most despicable way of doing business.

Mr. KNOWLAND. Will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. KNOWLAND. The fact of the matter is—and I am sure the Senator will bear me out—that up until the outbreak of hostilities the Navy of the Chinese Republic was operating what was generally classed as an effective blockade against the Chinese Communist coast. On the 27th of June the President of the United States requested the Republic of China not to carry on activities which might embroil them with the Chinese Communists on the mainland. As a result, that blockade was in effect lifted. When we lifted the blockade we were on ample notice that this type of blockade running would take place.

Mr. MAGNUSON. Mr. President, I do not wish to yield for that purpose. An effective blockade in China has never been in effect. The China seas are notorious for blockade running, and have been in all times. I merely called this matter to the attention of the Senate because it is not the fault of anyone in our Government. If it is the fault of someone flying the American flag, who is using the war for the purpose of making a profit, we will stop it immediately. Of course the President of the United States

will receive a copy of the letter. We shall have the Security Council go into it. The Navy will find out where the ship is. If what I have stated here turns out to be the fact certainly no one in the Government would countenance it for a minute.

Mr. LUCAS. Am I to understand that the implication is that an American oil company is involved with a ship flying the American flag?

Mr. MAGNUSON. The letter implies that the oil originally came through some sale by an American oil company. Of course it could go through several hands. It may have been shipped originally to the British in Hong Kong, or it may have been shipped to Hong Kong for storage purposes, or for all kinds of reasons. After it leaves Hong Kong we are told that it is in the China Sea.

Mr. LUCAS. It is a subject that should be investigated, and I hope the committee will investigate it and ascertain whether or not an American oil company is guilty of conspiracy with a shipping company flying the American flag. Does the Senator know the individual who wrote the letter?

Mr. MAGNUSON. I do not. I know the ship, and I know the shipping company.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes.

Mr. WHERRY. I wish to thank the Senator for bringing this matter to the attention of the Senate.

Mr. MAGNUSON. I think it is important.

Mr. WHERRY. I am glad that the subject has been brought up. I am sorry we could not have known more about it prior to the last vote. I think it emphasizes the extreme need of the kind of legislation which I hoped the Senate would enact. I hope the case will be investigated. If any other instances like this are revealed—and no doubt they will be—I hope the Senate will hear about them.

Mr. MAGNUSON. I can say to the Senator from Nebraska and the distinguished majority leader that I thought this matter probably would be bandied about, and perhaps some misconceptions would arise. Before that happened, I thought I would bring it to the attention of the Senate. Otherwise, probably there would be some tall tales going on about blockade running on the China Sea. We are for a fair and serious investigation of the entire subject of blockade running on the China Sea.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. LUCAS. Does the Senator know the captain in the Navy who received the letter?

Mr. MAGNUSON. Yes. He is a naval officer. He is not a captain.

Mr. LUCAS. He received the letter?

Mr. MAGNUSON. Yes.

Mr. LUCAS. My only hope is that the individual who wrote the letter has the facts in his possession.

Mr. MAGNUSON. I do, too.

Mr. LUCAS. I hope the investigation will show that the statements in the letter are true and correct. It has always been a question in my mind, after receiving as many letters as I have from all kinds and types of people, telling what is wrong and where I can go to investigate something, whether or not an investigation of the letter should have been made first.

Mr. MAGNUSON. The letter comes from a very reliable member of the United States Navy.

Mr. LUCAS. Does the Senator know the individual who wrote the letter?

Mr. MAGNUSON. No. I do know the steamship line.

Mr. LUCAS. Perhaps the Senator knows the steamship line better than he knows the individual. I take it that he assumes the steamship line is probably guilty.

Mr. MAGNUSON. The steamship line involved is a line which plies all over the seven seas, with no regular routing. It is very easy to put two and two together. I do not say they are guilty. I would not say that until we find out what the facts are.

Mr. LUCAS. I am glad the Senator totally and utterly disagrees with the implication of the Senator from California, who now wants to place the responsibility on the President of the United States.

Mr. MAGNUSON. There is no more responsibility on the President of the United States or General MacArthur than there is on anyone else. With the teeming populations and waterfronts over there, where perhaps no security measures are in force, it is most difficult to deal with contraband. Contraband cargo moves out of those ports at all times. Many people make their living out of it and have for a long time. Everyone knows that sort of thing goes on along the China coast, because of the looseness of the regulations and complete inability of being able to follow the course of shipments.

SUPPLEMENTAL APPROPRIATION ACT, 1951

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9526) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

The VICE PRESIDENT. The question recurs on the motion of the Senator from Tennessee [Mr. McKELLAR] to concur in the House amendment to the Senate amendment No. 120.

MILITARY GOODS PRICE INCREASES

Mr. JOHNSON of Texas. Mr. President, the Senate will shortly take action to increase by more than $11,000,000,000 the appropriation for our national defense.

This action is necessary for the defense of our form of government which has so long and so well sustained our freedom against the tyrants and tyrannies of the twentieth century.

My purpose in speaking today is to dispel an illusion—the illusion that this appropriation can buy what it is intended to buy.

I believe the Senate should realize—and the people must know—that this appropriation cannot and will not buy $11,000,000,000 worth of defense matériel.

Six weeks from now or 6 months from now, when this money is gone and we still do not have all the matériel we set out to buy, I do not want the American people to be unduly shocked and stunned.

The hand is already writing on the wall. We need not wait longer to read the warning.

That warning is this: Rising prices are making our defense cost calculations empty, tentative guesses.

Two months ago, the Defense Establishment told the Congress what would be needed immediately in terms of matériel to prosecute the battle of Korea and to bolster our defenses adequately abroad and at home.

The cost of that additional matériel was calculated at $11,600,000,000.

Since that time, however, the prices on our military items have been rising—higher and higher. Before this money we are about to appropriate can be spent, the cost of our defense goods will be higher still.

I am not here to place blame.

I am not here to criticize.

I am not here to make charges.

I simply want to do what I can to let the Senate know and let the people know what is happening—and what it means.

The people should know that one of America's preparedness problems today is the problem of rising prices on defense items.

Over and over again, the Nation's defense leaders and planners have told the preparedness subcommittee of the Senate that post-Korean price rises are one of the most difficult problems confronting them.

The Joint Secretaries, the Joint Chiefs of Staff, the procurement officers—all the military men charged with the great responsibility for making America strong—agree on the gravity of this problem.

I want to tell the Senate now just what the defense officials are confronting.

Let me cite some brief examples:

The Navy has run into this problem. On one particular type of naval aircraft, the price has increased 4 percent. If March 1950 prices prevailed today, the Navy would be able to procure the 93 planes of this type which they want and need. As of the present moment, however, the Navy will be able to buy only 89.

Four badly-needed planes have been snatched away from the Navy by rising prices.

Here is another example:

A valuable projectile now being used in the Korean area has risen in price so that the money which would have bought 1000 projectiles in April will now buy only 890 projectiles—a loss of 110.

The story is almost identical on some of the rockets which have played such a vital role in Korea. For each 1000 rockets we could have purchased in April, we can now buy only 870 today.

In the purchase of walkie-talkie radio sets—sets which are of the utmost importance for the type fighting now raging in Korea—our procurement officers find that they can only buy 660 sets for the money which would have purchased 1000 walkie-talkies before the Korean campaign began.

Mr. President, by citing these examples I do not mean to imply that the thousand rockets or thousand bazookas or other items of mention is the exact member provided for in the bill. I only want to provide an understandable comparison to show the rapid increase in prices of specific items.

I want the Senate to know, though, just what the members of the Preparedness Subcommittee are encountering. I want the Senate and the public to know the hard, cold facts of what is happening to our defense money—even before that money is spent.

As chairman of the Preparedness Subcommittee, I feel that I would be negligent in my duty if I failed to report these facts to the Senate. I have reported on this trend in prices before—I shall report again.

Back on August 12, I made a statement pointing out what was beginning to happen—how the costs for war materials had risen steadily and drastically since the end of World War II. I said then—and I repeat now: "It will do no good to increase taxes if we sit by and let price rises wipe out the tax gain."

On September 12, I placed in the RECORD a tabulation which showed how prices have advanced on hundreds of essential items. I hope the Senators will read and reread that tabulation.

I hope the Senators will keep in mind that crude rubber, as one example, has increased in price 111 percent since Korea. We hope that when our synthetic-rubber plants start pouring out their full supply this will give us some relief. One of the witnesses before the Preparedness Subcommittee testified that full production of synthetic would have that effect. But today the price of crude natural rubber is high—and one of the reasons is that Russia is competing with us in the world markets for the available supply.

I hope the Senators will keep in mind that aviation gasoline is costing us 30 percent more now than several months ago. Soap powder—for all branches of the military—is up 33 percent since April. The cloth from which uniforms are made is up 22 to 42 percent since April.

There is one more instance I want to cite. I have purposely saved it for the last.

This instance, I believe, dramatizes effectively the real magnitude—the real danger—of the whole price problem.

The Air Force tells me that a preliminary calculation indicates that prices already have gone up enough to cut the equivalent of 750—let me repeat, 750—F–86 planes off of the proposed total of 4,500 planes which the Air Force needs. The purchasing power of the $2,700,000,000 asked by the Air Force for aircraft procurement has decreased by $360,000,000.

I do not mean that we will have 750 of the specific type of F–86 taken from the order, but prices have gone up enough to absorb the equivalent amount of money we could use to buy 750 F–86 fighter planes.

Think of it, the equivalent of 750 fewer planes may be available to us for the fight against communism.

The equivalent of 750 planes has been wiped out—not by enemy action, but by the increases in price within the past few months.

The equivalent of 750 planes may be taken away from our fighting strength without a shot being fired.

That is a terrible toll—a toll far heavier than the toll the enemy has taken.

I want the Senate to know—I want the public to know—that this is happening. I do not want us to whistle in the dark, proceeding unaware of what is going on around us, right here at home.

Why is this so? Why are these prices rising, so swiftly, so suddenly?

I am not prepared to answer today. I do not want to attempt to answer until your Armed Services Preparedness Subcommittee has had an opportunity to gather evidence, to study the facts.

Some price increases—here and there—may be justified. There are indications that some of them are justified, necessary, and required.

But around many of these price increases—perhaps most of them—there hangs a cloud of doubt and suspicion.

I do not propose to name names. I do not propose to traffic in smears and innuendo. But I want to say publicly, here and now, that when our subcommittee has the facts—verified facts—we propose to turn the spotlight on any profiteers that may be developed so that all the Nation may see who has sought to profit excessively at the expense of the American taxpayer, at the expense of the battle to defend freedom, and at the expense of the boys who gave up their future at home to die on the hillsides of Korea.

Let me emphasize: I am not unmindful of the fact that production is the most important resource this Nation has in any world struggle; and, as I said, some of the price increases may be justified in the interests of stepping up production. At some other time, I may presume upon the Senate's time by discussing that subject.

I am mentioning only military items affecting our preparedness program. We all are aware that prices on our foods are being marked up, that rents are increasing, that many items of the civilian economy are rising in price daily. These matters are something for other committees to investigate. The primary jurisdiction of the Armed Services Preparedness Subcommittee is those prices that affect our military preparedness program.

We should not sit by and watch prices wreck our preparedness effort.

We should not permit the money of the American taxpayers to enrich a few who place self above country, profit above patriotism.

We should not let the Nation sleep unaware while inflation, like a quiet thief in the night, strips away our strength.

We want the Senate to know—and the people to know—what is happening now.

We will work without ceasing to combat wherever we can, whenever we can, the silent menace of inflation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a brief chart giving the prices on selected foods and commodities, army products, for the post-1948 low, the post-war peak, the prices a year ago, the prices 6 months ago, the prices as of the Korean outbreak, the prices a month ago, and the prices a week ago.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Price trends*

Series	Period	Percentage change since—						
		Week ago	Month ago	Korean outbreak	6 months ago	Year ago	Postwar peak	Post-1948 low
Foods:								
Butter	Sept. 20	1.8	4.3	6.0	6.0	2.4	−28.5	9.3
Coffee	do	----------	.7	16.5	21.5	85.2	----------	117.3
Lard	do	−2.0	----------	33.9	32.7	19.7	−63.5	55.3
Sugar	do	----------	----------	7.8	12.6	4.2	−.8	14.7
Industrial products:								
Copper	do	----------	----------	4.5	27.2	33.7	----------	47.2
Lead	do	----------	14.3	39.1	52.4	6.0	−25.6	52.4
Rubber (natural)	do	4.4	21.4	111.0	200.5	256.3	−6.3	271.9
Steel scrap (Chicago)	do	----------	1.3	6.7	42.9	56.9	−5.9	105.1
Tin	do	.5	−4.9	34.2	34.5	−.5	−4.9	38.3
Wool tops	do	−1.3	5.7	47.5	60.3	81.0	−2.3	103.4
Zinc	do	----------	15.9	15.9	70.1	70.1	----------	87.6

Mr. FERGUSON. Mr. President, does the Senator have figures available so he can advise the Senate of the amount, on the average, of the increase in this material? In other words, what does the Senator anticipate, at present prices, we will be able to purchase for the $11,500,000,000?

Mr. JOHNSON of Texas. The Senator from Texas does not have those figures, but he is told that of the approximately $2,700,000,000 for the airplane procurement program, that the increase in prices have reduced that program by approximately $360,000,000. To answer the Senator's question accurately it would be necessary to go into a long list of products, and what goes into each of the items. But with respect to aircraft, the Under Secretary of Air talked with me at my home by telephone last Sunday and said he had spent Saturday with the five principal aircraft manufacturers; that the Air Force men at Wright Field who had made these estimates and who were issuing these procurement orders,

were crying because they were not going to obtain the planes that they had anticipated when they put in their estimates. He said, furthermore, it is the best judgment of the industry itself that in the light of the information they have they will be faced with a 1 percent increase per month. On planes which require 24 months to produce that will be a 24 percent increase or an average increase of 12 percent. On an F–86, which I referred to, that 24 percent increase will be approximately $60,000, but on a B–36 that 24 percent increase could mean $500,000 or $750 000. The percentage varies with the item. The highest increase since post-1948 is on rubber. Natural rubber is up 271 percent since the 1948 low. Wool is up 103 percent.

Mr. McKELLAR rose.

Mr. FERGUSON. Mr. President, will the Senator yield for a question respecting rubber?

Mr. JOHNSON of Texas. I yield.

Mr. FERGUSON. Is it not true——

Mr. McKELLAR. To whom has the Senator yielded?

The VICE PRESIDENT. The Senator from Texas has the floor, and yielded to the Senator from Michigan.

Mr. JOHNSON of Texas. I yielded to the Senator from Michigan, and shall be glad to yield to the Senator from Tennessee later.

Mr. McKELLAR. Mr. President, I want to appeal to the Senate to let us pass this bill, respecting which we have engaged in such a tremendous struggle for so many months. Have Senators no pity for a poor man who has been working night and day——

Mr. JOHNSON of Texas. Mr. President, I have not yielded to the Senator from Tennessee.

Mr. McKELLAR. Have Senators no pity on him? I appeal as one Senator to a group of Senators—let us have a vote. Action can be taken in 5 minutes, or, I believe, in 3 minutes, if Senators will let us have a vote.

The VICE PRESIDENT. The Chair has no control over that matter.

Mr. FERGUSON. Mr. President, the Senator from Michigan wanted to ask a question because he thought it was very important that we find out the facts as well as pass legislation. Will the Senator from Texas yield so we may have a vote, and that I then may ask him a few questions?

Mr. JOHNSON of Texas. The Senator from Texas has completed his statement, and he will be glad to confer with the Senator from Michigan any time he desires. I apologize to the Senator from Tennessee for delaying action on the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee to agree to the House amendment to Senate amendment No. 120.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I now move that the Senate recede from its amendments numbered 24, 26, 36, 49, 50, 53, and 58.

Mr. WHERRY. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. On the vote just taken, which was a voice vote, I wish to be recorded as having voted in the negative.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee that the Senate recede from its amendments numbered 24, 26, 36, 49, 50, 53, and 58.

Mr. McCLELLAN and other Senators addressed the Chair.

Mr. McKELLAR. Mr. President, was action taken on my motion?

The VICE PRESIDENT. No; the Senator from Arkansas and other Senators asked for recognition.

Mr. McCLELLAN. Mr. President, does the motion by the Senator from Tennessee include Senate amendment No. 24?

Mr. McKELLAR. Yes.

Mr. McCLELLAN. Mr. President, I am not going to oppose the motion. Is there any other amendment which will result in the bill being thrown back into conference?

Mr. McKELLAR. Mr. President, I am happy to say if my motion is agreed to, that will end action on the bill, and it will be sent to the President.

Mr. McCLELLAN. Mr. President, I wish to make a statement regarding Senate amendment No. 24. I shall be brief. I realize that the committee and the conferees have worked hard and long to complete the bill.

Mr. McKELLAR. They have.

Mr. McCLELLAN. I offered amendment No. 24 to relieve some farmers of this Nation from a penalty which is definitely unjust. I appreciate the fact that the conferees on the part of the Senate insisted upon that amendment and that it was sent back to the House for a vote.

Mr. McKELLAR. Mr. President, I agree with the Senator. I have agreed with the Senator heretofore, and shall continue to agree with him to get the wrong righted. But I want to plead with him as no man ever pleaded with his friend before to let us have action on the motion. Let the Senate agree to the motion.

Mr. McCLELLAN. Mr. President, I have already said I shall vote with the Senator, but I should like to make a brief statement. I believe some Members of the House voted on the amendment without understanding it. We are in the closing days of the session and we are all trying to and willing to make concessions in order to finish our work. I want to serve notice now that I am not yielding on the basic principle involved—the need for the farmers in question to be relieved. I speak primarily for the cotton interest, because that is vital to my section of the country.

Mr. President, next year the cotton producers of this Nation are called upon to produce 16.8 million bales of cotton. That is the goal which is being set. Even if that goal is reached it will not meet the demands that we will be asked and expected to meet. This year there will be about a 9,000,000-bale crop. That shows the burden which is being placed on the farmer. We are drafting his sons. We are taking his laborers off to war. The farmer must compete for labor with the factories which are going into full production. It is impossible for the farmer successfully to compete with the high price labor in the factory. It will be necessary to continue to bring into this country labor from outside—from Mexico—in order to produce the crops and harvest the crops, in order to furnish the food and the fiber which is going to be absolutely indispensable in this program of preparing our country for defense and sustaining our people.

Mr. President, I want to say that as soon as we return in November, if we do return in November, or when Congress reconvenes, I shall renew the effort to have removed this unjust penalty which is imposed on the farmers who are trying not only to serve themselves and earn for themselves and their families a livelihood, but are trying to meet their obligations to the Nation in time of a crisis, that the Government no longer impose that unjust penalty upon them.

The VICE PRESIDENT. The Chair desires to suggest to Senators who do not wish to discuss the motion now before the Senate that they defer requests until the Senate can vote on the motion. The Chair will recognize Senators as soon as possible on other matters. The Chair wishes to say for the benefit of the Senate that upon the conclusion of the vote the Chair will recognize the Senator from Georgia to bring up the conference report on the tax bill.

Mr. STENNIS. Mr. President, I assure the Senator from Tennessee that I shall be very brief and speak only to the amendment No. 36 and that I shall not oppose his motion. Amendment No. 36 represents a small item. It deals with the vocational education program. It was adopted by the Senate on the general omnibus appropriation bill by a vote of 53 to 24. It was lost in conference on that bill, but was considered later by the full Appropriations Committee in connection with the bill now before the Senate and was inserted by the committee in the bill. It is a small supplemental appropriation which would bring this national education fund up to the budget figure, which I think and which the Senate thought was a very important and essential step to take, particularly in view of the fact that the program includes industrial training as one of its main branches.

I regret very much that this item is not carried in the bill.

However, I shall not oppose the motion that the Senate recede, under the circumstances and in view of the urgency of the occasion. Nevertheless, at the first reasonable opportunity, those who are particularly familiar with and interested in this branch of the program will again present to the Senate and to the House of Representatives the urgency of this matter.

Mr. President, I yield the floor.

Mr. MURRAY. Mr. President, in order that the record may be perfectly clear, I rise to express an emphatic objection to certain of the decisions reached by the conferees on the supplementary appropriation bill of 1951.

I am not doing so because I believe there is any possibility of effecting any changes as regard the decisions of the conferees. I know, and we all know, that with this session of Congress entering its last hours of life, an attempt to change the bill or send it back to conference would not be successful. Therefore I shall not waste the time of the Senate by making any such proposal.

Nonetheless, I believe there is something seriously wrong with our procedures for appropriating funds to the executive branch of the Government; and I hope that by setting forth some of the more glaring results of those procedures, I shall have helped initiate corrective action.

The recommendations of the conferees with respect to the administration of our social security laws provide excellent illustrations of the point I have in mind. As all of us know, this Congress, after prolonged and serious study and discussion, made some very major and important changes in the social security program.

We have ruled that, as of January 1, 1951, approximately 10,000,000 Americans will be added to those already included in the old-age and survivors insurance system. In addition, we have decreed that changes should be made in the benefits now accorded the millions already covered by the act.

When the Congress made these changes in the Social Security Act, it knew that the Bureau of Old-Age and Survivors Insurance already was carrying a most involved and heavy administrative burden, and that we were adding to it considerably. Yet when the Bureau of the Budget—which, as we know, has been most strict with nondefense agencies—recommended that we set aside $18,000,000 to enable the Bureau to properly administer these most important changes in the law, the Senate voted to allow the Bureau only $14,500,000. I believe that was a serious error. I believe we should certainly have granted at least what the Bureau of the Budget said was absolutely essential to the proper administration of the act. But despite this—despite the fact that the Bureau-approved $18,000,000 had already been cut to $14,500,000—the conferees, in turn, reduced it to the altogether inadequate amount of $3,000,000.

Mr. President, there are a number of other matters which I might mention in this connection. However, I shall not take the time of the Senate to do so. Instead, I ask unanimous consent that a further statement I have prepared on this subject be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MURRAY

I believe there are few errors we in the Congress can make which could have more serious consequences than this sort of evasion of responsibility—passing legislation, promising the people that such and such a thing will be done; instructing the administration to do the job; and then refusing to appropriate the funds without which it cannot be properly accomplished. I believe the reduction recommended by the conferees will make it impossible for the Bureau to properly carry out its responsibilities under the law. Yet, should it fail to do so, should any flaws in the administration of the act be detected, I presume, from past experience, that there will be those in the Congress who, having advocated this cut, will be among the first to shout about bureaucratic inefficiency and administration bungling.

I have mentioned only one instance of what I regard as legislative bungling and inefficiency. Unfortunately there are many such apparent in the measure before us.

I might mention the proposed appropriation for the Bureau of Public Assistance. The changes we made in the act established an entirely new program (assistance for the permanently and totally disabled), and made other changes with complex and important administrative implications such as those calling for direct payments to those who provide medical care—a provision which I believe is warmly endorsed by the American Medical Association. The Senate, upon recommendation of those who had studied the measure well and who knew what it would require in the way of adequate administration, approved an allocation of $250,000 for the purpose of discharging these new responsibilities. Yet the conferees have reduced this to the totally inadequate amount of $50,000.

In the case of the Children's Bureau, the complete deletion by the conferees of the $125,000 approved by the Senate would leave that Bureau with no additional funds whatever for the administration of programs which have been substantially doubled by the amendments to the social-security law.

In the case of the Office of the Commissioner for Social Security, the Budget Bureau estimate of $65,000 was in itself an altogether minimal request. The Commissioner for Social Security has very large responsibilities in planning, directing, and coordinating all of the many changes in the social-security law enacted by the 1950 amendments. When this request for $65,000 was cut still further by the Senate to $30,000, the outlook was that the Commissioner would be quite inadequately equipped to do his job. The conferees have not agreed even on this small amount approved by the Senate.

Permit me finally to give you one other instance of the altogether haphazard and, to my mind, irresponsible way in which we approach these matters of appropriation—an instance drawn from an altogether different field. Most of you, I believe, are aware that we in the Senate unanimously passed a bill which provides for the creation of two new national institutes of health at Bethesda—a bill which had wide bipartisan sponsorship and of which I was proud to be a sponsor. In passing that bill, which subsequently passed the House and became law, we told those millions of people in the country who are the unfortunate victims of blindness, rheumatism, arthritis, multiple sclerosis, cerebral palsy, epilepsy, and poliomyelitis that we had learned our lesson; that we would no longer rest content with appropriating huge funds to treat victims of those diseases while doing nothing about finding their causes or the means for their cure. We told these afflicted people and their families that we were going to mobilize the best scientific brains in the world and provide them with the necessary funds for an integrated and intelligently planned attempt to find the causes of and the cures for these diseases. Judging by the volume of mail I received expressing gratitude for our having passed this bill, these people believed us. Yet, despite the fact that those who, knowing the subject knew that we could afford to spend ten times the amount, reluctantly agreed that the $3,000,000 would be enough of an appropriation to get these two institutes under way, the conferees with careless abandon have stricken out that $3,000,000 entirely.

May I say to my colleagues on the conference committee that when the Committee on Labor and Public Welfare unanimously recommended and sponsored this bill, it was in part because extensive study had convinced us that to use these funds for this purpose would result in a huge saving of money to the Government and would therefore not represent a mere spending of public funds at all.

I wonder how long those of us who believe in the importance of the individual and who want to see the individual American strong and healthy in both body and mind, will have to say to grieving mothers, "Sorry, the Congress has put our scientists to work on hoof and mouth disease, on the boll-weevil problem, on blight in trees, and brucellosis in cattle. Those things pay off in dollars and cents. We can't afford to have them spending time on blindness or palsy or arthritis or on the rheumatic hearts of children. Children come cheap. Cows cost money."

I for one am grievously disappointed. I am heartily sick of seeing the Congress piously passing legislation for the good and welfare of the country in one month and then sabotaging that same legislation a few weeks later. I know that many of my colleagues feel as I do. I sincerely hope that when the new Congress meets in 1951, we shall take up, as the first order of business, the devising of a procedure under which we can square the obligations we undertake in passing bills with the actions we take in making appropriations for their administration.

Mr. CHAVEZ. Mr. President, I wish to make a few remarks in reference to the items now under discussion.

Members of Congress are being deluged with telegrams and letters from home protesting the rescission of funds authorized under the provisions of the Hill-Burton Act in the amount of $150,000,000 for contract authority. For the information of the Senate, I desire to make a short statement on the subject.

The budget estimate for grants for hospital construction for fiscal 1951 was $125,000,000 to provide for the liquidation of hospital construction obligations incurred under contract authorizations for 1950 and prior years; and for $150,000,000 in contract authorization for 1951 as the basis for 1951 allotments under the Hill-Burton Act.

The House Committee on Appropriations reported to the House a bill in which the liquidation cash was cut to $100,000,000, and the contract authorization to $75,000,000. On the floor, however, a motion was made, and agreed to, to allow the full budget estimate for contract authorization, namely, $150,000,000.

The Senate Committee on Appropriations accepted the House allowances for this item: $100,000,000 for liquidation cash and $150,000,000 in contract authority.

The Senate also adopted an amendment offered from the floor, the Byrd-Bridges amendment, by which all items would be reduced 10 percent—excluding, among other things, grants to States. Had this amendment prevailed, of course the $150,000,000 would have been available. But in conference the House Members would not agree to the Byrd-Bridges amendment, and offered in lieu thereof an amendment, which is now section 1214 of Public Law 759, di-

recting a reduction in appropriations and contract authorizations of not less than $550,000,000 without impairing national defense. Let me quote section 1214:

SEC. 1214. Appropriations, reappropriations, contract authorizations, and reauthorizations made by this act for departments and agencies in the executive branch of the Government shall, without impairing national defense, be reduced in the amount of not less than $550,000,000 through the apportionment procedure provided for in section 1211 of this act.

Accordingly, the Bureau of the Budget is in the process of making the directed rescission, and, I am informed, has notified the Federal Security Agency that not less than $75,000,000 is to be rescinded from the amount provided for contract authorization under the hospital construction program, and the Public Health Service officials have in turn notified State health department officials of this development.

There is, I suppose, nothing to be done at this late hour in the session to remedy this deplorable situation. The action of the Bureau of the Budget is in conformance with the provisions of the law, although they of course were clothed with discretion in assessing the reduction. But withal it is within the province of the Congress to provide additional contract authorization for this program, for which there is a desperate need all over the country.

In numerous instances, projects have been started, but on them the work must be abandoned or at least suspended indefinitely because of the rescission in these funds. I hope our leaders will give every attention to the plight in which our local communities find themselves. I propose to suggest to the chairman of the Senate Committee on Appropriations that the staff of our committee be directed to make a thorough study of the effects of the cutback, to guide us in reaching a proper decision upon the reconvening of Congress.

I ask unanimous consent that a table showing the status of construction projects under the Hospital Survey and Construction Act, as of August 31, 1950, be inserted at this point in my remarks. I am sure each Senator will find it valuable in assessing the plight of our constituencies.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Table showing status of construction projects under the Hospital Survey and Construction Act, as of Aug. 31, 1950

State or Territory	Combined allocation, fiscal years 1948–50	Allocation, fiscal year 1951	Total allocation, fiscal years 1948–51	Projects approved or completed		Balance available
				Number	Federal share	
Alabama	$10,716,698	$2,556,168	$13,272,866	35	$17,311,259	−$4,038,393
Arizona	1,747,369	423,944	2,171,313	9	2,887,461	−716,148
Arkansas	7,709,525	1,877,932	9,587,457	29	9,120,607	466,850
California	9,225,436	2,559,964	11,785,400	39	9,965,877	1,819,523
Colorado	2,315,405	508,658	2,824,063	10	2,655,727	168,336
Connecticut	1,860,034	505,382	2,365,416	12	2,134,168	231,248
Delaware	400,000	200,000	600,000	4	876,318	−276,318
District of Columbia	1,063,933	243,944	1,307,877	2	1,244,914	62,963
Florida	5,836,834	1,439,696	7,276,530	27	9,251,847	−1,975,317
Georgia	11,015,891	2,609,914	13,625,805	73	11,173,601	2,452,204
Idaho	1,220,887	311,984	1,532,871	9	1,084,866	448,005
Illinois	10,256,717	2,348,997	12,605,714	27	9,998,395	2,607,319
Indiana	7,318,813	1,908,751	9,227,564	42	13,416,166	−4,188,602
Iowa	5,785,789	1,517,413	7,303,202	31	5,673,342	1,629,860
Kansas	3,949,581	1,016,497	4,966,078	28	4,890,043	76,035
Kentucky	10,081,147	2,453,141	12,534,288	43	13,703,360	−1,169,072
Louisiana	8,494,058	2,108,328	10,602,386	50	10,375,676	226,710
Maine	1,990,709	531,660	2,522,369	10	3,320,431	−798,062
Maryland	3,282,249	788,334	4,070,583	11	2,979,499	1,091,084
Massachusetts	6,528,688	1,647,164	8,175,852	29	7,233,443	942,409
Michigan	9,479,400	2,553,413	12,032,813	34	11,036,625	996,188
Minnesota	6,793,174	1,697,784	8,490,958	33	9,405,107	−914,149
Mississippi	9,140,979	2,222,596	11,363,575	106	16,893,574	−5,529,999
Missouri	8,914,434	2,158,353	11,072,787	17	9,075,473	1,997,314
Montana	801,166	200,000	1,001,166	10	876,393	124,773
Nebraska	2,734,763	680,245	3,415,008	24	2,537,960	877,048
Nevada	300,000	200,000	50,000	3	233,846	266,154
New Hampshire	1,345,830	316,301	1,662,131	8	1,857,932	−195,801
New Jersey	5,564,178	1,453,840	7,018,018	23	7,912,118	−894,100
New Mexico	1,727,246	404,068	2,131,314	12	2,994,384	−863,070
New York	11,913,455	2,954,875	14,868,330	57	14,562,124	306,206
North Carolina	13,256,544	3,189,589	16,446,133	76	12,716,531	3,729,602
North Dakota	1,069,043	235,235	1,304,278	10	1,049,307	254,971
Ohio	11,385,508	2,973,486	14,358,994	45	12,671,963	1,687,031
Oklahoma	7,053,322	1,831,928	8,885,250	63	10,693,714	−1,808,464
Oregon	2,539,594	768,012	3,307,606	13	3,293,887	13,719
Pennsylvania	18,480,792	4,595,414	23,076,206	43	18,874,644	4,201,562
Rhode Island	1,070,412	259,875	1,330,287	9	2,243,012	−912,725
South Carolina	7,591,645	1,836,617	9,428,262	103	14,567,617	−5,139,355
South Dakota	1,299,062	291,364	1,590,366	11	1,316,644	273,722
Tennessee	10,264,381	2,475,101	12,739,482	29	9,848,946	2,890,536
Texas	19,196,048	4,721,369	23,917,417	86	22,652,192	1,265,225
Utah	1,473,183	375,110	1,848,293	11	1,809,103	39,190
Vermont	863,336	209,701	1,073,037	6	1,626,203	−553,166
Virginia	8,385,698	2,020,264	10,405,962	26	8,204,950	2,201,012
Washington	2,900,454	912,428	3,812,882	19	3,452,252	360,630
West Virginia	5,870,387	1,385,949	7,256,336	14	4,936,815	2,319,521
Wisconsin	6,337,195	1,544,509	7,881,704	35	10,676,584	−2,794,880
Wyoming	537,387	200,000	737,387	6	576,934	160,453
Alaska	400,000	200,000	600,000	1	199,692	400,308
Hawaii	985,510	249,081	1,234,591	3	1,248,148	−13,557
Puerto Rico	9,407,101	2,297,260	11,704,361	14	10,725,644	978,717
Virgin Islands	119,070	28,362	147,432	2	17,864	129,568
Total	300,000,000	75,000,000	375,000,000	1,472	370,085,182	[1] 37,695,996

[1] This total represents balances available for commitment. 18 States have overcommitted their allotments under the $75,000,000 contract authorization to the amount of $32,781,178.

HOSPITAL CONSTRUCTION PROGRAM—UNITED STATES PUBLIC HEALTH SERVICE

The allocations to States for fiscal year 1951, as shown under the third column, are based on $75,000,000 contract authorization.

The last column on the attached table, identified as "Balance available," shows that 19 States have overcommitted their cumulative allotments on the basis of $75,000,000 contract authorization for fiscal year 1951. The overobligations are represented by project applications initially approved and for which the local sponsors have been assured that their applications will be finally approved, provided a sufficient amount of funds is made available by the Congress. Also, a substantial amount of the overobligations covers projects which are already under construction and which are to be completed through the allocation of Federal funds from 1951 and later fiscal year allotments.

Mr. CHAVEZ. I am sure that each Member of the Senate will find these figures of real interest and importance.

I want also to say that certain appropriations for the Children's Bureau for maternal and child welfare and for other education, health, and social security activities were rejected by the House conferees. I recognize that as a practical matter there is nothing to be done about these appropriations at this time. But when Congress reconvenes in November I shall ask the Senate Committee on Appropriations to consider further these

appropriations, so that the needed funds may be made available for the education, health, and social security activities.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee that the Senate recede from certain amendments. [Putting the question.]

The motion was agreed to.

INTERNAL REVENUE ACT OF 1950—CONFERENCE REPORT

Mr. GEORGE. Mr. President, I submit a conference report on the bill (H. R. 8920) to reduce excise taxes, and for other purposes, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The report was read.

(For conference report, see House proceedings, CONGRESSIONAL RECORD of September 22, 1950, p. 15570.)

The VICE PRESIDENT. Is there objection to the request of the Senator from Georgia for the immediate consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. McMAHON. Mr. President, will the Senator yield to me?

Mr. GEORGE. Mr. President, I agreed to yield to the distinguished Senator from Connecticut.

NEGOTIATION AND RATIFICATION OF SEPARATE SETTLEMENT CONTRACTS WITH CERTAIN INDIANS—CONFERENCE REPORT

Mr. McFARLAND. Mr. President, before that is done, he yields to the Senator from Connecticut. Will the Senator from Georgia yield to me, to permit the adoption of a conference report? It will not take more than a minute to do so.

Mr. McMAHON. The Senator from Georgia has agreed to yield to me on a matter of personal privilege.

Mr. McFARLAND. Will the Senator permit a brief conference report to be acted on first?

Mr. GEORGE. Yes; if it will not require debate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona that, by unanimous consent, the Senator from Georgia may yield to him, for the purpose of permitting him to present a conference report? The Chair hears none, and the Senator from Arizona is recognized.

Mr. McFARLAND. Mr. President, I submit a conference report on the bill—H. R. 5372—to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and of Standing Rock Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Lahe Dam and Reservoir, Missouri River development, and for other related purposes, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5372) to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and of Standing Rock Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by the Senate amendment insert the following: "That the Chief of Engineers, Department of the Army, jointly with the Secretary of the Interior, representing the United States of America, are hereby authorized and directed to negotiate contracts containing the provisions outlined herein separately with the Sioux Indians of the Cheyenne River Reservation in South Dakota and with the Sioux Indians of the Standing Rock Reservation in South Dakota and North Dakota, through representatives of the two tribes appointed for this purpose by their tribal councils.

"SEC. 2. The contracts made pursuant to section 1 of this Act shall—

"(a) convey to the United States the title to all tribal, allotted, assigned, and inherited lands or interests therein belonging to the Indians of each tribe required by the United States for the reservoir to be created by the construction of the dam across the Missouri River in South Dakota, to be known as Oahe Dam, including such lands along the margin of said reservoir as may be required by the Chief of Engineers, United States Army, for the protection, development, and use of said reservoir: *Provided*, That the date on which the contract is signed by Chief of Engineers, United States Army, and the Secretary of the Interior shall be the date of taking by the United States for purposes of determining the ownership of the Indian tribal, allotted, and assigned lands conveyed thereby to the United States, subject to the determinations and the payments to be made as hereinafter provided for;

"(b) provide for the payment of—

"(1) just compensation for lands and improvements and interests therein, conveyed pursuant to subsection (a);

"(2) costs of relocating and reestablishing the tribe and the members of each tribe who reside upon such lands so that their economic, social, religious, and community life can be reestablished and protected: *Provided*, That such costs of relocating and reestablishing the tribe and the members of each tribe who reside upon such lands shall not result in double compensation for lands and properties to the tribe and members of each tribe; and

"(3) costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines located upon such lands;

"(c) provide that just compensation for the lands of individual members of such tribes, who reject the appraisal covering their individual property, shall be judicially determined in proceedings instituted for such purpose by the Department of the Army in the United States district court for the district in which the lands are situated;

"(d) provide a schedule of dates for the orderly removal of the Indians and their personal property situated within the taking area of the Oahe Reservoir within the respective reservations: *Provided*, That the Chief of Engineers shall have primary and final responsibility in negotiating concerning the matters set out in the foregoing paragraphs (a) and (b) hereof;

"(e) provide for the final and complete settlement of all claims by the Indians and tribes described in section 1 of this Act against the United States arising because of construction of the Oahe project.

"SEC. 3. To assist the negotiators in arriving at the amount of just compensation as provided herein in section 2 (b) (1), the Secretary of the Interior or his duly authorized representative and the Chief of Engineers, Department of the Army, or his duly authorized representative shall cause to be prepared an appraisal schedule on an individual tract basis of the tribal, allotted, and assigned lands, including heirship interests therein, located within the taking areas of the respective reservations. In the preparation thereof, they shall determine the fair market value of the lands; giving full and proper weight to the following elements of appraisal: Improvements, severance damage, standing timber, mineral rights, and the uses to which the lands are reasonably adapted. They shall transmit the schedules to the representatives of the tribes appointed to negotiate a contract, which schedules shall be used as a basis for determining the amount of just compensation to be included in the contracts for the elements of damages set out in section 2 hereof.

"SEC. 4. The specification in sections 2 and 3 hereof of certain provisions to be included in each contract shall not operate to preclude the inclusion in such contracts of other provisions beneficial to the Indians who are parties to such contracts.

"SEC. 5. (a) The contracts negotiated and approved pursuant to this Act shall be submitted to the Congress within eighteen months from and after the date of enactment of this Act.

"(b) No such contract shall take effect until it shall have been ratified by Act of Congress and ratified in writing by three-quarters of the adult members of the two respective tribes designated in section 1 hereof, separately, within nine months from the date of the Act ratifying each said contract: *Provided*, That in the event the negotiating parties designated by section 1 of this Act are unable to agree on any item or provision in the proposed contracts, said items or provisions shall be reported separately to the Congress as an appendix to each contract, and shall set out the provisions in dispute as proposed by the advocates thereof for consideration and determination by the Congress.

"SEC. 6. Nothing in this Act shall be construed to restrict the orderly prosecution of the construction or delay the completion of the Oahe Dam to provide protection from floods on the Missouri River."

And the Senate agree to the same.

ERNEST W. McFARLAND,
HUGH BUTLER,
Managers on the Part of the Senate.
J. HARDIN PETERSON,
TOBY MORRIS,
WESLEY A. D'EWART,
Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

PERSONAL STATEMENT BY SENATOR McMAHON

Mr. McMAHON. Mr. President——

Mr. GEORGE. Mr. President, I now yield, if I may do so, by unanimous consent, to the distinguished Senator from Connecticut [Mr. McMAHON], who rises to a question of personal privilege.

The VICE PRESIDENT. The Senator from Georgia requests unanimous consent that he may yield to the Senator from Connecticut. Is there objection? The Chair hears none, and the Senator from Connecticut is recognized.

Mr. McMAHON. Mr. President, I rise today to perform the most reluctant duty that has ever been my task in public life.

In a time of extreme gravity for the United States, when there is need for decent and full discussion of the issues, I am compelled to discuss matters which never should be the concern of the Senate, and which have no place in American public life.

I regret giving public recognition and circulation to this scandalous business, but I cherish the good name and the reputation of myself and my family more than I cherish anything else on this earth.

The hoodlum Hearst press has announced a mucker campaign to defile my honor and my public career in a series of newspaper articles to begin the day after tomorrow, Sunday, September 24, 1950.

This campaign was carefully plotted to start after the Congress was in adjournment, in the belief that I would then be deprived of a proper forum in which to bring the truth before the people of America. It was a typical yellow act of yellow journalism. But the timing was wrong; the Congress is still in session, and I have this forum—the greatest forum in the world—in which to present the facts.

The notorious Hearsts have made $100,000,000 peddling pornography and scurrility. They have lowered the standards of the American press and attempted to deprave the taste and morals of the American people.

For half a century the Hearst press has poured forth a stream of calumny to besmirch the reputations of the finest public figures in American life. The list of victims is long and honorable: Theodore Roosevelt, Charles Evans Hughes, Woodrow Wilson, Herbert Hoover, Franklin D. Roosevelt, and Alfred E. Smith. It is a mark of honor to be marked along with these men for political assassination. These men fought back against Hearst in defense of their honor, and I shall do the same.

Theodore Roosevelt, in a statement issued by Elihu Root, directly charged Hearst with stirring up the public hate and hysteria which led to the assassination of President McKinley. I shall place Mr. Root's statement in this RECORD.

I cite a few examples of what Hearst said about the most distinguished men in public life.

Hearst called Theodore Roosevelt a "woman killer," a "flagrant tax dodger," a man who "has sold himself to the devil and will live up to the bargain."

In discussing President McKinley, Hearst said:

> Institutions, like men, will last until they die; and if bad institutions and bad men can be got rid of only by killing, then killing must be done.

In his finest act of service for the Nation he loved so well, Al Smith drove Hearst out of New York State and out of American public life forever. It was Al Smith, the courageous warrior, who personally and alone prevented Hearst from taking a seat in the Senate. For that service Al Smith deserves the highest monument his friends and admirers can erect.

It was this Hearst who bought and published, in the late 1920's, the forged Mexican documents which were intended to plunge this Nation into a bloody war with Mexico. These alleged documents charged some of the most distinguished Members of the United States Senate with being in the pay of foreign sources to betray their Government. Those accused included Senators Norris, of Nebraska; Borah, of Idaho; and La Follette, of Wisconsin, among the most distinguished and honorable men who ever sat in this body. A short time after the publishing of these spurious documents Hearst appeared before a committee of this Senate and made a full confession. He confessed that the documents were forged and that his own handwriting experts had told him they were forged. It was the most abject act of self-debasement in the last century of American public life.

But the Hearsts did not abandon completely their forging habits. In the 1944 campaign they secured forged affidavits in an effort to show that Harry Truman had been a member of the Ku Klux Klan, the most dastardly attempt at character assassination in the last 10 years of American politics. The public immediately showed what they thought of the Hearsts by electing Mr. Truman Vice President and later President. The foregoing brief résumé is intended to establish the character and moral level of the Hearsts.

The Hearsts have now decided that I am to be the principal target of their mud gunners in the coming election campaign. Here is a smear red box appearing on the front page of the Journal-American:

> How did the Connecticut Senator BRIEN McMAHON acquire fame and wealth in Washington?
>
> What is his connection with the notorious draft-dodger, Serge Rubinstein?
>
> See Leslie Gould's revealing articles starting in Sunday's Journal-American. Read for the first time the inside story of atomic energy control. Learn whether the United States has lost its leadership in atomic development. Whether there has been laxity in safeguarding atomic secrets. Starts exclusively in Sunday's Journal-American.

The intent is apparent: the Hearsts intend to shake the confidence of the American people in their atomic-energy project at this crucial period in national life. They will gamble the security of their country in pursuit of their sordid ends.

Again I point out that this series of articles was planned to appear after the adjournment of Congress. The Hearsts are completely Fascists in their political orientation, and I earned their undying enmity by sponsoring civilian control over atomic energy as against military control.

But I wish to call attention to one sentence in the Journal-American smear box, which says it will reveal my connection "with the notorious draft dodger Serge Rubinstein."

The fact is that I represented Mr. Rubinstein, then a New York businessman, while I was practicing law in Washington before my election to the Senate. I represented a couple of the companies in which Rubinstein had a business interest, and I also represented him personally in an immigration matter.

At that time, Rubinstein had an appeal pending on his draft status with General Hershey, the National Director of Selective Service. At that time, Rubinstein had been accused of no crime, but to clear the record, I wrote General Hershey in the plainest language the human tongue can devise to advise him officially that I had no connection with Rubinstein's draft case. I said:

> For the purposes of keeping the record straight, I wish to inform you that this firm has not represented Mr. Rubinstein in his draft matter.

The reference is to my law firm.

Some years later, after I had severed all my law connections and taken a seat in this body, Rubinstein was convicted in connection with allegations made in his draft statement. He was ably prosecuted by the law enforcement officials of this Government. Since then he has been released from jail and is again under indictment by Federal authorities.

The record shows that the Rubinstein case was conducted honestly, ably, and efficiently, by the law enforcement agencies of this Government. The Judiciary Committee of the House of Representatives, during the Eightieth Republican-controlled Congress so found when it looked into the matter in pursuance of a resolution that undoubtedly had its inspirations in the machinations of Mr. Gould.

The record shows also that I never had the slightest connection with Rubinstein's draft case and that I so stated in official communication to the proper authorities of this Government before a single criminal charge was ever preferred against this man.

And the record shows more than that. For more than 2 years, the Hearst Journal-American has scandalized me in written articles from time to time, by printing the fraudulent charge that I intervened for Rubinstein in his draft difficulties. Imagine the absurdity of this charge in view of the fact that he received a 2½-year sentence to the penitentiary.

In December of 1948, I summoned William R. Hearst, Jr., to my office, gave him all the facts, and told him the complete record was available for publication in his newspaper. He gave his solemn pledge to me in person, and later in writing, that he would bring the writer of these articles, one Gould, a crooked Wall Street scribbler, to my office to go over the record.

Hearst broke his pledged word. Instead, in February of 1949, this mucker Gould, who has been connected with so many shoddy stock manipulations in New York financial circles that no one can keep track of them, again printed a scandalous article attempting to link me

to Rubinstein's draft case. I then wrote the letter to Hearst which I read now:

DEAR SIR: Gould's column has been brought to my attention.

You lied to me. You pledged your word, personally and in writing, that before more such columns were published, you would bring Gould to my office to see what you have seen—positive evidence to prove the utter falsity of his charges.

This letter is to establish the record. I have in my files a letter written by me in 1943 to General Hershey, serving formal notice that I had nothing to do with the Rubinstein draft case.

Also, in my files, there is a letter written by me in August 1948 demanding a thorough investigation of the Rubinstein case and the Hearsts. Also, a reply from General Hershey in which, among other things, he again acknowledged receipt of my letter written in 1943.

This correspondence is available for publication in full in your newspapers, whenever you wish to place the truth before your readers.

Meanwhile, I have not been idle and neither have my friends. This renewed effort to blacken my character will not go unchallenged. I have pledges of vigorous support, both within the Senate and outside the Senate. Organizations of veterans, organized labor, and civic groups which your newspapers have defamed, stand ready to back me to the limit. You will be hearing from some of them shortly.

You caught me at a very busy moment. I am engaged in honorable pursuits with honorable men, and I dislike intensely to be diverted by a pipsqueak like Gould. But I am prepared to see this thing through.

Meanwhile, this is an interim reply to Gould's column, for publication in the Journal-American.

Sincerely yours.

The letter was signed by me.

Fellow Senators, here is a complete test of Hearst honor. That letter was never answered. Hearst never published that letter in the Journal-American, and he never brought Gould to see the documents offered for publication in his newspaper. Hearst pleaded guilty by evasion. Does this meet the high standards of American newspaper ethics?

Instead, he preferred the cowardly way, the usual Hearst way, by waiting until now, when he felt Congress would be out of session to besmirch and destroy my good name and reputation.

In the summer of 1948, the Hearsts were carrying on their smear campaign against me in full vigor.

I wrote General Hershey formally calling upon him for a sweeping investigation of the Rubinstein case and the draft records of the sons of William Randolph Hearst. These men, now high officials in the Hearst organizations and leaders against me in their current smear campaign, were healthy, wealthy, and well within the age limits when the United States was fighting for its life in World War II.

For years in their sordid newspapers, the Hearsts have advocated universal military training for every American boy—apparently, for everybody except the Hearsts. The Hearsts pleaded to their draft boards that they were needed at home to support their families. Apparently $100,000,000 is not enough.

General Hershey replied that he was proud of his record in Selective Service, that there was no reason to investigate the Rubinstein case, and that he would surrender the Hearst records on subpena by a committee of Congress. I place in the record my letter and General Hershey's reply.

There being no objection, the two letters were ordered to be printed in the RECORD, as follows:

AUGUST 9, 1948.

Maj. Gen. LEWIS B. HERSHEY,
Selective Service, Washington, D. C.

DEAR GENERAL HERSHEY: Selective Service is once again in operation. There are few things more essential than the need to maintain the confidence of the people of the United States in the Selective Service System.

For well over a year, one Leslie B. Gould, financial editor of the New York Journal-American, owned by William Randolph Hearst, has been writing articles to the effect that one Serge Rubinstein, now an inmate of Lewisburg Prison, had succeeded through political influence in getting 15 changes in his draft status. Among those whom he charges, at least by innuendo, with exerting political influence is the writer.

I mention this because it does point up my interest, but I nevertheless feel, entirely aside from his slanderous effort to connect me with Rubinstein's draft dealings, that allegations to the effect that a person has succeeded in evading military service through political influence are most grievous and are calculated to do irreparable damage to public morale. I am informed by war veterans that Mr. Gould himself did not serve in the Armed Forces and that his deferment would certainly bear inspection.

As an example of Gould's methods, I quote from an article appearing under his name in the August 4 issue of the Journal-American:

"There never has been an official, public investigation into the Rubinstein affair. The reason is obvious. Too many in Government are involved, including some of the most prominent of the New Deal in the Federal agencies and in Congress.

"Rubinstein, who won 15 changes in his draft status, was convicted and sentenced in April of last year to 2½ years in what is the 'cushiest' clink in the country."

Without a shred of supporting evidence, Gould is charging that Selective Service was motivated by political influence to aid a draft dodger.

Personally, I believe this is an outrageous slander and that your administration of selective service was one of the outstanding public services of the war period. Yet the allegation should not go unchallenged.

If you will be good enough to consult your files, you will find there a letter from me under date of November 18, 1943, stating specifically that my firm did not represent Rubinstein in his draft case. This letter was written while I was practicing law in Washington and before my service in the Senate of the United States. This letter said:

"For the purposes of keeping the record straight, I wish to inform you that this firm has not represented Mr. Rubinstein in his draft matter."

Mr. William Randolph Hearst has five sons. Their names are as follows: George Hearst, William Randolph Hearst, Jr., John R. Hearst, Randolph Apperson Hearst, David Whitmire Hearst.

War veterans have informed me that only one of them, Randolph, served in the Armed Forces, and that the others dodged the draft by claiming that they were the financial support of their families—I hope they did not include their aged parents. The idea of the proprietor of the super de luxe San Simeon palace being in need of financial assistance would, I am sure, bring ironic amusement to veterans of the last war.

I think you should, for the sake of selective service, look into what was done with Rubinstein by his draft board to ascertain whether any improper conduct on the part of any public official, or anybody else for that matter, was engaged in. I think, also, that it would be well if you were to look into the records of the Hearsts, and, of course, Mr. Leslie B. Gould.

I would be obliged to you if you would furnish me with their draft records so that I may have them for an official purpose, i. e., the preparation of an investigatory resolution for presentation to the United States Senate.

Sincerely yours,

BRIEN MCMAHON,
United States Senator.

NATIONAL HEADQUARTERS,
SELECTIVE SERVICE SYSTEM,
Washington, D. C., September 20, 1948.

The Honorable BRIEN MCMAHON,
United States Senate.

DEAR SENATOR MCMAHON: This will refer to your letter of August 9, 1948, which indicated the advisability of an investigation into the handling of the Serge Rubinstein case by the Selective Service System. The intermittent reference to this case by Leslie B. Gould, financial editor of the New York Journal-American, was cited as the immediate reason for this investigation.

In this letter there was a request for the draft records of Mr. George Hearst, Mr. William Randolph Hearst, Jr., Mr. John R. Hearst, Mr. Randolph Apperson Hearst, Mr. David Whitmire Hearst, Mr. Serge Rubinstein, and Mr. Leslie B. Gould.

There was also a reference to the letter written by you on the 18th of November, 1943, while practicing law in Washington, D. C., in which you wrote:

"For the purposes of keeping the record straight, I wish to inform you that this firm has not represented Mr. Rubinstein in his draft matter."

I acknowledge the receipt of the letter referred to in the preceding paragraph.

The case of Serge Rubinstein has been tried in the courts of the United States. The file of Serge Rubinstein, which is most voluminous, hundreds of pages, was in the hands of the United States attorney for the southern district of New York for months. Photostatic copies of much of it has been included in the record of the trial, which resulted in a conviction and a prison sentence for Serge Rubinstein.

The Selective Service System is proud obviously of its record in effecting tens of millions of classifications with a minimum of criticism. This record was sustained through years of war when emotions were tense. The Selective Service System has maintained a consistent policy on criticism, direct or implied, from nongovernmental sources. That policy has been to refrain entirely from controversy over its methods or operation. It has chosen to stand on the record made by its actions.

This of course in no way has prevented inquiry by courts and Congress by use of subpena or other investigations by law-enforcing agencies of the Government, which consistently used the records of Selective Service in exercising their responsibility of law enforcement.

The records of the registrants requested cannot be furnished. They are confidential, but will be produced if subpenaed by a committee of Congress. The official who brings the records of the committee of Congress will warn the committee of the confidential nature of the records and will state that only on threat of contempt will the contents be divulged.

Sincerely yours,

LEWIS B. HERSHEY,
Director.

Mr. MCMAHON. Mr. President, I also ask to have printed in the RECORD at this point in my remarks a statement

made on November 1, 1906, by Secretary of State Elihu Root, speaking for President Theodore Roosevelt, at Utica, N. Y.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I say to you, with his authority, that he greatly desires the election of Mr. Hughes Governor of the State of New York; I say to you, with his authority, that he regards Mr. Hearst as wholly unfit to be Governor, as an insincere, self-seeking demagog who is trying to deceive the workingmen of New York by false statements and false promises; and I say to you, with his authority, that he considers that Mr. Hearst's election would be an injury and a discredit alike to honest labor and to honest capital and a serious injury to the work in which he is engaged of enforcing just and equal laws against corporate wrongdoing.

President Roosevelt and Mr. Hearst stand as far as the poles asunder. Listen to what President Roosevelt himself has said of Mr. Hearst and his kind. In President Roosevelt's first message to Congress, in speaking of the assassin of McKinley, he spoke of him as inflamed "by the reckless utterances of those who, on the stump and in the public press, appeal to the dark and evil spirits of malice and greed, envy and sullen hatred. The wind is sowed by the men who preach such doctrines, and they cannot escape their share of responsibility for the whirlwind that is reaped. This applies alike to the deliberate demagog, to the exploiter of sensationalism, and to the crude and foolish visionary who, for whatever reason, apologizes for crime or excites aimless discontent."

I say, by the President's authority, that in penning these words, with the horror of President McKinley's murder fresh before him, he had Mr. Hearst specifically in his mind.

And I say, by his authority, that what he thought of Mr. Hearst then he thinks of Mr. Hearst now.

Mr. McMAHON. I now submit a resolution providing for a searching investigation of the entire Rubinstein draft case and the draft records of the Hearsts.

The resolution (S. Res. 356) was referred to the Committee on Armed Services, as follows:

Resolved, That the Committee on Armed Services, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation of the draft records of William R. Hearst, Jr., Serge Rubinstein, Leslie Gould, John Hearst, and David Hearst, with a view toward determining whether the afore-mentioned individuals violated the Selective Service Act, and by what means, if said violation is ascertained, they escaped punishment therefor.

The committee shall report to the Senate at the earliest practicable date, the results of its study and investigation together with such recommendations as it may deem desirable.

Mr. McMAHON. Mr. President, this session of the Senate will be ending shortly, but we have a very able subcommittee that is now conducting an investigation of the war effort, and it seems to me highly appropriate that they should now investigate this situation. The Senate will return in late November, and I shall press for adoption of this resolution with all the vigor at my command.

Let me summarize this campaign of scurrility against me in the briefest fashion.

While practicing law in 1943, I represented a client in an immigration matter. At that time, I notified the draft authorities that I did not represent this man in his draft matter then pending. Years later, this man was convicted of a crime. This is the entire basis of the campaign of calumny.

Everyone knows that a lawyer is never responsible for the subsequent actions of a former client.

The sign of Hearst is the sign of pollution. For 50 years the Hearsts have degraded and debauched everything they have touched. The Hearsts have profaned the sacred thngs of life by using them for their own sordid motives. They have patrioteered in the name of patriotism. They have falsely accused others of disloyalty to hide their own misdeeds. They have tried to extort dollars from every cause sacred to the American people.

The Hearsts have made public life a torture for hundreds of worthy men by their constant stream of calumny and vilification. They accused Al Smith, the Happy Warrior, of being responsible for the sale of poisoned milk to babies, a smear which very nearly killed Al Smith's aged mother.

These are the same Hearsts who have marked me for political assassination. When these Hearst draft records are spread before the public, there is at least one of these records which will shock the American people beyond description. The story of the Hearsts brings to mind that old saying:

"Invincible in peace; invisible in war."

The publisher of this notorious sheet, the New York Journal-American, which has been scandalizing me for more than 2 years, is William Randolph Hearst, Jr. Suddenly during World War II, Junior felt the urge to become a war correspondent. He was never a reporter before the war and has never been one since. Then President Roosevelt put a stop to that kind of nonsense.

The late President issued a strict order that no more publishers were to go junketing to Europe masquerading as reporters.

In the history of American politics, there has been no man so reviled as has the late President Roosevelt by these unconscionable Hearsts. Even in death, they will not let him alone.

But F. D. R. had four sons, and when the bullets were flying and the bombs were crashing, these four Roosevelt boys were there in the thick of battle doing their duty in the uniforms of American servicemen. The Roosevelt boys did not ask deferment and they did not try evasion.

The next time you read one of these scurrilous attacks on F. D. R. in the Hearst press, ask yourself this question: Where were the Hearsts when the Roosevelt boys were under fire?

This last-minute sneak attack by the Hearsts will not deter me now. I will be back here in November, with 10,000,000 decent Americans behind me, to bring them to account.

I hope to make it possible for decent men to enter public life secure in the knowledge that no longer will their families suffer the agony and misery occasioned by the constant lies of the infamous Hearsts.

What Al Smith so nobly began, I shall do all in my power to end, by destroying the malign influence of the wicked Hearsts.

As the eminent historian, Charles A. Beard, so well said:

Only cowards can be intimidated by Hearst.

I have a message for the people of Connecticut. I opened my campaign last Tuesday night. I attacked no man in the State of Connecticut or outside the State of Connecticut. That is my idea of a fair and honorable campaign. I hoped to keep it that way.

But the man who will not fight to protect his honor, does not deserve to keep his Senate seat.

The Hearsts have now started advertising in Connecticut their campaign of scurrility against me.

The issue is clear: Am I to be muckered and scandalized because I dared sponsor civilian control of atomic energy against the wishes of the Fascist Hearsts?

Let me inform the people of Connecticut that as early as 2 years ago the Hearsts tried to peddle these lies to the newspapers of Connecticut. I am proud to report that not a single newspaper in Connecticut would print this reprehensible stuff. These newspapers valued their reputation for integrity and fairness. I salute the newspapers of Connecticut for their honorable course.

If irresponsible partisans repeat these lies in Connecticut, I want the people to know that they originated in the foul stream of Hearst journalism.

I solemnly assure the people of Connecticut that I have conducted my labors on the atomic-energy project in keeping with my oath to God as a United States Senator.

I shall take means to place the facts contained in this record before the voters of Connecticut. I trust that henceforth I shall never have to discuss this distasteful business in the Connecticut campaign. I shall continue as I have in the past to discuss the issues fairly and fully—perhaps the gravest issues placed before the electorate in our time.

I ask forgiveness for intruding upon the time of Senators. In the coming campaign many of them will be slandered and maligned by the despicable Hearst press as I have been. I believe that to place the malicious Hearst record before the American people is the finest public service I can perform.

I hope Senators will draw freely from this record if the need arises.

Mr. CONNALLY. Mr. President, I thoroughly deplore the vicious and unwarranted attack on the Senator from Connecticut. The Senator has been a member of the Committee on Foreign Relations for many years. I also served with him on the Atomic Energy Committee. I have at all times found him to be honorable and able, and possessing a fine conception of public service. I resent the attacks upon him.

Mr. McMAHON. I thank the Senator.

Mr. HILL. Mr. President, I wish to join the Senator from Texas in his expression of confidence in the Senator from Connecticut. Since he has been in the Senate I have had close association with him. I not only know his fine

ability, but I know his fine loyalty and devotion. I know how hard he has worked as chairman of the Committee on Atomic Energy, and the great contribution he has made in that work and to the defense welfare of our country.

Mr. McFARLAND. I join my colleagues, and I am sure the overwhelming majority of the Members of this body, in resenting the unwarranted attack on the senior Senator from Connecticut. I wish to compliment the distinguished Senator for the work he has done in the United States Senate and particularly with respect to his great service on the Committee on Atomic Energy. The Senator from Connecticut, perhaps more than any one man, is responsible for the civilian control of our atomic-energy program, and I do not hesitate to suggest that, long after his detractors are forgotten, the fruits of our atomic-energy policies will remain as a living monument to the senior Senator from Connecticut. I have no doubt that the people of his State are so well aware of his efforts and energy in their behalf, of the preeminent standing he enjoys in this Chamber and in the entire country, that they will not only ignore but resent the scurrilous attacks that may be made upon him. I am sure that right will prevail, and that the people everywhere will know the facts as he has presented them today.

Mr. FULBRIGHT. Mr. President, I wish to associate myself with what has been said with regard to the Senator from Connecticut. I am associated with him on the Committee on Foreign Relations, and I am sure that I am as well acquainted with his activities as is any other Senator. I know the very serious and conscientious work he has done on the committee. I resent as wholly unwarranted the kind of attack that has been made upon him.

THE CHARACTER AND INTEGRITY OF WILLIAM RANDOLPH HEARST, JR., AND MRS. HEARST

Mr. MALONE. Mr. President, I have the highest personal regard for the distinguished senior Senator from Connecticut. I know nothing of the attacks that he says have been made. I have not read the attacks.

However, I could not allow the occasion to pass without saying for the RECORD that although Mr. William Randolph Hearst, Jr., publisher of the New York Journal American, is a younger man and I have known him for comparatively a short number of years, I do know that his integrity is unquestioned and his good character is established among all who know him.

Mrs. Hearst writes a column in a Washington newspaper under the name of Austine Cassini. They both enjoy the highest degree of integrity and character. I have every confidence that on any accusation that may be made through the publications or which the Senator from Connecticut may refute, the facts will become known.

I could not let go by unchallenged a statement reflecting upon the character of William Randolph Hearst, Jr.

Mr. MURRAY. Mr. President, I join my colleagues in expressing confidence in the Senator from Connecticut. I am sure that the people of his State will not be affected by that kind of propaganda. I have had experience myself in my State of Montana with attacks of that kind. I certainly hope that the Senate will stand back of the distinguished Senator from Connecticut and support him in his fight against these scurrilous attacks.

Mr. KEFAUVER. Mr. President, I have known the distinguished Senator from Connecticut perhaps longer than have most other Members of the Senate, because we entered law school together and graduated in the same class from Yale Law School in 1927.

I have always known him quite well since that time. I have always admired him as being a very conscientious, straightforward, courageous, splendid public servant.

Mr. LEHMAN. Mr. President, I wish to associate myself in the expressions of my colleague with regard to the Senator from Connecticut. Although I have served with him in this body for only a year, I have known him for a very long time, and it gives me great pleasure to say that I have the greatest admiration for him and the fullest confidence in his integrity and his good purposes.

PRESENTATION OF SENATE DESK TO VICE PRESIDENT BARKLEY

Mr. CHAVEZ. Mr. President, I send to the desk a Senate resolution, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The clerk will read the resolution.

The resolution was read as follows:

Whereas the Special Committee on Reconstruction of Senate Roof and Skylights and Remodeling of Senate Chamber, acting under authority of section 3 of Public Law 731, Eighty-first Congress, has directed the Architect of the Capitol to present to ALBEN W. BARKLEY, of Kentucky, as a gift from the Senate in recognition of his service as Member of Congress, President of the Senate, and Vice President, the desk in the Senate Chamber occupied by him as President of the Senate and Vice President since January 3, 1949;

Whereas this particular desk was first occupied by Vice President John C. Breckinridge of Kentucky;

Whereas Kentucky and its people have contributed to the building of the United States in every form and manner in all that is good for a government of the people;

Whereas it is the desire of the Special Committee on Reconstruction of Senate Roof and Skylights and Remodeling of Senate Chamber, acting under Public Law 731, Eighty-first Congress, to honor not only Kentucky but Vice President Breckinridge and Vice President BARKLEY that the Special Committee has made this decision and presentation. In effect, the said gift be to Vice President ALBEN BARKLEY for his lifetime, and thereafter to the State of Kentucky: Therefore be it

Resolved, That the Senate take this occasion to extend to Vice President ALBEN W. BARKLEY an expression of high appreciation for his distinguished and judicial service as its presiding officer, and, even at this late date, to pay tribute to Vice President Breckinridge and to the State of Kentucky and its people.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on agreeing to the resolution.

The resolution was unanimously agreed to.

Mr. WHERRY. Mr. President, the only improvement in the resolution I would suggest would be that all Senators might be permitted to join as cosponsors. I am sure I speak the sentiments of all the Members of the Senate when I give expression to that sentiment.

(Great applause, Senators rising.)

Mr. CHAVEZ. Mr. President, I had the names of the Senator from Ohio [Mr. TAFT] and the Senator from Missouri [Mr. KEM] on the resolution, but they were not here at the moment, and because of the fact that I did not want to put their names on the resolution without seeing them, I erased them, but I know they would gladly have joined.

Mr. WHERRY. Is there any objection to having every Senator's name added to the resolution? I should like to join.

Mr. CHAVEZ. I ask that the clerk amend the resolution by adding the names of all Senators.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Chair would like to express his thanks to the Senate for its very gracious act with regard to this old desk, which has occupied a place in the Senate Chamber for 93 years. As the Senator from New Mexico stated, it was first used by Vice President John C. Breckinridge, who was Vice President under James Buchanan. It has been used, of course, by many distinguished Americans who presided over the Senate in that period of time. It so happened that I was presiding at the time of its removal from the Senate Chamber. Naturally there is a sentimental attachment to it which probably would not apply to others.

I greatly appreciate the action of the Senate, and I am sure, speaking for the State of Kentucky, that the people of that State will appreciate this gracious act in donating the rostrum to them.

INTERNAL REVENUE ACT OF 1950—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8920) to reduce excise taxes, and for other purposes.

Mr. GEORGE. Mr. President, I hope to be very brief in presenting the conference report.

The Senate conferees were able to secure agreement from the House on many of the Senate amendments. However, there were some amendments upon which no agreement could be reached. On these, we had to recede in order to get a bill. They are:

Amendment No. 64, relating to spinoffs.

Part of amendment No. 65, relating to the ordinary treatment processes in the case of bentonite.

A part of amendment No. 82, specifically providing that cattle raised for breeding or dairy purposes shall have capital gain treatment if owned by the taxpayer for more than 3 months. This amendment was believed discriminatory in that it did not apply to other types of livestock. However, the conferees agreed that this whole matter needed further study and legislation, and ex-

pressed the hope that pending such further study and legislation, the Treasury Department would follow the decision of the Eighth Circuit in the Albright case.

Mr. THYE. Mr. President, will the Senator yield?

Mr. GEORGE. I yield for a question. I shall try to explain anything the Senator wishes clarified.

Mr. THYE. In the original amendment which was offered by me, the word "livestock" was included and later the word "cattle" was substituted as a modification on the Senate floor, was it not?

Mr. GEORGE. That is true.

Mr. THYE. I definitely had in mind that the word "livestock" should be used rather than the word "cattle." I consented to a modification for no other reason than to get the matter into the hands of the conference committee in order that the question might be considered in conference.

I wish to say, if the very able Senator from Georgia will permit, that I believe that with this language in the report, the Bureau of Internal Revenue will follow the decision in the Albright case, and if it does we shall not have any difficulties or complaints from the producer of livestock because of unjust action on the part of the Bureau of Internal Revenue on the income returns from breeders of livestock.

I say to the chairman of the committee that I am certain the livestock breeders will appreciate the action of the conferees providing that the Revenue Department shall follow the directions as set forth in this report.

Mr. GEORGE. The conferees insisted upon including in the statement of the House managers the expression which I have just read. It is a little more elaborately stated in the House managers' statement accompanying the conference report. I agree with the Senator that the question would be very largely resolved at least if the department should follow the Albright decision.

Mr. THYE. I thank the distinguished Senator from Georgia for permitting my brief comments on the question.

Mr. GEORGE. Mr. President, amendment No. 99, providing capital-gain treatment in case of assignment of certain oil, gas, and mineral rights—I am reading, of course, an omitted amendment—was one which was adopted upon the insistence of the senior Senator from Texas [Mr. CONNALLY] but the amendment was not acceptable to the House, and is one of the excluded amendments.

Amendment No. 110, relating to the treatment of family partnerships.

Amendment No. 113, which did not subject employees of the United States working in United States possessions or in the Canal Zone to income tax on their salaries until 1951. The House conferees insisted on making this amendment effective January 1, 1950.

The Senate conferees prevailed in getting an agreement on all of the other amendments, with only minor variations in some cases.

Senate amendment No. 14: The Senate conferees also agreed to accept a House provision allowing stamps to be attached in foreign countries to certain tobacco products.

Senate amendment No. 31: The Senate conferees also agreed to accept a House provision giving articles sold for the use of aircraft engaged in foreign trade the same exemption as is accorded when such articles are sold for the use of ships.

The Senate conferees also agreed to a House provision extending the time for filing returns and payment of tax by fiduciaries of estates and trusts an additional 30 days. In the case of the calendar year, this would extend the time from March 15 to April 15.

Amendment No. 55, allowing the military exclusion for enlisted personnel and the $200 per month exemption for officers serving in combat areas, was rewritten to make it clear that the exemption or exclusion would apply for service performed in the combat area regardless of when or where compensation was received.

That amendment is in substance the same as the amendment which was approved by the Senate, which had been offered by the distinguished Senator from Massachusetts, relating to the place and time of the payment of the compensation to those engaged in the combat area.

Amendment No. 61, allowing newspapers a deduction for expenses to establish, maintain or increase circulation, was adopted with the limitation that for years between 1946 and 1950, if the taxpayer had actually taken such expenditures as a deduction, he would not be permitted to capitalize any part of such expenditures so taken as a deduction for such prior years. This was thought necessary to prevent a taxpayer from capitalizing such expenses to increase his base period in case an excess profits tax was adopted and the taxpayer was permitted to use the years 1946–1949 as a base period.

Amendment No. 65: In regard to allowing percentage depletion with respect to transportation costs, in the case of mines, the Senate conferees were able to work out a compromise, so that so much of such transportation costs of ores or minerals would be allowed from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto, as is not in excess of 50 miles, unless the Secretary of the Treasury finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plant or mills.

In connection with that particular amendment I desire to offer a brief statement for the RECORD, without reading it.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Ways and Means Committee report stated that section 204 of the House bill was intended merely to restate the present law with respect to the treatment of transportation of minerals from the mine to plants where the ordinary treatment processes are applied. Section 208 (a) of the Senate bill restated the present law more accurately with the understanding—as is set forth in the Committee Report—that this rule, intended to be applied in accordance with normal standards, clearly would not extend to transportation to distant points far beyond the location where mine operators would normally locate such plants. Instead of this implicit understanding of the limitation under existing law, it is felt that for the future, to make the rule more certain, the law should establish a fixed limitation as to distance.

The Senate amendment was accepted but with the limitation that the rule shall apply only to so much of the transportation as is to a point not more than 50 miles distant from the mine, unless the Secretary finds that the physical or other requirements are such that the ore or mineral must be transported a greater distance to the place of first processing. If the plants where the ordinary treatment processes are applied are not more than 50 miles from the mine, the entire transportation would be within the rule. If any plant is located at a greater distance, only the transportation to a point not more than 50 miles from the mine would be included within the rule, unless the Secretary, under the authority granted him, should find a greater distance allowable.

This mileage limitation being new, the bill provides that the amendment will be applicable only to taxable years beginning after December 31, 1949.

Mr. GEORGE. Mr. President, amendment No. 73, relating to redemption of stock to pay death taxes, was agreed to, except that it was provided that the value of the redeemed stock in the corporation must be more than 50 percent of the value of the net estate of the decedent, and the period of limitation was changed so that the redemption must occur within the period of limitation for assessment under section 274 (a) of the Internal Revenue Code plus an additional period of 90 days.

Amendment No. 106, relating to the amortization deduction. The House conferees agreed to accept the Senate amendment providing for a 20-percent amortization deduction over 5 years. However, the House conferees insisted that where the facility upon which amortization had been taken was sold, the proceeds from the sale should be subject to ordinary income rates, to the extent that such gain was in excess of the ordinary depreciation allowances which would have applied to the facility if the amortization deduction had not been taken. And the Senate conferees reluctantly agreed to this change.

Amendment No. 108, relating to stock options was agreed to by the conferees, with an amendment dealing with situations where the option price at the time of the granting of the option was between 85 percent and 95 percent of the market price. In such cases, if the stock received pursuant to the exercise of the option is sold at a gain, that part of the gain equal to the difference between the option price and the fair market value of the stock at the time the option is granted will be treated as ordinary income. Somewhat similar rules are provided where the stock is transferred by gift or as the result of death.

That suggested amendment by the House conferees was agreeable to the Senate conferees, so amendment No. 108 was modified to the extent indicated.

The amendments of the Senate relating to unrelated business activities of tax-exempt organizations, lease-backs, and prohibited transactions between a trust or foundation and the donor or creator, and members of the family was

agreed to by the House conferees. The House conferees also agreed to the elimination of the tax on accumulations. However, the House conferees insisted on some provision being written in the bill to prevent unreasonable accumulations contrary to the purposes of the trust and to prevent the investment of accumulated funds in such a manner as to jeopardize the interests of the beneficiary. The House conferees also insisted that the provision should require that the funds must not be used to a substantial degree for other than charitable purposes. This last change was intended to prevent a grantor from setting up a trust, accumulating the income, and using it as a credit reserve for his business. I believe that under existing law, such activities would justify the Treasury in holding that a charitable trust did not exist. Similar rules are provided under the House change in the case of private foundations. The Senate conferees agreed to these changes.

It is confidently believed that these provisions may be effectively used to prevent abuses.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. SALTONSTALL. Does the Senator from Massachusetts correctly understand from what the Senator from Georgia has just stated that the rules concerning ordinary investments of charitable organizations such as hospitals or universities are not changed in any way? They are exempt from taxation as they are now, are they not? The provision the Senator from Georgia has just read does not apply to the ordinary investments of a university, does it?

Mr. GEORGE. No; I do not think it would apply unless there was an unusual withholding or failure to distribute or use the earnings over a longer period of time than might be necessary. I do not think ordinarily they would apply to colleges or hospitals. The Senator was confining his question to colleges or hospitals?

Mr. SALTONSTALL. I was confining my statement to hospitals, universities, or charitable organizations of that kind; organizations exempt from taxation.

Mr. GEORGE. No; it would not apply to them. The Senator is correct.

Mr. SALTONSTALL. These new rules are set up to avoid abuses where an industrial establishment is bought by a charitable institution; and such abuses have occurred in the past.

Mr. GEORGE. That is correct.

Mr. O'CONOR. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. O'CONOR. Is it not a fact that these provisions are not applicable for the further reason, that the beneficiaries are not adversely affected, and that therefore the colleges and hospitals would be able to use the funds without any difficulties as they are presently operated?

Mr. GEORGE. That is entirely correct.

Mr. O'CONOR. I thank the Senator.

Mr. GEORGE. Amendment No. 137: The conferees clarified the provisions of both the Senate and House bills in regard to treating as unrelated business research performed by a tax-exempt research organization. It was provided that in the case of an organization operated primarily for the purposes of carrying on fundmental research the results of which are freely available to the general public, all income derived from research performed for any person should be excluded. The House conferees also accepted the Senate amendment exempting all research performed by a college, university or hospital. In the case of work done for the United States, and political subdivisions, the Senate amendment was narrowed to cover only research and not other types of work.

Amendment No 157: This amendment relates to exemption of organizations for past years. The House accepted the amendment with minor modifications, except those provisions which drew a distinction between those organizations whose exemption had not been questioned and those organizations whose exemption had been questioned. It was believed unwise to make such a distinction in the bill.

Senate amendment No. 191: The excess profits amendment is similar to the Senate provision, except that it was agreed that the excess-profits bill shall be reported as early as practicable by the Eighty-first Congress after November 15, 1950, if the Congress is in session; and if the Congress is not in session after that date, an excess-profits tax bill shall be reported during the first session of the Eighty-second Congress, and as early as practicable during said session.

I believe that brief statement deals with all the amendments on which the Senate conferees receded either in whole or in part; that is to say, certain of the amendments were modified.

Finally, in order to prevent failure of the conference to produce a bill, the conferees eliminated two amendments which had been favored by the Senate—amendments to which I have directed attention—and also eliminated two of the amendments which had been favored by the House.

It is only fair to say that certain of the Senate conferees were agreeable to the House amendments; but a majority of the Senate conferees preferred not to accept them, since certain of the Senate amendments were being opposed by a majority of the House conferees, and since the Senate was not willing to recede.

Mr. President, there has been published a statement by the Joint Committee on Internal Revenue Taxation, which is a complete analysis of the several amendments made. The conference report itself is rather explicit. If Senators will obtain a copy of the report analyzing this bill, made by the joint committee staff, I believe they will have no difficulty in understanding the real meaning of all the various provisions which have been inserted.

Mr. DONNELL. Mr. President, will the Senator yield for a question?

Mr. GEORGE. I am glad to yield.

Mr. DONNELL. I ask the distinguished chairman of the committee, the Senator from Georgia, whether I am correct in understanding that under the act, if the conference report be agreed to, no requirement will be imposed by the act for the deduction and withholding of any tax by any person making payment of any patronage dividend, rebate, or refund paid "(whether in cash, capital stock of the payor, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice as to net amount retained, or otherwise) by an association operated on a cooperative basis principally for the marketing of products of members or other producers, for the purchasing of supplies and equipment used in the trade or business of members or other persons, for the furnishing of services incident to the trade or business of members or other persons, or for any combination of such activities."

Mr. GEORGE. The Senator from Missouri is correct in concluding that there is no provision of this measure which requires the withholding of any part or any percentage of any dividend. In the House version of the bill, there was a provision which required the withholding of 10 percent of all dividends, including patronage dividends or other forms of dividends issued by cooperatives. But although the conferees agreed to that amendment at one time, yet on the final decision, which brought about the conference report, this particular amendment was eliminated entirely; and no withholding is required.

Mr. DONNELL. I thank the Senator.

Mr. GEORGE. Of course, it can be studied later. That was one of the reasons which induced the conference to arrive at its decision.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. GEORGE. I yield.

Mr. STENNIS. Let me ask the Senator—there was some confusion in the Chamber at the time—what his statement was with respect to the excess-profits tax. Are the study and preparation to occur in November or in January?

Mr. GEORGE. The amendment adopted by the House followed closely or almost entirely the language adopted by the Senate, except that the time for reporting a bill was changed, by the House amendment, from the first session of the Eighty-second Congress, to the second session of the Eighty-first Congress—in other words, the present Congress. The Senate conferees agreed to that.

I may state now that there is no doubt about the difficulty of formulating a war-profits tax. The House committee itself spent several months on this particular bill; and this particular bill, although small in scope, came to the Senate by the first of July, and the Senate committee began work actively upon the bill on the fifth day of July, and we had only very brief hearings—lasting about 4 days—on the bill. The Senate committee has been actively and continuously at work on the bill for all the month of July, all the month of August, and now we are approaching the end of September. So there is no doubt about the difficulty of formulating so difficult a tax program as a war-profits-tax program.

Mr. STENNIS. Mr. President, if the Senator will yield further, let me say that I did not doubt that at all; I simply did not understand the time element of the amendment which was agreed to by the conferees.

Mr. GEORGE. The conferees have agreed to the amendment requiring the House committee—because, by the terms of the Constitution, all bills for the raising of revenues must originate in the House of Representatives—to make its report during this session of the Congress, after the 15th of November. I have no doubt that by confining ourselves to the one task, and without going into other tax measures, we shall be able to bring out the bill.

I may say for the information of the Senate that the Secretary of the Treasury advised me yesterday or the day before, in response to an inquiry which I submitted to him, that his staff would be ready to sit down with the staff of the Joint Committee on Internal Revenue Taxation on the 15th of October to begin the preparation of the war-profits tax bill. I may also say that I stated to the Secretary that, badly as I felt I needed a longer vacation, I would be back and on hand to begin work with the staffs sometime in October, around the 15th of October, so that we shall be able to bring out a war-profits-tax bill.

Mr. STENNIS. I certainly thank the Senator.

Mr. GEORGE. Of course, I cannot say now what the bill will contain or what its terms will be; but certainly we shall bring it out, and certainly it will be applicable to at least one-quarter of the current year or one-half of the current year. My own judgment is that it probably will be applicable to one-half of the current year; because it will be remembered that in his last public statement or fireside statement, at least, the President said he would favor an excess-profits tax or war-profits tax going back to the beginning of the Korean war, which would be, roughly, July 1.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LONG. As the Senator knows, there were many of us who went along with the committee in favor of giving the committee time to work out a war excess-profits tax, in order that we might have a more workable and more fair tax than we would have had if we simply had pressed the committee to prepare something immediately, without having an opportunity to study it adequately.

I take it that we can depend upon having the committee give us a well-worked-out proposal when the Congress reconvenes.

Mr. GEORGE. I certainly will endeavor to do so, and the Secretary of the Treasury is going to continue his work to that particular end, on that particular job.

Mr. LONG. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report on the bill H. R. 8920, known as the Revenue Act of 1950. [Putting the question.]

The report was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Hawks, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5327) to continue until the close of June 30, 1950, the suspension of duties and import taxes on metal scrap, and for other purposes.

The message also announced that the House had proceeded to reconsider the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was—

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

House Concurrent Resolution 287

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, September 23, 1950, they stand adjourned until 12 o'clock meridian on Monday, November 27, 1950.

House Concurrent Resolution 288

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the adjournment of the two Houses until Monday, November 27, 1950, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1292. An act to amend section 32 (a) (2) of the Trading With the Enemy Act;

S. 2195. An act to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes;

H. R. 7824. An act to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes; and

H. R. 9526. An act making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes.

SMALL-BUSINESS CLINICS

Mr. McFARLAND. Mr. President, the chairman of the Senate Select Committee on Small Business, the Senator from Alabama [Mr. SPARKMAN], is presently attending the meetings of the United Nations General Assembly. He has left with me a statement in connection with a series of small-business clinics which are now being held under the sponsorship of the Small Business Committee in various cities throughout the United States.

Before leaving for this assignment at the United Nations, the Senator from Alabama personally wrote to each Member of the Senate outlining his plans for these clinics. The response has been most gratifying and the schedule of these meetings has already been extended through November of this year. I am informed that these meetings have drawn as many as 1,800 businessmen in a single day. In my opinion, the information which is being disseminated to businessmen in this manner is so important that each Senator should be given the opportunity of better acquainting himself with this program.

I therefore ask unanimous consent that the brief statement prepared by the chairman be inserted in the RECORD at this point following my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

On June 14, 1950, the Senate Select Committee on Small Business began a series of hearings with the departments of Government in order to ascertain, from their experience, their attitudes toward the problems of the American small-business man.

As a result of these hearings it was decided that a series of open-forum-type programs should be held in an effort to acquaint businessmen with the routine methods of securing necessary information for bidding on and securing Government contracts. Foreseeing the inevitable passage of a defense production act in some form, it was even more evident that it was incumbent upon our Government to meet in person with the businessmen who would be called upon to support such a program during a period of even partial mobilization.

It would be ungrateful of me as chairman of the committee if I did not take advantage of this opportunity to express my most sincere appreciation and gratitude for the splendid cooperation of the various departments of Government. The departments have extended themselves in supplying key personnel who have most ably assisted in presenting this vital information to businessmen right in their home communities.

I must also extend my thanks to the chambers of commerce and other civic organizations which have displayed such active and energetic leadership in making the physical arrangements for these meetings in the different cities.

It occurs to me that the Senate, as a whole, would be interested in the type of schedule and the various representatives of Government agencies who are appearing at these clinics. In nearly all instances a staff member of the Select Small Business Committee has been present to discuss small-business problems and the integration of such problems between the executive and legislative branches of the Government. Commander Ashler, Chief, Small Business Division, Department of Defense, has been presenting, in an excellent manner, Government Procurment by the Defense Department, with a breakdown of the various activities of the Army, Navy, and Air Force.

The Department of Commerce has assisted materially in getting this message to the small-business man by outlining the contractual agreements between the Department of Commerce and the Department of Defense and the Department of Commerce and the General Services Administration whereby the regional and branch offices of the Department of Commerce are furnished daily synopses of items which these procurement agencies will purchase. In addition, the same outlets of the Department of Commerce furnish weekly consolidated synopses of contract awards over $25,000, enabling the small-business man to obtain

complete information not only relating to prime contracts but also sufficient information to enable him to approach those who have been awardded prime contracts with a view to obtaining subcontracts.

Special tribute should be paid to Mr. Harry Blythe, Chief, Industrial Mobilization and Planning, Department of Defense, and special adviser to the Chairman of the Munitions Board, for his interesting and dynamic discussions on total mobilization and what it means to the small-business man. It is worth while to note that Mr. Blythe was connected with big business for over 30 years but resigned following the war to go into business for himself and is now a small-business man in his own right. His discussions are essential and I should like to express the hope that he will be able to continue in his present capacity as Special Consultant to the Chairman of the Munitions Board.

The General Services Administration has also cooperated by sending a well-qualified representative to discuss the nonmilitary policies of the agency. In a sense, the GSA is the housekeeping agency of the Government, and through the coordinated procurement activities of this agency very valuable information has been presented to the small-business men as to how they should proceed in selling such items to the Government.

Also the Reconstruction Finance Corporation has furnished representatives to discuss the lending facilities of this agency, with particular emphasis on small-business loans amounting to $100,000 or less.

I know that the Senate will be interested in obtaining this information with regard to clinics which have been held in the past and which are contemplated in the future. It is with a sense of pride and gratitude that I present these facts to the Senate, and each Senator is requested to contact your committee; and I would like to assure the Senators that the staff of the select committee will be glad to cooperate in arranging a clinic in any location deemed practicable and consistent with the schedule already set up.

ADDRESS BY SENATOR KERR BEFORE OKLAHOMA STATE DEMOCRATIC CONVENTION

Mr. McFARLAND. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD after the recess of Congress an address to be delivered by the Senator from Oklahoma [Mr. KERR] before the Oklahoma State Democratic Convention at Oklahoma City, Okla., on September 23, 1950.

The VICE PRESIDENT. Without objection, it is so ordered.

ST. LAWRENCE SEAWAY AND POWER PROJECT

Mr. HUMPHREY. Mr. President, I ask to have printed in the body of the RECORD a copy of a letter from the President of the United States to Mr. Lewis G. Castle, chairman of the executive committee of the Great Lakes-St. Lawrence Association. This letter was read at a recent meeting of the Great Lakes-St. Lawrence Association and again states the importance of the construction of the St. Lawrence seaway.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 14, 1950.

Mr. LEWIS G. CASTLE,
Chairman, Executive Committee,
Great Lakes-St. Lawrence Association,
Mayflower Office Building,
Washington, D. C.

MY DEAR MR. CASTLE: I am glad to know that the Great Lakes-St. Lawrence Association is continuing its active interest in the St. Lawrence seaway and power project.

In this time of national danger our country must increase its strength as part of the common defense of the free world against Communist imperialism. This requires us to enlarge our Armed Forces and increase our current output of defense equipment and supplies.

At the same time we must continue to increase the basic productive power of our economy. We must be prepared for a period of international tension that may last for many years. It should be our aim, therefore, to increase our economic strength in the months and years ahead in every possible way, for economic strength underlies our own continuing defense efforts and those of other free countries.

It has been clear for a long time that the St. Lawrence project will make a major contribution to our growing economic strength, through providing both a new source of low-cost power and a new avenue of low-cost transportation. The demands of the present situation greatly increase the urgency of getting started on the St. Lawrence project and completing it as rapidly as is physically practicable.

We urgently need the seaway, especially as a secure route for transporting iron ore from new sources to supplement our diminishing domestic sources of ore. We urgently need the power, not only for normal use in farms and homes and factories, but especially to help in expanding important chemical and metals industries.

I am convinced that the relatively small investment of materials and manpower required to build the St. Lawrence project will be richly productive. I hope that your association will continue its efforts to bring about the widest possible public support for the St. Lawrence seaway and power project.

Very sincerely yours,

HARRY S. TRUMAN.

RESIGNATION OF ROBERT N. DENHAM, GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD—EDITORIAL COMMENT

Mr. HUMPHREY. Mr. President, I wish to bring to the attention of the Senate two articles pertaining to the recent resignation of Robert N. Denham, former National Labor Relations Board general counsel. An article from the Detroit Free Press, September 17, 1950, reveals the constant conflict which existed between the NLRB and the general counsel. It also reveals the weakness of the Taft-Hartley law insofar as clearly defining the responsibilities of the Board and the general counsel's office.

I call to the attention of the Senate an editorial of September 18, 1950, in the Washington Post. It is to be regretted that the Congress did not adopt Reorganization Plan No. 12, thereby affording an opportunity for the jurisdictional disputes between the Board and the general counsel's office to be reconciled.

I ask unanimous consent that my remarks and the two articles be printed in the body of the RECORD.

There being no objection, the editorials and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post of September 18, 1950]

NLRB GENERAL COUNSEL

Robert N. Denham's resignation as general counsel of the National Labor Relations Board is the only logical outcome of the course he has been following. Over a long period of months he has refused to work with the Board. Instead of ironing out problems by the conference method, he has aired his grievances in public. He has deliberately flouted the Board's instructions, as when he filed in an NLRB case before the Circuit Court of Appeals in Cincinnati a brief that the Board had rejected. While he was supposed to be the law-enforcement officer of the Board, he placed himself in the role of chief opponent of various policies the Board was trying to carry out. After the Board withdrew his control over its Division of Administration, he ordered two lawyers assigned to the Board to return to his office, and they refused. Such bickering and obstruction are obviously intolerable. The astonishing thing is that the President permitted the work of the NLRB to be disrupted in this fashion for so long when it has been unmistakably clear that Mr. Denham would have to be ousted in the end.

The President's preference, of course, was to end the row by reorganizing the NLRB. This he attempted to do last spring with his Reorganization Plan No. 12, which would have abolished the independent office of general counsel and transferred its functions to the Board. We thought the Senate was misguided to reject the plan. In any event, it should now be recognized that the Senate's action forced the President to choose between dismissing Mr. Denham and letting the work of the NLRB go to pot. Undoubtedly he has chosen the right course, but the need for reorganization still exists, and there is danger of repeating the history of the last 3 years if the new general counsel remains a law unto himself.

For this reason it is especially urgent to choose as Mr. Denham's successor a man of judgment, experience, and capacity to work with other people. The new general counsel will have the enormous responsibility of investigating charges of unfair labor practices and of filing and prosecuting all complaints before the Board. Because of his political tie with organized labor, the President will be under strong pressure to appoint a prolabor man, but that pressure ought to be resisted. The general counsel will have to handle cases against unions as well as employers. To do his work properly and hold the confidence of the country he must obviously be an impartial public servant primarily interested in enforcing the law. Any nomination that might be interpreted as an attempt to undercut the Taft-Hartley Act, which Congress has refused to repeal, would be widely resented and would probably be rejected by the Senate. The place calls for a fair-minded lawyer of sufficient stature to make important decisions and of sufficient flexibility to work with the Board toward constructive results.

[From the Detroit Free Press of September 17, 1950]

DENHAM CHALLENGED TRUMAN TO FIRE HIM

(By Edwin A. Lahey)

WASHINGTON.—President Truman decided to fire Robert N. Denham, general counsel of the National Labor Relations Board, after the United States court of appeals had been dragged into the family fight in the NLRB, it was learned.

The fact that Mr. Truman's friends in the labor movement have been demanding Denham's scalp is coincidental, sources close to the five NLRB members said.

The President, it was learned, has been closely watching the feud between Denham and the Board, headed by Chairman Paul M. Herzog.

This fight came into the open in two cases in the last 3 weeks. In one of these cases Denham virtually challenged the President to fire him.

Mr. Truman then decided that the jurisdictional dispute on the Board had become impossible, and pulled the rug out from under Denham.

The timing, even if coincidental, was perfect. Denham's discharge amounts to a

modification of the Taft-Hartley Act, and the announcement will be greeted happily in labor conventions which are in session or about to convene in various parts of the Nation.

Three weeks ago the NLRB situation began to come to a head in the case of the Vulcan Forge Co., of Dearborn, Mich.

Denham prepared a brief in this case and submitted it to the Board for approval. The Board approved the brief and returned it to their general counsel.

Denham then rewrote one vital section dealing with a technical point which involved the right of Vulcan to raise a certain defense on questions of collective bargaining.

Denham filed his brief in the court of appeals at Cincinnati. The Board members did not see the change Denham had made until it received the proof sheets.

The Board, through its own solicitor, then hurried into court with another brief, asking the court of appeals to disregard Denham's brief, which had been filed in the name of the Board.

Denham came back with a counter brief, requesting the court of appeals to deny the Board's motion.

He said in this brief in effect that the differences between the general counsel and the Board were not within the jurisdiction of the court, but were matters for the Chief Executive to decide.

A week ago a similar incident arose in the same circuit of the court of appeals.

In a case involving the Ann Arbor (Mich.) Press, a commercial print shop, Denham filed a brief contrary to the Board's instructions.

Both cases are now pending, and the court of appeals is faced with the job of washing the dirty linen of the National Labor Relations Board.

The irreconcilable fight between Denham and the Board members became public property last January, when Denham, in an address before the Building Trades Employers of New York City, advised them to fight the Board's decisions in the courts.

Herzog and the other Board members were furious. Technically, Denham is supposed to represent them, and they regarded his speech in New York as a public notice that he was ready to throw the ball game if employers would fight the Board in the courts.

A case did subsequently arise in which Denham arrayed himself with an employer to make a court test of the powers of the Board.

The Haleston Drug Co., of Portland, Oreg., which operates a drug store petitioned the Board to hold an election among its employees, whom a union was trying to organize.

The Board turned down the petition, on the ground that the business of the drug store did not affect interstate commerce and that the employer thus did not come under the provisions of the Taft-Hartley Act.

The drug-store owner, rebuffed by the Board, then asked Denham to issue a complaint against the organizing union. Despite the Board's previous ruling Denham issued the complaint, as he had a right to do under the provisions of the Taft-Hartley Act, which made him independent.

The Board had to go back into this case with its own solicitor to defend its previous decision against the action of its own general counsel. This case is now pending in the ninth circuit of the court of appeals in San Francisco.

ADJOURNMENT TO NOVEMBER 27

Mr. LUCAS. Mr. President, I send to the desk a concurrent resolution which has already been adopted by the House of Representatives, and I ask that the Senate concur in it at this time.

The VICE PRESIDENT. The Clerk will read the concurrent resolution.

The concurrent resolution (H. Con. Res. 287) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, September 23, 1950, they stand adjourned until 12 o'clock meridian on Monday, November 27, 1950.

ORDER OF BUSINESS

Mr. LUCAS. Mr. President, I should like to make a short explanation. The conference report on the tax measure has just been agreed to. The next order of business will be the consideration of the veto message of the President of the United States upon the internal-security bill, which is now on the desk of the Vice President.

Following that, I think the Senator from Nevada [Mr. McCARRAN] will desire to have considered another veto message.

I should like to follow that with the railroad bill, which is really the unfinished business, to see whether we cannot dispose of it before 12 o'clock tonight.

In the event we finish the business before the Senate before 12 o'clock, we shall then take a short recess until 12:01, and we shall then adjourn, in accordance with the concurrent resolution already adopted by the House of Representatives, in order that we may conform to what the House has done.

Mr. WHERRY. Mr. President, will the Senator from Illinois yield for a question?

Mr. LUCAS. I yield.

Mr. WHERRY. I have not seen the concurrent resolution. Will the Senator be kind enough to tell me what it is?

Mr. LUCAS. It provides that we shall adjourn as of tomorrow, until November 27.

Mr. WHERRY. Is it a recess or an adjournment?

Mr. LUCAS. It is an adjournment.

The VICE PRESIDENT. It is an adjournment to a day certain.

Mr. WHERRY. If the distinguished Senator will yield, I should like to ask this question: If I understand correctly, we now have before us the veto message on the anti-Communist bill; is that correct?

Mr. LUCAS. That is correct.

Mr. WHERRY. Then there will be the veto message to be submitted by the distinguished Senator from Nevada, and then is it the intention to debate the unfinished business?

Mr. LUCAS. That is correct.

Mr. WHERRY. Will any other business be taken up?

Mr. JOHNSON of Colorado. Mr. President——

Mr. LUCAS. There may be two or three other bills. I think the Senator from Texas has three resolutions, citing certain gentlemen for contempt of the Senate, and we should be able to pass those in a hurry.

Mr. CONNALLY. I think it will require only 2 or 3 minutes.

Mr. WHERRY. Mr. President, if the Senator will yield further, am I correct in my understanding that the Senate will remain in session until the business has been concluded, along the line suggested by the majority leader; and, if it is concluded before 12 o'clock, we shall take a recess until 12:01, in order that we may adjourn on the same day that the House adjourns?

Mr. LUCAS. That is correct.

Mr. JOHNSON of Colorado, Mr. KEFAUVER, and Mr. CONNALLY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Illinois yield; and, if so, to whom?

Mr. LUCAS. I yield first to the Senator from Colorado, and I ask the Senator from Nebraska to listen to his statement, if he will.

Mr. WHERRY. Mr. President, if the Senator will yield, there is just one other thing I should like to bring up: 12:01 will be tomorrow morning. That will be just after midnight, while we are still in the Senate Chamber. Is it not true that we shall not adjourn tomorrow, unless we remain in session past 12 o'clock tonight; in other words, until 12:01 a. m., or such a matter?

Mr. LUCAS. That is correct. The purpose of that is that we may conform to the provision of the House resolution. I yield now to the Senator from Colorado.

Mr. JOHNSON of Colorado. Mr. President, I am interested in two Senate bills, possibly three, which have come from the House. When I have an opportunity, I desire to have them taken up, that we may concur in the House amendments. I think it could be done by unanimous consent. I think there would be no objection. Also, possibly three bills which have come from the House are on the calendar, and I shall want to take them up by unanimous consent. I think there will be unanimous approval.

Mr. LUCAS. Mr. President, I hope the Senator from Colorado will confer with the minority leader in the meantime, and with other Senators who are interested in the measures referred to, so that we shall not have lengthy debate. If there is to be lengthy debate, of course we cannot take them up at this late date if we are to do what we hope to do.

There are many bills on the calendar, in which many Senators are interested. Unless they are absolutely essential and necessary, I hope that we shall restrain ourselves, to the end that we may take up only the bills which I have been discussing, because we are coming back on November 27, and other bills can be taken care of then.

The VICE PRESIDENT. If the Chair may make a suggestion to the Senator from Colorado and other Senators, the bills to which the Senator from Colorado referred are Senate bills which are on the desk, with House amendments. The Chair supposes that he wishes consideration of the House amendments.

Mr. JOHNSON of Colorado. Yes. They are privileged matters.

Mr. WHERRY. Mr. President, there is, of course, no objection. I wonder whether the Senator from Colorado and I may get together and look over the bills, to see what they are?

Mr. JOHNSON of Colorado. Yes. I shall take the matter up with the Senator.

Mr. WHERRY. The Senator would be entitled to take them up, anyway.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MAGNUSON. Mr. President, I have talked with the majority leader and the minority leader about an authorization which is on the Senate Calendar, a bill which is of an emergency nature. It authorizes the Secretary of Commerce to purchase two troop ships. The Navy Department, the Department of Commerce, and the Department of Defense are very anxious that, before adjournment, that bill shall be taken up and passed. The bill has to do with certain troop ships, which are the only ones available. I should like to bring that bill up for consideration. I understand that the Senator from Delaware is going to oppose the bill, but I believe he will take only a very few moments on the matter. Consideration of the bill would require not more than 2 minutes.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. LUCAS. In just a moment.

The VICE PRESIDENT. The question is on agreeing to the House Concurrent Resolution 287.

Mr. CHAVEZ. Mr. President, reserving the right to object, I am sorry I was not present at the time the Senator from Illinois made his announcement. I notice that the Senator from Texas is present and is interested.

Mr. DONNELL. Mr. President, we are unable to hear.

The VICE PRESIDENT. The Chair would suggest that the concurrent resolution is not debatable. It is not subject to debate. The question is, Shall it be agreed to?

Mr. CHAVEZ. Mr. President, reserving the right to object——

The VICE PRESIDENT. It is not a question of objection. It is a privileged matter coming over from the House, and it is not debatable. The question is not debatable.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. Am I correct in my understanding that all we are doing now is agreeing to the concurrent resolution, which provides that the Senate shall adjourn tomorrow, until November 27?

The VICE PRESIDENT. The resolution provides that when the two Houses adjourn tomorrow they shall adjourn until the 27th day of November.

The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 287) was agreed to.

PROTECTION AGAINST CERTAIN UN-AMERICAN AND SUBVERSIVE ACTIVITIES—VETO MESSAGE

The VICE PRESIDENT laid before the Senate a message from the House of Representatives, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
September 22, 1950.

The House of Representatives having proceeded to reconsider the bill (H. R. 9490) entitled "An act to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The VICE PRESIDENT laid before the Senate the message from the President of the United States, which was read.

(For President's message, see proceedings of the House of Representatives on pp. 15629–15632.

The Senate proceeded to reconsider the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, the objections of the President of the United States to the contrary notwithstanding.

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. McCARRAN. Mr. President, I move that the bill pass.

The VICE PRESIDENT. It is not necessary that the Senator make a motion. The bill is automatically before the Senate.

Mr. HUMPHREY. Mr. President, I rise to make comment upon the message of the President of the United States and his very courageous action in vetoing the McCarran bill, H. R. 9490, known as the Internal Security Act of 1950.

Mr. President, this is a reversal for me, and it is a decision which I have thought about for many, many days. I want to say to my colleagues in the Senate that the most difficult decision I have ever had to make on a vote was on the occasion of the original passage in this body of the McCarran bill. It was one of those decisions that went deep into my conscience, and one that left me with a great deal of indecision as to the validity of my judgment.

I should like to review what has happened here during the weeks since we have started to consider so-called anti-Communist legislation. For weeks, in fact for months, there lay on the desk of every Senator a copy of the Mundt-Ferguson bill, and also a copy of the hearings. Later on an attempt was made in a late hour of the session to move to consider the Mundt-Ferguson bill. That attempt failed. At a later date it was decided in conference by the policy committe that one of the priority items of legislation would be what is termed as anti-Communist legislation.

I think it is quite clear that there is not a Member of this body who does not want severe and effective anti-Communist laws. However, the choice that was presented to this body was a choice that was not too desirable nor was it a choice that offered very many alternatives.

The McCarran bill is not one bill, as we all know. It is composed of many bills, and has some good features and has what I consider to be some very bad features. The McCarran bill included provisions of the Mundt-Ferguson bill, it included provisions of Senate bill 4061, the recommendations of the Interdepartmental Committee on Intelligence, which is made up of the Department of Justice, the Federal Bureau of Investigation, and the military counterintelligence agencies. It also included provisions on immigration and naturalization, and a provision to prevent picketing of the courts—a provision which I thoroughly approve, and which I thought definitely should be passed.

I think every Member of the Senate recalls the eventful day when we were debating the measure then before us; the McCarran bill. I know Senators will recall when the majority leader of the Senate proposed as a substitute for sections 1 to 17 the provision which was known as the Kilgore amendment, or the Kilgore substitute. I think we all remember the vote. The vote, as I recall, was 23 in favor of the substitute and 50 against it.

We recall that later a motion was made to add the Kilgore substitute to the bill, and that motion was defeated by a vote of 34 to 37. The Kilgore substitute was the proposal which was advanced by the Senator from Tennessee [Mr. KEFAUVER], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. DOUGLAS], the Senator from North Carolina [Mr. GRAHAM], the Senator from New York [Mr. LEHMAN], the Senator from Connecticut [Mr. BENTON], and the junior Senator from Minnesota. We felt that was an effective, hard-hitting measure that would strike hammer blows at communism. We felt it would protect our internal security in our hour of need. It included, as we know, the internment provisions, as well as the recommendations of the Joint Committe on Intelligence, the committee to which I referred a moment ago, consisting of the Department of Justice, the FBI, and the military counterintelligence agencies. Senators recall that, after a good deal of jockeying around in the Senate, after a motion had been made to reconsider, which motion was never placed before this body, or never was voted on, the entire Kilgore substitute was added to the measure, the McCarran bill.

This left us with a very serious problem, and left us in a most perplexing dilemma. Here was an amendment which those of us who were its cosponsors thought was effective. It had been added to a measure which the evidence is quite clear is ineffective. Not only was it added to a measure which contained ineffective provisions, but it was added to a measure that had many provisions in terms of restrictive legislation that would go far beyond anything we in this country have ever dreamed of.

But one does not have choices in the final vote as to alternatives in the case of legislation. One has the choice whether he is going to vote for something or vote for nothing. Because I felt that it was most important that we have some kind of anti-Communist legislation, and because I had hoped, as I know other Senators had hoped, that the conference committee would do a job of improving the bill we had passed in the Senate, I swallowed my feelings of frustration and of despair about some of the inequities of the bill and cast a vote "yea."

I can honestly say that I have never been more unhappy in my life. But this is indeed a happy moment, because it is good to be able to vote one's convictions.

It is unfortunate to have to recall, however, that out of the conference committee, instead of a bill coming back that was improved, there came back a weaker bill, not a bill to strike stronger blows at the Communist menace, but weaker blows. As the President has so well said in his veto message, if we are going to have internment of dangerous Communists who would sabotage the defense structure of the country and its very internal fiber, and at the same time preserve the right of habeas corpus so they can be released and go on to do their dirty business, we cannot protect the Union. Abraham Lincoln found that out. He never would have been able to protect the Union with the kind of provisions contained in this bill. He had to take direct action.

The Kilgore substitute did provide for direct action. Moreover, the Kilgore substitute provided for what are the realities of the twentieth century insofar as the Communist conspiracy is concerned. It provided in one of its four criteria that, in a time of a condition of internal security emergency, at a time when the Communists are busy with their filthy, dirty work of sabotaging plants, of going around and destroying our transportation system, at a time when they are getting ready to move in for the kill before war, before invasion, before insurrection, before a declaration of war, the two Houses of Congress could pass a joint resolution declaring a condition of internal-security emergency, which would be proclaimed by the President, and thereby the American Republic could be protected from the fiendish activities of these saboteurs. That is out of the bill now.

It is a strange thing, yes, it is a paradoxical thing, that this bill, which is supposed to be an anti-Communist bill, even as it came back from the conference committee, was weaker than it was when it went to the conference committee. Instead of dealing with the menace of communism, the attempt now made is to provide language which will mean that it will literally be impossible to grapple with the menace of communism when it is upon us.

The British found out about that during World War II, when they had to put in jail men such as Moseley, in order to see to it that he was taken out of the scene of normal activity, because he was a Fascist committed to the Nazis. However, if Britain had had in effect some of the language of this measure, Moseley would have been in circulation, doing his work.

Mr. President, I have mentioned just a part of the objectionable features of the conference report.

Since the conference committee's report has been made, and since the original passage by the Senate of this proposed legislation, a number of Senators, I trust, have been doing some soul searching. I know I have. I have been trying to think what this measure will do in a positive sense to protect our liberties and what it possibly will do in a negative sense to undermine our liberties.

I think the President of the United States has given a clear-cut exposé of this proposal. He has been most specific in analyzing it. The message he has sent to the Congress on this bill is one of the most powerful messages the Congress has ever received. The President has not minced words. It will be rather difficult for Senators to ignore his message and to be able to explain, in a time of emergency, when a defense plant may be sabotaged, why the Congress passed legislation making it absolutely mandatory that every Communist stooge and saboteur be given the name and location of every vital defense establishment. That is what this measure provides for.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. KEFAUVER. It was very difficult for me to believe that such a provision was contained in the proposed law, when I heard read the portion of the President's message which states that the Secretary of Defense is, by this measure, required to publish in the Federal Register the location of every vital defense plant in the United States. However, on page 7 of the conference report I find that such is very definitely the provision. I read from page 7, section 5 (b):

(b) The Secretary of Defense is authorized and directed to designate and proclaim, and from time to time revise, a list of facilities, as defined in paragraph (7) of section 3 of this title, with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section.

Then, if we turn back to subsection (7) of section 3 of this title, we find that it reads as follows:

(7) The term "facility" means any plant, factory or other manufacturing, producing or service establishment, airport, airport facility, vessel, pier, water-front facility, mine, railroad, public utility,—

I suppose that would include a uranium mine. Does the Senator from Minnesota suppose it would?

Mr. HUMPHREY. I am sure that language could even include a mine which would be used to take care of or to provide shelter for all the microfilms made by all the banking and financial institutions of the country, which are looking for a place to store them.

Mr. KEFAUVER. I read further from this section of the conference report:

laboratory—

Does the Senator suppose that would require the disclosure of an atomic bomb laboratory?

Mr. HUMPHREY. Yes; and also the disclosure of each and every installation or laboratory engaged in doing radar work for the United States.

Mr. KEFAUVER. I read further from this section of the conference report:

Station, or other establishment or facility, or any part, division, or department of any of the foregoing.

Does the Senator suppose that would require, in case a university were doing some special research work on the atomic bomb or on the H-bomb, that the laboratory which the university was using for that purpose would have to be listed in the Federal Register?

Mr. HUMPHREY. That is my understanding of the language of the conference report.

Mr. KEFAUVER. Mr. President, I wish to ask the Senator whether he thinks that one of the great troubles with the conference report is that on page 7 there is a section which refers to another section, and in it we are referred to another section; and by the time we get through going from section to section, we find that it takes a Philadelphia lawyer and a number of magicians to ascertain what is provided by the conference report.

I wish to say, frankly, that until I read something which was stated about this defense facility matter in the House of Representatives—and unfortunately the promoters of the conference report were so anxious to have it acted upon at once by the Senate, that they would not let the conference report lie over for a day, so that we could read what the Members of the House of Representatives had said about it—I was not aware of the matter to which I now refer, which was brought out in the course of the debate in the House, but not in the Senate, because I do not think any Member of the Senate had figured out this Chinese puzzle and the extent to which it would go, and realized that the conference report would require the disclosure of the location of every defense establishment and plant in the United States.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. FERGUSON. Being on the conference committee, I should like to make very clear, once and for all, what this section of the conference report really means. Its meaning is very clear, simply from a reading of it.

Section 5 (b) does not mandatorily require the Secretary of Defense to list anything at all. He may do so if he finds it advisable for the security of the Nation. If it is more advisable to do so than not to do so, he may do so. However, he does not have to say what kind of a plant it is, except that it is a defense plant. Here is the language which makes the matter discretionary with him:

(b) The Secretary of Defense is authorized and directed to designate and proclaim, and from time to time revise, a list of facilities, as defined in paragraph (7) of section 3 of this title.

This is the part which is controlling—

with respect to the operation of which he finds—

We underscore the word "finds"—

and determines—

And we underscore the word "determines"—

that the security of the United States requires the application of the provisions of subsection (a) of this section.

In other words, it is entirely discretionary with him as to whether or not he wants this section to apply to a particular plant. If he thinks that is advisable, he publishes it, and it is posted, just as the law now requires the President to post certain facilities, such as ports, docks, air fields, and so forth.

So the section does not do what has been indicated by certain Senators.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. KEFAUVER. The Senator from Michigan has made the most phenomenal argument I have ever heard made on the floor of the Senate. He says the Secretary of Defense does not have to apply the provision of section 5 (b) to any plant or installation unless he wishes to do so. That may be true. However, the point is that if the Secretary of Defense does not apply it to a plant, the Communists can work in the plant.

Mr. HUMPHREY. That is correct.

Mr. FERGUSON. If the Senator will yield for a question, let me say that the Communists cannot do so, as of today.

Mr. HUMPHREY. Mr. President, I have not yielded to the Senator from Michigan. I have yielded to the Senator from Tennessee.

Mr. KEFAUVER. I should like to finish, please.

So, Mr. President, section 5, subsection (b), authorizes and directs the Secretary of Defense to list, and to print in the Federal Register, all the plants, facilities, laboratories, atomic energy plants, and what-not, listed in the definition section, which is subsection (7) of section 3.

A few minutes ago, I read part of subsection (7) of section 3. What is the purpose of having the Secretary of Defense list all these plants and what-not? The purpose is—as stated in subsection (7)—to prevent Communists and what-not from working in them.

Here are the horns of the dilemma on which the Senator from Michigan finds himself: If the Secretary of Defense does not list the very secret plants and installations, which we should not want the enemy to know about, then there will be no way under this measure to prevent the Communists from working in them. But if the Secretary of Defense lists some of those plants, so that everyone will know about them, the Communists will be prohibited from working in them.

The Senator has the matter the wrong way around. The arrangement should be that the Secretary of Defense should not list the secret plants which the enemy should not know about, because those are the plants that we do not want the Communists to be working in.

I wonder whether the Senator from Minnesota agrees with me about that matter, namely, that in the name of security, we certainly should carry this matter over and should at least get this section out of this measure, so that we shall not be giving to the enemy information which they would be glad to pay thousands of dollars to obtain, and which they have many spies and fifth columnists at work, trying to obtain.

Mr. HUMPHREY. I agree with the Senator from Tennessee, and I thank him for his observations. As I recall, he is a member of the Judiciary Committee, and undoubtedly he has spent many hours in studying this proposed legislation.

Mr. President, I was analyzing and summarizing what the President had to say in regard to his principal objections to this measure.

His first objection, which the Senator from Tennessee has so brilliantly discussed, is that this conference report would aid potential enemies by requiring publication of the complete list of vital defense plants, laboratories, and other installations. As I recall, the definition of a defense plant was included in the report by the conference committee.

Second, the conference report would require the Department of Defense to waste a great deal of time and energy in attempting to comply with the requirements of the conference report.

I wish to speak now of the argument presented by the distinguished junior Senator from Illinois [Mr. DOUGLAS], which has never been refuted, I am certain. I refer to the argument as to the large amount of work and effort required by the Federal Bureau of Investigation even to get anyone to register.

As I recall, the distinguished junior Senator from Illinois not only made that assertion, but he documented it by categorical evidence, using examples, such as the National Labor Relations Board in its administrative work and the amount of time consumed by the Board and the amount of time consumed by the courts; and he traced the application of the registration requirements and process even down to the last individual—because the registration procedures require not only the registration of an organization and its officers but also the registration of its individual members.

I wish to call to my colleagues' attention the fact that during the debate on the McCarran bill, it was stated again and again that what the Director of the Federal Bureau of Investigation wanted more than anything else was to keep the Communists out in the open.

I recall that argument. It was stated that this bill would keep the Communists out in the open. That argument has been made despite the fact that the Communist Party has already stated to the American people through the press and through a meeting held in New York City only a few days ago, that it would not register, but would go underground. The Communist Party has already stated to America, through the press, and the Federal Bureau of Investigation has reported to the Congress and to the American people that the Communist Party is revising its records and its procedures and it is doing everything it can to go underground. It has already served notice upon the people of the United States that it is not going to register. What does that mean? That means that the Federal Bureau of Investigation will have to register every single Communist.

I said in my portion of the debate on the McCarran bill that the authors of this bill became a little bit confused. They apparently thought they were going to register the Eagles or the Elks or the Moose. They are good people; they would march up and register. But this bill requires the registration of the most sinister, deceitful, despicable people that have ever inhabited the earth; and to assume that they are going to walk up and register is to assume, as the President has said, that thieves are going to walk into the county courthouse and register with the sheriff. The President surely put his finger on that.

I may say for the President that he had a great deal of support for his argument on the floor of the Senate, and there is not yet one scintilla of argument which has been advanced that any Communist can be registered in less than 2 years, and it will possibly take 4 years. As the President has said, once you have them all ready to be registered, you then have a sort of "now you've got them, and now you haven't got them" game, or a Mexican jumping bean game, for all that they have to do is to dissolve, get new officers, and call themselves by a new name. They could even call themselves the Brotherhood of Dilapidated Alligators, or whatever they wished. And then it would become necessary to go around and track them all down afresh.

One thing I have noticed the President has said in his message is that it is possible—and it is thoroughly conceivable—that the Communist Party would itself take as its membership list every other page of the telephone directory, and submit it to the Federal Bureau of Investigation. Someone may say, "They would not do anything like that." Would they not? Can anyone contend that an outfit that can say, on June 21, "This is an imperialist war," and on June 22, say "It is a people's war," an outfit that can parade and picket the White House on one day, saying, "The Yanks are coming," and then the next day get a little paint brush and daub the words, "The Yanks are not coming—too late"—will anyone say that an outfit of that kind will not do everything to undermine the well-being of this country?

So what do the registration procedures require? They require that the Communists shall register, and provide that if they do not register they shall go to jail. Well, before it is possible to put anyone in jail, the officer had better have his hands on them. That is the problem. So, if we are going to have them registered, it will be necessary to go out and do a personal missionary job. In fact, we could possibly convert some of them in the time it would take to find them. As the Senator from Illinois pointed out, once they have been registered administratively, or once this administrative procedure of registration has been started, they have the full protection of the courts, and they have proved themselves to be very, very clever people when it comes to using the processes of the courts.

They made almost a mockery out of the courts a short time ago, and they would have, had it not been for the sterling characteristics and character of Judge Medina, in New York. What will this unscrupulous, filthy outfit be doing? It will be hounding every court in America. It will be trying to drive our judiciary mad through the kind of double-dealing and trickery in which it will engage. The President has laid it right on the line.

Now, what is good about this bill? The only thing that is good about it is the antipicketing portions pertaining to the courts, and the Kilgore substitute, which was watered down. I have never seen such solicitude on the part of so-

called anti-Communists for the Communists. This solicitude is somewhat bewildering to me. If Communists are as bad as I think they are, and as I have heard they are on the floor of the Senate, then surely in time of emergency, at a time when our country may be in the very death throes of its last hour, and yet not with an actual war upon us, merely an impending invasion or a complete break-down of social order within, what does this bill provide? Indeed, nothing—not a thing. If we are in war, and these despicable traitors decide to blow up every building we have, if they decide to destroy every means of communication, every port facility, and every dock, Mr. President, do you know how they would get protection? They would get it through the writ of habeas corpus, under this bill. I repeat, had Abraham Lincoln waited for a writ of habeas corpus, we would not have had the United States of America, we would not have "One Union Inseparable." Lincoln saved the Union, and then the Supreme Court, after the War Between the States, saved the Constitution.

I submit that every nation has the right to protect itself, every nation has the right to preserve itself; and the President of the United States takes an obligation to protect this Nation. Yet the President of the United States, who is the Commander in Chief, who is, under the Constitution, obligated to fulfill the duty of protecting the welfare and preserving this Nation, says this is an unworkable bill. The President of the United States apparently was well advised. He says, in the beginning of his message—and I do not think anyone on the floor of the Senate would want to call the President of the United States a man of falsehood—

> The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and the intelligence operations for which they are responsible.

No one on the floor of the Senate can say what Mr. J. Edgar Hoover would say about this bill, because he will not talk about the bill, and I imagine that is the way it ought to be. The only thing I know is that the recommendations which came from the Justice Department were not the recommendations which were in this bill. The recommendations which came from the Justice Department were embodied in the bill (S. 4061), which was introduced by the Senator from Washington [Mr. MAGNUSON] and other Senators. I was one of the cosponsors of that bill.

The President has pointed out with a clear-cut perception what the weaknesses are in this proposed legislation. Again I repeat that it is perfectly O. K. to register Communists, if you can get them to register, but if in the process of registering the Communists you drive them underground, you make it more difficult to control their insidious activities, then the registration procedure is nothing but a pious platitude that will end up in being a miserably unworkable mess.

The President has pointed out about the registration of Communist-front organizations, and I think his point is well taken.

I said, at the time I was debating this bill, that we have an association in my State known as the Minnesota Tenants Association. That association has but one objective. It is organized on a temporary basis, has a set of officers, and but one objective. What is it? Rent control, and a great deal more rent control than Congress wants to give them. In fact, they want about as much rent control as the Communist Party wants. Now, how would that organization end? That is a real question. I assume that the authors of this proposed legislation would not want to do anything to that organization, but, as the Senator from Illinois once said, we have not always had a man like J. Howard McGrath as Attorney General. We have had others as Attorney General who used the law of the land, for example, as Mr. Palmer did. We had other Attorneys General who used their office, under the guise of the law, for corrupt purposes.

This bill contains a vast amount of power. We are not talking now about Communists, we are talking about Communist-front organizations, and the question, as the President pointed out, is, How far do these organizations deviate from the policy or the program of the Communist Party? How close are they to the policy and the programs of the Communist Party? In other words, that is to be one of the elements or one of the criteria that shall be used to determine whether an organization is a Communist-front organization. I think the President pointed out very well that the Communists have always been against slums. That is what they say. Nevertheless, they find that slums make it possible for them to recruit membership. So the Communist Party says it believes in public housing, and it says it believes in low-cost rental housing. I think the Republican Party says that, too. So does the Democratic Party—at least, some Democrats and some Republicans.

Now, let us assume that I happen to belong to an organization known as the National Association of Public Housing. Under this bill, does that organization, which has but one objective, which has but one program, which has but one purpose, become a Communist-front organization? I would not doubt that a few fellow travelers become members of the organization once in a while, because, to keep fellow travelers out of organizations is more difficult than keeping ants out of a park. The President of the United States has pointed this out as an example, and he analyzed sections 1 through 17, and he gives us a very good analysis. Here is what he says in conclusion:

> Thus the net result of these sections of the bill would be: No serious damage to the Communists, much damage to the rest of us. Only the Communist movement would gain from such an outcome.

Then the President goes on to analyze other sections, 18 through 21, and section 23, upon which he comments. Those are the sections dealing with the recommendations of the Interdepartmental Committee on Intelligence. He also makes some comment on the internment sections of the bill:

> Sections 100 through 117 of this bill—title II—are intended—

He says—

> to give the Government power, in the event of invasion, war, or insurrection in the United States in aid of a foreign enemy, to seize and hold persons who could be expected to attempt acts of espionage or sabotage, even though they had as yet committed no crime.

He says that perhaps legislation of this type should be on the statute books, but that the provisions of H. R. 9490—

> would very probably prove ineffective to achieve the objective sought, since they would not suspend the writ of habeas corpus, and under our legal system to detain a man not charged with a crime would raise serious constitutional questions unless the writ of habeas corpus were suspended.

I think that argument must be answered. The President has pointed out a very strong argument. The President goes on to point out:

> In brief, when all the provisions of H. R. 9490 are considered together, it is evident that the great bulk of them are not directed toward the real and present dangers that exist from communism. Instead of striking blows at communism, they would strike blows at our own liberties and at our own position in the forefront of those working for freedom in the world.

I recall what the Senator from Texas [Mr. CONNALLY] said with respect to the amendment which would have set up a separate visa division. Because of his forceful leadership, that provision was stricken out. That was a glaring example.

I ask Senators this question: It was only a month ago that we overwhelmingly voted a loan of $100,000,000 to Spain. We did not have very much opportunity to debate the issue. We simply voted a loan of $100,000,000 to Spain. I want to know how we can in one week vote a $100,000,000 loan to Spain and next week enact a law which would keep the people of Spain from coming into our country. I say that because the Falangist Party certainly is a dictatorial party. There is only one political party in Spain, and it is identical with the Government of Spain.

On the one hand we grant a loan to Spain, and on the other hand we pass a bill which says to Spanish businessmen, students, politicians, or anyone associated with the Spanish Government, "If you try to come to the United States, we will not let you come in, because you belong to a totalitarian party."

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CHAVEZ. I am very thankful for the Senator's solicitude about Spain. Will he kindly tell the Senate what he thinks of Tito's government and Stalin's government?

Mr. HUMPHREY. The situation would be the same with reference to them. So far as Tito is concerned, it would be well for us to make sure that Tito and Stalin stay in opposition. There is nothing wrong with having Titoists fighting on our side, and I am not fond of Mr. Tito's government. I will say the same thing of the Spanish

Government. I wish they too were fighting on our side.

Mr. CHAVEZ. The Senator from Minnesota said that there was nothing wrong with having Tito fighting on our side. Is there anything wrong with feeding hungry people, whether they are under Tito's government or in Russia?

Mr. HUMPHREY. I believe in feeding hungry people wherever I find them.

Mr. CHAVEZ. What is wrong with making a loan instead of giving money away, as we do in the case of England and France, with France killing people in Indochina?

Mr. HUMPHREY. That issue has been disposed of. Congress voted for that loan. I respect the judgment of Congress. But in this case, after the loan to Spain has been voted, we say to the people of Spain that they cannot come over here. The very people who are getting the loan cannot send their sons and daughters to school in the United States. That is the way it is proposed to build up cultural relationship with the Spanish Government.

Mr. CHAVEZ. Mr. President, will the Senator yield further?

Mr. HUMPHREY. Yes.

Mr. CHAVEZ. Is not that only the opinion of the Senator from Minnesota, and not the judgment of the Senate?

Mr. HUMPHREY. No; it is not only the opinion of the Senator from Minnesota. If it were only my opinion, I would not have burdened the Senate with my views. It happens to be the judgment of the Commander in Chief of the Armed Forces of the United States of America, the President of the United States. It happens to be the opinion of the man who represents more people in this country than any Senator. It is the opinion of the greatest political figure in the United States, the President of the United States. This message comes from the office of the President of the United States. It happens to come from pen and lips of Harry Truman. No one can deny that the office of the President of the United States is the greatest political office in the world. I think it is only fair to point out that what the junior Senator from Minnesota is saying is what the President said, with his characteristic frankness. At the bottom of page 13 of the message as it has come to us I read:

> Until now, no one has suggested that we should abandon cultural and commercial relations with a country merely because it has a form of government different from ours.

The form of government in Argentina is different from ours. The form of government in many Latin-American countries is different from ours. The government in Afghanistan is different.

The President goes on:

> Yet section 22 would require that. As one instance, it is clear that under the definitions of the bill the present Government of Spain, among others, would be classified as "totalitarian."

I do not think anyone would deny that. Mr. Franco does not deny it. I simply say that under the definition of the bill, according to the President of the United States, who said he had the advice of the Justice Department, the Defense Establishment, and the State Department, Spain and many other countries would be classified as totalitarian.

> As a result, the Attorney General would be required to exclude from the United States all Spanish businessmen, students, and other nonofficial travelers who support the present government of their country. I cannot understand how the sponsors of this bill can think that such an action would contribute to our national security.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LEHMAN. It is not only what the President says in his message. The definition is stated in the bill. Unquestionably it would apply to Franco Spain.

Mr. HUMPHREY. I do not think there is any question about it. I think the President has made an observation which is very worth while.

I read further:

> Moreover, the provisions of section 22 of this bill would strike a serious blow to our national security by taking away from the Government the power to grant asylum in this country to foreign diplomats who repudiate Communist imperialism and wish to escape its reprisals. It must be obvious to anyone that it is in our national interest to persuade people to renounce communism, and to encourage their deflection from Communist forces.

Is that not interesting? Let us assume the case of a Communist diplomat, one who has been on the inside of things, such as the case of the two members of the Polish United Nations delegation. They dare not go back to Poland. If they do, they will be killed. Under this bill, where would they go? Do we want people on our side, or not? Do we want people on our side who have been on the inside of Communist government, or do we want people who make speeches about it? Do we want people, such as these two diplomats, who have repudiated their government? Are we going to exclude them? Or do we want the kind of people who come to Washington to testify before committees, who are American-born Communists and well known as such, but who suddenly repent and confess their sins and become star witnesses against officers of our own Government? They are the people who are brought down to Washington. Oh, they are purer than Ivory soap. When we have someone coming in from the outside, who may have been an official in Czechoslovakia, or an official in the Government of Poland, Rumania, or Hungary, who was on the inside of the Cominform, and listened to the negotiations, and he comes to us and says, "I want to get away; I realize my errors," what will we say to him? Suppose he says to us, "I want you to give me asylum. I want to be on the side of democracy."

What do we say? We say, "Go home. Get shot. We don't want your information, because if we get it we may not be able to pass bills like this. What we want is to have you go back and die." That is the provision which surely should have had the scrutiny of Congress. Very few of us had a chance to go over this bill line by line. Very few Senators were present on the floor when the debate on the bill took place. It was difficult to get all the information. It is a difficult task to find anyone to listen during the debate on this bill. More Senators are on the floor of the Senate now listening to what I am saying on the McCarran bill and the President's veto than were present altogether during the entire period of the debate until we voted on the bill. I was here day after day.

The President of the United States points out that this bill lists a number of criteria for the subversive board to consider in determining whether or not an organization is a Communist-front organization. I have commented upon that and pointed out that many an innocent organization could possibly be brought under the impact of the legislation.

I should like to believe that they would not. As I try to rationalize my vote of a few days ago, as all of us rationalize our thoughts, I said, "I cannot imagine they will do this." But I pointed out that it is one of the historical traditions of our Government that it is always possible to find a law to do what one wants to do when he wants to do something bad enough. The Government of the United States on many occasions has been able to dig back years and years and find a statute that would provide the authority for the Government to do what it had in mind. It may be that if this hysteria keeps up we will have people elected to executive office who will be suspicious of any kind of a movement. It may be that they would use the powers under this bill to crush organizations which seemed a bit unorthodox. I point out that the saving grace of America has been that we have had the right to be wrong, we have had the right to criticize, we have had the right to differ, we have the right to be a little bit crazy on occasion, if need be, we have had the right to be crackpots, we have had the right to have good ideas and bad ideas. We have had all kinds of ideas that have crystallized into political organizations. We have had political parties by the dozens, they have come and gone. They have been on the scene one year and gone the next year, and each one has made some kind of contribution to America's cultural and political life. The worst thing that could happen in America is to have any kind of a law that would put a lid upon creative thought.

I said at the time I was debating this bill that it has become dangerous in these years to have ideas. Someone said, "Oh, no, it is not dangerous to have ideas if your ideas are orthodox. It is dangerous to have unorthodox ideas." The question soon comes up, what is an orthodox idea? And because we do not know what an orthodox idea is, the best thing to do is to have no ideas. It is becoming clear that too many people are getting on by just being drones. They are a sort of intellectual zombies. They have no ideas. That, I hope, will never come to pass as an intellectual pattern in this country.

We need to have areas of social ferment. We need to have the mechanisms that provide new ideas, even if some of the ideas are distasteful. I submit we need never worry about an idea destroying us.

The trouble we have with Communists in America is not with the distortion of ideas. The trouble is with their acts of sabotage, the way they actually destroy the physical well-being of the people of America.

I would never have a Communist think that he could with his insidious doctrine out-argue me or convince me. Does anyone believe that the principles of democracy and faith in democracy are not more dynamic than the diabolical technique of the dialectical materialism which the Communists use?

I am perfectly willing to put up the Declaration of Independence at any time as a better document than the Communist manifesto. I am not willing to backtrack on the faith of our fathers. I submit that when we legislate to try to put down ideas, we are getting in dangerous water. As a matter of fact, King George did not like the idea of the Declaration of Independence. He did not like the idea that all men are created equal. He did not like the idea that they are endowed by their Creator with certain inalienable rights, because he believed in the divine right of kings, and the reason why men came to these shores was that they wanted the right of individual freedom, intellectual freedom.

Many of the men who came to this country and who offered themselves to America were political refugees. I observe sitting here the junior Senator from Illinois [Mr. DOUGLAS], and I recall John Peter Altgeld, who was once Governor of Illinois, a German refugee, a refugee of the revolution of 1848. America was blessed, it was blessed again and again, by thousands upon thousands of political refugees who had to flee from their homelands. There are many of them here. Many of them who came to the Army in the Revolutionary War were political refugees from foreign lands, and anyone who would deny America being the asylum for refugees who are looking for a political and spiritual home is doing damage to the well-being of mankind.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Montana.

Mr. MURRAY. I hope the Senator will not overlook Thomas Francis Meagher, first Governor of Montana, who was a refugee from the British during the Irish Rebellion.

Mr. HUMPHREY. I am very happy the Senator brings the distinguished Governor's name to my attention.

Mr. MURRAY. He was also a hero in the Civil War at the Battle of Gettysburg.

Mr. HUMPHREY. Certainly. There have been many great names in American history like that. Our country's greatness is illustrated by the inscription to be found upon the Statue of Liberty, the open door to America, "Send me your sick and weary and oppressed." In other words, "Send me the outcasts and I will make something out of them and they will make something out of themselves in this wonderful land of liberty."

Now some would say, "Send me your elite, but don't send anybody who may have a creative idea, don't send any political refugees, don't send anybody who has broken with Stalin, don't send anybody who has broken with the Communist government, who has been on the inside, because maybe you can't trust him."

Every time there is a desire to produce a witness to put a smear on the State Department or some member of this Government we go out and get some reformed American Communists. Apparently the reformed American Communists are very good, but what does this bill say about a reformed Polish Communist, or a Czechoslovakian Communist, who has seen the error of his ways and wants to stay in America, and wants to get on the Voice of America and broadcast the truth? It says, "Go back home and get shot." The President brought something to my attention. I did not realize that kind of language was in the bill so pointedly.

Mr. President, there are many others who wish to talk, but before I conclude I wish to say that I think it is good once in a while for a man to recognize the mistakes he may make. I think it is good for one to reexamine some of the decisions he has made. I want to make that quite clear. It was my sincere hope that when this bill came back from conference it would be a good bill. It was my sincere hope that these ineffective, clumsy, bewildering provisions would be eliminated. It was my sincere hope that those who took the bill to conference would recognize the validity of the arguments made by the Senator from New York [Mr. LEHMAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from North Carolina [Mr. GRAHAM], and the Senator from Illinois [Mr. DOUGLAS], arguments which have not been answered on this floor.

It was my hope that when the conferees met together they would strike out those provisions which it had been proven by debate would be ineffective, and would impede the work of the Federal Bureau of Investigation. It was my hope that we would get a good bill, because we need a bill, we need to strengthen some of the laws of the country.

But I must say that my hope was not realized. The bill as it came back from conference was worse than when it went in. It was weaker on the one hand, and I remind my colleagues that there was a good deal of solicitous attitude as to what we were going to do with the Communists if we ever got them into an internment camp. We wanted to be sure we would let them right out, even though we knew they would go to the first atomic energy plant they could get to.

There were some others things which happened in conference, and happened on the floor. We limited the criteria as to what would be necessary to justify interning Communists. The bill comes back to us from the President's desk. The President has made an analysis of the bill, and I wish to pay tribute to the President of the United States. The President has given to me an opportunity to be a happy man tonight. The President of the United States has said to HUBERT HUMPHREY, and I think he has said to other people, "This is your chance to come clean. This is your opportunity to vote your convictions. This is your opportunity not to be swallowed up by the hysteria and tension of this hour."

I say very frankly that, like many other Members of this body, I was swallowed up, and I am happy I can release myself, and I am happy I can stand here in the tradition of Thomas Jefferson, the tradition of Thomas Paine, the tradition of Daniel Webster, and the other great men who did not sacrifice liberty for politics, and I am going to vote for liberty.

Then I am going to come back here in November, as the rest of my colleagues will, and I am going to ask the Senator from Tennessee to press his bill (S. 1463) for action on the committee. I am going to ask my colleague, the senior Senator from West Virginia [Mr. KILGORE], to press for his bill, because we need anti-Communist legislation, but we do not need anti-American legislation. We do not need legislation to penalize people who are creative. We do not need legislation to thwart the will of hopeful and freedom-loving people. We do not need to have legislation that is going to drive friends away from us. We do not need legislation passed by the Congress that is going to jeopardize our position in the councils of the United Nations.

I do not want to see the Senate consumed by fear. I want to see the Members of the Senate stand up as brave, statesmanlike Americans. I want this honorable body to remember that we will get nowhere in passing this kind of legislation.

We will do better when we put up the banner of freedom, when we preserve in this country the economic and political institutions around which men can rally in the cause of American freedom.

No government has ever been able to pass enough restrictive legislation against Communists to kill off communism. Are we to kill off communism, or to kill off the environment in which it grows? The way to kill off the environment in which it grows is to kill off the cesspools of economic degradation in which they grow. I am going to work for the workingmen. I am going to work for the mothers, the fathers, the families of America. I am going to vote for measures that will develop the natural resources of the country to better their way of life economically and politically. I shall do everything I can to hold open the avenues of economic opportunity and intellectual opportunity. I am not going to vote now for a bill which I think has within it the seeds of our own destruction. I am not going to vote for a bill which I think was conceived in passion and passed in fear. It was conceived in hysteria, and passion, and passed in fear.

I want to tell the Congress that there are other days greater than November 7. There is also July 4. That is an important day. That is the day of independence. There are other days that are important, such as January 1, the day of the emancipation declared by the Great Emancipator. There are also other days which are important. There are days that are glorious in American history. If we pass this bill, if we permit

it to become law, I want to say what I have said before. If we pass the bill, if we permit it to become law, we will rue that day. This day then will go down in American history as one of its darkest days, and our action then will become one of our country's most dismal chapters. I want to appeal to this body to reflect before it acts. The Senate of the United States has never been a great body when it has passed punitive and ineffective legislation. This body has been a great body when it has had its eyes on a new horizon. It produced great leaders when it had its eyes on a greater and a brighter horizon.

Mr. President, I fully recognize that there are evil men and evil forces at work in this world. I believe in fighting the forces of evil. Possibly it is a religious instinct. I believe there are evil men and evil forces abroad in the world. But I do not believe that we would fight the forces of evil successfully by indiscriminately injuring those who would do the deeds of good. This is a time when we need to select those we want to restrain, and this is the time when we should encourage those we want to become builders of our country. The bill does not encourage such men; it discourages them. The bill is not a selective one. It is a blunderbuss, as it has been termed by the press of this country.

By the way, Mr. President, let me thank the press of America. I have said many unkind things about the press of America in the heat of partisan debate, as I rationalized some of my own mistakes and as I disagreed with them in honest difference of opinion. But I want to pay tribute tonight to the editorial writers of some of the great newspapers of America who have looked at this bill and have come out with clear vision and keen judgment respecting it. So if anybody is worried about what the press, the responsible American press, thinks about the bill, not the Daily Worker line, nor the Chicago Tribune, but the responsible press of America—if we want to know what the press of America thinks about the bill, we can read the editorials in the great newspapers of this land. Read the comments carried in the press. Read what the great educators say about the bill. Read what the great scientists of the United States say about the bill. Read what those scientists who are going to have to save America with their scientific knowledge have to say about the measure. Read what responsible churchmen say about it. Read what those who believe in a God, who not only believe in a God but who put their faith in Him, say about the bill. Read what the responsible churchmen of every church, Catholic, Protestant, and Jewish, have to say about it. Read the statement of Bishop Sheil, of Chicago. Read the statements of some of the great Protestant and Jewish religious leaders.

Well, Mr. President, I feel happy. I join the ranks of free men. I am going to rectify the miserable mistake I made. I am going to join the ranks of those who believe in their fellow men. I am going to stand on the floor of the Senate when the roll is called, and when the Chair calls for us to vote, whether to override or to sustain the veto, Senators will find the name of the junior Senator from Minnesota on the side of those who vote to sustain the veto. Senators are going to find my name as a Member of this body on the side of the men who in the darkest hours of our history, in the years around 1776, during the Revolution, in the days of the War between the States, in the critical hours of World War I and World War II, placed their faith in human freedom and placed their faith in democracy.

I want to be prodemocratic. It is not good enough simply to be anti-Communist. I want to understand the motivating force of democracy, and I want to live by it. I do not just want to be a Member of this body who simply says he is an anti-Communist. I remember that Hitler was an anti-Communist. I remember that Benito Mussolini was an anti-Communist. I also remember that the czar was an anti-Communist. But more than that, I remember that Thomas Jefferson, Benjamin Franklin, James Madison, Tom Paine, and George Mason of Virginia, Abraham Lincoln, Andy Jackson, were prodemocratic. They emphasized the positive. They believed in the Chinese philosophy that it is better to light a candle than it is to curse the darkness. The time is at hand to light the candle of human freedom. The time is at hand to stand up and be counted. The time is at hand for the Senate to act as the greatest deliberative body in the world, and I emphasize the words "the greatest deliberative body in the world." The time has come to have faith in the institutions of democracy, and return in November, when we can be much more calm, when we will know the political future a little better. Come back in November and write legislation to protect the security of the American Republic and at the same time protect the liberties of the devoted, loyal, decent American citizens.

ACTIVITIES OF THE FOREIGN RELATIONS COMMITTEE DURING THE EIGHTY-FIRST CONGRESS

Mr. CONNALLY. Mr. President, the staff of the Committee on Foreign Relations is engaged in writing a report dealing with the activities of the Foreign Relations Committee during the Eighty-first Congress, which cannot be completed during this session. I ask unanimous consent that the staff be authorized to file its report during the recess of the Senate.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, it is so ordered.

AMERICAN FOREIGN POLICY

Mr. CONNALLY. Mr. President, I have prepared a general statement dealing with the American foreign policy, which I ask unanimous consent to have printed in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CONNALLY ON AMERICAN FOREIGN POLICY

Mr. President, before the Senate begins its recess I should like to take a few minutes to review the foreign policy of the United States. I feel compelled to do so because of the confusion that has arisen due to a number of developments in this field since the beginning of the Eighty-first Congress. Notable among these are the host of unjustified criticisms of our far-eastern policy and various unwise efforts at injecting partisan politics into the conduct of our foreign relations.

Mr. President, it is always tempting in such a situation to strike back at the critics and to demonstrate—as would be so easy in this case—how unwise they are, particularly those who would serve their own selfish ends at the expense of their country. But I propose to resist that temptation and to address my remarks to the people of the United States who are anxious to know the facts about the foreign policy of our country at this critical juncture in our history.

At the outset, I am sure, I need scarcely remind anyone in this body, and, indeed, in the country as a whole, of the world significance of our actions abroad. Our foreign policy is of the deepest moment both to the citizens of the United States and to the people of the entire world. It is in this spirit that I wish to set the record straight.

Mr. President, ever since the last great conflict our policy has been based on the assumption that war with the Soviet Union can be avoided. War is not inevitable. We may be in for a long period of Communist subversion, intrigue, sabotage, and, in peripheral areas like Korea, even armed aggression. But if we pursue the course we are now embarked upon with determination and vigor, we may be able to convince the Kremlin that open hostilities with the west would be a tragic mistake.

So long as there is a good chance for us to avoid war in this manner those who argue that we should launch a preventive war against the Soviet Union are doing a real disservice to their country and to the cause of world peace. Such an argument not only plays squarely into the hands of Communist propagandists; it tends to bring on the very thing we are desperately trying to prevent.

If there is anything upon which the American people are agreed it is that the greatest threat to world convalescence and peace is the political and social cancer of international communism. We know that this organism of evil is attacking the international body at many vital points. It has fastened on weakened members and remains a constant threat even to the healthy tissue. Our action against Communist imperialism will continue in its course of restoring and rebuilding democratically minded nations so that they will have the strength and the will to resist aggression and defend their liberty. The keystone of this policy of containment has been described as the development of situations of strength. We know that Soviet policy and Soviet action are closely attuned to the facts of any given circumstance. Our plans call for taking a firm hand in connection with certain key situations so that the masters of the Communist campaign will abandon their drive for world dominion and adopt a more reasonable live-and-let-live approach.

The recent conversations which Secretary Acheson had with our North Atlantic neighbors deal with several such situations and the current meeting of the United Nations Assembly will take up others. Let me review briefly some of these problems.

Immediately under discussion is the focal point of our whole policy—the security of western Europe. Despite the war in Korea and the tension throughout the Far East—let us never forget it—Europe is still the pivotal point. Continued weakness in western Europe will free the Soviet Union for aggressive action everywhere. A strong Europe is a barrier, not only to Soviet ambitions in the west, but to the Kremlin's freedom of action in the Middle East and in the Far East as well. It is this fundamental fact which was behind the recent Presidential announcement of assigning additional units of ground troops to western Europe. I heartily agree with the President's insistence

that this increase in American forces there must be accompanied by similar efforts on the part of the nations of western Europe. I admit that their contributions to the defense of the North Atlantic area has entailed some sacrifices. But it is imperative that far more be done. Every one of the signatories to the North Atlantic Pact must contribute its fair share if western Europe is to be made secure. France has indicated a willingness to raise 15 divisions. When, and only when, the men to fill the ranks are recruited, France will have demonstrated her determination to do her part. As for Britain, their budgetary provision for an increased land army is a beginning but only a beginning. I do not mention these two nations to single them out, but merely to indicate that nothing less than a maximum effort will create the necessary force. There is no easy way to do this job. We are all going to have to take in our belts several notches before we can reach that stage of preparedness where we can feel safe from Communist aggression.

The North Atlantic Council has already agreed that the defense forces of western Europe will be organized on a balanced and collective pattern. This is a sound and common-sense decision. There is no practical alternative. Nevertheless, bitter experience has demonstrated that forces under national command—however well balanced—lack the unity and the cohesion essential for maximum effectiveness in combat. We must now press on to the next step—the establishment of an integrated military force of a power sufficient to safeguard freedom in western Europe. This force should be under a supreme commander, assisted by a combined staff and with full authority to exercise command.

It is in the context of a European army that we ought to consider one particularly important problem that has concerned us all—the role of Germany in the defense of western Europe.

I am convinced that it is time for us to put an end to a contradiction in fact which has existed since the formation of the North Atlantic Council. We talk in terms of the defense of western Europe. But even an armchair strategist can see that the defense of western Europe involves the defense of western Germany. Any other concept is unthinkable. If we were to fix our defenses on the Rhine, we would automatically accord to the Soviet the manpower of western Germany, that vast reservoir of technical skills and the great industrial centers of the Ruhr and the Saar. In effect, we would be turning over to the Soviet on a silver platter precisely those elements which they need the most.

The recent decision to ask Congress to terminate the state of war with West Germany is an essential step in making Germany an integral part of the western European community. Likewise, the decision to permit an increase in the German police force will place western Germany in a far better position to deal with Communist disorders and sabotage. But we must go further than that. We must acknowledge the right and indeed the duty of the Germans to contribute not only to their own defense but to the defense of western Europe as well. It is time that provision is made for the inclusion of German units in the integrated European army toward which we are working.

Now I understand fully and sympathize thoroughly with the natural reaction of the French people to anything that looks like German rearmament. The sound of Nazi hobnails goosestepping down the boulevards of Paris is too fresh in their memory for them to have any other reaction. But they must be convinced that what is sought does not involve the creation of a German army. What is sought is the creation of a European army. What is sought is the use of German troop units in an integrated European force under a supreme allied commander. With this sort of arrangement French people will have an iron-clad guaranty that a German army, under a German general staff, will never again menace France's eastern borders.

The principle of European integration, which is basically sound, should also be extended to the production of military equipment. Western Europe is a great workshop second only to America. Collectively, it has an imposing industrial potential. This productive capacity should be organized so that each nation concentrates on the weapons and equipment which it is best equipped to produce.

With these points past the agreement stage and in the action phase, I think that we would be well along toward the creation of the situation of strength in western Europe which conditions there demand. With the Soviet force of over 100 divisions just behind the iron curtain, the existence of the present military vacuum in the West creates a situation so hazardous as to demand the most strenuous efforts of which we all are capable.

In the Far East, it is my conviction that we should press forward without delay with the conclusion of a treaty of peace with Japan. As General MacArthur has so correctly pointed out, a military occupation drops sharply in effectiveness after 5 years. Our forces are just completing their fifth year in the home islands. As time goes on, their continued presence will be less and less of an asset and more and more of a liability. A just treaty of peace, which takes into account the military requirements of the American position in the western Pacific and world peace, will free us of occupational burdens without weakening our defenses. Possibly some American military units should remain in Japan, not as an occupying force but to prevent the creation of a vacuum into which alien forces would almost certainly move.

With regard to the related problems presented by Formosa, Communist China, and Korea, we must continue a cool and level-headed approach which does not lose sight of both our immediate and long-range interests. Obviously, as long as the war in Korea continues, we must safeguard our flank by neutraliizng the island of Formosa. That is the reason the President has ordered the Seventh Fleet to stand by in Formosan waters. However, we must avoid like the plague any unilateral action on our part to solve the problem of what to do with Formosa once the victory in Korea has been won. By any terms, this is a United Nations problem and the sooner it is brought to the consideration of that organization the better. It would perhaps be well to grasp this issue by the forelock by moving for the immediate appointment of a UN commission to study the matter. This move would reassure our many friends in the Far East and would establish beyond contradiction that we have no designs on the island. All interested parties could present their views before such a commission.

The great and over-riding problem in dealing with Formosa, and with the Red regime in China, is that under no circumstances should we allow ourselves to be tricked into a shooting war on the Chinese mainland. While Formosa is important to our security, it is certainly not that important. If by some maneuver the Soviets could involve us in land warfare with Mao Tse-tung, there would be rejoicing in the Kremlin. The burden imposed on our resources and our manpower would bleed us white and the Soviets could then pursue their diabolical plan to subjugate mankind without fear of effective opposition.

Mr. President, many ball players and some politicians spend far too much time looking at the grandstand. Let us keep our eyes on the ball. The real danger to the United States and to world peace is not Red China but Red Russia.

While we are determined to avoid war with Red China, we must continue to refuse to support those moves which come under the heading of appeasement. We should continue to oppose the seating of Communist representatives in the United Nations. The replacement of the Nationalist delegation to the UN by the Communists would be a farce as long as they flout the principles of the UN Charter and disregard the long-established rules of international law.

In connection with our desire to avoid war with the Chinese Communists, it is not unlikely that we will have the cooperation of the Chinese Red leaders themselves. Like their Kremlin prototypes, they are hard-boiled realists. We must give them credit for having common sense enough to realize that even a successful war against the United States would accomplish nothing so much as to fold them in the fatal embrace of the Russian Bear.

Mr. President, Mao Tse-tung knows full well the danger that confronts his country. He must know all about Russian ambitions in the Far East. He must know the master planners in the Kremlin would like to dismember his country. He must know it would be folly for China to yield to Communist pressures and go to war against the free countries which have always been friends of the Chinese people.

In China, as in other regions, we must tailor our policies to fit our purposes. We have made it clear and we must continue to make it clear that we have absolutely no territorial or aggressive designs on China or on any other country. We must avoid impulsive and foolish acts, such as the unilateral occupation of Formosa, which would gravely antagonize the Chinese people and cast dark clouds of suspicion over us throughout all Asia.

It is true, Mr. President, that what happens in Asia is of vital interest to the United States and to all peace-loving nations. We must, however, embrace the fundamental proposition that the problems of that great area will have to be worked out by the people and the governments of Asia. We can do much to help but we cannot take over.

Moreover, we must never lose sight of our major objective in China—to restore the ties of friendship which have traditionally existed between us and the Chinese people. As a more immediate purpose, we should do what we can to prevent the 450,000,000 people of China from coming under the complete domination of Moscow. That has not happened yet, and it is vital that it should not happen.

The spectacular progress of the United Nations army in Korea poses very sharply the question as to just what the UN should do when its victorious forces reach the thirty-eight parallel. Let me emphasize that this is not a matter for the United States to decide. It is a decision which the United Nations itself must make.

The General Assembly has twice resolved, by votes unanimous but for the Soviet bloc, that Korea should be united and independent. The responsibility for blocking these efforts rests squarely on the Soviet Union. In the face of this obstructionism it might be helpful for the General Assembly once more to reassure the world that the creation of a united and free Korea remains the purpose of the United Nations. Such a policy could imply no threat to Korea's neighbors or to the peace of Asia. On the other hand, without it there can be no assurance that the Communist leadership of North Korea will not plot another aggression against the Republic of Korea.

While the United Nations has set up the goal of a united Korea, I do not think it is possible to determine now just what our troops will do when they reach the thirty-eighth parallel. I repeat, that is for the United Nations to decide. And that decision cannot be made intelligently until we

know how and under what circumstances UN forces reach the dividing line between North and South Korea.

While I am speaking about the United Nations I would like to call attention to the very able address given by Secretary Acheson at the opening session of the General Assembly on September 20 in New York. Many of his suggestions are of a constructive nature and, if adopted, would make the United Nations a more effective instrument for world peace. In particular it would be very helpful if each member nation would designate certain armed forces which would be specially trained and held ready for prompt service on behalf of the UN.

Because of Russia's flagrant abuse of the veto it is apparent that we shall have to place more and more emphasis on the General Assembly. For that reason the rules of the Assembly should be changed so as to permit it to act quickly and decisively in an emergency. The time required to convene the Assembly should be drastically cut, and a permanent UN peace patrol, which could look into areas where international conflict is brewing, should be created. These steps, together with the special UN forces which I have referred to above, would give to the Assembly some of the teeth which the Security Council now lacks.

In addition to Secretary Acheson's proposals I think we ought to work vigorously toward universality of membership within the United Nations structure. Many peace-loving nations—including Italy, Portugal, Ireland, Finland, Austria, Ceylon, Jordan, and the Republic of Korea—have been denied admission to the organization by the Soviet veto. The UN needs their support and they should be admitted without further delay.

In our day-to-day consideration of these and other specific problems, we should keep in constant view those long-range objectives which underlie American foreign policy. This policy is dedicated to the achievement of peace and the erection of an international association of free peoples who work together in harmony for their mutual advantage. We seek a world in which justice, order, and progress prevail.

To achieve these objectives, we have relied and we must continue to rely on a set of basic principles which can best be described as principles for building total peace.

First. We must continue to give unfaltering support to the United Nations and seek to strengthen it in every possible way. The United Nations must remain the cornerstone of American foreign policy.

Second. The military strength of the free world must be increased to provide for the common defense and to enable the free nations to carry out their obligations to the UN and their commitments under such regional agreements as the North Atlantic and Rio Treaties.

Third. We must continue our programs of economic and technical assistance to friendly countries. A people with a rising standard of living and with hope for the future are immune to the preachments of communism. This is our most potent weapon and one for which the Kremlin can find no defense.

Fourth. As a corollary, we must work for the extension of fundamental human rights and a decent respect for the dignity of the individual to areas where these do not now prevail.

Fifth. We must do our best to help the people of the world understand, through a vigorous campaign of truth, that the democratic way of life is best. The big-lie technique of the dictators may have certain temporary advantages but the truth will always win out in the end.

Sixth. We must always remember that the core of every major world problem today is Soviet Russia. If we can solve the problem of Russia, solutions to our other difficulties will follow almost automatically. We must not be diverted from this central fact.

These principles, Mr. President, are in the enlightened self-interest of the American people. The cost will be great; but if we did nothing, it would eventually be a thousand times greater. And if we are successful, the world will enter on such a period of peace and prosperity that the cost will seem but a trifle.

Now, Mr. President, it is important that our policy and the principles upon which it is based be considered in their proper historical framework. I therefore turn to a rather detailed review of developments since 1945.

AMERICAN FOREIGN POLICY SINCE 1945

Mr. President, we all know the axiom that what is past is prologue. Therefore, I think that we will be able to evaluate our prospects for peace and successful world relations by a factual recapitulation of the events of the last 5 years. Such a review will also serve to straighten out the record of what has actually happened and why.

Recently some individuals who find certain world events not to their liking have been engaged in either an unwitting or a cynical rewrite of history in their search for a reason to lay the blame at the administration's door. Such a practice does the country a profound disservice and if continued will be a barrier to the development of the sound and productive policy required in the future.

To obtain a true perspective on American foreign policy it is necessary to consider the facts in their proper framework. To begin with we must return to the dark day of December 7, 1941, the treacherous Japanese attack against Pearl Harbor, and the declaration of war by Nazi Germany which followed hard on its heels.

We faced a powerful and well armed pair of enemies. The German Wehrmacht and the Luftwaffe had more than double the strength of any force that we could bring against them. On the other front we faced a Japanese military machine of more than 5,000,000 men, which was well entrenched in a series of defensive positions that ran in a wide arc from the home islands through Oceania. As allies we had the British Commonwealth and the other signers of the United Nations Declaration. On the thesis that anyone who was fighting the Nazis would receive support, we joined forces with the U. S. S. R. against the Axis. During the 3½ years of fighting that followed, the Soviet army engaged and defeated more than 200 divisions which might otherwise have been in the line against American troops.

The vast manpower and military potential of Russia was a great asset in our struggle against Hitler. In the interest of their own survival the democracies, however, much they detested the internal dictatorship of the Soviets, could adopt no other policy than to welcome the support of the Russian armies. Once it became apparent that the Soviet Union could survive the initial shock of the German armies, one of the most important tasks of the allied military authorities was to keep Russian armies in the field and actively fighting against the Germans. This situation became even more acute following our landings in Normandy since any slackening of the Russian effort might have released sufficient German divisions from the eastern front to produce a military catastrophe in the west. The eastern front, which contained three-fourths of the German troops, was essential to our military campaign in Europe. The men in charge of our war effort were thinking of the quickest way to win the war and the best way to save American lives. They were not thinking of politics.

Cordell Hull, that great Secretary of State and our beloved former colleague, said:

"We must ever remember that by the Russians' heroic struggle against the Germans they probably saved the Allies from a negotiated peace with Germany. Such a peace would have humiliated the Allies and would have left the world open to another Thirty Years War."

He also said that the policy to be followed toward Russia rested on two bases. The first was:

"Continue in constant, friendly discussion with the Russians. Consult them at every point. Engage in no 'cussin matches' with them. Explain to them, again and again if necessary, the principles upon which we felt peaceful international relations would prosper. Show them as clearly as possible the superior advantages to Russia of wholehearted cooperation with other nations as compared with the minor advantages of predominance in neighboring states. Make it clear to them that we did not object to a nation's preaching the merits of its form of government, whether communism or democracy, but that we did object to a nation's interfering in the internal affairs of other nations."

WILLKIE FOR COOPERATION WITH U. S. S. R.

This view wasn't limited to Democrats. The late Mr. Wendell Willkie had some views about the Russians, too. This is what he said:

"First, Russia is an effective society. It works. It has survival value. The record of Soviet resistance to Hitler has been proof enough of this to most of us, but I must admit in all frankness that I was not prepared to believe before I went to Russia what I now know about its strength as a going organization of men and women.

"Second, Russia is our ally in this war. The Russians, more sorely tested by Hitler's might even than the British, have met the test magnificently. Their hatred of fascism and the Nazi system is real and deep and bitter. And this hatred makes them determined to eliminate Hitler and exterminate the Nazi blight from Europe and the world.

"Third, we must work with Russia after the war. At least it seems to me that there can be no continued peace unless we learn to do so."

Under these circumstances, which were at the time beyond alteration, we had to agree as to the best way to fight the war and as to what would be done when it was won. One such agreement set up zones of occupation in Germany. This was an unavoidable move; as the armies in the west and the east converged on central Germany it was necessary that a line be drawn through Germany at which they would meet. Such a line was drawn on the basis of the best judgment of our military leaders. This is the origin of the first and unavoidable division of Germany.

ZONAL DIVISION OF GERMANY UNAVOIDABLE

Our experience in Italy demonstrated conclusively that a zonal arrangement was essential for a proper administration and assignment of responsibilities in the chaos that then prevailed in Germany. Therefore, for administrative purposes Germany was divided into zones. Berlin presented a peculiar problem because of the tradition that the victors occupy the capital of the vanquished nation. It was decided that the troops of all four nations would occupy Berlin. Since that city was in the Russian zone, the right of access perforce had to be negotiated with the Soviet.

These and our other wartime agreements with the Soviets were military in origin. At the time the zonal lines were drawn military men believed that they were east of the farthest potential advance of the western armies, and that they would therefore result in an actual withdrawal of Russian forces from the final point of their greatest advance. The fact that the placing of these zonal lines did not so result was due to a shift in the fortunes of war which resulted in greater success in the west than we had predicted. Now that the campaign has been completed, it is easy to assert that it would have been better to have had no

zonal agreements, but rather that the respective armies occupy as much of Germany as they had conquered. However, it should not be overlooked that the zonal agreement forced a Soviet withdrawal in Austria.

AGREEMENT FOR ACCESS TO BERLIN

President Truman obtained directly from Stalin an assurance that free access by rail, road, and water from the western zones to Berlin would be worked out by the commanders. With the benefit of hindsight, it is easy to see now that some more certain arrangement would have been better. But none appeared practicable or, in fact, necessary at the time, and the risk involved was more than outweighed by the benefit of having the western powers in Berlin. Except for Germany, the present iron curtain represents, with minor variations, the eastern edge of the advance of Soviet armies into Europe during World War II. Once the Soviet armies entered eastern Europe in pursuit of the Germans, there could be no question of giving away eastern Europe. The question was what we could do to influence the course of events in areas which were under Soviet control.

In return for acknowledging the unalterable geographical fact of the presence of Soviet armies in eastern Europe, we obtained from the Russians the promise that free elections would be held in Soviet-occupied countries. These pledges have been the means by which the Soviet machinations in eastern Europe have been unmasked. Thus the Yalta agreements have been the basis for nearly every official United States protest against Soviet moves to gain domination of eastern Europe. In no way can the record of Yalta be construed as a sell-out to the Soviet. On the contrary, it put in the hands of the United States a diplomatic weapon of great value. As a final commentary on the question of which party came off best at Yalta, there is evidence that the Soviet leaders believe that they were "done in" by these agreements. Their major objective was to obtain through the agreements a controlling interest in the great industrial complexes of the Ruhr and Saar valleys. This they were denied.

DECISIONS IN THE FAR EAST

Now there are those who say, "Look at the Far East—that was where we suffered the initial diplomatic defeat and where our representatives began to 'give China to the Communists'."

None of the facts underlying the agreements in the Far East support this contention in any way, shape or manner. The decisions applying to the Far East were basically and essentially military decisions founded on purely military considerations. We must remember that at the time of Yalta there was still a long and hard road ahead before we could look for a German defeat. The Rhine was not crossed until March of that year.

In the Pacific victory was even further away. American troops entered Manila on the first day of the conference. The bloody struggles for Iwo and Okinawa were still ahead. Beyond them waited a Japanese army of 5,000,000 men which had lavishly demonstrated its willingness to fight to the death. The attached air component included at least 5,000 of the kamikaze-suicide aircraft.

The atom bomb was still a scientific question mark and could not be relied upon as a military factor.

Pacific strategy called for a tighter sea-and-air blockade and greatly intensified strategic bombing to be followed by an assault on Kyushu November 1. A landing on Honshu was scheduled for 4 months later. These operations would directly involve an American force of 5,000,000 men and military estimates saw the war continuing into 1947 with a cost of a million casualties.

RUSSIAN MOVE AGAINST JAPAN

The leaders who made the decisions at Yalta relative to the Far East did not decide on the basis of politics. The compelling and overriding consideration was a quicker end to the war and the saving of the lives of hundreds of thousands of GI's. The best means to accomplish this was the Soviet entrance into the war against Japan. The timing of this entrance was of even greater importance than the fact of Soviet participation itself. Everyone familiar with the situation was well aware that after United States forces had crushed the armies of Imperial Japan, the Soviets would declare war and cross the Amur River into Manchuria. It was further realized that nothing short of military action could stop them.

The objective, then, was to have the eastern Soviet force engage the crack Kwangtung army in Manchuria and Korea in time to prevent these Japanese from being shuttled across the Korean straits to defend the home islands against the American assault. At Yalta the Soviet Union promised to enter the war against Japan within 3 months after the end of the war in Europe. Our military leaders were jubilant. They were convinced the Soviet promise meant the difference between death and life for scores of thousands of American troops.

CHIANG KAI-SHEK SATISFIED

In addition, the United States obtained from the U. S. S. R. recognition of Chinese Nationalist sovereignty over Manchuria and a Soviet commitment to make a Treaty of Friendship and Alliance with Chiang Kai-shek. This agreement was concluded to Chiang's satisfaction.

In return America conceded to the Soviet no territories or rights which the latter did not formerly own or could not have taken.

There may be some who now say that they foresaw that the war in the Pacific would end as abruptly as it did. If that is true, they were very quiet about their knowledge at the time. At any rate, the Soviet Union entered the war on schedule as a result of a prudent and calculated military decision, which was richly justified by the circumstances under which it was made.

Who among the critics of Yalta will now rise and say that he would have done otherwise at the time?

That, Mr. President, is a factual review of the Yalta Agreement. I believe that when these agreements are examined by the historians of tomorrow they will be adjudged in their true character of recognizing the military realities under which they were negotiated.

POLICY IN EUROPE

Any honest review of American policy and programs will disclose a record of solid achievements. Let us take as a ready example our policy in Europe as the pivotal point of our postwar actions. Again, we must examine what has been accomplished in the light of the circumstances under which these accomplishments were achieved.

Western Europe after VJ-day was a mass of wreckage. The political structure, where it existed as an entity, was badly strained. Social patterns had been disrupted. The production of food and goods was well below prewar levels and only a fraction of the minimum needs of the Continent. The organization of the United Nations had offered a long-range framework for the peaceable reorganization of international affairs. Nevertheless, the United Nations and the United States were confronted with an emergency of staggering proportions. Hunger was widespread. Prospects for an increase in agricultural production were dim, and there was unemployment everywhere accompanied by its dangerous partner, unrest. In the United Nations, America took the lead in fast and effective remedial moves.

We contributed a major portion of the UNNRA supplies and then participated in a post-UNNRA program. In effect, these two steps enabled many of the nations of western Europe as well as of other parts of the world to survive.

Subsequently General Marshall, in his famous commencement address at Harvard University, made the general proposals for European reconstruction and rehabilitation which we now know as the Economic Cooperation Administration. For its inspiration and imaginative approach to problems already in the crisis stage, this action has no historic precedent.

COMMUNISTS DEFEATED IN ITALY

While the infinite and puzzling details of the Marshall plan were being thrashed out, a crisis developed in Italy. Italy was a defeated nation, which in normal times could boast only meager resources, and was traditionally plagued with overpopulation and a host of other economic and social problems. This nation had been prostrated by war and was totally unable to set about her own reconstruction on anything near the required scale. There was every reason to believe that a domestic Communist Party would profit from the widespread discontent and the approaching chaos to the extent of gaining control in the election which was to come. In the fall of 1947, America put through the interim-aid program which eased Italy's immediate problems, and alleviated conditions which local Communists were exploiting. This material aid was complemented by a brilliantly executed information campaign which exposed Communist propaganda and restored faith in democracy. In the crucial election the Communists were soundly beaten and have been unable to recover from this set-back. Here we have a prime example of a foreign policy that produced the right action on adequate scale and in time.

RED THRUST AT IRAN CHECKED

The political success scored by American policy in Italy was repeated elsewhere in western Europe and the Middle East. These instances are concrete demonstrations of the effective and steady anti-Communist character of our postwar policies in the international field. It has been almost forgotten that the United States by vigorous action in the Security Council was instrumental in checking a Soviet thrust at Iran, an oil-rich country strategically placed between the U. S. S. R. and the Arabian Sea. The Soviet army set up a puppet regime in the northern province of Azerbaijan. On Security Council insistence, Soviet troops were withdrawn and the regime collapsed. Since then, Soviet pressure has continued, but the Iranian Government has resolutely withstood that pressure. The United States has continued to assist Iran, and currently a survey mission is there making studies of potential Export-Import Bank projects capable of improving Iranian economic conditions.

GREEK-TURKISH AID PROGRAM

This pattern with some variations was retraced in both Greece and Turkey in the Truman doctrine. In March 1947, the Greek Government, whose continuance in power was gravely threatened by Communist-supported guerrillas, appealed to the United States for help. President Truman came before the Congress and set forth the doctrine that the United States should support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures. The United States subsequently gave the Greek Government enough economic and military assistance to subdue the insurrection and restore stability to the nation.

Turkey, meanwhile, was being subjected to direct pressure from the Kremlin. While the Turkish people were by no means inclined to lie down and roll over upon command from Moscow, the domestic measures the Government took to counter the threat to its sovereignty were a severe strain on the

national economy. Material assistance and technical counsel from the United States enabled the Turks to step up the power of their defenses and at the same time ease the economic pressures that defense measures exerted. In the face of this resistance, the Russian threat was abated. The United States has boosted the determination of the peoples of these countries to preserve their own independence. So far they have been prevented from falling into Communist control and the Soviet drive toward the Mediterranean, the Near East and Africa has been checked. United States policy has been an important factor in transforming this area into a cornerstone of European and Near Eastern security rather than a stepping stone for Communist conquest.

DUAL PURPOSE OF MARSHALL PLAN

In western Europe proper the Marshall plan served a dual purpose. It made a vital contribution to the rehabilitation of the western democracies whose well-being is so essential a component of American security. It also dealt a severe blow to Communist hopes for penetration into the industrial west.

The economic results traceable to the postwar aid programs—particularly the Marshall plan—have been extraordinary. Industrial production is substantially above prewar levels as are most categories of agricultural production. The productivity of labor has been stepped up and in most of the participating nations there has been a real improvement in the standard of living.

Besides these material advances there have been great intangible benefits. It should be noted that since the war no western European governments of either the extreme right or left have come into power. There have been no serious internal disorders and confidence in the validity of the democratic processes is strong. Everywhere there is evidence of a trend away from communism. In Austria, for example, free elections in the zone occupied by Soviet troops resulted in only a negligible fraction of pro-Communist votes.

The cooperation which has been encouraged by the functioning of the Marshall plan is exemplified in the workings of the Council of Europe. Here is a functioning international assembly that openly regards itself as a rudimentary parliament of Europe. Another example can be found in the so-called Schuman plan and in the proposals for a common organization for military production. This growing acceptance of the idea of Europe as an entity is a healthy and promising development toward a self-sustaining and peaceful Europe.

MILITARY ASSISTANCE PROGRAM

Manifestly economic strength cannot be divorced from security. As Soviet attacks on the Marshall plan increased in virulence and the aggressive aims of the Kremlin came more and more into the open, it became obvious that where we needed strong allies we had vulnerable friends. The United States, therefore, took a leading role in developing the political and military complements to the Marshall plan. The strategic interdependence of the North Atlantic countries was made open and manifest by the drafting of the North Atlantic Treaty. The treaty involved a revolutionary international commitment for the United States and bound the nations of the community in a defensive agreement which provided vital assurance of aid in case of aggression. It also provided for the establishment of collective, balanced forces for the joint defense of the area under an over-all strategic plan.

American policy then produced the move that would put muscle into this concept and provide our allies in western Europe and elsewhere with the weapons and matériel needed to strengthen their defenses—the mutual defense assistance program.

It should be emphasized here that both the North Atlantic Treaty and the mutual defense program are entirely and specifically within the framework of the United Nations Charter.

OCCUPATION OF GERMANY

The occupation of Germany is now in its fifth year and can take much credit for the wholesome changes that have been brought about in the German political and economic picture. Military government went a long way toward decontaminating the western zones of nazism and clearing the site for the reconstruction of Germany as a peaceful and productive member of the western European community. The task of reconstruction itself is the assignment of the civilian regime that is now in control of Germany.

Through the reparations program Germany's industrial potential for aggression has been eliminated and her neighbors partially compensated for what they suffered from the war. The freely elected federal republic is functioning and by its actions has shown itself to have the possibilities of a foundation for a democratic Germany.

In Germany, as elsewhere, things have not been perfect. There have been mistakes made and we have learned much from them. We would be less than human if that were not the case.

TRIUMPH IN EUROPE

Although it has been lengthy, this review is by no means a complete and detailed presentation of American actions and results therefrom in Europe and the Middle East. In the overall, it does present the factual and unprejudiced picture of what we have been able to accomplish there. To me, it borders on a triumph. Four years ago half a continent was gutted by war; much of its productive plant was rubble. Its people were starving and communism, or equally unpalatable brands of totalitarianism, was making great strides. Today a great economic resurgence has taken place. Much that was destroyed has been rebuilt. The standards of living have been restored, and what was politically and militarily a tinder box has been transformed into a stable area which is determined to stand up for its political liberties and is making great material sacrifices in its preparations to do so.

WESTERN HEMISPHERE RELATIONS

Before moving to another major area which has recently been the subject of some controversy, I should like to touch briefly on our foreign relations as they apply to the Western Hemisphere. The importance of our achievements in this area should not be underrated merely because they have made few headlines.

With the other American Republics our objective has been the continued strengthening and cementing of a pattern of relationships which is already established. We have aimed at building inter-American unity for common action and at improving the economic and social structures so that the solidarity we seek will have a stable foundation. The most impressive advance in inter-American relations is the development of the Organization of American States from the patchwork inter-American system that existed 5 years ago.

At the end of World War II, inter-American agencies were loosely connected bodies that had gone through a Topsy-like growth. Cohesion and integration of their function was notable by its absence. The basis for the OAS is the Treaty of Rio de Janeiro, drafted in 1947 and now ratified by all but three of the American states. In many respects the Rio treaty was the progenitor of the North Atlantic Pact. It is a defensive alliance under the terms of the UN Charter aimed at discouraging aggression. It has already proved its effectiveness in dealing with impending conflict when it was invoked early this year by the Haitian and Dominican Governments with regard to the rising tension in the sensitive area of the Caribbean. The Organization of American States swung into action. Tensions were reduced, the issues resolved, and a settlement made.

COOPERATION THROUGH OAS

Beyond this function the OAS has developed inter-American cooperation in a variety of fields such as health and sanitation, improvement of agriculture, the exchange of technical knowledge and skills, and economic and social development generally. A common inter-American policy and procedure for programs of technical cooperation has been agreed upon by all the nations of the hemisphere.

Chronic economic problems in many of the other American Republics have been the target of cooperative action between the United States and other nations of the Americas. Aside from material benefits derived from such action there has been a perceptible decline in the strength of the Communist elements south of the Rio Grande. The Marxist Labor Confederation—the CTAL—has been losing members to the anti-Communist labor organizations.

As a result the American states comprise a solid community of good neighbors. The basic relations of the United States to each of the other Republics of the hemisphere are sound, friendly, and effective. In good part this situation is attributable to the shaping of an intelligent policy which has been consistently applied.

FAR EASTERN POLICY

American policy toward the Far East involves an area of great controversy where certain critics have been raising strident cries to voice their dissatisfaction with the course of events in that part of the world. Once more, accurate perspective requires a careful analysis of developments there. It is essential to keep in mind that we are discussing a region which encompasses 2,000,000,000 people of widely different culture, customs, language and history. We are dealing with forces whose origin stretches back to the seventeenth century and whose strength has been gathering over a period of 150 years. In these terms it is important to link closely the basis of American policy with America's capacity to execute that policy.

Certain elements have charged that American policy in the Far East sold Chiang Kai-Shek down the river and gave China to the Communists. Basically this statement ignores the realities which confront us in the Far East. It is this sort of approach which can bring the United States to a major catastrophe. This sort of reasoning can enmesh us in a land war with Communist China from which we might never extricate ourselves. We would pour our wealth, our manpower and our physical resources into an endless struggle on the Asiatic mainland until sheer exhaustion compelled us to stop. In the meantime, the Politburo would sit quietly by watching this epic of American folly. When we were completely stripped of our strength, the Kremlin would be quite free to move anywhere and everywhere its greedy heart desired.

UNITED STATES INFLUENCE LIMITED

In addition, this sort of thinking neglects the elementary fact that the influence and effect that the United States may exert in any particular region of the world is limited. Before we can intelligently shape foreign policy we must have an accurate and precise knowledge of those limits.

Consequently, the concept which pictures the United States as giving China to the Communists is an absurdity. Obviously, China was not ours to give and furthermore, the power to prevent a Communist take-over was greatly in excess of the limited influence that we could exert in the Far East.

Let us briefly examine here what actually happened to China in the postwar years.

UNITED STATES AID TO CHIANG KAI-SHEK

After the Japanese surrender, the Chinese Nationalists, under the victorious leader, Chiang Kai-shek, controlled the vast majority of the Chinese people, the bulk of its natural resources, the principal cities and lines of communication, and most of the centers of industrial production. The Nationalist Army in size, quality, and equipment was vastly superior to the Chinese Communists' Eighth Route Army.

The Nationalist regime enjoyed the active support of the United States. America provided Chiang's government with more than $2,000,000,000 in economic and military assistance. The United States command in the Pacific, by plane and ship, transported more than 400,000 Nationalist troops to Shanghai and north China to accept the surrender of the Japanese Army and to enable the Nationalists to take immediate control of the area. The United States also helped out in other ways. More than 50,000 marines were moved to north China to help the Nationalists take over.

By any reasonable yardstick the Nationalists stood to win the postwar struggle with the Chinese Communists hands down. Yet in 4 years they were chased off the mainland of China to the island of Formosa.

How could this happen?

What were the factors in the situation which surmounted the Nationalists' enormous advantage and physical strength in such a short time? An informed consensus on the Chinese civil war is that a trio of intangibles brought on the Nationalist downfall. They were the factors of morale, leadership, and public support. It is undeniable that, as compared to the Nationalists, the Chinese Communists had the will to fight, were ably led, and were fully aware of the importance of public support. This is the unpleasant fact and we must accept it. We have direct evidence to this effect as late as November 1948 in Major General Barr's report to the Department of the Army. The general was submitting a professional report as a professional soldier in the discharge of his duties as the Director of the Joint United States Military Advisory Group. He said, "Their (the Chinese Nationalists) military debacles, in my opinion, can all be attributed to the world's worst leadership and many of the moral-destroying factors leading to a complete loss of will to fight."

ALTERNATIVES IN CHINA

As Communist strength rose and the Nationalist power declined, the decisive character of these intangibles became painfully clear. For the United States they posed a grave question. What should we do about it? There were two alternatives. We might pour aid into China on an even more massive and increasing scale. Such a course would have placed an incalculable burden on an already heavily loaded American people and would have constituted a major dissipation of American resources. It might well have placed United States armed forces in China in a sordid and pointless repetition of the Japanese venture there.

The alternative was to try to induce the Chinese Nationalists to correct the fatal weaknesses in their administration. It was suggested that United States aid would be used not only to counterbalance those weaknesses but as an inducement to the Chinese Nationalists themselves to correct them. At the same time, of course, the aid would provide an opportunity for the Nationalists to take the necessary remedial steps. The decision to try this course was adopted on completely realistic grounds. It was recognized that it probably would not succeed unless the Nationalists used the opportunity given them to help themselves.

GENERAL MARSHALL'S ANALYSIS

In February 1948 then Secretary of State Marshall gave the Committees on Foreign Affairs and Foreign Relations of the Eightieth Congress a careful and detailed analysis of the situation in China. He warned against the first course of action in which the United States would assume any direct responsibility for the conduct of the civil war in China or for the Chinese economy, or both.

He stated: "It would be impossible to estimate the final cost of a course of this magnitude. It would involve this Government in a continual commitment from which it would be practicably impossible to withdraw and it would very probably involve grave consequences to this Nation by making China an arena of international conflict. An attempt to underwrite the Chinese economy and the Chinese Government's military effort represents a burden on the United States economically and a military responsibility which I cannot recommend as a course of action for this Government."

In support of the administration's proposed aid program—the second alternative—Secretary Marshall said: "We hope that the program we are presenting to Congress will assist in arresting the accelerating trend of economic deterioration to provide the Chinese Government with a further opportunity to lay the ground work for stabilizing the situation. In these circumstances, I consider that this program of economic assistance proposed, with the full recognition of all the unfavorable factors in the situation, is warranted by American interest."

General Marshall declared further: "We must be prepared to face the possibility that the present Chinese Government may not be successful in maintaining itself against the Communist forces or other opposition that may arise in China."

Thus, we have a responsible Cabinet officer, who at the same time is one of the great military minds of modern times, spelling out the basic element of United States far-eastern policy, setting down reasons underlying the chosen course and frankly pointing out that the selected course might not prevent a Communist China.

The Eightieth Congress rewrote the administration's proposed China Aid Act, cut the $570,000,000 assistance requested to $400,000,000, and reduced the duration from 15 to 12 months. Attempts by individual Members of Congress to provide military aid for China on the same basis as such aid was being supplied to Greece and Turkey were rejected by Congress. The then chairman of the Committee on Foreign Relations, the senior Senator from Michigan [Mr. VANDENBERG], declared "the Committee on Foreign Relations wishes to make it unmistakably clear in this as in all relief bills that there is no implication that American aid involves any continuity of obligation beyond specific current commitments which Congress may care to make. We do not, we cannot, underwrite the future." Senator VANDENBERG concluded with this declaration: "Your committee believes, as a matter of elementary prudence, that this process must be completely clear of any implication that we are underwriting a military campaign of the Nationalist Government. No matter what our heart's desire might be, any such implication would be impossible over so vast an area."

CHINA AID WAS BIPARTISAN

I go into such detail over this particular step in our relations with China to establish beyond any reasonable question that this decision was approved by a Congress fully aware of the risks involved. The bill passed by the Eightieth Congress was changed in effect and cut in amount. Thus it was completely bipartisan in character.

I should also like to stress that this was the critical decision of our China policy. When it was made, the Nationalist military strength was nearly twice that of the Communists. If it was imprudent for America to underwrite the Nationalist military effort at a time when they enjoyed a 2 to 1 edge, it would have been madness to have undertaken such a commitment at a later date when the situation was reversed and the Nationalist arms were in full retreat before superior Communist armies.

Let me also say here that the China Aid Act of 1948 was faithfully carried out by the administration. Any delays in the shipment of military supplies purchased by the Chinese Nationalists with the $125,000,000 grant provided in the act arose from the failure of the Chinese Government to make its needs promptly known. Furthermore, there is not a jot of evidence to indicate that the delays, regardless of cause, were a significant factor in the Nationalist defeats. General Marshall told the House Committee on Foreign Affairs in February 1948 that between July 1946 and May 1947 "the Chinese Government had sufficient munitions for their armies and there was no embarrassment to them." As late as November 1948 Major General Barr reported "No battle has been lost since my arrival due to lack of ammunition or equipment."

UNITED STATES SUPPLIES FELL TO REDS

Experts estimate that in the 4½ months from the fall of Tsinan in September 1948 to the fall of Peiping in January 1949 the Nationalists lost 400,000 rifles. Foreign observers of the entry of the Chinese Communist forces into Tsinan, Peiping, Nanking, and Shanghai remarked on the high proportion of those forces which was equipped with American arms. From this it is logical to assume that American military equipment provided to the Nationalists would likely be a major source of the arms which the Chinese Communists would use in any attack on Formosa. How can it be argued that the Nationalists lacked the military equipment required to defeat the Communists but had sufficient to provide from the stocks a major source of weapons for the Communists themselves? The Communists looked upon the United States as their quartermaster and Chiang as their supply sergeant.

It is further impossible to argue seriously that the course of military events on the China mainland would have been significantly altered by United States military advice short of the virtual taking over and running of the entire Chinese military establishment with the probable inclusion of American military units.

There is evidence which conclusively proves this. General Wedemeyer and later General Marshall warned the Nationalists against overextending themselves by attempting to occupy Manchuria before they had consolidated their position in north China. The advice was disregarded. As a result, the cream of the Chinese Nationalist armies was lost in Manchuria. General Barr was authorized to provide operational counsel informally to the Generalissimo, the Minister of National Defense, and the Chief of the Supreme Staff. His own record of attempts to offer advice, which in most cases was rejected or not acted upon, is set forth in detail in the China white paper.

NATIONALISTS LOST POPULAR SUPPORT

Another step in the decline of the Nationalist cause was foreseen in another report by General Barr to the Department of the Army. Essentially, this dealt with the Nationalists' loss of popular support. Barr informed headquarters: "It is extremely doubtful that the National Government could muster the necessary popular support to mobilize sufficient manpower in this area (South China) with which to rebuild its forces even if time permitted. Only the employment of United States armed forces to block a southern advance of the Communists, which I emphatically do not recommend, would enable the Nationalists to maintain

a foothold in southern China against a determined Communist advance. * * * The complete defeat of the Nationalist Army is inevitable." Unfortunately, it required only a few months to establish General Barr as a competent military observer and tragically, a true prophet.

Thus we see that the Communist victory in China came about because of the political, the moral, and the military weakness of the Nationalist Government. They did not lack for men, weapons, or equipment. Such economic aid as was needed was provided by the American Government. The factors that brought about the fall of the Nationalists in China were the intangibles of successful and effective government which no outside party can supply. If we are honest with ourselves, we must admit that whether we like it or not, the influence of American policy in China was incapable of overcoming these shortcomings of the Chinese Nationalist Government. We took a calculated risk in extending to that government the maximum practical aid and technical counsel. Through no fault of American policy, Chiang misused the aid, ignored the advice. The Nationalist cause collapsed through its own incompetence.

QUESTION OF FORMOSA

We now find ourselves confronted with the latest edition of our China problems—the question of Formosa, which is now the seat of the Nationalist Government. Here again is the time for uncompromising realism and for a willingness to analyze facts as they are in terms of American interest. United States policy on Formosa was enunciated publicly by the President in early January of this year. This policy was founded on the best professional conclusions available to the American Government. Before this decision was reached all available information on the Nationalist capacities for staging a successful defense of Formosa pointed to an unwelcome conclusion, namely, that without the use of United States Armed Forces in the island's defense it would fall to the Chinese Communists sometime before the end of this year.

The second factor in this policy was a repeated and reexamined appraisal of the strategic importance of Formosa to the United States by the highest military authorities in the Government. This evaluation considered Formosa not only as a land mass in a limited geographic area but in terms of the world situation. The evaluation acknowledged that, strategic as the Island of Formosa was, it was not vital to our defense and that under the then-existing conditions was of insufficient importance to justify the use of American forces to protect it.

NO REVERSAL OF POLICY

I emphasize that this is a professional evaluation and is not to be confused with one which has been advanced that "a little military aid" from America would enable the Chinese Nationalists to hold Formosa. This January decision was importantly affected by the adventure and aggression upon which the North Korean Communists embarked several months ago. The United States lived up to its stand against aggression and at the request of the United Nations sent military units to South Korea. This move added a fresh military factor to the Formosa equation. With United States troops in combat on the Korean peninsula, it was regarded as sound military tactics to safeguard their flank by taking special steps to ensure that the island of Formosa was neutralized. The Seventh Fleet was given this mission.

This by no means constitutes a reversal of policy but rather an adaptation of policy to a new and dominant factor.

The facts of China may be hard to swallow. But they must nevertheless be taken into account in the policy which is being shaped to advance American interests in the Orient.

Presently, for example, that policy does not contemplate United States recognition of Communist China. We continue to oppose the admission of Mao's representative to the United Nations. In the future, as in the past, we will do all in our power to keep China free of Soviet control.

Our policy recognizes that in acting in the Far East, America must respect the interests of India, Pakistan, and other nations in that area. Despite arguments to the contrary, it would be a serious error for the United States to go ahead entirely on its own to settle the question of Formosa. It is properly a UN problem and should be handled by that organization.

POLICY TOWARD KOREA

At this point, I should like to clarify the pattern of American actions toward Korea and at the same time correct some distortions of American policy and action on that troubled peninsula. Prior to June 25, when the Communists invaded the fledgling independent Republic of South Korea, the United States had followed a steady policy of strengthening the new Nation both economically and militarily.

As far as Korea is concerned, the United States Government has religiously lived up to its declarations initially made at the conference in Cairo in 1943. At that time the parties to the conference stated their determination that Korea should be independent. This guarantee was reaffirmed at Potsdam and was joined in by the Soviet when they formally declared war on Japan. We have not, and will not, abandon that stand.

The division of Korea along the line of thirty-eighth parallel had its origin in General Order No. 1 issued by General MacArthur in September 1945. Under this order the Soviet commander was to accept the surrender of all Japanese forces to the north and the American commander those in the south.

In short order it became apparent that the Soviet intention was to create an oriental version of the iron curtain. The American comander tried vainly to negotiate with his Soviet opposite to reunite the country and then referred the problem to a higher level. The Moscow agreements, in late 1945, gave rise to the hope that a workable formula for unification had been reached. For 2 years the United States tried to transform this hope into a reality. We then referred the problem to the United Nations, and this resulted in a UN resolution in November 1947 calling for elections throughout Korea under the observation of UN repreesntatives.

The Soviet masters of North Korea barred the UN Commission and ignored the resolution. Notwithstanding, the American Government steadfastly continued to do all in its power to carry out its stated policy and went ahead with the establishment of a representative and independent government in South Korea. Thus 3 years after VJ-day at least a part of Korea had the freedom so long denied it.

UN RESOLUTIONS FOLLOWED

Subsequent United States actions, with regard to troop withdrawal, aid to Korea, and other commitments to the new republic were conditioned by the declarations of the United Nations Assembly and by the dictates of American strategic responsibilities on a world-wide basis. The resolution we introduced in the United Nations on the withdrawal of troops—both Soviet and American—from all of Korea, was based in large part on an estimate by the Joint Chiefs of Staff. The Joint Chiefs believed that in terms of its own military security America had only a minor strategic interest in maintaining troops in Korea. This judgment took cognizance of the shortage of military manpower and our responsibilities and interests in other world regions which were of more vital concern to us. As an added consideration, the American Government believed that the maintenance of an occupation force on South Korean soil would retard the efforts of the South Koreans to ready themselves for self-government.

TROOP WITHDRAWALS

In September of 1948 we began a gradual reduction of our forces of occupation in Korea. This was brought to a halt in November because of unsatisfactory local conditions and because the UN General Assembly had not yet taken action on the Korean problem. On December 12, 1948, the General Assembly recognized the lawful character of the Government of the Republic of Korea and again recommended the withdrawal of occupation forces as soon as possible. Then out of a clear sky, Christmas Day 1948, the Soviets announced complete withdrawal from North Korea. As usual, they refused to allow any verification by United Nations representatives.

In March of 1949 the Departments of State and Defense and the National Security Council again directed their attention to the problem of South Korea. Under the circumstances that then obtained, military withdrawal was held desirable. In view of the Soviet withdrawal, the United States could not allow itself to be placed in the position of refusing to comply with the UN directive. But we also resolved to back the South Korean Republic politically, economically, and militarily. All American troops, save an advisory group of 500 officers and men, left Korea in June 1949.

In March 1949 the Republic of Korea had a "security" force amounting to 114,000 men. However, the Republic's economic situation made it incapable of supporting a larger army or of maintaining the more complex types of military equipment.

The Korean Army of 65,000 men had been equipped in large part with American weapons. A 4,000-man Coast Guard force and the police contingent of 45,000 had United States sidearms and carbines and Japanese rifles in equal numbers. They had been trained by American officers.

KOREAN SECURITY PROBLEMS

The best military judgment at the time set down three Korean security problems in order of priority. The first was internal Communist revolt, the second violations of the northern border, and third, open war with North Korea. On the basis of this estimate, the National Security Council concluded that the United States should complete the equipment of the 65,000-man army, that vessels necessary for the Coast Guard should be made available and that the Republic of Korea should get a stockpile of maintenance supplies adequate for 6 months' replacement plus an emergency reserve.

I would like to call to your minds at this point that the United States had many commitments for military assistance in other sectors: To the North Atlantic Treaty nations and to Greece, Turkey, Iran, the Philippines, and "the general area of China." In terms of the strategic estimates of the importance of these nations, Korea was being helped quite generously. Critics may now declare that our military men, or the members of our National Security Council, should have realized that war was going to break out in Korea and cut down on assistance to our other allies. The fact is that they didn't anticipate the move—and some of those who are most vociferous in their attacks voted against aid to Korea when it came before the Congress. These critics also ignore the probability that if we had engaged in an all-out military build-up in Korea, the Communists would probably have stirred up trouble in Indochina or in Iran or any one of a half dozen other spots.

But, as is clear from this history, United States handling of Korea proceeded on a basis

of our entire world position. There is a risk in any policy. The sure thing does not exist. The judgments made on South Korea were carefully thought out. They were arrived at on the basis of the best available information.

EXTENT OF UNITED STATES AID TO KOREA

We are now hearing charges from some quarters that the United States should have given substantial military assistance to the South Koreans. The record shows that we did. We gave them arms, originally valued at $57,000,000 and the replacement cost of which was more than double that amount. Included in this equipment was more than 100,000 Garand rifles and carbines, 2,000 machine guns, 50,000,000 rounds of 30-caliber ammunition, and a substantial number of heavier weapons. These included 60 and 80 millimeter mortars, 105 millimeter howitzers, and 57 and 37 millimeter guns. We also turned over to them thousands of grenade rockets and grenades, 150 bazookas with 44,000 rounds of ammunition, and an assortment of armored cars, trucks, thousands of mines and demolition charges, a substantial amount of signal equipment, 79 vessels, and liaison aircraft. In addition to these arms, we gave them $85,000,000 worth of gear which had military value such as tractors, trailers, motors, generators, barges, and medical supplies. When the size of the South Korean Army is considered, this adds up to substantial aid.

The foregoing is in addition to nearly $470,000,000 in economic aid which was provided to help South Korea get on her feet.

MDAP FOR KOREA

When the Mutual Defense Assistance Program was developed, Korea also came in for consideration. The MDAP appropriation of late October 1949 contained $10,200,000 for South Korea. In what must be an attempt to twist the administration's execution of this program, we now hear that South Korea got only $200 worth of wire before the Communist attack. It is unnecessary to comment on the unfair inference that this was all the military aid that South Korea received from us at any time. But it is essential to bring out that it was clearly understood that these funds were to be spent in part for equipment that was on hand in the United States but would require from 6 to 9 months to put in shape. The remainder was to go for new equipment which under no circumstances could be produced in less than a year.

Furthermore, the act required that, before aid could be given, an agreement must be negotiated with the recipient nation. On passage of the act, talks were immediately begun with the South Korean representatives and the required agreement completed January 26, 1950. The specific items most urgently needed were determined by the South Korean Government and their advisers in the latter part of March of this year.

We provided available equipment as fast as the South Koreans could absorb it, and as quickly as was consistent with maintaining the strength of our own Armed Forces. The performance of South Korean troops in combat is testimony to the effectiveness of the job done in organizing, training, and equipping them.

UNITED STATES RETURN TO KOREA

Now it may be asked, if the United States withdrew its troops from Korea, why did we send them back again? For an authoritative and cogent statement on this development, I can do no better than to quote President Truman. The President declared:

"This outright breach of the peace, in violation of the United Nations Charter, created a real and present danger to the security of every nation. This attack was, in addition, a demonstration of contempt for the United Nations, since it was an attempt to settle, by military aggression, a question which the United Nations had been working to settle by peaceful means.

"The attack on the Republic of Korea, therefore, was a clear challenge to the basic principles of the United Nations Charter and to the specific actions taken by the United Nations in Korea. If this challenge had not been met squarely, the effectiveness of the United Nations would have been all but ended, and the hope of mankind that the United Nations would develop into an institution of world order would have been shattered."

PHILIPPINES AND INDONESIA

Against the charge made by some that the United States has no policy in the Far East or that it has been a failure, I submit that America has followed a positive and consistent course of action. We climaxed fifty years of friendly cooperation in the Philippines by granting them their independence in 1946. Because of the suffering of the Philippine people from war and Japanese occupation, the United States has lent a hand in the rehabilitation of that country through the War Damage Commission and an extensive program of reconstruction under the Rehabilitation Act. We have given and will continue to give the Island Republic additional assistance via trade and military agreements. The more pressing economic problems will be tackled on the basis of studies by a special economic survey mission to the Philippines which was appointed by President Truman.

South of the new Philippine Republic is another new member of the democratic commonwealth, which was assisted in gaining its independence by the good offices and the good will of America. I refer to the new Republic of Indonesia. We have given the new nation economic aid to help it over the bumps that a new organism must face in its early stages. Last January a loan of $100 million was earmarked for the new Republic and $40,000,000 provided out of ECA funds. We will support Indonesian participation in international organizations and stand ready to supply it with the constabularly equipment it may need to stave off internal communist threats.

INDOCHINA AND THAILAND

While the United States recognizes that Indochina is primarily a responsibility of the French Government, we have urged the French to assist the Indochinese people toward greater independence. We can rightfully take a substantial share of the credit for the new status of Laos, Cambodia, and Vietnam and for the independent status the Vietnamese have achieved. We are now prepared to extend a helping hand to the Vietnam government in its struggle against a Communist-supported revolt. We are giving the French and Vietnamese forces that are fighting communism the equipment required to put down the Communist subversion. We also plan a continued program of economic aid.

Thailand, the oldest independent country in southeast Asia, also faces economic and military difficulties. Here again the United States is standing by with an assistance program designed to enable the Government to maintain its Territorial integrity. American economic aid to Thailand has been instrumental in restoring that nation to a relatively healthy economic and financial condition.

Our occupation of Japan has been signally successful. Under the administration of General MacArthur Japan has made great strides toward establishing a working democracy. The Japanese are making an economic comeback which, if continued, will permit them to stand on their own feet without need of United States support.

The United States far-eastern policy is essentially the same as our policy in other parts of the world. We recognize a fundamental need for world conditions in which freedom can thrive. We seek in Asia groups of people governed by institutions of their own creation and by men of their own choosing.

We aim at active participation for the nations of Asia as full and equal members of the international community. We are endeavoring to assist in the establishment of an Asia which will be secure from aggression of any sort and the nations of which will settle their disputes among themselves by peaceful means. We will assist them where we can in the development of their resources, in the raising of their standard of living, and in a maximum increase in mutually beneficial trade. We look for a rich and free interchange of cultural values with them and a friendly association of peoples and governments over a broad spread of political, economic, and cultural matters.

POINT 4 PROGRAM

An inspiring component of our present-day foreign policy is the point 4 program which is now getting under way. For a relatively small cost, underdeveloped areas throughout the world may obtain technical assistance and valuable know-how to help in coping with local agricultural and industrial problems which have been depressing the local standard of living.

The pattern for this effort was laid down in Latin America, where technical cooperation has some remarkable accomplishments to its credit. Experience gained in this hemisphere serves as a valuable guide for the extension of these activities to other areas of the world. This program is one which has a real and deep meaning to other peoples everywhere. It is an inexpensive means whereby the United States can help itself by helping others.

INTERNATIONAL INFORMATION PROGRAM

I have so far said nothing of the aspect of American foreign policy represented by our program of international information. Through this effort peoples the world over are given an accurate and well-documented portrayal of the United States, its aims and its people. We have engaged in a battle of words with the Kremlin propagandists to counter the Soviet effort to poison world opinion against us.

We have become increasingly aware of the importance of our information program and this Congress has allocated the Voice of America and its allied services increased funds to do the job that must be done. Technical problems which are extremely difficult are being overcome. Our broadcasting gives evidence of making significant penetration of the iron curtain. The past 6 months has seen a substantial increase in audience mail, notably 318 percent up from the Far East and a boost of 824 percent from the Near East and South Asia. There is a growing response to the news and feature services that parallel the Voice broadcasts and a wider and wider demand for the motion-picture service. I might add that the Voice is receiving more and more compliments from the Soviet and satellite press and radio in the way of slanderous description of what it is trying to do and what it says. Although we spend only a fraction of what other nations spend on their propaganda, we are nevertheless getting results.

The growing effectiveness of our information program derives, I believe, from the fact that it is devoted to the truth. We will continue this campaign of truth to a point where no hostile or ignorant source can distort or twist American actions or American motives. At this point we shall have achieved the basic international understanding which is an essential to the foreign policy that we have developed.

POLICY TOWARD UNITED NATIONS

As has been said before, the key to United States foreign policy is the establishment

of lasting world peace. The major means to this end is the United Nations, to which the United States Government has given its unflagging and wholehearted support. I believe that the record of American actions in the United Nations is one in which we can take great pride.

Our proposal for the control of atomic energy is certainly a case in point. When we had exclusive control of the atom bomb, we took the lead in proposing means for its effective international control. The Acheson-Lilienthal plan, with some modifications, became the majority plan for atomic control in the United Nations Atomic Energy Commission. This plan was blocked by the Soviet Union, which advanced a deceptive substitute that failed utterly to win outside support.

We have worked hard and successfully to develop the parliamentary functions of the UN and have striven for a more restrained use of the veto. We have consistently supported proposals to admit to membership the states of Jordan, Portugal, Italy, Austria, Finland, Ceylon, Nepal, and the Republic of Korea. We have pledged $12,000,000 to the technical-assistance program and have made sizable contributions to the childrens fund and the Palestine refugee program. We have consistently promoted respect for basic human rights and attempted to obtain increasing recognition for individual liberty.

PROBLEM OF THE VETO

In many of these efforts we have fallen short of our objectives because of the unrestrained obstructionism of the Soviet Union. The Soviet use of the veto has played a dreary and discordant obligato to the attempts of the free world to advance the cause of peace.

There are those who now claim that the United States failure to insist on a limitation of the veto power in the discussions that preceded the creation of the UN was a major error. This is bad vision, even for hindsight. It was clear then that any limitation of the veto power beyond that agreed to at Yalta would have prevented Soviet participation in the United Nations. It is obvious that a United Nations in which the Soviet is participating, even with an excessive use of the veto, is better than no United Nations at all.

The fact is that the UN is the cornerstone of our hope for peace. Our willingness, yes our determination, to seek peaceful means of accommodation with the Soviet Union through the mechanism of the UN has been and remains the great source of power in American foreign policy.

CONCLUSION

The American people know that their Government has made and is continuing to make every effort for peace. A war-weary Europe also recognizes this and is, further, well aware that the intransigence of the Soviet Union is the main barrier to achieving the peace. The populations of the Near East and the Far East have perhaps not fully recognized this until recently—but are rapidly becoming aware of it.

In short, our work with the United Nations has won us a vital position of moral leadership of the free world. We are now placed so that we can go forward with the immediate task of strengthening the free world against the forces of aggression until such time as the Soviet Union chooses to abandon its role as a disturber of the peace and returns to the principles of the United Nations Charter.

When the Soviet puppets in North Korea launched their attack on the free Republic of South Korea, 53 of the 59 members of the UN joined in a concerted defense of the Republic. This is a convincing demonstration of the growing power and effectiveness of the United Nations and will perhaps go down in history as the point at which a fledgling organization achieved maturity. I am convinced that as the months pass, the effectiveness of the UN with our vigorous support will continue to grow. We now can look forward to a not-far-distant time when the UN will have acquired the power to discharge the duties for which it was created.

This, Mr. President, is our hope and our salvation.

CITATION OF FREDERICK VANDERBILT FIELD FOR CONTEMPT OF SENATE

Mr. CONNALLY. Mr. President, I wish to have three resolutions acted upon at this time. They deal with witnesses who appeared before the Tydings committee and refused to answer questions. The committee has requested that they be cited for contempt. Each resolution was reported favorably by the Foreign Relations Committee.

Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 349.

The PRESIDING OFFICER (Mr. CHAPMAN in the chair). The resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A resolution (S. Res. 349) citing Frederick Vanderbilt Field for contempt of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. MUNDT. Mr. President, on behalf of the minority, I may say that we join in the request.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 349), reported by Mr. CONNALLY (for Mr. TYDINGS), from the Commitee on Foreign Relations on September 13, 1950, was considered and agreed to, as follows:

Resolved, That the President of the Senate certify the report of the Foreign Relations Committee of the Senate as to the refusal of Frederick Vanderbilt Field to answer a series of questions before a subcommittee of the said Foreign Relations Committee, together with all of the facts in connection therewith, under seal of the Senate, to the United States attorney for the District of Columbia; to the end that the said Frederick Vanderbilt Field may be proceeded against in the manner and form provided by law.

CITATION OF EARL RUSSELL BROWDER FOR CONTEMPT OF SENATE

Mr. CONNALLY. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 350.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A resolution (S. Res. 350) citing Earl Russell Browder for contempt of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 350), reported by Mr. CONNALLY (for Mr. TYDINGS), from the Committee on Foreign Relations on September 13, 1950, was considered and agreed to, as follows:

Resolved, That the President of the Senate certify the report of the Foreign Relations Committee of the Senate as to the refusal of Earl Russell Browder to answer a series of question before a subcommittee of the said Foreign Relations Committee, together with all of the facts in connection therewith, under seal of the Senate, to the United States attorney for the District of Columbia; to the end that the said Earl Russell Browder may be proceeded against in the manner and form provided by law.

CITATION OF PHILIP JACOB JAFFE FOR CONTEMPT OF SENATE

Mr. CONNALLY. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 351.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A resolution (S. Res. 351) citing Philip Jacob Jaffe for contempt of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 351), reported by Mr. CONNALLY (for Mr. TYDINGS), from the Committee on Foreign Relations on September 13, 1950, was considered and agreed to, as follows:

Resolved, That the President of the Senate certify the report of the Foreign Relations Committee of the Senate as to the refusal of Philip Jacob Jaffe to answer a series of questions before a subcommittee of the said Foreign Relations Committee, together with all of the facts in connection therewith, under seal of the Senate, to the United States attorney for the District of Columbia; to the end that the said Philip Jacob Jaffe may be proceeded against in the manner and form provided by law.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

PROTECTION AGAINST UN-AMERICAN AND SUBVERSIVE ACTIVITIES—VETO MESSAGE

The Senate resumed the reconsideration of the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, the objections of the President of the United States to the contrary notwithstanding.

Mr. LEHMAN. Mr. President, I believe every Member of the Senate knows my position on this matter. Senators know that I have spoken on this bill at least a dozen times. I am heart and soul against the bill because I think it will work very great harm to our country and will be of affirmative help to the Communists rather than serve to harm them.

Mr. President, we have heard from the President of the United States a stirring and thought-provoking message of disapproval of H. R. 9490, the McCarran-Wood-Mundt-Ferguson bill. I am proud to rise on the floor of the Senate to support the President's action and to urge this body to uphold the wise action of our great President.

By this action President Truman has alined himself with all the great defenders of liberty in this country and in others, not only of this time but of all time. He has shown a courage which must win him the admiration of his

opponents and the increased devotion of his admirers and followers. His action should earn for him the thanks of all our citizens and of all freedom-loving people throughout the world. He has stood firm in the face of political pressures which were tremendous. But above all, the President's action in disapproving this bill assures him, in my judgment, the precious accolade of history.

I can add little and can detract nothing from the clear and brilliant presentation made by the President of the inadequacies and the dangers in this legislation. That message speaks for itself. It summarizes all that I and many others have been saying during the weeks of prior debate on this question.

But this message does much more than that. It cites new reasons and new dangers which may not have occurred to some of the Members of the Senate and which certainly had not been understood by the people of this country. Each of those reasons would be, in my judgment, sufficient justification for supporting the President's veto. Collectively these reasons stand as a total indictment of this proposed legislation, on the basis of which the Senate must inevitably support the President's action.

We are dealing with a question of internal security. The internal security of this country is as much a part of our national defense as is the state of our armies and navies. In both of these vital matters, the views of the officer charged by the Constitution with the responsibility of Commander in Chief of our Armed Forces should and must carry a preponderant weight.

The Commander in Chief, the official charged with upholding the Constitution and protecting this country against all its enemies, foreign and domestic, has advised us that this legislation is dangerous and unwise. Do the Members of this body wish to assume the responsibility of placing upon the President and the executive departments the insupportable, impractical, and paralyzing burden which this proposed legislation creates in the guise of guarding our internal security?

Mr. President, I voted against this proposed legislation when it came before the Senate, and again when it was before us as a conference report. I can say, then, that it takes no great effort of mind or soul for me to support the President's veto. Still I plead earnestly with my colleagues, with all those who voted for this proposed legislation on the mistaken impression that it would safeguard our internal security, that they review carefully the sections and paragraphs of this measure, and then join with me in upholding the hand of the Commander in Chief of the United States in this dangerous day and hour.

Let us discard all superfluous and collateral arguments. Let us agree with each other that all of us are interested in one thing above all else, namely, guarding the security of the United States against subversion, sabotage, and espionage. Let us agree that we must do everything that is necessary to be done to prevent Communists from abusing the rights inherent in the Constitution by using those rights as weapons with which to destroy the Constitution.

Having agreed on all this, we may agree on still one thing further, namely, the relative imminence of the danger which confronts us all. We cannot count on meeting this danger 4 years hence, or 3 years hence, or 2 years hence. We must meet that danger when and as it arises—possibly even in the near future.

Having agreed on all this, we must examine the measure before us. Will this measure in fact protect our institutions and constitutional form of government? Will it guard our internal security? Will it be practical and effective if it is needed in the immediate future?

In my judgment, the answer to every one of these questions is a simple and absolute "No."

Mr. Jay Walz, a fine and able writer for the New York Times, stated recently in an article that the McCarran omnibus bill or, rather, the registration provisions of that bill, could be effective, but only if the Communists would cooperate. I think this is very true. If all true Communists would walk up to the registration window and would sign their names, if the Communist Party would furnish true lists of their members, if all the real Communist-front organizations would register, and if all Communist organizations would file a true and exact report of their sources of financial support and would agree to stamp all their literature with the required statement that it was being disseminated by a Communist or a Communist-front organization, this would be an effective measure. But if Communists and their organizations were willing to do all this, it would not be necessary to have a law on this subject.

The fact is that most Communists and most real Communist-fronts will not register. They will fight registration with every legal resource at their command. They will work by trick, scheme, and subterfuge not only to evade the requirements of this measure but to arouse the greatest confusion around it which they possibly can.

Conservative lawyers estimate that it will take from 2 to 4 years before there can be a Supreme Court test of even one case under this proposed law. The avowed and open Communists, the officers of the party, will reap a rich harvest of headlines and newspaper articles concerning their efforts to defy the law.

Meanwhile the secret, the subversive, and dangerous elements who are not known as Communists at all, not even to the members of the party, will be doing their foul and deadly work behind the cover of the confusion which will ensue. They will have recruits by the thousands—thousands of misguided persons who will wish to associate themselves with the cause of martyrdom which the Communists will represent. Subversion, espionage, and sabotage will not be halted, but will be given a protective camouflage that will help them to go undetected and unpunished.

Meanwhile what will be happening to the rights and liberties of the American people? What will be happening to the precious freedoms which are our main source of strength? What will happen to the national standing of this country in world affairs, to our reputation as the homeland of freedom and liberty? The propaganda mills of Moscow will grind furiously with the word that the United States, the land of the free, has become so fearful of the American people that we have invoked thought control, that the Communists have grown so in strength in the United States that the Congress has found it necessary to pass a sweeping law outlawing not only Communists and Communist sympathizers but all those who differ from the prevailing orthodoxy.

They need not resort to the invention of lies, as they usually do. They need only to quote from this bill now before us.

What is a Communist-front organization, as defined in this measure? It says that the Subversive Activities Board shall make its determination as to Communist-front organizations by the extent to which such organizations do not deviate in policy from policies supported by Communists. By this one definition alone, practically every one of us here in the Senate, as well as half the organizations in America, could be charged with being Communist fronts. All of us have at one time or another supported policies and fought for policies or against policies which happened to be the same as those advocated or opposed by Communists.

The senior Senator from Florida said on this floor the other night that it was ridiculous to think that any patriotic American organization could ever be called upon to register under this act. He said it was plain to him that only real Communist fronts would be required to register.

But who will decide who is a real Communist and what is a real Communist-front organization? On what grounds will these decisions be made? The decision is to be made by the Subversive Activities Control Board, and the grounds are set forth in the law. But the fact is that the avowed Communists, the admitted Communists, are not the ones who are the real dangers to our country. These are not the spies and saboteurs we need to fear. It is the secret Communists, the paid agents and their willing dupes and stooges, who are the real dangers to America; and none of us in the Senate knows who these individuals are. The FBI knows who some of them are; but in order to convict them, in order to bring them to book, it would be necessary for the FBI to disclose all its informants and agents within the Communist Party.

Mr. President, there is a publication printed in Washington known as the Pathfinder. I understand that it is a conservative and substantial publication. Recently there was printed in its pages a report asserting that FBI officials whom reporters for this publication interviewed expressed grave doubts concerning this legislation.

"Few Communists, they thought," the Pathfinder wrote, referring to the FBI officials, "would register; the rest would go underground. To arrest and prosecute those who could be spotted might mean losing valuable underground agents. The satisfaction of jailing Reds might well be offset by the pain of seeing the Bureau's espionage network blown

sky high, with the added anxiety that the bill might be declared unconstitutional."

Mr. President, a high official of the FBI has been quoted as saying that the operations of the McCarran bill would set the FBI back a decade in its work.

Mr. Hoover has stated that if the Communists were driven underground and if the FBI were forced to disclose its agents within the Communist Party, it would be a great blow to the FBI and to the internal security of our country.

It is clear to me, and I hope it is to every fair-minded Member of this body, that this measure will inevitably drive the real and dangerous Communists underground.

Howard McGrath, Attorney General of the United States, stated to the American Bar Association only the day before yesterday that—

> Proposed registration of Communist Party and front organization membership and labeling of their printed political publications count for little in fighting wily persons trained in and bent upon intrigue and deception.

The Attorney General, with the awful weight of responsibility which rests upon him, has argued against approval of this measure. Today the President of the United States has told us:

> The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and the intelligence operations for which they are responsible. They have strongly expressed the hope that the bill would not become law.

Mr. President, I do not see how we can overlook these statements, how we can possibly fail to give all weight to these declarations and fail to rise up in a body and support the President in his veto of this legislation, in this matter which is so critical to the security of the United States, to the welfare of the American people, and to the peace and security of the entire world.

The President, in his message, stated as simply and as clearly as any one of us could desire, the defects and dangers in this legislation. He said:

> It would actually weaken our existing internal security measures and would seriously hamper the FBI and our other security agencies.
>
> It would help the Communists in their efforts to create dissension and confusion within our borders.
>
> It would help the Communist propagandists throughout the world who are trying to undermine freedom, by discrediting as hypocrisy the efforts of the United States on behalf of freedom.

Mr. President, these are the points that I have been stressing during all the course of the debate in which I have participated on this subject. I have said exactly what President Truman says in his message today, that this bill would not hurt the Communists—instead it would help them. The President says:

> It has been claimed over and over again that this is an anti-Communist bill—a Communst-control bill. But in actual operation the bill would have results exactly the opposite of those intended.

Those are the words of the President of the United States, of our Commander in Chief. They define my views on this matter simply and exactly. Is the President of the United States seeking to protect Communists in this country? Who would dare to say so?

Is the President of the United States unware of the dangers which subversive elements represent to our country? It is ridiculous even to ask the question. No man in the United States knows of those dangers more than the President, with all the sources of information at his command.

The Department of Justice, the Department of Defense, and the Central Intelligence Agency, declare that this bill would seriously damage the security of this country. I say to you today with all the conviction at my command that in these critical days we must not and dare not disregard the advice of these vital agencies.

The President of the United States has pointed out a great number of the weaknesses and dangerous provisions of this legislation. He has pointed out in words more clear than any I can muster that the immigration provisions of this bill would prevent us from admitting to our country or to citizenship people who could make real contributions to our national strength.

Former Communists who have seen the error of their ways, who have become convinced by their own experience of the evil intent and designs of the masters of the Kremlin and who are among the most effective fighters against communism today would be barred from admission into the United States and from naturalization if they have already been admitted. The President of the United States has clearly pointed out that these provisions would make it actually easier for subversive aliens to become United States citizens.

Against the background of this statement, will this Congress approve legislation over the President's veto which would subvert and destroy the spirit and the basis of our immigration laws? Mr. President, it is my conviction from having worked closely with national minorities over a long period of years that these provisions will disrupt and perhaps destroy the great process of Americanization of which our country is so justly proud. The individuals coming into this country will live under a cloud of fear and suspicion. They will be fearful lest their every word and thought be misconstrued into some evidence of communist sympathy under the broad definitions in this bill. Free speech will be destroyed for them. The process of mingling with other Americans and learning at first hand about our political life will become a dangerous activity.

Each alien must carry within himself the fear that something he may say or some persons he may meet will provide the evidence to bar him from citizenship. Each newly naturalized citizen must know that for a period of 5 years he bears his citizenship on approval, and may not participate freely in public activities lest he step over some unseen boundaries and place his citizenship in jeopardy.

Mr. President, for 175 years this country has been celebrated as the land of the free and the home of the brave. The vote we are about to take will determine, in a major sense, whether we are to be driven by panic and hysteria into abridging our freedom and abandoning our courage.

I am aware and I feel strongly that we need additional internal security legislation. We need legislation that will really strengthen our internal security and enable us better to protect this great free Nation of ours against subversive activities of every kind, and especially against the stooges of Moscow who would use our freedoms in order to destroy them for the rest of us. We can and should enact such legislation.

A number of measures have been presented to the Congress for this purpose. Some of them are included in the bill now before us, but their effect will be neutralized and negated by the other bad provisions.

Speaking for myself, I am ready to return to Washington at any time or to stay here indefinitely if necessary in order to enact the vital legislation that is required. But let us not, for the purpose of either haste or politics, approve this legislation and stamp ourselves forever as the Congress which enacted this legislation which strikes such a violent blow at our liberties.

Mr. President, I have today received a telegram from Mr. Walter Reuther, president of the United Automobile Workers of America. It is a very brief and simple message, which Mr. Reuther has asked that I read to the Senate. It is as follows:

> DETROIT, MICH.
>
> Senator HERBERT H. LEHMAN:
>
> On behalf of the UAW-CIO, I urge the Members of the Senate to vote to sustain President Truman's veto of H. R. 9490, the so-called McCarran-Mundt-Nixon-Wood bill for the reasons stated in CIO President Murray's September 21 letter to President Truman. Communism can be defeated without adopting its methods of repression of freedom of thought, speech, and discussion.
>
> WALTER P. REUTHER,
> *President, UAW-CIO.*

Mr. President, some days ago Representative USHER BURDICK, a distinguished Member of the House, addressed himself to this legislation. He concluded with words which I should like to borrow. They express my views and my feelings better than I can. He said:

> What has become of the Constitution? Have the cardinal principles of the Declaration of Independence been suspended and dangerous because we are at war with a communistic country? * * *
>
> My desire to remain in office is not as strong as my desire to preserve the greatest democracy on earth.

Mr. President, I desire to read a few editorials which have a very great bearing on this question. I shall read first the editorial from the Washington Post which was published in the newspapers of several sections of the country. It is entitled "Hard Choice," and reads as follows:

> HARD CHOICE
>
> The internal security bill agreed upon by House and Senate conferees will impose upon the President a most difficult duty. It contains provisions which he specifically asked Congress to adopt and which are needed to protect the country from the danger of espionage and sabotage. It contains drastic provisions for the internment of danger-

ously disloyal persons in case of war, insurrection, or invasion—provisions which the President did not think it necessary to request but which might well seem acceptable to him. And it contains the substance of the Wood bill which, when it was adopted by the House as a separate measure a fortnight ago, the President said he would veto. The Wood bill has not been made any less objectionable by virtue of being packaged with other more reasonable measures.

The difficulty of the President's choice stems only in part from the fact that he must veto the entire Internal Security Act if he wishes to keep the Wood bill from becoming law. The difficulty is compounded by the fact that most of his own supporters on Capitol Hill voted for the omnibus legislation in the final show-down. No doubt it would be embarrassing to him as well as to them if he should publicly dissociate himself from their decision. Moreover, any temperance or rationality in dealing with the Communists is considered politically disastrous today.

Nevertheless, it is precisely in such a situation that a Presidential veto serves its most significant constitutional function. The bill passed so overwhelmingly by Congress is panic legislation. It contains features of which this country will be ashamed when sobriety returns. The prestige of the President's office ought to be interposed in an effort to stem the panic—even if the effort now seems a hopeless one and overriding of the veto is considered inescapable. For the sake of the historical record, if for no other reason, the President of the United States ought to register his opposition to an act which flouts the Nation's best traditions. And perhaps it is not too much to hope that leadership of this sort will inspire the palsied Members of the Senate who saddled the President with this painful responsibility. Courage, no less than panic, can be contagious.

The President has shown great courage in vetoing the bill. He has shown the manner in which we should have acted. I hope that Members of the Senate will follow his inspired leadership and vote to sustain his veto.

Mr. President, I wish to read another editorial. It is from the New York Herald-Tribune of September 15, 1950:

A DANGEROUS ROAD

The McCarran internal security bill is admittedly a catch-all; it contains what its author likes to call "segments" of a broad and diverse nature. Among these segments are the President's recommendations for tightening espionage laws; the amended Hobbs bill; the Mundt-Nixon bill, and (as it now stands) the Kilgore bill. Some of these are good, some bad; and the whole is a mixture which, it seems to us, could have been more effectively dealt with on a piecemeal basis. There is, however, one portion of the bill which has received from the public less attention than it deserves, and which casts across the entire measure a disconcerting cloud. This is the portion dealing with immigration and naturalization.

Senator MCCARRAN'S general attitude toward foreigners and their admission to this country was made unpleasantly familiar to the country during the long debate on the Displaced Persons Act. Much of the mistrust and narrowness which the Senator revealed during his obstinate fight against the D. P.'s found expression in his omnibus immigration bill (S. 3455) introduced last April; and that in turn extended into his internal security bill. The parts of the immigration bill incorporated in the new measure ostensibly deal with subversion and sabotage; but they are so broadly and so loosely framed, so inclusive in their prohibitions and so generally menacing to our traditions of freedom and tolerance, that it is difficult to foretell the lengths to which they might lead us.

Aliens to be denied admission to the United States are classified, for example, under a diversity of novel heads. Those would be excluded who seek to enter the United States principally or incidentally to engage in activities which would be prejudicial to the public interest. Or again, those would be excluded who at any time may have written or published, or had in their possession, printed matter advocating (among other things) "the economic and governmental doctrines of any * * * form of totalitarianism." These, it seems to us, go far beyond the safeguards required. They are not directives defining the role of administrative officers but are invitations to every form of exaggerated and hysterical intolerance.

Other provisions of the bill would prohibit the naturalization of an individual who within the preceding 10 years had been in any way connected with an organization registered with the Attorney General as subversive; and would hold one to be prima facie disloyal to the Constitution who, within 5 years of naturalization, was found to have joined such an organization. The effect of the latter provisions would be to create a second-class citizenship, the members of which could be deprived of basic rights on technical grounds, or as a result of ignorance or misjudgment.

The problem of internal security is a real one; its very urgency requires that it be treated with soberness, clarity, and a rooted respect for traditional liberties. It is highly regrettable that there should have been injected into the present bill a group of provisions of a patently dangerous character. The duty of the President and the Congress is plain; they must deal—and deal resolutely—with the menace presented by communism. That duty, unfortunately, has not been made easier by Senator MCCARRAN'S particular contribution, in the fields of immigration and naturalization where he has so often before shown himself prejudiced.

I read an editorial entitled "The Senate on Subversion" published in the New York Times of September 14, 1950:

THE SENATE ON SUBVERSION

As it passed the Senate Tuesday evening, the McCarran antisubversive bill is something of a hodge-podge. On the credit side, it now includes as a last-minute addition the Kilgore detention-center bill, which goes to the heart of the Communist problem. And it retains a few useful technical provisions that would strengthen existing security laws. But the fact that the bill embraces some good features does not alter the more important fact that it would impose infringements on the freedom of thought, speech, press, and political association that Americans have always held dear. It is noteworthy that HERBERT H. LEHMAN, of New York, was one of the seven Senators who voted against this measure.

Of course it is necessary to protect our country from the menace of Communist aggression, whether in the form of Russian imperialism or of internal espionage and sabotage. But it has been and still is our belief that the principal features of the McCarran bill, far from achieving this goal, would interfere with it. Its registration provisions would ensnare Federal authorities in interminable litigation, while the Communist Party itself would be blithely going underground or making its appearance under a succession of aliases. Its prohibitory language is so broadly worded that there would be danger of involving in the toils of the law perfectly loyal citizens of leftist or radical or even merely unpopular views. Its immigration sections give vent to Senator MCCARRAN'S own peculiar version of the know-nothingism that was rejected in this country nearly a century ago. This bill would strike primarily at beliefs; the real danger to our country lies far more in actual or potential espionage or sabotage at the hands of Russian sympathizers who may or may not be members of the Communist Party than in the public expressions of Communist belief, however offensive, mendacious and contemptible such expressions may be.

The Kilgore bill, on the other hand, would deal directly with activists at a time of danger. It would afford concrete protection from that which we fear. Mr. Hoover speaks of the existence of some 12,000 dangerous Communists on whom the FBI has its eye. The Kilgore bill would give a legislative basis, replete with constitutional guaranties, for the police action that undoubtedly should be taken against this hard core in an emergency.

It is obviously too much to hope that the House and Senate will now agree on the Kilgore bill alone. We would like to see them come up with an antisubversive measure that the President can sign; but we hope that he sticks to his announced decision to veto the McCarran bill, and that he will veto anything that looks like it.

Mr. President, I wish to read again certain portions of the veto message, which I think are so important that they must be taken to heart by the Senate:

Insofar as the bill would require registration by the Communist Party itself, it does not endanger our traditional liberties. However, the application of the registration requirements to so-called Communist-front organizations can be the greatest danger to freedom of speech, press and assembly, since the Alien and Sedition Laws of 1798. This danger arises out of the criteria or standards to be applied in determining whether an organization is a Communist-front organization.

There would be no serious problem if the bill required proof that an organization was controlled and financed by the Communist Party before it could be classified as a Communist-front organization. However, recognizing the difficulty of proving those matters, the bill would permit such a determination to be based solely upon "the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those" of the Communist movement.

This provision could easily be used to classify as a Communist-front organization any organization which is advocating a single policy or objective which is also being urged by the Communist Party or by a Communist foreign government. In fact, this may be the intended result, since the bill defines "organization" to include "a group of persons * * * permanently or temporarily associated together for joint action on any subject or subjects." Thus, an organization which advocates low-cost housing for sincere humanitarian reasons might be classified as a Communist-front organization because the Communists regularly exploit slum conditions as one of their fifth-column techniques.

ANNOUNCEMENT AS TO ADJOURNMENT RESOLUTION

Mr. LUCAS. Mr. President, will the Senator yield so that I may make a short statement at this time without the Senator losing the floor?

Mr. LEHMAN. I shall be glad to yield.

The PRESIDING OFFICER. Without objection, the Senator from New York may yield to the Senator from Illinois with the understanding that the Senator from New York will not lose the floor.

Mr. LUCAS. Mr. President, there seems to be a slight misunderstanding

as to what the Senator from Illinois said in the early part of the evening about the question of adjournment. Some seem to think that if we do not conclude the work by one minute after 12 we will then be compelled to adjourn. That is not the fact at all. Under the concurrent resolution adopted by the Senate we will be here at least until 12 o'clock tomorrow night if necessary to finish the business of the Senate. I wanted to make my position clear with respect to that matter.

I wish to say now, Mr. President, that at the proper time, if there is any question about a long discussion upon the conference report now being discussed, or any other matter which comes forward, I shall enter a motion to reconsider the vote on the concurrent resolution, which was taken by the Senate some time ago, because there are certain measures which we must take care of, and of course the House of Representatives cannot adjourn until the Senate adjourns.

I thought I should make my position clear at this time on that point, and I thank the distinguished junior Senator from New York for permitting me to make the statement.

Mr. LEHMAN. I thank the Senator very much, and I am very glad to hear the statement of the Senator from Illinois, the distinguished majority leader, because I feel that this bill is so important that the Members of the Senate should have an opportunity of reasonable discussion and debate.

Mr. LUCAS. Will the Senator yield for a question?

Mr. LEHMAN. If I do not lose the floor.

Mr. LUCAS. The Senator agrees with me that it is an important measure, and my reason for coming before the Senate and making this announcement is in order that Senators will not feel that they are going to be foreclosed from any discussion they desire to make, because, if necessary, we can reconsider the vote which was taken sometime ago. I do not want Senators to think we were going to close at 12:01 a. m. tomorrow morning, and have someone start talking and think that would be the end of the bill, because we are going to vote on this veto message at sometime before the session ends.

Mr. LEHMAN. I thank the Senator from Illinois.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LEHMAN. I yield, with the same understanding.

Mr. WHERRY. So that we will all understand the announcement, as I think no doubt we do, the distinguished majority leader now states that his observation relative to a recess meant only that we might recess, if we ran out of work, until 12:01 o'clock a. m., and then if there were no further work to be done, the Senate of course would adjourn until November 27. But the statement is that if we are not through by that time we will run through for another 24 hours, practically, hoping that the work will be concluded.

Mr. LUCAS. The Senator from Nebraska is correct. It was only a rumor among Senators, but it was my understanding that perhaps the veto message would be voted upon rather expeditiously, and under those circumstances I thought that if we did finish our work before 12 o'clock it would be necessary for us to take a recess until 12:01 o'clock a. m. tomorrow in order to comply with the concurrent resolution that was sent to the Senate by the House of Representatives.

I wanted to make it perfectly clear that my statement did not mean we are going to quit at 12:01 o'clock if somebody wants to talk. I had hoped we could close up the business of the Senate by 12 o'clock, which is nearly 4 hours from now, affording that much time for debate on the pending question, and there are two or three other measures we have to discuss. Neverthless, I am merely saying this now to make my position plain, and to clear up any misunderstanding that may have arisen.

Mr. WHERRY. Mr. President, I deeply appreciate the announcement made by the majority leader, but there has been no change, has there, relative to any legislative proposal which might come up?

Mr. LUCAS. No.

Mr. WHERRY. The Senator is making the statement in addition to what he has already announced.

Mr. LUCAS. Yes.

Mr. LANGER. Mr. President, will the Senator from Illinois permit a question?

Mr. LUCAS. Yes.

Mr. LANGER. Is it the intention of the majority leader to take up Senate bill 3295 before we adjourn?

Mr. LUCAS. I had hoped to take it up immediately following the disposition of the veto message, and another veto message, which is privileged. The railroad bill to which the Senator refers is the unfinished business, in reality, but of course privileged matters have been coming along and displacing it from time to time, which, as the Senator knows, can be done under the rules. But I sincerely hope we can reach a vote on the railroad bill, and I was hoping we could dispose of the veto message of the President on the bill now being discussed, and probably on the one on a bill of the Senator from Nevada [Mr. McCARRAN], and then get back to the railroad bill, and make some disposition of that before we finish tonight. I sincerely hope we can do so. I know the Senator from North Dakota is extremely interested in that bill, as is the Senator from Illinois. I should like to get a vote on it, and I believe we can if we do not spend too much time upon the veto messages.

I am certainly not asking any Senator to curtail his arguments as a result of this statement, but I am sure we are all hoping we can get away from here tonight.

I thank the Senator from New York very much.

Mr. LEHMAN. I thank the Senator for his explanation.

PROTECTION AGAINST UN-AMERICAN AND SUBVERSIVE ACTIVITIES — VETO MESSAGE

The Senate resumed the reconsideration of the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, the objections of the President of the United States to the contrary notwithstanding.

Mr. LEHMAN. I continue to read excerpts from the President's veto message:

> This provision could easily be used to classify as a Communist-front organization any organization which is advocating a single policy or objective which is also being urged by the Communist Party or by a Communist foreign government. In fact, this may be the intended result, since the bill defines "organization" to include "a group of persons * * * permanently or temporarily associated together for joint action on any subject or subjects." Thus, an organization which advocates low-cost housing for sincere humanitarian reasons might be classified as a Communist-front organization because the Communists regularly exploit slum conditions as one of their fifth-column techniques.
>
> It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions which happen to be stated also by Communists.
>
> The basic error of these sections is that they move in the direction of suppressing opinion and belief. This would be a very dangerous course to take, not because we have any sympathy for Communist opinions but because any governmental stifling of the free expression of opinion is a long step toward totalitarianism.
>
> There is no more fundamental axiom of American freedom than the familiar statement: In a free country we punish men for the crimes they commit, but never for the opinions they have, and the reason this is so fundamental to freedom is not, as many suppose, that it protects the few unorthodox from suppression by the majority. To permit freedom of expression is primarily for the benefit of the majority because it protects criticism, and criticism leads to progress.
>
> We can and we will prevent espionage, sabotage, or other actions endangering our national security. But we would betray our finest traditions if we attempted, as this bill would attempt, to curb the simple expression of opinion. This we should never do, no matter how distasteful the opinion may be to the vast majority of our people. The course proposed by this bill would delight the Communists, for it would make a mockery of the Bill of Rights and of our claims to stand for freedom in the world.

Now one more quotation. The President says, on page 13:

> Sections 22 and 25 of this bill are directed toward the specific questions of who should be admitted to our country, and who should be permitted to become a United States citizen. I believe there is general agreement that the answers to those questions should be: We should admit to our country, within the availabe quotas, anyone with a legitimate purpose who would not endanger our security, and we should admit to citizenship, any immigrant who will be a loyal and constructive member of the community. Those are essentially the standards set by existing law. Under present law, we do not admit to our country known Communists, because we believe they work to overthrow our Government, and we do not admit Communists to citizenship, because we believe they are not loyal to the United States.
>
> The changes which would be made in the present law by sections 22 and 25 would not reinforce those sensible standards. Instead, they would add a number of new standards, which, for no good and sufficient reason,

would interfere with our relations with other countries and seriously damage our national security.

Section 22 would, for example, exclude from our country anyone who advocates any form of totalitarian or one-party government. We of course believe in the democratic system of competing political parties, offering a choice of candidates and policies. But a number of countries with which we maintain friendly relations have a different form of government.

Until now, no one has suggested that we should abandon cultural and commercial relations with a country merely because it has a form of government different from ours. Yet section 22 would require that. As one instance, it is clear that under the definitions of the bill the present Government of Spain, among others, would be classified as "totalitarian." As a result, the Attorney General would be required to exclude from the United States all Spanish businessmen, students, and other nonofficial travelers who support the present Government of their country. I cannot understand how the sponsors of this bill can think that such an action would contribute to our national security.

Mr. President, I have studied the bill carefully, exhaustively, and intensively. I have not attempted to enter into any discussion with regard to its constitutional features, because I realize that there are other Senators far better qualiged than I to do that.

But I have approached it from the standpoint of the effect of the bill on the great overwhelming majority of the people of the United States—law-abiding, patriotic, industrious, God-fearing people. I have also studied the bill from the standpoint of the effect it would have in strengthening our efforts to contain and combat and defeat communism. I have come to the conclusion that the defects, the dangers and the threats contained in this bill far outweigh any possible small gain that might be made by its enactment in our fight against communism and to increase the security of our country.

Mr. KEFAUVER. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. I yield for a question.

Mr. KEFAUVER. I wanted first to make the observation that I certainly agree with what a great many editorial writers and columnists have said about the unusual courage, the great and substantial courage of the distinguished Senator from New York who is at this time running for reelection to the United States Senate, in standing by his convictions in opposition to this measure. I should like to read some excerpts from a column published on September 16, 1950, written by Thomas L. Stokes, and ask the Senator if he agrees with the conclusions expressed in the parts I shall read.

Mr. LEHMAN. I yield for that question.

Mr. KEFAUVER. Mr. Thomas L. Stokes, whom we have all known here for many, many years, and who I think has continued to grow and to broaden, who has a very courageous attitude toward the protection of liberties and freedom, whether the cause is popular or not, wrote in his column on the date I mentioned that some tribute should be paid to the Senators who voted against the McCarran bill. He said:

Senator HERBERT H. LEHMAN, four times Governor of New York, is due special mention since he is the only Senator up for reelection in November who voted against this measure which contains, among its many provisions, some that are dangerous to our democratic tradition.

I shall not ask the Senator from New York if he agrees to that, because I know that he in his extreme modesty would say that Mr. Stokes was entirely wrong. But the other parts of the column go to the matter of the merits of the bill, and knowing Mr. Stokes, as many of us do, I think his judgment is entitled to a great deal of consideration.

His very courageous stand dramatizes the meaning of what happened in the Senate—but its very rarity—and what seemingly is happening in our country. If the Senate is a representative body that reflects our people, as it is said to be, the overwhelming majority for the bill—70—can only be taken as an index of the extent of the hysteria among our people, or among enough of them to make a difference election-wise. That is a sad commentary on the state of affairs, especially since the Senate is further removed than the House from the passions and prejudices of the moment, with its 6-year tenure for Members and only a third required to face voters every 2 years.

In connection with that paragraph I ask the Senator from New York if he did not always understand that we in the Senate were supposed to look at things from a long-term viewpoint; that we were not supposed to be swept over by the passions of the particular moment.

Mr. LEHMAN. I fully agree with the Senator. I have always been tremendously impressed with the statement that the United States Senate is the greatest deliberative body in the world, and I emphasize the word "deliberative."

Mr. KEFAUVER. Mr. Stokes further said:

The mania abroad in our land, which is so unlike a proud, free people, already has been reflected in Congress, most recently in the groundless and reckless charges by Senator SCHOEPPEL, Republican of Kansas, against a fine public servant, Secretary of Interior Oscar Chapman, and his associates in the Interior Department. Even the Senator's own Republican colleagues were quick to disavow the action. Beyond Congress, it has exhibited itself in numerous and fantastic ways, among them, the attempted "purge" of radio and television entertainers—

Mr. LANGER. Mr. President, a point of order. The distinguished Senator from Tennessee is attacking a fellow Senator, the Senator from Kansas [Mr. SCHOEPPEL].

The PRESIDING OFFICER (Mr. HILL in the chair). The Senator from Tennessee will take his seat. The Senator from New York is recognized.

Mr. JOHNSON of Colorado. Mr. President, I move that the Senator from Tennessee be permitted to proceed in order.

The PRESIDING OFFICER. Does the Senator from New York yield for that purpose?

Mr. LEHMAN. Yes; with the understanding that I do not lose the floor.

The PRESIDING OFFICER. The Senator from New York yields to the Senator from Colorado with the understanding that the Senator from New York does not lose the floor thereby. Without objection, it is so ordered.

Mr. FERGUSON. Mr. President, reserving the right to object; I think the majority leader indicated that he desired the debate to proceed on this particular measure. For that reason I shall object at this time to the Senator from New York yielding the floor so the Senator from Colorado may move that the Senator from Tennessee may proceed in order.

Mr. KEFAUVER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York has the floor. Unless unanimous consent is given, the Senator from New York can yield only for the purpose of a question. The Senator from Michigan is objecting to the Senator from New York yielding for any purpose other than that which he has a right to yield; that is for the purpose of a question.

Mr. KEFAUVER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York has not yielded to the Senator from Tennessee except for a question. He has a right to yield for a question.

Mr. KEFAUVER. Mr. President, a parliamentary inquiry.

Mr. LEHMAN. I yield for that purpose.

Mr. FERGUSON. Mr. President, the Senator from New York cannot yield for that purpose.

Mr. KEFAUVER. The Senator from New York said he would yield for that purpose.

The PRESIDING OFFICER. Yes; but the Senator from New York can yield only for a question. If he yields for a parliamentary inquiry, and there is objection, he cannot hold the floor.

Mr. FERGUSON. The Senator from Michigan objects.

Mr. KEFAUVER. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York is recognized. The Senator from Tennessee will take his seat. The Senator from New York is recognized.

Mr. KEFAUVER. Mr. President, will the Senator yield for a question?

Mr. DONNELL. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. DONNELL. The Senator is aware that the Senator from New York has the floor. I make the point of order that the Senator from Tennessee is out of order and should be seated.

The PRESIDING OFFICER. The Senator from New York has the floor, and he can yield for only one purpose, that is for a question.

Mr. KEFAUVER. Mr. President——

Mr. DONNELL. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. DONNELL. The point of order is that the Chair——

Mr. LEHMAN. Mr. President, the Senator from New York has not yielded to the Senator from Missouri.

Mr. DONNELL. The Chair has ruled that the Senator from New York has the floor.

Mr. McFARLAND. Mr. President, I demand the regular order. The Senator from New York has not yielded to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from New York is recognized, and the Senator will proceed.

Mr. KEFAUVER. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. I am glad to yield.

Mr. KEFAUVER. Did not the Senator from New York understand that the Senator from Colorado made a motion, or secured the adoption of a unanimous consent request, that I be allowed to continue my questioning?

Mr. LEHMAN. That is the very definite recollection of the Senator from New York.

The PRESIDING OFFICER. The Senator from Michigan objected to the Senator from New York yielding to anyone except for a question.

Mr. KEFAUVER. Mr. President, will the Senator yield further?

Mr. LEHMAN. I yield for a question.

Mr. KEFAUVER. Did not the Senator from New York understand that in reading the article by Mr. Stokes that the Senator from Tennessee was not personally castigating the distinguished gentleman from Kansas. I was reading the words of someone else. Having risen for the purpose of interrogating my colleague, Mr. SCHOEPPEL, I thought it only fair to give him the benefit of the complete language on which I was basing my inquiry.

Mr. FERGUSON. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. FERGUSON. The Senator from Tennessee——

Mr. McFARLAND. Mr. President, the Senator from New York has not yielded for a point of order. The Senator from Michigan will have to ask the Senator from New York to yield to him so he may make a point of order.

The PRESIDING OFFICER. The Senator from New York does not have to yield for a point of order. He may yield for a question, but not for a point of order. The point of order is whether or not the rules of the Senate are being observed.

Mr. McFARLAND. Mr. President, the point is that the Senator from Tennessee was taken from the floor, and he has not received permission to return to the floor. He cannot do so until he has obtained consent.

Mr. KEFAUVER. Since the Senator from New York had yielded—

Mr. DONNELL. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Tennessee was taken from the floor. The only way in which the Senator from Tennessee can regain the floor is by a motion, agreed to, that the Senator be permitted to proceed in order.

Mr. KEFAUVER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEFAUVER. The point of order I make is that the Senate agreed to the unanimous-consent request made by the Senator from Colorado that I be allowed to proceed in order.

The PRESIDING OFFICER. Objection was made by the Senator from Michigan.

Mr. JOHNSON of Colorado. Mr. President, a point of information.

Mr. DONNELL. Mr. President, a point of order.

The PRESIDING OFFICER. The Chair wishes to say that there is no such procedure as "a point of information."

Mr. JOHNSON of Colorado. Mr. President, a point of order.

The PRESIDING OFFICER. During informal proceedings a Senator may rise to make a parliamentary inquiry, and usually no Senator raises a question. But when a Senator raises a question or objection, the Chair must enforce the rule.

Mr. JOHNSON of Colorado. May I make a point of order?

The PRESIDING OFFICER. The Senator from New York has the floor. Does the Senator from Colorado desire to make a point of order?

Mr. JOHNSON of Colorado. Yes.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. JOHNSON of Colorado. To review what happened here, the Senator from Tennessee was called to order by the Senator from North Dakota [Mr. LANGER], and shortly thereafter I rose and made the customary motion; I did not ask unanimous consent; I made the motion that the Senator from Tennessee be permitted to proceed in order, and that was put to a vote, and the motion was agreed to.

The PRESIDING OFFICER. No, no. The Senator from Colorado could not make such a motion except by unanimous consent, because the Senator from New York had the floor. The Senator from Michigan objected to the Senator from New York yielding for the purpose of the Senator from Colorado making the motion.

Mr. JOHNSON of Colorado. If I may state further, I received permission from the Senator from New York to make that motion.

The PRESIDING OFFICER. Yes, but the Senator from New York could not grant such permission unless he were willing to yield the floor. He could not yield for that purpose without yielding the floor.

The Senator from New York.

Mr. DONNELL. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from New York has the floor.

The Senator from New York will proceed.

Mr. LEHMAN. Mr. President, I had intended——

Mr. KEFAUVER. Mr. President, the Senator from New York has yielded to me.

Mr. DONNELL. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. DONNELL. The point of order is one which has been ruled on several times by the Chair, and unquestionably correctly ruled on; I make the point of order that the Senator from Tennessee is violating the rule, and I ask that the Chair enforce the rule of the Senate.

Mr. KEFAUVER. Mr. President, I make the point of order——

The PRESIDING OFFICER. The Senator from Tennessee will have to take his seat.

The Senator from New York has the floor, and will proceed.

Mr. LEHMAN. Mr. President, I had intended to yield the floor; but since we are becoming very technical, I am going to read a few very important and interesting editorials. I read now from an editorial entitled "A Hodgepodge Anti-Red Bill of Doubtful Value," carried in the Philadelphia Inquirer under date of Thursday, September 14:

A HODGE PODGE ANTI-RED BILL OF DOUBTFUL VALUE

As a result of its Members' preelection day determination to pass anti-Communist legislation—without being too choosey about what form it should take—the Senate has approved a hodge podge bill that is loaded with impracticable and perhaps unconstitutional provisions that promise little real hurt to subversive movements in this country.

In their rush to get something through that might avoid a Presidential veto, opposing sides in the Senate, who had been hotly accusing each other of trying to assault the Constitution, managed to accept each other's proposals and place them side by side in a compromise bill.

Its major defect is its superficiality in fighting Communist-promoted espionage and sabotage. It would rely upon two measures: A requirement that all Communists and Communist fronts register as such and an authorization for the internment of Communists in the event of war, invasion, or insurrection.

But such moves would only scrape the surface of subversion. Our greatest danger does not lie in the known, out-in-the-open, loudmouthed members of the Communist Party, but those unknowns, many of them not card-carrying members of the party, who in underground channels labor for Soviet interests. They won't register under the new bill and they cannot be interned under it, either, until they are first exposed and seized.

But even in coping with known, or suspected, Communists and fronts, the bill is deficient. It will be necessary to prove that the persons whose registration, or internment, are wanted are Communists, and that process is likely to take a great deal of time and machinery. In addition, provisions of the bill are almost certain to be attacked in the courts as unconstitutional. Judging from past performances put on by Communists, it might take 2 years or more before such cases could be adjudicated. Meanwhile, pro-Soviet activity might be spreading rapidly in many parts of the country during a period of increasingly grave emergency.

What is needed, above all, is more aid for the FBI in its efforts to track down and expose spies, saboteurs, and subversives generally—quite aside from identifying by means of registration Communists who are already well known. J. Edgar Hoover has warned that the problem we had in the last war from the Nazi fifth column was very small compared with that caused by Communist activities now. He has pointed also to an increase in the Communist movement underground since beginning of the Korean War. The proposed legislation will probably accelerate this movement. It will not, certainly, take care of the problem of Communist subversion and it would be the worst kind of folly to depend upon it for that purpose.

When the writer of that editorial refers to Senators as "rushing * * * to accept each other's proposals" for a

compromise bill, I wish to say that is not true of all Members of the Senate.

Mr. WATKINS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATKINS. I make the point of order that the Senate is out of order.

The PRESIDING OFFICER. The point of order is sustained. The Senate is out of order. The Senator from New York will suspend for a moment.

Senators desiring to converse will please retire from the Chamber. As long as the present occupant of the chair is in the chair, he will enforce the rules and there will be order in the Senate.

The Senator from New York may proceed.

Mr. LEHMAN. Mr. President, I wish to read from an editorial entitled "Anti-communism," which was published in the Washington Post under date of September 13:

ANTICOMMUNISM

Anticommunism proved stronger than Americanism in the Senate of the United States yesterday. The McCarran bill, adopted by a vote of 70 to 7, after the more realistic and practicable Kilgore proposal had been rejected, aims a spectacular roundhouse right at the Communists and will hit a great many loyal and decent Americans who are guilty of nothing worse than the holding of unpopular opinions. It will also hit certain distinctive American liberties that have been a source of pride and of strength to this country for a century and a half—ever since the noxious Sedition Act lapsed into disuse in 1800.

No doubt many of the Senators who voted for the McCarran bill did so in the belief that they were acting to protect their country from the danger of subversion. No doubt, also, many others voted for it in the belief that the tide of hysteria has now grown so great that a vote in opposition would be politically dangerous. This paltering with panic is more dangerous than the bill itself. Fortunately, the President of the United States has said unequivocally that he will veto a measure he considers unconstitutional, no matter what the political consequences. His courage deserves the country's highest respect. We trust it will set an example and provide a steadying influence in Congress if the question of overriding a Presidential veto should arise.

Since then, of course, the President has vetoed the bill and has shown his courage in a marked degree—a degree of courage which I think should receive both the admiration and the gratitude of the American people.

I wish to read now an editorial from the Chattanooga Times.

Mr. LANGER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from New York will suspend for a moment.

The Senate will please be in order. Senators desiring to converse will please retire. The Senator from New York may proceed.

Mr. LEHMAN. Mr. President, I now read from an editorial appearing in the Chattanooga Times:

AN AMERICAN SPEAKS

We think the most refreshing and the bluntest speech we have come across in congressional debate in a long time was that of Representative BURDICK, of North Dakota, on the Mundt-Nixon bill. He was dead against it and against any attempt to legislate a man's thinking.

Mr. BURDICK's remarks are better than any comment upon them. Here is what the North Dakota Republican said:

"Mr. Chairman, I never expected to be in Congress at a time when we were legislating in a spirit of hysteria. That is what is the matter with this Congress right now. There are a great many Members who will vote for this bill who know that they should not, because they do not dare to vote against it. They think the people want them to strangle the Communists and that this bill will do it. Maybe I am not familiar with Communists. We have only 75 in North Dakota, according to last reports, but I want to say to you that you cannot legislate over the mind of man. Thomas Jefferson said:

" 'I have sworn on the altar of God eternal hostility against any form of tyranny over the mind of man. I am for freedom of speech and freedom of the press. I am opposed to silence by fear instead of reason, any complaint or criticism, just or unjust, by the people against the Government.'

"You cannot stop men from thinking by passing any law. I do not hold any brief for any Communists. I do not stand aside in patriotism to this Government, because my folks have been in it since 1634, in every war we have ever had, both lines of my family have fought to preserve this Government. But on this occasion I think we are voting because we think the people want us to do anything that can be done under the sun to strangle men who think, even though they think wrong. I would not stop man from thinking, if he was thinking wrong. Let him think. If we cannot out think him, then we are not deserving of a free Government. * * *

"I suppose there is nobody on my side of the aisle who would contest with me the right to recommit the bill because they are all going to vote for it. Many Democrats are going to vote for it because you are afraid—you are afraid not to. I want to tell this Congress right now and the people of the country that I am not afraid to vote any way that my conscience dictates. Lord; I do not have to be in this Congress. I was doing something useful before I got here, and I can do it when I get out; and I can make an honest living for myself when I do get out. But I will tell you right now that I am not going to vote for this bill, and I want the people of the country to know it. It is not because I want to help anybody; it is not because I do not want to give my last cent for the protection of this Government; it is not because I don't want to give everything I possess now or ever hope to have in the defense of my country, but I am not going to stand here in 1950 in a period of hysteria and pass a law that strangles the thinking capacity of any man in this country. I will not do it."

Mr. President, I think we can learn from that very fine American statement by Representative BURDICK.

This bill is based upon misconception, hysteria, and suspicion. People have been led to believe that this is simply a bill to require registration, that under its provisions there are no complications, no further responsibilities, no further duties, no further consequences.

It is not so. In my opinion, as has been clearly expressed by the Chief Executive, this bill would in no way help to combat communism. It would do communism no harm. It would harm the country. It would harm the people of the country. It would harm the things for which we have stood and for which our forefathers have fought for 200 years and more.

Mr. President, this bill is dangerous. In my opinion there is no excuse for its passage. Whatever little gain may come from certain of the provisions will be far more than counterbalanced by the deficiencies, weaknesses, and inequities of the bill. I strongly appeal to my fellow citizens to support the Presdent's veto, in order that this bill may not become the law of the land. It's bound to do us harm. It cannot possibly, even in a slight degree, help in the fight against communism.

Mr. President, I yield the floor.

HANDLING OF APPLICATIONS FOR UNITED STATES SAVINGS BONDS OF SEAMEN

Mr. JOHNSON of Colorado. Mr. President, as indicated earlier this evening in colloquy with the majority leader, I suggested that I wanted to call up three Senate bills which were amended by the House. I should like to call up at this time Senate bill 3960. There is a message from the House.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3960) to amend subsection (b) of section 10 of the act of June 26, 1884, as amended (U. S. C., title 46, sec. 599 (b)), which were, on page 1, line 9, strike out all after "to" down to and including "bonds" in line 10, and insert "an agency duly designated by the Secretary of the Treasury for the handling of applications for United States Savings bonds, for the purpose of purchasing such bonds for the seaman"; on page 1, line 11, after "acount", insert "for savings, or investment", and on page 2, line 3, after "thereof", insert ", or a savings institution in which such accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation."

Mr. McCARRAN. Mr. President, this is a privileged matter.

Mr. JOHNSON of Colorado. That is correct.

Mr. McCARRAN. It does not take the place of the privileged matter which is now on the floor; does it?

The PRESIDING OFFICER. It temporarily suspends consideration of the pending business.

Mr. McCARRAN. That requires unanimous consent; does it not?

The PRESIDING OFFICER. No. The Chair is informed that a message from the House may be laid down at any time.

Mr. McCARRAN. Will this take long?

Mr. JOHNSON of Colorado. No, it will take only 1 minute, I hope. I do not believe there will be any objection to it. I have three such bills, and I do not think they will take very much time. If it does, we will pass them over.

Senate bill 3960 would permit seamen to make allotments of their wages for the purchase of United States Savings bonds or for deposit in a savings account.

As passed by the Senate, the bill provided that the allotment of wages for bond purchases should be made to the employer. However, since seamen change employers frequently, the House committee felt that it would be better to

have the allotments made to a more permanent agent. Accordingly they amended the bill so as to provide that an agency duly designated by the Secretary of the Treasury shall make the purchase of United States savings bonds for seamen.

The House added two other amendments of a minor nature, the net effect of which is to give the seaman more latitude in selecting the bank or savings institution in which he wishes to have part of his wages deposited for savings or investment.

I move that the Senate concur in the House amendments.

Mr. WHERRY. Mr. President, will the Senator state briefly what the purpose of the bill is?

Mr. JOHNSON of Colorado. It is a bill which makes it possible for seamen voluntarily to assign a part of their wages for the purchase of bonds.

Mr. WHERRY. Is it entirely voluntary?

Mr. JOHNSON of Colorado. It is.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado that the Senate concur in the House amendments.

The motion was agreed to.

DEVELOPMENT OF IMPROVED TRANSPORT AIRCRAFT

The PRESIDING OFFICER (Mr. HILL) laid before the Senate the amendment of the House of Representatives to the bill (S. 3504) to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof, which was, on page 3, line 7, after "representatives" insert "of labor groups and."

Mr. JOHNSON of Colorado. Mr. President, Senate bill 3504 would provide the Civil Aeronautics Administration with authority to assist in the testing of new prototype models. This testing in itself is an expensive procedure which requires several years. The bill authorizes the appropriation of $12,000,000 over a 5-year period.

The bill does not go far enough. It is a limited compromise program which has received the endorsement of all Government agencies and of all concerned with the problem. I have been assured that this program is sufficient for our manufacturers to get started in developing advanced transport aircraft including turbine-powered transport aircraft, cargo transport aircraft, and aircraft suitable for use by the feeder airlines.

The amendment which was inserted in the House was an amendment to add the words "labor groups", so that labor groups interested in aviation would also be consulted in carrying out the program under the act. When the bill was before the Senate, that amendment was suggested by the Senator from New York [Mr. LEHMAN]. The House inserted it.

I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Colorado. I yield.

Mr. WHERRY. Is that the only amendment?

Mr. JOHNSON of Colorado. That is the only amendment.

Mr. WHERRY. My understanding is that the distinguished Senator conferred with the Senator from Maine [Mr. BREWSTER], and that the amendment is agreeable to him.

Mr. JOHNSON of Colorado. Yes. The Senator from Maine is very much in favor of the bill as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to.

AMENDENT OF CIVIL AERONAUTICS ACT, DELEGATION OF CERTAIN AUTHORITY

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 450) to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Administrator, and for other purposes, which were to strike out all after the enacting clause and insert:

That title III of the Civil Aeronautics Act of 1938, as amended, is amended by adding thereto a new section as follows:

"DELEGATION OF POWERS AND DUTIES TO PRIVATE PERSONS

"SEC. 310. (a) In exercising and performing the powers and duties vested in him by this act, the Secretary may, subject to such regulations, supervision, and review as he may prescribe, delegate to properly qualified private persons the function of performing any of such powers and duties respecting (1) the examination, inspection, and testing necessary to the issuance of certificates under title VI of this act, and (2) the issuance of such certificates in accordance with standards established by the Secretary or the Civil Aeronautics Board. The Secretary may establish the maximum fees which such persons may charge for their services and may rescind any such delegation at any time and for any reason which he deems appropriate.

"(b) The Administrator may, subject to such regulations, supervision, and review as he may prescribe, delegate to properly qualified private persons and to any employee or employees under his supervision, any work, business, or function delegated to him by the Civil Aeronautics Board respecting (1) the examination, inspection, and testing necessary to the issuance of certificates under title VI of this act, and (2) the issuance of such certificates in accordance with standards established by the Civil Aeronautics Board. The Administrator may establish the maximum fees which such private persons may charge for their services and may rescind any delegation made by him pursuant to this subsection at any time and for any reason which he deems appropriate.

"(c) Any person affected by any action taken by any private person exercising delegated authority under this section may apply for reconsideration of such action by the Secretary or the Administrator, as the case may be. The Secretary upon his own initiative, with respect to authority granted under subsection (a), or the Administrator upon his own initiative, with respect to the authority granted under subsection (b), may reconsider the action of any private person either before or after it has become effective. If, upon reconsideration by the Secretary or the Administrator, it shall appear that the action in question is in any respect unjust or unwarranted, the Secretary or the Administrator shall reverse, change, or modify the same accordingly; otherwise such action shall be affirmed: *Provided*, That nothing in this subsection shall be construed as modifying, amending, or repealing any provisions of the Administrative Procedure Act."

And to amend the title so as to read: "An act to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Secretary of Commerce and of the Administrator of Civil Aeronautics, and for other purposes."

Mr. JOHNSON of Colorado. Mr. President, this bill is to correct a technical difficulty in the Department of Commerce with respect to the operation of the Civil Aeronautics Authority. The House amended the bill, following the enactment of the bill in the Senate, and prior to the enactment of Reorganization Plan No. 5, dealing with the Department of Commerce. When that reorganization plan was approved, it was necessary to amend Senate bill 450 to make the bill conform with the requirements of Reorganization Plan No. 5. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to.

ESTABLISHMENT OF WILDLIFE MANAGEMENT AREA, FLORIDA

Mr. JOHNSON of Colorado. Mr. President, I desire to call up House bill 7524 to authorize the establishment of a wildlife management area in the Florida Keys, Fla., and for other purposes, Calendar No. 2567. I ask unanimous consent that the Senate proceed to its consideration.

The PRESIDING OFFICER. Is there objection?

Mr. WHERRY. Reserving the right to object, will the Senator give us a brief explanation of the bill?

Mr. JOHNSON of Colorado. There is a species of deer in Florida called Key deer. It is a very small animal, a miniature animal, and it is about to become extinct. The bill provides for a reserve to be established for those deer, to keep them from disappearing altogether. Everyone in Florida is in favor of the bill.

Mr. WHERRY. No objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DONNELL. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Colorado. I yield.

Mr. DONNELL. I should like to ask the Senator what is going to be the expense of carrying this bill into operation, if he can give us that information?

Mr. JOHNSON of Colorado. The expense of the purchase of the land that is necessary will fall upon the local people in Florida.

Mr. DONNELL. I observe that the bill says:

That the Secretary of the Interior is authorized to acquire such lands and interests therein—

And so forth. Is there a provision that the expense of such acquisition shall be

borne by the local people? I do not observe it in the bill.

Mr. JOHNSON of Colorado. No. That is an authorization. I read from the message of Dale E. Doty, Assistant Secretary of the Interior:

Unfortunately for wildlife most of the keys now are readily accessible from U. S. No. 1 overseas highway connecting the mainland to Key West, and enforcement of protection laws is extremely difficult, if not impossible. Thus, the only hope of saving the deer appears to lie in the establishment of an adequate sanctuary where both natural habitat and absolute protection can be provided.

We were informed that the deer would not be moved, and that if they were moved, they would actually become extinct.

Mr. DONNELL. Mr. President, will the Senator yield for a further inquiry?

Mr. JOHNSON of Colorado. I yield.

Mr. DONNELL. On further examination of the bill, does not the Senator agree with me that the bill authorizes the making of expenditures necessary, "to secure a safe title in the United States to such lands, including the payment of expenses incidental to the location," and so forth?

Mr. JOHNSON of Colorado. Within the limitations set forth in the bill; yes.

Mr. DONNELL. Mr. President, will the Senator permit me to ask one more question?

Mr. JOHNSON of Colorado. I yield.

Mr. DONNELL. What are the limits set forth in the bill? I fail to find any limits.

Mr. JOHNSON of Colorado. It says:

That the Secretary of the Interior is authorized * * * to do all things and make all expenditures necessary to secure a safe title in the United States to such land, including the payment of expenses incidental to the location, examination, and survey of such lands and the acquisition of title thereto, but no payment shall be made for any such lands until the title thereto shall be approved by the Attorney General. The acquisition of such lands by the United States shall in no case be defeated because of rights-of-way, easements, exceptions, and reservations which, in the opinion of the Secretary of the Interior, will not interfere with the use of the area so encumbered for the purposes of this act.

SEC. 2. Any and all lands acquired pursuant to the provisions of this act shall be administered in accordance with and shall be subject to the provisions of sections 4, 7, and 8 of the act of August 14, 1946 (60 Stat. 1080).

Mr. DONNELL. Mr. President, will the Senator yield further?

Mr. JOHNSON of Colorado. I yield.

Mr. DONNELL. Does not the Senator agree that there is no limitation whatsoever in the bill as to the amount of the expenditure required except that expenditures shall be such as shall be necessary?

Mr. JOHNSON of Colorado. I see the Senator from Florida on the floor. Would the Senator reply to the inquiry of the Senator from Missouri?

Mr. HOLLAND. I shall be happy to do so if I can.

Mr. TOBEY. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Colorado. Yes.

Mr. TOBEY. I raise the question whether it is not rather poor taste to count the cost when dealing with "dears."

Mr. JOHNSON of Colorado. Apparently we should when it concerns the 4-legged ones. I ask the Senator from Florida to answer the question of the Senator from Missouri.

Mr. DONNELL. I should like to ask the Senator from Florida through the Senator from Colorado, if I may, if there is any limitation in the bill as to the amount of the expenditures except "expenditures necessary to secure a safe title in the United States to such lands, including the payment of expenses incidental to the location, examination and survey of such lands and the acquisition of title thereto"? Is that the only limitation?

Mr. HOLLAND. That is the understanding of the Senator from Florida. The Senator will notice that the letter from Mr. Doty, Assistant Secretary of the Interior, to the House committee recites in the next to the last paragraph:

Thus it is believed that the initial cost of the project would approximate $100,000, and thereafter administrative costs probably would not exceed $5,000 annually.

There is no specific limitation, and that is the only estimate or approximation which the Senator from Florida has found in the file.

Mr. DONNELL. Mr. President, will the Senator yield for another question?

Mr. JOHNSON of Colorado. Yes.

Mr. DONNELL. Does not the Senator from Colorado think in these days of extraordinary and necessary expenditures for the defense of our country that we should be somewhat loathe to incur unnecessary expenses of a nondefense nature.

Mr. JOHNSON of Colorado. I should like to suggest to the Senator from Missouri that there is such a thing as sentiment left in the country. The National Parks Association, the National Wildlife Federation, the National Audubon Society, and the Florida Game and Fresh Water Fish Commission have endorsed the bill. The bill has also been endorsed by the Secretary of the Interior and the Bureau of the Budget. I do not know that it is a matter of vital importance if this specie of deer should become extinct. However, I repeat, there is still sentiment in this country.

I asked for unanimous consent. If any Senator wishes to object to the consideration of the bill, we will go on with some other business.

Mr. DONNELL. Mr. President, will the Senator yield for one final question?

Mr. JOHNSON of Colorado. Yes.

Mr. DONNELL. Does the Senator understand that this statement in the report is correct, or substantially so?

These deer, once plentiful in the Florida keys, have diminished to the point that there are estimated to be not more than 40 to 50 in existence today.

Mr. JOHNSON of Colorado. I believe that statement to be absolutely accurate. I have not counted the deer. Therefore I cannot take an oath on it. I have sufficient confidence in the departments of Government to believe that that statement is positive and accurate.

Mr. DONNELL. For the present I object to the consideration of the bill.

Mr. HOLLAND. Mr. President, will the Senator withhold his objection so that I can make a short statement?

Mr. DONNELL. Yes.

Mr. JOHNSON of Colorado. I shall be glad to yield to the Senator from Florida.

Mr. HOLLAND. I ask that the Senator be allowed to yield to me to make a short statement without losing his place on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I want to say that this bill presents an exceedingly interesting and worth-while objective. The Senator is correct in saying that it involves only a very few animals of this species. It is the only deer of its kind existing on the North American Continent. The deer are quite small. They are about as large as a good-sized bird dog. In olden times they were found in abundant numbers on the keys, from the mainland down to Key West. They have been decimated to the point where only a few are left. The National Audubon Association and various wildlife associations in our State are interested in preserving this variety of deer. Many of our best citizens are exceedingly anxious to give these little deer a chance to survive. This bill is the result of an effort, which was started by the National Audubon Society and conservation societies in our State, as well as outside the State, to procure a wildlife refuge, consisting of a key or keys located about 30 miles toward the mainland from Key West. I believe Big Pine Key is the most important part of the area. I fully realize that questions of economy of expenditure must be weighed. All I can say is that this is an objective which all lovers of wildlife in my State and many elsewhere in the Nation are exceedingly interested in. When the last pair of these deer are killed there will be no more anywhere, so far as is known.

Mr. DONNELL. Will the Senator from Colorado yield, so that I may address one more question to the Senator from Florida?

Mr. JOHNSON of Colorado. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DONNELL. Does the Senator consider it advisable that this bill should have some limitation placed in it on the expenditures which are to be incurred, rather than simply leaving it wide open without any limitation other than that the expenditures shall be such as shall be necessary?

Mr. HOLLAND. I think if the Senate wishes to fix a limitation, the way to do is to write it into the bill. I read to the Senator the statement contained in the letter from Mr. Doty, the Assistant Secretary of the Interior. I call the Senator's attention to this recital on the first page of the Senate report:

While early estimates fixed the cost of land acquisition at about $350,000, the Secretary

of the Interior now estimates that, by purchasing only a portion of the lands, and leasing the remainder at nominal rates, the initial cost can be brought down to approximately $100,000.

That goes to the very question of economy and indicates that economy has been already attempted. I would not want to represent to the Senate that we are talking about waste land, of the type that was involved when we considered the Everglades National Park. Most of this land on the keys is valuable land. It is valuable for development for residential and other uses. Substantial sums will have to be paid for it by the Government. Still I think it is well worth the cost. This bill, which has already passed the House, is a most appealing objective to the junior Senator from Florida and I hope it may be passed.

Mr. DONNELL. Mr. President, will the Senator yield for a further question?

Mr. JOHNSON of Colorado. Yes. I promised not to take much time.

Mr. DONNELL. I wonder if the Senator from Florida was reading from the House report when he referred to the figure of $350,000. There is no such figure on the copy of the report I have in my hand. I wonder whether the Senator was referring to the figure of $35,000, and read it inadvertently as $350,000.

Mr. HOLLAND. I am looking at the Senate report. The amount is $350,000. I shall be glad to furnish this copy of the report to the Senator.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. Yes.

Mr. LUCAS. Mr. President, I should like to know how much longer the Senator from Colorado will be.

Mr. JOHNSON of Colorado. I thought it would take 2 minutes. It has now taken about 20 minutes.

Mr. LUCAS. That is the trouble.

Mr. WATKINS. I have a suggestion which may help in the situation. I wonder why this bill was referred to the Committee on Interstate and Foreign Commerce. It seems to come within the jurisdiction of the Committee on Interior and Insular Affairs.

Mr. JOHNSON of Colorado. Because we consider subjects affecting wildlife in that committee.

Mr. WATKINS. It was referred to the Secretary of the Interior. Should it not have come to the Committee on Interior and Insular Affairs?

Mr. DONNELL. Mr. President, may I ask one further question?

Mr. JOHNSON of Colorado. I would rather not carry on this debate any longer. If the Senator does not want the bill to pass, it is agreeable to me that he say so. I asked for unanimous consent. We can let it stay on the calendar. I know the Representatives from Florida and the Senators from Florida were very anxious to have it enacted, and I was hopeful that it could be enacted without much debate. It is a simple bill. However, if it cannot be passed without more debate, I feel that I have no right to be asking for any more time on it.

Mr. LUCAS. I hope the Senator will follow the line of suggestion which he has just made, because the veto message is very important. If we are to take 25 or 30 minutes on each one of these bills, we will unduly delay the veto message, which is very important.

Mr. JOHNSON of Colorado. I withdraw the bill.

CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF RICHMOND, CALIF.

Mr. JOHNSON of Colorado. I should like to go now from Florida to California, in the hope that I shall have better luck.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 6355) to provide for the conveyance of certain real property to the city of Richmond, Calif.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

TAX ON SLOT MACHINES

Mr. JOHNSON of Colorado. Mr. President, I have not yielded the floor. I want to discuss for a minute the pending measure, which is the veto message. I do not intend to talk about the veto message. I expect to talk about something else, but I shall take only 2 minutes. I want to introduce a bill to increase the rate of tax on slot machines from $100 a year to $1,000 a year. It is my intention when Congress reconvenes to offer that as an amendment to the excess-profits-tax bill, when it comes over from the House. I believe that amendment belongs on an excess-profits-tax bill.

The Senate Committee on Finance considered an amendment when we had the last House bill before us, when it was proposed to tax slot machines $250 a year. The Senator from Colorado, in the Finance Committee, objected to that bill on the ground that we had slot machine legislation before the Congress which I thought was better legislation than a very high tax, and that is why I opposed the raising of the rate to $250. But when I think back over the course of action, or inaction, on the slot machine bill last night, I believe that probably I made a mistake.

However, when Congress reconvenes on November 27 it is my purpose to call up the slot-machine bill, so-called, Senate bill 3357, and try to have it enacted. I know that at the close of this session it is impossible to get a bill of that controversial nature through, with much more important legislation requiring action. That is why I have not pressed for further action at this time.

I send the bill to the desk for appropriate reference.

The bill (S. 4190) to increase the rate of tax on slot machines from $100 per year to $1,000 per year, introduced by Mr. JOHNSON of Colorado, was received, read twice by its title, and referred to the Committee on Finance.

PROTECTION AGAINST UN-AMERICAN AND SUBVERSIVE ACTIVITIES—VETO MESSAGE

The Senate resumed the reconsideration of the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, the objections of the President of the United States to the contrary notwithstanding.

Mr. LUCAS. Mr. President, I desire to make a brief statement before we resume the consideration of the veto message of the President. There are other measures in which Senators are vitally interested. I am certainly vitally interested in the railroad bill, and from now on I do not propose to permit any other measure to displace the pending bill until we finally finish with the veto message, which is a privileged matter. I hope Senators will not try to displace it, and take 25 or 30 minutes of the time of the Senate on other measures until we can get a vote on the veto message.

Mr. TOBEY. Mr. President, this may seem to be a strange suggestion, but it is important that I catch an 11 o'clock train back to New Hampshire, and I should like to ask unanimous consent that we proceed to vote on the veto message, and let the talk come afterward. Is that agreeable?

The VICE PRESIDENT. Is the Senator presenting that as a unanimous-consent request?

Mr. TOBEY. Yes.

The VICE PRESIDENT. Is there objection?

Mr. LANGER. I object.

The VICE PRESIDENT. The Senator from North Dakota objects.

Mr. DOUGLAS. Mr. President, I understand that earlier in the evening the distinguished Senator from Tennessee [Mr. KEFAUVER] was taken off his feet by a point of order that was made that he was violating one of the rules of the Senate. I now move that the junior Senator from Tennessee be allowed to proceed in order.

The VICE PRESIDENT. The question is on agreeing to the motion. [Putting the question.] The "ayes" have it, and the Senator from Tennessee will proceed in order.

Mr. KEFAUVER. Mr. President, I had in mind sending to the desk a privileged resolution.

Mr. LUCAS. Mr. President, I am going to object to any resolution until this veto message is out of the way. I think we should continue with the business before the Senate. There is nothing so important as this veto message. I cannot understand why Senators continue to present measures they think are more important than this, and I object.

The VICE PRESIDENT. The Senator from Illinois objects.

Mr. GRAHAM. Mr. President——

Mr. KEFAUVER. Mr. President——

The VICE PRESIDENT. Is the Senator from Tennessee proceeding in order, according to the motion?

Mr. KEFAUVER. Mr. President, I understood I was recognized.

The VICE PRESIDENT. The Senator was recognized, but he did not proceed. He tried to get something else up, and that was not the purpose for which the Senator from Illinois made the motion that he proceed in order, namely, to discuss the veto message.

Mr. KEFAUVER. That is what I expect to discuss.

The VICE PRESIDENT. The Senator is recognized.

Mr. KEFAUVER. Mr. President, I know that the Members of the Senate are anxious to vote on the matter before the Senate. I think it is a very, very important one, probably the most important matter we have had before the Senate this session. Before we vote I think we should consider carefully the veto message of the President, and even if we have to go over until tomorrow, or to some later time, in order to get a vote, I think the time would be well spent in considering the veto message and the various so-called antisubversive and anti-Communist measures which have been before the Congress.

The question here tonight is not whether we have to overrule the President's veto in order to have any anti-Communist or antisubversive legislation. I believe that all of us are agreed that some legislation in this field is vitally necessary. The President has recommended that certain laws be strengthened. In addition, the multitude of bills which have been presented to the Senate, and which have been considered by the Committee on the Judiciary, would indicate that there is a general demand on the part of Members of Congress and the public generally for some legislation in this field during this great time of crisis.

Mr. President, the question is whether the Senate is going to accept legislation which has some good points, but which are greatly outweighed by its bad features; or whether the Senate is going to reconsider the matter, pass legislation which has good features, and eliminate some of the very bad features in the legislation we are now considering.

A brief review of the history of this particular proposal will indicate the type of legislation the Senate ought to pass.

We must decide whether we are to stay here one or two days more and eliminate the bad portions from the present bill and consider another measure upon which we can all agree. We need a law which will give us full and adequate protection from dangerous Communists, saboteurs and fifth columnists, without seeking to impose thought control by trying to enforce political conformity. We must not jeopardize freedom of the press and speech. We must not endanger and negative the things for which our forefathers fought, and for which we have since fought many wars, in order to obtain legislation which can be used against subversives and fifth columnists. We should reconsider this matter and eliminate all the portions violative of our basic freedoms, and pass legislation which will be effective.

The first measure before the Committee on the Judiciary was the so-called Mundt-Ferguson bill. Many lawyers testified in connection with that bill, including Mr. John W. Davis, who is recognized as one of the most able constitutional lawyers of our day; Charles Evans Hughes, Jr., and many others. They said, in essence, that they felt many provisions of the so-called Mundt-Ferguson bill were unconstitutional because of the flexible standards included in it. Afterward, the bill was redrafted and a few changes were made in it. The Mundt-Ferguson bill was finally reported to the Senate by the Committee on the Judiciary.

Thereafter, the Senator from West Virginia (Mr. KILGORE) prepared a bill which a number of us joined in sponsoring, for which we voted, and which we presented on the floor of the Senate as a substitute for the McCarran bill. The Kilgore measure contained provisions to protect effectively the internal security of the United States.

Among other things the bill provided that during war or invasion, or an internal security emergency, the President, acting through the Attorney General, should have the power to intern dangerous Communists, fifth columnists, and saboteurs. In short, our bill would get them out of circulation immediately during a time of great national peril, and talk about it later. The Kilgore bill contained provisions also which were in the bill filed and sponsored by the Senator from Washington [Mr. MAGNUSON]. A number of us joined in cosponsoring the Magnuson bill. It contained provisions which had been strongly recommended by the President of the United States, protecting us against sabotage. The Magnuson bill was also included as a part of the Kilgore measure.

When the Kilgore measure was brought before the Senate, events transpired which have been described by many observers of senatorial debate as a most phenomenal procedure. On the one hand. we had the sponsors of the so-called Mundt-Ferguson bill and the McCarran bill (which included many, many bills), making heated statements about the unconstitutionality of the Kilgore bill. They implored the Members of the Senate that the Kilgore bill was unconstitutional as being violative of the fifth and sixth amendments. Some Members were also declaiming against the unconstitutionality and unfairness of the McCarran bill which embraced the Mundt-Ferguson bill. But a very strange thing has happened. Those who had protested so bitterly against the constitutionality of the Kilgore bill—the so-called concentration-camp bill—suddenly changed their minds and embraced it sympathetically and adopted it as a part of the McCarran bill.

I feel a great many Members of the Senate voted for the conglomeration which came finally before the Senate on the theory that if the matter got into conference, some worth-while measure would be reported by the conferees. But, Mr. President, those who had that idea about the matter certainly found that they were wholly mistaken when they saw the conference report which came back. Rather than making the matter simpler, constitutional, and more protective of the welfare of the United States, the result was a purely emergency provision—the Kilgore provision—to take care of a purely immediate and urgent situation on a permanent basis. Thereby the Senate placed on the necks of the American people a permanent concentration-camp bill. In addition, the conferees adopted certain House provisions, without adequate guaranties, which will lay bare to all the Communists of the world many of the secrets of our national defense.

Mr. President, we are not faced with the problem of having no legislation. As I see it, if the Members of the Senate wanted to protect the liberties and rights of the people guaranteed by the Constitution; if they wanted to get away from thought control and conformity of thinking and political action; if they wanted to avoid the necessity for the Secretary of Defense to list in the Federal Register for everybody to read every defense establishment we have in the United States, very quickly—tomorrow—we could sustain the President's veto and bring up legislation which would give the United States genuine security without all these shortcomings and limitations which are contained in the bill which is now before us.

Mr. President, I take no pride of authorship in the bill S. 4163 I presented on September 18. I prepared S. 4163 the day following the passage of the McCarran bill in the Senate on Tuesday. But I was called out of town because of severe illness in my family, and was not able to get my bill introduced until Monday. I think S. 4163 can be used as the basis for a solid antisubversive measure which the President could sign. It is available to us now, and all its provisions are well known to Members of the Senate.

S. 4163 is the tightest security bill the President and the Attorney General and, I think, the Director of the FBI seem to want. I think the President would sign it. Primarily, it is based upon the Kilgore bill. It provides generally that—

SEC. 2. (a) In the event of any one of the following:

(1) Invasion of the territory of the United States or its possession, or

(2) Declaration of war by Congress, or

(3) Insurrection within the United States in aid of a foreign enemy, or

(4) Whenever the Armed Forces of the United States are engaged in hostilities in behalf of the United Nations Organization, and there shall be a declaration of an "internal security emergency" by concurrent resolution of the Congress.

The President may do certain things, Subsection (4) of section 2 was omitted from the Kilgore bill when it was presented by the distinguished majority leader to be superimposed on the McCarran-Mundt-Ferguson bill. To that extent, the McCarran-Mundt-Ferguson bill was weakened.

I think we should consider that we did not have anything in the original Kilgore bill or in the McCarran bill, to take care of a situation such as we now have in Korea. Therefore, I put the fourth contingency subsection (4) of section 2 of the bill. This authorizes us to intern saboteurs. I included also an additional provision on page 8, subsection (b) as follows:

(b) Whenever it is determined by the United Nations Organization or by the Security Council of the United Nations Organization that a nation or nations are guilty of unprovoked aggression in violation of the Charter of the said United Nations Organization, and the Armed Forces of the United States are engaged in hostilities in behalf of the United Nations Organization, in that event such unprovoked aggression shall be considered, for the purposes of this act, as levying war against the United States or adhering to their enemies, giving them aid and comfort.

Mr. President, this declaration should be included in any security measure at this time. In the first place we need this provision to enable us to invoke the constitutional provision against treason. Under the Constitution, treason can only be invoked in the event war is levied against the United States, or someone is adhering to our enemies; giving them aid and comfort. The constitutional provision against treason is inoperative in the present circumstances if we must rely only on the McCarran bill.

There is another reason why a provision like this should be included in any bill we pass. The McCarran bill as now presented, creates a strange dilemma. It undertakes to guarantee due process under the fifth and sixth amendments. At the same time it undertakes to enable the President, acting through the Department of Justice, to intern dangerous saboteurs, fifth columnists, and so forth. Mr. President we cannot guarantee due process under the fifth and sixth amendments and at the same time hold a person in custody after a writ of habeas corpus to secure his release has been issued. I cannot see how such an enigma will give the Nation any protection.

Frankly, this was a troublesome provision in the Kilgore bill. But, I believe, that under the decisions of the courts and under the general rule applicable to the suspension of the writ of habeas corpus, we are going to have to approve the matter on this basis. That is, that when the United States is at war or when our Armed Forces are being used in support of the United Nations that, for the purposes of this act and for the purposes of the writ of habeas corpus, such circumstances shall be considered as a state of war, which will invoke the treason statute, and also suspend the writ of habeas corpus.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. KEFAUVER. I yield to my distinguished colleague.

Mr. DOUGLAS. I notice the Senator from Tennessee said that if the Armed Forces of the United States were unilaterally engaged. I thought the fourth category was where the Armed Forces of the United States were engaged in enforcing a decision of the United Nations.

Mr. KEFAUVER. That is correct. In the event of the use of Armed Forces of the United States in carrying out the purposes of the United Nations, the law would become operative.

Mr. President, we need to include that provision in any antisubversive legislation.

There is another thing that ought to be included if we are to have legislation which will prove effective rather than merely appeasing the hysteria and the excitement of the moment; that is, we have a good many statutes which are needed desperately at this time to protect the United States. These statutes are not made operative under the McCarran bill. I refer to the statute against espionage, title 18, section 794; to the statute against sabotage, title 18, sections 2153 and 2154; and to the statute against sedition, title 18, section 2388. It is true that these statutes have been strengthened. It is true the statute of limitations has been in some respects lengthened and the punishment accelerated, but I wish to call the attention of the Senate to title 18, chapter 37, section 794.

Subsection (c) provides:

Whoever, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes—

And so forth—

information * * * or war materials of the United States * * * which might be useful to the enemy, shall be punished by death or by imprisonment for not more than 30 years.

The important point there is found in the words "in time of war."

It may be possible, constitutionally, to strain the present situation to the extent of having the language I have just read apply to our armed services in support of the United Nations in Korea or somewhere else as a "time of war"; but distinguished lawyers and many experts in the Department of Justice doubt that possibility very much.

I doubt personally that subsection (c), providing that—

Whoever, in time of war, with intent that the same shall be communicated to the enemy—

applies in the present situation.

In the first place, today we are still technically at war only with the Governments of Germany, Austria, and Japan; but the governments of those countries against whom we declared a state of war to exist, are themselves no longer in existence. The present governments of those countries are not our enemies.

It is extremely doubtful that the present Korean conflict is "a time of war," in the sense of the language of the statute. Technically speaking, also under the McCarran bill and under the existing laws, the North Korean Communist government is not technically an enemy of the United States.

Now let us consider the sedition statute, title 18, chapter 115, section 2388, of the United States Code. I read from that section:

ACTIVITIES AFFECTING ARMED FORCES DURING WAR

(a) Whoever, when the United States is at war, willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or

Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service or the United States or attempts to do so—

Shall be punished in a certain way.

Mr. President, we need to have this provision in effect at this time. I have an idea that if someone tried to obstruct our effort in Korea, in line with the description contained in this statute, that person could not be prosecuted for sedition under the terms of title 18, chapter 115, section 2388. Our sedition statute applies only when the United States is at war; and we are not at war with North Korea. The second condition for the application of the statute is that the action referred to in the statute must be such as to promote the success of the enemies of the United States. There again, technically speaking, Korea is not an enemy of the United States.

Let us consider now the sabotage statute. Title 18, chapter 105, section 2153, makes unlawful sabotage resulting in the destruction of war materials, when the United States is at war. There again we find the necessity for a declaration of a state of war to make the criminal prohibition operative. My proposed measure would put all the sabotage prohibitions in full force and effect.

In the bill I introduced there is a general provision near the end of the bill that whenever the United States Ground Forces are engaged in hostilities in behalf of the United Nations, all laws in respect to sabotage, espionage, and sedition shall be in full force and effect, in the same manner and to the same extent as if a state of war had been declared by the United States to exist.

I think that provision would bring into effect the various statutes to which I have referred.

Mr. President, we see what happens when we try to pass hurriedly here in the Senate very important legislation of this kind. When this bill went to conference, it did not contain, as I recall, a provision relative to having the Secretary of Defense publish in the Federal Register a list giving the location of all the secret defense plants and installations of the United States Government—at least, if such a provision was then in the bill, I did not see it. However, when the bill returned from conference, it contained such a provision, which I think deserves our careful scrutiny.

I certainly agree with the President that if it took us 2 days or a week or a month to do nothing except get this one provision out of this measure, then our

time would be well spent. It seems to me we shall be doing our country and our defense effort irreparable harm if we permit the publishing of a list, for our enemies and everyone else to see, showing where all our defense plants are located.

If the suggestion of some of us—that consideration of the conference report on this measure lay over 1 day, to enable us to read the proceedings in the House of Representatives on the day when the conference report was acted on there—had been followed, we would have been enabled to debate this point when the conference report was being discussed in the Senate. In the House of Representatives on Wednesday, when the conference report was being discussed, Representative MULTER, of New York, brought up this point. Let me recite very briefly what he had to say at that time. He related the comments of Mr. Hubert Howard, the Chairman of the Munitions Board, regarding this provision. The Munitions Board Chairman said this requirement would do more to help our enemies than anything he could think of.

May I quote Mr. MULTER:

Mr. Speaker, I bow to no man in or out of this Congress in a desire to preserve this country and its good, true—yes, divine principles of democracy.

Time is too brief to call again to your attention the arguments that were raised against the Mundt-Nixon bill 2 years ago and then against the present bill a short time ago when we considered it. They are still valid against this bill.

I do wish, however, to call your attention to two things about the bill as it is now presented to you by the conferees which make it a worse bill than when we first considered it. I say again I have nothing but the highest praise for the members of the committee and the conferees who bring forth this bill and this conference report; I appreciate their motives and their desire to do the right thing as they see it, but they have allowed their zeal and enthusiasm to run away with them; in attempting to accomplish a good purpose they are giving us a very bad bill.

I took the trouble to write to the Secretary of Defense and ask him specifically whether or not the provision in the original bill requiring the Defense Department to identify each defense plant would in any way impair our national security—

Apparently there was a provision in the House version of the McCarran bill which was not in the Senate version and that subsequently the Senate agreed to it. But at that time all the bill required was that he determine and designate the defense plants.

Now the conference has decided that he must determine and designate not only the defense plants, but also that he must publish in the Federal Register a list of them.

I quote further from the remarks of Representative MULTER in the House of Representaives:

The bill now provides that not only must he make such determination and designation but also that he must publish in the Federal Register such determination and designation of every defense plant. The Secretary of Defense referred my inquiry to the Munitions Board.

Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. KEFAUVER. This matter is very important, Mr. President; it is most important to see what the Secretary of Defense and the Chairman of the Munitions Board think about this provision of section 5 of the conference report.

It may be that some Members of the Senate are not interested in it; but certainly it is a matter which should be of great interest to those who are concerned with our current problem.

I quote further from the remarks of Representative MULTER in the House of Representatives on Wednesday of this week:

The Chairman of the Munitions Board, Hubert E. Howard, wrote me as follows. I will not read the entire letter but just that part that applies to the provision I am talking about. He says, and I quote:

"The complete public divulgence of all existing defense plants would furnish valuable information to present and potential enemies of national security."

Mr. President, let me ask the Members of the Senate this question: To protect our Nation against fifth columnists and saboteurs, do you want to enact a bill of this sort, in view of what the former Chairman of the Munitions Board says a section of the bill would do?

I quote Mr. Howard:

The complete public divulgence of all existing defense plants would furnish valuable information to present and potential enemies of national security.

Mr. KERR. Mr. President, will the Senator yield for a question?

Mr. KEFAUVER. I yield.

Mr. KERR. Will the Senator give the Senate the name of the Chairman who authorized the Board to write that letter?

Mr. KEFAUVER. Yes. Mr. Hubert E. Howard is the name listed here. I do not know the gentleman.

Mr. KERR. Is he the gentleman who resigned recently after the subcommittee of the Armed Services Committee published its report on how short the country was on rubber? Is not the Senator aware of the fact that Mr. Howard resigned in the afternoon after he had been notified to appear before the committee the next morning?

Mr. KEFAUVER. I apologize. I am advised that my distinguished friend, the Senator from Oklahoma, is correct about the matter. But the fact that Mr. Howard was Chairman at that time and has since resigned does not mean he is not correct. I am certain the Senator from Oklahoma will appreciate that publishing in the Federal Register of information as to where every laboratory, every plant, and every defense installation is located, so that all our enemies can know about it, is not helping our national security.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. Will the Senator give the date of that letter?

Mr. KEFAUVER. I am only reading from Mr. MULTER's statement in the CONGRESSIONAL RECORD of September 20. He does not give the date of the letter, so I do not know.

Mr. HOLLAND. I am sure the Senator wants to be accurate. Therefore, if I may, I call his attention to the fact that the conference report was not printed on this bill until September 19, and that the letter to which he refers undoubtedly has reference to an earlier version of this bill than the conference bill.

Mr. KEFAUVER. That is correct. The Senator is correct. Mr. Howard states that at the time he wrote the letter the pending House bill only demanded the designation of defense plants. But he says the provision in question now not only demands that the Secretary of Defense determine and designate defense plants but that he must publish them in the Federal Register as well; so Mr. Howard's letter apparently was written when there was a milder provision in the bill.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. KEFAUVER. I yield for a question.

Mr. HOLLAND. I am sure the Senator wants to have his statement exactly accurate, because I know that the Senator will insist upon accuracy.

Mr. KEFAUVER. That is very generous of the Senator from Florida.

Mr. HOLLAND. I am asking him if he does not think that the provision of the conference bill is a much milder one than that in the House bill? Section 5 (b) reads as follows:

(b) The Secretary of Defense is authorized and directed to designate and proclaim, and from time to time revise, a list of facilities, as defined in paragraph (7) of section 3 of this title, with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section.

Does not the Senator think that is a vastly milder provision?

Mr. KEFAUVER. On the contrary, I think it is a vastly more stringent and dangerous provision. Let us see what it says:

SEC. 5. (a) When a Communist organization, as defined in paragraph (5) of section 3 of this title, is registered or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful—

(1) For any member of such organization, with knowledge or notice that such organization is so registered or that such order has become final—

(A) in seeking, accepting, or holding any nonelective office or employment under the United States, to conceal or fail to disclose the fact that he is a member of such organization; or

(B) to hold any nonelective office or employment under the United States; or

(C) in seeking, accepting, or holding employment in any defense facility, to conceal or fail to disclose the fact that he is a member of such organization; or

(D) if such organization is a Communist-action organization, to engage in any employment in any defense facility.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. Let us read the remainder of it, on down to subsection (b):

(2) For any officer or employee of the United States or of any defense facility, with knowledge or notice that such organization is so registered or that such order has become final—

(A) to contribute funds or services to such organization; or

(B) to advise, counsel, or urge any person, with knowledge or notice that such person is a member of such organization, to perform, or to omit to perform, any act if such act or omission would constitute a violation of any provision of subparagraph (1) of this subsection.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield further to the Senator from Florida for a question.

Mr. HOLLAND. Does not the Senator note further with reference to subsection (b) that the only list that is authorized and directed to be prepared by the Secretary of Defense is the list of such facilities as to which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section?

Mr. KEFAUVER. That tis exactly correct.

Mr. HOLLAND. In other words, that no list is required to be prepared, and that no facility is required to be placed upon that list, unless the Secretary of Defense first finds that the security of the United States requires the application of the above section—that is, section (a), to that particular facility?

Mr. KEFAUVER. I think it means that if the Secretary of Defense wishes to prevent a Communist from working in some vital defense plant, as he would, of course, he must list those defense facilities in the Federal Register.

We are in a very peculiar situation. It is quite true that he does not have to list facilities, unless he thinks they are very important, and that Communists should not work in them. If he wanted merely to refuse to list some defense plant which was not of any particular importance, he could not keep Communists from working in it, but if he wanted to keep Communists from working in an H-bomb plant, for example, he would have to prepare from time to time a list of such defense facilities, as required by subsection 7 of section 3 of this proposed legislation. If the Senator from Florida will refer to that citation, he will see that the term "facility" is used. The Secretary of Defense must list it, if he wants to keep Communists out. Defense "facility" includes every conceivable type of plant in connection with our defense effort.

Mr. HOLLAND. Mr. President, will the Senator yield for a further question?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. Does the Senator think that section (b) of section 5 requires the Secretary to list such important plants as atomic-energy plants or others that are carefully screened as to their employees by the FBI or even by separate security agencies?

Mr. KEFAUVER. Of course it does. He would be derelict in his duty if he did not. He must list these plants so that people will know that Communists cannot lawfully work in them. That is the very purpose of the provision. Otherwise, why is it included? If we are to depend for security on the FBI, why write any new legislation on the matter?

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. Does not the Senator think that the real purpose of the pending legislation is to require the Secretary of Defense to list defense facilities which are not carefully screened by the FBI or by separate security agencies, and as to which the employers do not have the benefit of such screening when people come to them to apply for employment, and to enable such facilities so listed to put up a sign which puts all applicants upon notice and warning that if they come there and then give false statements as to their membership in the Communist Party, they are committing a crime? Does not the Senator know that it is to that class of facilities and to that class alone to which this provision of the act very clearly applies?

Mr. KEFAUVER. I would say that if any Secretary of Defense ever made a ruling such as that, there would not be three Members of the United States Senate who would not rise up in arms to say that he was contorting a definite legislative intent. Mr. President, what would be the use of designating defense plants where Communists could not work, and then requiring the Secretary of Defense to list and designate the facilities which he did not want Communists to work, if in the very delicate ones, he was not going to apply this provision? What would be the necessity of writing in a new requirement? Why not let things go as they are now, with the FBI checking it? As to the very delicate installations described here, where the Congress does not want Communists to work, and where the Secretary of Defense thinks that it is very important that they do not, it simply does not make sense to pass a law implying that they do not come under the protective provisions and to say that we think the way the FBI handles it is much better than what we are now providing by law. It is senseless to assert we are merrily writing a law for some nondefense facility.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. DOUGLAS. I should like to ask a question of the Senator from Tennessee. Will not the Senator from Florida be convinced that he is in error on this point, if he will compare section 5 (a) (1) (D) with section 3 (7)? Section 5 (a) (1) (D) provides that as to any member of such organization who has knowledge or notice that such organization is so registered, and that such order has become final, it shall be unlawful for him if such organization is a Communist-action organization, to engage in any employment in any defense facility?

I invite attention to the words "defense facility." No member of a Communist-action organization can be employed in any defense facility. Let us turn to the definition of "defense facility."

Mr. KEFAUVER. The distinguished Senator from Florida thought that as to A-bomb plants it would be left up to the FBI.

Mr. DOUGLAS. Members of Communist-action groups cannot be employed in any defense facility. Let us see what defense facility means. The definition is given in section 3 (7):

The term "defense facility" means any facility designated and proclaimed by the Secretary of Defense pursuant to section 5 (b) of this title and included on the list published and currently in effect under such subsection, and which is in compliance with the provisions of such subsection respecting the posting of notice of such designation.

A member of any Communist-action organization cannot be employed in any defense facility, as defined. Therefore, while a Communist can be employed in other than defense facilities, in these most sensitive of all facilities a Communist cannot be employed if the Secretary of Defense designates and lists them as defense facilities.

Mr. President, I think the Senator from Tennessee is absolutely correct, and that the Senator from Florida, with the best of intentions, has misunderstood the situation.

Mr. KEFAUVER. I understand that to be the situation. I take it that the Senator from Florida must agree with the additional statement of the Senator from Illinois. In other words, if the Secretary of Defense wanted to use the provisions of this section to keep Communists from working in a defense facility, he would have to list it. I appreciate the contribution of the Senator from Illinois.

Mr. President, would it not be well to take a few days more to consider this bill and sustain this veto? I am sure that every Member of the Senate wants to write adequate legislation. Would it not be well to devote 2 additional days to the task? Even if we did not do anything except to remove this horrible provision from the law the time and effort would be well spent. We would be publishing to the world and letting our enemies know where every laboratory in the country is located if we leave the McCarran bill as it is. We would publish the location of every one of these facilities in the Federal Register. What will the men who are charged with the protection of our war effort say when they see that the Congress of the United States has required them, against all sense of security, against the advice of the President, and against the advice of the Director of the FBI, to list laboratories in our universities which are working on the H-bomb, the A-bomb, and everything that we have tried to keep from the eyes of our enemies? If any Member of the Senate wants to give

that information to our enemies, this provision provides the way to do it. In my judgment if a Senator votes for the McCarran bill with this provision in it, he will be giving our enemies our secrets. Perhaps I am mistaken. If any Member of the Senate can place some other valid interpretation on the provision, I shall be very glad to have him do so. I dislike to think that the Senate would pass such a bill after being warned as to what would happen. If some of our defense plants are blown up or sabotaged, or if some fifth columnist finds out where we are doing our most secret work, we cannot blame the President or the Director of the FBI, or the Chairman of the Munitions Board. We can blame no one but ourselves. We can protect against that awful contingency if we will stay here and work on the bill 48 hours longer.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. McCLELLAN. Did we keep the secret of the A-bomb?

Mr. KEFAUVER. I think the secret of atomic energy was one of the best kept secrets in our history.

Mr. McCLELLAN. But we did not keep it.

Mr. KEFAUVER. We kept it until the atom bomb was exploded at Hiroshima. I happen to come from the State of Tennessee. At that time I was in the House of Representatives. Oak Ridge was located in a county adjoining the district which I represented. Work went on there for 2½ years and I had no idea what was going on down there. No one else knew about it, so far as I could judge from what I heard. Thirty to forty thousand people were living nearby, and many of them were working at Oak Ridge. To answer the question of the distinguished Senator from Arkansas, if this provision had been in the law, the minute the AEC plant started its work, the Secretary of Defense would have been required to list the Oak Ridge plant as a defense facility. I do not think such action would have been in the interest of our national security.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KEFAUVER. Yes.

Mr. LONG. Does the Senator feel that the Secretary of Defense would be required to list any secret plant under the language of section 5 (b)? Section 5 (b) provides that he is directed to list the plants whenever he believes the security of the United States requires it.

If he felt that the security of the United States would be better directed by not listing the plant, would he not have discretion to say that he would protect such a plant by other means, such as by the present FBI security methods?

Mr. KEFAUVER. I will say to the distinguished Senator from Louisiana that section 5 refers to a defense facility. A defense facility as recited by the Senator from Illinois is defined in section 3 (7) as follows:

> The term "defense facility" means any facility designated and proclaimed by the Secretary of Defense pursuant to section 5 (b) of this title, and included on the list published and currently in effect under such subsection, and which is in compliance with the provisions of such subsection respecting the posting of notice of such designation.

I believe he would be justified in refusing to do it; and, of course, we can get in behind any official who refuses to follow the congressional intent.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. KEFAUVER. Yes.

Mr. DOUGLAS. Is it not true that if he wanted to bar Communists from any plant, he would have to declare the plant to be a defense facility and publish the name and address of the plant in the Federal Register?

Mr. KEFAUVER. That is perfectly clear.

Mr. DOUGLAS. In other words, the plants which are most sensitive, and from which it is desired to bar Communists, must be listed in the Federal Register?

Mr. KEFAUVER. That is correct.

Mr. DOUGLAS. Plants from which Communists are not to be barred do not have to be published.

Mr. KEFAUVER. That is correct. I think it would be in his discretion not to list the plant if he did not mind a Communist working in some little plant. However, if it were a sensitive plant, he would have to list it to keep out the Communists.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. LONG. I do not see how that could be argued in view of the fact that at the present time the Secretary of Defense and the security agencies have security measures in effect by which they prevent Communists from working in plants such as atomic energy plants. Could they not continue to use existing law, and invoke the provisions of section 5 (b) only when they felt the security of the United States demanded that the names of the plants be published?

Mr. KEFAUVER. It would take a great stretch of the imagination to say that an atomic energy plant, for example, is one from which Communists should not be barred, and therefore need not be listed. The general rule of interpretation is that when a law is passed covering the same subject matter as a previous law, it supersedes any executive order or any preceding law on the subject.

Mr. DOUGLAS. Will the Senator yield?

Mr. KEFAUVER. Yes.

Mr. DOUGLAS. The point which the Senator from Louisiana has made would apply if the present bill did not become law. In that case, it would not be necessary to list the plants from which Communists are to be barred. However, once this bill becomes law, it will be impossible to bar Communists unless a facility is declared to be a defense facility and its name and address are published in the Federal Register. In other words, the effect would be to publish a guide book for saboteurs.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator from Louisiana.

Mr. LONG. Can the Senator find anything in this bill which says that this is the only way by which a person could be barred, and that it would be only under those circumstances that we could bar a Communist?

Mr. KEFAUVER. The purpose of this provision of the McCarran bill is to cover the same subject matter. The Senator, being a capable lawyer himself, realizes that when a subject matter is covered, whether it is pro or con, that covers that particular subject.

It is my conscientious belief—and apparently it is the belief of the President, and probably of the Department of Justice, as the President says he has advised with them—that when we pass this bill, if we want to keep Communists out of sensitive defense plants, we have to give notice of their addresses in the Federal Register. That is my opinion.

Mr. LONG. Is it the Senator's opinion that this bill would have the effect of repealing all other laws passed to protect the security of this Nation?

Mr. KEFAUVER. It is my opinion that a law covering the same subject matter, as this one does, repeals by implication any previous Executive order or law on that subject. That is a well-settled rule of interpretation.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator from Missouri.

Mr. DONNELL. I should like to ask the Senator if he does not agree that the only facilities which the Secretary of Defense is required to list are those under the terms of section 5 (b) "with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section." The Senator would agree with that, would he not?

Mr. KEFAUVER. That is correct. Those are the places out of which he wants to keep the Communists. Under section 5 (d), as the Senator from Illinois has said, the Communists cannot work in these defense facilities after the Secretary of Defense lists them.

Mr. DONNELL. If the security of the United States is already adequately safeguarded, then the security of the United States would not require the application of the provisions of subsection (a) of section 5.

Mr. KEFAUVER. That, in my opinion, is a most strained argument. I have an idea that if the Secretary of Defense did not list the defense facilities out of which he wanted to keep Communists, the Senator from Missouri would be among the first to criticize him very strongly on the floor of the Senate.

Mr. DONNELL. Mr. President, I understand, then, that the Senator does not agree with my view that if the security of the United States is already

adequately safeguarded, the security of the United States then would not require the application of subsection (a) of section 5.

Mr. KEFAUVER. I did not know that was the view of the Senator, and I am very much surprised he would ever adopt the view that the head of an administrative office had to contort the direct intention of Congress in order to do something to protect the security of the United States. I think the administrative officers have a right to do what the Congress says they should do. "If you want to keep a Communist from working in a plant, publish it in the Federal Register, and let the whole world know where your defense plants are." That is the only reasonable interpretation. If the Senator from Missouri feels that despite this law some administrative officer can ignore the intent of Congress, if he feels that he has to do it in order to protect the security of the United States, that is not a very happy commentary upon the legislative wisdom of this great deliberative body.

Mr. DONNELL. Does the Senator understand that the Senator from Missouri is advocating that the Secretary of Defense or any other official should ignore the intent of Congress? The Senator does not so understand, does he?

Mr. KEFAUVER. I am sorry if I misunderstood. I understood the Senator to say that he did not think that if the security of the United States was involved he would have to list an atomic energy plant. I apologize profusely.

Mr. DONNELL. Let me reframe the question. I shall not trespass upon the Senator's time at this moment further, but the Senator misunderstood me, or I have not made myself clear.

The point to which I direct the Senator's attention is this: As I read it, the only provision in the bill that I know of, which would require the listing of facilities by the Secretary of Defense, is that contained in section 5 (b) of the bill, and facilities which he is required to list are only those with respect to the operation of which he finds and determines that the security of the United States "requires the application of the provisions of subsection (a) of this section."

In view of the fact that those are the only facilities he is required to list, namely, those with respect to the operation of which the security of the United States requires the application of these provisions, it appears to me, and I ask the Senator if he does not agree, that if the security of the United States is already adequately provided for, then the security of the United States would not require the application of the provisions of subsection (a) of section 5. Does not the Senator agree with that?

Mr. KEFAUVER. I very definitely do not agree. I agree with the statement in the bill that a Communist should not be allowed to work in a defense facility if the Secretary of Defense lists the defense facility in the Federal Register.

If what the Senator says is correct, then I see no reason for this section at all. If we are to put the Secretary of Defense to all the trouble of keeping Communists out by listing the names of certain defense plants, and still say that present security laws shall apply as to the very vital ones, it does not make sense, in my opinion.

Mr. President, I think we should pass on very briefly to some more of the provisions of the proposed legislation. Members of the Senate are authorities on many subjects, but I cannot get around the fact that in the matter of the internal security of the United States we have been in mighty good hands for a long, long time. After all, it is the duty of the President of the United States, the Attorney General, and the executive departments, particularly the Federal Bureau of Investigation, to maintain the security of the United States. When we elevate our judgment as to what we think ought to be done ahead of the judgment of the Chief Executive and the FBI, then I think we should stop and think about the matter a second time. After all, the enforcement of laws is in their hands.

J. Edgar Hoover and the Department of Justice did a very good job without taking away the liberties and rights of people in World War II. With 15,000 personnel in the Federal Bureau of Investigation, we kept abreast of the security situation. We did not have any appreciable sabotage in World War II. The executive agencies did a tremendously successful job; and, we did not have to pass laws violating our rights and basic freedoms or adopt the same methods our enemies have adopted, to make their success a reality.

If we are to have internal security in the present emergency I think we should listen to people who know something about it. We may have our own individual ideas. Personally I want to say that I would be glad to vote to see dangerous Communists register, or do anything else that would be helpful. But I think in this situation we should take our advice from experts who know best about the matter.

J. Howard McGrath, the Attorney General of the United States, has written a letter on this subject. He is opposed to the passage of this bill from the viewpoint of the security of the United States. He represents and he speaks for the Federal Bureau of Investigation.

The President of the United States, the chief administrative officer of this country, upon whom the direct responsibility for the security of the country rests, says that he has talked with the heads of all our security divisions, and that they have the same opinion. Yet, in the name of passing some bill with an anti-Communist label on it—regardless of what it is going to do to our freedom; regardless of the information it is going to give the enemy; regardless of the precedents we are establishing in trying to enforce conformity of thought—we seem to disregard all this expert advice.

Mr. President, the bill I introduced, S. 4163, puts into effect all the strengthening laws the President says he wants. The President said, in his veto message, in addition to that, that he would be willing to approve the so-called Kilgore provision if something were done about the writ of habeas corpus. Let me see what he said about that. Talking about the concentration camp section, on page 6 he said:

> It may be that legislation of this type should be on the statute books. But the provisions in H. R. 9490 would very probably prove ineffective to achieve the objective sought, since they would not suspend the writ of habeas corpus, and under our legal system to detain a man not charged with a crime would raise serious constitutional questions unless the writ of habeas corpus were suspended.

The bill I introduced gets around that situation. It is quite true, as set forth by the President, that under the McCarran bill—and we have also debated the Kilgore bill very fully on that question—there is an effort to give the protection of our laws under the fifth and sixth amendments, namely, to insure a speedy trial, the right to be confronted with evidence against one, and so on. Thereby, the writ of habeas corpus was not suspended.

It makes no sense to pick up a saboteur today—if tomorrow we are to be faced with a writ of habeas corpus on the ground he has not had a speedy trial. We are proposing to hold these people because they might do something in case of war or great national emergency.

I think the bill I have here meets the test applied by Chief Justice Taney and the others in the opinions they have rendered on this important matter. For the purpose of the writ of habeas corpus, and also for the purpose of bringing the treason provision into application at the present time, we can provide that whenever the Armed Forces of the United States are engaged in combat on behalf of the United Nations, such action shall be considered as levying war against the United States, which would give us the right to suspend the writ of habeas corpus.

Mr. President, that is legally possible, I think for this reason: By the creation of the United Nations organization we vested certain power in that organization. Reading the UN Charter together with the provision I have prepared and comparing them with the sections of the Constitution I think that would be sufficient to legally suspend the writ.

Mr. President, I want to comment very briefly on a provision which I did hope the conferees would do something about. That is section 4 (a), (b), and (c) of the McCarran bill. It is very difficult for me to understand how conscientious legislators can refuse to accept some amendments to that provision. The original section 4 prohibited a person from agreeing to do any act which might substantially contribute to the establishment of a totalitarian dictatorship. What is meant by "any act"? Is an act the making of a speech? Is an act writing an item in a newspaper? And, what does the term "substantially contribute to the establishment" mean? Does it mean how many people one per-

suades? Does it mean one has to speak over the radio? I cannot tell from the McCarran bill what act is to be considered unlawful.

And what is a totalitarian dictatorship? It is defined in the definition section as something that is unrepresentative, that means where there is only one party, and any other parties are forcibly kept down. Mr. President, those are very loose terms. It does not confine a totalitarian dictatorship to the limitation in lieu of the Government of the United States.

It may be established in the town of Podunk in Michigan or in a little village in North Carolina. It might be that an alien is over here perfectly properly, and is sort of a city boss. We do have some city bosses around who might not be naturalized citizens. An act might be committed by such a person; someone might complain about it; and someone might claim that an attempt was being made to set up a dictatorship in this little village of 15 or 20 people. There is no safeguard provided: such as that it must be knowingly done, and that it must be done in an attempt to harm the United States. There is not the constitutional safeguard that it must be done by force and violence. In other words, the day will have been passed when a man could get up on a soap box and orate to his heart's content. Such a man may be prosecuted under section 4 (a) of the McCarran bill. I think the Senate would do well to stay here tomorrow and take up, in lieu of the matter we have before us, Senate bill 4163. Section 15 (a) has been rewritten into that bill which requires that the act must be an attempt to harm the United States. We require that force and violence must be contemplated; that is the usual constitutional prohibition. We find that in most of the opinions of learned lawyers and in decisions in years past there is general agreement that unless some conspiratorial act contemplated changing our system by force and violence there could be no conviction.

Section 4 of the McCarran bill would bring about thought control; it would enforce conformity of thinking; it might require a person to go down the line for the administration; if the person did not support and did not speak for the administration, whether Democratic or Republican, in the hands of a ruthless Attorney General, that person could be put in jail, persecuted and subjected to all kinds of indignities.

Mr. President, I thought it was of some benefit finally to get an amendment to subsection (a) which provided that it should not apply to the proposal of a constitutional amendment. I originally submitted that proposed amendment in these words: that it shall not apply to acts in connection with the proposed submission of a constitutional amendment. I am afraid the way the section is now written, the proposal of a constitutional amendment might be interpreted to mean the proposal in one of the bodies of the Congress of a constitutional amendment; but if a person were making a speech in support of a constitutional amendment, or was doing some act, or writing some letter in connection with the sponsorship of a constitutional amendment, he might still come under the provision of section 4 (a) of the McCarran bill even though he was doing something the Constitution itself gives one a perfect right to do.

Mr. President, section 4 (b) of the McCarran bill provides that it shall be unlawful for any employee of the Government, and so forth, or of any corporation in which the Government owns the major part of the stock, to transmit or to convey in any manner whatsoever information that has been marked "classified" by the President or one of the agencies of the departments. That is very strange language. It speaks of any Communist or Communist organization or any representative of any foreign government. Of course, when the matter was up I submitted several proposed amendments to subsections (a) and (b). Why some of them were not adopted I have never been able to understand, because the proposal as presented here really does not make sense.

In the first place, are we going to draw a line and say that law should be applicable to an employee of the Waltham Watch Co., some of whose stock is owned by the Reconstruction Finance Corporation, but say it shall not be applicable to employees of the du Pont Corp., which has a contract for the making of the H-bomb? Is that fair? Is that right? Is that protective? It so happens the Reconstruction Finance Corporation owns no stock in the du Pont Corp.; so insofar as this measure is concerned they would be allowed any information they want, and to pass it on to a Communist or to anyone they wanted to pass it on to, but under this section they would not be liable. But some little fellow who might work for a corporation, for example, some part of whose stock happened to be owned by the Reconstruction Finance Corporation, who heard third or fourth hand of something which may be classified; or who told someone attending the American Bar Association meeting who had come here from Canada what he had heard, without any intention to harm the United States, he would be subject to a fine of not more than $10,000 or to imprisonment of not more than 10 years or both.

I have rewritten that section by inserting in section 15 (b) the word "knowingly" and then inserted "with intent to harm the Government of the United States."

Section 4 (c) of the McCarran bill provides that if a representative of a foreign government comes here and seeks to obtain by any means any information which turns out to be classified, no matter whether he may be the Prime Minister of Australia; no matter whether he may be the Ambassador of France; or the general of the United Nations troops, General Montgomery; no matter who he may be; if he comes over here and asks somebody for classified information, even though he does not secure it, he may be convicted if it should turn out that the one who gave him the information, whether he be a colonel or a general, did not have some special authority from the President to give him that information. In such event he would be subject to a $10,000 fine, or 10 years imprisonment, or both

Mr. President, I do not see how we are going to get along in these days when we are trying to work in armed concert with our friends—under that sort of legislation.

In Korea today we have some few military units from other nations. We wish there were many more of them. How are they going to cooperate if one general or one major cannot talk to the other about what the armed services are doing? How is the United Nations military council going to operate if it is to be restricted by provisions of this kind? Are they going to be afraid in the meetings between our ambassadors to ask any questions of each other? I think it might be well to read what section 4 (c) has to say. I hope all members of the Armed Services Committee will pay particular attention to section 4 (c).

(c) It shall be unlawful for any agent or representative of any foreign government, or any officer or member of any Communist organization as defined in paragraph (5) of section 3 of this title, knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of the United States or of any department or agency thereof or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, unless special authorization for such communication shall first have been obtained from the head of the department, agency, or corporation having custody of or control over such information.

Who is the head of the department in charge of the fighting in Korea? I suppose the head of the principal department in that connection is the Secretary of Defense. It is absolutely necessary that in this joint action there be some leeway in connection with such matters.

There is a provision in the bill I have introduced which I could not get the Senate to pay any attention to, in connection with adoption of the conference report. I refer now to section 15, subsection (6) on page 33 of S. 4163:

Provided, however, That subsections (b) and (c) shall not apply to information sought, given, or received as a result of consulation by and between authorized representatives of the United States and authorized represenatives of nations which are signatories of the Atlantic Pact, diplomatic representatives or military representatives of nations engaged in a common undertaking with the United States.

Mr. President, we shall have to adopt such a provision at some time. I fear that the present provision will thwart

our war effort. It certainly will frighten many friends upon whom we should be relying these days.

We should be concerned that we have to accept a bill which will do irreparable injury to our security, and will prevent ordinary diplomatic consultations, and will enable vigilante groups or an overzealous Attorney General to arrest newspapermen or persons making innocent speeches, on the charge that they were doing something which contributed substantially to the creation of a one-party system in which opposition is kept down by force.

We do not have to pass such a measure as that. We can pass the entire matter over; and, in one day, we can pass a bill which will give us real protection, and which will not impair our liberties, or harm the security of the United States.

Senate bill 4163, to which I have just referred, contains several other good provisions, such as section 23, on page 48, which reads as follows:

SEC. 23. The Attorney General, after advising with the Director of the Federal Bureau of Investigation shall report to the Congress action taken under this act at least once every 6 months. Said reports shall also contain any recommendation for amendments of this or other acts required, to the Attorney General, after advising with the Director of the Federal Bureau of Investigation shall also report, not later than 6 months after the enactment of this act, whether or not in his judgment an act to require the registration with the Attorney General of Communist political organizations and their members and Communist-front organizations and their members would further protect the internal security of the United States.

Mr. President, in other words, let us take steps to protect the country against the fifth columnists, saboteurs, and spies, by interning them immediately if we need to; and then let the Director of the Federal Bureau of Investigation and the Attorney General consider further whether they think some registration provision would help.

The record today is that no one in the executive department, no law-enforcement officer, who has anything to do with the security of the United States, think this registration provision, particularly insofar as the registration of Communist-front organizations is concerned, would do one iota of good. All of them express the opinion that it would be harmful.

Because of the scare which has developed; and, because of the fear that there is need that a new law should be passed in a hurry—simply because it is labeled a law to prevent harm to the Nation from Communist-front organizations—are we going to act in the face of the opposition by such persons whose judgment is well considered—persons such as Thomas E. Dewey, whom I have heard some Members of the United States Senate say was one of the greatest prosecutors in the United States just a few years ago? I believe he was a good prosecutor and I respect his judgment about this matter. He said we now have sufficient laws to protect the security of the United States, and he was opposed to the enactment of any other laws on that subject. Of course, I think the situation now has developed to the point where we need to have some of our laws strengthened, and I think we need some sort of detention act.

I think that Thomas E. Dewey's speech on that occasion was one of the most succinct, forceful utterances on this subject I have ever heard; and I have not heard or seen anything to the contrary. All of us recall how that speech really won for him the Republican nomination. He certainly showed up Mr. Stassen and, in my judgment, put Mr. Stassen in rather a bad light on that occasion. Mr. Dewey pointed out that Canada once tried such a Communist registration act, but it did not work; and he pointed out that thereafter Canada passed a more stringent law on the same subject, but found that suppression of the Communists merely meant that they changed their name, grew in numbers all the time, and finally were able to have two or three Communists, under another name, elected to the Canadian Parliament. Finally the Canadians repealed those laws. Mr. Dewey pointed out that in France on one occasion the French enacted an anti-Communist law, but the Communists immediately multiplied in number. He pointed out that a similar experience was had in Italy.

He observed the experience in other nations which have tried to obtain security by means of suppression of the Communists; and he pointed out that invariably the result has been less security. He commented forcefully how the only real protection we have in this country is the strength and vitality of freemen; free to speak, free to think, free to print, free to say what they wish to say. That is the way in which the United States has grown strong. We shall never be able to meet the Communist challenge, in my judgment—unless we hold high the liberties which we want other persons to accept—and I feel very deeply about this matter.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield for a question.

Mr. LEHMAN. Is it not a fact that the outstanding example of the complete futility of repression and the abrogation of personal liberties, and the manner in which action of that sort develops and causes growth in the Communist ranks, is Russia itself?

Mr. KEFAUVER. Exactly.

Mr. LEHMAN. Is it not a fact that during the days of czars, the most stringent laws were passed against Communists and against those whose views differed from those of the Russian Government, but that as a result the small number of Communists was augmented by a large number of persons who had been prosecuted and harassed, so that the number became so large that finally, under the leadership of Lenin, they were able to take over the Government?

Mr. KEFAUVER. The distinguished Senator from New York is eminently correct.

Mr. President, in that connection I wish to say that it really gives us great hope for the future of the United States, to see distinguished Senators such as the distinguished Senator from New York, who is right in the throes of an election take an unpopular course because he believes in it. I commend him upon his stand.

Mr. President, invariably, suppression has done nothing but martyr those who were suppressed. That has resulted in making more and more converts to their cause, and making their influence all the stronger. That is what will happen in this country, too, under such a procedure.

We cannot keep our country strong and at the same time stifle and infringe upon the freedom we enjoy. That would make us an entirely different kind of country.

At numerous times in the history of the world there have been, as there are today, in this case, two diametrically opposed viewpoints.

The Communist viewpoint does not permit its people to think or act in any way on any issue except in accordance with the Communist Party line. The other viewpoint is the freedom of the great United States of America.

However, Mr. President, by the passage of this measure we shall be traveling a long way in the other direction. I do not say we shall be going all the way in that direction; but I hate to see us even get started in that direction. We should not even make a beginning in respect to setting a pattern of taking away the things which have made our Nation strong.

The people of other nations must join us at some time if we are going to be victorious in this contest of ideologies; and the only way we are ever going to get them to accept democracy, rather than the ideology of communism, is—not by restricting our democracy—but by making it work better. Instead of putting brakes upon what persons can say and think and speak and write, we should make clear to the people of the world that we are proud of the rights we have, and that we wish to protect them. In that way, the people of other nations will accept our concept.

I saw in the press some time ago that someone said, "I do not think this is any time to give the people of the District of Columbia the right to vote, even to a limited degree, because there is such a threat from communism all over the world."

I have heard people make the same argument about Alaska and Hawaii. Mr. President, this is the very time when we ought to be extending our democratic processes and influence and not the time to pass such bills as this, particularly when it is absolutely unnecessary.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. LEHMAN. I wonder if the Senator has had an opportunity of studying the effect of this bill, if it becomes law, on the new naturalized citizens. I wonder whether the distinguished Senator from Tennessee is in agreement with me that, under this bill, if enacted, a man who becomes a citizen by naturalization will be on trial; he will be a second-class citizen, for 5 years. Is it not a fact that during those 5 years that man or woman will be afraid to raise his or her voice, will be afraid to join any organizations will be afraid to take any position on public questions, for fear of offending some Government official and thus losing the right of citizenship in this country?

Mr. KEFAUVER. That is certainly correct. It certainly does make them second-class citizens. There is a section of the bill which is thought-controlling, if I ever saw one. I think it is section 22 (b) or (d), which says that any alien in this country who prints, circulates, or has anything to do with the sale or circulation of any book which teaches totalitarian dictatorship shall be deported. Mr. President, that is certainly a fine signal to hold out to the world. That is a great advertisement for democracy in the land of the free. That is a great advertisement to people in the old home countries, from which all of us, or our ancestors, except the Indians, came. They cannot work in a book store, they cannot work in a printing shop, they cannot have anything to do with the printing or circulating of books which citizens ought to read, if they are to be well informed. We ought to encourage the reading of Mein Kampf and the works of Lenin, to cause a greater appreciation of American liberties.

All through the centuries, there have been dictators, such as Napoleon and many others, who have made great names for themselves. If we go to any respectable book store, we shall find that many of the books about such men are best sellers; and it should be that way. I think we should encourage people to study other philosophies of government, in order that they may the better appreciate democracy. But, no; an alien who is legally here shall be deported if he does that.

Mr. President, I should like to call attention to the fact that that is not in keeping with the Constitution. The Constitution gives due process of law to all aliens who are in this country. They are entitled to a fair trial. They are entitled to a speedy trial. They are entitled to the same protection as a citizen. In many States, at various times, efforts have been made to enact statutes which would keep aliens out of this or that business, and the laws have been held invalid by the Supreme Court.

Mr. President, I think that one or two lines in the words of Thomas E. Dewey would be very appropriate at this time. In my opinion, Mr. Dewey is one of the greatest prosecutors the United States has had. It was a very brave thing for him to stand up against the popular clamor for some kind of legislation. On May 17, 1948, he said:

> The fact is that the czars of Russia were the first people in the world to follow this idea of outlawing the Communist Party.

That is the point made by the distinguished Senator from New York.

> They whipped them and they drove them to Siberia, they shot them, and they outlawed them. In the year 1917 Lenin and Trotsky were exiled. What was the result? This outlawing gave them such colossal following, such enormous popularity, such great loyalty on the part of the people that they were able to seize control of all Russia with its 180,000,000 people, and the first nation to outlaw Communists became the first Communist nation.
>
> That is what I do not want to happen to the United States of America. For 25 years Mussolini outlawed communism, and they grew and flourished underground despite their punishment and their killing and their shooting. As a result, 4 weeks ago the Communists and their allies polled more than 30 percent of the vote in the recent Italian election.
>
> In all of Nazi Europe the Communists were underground and they emerged at the end of the war so strong that they were so popular the French Maquis and others almost seized power in the governments of Europe at the end of this war because of the enormous strength that came to them from the underground.

He then talks about Czechoslovakia, and about the experience in Canada, after which he says:

> Let us not make such a terrific blunder in the United States, that we build up these dangerous venomous subversive people with power to overthrow our Government. Let us never make the blunders that have been made throughout the history of the world. Let us go forward as free Americans. Let us have the courage to be free.

I cannot find the particular language at the moment, but he further said, though, that he was unalterably and strenuously opposed to this kind of thing, which was going to lead to thought-control and a requirement of thinking along the party line in the United States of America.

Mr. President, I suppose Governor Dewey is still the titular head of the Republican Party. He has certainly been a great prosecutor. He has been elected several times by the people of New York, and we have his statement on the subject.

Now, what of Mr. J. Edgar Hoover? Recently when I was speaking here I did not have Mr. Hoover's remarks with me, and I became engaged in colloquy with the distinguished Senator from South Dakota [Mr. MUNDT] as to whether Mr. Hoover had said "registering" or "outlawing." I have here Mr. Hoover's statements from which we may obtain it exactly. He says:

> Suppression and outlawing subversive organizations by legislative enactment are not the answer. As a Nation we need to have no fear so long as the actions of those residing within our shores are open and above board.

That was in his 1949 report. He also points out some of the things about the FBI operation. He cannot tell all the things in that regard, but he does give us a good deal of information. We know that the FBI has agents in all the various Communist cells, where they are in a position immediately to take in charge any subversive or any dangerous Communist who might be there. As a result of the passage of this legislation those men, of course, would be out chasing people around trying to prove a case to see whether they ought to register. They will be devoting all their time to inconsequential things and will not have time to do what they are now doing.

Mr. President, let us also see what else we are doing to these noble FBI agents who are working so hard to protect our security. In the Saturday Evening Post, about 2 or 3 weeks ago, there was an article by a former FBI agent, who told how he was posing as a member of a Communist cell in peacetime. He went to their meetings; he sent his daily report to the FBI. He was part of the sixth column—he kept track of the Communists. Now, if FBI men are to be able to continue in this activity, they are either going to have to register or get out of the group. To me it is unthinkable to require an FBI agent to register and to hold himself up to ridicule and scorn. I do not believe anyone would ask him to do it, but one would think it better for him to maintain his connections with the Communists.

Furthermore, as pointed out in the President's message, even after many years of litigation, if some of the Communists are compelled to register, they could merely change their names and the search would begin all over again. Everything Mr. Hoover has said on the subject—and I had several quotations from his testimony before various committees—shows conclusively that he does not think that this kind of a bill would help, but thinks it would do harm. He says it would retard his activity and give America less security rather than more.

There is one point not mentioned in the President's message, in which I think the lawyers in the Senate would be greatly interested. Under the terms of the bill, if the head of a Communist agency or of a Communist-front organization——

Mr. President, may we have a little order.

The VICE PRESIDENT. The Senate will be in order.

Mr. KEFAUVER. Under the terms of the bill, if the head of a Communist agency does not register a member it becomes the duty of the man to come in and register himself. That is good. They ought to register. We may get around to the point where we will register anyone we might be afraid would do something. We should register thieves and murderers. However, we have a very sacred constitutional provision that no man shall be required to give evidence against himself. I believe it is the fifth amendment to the Constitution. It has been held by several circuit courts of

appeals that merely calling a person a Communist is libelous per se. Under the bill it is not illegal to be a Communist. It does everything except make it illegal. Of course, for all practical purposes the Communist Party is substantially outlawed. The man is required to register. Then it is provided in section 4 (f):

Neither the holding of office nor membership in any Communist organization by any person shall constitute per se a violation of subsection (a) or subsection (c) of this section.

Mr. President, the point is we have other criminal statutes on the subject. The Smith Act is one. Under it one of the elements that must be proved is membership. The other point that must be proved is the intent to overthrow our Government. It has long been held by the Supreme Court that a person cannot be required to give evidence against himself for even one link or one part of the over-all criminal offense. I believe that was held by Mr. Justice Marshall in the old Burr case. It was also so held, in the Hitchcox case, and recently in the Rosen case. In the latter case the defendant was not required to tell from whom he got the automobile or to whom he sold it.

Mr. President, I know that Members of the Senate are eager to vote. I have talked too long. However, I feel that this is a matter which we ought to consider very seriously. I wish there were some way we could pass it over until tomorrow—sleep on it tonight and vote tomorrow. I have an idea, as it has been expressed unanimously in the press of the country, that when the people come fully to realize what has been done to them in this legislation, it will not be a very happy day.

Yesterday my attention was called to an editorial in one of the so-called Governor Cox newspapers. I think it was carried in two of those newspapers. This editorial appeared in the Dayton Daily News on September 14. It reads:

THE MCCARRAN BILL

A tragedy for the country is the only possible description for the Senate's passage of the McCarran anti-Communist bill.

Everyone starts with the proper assumption that the Communists in America must be controlled. We must prevent them from getting into, or remaining in, positions in which they can conduct sabotage or otherwise do damage to us.

But there are ways in which we can control the Communists without doing violence to the concept of liberty, the preservation of which is the main reason why we oppose the Communists. The FBI knows how to do that job and has been doing it.

The McCarran bill is a wild excursion into methods of controlling the Communists which may or may not be effective against communism but certainly promises to be disastrously effective against the freedom of individuals. It is a catch-all bill that goes far beyond the needs of the occasion and opens the door wide for abuses.

* * * * *

The Senate had a chance to reject the McCarran bill, or at least to replace it with the less dangerous Kilgore proposal to round up the Communists and place them in custody when certain well-defined emergencies were found to exist.

* * * * *

As it comes up to the White House the bill contains all the dangerous features of the original McCarran bill and makes it more difficult, politically, for the President to veto the expanded measure without seeming to oppose the rounding up of Communists when emergency strikes.

Nevertheless, the threat to civil liberties is great enough, we think, to call for a Presidential veto, whatever the political risks. Then if Congress insists on passing the bill over the President's veto, his record before history is clear. One day the country will wake up and understand how silly and dangerous the extremes of hysteria have been. The alien and sedition acts, when sober sense returned to the country, wrecked the Federalist Party which had sponsored them. In the end, the McCarran bill will be a political liability, not to those who oppose it in the interest of freedom, but to those who launched and voted for it.

I have one more editorial, which sums up the situation. It is from the Chattanooga Times, published in my home city. I highly respect and esteem the judgment of the distinguished editor and publisher of that great newspaper. The editorial was written when the bill was still being discussed, and was followed by another editorial a little later. I think this editorial sets forth the ideals and philosophy that we in Congress ought to try to follow in matters of this kind. The editorial is entitled "Our Inner Defenses" and was published in the Chattanooga Times of August 21, 1950. It reads:

OUR INNER DEFENSES

There is in the United States today a rising tide of fury against Soviet Russia and its purveyors of communism in this country. The anger springs from deep within the American consciousness. It is based on the knowledge that the Communists deliberately provoked the Korean aggression and that Americans are fighting and dying as a result. It feeds upon the presumption that Russia has set the timetable for these "little wars" by which we are to be bled white in conflict against Russian stooges and made ready for the final assault by Russia's own forces. It is fanned to white heat by battlefield atrocities against American prisoners of war.

With it comes a louder, more insistent clamor for direct action against Communists in the United States, not the result of hysteria alone, but also in the sober realization that we must look to our inner defenses. The demand for stringent laws no longer comes from the extreme right or the Fascist minded, although the latter, of course, is still with us.

The very urgency of the matter requires that we base our actions upon clear thinking rather than emotional stresses.

A very large segment of our citizens believes the thing to do is to outlaw the Communist Party and to make membership in it a punishable offense. They cite the fact that the party is an organ of an international conspiracy, dedicated to the overthrow of this Government. They declare that to continue to allow it to exist in our midst under the myth that it is an ordinary political organization is not democratic, but dangerous. They say: "Ban it, break it up, destroy its strength."

They have persuasive arguments which would be well nigh unanswerable—if the methods they prescribe actually would accomplish what they would like to see done. We are not yet convinced.

In the first place, the proscribing of any organization is alien to our principles. Our cherished freedoms of assembly, of expression of thought are intended to protect those who disagree as well as those who agree with us. They imply the right to be unpopular, to be wrong in beliefs and attitudes.

To outlaw the Communist Party would be to send its members and activities completely underground, instead of only partly so, making them more difficult than ever to detect. A law may prevent a man from calling himself a Communist; it won't change his beliefs. And it is his belief and not a label which makes him a danger. No law can be strong enough to combat an idea; it can be overcome only by a better idea, a more enduring principle.

Our constitutional liberties, of course, do not include the right to spy, to sabotage, to disrupt through the perversion of one's freedoms in the service of an ideology which denies all freedom. But these are actions which come into the province of enforceable laws. We have on our statute books measures which protect the Nation against their commission. Some of the laws need strengthening and this should be done at once. Subsequently, a campaign of vigorous enforcement should be undertaken in protection of the Nation.

Such a course of action would answer the immediate needs for greater internal security without endangering the freedoms which are the basis of all our security and without weakening the moral fiber of the leadership we must present to the world.

We still do not need thought control in this country. We do need more and better and straighter thinking.

I should like to read a paragraph or two from an editorial published in the National Tennesseean of September 14, 1950:

BLUNDERBUSS AND RIFLE

The Senate's 70-to-7 vote on a subversive-control measure may be taken as an accurate reflection of the country's demand for some such legislation before a major war emergency occurs.

The time is surely ripe for making possible a crack-down on Communists and their colleagues when necessary, and at the same time safeguarding the basic liberties of the people. There are grave doubts as to whether these ends will be achieved by the catch-all measure that has now been approved.

President Truman has already announced that he will not sign the McCarran bill which includes provisions of the Mundt-Nixon-Ferguson measure. And it is the McCarran bill that has been passed, with its complicated and ineffective program for registering Communist organizations and members, and also the leadership of front groups.

The dangers of this registration provision were effectively pointed out in a scholarly analysis by Senator PAUL H. DOUGLAS, of Illinois, but the majority was not impressed. It does credit to the Senate, however, that it finally reversed the opposing vote on the Kilgore program for clamping down on dangerous Communists overnight and putting them under immediate detention.

The idea of suppressing the overt act rather than trying to establish controls over thought is thoroughly American and its projection at this time by the Chief Executive of the Nation merits the attention from lawmakers that it has received from the plain people who think.

Mr. President, I am proud of the ideals of these and other great newspapers. In an issue of this kind the American press

has come forward and pointed out the dangers. We do not have to rely solely on the Washington Post, the New York Herald Tribune, the New York Times, the Evening Star, and the papers here which we have read, some of which are opposed to this measure.

Here I have one from Wilmington, Del., which I think is a very conservative paper, which certainly does not have any great love for the Democratic administration, in a conservative and splendid city. Let us see what this Wilmington (Del.) Journal says on September 13:

IS COMMUNISM A YARDSTICK?

Passage of the McCarran Communist-control bill by a thumping Senate majority is evidence that America is losing its sense of proportion where Stalinist communism is concerned. By any test but one, the McCarran bill is inferior to the House version and to the Kilgore substitute. It is more dangerous to the traditional liberties of all Americans. It upsets diplomatic immunities, provokes retaliation on Americans, and adds to international tensions. It will be hard to enforce; it imposes methods on the FBI and other agencies which they have not asked for and which would make their job more difficult. It discriminates against refugees from Stalinist persecution. The bill is not so much a blow at communism, in short, as a trumpet blast at it.

Not all the Senators who voted for the bill could have been unaware of its disadvantages. Why, then did they vote for it? Presumably because the McCarran bill is "more anti-Communist" than other versions, its practical application will be less troublesome to Communists, its dictatorial restrictions will threaten the liberties of anti-Communists; but its provisions are more aggressive and more unrestrained. No man who voted for it can be accused of wanting to coddle Communists.

The bill, in short, is evidence that where communism is concerned Americans are no longer able (or so their representatives assume) to judge an issue on its merits. Is a bill (or a doctrine, or an act) anti-Communist? If so, it is good. Can it, by any device of oratorical prestidigitation, be linked up with communism? Then it is bad.

Communism is practiced by and for Russia is thoroughly cynical, vicious, and dangerous. But communism is not, and cannot be, the yardstick by which we should measure all other questions. You cannot run a business that way, or play the stock market, or pick a winner at the races. We doubt that you can run a country that way, either.

Mr. President, I voted against this bill in the first place, and against the conference report. I shall have to vote against overriding the President's veto. I conscientiously want to see this Nation get anti-Communist and antisubversive legislation that is going to afford us some real protection.

I do not want to see the hands of the Department of Justice and the FBI tied. I do not want to fly in the face of the experts and refuse to pay attention to their advice. I do not want legislation which will do away with the freedoms which we have so dearly won.

We can pass effective legislation without doing any of these things. We can pass effective legislation without requiring the Secretary of Defense to advertise to the world the location of all our defense plants.

Mr. President, it seems to me it is the very clear and plain duty of the United States Senate to do that—even if we have to stay here weeks or months. The liberties which we have enjoyed all these years are certainly more precious to us than getting away from Washington in a hurry for a vacation.

EXECUTIVE REPORTS FROM THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. MURRAY. Mr. President, I ask unanimous consent to present two reports from the Committee on Labor and Public Welfare dealing with certain routine nominations in the Public Health Service. This is the result of the unanimous action of the committee.

Mr. President, I ask for action on the two reports.

Mr. WHERRY. Does this take unanimous consent?

The VICE PRESIDENT. It does.

Mr. WHERRY. What are the nominations?

Mr. MURRAY. They are certain nominations in the Public Health Service. They are routine.

Mr. WHERRY. Are they reported for the calendar?

Mr. MURRAY. Yes, reported to the Senate today, and we want to get action on them, because they are not important officers, but they are necessary, and the nominations should be acted on.

Mr. WHERRY. Is the Senator asking that they be acted on now?

Mr. MURRAY. Yes.

Mr. WHERRY. As in executive session?

Mr. MURRAY. Yes.

Mr. WHERRY. I have no objection.

Mr. KERR. I object.

PROTECTION AGAINST UN-AMERICAN AND SUBVERSIVE ACTIVITIES—VETO MESSAGE

The Senate resumed the reconsideration of the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, the objections of the President of the United States to the contrary notwithstanding.

Mr. GRAHAM. Mr. President, I wish to take about 15 or 20 minutes to state my opposition to the conference report.

First I wish to emphasize a sentence from the President's veto message, as follows:

The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and the intelligence operations for which they are responsible. They have strongly expressed the hope that the bill would not become law.

I wish to call attention to a few details as a part of my short statement.

In section 3, paragraph 13, under the head of "definitions," I find that the term "advocate" includes among other things "admits belief in." It seems to me by that definition we are getting close to the control of ideas.

Then on page 6, section 4 (a), it seems to me there is a provision by which the courts are given a more difficult responsibility of convicting those who threaten the security of this country, by requiring the proof that they are under the domination or control of a foreign government or foreign organization or foreign individual. We who supported the Magnuson bill preferred the Smith Act to section 4 (a).

On page 14 there is section 13 (e). We believe there is some danger in the provision that the extent to which the views of one of these organizations does not deviate from those of a foreign government or foreign organization shall be taken into account.

It is possible, but I realize it is not probable, that some well-intentioned religious organization which had for its purpose simply opposition to the Marshall plan, and therefore was limited by its charter and its purposes to that one program, would to that extent not deviate from the Communist Party line. I believe there is some danger there. It is a matter of possibility, though not probability.

On page 21 is section 21, and I find here another reason why I prefer the Magnuson bill. Subsection (c) of section 21 is omitted. We consider that that is a weakening of the security program as proposed by the President, because by subsection (c) of section 21 the President would be given power to designate other areas or facilities from which could be excluded those found to be dangerous to the security of the country.

Then on page 29 of the conference report, in section 25, we find these words in subsection (5):

No person shall hereafter be naturalized as a citizen of the United States—

* * * * *

(5) who writes or publishes or causes to be written or published, or who knowingly circulates, distributes, prints, or displays, or knowingly causes to be circulated, distributed, printed, published, or displayed—

I am paraphrasing from this point on—any ideas or any books that contain the teachings or the ideas of Karl Marx or Lenin or Engels.

As I have tried to point out, if a young man in England of the finest type, who is anti-Communist, who is a printer in a London publishing house, wishes to come to the United States of America and become a good and loyal citizen, under the provisions of this language, as I understand it, he would not be allowed to become a naturalized citizen of the United States.

So, for these reasons, Mr. President, I myself have preferred the Magnuson bill, and I should like to have seen added to that the Kilgore bill as amended by the Senator from Nevada and accepted by the senior Senator from Illinois. It seems to me that would give us a stronger security program than the conference report does.

THE MAGNUSON BILL

The Magnuson bill stands on the Smith bill; the Magnuson bill stands on

the 27 laws now on the statute books, and in addition to the constitutional definition of treason in article 3, section 3 includes, among others, the Conspiracy Act of 1861 and the Supplementary Act of 1867, the Espionage Act of 1917, the Alien Registration Act of 1940 which itself includes the Smith Act.

THE SMITH ACT

The Magnuson bill reaffirms the Smith Act as competent to cope with those dangers to our internal security against which the McCarran bill is directed. It was under the Smith Act that the 11 American Communist leaders were fairly tried and convicted. This act prohibits the advocacy or teaching or the conspiracy to advocate or teach the overthrow of the Government of the United States by force and violence. It has been held that the influential position and the strategic power of these top leaders of international communism in America made their advocacies and conspiracies, in the midst of the cold war, to overthrow the Government by force and violence, a clear and present danger to the security of the United States.

Mr. KILGORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FREAR in the Chair). Does the Senator from North Carolina yield to the Senator from West Virginia?

Mr. GRAHAM. I yield.

Mr. KILGORE. I should like to ask the Senator a very pointed question. Is not the present Smith Act aimed at the maintaining of internal security of the United States of America against foreign ideas that might upset our present democracy?

Mr. GRAHAM. If included therein is the teaching to overthrow the Government of the United States by force and violence—not with ideas, but with the intent to overthrow the Government of the United States by force and violence.

Mr. KILGORE. That is the point. Am I not correct when I say that the intent of the Smith Act is to prevent the overthrow of the present type of government by force and violence?

Mr. GRAHAM. In very express language.

Mr. KILGORE. Which is a part of our internal security.

Mr. GRAHAM. That is correct.

This act and these convictions were upheld by the United States Circuit Court of Appeals in an opinion written by Judge Learned Hand, long eminent for legal learning and long known for his guardianship of the American Bill of Rights. The Smith Act imposes no prior restraints upon or subsequent punishment for the advocacy of any idea or program through the peaceful processes of the ballot box, the acts of the Congress, and amendments to the Constitution.

S. 595

The Magnuson bill proposes the enactment of S. 595 which as H. R. 4703 has passed the House by an overwhelming majority. The omnibus bill also includes S. 595 but without the vital provision retained in both the House bill and the Magnuson bill both of which would give the President the power in a national emergency to extend the provision of the original S. 595 and H. R. 4703 "to such property and places as the President may designate in the interest of national security." The Magnuson bill also has needed additional provisions regarding deportable aliens needed in the interest of national security.

THE PRESENT SECURITY PROGRAM

The Magnuson bill reenforces the present loyalty and security program of the Government. After trial, error, and experience with the internal subversions of international communism, the Loyalty Review Board, the Interdepartmental Intelligence Committee, the Security Section of the Criminal Division of the Department of Justice, and the Federal Bureau of Investigation are working in effective cooperation. The Loyalty Review Board is presided over by Chairman Seth Richardson and other representative and distinguished Americans. The Interdepartmental Intelligence Committee is composed of high-calibered representatives of the Army, Navy, Air Corps, and FBI. The Security Section of the Department of Justice have on the job day and night a group of highly competent and experienced intelligence officers and professional counterespionage agents who can cope with the toughest and most skilled spies and saboteurs in the world.

The FBI is headed by Mr. J. Edgar Hoover, who, with administrative ability and experience, directs an organization high in morale and alert and able to cope with the needs of national security. The Magnuson bill reaffirms the values of the old and recent laws, proposes needed new laws, and expresses its faith in the now well-coordinated program of loyalty and security, all of which together will be more effective without the introduction of a well-intentioned new system whose elaborate procedures of registration, hearings, appeals, and reviews may complicate more than it will strengthen the security program of the Nation.

In this the most critical time for freedom in the world may our America be strong in industrial, agricultural, military, and moral power, in internal security, national defense, and in her leadership, through the United Nations, for international cooperation with all the free peoples of the earth. Let us without stint back up the brave young men in Korea with their backs to the sea and their faces to a foe backed up by a totalitarian dictatorship reaching across two continents. Let us stand for the freedom and self-determination of big and little people, in east and west, in their fight against fascism, communism, and imperialism, anywhere. While we hold and strengthen the lines to the utmost in this crisis, we must realize that ideas in the free minds and democratic faith in the hearts of the people, are more powerful and enduring than bombs. The best way, for the long, hard pull, to fight godless international communism, which would engulf the world under the unresting tides of its uneasy tyranny, is to have faith in God against whose moral sovereignty the most powerful dictatorship will break to pieces; to hate tyranny and injustice; and to love people everywhere; to win people away from communism; and yet be ready and determined to fight for human freedom and international cooperation against the most powerful and monstrous tyrannies organized in our time to subjugate the bodies, minds, and spirit of all men to the ruthless will of the totalitarian police state.

Mr. President, repression is the way of frightened power. Freedom is the way of enlightened faith. The answer to error is not terror. America in the days of its weakness was the haven of heretics. The strength and progress of the American people is not in their uniformity, but in the vigor and variety of their differences. May it not in the days of its power become the stronghold of fear! America must be made safe for differences in order to make the world safe for democracy.

The best way to preserve internal security and human freedom and to fight international communism is make America so free in its basic liberties, so democratic in its equal opportunities, and so deeply spiritual in its meaning to all Americans that America will become, for all our people, such a land of freedom and opportunity, loyalty and love and, for the world, such an example of human freedom, social justice and international cooperation for peace, that the American story will reach through the iron curtain and to people everywhere on this earth with the hopes of freedom and peace. May we ourselves, in this desperate hour despite darkening set-backs, take courage in the sunrise of the new day in the Philippines, Indonesia, India, Pakistan, Palestine and the Near East, and in many lands in both hemispheres.

Through faith in God and love of man, may we pray that the light of liberty will yet shine through the iron curtain of men's minds. The warmth of human brotherhood will yet melt away the iron curtain of men's hearts. The people's hopes of freedom and peace still fly their flags high in the western world and across the eastern seas, where people of all faiths, races, colors, and nations, look up in prayer to the God of us all for one free and federated world neighborhood of human brotherhood, we pray in God's good name.

RELATIONSHIP OF THE AMERICAS

THE UNITED STATES AND SOUTH AND CENTRAL AMERICA; THE INTER-AMERICAN CONFERENCE RESOLUTION, MARCH 1945; NEW APPROACH TO ECONOMIC FOREIGN POLICIES; COFFEE, COPPER, TIN, COPRA, COCOA, SODIUM NITRATES, AND OTHER PRODUCTS

Mr. MALONE. Mr. President, at Mexico City in March of 1945 there was a meeting of the Inter-American Conference at which time they passed what could be a very important resolution.

RESOLUTION

Subsection (b) of section I, resolution 15: "That a fair and equitable relationship should be sought between the prices of agricultural and mineral products and those of manufactured articles and that all prices should be fair to producers and consumers alike."

NEW APPROACH TO FEASIBLE FOREIGN EXCHANGES

Mr. President, we must find a new approach to the economic foreign policy of the United States. We must find a better cure for the economic ills besetting the economic relations between the United States and her trading partners, a cure better than the many emergency or stop-gap measures which have been proposed by the administration and passed by an irresponsible Congress during the last 18 years.

"CURE-ALLS" FAIL

We have seen many "cure-alls" fail. The UNRRA was a major effort at relieving the emergency conditions following the greatest war of all time, and when it was proposed we were promised that after the expiration of this agency the worst postwar ills would be cured and a period of "normalcy" would henceforth emerge.

We were promised that the $3,750,000,000 loan to Great Britain would strengthen the pound and with it British trade to the point where free convertibility of the pound sterling would bring about a revival of the world's trade and reasonable prosperity for all. The loan failed in its objectives.

THE MARSHALL PLAN

We conceived the Marshall plan, a grandiose undertaking which was to restore and enhance the productive capacity of the war-torn nations to the point where they would become independent of the economic help of the United States. "Production" was the goal with little thought of the more important problem of finding markets for the products of this ever-increasing productive capacity.

MARKETS AS WELL AS PRODUCTION

The omission of this important point was discovered all too late, and the State Department's solution was to be found in opening the markets of the United States for all of this surplus foreign production, at the price of sacrificing the jobs and the living standards of the American workingmen and investors, and at the cost of frightening venture capital out of the investment field. Despite some success in initial phases, the over-all results of the Mashall plan are doomed to failure! Through the operation of the Marshall plan, as it is being partially implemented by the State Department under the authority of the 1934 Trade Agreements Act to open the American markets to the added foreign production created by Marshall plan aid, the very basis of our economic welfare is in mortal danger.

CURING SYMPTOMS

We have established the International Bank for Reconstruction and Development, another agency dedicated to the cure of the symptoms rather than the causes of the lopsided condition of international economic relations. The International Bank, although an international agency, is nothing but a grander offshoot of the earlier established Export-Import Bank. Both of these institutions are largely financed with the dollars derived from the American taxpayer, and although the loan policies of these banks are more sensible and careful than the indiscriminate outpour of other foreign-aid funds provided by the administration, the total repayment of funds loaned to foreign countries is a utopian ideal which will never be achieved.

All these methods, which I have described only in bare outline, have been aimed at curing symptoms rather than causes. Financing the Marxian experiments in socialization as we have been doing in Great Britain and in other countries, and opening our markets to foreign products to prevent the ever-increasing industrial production abroad from grinding to a halt through the accumulation of undisposable surpluses, make us pay for the unbalances in international trade in two ways: once the taxpayer has to pay for the "loans" and aid directly, the other time the very basis of our high standard of living and prosperity is sacrificed by throwing our workmen out of their jobs and wrecking the capital investment base of our domestic economy by allowing our markets to be swamped with imported goods directly competitive with our own production.

RUNNING COUNTRY ON SLOGANS AND CATCHWORDS

Mr. President, the cure for the symptoms which we have variously called "the dollar gap," the "dollar shortage," and other catchphrases, has created a much more serious economic disease than the very one we tried to alleviate. By providing gift dollars for foreign nations we have created abroad a standard of living which is too high, considering the standard which many countries can reasonably provide for themselves. We have created a demand for goods and services which is insatiable, unless satisfied with the dollars provided by the American taxpayer.

Mr. President, we are teaching foreign nations to live beyond their means; we are getting foreign countries which we are aiding used to living far beyond their income. I have frequently, on the floor of the Senate, adverted to the valid parallel of the banker and the man who wants to float a loan. The banker will take into consideration the earning capacity of the borrower, and will not extend loans to provide a false high standard of living which the recipient cannot support. However, the United States has been doing just that.

It is clear, of course, that the many panaceas, the cure-alls, tried so far have been ineffective, and frequently harmful. Let us stop attempting to cure the symptoms, and let us, instead, find a solution to the causes of the dislocations in foreign trade and economic relations. There are many factors, of course, which cause one country's currency to be in demand, and another's a drug on the market. There are many factors which cause a high standard of living in one country, and starvation diets in another. There can be no one solution to the economic ills of the world, and my remarks at this time are not intended to be a cure-all for these ills.

However, Mr. President, I do maintain that we need a new approach to the problems about which I have been speaking today. We need a new appraisal of the fundamental factors in the dislocations of the world's economy. If my remarks here can open up new avenues of approach, can cause people to think about some new factors and ideas, then their purpose will have been fulfilled.

CREATE OWN DOLLAR GAP—THEN CREDIT BY DIVIDING MARKETS

We have heard a great deal of propaganda about the so-called dollar shortage, the dollar gap, and trade balance deficits. In fact, in recent years we in Congress have been asked to make up the gaps, the shortages, and the deficits with direct appropriations out of the Treasury. Not being able to fulfill the great demand for dollars abroad, and unable to find markets for the new expanded industrial production in the Marshall-plan countries, we are to provide the needed additional dollars by importing ever increasing amounts of foreign products which are endangering the jobs of our labor force, and the security of our investments.

It is a well-known fact that the United States has always been dependent on a great many foreign imports. Many raw materials, both industrial or agricultural, are needed from foreign sources because we either do not produce them at all or not in sufficient quantities to fulfill the demands of our economy. The amounts of these imports have, in the gaps, the shortages, and the deficits of prosperity or depression in the United States, and the payments for these imports have been made in dollars and are an important source, in fact the most important single source, of dollars to purchase goods from the American producer for exports abroad. They are a healthy, ever-continuing source of dollars, and they are not derived from the pocketbooks of the taxpayer, but come from the purchasers of the commodities on the open market.

PRICE OF IMPORTED COMMODITIES LAG BEHIND INFLATION

All too frequently, the prices of imported commodities have been dependent on the degree of the American demand. In other words, the degree of prosperity and demand in this country controlled the price of the commodity on the world market. It is interesting to note, however, that aside from such price variations the prices of imported commodities have not kept pace with the ever-decreasing value of the American dollar. Although the goods procurable with the dollar have decreased, the

dollars received by foreign nations for their exports to the United States have remained unreasonably low. The result, of course, was that for the same amount of exports to the United States the foreign nations have not been able to purchase the same amount of American exports.

Mr. President, I wish to make this point clear with some examples which particularly apply to South America, although the basic idea is naturally not restricted to that area.

Mr. President, in 1945 we approved the inter-American resolution in Mexico City on inter-American trade. The purpose of my remarks is to call the attention of the Members of Congress to the failure of our foreign economic policy, to date, in building a sound world economy as a defense against the ideologies of socialism and communism and to carry out the principle laid down in the resolution passed by that Inter-American Conference held in Mexico in 1945.

For many years we have been hearing about our good-neighbor policy which the administration has been trying to implement with the reciprocal trade-agreement program of free trade. My interpretation of a good neighbor is to treat my neighbor fairly in all my dealings with him. It will require plenty of cooperation by the South American countries—it must be a two-way street. We cannot carry out these objectives alone.

I intend to show by the use of facts that there is some question as to just how good a neighbor we have been and that unconsciously we may have been exploiting other nations and short-changing them in the process of trading our goods for theirs.

"FREE TRADE"—THE KARL MARX WARNING

We have failed to heed the warning given to us by Karl Marx in a speech on free trade in Brussels, Belgium, on January 9, 1848.

Marx was discussing the free-trade policies of the British mercantile system. At the close of his talk he said, "But, generally speaking, the protective system in these days is conservative, while the free-trade system works destructively. It breaks up old nationalities and carries antagonism of proletariat and bourgeois to the uttermost point. In a word the free-trade system hastens the social revolution. In this revolutionary sense alone, gentlemen, I am in favor of free trade."

ENGLAND AND HER SOCIALIST GOVERNMENT

Today, a century later, we find his conclusions coming to pass. England, the principal exponent of free trade in the days of Karl Marx, is in the throes of this social revolution. Under socialism, with objectives the same as communism, she is just one step removed from communism itself.

On the other hand, the United States, operating under a protective system which Marx said "is conservative," stands almost alone as an example of what free people, operating under a system of representative or republican form of government, can accomplish. In addition to being the last fortress of human freedom, the United States is an example of the most productive economy in the world, with a standard of living that is the envy of every nation.

The factual record which I am going to present should prove the simple fact that unless we heed the warning of Karl Marx, we, through a policy of free trade which perpetuates the exploitation of colonial imperialism, will find ourselves crashing on the rocks of communism.

OUR SOUTH AMERICAN NEIGHBORS

Under our foreign economic policies of free trade, in direct conflict with our domestic policies of high wages, and the manipulation of the purchasing power of our dollar, we have consistently been underpaying the South American nations from 10 to 50 percent.

The serious impact of this underpayment, a direct violation of our professed good-neighbor policy, upon the economy of these nations can be immediately realized when we consider that the United States is their chief and most important market.

For example, the nation of Colombia, with a total population of less than 11,000,000 people, exported a total of $325,000,000 worth of goods in 1949. Of this total $266,000,000 was sold to the United States. Coffee is one of their chief exports, as copper is the chief export of Chile.

In a comparison of the price of coffee with the price of goods which the coffee-producing nations have purchased from us, I have used the price of coffee in 1926 and the Bureau of Labor Wholesale commodity Index—1926 as 100.

In the 12-year period 1938–49, under our so-called good-neighbor policy, this comparison shows that we underpaid the coffee-producing nations a total of $2,500,000,000. We underpaid them 50 percent in our purchases of sodium nitrate, about 2 cents per pound on copper, on tin, and almost every item on the import list.

In the case of Europe we assumed these trade deficits, resulting from our underpayment for imports, with a Marshall plan, but we did not extend a similar program to South America.

INCREASED PRICES MAY BE JUSTIFIED

Mr. MALONE. Mr. President, there has been considerable comment during the past few weeks about the increasing prices charged American consumers of imported products from South America.

More specifically, excitement waxed high over the recent rise in coffee prices. That the consumers were concerned over the higher prices they have had to pay for certain commodities is quite understandable.

However, in all fairness to our Latin-American neighbors, we ought to consider whether the increases in prices, not only of coffee, but also of other commodities imported from south of the border, were justified or whether they were motivated solely by the desire to profiteer as has been charged.

Mr. President, our neighbors to the south use the receipts from exports to the United States for the purchase of goods from us and from other nations. The dollars earned by the exports of coffee, copper, tin, copra, cocoa, sodium nitrate, to name only a few of the products which we import from South America and other sources, are used to import into their countries the goods from the United States which they produce in insufficient quantities or not at all.

DURING 6 YEARS ASSOCIATED PRESS INDEX FROM 100 TO 193

It is all too well known to all of us that the dollar has lost about half of its purchasing power if we compare it with a period such as 1926, and again in 1943. If the prices received by the South American nations have not increased materially over the levels then prevailing, it stands to reason that the number and amounts of American goods that they are able to purchase from the United States with roughly the same amount of dollars have been approximately halved.

Only if the prices received had kept pace with the declining value of the dollar, could the volume of United States exports to Latin America have remained steady.

To illustrate this point, Mr. President, I have prepared a series of tables showing the declining value of the dollar, in the light of the most popular price indexes. These are the Bureau of Labor Statistics Wholesale Commodity Price Index, the Associated Press Commodity Price Index, the Bureau of Labor Statistics Consumer's Price Index. The first two of these have as their base the fairly normal year of 1926, whereas the third used the period 1935 to 1939 as the base, and of which the index for the year 1926 was 126.4. For the former two indexes, of course, the base year 1926 was equal to 100.

For the first 6 months of this year the indexes had reached the levels of 166.1, 167.7, and 167.8 for the Bureau of Labor Wholesale Index, the Associated Press Commodity Index, and the Bureau of Labor Consumer's Price Index respectively.

Since June, of course, beginning even prior to the Korean War, the indexes have risen rapidly and have shown the dollar to devaluate even more. For instance, as of today the Associated Press Commodity Price Index has reached the level of 193.7. This merely is another proof of the point I wish to make.

1926 NORMAL INCREASE SHOULD EQUAL INFLATION

Having assumed that the year 1926 was a fairly normal one, both in regard to the prices of commodities on the domestic market, as well as to the prices received by nations exporting to the United States, I have taken the prices received by the exporters of the commodities enumerated earlier in my address. These prices represent the money actually received by the Chilean, Brazilian, or Colombian exporter and do not in-

clude such items as insurance, freight, commissions in this country and so forth.

Making the assumption that these prices were fair in 1926, I have listed the prices received in each of the years since 1926 on the same basis and have carried it forward to the first 6 months of 1950, or the full year of 1949 where more recent figures were not available.

By computing the difference between the prices actually received and the price as it should have been had the foreign price kept up with the devaluation of the dollar, as illustrated with each of the price indexes used, we arrive at a calculated underpayment, and in a few periods an overpayment, for the goods received from our friends to the south.

Since these figures, of course, represent the underpayment for each unit of commodity, the actual underpayment in dollars would be established by adding the underpayments for each unit of the commodity imported during each of these years.

I have carried that out in the case of coffee, and I have arrived at the staggering total of almost $2,500,000,000 which we have underpaid the South American nations for coffee during the past 12 years.

COFFEE AND DEVALUATED PRICE OF DOLLARS

In addition, these tables show that the price of coffee at this time is not out of line with increased cost of living generally. In fact, during the last month or so, the price received abroad for coffee was the same fair price as was received during the year 1926, when we take into consideration the devaluated purchasing power of the dollar according to the current Associated Press Price Index since that period.

TABLES SHOW INDEX RELATION TO PRICE

Mr. President, I want to go into some detail regarding these tables, so that the point I am making will be thoroughly understood. The first of the tables which I want to submit for the RECORD, is entitled "Coffee, Underpayment for Imports Based on Selected Price Indexes." The first column lists the years from 1926 to 1950, the last year including only the first 6 months. The second column shows the import price of coffee per pound, in cents. This value, as I have explained before, is not the retail price of coffee, nor is it the cost to the American importer, but represents the average price actually received by the foreign exporter. The source for these prices, for coffee as well as for the other commodities for which these computations have been made, is the Bureau of the Census of the Department of Commerce. The price is arrived at by dividing the total payment to foreign exporters of a certain commodity by the number of units imported into the United States. The figure thus arrived at represents the average price paid for all grades and kinds of the commodity imported, but, of course, does not include such items as freight, insurance, brokerage fees, which are added to arrive at the landed price per unit in this country.

A look at the table will disclose that the import price for coffee has risen from an average of 21.6 cents per pound in 1926 to 41.1 cents per pound in the first 6 months of 1950.

Columns 3, 5, and 7 list the average annual figures of the Bureau of Labor Statistics Wholesale Commodity Index, the Associated Press Commodity Index, and the Bureau of Labor Statistics Consumer's Price Index, respectively. Following each of these columns is one which shows the underpayment incurred for each unit of coffee, an underpayment due to the failure of the coffee price to increase with the current devaluing purchasing power of the dollar.

Only in the very recent past, for instance for the first 6 months of 1950, in regard to the underpayment based on the Bureau of Labor Statistics Wholesale Commodity Index, was there a slight overpayment for coffee. Since the figures listed do not include the months of July and August, the most recent increase of the indexes, it is not shown that the prices for coffee have again adjusted themselves to represent a fair price on the basis of the 1926 price. I have computed the fair price for coffee for September 15, based on the value of the dollar as represented by the Associated Press Commodity Index, and the figure is 41.64 cents per pound. Thus on September 15 there again was a slight underpayment for coffee.

Mr. President, the point I want to make is crystal clear: only in the very recent past has the coffee price increased sufficiently to accurately reflect the decreasing value of the dollar. During the whole period from 1926 until the recent past the South American nations have not received fair value for their exports of coffee to the United States, computed on this basis.

At this point, Mr. President, I ask unanimous consent to have this table entered into the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coffee—Underpayment for imports based on selected price indexes

[1926=100]

Year	Import price per pound	BLS wholesale index	Underpayment, BLS index	Associated Press commodity index	Underpayment, Associated Press index	Consumers price index	Underpayment, consumers price index	Fair price based on BLS index increase	Year	Import price per pound	BLS wholesale index	Underpayment, BLS index	Associated Press commodity index	Underpayment, Associated Press index	Consumers price index	Underpayment, consumers price index	Fair price based on BLS index increase
	Cents		*Cents*		*Cents*		*Cents*	*Cents*		*Cents*		*Cents*		*Cents*		*Cents*	*Cents*
1926	21.6	100.0	None	100.0	None	126.4	None	None	1945	12.6	105.8	10.2	109.48	11.1	128.4	9.3	22.8
1938	6.9	78.6	10.0	68.01	7.8	100.8	10.3	16.9	1946	17.2	121.1	8.9	133.68	11.7	139.3	6.6	26.1
1939	6.9	77.1	9.7	68.35	7.9	99.4	10.1	16.6	1947	26.4	152.1	6.0	183.60	13.3	159.2	.8	30.4
1940	6.2	78.6	10.8	73.27	9.6	100.2	10.9	17.0	1948	26.8	165.0	8.8	187.24	13.7	171.2	2.5	35.6
1941	7.9	87.3	10.9	86.56	10.8	105.2	10.1	18.8	1949	31.8	155.0	1.7	159.93	2.8	169.1	[1] 2.9	33.5
1942	12.0	98.8	9.3	99.04	9.4	116.5	7.9	21.3	1950 [2]	41.1	166.1	[1] 5.2	[3] 167.67	[1] 4.9	167.8	[1] 12.4	35.9
1943	12.4	103.1	9.8	106.01	10.5	123.6	8.8	22.2	August				189.00	[1].4			
1944	12.5	104.0	9.9	107.07	10.7	125.5	8.9	22.4									

[1] Overpayment.
[2] First 6 months.
[3] 1950 to date.

NOTE.—Associated Press index, Sept. 15, 192.77; underpayment Associated Press index, 0.54.
Fair price Associated Press index Sept. 15, 41.64 cents.

Mr. MALONE. Mr. President, the next table which I want to discuss shows in detail the results of this underpayment. For the years 1938 to 1949 I have carried out the computation of the actual underpayment for coffee. Each year the underpayment per pound was multiplied by the number of pounds imported. Thus I can show the real amount of dollars that the South American nations have not earned, due to the fact that their coffee prices have not kept pace with the increase in the price level in the United States, or, if you wish, the lowered value of the dollar. On this basis, Mr. President, during the period 1938 to 1949, inclusive, $2,482,000,000 were not earned by the exporters of coffee to the United States due to underpayments during this period. Is there much wonder then that the American taxpayer has been called upon to make up the dollar shortages as they are so fondly called by the one-worlders? Is it any wonder, Mr. President, that we have had to shell out millions upon millions through the World Bank, or the Export-Import Bank, and other such relief agencies to enable foreign nations to purchase American goods in the usual amounts?

Mr. President, I ask unanimous consent to have entered in the RECORD, at this point in my remarks, the table Imports and Import Prices for Coffee, and Underpayments, 1938–49.

The PRESIDING OFFICER. Without objection, so ordered.

Coffee—Imports prices and imports into the United States and underpayments on basis of BLS index, 1938–49

[BLS wholesale commodity index, 1926=100]

(Associated Press index for 35 leading commodities Aug. 30, 1950: 189.6 percent of 1926 as 100)

Year	Imports (millions of pounds)	Bureau of Labor wholesale index	Import price (in cents)	Underpayment (cents per pound)	Dollar total (millions)	Year	Imports (millions of pounds)	Bureau of Labor wholesale index	Import price (in cents)	Underpayment (cents per pound)	Dollar total (millions)
1926	----------	100.0	21.6	None	None	1946	2,475	121.1	17.2	8.9	$220.2
1938	1,965	78.6	6.9	10.0	$196.5	1947	2,501	152.1	26.4	6.0	150.0
1939	2,043	77.1	6.9	9.7	198.1	1948	2,774	165.0	26.8	8.8	244.1
1940	2,534	78.6	6.2	10.8	273.6	1949	2,993	155.0	31.8	1.7	49.6
1941	1,760	87.3	7.9	10.9	191.8	1950, first 6 months	1,071	166.1	[1] 41.1	+.33	----------
1942	1,801	98.8	12.0	9.3	167.4						
1943	2,568	103.1	12.4	9.8	251.6	Total underpayment, 12 years	----------	----------	----------	----------	2,482.2
1944	2,495	104.0	12.5	9.9	247.0						
1945	2,866	105.8	12.6	10.2	292.3						

[1] The comparative price for coffee first 6 months of 1950 is based on the Associated Press index for 35 leading commodities instead of the Bureau of Labor wholesale index. In spite of the current confusion about coffee prices, a direct comparison with 35 other leading commodities indicates clearly that coffee prices are at approximately the same level as other leading world commodities. Most of the reaction against the price of coffee results from the tremendous underpayment to coffee producers during the period 1938–50.

Mr. MALONE. Mr. President, I could go on at length to explain the other tables which I have prepared dealing with the same subject. I have computed the underpayments from 1926 to the present for each of the following commodities, and the picture which I have painted in regard to coffee is merely sharpened and emphasized by looking at the tables prepared for copper, tin, copra, cocoa, and sodium nitrate. The tables are all similar in nature, and the explanation given for the table on coffee applies equally to these tables.

I ask unanimous consent, Mr. President, to have the tables showing the underpayment for copper, tin, copra, cocoa, and sodium nitrate inserted in the CONGRESSIONAL RECORD at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Copper—Underpayment for imports based on selected price indexes

[1926=100]

Year	Import price per pound	BLS wholesale index	Underpayment, BLS index	Associated Press commodity index	Underpayment, Associated Press index	Consumers price index	Underpayment, consumers price index	Fair price based on BLS index increase	Year	Import price per pound	BLS wholesale index	Underpayment, BLS index	Associated Press commodity index	Underpayment, Associated Press index	Consumers price index	Underpayment, consumers price index	Fair price based on BLS index increase
	Cents		Cents		Cents		Cents	Cents		Cents		Cents		Cents		Cents	Cents
1926	12.6	100.0	None	100.00	----------	126.4	None	12.6	1939	9.6	77.1	0.1	68.35	[1] 1.0	99.4	0.3	9.7
1927	11.8	95.4	12.0	----------	----------	124.0	0.6	12.0	1940	10.0	78.6	[1] .1	73.27	[1] .8	100.2	0	9.9
1928	12.4	96.7	[1] .4	----------	----------	122.6	[1] .2	12.2	1941	9.9	87.3	1.1	86.56	1.0	105.2	.6	11.0
1929	16.1	95.3	[1] 4.1	----------	----------	122.5	[1] 3.9	12.0	1942	9.9	98.8	2.5	99.04	2.6	116.5	3.3	12.4
1930	13.2	86.4	[1] 2.4	----------	----------	119.4	[1] 1.3	10.9	1943	10.4	103.1	2.5	106.01	2.9	123.6	1.9	13.0
1931	8.5	73.0	.7	----------	----------	108.7	2.3	9.2	1944	10.7	104.0	2.4	107.07	2.7	125.5	1.8	13.1
1932	5.7	64.8	2.4	----------	----------	97.6	4.0	8.2	1945	10.8	105.8	2.5	109.48	3.0	128.4	2.0	13.3
1933	6.2	65.9	2.1	----------	----------	92.4	3.0	8.3	1946	11.7	121.1	3.5	133.68	5.1	139.3	2.2	15.3
1934	7.0	74.9	2.4	----------	----------	95.7	2.5	9.4	1947	18.8	152.1	.3	183.60	4.3	159.2	[1] 2.9	19.2
1935	6.9	80.0	3.1	76.61	2.7	98.1	2.8	10.0	1948	20.2	165.0	.6	187.24	3.4	171.2	[1] 3.1	20.8
1936	8.3	80.8	1.7	78.11	1.5	99.1	1.6	10.2	1949	18.1	155.0	1.4	159.93	2.0	169.1	[1] 2.1	19.5
1937	11.7	86.3	[1] .6	87.77	[1] .6	102.7	[1] 1.5	10.9	1950	[2] 16.1	[2] 160.0	[2] 4.0	[4] 167.67	[3] 5.0	[2] 167.8	.6	20.2
1938	9.2	78.6	.7	68.01	[1] .6	100.8	.8	9.9									

[1] Overpayment.
[2] First 6 months.
[3] Estimated.
[4] 1950 to date.

(NOTE.—Sept. 15, Associated Press index, 192.77; underpayment Associated Press index, 1.79.)
Fair price Associated Press index, Sept. 15, 24.29 cents.

Company:	Price (cents)
Sept. 14:	
Kennecott	22.5
Phelps-Dodge	22.5
Anaconda	24.5
Calumet & Hecla	24.5

Tin—Underpayment for imports based on selected price indexes

[1926=100]

Year	Import price per pound	BLS wholesale index	Underpayment, based on BLS index	Associated Press commodity index	Underpayment, based on Associated Press index	Consumers price index	Underpayment, based on consumers price index	Fair price based on BLS index increase	Year	Import price per pound	BLS wholesale index	Underpayment, based on BLS index	Associated Press commodity index	Underpayment, based on Associated Press index	Consumers price index	Underpayment, based on consumers price index	Fair price based on BLS index increase
	Cents		Cents		Cents		Cents	Cents		Cents		Cents		Cents		Cents	Cents
1926	60.0	100.0	None	100.0	None	126.4	None	60.0	1944	50.4	104.0	12.0	107.07	14.0	125.5	9.2	63.5
1938	40.3	78.6	6.7	68.01	.5	100.8	7.5	47.0	1945	48.4	105.8	15.1	109.48	17.3	128.4	12.5	63.5
1939	44.9	77.1	1.3	68.35	[1] 3.9	99.4	2.3	46.2	1946	53.24	121.1	15.1	133.68	26.8	139.3	12.9	72.6
1940	45.8	78.6	1.3	73.27	[1] 1.9	100.2	1.8	47.1	1947	76.5	152.1	14.7	183.60	33.5	159.2	[1] .9	91.2
1941	47.4	87.3	5.0	86.56	4.6	105.2	2.5	52.4	1948	93.7	165.0	5.3	187.24	18.6	171.2	[1] 12.4	99.0
1942	48.9	98.8	10.4	99.04	10.6	116.5	6.4	59.3	1949	99.1	155.0	[1] 5.9	159.93	[1] 5.6	169.1	[1] 18.8	93.0
1943	49.0	103.0	12.8	106.01	14.6	123.6	9.7	61.8	1950	----------	----------	----------	[2] 167.67	----------	[2] 167.8	----------	----------

[1] Overpayment.
[2] 1950 to date.
[3] 1st 6 months.

Copra—Underpayment for imports based on selected price indexes

[1926=100]

Year	Import price per pound	BLS wholesale index	Underpayment, BLS index	Associated Press commodity index	Underpayment, Associated Press index	Consumers price index	Underpayment, consumers price index	Fair price based on BLS index increase	Year	Import price per pound	BLS wholesale index	Underpayment, BLS index	Associated Press commodity index	Underpayment, Associated Press index	Consumers price index	Underpayment, consumers price index	Fair price based on BLS index increase
	Cents		*Cents*		*Cents*		*Cents*	*Cents*		*Cents*		*Cents*		*Cents*		*Cents*	*Cents*
1926	5.1	100.0	None	100.00	None	126.4	None	5.1	1944	3.4	104.0	1.9	107.07	2.1	125.5	1.7	5.3
1938	1.8	78.6	2.2	68.01	1.7	100.8	2.3	4.0	1945	3.0	105.8	2.4	109.48	2.6	128.4	2.2	5.4
1939	1.6	77.1	2.3	68.35	1.7	99.4	2.4	3.9	1946	3.8	121.1	2.4	133.68	3.0	139.3	1.8	6.2
1940	1.3	78.6	2.7	73.27	2.4	100.2	2.7	4.0	1947	7.9	152.1	.2	183.60	2.5	159.2	[1] 1.5	7.7
1941	1.7	87.3	2.7	86.56	2.7	105.2	2.5	4.4	1948	12.2	165.0	[1] 3.8	187.24	[1] 2.6	171.2	[1] 5.3	8.4
1942	3.3	98.8	1.7	99.04	1.8	116.5	1.4	5.0	1949	8.0	155.0	[1] .1	159.93	.2	169.1	[1] 1.2	7.9
1943	3.6	103.1	1.6	106.01	1.8	123.6	1.4	5.2	1950				167.67	(2)	[3] 167.8		

[1] Overpayment. [2] 1950 to date. [3] First 6 months.

Cocoa—Underpayment for imports based on selected price indexes

[1926=100]

Year	Import price per pound	BLS wholesale index	Underpayment based on BLS index	Associated Press commodity index	Underpayment based on Associated Press index	Consumers price index	Underpayment based on consumers price index	Fair price based on BLS index increase	Year	Import price per pound	BLS wholesale index	Underpayment based on BLS index	Associated Press Commodity index	Underpayment based on Associated Press index	Consumers price index	Underpayment based on Consumers price index	Fair price based on BLS index increase
	Cents		*Cents*		*Cents*		*Cents*	*Cents*		*Cents*		*Cents*		*Cents*		*Cents*	*Cents*
1926	10.0	100.0	None	100.00	None	126.4	None	10.0	1944	6.7	104.0	3.4	107.07	4.0	125.5	3.2	10.6
1938	4.4	78.6	3.4	68.01	2.4	100.8	3.5	7.8	1945	7.4	105.8	3.2	109.48	3.5	128.4	2.7	10.6
1939	4.2	77.1	3.5	68.35	2.6	99.4	3.7	7.7	1946	9.5	121.1	2.6	133.68	3.9	139.3	1.5	12.1
1940	4.4	78.6	3.4	73.27	2.9	100.2	3.5	7.8	1947	25.4	152.1	[1] 8.9	183.60	[1] 7.0	159.2	[1] 12.8	15.2
1941	5.6	87.3	3.1	86.56	3.1	105.2	2.7	8.7	1948	35.4	165.0	[1] 18.9	187.24	[1] 16.7	171.2	[1] 21.9	16.5
1942	7.7	98.8	2.2	99.04	2.2	116.5	1.5	9.8	1949	19.7	155.0	[1] 4.2	159.93	[1] 3.7	169.1	[1] 6.3	15.5
1943	6.8	103.1	3.5	106.01	3.8	123.6	3.0	10.3	1950				[2] 167.67		[3] 167.8		

[1] Overpayment. [2] 1950 to date. [3] First 6 months.

Sodium nitrate—Underpayment for imports based on selected price indexes

[1926=100]

Year	Import price per ton	BLS wholesale index	Underpayment based on BLS index	Associated Press commodity index	Underpayment based on Associated Press index	Consumers price index	Underpayment based on consumers price index	Fair price based on BLS index increase	Year	Import price per ton	BLS wholesale index	Underpayment based on BLS index	Associated Press commodity index	Underpayment based on Associated Press index	Consumers price index	Underpayment based on consumers price index	Fair price based on BLS index increase
1926	$46.79	100.0	None	100.00	None	126.4	None	$46.79	1944	$21.84	104.0	26.83	107.07	28.6	125.5	24.6	$48.67
1938	18.59	78.6	$18.18	68.01	$13.2	100.8	$18.7	36.77	1945	21.84	105.8	27.67	109.48	29.4	128.4	25.7	49.51
1939	18.55	77.1	17.45	68.35	13.4	99.4	19.0	36.00	1946	21.59	121.1	34.08	133.68	41.0	139.3	30.0	56.67
1940	18.74	78.6	18.03	73.27	15.5	100.2	18.4	36.77	1947	27.22	152.1	43.96	183.60	58.8	159.2	31.7	71.18
1941	17.80	87.3	23.15	86.56	22.7	105.2	21.2	40.95	1948	32.47	165.0	44.75	187.24	55.2	171.2	30.9	77.22
1942	19.11	98.8	24.02	99.04	27.2	116.5	24.0	45.13	1949	38.49	155.0	34.05	159.93	36.4	169.1	24.0	72.54
1943	19.95	103.1	28.25	106.01	29.6	123.6	25.7	48.20	1950				[1] 167.67		[2] 167.8		

[1] 1950 to date. [2] First 6 months.

EXPORT-IMPORT BANK LOANS IN LIEU OF A MARSHALL PLAN

Mr. MALONE. Mr. President, apparently without understanding why, we have been using the Export-Import Bank as a little Marshall plan for the South American countries.

Making up trade balance deficits in foreign countries through assessing our own taxpayers in this manner, however, and paying such deficits through the Marshall plan are not substitutes for fair business dealings—these methods merely support these nations on a day-to-day basis and eventually lead nowhere except into bankruptcy for them, both economically and morally, and finally for us as well. This would have been unnecessary had we paid fair prices for our imports.

Mr. President, I ask unanimous consent to have included in the RECORD at this point a table showing the extent of the Export-Import Bank transactions from February 12, 1934, to June 30, 1950.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Export-Import Bank operations, Latin America

[In thousands of dollars]

Country	Total credits Authorized from Feb. 12, 1934, to June 30, 1950	Balances outstanding as of June 30, 1950		Operations during 6 months ended June 30, 1950		
		Undisbursed authorizations	Outstanding loans	Authorized	Disbursed	Repaid
Argentina	218,690	125,000	164	[1] 125,000		10
Bolivia	36,998	16,070	18,517			137
Brazil	298,390	14,614	100,542	[2] 10,888	4,163	3,904
Chile	141,631	20,243	76,411		23,411	3,497
Colombia	67,480	17,961	22,236	[3] 2,200	1,670	1,736
Costa Rica	8,723		6,511			66
Cuba	90,367		10,236			331
Dominican Republic	3,300		195			159
Ecuador	28,917	13,980	11,149	[4] 1,300	522	206
Haiti	17,350	4,000	4,445			493
Honduras	2,700					323
Mexico	156,980	18,803	77,870	[5] 1,287	9,382	9,234

[1] For liquidation of past due dollar obligations to United States commercial creditors both on private and governmental Argentinian account.
[2] For building cement plant, railway equipment, locomotives and passenger rail cars.
[3] For construction of grain-treatment and storage stations.
[4] For construction of municipal waterworks system for Guayaquil. (An additional credit to an existing loan.)
[5] For purchase of shrimp vessels.

Export-Import Bank operations, Latin America—Continued

[In thousands of dollars]

Country	Total credits authorized from Feb. 12, 1934, to June 30, 1950	Balances outstanding as of June 30, 1950		Operations during 6 months ended June 30, 1950		
		Undisbursed authorizations	Outstanding loans	Authorized	Disbursed	Repaid
Nicaragua	5,235		1,226			295
Panama	6,500	522	1,478		354	
Paraguay	7,800		3,704			339
Peru	37,450		284			23
Salvador	1,726		910			61
Uruguay	43,726		13,658		206	119
Venezuela	52,497	7,495	3,630			100
Various	120,483	21,105		1,500		
Total, Latin America	1,346,943	259,793	353,166	142,175	39,708	21,033

THE THREE PRICE INDEXES USED IN THS DEBATE

Mr. MALONE. Mr. President, the commodity indexes used in the computation of the fair price tables include the Associated Press Commodity Index; the Wholesale Price Index, Bureau of Labor Statistics; Consumers Price Index, Bureau of Labor Statistics.

Mr. President, I ask unanimous consent to insert the three tables in the RECORD at this point as a part of my remarks, together with the 1913 to 1950 CPI annual average. These tables show the general make-up and content of the three price indexes used by listing the major commodities and the weight assigned each commodity in the three pertinent indexes.

There being no objection the tables were ordered to be printed in the RECORD, as follows:

Commodities used in Associated Press index

	Weight
Industrials	30.7
Cement	1.8
Hides	2.3
Rubber	2.7
Bituminous coal	3.2
Petroleum	5.3
Steel scrap	6.0
Steel billets	3.6
Turpentine	.6
Linseed oil	.8
Lumber	3.1
Burlap	1.3
Food	17.4
Eggs	2.9
Sugar	2.0
Cocoa	.6
Coffee	2.1
Flour	4.1
Lard	1.7
Butter	4.0
Livestock	13.5
Hogs	7.0
Cattle	3.8
Lambs	2.7
Agriculture	22.1
Corn	4.0
Wheat	7.2
Oats	1.9
Rye	.4
Cotton	8.6
Textiles	10.1
Wool	2.2
Rayon	1.8
Cotton cloth	4.7
Silk	1.4

Commodities used in Associated Press index—Continued

	Weight
Nonferrous metals	6.2
Antimony	.4
Tin	1.0
Zinc	.5
Lead	1.2
Copper	3.1

Base is 1926 average prices.

Source: Wire from Harry T. Montgomery, general business editor, the Associated Press, New York.

Relative importance of subgroups in wholesale price index, year average, 1949

Groups and subgroups:	Percent of all commodities index
All commodities	100.00
Farm products	19.16
Grains	2.65
Livestock and poultry	6.88
Other farm products	9.63
Foods	20.41
Dairy products	2.18
Cereal products	3.45
Fruits and vegetables	1.38
Meats, poultry, and fish	8.97
Other foods	4.43
Hides and leather products	3.26
Shoes	1.60
Hides and skins	.60
Leather	.76
Other leather products	.30
Textile products	8.16
Clothing	2.11
Cotton goods	2.62
Hosiery and underwear	.68
Rayon and nylon	.45
Silk	.08
Woolen and worsted goods	1.45
Other textiles	.77
Fuel and lighting materials	14.94
Anthracite	1.17
Bituminous coal	4.38
Coke	1.17
Electricity	1.12
Gas	.56
Petroleum and products	6.54
Metals and metal products	15.33
Agricultural implements	.37
Iron and steel	6.83
Motor vehicles	5.93
Nonferrous metals	1.92
Plumbing and heating	.28

Relative importance of subgroups in wholesale price index, year average, 1949—Con.

	Percent of all commodities index
Building materials	6.66
Brick and tile	.45
Cement	.44
Lumber	3.21
Paint and paint materials	1.26
Other building materials	1.30
Chemicals and allied products	1.53
Chemicals	.80
Drugs and pharmaceutical materials	.15
Fertilizer materials	.20
Mixed fertilizers	.17
Oils and fats	.21
Housefurnishing goods	2.43
Furnishings	1.33
Furniture	1.10
Miscellaneous	8.12
Automobile tires and tubes	1.34
Cattle feed	.63
Paper and pulp	2.07
Rubber, crude	.26
Other miscellaneous	3.82
Raw materials	31.12
Semimanufactured articles	8.63
Manufactured products	60.25
All commodities other than farm products	80.84
All commodities other than farm products and foods	60.44

Source: U. S. Department of Labor, Bureau of Labor Statistics, Washington, D. C.

Consumer price index items and their relative importance in the major groups and in the total index, December 1948

Items	Percentage distribution of index value factors in December 1948	
	Group total	All items total
Food	100.0	40.6
Cereals and bakery products	13.9	5.6
Meats, poultry and fish	32.8	13.3
Dairy products	18.8	7.6
Eggs, fresh dozen	5.8	2.4
Fruits and vegetables	19.6	8.0
Beverages	3.0	1.2
Fats and oils	3.2	1.3
Sugar and sweets, sugar	2.9	1.2
Apparel	100.0	12.4
Wool	25.3	3.1
Cotton	17.6	2.2
Silk, rayon and nylon	14.6	1.8
Footwear	16.6	2.1
Other garments	3.9	.5
Services (dry cleaning, repairs)	4.5	.5
Rent	100.0	12.5
Fuel, electricity, and refrigeration	100.0	5.1
Housefurnishings	100.0	4.7
Miscellaneous	100.0	24.7
Transportation	27.8	6.9
Medical care	13.1	3.2
Household operation	13.1	3.2
Recreation	19.6	4.8
Personal care	9.9	2.4
Gifts, contributions, and other unallocated items	16.5	4.2

Consumers' price index for moderate income family in large cities (34 large cities in U. S.)—annual average for all items

[1935–1939=100]

Year:	Average
1913	70.7
1914	71.8
1915	72.5
1916	77.9
1917	91.6
1918	107.5
1919	123.8
1920	143.3
1921	127.7
1922	119.7
1923	121.9
1924	122.2
1925	125.4
1926	126.4
1927	124.0
1928	122.6
1929	122.5
1930	119.4
1931	108.7
1932	97.6
1933	92.4
1934	95.7
1935	98.1
1936	99.1
1937	102.7
1938	100.8
1939	99.4
1940	100.2
1941	105.2
1942	116.5
1943	123.6
1944	125.5
1945	128.4
1946	139.3
1947	159.2
1948	171.2
1949	169.1
1950 (January through July)	167.8
1950:	
January	166.9
February	166.5
March	167.0
April	167.3
May	168.6
June	170.2
July	172.5

INSPECTION TRIP TO COLOMBIA

Mr. MALONE. Mr. President, it was my privilege to visit the Bogotá area in Colombia on the occasion of the induction into office of a new president of that nation, Dr. Laureano Gómez, and a new administration in that country. It is also my intention to visit the other South and Central American countries at the earliest opportunity.

During my short stay in Colombia, I had a visit with the new president, Dr. Gómez, and the new Minister of Finance, Mr. Rafael Delgado, and both emphasized and described at some length that they wanted to put Colombia on a sound trade basis with the United States.

Both the president and the finance minister emphasized that as soon as practicable they wanted to establish a free market exchange between the peso and the dollar, they wanted to protect the integrity of private investment, they wanted to treat foreign capital the same as local capital, in regard to taxes and regulation, and they wanted to allow free import of capital and free export of capital. In short, they want to pattern their economics and trade after the United States long-established methods.

DR. LAUREANO GÓMEZ—PRESIDENT

Both President Gómez and Minister of Finance Delgado Barranche said with great emphasis that they wanted to encourage outside capital development within their country—and in particular from the United States, and that their goal over the years ahead was a definite progressive raise in living standards of their people with a raise in wage living standards and that they would do this just as fast as proved feasible without disrupting the economy of the nation.

President Gómez is a solid, determined looking man of 65 years of age and one is forced to conclude, after hearing him discuss his ambition for his country's future relationship with other nations, and for the sound advancement of his people, that his plans and ideals are coming from the heart. One is bound to conclude also that a man of 65, elected for a 4-year term as president of his country, with his long standing main goal ahead, will have an opportunity to establish a great record and set an example for his people so that in the future they will look to him for leadership.

RAFAEL DELGADO—FINANCE MINISTER

Finance Minister Delgado is also a well set-up, square-jawed, determined man, much younger in years than Dr. Gómez and he will advance in his country if successful in their common goal of raising the wage-living standards of their people.

Much of the country, especially in the Bogotá area, is of high elevation and resembles the intermountain country in the western United States with the exception that they have more rainfall and therefore it is more appropriate for farming and livestock.

MAJOR PRODUCTION—IMPROVEMENTS

The major products of the country of Colombia are coffee, rice, tobacco, cocoa, sugar, and bananas.

They have increased their livestock, including dairy herds of purebred stock and are establishing new industries, new payrolls that will definitely improve the living conditions of the people.

MORE ATTENTION IN SOUTH AMERICA

Mr. President, it is the opinion of the junior Senator from Nevada, that if we will pay more attention to South America, where it is obvious that a great part of our economic future lies for the next 25 to 50 years, it will definitely advance our own economic and national security.

They will of necessity have to purchase produced, manufactured, and processed materials outside of their own countries, and the best-equipped nation for that competitive trade is the United States. On the other hand they produce many raw materials and products, which we either do not produce at all or in insufficient amounts for our own use.

These materials include: wool, hides, skins, quebracho, lead, zinc, antimony, copper, tungsten, coffee cacao, cotton, rubber, rice, carnauba wax, timber, lumber, nitrates, bananas, gold, petroleum, henequen, bauxite, vanadium, cadmium.

WESTERN HEMISPHERE—SELF-SUFFICIENT

Mr. President, it has always been the contention of the junior Senator from Nevada that the Western Hemisphere can be made practically self-sufficient in the production of all material needed for peace and war, particularly, natural rubber, which could be secured from Brazil, and since we now produce synthetic rubber a relatively small amount of natural rubber is required.

Other such materials include: tin, manganese, iron ore, copra, copper, and others.

LONG-TERM CONTRACTS

To increase the production of rubber and other strategic and critical minerals and materials from South America, it may be necessary to make a long-term contract on a specific basis with potential producers. It could be that natural rubber, for example, might cost a few cents more per pound than we pay for it in the Far East at the moment. In the case of an international emergency we could keep the shipping lines open from South America whereas it would be impossible from the Near East and other foreign areas under certain conditions.

Long-term contracts with South American potential producers could be done with no hardship of the United States.

It is well known that the English are, and have been, shipping both tin and rubber to Russia continually since World War II and that Russia is still bidding against the United States for the tin supply of the Malayan states, buying it through England. It is definitely the opinion of the junior Senator from Nevada that this new approach to increasing the security of the Western Hemisphere should be thoroughly explored.

Mr. President, I now ask unanimous consent to insert at this point in the RECORD a dispatch from the New York Times, under date of August 8, 1950. The dispatch relates to the new President of the Republic of Colombia. I wish to say that I have briefly visited the nation of Colombia, about 2 months ago, and I visited the new President of Colombia, Mr. Gómez. In my humble opinion, we shall see a new era develop in South America, based on the general policies which will be adopted by the new President of Colombia.

I ask unanimous consent to have this newspaper dispatch printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COLOMBIA'S PRESIDENT

There are few figures in the Latin-American world who have aroused more controversy—and more violent controversy—than Dr. Laureano Gómez, who became President of Colombia yesterday afternoon. His record, the method of his election, the policies pursued by the Conservative Government of the retiring President Ospina Pérez, for which Dr. Gómez is given credit and blame, all combine to provide subjects for passionate dispute.

The new President has enlightened neither his supporters nor his detractors. He is playing his cards close to his chest, saying nothing. At various times during his career he has been pro-Falangist and anti-American, but his recent pronouncements, including his fine tribute to the American role in Korea in the inaugural speech he made yesterday, indicate that he is now pro-American.

The great question mark is the extent to which Dr. Gómez has cast off his somewhat authoritarian convictions. His supporters claim that he is a good democrat but he has

given no evidence to that effect yet. A state of siege was introduced during the electoral campaign last November and all signs point to its continuance. Parliament has a Liberal majority; Dr. Gómez is head of the Conservative Party and is clearly determined that Colombia is going to have a Conservative regime all the way through. Such being the case, it is to be expected that the state of siege, including the censorship that muzzles the Liberal opposition press will not be lifted until Dr. Gómez can get himself a Conservative majority in Parliament. This is slated to occur in next June's elections. It would be a change of present policy if the Liberals were given a fair field to contest those elections, but it must remain a possibility.

One of the ugliest features of the Colombian picture for many months has been the violence that continues unabated. Dr. Gómez yesterday promised "to use all the weight of authority against it." In restoring order he will have all patriotic Colombians on his side if it is done impartially and if the repression of violence is not used as an excuse to continue the widespread suppression of civic rights.

Laureano Gómez begins his term of office in a suspicious and anxious atmosphere, which he can overcome if he wishes. He has reached the pinnacle of power in his country and can afford to show moderation and patriotism. North and South America will be watching Colombia with mingled hope and anxiety.

Mr. MALONE. Mr. President, the New York Times of August 8, 1950, carries an article entitled "Bogotá Installs President Gómez." I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOGOTÁ INSTALLS PRESIDENT GÓMEZ—CONSERVATIVE TAKES POST, STILL BOYCOTTED BY LIBERALS—STATE OF SIEGE CONTINUES

BOGOTÁ, COLOMBIA, August 7.—Dr. Laureano Gómez took the constitutional oath as President of Colombia at the Capitol here this afternoon, succeeding President Mariano Ospina Pérez.

The Chief Justice of the Supreme Court, Domingo Sarasty, administered the oath.

Dr. Gómez, a Conservative, elected last November 27, was unopposed, as Dr. Dario Echandia, Liberal candidate, had withdrawn and his Liberal Party boycotted the elections. The elections were held under a state of siege suspending civil rights. The state of siege continues, and it appears unlikely that it will be lifted in the near future.

President Gómez' inaugural address of 6,000 words following a speech of equal length by Chief Justice Sarasty, who devoted much of his talk to praise and a review of the administration of President Ospina Pérez. President Gómez, emphasizing relations with the United States, expressed a desire to strengthen the bonds with that Nation. Referring to Korea, he announced that Colombia would be on the side of the defender of the sovereignty and independence of the people.

Referring to the domestic situation of Colombia, he invited a change "in our habitual style of collective activities," and added, "we are all convinced that we belong to a nation backward in many aspects of civil and economic organization."

One characteristic of this new style, he said, will be absolute honesty in the administration of the Government.

He also said that "homicide is enemy No. 1 of society" and that the Government would use all the weight of authority against it. There should be no doubt of this policy, he warned, as far as the executive authority of the Government is concerned.

President Gómez declared that his government would promote the extension of the Colombian merchant marine. Referring to aviation, in which Colombia perhaps leads all the countries of Latin America, he said that every effort would be made to extend and improve transportation.

The Liberals have refused to recognize the election of Dr. Gómez as legal, but so far the party has not taken any concerted opposition action. Apparently the Government is determined to maintain order in this city for the inaugural ceremony. Ten thousand troops and 4,000 municipal police were reported available.

Many leading Liberals left this city Saturday and were not expected to return until tomorrow. Virtually all the Liberal newspapers, about 25 of them, with the exception of the independent Liberal, El Relator, of Cali, are boycotting the news of the inauguration by not publishing either today or tomorrow.

Mr. MALONE. Mr. President, on July 10 there appeared in the New York Times a dispatch entitled "Colombia To Impose New Import Duties." I ask unanimous consent to have this article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COLOMBIA TO IMPOSE NEW IMPORT DUTIES

BOGOTÁ, COLOMBIA, July 9.—New customs duties that are expected to increase revenues from imports by $25,000,000 a year have been decreed by the president of Colombia. The decree becomes effective upon publication in Official Gazette. The decree freezes prices of both imported and domestic manufactures at the level of June 6, 1950, in order to prevent speculation by virtue of the new import rates. Adequate protection is given both to agriculture and local industry by the new rates.

The new tariff is a combination of both ad valorem and specific rates, the latter to be collected in pesos per unit of weight or measure.

Classifications and groups of merchandise are simplified and reduced under the new decree with some exemptions, including newsprint and school text books. Barbed wire pays 3 percent less ad valorem duty. Industrial machinery will pay one instead of two centavos a kilo specific duty, but the 6 percent ad valorem duty on the latter continues. The present tax on exchange, which was in effect a customs duty, will end when the decree becomes effective.

Mr. MALONE. Mr. President, in the Chicago Tribune for August 7 there appeared an article entitled "Gomez Pledges Colombia Will Help Fight Reds." I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GÓMEZ PLEDGES COLOMBIA WILL HELP FIGHT REDS—TAKES OATH AS PRESIDENT AMID DISSENSION

(By Jules Dubois)

BOGOTÁ, COLOMBIA, August 7.—"Colombia places itself on the side of the United States in the fight against communism," President Laureano Gómez said in his inaugural address before diplomatic missions from 34 nations today.

Gómez praised the United States for its heroic effort to save civilization in a lengthy speech, in which he devoted only one paragraph to foreign affairs. He said, "Colombia will strengthen its filial and fraternal ties with Mother Spain," and that "the closest ties of cooperation and friendship will be cultivated with the border nations." These are Panama, Venezuela, Ecuador, and Peru.

"We quote ourselves without any vacillation on the side of the defender of the sovereignty and independence of people and of the freedom and dignity of men which Communist tyranny wants to destroy," he said.

PRAISES UNITED STATES EFFORT

"The United States," continued, "is sending a vanguard of its youth to a bloody fight in defense of those principles, and my spirit will not be satisfied if in these moments my lips fail to pronounce words of admiration and recognition for the heroic effort it makes to save civilization."

Gómez referred to recent political killings, warning that criminals will be brought to justice. He urged all Colombians to substitute loyal and sincere friendship for division and resentment.

Gómez took the oath from Supreme Court Chief Justice Domingo Sarasty, because Congress was suspended last November when the retiring President, Mariano Ospina Perez, declared a state of siege. Gómez went to the polls unopposed and the Conservative Party won its second successive presidential triumph. The state of siege continues.

LIBERAL PAPERS SUSPENDED

True to the decision of 23 Liberal editors, no Liberal newspapers were published here today as a protest against the Gómez inauguration and censorship. They included El Tiempo, which is owned by former President Euardo Santos, who is the constitutional Vice President. New Vice Presidents are slated to be elected by Congress, which the Government will not permit to meet while the Liberals hold a majority.

A fireworks display was put on last night from Montserrate, the 13,000-foot peak which overlooks Bogotá, to celebrate the inauguration. The municipal government was host today at a soccer football double header, also as a part of the inauguration celebration. Taverns, which have been closed since Saturday, will not reopen until tomorrow.

NAMES CIVILIAN CABINET

The United States mission included Robert Butler, Ambassador to Cuba; the resident American Ambassador, Willard L. Beaulac; and Rear Adm. Edward Hanson, commandant of the Fifteenth Naval District in the Canal Zone.

President Gómez' first decree was the appointment of the first all-civilian Conservative Cabinet Colombia has had since June 1949. There was only one hold-over from the Ospina Pérez cabinet. He was Robert Urdaneta Arbelaez, formerly a delegate to the United Nations, who was retained as war minister.

Seven of the thirteen members are economists. Nine are under 40 years old. Five are also jurists. Six are politicians.

Mr. MALONE. Mr. President, the New York Journal of Commerce for April 6, 1950, carried an article entitled "Colombia Acts To Spur New Foreign Capital Investment." I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COLOMBIA ACTS TO SPUR NEW FOREIGN CAPITAL INVESTMENT—MINISTER DISCLOSES UNITED STATES TREATY NEGOTIATIONS PROMISES LIBERALIZATION OF RULES COVERING NEW PROJECTS

Colombia announced yesterday that it will broaden its efforts to secure foreign capital for internal development through negotiation of a special commercial treaty with the United States and a sweeping liberalization of regulations covering investments from abroad.

The nation's 34-year-old Finance Minister, Dr. Herman Jaramillo-Ocampo, disclosed at a press conference that the treaty negotia-

tions are already under way and progressing satisfactorily. The aim is an agreement on the model of the one concluded by the United States with Uruguay and which has been sponsored by the State Department as a primary instrument for encouraging the flow of American capital to foreign countries.

TO SEEK LOANS—ADVICE

He also revealed that Colombia is seeking $20,000,000 from international lending agencies and that a special banking mission of the Federal Reserve Board will soon be sent to Colombia to advise the Government on formulation of financial policies designed to stimulate agricultural and industrial production.

Negotiations have been started with the International Bank for Reconstruction and Development for a $10,000,000 loan for electrification projects, he said. The nation also hopes to secure another $10,000,000 from the Export-Import Bank for railroad, pipe-line, and road-building equipment.

Dr. Jaramillo told reporters that the International Bank will be asked for a further extension of credit but that detailed terms of the loan application will not be drawn up until after a special International Bank mission which recently surveyed the country makes its report—probably in 3 weeks. He estimated his country's total foreign capital needs to cover transportation equipment at about $120,000,000.

UNLIMITED REPATRIATION OF CAPITAL

Under the new investment regulations, the finance minister said, the Colombian Government will allow investors putting their capital into approved projects:

1. To repatriate their investments at any time at the rate of exchange prevailing at the time the investment was made; and

2. Remit profits in unlimited amounts.

These regulations will be issued before the end of April, Dr. Jaramillo promised.

He indicated that the problem of confiscation will be dealt with in the United States-Colombian treaty which will include a provision for prompt indemnification of foreign investors.

At present, Colombia permits investors to withdraw their capital after a 5-year period. Presumably government approval to qualify foreign investments for the advantages of the new regulations would be granted primarily for electrification, irrigation, and transportation development projects which the minister listed as the three basic problems of the country.

Dr. Jaramillo reported that tight import restrictions and the rise in coffee prices have put the country in a sound position. The Colombian central bank's gold reserves now total $135,000,000, an increase of $55,000,000 from April last year, and the Government expects to be able to boost imports from the United States about 30 percent this year to approximately $400,000,000. The forecast rise in imports is based principally, he stated, on higher coffee prices while the strengthened reserve position reflects the stringency of import controls.

Mr. MALONE. Mr. President, I have before me another article from the New York Journal of Commerce, under date of August 14, entitled "Mission Outlines Program of Colombian Development." I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISSION OUTLINES PROGRAM OF COLOMBIAN DEVELOPMENT

A long-range development program for Colombia which in its first 5-year phase probably would require a net capital inflow of some 60,000,000 pesos per year, was made public over the week end by the International Bank for Reconstruction and Development.

This program, which the Bank terms more definitively "the basis of a development program for Colombia" was prepared in collaboration by a bank mission which spent 4 months in the Latin-American Republic.

The mission, headed by Laughlin Currie, had the task of formulating a long-range development program to raise the standard of living of the Colombian people.

SEEN LAYING GROUNDWORK

With this end in view, the report—a summary of which was released yesterday—is focused on how the nation's resources can best be used. The mission's recommendations are intended to lay the groundwork for coordinated action on various fronts to develop Colombia most effectively.

Treated successively in the summary are: Agriculture, industry and fuels, transportation, public health, electric power and community facilities, housing and other building, public finance and fiscal policy, monetary and banking policy, foreign trade and exchange, government organization and economic data, and finally the over-all program.

Excerpts from the sections relating to transportation and foreign trade follow:

TRANSPORTATION

"The surface transportation system is fragmentary with no independent integrated system of railways, highways, or inland waterways."

The mission suggested building a new railway along the Magdalena River from Puerto Wilches to La Dorada and Puerto Salgar and that work be stopped on four less essential railway lines.

The mission recommended that highway construction, instead of being spread out over more than a hundred projects, as in 1949, be concentrated on five relatively short but critically important segments.

PORT IMPROVEMENT

"Three major projects for improvement of waterways appear to merit high priority. They are:

"1. Stabilization of the shifting Magdalena River channel for 20 miles opposite and below Puerto Wilches. We believe the government should be prepared to spend at least Ps. $3,000,000, plus U. S. $1,500,000 for dredges, and to undertake annual maintenance expenditures of Ps. $250,000.

"2. Dredging of the Bocas de Ceniza at the entrance to Barranquilla Harbor. An initial outlay of Ps. $10,000,000 and a continuing cost of perhaps Ps. $2,000,000 annually are estimated.

"3. Improvement of the Canal del Dique to permit fuller use of the excellent natural port of Cartagena and abandonment of the inefficient Cartagena Railway. This is estimated to require Ps. $4,000,000 and annual expenditures of about Ps. $285,000."

GRAN COLOMBIANA EXPANSION

"We believe it is doubtful that further expenditures by the Gran Colombiana line for the purchase of more ships and the opening of new routes would yield returns as large as equivalent investments in Colombia itself, especially since the maritime shipping industry is becoming increasingly competitive."

FOREIGN TRADE

"The foreign trade position of Colombia is relatively favorable, particularly in relation to hard currency markets. The country's dollar earnings derive principally from the export of coffee, and rising demand and prices for this commodity have largely accounted for the increase in the value of Colombia's export from United States $81,000,000 in 1938 to United States $124,000,000 in 1948.

"Should coffee hold at anywhere near its price in early 1950, foreign exchange receipts might very well approach United States $400,000,000 annually. Over the longer term, however, this dependence on the fortunes of a single crop may be a source of weakness."

"For the next few years, however, Colombia's satisfactory trade position should greatly ease the problem of development, if wise financial policies are followed. The foreign funds available should be sufficient to finance both the necessary purchases of capital equipment from abroad an adequate volume of consumer goods as well. At the same time, domestic production and services may be expected to increase at an accelerating rate."

"Service on its external debt of approximately United States $130,000,000 amounts to less than 4 percent of current exchange receipts."

Report notes great bulk of direct foreign investments have been in oil and gold mining and points to benefits that could be derived from diversified equity investments from abroad. It states that studies indicate overall program can be realized within the period specified only if there is a net inflow of foreign capital of approximately $60,000,000. The gross inflow must be much larger.

"The actual treatment of foreign capital in the middle of 1949 seemed to be reasonably fair, but a feeling of uncertainty was prevalent about the exchange rate, the operation of the exchange controls and about the way which the many other laws and regulations affecting foreign investment might be applied in the future."

Diversification of exports is recommended. Encouragement of exports to Venezuela as a means of earning dollars is seen desirable.

Mr. MALONE. Mr. President, I also request to have printed at this point in the RECORD a biography of Dr. Laureano Gómez, the forty-eighth President of the Republic of Colombia.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF DR. LAUREANO GÓMEZ, FORTY-EIGHTH PRESIDENT OF THE REPUBLIC OF COLOMBIA

Dr. Gómez was born in Bogotá on February 20, 1889. He studied at the Jesuits' College of St. Bartholomew where he obtained his bachelor of arts in 1905. He entered the Engineering School of the National University and was graduated with a degree in civil engineering in 1909.

While still a student at the engineering school he participated for the first time in politics delivering a resounding speech against the dictatorship of General Reyes.

Although in the same year of 1909 he had an excellent opportunity to practice his profession as engineer on the Antioquia Railroad, he decided to devote himself entirely to politics. He invited a group of prominent members of the Conservative Party and proposed the founding of a newspaper. As a result, the daily La Unidad appeared in October 1909, with Dr. Gómez as managing editor. From its columns he fought ardent political campaigns until 1916. From the start, these campaigns gave him an immense political prestige among the Conservative youth. In 1911, when only 22 years old, he was elected to the House of Representatives. In 1912 he proved himself to be the foremost parliamentary speaker of the country with a sensational speech on the question of negotiations being carried out on the Muzo emerald mines. He continued active in Parliament with increasing prestige until 1916.

During the last 3 years of his first period of parliamentary life he strongly attacked the then head of the Conservative Party, Marco Fidel Suarez. As a consequence of these attacks, he became in 1915 an intimate friend of a young Liberal banker, by name of Alfonso Lopez, who had decided to abandon the wide and promising financial world open to him through the prominent commercial position of his family, in order

to devote himself to politics. The personal relations of the young Conservative speaker, Laureano Gómez, and the young Liberal banker, Alfonso Lopez, constitute since then what may be called the axis of Colombian politics. They have a mutual admiration and respect for each other. The tides of political fortunes forced them to part at times and even to attack one another, but the mutual admiration does not wane but on the contrary increases with the passing of time. In the hour of fateful decisions for the Republic the old friendship of these two men, born out of the parliamentary campaigns, continues to play an important role.

In 1917 Dr. Gómez devoted himself for the first time to his professional practice. In disagreement with the heads of his party, whom he had violently attacked, he temporarily withdrew from politics and devoted his energy to his engineering practice in one of the railroads under construction backed by the family of Alfonso Lopez. When the latter established the Mercantile American Bank, in Colombia, he called Laureano Gómez to work with him.

In 1921 Dr. Gómez returned to Parliament during the Presidency of Marco Fidel Suarez. On the 26th of October of that year the most sensational speech of his career, against President Suarez, forced the latter to resign the Presidency. In that same year—1921—in the house of representatives took place the most spectacular parliamentary debate recorded in Colombia's history: Two of the greatest and most well-known speakers of Colombia, Laureano Gómez and Enrique Olaya Herrera, came face to face on the occasion of the debate on the modification of the Treaty of 1914 with the United States, relating to the Panama affair. Olaya defended the amendments. Laureano Gómez found that the spirit of the treaty had been destroyed with the deletion of the words "sincere regret."

During the presidency of Gen. Pedro Nel Ospina, Dr. Laureano Gómez was appointed delegate to the Pan American Conference of Santiago de Chile and then, in 1923, Minister Plenipotentiary of Colombia before the Government of the Republic of Argentina—a post held until 1925. The years spent in Argentina were very fruitful. He devoted himself to study that country and to analyze the sources of its great development and prosperity and to envision the means and ways of giving a similar impulse to Colombia.

After his return from Argentina, Dr. Gómez was appointed minister of public works. There he found a wide field to put into practice the knowledge acquired in the Argentine. He became the chief collaborator of General Ospina and worked tirelessly by his side until the 7th of August 1925, when the presidential period of Ospina ended, and Dr. Miguel Abadia Mendez assumed office. As minister of public works, he took part in resounding parliamentary debates. Unexpectedly he took the offensive. Until then the offensive was the reserved right of parliament and cabinet ministers had to be on the defensive. Dr. Gómez changed the custom with violent attacks against the most prominent senators and representatives of the times.

On the 28th of September 1927, during the incumbency of Dr. Abadia Mendez, Laureano Gómez and Alfonso Lopez reunited once again to attack, in the most violent manner, and to frustrate the petroleum negotiations of the Government with Colonel Yates, representative of the Anglo-Persian Oil Co. The administration of Abadia Mendez believed that the Colombian policy in oil matters should be aimed toward an understanding with Great Britain in order to limit and restrict the activities of the North American companies.

In 1928 with relations somewhat strained with Dr. Abadia and in general with the chiefs of his political party, Dr. Gómez left for Europe, after delivering at the Municipal Theater in Bogotá the most controversial conference heard in Colombia. In Europe he devoted himself entirely to studying. In 1931 President Olaya Herrera appointed him Minister Plenipotentiary in Berlin; he accepted the post because he wanted to take before the German Government a series of complaints and claims against German business firms operating in Colombia.

In 1932 he resigned the post in the Colombian Legation to Germany and returned to Colombia. He had just been elected senator. The defeated, fallen, and battered conservative party turned its eyes to Laureano Gómez and decided to have him represent it in the senate, notwithstanding the bitter political campaigns he had waged against the chiefs of that party.

On his return to Colombia he immediately became the sole chief of the conservative party. Ever since his first parliamentary campaigns he stood out as the dominating figure of the conservative party. It did not seem necessary to appoint him officially the head or director of the party. His speeches in the senate stamped him as such. On his return to Colombia he found an antagonized, persecuted, disconcerted, and disbanded party. The parliamentary campaigns of Laureano Gómez produced in the party a magic reaction. The conservative party found in Laureano Gómez its avenger. Since that moment his prestige as chief was undisputed and undisputable. With every new speech his prestige grew and increased. With the same vehemence that he attacked the conservative presidents he attacked the liberal President Olaya Herrera.

On the 7th of August of 1934, as President of Congress, he gave the oath of President of the Republic to his old and intimate friend Alfonso Lopez. The personal friendship between Gómez and Lopez created within the Liberal Party a problem of a schism. The consequence of that situation was a break between Alfonso Lopez and Laureano Gómez which had unusual importance in the political life of Colombia. Since that moment they attacked each other with great vehemence, but their mutual admiration did not decrease. For Laureano Gómez, Alfonso Lopez is the most important Liberal chief. For Alfonso Lopez, Laureano Gómez is the real Conservative chief. One of the outstanding characteristics of Alfonso Lopez, from a political viewpoint, is that having had every opportunity to split the Conservative Party by offering high posts to the Conservative enemies of Laureano Gómez, he abstained from doing so. Lopez did not believe an understanding possible between the two political parties but through Laureano Gómez, because he was the only Conservative in whom he believed and whom he respected.

On the 7th of August of 1934 Dr. Eduardo Santos assumed the Presidency of Colombia. Laureano Gómez from the columns of his newspaper and from his chair at the senate launched the most ardent and resonant attacks against President Santos.

When Lopez again assumed the Presidency on the 7th of August of 1936 he was still keeping his distance politically from Laureano Gómez. The latter was following his bitter compaigns against the Liberal regime. He had abandoned Parliament and was entirely devoted to his newspaper El Siglo which rapidly gained a large circulation. Every day El Siglo published a sensational attack against the Liberal regime. With a year or more for his term to expire Lopez voluntarily resigned from the Presidency. Alberto Lleras Camargo, as Vice President assumed office. From the start of the Lleras administration, Laureano Gómez acknowledge that the new President was inspired by the most honest and patriotic sentiments. It did not matter if Lleras was a Liberal. Lleras was proving that he was a fair, capable, and honest man. Laureano Gómez decided to support him with the greatest enthusiasm.

On the seventh of August of 1946 Dr. Mariano Ospina Perez assumed the Presidency of the Republic and proclaimed his policy of national unity. He offered the Liberals half of the Cabinet posts and half of the governorships. A majority of the Conservative Party resented and opposed this policy. Dr. Gómez backed President Ospina Perez. He used all of his influence with the Conservative Party to allow President Ospina Perez to carry on his policy of national unity. In March of 1948 the Liberals decided not to continue collaboration with the Ospina Perez administration. The President was forced to form a one-party Cabinet. To give this Cabinet the sufficient strength and stability to stand up against a Congress with a Liberal majority, it was indispensable for Dr. Gómez to become a member of the Cabinet. Dr. Gómez accepted then the post of Minister of Foreign Relations. As a consequence of the well-known events of April 9 a Cabinet of national unity was again formed. Dr. Gómez left for Europe, where he stayed for several months. While the Conservative Party was going through very difficult times Dr. Gómez was forced to return to Colombia and to accept the nomination for the presidential race. On the 27th of November he was elected President by more than a million votes. Ever since he was elected, until the present time, he has made repeated and sensational statements regarding his desire to obtain for his administration the cooperation of the Liberal Party, and of his purpose to form a truly democratic administration. Also he has publicly expressed his purpose to put an end to political hatred in Colombia. In respect to the United States he has voiced his firm intention of maintaining the most cordial and friendly relations and of furthering the policy of inter-American solidarity traditional in Colombia.

When the invasion of Korea took place, Laureano Gómez hastened to affirm his stand on the side of the United States and to express his adherence to the policy set forth in the message of Dr. Ospina Perez to President Truman. Without any hesitation he offered now and in the future the cooperation of Colombia to the United Nations and to the United States.

COLOMBIA TYPICAL SOUTH AMERICAN COUNTRY

Mr. MALONE. Mr. President, Colombia is a typical South American country. It is a relatively undeveloped nation—but rich in possibilities.

AMBASSADOR DOING GOOD JOB

Our Ambassador, Mr. Willard L. Beaulac, is apparently doing a first-class job. He is assisted by able assistants, including Mr. Dudley Singer, commercial attaché, and Irven M. Eitreim, agricultural attaché. They understand the country and are really working at their jobs.

ANTONIO MARIO PRADILLA AND BROTHER

I was fortunate in meeting Mr. Antonio Mario Pradilla and his brother, both possessing outstanding ability and patriotism and with an overpowering desire to advance their country's interests and development.

They are landowners and stockmen—I visited their dairy, with its up-to-date milking machines and well-equipped barn and arrangements—including a milk pasteurizing plant.

I also visited their stock farm which included some of the best stock obtainable in America—one Holstein bull weighing approximately 2,800 pounds.

INDUSTRIES

I also visited a furniture factory and a textile mill where the latest American machinery and methods are utilized—

they each employ several hundred men at the top wages of the country—9 to 12 pesos per day. When it is realized that the wages for common labor range from 2 to 5 pesos per day it is easy to visualize the value of such factories to supply the local market.

Mr. President, if the President, Mr. Gómez, and his able Secretary of Finance, can carry through their program of attracting American capital in establishing the necessary payroll industries over the years ahead there should very soon be a noticeable increase in the wage standard of living in the nation of Colombia.

Mr. President, I ask unanimous consent to include in the RECORD at this point a short study of the nation of Colombia.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

COLOMBIA

I. GENERAL INFORMATION

A. Population: 10,776,880.

B. Area: 439,714 square miles.

C. Cities: Bogotá, 503,230, capital; Barranquilla, 253,450, port; Medellin, 246,450, mining; Cali, 153,300, coffee, mining.

D. Monetary Unit: Peso, value as of July 1950:

Bank of Republic rate	[1] $0.51
Exchange certificate rate	0.33
Free market rate	0.30

[1] Some imports are paid for at this rate, subject to exchange taxes ranging from 10 to 30 percent. Other imports are paid for at the exchange certificate rate, subject to the same taxes. All exchange taxes are calculated at the official rates, however.

E. Religion is Roman Catholic and language is Spanish.

F. Climate is torrid in the north along the Caribbean, but temperate in the capital of Bogotá which is 8,000 feet above sea level. Dry season occurs in the summer.

II. POLITICAL INFORMATION

A. History and source of executive power:

Colombia, called New Granada until 1867, won her independence from Spain in 1824 and became a republic in 1831. Intermittent civil war was carried on until Panama broke off in 1903 with United States backing. The constitutional system closely follows that of the United States, with a president elected every 4 years and appointing his own cabinet. Congress consists of a senate with 63 members elected every 4 years and a house of representatives with 123 members elected for 2 years. All male citizens over 21 are eligible to vote, and military service is compulsory.

B. Political summary:

The Colombians are equally but bitterly divided between the Conservative and Liberal Parties. Mariano Ospina Perez was elected president by the Conservatives in 1946 for their first administration in 16 years. The Liberals held a majority in congress, and Perez kept a bipartisan cabinet until March 1948. Then the Liberal leader, Jorge Gaitan, presented a list of grievances to the president and ordered the Liberals to leave the cabinet. Gaitan was assassinated in April during the meeting of the Inter-American Conference. Rioting began, and many government buildings were wrecked by the rebels. A new coalition cabinet was formed, and on April 11, martial law was declared in Bogotá. President Perez said the rioting was Communist-inspired with intent to break up the conference. The final agreement of the conference came on May 2 and on the next day Colombia broke off relations with the Soviet Union.

On August 7, 1950, Dr. Laureano Gómez, a Conservative elected in November 1949, was inaugurated president on August 7, 1950. The Liberals have refused to recognize the election, as it was held during a state of siege which still exists. Gómez says that he desires closer relations with the United States, and that Colombia backs the action of the United Nations in Korea.

III. ECONOMIC INFORMATION

A. Industrial production:

1. Manufacturing industries:

(a) Most important are textiles, glassware, cement, chemicals, beverages, and tires.

(b) An iron and steel industry is now under construction with unrestricted foreign capital behind it.

2. Agricultural industries:

(a) Great majority of people live by farming and cattle-herding, but only small part of the land is cultivated. There were 14,000,000 head of cattle by 1949. Hides and skins, beef, and dairy products fulfill almost entire domestic demand.

(b) Farm products for domestic consumption are corn, rice, wheat, barley, potatoes, and cane sugar.

(c) Products for export are coffee and bananas.

3. Mining industries:

(a) Petroleum leading in value, but production (23,000,000 barrels in 1948) has declined because of the withdrawal of United States companies. Most exploratory attempts have proved unsuccessful.

(b) Other minerals mined are gold, silver, platinum, and emeralds.

4. Natural resources:

(a) Forests cover a large part of the country, but are as yet unexploited. Products include quinines, vanilla, gums, and balsams, rubber, and hardwoods.

(b) Coal potential said to be in excess of 27,000,000,000 tons.

5. Transportation:

(a) Highway mileage of 42,700 is far behind country's requirements, and only 18 percent of this is improved.

(b) Air service is modern with nine companies engaged.

(c) The merchant marine is combined with that of Ecuador and Venezuela into the Flota Mercante Grancolombiana. This line is growing steadily and is second only to the Grace Line in handling the country's trade.

B. Economic summary:

Governmental controls were greatly increased in 1949 over Colombia's commerce and industry, preventing the full potential use of facilities. Regulations were changed so frequently that businessmen feared to plan for the future. Strong import controls counterbalanced the unfavorable trade situation in 1948, so that 1949 ended with a surplus of $11,000,000. Uncertainties of investment caused a decline in foreign capital, and Government red tape in obtaining licenses made commercial transactions difficult. Agricultural and livestock industries increased, but total petroleum output declined. An improved dollar situation in 1950 means that some restrictions will be removed, and imports of capital goods can be increased.

IV. TRADE

A. Exports:

1. Total exports in 1949 amounted to $325,000,000, of which $266,000,000 went to the United States.

2. Exports to the United States in order of value:

Coffee	[1] $218,000,000
Petroleum	29,000,000
Gold	8,000,000
Bananas	7,000,000
Platinum	1,600,000

[1] Value helped by high prices in the United States.

B. Imports:

1. Total imports in 1949 amounted to $237,000,000, with 70 percent coming from the United States.

2. Imports in order of importance: Machinery, metal manufactures, textile fibers, chemicals and drugs, vegetable products.

C. Trade agreements:

1. Colombia is increasing her trade with western Europe through bilateral agreements, the most important being in July 1949 with West Germany.

2. The United States-Colombia reciprocal trade agreement ended in November 1949 by mutual consent, and Colombian import duties rose immediately. The new tariff policy is highly protectionistic.

D. Exchange policies:

1. Colombia's custom tariff revision was adopted on July 12, 1950. The new import tariff is composed of both specific and ad valorem rates. It means an over-all rise in all levies.

2. Everything is administered by the Exchange Control Office with the purpose of accumulating the maximum foreign exchange. The new tariff policy will also mean a relaxation of import quotas on medical supplies, automotive and machinery parts, and other essential items. Commerce, industry, and agriculture, as well as trade, are administered through the Exchange Control Office.

START WITH OUR OWN COUNTRY

Mr. MALONE. Mr. President, in offering a new approach to the problem that confronts us of bringing about equity in the exchange of goods, we must first start with the United States. As I have pointed out the United States has approximately 45 percent of the dollar income of the world. This means that we have automatically been placed in the position of being the cornerstone of world economy.

Of first importance is to protect the income of the United States as a solid anchor against any attempt to break down our price and income level.

FLEXIBLE IMPORT FEE—TARIFF

For this purpose we should provide for a flexible tariff at the American cost level, with provisions for a reduction in the tariff in direct proportion to the increase in the price of imported products. If and when the price of a foreign product is at the same level as our own price level, the tariff would not be required to protect the price differential.

POINT 4 PROGRAM

The point 4 program advanced by the administration cures nothing and would perpetuate the underpayment for other nations' goods, thus making recovery impossible.

EQUAL EXCHANGE OF HOUR'S LABOR—NOT DOLLARS

The fallacy of equal exchange of dollars is readily seen if we will reflect that an hour's labor abroad is worth only one-twentieth to one-third of an hour's labor in the United States.

No equal exchange is possible until we can exchange hours of labor on an equal basis, and that is the foundational approach which I am making here; however, the foreign nations themselves must see that the workingmen get their fair share to make the system work—then they create additional markets at home.

PART OF THE NEW APPROACH TO TRADE BALANCE FEDERAL RESERVE SYSTEM HANDLING FOREIGN EXCHANGE SALES AND PURCHASES ON CURRENT RATE OF EXCHANGE

Mr. President, the goal of all planning for the international economy should be

to provide a climate in which the interchange of goods between nations will find its level in currency values and the investment of private capital is encouraged. We all are agreed, I think, that the single-most obstructive barrier to trade is the existence of unconvertible currencies.

In order to approach a solution of this problem on the international scene, and at the same time to bring about a solution of one of the most vexing problems in our domestic economy, the surplus food boards, we may give serious study to the following suggestion.

SURPLUS FOOD SOLD FOR INDIVIDUAL NATION'S CURRENCIES

If we permitted the surplus food stores which this Government has accumulated in the past to be sold abroad at their true value for the currency of the country receiving the goods, and only friendly countries would be permitted to purchase them, we could establish a system whereby, through regular commercial channels the problem of United States surpluses would be used for the best possible purpose.

Instead of rotting in the caves of Kansas and the hangars of Maine the surplus food could go to the people most in need of it, and at the same time the Government of the United States could accumulate a substantial deposit of foreign currencies.

These currencies could be used for the purpose of purchasing stockpiling materials, on the governmental level; they could be used to defray some of the expenses of our Army abroad in those particular countries, and they could be used, as the most desirable goal, by importers of foreign products, for payments abroad.

In the beginning it might be necessary for the United States Government to set the exchange according to the estimated free market, but soon the demand would regulate the exchange rate on the open market, and the sale of the surplus food supply to such foreign nations would accumulate a reserve of such foreign currencies.

The plan appears feasible, and would ultimately do a great deal to restore the free convertibility of foreign currencies with the dollar, and would accomplish the very thing which the International Monetary Fund, among other agencies, has been unable to accomplish.

ACCUMULATE FOREIGN CURRENCIES

Mr. President, the underpayment, according to the price-index system as shown in the tables for the products which the United States has imported from abroad, is something which should find a solution; and this system of using our food surpluses to accumulate foreign exchange and make it available to the American purchaser of imported products, is not a cure-all for all the problems besetting the world today.

But I believe that serious study should be given these factors, and, I am sure an approach to a feasible solution can be found.

These two factors, together, may bring about an end to the constant cries of dollar gaps and trade-balance deficits, and again bring on the international economic scene confidence, health, and honesty, and, will in addition, tend to decrease the insidious, creeping infiltration of Communist and Socialist doctrines around the world.

FREE EXCHANGE IN THE MARKET PLACE

When money is loaned—as through the Marshall plan, UNRRA, the British loan gifts of $3,750,000,000 through the Export-Import Bank, the World Bank, or any other direct or indirect putting out of taxpayers' dollars—require an equivalent amount of that nation's currency to be deposited with the Federal Reserve System in a special fund at the current rate of exchange, then the operation will at least be upon a business basis.

TRADERS, BROKERS, OR GOVERNMENT PURCHASES

When an American purchase is made from a foreign country, it may be manganese, chromite, copper, gold, tin, copra, rubber, or any commodity from the sterling area, pay for it in funds—if such products come from France, New Caledonia, French West Africa, or Indochina—pay the bill in francs at the going rate of exchange.

DEAL IN CURRENCIES AT THE FREE-MARKET LEVEL

The American purchaser would simply purchase in pounds, francs, or yens, as the case may be, from his local bank at the current rate of exchange and pay for his purchases in that country's currency.

ACCEPT THE NATION'S CURRENCY PURCHASING THE PRODUCT

If such country purchased a product from an American let him accept that nation's currency and turn it into his local bank which in turn would settle its exchange with the Federal Reserve bank in the usual manner. The American seller would get the dollars which he must have in his business at the current rate of exchange.

THE CHANCE FOR GOVERNMENT TO LOSE

The chance for the Federal Government to lose would be through the particular country printing too much of its currency and the exchange rate going down—this, however, could be safeguarded through prudent banking practices in watching the operations of the country in question and requiring that such information be furnished to the Federal Reserve System at all times.

SEPARATE HONEST FROM DISHONEST OPERATORS

This method of banking the exchange of currencies for the ordinary channels of trade would answer all questions of dollar gap except the countries which frankly want gifts of money above their earning power. It would very soon separate the honest from the dishonest operators.

STUDY THE PLAN

The junior Senator from Nevada suggests that in lieu of accepting the first hard-luck story that comes along that the proper congressional committee study the feasibility of the three suggestions as a new approach to the exchange of goods before adopting any plan which assures the loss of the taxpayers' money:

First. Study the feasibility of paying a price for foreign products based upon the 1926 or the 1934–39 average as normal and utilizing the three price indexes as a foundation:

(a) The Wholesale Commodity Index—Bureau of Labor Statistics.

(b) The Associated Press Price Index.

(c) The Consumers Price Index—Bureau of Labor Statistics.

Second. The flexible import fee (tariff) principle—establishing a market for all nations' goods upon the basis of "fair and reasonable" competition—note, see statement and flexible import fee bill introduced in 1948 and again in 1949 and offered as a substitute for the extension of the 1934 Trade Agreements Act in the September 12–15 debate in 1949.

Third. The suggested Federal Reserve System of banking foreign exchange in the normal trade channels.

It is suggested that a feasible new approach to the desired normal free market business exchanges may be through the utilization of the three logical steps in arriving at a sound foundation for foreign trade.

CONGRESS MUST ACT

DOMESTIC POLICY

The Congress of the United States in 1934, with limited debate, in what could prove to be the most far-reaching action since the adoption of the Constitution transferred its constitutional responsibility for the regulation of foreign trade to the executive branch of the Government. The 1934 Trade Agreements Act as extended is in effect at this time.

STATE DEPARTMENT'S HYBRID DOMESTIC AND FOREIGN POLICY

The executive branch of the Government, presently dominated by the State Department, is still operating a hybrid combination of domestic and foreign policies under the 1934 Trade Agreements Act—and the constitutional responsibility of the executive branch is to establish foreign policy.

"ONE ECONOMIC WORLD" OBJECTIVE

The three-part one-economy world program—prohibited by the Constitution but legalized through the 1934 Trade Agreements Act—was outlined by Willard Thorp, Under Secretary of State, before a congressional committee when he said:

1. The Trade Agreements Act is an integral part of our over-all program for world recovery.

The 1934 Trade Agreements Act as extended provides that the executive (State Department) may lower tariffs or import fees approximately 75 percent and through that method divide the markets of this Nation with the countries of the world to the extent that theoretically there will be no trade-balance deficits, the one economic world theory.

Under this act the State Department has removed the floor under wages and investments.

2. The European recovery program (Marshall plan or ECA) extends immediate assistance on a short-term basis to put the European countries back on their feet.

The ECA makes up the trade balance deficits of the 16 Marshall plan countries in cash and goods each year with no conditions atached—our chief export being cash—until such time as we can divide our markets with such nations under the Trade Agreements Act, to make up the deficit.

3. "The International Trade Organization, upon which Congress will soon be asked to take favorable action, provides a long-term mechanism; each part of this program is im-

portant. Each contributes to an effective and consistent whole."

Adoption of the ITO on the President's "must" list for immediate action would transfer the regulation of our national economy to a foreign-controlled organization—58 nations each having 1 vote—we would have the same vote as Siam. The ITO would fix tariffs and quotas of production for its member nations.

Congress should take immediate action to repair the damage to the American workingmen and investors, and to again separate the domestic and the foreign policies as provided in the Constitution of the United States:

First. Substitute the flexible import fee principle—Senate bill 1965, Eighty-first Congress—for the 1934 Trade Agreements Act as extended, and regain its constitutional responsibility for the regulation of the national economy through the regulation of foreign trade.

Second. Place definite conditions upon any further aid to the 16 Marshall plan countries—ECA—which should include: integrity of private investments; loans to private business on RFC terms; join with participating countries in a United States of Europe; equal access to the trade of the nations of the world, subject only to the action of such individual nation; and stopping all assistance to Communist-controlled areas.

Third. Defeat the proposed International Trade Organization, which is on the President's "must" list of legislation for immediate action; the ITO is a bold and vicious proposal to deliver the regulation of our national economy into the hands of the foreign nations.

FOREIGN TRADE—FAIR AND REASONABLE COMPETITION

Under the flexible-import fee bill the long experienced Tariff Commission would become the Foreign Trade Authority with full authority to adjust import fees and tariffs on the principle of "fair and reasonable" competition—in the same manner as the Congress has long since created the Interstate Commerce Commission with full authority to adjust freight rates for the carriers on the principle of a reasonable return on the investment.

NO HIGH OR LOW TARIFF

Under the flexible-import fee principle there would be no consideration of a high or low tariff or import fee—but would be so adjusted to represent that differential of cost of production mostly due to the difference in the wage-living standards between this country and in the competitive areas.

Under the fair and reasonable competitive principle we would thus maintain our standard of living while assisting other nations to raise their own. The flexible-import fee would be adjusted downward as the competitive nations raised their standard of living, and when such standards approximate our own, then the common objective of free trade would be the almost immediate and automatic result.

FACTORS IN DETERMINING IMPORT FEE

Many factors would be considered by the Foreign Trade Authority in establishing the proper import fee or tariff, but in the last analysis, if foreign nations insisted upon manipulation of their money systems for trade advantage—bulk buying and selling by governments and other subterfuges—then the two controlling factors under my proposed flexible-import fee bill could be the declared customs value and the offered for sale price. Free trade without price protection leads to exploitation.

ESTABLISH DEFINITE BASIS FOR FOREIGN TRADE

Through this method a definite basis of trade with foreign nations is established—and will result in an incentive for foreign nations to raise their own wage-living standards—thereby enlarging their own markets—because there would no longer be an advantage in freezing the wages as they have done in England—or in holding the slave labor in the Far East, Africa, and other colonial areas for price advantage.

ONE ECONOMIC WORLD FOR WORLD PEACE

Administration spokesmen have been frank and open in their purpose of establishing a One Economic World through the division of the markets of this Nation with the foreign nations of the world—thus averaging the living standards in the interest of world peace and the prevention of world war III. The free trade policy was adopted and its administration put into the hands of the State Department in 1934—since that date we have fought World War II—and according to the propaganda of that same State Department, we are edging dangerously close to world war III.

POLICIES DIAMETRICALLY OPPOSED

Contrary to that philosophy—informed people believe that an economically strong United States of America is the best safeguard of the peace of the world. Congress should act immediately to stop this senseless betrayal of the workingmen and investors of this Nation by an industrially inexperienced State Department.

THE OBJECTIVES—EVEN EXCHANGE OF HOURS OF LABOR

The hybrid foreign policy of obtaining cheap good in return for exports produced by our American wage level must be replaced with a policy which will give other nations a comparative price for their products.

It is not the even exchange of dollars that is important in the ultimate balance of foreign trade—it is the even exchange of an hour's labor that should be the ultimate objective.

FOREIGN POLICY

The President of the United States—the executive branch—is charged with the responsibility of establishing the foreign policy, by the Constitution. The Constitution, however, gives Congress the right to regulate foreign commerce, and all treaties affecting trade should have its approval.

When a treaty is presented to the Senate for ratification by the President—they may accept or reject it—Senators may debate, but they cannot fix foreign policy except as it affects foreign commerce.

BASIC SUBJECT OF FOREIGN POLICY NEVER DISCUSSED

The basic subject of foreign policy and the distinction between political and economic policies has never been discussed with the American people.

The question at issue has not changed since the Monroe Doctrine was established by President Monroe in 1823, to protect South America and the Western Hemisphere from encroachment by the empire-minded European nations, and that is—what are the areas in the world today—and name the nations—whose integrity must currently be protected for our own ultimate safety.

THE MONROE DOCTRINE

Once these areas are determined—considering the improved methods of offense and defense—then President Monroe's exact words could be utilized in announcing an extension of the principles of the 127-year-old Monroe Doctrine, leaving out any reference to the Western Hemisphere, and say in effect to the world and to the American people that "we owe it therefore to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system, as dangerous to our peace and safety."

NATIONAL DEFENSE ORGANIZATION

Then proceed to build a national defense organization spearheaded by an air corps and a submarine fleet that bears silent evidence that we are ready and willing to enforce the extended doctrine.

MARSHALL PLAN—ECA

Any further aid to the Marshall-plan countries—ECA—should be based upon the following conditions:

(a) Integrity of private investments.

(b) Free convertibility of their currencies in terms of the dollar.

(c) Join with the participating countries to form a United States of Europe.

(d) Any monetary aid to be loaned to such countries through the World Bank in the same manner as RFC loans are made to private business in this Nation during times of stress.

(e) Equal access to the trade of the nations of the world subject only to the action of each individual nation.

(f) Stopping all shipments and aid to all Communist areas, including Russia, iron-curtain countries of eastern Europe, and Communist China.

(g) Provide stability of foreign exchange and equitable price structure which will prevent exploitation.

Congress should immediately take back its constitutional responsibility to regulate foreign trade—regulating the national economy through the regulation of imports—which it transferred to the executive branch of the Government through the 1934 Trade Agreements Act as extended.

Congress should immediately reestablish its responsibility to the workingmen and investors of this Nation by reestablishing its independence of the executive branch—by maintaining the independence of the legislative, executive, and judicial branches of our Government, as provided by the Constitution of the United States—which all of the debates in Congress for 100 years prove is the most vital factor in the maintenance of our form of government.

ADJOURNMENT—MOTION TO RECONSIDER ENTERED

Mr. LUCAS. Mr. President, earlier in the evening I advised the Senate that I would possibly move to reconsider the concurrent resolution (H. Con. Res. 287) to which the Senate agreed, fixing the hour and date to which we would adjourn at 12 o'clock, November 27, 1950. As a matter of protection to all Senators, and in view of the fact that it is getting around the midnight hour, I am now going to enter the motion to reconsider the vote by which the Senate, earlier in the evening agreed to the concurrent resolution, fixing the adjournment for the two Houses on Saturday, September 23, 1950, the Congress to stand adjourned until 12 o'clock on Monday, November 27. All I am doing now is entering the motion. I am not asking for its consideration at this time.

The PRESIDING OFFICER. The motion will be entered.

(At this point, at 11:45 p. m., the printing of the Senate proceedings of September 22, 1950, was suspended, to be resumed in the next issue of the RECORD.)

HOUSE OF REPRESENTATIVES

FRIDAY, SEPTEMBER 22, 1950

The House met at 11 o'clock a. m.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, we are again coming unto Thee with our many needs, encouraged by every gracious invitation in Thy holy word and constrained by Thy love from which nothing can ever separate us.

May everything that mars or hinders our heritage, our assurance and our enjoyment of an intimate fellowship with Thee be taken away.

Grant that the mind and heart of our President, our Speaker and all the Members of the Congress may be made strong and vigorous with great moral and spiritual ideals and principles as they seek in unity of spirit to perform the many arduous and challenging tasks of their high vocation.

May it be the goal of all our aspirations and longings, our labors and prayers to bring in that blessed day when the forces of righteousness shall be victorious and peace shall prevail everywhere.

When we think of the tremendous sacrifices, which are being made by so many of our own fellow citizens in order that freedom may be triumphant, we are compelled to exclaim in all humility: Alas, alas, next to defeat the saddest thing is victory at such a cost. Make us worthy of their sacrifices and of victory. Hear us in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Woodruff, its enrolling clerk, announced that the Senate had passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H. J. Res. 516. Joint resolution authorizing the President, or such officer or agency as he may designate, to conclude and give effect to agreements for the settlement of intercustodial conflicts involving enemy property; and

H. Con. Res. 286. Concurrent resolution requesting the President to return H. R. 1025.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5327. An act to continue until the close of June 30, 1950, the suspension of duties and import taxes on metal scrap, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1292. An act to amend section 32 (a) (2) of the Trading With the Enemy Act.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2195) entitled "An act to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes."

REVENUE ACT OF 1950

Mr. DOUGHTON. Mr. Speaker, I call up the conference report on the bill (H. R. 8920) to reduce excise taxes, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

CALL OF THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 286]

Allen, Ill.	Ellsworth	Kunkel
Allen, La.	Engel, Mich.	Larcade
Anderson, Calif.	Fernandez	Lichtenwalter
Angell	Gillette	Linehan
Barrett, Wyo.	Gilmer	Lodge
Bates, Ky.	Gordon	Lyle
Blackney	Granger	Lynch
Bolton, Md.	Hall, Edwin Arthur	McCarthy
Bosone	Hand	McCormack
Breen	Hare	McKinnon
Brehm	Havenner	McMillen, Ill.
Buchanan	Hays, Ohio	Mack, Wash.
Buckley, N. Y.	Hébert	Magee
Burnside	Hill	Marcantonio
Celler	Hinshaw	Martin, Iowa
Clemente	Hoffman, Ill.	Meyer
Colmer	Holifield	Miles
Cooley	Horan	Miller, Calif.
Coudert	Jonas	Morrison
Cox	Keefe	Moulder
Davenport	Kelly, N. Y.	Murphy
Davies, N. Y.	Kennedy	Murray, Tenn.
Dingell	Kerr	Murray, Wis.
Doyle	Klein	Nicholson
Eaton	Norton	Nixon
Reed, Ill.	Velde	
O'Brien, Mich.	Sabath	Vorys
O'Konski	Sadlak	Vursell
Patten	Sadowski	Wadsworth
Perkins	Sasscer	Werdel
Pfeiffer, William L.	Shelley	Whitaker
Plumley	Smith, Ohio	White, Idaho
Poage	Stigler	Willis
Poulson	Stockman	Withrow
Quinn	Tackett	Woodhouse
Rains	Teague	Woodruff
Redden	Thornberry	Young
	Underwood	Zablocki

The SPEAKER. On this roll call 314 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REVENUE ACT OF 1950

The SPEAKER. The gentleman from North Carolina [Mr. DOUGHTON] asks unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

Is there objection?

There was no objection.

The Clerk read the statement.

Mr. DOUGHTON (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3124)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8920) to reduce excise taxes, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 48, 64, 87, 99, and 110.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 42, 43, 46, 47, 51, 52, 53, 54, 58, 59, 60, 63, 66, 67, 69, 70, 71, 77, 78, 79, 80, 81, 84, 85, 89, 90, 93, 94, 95, 96, 97, 98, 101, 104, 105, 112, 115, 116, 117, 118, 119, 120, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 150, 151, 152, 153, 154, 155, 156, 158, 160, 161, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, and 189 and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out by the Senate amendment and on page 153, after line 4, of the House bill, following the matter inserted by the amendment of the Senate numbered 189, insert the following:

"SEC. 608. Allowing Stamps To Be Attached in Foreign Countries to Certain Tobacco Products.

"(a) Tobacco and snuff: Section 2103 (c) (relating to supply of stamps) is hereby amended by adding at the end thereof the following new sentence: 'If the government of a foreign country permits the revenue stamps of such country to be affixed in the United States to tobacco or snuff manufactured in the United States and imported into such foreign country, then, if tobacco

or snuff manufactured in such foreign country is imported into the United States from such foreign country, the importer may, under such rules and regulations as the Secretary may prescribe, have the United States revenue stamps attached to such tobacco or snuff in such foreign country.'

"(b) Cigars: The second sentence of section 2112 (c) (relating to attaching stamps to cigarettes in foreign countries) is hereby amended by striking out 'cigarettes' wherever appearing therein and inserting in lieu thereof 'cigars or cigarettes'.

"(c) Effective date: The amendments made by this section shall take effect on the first day of the first month which begins more than ten days after the date of the enactment of this Act."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out by the Senate amendment and on page 153, after line 4, of the House bill, immediately preceding the matter inserted by the amendment of the Senate numbered 190, insert the following:

"SEC. 609. Articles Sold for Use of Aircraft Engaged in Foreign Trade.

"Effective with respect to articles purchased (by the user thereof) on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act, section 3443 (a) (3) (A) (ii) (relating to refunds in the case of articles used or resold for use as ships' stores, etc.) is hereby amended to read as follows:

"'(ii) used or resold for use for any of the purposes, but subject to the conditions, provided in section 3451;'."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: On page 11 of the Senate engrossed amendments strike out lines 15 and 16 and insert the following:

"Except as provided in section 103, the amendments made by this part shall be applicable only with respect to taxable"

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: On page 15 of the Senate engrossed amendments strike out lines 3, 4, and 5 and insert the following:

"(b) Amendment of Section 14 (a): So much of section 14 (relating to normal tax on special classes of corporations) as precedes subsection (b) thereof is hereby amended to read as follows:

"'SEC. 14. Tax on special classes of corporations in case of taxable years (other than the calendar year 1950) beginning before July 1, 1950'."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with the following amendments:

On page 16 of the Senate engrossed amendments strike out the semicolon in line 15 and insert a period, and strike out lines 16, 17, and 18.

On page 17 of the Senate engrossed amendments, beginning in line 21, strike out "a surtax of 19 per centum of the amount of the corporation surtax net income in excess of $25,000." and insert the following: "a surtax determined by computing a tentative surtax of 19 per centum of the amount of the corporation surtax net income in excess of $25,000, and by reducing such tentative surtax by an amount equal to 1 per centum of the lower of (A) the amount of the credit provided in section 26 (a), or (B) the amount by which the corporation surtax net income exceeds $25,000."

And the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: On page 21 of the Senate engrossed amendments strike out lines 11 to 15, inclusive, and insert the following:

"'(ii) Surtax. A surtax on the corporation surtax net income, in an amount computed as provided in section 15 (b) (2), or in an amount equal to one and one-half times the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000, whichever amount is the lesser'."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: On page 24 of the Senate engrossed amendments strike out lines 1 to 13, inclusive, and insert the following:

"(3) Effective with respect to taxable years beginning after June 30, 1950, and with respect to taxable years beginning on January 1, 1950, and ending on December 31, 1950, section 201 (a) (1) (relating to tax on life insurance companies) is hereby amended by striking out 'at the rates provided in section 13 or section 14 (b) and in section 15 (b)' and inserting in lieu thereof 'computed as provided in section 13 (b) and in section 15 (b)'.

"(4) Effective with respect to taxable years beginning after June 30, 1950, and with respect to taxable years beginning on January 1, 1950, and ending on December 31, 1950, section 204 (a) (1) (relating to insurance companies other than life or mutual) is hereby amended by striking out 'at the rates specified in section 13 or section 14 (b) and in section 15 (b)' and inserting in lieu thereof 'computed as provided in section 13 (b) and in section 15 (b)'."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with the following amendments:

On page 25 of the Senate engrossed amendments strike out all after "chapter" in line 16 down to and including "23 (s)" in line 19, and strike out all after "chapter" in line 25 down to and including "23 (s)" in line 3 on page 26.

On page 26 of the Senate engrossed amendments, beginning in line 6, strike out "the date of the enactment of the Revenue Act of 1950" and insert the following: "August 31, 1950."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: On page 29 of the Senate engrossed amendments strike out lines 7 and 8 and insert the following:

"The amendments made by this part shall be applicable only with respect to taxable".

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with the following amendments:

On page 29 of the Senate engrossed amendments strike out lines 16 to 18, inclusive, and insert the following:

"(a) Amendment of Section 108: Section 108 is hereby amended by striking out subsection (e) and inserting in lieu thereof the".

On page 31 of the Senate engrossed amendments strike out the quotation marks in line 17, and insert after line 17 the following:

"'(g) Special Classes of Taxpayers: This section shall not apply to an insurance company subject to Supplement G or an investment company subject to Supplement Q.'

"(b) Effective Date: The amendment made by subsection (a) in striking out subsection (e) of section 108 of the Internal Revenue Code shall not apply in the case of any taxable year described in subsections (a), (b), or (c) of such section."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 202. Income Tax Exemptions for Members of the Armed Forces Serving in Combat Areas.

"(a) Exclusion From Gross Income: Section 22 (b) (13) (relating to exclusions from gross income) is hereby amended to read as follows:

"'(13) Additional allowance for certain members of the armed forces.—

"'(A) Enlisted Personnel: Compensation received for active service as a member below the grade of commissioned officer in the armed forces of the United States for any month during any part of which such member served in a combat zone after June 24, 1950, and prior to January 1, 1952.

"'(B) Commissioned Officers: In the case of compensation received for active service as a commissioned officer in the armed forces of the United States for any month during any part of which such officer served in a combat zone after June 24, 1950, and prior to January 1, 1952, so much of such compensation as does not exceed $200.

"'(C) Definitions: For the purposes of this paragraph—

"'(i) the term "commissioned officer" does not include a commissioned warrant officer;

"'(ii) the term "combat zone" means any area which the President of the United States by Executive Order designates, for the purposes of this paragraph, as an area in which armed forces of the United States are or have (after June 24, 1950) engaged in combat;

"'(iii) service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combatant activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

"'(iv) the term "compensation" does not include pensions and retirement pay'."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) Withholding of Income Tax on Wages: Effective with respect to wages paid after October 31, 1950, section 1621 (a) (relating to definition of wages for income tax withholding purposes) is hereby amended by inserting before paragraph (2) thereof the following:

"'(1) for active service as a member of the armed forces of the United States performed prior to January 1, 1952, in a month during any part of which such member performed service in a combat zone as determined under section 22 (b) (13), or'."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(c) Receipts: Sections 1625 (a) and 1633 (a) (relating to receipts for employees) are

hereby amended by adding at the end of each the following: 'In the case of compensation paid for service as a member of the armed forces, the statement shall show, as wages paid during the calendar year, the amount of such compensation paid during the calendar year which is not excluded from gross income under chapter 1 (whether or not such compensation constituted wages as defined in section 1621 (a)); such statement to be furnished if any tax was withheld during the calendar year or if any of the compensation paid is includible under chapter 1 in gross income'."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with the following amendments:

On page 42 of the Senate engrossed amendments, beginning in line 9, strike out "newspapers, magazines, or other periodicals" and insert the following: "any part of the business of another publisher of a newspaper, magazine, or other periodical".

On page 43 of the Senate engrossed amendments, strike out lines 3, 4, and 5 and insert the following:

"(c) Effective Date: The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1945, except that in the case of any taxable year beginning prior to January 1, 1950—

"(1) the amendments shall not be applicable with respect to expenditures for which a deduction was not allowed the taxpayer for such year, if allowance of credit or refund with respect to such year is barred on the date of the enactment of this Act by reason of any law or rule of law; and

"(2) the election provided in section 23 (bb) of the Internal Revenue Code shall not (despite the last sentence of such section) be applicable with respect to any expenditure for which a deduction was claimed by the taxpayer under his latest treatment, prior to the date of the enactment of this Act, of such expenditure in connection with his tax liability for such taxable year."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with the following amendments: On page 43 of the Senate engrossed amendments strike out lines 7, 8, and 9 and insert the following:

"SEC. 205. Payment of Income Tax by Installment Payments, and Returns of Estates and Trusts.

"(a) Payment of Income Tax by Installment Payments: Effective with respect to taxable years ending on or".

On page 45 of the Senate engrossed amendments insert after line 6 the following:

"(b) Filing of Returns and Payment of Tax by Fiduciaries of Estates and Trusts:

"(1) Section 53 (a) (1) (relating to time for filing returns) is hereby amended to read as follows:

"'(1) General rule: Returns made on the basis of the calendar year shall be made on or before the fifteenth day of March following the close of the calendar year, except that in the case of the return of the fiduciary of an estate or trust, the return shall be made on or before the fifteenth day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the fifteenth day of the third month following the close of the fiscal year, except that in the case of the return of the fiduciary of an estate or trust, the return shall be made on or before the fifteenth day of the fourth month following the close of the fiscal year.'

"(2) Section 56 (a) (relating to time for payment of tax) is hereby amended by inserting before the period at the end thereof the following: ', except that in the case of the tax imposed upon an estate or trust the tax shall be paid on the fifteenth day of April following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the fourth month following the close of the fiscal year'.

"(3) The amendments made by this subsection shall be applicable only with respect to taxable years ending after the date of the enactment of this Act."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 207. Percentage Depletion.

"(a) Transportation From Mine. The second sentence of section 114 (b) (4) (B) (relating to the definition of gross income from property) is hereby amended to read as follows: 'The term "mining" as used herein shall be considered to include not merely the extraction of the ores or minerals from the ground but also the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products, and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles unless the Secretary finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills.'

"(b) Effective Date. The amendment made by subsection (a) shall be applicable with respect to taxable years beginning after December 31, 1949."

And the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "208." And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "August 31, 1950." And the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "209." And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(determined without the application of section 875) or within 90 days after the expiration of such period." And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: Restore the matter proposed to be stricken out by the Senate amendment, omit the matter proposed to be inserted by the Senate amendment, and on page 62, line 2, of the House bill strike out "70" and insert the following "50".

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "210".

And the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) Amendment of Section 117 (j): The first sentence of section 117 (j) (1) is hereby amended by inserting before the period at the end thereof the following: ', or (C) a copyright, a literary, musical, or artistic composition, or similar property, held by a taxpayer described in subsection (a) (1) (C)'."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with the following amendments:

Strike out the matter proposed to be stricken out by the Senate amendment and on page 66, line 24, of the House bill strike out "3" and insert the following: "6."

On page 67, line 8, of the House bill strike out "3" and insert the following: "6."

On page 68, line 3, of the House bill strike out "3" and insert the following: "6."

On page 68, line 6, of the House bill strike out "3" and insert the following: "6."

On page 70, line 15, of the House bill strike out "3" and insert the following: "6."

On page 73 of the House bill, beginning in line 8, strike out all after "date." down through the period in line 12.

And the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and, on page 66 of the House bill, beginning in line 8, strike out all after "Act" down to and including "date" in line 12; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "211." And the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "212." And the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: On page 52, line 11, of the Senate engrossed amendments, strike out "212 (a)" and insert the following: "211 (a)." And the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "213." And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "214." And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "215". And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with the following amendments:

On page 54, line 18, of the Senate engrossed amendments, strike out "218" and insert the following: "216".

On page 61 of the Senate engrossed amendments strike out the quotation marks in line 15, and insert after line 15 the following:

"'(1) Cross Reference: For special rule with respect to gain derived from the sale or exchange of property the adjusted basis of which is determined with regard to this section, see section 117 (g) (3)'."

On page 61 of the Senate engrossed amendments, after line 18, insert the following:

"(c) Gain Attributable to Amortization Deduction: Section 117 (g) is hereby amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof '; and', by inserting after paragraph (2) the following new paragraph:

"'(3) gain from the sale or exchange of property, to the extent that the adjusted basis of such property is less than its adjusted basis determined without regard to section 124A (relating to amortization deduction), shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in subsection (j)'."

On page 61 of the Senate engrossed amendments, line 19, strike out "(c)" and insert "(d)".

And the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "217". And the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with the following amendments:

On page 62 of the Senate engrossed amendments strike out all after line 1 over to and including line 9 on page 63, and insert the following:

"SEC. 218. Stock Options.

"(a) Treatment of Certain Employee Stock Options: Supplement B of chapter 1 is hereby amended by adding at the end thereof the following new section:

"'SEC. 130A. Employee Stock Options.

"'(a) Treatment of Restricted Stock Options: If a share of stock is transferred to an individual pursuant to his exercise after 1949 of a restricted stock option, and no disposition of such share is made by him within two years from the date of the granting of the option nor within six months after the transfer of such share to him—

"'(1) no income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

"'(2) no deduction under section 23 (a) shall be allowable at any time to the employer corporation of such individual or its parent or subsidiary corporation with respect to the share so transferred; and

"'(3) no amount other than the option price shall be considered as received by either of such corporations for the share so transferred.

This subsection and subsection (b) shall not apply unless (A) the individual, at the time he exercises the restricted stock option, is an employee of the corporation granting such option or of a parent or subsidiary corporation of such corporation, or (B) the option is exercised by him within three months after the date he ceases to be an employee of any of such corporations.

"'(b) Special Rule Where Option Price is Between 85 Percent and 95 Percent of Value of Stock: If no disposition of a share of stock acquired by an individual upon his exercise after 1949 of a restricted stock option is made by him within two years from the date of the granting of the option nor within six months after the transfer of such share to him, but, at the time the restricted stock option was granted, the option price was less than 95 per centum of the fair market value at such time of such share, then, in the event of any disposition of such share by him, or in the event of his death (whenever occurring) while owning such share, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year in which falls the date of such disposition or for the taxable year closing with his death, whichever is applicable, an amount equal to the amount (if any) by which the option price is exceeded by the lesser of—

"'(1) the fair market value of the share at the time of such disposition or death, or

"'(2) the fair market value of the share at the time the option was granted.

In the case of the disposition of such share by the individual, the basis of the share in his hands at the time of such disposition shall be increased by an amount equal to the amount so includible in his gross income.

"'(c) Acquisition of New Stock: If stock trans-'."

On page 63, line 13, of the Senate engrossed amendments strike out "112 (b) (11) or".

On page 63, line 20, of the Senate engrossed amendments strike out "(c)" and insert the following: "(d)".

On page 66, line 6, of the Senate engrossed amendments strike out "(d)" and insert the following: "(e)".

On page 66, line 7, of the Senate engrossed amendments strike out "(c)" and insert in lieu thereof the following: "(d)".

And the Senate agree to same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: On page 67, line 2, of the Senate engrossed amendments strike out "221" and insert the following: "219". And the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "220". And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: On page 69, line 3, of the Senate engrossed amendments strike out "1950" and insert the following: "1949". And the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "221". And the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: On page 72, line 15, of the Senate engrossed amendments strike out "225" and insert the following: "222". And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: On page 73, line 12, of the Senate engrossed amendments strike out "226" and insert the following: "223". And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"'(7) There shall be excluded all income derived from research for (A) the United States, or any of its agencies or instrumentalities, or (B) any State or political subdivision thereof; and there shall be excluded all deductions directly connected with such income.

"'(8) (A) In the case of a college, university, or hospital, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

"'(B) In the case of an organization operated primarily for the purposes of carrying on fundamental research the results of which are freely available to the general public, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income'."

And the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with the following amendments:

On page 77, line 6, of the Senate engrossed amendments insert after "occupancy" the following: ", and occupied,".

On page 77, line 9, of the Senate engrossed amendments strike out "less" and insert the following: "not more."

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: On page 79, line 22, of the Senate engrossed amendments insert after "indebtedness" the following: "with respect to such corporation or such organization". And the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 302. Exemption of Certain Organizations for Past Years.

"(a) Trade or Business Not Unrelated: For any taxable year beginning prior to January 1, 1951, no organization shall be denied exemption under paragraph (1), (6), or (7) of section 101 of the Internal Revenue Code on the grounds that it is carrying on a trade or business for profit if the income from such trade or business would not be taxable as unrelated business income under the provisions of Supplement U of the Internal Revenue Code, as amended by this Act, or if such trade or business is the rental by such organization of its real property (including personal property leased with the real property).

"(b) Period of Limitations: In the case of an organization which would otherwise be

exempt under section 101 of the Internal Revenue Code were it not carrying on a trade or business for profit, the filing of the information return required by section 54 (f) of the Internal Revenue Code (relating to returns by tax-exempt organizations) for any taxable year beginning prior to January 1, 1951, shall be deemed to be the filing of a return for the purposes of section 275 of the Internal Revenue Code (relating to period of limitation upon assessment and collection). In the case of such an organization which was, by the provisions of section 54 (f) of the Internal Revenue Code, specifically not required to file such information return, for the purposes of the preceding sentence a return shall be deemed to have been filed at the time when such return should have been filed had it been so required. The provisions of this subsection shall not apply to a taxable year of such an organization with respect to which, prior to September 20, 1950, (1) any amount of tax was assessed or paid, or (2) a notice of deficiency under section 272 of the Internal Revenue Code was sent to the taxpayer.

"(c) Denial of Deductions: A gift or bequest to an organization prior to January 1, 1951, for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) otherwise allowable as a deduction under section 23 (o) (2), 23 (q) (2), 162 (a), 505 (a) (2), 812 (d), 861 (a) (3), 1004 (a) (2) (B), or 1004 (b) (2) or (3) of the Internal Revenue Code, may not be denied under such sections if a denial of exemption to such organization for the taxable year of the organization in which such gift or bequest was made is prevented by the provisions of subsections (a) or (b) of this section."

And the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with the following amendments:

On page 84, line 23, of the Senate engrossed amendments strike out "other than" and insert the following: "in excess of."

On page 85, line 5, of the Senate engrossed amendments strike out "other" the second time it appears and insert the following: "more."

On page 85, line 9, of the Senate engrossed amendments strike out "other" and insert the following: "less."

On page 88 of the Senate engrossed amendments strike out the quotation marks in line 9 and after line 9 insert the following:

"'(4) Accumulated income: If the amounts permanently set aside, or to be used exclusively, for the charitable and other purposes described in subsection (a) during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year—

"'(A) are unreasonable in amount or duration in order to carry out such purposes of the trust; or

"'(B) are used to a substantial degree for purposes other than those described in subsection (a); or

"'(C) are invested in such a manner as to jeopardize the interests of the religious, charitable, scientific, etc., beneficiaries, the amount otherwise allowable under subsection (a) as a deduction shall be limited to the amount actually paid out during the taxable year and shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)).'"

And the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with the following amendments:

On page 89, line 7, of the Senate engrossed amendments strike out "section" and insert the following: "sections".

On page 90, line 18, of the Senate engrossed amendments strike out "other than" and insert the following: "in excess of".

On page 90, line 24, of the Senate engrossed amendments strike out "other" the second time it appears and insert the following: "more".

On page 91, line 2, of the Senate engrossed amendments strike out "other" the second time it appears and insert the following: "less".

On page 93 of the Senate engrossed amendments strike out the quotation marks in line 20, and after line 20 insert the following:

"'SEC. 3814. Denial of Exemption Under Section 101 (6) in the Case of Certain Organizations Accumulating Income.

"'In the case of any organization described in section 101 (6) to which section 3813 is applicable, if the amounts accumulated out of income during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year—

"'(1) are unreasonable in amount or duration in order to carry out the charitable, educational, or other purpose or function constituting the basis for such organization's exemption under section 101 (6); or

"'(2) are used to a substantial degree for purposes or functions other than those constituting the basis for such organization's exemption under section 101 (6); or

"'(3) are invested in such a manner as to jeopardize the carrying out of the charitable, educational, or other purpose or function constituting the basis for such organization's exemption under section 101 (6),

exemption under section 101 (6) shall be denied for the taxable year'."

On page 94, line 12, of the Senate engrossed amendments strike out "section 3813" and insert the following: "sections 3813 and 3814".

On page 95, line 17, of the Senate engrossed amendments after "section 3813" insert the following: "and section 3814".

On page 95, line 20, of the Senate engrossed amendments strike out "such section" and insert the following: "section 3813".

And the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: On page 111, line 4, of the Senate engrossed amendments strike out "608" and insert the following: "610". And the Senate agree to the same.

Amendment numbered 191: That the Senate recede from its disagreement to the amendment of the House (made by H. Res. 842) to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"TITLE VII—EXCESS PROFITS TAX

"SEC. 701. Excess Profits Tax.

"(a) The House Committee on Ways and Means and the Senate Committee on Finance are hereby directed to report to the respective Houses of Congress a bill for raising revenue by the levying, collection, and payment of corporate excess profits taxes with retroactive effect to October 1, or July 1, 1950, said bill to originate as required by article I, section 7, of the Constitution. Said bill shall be reported as early as practicable during the Eighty-first Congress after November 15, 1950, if the Congress is in session in 1950 after such date; and if the Congress is not in session in 1950 after November 15, 1950, said bill shall be reported during the first session of the Eighty-second Congress, and as early as practicable during said session.

"(b) The Joint Committee on Internal Revenue Taxation, or any duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete study of the problems involved in the taxation of excess profits accruing to corporations as the result of the national defense program in which the United States is now engaged. The joint committee shall report the results of its study to the House Committee on Ways and Means and the Senate Committee on Finance as soon as practicable."

And the House agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

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"(b) Amendment of section 14 (a).
"(c) Amendment of section 15.
"(d) Mutual insurance companies other than life or marine.
"(e) Regulated investment companies.
"(f) Tax under consolidated returns.
"(g) Technical amendments.
"Sec. 122. Credits of corporations.
"(a) Dividends received credit.
"(b) Credit for dividends paid on certain preferred stock.
"(c) Western Hemisphere trade corporations.
"Sec. 123. Effective date of part II.

"Part III—Fiscal year taxpayers

"Sec. 131. Fiscal year taxpayers.
"(a) Amendment of section 108.
"(b) Effective date.

"Part IV—Increase in withholding of tax at source on wages

"Sec. 141. Percentage method of withholding.
"Sec. 142. Wage bracket withholding.
"Sec. 143. Effective date of part IV.

"TITLE II—MISCELLANEOUS INCOME TAX AMENDMENTS

"Sec. 201. Extension of time in the case of discharge of indebtedness.
"Sec. 202. Income-tax exemptions for members of the Armed Forces serving in combat areas.
"(a) Exclusion from gross income.
"(b) Withholding of income tax on wages.
"(c) Receipts.
"Sec. 203. Treatment of bond premium in case of dealers in tax-exempt securities.
"(a) Amendment of section 22.
"(b) Technical amendments.
"(c) Effective date.
"Sec. 204. Circulation expenditures.
"(a) Deduction from gross income.
"(b) Technical amendment.
"(c) Effective date.

"Sec. 205. Payment of income tax by installment payments and returns of estates and trusts.
"(a) Payment of income tax by installment payments.
"(b) Filing of returns and payment of tax by fiduciaries of estates and trusts.
"Sec. 206. Election as to recognition of gain in certain corporate liquidations.
"(a) Amendment of section 112 (b) (7).
"(b) Basis of property.
"(c) Effective date.
"Sec. 207. Percentage depletion.
"(a) Transportation from mine.
"(b) Effective date.
"Sec. 208. Treatment of certain redemptions of stock as dividends.
"(a) Amendment of section 115 (g).
"(b) Effective date.
"Sec. 209. Redemption of stock to pay death taxes.
"(a) Certain distributions not treated as dividends.
"(b) Effective date.
"Sec. 210. Capital gains and losses.
"(a) Definition of capital assets.
"(b) Amendment of section 117 (j).
"(c) Effective date.
"Sec. 211. Short sales of capital assets.
"(a) Treatment of short sales.
"(b) Effective date.
"Sec. 212. Treatment of gain to shareholders of collapsible corporations.
"(a) Collapsible corporations.
"(b) Effective date.
"Sec. 213. Capital gains of nonresident alien individuals.
"(a) Nonresident alien individuals temporarily in the United States.
"(b) No United States trade or business and income of more than $15,400.
"(c) Technical amendment.
"(d) Effective date.
"Sec. 214. Treaty obligations.
"Sec. 215. Net operating loss deductions.
"(a) Allowance of five-year carry-over.
"(b) Effective date of subsection (a).
"Sec. 216. Amortization of emergency facilities.
"(a) Amortization deduction.
"(b) Technical amendments.
"(c) Gain attributable to amortization deduction.
"(d) Effective dates.
"Sec. 217. Amortization of premium on convertible bond.
"(a) Premium attributable to conversion features of bond.
"(b) Effective date.
"Sec. 218. Stock options.
"(a) Treatment of certain employee stock options.
"(b) Effective date.
"Sec. 219. Payment of tax withheld at source from nonresident aliens.
"Sec. 220. Employees of United States working in possessions of United States or in the Canal Zone.
"Sec. 221. Residents of Puerto Rico.
"(a) Income of individuals from sources within Puerto Rico.
"(b) Citizens of the United States residing in Puerto Rico.
"(c) Taxation of income of residents of Puerto Rico.
"(d) Aliens residing in Puerto Rico.
"(e) Withholding on alien residents of Puerto Rico.
"(f) Withholding of tax on wages.
"(g) Declaration of estimated tax.
"(h) Foreign tax credit.
"(i) Collection of taxes in Puerto Rico.
"(j) Technical amendments.
"(k) Effective date.
"Sec. 222. Regulated investment companies.
"Sec. 223. Personal holding company income.

"TITLE III—TREATMENT OF INCOME OF, AND GIFTS AND BEQUESTS TO, CERTAIN TAX-EXEMPT ORGANIZATIONS

"Part I—Taxation of business income of certain tax-exempt organizations

"Sec. 301. Income of educational, charitable, and certain other exempt organizations.
"(a) Tax on certain types of income.
"(b) Feeder organizations.
"(c) Technical amendments.
"Sec. 302. Exemption of certain organizations for past years.
"Sec. 303. Effective date of part I.

"Part II—Charitable, etc., deductions of trusts not exempt from taxation

"Sec. 321. Charitable, etc., deductions of trusts.
"(a) Amendment of section 162.
"(b) Technical amendments.
"Sec. 322. Effective date of part II.

"Part III—Loss of exemption under section 101 (6) and disallowance of certain gifts and bequests

"Sec. 331. Exemption of certain organizations under section 101 (6) and deductibility of contributions made to such organizations.
"Sec. 332. Technical amendments.
"(a) Amendment of section 23 (o) (2).
"(b) Amendment of section 23 (q) (2).
"(c) Amendment of section 101 (6).
"(d) Amendment of section 505 (a) (2).
"(e) Amendment of section 812 (d).
"(f) Amendment of section 861 (a) (3).
"(g) Amendment of section 1004 (a) (2) (B).
"(h) Amendment of section 1004 (b).
"Sec. 333. Effective dates.

"Part IV—Information to be made available to the public

"Sec. 341. Information to be made available to the public.
"(a) Information with respect to certain charitable, etc., deductions.
"(b) Effective date.

"TITLE IV—INCOME TAXES OF LIFE INSURANCE COMPANIES

"Sec. 401. Correction of formula used in computing income taxes of life insurance companies for 1949 and 1950.
"(a) Reserve and other policy liability credit.
"(b) Technical amendment.
"(c) Effective date.
"Sec. 402. Filing of returns for taxable year 1949.

"TITLE V—ESTATE TAX

"Sec. 501. Transfers in contemplation of death.
"(a) Transfers, etc., in contemplation of death.
"(b) Amendments of section 811 (c) and (d).
"(c) Effective date.
"Sec. 502. Repeal of deduction for support of dependents.
"Sec. 503. Reversionary interests in case of life insurance.
"(a) Amendment of section 404 (c) of Revenue Act of 1942.
"(b) No interest on refunds.

"TITLE VI—EXCISE TAXES

"Sec. 601. Sales at auction.
"Sec. 602. Retail sales by United States or by its agencies or instrumentalities.
"Sec. 603. Tax on coin-operated gaming devices.
"(a) Increase in tax on slot machines.
"(b) Effective date.
"Sec. 604. Federal agencies or instrumentalities.
"Sec. 605. Television receiving sets.
"(a) Imposition of tax on television receiving sets.
"(b) Credit for tax paid on automobile television sets.
"(c) Technical amendments.
"Sec. 606. Imposition of tax on quick-freeze units.
"Sec. 607. Transportation which begins and ends within the United States.
"(a) Transportation of persons.
"(b) Transportation of property.
"(c) Effective date.
"Sec. 608. Allowing stamps to be attached in foreign countries to certain tobacco products.
"(a) Tobacco and snuff.
"(b) Cigars.
"(c) Effective date.
"Sec. 609. Articles sold for use of aircraft engaged in foreign trade.
"Sec. 610. Effective date of sections 601, 602, 605, and 606.

"TITLE VII—EXCESS PROFITS TAX

"Sec. 701. Excess profits tax."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

ROBERT L. DOUGHTON,
JERE COOPER,
JOHN D. DINGELL,
WILBUR D. MILLS,
DANIEL A. REED,
ROY O. WOODRUFF,
THOMAS A. JENKINS,
Managers on the Part of the House.

WALTER F. GEORGE,
TOM CONNALLY,
HARRY F. BYRD,
EUGENE D. MILLIKIN,
HUGH BUTLER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8920) to reduce excise taxes, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendments Nos. 1 to 37, inclusive: These amendments strike out all of the provisions of title I of the House bill, which dealt with excise taxes. However, those provisions of the House bill which increase the revenue derived from excise taxes are shifted to title VI of the bill by Senate amendments Nos. 183, 184, 185, 186, and 188. The House recedes from its disagreement to each of the amendments Nos. 1 to 37, inclusive, other than amendments Nos. 14 and 31. In the case of amendment No. 14, which strikes out section 133 of the House bill (relating to the attaching of stamps in foreign countries to certain tobacco products), the House recedes with an amendment adding to title VI of the bill a new section 608 which is substantially identical to section 133 stricken from the House bill. In the case of amendment No. 31, which strikes out section 162 of the House bill (relating to credits and refunds of manufacturers' excise tax in the case of articles sold for use of aircraft engaged in foreign trade), the House recedes with an amendment adding to title VI of the bill a new section 609 which is identical to section 162 stricken from the House bill. The conferees recognize that there are inequities in our excise tax system and believe that the subject should have continuing consideration.

Amendment No. 38: This is the first of a series of amendments adding a new title I to the bill providing for increases in income-tax rates. This amendment adds sections

101 to 104, inclusive, to the bill which (together with section 131, added to the bill by Senate amendment No. 50) result in an increase in the individual income tax for all taxable years ending after September 30, 1950. This is accomplished as follows: For taxable years beginning after September 30, 1950, the percentage reductions of the tentative tax provided by the Revenue Act of 1945 and by the Revenue Act of 1948 are entirely eliminated. For the calendar year 1950 the percentage reductions are cut by approximately 25 percent. In the case of individuals who have fiscal years beginning prior to October 1, 1950, and ending subsequent to that date, proportionate cuts in the reductions are made by computing a portion of the tax on the basis of existing tax rates and the other portion of the tax on the basis of the tax rates applicable to taxable years beginning after September 30, 1950. The House recedes with an amendment clarifying the effective date provision contained in the Senate amendment.

Amendment No. 39: This amendment adds to the House bill the heading "Part II—Corporation Income Taxes" and subsections (a) and (b) of a new section 121, relating to increase in rate of corporation income taxes. This amendment and Senate amendment No. 40 define normal tax net income and surtax net income, and eliminate the so-called notch provisions, in substantially the same manner as provided in section 218 of the House bill. Under amendment No. 39 a normal tax of 25 percent is imposed on corporations for taxable years beginning after June 30, 1950, and a normal tax of 23 percent is imposed on corporations for the calendar year 1950. Special provision is made by Senate amendment No. 50 for taxable years (other than the calendar year 1950) which begin before July 1, 1950, and end after June 30, 1950. The House recedes with an amendment which makes a clerical amendment to section 14 of the Internal Revenue Code.

Amendment No. 40: In addition to defining corporation surtax net income, this amendment provides for a surtax of 20 percent on corporation surtax net income for taxable years beginning after June 30, 1950, and a surtax of 19 percent for the calendar year 1950. Special provision is made by Senate amendment No. 50 for taxable years (other than the calendar year 1950) which begin before July 1, 1950, and end after June 30, 1950). Senate amendment No. 40 (together with Senate amendment No. 48, which adds a new section 26 (j) to the Internal Revenue Code) also allows a credit in the case of a taxable year which is the calendar year 1950 for a certain percentage of partially tax-exempt interest received by a corporation. The House recedes with amendments which provide that, in lieu of such credit, the surtax for the calendar year 1950 shall be reduced by 1 percent of the lower of the corporation's credit under section 26 (a) or the amount by which the corporation's surtax net income exceeds $25,000. The credit under section 26 (a) is, in effect, the amount of the partially tax-exempt interest adjusted as provided in the Internal Revenue Code.

Amendment No. 41: This amendment makes certain amendments in section 207 (a) of the Internal Revenue Code to reflect the new corporate tax rates provided in Senate amendments Nos. 39 and 40. The House recedes with a technical amendment.

Amendment No. 42: This amendment relates to the normal tax and surtax on regulated investment companies, and amends section 362 (b) of the Internal Revenue Code to reflect the new corporate tax rates provided in Senate amendments Nos. 39 and 40. The House recedes.

Amendment No. 43: This amendment relates to the computation and payment of tax on consolidated returns. It provides that the 2 percent additional surtax provided by section 141 (c) of the Internal Revenue Code shall not apply to the portion of the consolidated corporation surtax net income attributable to Western Hemisphere trade corporations in the affiliated group. The House recedes.

Amendment No. 44: This amendment makes certain technical amendments. The House recedes with further technical amendments.

Amendment No. 45: This amendment makes certain amendments to section 26 (b) of the Internal Revenue Code, relating to credits allowed corporations with respect to dividends received. The House recedes with two amendments eliminating the limitations on the credit allowed in section 26 (b) (2) (A) and (B) in respect of dividends received on the preferred stock of certain public utilities, and with a further amendment providing that the provisions of amendment No. 45 with respect to dividends in kind shall apply to such dividends received after August 31, 1950, instead of after the date of the enactment of the Revenue Act of 1950.

Amendment No. 46: This amendment, relating to amount of credit for dividends paid on certain preferred stock, corresponds to section 218 (c) of the House bill with the necessary changes to reflect the different tax rates provided by the Senate amendments. The House recedes.

Amendment No. 47: This amendment corresponds to section 218 (d) of the House bill. It amends section 26 of the Internal Revenue Code by adding a new subsection (i) which provides a credit for Western Hemisphere trade corporations applicable in computing both normal tax net income and surtax net income. The House recedes.

Amendment No. 48: This amendment provides corporations a special surtax credit for the calendar year 1950 in respect of partially tax-exempt interest. This amendment is no longer necessary in view of the amendment to Senate amendment No. 40 and is eliminated. The Senate recedes.

Amendment No. 49: This amendment provides the effective dates for the increases in the corporate rates. The House recedes with a clarifying amendment.

Amendment No. 50: This amendment provides for the computation of the individual income tax in the care of a taxable year (other than the calendar year 1950) which begins prior to October 1, 1950, and ends after September 30, 1950, and for the computation of the corporation income tax in the case of a taxable year (other than the calendar year 1950) which begins before July 1, 1950, and ends after June 30, 1950. The House recedes with technical amendments.

Amendment No. 51: Effective with respect to wages paid on or after October 1, 1950, this amendment changes the percentage rate of withholding of tax from 15 to 18 percent and provides new wage bracket withholding tables to reflect the increased tax rates. The House recedes.

Amendment No. 52: This is a clerical amendment which changes the heading of title II of the bill. The House recedes.

Amendment No. 53: This amendment strikes out section 201 of the House bill providing that where proceeds of insurance are paid in installments the interest element in each installment be subjected to income tax. The House recedes.

Amendment No. 54: This amendment extends for one year the application of sections 22 (b) (9) and (10) of the Internal Revenue Code, which permit a corporation to exclude from income certain amounts attributable to discharge of indebtedness. The House recedes.

Amendment No. 55: This amendment (together with Senate amendments Nos. 56 and 57) grants an exclusion from gross income in the case of compensation received prior to January 1, 1952, for service as a member of the armed forces of the United States based on the time spent in a combat zone in the taxable year in which the compensation was received. In the case of an enlisted man, the exclusion would be the same portion of his total compensation for service for the taxable year as the number of months during any part of which he served in a combat zone in the taxable year is of the total number of months he served anywhere in the taxable year. In the case of an officer, the exclusion would be $200 times the number of months during any part of which he served in a combat zone during the taxable year.

The House recedes with an amendment which will base the exclusion on service prior to January 1, 1952, in a combat zone. In the case of an enlisted man, the exclusion will be the compensation received during the taxable year for service for any month during any part of which he served in a combat zone. In the case of an officer, the exclusion will be the first $200 of the compensation received for service for any month during any part of which he served in a combat zone, and the balance of such compensation received in any taxable year will not be excluded. The fact that the compensation is received outside a combat zone or in a different year (including years after 1951) from that in which such service is performed will be immaterial.

Amendment No. 56: This amendment would exempt from the requirement of withholding wages paid on or after the first day of the second month which begins after the date of enactment of the act for active service as a member of the armed forces of the United States for a month during any part of which such member served in a combat zone. The House recedes with an amendment to provide that no withholding of tax will be made on wages paid on or after November 1, 1950, for service performed prior to 1952 in a combat zone.

Amendment No. 57: This amendment relates to the income tax witholding statement furnished members of the armed services. The House recedes with an amendment which requires the statement to show (1) the amount of taxable compensation paid during the calendar year, and (2) the amount of tax withheld during such year. The amendment requires the statement to be furnished if any tax was withheld during the taxable year or if (even though no tax was withheld) any taxable compensation was paid during the calendar year.

Amendment No. 58: This is a clerical amendment. The House recedes.

Amendment No. 59: This amendment provides that the provisions of the bill relating to treatment of bond premium in case of dealers in tax-exempt securities shall be applicable to taxable years ending after June 30, 1950, but in the case of a taxable year beginning before and ending after such date such provisions are to apply only with respect to obligations acquired after such date. Under the House bill such provisions would have applied to taxable years beginning after 1949. The House recedes.

Amendment No. 60: This amendment strikes out section 203 of the House bill, relating to credits allowed corporations with respect to dividends received in property other than money. The provisions of this section, with a change in the effective date, are incorporated in section 122 as added to the bill by Senate amendment No. 45. The House recedes.

Amendment No. 61: This amendment adds to section 23 of the Internal Revenue Code a new subsection (bb) providing, effective with respect to taxable years beginning after December 31, 1945, for the deductions by a publisher from gross income of expenditures (with certain exceptions) to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical, but allows the publisher to elect to capitalize, instead of deducting, that portion of such expenditures which is chargeable to capital account under regulations prescribed by the Secretary. Such election to capitalize is binding for the taxable year for which made and such treatment must be adhered to with respect to similar expenditures made in all subsequent years unless the Secretary permits a change. This Senate amendment also makes a conforming change in section 113 (b) (1) (A) of the Internal Revenue Code. The House recedes with a clarifying amendment as to the expenditures which are to be excepted from the rule of the new subsection and with a further amendment providing for certain limitations on the retroactive application of the provision in the case of any taxable year beginning after December 31, 1945, and before January 1, 1950.

These retroactive limitations are as follows: (1) The provisions of the new subsection shall not be applicable with respect to circulation expenditures for which a deduction was not allowed the taxpayer for such year, if allowance of a credit or refund with respect to such year is barred on the date of enactment of the bill by reason of any law or rule of law; and (2) the election provided in the new subsection shall not (despite the last sentence of such provision) be permitted with respect to any circulation expenditure for which a deduction was claimed by the taxpayer under his latest treatment (prior to the date of enactment of the bill) of such expenditure in connection with his tax liability for such year. The first limitation has the effect of preventing its application to expenditures which have been capitalized for any taxable year beginning after December 31, 1945, and before January 1, 1950, where the allowance of credit or refund for such year attributable to such deduction would be barred on the date of enactment of the bill. Accordingly, such capitalization will continue to be reflected in basis. However, where the allowance of a credit or refund for such taxable year is not barred on the date of enactment of the bill, such expenditures by such a taxpayer may not be capitalized (unless he so elects) and he may obtain a refund by claiming a deduction for such expenditures in lieu of their previous capitalization. The second limitation prevents a taxpayer who, for any taxable year beginning after December 31, 1945, and before January 1, 1950, claimed a deduction from gross income for a circulation expenditure from subsequently electing under section 23 (bb) of the code, to capitalize such expenditures for such year in lieu of the deduction. Whether a deduction is to be considered claimed by such a taxpayer, for the purposes of this limitation, depends on his latest treatment (for example, in a return, claim for refund, or petition or amended petition to the Tax Court), prior to the enactment of the bill, of such expenditure in connection with his tax liability for such year.

Amendment No. 62: This amendment adds to the bill section 205, relating to payment of income tax by installment payments. This section is identical to section 603 of the House bill which is stricken by Senate amendment No. 182. The House recedes with an amendment adding a provision contained in the House bill to extend for one month the date for filing the return of (and for paying the tax imposed upon) an estate or trust.

Amendment No. 63: This amendment restores, with respect to certain corporate distributions made pursuant to a plan of liquidation adopted after December 31, 1950, and effected during any one calendar month in 1951, the provisions of sections 112 (b) (7) and 113 (a) (18) of the Internal Revenue Code (relating to election as to recognition of gain in certain corporate liquidations and relating to the basis of property received in such liquidations). The House recedes.

Amendment No. 64: This amendment provides for the nonrecognition of gain in certain cases where, pursuant to a plan of reorganization, a shareholder of a corporation which is a party to the reorganization receives stock (other than preferred stock) in another corporation, a party to the reorganization, without the surrender by such shareholder of stock. The Senate recedes.

Amendment No. 65: The House bill (1) increased the percentage depletion allowance for coal, (2) allowed percentage depletion for the first time for certain minerals, and (3) provided that the gross income from mining upon which percentage depletion allowances are based should in no case include transportation beyond the property. The Senate amendment (1) strikes out these provisions of the House bill; (2) provides, effective with respect to taxable years beginning after December 31, 1949, that gross income from mining shall include transportation from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto, and (3) amends, effective with respect to taxable years beginning after December 31, 1946, the definition of "ordinary treatment processes" with respect to bentonite.

The House recedes with an amendment which eliminates those provisions of the Senate amendment relating to bentonite and limits the transportation permitted by the Senate amendment to be included as gross income from mining to so much of such transportation as does not exceed 50 miles unless the Secretary finds conditions to be such that the mineral must be transported to a greater distance to the plant or mill in which the ordinary treatment processes are applied.

Amendment No. 66: This amendment strikes out section 205 of the House bill which provided for the taxation as dividends to the stockholder of distributions made out of corporate earnings and profits accumulated prior to March 1, 1913, or out of appreciation in the value of property which accrued before that date. The House recedes.

Amendment No. 67: This amendment strikes out section 206 of the House bill relating to the treatment for income-tax purposes of distributions to domestic corporations in liquidation of certain foreign subsidiaries. The House recedes.

Amendment No. 68: This is a clerical amendment. The House recedes with an amendment making a change in section number.

Amendment No. 69: This is a technical amendment conforming to Senate amendment No. 66. The House recedes.

Amendment No. 70: This is a clerical amendment. The House recedes.

Amendment No. 71: Section 115 (g) of the Internal Revenue Code provides for the treatment as taxable dividends of amounts distributed by a corporation in cancellation or redemption of its stock if the cancellation or redemption and the related distribution are effected so as to be essentially equivalent to the distribution of a taxable dividend. Section 207 of the House bill amended section 115 (g) to cover the situation where shares in a parent corporation are purchased by its subsidiaries or where shares of one corporation are acquired by another corporation and both corporations are controlled directly or indirectly by the same interests. The Senate amendment limits the application of the bill to purchases by a subsidiary. The House recedes.

Amendment No. 72: Section 207 of the House bill (relating to treatment of certain redemptions of stock as dividends) applied only with respect to amounts received after December 31, 1949. The Senate amendment provided a later effective date. The House recedes with an amendment making such provisions applicable to amounts received after August 31, 1950.

Amendment No. 73: This is a clerical amendment. The House recedes with an amendment making a change in section number.

Amendment No. 74: Under the House bill certain distributions in redemption of stock included in a decedent's gross estate were excepted from the application of section 115 (g) of the Internal Revenue Code if made within the period of limitations provided in section 874 (a). The Senate amendment provided that the period within which distributions might be made tax-free should include the period of any suspension under section 875, where applicable. The House recedes with an amendment permitting the distribution to be tax-free if made within the period provided in section 874 (a) or within 90 days after the expiration of such period, but specifically excluding any suspension under section 875. Thus, under the conference amendment, no suspension of the 3-year period of limitations provided for by section 874 (a) will operate to extend the time within which such distributions must be made.

Amendment No. 75: Under the House bill distributions in redemption of stock included in a decedent's gross estate would be relieved from the application of section 115 (g) of the Internal Revenue Code only if the value of such stock comprised more than 70 percent of the value of the decedent's net estate. The Senate amendment eliminated this limitation. The House recedes with an amendment restoring the provisions of the House bill, but providing that the value of the stock of the corporation must comprise more than 50 percent of the value of the net estate. The percentage relationship is computed by taking, as the numerator, the value of the stock included in determining the value of the decedent's gross estate, and by taking, as the denominator, the value of the decedent's net estate.

Amendment No. 76: This is a clerical amendment. The House recedes with an amendment making a change in section number.

Amendments Nos. 77 and 78: The bill as passed by the House amended section 117 (a) (1) of the Internal Revenue Code so as to exclude copyrights, patents, inventions, designs, and literary, musical, or artistic compositions, and similar property from the definition of "capital assets" when held by certain taxpayers. Amendments Nos. 77 and 78 remove patents, inventions and designs from this exclusion. The House recedes.

Amendment No. 79: This amendment eliminates the amendment made by the House bill to section 117 (j) of the Internal Revenue Code which, in general, would have treated gain and loss from the sale or exchange of property used in a trade or business as gain and loss from the sale or exchange of capital assets. The House recedes.

Amendment No. 80: This is a conforming amendment to amendment No. 83. The House recedes.

Amendment No. 81: This is a conforming amendment to amendment No. 79. The House recedes.

Amendment No. 82: This amendment excludes copyrights and literary, musical, or artistic compositions, and similar property in the hands of certain taxpayers from, and includes certain cattle used for breeding or dairy purposes in, the definition of "property used in a trade or business" which is entitled to the benefits of section 117 (j) of the Internal Revenue Code. The House recedes with an amendment which eliminates that part of the Senate amendment dealing with cattle. While it may be necessary for Congress to legislate with respect to the tax treatment of sales of livestock, the conferees agreed that cattle alone should not be dealt with to the exclusion of other livestock, the treatment of which was not in conference, and that the subject matter is deserving of further study. It is the hope of the conferees that, pending such study and further legislation, the Treasury will follow the decision of the Eighth Circuit Court in the Albright case (173 Fed. (2) 339).

Amendment No. 83: This amendment eliminates the provisions of the House bill which would change the holding period used for determining whether a capital gain or loss is long-term or short-term from 6 to 3 months. The House recedes with conforming amendments.

Amendment No. 84: This is a conforming amendment to amendments Nos. 77 and 78. The House recedes.

Amendment No. 85: This is a clerical amendment. The House recedes.

Amendment No. 86: This is a conforming amendment to amendment No. 83. The House recedes with a clarifying amendment.

Amendment No. 87: This amendment provides for the effective date of that part of amendment No. 82 which would include certain cattle in the definition of "property used in a trade or business" which is entitled to the benefits of section 117 (j) of the Internal Revenue Code. In view of the action on that part of amendment No. 82, the Senate recedes.

Amendments Nos. 88, 89, 90, 91, 92, and 93: These amendments are clerical. The House recedes with amendments making the necessary changes in section numbers and cross-references.

Amendments Nos. 94, 95, and 96: These amendments make technical and clarifying changes in the section dealing with collapsible corporations. The House recedes.

Amendment No. 97: This amendment extends the application of section 117 (m), added to the Internal Revenue Code by this bill, to a shareholder who, at any time after the commencement of the manufacturer, construction, or production of property by a collapsible corporation, owned stock which was considered as owned at such time by another shareholder who then owned (or was considered as owning) more than 10 percent in value of the outstanding stock of the corporation. The House recedes.

Amendment No. 98: This is a clerical amendment. The House recedes.

Amendment No. 99: This amendment, effective for taxable years beginning after December 31, 1950, adds a section to the bill which provides that amounts received by an assignor for the assignment of certain oil, gas, and mineral rights, where such rights terminate upon the receipt by the assignee of a fixed or determinable amount of oil, gas, or mineral, shall be treated as amounts received from the sale or exchange of capial assets. The Senate recedes.

Amendments Nos. 100, 101, 102, 103, 104, and 105: These amendments are clerical. The House recedes with amendments making the necessary changes in section numbers.

Amendment No. 106: This amendment inserts in the Internal Revenue Code a new section 124A, applicable with respect to taxable years ending after December 31, 1949, providing for the amortization over a period of 60 months of emergency facilities constructed or acquired after December 31, 1949, and certified as necessary in the interest of national defense during the present emergency period. The determination of that part of an investment in a facility which is attributable to defense purposes will be made under such standards and procedures as may be included in regulations prescribed by the certifying authority with the approval of the President. The amortization deduction may be taken at the election of the taxpayer, in lieu of depreciation, and may be discontinued (and depreciation resumed) before the expiration of the 60-month period. The provision is similar to section 124 of the code which authorized the amortization of emergency facilities during World War II. This amendment also makes a technical change in section 23 (t) of the code to conform it to the new section 124A. The House recedes with amendments, one of which adds to section 117 (g) of the code a new paragraph (3) providing that gain from the sale or exchange of property, to the extent that the adjusted basis of such property is less than its adjusted basis determined without regard to section 124A, shall be considered as ordinary income. For example, on December 31, 1950, a taxpayer making his income-tax returns on the calendar-year basis acquires at a cost of $10,000 an emergency facility (used in his business) which normally would have a useful life of 20 years. Under section 124A he elects to begin the 60-month amortization period on January 1, 1951. He takes amortization deductions in the amount of $4,000 for the years 1951 and 1952 (24 months). On December 31, 1952, he sells the facility for $9,500. The adjusted basis of the facility on that date is $6,000 ($10,000 cost less $4,000 amortization). Without regard to section 124A, the facility would have been depreciated at the rate of $500 a year, and its adjusted basis on December 31, 1952, would have been $9,000 ($10,000 cost less $1,000 depreciation). The difference between the facility's actual adjusted basis ($6,000), and its adjusted basis determined without regard to section 124A ($9,000) is $3,000. Accordingly, under the House amendment, of the $3,500 gain on the sale of the facility ($9,500 sale price less $6,000 adjusted basis), $3,000 would be treated as ordinary income and $500 as long-term capital gain.

If the taxpayer acquired other property, in a tax-free exchange, for an emergency facility with respect to which the amortization deduction was allowed, the basis of such other property would be determined with regard to section 124A of the Internal Revenue Code, and therefore the provisions of section 117 (g) (3) of such code would apply with respect to gain realized on a sale or exchange of such other property. The provisions of section 117 (g) (3) likewise apply with respect to gain realized upon the sale or exchange of an emergency facility (or other property, as described in the preceding sentence) by a taxpayer in whose hands the basis of such facility (or other property) is determined by reference to the basis thereof in the hands of another person who was allowed deductions with respect to such facility under section 124A.

Amendment No. 107: This amendment is clerical. The House recedes with an amendment making a change in section number.

Amendment No. 108: This amendment adds a new section 130A to the Internal Revenue Code to provide special income tax treatment of income in respect of "restricted stock options" in cases where the option price is at least 85 percent of the fair market value of the stock subject to the option. The House recedes with amendments providing ordinary income treatment, at disposition of the stock in certain cases, to the amount of the "spread", at the time the option was granted. The amendments revise subsection (a) of section 130A, and insert a new subsection (b).

New subsection (b) provides a special rule applicable where the option price in respect of a restricted stock option is, at the time the option is granted, between 85 and 95 percent of the fair market value of the stock. This rule provides that if no disposition of a share of stock, acquired by an individual upon his exercise after 1949 of a restricted stock option, is made by him within 2 years from the date of the granting of the option, nor within 6 months after the transfer of such share to him, but, at the time the restricted stock option was granted, the option price was less than 95 percent of the fair market value at such time of such share, then, in the event of any disposition of such share by him, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year during which the date of such dispositions falls, an amount equal to the amount, if any, by which the option price is exceeded by the lesser of (1) the fair market value of the share at the time of such disposition or (2) the fair market value of the share at the time the option was granted. Death of the individual at any time (including death within the 2-year period or within the 6-month period) while he owns the share of stock, has the same effect for the purposes of subsection (b) as a disposition of such share by him during the taxable year closing with his death. Subsection (b) also provides that, in case of a disposition of such a share of stock by the individual, the basis of the share in his hands as of the time of such disposition shall be increased by an amount equal to the amount includible as compensation in his gross income. The rule of subsection (a) regarding denial of deduction under section 23 (a) to the employer corporation or its parent or subsidiary also applies to any amounts treated as ordinary income under subsection (b).

In order to make it clear that the special treatment provided in subsection (a) and new subsection (b), when applicable, applies separately to each share of stock, subsection (a) of section 130A has been rephrased to refer to "a share of stock," instead of to "stock." Former subsections (b), (c), and (d) have been redesignated (c), (d), and (e), respectively.

The operation of new subsection (b) may be illustrated by the following examples:

(1) On January 1, 1951, X, an employee of M corporation, receives a restricted stock option to purchase a share of stock of M corporation for $85. The fair market value on that date is $100. On January 1, 1953, X exercises the option, the fair market value of the share on that date being $125. On January 1, 1954, X sells the share for $150. The difference between the fair market value at the date the option was granted and the option price was $15. Therefore, $15 is included as ordinary income in X's gross income for 1954. This $15 increases the $85 cost basis of the share to X, thus giving him a basis for determining gain or loss on the sale of the share of stock of $100. Having sold the share for $150, X has a gain on the sale of $50, of which $25 is taken into account as long-term capital gain.

(2) If the fair market value of the share in example (1) above at the time of the sale

had been only $75, and if X had sold it for $75, no amount in respect of the sale would be includible as compensation in X's gross income for 1954. In such case, X's basis for determining gain or loss on the sale would remain $85. Having sold the share for $75, X would have a loss on the sale of $10, of which $5 would be taken into account as a long-term capital loss.

(3) If, in example (1) above, instead of selling the share on January 1, 1954, X had made a gift of the share on that day, the $15 would be included as compensation in X's gross income for 1954. Similarly, X's basis in respect of the share is increased to $100, which would become the donee's basis, as of the time of the gift, for determining gain or loss on the share of stock.

(4) If, in example (2) above, instead of selling the share on January 1, 1954, X had made a gift of the share on that date, no amount in respect of the transaction would be includible as compensation in X's gross income for 1954. X's basis would remain $85, which also would become the donee's basis, as of the time of the gift, for the purpose of determining gain on the share of stock. The donee's basis for the purpose of determining loss would be determined under section 113 (a) (2), and would be $75.

(5) If, in example (1) above, after acquiring the stock on January 1, 1953, X died during the year 1953, at a time when the share had a fair market value of $150, the $15 spread which existed at the time the option was granted would be included as compensation in X's gross income for the taxable year closing with his death. This is the rule whether X's death occurred during or after a 6-month period running from the date the share was acquired. The basis of the share in the estate of X for the purposes of determining gain or loss would be determined under section 113 (a) (5), and would be $150.

Amendment No. 109: This amendment relates to the time of payment of tax withheld at source from nonresident aliens and corresponds, except for a minor change, to section 601 (d) of the House bill. The House recedes with an amendment making a change in section number.

Amendment No. 110: This amendment adds to the Internal Revenue Code certain rules applicable to the treatment of family partnerships for income-tax purposes, retroactive to taxable years beginning after 1938. The Senate recedes.

Amendment No. 111: This is a clerical amendment. The House recedes with an amendment making a change in section number.

Amendment No. 112: This is a clerical amendment. The House recedes.

Amendment No. 113: This amendment changes the effective date for the taxation of amounts paid for services performed in a possession of the United States by a citizen of the United States as an employee of the United States or any agency thereof from taxable years beginning after December 31, 1949, to taxable years beginning after December 31, 1950. The House recedes with an amendment which restores the effective date contained in the House bill.

Amendment No. 114: This is a clerical amendment. The House recedes with an amendment making a change in section number.

Amendments Nos. 115 and 116: These are clarifying amendments. The House recedes.

Amendment No. 117: This amendment amends section 3811 of the Internal Revenue Code to extend to Puerto Rico administrative, collection, and enforcement provisions considered necessary because of the changes made by the bill relating to the income tax treatment of individuals resident in Puerto Rico. The House recedes.

Amendment No. 118: This amendment makes technical and conforming changes to section 481 (a) (7) of the Internal Revenue Code and to section 211 (a) (7) of the Social Security Act, each of which relates to the computation of net earnings from self-employment in the case of residents of Puerto Rico. These changes are necessary because of the changes made by the bill in the tax treatment of residents of Puerto Rico. The House recedes.

Amendment No. 119: This is a clerical amendment. The House recedes.

Amendment No. 120: This amendment provides that the amendment made by Senate amendment No. 117 shall be effective on the date of the enactment of the bill. The House recedes.

Amendment No. 121: This amendment adds to the Internal Revenue Code a new paragraph which, for certain purposes, would allow a regulated investment company, at its option, to treat certain dividends as having been paid in the taxable year preceding that of their actual payment. The House recedes with an amendment making a change in section number.

Amendment No. 122: This amendment provides that section 502 (f) of the Internal Revenue Code, relating to use of corporation property by a shareholder, shall not apply to rents received during taxable years ending after December 31, 1945, and prior to January 1, 1950, if such rents were received for the use by the lessee, in the operation of a bona fide commercial, industrial, or mining enterprise, of property of the corporation. The House recedes with an amendment making a change in section number.

Amendment No. 123: This amendment strikes out section 218 of the House bill, relating to increase in rate of corporation-income taxes. The increase in corporate rates is effected under Senate amendments Nos. 39 and 40. The House recedes.

Amendments Nos. 124 and 125: These are clerical amendments which change the headings of part I of title III of the bill, and of Supplement U of chapter 1 of the Internal Revenue Code, respectively, to conform to the changes made by Senate amendment No. 151. The House recedes.

Amendment No. 126: This is a technical amendment to conform the rate of tax on organizations subject to the Supplement U tax at corporate rates to the increased corporate tax rate provided in Senate amendment No. 39. The House recedes.

Amendments Nos. 127 and 128: These are clarifying amendments. They make clear that the word "church" in the new section 421 (b) (1) of the Internal Revenue Code, as it appeared in the House bill, includes a convention or association of churches as an organization exempt from the Supplement U tax. The House recedes.

Amendment No. 129: This is a technical amendment to conform to Senate amendment No. 151, which eliminates the proposed tax on accumulated investment income. The House recedes.

Amendment No. 130: This amendment continues the exclusion of dividends, interest, and annuities from unrelated business net income for purposes of the Supplement U tax as provided for in the comparable House bill provision and sets forth specifically the royalties which are also to be excluded from unrelated business net income. The House recedes.

Amendment No. 131: This amendment is a change in paragraph number. The House recedes.

Amendment No. 132: This is a technical amendment. The provision stricken thereby from the House bill is covered in Senate amendment No. 135. The House recedes.

Amendments Nos. 133 and 134: These amendments are changes in paragraph numbers. The House recedes.

Amendment No. 135: This amendment adds a new paragraph (5) to the new numbered section 422 (a) of the Internal Revenue Code, which broadens the exclusion from unrelated business net income subject to the Supplement U tax provided in section 422 (a) (2) in the House bill for capital gains or losses. The House recedes.

Amendment No. 136: This amendment is a change in a paragraph number. The House recedes.

Amendment No. 137: This amendment extends the House bill provision which excluded, from unrelated business income subject to the Supplement U tax, income derived from research for the United States or any of its agencies. The amendment adds to the code in lieu of the House provision a section numbered 422 (a) (7) which excludes all income derived from work performed under a contract with the United States or any of its agencies or instrumentalities or with any State or political subdivision thereof. The amendment also adds a provision, numbered section 422 (a) (8), excluding income derived by a college, university, or hospital from research performed for any person.

The House recedes with amendments limiting the exclusion in section 422 (a) (7) to income derived from research for the Federal Government or the States and adding a subparagraph to section 422 (a) (8) providing that, in the case of an organization operated primarily for the purposes of carrying on fundamental research the results of which are freely available to the general public, income derived from all research is to be excluded from unrelated business income.

Amendments Nos. 138 and 139: These amendments change paragraph numbers. The House recedes.

Amendment No. 140: This amendment is clerical. The House recedes.

Amendment No. 141: This amendment excepts from the definition of "unrelated trade or business" under new code section 422 (b) as it appeared in the House bill, any trade or business which consists of selling merchandise, substantially all of which has been received by the organization as gifts or contributions. The House recedes.

Amendment No. 142: This is a technical amendment conforming to Senate amendment No. 159. The House recedes.

Amendment No. 143: This amendment changes the definition in new code section 423 (a) of the phrase "Supplement U lease" to mean, in general, a lease for a term of more than 5 years of real property on which there is a Supplement U lease indebtedness; whereas, under the corresponding provision of the House bill, leases of 5 years or more were covered where such indebtedness existed. The House recedes.

Amendments Nos. 144 and 145: These are clerical amendments. The House recedes.

Amendment No. 146: This amendment excepts certain types of leases from the definition of a "Supplement U lease" as such term is defined in new code section 423 (a). Rents from such leases will not be subject to the Supplement U tax. The excepted types of leases are those entered into primarily for purposes which are substantially related to the lessor organization's exempt purposes; leases of premises in a building primarily designed for occupancy by the lessor organization; certain long-term leases of portions of the premises where both the rents derived from such leases are less than certain percentages of the total rents derived from the entire premises and the area covered under

such long-term leases represents less than certain percentages of the total area covered by leases on the entire premises. The House recedes with a technical amendment conforming to Senate amendment No. 143 and with an amendment requiring that the building primarily designed for occupancy by the organization also be occupied by the organization if a lease of premises in such a building is to be excepted from the definition of a Supplement U lease.

Amendment No. 147: This is a technical amendment conforming to Senate amendment No. 143. The House recedes.

Amendment No. 148: This amendment clarifies the manner in which a "Supplement U lease indebtedness" may be incurred. The House recedes.

Amendment No. 149: This amendment provides that where real property was acquired by gift, bequest or devise prior to July 1, 1950, subject to a mortgage or subject to a lease requiring improvements, the mortgage indebtedness or indebtedness incurred in so improving the property shall not be considered as Supplement U indebtedness. A similar result is also provided under certain circumstances where an organization described in section 101 (1), (6) or (7) acquires all the stock of a corporation described in section 101 (14). The House recedes with a clarifying amendment.

Amendment No. 150: This is a clerical amendment. The House recedes.

Amendment No. 151: This amendment strikes out provisions of the House bill which would have added sections 424 and 425 to the Internal Revenue Code, which would have subjected to the Supplement U tax certain accumulated investment income of trusts and certain other organizations exempt under section 101 (6) of the code. The House recedes.

Amendment No. 152: This amendment is a change in section number. The House recedes.

Amendment No. 153: This amendment strikes out section 301 (c) of the House bill which set up specific standards under which certain organizations exempt under section 101 (6) of the Internal Revenue Code must operate in order to retain their exempt status. However, the provisions of this section, with modifications, are incorporated in new code section 3813 as added by Senate amendment No. 162. The House recedes.

Amendments Nos. 154, 155, and 156: These amendments are clerical and technical conforming changes. The House recedes.

Amendment No. 157: This amendment adds section 302 to the bill for which there was no corresponding section in the bill as it was passed by the House. Section 302 deals with possible tax liability for taxable years beginning prior to 1951 of certain organizations which for such years were carrying on a trade or business the profits of which were dedicated exclusively to exempt purposes; such section also deals with deductibility of contributions made prior to 1951 to such organizations.

The House recedes with an amendment which revises section 302 of the bill as amended, section 302 (a) provides that for taxable years beginning prior to 1951, no organization shall be denied exemption under section 101 (1), (6), or (7) of the code on the ground that it is carrying on a trade or business for profit, if the income from this source would not be taxable under Supplement U as amended by this bill, or if such trade or business is the rental by such organization of its real property (including personal property leased therewith).

Subsection (b) of section 302 provides that the statute of limitations against assessment of income tax shall begin to run, for any taxable year prior to 1951, with the filing of an information return (Form 990) in the case of an organization which would be exempt under section 101 of the code were it not carrying on a trade or business for profit. If under section 54 (f) of the code such organization was not required to file an information return, assessment is barred three years after the date such return would have been due if such organization had been required to file such return. However, the provisions of this subsection are not to apply to a taxable year with respect to which, prior to September 20, 1950, any amount of tax was assessed or paid, or a notice of deficiency under section 272 of the code was sent to the organization.

Subsection (c) of section 302 provides that a gift or bequest for charitable, etc., purposes, otherwise allowable as a deduction under the appropriate income, estate or gift tax provisions of the code, may not be denied for any taxable year prior to January 1, 1951, if the denial of exemption to the recipient organization for the time in which such contribution was made is prevented by section 302.

The conferees were unable to consider the question of taxability for years prior to 1951 of income derived by a college or university from the conduct of a trade or business whether carried on directly by the institution or through a subsidiary. This matter is in litigation and was not in conference. However, it is the view of the conferees that undue hardship will arise if such institutions are required to pay taxes on income which has already been spent to carry out their educational programs; and the conferees express the hope that this matter may be reviewed in subsequent legislation.

Amendment No. 158: This amendment is a change in section number. The House recedes.

Amendment No. 159: This amendment eliminates those provisions of the House bill which would have denied a deduction under section 162 (a) of the Internal Revenue Code with respect to income which was accumulated, and also the privilege of election which would have been granted trustees to deduct under section 162 (a) for certain distributions made after the close of the taxable year. This amendment retains, with modifications, the limitations proposed in the House bill on the unlimited charitable deduction allowed trusts under section 162 (a) of the code. These limitations, which now appear as section 162 (g) (1) and (2), result in the denial of a deduction under section 162 (a) of the code for amounts attributable to income derived from business activities of the trust and for amounts in excess of 15 percent of the net income if the trust has engaged in certain prohibited transactions, directly or indirectly with the creator of, or a substantial donor to, such trust. Section 162 (g) (2) (C) and (D) provides rules with repect to the taxable years affected where the deduction of a trust has been so limited because of engaging in prohibited transactions. Section 162 (g) (2) (E) provides rules for the disallowances to the donor of a deduction under the appropriate income, estate, and gift tax provisions of the Internal Revenue Code, for gifts or bequests in trust where at the time of the gift or bequest the trust is not allowed the unlimited deduction under section 162 (a) of the code.

The House recedes with clerical amendments and an amendment which adds paragraph (4) to section 162 (g), which paragraph provides that the amount which would otherwise be allowed under section 162 (a) as a deduction for amounts permanently set aside for charitable and related purposes during the taxable year or any prior taxable year and not actually paid out at the end of the taxable year shall be limited to such amounts as actually paid out as are not in excess of 15 percent of the net income of the trust, computed without the benefit of section 162 (a), where the accumulations are (1) unreasonable either in size or duration, or (2) used to a substantial degree for other than charitable or related purposes, or (3) invested in such a manner as to jeopardize the interests of the religious, charitable, scientific, etc., beneficiaries. The deductions are to be so limited as provided in this paragraph in the year in which the accumulation becomes unreasonable or is misused and will continue to be so limited until such situation is corrected.

Amendment No. 160: This is a technical amendment. The House recedes.

Amendment No. 161: This is a technical amendment to conform the effective date of part II of title III of this bill to additions made therein by Senate amendment No. 159. The House recedes.

Amendment No. 162: This amendment strikes part III of title III of the bill as it was passed by the House, the provisions of which disallowed certain charitable, etc., deductions for income-, estate-, and gift-tax purposes for gifts and bequests to certain organizations exempt under section 101 (6) of the Internal Revenue Code where the instruments under which the recipient organizations were operated did not provide that such organizations might not engage in certain prohibited acts. However, the provisions of this part, with certain modifications, are incorporated in section 3813 as added to the Internal Revenue Code by this amendment. The principal changes made by the Senate amendment are to broaden the categories of organizations not subject to the provisions of the section; to omit the requirement that the mandate against prohibited transactions be incorporated in the governing instrument of the organization; to limit the categories of prohibited transactions to those which are not at arm's length; to omit the provisions denying charitable deductions for certain contributions of stock in a family business; and to provide specific rules regarding the taxable years affected when an organization engages in a prohibited transaction.

The House recedes with clerical and technical amendments and an amendment adding after section 3813 of the code a new section, 3814. Section 3814 provides that exemption under section 101 (6) of the code shall be denied for the taxable year in the case of an organization described in section 101 (6) to which section 3813 of the code is applicable, if the accumulations out of income during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year, are either unreasonable in amount or duration in order to carry out the organization's exempt purposes; or are used to a substantial degree for purposes or functions other than such organization's exempt purposes; or are invested in such a manner as to jeopardize the carrying out of the organization's exempt purposes. In effect, section 3814 denies exemption to a section 101 (6) organization in the year in which its accumulation of income becomes unreasonable or is misused, and such organization will continue to be denied exemption as long as such situation continues.

Amendment No. 163: This amendment adds to title III of the bill as it passed the House a new part designated part IV which requires, for taxable years beginning after December 31, 1949, that certain organizations exempt under section 101 (6) of the Internal Revenue Code and trusts taxable under Supplement E of the code claiming charitable, etc., deductions under section 162 (a) of the code shall furnish annually in-

formation respecting income, expenses, disbursements, accumulations, and a balance sheet, which information is to be made available to the public. The House recedes.

Amendments Nos. 164 to 174, inclusive: These amendments restrict the provisions which would apply a corrected formula in computing the income taxes of life insurance companies to 1949 and 1950, instead of to 1947, 1948, 1949, and 1950, as provided for by the House bill. The House recedes.

Amendment No. 175: This amendment strikes out section 403 of the House bill relating to income taxes of insurance companies in receivership during 1947 or 1948. The House recedes.

Amendments Nos. 176 and 177: These amendments are clerical. The House recedes.

Amendment No. 178: This amendment adds to the bill a new section which amends section 404 (c) of the Revenue Act of 1942 to limit the inclusion in the gross estate of a decedent for estate-tax purposes of proceeds of life-insurance policies upon his own life, purchased in whole or in part with premiums or other consideration paid by him on or before January 10, 1941, and receivable by persons other than his executor. The House recedes.

Amendments Nos. 179 and 180: These amendments strike out title VI and section 601 of the House bill providing for collection of income tax at source on dividends. The House recedes.

Amendment No. 181: This amendment strikes out section 602 of the House bill, which dealt with the reduction of the rate of interest on overpayments. The House recedes.

Amendment No. 182: This amendment strikes out section 603 of the House bill, relating to payment of income tax by installment payments. The provisions of that section are incorporated in Senate amendment No. 62. The House recedes.

Amendment No. 183: This amendment adds to the bill the heading "Title VI—Excise Taxes" and section 601 relating to retailers' excise taxes in the case of sales of jewelry or furs by an auctioneer or other agent. This section is identical to subsection (e) of section 102 of the House bill, which was stricken by Senate amendment No. 3. The House recedes.

Amendment No. 184: This amendment adds to the bill a new section 602, relating to retail sales by the United States or by its agencies or instrumentalities. This section is identical to section 104 of the House bill, which was stricken by Senate amendment No. 5. The House recedes.

Amendment No. 185: This amendment adds to the bill a new section 603, relating to excise tax on coin-operated gaming devices. The amendment made by this section to the Internal Revenue Code is the same as the amendment made by section 142 (a) of the House bill, stricken by Senate amendment No. 17. The House recedes.

Amendment No. 186: This amendment adds to the bill a new section 604, relating to the payment of occupational taxes by Federal agencies and instrumentalities. This section is identical to section 144 of the House bill stricken by Senate amendment No. 19. The House recedes.

Amendment No. 187: This amendment adds to the bill a new section 605 which extends the 10 percent manufacturers' excise tax on radio receiving sets and parts to television receiving sets and parts. The House recedes.

Amendment No. 188: This amendment adds to the bill a new section 606 which extends the 10 percent manufacturers' excise tax on mechanical refrigerators and air-conditioning units to quick-freeze units. Section 155 of the House bill (stricken by Senate amendment No. 24) also provided for taxing quick-freeze units, but at a lower rate. The House recedes.

Amendment No. 189: This amendment adds to the bill a new section 607, relating to taxes on transportation. Subsection (a), relating to the tax on the transportation of persons, imposes the tax on amounts paid without the United States for the transportation of persons which begins and ends in the United States, and subsection (b), relating to the tax on the transportation of property, imposes the tax on amounts paid without the United States for the transportation of property from one point in the United States to another. The House recedes.

Amendment No. 190: This amendment provides an effective date for the amendments made by the new sections 601, 602, 605, and 606. The provisions of this section are substantially the same as the corresponding provisions of the House bill. The House recedes with a change in section number.

Amendment No. 191: Senate amendment No. 191 added a new section to the bill directing the House Committee on Ways and Means and the Senate Committee on Finance to report to the respective Houses a bill for raising revenue by the levying, collection, and payment of corporate excess profits taxes with retroactive effect to October 1 or July 1, 1950, such bill to originate as required by article I, section 7 of the Constitution. Such bill was to be reported as early as practicable during the first session of the Eighty-second Congress. The Senate amendment further directed the Joint Committee on Internal Revenue Taxation to make a full and complete study of the problems involved in the taxation of excess profits accruing to corporations as the result of the national-defense program in which the United States is now engaged, and to report the results of its study to the House Committee on Ways and Means and the Senate Committee on Finance as soon as practicable.

The House (by the adoption of H. Res. 842) agreed to Senate amendment No. 191 with an amendment which directed that such bill be reported as early as practicable during the second session of the Eighty-first Congress. In all other respects, the language of the House amendment was identical to Senate amendment No. 191.

The Senate recedes with an amendment which provides that the bill required by both Senate amendment No. 191 and the House amendment thereto shall be reported as early as practicable after November 15, 1950, to the Eighty-first Congress, if in session after such date; and if the Congress is not in session in 1950 after such date, the bill shall be reported as early as practicable during the first session of the Eighty-second Congress.

Amendment No. 192: This amendment conforms the table of contents to the amendments made by the Senate to the House bill. The House recedes with an amendment conforming the table of contents to the bill as agreed to in conference.

Amendment to the title: The House recedes.

ROBERT L. DOUGHTON,
JERE COOPER,
JOHN D. DINGELL,
WILBUR D. MILLS,
DANIEL A. REED,
ROY O. WOODRUFF,
THOMAS A. JENKINS,
Managers on the Part of the House.

Mr. DOUGHTON. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, when this bill passed the House, it was designed to provide reduction and relief in the case of many of the war excise taxes and to close tax loopholes. This bill reduced excise taxes by approximately $1,000,000,000 and provided offsetting revenues of about the same amount.

The outbreak of hostilities in the Korean war on June 24 made the status of the bill very uncertain, since it appeared certain that additional revenue would be required. After a series of conferences with the Secretary of the Treasury, in which I participated with Chairman GEORGE of the Finance Committee, it was thought that the urgency of the situation required that additional revenue must be raised speedily. To accomplish this objective, as quickly as possible, it was decided that H. R. 8920 should be utilized as a vehicle for that purpose. On August 3, the Finance Committee, which had already completed hearings on H. R. 8920, resumed consideration of the bill. The Senate struck from the House bill all of the excise changes resulting in a loss in revenue, retained many of the provisions of the House bill designed to close tax loopholes, and provided for increased revenue through the raising of corporate and individual income taxes.

Under the bill as passed the Senate, the additional revenue on a full year basis amounted to $4,500,000,000. For the fiscal year 1951 it was estimated that the Senate bill would yield approximately $3,000,000,000.

INDIVIDUAL INCOME-TAX INCREASES

From individual income taxpayers, the bill was estimated to raise an additional amount of $2,800,000,000 annually. This was accomplished by eliminating for 1951 and subsequent years the percentage reductions from tax provided for under the Revenue Acts of 1945 and 1948. The combined effect of the reductions under those acts was from 17 percent where the tax did not exceed $400 to 9.75 percent where the tax exceeded $100,000. These reductions are completely eliminated for 1951 and subsequent years. However, the split income feature of the 1948 act was retained as well as the personal exemptions of $600 per capita and a 3-point reduction in the surtax brackets provided for in the Revenue Act of 1945.

For the year 1950, the increases are effective on October 1. Because individuals receive income at different periods throughout the year—farmers receive their income generally in the fall instead of in the spring—it was decided to apply a 25-percent cut in the percentage reductions calculated on the entire year's income. Thus, for the calendar year 1950, the taxpayer will not lose the entire reductions in tax provided for in the revenue acts of 1945 and 1948, but will have them reduced by 25 percent.

The withholding rate on wages will be increased from 15 percent to 18 percent, effective October 1, 1950.

I am inserting at this point certain tables which show the difference in tax liability under the existing law and under the conference agreement.

TABLE 1.—*Comparison of individual income-tax liability under present law and under the conference agreement for the calendar years 1950 and 1951*

SINGLE PERSON—NO DEPENDENTS

Net income before exemption	Amount of tax under—			Increase under conference agreement		1950 increase as a percentage of—		1951 increase as a percentage of—	
	Present law	Conference agreement		1950	1951	Tax under present law	Net income after tax under present law	Tax under present law	Net income after tax under present law
		1950	1951						
						Percent	*Percent*	*Percent*	*Percent*
$600									
$800	$33	$35	$40	$2	$7	4.8	0.2	20.5	0.9
$1,000	66	70	80	3	14	4.8	.3	20.5	1.5
$1,500	149	157	180	7	31	4.8	.5	20.5	2.3
$2,000	232	244	280	11	48	4.8	.6	20.5	2.7
$3,000	409	428	488	19	79	4.6	.7	19.2	3.0
$5,000	811	843	944	32	133	4.0	.8	16.4	3.2
$8,000	1,546	1,604	1,780	57	234	3.7	.9	15.1	3.6
$10,000	2,124	2,201	2,436	77	312	3.6	1.0	14.7	4.0
$15,000	3,894	4,032	4,448	137	554	3.5	1.2	14.2	5.0
$20,000	6,089	6,301	6,942	212	853	3.5	1.5	14.0	6.1
$25,000	8,609	8,898	9,796	298	1,196	3.5	1.8	13.9	7.3
$50,000	23,201	23,997	26,388	796	3,187	3.4	3.0	13.7	11.9
$100,000	58,762	60,770	66,798	2,008	8,036	3.4	4.9	13.7	19.5
$500,000	[1] 385,000	396,221	429,274	11,221	44,274	2.9	9.8	11.5	38.5
$1,000,000	[1] 770,000	[2] 800,000	[3] 870,000	30,000	100,000	3.9	13.0	13.0	43.5

[1] Taking into account maximum effective rate limitation of 77 percent.
[2] Taking into account maximum effective rate limitation of 80 percent.
[3] Taking into account maximum effective rate limitation of 87 percent.

Source: Staff of the Joint Committee on Internal Revenue Taxation.

TABLE 2.—*Comparison of individual income-tax liability under present law and under the conference agreement for the calendar years 1950 and 1951*

MARRIED PERSON—NO DEPENDENTS

Net income before exemption	Amount of tax under—			Increase under conference agreement		1950 increase as a percentage of—		1951 increase as a percentage of—	
	Present law	Conference agreement		1950	1951	Tax under present law	Net income after tax under present law	Tax under present law	Net income after tax under present law
		1950	1951						
						Percent	*Percent*	*Percent*	*Percent*
$1,200									
$1,500	$50	$52	$60	$2	$10	4.8	0.2	20.5	0.7
$2,000	133	139	160	6	27	4.8	.3	20.5	1.5
$3,000	299	313	360	14	61	4.8	.5	20.5	2.3
$5,000	631	661	760	30	129	4.8	.7	20.5	3.0
$8,000	1,206	1,257	1,416	50	210	4.2	.7	17.4	3.1
$10,000	1,621	1,686	1,888	65	267	4.0	.8	16.4	3.2
$15,000	2,829	2,935	3,260	106	431	3.7	.9	15.2	3.5
$20,000	4,247	4,402	4,872	154	625	3.6	1.0	14.7	4.0
$25,000	5,877	6,087	6,724	210	847	3.6	1.1	14.4	4.4
$50,000	17,201	17,797	19,592	596	2,391	3.5	1.8	13.9	7.3
$100,000	46,403	47,994	52,776	1,591	6,373	3.4	3.0	13.7	11.9
$500,000	359,662	370,657	403,548	10,995	43,886	3.1	7.8	12.2	31.3
$1,000,000	[1] 770,000	792,442	858,548	22,442	88,548	2.9	9.8	11.5	38.5

[1] Taking into account maximum effective rate limitation of 77 percent.

TABLE 3.—*Comparison of individual income-tax liability under present law and under the conference agreement for the calendar years 1950 and 1951*

MARRIED PERSON—2 DEPENDENTS

Net income before exemption	Amount of tax under—			Increase under conference agreement		1950 increase as a percentage of—		1951 increase as a percentage of—	
	Present law	Conference agreement		1950	1951	Tax under present law	Net income after tax under present law	Tax under present law	Net income after tax under present law
		1950	1951						
						Percent	*Percent*	*Percent*	*Percent*
$2,400									
$3,000	$100	$104	$120	$5	$20	4.8	0.2	20.5	0.7
$5,000	432	452	520	21	88	4.8	.5	20.5	1.9
$8,000	974	1,016	1,152	43	178	4.4	.6	18.3	2.5
$10,000	1,361	1,417	1,592	56	231	4.1	.6	17.0	2.7
$15,000	2,512	2,607	2,900	95	388	3.8	.8	15.4	3.1
$20,000	3,888	4,030	4,464	142	576	3.6	.9	14.8	3.6
$25,000	5,476	5,672	6,268	196	792	3.6	1.0	14.5	4.1
$50,000	16,578	17,152	18,884	575	2,306	3.5	1.7	13.9	6.9
$100,000	45,643	47,208	51,912	1,565	6,269	3.4	2.9	13.7	11.5
$500,000	358,677	369,645	402,456	10,968	43,779	3.1	7.8	12.2	31.0
$1,000,000	769,314	791,430	857,456	22,116	88,142	2.9	9.6	11.5	38.2

The House conferees agreed to these provisions of the Senate bill.

CORPORATION TAX INCREASES

In the case of corporations, it will be recalled that the House bill provided for a more simple method of taxing corporations which eliminated the complicated notch formula of existing law. The Senate bill adopts a simplified method of the House bill, but increases the corporation tax so that beginning with 1951 the top rate will be approximately 45 percent. The changes in the Senate bill increased the tax liabilities of corporations for 1951 and subsequent years by $1,500,000,000. The normal rate under the Senate bill for 1951 and subsequent years was raised to 25 percent, a four-point increase over existing law, with a

surtax rate of 20 percent, making a total maximum effective rate of 45 percent. However, the Senate retained the $25,000 exemption from surtax provided for in the House bill. The Senate bill did not make this rate effective until 1951. For the calendar year 1950, the normal tax rate was raised to 23 percent with a surtax rate of 19 percent and a surtax exemption of $25,000.

The tables, which I will insert at this point, show the difference in tax liability under existing law and the Senate bill. Our conferees accepted these provisions of the Senate bill.

Table 4.—Comparison of effective corporate income-tax rates and tax liability for 1950, under the conference agreement and under present law

Net income (normal and surtax)	Effective rates			Combined normal and surtax			
	Present law	Conference agreement	Percentage point increase or decrease (−)	Present law	Conference agreement	Increase or decrease (−)	
						Amount	Percent
	Percent	*Percent*	*Percent*				
$1,000	21.00	23.00	2.00	$210	$230	$20	9.52
$2,000	21.00	23.00	2.00	420	460	40	9.52
$3,000	21.00	23.00	2.00	630	690	60	9.52
$4,000	21.00	23.00	2.00	840	920	80	9.52
$5,000	21.00	23.00	2.00	1,050	1,150	100	9.52
$6,000	21.33	23.00	1.67	1,280	1,380	100	7.81
$7,000	21.57	23.00	1.43	1,510	1,610	100	6.62
$8,000	21.75	23.00	1.25	1,740	1,840	100	5.75
$9,000	21.89	23.00	1.11	1,970	2,070	100	5.08
$10,000	22.00	23.00	1.00	2,200	2,300	100	4.55
$15,000	22.33	23.00	.67	3,350	3,450	100	2.99
$20,000	22.50	23.00	.50	4,500	4,600	100	2.22
$25,000	23.00	23.00	0	5,750	5,750	0	0
$30,000	28.00	26.17	−1.83	8,400	7,850	−550	−6.55
$35,000	31.57	28.43	−3.14	11,050	9,950	−1,100	−9.95
$40,000	34.25	30.13	−4.12	13,700	12,050	−1,650	−12.04
$45,000	36.33	31.44	−4.89	16,350	14,150	−2,200	−13.46
$50,000	38.00	32.50	−5.50	19,000	16,250	−2,750	−14.47
$75,000	38.00	35.67	−2.33	28,500	26,750	−1,750	−6.14
$100,000	38.00	37.25	−.75	38,000	37,250	−750	−1.97
$118,750	38.00	38.00	0	45,125	45,125	0	0
$150,000	38.00	38.83	.83	57,000	58,250	1,250	2.19
$200,000	38.00	39.63	1.63	76,000	79,250	3,250	4.28
$300,000	38.00	40.42	2.42	114,000	121,250	7,250	6.36
$400,000	38.00	40.81	2.81	152,000	163,250	11,250	7.40
$500,000	38.00	41.05	3.05	190,000	205,250	15,250	8.03
$750,000	38.00	41.37	3.37	285,000	310,250	25,250	8.86
$1,000,000	38.00	41.53	3.53	380,000	415,250	35,250	9.28
$5,000,000	38.00	41.91	3.91	1,900,000	2,095,250	195,250	10.28
$10,000,000	38.00	41.95	3.95	3,800,000	4,195,250	395,250	10.40

TABLE 5.—*Comparison of corporate income-tax liability and effective rates under present law and under the conference agreement (normal tax rate of 25 percent, surtax rate of 20 percent, and surtax exemption of $25,000) for 1951 and subsequent years*

Net income subject to normal and surtax	Combined normal and surtax		Effective rates (percent)			Increase or decrease (−) in tax liability over present law	
	Present law	Conference agreement	Present law	Conference agreement	Percentage point increase or decrease (−) over present law	Amount	Percent
			Percent	*Percent*	*Percent*		
$1,000	$210.00	$250.00	21.00	25.00	4.00	$40	19.05
$2,000	420.00	500.00	21.00	25.00	4.00	80	19.05
$3,000	630.00	750.00	21.00	25.00	4.00	120	19.05
$4,000	840.00	1,000.00	21.00	25.00	4.00	160	19.05
$5,000	1,050.00	1,250.00	21.00	25.00	4.00	200	19.05
$6,000	1,280.00	1,500.00	21.33	25.00	3.67	220	17.19
$7,000	1,510.00	1,750.00	21.57	25.00	3.43	240	15.89
$8,000	1,740.00	2,000.00	21.75	25.00	3.25	260	14.94
$9,000	1,970.00	2,250.00	21.89	25.00	3.11	280	14.21
$10,000	2,200.00	2,500.00	22.00	25.00	3.00	300	13.64
$15,000	3,350.00	3,750.00	22.33	25.00	2.67	400	11.94
$20,000	4,500.00	5,000.00	22.50	25.00	2.50	500	11.11
$25,000	5,750.00	6,250.00	23.00	25.00	2.00	500	8.70
$30,000	8,400.00	8,500.00	28.00	28.33	.33	100	1.19
$31,250	9,062.50	9,062.50	29.00	29.00	0	0	0
$35,000	11,050.00	10,750.00	31.57	30.71	−.86	−300	−2.71
$40,000	13,700.00	13,000.00	34.25	32.50	−1.75	−700	−5.11
$45,000	16,350.00	15,250.00	36.33	33.89	−2.44	−1,100	−6.73
$50,000	19,000.00	17,500.00	38.00	35.00	−3.00	−1,500	−7.89
$55,000	20,900.00	19,750.00	38.00	35.91	−2.09	−1,150	−5.50
$60,000	22,800.00	22,000.00	38.00	36.67	−1.33	−800	−3.51
$70,000	26,600.00	26,500.00	38.00	37.86	−.14	−100	−.38
$71,428.57+	27,142.86	27,142.86	38.00	38.00	0	0	0
$85,000	32,300.00	33,250.00	38.00	39.12	1.12	950	2.94
$90,000	34,200.00	35,500.00	38.00	39.44	1.44	1,300	3.80
$100,000	38,000.00	40,000.00	38.00	40.00	2.00	2,000	5.26
$150,000	57,000.00	62,500.00	38.00	41.67	3.67	5,500	9.65
$200,000	76,000.00	85,000.00	38.00	42.50	4.50	9,000	11.84
$300,000	114,000.00	130,000.00	38.00	43.33	5.33	16,000	14.04
$400,000	152,000.00	175,000.00	38.00	43.75	5.75	23,000	15.13
$500,000	190,000.00	220,000.00	38.00	44.00	6.00	30,000	15.79
$750,000	285,000.00	332,500.00	38.00	44.33	6.33	47,500	16.67
$1,000,000	380,000.00	445,000.00	38.00	44.50	6.50	65,000	17.11
$5,000,000	1,900,000.00	2,245,000.00	38.00	44.90	6.90	345,000	18.16
$10,000,000	3,800,000.00	4,495,000.00	38.00	44.95	6.95	695,000	18.29

	Millions of dollars
Increase in corporate income-tax liabilities	1,645
Decrease in individual income-tax liabilities	145
Net increase in income-tax liabilities	1,500

EXCISE TAXES

In respect to the excise taxes, the Senate bill retained all of the House provisions providing for increases in revenue from excise taxes and added two items to the House bill list, including a 10 percent tax on television sets and increase from 7 percent to 10 percent the tax on quick freezers imposed by the House bill, all of which would result in a net increase of revenue from excise taxes under existing law of approximately $55,000,000 a year.

LOOPHOLES

The bill as passed by the Senate contained many of the loophole closing provisions of the House bill. Those which we were compelled to give up in order to get a bill are the following:

First. Taxing the interest element when life insurance is paid in installments.

Second. Dividends paid out of pre-March 1913 earnings.

Third. Liquidation of foreign subsidiaries. It was decided by the conference that this matter should be considered in a bill dealing with the point 4 program.

Fourth. The provisions dealing with the sale or exchange of business property were reviewed in the conference and it was decided for the present to continue the existing law.

The House bill did not change the existing law regarding gain from the sale of livestock used for dairy or breeding purposes. However, the Senate bill included a floor amendment specifically providing that cattle used for breeding or dairy purposes should be entitled to capital gain treatment as property used in a trade or business. The conference eliminated this amendment because it was not felt advisable to deal with cattle to the exclusion of other livestock, the treatment of which was not in conference. The conferees believed the whole matter should have further study and legislation. Pending such further study and legislation the conferees expressed the hope that the Treasury would follow the Albright decision, which treats the gain from the sale of livestock used for dairy or breeding purposes as a capital gain instead of ordinary income.

Fifth. Another provision in the House bill, which we were unable to retain was the one cutting the holding period for computing capital gains from 6 months to 3 months.

Sixth. We were unable to retain the House provision requiring withholding on dividends. However, this matter can be considered again next year.

Seventh. With respect to the provisions of the House bill cutting the interest ratio on refunds from 6 to 3 percent, the House conferees agreed to recede.

Eighth. We were also unable to keep in the bill the percentage depletion allowances provided for in the House bill in the case of sand and gravel, coal, and so forth. Because of the need for revenue, it was felt that these allowances should not be made at this time.

The Senate conferees agreed to recede on two especially important provisions, One provided a new treatment for family partnerships and was retroactive to December 31, 1938. Another provided capital-gain treatment for assignments of short-lived oil and other mineral payments. It is estimated by the Treasury that these provisions would result in a large loss in revenue and that the partnership amendment would cause great administrative difficulties. The Senate receded on these amendments.

The Senate also inserted in the bill a provision providing for amortization of emergency facilities. This provision is applicable to facilities acquired or completed after December 31, 1949. It differs from the World War II provision in the following respects:

The certifying authority is to be designated by the President in an Executive order, whereas in World War II this task was assigned to the Army and Navy Departments acting under regulations issued by the President. During the war the certifying authority was delegated to the War Production Board.

A portion of the facility may be designated as essential. There was no similar provision under the World War II legislation but certificates limiting amortization to a percentage of the total cost of a facility were issued in the closing months of the war.

The World War II legislation also provided that in the event the period of emergency was terminated prior to the conclusion of the 60-month amortization period on a given facility, the taxpayer could recompute his amortization over the period ending with the date of the Presidential proclamation. No similar provision is contained in your committee's bill.

Where a plant or facility is sold which has been completely amortized, the conference agreement treats any gain as ordinary income to the extent such gain exceeds the depreciation allowance.

Under the World War II provision, however, all of the gain would be treated as capital gain. This last change was insisted upon by the House conferees.

The House bill contained a number of provisions dealing with tax-exempt organizations, foundations, and charitable trusts.

The Senate bill retained with slight modification the tax on unrelated business income, the tax on lease-backs, and the provisions of the House bill affecting the status of trusts and tax-exempt organizations engaging in transactions with their donors or members of their family. However, the Senate bill eliminates the tax on accumulations provided for in the House bill in the case of private foundations and trusts, and substituted therefor a publicity provision. It appears that the tax on accumulations might cause hardship in the case of certain bona fide trusts or organizations, and that further study of these provisions should be made. The House conferees accepted the Senate provisions with an added provision which would have the effect of denying exemption for unlimited charitable deductions to trusts and foundations which were operated to benefit the grantor or organizer of the foundation and not the beneficiaries.

The conference has accepted a Senate amendment which will exempt from income tax the pay of enlisted personnel for serving in Korea, or any other area designated by the President as a combat area. Officers are entitled to an exclusion of $200 per month for their pay earned for each month spent in the combat area.

The Senate had a provision permitting a corporation to spin off part of its assets through the formation of a new corporation and distributing the stock of the new company to the old shareholders without recognition of gain or loss. This provision was very much objected to by the Treasury and the House conferees were able to get the Senate conferees to recede on this amendment, so it could be further studied.

OTHER PROVISIONS

Other provisions which the House accepted with protective changes to prevent abuse are those relating to employee stock options, deduction for expenses to maintain, establish, and increase the circulation of newspapers and periodicals. In addition, railroads and other organizations were granted additional time, that is to December 31, 1951, to reduce their obligations without recognition of gain or loss.

In connection with Senate amendment 191 dealing with the excess-profits tax, which was amended by the House directing our committee to report an excess-profits-tax bill during the Eighty-first Congress, the conferees agreed that such bill should be reported as early as practicable during the Eighty-first Congress after November 15, 1950, if the Congress is in session after that date, and if the Congress is not in session in 1950 after that date then the bill should be reported as early as practicable during the first session of the Eighty-second Congress. It was also agreed that the bill should be retroactive to July 1 or October 1, 1950, as provided in the House instructions.

CONCLUSION

In conclusion, I wish to call the attention of the House to the conference report which will furnish more detailed discussion than I have been able to give here.

A conference must necessarily result in compromises of the different viewpoints between the House and Senate. On the whole I feel we have a very satisfactory bill which will materially help in raising revenue for the war effort. I urge the House to adopt the conference report.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. DOUGHTON. Mr. Speaker, I yield 25 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, as it passed the House on June 29, 1950, H. R. 8920 was primarily

an excise-tax relief bill. But as it now comes back to the House in the conference report, H. R. 8920—the Revenue Act of 1950—is an individual and corporate tax increase bill. The reasons for the transformation from the House bill are obvious and in all probability this Revenue Act will be only the first of several tax increase measures.

Under the provisions of the conference report, revenues for fiscal 1951 will be increased by almost $3,000,000,000, taking into account the acceleration of tax payments for corporations and the elimination on the installment payment privilege for trusts and nonresident aliens. In a full year's operation the revenue increase provisions will raise tax liabilities by approximately $4,500,000,000, but only $3,000,000,000 of this will be reflected in fiscal 1951. Although the Treasury's revenues are running approximately 7 percent higher than they were a year ago, and have not as yet reflected the price wage and profit increases of the past 2 months, we can expect to have another substantial deficit for this fiscal year.

The most serious problem, however, will have to be faced when our war expenditures move into high gear, and it will then undoubtedly be necessary to raise an additional $10,000,000,000 or more if we are to attempt to meet our increasing expenditures on a pay-as-you-go basis, as indeed we must.

Although the excise-relief provisions contained in the House bill have been eliminated, the conference report retains those adjustments in excise taxes in the House bill which will result in revenue increases. These are relatively minor provisions insofar as the revenue is involved, but in addition the House conferees adopted the Senate amendment imposing a 10 percent manufacturers' excise tax on television sets. This new tax together with the 10 percent tax on quick-freeze units, and the other excise adjustments will result in an increase in excise-tax revenues by approximately $55,000,000 in a full year of operation. In contrast the House bill would have resulted in a net excise-tax reduction of approximately $900,000,000. I should like to say at this point, however, that although additional military revenue requirements may make it impossible to reduce or eliminate many of the existing excise taxes, it is imperative that corrections and adjustments in the excise field be made at the earliest possible opportunity. If the excise taxes must remain on the statute books for an indefinite time, then it is even more important that the inequities and hardships of some of these taxes be adjusted; that those businesses which are being seriously injured as the result of discriminatory taxes be given some relief, and that the people be not unduly burdened by high taxes on the very necessities of life. The necessity of raising additional revenue must not be used as an excuse for not levying our taxes equitably and fairly. Moreover, it is absolutely imperative that every item of nondefense spending be trimmed to an absolute minimum. If this is not done our expenditures will be so high as to preclude any possibility of raising the necessary revenues. I think it is not too unrealistic to say that our expenditures for 1951–52 may go as high as $55,000,000,000 or $60,000,000,000, which will be $10,000,000,000 or $15,000,000,000 higher than is expected in this fiscal year. I know the American people are willing to make sacrifices necessary to pay for needed Government expenditures, but increased taxation must not be used as an invitation to increased extravagance.

INDIVIDUAL INCOME-TAX RATES

The major source of new revenue provided in the conference agreement will result from a change in the rates under the individual income tax and these provisions when fully effective will increase the yield of tax by approximately $2,750,000,000 annually.

I pause at this point to remind my colleagues that although the rate reduction provided by the Republican Tax Reduction Act of the Eightieth Congress will be eliminated, none of the other features of the Republican bill has been disturbed. The income-splitting provisions, the increased exemption, and the additional $600 exemption for those over 65 and the blind, are still in effect. Although the President has frequently seen fit to criticize this act, he has never recommended its repeal and did not do so at this time.

The increase provided by the Senate amendment and adopted by the House conferees is obtained by the simple expedient of eliminating the so-called percentage reductions allowed under existing law which were in the Revenue Act of 1945 and in the Revenue Act of 1948.

I call the attention of the House to the fact this method of increasing individual tax liabilities follows the specific recommendations of the Secretary of the Treasury. These reductions are as follows: 17 percent of the first $400 of tentative tax; 12 percent of that part of the tax in excess of $400 and not in excess of $100,000; and 9.75 percent on the tax in excess of $100,000.

The new tax increase will become effective for the fourth quarter starting on October 1, 1950, and the withholding rate is therefore raised from 15 to 18 percent effective October 1. In order, however, to make the increased rates apply to income received prior to the fourth quarter as well as to income received in the fourth quarter, the procedure actually adopted is to cut the percentage reductions under existing law by approximately 25 percent for the year 1950. The result of the adoption of this procedure is that for the calendar year 1950 the taxpayer will determine his tentative tax in the usual fashion and then make the following percentage reductions in such tax instead of the reductions provided for under existing law: 13 percent of the first $400 of tentative tax; 9 percent of that part of the tentative tax between $400 and $100,000; and 7.3 percent of that part of the tentative tax in excess of $100,000.

It should be made perfectly plain that although the new withholding rates begin on October 1, the increase in individual tax liabilities is applicable to the full year's income. It makes no difference therefore whether an individual receives all his income prior to October 1, 1950, or subsequent to that date. All taxpayers on a calendar year basis will be treated exactly alike.

Here is a simple illustration of how the new provisions will work. If a person has a tentative tax of $300 under existing law this amount is reduced by 17 percent or $51 and the tax to be paid is therefore $249. Under the conference report the tentative tax for this year will be reduced by only 13 percent of the $300 tentative tax or $39 making the tax due $261. For next year the reduction of the $300 tentative tax is eliminated entirely so that the full $300 will be the amount of tax.

In the case of individuals on a fiscal year basis, income for years ending prior to October 1, 1950, will be subject to the rates imposed under existing law. When the fiscal year begins prior to October 1, 1950, and ends subsequent to that date, the year will be divided into two parts for the purposes of the tax. To the extent that the taxable year preceds October 1, 1950, the individual will be taxed at the rates imposed under existing law. To the extent that the year follows September 30, 1950, the individual will be taxed at the rates imposed for 1951 and subsequent years. Individuals with fiscal years beginning after September 30, 1950, will be subject to the rates imposed for 1951.

INCREASED CORPORATE RATES

The second largest source of additional revenue provided under the conference report results from the changes in the corporate income tax rates. When fully effective this change in rates will increase corporate tax liabilities by approximately $1,500,000 annually. As in the House bill the so-called notch provision has been eliminated and an entirely different set of rates has been substituted for existing law.

Under the conference agreement corporations will pay a 25-percent normal tax on all of their taxable income and a 20-percent surtax on their income in excess of $25,000. Under the House bill they would pay a 21-percent normal tax on their entire taxable income and the same 20 percent surtax on their income in excess of $25,000.

For the calendar year 1950, however, the normal tax will be 23 percent and the surtax on incomes in excess of the $25,000 surtax exemption will be 19 percent, making a total top rate of 42 percent for the calendar year 1950 as compared with a top rate of 45 percent for 1951 and subsequent years. The reason that the corporate rate is lower for this calendar year than it will be for next year is that it would have been impossible to apply the increase to only that portion of the income received after July 1 without

discriminating against corporations receiving more than half of their income in the second half of the calendar year.

The provisions with reference to fiscal year corporations are in general similar to those used in the case of the individual income tax.

In addition to the corporate increases the conference report contains the provision for acceleration of corporate payments which was provided for in the House bill.

Although the House conferees receded and concurred in the Senate amendments eliminating the excise relief provisions and imposing higher individual and corporate rates, the other provisions in the conference report are the result of compromises reached in the conference. Many of these provisions are technical in nature, and a full explanation of them will be found in the statement of the managers on the part of the House. I would like, however, to call the attention of the House to certain of the major items which were in the House bill and which have been eliminated, and to certain provisions which were in the Senate amendments and to which the House conferees agreed.

Among the items which were in the House bill which have been eliminated are:

First. The 10-percent withholding tax on dividends and patronage refunds.

Second. Reduction of the holding period for long-term capital gains from 6 to 3 months.

Third. The provision taxing the interest element in installment payments of life insurance.

Fourth. The reduction of interest on refunds from 6 to 3 percent.

Fifth. The taxation as ordinary income of dividends paid out of corporate earnings and profits accumulated prior to March 1, 1913, or out of appreciation in the value of property which occurred before that date.

Sixth. The provision revising the tax treatment of the liquidation of foreign subsidiaries of domestic corporations.

Seventh. The addition of certain nonmetallic minerals entitled to receive the 15-percent depletion rate and the addition of a new group of nonmetallic minerals entitled to depletion at the rate of 5 percent. Also the increase in percentage depletion on coal from 5 to 10 percent.

Eighth. The provision changing the tax treatment of the loss from the sale of business property (117 (j)).

In connection with this last point I have had considerable inquiries regarding what action, if any, the conferees took regarding the application of section 117 (j) to cattle and livestock. It will be recalled that the House bill made no change in the application of section 117 (j) to cattle and livestock breeders other than to treat the loss from the sale of livestock as ordinary loss. The Albright case—*Albright* v. *United States* (173 Fed. (2) 339, 1949)—was unaffected by the House bill insofar as the application of section 117 (j) was concerned. The Albright case in effect invalidated certain Treasury rulings which attempted to deny the application of section 117 (j) to farmers' livestock. Despite the Albright case, however, and despite the recent Tax Court decisions in the Emerson and Oberg cases, the Commissioner is persisting in arbitrarily denying the application of section 117 (j) in the treatment of the gains derived from the sale of a farmer's draft, dairy, or breeding livestock. A Senate amendment attempted to correct this unfortunate situation by writing into law the decision of the Albright case, but unfortunately the amendment was limited to cattle only. Under the rules of the conference it was impossible for the conferees to broaden the scope of the Senate amendment, and in order, therefore, to avoid any discrimination it was deemed advisable to eliminate the Senate amendment entirely. I call the attention of the House to the specific language of the statement of the managers on the part of the House on this point:

> Amendment No. 82: This amendment excludes copyrights and literary, musical, or artistic compositions, and similar property in the hands of certain taxpayers from, and includes certain cattle used for breeding or dairy purposes in, the definition of "property used in a trade or business" which is entitled to the benefits of section 117 (j) of the Internal Revenue Code. The House recedes with an amendment which eleminates that part of the Senate amendment dealing with cattle. While it may be necessary for Congress to legislate with respect to the tax treatment of sales of livestock, the conferees agreed that cattle alone should not be dealt with to the exclusion of other livestock, the treatment of which was not in conference, and that the subject matter is deserving of further study. It is the hope of the conferees that, pending such study and further legislation, the Treasury will follow the decision of the eighth circuit court in the *Albright case* (173 Fed. (2) 339).

Section 117 (j) was intended as a relief measure applicable alike to all taxpayers and there is nothing in the language of the section which justifies the inference that a farmer should be denied the right to treat the proceeds received from the sales of livestock for dairy breeding or draft purposes when they are no longer profitable or fit for use in the farmer's business as taxable on a capital-gains basis. The court in the Albright case said:

> To treat his sales of depreciated stock as sales of capital assets the Commissioner would require him (the breeder) to gradually retire from his business by selling more of his herd each year than he added to it.

The court stated that to do this would place a penalty upon sound business practice.

Mr. Speaker, the Bureau of Internal Revenue should follow the Albright decision and should not be permitted to continue the collection of unjust taxes against our farmers. If this is not done the Congress must legislate in order that section 117 (j) shall apply with respect to the tax treatment of the sale of livestock.

SENATE PROVISIONS ADOPTED BY THE CONFEREES

Some of the Senate amendments on specific items were rejected by the conferees and others were accepted. Among the Senate amendments adopted by the conferees were amendments providing for:

First. The exclusion from taxable income of the compensation of members of the Armed Forces in combat zones. The exclusion covers all the pay of enlisted men and warrant officers and the first $200 per month paid to commissioned officers.

Second. The amortization over a period of 60 months of facilities certified as essential because of the present emergency. The provision is in general similar to section 124 of the Code which permitted the amortization of emergency facilities during World War II, except that the sale or exchange of the property will be treated as ordinary income.

Third. The establishment of a new set of rules for the tax treatment of certain employee stock options.

In addition the House conferees adopted the Senate amendment which permits publishers of newspapers, magazines or other periodicals to deduct as a current expense all expenditures to establish, maintain or increase the circulation of a newspaper, magazine or other periodical. The only exception would be expenditures for the purchase of land or depreciable property or for the acquisition of circulation through the purchase of any part of the business of another publisher. This will eliminate the problem of distinguishing between the cost of maintaining circulation and the cost of establishing or increasing circulation.

However, if a publisher wishes to capitalize a portion of these expenditures he may elect to do so under regulations to be issued by the Secretary. Such regulations will define expenditures which may be capitalized if the taxpayer so elects. In the absence of an election to capitalize by the taxpayer, and with the one exception already stated, all expenditures to establish, maintain, or increase circulation are deductible as current expenses under this addition to section 23 of the code.

This new subsection to section 23 is retroactive to taxable years beginning after December 31, 1945, but an amendment added in conference provides that where a publisher has charged such items to current expenses in prior years, he may not now elect to capitalize the items for those years. The amendment agreed upon also provides for a technical amendment to section 113 (b) (1) (A) of the Code (relating to rules for determining adjusted basis of property) to conform such provision to the new subsection 23 (bb) of the code as described.

SENATE AMENDMENTS ELIMINATED BY THE CONFEREES

Family partnerships: It was most unfortunate that in order to reach a satisfactory compromise it was necessary

to eliminate the Senate amendment on family partnerships. This is a matter which should receive top priority in any new tax measure because the administrative and judicial determinations in this field have become so confused that a clear statutory statement of controlling principles is essential.

In addition to the family partnership amendment the conferees eliminated the Senate amendment on "spin-offs" and capital gain and loss treatment for assignments of certain oil, gas and mineral rights. In addition, many clarifying amendments were made to the Senate amendments which were adopted by the conferees.

EDUCATIONAL, CHARITABLE, AND SIMILAR TAX-EXEMPT ORGANIZATIONS

In general the conference agreement follows the provisions of the House bill imposing a tax on the unrelated business income of certain organizations exempt from taxation under section 101 (1), (6), (7), and 101 (14). The conference report follows with certain minor amendments the House provisions dealing with the "lease-back" problem. However, certain fundamental changes have been made in the existing provisions which deal with accumulated investment income of certain 101 (6) organizations and which restricted the accumulation of income by charitable trusts. The conference report eliminates the imposition of a tax on accumulated investment income but denies exemption to a section 101 (6) organization in the year in which its accumulations are (1) unreasonable either in size or duration, or (2)used to a substantial degree for other than charitable or related purposes, or (3) invested in such a manner as to jeopardize the interests of the religious, charitable, scientific, and so forth, beneficiaries.

A provision is also incorporated in the bill which in a similar manner denies the charitable, and so forth, deduction to trusts claiming deductions under section 126 (2) if their accumulations do not meet similar tests.

The conference report eliminates section 331 of the House bill which in part denied tax deductions to donors of gifts to charitable trusts or foundations where the donor or members of his family control the organization to which the contribution is made and the contribution consists of stock in a corporation in which the donor, together with members of his family, control 50 percent or more of the stock, including the stock held by the charitable trust or foundation.

In an effort to make sure that no discriminations or hardships were occasioned by the establishment of new provisions in this field, the conferees adopted certain amendments. I call the attention of the House to the following paragraph dealing with this problem contained in the statement of the managers on the part of the House:

The conferees were unable to consider the question of taxability for years prior to 1951 of income derived by a college or university from the conduct of a trade or business whether carried on directly by the institution or through a subsidiary. This matter is in litigation and was not in conference. However, it is the view of the conferees that undue hardship will arise if such institutions are required to pay taxes on income which has already been spent to carry out their educational programs; and the conferees express the hope that this matter may be reviewed in subsequent legislation.

It is my opinion that the amendments agreed to by the conferees will correct most of the existing abuses but at the same time will in no way jeopardize or interfere with our educational, charitable, and similar tax-exempt organizations, trusts, and foundations.

LIFE INSURANCE COMPANIES

The conference report amends the formula used to determine the taxable net income of life-insurance companies. The amended formula will apply to the years 1949 and 1950, thus terminating the tax-exempt status of the life-insurance companies which results from the operation of the formula contained in existing law, and providing time for the completion of the study necessary to develop a permanent solution of the problem of an adequate taxation of such companies. The formula in the bill is the same as that contained in House Joint Resolution 371 of the Eightieth Congress, second session. It is estimated that the total additional revenue to be derived from this provision is approximately $122,000,000. Of this amount $42,000,000 will be derived from the year 1949 and $80,000,000 from the year 1950.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. I yield.

Mr. STEFAN. I hand the gentleman a telegram; will he comment on that?

Mr. REED of New York. I see what it is. I advise the gentleman that the 10 percent withholding tax on dividends, including the patronage dividends of cooperatives is eliminated.

Mr. STEFAN. It is not in the bill?

Mr. REED of New York. It is not in the bill.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. I yield.

Mr. AUGUST H. ANDRESEN. Will the gentleman explain in his extension of remarks the intention of the committee with reference to the interpretation of section 117 (j)?

Mr. REED of New York. I have covered that in my remarks.

The SPEAKER pro tempore (Mr. BONNER). The time of the gentleman from New York has expired.

Mr. WOODRUFF. Mr. Speaker, the conference agreement on H. R. 8920 should be adopted by the House in order that a start may be made to raise the additional revenue required to finance our increased military expenditures. The major source of additional revenue will result from increasing the rates on individuals. This is achieved by eliminating the percentage reductions granted by the Congress in the Revenue Acts of 1945 and 1948. The 1945 Act permitted individuals to reduce their "tentative" tax by 5 percent and the 1948 Act increased the reduction of the tentative tax to 17 percent on the first $400 of tentative tax; 12 percent on the next $99,600; and 9.75 percent on the tax in excess of $100,000. The higher rates become effective October 1, 1950 at which time the individual withholding rates will be increased from 15 percent to 18 percent. In order, however, to make the increased rates apply to income received prior to the fourth quarter as well as to income received in the fourth quarter, the procedure actually adopted is to cut the percentage reductions under existing law by approximately 25 percent for the year 1950. The result of the adoption of this procedure is that for the calendar year 1950 the taxpayer will determine his tentative tax in the usual fashion and then make the following percentage reductions in such tax instead of the reductions provided for under existing law: 13 percent of the first $400 tentative tax; 9 percent of that part of the tentative tax between $400 and $100,000; and 7.3 percent of that part of the tentative tax in excess of $100,000.

It is estimated that the increase in individual rates will yield approximately $2,750,000,000 a year although only approximately $1,625,000,000 will be collected for the fiscal year 1951.

In the case of individuals on a fiscal-year basis, income for years ending prior to October 1, 1950, will be subject to the rates imposed under existing law. When the fiscal year begins prior to October 1, 1950, and ends subsequent to that date, the year will be divided into two parts for the purposes of the tax. To the extent that the taxable year precedes October 1, 1950, the individual will be taxed at the rates imposed under existing law; to the extent that the year follows September 30, 1950, the individual will be taxed at the rates imposed for 1951 and subsequent years. Individuals with fiscal years beginning after September 30, 1950, will be subject to the rates imposed for 1951.

The second most important source of additional revenue contained in the conference agreement will result from increasing the corporate rates. As in the case of individuals, the House conferees adopted the Senate amendments increasing corporate rates. As provided in the Senate amendment and adopted by the House conferees, the existing schedule of corporate rates has been completely abandoned and a new rate structure has been provided.

Under existing law corporations with taxable incomes of $50,000 and over pay a flat 24 percent normal tax and a flat 14-percent surtax, a total rate of 38 percent. To give smaller business a tax advantage, the effective rate of taxation is reduced for corporations with incomes below $25,000. This is accomplished under existing law by the application to

such corporations of the following marginal or bracket rates:

Income bracket	Normal tax rate	Surtax rate	Total tax rate
	Percent	*Percent*	*Percent*
The first $5,000	15	6	21
The next $15,000	17	6	23
The next $5,000	19	6	25

As a result the effective or average rate of tax rises from 21 percent for corporations with incomes of $5,000 or less to 23 percent for corporations with an income of $25,000. Since the 38-percent rate applying to corporations with taxable incomes of $50,000 and over is applicable to the entire income, it is necessary to bridge the gap between $25,000 and $50,000 by applying a 53-percent rate to the income in this area. Thirty-one percentage points of this 53-percent rate represent the normal tax and 22 percentage points represent the surtax. This notch rate of 53 percent necessarily exceeds the 38-percent rate applicable to larger corporations by 15 percentage points, since the average rate of 23 percent on a corporation with an income of $25,000 is 15 percentage points below the 38-percent rate applied to larger corporations.

The Senate adopted the suggestion of of the administration for increasing the corporate income tax for 1951 and subsequent years, and the House conferees adopted the Senate amendment. This proposal incorporated the plan of the House bill for eliminating the 53-percent notch rate but used corporate rates in excess of those in the House bill. As a result the top corporate rate will be 45 percent as compared with 38 percent under existing law. This is shown by the following table:

Surtax net income	Marginal rates		
	Present law	House bill	Finance Committee bill
	Percent	*Percent*	*Percent*
Not over $5,000	21	21	25
Over $5,000 but not over $20,000	23		
Over $20,000 but not over $25,000	25		
Over $25,000 but not over $50,000	53	41	45
Over $50,000	38		

Under the conference agreement corporations will pay a 25 percent normal tax on their taxable income and a 20 percent surtax on their income in excess of $25,000. Under the House bill they would pay a 21 percent normal tax on their entire taxable income and the same 20 percent surtax on their income in excess of $25,000.

For the calendar year 1950, the normal tax will be 23 percent and the surtax on incomes in excess of the $25,000 surtax exemption will be 19 percent, making a total top rate of 42 percent for the calendar year 1950 as compared with a top rate of 45 percent for 1951 and subsequent years.

It will be recalled that as it passed the House on June 29, 1950, H. R. 8920 was basically an excise tax relief bill, but the House conferees adopted the Senate amendment eliminating the excise cuts. In addition the Senate amendments provided for a 10 percent manufacturer's tax on television sets and a 10 percent manufacturer's excise tax on freezing units. The House conferees receded and concurred in these Senate amendments.

PROVISIONS OF HOUSE BILL ELIMINATED IN CONFERENCE AGREEMENT

In addition to the excise tax relief provisions the House bill contained a number of changes in our tax laws which were eliminated by the Senate amendments. The testimony before the Senate Finance Committee revealed in many instances that some of the House provisions would have had unfortunate results and that in attempting to close certain loopholes the House provisions had overreached their mark. The following provisions in the House bill were eliminated by the Senate and the House conferees receded and concurred in these amendments:

(a) Withholding on dividends and patronage refunds: The House bill included a provision requiring cooperatives and corporations to withhold a tax of 10 percent on all patronage refunds and dividends paid to their stockholders. Inasmuch as existing law gives the Commissioner of Internal Revenue power to require corporations to report the payment of dividends in any amount to all stockholders it is believed that if the Commissioner revises existing regulations to require complete reporting, much of the leakage of this source of taxable income will be stopped. Moreover, accuracy in reporting of patronage refund payments and dividends can further be achieved by requiring recipients to itemize their dividends on the income tax returns. The Republican minority opposed the withholding provisions in the House bill on the ground that before imposing a withholding tax on many persons who have no tax liability, the Bureau of Internal Revenue should adopt administrative changes to meet the problem.

(b) The interest element in installment payments of life insurance: The House bill imposed for the first time a tax on the interest element in death-benefit installment payments. The Senate amendments eliminated this provision on the ground that it is socially desirable that widows and other beneficiaries of life-insurance policies be encouraged to receive the proceeds in installments over a period of years rather than as a lump-sum which may be lost or dissipated.

(c) Reduction of interest rate on refunds: The House bill reduced the interest rate on refunds to the taxpayer from 6 percent to 3 percent thereby establishing a differential of 3 percent between the interest rate on refunds and deficiencies. The Senate amendment eliminated this provision and the House conferees receded and concurred.

(d) Sale of business property: Under the House bill, losses from the sale of property used in the trade or business would be treated as capital losses while gains from the sale of such property would continue to be treated as capital gains, regardless of the period for which the assets were held. The House conferees receded and concurred in the Senate amendment eliminating this House provision.

(e) Dividends paid out of pre-1913 earnings: The House bill contained a provision for the taxation as ordinary income to the stockholder of dividends paid out of corporate earnings and profits accumulated prior to March 1, 1913, or out of appreciation in the value of property which occurred before that date. The House conferees adopted the Senate amendment eliminating this provision.

In addition to the above provisions which have been eliminated in the conference report, the House conferees receded and concurred in the Senate amendments eliminating the House provisions revising the tax treatment of the liquidation of foreign subsidiaries of domestic corporations; the provision reducing the holding period for long-term capital gains from 6 to 3 months and the percentage-depletion provisions of the House bill. In connection with the percentage-depletion provisions in the House bill, the conference agreement provides that gross income from mining shall include transportation from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto, but not in excess of 50 miles unless the Secretary finds conditions to be such that the mineral must be transported a greater distance. This amendment agreed to by the conferees corrects an injustice in the House bill which discriminated against those cases where the first processing must be done beyond the property.

PROVISIONS ADDED BY SENATE AMENDMENTS

The House conferees adopted several new provisions contained in the Senate amendments to the House bill. An explanation of these provisions is contained in the statement of the managers on the part of the House and I wish only to call the attention to the Members of certain of these provisions which were adopted by the House conferees:

(a) Exclusion for members of the Armed Forces: The conference agreement contains a provision excluding from taxable income the compensation of members of the Armed Forces of the United States in combat zones such as Korea. The exclusion covers all the pay of enlisted men and warrant officers and the first $200 per month paid to commissioned officers.

(b) Amortization of emergency facilities: The Senate amendments contained a provision for the amortization over a period of 60 months of facilities certified as essential because of the present emergency. The amortization deduction is in lieu of depreciation. The House conferees accepted this amendment upon receiving information that this amend-

ment was endorsed by the executive departments. An amendment was made to this provision which in general provides that the sale of the amortized property will result in ordinary income instead of capital gains.

(c) Stock options: The House conferees adopted with an amendment the Senate provisions establishing a new set of rules for the tax treatment of certain employees stock options. At the present time the taxation of these options is governed by regulations which adversely affect the use of employee stock options for incentive purposes. The provision in the conference agreement will to a large extent eliminate the present uncertainty as to whether the existing regulations are in fact in accordance with the law and should encourage the use of these options in proper cases.

EDUCATIONAL, CHARITABLE, AND OTHER EXEMPT ORGANIZATIONS

In general the conference report follows the provisions of the House bill which imposed a tax on the unrelated trade or business income of certain tax-exempt organizations. Certain clarifying amendments were agreed to on this problem and also on the taxation of lease-back income. The House provision taxing accumulated investment income was eliminated and also the House provision denying charitable deductions to a contributor for income, estate and gift tax purposes under certain conditions. I believe that the conference report represents a fair compromise between the House and Senate provisions in this new field and although I do not think that additional problems will not arise, a basis will be laid for correcting abuses in this field without, however, jeopardizing true charitable and educational organizations.

In conclusion I call the attention of the House to the fact that under the conference report life insurance companies will be liable for taxes for the years 1949 and 1950. Under the House bill the proposed new formula would have been retroactive to 1947 and 1948 as well. Inasmuch as another year has passed since legislation was initiated on this problem I think that the elimination of the years 1947 and 1948 is a fair compromise on the problem.

Mr. DOUGHTON. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the conference report presented on the bill H. R. 8920 is a unanimous one, signed by all the conferees of the House and Senate. It is a complete report in that there are no amendments reported in disagreement. There were certain amendments included in the Senate bill which could not be agreed to in conference. They have been carried over for further study and consideration and possible inclusion in the next tax bill.

The bill H. R. 8920 passed the House on June 29, 1950, and passed the Senate on September 1, 1950. It will be remembered that the bill as passed by the House was a tax reduction bill, providing for the reduction and the removal of certain excise taxes amounting to about $1,000,000,000. Certain provisions were included in the bill providing revenue from corporations and the closing of loopholes to the extent that the bill as passed by the House was estimated not to result in any loss of revenue.

There were 192 amendments added by the Senate to the pending bill. Of course, many of them were technical and clarifying amendments, but many of them were amendments of real substance, and of course resulted in considerable controversy in conference. The conferees have worked every day, including last Sunday, in an effort to compose the differences between the bill as passed by the House and as passed by the Senate. The conference report as presented today will result in increasing the revenue by about $4,500,000,000.

As is well known, shortly after this bill passed the House the international crisis developed. We were faced with the war in Korea, and it was necessary for us to have an increase of revenue instead of tax reduction, as provided in the House bill. The House has receded on quite a number of amendments, which resulted in the pending bill providing an increase of revenue from individual income taxpayers of about $2,700,000,000 a year.

The bill also provides for an increase in the corporation tax, which is estimated to yield about $1,500,000,000 a year.

So that the result of the adoption of this conference report will be an increase in revenue of about $4,500,000,000 a year.

I realize that many Members of the House are very vitally interested in the subject of an excess-profits tax. As is well known, amendment No. 191, added by the Senate, provided for a study of this subject, with the idea of reporting to the first session of the Eighty-second Congress. It is well known that we took very definite and positive action on that subject when this bill was sent to conference. So I would like to invite your attention to the provision contained in the pending bill on the subject of an excess-profits tax.

The text, as agreed to in conference, provides:

(a) The House Committee on Ways and Means and the Senate Committee on Finance are hereby directed to report to the respective Houses of Congress a bill for raising revenue by the levying, collection, and payment of corporate excess profits taxes with retroactive effect to October 1, or July 1, 1950, said bill to originate as required by article I, section 7, of the Constitution. Said bill shall be reported as early as practicable during the Eighty-first Congress after November 15, 1950, if the Congress is in session in 1950 after such date; and if the Congress is not in session in 1950 after November 15, 1950, said bill shall be reported during the first session of the Eighty-second Congress, and as early as practicable during said session.

Carrying out the mandate included in that provision of the pending conference report, the chairman of the Committee on Ways and Means has called a meeting for tomorrow morning for the committee to begin consideration of what procedure will be adopted for the preparation and reporting of an excess-profits tax bill during the month of November, shortly after the Congress is expected to return following the recess.

I have always strongly supported an excess-profits tax during wartime and periods of emergency. I strongly supported the excess-profits tax that we had during World War II, and I opposed the repeal of that excess-profits tax at the time that it was repealed. It will be remembered that the bill passed by the House of Representatives did not provide for the repeal of the excess-profits tax. We did provide for some reduction of it. The Senate provided for the outright repeal of it, and then, in conference, that was agreed to, although I strongly opposed it then, as did the chairman of the Ways and Means Committee.

Your conferees have worked diligently and have presented to you today a conference report that covers the pending bill, H. R. 8920, and the 192 Senate amendments. We believe that by reason of the international situation and the emergency as it exists today that we cannot have a reduction of revenue; certainly, we cannot have the loss of revenue that would result from the adoption of the House bill with respect to the adjustments of excise taxes.

The pending bill is only one of the steps that are expected to be taken in providing additional revenue for the financing of the present war emergency; it is to be expected that other revenue measures will have to be presented for consideration of and enactment by the Congress to provide the revenue that is so vitally needed to finance our Government during this period of time.

Mr. Speaker, it is true in this instance as in the instance of all bills of this type that the conference report presented today is a matter of compromise. Certainly, with 192 amendments added by the Senate it was necessary for us to assume an attitude of giving and taking and working out these differences. There are many provisions in this bill that I opposed in the Ways and Means Committee. I opposed them in conference. There are many provisions that are not included in the pending bill that I favored in the Ways and Means Committee and also in the conference, but this conference report represents a compromise between the conferees on the part of the House and the Senate; and, I believe, it presents a better bill than many of us thought would ever be possible at the time we began our work in conference. So I feel that the bill and the conference report are worthy of your favorable consideration.

Mr. DINGELL. Mr. Speaker, this is not the original House bill. Certainly it is not the bill I helped write. To begin with, the half of it affecting consumers' excise taxes was torn off and unceremoniously thrown into the wastebasket, and the remaining half which sought to plug existing loopholes hardly

fared better. Moreover, it was shot full of new loopholes. Now, of course, there is not too much to brag about, as I view the matter, although we did force the Senate conferees to abandon what some of us considered costly provisions and which were without basis or justification. We forced the conferees to yield further in compromising on other amendments. The bill finally worked out in the conference is expected to bring in a substantial amount of new revenue which might have been augmented to a larger degree if the loophole plugging of the House had been retained and the new Senate loopholes were excluded. But such is compromise, as you can well understand when I tell you we were over the barrel and had to make concessions. The emergency required action.

It was very gratifying to me when the House passed H. R. 8920, repealing and reducing certain of the super-duper sales taxes imposed during the war. As I stated on the floor at that time, however, the bill did not go nearly as far as I would like to have seen it go in coverage and degree of tax reduction. I was responsible for the inclusion of a pledge in the Revenue Act of 1943 that the wartime excise taxes would be repealed within 6 months after the termination of hostilities of World War II. Again, in the Revenue Act of 1945, I succeeded in having a provision inserted which would have repealed these taxes on June 30, 1946, and I have fought for their repeal ever since that time, introducing a bill to accomplish this in each Congress.

Unfortunately, due to the world situation today, it is with regret on my part that it is deemed necessary that these unfair, discriminatory, burdensome, and regressive taxes must be continued.

I am happy to say, however, that I was instrumental in having inserted in the report the reference of the Managers on the Part of the House, a statement to the effect that the conferees realize that there are inequities in excise taxes and believe the subject should receive continuing consideration. The phraseology is that drafted by the Senator from Colorado [Mr. MILLIKIN]. In addition to reducing excise taxes, the House bill revised the corporation income-tax-rate structure and increased these rates, and also plugged certain tax loopholes.

Due to the situation in Korea, a national emergency has arisen which has made it necessary to change the entire face of this bill. The national defense program had to be stepped up to protect the safety of the United States and of the entire world. This called for additional revenue. Under the stress of necessity and on the recommendation of the President, the Senate deleted the provisions of the House bill repealing and reducing excise taxes, and increased both individual and corporation taxes in order to finance the stepped-up national defense program.

The average increase in individual income taxes is 17 percent and that for corporations is 15 percent. The increase in individual income taxes will bring in an additional $2,745,000,000 and in corporation taxes $1,500,000,000. The change in individual incomes taxes will be effective October 1, 1950, and that for corporations July 1, 1950.

I am very happy to see the "notch" rate eliminated from the corporate tax-rate structure, and the 1-year carry-back and the 5-year carry-forward provision for net operating losses retained in this bill. This should grant considerable relief to small corporations. I am very unhappy about the fact that certain provisions adopted by the Senate give away money like a drunken sailor to those who need it least. The following are examples of this: The provisions on circulation expenditures of newspapers; more liberal provisions as to tax-exempt institutions, which fortunately the House conferees were able to tighten to some extent; a more liberal provision on the redemption of stock by related corporations, a provision on stock options, which the House conferees were able to get tightened to some extent; and the deletion of the House provisions reducing the rate of interest on tax refunds, liquidation of foreign subsidiaries, taxation of dividends paid out of pre-March 1913 earnings, taxation of the interest element in life-insurance installment payments, and the amendments made by the House to section 117 (j) of the Internal Revenue Code relating to capital gains and losses.

In order to get a tax bill the House conferees found it necessary to concede on many provisions which I would like to have seen remain in the bill. In addition to those which I have just enumerated which were deleted by the Senate, the House conferees found it necessary to concede as to the provisions of the House bill on the withholding of tax on dividends and the taxation of life-insurance companies for the years 1947 and 1948. This was a great price to pay to get the Senate conferees to agree to delete the provision on family partnerships and the provision on the assignment of certain oil, gas, and mineral rights, the so-called in-place payments provision.

In accordance with the mandate of the House, the House Committee on Ways and Means will, if Congress is in session, report an excess-profits tax bill during this Congress. I shall make every endeavor to see that when an excess-profits tax is reenacted that it will not again be repealed before wartime excise taxes are repealed.

Even though this is not a perfect tax bill, it is a necessary one at this time, and the President has recommended quick enactment of the bill. We need the money, and this must be done.

Mr. REED of New York. Mr. Speaker, I yield 11 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, it is unfortunate that time and circumstance are such that we cannot go into this important matter extensively. Our good chairman, the gentleman from North Carolina [Mr. DOUGHTON], has delivered a prepared speech, and, likewise, the gentleman from New York [Mr. REED] has delivered a prepared speech. These two speeches are well worth your perusal if you want to know the full details of what has happened with reference to the preparation and passage of this very important tax bill. These two speeches should be a textbook of information.

You will remember that a few months ago the House passed a tax bill. The Ways and Means Committee spent several months on its preparation. The House spent much time on it and had much discussion of it on the floor because it dealt with many very important matters. It dealt, among other important matters, with the reduction of excise taxes. The bill as it passed the House did reduce excise taxes in many ways, and on many commodities and services. These reductions amounted to over a billion dollars. When the bill got to the Senate, Korea had come along. This brought to those responsible for the raising of revenue a different sort of responsibility. You usually cannot raise taxes by reducing taxes. So the Senate prepared an entirely different bill and that is why, as the gentleman from Tennessee [Mr. COOPER] said, we had about 191 amendments to be considered in the conference out of which the present bill comes.

Let us see what happened to our bill providing for reduction of excise taxes. I dare say every Member here promised somebody he would reduce the tax on baby oil, or he would reduce the tax on refrigerators, on telegrams, railroad transportation, and so forth. The House did all that. But the Senate has undone what the House did. All the reductions that the House provided for have been wiped out. The excise taxes remain as they are. The only change in excise taxes that was provided was that, in the new bill, they provide for an excess tax on television sets and an excise tax on deep freezes. Those two commodities have been added. Otherwise there have been no changes. When you go back you will have to tell your jewelry man there was no change, no reduction of any kind so far as he is concerned. You will tell all who were interested in getting a reduction of the excise tax on admission tickets, luggage, sporting goods, refrigerators, electric-light bulbs, furs, and many other articles that there will be no reduction this year. If the Democrats had passed the excise-reduction bill a year ago, when they should have done so, the people would now be able to purchase these commodities much cheaper.

Let us go a little further. Many of you were tremendously interested in depletion, allowances on gas, oil, clay, coal, and many other minerals that come from the earth. For years there has been a depletion allowance granted on these minerals. In the tax bill passed by the House we increased these depletion allowances and added a number of minerals to the list, including chemical limestone and a number of clays. It was thought proper at that time to do so. Now, the Senate in its desire to raise revenues cannot raise revenue by reducing revenue. So practically all of

those depletion allowances the House made have been lost. They have been lost so that those who would have received them may count these losses as a contribution to meet the expenses of the war in Korea.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I yield to the distinguished gentleman from South Dakota, who is soon to become a United States Senator.

Mr. CASE of South Dakota. I have read the conference report, particularly the depletion section, and I want to commend the gentleman from Ohio and those who assisted for working out the provision which permits up to 50 miles transportation in computing depletion allowances where that transportation is necessary to get the materials to the processing plant. In processing clays, it is impossible to have a plant set on every quarter section where the material is located. The gentleman will recall that when the tax bill was up for consideration in the House the latter part of June he and I had a colloquy on this matter. The gentleman expressed his interest in the matter and suggested it could be worked out in conference. I appreciate what the gentleman from Ohio and others have done to work out a satisfactory provision.

Mr. JENKINS. I thank the gentleman for his contribution. To explain what it means a little more definitely to those of you who live in clay-producing and coal-producing sections and oil-producting sections where depletion allowances are permitted. If a brick plant, for instance, has to get its clay say 2 or 3 miles from the factory where it is processed the cost of manufacturing the brick should include the cost of transporting that clay. If you are not allowed a depletion allowance for the cost of transporting the principal material used in your manufacturing process then your depletion allowance does not cover the real cost of production. However, in the preparation of the new bill language has been inserted that provides a depletion allowance for transportation. The distance is limited to 50 miles, and there are some other conditions that must be met that I cannot now explain. This transportation allowance will apply more particularly in the western part of the country where they are required to haul materials a longer distance to the place where processing is effected.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I yield to the gentleman from New York.

Mr. REED of New York. Many of these products upon which depletion is being asked have no value until they reach the processing plant; is that correct?

Mr. JENKINS. Yes; without the depletion allowance we would not have much of the materials and minerals that are now processed into valuable articles of commerce.

There is another proposition I want to discuss with you. I know you are tremendously interested in this. In the bill passed by the House there was carried a provision against which I spoke and voted and I am sure that many of you were opposed to it. The bill we passed in the House provided for a withholding tax on corporate dividends just like the withholding tax on wages. Most of us Republicans opposed this plan in the Ways and Means Committee and in the House. It was argued that there was no difference between a withholding tax on corporate dividends and a withholding tax on wages. But there is a vital difference. The wage earner is in constant touch with the office of his employer, and his employer knows how many dependents the wage earner has, and he knows whether he will owe any income tax. If he knows that he does not earn enough to make him subject to an income tax he will not withhold the tax from his pay. But the company in which a person has a few shares of stock usually will not know whether the stockholder has exemptions against any income tax that he may owe, and the company will therefore be compelled to withhold 10 percent and thereby compel the shareholder to go to the trouble of getting a refund of the amount improperly withheld.

The Senate agreed with those of us who are opposed to any withholding on stock dividends. Therefore the law as passed by the House has been amended so that there will be no withholding of dividends from corporations and no withholding of the dividends that are paid out by farm cooperatives or any other corporate bodies.

You can go back home and tell your cooperatives that there is no withholding on these little, small cooperative dividends. There is no withholding on any kind of dividends. It would have been comparatively easy to hold onto the dividends of the rich people, those receiving dividends from the big companies, but it would have been quite a matter to collect from some individual who had small dividends during the year, and then that person would have to fight with somebody to get the repayment of the withheld dividends. That has been done away with, and I am proud to say that the Republican House conferees were largely responsible for that accomplishment.

Another proposition I want to talk to you about for just a minute is one in which many people are interested. The House bill provided for a tax on the interest received from installment insurance policies. Suppose A dies and leaves a $10,000 policy payable to his wife and daughter. That would mean maybe $25 or $50 a month, to each of them. The bill passed by the House provided that those persons should pay a tax on the interest on that payment. Well, the interest would be very difficult to compute and the tax would be very small. It was agreed that if the wife and daughter had gotten that $10,000 in lump sum and had deposited it in a building loan company they would be required to pay a tax on this interest derived on that money. But the installment policies carry a provision to pay that money in installments and consequently the beneficiaries have a right to have it paid in installments. I was unalterably opposed to taxing this interest on these payments and I am glad to say that the House conferees had much to do with effecting this change.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I yield to the gentleman from New York.

Mr. REED of New York. As a matter of fact, it has been the experience of the insurance companies that where they paid in a lump sum, it opened the door to racketeers who preyed upon the beneficiaries.

Mr. JENKINS. That is correct.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. Is it the understanding then that an insured can make his wife the beneficiary and have his daughter or some other person receive a revisionary interest upon the death of the wife and pay it out in installments without the application of the tax?

Mr. JENKINS. That is right; without any tax on the interest. If you make your illustrations too complicated, it may involve something else, and I do not want to go beyond the matter of taxing the interest that might be computed on the payments as they are made.

Mr. AUGUST H. ANDRESEN. It would be subject to the estate tax, but as I understand the interest would not be taxable.

Mr. JENKINS. That is right.

There is another proposition I want to discuss for a minute, and that is this. The House bill carried a tax on insurance companies. I am not going into detail, but here is the story. There was a tax-levying formula applied to the earnings or surpluses of insurance companies, and that formula had become ineffective, and the insurance companies did not owe any tax on these earnings or surpluses in 1946, 1947, 1948, 1949, or 1950. Some of the insurance companies indicated that they would be willing to make a voluntary payment of taxes. This would be an amount amounting to many millions of dollars. The House passed a bill providing that they should be taxed retroactively. I was the only member of the Ways and Means Committee who opposed this bill. When the matter came up on the floor of the House I was joined by quite a number of other Members who agreed with me that Uncle Sam should not put himself in the place of a mendicant holding out a tin cup, asking for contributions. I claimed that a law seeking to retroactively levy a tax that was not due would not be constitutional. I am glad that the Senate agreed with my position. The Senate in an attitude of compromise brought out a bill seeking to collect a tax for 1950 and 1949. There are

some court decisions that permit retroactive collections under some conditions, and the Senate felt that it might be constitutional to collect the tax for the years 1950 and 1949. So the bill carrying that tax was reconsidered and the bill before us provides for a tax in 1949 and 1950.

I want to talk now about what the conference did with reference to stock cattle. Those of you from the West and those of you who are interested in the raising of dairy cattle and stock cattle know there has been a provision whereby those who handle stock cattle are allowed to consider the profits from those activities as capital gains for tax purposes. There has been a decision of a district court to this effect, but the Treasury Department has refused to follow it, with the result that the cattle people have been very much agitated. This decision is known as the Albright case, found in 173 Federal, page 339. The cattle people are perfectly satisfied with this court decision. In order to compel the Treasury Department to deal justly with the cattle men we put an amendment in the bill passed by the House. The Senate adopted the Thye amendment which sought to protect cattle, but said nothing about sheep and hogs. This was manifestly not fair to the sheep and hog raisers, so the conference committee decided to strike out the Thye amendment and rely upon the present law and to let the Treasury know that it was their considered and firm opinion that the Treasury should follow the decision of the court in the Albright case. If this is done the livestock men will be satisfied. If the Treasury fails and refuses to heed this admonition then I am sure that a future Congress will take such steps as are necessary to compel compliance on the part of the Treasury.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I yield.

Mr. MILLER of Nebraska. The report states:

> It is the hope of the conferees that, pending such study and further legislation, the Treasury will follow the decision of the Eighth Circuit Court in the Albright case.

I do not like that word "hope." I want to know that the cattle and other livestock men are adequately protected and they are entitled to capital gains credit and I hope that the Congress will see to it that they get what is rightfully theirs.

Mr. JENKINS. I wish to assure my distinguished colleague, the gentleman from Nebraska, Dr. MILLER, that I share his views completely. I have led the fight for this recognition to the cattlemen and I shall be very much disappointed if what we have done in this bill does not take care of them—I have talked to several big cattlemen of the country and they think they will be treated properly and that the Albright case will be sustained by the Supreme Court.

There are two other matters that I should like to develop extensively, but I shall only have time to mention them.

The new bill that we are presently considering provides for a larger increase in taxes. The justification for this is that we are in a war. I think the country will always support adequate appropriations for the maintenance of our fighting men. With that idea in mind I shall vote for these increases in taxes that this bill provides.

The bill provides for an increase of tax on personal incomes in the amount of about $2,500,000,000. The increase on corporate taxes will amount to about $1,500,000,000.

I hope that the administration will see to it that this money is not wasted. There can be no doubt that billions intended for strengthening our defenses have been wasted in the last 3 or 4 years.

While I deplore the failure of Congress to reduce excise taxes on many commodities such as cosmetics, jewelry, telephones, and household appliances, for which reduction I worked and voted, I feel that we should pass this bill.

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLVERTON. Mr. Speaker, the conference report on the tax bill, now before the House, reflects a great deal of worth-while work done by the House conferees. When it is realized that the Senate made nearly 200 amendments to the bill, as passed by the House, it can be readily seen that they had a most difficult task in working out compromises between the respective viewpoints of the two Houses of Congress.

Although in the main satisfactory work has been done, yet, I am still of the opinion that it would have been better for all concerned to have written into the bill an excess-profits tax. However, the promise contained in the bill that such legislation will be prepared and presented at a later date in this session of Congress, or in the early part of next session, and made retroactive to October 1 or July 1 of this year, is some progress toward the desired end.

To me it seems unjust to have increased taxes by 20 percent on those having incomes less than $5,000, and permit excess war profits to go untaxed at this time. I so expressed myself and so voted when the bill was previously before the House, but, under administration leadership, the decision was made, by a majority vote of the House, to delay the imposition of an excess-profits tax, as I have stated.

Low-income families in the United States will be hit right in the pocketbook by the new withholding rates on wages and salaries coupled with the continued inflationary cost of food, clothing, and shelter.

The staff of the Subcommittee on Low Income Families of the Joint Committee on the Economic Report issued a report last Friday, September 15, showing the composition of economic groups in the United States by family income. Summarized, this report shows the following situation as to the distribution of the money income in 1948, which was a year of high productivity and also with average unemployment less than in August 1950:

Income group	Number of families	Percent of all
Less than $1,000	4,000,000	10.6
$1,000 to $2,000	5,600,000	14.5
$2,000 to $3,000	7,900,000	20.6
$3,000 to $4,000	8,000,000	20.7
$4,000 to $5,000	5,000,000	12.9
$5,000 to $6,000	3,100,000	8.1
$6,000 to $7,000	1,750,000	4.7
$7,000 to $8,000	1,100,000	2.8
$8,000 to $9,000	600,000	1.4
$9,000 to $10,000	320,000	.8
Over $10,000	1,120,000	2.9
Total	38,490,000	100.0

This report, based upon sampling of thousands of households, makes an apparent appraisal of the factors causing low incomes. Specific details are presented in 17 cases of low-income families culled from studies by the Social Security Administration and the Federal Security Agency. The report represents hours of painstaking research. However, it would be more valuable were it coupled with statistics on the contribution of low incomes, especially the purchasing power of such incomes, caused by inflation, the depreciated purchasing power of the dollar, and the impact of taxes at Federal, State, and local levels. This is a fertile field for investigation yet untouched.

In a war effort we must all do our part. But it should be all. The burden should not be placed on that segment of our people who are in what is now termed the low-income group, without corresponding participation of that portion of the Nation that stands to profit most from a war effort, namely, corporations that will obtain profitable war contracts and otherwise as a result of war conditions.

Mr. GROSS. Mr. Speaker, I am not at all pleased with the tax bill that is before us today.

I do not want to unduly criticize the conference committee, for I realize it has had a difficult task. This Revenue Act of 1950 should have made provision for an effective excess-profits tax, and it should have contained a provision by which farmers were given equal consideration with all others with respect to capital gains and losses.

There is no question but what the Commissioner of Internal Revenue has ignored the plain intent of Congress and the Federal courts in discriminating against farmers in the matter of taxation on sales of livestock.

The conference report, accompanying H. R. 8920, says:

> It is the hope of the conferees that, pending such study and further legislation, the Treasury will follow the decision of the Eighth Circuit Court in the *Albright case* (173 Fed. (2) 339).

The farmers of this Nation have every right to expect more than "hope" that the Commissioner of Internal Revenue will abide by the intent of Congress in a decision of the Federal courts.

I expect to vote for this pending tax measure, despite its serious deficiencies,

because additional revenue is sorely needed to close some part of the spending gap that has been caused by war. But I warn that Congress will be justifiably held to be remiss in its duty if it fails later this year to enact an excess-profits tax and plug the loophole through which the Commissioner of Internal Revenue now discriminates against America's farmers.

Mr. DOUGHTON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Speaker, I believe the conferees on the part of the House are entitled to the commendation of the Members of this body for the very splendid job they did in connection with this measure. I am particularly gratified that they closed some of the most glaring loopholes which appeared in the bill when it came from the other body. In fact, had some of those most glaring loopholes not been closed, perhaps there would have been a very determined fight against this conference report.

I particularly call the attention of some of the Members to the provision with respect to an excess-profits tax. In my opinion, Mr. Speaker, the provision in the conference report is completely binding upon both Houses to enact an excess-profits tax this year and, more than that, that it will be retroactive, definitely and positively retroactive to July 1, 1950 or October 1, 1950. Therefore we have an opportunity by voting for this conference report to commit this Congress definitely to an excess-profits tax that will be retroactive. That is the important thing, Mr. Speaker, that it will be retroactive.

May I further call the attention of the Members to the fact that an agreement has been reached between the leadership of the other body and the leadership of this body to reassemble on November 27 of this year. I feel confident that in the interim the Committee on Ways and Means or a subcommittee thereof—that will be decided tomorrow morning—will have made decided progress toward having the measure ready for this House to act on.

I hope nobody will vote against this conference report simply because it does not contain provisions imposing an excess-profits tax. When we have a positive commitment, why should we not trust this House? Why should we not trust the other body?

I trust the Members will vote for this conference report, and I am sincere about that. Everybody knows how strongly I feel about an excess-profits tax, but this is what we can get. This is binding in every respect. I hope the Members of the House will vote for the conference report.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Illinois.

Mr. MASON. Is it the gentleman's idea or opinion that anyone who votes for this conference report is morally bound to support a retroactive excess-profits tax when it is brought before us?

Mr. EBERHARTER. He is not morally bound to vote for an excess-profits tax, because he does not know what the provisions of that excess-profits-tax bill might be.

Mr. MASON. I am talking about the retroactive feature alone.

Mr. EBERHARTER. I think if one votes for this conference report he should be put on the side of those who favor a retroactive excess-profits tax.

Mr. DOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. CARROLL].

(Mr. CARROLL asked and was given permission to revise and extend his remarks and include an article.)

Mr. CARROLL. Mr. Speaker, as the gentleman from Pennsylvania has pointed out, this demonstrates the wisdom of this body the other day in voting overwhelmingly for a retroactive tax in the calendar year 1950.

To answer the gentleman from Illinois [Mr. MASON], of course, there is an obligation on the part of this body to pass a retroactive excess-profits tax this session by accepting this report.

We voted on that the other day. So we are committed. Who is committed? Every member of the Committee on Ways and Means voted for an excess profits tax in this session of Congress, to a retroactive tax to be applied to 1950 war profits. Tomorow morning we are going to be given an opportunity to justify our vote, we on the Committee on Ways and Means, as we go into executive session. A motion will be made requiring the Treasury to begin preparation of data immediately for an excess profits tax, in order to be ready by October 15 to join with our Committee staff experts, who also will be requested to begin work on this matter. These groups can and should work together drafting sound excess profits tax legislation until about November 15.

It will also be suggested in this motion that the Ways and Means Committee on that date begin to hold public hearings, for at least a week. The following week the Ways and Means Committee should begin work on the final bill. As you return on November 27, we ought to have an excess profits tax bill for your consideration.

Gentlemen, this motion will sustain the point that we have been making all along. If there exists the will and the determination to impose an excess profits tax we can do the job in a few weeks. It will go out all over the country that that is what we stand for. The newspapers have already put corporations on notice that there will be a retroactive excess profits tax. It will be most interesting to watch the action, if any, of the other body.

I agree with the gentleman from Pennsylvania [Mr. EBERHARTER]. Of course there are inequities in this bill. But this conference committee on the part of the House under the circumstances has done a good job. They have knocked out the family partnerships provision saving revenue to the extent of $300,000,000 in refunds, and approximately $100,000,000 a year more which would have been lost in the future. They have saved money through other important objections to the Senate bill. I agree that the House conferees ought to be commended.

Mr. REED of New York. Mr. Speaker, I yield the balance of the time remaining to me to the gentleman from Nebraska [Mr. CURTIS].

Mr. GROSS. Mr. Speaker, I ask unanimous consent to extend my remarks following the remarks of the gentleman from Ohio [Mr. JENKINS].

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CURTIS. Mr. Speaker, I shall support the conference report. I do so not because I am totally satisfied with it, but I realize the conferees had a most difficult task to perform. I think they would have brought in a much better conference report if the conferees had been permitted to meet without other people being present. As one Member of the Congress I resent the intrusion of the Treasury Department into the conferences held between the House and Senate for the purpose of writing a tax bill.

I think it is well that we observe, however, the fact that serious precedents are started. We are perpetuating certain World War II excise taxes when it is admitted that on some businesses it amounts to almost a death blow.

During World War II there were excise taxes imposed for the purpose of closing businesses. Certainly, if this war emergency demands more revenue, and it does, the Congress should at once give attention to ways and means to spread the burden equitably to all segments of our society. I am only sorry that this Congress, controlled by the Democratic Party, was not as diligent early in the Congress in seeking excise-tax relief for the folks back home as they were in seeking tax relief for the politicians who came here to attend the inaugural.

Certain of the excise taxes should have been dealt with in this measure, because of the hardships that exist. No doubt a much better job could have been done by the conferees if the officials and employees of the Treasury Department had been kept out.

Now, a word about the excess profits tax. I believe there should be a tax on those people who, unreasonably and unfairly, are making excessive money while our boys are fighting. I think we have had too much talk in generalities about an excess profits tax and not enough attention as to what the tax should contain. The Treasury Department has not yet made its recommendations. It will be some weeks before they do. I do hope that they bring in a proposal that will actually reach excess profits. Proposals offered so far are not well thought out. Their enactment would let some concerns with the very highest wartime earnings go untouched. Other concerns would be treated unjustly. The World War II excess profits tax law did not properly do the job.

The SPEAKER. The time of the gentleman from Nebraska [Mr. CURTIS] has expired.

Mr. DOUGHTON. Mr. Speaker, I yield the remainder of the time to the gentleman from Arkansas [Mr. MILLS].

The SPEAKER. The gentleman from Arkansas is recognized for 5 minutes.

(Mr. MILLS asked and was given permission to revise and extend his remarks and include a summary of the provisions of H. R. 8290, prepared by the staff of the Joint Committee on Internal Revenue Taxation.)

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield.

Mr. AUGUST H. ANDRESEN. I hope if the gentleman has time that he will explain his understanding of 117 (j) with reference to the Albright decision.

Mr. MILLS. In the beginning let me say it is my opinion that the entire membership of the conference committee on the part of both the House and Senate agrees that there must be some legislation in the future with respect to the treatment of income from the raising of livestock and carrying on that great industry in the United States. However, it was impossible for the conference committee to do the completely fair and equitable thing, because of the limited aspects of Senate amendment No. 82. It is certainly the intention of the Members who served on the conference committee to go into this matter at the earliest possible date, and we have expressed the hope that the Treasury will see fit to follow the Albright decision until such time as the Congress can settle this perplexing problem.

Mr. AUGUST H. ANDRESEN. I thank the gentleman for that statement, because I know the gentleman feels that the Bureau should follow the Albright or court decision.

Mr. MILLS. I feel that way; yes.

Now, in the closing minutes, let me talk about a matter that seems to be concerning some of my colleagues. At least I gather this impression from talking to them. The question in their minds is: "Shall I vote for an income-tax increase of some two and a half or three billion dollars on individuals, effective the 1st of October this year, when the bill does not provide for an excess-profits tax on corporations?"

My colleagues on the Ways and Means Committee will remember that some weeks ago I suggested, in the form of a motion in executive session of the committee, that our committee begin a study of the excess-profits tax. It was my thought then that an excess-profits tax should become effective the 1st of January 1951, although the motion did not so state. Nothing further was done by our committee because of the drive that was on in another body to amend H. R. 8920 by including an excess-profits tax provision.

Now, we come today to this bill without an excess-profits tax provision. Some of my friends are worried because of the possibility that their action today in voting for the bill may be misunderstood, since there is no excess-profits tax provision in it. I know of no way that we could have bound ourselves by any stronger language than that which appears in the conference report. Certainly it is more than just a moral obligation to me, as one member of the Ways and Means Committee, to see that there is legislation in the field of excess profits before the end of this Congress.

My colleagues on the committee have advised you that it is the purpose of the committee to meet in the morning to make a definite decision with respect to procedure in this area. The President of the United States has asked us for a specific tax bill at this time; we are bringing to him what he has asked for. The President was kind enough the other day to call the chairman of the committee and express appreciation to him for what this conference committee had developed in the way of his request.

Now, can you afford to vote for an increase on individuals and for higher corporate normal and surtax rates without, at the same time, voting for an excess-profits tax? I say emphatically that you can. To do anything less than that is, in my opinion, not to pay due regard to the conditions that exist today and to the great need for additional revenue.

We impose a personal tax now because we want it to go into effect the first of October. The withholding tax must go into effect then if we are to tax salaries for the remainder of the year. This conference agreement says that this excess-profits tax will go into effect either October 1 or July 1, 1950. Certainly my opinion has been fixed; I am going to be for an excess-profits tax that goes into effect July 1 or October 1, 1950, instead of, as I originally thought, January 1, 1951. Certainly we are bound by this commitment and we can rest assured that we will have an opportunity, if the Congress is in session after November 27, to vote upon, an excess-profits tax, and we can so state when we go home. I feel that very sincerely and deeply.

Mr. Speaker, I insert at this point in the RECORD a summary of H. R. 8920, the Revenue Act of 1950, as agreed to by the conferees, which was prepared by the staff of the Joint Committee on Internal Revenue Taxation:

SUMMARY OF H. R. 8920 AS AGREED TO BY THE CONFEREES

TITLE I. INCREASE IN INCOME-TAX RATES

A. Individual income taxes

Sections 101–104 eliminate for 1951 and subsequent years the percentage reductions from the tentative tax made in the Revenue Act of 1945 and in the Revenue Act of 1948.

These reductions are as follows: 17 percent of the first $400 of tentative tax; 12 percent of that part of the tentative tax in excess of $400 and not in excess of $100,000; 9.75 percent on the tentative tax in excess of $100,000.

The percentage reductions are cut by approximately 25 percent for 1950. As a result, after a taxpayer has determined his tentative tax for the calendar year 1950, he will, under the bill, make the following percentage reductions in such tax instead of the reductions provided for under existing law; 13 percent of the first $400 of tentative tax; 9 percent of that part of the tentative tax in excess of $400 and not in excess of $100,000; 7.3 percent of that part of the tentative tax in excess of $100,000.

In the case of individuals on a fiscal-year basis, income for years ending prior to October 1, 1950, will be subject to the rates imposed under existing law. When the fiscal year begins prior to October 1, 1950, and ends subsequent to that date, to the extent that the taxable year precedes October 1, 1950, the individual will be taxed at the rates imposed under existing law. To the extent that the year follows September 30, 1950, the individual will be taxed at the rates imposed for 1951 and subsequent years. Individuals with fiscal years beginning after September 30, 1950, will be subject to the rates imposed on calendar year taxpayers in 1951 and subsequent years.

This bill does not affect the increases in personal exemptions and dependency credits made in the Revenue Acts of 1945 and 1948, or the system of splitting the income of married couples adopted in the Revenue Act of 1948.

The withholding rate will be increased under the bill from 15 to 18 percent with respect to all wages and salaries paid on or after October 1, 1950 (secs. 141–143, pt. IV of title I).

The changes described will increase tax liabilities by about $2,700,000,000 or about 17 percent in a full year's operation.

Table 1 compares the combined normal tax and surtax marginal rates imposed under the Revenue Act of 1944 (the wartime peak) and those imposed under the 1945 and 1948 acts (taking the percentage reductions into account) with the rates which will apply in 1951 and subsequent years under the bill as agreed to in conference. The rates under the bill will be three percentage points lower in each bracket than those imposed under the 1944 act. The difference represents a three-percentage-point reduction in the rate schedule made in the Revenue Act of 1945, which is not removed by this bill.

Table 2 shows by net-income classes the distribution of income, taxable returns, and tax liabilities under existing law and under the bill when the proposed change in rates is fully effective.

TABLE 1.—*Individual income-tax rate schedule—the rates under the conference agreement for 1951 and subsequent years compared with those used under the Revenue Acts of 1944, 1945, and 1948*

Surtax net income	1944 act (highest wartime rates)	1945 act [1]	1948 act [1] (present law)	Rates agreed to in conference, 1951 and subsequent years
	Percent	*Percent*	*Percent*	*Percent*
0 to $2,000	23	19.00	16.60	20
$2,000 to $4,000	25	20.90	19.36	22
$4,000 to $6,000	29	24.70	22.88	26
$6,000 to $8,000	33	28.50	26.40	30
$8,000 to $10,000	37	32.30	29.92	34
$10,000 to $12,000	41	36.10	33.44	38
$12,000 to $14,000	46	40.85	37.84	43
$14,000 to $16,000	50	44.65	41.36	47
$16,000 to $18,000	53	47.50	44.00	50
$18,000 to $20,000	56	50.35	46.64	53
$20,000 to $22,000	59	53.20	49.28	56
$22,000 to $26,000	62	56.05	51.92	59
$26,000 to $32,000	65	58.90	54.56	62
$32,000 to $38,000	68	61.75	57.20	65
$38,000 to $44,000	72	65.55	60.72	69
$44,000 to $50,000	75	68.40	63.36	72
$50,000 to $60,000	78	71.25	66.00	75
$60,000 to $70,000	81	74.10	68.64	78
$70,000 to $80,000	84	76.95	71.28	81
$80,000 to $90,000	87	79.80	73.92	84
$90,000 to $100,000	90	82.65	76.56	87
$100,000 to $136,719.10	92	84.55	78.32	89
$136,719.10 to $150,000			80.3225	
$150,000 to $200,000	93	85.50	81.2250	90
$200,000 and over	94	86.45	82.1275	91
Maximum over-all rate limitation	90	85.50	77.00	87

[1] After reduction from tentative tax.

TABLE 2.—*Estimated net income, taxable returns, and tax liability under present law under the conference agreement when the change in rates is fully effective*

[Money amounts in thousands]

Income classes after deductions but before exemptions	Net income	Number of taxable returns	Tax liability [1]		Increase in tax under conference agreement
			Present law	Bill as agreed to in conference [2]	
Under $1	$2,118,218	2,406,199	$111,971	$134,900	$22,929
$1 to $2	12,694,590	7,986,162	920,795	1,109,408	188,613
$2 to $3	31,757,704	12,528,019	2,440,298	2,940,115	499,817
$3 to $4	24,153,714	6,947,195	2,000,454	2,400,855	400,401
$4 to $5	20,593,211	4,600,934	2,014,164	2,416,118	401,954
Total under $5	91,317,437	34,468,509	7,487,682	9,001,396	1,513,714
$5 to $10	17,384,843	2,637,787	2,156,251	2,558,362	402,111
$10 to $25	12,620,469	847,563	2,382,662	2,743,294	360,632
$25 to $50	4,986,129	135,559	1,496,822	1,701,586	204,764
$50 to $100	2,117,456	31,053	856,063	963,180	107,117
$100 to $300	1,915,090	14,577	966,543	1,079,124	112,581
$300 to $500	301,046	922	177,723	195,241	17,518
$500 to $1,000	232,822	406	150,926	165,274	14,348
$1,000 and over	215,341	144	139,480	151,412	11,932
Total over $5	39,773,196	3,668,011	8,326,470	9,557,473	1,231,003
Grand total	131,090,633	38,136,520	15,814,152	18,558,869	2,744,717
PERCENTAGE DISTRIBUTION					
Under $1	1.62	6.31	0.71	0.73	0.84
$1 to $2	9.68	20.94	5.82	5.98	6.87
$2 to $3	22.23	32.85	15.43	15.84	18.21
$3 to $4	18.43	18.22	12.65	12.94	14.59
$4 to $5	15.71	12.06	12 74	13.02	14.64
Total under $5	69.66	90.38	47.35	48.50	55.15
$5 to $10	13.26	6.92	13.63	13.79	14.65
$10 to $25	9.63	2.22	15.07	14 78	13.14
$25 to $50	3.80	.36	9.47	9.17	7.46
$50 to $100	1.62	.08	5.41	5.19	3.90
$100 to $300	1.46	.04	6.11	5.81	4.10
$300 to $500	.23	[3]	1.12	1.05	.64
$500 to $1,000	.18	[3]	.95	.89	.52
$1,000 and over	.16	[3]	.88	.82	.43
Total over $5	30.34	9.62	52.65	51.50	44.85
Total	100.00	100.00	100.00	100.00	100.00

[1] Includes normal tax, surtax, and alternative tax on net long-term capital gains.
[2] When the rate changes are fully effective.
[3] Less than 0.005 percent.
Source: Staff of the Joint Committee on Internal Revenue Taxation.

Table 3 compares the tax burdens under existing law, the burdens which will exist under the bill in 1950, and the burdens under the bill in 1951 and subsequent years in the case of a single individual with no dependents. Tables 4 and 5 contain similar comparisons for a married couple with no dependents and a married couple with two dependents. These tables indicate that, when expressed as a percentage of the tax due under present law, the increase under the bill is comparatively large in the case of taxpayers with smaller incomes. However, when the increase is expressed as a percentage of the spendable income remaining after tax under the present law's provisions, the change in the lower-income brackets is comparatively small, and the increase in the upper-income brackets is comparatively large.

Table 6 shows the effective rates of taxation under existing law, under the bill in 1950 and the bill in 1951 and subsequent years for a single person with no dependents. Tables 7 and 8 show similar data for a married couple with no dependents and a married couple with two dependents. These tables show that the increase in the effective rate is substantially larger in the case of large incomes than in the case of small incomes.

TABLE 3.—*Comparison of individual income-tax liability under present law and under the rates agreed to in conference for the calendar years 1950 and 1951*

SINGLE PERSON—NO DEPENDENTS

Net income before exemption	Amount of tax under—			Increase under conference agreement		1950 increase as a percentage of—		1951 increase as a percentage of—	
	Present law	Conference agreement		1950	1951	Tax under present law	Net income after tax under present law	Tax under present law	Net income after tax under present law
		1950	1951						
						Percent	*Percent*	*Percent*	*Percent*
$600									
$800	$33	$35	$40	$2	$7	4.8	0.2	20.5	0.9
$1,000	66	70	80	3	14	4.8	.3	20.5	1.5
$1,500	149	157	180	7	31	4.8	.5	20.5	2.3
$2,000	232	244	280	11	48	4.8	.6	20.5	2.7
$3,000	409	428	488	19	79	4.6	.7	19.2	3.0
$5,000	811	843	944	32	133	4.0	.8	16.4	3.2
$8,000	1,546	1,604	1,780	57	234	3.7	.9	15.1	3.6
$10,000	2,124	2,201	2,436	77	312	3.6	1.0	14.7	4.0
$15,000	3,894	4,032	4,448	137	554	3.5	1.2	14.2	5.0
$20,000	6,089	6,301	6,942	212	853	3.5	1.5	14.0	6.1
$25,000	8,600	8,898	9,796	298	1,196	3.5	1.8	13.9	7.3
$50,000	23,201	23,907	26,388	796	3,187	3.4	3.0	13.7	11.9
$100,000	58,762	60,770	66,798	2,008	8,036	3.4	4.9	13.7	19.5
$500,000	[1] 385,000	396,221	429,274	11,221	44,274	2.9	9.8	11.5	38.5
$1,000,000	[1] 770,000	[2] 800,000	[3] 870,000	30,000	100,000	3.9	13.0	13.0	43.5

[1] Taking into account maximum effective rate limitation of 77 percent.
[2] Taking into account maximum effective rate limitation of 80 percent.
[3] Taking into account maximum effective rate limitation of 87 percent.

TABLE 4.—*Comparison of individual income-tax liability under present law and under the rates agreed to in conference for the calendar years 1950 and 1951*

MARRIED PERSONS—NO DEPENDENTS

Net income before exemption	Amount of tax under—			Increase under conference agreement		1950 increase as a percentage of—		1951 increase as a percentage of—	
	Present law	Conference agreement		1950	1951	Tax under present law	Net income after tax under present law	Tax under present law	Net income after tax under present law
		1950	1951						
						Percent	*Percent*	*Percent*	*Percent*
$1,200									
$1,500	$50	$52	$60	$2	$10	4.8	0.2	20.5	0.7
$2,000	133	139	160	6	27	4.8	.3	20.5	1.5
$3,000	299	313	360	14	61	4.8	.5	20.5	2.3
$5,000	631	661	760	30	129	4.8	.7	20.5	3.0
$8,000	1,206	1,257	1,416	50	210	4.2	.7	17.4	3.1
$10,000	1,621	1,686	1,888	65	267	4.0	.8	16.4	3.2
$15,000	2,829	2,935	3,260	106	431	3.7	.9	15.2	3.5
$20,000	4,247	4,402	4,872	154	625	3.6	1.0	14.7	4.0
$25,000	5,877	6,087	6,724	210	847	3.6	1.1	14.4	4.4
$50,000	17,201	17,797	19,592	596	2,391	3.5	1.8	13.9	7.3
$100,000	46,403	47,994	52,776	1,591	6,373	3.4	3.0	13.7	11.9
$500,000	359,662	378,657	403,548	10,995	43,886	3.1	7.8	12.2	31.3
$1,000,000	[1] 770,000	792,442	858,548	22,442	88,548	2.9	9.8	11.5	38.5

[1] Taking into account maximum effective rate limitation of 77 percent.

TABLE 5.—*Comparison of individual income-tax liability under present law and under the rates agreed to in conference for the calendar years 1950 and 1951*

MARRIED PERSON—2 DEPENDENTS

Net income before exemption	Amount of tax under—			Increase under conference agreement		1950 increase as a percentage of—		1951 increase as a percentage of—	
	Present law	Conference agreement		1950	1951	Tax under present law	Net income after tax under present law	Tax under present law	Net income after tax under present law
		1950	1951						
						Percent	*Percent*	*Percent*	*Percent*
$2,400									
$3,000	$100	$104	$120	$5	$20	4.8	0.2	20.5	0.7
$5,000	432	452	520	21	88	4.8	.5	20.5	1.9
$8,000	974	1,016	1,152	43	178	4.4	.6	18.3	2.5
$10,000	1,361	1,417	1,592	56	231	4.1	.6	17.0	2.7
$15,000	2,512	2,607	2,900	95	388	3.8	.8	15.4	3.1
$20,000	3,888	4,030	4,464	142	576	3.6	.9	14.8	3.6
$25,000	5,476	5,672	6,268	196	792	3.6	1.0	14.5	4.1
$50,000	16,578	17,152	18,884	576	2,306	3.5	1.7	13.9	6.9
$100,000	45,643	47,208	51,912	1,565	6,269	3.4	2.9	13.7	11.5
$500,000	358,677	369,645	402,456	10,968	43,779	3.1	7.8	12.2	31.0
$1,000,000	769,314	791,430	857,456	22,116	88,142	2.9	9.6	11.5	38.2

TABLE 6.—*Comparison of individual income-tax effective rates under present law and under the conference agreement for the calendar years 1950 and 1951*

SINGLE PERSON—NO DEPENDENTS

Net income before exemption	Effective rates			Percentage point increase, conference agreement over present law	
	Present law	Conference agreement		1950	1951
		1950	1951		
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
$600					
$800	4.2	4.4	5.0	0.2	0.9
$1,000	6.6	7.0	8.0	.3	1.4
$1,500	10.0	10.4	12.0	.5	2.0
$2,000	11.6	12.2	14.0	.6	2.4
$3,000	13.6	14.3	16.3	.6	2.6
$5,000	16.2	16.9	18.9	.6	2.7
$8,000	19.3	20.0	22.3	.7	2.9
$10,000	21.2	22.0	24.4	.8	3.1
$15,000	26.0	26.9	29.7	.9	3.7
$20,000	30.4	31.5	34.7	1.1	4.3
$25,000	34.4	35.6	39.2	1.2	4.8
$50,000	46.4	48.0	52.8	1.6	6.4
$100,000	58.8	60.8	66.8	2.0	8.0
$500,000	[1] 77.0	79.2	85.9	2.2	8.9
$1,000,000	[1] 77.0	[2] 80.0	[3] 87.0	3.0	10.0

[1] Taking into account maximum effective rate limitation of 77 percent.
[2] Taking into account maximum effective rate limitation of 80 percent.
[3] Taking into account maximum effective rate limitation of 87 percent.

TABLE 7.—*Comparison of individual income-tax effective rates under present law and under the conference agreement for the calendar years 1950 and 1951*

MARRIED PERSONS—NO DEPENDENTS

Net income before exemption	Effective rates			Percentage point increase, conference agreement over present law	
	Present law	Conference agreement		1950	1951
		1950	1951		
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
$1,200					
$1,500	3.3	3.5	4.0	0.2	0.7
$2,000	6.6	7.0	8.0	.3	1.4
$3,000	10.0	10.4	12.0	.5	2.0
$5,000	12.6	13.2	15.2	.6	2.6
$8,000	15.1	15.7	17.7	.6	2.6
$10,000	16.2	16.9	18.9	.6	2.7
$15,000	18.9	19.6	21.7	.7	2.9
$20,000	21.2	22.0	24.4	.8	3.1
$25,000	23.5	24.3	26.9	.8	3.4
$50,000	34.4	35.6	39.2	1.2	4.8
$100,000	46.4	48.0	52.8	1.6	6.4
$500,000	71.9	74.1	80.7	2.2	8.8
$1,000,000	[1] 77.0	79.2	85.9	2.2	8.9

[1] Taking into account maximum effective rate limitation of 77 percent.

TABLE 8.—*Comparison of individual income-tax effective rates under present law and under the conference agreement for the calendar years 1950 and 1951*

MARRIED PERSONS—2 DEPENDENTS

Net income before exemption	Effective rates			Percentage point increase, conference agreement over present law	
	Present law	Conference agreement		1950	1951
		1950	1951		
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
$2,400					
$3,000	3.3	3.5	4.0	0.2	0.7
$5,000	8.6	9.0	10.4	.4	1.8
$8,000	12.2	12.7	14.4	.5	2.2
$10,000	13.6	14.2	15.9	.6	2.3
$15,000	16.7	17.4	19.3	.6	2.6
$20,000	19.4	20.2	22.3	.7	2.9
$25,000	21.9	22.7	25.1	.8	3.2
$50,000	33.2	34.3	37.8	1.1	4.6
$100,000	45.6	47.2	51.9	1.6	6.3
$500,000	71.7	73.9	80.5	2.2	8.8
$1,000,000	76.9	79.1	85.7	2.2	8.8

B. Corporation income taxes

1. Changes in rates: Under existing law corporations with taxable incomes of $50,000 and over pay a flat 24-percent normal tax and a flat 14-percent surtax, a total rate of

38 percent. To give smaller business a tax advantage, the effective rate of taxation is reduced for corporations with incomes below $25,000. This is accomplished by the application to such corporations of the following marginal or bracket rates:

Income bracket	Normal tax rate	Surtax rate	Total tax rate
	Percent	*Percent*	*Percent*
The first $5,000	15	6	21
The next $15,000	17	6	23
The next $5,000	19	6	25

As a result the effective or average rate of tax rises from 21 percent for corporations with incomes of $5,000 or less to 23 percent for corporations with an income of $25,000. Since the 38-percent rate applying to corporations with taxable incomes of $50,000 and over is applicable to the entire income, it is necessary to bridge the gap between $25,000 and $50,000 by applying a 53-percent rate to the income in this area. Thirty-one percentage points of this 53-percent rate represent the normal tax and 22 percentage points represent the surtax.

The bill eliminates the system of rates used under existing law and substitutes for 1951 and subsequent years—(1) a $25,000 surtax exemption; (2) a flat 25-percent normal tax rate; and (3) a flat 20-percent surtax rate.

Thus, a corporation with an income of $25,000 or less would pay a flat 25-percent normal tax and no more. A corporation with an income in excess of $25,000 would pay a normal tax of 25 percent on its entire taxable income, and a surtax of 20 percent on that part of its income in excess of $25,000.

For the calendar year 1950, the normal tax will be 23 percent and the surtax on incomes in excess of the $25,000 surtax exemption will be 19 percent, making a total top rate of 42 percent for the calendar year 1950 as compared with a top rate of 45 percent for 1951 and subsequent years.

Taxable years ending prior to July 1, 1950, will be taxed at the rates imposed under existing law. Years beginning prior to July 1, 1950, and ending after that date will be divided into two parts. The proportion of the corporation's taxable income which relates to the period preceding July 1, 1950, will be taxed at the rates used under existing law. To the extent that the corporation's taxable year follows June 30, 1950, its income will be taxed at the rates imposed for 1951 and subsequent years. Fiscal years beginning after June 30, 1950, will be subject to the rates imposed for 1951.

When fully effective at current levels of corporate profits, the proposed changes in the corporate rates will increase the corporate income tax liabilities by $1,600,000,000 annually. This is an increase of about 15 percent in the amount of the tax due. Taking into account the reduction in the taxable income of individuals that will accompany the lower level of dividend payments resulting from the increase in the corporate rates, the net increase in tax liabilities will be $1,500,000,000 annually when the changes in the corporate rates are fully effective.

Table 9 shows the combined normal tax and surtax effective rates under existing law and under the bill for 1951 and subsequent years. Corporations with incomes of $5,000 or less will be taxed 4 percentage points more under the bill than under existing law. The net increase over existing law will be less than 4 points in the case of corporations with incomes between $5,000 and $31,250, the net increase in this area declining as the corporate income grows larger. For incomes between $5,000 and $25,000 this is due to the fact that a flat 25 percent tax rate on the first $25,000 of income is substituted for rates which under present law increase from 21 percent to 25 percent in this income area. For incomes between $25,000 and $31,250 the fact that the rates do not increase by 4 percentage points is due to the elimination of the notch. At $31,250 the effective rates under the bill and existing law are identical. The benefits from the elimination of the notch are sufficient to produce a smaller effective rate under the bill than under existing law for corporations with incomes between $31,250 and $71,429, at which point the rates under the bill and under existing law are again equal. For corporations with incomes in excess of $71,429 the effect of eliminating the notch is outweighed by the increase in the rate. Hence in these cases the effective rate under the bill is higher than under existing law. The increase grows with the size of the income and reaches a maximum of just under 7 percentage points. Thus, the maximum effective rate under the bill is approximately 45 percent.

TABLE 9.—*Comparison of effective corporate income-tax rates under present law, and under the conference agreement in 1951 and subsequent years*

Net income (normal and surtax)	Present law	Conference agreement	
	Effective rates	Effective rates	Percentage point increase or decrease (—) over present law
	Percent	*Percent*	
$1,000	21.00	25.00	4.00
$2,000	21.00	25.00	4.00
$3,000	21.00	25.00	4.00
$4,000	21.00	25.00	4.00
$5,000	21.00	25.00	4.00
$6,000	21.33	25.00	3.67
$7,000	21.57	25.00	3.43
$8,000	21.75	25.00	3.25
$9,000	21.89	25.00	3.11
$10,000	22.00	25.00	3.00
$15,000	22.33	25.00	2.67
$20,000	22.50	25.00	2.50
$25,000	23.00	25.00	2.00
$30,000	28.00	28.33	.33
$31,250	29.00	29.00	0
$35,000	31.57	30.71	—.86
$40,000	34.25	32.50	—1.75
$45,000	36.33	33.89	—2.44
$50,000	38.00	35.00	—3.00
$60,000	38.00	36.67	—1.33
$70,000	38.00	37.86	—.14
$71,428.57+	38.00	38.00	0
$75,000	38.00	38.33	.33
$100,000	38.00	40.00	2.00
$150,000	38.00	41.67	3.67
$166,666⅔	38.00	42.00	4.00
$200,000	38.00	42.50	4.50
$300,000	38.00	43.33	5.33
$400,000	38.00	43.75	5.75
$500,000	38.00	44.00	6.00
$750,000	38.00	44.33	6.33
$1,000,000	38.00	44.50	6.50
$5,000,000	38.00	44.90	6.90
$10,000,000	38.00	44.95	6.95

Table 10 compares the tax burden under the bill in 1951 and subsequent years with those under existing law.

TABLE 10.—*Comparison of corporate income-tax liability under present law and under the conference agreement in 1951 and subsequent years*

Net income (normal tax and surtax)	Combined normal tax and surtax			
	Amount of tax		Dollar increase or decrease (—) over present law	Percentage increase or decrease (—) over present law
	Present law	Conference agreement		
$1,000	$210.00	$250.00	$40	19.05
$2,000	420.00	500.00	80	19.05
$3,000	630.00	750.00	120	19.05
$4,000	840.00	1,000.00	160	19.05
$5,000	1,050.00	1,250.00	200	19.05
$6,000	1,280.00	1,500.00	220	17.19
$7,000	1,510.00	1,750.00	240	15.89
$8,000	1,740.00	2,000.00	260	14.94
$9,000	1,970.00	2,250.00	280	14.21
$10,000	2,200.00	2,500.00	300	13.64
$15,000	3,350.00	3,750.00	400	11.94
$20,000	4,500.00	5,000.00	500	11.11
$25,000	5,750.00	6,250.00	500	8.70
$30,000	8,400.00	8,500.00	100	1.19
$31,250	9,062.50	9,062.50	0	0
$35,000	11,050.00	10,750.00	—300	—2.71
$40,000	13,700.00	13,000.00	—700	—5.11
$45,000	16,350.00	15,250.00	—1,100	—6.73
$50,000	19,000.00	17,500.00	—1,500	—7.89
$71,428.57-plus	27,142.86	27,142.86	0	0
$75,000	28,500.00	28,750.00	250	.88
$100,000	38,000.00	40,000.00	2,000	5.26
$150,000	57,000.00	62,500.00	5,500	9.65
$166,666⅔	63,333⅓	70,000.00	6,666⅔	10.53
$200,000	76,000.00	85,000.00	9,000	11.84
$300,000	114,000.00	130,000.00	16,000	14.04
$400,000	152,000.00	175,000.00	23,000	15.13
$500,000	190,000.00	220,000.00	30,000	15.79
$750,000	285,000.00	332,500.00	47,500	16.67
$1,000,000	380,000.00	445,000.00	65,000	17.11
$5,000,000	1,900,000.00	2,245,000.00	345,000	18.16
$10,000,000	3,800,000.00	4,495,000.00	695,000	18.29

The effective rates and tax burdens which will be imposed for the calendar year 1950, the year of transition under the bill, are shown in table 11. The rates under the bill will be two percentage points higher than under existing law for corporations with incomes up to $5,000. The increase will be less than two percentage points for corporations with incomes between $5,000 and $25,000. A corporation whose income is precisely $25,000 will be subject to the same rate under the bill as under existing law. When the corporation's income falls between $25,000 and $118,750, the tax rate under the bill will be smaller than under existing law due to the elimination of the notch. At an income of $118,750, the rates under the bill and under existing law again will be identical. Corporations with larger incomes are subject to a heavier rate under the bill than under existing law, the difference increasing with the size of the income. The maximum increase will be just under four percentage points.

TABLE 11.—*Comparison of effective corporate income-tax rates and tax liability for 1950, under the conference agreement and under present law*

Net income (normal and surtax)	Effective rates			Combined normal and surtax			
	Present law	Conference agreement	Percentage point increase or decrease (—)	Present law	Conference agreement	Increase or decrease (—)	
						Amount	Percent
	Percent	*Percent*	*Percent*				
$1,000	21.00	23.00	2.00	$210	$230	$20	9.52
$2,000	21.00	23.00	2.00	420	460	40	9.52
$3,000	21.00	23.00	2.00	630	690	60	9.52
$4,000	21.00	23.00	2.00	840	920	80	9.52
$5,000	21.00	23.00	2.00	1,050	1,150	100	9.52

TABLE 11.—*Comparison of effective corporate income-tax rates and tax liability for 1950, under the conference agreement and under present law*—Continued

Net income (normal and surtax)	Effective rates			Combined normal and surtax			
	Present law	Conference agreement	Percentage point increase or decrease (—)	Present law	Conference agreement	Increase or decrease (—)	
						Amount	Percent
	Percent	*Percent*	*Percent*				
$6,000	21.33	23.00	1.67	$1,280	$1,380	$100	7.81
$7,000	21.57	23.00	1.43	1,510	1,610	100	6.62
$8,000	21.75	23.00	1.25	1,740	1,840	100	5.75
$9,000	21.89	23.00	1.11	1,970	2,070	100	5.08
$10,000	22.00	23.00	1.00	2,200	2,300	100	4.55
$15,000	22.33	23.00	.67	3,350	3,450	100	2.99
$20,000	22.50	23.00	.50	4,500	4,600	100	2.22
$25,000	23.00	23.00	0	5,750	5,750	0	0
$30,000	28.00	26.17	−1.83	8,400	7,850	−550	−6.55
$35,000	31.57	28.43	−3.14	11,050	9,950	−1,100	−9.95
$40,000	34.25	30.13	−4.12	13,700	12,050	−1,650	−12.04
$45,000	36.33	31.44	−4.89	16,350	14,150	−2,200	−13.46
$50,000	38.00	32.50	−5.50	19,000	16,250	−2,750	−14.47
$75,000	38.00	35.67	−2.33	28,500	26,750	−1,750	−6.14
$100,000	38.00	37.25	−.75	38,000	37,250	−750	−1.97
$118,750	38.00	38.00	0	45,125	45,125	0	0
$150,000	38.00	38.83	.83	57,000	58,250	1,250	2.19
$200,000	38.00	39.63	1.63	76,000	79,250	3,250	4.28
$300,000	38.00	40.42	2.42	114,000	121,250	7,250	6.36
$400,000	38.00	40.81	2.81	152,000	163,250	11,250	7.40
$500,000	38.00	41.05	3.05	190,000	205,250	15,250	8.03
$750,000	38.00	41.37	3.37	285,000	310,250	25,250	8.86
$1,000,000	38.00	41.53	3.53	380,000	415,250	35,250	9.28
$5,000,000	38.00	41.91	3.91	1,900,000	2,095,250	195,250	10.28
$10,000,000	38.00	41.95	3.95	3,800,000	4,195,250	395,250	10.40

2. Consolidating the tax computation on the return form: In addition to eliminating the notch rate these sections of the bill provide a different method for computing the tax benefit to be given Western Hemisphere trade corporations and dividends paid by public utilities on certain preferred stock. The bill also contains a provision preserving the present tax benefit for partially tax-exempt interest for the calendar year 1950 when the normal tax rate under the bill will be below the normal tax rate in existing law. For 1951 and subsequent years this adjustment is unnecessary because the normal tax rate for those years will be 25 percent under the bill, while the existing normal tax rate is only 24 percent. The bill also makes a change in the method of computing the dividends-received credit where dividends are received on certain preferred stock of public utilities. These changes make it possible to combine the normal tax and surtax into a single tax computation on the corporate return form for the tax liability incurred in the calendar year 1950 and subsequent years.

3. Dividends-received credit for distributions in kind: Under section 26 (b) of the code, a corporation is allowed to deduct from net income a dividends-received credit equal to 85 percent of the amount it receives from other domestic corporations as dividends.

Section 122 provides that the dividends-received credit shall not exceed 85 percent of the adjusted basis of the distributed property in the hands of the distributing corporation. If gain is recognized to the latter corporation as a result of the distribution, the dividends-received credit would be allowed for 85 percent of the adjusted basis of the property plus the gain recognized to the distributing corporation.

This limitation on the dividends-received credit will apply only to dividends received after August 31, 1950.

It is estimated that this provision will increase revenues by about $6,000,000 a year.

TITLE II. MISCELLANEOUS INCOME-TAX AMENDMENTS

Section 201. Extension of time in the case of discharge of indebtedness

Section 201 extends for an additional year the application of sections 22 (b) (9) and (10) of the code which permit railroads and other corporations to exclude from income amounts attributable to the discharge of certain indebtedness. The bill extends this privilege to December 31, 1951.

Section 202. Income-tax exemptions for members of the Armed Forces serving in combat areas

Section 202 excludes from taxable income compensation earned in active service as a member below the grade of commissioned officer in the Armed Forces of the United States for any month during any part of which such member served in a combat zone after June 24, 1950, and prior to January 1, 1952. Compensation of commissioned officers not in excess of $200 a month is excluded on a similar basis.

The President is authorized to designate as a combat zone any area in which he finds that the Armed Forces of the United States are engaged in combat. Such designation may be made applicable to any part of the period from June 24, 1950, to January 1, 1952.

The bill also provides that with minor exceptions there shall be no withholding on or after the first day of the second calendar month which begins after the date of enactment of this bill on the pay of members of the Armed Forces for any month during any part of which they performed services in a combat zone.

Section 203. Treatment of bond premium in case of dealers in tax-exempt securities

Under existing law, dealers in tax-exempt securities, whether individuals, partnerships, or corporations, are not required to amortize premiums paid for these securities. Section 125 (d) of the code permits a dealer in such securities who inventories his securities on a cost basis or who does not maintain inventories to deduct as a loss the difference between the cost of such bonds and their selling price or the amount received at maturity. Dealers who inventory their securities at market prices automatically receive annual deductions of portions of the premiums, since an appropriate amortization is reflected in the market prices shown in their inventories, or in the selling prices if the bonds are sold or mature during the year.

Section 203 provides that with respect to State and municipal bonds held more than 30 days and having a maturity or call date not more than 5 years from the date of acquisition by the dealer, the premium paid must be amortized. In the case of dealers who carry their bonds at cost, this amortization will reduce the basis so as to eliminate an artificial loss in the year of the sale or other disposition of the bond, and in the case of dealers who carry their bonds at market prices the amount of the amortization for any year must be used to reduce the cost of sales for that year.

The amortization of the premium is required in the case of all securities purchased on or after July 1, 1950. In the case of securities held on June 30, 1950, amortization is required only with respect to taxable years beginning after that date.

It is estimated that in the long run the revenues under this changed procedure will be about $20,000,000 higher annually than they would be if existing law were continued.

Section 204. Circulation expenditures

Under section 204, publishers of newspapers, magazines, or other periodicals are allowed to deduct expenditures to maintain, establish, or increase circulation, except expenditures for the purchase of land or depreciable property or for the acquisition of circulation through the purchase of any part of the business of another publisher. This follows, in general, the practice of existing law, although in some instances expenditures to increase and establish circulation have been required to be capitalized.

Section 204 also permits publishers to elect to capitalize such portion of those expenditures as, under regulations prescribed by the Secretary, is deemed to be chargeable to capital account.

This amendment is effective with respect to taxable years beginning after December 31, 1945, but the election to capitalize may not be made in years beginning prior to January 1, 1950, when the publisher has already claimed a deduction for such expenditures in those years. Also, the amendment is not effective for any year during which any part of such expenditures was capitalized, if a claim for refund is barred for such year.

Section 205. Payment of income tax by installment payments and returns of estates and trusts

A. Corporations: Under existing law, corporate taxpayers are given the option to elect to pay their entire tax on the 15th day of the third month following the close of the taxable year or to pay one-fourth of the tax on that date and the balance in equal installments on the 15th day of the third, sixth, and ninth months following the first installment. For example, a corporation on the calendar-year basis may pay one-fourth of the tax for 1950 on the 15th day of March, June, September, and December 1951.

Section 205 of the bill provides for a gradual transition over a period of 5 years to a method under which the installment option for corporations will be limited to two payments of 50 percent of the tax due on the 15th day of the third month and the 15th day of the sixth month following the close of the taxable year. The manner in which this transition is to be made is shown in table 12.

TABLE 12.—*Accelerated payments of corporation income taxes*

	Percent of payments due in—			
	First quarter (percent)	Second quarter (percent)	Third quarter (percent)	Fourth quarter (percent)
First taxable year	30	30	20	20
Second taxable year	35	35	15	15
Third taxable year	40	40	10	10
Fourth taxable year	45	45	5	5
Fifth taxable year and subsequent years	50	50	0	0

The first change in the method of payment will be effective with respect to corporate taxable years ending on or after December 31, 1950.

For the calendar-year corporations, which make up about three-fourths of the total, the bill permits the payment of 30 percent of the 1950 tax on March 15 and June 15,

1951, and 20 percent on September 15 and December 15, instead of 25 percent on each of the quarterly payment dates as permitted under existing law. The payments on March 15 and June 15 will be increased to 35 percent of the tax due in 1952, 40 percent in 1953, 45 percent in 1954, and 50 percent in 1955, with corresponding reductions in the percentage of the tax payable on September 15 and December 15 in each of these years.

The estimated increase in collections resulting from accelerated payments is shown in table 13. In the fiscal year 1951 it is estimated that the additional collections will be about $800 million. The additional receipts in the fiscal year 1956, the last year in which collections are affected, will be about $90,000,000. The increase in each of the years 1952 through 1955 will be about $1 billion. The total additional collections during the full 6-year transition period aggregate about $4,800,000,000.

TABLE 13.—*Estimated increase in corporate income-tax collections resulting from accelerated payments*

Fiscal years	Increase in collections
1951	$800,000,000
1952	1,040,000,000
1953	970,000,000
1954	970,000,000
1955	970,000,000
1956	90,000,000

Source: Staff of the Joint Committee on Internal Revenue Taxation.

B. Trusts, estates and nonresident aliens: Under existing law fiduciaries may elect to pay the income tax in four quarterly installments. Section 205 eliminates this option in the case of trusts but retains it in the case of estates.

Existing law also permits the installment option to be elected in the case of nonresident aliens whose gross income is in excess of $15,400, or who have a trade or business in the United States. Section 205 eliminates this option.

The elimination of the installment option in the case of trusts and certain nonresident aliens applies to taxable years ending on or after December 31, 1950, and will increase collections in the fiscal year 1951 by about $90,000,000.

Under section 205 fiduciaries are given until the fifteenth day of the fourth month following the close of the taxable year in which to file their return. Under existing law they must file the return by the fifteenth day of the third month following the close of the taxable year.

Section 206. Election as to recognition of gain in certain corporate liquidations

Section 206 revives for the calendar year 1950 section 112 (b) (7) of the code dealing with the recognition of gain in certain corporate liquidations. An individual shareholder complying with the provisions of section 112 (b) (7) may elect, with respect to a liquidation occurring in one calendar month in 1951, to have his gain recognized only to the extent of the amount of his ratable share of the earnings and profits of the corporation, plus any money, and any stock or securities acquired by the corporation after August 15, 1950, which is received by him. Such a gain, to the extent that it consists of his share of earnings and profits, is to be taxed as a dividend; so much as results from the receipt of money or recently acquired securities is taxable as capital gain immediately. The balance will not be recognized as a gain until he sells or exchanges the property received upon liquidation of the corporation. The revenue effects of this provision are not substantial.

Section 207. Percentage depletion

Section 207 amends the definition of "gross income from the property" upon which percentage depletion is calculated so as to insure the inclusion within the definition of "mining" of transportation to the plant or plants where the "ordinary treatment processes" are applied. Ordinarily, transportation in excess of 50 miles will not be included but the Secretary of the Treasury is authorized to permit exceptions to this rule if he finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to be so processed.

This action applies to taxable years beginning after December 31, 1949.

Section 208. Treatment of certain redemptions of stock as dividends

Section 115 (g) of the code provides that where a corporation redeems its stock in such a manner as to make the redemption essentially equivalent to the distribution of a taxable dividend, the amount distributed in redemption of the stock shall be treated as a taxable dividend to the extent that it represents a distribution of earnings or profits.

Section 208 amends section 115 (g) of the code so as to cover the indirect redemption of shares in a parent corporation through purchases by its subsidiary. This amendment applies to amounts received after August 31, 1950. It will yield a small amount of additional revenue and will prevent substantial loss through avoidance in future years.

Section 209. Redemption of stock to pay death taxes

Section 209 of the bill amends section 115 (g) of the code so as to remove, from the category of a taxable dividend, payments made under certain restricted circumstances in the redemption by the issuing corporation of a portion of its stock included in a decedent's estate. To qualify for such treatment the redemption must be made within the period of the statute of limitations for the assessment of the estate taxes due or within 90 days after the close of this period, and the value of the stock in such corporation for estate-tax purposes must comprise more than 50 percent of the value of the net estate. The exemption from the provisions of section 115 (g) will apply only to so much of the proceeds of the stock as does not exceed the total of the estate, inheritance, legacy, or succession taxes (including interest) imposed because of the decedent's death.

This amendment will be applicable only to amounts distributed on or after the date of enactment of the bill. The revenue loss probably will not be large.

Section 210. Capital gains and losses

A. Copyrights, artistic works, and so forth: When a person is in the profession of writing books, or creating other artistic works, his income from the sale of the products of his work is taxed as ordinary income. This is true whether he receives royalties from the use of his products or sells them outright, since the products of his work are held by him "primarily for sale to customers in the ordinary course of his trade or business" and are, therefore, not treated as capital assets.

If an amateur receives royalties on his book or other artistic work, they are treated as ordinary income, but if he holds his book or other artistic work for 6 months and then sells it outright he can treat such a sale as the sale of a capital asset, not held primarily for sale to customers in the ordinary course of the taxpayer's trade or business. As a result the taxpayer receives long-term capital gain treatment on the product of his personal effort.

Section 210 provides that when any person sells a copyright, a literary, musical, or artistic composition, or similar property which is the product of his personal effort, his income from the sale is taxed as ordinary income. He would, of course, be able to average his income from such work, if his activities covered a period of 36 months or more, to the extent permitted by section 107 (b) of the code. A gain received by a person who acquired the copyright or artistic work as a gift from the creator is also taxed as ordinary income.

Section 210 is applicable to taxable years beginning after the date of enactment of this bill. It is estimated that the amendment will yield about $1,000,000 annually in additional revenue.

B. Livestock: The bill does not alter the provisions of the code governing the tax treatment of livestock. A provision contained in the Senate bill dealing exclusively with the tax treatment of cattle was eliminated in conference. The report of the managers on the part of the House contains the following statement:

"While it may be necessary for Congress to legislate with respect to the tax treatment of sales of livestock, the conferees agreed that cattle alone should not be dealt with to the exclusion of other livestock the treatment of which was not in conference, and that the subject matter is deserving of further study. It is the hope of the conferees that, pending such study, the Treasury will follow the decision of the Eighth Circuit Court in the *Albright case* (173 Fed. (2) 339)."

Section 211. Short sales of capital assets

At the present time it is possible for an investor in stocks to realize a capital gain in less than 6 months and obtain long-term capital gain treatment on it by making a short sale, which will assure his gain on his original investment, and then defer closing out the short sale until he has held his original stock investment for more than 6 months. A similar result may be obtained where the initial transaction is a short sale.

Much the same device may be used by a taxpayer to avoid tax on his profits from speculation in commodity futures. Regulations of the Department of Agriculture prohibit a broker from carrying for a customer simultaneous long and short positions in the same commodity, the same future period, and the same market. A taxpayer may achieve substantially the same result, however, by keeping the simultaneous long and short positions in two different markets.

Section 211 provides, in effect, that where a sale of substantially identical property is made, and thereafter simultaneous long and short positions are maintained so as to give an actual short-term transaction the appearance of a long-term transaction, gains and losses shall be treated for tax purposes as short-term gains or losses. On the other hand, where securities have been held for more than 6 months, and thereafter a short sale is made, any loss on the short sale shall be treated as a long-term loss, offsetting the long-term gain so that 50 percent of both will be taken into account, and not as a short-term loss 100 percent of which would be taken into account. These rules also apply where the taxpayer buys and his spouse sells substantially identical property, or vice versa.

Whether a short sale is of substantially identical property will depend on the circumstances at the time of the short sale. Securities of one company will not be regarded as substantially identical with securities of another company, except that when issued securities of a successor corporation may be substantially identical with the securities to be exchanged for them in a reorganization. It is specifically provided that a commodity future requiring delivery in one calendar month will not be regarded as substantially identical to a commodity future requiring delivery in a different calendar month.

The provisions of this section do not apply to straddle or arbitrage transactions in commodity futures where long and short contracts are executed on the same day and both are closed out on the same day.

A person who owns stock may buy a put which entitles him to sell his stock at any time within, for example, 30 days at a specified price. If the market price of the stock goes up he will, of course, sell at the market price rather than exercise the put option he has purchased. But if the market price goes down he is assured of getting the price specified in the put option he has bought. Therefore, a person who buys a put is assured that he will realize the appreciation in value of his stock just as though he had made a short sale. For this reason a short sale is defined as including a put, or option to sell at a fixed price.

The provisions of this section would apply to taxable years beginning after the date of enactment of this bill.

It is estimated that section 211 will result in about $2,000,000 a year in additional revenue.

Section 212. Treatment of gain to shareholders of collapsible corporations

The collapsible corporation is a device which has been used in an attempt to convert ordinary income into long-term capital gain by use of a temporary corporation. The device has been used principally in the motion-picture industry. A corporation engaged in the business of producing motion pictures would ordinarily pay the corporate income tax on its net income, and its shareholders would pay ordinary income tax on their dividends from the corporation. Producers have tried to avoid these results by organizing separate corporations for each motion picture. Upon completion of the film, but prior to the realization by the corporation of any income therefrom, the corporation is liquidated and the assets are distributed. In such a case the corporation pays no tax, claiming that it has realized no income. The producer pays tax upon the difference between his cost and the fair market value of the assets so distributed; but such gain is reported as long-term capital gain with a maximum effective rate of 25 percent. After liquidation the fair market value of the released production is ordinarily amortized against the income from the film as it is received. If the income from the film does not exceed such fair market value, there is no further tax.

In addition to the motion-picture industry, it is understood that the collapsible-corporation device has also been used in the building-construction trade by contractors who set up corporations to construct buildings for sale and then liquidate the corporations and sell the buildings as individuals.

Under section 212 of the bill the gain realized from the sale or exchange (including liquidation) of stock in a collapsible corporation will be treated as ordinary income for tax purposes, in the case of a stockholder owning 10 percent or more of the corporation's stock, if the gain realized from the sale or exchange of the stock during the year is more than 70 percent attributable to property produced by the corporation, and the gain is realized within 3 years following the completion of the manufacture, construction, or production of the property.

This provision is applicable to gains realized after December 31, 1949, and no inference is to be drawn from the amendment with respect to gains realized prior to 1950.

It is estimated that section 212 will produce approximately $3,000,000 additional revenue annually.

Section 213. Capital gains of nonresident alien individuals

Under existing law capital gains of nonresident alien individuals not engaged in trade or business in the United States are exempt from income tax.

Section 213 of the bill imposes a tax on the net amount of capital gains derived from sources within the United States by a nonresident alien individual not engaged in trade or business in the United States, but temporarily present therein. If such nonresident alien has been within this country for less than 90 days during the taxable year, the tax applies only to such gains as were realized during his presence in the United States. If he has been present 90 days or more, the tax applies to all such gains realized on transactions carried out within the United States personally or through an agent during the entire taxable year, whether or not he was present in the United States at the time the sales or exchanges occurred.

Generally, the rate imposed on such gains will be 30 percent, which is the rate applied under existing law to nonresident alien individuals not engaged in trade or business in the United States on their other income arising from sources within the United States. The 30-percent rate is somewhat higher than the maximum rate now applied to long-term capital gains, but, of course, well below the rates frequently applicable to short-term capital gains. Where the taxpayer's gross income from sources within the United States is $15,400 or more, the tax will be 30 percent or the amount calculated under the regular income tax rates, whichever is the larger.

This amendment, like other sections of the bill, is limited by the general rule set out in section 214 of the bill, that "No amendment made by this act shall apply in any case where its application would be contrary to any treaty obligation of the United States."

This amendment will apply only with respect to taxable years beginning after December 31, 1949.

It is anticipated that this amendment will increase the revenues by about $1,000,000 annually.

Section 215. Net operating loss deductions

Section 215 of the bill amends the net operating loss deduction provided under section 122 of the code. Under existing law a business loss in the taxable year may be carried back against income in the two preceding years, and carried forward against the income of the two subsequent years. The bill substitutes for this 2-year carry-back and 2-year carry-forward, a 1-year carry-back and a 5-year carry-forward.

Under the bill the 2-year carry-back and 2-year carry-forward will continue to apply to losses incurred in taxable years beginning before January 1, 1950. Losses incurred in taxable years beginning after December 31, 1949, will be subject to the new rule.

Since this amendment extends the period of averaging, some revenue loss is involved. However, no loss will be realized for several years. The time of appearance and the amount of the eventual revenue loss are very uncertain and will depend upon future business conditions.

Section 216. Amortization of emergency facilities

Section 216 provides for the amortization over a period of 60 months of facilities certified as essential because of the present emergency. Such amortization is in lieu of depreciation and may be elected by a taxpayer whose facility has been certified to have an emergency character. The election may be revoked on notice by the taxpayer.

The certifying authority is to be designated by the President in an Executive order.

Only that portion of the cost of the facility certified as attributable to defense purposes may be amortized.

The bill provides that gains from the sale or exchange of an emergency facility shall be considered as ordinary income to the extent that they represent the excess of the amortization allowed over the depreciation otherwise allowable under section 23 (l) of the code with respect to such facility. Donees and other transferees whose basis is that of the original owner of the emergency facility will similarly have a part of their gain treated as ordinary income.

Section 216 applies to taxable years ending after December 31, 1949.

The revenue loss is uncertain.

Section 217. Amortization of premium on convertible bonds

Under section 125 of the code the purchaser of a taxable bond who pays a price in excess of the amount recoverable at maturity is permitted a deduction which will amortize the premium paid. If the bond is noncallable, the premium is written off over the life of the security. If the bond is callable, the premium is writen off over the period between the date of purchase and the earliest call date.

Section 125 was intended primarily to deal with the case where the premium was paid because the security bore a stated rate of interest higher than that prevailing in the current market for securities of a like risk and a similar life.

However, a premium also may arise because the security purchased is convertible into another type of security. Here the premium paid may represent nothing more or less than a portion of the price paid for the security into which the bond is convertible. No distinction is made in section 125 of the code between premiums based upon the payment of an unusually high rate of interest and premiums based upon a conversion privilege.

Section 217 of the bill stipulates that the privilege of amortizing a bond premium allowed under section 125 of the code will not apply to that portion of the premium on a convertible bond which is attributable to the conversion features.

With respect to securities acquired on or before June 15, 1950, the amendment applies to taxable years beginning after that date. For instance, if a convertible bond purchased on January 2, 1950, matures on January 2, 1955, with no provision for earlier call, one-fifth of the actual premium paid could be amortized in 1950 by a taxpayer on the calendar year basis, but only that part of the premium not due to the conversion privilege could be amortized over the four subsequent years. However, with respect to securities acquired after June 15, 1950, only that part of the premium not attributable to the conversion privilege may be amortized in 1950 or subsequently.

It is estimated that this provision will increase the revenue by $2,000,000 annually when in full operation.

Section 218. Stock options

Section 218 establishes a new set of rules for the tax treatment of certain employee stock options. Under existing regulations an employee exercising an option to purchase stock from his employer corportion is treated as though he received taxable income at the time he exercises the option to the extent of the difference between the market value of the stock at the time of the exercise of the option and the option or purchase price. This difference is taxed as ordinary income.

Under section 218 no tax will be imposed at the time of exercise of a "restricted stock option" or at the time such an option is granted.

To qualify as a "restricted stock option" a number of conditions must be met.

(1) The option price must be 85 percent or more of the fair market value of the stock at the time the option is issued. If the option price is 95 percent or more of the fair market value at that time, the entire gain realized on the sale of the stock acquired under the option is taxed as a capital gain provided the other requirements for the beneficial treatment available to the recipient of a "restricted stock option" are also

complied with. If the option price is 85 percent or more but less than 95 percent of the fair market value of the stock at the time the option is granted, the difference between the option price and the fair market value at the time the option was granted or at the time the stock was disposed of, whichever is lower, is taxed as ordinary income at the time the stock acquired under the option is disposed of. The balance is taxed as a capital gain.

The operation of this provision can be illustrated as follows: If at the date of the issuance of the option the market value of a share of the stock covered by the option is $100, and the option price is $95, the recipient of the option can obtain capital gains treatment on the full gain realized on the sale of the stock acquired under the option, provided he conforms with the other requirements necessary to qualify for the beneficial treatment available to the recipient of a "restricted stock option." If, however, the option price is $85 and the value at the time of the disposition of the stock is $100 or more, $15 of the gain would be taxed as ordinary income. If the value on disposition is less than $100, but more than $85, the entire gain is taxed as ordinary income.

If the option price is $85, the value at the time the option is issued is $100, the other requirements for beneficial treatment under the restricted stock option provision are complied with, and the stock is held by the optionee until his death, the difference between $85 and $100 is taxed as ordinary income at the time of death, provided the value of the stock at that time is $100 or more. If the value of the stock at the time of death is $95, the difference between $85 and $95 is taxed as ordinary income.

(2) The stock acquired must not be sold less than 2 years subsequent to the date on which the option is granted or less than 6 months after the date on which the stock is purchased.

(3) The option must not be transferable except by will or by the operation of the laws of interstate succession.

(4) The recipient of the option must not own directly or indirectly more than 10 percent of the combined voting power of all classes of stock of the employer corporation or of its parent or subsidiary corporation at the time the option is granted.

To obtain the benefits of this section the individual at the time he exercises the "restricted stock option" must be an employee of the corporation granting such option or of a parent or subsidiary of such corporation, or the option must be exercised by him within 3 months after the date he ceases to be an employee of any of such corporations.

No deduction is allowed to the employer corporation under section 23 (a) with respect to a transfer of stock pursuant to a "restricted stock option."

The rules governing restricted stock options apply to options granted, modified, extended, or renewed after December 31, 1946, and exercised after December 31, 1949.

Section 219. Payment of tax withheld at source from nonresident aliens

Under existing law withholding returns for nonresident aliens must be filed on March 15 but the payment of the tax is not required until June 15. Section 219 conforms the date upon which the withholding agent must pay the tax with the date upon which he files the withholding return.

Section 220. Employees of the United States working in possessions of the United States or in the Canal Zone

Section 251 of the code exempts from tax the income of individual citizens and domestic corporations from sources outside the United States if 80 percent or more of their gross income is derived from sources within a possession of the United States and 50 percent or more of their gross income is derived from the active conduct of a trade or business within a possession of the United States. For the purposes of section 251, the Canal Zone receives the same treatment as a possession, but the Virgin Islands are not so treated. Individuals are entitled to this exemption whether they engage in a trade or business on their own account or as employees or as agents. The exemption has been interpreted as applying to military and civilian personnel employed by the United States.

Section 220 of the bill eliminates the special treatment accorded the military and civilian employees of the United States Government and its agencies who are stationed in the possessions or the Canal Zone. Wages paid to them in taxable years beginning after December 31, 1949, for services to the United States or its agencies performed in such possessions will not be considered income from within such "possessions" in determining whether they are entitled to the benefits of section 251 of the code, and will be subject to tax as income from sources within the United States.

It is estimated that this provision will increase the revenues by $31,000,000 annually when fully effective.

Section 221. Residents of Puerto Rico

Under the existing interpretation of the Federal individual income tax law a difference exists between the treatment accorded two different groups of United States citizens who are residents of Puerto Rico, those who are citizens only by reason of the organic acts establishing the government of Puerto Rico and those who are citizens because they were born or naturalized in the United States.

Puerto Rican residents who are United States citizens only as a result of the organic law are taxed by the United States on any income derived from sources in the United States in the same manner as nonresident aliens.

Citizens of the United States who are residents of Puerto Rico but do not derive their citizenship from the Puerto Rican organic law are also divided into two groups for tax purposes, depending upon whether or not they are eligible for the special treatment provided for income from sources within the United States possessions under section 251 of the code. To be eligible for this treatment 80 percent of the individual's gross income must be derived from United States possessions and 50 percent of his gross income must be derived from the conduct of a trade or business within a possession of the United States either on his own account or as an employee. These individuals are taxed by the United States only on income from sources within the United States. They receive the regular deductions to the extent that they are allocable to income from sources within the United States and are subject to the regular individual income-tax rates, but receive only a single personal exemption.

Those who do not qualify under section 251 are taxed by the United States on their income from all sources, including Puerto Rico, but receive a foreign tax credit on taxes paid to Puerto Rico or to any foreign country. They receive the ordinary deductions and exemptions.

For the purposes of its own individual income tax, Puerto Rico does not distinguish between those of its residents whose United States citizenship depends upon organic law and those who were born or naturalized in the United States. It taxes their income from all sources, including the United States, and allows a tax credit for tax paid to the United States or to a foreign country.

Under section 221 of the bill all United States citizens who are bona fide residents of Puerto Rico during the entire taxable year receive the same tax treatment with respect to taxable years beginning after December 31, 1950. They are not taxed under the Federal individual income tax with respect to any income derived from sources within Puerto Rico. The tax is limited to income derived from sources outside Puerto Rico, including income from the United States itself. The withholding tax of 30 percent of gross income will no longer apply to residents of Puerto Rico who are citizens of the United States only by reason of organic law nor are they to be deprived of exemptions and the benefits of income splitting as under existing law.

It has been estimated that this provision will increase the revenues by $2,500,000 annually when fully effective.

Section 222. Regulated investment companies

Under existing law a corporation whose primary source of income is from dividends, interest, and the sale of securities and whose security holdings are widely distributed may, if certain specified conditions are met, be treated for tax purposes as a "regulated investment company." Such companies are given special tax treatment under supplement Q of the code. Where such a company distributes at least 90 percent of its net income for the taxable year, it is, in general, taxed at the corporate tax rates only on its undistributed income.

Section 222 of the bill permits such companies to elect to count as distributions during the taxable year certain dividends declared after the close of the year but before filing the return for such year. This section applies to taxable years ending after the date of enactment of this bill.

The revenue effect is negligible.

Section 223. Personal holding company income

This section excludes from the definition of domestic personal holding company income for a limited period (taxable years ending after December 31, 1945, and before January 1, 1950) rents received by a corporation for the use of its property by a stockholder if the rents were received for the use of property by the lessee in the operation of a bona fide commercial, industrial, or mining enterprise. The revenue effect is negligible.

TITLE III. TREATMENT OF INCOME OF, AND GIFTS AND BEQUESTS TO, CERTAIN TRUSTS AND TAX-EXEMPT ORGANIZATIONS

The bill as agreed to in conference includes a series of provisions which, under specified conditions, results in the imposition of taxes in the case of educational, charitable, and certain other tax-exempt organizations, foundations, and trusts; the denial of charitable deductions under section 162 (a) to nonexempt trusts; and the denial of deductions for income, estate, and gift tax purposes to donors to these organizations. It is estimated that these provisions in a full year of operation will increase the revenues by about $60,000,000.

A. Unrelated business income (sec. 301 and the part of sec. 321 which inserts sec. 162 (g) (1) into the code): The bill imposes the regular corporate income tax on certain tax-exempt organizations which are in the nature of corporations, and the individual income tax on tax-exempt trusts, with respect to so much of their income as arises from active business enterprises which are unrelated to the exempt purposes of the organizations. Trusts claiming the charitable, etc., deduction under section 162 (a) of the code also are denied this deduction with respect to their business income. The tax in the case of exempt organizations applies to the unrelated business income of the labor, agricultural, and horticultural organizations exempt under section 101 (1) of the code; the literary, scientific, religious (other than churches), educational, and charitable organizations, including hospitals and foundations, exempt under section 101 (6); and the business and trade associations exempt under section 101 (7). The tax does not apply to income of this type received by a church (or association or convention of

churches) even though the church is held in the name of a bishop or other church official. However, the tax does aply to other exempt institutions operating under the auspices of a church.

The tax on unrelated business income also applies to the so-called investment subsidiaries now exempt under section 101 (14) if their income is payable to section 101 (1), (6), or (7) organizations. However, since these organizations are presently limited to holding title to property, collecting income from it and turning the proceeds over to other exempt organizations, the only trade or business in which they can engage is the rental of property. Consequently the tax on unrelated business income can only apply to their rental income from the type of leases described under (2) below. The tax on unrelated business income is applicable with respect to taxable years beginning after December 31, 1950.

(1) Income from an unrelated trade or business other than the rental of property: Under the bill a tax is imposed on income derived from a trade or business "regularly carried on" by a tax-exempt organization if the business is not "substantially related" to the performance of the functions upon which the organization's exemption is based. However, the tax does not apply if substantially all the work done in the trade or business is performed without compensation, or if, in the case of a section 101 (6) organization, the trade or business is carried on primarily for the convenience of the members, students, patients, officers or employees of the tax-exempt organization.

Athletic activities of schools are substantially related to their educational functions. For example, a university would not be taxable on income derived from a basketball tournament sponsored by it, even where the teams were composed of students of other schools.

In the case of an educational institution, income from dining halls, restaurants, and dormitories operated for the convenience of the students would be considered related income and, therefore, would not be taxable. Income from a university press would be exempt in the ordinary case since it would be derived from an activity that is "substantially related" to the purposes of the university.

The bill also exempts from tax income derived from the sale of merchandise by tax-exempt organizations when substantially all the merchandise is acquired by gift. This is intended to exclude "thrift shops" run by tax-exempt organizations where those desiring to benefit the exempt organization contribute old clothes, books, and so forth, to be sold with the proceeds going to the exempt organization.

The bill specifically exempts from tax income derived from research for the United States or any of its agencies, and for State and local governments.

A special exemption is provided in the case of colleges, universities, and hospitals for income received from research done for anyone. Income derived from research is also exempted in the case of other nonprofit research organizations if they are operated primarily to carry on fundamental research which is freely available to the general public.

The bill also includes a specific exemption of $1,000. This, in addition to the requirement that such businesses must be carried on "regularly" to be taxable, will dispose of most of the nuisance cases. In applying the tax, the bill provides for the consolidation of all of an organization's income from its various unrelated trade or business activities.

The tax on unrelated business income does not apply to dividends, interest, royalties, and rents (other than certain rents on property acquired with borrowed funds). The bill indicates that for this purpose the term "royalties" includes overriding royalties and includes royalties whether measured by production or by gross or net income from the property.

The bill also provides that the tax on unrelated business income does not apply to gains or losses from the sale of any property (including standing timber) other than stock in trade, property held for sale to customers, or timber cut by the organization.

(2) Rentals from certain long-term leases: The bill taxes as unrelated business income certain income received from the lease of real property and personal property leased in connection with it. The organizations covered by this portion of the bill are the same ones which are subjected to tax on their other unrelated business income.

The tax applies only when the property owned by the organization is leased for a period of more than 5 years, or when the period of the lease plus options is more than 5 years. It applies only where borrowed funds are used to finance the purchase or improvementy of the property. The amount of rents included in gross income is restricted to the same proportion of the rents as the borrowed funds used to finance the purchase or improvement bear to the adjusted basis of such property. This restricts the tax to the income which does not result from a simple investment of the trust or organization's capital funds. The tax applies whether or not the vendor and the lessee are the same person.

Four exclusions from the application of this tax are provided. The first excludes from the tax "related" leases even though the lessee is a taxable organization. "Related" is defined in a similar fashion as in the case of a related trade or business and is, for example, intended to exclude from the application of this tax leases by tax-exempt hospitals of part of the hospital facilities to doctors' association for use as clinics.

The second of these exclusions relates to property which was acquired by gift, bequest or devise before July 1, 1950, and at the time of acquisition was already subject to a mortgage or was under a lease requiring improvements. This exclusion also applies to investment subsidiaries exempt under section 101 (14) where one-third of the stock in the subsidiary was acquired by gift and all of the stock was acquired prior to July 1, 1950. In the case of such subsidiaries and their parent organizations, indebtedness incurred prior to July 1, 1950, or indebtedness incurred after such date in improving property as required by a lease entered into before July 1, 1950, does not make the rental income taxable.

The third exclusion limits the application of the tax on certain rental income where only a part of the property is rented out under long-term leases. In these cases the tax is imposed only if either of two conditions is present: (a) The rents derived from long-term leases represent 50 percent or more of the total rental payments received, or the space occupied by such leaseholders represents 50 percent or more of the rented area; or (b) the rental payments derived from any single long-term leaseholder represent 10 percent or more of the total rents or the space occupied by any single long-term leaseholder represents 10 percent or more of the area rented out. Thus, no tax would be imposed where over half of the property is rented out on a short-term basis, if the long-term leases which do exist are spread out among relatively numerous leaseholders.

The fourth exclusion relates to cases where an exempt organization has borrowed funds to build a building primarily designed for its own use, but has extra space which it desires to rent out under long-term leases.

B. "Feeder" organizations: The bill provides that no organization operated primarily for the purpose of carrying on a trade or business (other than the rental of real estate) for profit shall be exempt under section 101 merely on the grounds that all of its profits are payable to one or more organizations exempt from tax under this section. This amendment is not intended to affect the exemptions now provided for farm cooperatives, subsidiaries of these cooperatives, or investment subsidiaries exempt under section 101 (12), (13), and (14).

The effect of this amendment is to prevent the exemption of a trade or business organization under section 101 on the grounds that an organization actually described in section 101 receives the earnings from the operations of the trade or business organization.

This provision is applicable with respect to taxable years beginning after December 31, 1950.

C. Exemption for past years (sec. 302): The bill as agreed to in conference adds three provisions dealing primarily with the exemption of organizations in prior years. The first of these provides that with respect to years beginning prior to January 1, 1951, no organization shall be denied exemption under section 101 (1), (6), or (7) merely because it is deriving income from a trade or business if this income would not be taxed in future years under this bill as unrelated business income, or merely because the income is rental income from real property.

Under the second of these provisions, the filing of an informational return (Form 990) is to be considered as the filing of a return for the purpose of starting the 3-year period of limitations on the assessment of deficiencies with respect to those organizations which would be exempt under section 101 if they were not carrying on a trade or business for profit. Organizations not required to file Form 990 are treated for this purpose as if they had done so. This second provision does not apply, however, in those cases where prior to September 20, 1950, a deficiency has been asserted or taxes have been assessed or paid. Subject to these limitations, this second provision has the effect with respect to past years of barring any action with respect to years prior to 1947 to deny exemption to any organization under section 101 merely because it was carrying on a trade or business if the organization complied with the provisions of the law relating to the filing of information return.

Third, it is also provided that a deduction for a gift or bequest to an organization prior to January 1, 1951, may not be denied if the limitations provided in the first or second provision described above prevent the denial of an exemption under section 101 to the organization to which the contribution was made.

The statement of the managers on the part of the House also includes the following statement:

"The conferees were unable to consider the question of taxability for years prior to 1951 of income derived by a college or university from the conduct of a trade or business whether carried on directly by the institution or through a subsidiary. This matter is in litigation and was not in conference. However, it is the vew of the conferees that undue hardship will arise, if such institutions are required to pay taxes on income which has already been spent to carry out their educational program; and the conferees express the hope that this matter may be reviewed in subsequent legislation."

D. Provisions relating to transactions prohibited in the case of trusts and exempt foundations (the part of sec. 331 which inserts sec. 3813 in the code, and the part of sec. 321 which inserts sec. 162 (g) (2) in the code): The bill provides that if certain types of organizations exempt under section 101 (6) (and trusts claiming charitable deductions under sec. 162 (a) engage in specified "prohibited transactions" they lose their exemption (or their unlimited chari-

table deduction in the case of trusts claiming deductions under sec. 162 (a)).

The prohibited transactions are defined as including transactions in which an organization (1) lends any part of its income or corpus without adequate security or at an unreasonable rate of interest to donors (including testators), members of their families, or a corporation which they control; (2) pays any compensation to such persons in excess of a reasonable allowance for personal services actually rendered; (3) makes any part of its services available to such persons on a preferential basis; (4) makes any substantial purchase of securities or other property from such persons for more than adequate consideration; (5) sells any substantial part of its securities or other property to such persons without adequate consideration; or (6) engages in any other transaction which results in a substantial diversion of its income or corpus to such persons.

Exemption or the unlimited charitable deduction under section 162 (a) is denied in the case of an organization or trust participating in a prohibited transaction only with respect to years subsequent to the year in which it receives notification of a violation except where the prohibited transaction was entered into with the purpose of diverting funds involving a substantial proportion of the assets or income of the organization. In the latter case exemption may be denied retroactively. An organization or trust which has engaged in a prohibited transaction may regain its exempt status (or the unlimited charitable, etc., deduction under sec. 162 (a)) by presenting information to the Commissioner of Internal Revenue which satisfies him that it is unlikely knowingly to participate again in one of these transactions.

For deduction of contributions to donors, the bill requires that the organization or trust be exempt at the time the contribution is made, unless the donors (or their families) personally are involved in one of these transactions for the purpose of diverting funds from the organization and such transaction involves a substantial part of the assets or income of the organization.

The provisions discussed here affect trusts claiming charitable deductions under section 162 (a) and organizations exempt under section 101 (6) other than (1) religious organizations; (2) educational organizations with an enrolled student body in attendance; (3) organizations which receive a substantial portion of their support from the Government or directly or indirectly from the general public (excluding in such computation income received by the organization in carrying on its exempt function; (4) organizations which are operated or principally supported by religious organizations; and (5) organizations providing medical or hospital care or medical education or medical research.

The organizations excluded from the application of these provisions are, in general, what might be called "public" organizations.

These provisions are applicable to taxable years beginning after December 31, 1950, or with respect to gifts or bequests made after that date.

E. Provisions relating to types of accumulations prohibited in the case of trusts and exempt foundations (the part of sec. 331 which inserts sec. 3814 in the code and the part of sec. 321 which inserts sec. 162 (g) (4) in the code): The bill as agreed to in conference denies exemption to any organization exempt under section 101 (6) where the income accumulated in the current and prior years—(1) is unreasonably large, or is held for an unreasonable period of time, in view of the exempt purposes for which the funds are intended to be used; (2) is used to a substantial degree for purposes other than the organization's exempt purpose; or (3) is invested in such a manner as to entail the risk that the funds will be lost and thus not be available for the exempt purpose of the organization.

In considering the above factors the income accumulated in prior years, as well as the current year, are taken into consideration. Exemption under this provision in the case of organizations not meeting these tests is lost only for the 1 year involved. If in the next year the accumulations of the current and prior years' income meet these tests the organization is again exempt. The initial determination as to whether or not the above tests are met will be made by the Bureau of Internal Revenue, but the ordinary judicial remedies are available to the organization where it disagrees with this determination. An organization denied exemption under this provision would still be eligible for the 5-percent deduction for charitable contributions available to ordinary corporate taxpayers (or a 15-percent charitable deduction if taxable like an individual). This provision applies to taxable years beginning after December 31, 1950.

A provision is also incorporated in the bill which in a similar manner denies the charitable, etc., deduction to trusts claiming deductions under section 162 (a) if their accumulations do not meet similar tests.

F. Publicizing accumulated investment income (sec. 341): The bill as agreed to in conference also incorporates a provision requiring that information disclosing the extent of accumulations of income of certain tax-exempt organizations be made available to the public.

The organizations required to file this information include all organizations exempt under section 101 (6) now required to file information returns (Form 990) under section 54 (f) of the code, and also trusts claiming charitable, etc., deductions under section 162 (a) of the code. In general this means that all private foundations and trusts are subject to this provision.

The information required in the case of a section 101 (6) organization (which the Commissioner of Internal Revenue may require in such detail as he deems desirable) is the organizations (1) gross income for the year; (2) expenses attributable to such income; (3) disbursements out of current income for its educational, charitable, etc., purposes; (4) accumulation of income within the year; (5) prior accumulations of income; (6) disbursements out of principal; and (7) balance sheet. Trusts claiming charitable, etc., deductions under section 162 (a) will be required to submit similar information.

This provision is effective with respect to taxable years beginning after December 31, 1949.

TITLE IV. INCOME TAXES OF LIFE-INSURANCE COMPANIES

Title IV of the bill amends the formula used to determine the taxable net income of life-insurance companies. The amended formula will apply to the years 1949 and 1950, thus terminating the tax-exempt status of the life-insurance companies which results from the operation of the formula contained in existing law, and providing time for the completion of the study necessary to develop a permanent solution of the problem of an adequate taxation of such companies. The formula in the bill is the same as that contained in House Joint Resolution 371 of the Eightieth Congress, second session. It is estimated that the total additional revenue to be derived from this provision is approximately $122,000,000. Of this amount $42,000,000 will be derived from the year 1949 and $80,000,000 from the year 1950.

TITLE V. ESTATE TAX

Section 501. Transfers in contemplation of death

Under existing law, transfers in contemplation of death are included in the gross estate, and there is a rebuttable presumption that transfers made within 2 years prior to death are made in contemplation of death.

Section 501 removes all transfers made more than 3 years prior to the date of death from the scope of the contemplation-of-death clause. The burden of showing that the transfer was not in contemplation of death will be borne by the estate in all cases where the transfer was made within a period of 3 years ending with the date of death. The change made by section 501 will be effective only with respect to the estates of decedents dying after the date of enactment of this bill. It is estimated that the revenue loss when the change is fully effective will be about $4,000,000 a year.

Section 502. Repeal of deduction for support of dependents

Section 812 (b) of the code allows the gross estate of a decedent to be reduced for estate-tax purposes by amounts "reasonably required and actually expended" for the support of the decedent's dependents during the settlement of the estate to the extent that such expenses are allowed by State law.

Section 502 repeals this feature of the estate-tax law. The amendment applies to estates of decedents dying after the date of enactment of this bill.

It is estimated that this amendment will increase the revenue by about $3,000,000 annually when fully effective.

Section 503. Reversionary interests in the case of life insurance

Section 503 amends section 404 (c) of the Revenue Act of 1942 and provides that the retention of a reversionary interest in a life-insurance policy transferred before January 11, 1941, shall not result in the inclusion of the proceeds of the policy in the insured's gross estate on the basis of premiums paid before that date if the reversionary interest arose by operation of law or was worth 5 percent or less of the value of the policy.

Section 503 applies to the estates of decedents dying after October 21, 1942. No interest is to be allowed or paid on refunds arising under this amendment.

The revenue effect of the amendment is small.

TITLE VI. EXCISE TAXES

Section 601. Sales at auction

Under existing law the tax on jewelry and furs applies to the auction of such items only when the auction takes place in, or is conducted for, a retail establishment. Otherwise, articles sold at an auction do not qualify as articles sold at retail.

Under section 601 the sale of furs or jewelry at auction is treated as a retail sale, subject to an exemption of $100 when such items are auctioned in a private home.

The revenue increase will be small.

Section 602. Retail sales by the United States or by its agencies or instrumentalities

Until August 1, 1949, post exchanges were not collecting retail excise taxes, but since that time those within the United States have been collecting these taxes in accordance with the Treasury Department's interpretation of present law as requiring them to do so. Section 602 provides that the United States Government or any of its agencies or instrumentalities in the United States shall collect the retail excise taxes with respect to any articles sold at retail which are generally subject to these taxes, unless sales by such agencies are specifically exempt by statute. There will be no increase in revenue.

Section 603. Tax on coin-operated gaming devices

Under present law the occupational tax on coin-operated gaming devices is $100 per year per machine. Section 603 increases this tax to $150. It is estimated that in a full year of operation this amendment will increase excise-tax collections by $5,000,000.

Section 604. Occupational taxes on Federal agencies or instrumentalities

Under existing law certain Government agencies are not subject to the occupational excise taxes. Section 604 makes these taxes applicable in the case of such Government agencies unless the agency is granted by statute a specific exemption from such tax. The revenue effect will be small.

Section 605. Imposition of tax on television receiving sets

Section 605 extends the 10-percent manufacturers' excise tax on radios to television sets. When fully effective, this action will increase the revenues by $42,000,000 annually.

Section 606. Imposition of tax on quick-freeze units

This section extends the 10-percent manufacturers' excise tax on household-type refrigerators to household-type quick-freeze units. When fully effective this action will increase the revenues by $8,000,000 annually.

Section 607. Transportation which begins and ends within the United States

Section 607 amends the sections of the Internal Revenue Code imposing the taxes on transportation of persons and property so as to make it clear that where the transportation both begins and ends in the United States the taxes apply even though payment is made outside the United States. Section 607 applies to amounts paid on or after the first day of the first month which begins more than 10 days after the date of enactment of this bill for transportation which begins on or after such first day.

While the resulting increase over present collections under these taxes will be small, the action taken in section 607 will forestall the possibility of a substantial revenue loss in the future.

Section 608. Allowing stamps to be attached in foreign countries to certain tobacco products

This section provides for the affixing of internal-revenue stamps in foreign countries to tobacco products manufactured in such countries for importation into the United States. For this provision to be effective the foreign country must provide reciprocal privileges to American manufacturers of these products. The affixing of stamps in the case of cigarettes is already permitted under present law. The bill extends this privilege to other types of tobacco products.

Section 609. Articles sold for use of aircraft engaged in foreign trade

Section 3451 of the Internal Revenue Code provides an exemption from manufacturers' excise taxes for articles sold for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on both ships and aircraft engaged in foreign trade. However, this exemption may be availed of for articles used on aircraft only in the case of direct sales by the manufacturer, since the provisions allowing tax refunds after use or resale apply only to articles used on ships. The bill permits refunds of manufacturers' excise taxes on articles used or resold for use on aircraft where a direct sale by the manufacturer for such use would be exempt.

Effective dates

Sections 601, 602, 603, 605, 606, 608, and 609 are to be effective on the first day of the first month which begins more than 10 days after the date of enactment of this bill.

TITLE VII. EXCESS PROFITS TAX

Section 701. Excess profits tax

The text of section 701 follows:

"(a) The House Committee on Ways and Means and the Senate Committee on Finance are hereby directed to report to the respective Houses of Congress a bill for raising revenue by the levying, collection, and payment of corporate excess-profit taxes with retroactive effect to October 1, or July 1, 1950, said bill to originate as required by article I, section 7, of the Constitution. Said bill shall be reported as early as practicable during the Eighty-first Congress after November 15, 1950, if the Congress is in session in 1950 after such date; and, if the Congress is not in session in 1950 after November 15, 1950, said bill shall be reported during the first session of the Eighty-second Congress, and as early as practicable during said session.

"(b) The Joint Committee on Internal Revenue Taxation, or any duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete study of the problems involved in the taxation of excess profits accruing to corporations as the result of the national-defense program in which the United States is now engaged. The joint committee shall report the results of its study to the House Committee on Ways and Means and the Senate Committee on Finance as soon as practicable."

The SPEAKER. The time of the gentleman from Arkansas has expired. All time has expired.

Mr. COOPER. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks at this point in the RECORD.

The SPEAKER. Is their objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FURCOLO. Mr. Speaker, may it please the House: I had intended to vote against this report on the tax bill because an excess-profits tax on corporations was not being enacted at the same time. I believe it is unfair to have a tax bill that does not include an excess-profits tax. However, I have had a very definite understanding with members of the Ways and Means Committee and with leaders of both parties to the effect that an excess-profits tax will positively be enacted before adjournment of Congress and will be retroactive.

I heartily disapprove of and disagree with the plan of passing this tax bill now, recessing until after the election, and then considering an excess-profits tax. I believe we should stay right here and pass a tax bill that also includes an excess-profits tax just as soon as possible. If we remain here, it might be possible to have such a measure passed before the November election.

I have been assured that both parties in good faith intend to pass an excess-profits tax. I have also been assured by members of the Ways and Means Committee that it will be done. In view of those assurances, even though I am not satisfied with a tax bill that does not include an excess-profits tax, I must vote for the present conference report.

Obviously we must have a tax bill. Even though this bill is unsatisfactory in many ways, it is being presented after a conference and is necessarily a compromise.

I serve notice here and now that my vote in favor of this tax bill is based upon the expressed demand of those in control that an excess-profits tax measure will be presented and passed before December 1; and that such a measure will be retroactive so that failure to pass it today will not result in the loss of any revenue.

Under the circumstances, I reluctantly must vote in favor of this measure today. I have tried to force the issue to a vote before the November election and once again want to publicly call upon the leadership of both parties to do everything possible to see to it that a vote is taken before the November election.

Mr. O'HARA of Illinois. Mr. Speaker, I have no alternative but to vote for a tax bill that does not satisfy me because it is incomplete.

In a fight for survival there must be sacrifice and a willingness on the part of everyone to make the sacrifices required. I have no doubt that the rank and file of our people will accept uncomplainingly their share of the burden, translated to them in the shape of increased taxes on income and therefore of reduced sums in the take-home envelope. That I am not worried about.

The American people are of one mind in the will and the determination to pay as we go in the maintenance of forces required for our defense and the security of our democratic world. It is known to every man and woman in our land that the strategy of the communistic dynasty is to bleed us white in enforced expenditures for our protection, which they hope we will assume in the form of new debts until finally we will be rendered impotent under the excessive weight of the accumulated burden.

That challenge we accept by adopting the policy of pay as we go. The Soviet design we frustrate by our willingness to sacrifice.

After the first of October there will be, under the tax bill we are now voting, less money in the pay envelope because we are increasing the income tax to make it possible to carry on the fight for survival and at the same time to meet the enormous expenditure required on a pay-as-we-go basis. No one in all the United States can, or will, object to that because it must appeal to the common sense of all that there is no other way to frustrate the design of our enemies and to assure our triumph. We do not know what is to come, whether it will go on according to the present pattern for a short period or a long one, and whether soon, late or not at all it will burst into another devastating world war, the most destructive in all history because of new atomic and biological warfare. All that we do know is that under the pay-as-we-go system we are prepared for any eventuality and that in no other way could we guard against falling from exhaustion if the bleeding process forced upon us by our enemies continued too far beyond our present calculations.

But the rank and file of our people, however willing they may be to carry their share, will properly insist that business and large corporations and especially those who enjoy profits from the conditions of the war emergency must carry their full and fair share, too.

The plain truth is that men and women are determined that this time none shall profit from war.

I was determined to vote for no tax bill of any nature whatsoever until it had in it the excess-profit-tax provision. I signed the round robin of the gentleman from Ohio [Mr. HUBER] pledging myself to remain here, if we

could muster the required number, until the very last day of the Eighty-first Congress, if necessary. I supported the memorable battle on this floor last week so ably captained by the gentleman from Pennsylvania [Mr. EBERHARTER] and the gentleman from Colorado [Mr. CARROLL] which sent the tax bill back to the conference committee. I would not support a tax bill that did not tax excess profits, and tax them until the cut had gone exterminatingly into the fat. That is still my position. There is no other position my constituents in the Second District of Illinois would expect me to take. There is no other position that can be defended in any congressional district.

I am voting for this bill because (1) I cannot have our young men sent to Korea to fight for us and then refuse to vote for taxes to raise the money properly to equip and provide for them, and (2) I have been assured by members of the Ways and Means Committee in whom I have the utmost confidence and who from the very first have been fighting for an excess-profits tax that when we reconvene in November the Ways and Means Committee will have ready for our quick enactment such a measure satisfactory in every respect and retroactive to either July 1 or October 1.

As a member of the Democratic delegation from Illinois I am happy and proud that our colleague on the Ways and Means Committee, the Honorable THOMAS J. O'BRIEN, has been so consistently and effectively in the forefront of the fight for an excess profit tax. Under his leadership and that of our beloved dean [Mr. SABATH] we will be back after the recess to give the full support and solid vote of the Illinois Democratic delegation to the excess profits tax measure.

Mr. YATES. Mr. Speaker, it is only the assurance by the gentlemen on the Ways and Means Committee that an excess-profits tax will be reported during this Congress and will be made retroactive to October 1 or July 1, 1950, which permits me to vote for this conference report. The small-wage earner is being taxed at an increased rate on October 1 to the tune of $2,500,000,000. While corporation tax rates have been advanced, the advance is inadequate; there can be no true equality of taxation between individuals and the corporations until an excess-profits tax has been made effective and made retroactive to capture the excessive profits now being made out of the Korean war.

This Government's tax policy is predicated upon ability to pay. That principle must be applied to the large corporations through an excess-profits tax—else the burden of taxation will have been shifted to those least able to pay.

I trust that when we return to this session of the Congress after the short adjournment the Ways and Means Committee will have prepared and reported a decent excess-profits tax bill, applicable to earnings made subsequent either to July 1 or October 1. Otherwise, there will have been a breach of faith, for the obligation, the duty exists to pass such a bill at once, a breach of faith with those of us who would have insisted upon remaining in session until such a bill was reported out.

Mr. DOUGHTON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. DOUGHTON. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 328, nays 7, not voting 94, as follows:

[Roll No. 287]

YEAS—328

Abbitt	Davis, Wis.	James
Abernethy	Dawson	Javits
Addonizio	Deane	Jenison
Albert	DeGraffenried	Jenkins
Allen, Calif.	Delaney	Jennings
Andersen, H. Carl	Denton	Jensen
	D'Ewart	Johnson
Andresen, August H.	Dollinger	Jones, Ala.
	Dolliver	Jones, Mo.
Andrews	Dondero	Jones, N. C.
Arends	Donohue	Judd
Aspinall	Doughton	Karst
Auchincloss	Douglas	Karsten
Bailey	Durham	Kean
Barden	Eberharter	Kearney
Baring	Elliott	Kearns
Barrett, Pa.	Elston	Keating
Bates, Mass.	Engle, Calif.	Kee
Battle	Evins	Kelley, Pa.
Beall	Fallon	Kennedy
Beckworth	Feighan	Keogh
Bennett, Fla.	Fellows	Kilburn
Bennett, Mich.	Fenton	Kilday
Bentsen	Fisher	King
Biemiller	Flood	Kirwan
Bishop	Fogarty	Kruse
Blatnik	Forand	Lane
Boggs, Del.	Ford	Lanham
Boggs, La.	Frazier	Latham
Bolling	Fugate	LeCompte
Bolton, Md.	Fulton	LeFevre
Bolton, Ohio	Furcolo	Lichtenwalter
Bonner	Gamble	Lind
Boykin	Garmatz	Linehan
Bramblett	Gary	Lovre
Brooks	Gathings	Lucas
Brown, Ga.	Gavin	McConnell
Brown, Ohio	Golden	McCulloch
Bryson	Goodwin	McDonough
Buchanan	Gore	McGrath
Buckley, Ill.	Gorski	McGregor
Burdick	Gossett	McGuire
Burke	Graham	McKinnon
Burleson	Granahan	McMillan, S. C.
Burton	Grant	McSweeney
Byrne, N. Y.	Green	Mack, Ill.
Byrnes, Wis.	Gregory	Macy
Camp	Gross	Madden
Canfield	Guill	Mahon
Cannon	Gwinn	Mansfield
Carlyle	Hale	Marsalis
Carnahan	Hall, Leonard W.	Martin, Mass.
Carroll		Merrow
Case, N. J.	Halleck	Michener
Case, S. Dak.	Harden	Miles
Cavalcante	Hardy	Miller, Md.
Celler	Hare	Miller, Nebr.
Chatham	Harris	Mills
Chelf	Harrison	Mitchell
Chesney	Hart	Monroney
Chiperfield	Harvey	Morgan
Christopher	Hays, Ark.	Morris
Chudoff	Hays, Ohio	Morton
Clevenger	Hedrick	Multer
Cole, Kans.	Heffernan	Murdock
Cole, N. Y.	Heller	Murray, Wis.
Colmer	Herlong	Norblad
Combs	Herter	Norrell
Cooper	Heselton	O'Brien, Ill.
Corbett	Hobbs	O'Hara, Ill.
Cotton	Hoeven	O'Hara, Minn.
Coudert	Hoffman, Mich.	O'Neill
Cox	Holmes	O'Sullivan
Crawford	Hope	O'Toole
Crook	Horan	Pace
Crosser	Howell	Passman
Cunningham	Huber	Patman
Curtis	Hull	Patterson
Dague	Irving	Peterson
Davenport	Jackson, Calif.	Pfeifer, Joseph L.
Davis, Ga.	Jackson, Wash.	
Davis, Tenn.	Jacobs	Philbin
Phillips, Calif.	Scott, Hardie	Thomas
Phillips, Tenn.	Scott, Hugh D., Jr.	Thompson
Pickett		Tollefson
Polk	Scrivner	Towe
Potter	Scudder	Trimble
Powell	Secrest	Van Zandt
Preston	Shafer	Velde
Price	Sheppard	Vinson
Priest	Short	Wagner
Rabaut	Sikes	Walsh
Ramsay	Simpson, Ill.	Walter
Rankin	Simpson, Pa.	Weichel
Reed, N. Y.	Sims	Welch
Rees	Smathers	Wheeler
Regan	Smith, Kans.	Whitaker
Rhodes	Smith, Va.	Whitten
Richards	Smith, Wis.	Whittington
Riehlman	Spence	Wickersham
Rivers	Staggers	Widnall
Robeson	Stanley	Wier
Rodino	Steed	Wigglesworth
Rogers, Fla.	Stefan	Williams
Rogers, Mass.	Stockman	Wilson, Ind.
Rooney	Sullivan	Wilson, Okla.
Roosevelt	Taber	Wilson, Tex.
St. George	Talle	Winstead
Sanborn	Tauriello	Wolcott
Sasscer	Taylor	Wolverton
Saylor	Teague	Yates

NAYS—7

Marcantonio	Rich	White, Idaho
Marshall	Sutton	
Mason	White, Calif.	

NOT VOTING—94

Allen, Ill.	Hinshaw	Patten
Allen, La.	Hoffman, Ill.	Perkins
Anderson, Calif.	Holifield	Pfeiffer, William L.
Angell	Jonas	
Barrett, Wyo.	Keefe	Plumley
Bates, Ky.	Kelly, N. Y.	Poage
Blackney	Kerr	Poulson
Bosone	Klein	Quinn
Breen	Kunkel	Rains
Brehm	Larcade	Redden
Buckley, N. Y.	Lodge	Reed, Ill.
Burnside	Lyle	Ribicoff
Clemente	Lynch	Sabath
Cooley	McCarthy	Sadlak
Davies, N. Y.	McCormack	Sadowski
Dingell	McMillen, Ill.	Shelley
Doyle	Mack, Wash.	Smith, Ohio
Eaton	Magee	Stigler
Ellsworth	Martin, Iowa	Tackett
Engel, Mich.	Meyer	Thornberry
Fernandez	Miller, Calif.	Underwood
Gillette	Morrison	Vorys
Gilmer	Moulder	Vursell
Gordon	Murphy	Wadsworth
Granger	Murray, Tenn.	Werdel
Hagen	Nelson	Willis
Hall, Edwin Arthur	Nicholson	Withrow
	Nixon	Wood
Hand	Noland	Woodhouse
Havenner	Norton	Woodruff
Hébert	O'Brien, Mich.	Young
Hill	O'Konski	Zablocki

So the conference report was agreed to.

The Clerk announced the following pairs:

General pairs until further notice:

Mrs. Kelly of New York with Mr. Allen of Illinois.

Mr. Havenner with Mr. Hand.

Mrs. Bosone with Mr. Hoffman of Illinois.

Mrs. Woodhouse with Mr. Eaton.

Mr. Patten with Mr. Brehm.

Mr. Redden with Mr. Angell.

Mr. Ribicoff with Mr. Ellsworth.

Mr. Lynch with Mr. Sadlak.

Mr. Dingell with Mr. Martin of Iowa.

Mr. Fernandez with Mr. O'Konski.

Mr. Doyle with Mr. Nicholson.

Mr. Morrison with Mr. Gillette.

Mr. Moulder with Mr. Edwin Arthur Hall.

Mr. Noland with Mr. Hagen.

Mr. Murphy with Mr. Woodruff.

Mr. Underwood with Mr. Anderson of California.

Mr. Bates of Kentucky with Mr. Blackney.

Mr. Gilmer with Mr. Hinshaw.

Mr. Stigler with Mr. Jonas.

Mr. Larcade with Mr. Vorys.

Mr. McCarthy with Mr. Withrow.

Mr. McCormack with Mr. Vursell.

Mr. Miller of California with Mr. Werdel.

Mr. Kerr with Mr. Lodge.

Mr. Rains with Mr. Engel of Michigan.
Mr. Magee with Mr. Hill.
Mr. Tackett with Mr. Wadsworth.
Mr. Thornberry with Mr. Smith of Ohio.
Mr. Clemente with Mr. Reed of Illinois.
Mr. Burnside with Mr. Plumley.
Mr. Granger with Mr. Meyer.
Mr. Hébert with Mr. Mack of Washington.
Mr. Holifield with Mr. Barrett of Wyoming.
Mr. Young with Mr. Kunkel.
Mr. Gordon with Mr. Keefe.
Mr. Zablocki with Mr. McMillen of Illinois.
Mr. O'Brien of Michigan with Mr. Nelson.
Mr. Shelley with Mr. Nixon.
Mr. Klein with Mr. William L. Pfeiffer.
Mr. Breen with Mr. Poulson.

Mr. CHESNEY, Mr. BUCHANAN, Mr. DAVENPORT, Mr. TAURIELLO, and Mr. FURCOLO changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ORDER OF BUSINESS

The SPEAKER. The Chair wishes to make a statement for the benefit of the membership in which he thinks probably every Member is interested. It looks as though we will not receive a message from the White House before 3 o'clock and possibly not before 4.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the Chair yield for an inquiry?

The SPEAKER. Yes.

Mr. MARTIN of Massachusetts. May I ask if it is the Speaker's intention to take care of a few pieces of business and then recess to a definite time?

The SPEAKER. There are about five small conference reports to be disposed of and then we will probably take a recess until 3:45. The Chair desires to dispose of the conference reports first.

BROWN'S POINT RECREATIONAL FACILITY

Mr. HART. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8851) to authorize the Secretary of the Treasury to transfer by quit-claim deed to the Brown's Point Improvement Club a small strip of land at Coast Guard light station facility, Brown's Point, Pierce County, Wash.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. HART. This is a bill which is intended to transfer a 50-foot strip of land to the Brown's Point Recreational Corp. which furnishes recreational facilities for a town of the same name.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to grant and convey by quitclaim deed to the Brown's Point Improvement Club, incorporated and organized under the laws of the State of Washington as a nonprofit organization for local public purposes, the following-described strip of land fifty feet in width, being the southerly portion of the Brown's Point Coast Guard Light Station Reservation in Pierce County, State of Washington:

That portion of lot 1 and tract numbered 4 of Tacoma Tidelands, section 17, township 21 north, range 3 east, Willamette meridian, situate and lying south of a line fifty feet north of and parallel to the south line of said lot 1 and the contiguous portion of tideland tract numbered 4, which became vested in the United States of America by virtue of the judgment and decree of the court dated July 12, 1901, in Civil Case Numbered 781 entitled "United States of America versus Joseph Swoyall et al.", for the condemnation of certain lands situated on Brown's Point, in Pierce County, Washington.

SEC. 2. Such conveyance shall contain the express condition that the Brown's Point Improvement Club shall move and reestablish the fence on the relocated south line of the said Coast Guard reservation; provide an access gate and provide and maintain a suitable access road therefrom through the fifty-foot strip of land hereby authorized to be conveyed and property owned by said club in order to provide access from the Government property to Ton-A-Wan-Da Avenue, Brown's Point, and upon failure to do so title in the property described in section 1 of this act shall revert to the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury is hereby authorized and directed to grant and convey by quitclaim deed to the county of Pierce, State of Washington, for public use through the Brown's Point Improvement Club, incorporated and organized under the laws of the State of Washington as a nonprofit organization, the following strip of land approximately fifty feet in width, being the southerly portion of the Brown's Point Coast Guard Light Station Reservation, Pierce County, State of Washington:

"That portion of lot 1 and tract numbered 4 of Tacoma Tidelands, section 17, township 21 north, range 3 east, Willamette meridian, situate and lying south of a line fifty feet north of and parallel to the south line of said lot 1 and the contiguous portion of tideland tract numbered 4, less that portion of said fifty-foot strip concerning which a boundary title dispute exists between the Brown's Point Improvement Club and the United States, all of which said fifty-foot strip of land was included in a larger area covered by the judgment and decree of the court dated July 12, 1901, in Civil Case Numbered 781 entitled "United States of America vs. Joseph Swoyall et al.", for the condemnation of certain lands situated on Brown's Point, in Pierce County, Washington.

"Such conveyance shall contain the express condition that the Brown's Point Improvement Club shall move and reestablish the fence on the relocated south line of the said Coast Guard reservation; provide an access gate and provide and maintain a suitable access road therefrom through that portion of the 50-foot strip of land conveyed to such county, and property owned by such club, in order to provide access from the Government property to Tom-A-Wan-Da Avenue, Brown's Point, and upon failure to do so title in that portion of the 50-foot strip of land conveyed to such county shall revert to the United States: *Provided*, That the conveyance to the county of Pierce shall contain a further condition that, in the event the property so conveyed to such county ceases to be used for public purposes, title therein shall revert to the United States.

"SEC. 2. The Secretary of the Treasury is hereby further authorized and directed to grant and convey by quitclaim deed to the Brown's Point Improvement Club that portion of said fifty-foot strip of land which is the subject of a boundary title dispute."

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. HART. I yield.

Mr. RICH. In this recreational set-up is there any expense so far as the Federal Government is concerned?

Mr. HART. No expense whatever. As a matter of fact they have been operating under a revocable license and using this land since 1949. In the event that they discontinue its use for public purposes it reverts to the Federal Government. There is no expense whatever involved.

Mr. RICH. And if there should be any expense it will be borne by the people who are going to get the use of the property?

Mr. HART. There is no authorization for expenditure in this legislation.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PAYMENTS ON ACCOUNT OF DEATH OF EMPLOYEES

Mr. STANLEY. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the House on yesterday passed House Resolution 860, for the purpose of offering an amendment.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. STANLEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STANLEY: Page 1, line 2, after the word "House", strike the words "after the close."

Mr. STANLEY. It just makes it effective during the recess.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The resolution was agreed to. A motion to reconsider was laid on the table.

PRINTING OF HOUSE RULES AND MANUAL

Mr. STANLEY. Mr. Speaker, I offer a privileged resolution (H. Res. 862) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the Eighty-second Congress be printed as a House document, and that 1,600 additional copies shall be printed and bound for the use of the House of Representatives, of which 700 copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House for distribtuion to officers and Members of Congress.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. I yield.

Mr. RICH. Will this involve any additional cost?

Mr. STANLEY. This is the usual resolution that is passed at the close or recess of the Congress each year.

Mr. RICH. It does not provide for any additional copies over the customary number?

Mr. STANLEY. That is right.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF "BACKGROUND INFORMATION ON KOREA"

Mr. STANLEY. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 731) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed 4,000 additional copies of the report of the Committee on Foreign Affairs entitled "Background Information on Korea," House Report No. 2495, of which 1,000 copies shall be delivered to the House document room and 3,000 copies delivered to the Committee on Foreign Affairs.

With the following committee amendments:

Line 1, strike out "four thousand" and insert "ten thousand" in lieu thereof.

Line 4, strike out "one thousand" and insert "seven thousand" in lieu thereof.

Mr. RICH. Mr. Speaker, will the gentleman explain this?

Mr. STANLEY. Mr. Speaker, this is for the printing of 10,000 additional copies of the Background Information on Korea. The Committee on Foreign Affairs has asked that this resolution be passed in order that it might have sufficient copies to meet the demand they are having for this document.

Mr. RICH. What does it say about Korea insofar as this war that we now have in Korea is concerned?

Mr. STANLEY. It is a report the gentleman has already read, House Document No. 2495. I am sure the gentleman has had a copy of it.

Mr. RICH. I may have had a copy, but why is it necessary to increase the number from 4,000 to 10,000?

Mr. STANLEY. Because of the tremendous demand for it throughout the country.

Mr. RICH. Are they going to be distributed to the Members on an equitable basis or do they all go to the committee?

Mr. STANLEY. Three thousand copies will go to the Members, and 7,000 copies will go to the document room for distribution among the Members.

Mr. RICH. For distribution or sale?

Mr. LECOMPTE. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. I yield to the gentleman from Iowa.

Mr. LECOMPTE. May I call the gentleman's attention to this fact: The original resolution called for 4,000 copies. It appears that all of the copies the Committee on Foreign Affairs had have been exhausted.

Mr. STANLEY. There were 3,500 copies printed previously and they have been exhausted.

Mr. LECOMPTE. The gentleman's amendment calls for 10,000, but later in the resolution it is not stated how you dispose of the 10,000—1,000 copies for the House document room and 3,000 copies for the Committee on Foreign Affairs. That still does not dispose of the other 6,000. Does the gentleman want to offer another amendment?

Mr. STANLEY. There is on the way down from the Committee on House Administration a report stating how the copies will be distributed: 3,000 copies to go to the Committee on Foreign Affairs and 7,000 copies to go to the document room. They may be sold at 20 cents per copy.

Mr. LECOMPTE. I think that is all right, but it does not say so in the resolution.

Mr. STANLEY. If the gentleman will permit, that report is being sent down.

Mr. RICH. The ones that go to the document room are to be sold?

Mr. STANLEY. Yes.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. What is this report about Korea?

Mr. STANLEY. It is quite a long story. I am sure the gentleman has seen it. It consists of 74 pages.

Mr. BROWN of Ohio. Is it the Committee on Foreign Affairs or the Committee on Interstate and Foreign Commerce that makes this request?

Mr. STANLEY. The Foreign Affairs Committee.

Mr. BROWN of Ohio. When was it originally printed?

Mr. STANLEY. It was printed during this session.

Mr. BROWN of Ohio. On June 6.

Mr. STANLEY. During the session. I do not know the exact date.

Mr. BROWN of Ohio. It covers the general subject of Korea?

Mr. STANLEY. "Background Information on Korea" is the title.

Mr. BROWN of Ohio. Factual and not political? It is not one of these campaign documents, is it?

Mr. STANLEY. The gentleman might have his own views on that. I cannot answer that question.

Mr. BROWN of Ohio. I did not understand the gentleman.

Mr. STANLEY. The gentleman might have his own views on that and we might differ.

Mr. KEE. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. I yield to the gentleman from West Virginia.

Mr. KEE. I will answer the gentleman's question. The report was prepared by the committee 2 days after the raid was made across the thirty-eighth parallel into South Korea and it gives a full and complete history of our entrance into Korea, why we are there, what is going on and a history of the whole trouble that exists there now.

Mr. BROWN of Ohio. Does it deal, for instance, with the action of Congress in the way of votes and all this and that?

Mr. KEE. No; nothing of that kind.

Mr. BROWN of Ohio. I have seen so much of this propaganda floating around at Government expense that I wanted to be sure.

Mr. KEE. Most of the information came from our hearings.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. I yield to the gentleman from Minnesota.

Mr. JUDD. Is it not true that this report was originally prepared for use by the Committee on Foreign Affairs by our own staff to give us factual information on Korea, Republicans, Democrats and everybody; because it contained so much valuable material, and the Korean affair soon developed into such a full-scale conflagration there were many requests from Members and other people for the report. Hence the motion was made to make this pamphlet available to everybody as well as to the Congress. It is strictly factual material.

Mr. KEE. The original resolution provided for 4,000 copies. Now we find that the demand is so great for it that we want it increased to 10,000.

Mr. RICH. Does it contain the information that the gentleman from Minnesota sent out with reference to the Chinese and Korean situation? That was a good speech. Everybody ought to read it.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. I yield to the gentleman from Michigan.

Mr. MICHENER. As a matter of fact, these copies are to be distributed in two ways, through the document room and through the committee. I wonder if we all understand that any document distributed through the document room is given, presumably, to the first fellow who asks for it. If they go through the folding room, then each Member gets a like number. If this report goes through the document room, the first Members there will get them, and the bulk will be controlled entirely by the committee. If this resolution goes through, any Member wanting any of these reports better get in his order early in the document room.

Mr. RICH. The gentleman said they were going to the document room for sale at 20 cents a copy.

Mr. MICHENER. That is always true.

Mr. RICH. How can you get them out of the document room if they are going to be sold?

Mr. MICHENER. There are a certain number of them allocated for sale.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. When these documents are printed, will it be unethical for a Congressman to send them out in their franked envelopes?

Mr. STANLEY. I should think if he had a request for them, that it would not be unethical.

Mr. HOFFMAN of Michigan. I could not be charged with improper lobbying if somebody asked me for a copy and I mailed it to him in a franked envelope?

Mr. STANLEY. I think the gentleman can answer that as well as I can.

Mr. HOFFMAN of Michigan. Well, I just wanted to be sure, after the experience of the activities of the Lobbying Committee.

Mr. BROWN of Ohio. Since I made my original inquiry, I have been furnished with a copy of this publication, which I have not seen before. I can

find nothing there except a factual report on the actions of the United Nations and others in connection with the whole Korean situation from the very time that the troops moved in.

Mr. STANLEY. I thank the gentleman.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERFORMANCE-RATING PLANS

Mr. DAVIS of Georgia. Mr. Speaker, I call up the conference report on the bill (H. R. 7824) to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement.

Mr. DAVIS of Georgia (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the conference report?

Mr. DAVIS of Georgia. Mr. Speaker, the bill H. R. 7824, which is the subject of the conference report, relates to the establishment of a performance-rating system for Federal employees to replace the existing efficiency-rating system provided for in title IX of the Classification Act of 1949.

The House and Senate conferees have resolved their differences as follows: First, it was agreed that employees outside the continental limits of the United States who are paid in accordance with local native prevailing wage rates shall be excluded from the provisions of the bill; second, the highest performance rating is to be known as outstanding rather than excellent; third, any employee with a performance rating of less than satisfactory shall be entitled not only to an impartial review of his rating within his department but, upon written appeal, may also receive a review of his rating by a statutory board of review composed of one member designated by the head of the department, one member designated by the employees of the department, and a chairman designated by the Civil Service Commission; and, fourth, an employee wishing to appeal a performance rating of satisfactory may either (a) request an impartial review of such rating by his department or (b) be entitled to appeal to the independent statutory board of review and receive a hearing and decision upon the merits of his appeal.

The only other difference between the House and Senate versions of the bill was resolved by agreeing to a Senate amendment which merely perfected certain language.

It was the view of the conference committee that a performance rating of outstanding should be given only after the rating officer has set forth in writing in detail wherein the performance of any employee merits such outstanding rating. Also, the conferees believed that the head of the department or his designated representative should approve in writing the evaluation of such outstanding performance by an employee.

The conferees believe that, in order to carry out the intention of the legislation properly, the Civil Service Commission, under its rule-making authority provided in section 8 of the bill, should issue this as a part of its regulations.

The House Post Office and Civil Service Committee, under the leadership of its most able chairman, the gentleman from Tennessee, Mr. TOM MURRAY, who is necessarily absent because he is in the hospital recovering from an operation, has devoted a great deal of study to this problem. The legislation carries out recommendation 4 (e) of the Hoover Commission recommendations, which stated:

> The efficiency-rating system should be simplified and should be used solely to develop a better understanding between supervisors and employees.

Mr. Speaker, I ask that the House agree to the conference report on H. R. 7824.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3125)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7824) to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 5, line 10, of the House engrossed bill insert after the period the following: "If an officer or employee with a current performance rating of satisfactory has not requested and obtained a review of such rating as provided in subsection (a), such officer or employee, upon written appeal to the chairman of the appropriate board of review established under subsection (b), shall be entitled, as a matter of right, to a hearing and decision on the merits of the appealed rating."

And the Senate agree to the same.

TOM MURRAY,
JAMES C. DAVIS,
EDWARD H. REES,
Managers on the Part of the House.

J. ALLEN FREAR, Jr.,
RUSSELL B. LONG,
HENRY C. DWORSHAK,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7824) to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment is of a clerical nature, and is made necessary by the recession on the part of the House on amendment No. 2. The House recedes.

Amendment No. 2: Section 2 (b) of the House bill excluded 10 categories of employees from the operation of the bill. The Senate amendment adds an eleventh category consisting of employees outside the continental United States who are paid in accordance with local native prevailing wage rates for the area in which they are employed. The House recedes.

Amendment No. 3: Section 6 of the House bill required that each performance-rating plan should provide for ratings of "excellent," "satisfactory," and "unsatisfactory." The Senate amendment substitutes for the rating of "excellent" the rating of "outstanding." The conference committee believes that the Senate amendment will assist in carrying out the intent of the bill to reserve the highest rating for a comparatively few employees whose performance deserves special recognition. The House recedes.

Amendment No. 4: This is a clarifying amendment to make it clear that when several boards of review are established in one department, their jurisdiction will be on the same level and an appellant would not have successive appeals from one board to another board. The House recedes.

Amendment No. 5: Section 7 (c) of the House bill provided that, in addition to the performance-rating appeal provided in subsection (a), any officer or employee with a current performance rating of less than "excellent" was entitled to appeal his rating to the appropriate board of review established under section 7 (b). The Senate amendment provides for such an appeal only if the current performance rating is less than "satisfactory." The House recedes with an amendment adding to section 7 (c) a new sentence which provides that an officer or employee with a current performance rating of "satisfactory" shall, if he so elects, have the right to an appeal under subsection (b), in lieu of a review of his performance rating under subsection (a).

TOM MURRAY,
JAMES C. DAVIS,
EDWARD H. REES,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SEPARATE SETTLEMENT CONTRACTS WITH SIOUX INDIANS

Mr. MORRIS. Mr. Speaker, I call up the conference report on the bill (H. R. 5372) to authorize the negotiation

and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

Mr. MORRIS (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. RICH. Reserving the right to object, Mr. Speaker, we ought to know what this bill does.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. CASE of South Dakota. I was the author of the bill as it passed the House. I have examined the conference report. The conference report largely restores the provisions of the bill as passed by the House. There is one important change in that a paragraph was added by the conferees which provides for ratification on the part of the tribe in conformance with the provisions of a treaty made many years ago, whereby the ratification of the tribe to cessions of land would have to be by the vote of three-fourths of the adults of the tribe. We believe that it is better to provide that kind of ratification as far as the Indians are concerned, rather than by other methods, so there would be complete accordance with the treaty and not raise any questions later as to the validity of the action. Of course, it is generally recognized that Congress has the plenary power to legislate as it pleases but it ought not to disregard treaty rights once ratified.

Mr. RICH. Will this bill require additional funds from the Government in order to make a settlement?

Mr. CASE of South Dakota. No, this bill does not provide for any appropriation of funds. It provides for the opportunity to negotiate a settlement between the Government and the tribes. Any settlement would have to be ratified by the Congress. In case of any questions that might arise on which the negotiators are unable to agree, they would be referred to the Congress for settlement.

Mr. RICH. This bill might not provide for the appropriation of funds, but under this proposed legislation they can make certain agreements that eventually might lead to larger appropriations in order to make the settlements?

Mr. CASE of South Dakota. I do not know whether the gentleman knows what basic legislation is involved here, but the Federal Government is engaged in the building up of dams on the Missouri River for flood control. Those dams will flood out a considerable portion of the tribal land and privately owned lands of the Indians on two different reservations. This merely provides a method of settlement with the tribes for the losses sustained.

Mr. RICH. Under the original law which authorized the construction of the dams the Government is required to condemn the property or make settlements with everybody whose property is affected.

Mr. CASE of South Dakota. The gentleman is partly correct but not entirely so. Under long established interpretations, where water rights were reserved by treaty to Indian tribes the Government cannot settle for them in the normal manner if it comes in and takes the land. Water rights were reserved to the Indians in these cases. Destruction of the tribe's rights on the Missouri River and its tributaries could not be properly compensated for by settlement to individuals for individual tracts of land.

Hunting and fishing rights also were a part of the rights recognized by treaty in 1851 and 1868 and ratified by the Congress. To the extent that these may be impaired or destroyed, the tribe is entitled to compensation apart from settlement with the allottees holding individual tracts of land.

The building of the dam in question, the Oahe Dam, not only floods out the Missouri River, but backs water far up its tributaries, the Cheyenne, Moreau, and other streams. This floods out the bottom lands on these tributaries which have provided winter feed and shelter for tribal herds and for the cattle of operators to whom the uplands have been leased for summer grazing.

Everyone who runs cattle in the West knows that the value of summer grazing lands depends in part upon the availability of winter feed. The destruction of the bottom hay lands creates a tribal loss for which simple payment for the lands themselves is not equitable compensation. So, this bill, already approved by both House and Senate, establishes a procedure for negotiating a just and equitable settlement.

I might add, that as passed by the House, the bill specifically listed some of the possible items of compensation, such as relocation of cemeteries, construction of buildings, reservation of a block of power, and so forth. The bill in section 4 carried a declaration that the specification of certain provisions would not preclude the inclusion of other provisions. In other words, the negotiators were to be left free to negotiate.

The other body, however, struck out House language on power and put in a section, section 7, which would have been affirmative legislation as to power regardless of whether any contract was ever negotiated or completed or not. The conferees have very properly dropped that section 7 so as to leave the subject of power, like other items, open for negotiation and agreement if desired. When an Indian tribe gives up its rights to develop a flowing stream with power possibilities, it has surrendered a thing of value and for which it is entitled to compensation. A proviso that an organized tribe could purchase power on the same basis as a co-op or a public body, was no compensation at all. So that section of the Senate bill was properly dropped in conference.

This covers, I believe, the substantial modifications made in the bill by the conferees.

Mr. RICH. Are you going to give preferential treatment to Indians over other American citizens?

Mr. CASE of South Dakota. Indians are American citizens, and in fact they were here before the white man. These lands were Indian lands originally and never became lands of the United States, but have only been held in trust for the Indians.

Mr. RICH. Does it give any citizen a preferential right over any other citizen?

Mr. CASE of South Dakota. Not that I know of. It only proposes a method for compensating some citizens for what is to be taken from them.

Mr. MORRIS. May I say to the gentleman from Pennsylvania that the only purpose of the legislation is to pay the Indians a just price for what we are going to take away from them. That is the only purpose.

Mr. RICH. You do that with reference to other citizens now?

Mr. MORRIS. Certainly.

Mr. RICH. All I want to know is that you are not providing for any preference to any citizens, whether they be white, black, or whatever their color, or any other condition.

Mr. MORRIS. I assure the gentleman that no preference whatsoever is intended.

Mr. RICH. I want all to be treated alike, and that is what you are trying to do?

Mr. MORRIS. That is the purpose of this bill, to treat them alike.

Mr. RICH. And you are not providing for any distinction between American citizens?

Mr. MORRIS. Certainly not. No distinction is intended or provided in the bill.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, there have been reports that the cotton crop this year will be short. We all are aware cotton is a very important crop in our defense efforts. Cotton linters, for example, are significant in the manufacture of certain explosives. It has been my contention that some of the smaller cotton farmers have been given so few acres that they cannot continue to grow cotton. I desire to include at this point certain information about the cotton crop and cotton farmers.

[From the Washington Post of August 9, 1950]

THE 1950 COTTON CROP 36 PERCENT BELOW 1949

(By John W. Ball)

The Crop Reporting Board yesterday broke the bad news that this year's cotton crop

will be 36 percent less than last year, and about 3,000,000 bales—or about one-third—short of normal domestic requirements.

The shortage resulted from a confused cotton-acreage allocation law passed late last year. Varying interpretations put upon its provisions in different States resulted in only about 18,678,000 acres being planted instead of about 21,000,000 its authors promised.

NO SHORTAGE SEEN

Cotton experts last night said there was little danger of an acute shortage, however. Heavy carry-overs from the 1948 and 1949 crops, totaling about 7,000,000 bales, are considered ample to meet all foreseeable demands. Normal requirements are for about 9,000,000 bales for domestic consumption and 5,000,000 for export.

The estimate was for 10,308,000 bales, or 5,820,000 bales less than the 16,128,000 bales harvested last year.

New York futures shot up as much as $8.45 a bale (500 pounds) before profit taking trimmed the gain. They closed from $4.15 to $4.50 a bale above Monday's close. New Orleans spot cotton closed $4.05 a bale higher than on Monday.

At the same time, the Agriculture Department revealed that Government price-support loans and Government inventories of cotton have melted like snow in the last few weeks.

Out of 3,190,150 bales of 1949 cotton that had been put under Government price-support loans, more than 2,600,000 have been redeemed. On July 27 only 500,637 bales were under loan, and at least a third of these have been redeemed since that date, officials estimated.

BALES UNDER LOAN

A total of 5,271,000 bales of 1948 cotton were put under loan. Farmers redeemed 1,490,000 bales. The Government placed the remainder, 3,781,369 bales, in a pool. By July 26, the Government had sold 612,169 bales of the pooled 1948 cotton. Since that time sales have been held every other day. Estimates last night were that total sales now may reach 1,500,000 bales, leaving only about 1,600,000 on hand.

Total Government investments in cotton, which on April 30 were about a billion dollars, are expected to have declined to about one-third of that figure.

The cotton-pooling law, which operates on a "heads-I-win, tails-you-lose" formula, was put through Congress during the war by the potent cotton State lawmakers. When World War II broke out, the Commodity Credit Corporation had tremendous stocks of cotton it had bought to maintain prices between 1935 and 1941. It sold this cotton, largely to other Government agencies, at a substantial profit.

Now, however, when the Government forecloses a price-support loan on cotton, it must "pool" that cotton. Each bale is stored with the grower's name attached. If CCC sells the cotton at a profit, even to another Government agency, it must return the profit to the original grower, even though he gave up possession of it through foreclosure of the loan, years before. If, however, the Government should sell the pooled cotton at a loss, the Government must assume the loss.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Linden, Ala., May 8, 1950.

Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR MR. BECKWORTH: The following answers are submitted in reply to your letter of May 5, 1950.

1. How many cotton producers are in your county? Cotton allotments have been established for 1,945 farms, on which there are about 3,000 producers.

2. How many farmers in your county received less than 5 acres of cotton: 628.

3. How many new producers applied for acreage: 114.

4. How much acreage was there to distribute among the new producers in your county: 340.1 acres. Three acres apiece.

5. How much did each get: 89.61 percent of the country's factor.

6. Did any receive zero acres: No.

7. What percent of the new producers do you regard as genuine farmers: 40 percent.

8. How much in acres did the recent cotton amendment help your new producers: None.

9. How much in acres did the recent cotton amendment help your old producers: 2,042.2 acres.

10. How many of your producers receiving less than 5 acres probably will grow no cotton: 70.

11. How many will cease to farm for themselves: None.

Any time we may be of service to you, please call on us.

Very truly yours,
T. G. NORRIS,
Chairman, Marengo County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Pell City, Ala., May 8, 1950.

To: Representative LINDLEY BECKWORTH.
Subject: Requested tabulation of cotton data.

DEAR SIR: In reply to your letter of May 5, I am submitting a tabulation of the information which you requested on the cotton situation in this county.

1. Number of group I farms: 1,527.
2. Number receiving less than 5 acres: 345.
3. Number of applications for group II allotments: 324.
4. Number of acres to group II farms: 1,234.1 (these acres held at the State level).
5. Average acres to each farm: 3.8.
6. Number receiving zero allotment: 14.
7. Percent of group II allotments to farms where the producer farms for a living: 20 percent.
8. Amendment acres to group II farms: None.
9. Number acres to group I farms under new legislation: 405.4.
10. Number of farms with less than 5 acres which will not grow cotton: 75.
11. Number of producers who will cease to farm for themselves: 200 (due to boll weevil damage last year this figure will be an abnormally high one).

If there is any way in which we may be of further assistance to you, do not hesitate to call on us.

Yours very truly,
VERNON L. WHITTLE,
County Administrative Officer, St. Clair County, Ala.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Fort Payne, Ala., June 29, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

Subject: Information pertaining to adjustments in cotton-acreage allotments resulting from provisions of Public Law 471.

1. Cotton producers in county: 6,134.
2. Farmers receiving less than 5 acres of cotton: 943.
3. New producers who applied for acreage: 124.
4. Acreage for new producers: 424.8.
5. Acreage received by each new producer: 0.2292 of cropland.
6. Producers receiving zero acres: 1.
7. New producers regarded as genuine farmers: 60 percent.
8. Acres received by new producers from recent cotton amendment: None.
9. Acres received by old producers from recent cotton amendment: 896.7.
10. Producers receiving less than 5 acres who will probably grow no cotton: 5 percent.
11. Producers who will cease to farm for themselves: 2 percent.

Very truly yours,
HERMAN L. HALES,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Nashville, Ark., April 14, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: We are glad to supply you with the information below as requested in your letter of April 11:

1. Number of farms in Howard County receiving 5 acres of cotton or less: 577.
2. Number of new growers applying for allotments: 73.
3. Acreage for distribution to new growers: 246.9; acreage each (1–2 acres, 1), (2–3 acres, 21), (3–4 acres, 15), (5–6 acres, 1), and (17 acres, 1).
4. Number of zero allotments: None.
5. Percent of new growers genuine farmers: 66 percent.

Yours very truly,
ARTHUR R. JOHNSON,
County Administrative Officer.

MURFREESBORO, ARK., *April 18, 1950.*

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: I am pleased to honor your letter of April 12, 1950, by giving you the best available information on cotton acreage in Pike County, Ark., at the present time. There are 546 cotton farmers listed in the county.

1. Four hundred and ninety-three of the 546 received 5 acres or less (more of these received less).
2. Forty-seven new producers applied for cotton acreage.
3. There were 81 acres of cotton to be distributed among the new producers.
4. The highest allotment among the 47 new producers is 6.1 acres. The next, 5.3, and the third producer, 5 acres. The minimum allotment for any one of the 47 is one-half acre.
5. No new producer received zero acre.
6. I regard 90 percent of the 47 new producers are genuine farmers.

Thanking you for your interest and assistance I will remain,

Yours very truly,
REEDER DILDY,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Marshall, Ark., May 8, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter dated May 5, relative to the apportionment of the Searcy County cotton-acreage allotment for 1950 to farms.

Searcy County has 30[illegible] farms receiving 1950 cotton-acreage allotments. Two hundred and four of these farms were allotted less than 5 acres; 24 producers applied for a new farm allotment. There was a total of 54 acres available to be apportioned to new farms within the county. Below is a chart

showing the distribution of this acreage for new farms:

Number of farms receiving allotment

Size of acreage allotment:

2	17
2.2	2
2.5	1
2.6	1
3	1
3.5	1
3.9	1

None of the producers applying for a new farm allotment received a zero acreage. We consider each of these applicants for a new farm allotment as a genuine farmer. Five acres was reapportioned to new farms, and 12.8 acres was reapportioned to old growers as provided in the recent cotton amendment. It is estimated that 16 of those producers receiving less than 5 acres will grow no cotton this year. It is believed that none of those farmers receiving allotments will cease farming operations due wholly to marketing quotas and acreage allotments being effective in this country.

We hope that we have furnished you the information you desired. If we can be of any further assistance, please call on us. We appreciate your interest in our county.

Very truly yours,

C. HOWARD TREECE,
Chairman, Searcy County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Pine Bluff, Ark., May 9, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In regard to your letter, we are listing below the information you requested:

Cotton farms in Jefferson County: 1,834.

Farmers received less than 5 acres of cotton allotment: 202.

New producers applied for acreage: 122.

Acres to distribute among new producers: 419.5.

Each received .7338 percent of acreage requested, depending on amount of acres. This amounted to from 0.6 acre to 22.0 acres.

None received zero acres.

Fifty percent regarded as genuine farmers.

The recent cotton amendment did not help the new producers any.

The recent cotton amendment helped the old producers by 439.5 acres.

Ninety percent of producers receiving less than 5 acres probably will grow cotton.

Hoping this is the information you need,

Yours very truly,

O. W. BARNETT,
Administrative Officer, Jefferson County.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Little Rock, Ark., May 9, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter dated May 5, 1950, the following information as requested by you is listed below.

Cotton producers in county: 1,198.

Farmers in county receiving less than 5 acres of cotton: 288.

New producers applying for acreage: 67.

Acreage to be distributed among new producers: 340.

Each got approximately: .1971 percent.

Received zero acres: None.

Regarded as genuine farmers: 90 percent.

Number of acres benefit to new producers by recent cotton amendment: None.

Number of acres benefit to old producers: 1971.5.

Producers receiving less than 5 acres cotton who probably will grow no cotton: 15.

Producers who will cease to farm for themselves: 12.

Very truly yours,

J. D. STEPHENS,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Texarkana, Ark., May 8, 1950.

Congressman LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter of May 6, 1950:

1. How many cotton producers are in your county: 1,200.

2. How many farmers in your county received less than 5 acres: 84.

3. How many new producers applied for acreage: 211.

4. How many acres to distribute to new producers: 843.4 acres.

5. How did each get: 150 received from 2.8 to 30 acres.

6. Did any receive zero allotments: 61 were not approved for any acreage.

7. What percent of new producers do you regard as genuine farmers: Seventy-five percent of the new growers are farmers.

8. How much in acres did the recent cotton amendment help new producers: The recent amendment affected only farms with history.

9. The old ones. About 7 percent in this county.

10. How many producers receiving less than 5 acres probably will grow no cotton: Probably 20 percent.

11. How many will cease to farm for themselves: Probably 5 percent.

Trusting this is the information you desired.

Sincerely yours,

RAY A. WATERS,
County Administrative Officer, Miller County, Ark.

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 5, 1950.

DEAR FRIEND: How many cotton producers are in your county? How many farmers in your county received less than 5 acres of cotton? How many new producers applied for acreage? How much acreage was there to distribute among the new producers in your county? How much did each get? Did any receive zero acres? What percent of the new producers do you regard as genuine farmers? How much in acres did the recent cotton amendment help your new producers? The old ones: 500 acres. How many of your producers receiving less than 5 acres probably will grow no cotton: 15. How many will cease to farm for themselves?

I'll appreciate any information you can give me.

Your friend,

LINDLEY BECKWORTH.

Cotton producers: 1,100.
Recovered less than 5 acres: 200.
New growers applied: 216.
Acres to new growers: 470.
Cropland for new growers: 10 percent.
None reseeded: no acres.
Genuine farmers: 150.
New growers received no help from amendment: 10.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Nashville, Ark., May 8, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: We are glad to supply you with the information below as requested in your letter of May 6:

1. Number cotton producers in Howard County: 983.

2. Number farmers receiving less than 5 acres of cotton: 211 received 5 acres; 367 received less than 5.0 acres.

3. Number of new producers who applied for acreage: 74.

4. Acreage distributed among new producers in county: 250.9.

5. Acreage each received:

Number farms:	*Amount received (acres)*
2	1– 1.9
20	2– 2.9
34	3– 3.9
16	4– 6
1	6– 7
1	17

6. Number receiving zero acres: None.

7. Percent of new producers considered as genuine farmers: 66 percent.

8a. Amount of acreage the recent cotton amendment helped new producers: None.

8b. Amount of acreage the recent cotton amendment helped old producers: 370.0 acres.

9. Number of producers receiving less than 5 acres that will probably grow no cotton: 25 percent.

10. Number of producers receiving less than 5 acres that will cease to farm for themselves: None.

Yours very truly,

ARTHUR R. JOHNSON,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Van Buren, Ark., May 8, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter of May 5, 1950, there are 205 cotton producers in Crawford County. Thirty farmers received less than 5 acres of cotton. Three new producers applied for acreage. There were 39 acres to distribute among the new producers in this county. One new producer received 4 acres, one 3.8 acres, and one 18.4 acres. No one received zero acres. One hundred percent of the new producers is regarded as genuine farmers. The recent cotton amendment helped the old producers 190 acres, the new producers, none. Twenty of our producers receiving less than 5 acres probably will grow no cotton. Five will probably cease to farm for themselves.

Yours truly,

BILLY H. REYNOLDS,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Clarendon, Ark., May 8, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In answer to your letter of May 5, we are listing below the answers to the questions which you requested:

How many cotton producers are in your county: 1,746.

How many farmers in your county received less than 5 acres of cotton: 138.

How many new producers applied for acreage: 63.

How much acreage was there to distribute among the new producers in your county: 425.3 acres.

How much did each get: .3212 percent of cropland.

Did any receive zero acres: No.

What percent of the new producers do you regard as genuine farmers: All—some part time.

How much in acres did the recent cotton amendment help your new producers: None.

The old ones: 378.7 acres—106 farms—3 acres apiece.

How many of your producers receiving less than 5 acres probably will grow no cotton: None.

How many will cease to farm for themselves: None.

We hope this information will be of help to you.

Yours very truly,

LEALDON SMITH,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Augusta, Ark., May 8, 1950.

Congressman LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Enclosed please find a summary of information requested in your letter dated May 5, 1950.

It is difficult to estimate the number of cotton producers in this county as the law required that farms be established allotments, on ownership tracts. A large percentage of the farms have from 1 to 75 tenants or share-cropper producers. All information listed on enclosed summary will be based on ownership tracts.

Yours very truly,

MAX G. SALLINGS,
County Administrative Officer.

1. Number of cotton farms: 1,215.
2. Number of cotton farms receiving less than 5 acres of cotton: 100.
3. Number of producers requesting new grower allotments: 80. Each new grower received (a) .3201 percent of cropland, (b) the acreage requested, provided his request did not exceed the county factor of .3201 percent. No farm received less than 3.8 acres if cropland was sufficient to permit planting the minimum of 3.8 acres.
4. Number of acres available for distribution to new growers: 557.
5. Number of farms requesting allotments received: 0 acres, provided the farm had a cotton history and available cropland.
6. Percent of new growers considered genuine farmers: 99.9 percent.
7. Number of acres allotted under Public Law 471, Section 344 (F) (5): 694. This acreage allocated to old growers, since law stated that allotment computations would be entirely on history during base years. New producers would have no history for base years.
8. Number of producers receiving less than 5 acres who will probably grow no cotton: 1 percent.
9. Number of farmers who will cease to farm for themselves: Less than 2 percent.

A number of your questions were difficult to answer with any degree of accuracy due to variable circumstances which govern any farming operation. I have answered them to the best of my ability.

Trust this information will be satisfactory.

Yours very truly,

MAX G. SALLINGS,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Mountain Home, Ark., June 27, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In regard to your letter of May 6, 1950, we wish to submit to you the following information pertaining to the cotton farms in Baxter County:

Number of producers in the county: 155.
Farms receiving less than 5 acres: 70.
Number of new farms that applied for acreage, 28.
Number of acres for new growers: 69.8.
Average acreage that each received: 2.5.
Number of zero allotments: 0.
Number of genuine farmers: 100 percent.
Number of acres under recent cotton amendments: New growers, 8.8 old growers, 17.
Number of producers receiving less than 5 acres: 27.
Number that will cease to farm for themselves: 10 percent.

We will be glad to furnish any further information that you desire.

Very truly yours,

JAMES D. OWEN,
County Administrative Officer.

BACA FLOAT RANCH, INC.,
Nogales, Ariz., June 14, 1950.

Hon. HAROLD A. PATTEN,
House of Representatives,
Washington, D. C.

DEAR SIR: Replying to your letter of June 6 I am pleased to give you the following information regarding cotton acreage, etc., in Santa Cruz County; I am not repeating your questions but am simply giving the answers as you numbered them in your request:

1. 8.
2. 0.
3. 0.
4. 0.
5. 0.
6. No.
7. x.
8. 0.
9. 0.
10. 0.
11. 0.

As you know this is a very small cotton county but I believe the above data to be accurate.

With kind regards, I am,

Sincerely yours,

JAMES B. PENDELTON.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Tucson, Ariz., July 7, 1950.

Hon. HAROLD A. PATTEN,
House of Representatives,
Washington, D. C.

DEAR MR. PATTEN: Mr. J. A. McLeod, Jr., chairman of the Pima County PMA Committee, has asked me to reply to your letter requesting information on cotton producers in the county.

1. There are 78 cotton producers in the county.
2. One farmer received a 5-acre allotment.
3. Four new producers applied for acreage.
4. There were 27.5 acres to distribute to new producers.
5. One received 20 acres, one received 7.5 acres.
6. Two received zero acres.
7. Fifty percent of new producers are regarded as genuine farmers.
8. The recent amendment did not help our new producers.
9. It did not help the old ones either.
10. None of our producers received less than 5 acres.
11. None will cease to farm for themselves.

Very truly yours,

R. P. INSKEEP,
Administrative Assistant, PMA County Committee of Pima County.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Willcox, Ariz., May 22, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In your recent letter you request of this office information relative to cotton in Cochise County. We submit the following:

1. How many cotton producers: 225.
2. How many new producers applied for acreage: 60.
3. How many farms in your county received less than 5 acres: 35 (all new producers).
4. How much acreage was distributed among new producers: 403.
5. How much did each get: (1949 first-time producers, 8.5 percent of cropland); (1950 new producers, 4 percent of cropland).
6. Did any receive 0 acres: No.
7. What percent of new producers do you regard as genuine farmers: 100 percent.
8. How much in acres did the recent cotton amendment help new producers: None.
9. The old ones: Net increase of 410 acres.
10. How many of your producers received less than 5 acres and will grow no cotton: 10, approximately.
11. How many will cease to farm for themselves: None.

We hope this is the information you desire.

Yours very truly,

WILLIAM M. BELCHER,
Administrative Assistant.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 6, 1950.

Hon. LINDLEY BECKWORTH,
House Office Building,
Washington, D. C.

MY DEAR COLLEAGUE: You will recall that recently you wrote me and spoke to me, asking for certain information with regard to cotton production in the counties of Arizona.

I am enclosing for you the information which has come to me with respect to Maricopa County. Congressman PATTEN, in whose district the other cotton-producing counties lie, is securing the other information, as I told you over the telephone the other day.

Assuring you that I was glad to be of assistance to you in this matter, I remain

Sincerely yours,

JOHN R. MURDOCK,
Member of Congress.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Phoenix, Ariz., June 2, 1950.

Hon. JOHN R. MURDOCK,
Congressman from Arizona,
Washington, D. C.

DEAR CONGRESSMAN MURDOCK: The attached information, concerning cotton production in Maricopa County, is furnished in accordance with your leter of May 29, 1950.

Very truly yours,

CARL E. TEETER,
Member, Arizona State Committee.

COTTON INFORMATION DESIRED

1. How many cotton producers are in Maricopa County: 1,660.
2. How many farmers in Maricopa County received less than 5 acres of cotton: 55.
3. How many new producers in Maricopa County applied for acreage: 109.
4. How much acreage was there to distribute among the new producers in Maricopa County: 2,828.
5. How much did each get: 16 percent of adjusted cropland.
6. Did any receive zero acres: No.
7. What percent of the new producers in Maricopa County do you regard as genuine farmers: All.
8. How much in acres did the recent cotton amendment help your new producers in Maricopa County: Not available.
9. How much—the old producers: 6,348 acres.
10. How many producers in Maricopa County receiving less than 5 acres probably will grow no cotton: None, to our knowledge.

11. How many will cease to farm for themselves: None, to our knowledge.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Phoenix, Ariz., June 22, 1950.

Hon. LINDLEY BECKWORTH,
Congressman from Texas,
Washington, D. C.

DEAR CONGRESSMAN BECKWORTH: The attached tabulation is forwarded in accordance with your letter of May 6. The column headings are numbered to correspond with the following questions:

1. How many cotton producers are in each county?
2. How many farmers in each county received less than 5 acres of cotton?
3. How many new producers in each county applied for acreage?
4. How much acreage was there to distribute among the new producers in each county?
5. How much did each get?
6. Did any receive zero acres?
7. What percent of the new producers in each county do you regard as genuine farmers?
8. How much in acres did the recent cotton amendment help your new producers county by county?
9. How much * * * the old producers?
10. How many producers county by county receiving less than 5 acres probably will grow no cotton?
11. How many will cease to farm for themselves county by county?

Very truly yours,

CARL E. TEETER,
Member, Arizona State Committee.

County	1	2	3	4	5	6	7	8	9	10	11
Cochise	142	0	70	410	15 percent of adj. cropland	No	All	0	743	0	0
Graham	491	75	15	74	20 percent of adj. cropland	No	All	0	0	0	0
Greenlee	134	12	6	14	15 percent of adj. cropland	No	All	0	161	0	0
Maricopa	1,660	55	109	2,828	16 percent of adj. cropland	No	All	0	6,345	0	0
Pima	66	0	9	396	24 percent of adj. cropland	No	All	0	0	0	0
Pinal	921	8	72	2,963	16 percent of adj. cropland	No	All	0	4,717	0	0
Santa Cruz	7	0	0	0				0	0		
Yuma	174	35	13	356	20 percent of adj. cropland	No	All	0	130	0	0
State	3,595	185	294	6,981					12,096		

MAY 24, 1950.

Mr A. A. BROCK,
Director of Agriculture, State Capitol,
Sacramento, Calif.

DEAR MR. BROCK: One of my colleagues from Texas, LINDLEY BECKWORTH, has asked me if I could obtain for him answers to the following questions:

How many cotton producers are in each county?

How many farmers in each country received less than 5 acres of cotton?

How many new producers in each county applied for acreage?

How much acreage was there to distribute among the new producers in each county?

How much did each get?

Did any receive zero acres?

What percent of the new producers in each county do you regard as genuine farmers?

How much in acres did the recent cotton amendment help you new producers county by county?

The old ones?

How many producers county by county receiving less than 5 acres probably will grow no cotton?

I do not know whether or not you have available this information in your statistical department. But if you do have all of it, or part of it, and could furnish it to me I would greatly appreciate it. The information is desired by the Honorable LINDLEY BECKWORTH, one of our fine Members in the House. He has made a thorough study of the effects of the recent cotton allocations and I would like very much to help him make his study as comprehensive and thorough as possible.

Whatever you may do will be considered a personal favor by me. If you have nothing that pertains to this readily available, I do not, of course, expect you to set aside your regular work to obtain this information. Also, if this information is obtainable elsewhere, I have no objection to you sending my letter to that agency with the request that they reply directly to me.

With my best regards to you and your staff, I remain

Sincerely yours,

LEROY JOHNSON,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 4, 1950.

DEAR FRIEND: How many cotton producers are in your county? [14] How many farmers in your county received less than five acres of cotton? [8] How many new producers applied for acreage? [0] How much acreage was there to distirbute among the new producers in your county? How much did each get? Did any receive zero acres? What percent of the new producers do you regard as genuine farmers? How much in acres did the recent cotton amendment help your new producers?—the old ones? [0] How many of your producers receiving less than five acres probably will grow no cotton? [4] How many will cease to farm for themselves? [2].

I'll appreciate any information you can give me.

Your friend,

LINDLEY BECKWORTH.

Bay County, Fla., 59-003; Panama City, Fla., J. A. Sorensen, secretary, Bay County, PMA Committee.

MAYO, FLA., *May 9, 1950.*

LINDLEY BECKWORTH,
Congressman, Washington, D. C.

DEAR SIR: Replying to your letter of May 5, in which you desired information on cotton. Permit me to advise you as follows:

Lafayette County has 94 farmers out of 526 who were eligible for a cotton allotment in 1950. Of this number 61 had less than 5-acre allotments. There are no allotments in excess of 5 acres in this county, even though some planted 10 acres regularly before allotments were imposed. We had only 8 acres to distribute to new growers, and 23 applied. These received from three-tenths to four-tenths acres each. No grower was given a zero allotment. All new growers are genuine farmers. The release procedure helped new growers, but was virtually of no value to old growers. Most farmers are growing their allotments or have released it for other farmers.

Yours very truly.

S. L. BROTHERS, *County Agent.*

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Tallahassee, Fla., May 9, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter of May 5, I herewith submit the information you requested, for Leon County, Fla.:

1. How many cotton producers are in Leon County: 505.
2. How many farmers in Leon County received less than 5 acres of cotton: 282.
3. How many new producers applied for acreage: 9.
4. How much acreage was there to distribute among the new producers in Leon County: 3.6.
5. How much did each get: 0.4.
6. Did any receive zero acres: No.
7. What percent of the new producers do you regard as genuine farmers: 100 percent.
8. How much in acres did the recent cotton amendment help your new producers: None.
9. How much in acres did the recent cotton amendment help your old producers: 64.7.
10. How many of your producers receiving less than 5 acres will probably grow no cotton: 50.
11. How many will cease to farm for themselves: None.

Yours very truly,

ROBERT E. TURNER,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION.
Pensacola, Fla., June 26, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: Following is the ininformation requested in your letter of May 4, 1950.

We have 432 cotton producers in Escambia County with 172 allotments being less than 5 acres. Forty farmers, included in 432 above, applied for new grower allotments. Twelve acres were divided among the 40 farms with the highest acreage for any one farm being 1.2 acres. Average of 0.3 acre. None received zero acres. We regard approximately 60 percent of the new growers as genuine farmers. The recent amendments helped the new growers by 52 acres, old growers by 300 acres. We think that possibly 60 of those farmers receiving less than 5 acres will not plant with possibly 10 ceasing to farm.

Yours very truly,

EMORY HUNT,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Crestview, Fla., June 26, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Listed below are questions and answers to your letter of May 5, 1950:

1. How many cotton producers are in your county: 470.
2. How many farmers in your country received less than 5 acres of cotton: 157.
3. How many new producers applied for acreage: 36.
4. How much acreage was there to distribute among the new producers in your county: 13.9.
5. How much did each get: (a) 2, 0.2; (b) 7, 0.3; (c) 22, 0.4; (d) 4, 0.5; (e) 1, 0.6.
6. Did any receive zero acres: None.
7. What percent of the new producers do you regard as genuine farmers: 100 percent.

8. How much in acres did the recent cotton amendment help your new producers: 36.2.

9. The old ones: 226.2.

10. How many of your producers receiving less than 5 acres probably will grow no cotton: 50.

11. How many will cease to farm for themselves: Very few.

Very truly yours,

FRED W. BARBER, *County Agent.*

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Thomasville, Ga., June 30, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: This is in reply to your letter dated May 6, 1950.

Cotton producers in Thomas County: 824.

Cotton producers who received less than 5 acres: 500.

Producers who applied for cotton acreage: 175.

Acres distributed to new producers: 457.7.

Average each received, 2.6.

Percent of new producers as genuine farmers: 25 percent.

How much in acres did the recent cotton amendment help new producers: None.

Old growers: 135.2.

We cannot yet determine the number of producers who will cease to grow cotton in 1950.

Very truly yours,

EDWIN Z. STIRLING,
Administrative Officer,
Thomas County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Danielsville, Ga., June 29, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In regard to your letter of May 3, 1950, we are listing below the information requested by you.

1. How many cotton producers are in your county: 1,620.

2. How many farmers received less than 5 acres: 168.

3. How many new producers applied for acreage: 101.

4. How much acreage was there to distribute among the new producers: 419.1.

5. Did any receive zero acres: No.

6. What percent of the new producers do you regard as genuine farmers: 95 percent.

7. How much in acres did the recent cotton amendment help the new producers: 0.

8. Old ones: 214.6.

9. How many producers receiving less than 5 acres probably will grow no cotton: 43.

10. How many will cease to farm for themselves: 20.

We trust that the above information is sufficient.

Yours very truly,

CLAYTON A. BURRISS,
Administrative Officer,
Madison County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Butler, Ga., July 5, 1950.

Mr. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR MR. BECKWORTH: We are furnishing the information you requested in your letters of May 5 and May 17 as follows:

COTTON

Cotton producers in county: 575.

Number receiving less than 5 acres: 38.

New producers applying: 29.

Acreage to new producers: 179.3.

Approximate acreage received by each: 6.

Number receiving zero acreage: 0.

Percent regarded as genuine farmers: 100.

Acres helped by cotton amendment (includes 65-45-40 and reapportioned released acreage): New producers, 27.7; old producers, 493.3.

Number of producers receiving less than 5 acres that will not plant any cotton: 25.

Number that will cease to farm for themselves: 5.

PEANUTS

Number producers in county: 505.

Minimum acreage needed: 4.

Number having less than 4-acre allotment: 155.

Number having less than 2-acre allotment: 54.

Number having less than 2-acre allotment that will stop growing peanuts, 35.

Number that will cease to farm for themselves, 5.

Number new producers, 42.

Acreage received by new growers, 112.1.

Approximate acreage each received, 2.6.

Yours very truly,

ROY F. JONES,
Administrative Officer,
Taylor County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Jefferson, Ga., June 28, 1950.

Subject: Reply to questionnaire from Congressman LINDLEY BECKWORTH, of Texas, asking for information in regard to cotton.

1. How many cotton producers are in your county? Answer: There are 1,524 cotton acreage allotments established for farms in Jackson County representing an estimated 1,800 cotton producers. This does not mean that all of these producers actually planted cotton in 1950 and records at this time are incomplete as to the actual number planting cotton in 1950.

2. How many farmers in your county received less than five acres of cotton? Answer: 84.

3. How many new producers applied for acreage? Answer: 33.

4. How much acreage was there to distribute among the new producers in your county? Answer: The cotton acreage allotment for new producers was not allowed to counties in lump sums, but was distributed to applicants by the State PMA committee on the basis of recommendations of the county PMA committee. In this county, the amount recommended by the county PMA committee was granted for all applicants requesting new grower allotments within the time limit.

5. How much each get? Answer: The county PMA committee recommended a total of 162.4 acres for the 26 applicants approved, which is an average of 6.2 acres. These individual allotments ranged from 1.0 acre to 15.0 acres, depending on the size of the farm, the labor, workstock and equipment available.

6, Did any receive zero acres? Answer: Yes. Of the 33 applicants, the county PMA committee did not consider seven of them as eligible for new grower allotments under the regulations governing this procedure.

7. What percent of the new producers do you regard as genuine farmers? Answer: We consider the 26 applicants which were approved as genuine farmers inasmuch as this was one rule of eligibility for securing a new grower allotment.

8. How much in acres did the recent cotton amendment help your new producers? Answer: None.

9. The old ones? Answer: Under Section 344 (f) (5) of the Agricultural Adjustment Act of 1938, as amended, 44 farmers received a total of 199.7 acres increase in 1950 cotton allotment. Under Section 344 (f) (4) of the Agricultural Adjustment Act of 1938, as amended, 104 farms received a total of 340.2 acres increase in 1950 cotton allotment. This makes a total of 539.9 acres increase.

10. How many of your producers receiving less than five acres probably will grow no cotton? Answer: We estimate that 25 will grow no cotton in 1950.

11. How many will cease to farm for themselves? Answer: We have no information available on which to base a reply to this question.

R. V. RICHEY,
Chairman, Jackson County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Preston, Ga., July 10, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: Below we are giving the information you requested in your letters of May 4 and May 17 in regards to cotton and peanuts in Webster County:

How many cotton producers are in your county: 277.

How many farmers in your county received less than 5 acres of cotton: 81.

How many new producers applied for acreage: 33.

How much acreage was there to distribute among the new producers in your county: 130.1.

How much did each get: Those applying for new grower allotments received an average of 1 acre of cotton for each 20 acres of cropland.

Did any receive zero acres: 1.

What percent of the new producers do you regard as genuine farmers: 97 percent.

How much in acres did the recent cotton amendment help your new producers: 2 acres.

How much in acres did the recent cotton amendment help your old producers: 33.8 acres.

How many of your producers receiving less than 5 acres probably will grow no cotton: 75 percent.

How many will cease to farm for themselves: None.

Data on peanuts:

The number of peanut producers in Webster County: 370.

What is the least number of acres your average farmer and producer can afford to grow or economically grow: Owing to varied conditions existing on our farms we would not attempt to make an estimate as to the minimum number of acres of peanuts a farm can afford to grow or economically grow. The varied conditions existing on our farms such as size of the farm, size of the family, productivity of the land; also, we must take into consideration that some of our farmers are contented with a very low standard of living while others strive for a high standard. We are decidedly of the opinion that in the majority of cases the smaller or family-size farm the acreage of peanut allotment is inadequate for a reasonably good standard of living.

How many of your peanut producers received allotments of less than 2 acres: 4.

Of the number of peanut farmers receiving allotments of less than 2 acres, how many will cease to grow peanuts: 4.

Approximately how many will cease to farm for themselves: The above farms have not been farmed by the operators.

How many new producers applied for peanut acreage in your county this year, 1950: 2.

How many acres did you have to distribute to them: Allotment for new farms was given from State level reserve.

Approximately how much did each receive: 7.9 acres.

Very truly yours,

JOHN A. KING,
Administrative Officer, Webster County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Greenville, Ga., June 27, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: We are giving you below information requested in your letter of May 4, 1950:

1. How many cotton producers are in your county: 1,179.
2. How many farmers in your county received less than 5 acres of cotton: 140.
3. How many new producers applied for acreage: 57.
4. How much acreage was there to distribute among the new producers in your county: 379.9.
5. How much did each get: county cropland factor, 1,606.
6. Did any receive zero acres: None.
7. What percent of the new producers do you regard as genuine farmers: 57.
8. How much in acres did the recent cotton amendment help your new producers: 12.6. The old ones: 388.1.
9. How many of your producers, receiving less than 5 acres probably will grow no cotton: 35.
10. How many will cease to farm for themselves: Question.

Very truly yours,

FRANK WELLS,
Administrative Officer, Meriwether County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
McDonough, Ga., June 27, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Please find enclosed the information requested in your letter dated May 4, 1950.

Very truly yours,

MUSETTE H. COAN,
Secretary and Treasurer, Henry County PMA Committee.

HENRY COUNTY

1. How many cotton producers are in your county: 1,282.
2. How many farmers in your county received less than 5 acres of cotton: 206.
3. How many new producers applied for acreage: 66.
4. How much acreage was there to distribute among the new producers in your county: 428.5.
5. How much did each get: 0.2022 percent of cropland.
6. Did any receive zero acres. No.
7. What percent of the new producers do you regard as genuine farmers: 75 percent.
8. How much in acres did the recent cotton amendment help your new producers: 31.2. The old producers: 507.
9. How many of your producers receiving less than 5 acres probably will grow no cotton: Not able to tell at present time.
10. How many will cease to farm for themselves: Not able to tell.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Crawfordville, Ga., May 8, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: We have your letter of May 4, 1950, and are applying to the Georgia State PMA office for permission to furnish the information requested.

Yours very truly,

A. T. STEWART,
Chairman, Taliaferro County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Blackshear, Ga., May 9, 1950.

Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR SIR: We have attempted to answer your questions in connection with cotton producers in order as set out in your inquiry.

There are 652 cotton producers in Pierce County; 393 of these farmers received less than 5 acres.

There were 39 new producers that applied for acreage. Acreage distribution to new producers were made at the State level. No new producers received zero acres. Ninety-seven percent of the new producers are genuine farmers. Under the recent cotton amendment no new producers were benefited. Old producers were eligible for 18.9 acres under this amendment.

It is believed that 100 of the 393 (less than 5 acres) producers will not plant cotton. We do not have any farmers who are expected to cease farming.

Very truly yours,

T. M. MINCHEW,
County Administrative Officer, Pierce County PMA.

JONESBORO, GA., *May 9, 1950.*

Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR MR. BECKWORTH: We have a total of 395 cotton producers in Clayton County. Sixty-three of the farmers received less than 5 acres of cotton. There were 23 new producers applying for acreage. The total acreage distributed among the cotton farmers. Each farm received between 2 to 100 acre allotment. There were no producers receiving zero acres. The new cotton amendment did not help any of the new producers. The old ones about 200 acres. I consider about 75 percent of the new producers genuine farmers. There are about 20 of our farmers that received less than 5 acres who will grow no cotton. About 10 will cease to farm for themselves.

Very truly yours,

W. H. HUDDLESTON,
County Administrative Officer, Clayton County.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Sparta, Ga., June 26, 1950.

LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In reply to letter dated May 4, 1950, requesting information on cotton in Hancock County.

Number of cotton producers in Hancock County: 964.

Number of farmers receiving less than 5 acres cotton allotment: 52.

Number of new producers in Hancock County: 47.

No. of acres for distribution for new cotton growers: 224.1.

Each new grower received .1683 percent of their cropland.

Ninety percent of new producers are genuine farmers.

New growers were not helped any by the recent cotton amendment, the old growers 305.7 acres.

Fifteen percent of producers with less than 5.0 will probably grow no cotton at all.

Five percent will cease to farm for themselves.

Yours truly,

ALEX LONG,
Administrative Officer, Hancock County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Milledgeville, Ga., June 26, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Enclosed is a list of questions asked for in your letters under dates of May 4, 1950, and May 16, 1950. We have answered them to the best of our ability and hope this is the desired information you requested.

Very truly yours,

JOE B. MORAN,
Administration Officer, Baldwin County Production and Marketing Association.

Number of peanut producers in Baldwin County: 42.

Least number of acres average producer or farmer can economically grow: 6.

How many producers in county received allotments less than the number of acres mentioned in above question: 32.

How many peanut producers received allotments of less than 2 acres: 22.

Peanut farmers receiving less than 2 acres allotment, how many will cease to grow peanuts: 50 percent.

Approximately how many will cease to farm for themselves: 5 percent.

How many producers applied for peanut acreage, 1950: 43.

How many acres were distributed to them: 151.3.

How much did each receive: 3.6. (Average acreage per farm.)

How many cotton producers in Baldwin County: 350.

How many received less than 5 acres: 75.

How many new producers applied for acreage: 22.

How much did each get: 3.8. (Average acreage per farm.)

Did any receive zero acres: No.

What percent of new producers do you regard as genuine farmers: 80 percent.

How much in acres did the recent cotton amendment help new producers: None. Old ones: 267.7.

How many of your producers receiving less than 5 acres will grow no cotton: 15.

How many will cease to farm for themselves: 5 percent.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Athens, Ga., June 26, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Below are the answers to your questions in your letter dated May 4, 1950.

There are 506 cotton farms in Clarke County with some of these having more than one producer.

One hundred and eight farms received less than 5 acres of cotton.

Thirty seven new producers applied for acreage.

There were 4,515.2 acres to distribute among producers of this county.

Each got 0.1662 percent of their cropland plus county committee reserve for adjustment.

None received zero acres.

Sixty-six percent of new producers are genuine farmers.

The recent cotton amendment did not help any new producers. It gave 177.8 acres to old producers.

Twenty-five percent of producers receiving less than 5 acres will grow no cotton.

None will cease to farm for themselves.

Very truly yours,

B. P. MCWHIRTER,
Secretary, Clarke County PMA Committee.

ROCKDALE COUNTY, GA.

Cotton producers in Rockdale County: 573.
Less than 5-acre allotments: 76.
New producers applied: 34.
Acreage distributed to new producers: 169.9.
New producers receiving less than 5 acres: 17.
New producers receiving 5 acres or more: 17.
All new producers qualifying received cotton.
All new producers are regarded as genuine farmers.
New producers helped by recent amendment: 2.
Group I farms helped by recent amendment: 37.6.
About 10 percent of small farms receiving less than 5 acres may cease to grow cotton.
We feel that all of our small farmers will continue to farm next year.

Yours very truly,
JOHN L. BINENDINE,
Administrative Officer, Rockdale County PMA Office.

DEPARTMENT OF AGRICULTURE,
AGRICULTURAL ADJUSTMENT AGENCY,
Ellijay, Ga., June 28, 1950.

LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In answer to your letter of May 4, 1950. We have 51 cotton producers. Fifty-one farmers in this county received less than 5 acres of cotton. Five new producers applied for acreage. There was 8.5 acreage to distribute among the new producers in this county. The new producers got from 0.9 to 3.4 acres. No one received a zero acres allotment. We regard 100 percent new producers as genuine farmers. The recent cotton amendment helped the new producers none, and the old ones none. Probably 50 percent of the producers receiving less than 5 acres will grow no cotton. Ten percent will cease to farm for themselves.

Very truly yours,
RANELL LOWMAN,
Treasurer, Gilmer County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
LaGrange, Ga., June 29, 1950.

Congressman LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: The following is information as requested in your letter of May 5, 1950:
Number cotton producers in county: 645.
Number farmers receiving 5 acres or less: 132.
Number new growers: 55.
Amount of acreage distributed to new growers: 288.6.
Number acres distributed to each: Bases county factor.
Number new growers receiving zero acres: None.
Percent considered genuine farmers: 70 percent.
Number acres new cotton amendment helped new growers: Very little.
Number acres amendment helped old growers: 89.9.
Number receiving less than 5 acres that will produce no cotton: 50 percent.
Number that will cease to farm for themselves: Unable to determine at present.

Yours very truly,
MARION M. SHIVERS,
County Administrative Officer, Troup County PMA Office.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Murray, Ky., June 26, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter of May 3, the information you requested is listed as follows:
How many cotton producers are in your county: 482.
How many farmers in your county received less than 5 acres of cotton: 473.
How many new producers applied for acreage: 68.
How much acreage was there to distribute among the new producers in your county: 11.9.
How much did each get: 0.2 acre to 1 acre.
Did any receive zero acres: Yes.
What percent of the new producers do you regard as genuine farmers: 100.
How much in acres did the recent cotton amendment help your new producers: None; the old ones: None.
How many of your producers receiving less than 5 acres probably will grow no cotton: 25.
How many will cease to farm for themselves: None.

Very truly yours,
Q. D. WILSON,
Chairman, Calloway County Production and Marketing Administration Office.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Independence, Kans., June 23, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In answer to your letter of May 3, 1950, requesting cotton information for Montgomery County:
1. Cotton producers in Montgomery County: 12.
2. Allotments of less than 5 acres: 2.
3. Allotments requested for farms on which cotton had not been grown: 5.
4. Allotment to new farms on original listing: 3 farms, 15.3 acres; none received zero acres.
5. All new farmers are genuine farmers—new farms caused by tenants moving from farm with seeded history.
6. Cotton amendment released 32.4 acres for new farms; 10.8 acres for old farms.
7. All producers have received increases to 5 acres or more and don't believe any will cease farming on account of acreage allotment, although some hardship will be caused.

Very truly yours,
DALE O'BRIEN,
Secretary, County Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Colfax, La., April 18, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Reply is made to your memorandum of April 12, 1950:
Two hundred and eleven farmers in Grant Parish received 5 acres and less cotton acreage allotment.
Fifty-eight new growers applied for cotton acreage allotments.
One hundred and ninety-three acres was distributed to new growers in this parish.
We have 11 farmers in the parish who applied for new grower allotments after the closing date, February 15, 1950, who have not received, and in all probability will not receive, a 1950 cotton-acreage allotment.
All applicants are considered bona fide cotton farmers.

Yours very truly,
VICTOR A. ADAMS,
Parish Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Bastrop, La., May 9, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter of April 28, we submit the following information:
There are 1,154 cotton producers in this parish. One hundred and fourteen farmers received less than 5 acres. Five hundred and eighty-nine and four-tenths acres were distributed among 95 new producers with an average of 6.2 acres allotted to each. We regard all these producers as genuine farmers. New producers received no additional acreages under the recent cotton amendment while old producers received an increase of 1,579.2 acres. Twenty-five farmers receiving less than 5 acres probably will plant no cotton and fifteen of these will cease to farm for themselves.

Yours very truly,
ROY L. O'BRIEN,
Parish Administrative Officer, Morehouse Parish.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Denham Springs, La., May 10, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN BECKWORTH: We are enclosing the information you requested in your letter of April 28, according to the records we have in this office.
If we can be of further assistance to you, we will be glad to give you what information we can.

Yours very truly,
E. D. DIXON,
Parish Administrative Officer, Livingston Parish PMA.

1. How many cotton producers are in your county: 181.
2. How many farmers in your county received less than 5 acres of cotton: 138.
3. How many farmers in your county received 5 acres or more: 43.
4. How many new producers applied for acreage: 39.
5. How much acreage was there to distribute among the new growers in your county: 103.
6. How much did each get: 85 percent of requested allotment if not more than 3.8 acres of cotton.
7. Did any receive zero acres: 3 farms that filed after the closing date of February 15, 1950.
8. What percent of the new producers do you regard as genuine farmers: [Blank.].
9. How much in acres did the recent cotton amendment help your new producers: None.
10. How much in acres did the recent cotton amendment help your old producers: The minimum affected 4 farms but such a small amount that only one farmer applied for his minimum. Frozen acres released would not help as most of the farms in this county got their highest planted as their highest was under 5 acres.
11. How many of your producers receiving less than 5 acres probably will grow no cotton: Only seven released their acreage.
12. How many will cease to farm for themselves: [Blank.].

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Port Allen, La., May 8, 1950.

Representative LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN: The following is the information requested ir your letter of April 29.

Number of cotton producers in county: 190.
Farmers receiving less than 5 acres: 69.
Number of new producers who applied: 17.
Amount of acreage for new growers: 97.

The recent amendment did not help new growers in our county. Old growers received 19.0 acreas in additional allotments.

Yours truly,
E. D. DIXON,
Parish Administrative Officer, West Baton Rouge Parish.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
New Orleans, La., May 11, 1950.

HON. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: We are in receipt of your letter of April 24, 1950, requesting information about cotton producers in Orleans and Jefferson Parishes. We are furnishing the information as follows:

	Orleans Parish	Jefferson Parish
1. How many cotton producers are in your county?	2	1
2. How many farmers in your county received less than 5 acres of cotton?	0	1
3. How many new producers applied for acreage?	0	0
4. How much acreage was there to distribute among the new producers in your county?	0	0
5. How much did each get?	0	0
6. Did any receive zero acres?	No	No
7. What percent of the new producers do you regard as genuine farmers?	0	0
8. How much in acres did the recent cotton amendment help your new producers?	0	0
9. The old ones?	2.0	0
10. How many of your producers receiving less than 5 acres probably will grow no cotton?	0	0
11. How many will cease to farm for themselves?	0	0

Very truly yours,
JOHN L. HAYS,
Acting Secretary-Treasurer, Orleans and Jefferson PMA Committees.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Abbeville, La., May 10, 1950.

HON. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN: In reply to your letter of April 29, 1950 we wish to advise as follows:

1. There are 2,275 cotton farms in our county.

2. Of the 2,275 cotton farms in the county, 768 received less than 5 acres of allotment.

3. There are 44 new producers applying for cotton allotments.

4. These 44 new producers received a total of 193 acres of allotment, an average of 4.38 acres per farm.

5. One hundred percent of our new producers are considered genuine farmers.

6. The 65–45–40 provision of the recent cotton amendment did not help any of our farmers; however, the provision permitting the release of frozen or unused acreage helped considerably. Under this provision we were able to reapportion 137.4 acres to 50 of our cotton farms.

With hopes that the above information will be of assistance to you, I am,

Yours very truly,
GEORGE R. BOUDREAUX,
Parish Administrative Officer, Vermilion Parish PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Tallulah, La.

The enclosed is for your attention.

Yours very truly,
JAMES B. STEWART,
Parish Administrative Officer, Madison Parish ACA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Tallulah, La., May 3, 1950.

MR. LINDLEY BECKWORTH,
Washington, D. C.

DEAR SIR: Your inquiry "Committee Interstate and Foreign Commerce" dated April 28 re cotton producers and acreage.

Replies follow in same order as listed in your letter.

1: 750 cotton producers.
2: 18 received fewer than five acres.
3: 47 applicants for new ground allotments.
4: 284 acres distributed to new producers.
5. Varied around 46 allotted; low 2 acres, high 35 acres.
6: one zero.
7: 100 percent genuine producers.
8: no new producers helped by amended act.
9: approximately 600 acres.
10: anticipate all will plant.
11: none so far as we have learned.

Yours truly,
MADISON PARISH PMA COMMITTEE.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Plaquemine, La., May 2, 1950.

HON. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter of April 28 with regard to how the new amendment helped cotton growers in our parish, we wish to offer the following:

1. Number of producers in Iberville Parish: 256.

2. Number of farmers receiving less than 5 acres: 162.

3. Number of new producers applying: 29.

4. Acreage granted for new producers: 141.

5. Number of acres each received. (See attached.)

6. Number receiving zero acres: 3.

7. Percent of new growers regarded as genuine farmers: 100.

8. Number of acres by which new producers were helped by the new cotton amendment: 116.4.

9. Number of acres by which old producers were helped by the new cotton amendment: 49.9.

10. Number of producers receiving less than 5 acres who will probably have no cotton: 50.

11. Number who will cease to farm for themselves: None.

Yours very truly,
BERT J. OURSO,
Parish Administrative Officer, Iberville Parish PMA.

Number of acres each new producer received from 141 acres

Farm No.:	Allotment
B–1	4.0
B–22	3.0
B–29	6.0
B–31	3.8
B–2001	2.0
B–2002	2.0
D–7	3.0
D–52	3.0
D–1504	40.0
D–2001	3.0
D–2002	3.0
D–2003	3.0
G–62	3.0
G–85	6.1
G–87	4.0
G–101	5.0
G–2001	3.0
H–1	3.0
I–90	3.0
I–123	5.0
I–134	3.0
I–135	3.0
I–166	3.8
I–1001	6.5
I–2001	3.0
I–2002	3.8
G–92	10.0
B–109	0.0
B–2502	0.0
I–124	0.0

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Gulfport, Miss., July 24, 1950.

HON. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Some time back you wrote seeking information concerning cotton in this county. I am sorry not to have answered sooner, but have only now had the opportunity to do so.

We have only 37 farmers who received cotton allotments this year and only 1 of these planted cotton. Thirty-two of these thirty-seven received less than 5 acres of cotton. There were no new producers who applied for acreage, therefore, there was no acreage to distribute among new producers.

The recent cotton amendment did not help our old cotton farmers at all. Thirty-one of the producers receiving less than 5 acres will grow no cotton. None of the producers will cease to farm for themselves.

In this county the farmers have gone out of cotton production replacing it with other things, such as dairying, beef cattle, and tung. The most of our farmers were eligible for cotton because of war crops.

Very truly yours,
HUGH R. EGGERTON,
County Administrative Officer, Harrison County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Lucedale, Miss., May 4,, 1950.

HON. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In answer to your recent letter we wish to advise that we have 410 farmers in George County with cotton allotments, 130 of that amount being applicants for a new-producer allotment. There were 262 farmers receiving an allotment of less than 5 acres.

This county received 465.7 acres for the new producers, and as we were able to raise them up to 3.8 no matter what the factor gave them, the majority received the 3.8 allotment. None received zero allotments.

Most of the ones asking for new allotments had been doing war work and are now wanting to start up farming operations again.

The recent cotton amendment helped only 5.1 acres in this county on the old allotments but none on the new producers except that the released acreage for reapportionment will bring them up to 40 percent of their cropland.

Most of the ones who received allotments and did not release are intending to plant all they are allowed, but a few say that they did not receive enough to plant. Very few will cease to farm for themselves.

I hope this information will help you. Please feel free to call on us at any time.

Yours very truly,

B. ALTON GAVIN,
County Administrative Officer,
George County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Houston, Miss., May 6, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In answer to your letter of May 2 requesting information concerning cotton in our county, the information which you request is as follows:

1. Number of cotton farms in Chickasaw County: 1,800.

2. Number of farms receiving less than 5 acre allotment: 306 (this includes both new and old cotton farms).

3. Number of new producers applying for cotton: 135.

4. Acres distributed to new cotton growers: 595 acres.

5. Each new grower received approximately .1350 percent of his cropland.

6. Number receiving zero acres: 2.

7. Eighty percent of new growers are genuine farmers.

8. Amount in acres that recent cotton legislation helped (1) new producers: none, (2) old producers: unable to say exactly at present time, I would estimate about 2,000 acres.

9. Number of producers receiving less than 5-acre allotment that will not produce any cotton—about 10 or 15 percent.

10: Number that will cease to farm for themselves: unknown.

The information given above is approximately correct except for questions 8, 9, and 10 which is only an estimate at the present time.

Very truly yours,

JOHN H. GEORGE,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Pontotoc, Miss., May 8, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: I am in receipt of your letter of May 2, requesting certain information relative to farmers of Pontotoc County.

This is to advise that we are now in the process of compiling above information to send to the State office, and I suggest that you contact the State PMA office, Post Office Box 1251, Jackson, Miss.

Very truly yours,

NELSON G. KENNEDY,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Vicksburg, Miss., May 8, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In reply to your letter of May 2, please be advised that 781 farms in Warren County, Miss., and approximately 2,000 cotton producers (landlords, sharecroppers, and tenants) received a 1950 cotton allotment.

Sixty-seven farmers applied for new producer allotments and all applicants received an allotment. Each averaged 4.2 acres. The recent cotton-allotment legislation did not affect the new producers, and approximately 50 percent of the new producers may be regarded as genuine farmers.

Recent legislation increased 77 old cotton farms in this county by 728.5 acres. Approximately 12 percent of the producers received less than 5 acres and will grow no cotton this year. It is believed that none of these producers who own these farms will cease to farm.

The delay in answering your letter has been brought about by the fact that I was out of the office the latter part of last week attending a cotton-measuring school. Hoping that the above answers will be of assistance to you, I remain.

Sincerely yours,

WILBUR A. RIGBY,
County Administrative Officer,
Warren County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Cleveland, Miss., May 10, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Reference is made to your letter of May 6, 1950, requesting number of cotton producers in Bolivar County, Miss.

In 1949 there were 2,187 cotton-producing farms. In 1948 there were 2,100 cotton-producing farms. In 1947 there were 2,150 cotton-producing farms. For the year 1950 we have records on 2,350 cotton-producing farms. This increase in cotton farms can be accounted for mainly through farms that were not carried on our records before the acreage-control program came into effect and through divisions of existing cotton farms.

Therefore, the figures for the years 1947, 1948, and 1949 are probably not exact figures, but as nearly accurate as can be determined.

I hope this is the information that you desire and that you will feel free to call on us at any time that we can be of service to you.

Very truly yours,

JAMES M. SIMMONS,
County Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Wiggins, Miss., May 9, 1950.

LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: The following is the answer to your inquiry of May 2, 1950:

1. Number of cotton producers in Stone County: 117.

2. Number of farms receiving less than 5 acres of cotton: 96.

3. Number of new producers that applied for a cotton allotment: 14.

4. Acreage available for new producers. We received 32.7 acres from the State committee reserve for this purpose and there is more available but we have no applicants.

5. Each new producer got 3.0, 2.0, 1.5, 1.0, 1.0, 3.8, 3.0, 3.8, 1.0, 1.0, 1.0, 3.0, 3.8, 3.8 acres.

6. Number of new producers receiving zero acres: None.

7. Percent of new producers that we regard as genuine farmers: 40.

8. Number of acres that the recent cotton amendment gave to new growers: None.

9. Number of acres that the recent cotton amendment gave old growers: None.

(No one would apply for an increase).

10. Number of producers receiving less than 5 acres that will probably grow no cotton: 25.

11. Number of cotton farmers that will cease to farm for themselves: 0.

Very truly yours,

WALDO P. O'NEAL,
Chairman,
Stone County PMA Committee.

DEPARTMENT OF AGRICULTURE,
AGRICULTURAL ADJUSTMENT AGENCY,
Mosquero, N. Mex., May 8, 1950.

How many cotton producers are in your county: 9.

How many farmers in your county received less than 5 acres of cotton: 4.

How many new producers applied for acreage: None.

How much acreage was there to distribute among the new producers in your county: None.

How much did each get: None.

Did any receive zero acres: No.

What percent of the new producers do you regard as genuine farmers: None.

How much in acres did the recent cotton amendment help your new producers: None.

The old ones: None.

How many of your producers receiving less than 5 acres probably will grow no cotton: 4.

How many will cease to farm for themselves: 1.

LAURA MAE HAMMER,
Administrative Officer,
Harding County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Asheboro, N. C., May 8, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN: This is with reference to your letter of May 4, 1950 in which information concerning the 1950 cotton marketing quota was requested.

Below is listed the number of farms with 1950 cotton acreage allotments, etc., as requested.

Number cotton farms in county: 191.

Number farms receiving less than 5 acres: 175.

Number producers applied for acreage: 191.

Number acres available for new producers: 21.4.

Number acres each received: 4, 0.5 acre; 1, 0.9 acre; 1, 1.0 acre; 2, 1.3 acres; 3, 1.5 acres; 1, 1.4 acres; 2, 1.6 acres; 1, 2.0 acres; 1, 3.8 acres.

Total, 21.4 acres.

Number receiving zero acres: 1.

Percent of new growers genuine farmers: 100.

Number new producers recent cotton amendment helped: All.

Number old producers recent cotton amendment helped: None.

Number producers receiving less than 5 acres that will grow no cotton: Unknown.

Number producers that will cease farming: Unknown.

The 191 listed above as applying for cotton allotments is a total of all farms that were eligible for a 1950 allotment, either as an old grower or new grower. The new growers benefited when the county committee was authorized to go as high as 3.8 acres disregarding cropland factor. We have listed none as the number of old producers helped due to the recent cotton amendment, because all producers in this county received more acreage than the new amendment of 65 percent and 45 percent would give them when allotments were first established. We have listed the number of producers receiving less than 5 acres that will grow no cotton as unknown, because no acres were released for reissuance when producers were informed of this provision, therefore, we do

not know whether these acres will be planted or not.

Cotton has not been a problem in this county due to the producers going out of cotton production.

Yours very truly,

EUGENE I. CARROLL,
Secretary, Randolph County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Wilmington, N. C., May 8, 1950.

LINDLEY BECKWORTH,
Congressman, Washington, D. C.

DEAR SIR: In reply to your inquiry in regards to cotton producers, etc., letter May 5, 1950, I submit the following:

Cotton producers in New Hanover County: 20.

Farmers receiving less than 5 acres of cotton: 18.

Acres to distribute among new producers, 2.7.

Did not have any new applications since there was such a small acreage available.

There would have been 3 or 4 worth-while farmers had there been enough acreage to distribute worth considering.

The recent amendment too late for new growers to make plans, since there was not enough acreage for them to start plans for cotton earlier.

The old producers received in acres for adjustment (from released acreage): 13.7.

Those receiving less than 5 acres to grow no cotton: 8.

Those ceasing to farm for themselves: 3.

ALVARA B. NANCE,
New Hanover County PMA Secretary.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Poteau, Okla., April 17, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: in reply to your letter of April 15, we submit the following information.

In Le Flore County, 384 farms received less than 5 acres of cotton, and 1,713 farms received allotments of 5 acres or more. We had 35 new allotment farms and only received a total of 51 acres for these growers. This averages 1.5 acres per farm. We had no zero allotments, except five late requests which were filed after the dead-line date. We regard 100 percent of the new producers as genuine farmers.

We appreciate your interest and hope that this will give you the information that you desire. Please feel free to call on us at any time for information.

Very truly yours,

A. H. MILLER,
Chairman, Le Flore County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Duncan, Okla., April 17, 1950.

Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR MR. BECKWORTH: This is to acknowledge receipt of your letter to the Stephens County PMA Committee asking several questions in regard to the cotton allotments in this county.

1. There were 305 farmers in this county that received 1950 cotton allotments of 5 acres or less.

2. There were 63 farmers who applied for allotments under the new farm provision.

3. An allotment of 132 acres was issued to the county committee by the State committee for the establishment of new farm allotments. There is a provision now in effect giving the county committee authority to transfer from their reserve for lates, corrections, and reconstitutions, to this new farm allotment. The county committee in this county are now waiting approval of their lates, corrections, and reconstitutions, in order to ascertain how much reserve will remain to transfer. After this figure is determined they will then establish the new farm allotment.

4. It is felt by the county committee that all 63 applicants are cotton farmers but are now on farms which carry no cotton history.

5. It is not thought, by the committee, that any of the applicants will receive a zero allotment although all of them will of necessity be rather small.

It is hoped this is the information you desired. If there is additional information you would like, please call on the committee at any time.

Very truly yours,

Q. M. HIGHTOWER,
Secretary.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Atoka, Okla., April 19, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN: Below find the questions and answers for Atoka County that you asked in your letter of April 13, 1950.

How many farmers in your county received 5 acres of cotton or less? Answer: 659.

How many applied for new-growers acreage? Answer: 101.

How much acreage was there to distribute among the new producers in your county? Answer: 171.1 acres.

How much did each get? Answer: From 0 to 5.8 acres.

Did any receive zero? Answer: Yes; one.

What percent of the new producers do you regard as genuine farmers? Answer: About 50 percent.

If there is any other information that we could furnish you, we would be glad to do so.

Very truly yours,

C. H. SMITH,
Chairman, Atoka County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Nowata, Okla., May 8, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: This replies to your questionnaire dated May 5, 1950:

How many cotton producers are in your county: 121.

How many received less than 5 acres of cotton: 56.

How many new producers applied for acreage: 32.

How much acreage was there to distribute among the new producers: 77.

How much did each get: Average less than 2.5 acres each.

Did any receive zero acres: 4.

What percent of the new producers do you regard as genuine farmers: 95 percent.

How much in acres did the recent cotton amendment help your new producers: None.

How much did it help the old ones: 67.

How many of your producers receiving less than 5 acres probably will grow no cotton: 50 percent.

How many will cease to farm for themselves: None.

Yours very truly,

BILL E. FISHER,
County Administrative Officer, Nowata County.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Ardmore, Okla., May 9, 1950.

Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR MR. BECKWORTH: In reply to your inquiry of May 3, 1950, we submit the following information:

We have 735 old cotton farms; 154 of these receive less than 5-acre allotments because of the limitation of highest planted acreage. Eighty-eight producers requested new cotton allotments. We had only 142 acres to distribute to these new producers, making an average new allotment of 1.6 acres, with no zero allotments. All of these new-grower applicants are regarded as genuine farmers. No additional acreage was available for increase in new allotments because of the recent cotton amendment. Old growers received increases totaling 166.4 acres through the recent amendment. Very probably 25 or 30 percent of the producers receiving allotments of less than 5 acres will plant no cotton and a few may cease to farm for themselves.

The total cotton allotment available to Carter County this year is sufficient, if only the county committee had authority to distribute the acreage to farms where it would be planted.

Yours very truly,

A. B. DUKE,
Vice Chairman, Carter County Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Marietta, Okla., May 9, 1950.

Congressman LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN BECKWORTH: As requested in your letter of May 4 we have listed your questions as listed with the answers for Love County.

How many cotton producers are in your county: 1,166.

How many farmers in your county received less than 5 acres of cotton: 80.

How many new producers applied for acreage: 42.

How much acreage was there to distribute among the new producers in your county: 252.7 acres.

How much did each get: Allotments arranged for 2.5 acres up to 21.8 acres with 5.8 average for the 42 farms.

Did any receive zero allotments: No.

What percent of the new producers do you regard as genuine farmers: 90 percent.

How much in acres did the recent cotton amendment help your new producers: 15.6 acres, only 4 of the 42 new growers ask for additional acreage.

The old ones: 2,000 acres was released and reissued in this county.

How many of your producers receiving less than 5 acres probably will grow no cotton: We think all producers who did not drop their allotment will plant it this year.

How many will cease to farm for themselves: None.

Hoping this is the information you requested.

Yours truly,

U. OZEL COX,
Love County, Administrative Officer.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Knoxville, Tenn., May 9, 1950.

Hon. LINDLEY BECKWORTH,
Congress of the United States,
Washington, D. C.

DEAR MR. BECKWORTH: We only have five cotton producers in Knox County. Three

farmers in Knox County received allotments of less than 5 acres. One new producer applied for acreage. One and nine-tenths acre was available to distribute to new producers. One producer received the 1.9 acre. No new producer received zero acres.

Cotton is grown on a very small scale in Knox County. The recent cotton amendment did not in any way change either the old or the new producer.

We get no response at all from cotton correspondence from the office. This is a very minor detail in our county.

We hope this information will be of assistance to you.

Very truly yours,

O. A. SMITH,
Chairman, Knox County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Cleveland, Tenn., July 5, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIRS: There are 1,137 cotton producers in Bradley County. There are 670 who received less than 5-acre cotton allotments.

One hundred and forty-one producers applied for new cotton allotments and only 218 acres were available for distribution between the 141. These allotments range from 0.5 to 4.5 acres. We did not have any zero allotments. The new producers are regarded as 100-percent genuine farmers.

The recent cotton amendment helped our old growers 66.7 acres. There was 185 acres released from farms not planning to plant all of their allotment. This acreage was reallocated to other farmers in the county.

There are about 50 producers who received less than 5 acres allotment that will probably grow no cotton in 1950 and about 25 who will cease to farm for themselves.

Yours very truly,

GUS HARRIS,
Chairman, Bradley County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Benton, Tenn., June 27, 1950.

1. How many cotton producers are in your county: 521.

2. How many farmers in your county received less than 5 acres of cotton: 170.

3. How many new producers applied for acreage: 36.

4. How much acreage was there to distribute among the new producers in your county: 119.1.

5. How much did each get: 3.3 average.

6. Did any receive zero acreage: No.

7. What percent of the new growers do you regard as genuine farmers: 20 percent.

8. What percent of the old growers do you regard as genuine farmers: 90 percent.

9. How much in acres did the recent cotton amendment help your new producers: None.

10. How much in acres did the recent cotton amendment help your old producers: 15.2.

11. How many of your producers receiving less than 5 acres will probably grow no cotton: 40.

2. How many will cease to farm for themselves: 20.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Nashville, Tenn., April 24, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: We have your letter of April 12 in regard to cotton acreage in Davidson County, Nashville, Tenn.

We have only 11 cotton farms in Davidson County, 10 old cotton farms and one new grower. We had only one application for a new grower's allotment and he received 3.7 acres which was all we had for distribution. He has a small 6-acre farm but had grown so much cotton in Alabama in the past that he was going to plant at least 4 acres regardless of allotment.

Nine of the ten old cotton farms received five or less acres allotments.

We hope that this is the information which you desire and if we can be of further assistance in the future do not hesitate to write us.

Yours very truly,

W. K. RANSOM,
Chairman, Davidson County PMA Committee.

SMITHVILLE, TENN., *May 5, 1950.*

To: LINDLEY BECKWORTH, Washington, D. C.
From: DeKalb County PMA Committee.
Subject: Cotton statistics.

1. Number of cotton producers in DeKalb County: 95.

2. Number of cotton allotments in DeKalb County less than 5 acres: 95.

3. Number of producers applying for new cotton acreage: 4.

4. Acres of cotton distributed to new producers: 9.5.

5. Number of new producers receiving zero acres: none.

6. Number of new producers that are considered as genuine farmers: 4.

7. Number of acres the new cotton amendment helped (new growers): None.

8. Number of acres the new cotton amendment helped (old growers): None.

9. Producers with less than 5 acres cotton allotment that probably will grow no cotton: 30.

10. How many will cease to farm for themselves: None.

DEPARTMENT OF AGRICULTURE,
AGRICULTURAL ADJUSTMENT AGENCY,
Jasper, Tenn., May 5, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In regard to your letter dated May 2, 1950, concerning the cotton allotments for this county, we are listing the requested information.

There are 267 cotton producers in this county; 116 farmers in this county received less than 5 acres of cotton; 31 new producers applied for acreage. There was 65.6 acres to distribute among these new growers. The following are the allotments for the new producers in this county: 2.6; 5.0; 1.7; 2.0; 0.8; 1.9; 0.5; 2.5; 0.5; 1.7; 3.8; 3.7; 0.7; 1.5; 0.5; 0.2; 0.2; 1.2; 1.2; 9.7; 1.5; 0.8; 2.9; 2.9; 1.5; 3.7; 2.1; 5.0; 0.3; 1.1; and 1.9 acres. No new producer was given a zero acreage, in fact the above figures covers each request. About 75 percent of these new cotton growers are to be considered genuine farmers. The recent cotton amendment did not help the new producers any in this county. The old cotton growers were helped by 52.2 acres. A rough estimate would be that about 15 percent of the producers receiving less than 5 acres will grow no cotton. I believe that none of these farmers will cease to farm for themselves since a large majority of the farms in this county are small enough for the operator to be the same as the owner.

We trust that the above answers to your questions are the information that you needed from this county.

Yours very truly,

JACK COLLINS,
Chairman, PMA County Committee,
Marion County.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Lebanon, Tenn., May 5, 1950.

Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR SIR: Your letter, not addressed to any county, reached us today. It may have been intended for a Texas County. However in answer to your questions we are glad to give the following information on the 1950 cotton allotments for Wilson County, Tenn.:

Number of cotton farms: 43.
Number receiving less than 5 acres: 34.
New producer applications: 6.
Acreage to distribute: 13.6.
Number receiving zero: None.
Percentage regarded as genuine farmers: 100 percent.
Recent amendment helped how many new producers: None.
Old producers: None.
Estimated number that will not grow cotton: 7.
Estimated number that will cease farming: None.

Yours very truly,

F. K. WRIGHT,
Chairman, Wilson County PMA Committee.

DEPARTMENT OF AGRICULTURE,
AGRICULTURAL ADJUSTMENT AGENCY,
Spencer, Tenn., May 6, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Here are the answers to the questions in your letter of May 3, 1950, in regard to cotton producers of this county.

We have 23 cotton producers in our county; 16 farmers received less than 5 acres of cotton; 9 new producers applied for acreage. There were 27.5 acres to distribute among the new producers. The new producers that applied for acreage got from 1 to 5 acres. None of the new applicants received zero acres.

We regard about 90 percent of the new producers as genuine farmers.

The recent cotton amendment did not help any in acres for the new producers, nor the old ones.

We believe that about 10 percent of producers receiving less than 5 acres will grow no cotton. About 10 percent will cease to farm for themselves.

Yours very truly,

CHARLES E. KELL,
Chairman, Van Buren County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Shelbyville, Tenn., May 16, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: This is to acknowledge receipt of your letter of May 5, requesting certain cotton data from this county.

We are sorry to say that due to the heavy work load in the office we are unable to prepare this information for you at present.

If you should need this information later please contact us and we hope to be in a better position to furnish it.

Yours very truly,

J. F. SHARP,
Secretary, Bedford County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Nashville, Tenn., May 23, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: This will acknowledge receipt of your letter of May 17 request-

ing the number of producers who applied for additional cotton acreage by counties. We are listing below the counties in this State and the number of producers who requested additional acreage under the provisions of Public Law 471, Eighty-first Congress:

Bedford	5
Benton	140
Blount	0
Bradley	41
Cannon	0
Carroll	1,508
Chester	564
Coffee	31
Crockett	931
Davidson	1
Decatur	134
DeKalb	0
Dickson	0
Dyer	1,062
Fayette	104
Franklin	245
Gibson	1,950
Giles	542
Grundy	0
Hamilton	33
Hardeman	499
Hardin	358
Haywood	267
Henderson	523
Henry	450
Hickman	2
Humphreys	0
Knox	0
Lake	36
Lauderdale	576
Lawrence	772
Lewis	5
Lincoln	827
Loudon	0
McMinn	1
McNairy	783
Madison	295
Marion	21
Marshall	20
Maury	12
Meigs	21
Monroe	0
Montgomery	0
Moore	5
Obion	247
Perry	6
Polk	7
Rhea	0
Roane	1
Robertson	0
Rutherford	68
Sequatchie	0
Shelby	434
Stewart	0
Tipton	656
Van Buren	0
Warren	6
Wayne	158
Weakley	202
White	1
Williamson	1
Wilson	2

Assuring you that it has been a pleasure to serve you in this instance, I am

Yours very truly,

CARL FRY,
Chairman State PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING,
ADMINISTRATION,
Dresden, Tenn., May 9, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: We give you the following information relative to cotton production in Weakley County, Tenn., as requested in your inquiry of May 3:

Number cotton producers: 3,230.

Number farmers receiving less than five-acre allotments: 1,146.

Number new producers applied for acreage: 209.

Number acres distributed to new producers: 460.7.

How much did each get: .6464 (percent of request).

Number zero allotments: 40.

Percent new producers regarded as genuine farmers: 30 percent.

How much in acres did recent cotton amendment help new producers: None.

How much in acres did recent cotton amendment help old producers: 300 (review committee still in session).

How many producers receiving less than five acres will grow no cotton: 250.

How many will cease to farm for themselves: —.

G. B. FOWLER.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING
ADMINISTRATION,
Bolivar, Tenn., June 27, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In answer to your letter of May 2, we have now been authorized to go ahead in answer to your questions.

We have 2,172 cotton producers in this county. Three hundred and fifty farms received less than 5 acres of cotton. One hundred and fifteen farmers applied for new cotton allotment. There were 280.7 acres to distribute among new producers. They each received 0.58872 of their requested acreages. Cnly one received zero acres. About 60 percent are genuine farmers. The recent cotton amendment helped none of our new producers. The new amendment helped the old ones 1,439.4 acres. About 5 percent of our producers receiving less than 5 acres probably will grow no cotton. About 5 percent will cease to farm for themselves.

Sincerely,

B. T. LAKE,
Chairman, Hardeman
County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING
ADMINISTRATION,
Boydton, Va., June 30, 1950.

Mr. LINDLEY BECKWORTH,
Washington, D. C.,

DEAR SIR: In reply to your letter of May 3, 1950, and May 18, 1950, in regard to the cotton and peanut allotments in Mecklenburg County, Va. Enclosed are answers to your questions listed in order. We are sorry that we could not get this report to you sooner.

Very truly yours,

R. H. BEVELL,
Secretary, Mecklenburg
PMA County Committee.

COTTON ALLOTMENTS IN MECKLENBURG COUNTY, VA.

1. 1,171.
2. 865.
3. 59.
4. 82 on State level.
5. 0.1 to 0.4 acre.
6. None.
7. All.
8. 259.4.
9. 15.5.
10. 12 percent.
11. Very few.

PEANUT ALLOTMENTS IN MECKLENBURG COUNTY, VA.

1. Number peanuts produced: 72.
2. Do not know, peanuts minor crop in this county.
3. Not applicable since question No. 2 not answered.
4. 19 received allotments less than 2 acres.
5. Not any.
6. None.
7. 4.
8. 5.5.
9. 1 to 2 acres.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING
ADMINISTRATION,
Dinwiddie, Va., July 7, 1950.

Mr. LINDLEY BECKWORTH,
Member Congress,
Washington, D. C.

DEAR MR. BECKWORTH: Listed below you will please find the questions with applicable answers contained in your letter of May 3, 1950, requesting certain cotton data for Dinwiddie County, Va.:

1. How many cotton producers are in your county? Answer: Number allotments group I and II, 266.

2. How many farmers in your county received less than 5 acres of cotton? Answer: 258.

3. How many new producers applied for acreage? Answer: 26.

4. How much acreage was there to distribute among the new producers in your county? Answer: 2.9 acres.

5. How much did each get? Answer: About 0.1 acre.

6. Did any receive zero acres? Answer: No eligible new grower applicant received no allotment.

7. What percent of the new producers do you regard as genuine farmers? Answer: 100 percent.

8. How much in acres did the recent cotton amendment help your new producers? Answer: None.

9. The old ones? Answer: 26.1 acres.

10. How many of your producers receiving less than 5 acres probably will grow no cotton? Answer: 50 percent.

11. How many will cease to farm for themselves? Answer: None.

With best wishes, I am

Very truly yours,

F. W. YOUNG,
Secretary, Dinwiddie PMA County Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING
ADMINISTRATION,
Halifax, Va., June 28, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In reply to your letter of May 3, requesting information concerning cotton producers in Halifax County. I am listing below the questions asked and answers following each question:

Number of cotton producers in the county: 12.

Number of farmers receiving less than 5 acres of cotton: 12.

Number of new producers applying for new allotments: None.

Number of acres distributed among new growers in the county: Zero.

The number of acres given farmers under recent cotton amendments: Zero.

Number of farms expected not to grow any cotton for 1950: None.

I hope that I have answered the above questions clearly. There has been very little cotton grown in Halifax County since 1942 and most of the allotments were established from war-crop credits. It is the opinion of the county committee that Halifax County farmers will not grow cotton to any large extent since they are unable to produce large enough yields to grow it profitably.

Very truly yours,

W. W. HANKINS, Jr.,
Secretary, Halifax PMA County Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING
ADMINISTRATION,
Princess Anne, Va., May 8, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

MY DEAR MR. BECKWORTH: In our county there are fifteen cotton producers, all of

these having less than 5 acres. There were no applications for new producers. We understand that there will be applications for new producers in 1951.

The recent cotton amendment did not help our old producers. We think that all producers receiving less than 5 acres will grow cotton and they will continue to farm for themselves.

Very truly yours,
LUCILLE A. BASS,
Secretary, Princess Anne PMA County Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Lawrenceville, Va., June 30, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives, Washington, D. C.

DEAR MR. BECKWORTH: In reply to your letter of May 3, in regard to cotton acreage in Brunswick County:

1. Number of growers: 1,446.
2. Less than 5 acres: 1,151.
3. New growers: 79.
4. Divided among them: 10.3 acres.
5. Each got: From 0.1 to 0.4 acre.
6. Zero allotment: None.
7. Regarded as genuine farmers: 50 percent.
8. Amendment helped new producers: None; old ones, 359.3 acres.
9. Will grow no cotton that received less than 5 acres: 150.

Yours truly,
W. P. HOUSE,
Secretary, Brunswick PMA County Committee.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 3132)

(To accompany H. R. 5372)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Bill (H. R. 5372) to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and of Standing Rock Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment insert the following:

"That the Chief of Engineers, Department of the Army, jointly with the Secretary of the Interior, representing the United States of America, are hereby authorized and directed to negotiate contracts containing the provisions outlined herein separately with the Sioux Indians of the Cheyenne River Reservation in South Dakota and with the Sioux Indians of the Standing Rock Reservation in South Dakota and North Dakota, through representatives of the two tribes appointed for this purpose by their tribal councils.

"SEC. 2. The contracts made pursuant to section 1 of this Act shall—

"(a) convey to the United States the title to all tribal, allotted, assigned, and inherited lands or interests therein belonging to the Indians of each tribe required by the United States for the reservoir to be created by the construction of the dam across the Missouri River in South Dakota, to be known as Oahe Dam, including such lands along the margin of said reservoir as may be required by the Chief of Engineers, United States Army, for the protection, development, and use of said reservoir: *Provided*, That the date on which the contract is signed by Chief of Engineers, United States Army, and the Secretary of the Interior shall be the date of taking by the United States for purposes of determining the ownership of the Indian tribal, allotted, and assigned lands conveyed thereby to the United States, subject to the determinations and the payments to be made as hereinafter provided for;

"(b) provide for the payment of—

"(1) just compensation for lands and improvements and interests therein, conveyed pursuant to subsection (a);

"(2) costs of relocating and reestablishing the tribe and the members of each tribe who reside upon such lands so that their economic, social, religious, and community life can be reestablished and protected: *Provided*, That such costs of relocating and reestablishing the tribe and the members of each tribe who reside upon such lands shall not result in double compensation for lands and properties to the tribe and members of each tribe; and

"(3) costs of relocating and reestablishing Indian cemeteries, tribal monuments, and shrines located upon such lands;

"(c) provide that just compensation for the lands of individual members of such tribes, who reject the appraisal covering their individual property, shall be judicially determined in proceedings instituted for such purpose by the Department of the Army in the United States district court for the district in which the lands are situated;

"(d) provide a schedule of dates for the orderly removal of the Indians and their personal property situated within the taking area of the Oahe Reservoir within the respective reservations: *Provided*, That the Chief of Engineers shall have primary and final responsibility in negotiating concerning the matters set out in the foregoing paragraphs (a) and (b) hereof;

"(e) provide for the final and complete settlement of all claims by the Indians and tribes described in section 1 of this Act against the United States arising because of construction of the Oahe project.

"SEC. 3. To assist the negotiators in arriving at the amount of just compensation as provided herein in section 2 (b) (1), the Secretary of the Interior or his duly authorized representative and the Chief of Engineers, Department of the Army, or his duly authorized representative shall cause to be prepared an appraisal schedule on an individual tract basis of the tribal, allotted, and assigned lands, including heirship interests therein, located within the taking areas of the respective reservations. In the preparation thereof, they shall determine the fair market value of the lands, giving full and proper weight to the following elements of appraisal: Improvements, severance damage, standing timber, mineral rights, and the uses to which the lands are reasonably adapted. They shall transmit the schedules to the representatives of the tribes appointed to negotiate a contract, which schedules shall be used as a basis for determining the amount of just compensation to be included in the contracts for the elements of damages set out in section 2 hereof.

"SEC. 4. The specification in sections 2 and 3 hereof of certain provisions to be included in each contract shall not operate to preclude the inclusion in such contracts of other provisions beneficial to the Indians who are parties to such contracts.

"SEC. 5. (a) The contracts negotiated and approved pursuant to this Act shall be submitted to the Congress within eighteen months from and after the date of enactment of this Act.

"(b) No such contract shall take effect until it shall have been ratified by Act of Congress and ratified in writing by three-quarters of the adult members of the two respective tribes designated in Section 1 hereof, separately, within nine months from the date of the Act ratifying each said contract: *Provided*, That in the event the negotiating parties designated by Section 1 of this Act are unable to agree on any item or provision in the proposed contracts, said items or provisions shall be reported separately to the Congress as an appendix to each contract, and shall set out the provisions in dispute as proposed by the advocates thereof for consideration and determination by the Congress.

"SEC. 6. Nothing in this Act shall be construed to restrict the orderly prosecution of the construction or delay the completion of the Oahe Dam to provide protection from floods on the Missouri River."

And the Senate agree to the same.

J. HARDIN PETERSON,
TOBY MORRIS,
WESLEY A. D'EWART,
Managers on the Part of the House.

ERNEST W. MCFARLAND,
HUGH BUTLER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (H. R. 5372) to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and of Standing Rock Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amended the bill, as passed the House, by striking all after the enacting clause and inserting in lieu thereof that language as is contained in the bill agreed to by the conferees, except that in section 5 (b) the following language was inserted: "and ratified in writing by three-quarters of the adult members of the two respective tribes designated in Section 1 hereof, separately, within nine months from the date of the Act ratifying each said contract: *Provided*, That in the event the negotiating parties designated by Section 1 of this Act are unable to agree on any item or provision in the proposed contracts, said items or provisions shall be reported separately to the Congress as an appendix to each contract, and shall set out the provisions in dispute as proposed by the advocates thereof for consideration and determination by the Congress."

J. HARDIN PETERSON,
TOBY MORRIS,
WESLEY A. D'EWART,
Managers on the Part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SOIL CONSERVATION

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the farmer has begun to take his place as one of the most important cogs in American industrial and economic life. It has been said, and I believe it is true, that unless the farmer, and by that I mean all kinds, has prosperity we will experience a great depression in this country, if not throughout the world. Therefore, since this has become a recognized fact, I believe it is up to all segments of American society to see that the farmer is able to make a decent and living wage, to clothe and educate his family, and live on a plane equal to any other segment of our society.

I think this Congress and future Congresses should do more to consider the small farmers of the Nation, because these problems hit him and his family harder than the big land owners. Perhaps he just raises a few hogs, cattle, or sheep for the market, or perhaps some grains or vegetables. However, when we take the combined efforts of these small contributions and add them together several million times, because we do have at least four or five millions of these small farmers, their combined products are enormous. I believe their economic life has much more bearing on the welfare of the Nation than do the large farms of the Nation. One way certainly to be thinking of helping them is in terms of soil conservation.

Today we think in terms of utter destruction by the atom bomb, but how few of us realize the inestimable amount of soil that is removed in a few hours by a flooding rain. Soil that required many centuries to form and by which the people of the world subsist, the beginning and ending of all life.

Something must be done, and done quickly, if we hope to preserve for ourselves and for future generations the oldest possession in the world—the soil. If we are to continue as the world's greatest agricultural land, then we must at once put into operation a rigid system of soil-saving operations. Since the beginning of time we have been making a living off the land, but we have been neglectful in protecting the land. Soil and water is the foundation of America, for everything we do is built from the productivity of our agricultural lands. No one needs to be reminded of the importance of our water resources. We need a soil-conservation program which will be of lasting benefit to the farmer and to every American. We need a program which will assist in helping our citizens to make proper use of their soil and water resources and do the job in the shortest possible time.

No nation has ever despoiled as beautiful and wonderful a country as ours in so short a time. History is repeating itself. We are traveling the same road that the great nations of antiquity traveled before us, but at a much faster rate. We are destroying in decades what it took them centuries to devastate. They did not have tractors, modern plows, discs, and tillage implements that we have. We are going forward at a rapid rate of speed in our depletion and devastation. Yet, only a few of our people are alarmed or concerned over the fact that one-half of our original topsoil is already gone and we will probably lose the rest in less time than it took to destroy the first half.

In many parts of our country where once lay heavy, black, rich soil, now you see the yellow soil coming through. We must have a Nation-wide cooperative effort to stop this devastation. This is not just a farmer's problem—it is everybody's problem. From all strata of our society we must start thinking and working at this job of conserving our national resources.

It takes from 200 to 800 years to build 1 inch of topsoil. But this topsoil could be washed or blown away in a few years, or even a few weeks, if the areas are flooded or duststorms occur often and the soil is unprotected.

All Americans must awaken and realize the importance of these factors to life and living. We must, therefore, preserve soil, water, wildlife, forestry, and human life.

Conservation movements are results of scientific developments and a desire to prevent waste and make the most of nature's gifts. It is an attempt to prevent destruction and exploitation and to conserve for the bad years. It is important to man's existence.

The farmers in the United States have been called upon during the past 30 years to produce food to win two wars, and food for civilian population of foreign countries, both allies and conquered. Had it not been for our soil-conservation program we could not have met our goal during these times of emergency.

We know that farmers themselves are best qualified to administer their own national conservation program on a local and community level.

We must have a legislative and administrative program to insure a more stable income for our farmers; increase the speed and quality of soil-conservation work in the Nation, while strengthening the farmer-managed institutions engaged in such work. Above all, we must put into effect a program to put our agricultural house in order for any national or international emergency.

A productive and prosperous agriculture is a must for the Nation's prosperity. The wealth of our Nation is wholly dependent upon the productivity of our soil.

In insuring a more stable income for our farmers, we will in turn insure an adequate and stable income for workers, business, and industry. Man has never been conscious of the rate at which his misuse has depleted the very thing that gave him life and in the absence of which he cannot expect to exist.

We need a national conservation survey, a conservation timetable, and technical assistance to help in effecting proper land use and conservation treatment to be made available to all farmers. To encourage proper use and conservation of our agricultural resources, land-use conversion, soil-conserving, and soil-building payments and grants-in-aid should be made available.

Soil erosion has been, and is, one of the most wasteful situations in the history of the world. If we face the problem squarely we can meet it and save our country from destruction. The only way to insure the prosperity of the people of our great Nation is to conserve its soil—its most important resource.

On June 26, 1950, when the Commodity Credit bill was before the Senate the vote was 35 to 35, with the Vice President casting the deciding vote to save this important farm-price-support program.

It was interesting to me to note that every Republican present, along with three Democrats, voted to kill the measure which has been a great instrument in putting our farmers on the level with other segments of our society.

It is also interesting to note that 35 Democrats voted for the measure and it was a Democratic Vice President, ALBEN BARKLEY, who voted to break the tie and save the disintegration of our farm program and chaos in the Nation.

This should prove once and for all to any thinking man or woman in the Nation which party is in favor of legislation helpful to the farmer.

These are the facts. Let us look at the record and decide. I was happy to have voted for the bill and work for its passage when it was before the House.

THE SCREENING OF SEAMEN

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, under the guise of a national emergency—which, incidentally, has never officially been declared—the United States Coast Guard has instituted the return of the blacklist to employment at sea. The Coast Guard claims that it is screening seamen and other maritime personnel for security risks. They have published no regulations, given no outline of their procedure, and have no standards except their own dogmatic and arbitrary determination of what constitutes a security risk.

The Coast Guard has thus given union-busting employers the perfect weapon for returning the dread blacklist to employment at sea. That blacklist has been used in the past to break unions and to discriminate, particularly against Negro and Puerto Rican seamen, in the interests of keeping the open shop at sea. Powerful unions, such as the NMU, the Marine Cooks & Stewards, and the ILWU have made big strides toward breaking down irregular employment at sea and establishing the principle of union hiring halls, probably the greatest advance in labor relations for maritime workers.

The Coast Guard's screening tests completely break down this tremendous advance of the seamen's unions. It returns not only the blacklist, but the open

shop and the most arrogant discrimination in the interest of establishing company unionism at sea. It is perfectly obvious that the Coast Guard, which for many years has worked closely with anti-union shopowners, will use the screening tests to screen out the most active and militant seamen and to bring back discrimination.

This has already happened. It is no accident that three-fourths of the NMU members who have been screened out of ships are Negro or Puerto Rican members, particularly those who have held key jobs aboard passenger vessels. Thus a union which in the past has built itself by wiping out discrimination and uniting white and Negro workers is being destroyed by the Coast Guard's lily-white screening. Unfortunately there are elements in the NMU leadership, which encourage this device in order to root out rank and file opposition to their arbitrary leadership.

The seamen defer to no group in their patriotism. As everyone knows, the members of the maritime unions sustained a higher rate of casualty during the war than any group of the Armed Forces—bar none. These men do not have to prove their patriotism. They surely do not deserve such arbitrary treatment at the hands of the Coast Guard or any other agency of Government.

On the west coast, the members of the Marine Cooks & Stewards Union have been particularly subject to this infamous blacklisting procedure. The papers of marine personnel have been confiscated by the Coast Guard. Cooks and stewards have been unceremoniously removed from ships. They have been given no hearing. It is perfectly apparent from case after case, in no way remotely connected with security, that members of the union are being kicked off the ships simply because they are militant union men. A leading member of the union was blacklisted off the steamship *Alaska* prior to a passenger tourist trip to Alaska. What security risk could have been involved in this pleasure trip, if the same member of the union was permitted to buy a ticket and sail on the cruise as a passenger?

The shipowners, hiding behind the flag, super-dollar-patriots all, work hand in glove with the Coast Guard to eliminate militant seamen. This is their golden day—the chance to push seamen's working conditions back to the good old days by the blacklist and union busting.

PERMISSION TO ADDRESS THE HOUSE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a report from the Citizens Committee for the Hoover Report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

[Mr. BROWN of Ohio addressed the House. His remarks appear in the Appendix.]

WE NEED A LONG-RANGE SHIPBUILDING PROGRAM TO END THE FEAST-AND-FAMINE EXISTENCE OF THE SHIPBUILDING INDUSTRY

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey [Mr. WOLVERTON]?

There was no objection.

Mr. WOLVERTON. Mr. Speaker, the situation that exists in our Nation's shipyards is one that demands immediate relief. Shipyards that have had useful careers have had to close their gates because of lack of work. Thousands of shipworkers have been turned loose to shift for themselves. Organizations that have taken years to build into efficient working forces have been disseminated. They are lost to the shipbuilding industry. They have gone into other industries that give promise of greater continuity of work.

The shipbuilding industry in this country has been on a feast-and-famine basis so often since World War I that it is fast losing its appeal to the skilled worker as a means of livelihood. We never seem to learn. During World War I the industry was revived only after long delay and at great additional cost to the Government and the taxpayers. When the war emergency was over we permitted it to deteriorate until it became almost a dead industry. When World War II came upon us it was again necessary to revive it. It had to be built up from the very bottom. The resultant delay and the additional cost was again experienced. As soon as World War II was over our shipbuilding forces were again disbanded. With the exception of a few contracts, in a small number of shipyards, there was no work for most of the yards. Now, in the face of another emergency we are caught with no ready plans for an adequate shipbuilding program. I repeat, when will we ever learn?

The provoking part of the whole matter is, that while our Nation has been sleeping on the job, other nations have been awake. They have been and are now building like mad. The very nations who are depending upon us for financial aid are building ships. Why can't we use some of this money to build ships in this country. Surely we have obligations at home as well as abroad.

Today, while I am speaking to you, 3,000 shipworkers at the Camden, N. J., plant of the New York Shipbuilding Co., are walking the streets without work. They were suddenly stripped of their jobs, during the last few days, because the present war emergency has necessitated a change of plans. Why isn't there a shipbuilding policy that will contemplate contingencies instead of waiting until the emergency is upon us?

What this Nation needs is an awakening from its Rip Van Winkle slumber, a realization of the need of ships, and, the adoption of a long-range policy that will put our shipbuilding industry on a permanent basis rather than a feast and famine existence.

HON. FRANK KEEFE

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. Mr. Speaker, in recent years no Member of the House has been more active and interested in general legislation than the gentleman from Wisconsin [Mr. KEEFE], who some months ago announced he would not stand for reelection in 1950. This was a shock to all of us; however, we well know that FRANK KEEFE's retirement from Congress meant he would logically be a candidate for Governor or United States Senator from Wisconsin. This feeling was general, and I might say was the accepted fact in the House.

FRANK KEEFE is an indefatigable worker and there is so much work to do in Washington, but even one of his powerful physique feels the impact. As a conscientious member of the great Appropriations Committee, few, if any men in the House knew more about the housekeeping, the efficiency and the expense of all Federal Government projects and operations. He was a walking encyclopedia so far as Presidential budgets were concerned. He would not heed the advice of friends that no man could continue long at the pace he was going. The natural result followed, and Mr. KEEFE is now convalescing from a serious heart attack, as we are advised. We all anticipate his complete recovery. If our hopes are realized, we are sure that FRANK KEEFE's public service has not ended. He has the ability; he has the know-how; and he would be a valuable asset to the United States Senate.

Mr. KEEFE received his law degree from the University of Michigan at Ann Arbor. We of Michigan are especially interested in him and, I might say, very proud of him.

The entire Membership of the House is praying for Mr. KEEFE's speedy recovery and hopes the future brings him success, happiness, and satisfaction.

HON. ALBERT J. ENGEL

Mr. MICHENER. Mr. Speaker, the Eighty-second Congress will not seem quite the same without that hard-working, energetic, effective, and outstanding member of the Appropriations Committee in the House, ALBERT J. ENGEL, of Michigan.

Mr. ENGEL has saved the Nation literally millions of dollars because of his aggressiveness and penetrating tenacity in his determination to reduce the taxpayers' burdens. As a member of the Committee on Appropriations, he never supported an appropriation that in his opinion was not absolutely essential to the carrying on of the Government and adequately defending that same Government to which he, along with all other citizens, owed so much. His position on the committee has been such that his judgment and his approval or disapproval of Presidential budgets carried much weight. In short, when an appro-

priations bill was before the Congress, the common query from the membership was: "What does ENGEL think about this appropriation?"

Albert was never a political partisan in making legislative decisions. With a long and outstanding career in the State senate, he came to Washington to do a job and the CONGRESSIONAL RECORD is replete in recording his accomplishments. He is a young man and he leaves the Congress of his own volition, but we have his assurance he will carry on in his own State of Michigan to the end that there be clean, efficient, adequate, and economical administration of public affairs. It is a foregone conclusion that he will be heard from in the future.

HON. ROBERT F. RICH

Mr. MICHENER. Mr. Speaker, the fall of the gavel at the close of the Eighty-first Congress will terminate the congressional career of Representative ROBERT RICH, of Pennsylvania. I am sure those who have served in Congress with Mr. RICH and who are in the Eighty-second Congress will miss him much.

There is only one BOB RICH. A genuine Christian gentleman, he is as unique as he is sound, forthright, courageous, able, and conscientious. As a businessman, he was a splendid success in industry. He had met and knew how to meet payrolls in good times and bad times. When he came to Congress, he was apparently immune to the spend and spend, and elect and elect fever. Whenever money was to be spent by the Federal Government that was not absolutely necessary in the public interest, Bob's temperature rose. The Congress always knew when the boiling point was reached because then and there he shouted his familiar slogan: "Where are you going to get the money"? Bob knew he could not run his factory in Pennsylvania indefinitely without a "pay as you go" policy. To him industry, long hours, and thrift were still words of virtue. He used them often and he always meant what he said. I generally agreed with him; however, he was always tolerant of the views of others, and he is one of those men who can disagree without being disagreeable.

Bob is not the only member of the Rich family who will be missed in Washington. When he first joined us, he brought with him a charming wife and four daughters, all of whom were popular and active in Washington circles. The daughters are now married and Bob is proud at the least provocation to tell about the grandchildren.

It is regrettable that Mrs. Rich's health has been such that Bob feels called upon to voluntarily relinquish his congressional duties. His decisions are always buttressed by reasons which seem to him sufficient, and when he retires to his domain in Woolrich, Pa., we all wish for him and the good wife many years of happiness and good health. Those who know BOB RICH are sure he will not sit by the roadside and watch the the world go by, but will carry on as a leader in his community and continue to make this a better world in which to live.

Good luck, Bob, and God bless you.

UNITED NATIONS

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a pamphlet on the United Nations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, many people have asked me to give them some idea of just how the United Nations operates—what it is, what it does, and how it works. Recently the Lions Club of America sent me a pamphlet which explains the United Nations in very concise and clear terms, and explains what it is and what it does and how it works.

(The pamphlet is as follows:)

UNITED NATIONS—WHAT IT IS, WHAT IT DOES, HOW IT WORKS

The great majority of mankind—at that time some 1,700,000,000 people represented by the delegates of 50 nations—resolved on June 26, 1945, "to combine our efforts" to make a secure and better world through "an international organization to be known as the United Nations." On that day, at San Francisco, they signed the Charter.

Some weeks later, Poland signed in a space reserved for her, as she had been an original signatory of the United Nations Declaration in 1942, but had been unable to participate in the Conference. In 1946, four other nations were admitted; in 1947, two; and in 1948 and 1949, one each, bringing the total to 59.

To maintain international peace and security; to develop friendly relations among nations based on the equal rights and self-determination of peoples and to take other appropriate measures to strengthen peace; to achieve cooperation in solving international economic, social, cultural, and humanitarian problems and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction of race, sex, language, or religion; to be a center for harmonizing the actions of nations in achieving these ends: these are the purposes of the United Nations.

The United Nations is founded on these basic principles:

All member states are sovereign and equal.

All are pledged to fulfill their obligations under the Charter in good faith.

All are pledged to settle their disputes by peaceful means and in such manner as not to endanger peace, security, and justice.

In its international relations no member shall use or threaten force against the territory and political independence of any state or behave in any manner inconsistent with the purposes of the United Nations.

All are pledged to give every assistance to the United Nations when, in accordance with the Charter, it takes any action, and also not to give assistance to any state against which the United Nations is taking action to preserve or restore peace.

So far as it is necessary to preserve peace and security, the organization shall ensure that countries which are not members shall also act in accordance with the principles of the Charter.

The United Nations shall not intervene in matters which are essentially within the domestic jurisdiction of any state except when it is acting to enforce the peace.

Membership in the United Nations is open to all peace-loving states which accept the obligations of the Charter and are judged by the organization to be able and willing to carry out these obligations.

With a scope fully as extensive as the whole range of international relations, the United Nations had necessarily to be organized as a group of bodies and the Charter therefore created six "principal organs."

These are the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the Secretariat.

THE GENERAL ASSEMBLY

The main deliberative organ of the United Nations and the nearest equivalent yet to a parliament of man is the General Assembly. Meeting usually once a year, the General Assembly has the right to discuss and make recommendations on all matters within the scope of the Charter. It also has the right to discuss the powers and functions of all other organs. It initiates studies and makes recommendations to member states and to other organs for promoting international cooperation in political, social, economic, cultural, educational and health matters.

All member states are represented in the General Assembly, and each has one vote though it may send as many as five representatives to the sessions. On ordinary matters, the Assembly reaches its decisions by a simple majority of those present and voting, and on important matters, by a two-thirds majority.

The one exception to the Assembly's powers to make recommendations arises when the Security Council is dealing with a dispute or situation. In this event, the Assembly may discuss the matter but cannot make a recommendation unless requested to do so by the Council.

The Assembly's power to discuss the working and functions of the other organs gives it a central position in the organization. All the organs of the United Nations, including the Security Council, submit annual and special reports to the General Assembly whose duty it is to consider these reports. The Assembly further elects the six nonpermanent members of the Security Council, all the 18 members of the Economic and Social Council, and a varying number of members of the Trusteeship Council. Voting independently, the General Assembly and the Security Council elect the judges of the International Court of Justice. Upon the recommendation of the Security Council the General Assembly admits new members and appoints the Secretary-General who controls the Secretariat.

It is the General Assembly which holds the purse strings, for it considers and approves the budget of the whole organization and apportions the expenses among the member states. The United Nations is maintained by contributions from its members.

THE SECURITY COUNCIL

Eleven members, five of them permanent and six elected by the General Assembly, compose the Security Council, the organ on which member states have conferred primary responsibility for maintaining peace and security. In performing its functions the Security Council acts on behalf of the member states, all of whom have agreed to accept and carry out its decisions.

The five permanent members are China, France, the U. S. S. R., the United Kingdom, and the United States. The nonpermanent members are elected by the General Assembly for 2-year terms, and are not eligible for immediate reelection.

Each member of the Security Council has one vote. Decisions on procedural matters are made by an affirmative vote of at least 7 of the 11 members. Decisions on substantive matters also require only seven votes, but these seven must include the concurring votes of all the five permanent members: This is the rule of "Great Power unanimity," popularly referred to as the "veto." When the council is taking measures for pacific settlement, a party to the dispute must abstain from voting.

Because the maintenance of peace requires constant vigilance and may call for prompt

action, the Security Council is in permanent session and generally meets at least once a fortnight. Should it so decide, the Council may hold its meetings at places other than headquarters.

The Security Council has the right to investigate any dispute or situation which might lead to friction between two or more countries, and such disputes or situations may be brought to the Council's attention either by one of its members, by any member state, by the General Assembly, or by the Secretary-General, or even, under certain conditions, by a state which is not a member of the United Nations.

It has the right to recommend ways and means of peaceful settlement and, in certain circumstances, the actual terms of settlement.

In the event of a threat to or breach of peace or an act of aggression, the Security Council has powers to take enforcement measures in order to restore peace and security. These include severance of communications, of economic and diplomatic relations and, if required, action by air, land, and sea forces.

All members of the United Nations are pledged by the Charter to make available to the Security Council on its call and in accordance with special agreements, the armed forces, assistance and facilities necessary to maintain peace and security. (These agreements are yet to be negotiated.)

Under the Security Council is a military staff committee, composed of the chiefs of staff of the five permanent members or their representatives, which advises and assists the Council on all military matters.

The General Assembly established in January 1946 an Atomic Energy Commission which works under the directions of the Security Council.

In February 1947 the Security Council established a Commission on Conventional Armaments.

THE ECONOMIC AND SOCIAL COUNCIL

Working under the authority of the General Assembly, the Economic and Social Council seeks to build a world of greater prosperity, stability and justice.

It makes studies, reports and recommendations on international economic, social, cultural, educational, health and related matters and also with respect to human rights and fundamental freedoms for all. It prepares draft conventions on these subjects for submission to the General Assembly. It calls international conferences when needed. It gives information and assistance to the Security Council as required and, with the approval of the General Assembly, performs services within its scope for member States.

Composed of 18 member states elected by the General Assembly, the Economic and Social Council meets as often as is required to perform its duties. It arrives at its decisions by a majority of those present and voting.

Even before the founding of the United Nations, several intergovernmental agencies were at work to deal with specific problems. Some of these have been in existence for many years, such as the International Labor Organization, founded in 1919. Others, like the United Nations Food and Agriculture Organization, were established after World War II. It is one of the important tasks of the Economic and Social Council to bring these organizations, called "Specialized Agencies," into relationship with the United Nations by negotiated agreements and to coordinate their activities.

New specialized agencies may become necessary to deal with special problems and, in that case, it is the Economic and Social Council which initiates the negotiations to bring them into existence.

In order to help it discharge its functions, the Economic and Social Council appoints Commissions to deal with particular aspects of its work. These Commissions are small bodies of international authorities on special subjects, and they give expert advice to the council. New commissions may be created by the council as required.

Representatives of the Specialized Agencies participate without vote in the proceedings of the Economic and Social Council. The council also makes consultative arrangements with approved voluntary or nongovernmental organizations.

THE TRUSTEESHIP COUNCIL AND NON-SELF-GOVERNING TERRITORIES

In an article of profound significance, the Charter proclaims two principles with respect to countries which have not yet attained self-government. The interests of the inhabitants of these areas are paramount, the declaration says, and member states which administer such areas accept certain obligations as a sacred trust—obligations to promote political, economic, social, and educational advancements; to provide just treatment and a protection against abuses; to develop self-government; to further international peace and security; and to encourage constructive development.

In accordance with this declaration, member states which administer non-self-governing territories transmit reports to the Secretary-General on conditions in these territories. These reports are studied and analyzed, and come up for discussion before the General Assembly and other organs so that the world is fully apprised of progress in these areas.

The Charter also sets up a trusteeship system for the administration and supervision of territories which are placed under the system by member states. Each member placing a territory under the trusteeship system submits a trust agreement. The agreement may designate the member country, any other country, or the United Nations as the administering power to administer the area under the terms of the trust agreement. These terms have to be agreed upon by the states directly concerned and to be approved by the General Assembly or, in the case of areas designated as strategic, by the Security Council.

The Trusteeship Council, which operates under the authority of the General Assembly, is the principal organ which performs these functions. As regards the strategic areas, the Security Council has to avail itself of the assistance of the Trusteeship Council on political, economic, social, and educational matters.

The Trusteeship Council is composed of (1) member countries administering trust territories; (2) permanent members of the Security Council which are not administering trust territories; and (3) as many other members (elected for 3-year terms by the General Assembly) as may be necessary to ensure equality in numbers between administering and non-administering members.

The Trusteeship Council considers reports submitted by the administering authority. It accepts petitions and examines them in consultation with the authority. It may provide for periodic visits to the trust territories, and takes other measures in conformity with the terms of trusteeship agreements.

THE INTERNATIONAL COURT OF JUSTICE

The principal judicial organ of the United Nations is the International Court of Justice which sits at The Hague in Holland. Fifteen judges elected independently by the Security Council and the General Assembly compose the Court.

The Court functions under a statute which is a part of the Charter of the United Nations, and every member state of the United Nations, therefore, has automatic access to the Court. Every member is also pledged to comply with the decisions of the Court in any case to which it is a party.

The jurisdiction of the Court comprises all cases which the parties refer to it, and all matters specially provided for in the Charter or in treaties and conventions in force.

In addition to judging legal disputes which are submitted to it, the Court performs an important function in giving advisory opinions on legal matters which are referred to it by the General Assembly, the Security Council, and other organs and Specialized Agencies which are authorized by the General Assembly.

THE SECRETARIAT

The vast administrative functions of the United Nations are performed by the sixth principal organ, the Secretariat, the agency which, working the year round, services the other organs and administers the programs and policies laid down by them. At its head is the Secretary-General, who is appointed by the General Assembly on the recommendation of the Security Council.

In February 1946, Trygve Lie, then Foreign Minister of Norway, was appointed Secretary-General for a five-year term.

The Secretariat is divided into eight departments which are concerned, respectively, with Security Council affairs, economic affairs, social affairs, trusteeship and information from non-self-governing territories, legal matters, public information, conference and general services, and administrative and financial matters.

The duties and responsibilities of the Secretariat are exclusively international. Each member of the staff, whatever his nationality, is an internatioanl civil servant who serves the world and, in so doing, serves also the highest interests of his own country.

(For information about this folder, please refer to the nearest United Nations Information Center.)

MEMBERS OF THE UNITED NATIONS

Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Israel, Lebanon, Liberia, Luxemburg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

FEBRUARY 1950.

PREAMBLE TO THE CHARTER OF THE UNITED NATIONS

We, the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, and for these ends to practice tolerance and live together in peace with one another as good neighbors, and to unite our strength to maintain international peace and security, and to ensure by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples, have resolved to combine our efforts to accomplish these aims.

Accordingly, our respective governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of

the United Nations and do hereby establish an international organization to be known as the United Nations.

S. 784

Mr. BOGGS of Delaware. Mr. Speaker, I ask unanimous consent to address the House for one minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. BOGGS of Delaware. Mr. Speaker, on August 31, I expected to have the opportunity to report to the Members of the House on the thorough investigation which the Subcommittee on Claims of the Judiciary Committee of the House made of all of the evidence now finally assembled after 15 years of efforts by congressional committees in connection with the case which caused the proposed legislation, namely, S. 784. The rule was not adopted, and I did not have the opportunity at that time to set forth the reasons why I was supporting S. 784.

The investigation by the House Judiciary Committee of this Congress found that the findings of the Judiciary Committees of the Senate of the Eightieth Congress and that of the Eighty-first Congress were correct, namely, that the balance of the cash bond of the claimant companies was being withheld without warranty to do so.

The companies had performed their agreement to operate three Government-owned freight vessels under specific terms; their cash performance bond had fulfilled its purpose and was returnable.

The courts found that the companies breached no contracts, and did not damage the Government to the extent of the balance of their cash bond or any part thereof. Every congressional investigation also found this to be the fact.

Two former Attorneys General and the incumbent Attorney General have advised Congress that the return of these funds are within the discretion and judgment of Congress. It is within the prerogative and duty of the Congress. Congress by its mandate discontinued the Merchant Fleet Corporation and turned over the cash in its treasury and the assets and the obligation over to the Government for liquidation, including the obligation to return to the companies the balance of their cash bond. This had at first been ascertained by the first congressional investigation, in 1936, as set forth in House Report No. 2135, dated May 25, 1950, of the House Judiciary Committee of this Eighty-first Congress in re S. 784.

The procrastinations which set in, and which have prevented return by this time, were brought about by sham and invalid contentions fabricated by the Maritime Commission. The courts and the congresional committees have ascertained the invalidity of these contentions, and the injustice brought about by the procrastinations, and the committees have sincerely condemned them.

I call attention to the text of a report by a former House Committee on Claims on another claim which many years ago finally was cleared up by congressional mandate; in that case the objectors endeavored to denounce such claim as a stale and an old claim. See report of the House Committee on Claims, Sixty-first Congress, second session, pertinent to House bill 22534, which report was published March 30, 1910; note on page 33 thereof, the following pertinent declaration:

> These claims are old, but they are not stale. As says Mr. Brumm, chairman of the House Claims Committee, in 1894, "their age is due to the failure of the Government to pay them. To defeat them on the ground of their age would be to allow the Government to take advantage of its own wrong by availing itself of its own procrastination in meeting its responsibilities. To shift this delay to the shoulders of the claimants would be manifestly unjust and wrong."

The procrastination in this case is due to the United State Maritime Commission and its predecessors. The claimant companies in this case have consistently endeavored since 1921 to have returned to them their cash property, the balance of which is now reposing in the custody of the United States Treasury, withheld there without warranty or right, used there without consideration for the companies.

The claimant companies have diligently pursued their remedies, both before administrative bodies and in the courts. In one instance, it was necessary to take a collateral matter relating to the status of the Government as a successor of the Fleet Corporation, by virtue of the 1936 Merchant Marine Act, to the Supreme Court of the United States—Supreme Court 1062, October 645m 1940—which resulted in a final determination favorable to the companies, as reported in House Report No. 2135, page 6 thereof.

All attempts by sham contentions to becloud the issue which is so simple, to wit: "The request of an escrower to have returned to him cash funds reposing in the custody of the successor of an escrowee when the funds have served their purpose as a cash bond and are returnable" have always followed the same pattern fabricated by the Maritime Commission and its predecessors; its motivation is readily recognized, namely: To prevent, or at least to procrastinate, the day when the return of the balance of the companies' cash bond may be mandated by Congress, as now provided for by the proposed legislation S. 784.

A man should not have to spend 30 years recovering money which he placed as a security bond for the performance of an agreement in good faith into the escrow with a corporation wholly owned by the Government, and which became returnable when he performed his agreement. The honor of the Government requires to return these funds as a matter of ordinary fair dealing with its citizens.

The attempt to bolster up the invalidity of objection alleged adverse to S. 784 by vexatious comments on the companies' and Schundler's perseverance to have returned to them what belongs to them, needs no comment. Mr. Schundler's testimony was affirmed in every respect, as the evidence shows, by the responsible officials who dealt in 1920–21 in behalf of the Shipping Board-Fleet Corporation with the companies; by the late President in his report to Congress as to the simple origin of the case; by the Treasury Department's Internal Revenue Bureau, by the findings of courts as to the facts; by the findings of congressional committees whose judgment was accepted by all Members of previous Congresses and by the Members of the Senate of the Eightieth and Eighty-first Congresses who approved this bill; the members of the Committee on the Judiciary of the House in this second session of this Eighty-first Congress thoroughly reexamined the evidence in this case, and consequently, approved the findings of aforesaid previous Congresses.

The status of H. O. Schundler needs no comment. Mr. Schundler was recognized here and abroad as one of the principal American operators in trans-ocean services in the American and international cargo trades on all oceans. The evidence proves Schundler's ability and experience as a ship operator, and his moral and financial responsibility. The evidence also discloses that his operational staff was composed of the highest types of American shipwise personnel, recognized for their ability and integrity. A perusal of the history of the case, as set forth on pages 7, 17, 24 to 34 in the House Judiciary Committee's official report, House Report No. 2135, affirms the aforesaid comments.

The evidence shows that Schundler's companies paid out in their own funds $1,046.83 per day per ship as operational cost for their commercial use of each of the three vessels as long as they were operating and using the vessels until their operation and use was terminated; the companies paid a total of hire-cost-rental-operation cost of $526,559.17 for the commercial use of the vessels, and collected a total of $572,819.74 in freight, thus saving a total gross of $46,260.57; after allowing for the taxes fixed by the Internal Revenue Bureau of $30,672.95 to the Government, there remained an operational profit of $15,587.62 for the Schundler companies as a result of their efforts. At the request of the Shipping Board when its policy had changed and it had adopted a new policy requiring prescribed trade routes and prescribed conference freight rates, the Shipping Board terminated the agreements, because its new policy was in total contrast to the operation agreement existing between the Schundler companies and the Fleet Corporation, which covenanted their use of the vessels without restriction as to routes or rates. This was the effective cause of the withdrawal of the vessels from the companies' operation and use.

The considerable savings of public funds made by the Government, namely over $200,000, as a result of the Fleet Corporation's operating agreement with the Schundler companies are set forth in detail on pages 7 and 8 of the official house report, No. 2135.

The Committee on the Judiciary of this House has made its recommendations to the House that the bill S. 784 do pass, having determined that the passage of this bill is warranted by reason of equity, legality, morality, and constitutional law.

The following declaration on behalf of the committee, which was adopted from the report of Senator WILEY, reporting

on behalf of the Senate Judiciary Committee of the Eightieth Congress, and from the report of Senator McGrath on behalf of the Senate Judiciary Committee of the Eighty-first Congress, is noteworthy:

It is pertinent to remark that Schundler and his companies undeniably rendered a distinct service to the United States Government in saving the United States Government harmless from a serious loss during the period that his companies and he had the vessels under their management, custody, operation, and use. That his companies and he have been treated unjustly to date is undeniable.

EXTENSION OF REMARKS

Mr. GROSS asked and was given permission to extend his remarks and include a letter from a constituent.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to extend my remarks and include a report on the work of the Committee on Expenditures in the Executive Departments. We are all proud of the way this committee has operated under the able leadership of the gentleman from Illinois [Mr. DAWSON], and I am glad to introduce this report into the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MARTIN of Massachusetts asked and was given permission to extend his remarks and include a letter.

Mr. GOSSETT asked and was given permission to extend his remarks.

Mr. BIEMILLER asked and was given permission to extend his remarks in four instances and in each include extraneous material

Mr. RICH. Mr. Speaker, on yesterday I was granted a special order for 10 minutes today. It may be that I shall not be able to prepare my speech by that time and I therefore ask unanimous consent to extend my remarks in the RECORD at some future time.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PATTERSON asked and was given permission to extend his remarks and include a letter.

Mr. PRESTON asked and was given permission to extend his remarks and include extraneous matter.

Mr. FLOOD asked and was given permission to extend his remarks and include a statement; and in another instance to extend his remarks with reference to legislation introduced by him yesterday.

Mr. RABAUT asked and was given permission to extend his remarks.

Mr. RANKIN asked and was given permission to extend his remarks.

Mr. MULTER asked and was given permission to extend his remarks and include extraneous matter.

Mr. RIVERS asked and was given permission to extend his remarks and include an article.

Mr. WILLIAMS asked and was given permission to extend his remarks in three instances and in each to include newspaper items.

Mr. WICKERSHAM asked and was given permission to extend his remarks.

Mr. MARCANTONIO asked and was given permission to extend his remarks and include extraneous matter.

Mr. JAMES asked and was given permission to extend his remarks and include a letter.

Mr. BRAMBLETT (at the request of Mr. PHILLIPS of California) was given permission to extend his remarks.

Mr. HINSHAW (at the request of Mr. PHILLIPS of California) was given permission to extend his remarks and include an address on the sale of China.

Mr. PHILLIPS of California asked and was given permission to extend his remarks and include tables from the Department of the Interior.

Mr. BROWN of Ohio asked and was given permission to extend his remarks and include a letter received from a doctor who requested that it be placed in the RECORD.

Mr. WOLVERTON asked and was given permission to extend his remarks in three instances and include extraneous matter.

Mr. WIDNALL asked and was given permission to extend his remarks and include an article from the Community Press.

Mr. JOHNSON. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a report which I will make to the Armed Services Committee on the military defense assistance program. I do not know the exact length of this report, but, irrespective of the length, I ask unanimous consent that it may be printed in the RECORD.

The SPEAKER pro tempore (Mr. PRIEST). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GWINN asked and was given permission to extend his remarks and include a speech by Robert Dresser on the views of a so-called reactionary, and further to extend his remarks on the history of communism.

Mr. BOGGS of Delaware asked and was given permission to extend his remarks in two instances and include extraneous material.

RECESS

The SPEAKER. The Chair, under authority previously granted by the House, declares a recess until 3:45 p. m., the bells to be rung at 3:30 p. m.

(Thereupon, at 1 o'clock and 42 minutes p. m. the House stood in recess until 3:45 o'clock p. m.)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 45 minutes p. m.

RECESS

The SPEAKER. The Chair declares another recess until 4 o'clock.

Accordingly (at 3 o'clock and 46 minutes p. m.) the House stood in recess until 4 o'clock p. m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4:05 p. m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On September 21, 1950:

H. R. 1662. An act authorizing the Secretary of the Interior to acquire on behalf of the United States Government all property and facilities of the Rainier National Park Co.;

H. R. 1860. An act for the relief of Kenji Takumi;

H. R. 2758. An act for the relief of the Fisher Brewing Co.;

H. R. 3274. An act to provide for the conveyance of certain historic properties to the State of Georgia, and for other purposes;

H. R. 6537. An act to provide funds for cooperation with the Territorial school authorities of Nome, Alaska, in the construction, extension, improvement, and equipment of school facilities, to be available to both native and nonnative children;

H. R. 7709. An act to provide for the acquisition, investigation, and preservation of lands to commemorate the historic Fort Caroline settlement, St. Johns Bluff, Fla.;

H. R. 7891. An act to amend section 3224 (b) of the Internal Revenue Code, relating to the transportation of narcotic drugs;

H. R. 8118. An act for the relief of the estate of the late Ismael Miranda;

H. R. 8687. An act for the relief of Angelo Messina;

H. R. 8829. An act for the relief of Sisters Pasqualina Bova, Rosa Pellanda Emilia Dei Rossi, Speranza Zoia, and Domenica Lapadula;

H. R. 9087. An act for the relief of H. Dale Madison;

H. R. 9111. An act to incorporate the United States Olympic Association; and

H. J. Res. 334. Joint resolution to amend certain laws providing for membership and participation by the United States in certain international organizations.

On September 22, 1950:

H. R. 6020. An act for the relief of Richard H. Sears;

H. R. 6528. An act for the relief of the Western Chemical & Manufacturing Co.;

H. R. 6640. An act to amend an act entitled "An act relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas," approved August 7, 1946, and for other purposes;

H. R. 6750. An act for the relief of Achileus Maroulis;

H. R. 7670. An act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital;

H. R. 7881. An act to amend sections 675 and 676 of the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, regulating the disposal of dead human bodies in the District of Columbia;

H. R. 8158. An act to repeal certain laws as they affect the Territory of Alaska;

H. R. 8534. An act to authorize the acceptance of donations of land to supplement present parkway lands along the line of the Chesapeake and Ohio Canal between Great Falls and Cumberland, Md.;

H. R. 8975. An act to amend the Synthetic Liquid Fuels Act, as amended; and

H. J. Res. 519. Joint resolution to permit the National Grange to erect a marker on Federal land in the District of Columbia.

INTERNAL SECURITY ACT, 1950—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 9490, the proposed "Internal Security Act of 1950."

I am taking this action only after the most serious study and reflection and after consultation with the security and intelligence agencies of the Government. The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and intelligence operations for which they are responsible. They have strongly expressed the hope that the bill would not become law.

This is an omnibus bill containing many different legislative proposals with only one thing in common: they are all represented to be "anticommunist." But when the many complicated pieces of the bill are analyzed in detail, a startling result appears.

H. R. 9490 would not hurt the Communists. Instead, it would help them.

It has been claimed over and over again that this is an "anticommunist" bill—a "Communist control" bill. But in actual operation the bill would have results exactly the opposite of those intended.

It would actually weaken our existing internal security measures and would seriously hamper the Federal Bureau of Investigation and our other security agencies.

It would help the Communists in their efforts to create dissension and confusion within our borders.

It would help the Communist propagandists throughout the world who are trying to undermine freedom by discrediting as hypocrisy the efforts of the United States on behalf of freedom.

Specifically, some of the principal objections to the bill are as follows:

1. It would aid potential enemies by requiring the publication of a complete list of vital defense plants, laboratories, and other installations.

2. It would require the Department of Justice and its Federal Bureau of Investigation to waste immense amounts of time and energy attempting to carry out its unworkable registration provisions.

3. It would deprive us of the great assistance of many aliens in intelligence matters.

4. It would antagonize friendly governments.

5. It would put the Government of the United States in the thought-control business.

6. It would make it easier for subversive aliens to become naturalized as United States citizens.

7. It would give Government officials vast powers to harass all of our citizens in the exercise of their right of free speech.

Legislation with these consequences is not necessary to meet the real dangers which communism presents to our free society. Those dangers are serious and must be met. But this bill would hinder us, not help us, in meeting them. Fortunately, we already have on the books strong laws which give us most of the protection we need from the real dangers of treason, espionage, sabotage, and actions looking to the overthrow of our Government by force and violence. Most of the provisions of this bill have no relation to these real dangers.

One provision alone of this bill is enough to demonstrate how far it misses the real target. Section 5 would require the Secretary of Defense to "proclaim" and "have published in the Federal Register" a public catalogue of defense plants, laboratories, and all other facilities vital to our national defense—no matter how secret. I cannot imagine any document a hostile foreign government would desire more. Spies and saboteurs would willingly spend years of effort seeking to find out the information that this bill would require the Government to hand them on a silver platter. There are many provisions of this bill which impel me to return it without my approval, but this one would be enough by itself. It is inconceivable to me that a majority of the Congress could expect the Commander in Chief of the Armed Forces of the United States to approve such a flagrant violation of proper security safeguards.

This is only one example of many provisions in the bill which would in actual practice work to the detriment of our national security.

I know that the Congress had no intention of achieving such results when it passed this bill. I know that the vast majority of the Members of Congress who voted for the bill sincerely intended to strike a blow at the Communists.

It is true that certain provisions of this bill would improve the laws protecting us against espionage and sabotage. But these provisions are greatly outweighed by others which would actually impair our security.

I repeat, the net results of this bill would be to help the Communists, not to hurt them.

I therefore most earnestly request the Congress to reconsider its action. I am confident that on more careful analysis most Members of Congress will recognize that this bill is contrary to the best interests of our country at this critical time.

H. R. 9490 is made up of a number of different parts. In summary, their purposes and probable effects may be described as follows:

Sections 1 through 17 are designed for two purposes. First, they are intended to force Communist organizations to register and to divulge certain information about themselves—information on their officers, their finances, and, in some cases, their membership. These provisions would in practice be ineffective, and would result in obtaining no information about Communists that the FBI and our other security agencies do not already have. But in trying to enforce these sections, we would have to spend a great deal of time, effort, and money—all to no good purpose.

Second, these provisions are intended to impose various penalties on Communists and others covered by the terms of the bill. So far as Communists are concerned, all these penalties which can be practicably enforced are already in effect under existing laws and procedures. But the language of the bill is so broad and vague that it might well result in penalizing the legitimate activities of people who are not Communists at all, but loyal citizens.

Thus the net result of these sections of the bill would be: no serious damage to the Communists, must damage to the rest of us. Only the Communist movement would gain from such an outcome.

Sections 18 through 21 and section 23 of this bill constitute, in large measure, the improvements in our internal security laws which I recommended some time ago. Although the language of these sections is in some respects weaker than is desirable, I should be glad to approve these provisions if they were enacted separately, since they are improvements developed by the FBI and other Government security agencies to meet certain clear deficiencies of the present law. But even though these improvements are needed, other provisions of the bill would weaken our security far more than these would strengthen it. We have better protection for our internal security under existing law than we would have with the amendments and additions made by H. R. 9490.

Sections 22 and 25 of this bill would make sweeping changes in our laws governing the admission of aliens to the United States and their naturalization as citizens.

The ostensible purpose of these provisions is to prevent persons who would be dangerous to our national security from entering the country or becoming citizens. In fact, present law already achieves that objective.

What these provisions would actually do is to prevent us from admitting to our country, or to citizenship, many people who could make real contributions to our national strength. The bill would deprive our Government and our intelligence agencies of the valuable services of aliens in security operations. It would require us to exclude and to deport the citizens of some friendly non-Communist countries. Furthermore, it would actually make it easier for subversive aliens to become United States citizens. Only the Communist movement would gain from such actions.

Section 24 and sections 26 through 30 of this bill make a number of minor changes in the naturalization laws. None of them is of great significance—nor are they particularly relevant to the problem of internal security. These provisions, for the most part, have received little or no attention in the legislative process. I believe that several of them would not be approved by the Congress if they were considered on their merits, rather than as parts of an omnibus bill.

Section 31 of this bill makes it a crime to attempt to influence a judge or jury by public demonstration, such as picketing. While the courts already have considerable power to punish such actions

under existing law, I have no objection to this section.

Sections 100 through 117 of this bill (title II) are intended to give the Government power, in the event of invasion, war, or insurrection in the United States in aid of a foreign enemy, to seize and hold persons who could be expected to attempt acts of espionage or sabotage, even though they had as yet committed no crime. It may be that legislation of this type should be on the statute books. But the provisions in H. R. 9490 would very probably prove ineffective to achieve the objective sought, since they would not suspend the writ of habeas corpus, and under our legal system to detain a man not charged with a crime would raise serious constitutional questions unless the writ of habeas corpus were suspended. Furthermore, it may well be that other persons than those covered by these provisions would be more important to detain in the event of emergency. This whole problem, therefore, should clearly be studied more thoroughly before further legislative action along these lines is considered.

In brief, when all the provisions of H. R. 9490 are considered together, it is evident that the great bulk of them are not directed toward the real and present dangers that exist from communism. Instead of striking blows at communism, they would strike blows at our own liberties and at our position in the forefront of those working for freedom in the world. At a time when our young men are fighting for freedom in Korea, it would be tragic to advance the objectives of communism in this country, as this bill would do.

Because I feel so strongly that this legislation would be a terrible mistake, I want to discuss more fully its worse features—sections 1 through 17, and sections 22 and 25.

Most of the first 17 sections of H. R. 9490 are concerned with requiring registration and annual reports, by what the bill calls Communist-action organizations and Communist-front organizations, of names of officers, sources and uses of funds, and, in the case of Communist-action organizations, names of members.

The idea of requiring Communist organizations to divulge information about themselves is a simple and attractive one. But it is about as practical as requiring thieves to register with the sheriff. Obviously, no such organization as the Communist Party is likely to register voluntarily.

Under the provisions of the bill, if an organization which the Attorney General believes should register does not do so, he must request a five-man Subversive Activities Control Board to order the organization to register. The Attorney General would have to produce proof that the organization in question was in fact a Communist-action or a Communist-front organization. To do this he would have to offer evidence relating to every aspect of the organization's activities. The organization could present opposing evidence. Prolonged hearings would be required to allow both sides to present proof and to cross-examine opposing witnesses.

To estimate the duration of such a proceeding involving the Communist Party, we need only recall that on much narrower issues the trial of the 11 Communist leaders under the Smith Act consumed 9 months. In a hearing under this bill, the difficulties of proof would be much greater and would take a much longer time.

The bill lists a number of criteria for the Board to consider in deciding whether or not an organization is a Communist-action or Communist-front organization. Many of these deal with the attitudes or states of mind of the organization's leaders. It is frequently difficult in legal proceedings to establish whether or not a man has committed an overt act, such as theft or perjury. But under this bill, the Attorney General would have to attempt the immensely more difficult task of producing concrete legal evidence that men have particular ideas or opinions. This would inevitably require the disclosure of many of the FBI's confidential sources of information and thus would damage our national security.

If, eventually, the Attorney General should overcome these difficulties and get a favorable decision from the Board, the Board's decision could be appealed to the courts. The courts would review any questions of law involved, and whether the Board's findings of fact were supported by the preponderance of the evidence.

All these proceedings would require great effort and much time. It is almost certain that from 2 to 4 years would elapse between the Attorney General's decision to go before the Board with a case, and the final disposition of the matter by the courts.

And when all this time and effort had been spent, it is still most likely that no organization would actually register.

The simple fact is that when the courts at long last found that a particular organization was required to register, all the leaders of the organization would have to do to frustrate the law would be to dissolve the organization and establish a new one with a different name and a new roster of nominal officers. The Communist Party has done this again and again in countries throughout the world. And nothing could be done about it except to begin all over again the long dreary process of investigative, administrative, and judicial proceedings to require registration.

Thus the net result of the registration provision of this bill would probably be an endless chasing of one organization after another, with the Communists always able to frustrate the law enforcement agencies and prevent any final result from being achieved. It could only result in wasting the energies of the Department of Justice and in destroying the sources of information of its FBI. To impose these fruitless burdens upon the FBI would divert it from its vital security duties and thus give aid and comfort to the very Communists whom the bill is supposed to control.

Unfortunately, these provisions are not merely ineffective and unworkable. They represent a clear and present danger to our institutions.

Insofar as the bill would require registration by the Communist Party itself, it does not endanger our traditional liberties. However, the application of the registration requirements to so-called Communist-front organizations can be the greatest danger to freedom of speech, press, and assembly, since the Alien and Sedition Laws of 1798. This danger arises out of the criteria or standards to be applied in determining whether an organization is a Communist-front organization.

There would be no serious problem if the bill required proof that an organization was controlled and financed by the Communist Party before it could be classified as a Communist-front organization. However, recognizing the difficulty of proving those matters, the bill would permit such a determination to be based solely upon the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of the Communist movement.

This provision could easily be used to classify as a Communist-front organization any organization which is advocating a single policy or objective which is also being urged by the Communist Party or by a Communist foreign government. In fact, this may be the intended result, since the bill defines "organization" to include "a group of persons permanently or temporarily associated together for joint action on any subject or subjects." Thus, an organization which advocates low-cost housing for sincere humanitarian reasons might be classified as a Communist-front organization because the Communists regularly exploit slum conditions as one of their fifth-column techniques.

It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions which happen to be stated also by Communists.

The basic error of these sections is that they move in the direction of suppressing opinion and belief. This would be a very dangerous course to take, not because we have any sympathy for Communist opinions, but because any governmental stifling of the free expression of opinion is a long step toward totalitarianism.

There is no more fundamental axiom of American freedom than the familiar statement: In a free country, we punish men for the crimes they commit, but never for the opinions they have. And the reason this is so fundamental to freedom is not, as many suppose, that it protects the few unorthodox from suppression by the majority. To permit freedom of expression is primarily for the benefit of the majority because it protects criticism, and criticism leads to progress.

We can and we will prevent espionage, sabotage, or other actions endangering our national security. But we would betray our finest traditions if we attempted, as this bill would attempt, to curb the simple expression of opinion. This we should never do, no matter how distasteful the opinion may be to the vast major-

ity of our people. The course proposed by this bill would delight the Communists, for it would make a mockery of the Bill of Rights and of our claims to stand for freedom in the world.

And what kind of effect would these provisions have on the normal expression of political views? Obviously, if this law were on the statute books, the part of prudence would be to avoid saying anything that might be construed by someone as not deviating sufficiently from the current Communist propaganda line. And since no one could be sure in advance what views were safe to express, the inevitable tendency would be to express no views on controversial subjects.

The result could only be to reduce the vigor and strength of our political life—an outcome that the Communists would happily welcome, but that free men should abhor.

We need not fear the expression of ideas—we do need to fear their suppression.

Our position in the vanguard of freedom rests largely on our demonstration that the free expression of opinion, coupled with government by popular consent, leads to national strength and human advancement. Let us not, in cowering and foolish fear, throw away the ideals which are the fundamental basis of our free society.

Not only are the registration provisions of this bill unworkable and dangerous, they are also grossly misleading in that all but one of the objectives which are claimed for them are already being accomplished by other and superior methods—and the one objective which is not now being accomplished would not in fact be accomplished under this bill either.

It is claimed that the bill would provide information about the Communist Party and its members. The fact is, the FBI already possesses very complete sources of information concerning the Communist movement in this country. If the FBI must disclose its sources of information in public hearings to require registration under this bill, its present sources of information, and its ability to acquire new information, will be largely destroyed.

It is claimed that this bill would deny income-tax exemption to Communist organizations. The fact is that the Bureau of Internal Revenue already denies income-tax exemption to such organizations.

It is claimed that this bill would deny passports to Communists. The fact is that the Government can and does deny passports to Communists under existing law.

It is claimed that this bill would prohibit the employment of Communists by the Federal Government. The fact is that the employment of Communists by the Federal Government is already prohibited and, at least in the executive branch, there is an effective program to see that they are not employed.

It is claimed that this bill would prohibit the employment of Communists in defense plants. The fact is that it would be years before this bill would have any effect of this nature—if it ever would. Fortunately, this objective is already being substantially achieved under the present procedures of the Department of Defense, and if the Congress would enact one of the provisions I have recommended—which it did not include in this bill—the situation would be entirely taken care of, promptly and effectively.

It is also claimed—and this is the one new objective of the registration provisions of this bill—that it would require Communist organizations to label all their publications and radio and television broadcasts as emanating from a Communist source. The fact is that this requirement, even if constitutional, could be easily and permanently evaded, simply by the continuous creation of new organizations to distribute Communist information.

Section 4 (a) of the bill, like its registration provisions, would be ineffective, would be subject to dangerous abuse, and would seek to accomplish an objective which is already better accomplished under existing law.

This provision would make unlawful any agreement to perform any act which would substantially contribute to the establishment within the United States of a foreign-controlled dictatorship. Of course, this provision would be unconstitutional if it infringed upon the fundamental right of the American people to establish for themselves by constitutional methods any form of government they choose. To avoid this, it is provided that this section shall not apply to the proposal of a constitutional amendment. If this language limits the prohibition of the section to the use of unlawful methods, then it adds nothing to the Smith Act, under which 11 Communist leaders have been convicted, and would be more difficult to enforce. Thus, it would accomplish nothing. Moreover, the bill does not even purport to define the phrase, unique in a criminal statute, "substantially contribute." A phrase so vague raises a serious constitutional question.

Sections 22 and 25 of this bill are directed toward the specific questions of who should be admitted to our country, and who should be permitted to become a United States citizen. I believe there is general agreement that the answers to those questions should be: We should admit to our country, within the available quotas, anyone with a legitimate purpose who would not endanger our security, and we should admit to citizenship any immigrant who will be a loyal and constructive member of the community. Those are essentially the standards set by existing law. Under present law, we do not admit to our country known Communists, because we believe they work to overthrow our Government, and we do not admit Communists to citizenship, because we believe they are not loyal to the United States.

The changes which would be made in the present law by sections 22 and 25 would not reinforce those sensible standards. Instead, they would add a number of new standards, which, for no good and sufficient reason, would interfere with our relations with other countries and seriously damage our national security.

Section 22 would, for example, exclude from our country anyone who advocates any form of totalitarian or one-party government. We, of course, believe in the democratic system of competing political parties, offering a choice of candidates and policies. But a number of countries with which we maintain friendly relations have a different form of government.

Until now, no one has suggested that we should abandon cultural and commercial relations with a country merely because it has a form of government different from ours. Yet section 22 would require that. As one instance, it is clear that under the definitions of the bill the present Government of Spain, among others, would be classified as "totalitarian." As a result, the Attorney General would be required to exclude from the United States all Spanish businessmen, students, and other nonofficial travelers who support the present Government of their country. I cannot understand how the sponsors of this bill can think that such an action would contribute to our national security.

Moreover, the provisions of section 22 of this bill would strike a serious blow to our national security by taking away from the Government the power to grant asylum in this country to foreign diplomats who repudiate Communist imperialism and wish to escape its reprisals. It must be obvious to anyone that it is in our national interest to persuade people to renounce communism, and to encourage their defection from Communist forces. Many of these people are extremely valuable to our intelligence operations. Yet under this bill the Government would lose the limited authority it now has to offer asylum in our country as the great incentive for such defection.

In addition, the provisions of section 22 would sharply limit the authority of the Government to admit foreign diplomatic representatives and their families on official business. Under existing law, we already have the authority to send out of the country any person who abuses diplomatic privileges by working against the interests of the United States. But under this bill a whole series of unnecessary restrictions would be placed on the admission of diplomatic personnel. This is not only ungenerous, for a country which eagerly sought and proudly holds the honor of being the seat of the United Nations, it is also very unwise, because it makes our country appear to be fearful of foreigners, when in fact we are working as hard as we know how to build mutual confidence and friendly relations among the nations of the world.

Section 22 is so contrary to our national interests that it would actually put the Government into the business of thought control by requiring the deportation of any alien who distributes or publishes, or who is affiliated with an organization which distributes or publishes, any written or printed matter advocating (or merely expressing belief in) the economic and governmental doctrines of any form of totalitarianism.

This provision does not require an evil intent or purpose on the part of the

alien, as does a similar provision in the Smith Act. Thus, the Attorney General would be required to deport any alien operating or connected with a well-stocked bookshop containing books on economics or politics written by supporters of the present government of Spain, of Yugoslavia or any one of a number of other countries. Section 25 would make the same aliens ineligible for citizenship. There should be no room in our laws for such hysterical provisions. The next logical step would be to "burn the books."

This illustrates the fundamental error of these immigration and naturalization provisions. It is easy to see that they are hasty and ill-considered. But far more significant—and far more dangerous—is their apparent underlying purpose. Instead of trying to encourage the free movement of people, subject only to the real requirements of national security, these provisions attempt to bar movement to anyone who is, or once was, associated with ideas we dislike, and in the process, they would suceed in barring many people whom it would be to our advantage to admit.

Such an action would be a serious blow to our work for world peace. We uphold—or have upheld till now, at any rate—the concept of freedom on an international scale. That is the root concept of our efforts to bring unity among the free nations and peace in the world.

The Communists, on the other hand, attempt to break down in every possible way the free interchange of persons and ideas. It will be to their advantage, and not ours, if we establish for ourselves an "iron curtain" against those who can help us in the fight for freedom.

Another provision of the bill which would greatly weaken our national security is section 25, which would make subversive aliens eligible for naturalization as soon as they withdraw from organizations required to register under this bill, whereas under existing law they must wait for a period of 10 years after such withdrawal before becoming eligible for citizenship. This proposal is clearly contrary to the national interest, and clearly gives to the Communists an advantage they do not have under existing law.

I have discussed the provisions of this bill at some length in order to explain why I am convinced that it would be harmful to our security and damaging to the individual rights of our people if it were enacted.

Earlier this month, we launched a great Crusade for Freedom designed, in the words of General Eisenhower, to fight the big lie with the big truth. I can think of no better way to make a mockery of that crusade and of the deep American belief in human freedom and dignity which underlie it than to put the provisions of H. R. 9490 on our statute books.

I do not undertake lightly the responsibility of differing with the majority in both Houses of Congress who have voted for this bill. We are all Americans; we all wish to safeguard and preserve our constitutional liberties against internal and external enemies. But I cannot approve this legislation, which instead of accomplishing its avowed purpose would actually interfere with our liberties and help the Communists against whom the bill was aimed.

This is a time when we must marshal all our resources and all the moral strength of our free system in self-defense against the threat of Communist aggression. We will fail in this, and we will destroy all that we seek to preserve, if we sacrifice the liberties of our citizens in a misguided attempt to achieve national security.

There is no reason why we should fail. Our country has been through dangerous times before, without losing our liberties to external attack or internal hysteria. Each of us, in Government and out, has a share in guarding our liberties. Each of us must search his own conscience to find whether he is doing all that can be done to preserve and strengthen them.

No considerations of expediency can justify the enactment of such a bill as this, a bill which would so greatly weaken our liberties and give aid and comfort to those who would destroy us. I have, therefore, no alternative but to return this bill without my approval, and I earnestly request the Congress to reconsider its action.

HARRY S. TRUMAN.

THE WHITE HOUSE, *September 22, 1950.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Mr. WOOD. Mr. Speaker, only 2 days ago this House had this measure before it and debated it. I feel that the Members are thoroughly familiar with the provisions of the bill, and I move the previous question.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. This document should be answered on the floor. I have never heard so many misstatements in the same number of words. I am sure the President did not write it, and I doubt if he even read it. It sounds like Communist propaganda.

The rumor is that Felix Frankfurter wrote it. They say that he and a man named Russell from the Justice Department spent a large part of yesterday, and this morning, in the White House preparing this message. From that message one would think this bill was a "red herring."

If we vote down the previous question, that will give us an hour to debate it, will it not?

The SPEAKER. It would be debatable if the previous question is voted down.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. In order to offer a motion to refer the bill and message back to the committee, the House would first have to vote down the previous question. Is that correct?

The SPEAKER. The gentleman is correct.

Mr. WHITE of Idaho. Mr. Speaker, I have listened with great interest to the reading of the President's veto message on the Internal Security Act of 1950. This message from our President meets with my approval and has my support. This courageous communication from the President, I am sure, will go down in history as a great State paper.

Mr. WOOD. Mr. Speaker, I move the previous question.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 286, nays 48, not voting 95, as follows:

[Roll No. 288]

YEAS—286

Abbitt	Donohue	Kearns
Abernethy	Doughton	Keating
Addonizio	Durham	Kee
Albert	Elliott	Kennedy
Allen, Calif.	Elston	Kilburn
Andersen, H. Carl	Engle, Calif.	Kilday
	Evins	Kruse
Andresen, August H.	Fallon	Lane
	Feighan	Lanham
Andrews	Fellows	Latham
Arends	Fenton	LeCompte
Auchincloss	Fisher	LeFevre
Bailey	Flood	Lind
Barden	Fogarty	Linehan
Baring	Forand	Lovre
Barrett, Pa.	Ford	Lucas
Bates, Mass.	Frazier	McConnell
Battle	Fugate	McCulloch
Beall	Fulton	McDonough
Beckworth	Furcolo	McGrath
Bennett, Fla.	Gamble	McGregor
Bennett, Mich.	Garmatz	McGuire
Bentsen	Gary	McKinnon
Bishop	Gathings	McMillan, S. C.
Boggs, Del.	Gavin	McSweeney
Boggs, La.	Golden	Mack, Ill.
Bolton, Md.	Goodwin	Macy
Bolton, Ohio	Gore	Madden
Bonner	Gorski	Magee
Boykin	Gossett	Mahon
Bramblett	Graham	Mansfield
Brooks	Granahan	Marsalis
Brown, Ga.	Grant	Marshall
Brown, Ohio	Gregory	Martin, Mass.
Bryson	Gross	Mason
Buckley, Ill.	Guill	Merrow
Burleson	Hale	Michener
Burton	Hall, Leonard W.	Miles
Byrne, N. Y.		Miller, Md.
Byrnes, Wis.	Halleck	Miller, Nebr.
Camp	Harden	Mills
Canfield	Hardy	Monroney
Carlyle	Harris	Morgan
Case, N. J.	Harrison	Morton
Case, S. Dak.	Hart	Murdock
Cavalcante	Harvey	Murray, Wis.
Chesney	Hays, Ark.	Nixon
Chiperfield	Hays, Ohio	Noland
Clevenger	Hedrick	Norblad
Cole, Kans.	Heffernan	Norrell
Cole, N. Y.	Heller	O'Hara, Minn.
Colmer	Herlong	O'Sullivan
Combs	Herter	O'Toole
Cooper	Heselton	Pace
Corbett	Hobbs	Passman
Cotton	Hoeven	Patman
Coudert	Hoffman, Mich.	Patterson
Cox	Holmes	Peterson
Crawford	Hope	Phillips, Calif.
Crook	Horan	Phillips, Tenn.
Crosser	Howell	Pickett
Cunningham	Hull	Polk
Curtis	Jackson, Calif.	Potter
Dague	Jacobs	Preston
Davenport	James	Priest
Davis, Ga.	Jenison	Rankin
Davis, Tenn.	Jenkins	Reed, N. Y.
Davis, Wis.	Jennings	Rees
Deane	Jensen	Regan
DeGraffenried	Johnson	Rhodes
Delaney	Jones, Ala.	Ribicoff
Denton	Jones, N. C.	Rich
D'Ewart	Judd	Richards
Dolliver	Kean	Riehlman
Dondero	Kearney	Rivers

Robeson	Smathers	Vorys
Rodino	Smith, Kans.	Wagner
Rogers, Fla.	Smith, Va.	Walsh
Rogers, Mass.	Smith, Wis.	Walter
Rooney	Spence	Weichel
St. George	Staggers	Wheeler
Sanborn	Stanley	Whitaker
Sasscer	Steed	White, Calif.
Saylor	Stefan	Whitten
Scott, Hardie	Stockman	Whittington
Scott, Hugh D., Jr.	Sutton	Wickersham
	Taber	Widnall
Scrivner	Talle	Wigglesworth
Scudder	Tauriello	Williams
Secrest	Taylor	Wilson, Ind.
Shafer	Teague	Wilson, Okla.
Sheppard	Thomas	Wilson, Tex.
Short	Thompson	Winstead
Sikes	Trimble	Wolcott
Simpson, Ill.	Van Zandt	Wolverton
Simpson, Pa.	Velde	Wood
Sims	Vinson	

NAYS—48

Aspinall	Douglas	O'Brien, Ill.
Biemiller	Eberharter	O'Hara, Ill.
Blatnik	Green	O'Neill
Bolling	Huber	Pfeifer,
Buchanan	Irving	Joseph L.
Burdick	Jackson, Wash.	Philbin
Burke	Javits	Price
Cannon	Jones, Mo.	Rabaut
Carnahan	Karst	Ramsay
Carroll	Karsten	Roosevelt
Celler	Kelley, Pa.	Sullivan
Chatham	King	Welch
Chelf	Kirwan	White, Idaho
Christopher	Marcantonio	Wier
Chudoff	Mitchell	Yates
Dawson	Morris	
Dollinger	Multer	

NOT VOTING—95

Allen, Ill.	Hill	Perkins
Allen, La.	Hinshaw	Pfeiffer,
Anderson, Calif.	Hoffman, Ill.	William L.
Angell	Holifield	Plumley
Barrett, Wyo.	Jonas	Poage
Bates, Ky.	Keefe	Poulson
Blackney	Kelly, N. Y.	Powell
Bosone	Keogh	Quinn
Breen	Kerr	Rains
Brehm	Klein	Redden
Buckley, N. Y.	Kunkel	Reed, Ill.
Burnside	Larcade	Sabath
Clemente	Lichtenwalter	Sadlak
Cooley	Lodge	Sadowski
Davies, N. Y.	Lyle	Shelley
Dingell	Lynch	Smith, Ohio
Doyle	McCarthy	Stigler
Eaton	McCormack	Tackett
Ellsworth	McMillen, Ill.	Thornberry
Engel, Mich.	Mack, Wash.	Tollefson
Fernandez	Martin, Iowa	Towe
Gillette	Meyer	Underwood
Gilmer	Miller, Calif.	Vursell
Gordon	Morrison	Wadsworth
Granger	Moulder	Werdel
Gwinn	Murphy	Willis
Hagen	Murray, Tenn.	Withrow
Hall, Edwin Arthur	Nelson	Woodhouse
	Nicholson	Woodruff
Hand	Norton	Young
Hare	O'Brien, Mich.	Zablocki
Havenner	O'Konski	
Hébert	Patten	

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On this vote:

Mr. Lynch and Mr. Clemente for, with Mr. Holifield against.

Mrs. Kelly of New York and Mr. Gilmer for, with Mrs. Norton against.

Mr. Sadlak and Mr. Hand for, with Mr. Klein against.

Mr. Tackett and Mr. Rains for, with Mr. Powell against.

Mr. Fernandez and Mr. Murphy for, with Mr. Shelley against.

Mr. Kerr and Mr. Hébert for, with Mr. Havenner against.

Mr. Allen of Illinois and Mr. Woodruff for, with Mr. Sabath against.

Mrs. Woodhouse and Mr. Davies of New York for, with Mr. Miller of California against.

General pairs:

Mr. Morrison with Mr. Brehm.

Mr. Underwood with Mr. Reed of Illinois.

Mrs. Bosone with Mr. Eaton.

Mr. Moulder with Mr. Ellsworth.

Mr. Breen with Mr. Towe.

Mr. Granger with Mr. Jonas.

Mr. Stigler with Mr. Keefe.

Mr. Thornberry with Mr. Anderson of California.

Mr. Young with Mr. Angell.

Mr. Gordon with Mr. Gillette.

Mr. Zablocki with Mr. Hagen.

Mr. Redden with Mr. Hill.

Mr. Patten with Mr. Hoffman of Illinois.

Mr. Bates of Kentucky with Mr. Tollefson.

Mr. Doyle with Mr. Plumley.

Mr. Dingell with Mr. Poulson.

Mr. Burnside with Mr. Hinshaw.

Mr. Buckley of New York with Mr. Withrow.

Mr. Keogh with Mr. Werdel.

Mr. Lyle with Mr. Wadsworth.

Mr. McCarthy with Mr. Barrett of Wyoming.

Mr. McCormack with Mr. Vursell.

Mr. Quinn with Mr. O'Konski.

Mr. Willis with Mr. Edwin Arthur Hall.

Mr. Murray of Tennessee with Mr. Nicholson.

Mr. Sadowski with Mr. Meyer.

Mr. Hare with Mr. Martin of Iowa.

Mr. Larcade with Mr. Blackney.

Mr. Cooley with Mr. Mack of Washington.

Mr. Allen of Louisiana with Mr. Nelson.

Mr. Quinn with Mr. McMillen of Illinois.

Mr. O'Brien of Michigan with Mr. Lodge.

The result of the vote was announced as above recorded.

Mr. WOOD. Mr. Speaker, I ask unanimous consent that I may have five legislative days within which to revise and extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOOD. Mr. Speaker, the President's veto message on H. R. 9490, the Internal Security Act of 1950, contains many statements with which I do not agree, regarding the meaning and effect of the legislation.

In the case of many of the provisions, the message merely characterized them as ineffective or unworkable, as calling for fruitless effort on the part of law-enforcement agencies, or as adding nothing to existing law. These are expressions of opinion rather than statements of fact. I do not for a moment question the sincerity of these statements. However, I disagree with them, and it seems clear that a large majority of the Members of Congress disagree with them. Time will tell which view is correct.

More serious, however, is the fact that in the message there are general expressions to the effect that the net result of the legislation will be not to hurt the Communists but to help them; that it will weaken, rather than strengthen, our internal security; that it would provide for thought control; that it would give Government officials the power to harass citizens in the exercise of their right of free speech.

In support of these frequent expressions, the message criticizes certain specific provisions of the legislation. I submit that these criticisms are based either upon misinterpretations of the provisions in question or upon erroneous assumptions as to the manner in which law-enforcement officers will be empowered or required to administer them. I think it is desirable for me to point out in some detail the reasons why I disagree with these criticisms and with the conclusions they are represented to support.

The message states that in proceedings before the Subversive Activities Control Board, to be instituted by the Attorney General to enforce compliance with the registration provisions, there would inevitably be required the disclosure of many of the FBI's confidential sources of information, and that this would result in damage to our national security. My answer to this is that the Attorney General will be the one to decide what evidence he will submit before the Board. He will have the power to decide, in any given case, whether the national security will be best served by introducing or withholding evidence which would result in disclosure of confidential sources of information. This same problem exists in the case of prosecutions for many offenses prescribed under our existing criminal laws. It was undoubtedly a factor in the presentation of evidence by the Government in the recent trial of the 11 Communist leaders under the Smith Act.

The message is particularly critical of the registration provisions applicable to Communist-front organizations. It states that these provisions "can be the greatest danger to freedom of speech, press, and assembly, since the alien and sedition laws of 1798. This danger arises out of the criteria or standards to be applied in determining whether an organization is a Communist-front organization."

In support of this statement the message alleges that the provisions relating to registration of Communist-front organizations "could easily be used to classify as a Communist-front organization any organization which is advocating a single policy or objective which is also being urged by the Communist Party or by a Communist foreign government."

I cannot conceive that the Subversive Activities Control Board or any other court would be justified in interpreting and applying these provisions so as to reach such a result.

Let us examine the provisions to see whether they could be properly so interpreted and applied.

An organization could be required to register as a Communist-front organization only if it is established, by evidence presented by the Attorney General in a proceeding before the Subversive Activities Control Board, that it is under the duty to do so. Such a proceeding may be instituted only by the Attorney General, and it may be assumed that he will initiate a proceeding in the case of a particular organization only if, in his judgment the organization is a Communist-front organization within the meaning of the definition contained in paragraph (4) of section 3. He would not be justified in initiating the proceeding unless he has good reason to believe that the organization is one which—to quote from the definition—

(A) is substantially directed, dominated, or controlled by a Communist-action organization, and (B) is primarily operated for the purpose of giving aid and support

to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title.

Furthermore, the Subversive Activities Control Board would not be justified in entering an order requiring the registration of the organization unless it found that the organization was one included in the definition. On judicial review of the Board's determination the findings of fact made by the Board in reaching its determination would have to be supported by a preponderance of the evidence presented to it in the hearing.

Section 13 (f) specifies certain things which the Board shall take into consideration in determining whether an organization is a Communist-front organization. These are the following:

(1) the extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives of, any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(2) the extent to which its support, financial or otherwise, is derived from any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(3) the extent to which its funds, resources, or personnel are used to further or promote the objectives of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(4) the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2.

This is not an exclusive specification of the things to be taken into consideration by the Board in reaching its determination.

It will be noted that the Board is merely required to "take into consideration" the matters referred to in the four paragraphs quoted above. There is no requirement as to the weight to be given to the evidence on any one of these matters. Having taken into consideration the evidence on these matters, as well as the other evidence before it, the basic question remains in any given case: Is the organization a Communist-front organization within the meaning of the definition contained in paragraph (4) of section 3?

It therefore seems clear to me that an organization could not be classified as a Communist-front organization solely on the ground that it is advocating a single policy or objective which is also being urged by the Communist Party or by a Communist foreign government.

Proceeding from the premise based upon the misinterpretation which I have pointed out, the message states that "the basic error of these sections is that they move in the direction of suppressing opinion and belief." The view is expressed that it would "curb the simple expression of opinion"; that "since no one could be sure in advance what views were safe to express, the inevitable tendency would be to express no views on controversial subjects."

I submit that there is no basis for these fears under the legislation as it is written.

Of all the provisions of the legislation, I believe that section 5 is the one to which the message addressed the severest criticism. It stated that this section "would aid potential enemies by requiring the publication of a complete list of vital defense plants, laboratories, and other installations."

The fact is that the section would not provide for a public listing of any plant, laboratory, or installation unless in the judgment of the Secretary of Defense the security of the United States would be served thereby.

To make this clear, it is necessary for me to explain the provisions of section 5, insofar as they relate to defense plants.

Subsection (a) of section 5 contains certain prohibitions which will apply when a Communist organization is registered, or is, by a final order of the Subservise Activities Control Board, required to register. Among these prohibitions are the following:

1. It is made unlawful for a member of the organization, in seeking, accepting, or holding employment in any "defense facility," to conceal or fail to disclose the fact that he is a member of such organization.

2. It is made unlawful (if the organization is a Communist-action organization) for any member of the organization to engage in any employment in a "defense facility."

3. It is made unlawful for any officer or employee of any defense facility to contribute funds or services to the organization.

In order to make these prohibitions legally valid and workable it was necessary to make provision in section 5 for some method by which persons who might be subject to them, prosecuting officers, and the courts, could be able to determine what plants and other facilities were defense facilities within the meaning of such prohibitions. It is a well-established principle of constitutional law that statutes prescribing criminal offenses must be sufficiently explicit in their meaning so that persons subject to them will be able to know what conduct on their part will render them liable to penalties. This principle is well stated in the case of *Connally* v. *General Construction Company* (296 U. S. 385), at page 391, as follows:

That the terms of a penal statute creating a new offense must be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties is a well-recognized requirement, consonant alike with ordinary notions of fair play and the settled rules of law. And a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law. (*International Harvester Co.* v. *Kentucky* (234 U. S. 216, 221); *Collins* v. *Kentucky* (234 U. S. 634, 638).)

It was not practicable, of course, for Congress itself to attempt to name or designate the plants or facilities which should, at any given time, be considered to be defense facilities for purposes of the prohibitions. The obvious thing to do was to place that duty upon an appropriate officer in the executive branch, to be exercised in such manner as to best serve the interests of national security. This has been done in the bill in section 5 (b), which provides that the Secretary of Defense shall designate, from time to time, a list of those facilities with respect to the operation of which he "finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section." If the facilities designated by the Secretary were kept secret, then for the reasons explained above the prohibitions in subsection (a) would be lacking in the certainty of meaning which is essential in the case of any criminal statute. Subsection (b), therefore, further requires that the designations made by the Secretary shall be published in the Federal Register and that notice of such designation shall be posted in each facility so designated.

The committee of conference was perfectly well aware of the fact that there may be many vital plants, laboratories, and other installations the identity of which should be kept secret. It is to be assumed that in the case of such plants, laboratories, or other installations, the decision of the Secretary will be that the interests of the national security will be best served by not designating them as "defense facilities" for the purposes of operation of the prohibitions contained in section 5 (a). Section 5 (b) clearly permits the Secretary to make that decision in appropriate cases, and is intended to do so. On the other hand, there are undoubtedly many plants, laboratories, installations, and other facilities which are commonly known to have an important relation to the national security. When this is a matter of common knowledge it seems clear to the Congress that the national security may be well served and protected by making applicable to them the prohibitions contained in section 5 (a) with respect to the employment of members of Communist-action organizations and Communist-front organizations.

Mr. PATTERSON. Mr. Speaker, the President was ill-advised in his veto of the Communist-control bill which was adopted by Congress this session.

In his message the President stressed these themes: First, that the measure was one of expediency—in truth it has been considered by Congress in substantially the same form since 1947 and passed the House during the Eightieth Congress failing of enactment only because of the adjournment of Congress; second, that Communist and Communist-front organizations would not register as required under the bill—to follow this type of reasoning Congress should therefore repeal all criminal statutes as a substantial number of people fail to abide by them. It is ridiculous to oppose registration on the grounds that subversives will not comply. Their failure to do so constitutes an illegal action and makes them subject to the penalty provisions of the bill; third, the President states that "the course proposed by this bill would delight the Communists"—every informed citizen knows that the Communist Party and every Communist-front organization has used every possible means to bring about its defeat, while patriotic organizations,

such as the American Legion, Veterans of Foreign Wars, Knights of Columbus and many others have consistently supported its passage; fourth, perhaps the most ridiculous assertion in the veto message is the statement that "employment of Communists by the Federal Government is already prohibited, and there is an effective program to see that they are not employed." This varies greatly with the facts known to every citizen. Day after day we are informed of Communists who for years were employed by the executive branch of the Government. The peoples' memory is not so short that Hiss and his cohorts are already forgotten. This is one of the fundamental reasons behind its almost unanimous support in Congress.

There is a definite need for Communist-control legislation. The people demand it and Congress is responsive to that demand. How futile it is to fight communism throughout the world with dollars and bullets while allowing the home-grown variety to continue undisturbed. Too many times has this Nation been sold out by those whose loyalty is to Moscow. Stringent measures are necessary, and I support this legislation without reservation.

ADJOURNMENT OF CONGRESS

Mr. MANSFIELD. Mr. Speaker, I am opposed to the adjournment of Congress at this time. I feel that, in view of the serious situation we are in, that we should stay in session.

It is not important that we win our individual election contests, but it is important that we remain on the job and pass the necessary legislation to insure victory and economic stability.

Last year we adjourned on October 19. There was no war or emergency facing us then. There is a war and an emergency facing us now, and our duty is to remain at our post.

We should consider now an excess-profits tax, amendments to the Selective Service Act, strengthening the Marine Corps, and adequate controls. We have made fine speeches here but we have fallen down on our job in looking after the interests of our people. Are we waiting for the economic situation to be attended to after the November elections? The only important thing not going up right now is the American dollar. Its value is going down while we fiddle and fume because we are afraid of the outcome of an election.

The important thing is for us to stay in session and enact real economic controls legislation, enact an excess-profits tax, and put into effect a pay-as-you-go program for the conflict we are now engaged in, in the dangerous years ahead. If we act now we may accomplish something; if we wait until after election it may be too late.

I am against adjournment, and I will vote accordingly.

CONGRESSIONAL RECESS TO NOVEMBER 27, 1950

Mr. PRIEST. Mr. Speaker, I offer a privileged resolution (H. Con. Res. 287), and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, September 23, 1950, they stand adjourned until 12 o'clock meridian on Monday, November 27, 1950.

Mr. PRIEST. Mr. Speaker, I move the previous question.

Mr. HESELTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HESELTON. Mr. Speaker, is it possible to offer an amendment to the resolution at this point?

The SPEAKER. Inasmuch as the previous question has been moved, it is not in order; and, of course, if the previous question is ordered, it is not in order to offer amendments to the resolution.

Mr. HESELTON. If the previous question is not ordered, then would an amendment be in order?

The SPEAKER. If the previous question is not ordered, then if the gentleman is recognized he may offer an amendment.

The question is on the motion of the gentleman from Tennessee [Mr. PRIEST] for the previous question.

The question was taken; and on a division (demanded by Mr. CANFIELD) there were—ayes 224, noes 64.

Mr. HESELTON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HESELTON. Mr. Speaker, I regret exceedingly that the parliamentary situation was such that I could not explain to the full membership the reason why I wished the previous question to be voted down so that I could discuss briefly the nature and purpose of the amendment I wanted to offer.

I do want to express my appreciation of the courtesy of the acting majority leader in permitting me to have the information as to the context of the concurrent resolution providing for a recess from tomorrow to November 27 and in informing me as to when he intended to offer the resolution.

The amendment I wished to offer would have read as follows:

Amendment offered by Mr. HESELTON: Strike out the period after "1950," insert a comma, and add "or until 12 o'clock meridian on the third day after the respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

"SEC. 2. The President of the Senate, the Speaker of the House of Representatives, the majority leader of the Senate and the majority leader of the House of Representatives, all acting jointly, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it."

This amendment is taken from the adjournment resolution adopted on July 26, 1947. As will be noted, it provides the very important alternative of reassembling on the third day after the Members were notified to reassemble by the four leaders of the administration in the Congress.

I have consulted with able constitutional lawyers as to the power of the President and the Congress to arrange to reconvene when there is a recess or adjournment to a day certain. It was pointed out to me that in 1947, after the Congress had adjourned on July 26 to January 2, 1948, the President, by proclamation, called the Congress into emergency session on November 17, 1947. However, I want to emphasize the fact that the resolution did contain the alternative, and express my strong conviction that Congress should be protected against an emergency which might not appeal to the President as requiring congressional action, but which might definitely be desired by the entire Congress and the people of this country. Under the resolution as it has been adopted, there is very grave doubt as to whether, under any such circumstances, the Congress could possibly do anything but wait until November 27. I feel very deeply that Congress and its officers should have the power to act legally and on its own responsibility in the event of some grave condition suddenly confronting this Nation.

Many of us, on the Republican side, have been gravely concerned about the widespread reports earlier this week that Congress was to be adjourned sine die. We believe that Congress has a definite and vitally important responsibility to be ready instantly to act upon any emergency which may arise in the days ahead. I make the positive assertion that there is no one in this country or in the world who can predict with accuracy what the world situation may be, not only between now and the suggested date of return, but between now and tomorrow morning. Of course, we all hope that the encouraging reports of successful action in Korea will be followed soon with complete victory, but we do not know that that will be the case. We do know that within the last few days reports have come in as to an outbreak in Indochina, which could well seriously affect the world situation and our own military efforts. We know that there is serious concern about what might happen in Berlin, in and around Yugoslavia, and a number of other places.

I want to offer a single example, which, I think, is irrefutable evidence of the soundness of accepting this amendment. I think very few Members of Congress had any knowledge that former Secretary of Defense Johnson would resign. The news of his resignation as it came over the radio at about 6:35 Tuesday, the 12th, was a complete surprise to most of us. At the same time we were informed that it would be necessary for the Congress to take affirmative legislative action immediately if Secretary Marshall was to qualify. We all know that such action was taken. But, what would have happened had we been in recess to a day certain? That is most important.

It may seem to be futile to discuss this matter now that the vote has been taken. However, I do believe it is important to keep the record clear so that if there is any recurrence of this situation in the future all Members will have references which can be used in determining their future actions.

It was quite apparent this morning that a number of the Members wished to take some constructive step toward this improvement in the resolution. Consequently a brief statement was issued by 65 Republican Members, and I wish to conclude my remarks by inserting that statement and the signatures. It is as follows.

We understand that the recess resolution has been drawn and that it will undoubtedly be a straight motion to recess until November 27.

This would preclude any reassembling of the Congress prior to that date except by proclamation of the President. We believe that should the public interest require it, congressional leaders should have the right and responsibility of recalling the Congress into session and we shall try to amend the resolution accordingly.

JAMES C. AUCHINCLOSS, New Jersey; ERNEST K. BRAMBLETT, California; GORDON CANFIELD, New Jersey; CLIFFORD P. CASE, New Jersey; ROBERT B. CHIPERFIELD, Illinois; ALBERT M. COLE, Kansas; ROBERT J. CORBETT, Pennsylvania; NORRIS COTTON, New Hampshire; PAUL CUNNINGHAM, Iowa; PAUL B. DAGUE, Pennsylvania; GLENN R. DAVIS, Wisconsin; JAMES I. DOLLIVER, Iowa; CHARLES H. ELSTON, Ohio; JAMES G. FULTON, Pennsylvania; RALPH A. GAMBLE, New York; H. R. GROSS, Iowa; BEN GUILL, Texas; CECIL M. HARDEN, Indiana; RALPH HARVEY, Indiana; CHRISTIAN A. HERTER, Massachusetts; JOHN W. HESELTON, Massachusetts; CHARLES B. HOEVEN, Iowa; HAL HOLMES, Washington; MERLIN HULL, Wisconsin; DONALD L. JACKSON, California; JACOB K. JAVITS, New York; EDWARD H. JENISON, Illinois; BEN F. JENSEN, Iowa; WALTER H. JUDD, Minnesota; BERNARD W. KEARNEY, New York; CARROLL D. KEARNS, Pennsylvania; KENNETH B. KEATING, New York; CLARENCE E. KILBURN, New York; HENRY J. LATHAM, New York; KARL M. LECOMPTE, Iowa; HAROLD O. LOVRE, South Dakota; WILLIAM M. MCCULLOCH, Ohio; GORDON L. MCDONOUGH, California; J. HARRY MCGREGOR, Ohio; EDWARD T. MILLER, Maryland; THRUSTON BALLARD MORTON, Kentucky; REID F. MURRAY, Wisconsin; CHARLES P. NELSON, Maine; WALTER NORBLAD, Oregon; JOSEPH P. O'HARA, Minnesota; JAMES T. PATTERSON, Connecticut; JOHN PHILLIPS, California; CHARLES E. POTTER, Michigan; EDWARD H. REES, Kansas; KATHERINE ST. GEORGE, New York; JOHN P. SAYLOR, California; HARDIE SCOTT, Pennsylvania; HUGH D. SCOTT, Jr., Pennsylvania; ERRETT P. SCRIVNER, Kansas; HUBERT B. SCUDDER, California; DEWEY SHORT, Missouri; RICHARD M. SIMPSON, Pennsylvania; LAWRENCE H. SMITH, Wisconsin; WINT SMITH, Kansas; HENRY O. TALLE, Iowa; DEAN P. TAYLOR, New York; THOR C. TOLLEFSON, Washington; ALVIN F. WEICHEL, Ohio; WILLIAM B. WIDNALL, New Jersey; CHARLES A. WOLVERTON, New Jersey.

I want to make it entirely clear that there were others whom we could not reach before the time came when we had to complete this statement, who would undoubtedly have joined in making this effort. It was physically impossible within the time limits to circulate it fully. Consequently the fact that any Member's name does not appear on this statement is no indication whatever that he would not have approved the effort to amend the resolution.

AUTHORIZING THE SPEAKER AND THE PRESIDENT OF THE SENATE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. PRIEST. Mr. Speaker, I offer a privileged resolution (H. Con. Res. 288) and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the adjournment of the two Houses until Monday, November 27, 1950, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

Mr. PRIEST. Mr. Speaker, I move the previous question.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES FROM THE SENATE

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, November 27, 1950, the Clerk be authorized to receive messages from the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AUTHORIZING THE SPEAKER TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, November 27, 1950, the Speaker be authorized to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GENERAL PERMISSION TO EXTEND REMARKS

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, November 27, 1950, all Members shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and also to include therein such short quotations as may be necessary to explain or complete such extension of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. STEFAN. Reserving the right to object, Mr. Speaker, does that include newspaper and magazine articles?

Mr. PRIEST. It would include such short newspaper and magazine articles as may be necessary.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PRINTING OF REPORTS FILED BY COMMITTEES

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the adjournment of the House until Monday, November 27, 1950, by committees authorized by the House to conduct investigations, may be printed by the Clerk as reports of the Eighty-first Congress.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PRINTING OF REPORTS OF COMPTROLLER GENERAL

Mr. PRIEST. Mr. Speaker, I offer a privileged resolution (H. Res. 863) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the reports of the Comptroller General of the United States made to the Congress pursuant to the Government Corporation Control Act (59 Stat. 597), during the recesses of the Eighty-first Congress, shall be printed during such recesses as House documents of the second session of the Eighty-first Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING APPEARANCE OF RALPH R. ROBERTS, CLERK OF THE HOUSE, IN ANSWER TO SUBPENAS

Mr. PRIEST. Mr. Speaker, I offer a privileged resolution (H. Res. 864) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That in all cases involving the failure of witnesses to appear or refusal of witnesses to answer questions before committees of the House of Representatives properly certified pursuant to the provisions of section 104 of the Revised Statutes of the United States as amended now or hereafter pending during the Eighty-first Congress in any court of the United States where subpenas duces tecum may be issued by the due process of said court and addressed to Ralph R. Roberts, Clerk of the House of Representatives or any officer or employee of the House of Representatives directing them to appear as witnesses before the said court at any time and to bring with them certain and sundry papers in the possession and under the control of the House of Representatives wherein such documentary evidence is needful in any said court of the United States that Ralph R. Roberts, Clerk of the House or any officer or employee of the House be authorized to appear at the place and before the court named in the subpenas duces tecum so issued, but shall not take with them any papers or documents on file in their office or under their control or in their possession as officers or employees of the House; and be it further

Resolved, That when any said court determines upon the materiality and the relevancy of the papers and documents called for in the subpenas duces tecum then any said court through any of its officers or agents have full permission to attend with all proper parties to the proceeding and then always at any place under the orders

and control of this House and take copies of any documents or papers in possession or control of said officers or employees that the court has found to be material and relevant, except minutes and transcripts of executive sessions, and any evidence of witnesses in respect thereto which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and paper by the said officers or employees shall not be disturbed, or the same shall not be removed from their place of file or custody under said officers or employees; and be it further

Resolved, That a copy of these resolutions be transmitted by the Clerk to any of said courts whenever such subpenas are issued as aforesaid.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUSPENSION OF IMPORT TAXES ON SCRAP METAL

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5327) to continue until the close of June 30, 1950, the suspension of duties and import taxes on metal scrap and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 20, strike out "(1950)" and insert "1951."

Amend the title so as to read "An act to continue until the close of June 30, 1951, the suspension of duty and import taxes on metal scrap, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. REED of New York. Mr. Speaker, reserving the right to object, I wish to call the attention of the House to the fact that this bill, of course, would lower the tariff on scrap iron and metals. I want to point out the reason; I think we should keep it in mind.

During the last war we had shipped, previously to the war, to Japan enough scrap iron so that she could build all of her tanks, her airplanes, and nearly all of her war equipment. Later they threw that all back in our face. I remember the State Department's coming up here, and we sat in the back of this very room, and they urged that we remove the tariff on scrap iron so that we could proceed with the war. They said they would have to go down in the Caribbean and around through South America collecting old, abandoned sugar mills or anything to get scrap for us to carry on our war. Now, then, you New Dealers are in another war. The purpose of this is to supply some scrap iron which we need. Prior to World War II the United States sent over to the Japs vast quantities of scrap iron and military supplies, which they threw back at our soldiers, resulting in the killing of thousands of our servicemen.

Of course, we have had here a bill to protect us from the exportation of scrap iron into Russia. It has been watered down. We better get busy and get the scrap iron we need now from foreign countries. That is the purpose of this bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, this bill, H. R. 5327, as it passed the House on July 19, 1949, provided for the suspension of import duties on metal scrap, or relaying and rerolling rails, from the day after the date of enactment of the bill through June 30, 1950. During the consideration of the bill in the Senate Committee on Finance, an amendment relating to the import tax on copper was added, and this controversial subject resulted in delay in its passage by the Senate. As finally passed by the Senate, however, the only amendment is a change in the expiration date from June 30, 1950, to June 30, 1951, with a corresponding change in the title.

Mr. Speaker, favorable reports were received by the Committee on Ways and Means from the Department of Commerce and the Treasury Department. We need whatever supplemental supplies of metal scrap we can obtain in order to conserve our limited reserves in this country and to develop stockpiles that may be necessary in connection with our long-range defense program.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to revise and extend the statement I made just prior to the roll call.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that I may have five legislative days in which to extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FEDERAL HOSPITAL CONSTRUCTION PROGRAM

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, I am today introducing a bill for a restoration of the $75,000,000 fund eliminated from the Federal hospital-construction program by the Bureau of the Budget. I realize that no action will be taken on this measure prior to the reconvening of Congress in November. However, I want this matter before the Congress and I want the country to know where the fault lies when needed hospital facilities are eliminated or curtailed.

In the recent omnibus appropriation bill, Congress, in substance, abdicated its control over Government spending to the Federal agencies. Instead of designating the places where saving should be made, we directed the administration to make the savings where it saw fit. The absolute folly of this course is now shown by the manner in which cuts are being made by the agencies of the Government.

Hospitals and schools are the victims, not bureaus and bureaucracy. I question whether the entrenched government-as-usual, spend-as-usual, agencies in Washington will feel any real pinch of economy until Congress again asserts its constitutional rights and responsibilities.

The bill provides that section 1214 of the General Appropriations Act of 1951, Public Law 759, approved September 6, 1950, shall not be applicable to the item, "Grants for hospital construction," contained in chapter V of said act.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9526) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 9, 25, 38, 39, 44, 54, 55, 57, 71, 78, 100, 104, 119, and 120; and that the Senate recedes from its amendments numbered 24, 26, 36, 49, 50, 53, and 58 to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5372) entitled "An act to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and of Standing Rock Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes."

EXTENSION OF REMARKS

Mr. CARNAHAN asked and was given permission to extend his remarks and include a newspaper article.

Mr. McMILLAN of South Carolina asked and was given permission to extend his remarks.

Mr. KRUSE asked and was given permission to extend his remarks in three instances and include extraneous matter.

Mr. CELLER (at the request of Mr. ROONEY) was given permission to extend his remarks.

Mr. SMATHERS asked and was given permission to extend his remarks.

Mr. HELLER asked and was given permission to extend his remarks and include extraneous matter.

Mr. McKINNON asked and was given permission to extend his remarks and include extraneous matter.

Mr. SIMPSON of Illinois (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks and include an editorial from the Jacksonville Journal.

Mr. GUILL (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks.

Mr. LATHAM (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks and include a portion of the Hoover Report, notwithstanding the fact that it will exceed two pages of the RECORD, and is estimated by the Public Printer to cost $430.

Mr. VELDE (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks and include a speech by Mr. Martin Dies on Communism, notwithstanding the fact that it will exceed two pages of the RECORD, and is estimated by the Public Printer to cost $287.

Mr. CROSSER asked and was given permission to extend his remarks on the subject of Democracy.

Mr. EBERHARTER asked and was given permission to extend his remarks and include extraneous matter.

Mr. RAMSAY and Mr. SAYLOR asked and were given permission to extend their remarks.

Mr. WHITE of Idaho asked and was given permission to extend his remarks and include an article on mining, notwithstanding the fact that it will exceed two pages of the RECORD and is estimated by the Public Printer to cost $360.

Mr. WILSON of Oklahoma asked and was given permission to extend his remarks.

Mr. CRAWFORD asked and was given permission to extend his remarks and include a letter.

Mr. WOLVERTON asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that in extending the remarks I made just prior to the roll call I may insert extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. DONOHUE asked and was given permission to extend his remarks.

Mr. O'HARA of Minnesota asked and was given permission to extend his remarks in two instances, one on the Kerr gas bill and the other on a sound national farm policy.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in three instances and include extraneous matter.

Mr. TABER asked and was given permission to extend his remarks and include certain tables.

Mr. GAMBLE asked and was given permission to extend his remarks in four instances and include editorials and other extraneous matter.

Mr. FARRINGTON asked and was given permission to extend his remarks and include extraneous matter.

Mr. JAVITS asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. DAVIS of Wisconsin asked and was given permission to extend his remarks and include his voting record for the second session, Eighty-first Congress.

Mr. LOVRE asked and was given permission to extend his remarks.

Mr. ELSTON (at the request of Mr. JENKINS) was given permission to extend his remarks and include three articles and three editorials from Cincinnati papers.

Mr. REES asked and was given permission to extend his remarks and include a brief magazine article.

HOSPITALIZATION FOR VETERANS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks and include some newspaper editorials.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I voted against adjournment. There is no recess or adjournment for the boys fighting in Korea. I think it is dangerous for Congress not to be in session at this time. I would like to ask the Members, as they go out to their districts, to make a survey of the number of veterans needing hospitalization. They have been put out of the Army and Navy hospitals, and there are very few veterans' beds open to them anywhere. You will find a great many men who are badly injured and sick in need of hospitalization. I would remind the House that the men are coming in very fast from Korea and they need more and more of the Army and Navy hospital beds. The Senate has not passed the authorization bill for added beds for the veterans. I rejoice that the bill providing for $800,000 for automobiles for leg-amputee veterans has been passed and become law. You may remember that last summer the President unfortunately vetoed the bill that provided automobiles for the blind and the armamputees.

[From the Boston Daily Record, of September 20, 1950]

PROUD AND GRATEFUL

"The Navy and the Marines have never shone more brightly than this morning."

—General Douglas MacArthur.

General MacArthur's dramatic message of appreciation to Vice Admiral Arthur Struble, commander of the American Seventh Fleet, was the tribute of a proud and grateful fighting man to the men and officers of a great fighting organization.

The hearts of all Americans are filled to overflowing with pride and gratitude for the brilliant and daring military achievement at Inchon which reversed the whole trend of the war in Korea, and brought it appreciably closer to a victorious end.

The amphibious assault on Inchon by the marines, in full collaboration with the Army and the Navy and the Air Force, takes high rank with the brightest chapters of American military history.

It brings realization to all the people of the United States that a tremendous and unbelievably difficult job of military organization has been faithfully and brilliantly performed in the brief time since our unprepared Nation became involved in the unexpected and unprovoked Korean War.

The American Armed Forces, precipitated into this bitter struggle against the precarious and almost hopeless odds enjoyed by an enemy superior in both numbers and weapons, have had a grim and bloody task in Korea.

Fighting a costly and humiliating campaign of retreat and defeat in the initial phases of the war as a matter of necessity created by our unpreparedness, they have been held in contempt by the propaganda of our enemies and have even been ridiculed by our supposed allies.

Thus, in addition to almost unendurable hardships and the most exacting sacrifices, Americans fighting so desperately in Korea have been belittled and maligned, not merely abroad but at home—and in the latter instance by people who had direct responsibility, official and otherwise, for our lack of adequate preparedness.

This is the discouraging background against which the achievements of the combined and unified American fighting forces at Inchon stand out so brightly.

These fine American boys, in turning the tide of war virtually overnight, had fought back almost the whole way from the beachhead at Pusan where their backs had been against the sea.

They had fought back successfully and heroically, bravely and brilliantly, and also—and let the American people never forget it—sacrificially and painfully.

General MacArthur, in giving expression to his own pride and gratitude for the great fighting job that had been done by the American Armed Forces at Inchon spoke of the thing that is in the full hearts of all his countrymen.

[From the Washington Evening Star of September 18, 1950]

THIS CHANGING WORLD—AMERICAN OFFENSIVE IN KOREA RESTORES PRESTIGE NOT ONLY IN ASIA BUT EUROPE

(By Constantine Brown)

The American people owe a deep debt of gratitude to that handful of men who have been fighting in Korea since last June. By their unflinching courage, endurance, and resourcefulness they were able to turn the tide and make what appeared to be likely defeat into a spectacular victory.

It is too early, of course, to assume that we have won finally in Korea. There are a number of questions which must be answered before General MacArthur can cable Washington "Mission accomplished."

One element of doubt is Russia and what she will do. Will Moscow order the Chinese Communists to move across the Yalu River, after we have made a long advance from our present beachhead? Will she accept the defeat of her unfortunate satellite and thus risk a certain and devastating loss of face, not only throughout Asia but among her puppets in Europe?

The repercussions of the daring operations of the last 4 days, which so unexpectedly placed the American forces on the offensive, will be felt shortly throughout the world and particularly in eastern Germany, where military prowess ranks high above ideology.

THEY CAN STRIKE BACK

Will Russia allow her careful plot for domination to collapse, without engaging either her own forces or those of the Chinese Communists? Will she allow the troops of that "arch warmonger," General MacArthur, to thwart the carefully laid plans of the Kremlin's plotters? These are questions which no one can answer at this moment. All we know is that the Reds have the capability to retaliate.

Furthermore, will the Chinese puppets, who undoubtedly are impressed by the spectacular strategy of the American military and the superb fighting ability of the "green" American forces, be willing to follow Moscow's dictates at this stage of the game? The Russian plotters have lost face, and that is of paramount importance in the east.

American soldiers, sailors, and airmen have restored the prestige of the United States throughout the world. In spite of the dozens of billions of dollars which we have spent in Europe to gain friends and associates, the inevitable defeats which we suffered at the hands of an enemy fully prepared for war made a deep and unfavorable impression all through western Europe.

FEELING IS CHANGED

The people there—with no appreciation of our difficulties—jumped to the convenient conclusion that America was a colossus with feet of clay. They argued that if this enormously wealthy and highly industrialized Nation of 150,000,000 were incapable of handling the armies of a Russian puppet of only 8,000,000, what chance would western Europeans have of American protection against the Red masses? And a feeling of neutrality was spreading among our allies across the Atlantic.

The landing behind the North Korean lines, at a time when we were barely hanging onto our beachhead, already has created a different feeling among the Atlantic Pact nations. These people, who have been fighting wars for hundreds of years, quickly grasp bold and brilliant strategic movements.

The French and British, who fought on the defensive for the most part in the two world wars, have a deep respect for such daring offensive moves as our fighting men have made in Korea. And the masses react more quickly to specutacular displays than they do to any kind of propaganda or dole.

The victories—even if they are followed by some reverses if the masses of Chinese armies are thrown into the battle—have had a salutary effect on the home front. Those who were responsible for our total lack of foresight and preparedness when the North Korean attack caught us by surprise squirmed to find excuses, alibis, and scapegoats. It was said that the troops which we rushed across the Korean straits were softened by the garrison life of an army of occupation and that their officers preferred to live in luxury, surrounded by geisha girls, rather than give the depleted occupation divisions the necessary battle training. There was little praise for the heroism of the 500 who composed the first American contingent rushed to Korea to delay the Red onrush from the north.

FOUGHT LIKE VETERANS

These men were outnumbered 10 to 1. Yet they fought on like old battle-hardened veterans. It was whispered in some of the highest quarters that General MacArthur, at the age of 70, did not have the energy and mental capabilities necessary in a field commander. There were indications—not from the Pentagon—that it might be advisable to replace him with some younger man and that the "old gentleman" might remain merely a figurehead and an administrative officer.

The people of this country, alarmed at the heavy casualties, the enormous cost and the lack of success of our fight in Korea, were wondering where we were going and what we were doing. Some began to doubt that we could fight if this war were to spread farther.

The men in Korea—a handful at first—stood their ground. They fought desperately against overwhelming odds. They were often dispirited, like most armies which are continually in retreat. But they never lost faith and determination.

The exploit of last Friday was their reward. They did more than surprise the enemy. They restored the faith of the country and of the free world in American arms.

CARLTON J. H. HAYES ON SPAIN

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. KEOGH) may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KEOGH. Mr. Speaker, of the many statements that have been made by those interested in the normalizing of our diplomatic and economic relations with Spain, it is generally agreed that the statements of Carlton J. H. Hayes, our distinguished former Ambassador to that country, should be made a part of the RECORD on this subject. Continuing on this course, I take the liberty of including in this brief statement a copy of a letter which I addressed to Ambassador Hayes under date of August 4, 1950, and his reply to me under date of August 12.

HOUSE OF REPRESENTATIVES,
Washington, D. C., August 4, 1950.

Hon. CARLTON J. H. HAYES,
New York, N. Y.

DEAR DOCTOR: Knowing of your long standing and continued interest in Spain, in which country you served so creditably as our Ambassador, I am sure you must have been pleased to learn of the action taken earlier in the week in the Senate on the McCarran amendment to include that country within the orbit of the ECA.

I know also of the high regard in which you hold the Ambassador-at-Large, Jose F. de Lequerica, whom it has been my pleasure to meet. I trust you agree with me that the action taken by the Senate is a vindication of the position which you took a long time ago. The amendment will shortly be considered in the House, and I would be grateful if you would be good enough to give me the benefit of your present views.

With kind regards, I am

Sincerely yours,

EUGENE J. KEOGH.

AFTON, N. Y., *August 12, 1950.*

Hon. EUGENE J. KEOGH,
House Office Building,
Washington, D. C.

DEAR MR. KEOGH: In response to your interesting letter of the 4th which has just reached me at my country home, I would express my deep satisfaction with the action taken by the Senate to include Spain within the orbit of the ECA, and my earnest hope that the House of Representatives will concur in that action. Developments of the past 5 years have confirmed me in the judgment about proper Spanish-American relations, which I published in 1945 in the last chapter of my War Time Mission in Spain. Unfortunately, our present Secretary of State has long been impervious to real knowledge and reason about Spain, and I imagine that his opinions are simply echoed by the President.

You may be interested in the enclosed memorandum. It is a copy of one I prepared 3 months ago for a personal American friend, who is greatly interested in promoting more normal relations between the two countries. What I say in it about the desirability of resuming full diplomatic relations with Spain, and using our influence to gain its admission to the United Nations, and the North Atlantic Pact, applies equally well of course to ECA funds.

With high regards, and cordial best wishes,

Faithfully yours,

CARLTON J. H. HAYES.

We should resume full diplomatic relations with Spain and use our influence to gain its admission to the United Nations and the North Atlantic Pact. For this, there are three basic and compelling reasons:

First. It is a matter of simple justice and honesty. We did recognize the Franco government in 1939 and we maintained full and friendly relations with it continuously from then until practically the end of the Second World War in 1945. In 1942, at the time of our landing in north Africa, President Roosevelt in a personal letter to Franco solemnly pledged him American friendship and assured him that Spain would never have anything to fear from the United Nations. Since that time neither the Spanish people nor its Government have given the United States any excuse for going back on the President's pledge.

During the war Spain observed a neutrality which proved in practice much more helpful to the Allies than to the Axis. It expedited our successes in north Africa, the Mediterranean, and Italy. Moreover, Spain did not intern any of the 1,300 American airmen who landed in the country, but gave them refuge and permitted them to leave freely. It did the same with over 30,000 Frenchmen who passed through Spain on their way to join the Allied armies in north Africa. Spain, by special agreement in 1944, gave us important air bases, first for our commercial planes, and then for our military planes. And from within Spain we were enabled, through our intelligence services (Army, Navy, OSS), to organize and conduct espionage in German-occupied France, without which the success of our Normandy campaign would have been highly dubious.

The helpful service of the Spanish Government was publicly acknowledge by Winston Churchill on May 1944 and by our own State Department in an official statement on July 1944. Anyone who will look into the facts will find that Spain actually granted more favors to the United States and Great Britain during the war than did any other neutral—Turkey or Sweden or Switzerland.

Justice and ordinary decency require that we abide by our assurances to Spain and repay it for favors received.

Second. There is the great strategic importance of Spain. Just look at the map, and you will see why Spain was so important to ourselves and our Allies in the last World War and why now it is so important to us and other Atlantic nations in any defense against Russian Bolshevik aggression. If a show-down comes, we may possibly be able to take the offensive from France, but much more likely from the Iberian Peninsula. Spain is behind the Pyrenees. It has harbors and airfields especially accessible to us. It holds the key to the Mediterranean, without which neither France nor Italy could be of great help to us.

Spain also has very considerable manpower of its own, and a manpower which is pretty husky and of proven valor. What it lacks is up-to-date military equipment, and it would seem a first counsel of wisdom to help Spain supply that lack. Some investment by us in Spain would be surer to strengthen our defense than what we are contributing to certain other countries, Yugoslavia for example.

There can be no doubt that the Spanish people, no less than their Government, are strongly and stubbornly anti-Bolshevik. They had too sorry an experience of their own with Communist interference to make them responsive to it now, and this holds true of Spanish republicans as well as conservatives. Spain would be a thoroughly dependable ally of ours.

Third. For the sake of maintaining our "good neighbor" policy toward the twenty-odd republics to the south of us, we should pursue a "good neighbor" policy toward

Spain. Spanish America is even more closely linked in culture and sympathy with Spain than is the United States with Britain or France. It is especially significant that the leading opponents of Spain's exclusion from the United Nations, and of other discriminations against Spain, are the spokesmen of Spanish-American countries. By our present attitude we are alienating not only Spain, but a large and important part of the American continents. We are playing into the hands of Communists in both Europe and America.

POINTS IN REBUTTAL OF POSSIBLE ARGUMENTS ON THE OTHER SIDE

1. That Franco is a tyrannical dictator, with whom we should have no dealings. But we maintain full diplomatic relations and try to be friendly with the notoriously tyrannical dictators in the Soviet Union, in Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Yugoslavia, etc. We are now catering to the Dictator Tito, though he has committed hostile acts against us such as have never been committed by Franco's Spain.

There is no such tyranny in Spain as in eastern Europe. The dictatorship in Spain has been steadily easing during the past 5 years, and Franco clearly acknowledges its "transitional" character, in contrast with the apparent permanence of the Communist dictators.

There is greater chance of liberalizing the regime in Spain through friendly counsel than through employment of abuse and threats in the Stalin manner.

2. That Spain is so poverty-stricken as a result of Franco's rule that if we keep up our sanctions against him the Spanish people are bound to rise and overthrow him and establish a democratic republic. But Spain was relatively poor long before Franco, and under him economic conditions have actually been improved. This is made clear by the monthly statistical reports of the American Chamber of Commerce in Barcelona, whose chief officers are American citizens of high standing and integrity.

Evidence to the contrary comes from Communist and fellow-traveler propaganda.

There is no reliable evidence of any serious widespread popular unrest in Spain. Franco is probably stronger today with the Spanish people at large than he was 5 years ago.

3. That Spain is religiously intolerant and persecutes Protestants. But this is simply untrue. Franco's government has expressly decreed religious toleration, and it does not persecute Protestants. There is some popular feeling against Protestants—not as non-Catholics but as "foreigners." They are very few, and chiefly converts of foreign missionaries (British or American). They may not display any signs outside their places of worship (of which there are seven in Madrid alone), but neither may the chapels for English-speaking Catholics. The test is "alien," and not "religious."

4. That any resumption of full and friendly relations with Spain would be opposed by Britain and France and might endanger their cooperation with us. But both those countries have actually kept "ministers" if not "ambassadors" at Madrid and they carry on a kind of "bootleg diplomacy" by means of which they have important commercial agreements with Spain. Both countries, like our own, agreed to outlaw Spain at a time when appeasement of Russia was the fashion. Now that fashions have changed, all should agree to supplant "bootlegging" by repeal of prohibition.

If France and Britain object, let us act without them. I'm sure they will eventually fall in line. The need is so obvious.

SPECIAL ORDER GRANTED

Mr. KRUSE asked and was given permission to address the House for 20 minutes on tomorrow, following the legislative program and any special orders heretofore entered.

MEN ARE DYING WHILE SOME ARE LEARNING

Mr. HOFFMAN of Michigan. Mr. Speaker, apparently, without ever having counted the cost, either in dollars or men, or the effect upon the welfare of our people, the security of the Republic, for years financially and politically powerful individuals and groups have been attempting to force us into some form of a world-wide organization.

They have succeeded to such an extent that they now claim that we must continue to furnish the munitions of war and the men to fight in every way to which United Nations may commit us.

Some internationalists, notably Collier's, apparently begin to realize the enormity of the task. Permit me to quote:

Collier's strongly supports Gov. Thomas E. Dewey in his call for a vast world army of men from all free countries, under the flag and leadership of the United Nations.

* * * * *

It is time that the other United Nations governments realized that there is a limit to America's ability to foot the free world's bills and fight the free world's battles. That statement is not inspired by any sympathy toward isolationism. It is inspired by a disappointment in the non-Communist governments' leisurely and tentative response to United Nations Secretary General Trygve Lie's request for aid in Korea. It is inspired by a resentment of the American lives lost in a war that concerns every non-Communist member of the United Nations as much as it concerns the United States.

* * * * *

For 2 months the American and South Korean ground forces fought it out alone. For 2 months they fought without even the promise of help from the other major powers.

* * * * *

But Great Britain had some 30,000 trained soldiers in Hong Kong when the Korean fighting broke out, and France had about 150,000 metropolitan and colonial troops under arms in Indochina. Yet it was late August before Britain even offered to send 1,500 men to Korea and France promised a volunteer force of 1,200.

* * * * *

It may be too late now to hope for effective outside assistance in Korea. But who will be so rash as to say that Korea is the beginning and the end? There may well be other "incidents." But there must not be another Korea. With partial mobilization already under way in several countries, this is the time to start organizing the vast world army that Governor Dewey spoke of, an army prepared and alert to act in the event of further incidents and stop them quickly.

* * * * *

The intentions are these: to brand the United States as an aggressor and try to turn the masses of Asiatic people against us; to bleed our economy by forcing us to divert more and more of our wealth and effort to armaments; to expend its satellites' manpower while it keeps its own millions of men-at-arms safely at home.

Russia has spent only military equipment in Korea. America has spent equipment and lives, not to protect its own territory, not to gain any material prize, but to fight the UN's war. This cannot continue through crisis after crisis.

The United States is the bulwark of all free nations in the struggle against Soviet imperialism. It will not remain a bulwark forever if it is called upon to stand alone. As a matter of self-interest, if for no more noble consideration, the rest of the free world should realize this."

But Secretary of State Acheson, who has been sympathetic toward the Russian Communists; who would not turn his back upon Hiss, even after he was convicted of lying when he was charged with aiding the Communists, is now asking that, when the war is over, our men continue to serve abroad on an international police force. He does not learn. Acheson should get out or be fired.

Nor does President Truman seem to have learned his lesson. Apparently he still entertains the same ideas, is following the same political policies which possessed him when he referred to Stalin as "good old Joe," characterized Republican efforts to get rid of Communists in executive departments as a "political red herring."

Is it not about time that the American people elect a Congress and, at the first opportunity, a President, who will think first of the welfare of our people, of the security of the Republic?

Mr. Speaker, I yield back the balance of my time.

TANK PROGRAM

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, for the information of the Members of the House, I would like to state, as chairman of the Subcommittee on Tanks of the House Armed Services Committee, that, in keeping with recent recommendations which we made, President Truman has approved a new $500,000,000 program for the tank-construction program.

It is expected that this program will be the start of substantial building of the very latest types of tanks of every essential military category and that it will be under way forthwith.

Since much of the information on which our report was based is classified and regarded as top-secret, I regret that I cannot give the House a more detailed statement concerning our inquiries, the specific types of tanks, and full data about them.

Let me say, however, that we have every reason to believe that appropriate officials and officers of the Army are now pressing the new program with vigor and speed.

We anticipate that our new tanks will be able to stand up against any in the world.

Reports from Korea indicate that our present tanks have made a good record in that theater and we expect that the new tanks, with their increased and improved power, greater mobility, stronger protective features and armor, will be a match for any in the world. The problem now is to make sure that we get production in sufficient quantity and as fast as possible to be prepared for whatever may happen in the international scene.

The committee proposes to continue its work and I shall hope at a later date, with permission of the full committee, to give a detailed report to the House.

SERVICE HOSPITALS

I have been vigorously urging the Department of Defense, for several months past, to keep service hospitals in operation throughout the Nation.

It will be recalled that directives were issued by that Department closing several large well-equipped hospitals, including the Murphy General Hospital at Waltham, Mass., which borders on my district and serves Fort Devens and other installations and personnel in New England.

Our distinguished colleague the gentleman from South Carolina [Mr. RIVERS], as chairman of our House Armed Services Subcommittee on Hospitals, and his fellow committeemen have completely surveyed the national service hospital situation and have in many communications and conferences insisted upon the opening of these hospitals.

Up to this time, all these urgent appeals have fallen upon deaf ears. Weird, distorted concepts of economy pursued at great cost to the well-being of our gallant heroes, who are so valiantly serving the country, have prevented the maintenance of adequate and proper hospital facilities. There has been little vision and foresight manifested regarding our hospital needs.

Now the situation is even more urgent than before. Casualties in Korea are needing and will need greatly expanded hospital facilities. I have recently once again joined with the gentleman from South Carolina, Congressman RIVERS, and his subcommittee in another attempt to persuade the Department to reopen these hospitals. It would appear that certain officials at long last have become somewhat aware of current, urgent needs and I believe that in the near future President Truman himself will direct them to make additional hospital facilities available.

I hope very early favorable action will be forthcoming in this vital matter and compliment my distinguished colleague the gentleman from Massachusetts [Mr. DONOHUE] for his painstaking work to keep these hospitals open, and to reopen them now.

SEPARATION OF SUBSIDY FROM AIRMAIL PAY

Mr. HESELTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD with reference to H. R. 9184.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HESELTON. Mr. Speaker, I regret indeed that apparently it was not felt possible to schedule H. R. 9184, a bill to provide for the separation of subsidy from airmail pay, for action this week. This will be disappointing to all of the Members who have been deeply interested in voting in favor of this bill, which carries out one of the most important recommendations of the Hoover Commission. It will also be a source of disappointment to the people of this country who have taken such a great interest in the recommendations of the Hoover Commission, and, through the Citizens Committee, have supported legislation to that end. However, I think a great deal of encouragement may be had from the fact that the Rules Committee on September 15, did report a rule for the consideration of this bill calling for 2 hours' debate. It is my hope and belief that we can expect confidently to have the opportunity to vote on this bill soon after the Congress returns here on November 27. I shall do all I can to make that possible.

Many of my colleagues have inquired of me as to where they might obtain information on this bill. Here for their convenience, I wish to list certain facts and references. The bill was reported on July 19 by the Committee on Interstate and Foreign Commerce by a vote of 15 to 2. I am convinced that not more than 3 of that committee now numbering 27 will oppose the bill when it reaches the floor. The committee report is No. 3041 and was filed on August 31.

On September 18 I placed in the RECORD an analysis of certain major points I believe to be of importance in consideration of this legislation and I included a brief discussion of the arguments presented in the minority views. That is at page 15030.

I am sure many of us are aware of the very vigorous efforts made by officials of certain of our airlines since the Rules Committee reported the rule, in opposition to the bill. I want to make it clear that that opposition does exist, but it is extremely limited and almost entirely confined to those who undoubtedly would be affected if this bill becomes law. Each of them professes to agree with the principle of separation but then seeks to destroy it by saying, "Do not enact this bill."

In this connection it may be of interest to my colleagues to know that the Chairman of the CAB stated this year to the House Appropriations Subcommittee that out of each dollar of airmail pay, anywhere from 30 cents to 50 cents was subsidy. Last year he stated to the Senate Commerce Committee that the subsidies concealed in the air-mail payments totaled anywhere from $30,000,000 to $60,000,000 a year. It is understandable that the prospective loss of any substantial part of this hidden subsidy would bring protests from the recipients. But there is nothing wrong about forcing these subsidies into the open and paying only those that can be justified. Certainly the overburdened American taxpayer, now facing heavy additional burdens, is entitled to at least this much consideration.

Today we voted in favor of a tax bill which will increase the taxes paid by our constituents by many millions of dollars. Certainly it would be only simple justice to those constituents to take this constructive effort which may substantially reduce the annual subsidy ranging between thirty and sixty million dollars.

In any event, in view of the opposition which has been expressed by certain of our airlines, I also call attention to certain excerpts from statements, reports, and letters by very able executives of these airlines pointing up the necessity of supporting the subsidy paid for carrying air mail. I placed these in the Appendix of the RECORD, and they will be found on page A6675.

I shall place in the Appendix today an informative and important newspaper article by James Daniel, which appeared in last night's Washington Daily News, and undoubtedly in many, if not all, of the Scripps Howard papers in the country. I believe this to be an important statement to be included in our files on this bill.

I am confident that if my colleagues will glance at the material referred to they will be anxious to join in the effort which will be made to pass this bill very shortly after we return here on November 27.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 20 minutes.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include certain statements and excerpts.)

EFFORT MADE TO SHOW THAT RUMELY WAS DISLOYAL TO GERMANY INSTEAD OF BEING A TRAITOR TO THE UNITED STATES

Mr. PATMAN. Mr. Speaker, the gentleman from Michigan [Mr. HOFFMAN] inserted without delivering or reading in the CONGRESSIONAL RECORD of yesterday, commencing at page 15447, a number of statements and letters favorable to Edward Rumely, who was convicted of dealing with the enemy—Germany—during World War I. None of these statements or letters are dated, and the dates in some instances are very important. The S. S. McClure referred to as a close associate of Rumely boasted about spending 2 years in Italy after World War I and before World War II studying fascism. All the statements emanating from him upon his return were favorable to fascism and not against fascism. These statements, if they prove anything, prove that Rumely was disloyal to Germany instead of the United States. The fact is, he was disloyal to the United States, and the evidence in the trial of his case in New York, which was later confirmed by the circuit court of appeals and by the Supreme Court, discloses that he was guilty of treason against the United States. Rumely received from the Imperial German Government approximately $1,400,000 to buy the New York Evening Mail, which he used for that purpose. The purchase was made admittedly to use this newspaper to present the German side of the war that was then raging in Europe. The purchase was made very soon after the *Lusitania* was sunk on May 7, 1915. Rumely continued to operate the newspaper after the United States got into war on April 6, 1917, and until June 18, 1918. He either was loyal to his employer, the Imperial German Government, who furnished him this

large sum of money, and continued to present the German viewpoint, or he was disloyal to the Imperial German Government, and after receiving the money declined to carry out his obligation to the Imperial German Government.

RUMELY AGAINST UNITED STATES

In the District Court of the United States for the Southern District of New York, there was a case of the United States against Edward A. Rumely, and others. This case came to and was decided by the circuit court of appeals, second circuit, July 27, 1923.

In practically every town of a thousand people or more in the United States will be found one or more law libraries containing the United States Federal Reporter. Anyone can go to either of these libraries and go to the stack where the Federal Reporter is in the shelves and take out volume 293 and turn to page 532 and he will find approximately 30 pages of discussion of the Rumely case by the judges of the circuit court of appeals. The trial judge, when he overruled the motion for a new trial, stated:

I listened to the evidence with patience for 5 or 6 weeks as it was being introduced. I listened to the summing up of counsel, and I am not disposed to say that the jury did wrong in bringing the verdict which it did.

And in imposing sentence, the court said:

In this case the jury have found that an important law has been violated by you gentlemen. The law was passed to aid this country in the war, and was vital somewhat to the proper conduct of the war. I think the court would be derelict in its duty if it imposed a nominal sentence for such an infraction of the law as the jury has found in this case. I think the judgment of the court should be substantial.

In this decision of the circuit court of appeals, commencing on page 534 and concerning Rumely, it is stated:

At the time he purchased the Mail there was a feeling on the part of many German-Americans that the news from Europe was put over in a one-sided way. As he expressed it: "There was a great deal of resentment again the biased reports that were coming, and that bias I had recognized was due to the absence of the news flow from the Central Powers."

All the testimony discloses that it was Rumely's duty to represent the Imperial German Government. Certainly the German Government would not have furnished nearly a million and a half dollars to him for any other purpose. The jury was satisfied beyond a reasonable doubt that the money for this purchase of the paper came from the Imperial German Govenment and that the defendants knew that it came from that source. Efforts were made by Rumely and the other defendants to show that German-Americans in this country furnished the money but they were unable to convince the court and the jury that this was true.

On page 536 of the 293 Federal Reporter, the court states that Rumely was interviewed by the Chief of the Bureau of Investigation of the Department of Justice, October 26, 1917, and from all the proof he did not tell the FBI the truth. The FBI pursued him until the prosecution was commenced.

Dr. Albert, the fiscal agent of the German Government who gave Rumely the money from the Imperial German Government to purchase the New York Evening Mail, had always been in the service of the German Government. He entered the service of the Government of Germany in 1895, when he was 21 years of age, and from that time to the time he came to the United States had been continually in the German public service. After the rupture of diplomatic relations between the United States and Germany, he returned to his own country and was made Alien Property Cistodian and later became Under Secretary of State. He had never been in private business.

Soon after Dr. Albert's arrival here, he paid $200,000 to Rumely or Hammerling for an advertisement, which appeared in the foreign language press of the United States.

It was in May 1915, soon after the sinking of the *Lusitania*, that Dr. Albert informed Rumely that he had been placed in funds for the account of Sielcken and that the latter was ready to invest money in the newspaper. The circuit court said:

This was right after the incident of the *Lusitania*.

The first payment was $750,000. The testimony quoted by the circuit court of appeals in the 293 Federal Reporter, pages 541, 542, 543, 544, and 545, is very interesting and contains generous quotations from the testimony of the trial.

It seems that Mr. Kaufmann handled the case. Concerning one payment of $150,000, Dr. Albert was asked this question:

Question. Do you know in what form the money was transmitted to Mr. Kaufmann?

Answer. Well I think we stuck to the habit of handing it over in cash, but maybe I paid it in a check. I don't remember.

In the circuit court of appeals decision, page 545, it is stated:

The defendant Kaufmann was Albert's legal adviser in respect to all matters relating to the Mail, and he states that he left to him all legal details. In all cases Albert states that he gave all the money paid to Rumely to Kaufmann, who was to turn it over to Rumely as a loan.

In the circuit court's decision, commencing on page 549, five overt acts are charged against the defendants. The circuit court of appeals' decision contains this statement near the end:

The defendants had a fair trial under a valid indictment.

I do not believe that any Member of this House can read the information available from responsible sources without coming to the definite conclusion that Rumely was guilty of treason during World War I. Rumely has had more to do with propaganda and propaganda methods than any person in the world. His sordid record does not recommend him as a teacher in the United States for the purpose of trying to mold public sentiment and thereby influence major policies of our Government. The Committee for Constitutional Government is definitely a Fascist group. It is not for democracy; it is for totalitarianism. The House of Representatives very wisely cited Edward A. Rumely for contempt for refusing to state from whom he received the millions of dollars the past few years that were used to disseminate propaganda against the interests of our country.

The SPEAKER. Under previous order of the House, the gentleman from Minnesota [Mr. O'HARA] is recognized for 60 minutes.

THE YEARS 1949 AND 1950 IN REVIEW

Mr. O'HARA of Minnesota. Mr. Speaker, I want to take this opportunity to review briefly some of the highlights of the Eighty-first Congress and recent events.

BUSY AND HECTIC SESSIONS

Both the 1949 and 1950 sessions of the Eighty-first Congress were crowded and hectic ones. From the standpoint of legislation, nearly 16,000 bills and resolutions were introduced in the Senate and House of Representatives.

THE CONGRESS

This Congress has been controlled in both the House and the Senate by the same political party which controls the executive branch of our Government. In the House of Representatives, with a total membership of 430 (presently 5 vacancies), the Democratic Party has a majority of 88. That party named the chairmen of all committees and effectively controls the legislative program of the House. The program under these conditions is spelled out for Congress by the President in his state of the Union message—required by the Constitution—by his budget message, and by other messages sent to Congress from time to time.

THE PRESIDENT'S PROGRAM

In his messages to Congress the President has urged continuation of our program of foreign aid at a high level. He has demanded the repeal of the Labor-Management Relations Act of 1946, the Taft-Hartley law, the expansion of a socialized public-housing program, production payments to farmers, the Brannan farm plan, compulsory health insurance, Federal aid to education, establish great and powerful valley authorities; and he asked for authority to build and operate steel mills. He also gave approval to the so-called Spence economic-control bill which was nothing more nor less than a new version of the old OPA. He urged that Congress make no deep cuts in spending. Then he submitted a budget asking for appropriations which would create a deficit of five billions or more per year. All this was before the Korean crisis.

CONGRESSIONAL ACTION ON PRESIDENT'S PROGRAM

A majority of the Members of this Congress refused to approve more than a small part of the President's program, which they thought pointed dangerously toward total Government control or what is generally called socialism. The so-called Brannan farm plan was not enacted. The Taft-Hartley law was not repealed but the administration succeeded in blocking the passage of needed amendments which were approved by

labor. Socialized medicine was not considered on the floor of the House or Senate. Aid to education became tangled up in committee. The Columbia Valley Authority bill was given only brief hearings in committee. The Spence economic-control bill and the request for authority to build Government owned and operated steel mills were not considered.

Foreign aid was continued practically as requested, including world-wide aid to industry, known as the point 4 program. Federal housing was approved in the first session, supposedly as an emergency measure to relieve the national shortage of houses but no houses were built or even started during the first 12 months after the Housing Act was passed. Meanwhile people have built a record-breaking number of homes for themselves.

OUR FOREIGN POLICY MESS

As the result of amazing military ability, production and financial strength displayed in World War II, the United States emerged as undisputed world leader. We became the hope, the rallying point and the strength of the free peoples of the world. We could have enforced peace on the earth. We could have enlarged the territorial boundaries of freedom.

Instead our President and our State Department committed us clandestinely to the unmoral contract known as the Yalta agreement. Later, as if the betrayal of freedom of our friends at Yalta were not enough our officials supinely stepped into the Potsdam agreement bear-trap.

Directly and indirectly as the result of the Yalta and Potsdam agreements 600,000,000 people have lost what freedom they had and are now under the heel of the Russian Communist dictator. At the end of World War II the Russian Government controlled less than 200,000,000 people. Now it controls 800,000,000.

Instead of peace the blundering administration which controls the foreign policy of the United States, and so the destiny of all free people, has brought us again to war.

In voicing these harsh opinions of the manner in which the Truman administration has conducted the foreign policy of our country I do so with considerable knowledge of the record and the facts. I am convinced that future written history of the past 5 years will more than bear out the comments I make here.

THE KOREAN CRISIS

Today our American boys are dying in the rice paddies of Korea because of the present administration's weak and vacillating foreign policy in the Far East and constant appeasement of the Russians which has resulted in the fall of Manchuria, China, and North Korea, and which threatens the entire continent as well as Japan and the Philippines. It must be remembered that the Congress itself has nothing to do with formulating the foreign policy of this country. That is entirely within the province of the President and the State Department.

Secretary Acheson told us in February 1949 it was the policy of the administration to "wait for the dust to settle" before deciding our next move in China. He also stated in January 1950 in his far-eastern report that—

> This defensive perimeter (where the United States will defend in the Far East) runs along the Aleutians to Japan and then goes to the Ryukyus.

In other words, that the United States was not interested in the defense of Korea, and that only Japan, Okinawa, and the Philippines were in the perimeter of our defense set-up, thus announcing to the world that we would not intervene to halt Communist aggression in China, Formosa, or Korea, all three of which lie beyond that perimeter. To the Asiatic peoples, and unquestionably to the Soviet Union, Mr. Acheson's amazing declaration was an open invitation for the Chinese Communists to complete the conquest of China by taking Formosa and South Korea.

We were told by spokesmen of the present administration that South Korea could not be defended if attacked, and that it had no military or strategic value. So we withdrew our troops, leaving $56,000,000 worth of small arms and equipment, light jeeps, clothing, and food. The Republican members of the House Foreign Affairs Committee in an official document issued July 26, 1949, protested this withdrawal from Korea as occurring at the very instant when logic and common sense both demanded no retreat from the realities of the situation.

It was on January 19, 1950, exactly 1 week after Mr. Acheson's statement about our perimeter of defense, that a majority of the House Republican Members joined 61 Democrats in rejecting the so-called Korean aid bill containing only economic assistance, with warning to the administration that without military aid to Korea and appropriate assistance to other critical areas in Asia, the proposed $150,000,000 in economic assistance would not only be useless, but it would enhance the prize dangled before the Communist aggressors by Secretary of State Acheson in January 1950 in his far-eastern report. Under the terms of the bill for economic aid, we would have sent fertilizer, seed, and money for building of roads, dams, and the construction of hydroelectric plant. It simply meant building up a greater and richer prize for the Communists to take over in Korea. What has actually happened in Korea today confirms our fears at that time. None of the economic aid, which was finally voted in February 1950 ever got there; and although $10,000,000 in military aid was voted for Korea, actually only the small amount of $200 worth of this aid ever got there, and that was Signal Corps wire. This accounts for the fact that when our boys were first sent to Korea they had only the small arms and equipment which had been left behind when our troops withdrew with which to fight back the heavy tanks and equipment with which the Russians had armed the North Koreans.

The present administration and the State Department have been running the show, and their first policy was as expressed by Owen Lattimore, State Department adviser for the Far East, who helped formulate the policy, "the thing to do is let her—Korea—fall but not let it look as though we pushed her." Neither the voting of military nor economic aid to Korea was consistent with such policy. On June 27, 1950, however, President Truman suddenly changed his mind, and our boys were ordered to fight in Korea. I regret that the mistakes of the present administration can now only be paid for in the high currency of blood and treasure.

HOOVER COMMISSION RECOMMENDATIONS

The Eightieth Congress enacted the legislation creating the now famous Hoover Commission. Its purpose was to study the organization and operation of the executive branch of the Federal Government and make recommendations for reorganization to gain greater efficiency and economy.

The report of the Commission and its recommendations came before the Eighty-first Congress early in 1949. Congress drafted the Reorganization Act of 1949, which laid the foundation for allowing the President to submit plans for reorganizing the executive branch of the Government.

On legislation generally, if either the House or the Senate turns down or disapproves proposed legislation, it does not become law. The action of either body is final. The Reorganization Act as originally submitted provided that any plan submitted by the President would become effective unless vetoed both by the House and the Senate within 60 days. If, for example, the House disapproved the plan and the Senate did not act, such reorganization plan would become effective.

Filibusters occur in the Senate which take up weeks of time, and press of other legislative matters might prevent action by both the House and the Senate within the 60-day period.

I felt that, as a fundamental principle, the provision in the Reorganization Act under which the President's plans were to be submitted and become effective was not only wrong, it was exceedingly dangerous.

I therefore opposed this provision of the original draft of the Reorganization Act, and I was one of only nine Members of the House of Representatives who voted against this measure. The view I had taken prevailed overwhelmingly when the Reorganization Act later was debated in the Senate, and the "one-House veto" feature was accepted when Members of the House and Senate agreed in conference on this law.

Thus, although to uphold my conviction required that I "go against the tide" by making what I knew would be a misunderstood minority vote of opposition, in the end my view became the law of the land. The Reorganization Act as amended and finally enacted into law provided that a reorganization plan submitted to the Congress by the President shall take effect after 60 calendar days of continuous session of the Congress unless disapproved by either the Senate or the House of Representatives, by a majority of the authorized membership of that body—a vote to disapprove by

218 Members in the House, or 49 in the Senate.

I was in favor of the Reorganization Act as amended, and voted to agree to the conference report.

Under this key measure—the Reorganization Act—the President has submitted a total of 35 reorganization plans. One relating to reorganization of the Military Establishment was superseded by other legislation covering the same subject matter. Twenty-six of the plans submitted were accepted.

In addition to the 26 reorganization plans which have become effective to date, many new laws embodying recommendations of the Hoover Commission were enacted during the 1949 and 1950 sessions of the Eighty-first Congress, including the National Science Foundation Act, considered and reported to the House by the Committee on Interstate and Foreign Commerce, of which I am a member. The Eighty-second Congress should complete Congress' part of the job of reorganizing the executive branch along lines recommended by the Hoover Commission, insofar as the proposals are found to be feasible and desirable. Thereafter, the success of the program will hinge largely upon administrative action. It must be remembered that only about one-third of the recommendations of the Hoover Commission are capable of being acted upon by the Congress. The remainder must be carried into effect by administrative action of the executive branch, without review by Congress.

Although as much as one-half of the program as proposed in 1949 in the report of the Commission on Organization of Executive Branch of the Government—the Hoover Commission—has now been made effective, much remains to be done.

And while generally the Hoover Commission recommendations meet with my sincere approval, it must be noted that this is not a simple matter of voting just once—"yes" or "no"—on the Hoover Commission Report as a single package. Furthermore, examination of the recommendations does not present you with an issue all black or all white but rather an issue to be resolved by legislation, in which most of the statements are gray. Not all of the Hoover reports were unanimous, even among the members of the Hoover Commission.

There is also the fact that the President is not limited in his reorganization efforts to recommendations made by the Hoover Commission. We must keep in mind that the various reorganization plans which the President submits may or may not be in accord with the recommendations of the Hoover Commission, and that each plan submitted must be carefully considered to determine its import. The chief ground for rejecting the eight reorganization plans thus far was the criticism that they did not in fact carry out recommendations of the Hoover Commission; that in those plans President Truman was exploiting the Hoover report and showing much more interest in increasing his personal power and advancing his socialistic beliefs than in saving money or putting into effect the recommendations of the Hoover Commission.

One point about the Hoover report that I would like to emphasize is that the Commission's recommendations merely permit and enable savings to be made. They do not in themselves provide for a dollars-and-cents reduction in specific appropriations. The bills and plans only make it possible to provide for increased efficiencies in administration. In other words, they can lead to economies. The savings, if any, will occur if and when the heads of the executive branch acquire the desire, the courage, and the talent to install properly the reorganization plans, once they have become effective, and to carry them out. That means the President and the top people around him, in Government departments and agencies.

Representative LESLIE ARENDS, of Illinois, in summing up criticism of the plan submitted this year by President Truman to make the Federal Security Agency a full-fledged Cabinet department, stated as follows:

> In truth, this is not even a reorganization plan. It reorganizes nothing. It not only does not conform to the Hoover Commission recommendations, it runs counter to them. It would be much more accurate to call it a political-promotion plan for the advancement of socialized medicine. I do not see how anyone could reach any other conclusion. * * *
>
> Instead of reducing expenditures, this plan will lead to increased spending. Instead of less government, this plan proposes more government. Instead of promoting efficiency, this plan would bring about political control in those fields such as education and public health where there should be a very minimum of such control.

Senator JOHN L. MCCLELLAN, of Arkansas, a Democrat, called the President's plan for reshuffling the Interstate Commerce Commission "a power grab" by President Truman. He said its real purpose was "not to promote efficiency, not to reorganize in order to effect economies, but to concentrate more and more power" in the President. Senator MCCLELLAN also said that if such plans are a sample of how the administration plans to carry out the Hoover report, the claimed savings of four or five billion dollars "will evaporate." Senator MCCLELLAN was a member of the Hoover Commission and is now chairman of the Senate Committee on Expenditures in the Executive Departments, so he must know what he is talking about.

Bipartisanship has been notably prominent in the consideration of recommendations of the Hoover Commission in Congress as it had been in the deliberations of the Commission itself. Factors other than partisanship have touched off controversies on some of the features of the program.

GOVERNMENTAL ECONOMY IMPERATIVE TO CONTROL INFLATION

Government costs at Federal, State, and local levels, according to minimum estimates, will exceed $81,000,000,000, in the calendar year 1951.

To raise this almost unbelievable amount the taxes which will of necessity have to be levied will take approximately every third dollar of national income.

The consequences of such a punitive program have not been either fully or satisfactorily explained to the American businessman, the American farmer, or the American workingman.

PUBLIC DEBT HELD BY PEOPLE

Many people think that our public debt of more than $257,000,000,000 is held by the banks and big corporations of the Nation. This is a delusion.

As of July 1, 1950, the commercial banks of the Nation held but $65,000,000,000 in United States Government securities and the balance was owned by savings banks, building and loan associations, insurance companies, and the individual purchasers who purchased these securities from their personal earnings and savings as part of their plans for security and comfort in their declining years.

Mr. Speaker, every dollar held by the United States Government in these trust funds has already been spent and the security for this money consists of Government I O U's. With the dollar value collapsing from month to month, the beneficiaries of these trust funds will be paid off in devalued dollars, a system of skillful robbery achieved by inflation accelerated by deficit financing for the past 20 years.

DEFICITS IN 18 OF THE LAST 20 YEARS

Mr. Speaker, we have been going down the road to disaster and inflation in 18 of the last 20 years. We have built up the public debt by deficit spending by over $200,000,000,000. And all of this has been done with an irredeemable paper currency as the basis for our fiscal policies.

And this deficit spending has occurred during a period in which we collected more taxes by two hundred and two billion than the total cost of our Government from the beginning of the Republic down to the inauguration of Franklin D. Roosevelt in 1933.

A RECORD OF DEFICIT SPENDING

In 18 out of the past 20 fiscal years, the Federal Government has operated at a deficit. In 2 years, 1947 and 1948, the surpluses amounted to $9,173,257,504.

The public debt which was $16,185,308,299, or $131.38 per capita at the close of the fiscal year 1930, has risen to $257,357,352,351 or $1,704.50 per capita.

During the 20 fiscal years from 1931 through 1950, the Treasury Department collected revenues in the total amount of $342,292,461,609.

The total receipts for the 20-year period, plus the accumulated deficits, indicate that the total expended by the Federal Government during the period was $577,541,437,902, or an average of about $28,877,071,895 per year.

Of the money spent during this 20-year period, approximately $110,000,000,000 was spent during and since the beginning of World War II. This foreign aid is expected to continue for many years.

One important factor generally overlooked by those who claim our economy is on a sound basis is the inflation brought about by Government deficit

spending, and the depreciated purchasing power of the dollar. We Americans are in fact living in a land of make believe. Making ourselves believe the more we spend and the more we go in debt the more prosperous we can become, and the higher we can raise our standard of living. Time will awaken the people from this trance. It is a fact that in 1931 the dollar was worth 96.6 cents in the market place. In 1932 it was worth 108.1 cents and the person who had saved a dollar drew some small comfort out of the fact that he had been thrifty. Today the dollar is worth only 58.1 cents and every person who saved in the days between 1929 and 1939 now finds that he has been robbed of the purchasing power of his savings by the deficit spending of the Federal Government, which has inflated prices in the markets. Borrowed money competing for goods drives up the price, and will continue to do so until deficit spending ends.

The irony of the situation is that while the Truman administration is aggressively campaigning to save democracies all over the world, and at the same time campaigning for comprehensive and more liberal social-security programs here at home, at the very same time by this deficit spending all over the world, it is undermining the very programs they offer the people, by devaluing the purchasing power of the dollar by deficit financing.

The dollar of 1935–39 is worth less than 50 cents today, and surely will go lower unless the Congress itself acts to place our economy and our money on a sound basis.

Fifty-five million men and women with savings accounts, the millions with investments in building and loan associations, and insurance policies are being systematically robbed of their savings. Additional billions of dollars saved by the working men and women of the Nation have gone into the stocks and bonds of the industries of our country. These savers too will be robbed of the fruits of thrift, by a punitive excess-profits tax if the New Dealers and the Fair Dealers have their way and succeed in setting up the hand-out or authoritarian state.

We now are about to witness a further devaluation in the purchasing power of the dollar stimulated by Government deficit spending to finance the new programs for national defense, mutual aid assistance to European nations, and general aid and assistance to countries all over the world, all of which spending has been authorized by this Congress.

Here in America we still have time, but very little to put our house in order, restore the purchasing power of the dollar by rigid governmental economy, and the abandonment of plans for the socialistic state.

The tables which follow show the trend in Federal spending, a large part of which can be charged to waste, mismanagement, and downright incapacity on the part of the New Deal-Fair Deal administrators of our Government to measure up to the responsibilities of their jobs.

TABLE 1.—*Surplus or deficits of the Federal Government by fiscal years 1931 through 1950*

[Compiled from official Treasury statements]

	Budgetary surplus or deficit (−)
1931	−$461,877,080
1932	−2,735,289,708
1933	−2,601,652,085
1934	−3,629,631,943
1935	−2,791,052,085
1936	−4,424,549,230
1937	−2,777,420,714
1938	−1,176,616,598
1939	−3,862,158,040
1940	−3,918,019,161
1941	−6,159,272,358
1942	−21,490,242,358
1943	−57,420,430,365
1944	−51,423,392,541
1945	−53,940,916,126
1946	−20,676,170,609
1947	753,787,660
1948	8,419,469,844
1949	−1,811,440,047
1950	−3,122,102,357
Gross deficit	−244,422,233,802
Less 1947–48 surplus	9,173,257,504
Let deficit (20 years)	−235,248,976,298

The Treasury receipts, other than borrowings, are shown by years in table 2, which follows:

TABLE 2.—*Budgetary receipts of the U. S. Treasury by fiscal years from 1931 through 1950*

1931	$3,189,638,632
1932	2,005,725,437
1933	2,079,696,742
1934	3,115,554,050
1935	3,800,467,202
1936	4,115,956,615
1937	5,028,840,237
1938	5,854,661,227
1939	5,164,823,626
1940	5,387,124,670
1941	7,607,211,852
1942	12,799,061,621
1943	22,281,642,709
1944	44,148,926,968
1945	46,456,554,580
1946	43,037,798,808
1947	43,258,833,189
1948	44,745,542,077
1949	38,245,667,810
1950	37,044,733,557
Total receipts (20 years)	342,292,461,609

A SOUND NATIONAL FARM POLICY

During the Eighty-first Congress I joined with agricultural leaders in Congress in advocating a sound national farm policy for the country, the taxpayer, and the farmer.

I worked shoulder to shoulder with my colleague and good friend, Congressman AUGUST H. ANDRESEN, of Minnesota, who has been a member of the Committee on Agriculture of the House of Representatives during his many years of service in Congress, in the fight over the color "yellow" for margarine and all other major issues pertaining to agriculture.

LABOR MANAGEMENT

Believing that the welfare of all Americans demands that labor, industry, business, agriculture, and Government accept their duties and responsibilities, I favored the retention of the Taft-Hartley law because it protects the constitutional rights of the workingman and his employer.

In recognition of the fact that the Taft-Hartley law is not perfect, I supported efforts to improve the law by amending its provisions. While the House approved the amendments the Senate did not take action on the measure.

EFFORTS TO AID SMALL BUSINESS

Ever mindful of the fact that small business is the backbone of our economic life, I devoted much effort to aiding and assisting the businessmen of my congressional district and the Nation as a whole.

I take pardonable pride in the fact that I have on file scores of letters of commendation from small-business enterprises expressing gratitude for my success in aiding them with their problems.

VETERANS AND THEIR DEPENDENTS

During the Eighty-first Congress I continued my efforts in behalf of the veterans of all wars and their dependents, an activity that I began after my discharge from the United States Army in World War I.

My efforts were not alone in the field of veterans' legislation but I personally assisted many veterans and their dependents in obtaining benefits to which they were entitled.

AMERICANISM

Mr. Speaker, I have always consistently and very strongly opposed the philosophies of communism, socialism, or any other ism which attempts to overthrow or undermine our American system of government.

Long ago, in the early 1920's, I began speaking in behalf of a strong national defense, and calling attention to the dangers from those both without and within our own country who would destroy our American way of life.

Consistently over the years, both before and since I have been in Congress, I have supported the theory of investigating those who were subversives, whose objective is to overthrow our way of life. During all my time in Congress I have invariably supported the appropriations for continuation of the Un-American Activities Committee, and also the appropriation of every dollar that was needed for our Federal Bureau of Investigation—the FBI—and for our own national defense.

I shall continue to do this so long as I live and have the great honor of being an American citizen.

VOTING IN THE HOUSE OF REPRESENTATIVES

Since my election to the Seventy-seventh Congress, a total of 61,499 bills and resolutions, in addition to some 22,368 reports, have been submitted to Congress for consideration, in the Seventy-seventh and succeeding Congresses, to August 23, 1950.

In this connection, my opposition will criticize me on some 15 to 20 votes. I submit that, within the tremendous scope of decisions to be made as a Member of Congress, even my opposition would concede that my batting average, if I were a baseball player, would be in the vicinity of 1000 percent.

Members of Congress in the course of their legislative responsibilities are called upon to make many votes which are not recorded in the usual roll-call method. These votes are designated as voice votes, divisions, tellers, and consent votes. Consents are considered as votes because as such one individual member in the exercise of his right to object may prevent a legislative agreement otherwise necessitating vote of the membership.

The month of August 1950 was checked and analyzed with respect to this workload. August can well be taken as a representative month in that a check of the Consent and Private Calendars indicates that they were not excessive in length. Other legislative business was not abnormal. This study indicates 1,617 voice votes, 113 divisions, 18 tellers, 33 roll calls, and 1,784 consents for a total of 3,115 votes. There were 23 legislative days in August resulting in an average of 135 votes per day. In checking the total legislative days per Congress since the advent of the New Deal, it can be conservatively stated that a Congress will have somewhere between 325 and 350 legislative days. The conservative conclusion is that there are approximately 40,000 votes per Congress. It might also well be noted at this point that the votes a Representative is called upon to make as a committee member are not taken into consideration by this study.

COMMITTEE WORK

The House Interstate and Foreign Commerce Committee, of which I am a member, has held hearings almost daily and considered hundreds of important bills. The committee handles legislation pertaining to transportation, communications, public health, inland waterways, aviation, Federal Trade Commission, and Department of Commerce. In 1949, we made a thorough study of European socialized medicine plans and operation. The various socialized medicine and compulsory health insurance bills introduced in the present Congress have been considered by our committee, as well as the Federal Airport Act, Hospital Survey and Construction Act, National Science Foundation Act, Railway Labor Act, Natural Gas Act, and so forth.

I have been on this committee 8 years and am now a senior member. I serve as the ranking Republican member on the Public Health, Science, and Commerce Subcommittee, as a member of Transportation Subcommittee, and on the new special Subcommittee on Defense Activities.

I was one of seven Members appointed to the House Select Committee on Lobbying Activities, which committee conducted an active investigation of lobbying, requiring a great deal of time and effort in committee hearings.

I am also a member of the District of Columbia Committee of the House of Representatives, which deals with legislation pertaining to the Nation's Capital—the District of Columbia.

CONCLUSION

As a member of these committees, together with my legislative and other duties in representing the Second District, the Eighty-first Congress has proved an exceedingly busy one for me.

I have devoted my time and efforts to the job of representing you of my district in Congress, and I have considered all issues from the standpoint of their effect on our Nation and on the American people as a whole as well as their effect upon my district and my constituents. I have tried to meet every issue fairly and squarely by a decision reached after studying the facts and giving full weight and thought to the viewpoints expressed, but at no time did I permit narrow partisan or ill-considered views to influence my judgment in doing what I concluded was right.

I realize that the people of the Second District are more than a thousand miles away from Washington but nevertheless have many problems which can only be settled in the Nation's Capital. I am glad to be of service in any and every way possible. I also welcome letters commenting upon legislation and expressing opinions. In an average month, more than 2,000 pieces of first-class mail are received in my office from residents of this congressional district.

To you who have written letters of gratitude and encouragement, I am profoundly grateful. I assure you that I treasure your good wishes and shall always strive to justify your confidence and respect. My files are full of commendatory letters in appreciation for services rendered. I assure you that I appreciate these testimonials of my effort at all times to truly represent all the people of the congressional district.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MEYER (at the request of Mr. REES), indefinitely, on account of illness.

To Mr. BLACKNEY (at the request of Mr. MICHENER), for an indefinite period on account of illness in family.

To Mr. MULTER, for Thursday, September 21, 1950, on account of the high holiday, Yom Kippur.

ENROLLED BILLS SIGNED

Mrs. NORTON from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6319. An act to authorize a $75 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation; and

H. R. 7824. An act to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1292. An act to amend section 32 (a) (2) of the Trading With the Enemy Act;

S. 2195. An act to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes;

S. 2801. An act to give effect to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, and for other purposes; and

S. 3437. An act to amend the Atomic Energy Act of 1946.

BILLS PRESENTED TO THE PRESIDENT

Mrs. NORTON, from the Committee on House Administration, reported that that committee did on September 21, 1950, present to the President, for his approval, bills of the House of the following titles:

H. R. 6480. An act to amend title 18, United States Code, entitled "Crimes and Criminal Procedure";

H. R. 7940. An act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes;

H. R. 8396. An act to authorize Federal assistance to States and local governments in major disasters, and for other purposes;

H. R. 9399. An act to provide a more effective method of delivering applications for absentee ballots to servicemen and certain other persons;

H. R. 9455. An act to amend the act of September 16, 1942, as amended, so as to facilitate voting by members of the Armed Forces, and certain others, absent from their places of residence; and

H. R. 9490. An act to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until tomorrow, Saturday, September 23, 1950, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1680. Under clause 2 of rule XXIV, a letter from the Director of the Staff, Munitions Board, transmitting the first Joint Report on the Federal Catalog Program, pursuant to House Concurrent Resolution 97 (81st Cong., 2d sess.), was taken from the Speaker's table, referred to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PETERSON: Committee on Public Lands. Report on National Parks and Monuments, including concessions therein, pursuant to House Resolution 66, Eighty-first Congress, first session; without amendment (Rept. No. 3133). Referred to the Committee of the Whole House on the State of the Union.

Mr. KEE: Committee on Foreign Affairs. Pursuant to House Resolution 206, authorizing the Committee on Foreign Affairs to conduct thorough studies and investigations of all matters coming within the jurisdiction of such committee; without amendment (Rept. No. 3135). Referred to the Committee of the Whole House on the State of the Union.

Mr. STANLEY: Committee on House Administration. House Resolution 731, authorizing a reprint of House Report No. 2495, Background Information on Korea; with an amendment (Rept. No. 3134). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CROSSER:

H. R. 9733. A bill to amend the Civil Aeronautics Act of 1938, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRIEST:

H. R. 9734. A bill to amend the National Service Life Insurance Act of 1940 to provide insurance for members of the Tennessee Air National Guard who were killed in a plane crash near Myrtle Beach, S. C., on July 23, 1950; to the Committee on Veterans' Affairs.

By Mr. WITHROW:

H. R. 9735. A bill to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes; to the Committee on Banking and Currency.

By Mr. CELLER:

H. R. 9736. A bill to provide for the pooling of unused immigration quotas; to the Committee on the Judiciary.

By Mrs. DOUGLAS:

H. R. 9737. A bill to protect the internal security of the United States, to provide for the detention in time of emergency of persons who may commit acts of espionage or sabotage, and for other purposes; to the Committee on the Judiciary.

By Mr. GAMBLE:

H. R. 9738. A bill to create the War Damage Corporation; to the Committee on Banking and Currency.

H. R. 9739. A bill to grant succession to the War Damage Corporation; to the Committee on Banking and Currency.

H. R. 9740. A bill to amend section 23 of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. DONOHUE:

H. R. 9741. A bill to authorize the naturalization of parents of veterans without regard to certain requirements of the naturalization laws; to the Committee on the Judiciary.

H. R. 9742. A bill to establish a Federal Commission for the Physically Handicapped, to define its duties, and for other purposes; to the Committee on Education and Labor.

H. R. 9743. A bill to provide for the payment of retroactive death pension to widows and children of veterans after 7 years' continued and unexplained absence; to the Committee on Veterans' Affairs.

H. R. 9744. A bill to permit holders of bonds issued under the Armed Forces Leave Act of 1946 to assign such bonds for the purpose of making payment on certain loans guaranteed under the Servicemen's Readjustment Act of 1944; to the Committee on Armed Services.

H. R. 9745. A bill to provide for the recall of officers to active duty for purposes of rehospitalization and evaluation; to the Committee on Armed Services.

By Mr. FORD:

H. R. 9746. A bill to amend the Army and Air Force Vitalization and Retirement Equalization Act of 1948, so as to remove certain limitations upon the retirement of members of the Reserve components of the Armed Forces; to the Committee on Armed Services.

By Mr. SIKES:

H. R. 9747. A bill relating to amounts made available for grants for hospital construction for the fiscal year ending June 30, 1951, and for other purposes; to the Committee on Appropriations.

By Mr. GORSKI:

H. R. 9748. A bill to provide for the issuance of a special postage stamp in commemoration of the centennial of the founding of the first settlement of Polish immigrants in the United States at Panna Maria, Tex.; to the Committee on Post Office and Civil Service.

By Mr. MORRIS:

H. J. Res. 545. Joint resolution for the establishment of a commission to study the need for simplification, modernization, and consolidation of the public-land laws, to make appropriate recommendations for an effective public land law system, and for other purposes; to the Committee on Public Lands.

By Mr. BURKE:

H. Con. Res. 289. Concurrent resolution for the establishment of a United Nations Police Authority; to the Committee on Foreign Affairs.

By Mr. DONOHUE:

H. Res. 865. Resolution calling upon Congress to take effective action against the spread of inflation and the high cost of living; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKLEY of New York:

H. R. 9749. A bill for the relief of Avram, Malvina and Arthur Schonbrun; to the Committee on the Judiciary.

By Mr. DONOHUE:

H. R. 9750. A bill for the relief of Adrian Van Leeuwen; to the Committee on the Judiciary.

H. R. 9751. A bill for the relief of Adrian Van Leeuwen; to the Committee on Armed Services.

By Mr. KING:

H. R. 9752. A bill for the relief of David Mark Sterling; to the Committee on the Judiciary.

By Mr. MADDEN:

H. R. 9753. A bill for the relief of Panagiota Kolintza Karkalatos; to the Committee on the Judiciary.

By Mr. MORRISON:

H. R. 9754. A bill for the relief of Aba Szejnbejm, Mrs. Dvora Szejnbejm, and Shlomo Szejnbejm; to the Committee on the Judiciary.

By Mr. WALTER:

H. R. 9755. A bill for the relief of James Veidelis; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2380. By Mr. HOPE of Kansas: Petition of parents and citizens of Meade, Kans., demanding that in the present drafting of our youth for military training there be written into bills a provision that no alcoholic beverages may be served or sold in camps where these youth are, or nearer than 10 miles from such camps; to the Committee on Armed Services.

2381. By the SPEAKER: Petition of Omar Brown, chairman, Legislative Assembly of the Virgin Islands, St. Thomas, V. I., relative to taking favorable action on the establishment of National Guard units in the Virgin Islands; to the Committee on Armed Services.

2382. Also, petition of Emil Loriks, secretary-treasurer, South Dakota Farmers Union, Mitchell, S. Dak., relative to enactment of an excess profits tax; to the Committee on Ways and Means.

2383. Also, petition of M. C. Cunningham, secretary, Gulf Ports Association, Mobile, Ala., relative to the lack of utilizing cargo space at Gulf ports on ships withdrawn from the maritime reserve fleet in the Gulf area and urging that such ships be loaded at Gulf ports; to the Committee on Merchant Marine and Fisheries.

SENATE

SATURDAY, SEPTEMBER 23, 1950

(Legislative day of Friday, September 22, 1950)

(Continuation of proceedings of the Senate of Friday, September 22, 1950, from 11:45 o'clock p. m. of that date:)

PROTECTION AGAINST CERTAIN UNAMERICAN AND SUBVERSIVE ACTIVITIES—VETO MESSAGE

The Senate resumed the reconsideration of the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, the objections of the President of the United States to the contrary notwithstanding.

Mr. LANGER, Mr. JENNER, and Mr. JOHNSTON of South Carolina addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. LANGER. Mr. President, inscribed on the Statue of Liberty are these words, which describe what America has come to mean to us and to the whole world:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed, to me.
I lift my lamp beside the golden shore!

We know this description of America is true. We know that America was carved out of the remnants of five ancient empires—the British, the French, the Spanish, the Dutch, and the Russian. And we know that throughout the past years millions of the hungry, of the exploited, of the persecuted and the oppressed, have found their ways to these shores to find a new life in freedom under law.

We have learned from this experience how deeply the love of liberty is ingrained in the hearts of our fellow men. This love of liberty cannot be restricted or extinguished by the accidents of party, race, creed, or caste.

From all over the world liberty-loving men and women, of every walk of life, have come to these shores, and in their new-found freedom and dignity have made lasting contributions to our way of life. At the same time their faith has grown with the years and has helped to strengthen the roots of human dignity and decency, upon which our way of life depends.

Tonight we find this heritage under direct attack by forces which seek to undermine the very foundation of human freedom. Both from without and from within these forces are eating away at the very foundation upon which the future of our freedom depends.

I am sure there is no need for me to go into details to describe the forces of tyranny that are operating outside our borders. Suffice it to say that, in one form, these forces are seeking to undermine existing democratic institutions, for the purpose of reimposing an ancient

tyranny, masquerading in a modern dress.

In another form these forces are seeking to perpetuate a status quo in the colonial areas of the world, which would keep in subjugation the hundreds of millions of helpless peoples, who for hundreds of years have been cruelly exploited and inhumanly degraded by the brute power of western imperialism.

I mention these two totalitarian trends only to show that, at least up until now, America has fought on the side of the under dog, always championing the exploited, the persecuted, and the oppressed.

That is why tonight I consider it such a privilege to be able to share my thoughts with you and to ask that you give serious consideration to what I consider to be the gravest threat to the fuller realization of our own civil rights, which we are so earnestly seeking.

This threat lies in the trend toward centralization of power, and of control of our economic, social, political, and personal lives, right here in our own midst.

I believe history fully demonstrates that the reason why the American people have remained a champion of the persecuted and oppressed abroad, and the reason why we have been able to provide sanctuary for those who sought to escape the defilement of human personality, by foreign tyrannies, is that those who framed our Constitution and our magnificent Bill of Rights did everything in their power to prevent the emergence of a centralized, authoritarian government in our own midst.

That is why I believe that the present trends that have developed in our midst constitute the gravest threat to the fuller realization and extension of our own civil rights guaranties to our own people, which is what we all so earnestly desire.

What is to be done about this threat? I ask this question because until we answer it intelligently and courageously I see no way in which we can avoid further confusing the issues in our civil-rights program, nor do I see any way in which we can avoid playing directly into the hands of the totalitarian forces already operating in our midst.

As I see it, there are three ways in which we can answer this question. First, we can ignore the obvious truth that true progress is a wisely balanced mean between the lessons of experience and new vision, and, by letting our emotions run away with us, join with those forces which seek to force changes in our form of government, in our economic, social, and personal life, by destroying the safeguards of human freedom which have been built up through the years.

So far as this course of action is concerned I believe it can only lead to grief.

The second course we may follow would be to ignore the historical truth that societies either advance or recede, that they never stand still, and to line up with the forces of reaction in this country which seek to perpetuate, either through greed or fear or ignorance, a status quo with all its economic, social, and personal injustices and discriminations.

For myself, I know of no surer way of clamping the lid down on this melting pot that is America and building up the explosive forces, which in any society precipitates a catastrophe.

The third course that is left open to us is the course of genuine progress suggested by what, in my humble opinion, is the counsel of true liberalism. I believe that true liberalism is the faith that the truth will triumph in free conflict, and that the pursuit of truth alone will make men free.

Throughout my life I have followed the dictates of the truth as God has given me the light to see it. And I have found that in the pursuit of this truth, and in my determination to see justice done, I have been brought into a constant association with the underdog, with the folks who travel the cross roads and the cross walks of the Nation. This is how, from my own experience, I have learned where the gravest threat to the civil rights of our people really lies. I have learned that this threat lies in the hands of powerful individuals and groups, in the hands of monopolies and vested interests, in the hands of bureaucrats, and all the others who have succeeded in grasping the power with which to suppress the truth and to deny to those in the grass roots the rights which are theirs under the Constitution.

From this experience I have learned that the denial of civil rights, which is basically a denial of justice, thrives only where there is sufficient concentration of economic, social, or political power to impose and protect such a perversion of justice.

I come right back to what I said a moment ago about this country getting into the hands of monopolies and vested interests.

Mr. President, for 10 years I have been a member of the Committee on the Judiciary of the Senate. During eight of those years the committee was dominated by the Democratic Party. During two of those years it was dominated by the Republican Party. In 1891 Congress passed the Sherman antitrust law. From 1891 to the present time for approximately one-half the time we have had a Democratic Congress and a Democratic Attorney General. During the other half of the time we had a Republican Congress and a Republican Attorney General. In my judgment, Mr. President, it did not make the slightest bit of difference whether we had a Democratic administration and a Democratic Attorney General, or whether we had a Republican administration and a Republican Attorney General, so far as the common people of the United States were concerned, for they got by far the worst end of the stick. We passed the Sherman Antitrust Act in 1891.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. LANGER. I am sorry, but I must decline to yield. My time is limited. I should like to yield to my distinguished friend from Missouri, but I am unable to yield at the present time.

Mr. DONNELL. Mr. President, will the Senator permit me to correct a date? I think the Senator inadvertently said that the Sherman Antitrust Act was passed in 1891.

Mr. LANGER. I yield for a question.

Mr. DONNELL. Was not the Sherman Antitrust Act passed in 1890?

Mr. LANGER. According to my recollection, it was passed in 1891. It may be 1 or 2 months one way or another. I am sure it was in 1891. It does not matter whether it was December 1890 or January 1891. The fact remains that the law contained provisions for the arrest of any person who violated the law and provided a chance to put that person in jail.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LANGER. I decline to yield. I am sorry.

Mr. President, up to the present time, in the month of September 1950, not one person has ever been jailed under the Antitrust Act; not one. The former distinguished Senator from Washington, who is now a Federal judge, Homer Bone rose in the Senate Chamber to defend a Federal judge. I introduced a resolution to investigate the Federal judiciary. Good heavens, Mr. President, the idea of investigating a Federal judge. There is nothing in our Constitution which says a Federal judge must be appointed for life. I have seen too many men, both on the Republican and the Democratic side, men who were prominent politicians, some of them mixed up in something or other, elevated to the judgeship. A man puts on a robe, and from that moment apparently he is presumed to have changed his entire character. Congress must not examine into the fitness of that judge for office. That judge does not have to retire when he gets to be 70, when he gets to be 75, when he gets to be 80, when he gets to be 85, or when he gets to be 90—I met one a short time ago—or when he gets to be 95, or 100, if he lives that long. He can be in his first childhood, he can be in his second childhood, or he can be in his third childhood, and he may not even understand what the lawyers who appear before him are talking about, but that judge must not be investigated. That judge can make a farce of a court proceeding, but he must not be investigated. During the entire life of this Republic there have been only five successful impeachments of judges. Only five in 184 years. There was a time when I wanted to impeach a judge. He was a man who ought to have been impeached. So I went to the attorneys in the State of Connecticut who had successfully handled the last impeachment in Congress. I went to this firm of lawyers, and I said, "What will it cost to hire you to conduct impeachment proceedings against this crooked judge, this notorious crook, who is still sitting on the bench?"

The lawyers said, "When we conducted the last impeachment trial in the Senate we got a retainer of $30,000."

Well, I was not in any position to raise $30,000 to impeach the judge. When we talk about impeachment, when we talk about getting evidence to impeach a crooked judge, who should do it if not the Judiciary Committee of the Senate?

The committee investigates the judge, or at least it is supposed to investigate him. Of course, Mr. President, only the subcommittee can see the FBI report. If the subcommittee consists of one Senator, only he can see the FBI report. If it consists of two Senators, only those two can see it. If it consists of three Senators, as it usually does, only those three Senators can see the FBI report. So at the present time out of 13 members of the committee 10 men, who never saw the FBI report, vote to report the nomination of the judge for confirmation by the United States Senate. Out of 96 Senators, if three men constituted the subcommittee, 93 Senators vote to confirm the judge, although they have never seen the FBI report on that judge. If the judge is dishonest, if he is not a proper and fit man to be a judge of the Federal court, who should investigate him if not the 13 men who originally reported his nomination to the Senate? What is there so sacred about a judge? I will tell my distinguished friend from Missouri, some day when he has nothing else to do, after he is reelected in the State of Missouri, as I hope and trust and in my heart feel he will be——

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. LANGER. I am sorry. I cannot yield.

Mr. DONNELL. I thank the Senator.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LANGER. My distinguished friend from Missouri can look at the case of the State of North Dakota versus the Northern Pacific and the Great Northern Railway Cos. I ask him to read that decision from beginning to end. The average American citizens believes that a court, especially the Supreme Court of the United States, follows the law. Of course, sometimes the justices divide 5 to 4, and disagree among themselves, but on the whole they are supposed to follow the law. I think with that statement my distinguished friend will agree. Yet, Mr. President, in 1931, 1932, 1933, and 1934, during the drought period the railroads in my State refused to pay their taxes.

They said the taxes were too high. If they were too high, it was because of the drought. So that we got to the Supreme of the United States, and the Supreme Court did not look up the law. My distinguished friend here will find that the Supreme Court of the United States, with the late Pierce Butler of St. Paul, Minn., writing the opinion, set themselves up as a court of review. They did not even appoint a master of any kind, they did not appoint any commissioners. They arbitrarily, without any evidence, but because there had been a drought, overruled the Board of Equalization in North Dakota, a board that had examined all the facts, and they said, "Because of the drought, we are going to take off so many million dollars."

The experience I had in that case, Mr. President, convinced me that judges are not always right. I would not investigate a judge merely because he was not always right, because every judge is human. A judge can make mistakes, just as any other person can, and the senior Senator from North Dakota is well aware of that. But when a judge is childish, when he does not know what he is doing, when a shrewd, manipulating lawyer can get him to sign something which that judge never would have signed a few years ago, do not Senators think that somewhere in this great Government of ours there should be some authority which could make an investigation, and at least recommend appropriate legislation so that that childish judge no longer would be sitting upon the bench bringing the judiciary of the United States, of which we are all so proud, this great Anglo-Saxon system of jurisprudence, into disrepute?

When a judge becomes childish, he may do many things. He may even violate the law. He may even join subversive organizations. Under those circumstances, should not the Senate Judiciary Committee, or, if it should not be left to that committee, some board or some commission somewhere set up by the Congress be able to make an investigation, an investigation which had some authority behind it? Such an investigation might discover facts which would not warrant an impeachment or a disgrace of the judge, because everyone of us, unless we die sooner, is going to be 75 or 80, or 85 or 90, or 95 or 100 years old, some day.

I come back now to the matter of monopolies, back to the Sherman Antitrust Act, which my distinguished friend, the Senator from Missouri, said was passed in 1890. I know very well that if I asked, he could tell me the day and the month when it was passed, but I am not going to ask. There is no man on this floor who is more thorough than the Senator from Missouri. I have seen him in the Committee on the Judiciary when he cited some case, not only give the name and number of the book, but he would give the page, even though he had not seen the case for a long time. His mind is so acute that he even remembers the page. In my opinion, he is by all odds, if not the best, certainly one of the very best lawyers on the floor of the Senate.

Coming back to the question of monopolies, and the question of judges, I remember I referred to a late Member of this body, Homer Bone, who for 10 years was a distinguished Member of this body, and now is a Federal judge. He took part in the discussion of a case which I should like to mention.

A corporation in World War II cheated in the manufacture of wire. Instead of that wire, which was manufactured in Indiana, being up to specifications, the company making it deliberately cheated the Government, and in addition to cheating the Government to the extent of thousands of dollars the quality of the wire was such that lives were lost. Finally the Attorney General had them indicted, and the case came before a judge, who let them off with a fine.

When I looked into the matter I found that that judge was one of those who should have been investigated as to his mental fitness a long time before. It is significant that only a few days after he gave that decision he resigned as a Federal judge.

In my opinion when investigation warrants—and this is simply repetition—that a Federal judge be not left upon the bench for a variety of reasons—and he may not be disgraced—there should be some authority under Congress to investigate.

Coming back now to the question of monopolies, Theodore Roosevelt appointed Frank B. Kellogg, the great trust buster. Frank B. Kellogg, according to the newspapers, was one of the great men of the Northwest of this Nation, a trust buster.

When I came to the Senate and became a member of the Committee on the Judiciary I investigated, because I wanted to ascertain how many crooks, how many thieves, how many violators of the Federal law, Frank B. Kellogg, of St. Paul, Minn., had put in jail, and I found he had not put a single one in jail.

I went over to the then Attorney General and I said, "I want to know how many fellows have been put in jail under the Antitrust Act since the Democrats got in power in 1933," and his answer to me was, "Just as many as the Republicans did before we got in—not one."

A little later, before the Senate Committee on Civil Service, we brought in one of the trust busters in the Attorney General's Department, Mr. Wendell Berge. If any Senator is interested he ought to read the testimony given by that gentleman before our committee. He was a member of the Department, as I recall now, for 11 or 13 years, but he said, "It was not the policy of the Department of Justice to make any arrests, because, if you just bring a lawsuit, a civil lawsuit, against a man or a corporation, for violating the Antitrust Act, there is a social disgrace.

Some of the GI's, veterans of World War I, when they were hungry, and happened to steal a few loaves of bread in order to feed their hungry wives and children, were not prosecuted in a civil suit brought against them to recover the value of the bread they stole. They were arrested. Yet people wonder why there are Communists in the country. The conditions I have stated are the reasons why we get the kind of legislation that is proposed in this conference report tonight.

The distinguished junior Senator from Minnesota [Mr. HUMPHREY] described it pretty well when he gave his idea as to this kind of legislation. Very fortunately, I am nonpartisan, more of a Republican, perhaps, than a Democrat, for since I am elected on the Republican ticket I claim to be a Republican.

The present occupant of the chair [Mr. FREAR] although he was a very young man at that time, will remember that in 1932 the Democratic candidate for President said that he was going to take care of the underprivileged, that one-third of all the population in the United States was underprivileged. They did not have enough to wear. They did not have enough to eat. He was going to take care of them. Of course, it could not have been expected that he could take care of them all during the first

4 years he was President, so in 1936 he again announced that if he was elected President of the United States he would take care of the underprivileged and the poor. So they went to the polls and reelected him.

In 1940 he found there were still many people who were underprivileged, so at the Democratic National Convention the Democrats broke all traditions. They said, "This indispensable man started out to clothe the naked and to feed the hungry, but he has had only 8 years in which to do it." Oh, it is true that he had with him the lower House by a large majority and the Senate by a considerable majority. But his party had decided to renominate him and did so, and elected him.

Then 4 years later, in 1944, the Democrats looked over the country and they still saw people who were naked and hungry, so they renominated him again.

Lo and behold, 2 or 3 weeks ago we saw that the distinguished junior Senator from Minnesota [Mr. HUMPHREY], a son of the late President, Jimmy Roosevelt, a man who is now Governor of Connecticut, Chester Bowles, Leon Henderson—altogether 60 Democrats—had organized the Institute of Public Affairs. Of course, after they organized the Institute of Public Affairs they had to have an executive secretary, so they got one of the best experts in the United States, Mr. Dewey Anderson, to be executive secretary.

Mind you, Mr. President, these men were all Democrats, and they hired a Democrat to be executive secretary. He made an investigation and reported in writing, and I placed what he reported in the CONGRESSIONAL RECORD. Believe it or not, Mr. President, after all those years of Democratic rule there were more people hungry——

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. LANGER. I decline to yield for a question.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. LANGER. My time is limited; otherwise I would be delighted to yield. But after all these years, the record shows that there were 10,000,000 families in the United States who, with all the high prices prevailing, are trying to exist on less than $2,000 a year. That is the record of the Democratic Party, Mr. President.

Mr. DOUGLAS. Mr. President——

Mr. LANGER. I decline to yield.

Mr. JOHNSTON of South Carolina addressed the Chair.

Mr. LANGER. Mr. President, Senators who wish me to yield can speak in their own time. If they know anything good about the Democratic Party they can tell it.

Mr. DOUGLAS. Mr. President——

Mr. LANGER. I decline to yield.

Mr. President, I am quoting only Democrats themselves. I am not quoting any Republicans. I am simply quoting the Democrats.

Mr. DOUGLAS. Mr. President, is it not a fact——

Mr. LANGER. I decline to yield.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. LANGER. Mr. President, I recommend to any Republicans who are running for office that they dig back into the CONGRESSIONAL RECORD and find there the article I placed in it, written by Dewey Anderson, who had been hired by the 60 leading Democrats of the United States; I recommend that Republicans read it. They will obtain all the material they need for very, very fine speeches in their various States. Republicans who wish to get such material can obtain copies of the report prepared by Mr. Dewey Anderson. I think they cost 25 cents apiece. If any Senators are short of money, let them come around and see me, because I have a few extra copies that I shall be very glad to loan them provided they promise to return them to me after the campaign is over, because I might want to use some of them myself upon some other occasion.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LANGER. Mr. President, I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LANGER. It is a significant thing that whether under Republican rule or Democratic rule, not one single man has ever been sent to jail for violating the Antitrust Act. Certain big fellows got together and cornered milk and dairy products. When the nomination of one of those men to be Ambassador was under consideration by the Senate. I showed that in 1 day up in the Northwest part of the United States, in 3 States, the men who had cornered the milk market brought into their dairy trust every prominent dairy company in those 3 States. That did not do any good. I stood on the floor and told the Senate about it, however. I told how they controlled 300 big dairy companies in this country in nearly every State in the Union. That did not make any difference. The Senate promptly confirmed the man to be Ambassador.

I now come back to the question, What makes Communists? Certain persons get together and raise the price of milk in the cities and instead of being prosecuted they are named ambassadors to other countries. Do not Senators think the common people resent that? It does not make any difference whether we have a Republican President or a Democratic President. When we have a Democratic President, for example, there is Mr. Harriman with his $100,000,000, having an important post in government. There is my good friend Pearl Mesta, a lady who was appointed Minister to Luxemburg. A list of the heads of the big departments would make one believe he was reading a list of the bankers in New York. The predecessor of the present President, Mr. Roosevelt, had in his Cabinet six men and women from New York State at one time. Yet, we do not find anyone appointed to such an office from the great State of North Dakota. Almost any time when citizens of North Dakota come in competition with citizens of New York, whether it be in the arts or sciences, or in medicine or in other lines, they hold their own, as the record will show. Yet not a single Ambassador has been appointed from North Dakota since it became a State in 1890. My good friend who sits over yonder made a mistake with respect to the year when North Dakota became a State in 1890. The Sherman Antitrust Act was passed in 1891.

Further, in considering the subject of monopoly, we find what? After a man has been appointed Attorney General it takes him a year to become educated to the business of his office, to know what it is all about. Then after about 2 years the Attorney General is placed on the Supreme Court or simply fired, and we get a new Attorney General. After he has become educated to the duties of his office and begins to be a little dangerous to the trusts he is promoted to the Supreme Court. Sometimes when there is not a place on the Supreme Court he is put on some other Federal bench. I believe Thurman Arnold was placed on the Federal bench in the District of Columbia.

Mr. President, I repeat, How much confidence can the rank and file of the people have when they see these shenanigans going on? They will go out and vote one party out and put another party in. Yet when the other party comes in we find one millionaire after another appointed to office. At the present time, among others occupying high office in the Government, there are Mr. Harriman, Mr. Rockefeller, Mr. Whitney, and Mr. Brown. The latter was the richest baby ever born in the State of Connecticut. It may be that he is on leave right now. I am not so sure about that. And so on and so on. If anyone wants to get the entire list I suggest that he look up the speeches made in the last campaign—not the speeches of Mr. Dewey and not the speeches of Mr. Truman, but the speeches delivered by some of the minor individuals.

Then we come to the matter of denial of civil rights. I have here the Republican platform. When the Republicans met in 1944 and wanted to get the votes of the Negroes, what did they promise them? I have stated time and time again on the floor of the Senate what that promise consisted of. They said, "We pledge ourselves to enact an antilynching law." The only Republican I know of who has tried to carry out that pledge is my distinguished friend from Michigan [Mr. FERGUSON]. He actually thought the Republican Party meant what it said, so he drew up an antilynching law and offered it on the floor of the Senate.

They pledged themselves to enact an anti-poll-tax law. They did not simply say, "We believe in an anti-poll-tax law," or "We believe in an antilynching law"; but the Republican Party pledged itself to enact such laws. When the Republicans were looking for the votes of the people who might be affected by an antilynching law or an anti-poll-tax law, the Republicans made that pledge. But after the Republicans got into office, they did not carry out that pledge.

Mr. President, the Republicans made some other mistakes. I remember very well when my distinguished colleague from North Dakota, who is a member of the Committee on Agriculture and Forestry, pleaded, with tears in his eyes, for an extension of the Rural Electrification program. I joined him in that plea. We said, "When we go out compaigning in the Northwest and get out into the sticks and among the grass roots, the men and women there do not ask, 'When are you going to balance the budget?', but they ask, 'When are you going to get electricity on our farm, so we can have a deep freeze and electric lights.'"

Finally, at the great insistence of my colleague from North Dakota, although the President recommended only $300,000,000 for that purpose, the Eightieth Congress provided $400,000,000—$100,000,000 more than ever before had been provided for that purpose in the history of the United States.

But what happened? The power interests got busy.

Mr. KEFAUVER. Mr. President——

Mr. LANGER. I decline to yield, Mr. President.

Mr. KEFAUVER. I simply wish to make the point of order that the Senate is not in order.

The PRESIDING OFFICER (Mr. GRAHAM in the chair). The Senate will be in order.

Mr. LANGER. So the Senate Appropriations Committee, at the request of one of the most distinguished Members of this body, took away $178,000 of that fund, which was to have been used for the administration of that program. The result was, as I recall, that 172 engineers resigned from the agency administering that program; insufficient money was available to pay them.

Mr. President, if you were a farmer in the Northwest, and if you wanted electricity on your farm, and if you investigated to find out why you did not get electricity on your farm, what did you discover, in those days? You discovered that before an REA loan could be made, a Government engineer would have to pass on the plan, and he would have to be thoroughly acquainted with every mile of the proposed REA line.

However, at that time there was only one engineer for all loan applications coming from North Dakota, South Dakota, and Minnesota.

We were able to have some of that fund restored; but by that time it was late in the spring or into the summer, which was late to start work on the lines, for of course in that part of the country it is not possible to dig holes for power-line poles in the wintertime, when the thermometer often is down around zero.

So there was delay.

Of course, Mr. President, the Democrats took care of the matter when they got into power and enacted legislation on that subject; at least, they took care of part of the problem, because if we investigate the situation as it developed at that time, we find that in the Southern States, because of the great interest of the Senators from those States, the REA program developed much more rapidly, and I compliment the Senators for it, in the way of having REA facilities provided for the farmers in the Southern States. At that time the development in that respect was much more rapid than it was or had been in the Northwest States.

Mr. President, I do not wish to be understood as saying that the Democrats are the only ones who do not keep their promises, because once in a while the Republicans do not keep their promises either. However, on the whole I think the Republicans do a better job of keeping their promises than the Democrats do, because I have just read the platform adopted by the Demorcats in 1932; in fact, I have a copy of that platform before me now. The Democrats said they were going to abolish a great many of the Government commissions; but, instead of that, they increased them. The Democrats said they were going to get rid of a great many of the Government bureaus; but, instead of that, they increased the number of Government bureaus.

As we read paragraph after paragraph of the platform which the Democratic Party adopted in 1932, we find that the Democrats have kept just one pledge.

So I say that is why, in my opinion, genuine liberalism is in such danger today. Where is the average man to turn? Here we have a good, fine, honest citizen who believes in law and order, a man who believes that the laws should be enforced. However, when he looks at the Sherman Antitrust Act, he finds that both the great political parties have never enforced its criminal provisions. They see big monopolies gathering up the bread factories, for instance, and raising the price of bread; and they see large monopolies obtaining control of the dairies or ice-cream plants and raising the price which little children have to pay for ice cream. After a time, when the monopolies finally are brought into court, by means of a civil suit—after the monopolies have robbed the common people of millions and millions of dollars—all that happens to the monopolies is that they are fined $5,000.

Mr. President, it has always been a great source of pride and satisfaction to me that on the floor of the Senate the junior Senator from Michigan [Mr. FERGUSON] has protested vehemently against that kind of law enforcement. Also, I remember that the late George Norris, during the short period of time that I was here in the Senate with him, also rose, one day, and protested vehemently and violently because of the fact that the antitrust laws were not being enforced.

The course of action I have advocated in my fight to strengthen and extend the civil rights of all Americans is continually obstructed by the vested interests. That is why some Senators who are backing up the effort to get something done along that line, Senators who have followed the course of true liberalism, have found the going so difficult.

Some of those Republican Senators have been joined by a few Democratic Senators. I simply say to those Senators, tonight, that that fight never can be won except on the basis of principle; and I say that until they do win it, they will be faced with exactly what we are faced with on the floor of the Senate tonight.

Mr. President, during the time that the Democrats have been in power, they have said, "The cost of living has gone up and up and up; and we are going to do something about it." They assured the country that they would do something about it.

Well, Mr. President, the Democrats were in power in World War I, were they not? As a matter of fact, they have been in power in every war, other than the Civil War, this country has ever been engaged in; I do not think we have ever had a war, except for the Civil War, when we had a Republican President.

So it was that during World War II, the Democrats—when all prices went sky high—were in a position to do something about that situation, for by that time they had been in control of the Government long enough to have acquired a great deal of experience, and they had in office an Attorney General who was a member of their party, and he had many assistants to aid him, and millions of dollars was available for their work. Certainly during World War II the Democratic administration had millions and millions of dollars at its disposal; in fact the Democrats then had the biggest appropriation for the Department of Justice that any Department of Justice in the history of the United States has ever had, and that Department had hundreds of lawyers in its employ. Believe it or not, Mr. President, in those days in the Department of Agriculture alone there were between 200 and 300 lawyers, Democrats who were going to save the hungry and the naked. However, the Democrats did not pass a single permanent law to keep down the cost of living.

I do not know what the Democratic candidates are going to tell the 10,000,000 people who earn less than $2,000 a year, when the Democrats go out campaigning. They were in power from 1932 until the Eightieth Congress, and during that time they could have passed any kind of law they wanted to pass. However, they did not even pass an anti-war-profiteering law.

Mr. KILGORE. Mr. President, will the Senator yield for a question?

Mr. LANGER. I decline to yield. I am very sorry not to yield, but my time is so limited that I cannot yield. I decline to yield, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield. He has the floor.

Mr. LANGER. Mr. President, during that long period the Democrats did not even pass a law to wipe out profiteering. Of course, they said they would pass a law which would tax the war profits; but, Mr. President, did you notice that although the Democrats controlled the Finance Committee, they did not pass an excess-profits tax?

Mr. McCLELLAN. Mr. President——

Mr. LANGER. Mr. President, I decline to yield. I am sorry, but I cannot yield to my distinguished friend.

Mr. McCLELLAN. I wish to make a unanimous-consent request.

Mr. LANGER. Mr. President, I am sorry to decline to yield, but I simply cannot yield to my distinguished friend for any purpose. I simply cannot do so. I cannot spare the time.

The PRESIDING OFFICER. The Chair understands that the Senator from Arkansas wishes to propound a unanimous-consent request.

Mr. LANGER. Mr. President, I am sorry, but I cannot yield. I decline to yield.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield, and he has the floor.

Mr. LANGER. Mr. President, the Democrats did not even pass a law against war profiteering.

Mr. President, we know what happened the day after this squabble broke out in Korea. At first it was called a squabble, but it has now turned out to be a very serious war with Korea. What was done? I have the evidence in my office. Some of the big chain store outfits marked up everything they had 10 percent, 15 percent, and 20 percent overnight. There was not a single law upon the statute books to prevent it, although the Democrats had been in control during all these years. Of course, the poor farmer knows that the price of his products is fixed, so he finds now that he is getting the same price that he got before, and at the same time he is trying to buy this high-priced farm machinery.

Mr. President, do Senators know what a self-propelled combine costs now? In the good Republican days, of course, the farmers did not have combines; they had reapers. I suppose my distinguished friend knows what a reaper is. It is a binder. It is equipped with aprons, and as the reaper moves through the field the wheat runs up on the aprons, and is turned out in bundles. I am sure my distinguished friend has seen such bundles put into shocks.

Then we come to the price of combines in 1933 and 1934, when the Democrats took office. In 1933, when they took office, a self-propelled combine could be purchased for less than $3,000. Today a man is lucky if he can get one of them for $5,000. Here is a farmer who is trying to make a living. He has a half-section or a three-quarter section farm. He cannot hire labor, because the Democrats have all the labor in the Army. There are more Federal employees than ever before. I think there are 2,500,000 on the Federal payroll. So of course the farmer wants power machinery and other labor-saving devices.

Mr. KILGORE. Mr. President, will the Senator yield for a unanimous-consent request?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from West Virginia.

Mr. LANGER. I do not yield for any purpose. I am sorry.

Mr. KILGORE. Mr. President, will the Senator yield to permit me to suggest the absence of a quorum?

Mr. LANGER.. I decline to yield for any purpose. I am sorry, but it would take too much time to have a quorum call. I would lose 3 or 4 minutes. Time is precious.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. LANGER. As I say, today a combine would cost about $5,000, and the price of other farm machinery has gone up in proportion. It has almost doubled in the past 4 or 5 years. Mr. President, what happened in World War I? During that war, under a Democratic administration, the price of farm machinery rose higher than it had ever been before in the history of America. Wheat, it will be remembered, went up to $3 and $3.50 a bushel.

What happened when the war ended? The price of farm machinery declined only to the extent of one single index point. But the price of wheat dropped to 24, 23, and 22 cents a bushel. So the farmer who was raising wheat to sell anywhere from 19 to 23 cents a bushel and who wanted farm machinery still had to pay high prices.

The Democrats said, "You can borrow the money from the Federal Land Bank." True. Some of the farmers went to the Federal Land Bank to borrow money. What happened? When the drought came, instead of the Federal Land Bank at St. Paul, Minn., which is the nearest one to North Dakota, and the one in whose territory we are, carrying those farmers and giving them credit, they foreclosed on hundreds of farms. Of course, the Republicans said that the Democrats were to be blame. They said that the entire period of depression was simply an aftermath of World War I. Many people believe that statement. In the great State of Missouri, as in all the other States, various proposals were made. On one occasion I happened to visit some of my farmer friends in Missouri who lived near St. Joseph, only a short distance from where Jesse James is buried.

Mr. President, some of those farmers were on trial in the Federal courts because they had resisted a United States marshal who was levying an execution on farms in Missouri. In the State of Nebraska, when conditions became so terrible, one night I was visiting Charles W. Bryan, then Governor of Nebraska. In the middle of the night the telephone rang, and it was announced to the Governor that a farmer had been killed, because the highways had been picketed, and when his milk truck came along it was tipped over. A few of us Governors came down to see the President of the United States. We got an appointment with him. When we came into the President's office, in October 1943, we were met by Leo Crowley. To Floyd Olsen, of Minnesota, Tom Berry, of South Dakota, Clyde Herring, of Iowa, and myself he said, "Do you know that last night six creameries were wrecked in the State of Wisconsin, that coal oil was poured on them and they were destroyed?"

I went back to Iowa. A man by the name of Milo Reno had organized a holiday association. Mr. President, we are talking now about making Communists. He had about 200 men there in the room. A man by the name of Jed Johnson rose and said, "I am a teacher in a Methodist Sunday School at Morehead, Iowa. My grandfather filed on the farm on which I am living. It has been in the family for 75 years."

There he was, with torn breeches, his toes sticking out of his worn shoes. He said his family was starving. He was present that night when 200 of us met with Milo Reno. Mr. Reno said, "We are going to dynamite and blow up or burn the bridges leading into Sioux City, Iowa." That is how close they were to revolution in 1933. That night they actually did destroy a bridge leading into Sioux City, Iowa.

But in 1933, 1934, 1935, 1936, and other years the Democrats said they were going to cure the situation. Mr. President, you can imagine my surprise, therefore, when I read the report by Dewey Anderson, the man hired by 60 leading Democrats, including Jimmy Roosevelt, including the junior Senator from Minnesota [Mr. HUMPHREY], including Chester Bowles, the Governor of Connecticut, and including Leon Henderson. If anyone wants to get the rest of the names, let him go back to the record. I put them all in the record one day, Mr. President. Imagine my surprise to find that Dewey Anderson, in his report, said that there were 10,000,000 families existing on $2,000 a year or less.

Mr. President, it does no good to do a great deal of talking and make noble professions of good intentions and good faith, to make many solemn utterances and promises and to write political platforms, and to hear the speeches of the leaders of the political parties, if the men and women who are elected do not carry out the promises that are made. In 1944 the Republicans promised civil rights, but did not keep their promises. In 1932 the Democrats made many promises in their platform, but kept only one of them.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. LANGER. I am sorry. I cannot spare the time. If I could spare the time, I should be glad to yield, but it is impossible.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LANGER. Mr. President, I invite the attention of Senators to the vast discrepancy between political promises and political practices. What is wrong? Why is it that we have more Communists today than we ever had before in the history of America?

A short time ago the Senator from Minnesota carefully explained how Communists are created. What can be the explanation of the fact that in spite of all these speeches neither political party is willing to make a real issue out of the terrible discrimination and injustice that is imposed upon millions of our fellow Americans? Let us look at the Japanese-Americans. Two years ago I went out to Los Angeles. I drove over to a little place called Hollywood. I did not stop there. My colleague had told me all about the place. He had visited it. He told me to keep away from it. I did. In any event, I was taken to a certain quarter of Los Angeles and shown the section from which the Japanese had been evacuated. They were American

citizens, Mr. President. They had been evacuated during the war. I could not believe everything that was told me. So I talked to some of the people myself. Do Senators know what I was told? Do Senators know what was done to those people? Some of those American-Japanese owned land worth $300 an acre. Do Senators know how much time they were given to sell that land? Twelve hours. Some of the land, which was worth $300 an acre, was sold for as little as $8 an acre. I suggest that Senators read the book written by Mr. McWilliams on that subject. Read every paragraph. It gives chapter and verse. It gives the names of those Japanese-American citizens.

Then we have the poor Mexicans. They are brought up from Mexico to do the hard work. They are put in the beet fields. They earn their money. Even in Mexico it is almost impossible for them to buy a small piece of land. Mr. President, I went down to Mexico and I found one man who owned 4,000,000 acres in the State of Chihuahua. The poor peons working for him could not buy an acre.

Whether Senators like or dislike Drew Pearson, I suggest that it would be good reading to read his column in the Washington Post day before yesterday, in which he took up country after country and showed how the people are tending toward communism because a few people own the land. Land is so high priced no one can buy it.

Let me say something else. We do not need to consider Puerto Rico, where we have only two kinds of people, the very, very poor and the very, very rich. We do not have to go to China. We can stay right here in the United States and talk to some of the veterans of World War II, who came home and wanted to buy a piece of land. I have spoken to some of the boys who came from farms.

Mr. LONG. Mr. President, will the Senator yield?

Mr. LANGER. I am sorry. I cannot yield to my distinguished friend from Louisiana. My time is very limited.

These veterans of World War II were absolutely unable to buy even a small 40-acre farm. After all, what good would a 40-acre farm be? They could not afford to buy farm machinery to farm a 40-acre farm, when a self-propelled combine costs $5,000. As soon as a few of them joined together, what did we hear? "They are Communists." It is charged that the Farmers Union is a Communist outfit. That is the kind of things we hear. I remember that in some of our big cities some of the veterans of World War II wanted to buy taxicabs and operate a taxicab service. They could not do that. They could not get a license.

Mr. CHAVEZ. Mr. President——

Mr. LANGER. I am sorry, but I cannot yield.

The PRESIDING OFFICER (Mr. LONG in the chair). The Senator declines to yield.

Mr. LANGER. My time is too scarce.

The PRESIDING OFFICER. The Senator is eager to conclude his address.

Mr. LANGER. I thank the distinguished occupant of the chair. He is always right.

The PRESIDING OFFICER. The Chair is very pleased, and the Senator is very generous.

Mr. LANGER. The veterans who had been in fox holes could not even operate a taxicab business. When some of them got together and obtained some taxicabs, the Yellow Cab Corp. got an injunction against them. The veterans were operating the cabs for nothing and living on the tips. The Yellow Cab Corp. got an injunction and took them off the streets. Many Senators may remember the caravan which came to Washington, consisting of hundreds of veterans who were begging for a chance to make a living.

Mr. President, I was on the Judiciary Committee. Ninety-eight of those veterans came before our Judiciary Committee. They had with them a little redheaded fellow who said he had never made a speech in his life. He paid his respects to the public service commission of a certain State—under the rules of the Senate I cannot mention the name of the State. If anyone wants to read a good speech, he should read it, because he said, "They call us Communists. By the eternal gods, if you must become a Communist in order to offer your life for your country, and then cannot even drive a taxicab, you can call me a Communist."

He was a veteran of World War II who had been wounded. He had a purple heart. Now we get this kind of bill.

Mr. President, I have before me the United Nations Charter. I read section 3 of article I, to show what Warren Austin is up against in New York. This is one of the purposes for organizing the United Nations.

It says:

> 3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

Mr. President, in the State of California, the State of Arizona, and in some other States, including New Jersey and New York, there lived 3,500 people from the West Indies. In Sacramento, Calif., there were 1,450. In Phoenix, Ariz., there were 250. They could not own land, Mr. President. They could not get drivers' licenses to drive their automobiles. One of them bought an automobile and he had to put it in someone else's name, because he could not get a driver's license. He could not testify in court. Mr. President, I say it is to the everlasting credit of Claire Boothe Luce, that she, together with EMANUEL CELLER drew up the great law emancipating those people. Two hundred and fifty of them had served in the Army, Navy, and Air Force. They had automatically become citizens.

But the Supreme Court of the United States in 1924, with Justice Sutherland writing the opinion, had held that they were neither Caucasian nor negroid, and therefore they could not own any property. Claire Boothe Luce and Mr. CELLER got the bill passed in the House, and in due course of time we passed it in the Senate, and we finally saw to it that those people had a chance to become naturalized.

Then what happened? People wonder what creates Communists. Those people wanting to own property had turned their property over to so-called white people, to lawyers and others, but when this law was passed and they could become citizens, those fellows would not turn their property back. They said, "This property is in my name." When some of them wanted to become naturalized they proceeded to charge them all the way from $2,000 to $2,500.

Luckily for those people we had a great Attorney General at that time, Thomas C. Clark, in my opinion by far one of the best Attorneys General we ever had in America. Mr. Clark said, "I am not going to sit idly by and see those people who have worked so hard and so long and so faithfully, robbed." So, Mr. Clark got one of his great immigration experts from Texas, a man by the name of Carpenter. They called all these people together. I accompanied them on the trip. The immigration authorities made it plain that all those men had to pay was $18. Mr. Clark said he would make it tough for anyone who continued to hold up these people for $2,000 or $2,500 in order to get citizenship in the United States.

Mr. President, I am not going to discuss the other minority groups in this country. We know that many of them continue to be subjected to outrageous denial of their constitutional rights, and to the injustices imposed by reactionary vested interests and bloated bureaucracies?

But we cannot blame some of them. We cannot blame the veteran with one arm who went down Pennsylvania Avenue just after the war was over and went into a restaurant and laid down his money, but they would not serve him a cup of coffee because he was half white and half black. He came to see me in my office. We cannot blame some of the little girls who graduated from Howard University cum laude, who wanted a job but they were told the best job they could get was that of a scrub woman. They came into my office and protested. Put yourself in their place, Mr. President.

To me the answer is obvious. The vested interests, the gluttons of privileges and those who wish to capitalize for their own selfish purposes on the resentment of those who are suffering from these injustices have moved into the political arena to make political capital out of human misery.

I never got well acquainted with Mrs. Franklin Delano Roosevelt. I wish I had. But I remember reading one of her articles, and in her article, in the column, My Day, she told what she found within two blocks of this Capitol when she went on a tour of investigation. I might say that if the Czar of Russia had had a wife like Mrs. Roosevelt perhaps there would not be any Communists in Russia. Mrs. Roosevelt, within two blocks of the Capitol, found drinking water alongside of a lavatory, and sick

people, diseased people, wanting electric lights, within two blocks of the Capitol of the United States.

The Democrats say, "Let us send your money to Ethiopia, billions to Ethiopia, billions to all the other countries." What difference does it make even though we have 2,000,000 families that have only $2,000 a year in this country?

Sometimes I wonder if the Democratic Party would not have been smart if they had followed the advice of Mrs. Franklin Delano Roosevelt, who told them about all this suffering and want within two blocks of the Capitol of the United States of America.

Again let me say that the whole question of civil rights belongs to the American people as a whole. I remember the distinguished junior Senator from Maine [Mrs. SMITH] rising in the Senate Chamber one day and saying, "We are neither Democrats nor Republicans. We are Americans."

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LANGER. I decline to yield. I have not time. I am extremely sorry.

I agree with the junior Senator from Maine, and let me say that this whole question of civil rights belongs neither to the Democrats nor the Republicans, but to the American people as a whole, and the American people have to work out a solution.

If we, who are most vitally interested in this cause, do not recognize the evils and the dangers of permitting the civil-rights issue to become a political football, to be kicked around by the politicians of any or all political parties, and if we do not fight to prevent this from happening, we shall lose our struggle to settle this issue on the basis of principle.

What, then, shall we do—how shall we plan to carry on this fight?

I believe that we must renew our efforts to force both political parties to abandon their political approach to this issue and to return instead to a civil-rights program based on a strengthening and an extension of our constitutional guaranties that underlie the Bill of Rights.

What does the bill before us do? It throws our Bill of Rights out the window. For the first time in the history of America we hear about concentration camps in America. If the press does not write the kind of an article the President of the United States wants them to write, put them in a concentration camp.

Mr. DOUGLAS. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield for a question?

Mr. LANGER. I decline to yield for any purpose. I am very sorry, but I have not the time.

The PRESIDING OFFICER. The Senator is very sorry.

Mr. LANGER. Of course they have a lot of words they use, hedging around. Some might say it is not quite as bad as that. But let me tell my distinguished friend from Illinois that if we give a man power, when he is given authority he wants more power and more authority all the time. He does not like criticism, either. He does not like a free press, either.

I may not agree with the Chicago Tribune, but one of the most disgraceful things that was done during the World War was when the present President of the United States tried to get the Chicago Tribune indicted, took them before a grand jury.

I do not believe there is a single daily newspaper in North Dakota that ever supported me for an office. If so, I did not see it. Yet those newspapers had the right, the God-given right, to criticize me, just as they had the right to criticize any Member of this body.

The idea of giving anybody authority, I do not care whether it is a political board appointed by the President of the United States, or by the Attorney General, or by the head of the Defense Department, that scares men writing for the press in this great Nation of America. I say that is wrong, and as long as I have breath in my body I intend to oppose it.

Now we come to the Bill of Rights, and the Bill of Rights is not the essential monopoly of any political party. The Democrats do not own it and the Republicans do not own it, any more than any majority or any minority group.

This is a fundamental question of human rights, which is too sacred to be settled by appealing to selfish, personal or group interests, and any attempt by a political party to bribe minority groups into support of its own particular program will only postpone a constructive and permanent solution to the problems that are plaguing us.

The solution calls for two things, two things in our public life and in our private life, integrity and courage. It calls for men who will not promise what they cannot deliver. The Republican Party in 1944 made promises, it pledged itself; three times it used words dealing with civil rights.

Then when the Republicans got in control in the Eightieth Congress they paid no attention to the minority groups, and they got exactly what was coming to them from those minority groups 2 years later. But what is puzzling is why the Democrats did not carry out the civil-rights programs. They had overwhelming control in both the House and Senate in 1933. Why did they not pass civil-rights legislation? We hear so much about the Republicans not carrying out their promises. Why did not the Democrats carry out their promises when they had great majorities in both the House and the Senate?

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. Does the Senator wish to ask the Senator to yield to ask a question?

Mr. LANGER. I decline to yield.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. O'CONOR. Mr. President, is it not proper for a Senator to rise and address the Chair first before he addresses the Senator who is speaking?

Mr. LANGER. Mr. President, I decline to yield.

Mr. O'CONOR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'CONOR. Is not that the correct procedure?

The PRESIDING OFFICER. It is the proper procedure.

Mr. O'CONOR. I thank the Chair.

Mr. LANGER. Mr. President, I do not yield for any purpose.

So I say, we come right back to the proposition of why the Democrats did not pass civil-rights legislation. The Democrats were in control for a long time in both House and Senate with an overwhelming majority, and did not pass such legislation. Yet they criticized the Eightieth Congress as the worst Congress in the history of the United States. They said in their platform the Eightieth Congress was the worst in the history of the United States. But what did the Democrats do in 1946, in 1944, in 1942, in 1940, in 1938, in 1936, in 1934? Why did they not pass civil-rights legislation? They have been in control in the Eighty-first Congress. Yet when attempt was made to bring up civil-rights bills, how some of the so-called liberals ran, how they scattered.

So I say I believe the solution calls for two things in our public life and in our private actions—integrity and courage. It calls for men who will not promise what they cannot deliver. It calls for men who will stand up and be counted, for or against the truth. It does not call for political partisanship, and it need not call for special legislation, if only we dare to trust ourselves to the spirit of our traditional liberties and the wisdom of our political institutions.

Mourn not for the dead, who in the soft earth lie;
Ashes to ashes, and dust to dust, even as you and I;
Mourn rather for the cowardly meek,
Who know the world's wrongs but dare not speak.

Mr. President, in these days when the very life of our Republic is at stake, and that fact is yet unknown to many millions of people in America; in these days when greed and avarice and money-hungry persons are getting rich from the suffering and sacrifices of our boys in the Korean battlefields; in these days when profits are sacred and lives are cheap and wasted, I know that I rise in this Chamber and that mine is almost a lone voice amidst the bickerings of Democrats and Republicans battling for advantage upon this floor. Believe me, citizens of the United States, it is here upon this floor and not in national conventions where the real platforms of the two major parties are written.

They would not be the platform of the Farmer-Labor Party because in the entire Senate we do not have a single laboring man. Oh, we have a few who 20 or 30 years ago were telegraphers or worked in a coal mine. We have some who boast about the fact that they are still carrying union cards. I am talking, however, about the man who got up at 3 or 4 o'clock in the morning to milk cows, or who went down 2 miles in the bowels of the earth to dig coal. How many such have we in the Senate?

And yet, Mr. President, even I elected as a Republican with the endorsement

of the Nonpartisan League of my State of North Dakota, even I, who have been in almost numberless political battles, hesitate to enter into this fray. It is only because of my deep sense of duty to the American people, because of the call for justice and right that is gnawing upon my conscience, that causes me to expose to pitiless, searching light those betrayers of our country, those who have scuttled the hopes of our forefathers who founded this country, those who callously entered into a conspiracy to wreck that for which hundreds of thousands of our youth have given their lives.

Perhaps the greatest single cause of my speaking was the words of the senior Senator from Connecticut [Mr. McMAHON] when on August 14, 1950, he stated, as appears on page 12417 of the CONGRESSIONAL RECORD, as follows:

> Mr. President, at a time when our forces are hard-pressed in Korea, and when Malik is trying to put over a wholesale fraud on the minds of mankind, I regret to say that some of our Republican colleagues have chosen to issue a crafty political statement on foreign policy, designed to cozen a few votes in November.

Senators will remember how the junior Senator from Massachusetts [Mr. LODGE] answered that. The distinguished Senator from Connecticut continued:

> These masters of hindsight seek to cut themselves in on the victories of our foreign policy and to divorce themselves from our defeats.
>
> When a policy has worked well, they call it "bipartisan achievement," but if things go badly, they insist the administration must take the blame.
>
> They cannot absolve themselves by clinging to coattails of the Senator from Michigan [Mr. VANDENBERG]. The record shows that one-half of the Republican Party has vigorously opposed his patriotic efforts to secure legislative enactments necessary to the success of the Greek-Turkish, ECA, and Atlantic Pact policies.

Now, Mr. President, let the American people examine the facts. Now, let the American people know why we have forces that are hard-pressed in Korea. Now, let the American people know how Malik got into this United States and why he is on the radio and on television. Now, let the American people know how it is possible that Malik and his Communists now are "trying to put over a wholesale fraud on the minds of mankind." Now, I say now, is the time for the American people to get the everlasting truth as to whether some of us are "masters of hindsight" who "seek to cut themselves in on the victories of our foreign policy." Now is the time carefully to dissect this so-called "bipartisan achievement" of which the Senator from Connecticut boasts. Now, right now, is the time for the American people to decide which half of the Republican Party has been right and which half has been wrong. Now, right now, is the time—now, before the elections in November—now is the time for each American who loves this country to fix the blame for the shame, the betrayal of all that Americans have held dear for centuries.

What are the facts, Mr. President? Only a few years ago, within the memory of every single Senator upon this floor, our country was riding the crest of the wave.

We were a happy, contented, and prosperous Nation. We were not worried about the Communists. If anyone had, in those days, prophesied that at this time there would be before the Senate a bill providing for concentration camps and registration for Communists, he would have been laughed at.

At that time, only a few years ago, we were riding the crest of the wave—a happy, contented, prosperous Nation. We were a Nation beloved by the peoples in every corner of the world. We were a great, progressive country. If there was an earthquake anywhere, we were sent for. Money from the United States was contributed for the relief of every major disaster. Our acts of charity at the time of any earthquake or flood or other great disaster were one of the wonders of the world. Those acts remain in the memory of every Member of this body. We were then known as the most progressive country on the face of the earth, a country where the average man who worked could almost invariably count upon success.

What has happened to America? I have heard the distinguished senior Senator from Indiana [Mr. CAPEHART] tell about it time and time again, on this floor—tell about how we changed from a happy, progressive, beloved country, beloved in every corner of the earth, into what we are today.

What has happened to us? Even during those prosperous days we had some panics. Under the Democratic President Grover Cleveland we had hunger and want and suffering, and we also had fear. Later, under the Republican President Herbert Hoover, we had the same hunger and the same want and the same suffering, and we also had fear. The soup kitchens in the days of Grover Cleveland were just as numerous as the soup kitchens in the days of Herbert Hoover. Jobs were scarce and hard to obtain under either of those Presidents. There was fear of starvation, lack of adequate clothing, and bitter disappointment in the lives of hundreds of thousands of human beings, under both those Presidents.

However, the great American people overcame adversity under both the Democratic President Grover Cleveland and the Republican President Hoover. Our great Republic was so strong in those days it did not owe $250,000,000,000 or $260,000,000,000, Mr. President—and the panics or depressions could not, in the long run, hurt us any. Our forefathers had planned too well; they had sacrificed too much; and their children and their grandchildren could scoff at minor misfortunes.

Until 1940, every President who was elected in the United States had followed the example of George Washington, who had spurned a third term. Until 1940, the men who composed the various political party conventions were willing to be bound by the traditional two terms for President, although ambitious men had tried, and tried hard, to break that tradition. One Republican tried to get a third consecutive term, and he missed it by only one vote, in a Republican national convention. Until 1940, the Democratic and Republican delegates to the political party conventions had repudiated any attempt to give any man a longer term as the Chief Executive of the United States.

But in 1940 the Democratic National Convention met; and those representatives of greed and avarice, of power, of money, and of determination, cast aside all the limits of American tradition, so that they might capture new jobs. They wanted to hold on to the jobs they already had. The good Democrats, the true, loyal Americans, fought a losing fight—but a brave one—to protect the men and women of the United States from the hands of those who, either thinkingly or unthinkingly, were bent upon that robbery. Franklin D. Roosevelt had been President of the United States for 8 years—just as great a President for those 8 years, as he was later to prove to be one of the very poorest Presidents during the succeeding 8 years when he served. It is almost as if Almighty God was wreaking his wrath upon a country which had turned its back upon a century and a half of unparalleled freedom, unparalleled liberty, and unparalleled prosperity. Those delegates at the 1940 Democratic National Convention were not thinking of Almighty God or of the great Nation we had here at that time. Those payrollers and relatives of payrollers wanted jobs. "We can win with Roosevelt," they said, "no matter if he is old, no matter if he is sick, no matter if he is now incompetent and worn out by the burdens he has shouldered for 8 years."

So there, Mr. President, the road to ruin commenced.

I am proud of the fact that one of the great leaders against that third term was the father of the distinguished Senator from Louisiana [Mr. LONG] who now occupies the chair in this deliberative body. He led a brave fight, a fearless fight, a fight of which every true, honest-to-God American could be proud. He was not afraid. Do you think he would have hesitated to speak on this floor on any bill? He was a man who was willing to sink into oblivion if need be, so long as he maintained a firm stand for the principles in which he believed. He was a man who, knowing that his days were numbered, stood on the floor of the Senate and bared his breast to the enemy, and said to those who had almost unparalleled power in this country, "Come on and do your worst."

Mr. President, there is no need for me to say today on this floor what has been said hundreds of times by Senators who voted for American participation in World War I, and thereafter spent days, weeks, and months regretting that vote. The CONGRESSIONAL RECORD speaks for itself in that respect. Anyone who is interested in that matter only has to read in the CONGRESSIONAL RECORD the statements of Senator after Senator who, after having voted for American entrance into World War I, later rose on the floor of the Senate and said, "We never should have gone into that war, and I have regretted again and again

the vote I cast in favor of having the United States enter it."

Mr. KILGORE. Mr. President, will the Senator yield for a request——

Mr. LANGER. Mr. President, I decline to yield. I have not the time to spare. I am terribly sorry.

The PRESIDING OFFICER (Mr. LONG in the chair). The Senator from North Dakota declines to yield.

Mr. LANGER. Mr. President, there is no need today to repeat the words of those Senators, some of whom are still Members of this body, who in later years admitted that the United States had no business in World War I. I pause only to pay tribute to William Jennings Bryan, Democratic Secretary of State under Woodrow Wilson, who resigned his job as Secretary of State, rather than be a party to the entrance of the United States into that war. That great, fearless patriot, William Jennings Bryan, who never sold the truth to serve the hour, walked out as Secretary of State, rather than continue in a Cabinet which was bringing the United States into World War I.

Mr. President, I can only pause to pay tribute to James A. Farley, of New York—Jim Farley, who bravely and fearlessly and gallantly broke with Franklin Delano Roosevelt rather than assist him in securing a third consecutive nomination for President. Yes, Mr. President, whenever we have a crisis in America there are always a few men who are unafraid. We had them in the Democratic National Convention in 1940.

But I can say this, and it is said with the knowledge that it can never be contradicted successfully: History has proved that it can never be successfully contradicted that it was a Democratic National Convention in 1940 which took advantage of the calamitous panic, brought on by themselves, through engaging in World War I. That was the entering wedge, the very keystone to the demoralization of the Government which we face today.

We had no right to turn our backs upon Providence, when that Democratic National Convention met and violated the two-term tradition. We had no more right to do that then we had to tempt Providence. And it is not sacrilegious to say that in my opinion an all-wise Providence is today punishing the proud people who foresook the glorious history of a century and a half, a history rich in achievement, in advancement, in standard of living—a United States that was the envy of the world.

Today it is not for me to pose as an expert and to tell about the great mistakes of World War II, how one mistake followed rapidly upon the heels of another, until at last it seemed as though it was almost too late to make any more mistakes. The military expert for the New York Times, Hanson W. Baldwin, in his book of 114 pages, carefully authenticated, enumerates these mistakes one after another, so plainly, so concisely, so clearly, and not a single sentence, not a single paragraph, not a single page of that book has ever been successfully repudiated.

And today, after 18 years of Democratic rule, 18 years for which they must assume responsibility, 18 years of appeasing Communists, of alinements with foreign nations who today are in possession of all our secrets, after years of partnership with countries that have laughed at and mocked us for decades, we stand at the lowest ebb in decades, sacrificing our youth in battle, sacrificing needlessly the heritage our forefathers fought for, scores of years ago. What suckers the leading Democrats and many of our leading Republicans have been. What a terrible price the youth of America is paying for such miserable leadership.

And it is this which causes me to hear with amazement the words of the senior Senator from Connecticut, to which I alluded in the beginning of my remarks. The Senator says that some of us Republicans are "masters of hindsight," and that one-half of the Republican Party, of which I am one, "has vigorously opposed his [Mr. VANDENBERG'S] patriotic efforts to secure legislative enactments necessary to the success of the Greek-Turkish, ECA, and Atlantic Pact policies."

Mr. President, I wonder why the distinguished senior Senator from Connecticut [Mr. MCMAHON] does not mention the Atlantic Charter. Why did he not talk about the Atlantic Charter, recently, when he was speaking? He could not very well talk about a charter that never existed, that was merely a scrap of paper, which was lied about to us by those in control of the Democratic Party. Does the distinguished Senator from Connecticut want to forget about that, as he may want people to forget about the invasion of Normandy, and the statement of Winston Churchill, "All I want are guns and tools—we've got the men." All of us who listened on the radio heard it. Yet, when the casualties were counted which resulted from the invasion of Normandy, it was found that of 116,000 casualties, 86,000 were American boys. I wonder what the parents who lost some of those boys thought as they remembered Winston Churchill's speech: "Give us the guns, give us the tools—we've got the men."

Mr. President, a moment ago I referred to the book entitled "The Great Mistakes of the War," by the military expert of the New York Times, Mr. Hanson W. Baldwin. I stated at that time what he said about the book is being fully authenticated. Mr. Baldwin is a great military expert. Where is there a greater? The New York Times would not have him upon its payroll if he were not a great expert.

Some of us who do not agree with this bill were called upon to follow "again and again and again" the bipartisan agreement between the Republicans and Democrats, which was referred to by the senior Senator from Connecticut on August 14. He said half the Republican Party was opposed to it, and he had a right to. The pity of it is that the entire Republican Party was not opposed to it. What thanks did they get at the Philadelphia convention? I ask my distinguished friends sitting before me tonight, who were delegates to that convention? What thanks did they get from the President of the United States, when he delivered that speech that night at Philadelphia, at 2 o'clock in the morning, ridiculing the Republican Party?

What does the military expert say, the author to whom I referred a little while ago, Mr. Hanson W. Baldwin? Speaking of the Great Mistakes of the War, the same men made them who are today trying to lead us—the same outfit, Republicans and Democrats alike. That has been demonstrated by the votes which have been cast. This man they cannot laugh down. They could get up and say, "Senator So-and-So, from the little State of So-and-So, is not a military expert, what does he know about it?" Here we have the greatest expert of them all.

And who is Mr. Hanson W. Baldwin? Let me tell Senators who this man is. He is the military expert for the New York Times. He received the Pulitzer Prize for reporting World War II. He is considered a leading authority on the politics and technology of modern warfare. He attended the second atom bomb blast at Bikini, and has recently inspected guided missile and rocket launching installations throughout the Nation. His last book, The Price of Peace, an analysis of American international obligations, won high praise from both political and military sources. The New York Herald-Tribune said: "It well exemplifies Mr. Baldwin's outstanding virtues of courage, intellectual toughness, and honesty."

The Chattanooga Times called it "required reading for anyone interested in our Nation's future."

That is the man I am quoting. He received a Pulitzer prize, and he was appointed by our Government to inspect rocket launchings, and he was present at the second atom-bomb blast. He is a great expert. He tells us about the men we are asked to follow. He tells us about the mistakes they have made. Mr. President, perhaps I would follow a man who made one mistake. If he took me out on a road and suddenly I found myself in a swamp, perhaps I would follow him again. However, when he tried to lead me a second time I would be a little more careful. Certainly after he led me into a swamp three or four different times, I would be very careful. Over a period of 6, 8, or 10 years, I do not think I would follow that man very far. So it is of the greatest importance that Senators voting on this bill should know the kind of leadership we have today, in the opinion of this great military expert, who won the Pulitzer prize, and is the military expert of the New York Times.

As the Indian says, "Fool me once, shame on you. Fool me twice, shame on me." An Indian does not expect to be fooled more than twice. This expert makes it plain that our leaders made every mistake they could make. They are making another one now on this bill. Here is what Mr. Hanson W. Baldwin said:

> In February 1945 at Yalta and on June 6, 1944, the date of the Allied invasion of Normandy, might be said that we lost the peace.

I have read the first 2½ lines of his book. Imagine that. I must repeat it.

It must sink into the brain of every American.

In February 1945 at Yalta and on June 6, 1944, the date of the Allied invasion of Normandy, might be said that we lost the peace. American political and strategic mistakes during the war possibly lengthened it; certainly made it more difficult. Our allies are responsible for the difficulties and crises through which we have been passing since the war.

I hope every Republican who voted for the bipartisan policy is listening to me, because if the American people ever know the truth, one thing is as certain as two and two make four. If the American people ever know the truth, there will be some vacant chairs in the Senate. The Republican Party was elected as a party of opposition. What choice was there between Dewey and Roosevelt? What choice was there under the system of electing a President that we have in this country? Burton K. Wheeler, speaking to 108,000 people in one night in Los Angeles, was unable to give the American public a chance to vote whether or not they wanted to follow his philosophy.

When we tried to amend the Constitution, to give the common people the right to vote directly for President at a primary, even the watered down constitutional amendment known as the Lodge amendment could not pass the House. The vested interests were too strong. They would not even let that little watered down measure be submitted to the legislatures of the States. That happens in America, the land of the free.

It is to the everlasting credit of the Senate, Mr. President, that when I offered an amendment providing for the direct election of the President by the people in the primary, where anyone could run for President if he wanted to run simply filing a duly signed petition, 32 Senators voted for it. The distinguished occupant of the chair, away from the Senate at that time, was paired for it, making 33 Senators. More than one-third of the Senate was willing to let the people of the United States vote directly for President and let the people decide, instead of having one group of politicians picking one fellow, and a few weeks later, another group, in some smoke-filled room, putting up another candidate, and saying to the people, "We do not care which one you elect, either one is our man." That is why I say when we look over the cabinets it is like looking at a directory of Wall Street.

When Tom Lamont died, the New York Times paid him the tribute that he, of the House of Morgan, visited every week at the White House to advise the President of the United States, Mr. Roosevelt. The same House of Morgan which under Republican Presidents was shown up in the munitions investigations to have made $30,000,000 representing England. What chance was there whether we had a Republican President or a Democratic President? The vested interests became careless when they wrote his obituary. They told the truth. How many citizens of America know that? How many Americans know that Franklin D. Roosevelt had a representative of the House of Morgan in the White House every week?

I read from Mr. Baldwin's book. Senators will find some great articles in this book. Some of the things in this book will surprise every Senator within the sound of my voice. It says that the United States has fought wars differently from other people. He says:

We have fought for the immediate victory, not for the ultimate peace. Unlike the British or the Russians, we have had no grand design, no over-all concept. This lack of a well-defined political objective to chart our military action has distinguished to greater or less degree much of our past history.

During World War II our political mistakes cost us the peace. The British and the Russians thought and fought in terms of the big picture, the world after the war; we thought and fought in terms of what we could do to lick Germany and Japan now.

This book is an attempt to illuminate some of these mistakes.

I repeat, mistakes made by the same outfit, some of the same leaders who have been in charge of our Government for the past 15 or 18 years. They are asking us to follow them again tonight.

It is, of course, easy to be wise in retrospect and to look back with the benefit of hindsight at the greatest war in history and to point to errors and confusion. They were inevitable, for war is conducted by men and men are fallible. A historian's judgments, moreover, are something like those of a Monday morning global quarterback. Yet if we are ever to learn from our mistakes we must identify them.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. LANGER. I decline to yield. I simply have not the time. I deeply regret it.

The PRESIDING OFFICER. The Senator declines to yield for any purpose.

Mr. LANGER. This excerpt continues about people making mistakes. People are making another mistake tonight, Mr. President, in the judgment of the senior Senator from North Dakota, a very serious mistake.

Mr. KILGORE. Mr. President, will the Senator yield for a quorum call?

Mr. LANGER. I decline to yield. I cannot spare the time.

The PRESIDING OFFICER. The Senator will not yield for any purpose whatsoever.

Mr. LANGER. Time is so short.

Mr. Baldwin said:

The major American wartime errors were all part and parcel of our political immaturity. We fought to win—period. We did not remember that wars are merely an extension of politics by other means; that wars have objectives; that wars without objectives represent particularly senseless slaughters; that unless a nation is to engage in an unlimited holocaust those objectives must be attainable by the available strength, limited by the victor's capacity to enforce them and the willingness of the vanquished state to accept them; and that the general objective of war is a more stable peace.

All through the war we heard that we were fighting a war for peace, that we were giving other countries destroyers for peace, have a Selective Service Act because we were going to enforce the peace. Everything was for peace. This expert says we lost it.

We forgot that the "unity of outlook between allies in war never extends to the subsequent discussion of peace terms."

Mr. President, if only those who are opposed to the conference report could get people to go to the Congressional Library there they could read what Franklin Delano Roosevelt said about the Russians and about Joe Stalin when they were fighting with Germany against us, and all the names he called them. Yet as quickly as he had an opportunity he joined them. President Roosevelt entirely forgot, as Mr. Hanson says:

We forgot that "while the attainment of military objectives brings victory in war, it is the attainment of political objectives which wins the subsequent peace." The United States, in other words, had no peace aims—

Where were the Democrats? With all the experience they had in World War I, where was this war party, this Democratic Party which looks around for war every time they get into office, apparently? Yet this military expert said the United States had no war aims at all—

we had only the vaguest kind of idea, expressed in the vaguest kind of general principles (the Atlantic Charter, the United Nations) of the kind of postwar world we wanted.

He said we had only the vaguest kind of an idea, and Senators have only the vaguest kind of an idea of the bill they are voting for tonight.

Those listening to the debate on the bill today must have wondered as they listened whether some of the Senators had read the bill more than once. We found disagreement on the part of the Democrats themselves. One Democratic Senator was talking and another rose and said, "These sentences do not mean at all what they say." He said that when the conference report said it would be necessary to list all the defense projects it did not mean that at all.

What can we think of a party, Mr. President, that is not even smart enough to write a bill which the Democrats themselves can understand? These men are not illiterate, they have college education, yet they read a bill and cannot agree on what it means.

There are between 40,000 and 45,000 defense plants. One Democrat gets up and says that under this bill it will be necessary to publish them all. He is promptly challenged by another Democrat on the floor who says that is not true at all. He says it will not be necessary even to publish anything about atomic energy plants.

Which one of these two are we to believe? What is the average man on the street going to say about it? If we pass this bill, two men will meet and one will say, "I know Senator So-and-So and I read the CONGRESSIONAL RECORD and he said you have to publish every one of these defense plants." The other man says, "Oh, no. I read what the other Senator said. You don't have to publish any of them." The Secretary of Defense says they must be listed. On

this floor a few days ago when we were talking about wool, one of the Senators said that one of the greatest articles of defense is wool, that if we are going up north to the Arctic Circle to do any fighting wool will become very important, and we should grab it all.

Mr. President, if that is true, is the farmer who produces wool a part of the defense mechanism? Is his name going to be published? If the hired man who works for him is a Communist, is the farmer compelled to investigate every man who wants a job to herd sheep or shear wool? It is said that under this bill if a book is printed and a man who works in a print shop is a Communist, the publisher himself is guilty.

I decline to yield. I cannot spare the time.

Mr. KILGORE. Will the Senator yield for a quorum call?

Mr. LANGER. Not for any purpose.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. LANGER. So, Mr. President, when it comes to the question of having forty to forty-five thousand individual defense plants, it is a matter of great importance whether or not all their names shall be published.

That brings us right down to what the President said in his veto message. It is strange, is it not, that when a campaign is on, some of the Democratic candidates want the President to come into their States, and speak at every whistle stop, They appeal to the President on bended knee, "Please, oh, please, Harry Truman, come into my district. I need help." Then when he becomes President, and he calls in, to obtain the benefit of their judgment, members of his Cabinet, the head of the Munitions Board, the Secretary of Defense, the Attorney General of the United States, and gives Congress the benefit of the advice he has received, Members of Congress who have ridden in on his coattails, who may have pleaded on bended knee for the President's help in their campaigns, say in effect that the President does not know what he is talking about. They will say, "It is not popular now to vote against this bill, and I certainly am not going to follow Harry Truman now. I know so much more than he does."

What did the President say about these 40,000 or 45,000 defense plants? What he said is not based on the judgment of Harry Truman alone. A Senator who votes against the President's advice is setting up his judgment against whom? President Truman said:

> I am taking this action only after the most serious study and reflection, and after consultation with the security and intelligence agencies of the Government. The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and the intelligent operation for which they are responsible. They have strongly expressed the hope that the bill would not become law.

So a Member of Congress who votes for the bill says he knows more about it than the President does, than Attorney General McGrath does and more than his staff does. Any Senator who does not agree with the interpretation of the bill as given to it by the President says in effect that the Attorney General and his staff do not know what they are talking about. "I know more about it than they do." Some who may have tried lawsuits, perhaps most of them in justice courts, may say they know more about the subject than does the Attorney General of the United States; that the Attorney General of the United States is mistaken. They say in effect that they know more about the subject than men who are handling hundreds of millions upon hundreds of millions of dollars; they know more about it than General Marshall, they know more about it than Omar Bradley, they know more about it than Louis Johnson, they know more about it than General Eisenhower.

Mr. President, it was only a short time ago that we voted hundreds of millions of dollars for the Central Intelligence Agency. Senators will remember the debate that took place then. Some Senators, as the RECORD shows, did not even know that the FBI did not operate in Europe and in Asia. The debate showed they thought that J. Edgar Hoover went all over the world, and they were amazed to find out that the FBI's operations were confined only to the United States of America. They were amazed to find out that the Central Intelligence Agency simply succeeded the secret service organization we had during the war, headed by Bill Donovan.

We have appropriated hundreds of millions of dollars and have hired the best men that money can get to come into agency. We send all over the world graduates of Columbia, Harvard, Yale, Delaware University, University of Minnesota, North Dakota University, Louisiana University, the University of Alabama, Tulane, the University of West Virginia, and others. They go to Iran, Iraq, Ethiopia; they go all over Africa, all over China; they go all over the world and gather what? They gather evidence at the risk of their lives. They run so much risk, they encounter so much danger that we have even passed a special retirement act applicable to them. They gather the evidence.

The President and the Vice President and all the other members of the Board of Defense know what nations are friendly to us. They are advised by the Central Intelligence Agency. They know what country is friendly and what country is unfriendly to us. No one knows it better than the President of the United States of America. If he has the least suspicion that some country is unfriendly, he notifies the head of the department to investigate.

The President of the United States called in all those people to advise him respecting the bill, and they all said to him, "This bill is no good." The Department of State, with embassies located all over the world, knows just what is going on in South America, in Mexico, in China, and probably even in Russia. The Department says the bill is no good. The President of the United States, after receiving that advice from those men and women had the courage, the moral stamina, to tell the Senate honestly, whether it is wise politically or unwise, that this is a bad bill. Where are those fellows who were hanging on President Truman's coattails a few short months ago, begging to be elected? Now we are told that President Truman knows nothing. They say, "We know so much more than Mr. Truman or the Vice President or Omar Bradley or any of the other men the President says he consulted. We are not going to support the President of the United States."

Mr. President, I am a Republican, and Mr. Truman is a Democrat; but I have been disgusted, as I have traveled over this great Republic of ours, to find Democratic newspapers and Republican newspapers alike making fun of and criticizing the President of the United States of America. Our forefathers came here to establish this great country, and they adopted the finest Constitution which, up to the present, has ever been adopted by any nation on the face of the earth. We have Constitution Day, and on that day the orators tell us what a great document the Constitution of the United States is.

In that Constitution it is provided that there shall be a President and a Vice President. The people of this great country—rich and poor, alike; men and women, regardless of race, creed, or color—went to the polls and elected Harry Truman, President; and ALBEN W. BARKLEY, Vice President. Before that time, the people had elected Franklin D. Roosevelt, President; and Harry Truman, Vice President. It was the will of the people. The American people did it, even though the large newspapers spoke out overwhelmingly against it.

Mr. President, under our great Constitution, Harry Truman is Commander in Chief of the Army, the Navy, and the Air Force; he is our President. We would expect that the average American would honor the President. We would think the average American would realize that there stands one man, alone, to protect the health and the safety of the rank and file of the people of the United States. He stands there alone, Mr. President.

Mr. KILGORE. Mr. President, will the Senator yield for a question?

Mr. LANGER. I decline to yield, because I am just about to pay a tribute to the President of the United States. I am very sorry that I cannot yield.

Mr. KILGORE. I ask the Senator to yield just for a question.

Mr. LANGER. I am sorry, but I cannot yield. The time is too short, Mr. President.

The PRESIDING OFFICER (Mr. GRAHAM in the chair). The Senator from North Dakota declines to yield.

The Senator from North Dakota has the floor, and he may proceed.

Mr. LANGER. Mr. President, under our Constitution there stands one man, the President of the United States, to protect the people of the United States against all enemies.

Some of the leaders of other countries are jealous of our high standard of living and of the fact that we in this country have more telephones per capita than

does any other nation on the face of the earth, and that we have more automobiles per capita than any other nation has. They are jealous of our great prosperity. Harry Truman is fighting, with his back to the wall, against all of them.

You would think, Mr. President, would you not, that the American people would rally to his support, that they would say, "Mr. President, right or wrong, we have chosen you to be our leader, and we are going to hold up your hands." That is what a good American does, Mr. President.

Mr. KILGORE. Mr. President, will the Senator yield for one question?

Mr. LANGER. Mr. President, I decline to yield for any question. I do not have time to yield for a question—not even for one question.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. LANGER. Mr. President, you would think, would you not, that every good American would hold up the good, right arm of the President of the United States.

But what do they do? Some of the newspapers ridicule the President, lie about him, draw contemptible cartoons about him. Every time they draw one of those cartoons, every time they lie about the President of the United States, every time they minimize his capacity and his ability, what are they doing? They are giving aid and comfort to the enemies of the United States of America; that is what they are doing. How the enemies of the United States must laugh at the men and women who stoop so low as to defame the President of the United States of America.

Mr. President, Mr. Truman is not a candidate for reelection at the present time. He may never be. The Democrats will have their convention in due time. If Mr. Truman then becomes a candidate, all the Dixiecrats and all the Republicans who do not like him will have lots of time to tell about all his faults and all his mistakes. They will be delighted to go on the radio and tell the American people what they think about him. But until he becomes a candidate for President, in these dangerous days American citizens should get down on their knees and pray to Almighty God that the President may have divine guidance, that he may have good judgment, that he may exercise wise leadership for the benefit of the people of the United States of America.

I say that the President is entitled to the united support of Republicans and Democrats alike, so that he may be enabled to give this country the kind of administration a good American wants it to have.

How tragic it is to think that some of the newspapers that are belittling this man will put into the hands of children some of the cartoons ridiculing our President—cartoons which fall into the hands of some young students. What must they think of the President, the Commander in Chief of the United States?

However, that is not the worst of it, Mr. President. Those newspapers go to virtually every land on the earth. I repeat that every time such things are said about the President of the United States, that is giving aid and comfort to the enemy.

There the President stands, alone—a mighty figure, in my opinion. I believe that Harry Truman would rather cut off his right arm than harm a single man, woman, or child in the United States of America; and I say that after 5 years of association with him in the Senate, in the days when he served as a Senator. What object would he have for saying, in his veto message—as he does in paragraph 1, which in my opinion is the greatest paragraph of all those in the veto message:

> I am taking this action only after the most serious study and reflection and after consultation with the security and intelligence agencies of the Government. The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and the intelligence operations for which they are responsible. They have strongly expressed the hope that the bill would not become law.

Mr. President, I repeat that, in view of the hysteria which is sweeping over the country, it took a man of great courage to write that message. It is one of which I, as an American citizen, am proud. It is great to be a Member of the Senate of the United States when we have a President who is a brave, fearless man.

The next paragraph of the President's message will be in the minds of every citizen of the United States of America before we get through with this fight.

Of course, those who favor this measure may succeed in having it passed. After all, the alien and sedition laws were passed—but they were never enforced.

So it is that those who favor the enactment of this measure may succeed in having it passed by the Congress; I suppose they have sufficient votes to do so. But I thank God that here in the Senate of the United States a Senator still has the right to stand up at 2 or 3 o'clock in the morning and protest and give his side and state his opinion of any particular measure.

I say that this second paragraph will be in the minds of all the citizens of America before we are through with this fight. The President said:

> This is an omnibus bill containing many different legislative proposals with only one thing in common: they are all represented to be anti-Communist. But when the many complicated pieces of the bill are analyzed in detail, a startling result appears.
>
> H. R. 9490 would not hurt the Communists. Instead, it would help them.

A man who says that, and signs his name to it, in these great days of hysteria, is a great man, and a great President.

Coming back to, "The great mistakes of the war," Mr. Baldwin certainly knows American character. He says:

> The major American wartime errors were all part and parcel of our political immaturity. We fought to win—period. We did not remember that wars are merely an extension of politics by other means; that wars without objectives represent particularly senseless slaughters; that unless a nation is to engage in an unlimited holocaust those objectives must be attainable by the available strength, limited by the victor's capacity to enforce them, and the willingness of the vanquished state to accept them; and that the general objective of war is a more stable peace. We forgot that the "unity of outlook between allies in war never extends to the subsequent discussion of peace terms."

Mr. President, I have read that twice, because there was that great weakness of both the Republican and Democratic leaders in this war. To indicate how well he knows the human character of Americans, he said:

> Our duties were emotionally clouded by the perennial American hope for the millennium, the Russian military accomplishments, the warm sense of comradeship with our allies which the common purpose of victory induced by the very single-mindedness of our military-industrial effort. Wartime propaganda added to illusion; all our enemies were knaves, all our allies friends and comrades—military victory our only purpose.

No thought of how we would win the peace.

> We embarked upon total war with all the zeal and energy and credit for which Americans are famous, but we fought to win, in the broader sense of an objective, we did not know what we were fighting for.

How well I remember, in World War I, Mr. President, that our boys were told, "You are fighting to make the world safe for democracy." In World War II they were told, "You are fighting a war to end all wars." Mr. Hanson Baldwin says, "We did not know what we were fighting for."

Think of it, Mr. President. Here were millions of boys leaving home, some of them leaving behind them wives and little children, some of them leaving behind them a college career they would never be able to finish, thousands of them going forth to die. Yet the military expert, Mr. Hanson Baldwin, says they did not know what they were fighting for. I have received letters from Korea, and, according to those letters, those boys do not know what they are fighting for.

One of the great columnists of this century said that one of the most important things for the United States Government to do was to make clear to those who were doing the actual fighting the objectives of the war. This military expert continues:

> The political mistakes we made, therefore, sprang from the receptive soil of this immaturity; but they were fertilized, too, by a lack of knowledge or a lack of adequate interpretation of that knowledge. This was particularly true of our wartime relationship with Russia.

Mr. President, I hope no Senator will ever forget the next few words I am going to read:

> This was particularly true of our wartime relationship with Russia. Our policy was founded basically on four great—and false—premises, certainly false in retrospect and seen by some to be false at the time. These were:
>
> 1. That the Politburo had abandoned (with the ostensible end of the Communist International) its policy of a world Communist revolution and was honestly interested in the maintenance of friendly relations with capitalistic governments.
>
> 2. That "Joe" Stalin was a "good fellow" and that we could "get along with him."

Mr. President, I remember picking up Collier's magazine during World War II and seeing an article by the President of the United States headed Russia Is a Gamble. Think of it; the President of the United States was gambling with hundreds of thousands of lives—the lives of American boys and girls. That was the gamble. The very man and the very Government he denounced when they were fighting with Hitler suddenly changed from devils to angels overnight. Mr. Baldwin said:

That "Joe" Stalin was a "good fellow" and we could "get along with him." This was primarily a personal Rooseveltian policy and was based in part upon the judgments formed by Roosevelt as a result of his direct and indirect contacts with Stalin during the war.

This belief was shaken in the last month of Roosevelt's life, particularly by the Soviet stand on Poland.

This will show, Senators, how smart Russia was. We were afraid that she might make a separate peace with Germany. She scared American diplomats.

Fear of this dominated the waking thoughts of our politico-strategists throughout the early phases of the war, and some anticipated such an eventuality even after the landing in Normandy.

Talk about propagandists. They said, "If you don't treat us right we will make a separate peace with Germany. Hurry up, come over here."

What I say now I say with deepest respect. I would not say one word to hurt any Senator. We like to boast about our two party system. Where was the opposition in the Foreign Relations Committee of the Senate? Has it ever occurred to the press, or has it ever occurred to Senators that there was no opposition party on the Foreign Relations Committee? It was one party. There is not a Senator who can name one time when a bill was not unanimously reported from the Senate Foreign Relations Committee. It is said that kind of government is better for the country. I remember when the nomination of George Marshall to be Secretary of State came to the Senate. Whether it was a good or bad nomination is immaterial. It came at 12:22 in the afternoon. I looked at the clock. Where did the Foreign Relations Committee meet? In the Vice President's Chamber. Do Senators know how long they met there? Twenty minutes. Not a witness was called to testify whether Mr. Marshall would make a good or bad Secretary of State. The committee met for 20 minutes to decide whether George Marshall should be Secretary of State. Twenty minutes. What a travesty on government. I went to the then chairman of the Foreign Relations Committee and I said, "Of course I will vote against him." And I went over to Wallace White and I said, "Remember always that I voted against it." Mr. President, it took 20 minutes for the nomination to come from the committee.

Do Senators know what makes Communists? We have a bill now which would put Communists in concentration camps, and which would make Communists register. After all, we are only the officers and the representatives of the American people. Suppose a corporation like General Motors had a $35,000,000,000 debt, and in ten short years it had grown to $260,000,000,000, would not the stockholders say, "We are paying you too much in salary."

Mr. President, year after year every vote in the Foreign Relations Committee is unanimous. We boast we have a two-party system. How careful we are in picking those who go on the committee. Some day we might get an isolationist on it. An isolationist would not know anything about it. So an isolationist does not get on the Foreign Relations Committee. My goodness, it would be a terrible thing. It would be far worse than having a Communist. We get a unanimous report on every bill. That is the kind of government we operated under all through World War II.

I remember UNRRA. I remember we had an American at the head of it. However, when a United States Senator wanted to see the head of UNRRA he had to go through the office of Sir Arthur Roberts, of England. What a disgrace to America.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. LANGER. I cannot yield. I regret very much that I cannot yield to the distinguished Senator from West Virginia.

Mr. Hanson Baldwin says:

All of these basic misconceptions except the second——

That is the one about Joe Stalin being a good fellow and we could get along with him——

had one common denominator:

I will show Senators how smart this fellow Baldwin is.

Lack of adequate knowledge about Russian strengths, purposes, and motivations; and inadequate evaluation and interpretation of the knowledge we did possess, or failure to accept and apply it.

Mr. KILGORE. Mr. President——

Mr. LANGER. I decline to yield.

The PRESIDING OFFICER (Mr. GRAHAM in the chair). The Senator declines to yield.

Mr. KILGORE. Will the Senator yield so I may suggest the absence of a quorum?

Mr. LANGER. I cannot yield, Mr. President, I read further:

The second mistake could not have been avoided.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LANGER. I decline to yield.

The Presidential office, with its vast powers, can, under an Executive who is so inclined, formulate a personal foreign policy.

This is particularly true in wartime. President Roosevelt liked to transact business—even international business—on a man-for-man basis; he depended heavily on personal emissaries like Harry Hopkins, and upon his own judgment, and was confident that his estimate of the other fellow was correct.

"I just have a hunch," William C. Bullitt quotes Roosevelt as telling him, "that Stalin does not want anything but security for his country, and I think if I give him everything I possibly can and ask nothing of him in return, noblesse oblige, he won't try to annex anything and will work with me for a world of democracy and peace."

That is William C. Bullitt quoting Roosevelt. Bullitt had been Ambassador to Russia. He said Roosevelt told him:

"I just have a hunch"—

Roosevelt was telling this to Bullitt—

"I think if I give him everything I possibly can give him and ask nothing from him in return, noblesse oblige, he won't try to annex anything and will work with me for a world of democracy and peace."

Every Republican should use it in the next campaign.

Had the President been able to lean upon a younger and more vigorous Secretary of State and a stronger State Department, he might have depended less upon intuition and snap judgment and more upon careful research and group study. But it was in the character of the man to administer and to govern and to bargain on a "first name" basis; he relied heavily upon his great persuasive powers and charm, as well as upon his political ego.

I am coming to it later, but this is as good a time as any to show the type of determination Roosevelt had.

It will be remembered how he yelled for unconditional surrender. A great Democrat rose in this Chamber, Burton K. Wheeler, of Montana, certainly one of the great Democrats of all time in the great Northwest, honorable, efficient, unusually careful in his judgment, foresighted and farseeing. He stood upon this floor and pleaded for one whole day against what he called that terrible slogan of unconditional surrender, how that term would prolong the war for months and would cost thousands upon thousands of American boys' lives.

Burton K. Wheeler knew, but the American Senate would not listen to him. Why? Because he was an isolationist. He may have been a Democrat, but unless one was the right kind of a Democrat, he did not count.

What about the unconditional surrender that Mr. Wheeler pleaded with us to abandon, to pass resolutions to get rid of?

What does Winston Churchill say? Winston Churchill now repudiates Roosevelt's action and says it was Roosevelt's, and Roosevelt's alone. I will give the vindication in this book.

It is not merely the judgment of one man. Some of the Senators who are going to vote for this bill are going to put their own judgment against that of the Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State. Mind you, some of these thousands of employees have been all over the world. There is not the least doubt in my mind that some of them are in Russia tonight advising the President of the United States. And the President says:

I am taking this action of veto after only the most serious study and reflection and after consultation with the security and intellignce agency of the Government.

Is there a Senator on this floor who will seriously contend that he knows what the Central Intelligence Agency has reported to the President? Oh, some of

those who favor the passage of the bill know all about it; they know more than Omar Bradley, more than the Department of Justice, more than the Central Intelligence Agency, and the Department of Defense.

Leaving out the Department of State entirely, which some may not like, here is the President of the United States getting all this confidential information. He says to some of the Senators who only a few months ago were begging him to come into their States and help elect them that he has given this serious thought. Harry Truman went out and helped elect them. If it had not been for the two men at the head of the Democratic Party campaigning, the Republicans would have won many more victories.

Go to Idaho and talk to some of the farmers there. Harry Truman spoke at a whistle stop, and 2,000 inhabitants, farmers, in a little town, came to hear him. The train stopped only 10 minutes. What did he tell them? He said, "Oh, I see we are right in the middle of a dust bowl where all you fellows around here went broke." He leaned forward confidentally and said, "You know, I went broke with you. I had a little haberdashery store in Kansas City, and I went broke with you, and we are all in the same mess."

Do not think those fellows did not go out and shout for him. If you do not think so, talk to some of the members of the press who were there.

He was humble, nice, candid. He was not talking over the heads of the people. They came out to greet him and to welcome him.

The men for whom we are spending these hundreds of millions of dollars, men who are perhaps in Russia tonight, or they may be in Korea tonight—they are all over Asia and all over Europe—the generals and the admirals, all those who know, have advised the President, while Senators are guessing.

The Central Intelligence Agency, whose job it is to keep the President informed, advised him. The President said:

> I am taking this action only after the most serious study and reflection and after consultation with the security and intelligence agencies of the Government. The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and the intelligence operations for which they are responsible. They have strongly expressed the hope that the bill would not become law.

As I have said, Mr. Hanson Baldwin talks about the great mistakes of the war. My judgment and idea is that passing this bill, by ignoring the advice of the President of the United States, will result in another great mistake.

It does not worry me at all to be talking at this hour of the night, because as I look at the newspaper in the hands of the distiguished senior Senator from Nevada, I see the headline, and it means that in Korea thousands upon thousands of American boys are fighting tonight. They do not quit for supper at 6 o'clock—"dinner," as some of the folks here in the East call it. They do not quit at 8 or 9 o'clock. They do not quit at 12 o'clock or at 2 o'clock in the morning or at 3 o'clock in the morning. Those boys there are fighting all the time, as is shown by the headlines in the newspaper in the hands of the distinguished senior Senator from Nevada. They are there battling.

Tonight may be the last night on earth for some of those boys. We are here in the Senate representing them. We are saying tonight to the Commander in Chief, "You don't know what you are talking about when you tell us to sustain your veto, when you tell us that this bill is no good, when you tell us that this bill, if passed, will do more harm than good."

In my opinion, the boys who are fighting in Korea tonight are over there because of some mistakes made by the leaders of our Government. But when the President of the United States, when Omar Bradley, when all the great leaders who compose the Department of Defense, and when the Central Intelligence Agency, all tell me that this is a bad bill, until someone upon the floor proves they are wrong, I shall accept their judgment. The American people are going to accept their judgment too.

Oh, how often I have heard J. Edgar Hoover praised upon this floor. I have heard some of the great Republican leaders, so-called, leaders on the Republican side, say, "If Edgar Hoover says a thing is so, it must be true." J. Edgar Hoover has made a remarkable record. One cannot read the veto message without realizing that the President has had the advice not only of the Central Intelligence Agency but the advice of J. Edgar Hoover. Yet only 3 days ago we heard an argument as to whether J. Edgar Hoover had written a letter or had not, and it was conceded that whatever J. Edgar Hoover had to say on a certain point was undoubtedly correct.

Mr. President, I am a member of the Committee on the Judiciary. When the Mundt-Nixon bill came before the committee, something happened that I do not believe ever happened before in the annals of the Senate. We voted on the bill on a Friday. That night one of the Senators who had voted against it, announced in the press that he had changed his mind; that he was for it. The next day the great and distinguished junior Senator from Tennessee [Mr. KEFAUVER] announced he was opposed to the bill. Then the senior Senator from Washington [Mr. MAGNUSON] announced that he was against section 4 of the bill. Later the distinguished Senator from West Virginia [Mr. KILGORE] announced he had changed his mind. I believe all Members were present when a motion was made to recommit, and the vote was either 6 to 5 or 7 to 6. The RECORD will show what the vote was. That is how close the vote was on the Mundt-Nixon bill in the Senate Committee on the Judiciary.

Mr. President, I submitted minority views. In them I stated that—

> The bill, if enacted, would constitute the greatest threat to American civil liberty since the alien and sedition laws of 1798.

That was written in March of this year. I have not changed my mind about that. I said at that time about the bill:

> It is the product of hysteria and frantic, unthinking fear.

And that is what it is. I said then, and I repeat now:

> Like that bill, it would strike at the very foundations of our democratic institutions—the right of the people to speak their minds, to hear every viewpoint on public questions, and to associate together freely to advance their common views. Like that bill, it merits the opposition of all who cherish liberty.
>
> Under the guise of protecting our democratic institutions against an alleged threat of subversion from foreign agents who seek to overthrow our Government by coercive means, it is proposed to regiment the thinking of the American people and to impair or prevent the free exercise of constitutionally guaranteed freedom of speech and association.
>
> It is proposed to confer on a politically appointed Board vague and, therefore, unrestricted power to outlaw associations of citizens whose views and policies are considered by it to be dangerous.

Mr. President, I said the other day upon the floor that I had had personal experience with such matters. During World War I the Governor of Minnesota was J. A. A. Burnquist. A law was passed in Minnesota creating a council of defense. That council had the right to stop anyone from speaking if it wanted to do so. It had a right to prohibit public meetings being held. It had the right, and it certainly exercised the right, of keeping persons from writing and publishing what they wanted to. If someone did what they did not like him to do, they painted his house yellow at night. The board, which was appointed by Governor Burnquist, was headed by C. H. March, I believe, of Litchfield. I told the Senate 2 days ago that Magnus Johnson, a great, respected citizen of Minnesota, who later was elected by the people to come to the Senate of the United States, and I went out in a truck to talk to the people of Minnesota. We had to be careful, however, to touch on the right spot. Magnus Johnson would start to make a potriotic speech and the sheriff of the county would say, "You cannot talk in this county, Magnus Johnson." Then we moved the truck to another town, put up the American flag, and Magnus Johnson would start to talk. This political board, appointed by the Governor of Minnesota, said, "No, you cannot talk in this county, Magnus Johnson." The only difference between that and what is proposed in the bill we are discussing is that under the bill a Communist would be put in a concentration camp. The Communists are going to be locked up good and tight. So Magnus Johnson had to go into a third county where there was a friendly sheriff, and speak. The people of Minnesota resented that.

Well, the term of Governor Burnquist expired, and Jake Preus was elected Governor and assumed office. He retained the same board, and then an election came on. What do Senators suppose happened? I will say what happened. Magnus Johnson beat the Governor, and put him out of political life

in Minnesota. And Jake Preus has never held an office in the State of Minnesota since. As a matter of fact he left the State and moved to Illinois, did this ex-governor who did what is proposed to be done here tonight. That is what the people of Minnesota thought about it.

Oh, the bill may be popular for a few months. The distinguished governor of a great State the other day announced, in a speech to veterans "I am in favor of hanging every Communist." The audience cheered. How good it sounded. But when a Member rises on the Senate floor and says that 37,000 farmers in one State are Communists, and when we hear of a governor who says he is in favor of hanging them all, one wonders whether we are in the United States or in Russia. A man who has been a Member of the Senate for years and years rose in the Senate and made those charges against the farmers of one State. The charge was so false that the junior Senator from South Dakota, one of the authors of the bill, got up in the United States Senate and repudiated the charge that the heads of the Farmers Union or any of its members were Communists. He said, "Even though a Democrat who is the head of the Farmers' Union is running against me, I want all of you to know that he is a good, loyal American citizen." Those were the words of the junior Senator from South Dakota.

Suppose we had a President of the character of the man I mentioned, who at that time was Governor of Minnesota? Suppose a President of that sort named a board of five persons, and suppose that President did not happen to like the Farmers Union. I do not have the least doubt that in an organization of 37,000 heads of families, there might be two or three Reds. Under a board appointed by a future President, could it not be said, "We have ferreted them out, and we will put all of them in a tent. We are going to teach these farmers not to join this union. We have been making the profits all these years, and we are not going to let any of the profits go to any cooperatives. We are going to put the fear of God into them."

Mr. President, do you think that could not happen? If you do, you simply have not been through the experience I have been through in North Dakota with the Nonpartisan League.

A certain Member of Congress was invited to Minnesota to give a speech. Before he could even begin to speak, he was driven off the platform; rotten eggs were thrown at him, and he was driven out of the State. That is the kind of thing which develops when there is a political board, appointed by a Governor. The situation would be no better if the board were appointed by a President.

I have forgotten the name of the man who, while still a young fellow, invented the new kind of dynamite which was used in World War I. Our Government bought it from him for $800,000. Some of the Members of the Senate very likely remember his name. That man helped win that war. Mr. President, do you know what happened to him in North Dakota, before Senator Frazier was elected Governnor? They rode that young man out of town on a rail, and poured tar and feathers on him. The Governor at that time was a cousin of Mark Hanna, of Ohio. That inventor, who had developed that great explosive, which our Government was so happy to buy, was ridden out of town on a rail, and was tarred and feathered.

I wish to ask those who have been advocating the enactment of this measure to imagine what would happen if a Communist were President of the United States. If he named the board to be appointed under this measure, how long do you think Senators would be at liberty? Senators should consider that when they are preparing to pass a law which will be permanent.

I remember when the Ku Klux Klan marched up Pennsylvania Avenue. That was not so very long ago, either. Do Senators say it could not happen today? Oh, how the Ku Klux Klan were cheered here in Washington. Senators would not think it possible; yet all of us know it did happen.

Mr. President, in the minority views I went into great detail. I wish to read from the closing passages of my minority views:

> It is proposed to confer on a politically appointed board vague and, therefore, unrestricted power to outlaw associations of citizens whose views and policies are considered by the Government dangerous. Under these powers, trade unions and other organizations which seek to alter the status quo or to oppose this or that governmental policy by lawful means, with no evil intent, could be branded as traitorous agents of foreign governments or movements. Their members could be relegated to the position of second-class citizens, and made subject to economic and social outlawing.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LANGER. I cannot yield now; I am sorry that I cannot yield.

Mr. President, only yesterday we heard of a case in Germany in which a son testified about his sister or his father or his mother or his brother. Just think of that, Mr. President—that one member of a family would spy on other members of his family.

In the minority views I said that it is proposed to punish as a crime mere membership in an organization which has failed to identify itself by registering when ordered to do so, and to make criminal an agreement to do any act, however innocent and lawful, which a court might find would substantially contribute to the establishment in the United States of a totalitarian dictatorship.

The other day the distinguished Senator from Tennessee [Mr. KEFAUVER] hit the nail on the head when he said, "Why does not the Congress pass a law requiring all burglars to register?" He said, "How many burglars do Senators think would register? Of course, they would violate the law if they did not register, but how much would any burglar care about that?"

Mr. President, the President of the United States might as well ask the Congress to require all thieves and burglars to register. If we are going to pass a bill requiring all members of a political party to register, why not make the situation easier and more simplified by requiring all those who are thieves and burglars to register, too?

One of the first battles I had when I came to Washington involved an anti-Communist measure. I had been about a year on the committee, when Francis Biddle, who had been Attorney General, came before the committee and advocated the passage of a measure which provided that all Communists be barred from running for public office. At that time there were 19 members of the committee, as I recall. One of the members was a very clear-headed man by the name of JOE O'MAHONEY, of Wyoming. I said to the Senator from Wyoming, "You know, I could not support this kind of legislation, because in North Dakota we had, away back in 1932, the same problem of Communists."

At that hearing I said to Attorney General Biddle, "You cannot stop the Communists by keeping their names off the ballot and by passing a foolish measure of that kind."

Mr. President, the first time I ran for Governor in North Dakota I was sick, and was lying in a hospital bed. I was sworn in as Governor while I was lying in that hospital bed.

While I was lying in the hospital, in 1933, a thousand men marched upon the capitol of North Dakota at Bismarck, in what they called a hunger strike, led by a man known as Red Flag Taylor, of Sheridan County, N. Dak. I got in touch with three very prominent men, with whom I thought I could talk. I said, "When those people get to Stanley, bring them into the courthouse." I picked the former Governor of the State, Walter Madden, a man by the name of "Dad" Walker, members of the legislature, and a man, Roy Frazier, who had been in the legislature. They went there and tried to talk to the marching group, but could do nothing with them. They continued marching on the capital of North Dakota. When they got to the town of Wilton, 26 miles from Bismarck, I had them met by the Adjutant General of North Dakota. He bowed to "Red Flag" Taylor, gave him our compliments, and said, "We are going to take care of you. The Governor has provided free lodging for you, he has provided free eats, he has called a joint meeting of the legislature, so that you may speak to your representatives and senators as long as you care to, because you are citizens of the State of North Dakota." Surprisingly, within 36 hours they were all talked out. They had two legitimate complaints; one, the matter of foreclosures, the other was that a labor family had been evicted in the city of Fargo; a family with five little children were evicted in the month of December, and the little girl had died as a result of exposure to the cold weather and snow. They were simply thrown out. The Legislature of North Dakota and myself, by executive decree, took care of those things, and the marchers went back home.

Mr. President, do you know what they did before they went home? They adopted a resolution thanking the legislature and the Governor of North Dakota for the reception given them. Mr. President, do you know how many votes

they got the next time they put up a ticket? They got 1,100. The next time, 2 years later, when I ran against Sam Patterson, the same man who ran against me before, they got 433 votes, because we had taken care of all the conditions mentioned by the junior Senator from Minnesota. We provided for a moratorium, so that people could not be evicted, and their farm machinery could not be taken from them.

Franklin Delano Roosevelt had also declared a moratorium. When they only got 433 votes, they lost their place on the ballot, because under the laws of North Dakota they had to have 500 votes in order to remain on the ballot, and they did not get that many.

J. Edgar Hoover says there are only 70 Communists who live in North Dakota, so, if counting 4 to a family, that means there are less than 20 Communist families in the State. That is because we passed legislation of the right kind, legislation which took care of the poor people. We were the first State in the Union to have an old-age pension act. That was 2 years before we ever heard of the Townsend plan. We were the first State in the Union to pass a law to take care of the widows and orphans. Before that, children used to be scattered all over the State. We said no one could take better care of those children than the mother could. So we gave the mother so much a month, and for each child she was given so much additional. Those are one or two of the things we did.

They used to take little 14- or 15-year-old girls and work them in department stores, drug stores, and in the movie theaters, which ran 7 days a week, many of them until late at night. In a department store at Grand Forks, N. Dak., I, as attorney general, found a little girl working for $2 a week and paying for her own board and room. Girls could work in drug stores without a medical examination being required of those for whom they worked. A little farm girl might work from early in the morning until late at night beside a syphilitic, and be waiting upon people who were buying and eating food. We passed a law providing for medical inspection, and providing that girls could not work for more than 8 hours a day nor more than 6 days a week. Later we made it 5—and the Communists only got 333 votes. But today, J. Edgar Hoover says there are but 70 Communists in the State, or about 20 families.

Mr. President, legislation is proposed now to make the Communists register. The President of the United States certainly characterized it properly. At times I think the President of the United States has a great sense of humor. I was given to understand tonight—I do not know how true it is, and I am not in his confidence—that he personally dictated most of this veto message. If he did, I can imagine his smiling at two or three of the paragraphs he wrote into it, particularly when he said, for example, that it was just as sensible to require thieves to register as to call upon the Communists to register. Those who are proposing this bill know that the Communists will never register, because they have already announced, at New York and some other places, that they do not intend to register. The President is dead right when he said they will simply change the names of their organizations.

Let me go back again to the paragraph which I consider one of the greatest paragraphs ever written by any President in any veto message. He says:

I am taking this action—

That is, in vetoing this bill—

only after the most serious study and reflection and after consultation with the security and intelligence agencies of the Government. The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and the intelligence operations for which they are responsible and they have strongly expressed hope that the bill would not become law.

So I come right back again to the question I asked a while ago: Who knows more about this bill—96 Senators, some of whom have never studied it, a few more of whom have studied it only superficially, and none of whom, by any stretch of the imagination, could possibly know the facts as the Central Intelligence Agency knows them, through having men in Russia and in the satellite countries, all over Europe and all over Asia?

They say this bill is no good, and the Department of Defense, General Bradley and others, say the bill is no good. Then we have the Senate Judiciary Committee, which by a vote of 6 to 5, or 7 to 6, whichever it was, reported the bill.

Mr. President, whose judgment would you take? If it were a mater involving a large amount of money for yourself, if this were a matter involving the life of one of your children, whose judgment would you take? In a case involving infantile paralysis, if the American Medical Association said to you, "We have studied this question for many years and we know something about infantile paralysis," and if your little girl was suffering from it, and a couple of quack doctors came along and said, "You can cure it by putting on a hot cloth," whose advice would you take? Would you take the advice of men with no experience? After all, if we appropriate millions and millions of dollars for the Central Intelligence Agency, then most certainly we ought to follow their advice.

Mr. President, there was some discussion today about letters written by John W. Davis and some other authorities I desire to refer again to my minority views, written in March 1950. I said:

In the atmosphere created by this bill the American tradition of freedom could only stifle and die. That is why the trade union movement, represented by the A. F. of L., and CIO and Brotherhood of Railroad Trainmen, have expressed their vigorous opposition to this bill.

We have the A. F. of L. opposed to it. We have the CIO opposed to it. We have the Railroad Brotherhoods opposed to it. Mr. President, they are the men who work. Take a group like the Brotherhood of Railroad Trainmen. Are Senators acquainted with the patriotic record of this group during World War II. These men are against the bill. I will tell Senators what their record was during World War II. Are they Communists? In World War II 21 percent of the employees, engineers, firemen, and brakemen who belonged to the railroad unions and their auxiliaries went to war. With equipment and machinery running down, do Senators know what they did? They hauled twice as much freight as they had hauled before the war. They broke all records. With 21 percent less help, they hauled twice as much freight. I submit it it is a remarkable record. They are against the bill. Likewise the National Farmers Union is opposed to the principles of this bill.

I have already said all it is necessary for me to say about the National Farmers Union. I again call the attention of the Senate to the article which was written by James E. Patton and which took the anti-Communist view on the Korean War. The National Farmers Union which has done so much to organize the farmers and to get for them fair prices for their products, is opposed to the bill. That is the Farmers Union that consulted with Franklin Roosevelt day after day. Bill Thatcher, of Minneapolis, St. Paul, the head of the dairy cooperatives, is against the bill. The dairy cooperatives are against the bill.

In the atmosphere created by this bill the American tradition would only stifle and die.

That is why the Association for the Advancement of Colored People is opposed to the bill. They filed their objection in the committee. The American Jewish Congress expressed its opposition to such a bill. That is why the American Civil Liberties Union is against the bill. That is why the National Lawyers Guild is opposed to the bill.

Mr. President, I am in good company. It is a good company, and I am proud of the company. I am always proud to be associated with the National Farmers Union, because I have seen the brave fight they have made for the common people. I have seen them resist foreclosures and mortgages. I have seen them, when their neighbors were hurt or sick in bed, going out and doing all the farm work for them. Let me tell Senators that fundamentally the hearts of the members of the Farmers Union are sound and just as patriotic right straight through as are the hearts of the Members of the United States Senate. I do not have to apologize for the membership of the Farmers Union, because they have made a record so fine they do not need any defense from the senior Senator from North Dakota. They said they are against this bill.

The other day, while the American Bar Association was meeting in Washington, the newspapers carried the story that the Committee on Un-American Activities of the House was going to bar the National Lawyers Guild as red. Then we find that out of a membership of 3,800 only 4—none of whom were officers—were named by that committee.

I ask again the question to which I never received a satisfactory answer:

What emergency can be pointed to as a possible justification for this departure from our constitutional principles which have served us so well for more than 150 years and through two world wars?

Mr. President, we had a concentration camp in World War II at Fort Lincoln in North Dakota. To it were brought Japanese-American citizens. They were taken from California and placed behind barbed wire in North Dakota. Many Germans—about 250 of them—were brought there, too. They were put behind barbed wire. Some of them were there for nearly 3 years. I saw this thing in action. It is not anything new to me. I investigated it. I found out things about it.

In Costa Rica the Communists got control of the government. When the Communists in Costa Rica obtained control of the government, do Senators know what they did? They selected the 50 richest men of German extraction, and, with the help of Americans, either the FBI or the Central Intelligence Agency—I do not know which—picked them up, and without ever giving them a chance to say good-by to their wives and children, loaded them into a plane, and brought them to Bismarck, N. Dak., and put them behind barbed wire. I talked to these men at the request of Bishop Ryan of the Catholic Church. He asked me to go out and see them.

What do Senators think of stories like these? One of them had told me he left Germany when he was 2½ years old. He married a girl in Costa Rica. He built a brewery. He decided he could make more money if he also sold perfume. So he organized a perfume factory. Of course he had to sell the perfume. So he took trips all over the world. He went to Scotland, England, Ireland, and also to Germany. He did not stay in Germany any longer than he stayed anywhere else. One day one of the agents came in. This man was worth three or four million dollars, a man whom the Communists hated, a man whose property they wanted because they were envious. They said to him, "Is it not true you had been in Germany?" He said, "Yes." He was there for 3 years. They said, "You were there 2 years ago, 3 years ago?" He answered, "Yes." "You were there selling perfume."

Mind you, that is all he himself knew about. He was not confronted with any witnesses. At 5 o'clock that day the FBI or the Central Intelligence Agency picked him up and took him over to Fort Lincoln, N. Dak., put him behind barbed wire, and he stayed there 2½ years before anyone was able to do anything for him.

Talk about the writ of habeas corpus, which has been mentioned. Let me give a little testimony about the writ of habeas corpus. In North Dakota behind the barbed wire was a man named Bishop. An attorney by the name of Murray, of Bismarck, N. Dak., was hired to defend him. But the lawyer could not communicate with his client except in the presence of the commander of the fort.

The lawyer got out a writ of habeas corpus. The commander knew that the writ of habeas corpus was coming up on a certain day. Murray testified before the Senator from Nevada [Mr. McCARRAN] himself and another Senator, I believe the Senator from Mississippi [Mr. EASTLAND], in my presence. The United States Department of Justice picked this man up and took him to Crystal City, Tex. They paid no attention whatsoever to the writ of habeas corpus, the order which had been signed by a Federal judge, directing the commander of the fort to bring the man before the court under the writ of habeas corpus.

When people are in power, Mr. President, there are many things they can do. So now it is proposed to have concentration camps, and we can be absolutely certain that the concentration camps are for only one purpose, namely, to put in them the kind of people those in authority do not like. If the Communists were in authority, they would put their enemies in the camps, and if the others were in power, the Communists would be put in them. In the meantime, many innocent people would be caught in the toils.

The more often I read this veto message, the prouder I am of the President of the United States. They could not bluff Mr. Truman. They did not scare him. Mr. Truman knows that the American people at heart are absolutely sound. All the American people want to know is the true facts, and we can absolutely trust that the decision of the people will be sound.

Let me tell the Senate something more. There are the votes to pass this bill all right, but the American people are going to have the last say, as they had it in Minnesota. Those in power said to Magnus Johnson, "You cannot talk here." He talked there all right 2 years later as a United States Senator. He had the pleasure of beating the Governor who appointed the counsel who said he could not talk.

Mr. Truman does not have to worry, because the people are going to know just what is in this veto message, the newspapers of America are going to tell them.

Some of the old timers in politics have forgotten all about the radio. They still think we are where we were 50 or 60 and 70 years ago. They think they can pass a bill and nobody will know what is in it. I say that people will find out.

Those to whom I sent my minority report overwhelmed me, writing me that they were in favor of what I said in the report, and opposed to the Mundt-Nixon bill. Some of them did not know how dangerous the bill was.

The President said a very wise thing in his veto message:

H.R. 9490 would not hurt the Communists. Instead, it would help them.

It has been claimed over and over again that this is an "anti-Communist" bill—a "Communist control" bill. But in actual operation the bill would have results exactly the opposite of those intended.

Mr. President, that is the President of the United States speaking; it is the Department of Justice talking; it is the Department of Defense speaking; it is Omar Bradley talking. All of them put together, including the Central Intelligence Agency, with its hundreds and hundreds of employees, working in every country under the globe, some of them in Russia tonight, all of them together talking to the United States Senate through the voice of Harry Truman, and unitedly, they say "We don't want this bill passed." Those working in the Central Intelligence Agency, who are risking their lives every minute, say, "We don't want this bill passed. It is going to hurt us."

Winston Churchill was invited to speak here, the same Winston Churchill who said over the radio, "We don't want your boys. Just give us tools and guns."

I call the attention of the Senate to the fact that among the mistakes made was when Stalin took possession of Berlin, and our people were so dumb that they did not even have the right to go into Berlin by land, but had to organize an airlift, with its cost of millions of dollars to our taxpayers.

I wish to go back to the article by Mr. Baldwin, the military expert for the New York Times, because he analyzes so thoroughly what took place during World War II.

He says on page 6:

Had the President been able to lean upon his younger and more vigorous Secretary of State, and on a stronger State Department—

Mr. President, the State Department, it seems, always has been weak. There has been something wrong with the State Department ever since I have been in Washington.

I hate to criticize any department. This writer, who won a Pulitzer Prize says:

Had the President been able to lean upon a younger and more vigorous Secretary of State and stronger State Department he might have depended less upon intuition and snap judgment and more upon careful research and group study. But it was in the character of the man to administer and to govern and to bargain on a first-name basis; he relied heavily upon his great persuasive powers and charm, as well as upon his political ego.

And this man who was at Tehran, and at Yalta, says:

A graphic instance of this tendency toward snap decisions and casual dependence upon Stalin's good intentions was provided at Tehran. At that conference, in late 1943, Roosevelt, in one of his tête-a-tête's with Stalin and Churchill, casually agreed, unknown to virtually all of his advisers, that the Russians ought to have one-third of the surrendered Italian fleet. This agreement was put in the form of an oral promise, and Stalin was not one to forget promises.

The promise was for one-third of the Italian fleet, Mr. President.

Our Navy and the British Navy, who were then trying to utilize the surrendered Italian ships—manned by their own crews—to best advantage in the Mediterranean convoy and antisubmarine work, knew nothing of this agreement until Russian representatives in Washington asked early in 1944 when they

could expect "their share of the Italian fleet."

Navy, State Department, and Joint Chiefs of Staff were dumfounded; all our efforts had been directed toward enlisting Italian support in the war against Germany; assignment of one-third of the Italian fleet to the Russians as spoils of war would have been a political bombshell which would have handicapped the war effort in the Mediterranean. Accordingly, and to repair the damages of a casual promise made cavalierly without benefit of advice, the Russians were persuaded to accept, in lieu of the Italian vessels, some American and British men of war.

The American vessels being at the expense of the American taxpayers, of course.

This is but one example of Roosevelt's personalized foreign policy—a foreign policy marked more, perhaps, by idealism and altruism than by realism. This Rooseveltian tendency toward international altruism, too often unmoderated by practical politics, seems a strange manifestation in one who domestically was a pragmatic and consummate politician. But it must be remembered that the vision of a "brave new world" was strong in Roosevelt's mind, and his optimistic nature and the great inner wellspring of his faith in man sometimes affected his judgment.

As WILLIAM L. LANGER notes, Roosevelt regarded Russia as the lesser of two evils, and he shared an idea common at time that the cult of world revolution was already receding in the minds of the Soviet leaders, and they were becoming more and more engrossed in purely national problems.

As a result he turned away from the only practical policy that should have governed our actions—opposition to all dictatorships and reliance upon the time-tested balance-of-power to the chimera of so many Americans—a brave new world.

The Presidential ego unavoidably became stronger in Roosevelt's closing years. His great wartime power, the record of victory, the high esteem in which he was held by the world, and the weakness of the State Department all combined to reinforce the President's tendency to depend upon himself. Had the Nation then had a National Security Council, or organization for reconciling and presenting military-political views, had it had a strong, well-integrated State Department—

Is it not funny they always come back to the State Department and say, that it is no good?

this personalized foreign policy might have been tempered by riper judgments and more carefully thought-out decisions.

One of our greatest weaknesses in the policy field through the war was the failure to equate, evaluate, and integrate military and political policy; there was then no adequate government mechanism, save in the person of the President himself, for such integration.

Former Secretary of War Stimson points out in his book that the formal organization of the Joint Chiefs of Staff had "a most salutary effect (in the military field) on the President's weakness for snap decisions; it thus offset a characteristic that might otherwise have been a serious handicap to his basically sound strategic instincts." But there was no political counterpart of the Joint Chiefs of Staff; and even if there had been, it is difficult to conceive that such an organization could have tempered materially the personal views which Roosevelt formed about Stalin and Russia.

Mr. Roosevelt had his own ideas about them, and he would not take advice from anybody. The Department of State was unable to give him any, and so he had to go his own way and do the best he could.

The other fallacious premises upon which our wartime Russian policy was based, however, could have been avoided.

That is why this bill is so important, Mr. President; the matter of the Russian policy described in this book.

We became victims of our own noble propaganda: Russian aims were good and noble, communism had changed its stripes. A study of Marxian literature and of the speeches and writings of its high apostles, Lenin and Stalin, coupled with the expert knowledge of numerous American specialists, should have convinced an unbiased mind that international communism had not altered its ultimate aim; the wolf had merely donned a sheep's skin.

Had we recognized this—and all past experience indicates we should have recognized it—our wartime alliance with Russia would have been understood for what it clearly was: a temporary marriage of expediency. In the same manner, a careful study of strategical facts and available military information should have indicated clearly the impossibility, from the Russian point of view, of a separate peace with Germany.

A separate peace? Had we had a separate peace we never would have had the Communist problem to deal with and we would not be considering this bill tonight. Mr. Roosevelt thought the Russian aims were good and noble. We find out now how good and noble they were.

Such a peace could only have been bought in the opening years of the war by major territorial concessions on Russia's part, concessions which might well have imperiled the Stalin regime, and which, in any case, would have left the Russo-German conflict in the category of unfinished business. In the closing years of the war, when Russia had everything to gain and nothing to lose by continuing the struggle to complete victory, a separate peace would have been politically ludicrous.

There is no doubt whatsoever that it would have been to the interest of Britain, the United States, and the world to have allowed—and indeed to have encouraged—the world's two greatest dictatorships to fight each other to a frazzle. Such a struggle, with its resultant weakening of both communism and nazism, could not but have aided in the establishment of a more stable peace; it would have placed the democracies in supreme power in the world, instead of elevating one totalitarianism at the expense of another and of the democracies.

Mr. President, just think of the horrible situation. Here we have a United States Senate Foreign Relations Committee. What is its purpose? Where were they while all the things I have mentioned here were going on? When all the land around Berlin was given to Russia, not even a highway being left as a port of entry as a way to get into the American zone in Berlin, where were the members of the Foreign Relations Committee? Just think of it, Mr. President. Would the average farmer buy 40 acres in the middle of a section of land and not be smart enough to provide for a road by which he could get into the 40 acres? There were the great statesmen, and there was the great Committee on Foreign Relations. Russia took over Berlin, and the United States signed the agreement, but did not even reserve the right to have a road by which to get into the American zone in Berlin. Later on John Winant was blamed for that error, and he committed suicide.

We have the Senate Committee on Foreign Relations. I wish to state its duties. In some of the books which set forth the duties of the House committees and the Senate committees, the duties of the House committees are listed first, and those of the Senate committees are listed last. I seem to have in my hand at this time one of those books, for in it I find listed first the House Committee on Foreign Affairs. I shall read from page 16, at which appears a statement of the duties of that committee. According to this booklet, the House Committee on Foreign Affairs is supposed to be considering and taking care of—

1. Relations of the United States with foreign nations generally.
2. Establishment of boundary lines between the United States and foreign nations.

Mr. President, they did not even reserve a road to permit Americans to get into the American zone in Berlin, after the Americans took over Berlin. The men in charge of that particular project did not know enough even to reserve the right to have a road which would permit the American authorities and forces to get into Berlin.

I read further from the list of duties, responsibilities, and obligations of the House Committee on Foreign Affairs:

3. Protection of American citizens abroad and expatriation.
4. Neutrality.
5. International conferences and congresses.
6. The American National Red Cross.
7. Intervention abroad and declarations of war.
8. Measures relating to the diplomatic service.
9. Acquisition of land and buildings for embassies and legations in foreign countries.
10. Measures to foster commercial intercourse with foreign nations, and to safeguard American business interests abroad.
11. The United Nations organization, International Financial and Monetary Organization.

That is the job of the House Committee on Foreign Affairs.

I read now the duties, as set forth in this booklet, of the Senate Committee on Foreign Relations:

The Committee on Foreign Relations, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Relations of the United States with foreign nations generally.
2. Treaties.
3. Establishment of boundary lines between the United States and foreign nations.
4. Protection of American citizens abroad and expatriation.
5. Neutrality.
6. International conferences and congresses.
7. The American National Red Cross.
8. Intervention abroad and declarations of war.
9. Measures relating to the diplomatic service.
10. Acquisition of land and buildings for embassies and legations in foreign countries.
11. Measures to foster commercial intercourse with foreign nations, and to safeguard American business interests abroad.
12. The United Nations organization, International Financial and Monetary Organization.
13. Foreign loans.

Mr. President, in connection with the foreign affairs of the United States and how they have been conducted, I ask the Senate to consider the Potsdam agreement. Mind you, Mr. President, this morning the Senate is considering communism, and the Senate is proposing to enact a law which will contain communism, so it is claimed.

According to Hanson W. Baldwin, millions of white persons were sold into slavery at Potsdam. Earlier in my remarks I asked the Senate to consider how Abraham Lincoln, the founder of the Republican Party, would have felt if he had known of what was to be done at Potsdam. Abraham Lincoln would turn over in his grave if he knew that our leadership in the past few years countenanced the selling and the giving into slavery of millions of German war prisoners. Abraham Lincoln, who freed the slaves, would have risen in his grave if he had seen our President selling millions of white men into slavery, millions delivered into the hands of France and Russia, and millions who died without even a chance to have a farewell embrace with their loved ones. It is no wonder that on the day when the United States entered the Second World War, Winston Churchill declared:

This is what I have worked for.

He is the man who, only a few weeks before, stated over the radio in the United States that he wanted only the guns and the tools from America, that England had the men.

Mr. President, how must the families who lost one or more of their sons in that war feel about these matters? Let us consider the families who lost one son or two sons, or some of them three sons, or some even four sons in that war. Those boys did not even have time to receive decent training, in many instances; thousands of those boys did not receive 1 year of training, although the law required it, before they went to foreign lands to fight.

Mr. President, no sooner had the fighting stopped, than there took place one of the greatest betrayals of the American people in our time. The 11,000,000 American veterans who were overseas were betrayed by the organization of the United Nations. When those boys left our shores, not one of them had ever heard of the United Nations. While they were abroad, there was organized what columnists since have said was the greatest propaganda machine in all the history of the world, an organization to put over on the American people the United Nations scheme. I say with the deepest regret that every Senator who voted for the United Nations Charter had forewarning before he voted of the terrible, frightening, horrible, incredibly devastating effects that our joining that organization, in the form in which it was drawn up, would have on our people. Alger Hiss had us tied up, all right. As Secretary and General Manager of the United Nations Conference in San Francisco, he did his job for the Communists, and he did it well. I say tonight that I have often asked in my prayers that Almighty God might have pity and mercy upon the Senators who voted for the United Nations and who got this country to embrace it.

The senior Senator from Connecticut says that our faction of the Republican Party, which has been opposing all these foreign entanglements, is composed of men who are masters of hindsight.

But I say to him that the other half of the Republican Party, of which I am a member, one who has often been referred to slurringly as an isolationist—this half of the Republican Party was not fooled. We knew what we were doing, and we knew what some of the foreign countries were doing to the American people at San Francisco. Today I am the one Senator left upon this floor who voted against the United Nations Charter. The other Senator who voted against it, Senator Shipstead of Minnesota, was defeated, but how well do I remember the terrific propaganda machine that said any Senator who voted against the United Nations was voting for war while those who were voting for it were voting for peace.

I see a large number of these men here tonight. I know that of the dozens and dozens of newspapermen now here, many will remember that terrible propaganda machine. If a Senator dare not to vote for the United Nations, he was voting for war; if he voted for it, he was voting for peace. I remember the speech made by the distinguished senior Senator from New Hampshire [Mr. BRIDGES] in which he said, "In organizing the United Nations, we are doing what the Thirteen Colonies did when they organized the United States of America." But I ask, as I asked at that time, would those Thirteen Colonies have joined the United States of America if one of the 13 States had retained the veto power over the others? Would South Carolina, Georgia, or Virginia have joined, had New York retained the veto power? They could have joined, they could have become a part of the United States regardless. I said so in my speech at San Francisco.

One man from Australia put up a great fight to carry out the principles of the Atlantic Charter, a brave fight for a principle. Who stopped him? Not Russia. Read the record. He was stopped by the United States and England, who insisted on the veto power. That is the record. Of the entire American delegation, only one—and, by a strange coincidence, it happened to be the only veteran on the entire list—supported the Australian. How well do I remember the newspapers all over America, one of them here in the city of Washington saying that they would dedicate themselves to the defeat of any Senator who would dare to vote not to join the United Nations. One of the newspapers in Washington, in a story on page 1, said it would dedicate itself to the defeat of any Senator seeking reelection, who had dared to vote not to join the United Nations. Mr. President, talk about pressure on a Senator: A great newspaper, worth millions of dollars, was saying to a Senator, "Here, Mr. Senator, if you do not vote for the United Nations, we will dedicate this paper to your defeat." It said so on the front page.

In North Dakota we do not worry very much about threats from newspapers. There we glory in the fine, broad prairies, where so many fine people live—the grandest people, I suppose, on the face of the earth. Roughly, 40 percent of them are Scandinavians; 38 percent of German or Teutonic extraction. There are Finns, Hungarians, and Austrians, and also a few Irish and a few Scotch. Those fine people understood why I voted against the United Nations and against the Charter. So when I went home to run for reelection, which was shortly thereafter, the opposition did not even dare make an issue of it. When I challenged my opponent to debate the question of my vote against the Atlantic Charter, I could not even get him to accept. The people there are unusually wise. They are not easily deceived by propaganda. When a man or a woman once has the confidence of his people, there must be proof, real and convincing, before the people will lose confidence in him as one of their public servants.

Mr. President, as the one Senator left here tonight upon the Senate floor who voted against the United Nations Charter, I, a nonpartisan Republican, take pride in telling the senior Senator from Connecticut—a man who on August 14 said that this branch of the Republican Party was a master of hindsight—that just the contrary is true. It is easy to call a man a Communist. It is just as easy to call him an isolationist. They use every possible name they can, except that of calling a man an American. It does not make any difference whether a man had three times offered his life for his country, if he was not in favor of the United Nations Charter, he was a scoundrel—he was for war. But when the senior Senator from Connecticut says that our faction of the Republican Party was guilty of hindsight he has forgotten entirely the warning which I, as a Republican, gave at the time the United Nations Charter was adopted. I warned those who were voting in favor of the United Nations Charter. On the 28th day of July 1945 every Democrat on the floor voted for it and every Republican, except former Senator Shipstead and I, voted for it. Former Senator Hiram Johnson was in the hospital. He was paired against. It was the last vote former Senator Hiram Johnson ever cast, and he cast that vote through a pair. I shall never forget what I said on that memorable day. I say it is not hindsight, Mr. President, because for 5 years that warning was there for every Senator to look at. It was written for posterity to read. It is there for my children and my grandchildren to read. I said it then and I say it today. It is the eternal truth. What I said then I say now. On that occasion I said:

Mr. President, during my service in the Senate in behalf of the common people, I have never sold the truth to serve the hour. I have no quarrel with the vote of any honest Senator upon this floor. Each one took the same oath that I took, namely, to defend and uphold the Constitution of the United States of America.

Practically all Members of this body have indicated that they will vote for the Charter.

Under my oath, Mr. President, and under my conscience, I cannot so vote. If I did I would feel that I was betraying the hundreds of thousands who have died in this war for the United States, and the hundreds of thousands who have sacrificed their loved ones and their treasure. I would be willing to vote for the appropriation of the last dollar in the United States Treasury, and the last dollar that we could borrow if, by spending that money, we could eliminate war, which we all abhor and hate. I would unhesitatingly vote for the Charter if I felt that it offered even the tiniest hope of a permanent peace. But, in spite of that, Mr. President, I feel from the bottom of my heart that the adoption of the Charter—and, make sure, we are going to implement it—will mean perpetuating war. I feel that it will mean the enslavement of millions of people from Poland to India, from Korea to Java, as well as people in many other places on this earth.

I say, Mr. President, that I told this Senate the truth. Millions of people were enslaved at Potsdam and millions of people were betrayed at Yalta.

Did not the Senator from Connecticut have warning? Did not the American people have warning? I told the Senate the truth. Then I went on to say:

Mr. President, I feel that the adoption of the Charter will be one step more toward compulsory and military conscription, and all that which goes with war.

What do we do now?

And I say today, Mr. President, right now the distinguished senior Senator from Maryland, as chairman of the Armed Services Committee, has brought out his bill for compulsory and military conscription—the same kind of compulsory-military conscription which our forefathers fled from when they left Europe—this compulsory-military conscription which they abhorred and detested and fought against.

I continued:

In my opinion, the Charter is not at all similar to the Constitution of the United States which was adopted by the Original Colonies. I may say at this point that I agree with what the distinguished Senator from New Hampshire [Mr. BRIDGES] said earlier in the day, when he stated:

"Most important of all, the American Constitution went to great length to guarantee genuine equality to States entering into the Union. Neither Ben Franklin nor the other members of the Constitutional Convention would have tolerated a Constitution by which two or three or five of the States were given a veto power over all of the rest."

It has been used time and time again by the Russians. I believe it has been used 46 times. This brazen attempt to deceive the American people by columnists and the propaganda machine that said the organization of the United Nations was similar to the organization of the Original Thirteen Colonies of the United States of America—why there is not one Senator upon this floor who believes that any of the 13 colonies would have ever joined the United States of America if 2 or 3 or 5 of these States were given a veto power over all of the rest.

Then, Mr. President, we come to another phase of my speech when I said:

Mr. President, in my campaign for the senatorship 5 years ago I pledged to the fathers and mothers of North Dakota that I would never vote to send our boys away to be slaughtered upon the battlefields of Europe. I kept that pledge on this floor. I promised in that campaign to vote in the Senate to expend the last dollar, if necessary, in order to defend the Western Hemisphere. Again I say, Mr. President, that I kept that pledge to the people of North Dakota.

Having so pledged myself, and having been elected to my senatorship upon such pledge, and not having been elected to create an organization to which we would give a promise, either expressed or implied, that it would have authority to send our boys all over the earth, I cannot support the Charter. I believe it is fraught with danger to the American people, and to American institutions.

Of every Senator who supported the United Nations Charter, I ask, "Who sent our boys to fight in Korea? Was any Senator in this body consulted about having a war in Korea?" We were told, "When we adopt this Charter we are not surrendering any sovereignty."

Let us look at the record. Let us read some of the speeches which were delivered by some of the great advocates of the United Nations Charter. Some of them later became delegates. We asked them, "What about the power to declare war?"

They said, "That is specifically exempted. Only the United States itself can decide whether we are or are not going to be in any war."

So I ask: Who sent our boys to Korea? There was no resolution adopted by the Senate. Except possibly the majority leader, was any Senator ever consulted.

Mr. President, I finished my talk as follows: I said then that we were betraying the very people who sent us to the Senate as their representatives—that by getting into this organization for our 11,000,000 fighting men and women who had been in all these countries before they could get home to tell us what they thought about it we were acting long, long before we should act.

Furthermore, Mr. President, I reiterate that we ought not to vote on this Charter in the absence of our 11,000,000 fighting men and women. They are now away, and we do not know what their attitude will be upon their return, after having been to the four corners of the earth and after having fought upon the seven seas. We sit here, Mr. President, in our fine offices and upon this senatorial floor, blissfully ignorant of what those 11,000,000 veterans may be thinking. After all, they constitute the backbone of the common people of America. Certainly there is no reason for such a hurry to pass this Charter that some steps could not have been taken to have referred the matter to the people of the country, including the men and women in the Armed Forces, before the final vote was taken upon it. As their representative here in the Senate, I cannot, I will not, God helping me, vote for a measure which I believe to be unlawful under our Constitution, a measure which, in my opinion, betrays the very people who sent us to the Senate as their representatives.

Mr. President, I have never been sorry for that vote. Now I want to come back to what was said about the Democratic Party.

Mr. SALTONSTALL. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. ELLENDER in the chair) The Senator will state it.

Mr. SALTONSTALL. The Senator should continue talking if he is to keep the floor.

Mr. LANGER. I said I would not yield.

I desire to refer again to my speech on July 28, and I wish to come back to the United Nations Charter.

Particularly do I want to refer again to the President's veto. On page 2 the President said the adoption of this bill——

would help the Communists in their efforts to create dissension and confusion within our borders.

It would help the Communist propagandists throughout the world who are trying to undermine freedom by discrediting as hypocrisy the efforts of the United States on behalf of freedom.

Mr. SALTONSTALL. Mr. President, I ask the Chair to put the question.

The PRESIDING OFFICER. The Senator will proceed in order.

Mr. SALTONSTALL. I ask the Chair to put the question unless the Senator keeps on talking.

The PRESIDING OFFICER. The Senator will proceed in order.

Mr. HUMPHREY. Mr. President—

Mr. LANGER. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Does the Senator yield the floor?

Mr. LANGER. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota will proceed.

Mr. HUMPHREY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bricker	Hickenlooper	McKellar
Butler	Hill	McMahon
Byrd	Hoey	Magnuson
Cain	Holland	Malone
Capehart	Humphrey	Martin
Chapman	Ives	Mundt
Chavez	Jenner	Murray
Connally	Johnson, Colo.	O'Conor
Cordon	Johnson, Tex.	Robertson
Darby	Johnston, S. C.	Russell
Donnell	Kefauver	Saltonstall
Douglas	Kerr	Schoeppel
Dworshak	Kilgore	Smith, Maine
Ecton	Knowland	Stennis
Ellender	Langer	Thomas, Okla.
Ferguson	Leahy	Thye
Frear	Lehman	Watkins
Fulbright	Long	Wherry
George	Lucas	Wiley
Graham	McCarran	Williams
Green	McCarthy	Young
Gurney	McClellan	
Hendrickson	McFarland	

The VICE PRESIDENT. A quorum is present.

MOTION TO RECONSIDER VOTE ON ADJOURNMENT RESOLUTION

Mr. LUCAS. Mr. President, some time ago I entered a motion to reconsider the vote which was taken upon the concurrent resolution to adjourn. I now call up that motion.

The VICE PRESIDENT. The motion is not debatable. The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

LEGISLATIVE ACCOMPLISHMENTS OF THE CONGRESS FROM JANUARY 3 TO SEPTEMBER 22

Mr. LUCAS. Mr. President, at this time I wish to place in the RECORD a statement and a comprehensive survey in which I have reviewed the principal legislative accomplishments of the Congress from January 3 to September 22.

This is a factual summary of the major measures approved by the Congress during this session.

I ask unanimous consent to have this survey printed in the Appendix of the RECORD, and I hope every Senator will carefully examine it.

The VICE PRESIDENT. Without objection, it is so ordered.

COMPLETE SUMMARY OF THE EIGHTY-FIRST CONGRESS, SECOND SESSION (S. DOC. 236)

Mr. LUCAS. Mr. President, I ask unanimous consent to insert a supplementary statement in the Appendix of the RECORD, following the recess, to be printed as a Senate document, which will incorporate the complete summary of the Eighty-first Congress, second session.

The VICE PRESIDENT. Without objection, it is so ordered.

PUBLICATION OF MATTERS IN THE APPENDIX AFTER ADJOURNMENT OF CONGRESS

Mr. WHERRY. Mr. President, will the Senator yield?

MR. LUCAS. I yield.

Mr. WHERRY. I ask the distinguished majority leader if he intends to make a unanimous-consent request to have matters printed in a subsequent issue of the Appendix of the RECORD following the adjournment of the Congress.

Mr. LUCAS. Yes.

The VICE PRESIDENT. Does the Senator make that request now?

MR. LUCAS. Yes, Mr. President, I make that request now.

The VICE PRESIDENT. The Senator from Illinois asks unanimous consent that Senators may be permitted to print matters in the RECORD following the recess for a period of 10 days. Is there objection? The Chair hears none, and it is so ordered.

PROTECTION AGAINST CERTAIN UN-AMERICAN AND SUBVERSIVE ACTIVITIES—VETO MESSAGE

The Senate resumed the reconsideration of the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, the objections of the President of the United States to the contrary notwithstanding.

STATEMENT BY SENATOR MYERS ON H. R. 9490

Mr. MCCARRAN. Mr. President, the Senior Senator from Pennsylvania [Mr. MYERS] is unavoidably absent on important public business and cannot be present for this vote on H. R. 9490. I ask unanimous consent to have inserted at this point in the RECORD a statement prepared by the Senator from Pennsylvania, giving his reasons for supporting the position taken by those of us who intend to vote to override the Presidential veto.

The Senator from Pennsylvania had intended reading this statement, but was compelled to leave the city.

If the Senator from Pennsylvania were present, he would vote "yea."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MYERS IN SUPPORT OF OVERRIDING VETO OF MCCARRAN SECURITY BILL, H. R. 9490

Mr. President, I believe the Senate should override the President's veto of the McCarran security bill. Ten days ago I voted for the bill in substantially its present form, and the reasons which prompted my decision at that time remain unchanged.

The President, and all of us in the Senate, are under oath to uphold the Constitution of the United States. This oath imposes upon us the affirmative duty of safeguarding that Constitution—and the people for whose protection it was adopted—from any attack, conspiratorial or otherwise, which threatens.

No one will disagree with me here that world communism—acting through its agents and puppets in this country—does present a threat to our Constitution and to the liberty of our people. Anyone familiar with my record is well aware that I have voted for every measure to thwart Red designs both in this country and abroad. And despite some serious reservations I have about the bill before us, I intend to vote to override the President's veto.

Our Constitution is not so weak that it denies us the power and authority to safeguard it. What we must guard against, however, is the danger that we might wreck the Constitution in an endeavor to save it.

I am thoroughly satisfied that the most effective portions of the present bill are completely within the power and authority which the Constitution provides us for its protection.

In this connection, I point out specifically the so-called detention provisions which will permit the FBI to round up known and dangerous Communists overnight in the event a national emergency should be declared. I point out also such provisions as those which tighten controls over possible espionage and sabotage that might be attempted at military and other critical Government installations. And I point out the more effective controls it provides over undesirable aliens and agents and dupes of hostile foreign powers.

These provisions strike at the heart of Communist activities which afford any possible threat to our security.

Other features of the bill before us trouble me considerably. I believe many features, particularly those dealing with registration requirements, will fail to produce the results which their authors intend for them. I see in the registration requirements at least three serious defects. First, the legal language in which they are drafted is not specific enough to guarantee just enforcement. Secondly, they propose the use of a long and time-consuming process which cannot be operated rapidly enough to accomplish their general purpose in a short enough time to be effective. Third, and most serious of all, some aspects of the registration requirements raise grave questions about their constitutionality.

I am deeply concerned about this provision of the bill.

The President takes the position that we should separate the good from the bad, and I agree with him. As a practical matter, however, I can see no way that this can be accomplished. Substantial majorities in both the House and Senate have already indicated by their votes that they do not entertain any serious reservations about any of the provisions of this legislation. They do not believe them either to be inadequate or undesirable.

Because they represent majorities in both Houses, I am convinced that my choice is limited to the bill as it stands, or to no bill at all. I see no possibility whatsoever that a majority of either House will accept the separation which the President has suggested in his veto message.

I feel so strongly that America needs the protection of the good parts of this bill that I intend to vote to override the veto. I have complete confidence that our courts will steadfastly reject any attempted misuse of the law which seeks an unwarranted invasion of our guaranteed constitutional liberties, and that the courts will be equally quick to support its sound features which we must have now. I intend to vote to override the veto.

STATEMENT BY SENATORS FERGUSON AND MUNDT ON H. R. 9490

Mr. FERGUSON. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD at this point a joint statement on behalf of myself and the Senator from South Dakota [Mr. MUNDT] relating to the bill now under consideration.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT BY SENATORS HOMER FERGUSON AND KARL MUNDT FOR INSERTION IN THE CONGRESSIONAL RECORD AND RELEASE ON RECEIPT

I

Given the sort of vigorous enforcement which the public interest demands, the Subversive Activities Control Act of 1950 will, in the opinion of its original sponsors, put an effective end to the Communist conspiracy in this country.

It will do so because, for the first time, it makes the underground activities of the Communist movement illegal, and its overt activities ineffective.

The emergency detention features which were added to the bill will provide protection against prospective acts of espionage or sabotage in event of war, invasion or insurrection.

The identification features of the act provide stiff penalties for any failure to comply with registration requirements. Thus, if the Communists and Communist fronts choose to ignore those requirements and go underground the investigating agencies of our Government will, for the first time in our history have legal authority to pursue them and bring them forth to accountability.

If the Communist movement chooses to comply with the law, by proper identification through registration, it will wither on the vine and die. It has relied on secrecy and stealth for its effectiveness. In the open, Americans in every walk of life will be able to recognize it and to repel its godless, poisonous and tyrannical doctrines.

In the open it will be forced to sever the ties with its ideological and financial sources in Rusisa. It will be shut off from the funds of capitalistic "angels" who have been its dupes. It will be unable to permeate Government with its agents, nor obtain its secrets, nor work in defense plants.

In the open, the Communist movement will have to stand or fall on its own doctrinaire merits, and the good sense of the American people will then be sufficient to smother it.

II

The President has made seven points against this legislation in his veto message. None of the seven points is valid and each

can be answered briefly, which we do for the record.

1. The President says, "It would aid potential enemies by requiring the publication of a complete list of vital defense plants, laboratories, and other installations."

He refers to the defense facilities from which members of the Communist-action organizations are barred for employment. The fact is, as emphasized in the report of the conferees, that the test to be applied by the Secretary of Defense in publishing any list of facilities is that he "finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section." Obviously, then, if publication would be against the interest of national security as the President claims, the Secretary could make no such designations or postings. It may be added that if the subsection is made inoperative by a failure of the Secretary, for security or other reasons, to designate an establishment as a defense facility and so publish the fact, nothing anywhere in the act modifies the protection afforded those establishments by other provisions of the criminal code, including the espionage and sabotage statutes.

2. The President states, "It would require the Department of Justice and its Federal Bureau of Investigation to waste immense amounts of time and energy in attempting to carry out its unworkable registration provisions."

It is refreshing that the greatest spender in the history of the American Presidency should be speaking of waste. Nevertheless, his sights are out of focus in this case. It can never be a waste of time or effort to obtain evidence for the enforcement of laws which protect the national interest. And what if the legislation should require more FBI agents? What is that, or the cost, compared to the billions which we are spending in other forms, presumably for the same purpose of protecting the national security? As a matter of fact, however, this legislation will decrease rather than increase FBI responsibilities as the Communist movement is forced into the open, where the American public will be able to recognize it and police it against its threats of espionage and sabotage.

3. The President states, "It would deprive us of the great assistance of many aliens in intelligence matters."

This presumably refers to features of the bill which amend the immigration and naturalization laws, but the fact here is that in the language of this act we exclude only those aliens whose entry into the United States is found by the Attorney General to endanger the security of the United States.

4. The President states, "It would antagonize friendly governments."

The clear and simple answer to such a proposition, whatever its foundation may be, is that any country which takes offense at our efforts to bar the penetration of spies, saboteurs, and fifth columnists—those foreign subjects who, under the terms of the act, are threats to our security—then that country is prima facie not a "friendly government."

5. The President says, "It would put the Government of the United States in the thought-control business."

This is the oldest and most hackneyed of the arguments against the original Communist-control bill. Neither has any person in the course of the entire debate on this legislation, nor the President in his veto message, been able to point to a word or phrase in those sections of the bill which the President finds so objectionable, that suggests or implies thought control.

The actual fact is that the legislation of which the President speaks proscribes and punishes only specific, designated, overt acts which are clearly defined in the law. Reference is made to the analysis of the Communist control section that follows.

6. The President states, "It would make it easier for subversive aliens to become naturalized as United States citizens." He elaborates on this assertion in the text of his message by saying that section 25 of the act "would make subversive aliens eligible for naturalization as soon as they withdraw from organizations required to register under this bill, whereas under existing law they must wait for a period of 10 years after such withdrawal before becoming eligible for citizenship."

The fact is that the section 25 to which he refers applies only to members of Communist-front organizations. The further fact is that aliens who belong to such organizations may be naturalized under present law. The final fact is that this section promotes the interest of national security by barring members of such Communist-front organizations from naturalization, unless within a specified period after the organization is listed as a front they withdraw their affiliation.

7. The President states "It would give Government officials vast powers to harass all of our citizens in the exercise of their right of free speech." This contention is amplified by a lengthy complaint that an organization could be classified as a Communist-front following a determination "based solely upon" one of the criteria that is set up in the act.

This contention was answered time and again in the Senate debate. Certain criteria are set up to assist in determining whether an organization is a Communist-front—eight criteria, in fact. But they are criteria for the guidance of the Board, and are not conclusive. By the use of the word "and" between each of the eight criteria it should have been clear to anyone who had read the bill that the Board could not act "solely upon" any one of the criteria. The ultimate determination of the Board is whether or not an organization is such as is specifically defined in the act, and that definition—which has been studiously overlooked by the President and every other critic—has as its central feature—control or domination by the foreign government or foreign organization controlling the world Communist movement.

This law will not harass any man, except those who by their own overt acts would invite liability under its terms. It contains every safeguard for the individual known to the processes of Anglo-American law. As a matter of fact and final consideration, it it provides the innocent even greater safeguards than they enjoy under present practices of the administration, which permits the listing and designations of organizations as subversive by mere administrative fiat on the part of the Attorney General. In contrast to that procedure this law gives due process through public hearings, the right of rebuttal and judicial review, to all individuals and organizations.

ANALYSIS OF SECTIONS 1 TO 17 OF THE INTERNAL SECURITY ACT (THE MUNDT-FERGUSON-NIXON BILL)

This legislation requires that all Communist-action and all Communist-front organizations in the United States shall register with the Attorney General. The two types of organization are distinguished by careful definitions [1] and by a set of criteria contained in the act. In general it may be said that the first type encompasses the Communist Party of the United States and the second encompasses the sort of organization that may be listed at present by the Attorney General as subversive.

[1] The definitions contained in the act are attached at the conclusion of this analysis.

Registration includes the name and address of the organization; the names, addresses, and duties of its officers; and an accounting of funds.

Communist action organizations must also register the names and addresses of their members. If an individual is, or becomes, a member of a Communist action organization which is not registered, or which is registered but has failed to register his name, he must register himself.

Responsibility for registering organizations is imposed upon the executive officer or secretary of the organization. Organizations must be registered within 30 days of the act's effective date, or within 30 days after an order requiring registration is made final.

Should an organization (either Communist action or Communist front) fail to register, the Attorney General may request a five-man bipartisan Subversive Activities Control Board, which is created by the act, to issue an order requiring registration. The organization affected may contest this petition of the Attorney General, as in open court. Likewise an organization or individual may petition the Board for the cancellation or registration or for removal from a registration list.

The registration lists are to be kept public, but the Attorney General may not make any name public until the individual affected has been notified and given the opportunity to follow procedures leading to removal in case of any erroneous listing.

Decisions of the Board may be appealed to the courts.

Organizations are made liable for their failure to register when required. Otherwise they are free to go about their business except that (1) they may not mail Communist publications or broadcast or televise a Communist program without identifying its source or sponsorship; and (2) they are denied income-tax exemptions. (Contributions to them may not be deducted for income-tax purposes, either.)

Beyond these provisions the act contains certain prohibitions which affect individuals, and impose penalties for certain overt acts on their part. These prohibitions can best be described by the manner in which they affect indviduals within certain categories, as follows:

It is made unlawful:

(A) For any person—

(1) To conspire to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship under foreign control;

(2) To mail Communist publications or broadcase or televise a Communist program on behalf of a Communist organization, without identifying the source or sponsorship of the mailing or broadcast. This does not apply to individual letter-writing, however.

(B) For any officer or employee of the Federal Government (or a Government-owned corporation—

(1) To communicate without authorization to another person whom he knows or has reason to believe is an agent of a foreign government or a member of a Communist organization, any information which he knows has been classified as affecting the national security;

(2) To issue a passport or passport renewal to any person whom he knows or has reason to believe is a member of a Communist organization.

(C) For any officer or employee of the Federal Government, or officer or employee of any defense facility—

(1) To contribute funds or services to a Communist organization, knowing or having notice that such organization is registered or required to register;

(2) To assist any member of what he knows or has notice is a Communist organization to violate or avoid the prohibitions and responsibilities of such individual as provided in the act with respect to seeking or holding office or employment under the Federal Government or in a defense facility.

(D) For a member (or one who becomes a member) of an unregistered Communist-action organization—(1) To fail to register the fact of his membership with the Attorney General.

(E) For a member of a registered Communist action organization (or one required to register by final order of the Board)—

(1) To fail to register himself if he knows the organization has failed to include his name in its list of membership;

(2) To engage in any employment in a defense facility;

(3) To apply for a passport or passport renewal, or to use or attempt to use a passport.

(F) For a member of a registered Communist-action or Communist-front organization (including such organizations as are required to register by a final order of the Board)—

(1) To obtain or attempt to obtain, without authorization for its transmittal, any information which has been classified by the President as affecting the security of the country, from an officer or employee of the Federal Government or a Government-owned corporation.

(2) To conceal or fail to disclose the fact of membership in such an organization when seeking, accepting or holding any nonelective office or employment under the Federal Government or employment in a defense facility.

(3) To hold any nonelective office or employment under the Federal Government.

(G) For any person making a registration statement—(1) to willfully make any false or misleading statement or misleading omission in the registration statement.

(H) For any agent or representative of a foreign government—(1) To obtain or attempt to obtain, without authorization for its transmittal, any information which has been classified as affecting the national security, from an officer or employee of the Federal Government or a Government-owned corporation.

DEFINITIONS CONTAINED IN THE ACT

The term "Communist-action organization" means—

(a) Any organization in the United States (other than a diplomatic representative or mission of a foreign government accredited as such by the Department of State) which (i) is substantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world Communist movement referred to in section 2 of this title, and (ii) operates primarily to advance the objectives of such world Communist movement as referred to in section 2 of this title; and

(b) Any section, branch, fraction or cell of any organization defined in subparagraph (a) of this paragraph, which has not complied with the registration requirements of this title.

The term "Communist-front" organization means any organization in the United States (other than a Communist-action organization as defined in paragraph (3) of this section) which (A) is substantially directed, dominated, or controlled by a Communist-action organization, and (B) is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title.

NOTE.—These are the ultimate and controlling definitions of the two types of Communist organization specified in the act. Certain criteria are set forth in the act, for the guidance of the Board in determining whether an organization should be required to register as one type of organization or the other. It is to be emphasized that none of these criteria individually (nor even collectively) can be conclusive in determining whether an organization comes within the definitions.

Mr. MURRAY. Mr. President, I ask unanimous consent to call up two reports I made earlier this morning, dealing with the nominations in the Public Health Service.

Mr. LUCAS. Mr. President, I object to that, at this time.

The VICE PRESIDENT. Objection is heard.

Mr. LUCAS. Mr. President, I wish to make a short statement on the pending measure.

At first I wish to say that I certainly regret what has happened, and I express a very sincere hope that the senior Senator from North Dakota [Mr. LANGER] will have a speedy recovery, and that there is nothing serious about his temporary absence at this time.

Mr. President, I dislike very much to override the President's veto on a fundamental piece of legislation, but in this instance I feel compelled to do so.

The President has found many flaws in the antisubversive bill passed by this Congress. I agree with him that there are serious flaws in this measure, but I think the good features of the bill outweigh the bad ones. All the bills passed by Congress represent compromises. No measure is ever completely satisfactory to any Member of the Senate.

The provisions of this bill against sabotage and spying are urgently needed now. I have noted the statement made yesterday in a public address by Maj. Gen. Jerry V. Mattjka. He declared that if total war occurs—

> we may expect enemy-organized sabotage units to cause major damage to important war resources just before the outbreak of hostilities.

General Mattjka is acting director of production management for the Munitions Board at Washington. I think he speaks from expert knowledge of the problems we may face in these days of peril. Mr. President, if this gentleman is correct in his conclusions in regard to the question of sabotage, certainly we need to have on the statute books a measure of some kind which will permit the Attorney General and others in the executive branch of the Government to detain saboteurs and spies who would create such havoc and chaos in this country under those circumstances.

If I voted to uphold the veto, I would be voting to let the antisabotage provisions of this bill go by the board at a time when it seems to me every day may count in our efforts to prevent sabotage. So I am standing with those who want this bill to become law.

Then again, I cannot vote to sustain this veto, because I was one who was in the forefront of the fight to place in this bill an amendment to provide for the immediate detention of all Communists and persons reasonably suspected of subversive activity in case of war, invasion, or insurrection. This part of the bill gives us a legal weapon to use against Communists and other dangerous persons in any dire emergency. It is a vital piece of legislation which will give the American people the protection they will need against spies and saboteurs if we become involved in total war. I am convinced that this part of the bill is its most important feature.

It may be that some phases of the so-called Mundt-Ferguson registration plan infringe the basic liberties of our Bill of Rights. However, able lawyers disagree on this point. Lawyers also disagree on whether this provision is constitutional. The court, however, is the proper place to decide these questions.

Under the circumstances, I believe the majority of Americans wanted Congress to take legislative action to deal with the difficult problems of subversive activities. Congress approved this bill by overwhelming majorities.

In this case, I believe the will of Congress should prevail.

Mr. President, of course we can talk about hysteria or about unusual conditions existing at this particular time. I do not question the sincerity of the position of any Senator who desires to vote to sustain the veto of the President of the United States; but from what I know about public opinion, I believe that at this time the American people are anxious to have an anti-Communist bill placed on the statute books by the lawmakers of the United States.

Mr. President, these are not ordinary times. I undertake to say, as I have said many times before, that these are the most dangerous and the most unusual times America has ever experienced since the founding fathers established this Republic in the long ago.

I, for one, irrespective of whether it is constitutional or not constitutional, I am not going to stand by and permit the laws to continue as they are, without attempting to do something more effective in the way of controlling saboteurs and spies, and also in respect to the detention of men in this country whom I known have sworn, in secret oath, to overthrow this Government by violence and by force.

I regret exceedingly that, as the majority leader of this great deliberative body, I am compelled to take this step. However, Mr. President, the issues before the Senate are basic and fundamental. I cannot under any circumstances stultify my conscience on such a far-reaching proposition, regardless of what the outcome may be.

I wished to make this statement before the vote is taken on this measure.

I sincerely hope that those who are seeking to sustain the President's veto will not continue to carry on a filibuster on this measure. The Members of the Senate are entitled to vote with all convenient speed. We have been here, now, since approximately 4 o'clock yesterday afternoon, when we first began to debate the President's veto message on this measure.

Senators will not change votes by engaging in further debate on this issue, even if they do so continuously for a week. Not one Senator's vote will be changed, regardless of how eloquent, how

persuasive, or how forceful any Senator's speech may be.

Some Senators think the speeches they make on the floor of the Senate will change the minds of other Senators. Mr. President, it is true that once in a while that does occur, but I seriously doubt that such will happen in the measure now before the Senate.

I think all Senators have made up their minds on this issue. They would like to vote. For us to stay here, now, all day long—which we shall do if necessary, in order to get a vote—I think would be a rather absurd and ridiculous thing to do although I am not attempting to say that any Senator should be cut off in his remarks or should be prevented from making a legitimate speech, if he has not heretofore had an opportunity to address the Senate on this issue.

I know that my able colleague has very definite views on this measure, and has not been able to get recognition. Senators always like to hear from him and get his viewpoint.

But for any Senator to address the Senate for hours and hours—as has been done already on this issue—in debating a piece of proposed legislation as basic and as fundamental and as important as this one, when Senators know that all other Members of the Senater have made up their minds how they will vote on this measure, would seem to me to be highly questionable, to say the least. It seems to me that Senators should hesitate and pause before pursuing such a course.

Mr. McCARRAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD my analysis of the President's veto, in the light of the provisions of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR McCARRAN

Mr. President, the veto message of the President declares that the bill, H. R. 9490, "would not hurt the Communists; instead, it would help them."

I have heard that statement made before, and I have characterized it as an irresponsible statement. It would be improper to characterize as irresponsible any statement made by the President of the United States. But, Mr. President, it certainly is not improper to say that I disagree with that statement wholeheartedly; and I do not believe, Mr. President, there are very many Members of this body, or very many persons anywhere, who have read this bill who believe, or can be made to believe, that this bill would help Communists.

At the outset of his veto message the President states what he calls "some of the principal objections to the bill." The veto message refers to these objections as being specifically stated, though in point of fact they are stated in general terms. However, let us examine these seven objections.

The first objection stated is that the bill would aid potential enemies by requiring the publication of a complete list of vital defense plants, laboratories, and other installations.

Mr. President, someone has misadvised the President with respect to that.

The only provision with respect to publication of a list of defense plants, which is to be found in this bill, is in section 5. Section 5 (b) authorizes and directs the Secretary of Defense to designate and proclaim, and from time to time revise, a list of facilities with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a), that is, exclusion from employment of members of Communist organizations.

This section does not require the Secretary to publish a complete list of plants, or to publish any list at all. The Secretary in his discretion is to determine which plants, if any, he wants to exclude Communists from, and then he publishes the list of such plants, if any. The Secretary might limit his list of plants, as published, to a few, or he might publish a list of many thousands; but it will be discretionary with him. If he thinks it is more important to keep the name of a plant off a list than it is to apply the provisions of the bill banning the employment of Communists in that plant, then he can keep the name of the plant off the list. As a matter of fact, Mr. President, while it is perfectly reasonable to believe that there may be some plants doing defense work which it would be desirable to keep entirely secret, even so far as the identity of the plants is concerned, it is also perfectly true that there are many thousands of defense plants and potential defense plants in this country, the identity of which is, if not well known, at least easily determined. If you should want to send a form letter to defense plants and prospective defense plants throughout the country, soliciting their business or their contributions for one reason or another, you could probably go to any one of several direct mail advertising agencies in Washington or in New York City and have your letter addressed to a list of some forty or forty-five thousand defense plants and prospective defense plants.

However that may be, Mr. President, the fact remains that the first numbered objection mentioned in the President's veto message charges this bill with requiring the publication of a complete list of vital defense plants, laboratories, and other installations; and that simply is not so.

Amplifying this charge, Mr. President, the President in his veto message states: "One provision alone of this bill is enough to demonstrate how far it misses the real target. Section 5 would require the Secretary of Defense to 'proclaim' and 'have published in the Federal Register' a complete catalog of defense plants, laboratories, and all other facilities vital to our national defense—no matter how secret."

A little farther along in the same paragraph, the President says: "There are many provisions of the bill which impel me to return it without my approval, but this one would be enough by itself."

Mr. President, that statement is incomprehensible. The present President of the United States spent enough time in this body to learn how to interpret plain legislative language. I cannot conceive that he would write or sign a veto message on this bill without reading the bill carefully; and I cannot imagine that, having read the bill carefully, he would make the statement which is in the veto message, with respect to what section 5 of this bill provides.

Mr. President, the veto message states that this one provision of the bill is enough to demonstrate how far it misses the real target. Mr. President, I leave it to any lawyer who will read this paragraph of the veto message, and subsection 5 (b) of the bill, to determine how far the veto message misses the target.

Mr. President, the second numbered objection in the veto message is that this bill "would require the Department of Justice and its Federal Bureau of Investigation to waste immense amounts of time and energy attempting to carry out its unworkable registration provisions."

Mr. President, I cannot criticize that objection, because it is obviously a statement of opinion rather than a statement of fact; but I thoroughly disagree with the opinions which the President has expressed. I do not consider the registration provisions of this bill to be unworkable; I do not believe it will require immense amounts of time and energy from the Department of Justice and the Federal Bureau of Investigation to carry out these provisions, and I do not agree that whatever time and energy is required to carry them out will be wasted.

The third numbered objection in the veto message is that this bill would deprive us of the great assistance of many aliens in intelligence matters.

In reading through the remainder of the veto message, Mr. President, I have tried to find some documentation for that charge. I did not find it. I will not say it is not there; but I did not find it. I did find the charge repeated, on page 5 of the mimeographed copy of the veto message; repeated, and enlarged. On that page, the veto message states (speaking of sections 22 and 25 of the bill) that "what these provisions would actually do is to prevent us from admitting to our country, or to citizenship, many people who could make real contributions to our national strength. The bill would deprive our Government and our intelligence agencies of the valuable services of aliens in security operations. It would require us to exclude and deport the citizens of some friendly, non-Communist countries. It would actually make it easier for subversive aliens to become United States citizens."

Those are, again, Mr. President, very general statements. Again, on page 14 of the mimeographed copy of the veto message, appears this statement: "Moreover, the provisions of section 22 of this bill would strike a serious blow at our national security by taking away from the Government the power to grant asylum in this country to foreign diplomats who repudiate Communist imperialism and wish to escape its reprisals. It must be obvious to anyone that it is in our national interest to persuade people to renounce communism, and to encourage their defection from Communist forces. Many of these people are extremely valuable to our intelligence operations. Yet under this bill the Government would lose the limited authority it now has to offer asylum in our country as the great incentive for such defection."

Mr. President, the limited authority the Government now has to offer asylum in our country to such persons is not disturbed by section 22 of this bill. The authority of the Attorney General to waive the provision excluding such persons is not eliminated. Furthermore, as I pointed out during debate on this bill on the floor of the Senate, the legislation recently passed by the Congress permitting the admission of up to 100 aliens per year for intelligence reasons is not repealed or otherwise affected by H. R. 9490; and the interesting thing is that although that legislation permitted the entry of a hundred persons per year, and was enacted upon the plea that at least that many persons would be needed to be allowed to enter the country, yet down to the present time only a handful of persons has been admitted under that law.

So, Mr. President, we find a statement made, and repeated, and repeated again, but not documented nor explained.

The fourth numbered objection in the veto message is that the bill would antagonize friendly governments.

I have tried to find in the rest of the veto message any support for this statement. I have not found it. I do not say it is not there, but I have not found it. I did find a statement which might have some bearing on the point; a statement that under this bill "the Attorney General would be required

to exclude from the United States all Spanish businessmen, students, and other nonofficial travelers who support the present government of their country."

Fortunately, Mr. President, the veto message is not a part of the legislative history of this bill. No matter how hard the Executive tries, legislation cannot be made by means of veto messages. The charge that this bill would require the Attorney General to exclude from the United States all Spanish businessmen, students, and other nonofficial travelers who support the present government of their country is an absurdity. I am confident that the Attorney General of the United States will never construe the bill in that way unless he is ordered so to construe it by a higher authority.

I think perhaps that mention of Spain was tossed into this veto message as a means of taking a sly dig at those of us who recently supported legislation to provide for a loan to Spain. I think perhaps there is intended to be some implication that one who voted for the loan to Spain is particularly partial to Spain or to the present form of government in Spain. Of course, I am sure the President knows that there were matters of principle involved in the question of the Spanish loan which had nothing to do with Spain's form of government. However that may be, I find no other substantiation in the veto message of the charge that this bill would antagonize friendly governments.

The fifth numbered point in the President's veto message is that the bill would put the Government of the United States into the thought-control business. Again, Mr. President, someone must have been misadvising the President of the United States. There is not a line in this bill that puts the Government of the United States in the thought-control business.

I do not like, Mr. President, standing here on the Senate floor to take issue with the President of the United States. But on this point, Mr. President, it is the President of the United States who has taken issue with me. The senior Senator from Nevada stood on the floor of the Senate, when the conference report on the bill was before the Senate, and made the plain and unequivocal statement that this bill contains no provisions which could properly be designated as "thought control." Now the President of the United States, in his veto message, declares the bill would put the Government of the United States in the thought-control business. All I can do, Mr. President, is to say that I believed my original statement to be true when I made it, and I believe it to be true now, the President of the United States statements to the contrary notwithstanding.

The sixth numbered charge in the veto message is that this bill would make it easier for subversive aliens to become naturalized as United States citizens. Mr. President, there is no comment I can make on that statement which would not be unduly disrespectful of the high office of the President of the United States.

Mr. President, let any Member of this Senate—let any member of the press galleries—let any citizen of the United States who has gotten as far as the eighth grade—read this bill, and then ask him if he thinks the bill would make it easier for subversive aliens to become naturalized as United States citizens.

The seventh point made by this bill, Mr. President, is that it would give Government officials vast powers to harass all of our citizens in the exercise of their right of free speech. Mr. President, that charge is true. But it is true only because of the use of the word harass. This bill does not contain any actual authority to invade or impede the right of free speech; but in the administration of this bill it obviously would be possible for Government officials to harass our citizens, if they desired to do so. That is true of the administration of a great many laws. The senior Senator from Nevada, for one, does not believe that the officials of the Government of the United States desire to use their powers under this or any other bill to harass the citizens of the United States; and the senior Senator from Nevada is glad to be able to say, Mr. President, that this bill contains such safeguards, in connection with the right of review, that any errors made by Government officials in that regard would eventually be corrected by our courts.

Mr. President, time will not permit me to discuss this veto message paragraph by paragraph, because I do not wish to hold my colleagues that long. I have discussed each of the numbered objections which are stated at the outset of the veto message.

However, there are a few statements in the veto message which deserve comment.

On page 5 of the mimeographed copy, the veto message states that the ostensible purpose of the provisions of sections 22 and 25 of the bill is to prevent persons who would be dangerous to our national security from entering the country, or becoming citizens. Then the veto message states: "In fact, present law already achieves that objective."

Mr. President, there are thousands upon thousands of subversive aliens in this country. The President himself has recognized that fact. If present law is achieving the objective of preventing persons who are dangerous to our national security from entering this country, how did these subversive aliens get here?

With further reference to the provisions of the bill which strengthen the immigration and naturalization laws the President has repeated in essence the charge, which is wholly unfounded, that these provisions would hamper our international relations. I have previously pointed out to the Senate, in the language of the bill, designating paragraph, sentence, and words, that this bill would not exclude any alien in diplomtic status unless his entry into the United States would endanger the public security. In fact, any schoolboy who could read this bill could see that aliens in diplomatic status are expressly exempt from the excluding provisions of the bill unless their entry would endanger the public security.

It is curious to note, Mr. President, that some of the provisions of the bill which are criticized most vigorously by the President are provisions of the present law which were merely brought forward in the bill in order that there might be set forth in one pattern all of the applicable statutes.

And now, Mr. President, I come to that part of the veto message with reference to the provisions of the bill which strengthen the immigration and naturalization laws. The veto message reads, and I quote, "The ostensible purpose of these provisions is to prevent persons who would be dangerous to our national security from entering the country or becoming citizens. In fact, present law already achieves that objective."

Mr. President, the quoted statement from the veto message is just not a fact. I know what I am talking about. Over the course of many months it has been my duty as chairman of a special subcommittee of this Senate to direct a thoroughgoing investigation of our immigration and naturalization systems. The undeniable facts are, as I have repeatedly advised the Senate and as they appear from the voluminous published testimony taken by the subcommittee, that aliens who are subversive to the national security are, under our present immigration and naturalization laws, being freely admitted into the United States and are becoming naturalized as citizens of this country.

On page 9 of the mimeographed copy, the veto message states that the bill would permit a determination that an organization was a Communist-front organization to be based solely upon "the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those" of a Communist movement. Mr. President, that statement simply is not so. The able Senator from Florida, Mr. HOLLAND, on the floor of the Senate on Wednesday, most ably demonstrated that it was not so.

Mr. President, I do not mean in any way to cast any doubt upon the sincerity of the President of the United States, nor upon his good intentions in desiring to fight subversive activity. I simply want to say, Mr. President, that there are many of us in this body who have acted, in connection with this whole matter, entirely in good faith, and solely out of a deep and impelling desire to take action for the protection of the welfare of this Nation.

STATEMENT OF APPRECIATION BY SENATOR KERR

Mr. KERR. Mr. President, the junior Senator from Oklahoma requests unanimous consent to submit, and have printed at this point in the RECORD, a brief statement of appreciation of our distinguished majority leader and others of his colleagues.

The VICE PRESIDENT. Without objection, the statement will be printed at this point in the RECORD.

The statement submitted by Mr. KERR is as follows:

STATEMENT BY SENATOR KERR

Mr. President, the junior Senator from Oklahoma desires to give expression to a deep feeling of gratitude to a very large number of his colleagues in the United States Senate. So many of them have been most kind on many occasions.

Among those who have been most cooperative is my distinguished associate from Oklahoma, the Hon. ELMER THOMAS.

I am indebted to my fellow members on the committees, with whom I have been honored to serve.

Mr. President, I want to pay high tribute to the distinguished chairmen of these committees. They have been most helpful to me.

And then, Mr. President, I want to express my respect and admiration for the majority leader, the distinguished SCOTT LUCAS, of Illinois. Mr. President, the Eighty-first Congress has been one of the greatest in the country's history. It has moved with wisdom and high resolve to meet the needs of peace and the requirements of war. The Democratic majority has been most fortunate to have as its leader a statesman of the outstanding ability of Senator LUCAS. He has been both patient and tolerant. He has been bold and courageous. And then, Mr. President, he has been wise in counsel and brilliant in performance.

Mr. President, I congratulate my party and my country in having during these stern times the leadership in the United States Senate of our esteemed and honored colleague, SCOTT LUCAS, of Illinois.

TRIBUTE TO SENATOR LUCAS

Mr. O'CONOR. Mr. President, I ask to have printed in the body of the RECORD a statement dealing with the leadership of the senior Senator from Illinois [Mr. LUCAS].

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. O'CONOR

Mr. President, I desire to pay tribute to the unexcelled leadership of the senior Senator of Illinois, SCOTT W. LUCAS.

His patriotic devotion to duty, his intelligent handling of legislative matters, and his eminent fairness in his dealings with his colleagues all stamp him as a majority leader of real worth and ability.

Every Senator entertains highest respect for Senator LUCAS. Those of us who occupy seats on the Democratic side of the aisle have especial reason to admire his leadership. His adherence to democratic ideals and principles is generally recognized. Our party is most fortunate to have him as our standard-bearer and realize that he is one of the ablest and outstanding majority leaders in the history of the Senate.

PERSONAL STATEMENT BY SENATOR JENNER

Mr. JENNER. Mr. President, I hesitate to take the time of the Senate; but at this time I desire to make a 5-minute statement which I feel must be made before the Senate adjourns.

Mr. President, I have just had the honor and distinction of being attacked by America's No. 1 key-hole-peeping, muck-raking, character-assassinating, propaganda-peddling prostitute of the Nation's press and radio—"P. U. Fearsome."

Mr. President, since such attacks from this source have generally been reserved for Presidents of the United States, I feel this attack on me to be a real achievement, since I have served only 3½ years in this august body. Think of it, Mr. President; two American Presidents were unable to find any other words to describe this propaganda-peddling prostitute than by calling him an "s. o. b."

However, as in so many other instances, these two Presidents failed to tell the whole truth, for they thoughtlessly cast reflection on his family.

Throughout my years of public life, Mr. President, thousands of fathers and mothers have appealed to me for help for their children, and I have made it a practice never to blame these folks for the waywardness of their sons and daughters. This is why I want to straighten out the record on the "s. o. b." matter.

Mr. Drew Pearson is not an s. o. b. He is only his own filthy brain-child, conceived in ruthlessness and dedicated to the proposition that Judas Iscariot was a piker. "Thirty pieces of silver for character assassination 2,000 years ago?" There is money in this business in 1950 A. D.—for, as I intend now to prove, this Drew Pearson is a self-appointed, self-made, cross T'd, dotted I'd, double-documented super-superlative, revolving s. o. b.

Mr. President, I have the floor to ferret out this rat, although not because of his personal attacks on me. Any man who has served in public life—and I have since I was 24 years of age—is constantly exposed in the arena of public action and public debate to the spotlight of public criticism and condemnation; and he must be eager, willing, and determined to make sure his record is an open book, and to defend that record against all comers.

Mr. President, prostitutes of the truth are the greatest enemies we confront. Like Goebbels and Vishinsky, they are the greatest enemies of the American people, for it is the truth and truth alone that can keep us free. When freedom of the press and freedom of speech are exercised without regard whatever to historical facts, they degenerate into license, libel, smear, slander, and character assassination.

This sets the stage for loss of confidence in our ability to solve our own problems and to run our own Government as a free people. It sets the stage for panic, hysteria, frustration, and collapse.

This is what Samuel Johnson meant when, long years ago, he wrote:

I know not whether more is to be dreaded from streets filled with soldiers accustomed to plunder, or from garrets filled with scribblers accustomed to lie.

That is why I cannot comprehend why such propaganda-peddling prostitutes as Drew Pearson, who make their living by feeding on the festering wounds of the characters they have stabbed in the back, continue to be supported by so many advertisers and publishers and industrialists of this country.

Have these men become so careless and so indifferent, or so greedy for these pieces of silver that they do not care about what is really happening to America?

I call attention to an article prepared by Drew Pearson for publication and use in his syndicated column, Washington Merry-go-Round, next Sunday, September 24, 1950. The article prepared for publication is as follows:

A lot of people, both in and out of Congress, have been wondering who and what were behind the vitriolic diatribe delivered by Senator WILLIAM JENNER, of Indiana, against Gen. George Marshall. The Jenner tirade labeling Marshall "a living lie" and "a front man for traitors" was so venomous that it made JENNER's fellow Republicans apologize. JENNER, a newcomer to Congress whose chief reputation among colleagues is for using the foulest language in the Senate. To understand what makes the "gentleman from Indiana" tick, you have to know something about the two men behind him. No. 1 is the man who put him in the Senate, the former treasurer of the Ku Klux Klan in Indiana, Bob Lyons. No. 2 is Albion Beverage, a fanatical pro-German pacifist, who displayed the German and Japanese flags on the altar of his church on Armistice Day 1942—after Pearl Harbor. Beverage is now the ghost writer for Senator JENNER and was behind the fanatical tirade against General Marshall. Bob Lyons, who helped groom JENNER for the Senate, ran the finances of the Ku Klux Klan when the Klan was in its heyday in Indiana in the 1920's. As a result of subsequent anti-Klan sentiment Lyons has never been able to achieve his political ambition of becoming Governor of Indiana, was even forced to resign as a member of the Republican National Committee in 1944.

CHAIN STORE LOBBYIST

But though unable to win office for himself he pulls powerful backstage wires to elect others. This is a big help to his lobbying business in Washington which has yielded him $375,000 as the lobbyist for such chain stores as the A. & P. and J. C. Penney. Once Lyons elects a man to Congress, of course, he counts on his votes on chain-store matters.

JENNER's other mentor, Albion Beverage, is a little known but important ghost writer on Capitol Hill. He has written speeches for Lone Wolf Senator LANGER, of North Dakota, for isolationist GOP Senator MALONE, of Nevada, Senator WHERRY, of Nebraska, the GOP whip.

Now he is on JENNER's payroll. Beverage is a former amateur wrestler, was a Congregational preacher at Niagara Falls at the beginning of World War II, and in 1948 turned up in Maine to run for the Senate as a Republican. He seemed to have ample money to spend, purchased radio time, displayed life-size placards of himself throughout the State, and made violent accusations against MARGARET CHASE SMITH. She defeated him.

Typical statements made by Beverage are: "The United Nations is an international booby trap * * * rearmament is a one-way road to bankruptcy and dictatorship * * * politicians in Washington are mortgaging your future in the wildest gambling in history."

In the Senate Republican cloakroom Beverage is called the "ghost Senator."

That is the end of the article prepared and sent out by wire for this syndicated column of Drew Pearson's, to appear Sunday, September 24, 1950. I have learned that a partial correction has been made, but only a partial correction.

This article is significant, not because Mr. Pearson has been caught with his facts so far down that he cannot pull them all up again, not because the charges made against me are so completely divorced from reality, but because Mr. Drew Pearson had to drag in the name of a dead man to try to give some credibility to his congenital falsehoods.

Mr. President, many men in public life have been the victims of smear attacks; they have been accused, in campaign speeches, of having committed various acts, but never have I seen any person stoop to such depths of journalistic degradation and character assassination as the reference in this column to a man who has been dead for more than 18 months.

My people know I was just a boy when the Republican Party, itself, finished off the Ku Klux Klan in Indiana.

The forthcoming further attack on me by this journalistic prostitute is not new. The ink had hardly dried on my commission as junior Senator from Indiana when Pearson sent one of his employees to Indiana to dig up any personal or political scandal about me he could find. I make no claim to perfection, but this employee admitted to my administrative assistant, upon his return to Washington, that he came back with a dry pen.

He has attacked me on other occasions, which attacks I have ignored. But I could not ignore this attack, since the above shocking facts are also conclusive proof that Drew Pearson's un-American smears against members of my staff are equally false.

Of course, Drew Pearson could not understand that one still cannot set a price on the basic patriotism and personal loyalty of real Americans, and that there are still millions of Americans who cannot be bought or bluffed.

PROTECTION AGAINST CERTAIN UN-AMERICAN AND SUBVERSIVE ACTIVITIES—VETO MESSAGE

The Senate resumed the reconsideration of the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by

requiring registration of Communist organizations, and for other purposes, the objections of the President of the United States to the contrary notwithstanding.

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DOUGLAS, Mr. KEFAUVER, and Mr. BYRD addressed the Chair.

The VICE PRESIDENT. The Senator from Illinois.

Mr. DOUGLAS. Mr. President, first I should like to propose a unanimous-consent request.

At approximately 5 o'clock last night the veto message of the President of the United States was read to the Senate, and immediately thereafter the motion to override was taken up. It is now 6 a. m. and in an hour or two the message will be printed in the morning newspapers all over the country. It will be read by millions of our citizens. Whether or not we agree with the message, we should recognize that it is a very forceful message and a very logical message on a matter of great importance to the country.

It would seem to me desirable, instead of proceeding immediately to vote, that we fix upon an hour this afternoon and agree to vote at that hour.

Let me make it clear that there is no desire on the part of anyone to prevent a vote. There is no desire on the part of anyone to speak at such length as to prevent the Senate or the American people from passing upon this issue; we want it voted on today. I think there is a feeling on the part of some Senators that we may be able to arrive at a wiser decision this afternoon, when the people of the United States have had a chance to think over the contents of the President's message, make up their minds about what they think, and convey their impressions to Members of the Senate. We could better reconvene this afternoon therefore and cast our final vote at that time.

I am therefore suggesting that in order that we may fully consider the message of the President, we should recess until approximately 2 o'clock this afternoon, that at 2:30 we proceed to take the matter under consideration, that the time between 2:30 and 4 o'clock be evenly divided, and that we proceed to a final vote at 4 o'clock this afternoon. This is not done for the purpose of delaying the bill, but to enable a wiser and more considered decision to be made.

I think it should be said that the proposal is not made in the belief that any eloquence or attempted eloquence on the part of any Senator would change the decision of any other Senator, but in the belief that sober reflection on the message of the President should be given a chance to operate. Therefore I propose a unanimous-consent request that the Senate recess until 2 o'clock, and that between 2:30 and 4 o'clock the time be equally divided, and that at 4 o'clock we proceed to vote on the bill.

The VICE PRESIDENT. The Senator does not provide who shall control the time.

Mr. DOUGLAS. I suggest that the time be controlled by the Senator from Nevada [Mr. MCCARRAN] and the Senator from New York [Mr. LEHMAN].

Mr. McCARRAN. Mr. President, I shall object to such an agreement.

Mr. DOUGLAS. It is not the purpose of the junior Senator from Illinois to delay the proceedings on a matter of such gravity, but I think it is important to make a not-too-prolonged statement. First, let me briefly attempt to summarize the reasons why I feel compelled to take a somewhat different position from the one I took on the final passage of S. 4037, the McCarran-Mundt-Ferguson-Wood bill.

ANALYSIS OF VOTE ON S. 4037

My vote on this question of sustaining the President's veto frankly represents a change from the position which I took on the passage of S. 4037. At that time I sought to balance the desirable against the dangerous features of the bill as amended in the hurried, last-minute actions of the Senate. The gains for national security then seemed so substantial as to outweigh the ineffective and harmful provisions of the measure. The adoption of the emergency detention title gave real protection against espionage and sabotage which are the real dangers. The sections taken from the Magnuson bill strengthened other security safeguards.

It was also my hope that the conference committee might eliminate some of the more dubious sections of the bill. With the feeling, therefore, that the positive protections for security as finally adopted overbalanced the set-backs for freedom in other clauses of the bill, I joined with those who voted their approval and sent the bill to conference. It was the most difficult decision of my life for I was acutely aware of the serious defects in the bill which I had previously pointed out in the Senate in some detail.

Since that time I have had more opportunity to reflect upon this decision—and I assure you I have done so for many hours—and to review with more care the final results of the conference committee.

I was disappointed to observe that no changes were made in conference to meet any of the real objections to the registration procedures and to section 4 (a) of the bill. The complex and clumsy procedures aimed at securing an ineffective and easily evaded registration were left unchanged. In my judgment the act will be almost completely ineffective in labeling Communists because of the long delays in hearings, appeals, and criminal prosecutions. The potentially mischievous definitions and tests and listings and the provisions that may impair our counterespionage machinery were substantially unaltered by the conference committee.

I was alarmed to find, in addition, a new requirement that the Secretary of Defense prepare and publish in the Federal Register a list of Defense facilities. It would be hard to imagine a handier guidebook for a corps of enemy saboteurs, as the President so cogently pointed out.

I was further disappointed in several of the changes made in the emergency detention title of the bill, both in the Senate and in conference. It was weakened in its security protections by being confined to outright war, invasion or insurrection. The power to take decisive action against saboteurs in the period prior to formal war, which we had provided for in the Kilgore bill, was eliminated. The procedures were made more complicated, costly, and delayed by injecting a duplicating, preliminary hearing instead of the quick-check administrative procedure set up in the Kilgore bill. The detention authority of the Attorney General was diffused by giving only to hearing examiners, independent of the Department of Justice, the right to issue detaining orders. Appeals by the Attorney General from orders of release were eliminated, as if this were a criminal procedure, although other sections almost expressly state that it is not.

While these security aspects of the detention title were thus weakened, provisions aimed at checking and preventing abuses of individual rights were also eliminated. The requirements that the Attorney General appoint an inspector of detention, that Senate and House committees appoint watch-dog subcommittees and that the entire detention title expire after 3 years unless renewed by Congress were all omitted.

Not only were the originally cited shortcomings left in the bill in conference, therefore, but the further changes I have mentioned weakened its security protections and reduced its safeguards for individual rights. The resultant gains to security are at best small, the loss to freedom may be great.

I shall frankly state, however, that it is sober reflection—and a great deal of sober reflection—on the potential dangers in section 4 (a) and in the cumbersome registration provisions of the bill that has brought me to the conclusion that we shall guard our freedoms better by defeating this bill in its present form—that we should vote to sustain the President's veto—and that we should strive when we return in November to pass a security measure that does not combine so much that is dangerous with so much that is good.

The compelling arguments of the President in his veto message have now fortified me in this conviction.

We must not abandon the attempt to secure reasonable legislation to protect our security merely because of the lateness of this session. The choice does not have to be between either this bill or no bill. The choice can be and should be between this bill and a much better bill. This I am sure the House and the Senate can hammer out in a few days or weeks. It may be no disadvantage, moreover, to a reasonable approach if the renewed consideration in Congress should come somewhat after the first week in November.

SHORTCOMINGS OF REGISTRATION PROCEDURES

Mr. President, I have no desire to prolong the discussion unduly, but I believe it is desirable that we think over again what the bill does. I wish to give the

sponsors of the bill full credit for excellent intentions and for a sincere desire to curb communistic activities. We join them very sincerely in that desire. This is not a personal matter between the sponsors and the opponents of the legislation; it is a question of means and a question of what are the best means for the welfare of our Republic.

In the somewhat lengthy analysis which I made of the bill on the 8th of September, I pointed out that its registration provisions were in the first place so protracted in nature that it would take years to get Communists to register, if they could be forced to register at all. I should like to point out that the obligations of an organization to register its members do not begin until 30 days after that Communist-action organization—that is now the phrase that is used—has been finally so designated. The obligation to register members—will not really become operative until 30 days after such a Board designation and order becomes final.

Mr. KEFAUVER. Mr. President, a point of order. The Senate is not in order.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The Senate will be in order.

Mr. DOUGLAS. Mr. President, I wish to emphasize that point. It is in section 7 (c) 3 that the Communist-action organizations previously called the Communist-controlled organizations, and before that called Communist political organizations, are only required to register their members—and I now quote from section 7 (c) 3 on page 8 of the conference report as printed by the House, "within 30 days after such order becomes final." I emphasize those words again, "after such order becomes final."

ENFORCEMENT OF REGISTRATION

When does an order become final? If we trace this procedure through, we will find that if an organization declares that it is not a Communist-action organization, but fights the issue all the way through, the order does not become final until there has been not only an administrative finding, but also judicial approval of that finding as well.

In other words, the Attorney General must prefer charges against an organization that it is a Communist-action organization. Those charges will then be assigned to the Subversive Activities Control Board, which will hold hearings, probably through trial examiners as is done in the case of the Federal Trade Commission, the National Labor Relations Board, and other quasi-judicial bodies.

The testimony will be taken, the evidence will be considered, a preliminary opinion will be prepared, exceptions may be filed, and then in the ordinary administrative procedure before the quasi-judicial bodies the evidence and the preliminary opinion will be submitted to the Subversive Control Activities Board itself for approval and order.

LENGTH OF TIME FOR BOARD AND COURT DECISIONS

On the 8th of September I indicated that in the case of the National Labor Relations Board this process took a long period of time. I showed figures on the length of time in the successive stages.

For example, in 1949 the time from the filing of the charge before the National Labor Relations Board to the final decision of the Board was on an average 464 days, or about 15 months. If we assume that at least this length of time would be taken, we would have a 15 months' lapse of time before the Board itself would make a finding.

But the sponsors of the legislation provided—and I wish to say I think it is a tribute to their sense of fairness that they did so—judicial review, judicial review that first goes to the Court of Appeals of the District of Columbia. Further appeal can then be taken from the court of appeals to the United States Supreme Court.

Mr. President, I think we can be quite certain that the Communist Party and all other Communist-action groups would fight the case. They fought the criminal cases of their 11 leaders who were tried in the district court of New York through to the court of appeals and are taking an appeal to the Supreme Court of the United States.

How much time would be taken in the proceedings in the court of appeals? I produced records of the time taken by the most recent National Labor Relations Board case in each of the 11 circuit courts. That time varied from 6½ to 40 months, but the average was 17½ months. If we add the 17½ months for the court decision to the 15 months for the Board decision, we get a total of 32½ months or nearly 3 years.

But appeals can then be taken from the court of appeals to the United States Supreme Court, and that also is a time-consuming process. I have taken the four most recent labor decisions handed down by the Supreme Court—the Poole Manufacturing case, the Mexia case, the Inland Steel case, and the Colgate-Palmolive-Peet case. These are the four most recent National Labor Relations Board cases—and I find that the average time taken from the decisions of the Board to the decisions of the Supreme Court amounted to 32½ months.

I think it is not improbable to believe that close to that length of time would be taken up in appeals through the court of appeals to the United States Supreme Court, and that we might have therefore 32½ months devoted to the judicial process, added to the 15 months of the administrative process, and that would amount to approximately 47½ months, or 4 years.

It is possible that it would not take 4 years, but it is possible that it would; and I think it is fairly safe to say that the administrative hearings, preliminary findings, examination of evidence by the Board, final decision by the Board, appeal to the court of appeals, appeal to the Supreme Court would take at least 2 years. So that it is a fair estimate that somewhere between 2 and 4 years would be required before there would be a final order compelling an organization finally adjudged to be "Communist action" to register its members.

REGISTRATION MAY BE BALKED BY DISSOLUTION AND REORGANIZATION

Notice, however, that there is no obligation for the organization to register its members until 30 days after the final order has been handed down. During that time, as several speakers on the floor pointed out, and as the President has indicated in his message, it would be possible for the organization to dissolve, to change its name, and then to pass out of existence, and it would therefore be possible in the end for there to be no members of the organization to be registered. In other words, the organization might vanish into air, into thin air by the sleight-of-hand tricks which the Communists so frequently use.

It has been a frequent trick of the Communists to dissolve one organization, dissolve the membership, then have a new organization with a different name started and for the same people to come in again. We may remember that the Communist Party was ostensibly dissolved during the war and the Communist Political Association was created, a different organization. That organization lasted, I believe, until the fall of 1945 when it in turn was dissolved and the Communist Party was reestablished. I am afraid we would have a game of legal hide-and-seek in which the Communist organizations would be as elusive as quicksilver, and it would be very hard to pin them down.

EFFECTS OF ULTIMATE REGISTRATION

But even if they were pinned down, even if they did stay in existence and were told that they had an obligation to register their members, what then? Does anyone believe that they would voluntarily come forward and list their real members? One who would believe that, I think would be very trusting. He would have far greater trust in the good faith of the Communist Party than I have. I think it would then be found that they would do either one of two things, or possibly both: either they would submit a false list of members—and I shall later discuss some of the consequences of that—or they would list no members at all.

Let us take the second possibility, that they listed no members at all. It would then be an obligation upon the part of the Attorney General to prove that given individuals were actually members of the Communist Party.

I am very glad that the FBI and the Attorney General have a list of Communist Party members. Mr. Hoover has testified—I believe I am quoting him accurately—that they know the names of about 55,000 members of the Communist Party.

Suppose they prefer charges against these 55,000 persons—and I think they would have to do so to enforce this law. They would then have to prove that these given people are actually members of the Communist Party. I think it would be found that virtually all the accused persons would deny their guilt. These 55,000 cases would then have to be heard before the Subversive Activities Control Board.

I want the Members of the Senate—there are not many on the floor—to listen to this point; I do not know whether they

will be able to read the RECORD before we vote this afternoon; but I ask them to ponder about the problem of having 55,000 cases submitted to a quasi-judicial board.

CLOGGING OF BOARD AND COURT CALENDARS

I want to emphasize again that the sponsors of this legislation provided for administrative protection and for judicial review. I want to pay tribute to them for providing it. But to submit 55,000 charges to an administrative board would swamp that board with the sheer physical burden of work.

I do not know how many cases it was that the National Labor Relations Board handled at the peak of its activity, which I suppose was in 1937 or 1938 or 1939. But I am certain that they did not amount to more than few thousand a year, and certainly not to any such astronomical figure as 55,000. The administrative process of the Board would in all probability be completely swamped. Trial examiners would have to be provided to hear these cases, evidence would have to be taken, preliminary opinions would have to be written, the cases would go on review to the Board itself—and, mind you, the cases would have to funnel through the Board—the Board itself passing on them.

If it now takes 15 months on the average to handle the labor cases, not more than a few hundred in number, which come up each year, think how long it would take to handle 55,000 cases coming up before the Board. Certainly it would take at least another 15 months to handle 55,000 cases. In all probability it would take much more than 15 months. I am being most cautious and trying to be most conservative in what I say. But this merely finishes the administrative process.

On top of that would come judicial review of the decisions about individuals. Each of these individual cases, if they were fought by the individual, would have to go to the court of appeals, and I would like to call attention to the fact that this would not be any court of appeals—it would be the Court of Appeals of the District of Columbia—one court of appeals. Can Senators picture what would happen with these thousands of cases coming to one such court?

If it takes 17½ months for all the circuit courts in the country on the average to handle labor cases now, how much time would it take the Court of Appeals of the District of Columbia to handle the appeals from the 55,000 cases which would come up from the Subversive Activities Control Board? Well, at the very least, it would take 17½ months. Then there would be appeals to the Supreme Court, perhaps not in every one of these cases, because a large number of the people would not have the money to carry them there, but certainly in many of the cases and probably in the most important cases. So that in my judgment—and I am trying to be very cautious in my estimate—it would take at least 3 years more to get an order declaring that a given person was a Communist, and should have registered, and in all seriousness it might very likely be far more than an additional 3 years. All this moreover is piled on top of the original delay, which I have estimated as from 2 to 4 years, plus added time because of the elusiveness of the organizations, and the fact that they might go out of existence and new organizations might come into existence.

Moreover only after all this could criminal prosecution of individuals begin. This would take additional years.

So, Mr. President, I should like to submit that with the best intentions in the world—and I certainly do not want to question the good intentions of the sponsors of this legislation—what has been done has been to create a very clumsy, time-consuming process, in order to register these Communists.

DETENTION, NOT REGISTRATION, IS REAL PROTECTION TO NATIONAL SECURITY

In my judgment the military emergency is likely to be on us long before this process of registration is completed. Mr. President, that is why I thought we should deal with the real danger to our security, which as I have said is sabotage and espionage, and that we should give to the Attorney General the power "to put on ice," so to speak, men whom he regarded as dangerous to national security, after Congress and the President had declared a state of internal security emergency to exist.

I personally said on the floor of the Senate that I would be willing to vote, if these provisions had been carried over into the bill, to declare that an internal security emergency now exists, in order to head off sabotage and espionage. The Senator from Tennessee [Mr. KEFAUVER] also introduced a new bill making this authority even clearer.

But it is no longer possible to do that because those provisions of the Kilgore bill were taken out of it before that measure was inserted into the Mundt-Ferguson-McCarran bill. Those security safeguards are no longer there. So that we do not have the protection against sabotage and espionage in this difficult period immediately ahead of us which the sponsors of the Kilgore measure designed.

I want to make that clear, because we are not opposing any measure designed to give real security to the United States. We believe that we had a well-drafted means of giving effective security, and I want to point out that what we have now is virtually no security at all. We have a long, cumbersome process which will take years, and during that time the dangerous Communists can be at large and can do great damage.

We may find, and I think probably will find, that some of the most dangerous of the Communists are not members of the Communist Party at all, and that the Communist Party has very carefully kept them out of the formal party as such, but that these are organized as possible sabotage and espionage squads.

Mr. President, what I have said therefore is simply to bear out my statement that the provisions of this bill are extremely clumsy and ineffective and do not give any real security. That is one of the main reasons why we prefer the Kilgore substitute, and why we are dissatisfied with the maimed and mutilated version of the Kilgore subsitute which is now incorporated in the present bill.

MUNDT-FERGUSON-M'CARRAN BILL HARMFUL AS WELL AS INEFFECTIVE

But, Mr. President, in addition to the fact that the measure before us will do little good, it can do a great deal of positive harm, and I want to indicate the three ways in which it can do positive harm.

In the first place, suppose the Communists submit fake lists of members. This is a very real possibility. They are perfectly capable of it. Suppose they submit the names of persons who are not members of the Communist Party, but that they say these people are members of the Communist Party. Think what a weapon would be turned over to the least reliable element in our population. What you do by this bill is to turn over to the Communist Party the power of discrediting and smearing virtually everyone in the United States whom they may dislike. They may take people against whom the secretaries of the Communist organizations have personal grudges. They may take people against whom they have political grudges. They may pay off both personal and political scores by listing these persons as members of the Communist Party.

DANGERS OF FALSE LISTING

The Communists are diabolical in their methods. I would not put it past them to list as members of Communist-action organizations a number of anti-Communists—for them to submit a list of actual anti-Communists, but to say, "These men are members of the Communist Party."

Suppose they picked out the names of some prominent Americans who were very effective in fighting communism and in turning back communism and in winning people away from communism. Suppose the Communists said, "These people are Communists." There would be a period of time in which the persons so charged would have an opportunity to clear themselves before the Attorney General. Again I wish to congratulate the sponsors of this measure for providing this safeguard. There would be a period of time.

Again I wish to say that we now have a splendid Attorney General. If any human being could be trusted to protect individuals, I think our former colleague, Howard McGrath, could be. However, this is tremendous power to put into the hands of any man. Even Howard McGrath and his very efficient organization might make mistakes.

There might, somewhere along the line, be Deputy Attorneys General who would like to pay off old political scores. Republicans who are really sincere anti-Communists might be listed by the Communists as Communists or members of Communist organizations; and there might be, here or there, a Deputy Attorney General or an Assistant Attorney General who might not be sufficiently zealous in the prosecution of his duties to protect the good names of certain individuals. The result would be that their names might be included—although

falsely and without basis—on the lists of persons charged with being members of Communst-action organizations. Or if the individuals falsely listed for any reason failed to receive the notification provided in the bill and therefore could not make timely protest, their names would also be open to the public. Once the Attorney General failed to remove the names of such persons from the register going to the Subversive Activities Control Board, and once that register or list was published, those persons' reputations would be ruined.

Mr. President, the matter of questioning a man's motives publicly is very much like questioning a woman's honor; it is tarnished merely by being questioned. And the person whose motives are thus questioned is not able to get his reputation back again, untarnished, even though he refutes the charge. That is why I think all of us should be extremely chary, both on the floor of the Senate and off the floor of the Senate, about questioning the motives or soiling the reputation of any person.

When I came to the Senate I made a pledge to myself that I would never question the motives of any colleague, that I would never make a personal attack, however violently any Member or person might differ from me. I have tried to live up to that pledge, and I shall continue to try to live up to it, because we deal with very delicate things—human reputations—which in the long run mean more than life itself.

But, Mr. President, suppose we were not to have a good Attorney General. Suppose we were to have an Attorney General similar to some of the Attorneys General who have held that office in the past? In order to remain true to my principle of not singling out individuals for reprobation, I ask the few Senators now present to think of some of the Attorneys General who, in the past, have held that office. I can think of an Attorney General of the United States who, by proven testimony in the courts of the country, was determined some decades ago to have allowed at least, let us say, the office of Attorney General to become a shameful and a wicked thing.

I would hate to think that the liberties and reputations of the people of the United States would be entrusted by law to the hands of such a person. Think of the opportunity that such a man and his assistants would have to blacken the names of political opponents. Think of the power a Democratic Attorney General of low character—and I wish to emphasize that our present Attorney General is of high character—might have, in terms of what he might do to his Republican opponents. It might be that the Communists and a Democratic Attorney General would gang up, so to speak, on our friends in the Republican Party. They would be perfectly innocent, but they would be irretrievably damaged, just the same.

Or suppose we had a bad Republican Attorney General. He and the Communists could combine and injure members of the Democratic Party, beyond the possibility of adequate repair.

MENACE TO THE LIBERAL CENTER

Here I should like to point out that what the Communists want is to destroy the liberal alternative to conservatism. The Communists want to polarize, so to speak, our political and social system. They want to give our people a choice only between extreme reactionism and extreme radicalism. They want to destroy the vital center, because they know that the liberal center is an alternative to either reactionism or to extreme radicalism. The group in the center is the group which, fundamentally, the Communists dislike most, because they know that this group is the rival and, I believe, if allowed a chance, the successful rival for the loyalties of men.

Suppose, therefore, that the Communists wanted to eliminate a number of the sincere liberals who are active in public affairs, and suppose the Communists saw in this measure a handy instrument by which to do away with the liberals whom they dislike. Suppose at that time there were a conservative Attorney General, an Attorney General who was not of as high a character as Mr. McGrath. The action of such an official, stimulated by the evil charges of the Communists, might do irreparable harm to a vital and loyal segment of the American people.

Mr. President, I do not wish to interfere with the pleasures of the gentleman who are behind the dias, but I should like to make a point of order that there is not order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOUGLAS. Let me say to my friends who are behind the dias that I know the hour is late and I know they are tired, and of course they wish to talk, and I do not wish to interfere with them. However, it is hard to proceed with this background of conversation.

I wish to express my apologies to my good friends, and I hope they will forgive me.

Mr. President, I think I have said enough to indicate that it is quite possible that we may have false listings of names on a very appreciable scale; that the reputations of large numbers of innocent persons may be destroyed, destroyed virtually beyond the possibility of redemption, by such actions; and that by means of this measure we would give to the worst elements in our society the power to blacken the reputations of good, fine, loyal men and women. That is a very real danger which is inherent in the proposed registration process.

DANGERS IN SECTION 4 (A)

Mr. President, the second source of positive harm to freedom has been rather thoroughly discussed, but I think it is worth while for us to go over it again. It arises in connection with section 4 (a), which provides that—

> It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship.

I ask my colleagues to notice that, as has been pointed out—and I do not wish to labor this point unduly—the words "substantially contribute" are very vague words. What do they mean?

Let us review, if we will, what some perfectly honest persons believe to be a "substantial contribution" toward totalitarian dictatorship. During the past year I have heard certain political leaders make speeches in the course of which they said the Brannan farm plan was a step toward communism and a totalitarian dictatorship.

Now, Mr. President, I want to make it clear that I am opposed to the Brannan plan. I never sponsored it, and I do not believe that it is in the remotest degree a step toward totalitarian dictatorship. But some people honestly believe that it is, and I am not going to charge them with being insincere; I am going to give them credit for being completely sincere, because I believe that to be of the fact.

Suppose such men as that—and they were eminent men who made this charge—were to be in charge of the administrative procedures in this act, or were to be judges, or jurors: it might well be that persons would be labeled as substantially contributing to a totalitarian dictatorship by advocating a specific measure which some people believe will lead to or is equivalent to communism.

That may seem a forced point. I assure you, Mr. President, it is not a forced point. These are very troubled times, and they are likely to become even more troubled; and, as they become more troubled, passions will run high.

Mr. MURRAY. Mr. President, the proceedings behind the marble curtain are interfering, I think, with the discussion on the floor of the Senate. I ask that they be silenced.

The PRESIDING OFFICER. The Senate will be in order, including persons behind the marble curtain.

Mr. DOUGLAS. I wish to call to the attention of Senators that this is a marble curtain, not an iron curtain. I hope my colleagues will not regard me as ungracious for mentioning this fact.

Now, let us take another measure with which I happen to disagree, the so-called Ewing health plan. I think it goes altogether too far. I do not believe in it, though I believe that we need far better protection against possible catastrophic illnesses. But some people have labeled the Ewing plan as communism—some very large and reputable organizations.

We may know that it is not communism. We know that the proponents of this measure are not Communists. We know that Mr. Ewing is not a Communist. We know that our beloved colleague, the senior Senator from Montana, who has been one of the sponsors of this legislation, is not a Communist.

But they have been charged with being such, and the measures which they sponsor have been charged with being such, and I think we can look forward to the very real possibility that if this law goes into effect, the advocacy of that health plan will be charged by certain persons as communistic, or substantially contributing to totalitarianism. The extraordinary thing is that some of the people who have made this charge have not been ordinarily irresponsible persons; they were people whom one would

normally think of as balanced and sane; yet they have made these terrible charges. In a time of great hysteria it is quite likely that they might be made again.

This language goes altogether too far, namely, to punish with 10 years' imprisonment any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship. It does not say "directly and predominantly contribute." That would be more understandable language. If that language were used, I do not think I should greatly object to it. But no one knows what "substantial" is. It may be indirect, it may be appreciable, but not large; it may be far removed from the effect, and yet it might still be punishable and still be made illegal under this bill. This, then, is the second danger to freedom which I see in the measure before us.

DANGERS IN DEFINITIONS OF COMMUNIST-FRONT ORGANIZATIONS

Now, the third danger which I see is the improper listing of organizations; and, I want to say, primarily, the improper listing of so-called Communist-front organizations. I want to pay tribute to the sponsors of this legislation for having worked out a fairly accurate list of the criteria, or, if one may use a theological phrase, the stigma, which apply to "Communist-political," "Communist-controlled," and "Communist-action" organizations. That list of some seven or eight criteria, which is given on page 14 of the conference report, is, I think, pretty accurate. I do not want to find any real fault with it.

I want to make this clear, however, that there is some difficulty involved even there, by the form in which these criteria are cast. The use of the phrase "to the extent that"—the question as to whether it is necessary to have only one or two, or more than two, or all of these criteria or stigmata satisfied before the organization becomes so labeled—those are issues. But, in the main, I should like to make it clear and call to the attention of the junior Senator from South Dakota for a moment, if I may, the fact that I think the job of listing these criteria or stigmata of Communist-action organizations has been pretty well done. I want to pay tribute to him and to the junior Senator from Michigan on this point. That is not merely a verbal tribute; it is a sincere tribute.

But when we get to the so-called "Communist-front" organizations, on page 15 of the conference report, section 13 (f), there we get into greater difficulty; and I ask Members of the Senate, if they will, to turn to page 15 of the conference report and cast an eye over these four standards. I do not wish to take up the time, but for the sake of the completeness of the RECORD, I should like to read them, if I may:

In determining whether any organization is a "Communist-front organization," the Board shall take into consideration—

And I emphasize that, "take into consideration"—

(1) the extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives of, any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(2) the extent to which its support, financial or otherwise, is derived from any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(3) the extent to which its funds, resources, or personnel are used to further or promote the objectives of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

(4) the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2.

Now, let me again give credit to the conference committee in this respect, because I think they have tried to plug one of the gaps in the bill which was previously pointed out by some of the speakers on the floor. After each one of these separate criteria there was a semicolon, and then, formerly at the end of the third criterion, the word "and" was inserted, but only at that point.

Now in the bill reported by the conference committee, I am happy to see that the word "and" is inserted after each one of these criteria. I think—and I want to be absolutely fair in this matter—I think that this provision does substantially weaken one phase of the objection which we had formerly advanced on this point. But it does not remove it. It weakens but does not remove it, because the language says "shall take into consideration". The board is therefore not limited to these factors.

The bill merely provides that the authorities shall "consider" these factors, and this may introduce other elements which may be controlling, even though these factors are not mentioned; and furthermore, I do not know how it is possible to assay—and I use the word "assay" rather than "essay"—I do not know how it is possible to assay the chemical content of each of these qualities which it is necessary for an organization to possess in order to satisfy the definition which is given, beginning with the words, "to the extent that". I do not know what the specific gravity, so to speak, of these qualities must be, in order to satisfy this test, "to the extent that". The standards are in fact still loose and inexact.

DANGERS IN TEST OF NONDEVIATION FROM COMMUNIST POLICIES

Mr. President, I should like to point out again that the fourth test in this set, the test of non-deviation, is a very dangerous one indeed, because Communists have advocated nearly everything under the sun at one time or another. Their policies shift and change both domestically and in the field of foreign relations. At one time their policy is like that of the Democrats; at another their policy is like that of the Republicans; then they are opposed to both parties. Policies shift. It all depends on the period of time which is considered as to whether this test of nondeviation may be used to label one group or another.

In the field of international affairs, Communists as interventionists loudly proposed collective security, demanding united action against fascism, until, I believe it was, the 24th of August 1939, when Hitler, Ribbentrop, and Molotov made a pact combining Russia and Germany into an alliance. Then in this country, the Communists became isolationists over night. They coined the slogan "The Yanks are not coming." They piped down their opposition to fascism, and they attacked liberalism and democracy for 22 months, until June 22 of 1941, when the Germans invaded Russia.

Overnight the Communists then turned back into advocates of intervention. The pickets who had formerly been parading in front of the White House denouncing American aid to the opponents of fascism, now demanded speedy American aid and not long after were shouting for a second front.

During the war Communists came out very strongly for American capitalism, and almost immediately afterward, following the Duclos letter, they were in violent opposition to capitalism again. So that they have literally boxed the compass. At one time or another they have been everywhere. I do not know for how long a period this test of nondeviation would be applied.

If it were applied for a short period of time, virtually every organized group in the country at one time or another would have advocated the policies which the Communists at a given time had advocated.

There is a little game which is played politically: "How do your votes compare with MARCANTONIO's?" I can remember in the Seventy-ninth Congress, lists were sent out by the Republicans comparing votes on domestic issues between the Democrats and MARCANTONIO. A record of nondeviation—not complete, but substantial identity—was estabtablished for certain domestic issues. If it turned out that a man had voted as MARCANTONIO had voted he was then called a Communist. That smear was applied against scores of anti-Communist Democrats in the Seventy-ninth Congress.

REPUBLICANS MIGHT ALSO BE TARGETS OF NONDEVIATION CHARGES

It might be poetic justice if this method were reversed and were now used against the other side on matters of foreign policy, but I think it would be unfair—and I want to make that clear—so to apply it, or to take Mr. MARCANTONIO as a sort of red litmus paper against which to compare the specificity of Members of the House and Senate.

Suppose we take MARCANTONIO's votes on the European recovery plan, which he fought very bitterly, and on the successive appropriations and authorizations for the Economic Cooperation Administration. Suppose we were to take the votes on the North Atlantic Pact and the military aid program. Suppose we took the vote on economic aid to Korea. If we did that we could pile up a good collection of votes, which by simi-

larity and virtual identity could be used to indicate nondeviation between the policies of a considerable number, and perhaps a very large percentage, of our very good friends on the Republican side of the aisle.

Before my Republican friends leave the Chamber I should like to say that it would be unfair to make such a charge. It would be as unfair for us to do so as it was for them to charge that Democrats were Communists because their voting record on other measures was identical with MARCANTONIO's. I want to assure my good friend, the junior Senator from Pennsylvania, who has a distinguished military record, and who, although I differ from him on some occasions, is, I believe, a completely fair man, that I have never used that argument against my Republican friends, and I will not do so. As it was unfair when used against us, it would be unfair if used against Republicans. However, in the hurly-burly of political life it is used and this bill seems to open up dangerous possibilities of its use to penalize worthy and loyal organizations.

Mr. WILEY. How long, O Lord, how long? Mr. President, will the Senator yield?

Mr. DOUGLAS. I am very happy to yield for a question.

Mr. WILEY. Can the Senator give us some idea of how long he will take?

Mr. DOUGLAS. I do not expect to talk more than 15 or 20 minutes more. I listened to the Biblical quotation from my good friend the Senator from Wisconsin when he said, "How long, O Lord, how long?" I am sure he was not addressing me, because I have no pretensions to divinity. If he was addressing God in heaven above, then, as a humble worshiper of that God, I will say that I shall take not more than 10 minutes.

Mr. WILEY. Will the Senator yield further?

Mr. DOUGLAS. Only for a question.

Mr. WILEY. That is all I desire the Senator to yield for. I am not trying to do anything other than to find out about how long we will be here. Some of us may have other functions to perform. If it is the plan of the junior Senator from Illinois and his associates to carry on until noon, perhaps some of us can get some sleep for a few hours and then go on with the work of the day. I think it only fair that if there is such a plan we ought to be informed about it. That is not said in any critical tone. It is asked in a spirit of cooperation. We have had one near tragedy, and I think it is very foolish to carry on along that line, when no constructive purpose can result.

Mr. DOUGLAS. I may say to my good friend that there is no master plan governing the conduct of this debate. I did not know how long my good friend from North Dakota would speak. It was not part of any plan. I speak only for myself, and I say that I will not take more than 10 minutes more. I understand some Senators will follow me. I do not know how long they will take.

I want to assure my good friend from Wisconsin that there is absolutely no purpose or intention to prevent a vote. We do think that the opinion of the country will be a little clearer after people have had a chance to read the President's message in the morning papers and have had a chance to ponder over it in the hours that lie ahead. That is why the junior Senator from Illinois proposed that we recess until 2 o'clock and vote at 4 o'clock. That reasonable offer was refused. There is no purpose to prevent a vote. I want to make that clear to my very good friend. We have had a prolonged discussion because of the fact that we have not been allowed to recess by the proponents of the bill.

Mr. WILEY. Mr. President, will the Senator yield further?

Mr. DOUGLAS. Certainly. I am always very glad to yield to my friend from my neighboring State, which produces very good cheese and butter, and it is always a delight to visit Wisconsin and get acquainted with its splendid people.

Mr. WILEY. I like the boloney that comes from Illinois, too. Now I shall ask my question. I heard the Senator comment twice that he would wait until the President's message has been read by the people. I want to ask the Senator if he does not think that instead of hearing from Murray, Green, and others, that it is our function as legislators to legislate, and not to let some groups or group tell us how to legislate.

Mr. DOUGLAS. I quite agree with the Senator. I may say that this is in no sense an attempt to have mass pressure operate upon the Congress. I think from individual citizens there frequently come spontaneous expressions of opinion that help us get a sense of the real feeling of the people.

I should like to call the attention of the Senator, if I may, to an editorial which appears in this morning's Washington Post. If I were to read it in full, perhaps I would be accused of prolonging the proceeding. Would the Senator care to have me read certain passages in the editorial, to indicate that there is no mass pressure involved, but only the spontaneous expression of one of the leading newspapers of the country—although I believe that certain people on the other side are not particularly fond of this newspaper? Does the Senator wish me to read portions of the editorial?

Mr. WILEY. Answering the question, I must say that I always like the intonations and the rather seductive influence of the Senator when he intones on the Senate. So when he reads somebody else's ideas, I suspect it will have a little of that influence in the language. But read on, McDuff.

Mr. DOUGLAS. The family of McDuff is an honorable Scottish family, but not quite as honorable as the Douglas family.

I now read from the Washington Post of this morning, September 23:

STAMPEDE

Panic and politics—and an irresponsible desire to go home—led the House of Representatives into a stampede late yesterday that overrode not only a Presidential veto but a fundamental principle of American life. The President's message on the McCarran bill deserved more conscientious consideration. The exceptional importance he attached to it was attested by his unprecedented action in sending to each Member of Congress a letter which urged that the issue be given sober and searching reflection. This was an appeal which, coming from the President of the United States, no Member of Congress could decently ignore. It deserved the most serious thought. It should have taken debate on the measure out of the mire of politics into which it was plunged during its earlier consideration. It imposed upon the Members of Congress a solemn obligation to review the issue not as Republicans or Democrats but as Americans responsible for the safeguarding of the Nation and of the Nation's distinctive and historic values.

I pause to say that I have tried not to make any intonation, seductive or otherwise, and I have tried to make my pronunciation semantically correct.

Mr. WILEY. It was very beautifully read, though.

Mr. DOUGLAS. I thank the Senator. The editorial continues:

The President's message presented, in our judgment, a carefully reasoned and compelling analysis of the McCarran bill. It demonstrated that, on strictly pragmatic grounds, the measure would injure the national security which its sponsors have sought to protect. Every agency of the Government entrusted with the responsibilities of safeguarding the country has informed the President that the bill would seriously impair its operations.

The President showed in detail that the registration provisions of the bill would in practice be wholly ineffective and would produce no information about Communists not already available to the FBI. He showed that so far as Communists are concerned, the bill imposes no penalties not already enforced and that it creates a grave danger that these penalties will be applied to legitimate activities by persons who are loyal citizens. He showed that the attempt to enforce the bill would entail a dissipation of energies needed for more effective internal-security precautions.

The McCarran bill has made a tremendous appeal to patriotic Americans because it is anti-Communist in intent and appearance. But it will do no injury to the Communists. It will, as the President observed, "help the Communists in their efforts to create dissession and confusion within our borders." Mr. Truman offered an illuminating analogy to show the ineptness of the bill. "The idea of requiring Communist organizations to divulge information about themselves is a simple and attractive one," he observed. "But it is about as practical as requiring thieves to register with the sheriff."

Most of the message was devoted to demonstrating the disparities between the purposes and effects of the bill. We are glad, however, that the President chose to lay before Congress the consideration of essential principle which justified his rejection of the measure. He presented as simply as it could be presented the basic American idea with which the McCarran bill is in irreconcilable conflict:

"There is no more fundamental axiom of American freedom than the familiar statement: In a free country we punish men for the crimes they commit, but never for the opinions they have, and the reason this is so fundamental to freedom is not, as many suppose, that it protects the few unorthodox from suppression by the majority. To permit freedom of expression is primarily for the benefit of the majority because it protects criticism, and criticism leads to progress."

It is this idea which the House overrode when it voted in such haste last night to reject the President's message.

I would add that it is this haste which we are seeking to prevent in the Senate, in order that sober reflection may guide the vote that is taken later today.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I will yield once more, and then, in order to save time for the Senator and other Senators, I will not yield again.

Mr. WILEY. I will ask the Senator to yield for a dual question. Does that not sound a little bit like what Patrick Henry said in Virginia when he was talking about the danger of adopting the Federal Constitution? The second part of my question is, If there had been a McCarran bill in Titoland and other countries that were taken over by Russia, they would not have been taken over, would they?

Mr. DOUGLAS. I do not think the McCarran bill would substantially prevent the Communists from developing great strength. I may say, however, that the McCarran bill is much milder than anything a totalitarian government would have. Even with the McCarran bill we will be an infinitely freer country than those totalitarian countries are.

I wish to make it clear that if the bill should become law by being passed over the President's veto, even in spite of that, this is an infinitely freer country than the countries of Communist dictatorship, and we would rally to its defense under any and all conditions.

But this is the point, it would not be as free a country as we would like to have. It would not be as free as the America of the past and the America which we hope will continue in the future.

LET THE VOICE OF AMERICA BE HEARD

Mr. President, I read this editorial primarily to indicate that these are not ill-informed voices that are coming from over the country. All over the Nation this morning people are getting their morning newspapers, reading the President's message, pondering over it, and they will do that for the next 4 or 5 hours, until noon. What is the harm of postponing the decision for a few hours until we can all have a chance to think a little more carefully and allow the real voice of America—not the mass of America, not masses whipped up by pressure organizations, but the conscience of America—to have a chance to be heard. What is the objection to that?

I wish to say that those of us who have been discussing the bill have no intent to prevent consideration. What we are asking for is what the Washington Post has asked for—more careful consideration, more deliberate pondering. Certainly in a matter of this grave importance a few hours more for consideration are desirable.

BOTH FREEDOM AND SECURITY ARE THE AMERICAN GOAL

Mr. President, I am nearly done. We have a difficult set of choices, probably the most difficult set of choices any of us has ever faced. We all love our country, and we want to be secure, and we want our country to be free. What we have to do is to weigh these two considerations, provide for as much security as possible in a time of great national danger, and sacrifice as little freedom as possible in a period of mounting hysteria.

The Members of the Senate and Members of the House, however widely they differ, in the main, have this common purpose of reconciling these two basic objectives. Some may minimize freedom, and some may minimize security. In varying proportions I think we are all honestly struggling to combine these two.

I do not believe this bill in its present form is good. The registration provisions will take years to operate as I have shown. In the meantime, the Communists will be at large and they will be security dangers.

I wish to emphasize that the real danger is in the possibiliy of espionage and sabotage, and not propaganda. The bill does not really provide security, but it can tremendously endanger freedom through false listings, through the vague definition of section 4 (a), and through the still loose wording, although it is better wording than before, of the definitions of so-called Communist-front organizations which may prevent people from forming any organization at all or joining any organization, lest it be so labeled.

What we may get are people who may be "goers along," people who never stick their necks out, for they will fear that if they do take stands on issues or join others to work on them, they may be improperly labeled and publicly discredited.

Mr. President, this country has grown great through the adventurous, free spirit and the clash of opinion. However brief the period in which we stay in the Senate, I think what makes our work valuable in the Senate most of all is the friendly clash of opinion. We find that people whose views differ from ours are often persons who have something to their case, and they may find we have something to ours. Out of the clash, if we allow the differences of opinion freely to play, we get a better decision.

What is true of the United States Senate should be true of America as a whole. If people become afraid to express their opinions, if discussion is shut out, public opinion will be frozen. The adventurous and inquiring spirit will die, and yet this country has grown great from the friendly difference of opinion and the ultimate reconciliation of these differences in a greater unity.

Mr. President, when I voted on the 12th of September in favor of the McCarran bill, I did so in the conviction at the time that my decision was correct. I felt that the security provision, the Kilgore bill, outweighed the possible loss of freedom in other clauses of the bill.

In the period between then and now two things have happened; something to me internally, and something to the bill externally. The bill has been substantially altered, so that it is even less of a security measure than it was before and a still greater invasion of freedom. Something has also been happening to me between that time and now. I do not want to make too great a personal revelation, but I can say that I have been extremely unhappy over the vote I then cast. I have had the feeling that I had made too great a sacrifice of freedom in behalf of security.

I have arrived at my present decision to vote to uphold the Presidential veto after real travail and suffering of soul, I can assure Senators. But ever since I have reached that decision, which was yesterday, I have sensed within me a strong feeling which I did not have before, that my feet are now set on the rock; that whatever might happen to me personally, I had made the correct decision. The inner voice, which in the long run is our best guide, whispers to me that I am now acting in conformity with the right. And according to that light, according to such imperfect wisdom as I may have—and I say this with no sense of self-righteousness—I shall vote to uphold the President's veto.

Mr. O'CONOR. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement outlining my views in regard to the President's veto of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Convinced as I am that the President's veto is not justified by the facts and by the law of this land and further is contrary to the views and wishes of the majority of our citizens, I could take no other course than to help in overriding the veto.

The anti-Communist bill is the result of extended study, lasting over a period of years. It received most careful consideration by our Judiciary Committee, which has the benefit of legal advices from authorities on constitutional law and from committees of the American Bar Association, strongly favoring this enactment.

An overriding consideration is the imperative need for statutory authority at once to deal with a clear and present danger to America's welfare. Subversives, including not only aliens in our midst but also citizens giving allegiance to a foreign power, are challenging the continued existence of our form of government. The law now before us strikes at the root of the vicious enemy action.

Under this legislation no loyal American and no alien conducting himself properly need fear any sanctions. Under it no man can be penalized for his beliefs, whatever they may be. Under it no act directed toward orderly changes in governmental processes through constitutional procedures is prohibited.

But under it, enemies of America, seeking to overthrow its institutions and to deliver it to a foreign power, are exposed for what they are—enemies of America. It is a legal, constitutional, necessary, and sound measure to perpetuate American ideals and American principles. I must have the courage of my conviction and vote for it, despite even the contrary opinion of the President of the United States.

Mr. MURRAY. Mr. President, at the outset of this debate I had intended to refrain from making any remarks on the pending measure, but as the debate has continued I have begun to feel that I should make a brief statement to justify the position I am taking in support of the President's veto.

Mr. WILEY. Mr. President, will the Senator yield to me for a question?

Mr. MURRAY. I yield.

Mr. WILEY. I think the Senator was present when I asked similar questions

of the Senator from Illinois [Mr. DOUGLAS]. I ask the question this time of the Senator from Montana for several reasons. The first reason is that the gentlemen who are reporting what is going on are no longer youngsters. They are tired and worn out. They have not had any rest. They have worked through the day and all night. I should like to find out from the Senator if he can tell us how long he intends to speak, and, second, if he knows of any other Senator on his side who wants to speak, and when we can expect a vote.

Mr. MURRAY. Mr. President, I can not give the Senator any assurance as to what other Senators are going to speak. There may be several other Senators who would like to express themselves on the pending measure before the time comes for a vote. So far as I am concerned personally, I do not intend to speak for any great length of time. I can assure the Senator that I certainly will not speak for more than an hour.

Mr. WILEY. I thank the Senator from Montana.

Mr. MURRAY. Mr. President, as I have stated, I did not at first contemplate speaking today at all. But we are meeting in a time of grave peril, when no man can honestly say that he knows what new dangers the future may hold. I believe it is important for all of us to think carefully about the situation which confronts us. I believe we should freely express ourselves. To refrain from speaking on an occasion of this kind when we feel deeply that we are supporting a just cause, would not be fair. I feel I am entitled to do so. I do not speak frequently or unnecessarily on the floor of the Senate.

I have listened with great interest to other Senators who have spoken, and I feel that their remarks have been very convincing. Certainly they have been effective upon my thinking. I am convinced, as I never was convinced before in my life, of the justice and righteousness of the position we are taking in supporting the President of the United States in his veto. The President has been advised by all the agencies under his direction as to the proper course to take. The bill has been analyzed carefully for him by the Department of Justice, Department of Defense and the Central Intelligence Agency and by the other agencies that have undertaken to advise him. In the Senate we have heard some of the most able discussions that have ever taken place on the floor of the Senate. I think they have been confined to the merits of the bill. No one has undertaken to attack or question the honesty or to impugn the motives of those supporting the pending measure. I personally believe that its supporters feel deeply that such a measure is necessary. On the other hand, I feel convinced, after listening to all the arguments that have been advanced here, that there is no need for the bill; that at least it is not needed to the extent that it purports to go, and that if it is enacted into law it will do more damage to our country than it will do good. I think that has been very clearly established by the discussions to which we have been listening during the day.

Mr. President, this is a time when we, as patriotic Americans, owe it to the heritage of our forefathers to put our country before any other consideration of a political or personal nature.

Most Americans have risen to this challenge to their patriotism. I want to say bluntly to you that a minority have not risen to this challenge. They are seeking to play politics with our country's misfortunes.

The perils we face today are twofold.

One threat comes from abroad.

The other danger lies within our own boundaries.

The threat from overseas is that of Communist force, directed by men who worship no God and have less respect for the rights of an individual than you or I have for the rights of animals.

To the men who direct the Communist assault on freedom, mankind, whom God endowed with souls and minds, is nothing more than a group of robots or zombies to be used to achieve power for those who seek to substitute police state regimentation for democratic freedom.

Chief Justice Hughes declared a decade ago:

"The greater the importance of safeguarding the country from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press, and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government." *De Jonge* v. *Oregon* (299 U. S. 353, 365). These words have apt application to the present problem. If it be true, as the bill before us seeks to declare, that our American institutions are threatened by advocacy of a totalitarianism alien to our traditions, we must meet the threat not by direct or indirect repression but by the "free political discussion" which is the very cornerstone of democracy. And in this connection it is well to recall Mr. Justice Jackson's observation that "freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order." *West Virginia State Board* v. *Barnette* (319 U. S. 624, 642).

It is becoming increasingly clearer every day that the proposed legislation we are considering will not drive the Communist Party above ground, as its sponsors state, but will, instead, greatly accelerate its movement underground.

The result will be a serious blow to our internal security, since the bill will damage the effectiveness of our counterintelligence operations against Communist espionage, sabotage, and subversion.

Recent FBI reports unmistakably indicate that the active pendency of this proposed legislation has already caused the Communist Party to greatly accelerate its movement underground. Among other things, the party is shuffling its leadership, destroying its records, and urging its members to join respectable organizations, such as churches and nursery schools.

This situation is high-lighted by a news story in the New York Times of September 1, 1950, on page 4, from which I shall quote. The New York Times indicated that the Communist Party was "planning to go entirely, or almost entirely, underground after the Wood bill was enacted into law." The same story also indicates that the party is preparing a "cover" for secret Communists.

The following is the New York Times story to which I have just referred:

Henry Winston, national organizational secretary of the Communist Party, set a 30-day deadline yesterday for the completion of the party's own registration of members, before the Wood bill becomes law.

The Wood bill was passed by the House of Representatives Tuesday by a vote of 354 to 20. Introduced by Representative JOHN S. WOOD, of Georgia, chairman of the House Committee on Un-American Activities, the bill requires the Communist Party to register and list all its members, and report on all their activities. It also requires officers of Communist "front" organizations to register.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. MURRAY. I yield.

Mr. FERGUSON. The question is this: Can the Senator from Montana cite the provisions or words or paragraphs of this bill which, in his opinion, outlaw the Communist Party?

Mr. MURRAY. The purport of the bill in its entirety has that object in view. I do not have the bill available to me now, and I cannot point to those portions, offhand. I would have to look it over to find them. I got a great deal of the information which I have regarding this measure from the remarks made on the floor of the Senate by Senators who, from time to time during the debate, have quoted the various portions of the bill. They impress me as having that effect.

Mr. FERGUSON. Mr. President, will the Senator yield for another question?

Mr. MURRAY. I yield.

Mr. FERGUSON. I have been over this bill a great number of times. I have challenged, here on the floor of the Senate, statements similar to those just made by the Senator from Montana, when made by other Senators; and I have asked the Senators who made such statements to indicate whether there is in this bill any provision which would outlaw the Communist Party.

I have heard the Governor of New York cited two or three times on this same point. I think it is material, for purposes of the RECORD, that we ascertain the provision or provisions of the bill which would outlaw the Communist Party.

Mr. MURRAY. I think the entire purport of this bill is to drive the Communist Party underground. That is the thought I have about the bill. Its entire effect will be to make the Communists go underground and to make it much more difficult and dangerous to meet the threat they constitute.

Mr. FERGUSON. Mr. President, will the Senator yield on that point?

Mr. MURRAY. I yield.

Mr. FERGUSON. Is the Senator from Montana familiar with the statements—particularly those of J. Edgar Hoover, as published in the United States News and World Report—in

which it is indicated that the Communists now are underground and have been underground, and that that is the way they work?

Mr. MURRAY. I suppose they work both underground and above ground, because I understand that Mr. J. Edgar Hoover has records showing that there are 55,000 members of the Communist Party in the United States. Of course, I am not familiar with the operations of the Communist Party, and I would not be able to vouch for any of those statements. I have simply become impressed, as a result of the debate which has occurred, that this measure would have that effect.

Mr. President, I read further from the New York Times article:

In Washington committee members indicated suspicion the party registration was an attempt to obstruct the proposed new law.

Winston, one of the party's 11 leaders convicted last year of conspiracy to advocate violent overthrow of the Government, but out on bail pending completion of appeal procedure, was quoted in yesterday's Daily Worker, the party's propaganda organ.

He said the annual registration of party members has been going on for some weeks to safeguard the welfare and liberties of party members and others who share their views for peace and against fascism. In view of the quick progress of the Wood bill, he said, the party's registration must now be rushed to completion.

PARTY SEEN GOING UNDERGROUND

To those familiar with Communist terminology, Winston's statement indicated the party was planning to go entirely or almost entirely underground after the Wood bill was enacted into law. It also is believed to indicate the party is preparing a cover for secret Communists, is conducting or getting ready for a purge of unreliables and is consolidating the hard core of party activists for whatever may lie ahead.

The statement called for a qualitative strengthening of the party's work and higher standards of membership.

Winston used Aesopian language, or Communist double-talk, as it was called by Federal Judge Harold R. Medina in last year's Communist trial, to call on members to work more intensively for class war in this country. He urged them to stir up labor troubles, fight this country's foreign policy, and collaborate with the Soviet Union for peace.

In an apparent allusion to recent defections from party ranks, he said anyone could join or leave the party voluntarily.

"Only those who have been registered by the party in the current registration," he added, "Will carry the great honor that goes with membership in the Communist Party."

Mr. President, countries outlawing the Communist Party seem to fall into three categories: First, those engaged in a reign of terror against all opposition movements; second, those which utilize the small Communist opposition as a scapegoat for all ills, and by creating a scapegoat detract from internal difficulties; and (3) those democracies which outlaw the Communist Party as a foreign menace.

The best example in the first category is Greece, which, while engaged in a civil war, outlawed the Communist Party on December 29, 1947. The law is administered by the military, rather than civil, authorities. Greece had passed a similar law in 1929, but it had not been enforced in recent times.

From the time the party was outlawed, arrests running to the thousands were made; 3,000 persons were arrested at one time December 1948; over 3,000 persons were sentenced to death. The New York Times reported on May 23, 1948, stated: "But it is just as true that the spreading threat of communism has resulted in non-Communists adopting or intensifying similar methods of repression against leftists." Greek secret police are "no better if not worse than the Yugoslavian OZNA. They don't know the difference between a Communist and a democrat." Great Britain twice protested to the Greek Government this reign of terror.

The best example of the second class is Paraguay. Dictator Mirengo outlawed the Communist Party on January 16, 1947, at a time when the Government was on an extremely weak footing. There had been constant outbreaks of a non-Communist nature. For a year following the ban, a state resembling civil war continued, and always the Communists were blamed for the uprisings. The Government issued numerous releases that Communist plots were being frustrated. Finally on August 19, 1948, Mirengo was forced to resign; and a new president stated that "the old regime had exaggerated the Communist menace." He estimated the number of Communists in the country at 3,000. On January 31, 1949, there was still another coup d'etat; and on March 30, 1949, all political prisoners were freed.

In the third category, Canada was undoubtedly the most democratic government to outlaw the Communist Party. The Communist Party in Canada was outlawed in 1932. This law was repealed in 1936, reenacted in 1940, and once again repealed in 1945. In 1940, the leaders of the Communist Party went into hiding for 2 years. In 1945 it changed its name to the Labor Progressive Party.

The peak of the Communist Party strength in Canada was in 1945 when it received 111,892 votes for the national election. The Labor Progressive Party has been legal since 1945 and in the elections last year, it received only 32,623 votes, electing only two members of Parliament.

On May 22, 1950, by a vote of 147 to 32, the House of Commons defeated a motion to outlaw all Communist activity.

Brazil, having the largest Communist Party in the Western Hemisphere, outlawed the party on May 8, 1947. In January of 1947, the party had polled 500,000 votes in the national election, about 10 percent of those cast. The party had been underground between 1922 and 1945. A few months after it was again legal, it claimed that it had 150,000 members. A probably more accurate estimate made by the New York Times was that there was 60,000 card-carrying members and 300,000 fellow-travelers.

Following the outlawing in 1947, there was much sabotage, labor unrest and minor uprisings, all attributed by the government to the Communist Party. On January 2, 1950, the New York Times reported that "despite the undoubted great power of the Roman Catholic Church with the threat of excommunication and the combined efforts of the Army and the political police, the Communists still have a well-knit underground organization of perhaps 40,000 to 50,000 card-carrying members and untold thousands of sympathizers." Though illegal, it still manages to print 20 newspapers throughout Brazil.

On January 6, 1950, the police began to seize all Communist newspapers to which the Brazilian Press Association objected.

Nicaragua outlawed the Communist Party on January 24, 1949. For the next year, a number of arrests among Communists were made, but on February 2, 1949, all political prisoners were released.

Costa Rica outlawed the Communist Party on July 19, 1948. In the elections of December 9, 1948, the members of the party were instructed by its leaders in exile to vote for the constitutional party, an extreme right wing group. This party placed second in the election although very far behind the government party which won overwhelmingly. On August 18, 1949, the Election Tribunal canceled the registration of the National Democratic Party because 18 of its candidates were members of the outlawed Communist Party.

Chile outlawed the Communist Party on September 3, 1948, at a time when the Communist Party claimed 50,000 members. On November 21, 1948, the President of Chile declared that "Fascists are the real threat in South America." Sixty persons described as Fascists were arrested in an abortive uprising. On December 21, 1948, a Polish news agency reported that a Communist-led underground was planning to seize power in Chile. Yet on January 28, 1949, more than 700 Communists were ordered released from prison camps. The President expressed confidence in the final victory of the democratic elements in that country.

In the elections of 1948, the National Democratic Front, a Communist group, elected six deputies but no senators. In the previous congress, the Communists controlled 15 deputies and 5 senators. Two senators not up for election still remained. This vote was used to show the declining power of the Communists, but it was not a well-controlled test since along with outlawing the Communist Party all members of that party were disenfranchised. Therefore, it is difficult to tell how strong the party is in Chile. According to Newsweek of August 29, 1949, the Chilean Communist Party is underground but still active.

The Philippine Republic outlawed the Communist Party on October 17, 1948, because they were supposedly leading the Hukbalokop rebellion, which grew out of anti-Japanese resistance during the war. According to Newsweek—

The Huk's reputedly number 20,000 to 30,000 members, with a supporting periphery of about 200,000. The government continues to wage an indecisive struggle against them but its own internal corruption wins more and more popular sympathy from the hearts of people who are not Communists.

In Mexico, the Ministry of the Interior rejected the application of the Communist Party for official registration in March of 1949. Since then there have been a few reports that the Communists have attempted to overthrow the government. According to the New York Times of January 4, 1950, communism in Mexico is losing ground. In the last election the Popular Party, a Communist front, made a very poor showing.

Lebanon outlawed the Communist Party on July 28, 1949. The party has gone underground and the government finds it difficult to check its activities. Some arrests are now being made on a small scale.

Syria outlawed the Communist Party on April 7, 1949. Since then, all political parties have been abolished. No reports have been found on present Communist activities.

Korea for a period of close to 2 years, preceding the present war, had engaged in a reign of terror against Communist elements. According to the New York Times of January 31, 1950, most observers felt that this reign of terror produced more rather than less sympathizers. Reports during the present conflict would tend to substantiate the contention that communism in South Korea was by no means destroyed as a result of this reign of terror.

Mr. President, history is filled with examples of temporary mob excitement, stirred by false or exaggerated charges, resulting in injury to innocent people. On various occasions down through the years, mass hysteria has gripped the populace for temporay periods, resulting in a witch hunt. There is a common pattern in the development of this hysteria. Usually, it takes root in an atmosphere of war, severe economic crisis, or a threat of either; insecurity is a fruitful breeding ground for such a movement. In such an atmosphere, demagogs or other unprincipled individuals can more easily stir up emotional and irrational fear. Charges are hurled indiscriminately to an extent that they are directed at palpably innocent individuals. Frequently, some of the precious civil rights for which men have fought centuries to establish are thrown to the winds in the wild effort to make some of the charges stick. The demagogs play upon ignorance and superstition in an attempt to inflame mob excitement. In the name of a false type of patriotism, individuals or ideas are attacked as "foreign." Racial, religious, and class animosities are stirred up in an effort to add fuel to the flames. Frequently, smear attacks are directed against individuals who are the stanchest advocates of liberal and progressive principles; in this way, the opponents of such principles endeavor to undermine public support of liberalism.

It is the purpose of this study to investigate and report on several examples of mass hysteria and witch hunting in American history, and to analyze the causes and symptoms of each outbreak. This may furnish some clues to ways and means of identifying such movements in the future, as well as helping to treat these problems dispassionately and in keeping with the spirit of our free institutions.

Such a study is vital at the present time, when the free peoples of the world have come to look to the Untied States as the champion of freedom and liberalism. Obviously, we must reject any move to foist totalitarianism upon us at home while we fight it abroad. If we wish to retain the confidence of free peoples, we must continue to set an example in our daily lives by deed as well as by word. We must be on guard against those who would have us carry on a degenerating witch hunt, particularly in these critical times.

I. WITCHCRAFT IN SALEM, MASS., 1692

A. BACKGROUND

The famous Salem witchcraft "delusion" was a startling demonstration of the way in which mob hysteria can deprive the individual of common justice and also have serious consequences for innocent people. The number of actual executions—20—was small in comparison with the mass murder of Jews by the Nazis. Nevertheless, there were some of the same elements of primitive violence involved on a localized scale.

The early settlers had a deep-seated fear of having their villages attacked by the Indians.

There were several other unsettling factors which made the community of Salem more susceptible to the type of hysteria which followed. The colony had recently lost its original charter. Land titles had been issued under the charter, and these titles had been invalidated by the revoking of the charter.

Communication with Boston was very bad. Lawlessness along the coast, in the form of hostile privateering, was increasing. The new governor of Massachusetts, Sir William Phips, was generally regarded as incompetent, and did little to suppress privateering. Taxation in this period was unusually burdensome. There were few large estates or wealthy people to carry the load, so that it fell with crushing weight on the struggling, small settlers.

At that time, a certain credence was placed in witches, demons, and other variations of Satan's evil devices. The threat of the devil was a popular theme for use against wavering members of congregations.

B. THE IMMEDIATE CAUSES OF THE HYSTERIA

Rev. Samuel Parris, the minister of Salem Village, had two slaves in his household, John Indian and his wife Tituba, whom Reverend Parris had brought with him from the Barbados. The younger girls of the community, including Reverend Parris' daughter Betty, soon discovered that Tituba had a fascinating grasp of the art of fortune-telling, the secrets of which she was willing to pass on to eager young listeners.

Of course the elders of the village would have frowned on these secret sessions with Tituba, had they known about them, so the youngsters were in mortal fear of being discovered doing something they felt was wrong. But at the same time, they developed an intense craving for more information about the unknown. This conflict was bound to have an effect on those who were unstable emotionally. Gradually, the young girls began to exhibit disturbing symptoms, such as weeping day-dreaming, incoherent speech, and, in more serious cases, convulsions.

Dr. William Griggs was called in to examine the malady, and he tried to diagnose it. Unable to discover what was wrong, he finally concluded that these girls were influenced by an evil spirit.

C. THE HYSTERIA GRIPS SALEM

Induced to name their "tormenters," the girls soon implicated Tituba and several others. Court was set up at the corner of North and Essex Streets, Salem, to hear charges.

Charges, counter charges, and widespread name-calling followed as the excitement mounted to a fever pitch. The number of bewitched girls and the number of accused witches both increased rapidly as time went on. In some cases, individuals were accused because of petty feuds or jealousies. Many were accused on the basis of spectral evidence—i. e., the afflicted person claimed that the shape of the accused had cast its spell. Needless to say, such evidence was difficult to refute. At each denial by the accused in the courtroom, the afflicted girls would scream or fall into convulsions—convincing most people present that this was indeed proof of witchcraft.

The plague of hysteria swept through Salem, and no individual seemed entirely safe from accusation. It was impossible to tell where the finger of suspicion would fall next, for some of the most respected citizens of the community were accused and hustled off to prison on the flimsiest evidence. The overwrought populace even reached up into Maine to drag back and hang Rev. George Burroughs, who 10 years before had been Salem's pastor and whose spectral shape was accused of witchcraft. All in all, 19 persons from Salem—mostly women—were hanged on Gallows Hill and one was pressed to death—all in response to the demands of the accusers and the vigilance of Reverend Parris in trying to drive out the devil.

D. CONCLUSIONS

In the fall of 1692, the hysteria passed its peak and started to decline. When the accusations touched more and more people close to the very prosecutors and ministers themselves, the populace was shocked into a realization that the community was slowly committing suicide.

In subsequent years, many of the accusers and prosecutors publicly confessed their error for the part they had played in the witchcraft hysteria. Property was restored to the heirs of those who had been murdered by hysteria, and their names were publicly cleared. The witch hunt was forgotten, but the same type of hysteria cropped up in later years in emotional name-calling and accusations which injured innocent people.

I could go on at great length discussing the outbreak in Salem in the early part of the history of the country, but I do not think it is necessary. I have before me an excerpt from a broadcast by Charles Collingwood, of the Columbia

Broadcasting System, delivered on Saturday, August 26, 1950, which I should like to read:

Do you remember back a couple of years ago when a couple of contestants for the Republican Presidential nomination named Thomas Dewey and Harold Stassen had a debate on the wisdom of outlawing the Communist Party? That debate has never died down. It is going to be renewed next week in the Halls of Congress. Both Houses of Congress will take up Communist-control bills. The two best known are the Mundt-Ferguson bill and a bill introduced by Senator MCCARRAN. Both have many common features, the most significant of which is the proposal that Communists and members of Communist-front organizations be forced to register and suitably to label all of their activities. The purpose is to smoke out Communists and to set up such legal barriers as would make it impossible for them to frustrate the policies of the United States Government. It's a purpose with which few in this country would disagree, and certainly not the administration which has gotten into so much trouble over the Communist question that it couldn't afford to be soft toward Communists even if it wanted to.

Yet President Truman is so opposed to these bills that he has made no secret that he will veto them if they ever get to his desk. The Justice Department and the FBI are opposed to them. So is a long list of eminent and politically irreproachable citizens and groups. Now, why? The reasons for the bills are clear enough, what are the reasons against them? Well, there are three categories of opposition: 1, the civil-rights angle; 2, the constitutional question, and 3, whether these bills will help control Communists or not. I only want to talk about one of these tonight. Plenty has been said already about the civil-rights angle. The constitutional question is too technical to be discussed here, but the practical problem of whether or not these bills would do what they are designed to do has received little attention.

The administration sees the job of coping with Communists in this country as basically a counterintelligence job, of coping with enemy agents. And our intelligence people, including the FBI, are practically unanimous in saying that the worst way to catch spies is to handle them the way these bills would do.

Mr. KNOWLAND. Mr. President, will the Senator yield for a question?

Mr. MURRAY. I am trying to finish my address, in order to comply with the desires and wishes of other Senators who made inquiry of me a few minutes ago. I promised I would take no more than 1 hour. I wish to conclude.

Mr. KNOWLAND. I am very much interested in listening to the able address of the Senator from Montana. I understood him to say in his remarks that among the groups which had come out against these bills had been the FBI. I should like to ask the Senator on what he bases that information.

Mr. MURRAY. I did not say that they had come out against the bills. I said the administration sees the job of coping with Communists in this country as basically a counterintelligence job, of coping with enemy agents. And our intelligence people, including the FBI, are practically unanimous in saying that the worst way to catch spies is to handle them the way these bills would do. That is what I read.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. MURRAY. Yes.

Mr. FERGUSON. From what statement of Mr. Hoover is that quotation taken?

Mr. MURRAY. I am not quoting from Mr. Hoover's statement. I am quoting from a radio address delivered by Charles Collingwood, of the Columbia Broadcasting Co., delivered on Saturday, August 26, 1950, at 11 p. m.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. MURRAY. Yes. I am glad to yield for a question.

Mr. KILGORE. Will the Senator from Michigan state when J. Edgar Hoover said he wanted this bill passed? The same statement has been previously made on the floor of the Senate. I have heard it reiterated.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. KILGORE. He said that he would not interfere with legislation.

Mr. MURRAY. I decline to yield for anything but a question.

The PRESIDING OFFICER. The Senator from Montana declines to yield.

Mr. MURRAY. Mr. President, I continue:

In the first place, a spy has to have what intelligence agents call cover, a respectable front behind which he can operate. Intelligence authorities say that the provisions of the proposed bills, in seeking to put the finger on Communist-front organizations, would affect so many non-Communists, that instead of isolating the real Reds, it would give them perfect cover by lumping them with all the misguided or stupid or idealistic who have strayed from the path of political orthodoxy. Moreover, the bills would raise so many new legal questions that a guilty Communist could keep his case in the courts for years before a final conviction. The Justice Department also maintains that it would put a tremendous burden—the Attorney General calls it an intolerable burden—of administration on the Department, and thus hamper the real job of counterintelligence. As one counterespionage expert put it, we want a bill to catch spies, not headlines. It's the Administration's contention that the present laws which have caught Harry Gold, and the rest are adequate to do the job. All it wants is to plug the loopholes. That's what President Truman has asked for, and modest bills to tighten up loopholes are now before both Houses. But this is an election year, and while Members of Congress are anxious to catch spies, they also are not averse to catching a few headlines. It's almost a foregone conclusion that a much broader and more ambitious bill than the President and our counterintelligence experts want is going to pass.

Mr. President, I should now like to call attention to the views of Paul H. Jensen—crack wartime counter intelligence officer, lifelong Republican, and for the past 4 years executive secretary of the Eau Claire, Wis., Chamber of Commerce—about effective legislative methods of dealing with Communists in the United States.

I have here an excerpt from the August 21, 1950 radio program of Frank Edwards, spokesman for the American Federation of Labor, dealing with this subject. This program was broadcast over the Mutual Broadcasting System at 10 p. m., eastern daylight saving time, August 21. Mr. Jensen, who was the guest speaker on this program is a native of Wisconsin and a graduate of the University of Wisconsin and its law school. During his university days he was a crack athlete, winning seven varsity letters in football, track and golf, and making the All Big Ten Conference team as tackle. Jensen, who is now 35 years old, entered the Army in 1941 as a private and was separated in 1946 as a major. Almost all of his Army career was as a counter intelligence officer. He was regarded as one of the crack members of the Counter Intelligence Corps. Among other things he served as commanding officer of the Seventh Army Counter Intelligence Corps under General Patton, as commandant of the Counter Intelligence Corps School in Africa, which trained all CIC for the Sicilian and Italian operations and as a counter intelligence staff officer with the Ninth Army and with SHAEF. He won the Silver Star medal for heroism. After the war he became executive secretary for the Chamber of Commerce of Eau Claire, Wis., and has held that position for the past 4 years. He has been a lifelong Republican.

As Mr. Jensen indicated in last night's broadcast, he is strongly opposed to the Mundt-Nixon bill—now usually known as the Mundt-Ferguson bill, S. 2311—and the McCarran bill, S. 4037, which he regards as bungling amateurish attempts at counter intelligence designed to catch headlines but not spies.

On the other hand, Jensen strongly favors the administration bill on this matter, S. 4061, which he describes as a bill which has been drafted by professionals in the field of counter intelligence.

Here are some excerpts from Frank Edwards'—A. F. of L.—MBS radio broadcast of Monday, August 21, 1950:

Mr. EDWARDS. In your opinion, Mr. Jensen, is the Mundt-Nixon bill an effective method of dealing with Communists in the United States?

Mr. JENSEN. No, it is not, Mr. Edwards, and there are sound reasons behind that rather vehement "no." First off, as an attorney, I believe the registration section of the bill is definitely in violation of the first and fifth amendments of the Constitution, but that is for more able attorneys and judges than I to decide. My principal objections are more on the "meaty" side, if you will, relative to the practicability of the Mundt-Nixon bill, its chances for success and the harm it might do.

I believe Senator MUNDT and Representative NIXON have highly laudatory intentions, but their craft isn't seaworthy for the following reasons quite aside from the constitutional issues:

First. Assuming this bill should be passed, how long will it be before one subversive or one enemy agent actually ends up behind bars? I predict it would take years because first, the control board established by the bill must register the Communist organization and its individuals. The organization has the right to appeal to the District Court of Washington, D. C., and, in turn, upon certiorari to the United States Supreme Court. This means, in turn, that 2 to 3 years could easily elapse before an individual was required to register. I've known many Communists, here and abroad, and

they will seek every legal loophole relative to delayed hearings and review to escape prosecution. Thus, it might be 4 or 5 years, or more, before any one agent actually is jailed.

Further, relative to the impracticability of the bill, can you imagine a dyed-in-the-red-wool Communist running to the United States Attorney General hollering, "Hey, I'm not on the list, I'm a Communist, I'm out to overthrow your Government." I hardly think so. That's like asking all saboteurs, enemy agent, thugs, and slugs to immediately turn themselves in to the nearest police station.

Senator MUNDT claims that his bill will expose the Communists, drive them into the open, expose them to the full glare of public disapproval. Well, sir, as a counterintelligence expert, and I believe after 6 years' experience I qualify as such, I disagree. On the contrary, this bill, if passed, would drive the Communists underground. History is a stern teacher and we might well pay attention to some of her lessons.

Did you know that Russia was the first country in the world to outlaw the Communist Party? In 1917 Lenin and Trotsky were exiled. Communists by the thousands, that is, the so-called "exposed Communists," were exiled to Siberia. Yet, within a few short months, fewer than 6,000,000 nonregistered Communists took over a nation of 180,000,000 Russians.

And another example, Czechoslovakia in 1940 outlawed the Communist Party. It went underground. The Communists came out of their holes in 1946, when American troops were withdrawn, and we can chalk up another nation for the Reds.

And closer to our own borders, Canada in 1929 passed a law rather similar to Senator MUNDT's proposal. Net result, the law was repealed in 1936 because communism flourished. Under pressure, a stronger version of the law was again passed in 1940. What happened? The most powerful atomic spy ring in world history sprang into existence. Needless to say, Canada has again repealed her version of the Mundt-Nixon bill.

And as a life-long Republican I've another reason for opposing the Mundt-Nixon bill. It creates yet another governmental agency. There's a bit of the spy in all of us, but darned if I want another police agency created. Those we have, particularly the FBI, are professionals, know what they're about and do not infringe upon personal liberties. We've had too many amateurs messing in this spy-catching business.

Mr. EDWARD. Well, Jensen, that makes some sense. But constructively, what do you have to offer? What is your opinion of the President's proposal for dealing with subversives?

Mr. JENSEN. Well, sir, few people, other than subversives, realize it, but we presently have 27 laws on the books which deal with espionage, sabotage, subversives and other undesirables. We have a good framework of law established during this Nation's history of freedom. All of our action founded upon the Constitution, the Bill of Rights, with due regard to due process of law. These are sound laws which protect the innocent from hysterical charges and now is certainly no time for hysterical, ill-conceived legislation. Answering your question specifically, Frank Edwards, there is a bill before the Senate which makes sense. It follows the security proposals suggested by the President. It has been drafted by experts, including the Department of Justice and our armed services Intelligence Divisions. This bill operates within the framework of existing and tested law. It does provide for the tightening up of our espionage and sabotage laws (largely through more precise definition) and extends additional powers to the Attorney General over undesirable aliens. The bill is a Senate proposal sponsored by the administration. This bill, drafted by professionals, is designed to catch spies, not headlines.

Mr. President, I wish now to call attention to existing laws relating to the national security and their recent enforcement.

TREASON

Title 18, United States Code, page 2381, embodying a constitutional definition of treason, article III, section 3, provides that "whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason." Since the beginning of World War II, successful prosecutions for treason have been had in the cases of Douglas Chandler (171 F. 2d 921, certiorari denied 336 U. S. 918), Robert Best, Mildred Gillars (Axis Sally), Ida D'Aquino Toguri (Tokyo Rose), Martin James Monti, Herbert Burgman, and Tomoya Kawakita. Ezra Pound was declared insane and was not brought to trial.

SEDITIOUS CONSPIRACY

Title 18, United States Code, page 2384, provides that—

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $5,000 or imprisoned not more than 6 years, or both.

ADVOCATING OVERTHROW OF THE GOVERNMENT

Title 18, United States Code, page 2385—the Smith Act or Alien Registration Act of 1940—prohibits advocating and teaching, or organizing a society or group to advocate and teach, the overthrow or destruction of any government in the United States by force or violence, or conspires or attempts to do either of these things. In *Dunne* v. *United States* (138 F. 2d 137, certiorari denied, 320 U. S. 790, rehearing denied 320 U. S. 814, 815), the Smith Act was applied to convict 18 leaders of the Socialist Workers' Party—Trotskyite Communists. More recently, in *United States* v. *Dennis et al.*, 11 leaders of the Communist Party of the United States were convicted on a charge of conspiracy to advocate and teach the overthrow and destruction of the Government of the United States by force and violence, and to organize the Communist Party of the United States to so teach and advocate. On August 1, 1950, the Court of Appeals for the second circuit affirmed this conviction and upheld the validity of the Smith Act, as the Court of Appeals for the eighth circuit had done in the Dunne case.

ACTIVITIES AFFECTING THE ARMED FORCES

Title 18, United States Code, page 2387, provides that—

(a) Whoever, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States:

(1) advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

(2) distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States—

Shall be fined not more than $10,000 or imprisoned not more than 10 years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the 5 years next following his conviction.

(b) For the purposes of this section, the term "military or naval forces of the United States" includes the Army of the United States, the Navy, Marine Corps, Coast Guard, Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve of the United States; and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel.

Title 18, United States Code, page 2388, provides that:

(a) Whoever, when the United States is at war, willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or

Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service or the United States, or attempts to do so—

Shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

(b) If two or more persons conspire to violate subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in said subsection (a).

(c) Whoever harbors or conceals any person whom he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this section, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

(d) This section shall apply within the admiralty and maritime jurisdiction of the United States, and on the high seas, as well as within the United States.

The case of William Dudley Pelley illustrates the application of title 18, United States Code, page 2388 (*United States* v. *Pelley* (132 F. 2d 170 (App. D. C.), certiorari denied, 318 U. S. 764, rehearing denied, 318 U. S. 801)).

REGISTRATION OF FOREIGN AGENTS

Title 22, United States Code, page 611, and following—the Foreign Agents Registration Act—provides for the registration with the Attorney General of agents of foreign principals and for the labelling of political propaganda, as defined in the statute, disseminated by such foreign agents. An important successful prosecution under this statute was that of George Sylvester Viereck (*Viereck* v. *United States* (139 F. 2d 849, certiorari denied, 321 U. S. 794)). More recently, Amtorg Trading Corp. plead nolo contendere to a charge of failure to register, and thereafter registered.

SABOTAGE

Title 18, United States Code, pages 2151–2156, contains detailed criminal provisions relating to sabotage. The absence of prosecutions under this statute reflects the fact that there have been no known successful attempts at sabotage in recent years.

ESPIONAGE

Title 18, United States Code, chapter 37, deals with espionage. While these statutes need tightening up in the respects requested by the President, they are being currently employed to prosecute Harry Gold and others who worked with the spy Fuchs. Previously, convictions were obtained against Judith Coplon and Valentine Gubitchev.

PERJURY AND THE MAKING OF FALSE STATEMENTS

Title 18, United States Code, page 1621, provides that:

Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than 5 years, or both.

Title 18, United States Code, page 1001, provides that:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device, a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

The applicability of these statutes to Communist and other totalitarian threats to the security of the United States may not be readily apparent. However, it must be understood that these are powerful weapons against the secrecy and mendacity which are the necessary cloaks of subversive activity. For example, the recent successful prosecutions of Alger Hiss and Harry Bridges were based upon the perjury statute. Carl Marzani was convicted under title 18, United States Code, page 1001, for falsely stating to his superiors in the Government service that he had never been a Communist (*Marzani* v. *United States* (168 F. 2d 133, affirmed and reaffirmed, 335 U. S. 895, 336 U. S. 922)).

Under a similar false statement provision in the passport statute, now title 18, United States Code, page 1541, the Communist Leader Earl Browder was convicted of making false statements to obtain a passport (*Browder* v. *United States* (312 U. S. 335)).

EXCLUSION AND DEPORTATION OF ALIENS

Title 8, United States Code, pages 137 and 155, generally provide for the exclusion or deportation from the United States of aliens who advocate or teach the overthrow by force and violence of the Government of the United States. Such advocacy at any time after entry requires the deportation of an alien. During the years 1947–50, approximately 200 Communists were excluded at the borders and seaports. Two hundred and twenty-one deportation cases based on such charges against Communists are now in process. There are outstanding orders for the deportation of about 150 Communists; the difficulty in finding a country that will accept them led to the President's request for special surveillance powers.

GOVERNMENT EMPLOYMENT

Executive Order 9835 of March 21, 1947, which is based in part upon section 9A of the Hatch Act, provides a comprehensive program for excluding and removing from the Federal Civil Service any person as to whom reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States. Among the factors to be considered in making such loyalty determinations is—

Mr. President, I ask unanimous consent that a quotation from the bill, which I have before me, in connection with the point I am now making, be printed at this point in the RECORD, as a part of my remarks.

The PRESIDING OFFICER (Mr. O'CONOR in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Membership in, affiliation with, or sympathetic association with any foreign or domestic organization, association, movement, group, or combination of persons, designated by the Attorney General as totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

Mr. MURRAY. Mr. President, pursuant to Executive order, the Attorney General has designated 159 organizations as totalitarian, Fascist, Communist, or subversive, and so forth. The results of this program as of June 30, 1950, may be summarized in part as follows: more than 2,000,000 employees were checked by the Federal Bureau of Investigation; full field investigations were had in about 12,000 cases; 128 incumbent employees were dismissed and 102 applicants and conditional appointees were excluded from Federal employment.

The validity of the loyalty program has been sustained in the lower Federal courts and is presently before the Supreme Court in three cases.

Existing Federal statutes confer powers of summary discharge upon the Atomic Energy Commission, the Department of State, and National Defense. In addition, H. R. 7439, now pending before the President, would extend such powers to certain other agencies of the Federal Government.

PASSPORTS

Title 22, United States Code, page 211, confers upon the Secretary of State discretionary authority to issue passports. This power may be and is used to deny passports in the interests of the United States. A recent example is the denial or cancellation of a passport to Paul Robeson.

TAX DEDUCTIONS AND EXEMPTIONS OF SUBVERSIVE GROUPS

In the administration of the tax laws, the Commissioner of Internal Revenue denies exemption from income tax under section 101 of the Internal Revenue Code to subversive organizations, and denies allowance of deductions in tax returns for contributions made to such organizations. The International Workers Order, the Joint Anti-Fascist Refugee Committee, and the National Council of American-Soviet Friendship are examples of organizations which have been denied such exemptions and deductions.

Mr. President, in order to hasten the proceedings in connection with the presentation of my remarks, I ask unanimous consent that the balance of my statement may be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MURRAY

THE LEGISLATIVE RECOMMENDATIONS MADE BY THE PRESIDENT IN HIS INTERNAL SECURITY MESSAGE OF AUGUST 8, 1950, TO CONGRESS

In his message of August 8, 1950, to Congress, the President stated:

"We must have effective internal security measures to prevent acts which threaten our national safety.

"These measures must be accurately devised to meet real dangers. They must not be so broad as to restrict our liberty unnecessarily, for that would defeat our own ends. Unwise or excessive security measures can strike at the freedom and dignity of the individual which are the very foundation of our society—and the defense of which is the whole purpose of our security measures.

"In considering the laws that are needed to protect our internal security against Communist activities, we should remember that we already have tested legal defenses against treason, espionage, sabotage, and other acts looking toward the overthrow of our Government by force or violence. Strong laws exist on the statute books—a number of them enacted or strengthened in recent years—under which we have proceeded and are proceeding vigorously against such crimes.

"The treason laws make it a crime for anyone owing allegiance to the United States to levy war against his country, to give aid and comfort to its enemies, or to conceal knowledge concerning treasonable activities.

"The espionage laws make it a crime to gather, give, receive, or transmit documents or similar materials concerning the national defense of the United States with intent or reason to believe that they are to be used against the interest of the United States. Furthermore, these laws make it a crime for anyone who has national defense information to communicate it to any person not entitled to receive it.

"The sabotage laws make it a crime for anyone, with intent to interfere with the national defense, to attempt to injure or destroy material, premises, or utilities which are important to the national defense.

"There are other laws which make it a crime for two or more persons to 'conspire to overthrow, put down, or to destroy by force the Government of the United States * * * or by force to prevent, hinder, or delay the execution of any law

of the United States.' There are also laws which make it a crime to advocate or teach the overthrow of the United States Government, or any State or local government, by force or violence, to organize any group for that purpose, or to be a member of such a group, knowing its purpose. In 1948, 11 of the most important leaders of the Communist Party in this country were indicted under these laws. After a long trial, all were convicted, and their conviction was affirmed by an appellate court on August 1, 1950.

"In addition to the criminal laws outlined above, there is a set of laws governing immigration, naturalization, and travel between our country and others. These laws permit the Government to exclude or deport any alien from this country who may be dangerous to our internal security, and to forbid or to regulate the travel abroad of United States citizens who may be engaged in subversive activity.

"The laws I have been describing apply to private citizens and groups. A special set of laws and procedures applies to Government employees. Here our purpose is to exclude or remove from Government service persons who may be disloyal, even though they have committed no crime, and to keep from positions of importance persons who cannot be trusted to maintain security regulations, even though they may be loyal citizens and satisfactory employees in all other respects.

"More than 3 years ago, the executive branch revised and improved its procedures for dealing with questions of employee loyalty and security. These new procedures have proved effective in protecting the Government against disloyal persons and persons whose employment constitutes a security risk.

"The various laws and procedures I have outlined make up a strong set of legal safeguards against acts by individuals and groups which strike at the internal security of the United States.

"Over the last few years, we have successfully prosecuted several hundred cases in the courts under existing internal security laws. In this process we have obtained a great deal of experience in the application of these laws. We have discovered a few defects, some of them minor and others of greater importance, in some of the existing statutes. In view of the situation which confronts us, it is important that these defects be remedied. At this time, therefore, I wish to recommend that the Congress enact certain legislation before the close of the present session.

"First, I recommend that the Congress remedy certain defects in the present laws concerning espionage, the registration of foreign agents, and the security of national defense installations, by clarifying and making more definite certain language in the espionage laws, by providing an extended statute of limitations (in place of the present 3-year statute) for peacetime espionage, by requiring persons who have received instruction from a foreign government or political party in espionage or subversive tactics to register under the Foreign Agents Registration Act, and by giving broader authority than now exists for the President to establish security regulations concerning the protection of military bases and other national defense installations.

"Second, I recommend that the Congress enact legislation permitting tLe Attorney General to exercise supervision over aliens subject to deportation and to require them, under the sanction of criminal penalties, to report their whereabouts and activities at regular intervals. In a number of cases, aliens under deportation orders cannot be deported because no other country will accept them. A bill pending before the Congress would permit the Attorney General in certain cases to detain such aliens in his custody for indefinite periods of time—not pursuant to a conviction for crime but on the basis of an administrative determination. Such action would be repugnant to our traditions, and it should not be authorized. Present law, however, is inadequate to permit proper supervision of deportable aliens, and should be strengthened as I have indicated.

"Under the leadership of the National Security Council, the agencies of the Government which administer our internal security laws are keeping these laws under constant study to determine whether further changes are required to provide adequate protection. If it does appear that further improvements in these laws are needed, I shall recommend them to the Congress.

"By building upon the framework now provided by our basic laws against subversive activities, we can provide effective protection against acts which threaten violence to our Government or to our institutions, and we can do this without violating the fundamental principles of our Constitution.

"Nevertheless, there are some people who wish us to enact laws which would seriously damage the right of free speech and which could be used not only against subversive groups but against other groups engaged in political or other activities which were not generally popular. Such measures would not only infringe on the Bill of Rights and the basic liberties of our people; they would also undermine the very internal security they seek to protect.

"Laws forbidding dissent do not prevent subversive activities; they merely drive them into more secret and more dangerous channels. Police states are not secure; their history is marked by successive purges, and growing concentration camps, as their governments strike out blindly in fear of violent revolt. Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.

"We must, therefore, be on our guard against extremists who urge us to adopt police state measures. Such persons advocate breaking down the guarantees of the Bill of Rights in order to get at the Communists. They forget that if the Bill of Rights were to be broken down all groups, even the most conservative, would be in danger from the arbitrary power of government.

"Legislation is now pending before the Congress which is so broad and vague in its terms as to endanger the freedoms of speech, press, and assembly protected by the first amendment. Some of the proposed measures would, in effect, impose severe penalties for normal political activities on the part of certain groups, including Communists and Communist party-line followers. This kind of legislation is unnecessary, ineffective, and dangerous."

Thus, the President's message makes four points:

1. We already have a very large and strong body of laws to protect us against espionage, sabotage, and other subversive activities.

2. Some changes in these laws are necessary and desirable at this time and are recommended in the message.

3. The counterespionage and security agencies of the Government—the places where the real experts in this field are to be found—are keeping these laws under constant study to determine whether other changes are desirable, and any further necessary changes will be promptly recommended.

4. Many of the pending proposals which would purport to strengthen our laws in this field would actually do much more harm than good. They would not only not improve the internal security of the United States, they would actually seriously impair it.

The President's recommendations fall into two categories: (A) Provisions strengthening the laws against espionage and sabotage, and (B) provisions strengthening the laws relating to Government supervision over aliens subject to deportation.

A. The following summarizes the legislative recommendations in the first category:

1. A general tightening of the Espionage Act of 1917. The following are the most important aspects in which this act is tightened:

(a) It subjects to the penalties of the act ($10,000 fine or 10 years imprisonment, or both) the transmission of information, oral or written, to a person not entitled to receive it, without a showing of intent to commit espionage if the person giving the information has reason to believe that it could be used to the injury of the United States or to the advantage of any foreign nation.

(b) The statute of limitations under the Espionage Act is extended from 3 to 10 years.

(c) Persons having unauthorized possession or access to national defense documents or information are required to turn them over (without any demand being made) to the Government official entitled to receive them, under penalty of the act.

(d) Persons in lawful possession of such documents or information who through gross negligence permit them to be lost or stolen, or who have knowledge that this has happened and fail to make a prompt report to their superiors of this fact, are subject to the penalties of the act.

(e) Conspiracy to violate these provisions of the act are made subject to the same penalties as direct violations.

The foregoing provision, if enacted, will close significant loopholes in our laws against espionage and will greatly strengthen our ability to carry on effective counterespionage operations.

2. Persons who have received instructions in the intelligence services or tactics of foreign countries or foreign political parties are required to register under the Foreign Agents Registration Act of 1938, unless their knowledge has been acquired by reason of civilian or military service with the Government or by reason of academic or personal interest not connected with any foreign government or party.

Failure to register would subject individuals subject to these provisions to the criminal penalties of the Foreign Agents Registration Act. This proposal is designed to deal with the situation of a foreign espionage or sabotage agent who has arrived in the United States with an espionage or sabotage mission in this country but who has not yet committed any overt act looking to the accomplishment of his mission. Nevertheless, he would be subject to criminal penalties under this proposal if he did not register immediately upon his arrival in the United States. If he did register he would, of course, expose himself and make impossible the accomplishment of his mission.

3. Criminal penalties ($5,000 fine or 1 year imprisonment, or both) are provided for violation of any regulation promulgated by the Secretary of Defense, with the approval of the President, for the protection or security of military or naval installations, property, facilities, and equipment. In time of war or national emergency the President can extend these provisions to include any property or places he designates to be in the interest of national security.

These provisions, if enacted, will be most valuable in protecting vital military, naval, and other facilities against sabotage.

B. The following summarizes the legislative recommendations in the second category:

At present the Government has inadequate authority with respect to the supervision of aliens who have been ordered deported. The

President's recommendations contemplate that aliens who have been ordered deported shall be subject to supervision under regulations prescribed by the Attorney General. Such supervision would, among other things, require them to appear from time to time before an officer designated by the Attorney General for identification, to give information about themselves to such officer, and to conform to such reasonable written restrictions on their conduct or activities as are prescribed by the Attorney General in each case. Failure to comply with these requirements would subject an alien to criminal penalties.

These provisions, if enacted, will give the Government the authority it needs to deal effectively with subversive or dangerous aliens.

The foregoing are the only significant changes in our internal-security laws which the President believes are necessary or desirable at this time. As he pointed out in his message of August 8, however, the various Government agencies which administer our internal-security laws are, under the leadership of the National Security Council, keeping those laws under constant study to determine whether further changes are required to provide adequate protection to the United States. The President stated that if it does appear that further improvements in these laws are needed he will recommend them to the Congress.

The provisions recommended by the President are wise, carefully framed counterespionage and internal-security provisions designed to deal with actual situations where legislation is needed. They were developed by the officials in charge of protecting the internal security of the United States. They are designed to hit the bull's-eye and not to spatter everyone in the general vicinity with buckshot.

There are, however, persons in Congress and elsewhere who, apparently without bothering to examine the internal-security laws already on the books, are shouting for more and more repressive and drastic internal-security legislation.

Most of these persons are sincere although misguided. Some have purely partisan political motivations. Finally, there are some persons in the country who find it convenient in a period of international tensions to disguise really sinister motivations under the cloak of superpatriotism. We must beware of these superpatriots. As wise old Dr. Sam Johnson pointed out almost 200 years ago: False patriotism is the last refuge of a scoundrel; it has been used in every country and in every age to cloak self-interest.

Today we can agree that all good Americans are anti-Communist but we must never assume that the degree of a man's anti-communism is a test of his American patriotism or his devotion to the things in which we believe. Hitler was an all-out anti-Communist; so was Mussolini; so are the Ku Klux Klan, the Silver Shirts, and the Christian Fronters. The real test of a man's genuine Americanism today is not merely that he is anti-Communist, but also that he is devoted to the ideals and traditions which have made this country great—our concepts of democracy, of individual rights, and of equal opportunity for all.

The aggression in Korea has speeded up the ominous trend in the United States toward the increasing curtailment of freedom of expression and opinion through intimidation of one sort or another. It is one thing for a nation to take basic counter-espionage and security measures necessary to protect its existence. That it must do. It is another thing to urge or tolerate heresy hunts at every stump and cross road in order to smoke out and punish nonconformists of every shade and stripe of opinion different from that of the majority. We have been moving in that direction. States and cities as well as the Federal Government have enacted or are pressing to enactment drastic antisubversive measures with ever greater frequency. The tendency is always to go much further than is needed, to paint the barn in order to cover the knothole.

The consuming fear of communism has led many sincere persons into the belief that loyalty and orthodoxy are synonymous. From this viewpoint, any change, whether it be a public housing program, a national health program, or fair-employment-practice legislation, is subversive and those who urge it are either Communists or fellow travelers. Others not so sincere play on the fear of communism for their own purposes.

With the possible exception of the days of John Adams and the Alien and Sedition Acts of 1798, and the more recent period of A. Mitchell Palmer, it is more dangerous to be an honest liberal today than in any other period of American history.

The situation, of course, plays into Soviet and Communist hands in several ways, aside from the obvious one of moving us in the direction of the very totalitarianism we oppose.

It furnishes effective weapons to the opponents of all our liberal democratic programs. It identifies Russia in the minds of the other peoples of the world as the leading exponent of the liberal causes to which the Soviets give such vehement lip service—for other countries. It falsely glorifies the status quo as the true concept of Americanism and democracy, when in fact these terms mean a dynamic and continually evolving adjustment between the rights and freedoms of the individual and the requirements of the society for order and security.

Finally, excessively drastic internal-security legislation—such as the Mundt-Ferguson bill, which is the present version of the Eightieth Congress Mundt-Nixon bill—is not only not necessary to protect our security but it will actually hurt it.

If the Mundt-Nixon bill had been on the books 2 years ago, when it was first being strongly pressed, it would not have caught a single spy. It would not have caught Fuchs. It would not have caught Gold. It would not have caught Judith Coplon. It would not have caught any of the others. Such persons can only be caught by intelligent and aggressive counterespionage tactics and personnel. In the person of the FBI we have a capable counterespionage agency which is constantly improving in experience and results.

However, it is interesting to note that if the President's present legislative recommendations to strengthen the laws against espionage had been law 2 years ago, not only would it have been much easier to convict these spies who have been convicted in the last two years, but it would also have been possible to convict others who were beyond the reach of existing espionage statutes. It is also interesting to note that these recommendations were submitted to Congress by the Department of Justice about 2 years ago.

Moreover, it must never be forgotten that we already have on the books a powerful and sharp-fanged law directed against subversive activity. This is the Smith Act, which became law in 1940. Under this act, 11 leading Communist leaders in the United States were convicted in October 1949 for conspiring to advocate the overthrow of this Government by force and violence and for conspiring to form an organization—the Communist Party of the United States—for the same purpose.

On August 1, 1950, in a historic decision handed down by Judge Learned Hand, one of the Nation's most highly respected jurists, the United States Court of Appeals for the Second Circuit unanimously confirmed this conviction. This is the Nation's answer to Communist or other totalitarian leaders who consider themselves above the law.

The Government's ability to deal with Communist subversion has been greatly strengthened by this decision.

Let us not forget that in Germany and Austria we destroyed the Nazi Party, which had millions of members, as an effective subversive force by arresting only a fraction of 1 percent of its membership—its active and dangerous leaders. In Italy we did the same thing with the Fascist Party. In the United States there are less than 55,000 members of the Communist Party. That is about 1 percent of the membership which the Nazi Party had in Germany.

There is another internal security factor to be considered which also argues against the enactment of unnecessary repressive legislation.

Today national policy must be based on the best possible intelligence obtainable. Intelligence is information, nothing more or less.

In the largest sense a dictatorship almost by definition cannot have a good top-level intelligence service because dictators simply will not listen to intelligence—information—which conflicts with their own predetermined views. If the chief Russian intelligence officer in the United States told Stalin that this country had the greatest economic potential the world had ever seen, that the possibility of a depression or economic collapse in the foreseeable future were fantastic, that despite some blots on our record we were still the freest country in this imperfect world, he would be most fortunate if he merely ended up in Siberia in a labor camp.

The fact of the matter is that it is almost certain that Stalin is getting his information about the United States—the information on which he bases Russian national policy—from the mouthings of the Daily Worker and its right-wing colleagues, the Chicago Tribune, the Washington Times-Herald, and the New York Daily News. He is also getting it from the speeches of a consistent party-liner in the House of Representatives as well as from the speeches of certain extreme right-wing Republicans in both Houses, whose policy line since the Korean aggression has often closely approximated that of the Communist Party. It is fairly certain, therefore, that Stalin is getting bad top-level strategic intelligence out of the United States. Unfortunately that is not only bad for Russia, but it is bad for the United States and it is bad for world peace.

On the other hand, a democracy such as the United States has the potentialities of a good intelligence service because a democracy believes in freedom of speech and opinion and tolerates every shade of viewpoint, however unorthodox, short of actual subversion. History has again and again revealed that the unorthodox of one period may be the generally accepted truth of a succeeding period. Out of this clash of opinions and ideas a democracy can winnow the truth because the democratic heads of a democratic state are not afraid to hear the truth even if it is uncomfortable.

If we press for repressive and drastic antisubversive legislation, we will dry up our intelligence—our information—at the grass roots. People will be afraid to express any viewpoint or idea that is not completely in conformity with orthodox thinking—even high Government officials would be afraid to do so. Under these circumstances our nationals leaders will not be able to get the reliable information which is the only basis upon which sound national policy can be founded. No more terrible blow could be struck against our national security.

Judge Learned Hand expressed the same thought in different fashion in his opinion earlier this month. The protection of the first amendment to our Constitution, which

safeguards free speech and a free press, he said, "does not presuppose that utterances, divergent from current official opinion, are more likely to be true than that opinion, it does presuppose that official opinion may be wrong, and that one way—and perhaps the best way—to correct or supplement it is complete freedom of criticism and protest. This may convince the officials themselves, and in any event it may rouse up a body of contrary opinion to which they will yield or which will displace them."

Accordingly, we must avoid repressive and drastic internal security legislation, not only because it will hurt those individual rights which we hold dear but also because it will strike a terrible blow at the very internal security which it seeks to protect.

The wise and sound counterespionage and internal security recommendations which the President has submitted to Congress should be enacted. But this should not be used as a pretext for the passage, in the name of internal security, of other legislation which is unnecessary and will impair our heritage of freedom and the very security we are seeking to protect.

Mr. LEHMAN obtained the floor.

Mr. FERGUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. FERGUSON. The parliamentary inquiry is as to the number of times the junior Senator from New York has spoken on this particular question.

The PRESIDING OFFICER. The Chair is advised that the Senator from New York has spoken only once upon the pending question.

Mr. FERGUSON. I thank the Chair.

Mr. LEHMAN. Yes, Mr. President; that is correct.

The PRESIDING OFFICER. The Senator from New York has been recognized.

Mr. LEHMAN. Mr. President, I wish to associate myself with remarks made by the distinguished junior Senator from Illinois [Mr. DOUGLAS] at the beginning of his speech. I desire to make it very clear that there is no disposition among those of us on this side of the issue, among those who are speaking in behalf of support for the President's veto message, unreasonably or unnecessarily to delay or postpone a vote on this bill.

The President's message, as Senators will recall, reached this Chamber at about 5 o'clock yesterday afternoon. Very shortly thereafter, the motion to override the President's veto was made. It was made shortly after the clerk had read the veto message, and before many of the Members of the Senate had a chance to consider the contents of the message. Of course it was impossible for any of the newspapers, either afternoon or morning, to carry the veto message.

My associates and I felt it was important that sufficient time be given so that the contents of the President's veto message would be laid before the people of the United States and so that an opportunity would be given to the Members of the Senate to read carefully the veto message and consider the points in opposition raised by the President of the United States.

Yesterday afternoon I suggested that the vote on the question of overriding the veto be postponed until today. Of course, that suggestion or request was refused.

I feel that those who, like myself, believe that the President's veto should be supported, have made a real contribution to the orderly consideration of an important measure which will affect the lives of millions and millions and millions of people in the United States; and therefore we made it our aim to delay the vote on this bill until some hour this afternoon.

Again I wish to emphasize the fact that there is no disposition or intention on the part of those who feel the way I do, and who have spoken in behalf of support of the President's veto, and in opposition to the motion made by the senior Senator from Nevada [Mr. MCCARRAN] to override the President's veto, to delay or postpone consideration of that motion beyond a reasonable hour this afternoon, so that there will be plenty of time to take the vote.

Mr. President, I should like to make a brief declaration of faith and principles.

All my life I have fought for liberty and equality and against oppression and tyranny, both at home and abroad. All my life I have supported and fervently advocated the principles of American constitutional democracy. I have always opposed any movement which would have the effect of undermining American institutions. Communism has always impressed me as an odious system totally repugnant to the American concepts of government. I have always fought communism and the efforts of Communists.

As fascism represents the denial of truth, communism represents the utter corruption of truth. Because Communists in the United States are stooges of Moscow and are at the beck and call of Soviet imperialism with its aggressive designs, I consider American Communists capable of any kind of subversive activity. I believe that we must check and punish all subversive activities.

I believe that we must wage an unremitting battle to keep the American people or any substantial number of them from falling victim to the false promises of communism and at the same time we must protect the American Nation against overt conspiracy, sabotage, or espionage. I have long been engaged in that battle and intend to continue the fight.

I do not, however, propose to allow my zeal in this regard to lead me into the fundamental error of playing into the hands of the Communists by prejudicing the rights of the vast majority of the American people. By indirection that would be doing Moscow's bidding. I will not willingly take such a step. I am even less willing to do so because I am convinced the proposals we are considering today will not only endanger the basic rights of all our citizens but would, in fact, detract from our internal security.

We are professed champions of liberty. We say that we stand for freedom for the individual, for all individuals. That is our banner in today's world struggle. Thus, those nations and peoples abroad who also call themselves free, and the peoples who aspire to freedom, will be disheartened if we in this country move in the direction of the police state in order to meet the threat of the police state.

I am fully aware, Mr. President, of the dangers from the Communists in this country today. It is my belief, however, that we face no real danger from their views, but rather from their subversive activities. Against subversive activities we must guard curselves. We may need additional security laws for that purpose. But if we outlaw views, and penalize persons for their thoughts and beliefs, we will grant the Communists a victory which they have not won. And the world will be on notice that in this home of freedom, we do not dare grant all persons the right to express their views and compete in the market place of ideas.

I, for one, shall wholeheartedly support all legislation which is proved to be necessary for the preservation of our country and the protection of our people against subversion or overt attack.

But my firm and fervent belief is that our main strength lies in our liberties. In the freedom which we permit to all, lies our strength to oppose not only the enemies of freedom in our country but all the enemies of freedom abroad.

In any situation in which these freedoms should be abused in a way to constitute a present danger to the freedom of all, I would take prompt and judicious steps to curtail these abuses and protect this country and its institutions.

That is why, Mr. President, I joined recently with a number of other Senators in cosponsoring S. 4061, the so-called administration internal security bill. I believe that the measures embodied in that bill are necessary for the protection of our country's internal security.

But first, Mr. President, I wish to address myself to that aspect of this legislation which is of most concern to us at this very moment, the aspect of internal security.

We already have on the statute books more than 20 laws to control and penalize subversive activities such as espionage, sabotage, and failure to register as a foreign agent. We also have the Smith Act, recently upheld by the court of appeals, which makes membership in the Communist party prima facie evidence of criminal intent. Hence, the only operative provisions of the Mundt-Ferguson bill are completely unnecessary.

Nevertheless, there are certain provisions of our present antisubversive laws which the security experts tell us need tightening up. That was the purpose of Senate bill 4061, the administration's internal security bill.

I believe that Senate bill 4061 is a proper and necessary measure. The added security which this measure would give us against espionage and sabotage is desirable and essential. Senate bill 4061 plugs a number of legal loopholes in the Antiespionage Act. It provides for the proper detention and supervision of the activities of deportable aliens, some of whom may be subversives. It establishes penalties for the unauthorized disclosure or receipt of classified information to agents or representatives of a foreign power. It permits the President to guard military and other installations vital to the national security from possible spies and saboteurs. These are all

essential measures in these critical times. These measures will positively and constructively strengthen our internal security.

On the other hand, the McCarran omnibus bill, and the Mundt-Ferguson bill, are quite another matter. These are sweeping, all-embracing bills whose scope and content I venture to say are not understood by the majority of the American people. There are Members of this Senate who do not, in my judgment, fully comprehend the dangers, both to our security and to our way of life, lurking in these measures.

The proponents of these measures merely describe them as security measures, and as antisubversive bills, as measures designed to expose Communists, and to bring them out into the open. Mr. President, as I hope to be able to show, these bills do not conform to these specifications. Their labels are entirely misleading.

These bills will not expose but will submerge the Communist Party and its affiliated groups. True, the Communist Party today operates to a considerable extent underground. These bills will drive Communists completely underground. Dangerous icebergs in the northern seas are always two-thirds submerged. But what sailor would say that icebergs would be less dangerous if they were totally submerged and out of sight? I shall return to this point in a moment.

I know that a great deal of thought has gone into the drafting of the Mundt-Ferguson bill. Proponents of the bill argue that it is in its present form perfectly constitutional. I am not a lawyer but I disagree completely. In any event, I certainly am not willing to abdicate my responsibilities as a Senator and look to the Supreme Court to stop this unwise and dangerous legislation.

I know that this whole matter is a subject on which sincere and reasonable men may honestly differ. The veterans' organizations which are supporting the Mundt-Ferguson bill are inspired, I am sure, by patriotic motives. I honor them for their deep concern for the security of our country. But I tell them today, as I am telling my colleagues in the Senate, that most of the provisions of the Mundt-Ferguson bill, which are also contained in the McCarran omnibus bill, are not only unwise and unnecessary, but are inimical and prejudicial to our national security and to the very purposes which the supporters of this proposed legislation have in mind.

Mr. President, the most dangerous thing we could do at this critical moment in our history would be to abandon cool reason and logic and yield to hysteria. That is what Moscow hopes we shall do. That is what some of the provisions in the Mundt-Ferguson bill would have us do.

However, Mr. President, in regard to our internal security, which must be our chief concern, we must estimate our real danger and must move to meet it with means precisely calculated to combat it.

Let us look at the facts. On June 8 of this year Mr. J. Edgar Hoover, Director of the FBI, told the Congress that the total known Communist Party enrollment in this country was 54,174. In 1947 Mr. Hoover had told the House Un-American Committee that the membership of the Communist Party was 74,000.

If we pass the Mundt-Ferguson bill and drive the Communists underground, the numbers of real Communists will not decrease, but will swell. Martyrdom is contagious. Many fellow travelers and dupes who are the simple fronts of the Communist Party today and who do no real harm to the national security would be driven underground along with the dangerous Communists. Then the number of potential spies, saboteurs, and threats to our real national security would increase and multiply.

Mr. President, the Mundt-Ferguson bill, if it became law, would not catch in its net a single spy, saboteur, or real conspirator who could not otherwise be apprehended by the internal security agencies of our Government. Any loopholes which may exist will be tightly sealed if the Congress approves the administration's security bill, Senate bill 4061, of which I am proud to be a cosponsor.

Instead of permitting the FBI to concentrate on watching and detecting the real threats to our security if the Mundt-Ferguson bill were to pass, the FBI would be required to divert its efforts from the essential responsibilities with which it is charged and which it is discharging so effectively.

True, we might catch a few Communists. But the real professional spies and saboteurs are far too clever to be caught in this net. They are not members of the Communist Party, and keep away from it. Neither Karl Fuchs nor Harry Gold nor Judith Coplon were members of the Communist Party. They could never have been indicted for failing to register.

Mr. President, the official organ of the Communist Party in Moscow, Pravda, very recently quoted the great Communist god Lenin as having said 30 years ago, that Communists should be grateful to American capitalists for anti-Bolshevik hysteria and persecutions.

"They work for us," Lenin was quoted as saying. "They help us interest the masses in the question of the essence and significance of bolshevism." That was Lenin speaking. Today Stalin and the Politburo are, I am sure, eagerly watching what we in the Senate of the United States will do.

It may well be, Mr. President, that the top Communist planners would warmly welcome the passage of Senate bill 2311 or Senate bill 4037.

Mr. President, a few historical facts are interesting. The first country in the world to outlaw the Communist Party was imperial Russia. Seeking to repress revolutionaries, agents of the Czar rounded up liberals of every sort, and jailed them or exiled them. Undoubtedly, there were many Communists among those so jailed or exiled. Among those who were so jailed and exiled were three men now known to history by the names of Lenin, Trotsky, and Stalin. Jail and exile helped rather than hindered them. Russia, the first nation to outlaw the Communists, was the first to be ruled by the Communists. A handful of persecuted Communists, who had succeeded in frightening the Czar, led an army of men and women who had been oppressed and harassed and took over a nation of 180,000,000 people.

Czechoslovakia outlawed its Communists in 1940. That did not prevent the Communists from taking over Czechoslovakia in 1947.

In recent years a number of countries have attempted to stamp out communism by outlawing, jailing, or otherwise repressing Communists. To the best of my knowledge and belief there is not a single country in the world where the outlawing of the Communist Party has resulted in a decrease of Communist activity or the weakening of the Communist movement.

Mr. KILGORE. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. I yield.

Mr. KILGORE. Is it not a fact that in the development of the Christian religion the very efforts by the Romans and by other nations to crush it caused it to increase?

Mr. LEHMAN. I do not claim to be a student of clerical or religious law, but I have been so told.

Mr. KILGORE. It is also a fact, is it not, that the various punishments meted out to Christians in Rome and at various other places caused the Christian religion to spread through Europe at a speed which other religions had not known?

Mr. LEHMAN. I think that is undoubtedly a fact.

Mr. KILGORE. For example, it caused it to increase more rapidly than the Mohammedan religion and other better established religions, which had been established prior to Christianity. Is that not true?

Mr. LEHMAN. There is no doubt about it. There is nothing more contagious than the aura of martyrdom.

Mr. KILGORE. I thank the Senator.

Mr. LEHMAN. Mr. President, we need not look far across the seas or look far back into history to study the effect of repressive legislation on the Communist movement. In 1929, Canada passed a law similar in many respects to the proposals advanced by the Senator from South Dakota, the Senator from Michigan, and the Senator from Nevada. In 1936 that law was repealed because the Communist movement in Canada had flourished rather than suffered under it. In 1940 a stronger version of the same kind of legislation was passed. That did not prevent the most powerful and dangerous atomic spy ring in history reaching even into the Canadian Parliament, from being established subsequently, Canada repealed that law.

In our own history the only comparable measures were the notorious Alien and Sedition Laws enacted in 1798. Those laws were pushed through the Congress during the course of the French revolution. There were some Americans who violently and vigorously urged the new American Republic to go to the aid of France in her wars against England. They were ready to involve America in war for the sake of a France which was already turning to the dictatorship of Napoleon Bonaparte. There were also in

our midst some agents of France who were seeking, by intrigue and subversion, to achieve the same purpose. The United States Congress passed the Alien and Sedition Acts.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. LEHMAN. Yes.

Mr. KILGORE. Is it not a fact that the very passage of those laws built up the Democratic Party of Thomas Jefferson to an extent to which it probably would not otherwise have been built up?

Mr. LEHMAN. There is no doubt about that, as I shall point out a little later in my remarks. The administration of those laws rang the death knell of the Federalist Party.

Mr. KILGORE. And spread the increase of the Democratic Party at that time.

Mr. LEHMAN. There is no doubt about it.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LEHMAN. I am glad to yield.

Mr. FERGUSON. The Senator from Michigan is interested in knowing whether or not the Senator from New York made the same address to the Senate that he is now making. Did not the Senator from New York make this address, verbatim, on September 5, 1950? How does he explain that fact in view of the statement previously made that there is no desire to delay a vote?

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. FERGUSON. I should like to read this sentence and ask the question as to whether or not it is not identical with what the Senator is now saying.

Mr. LEHMAN. The Senator from New York is very glad to answer the question. The speech has many similarities, but it is not identical. Many things have been changed, and many things have been omitted. The things which I am reading today are arguments which I believe could be repeated time and time again for the benefit of the Senate and the people of the United States.

Mr. KILGORE and Mr. FERGUSON addressed the Chair.

Mr. LEHMAN. I yield to the Senator from West Virginia.

Mr. KILGORE. I ask the Senator from New York whether it is not a fact that the Senator from Nevada [Mr. MALONE] delivered the same speech yesterday, the day before yesterday, and several times before that? Is it not a fact that the speech was identical, with the exception of a few ruffles, with the speech he has made on 10 or 12 or 15 occasions on the floor of the Senate in the past 6 months?

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LEHMAN. Yes.

Mr. FERGUSON. Does the Senator from New York feel that the Senate of the United States should be kept here since 11 o'clock yesterday morning and the Senator make almost the identical speech he made on December 5? I wish to read this paragraph:

> In our own history the only comparable measures were the notorious alien and sedition laws, enacted in 1798. Those laws were pushed through the Congress during the course of the French Revolution. There were some Americans who violently and vigorously urged the new American Republic to go to the aid of France in her wars against England. They were ready to involve America in war for the sake of a France which was already turning to the dictatorship of Napoleon Bonaparte. There were also in our midst some agents of France who were seeking, by intrigue and subversion, to achieve the same purpose. The United States Congress passed the Alien and Sedition Acts.

Is it not true that the Senator from New York used the identical language only a minute ago?

Mr. LEHMAN. The Senator from New York wishes to make a statement.

Mr. FERGUSON. Yes; I wish the Senator would make an explanation, because I see no reason for being kept here to hear the same speech.

Mr. LEHMAN. The paragraph which the Senator has read is identical with what is contained in my speech. I shall go further than that and say that many paragraphs in my speech are identical with the one that has been read.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. LEHMAN. May I point out in the first place that the Senator from Illinois [Mr. DOUGLAS] this morning on behalf of his associates proposed a unanimous-consent agreement to vote on this bill in the early hours of the afternoon? That was refused, of course, on objection by the Senator from Nevada [Mr. MCCARRAN].

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LEHMAN. No, I shall yield only when I have finished making my statement. Aside from that, I wish to say to the Senator from Michigan that when certain things stand out—will the Senator listen?

Mr. FERGUSON. Yes.

Mr. LEHMAN. I am making reply to his inquiry. I think he should pay me the courtesy of listening.

Mr. FERGUSON. Yes. I was listening. That is why I noted the great similarity.

Mr. LEHMAN. Certain things stand out so clearly as truths that I make no apology or explanation for repeating them, repeating them, and repeating them, just as often as I wish, and I hope that on this occasion the statement I was reading, which is very similar and in certain ways identical with the one I made before, will make an impression on the distinguished Senator from Michigan. Apparently it did not make an impression before.

Mr. FERGUSON and Mr. KILGORE addressed the Chair.

Mr. LEHMAN. Let me say to the Senator from Michigan that I shall urge the points which I have raised as often as I think it desirable. I want the people of the United States and the Members of the Senate to know and appreciate and realize and understand, if I may so hope, the force and effect of the statements which I have made.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. LEHMAN. I yield to the Senator from West Virginia.

Mr. KILGORE. I ask the Senator from New York if it is not a fact that the Senator from Michigan sat idly by for eleven and five-eighths hours the day before yesterday while the Senator from Nevada stood on the floor making a speech?

Mr. FERGUSON. Mr. President, a point of order. The Senator from New York has the floor, I understand, and the Senator from West Virginia is making a statement, and not asking a question.

Mr. KILGORE. I am asking the Senator from New York if that is not the fact, that the Senator from Michigan stood idly by for eleven and five-eighths hours while the Senator from Nevada spoke on slot machines in a debate which covered the entire world, including the North Pole, the South Pole, and all continents interposed? I am asking that question of the Senator from New York.

Mr. LEHMAN. That is absolutely correct. I may say that if I think repetition of my speech will educate the distinguished Senator from Michigan, I shall not only repeat it once, but I am prepared to repeat it again and again.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LEHMAN. No; I shall not yield until I have concluded the point I wish to make. I wish to point out that every word I have said on the floor of the Senate, both last night and this morning, refers specifically and exclusively to the pending business before the Senate. I have not discussed any golf courses, golf tournaments, tariffs, reciprocal trade treaties, or a hundred and one other things, by way of a filibuster. Every word I have said refers to the pending business and I hope to educate some of my very good friends who are now facing me.

Mr. FERGUSON. Will the Senator yield?

Mr. LEHMAN. Yes.

MR. FERGUSON. If the Senator will advise the Senator from Michigan that he will quote the same speech he made previously, the Senator will then not have to remain, because he has heard all that the Senator is going to say.

Mr. LEHMAN. I will say to the Senator that I will continue to make this speech, and I shall undoubtedly have some other things to say. I again point out that obviously the speech which I delivered on a previous occasion has not been convincing. Therefore, since I am an optimist, I live in hope that on this occasion perhaps I shall convince my distinguished friend from Michigan.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LEHMAN. Yes.

Mr. FERGUSON. The Senator from Michigan having heard it and remembered it so well that he recognized paragraphs which were identical, there is no need for him to hear it the second time.

Mr. LEHMAN. There are other matters, but certainly I do not want to impose on the very good nature or the time of my distinguished friend from Michigan by insisting that he remain to listen to the speech again. I hope he will, because, as I said, I always live in hope that I may convince him.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. LEHMAN. Yes.

Mr. KILGORE. I ask the Senator from New York if it is not much more advisable to speak on constructive things, and reiterate and reiterate them, than to speak upon slot machines and reiterate and reiterate the losses that may be occasioned to the people of the United States.

Mr. LEHMAN. There is no doubt at all about that, and, as I pointed out, there is not a word in my address now, or in the one I gave before, that does not refer specifically to the question before the Senate.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER (Mr. O'CONOR in the chair). Does the Senator from New York yield to the Senator from Illinois?

Mr. LEHMAN. I yield.

Mr. DOUGLAS. The Senator mentioned the fact that he had hope that Senators on the other side of the aisle would listen to his speech. Would the distinguished junior Senator from New York say that his feeling is accurately described by the saying from the Old Testament: "Hope deferred maketh the heart sick"?

Mr. LEHMAN. I thank the Senator from Illinois. That very adequately and clearly describes my feeling.

If I may proceed, Mr. President. These acts were never invoked against French agents or against real provocateurs. Instead, they were invoked against newspaper editors and political leaders who were critical of the Administration then in office in the United States. The offenders were convicted, jailed and fined. That law expired, under its own terms, in two years. But the American people were so revolted at the uses to which that law had been put, that the Federalist Party was turned out of office. That party never again won the trust of the American people and soon dissolved. A succeeding Congress appropriated money to repay the fines assessed against those convicted under these infamous acts.

The United States has never since, not even in the tragic and troubled days of the Civil War, enacted comparable legislation.

Let us bear in mind that laws aimed at a specific situation are frequently found to be utterly inapplicable to that situation, but are invoked much later in entirely other situations. Such a sweeping bill as the present one is an open invitation to that kind of misuse.

My own State of New York passed an antianarchist law back in 1901, after the assassination of President McKinley by an anarchist. However that law has never been invoked against an anarchist. It has been invoked against others. Who knows whether the bill now before us, designed to be invoked against Communists, might not some day be invoked, by irresponsible men against political parties or other organizations of a perfectly legitimate character.

There is a long-standing Federal statute which punishes with imprisonment any individual who makes a wilful threat to take the life of the President of the United States. However during World War I, this law was invoked to convict a man in Beaumont, Tex., who wsa opposed to Woodrow Wilson's war policies, and declared, in the course of an argument, "I wish Wilson was in hell, and if I had the power, I would put him there." The Texas courts ruled that this was, in effect, a threat to kill the President.

I have merely cited this case to show to what unforeseen uses even the best of laws may be put. And when we come to a proposal like the Mundt-Ferguson bill which sets up as criteria of guilt a long series of standards which are so dangerously vague as to constitute, in my judgment, a grant of unlimited power to punish for almost any kind of unorthodox thinking, and behavior which might happen to impress some official as being suspicious, I say that we are venturing out upon deep and dangerous waters.

I should like to refer again to my own State of New York where in 1919 a committee of the legislature, called the Lusk committee, outlined a case against certain members of the legislature who had been elected on the Socialist Party ticket.

The Lusk committee described the Socialist Party as "having a single purpose of destroying our institutions and Government and substituting the Russian-Soviet Government—an anti-national party whose allegiance is given to the Internationale and not to the United States." On the basis of this finding, which is strikingly similar to the legislatiye finding in section 2 of the Mundt-Ferguson bill and also to section 2 of the McCarran omnibus bill, the five Socialists were expelled from the New York Assembly.

A great American statesman and a great citizen of New York State, parenthetically, a highly respected and beloved predecessor of mine in the governorship of New York, a man whose memory we honor and revere today, Alfred E. Smith, denounced the expulsion of the Socialists from the New York Legislature in these words: "Our faith in American democracy is confirmed not only by its results but by its methods and organs of free expression. They are the safeguards against revolution. To discard the methods of representative government leads to the misdeeds of the very extremists we denounce—and serves to increase the number of the enemies of orderly free government."

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. I yield to the Senator from Michigan.

Mr. FERGUSON. Does the Senator remember the famous slogan of Alfred E. Smith, "Let's look at the record"? It would save us a great deal of time here this morning if we followed that quotation, would it not?

Mr. LEHMAN. I remember that statement of Alfred E. Smith, because I was his associate, as the Senator knows, for a great many years. I wish to say that I am extremely glad to see my friends following my remarks so closely. I have not great confidence, but I live in the hope that perhaps by rereading my remarks they may see the error of their ways.

Mr. KILGORE. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield to the Senator from West Virginia.

Mr. KILGORE. Speaking about looking at the record, it is worth while to look at the record of the past 2 days, let me say to the Senator from New York, about the question of slot machines and the question of criminology in interstate shipments of slot machines. Does not the Senator think we should look at the record also to see whether or not a voice was raised to aid in blocking the effort to prevent the shipment of slot machines in interstate commerce?

Mr. LEHMAN. I fully agree with the Senator from West Virginia.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. LEHMAN. No; I am not yet through my answer; and I shall then yield to the Senator from Illinois, who was on his feet.

The Senator from New York does not remember a single cricitism or a single objection raised to a speech which lasted nearly a dozen hours, in which the pending business was mentioned in a merely perfunctory way.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. I yield to the Senator from Illinois.

Mr. DOUGLAS. Since the Senator has again expressed his hope that the Senators on the other side of the aisle will read the record closely, would not the distinguished junior Senator from New York say that the Greek myth of Pandora's box was applicable here, because when Pandora opened her box, the junior Senator from New York will remember, the various evils were let out on the world, and the last thing that Pandora hoped would come out was hope itself, but hope never appeared. It remained at the bottom of the box, the lid having been closed before it came out. Would the Senator say that he has been almost in the role of Pandora this morning, hoping against hope that hope would be justified, and yet finding this hope continuously shut up in the hard and cruel box of misunderstanding?

Mr. LEHMAN. I fully agree with the Senator from Illinois. I have held this high hope, but I have been disappointed, so that I certainly have the same impression the Senator from Illinois has. But I have another impression, a very definite and strong one, that my respected colleagues who have been questioning me, and who seem a little disturbed at my remarks, do not like to hear the things I have been saying, not because they are bored, but because the things I have been saying are so true that they hit home, and they do not like to have them go in the RECORD again. That is a very definite impression which I have formed in listening to the questions.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. LEHMAN. I yield to the Senator from California.

Mr. KNOWLAND. Does not the Senator from New York believe that the little story just told by the Senator from Illinois about Pandora's box might have a different application also, namely, that our good and liberal friends on the other side of the aisle, who always heretofore have been opposed to Senate filibusters, have injected a new type of technique into the Senate of the United States for filibusters in the future, in that the same speeches will be made again and again and again?

Mr. LEHMAN. I am glad the Senator raised that question, because I want to make it clear, beyond any question that my associates and I who are merely trying to support the President's veto have not engaged and did not intend to engage in a filibuster of any kind. We have merely demanded our right to be heard, to bring this matter into the open, to let the people of the United States, through the press, through the radio, know what the situation is. We have stated time and time again that we do not intend or desire to hold up the vote on this measure, but we are willing now—and I repeat the very clear offer of my distinguished colleague from Illinois—to enter into a unanimous-consent agreement to take a recess, if that is the wish of the Senate, and to take up this matter again at 2 o'clock, and have an hour and a half or two hours of debate, and vote at a certain time, which I believe was 4 o'clock. Certainly there is not the slightest possibility that that constitutes a filibuster.

I may point out that my distinguished friends, the Senator from California [Mr. KNOWLAND] and the Senator from Michigan [Mr. FERGUSON] by raising questions which are not germane to the subject at all, have consumed much more time than I have done in the reading of my remarks. I am perfectly willing to continue to read my previous remarks—of course, I am happy to yield for questions—because I think my remarks are so vital, so sound, so definitely germane and to the point, that even now I have not wholly given up hope of convincing my distinguished friends.

Mr. DOUGLAS. Mr. President, will the Senator yield for a further question?

Mr. LEHMAN. Yes.

Mr. DOUGLAS. We have been using Old Testament and Greek mythological analogies. Would the distinguished junior Senator from New York say that the situation could accurately be described in the definition of faith found in one of Paul's Epistles, "Now faith is the substance of things hoped for, the evidence of things not seen"? The Senator still has faith that the Senators on the other side of the aisle will be moved by the arguments which the Senator is advancing, even though the Senator does not have the evidence of things not seen.

Mr. LEHMAN. I have faith that perhaps we are going to be surprised at the manner in which Senators will vote to support the President's veto. I have very great hope that the veto will be sustained. I urge my distinguished friends to vote to sustain the veto.

Now may I ask my distinguished friend the Senator from Michigan [Mr. FERGUSON] who has the CONGRESSIONAL RECORD before him, to refer to my speech previously made, as it appears in the RECORD. He will see that I follow it closely. Perhaps he will be convinced if he follows my statement carefully.

A great American statesman and a great citizen of New York State whose memory we honor and revere today. Al Smith, denounced the expulsion of the Socialists from the New York Legislature in these words:

Mr. President, I am repeating this again, although I read it just 2 minutes ago, because I think it is so important that I should like further to impress it on the minds of Senators.

Our faith in American democracy is confirmed not only by its results but by its methods and organs of free expression. They are the safeguards against revolution. To discard the methods of representative government leads to the misdeeds of the very extremists we denounce—and serves to increase the number of the enemies of orderly free government.

Did my friends follow, in the RECORD, my statement, or would they like me to read it again?

Mr. FERGUSON. I followed the Senator in his reading.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LEHMAN. I yield.

Mr. DOUGLAS. Is it not true that the distinguished junior Senator from New York was always one of the strongest backers of the distinguished Governor of New York, Alfred E. Emith?

Mr. LEHMAN. There is no doubt about it. I was as far back as 1922, I believe.

Mr. DOUGLAS. The distinguished junior Senator from New York supported Alfred E. Smith for the governorship and supported him for the Presidency and went with him all through the twenties?

Mr. LEHMAN. I voted for him in 1924 in the Democratic Convention. I managed his campaign for governor in 1926. I was chairman of the national finance committee when he ran for the Presidency in 1928, and I was a fellow candidate with him in 1928 when I was first elected Lieutenant Governor of the State of New York.

Mr. DOUGLAS. One of the things which endear the junior Senator from New York to so many of us is the fact that he helped give Al Smith his start in the New York State and in the national arenas.

Mr. LEHMAN. In 1799 a committee of the House of Representatives, urging the continuance of the Sedition Act, reported—and we need only substitute Russia for France in the quotation I am going to read:

France appears to have an organized system of conduct toward foreign nations; to bring them within the sphere and under the domination of her influence and control. It has been unremittingly pursued under all the changes of her internal policy. Her means are in wonderful coincidence with her ends; among these, and not the least successful, is the direction and employment of the active and versatile talents of her citizens abroad as emissaries and spies.

Mr. President, public debate on the bills now before us has been raging for many weeks and months. Yet I doubt if more than an insignificant percentage of the American public is familiar with or understands the provisions contained in this legislation.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. LEHMAN. I yield.

Mr. KNOWLAND. I may ask the Senator this question: Was it by inadvertence that he left out the two lines as follows:

These words, too, have a strangely familiar ring today.

Mr. LEHMAN. I have cut out a great deal of the language previously used, but it is perfectly true that they do have a strangely familiar ring today.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. Yes.

Mr. DOUGLAS. Is it not true that we can learn a great deal from aphorisms, and is not one of the most pungent of these aphorisms:

Men need not so much to be informed as to be reminded.

Mr. LEHMAN. Yes; and I thank the Senator very much.

Mr. DOUGLAS. Is not that particularly applicable to the arguments which the junior Senator from New York is now making, and which seem to fall on the somewhat deaf ears of our good friends across the aisle?

Mr. LEHMAN. Yes; I fully agree, and I thank the Senator very much.

Mr. DOUGLAS. In other words, they need to be reminded as well as to be informed.

Mr. LEHMAN. I think they need to be reminded. I want to repeat what I have said before. If at the conclusion of this speech I gain the impression or have the idea that I have made an impress on these gentlemen, and I hope I shall do so—I would not hesitate to read the speech two or three times. Then the Senators could do whatever they wanted to do by way of speaking, and I would gladly listen to them.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LEHMAN. I yield, but I want to point out it is the Senators on the other side of the aisle who are filibustering. I want to complete my speech. I do not want to delay matters. However, I am perfectly willing to repeat what I have previously said, with the hope that I may convince Senators on the other side who listen.

Mr. FERGUSON. The Senator indicated that he would not hesitate to do it. I wonder whether the better statement is that he did not hesitate to do it.

Mr. LEHMAN. I certainly did not hesitate to do it; but I go a step further and say that I would not hesitate to do it again and again and again. [Laughter.]

Mr. President, public debate on the bills now before us has been raging for many weeks and months. Yet I doubt if more than an insignificant percentage of the American public is familiar with or understands the provisions contained in this proposed legislation.

I may say parenthetically—and this is not in my original speech—that I very much hope that the debate, which has been carried on now for 16 or 18 hours,

I believe, will serve to enlighten the American people respecting some of the defects of the legislation which is now pending before the Senate.

The actions proposed to be taken under the terms of the Mundt-Ferguson and McCarran bills are manifold. The provision for the registration of Communist political organizations and Communist-front organizations is but one aspect—the foot in the door which opens the way to all the other unfortunate provisions in these measures.

The Senator from South Dakota [Mr. MUNDT], who is the chief architect of this legislation, has, himself, stated as recently as March 17 of this year:

> I do not believe that all the Communists in America are going to register simply because the law says that they should, and I think that we are still going to need the FBI, and we are still going to need the House Committee on Un-American Activities and a great number of other alert people to find the people who decline to register.

That, of course, has been acknowledged by everyone, and has been pointed out time and time again on the floor of the Senate during the course of the debate. I agree with him. But I will go one step further, and say that very few, if any, Communists are going to register. And then as the Senator from South Dakota says, it is going to require the FBI and a great number of alert people to investigate, to gather evidence and indict all those who fail to register. It has been pointed out in the debate heretofore on this floor that the FBI, therefore, instead of hunting spies, will be hunting people who, in the opinion of some official in the United States Government, ought to register under this act. The staff of the Attorney General will be occupied with filing charges and seeking indictments against individuals who, on principles, will decline to register, although the Subversive Activities Control Board may feel that they should.

As pointed out earlier today very clearly by my distinguished colleague the junior Senator from Illinois, there will be trials, hearings, appeals, and further appeals. Legal experts have estimated that it will require 4 years before the Supreme Court can hand down a decision in even one of these cases. And I believe the junior Senator from Illinois estimates that in some cases, before final action can be taken and the man imprisoned, it may take in excess of 4 years, including the administrative control action and the action in the courts, including appeals.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the Senator may yield to me, without losing the floor thereby, so I may be permitted to amplify that statement.

Mr. LEHMAN. Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. I may say, Mr. President, that in my speech earlier this day I merely traced two steps; first the step under which an organization would be listed as a Communist-action organization, in the phraseology of the pending bill; I said that in order to get an individual listed as a Communist, if he did not come forward himself, it would take from 2 to 4 years, and then there would be a further period which might be in excess even of 4 years if all 55,000 cases were prosecuted. But this is merely the beginning, because criminal prosecutions would have to occur after these two steps, and there would be trial, with appeal, and there would be criminal charges, and trial, with appeal. So that this would still further prolong the actual punishment of individuals judged to be Communists, who had not registered. It might amount to 10 or 12 years of actual imprisonment.

Mr. LEHMAN. I thank the Senator from Illinois. I think his statement is very useful and very informative.

There will be hearings, trials, appeals and further appeals. Legal experts have estimated that it will take 4 years before the Supreme Court can hand down a decision in even one of these cases. It will be 4 years before we know whether this law is constitutional. For 4 years we will have these indictments hanging over hundreds, and perhaps thousands, of people before one Communist can be sent to jail for failing to register. And meanwhile, springing up all over the land, will be new organizations, new fronts under new names set up just as fast as old ones are put under the ban of this act. This machinery is so cumbersome it creaks. It will prove to have no effect whatsoever.

Individuals and organizations who do register will immediately be subject to certain penalties and forfeitures of rights. Organizations will be required to stamp all literature and letters sent out and intended to be read by two or more persons with the label, Disseminated by a Communist Organization.

The content of the literature or letter will be immaterial. If an organization, determined by the Subversive Activities Control Board to be a Communist-front organization, sends out a brochure calling for the repeal of the Taft-Hartley Act, that brochure will have to be labeled as being mailed by a Communist organization. If they send out an invitation to a tea party, it will have to be labeled as being disseminated by a Communist organization.

How is this legislation to be enforced? The answer is very simple. The enforcement agencies will have to go through the mails, look into every letter and every piece of literature to see from what kind of an organization it emanates. Privacy of the mails will be gone. And an army of snoopers will necessarily be let loose to pry into the personal and private affairs of all our citizens. No individual writing to wife, husband, broker, lawyer, or doctor will be sure that his communication will not be read and abstracted by some agent in pursuit of evidence that this letter was one of those mailed by a Communist or Communist-front organization.

As I have said, the Mundt-Ferguson bill and the McCarran bill go much, much further than requiring a Communist or Communist-front group to register. For example, there is the sedition section. For example, there is the section which, out of hand, makes it a penal offense to be a Communist or to be a Fascist, although home-grown Fascists, without foreign connections are presumably exempted from penalty. But this provision is as broad as all outdoors.

But who is to determine what act might contribute to the establishment of a totalitarian dictatorship in the United States? There are those in this country who argue loudly and vehemently that public housing and rent control are substantial contributions to the establishment of a totalitarian dictatorship in the United States. There are those who say the same thing about Federal social security or public power development or compulsory health insurance. Only a few weeks ago FEPC was described on the floor of the Senate as Communist inspired.

Mr. President, I wish the Members of the Senate now present would listen to this statement; I think it is important.

In November 1948, Mr. President, over a million American citizens went to the polls and voted for the candidate of the Progressive Party for President. I believe, as many others do, that many of the leaders of the Progressive Party had close Communist connections and rigidly followed the party line. Would that make a million Americans subject to the penalties set forth in this bill? Our jails are not big enough to hold all those who might be condemned to them by this provision, and by many other sections of this legislative proposal.

Communists, of course, would obviously be indictable and subject to imprisonment under the provisions of section 4a. Yet, at the same time, they are required to register as Communists under the terms of section 8 of the same bill. In other words, one section requires them to register, and another section puts them in jail for registering. This is not legislation; it is a parody on legislation.

Of course the heart of this proposed legislation lies in the definition of what is a Communist or Communist-front organization. The standards by which the Subversive Activities Board is to determine whether an organization is Communist are, as I have said, broad and vague. I shall not list them all. I shall just read a few.

> The extent to which the organization fails to disclose or resists efforts to obtain information as to its membership by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method.
>
> The extent to which it fails to disclose or resists efforts to obtain information as to records other than membership lists.
>
> The extent to which its meetings are secret and otherwise operates on a secret basis.

I need not discuss these particular criteria at any length. Their dangerous potentialities are obvious. Many labor unions keep their membership lists secret. Many labor unions, especially in some sections of this country, hold meetings in secret and certainly resist efforts to obtain information as to their membership lists. This is as necessary to a union seeking to organize an unorganized

area or plant as is the right of collective bargaining itself.

Another criterion is—

> The extent to which its principal leaders or a substantial number of its members are subject to or recognizes the disciplinary power of (a) foreign government or foreign organizations or its representatives.

What about an international labor union under this section? The international presidents of several of our unions are not American citizens. What if a Canadian should be elected international president of the United Automobile Workers Union. That is a possibility. The UAW has powerful branches in Canada. Would the Automobile Workers' Union then be subject to listing as a Communist organization? It certainly might.

This sort of evidence, without an restrictions, may be used by the board to determine whether an organization is a Communist organization. Naturally there are other criteria which deal with the political views of such an organization. These criteria are likewise vague.

It is frequently difficult enough, as any lawyer or judge knows—Mr. President, this has been pointed out, I believe, in a speech by the Attorney General of the United States—to establish the fact of whether a man had committed murder, or theft, ar assault, or perjury. But in the Mundt-Ferguson bill, we enter into an entirely new field—that of determining whether a man has dangerous thoughts or ideas.

Subsection 4, paragraph F of section 14 lists as one of the criteria the board shall use for determining whether an organization is a Communist front, the following language.

Mr. President, I hope the Senators now present will pay attention to this language:

> The extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist political organization, Communist foreign government, or the World Communist Movement referred to.

This definition could lead to action against almost any organization which at any time has taken a stand for public housing, for fair employment practices, for the Brannan plan, for rent control, for health insurance, against that Taft-Hartley Act or against aid to Franco.

Mr. KILGORE. Mr. President, will Senator yield for a question?

Mr. LEHMAN. Yes.

Mr. KILGORE. Is it not a fact that prior to the installation of our present postal department and postal service, it cost $1 to send a letter from Boston to New York?

Mr. LEHMAN. I believe that is so.

Mr. KILGORE. Is it not also true that in those early days it cost correspondingly large sums to send letters to other places?

Is it not also a fact that it cost tremendous amounts of money to have express shipments delivered in various parts of the United States, until there was established as a part of the Government the Interstate Commerce Commission, which controls the railroads and shipments by railroads?

Mr. LEHMAN. Undoubtedly that is so.

Mr. KILGORE. Is it not also a fact that the Interstate Commerce Commission has abolished the idea of giving free passes to the customers of the railroads, and all that sort of thing, and also the idea of giving special freight rates to certain companies? Is not that a fact?

Mr. LEHMAN. Certainly.

Mr. KILGORE. Is it not also a fact that that idea is somewhat of a communistic nature?

Mr. LEHMAN. Certainly those who advocated those things years and years ago were accused of being Communists; and they may have been so accused since that time.

Mr. KILGORE. Is it not also true that at times we can exclude parts of the whole, and still keep a democratic government, without accepting the whole?

Mr. LEHMAN. There is no doubt of that.

Mr. KILGORE. Is it not also a fact that if we do that, as we have in the past, we shall probably have a better system to take care of our people, without destroying or tearing up things as they are. If we could spread that idea over the world would it not be easier to tone down communism and tone up democracy; in other words, to lift democracy and lower the crazy ideologies of communism?

Mr. LEHMAN. There is no question about that.

Mr. KILGORE. However, if we punish the person who believes, shall we say, in public ownership of the power companies which we have in the TVA, we wreck the entire structure of public power, do we not?

Mr. LEHMAN. That is true.

Mr. KILGORE. It would also wreck the idea of having the Great Lakes become a part of our entire shipping system, would it not?

Mr. LEHMAN. That is correct.

Mr. KILGORE. However, of course, if the Great Lakes ever are included in our shipping system, it will be greatly benefited by spreading the idea to which I have referred, will it not?

Mr. LEHMAN. There is no doubt of that.

Mr. KILGORE. Is it not a fact, for instance, that there are in the Appalachian Range enormous amounts of copper, manganese, chrome, and various other metals which never have been exploited because there has been a shortage of power at a rate cheap enough to enable us to exploit those deposits of metals?

Mr. LEHMAN. There is no doubt of that. Let me say to the Senator that when Al Smith, President Roosevelt, who then was governor, and later I, advocated the public ownership and development of water power—which was there for the taking—in the St. Lawrence and Niagara Rivers, the accusation was made that that was a Communist idea.

Furthermore, I can say to the Senator that later on—in 1935—when I fought for the enactment of adequate social-security legislation in the State of New York, those who, like myself, advocated it were accused of believing in communism.

I shall go a step further: It seems inconceivable that today anyone should object to adequate factory inspection or reasonable control of hours of labor for minors and women; but when those subjects first came up for consideration in the early twenties, they were also held to be Communist doctrines.

Mr. KILGORE. Is it not also a fact that the charge of communism is frequently made in respect to such subjects as the regulation of working hours and various other things of that type; and is it not also a fact that we frequently get into the same question, shall we say, even in respect to slot machines?

Mr. LEHMAN. I think that is true.

Mr. KILGORE. Because of State lines and the question of violating States' rights.

Mr. LEHMAN. I do not want to leave the impression that I know anything about slot machines; so I cannot answer the last question. Certainly it was not discussed on the floor of the Senate recently.

Mr. KILGORE. Like many others, I have always lost money on them whenever I have played them.

Mr. LEHMAN. I thank the Senator very much indeed.

The Communist Party, in its vain attempt to win a popular following, has taken the same stand on these matters as have many good and patriotic American organizations including the Democratic Party. But opponents of these causes have seen fit to condemn the causes by citing Communist support of them. Under the terms of the Mundt-Ferguson and McCarran bills, good American organizations—labor unions, church groups, and others—could be charged on this basis with being Communist fronts.

By the same token, action could be taken under these bills against organizations and groups which have opposed the Atlantic Pact, the Marshall plan, military aid to Europe, the Truman doctrine, and involvement in Korea. All these programs and policies are violently opposed by Moscow for its own reasons. I may say parenthetically that I have heard a good deal of opposition voiced to most of these measures on the floor of the Senate by some of my distinguished colleagues.

The bill provides that the Board shall take into consideration the extent to which an organization "sends members or representatives to any foreign country for instruction or training in the principles, policies, strategy, or tactics of such world Communist movement."

Would, then, a scientific organization which sent representatives to a world scientific gathering at which representatives of Communist nations were also present fall under the ban of this proviso? It might.

Another criterion is the extent to which an organization reports to such foreign government or foreign organization or to its representatives.

Would, then, an international relief organization operating in Rumania or Hungary, required by the law of that country to report to that government concerning its activities, fall under the ban of this criterion? It might.

I could proceed in this manner through most of the list of these criteria. I have enumerated just a few.

I would like to pass for a moment to the innermost heart of this legislation, the definition of a Communist-front organization. This definition, found on pages 6 and 7 of the Mundt-Ferguson bill, states that a Communist-front organization means one which "is primarily operated for the purpose of giving aid and support to a Communist-political organization, a Communist-foreign government, or a world Communist movement."

But Russia is not the only Communist government in the world today. Yugoslavia is one, China is another, Poland is a third. Would a relief organization sending aid to private individuals in Yugoslavia fall under this definition? I think it certainly would.

Would a church organization collecting funds for food shipments to individuals in Communist-controlled China or Poland come under this definition? I think it certainly would.

Would the great CARE organization, which arranges for the shipment of food parcels to individuals in some areas under Communist control fall under this definition? I think it might.

Mr. President, I have been discussing the several standards by which the Subversive Activities Control Board is instructed, under the terms of this bill, to establish whether an organization is a Communist political organization or a Communist-front organizations. These standards are all set forth in section 14 of the Mundt-Ferguson bill. Eight separate characteristics are listed for detecting and determining a Communist organization; four criteria are listed for Communist-front organizations.

But the really significant point lies in the fact that the bill leaves it entirely to the discretion of the Subversive Activities Control Board to decide how many of these characteristics must be shown by an individual organization before the Board can find that the organization in question is a Communist political organization or a Communist-front organization. An organization might exhibit just one of these characteristics—just one—and still be found by the Control Board to be a Communist or a Communist-front organization.

As I have already shown, these standards are so vague as to be almost meaningless when applied to specific instances. But I should like to show the Senate how a specific organization without Communist affiliations might be measured against these standards and easily found to be, let us say, a Communist-front organization, despite the fact that it is actually, violently anti-Communist.

Let us take, for example, the United Auto Workers of America, a fine labor union to which I have already referred. There is no more anti-Communist union in America. There is no more patriotic and forward-looking organization, more keenly aware of its responsibilities to its members and equally to the Nation and the public at large.

I have no doubt that there are among the members of the United Auto Workers Union some few Communists and fellow travelers. There might be some locals of this union, one two of whose officers might fall into this regrettable category. There are undoubtedly some who at one time or another innocently, or otherwise, belonged to a Communist or Communist-front organization. But these very facts might put the entire United Auto Workers Union not only under suspicion as far as the Subversive Activities Control Board is concerned, but potentially under indictment as a Communist-front organization. There are probably influences and interests in America which would be glad to see this happen. This could occur on the basis of only one of the criteria set forth in the Mundt-Ferguson bill—the fact of some members of the UAW being Communists. But that is only the beginning.

The second criterion of a Communist-front organization under the Mundt-Ferguson bill deals with sources of financial support. It might be that in some strike the UAW might receive a contribution from an organization and might accept it, not knowing that this contribution was from a Communist organization. That would furnish a second criterion for indictment of this union.

The other two criteria of Communist-front organizations deal with the policies advocated by those organizations.

As I have already shown, Communists pay lip service to many causes such as public housing, peace, antidiscrimination, and social security. These causes happen to be supported very enthusiastically by the UAW union. The UAW supports many other principles—sound and liberal principles in my judgment—to which the Communist Party gives its questionable blessings. The UAW has on several occasions condemned laissez faire capitalism, an attitude this union shares with such organizations as the World Council of Churches.

Thus, under both the third and fourth criteria of the Communist-front organizations—the criterion of furthering and promoting the political objectives of a Communist political organization, and the criterion of nondeviation on matters of policy from a Communist organization, the UAW workers could be ordered to register as a Communist front.

Hence, in all four particulars set forth in the Mundt-Ferguson bill, the UAW would be as much liable to indictment as any one of a half-dozen Communist fronts now listed by the United States Attorney General. Yet it must be obvious to all the Members of the Senate that the UAW is violently opposed to communism and is, in fact, one of the most effective forces against communism.

DRAFT STATEMENT ON M'CARRAN-MUNDT-FERGUSON BILL

As one of seven Senators who voted against the McCarran omnibus bill including, among other things, the provisions of the Mundt-Ferguson bill, I am pleased to make the following statement:

The McCarran bill is called an act for the internal security of our country. In my judgment, this bill weakens and enfeebles our internal security. It blasts a hole in the dike of our liberties which real subversives would exploit to their advantage in this country, and which Moscow would richly exploit abroad.

Specifically, my reasons are as follows:

First. The McCarran bill would inevitably drive real Communists completely underground. The proponents of the bill admit this but hold out the false hope that subversives could be clapped in jail for refusing to register.

Second. The McCarran bill would create conditions under which Communists would disapper from the public eye and, out of sight, would swarm and multiply.

Third. The McCarran bill would surround Communists with an aura of martyrdom which would provide an irresistible attraction to drag many well-meaning citizens into the underground labyrinths of the Communist conspiratorial company.

Fourth. The McCarran bill would place in the hands of the Subversive Activities Control Board the power to brand as subversives many groups and countless individuals without Communist affiliation who support causes which any three members of that Board might deem to be similar or analogous to causes supported by Communists.

This bill, if it becomes law, would not force Communists into the open, as the sponsors claim, because it would first be necessary to prove, before the Board and then in courts of law, who are Communists. It would take 4 years to go through the legal process which this entails. It would require the FBI to disclose all its agents and sources of information within the Communist Party. Meanwhile, many patriotic Americans, many legitimate American organizations, including labor unions, and many harmless persons with unorthodox or unpopular ideas would be threatened and menaced in their basic liberties, in their right to speak openly, in a period when the right of free speech and free expression is more vital than at any time in our entire history.

Yesterday the Senate passed this unfortunate measure. Before passing it, the Senate superimposed a watered-down and virtually toothless version of the Kilgore amendment, a proposal which, in its original form, I helped to author and which I strongly supported, for the internment and detention, in times of internal emergency, of individuals known to the security agencies of our country to be potential saboteurs and spies. These would include members of the Communist Party.

The addition of the watered-down version of this amendment does not cure the weaknesses nor atone for the evils inherent in the McCarran bill. This amendment, in its final form, confounds the confusion inherent in the McCarran bill and does not mitigate it.

For these and other reasons I voted against the McCarran bill. I hope the Senate will uphold the veto, and that the

bill will not become law. I hope the Senate will stay in session long enough to enact a sound, practical, and effective antisubversive bill to protect our internal security. I hope we may enact legislation to wage unremitting war against totalitarianist influences and subversive influences in this country. But I will not cast my vote to satisfy a hysteria to get any piece of legislation enacted which is falsely labeled an anti-Communist bill but which actually weakens the internal security of our country.

Before casting my vote against the bill, I made a brief explanation to the Senate. I should like to quote in part from it at this point:

Mr. President, I shall detain the Senate only briefly in explaining the vote I am about to cast. In the past week we have heard the McCarran bill, including the Mundt-Ferguson provisions, analyzed and debated in great detail. I have told the Senate and the country in two separate speeches what I thought about those provisions. I feel that this legislation is unwise, unworkable, and indefensible. It will not prevent subversive activities by Communists, but will, instead, increase the strength of the underground Communist movement. This legislation will aim what the New York Times on its editorial page has called a "blunderbuss" straight at the precious liberties of all the American people.

There are many voters in my State and elsewhere who mistakenly understand—they have been so told—that the McCarran bill is an anti-Communist bill. Because of this misunderstanding, some of my colleagues, whom I highly respect, will vote for the McCarran bill. The time will come when they will regret that.

As for me, Mr. President, I will not compromise with my conscience. I will not betray the people of my State in order to cater to the mistaken impression which some of them hold. I shall try to clarify the issue and not to confuse it. I am going to vote against this tragic, this unfortunate, this ill-conceived legislation. My conscience will be easier, though I realize my political prospects may be more difficult. I shall vote to protect the liberties of our people.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. LEHMAN. What I have read are the comments I made at the time I voted against the bill. They represent my feelings and my sentiments when I vote against the conference report. I want to make it very clear that the words which I have expressed represent my feelings and my sentiments today. Therefore I shall be glad to vote to uphold the veto of the President of the United States.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. LEHMAN. Yes.

Mr. KILGORE. Unlike the Senator from New York, I voted for the bill originally because I thought by piling one bill on top of another we might get results. After studying the subject further I decided that we would not get results. It was more like putting one mustard plaster on top of another mustard plaster, one plaster ruining the other. I am asking the Senator if it is not his opinion that the entire approach is wrong, and the entire idea has gotten away from internal security? Is it not true that we have gotten into the idea of "anti-something," instead of "pro-American"?

Mr. LEHMAN. I think that is true. I can only speak from my own point of view, and I can only answer to my own conscience. I do not mean to be critical of or to speak for the conscience of my colleagues on the floor of the Senate.

Mr. KILGORE. Mr. President, may I ask whether the Senator from New York will yield for a question?

The PRESIDING OFFICER (Mr. KNOWLAND in the chair). Does the Senator from New York yield for a further question?

Mr. LEHMAN. I yield for a question.

Mr. KILGORE. I should like to put into the RECORD at this point three telegrams supporting the veto of the pending legislation, which were handed to me on the floor a moment ago. I do not know who sent them, but they come from the State of Illinois, the State of the majority leader.

Mr. LEHMAN. I ask unanimous consent that the Senator be permitted to insert the telegrams in the RECORD.

The PRESIDING OFFICER. Is there objection to the insertion in the RECORD?

Mr. FERGUSON. Mr. President, will the Senator state from whom these telegrams were received?

Mr. KILGORE. They are telegrams which have come in today.

Mr. FERGUSON. They came in today?

Mr. KILGORE. Yes.

Mr. FERGUSON. How many are there in all?

Mr. KILGORE. There are four.

Mr. FERGUSON. I thank the Senator.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. LEHMAN. I am glad to yield for a unanimous-consent request that the Senator from Tennessee be permitted to make an insertion in the RECORD.

Mr. KEFAUVER. It is not for an insertion.

Mr. LEHMAN. I amend my request.

Mr. FERGUSON. What is the request?

Mr. KEFAUVER. I wish to send to the desk a resolution from the Special Committee Investigating Organized Crime in Interstate Commerce, with respect to citing a Mr. Russell for contempt.

Mr. FERGUSON. I shall be obliged to object to it at this time. I think we should keep on the regular business.

The PRESIDING OFFICER. Objection is heard.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. KILGORE. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a telegram which I received from Francis Biddle, former Attorney General, on the question now before the Senate.

Mr. FERGUSON. Mr. President, I could not hear what the Senator from West Virginia said.

Mr. KILGORE. I ask unanimous consent to insert in the RECORD a telegram from the honorable Francis Biddle, former Attorney General of the United States, with respect to the bill now before the Senate.

Mr. FERGUSON. Does the Senator ask to insert the previous telegrams to which he has referred?

Mr. KILGORE. Yes; I ask unanimous consent that the four telegrams be inserted in the RECORD at this point.

Mr. FERGUSON. I wonder whether the Senator wants to insert all four telegrams in the RECORD. They are in identical language.

Mr. KILGORE. That is in accordance with the pattern followed by the National Association of Manufacturers, the National Automobile Manufacturers Association, and the National Chambers of Commerce. They follow a normal pattern.

Mr. FERGUSON. The Senator desires to have all of them printed in the RECORD?

Mr. KILGORE. Yes.

Mr. FERGUSON. I have no objection.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *September 23, 1950.*
Senator KILGORE,
Senate in Session, Washington, D. C.:
Encourage your fight to sustain veto Internal Security Act.

BEN EHRENBERG.

CHICAGO, ILL., *September 23, 1950.*
Senator KILGORE,
Senate in Session, Washington, D. C.:
Encourage your fight to sustain veto Internal Security Act.

FANNIE KERMAN.

GLENCOE, ILL., *September 23, 1950.*
Senator KILGORE,
Senate in Session, Washington, D. C.:
Encourage your fight to sustain veto Internal Security Act.

WILLARD KEPMAN.

CHICAGO, ILL., *September 23, 1950.*
Senator KILGORE,
Senate in Session, Washington, D. C.:
Encourage your fight to sustain veto Internal Security Act.

MAXINE KERMAN.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. KILGORE. I ask that the telegram from Francis Biddle be printed in the RECORD at this point.

Mr. FERGUSON. I have no objection.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *September 22, 1950.*
Hon. HARLEY M. KILGORE,
Senate Office Building,
Washington, D. C.:
President has courageously vetoed McCarran bill placing severe restrictions on individual rights without accomplishing stated purpose. Your former colleague, Attorney General McGrath, has expressed vigorous opposition. We believe this leadership deserves equally courageous support. Your own record of clear anti-Communist liberalism leads us to hope you will sustain President.

Respectfully,

FRANCIS BIDDLE,
National Chairman, Americans for Democratic Action.

Mr. KEFAUVER. Mr. President, yesterday I quoted a part of the address of Gov. Thomas E. Dewey, of New York, and I wish to take this opportunity of reading certain other portions of the speech. It was delivered by Governor Dewey in Oregon in this historic debate with Gov. Harold E. Stassen on May 17, 1948. I thought the speech would be of particular interest to the minority Members of the Senate, inasmuch as Governor Dewey is still the head of the Republican Party.

Here is an issue of the highest moral principle. In the present issue the people in this country are being asked to outlaw communism. That means this: shall we in America, in order to defeat the totalitarian system which we detest, voluntarily adopt the method of that system?

Further he says:

I want the people of the United States to know exactly where I stand on this proposal, because it goes to the very heart of the qualification of any candidate for office and to the inner nature of the kind of country we want to live in. I am unalterably, wholeheartedly, and unswervingly against any scheme to write laws outlawing people because of their religious, political, or social or economic ideas.

Mr. President, I can imagine no statement of a great official of this country with the experience Governor Dewey has had that is more apt and pertinent to the issue we have before us.

Continuing, he said:

I am against it because it is a violation of the Constitution of the United States and of the Bill of Rights, and clearly so.

Governor Dewey had no doubt in his mind as to whether it was a violation of the Constitution. Some Senators here expressed a doubt one way or the other as to whether the Constitution of the United States and the Bill of Rights were violated by this kind of legislation, but the titular head of the great Republican Party, who has had a great deal more experience in law enforcement and dealing with subversives than any of us, has no question in his mind that this type of legislation is in violation of the Constitution of the United States and of the Bill of Rights.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield for a question.

Mr. HOLLAND. The Senator knows, of course, that the Governor of New York was talking about a proposal to outlaw the Communist Party, does he not?

Mr. KEFAUVER. It is quite true the Governor of New York was talking about the actual wording of the debate, the question being, "Shall the Communist Party be outlawed?" Anyone reading the bill before the Senate will certainly come to the conclusion that the bill substantially outlaws the Communist Party. I cannot see any distinction between outlawing and the kind of sanctions placed on the Communist Party and Communists under the bill.

That is particularly true in view of the fact that a Communist, if he is not listed, is required to come forward and register himself. Doing that, he proves against himself, in violation of the self-incrimination provision of the Constitution, one of the links in the chain of evidence which is necessary to prove that he is a law violator and criminal under the Smith Act, so that the language of Governor Dewey is certainly pertinent to the legislation we have before us. I would be for outlawing the Communist Party if it would eliminate the Communists, but Governor Dewey, J. Edgar Hoover, and all experts in the field say that outlawing the party would just make more Communists.

We ought to keep in mind at all times that it has taken 162 or 163 years to build up the tradition we have behind our Bill of Rights, the ideas of liberty which we have enjoyed under the Constitution. For the United States Senate to cast all that aside when it is unnecessary to do so in the interest of security, and to be in such a hurry to reach a final determination of this matter in order to go home a day or two earlier, is to me rather unthinkable. We ought to stay here and get the kinks and bad parts out of this bill.

After all, if substantial people who have had some experience with constitutional law and the President of the United States feel that legislation of this kind is going to endanger the things which we have won so dearly, which have made us the great, free United States of America, I think we can do no less than take a few days to consider and study every phrase and clause and get the opinion of the public and of the press of the Nation more fully before we enact into law a bill which many thoughtful persons, including our Chief Executive, say is going to strike at the very basic rights given in our Constitution and of our Bill of Rights.

I continue with Governor Dewey's statement:

I am against it because it is immoral and nothing but totalitarianism itself.

Mr. President, no Member of the Senate has accused anyone supporting the bill of being immoral, but Governor Dewey goes pretty strong in that statement. Of course, he means that it is an immoral thing to do to the freedoms and rights of the people of the United States.

Personally I know that the sponsors of the bill and all who are going to vote for it are actuated by the very highest motives. I can see and recognize that some of the provisions in the bill are protections which the FBI and the President of the United States ought to have. But in giving them those protections it is not necessary to cancel out with one fell stroke many of the provisions of the Bill of Rights, and of the Constitution, and to start us on the course of a police and thought-control state when we could stay here 2 or 3 days and get the bugs out of the bill, pass legislation which Mr. Hoover, the President, and the Department of Justice say would work, without the necessity of treating the liberties and rights and freedoms of our people so badly.

Governor Dewey says further:

I am against it because it is immoral and nothing but totalitarianism itself.

The closest any of us have gotten to the very direct statement of Mr. Dewey, who says this legislation is totalitarianism itself, is that we say we will be tending to establish a totalitarian state in order to fight a totalitarian state. But he goes all the way; he makes a direct charge that this kind of thing is totalitarianism itself.

I quote further:

I am against it because I know from a great many years' experience—

There is something we should keep in mind, and keep in mind all the time. I know there are distinguished lawyers and prosecuting attorneys in this body, but most of the lawyers who are Senators have been corporation or civil lawyers, who have not had a great deal of experience in dealing with subversives and in trying cases against fellows like Lucky Luciano against whom Mr. Dewey won a case, and Luciano was finally deported and is now in Italy. In matters of this kind we should be guided by people of experience.

Mr. Dewey says:

I am against it because I know from a great many years' experience in the enforcement of the law that the proposal wouldn't work.

Mr. President, not only do the President of the United States and the chief enforcement officer of the executive department, the Attorney General, say it will not work, and say it in direct language, but they say that if we want to secure insecurity, pass this legislation, of we want to help the Communists, instead of harm them, pass this legislation, if we want to make the Defense Establishment publicly tell where the laboratories and A-bomb and H-bomb plants are located, pass this legislation.

This is a grave responsibility Congress is taking on its shoulders, here we are placing our judgment not only against the Democratic President of the United States, the Attorney General, who serves under him, and all the enforcement agencies upon whom we must rely. I can understand that some member of the minority party might feel that, after all, he did not place much confidence in the Democratic administration or in the Democratic President, and might be willing to place his judgment against that of Mr. Truman, J. Edgar Hoover, J. Howard McGrath, and the Central Intelligence Agency, and other agencies. But even the minority Members of the Senate should be impressed when the head of the Republican Party speaks out in such unequivocal terms, and he has never taken a word of it back, and I have an idea he will never take any of it back.

Mr. THYE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator from Minnesota.

Mr. THYE. The Senator is speaking about the head of the Republican Party. Is that Governor Dewey?

Mr. KEFAUVER. I assume he is still the titular head. I am sure the Senator is better qualified to speak about that than I. I have always thought the man who ran for President last was the titular head of the party.

Mr. THYE. The Senator will agree that Governor Dewey had reference to an act that was before Congress 2 years ago, and that he was speaking in the spring of 1948, and certainly was not speaking of the kind of legislation which is before the Congress today.

Mr. KEFAUVER. That does not hold up, in my humble opinion.

Mr. THYE. The Senator will agree that those were the spoken words of Governor Dewey in the spring of 1948.

Mr. KEFAUVER. It was May 1948, but the Senator will remember that this kind of legislation has been before the Congress in one form or another for a long time. It has not been changed in any great feature, it has been made more drastic and more violative of the Constitution, but it compares with the legislation that was being sponsored in May 1948 when Mr. Dewey made the statement. If he says this about the mild sort of legislation that was pending in May 1948, if he were debating today, I wonder what stronger language he would use. I know it would be a great deal stronger language about this more drastic, this more unconstitutional, legislation, this legislation which to a greater extent deprives people of their liberties and rights than did the proposed legislation of 1948.

I yield further to the Senator from Minnesota for a question.

Mr. THYE. Mr. President, I am sure the Senator will agree with me that in the 2 years from the time Governor Dewey spoke on the legislative proposal to outlaw Communists, Congress and all concerned have had much time to study the type of legislation which should be considered. The Congress has considered it for 2 years, and both of the Houses of Congress passed overwhelmingly, the bill which the President saw fit to veto, and which we are now discussing. The subject has been before the Congress for 2 years. We are now voting whether the Congress should override the President's veto.

Mr. KEFAUVER. The Senator has asked me a question, and I am glad he asked me the question. It is quite true that for more than 2 years Congress has been studying this kind of legislation. We have had it before us, and lawyers have testified on the subject, and many others have testified about it. Considering the fact that, despite all the time we have been studying the proposed legislation, it still contains provisions which are plainly unconstitutional and which deprive citizens of rights, as hardly anyone will deny, for the life of me I cannot understand why we should not take two or three more days to get at least some of the bugs out of the bill.

Furthermore, I may say to the Senator from Minnesota that while it is true that Congress has been studying this matter for many years, the part of the legislation which has the real teeth in it has never been given any committee consideration whatever. The provision which will give the Nation some protection and may do a little to offset the obnoxious provisions of the original McCarran bill, which is going to do a great deal more harm than good, has never been given any committee consideration whatsoever. I refer, of course, to the Kilgore provision. Where did the Kilgore provision come from? It was brought to the Senate floor directly, and I joined in bringing it here, because I felt that we ought to have some legislation that would help instead of harm. It was never considered by the Committee on the Judiciary of either the House or the Senate. The Kilgore bill was introduced only about 2 weeks ago. Of course I have heard many Senators say that we should not pass important legislation of this kind without at least giving it some committee consideration. I agree with the necessity of technical bills like the Kilgore bill being considered and worked over in committee.

A very strange thing happened about the Kilgore provision. I remember when it was first offered that standing here on the floor of the Senate the senior Senator from Nevada [Mr. MCCARRAN] made one of the most stirring pleas I have ever listened to in my life. He said, "Senators, think; do not strike down the Constitution. Let us protect the Bill of Rights. This violates the fifth and sixth amendments to the Consitution."

Then the distinguished Senator from Michigan [Mr. FERGUSON], who is a great constitutional lawyer, stood on the other side of the aisle and made a very strong plea against the Kilgore proposal, citing law cases, saying that it was unconstitutional, that it did not provide due process, that there was not sufficient language in it to set aside the operation of the writ of habeas corpus, and that it was unconstitutional in many respects; but then, almost as quick as the snap of a finger, instead of it being unconstitutional, these same Senators and others turned around and embraced it with all enthusiasm, and now they are proud of it as being the main part of the bill.

Mr. President, things like that simply do not stand up. The Kilgore amendment could not have been so very bad when they were making their impassioned pleas against its constitutionality provision, and then in the very next breath were saying, "Oh, I guess we were wrong about that. We will write something in it about more hearings, and so forth." The Kilgore provision is now a part of the bill of which they are very proud, and actually it is the only part that gives any real protection. We, of course, included the Magnuson provisions which were recommended by the President, and which strengthen the espionage and sabotage laws.

Let me say to the Senator from Minnesota that the detention section of the bill has been given no committee consideration. There have been no hearings on the Magnuson part of the bill. It is true that the Mundt-Ferguson bill has been here for 2 or 3 years. But the direction of the hearings has been toward the part of the bill that has to do with thought-control, of forcing citizens to follow the party line. The hearings on the bill have been in connection with the part that was discussed by Governor Dewey in his memorable debate with Gov. Harold Stassen.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. WATKINS. I noticed that a moment ago the Senator mentioned that most of the Senators who are lawyers, if not all, have been corporation lawyers, and probably never had any experience as prosecutors. I do not know what the Senator's background is, but has the Senator from Tennessee been a prosecutor?

Mr. KEFAUVER. I am glad the distinguished Senator asked me that question. I started practicing law in Chattanooga in the fall of 1927. I hung out my shingle for myself. I did not go into a big law firm. I took any kind of case I could get, whether civil or criminal. If I could get anyone to trust his liberties to me, I took his case. I did have some criminal experience in defending individuals, because in Tennessee at that time we had a rule that the criminal court judge, whenever a defendant was impecunious and did not have money enough to employ a lawyer, could assign a young lawyer to defend the person for the experience it would give him. I defended a great many defendants, and I gained considerable experience thereby.

The first defendant I defended was a Negro who had been accused of burglary. The testimony was that a man's house had been entered, and that a pair of pants had been stolen. The only thing the police found out about the man I was to defend was that a policeman, walking down the street, saw this Negro with pants on, and the pants looked like those which had been described, so he stopped him. The pants turned out to be the pants in question. My client had a good story to tell. It was that he walked down the street and bought the pants in a pawn shop; that he paid $2 for them. That was the case that was proved before the jury. No evidence was adduced about the defendant entering the man's house. I felt I had won my case and was pretty cocky about it.

Just before the case was ended, the State called the policeman back on the stand to prove some little point. I thought I had done so well that I would cinch my case absolutely. So I asked the policeman one final question: "You found this man with these particular pants on, and that is all you know about the case?" The policeman answered, "I testified about the pants, but I was not asked anything else. I don't know anything more about the case except that the defendant confessed very fully to me that he had entered the man's house and stolen the pants."

Mr. WATKINS. Like many a young lawyer, the Senator asked too many questions.

Mr. KEFAUVER. I asked one too many questions. That is the reason why amateurs should not be playing with such important matters as that which we are considering. It would be better if those who have worked on the legislation had listened to some man like Thomas E. Dewey, or J. Howard McGrath, J. Edgar Hoover, and had not listened to amateurs such as I.

I will say to the distinguished Senator that I do not put myself up as an authority on these matters. So far as I am concerned, if there are some provisions written into the bill which I believe would protect the rights of people and if we would do something with section 4, which is vitally necessary and which would prevent from being used to harass and embarrass, and to arrest innocent people, and if we would do something with the defense-plant part of the bill, that would make it a better bill.

Then if J. Edgar Hoover ever said that he would like to have a registration provision, I would vote for it, because I think he is an expert on the subject. We must rely on the Department of Justice and on the President, who will be charged with enforcing the provisions of the bill, and not rely upon the opinions of a bunch of amateurs who ask one too many questions.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield for another question.

Mr. WATKINS. I believe the Senator would not contend now that he has answered the question I asked him in the first place. That question was: Has the Senator been a prosecutor?

Mr. KEFAUVER. I have not gotten along to that point in my answer.

Mr. WATKINS. I do not know the Senator's background. That is why I asked him whether he had been a prosecutor.

Mr. KEFAUVER. I have not gotten to that point in outlining my experience.

Mr. WATKINS. I wanted to have an answer to the question.

Mr. KEFAUVER. I do not want to take up too much time, because there are many other matters which I wish to discuss. I have had some experience in prosecuting; and of course even more recently as a member of the Interstate Crime Committee I have had some experience—not as a prosecutor, but in investigating criminal activities, as have my fellow members. I said in the beginning that there were some former prosecutors in the Senate and I am sure the Senator from Utah was a capable one.

Mr. WATKINS. The Senator from Tennessee mentioned that most of the Members of the Senate who were lawyers had been corporation lawyers and not prosecutors. I want to call the Senator's attention to the fact that I have served, in a modest way, as a prosecutor, but have never represented any big corporation in my life. My work was in another field, having mostly to do with irrigation.

I also served as a judge, during which time I had to try criminal cases, many of them, over a period of years. Notwithstanding the fact that I am not the prosecutor that Governor Dewey was in his time, yet I have gone over the bill which is now before us, not the one Governor Dewey spoke of, and I believe it to be a good piece of legislation.

I should like to say, in connection with the type of crime affected by the bill, that in dealing with conspirators it is very difficult to write any kind of bill the provisions of which are going to be easy to enforce. Notwithstanding the fact that we have many criminal statutes now on the books, all over the United States prosecutors do find a way to enforce them, even though it is difficult to do so. When dealing with such a matter it is difficult to enact a measure which will please everybody. Prominent lawyers, including representatives of the American Bar Association, have gone over the bill. Members of this body who are on the Committee on the Judiciary, who are lawyers, have at heart the interest of the people of the country and desire to preserve their freedom. We have all studied it, and many of us have come to the conclusion that it is a good bill, and as a good lawyer, the Senator ought to accept the product which has come to the floor.

Mr. KEFAUVER. I appreciate the observations made by the Senator from Utah. Does he approve section 5 of the bill?

Mr. WATKINS. Not all of it; but on the whole, I think the bill is probably as good a bill as we can obtain in connection with legislation of this kind.

Mr. KEFAUVER. Does the Senator approve of the requirement that the Secretary of Defense list in the Federal Register all the positions of all of our vital defense plants and defense establishments all over the United States?

Mr. WATKINS. If the Senator will check the language of the bill, I think he will find that section leaves to the discretion of the Secretary of Defense the determination of whether he will list them.

Mr. KEFAUVER. I wish the Senator would give me his interpretation of that language, because subsection (b) of section 5 provides that the Secretary is directed to designate, and so forth; and then it refers to publication of the list in the Federal Register. Directed does not mean it is discretionary. Where does the Senator see in the bill language which refers to such discretion on the part of the Secretary of Defense? If the Senator will provide me with a definite citation from the bill in that connection, to show that the Secretary of Defense will have such discretion, I shall be very much interested in having the Senator do so.

Mr. WATKINS. I shall have to locate that particular part of the bill, which I do not have before me at this moment.

Mr. KEFAUVER. I shall be glad to have the Senator do so. Of course he has a copy of the conference report, and I should like to find out from him where he thinks the conference report or the bill provides that the Secretary of Defense shall have that discretion.

Mr. WATKINS. I read now from section 5 (b):

(b) The Secretary of Defense is authorized and directed to designate and proclaim, and from time to time revise, a list of facilities, as defined in paragraph (7) of section 3 of this title, with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section.

To my mind, that means that he will find and determine that the security of the United States requires that; and it will be left entirely up to him to determine if and when he will do that, with respect to the security of the United States.

In other words, Mr. President, it is an unfair interpretation for anyone to attempt to make it appear that this bill requires the Secretary of Defense to publish a list of every defense installation and every defense project and every laboratory in the United States. I believe that is an unfair interpretation.

Mr. KEFAUVER. But in subsection (a) the Senator will find that wherever the Secretary of Defense wishes to keep Communists from working in a defense plant which under his determination involves the security of the United States, he will have to list such plants and defense establishments, under the provisions of section 5, subsection (a). Of course we are talking about vital defense establishments, as to which the Secretary of Defense is directed by the bill to publish in the Federal Register the list of the locations of such plants and establishments. There can, in my opinion, be no doubt of the bill requiring the Secretary of Defense to publish the location of every vital defense installation.

Certainly, Mr. President, we should delete this section from the bill. Certainly we can take the time to remain here this afternoon and do something about this matter, at least sufficient to get this section out of the bill.

Mr. President, I continue to read from the memorable address by Governor Dewey:

I am against it because it is immoral and nothing but totalitarianism itself. I am against it because I know from a great many years' experience in the enforcement of the law that the proposal wouldn't work, and instead it would rapidly advance the cause of communism in the United States and all over the world.

That statement should be taken into consideration by the Members of the minority party in the Senate, Mr. President. Let us consider carefully what the head of the Republican Party was saying in that statement:

Instead it would rapidly advance the cause of communism in the United States and all over the world.

Governor Dewey knew what he was talking about when he was making that statement; and what he said at that time is just as true and applicable today as it was when Governor Dewey uttered those words in May 1948.

Governor Dewey knew, because of the experience of every nation which ever has tried this sort of thing, that instead of deterring Communists and reducing communism—which is the aim of all of us—the Communists have grown in numbers and have been able to portray themselves as martyrs, and thus receive sympathy and even admiration from many persons who otherwise would not pay much attention to them.

Governor Dewey said in his speech:

It would rapidly advance the cause of communism in the United States.

Mr. President, the main thing that such persons want is to have people gen-

erally led to believe that they, the Communists, are being abused and martyred. In that way the Communists are able to receive a great deal of sympathy from many of the general public, and are able to attract large audiences.

It is very true, as has been stated by J. Edgar Hoover, in the 1949 report of the FBI—and, Mr. President, I think it would be well for us to read these two statements side by side, or in comparison with each other. I suppose that two of the greatest law enforcement officers in the United States today are Thomas E. Dewey and J. Edgar Hoover.

Here is what Thomas E. Dewey said:

> Instead it would rapidly advance the cause of communism in the United States and all over the world.

I read now from the 1949 report of J. Edgar Hoover:

> As a nation, we need have no fear so long as the actions of those residing on our shores are open and aboveboard.

That is what Mr. Dewey was talking about, namely, that if we try to suppress these people and make martyrs out of them, they will thrive; but if we can meet them by presenting a better idea and by convincing the people of the world that democracy and freedom constitute the best idea, then the Communists never will have fertile ground on which to sow their seed.

Then we have the statement:

> It is a war of ideas, and we are in it.

Mr. President, we must consider that statement carefully and long. Mr. Dewey knew what the situation was when he made that statement.

As time and history have developed, there are only two great nations in the world today. The present situation is not simply a question of war between marching armies. Frankly, Mr. President, bullets will not stop communism permanently. The present situation in the world is a war of ideas. Who is going to put forth the best idea, so far as the great numbers of people in the world are concerned? We are never going to put over the idea of democracy by stifling democracy and freedom. We are not going to win in that way. Our efforts in the war of ideas would be rather futile, and we would be taking a tremendous loss and would be given a tremendous setback in our effort if we start going down the totalitarian road ourselves. And I mean this just as sincerely as anything I have ever said—if we were to back down from the heritage and the high place of freedom that have been given us by our forefathers, under our Constitution, we will have lost much in our struggle for freedom and peace.

When so many persons believe—in fact, when the President of the United States believes and when other persons in high positions believe—that this bill would impinge upon the freedoms we have—freedom of press, freedom of assembly, freedom of speech, the constitutional rights guaranteed to our people, and the requirement of our Constitution that aliens be treated according to due process of law—even if only a few persons feel that the bill would impinge upon those freedoms, certainly we should stop, look, listen, and be sure where we are going.

I cannot understand how anyone who reads this bill would not come to the conclusion that a great deal of substance, as regards the liberties and freedoms of the people of the United States, under our Constitution, will be taken away from the people by the enactment of legislation of this sort. I know I have talked to some Members of the Senate who have said, "It does not make any great difference what sort of law we pass; let us pass an unconstitutional law." I even heard a very distinguished Senator say, "Perhaps some parts of the bill are unconstitutional, but I am going to support it, anyway. The courts will deal with any unconstitutionality."

Mr. President, we cannot avoid our responsibility by proceeding in that way. We cannot pass on to the courts the question of constitutionality when there is a reasonable doubt about that matter in our minds.

After all, it is the duty of each one of us who serves either in the House of Representatives or in the Senate to see to it, according to our best judgment, that every law we vote to have passed meets the constitutional test. That is particularly true when we are dealing with such precious, such hard-won, such substantial matters as the rights and freedoms guaranteed in our Bill of Rights to all Americans.

Every Member of the Senate, when first assuming his duties in the Senate, holds up his right hand and takes a solemn oath to support the Constitution of the United States. However, Mr. President, are we supporting the Constitution of the United States when we vote for the passage of a bill, if we have some doubts about the constitutionality of the bill?

I remember that some time ago, during the administration of the late President Franklin D. Roosevelt, a bill relating to the Agricultural Adjustment Act was before the House committee in the late 1930's. I forget the exact occasion, but I remember very well the general circumstances. I know President Roosevelt would not have urged the enactment of a bill of doubtful constitutionality if he had thought the matter through. Perhaps the matter was handled by some bright underling of the White House.

At any rate, President Franklin Roosevelt sent to the House committee a letter dealing with that bill. In that letter he said, in effect, in addressing the members of the House committee, "Perhaps we are not sure of the constitutionality of this measure. Perhaps you have a point there. However, regardless of just how you feel about the constitutionality of the question, the House of Representatives should pass the bill and the Senate should pass the bill, so that the bill can thereafter be taken up with the Supreme Court, for that is what the Supreme Court is for."

In other words, the late President Roosevelt was making, in that connection, the same argument which I have heard made in more vociferous terms during the present debate.

Mr. President, I have never heard responsible lawyers become more worked up than was the case when the President made that statement, to the effect that the House of Representatives should pass the bill, regardless of doubts about its constitutionality, and thereafter should pass the buck on to the courts to determine the question of constitutionality. Most vehement expressions of righteous indignation were made in response to that statement by the President, and many statements were published in the press, to the effect that the House of Representatives should never dream of passing a bill if it believed the bill to be unconstitutional or if it had reasonable grounds to doubt the constitutionality of the bill.

Of course, Mr. President, what is true of the House of Representatives in that respect is even more true of the Senate, because, we are not supposed to be affected by the hysteria in the land. Originally, of course, Senators were appointed by the legislatures to represent the various States. They were supposed to be somewhat removed from the passions and prejudices of the moment. It is really a very shocking thing for elected Members of the United States Senate to stand here and say, "This may not be constitutional, but the people want it; so we must pass something—constitutional or not—and leave corrections to the courts." We are not doing our duty. We are not even attempting to do our duty. That is particularly true when unconstitutional provisions are enacted, such as those requiring a person to incriminate himself. That requirement is in direct violation of the fifth amendment to the Constitution:

> Nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. LONG. What provision does the Senator have in mind, which requires a person to incriminate himself?

Mr. KEFAUVER. The provision that requires a person, who is not registered as a member, when the organization registers, to come in and register, himself, that incriminates him, on one link of the offense, under the Smith Act.

Since the Burr case, decided by Justice Marshall back in the beginning of our legal history, the cases have uniformly held that a person cannot be called upon to incriminate himself on any one of the several links that go to make up the offense. Under the Smith case, as we know, there are two links; one is membership in the Communist Party, and the other is the intention, or the overt act—the doing of something to overthrow the Government of the United States. A man cannot be called upon to give testimony against himself even as to one of those links. That principle has been sustained by the circuit court of appeals in the Rosen case, and certiorari was denied very recently by the Supreme Court.

Mr. LONG. Is it the Senator's contention that it is compelling a person to incriminate himself if he should be compelled to admit one factor which, standing alone, would not be a crime, although

it could be a crime if connected with some other acts?

Mr. KEFAUVER. That is the law today. The Hitchcock case is another citation on the subject in which the principle is clearly brought out.

Continuing with the statement of Governor Dewey:

Now, let's look at this thing. It is a war of ideas in the world, and we are in it. It is also a war of nerves.

I think we can agree with him that it is a war of nerves. I suppose the Communists in the Politburo are taking a great deal of interest in seeing us abandon our concept of government to some extent in order to meet the test in this war of nerves. This, I imagine, is just what they would have us do.

Mr. Dewey says further:

The conflict is between two wholly different ways of life—the system of human freedom and the brutal system of the police state.

That is exactly what it is. It is a conflict between two wholly different ways of life. But the ways of life are not going to be entirely different if we enact this type of legislation. Their way of life will be different, but our way of life will become more like theirs.

On one side of the great world struggle are grouped all those who believe in the most priceless right in the world—human freedom.

We have always believed in human freedom, but we are not practicing human freedom in this legislation.

Quoting further from Mr. Dewey:

We believe that every man and woman has a right to worship as he pleases, the freedom of speech, assembly, and of the press.

Mr. President, can anyone read section 4 (a) of the McCarran bill and say that there are not possibilities of that section being used to intimidate people? Is there not danger they could be hailed before a court, and perhaps incarcerated for 10 years and fined $10,000 for engaging in what they think is freedom of expression?

Continuing:

We believe that every man and woman has an absolute right to belong to the political party of his choice.

Governor Dewey says that he wants every man and woman to have the right to belong to the Communist Party if he wants to. I suppose a man has that right. I should dislike to see anyone exercise that right, but I have an idea that more people will exercise that right if we try to keep them out of some party by suppression or by using un-American tactics on them. We are all familiar with the pattern. Time and time again we have seen how it works. A person may run for office, and the election may be close. Perhaps the elections are just a few years apart. With the election fever at white heat, if any candidate receives an unfair deal in the eyes of the public, let him come back and run for office the next time. If he carries on any kind of campaign at all, he is usually elected. I had such an experience myself. I ran for the State senate in the middle thirties, back at Chattanooga. I had a very hard and close race. There were some who felt that certain precincts were not all on the square. At any rate, there was some question about the election. That is the way many candidates are elected to office; and so it is with the expression of ideas. Ideas grow by suppression. They feed upon suppression. There is something about people which causes them to come to the rescue of a fellow whom they think has not been given a fair deal. This is true regardless of how despicable the person may be.

Continuing with Mr. Dewey's statement:

We believe, in short, that human beings are individuals, and that they do, and should, differ among themselves.

That is right. If we all thought the same, this would not be a very interesting world. If we did not have different ideas about the application of scientific methods, we would not advance very far technologically. If we did not have different political ideas he would not be able to advance in the science of government. Differences of opinion usually bring out the truth. That is the value of our two-party system. But this bill tends to strike down liberty of expression and of ideas if they do not conform to the thinking of the day. The bill undertakes to try to make one follow the party line, or else be subjected to fear of the penalties and sanctions of legislation.

Continuing:

We believe, in short, that human beings are individuals, and that they do, and should, differ among themselves.

Those were great words which were spoken by the head of the Republican Party. He has given good advice to the Members of the Senate. I am sorry that more members of the minority are not here to ponder, study, and consider further the words of the leader of their party. Mr. Dewey's words are so very applicable to this legislation.

We know that each of us has within himself a portion of error, and we believe that each of us has within himself a touch of God.

That is fine language. That is a great thought. It is impossible to reconcile the spirit expressed by Governor Dewey with the proposed legislation.

On the other side of this struggle are the advocates of the all-powerful totalitarian state.

That is right.

They believe human beings are cogs in a machine.

That is what we do not want in the United States. We do not want it because one does not want to be a cog in an ungodly machine. We do not want to be cogs in a machine so far as the press is concerned. But we are going in that direction with this legislation.

Speaking of communism, Mr. Dewey said:

They believe human beings are cogs in a machine. Godless creatures, born to slave through life with every thought and every act directed by an overpowering, all-powerful government. Everywhere, these two conflicting schemes of life, the free system and the police state, are struggling for the soul of mankind.

Let me read that again. I wish that a larger number of Members of the Senate, particularly of the minority, could be present to hear these words.

Mr. THYE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield for a question.

Mr. THYE. I am sure the Senator also regrets that so few Senators are present on his side of the aisle.

Mr. KEFAUVER. Mr. President, I believe that in fairness, I should say that there are more on our side of the aisle than there are on the Senator's side of the aisle.

Mr. THYE. Mr. President, I think it is about an even break if the Senator wishes to count Members.

Mr. KEFAUVER. I agree with the distinguished Senator from Minnesota that there ought to be more on the majority side of the aisle, but I do not think they would be as much persuaded by the lofty and sound advice of the leader of the Republican Party as would be Members on the minority side. We had a goodly number of Democrats on this side when President Truman's message was discussed. I am now discussing something that is, I think, equally strong and persuasive. It shows the character and opinion of another great man, which ought to appeal particularly to Members on the Republican side.

Mr. Dewey further said:

Everywhere, these two conflicting schemes of life, the free system and the police state, are struggling for the soul of mankind.

What did Governor Dewey have in mind when he said, "The free system and the police state are struggling for the soul of mankind"?

I suppose he had in mind these divergent philosophies of life which are struggling for the soul of the individual in this country, and in the neutral lands of Indonesia, Indochina, India, and in certain parts of South America, where people have seen American airplanes pass overhead, and are not satisfied with the sort of life they are living; where they have been forced to live in dingy little houses with large families, and have been told that there is nothing that can be done about it. They have heard about our developments along these lines in the United States, and they are determined to do something for the protection and welfare of their children. They are going to have a change. They do not intend to live in abject poverty and misery all the years to come merely because they have been told that there is nothing that could be done about it. They represent the great majority of the people on the globe. They are either going to be on the side of the police state or on the side of the free-enterprise system. We are not making our system more attractive to them by restricting it. We are not making our system more attractive to them when we say that the freedoms and rights under our Constitution are meaningless. We do not attract them if we say that those freedoms must be bridled and stifled. In this critical time, we should follow the position taken not only by President Truman but also by Governor

Dewey. We could persuade people to join our effort; to convince the neutral people of the world that freedom of opportunity, freedom of the press, freedom of speech, freedom of assembly, giving people opportunities, and treating them right is the way of life they should embrace.

I have an idea, Mr. President, that in the hearts of people everywhere—whether they be in China or Korea—whether they be uneducated Africans or Indians—whatever they may be—they all want to understand and embrace the democratic, free way of life.

That is what they would like. We are not going to convince them that our way of life is best; that our system is superior to the police state—we are not going to convince them of any of that—if we admit by the passage of this legislation that we must resort to police-state methods in order to carry on our democratic government. It is not necessary to admit a backward step, because everyone who knows anything about the problem—Mr. Dewey, Mr. J. Edgar Hoover, Mr. J. Howard McGrath, the heads of our intelligence agencies—say that the part of the bill that takes away liberties is not necessary at all. They say that part is a definite liability.

I continue to read:

The free world looks to us for hope, for leadership, and most of all for a demonstration of our invincible faith. The free way of life will triumph so long as we keep it free.

Mr. Dewey is stating that truth in much more forceful language than I could, and perhaps better than most of us could.

We are not keeping our free way of life either free or secure by the passage of this legislation. We can retain our freedoms, and we can get additionally needed security, by the passage of a revised Kilgore bill, with the Magnuson bill included, as well as other provisions contained in the bill which I introduced some time ago, and which is now before Congress. The bill is S. 4163. Representative CARROLL introduced a companion bill in the House of Representatives. This bill does not enter the field of thought-control or freedom of the press or freedom of speech. It does contain all the security provisions which the McCarran bill includes, and those recommended by the President.

I continue reading:

Now, as in all the days of our past, let us hold the flag of freedom high.

Does anyone think we are holding high the flag of freedom if we pass this bill? Does anyone think we are holding high the flag of freedom when we pass legislation which the President of the United States and our best experts have said would impede the freedom of the people and violate our Constitution?

I have watched this proposal, this easy panacea of getting rid of ideas by passing laws. I have been increasingly shocked.

That is exactly what we have here today. We have a so-called easy panacea for getting rid of ideas by passing laws. We have a situation in which Members of the Senate frankly say, "I do not like this legislation, but the people want something." That is the easy panacea to satisfy the people. By doing so, we rob people of freedom.

Mr. President, it may be unpopular today to oppose this legislation. Those of us who vote against this bill by voting to sustain the veto may be condemned by our people today; but, I have an idea that when the people see that in our honest judgment we were trying to preserve for them a way of life which they want their children to enjoy and in which they want them to grow up—that they will at last applaud our motives rather than condemn our action.

Mr. Dewey says he has become increasingly shocked. He was shocked in 1948 at a mild bill that we had before us at that time. He should be tremendously shocked now.

To outlaw the Communist Party would be recognized every place on earth as a surrender of the great United States to the methods of totalitarianism.

Mr. President, we should consider what other people and other nations will think of us. We are posing as the great protector of liberty and freedom. We are not only posing in that position but we are actually in that position. We are furnishing money and the wherewithal—the men, the spirit, and the substance—to the United Nations in an endeavor to uphold individual liberty and freedom in the world and point the way in which people can enjoy freedom, happiness, and the right to live and worship God as they please.

Mr. President, what will those pitiful millions think about this legislation? What will our friends think then about the United States, which has always given people all the freedoms worth having? Must we admit that communism has the best of us, to the extent that we must tread liberty underfoot in order to combat it? Will we advertise to the people in a neutral world that we have no confidence in our Commander in Chief and in the Department of Justice? Are members of the minority party going to advertise that they have no confidence in the leader of their party?

Stripped to its naked essentials, this is nothing but the methods of Hitler and Stalin.

That is strong language.

He says it is the method of Hitler and Stalin. I cannot help recalling what was brought out on the floor of the Senate yesterday afternoon, namely, that the first nation in the world to outlaw communism was Russia herself. She completely outlawed it and suppressed it; she forced the Communists underground; she did not allow them to participate in anything. Russia went along the same lines followed in this bill. The first great nation in the world completely to embrace communism was Russia. Now, it runs through every sinew and fiber of Russia's being. What a paradox!

How about Hitler? Hitler, in establishing the police camps, said he was going to give due process a hearing, and all this, that, and the other; but we found that the camps were used for the persecution of people; for the wiping out of opposition; for denying expression. Gov. Dewey had a point when he said:

Stripped of its naked essentials, this is nothing but the method of Hitler and Stalin.

I quote further:

It is the control borrowed from the Japanese war leadership.

This is another point that has not heretofore been discussed. I wish Mr. Dewey had amplified on that assertion. As I remember, the Japanese Diet was still in existence, but almost everything was turned over to the war lords. The war lords took over pretty much everything, and regulated the lives and thinking of the people. Finally the legislative branch became just a third adjunct to Tojo and the war lords.

The result was the usual result. Usurpers gain a little power over people and they want more; they want to expand, and finally they get the world into a conflict; and today the Japanese nation and Japanese people are almost destroyed.

Further, Governor Dewey said:

It is an attempt to beat down ideas with a club, the surrender of everything we believe in.

Mr. President, that is a very apt illustration. This bill is an attempt to beat down ideas by instilling fear; fear to prevent people from expressing themselves in opposition to the party in power; fear to criticize what some general may be saying; fear to speak for a constitutional amendment or orderly change in the process of government; fear of being haled into court; fear that somebody might come in and testify that he overheard a questionable statement.

Governor Dewey was eminently right when he said such bills are nothing but an attempt to beat down ideas with a club.

Mr. President, it is all so very unnecessary. Here this afternoon we could sustain this veto, and pass a revised Kilgore bill; including all the provisions which the President wants as contained in the Magnuson bill; including provisions to put into operation all wartime laws against sabotage and espionage which are probably not now in operation; and including a provision to make the declaration of Congress meet the requirements in the Constitution for the application of the law of treason. I would do that, and I think just about all my colleagues would join me. We could do all that this afternoon; yet, we proceed—not for the security of the United States—because those things give us security and protection, as admitted by the sponsors of this bill; and, yet, in our desire to save a few hours, we persist in passing legislation which Mr. Dewey says "is an attempt to beat down our ideas with a club, the surrender of everything we believe in."

I quote further:

There is an American way to do this job, a perfectly simple American way. We have now 27 laws on the books, and I have the whole list of them in front of me, outlawing every conceivable act of subversion against the United States.

Mr. President, that was probably true at that time. We have good laws. The sponsors of this bill talk about this preventing Communists from holding jobs. That is already provided in the Federal Government. It is said this bill prevents the issuing of passports to Communists. That is already done by existing regulation. The sponsors say this prevents donors to Communist-front organizations from deducting such donations from their income tax. That is already prevented. It is said that the bill does a lot of other things which are already provided by existing law.

It was Mr. Dewey's professional opinion, and he was in a position to know very well, that the whole list outlawed every conceivable act of subversion against the United States.

We think conditions have changed somewhat since May 1948. Those of us who want to sustain the veto would like to go further in the name of security and have a provision to enable us to intern dangerous Communists, spies, and satoteurs in case of war or great national emergency in the affairs of the United States, or when our forces are fighting for the United Nations to put down aggression.

We would like to have an enactment in the law which is not contained in the McCarran bill, to put into full effect all the various existing laws relating to sabotage, espionage, and other acts against the United States. These statutes are not now in effect, because the expression "in time of war" is used, and they refer to the enemy.

The Governments of Austria, Germany, and Japan, against which we were at war, are not now in existence. The laws in title 18 of the United States Code, which are so necessary today, are not operative, in my opinion. They should be made ready to impose heavy penalties to protect us against sabotage, espionage, and sedition, during our present efforts in Korea. These statutes might protect us if we went to war again with Austria, Germany, or Japan. Even that is doubtful, because these nations have no governments, and, of course, we are not thinking about going to war with those nations again.

In addition to that, we would like to have passed a bill to put into effect and strengthen all the laws against sabotage and espionage recommended by the President. These are described both in the Magnuson bill and the Kilgore bill. Mr. Dewey, who has had a great deal of experience with this matter, felt the 27 laws on the books were sufficient; we want these laws to be effective, and we want additional laws. I think it is our duty to get these additional protections.

What are we trying to do? Are we trying to protect the internal security of the United States; or are we trying to outlaw ideas and thoughts, restrict speech, and enforce conformity of thinking? If we are interested only in the internal security of the United States, these 27 laws about which Mr. Dewey talks, plus the bill which we could pass in 30 minutes, and which the President would sign, would give us a real start.

If we are talking about the other things I mentioned, we are encroaching in the realm of the Constitution. The conference bill which we have before us, to which many object, is an encroachment on the Constitution.

Mr. President, after talking about these 27 laws, Mr. Dewey said:

> I spent 11 years of my life as a prosecutor in New York. That was in the days when they said nobody could clean up the organized underworld.

We all remember those days. We remember Lucky Luciano, and the operations in white slaves and narcotics by one of the worst underworld gangs this Nation has ever seen. It was said nobody could clean up the organized underworld. We had to use the methods of dictators to go out and string them up.

That sounds akin to what we hear today. In a great many places today, if you marched weasel-looking Communists into town, told some of the citizens there were Communits in town, there would be many people who would be willing to go out and string them up. But, if they were strung up, the next day the people would be awfully sorry for what they had done. It could be said that they were horrible-looking people; nevertheless, they were entitled to some rights.

This is a "string-up" bill. Without the protection of the Constitution, lynchings occur, and people eventually are sorry. How can we justify a "string-up" law, a constitution-limiting measure, such as we have before us today.

I remember one day back in the little city of Shelbyville, Tenn., a Negro man had committed a horrible offense against society. Society could have hanged him or sent him to prison for life. But some people could not await orderly processes. A mob formed and burned the courthouse. There was, apparently, but one person in the whole group who was willing to speak up in behalf of the constitutional rights of this law violator. This lawyer was not very well known throughout the State at that time. He was a young practicing attorney in the city. But when the mob came with torches demanding the life of this law violator, without giving him due process—without a fair trial—this young lawyer got up and pleaded that the mob remember the Constitution. He pleaded that the courts were established for the purpose of meting out justice to this man. He pleaded that any man was entitled to the protection of our Constitution. Finally the mob agreed with him and subsided. The man was given a fair trial. This young lawyer was unpopular at the moment, but later he became Governor of the great State of Tennessee for three consecutive terms.

Governor Dewey said he spent 11 years as a prosecutor in New York. Then he said:

> That was in the days when they said nobody could clean up the organized underworld. They said we had to use the methods of dictators, that we had to go out and string them up. I had judges and even men in high places tell me that.

Mr. President, it has been said that judges will straighten out the constitutional difficulties; but, here is Governor Dewey, who knows what he is talking about, saying that judges are subject to the whims of the day. I have heard many arguments, both on the floor of the Senate and in individual conversations with Members of the Senate, to the effect that it does not make much difference what sort of a law we pass, it is the sort of men who administer it that makes the difference; that, even if we pass a good law, by getting all the constitutional kinks out of it, but do not have good administration, the law will not be any good, anyway. On the other hand, some say if we pass an unconstitutional law, a law with many difficulties in it—if we have good men to administer it, everything will be all right. That is the sort of argument we hear. In other words, if administrators make their own laws—which Congress condemns from time to time, and rightly so—things may be all right.

Mr. President, two things occur to me in rebuttal to that contention. In the first place, we should not put ourselves in the position of wanting an administrator to do something in contradiction of the expression of Congress. We ought not to put ourselves in the position of wanting an administrator to enforce a law that does not make sense, or to enforce it in such a way that the rights of the people are going to be adversely affected.

If that is the attitude we take, we might as well disband the Congress of the United States and leave it up to the Administrator to do anything he wants to, and just hope he will do it right.

Let us remember always that this is a government of laws and not of men. The people have a right to look to the laws for the protection of their rights. Laws are the standards for the protection of property. The people have a right to determine the law and know they can rely on it. People must not be called upon to know the whims and temperaments of particular enforcement officers with respect to their rights and privileges.

Mr. Dewey said, further:

> A group of young men took it on, and week after week, month after month, year after year, they worked and they delivered the city of New York from the control of organized crime, and they did it by constitutional means and under the Bill of Rights.

That demonstrates what can actually be done, even though some persons, in the hysteria of that time, said that it could not be done.

Mr. Dewey further said:

> Now, times are too grave to try any expedients and fail.

That is quite right, Mr. President. If we try expedients, and they are knocked out by the Supreme Court, we shall be that much worse off. The people prosecuted will be martyred.

Mr. Dewey spoke of outlawing the Communist Party. He said:

> This expedient has failed, this expedient of outlawing has failed in Russia. It failed in Europe, it failed in Italy, it failed in Canada. And let me point out that in Canada they tried it once and the Communist Party grew so powerful and dangerous

that they repealed the law in 1936, and in 1940 they tried it again and the Communist Party came right up with a dozen new false faces exactly as it would do if you passed the ludicrous law to outlaw them here.

Mr. President, here is what will happen: They will go through all the administrative procedure and file a writ of certiorari to the Supreme Court. Once it is finally established that the Communist organizations must register, then, as Mr. Dewey says:

The Communist Party came right up with a dozen new false faces exactly as it would do if you passed the ludicrous law to outlaw them here. They would come up under 40 new fronts. They would then say, "We are not Communists anymore," exactly as they did in Canada—"we are just good Canadians working to support our government." And what happened? What happened in Canada is exactly what would happen here. They became so strong that during the war, in the face of a law which says it is illegal to belong to the Communist Party, they developed the greatest atomic bomb spy ring in history, and Canada had to repeal the law.

I am sure, Mr. President, that we all remember what happened in that period. The first downward step taken by the Canadians in 1936 was legislation which was similar to that which we have before us. It provided for registration and so on. In spite of that legislation, the Communist Party's influence grew—as is usually the case—until, instead of trying to improve the law, Canada passed a harsher law in 1940. They finally got the organizations to the point of registering, but they changed their names, and two or three of the members of the prior organization were elected to the House of Commons. The Communists grew so strong, under the suppression of the Canadian law, which was supposedly designed to give some security to Canada, that in the face of that law several were elected members of the House of Commons and operated a spy ring. One member of the House of Commons was arrested and tried for being a member of the spy ring.

That is the type of protection legislation such as this affords. But if the Canadians had passed the kind of measure which many of us have been advocating so strenuously—a measure providing for the internment of dangerous persons and for putting into effect the laws against espionage and sabotage, and strengthening those laws—that situation would not have developed in Canada.

Mr. Dewey pointed out that in Canada the Communists—

became so strong that during the war, in the face of a law which says it is illegal to belong to the Communist Party, they developed the strongest spy ring in history to seek the atomic secrets, and Canada had to repeal the law.

In conclusion, Governor Dewey said:

Let us not make such a terrific blunder in the United States, that we build up these dangerous, venomous, subversive people with the power to overthrow our Government. Let us never make the blunders that have been made throughout the history of the world. Let us go forward as free Americans. Let us have the courage to be free.

I think the veto message of the President is one of the greatest veto messages any President has ever sent to any Congress. I congratulate him upon it. It is strong, forceful, and virtually demands protection for the people of the United States. However, almost as great and almost as applicable to the matter we are now discussing, are these quotations from the statement made by Gov. Thomas E. Dewey on May 18, 1948. Here we have utterances of the leaders of both our major political parties. I wish it were possible for us to give further consideration to what Governor Dewey had to say at that time.

Mr. President, I think we must point out some other unfortunate developments which will occur if this bill becomes law. I have talked about the requirement of the bill that the Secretary of Defense list and publish to the world the names and locations of our vital defense plants and establishments. Under the conference bill, he must do this with reference to plants in which he does not want Communists to work. These will be the plants in which Congress will not want Communists to work. The Secretary must publish his list immediately, because the bill provides that the Secretary of Defense is authorized and directed; it is not left to his discretion.

The publication of the required list will not occur next year or after November 27 when the Congress returns, for on page 7 of the bill, in subsection (b), we find language stating definitely and explicitly that the Secretary of Defense "shall cause such list as designated and proclaimed, or any revision thereof, to be promptly published in the Federal Register, and shall promptly notify the management of any facility so listed; whereupon such management shall immediately post conspicuously, and thereafter while so listed keep posted, notice of such designation in such form and in such place or places as to give reasonable notice thereof to all employees of, and to all applicants for employment in, such facility."

Note particularly, Mr. President, the word "promptly." That does not mean 2 or 3 months from now. It means as soon as reasonably possible.

Mr. President, I heard one Senator say, "I do not like this bill. It contains some unconstitutional provisions, and the provision about having the Secretary of Defense publish the list of our vital defense plants is simply preposterous." That Member of the Senate, in speaking to me, said, "Undoubtedly the Communists have been spending a great deal of money in trying to find out the location of these defense plants. But let us pass this bill now, and then, when we return in November or in January, we can iron out or adjust or change any sections of the bill which we may decide are unconstitutional."

Mr. President, Congress cannot operate in that manner. We who serve in Congress are supposed to draft bills in constitutional form before they are passed, and not pass in a careless fashion any measure which is introduced, and later try to patch it up so as to put it into proper constitutional form.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield for a question.

Mr. LONG. If the Senator will examine section 17, on page 18, of the conference report, he will see that it provides:

The foregoing provisions of this title shall be construed as being in addition to and not in modification of existing criminal statutes.

That means, as I take it, that all the present security methods for which we have provision on our statute books would still be effective to protect the United States, and section 5 (a) and section 5 (b) would be in addition to them.

I believe the Senator will find, in section 5 (b), the statement that the Secretary of Defense shall list those facilities—

With respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section.

Mr. KEFAUVER. Yes; it requires the Secretary of Defense to apply those provisions to prevent Communists from working in such a plant.

That provision refers to the vital defense plants. The vital facilities are the ones in which we do not want Communists to work.

Mr. LONG. I believe the Senator will find that it is not the only meaning or the entire meaning of that section of the bill because it will also relate to an entirely different problem than that pertaining to the necessarily vital and necessarily secret defense plants or establishments.

Mr. KEFAUVER. It simply does not make sense to assume that we would permit the Communists to work in important, vital defense plants, and thus not have to list such plants, and list only the less vital plants. To assume we would list the less sensitive plants—but not list the vital plants—and only forbid the Communists to work in the plants which were not vital would result in exactly no security.

Obviously, the plants the Secretary of Defense would have to list to keep out the Communists, according to the intent of Congress, would be the ones which are vital to the defense of the United States.

Mr. LONG. But that is not the only possible interpretation of that language.

Mr. KEFAUVER. If there is any doubt in regard to the interpretation of the language, the Senator should vote to support the veto. Of course, it may be that there is room for other interpretations. But, if there is any doubt about it, I think all Senators should vote to support the veto, so as to give us time to remove any doubt.

The Senator is referring to section 17, which states:

The foregoing provisions of this title shall be construed as being in addition to and not in modification of existing criminal statutes.

I think that is the customary language found in most statutes.

I believe the distinguished Senator from Louisiana, for whose judgment I have great respect, would agree that the rule of interpretation is, if a new law covers identical subject matter covered by an earlier law, then the latter statute supersedes the earlier statute. Under

that rule of interpretation, this bill, if enacted, being the last legislative expression on the point, will prevail, if it covers substantially the same subject matter as an earlier statute. Of course, this bill, when enacted, would have been enacted after any other statutes on this particular subject.

Mr. President, I do not know whether there are Executive orders which prevent Communists from working in certain kinds of defense plants, but I think there are such Executive orders.

Certainly section 5 of the conference report would supersede and repeal any Executive orders on the same subject, as I think the Senator will agree.

Mr. LONG. Mr. President, will the Senator yield for a further question?

Mr. KEFAUVER. I yield.

Mr. LONG. The Senator knows that the rule of statutory interpretation actually is that statutes on the same subject have the effect of repealing one another only insofar as they are in conflict. If they deal with the same subject but do not conflict, then the later statute does not repeal the earlier one.

Mr. KEFAUVER. If the intention is to deal with the particular subject matter, then the later statute would prevail. If there is now a statute or an Executive order which attempts to regulate or determine who may work in a defense plant, then, this being the latest legislative statement on the subject, would supersede and for practical purposes repeal the prior law or Executive order.

Mr. HOLLAND. Mr. President, will the Senator from Tennessee be kind enough to yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. I wonder whether the Senator has examined page 50 of the statement of the managers on the part of the House, relative to section 5, with which the colloquy between the Senator from Tennessee and the Senator from Louisiana has had to do?

Mr. KEFAUVER. I must confess to the distinguished Senator that I have not examined it.

Mr. HOLLAND. Mr. President, I wonder whether the Senator will be kind enough then to permit me to read it into the RECORD. It bears very clearly upon the matter being discussed between the Senator from Tennessee and the Senator from Louisiana.

Mr. KEFAUVER. Mr. President, the difficulty about that is that I have talked too long, and I am going to be accused of delaying the vote, whereas I have no such intention. If the Senator will protect me against that sort of criticism, I would appreciate it. I want to yield the floor as soon as I can. I do not want to carry on the discussion to any greater length than necessary.

Mr. HOLLAND. Mr. President, I do not think the Senator needs to be protected. Everyone knows he has a conviction that he is standing by. The Senator from Florida recognizes that.

Mr. KEFAUVER. With the understanding that I do not lose the floor, I shall be happy to yield.

The VICE PRESIDENT. Without objection, the Senator may yield for that purpose.

Mr. GURNEY. I object.

Mr. HOLLAND. Mr. President, not having an opportunity to read the provision at this time, would the Senator object to my asking for its insertion in the RECORD at this point, in connection with the provisions to which I have referred.

The VICE PRESIDENT. That can be done by unanimous consent only.

Mr. GURNEY. I object.

Mr. KEFAUVER. I am sorry. Mr. President, I should like to pose a unanimous-consent request, if I may.

The VICE PRESIDENT. The Senator will state it.

Mr. KEFAUVER. Mr. President, I think no one has any intention of delaying this matter longer than to give Members an opportunity of expressing themselves on the issues. I should like to propose a unanimous-consent request that we vote on this measure at 4 o'clock this afternoon, and that the time between 2 o'clock and 4 be equally divided between the Senator from Nevada, controlling half the time, and the Senator from New York [Mr. LEHMAN], controlling the other half.

The VICE PRESIDENT. Is there objection?

Mr. O'CONOR. Mr. President, reserving the right to object, I note from the clock that it 11:45 a. m. This is Saturday. We have been in continuous session since 11: 30 o'clock yesterday morning, and those seeking to uphold the President's veto have occupied almost the entire time since the hour of about 5: 30 yesterday afternoon. We have stayed in session at the urgent suggestion of the majority leader, and with the concurrence of other Senators who are vitally interested in this legislation. Under the circumstances, I am constrained to object.

The VICE PRESIDENT. The Senator from Maryland objects.

Mr. KEFAUVER. Mr. President, there is one other problem I wish to discuss. What is going to happen to the FBI boys who are charged with the prevention of sabotage and espionage and the investigation of Communists in the United States, if this bill is enacted into law? That is a very serious problem, and one which I think we ought to ponder a long time, if we are interested in security. We ought to let the FBI agents continue to ferret out and keep in touch with dangerous saboteurs and Communists and fifth columnists in this country. That is where their work can be done most effectively. We know the FBI has done a good job. Its agents did a good job in the last war, and we have tremendous confidence in these young men and women, and in the Director of the FBI.

But, Mr. President, what is going to happen if we pass this bill? Efforts of the FBI agents will be dissipated in trying to determine from the records in one way or another whether or not some fellow who may have been in a Communist-front organization was really in it or was merely a crackpot who had been making speeches. Instead of doing work that will help safeguard the security of the United States, they will be following the thought-control and the conformity-to-party provisions of this bill. They will be trying to determine whether what somebody said might tend to create a totalitarian dictatorship; whether somebody is or is not a member of some peace or other organization; whether some professor joined a certain organization, or whether he withdrew from it. In the first place, activities of that kind will waste the efforts of the FBI men.

The next point which I think should be considered is, How do the members of the FBI operate? How are they able to know who are the Communists and the fifth columnists? How is it that Mr. Hoover can say that there are 12,000 in one category and that there are 55,000 in another category? He knows. How is it that he can say that in case he is authorized and directed to do so, he can pick them up immediately in time of war and put them out of circulation. He could do at least that if we were to pass the Kilgore bill, or if we were to pass the bill I had introduced.

Here is Mr. Hoover's 1949 FBI report for the fiscal year 1949, and there are one or two statements in it which I should like to read:

> Many situations arise where citizens furnish information upon condition that their identities be protected, or where our own agents or others workng for the FBI have penetrated subversive organizations, which make it impossible to set forth the identities and investigate reports. In the handling of loyalty investigations, for example, this problem was turned over to the Civil Service Loyalty Review Board, and rather than deprive the Government of such information, the FBI was requested to report the data given it without revealing the identity of the source of the information.

Quoting further from page 3:

> The value of protecting the identity of under-cover agents was proved in the trial of the 11 Communist leaders in New York. Had their identities been revealed prematurely, their usefulness would have been ended. It is well known that Communists, their fellow travelers, and apologists have utilized every stratagem to force the FBI to disclose the identity of its sources of information.

Mr. President, let us consider that part of the FBI report. The Communists want the FBI to disclose the identity of the sources of their information, and they have used every method to try to get the FBI to do it—in the words of Mr. Hoover. How is the Government going to make out its case as to whether some fellow is a member of a Communist-front organization or is a Communist?

Mr. President, the conference bill attempts to give due process under the fifth and sixth amendments, which provide that a person shall have a speedy trial, be faced by his accusers, and not be obliged to give evidence against himself. Suppose a man the FBI knows to be a Communist is arrested. Or suppose some long-haired professor, a member of a Communist-front organization, or one which is suspected of being a

Communist-front organization, is picked up. How is the case against him going to be proved? How is he to be dealt with under the due-process clause of the Constitution? More specifically, the only one who can be called upon to prove the case against such an individual is an FBI agent or a Central Intelligence agent. The rule and the principle is the same in either event. Is the Senate of the United States going to require Mr. Hoover to have his men reveal their identity in the face of Mr. Hoover's own statement which says that that is one of the things the Communists have been trying to get him to do for a long, long time? Is the Senate going to require Mr. Hoover's agents to reveal their identity when Mr. Hoover says that if that had been done prematurely they never would have convicted the 11 Communists in New York? Again I say, we had better think about how the men who know feel that this matter can best be handled.

There is an unusual feature about the way the detention provision was finally written into the McCarran bill. In order to accomplish anything, it would be necessary to suspend the writ of habeas corpus. It is legally impossible to give persons due process and at the same time continue the effective writ of habeas corpus. The purpose is to keep the Communists in detention so that they will not do damage to the United States. Unless the right of habeas corpus is suspended, if the Communists are to be given due process, under which they can demand speedy trial and so forth, they may be held today but they will be out tomorrow. Then it will be necessary to bring them in again, and under habeas corpus proceedings they could be out the next day.

My bill provides an effective method of operation in such instances. Unfortunately, I cannot succeed in having much thought given to it. It provides that whenever the United States Armed Forces are being used in military support of the United Nations, that such action shall be considered as levying war against the United States. That would enable us to suspend the writ of habeas corpus.

Under the fifth amendment to the Constitution there must be a presentment or indictment. An individual cannot be put in jeopardy twice. He cannot be made to testify against himself. He cannot be deprived of life, liberty, or property without due process.

Amendment No. 6 provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.

A public trial, if you please, Mr. President, by an impartial jury.

He is entitled—

> to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him.

There is no doubt that if the bill is passed, it will place Mr. Hoover and his agents in the position of having to make out cases against Communists and Communist-front organizations before the Board. The defendants will have a right to cross-examine. They will have a right to see the witnesses appearing against them. They will have the right to find out the source of their information.

The FBI, under such circumstances, might as well fold up. The FBI gets much of its information from individuals on the promise that the FBI will not divulge nor reveal the identity of the informant. The FBI is not willing to open up its files and be subjected to embarrassment and lose its contacts. Are we going to help the Communists do the very thing that Mr. Hoover says the Communists have been trying to get the FBI to do—to disclose the identity of the source of his information?

Mr. Hoover states that suppression and outlawing is not the way to handle the subversive problem. I have statements by Mr. J. Edgar Hoover made before the House committee. He went into the matter in a great deal more detail in those statements.

Mr. President, under the procedure made necessary by the bill, we would not gain any information; persons would quit informing the FBI if their names were going to be used and they were going to be called into court to testify. Many people would tell FBI agents something trusting in the honesty and the honor of this great organization. An informant would say, "I can tell you this, if you are not going to quote me, and not going to reveal the source from which you received the information." I imagine that is the way in which the FBI receives practically all its information. But if the bill is passed, will anyone give information to the FBI any more? If the FBI must bring its files and witnesses before the Board in order to prove its cases, are they going to be able to operate in Communist organizations so that they can put their fingers and their hands on the real dangerous subversives when they need to do so?

Mr. President, I have in my hand the Saturday Evening Post of July 29, 1950, which contains the third of a series of articles, I Posed as a Communist for the FBI, by Matt Cvetic, as told to Pete Martin. I am not going to read the whole of the article because I want to try to present my points and sit down as soon as possible. He said:

> In June 1947, my work as an FBI undercover man posing as a Communist in Pittsburgh took a new twist. Roy Hudson, a big wheel in the local politburo, asked me to lunch with him and George Wuchinich, who was an even bigger wheel in the Communist Party of the United States.

The result was that they gave Mr. Cvetic additional duties, and he was placed in the Communist cell out there. He says—

> Things were becoming so tense on the undercover front that the FBI instructed me to use a "drop" instead of bringing my reports to the FBI headquarters or handing them to FBI men who came to my hotel for them. My drop was either a postoffice box or an FBI agent doubling in brass as the proprietor of a business establishment.

Here they had not only a man in the cell itself, but they had somebody posing as a proprietor of a business establishment. He tells of his outside job; that he was kicked out because the man who employed him heard that he was running around with some Communists; that he told his employer "Just suspend judgment about this and trust me that things are eventually going to be all right so far as my status is concerned." This employer let him continue to work for him. He said:

> One thing I was happy about was that if anyone in the party suspected another member of being an FBI stool pigeon, he usually asked me to take it up with Steve Nelson. Steve was too important to be bothered by every Tom, Dick, and Harry who was seeing FBI agents under his bed.

This man became so well entrenched in the Communist cell that they would ask him to try to find out whether there were FBI agents in the outfit. The article is a very interesting one, dealing as it does with the operation of a former FBI agent. He went to New York and attended a rally, posing all the time as a Communist. He even came down to Washington. The article tells the various ways he would get his reports to the FBI. I think the last two paragraphs might be of interest. He tells of his hope that Mr. Hoover would let him testify in the trial of the 11 Communists in New York, because he is tired of being an undercover agent and he was anxious to get out with some respectability. He was not called to testify. So he had to go on as an FBI agent in a Communist cell.

He says:

> Once we realize that, it ought to be a comfort to know that, while there's a fifth column in this country that gives its first loyalty to a foreign government, there is also a sixth column working to hamstring that fifth column. This sixth column is made up of the FBI's undercover men.

He says there is no reason why people in the country should not know that—while the Communist Party is infiltrating various places—the FBI is infiltrating the party's ranks. He says:

> The Communist Party knows that the FBI is doing this. What it doesn't know is which of their comrades are really FBI undercover men and which aren't.
>
> I'm proud that I was part of that sixth column. I am also proud of the fact that in the first 2 weeks after it became known that I'd been an undercover man, I got 17 threatening letters and phone calls. Most of them were of the "keep your big mouth shut or we'll shut it for you" variety. A lot of them were from cranks. But I have reason to think that some of them were probably genuine. And I'm proud that the Daily Worker thought me worth a smear campaign. The more menacing letters and calls I get and the more I'm smeared by the United States Commies, the more worth while the job I did seems.
>
> On the first of May of this year the Immigration and Naturalization Service of the United States Department of Justice gave me a job as an investigator assigned to its Pittsburgh staff. That was nice. But even nicer was the look I saw on the face of one of my sons while I was testifying before the House Committee on Un-American Activities. In referring to my first appearance before the committee, the Washington correspondent of the Pittsburgh Press put it this way.

He goes on to describe how even his son had not known that he was an FBI undercover man, and how the son, because he had some misgivings about his father, brightened up with much appreciation when he found that after all his father was an FBI agent and not a Communist.

Mr. President, if these FBI agents must testify before the Board, how will they keep their identity secret? How will they continue to operate in Communist circles if they must come out in the open before the Board? How will they get their information? Mr. President, this bill puts a terrible burden on the FBI agents.

Not only does this man in the Saturday Evening Post tell the heartbreaks he went through because people suspected that he might be a Communist, but he was ostracized. He really made tremendous sacrifices to be an undercover agent in a Communist cell. Mr. President, are we going to require this man to register in order to keep up his work? Are we going to require him to undergo public humiliation by putting his name on a list as a Communist, in order to enable him to maintain his inside activities and to continue his work in Communist groups?

What would happen if the law were carried out the way the bill is written. It is doubtful, that it will, but suppose that all members of this Pittsburgh Communist outfit registered. He was an officer in it. He was the fellow they assigned the job to find out who the FBI agents were. Suppose the members of the cell were registered. Suppose his name is not on the list. The finger of suspicion is pointed at him. He is asked, "Why don't you register? You must be the FBI agent." All contact would be lost. Mr. Hoover knows what he is talking about when he says that to be required to reveal the identity of informants and the identity of their undercover agents would be disastrous to the work of the FBI.

Mr. President, I have before me an editorial from a Scripps-Howard newspaper. Two of such newspapers are progressive newspapers in Tennessee. They are the Knoxville News-Sentinel and the Memphis Press-Scimitar. We in Tennessee are proud of these papers and of their capable editors. After the Senate passed the McCarran bill, these newspapers took a reasonable position about the matter; a position that was taken by many Members of the Senate. It is that in the House and in the Senate all kinds of legislation on this subject had been passed, that the House had passed one version and the Senate had passed another version, including a hodgepodge of seven or eight bills. Practically all the so-called anti-Communist bills in Congress had been passed through at least one House and sent to conference. The Scripps-Howard newspapers expressed the sentiment that the bill that had passed one Senate was not satisfactory, and that the bill that had passed the other House was not satisfactory. They hoped that out of all of these measures the conferees would write something worth while. It was hoped that the committee would give the country some genuine security but would not encroach upon the freedoms of the people.

I hoped so too. I hoped the conferees would leave out the thought-control and freedom-depressing provisions and present a measure that would provide only for security. Instead of doing that they made the bill worse. They required the Secretary of Defense to list the vital defense plants. The concentration provision was made permanent. The bill was not approved in any respect. So the conference did not help the bill.

On September 23, the Washington News, a Scripps-Howard newspaper, published an editorial entitled, "The Veto Message." It presents the position of the Scripps-Howard papers as expressed in the Washington Daily News. I have not read all of the editorial; but I am sure the Members of the Senate would be interested in knowing what the intelligent and thoughtful men of this great group of newspapers think. I read:

THE VETO MESSAGE

Only time can tell whether the House has made the terrible mistake which President Truman believes it made by passing the so-called Communist-control bill over his veto.

But certainly the House did not give the veto message the careful consideration which it deserved, and for which Mr. Truman has sent a personal plea to each Member.

It was an exceedingly impressive message. Its tone was temperate. Its statement of the principle that this free country should punish men for crimes they commit, but never for opinions they have, was eloquent. Its explanation of the reasons why the President felt compelled to disapprove the bill, after huge majorities of both parties in both branches of Congress had voted for it, was painstaking and persuasive.

Yet the adjournment-headed House could hardly wait for its reading clerk to drone through the message before starting its roll-call vote to override the veto.

And, though the Senate went into a long night session, there was little more evidence there of open-minded willingness to discuss the President's arguments on their merits.

As this edition of the News goes to press, the Senate is still in session. And the atmosphere of gravel-throated filibuster oratory and heavy eyelids is not conducive to clear and statesmanlike thinking or legislation.

Mr. Truman may be mistaken in his opinion—an opinion which, he said, is also held by the Departments of Justice, Defense, and State and the Central Intelligence Agency—that the law which now goes on the statute books will help, not hurt, the Communists.

The dangers which he sees in this legislation—dangers to national security, to America's relations with other friendly nations, to the rights of all citizens—may be less than he believes, or may be nonexistent.

Laws previously enacted may be—and, in this newspaper's opinion, are—less adequate than Mr. Truman thinks to protect the country from "the real dangers of treason, espionage, sabotage, and actions looking to the overthrow of our Government by force and violence."

And, unquestionably, the votes in Congress on this bill reflect a heavily predominant belief among the American people that strong and comprehensive new legislation is needed.

But legislation enacted in such times of stress as these can be, and in other such times has been, too comprehensive and too strong to be wise and safe. The people and their Congress cannot afford to be too sure that Mr. Truman is mistaken.

When Congressmen reassemble again, in November, they should give Mr. Truman's veto message thoughtful attention. And then, in the calmer, postelection light, they should be resolutely prepared to enact such legislation as appears to be needed by the situation as it exists at that time.

Mr. President, it would be well to follow this good advice and allow this matter to go over until we return in November. Then we could act with more calm. We could cull out the bad features of the bill. I would be satisfied with even less than suggested by the Scripps-Howard papers. I believe if we would stay here two more days we could compose satisfactory legislation.

Mr. President, I wish to read briefly from an advertisement which appeared in the New York Times of July 7, 1947, in which Prof. Robert M. Hutchins, chancellor of Chicago University, and former president and former dean of Yale Law School, made a speech entitled "What Price Freedom?" This speech was reproduced in many other papers, as an advertisement presented as a public service by the International Latex Corp., Playtex Park, Dover, Del. It says:

We hear on every side that the American way of life is in danger. I think it is. I also think that many of those who talk the loudest about the dangers to the American way of life have no idea what it is and consequently no idea what the dangers are that it is in.

You would suppose, to listen to these people, that the American way of life consisted in unanimous tribal self-adoration. Down with criticism; down with protests; down with unpopular opinions; down with independent thought. Yet the history and tradition of our country make it perfectly plain that the essence of the American way of life is its hospitality to criticism, protest, unpopular opinions, and independent thought. A few dates like 1620, 1776, and 1848 are enough to remind us of the motives and attitudes of our ancestors. The great American virtue was courage.

We ought to be afraid of some things. We ought to be afraid of being stupid and unjust. We are told that we must be afraid of Russia, yet we are busily engaged in adopting the most stupid and unjust of the ideas prevalent in Russia, and are doing so in the name of Americanism. The worst Russian ideas are the police state, the abolition of freedom of speech, thought, and association, and the notion that the individual exists for the state. These ideas are the basis of the cleavage between east and west.

Yet every day in this country men and women are being deprived of their livelihood, or at least their reputation, by unsubstantiated charges. These charges are then treated as facts in further charges against their relatives or associates. We do not throw people into jail because they are alleged to differ with the official dogma. We throw them out of work and do our best to create the impression that they are subversive and hence dangerous, not only to the State, but also to everybody who comes near them.

The result is that every public servant must try to remember every tea party his wife has gone to in the past 10 years and endeavor to recall what representatives of which foreign powers she may have met on these occasions. A professor cannot take a position on any public question without looking into the background of everybody who may be taking the same position on the same question. If he finds that any person who is taking the same position on this question has been charged with taking an unpopular po-

sition on another question, the professor had better not take any position on this question, or he may be haled before some committee to explain himself?

Is this the American way of life? The great American word is freedom, and in particular, freedom of thought, speech, and assembly. Asserting the dignity of man, and of every man, America has proclaimed and protected the freedom to differ. Each man is supposed to think for himself. The sum of the thoughts of all is the wisdom of the community. Difference, disagreement, discussion decided by democratic processes are required to bring out the best in the citizens. America has grown strong on criticism. It would be quite as consistent with the American way of like to offer prizes for the most penetrating criticism of our country as it would be to offer prizes to those who have done the best job of advertising it.

The heart of Americanism is independent thought. The cloak-and-stiletto work that is now going on will not merely mean that many persons will suffer for acts that they did not commit, or for acts that were legal when committed, or for no acts at all. Far worse is the end result, which will be that critics, even of the mildest sort, will be frightened into silence. Stupidity and injustice will go unchallenged because no one will dare to speak against them.

To persecute people into conformity by the nonlegal methods popular today is little better than doing it by purges and pogroms. The dreadful unanimity of tribal self-adoration was characteristic of the Nazi state. It is sedulously fostered in Russia. It is to the last degree un-American.

American education has not been constructed on such un-American principles. In general, the practice has been to give the student the facts, to try to help him learn to think, and to urge him to reach his own conclusions. It is not surprising that the heart of American education is the same as that of Americanism: it is independent thought. American education has not tried to produce indoctrinated automatons, but individuals who can think, and who will think always for themselves. The basic principle of American government, and one that accounts for the importance of education in this country, is that if the citizens learn to think and if they will think for themselves, the Republic is secure. The basic principle of the Russian dictatorship is that the people cannot think or cannot be trusted to think for themselves.

The American doctrine rests on the proposition that it is the individual in himself that counts. It is not who his father was, or how much money he has, or what his color or creed is, or what party he belongs to, or who his friends are, but who and what is he? So the test of a teacher is whether he is competent. The professional competence of a teacher is hardly a question on which lay bodies, or even administrators or trustees, would wish to pass without the advice of persons professionally competent in the teacher's field.

The way to fight ideas is to show that you have better ideas. No idea is any good unless it is good in a crisis. You demonstrate the failure of your ideas if, when the crisis comes, you abandon them or lose faith in them or get confused about them to the point of forgetting what they are. The American idea is freedom. Freedom necessarily implies that the status quo may come under the criticism of those who think it can be improved. The American idea is that the state exists for its citizens and that change in society must occur to meet their developing needs.

And what would the FBI say of Thomas Jefferson, who calmly remarked in his first inaugural, "If there be any among us who wish to dissolve this Union, or change its republican form, let them stand undisturbed, as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it?"

Jefferson was not in favor of revolution; he was serene in the face of talk of it because he had confidence in our people, in our institutions, in democracy, and in the value, power, and results of independent thought.

We are now in the midst of a cold war. We must protect ourselves against external enemies, their representatives in this country, and any citizens who may be conspiring to overthrow or betray the Government. But the statute books are already filled with laws directed to these ends. It has never been shown that there are so many spies or traitors in this country, or that the external danger is so great and imminent that we have to divert the entire attention of our people into one great repressive preoccupation, into one great counterrevolution in which the freedoms of our citizens must be thrown overboard as too burdensome for the floundering ship of state to carry.

It is useful to remember that Jefferson spoke in 1801, when our Constitution was 12 years old, and when the infant republic was in dreadful danger from deep divisions within and from the wars that were raging between the great powers. If he was right in speaking in such a way at such a time, we cannot be far wrong if now, when America is the most powerful Nation on earth, we seek to recapture some of his sanity and courage.

How is the educated man to show the fruits of his education in times like these? He must do it by showing that he can and will think for himself. He must keep his head, and use it. He must never push other people around, nor acquiesce when he sees it done. He must struggle to retain the perspective and the sense of proportion that his studies have given him and decline to be carried away by waves of hysteria. He must be prepared to pay the penalty of unpopularity. He must hold fast to his faith in freedom. He must insist that freedom is the chief glory of mankind and that to repress it is in effect to repress the human spirit.

(Presented as a public service by International Latex Corp., Playtex Park, Dover, Del.)

Mr. President, before I resume my seat I wish to ask unanimous consent to present a resolution from the Special Committee To Investigate Crime in Interstate Commerce asking for contempt proceedings against Harry Russell.

Mr. LUCAS. Mr. President, we would have to have a quorum call for that, and I object at this time. There will be plenty of time to take that up when we finish the veto message. There are three other matters similar to that which are on the calendar, which the Senator from Texas [Mr. CONNALLY] reported, and we will take them all up at one time.

Mr. KEFAUVER. I think the Senator from Texas got his through yesterday, and I was anxious to get mine through. I think they should all go down to the district attorney together.

Mr. LUCAS. I am very much in favor of that, but we would have to have a quorum call in order to do it, and I think we had better wait until we finish the pending business. There will be plenty of time for it.

Mr. KEFAUVER. I yield the floor.

Mr. HUMPHREY. Mr. President, first of all, I want to commend the work of the distinguished Senator from Tennessee [Mr. KEFAUVER], for the diligence which he demonstrated, for his keen, patriotic, and devoted regard for the institutions of this Republic and the traditions and the principles of American democracy.

Mr. President, I believe I am to conclude, so far as I know, the remarks of those Senators who wish to sustain the President's veto. It was my privilege to be granted the floor immediately after the reading of the President's veto message. At that time I utilized, I believe, 35 minutes to address myself to the subject of the message and to the subject matter of the McCarran bill. During my discourse I emphasized what I honestly believed to be the weakness of the McCarran anti-Communist measure. I want to say that I know that those who were its authors worked with all sincerity and were desirous of perfecting legislation which would meet some of the needs of strengthening the basic law of our country to protect this Republic and to protect our institutions of freedom.

It is a great privilege to serve in the Senate and to be given an opportunity to have honest differences of opinion and to be able to express those differences of opinion. I am convinced that the greatness of this Nation is due to the fact that we have had competition of ideas. I believe competition of ideas is fundamental. I believe that intellectual freedom is the very heart of a free way of life. It is because of my deep concern for intellectual freedom, because of my deep concern for personal liberty, that I rise again to urge upon the Senate to sustain the President's veto.

I recognize that there is great unrest in America over the Communist menace. I recognize that millions of our people believe that the measure which is before us will do the job of protecting the security of the Nation. I also recognize, Mr. President, that it is a fundamental obligation of a man in public life not only to follow, but to lead. I believe the job of a man in politics is basically to educate himself and to attempt to the best of his ability to educate those whom he serves. I can think of no greater honor that could be bestowed upon one than to be elected by his fellow citizens to represent them in a great, free Congress such as we have.

Every word I have said on this bill has come from my heart. Every thought I have had about it has been one which has literally taken days, months, and years out of my life. I have never wrestled with a problem so difficult, nor have I ever been so perplexed and so disturbed over any decision which I have made.

It is not easy to know what is right and what is wrong in a situation such as that which confronts our country. These are moments of tension and strain. These are moments of passion, yes, and of hysteria. But I submit that it is the responsibility of the men in the Government of the United States serving in the Congress to be deliberate, to meditate, to seek guidance, and to ask that the truth may be made known. If there is anything that is crystal clear in my mind in these days, it is that we must preserve the mechanisms in America to find the truth. Our laboratory

has as its equipment the groups of political bodies out of which will come, from the refiner's fire of the conflict of ideas, those decisions which can be honorably defended and proudly proclaimed.

I do not suppose, Mr. President, that the Congress of the United States has been faced with a more difficult and crucial decision on legislation than that which we have before us at the present time, in all its history. Oh, yes, Mr. President; there was one other time. I must be correct in my historical analysis. In 1798 the Congress of the United States passed the alien and sedition laws. But I will say this for the alien and sedition laws, that their penalty was to be prescribed by the courts and through jury trial. The penalty of this bill is to be prescribed by an administrative tribunal appointed by the President, two members of which shall be from his party, and one minority member, serving at the discretion of the President. I have great faith in the President. I hope I can live in an America where I shall always have faith in the office of the Presidency. I believe it makes men become great men. But I submit that it is an almost unprecedented thing to establish by the law of this land an administrative tribunal that shall decide what groups shall be acceptable, what groups shall be respectable. I say that under the terms of this bill, those terms which establish a definition of what are called Communist-front organizations, we are entering upon some dangerous and turbulent waters, and it is entirely probable, in days to come, when passion and frenzy may grip the people, or when some power-crazed politician gets hold of the reins of Government, that some one may be able to rub out competition by smear and the stigma of smear. We have been approaching that point, Mr. President. A new technique in American politics has come into our midst, a technique that was developed to its finest point by ruthless, bigoted, immoral Hitler—the technique of the big lie. Hitler's master propagandist, Mr. Goebbels, told the big lie again and again. Mr. Hitler did not destroy his opposition with facts. He never confronted his opposition with facts. Mr. Hitler destroyed his opposition with smear, with the big lie. He branded as subversives those who stood against him, and the full power of the state was brought to bear upon them.

There are would-be Hitlers in America, Mr. President. Thank God they are not in public office, but they could be. If the people should lose their sense of balance, we could have an American-style Hitler. I hope that shall never happen, and I say, in all reverence, that I pray it shall never happen. I hope we shall never be cursed with such a ruthless, barbaric philosophy as that which is found in communism. But I submit that every time a State has tried to eradicate its opposition—and history is filled with examples—those who were to be eradicated and destroyed rose up to destroy those who planned their destruction.

My friend and able colleague, the distinguished Senator from Tennessee [Mr. KEFAUVER], has presented historical facts. Every state, every nation that has ever tried to outlaw a political party, every state, every nation that has tried to submerge a political party, every state, every nation that has tried to outlaw thought groups, pressure groups, or pseudo-political groups, has lived to rue the day; it has lived to see its work destroyed.

People may say, "The Senator from Minnesota is talking in the realm of the doctrine of eventuality. The Senator from Minnesota is seeing things that will never happen." Well, I want to remind this honorable body that our forefathers who wrote the Declaration of Independence and those who wrote the Constitution tried to protect the fundamental rights of the American people because they, too, saw some eventualities.

They, too, saw the possibility of, "the man on horseback." That is why there is provision in the Constitution for separation of powers, and that is why the Constitution was amended by the addition of the Bill of Rights, and that is why Thomas Jefferson and Thomas Paine would not work for the passage of the Constitution as it was first drafted, because they wanted the Bill of Rights to be included in the Constitution.

Mr. President, the Constitution is great because of the inclusion of the Bill of Rights. The Bill of Rights is to the American people, in a political sense, what the Ten Commandments are to the people in a moral and spiritual sense. Any tampering with the Bill of Rights is a tampering with the lifeblood of a free society.

I am not a great exponent of constitutional law; I am not even a poor exponent of constitutional law. I am not a lawyer. I am not debating whether this bill is constitutional. I think only the courts can decide that. Undoubtedly, the courts will be given that opportunity, because I say—not in a spirit of defeatism, but with what I consider to be a sound recognition of the political realities—that this bill, which has been vetoed by the President, will become public law. I have not fooled myself for a moment into thinking that our efforts here on the floor of the Senate would change enough votes to result in having the Senate sustain the veto.

But I say with equal candor that it is not always necessary to win the first battle. I am more concerned about winning the long-run fight for human freedom. I am more concerned about preserving the basic institutions of human liberty. I am more concerned with preserving the doctrine of Milton, in his plea for free speech. I am concerned about making as a living force in American life, the hopes, the dreams, and the philosophy of Thomas Jefferson, of Samuel Adams, of James Madison, and of Thomas Paine.

I am concerned with doing what Thomas Aquinas, the great Catholic scholar of the twelfth century, wanted—to have it inscribed in the hearts of men and on the tablets of law: That there are certain divine and natural rights which no government can take away.

I believe in democracy. I believe we have a creed and a faith that is so much more dynamic and so much more militant than anything that communism ever knew that I, for one, cherish the opportunity just to proclaim it.

I believe, with Jefferson, that:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

I believe in human equality. I believe there are certain truths which are self-evident, and I believe that every right I have as an American citizen, as a person, as one created in the image of his Maker, is an inalienable right, and is given to me, not by the Congress, not by the Democratic Party or by the Republican Party, not given to me by a President, but given to me by God Almighty.

I say to the Senate, and to each individual Senator, "You are not tampering with public law, but you are tampering with natural law, you are defying divine law, when you deny any human being the right to be his own exponent, his own priest, his own disciple, and to be able to be his own exponent without fear of retaliation."

I have said again and again that as far as the registration procedures for Communists—as those procedures are provided in this bill—are concerned, if it is possible to get Communists to register, more power to those who are able to get them to do so. But I say with equal force and conviction that the Communists will no more register than the thieves will go see the sheriff. The Voorhis Act has been on the statute books for 10 years, but no one has been registered under that act, because, in order to require registration under it, it is necessary to prove foreign control.

Similarly, Mr. President, this bill requires that foreign control be proved, before any Communists can be required to register.

If we can prove foreign control by evidence and by fact, why do not we require the Communists to register under the Voorhis Act? We do not require that because we cannot prove, in our courts of law, under the procedures of due process of law, the existence of such foreign control.

It is even difficult to get foreign agents to register; and yet we watch them with the careful eye of an intelligence officer.

No, Mr. President; I say again and again that if we can get the Communists to register, then let us require them to register and let us register them. However, if we break down our entire counterespionage system, if we badger and burden the Federal Bureau of Investigation with needless detail in requiring that Bureau to run down a lot of good-for-nothing persons, many of whom do not have sufficient intelligence to know how to do a bad thing, let alone to know how to do a good thing, we shall not be helping the internal security of the United States.

Mr. President, there are two dangerous features of this bill. One is, as the President said, that the bill is so clumsy and so ineffective, in terms of making it possible to find the dangerous saboteurs and Communists, and to be able to register them, because of the procedures prescribed in the bill, that it will virtually make unworkable the institutions of our

national security and our internal security. That is my conviction, too, Mr. President. I may be wrong. I know it was the conviction of my dear and respected friend, the junior Senator from Illinois [Mr. DOUGLAS], who gave on the floor of the Senate the most powerful, pointed, scholarly address on the weaknesses of this bill that has been presented; and no one has answered the documentation and the argument and the evidence which he presented to the Senate. Senators can say they do not want to answer the Senator from Illinois, or that he is too intelligent to be met in debate, or that he has too much information, and that therefore other Senators do not want to get involved in a discussion with him; but I assert that the only answer which will be sufficient is for Senators to answer the charges and the assertions and the arguments and the documentation and the facts and the proof which have been produced before the Senate by the distinguished junior Senator from Illinois. If other Senators cannot answer that, Senators should vote to sustain the President's veto.

Then, Mr. President, we come to the other part of the bill which is dangerous; I refer now to the part of the bill dealing with Communist-front organizations.

Mr. President, I have prepared a considerable amount of material dealing with Communist-front organizations and dealing with the question of how we should be able to find out what is a Communist-front organization.

Let us consider for a moment some of this material. In determining whether an organization is a Communist-political organization or a Communist-front organization, I should say, certain criteria and procedures are set up. The standards the Subversive Board has to apply in determining whether an organization is a Communist-front organization, are very flexible, and, I submit, dangerous. To put it bluntly, the first thing in determining whether an organization is a Communist-front organization, is to find whether the persons who are active in the organization and hold office in it are active in a Communist-political organization or in a Communist foreign government or in the Communist world movement. In other words, are there Communists in the organization? That is the first thing to determine.

But how many Communists are required to make an organization a Communist-front? Does this bill say how many are required in order to determine that an organization is a Communist front? Does it say that if the president of the organization is a Communist, it is a Communist front? Does it say that if the secretary of the organization is a Communist, it is therefore a Communist-front? Does it say that if the treasurer of the organization is a Communist, it is therefore a Communist-front? It says nothing. It says not one word about determining how many Communists it takes to make a Communist-front organization. I imagine there was good reason for that, because the authors of this bill are perfectly aware that in some of the most honored and respected organizations in the world Communists are involved. I shall point that out in a moment.

The board must determine on its own, according to its own standards and on its own procedures, whether one Communist makes it a Communist-front organization, or whether it takes 10, or whether one Communist who is really "hopped up" with communism makes it more of a Communist-front organization than several Communists who are somewhat fuzzy about it.

It could decide that one Communist is enough. I know of nothing in this bill that says it could not. This wide range of discretion might do terrible damage to perfectly good organizations.

Communists as we know do not often disclose their Communist affiliations. They impose on the innocent. We are told that they have infiltrated religious organizations and other groups; and yet the Board under this standard has authority to contact loyal, patriotic, self-respecting organizations, because of the presence of undisclosed Communists in their midst. This clause would permit the branding not only some of our labor unions but also some other perfectly reputable organizations, such as the Carnegie Endowment for International Peace.

Mr. President, did you ever hear of Alger Hiss? Is the Carnegie Endowment for International Peace a Communist-front organization? I venture to say that there have been a few Commies around. Well, we shall have to look into that when this Board is established; and I want to say for the record now that we had better start looking into the Carnegie Endowment Fund.

How about public officials who testified in behalf of Mr. Alger Hiss? Did they contribute substantially to communism? There were some very well known and respected public officials who so testified; yet Mr. Hiss was on the so-called inside. He was not one of the outsiders, one of the small fry; he was on the inside.

The next standard which the Board is to apply in order to deal with the activities of the organization is the extent to which its efforts, resources, or personnel are used to promote the political objectives of the Communist movement, and the extent to which the positions it takes on matters of policy do not deviate from those of the Communist organization.

My colleagues, I want you to know that in the criteria for this bill its authors did not put 10 percent on this side for that standard and 20 percent for the other; no, not at all. The standards are set out in the bill as to how we are to find out whether an organization is a Communist front. There is no waiting, there is no yardstick, there is no arithmetical proportion, no geometrical proportion; there is no way in the world to measure it. We are simply going to leave it up to the five members and let them measure it—the five members of the Subversive Board, appointed by the President, three members from his own political party and two from the minority party. I have a good deal of faith in people, but I also know something about human nature, because I know a little something about myself, and I want to say that this kind of legislation, in the hands of people who are a bit reckless with power can put a tremendous burden upon the principles of freedom in our land.

I commented about the extent to which the positions the Board takes on matters of policy do not deviate from those of the Communist organization. Using these standards, the Board can find that organizations which follow a policy which at the same time is being followed by the Communist movement could be Communist-front organizations. They could be. During the war, all political parties in this country were in favor of the defeat of the Axis. Communists? Were they patriotic?

I want to say, my friends, we have photographs of some of the most distinguished Members of this body in the company of some of the meanest, lousiest Communists who ever breathed a breath. They were for unity. Now, what about that? Does that make the other political parties Communists or Communist-fronts, or does it make some group that happened to have believed at the same time with the rest of the liberty-loving Americans, that we ought to defeat Hitler? We have all followed the same line—Communists, Republicans, Democrats, all people alike. There is no fabrication in the language of the bill which is before us.

I am not saying it was intended this way by the authors of this proposed legislation. I want to say with all the sincerity I can command that the Senators who have spoken on the floor in behalf of this bill have spoken with sincerity, with conviction, and with honest belief. But I also want to submit that when we are preparing a law which is not an emergency law but is a long-term permanent law, we had better be pretty careful of the language, because, once a law is placed on the books, it is hard to get it off; it is difficult, indeed, to get it off.

I said that during the war all the political parties and practically all the groups in this country had the same particular political objective—defeat of the Nazis, defeat of fascism. I think I can document by time, place, hour, and printed evidence, that responsible, patriotic, loyal American citizens were seen in public places discussing with known Communists how we would win the war. Mr. President, you and I know that was not making these loyal people Communists. But, at least on the surface, they had the same objectives.

At the present time in this country there may be political organizations, there may be candidates for office who recommend the abandonment of our programs for foreign aid. I want to drill this point home. I say now that there is no one policy our Goverentment has established which is more bitterly assailed or more bitterly attacked than the Marshall plan by the Communists, Pravda, the Tass News Agency, the Daily Worker. All their stooges are out assailing the Marshall plan, day in and day out, week in and week out, year in

and year out. What would happen in America if some of the men and women of this country who are opposed to the Marshall plan—and there are many of them; we have some in this body, and they are very effective Members of this body—organized an association for the abandonment of the Marshall plan? Well, I will tell you, Mr. President, that if they formed that kind of organization, it would be a tough job keeping the Commies out. Believe me, they will be in there, and if they are not in, they will be so near to those who are in, that they will look like Siamese twins; they will be standing so close together that one would not be able to see a gleam of light between them.

The Communist Party, international and national, has as its No. 1 objective today the destruction of the American foreign policy. It is opposed to point 4. It is opposed to ECA. It is opposed to the Voice of America. It is opposed to everything our State Department stands for.

Well, maybe we have an organization in this country of loyal Americans who likewise do not like the State Department. I think I have heard some rather caustic remarks about the State Department. I have gathered since I have been a Member of the Senate that there are other people besides Communists who do not like the State Department, who do not like Dean Acheson. I gather there are other people in America who do not like the policies our Government is pursuing in international affairs. Is it not entirely conceivable that a group can be organized to oppose the entire foreign policy of the Government? We have such groups. Does that make them Communist fronts?

It may be argued that the bill provides for judicial review which will curb the powers of the politically appointed Board. However, the findings of the Board as to the facts, if supported by the preponderance of the evidence, shall be conclusive. In other words, the courts are precluded from a complete review of the facts found by the Board. Such standards of judicial review may be all right in economic matters, but are we going to permit them to invade the field of public opinion and political action? Are we going to bar the courts from reviewing the decisions of this Federal Board for political purity?

Furthermore, if this Board is once established and goes into operation, judicial review of its findings will not suffice to restore the standing of organizations which have been compelled by it to register under this law. The mere finding by the board that an organization must register would be sufficient to frighten many people away from it—would be sufficient to place upon it a stigma of disloyalty which it could never overcome.

I appeal to my colleagues; what is there more tragic than to destroy a man's good name? What is there more tragic than to pick up one who has worked hard and diligently for his family and his country, because of some unorthodox attitude, and bring him before a subversive board? Listen: the language is subversive. It is not a Board of different attitudes or a board to investigate differences of opinion. This board is called the subversive board. And once a man is brought before the subversive board it is prima facie evidence that he is a subversive, and there are laws on the books under which prosecutors know how to deal with subversives. Subversives are traitors, and there is nothing more despicable than a traitor. How can a man's good name be restored to him, when it has been taken away from him in such a manner? How can those who have assailed the character of a fellow citizen restore his reputation? That is one of the tragedies of public life. But I do not think we ought to pass a law to make the happening of such tragedies easier. We can hold individuals accountable for this and that, but we ought not to pass a law which makes it a public policy to do so.

This board, had it existed in 1948, could have been used as a weapon to attack the Progressive Party, which manifestly, in many respects, fell under the criteria I have just discussed. I do not think there was any man in my part of the country that assailed the Progressive Party more than I did. I called its members what they were, fellow travelers. Its leadership surely was infiltrated with Communists. But I also know that many people voted for the Progressive Party candidates in my part of the country simply because they did not like the programs of either the Republican Party or the Democratic Party.

Are we going to call them Communists? It is a difficult decision to make. How did we deal with the Progressive Party? Did we need this kind of legislation to deal with them? A candidate on the Progessive Party ran against me. I do not want to brag, but I tell you, Senators, that he did not even come in a good second. The Progressive Party went down into dismal defeat. Why? It was thoroughly defeated by the good sense of the American people.

I want to trust the good sense of the American people. I have brought along a little book written by Woodrow Wilson. I trusted Woodrow Wilson. I happen to have had the privilege of being brought up on his philosophy. My father did many good things for me, and the finest was to acquaint me with good literature. In Woodrow Wilson's book, the New Freedom, he had something to say about the people:

> I believe, as I believe in nothing else, in the average integrity and the average intelligence of the American people, and I do not believe that the intelligence of America can be put into commission anywhere. I do not believe that there is any group of men of any kind to whom we can afford to give that kind of trusteeship.

Listen to Woodrow Wilson. What he is saying in that paragraph is that he does not believe there are any kinds of men who are so all-wise, so omnipotent, possessing such King Solomon attributes that they can determine when a person has the right idea.

I trust the average intelligence of the American people. Woodrow Wilson did. As a matter of fact, anyone who ever amounted to anything trusted the people; not just some of the people. Remember what Abraham Lincoln said? "Government of the people"—not just of a handful of them. "Government by the people"—not just by a handful. "Government for the people"—not just a handful. The great men of the world have always been on the side of the people. Jesus of Nazareth was on the side of the people. Moses was on the side of the people. Anyone who has ever done anything for humanity has done it for the people, he believed in the people, he was a part of the people. Every one of them was a champion of liberty. Every one of them was a fearless champion of individual liberty. The names of tyrants are in history only because of their miserable misdeeds. The names of the lovers of freedom, the names of the patriots, are in the history books because of their contributions to mankind.

I say that the bill, which I fear is going to become law, represents no contribution to mankind. It will go down in history with some of the edicts of the kings of old. It will go down with the alien and sedition laws. It will go down in the annals of American legislative history as the great mistake of this generation—the political tragedy of a mature people. I am confident that if the American people knew what was in the bill they would not be for it. The American people do not scare easily, not when they have the facts. But it is always easy to frighten a people when they are without the facts. That is why Jefferson said that the hope of democracy depends upon the education of the people. That is why he believed in education. That is why every scoundrel who wanted to enslave the people never believed in education. If we want to find a scoundrel, if we want to find one who would be a political dictator, then find someone who wants to take away the opportunity to be wrong. I want to live in a country where I can be wrong. I want to live in a country where a man can be so wrong that he must go before his people and confess his sins and ask their forgiveness.

I want to live in a country where I can stand up and say, "I have learned the errors of my way." The bill even says, "We cannot let you be wrong. We do not think you have enough sense to get along.'"

There are, of course, many people who feel that way. Many of them belong to some of the so-called better clubs. There is no place in the world more dreary than a Union League club. The only creatures in such a club who have any fun are the mice. They frolic around a bit. Why is it that young boys and girls of college age often join up with all kinds of organizations they wish they had never joined years later? Because they have imagination, because they have ingenuity, because they have zest for life. I say that whenever a person gets to the point where he becomes so concerned that he has to take a political blood test of everything he joins or associates with before he takes part, then this country has lost the right even to call itself a republic or a democracy.

One thing I like about the history of America is that when we started as a

Nation we were, as a people, flaming zealots. Our people came from countries dominated by the theory of divine right of kings. Our people said, "We do not believe in that kind of tommyrot. We believe that all men are created equal." Does anyone think King George III liked that? They had been pulling the old hocus-pocus over their people for centuries. They had been going around keeping people ignorant. They said, "Let us govern, because we have some kind of mantle from on high."

Then to America came the lovers of freedom. Why did they come to America? They came because they were considered to be dangerous in Europe. That is right. Tom Paine said:

> Where freedom there is not, there is my home. To do good is my religion.

Many people do not like Tom Paine. I do not know anything about his spiritual or religious attitude. I do know his literature. I know he said:

> These are times that try men's souls.

I know he said something about sunshine patriots, who wither away at the first blast of wintry winds.

Mr. President, we have some wintry winds around. It will be chilly in November. However, I say to the Congress of the United States: "Do not be sunshine patriots. Stand up."

Do Senators remember that old song:

> Give me some men who are stout-hearted men—

I do not remember how many men they were going to get, but it was something like 10—

> and I will give you 10,000 more.

That is what we need, Mr. President.

We are asking, this little handful of us, those of us who have been trying the sustain the veto:

> Give us some men who are stout-hearted men,
> And we will give you ten thousand more.

There are a million people in America who are jealous of their liberty and jealous of their freedom.

How many Senators remember the Jacobeans, after the French Revolution? How many remember the history of the eighteenth century? I remember it, because I had to teach it. Everything that has been said on the floor of the Senate about dangerous ideas was said about Thomas Jefferson and the Jacobeans.

When a man is proven a Communist under the definition of the bill, he is really proven to be a Communist. On the other hand, if a man is proven to be someone who has ideas which do not agree with one's own ideas, that is something else. If you have proven a man to be a Communist you have proven him to be a scandalous individual whose loyalty is to a bigoted, ruthless, and barbaric philosophy. Frankly, had it not been for the Jacobean philosophy Alexander Hamilton might have dominated the country. How we ever escaped one of those old defunct Bourbons, I do not know.

I suppose it was because we always had enough men like John Hancock, who was willing to write his name big enough so that King George could read it without his spectacles.

Mr. President, we are getting a little too respectable. We are getting a little too nice. We are getting so that we can hardly recognize the fact that other people may have a few ideas that we may think are crazy.

Let me say that the idea that some of our people in 1776 had were not accepted in the finer parlors and courts of Europe. Indeed they were not. We were looked upon as rather crude, unsophisticated, and sometimes as a rather illiterate lot.

That is what I consider to be some of the dangers in the legislation.

I see my good friend the Senator from North Carolina [Mr. GRAHAM]. He has emphasized what I have been talking about. Let me say a word about my very good friend the Senator from North Carolina. He is one of the greatest educators and one of the greatest citizens of one of the greatest democracies in these States of ours. The Senator from North Carolina believes in people. He loves people. He loves them so much that occasionally, as he and I know, has joined some organizations about which some people have made nasty comments. Well, I love the Rotary Club. Members of my family belong to the Rotary Club. It is a great organization. I advocate that people belong to it. It is a wonderful organization. Just as I believe that we ought to have that opportunity, I feel that the opportunity ought to exist to belong to other organizations.

I want to say that any man, no matter whether he is a Senator, a teacher, a minister, a laborer, or a businessman, if he feels in his heart compassion for humanity, and he is willing to join their efforts and relieve their burden and lift up the oppressed, that man is living in the spirit of the Lord. He is living in the spirit of true democracy. It is so easy to push aside people who may cause you a little trouble. It is so easy to join with those who are well off, secure, protected, and respected, because one never gets into trouble that way. By the way, he will never have any fun either. Those people do not know how to enjoy life.

The great people have been those who have served the oppressed, who have joined in ever fruitless and hopeless causes, to lift the burden from the weak and the sick.

While I hold no prerogatives for the robes of the clergy, I should like to say that if there is anything I found out in Sunday school and in church it is that the greatest thing man can do is to serve his fellow man. It is better to minister than to be ministered unto. He who would be first, will be last. That is the philosophy of humanitarian democracy. That is what has got some people into trouble, because some of these folks have been members of groups which under this bill would be called subversive. If a person joins an organization which is dedicated to noble purposes, if that organization has a few scoundrels in it, and a person is being accused of being a Communist, the effect is to destroy the heart of America, to destroy humanitarian democracy. There is nothing more brutal and more selfish than aristocratic respectability and acceptability. Thank God we have had in this country from its beginning men who have been willing to join with other people to sort of lift the burden from the backs of the poor, the sick, and the helpless. When I spoke on Friday—it was yesterday—I said something about the Statue of Liberty. I was impressed when I first saw the Statue of Liberty. I looked at that Goddess of Liberty, that massive statue, with her arms outstretched toward Europe. I wish I could remember the words that are engraved on the base of that statue. I know what the spirit is. The statue is a gift to us from the children of France, from the children of the French Revolution. It is a wonderful statue, with its arms stretched out to Europe. What does it say at the bottom of the statue? It says, in effect:

> Send me your sick, your weary, and your heavy-laden; send me your poor, your miserable, and your wretched souls.

Then it goes on to point out if they come to these shores they will have a chance to make something out of themselves, because in America we have had not only our creed of preservation, not only our creed of liberty, but our creed of the right for a little person to become a big person, and the right of a big fellow to become a great fellow.

There has been room for differences. In the Scriptures it is written that "in my Father's house are many mansions." I understand there are even differences in heaven. Why can we not have them on earth? Some people do not like all these differences. There are some who are afraid of ideas; they are afraid of good ideas and afraid of bad ideas.

Mr. President, if there is anything immortal, it is an idea. Whenever there is legislation that even approaches the fringes of thought control; whenever there is legislation that barely tampers with the right of men and women to be creative, to have ideas which we may not like, we are tampering with the fabric of freedom.

I remember a saying of Voltaire. I wish I could remember all these quotations, as does the Senator from Illinois, but I remember the philosophy of them. Voltaire said something to the effect that even though he did not believe in a word you were saying he would fight to the death for your right to say it. That is a tough discipline. We do not like to hear things we do not believe. Voltaire, the great French philosopher, said, "Even though I may disagree with every word you say, I will fight unto the death for your right to say it." Put that in this bill and you have something.

Say again and again in America that, regardless of how unorthodox your ideas may be, no matter how much they may upset us or challenge us, we will fight to the death for your right to say them. Then you really are soldiers in the battle for democracy.

Mr. President, that is my opinion. I have given much thought to this. No one likes to be criticized, but the saving grace in this country is the right to criticize. If you want to find out what is

wrong with America, you do not have to go to the library or even call in a scientist or technician. Just go to the barber shop, to the drugstore, or stand on the street corner, and you will find out not only what is wrong with America but what is wrong with the world. Besides that, you will get many programs for fixing it up.

These charges are not well-documented, but be that as it may, there is no substitute for the pragmatic experience of trial and error; there is no substitute for a man, by his own feeble efforts, seeking out the answers.

I will never believe there is an elite so wise it will know all the truth. I have no faith in the elite. That is why, when I was a student of political philosophy, I did not like Plato's Republic, because he had a neat mind. He had a mind that had compartments within it. He was a disciplined theoretician, he said there will be a governing class, a philosopher king—the perfect man. He said there will be the guardians, those who are trained to protect the safety of the state. Then below that there will be the masses, a neat compartmentalization among the masses, he was going to have everybody doing what he was best fitted for. It would be a sort of psychoanalysis, to find out whether or not one was supposed to be a salesman, a barber, a machinist, a shoe cobbler, or a blacksmith. Everybody was going to be in his neat little compartment, round pegs in round holes, square pegs in square holes. The only thing wrong with Plato's Republic was that there were no people who could meet his standards.

But Aristotle was a wiser man, as was Socrates. It was Socrates who began to believe in reason, and it was because of this that he drank the poison hemlock. Rather than destroy the traditions of his state, because of his love for Athens Socrates drank the poison hemlock.

I do not like the poison hemlock I am being asked to drink. I am not Socrates. Not only that, this poison hemlock does not defend the traditions of the state, because the traditions of our state are contrary to the language of this bill.

I like Aristotle's ideas. He said that politics and ethics are inseparable. Aristotle believed in man's capacity to reason. He believe in free speech, he believed in government by law, he believed in constitutional protections. He was a great constitutionalist, and those of us who have read political theory know that it was the reestablishment of the Aristotlian thought in the twelfth and thirteenth centuries that brought the great Catholic philosopher, Thomas Aquinas, and brought the Renaissance and later the Reformation.

Mr. President, this is the philosophical background. I do not believe we can discuss this question of legislation without understanding some basic fundamental philosophy.

Why do we believe in democracy? What do we mean by democracy? These are questions we ask again and again. Every child asks you that if you are a teacher. People ask you that as you go out and speak to them. What is the moral basis of democratic philosophy? I submit that the moral basis is ascertainable, and I intend to direct my attention to it.

I wish to read a statement I prepared called "A Declaration of Our Faith in an Era of Fear," because this is an era of fear. If ever a man needed faith, he needs it when men and women are consumed by fear. A nation without faith is nothing, and people without faith are nothing. Faith is the very lifeblood of citizenship, of a man's spiritual and physical well-being. We are absolutely nothing without faith. People are sick when they are badgered and consumed by fear.

On this Saturday, as we come almost to the point where we will vote on the pending legislation, I urge the Members of the Senate to rid themselves of fear if they have it, and to seek faith that is ever present.

I suppose every man places undue emphasis and importance upon his particular profession or occupation. What we do as individuals seems important to us, as our jobs in the Senate seem very important to us. But I am sure this Government will go along if all of us are not here. We Americans place a good deal of emphasis upon performance, energetic activity, accomplishment, and success. Most frequently these terms have been applied to the business or professional world. Occasionally they are applied to the realm of politics, in a country that has based its political institutions on representative government, a government by the consent of the governed. Politics becomes everybody's business.

Do Senators want to know why we have been talking since 6 o'clock last evening? It is not to conduct what is termed a filibuster, because we do not ask for unanimous-consent agreements to vote at a certain hour if we want to conduct a filibuster. A filibuster is an effort to kill legislation by getting no vote on it. I want a vote on this measure. I want a vote on it, because I want to be proud of myself; I want my name down on the RECORD; I want to be able to point out to the little Humphreys that their daddy voted to sustain the President's veto. I do not want any voice vote. We are going to have a roll call vote on this measure. I want to be on the side of the angels on this one. I want to walk in the spirit, the tradition, and the heritage of the men who have died for liberty. I do not recall the author of the alien and sedition laws, but I certainly remember the men who penned the Declaration of Independence. I do not recall the author of rules and regulations to enslave people, but I surely remember the author of the Emancipation Proclamation. We know of King John only because of the Magna Carta. We know of Tom Paine because of The Crisis, Common Sense, and The Rights of Man. We know the great spiritual and political leaders because of the courageous and moral phase of their character.

Mr. President, in a country that has based its political institutions upon representative government and government by the consent of the governed, politics becomes everyone's business. That is why the American people, all over this land, are reading the President's message. That is why some of us are receiving telegrams and long-distance telephone calls.

Mr. President, I want to pay tribute to the Senator from North Dakota [Mr. LANGER] who stood here. He fell on this floor while fighting for liberty. That is quite an honor. I was happy to be at his side if only to give him a helping hand.

We needed 24 hours—and it will be just about 24 hours since the time we received the President's veto message—24 hours to flash the news to the people of America that the American people are being invaded; their liberties are being attacked. There were some who wanted to have the attack come quickly and ruthlessly. The President of the United States sent to the Congress a message, with a personal letter affixed. I understand that is the first time it has ever been done. It was on White House stationery. I do not know how Members of the Senate feel about it, but if any of them live out in the country, in Minnesota, Wisconsin——

Mr. WHERRY. Or Nebraska.

Mr. HUMPHREY. Yes; or Pennsylvania, Alabama, North Carolina, or Louisiana; they know that if anyone there received a letter from the President of the United States, even if it contained only four lines, if it contained the President's signature, the voters would read it. If the President attached something to it and asked that it be read, I must say that 95 percent of the American people would take time out of a busy day and read it. The President did not have time to send a letter to every American, but he sent a letter to 96 Senators. We are here to represent the people. There are 3,000,000 Americans in my State, and I want them to have a chance to read what the President had to say.

I want to pay tribute to the newspapers in my State. We do not agree politically. As a matter of fact, we have some rather mean political arguments about who should be in office, whether Republicans or Democrats. Right now the issue goes far beyond that. It is an issue in which all parties should agree, and do agree, I trust—the issue of human freedom. I have an editorial from the Morning Tribune of Minneapolis, a fine newspaper. The editor is writing his convictions in that editorial, and he says that this measure is a dangerous one. He is no radical. As a matter of fact, if I were to give him the most objective opinion, I would say he is a middle-of-the-road conservative; a respected, intelligent, competent American citizen.

So, Mr. President, if politics is everyone's business, that is why we wanted 24 hours, and as soon as I am through—and it will not be long- I hope that we shall vote.

A VOICE. Amen.

Mr. HUMPHREY. I am glad to see that the spirit of this occasion has caught on. Now that we have the amen, possibly we can listen to the prayer.

The history of our country will demonstrate that individual participation in the affairs of politics has been a matter

of growth and development. It is known that at the time of the ratification of the Constitution only a small minority of the people were privileged to vote. However, the impelling force of the democratic faith required that the franchise, the right to vote, be extended to an ever-increasing number of people, until today, with very few exceptions, we have universal suffrage, freedom of the ballot for all adult citizens. This is the democratic process at its best.

Many people thought that was dangerous; the very thought of people voting was a really radical, dangerous idea. The only time it is really dangerous is when the vote does not come out one's way. But that does not mean it is dangerous for the Republic. It may be good for the Republic.

It was inevitable that as more people became participants in the processes of politics, more people would become vitally concerned with the decisions of government. When government was the special prerogative of those who owned property, the decisions and policies of government were inevitably directed toward the benefit of this group.

That is why little people are calling on Senators and Representatives about aid. They are concerned about soil conservation and many other things, because more and more persons are getting interested in government. The policies of government go hand in hand with the management of government.

For years in this country a handful of powerful persons representing the great economic interests had the American people convinced that politics was too dirty for the average American citizen to get into, even though they themselves were in it up to their necks. That is when the railroads, private utilities, and the banks of this country literally bled the American economy. If Mr. Roosevelt goes down in history for a great contribution—and he will go down in history—it will be found that this first great contribution was that he made every American feel that he was a partner of his Government. He breathed life into the doctrine of Lincoln, a government of the people, by the people, and for the people.

As the right to vote was extended to more and more people, the decisions of government became ever more important to a wider group of people. Today, we see government the vital concern of every citizen. Even the most politically uninformed realizes that the decisions of his government will affect his life, his business, his family, and his future.

In this country—as in others—there has been a constant struggle between those who have held the reins of power and those who aspire to a share of that power. I think it is fair to say that the twentieth century has witnessed a dramatic demonstration of the realization of Lincoln's challenge to America—"A government of the people, by the people and for the people"—and this is as it should be, because no man is free—no man is master of his own destiny—unless he is a shareholder and a participant in the policy-making of his government.

Some people do not like this, but those who believe in the principles of democracy, not only like it but realize that it is a cardinal principle of human freedom.

All of us are familiar with such phrases as "the American way," "the American system," or, as we say, "our way of life." We make these statements and use these phrases with such ease that seldom do we stop to think just what we are saying or what these phrases really mean.

Permit me to take just a little time to make a declaration of our faith and to outline that faith in such positive terms that it will serve as a standard to which all decent and good men can rally in this era of turmoil and fear. Do we have a faith? I believe we have.

Indeed, we do! It is the product of centuries of struggle and sacrifice. I do not intend by my vote to let it be blemished at this great hour. It has come down to us refined from the teachings and philosophy of the great teachers and philosophers of the ages. Yes, I could refer Senators to the legal doctrines of Cicero, the philosophy of the old Roman stoics, the teachings of Aristotle, the doctrine of natural and spiritual law of Thomas Acquinas, the theory of the social contract of Rousseau, the belief of John Locke in majority rule. These and others are the patron saints of a democratic faith. To all of this must be added the immortal teachings of Christianity and the testimony of the Old Testament prophets.

We must include the spiritual with the political, because democracy is more than politics; it is a faith rested upon the relationship of man to his God.

The teachings of these philosophers and prophets inspired our own Thomas Jefferson as he gave to us those immortal words of the Declaration of Independence—

> "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are, life, liberty and the pursuit of happiness.

Mr. President, I like that; it is music, the music of freedom.

This is the democratic faith, in short, precise and penetrating language—the doctrine of human equality, the belief in the dignity of man, the recognition of human freedom, and an acceptance of human brotherhood. All of these are our articles of faith. The whole system of representative government, based upon the principle of popular sovereignty, comes from an acceptance of a faith that recognizes human equality, a brotherhood of man, and a fatherhood in God.

It was from such a noble faith that we developed a political and economic system in which no man was to govern another without his consent, in which the doors of opportunity were to remain open not merely because of economic convenience, but because of a stern moral code. The politics of a republic, based upon a democratic faith, are moral and intellectual challenges to every citizen. I underscore that statement, Mr. President. The politics of democracy demand that representative government be deeply concerned with human welfare. The politics of democracy require a steadfast devotion to the principles of human equality and individual liberty.

A political system based upon such high and noble principles and dedicated to such humanitarian purposes requires the eternal vigilance of the people, and when I say "of the people," I mean of all of the people.

I trust that this short and incomplete analysis of the democratic faith does not seem too unreal and philosophical. It is important that we understand the inspiration and motivation of our political and social system. A careful study will reveal that democracy is not merely a structure of government, but, more basically, is a set of social relationships. It is based upon mutual respect, competition of ideas, trust in a majority with respect for minority. It it is expanding philosophy. It is flexible to the needs of the people. Its flexibility does not sacrifice principle. In fact, its ability to grow and develop preserves and protects the principles.

If there is one real fact of human history, it is the fact of change. Civilizations have come and gone. We have witnessed the rise and fall of empires, the dominance of particular philosophies and creeds. History has given us the story of the struggle of humankind to lift itself from bondage and oppression. The history of our great Nation tells the dramatic story of a diversity of people, living together in one nation, contributing to the richness of a culture.

Our dedication to liberty and freedom has released untold energy and talent. We are a living example of what can and does happen when mankind is permitted to utilize his talent and ability. I do not want any kind of a governor such as this bill to be limiting the exercise of any man's talent and ability. We have placed a premium upon individual performance. Yet at all times the rules of our society have required respect for the rights of others.

Another way to put it, is that we have created a political and social structure that allows for growth and change, without violence and revolution. We have not resisted change; in fact, we have encouraged it. Change and adventure was the spirit of the pioneers; experimentation, taking a chance, trying something new, have been a part of the fabric of our life.

It is only in recent years that the turbulence of change has seemed to bewilder us. In recent years we have become just a little concerned about all the changes which have been occurring; but I cannot believe that we have lost the pioneer spirit. I cannot believe that we are afraid of the future. I cannot believe that men and women of this generation wish to direct their thoughts to the good old days. No; whether we like it or not, we are citizens of today and tomorrow. There are no yesterdays that can be relived. Change is the order of the day. This world of ours is not the world of yesterday.

Our own country has changed from a predominantly rural and pioneer society

to a highly sensitive, industrialized economy. Our people move from city to city and from State to State. Our business economy becomes evermore centralized and concentrated. Our banking and credit structure of today is vastly different from that of the early 1900's.

Like it or not, we live in the age of bigness—big business, big labor, big production, big money; and they inevitably mean big government.

It does us little good to deplore these facts. It will do us good to understand them. It is imperative that we know how to meet the problems inherent in such a modern-day national economy.

I mentioned that this is an age of bigness—big business, big labor, big finance, big production and consumption; also big government. All of this bigness bothers people. The bigness of government seems to frighten even the most courageous. But, Mr. President, government in this Nation of ours is a reflection of the body politic and the economy. We cannot expect to have model "T" government in the age of the hydramatic drive, or government geared to the covered wagon, in the age of atomic energy and jet propulsion. We, as practical business people, know that, with our Nation changing from an agricultural economy to a highly-centralized industrial economy, we cannot have, nor should we have, a government geared to the needs and problems of the late 1800's. This is the mid-point of the twentieth century—a century of turmoil, of tension, of change; yes, even violent change. Our Government has grown big, not because any one person wanted it that way. It was not planned; there was no conspiracy. Our Government grew to immense proportions because it is representative government. It represents, it reflects, it symbolizes the nature of the society in which we live. Yes, it symbolizes that society in many ways. There is confusion at times, and uncertainty and indecision. That is the world picture, too, is it not? There are no patent remedies, no easy answers, no miracle cures.

Our century, the twentieth century, has been one of social and economic convulsion, revolution, and painful adjustment. When we look over the yesterday, we see that in the course of this century we have had two world wars, a world-wide depression, revolution, communism, naziism, and fascism, the breakup of empires, the collapse of world trade, a rapidly increasing population, and incredible industrial and scientific advancement. That has produced the kind of confusion and turmoil and frenzy in which we now find ourselves involved. Is it any wonder that people are confused and bewildered? Is it any wonder that, just as business has changed, so has government.

I believe the people of this Nation are primarily interested in two things:

(1) Freedom and opportunity.

(2) Security, both domestic and foreign.

Sometimes it is difficult to join together freedom and security. However, unlike some persons, I do not think the two are incompatible. From my standpoint, one of the functions of government is to help provide people with the opportunity to achieve security. And I think that one of our most basic problems today is to find ways in which the Government may help keep open the avenues of opportunity which have served to make this Nation great—opportunity for the small as well as the large. And, Mr. President, what is true in the economic realm is equally true, or good, or applicable in the political realm. Competition is good for politics; it is good for democracy.

I am not now, and never have been, opposed to bigness for its own sake. My idea of helping the small-business man is not based on penalizing those that have been successful in moving from the category of small to that of big. Rather, I favor the affirmative approach of keeping the avenues of opportunity open so that the small man can become big if he has the ability and the energy to do so.

I cross swords with bigness only when size is used as a means of restraining or hampering growth—only when it is used as a means of curbing or restricting the opportunities available to the smaller independents.

Our great economic system is based on the principle of vigorous, but fair and equitable, competition. Everyone ultimately benefits from this competition, the businessman as well as the consumer.

In a sense, it is a miracle that we here in America have been able to preserve a free economy and democratic Government. Our heritage has stood us well. Our devotion to individual freedom and our faith in our philosophy of life have given us the moral stamina not only to survive, but to grow and mature.

Today, I appeal to the Senate to breathe deeply the atmosphere of freedom, and to drink plentifully from the wells of our spiritual and political heritage of democracy. We must not be stampeded into mad retreat from our principles of liberty and equality. America needs in every community thousands upon thousands of men and women who will be steadfast in their loyalty to the democratic way of life.

America needs patriots who can withstand the Valley Forge of our time. Our Valley Forge is fear—fear of depression and unemployment, fear of war, fear of communism, fear of our neighbors—yes, fear of our Government. Fear can paralyze a people or a nation. Fear drives men to irrational action. Fear consumes the strength and intellectual fiber of people. Fear is a psychological cancer. It drives men mad.

And our Valley Forge is fear—fear of depression, fear of war, fear of communism, fear of our neighbors—yes, even fear of our Government. Fear can paralyze the people of a nation. Fear drives men to commit irrational acts. Fear consumes the strength and the intellectual fiber of the people. Fear is a psychological cancer. It inevitably drives men mad.

But fear, like many other manifestations of emotional instability, can be checked. The answer to fear is a mature understanding and knowledge of those factors which cause it. It is no answer to run away—or to curse the objects of our fear.

We must calmly measure the problems which beset us, and prepare ourselves for the task of meeting them.

Depressions are man-made. They can be prevented by man's ingenuity. Representative government by its very nature will and must be concerned with the economic well-being of the people. So why condemn a government, or why condemn a government program if it interferes with the economic life of the Nation, when, Mr. President, you and I know that no modern form of government can survive which ignores human welfare?

I repeat, this is 1950, not 1850. The customs of democratic countries cannot be ignored or pushed aside. There is an uneasiness in America for fear of war, the H-bomb, the atom bomb. They hang like the sword of Damocles over our heads, and, to be sure, the possibility of a full-scale world war III is ever present. But the fear of such a war cannot save the peace or preserve us if the conflict breaks forth. We must be strong in mind and spirit, and turn aside fear, and we must bend every effort toward creating the conditions of peace and security. I repeat, there is no easy answer, there is no miracle formula. We must prepare ourselves for a long ordeal of searching for areas of agreement with our adversary and rebuilding and strengthening our friends.

Wars are not won easily or cheaply; neither is the peace. It will take a little more than a visit from President Truman to Joe Stalin to obtain peace and freedom. This world of ours is morally, politically, and economically sick. Two world wars, a Hitler, a Tojo, a Mussolini—yes, a Stalin—are but symptoms of a sick world. The patient was not cured by the disappearance of the first three, and I doubt that the world would be much more secure with the removal of the last. Peace is a trade-mark for a society in balance and harmony. Peace in the twentieth century is a sum total of 2,500,000,000 people who have renounced war as a means of settling their disputes and have embraced the more difficult job of removing the causes of war, namely, selfish nationalism, economic insecurity, racial and religious bigotry, social and moral degradation. This is no small or easy assignment—or is it one to be accomplished in a year or two. The cost will be great—and there is no guarantee of success. But, the alternative is war—mass destruction—incomprehensible costs in people, goods, and money, along with the probability of the loss of our freedom.

We cannot run away from these alternatives. We must choose. Either one requires sacrifice, courage, and faith. I choose the road to peace, uncertain and perilous though it be. I refuse to be paralyzed by fear, or driven to the irrational catastrophic alternative of war. Our Government has chosen the path of peace. That is why taxes are high. Yes, all of this is expensive. That, plus the cost of past wars and national defense against the possibility of a future war. Expensive—yes, indeed—but it is a pau-

per's penny compared to the cruel and brutal reality of another war.

Yes; there are many fears that plague us—fear of depression, of unemployment, of war—and fear of communism. Each within itself is enough to frighten those of faint heart and timid spirit. Each could be disastrous. None need to overwhelm us. Let us turn our thoughts to this international monstrosity called communism. As I have said on many occasions, it represents the forces of totalitarian evil. It is a denial of the dignity of man. It is a repudiation of the democratic creed. It is the composite of all that we detest—but it need not and must not put us in a state of frenzy and fear. We cannot check the march of communism in Europe and Asia, or its growth in America, by merely legislating against it—and cursing it. I repeat, there is yet to be found by any of the proponents of this proposed legislation one example in history—give me one scientific example in history where anyone has ever stopped communism by investigating it, legislating against it, or cursing it. Listen: The test, the validity of legislation is, How does it work? Has it ever worked? What does history tell us? As a matter of fact, history tells us that the more restrictive the laws of a nation become, the more difficult becomes the task of preserving liberty and freedom and opportunity.

The irresponsible charges of communism against the innocent merely provide a smoke screen behind which the real Communist can operate. To attack the character or question the loyalty of the innocent undermines our stature in the eyes of the free peoples of the world. We have laws to deal with traitors and subversives. This body knows it very well.

The President of the United States, on August 8, sent to the House and to the Senate a message in which he outlined what he considered to be the essential requirements or conditions of our security laws. The President of the United States delivered a very powerful message on that date. He analyzed the many laws we have on the books dealing with traitorous activities, sabotage, and conspiracy. Yet the people of the United States have been led to believe that our Government is defenseless, that we simply have no way of protecting ourselves, despite the fact that even at this hour the agents of our Government are rooting out the Communist conspirators. I remind this honorable body, again and again, that we did not need this bill in order to catch Judith Coplon, Mr. Gold, Mr. Fuchs, or any of the rest of them, or the 11 communists in New York. The Smith Act did that. These laws are being and must be vigorously enforced. No Communist or Fascist should be permitted to serve in any position of public trust where his employment would jeopardize the security of this Nation. We have a right to expect unqualified loyalty from every person in public office or Government service. The FBI and the loyalty boards are equipped to give us that security.

But, to dismiss Communists from Government jobs or to prosecute them in the courts does not destroy communism nor check its growth. Communism is a political virus that feeds on poverty, insecurity, depression, inequality, political corruption, and economic greed. It flourishes where people are illiterate, poor, and sick. It develops and expands where opportunity has been destroyed, where cynicism has replaced positive faith.

Communism, like its twin brother, fascism, gains a foothold and seizes power where freedom has never lived, or where those entrusted with the institutions of freedom have failed in their trust.

Again, there is no easy answer, no quick cure to this vile disease. Speeches, investigations, loyalty oaths—yes, even guns—cannot stamp out totalitarian doctrines. The systematic day-by-day performance of democracy is an answer. The opening of new avenues of economic and social opportunity is part of the answer. The unyielding devotion to such democratic principles as fredom of speech, freedom of press, freedom of conscience and association is part of the answer. Freedom from want and freedom from fear are part of the answer. I submit that we cannot lick communism by applying police state methods or degrading ourselves to Communist tactics of character assassination, smear, and rumor.

We cannot lick communism with communistic methods. We cannot lick communism with just a little bit of communistic method either, because a little of that communistic method is just enough to make it a police method.

Even more important, we cannot strengthen our democracy by making everyone suspicious of his neighbor, afraid to think creatively, or to speak and write fearlessly. Individual liberty cannot be made secure by a rigid and deadening requirement of conformity to orthodox ideas. The question inevitably arises—which or whose ideas are orthodox? Since no one can be sure, security becomes available not by having orthodox ideas but rather by having no ideas. It is in such an environment that freedom dies.

Our security and strength rest in competition of ideas. Competition in the marketplace is the byproduct of intellectual and political freedom. Free enterprise cannot be preserved and extended when men are paralyzed or prejudiced by fear. It is the men of fear who kill freedom everywhere.

Mr. President, I hope we will rise to the responsibilities of this very important occasion as we vote upon the bill which was vetoed by the President.

Mr. President, I am convinced that whatever may be our ultimate decision here as of this day, the American people will rectify any mistakes we may make. No man knows for sure whether he is right or whether he is wrong. I am quite convinced that the position I have taken is not the popular position. I am sure it is not. But I believe that in the long run it will be the right decision. More than that, I do not want to see my country and our people move recklessly in a direction that may set a pattern for further curtailment of their liberties. It is one thing to lose one's money. That is sad enough. But it is much more serious and much more grave to lose one's rights as a free citizen.

Mr. President, I want to make it crystal clear that I do not say that the measure which is before us, if enacted into law, will necessarily mean the loss of our rights. I merely say that if the bill is passed it will open up the door for the kind of cynical, hard, and, may I say, biased administration that could seriously jeopardize political association, free speech, freedom of press, and even freedom of conscience.

There are many parts to this measure. I have received letters from Quakers who are terribly disturbed about the bill because of the nature of the oath it requires. I do not happen to be a Quaker. The oath required does not bother me as an individual, but it bothers the Quakers. I ask Members of the Senate, can they name better people than the Quakers, finer citizens, more God-loving, responsible, devoted people? Yet there is not a Member of this body who has not received a letter from the Quakers concerning the bill. The CIO, the A. F. of L., and other organizations are concerned. Maybe they are seeing ghosts, maybe they are fearing what will never happen. But I do not think we ought to tempt ourselves in this manner; no, indeed, I do not. It is so easy, once this sort of pattern is set, to move to something else.

Mr. President, I yield the floor.

PERSONAL EXPLANATION—LETTER FROM SENATOR GILLETTE TO SENATOR WHERRY

Mr. WHERRY. Mr. President, during a conversation I had with the junior Senator from Iowa [Mr. GILLETTE] on the floor a couple of days ago relating to the amount of the appropriations made available to the Kefauver subcommittee investigating crime, it was revealed that a columnist had made a statement which indicated that I had made the motion to reduce the amount of the appropriation. I never answer adverse publicity because I feel that one's own voting record, one's own actions furnish the best answers to any unscrupulous charges. But the junior Senator from Iowa was so interested in the misstatements attributed to me that he said he wanted to write me a letter, and asked that I place it in the RECORD for public information.

I deeply appreciated what the junior Senator from Iowa, who serves with me on the Rules and Administration Committee, offered to do. He wrote me the letter and I ask unanimous consent, as a matter of personal privilege, that the letter be read at the desk by the clerk. It is a short letter and will not result in detaining the Senate more than 2 or 3 minutes. I do this by reason of the request made by the Senator from Iowa.

Mr. KILGORE. Does the Senator request that the letter be read?

Mr. WHERRY. Yes. The Senator from Iowa himself thought it ought to be read.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Without objection the letter will be read.

The legislative clerk read as follows:

UNITED STATES SENATE,
COMMITTEE ON
AGRICULTURE AND FORESTRY,
September 20, 1950.

HON. KENNETH WHERRY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: My attention has been directed to a recent column, published under the byline of Mr. Drew Pearson, in which you are charged with having shown opposition to the work of the Kefauver subcommittee investigating crime. The article states that you opposed making the necessary funds available for this subcommittee to continue its work, when the Committee on Rules and Administration of the Senate had the request for additional funds before it for consideration.

I have in mind the fact that the vote on this proposal was taken in executive session and that neither you nor any of the members would clarify such an erroneous report if it involved another member of the Rules Committee. Inasmuch as I was the Rules Committee member who moved to cut the requested additional amount of funds, from $100,000 to $50,000, I am writing this letter to you so that you may feel free to quote me if you so desire.

There was no opposition whatever in the Rules Committee to make funds available for the Crime Subcommittee work. As I recall the figures, SENATOR KEFAUVER told us that he still had around $112,000 left from funds previously made available to him. In response to inquiries made by members of the Rules Committee, it was evident that with the balance in his hands, an additional amount of $50,000 would be sufficient to carry the work of the subcommittee until its projected time of finishing its work, next spring. It was for this reason that I made the motion to make the sum of $50,000 additional available to the Kefauver committee, and I believe every member of the Rules Committee voted for this amount, but with the definite assurance to SENATOR KEFAUVER and his subcommittee that if additional funds were needed and he would come before us after the Eighty-second Congress convenes next January, that he would find us ready and willing to make whatever funds were needed to complete the work, available to him. I distinctly recall that your attitude was in accordance with my foregoing statement and that you, on at least three occasions during the discussion, stated that it was our desire that the subcommittee have the necessary funds for a full and thorough completion of its work.

The rules for the revealing of action by a committee in executive session do not, I believe, preclude me or any other member from stating his own vote on any measure before the committee. Therefore, I am addressing this letter to you stating that the motion to make the $50,000 available was made by me. You are at liberty to use this letter in any way you see fit.

With personal greetings, I am,
Sincerely,

GUY M. GILLETTE.

Mr. WHERRY. Mr. President, I should like to make a brief observation. I was asked by a news agency—because the statement of the columnist was published all over the country, and particularly in newspapers in my own State—whether I was the one who made the motion to cut the appropriation. During our conversation the distinguished Senator from Iowa brought to my attention that he was the one who made the motion, and he felt that the statement that had gone out about me should be corrected. I consider it to be an exhibition of sportsmanship and statesmanship for a Senator voluntarily to come to me and offer to write such a letter. The Senator from Iowa is a man of great stature.

The information contained in the letter could not have been revealed by me, because what was done took place in executive session. Even though the direct question was asked me, I refused to answer and tell who made the motion. But the Senator from Iowa and I discussed the matter and he volunteered to furnish the information in the manner he has done in his letter.

It encourages one, and makes one rise to new heights to see such statesmanship displayed by a man such as the junior Senator from Iowa, who wanted to correct the record. He did it voluntarily. He did not want to have me injured by something he had done, but which I could not reveal because it had happened in executive session and I had no right to violate the confidence. I want to thank him for his very fine letter, and for the courage and help he has given me by correcting an erroneous report.

I shall not answer Drew Pearson. I have never answered Drew Pearson. I shall simply keep on doing the best I can. One's life and actions constitute the final test. That is the only way in which to disprove untrue things that are said about one. So I kept it locked up in my heart. Then along comes the Senator from Iowa, and he volunteered to do this in order to clear up something that happened in executive session, which I could not reveal. He did it to clear me of the charge that I was attempting to stop the crime investigation by cutting down the appropriation, because it was charged that I had made the motion. The letter shows that he did it.

We gave assurance to the distinguished Senator from Tennessee that we would support his committee and would give him all the money he needed. It was maliciously published that I had made the motion. When it came to the attention of the junior Senator from Iowa he wrote the letter. I thank him from the bottom of my heart for the letter and for the interest that he took. The statement by Drew Pearson was absolutely not true.

Mr. KEFAUVER. Mr. President, will the Senator yield for a question?

Mr. WHERRY. Yes; except I do not want to detain the Senate.

Mr. KEFAUVER. I ask the Senator from Nebraska whether I did not tell him and also stated on the floor that the junior Senator from Tennessee was not complaining about the appropriation having been reduced, and that no blame accrued to the junior Senator from Nebraska, to the Senator from Iowa, or anyone else for the reduction of the appropriation from $100,000 to $50,000, except such blame as came to the junior Senator from Tennessee for not having his budget in proper shape? Did I not also state on the floor that I was very well pleased with the cooperation and support of the Senator from Nebraska and the Senator from Iowa and of the whole Committee on Rules and Administration for their help to the Interstate Crime Investigating Committee?

Mr. WHERRY. Mr. President, the distinguished Senator has asked me the question, and I want to say that the Senator did say exactly what he has stated. I appreciate it very much. I think, however, that in the colloquy which was exchanged between the distinguished Senator from Tennessee and the junior Senator from Nebraska the matter of who made the motion was not known to the Senator from Tennessee. I asked if I told him I did not make it, would he so believe? He said he would. I said I could not reveal the name of the Senator who had made the motion. That is why the distinguished Senator from Iowa wanted to clarify the record.

What the distinguished Senator from Tennessee says now he has already said. I am not charging him in any way with this malicious story. I am sure he never got the impression the story attempts to create. I appreciate the fact that he should voluntarily make the statement now. I do not see how these things get out of committees, particularly in executive session. I cannot understand it. Ordinarily while my office would have given the name of the Senator who had made the motion, because the question was squarely asked, I was not going to violate a confidence. I simply will not do it. I hope we can all follow that practice. When a committee holds a meeting in executive session its proceedings are confidential. I do not think the rules should be violated. The only way in which this explanation could come into the record was by the very gracious act of the Senator from Iowa, who felt he had the right to come forward and defend the junior Senator from Nebraska, even though the proceeding had been in executive session of the committee. The Senator from Iowa wanted to clear up a charge which was wholly untrue.

POSITION OF PAUL HOFFMAN REGARDING TARIFF ON AUTOMOBILES

Mr. FERGUSON. Mr. President, last week I attempted to make the RECORD clear concerning the position of Paul G. Hoffman, with respect to tariffs. In the course of a brief colloquy I was asked by the junior Senator from Nevada [Mr. MALONE] whether or not I had ever heard Mr. Paul G. Hoffman make a statement favoring the removal of the tariff on automobiles. I replied that he had made such a statement to me in private conversations and also that I had heard him make such a statement in testimony before the Committee on Appropriations.

I now find further record of such a statement. In a hearing before the Committee on Foreign Relations on Senate bill 3101, United States Senate, Eighty-first Congress, at page 41, there appears a statement by Mr. Hoffman in response to a question from Senator LODGE, which I think is self-explanatory. I do not wish to delay the Senate, but the statement is not long and I do wish to make the RECORD complete. It reads:

In theory, I presume that is true; yes, sir. I would like to make one statement here, purely gratuitously. It has nothing to do

with your question, Senator. But to clear the record: I want to state on the record, because this question of my attitude on imports of automobiles has been mentioned publicly—for 20 years I favored taking all tariffs off of foreign automobiles, and the automobile industry, at the time I was a part of it, on several occasions took a similar position. In other words, the automobile industry never requested any tariffs on foreign automobiles, and I personally thought they should be removed, and now think they should be removed. I just want that in the record.

Mr. Hoffman has also stated to me in the last 2 days that the only specific tariff that he has ever suggested reducing is the tariff on automobiles.

Having had knowledge of Mr. Hoffman's tariff philosophy through conversations with him I felt I should try to set the record straight in my earlier colloquy with the Senator from Nevada [Mr. MALONE] and I appreciate this opportunity to amplify the record with a specific reference.

PROTECTION AGAINST CERTAIN UNAMERICAN AND SUBVERSIVE ACTIVITIES—VETO MESSAGE

The Senate resumed the reconsideration of the bill (H. R. 9490) to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, the objections of the President of the United States to the contrary notwithstanding.

Mr. FERGUSON. Mr. President, I believe it is the duty of those who were the sponsors of this legislation to say a few words in rebuttal to the long discourses that have been in progress since about 5:45 o'clock last night. It is a known fact that when arguments are made and statements are made on a bill, particularly when they are made in relation to the intent of Congress and what Congress is trying to do, and if no reply is made to those statements and arguments by the sponsors of the bill or members of the committee reporting it, a misinterpretation can be drawn from such failure, and erroneous inferences as to the intent of Congress may also be drawn.

It is for that reason that I deem it my duty, even though we have been in session more than 24 hours consecutively, to speak briefly to the Senate at this time on this legislation. If I do not cover all the points that have been raised with respect to this bill in the past 25 or 26 hours, I do not wish it to be misunderstood that we are accepting all those issues without dispute.

Mr. President, the last speaker has stated that there was something in this legislation that was obnoxious to the Friends or Quakers, as well as other religious groups, with reference to bearing of arms, and with reference to an oath they would have to take when they became naturalized citizens.

I desire to call two sections of the legislation to the attention of the Senate as being the apparent source of the objection raised by the previous speaker. I can find nothing in these two sections which would be obnoxious or which could not be freely taken by those who might otherwise, on account of religious scruples, feel they were unable to bear arms. As I understand the sections, they are perfectly satisfactory to the Friends, Quakers, and others who feel pronounced religious scruples with regard to the bearing of arms. As a matter of fact I understand the provisions were expressly drawn at the suggestion and with the approval of those groups in order to meet objections they might otherwise have held.

I want to read these sections for the clarification they provide, because the statement to which I have referred is of a kind which might lead people to believe that there is prejudice in the hearts of some of those who are sponsoring this legislation.

These sections relate to certain necessary oaths. The bill, in fact, provides for two oaths, which are optional. I read from section 29 of the bill, at page 33 of the conference report:

(b) As provided in subsection (a) of this section, the petitioner for naturalization shall take one of the following oaths:

(1) I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States or perform noncombatant service in the Armed Forces of the United States when required by law; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature; or

The second oath reads:

(2) I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely and without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature.

Mr. President, we see clearly that there is nothing in the second oath which requires a man to bear arms or even perform noncombatant service in the Armed Forces, by reason of the specific omission of that requirement as it appears in the first of the optional oaths.

A further oath, which relates only to persons holding titles of nobility, is provided for in the next paragraph of the section, as follows:

(c) In case the person petitioning for naturalization has borne any hereditary title, or has been of any of the orders of nobility in any foreign state, the petitioner shall in addition to complying with the requirements of subsections (a) and (b) of this section, make under oath in open court to which the petition for naturalization is made, an express renunciation of such title or order of nobility, and such renunciation shall be recorded in the court as a part of such proceedings.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield to the Senator from South Dakota.

Mr. MUNDT. I wonder if it would not be well to recall for the benefit of the Senate the fact that the distinguished Member of the House of Representatives, Representative NIXON, of California, who was a coauthor with me of the original socalled Mundt-Nixon bill, who introduced the version of the Communist-control legislation which comprises the first 17 sections of the bill now being considered, introduced in the first session of the Eightieth Congress, is himself a Quaker, of a long line of Quaker ancestors, which would seem to indicate he may think the Quakers are on guard, and that nothing to which the Quakers could object is in the proposed legislation.

Mr. FERGUSON. I am glad the Senator from South Dakota has made that observation, which should serve to make the record crystal clear upon this subject.

Mr. President, last evening as the veto message of the President was read—and I am sure it was thus reported in the press—we found on its first page the statement that—

H. R. 9490 would not hurt the Communists. Instead, it would help them.

No one who has studied and followed this legislation closely, and no one who has observed the cartoons, the editorials, and the pages of the Daily Worker, which is the mouthpiece of the Communists of the United States, could say that it would help the Communists. No one who has been on the firing line on this bill can say that the Communists want the legislation. The Communists and Communist-fronters of this country want anything but this legislation.

Mr. President, on the next page of the message there appears a statement which I am sure went out over the radio to every hamlet and home in America, in this language:

Specifically, some of the principal objections to the bill are as follows:

1. It would aid potential enemies by requiring the publication of a complete list of vital defense plants, laboratories, and other installations.

And on the following page this statement is amplified by the President's words:

I cannot imagine any document a hostile foreign government would desire more.

Mr. President, no law required the publication of data on Oak Ridge or the plant out in Hanford, Wash. But we are now picking up all over the United States and even in England the spies of Russia who had been in those plants and had obtained the secrets of the plants. We know they even extracted samples of the research being conducted in those plants. In other words, Mr. President, it is naive to believe that the Communist espionage apparatus does not pursue its ends effectively without the benefit of published lists which the President deplores.

But there is more than that in the President's statement. We have only to read the very words of the legislation to

know that that is not a fact, as the President alleges, that the legislation requires the publication of a complete list of vital defense plants, laboratories, and other installations.

At this point, I wish to insert in the RECORD a full explanation, which appears at page 50 of the conference report.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

Section 3 (7) and the provisions of section 5 relating to the designation of defense plants by the Secretary of Defense have been modified in the conference substitute so as to broaden the concept of defense plants to cover any appropriately designated plant, factory or other manufacturing, producing, or service establishment, airport, airport facility, vessel, pier, water-front facility, mine, railroad, public utility, laboratory, station, or other establishment or facility, or any part, division, or department of any of the foregoing. Because of this broader coverage, section 3 (7) has been changed so as to define the two terms "facility" and "defense facility."

The test to be applied by the Secretary of Defense in designating an establishment or facility as a "defense facility" is prescribed in section 5 (b), and he is authorized by that subsection to make such designation in the case of any facility, as defined in section 3 (7) "with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section."

In section 5 of the bill as it passed the House it was not specifically required, when the Secretary of Defense designated a "defense plant" that the designation made by him be made a matter of public information. In the modified section 5 (b) the provisions regarding designation have been changed so as to provide that the Secretary of Defense shall designate and proclaim, and from time to time revise, a list of the facilities designated by him, cause the list of such designated facilities, or any revision thereof, to be published in the Federal Register, and promptly notify the management of any facility so listed. It is made the duty of such management to post conspicuously, and to keep posted, notice of such designation in such form and in such place or places as to give reasonable notice thereof to all employees of, and to all applicants for employment in, such facility. The definition of "defense facility" in the revised section 3 (7) is so written that the criminal prohibitions in section 5 (a) relating to defense facilities will be applicable in the case of any particular designated facility only if the facility is included in the list published in accordance with section 5 (b), and only if the facility is in compliance with the provisions respecting the posting of notice of its designation as a defense facility.

Mr. FERGUSON. I think it would be well to have those things in the RECORD so that there may be no further questions on this subject. Some may have been troubled with the arguments made on the floor of the Senate. They may have been troubled with the President's statement. They may have been troubled with the radio announcements as to what the bill would do.

This explanation, which is before the Senate as the official record of the conference committee, makes clear that the public listing of defense facilities was provided for the very good purpose of implementing the provisions for protecting such facilities by denying employment therein to Communists. Moreover, it is clear that the publication of lists of designated facilities is not mandatory upon the Secretary of Defense, for he shall make such designations and listings only when he determines the national security requires that the bar against employment of Communists in such facilities be invoked.

Mr. O'CONOR. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. O'CONOR. May I ask the Senator from Michigan, who has devoted such earnest and continuous study to this matter, whether it is not a fact that in subsection (b) there is a provision that it is up to the Secretary of Defense to determine whether the section is to be applicable to any such facility? In other words, all he need do, in the event he does not wish this section made applicable, is to omit a certain plant from any listing he makes.

Mr. FERGUSON. That is exactly the correct interpretation, and that is the language. I am glad the distinguished Senator from Maryland, who has spent so much time on this bill, has asked that question and brought out the fact so forcefully. The lists are published only when national security requires their publication. Obviously, if listings are against the national interest, no publication would be made.

Mr. President, it could be that the President or the Attorney General did not wait until they received copies of the conference report to see the change made by the conference committee, and, therefore, were of the opinion that it contains an absolute or compulsory requirement as to the publication of a list of defense plants.

In evaluating the security interests involved in publication it should also be taken into consideration that the Secretary of Defense does not have to say, "This is an atomic-energy plant," or "This is where they manufacture some vital piece of machinery." No; that is not the fact. He need only publish the statement that it is a defense plant. He thereby invokes the security provisions of this section relative to barring Communists from defense-plant employment. The protections thus provided should be weighed against any possible injuries to security that might result.

Mr. President, there is one other thing that I feel it is important to bring to the attention of the Senate at this time. That is the provisions in section 22 which relate to the exclusion of certain aliens. This section is found at pages 21, 22, and 23 of the conference report.

I think one difficulty is that those who have advised the President against this particular section did not take into consideration the fact that much of that to which he is now objecting is part of the law and has been part of it for many years, and the Secretary of State has been operating under it.

I read from subsection (g), on page 22 of the conference report, which defines one class of excludable aliens as follows:

(G) Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating (i) the overthrow by force or violence or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage.

That is all in the law today and it has to be administered by the President, regardless of any enactment by us at this time.

To that subsection the bill merely adds as new legislation the following language:

The economic, international, and governmental doctrines of world communism or the economic and governmental doctrines of any other form of totalitarianism.

The President cites various reasons for disapproving of section 22, among them the fact that it would deprive us of the great assistance of many aliens in intelligence matters, and the fact that no resident of a totalitarian country could come into the United States.

What the President overlooks in that condemnation of section 22 is the fact that the Attorney General has certain discretionary powers under the ninth proviso to section 3 of the Immigration Act of 1917, which is cited on page 24 of the conference report. Those discretionary powers of the Attorney General extend to a determination of who or who may not come in under the terms of Section 22, with certain exceptions.

These exceptions are two in number. The first is paragraph (1) on page 21 of the conference report, as follows:

(1) Aliens who seek to enter the United States whether solely, principally, or incidentally, to engage in activities which would be prejudicial to the public interest, or would endanger the welfare or safety of the United States;

The second exception is paragraph (3) on page 23 of the conference report, as follows:

(3) Aliens with respect to whom there is reason to believe that such aliens would, after entry, be likely to (A) engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security; (B) engage in any activity a purpose of which is the opposition to, or the control or overthrow of the Government of the United States by force, violence, or other unconstitutional means; or (C) organize, join, affiliate with, or participate in the activities of any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950.

Those are the only exceptions, Mr. President, to the discretionary authority of the Attorney General. Those persons are automatically excluded. But the discretionary authority exists to cure what the President claims are defects of this section.

I should like to add one final word in relation to the President's message. The President objects to title II, which is the one to take effect upon the happening

of three events which are set out in the bill, in event of war, invasion, or insurrection. He has a criticism of the title because it does not suspend or authorize the suspension of the privilege of the writ of habeas corpus.

We remember, Mr. President, that in 1215 some of our forefathers fought at Runnymede in order to preserve the writ of habeas corpus. One of the causes of the Revolutionary War was that persons in the Colonies were being arrested and taken back to England in violation of the privilege of habeas corpus. If there is anything which distinguishes our form of government from a totalitarian form of government it is the courts and the privilege of habeas corpus.

Mr. President, if the time shall ever come when this country is at war or being invaded, as the terms are used in the Constitution of the United States, and the President comes to the Congress, that is the time that the Congress, representing all the people of America, should determine whether there shall be permitted a suspension of the writ of habeas corpus. Let us not otherwise destroy that for which we are today fighting in Korea. Let us not otherwise destroy that which makes us a God-fearing nation, opposed to totalitarianism and to communism.

Until such time we can take comfort and refuge in the specific provision in this title, which denies any possible inference to the contrary, that:

> Nothing in this title shall be construed to suspend or to authorize the suspension of the privilege of the writ of habeas corpus.

Mr. President, I wanted to refer also to some of the other arguments made against this legislation. I hope that those Senators who, with the Senator from Michigan, are sponsors of the bill will add their comments at this time in order that the record and the intent of Congress in enacting this legislation may be free of misunderstandings.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. McCARRAN. Mr. President, as stated by the Senator from Michigan, so many unsupported statements have been made in the course of the debate on this question, that it seems to me to be highly desirable that those of us who have had to do with this bill from its beginning to the present time be heard for a few minutes.

The veto message of the President declares that the bill H. R. 9490: "Would not hurt the Communists. Instead, it would help them."

I have heard that statement made before, and I have characterized it as an irresponsible statement. It would be improper to characterize as "irresponsible" any statement made by the President of the United States. But, Mr. President, it certainly is not improper to say that I disagree with that statement wholeheartedly; and I do not believe, Mr. President, there are very many members of this body, or very many persons anywhere, who have read this bill, who believe, or can be made to believe, that this bill would help Communists.

At the outset of his veto message, the President states what he calls "some of the principal objections to the bill." The veto message refers to these objections as being "specifically" stated, though in point of fact they are stated in general terms. However, let us examine these seven objections.

The first objection stated is that the bill would aid potential enemies by requiring the publication of a complete list of vital defense plants, laboratories, and other installations.

Mr. President, someone has misadvised the President with respect to that.

The only provision with respect to publication of a list of defense plants, which is to be found in this bill, is in section 5. Section 5 (b) authorizes and directs the Secretary of Defense to designate and proclaim, and from time to time revise, a list of facilities with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a)—that is, exclusion from employment of members of Communist organizations.

This section does not require the Secretary to publish a complete list of plants, or to publish any list at all. The Secretary in his discretion is to determine which plants, if any, he wants to exclude Communists from; and then he publishes the list of such plants, if any. The Secretary might limit his list of plants, as published, to a few, or he might publish a list of many thousands; but it will be discretionary with him. If he thinks it is more important to keep the name of a plant off a list than it is to apply the provisions of the bill banning the employment of Communists in that plant, then he can keep the name of the plant off the list. As a matter of fact, Mr. President, while it is perfectly reasonable to believe that there may be some plants doing defense work which it would be desirable to keep entirely secret, even so far as the identity of the plants is concerned, it is also perfectly true that there are in this country many thousands of defense plants and potential defense plants, the identity of which is, if not well known, at least easily determined. If one should want to send a form letter to defense plants and prospective defense plants throughout the country, soliciting their business or their contributions for one reason or another, he could probably go to any one of several direct-mail advertising agencies in Washington or in New York City, and have his letter addressed to a list of some forty thousand or forty-five thousand defense plants and prospective defense plants.

However that may be, Mr. President, the fact remains that the first numbered objection mentioned in the President's veto message charges this bill with requiring the publication of a complete list of vital defense plants, laboratories, and other installations; and that simply is not so.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. HOLLAND. Is it the Senator's opinion that the Secretary of Defense—considering all of the facts with reference to any atomic energy plant, which is subject to the very closest of screening, in respect to all its personnel, by the FBI and by agencies of its own, and having in mind the importance of secrecy in connection with such a plant—even remotely would consider having such a plant listed and published as needing the protection of the provision of this act of which the Senator from Nevada has just spoken?

Mr. McCARRAN. The Senator from Florida has stated the answer correctly. If the Secretary found that it was necessary to apply the provisions of this plan for the protection of the plant, he might do so. If, on the other hand, he did not, it would be within his discretion to do otherwise.

Mr. HOLLAND. Mr. President, will the Senator yield for a further question?

Mr. McCARRAN. I yield.

Mr. HOLLAND. Is it not the Senator's opinion that the Secretary of Defense would certainly conclude that an A–1 important plant, top secret in its operations, would not require the protection of this particular provision of the bill, having in mind the FBI screening and the separate agency screening which already prevail with respect to such a plant?

Mr. McCARRAN. The Senator from Florida has stated the matter correctly.

Mr. WILEY. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. WILEY. The question is somewhat collateral to the point under discussion; but there has been so much loose criticism, as I would call it, in relation to this subject, that I wish to find out definitely whether or not in the Senator's opinion there is in the bill anything which limits or in any way interferes with the action of the so-called Central Intelligence Agency of the Government.

Mr. McCARRAN. There is nothing in the bill that limits either the Central Intelligence Agency of the Government or the FBI or any one of the other protective agencies.

Mr. WILEY. I thank the Senator. That was my own conclusion, but I wished to have it confirmed.

Mr. McCARRAN. Let me say to the Senator, further in answer to his question, that that matter was gone into over and over again in conference, and was guarded and protected in every way.

So the primary purpose of this bill, among other purposes, is to see to it that the internal security of the Government of the United States is maintained. That is the object of the bill. The agencies which have been established to protect internal security certainly would not be interfered with in their operation.

Mr. KNOWLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from California?

Mr. McCARRAN. I yield.

Mr. KNOWLAND. I think the Senator has amply answered the question from the point of view of the legislative history, but I particularly wanted to call his attention to section 8 of Public Law

110, Eighty-first Congress, a copy of which I showed him a little earlier, which deals with the right of the intelligence authorities to bring in—I believe it is a limitation of 100.

Mr. McCARRAN. That is correct.

Mr. KNOWLAND. And I wanted to make sure that there was not in this anything that interfered in any way with that legislative authority.

Mr. McCARRAN. I am going to touch on that very subject in just a moment.

Amplifying this charge, Mr. President, the President in his veto message states:

> One provision alone of this bill is enough to demonstrate how far it misses the real target. Section 5 would require the Secretary of Defense to "proclaim" and "have published in the Federal Register" a complete catalog of defense plants, laboratories, and all other facilities vital to our national defense—no matter how secret.

A little further along in the same paragraph, the President says:

> There are many provisions of the bill which impel me to return it without my approval, but this one would be enough by itself.

Mr. President, that statement is incomprehensible. The present President of the United States spent enough time in this body to learn how to interpret plain legislative language. I cannot conceive that he would write or sign a veto message on this bill without reading the bill carefully and I cannot imagine that, having read the bill carefully, he would make the statement which is in the veto message, with respect to what section 5 of this bill provides.

Mr. President, the veto message states that this one provision of the bill is enough to demonstrate how far it misses the real target. Mr. President, I leave it to any lawyer who will read this paragraph of the veto message, and subsection 5 (b) of the bill, to determine how far the veto message misses the target.

Mr. President, the second numbered objection in the veto message is that this bill "would require the Department of Justice and its Federal Bureau of Investigation to waste immense amounts of time and energy attempting to carry out its unworkable registration provisions."

Mr. President, I cannot criticize that objection, because it is obviously a statement of opinion rather than a statement of fact; but I thoroughly disagree with the opinions which the President has expressed. I do not consider the registration provisions of this bill to be unworkable, I do not believe it will require immense amounts of time and energy from the Department of Justice and the Federal Bureau of Investigation to carry out these provisions, and I do not agree that whatever time and energy is required to carry them out will be wasted.

The third numbered objection in the veto message is that this bill would deprive us of the great assistance of many aliens in intelligence matters.

In reading through the remainder of the veto message, Mr. President, I have tried to find some documentation for that charge. I did not find it. I will not say it is not there; but I did not find it. I did find the charge repeated, on page 5 of the mimeographed copy of the veto message, repeated and enlarged. On that page the veto message states, speaking of sections 22 and 25 of the bill, that—

> What these provisions would actually do is to prevent us from admitting to our country, or to citizenship, many people who could make real contributions to our national strength. The bill would deprive our Government and our intelligence agencies of the valuable services of aliens in security operations. It would require us to exclude and deport the citizens of some friendly, non-Communist countries. Furthermore, it would actually make it easier for subversive aliens to become United States citizens.

Those are, again, Mr. President, very general statements. Again, on page 14 of the mimeographed copy of the veto message, appears this statement:

> Moreover, the provisions of section 22 of this bill would strike a serious blow at our national security by taking away from the Government the power to grant asylum in this country to foreign diplomats who repudiate Communist imperialism and wish to escape its reprisals. It must be obvious to anyone that it is in our national interest to persuade people to renounce communism, and to encourage their defection from Communist forces. Many of these people are extremely valuable to our intelligence operations. Yet under this bill the Government would lose the limited authority it now has to offer asylum in our country as the great incentive for such defection.

Mr. President, the limited authority the Government now has to offer asylum in our country to such persons is not disturbed by section 22 of this bill. The authority of the Attorney General to waive the provision excluding such persons is not eliminated. Furthermore, as I pointed out during debate on this bill on the floor of the Senate, the legislation recently passed by the Congress permitting the admission of up to 100 aliens per year for intelligence reasons is not repealed or otherwise affected by H. R. 9490; and the interesting thing is that although that legislation permitted the entry of a hundred persons per year, and was enacted upon the plea that at least that many persons would be needed to be allowed to enter the country, yet down to the present time only a handful of persons has been admitted under that law.

So, Mr. President, we find a statement made, and repeated, and repeated again, but not documented nor explained.

The fourth numbered objection in the veto message is that the bill would antagonize friendly governments.

I have tried to find in the rest of the veto message any support for this statement. I have not found it. I do not say it is not there, but I have not found it. I did find a statement which might have some bearing on the point; a statement that under this bill "the Attorney General would be required to exclude from the United States all Spanish businessmen, students, and other nonofficial travelers who support the present government of their country."

Fortunately, Mr. President, the veto message is not a part of the legislative history of this bill. No matter how hard the Executive tries, legislation cannot be made by means of veto messages. The charge that this bill would require the Attorney General to exclude from the United States all Spanish businessmen, students, and other nonofficial travelers who support the present government of their country is an absurdity. I am confident that the Attorney General of the United States will never construe the bill in that way unless he is ordered so to construe it by a higher authority.

I think perhaps that mention of Spain was tossed into this veto message as a means of taking a sly dig at those of us who recently supported legislation to provide for a loan to Spain. I think perhaps there is intended to be some implication that one who voted for the loan to Spain is particularly partial to Spain or to the present form of government in Spain. Of course, I am sure the President knows that there were matters of principle involved in the question of the Spanish loan which had nothing to do with Spain's form of government. However that may be, I find no other substantiation in the veto message of the charge that this bill would antagonize friendly governments.

The fifth numbered point in the President's veto message is that the bill would put the Government of the United States into the thought-control business. Again, Mr. President, someone must have been misadvising the President of the United States. There is not a line in this bill that puts the Government of the United States in the thought-control business.

I do not like, Mr. President, standing here on the Senate floor to take issue with the President of the United States. But on this point, Mr. President, it is the President of the United States who has taken issue with the authors of the bill. The senior Senator from Nevada stood on the floor of the Senate, when the conference report on the bill was before the Senate, and made the plain and unequivocal statement that this bill contains no provisions which could properly be designated as thought control. Now the President of the United States, in his veto message, declares the bill would put the Government of the United States in the thought-control business. All I can do, Mr. President, is to say that I believe my original statement to be true when I made it, and I believe it to be true now, the President of the United States to the contrary notwithstanding.

The sixth numbered charge in the veto message is that this bill would make it easier for subversive aliens to become naturalized as United States citizens. Mr. President, there is no comment I can make on that statement which would not be unduly disrespectful of the high office of the President of the United States.

Mr. President, let any Member of this Senate—let any member of the press galleries—let any citizen of the United States who has gotten as far as the eighth grade—read this bill, and then ask him if he thinks the bill would make it easier for subversive aliens to become naturalized as United States citizens.

The seventh point, made by this bill, Mr. President, is that it would give Government officials vast powers to harass all of our citizens in the exercise of their right of free speech. Mr. President, that charge is misleading, and is no more true than the same charge would be if made with respect to any criminal law.

This bill does not contain any actual authority to invade or impede the right of free speech; but in the administration of this bill, as in the case of any other criminal law, it obviously would be possible for Government officials to harass our citizens, if they desired to do so. That is true of the administration of a great many laws. The senior Senator from Nevada, for one, does not believe that the officials of the Government of the United States desire to use their powers under this or any other bill to harass the citizens of the United States; and the senior Senator from Nevada is glad to be able to say, Mr. President, that this bill contains such safeguards, in connection with the right of review, that any errors made by Government officials in that regard would eventually be corrected by our courts.

Mr. President, time will not permit me to discuss this veto message paragraph by paragraph, because I do not wish to hold my colleagues that long. I have discussed each of the numbered objections which are stated at the outset of the veto message.

However, there are a few statements in the veto message which deserve comment.

On page 5 of the mimeographed copy, the veto message states that the ostensible purpose of the provisions of sections 22 and 25 of the bill is to prevent persons who would be dangerous to our national security from entering the country, or becoming citizens. Then the veto message states: "In fact, present law already achieves that objective."

Mr. President, there are thousands upon thousands of subversive aliens in this country. The President himself has recognized that fact. If present law is achieving the objective of preventing persons who are dangerous to our national security from entering this country, how did these subversive aliens get here?

With further reference to the provisions of the bill which strengthen the immigration and naturalization laws the President has repeated in essence the charge, which is wholly unfounded, that these provisions would hamper our international relations. I have previously pointed out to the Senate, in the language of the bill, designating paragraph, sentence, and words, that this bill would not exclude any alien in diplomatic status unless his entry into the United States would endanger the public security. In fact, any schoolboy who could read this bill could see that aliens in diplomatic status are expressly exempt from the excluding provisions of the bill unless their entry would endanger the public security.

It is curious to note, Mr. President, that some of the provisions of the bill which are criticized most vigorously by the President are provisions of the present law which were merely brought forward in the bill in order that there might be set forth in one pattern all of the applicable statutes.

And now, Mr. President, I come to that part of the veto message with reference to the provisions of the bill which strengthen the immigration and naturalization laws. The veto message reads, and I quote:

> The ostensible purpose of these provisions is to prevent persons who would be dangerous to our national security from entering the country or becoming citizens. In fact, present law already achieves that objective.

Mr. President, the quoted statement from the veto message is just not a fact. I know what I am talking about. Over the course of many months it has been my duty as chairman of a special subcommittee of this Senate to direct a thoroughgoing investigation of our immigration and naturalization systems. The undeniable facts are, as I have repeatedly advised the Senate and as they appear from the voluminous published testimony taken by the subcommittee, that aliens who are subversive to the national security are, under our present immigration and naturalization laws, being freely admitted into the United States and are becoming naturalized as citizens of this country.

On page 9 of the mimeographed copy, the veto message states that "the bill would permit a determination that an organization was a Communist-front organization to be based solely upon the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those" of a Communist movement. Mr. President, that statement simply is not so. The able Senator from Florida [Mr. HOLLAND] on the floor of the Senate on Wednesday, most ably demonstrated that it was not so.

Mr. President, I do not mean in any way to cast any doubt upon the sincerity of the President of the United States, nor upon his good intentions in desiring to fight subversive activity. I simply want to say, Mr. President, that there are many of us in this body who have acted, in connection with this whole matter, entirely in good faith, and solely out of a deep and impelling desire to take action for the protection of the welfare of this Nation, and to do it within the constitutional provisions and constitutional limitations.

Mr. JOHNSTON of South Carolina. Mr. President, during the time the committee was holding hearings on this particular bill and companion bills, I did not have the opportunity to take as much part as I wish I could have taken, for I was obliged to be away for a portion of the time. As Senators will recall, the first bill introduced was the Mundt-Ferguson-Johnston bill. My name has been mentioned very little in connection with the bill because of the fact that I did not take much part in the proceedings and hearings when the bill was in committee. But I want the public and the Senate to know that I was, and am, very much interested in this subject.

As I see it, it is imperative that there be enacted at this time legislation dealing with subversive activities. The people are demanding it. Those who go out among the people and talk with them find that they expect us to do something in this field because they have been educated to the point where they believe there are many Communists throughout America. The FBI has made the statement that they are here. The President has acknowledged that they are here. It is our duty to do something about the situation. This proposed legislation has been discussed pro and con. I do not intend at this juncture to take up the time of the Senate with respect to this bill. I am thoroughly convinced that the committee has done a good job. I believe it reported the first bill by a vote of 10 to 1. Then the authors of the first bill agreed to join with the Senator from Nevada [Mr. MCCARRAN] in order that we could have some legislation passed this year on this vital matter.

Then it came up for discussion on the floor of the Senate. It was thoroughly discussed on the floor of the Senate day after day, passed, and sent to conference. The conference committee reported the bill unanimously. Then the Senate agreed to the conference report by an overwhelming vote. It now comes before us on the question of whether or not we should pass the bill, the objections of the President to the contrary notwithstanding. So far as I am concerned, I am willing to vote to override the veto because I think in the closing days of the session this is the only chance we have of enacting legislation on this matter.

There may be some things in the bill with which we do not agree. However, as I have already said, legislation is a matter of compromise. That is what has happened in this instance. The House has already set the pace. They have voted to override the veto by a vote of 286 to 48. I hope the Senate will vote immediately. For that reason, I shall not take up any more time of the Senate.

Mr. MUNDT. Mr. President, let me assure the Senate that the junior Senator from South Dakota does not intend to detain the Senate for more than a few minutes. It is his understanding that his remarks will conclude the debate insofar as we have any knowledge of anyone who still wishes to speak on either side of the question. So if the whips and those who have the responsibility of getting in the votes will start to do their work of rounding up the absent Members for both parties, we shall not lose any time in the 10 or 15 minutes that the junior Senator from South Dakota expects to speak on the bill.

Like many of my colleagues, I have served for a number of years in the House of Representatives. The House has a rule known as the 5-minute rule. In the Senate there are days when the 5-minute rule is very attractive to Members of the Senate, and I believe this is one of those days.

We have been debating this issue now for 24 hours. The proponents of this legislation decided not to take more than an hour in total time; the other 23 hours were consumed by the opposition. There are one or two things, however, that I wish to direct to the attention of the Senate before we proceed to vote. This debate, which has been long, has been called by some a filibuster, by others a talkathon, and by still others just a necessary exposition of the legislation and I shall not enter into a debate on that point.

Perhaps I can stake out a claim for having made the greatest understatement of the Eighty-first Congress by simply saying that surely this legislation has been adequately debated. I do not think anyone denies that. I think no one will deny that it should have been adequately debated. I am happy, as I think most Members of the Senate are happy, and we can be proud, too, that it has been debated, by and large, rather intelligently. It has been debated with a marked lack of partisanship, and with almost a complete absence of personalities.

I think that in dealing with such a touchy subject, laden as it is with dynamite, it is to the credit of all Senators, either those who have participated in the debate, or those who have abstained from participation thus demonstrating a tremendous amount of self-control, that this debate has been dispassionate and objective.

I want to say one other thing for the information of the Senate, because it seems to me it is information which should have been given to the Senate long ago. I think it should be given to the Senate, because it is in full keeping with the basic concept of this legislation, which is the concept of disclosure, the concept of identification, and the concept of moving things out into the open where everyone can see them.

During the early hours of debate my attention was called to the fact that at the rotunda seats near the edge of the pillars where our guest room is temporarily located a sort of shadowy figure kept coming and going and operating through the darkness of night and dawn of morning until a very few moments ago. I think the Senate should know who that shadowy, stealthy figure actually is. I know who he is. I did not mention this before, as I have failed to mention his name up to this hour primarily because I wanted this important legislation to be approved or disapproved by the Congress on its merits and not on the basis of the good or evil qualities of its advocates and its opponents. However, this man has organized the so-called National Committee To Defeat the Mundt Bill, which has said of me such slanderous things that if I had twice the vocabulary of a Hoosier Senator I could not begin to do justice in reply to what he has said about me.

The name of this man is Jerry J. O'Connell. He is head of the National Committee To Defeat the Mundt Bill, which has its main office here in Washington. He has been with us tonight. I do not complain about that, but I do think that, like Senators, he should identify himself, that he should move in the open, and that we should know who he is and just exactly who he represents, because perhaps he will be coming back again in the form of some other type of agitator once we defeat his National Committee to Defeat the Mundt Bill by defeating instead the President's veto of the bill.

I shall tell the Senate only a small part of the record from one of the many sources available to United States Senators. I have before me the first report in 1948 of the Un-American Activities Committee of the State of Washington. It is a very commendable report, because Senators will recall that it resulted finally in the removal of three self-confessed and admitted Communist professors, who for 20 years had been teaching in disguise on the campus of the University of Washington. This subject, Jerry O'Connell, moved in the shadowy twilight last evening, consulting with others, among them an important Washington representative of the Communist Party, who sits here with us in part at least as a representative and reporter for the Communist Daily Worker. On two different occasions I saw them seated close together, planning, moving around, and doing whatever they could in trying to promote their campaign to sustain the President's veto, defeat this legislation, and to organize methods and techniques to this end. I know that none of the senatorial participants in this debate certainly would have had any truck with a character like Jerry O'Connell, on the basis of the evidence submitted under oath before this legally constituted committee of the State of Washington, if they took the time to investigate his background. The questions were asked by the committee investigator:

Question. I will ask you, professor—

The witness is Prof. Louis Budenz, former editor of the Communist Daily Worker—

do you know a former Congressman from Montana by the name of Jerry O'Connell?

Answer. Yes, sir.

Question. Do you know whether or not Mr. O'Connell was a member of the Communist Party?

Answer. Not that specific. I know that he was one whom the party felt it must take care of because of his agreement constantly with the party line.

Then Professor Budenz says:

May I supplement this?

The committee clerk said, "Yes."

The WITNESS. In regard to Mr. O'Connell, the discussion was to the effect that he had over a series of years done all that the party had wanted him to do, and therefore that the party owed it to him to see that he obtained a reward in the case of his defeat.

This man sat within 20 feet of our Senate Chamber all last night and during the long early morning hours, trying to promote the Communist line. I think Senators should keep in mind the fact that Mr. O'Connell was there. I do not say that he did not have a right to be there, but under this legislation he would have to be there in the open. He would be known to all Senators, not only to a few of us whose paths have crossed with his over the years. All Senators have a perfect right to know whom Mr. O'Connell represents as he pulls strings, moves puppets around, and sends out telegrams and makes phone calls to create a great network of propaganda and communications urging Senators to vote to sustain the President's veto. Senators are entitled to know who this Mr. O'Connell is who sat out there for 24 hours, almost within spitting distance of the United States Senate.

Mr. President, the testimony proceeds beyond the point where I stopped reading for perhaps a page and a half. I ask unanimous consent to include that portion of the testimony as part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

The WITNESS. May I supplement this?

Mr. HOUSTON. Yes, Mr.—Professor Budenz.

The WITNESS. In regard to Mr. O'Connell, the discussion was to the effect that he had over a series of years done all that the party had wanted him to do, and therefore that the party owed it to him to see that he obtained a reward in the case of his defeat. I think that this was when he was defeated. And therefore this was not just a chance interview, or a chance discussion, it was an official discussion of a committee, the finance committee of the party, headed by William Weiner, in regard to what to do to help out Mr. O'Connell because of his past services and cooperation to the party. And there it was agreed that he should become a representative of the International Workers Order.

Question. This was an official discussion of the high-ranking officers of the Communist Party, was it not?

Answer. That's correct.

Chairman CANWELL. Mr. Houston, I'm accepting into the record exhibit No. 7, which is the $2,500 check, exhibit No. 8, the $150 check and endorsement.

Mr. HOUSTON. That's exhibit No. 8, Mr. Chairman.

(Whereupon the two checks referred to were admitted into the record as exhibits No. 7 and 8.)

Question. At the time of that meeting was there any question in your mind as to whether or not Mr. O'Connell was a member of the Communist Party?

Answer. There was no question in my mind that he was in complete accordance with the Communist Party.

Question. Do you know of anyone, Professor, that the Communist Party has taken care of who are not members or are not under party discipline?

Answer. I do not. The Daily Worker had previously to that time played him up also to a very great extent, and that's very rare unless there is a dependent. As a matter of fact, we were assured of his allegience and cooperation with the party.

Question. Do you recall that issue of the Daily Worker during the period of time that you were editor, which stated that Jerry O'Connell was the clearest progressive voice in America today?

Answer. I remember the phrase to that extent and purpose, yes.

Question. Would you have published any such statement in the official organ of the Communist Party without being satisfied that the person referred to was a member of the Communist Party?

Answer. He may not technically have been a member, but there was complete agreement that he would do what the party wanted him to do.

Question. The party felt that they had him under discipline and could control him?

Answer. That's correct. That was made clear in many discussions.

Mr. MUNDT. Mr. President, I will have no more to say about O'Connell and the part he played. I simply offer his activities of last night to show how near the Red menace has actually penetrated our own surroundings.

I do wish to read a telegram, however, to the Members of the Senate which came from an organization which we all

respect. It does not have any questionable characters slinking around unbeknown to most of the Members of the Senate. This is a telegram which came here this morning from George N. Craig, national commander of the American Legion. I presume it was sent to every Senator. Let me read it:

WASHINGTON, D. C., *September 23, 1950.*
Senator CARL MUNDT:

Speaking for 3,000,000 veterans of World Wars One and Two and 1,000,000 members of the American Legion Auxiliary I strongly urge that the Senate vote to override the President's veto on Internal Security Act now before the Senate. As you know, the American Legion has, by unanimous action, repeatedly gone on record favoring national legislation of this type. Our entire membership firmly believes that when our men are called upon to fight and die and our citizens called upon to spend billions in an effort to stop communism all over the world, common sense and sound national security demand immediate action to override the President's veto of this vital legislation which would reduce the threat of Communist attack against the very heart of our democracy. We realize the Congress is now being fluttered with communications from every Communist cell within this Nation. Russia and the entire free world have their eyes upon you at this moment. As national commander of the world's greatest organization of veterans and patriotic women I entreat you to display the courage I know you have in your heart and to use your utmost influence to put this law upon our statute books now.

GEORGE N. CRAIG,
National Commander, the American Legion.

Mr. President, may I say in the remaining 4 minutes which I have allotted myself—and as a man who has been long a victim of a stern 5-minute rule I shall not proceed a single second beyond the 4 minutes—as we approach this vote, let us approach it in an all-American, bipartisan manner. We are considering legislation introduced by a bipartisan committee, supported by bipartisan groups, and resisted by some bipartisan combinations of people who thought they should resist it.

Let us look upon this legislation keeping in mind the courageous statement made by the majority leader, the senior Senator from Illinois [Mr. LUCAS], some 10 or 12 hours ago on this floor, when he said, "Senators, we are not considering this legislation in a normal period of time, not in peace"—and I believe I quote him correctly—"but in one of the most dangerous eras of American history."

Let us keep in mind as we vote that we will with our votes decide today what we should do, and this legislation is the only thing we can do to curb communism in this country between now and the next meeting of the Congress. Are we to decide to give our Government a security control bill against communism at home, or, by sustaining the President's veto, leave ourselves to continue to be the victims of the stealth and the conspiracies of Godless tyrannical Communists in America?

As we now vote, I will ask Senators to think about the fact that while they by their answers to the roll call indicate whether or not they are finally going to support this legislation, some mother's son in Korea is spitting out his last mouthful of blood, giving his life fighting against precisely the thing we are urging you to legislate against today, the Communist conspiracy in America. I trust and hope we shall now overwhelmingly override the President's veto of this long-sought Communist control bill, which first passed the House in an earlier version during the Eightieth Congress where it was called the Mundt-Nixon bill and which at long last now comes before us for the final action in its legislative, veto-ridden journey into actual law.

Mr. O'CONOR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Bricker	Hickenlooper	McMahon
Butler	Hill	Magnuson
Byrd	Hoey	Malone
Cain	Holland	Martin
Capehart	Humphrey	Mundt
Chapman	Ives	Murray
Chavez	Jenner	O'Conor
Connally	Johnson, Colo.	Robertson
Cordon	Johnson, Tex.	Russell
Darby	Johnston, S. C.	Saltonstall
Donnell	Kefauver	Schoeppel
Douglas	Kilgore	Smith, Maine
Dworshak	Knowland	Stennis
Ecton	Leahy	Taft
Ellender	Lehman	Thye
Ferguson	Lodge	Tydings
Frear	Long	Watkins
Fulbright	Lucas	Wherry
George	McCarran	Wiley
Graham	McCarthy	Williams
Green	McClellan	Young
Gurney	McFarland	
Hendrickson	McKellar	

The VICE PRESIDENT. A quorum is present.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DOUGLAS. Will the Chair state the precise form in which the question will come before the Senate?

The VICE PRESIDENT. The Chair was about to do that.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Those who favor the passage of the bill will vote "yea" as their names are called. Those opposed will vote "nay" as their names are called. The roll call is automatic, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Connecticut [Mr. BENTON], the Senator from Iowa [Mr. GILLETTE], the Senator from Arizona [Mr. HAYDEN], the Senator from Pennsylvania [Mr. MYERS], and the Senator from West Virginia [Mr. NEELY] are absent on public business.

The Senator from California [Mr. DOWNEY] and the Senator from Idaho [Mr. TAYLOR] are necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senators from Wyoming [Mr. HUNT and Mr. O'MAHONEY], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Kentucky [Mr. WITHERS] are absent on official business.

The Senator from Oklahoma [Mr. KERR] is delivering the keynote address to the Oklahoma Democratic State Convention today, and is, therefore, necessarily absent. I am authorized to announce that if the Senator from Oklahoma were present and voting, he would vote "yea."

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a Representative of the United States to the fifth session of the General Assembly of the United Nations.

I announce that the Senator from West Virginia [Mr. NEELY] is unavoidably absent on important public business. He has requested me to state that he voted for the passage of this bill, that he voted for the conference report, and that if he were present, he would vote "yea" on the question of overriding the President's veto.

I announce also that on this vote the Senator from Arizona [Mr. HAYDEN] and the Senator from Pennsylvania [Mr. MYERS] are paired with the Senator from Idaho [Mr. TAYLOR]. If present and voting, the Senator from Arizona and the Senator from Pennsylvania would vote "yea," and the Senator from Idaho would vote "nay."

I announce further that if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Mississippi [Mr. EASTLAND], the Senators from Wyoming [Mr. HUNT and Mr. O'MAHONEY], the Senator from South Carolina [Mr. MAYBANK], the Senator from Alabama [Mr. SPARKMAN], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Utah [Mr. THOMAS] would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. MILLIKIN] the Senator from Missouri [Mr. KEM], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from North Dakota [Mr. LANGER] are absent because of illness. If present and voting, the Senator from North Dakota would vote "nay."

The Senator from Oregon [Mr. MORSE] and the Senator from New Hampshire [Mr. TOBEY] are absent on official business.

I also announce that, if present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mr. BREWSTER], the Senators from New Hampshire [Mr. BRIDGES and Mr.

TOBEY], the Senator from Colorado [Mr. MILLIKIN], the Senator from Missouri [Mr. KEM], the Senator from New Jersey [Mr. SMITH], and the Senator from Michigan [Mr. VANDENBERG] would each vote "yea."

The yeas and nays resulted—yeas 57, nays 10, as follows:

YEAS—57

Bricker	Hickenlooper	Magnuson
Butler	Hill	Malone
Byrd	Hoey	Martin
Cain	Holland	Mundt
Capehart	Ives	O'Conor
Chapman	Jenner	Robertson
Connally	Johnson, Colo.	Russell
Cordon	Johnson, Tex.	Saltonstall
Darby	Johnston, S. C.	Schoeppel
Donnell	Knowland	Smith, Maine
Dworshak	Lodge	Stennis
Ecton	Long	Taft
Ellender	Lucas	Thye
Ferguson	McCarran	Tydings
Frear	McCarthy	Watkins
Fulbright	McClellan	Wherry
George	McFarland	Wiley
Gurney	McKellar	Williams
Hendrickson	McMahon	Young

NAYS—10

Chavez	Humphrey	Lehman
Douglas	Kefauver	Murray
Graham	Kilgore	
Green	Leahy	

NOT VOTING—29

Aiken	Hunt	Pepper
Anderson	Kem	Smith, N. J.
Benton	Kerr	Sparkman
Brewster	Langer	Taylor
Bridges	Maybank	Thomas, Okla.
Downey	Millikin	Thomas, Utah
Eastland	Morse	Tobey
Flanders	Myers	Vandenberg
Gillette	Neely	Withers
Hayden	O'Mahoney	

The VICE PRESIDENT. On this question the yeas are 57, and the nays are 10. Two-thirds of the Senate, a quorum being present, having voted in favor of its passage, on reconsideration the bill is passed, the objections of the President of the United States to the contrary notwithstanding.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 1025. An act for the relief of Waymon H. Massey;

H. R. 5327. An act to continue until the close of June 30, 1951, the suspension of duties and import taxes on metal scrap, and for other purposes;

H. R. 5372. An act to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes;

H. R. 6355. An act to provide for the conveyance of certain real property to the city of Richmond, Calif.;

H. R. 8920. An act to provide revenue, and for other purposes; and

H. J. Res. 516. Joint resolution authorizing the President, or such officer or agency as he may designate, to conclude and give effect to agreements for the settlement of intercustodial conflicts involving enemy property.

ADJOURNMENT TO NOVEMBER 27

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 287, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, September 23, 1950, they stand adjourned until 12 o'clock meridian on Monday, November 27, 1950.

Mr. LUCAS. Mr. President, I move the adoption of the concurrent resolution.

The motion was agreed to, and the concurrent resolution (H. Con. Res. 287) was considered and agreed to.

AUTHORIZATION FOR SPEAKER OF HOUSE OF REPRESENTATIVES AND PRESIDENT OF SENATE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

The VICE PRESIDENT laid before the Senate House concurrent resolution 288, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the adjournment of the two Houses until Monday, November 27, 1950, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

Mr. LUCAS. I move the adoption of the concurrent resolution.

The concurrent resolution (H. Con. Res. 288) was considered and agreed to.

AUTHORITY FOR APPOINTMENTS TO COMMISSIONS AND COMMITTEES DURING ADJOURNMENT

On motion by Mr. LUCAS, and by unanimous consent, it was

Ordered, That notwithstanding the adjournment of the two Houses to Monday, November 27, 1950, the President of the Senate be, and he is hereby, authorized to make appointments to commissions or committees authorized by law, by concurrent action of the two Houses, or by order of the Senate.

AUTHORITY FOR SECRETARY OF SENATE TO RECEIVE MESSAGES FROM HOUSE OF REPRESENTATIVES DURING ADJOURNMENT

On motion of Mr. LUCAS, and by unanimous consent, it was

Ordered, That the Secretary of the Senate be, and he is hereby, authorized to receive messages from the House of Representatives subsequent to adjournment.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred, as indicated:

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Attorney General, withdrawing the name of Carmen Pardo De Tavera De Gonzales or Carmen P. Gonzales or Carmen Gonzales from a report relating to aliens whose deportation he suspended more than 6 months ago, transmitted to the Senate on February 15, 1950; to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF ALIENS

A letter from the Attorney General, transmitting, pursuant to law, copies of orders of the Commissioner of the Immigration and Naturalization Service suspending deportation of certain aliens, together with a detailed statement of the facts and pertinent provisions of law as to each alien and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

GRANTING OF STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

A letter from the Attorney General, transmitting, pursuant to law, copies of orders of the Commissioner of the Immigration and Naturalization Service granting the application for permanent residence to certain aliens, together with a detailed statement of the facts and pertinent provisions of law and the reasons for granting the applications (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Committee for Fort Thomas (Ky.) protesting against a reduction in the appropriation under the Hill-Burton Act relating to construction of hospitals; to the Committee on Appropriations.

A resolution adopted by the General Council of the Hawaiian Government Employees' Association at Honolulu, T. H., expressing appreciation to Governor Stainback, of Hawaii, in his fight for statehood for Hawaii; to the Committee on Interior and Insular Affairs.

A resolution adopted by the General Council of the Hawaiian Government Employees' Association, at Honolulu, T. H., favoring statehood for Hawaii; ordered to lie on the table.

PERMISSION FOR COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS TO FILE REPORT DURING ADJOURNMENT

Mr. HOEY. Mr. President, I ask permission of the Senate that the Subcommittee on Investigation of the Committee on Expenditures in the Executive Departments be permitted to file its report on investigations during the recess of Congress.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. May I ask the distinguished Senator to which committee he has reference?

Mr. HOEY. The Subcommittee on Investigations of the Committee on Expenditures in the Executive Departments.

Mr. WHERRY. Does the subcommittee have any report to file?

Mr. HOEY. We contemplate being able to file it before Congress meets again. There were two or three investigations, I think. We have already concluded our executive hearings. Sometime between now and the assembling of Congress after the recess I will file the report.

Mr. WHERRY. Do I understand that the subcommittee has completed its investigations?

Mr. HOEY. Yes. We held executive sessions. I believe we had five different executive sessions. The staff has been going over the reports of the different

agencies of the Government, and we expect to be able to file the report sometime before Congress reassembles.

Mr. WHERRY. I was wondering whether they had made an investigation of the latest incident that has been brought to the attention of Congress.

Mr. HOEY. Not of that individual case, but we shall have a report on it.

Mr. WHERRY. I have no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 23, 1950, he presented to the President of the United States the following enrolled bills:

S. 1292. An act to amend section 32 (a) (2) of the Trading With the Enemy Act; and

S. 2195. An act to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for the disposition of reserved space in American Falls Reservoir, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LUCAS:

S. 4191. A bill for the relief of Louis W. Kropp; to the Committee on the Judiciary.

By Mr. CHAPMAN:

S. 4192. A bill to provide advanced retired rank for certain persons specially commended for bravery in actual combat in each of the two world wars, and for other purposes; to the Committee on Armed Services.

(Mr. JOHNSON of Colorado introduced Senate bill 4193, to eliminate the retroactive application of the income tax to employees of the United States working in the possessions or in the Canal Zone, which was referred to the Committee on Finance, and appears under a separate heading.)

RETROACTIVE APPLICATION OF INCOME TAX TO CERTAIN EMPLOYEES IN POSSESSIONS OR CANAL ZONE

Mr. JOHNSON of Colorado. Mr. President, I introduce for appropriate reference a bill to eliminate the retroactive application of the income tax to employees of the United States working in the possessions or in the Canal Zone, and I ask unanimous consent that a statement prepared by me explaining the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the statement presented by the Senator from Colorado will be printed in the RECORD.

The bill (S. 4193) to eliminate the retroactive application of the income tax to employees of the United States working in the possessions or in the Canal Zone, introduced by Mr. JOHNSON of Colorado, was read twice by its title, and referred to the Committee on Finance.

The statement presented by Mr. JOHNSON of Colorado is as follows:

STATEMENT BY SENATOR JOHNSON OF COLORADO

Mr. President, the Senate has just agreed to the conference report on the new tax bill which, it is estimated, will increase the Federal revenue $4,500,000. Levying additional taxes is not a pleasant task. Nevertheless, the Korean war makes it necessary to do so. The vital fundamental principle to be observed in levying taxes is that they be fair and just to all.

One very unjust provision is contained in this conference report. As an inducement in recruiting able and skilled American citizens to accept employment in the Canal Zone, Federal income taxes heretofore have not been levied on American citizens who are employed there. Since such workers serve the Government of the United States and since such taxes would be paid to the Government of the United States the special tax exemption heretofore permitted by our revenue laws has been deemed to be an extra take-home pay incentive. Uncle Sam didn't bother to put money in one pocket and take it out of another. However the conference report changed that. Now Uncle Sam takes the money in but does not pay it out, and the Canal Zone worker is the victim.

His wages, in effect, have been reduced arbitrarily by this action. In essence, the action taken in the conference report amounts to a breach of faith if not a breach of contract by the Federal Government toward a group of loyal and defenseless citizens.

But that is not all that the conference report does to these unfortunate employees who are powerless to help themselves. It not only reduces their wages from now on but it compels them to pay on a dead horse. The new tax bill levies a retroactive tax on these people. Most Canal Zone employees of the United States Government now will be compelled to borrow money to pay this retroactive tax—a tax which applies to wages already earned but on which the earner did not expect to pay taxes and had made no plans to pay tax. Obviously no withholding tax was collected. If these workers were wealthy or even highly paid, the situation might not be so bad but the truth is that they are merely average American workmen who live under unpleasant climatic conditions and whose livelihood and future security is premised on a continuation of the status quo which permits them to live under the same standards of living as their fellow workers within the continental United States. They must send their children to the States for advanced education.

The parliamentary situation in the Senate and House made it inadvisable to even attempt to change the conference report. An extended debate on that point would have endangered the enactment of the new tax bill and other vital legislation in the closing hours of the session. Accordingly I did not resist the adoption of the conference report. There is a more effective way to proceed.

I now introduce a bill to correct this unfair retroactive provision which affects Canal Zone employees solely. It is my hope and belief that we will be able to attach this bill as an amendment to the excess-profits-tax bill which will be considered by Congress in November. Since revenue legislation, under the Constitution, must originate in the House, I am compelled to amend a House revenue measure to correct the unjust and confiscatory retroactive tax levied against a special group of American citizens—the Canal Zone workers.

The long-range Canal Zone income-tax problem, which has in effect reduced the wages of one group of highly skilled and loyal American citizens, can be cured by an outright repeal of the new revenue provision or by increased wages. The purpose of the bill I am now introducing is merely to prevent the confiscation of the property of Canal Zone workers.

I shall press for action in November.

AMENDMENT OF RAILWAY LABOR ACT—AMENDMENTS

Mr. HOLLAND submitted amendments intended to be proposed by him to the bill (S. 3295) to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carriers' employees for certain purposes and under certain conditions, which were ordered to lie on the table and to be printed.

CITATION OF HARRY RUSSELL FOR CONTEMPT OF SENATE

Mr. KEFAUVER. Mr. President, from the Special Committee to Investigate Organized Crime in Interstate Commerce, I report an original resolution (S. Res. 358) citing Harry Russell for contempt of the Senate, and I submit a report (No. 2580) thereon. I ask unanimous consent for its immediate consideration.

There being no objection, the resolution (S. Res. 358) was considered and agreed to, as follows:

Resolved, That the President of the Senate certify the report of the Special Committee to Investigate Organized Crime in Inter-State Commerce of the United States Senate as to the refusal of Harry Russell to answer a series of questions before the said special committee, together with all the facts in connection therewith, under the seal of the United States Senate, to the United States Attorney for the District of Columbia, to the end that the said Harry Russell may be proceeded against in the manner and form provided by law.

EXPRESSION OF FELICITATIONS AND EARNEST WISHES FOR SPEEDY RECOVERY OF SENATOR ARTHUR H. VANDENBERG

Mr. O'CONOR. Mr. President, I submit a resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for the information of of the Senate.

The resolution (S. Res. 359) was read as follows:

Whereas, the distinguished senior Senator from Michigan [Mr. VANDENBERG] has been prevented, by illness, from participating in recent sessions of the Senate; and

Whereas the senior Senator from Michigan is held in high esteem by his colleagues and is deeply respected for his statesmanship and devotion to country, and for his zeal for the cause of world peace, as exemplified by his leadership in the development and furtherance of efforts for world accord; and

Whereas his outstanding contribution to the accomplishments of the Congress, particularly in the field of foreign relations, will ever reflect credit upon him and upon the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States express to the distinguished senior Senator from Michigan its sincere felicitations and earnest wishes for his speedy and complete recovery.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HILL. Mr. President, I hope that the resolution may be unanimously agreed to.

Mr. WHERRY. Mr. President, I make the same request as to this resolution that was made as to the one offered yesterday in connection with the resolution making a presentation to the Vice President, that is, that the entire membership of the Senate be included.

The VICE PRESIDENT. Without objection, the request of the Senator from Nebraska is agreed to, and without objection, the resolution is agreed to unanimously.

The preamble was agreed to.

PRINTING OF SUMMARY OF ACTIVITIES OF THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. HILL. Mr. President, on behalf of the Senator from Utah [Mr. THOMAS], chairman of the Senate Committee on Labor and Public Welfare, I ask to have printed a summary of the activities of the Senate Committee on Labor and Public Welfare during this session of the Congress.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

TRIBUTE TO SENATOR GURNEY BY SENATOR YOUNG

[Mr. YOUNG asked and obtained leave to have printed in the RECORD a statement prepared by him in tribute to Senator GURNEY, which appears in the Appendix.]

ACTIVITIES OF NATIONAL ASSOCIATION OF MANUFACTURERS—STATEMENT BY SENATOR BENTON

[Mr. DOUGLAS asked and obtained leave to have printed in the RECORD a statement by Senator BENTON, together with correspondence dealing with certain activities of the National Association of Manufacturers, which appear in the Appendix.]

STATEMENT BY WILLIAM M. BOYLE, JR., CHAIRMAN, DEMOCRATIC NATIONAL COMMITTEE

[Mr. LUCAS asked and obtained leave to have printed in the RECORD a statement by William M. Boyle, Jr., chairman, Democratic National Committee, which appears in the Appendix.]

ADDRESS BY SENATOR McCARTHY AT PRINCE GEORGES COUNTY REPUBLICAN RALLY, HYATTSVILLE, MD.

[Mr. McCARTHY asked and obtained leave to have printed in the RECORD an address delivered by him at a Republican rally at Hyattsville, Md., on September 22, 1950, which appears in the Appendix.]

THE BATTLE BETWEEN THE FEDERAL RESERVE BOARD AND THE TREASURY—ARTICLE FROM WASHINGTON POST

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD an article entitled "Reserve-Treasury Fight Shifts to Bank Meeting in New York," written by J. A. Livingston and published in the Washington Post of September 23, 1950, which appears in the Appendix.]

FIRE INSURANCE—ARTICLE BY HARRY PERLET

[Mr. FERGUSON asked and obtained leave to have printed in the RECORD an article entitled "Protests Article on Insurance," written by Harry Perlet, and published in the June 1950 issue of the American Bar Association Journal, which appears in the Appendix.]

AWARD OF NOBEL PEACE PRIZE TO DR. RALPH J. BUNCHE—ARTICLE FROM BALTIMORE SUN

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD an article entitled, "Nobel Peace Prize Goes To Dr. Ralph Bunche," published in the Baltimore Sun of September 23, 1950, which appears in the Appendix.]

NEWSPAPER COMMENT REGARDING SENATOR WILEY'S RECORD IN PUBLIC OFFICE

[Mr. WILEY asked and obtained leave to have printed in the RECORD, a statement prepared by him containing comments from the press of Wisconsin and the Nation on his record in public office, which appears in the Appendix.]

NATIONAL PLANNING ASSOCIATION CASE STUDY ON MARATHON CORP.

[Mr. WILEY asked and obtained leave to have printed in the RECORD, a press release issued by the National Planning Association, dated September 22, 1950, dealing with the Association's case study on the Marathon Corp., which appears in the Appendix.]

THE INFAMOUS KATYN FOREST MASSACRE OF POLISH ARMY OFFICERS—ARTICLES FROM NEW YORK TIMES AND KNIGHTS OF COLUMBUS MAGAZINE, COLUMBIA

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article entitled "United States Aide Blames Soviet on Katyn," published in the New York Times of September 19, 1948; also an article entitled "New Light on the Katyn Murders," written by Julius Lada, and published in the Knights of Columbus' magazine, Columbia, which appears in the Appendix.]

ALL AMERICAN CONFERENCE TO COMBAT COMMUNISM

[Mr. MUNDT asked and obtained leave to have printed in the RECORD a bulletin entitled "All American Conference To Combat Communism," which will appear hereafter in the Appendix.]

AN AMERICAN NATIONAL AND INTERNATIONAL PROGRAM

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, a statement which I have prepared, entitled "An American National and International Program."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF FRANK P. GRAHAM, SENATOR FROM NORTH CAROLINA

AN AMERICAN NATIONAL AND INTERNATIONAL PROGRAM

The present crisis for human freedom makes imperative (a) the national program for a stronger America as the leader of the free peoples and (b) the international program for a stronger United Nations as the chief hope of freedom and peace in the world.

A. America must be strong

1. In modern military, naval and air power and civilian mobilization and controls of prices, wages, manpower, materials, priorities, and rationing required to meet the world situation.

2. In atomic research; and in research on all the frontiers of knowledge so as to be ready for every emergency of national defense and for every call of human freedom.

3. In reorganization of the Government for efficiency and economy.

4. Fiscal policies with necessary economies and required revenues for balancing the budget as soon as possible without the destruction of the essential services of an effective civilized society, without bringing on a depression and without turning more of the earth over to the Communist dictatorship.

5. The constant energizing of our American free enterprise so as not to become the privilege or the monopoly of the few but so that its freedom, opportunities, and benefits shall be open to little-business men, big-business men and all people in the American way of fair competition.

6. Public power as an adjunct to the flood control of a few major rivers to supplement but not supplant private power as a basic resource of agriculture, industry, the communities, and the homes of the people.

7. Conservation of soils, forests, and water resources; agricultural education, research, extension, and home demonstration; rural electrification and rural telephones; the continuance and improvement of the agricultural parity price principle and the facilitation of the marketing of perishable commodities so as to keep in fair relation the prices the farmer receives and the prices the farmer pays in recognition of the people who "labor in the earth" (a) as equal partners in our economic society and (b) as creators of the foods and fibers which provide the sustenance, the clothing and shelter for all the families of men.

8. Sound industrial relations (a) through responsible freedom of working people whose self-organization is a great chapter in the modern history of liberty; and (b) through the equality of bargaining power between representatives of labor and management whose cooperation for gigantic production unparalleled in history helped decisively to win two world wars for human freedom and can yet win the peace for the peoples of the earth.

9. Local, State, and Federal cooperation (a) for the prevention of even one lynching by a mob in the South or by a gang in the North and (b) for the abolition of the poll tax as a prerequisite for voting; voluntary cooperation for the utilization of the most competent and available manpower for optimum production and national defense; and continuous progress in the humane relations of the races through the influence of religion and education in the minds and hearts of the people as the sound basis of enduring progress.

10. More equal educational opportunity for all children in all States by Federal aid to the States for the schools but without Federal control.

11. The prompt carrying through of a fair and decent housing program for veterans and people of low income to provide their families and children with the homes upon which depend the freedom and morale, the stability and progress, the health and happiness of many millions of the American people.

12. Decent minimum wages and the widening of the base of social security to lift the level of human liberty and increase the purchasing power and job opportunities for all people.

13. Private and public, local, State, and Federal cooperation now in building more hospitals and diagnostic facilities, in medical research; in the training of more doctors, nurses, and medical technicians under local and State control; in the Nation-wide promotion of voluntary health insurance; and a survey by a national commission participated in by eminent representatives of the medical and allied professions and lay groups, as a basis for recommendations to Congress for a hospital, medical care, and research program which would preserve the freedom of the medical profession on the highest levels of science and service and provide that no person in honest need would be without competent and adequate medical care in the Nation.

14. Requirement for the registration of the officers of all organizations which seek to control public opinion together with a statement of purposes, of membership and itemized sources of financial support and expenditures.

15. Careful and prompt administration of the Displaced Persons Act as our fair and responsible part of the international agree-

ment to provide refuge for the unfortunate human beings left homeless and hopeless by the march and countermarch of the armies of the Fascist and Communist dictators.

16. Continuation of the wise policy of reciprocal-trade agreements for the mutual reduction of tariff walls and the facilitation of trade between peoples to help close the dollar gap, to promote the economic prosperity of the nations as part of the larger program for the promotion of well-being of all peoples; for relieving economic and racial tensions, and for making more secure the foundation of freedom and peace in the world.

17. Adoption of the Genocide Convention to prohibit the extermination of a race as a crime against humanity.

B. The time for all people in America, as the leader of the free peoples of the earth, to stand united in support of stronger united nations

We are today confronted with a world in which over 700,000,000 people are under the orders of the imperialistic Communist dictatorship; in which approximately 700,000,000 stand with us on the side of human freedom, and in which over 700,000,000 are not clear as to which side they are on.

It is imperative in such a world not only that the people of the United States take some next feasible steps forward for fairer human relations in our own democracy, not only that America be made stronger in modern military power, in economic production and democratic morale, but also that Americans of all races, regions, economic groups, creeds, and national origins unite in support of a strong international program against all dictatorships, all aggression, for better international understanding, and for freedom and peace in the world. The American foundations, already well laid for such an international program, must be made more secure.

I. A Strong International Program

The people of America must make certain to the people of the Soviet Union that we will go to war only in defense of freedom against aggression in fulfillment of our obligations under the Charter of the United Nations.

Let us make clear our faith in and support of:

1. The treaty of the Americas which bind together 21 republics of the Western Hemisphere for mutual defense and cooperation.

2. The Marshall plan to aid in the self-recovery of the free nations devastated by war to become renewed strongholds of freedom, the welfare of the people, and democratic self-defense.

3. The Atlantic Pact and military-assistance plan with provision of modern American military equipment and forces in Europe under a single command for the collective defense and mutual aid of any and all of the 12 Atlantic nations.

4. The self-determination of western Germany and West Berlin as now the best hope of a free and united Germany and as a bulwark of freedom and democracy in an economically integrated and politically united western Europe.

5. The recently established self-determination of the peoples of India, Pakistan, Ceylon, Burma, the Near East, the Philippines and Indonesia and the potential self-determination of the people of Japan, Korea, Indochina, Malaya, and all the other Pacific and Asiatic peoples as the basis for the Asian conference and a devoutly to be wished democratic Asian pact for freedom and peace.

6. An international study of the status of Formosa under the auspices of the United Nations as a basis for recommendation to the United Nations.

7. As soon as wisely feasible an African conference in the interest of more self-determination of the peoples of Africa.

8. Point IV of the President's program for technical assistance to the people of undeveloped areas to lift the level of economic production and social well-being as the basis for a more general prosperity, freedom, and peace in the world.

9. The Voice of America and an international program of information about the American people, their yearning for peace with the Russian people, their good will and hopes for the freedom and peace of all peoples.

II. Through the Iron Curtain and to All People

The main purposes of the manifold American program is to strengthen freedom and democracy in America and to advance freedom and peace in the world. The peoples of America in particular and the democracies in general in the global struggle for the mind and spirit of man, must have the enthusiasm and fervor of a great devotion to the human freedom and dignity of all men as sons of God and brothers of men on both sides of the iron curtain. We must get through the iron curtain with the truth to the great Russian people to open their eyes to the dictatorship which cuts them off from the world, distorts their minds with falsehoods, embitters their hearts with hate, stirs their fears with alarms of aggression and war, and enslaves their bodies, minds, and spirits under the totalitarian tyranny of the police state. We must make clear again and again to the Russian people that the people of America with all our faults and frustrations have the freedom to struggle for freedom, that we covet no land, intend no aggression, and want no war. We must make clear again and again that we hate dictatorship, abhor aggression, and fervently want friendship and peace with the Russian people and all peoples on this earth.

The free peoples of the earth must make clear the nature of totalitarian dictatorship to the hundreds of millions of the people behind the iron curtain and to the bewildered hundreds of millions of people wavering between choosing, on the one hand, the slower but more enduring ways of freedom and democracy, and on the other hand, choosing the quickest ways and false promises of both fascism and communism. It must be made vividly clear that the revolution, which proclaimed the liberation of workers, has liquidated countless millions of workers and has enslaved millions more in enforced bondage; that the dictatorship, which declared itself the champion of little nations, has broken its promises to them, prohibited free elections and locked them behind the prison walls of the police state; and that the dictatorship which declared itself the transition to freedom, equality and peace has become a fixation for increasing tyranny, imperialism and war.

Fascism, communism and imperialism must be exposed and denounced for what they are. Denunciation is not enough. The Treaty of the Americas, the Western European Union, the Atlantic Pact, and the Asian Conference must be sustained. Treaties and pacts are not enough. National defense and military assistance programs must be made adequate against the monstrous threats of totalitarian tyranny. Armaments are not enough. More strategic than Formosa, stronger for defense than the Pyrenees, and more enduring than all the strongholds of reaction, are the stuff of the human spirit, the faith in the minds and hearts of the people, their democractic morale, their determination for self-determination against reactionary and colonial regimes, their will to resist aggression and dictatorship and to advance the freedom and well being of people everywhere.

America and the peoples of the whole free world must reveal themselves not only as defenders of human freedom but also as champions of human welfare, not only as foes of privilege and monopoly but also as promoters of the liberties and opportunities increasingly being made open to all people. The free peoples must stand forth, not only as stanch defenders of the old Bill of Rights for freedom of assembly, worship, speech, publication, elections, enterprise, and due process of law for equal justice, but also as advancing champions of the equal opportunity of the people to know, and of their children to be educated and to understand themselves, their fellows, and the world in which they live; to a fair chance to own and use the land; to organize and bargain collectively; to fair wages, decent conditions of life, labor, and housing; to security against disease, old age, and the hazards of modern economic society.

The free peoples must make clear to all men that the highest advances in the human pilgrimage from savagery to civilization have not been made by dictatorship, aggression and war but by the victories of free and creative cooperation for liberty and security against the common dangers of the jungle and the wilderness and then against the common hazards of our modern dynamic society. The broader the democracies make the base of economic opportunity and security the higher become the levels of individual initiative and human liberty.

In the transition from the household, local and regional economies to the national and world economies, modern democracy must safeguard both the freedom of the individual and the welfare of the people by making progressively intelligent adjustments of the local-national structure of our modern free dynamic society. They must also keep in progressive balance the rightful responsibilities and functions of both the local community and the Nation against the single consolidation of power in a totalitarian police state. The people of the free world must emphasize the historic fact that the advancing freedom of the individual and the increasing well being of the people, thus balanced, are the two sides of the shield of democracy which would protect the people from the false promises and the cruel power of the Fascist and Communist totalitarian states.

The resurgence of democracy in the British Commonwealth, in western Germany, in the western European—Mediterranean-Atlantic-American world, and the insurgence of nationalism in the Asiatic-Pacific world, are not, as the reactionaries fear and the totalitarians hope, the tired sigh of a democratic age that is dying, but, as all free men pray, the fresh breath of a new age that is being born. The free peoples must make clear through their leaders in the West and in the East that they want for all nations freedom and security, justice and peace in a world in which the people, with lessening fear and despair, as part of the struggles of the human pilgrimage, can hopefully dream dreams of a fairer day for themselves and their children.

III. Resolute Support of the Principles of the United Nations

We have committed ourselves, with the other free peoples, to fulfill the obligations of the Charter of the United Nations. Let us make clear our resolute support of the United Nations:

1. By making clear to any and all aggressors that the United Nations, by its courageous stand in South Korea, risked the military disaster of a Dunkirk to avoid the moral disaster of a Munich.

2. By making clear its unshakable determination to stop aggression there and anywhere in fulfillment of the obligations of the Charter of the United Nations.

3. By proposing the establishment of the Voice of the World under the direction of the United Nations for the promotion of

international understanding through accurate information regarding both the proceedings of the United Nations and the course of international affairs.

4. By working toward a world situation in which it would be possible and wise to hold an international conference of the nations for—

(a) International disarmament through the agreement of all nations;

(b) International control and inspection of the sources and production of atomic power;

(c) Amendments to the Charter of the United Nations for—

(1) The abolition or restriction of the veto against its abuse by any nation.

(2) The strengthening of the World Court to provide original jurisdiction against crimes committed in violation of the Charter of the United Nations.

(3) The widening of the responsibility of the Assembly so as, for example, to provide for the Assembly's right to make recommendations regarding matters on the agenda of the Security Council.

(4) The establishment of an international police force responsible to the United Nations strong enough to prevent aggression and preserve the peace of the world.

CONCLUSION

In the little Republic of South Korea an international police force is being assembled in response to the call of the United Nations and the moral opinion of mankind. Back of the local struggle of arms in Korea is the global war of ideas in our generation. Under the blue and white flag of the United Nations the physical boundaries of the little Republic of South Korea have been widened to the spiritual horizons of the free world. The aggression of international communism against the freedom of South Korea is an assault upon the moral foundations of the freedom and peace of the world. The United Nations, in taking a stand there, and the President of the United States, in giving the order for American troops to fight on that peninsula many thousand miles from home, in the face of the potential pressure of accumulated power reaching across the unbroken land mass of two continents, made one of the most heroic decisions of modern history. In a world darkened under the extension of the iron curtain over the hopes of the peoples in the west and in the east, the United Nations, in risking its existence, has saved its life with a moral idealism which rekindles the faith of free men everywhere.

The United Nations in resisting the aggression of a ruthless and cynical dictatorship, must, if necessary, fight on strategic fronts with modern equipped military forces, with technical and economic assistance for the increased opportunities and well-being of all people, and with the ideas of the freedom, the dignity, and spiritual autonomy of human beings everywhere. May the unfurling of the flag of the United Nations in South Korea mean the raising of the standard of freedom against aggression now and at all times, there and anywhere on this earth, however vast and unbroken be the land mass of the aggressor and however secret be the time-table of the dictator. We pray God that the stand of the United Nations against aggressors in Korea will make for freedom and peace in the world.

As the people of all races and regions, nations and stations, colors and creeds, look to the flag of the United Nations, may they have a new birth of the freedom to struggle for freedom, a new faith in themselves and their fellowmen, and a new vision, under God, of equal opportunities for their children and a new hope for justice and peace for all people on this earth. The peoples of the Nation and colonies, the islands and continents, white, black, yellow, red, and brown people, men, women, and their children everywhere, their freedom and dignity, opportunities and hopes, these are the sacred cause for which the flag of the United Nations calls us to the great crusade of the peoples against any materialistic, imperialistic, totalitarian, and ideological tyranny over the bodies, minds, and spirit of people anywhere on this earth.

As we look across our broken and desperate world and down the centuries of our modern times, we are reminded that our earth is being made one world in the interdependence of peoples either for the destruction of themselves and their civilization or for the creative cooperation of nations for the freedom, welfare, and peace of a fairer civilization for all peoples.

By the dynamics of the electromagnetic needle of the mariner's compass, the commercial revolution of the late fifteenth century and since, tied the continents, islands, oceans, seas, and all the nations together in one commercially interdependent world. By the dynamics of the steam, electric, and gas power engines, the industrial revolution of the late eighteenth century and since, has bound the nations together in one industrially interdependent world. By the high potentials of nuclear power, the atomic revolution of the mid-twentieth century, has linked the peoples of this earth together with the potential doom or the humane hopes of the common destiny of all the sons of men. By the moral dynamics of the peoples' aspirations for human freedom, the politically self-determining and the democratically interdependent peoples of the earth, confronted with the fact of the international Communist conspiracy and with the threat of a global totalitarian dictatorship, are drawn together by a common cause for the international defense of human liberty. The United Nations has taken its courageous stand against this monstrous threat and also seeks to bring under international political mastery the commercial, industrial, and atomic international framework of dynamic power for the weal rather than the woe of the peoples of the earth.

A dynamic, more powerful than the electromagnetic compass, stronger than the power engine, more potential than atomic power, and more fundamental than the controls and hopes of the United Nations, greater than all these, is the moral dynamic of the spiritual revolution in the teachings of Jesus who lived and died that people everywhere might be free and equal in the brotherhood of all men under the Fatherhood of God who "made of one blood all the nations of men for to dwell in all the face of the earth."

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A mesage from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 450. An act to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Secretary of Commerce and of the Administrator of Civil Aeronautics, and for other purposes;

S. 3504. An act to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof; and

S. 3960. An act to amend subsection (b) of section 10 of the act of June 26, 1884, as amended (U. S. C., title 46, sec. 599 (b)).

REMOVAL OF RACIAL BARS IN NATURALIZATION OF CERTAIN ASIATICS

Mr. LUCAS. Mr. President, I desire to address an inquiry to the chairman of the Judiciary Committee with respect to House Joint Resolution 238, which is now pending in the Senate, and as to which the chairman of the Judiciary Committee has written me a letter dated September 23, 1950. It is my understanding that the able chairman of the Judiciary Committee desired to ask for consideration of the joint resolution following the disposition of the veto message on the internal security bill, but, according to the letter which he has written me, I now assume that for good reasons he does not intend to do that. I should like to have a short statement from him before I place the letter in the RECORD.

Mr. McCARRAN. I hope the Senator from Illinois will place in the RECORD my letter, which was written to him today. I did not desire to bring up the veto message on the joint resolution for the reason that the matter referred to in the President's veto is a matter which was put in the bill in conference, at the instance of the conferees on the part of the Senate. The substance of that matter has now been made law by the bill which has just been passed by the Senate.

The provision which involves the citizenship of Asiatics is a separate feature of the bill. It is my judgment that the best procedure would be, as soon as Congress reconvenes, to bring in a bill having to do solely with the matter of citizenship of the Asiatics involved, and let the Congress act on that bill, inasmuch as we already have taken care of the other matter which was involved in the veto message.

Mr. LUCAS. Then I understand the Senator to mean that when Congress returns on November 27, a new bill could be drawn in substantially the same language as the bill which was passed by the Senate, before it went to conference, and got into difficulties there and subsequently was returned with the President's veto.

Mr. McCARRAN. That is correct.

Mr. LUCAS. Mr. President, with that statement, I desire to place in the RECORD at this point a letter from the chairman of the Judiciary Committee, which fully explains this measure.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
September 23, 1950.

Hon. SCOTT W. LUCAS,
Majority Leader, United States Senate,
Washington, D. C.

MY DEAR SENATOR: As you know, the President's veto message on House Joint Resolution 238 is pending in the Senate; but because of the present parliamentary situation, the question of whether this resolution should pass, the objections of the President to the contrary notwithstanding, cannot be brought up for a vote until after Senate action on the question of overriding the President's veto of H. R. 9490, the internal security bill.

It is my best judgment that under these circumstances, House Joint Resolution 238 should not be brought up.

In the first place, while the provisions in House Joint Resolution 238 respecting the prohibition of naturalization of subversives are substantially similar to provisions which are contained in H. R. 9490, they are not identical. The provisions in H. R. 9490 were rewritten so as to key in with other provisions of that internal security bill. In both

H. R. 9490 and House Joint Resolution 238, however, these immigration amendments would be accomplished by amending section 305 of the Nationality Act of 1940; and in each case the proposed amendment constitutes a complete rewriting of that section. Therefore, if H. R. 9490 should become law, as anticipated, through action of the Senate in overriding the President's veto, section 305 of the Nationality Act of 1940 would be amended, in accordance with the provisions of section 25 of H. R. 9490; and if, thereafter, House Joint Resolution 238 should become law, through action of the Senate in overriding the President's veto, section 305 of the Nationality Act of 1940 would be again amended; and the effect of this second amendment would be to undo what had been accomplished under H. R. 9490, by way of placing section 305 of the Nationality Act of 1940 in line with other provisions and results of the Internal Security Act.

Secondly, as you know, the portions of House Joint Resolution 238 to which the President objects and upon which his veto of that resolution was based are provisions added in conference upon the insistence of the Senate conferees, of whom I was one. Substantially similar provisions are contained in H. R. 9490, which I believe is certain to be passed over the President's veto. Therefore, it will be possible to introduce a clean bill, without these provisions, when the Senate comes back in November. This bill could contain only the provisions respecting removal of the racial ban on eligibility to naturalization. In this form, the President would, surely, have no objection to the bill; and with the controversial amendments removed, there should be no difficulty in getting the bill promptly passed in both Houses of the Congress. If such a bill is not promptly introduced by the sponsors of House Joint Resolution 238, it will be my purpose to introduce it.

Under all the circumstances, I hope you will agree with me respecting the wisdom of not attempting to bring up at this time the question of overriding the President's veto on House Joint Resolution 238.

Kindest personal regards.

Sincerely,

PAT MCCARRAN,
Chairman.

SCOTT W. LUCAS

Mr. McFARLAND. Mr. President, I do not wish to take up the time of the Senate at this late hour, when we are about to adjourn. However, none of my colleagues will begrudge me a few moments to say a word of appreciation for our majority leader [Mr. LUCAS] for the fine work he has done not only for this Senate but for the country as a whole in performing his duties as majority leader. My colleagues will pardon this personal reference but perhaps I know more than most the patience, the tact, the wide knowledge of legislation, the devotion to long hours of thankless duty that is involved in the job of carrying out the majority leadership. I have no doubt that on both sides of this aisle there is complete agreement that the senior Senator from Illinois has performed his duties capably, conscientiously, and in superlative degree. The record of this Congress is in large part a monument to SCOTT LUCAS.

He will be recorded in legislative history as a leader who has made a record which has never been surpassed. All too often we in Congress and the people take things for granted; I think it fitting that the RECORD show what we think of the senior Senator from Illinois and how invaluable his services and knowledge is to this Senate. He is deserving of the commendation and congratulations of all of us.

PURCHASE OF THE VESSELS "MARIPOSA" AND "MONTEREY"

Mr. MAGNUSON. Mr. President, I move that the Senate proceed to the consideration of House bill 9626, Calendar No. 2582, authorizing the Secretary of Commerce to purchase the vessels *Mariposa* and *Monterey*.

The VICE PRESIDENT. That motion, if adopted, would displace the unfinished business.

Does the Senator ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 9626, to which he has just referred?

Mr. MAGNUSON. Yes; I make that request, Mr. President.

The VICE PRESIDENT. The Secretary will state the bill by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 9626), authorizing the Secretary of Commerce to purchase the vessels *Mariposa* and *Monterey*.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

Mr. WHERRY. Reserving the right to object, Mr. President, I should like to ask the distinguished Vice President what the unfinished business is.

The VICE PRESIDENT. The unfinished business is the conference report on the so-called slot-machine bill.

Following that, the unfinished business, which was temporarily laid aside, prior to consideration of the slot-machine bill, is the bill amending the Railway Labor Act.

Following that, the unfinished business is the amendment to the Railway Labor Act; is that correct?

The VICE PRESIDENT. Yes, although really there are two measures which are unfinished business.

Mr. WHERRY. Let me put the question in this way, then: The most recent unfinished business, which really now would be the pending business, is the conference report on the slot-mahcine bill. Is that correct?

The VICE PRESIDENT. That is correct.

Mr. WHERRY. This motion, if agreed to, would displace only the conference report on the slot machine bill, would it not?

The VICE PRESIDENT. Yes, temporarily.

Mr. WHERRY. Unanimous consent is required in connection with the request now before us; and there are two or three Members who were interested in this bill. They said it was highly controversial. I think the Senator from Delaware [Mr. WILLIAMS] is one of them.

Mr. MAGNUSON. He is present.

Mr. WHERRY. I simply wonder what the plans are, if I may inquire of the distinguished majority leader.

Mr. MAGNUSON. Let me answer that question, please. On this bill, I shall take only 2½ or 3 minutes. I do not know how long the Senator from Delaware will take on it. It is an emergency measure which must be passed at this session, thus making it permissible for the Secretary of Commerce to purchase two ships which can immediately be converted into troop ships—in fact, the only two ships in the United States which are available for that purpose.

Mr. WHERRY. Let me make a further inquiry, Mr. President: Did not the Senator from Vermont [Mr. AIKEN] have some question about these ships a year or so ago?

Mr. MAGNUSON. If the Senator will allow me to have 2 minutes, I can explain that matter.

There is a claim involving a steamship company and the two vessels, but that has nothing to do with this bill; that is a separate matter, one between the Maritime Commission and the General Accounting Office, and it simply comes over from World War II.

The bill to which I now refer relates to permitting the Government to purchase the ships, which are needed as troop transports.

Mr. LUCAS. Mr. President, reserving the right to object, if this matter is going to call for long debate, I shall demand the regular order, because there is on the calendar a bill of which we have been trying to make some disposition for about 10 days. I think it should have priority, for it is the unfinished business.

Mr. WILLIAMS. Mr. President——

Mr. MAGNUSON. Mr. President, the Senator from Delaware will have an opportunity to speak, and I shall take only 2 minutes of the Senate's time.

Mr. WILLIAMS. Mr. President, I am reserving the right to object. If the Senator from Washington wishes to speak before he puts his unanimous-consent request, that will be all right.

The VICE PRESIDENT. The request already is pending.

Mr. WILLIAMS. Mr. President, reserving the right to object, I wish to point out that if the Secretary of Defense needs these ships, under existing law the Secretary of Defense has full authority to take them. He could have taken them a year ago or 6 months ago. All that is necessary is that the President approve their needs under section 902.

Mr. MAGNUSON. The Senator can make a speech later.

Mr. WILLIAMS. Mr. President, I have the floor, I have reserved the right to object.

The VICE PRESIDENT. The Senator from Delaware has reserved the right to object.

Mr. WILLIAMS. I say that under section 902 they have the right to take the ships at any time they see fit.

This measure will be a highly controversial one, involving the turning of the ships over to the Department of Defense, and I know that several Senators will speak on this measure this afternoon if this bill is made the pending business.

I myself will not speak at any great length.

Mr. MAGNUSON. Mr. President, if the Senator will permit me to follow him, he can speak as long as he wishes to.

Mr. WILLIAMS. Mr. President, I was simply stating that I understand there will be several other speeches on the bill, because this measure is a highly controversial one. It has been before the Senate on three different occasions—in 1948, in 1949, and again in 1950. It is being brought before us now, at the conclusion of the session, as a great national emergency. But, Mr. President, this bill scarcely differs in one comma from the bill as it was before us 3 years ago.

The VICE PRESIDENT. The question is, Is there objection to the request of the Senator from Washington?

Mr. WILLIAMS. I object.

The VICE PRESIDENT. The Senator from Delaware objects.

Mr. MAGNUSON. Mr. President, I should like to make a short statement.

Mr. LUCAS. Mr. President, I demand the regular order.

The VICE PRESIDENT. The regular order is demanded, and objection has been made. The matter is disposed of.

Mr. MAGNUSON. Mr. President, I desire to get the floor in my own right for about 2 minutes, if I may be recognized at this time on the pending business.

The VICE PRESIDENT. The pending business is the slot-machine conference report.

Mr. MAGNUSON. Then I ask for recognition.

Mr. HUMPHREY. Mr. President——

The VICE PRESIDENT. The Chair recognizes the Senator from Washington.

Mr. MAGNUSON. Mr. President, the Senator from Delaware apparently did not want to allow me to make a short statement on this bill.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. MAGNUSON. No, I do not yield to the Senator from Delaware, at all. These two ships, which are available in the United States, are the only two ships, the Defense Department has said, which could be made into troop ships within a period of 60 days. They will carry 7,000 troops each. The bill was passed unanimously by the House, and was reported by the Committee on Interstate and Foreign Commerce, with strong letters of endorsement from the Department of Defense and the Navy Department, stating that they want these ships as soon as they can get them. Because we are so short of troop ships, an order has been issued to take over the great liner, the *United States*, which is to be converted into a troop ship. The two passenger ships that the American Transit Line owns are now launched, but it will be months before they are ready. These are the only two available ships, which, according to the testimony, can be converted within a period of 60 days. We need them.

The Senator from Delaware is talking about two ships which were taken in World War II, and which, under the Merchant Marine Act of 1936, were returned to the company. There was some trouble over the reconversion price. That has nothing to do with this bill at all. This matter is being made the subject of negotiations between the Government through the General Accounting Office, and the steamship company, the Oceanic Steamship Co.

The Department of Defense wants these ships. They are not concerned with an old claim, or with going around with a lantern into closets to dig up some ghosts, and to get into an argument over what they are going to pay for them. The bill merely authorizes the Secretary of Commerce to negotiate the purchase. I have faith in Mr. Sawyer that he will get a good price for the Government. I have called him up suggesting that before he suggests the price, he call the Senator from Delaware and confer with him. I do not think he knows as much about ship prices as I do, but I am sure the Maritime Board does.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. MAGNUSON. In a moment. Mr. President, this is emergency legislation. All the testimony is to that effect, and I am trying to obtain two troop ships to be used in the emergency in which we find ourselves. If any Senator wants to object, that will be his responsibility, not mine. That is a statement of what this bill is about.

The VICE PRESIDENT. Objection having been heard, the bill is not before the Senate.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a statement which I have prepared on the subject dealt with by House bill 9626.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

On pages 80 and 81 of Merchant Marine Act, 1936, will be found section 902, providing method of requisition of vessels and standard of compensation.

It is true that section 902 of the act gives the Maritime Commission the power to requisition for use or for purchase—the same power requested by H. R. 9626. The main element of difference is that under section 902 it would be necessary for the President to (a) issue a proclamation of national emergency, or a proclamation that the security of national defense makes requisition advisable.

In view of the fact that the President has been avoiding official proclamation of emergency, with a very laudable view of striving to localize the Korean war, it is entirely probable that the Navy and Maritime Administration consider that the President would not want to declare a national emergency for the sole purpose of requisitioning two ships. The importance of H. R. 9626 is that it would permit the Navy and the Commission to secure the vessels and be ready for any emergency while relieving the President of the necessity of making a public proclamation as required by section 902.

It should be further noted that the standard of compensation provided by H. R. 9626 is exactly the same as the standard provided by section 902, and that in each instance the Government agency which would make the negotiation is the same agency, that is, the Maritime Commission. It would follow that if the objectors have no objection to requisition for use or purchase under section 902, they cannot logically have any objection to this bill unless they want to take it upon themselves to say that there is no need for the vessels at this time and place their judgment against the judgment of the Navy.

Other possible reasons that make H. R. 9626 advisable at the moment are:

1. It provides for acquisition and construction.

2. It makes clear that suitable materials can be purchased, which might not be clear under section 902.

The whole purpose is to meet the need now and to save the time that would have to be used in the completion of the vessels if the President should later declare a national emergency. This is stated well by Assistant Secretary of the Navy Koehler, page 48, when he said:

"Necessary steps should be taken to complete them as troop transports in view of the present world situation. * * * Their conversion at this time concurrently with construction would reduce, to some extent, the troop-ship shortages that will exist during the first few months of a national emergency."

The two volumes of the hearings will be found that Admiral Cochran and Secretary Koehler's testimony, facts relating to troop lifting capacity (4,500–7,000 men), speed (22 knots), time for completion (3 to 6 months), and savings of millions of dollars.

NOTE.—The hearings refer to H. R. 9534, which was predecessor of H. R. 9626, but the facts are the same. H. R. 9534 would have given power to purchase generally vessels. It was considered too broad and H. R. 9626 followed to authorize purchase of the only two vessels that the Navy says would suit its purposes. In view of the speed of these vessels, it might be worth while to think of their value considering increased speed of Snorkel submarines.

The VICE PRESIDENT. The question now is on agreeing to the conference report.

Mr. WILLIAMS. Mr. President, in reply to the Senator from Washington, I repeat—and there is no contradiction of the statement—that under section 902 of the existing law the Secretary of Defense can, with the approval of the President, take control of these ships at any time he sees fit. That could have been done months ago if the President felt this emergency justified such action. Why did the Senator from Washington fail to support the testimony by these same authorities last week when they opposed the transfer of 10 C–4's to the Great Lakes for an insignificant fraction of the cost. Where was this national emergency then?

On that occasion the Senator from Washington [Mr. MAGNUSON], over the combined opposition of every member of the Defense Establishment, over the opposition of the National Security Resources Board, stood on the Senate floor urging passage of a bill authorizing shipping companies of 10 C–4's—modern ships, only about 4 years old—ships which cost the Government over $45,000,000. He then sponsored legislation selling these ships for only $1,500,000, or 3½ percent of their original cost. These were practically new ships.

Mr. MAGNUSON. I think the Senate did that.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. WILLIAMS. Not at this time. I repeat, last week the Senator from Washington, over the opposition of every branch of the Defense Department, stood here on the Senate floor urging that authority be given to transfer these 10 modern ships to the Great Lakes shipping

companies for $1,500,000, at a loss to the taxpayers of over $40,000,000. This bill before us today was before the Senate in 1948, when it was rejected. It was before the Senate again in 1949, and was again rejected. It is before us again today proposing that the Government buy these two 20-year-old ships at an exorbitant price. I say to the Senator from Washington that if our defenses are in such shape that these are the only two available ships that we have for carrying troops, we had better call the Defense Department to find out what is wrong. Where are the troop ships of the last war? Those are questions which should be answered.

Why did you last week sell those other 10 ships over the opposition of the Defense Department if they are needed so badly?

You had better make up your mind, you change sides so fast I cannot keep up with you.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. DOUGLAS. Is it not true that there are in mothballs at Baltimore two troopships which are not being used, the *Washington* and one of the General ships, as I understand?

Mr. WILLIAMS. That is as I understand.

Mr. DOUGLAS. Therefore, these are not the only two ships available for transport purposes.

Mr. WILLIAMS. The Senator from Illinois is correct.

Mr. DOUGLAS. It might have been better to look into the question of the two ships at Baltimore, which might have been obtained by the Government for purposes of transport without cost.

Mr. WILLIAMS. That is my position. These ships mentioned in this bill would have to be reconverted and made ready for use in carrying troops. The 10 ships which the Senator from Washington advocated giving to the Great Lakes shipping companies, or practically giving them to those companies, were already in shape to carry troops. I wish the Senator from Washington would display as much interest in the American taxpayers as he does in these shipping companies.

Mr. President, I want to say that I have been in attendance of the Senate, as has every other Member here, for nearly 30 consecutive hours. I do not think we are going to pass any constructive legislation from here on to the end of the session. I should be perfectly willing to come back Monday morning and start again, if there are bills which have to be considered, but I am unwilling to begin their consideration tonight for a long series of debates. I am wondering whether the Senator from Illinois has any particular legislation that he feels should be brought up, if not, I intend to move to adjourn.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

The VICE PRESIDENT. The question before the Senate is on agreeing to the conference report. The debate, at present, is out of order, because the subject is not before the Senate.

Mr. WILLIAMS. Mr. President, I withhold my suggestion.

The VICE PRESIDENT. The Chair will recognize some Senator who knows what he wants to do about this conference report.

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent to lay aside temporarily the conference report on the slot machine bill.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HILL. Mr. President, I understand the pending business is the bill S. 3295, known as the railroad labor union shop bill.

The VICE PRESIDENT. The Senator is correct. It is the unfinished business.

Mr. LUCAS. Mr. President, we are about to wind up this session of the Congress, at least until next November, and I hope the Senate will be patient and that no Senator will, when he gets the floor, move to adjourn to that time, because there is more business to be taken care of. I shall presently move that the Senate proceed to the consideration of executive business. There are some nominations of judges to be confirmed. I hope that no Senator will move to adjourn. I ask Senators to abide by that kind of decision. We shall be through in another hour or two, I am sure. I am very anxious to get along with the unfinished business and to make some sort of disposition of it. The bill has been before us for 10 days or 2 weeks, and I think the Senate ought to dispose of it one way or another tonight.

The Senator from Florida [Mr. HOLLAND] is very anxious about the confirmation of certain nominations. The same is apparently true of other Senators. If the Senator from Alabama [Mr. HILL] will yield, I propose to move that the Senate proceed to go into executive session. I shall ask that the unfinished business be temporarily laid aside so we can proceed with certain nominations.

Mr. HILL. Mr. President, I am glad to yield so that an executive session may be held.

Mr. LUCAS. Very well. I shall move that the Senate go into executive session, and then we can resume consideration of the bill of which the Senator has charge.

Mr. HILL. I yield to the leader.

The VICE PRESIDENT. Does the Senator from Illinois move that the Senate proceed to consider executive business?

Mr. LUCAS. Yes.

Mr. WHERRY. Mr. President, reserving the right to object, and I am not going to object, we do not have a printed calendar. I should like to make the request that when the nominations are brought forward we may receive an explanation concerning them. The Senate should have some opportunity to know who the nominees are.

Mr. LUCAS. They are emergency nominations.

Mr. WHERRY. I thank the Senator.

EXECUTIVE SESSION

Mr. LUCAS. Mr. President, I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

REPORTS FROM THE COMMITTEE ON THE JUDICIARY

Mr. McCARRAN. Mr. President, from the Committee on the Judiciary I report favorably the following nominations.

Hon. Louie W. Strum, of Florida, to be United States circuit judge, fifth circuit, vice Hon. Curtis L. Waller, deceased;

Bryan Simpson, of Florida, to be United States district judge for the southern district of Florida, vice Hon. Louie W. Strum, elevated;

John Norwood McKay, of Louisiana, to be United States attorney for the eastern district of Louisiana, vice James Skelly Wright, elevated;

James T. Gooch, of Arkansas, to be United States attorney for the eastern district of Arkansas. He is now serving in this office under an appointment which expired May 27, 1950;

Respess S. Wilson, or Arkansas, to be United States attorney for the western district of Arkansas. He is now serving in this office under an appointment which expired May 13, 1950; and

Noble V. Miller, of Arkansas, to be United States marshal for the eastern district of Arkansas. He is now serving in this office under an appointment which expired May 13, 1950.

The VICE PRESIDENT. Without objection, the reports will be received.

Mr. McCARRAN. I ask unanimous consent for the immediate consideration of the nominations.

The VICE PRESIDENT. Is there objection? The Chair hears none.

UNITED STATES CIRCUIT JUDGE

Mr. McCARRAN. Mr. President, some brief time ago certain nominations came from the White House. Since that time there has been no regular meeting of the Committee on the Judiciary. The nomination of Hon. Louie W. Strum, of Florida, to be United States circuit judge, fifth circuit, vice Hon. Curtis L. Waller, deceased, is now before the Senate, having been reported from the Committee on the Judiciary.

The members of the bar of Florida who were in Washington in attendance on the meeting of the American Bar

Association, consisting of the past presidents from the State of Florida and the newly elected president of the American Bar Association, together with other members of the bar of Florida, called on the chairman of the Committee on the Judiciary in furtherance of the promotion of Judge Strum. The Governor of the State of Florida also visited the chairman of the Committee on the Judiciary. There seemed to be quite unanimous approval in Florida of the promotion of Judge Strum from the district court to the circuit court of appeals. On behalf of the committee, I now ask unanimous consent that the nomination of Judge Strum be confirmed by the Senate.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object, and I shall not object, I wish to ask a question or two, on points which have not been covered in the statement made by the Senator from Nevada, or if they were, I did not hear them. Is this a reappointment?

Mr. McCARRAN. This is an appointment, promoting a judge from the district court to the circuit court of appeals.

Mr. HOLLAND. For the record, speaking in behalf of my colleague [Mr. PEPPER] as well as for myself, I should like to state briefly the qualifications of Judge Strum. Judge Strum served first on the Supreme Court of the State of Florida. About 19 years ago he was appointed district judge. For many years he has been our senior district judge of the five district judges in our State, and has sat many times with the circuit court of appeals. He is now 60 years of age, but with an unusually great judicial experience, and, if I may say so, with a unique judicial standing in the bar and the bench of Florida.

If I may amplify the statement of the distinguished chairman, the American Bar Association committee also unanimously approved Judge Strum, and a member of that committee from our circuit, Mr. Miller, from Baton Rouge, La., also called upon the chairman of the Committee on the Judiciary to express the approving views of the American Bar Association. Former Senator Scott Loftin of Florida, a former president of the American Bar Association, followed the same course.

Mr. WHERRY. Mr. President, may I ask one more question of the chairman of the Committee on the Judiciary? It has been my position not to grant unanimous consent to confirm a judge of our civil courts. I think it is only fair that they be acted upon in the regular procedure. But this nomination has been reported from the committee, and all that is being waived, as I understand, is the procedure with respect to when the nomination should come before the Senate.

Mr. McCARRAN. That is correct.

Mr. WHERRY. There is no objection.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES DISTRICT JUDGE

Mr. McCARRAN. The next nomination is that of Bryan Simpson, of Florida, to be United States district judge for the southern district of Florida, vice honorable Louie W. Strum, elevated.

The nomination was sent to the committee from the White House a few days ago with the request that there be a special meeting of the Committee on the Judiciary to consider this nomination. The nominee is now ocupying a place on the State court of the State of Florida. He is promoted from the State court to the United States District Court. Again I may say that he has the endorsement of both the Senators from the State of Florida, and has the endorsement of the State Bar Association of the State of Florida. He has the endorsement of the members of the American Bar Association from the State of Florida, and the judicial division of the American Bar Association.

I ask for the present consideration of this nomination.

The VICE PRESIDENT. Is there objection to the present consideration of the nomination?

Mr. WHERRY. Mr. President, reserving the right to object, I wish to ask a question concerning this nomination. It is my understanding that this nomination has also been approved unanimously by the committee.

Mr. McCARRAN. That is correct.

Mr. HOLLAND. Mr. President——

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEY

Mr. McCARRAN. The next nomination is that of Respess S. Wilson of Arkansas, to be United States attorney for the western district of Arkansas. He is now serving in this office under an appointment which expired May 31, 1950. This nominee has the approval of both Senators from the State of Arkansas, and I am authorized by the committee to present the nomination.

Mr. President, I ask unanimous consent for the present consideration of the nomination.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object, I wish to ask the same question respecting this nominee.

Mr. McCARRAN. The Senator from Nevada gives the same answer as with respect to the previous nominees.

The VICE PRESIDENT. Is there objection to the present consideration of the nomination? The Chair hears none; and, without objection, the nomination is confirmed.

UNITED STATES MARSHAL

Mr. McCARRAN. Mr. President, the next nomination is that of Noble V. Miller, or Arkansas, to be United States marshal for the eastern district of Arkansas. He is now serving in this office under an appointment which expired May 13, 1950.

The VICE PRESIDENT. Is there objection to the present consideration of the nomination? The Chair hears none, and, without objection, the nomination is confirmed.

Mr. WHERRY. The nomination has been reported favorably from the committee, and the only variation from the customary procedure is that the Senator asks unanimous consent for immediate consideration rather than have the nomination go to the calendar and be taken up later.

Mr. McCARRAN. That is correct.

The VICE PRESIDENT. Is there objection? The Chair hears none, and without objection, the nomination is confirmed. The Chair will say that there is no printed Executive Calendar.

Mr. HOLLAND. Mr. President, I should like to make a brief statement respecting this nominee.

Mr. McCARRAN. I may say that there are other nominations which I should like to present.

Mr. HOLLAND. Very well.

UNITED STATES ATTORNEYS

Mr. McCARRAN. Mr. President, the next nomination is that of John Norwood McKay, of Louisiana, to be United States attorney for the eastern district of Louisiana, vice James Skelly Wright, elevated. This nominee has the endorsement of both Senators from the State of Louisiana, and has been screened so far as eligibility is concerned. I ask unanimous consent that the rule be waived and that the nomination may be confirmed by the Senate.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object, I ask the distinguished Senator if this nomination has also been reported unanimously from the committee?

Mr. McCARRAN. I may say that the committee did not meet to consider this nomination, but that the committee was canvassed.

Mr. WHERRY. The committee was polled?

Mr. McCARRAN. Yes.

Mr. WHERRY. I have no objection.

The VICE PRESIDENT. Is there objection to the present consideration of the nomination? The Chair hears none, and without objection, the nomination is confirmed.

Mr. McCARRAN. The next nomination is that of James T. Gooch, of Arkansas, to be United States attorney for the eastern district of Arkansas. He is now serving in this office under an appointment which expired May 27, 1950. He has the endorsement of both Senators from the State of Arkansas, and his record warrants his confirmation. I ask unanimous consent for the present consideration of the nomination.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object, I wish to ask the same question about this nominee as I did with respect to the others.

Mr. McCARRAN. I wish to make the same answer. In place of holding a meeting on the nomination, the members of the committee were canvassed.

Mr. WHERRY. I have no objection.

The VICE PRESIDENT. Is there objection to the present consideration of the nomination? The Chair hears none, and without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

Mr. MURRAY. Mr. President, from the Committee on Labor and Public Welfare I ask unanimous consent to report favorably the following-named candidates for appointment in the regular corps of the Public Health Service:

Louis Block to be scientist (equivalent to the Army rank of major), effective date of acceptance.

Bill H. Hoyer, Robert J. Fitzgerald, and William F. Durham to be senior assistant scientists (equivalent to the Army rank of captain), effective date of acceptance.

Mary R. Lester to be senior assistant nurse officer (equivalent to the Army rank of captain), effective date of acceptance.

I ask for immediate consideration of the nominations.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and, without objection, the nominations are confirmed en bloc.

Mr. MURRAY. Mr. President, I wish to say that these nominations and the others I am about to report have the unanimous endorsement of the committee. They are routine nominations.

From the Committee on Labor and Public Welfare I ask unanimous consent to report favorably the following-named candidates for appointment and promotion in the regular corps of the Public Health Service:

Philbrook H. Knight and Boris J. Osheroff to be assistant pharmacists (equivalent to the Army rank of first lieutenant), effective date of acceptance.

Jerome L. Singer and William L. Jenkins to be assistant scientists (equivalent to the Army rank of first lieutenant), effective date of acceptance.

Margaret M. Sweeney, assistant nurse officer, to be senior assistant nurse officer (equivalent to the Army rank of captain).

Mr. President, I ask that the nominations be confirmed en bloc.

The VICE PRESIDENT. Is there objection? The Chair hears none and, without objection, the nominations are confirmed en bloc.

CONFIRMATION OF NOMINATION OF EMORY BYINGTON SMITH

Mr. JOHNSTON of South Carolina. Mr. President, night before last, at 11:10 o'clock, my office was informed that the Senate would adjourn immediately after the Senator who had the floor finished speaking, and that no further business would be transacted. I went home believing nothing else would be taken up. As soon as I reached home, a newspaper called me to inform me that the nomination of Emory Byington Smith, of the District of Columbia, had been confirmed as an associate judge of the Municipal Court for the District of Columbia. I want it clearly stated on the record that I did not withdraw my objection. If I had been present, I would have objected to the confirmation. I was absent only because I had been told that no business would be conducted after that hour.

Mr. LUCAS. One soft note in reply to my good friend from South Carolina. I do not know who gave the information to the Senator, but the Senator will recall that on September 20, which was Wednesday, I gave notice that we would call an executive session the following day.

Mr. JOHNSTON of South Carolina. It was Mr. Baker who had informed my office that no further business would be transacted.

LEGISLATIVE SESSION

Mr. LUCAS. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

AUTHORIZATION OF AGREEMENTS PROVIDING FOR UNION MEMBERSHIP AMONG RAILWAY EMPLOYEES

The Senate resumed the consideration of the bill (S. 3295) to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carriers' employees for certain purposes and under certain conditions.

Mr. HILL. Mr. President, Senate bill 3295, the bill before the Senate for consideration, is intended to extend to employees and employers subject to the Railway Labor Act, the right, now possessed by employees and employers in industry generally, to bargain collectively with regard to the union shop and check-off. The bill has been approved unanimously by the Committee on Labor and Public Welfare.

Perhaps I should say at this point that there is a very distinct difference between a union shop, which is what we deal with in this bill, and a closed shop. A closed shop is one where an employee has to be a member of the union before he can receive employment by the particular industry or company. The union shop is one where the employee becomes a member of the union after his appointment, but is not a member before employment, and there is no requirement that he be a member before the employment.

Mr. President, the bill was unanimously reported by the Senate Committee on Labor and Public Welfare, but there were three members of the committee, the Senator from Ohio [Mr. TAFT], the Senator from Missouri [Mr. DONNELL], and the Senator from New Jersey [Mr. SMITH], who felt that there were several questions raised by the bill which were not adequately or entirely taken care of as they should be. These three members reserved the right to offer such amendments as they thought might be fitting and might take care of the questions raised.

Since the report of the bill by unanimous action of the committee, these amendments have been worked out, they have been agreed upon, and on behalf of the senior Senator from Ohio [Mr. TAFT] and myself, I have offered the amendments. I should like at this time to have the amendments reported so that in my discussion I may discuss the bill with the amendments.

The VICE PRESIDENT. There are committee amendments.

Mr. HILL. Let my amendments be reported for the information of the Senate. They are amendments offered on behalf of the Senator from Ohio [Mr. TAFT] and myself.

The VICE PRESIDENT. The clerk will state the amendments.

The LEGISLATIVE CLERK. On page 2, line 20, after the word "assessment", it is proposed to insert "(not including fines and penalties)"; on page 2, line 21, to strike out the comma, substitute a colon, and the following: "*Provided further*, That no such agreement shall require membership in more than one labor organization"; on page 3, to strike out lines 6 and 7 and insert: "any periodic dues, initiation fees, and assessments (not including fines and penalties), uniformly required as a condition of acquiring or retaining membership: *Provided*, That no such agreement shall be effective with respect to any individual employee until he shall have furnished the employer with a written assignment to the labor organization of such membership dues, initiation fees, and assessments, which shall be revocable in writing after the expiration of 1 year or upon the termination date of the applicable collective agreement, whichever occurs sooner."

Mr. HILL. Mr. President, the provisions of the bill are necessary because the Railway Labor Act in paragraphs 4 and 5 of section 2 now prohibits all forms of union security agreements, including the union shop.

Remember, what the bill does is merely to remove this prohibition to the extent of permitting the employer and employee to bargain collectively as to whether or not they will have a union shop, and if they agree to the collective bargaining process to have a union shop, then the union shop is not any longer prohibited by law, as it is today under the existing Railway Labor Act.

In addition, the bill would permit the deduction from the wages of employees of any dues, fees, assessments, or other contributions payable to labor organizations. The bill would permit the individual employees to give authority in writing to the company to deduct these dues, fees, or assessments as check-offs for the benefit of the union.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Tennessee.

Mr. KEFAUVER. In other lines of industry, aside from the railroad industry, the same system is permitted, checking off the dues, to be paid to the union, where the union and the industry involved agree to the check-off. Is that not true?

Mr. HILL. The Senator is exactly correct. Under the Taft-Hartley law, which, as we know, applies to industry generally, I might say all industry except the railways and the airlines, the employers and employees have this right which we now seek through this bill to give to the employers and employees of the railroad industry, namely, the right

to bargain collectively with the union shop for the check-off.

The prohibitions now in the law deny the right to bargain collectively for a union shop and for the check-off were, as I have said, made a part of the Railway Labor Act of 1934. They were enacted into law against the background of employer use of these agreements as devices for establishing and maintaining company unions, thus effectively depriving a substantial number of employees of their rights to bargain collectively. It is estimated that in 1934 there were over 700 agreements between carriers and unions alleged to be company unions. These agreements represented over 20 percent of the total number of agreements in the industry.

It was because of this situation that labor organizations did not oppose too vigorously these prohibitions in the statute, even though they applied to bona fide trade-unions, as well as those under the influence of the carriers.

Since the enactment of the 1934 amendments, company unions have virtually disappeared in the railroad industry. Labor organizations representing employees in this industry and in the airline industry now seek to gain for themselves the right to bargain collectively with regard to the union shop and the check-off.

As was brought out by the Senator from Tennessee, this right is possessed by unions representing employees in industry generally, and the Committee on Labor and Public Welfare is of the unanimous opinion that the right should now be extended to labor organizations subject to the Railway Labor Act.

Senate bill 3295 is intended to achieve this result. It would relax the prohibitions contained in paragraphs fourth and fifth of the Railway Labor Act by restoring to carriers and their employees the right to bargain collectively with regard to the union shop and the check-off. In the limitations imposed and the nature of the right granted, the bill closely follows the pattern of parallel provisions of the Taft-Hartley Act.

Paragraph eleventh (a) would permit a carrier and a labor organization duly authorized to represent employees under the Railway Labor Act to enter into an agreement requiring, as a condition of continued employment, that within 60 days following the beginning of such employment, or the effective date of such agreement, whichever is the later, all employees shall become members of the labor organization representing the craft or class of such employees.

I should like to emphasize that the bill would not require and does not in any way make mandatory the execution of union-shop agreements; it merely permits the carriers and the representatives of their employees, through the voluntary process of collective bargaining, to include a union-shop provision in their collective-bargaining agreements.

The bill attaches three conditions to the exercise of this right:

First, the agreement may not require membership in the labor organization as a condition of employment with respect to employees to whom membership is not available on the same terms and conditions as are generally applicable to any other members. Under this provision a labor organization cannot require union membership as a condition of employment if it refuses to accept the membership of persons of certain classes or offers them only limited membership.

The second condition set up is that the agreement may not require membership in the labor organization as a condition of employment with respect to employees to whom membership was denied or terminated for any reason other than the failure of the employee to tender the periodic dues, initiation fees, and assessments uniformly required as a condition of acquiring or retaining membership.

In other words, if for any other reason an employee is denied membership in the union, other than because he did not pay his dues, initiation fee, or regular uniform assessments—if he is denied membership in the union for any other reason than this, he cannot be denied employment with the railroad company. He does not have to belong to the union in order to have a job with the railroad company.

The effect of this condition is to remove from the requirements of any union-shop agreement those employees to whom membership has been denied or who have been expelled from membership for any cause except nonpayment of dues, fees, and assessments. In such cases, nonmembership in the labor organization could not be used as the basis for the dismissal of the employee by the carrier. The bill also makes it clear that the term "assessments" is not to include "fines and penalties." Thus, if an individual member is fined for some infraction of the union bylaws or constitution, the union cannot obtain his discharge under a union-shop agreement in the event that the member refuses or fails to pay the fine imposed.

The final condition attached to the union-shop portion of the bill is the proviso that no union-shop agreement entered into pursuant to the provision of the bill shall require membership in more than one labor organization. This proviso was attached because some question was raised as to the status, under this bill, of employees who are temporarily promoted or demoted from one closely related craft or class to another. This practice, with minor exceptions, occurs only among the train- and engine-service employees. Thus a fireman may be promoted to a position as engineer for a short time and then due to a reduction in force be returned to his former position as fireman. It is the intention of this proviso to assure that in the case of such promotion or demotion, as the case may be, the employee involved shall not be deprived of his employment because of his failure or refusal to join the union representing the craft or class in which he is located if he retains his membership in the union representing the craft or class from which he has been transferred.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CHAPMAN in the chair). Does the Senator from Alabama yield to the Senator from Illinois?

Mr. HILL. I yield.

Mr. LUCAS. I am very glad the Senator from Alabama has vigorously brought forward the point he has just made, because in talking to some railroad men, that seems to be one of the points on which some of them differ. They do not believe this amendment does what it says. The explanation of the able Senator from Alabama I think is clear and convincing, so far as I am concerned, and I am very glad that he has proceeded along that line, because it seems to me it clears up some controversy existing between union members as to what is the true meaning or interpretation of the amendment which has been adopted.

Mr. HILL. I want to say to the distinguished Senator from Illinois that this amendment was worked on by the members of the committee and was arrived at after much consideration by members of the committee through expert counsel and advice called in by members of the committee in the preparation of the amendment. I think, as the Senator from Illinois has suggested, the amendment is clear, and I think it meets the criticism which was leveled at the fact that an employee might be forced in some way to have membership in more than one organization.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HUMPHREY. It is true, is it not, that there is no prohibition within the bill that would deny anyone the right to belong to one or several organizations?

Mr. HILL. No.

Mr. HUMPHREY. I wanted to make that clear.

Mr. HILL. An employee could belong to as many different unions as he wished to belong to. But he cannot be required to belong to one. If he belongs to one, he meets the provisions of the statute, and he cannot be required to pay dues to or to belong to more than one union.

Mr. HUMPHREY. I thank the Senator.

Mr. HILL. Whenever I speak of the bill I speak of it with the amendment unanimously agreed to by the membership of the committee, which had been offered to the Senate by the Senator from Ohio [Mr. TAFT] and myself.

The bill would also permit a carrier and a labor organization duly authorized to represent employees under the act to enter into agreements providing for the check-off from the wages of employees of periodic dues, initiation fees, and assessments. But no such agreement is to be effective with respect to any individual employee unless first authorized in writing by him to the employer.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LUCAS. Is it not a fact that it is absolutely within the discretion of the employee as to whether he requests the check-off?

Mr. HILL. It is wholly and entirely within the discretion of the employee, and unless the employee sits down and

writes on a piece of paper an authorization to the employer to turn the dues, fees, and assessments over to the labor organization, and signs his name to the authorization, there is no check-off, so far as the employee is concerned.

Here, too, I should like to emphasize that the bill does not impose such an agreement; it merely permits a carrier and a labor organization, through the voluntary process of collective bargaining, to include a check-off provision in the collective contract.

That is when the employer sits on one side of the table with his representatives, and the employees sit on the other side of the table, and work out the terms of their contract. All this bill does is to permit them, if they see fit to do so, through the collective-bargaining process, to include check-off provision in their contract.

This right is particularly important in the railroad and airline industries in which employees, unlike those in most other industries, frequently are scattered over hundreds of miles and not concentrated in one locality.

The bill, as I have stated, is designed merely to extend to employees and employers subject to the Railway Labor Act rights now possessed by employees and employers under the Taft-Hartley Act in industry generally. Its pattern is that of comparable provisions of the Taft-Hartley Act and no substantial reason exists to warrant the continued denial to the employees and employers of our great railroad and airline industries of the right to bargain collectively with respect to the union shop and check-off.

Therefore, as I have said, the committee has unanimously reported the bill; the committee is unanimously in accord with the amendments which I have offered on behalf of the Senator from Ohio [Mr. TAFT] and myself; and we urge the passage of the bill, with the amendments.

Mr. HOLLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCFARLAND in the chair). Does the Senator from Alabama yield to the Senator from Florida?

Mr. HILL. I yield.

Mr. HOLLAND. Mr. President, I hope Senators will follow this exchange.

In view of the fact that this is a Senate bill on which the House of Representatives has not acted; in view of the fact that there is serious disagreement between the railroad operating brotherhoods, principally, on the one hand, and the railroad maintenance groups and shop groups, on the other hand; in view of the fact that the amendments would take a long time to debate; in view of the fact that I feel, for instance, that the bill is not on a parity with the Taft-Hartley Act, in that it does not contain the provision of the Taft-Hartley Act respecting the anti-closed-shop laws of the various States, whether constitutional or statutory, which provision of course is a part of the Taft-Hartley law; in view of the fact that Senators will find at the desk, awaiting consideration, an amendment on this point, offered yesterday or the day before by me; and in view of the further fact that I am advised that one Member of the Senate, now present, has already prepared a so-called civil-rights amendment; therefore, Mr. President, it seems to me that after this hectic session, particularly after these last almost 2 days of tiring effort, about the worst thing the Senate could do would be to quit on a note of inconclusive and disagreeable civil-rights discussion and debate, lasting way into the night or perhaps until midnight.

The only reason for my making this statement is that I realize that the Senator from Alabama is deeply interested in this measure, as he has shown very clearly. I realize that the majority leader feels the same way.

However, in view of the fact that this is a Senate bill and that nothing we can do here now could possibly be conclusive, certainly the wise thing, in view of the further fact that we are all so tired, would be either to return the bill to the calendar or to recommit the bill or to have anything else done with the bill which would avoid the head-on collision which appears imminent.

In order to be perfectly frank about the matter, I wish to state that I have shown to the Senator from Alabama my files, containing, as I recall, approximately 18 communications from influential members of the railroad brotherhoods, some of them the operating brotherhoods and some of them the other brotherhoods, all from my State, and all strongly opposing enactment of the proposed legislation. I believe the Senator from Alabama saw that file last night or the night before, I do not recall which.

I certainly will have to oppose the bill very vigorously, in view of everything I have learned about it.

I understand that the Senator from Georgia is of the same feeling—and also the Senator from North Carolina, the Senator from Arkansas, the Senator from Pennsylvania, the Senator from Delaware, the Senator from Indiana, and various other Senators. I hope I have not omitted to state any of those who have indicated that they wish to be heard—and some of them at considerable length—on this matter.

Mr. President, I do not wish to be arbitrary. If it is the opinion of the Senator from Alabama that it will be possible to have this matter fully prepared for action by the Senate when the Senate returns following the adjournment or recess we are about to take—and, after all, the time of reconvening is only a short time away—and if he feels that such a program would permit consideration of the bill by the House at this session, I would deeply appreciate having the Senator from Alabama agree to have such action taken, rather than to have this measure handled in some other way which might result in having the measure approached in a rather arbitrary way, even though such procedure might possibly work out.

However, I do not feel arbitrary about the matter. I wish to use this occasion to urge that Senators agree on a method of handling this measure which will be agreeable to all concerned.

In view of that situation—in view of the long, rocky path ahead; in view of the condition of the Senate; and in view of the fact that probably we could not get a quorum in attendance now, or at least not before an hour or so, at the earliest, would the Senator from Alabama—in view of his gracious make-up; and certainly he has an abundance of graciousness in his make-up—be willing to let this measure go over until we return in November? Certainly I would appreciate having that done.

In view of the facts, which I represent as being the facts, as I understand them—as to my own statement and intention, they are, of course, the facts; and as to my own file, they are the facts—would it be possible for the Senator from Alabama to reconsider this matter and not insist upon its present consideration?

Mr. HILL. Mr. President, the Senator from Florida has been most gracious and generous. Certainly I should like to accommodate him in any way I could. He has been most appealing, and I should like to meet his wishes in connection with this matter.

However, as the distinguished majority leader said not many minutes ago, for 10 days we have been trying to get this bill before the Senate. In fact, for the last 3 or 4 days this bill has really been the unfinished business; but it was laid aside 3 or 4 days ago, at a time when we were about ready to obtain results on it. However, various privileged matters came up; and they made this bill, instead of an active instrumentality for the results it seeks, a thing dormant.

For 3 or 4 days those privileged matters, which under the rules have a right to come in and they do come in, continued to come before the Senate. As the Senator from Florida knows, we had very extended and, may I even say, rather voluminous debate on those privileged matters, which consumed the last 3 or 4 days; and that situation denied to the Senate an opportunity to consider this measure.

This measure is now before the Senate for consideration. Certainly it has a clear track at the present time, so far as consideration is concerned.

Much as I regret not to accommodate my good friend, the Senator from Florida, I must say that I feel compelled to press for action on the bill.

Mr. MARTIN. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished friend, the Senator from Pennsylvania.

Mr. MARTIN. Mr. President, none of us contemplated 48 hours ago that we would take so much time in overriding the President's veto.

I really think the session we have had has been one of the most valuable since I have been a Member of the Senate.

The veto message certainly was discussed thoroughly. The majority leader made a magnificent statement this morning. All the speeches have been to the point. However, they did take much more time than any of us anticipated would be required for acting on the veto message in the Senate. Personally, I

received a great number of demands that I vote in such and such a way on the veto message. As a result, I was on the floor of the Senate practically the entire time the veto message was under consideration because I wanted to hear the debate. I think it was very well done, but it did require a great deal of time. The distinguished Senator from Alabama, as the distinguished Senator from Florida has said, realizes, I believe, that it will be only 8 weeks before we will be back here. This bill is a Senate bill. When Congress reconvenes in November, we then shall have an opportunity thoroughly to discuss the bill. It seems to me that is the proper course for us to take.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HILL. In a moment. Mr. President, I appreciate what my good friend from Pennsylvania has had to say. He is a distinguished soldier, a very fine soldier, and he knows that when a soldier has a job to do, no matter how weary, how fatigued, or how tired he may be, he must move forward to perform the job.

Mr. MARTIN. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. MARTIN. Some of the greatest victories in military history have been accomplished through a temporary retirement. The Revolution was won that way, and the great victory that is being attained in Korea is the result of a magnificent retirement. I wish that, some of these days, some of the generals would come here with the map and show us how that magnificent retirement was consummated. It is one of the greatest things ever to be achieved in military history.

Mr. DOUGLAS. Mr. President, will the Senator from Pennsylvania yield?

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. HILL. Mr. President, I am delighted to yield to the Senator from Illinois.

Mr. DOUGLAS. I should like to ask my good friend from Pennsylvania, since he believes in the value of strategic retirement, whether he does not think it might be a very good thing for the Senator from Pennsylvania and the Senator from Florida to retire strategically and withdraw their objections.

Mr. HILL. Mr. President, I merely want to say that this is a Senate bill. A companion bill has already been reported by the House committee. As Senators know, the Senate could pass this bill today, send it to the House, where, the House committee having considered the companion bill and having had hearings on it, the bill could be reported favorably, there being a bill on the House calendar like this one at the present time. But one more step in the legislative process would be needed, very likely, and that would be the passage of the Senate bill by the House of Representatives. Therefore it would very much expedite final enactment, if the Senate could pass this bill today.

Mr. CHAPMAN. Mr. President, will the Senator yield?

Mr. HILL. I shall yield to my friend from Kentucky in a moment. There are 22 railway labor organizations in this country, 18 of whom are supporting this bill in its present form. Those organizations represent a membership of 1,124,997. There are four railway labor organizations which are not now supporting the bill, but, out of the four, three of them presented testimony before the Senate Committee on Labor and Public Welfare, supporting the view that the right of employers and employees in the railway industry to bargain collectively for a union shop and to have the benefit of the check-off, should be recognized. So three out of the four have expressed themselves in that manner before our committee. They may not like this particular bill, but three of the four who do not now favor the bill, have said that this right, which would be provided for in this bill, should be granted.

Mr. HOEY. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished friend from North Carolina.

Mr. HOEY. Mr. President, I am wondering whether the distinguished Senator from Alabama would not feel that it would be wise to let this bill go over until after the reassembling of Congress following the adjournment. It apparently is a controversial issue. There are a number of Senators who desire to speak on the bill, and it will probably take at least 6, 8, or 10 hours to complete consideration of it. Most us want to leave. We have been here all the time, and have been standing by. I should like to ask the distinguished Senator from Florida whether he does not feel that there could not possibly be any detriment to anyone by letting this bill go over until after the reconvening of Congress?

Mr. HILL. Mr. President, I have stated the situation, and I have explained that for 10 days we tried to get the bill before the Senate. It was temporarily displaced for 3 or 4 days.

The PRESIDING OFFICER (Mr. McFARLAND in the chair). May the Chair interrupt the Senator from Alabama?

Mr. HILL. I yield gladly.

The PRESIDING OFFICER. If the Chair understood the distinguished Senator from North Carolina correctly, the Chair thinks he made a mistake. He stated that most of the Senators wanted to leave. Did the Senator find someone who did not want to leave?

Mr. HOEY. No, I think the feeling has been unanimous.

Mr. HILL. Mr. President, let me say to my good friend, the Senator from North Carolina, who spoke of Senators speaking possibly for 6 or 8 hours——

Mr. HOEY. I meant, altogether.

Mr. HILL. Even so, this is a simple bill. There are no involved questions connected with it. It is not like the Taft-Hartley Act, or amendments to that act, which would involve numerous questions. This bill involves really but two very simple questions. Practically speaking, it may be said to involve only one question, and that a very simple one, which can be easily understood.

Mr. HOEY. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HOEY. I agree with the Senator, it does not seem to be involved. But I think that any bill which would force any American citizen to join an organization he did not wish to join, ought to be rejected. I think the right of every American citizen ought to be protected. I do not believe anyone should be forced to join any organization, a church or any other organization, unless he wishes to. This bill would take away that right and force him to do that. It takes away the right of the citizen. I do not think a bill such as that should be passed without being fully discussed.

Mr. HILL. I may say to my friend that I appreciate his sincerity in this matter, and I appreciate the integrity of his position, although I happen to disagree with him very strongly. When I said it was a simple question, I meant it was something everyone could easily understand. It is not the type of a question which frequently comes before the Senate that requires considerable study. Everyone knows what is involved when we speak of a union shop.

Of course, as I say, I know the Senator is honest and sincere in his position, and he has a right to take that position, but his position is diametrically opposed to the policy of the Government, as embodied in the Taft-Hartley law and the policy endorsed by employers and employees in every industry except the railroad industry.

Mr. HOEY. Mr. President, if the Senator from Alabama will pardon me for a moment, I cannot agree with him that this bill is similar to the Taft-Hartley Act. This is a different proposition entirely, but, passing that over, the point I want to bring to the attention of the Senator is this: There cannot be any serious detriment to anyone by allowing this bill to go over until after the fall adjournment. There is nothing which is expected to transpire, there is nothing going to take place, nothing that will be interfered with. Within a comparatively short time the bill can be brought up and discussed, and I am frank to say I think it will be passed by the Senate. But I do not believe it ought to be passed hastily, during the last hour of the session. I think it ought to be discussed and, after it has been threshed out, if it is passed, there will then be greater satisfaction with the result.

I do not at all take the position that the bill ought not to be passed, but I am saying to the Senator that it could not damage anyone if we were to let it go over now and not insist upon its being taken up during this last hour of the session.

Mr. LEHMAN and Mr. CHAPMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield, and if so, to whom?

Mr. HILL. I shall yield in a moment. Let me say that the Congress will not return until November 27. That means that we shall not have more than 3 weeks for the transaction of business before

the Christmas holidays, and we know that unless there is some very compelling emergency with the greatest possible urgency, the Congress will take a recess over the Christmas holidays; so we shall not have over 3 weeks. Senators will understand that following the recess for several weeks, it takes a little while to get the machinery functioning. It takes a little time to get everything adjusted and running smoothly. So the chances are we will not have three full weeks for the consideration of legislation. When we return we fully expect that one matter to come before the Senate will be the excess-profits tax bill, and there will be other matters that will certainly consume time. If we could pass this bill today and send it on to the House, the Senate would then have discharged its responsibility and would have finished its work.

Mr. LEHMAN and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield, and if so, to whom?

Mr. HILL. The Senator from New York was on his feet first, so I yield to him.

Mr. LEHMAN. Is it not a fact that the unions are deeply interested in this situation, and that they have waited for this legislation, not merely for 5 or 10 days, but for an exceedingly long time? Is it not also a fact that this bill was reported by the Committee on Labor and Public Welfare by unanimous vote after months of exhaustive hearings.

Mr. HILL. The Senator is entirely correct. The committee had full hearings on this bill, and following that, reported it unanimously. Let me call attention to the fact that there are not very many matters dealing with organized labor upon which the Committee on Labor and Public Welfare acts unanimously. I doubt that there is any viewpoint of anyone in the Senate which is not represented in that committee. All the different schools of thought, all those with different viewpoints, have recognized the righteousness of this bill. The bill comes to the Senate with the unanimous approval and recommendation of the Senate Committee on Labor and Public Welfare.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. DOUGLAS. I believe it is true that the Senator, as a southern gentleman, has had a very good classical education. If that is so, I take it the Senator from Alabama is aware of the song of the sirens which would lure the unwary navigators onto the rocks off the coast of Italy. The music of the sirens was so sweet that they would lure the navigators onto the rocks, and the only way Ulysses and his sailors were able to escape was that he put wax in the ears of his sailors so they could not hear the sirens' song, and he directed his sailors to lash him to the mast so he could not be lured away.

Has not the Senator from Alabama, if he has listened to the song of the sirens from North Carolina and Florida, had the temptation to go onto the rocks; and should he not put wax in his ears and steel in his heart to resist their seductive song?

Mr. HILL. The Senator is correct. The Senator from Illinois must remember that the Senator from Alabama has been as consistent in his attendance at the sessions of the Senate as have other Senators. He has sat here just as late at night, as many hours of the day and perhaps he is just as weary of body and soul as the other Senators. If the Senator from Illinois will produce the wax the Senator from Alabama will be very much tempted to make use of it.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LUCAS. Mr. President, I want to reiterate what the Senator from Alabama said with respect to this bill which was unanimously reported from the Committee on Labor and Public Welfare. It is very unusual that the committee should report a bill unanimously. I undertake to say that when the distinguished Senator from Ohio [Mr. TAFT] and the able Senator from Missouri [Mr. DONNELL] agree with the Democratic members of that committee on a measure of this kind, they have covered nearly all the bases of the bill. I congratulate the committee on unanimously agreeing on a measure of this character.

Furthermore, with respect to the business which will be before the Senate on the 27th of November, I can assure the Senate that when the Senator from Wyoming [Mr. O'MAHONEY] returns to Washington on that date there will be a motion made to lay aside whatever is the unfinished business or whatever is pending so as to take up the Alaska statehood bill. That is practically what the Senator from Illinois said a few days ago on the floor of the Senate. I certainly hope that we may get a vote upon this bill in some way here tonight so that we may find out what the Senate desires to do. I do not think it should require 6 or 8 hours to do so. The Senator from Indiana [Mr. JENNER] has, as an amendment to the bill, the FEPC measure. Everyone knows why that was offered, and it will not work, Mr. President, because Senators on this side of the aisle are not going to be dragged off into a dark corner with that sort of an amendment on this measure to which it has no business to be attached.

I hope we might vote on this bill within the next hour or 2 hours and dispose of it, and adjourn, because we will have a great deal of business to take care of when we return on November 27. I plead with the Senate to make disposition of it in some way or other.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. ELLENDER. Does not the Senator from Alabama realize that because of action previously taken by the Senate today there cannot be more than 7 hours of debate on the bill, and since it has been indicated by Senators that there would be probably be 6 or 7 speeches on it, there is no chance of passing it today?

Mr. HILL. All I can do is to drive ahead and see if we cannot pass the bill.

Mr. ELLENDER. What is the use of driving ahead?

Mr. HILL. I have many times seen such attempt to drive ahead prove to be successful. And I have seen such efforts fail. But if we drive ahead and keep moving we may achieve our objective. All we can do under the circumstances is to drive ahead.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield.

Mr. FULBRIGHT. The Senator said the bill was unanimously reported by the committee. Only a couple of months ago or so I understood that it was unanimously supported by the various unions. But recently the representative of the trainmen in my State, and also representatives of three other unions, informed me they had changed their minds, but that they believe if this matter is carried over they will be able to compromise their differences, and get a bill they all can support. I wondered if the Senator considered that? I so requested, and as a matter of fact my suggestion was only to that extent; not finally to oppose this sort of legislation, but that an opportunity be afforded to work out the differences that exist.

Mr. HILL. When we held hearings on the bill the Brotherhood of Locomotive Engineers, represented by Mr. John Corbett, assistant grand chief engineer, appeared in opposition to the bill. The representative of the trainmen's union stated that his organization felt that this right should be granted to the employees and employers in the railroad industry; but they were not for this particular bill. They had some changes to suggest.

What happened was that the committee, after hearing the testimony, sat down as I said, and as was brought out by the Senator from Illinois, to attempt to reach an agreement. There were many schools of thought, many different backgrounds represented in dealing with this labor legislation. There was sitting in the committee room the distinguished author and father of the Taft-Hartley law. Sitting in that room were Members of the Senate who had previously, with all the power at their command, opposed the enactment of the Taft-Hartley law. Yet, here were these Senators, these agents of the Senate, sitting down together seeking to do what the committee felt was to the public interest, what was to the best interest of the country.

On that basis, the committee, after considerable discussion and debate, unanimously reported the bill.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. FULBRIGHT. I think the Senator will recall that every other measure we have passed during the last 2 days has been a measure which has been passed by the other body; and most of them were conference reports. The Senator knows positively, the other House having already adjourned, that the bill could not be passed through the other

House. Enough Members of the Senate have expressed themselves here, I think, to make it clear that the bill is not going to be passed in another hour or two. I was wondering what would convince the Senator that there is no possibility of passing the bill before we adjourn tonight. What would it take in the way of a declaration?

Mr. HILL. I will say to my good friend from Arkansas that earlier I spoke of our distinguished friend, the Senator from Pennsylvania [Mr. MARTIN] as a fine soldier. A fine soldier does not admit impossibilities. When he has a goal and objective, he drives on to that objective. That is what I am asking the Senate to do this afternoon. Let us drive on to the objective, to the goal of passing this bill.

Mr. FULBRIGHT. Does that mean that the Senator from Alabama——

Mr. HILL. It means that the Senator is going to do everything in his power to bring about passage of this bill.

I yield the floor at this time.

Mr. HOLLAND. Mr. President, there are several courses available to those who oppose present consideration of the bill by way of dilatory action. One of them would be to make a motion to recommit, which the Senator from Florida does not like to make; another would be to make a motion to defer consideration of this measure to November 27, which the Senator from Florida does not like to do, and following that motion there could be another motion to take up the matter on the 28th of November, and a similar motion for the 29th of November et cetera. The Senator from Florida does not want to make himself a party to that sort of procedure. He thinks the obvious thing to do under the circumstances is to let the measure remain where it is, so that it can be taken up first when we return.

With that in view, and hoping that we shall thus be able to avoid a lengthy fight until 12 o'clock, the Senator from Florida now moves that consideration of this measure be postponed until November 27 next.

Mr. HILL. Mr. President, I have already stated to the Senate the reasons for pressing consideration of this bill and action by the Senate on it tonight. I have already stated why I think it was important that we proceed to the consideration of the bill and that we make every effort to pass it tonight. I shall not reiterate those reasons. I said that a kindred bill has been reported by the House committee. It is now on the House Calendar. We can pass this bill tonight, and the bill would be ready for action by the House when the House reconvenes on November 27. That would be very definite progress. The Senate can pass the bill tonight. In that event the Senate would have finished its job on the bill. Therefore I urge that the motion of the Senator from Florida be not agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida. [Putting the question.] The "ayes" seem to have it.

Several Senators requested a division.

On a division the motion was agreed to.

Mr. LEHMAN. Mr. President, I ask unanimous consent that there be printed at this point in the body of the RECORD a statement prepared by me on the amendments to the Railway Labor Act, now embodied in the pending bill, Senate bill 3295.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HERBERT H. LEHMAN ON PENDING AMENDMENTS TO THE RAILWAY LABOR ACT (S. 3295)

Mr. President, I hope the pending bill, the amendments to the Railway Labor Act, will pass. The majority of the members of the railroad brotherhoods have been urging these amendments for many years. They feel that they, of all unions, are being unfairly discriminated against, and are being deprived of rights which all other unions have, solely because they are employees of an industry which the Government, in its proper concern for the national interest, has seen fit to regulate by special legislation.

It does not seem fair to me that railroad unions, which have accomplished so much for their members, and which have succeeded, through years of struggle, in raising to such a high level the standards of work and of performance in the railroad industry, should be penalized just because they are unions of railroad workers.

The railroad brotherhoods should have the same right that any other union has to negotiate for the union shop and to obtain the union shop if the railroad operators are willing to agree to such an arrangement, arrived at in free-collective bargaining.

The railroad unions have contributed a great deal to the magnificent record compiled by the railroads through the years in service to the public and in advancing the public interest. I think those contributions should be recognized.

This bill has received the most careful inspection by the Labor Committee. We held many, many hearings. I was a member of the subcommittee and can testify to the searching examination which this legislation underwent, and the painstaking manner in which all points of view were solicited.

This is not perfect legislation from all points of view. What legislation is perfect? But it does fill a need. I hope it will be speedily passed.

COTTON-ACREAGE ALLOTMENTS

Mr. ELLENDER. Mr. President, there is need for legislation that will provide an equitable basis for establishing cotton-acreage allotments among farmers whenever the need for them again arises. The Agricultural Adjustment Act of 1938, provided a method which proved unsatisfactory, so the Congress amended that act by enacting Public Law 272 in 1949. That legislation also proved to be defective and, as a stop-gap measure, for 1950 only, Public Law 471 was put on the books in the spring of 1950. The House has passed H. R. 9109, which its proponents claim will correct the present law. The Senate Committee on Agriculture and Forestry does not take that view but has discovered that it will not fully meet the needs of our cotton farmers, in the event downward adjustments in production become desirable.

H. R. 9109, seeks to amend some of the basic provisions of the Agricultural Adjustment Act of 1938, as amended, which govern the establishment of peanut- and cotton-acreage allotments. This legislation also contained provisions for the extension of the agricultural-conservation program for 2 years. The Senate Committee on Agriculture and Forestry has had public hearings on these amendments and has given careful consideration to them.

The chairman appointed a subcommittee of five to review carefully the provisions of H. R. 9109. The Senator from North Carolina [Mr. HOEY], the Senator from New Mexico [Mr. ANDERSON], the Senator from Vermont [Mr. AIKEN], the Senator from North Dakota [Mr. YOUNG], and I were the members of this subcommittee. I served as chairman of the subcommittee. We found that H. R. 9109 had a number of very controversial provisions and was filled with special gadgets favoring various States and areas within a State. Several of these provisions continued the basic defects of Public Law 272, Eighty-first Congress, under which the 1950 cotton-acreage allotments were established. Our subcommittee proposed several changes in this bill which are included in the committee print, H. R. 9109, dated August 30, 1950. These proposed revisions would eliminate most of the special provisions of H. R. 9109 and would eliminate the inequitable effects of war crop credits.

The principal provision the subcommittee did not change is that concerning the establishment of farm allotments on a uniform percentage of cropland by counties. Time was too short to attempt to revise this provision, because it is controversial and requires more careful consideration than present circumstances will permit. The Senator from North Carolina [Mr. HOEY] and I were in favor of reporting the revised bill of the subcommittee to the Senate for consideration. However, the majority did not think it advisable to consider the measure at this session. Since this important legislation and its now inadequate provisions must eventually come before this body for final disposition, I wish to direct your special attention to some very fundamental facts and principles to which I hope you will give careful thought and consideration.

Early in 1949, after it became apparent that marketing quotas might be needed for the 1950 cotton crop, the Congress began hearings to amend the provisions of the Agricultural Adjustment Act of 1938, as amended, governing cotton acreage allotments and marketing quotas. These hearings made it clear that amendments were necessary to correct outmoded basic provisions because they were not in step with present-day conditions. It was not possible to allot less than 27,000,000 acres to cotton under the then existing law. Normally, production requirements to meet effective demand will take considerably less acres. Furthermore, the distribution of cotton allotments to States, to counties, and farms would have been completely out of line with recent cotton plantings. Consequently, the first session of this Congress passed Public Law 272 with the purpose of providing a suitable basis for establishing cotton allotments.

When consideration was being given to proposed amendments to Public Law 272, it was pointed out time and time again that major defects needed correction; (1) the arbitrary method provided in Public Law 272 for determining war crop credits to use in establishing State, county, and farm acreage allotments, and (2) the inflexible and rigid requirement calling for mathematical computation of farm acreage allotments on the basis of a uniform cropland percentage.

The national cotton acreage allotment for 1950 was 21,600,000 acres, while the acreage estimated by the Department of Agriculture in cultivation on July 1 totals about 19,000,000 acres. This means that farmers did not use 2,500,000 acres of cotton allotments for the production of cotton. Much of these unused allotments were misplaced on farms which no longer were in cotton production. Georgia farmers planted only 84 percent of their allotments and North Carolina producers only 77 percent. But farmers in many other States planted an average of anywhere from 95 to 98 percent of their allotments. I will show that these misplaced allotments largely came about through the use of war crop credits and the uniform cropland method of establishing farm allotments.

I also desire to point out some reasons why Public Law 272 resulted in improper and inequitable allotments.

War crop credits established under Public Law 272 placed allotments back on farms and in areas that had shifted out of cotton. Public Law 272 also provided that farm allotments be established by applying a uniform county percentage to each cotton farm's cropland. This caused some farms to make no downward adjustments in their cotton acreage, and others to make as much as 80 percent cuts.

The arbitrary war-crop credits calculated in accordance with the provisions of Public Law 272, caused 1950 allotments to be established for 95,000 farms having no cotton planted on them during the years 1946, 1947, and 1948. Producers on some of these farms made bona fide shifts from cotton to war crops. But producers on many other of these farms planted so-called war crops as part of a plan to shift out of cotton to livestock, peanuts, and other crops; and no cotton had been planted on a number of these farms since 1941. This meant taking cotton acreage from farms currently and regularly producing cotton and placing them on farms that had gone out of cotton production and gone into the production of other agricultural products. It is estimated that between 750,000 and 1,200,000 acres of allotments were placed on these 95,000 farms.

If Public Law 272, Eighty-first Congress, had authorized local farmer-elected county committees to give these misplaced allotments to cotton farmers whose cotton acreage was cut too heavily, it would have been unnecessary to provide emergency relief to correct inequitable allotments as was done under Public Law 471 of this Congress. Rigid mechanical procedures are poor substitutes for the knowledge and judgment of local-elected farmer committeeman. If farmers had set their own allotments without being forced by legislative mandate to give unfair war-crop credits, 1950 cotton production would have been considerably larger than what will be produced this year.

Public Law 272 forces war-crop credits to be given counties in excess of the credit passed on to the farms that earned it. It is specifically provided that in 1951, for example, war-crop credit shall be given to counties, in most States, for the years 1945, 1946, and 1947. Yet the county allotment will be given to farms on the basis of 1947, 1948, and 1950 cotton history. Thus, 3 years of war-crop credit is given to the county and only 1 year's credit is passed on to the farm that earned it. The 2 years' war-crop credit that are not passed on to the farmers that earned it must be used to give other farmers in that same county a larger allotment than they are entitled to. That is a big part of our cotton-allotment trouble. In 1952 the situation will be even worse than it is in 1951. In 1952, 2 years' war-crop credit is given to the county and no credit is specifically passed on to the farmer that earned it. These defects in the cotton-allotment law were not put there by Public Law 12, Seventy-ninth Congress, the original war-crop credit law which was passed in 1945, but by Public Law 272 which was passed in the summer of 1949. In its original form, House bill 9109 does not correct this defect, but repeats it.

The original war-crop credit law only promised the farmer that he would be eligible as an old grower if he diverted to war crops. In other words, if he planted war crops it was as though he planted cotton, insofar as establishing a cotton history was concerned. The law of 1945 quite clearly did not promise hundreds of thousands of farmers that they would get allotments by means of war-crop credits just because they happened to be in a county where other farmers had planted war crops.

While we may not need to have cotton quotas in 1951, we know that sooner or later we will have to have quotas and this war-crop credit problem will still be in the law. War-crop credits are passed on to most counties until 1955 under the terms of H. R. 9109. Three years after we have stopped passing these credits on to the farmers that earned them we will continue to give them to the county to loosen up the allotments for all the cotton farmers in that county. Quite obviously this is unfair to other farmers who are taking the reduction in cotton acreage for them.

The significance of this comes out more fully when we use specific examples. The 1950 allotment for a particular group of counties in Georgia was increased 40,000 acres over the 1948 cotton acreage. This was more than a 25 percent increase at a time when the country was being forced to cut down 10 percent from the 1948 planting. Wilcox County, located in this same area, only planted 10,000 acres in 1948 but had an allotment for 1950 of 15,366 acres. This is by no means the most outstanding case. For example, in Clay County in this area only 750 acres of cotton was planted in 1948 while the allotment was 4,514 acres. Similar unearned increased allotments over 1948 plantings occurred in Sumter, Ben Hill, Turner, and many other counties in this same area. Many individual farmers were enabled to plant more than double what they had previously been planting to cotton in recent years.

While this unfair increase in the planting of cotton was taking place in one part of Georgia, in another part of Georgia the situation was exactly reversed. Take Walton County, Ga. In that county farmers planted 36,000 acres in 1948 but their allotment was cut down to 30,000 acres for 1950. Other counties in this same area had to take reductions in cotton acreage instead of increasing their production. Some of these counties were Warren, Oconee, and Morgan. This disarrangement of cotton production within the State of Georgia caused cotton to shift from areas that had recently been growing cotton to areas that recently had been going out of cotton production for strictly economic reasons. And when you bring the example down to an individual farm, there's where clearly the shoe pinches. In the first area practically no farmer reduced his cotton production at all, regardless of the size of the farm, from his current recent years' plantings, whereas in Walton and those other counties in that area many farmers were required to cut production as much as 50 percent.

Not only must the law be changed with respect to war-crop credits but it also should be changed with respect to passing the county allotment on to farms. Public Law 471 gave relief from the rigid provisions of Public Law 272 only for the year 1950 and unless we enact legislation on this question, allotments for subsequent years will have to be made on a strict percentage of cropland approach. Under Public Law 272 the percentage of cropland approach caused many allotments to be inequitable. Some farms made no reduction whatever, while other farms made extremely large reductions. In fact, about one-third of the farms for which 1950 allotments were established made no reduction from the highest acreage planted to cotton during the years 1946, 1947, and 1948. This means that those farms received allotments considerably in excess of the average acreage planted on those farms. Whenever one farm is given an allotment in excess of the average acreage planted on that farm, it means that allotments have to be taken away from some other farm. Another 25 to 30 percent of the farms were required to make practically no reduction. Therefore, with one-third making no reduction and approximately another third making little or no reduction, the remaining one-third of the farms throughout the country carried the whole burden of reducing the national cotton acreage. Producers in this last third were required to reduce their

cotton acreage anywhere from 20 to 80 percent below the acreage that had been planted on those farms in recent years. It is no coincidence that the summary of county reports of unsatisfactory allotments showed that between one-fourth and one-third of the farmers were dissatisfied, since these producers were generally in the group that had been cut up to as much as 80 percent.

It has been said many times that the State and county acreage reserves provided in Public Law 272, Eighty-first Congress, were large enough to remedy all inequities if the committees would use them to the maximum extent. In fact, I shared that opinion when we considered the matter. I am now convinced this is not the case. Let us take a parish in my own State, West Baton Rouge. This admittedly is a small cotton parish but it illustrates exactly the thing I want to point out, which is, the maximum county reserves provided in Public Law 272 are not sufficient to remedy inequities in small cotton counties and parishes. The committee for this parish established its full maximum 15 percent and placed all of it on a few farms, which were being required to make all the cut in cotton acreage in that parish. After this was done, these few farms had to reduce their cotton acreage about 42 percent. Most of the 172 farms in this parish received allotments equal to their highest cotton acreage plantings or received only minor reductions. This same type of thing can be illustrated over and over again in small cotton counties and in parishes where the committee used the full 15-percent reserve.

The net result caused by unfair war crop credits and the percent of cropland approach was that when cotton producers were notified of their 1950 cotton allotments they hit the ceiling, and who can blame them? Their justifiable complaints reached the Congress. Immediately, the inequities in farm allotments brought about through Public Law 272 were recognized and the leadership of the House Committee on Agriculture began holding conferences aimed at devising emergency legislation. House and Senate leaders joined hands and emergency legislation, Public Law 471, Eighty-first Congress, was enacted by the second session of this Congress. Public Law 471 partially remedied inequities only for 1950; but there was an understanding that the permanent provisions of Public Law 272 would be carefully reconsidered later, and that necessary amendments dealing with the basic defects of Public Law 272 would be permanently made.

Immediately after the enactment of remedial legislation, which attempted to correct inequitable 1950 farm cotton-acreage allotments, the House Committee on Agriculture began hearings for the purpose of amending the cotton-acreage-allotment provisions of Public Law 272. Following these hearings, H. R. 9109 was passed by the House of Representatives. This legislation purportedly corrected the basic defects of Public Law 272. But H. R. 9109, contrary to the understanding at the time the emergency cotton-allotment legislation was enacted, completely sanctioned the use of war crop credits as provided in Public Law 272 and only remedied inequities resulting from the uniform cropland percentage approach for establishing farm allotments. As a matter of fact, farm allotments established on a cropland-percentage basis would be perpetuated by H. R. 9109.

In addition to inclusion of these two controversial provisions, objectionable gadgets dealing with particular situations and States were placed into this legislation. One provision, for example, would have shifted cotton allotments from one area of Texas back into another area. Such shifting is contrary to the current areas of cotton production in that State. It would mean a reduced acreage planted to cotton in Texas with the same State allotment, and would tend to increase the cost of production. Another provision was included especially for North Carolina, in which the uniform cropland percentage, combined with minimum small-farm allotments, worked very poorly in 1950. To remedy this situation, a special provision was included in H. R. 9109 for North Carolina, and only incidentally for four other States. This provision would overcome the inequities caused by the cropland approach by establishing farm allotments more in line with average plantings of cotton on farms. It is just as badly needed in all cotton-producing States and counties as it is in North Carolina. Finally, H. R. 9109 and Public Law 471 both contain provisions designed to freeze future cotton allotments in areas going out of cotton, even though farmers continue to underplant their allotments by substantial margins.

As pointed out in the beginning, the Senate Committee on Agriculture and Forestry has held hearings on and has given considerable attention to the provisions of H. R. 9109. The subcommittee in its consideration of H. R. 9109 proposed the following major changes:

First. We proposed to include war-crop credits in the base period for establishing State and county allotments only for those years which are also included in the base period used for establishing farm allotments.

Second. We eliminated the special provisions relating to Texas which shifts cotton allotments and history from one section of the State where cotton is currently being produced to the older areas that have gone out of production in recent years. The elimination of these provisions would avoid serious disruption of the present cotton economy of Texas.

Third. Section 1 of H. R. 9109 provides that the Secretary shall proclaim a national marketing quota for 1951 and 1952 if he determines that the total supply of cotton for the marketing year will exceed the estimated domestic consumption plus exports for such marketing year. We proposed that this provision be deleted. Instead the subcommittee proposed language to direct the Secretary of Agriculture to establish acreage allotments for 1951 and 1952 cotton crops as a condition of complying for price support even though marketing quotas should not be in effect. The Agricultural Adjustment Act of 1949 gave the Secretary discretionary authority to use allotments as a condition of eligibility for price support. Under such a plan those who comply would be eligible for loans. Noncompliers would not receive credit for acres planted in excess of their allotment.

Fourth. In establishing State and county allotments, H. R. 9109 provides for not counting the additional acreage planted to cotton in 1950 under the provisions of emergency legislation enacted in Public Law 471 for correcting inequitable 1950 farm allotments. We propose to count this acreage along with all other cotton acreage planted within allotments. To do otherwise would render an injustice to States and counties and would tend to perpetuate the very inequities that Public Law 471 sought to relieve. Also this is in line with the principle of placing allotments where cotton is now being grown. This proposal is a decided improvement.

It is my hope that Senators and Members of the House of Representatives from States that grow cotton will discuss the problem with their respective constituencies in the hope of enacting permanent cotton legislation at an early date. I am hopeful that if and when we return in the latter part of November that we will be able to remedy the situation that I have been talking about.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the following documents: (1) committee print, H. R. 9109, as reported to the Committee on Agriculture and Forestry by the subcommittee; (2) a document showing cotton allotments on an acreage allocation of 21,500,000 acres; (3) a document showing apportionment of 1951 and 1952 minimum national acreage allotment under provisions of H. R. 9109.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

H. R. 9109

An act to amend the Agricultural Adjustment Act of 1938, as amended; the Soil Conservation and Domestic Allotment Act; Public Law 74, Seventy-seventh Congress; the Agricultural Act of 1949; and for other purposes

Be it enacted, etc., That section 344 of the Agricultural Adjustment Act of 1938, as amended, is amended as follows:

1. Subsection (a) is amended by striking the period at the end of the second sentence and inserting in lieu thereof a colon and the following: "*Provided*, That the national acreage allotment for each crop of cotton shall be increased by the average percentage by which the total acreage allotted to farms for the preceding five crops of cotton for which acreage allotments were in effect exceeded the acreage planted to such crops of cotton."

2. Subsection (b) is amended by striking out the parenthetical clause.

3. Subsection (c) (1) is amended (1) by inserting "for 1947" after the word "including" in the first parenthetical clause and after the word "or" in the second parenthetical clause, and (2) by changing item (A) to read as follows: "the additional acreage added in each State acreage allotment base in 1950 for minimum small farm allotments adjusted upward or downward by the percentage by which the 1951 national acreage allotment is above or below the 1950 national acreage allotment."

4. Subsection (d) is amended to read as follows:

"(d) The national acreage allotment for cotton for 1952 shall be apportioned to States

on the basis of (1) the acreage planted to cotton during the years 1946, 1947, 1948, and 1950, with adjustments for abnormal weather conditions during such period, plus (2) the additional acreage added in each State acreage allotment base in 1950 for minimum small farm allotments adjusted upward or downward by the percentage by which the 1952 national acreage allotment is above or below the 1950 national acreage allotment."

5. Subsection (e) is amended to read as follows:

"(e) (1) The State acreage allotment for cotton for 1951 shall be apportioned to counties on the basis of the acreage planted to cotton (including for 1947, in any State which received its 1950 acreage allotment base under subsection (c) (1) of this section, the acreage regarded as planted to cotton under Public Law 12, 79th Cong.) during the same period of years used for such apportionment for 1950, plus the acreage added in each county in 1950 for minimum small farm allotments adjusted upward or downward by the percentage by which the 1951 State acreage allotment is above or below the 1950 State acreage allotment: *Provided* That the State committee shall reserve an adequate acreage not exceeding 10 percent of the State acreage allotment (15 percent if the State's 1948 planted acreage was in excess of 1,000,000 acres and less than half of its 1943 allotment) which shall be used (A) for adjustments in county allotments for trends in acreage, for abnormal conditions adversely affecting plantings, for incomplete or inaccurate basic county cotton data, and, upon proper showing by the county committee, for inequitable county allotments; and (B) for new farms, small farms, for farms adversely affected by abnormal conditions affecting plantings, and for adjustments by the county committee in other farm acreage allotments in counties in which the 15 percent reserve is insufficient to provide equitable farm allotments.

"(2) The State acreage allotment for cotton for 1952 shall be apportioned to counties on the basis of the acreage planted to cotton during the years 1946, 1947, 1948, and 1950, plus the additional acreage added in each county in 1950 for minimum small-farm allotments adjusted upward or downward by the percentage by which the 1952 State acreage allotment is above or below the 1950 State acreage allotment: *Provided,* That the State committee shall reserve an adequate acreage not exceeding 10 percent of the State acreage allotment (15 percent if the State's 1948 planned acreage was in excess of 1,000,000 acres and less than half of its 1943 allotment) which shall be used (A) for adjustments in county allotments for trends in acreage, for abnormal conditions adversely affecting plantings, for incomplete or inaccurate basic county cotton data, and, upon proper showing by the county committee for inequitable county allotments; and (B) for new farms, small farms, for farms adversely affected by abnormal conditions affecting plantings, and for adjustments by the county committee in other farm acreage allotments in counties in which the 15 percent reserve is insufficient to provide equitable farm allotments.

"(3) The State acreage allotment for cotton for 1953 and subsequent years shall be apportioned to counties on the basis of the acreage planted to cotton during the same years as are used in apportioning the national acreage allotment to the States under subsection (b) of this section: *Provided,* That the State committee shall reserve an adequate acreage not exceeding 10 percent of the State acreage allotment (15 percent if the State's 1948 planted acreage was in excess of 1,000,000 acres and less than half of its 1943 allotment) which shall be used (A) for adjustments in county allotments for trends in acreage, for abnormal conditions adversely affecting plantings, for incomplete or inaccurate basic county cotton data, and, upon proper showing by the county committee, for inequitable county allotments; and (B) for new farms, small farms, for farms adversely affected by abnormal conditions affecting plantings, and for adjustments by the county committee in other farm-acreage allotments in counties in which the 15 percent reserve is insufficient to provide equitable farm allotments.

6. Subsection (f) is amended to read as follows:

"(f) (1) The county acreage allotment, less the acreage reserved under paragraph (3) of this subsection, shall be apportioned in 1951 and 1952 to farms on which cotton has been planted (or regarded as planted under Public Law 12, 79th Cong.) in any one of the 3 years immediately preceding the year for which such allotment is determined, on the basis of the acreage allotments established for such farms (without deduction for acreage surrendered in 1950) for the immediately preceding year, with such adjustments as the county committee deems necessary for errors in basic farm data: *Provided,* That if the allotment base for any farm for the 1951 crop is less than the larger of 65 percent of the average acreage planted to cotton (including the acreage regarded as planted to cotton under Public Law 12, 79th Cong.) on the farm in 1946, 1947, and 1948, or 45 percent of the highest acreage planted to cotton (including the acreage regarded as planted to cotton under Public Law 12, 79th Cong.) on the farm in any one of such 3 years, the county committee, upon application in writing by the owner or operator of the farm within such reasonable period of time as the Secretary may prescribe, shall increase the allotment base for such farm to the larger of such acreage as determined by the county committee upon a proper showing of the facts, but such allotment base shall not be increased by reason of this proviso to an acreage in excess of 40 percent of the acreage on the farm which is tilled annually or in regular rotation, as determined under regulations prescribed by the Secretary.

"(2) The county acreage allotment, less the acreage reserved under paragraph (3) of this subsection, shall be apportioned in 1953 and subsequent years to farms on which cotton has been planted in any one of the 3 years immediately preceding the year for which such allotment is determined, on the basis of the average acreage planted to cotton on the farm in such 3-year period.

"(3) The county committee shall reserve an adequate acreage not exceeding 15 percent of the county allotment which shall be used for (A) making such adjustments in the farm-acreage allotments established under paragraph (1) or (2) as may be necessary to provide allotments which the county committee determines are fair and equitable in relation to land, labor, and equipment available for the production of cotton, crop-rotation practices, and abnormal conditions of production; and (B) establishing allotments for farms on which cotton was not planted (or regarded as planted under Public Law 12, 79th Cong.) during any of the 3 calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton and crop-rotation practices: *Provided,* That not less than 20 percent of the acreage reserved under this subsection shall, to the extent required, be allotted upon such basis as the Secretary deems fair and reasonable to farms, if any, receiving allotments of not exceeding 10 acres under other provisions of this subsection.

"(4) Any part of the acreage allotted to individual farms in any county under the provisions of this subsection which is voluntarily surrendered to the county committee shall be deducted from the allotments to such farms and may be reapportioned, under regulations prescribed by the Secretary, to other farms in the same county, including small farms, receiving allotments which the county committee determines are inadequate and not representative in view of the past production of cotton on the farms and to new farms in such county. Any transfer of acreage in 1950 shall not operate to reduce the allotment base for any subsequent year for the farm from which such acreage is transferred, unless cotton was not planted (or regarded as planted under Public Law 12, 79th Cong.) on such farm in 1947, 1948, or 1950. Any acreage so released and not reapportioned by the county committee in accordance with the foregoing provisions of this paragraph shall be added to the State reserve under subsection (e) of this section and be available for the purposes specified therein.

(5) No farm-acreage allotment established under the provisions of this section for any year shall exceed an acreage in excess of 50 per centum of the acreage on the farm which was tilled annually or in regular rotation, as determined under regulations prescribed by the Secretary: *Provided,* That the county committee may, by the use of the county reserve, increase any farm-acreage allotment up to 55 per centum of such acreage: *Provided further,* That if the national acreage allotment is more than twenty-one million acres, the farm acreage allotment limitations in this paragraph shall be increased by the same percentage that the national acreage allotment is in excess of twenty-one million acres: *And provided further,* That any part of the county acreage allotment not apportioned by reason of the limitation in this paragraph shall be added to the State reserve under subsection (e) of this section and be available for the purposes specified therein."

7. Subsection (g) is amended as follows:

"(g) Notwithstanding the foregoing provisions of this section and section 347—

"(1) State, county, and farm-acreage allotments and yields for cotton shall be established in conformity with Public Law 28, Eighty-first Congress;

"(2) for any farm on which the acreage planted to cotton in any year is less than the farm-acreage allotment for such year by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm-acreage allotment shall be deemed to be the acreage planted to cotton on such farm, and the additional acreage added to the cotton-acreage history for the farm shall be added to the cotton-acreage history for the county and State;

"(3) the additional acreage planted to cotton pursuant to paragraph (5) of subsection (f) of this section as amended prior to the enactment of this act shall be taken into account in establishing future State and county allotments;

"(4) in any State in which more than one-half of the cotton allotments established for the 1950 crop, for farms on which cotton was planted (or regarded as planted under Public Law 12, 79th Cong.) in 1946, 1947, or 1948, were 5 acres or less, the county committee may, with the approval of the State committee, adjust downward any farm acreage allotment base for the 1951 or 1952 crop so that such farm acreage allotment base shall not be less than the average acreage planted to cotton (including the acreage regarded as planted to cotton under Public Law 12, 79th Cong.) on the farm in 1946, 1947, and 1948;

5. Add a new subsection (m) as follows:

"(m) Notwithstanding any other provisions of law—

"(1) the Secretary shall establish acreage allotments for each of the 1951 and 1952 crops of cotton (other than extra long staple cotton) although a national marketing quota for each such crop is not proclaimed or not in effect under the provisions of this title. In establishing such allotments, the Secretary shall compute a national marketing quota which shall be converted into a

national acreage allotment and apportioned in accordance with the foregoing provisions of this section and any acreage planted in excess of any such allotment shall not be taken into account in establishing future State, county, and farm acreage allotments, as provided in section 344 (i).

"(2) producers who do not comply with such allotments shall not be eligible for price support."

SEC. 2. Section 347 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"LONG STAPLE COTTON

"Sec. 347. (a) Except as otherwise provided by this section, the provisions of this part shall not apply to extra long staple cotton which is produced from pure strain varieties of the Barbadense species, or any hybrid thereof, or other similar types of extra long staple cotton designated by the Secretary having characteristics needed for various end uses for which American upland cotton is not suitable, and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types.

"(b) Whenever during any calendar year, not later than October 15, the Secretary determines that the total supply of cotton described in subsection (a) for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 percent, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of such cotton produced in the next calendar year: *Provided*, That the Secretary may exempt from such quota any variety or type of such cotton if he determines that the total supply of such variety or type does not exceed the demand therefor, but such exemption shall apply only to such cotton which is produced in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the quantity of cotton described in subsection (a) adequate to make available a normal supply of such cotton, taking into account (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year, (2) the estimated production during the next calendar year of any varieties or types exempted pursuant to this subsection, and (3) the estimated imports during such marketing year. The national marketing quota for cotton described in subsection (a) for any year shall not be less than the smaller of 30,000 bales or a number of bales equal to 30 percent of the estimated domestic consumption plus exports for such cotton for the marketing year beginning in the calendar year in which such quota is proclaimed, less the estimated production from exempt varieties and types of such cotton to be produced from the crop for which the quota is proclaimed.

"(c) All provisions of this act, except section 342, subsections (c), (e) (1), (h), (k), and (l) of section 344, and the provisions relating to minimum small farm allotments, shall, insofar as applicable, apply to marketing quotas and acreage allotments authorized by this section: *Provided*, That the applicable penalty rate for such cotton under section 346 shall be 50 percent of the parity price for American-Egyptian cotton as of the date specified therein. The national acreage allotment for 1951 shall be apportioned to the States on the basis of the acreage planted to such cotton in the State during the years 1946, 1947, 1948, and 1950, with adjustments for trends in acreage and for abnormal weather conditions during such period. The State acreage allotment for 1951 shall be apportioned to counties on the same basis as is required for such apportionment in 1952. Farm acreage allotments for 1951 and subsequent years shall be established in accordance with the provisions of subsection (f) of section 344.

"(d) Unless marketing quotas are in effect under subsection (b) of this section, the penalty provisions of section 346 shall not apply to any cotton the staple of which is 1½ inches or more in length.

"(e) The exemptions authorized by subsections (a), (b), and (d) of this section shall not apply unless the cotton is ginned on a roller-type gin."

SEC. 3. The Agricultural Act of 1949 is amended, effective with respect to the 1950 and subsequent crops of cotton, as follows:

1. Add a new subsection (f) at the end of section 101 of such act, reading as follows:

"(f) The provisions of this act relating to price support for cotton shall apply severally to (1) American upland cotton and (2) extra long staple cotton described in section 347 (a) of the Agricultural Adjustment Act of 1938, as amended, and ginned on a roller-type gin, except that the parity price for American-Egyptian cotton shall be used in determining the support level for all cotton described in such section 347 (a). Disapproval by producers of any quota proclaimed under such section 347 shall place into effect the provisions of section 101 (d) (3) of this act with respect to all extra long staple cotton described in subsection (a) of such section 347, regardless of whether certain types or varieties of such cotton were exempt from the quota."

2. Add, in the last sentence of section 403 of such act, following the words "the standard grade", the words "of American upland cotton" and add a new sentence at the end of section 403 reading as follows: "For extra long staple cotton as defined in section 347 (a) of the Agricultural Adjustment Act of 1938, as amended, the standard grade for parity and price support shall be grade No. 2 of 1½-inch staple length."

3. Add a new section 420 to such act, reading as follows:

"SEC. 420. Any price support program in effect on cottonseed or any of its products shall likewise be extended to the same seed and products of the cottons defined under section 347 (a) of the Agricultural Adjustment Act of 1938, as amended."

SEC. 4. a. That section 358 of the Agricultural Adjustment Act of 1938, as amended, be amended (1) by striking out the proviso in the last sentence of subsection (a) and inserting a period in lieu of the colon preceding the proviso; and

(2) by changing subsection (c) to read as follows:

"(c) The national acreage allotment shall be apportioned among the States on the basis of the average acreage of peanuts harvested for nuts in the State in the 5 years preceding the year in which the national allotment is determined, with adjustments for trends, abnormal conditions of production, and, for the crop produced in the calendar years 1952 and thereafter, the State peanut acreage allotment for the crop immediately preceding the crop for which the allotment hereunder is established: *Provided*, That for the second or third year of any 3-year period for which marketing quotas have been approved, the acreage allotment for each State for such year shall be increased above or decreased below the allotment for the State for the immediately preceding year by the same percentage as the national marketing quota for such year is increased above or decreased below the national marketing quota for the preceding year."

b. Subsection (c) of section 359 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding thereto the following sentence: "The provisions of this title, except subsection (b) of section 358, and the Agricultural Act of 1949 shall apply to each of the following groups of peanuts severally:

"(1) Virginia and Valencia types; and

"(2) Spanish and Runner types."

PROPOSED NEW SECTION 11 TO H. R. 9109

c. The Agricultural Adjustment Act of 1938, as amended, is amended (1) by adding at the end of subsection (a) of section 359 a new sentence as follows: "Notwithstanding the foregoing provisions of this subsection, no refund of any penalty shall be made because of peanuts kept on the farm for seed or for home consumption."; (2) by striking out the last sentence of subsection (b) of section 372 and inserting in lieu thereof the following: "The person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of 6 percent per annum from the date the penalty becomes due until the date of payment of such penalty. The amount of such penalties and interest thereon shall be covered into the general fund of the Treasury of the United States."; and (3) by designating the present provisions of section 376 as subsection "(a)" and adding to such section a new subsection as follows:

"(b) Any cause of action to recover penalties arising under the provisions of this title shall survive the death of the person liable for the payment or collection thereof, and an action to recover such penalties may be brought against the administrator or executor of such decedent. No action to recover penalties shall abate by reason of the death of the party liable for the payment or collection thereof, and any such action, upon substitution of party, may be continued against the administrator or executor of such decedent.

d. This section shall become effective beginning with the 1951 crop of peanuts.

SEC. 5. The provisions of sections 1, 2, and 5 of this act shall become effective with respect to the 1951 cotton and peanut crops and nothing therein shall be deemed to modify or amend existing law relating to acreage allotments and marketing quotas for the 1950 cotton and peanut crops: *Provided*, That the provisions of section 3 of this act shall be effective for the 1950 crop for the purposes of section 4 of this act. All other provisions of this act shall become effective upon enactment.

SEC. 6. The first sentence of section 363 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows: "Any farmer who is dissatisfied with his farm marketing quota may, within 15 days after mailing to him of notice as provided in section 362, have such quota reviewed by a local review committee composed of three farmers from the same or nearby counties appointed by the Secretary."

Passed the House of Representatives July 31, 1950.

Attest: Ralph R. Roberts, Clerk.

Cotton allotments on an acreage allocation of 21,500,000

State	Present law	H. R. 9109 in its original form	H. R. 9109 as revised
Alabama	1,563,000	1,570,000	1,571,694
Arizona	227,000	232,000	224,372
Arkansas	1,921,407	1,921,407	1,921,407
California	642,000	642,000	642,000
Florida	47,000	41,000	34,660
Georgia	1,412,000	1,411,000	1,336,635
Illinois	3,979	4,000	4,143
Kentucky	13,000+	13,000	13,069
Louisiana	867,000	873,000	881,431
Mississippi	2,260,000	2,295,000	2,396,011
Missouri	462,840	462,840	462,840
New Mexico	169,932	169,932	169,000
North Carolina	758,000	723,000	704,163
Oklahoma	1,249,000	1,243,000	1,224,492
South Carolina	1,024,000	1,025,000	1,044,582
Tennessee	706,000	703,000	703,464
Texas	7,637,000	7,637,000	7,637,037
Virginia	31,000	28,000	27,231

Apportionment of 1951 and 1952 minimum national acreage allotment under provisions of H. R. 9109, Senate committee print, Aug. 30, 1950, based on national baleage quotas of 13,500,000 and 11,500,000 bales, respectively [1]

State	1951 allotment (13,500,000 bales)	1952 allotment (11,500,000 bales)
Alabama	2,176,347	1,844,116
Arizona	310,691	266,687
Arkansas	2,660,600	2,343,384
California	889,817	695,270
Florida	47,994	40,130
Georgia	1,850,857	1,509,591
Illinois	5,737	4,836
Kansas	206	87
Kentucky	18,097	14,518
Louisiana	1,220,530	1,040,759
Mississippi	3,317,791	2,852,703
Missouri	640,901	550,346
Nevada	122	130
New Mexico	235,307	203,058
North Carolina	975,065	832,421
Oklahoma	1,695,572	1,302,168
South Carolina	1,446,448	1,227,868
Tennessee	974,097	853,544
Texas	10,575,114	9,155,443
Virginia	37,707	33,881
United States	29,079,000	24,771,000

[1] These allotments subject to minor changes due to revision of basic data.
Prepared in PMA Cotton Branch, Sept. 5, 1950.

FELICITATIONS TO MEMBERS OF THE SENATE

Mr. LUCAS. Mr. President, before the Senator from Illinois makes a motion to adjourn, in line with the concurrent resolution which has already been agreed to, I should like to make a brief statement with respect to a number of Senators, close friends and associates, who are leaving the Senate and will not return in January next. I refer to Democratic Senators, the Senator from California [Mr. DOWNEY], the Senator from North Carolina [Mr. GRAHAM], the Senator from Rhode Island [Mr. LEAHY], the Senator from Florida [Mr. PEPPER], the Senator from Idaho [Mr. TAYLOR], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Kentucky [Mr. WITHERS]; and Republican Senators, the Senator from Kansas [Mr. DARBY], and the Senator from South Dakota [Mr. GURNEY]. Mr. President, most of the Senators have been Members of this body during the past 2 years. Some have been Members only for a short time, particularly the Senator from Rhode Island [Mr. LEAHY] and the Senator from Kansas [Mr. DARBY].

My association with these Senators has been most pleasant, and one which will be enshrined in my memory as long as I live. All these men are worthy of their steel, they are honorable men, they are men who have given the best that was in them in promoting the general welfare of our country. They are all patriotic men, they are all men who were indefatigable workers, industrious at all times while they were serving on the various committees of the Senate, and they have given close attention to the measures considered on the floor of the Senate.

In bidding them farewell, I do so with the feeling that they have performed their work well. I wish them all good fortune in any undertaking with which they may proceed as they move out into their States again. It is the hope of the Senator from Illinois that these men will return to the Senate from time to time and visit with those who will be running the Senate in the years to come.

Mr. WHERRY. Mr. President, I desire to thank the distinguished majority leader for his observations regarding the Senators who are not to return, at least in the next Congress. I wish to say to the majority leader, however, that we are not taking a sine die adjournment, and I hope that at least every Republican he has mentioned will be back here November 27. I also hope from the bottom of my heart that those he has mentioned as terminating their service will also be with us, and visit without regard to the center aisle.

Certainly it has been a pleasure to know these men and to work with them. Human nature is pretty much the same, and if we were in their shoes, we would be doing about the same they are doing. I have learned that in my 8 years in the Senate. I hope they will return not only November 27, but when their terms are finished finally that they will feel that the latch string of the United States Senate is always out, and that they will come back and again exchange the friendly salutations and enjoy the pleasant relationships we have had in this select body.

THE MAJORITY LEADER

Mr. HILL. I was very much pleased to hear the fine words of tribute which the Senator from Arizona [Mr. MCFARLAND] paid earlier today to our distinguished majority leader, the Senator from Illinois [Mr. LUCAS]. I should like to associate myself with the Senator from Arizona [Mr. MCFARLAND] and join with him in his words of tribute to the distinguished majority leader.

As Senators may recall, it has been my privilege and honor on different occasions to be the acting majority leader of the Senate. I think I have some idea of the exacting, difficult, and perplexing duties of the majority leader of the Senate. He must possess tact, patience, great industry, high courage, and an outstanding capacity for reconciling views and closing ranks, as well as for leading men to sound and constructive action. The distinguished Senator from Illinois has met the test of this position. He has measured up to the highest and best traditions of the position. Under his leadership the Senate has rendered many fine and constructive services, of great importance and of great significance to the country. The Senator from Illinois deserves the best, and I join with the distinguished Senator from Arizona [Mr. MCFARLAND] in congratulating and commending him.

Mr. HUMPHREY. Mr. President, I wish to pay tribute to our able, conscientious, and distinguished majority leader, the Senior Senator from Illinois (Mr. LUCAS). He has shouldered a tremendous burden in his direction of the work of the Eighty-first Congress. He has been guided by his convictions and his faith in democratic principles. The majority leader, despite the differences which necessarily exist in the Senate, has guided and directed the passage of a great deal of legislation outlined in the Democratic platform. I am confident he will return to the Senate to complete the unfinished tasks that are before us. We need his leadership, his mature understanding that comes from years of experience. I am sure that the people of the great State of Illinois will reward his valiant service by reelecting him.

Mr. JOHNSON of Colorado. Mr. President, I cannot let this occasion pass without saying to the majority leader that I hope that on the first Tuesday after the first Monday in November he will get a renewed contract and come back here to spend a long time with us. I cannot think of any position that is tougher than that of being a floor leader, either majority or minority. We are a pretty hard crew to work with. We have our separate ways to go. We have our individual problems. We can see our own problems much easier than we can see those of the other fellow; but that is only human nature. We push and haul and do everything we can to get the particular matter in which we are interested done, and we have to push it along.

The floor leader has to stand the brunt of all that, he has to take it on the chin, and he has to keep us all satisfied, as nearly as he can. There is one way a majority leader can do all that. He can keep everybody happy for a while by promising everyone everything he wants. But finally he would get caught up in that kind of a game, and would be in a worse position than he would have been in had he been tough with all his colleagues.

Our majority leader has not been tough with us. He has been firm, he has been straightforward. He has told us when he could not permit certain things to be done, and when certain requests we have made could not be granted he has told us so frankly, and we have accepted his decision.

To prove how well the majority leader has handled his exacting task, I have only to refer to the fine feeling which exists on the majority side of the aisle. We come from different parts of the country, with different political philosophies, even though we belong to one party. But if there is any Senator on the majority side who does not hold the Senator from Illinois in the highest regard, and look upon him with the greatest respect, then I do not know what I am talking about. I say again that he has had a difficult task, he has performed it well, and once more I express my hope about the renewed contract in November.

Mr. DONNELL. Mr. President, I take this opportunity, as one Member of the minority, to express my appreciation for the fine service and conscientious endeavor and high integrity of the minority leader, the Senator from Nebraska [Mr. WHERRY].

I am confident that those of us who have worked with him and those of us who have observed his work are unanimous in our gratitude for his knowledge and industry, for his constant courage and clarity of thought. I think the Senator is to be congratulated, not alone on the fact that he has been here consistently in the performance of his duties but because of the high character of that performance.

As one member of the minority, I take this opportunity to pay this word of tribute and appreciation and good wishes to our minority leader, the distinguished Senator from Nebraska.

Mr. THYE. Mr. President, I should like to associate myself with the remarks made by the distinguished Senator from Missouri.

TRIBUTE TO SENATE OFFICERS AND ATTACHÉS

Mr. HUMPHREY. Mr. President, I rise for the purpose of paying tribute to the very gallant young soldiers of democracy who are up on the platform just ahead of me, the page boys of the United States Senate.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator.

Mr. DONNELL. Would the Senator be good enough to include the page boys on the Republican side?

Mr. HUMPHREY. Certainly; I speak not only in a bipartisan spirit but in a nonpartisan spirit.

Mr. DONNELL. I thank the Senator.

Mr. HUMPHREY. I wish to express my regard and affection for these young boys who make up the corps of Senate pages. They have always been kind and courteous to me. As we all know, they have to go to school in the morning, and in order to get there must rise bright and early, and yet they are here and perform their duties in the Senate all day with alacrity and courtesy.

I express the hope that they will always be most guarded about commenting on conduct of Members of the Senate, that they will always say very fine things about us when they go back to their friends and neighbors.

Mr. President, I also wish to pay tribute to those able and loyal servants of the Senate, the Senate Official Reporters of Debates, who have certainly more than earned the respect and confidence of every Member of this honorable body. I have always found the Reporters' Office most cordial and cooperative, and I personally wish to express my thanks to all the members of the corps and their staff.

Then I turn around and look toward the members of the fourth estate, those who are members of the press and the radio force. I marvel that they still preserve their good sense of humor and at the same time preserve their great professional abilities. They have certainly done marvelous work in their reporting, and have taken the measure of democracy, rough as it is at times, in stride.

Also, as one Member of the Senate, I wish to thank the Secretary of the Senate and the Sergeant at Arms for all their hospitality and the courtesies they have extended.

PROBLEM CONFRONTING RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

Mr. CAIN. Mr. President, under recent dates the junior Senator from Washington has exchanged letters with Brig. Gen. E. A. Evans, USAR, executive director of the Reserve Officers Association of the United States. These letters were written about a problem of some importance which confronts, in the opinion of the Senator from Washington, the Reserve officers of America. General Evans believes that the problem has been overstated. In order to advise the Senate about the question of how Reserve officers might best be used should total mobilization become the order of the day and so that every interested Reserve officer can have my report available to him I ask unanimous consent that the letters which passed between General Evans and myself and the report in question on Reserve activities be printed in the body of the RECORD at this point in my remarks.

There being no objection, the correspondence and report were ordered to be printed in the RECORD, as follows:

SEPTEMBER 23, 1950.

Gen. E. A. EVANS,
Executive Director, Reserve Officers Association of the United States,
2517 Connecticut Avenue NW.,
Washington, D. C.

MY DEAR GENERAL EVANS: I have before me your very frank and interesting letter of September 15 and I want to thank you for it. Your letter takes issue with a portion of the report which I offered to the Senate on September 11, 1950.

As you have noted from the CONGRESSIONAL RECORD it was my purpose while in Europe and the Near East to study several aspects and phases of our Nation's military activities and those of the members of the Atlantic Pact. Included within my mission was a study of Reserve problems and needs of the Army in the European Command.

As a result of this study it seemed apparent and obvious to me that the terminal leave promotions which were granted to thousands of AUS officers immediately after World War II would constitute a real and difficult problem in the event of a coming full or total mobilization. In my report to the Senate I discussed this question as frankly and honestly as I could. I have not presumed to feel that my estimate or evaluation of the subject is the last or best word on the question. I thought the problem was deserving of serious consideration by those concerned within the Department of the Army and I knew that the Congress, which must write and approve legislation on any military question requiring action, was entitled to have the terminal leave question brought to its attention.

It was completely proper for me as a Reserve officer on active duty who was assigned to Headquarters, European Command, for the purpose of inspecting Reserve activities to submit the report which I gave in the Senate and forwarded to the Department of the Army and it was likewise very proper for you, as the Executive Director of ROA, National Headquarters, to take exception to the portions of the report which did not coincide with your established views. I am inclined to believe from your friendly letter that you do not admit the existence of a problem. On the other hand I may have overstated what I conceived to be a problem. Certainly it will be of considerable benefit to Reserve officers and to the Congress and to citizens generally for the Department of the Army to examine my findings and your criticisms. By this means the Department of the Army can develop a policy which is clear and reasonable and which can be understood and supported by the Congress which must pass on and authorize the required expenditures of taxes which come from all citizens.

It is my intention to offer your criticisms and my terminal leave promotions report, together with the exchange of letters between us for the CONGRESSIONAL RECORD. When this has been accomplished everyone who is interested can puzzle over the question for himself. I expect to have some reprints made of the CONGRESSIONAL RECORD insertion and these reprints will be made available on request to anyone who is concerned.

I keenly appreciated the friendly and clear character of your letter. As a Reserve officer I hold you and your office in high regard. Both of us are justifiably proud of the commissions which we have earned in the Reserve Corps. I am of the considered conviction that both of us are presently working to protect and increase the effectiveness of a corps which has achieved so much for the good of our Nation.

With warm personal regards, I am

Most sincerely,

HARRY P. CAIN.

Mr. President, the fourth assignment the Senator from Washington took to Europe was this: D. To inspect Reserve activities of the Army in the European command.

Aside from being able to state that Reserve personnel on extended active duty are efficiently performing their duties my study of the question was largely restricted to one subject. I thought quite a lot about the role and assignments of the Reserve officer in the event of a full or total mobilization. I have endeavored to commit the problem, possible courses of action and some recommendations to paper. It is likely that the Department of Defense will wish to consider these views and I should think that the Senate Armed Services Committee, as well as the citizen who pays the bills, will find them provocative.

This Reserve officer problem is an interesting one to think about. It came about because of what must have been our national conviction that the possibility of war would never again be before us in our lifetime. This problem indicates how very little any of us can prejudge the future.

Problem: To obtain the immediate and efficient utilization of Reserve officer personnel in a national emergency at a reasonable cost to the taxpayer with the minimum morale problem for the majority of the Armed Forces personnel.

(a) Immediate utilization requires a proportionate number of officers in each grade so that units can be formed with full officer complement as soon after M-day as possible.

(b) Efficient utilization requires each officer to be fully qualified to perform and accept the responsibilities of his grade and position.

(c) Reasonable cost entails paying the wage of the grade held, only, to those who are able to satisfactorily perform the duties of that grade.

(d) Morale problem requires consideration of all persons in the Regular, Reserve, or Citizen Army, and granting grades based primarily on proven ability and then considering length of service.

Background: 1. The one incident which makes solution of the problem difficult was the terminal-leave promotions. This incident attacks all four points of the problem in the following way:

(a) By the end of World War II the expanded Army had through experience found the proper proportion of officers needed in each grade. They had also found that proper balance would not contemplate the rapid promotion of all officers without serious unexpected losses in the senior grades. However, immediately after World War II, a large number of AUS officers were given one grade promotion in the Reserve based primarily on length of service in grade. This resulted in a seriously over-graded Reserve which could not be immediately utilized because their grades would not be in propor-

tion to the officer grades required for the units needed.

(b) These terminal leave promotions also impaired the efficiency of the Reserve officers. Many officers during World War II reached the highest grade they were capable of serving in and there performed an excellent job. However, commanders would not recommend them for promotion because they had reached their individual peak. The terminal leave promotions which were basically on length of service in grade and secondly on an average of their efficiency rating permitted promotion of a very high percentage of all nonregular officers. The majority of these officers had never served in positions calling for their new grade and in many cases were not qualified to fill such positions. Therefore, today we cannot expect efficient service from the majority of these officers if called to duty in their higher grades.

c. The Reserve now has thousands of officers with war experience which experience is needed in another emergency. World War II also taught us that the taxpayer dollars to be properly expended, required a careful review to establish in units only such officer grades as were necessary based on the responsibility of the position. To utilize to the maximum the war experience of our Reserves will mean calling them into service with their terminal leave promotion grades and thus give us an over-graded army with an unreasonable cost to the taxpayer.

d. Calling of large numbers of Reserve personnel to duty in their terminal-leave grades will create a morale problem since commanders will not have confidence in their ability to perform the duties of their grade; troops will be hesitant to follow officers serving in grades they have not proven they can fill; fellow officers will know of their limitation and many Regulars and Reserves who remained on active duty will then be junior to Reservists who had served under them during World War II and who since the war have been in civilian life with only a minimum of military training.

2. A second incident which must be considered in the problem, particularly as it affects efficiency and morale was the loss of grade by Regular officers:

a. Pre-World War II Regular officers who had been promoted during the bar based on their proven ability found themselves demoted in 1946 at least one grade unless they were very senior in permanent grade. At present they have no claim to their old grade nor does their long seniority in temporary grade make them eligible for present temporary promotion.

b. The newly integrated Regular officers had in many cases held higher temporary or Reserve grades but lost such when given Regular appointments. Since the integration program was competitive and efficiency was a primary consideration, we must assume that they were better officers than those who failed in their try for Regular status. Yet the Reserves who failed in most cases now have higher Reserve grades based on terminal-leave promotions and in an emergency will become senior to both types of Regular officer.

Examples: 1. Here we will consider three typical officers assigned to a combat regiment as it ended the war in Europe in 1945. The regimental commander, a Regular Army colonel from the West Point class of 1934. The regimental executive, a lieutenant colonel, Reserve, who was initially commissioned in the Reserve in 1938 and promoted to lieutenant colonel in 1943. A battalion commander, also a lieutenant colonel, AUS, who entered OCS in 1941 and became a lieutenant colonel in 1944.

In 1946 both Reserve officers apply for Regular Army, and the same year, the regimental commander is reduced to the grade of lieutenant colonel. In 1947, both Reserve officers are given Reserve commissions as colonel and shortly thereafter the regimental executive is integrated into the Regular Army and loses his Reserve colonel rating. The battalion commander who failed the integration tests reverted to civilian status and for the next 3 years attends 30 drills per year and 2 weeks camp per year. Each of the 2 weeks camps in the grade of colonel.

In 1950, with an emergency, he returns to duty as a colonel. Since our expansion is slow and since we have many Reserve officers in high grades to step into the vacancies in the new units the two Regular officers may remain junior to this officer for some time and actually be assigned to the same regiment with new positions. The full-time duty from 1947 to 1950 for the Regulars would not give them the opportunity to advance on their proven ability as against the Reserve who failed integration and had limited active duty during the past 3 years.

2. A second example considers three Reserve lieutenant colonels who in 1946 applied for integration. Lieutenant Colonel "A" ranks from January 1943; Lieutenant Colonel "B" ranks from October 1943; Lieutenant Colonel "C" ranks from January 1944. In 1947 all are given the Reserve rank of colonel and remain on active duty as lieutenant colonels. Lieutenant Colonel "A" is given a Regular commission in July 1947 while the other two are notified of their failure to qualify. In February 1950, Lieutenant Colonel "C" is relieved from active duty under phase II. In July 1950, Lieutenant Colonel "C" has 2 weeks active duty training as a colonel.

In a national emergency Colonel "C" is called to duty as a colonel with 2 weeks' seniority. Lieutenant Colonel "B" no longer volunteers for duty as a lieutenant colonel and therefore moves into his Reserve grade of colonel. Lieutenant Colonel "A" who because of age is only a permanent major is not considered for temporary promotion to colonel. Thus we see the officer released under phase II, for low efficiency as a lieutenant colonel, becoming the senior of the three while the senior in temporary grade and the only one to successfully qualify for Regular status is the junior not only in date of rank but actually one grade lower.

Possible courses of action: In an emergency all persons with war service or military training are needed.

1. We can call all Reserves to active duty in their present Reserve grade.

This will not fill our requirements since we would then be overgraded. The cost to the taxpayer would be prohibitive and the efficiency of units would be doubtful since senior officers would not of necessity be of proven ability for their grade. The morale of the Regular officer personnel would be lowered.

2. In addition to one, we could give one grade promotion to all Regulars.

Although this may raise the morale of the Regulars it would add more cost to the taxpayer—not improve efficiency and not make units immediately available for duty with officers of the proper grade.

3. Not call Reservists to duty who had terminal-leave promotions.

This would reduce the available reserves by a large percent and deny us the use of combat experienced officers who had been capable in the grade in which serving at the end of World War II.

4. Withdraw all terminal-leave promotions from Reserve personnel.

This would give the Army sufficient Reserve officers to officer, at the proper grades, an army equal in size to that in being at the end of World War II. Each position would be filled with an officer capable of performing the duties of his grade by virtue of his past experience in that grade. Would also permit promotion based on proven ability for all the Regular, Reserve, and civilian Army personnel on an equal basis. Although many Reservists realize this terminal-leave grade was a gift, this action would create a morale problem unless proper press releases were made by the Department.

Additional facts:

1. During World War II many young inductees went to OCS and after being commissioned were assigned to new units. In many cases these officers were promoted to captain with from 12 to 18 months' service. With terminal-leave promotions they at least have the grade of major and in many cases that of lieutenant colonel. Thus we find thousands of field grade Reserve officers under the age of 30, many now being considered for Reserve promotions.

2. Regular officers both West Pointers and integrated officers have since World War II been considered for promotion based mainly on permanent grades. There are no permanent field grade officers below the age of 30. At present, Regular officers are not considered for temporary promotions to grades more than one grade above their permanent grade.

3. Many Regular officers, 35 years of age, with 6 to 8 years' service as temporary major and now in permanent grade of captain cannot be considered for promotion to temporary lieutenant colonel, while Reservists promoted to major at the same time now have lieutenant colonel, Reserve grades, and sufficient time in grade to be considered for promotion to colonel.

4. The number of years time in grade required for a Reserve officer to be eligible for promotion is based on the actual calendar years and gives as much credit for the year spent in the Reserve while employed in civilian pursuits with only drill nights and 2 weeks' active duty, as it does for the Reserve on extended active duty who is daily performing his military duty.

5. The newly commissioned Reserve officer with no extended active duty and the World War II Reserve officer who reverted to civilian status in 1945 or 1946 will normally, under present promotion criteria, be able to reach the grade of colonel several years before the Regular officer who is on continuous active duty.

6. Prior to World War II, Army Reserve officers had little or no incentive to remain in the Reserve and therefore frequent promotions were their only reward. Even then promotions were not as rapid as today. Now the Reserve officer is paid for each drill he attends, receiving a full day's pay for 2 hours at night. He has a uniform allowance which is payable under liberal provisions. He also has retirement benefits at age 60 with a liberal retirement pay considering the small amount of service to the Government. With satisfactory service he is sure of remaining in the active Reserve, for he need not go before periodic selection boards for elimination consideration as is required for Regular officers.

7. Following World War II the Army selected for integration into the Regular officer corps the more efficient wartime officers and has been giving direct Regular Army commissions to the outstanding ROTC graduates. The other wartime officers and ROTC graduates have been commissioned in the Reserve. In the event of another emergency today or in the future which will require the call to active duty of all Reserve personnel, it will invariably be found that under the present policies the Reserves are in higher grades than their contemporaries who were accepted for Regular commissions.

Recommended actions:

1. Immediate-temporary action: Revoke all terminal-leave promotions except when the officer has served in the higher grade during World War II and was reduced during the cut-back program. This will give them the same grades they earned during the war and place them on the same level with the average Regular officer who is still

serving in the highest grade he earned during World War II.

2. Long-range action: (a) Readjust all permanent Reserve commissions using the age and length of service factors in much the same manner as was used in determining the permanent Regular grade for integrated officers.

(b) After adjustment of the present Reserve officers and in the future for all newly commissioned Reserve officers, assign the Reserves a running mate in the Regular officer corps. Reserves to retain this assigned running mate as long as he completes a minimum of Reserve training each year (i. e., 50 points and 2 weeks' active-duty training). Failure to complete minimum training to drop him back 1 year to seek a new running mate.

(c) Reserves to be considered for promotion at the same time as their running mate. Passover by the Reserve selection board to be treated in the same manner as for the Regular and after second passover elimination of the Reserve to be mandatory.

(d) In order to put sufficient force to this long-range action, legislation should be obtained to support such administrative procedures. The great expenditure of public funds for Reserve drill pay, uniforms, and retirement warrants strong action to see that only the fully qualified and deserving personnel are retained. This will also increase the prestige of the Reserve officer personnel and avoid placing an unreasonable burden on the taxpayers by placing on the retired list only those who have fully earned the right thereto.

FOOTNOTE.—The above discussion is in general equally applicable to National Guard officers and "Recommended actions" should apply to them as well as the Reserve if we are to maintain a healthy and efficient National Guard. The establishment of a common commission for Reserve and National Guard officers will permit the placing of the most competent officers in the most critical units.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington 8, D. C. September 15, 1950.

HON. HARRY P. CAIN,
United States Senate,
Washington, D. C.

DEAR SENATOR CAIN: I am considerably disturbed over your report on Reserve activities, appearing in the CONGRESSIONAL RECORD of September 11, 1950, which deals primarily with terminal-leave promotions.

We are fully aware that you, as a Reserve officer, are vitally interested in the Reserve program; but we are quite exercised that this report was apparently issued without prior attempt on your part to ascertain the feelings of Reserve officers generally on the subject of terminal-leave promotions. The side of the question which you have presented may be the viewpoint of certain Regular officers, but I know that this is not the present thinking in the Pentagon. It is my opinion that your viewpoint does not represent the thinking of most members of the Regular service, not the least important of whom happens to be Gen. George C. Marshall, under whose approval and direction terminal-leave promotions were granted when he was Chief of Staff of the War Department. The Department of the Army is today welcoming for active duty, without question or anxiety, officers who received terminal-leave promotions.

Your questioning of the ability of some ninety-odd-thousand Reserve officers to properly carry out their in-grade functions upon being called to active duty will be severely resented by all concerned, as reservists are proud of their service and confident of their ability to perform tasks to which they may be assigned in the event of national emergencies. Since the close of World War II, Reserve officers have been working hard with their training. They have attempted to build as strong a Reserve as circumstances would permit. They have once again volunteered their service to their country should they be required; and I am sure, Senator, that you appreciate the effort and sacrifices necessary for Reserve officers to maintain their active commissions.

I would like to comment on several points which you have raised in criticism of terminal-leave promotions.

(a) You mention first that terminal-leave promotions resulted in a seriously overgraded Reserve which could not be immediately utilized because their grades would not be in proportion to the officer grades required for the units needed. This is technically true if you are thinking only of the Department of Army troop basis, which troop basis takes care of only a portion of our Reserve officer strength. Should we expand our Army to its World War II strength of approximately 8,000,000, we would be short of officers in all grades. Since World War II, there have been relatively few promotions in the Reserve, and officers, since the close of that conflict, are 5 years older. Promotion in the Reserve is based on, among other things, age in grade and amount of service in grade, and during the last 5 years Reserve officers have gained confidence in themselves in their everyday life and have been acquiring additional leadership and technical qualifications year by year.

(b) You state, Senator CAIN, in your second point that you cannot expect efficient service from the majority of officers who received terminal-leave promotion if called to duty in their higher grade; and you further state that the majority of these officers had never served in positions called for in their new grade and, in many cases, were not qualified to fill such positions. We take serious issue on this point. The reason why terminal-leave promotions were granted by the Chief of Staff, Gen. George C. Marshall, was because he believed that officers receiving such promotions had earned them. It was also felt that there was no question that these officers were qualified for promotion, and that they would have been promoted in nearly every instance had there been a position vacancy. I am not in a position to argue the point that the majority of these officers had never served in positions called for in their new grade, but I do know of many, many cases where officers had served in positions calling for a higher grade. It will be granted that there will always be officers, whether they be regulars, reservists, or National Guard men, who may be incapable of performing duties incident to their grade, but I cannot be a party to any suggestion that there is any disproportionate number of reservists who fall in this category over and above the number that may exist elsewhere.

(c) Your third point states that to utilize to the maximum the war experience of our reservists would mean calling them into service with their terminal-leave promotion grades and thus creating an overgraded Army with an unreasonable cost to the taxpayer. I feel sure, Senator, that you are aware of the Army troop list, to which reference is made previously, which is the basis of assignment of officers to units. Officers assigned to organized units are of the proper number and proper grades, and any surplus in particular grades exists in the Volunteer Reserve; in other words, outside of the troop basis. Those officers who are in grades surplus to the needs of the troop basis will not be called to active duty until Army expansion is such that they will need these additional grades, and therefore there will be no overgraded Army and no unreasonable cost to the taxpayer. It is interesting to note that should the Army expand to World War II size, we still do not have enough high-ranking officers in the Reserve and the Regulars to meet the requirements in grade of such an Army.

(d) You state in your fourth point that the calling of a large number of Reserve personnel to duty in their terminal-leave grades will create a morale problem, since commanders will not have confidence in their ability to perform duties of their grade, and that troops will be hesitant to follow officers serving in grades they have not proven they can fill. I must again, Senator CAIN, take strong issue on this statement. If we had followed this as a policy during World War II, there would have been no one, be he regular, reservist, or National Guard man, who was qualified to perform his duties, since very few of these officers, including some of our most prominent field commanders, previously led troops in battle. I feel sure, Senator, that you realize as well as I do that leadership is where you find it. It is something that is acquired by experience, whether it is obtained in business, in industry, or in the service. It most certainly does not come to an individual because he happens to be a graduate of a particular school, or because he comes from a certain part of the country, or because he wears size 12 shoes.

If you really want a morale problem on your hands, I suggest that the Department of the Army carry out your first recommendation to revoke all terminal-leave promotions. The result would be a morale problem that would really be worth while talking about.

I can assure you that what I have said, and the thoughts which I have expressed, represent not only my personal views but those of my associates and the considered judgment of Reserve officers throughout this Nation.

Yours very sincerely,
E. A. EVANS,
Brigadier General, USAR,
Executive Director.

The PRESIDING OFFICER (Mr. MCFARLAND in the chair). Before recognizing the Senator from Illinois, who, the Chair assumes, is about to make a motion to adjourn, if the Chair may be permitted to do so, he desires to associate himself with and endorse completely the statement made by the majority leader with respect to our colleagues who are leaving us at the conclusion of the Eighty-first Congress. As he has said, every Member has been and is a distinguished ornament to this body. The Chair speaks more personally of the Members of his own party, and he wants them to know that they are leaving us with our warmest friendship and heartiest good wishes for long life, health, and happiness.

The Chair wishes also to concur in what the Senator from Minnesota [Mr. HUMPHREY] said about the page boys. They got up at 5 o'clock yesterday morning and have been working all night and today, and have had a longer day than have the Members of the Senate.

The Chair also wishes to concur in what the Senator said in regard to the official reporters. The Chair thinks, however, that he inadvertently overlooked a number of other persons who wait upon the Members of the Senate and who have toiled with us throughout the session, have made such a wonderful record, and have helped us in our work. The Chair wants to express his appreciation of their good work.

Mr. KEFAUVER. Mr. President, I think we should also particularly men-

tion the Sergeant at Arms and his assistants, the Parliamentarian, the Secretary of the Senate, Mr. Biffle, whom we all love and who has been so courteous to all of us, and also the doorkeepers of the Senate.

Mr. LUCAS. Mr. President, I want to make one brief statement before I move that the Senate adjourn.

I am very grateful for all the kind things which have been said about me as the majority leader. It is a rather difficult job, as anyone who has been around this desk can well realize. But, after all, someone has to do the work; and I have done the best I could.

ADJOURNMENT TO NOVEMBER 27, 1950

Mr. LUCAS. Mr. President, in accordance with the terms of House Concurrent Resolution 287, I move that the Senate adjourn until Monday, November 27, 1950.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned, the adjournment being, under House Concurrent Resolution 287, to Monday, November 27, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 22, 1950:

DEPARTMENT OF LABOR

Robert T. Creasey, of New Jersey, to be Assistant Secretary of Labor.

FEDERAL TRADE COMMISSION

Stephen J. Spingarn, of New York, to be a member of the Federal Trade Commission for the unexpired term of 7 years from September 26, 1946, vice Ewin Lamar Davis, deceased.

COLLECTOR OF CUSTOMS

H. Tucker Gratz, of Honolulu, T. H., to be collector of customs for customs collection district No. 32, with headquarters at Honolulu, T. H., to fill an existing vacancy.

UNITED STATES ATTORNEYS

James T. Gooch, of Arkansas, to be United States attorney for the eastern district of Arkansas. He is now serving in this office under an appointment which expired May 27, 1950.

Respess S. Wilson, of Arkansas, to be United States attorney for the western district of Arkansas. He is now serving in this office under an appointment which expired May 13, 1950.

UNITED STATES MARSHAL

Noble V. Miller, of Arkansas, to be United States marshal for the eastern district of Arkansas. He is now serving in this office under an appointment which expired May 13, 1950.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for appointment in the Regular Corps of the Public Health Service:

To be scientist (equivalent to the Army rank of major), effective date of acceptance

Louis Block

To be senior assistant scientists (equivalent to the Army rank of captain), effective date of acceptance

Bill H. Hoyer
Robert J. Fitzgerald
William F. Durham

To be senior assistant nurse officer (equivalent to the Army rank of captain), effective date of acceptance

Mary R. Lester

CONFIRMATIONS

Executive nominations confirmed by the Senate September 23, 1950:

UNITED STATES CIRCUIT JUDGE

Hon. Louie W. Strum, of Florida, to be United States circuit judge, fifth circuit.

UNITED STATES DISTRICT JUDGE

Bryan Simpson, of Florida, to be United States district judge for the southern district of Florida.

UNITED STATES ATTORNEYS

James T. Gooch to be United States attorney for the eastern district of Arkansas.

Respess S. Wilson to be United States attorney for the western district of Arkansas.

John Norwood McKay to be United States attorney for the eastern district of Louisiana.

UNITED STATES MARSHAL

Noble V. Miller to be United States marshal for the eastern district of Arkansas.

PUBLIC HEALTH SERVICE

APPOINTMENT AND PROMOTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE

To be assistant pharmacists, effective date of acceptance

Philbrook H. Knight
Boris J. Osheroff

To be assistant scientists, effective date of acceptance

Jerome L. Singer
William L. Jenkins

To be senior assistant nurse officer

Margaret M. Sweeney

APPOINTMENTS IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE

To be scientist, effective date of acceptance

Louis Block

To be senior assistant scientists, effective date of acceptance

Bill H. Hoyer
Robert J. Fitzgerald
William F. Durham

To be senior assistant nurse officer, effective date of acceptance

Mary R. Lester.

HOUSE OF REPRESENTATIVES

SATURDAY, SEPTEMBER 23, 1950

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou infinite and eternal God through whose mercies we are spared, and by whose power we are daily sustained, hitherto Thou hast blessed us and we have found Thee faithful unto all Thy promises.

On this day we would render unto Thee the tribute of our heartfelt gratitude for the high and holy privilege we have had of walking and working together in the service of our God, our country, and humanity.

We pray that Thou wilt bestow the benediction of Thy peace and the diadem of Thy praise, "Well done, thou good and faithful servant," upon our President, our Speaker, the chosen representatives of our Republic, and all who have served our Nation during this session of Congress, in whatever capacity.

We commend and commit one another to Thy love and care. We know not what the future has in store for us, but we will trust Thee and not be afraid, for we have the glad assurance that, as our days, so also shall be our strength and that no needed blessing wilt Thou withhold from us if we do justly, love mercy, and walk humbly with the Lord.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Woodruff, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 6355. An act to provide for the conveyance of certain real property to the city of Richmond, Calif.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 450. An act to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Administrator, and for other purposes;

S. 3504. An act to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof; and

S. 3960. An act to amend subsection (b) of section 10 of the act of June 26, 1884, as amended (U. S. C., title 46, sec. 599 (b)).

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8920) entitled "An act to reduce excise taxes, and for other purposes."

SPECIAL ORDER GRANTED

Mr. BECKWORTH asked and was given permission to address the House for 10 minutes today, following the legislative program and any special orders heretofore entered.

ENFORCEMENT OF INTERNAL SECURITY ACT, 1950

Mr. VELDE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VELDE. Mr. Speaker, one of the reasons given by President Truman in his message vetoing the Communist-control bill was that the bill as passed would be unenforceable.

It appears to me that he is already paving the way for another unenforcement policy for which he is famous in other cases where bills were passed over his veto. I am particularly referring to the lackadaisical attitude the President has taken about enforcing such legislation as the Taft-Hartley Act.

Now, it is the principal duty of our Chief Executive to enforce all Federal

laws whether he likes them or not. I hope that if the President has an unenforcement policy of the Communist-control bill in mind, he will reconsider his position, as we certainly need not only the law controlling communism in this country, we need strict enforcement.

A law is worthless unless it is enforced.

The SPEAKER. The time of the gentleman from Illinois has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the request contained in the resolution of the House of Representatives (the Senate concurring therein), I return herewith H. R. 1025, entitled "An act for the relief of Waymon H. Massey."

HARRY S. TRUMAN.

THE WHITE HOUSE, *September 23, 1950.*

CONTINUED CONFUSION AS TO ADJOURNMENT AND DISPOSAL OF SURPLUS FOODS

Mr. HESELTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HESELTON. Mr. Speaker, the confusion which now prevails as to what the actual situation will be with reference to any recess points up, I think, the wisdom of the most careful kind of consideration of any future adjournment or recess resolution.

While those of us who tried yesterday to obtain consideration of an amendment to provide the vital alternative of reassembling on the third day after the Members are notified to reassemble by the four leaders of the administration in the Congress lost that fight, I believe it will serve a most useful purpose in making the record clear and pointing up the wisdom of the retention by Congress of its power to act independently in any emergency.

I think few will deny that it is conceivable that a situation could arise involving a most serious threat to this Nation, when the people and the Congress would want prompt legislative action, but the Executive would disagree and refuse to recall the Congress. Of course, we all hope there will be no such situation between now and November 27, yet the form of the resolution leaves it exclusively within the power of the President to determine whether Congress can reassemble before November 27. It is true that there is still opportunity in the other body to amend the pending resolution but I am under no illusion as to the possibility that this will be done, particularly in terms of the situation which seems to prevail there now.

However, I am confident that with this situation such as it is, and with the full facts now before the Congress, it will not again permit itself to be maneuvered into such an abandonment of its direct and clear responsibilities.

This confusion also jeopardizes the possibility of enactment in the other body of H. R. 9313. As you know, that bill passed the House August 22 unanimously. Earlier this month it appeared very unlikely that the Senate committee would take any action on the bill. However, on September 14, the President sent a letter to the chairman of the Senate Committee on Agriculture and Forestry, a copy of which I placed in the Appendix of the RECORD at page A6633 on September 14. In that letter he pointed out what I have been pointing out ever since February, that it is no more expensive to ship these food commodities than to carry them in storage for months on end, and that we ought at once to take the necessary steps to get these surpluses where they will do some good.

On September 15 the bill was reported to the other body favorably and on that day was placed on the schedule of business which must be completed before any recess.

I have computed the amount of money paid for storage on 16 food commodities between February 2, when I filed H. R. 7137 which would have accomplished the same purposes as H. R. 9313, to June 30. It amounts to the staggering sum of $21,088,580.40, which is a completely unnecessary and indefensible waste of the taxpayers' money. Taking that as the average continuing cost, and it certainly is no less because of the sharply increased holdings reported up to September 11, this waste now amounts to $26,188,580.40. If the recess occurs without final legislative action, there will be 64 days between tonight and Monday noon, November 27. The additional loss in that period will not be less than $3,840,000. Of course, it cannot be recaptured, but it is tragic to think that it will have been spent so uselessly when we have passed a bill sharply increasing the taxes of everybody. It is even more shocking to contemplate that when we think of how much vitally needed war equipment could have been purchased with such a sum.

Of course, it is equally clear that with each day lost, the probability of spoilage greatly increases. That probability of spoilage can become a reality. If it occurs, a great majority of the American people will be rightly shocked and properly wrathful.

Because I am so seriously concerned about this, I have sent another wire to the President, and I want now to include a copy of it:

SEPTEMBER 23, 1950.

The PRESIDENT,
The White House,
Washington, D. C.:

As you know, H. R. 9313 was on September 15 placed on the schedule of business to be definitely completed before any recess. With the situation existing at this moment in the Senate it is not clear that any definite action will be taken. In the light of the accumulated losses for unnecessary storage and the probability that at least $3,840,000 would be the amount of the continued waste between now and November 27 and with the threat of extensive spoilage, I do urge you to make every possible effort to see that this bill is passed so that you may sign it and these wholesome food commodities can be promptly shipped to people who could and would eat them but cannot afford to buy them.

JOHN W. HESELTON,
Member of Congress.

GENERAL MACARTHUR

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. PRIEST. Mr. Speaker, I rise not for the purpose of stimulating debate on an issue I think has been well settled by the speeches made in this House by the distinguished majority leader, the gentleman from Massachusetts [Mr. MCCORMACK], and by the distinguished gentleman from Ohio [Mr. BROWN], on August 31, but to try to clarify some possible misunderstanding as a result of that discussion.

After Mr. MCCORMACK had pointed out that the late President Roosevelt had called back into the service a great general, General MacArthur, and had ordered him out of Corregidor and then placed him in command of forces in the South Pacific, the distinguished gentleman from Ohio raised an important question as to the action of President Truman in having General MacArthur to withdraw his statement on Formosa which had been prepared for the convention of the Veterans of Foreign Wars.

Mr. BROWN said, and I quote:

First of all, the people are wondering just why the President of the United States should be giving orders to the Commander in Chief of the United Nations Forces in Korea, for that is the position and that is the title General MacArthur now holds.

The distinguished Ohioan further stressed that MacArthur is not serving as an officer of the United States Army, but as Commander in Chief of the United Nations Forces.

I think it can be well verified that President Truman has high regard for General MacArthur.

In correcting what might be a misunderstanding, I want to remind my colleague that General MacArthur holds three titles, all of which resulted from actions by President Truman. After World War II the division of authority in our Pacific forces was eliminated, and President Truman named General MacArthur the commanding general, United States forces in the Far East. Subsequently it was President Truman who insisted, over Russian opposition, that MacArthur be named supreme commander, Allied Powers, occupation forces in Japan. Furthermore, General MacArthur was appointed chief of the United Nations command in Korea by President Truman with the title of commanding general, United Nations forces in Korea.

My information is that the United Nations requested the President to appoint the United Nations commander, and that Mr. Truman promptly appointed MacArthur.

Perhaps this would be a good opportunity also to point out that the United Nations Forces in Korea, and the action of the United Nations in Korea are separate and apart from the action of the United States with regard to Formosa. The United Nations has not taken any action relative to Formosa, but the orders to General MacArthur as commanding general of the United States forces in the Far East were to the effect that Formosa should be protected and neutralized by American naval forces.

So we find this great general for whom we all have respect and admiration occupying three important positions. I merely wanted to call the attention of the House to this fact, and since the President is the Commander in Chief of the United States Armed Forces that he was in his full rights when he ordered General MacArthur, the commanding general of the United States forces in the Far East, to withdraw his statement on Formosa.

In recent days we have all been heartened over the prospects of an early victory in Korea because of the bold offensive conceived and launched by General MacArthur.

This military move has added luster to his name as a great general.

Mr. Speaker, I ask unanimous consent to extend my remarks.

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I do not understand what the gentleman is referring to. I have great faith and confidence in the gentleman from Tennessee.

Mr. PRIEST. May I say to the gentleman from Ohio that in a colloquy between the distinguished gentleman from Ohio [Mr. BROWN] and the distinguished majority leader, the gentleman from Massachusetts [Mr. MCCORMACK], on August 31, with reference to the titles held by General MacArthur, a check of the RECORD seems to show that there might be some misunderstanding or misinterpretation about three distinct titles which General MacArthur actually holds now, one as commander in chief of the United States forces in the Pacific——

Mr. BROWN of Ohio. Does the gentleman from Tennessee suggest or request permission to correct the remarks that the gentleman from Ohio made on that occasion?

Mr. PRIEST. No; the gentleman from Tennessee is merely making a clarifying statement following up what took place between the gentleman from Ohio and the gentleman from Massachusetts.

Mr. BROWN of Ohio. And the gentleman does not ask permission to change the colloquy in any way?

Mr. PRIEST. None whatsoever.

Mr. BROWN of Ohio. And the remarks made by the gentleman from Massachusetts and the remarks made by the gentleman from Ohio will remain as they are?

Mr. PRIEST. I assure the gentleman that as far as I am concerned no change whatsoever will be made.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THE INTERNAL SECURITY BILL

Mr. CANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, I am introducing a bill as an amendment to, and substitute for, the bill (H. R. 9490) for the control of subversive activities, passed by the House yesterday, over the President's veto, and now pending in the Senate.

The proposed bill incorporates provisions of the original bill effective in controlling Communists and communistic activities in the United States and omits features objected to by the President in his message to the House returning the bill without approval.

I ask unanimous consent to extend my remarks in the RECORD to include the proposed bill and to include also editorials from various papers approving the President's veto.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mr. LUCAS asked and was given permission to extend his remarks in two instances and in one include an aditorial and in another certain extraneous matter.

Mr. THOMPSON asked and was given permission to extend his remarks and include a resolution.

Mr. BRYSON asked and was given permission to extend his remarks and include an address delivered by the president of the American Bar Association.

Mr. GOSSETT asked and was given permission to extend his remarks and include a speech delivered by the president of the American Bar Association.

Mr. POAGE (at the request of Mr. PICKETT) was given permission to extend his remarks and include a newspaper editorial.

Mr. EVINS asked and was given permission to extend his remarks and include a resolution adopted by the American Legion of Tennessee at its recent convention.

Mr. BIEMILLER asked and was given permission to extend his remarks in three instances and include extraneous matter.

Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks and include therein a tabulation of his voting and attendance record during the second session of the Eighty-first Congress.

Mr. VELDE asked and was given permission to extend his remarks and include an editorial from the Peoria Star.

Mr. JUDD asked and was given permission to extend his remarks and include extraneous matter.

Mr. WOLVERTON asked and was given permission to extend his remarks in five instances and include extraneous matter.

Mr. HESELTON asked and was given permission to extend his remarks in four instances and include extraneous matter.

Mr. HAYS of Ohio (at the request of Mr. PRIEST) was given permission to extend his remarks and include an article from News Week.

Mr. RHODES asked and was given permission to extend his remarks.

Mr. ROOSEVELT (at the request of Mr. WALSH) was given permission to extend his remarks in two instances and include extraneous matter.

Mr. YATES asked and was given permission to extend his remarks and include an address made by Trygve Lie, Secretary General of the United Nations, in the city of Chicago, on September 8, 1950, at the Stevens Hotel.

Mr. YATES asked and was given permission to extend his remarks and include copies of the news letters which he has been sending to his constituents.

Mr. RANKIN asked and was given permission to extend his remarks and include an article from the Reader's Digest.

Mr. CANNON asked and was given permission to extend his remarks and include an article from the Reader's Digest; and in a second extension to include an article on the distinguished service of Mr. Dodd, formerly of the Department of Agriculture.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair, the bells to be rung 15 minutes before the expiration of the recess.

(Accordingly, at 12 o'clock and 13 minutes p. m. the House stood in recess, subject to the call of the Chair.)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 5 minutes p. m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 287. Concurrent resolution relative to adjournment of both Houses on Saturday, September 23, 1950, and that they stand adjourned until 12 o'clock meridian on Monday, November 27, 1950; and

H. Con. Res. 288. Concurrent resolution authorizing the Speaker of the House of Representatives and the President of the Senate to sign enrolled bills and joint resolutions.

The message also announced that the Senate having proceeded to reconsider the bill (H. R. 9490) entitled "An act to protect the United States against certain un-American and subversive activities by requiring registration of Commu-

nist organizations, and for other purposes; returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, and that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

RECORD OF THE EIGHTY-FIRST CONGRESS

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, I am sure we all share a feeling that in the past 21 months of almost continuous sessions we have been living and working in a new, difficult, and dangerous era.

Grave events urgently pressed upon our deliberations. The sweeping variety of foreign and domestic problems demanding prompt determination probably was greater than faced by any Congress in the Nation's history.

Though our labors have been heavy and our responsibilities great, let me say, Mr. Speaker, that the achievements of the Eighty-first Congress have been monumental. Our duties, I am proud to say, have been so discharged as to fully justify our democratic legislative system.

Only under the processes of free discussion and majority consent, by which the people of this free Nation govern their affairs, is it possible to express the popular will, to reconcile the differences of opposing political convictions, and to emerge, as we have done, with a constructive program. The domestic phase of this program was aimed at the goal of the Democratic Party—the improvement of American family life. The foreign phase of this program is aimed at the protection of the American way of life for the American family, and to affirmatively and effectively exercise the powers of our Government for future permanent peace.

To this result all of us have contributed in some measure. I want to thank each of my colleagues for their devotion to duty during these long months of arduous work. It is established by the record that the minority opposition as a whole took vigorous steps to thwart enactment of much of this constructive program.

In my humble judgment, the Eighty-first Congress will be recorded in history as that which, for the first time, fully supported the United States in its new position of world leadership in the age-old struggle for peace.

This Congress succeeded the Republican-controlled Eightieth Congress, which had been repudiated by the voters in the 1948 elections. After 2 years of Republican control of the legislative branch of our Government, the voters returned the Democratic Party to power in all branches. I think this demonstration on the part of the people justifies the claim that they appreciate that the Democratic Party is the party of the people.

As this Congress convened in January 1949, war-weary and war-worried people everywhere found the peace for which they yearn endangered by the rise and spread of a tyrannical foreign force.

Carrying on its campaign by force, by propaganda, by conspiracy, by oppression and subjugation of weaker nations, communism was spreading its tentacles of police-state power across the face of Europe, just as now it is on the march in the broad sweeps of Asia.

Not only does communism do violence to the accepted precepts of international law and comity among nations, but it seeks to enforce a Godless creed. It subordinates human dignity and the rights of the individual to vicious state control. It undermines and destroys the family, the basic unit of civilization and of the way of life we cherish, just as it is destructive of normal relations among the family of nations. It attacks organized religion of any kind.

That is the menace we face; that was the outstanding problem confronting the Eighty-first Congress. We had a choice. We could have pawned our freedom on the altar of appeasement and bowed to conditions of an encroaching dictatorship bent on world domination, or taken a stand as the champion and guardian of the cause of liberty throughout the world.

You know our choice. It will be to the everlasting credit of the Eighty-first Congress that we had the courage to accept this challenge and to commit ourselves to the solemn undertaking of courageous opposition to this threat.

When the program enacted by this Congress is considered as a whole, it will be found that the variety of measures dovetail into a well thought out pattern designed to strengthen this Nation's position abroad and to strengthen ourselves through better living conditions.

Despite this, our program was fought every step of the way by a willful and vocal minority in the Congress. Men of minute vision and of small faith shrank from paying the high price in fortitude and funds which freedom exacts from those willing to preserve it. Their opposition, fortunately, could not prevail over the majority sentiment.

I say that freedom exacts a high price in courage and sacrifice. The American people have paid that price from the beginning of the idea for this Republic. They cherish freedom and always will fight for it.

If the unexpected outbreak of armed conflict in Korea had any good effect, whatsoever, it brought stark reality to those skeptical, blind, and protesting among us, who have opposed the administration's program to marshal our matériel and human resources to the maximum degree of national strength.

Every major step of progress in this supreme effort was achieved only in the face of obstructive and pettifogging tactics. All too frequently, we were treated to the spectacle of member after member of the opposition rising in his place to denounce and vilify the officials charged by the people with the responsibility of carrying out these difficult and often disagreeable tasks. Support finally given to the required measures was given grudgingly.

The vote by which this Congress granted President Truman's request for legislation to permit the appointment of that great statesman and military genius, Gen. George C. Marshall, as Secretary of Defense, typifies the narrow partisan outlook of a great majority of the Republican Party in Congress toward all our national problems.

In General Marshall we find a man whose whole career has demonstrated ability in excess of the generally accepted qualifications of military leaders, beginning with his being commissioned in the Army from civilian life. General Marshall proved his capacity as a civilian administrator as Secretary of State and as chairman of the American Red Cross.

That General Marshall cherished the conviction that the role of the military in a democracy is subordinate to civilian command is well recognized by the military men with whom he has served. General Marshall recognizes completely that under our form of Government the military serves—does not dominate. General Marshall has proven that he believes the soldier's job in the United States is to serve the people and not have the people serve the military. Since he has left his military post, he has been called to serve his country three times in civilian capacity. Being a good soldier, he responded to his Government's call.

Yet, in the midst of a new crisis, and as General Marshall stood ready to answer a new call of service, 100 House Republicans voted against legislation to permit him to serve. Twenty-seven House Republicans put politics aside and voted for the good of the Nation.

In the Senate there were 20 Republicans, including GOP leaders, who voted against General Marshall. Ten Senate Republicans lifted themselves above politics.

Democrats voted 193 to 5 in the House and 37 to 1 in the Senate to clear the way for President Truman to name General Marshall the new Secretary of Defense.

It is unfortunate for the Republican Party that it has continued to play politics as usual throughout the Eighty-first Congress. Their actions clearly demonstrated that its members are unadjusted and refuse to be reconciled to the new state of armed vigilance in which this Nation obviously must live as long as despotic aggressors and their fanatic hordes wander the earth.

The record of proceedings on almost every important bill will bear me out. For that record, each individual Member is answerable to his constituents in the coming elections as well as his conscience.

Great strides have been made by this country in the last 5 years under the dynamic leadership of President Harry S. Truman.

Ability, courage, and decision in foreign affairs and in the domestic field

have been the three outstanding characteristics of President Truman. The actions he has taken and the programs he has advocated have strengthened this Nation and have strengthened friendly people over the world and have revived the hopes for freedom of the oppressed and enslaved peoples in lands now dominated by Communists.

The Eighty-first Congress is the first postwar Congress to give the President a well-rounded program to meet the crisis created by Communists in the Kremlin.

Because the United States was the strongest democracy, it had to assume the leadership in the world-wide contest between freedom and communism. President Truman possessed the ability and vision to recognize this, the courage to lead this Nation and other democracies in this contest and the decisiveness necessary to meet each situation as it developed.

This Congress has given President Truman the tools to do the job.

It was under the courageous leadership of President Truman that Greece was saved from Red guerrillas; that Communist infiltration drives to take over France and Italy were thwarted and threatened blows at Iran and Turkey were turned.

This Congress carried forward with the President's program to combat the spread of communism through extension of the Marshall plan, the ratification of the Atlantic Pact, the enactment of the Mutual Defense Assistance Act.

Through these steps, we have woven a pattern that has revived western Europe economically and have given our freedom loving friends in that and other areas military might to resist the unceasing pressure from the Kremlin.

Relief and rehabilitation from the ravages of World War II was our first goal. That was accomplished. Then came economic recovery. That was achieved. Now rearming is on its way. That will be attained. Congress approved the principle of President Truman's point 4 program to aid underdeveloped countries. That also is on its way.

These unprecedented steps were taken to bolster the morale of the free nations and peoples over the world and to restore their will to resist new aggression. They were needed to give the world the leadership it sought from this giant of the west—Uncle Sam. I am happy that this Nation possessed the power and wisdom to support this program, which is in such contrast to the tactics employed by the Moscow Government for world domination. Our program is for peace and freedom. Never before has any country at any time approached the problem of world peace with such a program as this.

It is broader than that peace program conceived by the great President Woodrow Wilson, a Democrat of highest aims. It is, however, historic that within a span of a generation, the United States of America has completed a historic cycle. It was a dark day in the world when the Sixty-sixth, a Republican Congress, back in 1920, rejected the covenant of the League of Nations. For that shortsightedness, which reversed the cause of peace for 30 years, we paid dearly with a Second World War.

Every part of our program is designed to prevent a third world war. Our goal is to convince the Kremlin and the Politburo that aggression will be resisted; that war is unprofitable; that the United Nations, and not the battlefield, shall be the only and final form for settlement of differences between nations.

World affairs have overshadowed our work, but in dealing with them Congress has accomplished much on the domestic front of which it may be proud.

We have authorized the greatest peace-time program for the enlargement of our Armed Forces to safeguard this Nation and to discourage any aggressor. We have passed laws to protect our internal security against spies, saboteurs, and traitors.

Congress improved and expanded the Social Security Act to increase its benefits and to bring 10,000,000 more citizens under its protective provisions.

The first comprehensive and long-range housing program was enacted. It will make it possible for hundreds of thousands of families in lower and middle-income brackets to obtain adequate housing for the first time.

We raised the minimum level of wages and improved the employment standards of millions of workers in industries engaged in interstate commerce.

Programs of vast benefit to the farmers have been enacted to assure a fair return above the cost of production, ample storage space for their surplus, crop insurance, a world market for wheat, extension of the rural electrification program to the installation of telephone lines and removal of the tax on oleomargarine. The farmers must have price supports we have enacted to insure buying power to keep industry and labor at work.

When the Eighty-first Congress succeeded the Republican Eightieth Congress in January 1949, there were fears that the Nation was headed for a depression. Business activity and employment declined to the lowest point since the war. But soon thereafter, the people began to see the light on the administration's program. And 1949 turned out to be a great business year.

Since then conditions at home have continued to improve. The entire national economy has been growing. Business, labor, and agriculture, all are enjoying unprecedented prosperity. Employment is at a new high peak and national income this year will exceed even that of the biggest war years.

While Congress was burdened with many problems, it did not overlook our war veterans. Legislation liberalizing payments to veterans and their dependents for various types of disability and simplifying procedures of the Veterans' Administration was placed on the law books.

This Congress approved the most sweeping reorganization of the executive branch of the Government ever undertaken. Overlapping agencies and duplicating functions were eliminated. Economies that will save taxpayers billions of dollars were accomplished.

Programs for utilization of our great natural resources through reclamation, irrigation, water power, and flood-control projects have been authorized and are under way, transforming vast areas of parched and useless western plains into green and productive acres for millions of new families.

In short, Mr. Speaker, the whole work of this Eighty-first Congress has been devoted to making these United States a better and a happier place of abode for its citizens, to improving their standards of living, and to assuring their security and welfare. This is our code—to help the greatest American unit—the American family. A strong family life means strong government. Weak family life means weak government.

In no other way can it be illustrated to the rest of the world that freedom and democracy spell peace and contentment for those who live under this system, as contrasted to the slavery and oppression that is the fate of the victims of totalitarianism.

We have striven, and I believe we have succeeded as never before, to bring to fruition those conditions envisaged by George Washington when he wished for all who dwell in this land that "everyone shall sit in safety under his own vine and fig-tree and there shall be none to make him afraid."

Let's look at the record.

EMERGENCY PROGRAM

The dawn of June 25, 1950, marked another day that will live in infamy in the annals of international treachery. With this sudden unprovoked attack upon a new independent nation, created under the auspices of the United Nations, communism removed its mask and turned from the stealthy ways of subversion to open armed aggression.

This Congress quickly responded to the needs of the hour. With a promptness which demonstrated the ability of democracy to function in a crisis, this Congress enacted legislation to put our defense machinery and our economy on emergency footing. This speed was in response to the request of the United Nations Security Council to halt the invader.

We removed limitations on the size of our armed services.

We extended current enlistments for another year.

We established authority for exercise of controls over critical materials and for speeding up defense production. We provided for price and wage controls should they become necessary.

We provided $17,000,000,000 in additional appropriations for our Armed Forces for arming our allies of the 12 North Atlantic Pact nations.

We enacted a $4,700,000,000 tax measure to raise revenues to pay part of these costs of the action in Korea in the interest of enforcing peace.

To guard against possible sneak attacks we enacted laws giving the executive branch of the Government authority to control the movement of foreign ships in our home waters and the movements of aircraft over our cities and defense-production centers.

All of this we did within a few weeks, superimposed upon our normal program of work.

INTERNATIONAL AFFAIRS

Collective security, a common effort to maintain peace and to safeguard freedom everywhere in the world, is the goal of all free nations.

Obviously, European nations which emerged from World War II with their economies bankrupt, their industries ravaged, and their morale shattered could not contribute immediately to this end. In fact, their weakness make them vulnerable to the advances of communism.

The Eighty-first Congress, by enactment of foreign economic assistance bills in its first and second sessions, has provided the authority and the means for continuance of the Marshall plan through its second and third years.

Europe's rehabilitated condition today gives eloquent proof of the wisdom of our course. The productive capacity of the 16 Marshall plan nations has been restored. Very nearly normal trade relations have been resumed.

By helping European nations and people to help themselves we have also strengthened their will to resist the inroads of communism.

With the extension of the Reciprocal Trade Agreements Act, and of the President's authority to negotiate such agreements, to June 1951, this Congress gave impetus to the sound and beneficial free flow of world commerce. Hampering restrictions which the Republican Eightieth Congress imposed upon the administrators of this act have been removed.

Companion to the economic stability of Europe is the program of military strengthening of the nations signatory to the North Atlantic Treaty. By that treaty, launched and ratified within the framework of the United Nations, notice was served upon communism and imperialism that these nations would stand together to preserve their freedom.

Under laws passed by this Congress in our first and second sessions, we are today supplying these allies with arms and equipment for their common defense against any new aggression by Russia or its satellite nations.

The military and economic aid programs include one or both types of assistance to Turkey, Greece, Iran, South Korea, the Philippines, and to non-Communist areas of China.

Another great accomplishment of the Eighty-first Congress in the international field was enactment of a displaced persons law which wipes from the statute books the discredited and discriminatory provisions written by the Republican Eightieth Congress.

Under the new law, the number of these unfortunate displaced persons to be admitted to the United States is increased from 205,000 to 359,000. Eligibility qualifications were liberalized. This was an action not only humanitarian, but consistent with our long tradition of granting asylum to the oppressed and the homeless who, in the past, have contributed to the building of America.

Authorization by this Congress of an initial program of technical assistance for underdeveloped areas of the world set an historic precedent. It was recognition of the logic and the soundness of President Truman's famous point 4—the bold new program—first enunciated in his inaugural address of January 20, 1949.

By sharing our knowledge, skills, and scientific and technical assistance with the people of backward lands to combat poverty, illiteracy, and disease and to show them how to develop their natural resources we will instill self-reliance, self-respect, build the spirit of freedom, and establish a roadblock against Communist imperialism.

Another phase of this program was the legislation, passed by the House and reported in the Senate, authorizing the Export-Import Bank to use up to $250,000,000 of its present lending authority in guaranties of American investments abroad.

This would assure private capital against loss through inability to convert earnings and capital into dollars, and against expropriation by foreign countries without prompt and adequate compensation.

Numerous important laws improving our international relations enacted by this Congress include:

First. Establishing machinery for the settlement of claims growing out of World War II.

Second. Authorizing contributions to the International Children's Fund.

Third. Strengthening our representation in the United Nations and other international organizations.

Fourth. Continuing the Institute of Inter-American Affairs.

NATIONAL DEFENSE AND INTERNAL SECURITY

Long before the Korean crisis, the Eighty-first Congress had set about the task of preparing defenses to meet the Communist threat. In both sessions this Congress appropriated funds to aid Korea.

Legislation passed early by this House, and later approved by the Senate and signed by the President, were measures authorizing:

First. Construction of a radar air-warning and control installation at a cost of $85,000,000.

Second. The establishment of a guided-missile proving ground for testing rockets and similar modern weapons.

Third. Improving the administration and operation of the Central Intelligence Authority—our eyes and ears around the world.

During our first session, we enacted the basic legislation for unification of the armed services within the Department of Defense. This reorganization and streamlining has overcome initial difficulties and is now operating effectively.

In addition, we provided for the creation of an Air Engineering Center, development of modern submarines, and numerous other research projects, and for the strengthening of our outer defenses in Alaska and on Okinawa.

In this second session, apart from the emergency actions already listed, we authorized the initiation of various long-term programs to build up our defenses.

The legislation continuing Selective Service registrations for another year, and giving the President authority to order inductions and to call up the National Guard and Reserves under emergency conditions, is a prime example of how closely events have pressed upon us.

This bill was passed by the House on May 24 and by the Senate on June 22. A conference was agreed to on June 26. In the meantime, over that week end, the Reds had marched into South Korea.

Upbuilding of our national defense machinery calls for both manpower and the facilities and means to operate.

The House of Representatives advocated a 70-group Air Force. Subsequently, this goal was approved.

We provided for vast programs for building of new ships for the Navy, construction of public works and housing at Army, Navy and Air Force bases both at home and abroad. A building program of armories and other facilities for the National Guard and Reserves was authorized.

In the safeguarding of our internal security, the biggest problem has been to assure protection against espionage, sabotage and sedition without infringing upon the constitutional civil rights of individuals as guaranteed under the Constitution.

Specific measures have tightened our security. Department heads of various sensitive agencies have been given authority to summarily dismiss any employee for security reasons.

A new uniform code of military justice has been adopted for all branches of the armed services, including the Coast Guard.

The provisions of the Foreign Agents Registration Act were made more stringent.

We enacted a law making it a criminal offense to reveal information about official secret codes.

As a precaution against a new "Pearl Harbor," a sneak atom bomb attack by sea or air or here at home, we provided authority for the search and control of the movements of foreign vessels entering our waters, and for control of airplanes flying over populous centers and defense areas.

NATIONAL ECONOMY

With passage of the Defense Production Act of 1950, this Congress gave the go-ahead signal to the executive branch to mobilize the Nation's production machinery and our whole economy to full strength.

The impact of the new defense expenditures authorized would have a serious inflationary effect unless controls were set up to safeguard our business structure. This legislation authorizes the establishment of such controls.

Broad authority is given to the President. The exercise of this power is discretionary. It is not mandatory except under certain conditions. It empowers him to impose priorities and allocations, prevent industrial hoarding, to requisi-

tion materials, make or guarantee loans up to $600,000,000 to expand production, until June 30, 1952, and to establish controls over consumer credit and wages and prices, on a selective basis, until June 30, 1951. Some of these controls have been put into effect. They have been accepted cheerfully by patriotic Americans.

A wage-price stabilization program is to be initiated on a voluntary basis. If this method fails then price ceilings and rationing may be put into effect. Wage controls are mandatory in any field where price control is imposed but not otherwise.

Special provisions are contained in the act assuring the largest possible participation of small business in the defense production program.

To help finance the cost of the expanded arms program, we have enacted a revenue measure to raise approximately $4,700,000,000 through increases in both corporate and personal income taxes. This does not meet the entire need, but the brief interim since the Red invasion of South Korea did not permit wider action without more extensive study, and additional funds were needed immediately.

A majority of this House is strongly of the view that in a great national effort such as we are undertaking, we should draft money as well as men, profits as well as people. For that reason, we are on record by formal resolution urging our Committee on Ways and Means and the Senate Finance Committee to make a survey looking toward early enactment of an excess-profits tax.

Tied in with defense needs is the law we passed extending to June 30, 1952, the Government's synthetic-rubber-manufacturing program. With the source of our imports of natural rubber from southeast Asia threatened by the global war between freedom and communism, particularly in Malaya, it was imperative that our work in this field not be discontinued when the old law expired on June 30 of this year.

Similarly vital were our actions in extending for 5 years the authority of the Government to own and lease its tin-smelter plant at Texas City, and in continuing for 3 years the Federal program for development of synthetic fuels.

We have legislated in the interest of improvement of our transportation systems, land, water, and air by authorizing a $594,000,000 Federal-aid-for-highways program, extending the airport building program to 1953, and providing for development of our merchant marine, both seagoing and on the Great Lakes.

Further protection was afforded to bank depositors by raising from $5,000 to $10,000 the amount insured by the Federal Deposit Insurance Corporation.

This innovation of guaranteeing bank deposits by a Democratic administration which like so many other reforms we can mention was met with the cry of socialism has been tremendously effective in protecting the savings of our people and the banks themselves.

Bank suspensions and deposit losses have been insignificant since Federal insurance began 15 years ago in contrast to the early 1930's when in 2 years more than 3,600 banks failed with losses over $1,000,000,000 to depositors.

The present bill also provides for a return to the banks of a part of the assessment funds accumulated by FDIC and will result in reducing by about 55 percent the banks' payments.

Communities throughout the Nation are already benefitting under legislation enacted by this Congress at its first session providing $100,000,000 for Federal aid to States and local governments in planning of public works projects. In addition a program of Federal public buildings construction and modernization in the amount of $70,000,000 was authorized.

Important factors in maintaining a balanced economy are the laws we passed extending the President's authority to control exports and continuing his authority to control imports of fats, oils, rice and rice products. Incidentally, control over exports gives us the means to halt the flow of potential war materials to countries behind the iron curtain. The control over imports of foreign fats and oils, and so forth, aids the American farmers.

American business and industry will be greatly aided under the law passed by the Eighty-first Congress providing for dissemination by the Department of Commerce of scientific, technological and engineering information. This will be particularly true as regards small business for whose interests we have been solicitous and active.

The House of Representatives passed various bills to discourage monopolistic practices injurious to small independent private enterprise and to the consuming public. These measures proposed to tighten the antitrust laws by prohibiting acquisitions or mergers destructive of competition; to increase penalties for violations of the Sherman Act and to give the Government the right to sue for damages in Clayton Act violations.

SOCIAL SECURITY, HEALTH AND WELFARE

The most important single piece of domestic legislation enacted by the Eighty-first Congress was the revision of the Social Security Act to liberalize its terms, expand its coverage and increase its benefits.

The new law brings 10,000,000 additional persons under the old age and survivors insurance system. It means now 45,000,000 working men and women will be protected in their declining years. The new beneficiaries will include about 4,700,000 self-employed, including shopkeepers and other small-business men, a million domestic servants, and about 700,000 regularly employed farm workers. Certain professionals are expected from the self-employed group.

Other groups not now covered who will come within provisions of the new act on an optional basis are employees of State and local governments and of nonprofit organizations.

Aged persons now receiving benefits under this system will receive a substantial increase. Increases in monthly payments to aged persons now receiving OASI checks will average 77½ percent; that is, the average payment will rise from $26 a month to $46.

Payment of lump-sum death benefit in all cases of insured deceased workers and many other features of the system liberalizing the formula for present and future beneficiaries were provided in this phase of the law.

World War II veterans under the old-age and survivors insurance program are allowed wage credits of $160 per month for the time spent in military service.

The OASI fund is presently supported by an equal tax of 1½ percent on both employers and employees. Under the new law this goes up to 2 percent in 1954, 2½ percent in 1960, 3 percent in 1965, and 3¼ percent in 1970 and thereafter.

In addition, the Federal Government's grants-in-aid to the States for maternal and child health services are increased from $11,000,000 a year to $16,500,000; for services for crippled children from $7,500,000 a year to $15,000,000; and for child welfare services from $3,500,000 to $10,000,000.

The new law also established for the first time a program of Federal grants-in-aid for the needy who are permanently and totally disabled. These persons are not included in Federal Social Security, but the Federal Government will make contributions to the States on the same basis as now provided for old-age assistance.

The Eighty-first Congress doubled the authorization for aid to States for hospital construction from $75,000,000 to $150,000,000 a year and authorized continuance of the program for another 4 years. The new law also liberalized the terms of these Federal grants which are made on a sliding-scale ranging from one-third to two-thirds the cost of projects, all of which must have the approval of State health authorities and the United States Surgeon General.

Another action in the interest of the health of the people is the law providing support for research and training of experts to deal with rheumatism, arthritis, multiple sclerosis, cerebral palsy and epilepsy and other related diseases which take a heavy toll.

Enactment of a law creating a National Science Foundation is a major contribution by this Congress to the effort to improvement of the national health and welfare. It should pay off big dividends in the long run through the development of new scientific knowledge and talent.

The Foundation by stimulating basic research and education in nearly every branch of science will enhance our ability to survive and to grow as a nation. In addition to fixing a national policy the Foundation will initiate and support basic research in the physical, biological, engineering and other sciences and will also grant scholarships and graduate fellowships and in other ways encourage scientific progress.

Overcrowded and financially embarrassed local school districts whose plight results from an influx of Government employees or defense-industry workers

will be relieved under legislation passed by this Congress.

Two programs of aid, under which it is estimated more than 600 school districts will benefit, were authorized. One will provide grants for operational costs and the other for construction of new schools. These steps, taken under legislation which safeguards the local administration and the authority over schools, are designed to compensate the districts for the burden imposed upon them by new population of Federal or defense workers' families living on property which is exempt from local taxes.

HOUSING

The first real long-range attack on the postwar shortage of homes was launched by the action of the Eighty-first Congress in authorizing the most comprehensive urban and rural housing program in the Nation's history.

Providing for construction of 810,000 public housing dwelling units in the next 6 years, this $7,000,000,000 program will be financed over 40 years. Enacted over the bitter opposition of a strong real-estate lobby, this law also authorizes $1,000,000,000 in loans and $500,000,000 in grants to State and local agencies to help rid our metropolitan centers of slums. Veterans and families of veterans are given preference in the program.

Nearly 500 local public housing agencies are in existence in 42 States, and, upon complying with the qualifying conditions, can bring the benefits of this legislation to their respective communities.

Loans of $300,000,000 to farmers for construction or repair of farm dwellings is provided, as well as a research program to stimulate home construction and to cut building costs.

Contrary to general impression that this legislation benefits only the larger centers of population, the fact is that America's small communities are participating widely in the low-rent public housing phase of this program.

More than half of the applications received by the Federal Housing Administration have come from local housing authorities in towns of less than 20,000 population.

Not only that, but the new program of help for farm housing is well under way. This is handled through the Farmers Home Administration of the Department of Agriculture. In the first year of this program 4,000 received loan checks totaling more than $18,000,000 for construction or repair of homes and other buildings out of an authorization of $25,000,000.

At its second session, this Congress passed another Housing Act, providing about $4,000,000,000 in mortgage insurance and loan authority to encourage more home building by the so-called middle-income group.

These are families whose income is too high to qualify for accommodation in a public housing project and too low for building their own home at today's costs.

The new law provides for insurance of mortgages in connection with nonprofit cooperative ownership housing corporations or trusts with permanent occupancy limited to members, and for nonprofit corporations or trusts constructing homes for individual ownership by members.

Another new feature of this law is that it gives the Federal Housing Administration authority to give technical assistance to cooperatives in the planning, construction, and operation of their projects.

This Congress twice extended rent control on a local-option basis.

GOVERNMENTAL REORGANIZATION

No other administration in our history ever made such sweeping improvements in the administrative machinery of the executive departments as have been effected by President Truman under authority granted by the Eighty-first Congress.

These changes mean the elimination of many duplicating and overlapping functions. They mean time saved in operations. They mean dollars saved for the taxpayers. In short, they mean economy and greater efficiency.

The basic legislation, authorizing the President to plan a broad reorganization of departments and agencies was enacted early in our first session. It called for submission of specific plans in line with the recommendations of the bipartisan Hoover Commission appointed by President Truman.

Subsequently, he submitted to the Congress during the past 2 years 34 plans. Of these 26 have become effective under sanction of the Congress. Eight were rejected, seven by the Senate, and one by the House of Representatives.

All of the 26 plans adopted had the certified approval of the Citizens Committee for Reorganization of the Executive Branch of the Government.

In addition to those embodied in the various plans other changes were made by direct legislation. One of the major fruits of this program was the law unifying the military services. Its effectiveness is being proven today in Korea where all branches of the Armed Forces are working smoothly together to bring victory to the United Nations.

Similarly, a law streamlining the organizational set-up of the State Department has served to simplify its operations, speed up its internal communications and generally expedite the conduct of its business.

The Labor Department which, over the years had been stripped of important functions was rebuilt and strengthened to fulfill its vital role in our economic life.

Obsolete Federal budgeting and accounting methods, some of them hangovers from the days of Alexander Hamilton, were overhauled to conform with modern business practices. Under the Budgeting and Accounting Procedures Act a uniform system of Federal accounting was set up. This reform alone is estimated to save $20,000,000 a year.

The modern, performance-type budget, adopted in this current fiscal year sets out clearly and graphically for the first time the amounts of appropriations and explains the purposes of each.

Another major improvement in the Government's housekeeping methods stemmed from creation of the General Services Administration combining into one central agency scattered functions of purchasing, storage, and management of property and records. Savings of $250,000,000 million a year are estimated.

Many other changes, all tending to speed up the operations of public business and reduce Government red tape have been put into effect.

AGRICULTURE

Two years ago the farmers of this country were suffering under a price slump in grain prices due to the failure of the Republican Eightieth Congress to remove restrictions on the Commodity Credit Corporation's power to acquire crop storage facilities.

Lacking adequate space many farmers were forced to dump their surpluses on the market during the harvesting period with the result that prices were forced down. Millions of dollars in purchasing power were lost.

Today, thanks to the Democratic Eighty-first Congress, that situation will not recur. In one of our first acts we amended the law restoring the CCC's authority to acquire the needed storage facilities.

Our legislation has made it possible for the Corporation to purchase bins bringing its storage capacity to 450,000,000 bushels and loans have been extended to farmers for purchase of their own facilities with a capacity of 50,000,000 bushels. Including additional space acquired by the Corporation in privately owned facilities a total storage capacity of 600,000,000 bushels was made available to avoid a repetition of the disastrous price-drop of 1948.

During this session, we authorized a $2,000,000,000 increase in the borrowing capacity of the Commodity Credit Corporation to continue farm price supports of cotton, wheat, corn, rice, tobacco, peanuts, as well as of other crops.

The basic, long-range price-support program under which agriculture is operating was enacted in the first session, retaining the existing program for 1 year.

A new parity formula is to become operative for the crop years 1951 through 1953, under which some products would be supported at 80 or 90 percent at the discretion of the Secretary of Agriculture. In some cases, the lower percentage of price-support under this new formula may be higher than 90 percent under the old, since the new formula includes the cost of hired farm labor.

The new act provides that after 1953, that is, beginning with the 1954 crop, a sliding scale of support from 75 to 90 percent under the new parity formula will become effective.

In addition to support for the six basic products the law provides for certain mandatory price supports for wool, dairy products, eggs and tung nuts. Potatoes were originally included but this year we enacted new legislation making price support of the 1950 potato crop subject to producer agreement on marketing quotas and discontinuing such support thereafter unless controls are applied.

The soil conservation program, so vital to protection of the earth from which our wealth springs, will be continued on a national basis for another two years

under legislation enacted by this Congress.

We extended and broadened the crop insurance program and authorized the Secretary of Agriculture to make production disaster loans to farmers.

We repealed the tax on oleomargarine as housewives all over the Nation so long demanded.

We increased the cotton acreage eligible for price support and made adjustments in acreage allotments to assure a fair apportionment to every locality.

This Congress authorized, for the first time, a vast expansion of rural telephone service. The Rural Electrification Administration was empowered to make 30-year loans at two percent interest to cooperative farm groups to finance new lines and to rural telephone companies for extension and improvement of their existing faciliites.

This marks another great step in the whole program of the Democratic Congress and administration to make rural America happier, healthier, and more prosperous. Like rural electrification it will make life on the farm more pleasant and attractive. That program, too, is being continued.

Light and power brought into the homes of American farm families have taken the drudgery out of labor and made possible the use of innumerable labor-saving devices and various types of machinery.

Fifteen years ago when REA was begun over opposition that used the familiar label of "socialism," only 11 percent of American farms enjoyed the facilities of electricity. Today 83 percent of the farms have electric service. Only about 1,000,000 remain to be electrified. REA borrowers are operating 983 rural power systems with more than 900,000 miles of lines.

The investment made in these loans is being repaid, in dollars and in increased productivity and higher farm home values, in a higher standard of living, in greater national wealth and in more taxable income.

To prevent a recurrence of the slump in world wheat markets that followed World War I, the United States took the lead after World War II in negotiating an International Wheat Agreement. This agreement guaranteed an ample supply of bread, the staff of life, to those Nations which must import wheat and an outlet for the surplus crops of those Nations which are large producers.

As big producers the wheat farmers of the United States will enjoy a share in the world market and a stabilized price for their exported product.

Although this treaty was submitted to the Republican-controlled United States Senate on April 30, 1948, the leadership of that party majority, despite appeals by every major farm organization, by President Truman, and by the State Department, refused to approve it. At both its regular and special sessions that year, the Eightieth Congress failed to take this vital action with the result that other Nations threatened to withdraw from the pact and the plan neared collapse.

In this Democratic Eighty-first Congress the Senate ratified the agreement and both the House of Representatives and the Senate passed enabling legislation necessary to put the plan into operation.

American farms thus gained an outlet for at least 168,000,000 bushels of wheat when the program became effective on August 1, 1949, at a world ceiling price of $1.80 per bushel.

LABOR

All labor is benefiting by the new law increasing minimum wages from 40 to 75 cents an hour in industries engaged in interstate commerce.

It serves as a floor under the wages of those it affects directly and as an inducement to gain higher wage levels in all forms of employment paying at substandard rates.

It is estimated that about 1,500,000 workers directly affected have received wage increases aggregating $300,000,000 under this amendment to the Fair Labor Standards Act which was enacted over strong antilabor pressure.

Some new groups, including workers in the fishing and canning industries, were brought under provisions of the act. In a few instances others were exempted. Numerous definitions and much-needed clarification of the overtime provisions of the law were also enacted.

Unfortunately, the Eighty-first Congress could not bring about repeal of the Taft-Hartley Act, but the efforts of the Democratic leadership to do so were at least instrumental in placing into the record the stand of each individual Member upon the issue.

A great majority of the House Democrats voted for repeal of the Taft-Hartley Act. Election of 15 to 20 more progressive Members of the House and several more in the Senate to the Eighty-second Congress in November will bring about repeal of the Taft-Hartley Act and enactment of a sound law governing labor-management relations.

Election of a Democratic Congress in 1948 prevented the enactment of even more restrictive antilabor legislation, which had been planned by Republican leaders.

The friends and foes of labor made themselves known by their votes on significant roll calls in consideration of various proposals to amend the National Labor Relations Act.

Under the policies of the majority party, the great mass of working men and women of the Nation are enjoying prosperity, and employment is at the highest peak in history today.

It must be remembered that Congress legislates for the good of the country as a whole and not in the special interest of any one group.

Every segment of population benefits from legislation for the general welfare such as the new Social Security Act, the Housing Act, and numerous other measures enacted at this session which were among the major aims of organized labor.

APPROPRIATIONS

Combining all regular appropriations into a single omnibus law for the first time, this Congress provided $33,400,000,000 to cover those budgetary expenditures.

In addition, we appropriated, in a supplemental measure, $17,000,000,000 to provide an additional $11,700,000,000 for our armed services needs resulting from the Korean situation, $4,000,000,000 additional for armed assistance to our allies abroad with the balance to cover supplemental requests of the departments and independent agencies for this fiscal year.

The regular budget appropriations do not include $6,500,000,000 made available in permanent and indefinite appropriations for servicing the national debt and various trust funds.

VETERANS

Mindful of the Nation's obligations to the men who served their country in time of war, the Eighty-first Congress has enacted numerous laws improving programs and procedures of the Veterans' Administration.

Additional payments of approximately $112,000,000 are being made in disability, death, and dependency benefits to more than 2,000,000 veterans and thousands of widows and dependents under legislation passed at our first session. The rates of payment for presumed service-connected disabilities were raised from 75 percent to 100 percent and other benefits were liberalized.

Laws have been enacted permitting payment to veterans of retroactive benefits withheld during hospitalization and extending time for filing, in certain cases, for pensions and compensation.

We have provided for protection of patent rights held by World War II veterans while in the service.

The authority of the Veterans' Administration in carrying out the veterans' education program under the GI bill of rights has been redefined and clarified. In addition, the House of Representatives has authorized a select committee to investigate alleged abuses of this education and training program to assure fair treatment to the veterans and proper expenditure of the funds designated for this purpose.

Additional allowances for veterans paralyzed from service-connected brain injuries have been authorized. The law governing disability benefits for World War II tuberculosis disability cases has been liberalized by fixing the presumptive period at 3 years.

This Congress has authorized a permanent increase in Federal aid to homes for disabled soldiers and sailors in the States and Territories.

For our servicemen fighting so valiantly in Korea, our veterans of tomorrow, we have authorized the payment of family allowances to dependents of enlisted men.

Another law passed by this Congress facilitates admission to the United States of alien wives and children of veterans and servicemen by waiving racial ineligibility.

In various other measures, such as the Housing Act and Civil Service legislation, the interests of the veterans have

been safeguarded. The Congress authorized payments on automobiles for certain amputee veterans.

Both branches of this Congress approved legislation giving World War II veterans in the postal service credit toward automatic promotion for time spent in the Armed Forces. This was vetoed by the President, repassed by the House, but the Senate failed to override the veto.

Congress overrode the President's veto of the bill to provide for out-patient treatment of veterans of the Spanish-American War, Boxer Rebellion, and the Philippine Insurrection.

CIVIL RIGHTS

Majority party Members of the House of Representatives, I am proud to say, lived up to their pledge to support legislation for a permanent Fair Employment Practice Commission.

The Republican leadership, which had made a similar pledge on this bill, failed to live up to the Republican promises and forced the acceptance of a milder version. Again, I say, election of 15 to 20 more progressive members to the House and a few more to the Senate will bring about passage of a real FEPC law in the next Congress.

The House once more voted for legislation to bar the poll tax as a qualification for voting.

Conscious of the policy of our Government to lend every encouragement to the aspirations of freedom-loving peoples, the House passed bills to authorize the admission of Hawaii and of Alaska into the Union. These bills are pending in the Senate.

Laws were enacted giving the people of Puerto Rico the right to organize a Constitutional Government and providing civil government for Guam, which had been under military rule since the end of the World War II.

NATURAL RESOURCES

The Eighty-first Congress lived up to the traditional Democratic Party policy of developing the Nation's resources for the benefit of the people.

We authorized numerous projects and provided funds for further utilization of water, land, and power resources, particularly in the West, where a flourishing new agricultural empire is being created on once arid lands.

Through irrigation and reclamation, through construction of reservoirs and hydroelectric dams, we are assuring the utmost beneficial use of our water resources to enrich and to conserve our soil and to create electric energy to feed and extend our power lines.

Through channel-improvement and flood-control projects, we are developing our waterways in the interest of commerce and preventing the costly waste caused by damage from rampaging waters.

The major water-resources legislation authorized future construction of flood control, rivers and harbors, and reclamation projects totaling more than $1,700,000,000, toward which $686,000,000 in appropriations were provided.

Definite restrictions were written into the law to assure that no new projects are begun unless it is certified by the President that they are necessary to the defense effort. The Presidential order for a screening of all public works projects shows the Executive and the Congress to be in complete agreement in this respect.

We have authorized construction of irrigation canals to serve a quarter million acres in Sacramento Valley as part of the Central Valley project in California.

The Palisades dam and power project at Snake River, Idaho, was reauthorized and expanded.

Legislation, in a form designed to meet objections voiced by the President in an earlier veto, for construction of the Vermejo reclamation project in New Mexico, was enacted.

This Congress has authorized $70,000,000 for a 5-year public-works program in Alaska. Its aim is to foster the settlement and increase the permanent residents of Alaska, to stimulate trade and industry, to encourage internal commerce and private investment, to develop Alaskan resources and to provide facilities for community life.

This is in addition to various military projects to strengthen defenses in this northern outpost of our Nation.

Reversing the action of the Republican-controlled Eightieth Congress, funds were appropriated for the Johnsonville steam plant to provide for the power needs of the thriving region of the Tennessee Valley Authority.

Over the heavy opposition fomented by the special-interest agents of the private power-utility lobby all along the line, we provided substantial funds for the Bonneville Power Administration in the Pacific Northwest and for the Southwestern Power Administration in that region. In the Southeast a new program of public-power marketing was made possible by an appropriation for this purpose. In the Northeast an investigation and report on the Passamaquoddy project in conjunction with Canada was authorized.

Legislation has been enacted for expansion of the Folsom Dam project as a step in development of the American River Basin in California. Construction of irrigation canals to serve the Sacramento Valley, as part of the Central Valley project, has been approved by the House and awaits Senate action.

The Congress has enacted a law for construction of the Weber Basin project in Utah for irrigation, water supply, flood control, and hydroelectric power for a vast area.

The Congress has renewed authority of the Agriculture Department to develop irrigation farming at Angostura, S. Dak., as part of the Missouri Basin project.

The Congress enacted authority for an irrigation and development project at Buffalo Rapids, Mont.

Various individual projects for improvements in the Columbia River area are included in the omnibus authorization bill for improvements of rivers and harbors and flood-control works.

Development of the joint Falcon Dam hydroelectric project of the United States and Mexico on the Rio Grande, in pursuance of a treaty between the two nations, was authorized by the Congress.

Various interstate compacts for division of water rights between groups of Western States were given congressional approval.

As part of the policy of conservation, the first national survey of forest resources was authorized and a law enacted increasing Federal aid to the States in cooperative programs for forest-fire prevention. A 15-year program to recover more than 2,000,000 acres of forest land and 4,000,000 acres of grazing land was authorized.

CONCLUSION

The Eighty-first Congress has written on the statute books a record of high achievement.

Under Democratic leadership it has met the dual challenge imposed by international conditions: To build our defenses and to strengthen our economy.

This we have done, but at the same time we have also looked to the welfare of the great masses of our citizens, the workers, the farmers, the veterans, the small businessmen, to their security and contentment, and to the preservation of the American way of living.

We have fulfilled most of the major pledges given to the people in 1948. We have met promises with performance. We have kept the faith.

SALARIES OF PAGES

Mr. WHEELER. Mr. Speaker, I offer a privileged resolution (H. Res. 866) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That so much as may be necessary of the appropriation, "Contingent expenses, House of Representatives, miscellaneous items, 1951," is hereby made available for the payment of salaries of 50 pages for the House of Representatives, at the basic rate of $1,800 per annum each during the period of any recess or adjournment of the second session of the Eighty-first Congress.

Mr. LECOMPTE. Mr. Speaker, will the gentleman yield?

Mr. WHEELER. I yield.

Mr. LECOMPTE. Will the gentleman explain the resolution?

Mr. WHEELER. Mr. Speaker, because of a peculiar quirk in the wording of the appropriation act, it has resulted in this situation: A great many of the boys who are working as employees, if they happen to be on one particular payroll, for instance the Doorkeeper's payroll or the telephone payroll, they will get paid during the recess, but if they happen to be on the pages' payroll, there are about 10 of these boys who will not get paid. These boys are in school and have been in school for about a month. They cannot very well go home and go to school for 6 weeks and then come back here without being put to a great disadvantage.

Mr. LECOMPTE. Would the gentleman explain that this resolution would carry them to the time of reconvening of the Congress?

Mr. WHEELER. That is right.

Mr. LECOMPTE. And then, after the reconvening of the Congress until the end of the session, that amount will have to be determined later.

Mr. WHEELER. The gentleman is absolutely correct in the statement he has just made.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. JOHNSON. Mr. Speaker, on yesterday I obtained unanimous consent to publish a report I am going to make to the Armed Services Committee. I think it will exceed the amount allowed by the rules, but I was not able to state the amount. Today, however, according to the best estimate I can give, the additional cost will be $280. I ask unanimous consent that notwithstanding the additional cost I may publish the entire report in the RECORD.

The SPEAKER. Notwithstanding the cost, without objection, the extension may be made.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks and include therein certain extracts.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

[Mr. AUGUST H. ANDRESEN addressed the House. His remarks appear in the Appendix.]

Mr. HAYS of Arkansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

[Mr. HAYS of Arkansas addressed the House. His remarks appear in the Appendix.]

THE LATE GOVERNOR RALPH L. CARR

Mr. MARSALIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MARSALIS. Mr. Speaker, the death of former Gov. Ralph L. Carr is most regrettable. He has served the State of Colorado with distinction in a number of capacities, including two terms as its Governor. An able lawyer, he was most especially prominent in the field of irrigation and other law pertaining to water rights. In such field he was an outstanding authority. As a result of his extensive law practice and his public service, he left a large number of friends, acquaintances, and admirers, all of whom will mourn his passing. The State has indeed lost one of its outstanding citizens, one who has contributed much toward its history and well-being.

I extend my deepest sympathy to his widow and other members of his family.

ADJOURNMENT OF CONGRESS

Mr. DAVENPORT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DAVENPORT. Mr. Speaker, several weeks ago I rose in opposition to an early adjournment of Congress. I said then, and I repeat, that while our boys are dying in Korea we should remain in session until the very last minute of this Eighty-first Congress. I agree wholeheartedly with the distinguished gentleman from Montana [Mr. MANSFIELD], who said in a speech on the floor of this House yesterday:

> It is not important that we win our individual election contests, but it is important that we remain on the job and pass the necessary legislation to insure victory and economic stability.

Although we are close to victory in Korea, thanks to the great fighting ability of our brave troops and the outstanding military strategy of MacArthur and his aides, we are still uncertain of what Stalin's next move may be. Our staying on the job here would hearten our boys in Korea and serve notice on the Communist aggressors that we mean business and that we are determined to mobilize our entire Nation and its economy if necessary to deliver red totalitarianism a knock-out blow. Now there seems to be a great anxiety to get back home and start campaigning. Well, I have been back in my district and I can truthfully tell you that the people are not interested in politics as usual. They know what we are up against and they think we should stay here and finish the job.

What right have we to go home before we do something about soaring prices? Why do we not stay here and pass an excess-profits tax now? Unless we do something to stem the rising cost of food, a lot of us are just not coming back here. Let there be no mistake about that. We have just raised taxes. Next month when the millions of working men and women of America get their pay checks they will find that a substantially larger deduction has been withheld. Let me tell you that in the face of food prices being higher than ever before they are not going to be very happy about that. I take off my hat to my colleague from Pennsylvania, Mr. HERMAN EBERHARTER, without whose efforts we would not even have a promise that something might be done in this session about an excess-profits tax. So now we are going home to make a lot of speeches. Well, let me tell you many of those speeches are going to get a cool reception.

Although I am in disagreement with Congress recessing at this critical time I would like to point out some of the very great achievements of the Eighty-first Congress.

It is apparent that the Eighty-first Congress will take its place among the most productive Congresses in American history. In every field it has bettered American life. It has raised living standards at home by its deep concern with the welfare of all Americans. It has safeguarded American civil liberties with its belief in the rights of the individual. And in foreign affairs it has added to the stature of the United States by its wholehearted response against the challenge of totalitarianism.

The people of this Nation gave the Democratic Party a mandate in November 1948 to eradicate the "do-nothing" policy of the Republican Eightieth Congress. History now shows that this was done. I am proud to have been a Member of the Eighty-first Congress. Confidence has been restored where previously it was in danger of disintegrating in the hands of special selfish interests. The forthright handling of the immediate problems besetting our Nation has been resumed where before delay and "do-nothingism" played into the hands of subversive forces both at home and abroad. And planning for the eventualities that lie ahead has been accomplished wisely and courageously whereas before the future was left to chance.

The legislative achievements of the Eighty-first Congress are monumental. First on the Korean front we responded immediately to fight the imperialist threat of communism. For our fighting forces we have appropriated $16,700,000,000 additional funds for our armed services and for special military assistance to our allies in Asia to meet the Korean situation. We have not stinted where the lives of our sons and brothers are at stake.

In line with our program to increase military production we have provided President Truman with the economic controls necessary to achieve this goal. Military production comes first and our munitions industry must be assured it will be able to acquire Pittsburgh steel and other products necessary without delay. Therefore, the need of the allocation legislation of the Eighty-first Congress. Inflation controls have also been provided the President and will be used if rising price pressure develops.

We have authorized the continuation of the Marshall plan to strengthen European and Asiatic economies to withstand the Communist threat. And we have passed the North Atlantic Pact to unite the military strength of Europe and fight off Soviet aggression.

And in the international humanitarian field, we have corrected the undemocratic Displaced Persons Act of the Eightieth Congress. We have contributed to the International Children's Emergency Fund. We have extended the Institute of Inter-American Affairs to continue cooperative health, education, agriculture, and other projects to improve living conditions. Also we have begun operating the point 4 program of President Truman, which provides technical aid to underdeveloped countries so that they too may raise living standards by applying American "know-how."

In the field of national defense we have unified the Armed Forces into a team for the first time in our history. There is now one command and one order. We have authorized the reorganization of the State Department in order to modernize its structure and keep it ahead of world events. We have gone

ahead to produce the H-bomb and add to our stockpile of atomic weapons. The Eighty-first Congress provided money which made possible the great recent developments in guided missiles, radar air warnings, and snorkel submarine production. We have strengthened our intelligence organization and have tightened safeguard measures against espionage and sedition here at home. Also, we have given the President power to control foreign vessels in our waters, and have tightened the Foreign Agent Registration Act.

In the field of government organization the Eighty-first Congress has improved the structure of most agencies so that they operate today with greater efficiency and responsibility. We have also modernized Government accounting procedures so that it is now possible for the Bureau of the Budget to draw up business-type budgets for presentation to Congress.

In domestic affairs relating to the national economy, the achievements of the Eighty-first Congress are almost too numerous to list. Among the high lights are the following: We have extended rent control, the largest single item in the budget of the American family. We have authorized Federal aid to States and local governments for advanced planning of public works. We have also authorized taxing the earnings of life insurance companies which previously have utilized a loophole in the tax laws to escape such taxation. In addition, both the House and Senate have authorized increasing Federal insurance of bank deposits up to $10,000 instead of $5,000.

The Housing Act passed by the Eighty-first Congress is the finest housing legislation in our history. We authorized $1,000,000,000 in loans and $500,000,000 in grants to State and local authorities for slum clearance. Over 800,000 public housing units will be erected in the next 6 years. We also appropriated $1,500,000 emergency funds for crippled children, in addition to regular annual grants to States, and we have continued Federal aid for schools in those communities with war-swelled populations.

Among the most notable achievements of the Eighty-first Congress was the extension of the coverage of the Social Security Act to bring over 10,000,000 more persons under old-age and survivors insurance benefits and to increase payment for all under the program. We also authorized a stepup in research into the causes and cures for rheumatism, arthritis, multiple sclerosis, cerebral palsy and epilepsy, and other major ailments. The Eighty-first Congress has increased the minimum wage to 75 cents an hour. And we have increased the pay and improved the working conditions of postal service employees, a group notoriously underpaid.

In the field of conservation and improvement of our natural resources, the Eighty-first Congress implemented a vast program to improve our rivers and harbors and authorized construction of flood-control projects where they were needed. A few of the other accomplishments in this field were the authorization of aid to States for fish restoration and the establishment of experimental stations to work in the field of rare precious metals.

For our veterans the Eighty-first Congress defined the authority of the Veterans' Administration in carrying out the GI bill of rights, a program originally proposed and won by the Democratic Party. And in the field of civil rights among the achievements of the Eighty-first Congress were the establishment of a civil government for Guam, taking it from Navy control, and providing for the organization of a constitutional government by the people of Puerto Rico. The House of Representatives of the Eighty-first Congress also authorized the admission of Hawaii and Alaska into the Union as our forty-ninth and fiftieth States, as well as barring the poll tax as a qualification for voting.

In going over the record of the Eighty-first Congress, it is evident that the people of the United States have been well represented and served. The Democratic Party has again demonstrated that it is modern, far-sighted, and concerned with the welfare of all Americans.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. BECKWORTH], is recognized for 10 minutes.

(Mr. BECKWORTH asked and was given permission to revise and extend his remarks and include extraneous matter.)

COTTON QUOTAS AND ACREAGE ALLOTMENTS

Mr. BECKWORTH. Mr. Speaker, I have been very interested in the situation that obtains in regard to cotton. A few days ago I was talking to a manufacturer of work clothes. He indicated the prices of these clothes are likely to go up quite rapidly. Much has been said recently about a short cotton crop. It certainly is my hope that it will not be so short that prices of these clothes will become unduly high. In my opinion one of the safeguards to assure an ample supply of cotton is to permit acreage allotments large enough that small farmers can continue to grow cotton. In some of the clippings I have seen recently it has been said that some cotton farmers have not planted their allotments. It has not been emphasized that one of the reasons is that the allotment is too small for some farmers. I desire to include certain information in regard to cotton allotments.

[From the Washington Evening Star of September 22, 1950]

FARM OUTPUT PLANNING UPSETS SHOWN IN YEAR'S COTTON CROP

(By Ovid A. Martin)

This year's cotton crop offers an example of how difficult it is to plan farm production from Washington.

A year ago the country had cotton running out of its ears. A new burdensome surplus was piling up, the bulk of it held by the Government under a grower price-support program. Uncle Sam had more than a billion dollars invested in the extreme supplies.

Today the Nation faces a possible shortage in some grades and staple lengths. Prices are advancing. Last year's so-called surplus is melting away.

CHIEF FACTOR IN CHANGE

What brought about this quick change? The principal factor was an Agriculture Department production-control program designed to prevent an increase in supplies.

Last year, farmers produced a bumper crop of 15,446,000 bales. This was added to a reserve of 5,283,000 bales from previous crops.

"That's too much cotton," said Federal farm officials. They promptly invoked rigid production and marketing quotas designed to cut this year's crop to 11,733,000 bales. The Department allotted about 21,500,000 acres for cotton production this year, nearly 6,000,000 fewer than planted last year.

But farmers planted only about 19,000,000 acres. Some farmers did not plant their full allotments. Many had shifted to other types of farming.

On the other hand, many farmers in western areas, where cotton production has been expanding in recent years, did not get allotments as large as they desired.

WEATHER AND BOLL WEEVIL

On top of the underplantings came unfavorable weather in some areas and heavy boll weevil infestations and damage.

As a result, present prospects point to a cotton crop of 9,882,000 bales—or about a fifth smaller than the Government's production goal.

The supply situation wouldn't be so bad if use of cotton during the past 12 months had been in line with Government expectations of a year ago. But considerably more cotton has been used in this country and exported than had been counted upon.

The Government plans to permit farmers to grow considerably more cotton in 1951.

FIRST NATIONAL BANK
OF GRAND SALINE,
Grand Saline, Tex., September 13, 1950.

Hon. LINDLEY BECKWORTH,
Washington, D. C.

DEAR MR. BECKWORTH: The newspapers and radios report that the Government is assisting cotton farmers in neighboring counties who have made a failure on cotton crops this year.

I am in the gin business and am daily coming in contact with farmers of Van Zandt who report almost a complete failure in their cotton crop.

As you know, the Government reduced the acreage this year, and the farmer has spent a lot of money for fertilizer and poison trying to make a few bales of cotton off the few acres of land which he was permitted to plant, but, due to conditions over which he had no control, he has failed.

Unless he can get some relief from some source, it is going to be a very difficult problem to finance a crop in 1951.

If there is a program helping the farmer on this present crop, we would be glad to know what the setup is.

If you will advise us in this matter, we will appreciate it very much.

Very truly yours,

SAM D. TERRY.

THE FARMER-STOCKMAN,
Dallas, Tex., August 11, 1950.

Hon. LINDLEY BECKWORTH,
House Office Building,
Washington, D. C.

MY DEAR CONGRESSMAN: I appreciate your having sent me recent issues of the CONGRESSIONAL RECORD marked for reference to the agricultural legislation now under consideration. I have read the debates with as much care as time permits.

Obviously one who who is not intimately familiar with the existing law in all its details is incompetent to pass judgment on its adequacy, its equity, and its administrative workability. I do say, however, that from the very first AAA until now all such legislation and its administration has penalized

those who contributed least to the unmanageable surpluses and given the greatest benefits to those least in need of governmental aid.

I am heartily in sympathy with you and your colleagues' efforts to give the little family farmer a better deal in cotton, peanut, or other crop allotments. Permit me to question, however, that equity can ever be attained under a legal formula enacted by Congress and interpreted by the USDA.

In 1938 I worked with a committee of Texas farmers in formulating amendments to the then existing law, with a special emphasis on local authority to make individual adjustments. When the regulations were written, a county chairman claimed the county had even less authority than before. This same man later landed in Washington high in the cotton administration and his speeches in the field were typical bureaucratic gobbledegook.

I note that the Texas State committee is said to have caused a lot of trouble in county allotments, and especially in the matter of reserving too little for county and individual adjustments; that it is now proposed to make certain provisions mandatory on State and county committees instead of permissive. This may solve one problem only to create others.

The United States Department of Agriculture has always claimed that the regulatory programs are completely democratic, in that county committeemen are locally chosen, therefore representative of the farmers regulated. The procedure on appeals looks fine and fair on paper, but in operation the little fellow is licked before he starts, when his own county committee is hobbled by State committee and it by Federal regulations.

All this sticks out like a television antenna on a Chic Sales structure, in the recent discussions. Everybody is for decentralization of authority, but county and State committeemen must assume and exercise the responsibility the law provides, either permissively or by mandate.

Whether they will do so in the future, even under congressional mandate, depends on whether committeemen act on their own intelligence and sense of right, or whether they become indoctrinated by the bureaucratic attitude and act on its insidious guidance instead of on their own moral and intellectual integrity.

If law can put backbone into people—backbone enough to talk back to their alleged superiors and fight for their own independence in their own field of responsibility, well and good. As BOB POAGE pointed out (at p. 11421, CONGRESSIONAL RECORD, July 31), the authority has been there but has not been exercised.

It has also been asserted (POAGE, p. 11276, CONGRESSIONAL RECORD, July 27) that Texas was figured into a disadvantage under the so-called California gadget in a recent year. Sure, no one has either a moral or a legal right to juggle figures to evade the congressional intent, but that is nothing new in Washington. Maybe that's what their statisticians are for.

Nobody could oppose the original AAA as an emergency measure, and I supported it as such, both editorially and personally. I went along, attended hearings (required by law prior to issuing regulations for the succeeding year), and then learned that the regulations had already been written and the hearings were only a gesture to conform to law.

This is only one of the subterfuges that bureaucracy can, and has resorted to for its own ends. I could cite numerous others if it were worth while. That Washington is calling the tune is obvious from the fact that press releases with a State or local byline are the same as those with a Washington byline.

Underling employees have no choice but to parrot what their institutional superiors say; their jobs are at stake. But when the local and State farmer committeemen promulgate a mimeographed release from Washington over their own signatures—and some of them are pretty rediculous, locally speaking—I cannot swallow it as democracy in action.

I cannot believe that many of these farmer committeemen are yes-men for the sake of the per diem they draw, or the prestige of their position. The only alternative conclusion is that they unconsciously absorb the thinking with which they are continually bombarded by the hired hands who are presumed to be the servants, not the masters, of American agriculture.

It seems to me that we need more independent thinking among grass-roots administrators, the backbone to buck the higher-ups on palpably unjust and impractical regulations, and withal the clear authority (which Poage says they already have but are not exercising.)

Back of the State and county committeemen, however, is the handbook and as one of my friends remarked, "You can't argue with a handbook."

Is there any way for Congress to finger-point and penalize those who misconstrue or distort the legislative intent? Who write regulations and directives as they think they should be, rather than as the law provides? Who are callous to individual hardships caused by their rules and procedures? And above all, who have the "old Army game" of buck-passing beaten to a frazzle?

I am gratified to note that Texas State Administrator B. F. Vance (p. 11413, CONGRESSIONAL RECORD, July 31) says "the most urgent need is for more flexibility in making allotments to farms." That has been the case all along, from the original AAA and Cully Cobb's administration of the cotton program to now.

When I pointed out the unfairness and economic unsoundness of applying the same percentage reduction to the small family farm already well balanced with other crops, and the all-cotton planter with large acreages, Cully's reply was, "but, T. C., if we make any exceptions it will break down the whole program." In short, the big boys won't play.

I said to him and still say that any program that perpetrates such inequities in its operation ought to break down. And this sort of thing is inherent in the historical-base principle upon which all our adjustment programs rest.

Since the historical base is made an appurtenance of the land rather than of the operator, it violates the first principles of free enterprise by placing obstacles in the way of a new farmer, and establishes prerogatives contrary to the spirit of democracy. In short, land rights supersede human rights.

Now of course we are stuck with the historical base and must try to harmonize its operation with human needs as best we can. In other words to find ways to minimize its detrimental effects on the welfare of a pretty large segment of farm families. I highly commend your efforts in that direction.

The greater flexibility that Mr. Vance urges can perhaps be had under present law and regulations; perhaps not. Certainly the inflexibility is either written into the law or interpreted into it at the national level. It comes down to State and county levels in the rulings and regulations concocted by Washington.

It occurs to me that reducing a farmer's cotton allotment to a fraction of an acre, or even a few acres as cited in several counties of your district, is nothing less than confiscation. If, under the law, he has acquired a prerogative by regularly growing cotton, it is property and the same law should not so operate as to deprive him of it.

Personally, as suggested above, I do not believe in special privileges by priority, but that is what the historical base involves, and I am realistic enough to accept it as the best we have or are likely to get soon, if ever.

So why not recognize the property rights acquired by cotton growers in good faith, permit them to sell, exchange, or otherwise derive value from whatever allotment they may receive? The man who gets too little acreage for economic operation could sell or trade his allotment to a neighbor who is equipped to use it.

The new farmer who gets too little to bother with should have the same privilege. In both cases, they should retain their status as cotton growers in order to qualify for voting on future programs.

This idea will probably be opposed by Washington, unless the present coterie of cotton officials differ radically from some of their predecessors.

Under the Bankhead Act Washington obstinately refused to permit growers to sell marketing certificates across county or State lines. In a regional AAA meeting at Little Rock, I heard the Louisiana administrator plead vainly for permission to transfer unused allotments from one part of the State to another, where they would have given needed cash income to new farms with no history.

Under vigorous needling the AAA did finally set up a regional clearinghouse for Bankhead certificates in Atlanta. Why shouldn't the individual growers have been permitted to trade directly with each other? Their acreage planted conformed to the law, nature smiled on some and frowned on others, producing an excess here and a deficit there.

All common sense and moral law favored allowing the fellow who was short of cotton to sell his marketing certificates, and the fellow who had more cotton than his marketing allowance, to buy them. That would have been some income to the unfortunates whose acres failed to produce according to Washington's "guesstimate." But that was far too simple for bureaucratic acceptance.

It seems to me that giving the allottee the privilege of merchandising his allotment if he so desires would remove some of the dissatisfaction with the program as it stands. And certainly he should not be deprived of his "cotton" franchise by not using an allotment that is obviously economically inadequate.

It is perhaps presumptuous for me to discuss the cotton program at such length. Before the 1938 act I studied legislation closely and kept well posted on the regulations from year to year. After that I realized that no man not required to do so by his duties could ever understand the laws and the voluminous details of their operation, so gave up.

Your correspondence and congressional matter to which you referred me impelled me to offer these comments, for whatever they may be worth, if anything.

I shall always welcome correspondence on agricultural matters, and shall be glad to see you when you come this way.

Very truly yours,

T. C. RICHARDSON,
Texas Editor.

THE FARMER-STOCKMAN,
Dallas, Tex., August 2, 1950.

HON. LINDLEY BECKWORTH,
House Office Building,
Washington, D. C.

MY DEAR CONGRESSMAN: I have read with a great deal of interest the CONGRESSIONAL RECORDS that you have sent me, and I congratulate you on your efforts in behalf of the small cotton farmer. You are quite right in saying that the allotment program robs many of those who can least afford to

lose what cotton acreage they have, as it is the most dependable source of cash income for a great many of our farm families.

As a matter of fact, the program from the first AAA has been hardest on those who contributed least to the surpluses. As long as allotments are set up on a historical base, they cannot be equitable. The farmer who has a balanced farm program, the ideal that all our agricultural agencies and the farm press have worked for, is penalized while those who planted heavily in cotton, peanuts, wheat, etc., still have enough left to make an income and they reap the major benefits in payments from the USDA.

I will be glad to see you anytime you get down to Dallas, but I want to congratulate you on sticking to the job in Washington, which your constituents hired you for. I am convinced that a public servant who attends to his job commands the respect and confidence of his constituents to a greater degree than those who politic when they ought to be attending to the business for which they were elected.

I shall be glad to hear from you at any time on agricultural affairs and especially will welcome a visit whenever you are again in Texas.

Cordially yours,

T. C. RICHARDSON,
Texas Editor.

TYLER, TEX., *July 27, 1950.*

LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.:

Do everything possible to keep Tommie Rushing, rural route 8, box 342, Tyler, Tex., from having to plow up excess cotton planted. He misread his allotment. It is seven-tenths of an acre and he read it 7 acres. Do this for Rushing or any other farmer, for it looks like we are going to need more cotton. Code serial No. 74-212 0-33.

R. L. PRICE.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
College Station, Tex., August 3, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: This will reply to your letter of July 28 in which you quoted a telegram from Mr. R. L. Price, of Tyler, Tex., who wired you in behalf of Tommie Rushing, route 8, Tyler, Tex.

We had previously received a communication from Mr. Price on the same subject and referred the request to the Smith County PMA committee. It is my opinion that under existing cotton marketing quota legislation, the State committee cannot grant any relief to Mr. Rushing.

Very truly yours,

B. F. VANCE,
Chairman, State Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Tyler, Tex., August 8, 1950.

Mr. R. L. PRICE,
Tyler, Tex.

DEAR SIR: This is in reply to the telegrams sent to Mr. B. F. Vance, chairman, State committee, PMA, and to Mr. Jasper M. Taylor, chairman county committee, Smith County PMA regarding the excess cotton planted by Tommie Rushing.

The State and county committees do not have any authority under existing regulations and instructions to determine that the cotton allotment on the farm was unknowingly overplanted. Therefore, Mr. Rushing will need to dispose of his excess cotton acreage or pay the marketing penalty based on his farm marketing excess. In case the excess acreage is not disposed of properly, the other penalty provisions with respect to ACP payments and price support will be effective.

Yours truly,

DAN G. OWEN,
Secretary, Smith County PMA.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., August 23, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives.

DEAR MR. BECKWORTH: This is in reply to your letter of August 14, 1950, with which you enclosed a letter from Mr. R. L. Price, of Tyler, Tex., Mr. B. F. Vance, College Station, Tex., and Mr. Dan G. Owen, Tyler, Tex., regarding Mr. Tommie Rushing's farm on which the 1950 cotton-acreage allotment was overplanted.

As pointed out in our letter of August 16, 1950, and in a telephone conversation on August 17 with a member of the cotton branch, regarding Mr. Rushing's case, there is no authority in the Agricultural Adjustment Act of 1938, as amended, under which the 1950 cotton acreage allotments and quotas were established, for adjusting the acreage allotment established for a farm for the purpose of bringing the planted cotton acres within the allotment. Neither is there any authority, contained in the act, by which an individual can be relieved of compliance with the program provisions arising because he misread or misinterpreted certain provisions of the act or the Secretary's regulations issued thereunder.

As requested in your telephone conversation there is enclosed Agricultural Conservation Programs Memorandum 136, which pertains to knowingly overplanted cotton farms.

Sincerely yours,

C. J. MCCORMICK,
Under Secretary.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Montague, Tex., April 19, 1950.

Re letter dated April 12, 1950.

Hon. LINDLEY BECKWORTH,
Third District, Texas,
Washington, D. C.

DEAR SIR: The cotton allotments for Montague County are small. Our final county factor being .0987.

We have 470 farms with 5 acres or less.

We had 139 applications for new grower cotton allotments. Only 100 acres was set aside for these applicants. These 139 new producers received allotments from 0.5 to 2.7 acres. One hundred and fourteen of the 139 received less than 1 acre. None of the 139 new growers received a zero acreage.

We estimate that 86 percent of these new producers are genuine farmers.

Yours truly,

JAMES B. ZETZSCHE,
Secretary, Montague County PMA.

P. S.—Montague County has 2,318 farms, with only 881 eligible for cotton allotments. You will note above that 470 of these have less than 5 acres. J. B. Z.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Mason, Tex., April 21, 1950.

LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN BECKWORTH: In regard to your letter dated April 12, 1950, please find listed below the information you ask for:

In Mason County, we have 124 cotton farmers. Out of this 124 there are 95 farmers that received 5 acres of cotton or less.

We had 20 new producers to apply for a new growers cotton allotment and we had 25 acres to distribute among the new producers. The acreage they received ran as low as 0.4 acre and as high as 2.4 acres. Eight out of the 20 received less than 1 acre. These 20 new growers all received some cotton acreage, none receiving zero acreage. We regard 100 percent of the new producers as genuine farmers.

Yours truly,

WILLIE MAE SCHREIBER,
Secretary, Mason County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Dickens, Tex., May 9, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: Enclosed are answers to the questions asked in your letter of May 6, 1950. Hoping this is the information requested.

Very truly yours,

GEORGE H. CARTER,
Secretary, Dickens County PMA.

Number of cotton producers in county: 873.

Number of farmers received less than 5 acres cotton: 12.

Number of new producers that applied for acreage: 38.

Acreage to distribute among new producers in county: 1,417.9.

No. of acres each got:

A-87	55.0
A-94	26.4
A-114	36.3
A-121	5.5
A-152	34.5
A-153	13.8
A-178	6.0
A-369	30.1
B-47	9.7
B-65	13.4
B-85	8.8
B-119	43.6
B-120	40.0
B-131	24.8
B-148	16.7
B-165	37.3
C-69	16.2
C-87	3.8
C-130	27.1
C-138	24.4
C-154	26.5
C-167	3.8
C-205	10.7
C-232	6.2
C-244	22.7
C-251	61.0
C-295	49.1
C-296	11.9
C-304	42.9
C-315	3.8
C-344	15.4
C-347	30.3
C-363	4.7
C-381	17.0
C-416	17.7
C-418	18.0
C-433	11.7
C-463	24.1
Total	850.9

Number that received zero acres: None.

Percent of new producers I regard as genuine farmers: 100 percent.

Acres the recent cotton amendment helped new producers: Zero.

Acres the recent cotton amendment helped old producers: 105.6.

Number of producers receiving less than 5 acres that probably will grow no cotton: None.

Number that will cease to farm for themselves: None.

PITTSBURG, TEX., *April 13, 1950.*
Hon. LINDLEY BECKWORTH,
Washington, D. C.

DEAR FRIEND: I'm mailing the CONGRESSIONAL RECORDS back to you. We read rather minutely the RECORDS and not your valiance stand for our interest. PMA's or Agriculture Department tabulated those years during the war period when our sons were entering the war machinery or more vital work than the farms. All-out winning that war. Parents were buried in grief and some passed on. And for 2 years the Mr. was in such poor health as an aftermath of the war. We refused to let him farm, 1946–47. Now believe you me, this harness, those PMA and Agriculture Department are putting us in are the tightest yet. But right is might. And all wrong will be dealt with summarily, positively.

Sincerely,

J. D. MARTIN.
EDNA MARTIN.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Hillsboro, Tex., May 8, 1950.
Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter of May 6, 1950. Listed below you will find the answers to the questions concerning 1950 cotton allotments in Hill County. We have 4,039 cotton producers in Hill County and 157 received less than 5 acres. Had 79 producers that applied for new-growers allotments. There was 1,700 acres that was set aside for the new producers in our county. They each received the allotment they requested not to exceed 35 percent of their cropland. None received zero acres. All of the new producers are regarded as genuine farmers. The recent cotton amendment did not help any new producer. The amendment gave the old producers 55 acres. There will be at least 30 percent of producers that received less than 5 acres that will grow no cotton, and 10 percent will cease to farm for themselves. There are 4,039 for 1950, for previous years unknown, probably about the same amount.

Trust this is the desired information you requested.

Very truly yours,

CLINE T. YOUNG,
Secretary, Hill County PMA.

DEPARTMENT OF AGRICULTURE
PRODUCTION AND MARKETING ADMINISTRATION,
McKinney, Tex., May 8, 1950.
Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In reply to your letter of inquiry dated May 6, 1950, the following information is submitted:

1. Number of cotton producers in Collin County: 4,132.
2. Number of farmers who received less than 5 acres: 192.
3. Number of new cotton producers who applied for cotton acreage: 92.
4. Number of acres distributed to new cotton producers: 955.9.
5. Number of acres each new cotton producer received: 25 percent of cultivation acres after deduction of their wheat allotment.
6. Number of zero acres cotton allotments issued to new producers: None.
7. Percentage of new producers which we regard as genuine farmers: 75 to 85 percent.
8. Number of acres distributed to new cotton producers under recent legislation amendment: None.
9. Number of producers receiving less than 5 acres that will probably plant no cotton: 15.
10. Number of producers receiving less than 5 acres that we estimate will cease to farm for themselves: None.

P. L. BARKSDALE,
Secretary, Collin County ACA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ASSOCIATION,
Bay City, Tex., May 9, 1950.
Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: Enclosed you will find a tabulation of the information requested by you in your letter of May 6, 1950. Some of the information you requested is still unavailable to us, but we are glad to help you with what information we do have.

I sincerely hope that this report will be satisfactory to you.

Yours truly,

CARL E. LIVELY,
Administrative Officer, Matagorda County, PMA.

1. How many cotton producers are in your county: 788.
2. How many farmers in your county received less than 5 acres of cotton: 129.
3. How many new producers applied for acreage: 90.
4. How much acreage was there to distribute among the new producers in your county: 400.
5. How much did each get? (Limited by county factor, .2740): 3.8 to 20.
6. Did any receive zero acreage: Yes.
7. What percent of the new producers do you regard as genuine farmers: 77 percent.
8. How much in acres did the recent cotton amendment help your new producers? [Blank.]
9. Your old ones: 629.5.
10. How many of your producers receiving less than 5 acres will probably grow no cotton: 11.
11. How many will cease to farm for themselves? [Blank.]

WILLS POINT, TEX., *May 15, 1950.*
Hon. LINDLEY BECKWORTH.

DEAR SIR: Mr. BECKWORTH, as Congressman of this Third District of Texas, I am writing you to ask that you will please get Congress to prepare a "soup line" for me beginning about October 1, 1950.

The cause of this condition is as follows: I live on a 78-acre rented farm with 30 acres in crop land. Said farm being rented cash rent in advance, which is the best way to rent "at least I think so." The 3–A office in Canton say I can plant 2.2 acres of cotton which is a fraction over 1/15 of the crop land.

Sir, I kept off all WPA in the past. I "lived hard" in the "Hoover Days" but 2.2 acres in cotton out of 30 in crop land will force me on a soup line.

I am living on my forty-seventh year of life, too old now to get a job. I did not go to school long enough to get a "position" and have rheumatism too bad to dig ditches with a pick and spade.

Hoping you are o. k.

I am respectfully,

H. T. HOLLIDAY.

THE FIRST STATE BANK,
Ben Wheeler, Tex., May 20, 1950.
Mr. B. F. VANCE,
Chairman, State Committee,
College Station, Tex.

DEAR SIR: There are six farmers, to wit: T. B. Thornburgh, L. D. Thornburgh, John Thornburgh, Tom Shirey, Bill Webb, and Ronald Mitchell, and they are on a farm of 960 acres, 400 acres of cultivatable land. Also a Mr. Gordon Gilchrist on a 97-acre tract of land, of which three-fourths is tillable land, but 5 miles from the above 960-acre tract of land. These seven men were given 4 acres of cotton land.

The first four above-mentioned men cannot read or write and are honest, hard-working men with good-sized families.

Why can't these men get enough cotton acreage to be worth while?

Why cannot the Van Zandt office be investigated?

We await your reply.

Yours truly,

C. L. YOUNGBLOOD.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Athens, Tex., April 14, 1950.
Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR SIR: In reply to your letter of April 3, 1950, this is to advise that approximately 800 farms received less than 5 acres of cotton for 1950. We had 455 new producers who filed for a new grower's allotment. The 455 new growers received a total of 259.3 acres, which averaged from 0.1 to 1.5 acres. None of the new growers received a zero allotment. Ninety percent of new growers in this county are genuine farmers.

Yours very truly,

RAYMOND G. MAGERS,
Chairman,
Henderson County PMA Committee.

TYLER, TEX., *June 2, 1950.*
Hon. LINDLEY BECKWORTH,
House Office Building,
Washington, D. C.

DEAR MR. BECKWORTH: This comes to say that I received my 1950 cotton acres allotment yesterday, June 1, 1950. Mr. BECKWORTH, I want you to know that I really appreciate to the highest extent of what you have done for me in aiding me in getting my cotton allotment.

I shall do everything in my power to get the people in this county to vote for you in the next election and I do hope to see you when you come to this county. The board gave me 6½ acres of cotton, and oh, how glad I am to get that number of acres, for I am so deep in debt I want to pay my debt and cotton was the only means I had to pay them.

I mailed you a letter May 31, 1950 asking you to write my PMA committee, but I have received my allotment since I wrote you, so please cancel that letter, and do not write them to mail it to me.

Thank you again and again. Hoping you and family a happy, prosperous, and long life. May God ever bless you and put his arms of protection around you.

I am still sick, not able to do anything. Wife and children are well.

I am,

Your friend,

DAVID SMITH.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Goldthwaite, Tex., April 18, 1950.
Congressman LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

HONORABLE CONGRESSMAN BECKWORTH: This is with reference to your letter of April 12, in which you requested certain information pertaining to cotton acreage: 168 farms in our county received 5 acres or less cotton; 62 producers applied for new allotments; 50 acres were allotted to our county for new

allotments; 1.3 acres per hundred acres of cropland were allocated. All producers were genuine farmers.

Yours very truly,

LESTON F. BAIN,
Secretary, Mills County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Conroe, Tex., April 19, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In regards to your letter of April 11, 1950, there were 150 farms that received 5 acres of cotton or less. There were 105 new producers that applied for acreage. There were 114.9 acres to be distributed to new growers. The highest acreage for a new grower was 3.8 acres and the lowest acreage was 0.3 acre. There were 36 producers 0.0 out. There are about 75 percent of the new producers that we regard as genuine farmers.

If we can be of any assistance to you, please let us know.

Yours very truly,

M. J. ROSS,
Secretary, Montgomery County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Stephenville, Tex., April 18, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.,

DEAR SIR: This is a reply to your letter of the twelfth relative to cotton farmers in Erath County.

There were 632 farmers who received 5 acres or less of cotton allotment and quite a number additional that received a 5-acre-plus allotment. There were 170 farmers applied for a new grower allotment and all of these men received a 1.1-acre allotment except 5, and these ranged from 2- to 6-acre allotments. There were approximately 25 others that applied but when told that there were more applicants than we had acres to distribute they withdrew their requests. No one received a zero allotment. The county committee feels that approximately 90 percent of these farmers are genuine farmers.

Yours very truly,

FRED N. CAREY,
Chairman, Erath County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Fairfield, Tex., April 19, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In reply to your request of April 5, I am herewith giving you the following information from the files of the Freestone County PMA office.

1. Number of farms which received a 5-acre cotton allotment or less: 527.

2. Number of new producers applying for an allotment: 84.

3. Number of acres held in reserve by the county committee for new producers: 400.

4. The allotments for these 84 producers range from 0.5 acre to 19.6 acres.

5. Number of new producers receiving a zero allotment: None.

6. Would estimate that 90 percent of these are genuine farmers.

I trust this is the information you desire.

Yours very truly,

NORMAN H. LAMBERT,
Secretary, Freestone County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Madisonville, Tex., April 18, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter of April 5, 1950, we are giving you the following information:

The number of farmers in the county receiving 5 acres of cotton or less: 248.

The number of new producers that applied for cotton acreage: 123.

The amount of acreage there was to be distributed among new producers in the county: 342.9.

The new producers received from 0.7 of an acre to 8.5 acres.

None received zero acres.

About 75 percent of the new producers are regarded as genuine farmers.

Yours very truly,

JIMMIE W. WOOLEY,
Secretary, Madison County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Canton, Tex., April 18, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: This is to advise that approximately 340 applicants were disqualified by the county and local committeemen for various reasons.

Since you have lived in this area you must know that the land here on an average will not produce over 125 to 150 pounds per acre. You must also realize that the farms that are applying for a new-grower allotment in the main are below this average or they would have been farmed during the base years.

In the opinion of the county committee, an allotment of less than 5 acres on a farm in this area is almost useless. In view of these facts and because there was only 427.7 acres of cotton to be issued to approximately 600 applicants, the committee felt it necessary in all fairness to everyone involved to disqualify all producers who did not have work stock and equipment, had a substantial cotton allotment on another farm, actually made their living from some other source than farming, or for some other reason were not dependent on having a cotton allotment for their livelihood, asked for an allotment on land not adapted to cotton, or requested an allotment on farms so small that allotment procedure would not allow them an allotment large enough to be of any use to them, or on a farm so large and farmed with large equipment which would have made the small allotment available of no use to them. Even after this the highest new-grower allotment in the county is 4.5 acres, and only five or six farms received this allotment. The average new-grower allotment in this county is approximately 1.7 acres. It is our opinion that not over one-third of the 243 new-grower allotments issued by this county will be planted. They will not be planted because they are too small to be of any use to the person receiving them. If all applicants had been approved, it is our opinion that not one of these allotments would have been planted.

R. W. BROWN,
NED L. CHEATHAM,
J. M. STEPHENS,
County Committee,
Van Zandt County, PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Jasper, Tex., April 18, 1950.

Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR MR. BECKWORTH: In compliance with your request dated April 12, we are listing below the information called for.

The number of farmers in Jasper County receiving 5 acres of cotton allotment or less was 387.

The number of new growers applying for allotments was 76.

There were 84.2 acres available for distribution to new growers.

These allotments ranged from 0.2 acre to 4.1 acres.

No farms received a zero allotment.

We regard at least 90 percent of our new growers as genuine farmers.

We hope this is the information desired in your request and at any time we may be of further assistance, please call on us.

Yours truly,

CHARLIE L. CARTER,
Secretary, Jasper County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Ballinger, Tex., April 18, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In answer to your note of April 12, 1950, we are happy to furnish the following information pertaining to 1950 cotton allotments in Runnels County:

Number of farms in Runnels County that received 5 acres of cotton or less: 26.

Number of new grower applications: 65.

Number of acres to be distributed among new growers, 1,512.8.

Percent each new grower received: 25.

Did any receive zero acres: No.

Percent of the new growers regarded as genuine farmers: 100.

If we can be of further assistance to you, please do not hesitate to call on us.

Yours very truly,

S. E. CLONINGER,
Secretary, Runnels County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Newton, Tex., April 17, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter of April 12, 1950, inquiring about the cotton situation in Newton County, we find from the records in this office the following:

1. How many farmers in county receive 5 acres or less? Answer: 308.

2. How many new producers applied for acreage? Answer: 77.

3. How much acreage was there to distribute among new producers? Answer: 69.7.

4. How much did each get? Answer: It would be difficult to answer this question, but they range from 0.1 acre to 4.1 acres for new growers and 1.0 to 11.7 acres for the old growers.

5. Did any receive zero acres?

Answer: No.

6. What percent of the new producers do you regard as genuine farmers?

Answer: It will be impossible to give you an intelligent answer on this question. You may use the above information to get an answer.

Hoping that this will answer your questions and if we can at any time help you we want you to feel free to call on us.

Yours very truly,

MARLIN E. BORDERS,
Secretary, Newton County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Hamilton, Tex., April 17, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In response to your letter of April 12, we have compiled the following:

1. Two hundred ninety-one farmers in Hamilton County received cotton allotments of 5 acres or less.

2. Sixty-three new producers applied for acreage.

3. There were 150 acres to distribute among these new producers.

4. Each new producer got an allotment ranging from 0.6 to 6.9 acres—57 of these being 5 or less.

5. No new producer received a zero allotment.

6. In regards to the percentage of new producers who are genuine farmers, they are all considered as diversified cotton farmers.

Respectfully yours,

JIM F. GILBREATH,
Administrative Officer,
Hamilton County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Tyler, Tex., April 18, 1950.

Mr. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR LINDLEY: This is in reply to your letter of a few days ago in which you requested answers to the following:

How many farmers in Smith County receiving 5 acres or less: 1,387.

How many new producers applied for a cotton allotment: 450.

How much acreage was there to distribute among the new producers of Smith County: 607.

How much did each get: Average 1.

Did any receive zero: None.

What percent of the new producers do you regard as genuine farmers?: 100 percent.

The 450 producers that made application as new growers are all old cotton growers, but for 1950 they are on farms that had no cotton history for 1946, 1947, and/or 1948 which made it necessary that they make application as a new grower.

Hoping this to be the desired information, I am,

Yours truly,

DAN G. OWEN,
Secretary, Smith County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Brownfield, Tex., July 7, 1950.

Congressman LINDLEY BECKWORTH,
Washington, D. C.

DEAR MR. BECKWORTH: We regret to have delayed in answering your letter of May 8, however, at the time we received your letter we were reworking all allotments in the county to conform with what we call the 65-45-40 amendment.

We will endeavor to answer your questions in the order in which you ask them: 1382; 9; 39; the new growers received the same factor as the old ones, which was .3040 except those where in the opinion of the county committee the new grower was not entitled to the same factor as old growers because of the history of the farm or the topography of the soil, etc.; none recevied zero allotments; all new grower allotment applications which we received were genuine farmers in the opinion of the county committee or they did not receive an allotment at all; new growers, none; old growers, approximately 3,000 acres; none unless weather conditions are so that they cannot plant.

Very truly yours,

LOOE MILLER,
Secretary, Terry County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Jacksboro, Tex., July 7, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: We will now furnish information on letter of May 8, relative to the cotton allotment conditions in Jack County.

We have about 260 cotton producers in Jack County. Thirty-nine of these received less than 5 acres, twenty-six of which were new growers.

Thirty-four applications for new growers all received as much as 3.8 acres up to 15.3 acres from reserve of 170 acres set aside for new growers. All new growers were genuine farmers, living on the farm or another one near. Some had not grown cotton in several years. Therefore no history for old farms.

Under the amendment Public Law 471, the county was given 595.1 acres with 41.1 acres by appeal. This justification through the county committee having been compelled to reduce the farmers' reported acreage to come within the BAE figures.

There are always a few farmers who ask for a new grower cotton allotment and fail to get their acreage planted. This same condition applies on both wheat and peanuts. For instance, last fall we had 10 new grower wheat allotments and only 4 were seeded.

We are very largely a cattle country but always have a few who depend on cotton, peanuts and wheat for a cash crop.

It seems to our county committee that the cotton allotment law 272 does not do justice to the already diversifying farmer who has already set up a crop rotation system to take care of and build his soil; having already cut his cash crop to the minimum to save the soil.

We were talking to a PMA administrative officer from the Texas plains country this week who had gotten a factor of 0.5803 per cropland for his county. While here we got a factor of 0.1248. We could live with a factor of 0.20 or 0.25 of cropland and to bring some of the larger factors back to 0.40 would help a lot of small factored counties.

We see no reason why a more equitable law cannot be worked out and not hurt anyone.

We hope that information given here will be helpful.

Very truly yours,

W. E. YOWELL,
Secretary,

T. D. WILLIAMS,
Chairman,

EVERETTE B. ABERNATHIE,
Vice Chairman,

HERSHELL E. EICHLER,
Member,
Jack County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Tilden, Tex., June 29, 1950.

Representative LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: In reply to your letter dated May 8, 1950, on cotton producers and allotments in McMullen County, we have listed below your questions with our answers on same:

How many cotton producers are in your county: 75.

How many farmers in county received less than 5 acres of cotton: 1.

How many new producers applied for acreage: 5.

How much acreage was there to distribute among the new producers in county: 66.6.

How much did each get: 5.4, 5.8, 30.9, 20.6, 3.9 acres.

Did any receive zero acres: No.

What percent of the new producers do you regard as genuine farmers: 5.

How much in acres did the recent cotton amendment help your new producers: 0.

Old ones: 306.3.

How many producers receiving less than 5 acres probably will grow no cotton: 1.

How many will cease to farm for themselves: none.

Very truly yours,

C. H. TEAL,
Chairman, PMA County Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Cameron, Tex., June 29, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Reference to your letter of May 6, 1950, concerning information on cotton acreage and producers in Milam County, we are listing as follows:

1. How many cotton producers are in your county: 2,500.

2. How many farmers in your county received less than 5 acres of cotton: 264.

3. How many new producers applied for acreage: 134.

4. How much acreage was there to distribute among the new producers in your county: 341.3.

5. How much did each get: From 0.5 to 31.7.

6. Did any receive zero acreage: 3.

7. What percent of the new producers do you regard as genuine farmers: 90 percent.

8. How much in acres did the recent cotton amendment help your new producers: 183.2; (a) old producers, 3,152.5.

9. How many of your producers receiving less than 5 acres probably will grow no cotton: 50.

10. How many will cease to farm for themselves: 100.

Yours very truly,

ALVA E. SANDERS,
Administrative Officer, Milam County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Sweetwater, Tex., June 29, 1950.

Hon. LINDLEY BECKWORTH,
Washington, D. C.

DEAR SIR: In reply to your letter of May 8, 1950, the following information is from Nolan County, Tex.:

This county has 774 cotton producers; 7 of these producers received less than 5-acre allotments; 25 new producers applied for new grower cotton allotments; there was 200 acres to distribute among new producers in this county; the 14 new producers received from 5- to 30-acre allotments; the 11 applicants receiving zero allotments were not considered bona fide cotton farmers.

The cotton amendment did not help any of our new producers, but the old producers received 2,647.5 additional acreage.

Probably none of the seven producers who received less than 5-acre allotments will grow

any cotton, however the cotton-acreage survey for Nolan County is incomplete at this time.

We have not been advised at this time that any of our farmers will cease to farm for themselves.

Very truly yours,

DEMP KEARNEY,
Secretary, Nolan County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Hondo, Tex., June 29, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: Complying with your request of May 6, 1950, we enclose information concerning cotton farmers and acreages for Medina County.

Yours very truly,

JAMES M. RATLIFF,
Secretary, Medina County PMA.

1. Number of cotton producers in this county: 91.

2. Number farmers receiving less than 5 acres of cotton: 56.

3. Number new producers applying for acreage: 50.

4. Number acres available to distribute among new producers: 58.

5. Number acres each got: 1 to 2.6.

6. Number receiving zero acres: None.

7. What percent of the new producers do you regard as genuine farmers? 100 percent.

8. Number acres new producers were helped by recent cotton legislation: None.

9. Number acres old producers were helped by recent cotton legislation: 90.6.

10. Number producers receiving less than 5 acres that probably will not grow cotton, in my opinion: 20.

11. Number producers that will probably cease to farm for themselves: None.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Belton, Tex., June 30, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN: In reply to your request for certain information pertaining to cotton acreage allotment, however, there are list our answers in the order of your request.

There are 3,107 farms that received a 1950 cotton acreage allotment, however, there are a number of farms with several tenants who produce cotton.

One hundred and fifteen farms received less than 5-acre allotments.

Approximately 100 farms requested a group II allotment. We had 546 acres to distribute to new producers.

The acreage varied from 1 acre to 25 acres.

Some received a zero allotment because they had been farming for years and never planted cotton.

We doubt that more than 10 percent of those requesting a new grower allotment could be regarded as genuine farmers.

The recent cotton amendment helped Bell County by 3,938.1 acres, this went to old growers. The amendment did not help new growers.

We doubt that over 25 percent of the 5-acre or less allotment farms will grow cotton.

Our guess is that approximately 5 percent will quit farming for themselves.

We trust that this information will be of some value to you.

Yours very truly,

A. J. PETERS,
Secretary, Bell County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Mount Pleasant, Tex., April 14, 1950.

Hon. LINDLEY BECKWORTH,
Member of House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: This acknowledges your letter of April 3, 1950.

Question No. 1. How many farmers in your county received 5 acres of cotton or less: 508 farms.

Question No. 2. How many new producers applied for acreage: 129.

Question No. 3. How much acreage was there to distribute among the new producers in your county: 172.1 acres.

Question No. 4. How many new producers received zero (0) new grower allotments: 72.

Question No. 5. What percent of the new producers do you regard as genuine farmers: Under the regulations and the knowledge had on each farm, 44 percent were considered eligible for consideration for new grower allotments. Because of the limited amount of acreage available for new growers, and due to the fact there was a great number who desired new grower allotments, they did not get the factor for the county as established for group I farms, but rather received .9237 percent of the factor of .1339 would have given them.

In other words, their allotments were figured in the same manner as group I farms with the exception that they only received 0.9237 percent. Actual farm visits were made on each of the new grower applications before any allotments were considered. Many of the applications for new grower allotments were for the purpose only of helping to rent their farms. Such allotments were not given consideration by the committee. Those who did receive allotments were those farmers who qualified on the four points, namely, that they live on the farm, that they had adequate livestock and equipment, that they did not have cotton allotment on another farm, that no agreement, written or oral, had been made, and that they need the allotment in order to make a living.

I trust this gives you the desired information.

Yours very truly,

HARRIS A. GREEN.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Emory, Tex., April 12, 1950.

Hon. LINDLEY BECKWORTH,
Member of Congress,
Washington, D. C.

DEAR MR. BECKWORTH: There are 116 group I farms, that is, farms on which cotton was grown, or considered as grown, during the base years 1946, 1947, and 1948, which have allotments of 5 acres, or less.

There were 131 new growers allotments established for 1950, totaling 884.8 acres. This county had ample reserve set aside to give these applicants the county factor of .2201, or their requested acreage whichever was the smaller, except that a minimum of 3 acres was established, unless the producer requested a smaller acreage.

We think that probably 75 percent of the acreage allotted will be planted.

Our small farmers are not materially affected by allotments, as compared to the actual cotton growers. In reducing our reported figures to BAE estimates (which we doubt as even nearly accurate) our farmers are not benefited by the amended legislation except through appeal to a review board to restore their original reported acreages.

In view of this situation we hope that if there is any way you can help facilitate the function of appeal committees in reviewing these cases you will do so, for the time is short and farmers don't want to plant an acreage with the possibility of having to destroy it, should be the appeal committee reject their claim. We will need more committees to hold these hearings, than have been appointed; in fact, I believe every county affected by this legislation should have a review committee set up. Rains County alone will probably have 200 appeal cases to dispose of and this is a small county compared to most of the east Texas counties affected.

Any assistance you render will be very deeply appreciated by every cotton grower and agricultural worker in the South.

Yours very truly,

ELTON B. SHIVERS,
Administrative Officer, Rains County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Carthage, Tex., April 11, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR SIR: Your letter of April 3, 1950, addressed to the Panola County PMA Committee, has been referred to me for reply. Below your questions are listed with our reply.

1. How many farmers in your county received 5 acres of cotton or less? Answer: Group I, 570; group II, 364; total 934.

2. How many new producers applied for acreage? Answer: 397.

3. How much acreage was there to distribute among the new producers in your county? Answer: 1,000 acres.

4. How much did each get? Answer: The 1,000 acres was distributed by factor and cropland basis.

5. Did any receive zero acres? Answer: Yes; one.

6. What percent of the new producers do you regard as genuine farmers? Answer: 100 percent.

Very truly yours,

T. L. VINCENT,
Secretary, Panola County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Canton, Tex., April 11, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: The county committee has requested that I give the following answers to the questions asked in your letter of April 3, 1950.

1. Six hundred and forty-two farms received 5 acres or less in Van Zandt County.

2. Approximately 600 farmers made application for new-grower allotments.

3. There was 427.7 acres of cotton to distribute to new-grower farmers in this county.

4. Each farm which received an allotment received from 0.4 acre to 4.5 acres. The allotments averaged 1.7 acres.

5. It was necessary that a considerable number be given a zero allotment.

6. The committee regards approximately 70 percent of the applicants genuine farmers.

Very truly yours,

JAMES C. HODGE,
Secretary, Van Zandt County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Lufkin, Tex., April 10, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: In regard to your letter of March 3, 1950, the following are correct quotations of cotton acreages in Angelina County, Tex.

We had 424 group 1 (old farm) cotton allotments, and of this number 90 farms received less than 5 acres per farm. The total for this 90 farms was 279.9 acres. We had 290 group 2 (new farm) cotton allotments, and only 1 of these allotments exceeded 5 acres, and that allotment was 6.2. The remaining 289 received allotments of one-tenth up to 4.9 acres. The 290 new-farm allotments only totaled 344.8 acres.

In my opinion all the new producers could be classed as genuine farmers, and it is the feeling of my county committee that something should be done in order to increase the cotton acreage for these new farmers. From all indications the group 1 farmers are fairly well satisfied with their allotments; therefore, the county committee of this county would like to use released acreage to supplement new growers.

We all appreciate the interest you have shown toward the small cotton farmers, and any time we can be of assistance to you please call upon us.

Very truly yours,

LEON D. PLEDGER,
Secretary, Angelina County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Hemphill, Tex., April 10, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR FRIEND: There were 331 farmers in Sabine County who received 5 acres of cotton or less; 116 new producers applied for acreage: 165.3 acres were available to distribute to new growers.

New allotments ranged from 0.2 to 6 acres. Only those having some interest in a group I allotment got zero for group II application.

I believe that 90 percent of the new producers are genuine farmers.

Yours truly,

H. H. MINTON,
Secretary, Sabine County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Longview, Tex., April 11, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR LINDLEY: We have 321 group I farmers receiving allotments in Gregg County. Of this number 161 received allotments of 5 acres or less; 100 allotments were between 5 and 10 acres, and only 11 allotments were above 40 acres.

We had 146 acres to be divided among 83 new producers. Seventy received allotments between 1 and 2 acres, 11 between 2 and 5 acres, and 2 between 2 and 8 acres. None of the new growers received over 8 acres, and no one received zero allotments. I think all who applied for new grower allotments were genuine farmers.

Very truly yours,

J. W. BULLOCK,
Secretary, Gregg County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Quitman, Tex., April 10, 1950.

Hon. LINDLEY BECKWORTH,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN: This is in reference to your letter of April 5, 1950, to the county committee.

1. The number of farmers receiving 5 acres of cotton or less was 1,248.

2. The number of new producers that applied for allotments was 310.

3. The acreage that was available to distribute among the new producers was 300.

4. Each producer received from 1 acre to 1.1 acres.

5. The number of zero allotments was 10.

6. The percent of new producers regarded as genuine farmers was 88 percent (300 applications).

The number applications left from item 2 less item 5, less item 6, consisted of 30 applications that did not meet the necessary eligibility requirements.

If you desire further information, please advise.

Yours very truly,

ROY E. BARNETT,
Secretary, Wood County PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Gilmer, Tex., April 11, 1950.

Hon. LINDLEY BECKWORTH,
Washington, D. C.

DEAR SIR: This is in answer to your letter dated April 5, 1950.

Three hundred and twenty farms in group 1 received less than 5 acres cotton allotments.

One hundred and fourteen farms in group 2 (new growers) received less than 5 acres.

Two hundred and seventy farmers filed applications for new grower cotton allotments. Only 116 applications out of the 270 applications received cotton allotments; 254.6 acres were distributed among 116 farms. Rather small, isn't it? Averaged about 2.1 acres to the farm. I would think all are farmers.

This office has been accepting applications for adjustment in cotton allotments, under the bill passed recently by Congress. To date, we have checked 211 applications filed and only 35 out of the 211 applications will be helped any by the 65–45 provision of the bill. We are disappointed that it will not help more farms. Since many are not helped by the 65–45 provision the county committee is hoping the release provision will help, if it ever gets out to county offices.

Very truly yours,

LEWIS E. STRACENER, JR.,
Administrative Officer,
Upshur County, PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Jefferson, Tex., April 10, 1950.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR LINDLEY: I would like to make the following report in answer to your letter of April 3, 1950.

We have 787 applications with 222 receiving above 5 acres allotment, 351 receiving 5 acres allotment and 214 receiving less than a 5-acre allotment.

We have 116 group II farms with only 47 receiving allotments, the other 69 receiving no allotments. Out of the 47 that did receive an allotment, 2 farms got 1 acre each, the others getting 2 acres each with the exception of 3. Of those three, one received 3.5, one received 4-, and the other received 5-acre allotments. Only 99 acres were set aside for group II farms in Marion county.

The 69 applicants which received no allotments are farmers who say they cannot accept less than 5 acres or already have an allotment on other farms.

Marion County is in the group where nearly all the small sawmills are having to close and all workers have returned from defense jobs and there is no other recourse but to go farming. As you will note we have a number of 5 acre or less allotment farms. Due to the fact that husbands were off at defense plants and sawmills this small acreage was carried on by other members of the family.

With these small allotted acre farms it is impossible for the farmers to receive help from the bank or any other lending agencies.

In reference to the 45–65 amendment we have seven applicants thus far receiving help. Five of these received less than four-tenths of an acre and the other two received 2.4 and 3 acres.

We would appreciate anything that can be done to help the farmers of Marion County.

Very truly yours,

WALTER C. RALPH,
Administrative Officer, PMA.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Mount Vernon, Tex., April 12, 1950.

HON. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: This is in regard to your letter of April 4, 1950.

There was a total of 299 farms in Franklin County that received 5 acres or less cotton allotments. This includes the old cotton farms and new farms that received 5 acres or less.

There was a total of 88 producers who filed an application for a new grower allotment. Of these 67 received an allotment and 21 received a zero acres. Of the total applicants we feel that about 85 percent of them are genuine farmers.

Very truly yours,

H. LUMMIE WILLIAMSON,
Chairman, Franklin County PMA Committee.

CELINA, TEX., *May 25, 1950.*

Hon. LINDLEY BECKWORTH,
Washington, D. C.

DEAR SIR: Well, the cotton allotment was supposed to be increased, but I did not get any more as they said I had 2 acres more than I was due. You remember the chief from the station said I seemed very well satisfied. I did say that, "I got a very fair allotment to what some got." I meant those poor east Texas sandy land farmers that got from 2, 3, 5 acres.

I have my little farm rented out. The allotment of cotton is 15 acres. That gives me 3.34 acres, 9 acres of wheat, that gives me 3 acres. And the big cotton plantation farmers can plant 1,500 to 5,000 acres cotton, and the wheat farmer can sow 1,900 to 5,000 acres or more in wheat. I still say it is not fair nor just and is a dirty rotten ignorant deal. There is nothing just or fair the way it is figured.

I think all farms with 100 acres and less should be allowed to plant as much as one half in cotton, if he so desires; but no farmer should be allowed to plant over one half of his land in any major crop, such as wheat, corn, or cotton. The big farmer could plant one half of his first hundred in cotton, that would give all farmers an even start. Every other 100 acres until the Government has the right amount in cotton. The way it is figured now, the little farmer is being starved out and the big-land farmer and holder is being paid a bonus for having big farms in cultivation.

If he wants a tank dug the Government pays the most of the cost, and if he wants it terraced the Government pays the most of that. They pay him $100 an acre to mow his pasture the first time in the spring or summer, and a little less the rest of the season, when he wants it mowed, while he has a big herd of white-faced cattle on the pasture. While thousands of small farmers are lucky if they have pasture for a milk cow or two, and no mowing to be done. The

way the allotments are figured now the little farmer cannot feed and clothe his family.

The reason I don't think the small farmer should plant over half of his land in cotton, I know from my own observance, that some ignorant narrow-brain fellow will plant from 75 to 90 percent in cotton, and try to buy everything they eat, and never have a thing left, and if only allowed to plant one half in cotton he can raise some corn, potatoes, feed, raise his own meat, chickens, a garden and other truck patches, raise most all his living at home and have his cotton money left to buy clothing and necessary things, maybe pay for a home, in time.

Well, you know one of the experts said, "Those poor sandy land farmers in east Texas where they were allotted so small cotton acreage, they could go in the cattle business." "That it was an ideal place to raise cattle." How is a man on a small poor sandy land farm of say, 100, 60, 50, or 40 acres or less going to start a cattle ranch, when he is lucky if he has enough pasture for a milk cow, or a goat? Besides, it takes money to buy good breeding stock, and fence the pasture. I don't think I ever heard of a more silly or ignorant suggestion, while the big west Texas land owner is breaking out as fine a grassland as there is, and planting it in cotton, or sowing it in wheat.

If this farm program was put on a sane and sensible plan, it could be handled with one fourth the number of helpers and save millions in cost. This fiddling dillying, and measuring, and all silly stuff, telling the farmer while the ration is on, how much of each crop he is allowed to plant, and if he is found overplanting, make it a heavy fine with no Government support, would in my estimation be much fairer. You remember one of the big chiefs wanted all the farmers taken off the submarginal land and put him on some kind of work, and let the big farmer raise the food. I think that was one of the most silly and ignorant statements a man could make. For any man on a small run-down farm with 8 to 10 kids is better off on any fair-producing farm than in a town; because he is not qualified for any good paying job. One of the main men in the top A office, told my tenant that the cotton allotment was not fair as it is written now, that it was for the big man. If the narrow-brain farmer would try to raise their living, instead of trying to raise something to sell, it would not be the mess it is. If the little farmer did not have some savings, we would have to sell our little farms under the present rule. The big chief never did say why they allowed more cotton where you did not sow any wheat. But said they were doing an expert business in conserving the soil. That just smells of Irish potatoes to me. If it cannot be adjusted any better than that, I hope that they will junk the whole farm program.

I hope that you win in all your fights. I aimed to write you long ago but didn't want to take up your valuable time. I wanted to express my ignorant views and say what I thought about the whole mess. I never thought of inferring to the chief that I was satisfied with the program at all.

I am glad to be counted as your friend, for I sure appreciate your kind friendship. I hope you got your record back; I sent them sometime back.

Your friend and well wisher,

J. O. WOLFE.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Linden, Tex., May 22, 1950.

Mr. WAYLON NELSON,
Atlanta, Tex.

DEAR WAYLON: This will acknowledge receipt of your letter of May 18, 1950, requesting information on the cotton farmers of Cass County.

The following information is being furnished and is based on a careful estimate of the records on file in this office.

Cass County is made up of 4,800 work-sheet farms; 2,600 of these farms were given a 1950 old-grower cotton allotment based on 0.1584 percent of the cropland on the farm if the farm had been planting as much or more than this percentage factor applied to the cropland, otherwise the farm received 100 percent of the highest planted cotton acreage during any one of the base years 1946, 1947, or 1948. Under the cotton law, 1949 does not enter into the picture for establishing allotments.

The 0.1584-percent factor was arrived at by dividing the total cropland (150,000 acres) on the above 2,600 farms into the county cotton allotment (24,200 acres) less 100.0 acres reserve for the correction of errors, and so forth, less 1,500 acres reserve set aside for new grower allotments.

A new grower farm is a farm on which no cotton has been planted during the base years 1946, 1947, or 1948 and who intended to plant cotton in 1950. Each new grower had to make application for an allotment by not later than February 28, 1950.

Six hundred Cass County farmers made application for new-grower allotment for their farms. So you see, 600 applications with 1,500 acres to allot would amount to approximately 2½ acres per farm, but under the law this 1,500 acres had to be alloted on the bases of cropland on the farm ajusted downward to the 1,500 acres.

This made some new growers get an allotment of 1.8 acres. The county and community committeemen reviewed each new grower application and estimated 20 percent or 120 of the 600 applications were genuine farmers, the balance being landowners, requesting an allotment in order that he might have a chance to rent his farm.

The recent cotton amendment did not help our farmers very much. We had 1,200 applications for more cotton but the amendment applied to these farms helped approximately 300 and then to the tune of a total 1,000 acres. The amendment did not apply to a new grower since it was based on the larger of 65 percent of his 3-year (1946–48) average or 45 percent of the highest planted acres during any one of the base years, not to exceed 40 percent of the cropland on the farm.

Waylon, I have tried to give you a picture of the 1950 cotton allotment situation in Cass County and if I can be of further assistance please feel free to call on me.

Very truly yours,

ROBERT L. WILLIAMS,
PMA Administrative Officer, Cass County.

TYLER, TEX., *June 15, 1950.*

Hon. GENE WORLEY,
Member of Congress,
Washington, D. C.

HONORABLE SIR: It is too late to do anything to aid the situation this year but we do want to bring to your attention some conditions which exist among small cotton farmers in this part of the country.

To be specific, I have a farm which was cultivated in a manner during 1946 and 1947. April of 1948 the tenant died. The crop he had started was never finished. This tenant had planted about 15 acres of cotton each of these 2 years and perhaps more cotton was planted all years prior to 1946. During the later part of 1949 I was fortunate enough to find someone who wanted to cultivate the old farm which is located in Macogdoches County. A Mr. Leslie Smelley and Mr. Roy Wade, who were without cotton allotments on the little farm they own, wanted to rent this place. They had every reason to believe they would be given at least 60 percent of the 1946 and 1947 cotton acreage.

About May 20, which is 1 month late for cotton planting in east Texas, they were advised by the local board, one member of which board is a boyhood friend of mine, that the place had been allotted two-tenths of 1 acre. These boys are cultivating other crops on my farm and a small amount of cultivation is being done on their own little farms. They simply cannot stay out there on those farms with this amount of cotton and they have no other cash crops. It is a serious proposition for them and it is for them that I make this appeal.

Frankly, I would not care one straw if no cotton was planted on my place, but I cannot rent the farm to anyone without some cotton acreage. This is a serious matter with the few remaining farmers in that once prosperous community. Most farms are now abandoned which, of course, has destroyed a number of schools, churches, and other rural activities.

I am unable to understand why this farm was not allotted at least 60 percent of the acreage planted in cotton during what we understand to be the basic years going back to 1946. Perhaps some Government regulation is necessary but frankly the one as now administered is driving the few remaining small farmers from the soil into the towns. These farm lands are being bought up by the wealthier city dweller. To me this is an unhealthy and dangerous situation even though I am now a city dweller and love the soil and perhaps would reach out and add more acreage to my present holdings. It would be far better to have these larger farms divided up and suitable homes made there for many of the families who are crowding into the cities.

It is needless to go on with the picture. You must know about it already. We trust the coming year will find something done that will at least be in the direction of correcting the evil and restoring these people back to the farms where somehow and under some condition they must finally go if our economy is to survive.

We trust you will give the matter earnest and careful consideration.

Very truly yours,

B. T. WALTERS.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
Benjamin, Tex., July 28, 1950.

Mr. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

DEAR MR. BECKWORTH: Here is an informative report in answer to the questions in your letter of May 8, 1950:

1. How many cotton producers are in your county: 1,350.

2. How many farmers in your county received less than 5 acres of cotton: 33.

3. How many new producers applied for acreage: 47.

4. How much acreage was there to distribute among the new producers in your county: 1,271.9 acres.

5. How much did each get: Total, 754.2 acres.

6. Did any receive zero acres: Yes.

7. What percent of the new producers do you regard as genuine farmers: 80 percent.

8. How much in acres did the recent cotton amendment help your new producers: None.

9. The old ones: 27.8 acres.

10. How many of your producers receiving less than 5 acres probably will grow no cotton: None.

11. How many will cease to farm for themselves: 0.5 percent.

Very truly yours,

BENNETT P. HAMAN,
Secretary, Knox County PMA Committee.

DEPARTMENT OF AGRICULTURE,
PRODUCTION AND MARKETING ADMINISTRATION,
San Benito, Tex., August 9, 1950.

Hon. LINDLEY BECKWORTH,
Washington, D. C.

DEAR SIR: This is with reference to your letter of May 6, 1950, concerning farmers and cotton data in Cameron County.

In connection with this information we must apologize for this rather late reply to your letter. As you will readily understand, all available personnel in the county office have been engaged to the limit attempting to complete cotton performance work, whereby marketing cards could be issued to eligible producers in the county. We are happy to advise that the job has been completed, with the exception of one or two cases.

With reference to your letter and the information desired, we offer the following:

1. There are approximately 6,279 cotton farms in Cameron County.

2. Five hundred and fifty of these farms received less than 5-acre cotton allotment.

3. Five hundred and eighty-nine new producers applied for cotton acreage.

4. The county committee's reserve for distribution to new growers plus the allotment from the State office, amounted to 3,738.9 acres.

5. Each group II or new farm containing less than 500 acres net cropland received 20 percent of such cropland as an allotment. Farms containing over 500 acres received 15 percent of net cropland as an allotment.

6. There were no farms applying for a group II allotment which received zero acres.

7. It is estimated that only 40 or 50 percent of these group II producers could be termed as genuine farmers.

8. The amendment to the cotton law did not help farmers in Cameron County as the county cropland factor was .4653 percent. The amendment limited the farm to 40 percent. The reapportionment provision helped one group II farm in the county. The total acreage released by the reapportionment provision amounted to 2 acres.

9. It is estimated that approximately 10 percent of the farms receiving less than 5-acre allotment grew no cotton in 1950.

10. It is believed that 30 to 40 percent of these under 5-acre farms will cease to farm cotton. The assumption is based on the fact that several of the small group II farms had previously been planted to citrus and due to the severe freeze in January of 1949 the orchards were removed. Many orchards have been replanted and when the trees reach a substantial size no cotton will be planted on the farm.

In connection with cotton in Cameron County, your attention is called to the fact that there are areas in the county that contain what is strictly known as cotton land. These farms do not successfully produce vegetables and citrus. This type farm has for the past 6 or 7 years planted straight cotton on the entire farm. As a result of the marketing quota law this type farm has been cut 50 to 54 percent. As can be realized a 30-to-40-acre farm, of which we have many, has suffered a severe reduction in potential income.

Any assistance that you might give farmers in this area will be greatly appreciated.

Hoping this is the information you desire and if we can be of any further service please contact us.

Yours very truly,

H. R. HILL,
Secretary, Cameron County PMA Committee.

FEDERAL AID TO HOSPITALIZATION

Mr. SHAFER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SHAFER. Mr. Speaker, it has been called to my attention that the Budget Bureau is intending to reduce the amount that Congress voted for aid to hospitals in communities. As I recall, we voted the sum of $150,000,000 for aid to hospitals. The Budget Bureau intends to reduce it 10 percent. If this is done, it seems to me we are going to welsh on our agreements with these small communities which, depending on the action we took several months ago, have already made contracts to build necessary additions.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. SHAFER. I yield.

Mr. PACE. I fully share the concern of the gentleman from Michigan about that appropriation. The gentleman will recall, however, that final decision lies with the President of the United States. The President has declared that he regards the health of the American people as next in importance to peace, and I hope very much he will not concur in the recommendation that will reduce the Hill-Burton appropriation.

Mr. SHAFER. I feel just as does the gentleman from Georgia.

THE DUTY OF CONGRESSMEN

Mr. VORYS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VORYS. Mr. Speaker, it seems to be popular to make fun of Congressmen for wanting to get home to campaign. The papers say Congress should be on the job, and say that means staying in session in Washington. I agree that Congressmen should be on the job, but the job of a Representative of the people involves not only being in Washington, but being home.

I do not think elections are a necessary evil, to be ignored or deprecated in times like this, since they cannot be postponed. I glory in the fact that under our system we have our regular elections in times of stress, war, or crisis. But to have fair and intelligent elections the people ought to see and hear the candidates. The people's representatives should be home answering questions, telling about Washington, telling what they have been doing, and why; what they stand for, and why. This is an important part of the job of a representative in a republic.

So I say to my colleagues as they hurry home to their districts, I cannot hope you will all be elected, but I can hope that all of you do this part of your job well; that you tell what has gone on in Washington fairly, intelligently, and intelligibly; that you tell where you stand, and why; that you answer the questions the people ask about this great Republic and its workings. If you do that, you will be Congressmen on the job.

We leave work unfinished here, but the work of lawmaking in a republic is never finished, and unless some further emergency arises can wait until we complete the unfinished business of helping to have free, intelligent elections.

SOCIAL SECURITY APPROPRIATIONS

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I am very much concerned about some representations being made in respect to the effect of the appropriation bill that was passed, particularly pertaining to appropriations for the administration of the social-security program.

I hope that when the Congress reconvenes on November 27 the Appropriations Subcommittee on Social Security will immediately look into this subject because it concerns so very many people throughout the country.

EXTENSION OF REMARKS

Mr. MCCORMACK (at the request of Mr. PRIEST) was given permission to extend his remarks and include a report from the Committee on Expenditures in the Executive Departments.

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent to include in the Appendix of the RECORD a speech I made that may run beyond the allotted cost. Notwithstanding that fact, I ask unanimous consent that it be printed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOLIFIELD (at the request of Mrs. DOUGLAS) was given permission to extend his remarks.

Mr. CARROLL (at the request of Mr. MANSFIELD) was given permission to extend his remarks and include certain articles and speeches and to insert a title of a speech in connection with the so-called McCarran bill.

Mr. MANSFIELD asked and was given permission to extend his remarks and include extraneous material.

Mr. CASE of South Dakota asked and was given permission to extend his remarks and include excerpts from committee reports on a bill recently considered by the House.

Mr. WHITE of Idaho asked and was given permission to extend his remarks in three instances and include extraneous matter.

Mr. MICHENER asked and was given permission to extend his remarks and include extraneous matter.

ENROLLED BILLS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1025. An act for the relief of Waymon H. Massey;

H. R. 6355. An act to provide for the conveyance of certain real property to the city of Richmond, Calif.;

H. R. 5327. An act to continue until the close of June 30, 1951, the suspension of duties and import taxes on metal scrap, and for other purposes;

H. R. 5372. An act to authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of Cheyenne River Reservation in South Dakota and North Dakota for Indian lands and rights acquired by the United States for the Oahe Dam and Reservoir, Missouri River development, and for other related purposes;

H. R. 8920. An act to provide revenue, and for other purposes; and

H. J. Res. 516. Joint Resolution authorizing the President, or such officer or agency as he may designate, to conclude and give effect to agreements for the settlement of intercustodial conflicts involving enemy property.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S.450. An act to amend the Civil Aeronautics Act of 1938, as amended, by providing for the delegation of certain authority of the Secretary of Commerce and of the Administrator of Civil Aeronautics, and for other purposes;

S. 3504. An act to promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof; and

S. 3960. An act to amend subsection (b) of section 10 of the act of June 26, 1884, as amended (U. S. C., title 46, sec. 599 (b)).

BILLS PRESENTED TO THE PRESIDENT

Mrs. NORTON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a concurrent resolution of the House of the following titles:

H. R. 6319. An act to authorize a $75 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation;

H. R. 7824. An act to provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes;

H. R. 9526. An act making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes; and

H. Con. Res. 286. Concurrent resolution recalling the enrollment of H. R. 1025 for correction.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with House Concurrent Resolution 287, the Chair declares the House adjourned until Monday, November 27, 1950, at 12 o'clock noon.

Accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1681. A letter from the Attorney General, transmitting a letter relative to the case of Carmen Pardo De Tavera De Gonzalez or Carmen Gonzales, file No. A-6192285 CR 27821, and requesting that it be withdrawn from those before the Congress and returned to the jurisdiction of the Department of Justice; to the Committee on the Judiciary.

1682. A letter from the Attorney General, transmitting copies of orders of the Commissioner of the Immigration and Naturalization Service suspending deportation as well as a list of the persons involved, pursuant to the act of Congress approved July 1, 1948 (Public Law 863), amending subsection (c) of section 19 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 155 (c)), to the Committee on the Judiciary.

1683. A letter from the Attorney General, transmitting copies of the orders of the Commissioner of the Immigration and Naturalization Service granting the application for permanent residence filed by the subjects of such orders, pursuant to section 4 of the Displaced Persons Act of 1948, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JUDD: Committee on Foreign Affairs. S. 2496. An act to authorize contributions to Cooperative for American Remittances to Europe, Inc.; without amendment (Rept. No. 3136). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FULTON:

H. R. 9756. A bill to grant free postage to members of the Armed Forces while confined for treatment in a military or naval hospital, and to veterans while being furnished hospital treatment or institutional care in institutions operated by or under contract with the Veterans' Administration; to the Committee on Post Office and Civil Service.

H. R. 9757. A bill to amend the National Service Life Insurance Act of 1940 to provide automatic insurance and other benefits for certain servicemen injured or killed in a train collision on September 11, 1950, at or near Lafayette, Ohio; to the Committee on Veterans Affairs.

By Mr. JAVITS:

H. R. 9758. A bill to protect the internal security of the United States against certain un-American and subversive activities and to provide for the emergency detention of persons who may commit acts of espionage and sabotage, and for other purposes; to the Committee on Un-American Activities.

By Mr. COMBS:

H. J. Res. 546. Joint resolution to provide for the issuance of a postage stamp in commemoration of the fiftieth anniversary of the opening of Spindletop oil field; to the Committee on Post Office and Civil Service.

By Mr. CROSSER:

H. Res. 867. Resolution to provide for the consideration of the bill (H. R. 7789); to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVENPORT:

H. R. 9759. A bill for the relief of Thomas Scheuermann; to the Committee on the Judiciary.

By Mr. DAVIES of New York:

H. R. 9760. A bill for the relief of Mariantonia Francovilla Franco; to the Committee on the Judiciary.

By Mr. FULTON:

H. R. 9761. A bill for the relief of Mihai Handrabura; to the Committee on the Judiciary.

By Mr. GREEN:

H. R. 9762. A bill for the relief of Piotr Kowalczyk; to the Committee on the Judiciary.